	City of Montgomery City Council Work Session Minutes February 17, 2021	
<u>F</u>	Present	City Council Members Present
E	Brian Riblet, City Manager	Chris Dobrozsi, Mayor
Γ	Terry Donnellon, Law Director	Craig Margolis, Vice Mayor
Γ	Fracy Henao, Asst. City Manager/Acting Comm. Dev. Dir.	Lee Ann Bissmeyer-teleconference
	ohn Crowell, Police Chief	Mike Cappel-teleconference
(Gary Heitkamp, Public Works Director	Lynda Roesch-teleconference
K	Katie Smiddy, Finance Director	Ken Suer
P	Paul Wright, Fire Chief	
C	Connie Gaylor, Clerk of Council	

City Council convened its Work Session for February 17, 2021 at 7:09 p.m. in a hybrid meeting at City Hall and 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

 The roll was called, and all Council Members answered as present either in person or on the phone line.

GUESTS & RESIDENTS

Mayor Dobrozsi asked for a motion to move the Guests and Residents portion of the agenda to the end of the agenda after Other Business.

Vice Mayor Margolis made a motion to move the Guests and Resident portion to after Other Business on the agenda. Mr. Cappel seconded. City Council unanimously agreed.

LEGISLATION FOR CONSIDERATION THIS EVENING

There was no legislation for consideration at the meeting.

ESTABLISHING AN AGENDA FOR MARCH 3, 2021 BUSINESS SESSION

PENDING LEGISLATION

An Ordinance Modifying Section 132.14, Noise, of The Montgomery Code of Ordinances

Mayor Dobrozsi stated that the third reading of the Ordinance would be conducted at the March 3 Business Session. He asked Mr. Donnellon if there were any updates.

Mr. Donnellon replied there were none.

NEW LEGISLATION

A Resolution Accepting a Bid and Authorizing the City Manager to Enter into A Contract with J.K. Meurer Corporation for the 2021 Street Resurfacing Program

Mayor Dobrozsi assigned the legislation to Mr. Cappel.

Mr. Heitkamp explained that, if approved, this Resolution would authorize the City Manager to enter into a contract with J. K. Meurer Corporation for the annual Street Resurfacing Program. This year's 2021 Street Resurfacing Program includes resurfacing 1.83 centerline miles of roadways. The street resurfacing program is programmed in the 2021 Capital Improvement Program 410-261-5470 account. It is requested that this project be approved for funding in the amount of \$807,094.00 to complete the Base Bid and Alternate #1. The amount of the recommendation includes \$73,372 in project contingency funding or approximately 10% of the bid amount.

Mr. Cappel asked if this project was in line with our annual street resurfacing review and if we are still on a 16-year schedule for a road to be repaved.

Mr. Heitkamp confirmed that this is part of that annual program and that we target streets on a 15–16-year cycle.

Mr. Cappel asked if this project keeps us on that schedule.

Mr. Heitkamp replied that it would. He added that curb replacement is also included in the program and can cause fluctuation in a streets cycle, possibly moving it up on the schedule.

Vice Mayor Margolis asked Mr. Heitkamp how the 1.83 centerline miles compared to other years.

Mr. Heitkamp replied that it was lower than last years. He stated that on average the program may encompass 2 to 2 1/2 centerline miles, but he said when consideration is given to curb removal and replacement that it decreases the number of miles of pavement due to costs.

Vice Mayor Margolis asked if the program includes hydrant repair.

Mr. Heitkamp explained that hydrant repair is not included in the bid nor in the budget line item, but he coordinates hydrant replacement at the same time to take advantage of simultaneous work being performed before paving and curb replacement is completed.

Mr. Suer stated that the coordination of the hydrant replacement makes sense. He stated that it was good to continue with the hydrant replacement program as the city has over 600 hydrants and it is a slow process to replace them all. Mr. Suer also stated that the city is fortunate to maintain a regular schedule of street resurfacing every year.

Mayor Dobrozsi stated that the two lowest bidders were closely priced which was good for the City in receiving competitive bids. Mayor Dobrozsi confirmed that the city has a total of 47 centerline miles and 725 fire hydrants.

A Resolution Authorizing the City Manager to Contract with Management Partners Inc. for professional services related to the 2022-2027 City Strategic Plan

Mayor Dobrozsi assigned the legislation to Ms. Roesch.

Mr. Riblet explained that this Resolution, if approved, would authorize a contract with Management Partners, Inc. for professional services related to the City's community survey and strategic planning process in 2021.

Mr. Riblet explained that the contract covers costs associated with the resident survey, compilation of data, facilitation of planning sessions and preparation of a final briefing book. He stated that the anticipated final cost is \$59,950, which is the same as it was five years ago for the last strategic plan.

Ms. Roesch stated that she has been very pleased with Management Partners in the past and supports the continued partnership with them.

Mrs. Bissmeyer stated that she felt that \$59,000 seems high and asked for a high-level breakdown of the cost.

- 110 Mr. Riblet explained that the process required a significant number of hours of Management Partners. He also
- 111 explained that the amount included payment of approximately \$24,000 to the University of Cincinnati who sends

112 out the resident surveys and then compiles all the data. 113

114 Mrs. Bissmeyer stated that she did not know it included the University of Cincinnati costs. She asked if at any point 115 the fees will decrease as she feels that staff could perform more of the tasks required.

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117 Mr. Riblet stated that it is helpful to have an outside firm manage the process as they have a fresh opinion of what 118 other cities are doing with their long-term planning efforts.

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120 Mr. Cappel stated that he thought it was a great process that brings stakeholders together and crafts a vision of the 121 future. He stated that when divided over five years it was only roughly \$12,000 per year.

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123 Mrs. Bissmeyer responded that when put that way it sounded more acceptable.

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Mr. Suer stated that Management Partners has facilitated the Strategic Plan preparation for a number of years and that he felt there was something to be gained by having an outside group involved. He stated that Management Partners works with cities across the United States where we are not aware of industry standards and innovations. He reiterated there is a lot to be gained by contracting with them for the strategic plan management.

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Vice Mayor Margolis stated that this would be the third strategic plan that he will be involved in. He stated that the information gleaned through Management Partners has been vital to synthesize the work plan and to be transparent to residents.

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Mayor Dobrozsi stated that Management Partners works with so many people that their perspective is extremely important. He stated that the break-out session with staff is special because frontline staff is included that he may not get to speak with or work with often.

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Mr. Riblet stated that this document is one that filters through the entire staff, that each department and staff member works from.

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Mayor Dobrozsi stated that the citizen survey that goes out to all residents is usually met with a good response rate and provides great information on how to plan for the future.

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Mr. Riblet agreed that the environmental scan and resident survey provides great information.

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

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Mayor Dobrozsi assigned the legislation to Vice Mayor Margolis.

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Ms. Henao explained to City Council that, if approved, this Ordinance would designate the carriage house at 7967 Cooper Road as a local Landmarks to be known as the Choate - Hattersley Carriage House. She stated that she just received information from Beth Sullebarger who updated her study of the carriage house to indicate that the carriage house was built in the mid 1880's at the same time as the Wooley-Kelsch House. Ms. Henao stated that because of this information that naming of the landmark is in debate. She explained that at a future reading of the Ordinance, the name would be updated.

- 157 Ms. Henao explained that the current owners, Thomas and Sharon Hattersley, are long time owners of the Wooley-158 Kelsch House and are currently rehabilitating the carriage house located on the same property at 7967 Cooper Road.
- 159 The carriage house is a small structure located at the end of the driveway along the west edge of the property, which
- 160 appears to date from the mid-1850s. The 2 1/2 - story structure consists of an original side-gabled rectangular core
- 161 and a 1-story shed-roofed addition on the rear. Ms. Henao stated that the carriage house has significant structure

failure, and the owners are taking great care to ensure that the rehabilitation is done using materials appropriate for the era.

Ms. Henao explained that the Community Improvement Corporation (CIC) approved an application from the applicant for the Historic Preservation Matching Grant in the amount of \$15,000 at its February 3, 2021 meeting. She explained that if approved, this would be the city's 33rd landmark building.

Vice Mayor Margolis stated that the rehab of the building is inspiring and a wonderful addition to the City's list of landmarks.

Mr. Suer stated that he never expected that we would have another landmark building and looked forward to continuing the tradition of advertising it.

Mr. Cappel asked if by designating the building as a landmark if that places any restriction on the use of the building.

Ms. Henao explained that restrictions would only apply to exterior changes not to use. She stated that the Hattersley's intended to use it as a garage.

Mrs. Bissmeyer stated that she was excited to have another landmark building.

Mayor Dobrozsi stated that he holds landmark buildings near to his heart as he was on the Landmarks Commission for nine years when first getting involved with the City. He stated that he was on the Commission when the Mill House was lost to a fire and now this brings that total number back to what it once was.

A Resolution authorizing the City Manager to enter into Agreements with the State of Ohio, Department of Natural Resources, to fund Public Park Facilities within the Montgomery Quarter District

Mayor Dobrozsi assigned the legislation to Mr. Suer.

Mr. Riblet explained that pursuant to Senate Bill #310, the 133rd General Assembly of the State of Ohio has appropriated funds to the City of Montgomery for two separate funding applications for costs associated with the construction of "Montgomery Gateway Keystone Park" located within the Montgomery Quarter project site.

 Mr. Riblet explained that the first project award is identified as HAMI-034C in the amount of \$250,000 with a reimbursable amount not to exceed \$245,000 as \$5,000 will be utilized by ODNR for the administration of the project. He added that the second project award is identified as HAMI-042C in the amount of \$750,000 with a reimbursable amount not to exceed \$735,000 as \$15,000 will be utilized by ODNR for the administration of the project.

Mr. Riblet explained the City of Montgomery initially submitted a grant application in late 2017 to be considered as part of the State of Ohio's Biennial Capital Budget for fiscal years 19/20 and was approved in the amount of \$250,000. He stated that site work at the Montgomery Quarter did not commence until mid-2020 therefore the original amount was carried over and ultimately approved as part of Senate Bill #310. He stated that in late 2019 the City of Montgomery submitted a subsequent grant application to be considered as part of the State of Ohio's Biennial Capital Budget for fiscal years 21/22 and was approved in the amount of \$750,000 as part of Senate Bill #310.

Mr. Riblet explained that the funds will be used to support the design and engineering of "Montgomery Gateway Keystone Park" as well as utility installation, site grading, landscaping, lighting, site hardscape and other amenities included in the public park. As part of the agreement the project must be substantially completed by June 30, 2022 which coincides with the end of the current Biennial Capital Budget. Mr. Riblet added that the name "Keystone Park" was assigned as a place marker at the beginning of the development plans and can be renamed after constructed.

Mr. Suer stated that the requirements of the grant state the park should be developed during Phase I of construction.

He asked if that deadline could be met.

Mr. Riblet stated that there is already sufficient reimbursables for the \$250,000 grant and that we should be able to meet the remaining \$750,000 in the time specified.

Vice Mayor Margolis thanked Mr. Riblet for his efforts in obtaining grant funding for this part of the development project.

Ms. Roesch congratulated staff on the great work in obtaining the grant funding for the park.

Mrs. Bissmeyer stated that it was an added bonus to have a park within the development and was thankful to staff for obtaining the funding to do it with.

Mayor Dobrozsi echoed the other comments in the great work in applying for and getting grant funding. He also acknowledged the support of Senator Blessing and State Representative Miranda in getting the funding. Mayor Dobrozsi added that he would recuse himself from the vote on the legislation as he does with all Montgomery Quarter related legislation for a possible professional conflict of interest.

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 assigned the legislation to Vice Mayor Margolis.

Mr. Donnellon explained that the City received a request from Amy and Christopher Gilles, owners of the property on Remington Road, to adjust the boundary of their property as it abuts Indian Hill. He stated that the Gilles have spoken to both the City and Indian Hill and there is agreement in principle to make this boundary adjustment to create two buildable lots, one of which will be entirely within the City, the second of which will be entirely within the Village of Indian Hill.

Mr. Donnellon explained that the statutory process requires each community to pass legislation, after which it is presented to the Board of County Commissioners who then will accept the boundary adjustment and will instruct the Engineer's office and Auditor's office to move the boundary appropriately. He stated that the amount of land involved is less than one-third of an acre. He stated that by combining the acreage in the City, they will have a very comfortable buildable lot and a remaining 2.24 acres within Indian Hill.

Mr. Donnellon stated that Council is asked to consider this legislation simultaneous with the Council in the Village of Indian Hill. He explained that once both communities have adopted the Ordinance, we will then make the presentation to the Board of County Commissioners through the property owner and the adjustment will occur. He added that once the property is adjusted into the City it takes on the same zoning classification as the existing lot on Remington Road.

Vice Mayor Margolis asked if this was an annexation.

Mr. Donnellon clarified that an annexation was between a city and a township and that when it is between two cities it is considered a boundary adjustment.

Mr. Cappel stated that while the city is landlocked it appears it is still growing.

A Resolution Declaring the Necessity/Intent to Appropriate Interests in Land from Brandi Jo Kelly (Permanent Parcel Numbers 603-0009-0016, 603-0009-0017 And 603-0009-0054 Consolidated) For the

Purpose of The Montgomery Road Sidewalk and Road Improvement Project – Ham-US22-14.74 - In the City
 of Montgomery, Hamilton County, Ohio

269 Mayor Dobrozsi assigned the legislation to Mr. Cappel.

Mayor Dobrozsi asked Mr. Donnellon to provide background on the legislation.

Mr. Donnellon stated that he would be happy to and would also include the next piece of legislation as they were companion pieces.

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

Mayor Dobrozsi also assigned this legislation to Mr. Cappel.

Mr. Donnellon explained that for the Resolution and Ordinance noted above, that in calendar year 2020 the City in cooperation with the State of Ohio completed a Sidewalk Project along Montgomery Road. Prior to the project being initiated, Dunrobin Associates, LLC managed the acquisition of right-of-way along Montgomery Road for the City and the State. He stated that they encountered difficulties with the property at 10334 Montgomery Road, as the property was in foreclosure initiated by the FHA insured mortgage holder. He stated that with the complexities of COVID-19, foreclosures were stayed by the County.

Mr. Donnellon stated that staff has been working closely with the attorneys for the mortgage company, Federal Housing Administration (FHA), and the Property Owner to pay to either the Property Owner or to the mortgage holder the amount of the fair market value of the portion of the property to be acquired for the Sidewalk Project. The Property Owner was very cooperative to agree to a Contract for Right of Entry, so the project was not stalled while we worked through the logistics to acquire a small portion of the property necessary for the Sidewalk Project. Mr. Donnellon explained that for the last several months the FHA has stalled the process at one point in time demanding an appraisal to determine that the Offer and the portion to be released from their mortgage were fair. The FHA still has not completed the appraisal. Mr. Donnellon stated that while the project has been completed, we do not want to delay the process to tie up this last loose end.

Mr. Donnellon closed by stating that the Resolution is the first step, and the Ordinance authorizes eminent domain proceedings to acquire this interest in the real estate. He added that it is our hope that initiating these legislative steps will break the logjam allowing everyone to enter into an agreement to finalize this acquisition. He stated that we have proposed that the monies be deposited to the court in the foreclosure action, and once they have resolved their differences, the successful party, either the mortgage holder who has foreclosed upon the property or Ms. Bock if she redeems the property, can receive the funds.

Vice Mayor Margolis asked Mr. Donnellon if this was eminent domain.

Mr. Donnellon confirmed that it was.

Vice Mayor Margolis asked what the typical eminent domain process was in two sentences.

Mr. Donnellon replied that this is a typical statutory process a Resolution of Necessity in which we say we need this property. We provide notice to the property owner and to anyone who has interest in the title. The next step in the process is to file a lawsuit and then take the money and deposit it with the Clerk of Courts. We then initiate the process, and they have the right to withdraw the money immediately. We are trying to tell them to agree that the property can be taken, agree the value, and then they can withdraw when they need it.

Vice Mayor Margolis asked who determined the value.

Mr. Donnellon responded that Dunrobin Associates did.

A Resolution Authorizing an Updated Amendment to Development/Service Agreement with Montgomery Gateway Partners, LLC

Mayor Dobrozsi assigned the legislation to Mr. Suer.

Mr. Donnellon explained that in 2015, the City negotiated an Amendment to the Development/Service Agreement with Montgomery Gateway Partners, LLC concerning the Triangle property bounded by Montgomery Road, Main Street and Cooper Road. The original Development/Service Agreement provided Service Payments to the City to cover the City's cost for various public improvements in support of the site. The Service Payments were to be made over a period of 20 years. Mr. Donnellon explained that due to a significant changes in the economy in 2008 property values negatively impacted service payments causing the development to fall behind. Mr. Donnellon explained that so there is no difficulty with the annual accounting, rather than adjusting the deficiency payment each year for the amount of the excess, the Developer will be paying a flat amount through the balance of the term ending August 1, 2026. Any excess Service Payments received each year will be applied to the closing payments in 2025 and 2026 to enable the Developer to properly budget for the annual payments.

ADMINISTRATION REPORT

Mr. Riblet reported the following items:

time of the Business Session.

• Mr. Riblet reminded City Council that a Public Hearing was previously set for March 3 at 6:45 to review the recommendation by the Planning Commission for the expansion of a conditional use and Final Development Plan for the Audi Dealership. He stated there was no need for a motion to commence with the Business Session at the conclusion of the Public Hearing as it was anticipated to last until the 7:00 start

The next City Council Business Session is scheduled for Wednesday, March 3.

• The Financial Planning Committee will meet on Monday, March 1 at 4:30 p.m. The Law and Safety, and Planning, Zoning and Landmarks Committees have cancelled their meetings for March.

• Mr. Riblet stated that the Government Affairs Committee will meet on Monday, March 8 at 4:30 p.m. The Parks and Recreation and Public Works Committees have cancelled their meetings for the month of March.

• The Planning Commission met on Monday evening to consider a request for the transfer of a conditional use permit from Car-X to All European Auto Service and Repair at 5017 Cooper Road. He explained that after considering the application and testimony, the Planning Commission voted to recommend approval of the transfer of the conditional use permit with conditions. Staff requested a Public Hearing to consider the Planning Commission's request on Wednesday, March 24 at 6:45 p.m.

City Council approved the meeting. Vice Mayor Margolis motioned to commence with the Work Session at the conclusion of the Public Hearing. Mr. Cappel seconded. City Council unanimously agreed.

 A contract with Municipal & Contractors Sealing Products was signed in the amount of \$26,900 for the 2021 Corrugated Metal Pipe (CMP) Lining project which includes lining of a large CMP under the Annex parking lot area. Work is anticipated to begin in late spring with a completion date scheduled for June 4, 2021.

• Firefighter/Paramedic Beth Simeliunaite will begin full-time employment on March 5. Beth comes to us from Whitewater Township Fire Department.

CITY COUNCIL REPORTS

Mr. Cappel

Mr. Cappel reported that cardboard recycling was scheduled for Saturday, February 20.

Mrs. Bissmeyer

No report.

Ms. Roesch

Ms. Roesch stated she attended a BAMSO Board meeting held to conduct a financial review.

Ms. Roesch stated that the Beautification and Tree Commission discussed holding a Virtual Tree City Award Luncheon this year.

Ms. Roesch stated that the Parks & Recreation Commission is still working through the pickleball issues regarding the usage of the courts.

Mr. Suer

Mr. Suer thanked Public Works staff for their work handling the number of snow events we have had in a short amount of time.

Mr. Suer thanked Ms. Gaylor for her efforts in scheduling and preparing for the Council Applicant interview process.

Vice Mayor Margolis

Vice Mayor Margolis echoed Mr. Suers comments thanking the Public Works staff as well as Ms. Gaylor.

Mayor Dobrozsi

Mayor Dobrozsi stated that he attended an OKI Executive Board meeting. He also thanked Public Works for always ensuring the streets of Montgomery were safe during and after snow events.

Mayor Dobrozsi also thanked Ms. Gaylor for making arrangements for the Council Applicant interview process.

MINUTES

Vice Mayor Margolis moved to accept the February 3, 2021 Business Session minutes as written. Mr. Cappel seconded. City Council unanimously agreed.

OTHER BUSINESS

There was none.

GUESTS AND RESIDENTS

Mayor Dobrozsi asked if the guests and/or residents in City Hall would like to speak. They declined.

Mayor Dobrozsi opened the floor to those who may be present on the line. He asked for anyone on the line to state their name and address and to adhere to the three-minute speaking rule. There was no response.

Mayor Dobrozsi closed the floor to public comment.

EXECUTIVE SESSION

There was no executive session.

ADJOURNMENT

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

Mr. Cappel moved to adjourn. Vice Mayor Margolis seconded. City Council unanimously agreed.

City Council adjourned at 8:09 p.m.

Connie Gaylor, Clerk of Council