

1 City of Montgomery
2 City Council Organizational Meeting and Business Session Minutes
3 December 1, 2021
4

5 Present

6 Brian Riblet, City Manager
7 Terry Donnellon, Law Director
8 John Crowell, Police Chief
9 Kevin Chesar, Community Dev. Director
10 Gary Heitkamp, Public Works Director
11 Tracy Roblero, Asst. City Manager
12 Katie Smiddy, Finance Director
13 Matthew Vanderhorst, Communications and Information Service Director
14 Paul Wright, Fire Chief
15 Amy Frederick, Communications and Engagement Coordinator
16 Connie Gaylor, Clerk of Council

City Council Members Present

Lee Ann Bissmeyer
Mike Cappel
Chris Dobrozsi
Craig Margolis
Ron Messer
Sasha Naiman
Ken Suer

17
18 City Council convened in Council Chambers at 6:00 p.m. with Terry Donnellon, Law Director, presiding.
19

20 **SWEARING IN OF NEW COUNCIL MEMBERS**

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22 Hamilton County Commissioner Denise Driehaus conducted the swearing in of the City's new Council members.
23

24 **APPOINTMENT OF MAYOR AND VICE MAYOR**

25
26 Mr. Donnellon asked if there were any nominations for Mayor.
27

28 Mr. Cappel moved to nominate Mr. Margolis as Mayor and Mrs. Bissmeyer for Vice Mayor. Mr. Dobrozsi
29 seconded.
30

31 Mr. Donnellon asked if there were any other nominations, there being none he stated that the nominations for
32 Mayor and Vice Mayor will be closed. He asked those who were in favor of Mr. Margolis being Mayor and Mrs.
33 Bissmeyer being Vice Mayor to say "aye". All City Council members said "aye".
34

35 Mr. Donnellon invited Commission Driehaus to administer the oath of office to Mr. Margolis and Mrs. Bissmeyer.
36

37 **SWEARING IN OF MAYOR AND VICE MAYOR**

38
39 Commissioner Driehaus conducted the swearing in of Mayor Margolis and Vice Mayor Bissmeyer.
40

41 Mayor Margolis stated that he was both honored and humbled to be elected. He stated it was his joy and privilege
42 to serve the community. He thanked his family and the residents for their support.
43

44 Mayor Margolis asked to take a brief recess to celebrate the swearing in of the Council Members at 6:20 p.m.
45

46 Mayor Margolis called the Business Session to order at 7:00 p.m.

47 **ROLL CALL**

48
49 Mayor Margolis asked for a motion to dispense with the roll call since everyone was in attendance.
50

51 Mr. Cappel moved to dispense with the roll call. Mr. Messer seconded. City Council unanimously agreed.
52

53 **PENDING LEGISLATION**

54
55 **An Ordinance to Make Appropriations for Current Expenses and Other Expenditures of the City of**
56 **Montgomery, State of Ohio During the Fiscal Year Ending December 31, 2022**
57

58 Mr. Dobrozsi recused himself from the voting of the budget as it includes funds for the Montgomery Quarter, and
59 he is abstaining from any vote related to the development project and exited the dais.

60
61 Mr. Suer moved to amend the Ordinance to reflect the amended budget detail. Mr. Cappel seconded. City Council
62 unanimously agreed.

63
64 Mr. Suer moved for passage for the third reading of the Ordinance. Mr. Cappel seconded.

65
66 Mr. Suer explained that as usual between the original reading of the Ordinance in September until this third
67 reading there is often a need to adjust the final appropriation amounts and that was the reason for the amendment.
68 He stated that at the November 1 Finance Committee meeting Ms. Smiddy presented the amendments and
69 provided background for the changes. He stated that, if approved, this Ordinance would establish the City's
70 budget for fiscal year 2022.

71
72 The roll was called and showed the following vote:

73
74 AYE: Cappel, Bissmeyer, Margolis, Naiman, Suer, Messer (6)
75 NAY: (0)
76 ABSTAIN: Dobrozsi (1)

77
78 **An Ordinance Approving A Planned Development Overlay For Property Owned By Twin Lakes Located**
79 **On Montgomery Road At Schoolhouse Lane**

80
81 Mayor Margolis reassigned the legislation to Vice Mayor Bissmeyer.

82
83 Mr. Messer recused himself from the voting as he is a part-time employee of Twin Lakes. He exited the dais.

84
85 Vice Mayor Bissmeyer moved to read the Ordinance by title only. Mr. Cappel seconded. City Council
86 unanimously agreed.

87
88 Vice Mayor Bissmeyer read the title and moved for passage of the third reading of the Ordinance. Mr. Cappel
89 seconded.

90
91 Vice Mayor Bissmeyer explained that information has been previously supplied on this Ordinance that, if
92 approved, will establish a Planned Development overlay district for the property located at 10120 Montgomery
93 Road owned by Twin Lakes Senior Living Community. This Ordinance approves a Planned Development
94 Overlay with certain conditions and exceptions as recommended by the Planning Commission and presented at
95 the September 1, 2021 Public Hearing. This Ordinance will take effect thirty days after final approval.

96
97 There were no updates.

98
99 The roll was called and showed the following vote:

100
101 AYE: Bissmeyer, Dobrozsi, Margolis, Naiman, Suer, Cappel (6)
102 NAY: (0)
103 ABSTAIN: Messer (1)

104
105 **NEW LEGISLATION**

106
107 **A Resolution Authorizing The City Manager To Enter Into A Contract With Humana Health Plan Of**
108 **Ohio, Inc. To Provide Medical Insurance And Dental Insurance For Full-Time Employees**

109
110 Mr. Messer moved to read the Resolution by title only. Mr. Cappel seconded. City Council unanimously agreed.

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

Mr. Messer explained that information has been previously supplied on this Resolution that, if approved, would authorize the City Manager to enter into a contract with Humana Health Plan of Ohio, Inc. for medical and dental insurance coverage for the City’s full-time employees for the benefit period that runs from January 1, 2022 through December 31, 2022. Each year, the Health Care Benefits Committee evaluates insurance carriers’ proposals and makes recommendations regarding any changes to benefit plan designs to achieve cost savings. The Health Care Benefits Committee is recommending that the City remain with the current insurance carrier, Humana, for group medical insurance and also contract with Humana for group dental insurance.

There were no updates.

The roll was called and showed the following vote:

AYE: Dobrozsi, Margolis, Naiman, Suer, Messer, Cappel, Bissmeyer (7)
NAY: (0)

A Resolution Establishing City Contributions For Healthcare Benefits

Mr. Messer moved to read the Resolution by title only. Mr. Cappel seconded. City Council unanimously agreed.

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

Mr. Messer explained that information has been previously supplied on this Resolution that, if approved, will establish the City’s maximum contribution limits (caps) for a 12-month period beginning January 2022 for medical and dental insurance. The caps determine the amount of money the employees must contribute toward the cost of their health and dental insurance coverages. Typically, the City has increased these “caps” annually by six percent (6%) for medical insurance and three percent (3%) for dental insurance. This practice allows for some increase in the cost of healthcare but also ensures that significant increased costs are shared between the City and its employees.

An Ordinance Establishing The Diversity And Inclusion Commission

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

Mr. Suer moved to suspend the second and third readings of the Ordinance. Mr. Cappel seconded.

The roll was called and showed the following vote:

AYE: Naiman, Suer, Messer, Cappel, Bissmeyer, Dobrozsi, Margolis (7)
NAY: (0)

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

Mr. Suer explained that information has been previously supplied on this Ordinance that, if approved, will establish a Diversity and Inclusion Commission. In January 2018, City Council supported the creation of the Diversity and Inclusion Committee to raise awareness about diversity, equity, and inclusion in our community and with City staff. Section 6.06 of the Charter of the City of Montgomery authorizes Council to establish by Ordinance certain Boards and Commissions which Council deems appropriate to provide advice to Council and Administration. Staff recommends City Council consider an Ordinance that would formally establish the Diversity and Inclusion Commission.

164 Mr. Cappel stated that he likes how the City utilizes advisory boards and commissions. He stated he felt that it
165 was a comfortable way for residents to serve and be heard. He thanked everyone for their hard work establishing
166 the Committee and now the Commission.

167
168 Mrs. Naiman stated she was very glad to see the Committee transitioning to a Commission.

169
170 Mr. Messer stated he was very excited to see this coming to pass and still feels that the city will get more out of
171 these efforts than staff or this Commission will put into it.

172
173 The roll was called and showed the following vote:

174
175 AYE: Suer, Messer, Cappel, Bissmeyer, Dobrozsi, Margolis, Naiman (7)
176 NAY: (0)

177
178 **A Resolution Adopting a Five-Year Capital Improvement Program for The City of Montgomery**

179
180 Mr. Dobrozsi recused himself from the voting of the budget as it includes funds for the Montgomery Quarter, and
181 he is abstaining from any vote related to the development project and exited the dais.

182
183 Mr. Suer moved to read the Resolution by title only. Mr. Cappel seconded. City Council unanimously agreed.

184
185 Mr. Suer read the title and moved for passage of the Resolution. Mr. Cappel seconded.

186
187 Mr. Suer explained that information has been previously supplied on this Resolution that, if approved, will adopt
188 the City's proposed Five-Year Capital Improvement Program. This was reviewed by City Council as a companion
189 piece to the proposed 2022 Operating and Capital Budget with Four Year Forecast and represents a
190 comprehensive planning tool for capital investment in the community over the next five years.

191
192 There were no updates.

193
194 The roll was called and showed the following vote:

195
196 AYE: Messer, Cappel, Bissmeyer, Margolis, Naiman, Suer (6)
197 NAY: (0)
198 ABSTAIN: Dobrozsi (1)

199
200 **A Resolution Adopting a Five-Year Strategic Plan for the City of Montgomery**

201
202 Mr. Messer moved to read the Resolution by title only. Mr. Cappel seconded. City Council unanimously agreed.

203
204 Mr. Messer read the title and moved for passage of the Resolution. Mr. Cappel seconded.

205
206 Mr. Messer explained that information has been previously supplied on this Resolution that, if approved, will
207 adopt the City's proposed Five-Year Strategic Plan. The implementation plan was created by staff based upon
208 work accomplished at the Strategic Planning Retreat in August, where City Council and staff collectively
209 developed five (5) major goal statements, as well as a number of strategies for each goal area based upon input
210 from a detailed environmental scan, the survey of citizens, and various public input opportunities offered
211 throughout last fall and winter. The Plan was reviewed by the Government Affairs Committee on November 8. It
212 is requested that City Council adopt the Plan that will guide the City's strategic operations and budget and capital
213 programming for the next five years.

214
215 There were no updates.

216

217 The roll was called and showed the following vote:

218
219 AYE: Cappel, Bissmeyer, Dobrozsi, Margolis, Naiman, Suer, Messer (7)
220 NAY: (0)
221

222 **A Resolution Declaring A Moratorium On The Collection Of Building And Zoning Permit Fees For Solar**
223 **Installations**

224
225 Mayor Margolis reassigned the legislation to Vice Mayor Bissmeyer.

226
227 Vice Mayor Bissmeyer moved to read the Resolution by title only. Mr. Cappel seconded. City Council
228 unanimously agreed.

229
230 Vice Mayor Bissmeyer read the title and moved passage of the Resolution. Mr. Cappel seconded.

231
232 Vice Mayor Bissmeyer explained that information has been previously supplied on this Resolution that, if
233 approved, will declare a moratorium on the collection of building and zoning permit fees for solar installations.
234 Any property within Hamilton County is eligible for participation in the program, which provides a free solar
235 assessment, discounted rates and financing. At the November 1, 2021 Planning, Zoning and Landmarks
236 Committee meeting of City Council, it was recommended to pass a Resolution waiving Building and Zoning fees
237 for solar installations with a cap of \$1,000 beginning on January 1, 2022 and ending on December 31, 2023. The
238 waiver would be promoted as an incentive to our residents and businesses to adopt a more environmentally
239 friendly source of power and to continue to promote Montgomery as a progressive community in the region and
240 the State.

241
242 There were no updates.

243
244 The roll was called and showed the following vote:

245
246 AYE: Bissmeyer, Dobrozsi, Margolis, Naiman, Suer, Cappel, Messer (7)
247 NAY: (0)
248

249 **A Resolution Designating A Portion Of The Montgomery Road Corridor As A Community Entertainment**
250 **District**

251
252 Vice Mayor Bissmeyer moved to read the legislation by title only. Mr. Messer seconded. City Council
253 unanimously agreed.

254
255 Vice Mayor Bissmeyer read the title and moved for passage. Mr. Dobrozsi seconded.

256
257 Vice Mayor Bissmeyer explained that information has been previously supplied on this Resolution that, if
258 approved, would designate a portion of the Montgomery Road Corridor as a Community Entertainment District to
259 support the Montgomery Quarter Project. Ohio law allows communities to designate areas of a minimum of
260 twenty acres as a Community Entertainment District to expand the opportunity for obtaining liquor licenses within
261 the area. Communities are typically capped with the number of licenses based upon the population and are then
262 required to purchase a license from other jurisdictions. This could be quite expensive for a startup business, and
263 this will allow restaurants and other related uses within the designated area to apply for a license directly with the
264 Department of Commerce/Division of Liquor Control at a substantial savings. By statute, the number of new
265 licenses in the District is limited to one for each five acres in the designated District.

266
267 There were no updates.

268
269 The roll was called and showed the following vote:

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AYE: Dobrozsi, Margolis, Naiman, Suer, Messer, Cappel, Bissmeyer (7)
NAY: (0)

A Resolution Amending Resolution No. 9, 2020 And Resolution No. 39, 2020 To Approve A Modification To The Construction Agreement With Brandicorp, LLC For The Montgomery Quarter Project Improvements

Mr. Dobrozsi recused himself from the voting of the budget as it includes funds for the Montgomery Quarter, and he is abstaining from any vote related to the development project and exited the dais.

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

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

Mr. Suer explained that information has been previously supplied on this Resolution that, if approved, would allow the City Manager to modify the current Construction Agreement with Brandicorp LLC to proceed with constructing public improvements included in Stage I of the Montgomery Quarter project specific to Sequence III design and scope primarily including site finishes and features included in the public park space.

There were no updates.

The roll was called and showed the following vote:

AYE: Margolis, Naiman, Suer, Messer, Cappel, Bissmeyer (6)
NAY: (0)
ABSTAIN: Dobrozsi (1)

A Resolution Authorizing The City Manager To Accept The Opioid Settlement And Enter Into The Participation Agreement With Opioid Manufacturers Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc. and Janssen Pharmaceutica, Inc.

Vice Mayor Bissmeyer moved to read the Resolution by title only. Mr. Dobrozsi seconded. City Council unanimously agreed.

Vice Mayor Bissmeyer read the title and moved for passage of the Resolution. Mr. Cappel seconded.

Vice Mayor Bissmeyer explained that information has been previously supplied on this Resolution that, if approved, would authorize the City Manager to execute the Settlement Participation Form for settlement of another opioid manufacturers' claim in the national litigation. This release involves Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc. Funds may be received by the City consistent with the OneOhio framework or settlement which focuses upon treatment and abatement through a state independent Foundation.

There were no updates.

The roll was called and showed the following vote:

AYE: Naiman, Suer, Messer, Cappel, Bissmeyer, Dobrozsi, Margolis (7)
NAY: (0)

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ADMINISTRATION REPORT

Mr. Riblet gave the following report:

- City Council Work Session is scheduled for December 15, 2021. Prior to that meeting, a CIC Meeting is requested to meet at 6:30 p.m. City Council approved the scheduling of the CIC meeting. Mr. Cappel moved to commence with the Work Session immediately following the conclusion of the CIC meeting. Vice Mayor Bissmeyer seconded. City Council unanimously agreed.
- The Parks and Recreation, Government Affairs and Public Works Committees have cancelled their meetings for the month of December.
- Ms. Smiddy reports that The Auditor of State Office will not be performing the City’s next five annual financial audits. The AOS prepared and issued a Request for Proposals (RFP), and Plattenburg & Associates has been awarded the contract to audit the City of Montgomery for the annual periods from January 1, 2021 through December 31, 2025. Plattenburg works with approximately 100 Ohio Cities and Townships (mostly in Southwest Ohio). Some audit clients include Indian Hill, Wyoming, Sharonville, Forest Park and Mason. Staff is looking forward to working with this new team.
- Holiday in the Village is this Saturday, December 4, from 5:00 to 7:30 p.m. commencing with the tree lighting ceremony on Neully-Plaisance Plaza at 5:00 p.m.
- The Live at the Uni series concludes on December 6 with Mandy Gaines. Ms. Gaines has been recently inducted into the Cincinnati Jazz Hall of Fame. 126 people are registered for the concert and takes place inside Sycamore High School Theater.
- Mr. Riblet discussed the 2022 MCLA program with Council and offered three recommendations for their consideration in determining the format of the program due to the current state of the pandemic and restrictions. He explained that he anticipated a spike in Covid cases as a result of the holidays and noted that four of the key partners may not participate due to the masking guidelines or they are continuing to operate in a remote fashion with their employees. He also pointed out that there is a safety aspect to consider regarding staff, participants and the sponsors. The recommendations were as follows:
 - Option 1- Proceed as planned with adjustments made to the schedule and format as we receive confirmation from our partners.
 - Option 2- Offer an alternate program that would only offer sessions conducted by City staff at City facilities.
 - Option 3- Defer the program to 2023 but keep the remaining class of registered participants.

Mr. Messer stated that he preferred Option 2 as he didn’t want to defer two years in a row.

Mr. Suer stated that he felt if the program was deferred to 2023 that the program would lose momentum and that there was no guarantee that the circumstances of the pandemic would be improved in 2023. He stated he was in favor of Option 2 as well. He pointed out that other cities have offered a similar program but with an abbreviated schedule.

Mrs. Naiman stated that she was in favor of Option 1 with a Plan B in place in case any partners do not wish to participate.

Mr. Dobrozsi explained that he felt the true success of the program was in the connection that people feel with each other and staff. He stated that if the experience was reduced by sessions or by restrictions it would lessen those connections. He stated that he would be in favor of Option 3. He stated that although he would hate to defer, he felt that participants would find it not as effective and feel slighted in the experience.

376 Vice Mayor Bissmeyer stated that she would be in favor of Option 3 as she wouldn't want to see
377 participants disappointed in the experience by changing the types of sessions that includes the key
378 partners or reducing the number of sessions. She stated that she knows it is a large commitment for the
379 staff and participants and would want to ensure their health and safety as well.

380
381 Mr. Cappel stated that while he felt MCLA was a very important program, he is seeing a consistent
382 amount of Covid cases at his place of employment and because of that he is in favor of Option 3,
383 deferring to 2023.

384
385 Mayor Margolis stated that he agreed that he didn't want the participants to feel shortchanged and
386 therefore he supports Option 3, deferring to 2023.

387
388 Mr. Cappel made a motion to defer MCLA to 2023. Vice Mayor Bissmeyer seconded. City Council
389 unanimously agreed.

390
391 Mr. Suer added that he after discussion he agreed to defer the program but wanted to assure that all
392 participants who have signed up would be able to participate in 2023 if they chose to or be refunded if
393 they did not.

394
395 Mr. Riblet requested an Executive Session to discuss compensation of a public employee and the appointment of a
396 public official.

397
398 **MINUTES**

399
400 Mr. Cappel moved to approve the November 17, 2021 Works Session minutes as written. Mr. Messer seconded.
401 City Council unanimously agreed.

402
403 **MAYOR'S COURT REPORT**

404
405 Mayor Margolis explained that as this was the first day of the month, the November Mayors Court report would
406 be deferred to the December 15 Work Session meeting for approval and disbursement.

407
408 **OTHER BUSINESS**

409
410 Mayor Margolis reminded Council and Staff that he would be out of town beginning on December 2 and would
411 return on December 9. He asked Vice Mayor Bissmeyer to act as Mayor in his absence.

412
413 Mayor Margolis asked if there was any further business to discuss in Public Session. There being none, he asked
414 for a motion to adjourn into Executive Session for matters related to the discussion of compensation of a public
415 employee and the appointment of a public official.

416
417 Mr. Cappel made a motion to adjourn into Executive Session for matters related to the discussion of compensation
418 of a public employee and the appointment of a public official. Vice Mayor Bissmeyer seconded.

419
420 The roll was called and showed the following vote:

421
422 AYE: Cappel, Bissmeyer, Dobrozsi, Margolis, Naiman, Suer, Messer (7)
423 NAY: (0)

424
425 City Council adjourned at 8:00 p.m.

426
427 City Council reconvened into Public Session at 9:30 p.m.

428

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

431
432 Mr. Cappel moved to adjourn. Vice Mayor Bissmeyer seconded. City Council unanimously agreed.

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434 City Council adjourned at 9:31 p.m.

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Connie Gaylor, Clerk of Council