

City of Montgomery
City Council Business Session Minutes
May 5, 2021

Present

Brian Riblet, City Manager
Terry Donnellon, Law Director
John Crowell, Police Chief
Tracy Henao, Asst. City Manager/Acting Comm. Dev. Dir.
Katie Smiddy, Finance Director
Matthew Vanderhorst, Community and Information Services Dir.
Paul Wright, Fire Chief
Connie Gaylor, Clerk of Council

City Council Members Present

Chris Dobrozsi, Mayor
Craig Margolis, Vice Mayor
Lee Ann Bissmeyer
Mike Cappel-Teleconference
Ron Messer
Ken Suer

City Council Members Absent

Lynda Roesch

City Council convened its Business Session for May 5, 2021 at 7:00 p.m. as a hybrid meeting at City Hall and also by telephone conference with Mayor Dobrozsi presiding. This remote access meeting was allowed by emergency legislation adopted by the Ohio General Assembly and approved by the Governor. The emergency legislation added language to RC Section 121.22 allowing public meetings by telephone conference during the current pandemic and declared State of Emergency. As required by the statute, notice of the telephonic meeting was publicized more than 24 hours in advance to allow public access through the same conference call in service. The public was also given a backup number to call in the event there were technical difficulties. This Notice was posted on the City's website and a similar Notice was sent to The Cincinnati Enquirer.

ROLL CALL

Mayor Dobrozsi asked for a roll call.

The roll was called with all members except Ms. Roesch present. Mayor Dobrozsi explained that Ms. Roesch was out of town and asked for a motion to excuse her absence. Vice Mayor Margolis made a motion to excuse Ms. Roesch from the meeting. Mrs. Bissmeyer seconded. City Council unanimously agreed.

SPECIAL PRESENTATIONS

Frank Forsthoefel was honored with a Certificate of Appreciation for his upcoming retirement as Superintendent of Sycamore Community Schools and his many contributions to the City and the community.

City Council and staff shared their appreciation and admiration for Mr. Forsthoefel and his years of partnership with the City.

GUESTS & RESIDENTS

Mayor Dobrozsi asked that any guests, either in person or on the phone line, hold their comments until the end of the agenda. He asked to move Guests and Residents to the end of the meeting and allow any public participating in the meeting in person or on the call to speak at that time. He stated that comments will be allowed but asked that all questions be forwarded by email to City Manager Brian Riblet. He stated that all comments will be limited to three minutes in total.

Vice Mayor Margolis made a motion to move the Guests and Residents item to after item #10 on the agenda. Mr. Cappel seconded. City Council unanimously agreed.

LEGISLATION FOR CONSIDERATION THIS EVENING

A Resolution Authorizing An Amendment To The Cooperative Agreement Between The City Of Montgomery, Ohio, The Port Of Greater Cincinnati Development Authority, The Montgomery Community Improvement Corporation, And Gateway Partners Montgomery, LLC

Mayor Dobrozsi asked for a motion to add the legislation to the agenda for consideration. Mr. Suer made the motion to add the legislation to the agenda for consideration. Mr. Cappel seconded. City Council unanimously agreed.

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Mayor Dobrozsi assigned the legislation to Mr. Suer.

Mayor Dobrozsi stated that he would recuse himself from this piece of legislation like he has done with all legislation that relates to the development and roundabout. He explained that although he has no ownership interest in Neyer Properties, Inc. nor any in the limited liability companies in partnership to develop the Montgomery Quarter, he will continue to recuse himself from discussion and abstain from voting upon legislation related to the Montgomery Quarter project. He asked Vice Mayor Margolis to take over the meeting.

Mr. Suer moved to read the legislation by title only. Mr. Cappel seconded. City Council unanimously agreed.

Mr. Suer read the title and moved for passage of the Resolution. Mr. Cappel seconded.

Mr. Donnellon explained that this Resolution will authorize the City Manager to execute an amendment to the Cooperative Agreement governing construction of the Public Parking Facilities in Stage 1 of the Montgomery Quarter Project. The Developer agreed to trim their Contingency funding for the project by \$500,000 to fit within the bond funds to be received from the sale of TIF bonds. A change in the Scope of the project has exposed the Developer to an additional \$500,000 to complete construction of the garage consistent with the City's vision for the project. This Resolution will authorize an amendment to the Cooperative Agreement to backstop that additional liability. The total amount of the liability will be determined when construction is completed based upon what Contingency funds have been used and what construction savings may have been achieved.

Vice Mayor Margolis asked for the roll to be called.

The roll was called and showed the following vote:

AYE: Cappel, Suer, Margolis, Messer, Bissmeyer	(5)
NAY:	(0)
ABSENT: Roesch	(1)
ABSTAIN: Dobrozsi	(1)

Mayor Dobrozsi took over facilitating the meeting once again.

A Resolution Establishing Compensation for The City Manager

Mayor Dobrozsi asked for a motion to add the legislation to the agenda for consideration and vote. Mrs. Bissmeyer made the motion to add the legislation to the agenda for consideration. Mr. Cappel seconded. City Council unanimously agreed.

Vice Mayor Margolis moved to read the legislation by title only. Mr. Cappel seconded. City Council unanimously agreed.

Vice Mayor Margolis read the title and moved for passage. Mr. Suer seconded.

Vice Mayor Margolis explained the Government Affairs Committee of City Council has requested the Resolution be presented to City Council. This Resolution will authorize an amendment to the current employment agreement with Mr. Brian Riblet as the City Manager of Montgomery. This Resolution is the result of the recent performance appraisal of the City Manager conducted by City Council. The Government Affairs Committee of City Council has recommended adoption of this Resolution.

The roll was called and showed the following vote:

AYE: Dobrozsi, Suer, Margolis, Messer, Bissmeyer, Cappel	(6)
NAY:	(0)
ABSENT: Roesch	(1)

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PENDING LEGISLATION

An Ordinance Designating the Wooley-Hattersley Carriage House as A Montgomery Landmark

Vice Mayor Margolis stated that this was the third reading of the Ordinance and moved for passage. Mr. Cappel seconded.

Vice Mayor Margolis explained that information has been previously supplied on the Ordinance that, if approved, would designate the carriage house at 7967 Cooper Road as a local Landmarks to be known as the Wooley – Hattersley Carriage House.

Vice Mayor Margolis asked if there were any updates.

Ms. Henao replied there were none but stated her excitement in adding this property as the 33rd Landmark Building in Montgomery.

The roll was called and showed the following vote:

AYE: Suer, Margolis, Messer, Bissmeyer, Cappel, Dobrozsi	(6)
NAY:	(0)
ABSENT: Roesch	(1)

An Ordinance Agreeing To Adjust The Boundaries Between The City Of Montgomery, Ohio And The City Of The Village Of Indian Hill, Ohio Pursuant To Ohio Revised Code Section 709.37

Mayor Dobrozsi stated that the legislation had been tabled at a previous meeting and asked Mr. Donnellon for an update.

Mr. Donnellon stated that the homeowners of the property were still waiting on a response from the schools and advised that the legislation remain tabled until all approvals have been received.

An Ordinance Authorizing the Law Director to Initiate Proceedings to Appropriate Property for The Purpose of a Road Improvement Project on Montgomery Road in The City of Montgomery, Hamilton County, Ohio

Mr. Cappel read the title and moved for passage of the Ordinance. Mr. Suer seconded.

Mr. Donnellon explained that since the last meeting the foreclosure of the property has been dismissed so there is now have a clear path of cooperation in the acquiring of the sidewalk right-of-way from the property owners. He stated it was still prudent to pass the Ordinance as insurance in case we were to need it, but he felt that we would be able to settle the matter with the owners.

Mayor Dobrozsi asked for the roll to be called.

The roll was called and showed the following vote:

AYE: Margolis, Messer, Bissmeyer, Cappel, Dobrozsi, Suer	(6)
NAY:	(0)
ABSENT: Roesch	(1)

NEW LEGISLATION

A Resolution Recognizing The Month Of May 2021 As National Historic Preservation Month in The City Of Montgomery

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169 Vice Mayor Margolis moved to read the Resolution by title only. Mrs. Bissmeyer seconded. City Council
170 unanimously agreed.

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172 Vice Mayor Margolis read the title and moved for passage of the Resolution. Mr. Messer seconded.

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174 Vice Mayor Margolis explained that, if approved, this legislation will recognize the month of May as National
175 Historic Preservation Month in the City of Montgomery.

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177 Mayor Dobrozsi asked for the roll to be called.

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179 The roll was called and showed the following vote:

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181 AYE: Messer, Bissmeyer, Cappel, Dobrozsi, Suer, Margolis (6)
182 NAY: (0)
183 ABSENT: Roesch (1)

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185 **An Ordinance Providing for The Issuance of Not to Exceed \$7,500,000 Of Notes by The City of Montgomery,**
186 **Ohio, For the Purpose of Making Public Infrastructure Improvements Within the City**

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188 Mayor Dobrozsi stated that he would recuse himself from this piece of legislation like he has done with all legislation
189 that relates to the development and roundabout. He explained that although he has no ownership interest in Neyer
190 Properties, Inc. nor any in the limited liability companies in partnership to develop the Montgomery Quarter, he will
191 continue to recuse himself from discussion and abstain from voting upon legislation related to the Montgomery
192 Quarter project. He asked Vice Mayor Margolis to take over the meeting.

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194 Mr. Suer moved to read the Ordinance by title only. Mr. Cappel seconded. City Council unanimously agreed.

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196 Mr. Suer read the title and moved to suspend the rules requiring a second and third reading. Mr. Messer seconded.

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198 Mr. Donnellon stated that while Ms. Roesch was absent that due to the involvement of Dinsmore and Shohl with
199 this legislation, that she would have abstained from voting as she has done in the past.

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201 The roll was called and showed the following vote:

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203 AYE: Bissmeyer, Cappel, Suer, Margolis, Messer (5)
204 NAY: (0)
205 ABSENT: Roesch (1)
206 ABSTAIN: Dobrozsi (1)

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208 Mr. Suer moved for passage of the Ordinance. Mr. Cappel seconded.

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210 Mr. Donnellon explained that, if approved, this Ordinance would refinance \$7,500,000 in outstanding Notes which
211 were issued in 2020 in anticipation of construction in the Montgomery Quarter. He stated that with interest rates
212 remaining favorable, it was recommended by our bond underwriter that we renew the Notes for another year. He
213 explained that eventually the Notes will either be paid in full or incorporated into a long-term bond.

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215 The roll was called and showed the following vote:

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217 AYE: Cappel, Suer, Margolis, Messer, Bissmeyer (5)
218 NAY: (0)
219 ABSENT: Roesch (1)
220 ABSTAIN: Dobrozsi (1)

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222 Mayor Dobrozsi took over facilitating the meeting once again.
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224 **A Resolution Authorizing The Administration To Apply For And Administer Funding From The American**
225 **Rescue Plan Act of 2021**
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227 Mr. Suer moved to read the Resolution by title only. Mr. Messer seconded. City Council unanimously agreed.
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229 Mr. Suer explained that if approved, will allow the City of Montgomery to participate in the American Rescue Plan
230 Act of 2021 and affirming that any funds received will only be applied to eligible expenses. Mr. Suer asked Mr.
231 Riblet if there were any updates to the guidelines in which the funds could be used.
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233 Mr. Riblet stated that he is still waiting on a response from the State to see if the guidelines would be broadened as
234 they initially focus on water/sewer or broadband expenses. He stated that the State had issued a statement that the
235 guidelines were under review from the U.S. Treasury, and he would provide an update as soon as he could. Mr.
236 Riblet explained that the passage of the Resolution would position the City to be able to use the funds once the
237 guidelines were confirmed.
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239 Mr. Suer moved for passage. Mr. Cappel seconded.
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241 The roll was called and showed the following vote:
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243 AYE: Bissmeyer, Cappel, Suer, Margolis, Dobrozsi, Messer (6)
244 NAY: (0)
245 ABSENT: Roesch (1)
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247 **ADMINISTRATION REPORT**
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249 Mr. Riblet reported the following items:
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- 251 • City Council Work Session is scheduled for Wednesday, May 19 immediately following a Volunteer Walk
252 of Fame Induction Ceremony held (weather permitting) at Montgomery Park at 6:00 p.m. If inclement
253 weather interferes then the ceremony will be held in Council Chambers.
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- 255 • Also scheduled for Wednesday, May 19, Eric Rademacher from the University of Cincinnati will review
256 with City Council the results of the resident survey. The survey is the first step in preparing for the next 5-
257 year strategic plan. This will be a 20-30 minute presentation at the beginning of the meeting.
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- 259 • The Government Affairs Committee will meet on Monday, May 10 at 4:30 p.m. The Parks and Recreation
260 and Public Works Committees have cancelled their meetings for the month of May.
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- 262 • Planning Commission met on Monday, May 3 to consider the Final Development Plan for the boutique hotel
263 at Montgomery Quarter. After considering the application, the Planning Commission voted unanimously to
264 approve the plan. The Commission also considered concept plans for a potential Planned Development on
265 the vacant property owned by Twin Lakes at the intersection of Montgomery Road and Schoolhouse Lane.
266 While the Commission reviewed several preliminary plans, the overall concept is to construct three condo
267 buildings and potentially a club house on the site.
268
- 269 • The Fire Department sold the 2010 Ford Expedition on GovDeals.com for \$5,770. The buyer came from
270 Michigan and picked up the vehicle on May 5.
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- 272 • Pool memberships went on sale Wednesday, May 5 and over one hundred memberships were sold by noon.
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- 274 • The Makos swim team held its annual parent meeting on Monday with 52 parents attending virtually. 124
275 swimmers are signed up for the swim team and the first practice begins June 1.

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- Kyle Boeckermann, Firefighter/Paramedic, started his employment with the City on May 5. Amy Frederick, our new Communications and Engagement Coordinator, begins employment with us on Monday, May 10. Greg DeLong, our new Community Development Director, begins employment with us on June 7.
- The Administration will be requesting the Civil Service Commission to authorize a new Firefighter/Paramedic examination process in order to fill the final seven new fulltime firefighter/paramedic positions authorized. A request will also be made for the Commission to authorize a patrol officer examination process to fill a vacant position and to authorize a sergeant promotional process in anticipation of an upcoming retirement.
- The following events are scheduled, and City Council is invited to participate in them:
 - The City Hall Public Service Recognition Luncheon will be held this Friday from 11:30 a.m. to 1:30 p.m. at Terwilligers Lodge.
 - Beautification Day is scheduled for Saturday, May 15 from 9:00-11:00 a.m.
 - There is a ribbon cutting for Legacy Builders Group on Thursday, May 20 at 4:00 p.m. at 7791 Cooper Road.
 - The Public Works Recognition Breakfast is scheduled for Friday, May 21 from 7:30-9:00 a.m. at the Public Works Facility.

APPROVAL OF MINUTES

Mayor Dobrozsi asked for a motion to approve the April 21, 2021 Public Hearing and Work Session minutes.

Vice Mayor Margolis made a motion to approve the April 21, 2021 Public Hearing and Work Session minutes as amended. Mr. Cappel seconded. City Council unanimously agreed.

MAYOR'S COURT REPORT

Mayor Dobrozsi stated that the April Mayors Court collections in the amount of \$13,498.45 need to be disbursed. He asked for a motion to accept the funds.

Mr. Cappel moved to accept the Mayors Court collections for the month of April in the amount of \$13,498.45. Mr. Suer seconded. City Council unanimously agreed.

OTHER BUSINESS

Mayor Dobrozsi asked if there were any items for other business.

Mrs. Bissmeyer stated that she would like to be excused from the May 19 Work Session as her son is graduating that evening. Mayor Dobrozsi stated that he would ask for a motion to excuse her at the Work Session and congratulated her on her son's graduation.

Mayor Dobrozsi stated that he hosted Boy Scout Troop 258 recently at City Hall where he discussed the MCLA Our Town USA presentation. He explained that approximately 20 boys came to learn about government and how it works in order to earn their Citizenship badges that go towards their final Eagle Scout designation. He stated the group was very engaged and asked questions for an hour and a half.

Mayor Dobrozsi also reported on the Annual Photo Contest Awards Ceremony. He reported that the awards were livestreamed this year from Council Chambers. He thanked Julie Machon, Sarah Fink, Arts Commission Chair Greg Leader and all the judges for making sure this long-standing event was held. He stated that this was the 33rd year for the photo contest and one of the longest running ones in the area.

329 **GUEST AND RESIDENTS**

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331 Mayor Dobrozsi asked if the guest in City Hall wished to speak. The guest declined. He then asked if there were any
332 guests or residents on the phone line.

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334 Mayor Dobrozsi asked if there were any other guests on the phone line.

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336 Roberto Rivera, 11936 Seventh Avenue, Sycamore Township-Mr. Rivera identified himself as being on the line and
337 stated his concern for unnecessary expenses, high property taxes and the earning tax.

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339 Mayor Dobrozsi thanked Mr. Rivera for his comments.

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341 Mayor Dobrozsi asked if there were any other Guests or Residents on the line. There being no response, he closed
342 the time for Guests and Residents.

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345 **ADJOURNMENT**

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347 Mayor Dobrozsi asked if there was any further business to discuss in Public Session. There being none he asked for
348 a motion to adjourn.

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350 Mrs. Bissmeyer moved to adjourn. Mr. Cappel seconded. City Council unanimously agreed.

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352 City Council adjourned at 7:53 p.m.

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Connie Gaylor, Clerk of Council