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City of Montgomery  
City Council Public Hearing Minutes  
March 24, 2021

Present

Brian Riblet, City Manager  
Terry Donnellon, Law Director  
John Crowell, Police Chief  
Tracy Henao, Asst. City Manager/Acting Comm. Dev. Dir.  
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 - teleconference  
Mike Cappel - teleconference  
Ron Messer  
Lynda Roesch - teleconference  
Ken Suer

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City Council convened its Public Hearing for March 24, 2021 at 6:45 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.

Mayor Dobrozsi asked for a roll call.

The roll was called and showed the following:

PRESENT: Cappel, Bissmeyer, Roesch, Suer, Dobrozsi, Messer, Margolis (7)

ABSENT: (0)

Mayor Dobrozsi explained that as this was a Public Hearing he would allow for public comment after the presentation of the new business and Council questions and discussion. He asked that any guests on the phone line hold their comments until after the presentation and Council discussion as well. He stated that all comments will be limited to three minutes in total.

Mayor Dobrozsi explained the process for the Public Hearing to those in attendance and on the phone line. He explained that in a public hearing Council has the following options when considering an application:

- Approve the Recommendation
- Deny the Recommendation
- Remand the matter to Staff for more specific information or
- Take the matter under advisement and vote at another public meeting within thirty days.

Mayor Dobrozsi explained that if City Council chooses the final option, it is suggested that they announce the date and time of the subsequent hearing when the matter will be discussed and considered for vote.

Mayor Dobrozsi stated that as a reminder, the Code does not allow additional new evidence to be submitted for review during the public hearing. City Council is to limit its consideration to the information presented from the City, and any comments, pro or con, from the public.

**NEW BUSINESS**

**A request from Christopher Felber for a Transfer of the Conditional Use Permit to operate a Vehicle Maintenance and Repair Facility at 5017 Cooper Road**

Mayor Dobrozsi asked Ms. Henao to present the background of the agenda item.

58 Ms. Henao explained that this Public Hearing was requested to consider a request from Christopher Felber for a  
59 transfer of the conditional use permit to operate a vehicle maintenance and repair facility at 5017 Cooper Road.  
60

61 Ms. Henao explained that the property is zoned 'GB' – General Business District and vehicle maintenance and  
62 repair facilities are conditionally permitted. She explained that a vehicle maintenance and repair facility was  
63 originally approved for the site in 2003 for Tuffy. The Planning Commission approved a transfer of the  
64 conditional use permit to Car-X in 2005 and it has been used as such until Car-X closed in March of 2019. She  
65 explained that the applicant is not proposing any changes to the site or the building and agrees with the conditions  
66 previously approved for the site. She explained that staff conducted a site visit and found the site to be in  
67 compliance with the conditions. The operational issues could not be confirmed during the site visit; however,  
68 Staff has not received any complaints regarding these operational items.  
69

70 Ms. Henao explained that the property to the north, across Cooper Road, is located in the City of Blue Ash and  
71 used for multi-family residential. The property to the west is also located in the City of Blue Ash and used for a  
72 Jiffy Lube. The property to the east is zoned 'GB' and used for Pipkin's Market. The property to the south is  
73 zoned 'D-3' and used for multi-family residential.  
74

75 Ms. Henao added that Section 150.1609(A) requires written approval of the Planning Commission and City  
76 Council for any transfer of a previously approved conditional use to another person or entity.  
77

78 Ms. Henao stated that the Planning Commission met on February 15, 2021 to discuss the transfer of the  
79 conditional use permit. After hearing testimony and discussing the application, the Planning Commission voted  
80 unanimously to recommend approval of the transfer of the conditional use permit with the conditions previously  
81 approved, the removal of the phone number on the sign and the following additional condition:  
82

- 83 • No vehicles shall be parked in the circulation or access drive aisles and no non-handicapped vehicles shall  
84 be parked in the handicapped spaces.  
85

86 Ms. Henao stated that the site is well maintained and there have been no complaints about operations since the  
87 business opened. The applicant has stated that they agree with the conditions previously approved and are able to  
88 meet the conditions as established in Section 151.2007(W). Therefore, Staff has no objection to the transfer of the  
89 conditional use permit to All European Auto Service and Repair with the additional condition recommended by  
90 the Planning Commission.  
91

92 Mayor Dobrozsi noted that the applicant was not present at City Hall and asked if there was anyone on the line  
93 that would like to speak on behalf of the applicant. There was no response.  
94

95 Mayor Dobrozsi asked for any questions from City Council.  
96

97 Vice Mayor Margolis asked for confirmation that this request is for a transfer of like use.  
98

99 Ms. Henao replied that he was correct.

100 Vice Mayor Margolis replied that he agrees with the Planning Commission's decision and condition.  
101

102 Mr. Suer stated that he felt it was good to have a business fill an existing facility that was vacant. He stated that  
103 the applicant is not proposing any major changes and the items that are mentioned are minor. He thought the  
104 Planning Commission did a good job in their review and recommendation. He stated he agreed with it.  
105

106 Ms. Roesch stated she remembered the applicant process when Tuffy applied. She stated that as long as the new  
107 business abides by the same conditions, she was in support of it.  
108

109 Mrs. Bissmeyer stated that in the midst of the pandemic she was happy to see that businesses are choosing to

110 move to Montgomery. She stated that with the conditions Planning Commission set, that residents should not have  
111 any problems.

112  
113 Mr. Cappel, Mr. Messer, and the Mayor had no additional comments.

114  
115 Mayor Dobrozsi stated that there was no one in City Hall that wanted to speak to the request. He asked if there  
116 was anyone on the phone who would like to speak. There being no response, Mayor Dobrozsi closed the floor to  
117 public comment.

118  
119 Mayor Dobrozsi reviewed Councils options in acting on the request.

120  
121 Mr. Cappel made a motion to approve the request from Christopher Felber for a Transfer of the Conditional Use  
122 Permit to operate a Vehicle Maintenance and Repair Facility at 5017 Cooper Road. Mrs. Bissmeyer seconded.

123  
124 The roll was called and showed the following vote:


125  
126 AYE: Cappel, Roesch, Dobrozsi, Suer, Margolis, Messer, Bissmeyer (7)  
127 NAY: (0)

128  
129 Mayor Dobrozsi asked if there was any further business to be heard in the Public Hearing. There being none, he  
130 asked for a motion to adjourn from the Public Hearing.

131  
132 Vice Mayor Margolis made a motion to adjourn. Mr. Cappel seconded. City Council unanimously agreed.

133  
134 The meeting was adjourned at 6:55 p.m.

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Connie Gaylor, Clerk of Council