

January 28, 2022

TO: Mayor and City Council Members

FROM: Brian K. Riblet, City Manager *BKR*

SUBJECT: City Council Business Session of Wednesday, February 2, 2022

As a reminder, City Council is scheduled to meet in Business Session on Wednesday, February 2, 2022 immediately following the conclusion of the Montgomery Community Improvement Corporation (CIC) meeting scheduled at 6:45 p.m.

Montgomery Community Improvement Corporation-(CIC)

At 6:45 p.m., the Montgomery Community Improvement Corporation (CIC) and the CIC Board of Trustees are scheduled to conduct their annual meeting's. The members of the Montgomery City Council also comprise the membership of the Montgomery CIC and the Montgomery CIC Board of Trustees. It is required by the Ohio Revised Code, Chapter 1724, that a CIC prepare, approve and submit an annual financial report. It is also required by the Montgomery CIC Code of Regulations that this group meet at least once annually, and that this meeting take place before the last day of the third month following the close of the CIC's fiscal year.

Business Session

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Special Presentation
 - a. Kaitlin Johnston, along with her family, will be present to accept a Proclamation acknowledging February 7-14, 2022 as Congenital Heart Defect Awareness Week.
5. Guest and Residents
6. Legislation for Consideration this Evening

Pending Legislation

There is no pending legislation

New Legislation

- a. An Ordinance Establishing an Excise Lodging Tax—(Mr. Suer) Information has been previously supplied on this Ordinance that, if approved, will establish an excise tax within the City of Montgomery. The Ohio Revised Code (O.R.C.) § 5739.08 allows a municipal corporation to levy an excise tax of up to 3% on transactions by which the hotel provides lodging to transient guests.

Move to read the Ordinance by title only

Voice Vote

Move for passage of the first reading of the Ordinance

Explain the Ordinance

Roll Call Vote

The second reading of the Ordinance will be at the March 2, 2022 Business session. The third reading of the Ordinance will be at the April 6, 2022 Business Session with adoption requested that evening.

- b. A Resolution Authorizing The City Manager To Enter Into A Contract With Murphy Tractor & Equipment Co. for the Purchase of a John Deere 410L Backhoe Loader—(Mr. Cappel) Information has been previously supplied on this Resolution that, if approved, would authorize the purchase of a John Deere 410L Backhoe. The purchase of a replacement backhoe is programmed in the 2022 Capital Improvement Program with a requested amount of \$140,595.29, funded through the 410-261-5405 account. If approved, the purchased will be made utilizing the State Bid through the State of Ohio Cooperative Purchasing Agreement (Supplier OAKS Contract ID 800864-48, Program ID - UINV9013).

Move to read the Resolution by title only

Voice Vote

Move for passage of the Resolution

Roll Call Vote

7. Administration Report
8. Minutes- January 19, 2022 Work Session
9. Mayor's Court Report
10. Other Business

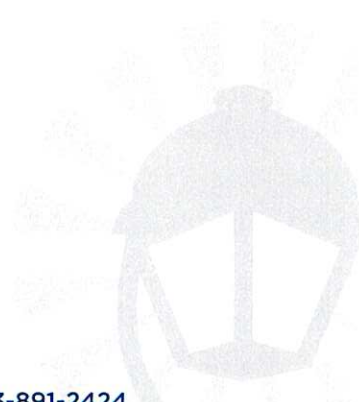


11. Executive Session

12. Adjournment

Should you have any questions or concerns regarding this information, please do not hesitate to contact me.

C: Connie Gaylor, Administrative Coordinator
Department Heads
Terry Donnellon, Law Director



January 2, 2022

City Hall

City Council Business Session immediately following the conclusion of the Montgomery Community Improvement Corporation (CIC) meeting at 6:45 p.m.

1. Call to Order
2. Roll Call
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Move to read the Ordinance by title only

Voice Vote

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Explain the Ordinance

Roll Call Vote

The second reading of the Ordinance will be at the March 2, 2022 Business Session. The third reading of the Ordinance will be at the April 6, 2022 Business Session with adoption requested that evening.

- b. A Resolution Authorizing The City Manager To Enter Into A Contract With Murphy Tractor & Equipment Co. for the Purchase of a John Deere 410L Backhoe Loader—(Mr. Cappel)

Move to read the Resolution by title only

Voice Vote

Move for passage of the Resolution

Roll Call Vote

7. Administration Report
 8. Approval of Minutes – January 19, 2022 Work Session
 9. Mayor’s Court Report
 10. Other Business
 11. Executive Session
 12. Adjournment
- C: Connie Gaylor, Administrative Coordinator
Department Heads
Terry Donnellon, Law Director



CITY OF

MONTGOMERY

Proclamation

Congenital Heart Defect Awareness Week February 7-14, 2022

WHEREAS, the health and well-being of congenital heart patients is of paramount importance; and,

WHEREAS, each year in the United States, more than 40,000 babies are born with a congenital heart defect; and,

WHEREAS, the medical community has identified congenital heart defects as the leading cause of birth defect-related deaths and medical research can provide more identifiable means of the origins and symptoms of congenital heart defects; and,

WHEREAS, there is no cure for congenital heart defects, it is a lifelong disease requiring ongoing specialized care with fewer than 10% of adults receiving recommended care; and,

WHEREAS, it is crucial that individuals planning a family, fetal clinicians, obstetric physicians, pediatricians, and all those in the medical field have a greater understanding of the potential for congenital heart defects; and,

WHEREAS, Congenital Heart Defect Awareness Week provides the opportunity for patients and families affected by this condition to share their experiences and knowledge, so that the general public may be aware of how this defect affects our lives.

NOW THEREFORE, I, Craig Margolis, the 24th Mayor of the City of Montgomery, do hereby proclaim the week of February 7-14, 2022 as

Congenital Heart Defect Awareness Week

in the City of Montgomery and urge all our citizens to observe this month in ways relevant to its importance and significance.



IN WITNESS WHEREOF, I have hereunto subscribed my name this 2nd day of February Two Thousand Twenty-Two.



Craig D. Margolis, Mayor

ORDINANCE NO. _____, 2022

AN ORDINANCE ESTABLISHING AN EXCISE LODGING TAX

WHEREAS, the Planning Commission approved the construction of a boutique Hotel within the Montgomery Quarter to support economic development in this mixed use public/private site; and

WHEREAS, R.C. § 5739.08 allows the City to levy an excise tax of up to three percent (3.0%) on transactions by which lodging by a Hotel is or are to be furnished to transient guests; and

WHEREAS, to generate revenues for the City to support City operations and the Montgomery Quarter development, the Administration has recommended, and Council concurs, that it is appropriate for the City to enact this excise tax.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Montgomery, Hamilton County, Ohio, that:

SECTION 1. Definitions.

For purposes of this Chapter, the following words and phrases shall have the following meanings ascribed to them respectively. Other words and phrases shall have the meanings ascribed to them under the City of Montgomery Codified Ordinances as appropriate.

(a) *Hotel* means every establishment kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are offered for a consideration to guests, in which Five (5) or more rooms are used for the accommodation of such guests, whether the rooms are in one or several structures. The term shall include a motel if the establishment meets the definition of Hotel as contained in this section.

(b) *Occupancy* means the use or possession, or the right to the use or

possession of any room or rooms or space or portion thereof, in any Hotel for dwelling, lodging or sleeping purposes. The use or possession or right to use or possess any room or any suite of connecting rooms as office space, banquet or private dining rooms, or exhibit, sample or display space shall not be considered occupancy within the meaning of this definition unless the person exercising occupancy uses or possesses, or has the right to use or possess all or any portion of the room or suite of rooms for dwelling, lodging or sleeping purposes.

(c) *Operating* means the person who is proprietor of the Hotel, whether in the capacity of owner, lessee, mortgagee in possession, licensee, or any other capacity. Where the Operator performs his functions through a managing agent or any type or character other than an employee, the managing agent shall also be deemed an Operator for the purposes of this Ordinance and shall have the same duties and liabilities as his/her principal. Compliance with the provisions of this Chapter by either the principal or the managing agent shall, however, be considered to be compliance by both.

(d) *Rent* means the consideration received for occupancy valued in money, whether received in money or otherwise, including all receipts, cash, credits and property or services of any kind or nature, and also any amount for which the occupant is liable for the occupancy without any deductions therefrom whatsoever.

SECTION 2. Rate of Tax.

(a) In addition to any tax levied by R.C. § 5739.02 or a similar statute, commencing on July 1, 2022, for the purpose of providing revenue for the purposes of the City's general municipal operations, maintenance, new equipment, extension and enlargement of municipal services and facilities, and capital improvements by the City, there is levied a tax of three percent (3.0%) on all Rents received by a Hotel for lodging furnished to transient guests. This tax shall be known as the Transient Occupancy Tax ("Tax").

(b) This Tax constitutes a debt owed by the transient guest to the City

which is satisfied only by payment to the Operator as trustee for the City, or to the City. The transient guest shall pay the Tax to the Operator of the Hotel at the time the Rent is paid. If the Rent is paid in installments, a proportionate share of the Tax shall be paid with each installment. The unpaid Tax shall be due upon the transient guest's ceasing to occupy space in the Hotel. If for any reason the Tax due is not paid to the Operator of the Hotel, the City Tax Commissioner ("Tax Commissioner") may require that the Tax be paid directly to the Tax Commissioner.

SECTION 3. Exemptions.

(a) No Tax shall be imposed under this Chapter:

- (1) Upon Rents not within the taxing power of the City under the Constitution or laws of the State of Ohio or the United States;
- (2) Upon Rents paid by the State of Ohio or any of its political subdivisions;
- (3) Upon Rents of Two Dollars (\$2.00) a day or less.

(b) No exemption claimed under subsections (a)(1) or (2) hereof shall be granted except upon a claim therefor made at the time Rent is collected and under penalty of perjury upon a form prescribed by or satisfactory to the Tax Commissioner. All claims of exemption under subsection (a)(3) hereof shall be made in the manner prescribed by or satisfactory to the Tax Commissioner.

SECTION 4. Tax To Be Separately Stated And Charged.

(a) The Tax to be collected shall be stated and charged separately from the Rent and shown separately on any record thereof, at the time when the Occupancy is arranged or contracted and charged for, and upon every evidence of Occupancy, or any bill or statement or charge made for the Occupancy, issued or delivered by the Operator. The Tax shall be paid by the Occupant to the Operator as trustee for and on account of the City,

and the Operator shall be liable for the collection thereof and for the Tax.

(b) No Operator of a Hotel shall advertise or state in any manner, whether directly or indirectly, that the Tax or any part thereof will be assumed or absorbed by the Operator, or that it will not be added to the Rent, or that, if added, any part will be refunded except in the manner hereinafter provided.

SECTION 5. Registration.

Within Thirty (30) days after July 1, 2022 or within Thirty (30) days after commencing business, whichever is later, each Operator of any Hotel renting lodging to transient guests shall register the Hotel with the Tax Commissioner and obtain from him or her a Transient Occupancy Registration Certificate which shall at all times be posted in a conspicuous place on the premises. This certificate shall, among other things, state the following:

- (a) The name of the Operator;
- (b) The address and business telephone number of the Hotel;
- (c) The date upon which the certificate was issued;
- (d) *This Transient Occupancy Registration Certificate signifies that the person named on the face hereof has fulfilled the requirements of the Transient Occupancy Tax Ordinance by registering with the Tax Commissioner for the purpose of collecting from transient guests the Transient Occupancy Tax and remitting such Tax to the Tax Commissioner. This certificate does not constitute a permit.*

SECTION 6. Reporting And Remitting.

(a) Each Operator shall, on or before the last day of the month following the close of each calendar quarter, or at the close of any shorter reporting period which may be established by the Tax Commissioner, make a return to the Tax Commissioner, on forms

obtainable from him or her, of the total Rents charged and received and the amount of Tax collected for transient occupancies. All claims for exemption from Tax filed by Occupants with the Operator during the reporting period shall be filed with the report. At the time the return is filed, the full amount of the Tax collected shall be remitted to the Tax Commissioner. The Tax Commissioner may establish shorter reporting periods for any certificate holder if he/she deems it necessary in order to insure collection of the Tax and he/she may require further information in the return if the information is pertinent to the collection of the Tax. Returns and payments are due immediately upon cessation of business for any reason. All Taxes collected by Operators pursuant to this Chapter shall be held in trust for the account of the City until payment thereof is made to the Tax Commissioner. All returns and payments submitted by each Operator shall be treated as confidential by the Tax Commissioner and shall not be released except upon order of a court of competent jurisdiction or to an officer or agent of the United States, the State of Ohio, the County of Hamilton, or the City of Montgomery for official use only. The nonavailability or failure to obtain forms shall not relieve an Operator from the timely payment of the Tax.

(b) No person, including any officer of a corporation or employee of a corporation having control or supervision of or charged with the responsibility of filing returns, shall fail to file any return or report required to be filed by this Chapter, or file or cause to be filed any incomplete, false or fraudulent return, report, or statement, or aid or abet another in the filing of any false or fraudulent return, report or statement.

(c) If any Operator required to file quarterly returns under this Chapter fails, on Two (2) consecutive quarters within a Twelve (12) month period, to file the returns when due or to pay the Tax thereon, or if any Operator authorized by the Tax Commissioner to file returns at less frequent intervals, fails on two or more occasions within a Twenty-four (24) month period, to file the returns when due or to pay the Tax due thereon, the Tax

Commissioner may require the Operator to furnish security in an amount equal to the average Tax liability of the Operator for a period of One (1) year, as determined by the Tax Commissioner from a review of returns or other information pertaining to the Operator, which amount shall in no event be less than One Hundred Dollars (\$100.00). This security may be in the form of an advance Tax payment to be applied to pay the Tax due on subsequent returns, or a corporate surety bond, satisfactory to the Tax Commissioner, conditioned upon payment of the Tax due with the returns from the Operator. This security must be filed within Ten (10) days following the Operator's receipt of the notice from the Tax Commissioner of its requirements. Any security or corporate surety bond filed under this section shall be returned to the Operator if, for a period of Twelve (12) consecutive months following the date the security was posted, the Operator has filed all returns and remitted payment therewith within the time prescribed in this Chapter.

(d) If any Operator required to file returns and to remit Tax due to the City under the provisions of this Chapter, fails for any reason to make the filing or payment, any of its officers or employees having control or supervision of or charged with the responsibility of filing returns and making payments, shall be personally liable for the failure. The dissolution of a corporation shall not discharge an officer's or employee's liability for a prior failure of the corporation to file returns or remit Tax due. The sum due for this liability may be collected by assessment in the manner provided in this Chapter.

SECTION 7. Penalties And Interest.

(a) Original Delinquency. Any Operator who fails to remit any Tax imposed by this Chapter within the time required shall pay a penalty equal to ten percent (10%) of the amount of the Tax, in addition to the Tax.

(b) Continued Delinquency. Any Operator who fails to remit any delinquent remittance on or before a period of Thirty (30) days following the date on which

the remittance first became delinquent shall pay a second delinquency penalty equal to ten percent (10%) of the amount of the Tax and the previous penalty due, in addition to the Tax and the ten percent (10%) penalty first imposed. An additional penalty equal to ten percent (10%) of the total Tax and penalty of the previous Thirty (30) day period shall be added for each successive Thirty (30) day period that the account remains delinquent.

(c) Fraud. If the Tax Commissioner determines that the nonpayment of any remittance due under this Chapter is due to fraud, a penalty equal to twenty-five percent (25%) of the amount of the Tax shall be added thereto in addition to the penalties stated in subsections (a) and (b) hereof.

(d) Interest. In addition to the penalties imposed, any Operator who fails to remit any Tax imposed by this Chapter shall pay interest at the rate of one percent (1%) per month, or fraction thereof, on the amount of the Tax due, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

SECTION 8. Failure To Collect And Report Tax; Determination Of Tax By Tax Commissioner.

(a) If any Operator shall fail or refuse to collect the Tax and fail to make, within the time provided in this Chapter, any report and remittance of the Tax or any portion thereof required by this Chapter, the Tax Commissioner shall proceed in such manner as he or she may deem best to obtain facts and information on which to base the estimate of the Tax due. As soon as the Tax Commissioner procures whatever facts and information that he or she is able to obtain upon which to base the assessment of any Tax imposed by this Chapter and payable by any Operator who has failed or refused to collect the same and to make such report and remittance, he or she shall proceed to determine and assess against the Operator the Tax, interest and penalties provided for by this Chapter. In case this determination is made, the Tax Commissioner shall give a

notice of the amount so assessed by serving it personally upon the Operator, or by depositing it in the United States mail, postage prepaid, addressed to the Operator so assessed at his last known address.

(b) The Operator may within Thirty (30) days after the personal serving or mailing of the notice of assessment make application in writing to the Tax Commissioner for a hearing before the Board of Tax Review on the amount assessed. If application by the Operator for a hearing is not made within the time prescribed, the Tax, interest and penalties, if any, determined by the Tax Commissioner shall become final and conclusive and immediately due and payable.

(c) If the application is made for a hearing before the Board of Tax Review, the Tax Commissioner shall give notice to the Operator of the time and place of the hearing.

(d) At the hearing, the Operator may appear and offer evidence why the specified Tax, interest and penalties should not be so assessed. The Board of Tax Review shall issue a written decision on such appeal within Thirty (30) days of such hearing.

(e) After the decision of the Board of Tax Review, the Tax Commissioner shall determine the proper Tax to be remitted and shall thereafter give written notice to the person of the determination and the amount of the Tax, interest and penalty. The amount determined to be due shall be payable after Thirty (30) days.

SECTION 9. Records.

(a) It shall be the duty of every Operator liable for the collection and payment to the City of any Tax imposed by this Chapter to keep and preserve all records that may be necessary to determine the amount of the Tax that he/she may have been liable for the collection of, and payment to, the City. If the Operator furnishes lodging not

subject to the Tax, the Operator's records shall show the identity of the transient guest, if the sale was exempted by reason of such identity, or the nature of the transaction if exempted for any other reason.

(b) All such records and other documents shall be open during business hours to the inspection of the Tax Commissioner and shall be preserved for a period of Four (4) years, unless the Tax Commissioner, in writing, consents to their destruction within that period, or by order requires that they be kept longer.

SECTION 10. Refunds.

(a) Whenever the amount of any Tax, interest or penalty has been overpaid or paid more than once, or has been erroneously or illegally collected or received by the City under this Chapter, it may be refunded as provided in subsections (b) and (c) hereof provided a claim in writing therefor, stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with the Tax Commissioner within Three (3) years of the date of payment. The claim shall be on forms furnished by the Tax Commissioner.

(b) An Operator may claim a refund or take as credit against Taxes collected and remitted the amount overpaid, paid more than once, or erroneously or illegally collected or received when it is established in a manner prescribed by the Tax Commissioner that the person from whom the Tax has been collected was not a transient guest. However, neither a refund nor a credit shall be allowed unless the amount of the Tax so collected has either been refunded to the transient guest or credited to Rent subsequently payable by the transient guest to the Operator.

(c) A transient guest may obtain a refund of Taxes overpaid or paid more than once or erroneously or illegally collected or received by the City by the filing of a claim in the manner provided in subsection (a) hereof, but only when the Tax was

paid by the transient guest directly to the Tax Commissioner, or when the transient guest having paid the Tax to the Operator, establishes to the satisfaction of the Tax Commissioner that the transient guest has been unable to obtain a refund from the Operator who collected the Tax.

(d) No refund shall be paid under the provisions of this section unless the claimant establishes his or her right thereto by written records showing entitlement thereto and the refund exceeds One Dollar (\$1.00).

SECTION 11. Actions To Collect.

Any Tax required to be paid by a transient guest under the provisions of this Chapter shall be deemed a debt owed by the transient guest to the City. Any such Tax collected by an Operator which has not been paid to the City shall be deemed a debt owed by the Operator to the City. Any person owing money to the City under the provisions of this Chapter shall be liable to an action brought in the name of the City for the recovery of such amount.

SECTION 12. Moneys Received, Where Credited.

The moneys received under the provisions of this Chapter shall be credited to the General Fund of the City.

SECTION 13. Penalty.

(a) Whoever violates any provision of this Chapter shall be guilty of a minor misdemeanor on a first offense punishable by a fine of up to One Hundred Fifty Dollars (\$150.00).

(b) For a second offense, violation of this Chapter occurring within one year of a previous offense, such person shall be guilty of a fourth-degree misdemeanor punishable by a fine of up to Two Hundred Fifty Dollars (\$250.00) and up to Thirty (30) days confinement in a jail.

(c) For a third offense, violation of this Chapter occurring within one year of a previous offense, such person shall be guilty of a third-degree misdemeanor punishable by a fine of up to Five Hundred Dollars (\$500.00) and up to Sixty (60) days confinement in a jail.

(d) For a fourth offense, violation of this Chapter occurring within one year of a previous offense, such person shall be guilty of a second-degree misdemeanor punishable by a fine of up to Seven Hundred Fifty Dollars (\$750.00) and up to Ninety (90) confinement in a jail.

(e) For a fifth offense, violation of this Chapter occurring within one year of a previous offense, such person shall be guilty of a first-degree misdemeanor punishable by a fine of up to One Thousand Dollars (\$1,000.00) and up to One Hundred Eighty (180) days confinement in a jail.

(f) Each day that a violation occurs may be charged as a separate offense.

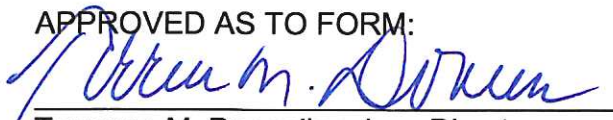
SECTION 14. This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Craig D. Margolis, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director

RESOLUTION NO. _____, 2022

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MURPHY TRACTOR & EQUIPMENT CO. FOR THE PURCHASE OF A JOHN DEERE 410L BACKHOE LOADER

WHEREAS, the City is required by statute to solicit competitive bids for goods or services which will exceed a contract price of Fifty Thousand Dollars (\$50,000); and

WHEREAS, state law recognizes certain exceptions to the requirement of competitive bidding including purchases made through the State of Ohio's Cooperative Purchasing Program; and

WHEREAS, the City of Montgomery is a participant in the State of Ohio's Cooperative Purchasing Program; and

WHEREAS, the Public Works Department has priced the purchase of a John Deere 410L Backhoe Loader through the Ohio Cooperative Purchasing Program and has determined that such goods are available through Murphy Tractor & Equipment Co. is a better purchase option than competitive bidding.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Montgomery, Hamilton County, Ohio, that:

SECTION 1. The City Manager is hereby authorized to purchase a John Deere 410L Backhoe Loader from Murphy Tractor & Equipment Co. in the total amount not to exceed \$140,595.29. Council finds that such purchase shall be completed through the Ohio Cooperative Purchasing Program as allowable by State law without separate competitive bidding.

SECTION 2. This Resolution shall be in full force and effect from and after

its passage.

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Craig D. Margolis, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director

These minutes are a draft of the proposed minutes from the City Council meeting. They do not represent the official record of proceedings until formally adopted by the City Council. Formal adoption is noted by signature of the Clerk within the minutes.

City of Montgomery
City Council Work Session Minutes
January 19, 2022

Present

Brian Riblet, City Manager
Terry Donnellon, Law Director
Tracy Henao, Asst. City Manager
John Crowell, Police Chief
Gary Heitkamp, Public Works Director
Katie Smiddy, Finance Director
Paul Wright, Fire Chief
Amy Frederick, Communications and Engagement Coord.
Connie Gaylor, Clerk of Council

City Council Members Present

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

City Council convened its Work Session for January 19, 2022 at 7:00 p.m. at City Hall with Mayor Margolis presiding.

ROLL CALL

Mayor Margolis asked for a motion to dispense with roll call as all members were present. Mr. Cappel made the motion. Mr. Dobrozsi seconded. City Council unanimously agreed.

SPECIAL PRESENTATIONS

Council Member Naiman presented Paul and Penny Curtis and family with a Certificate of Appreciation as the 2021 Beautification and Tree Commission's Fall Seasons of Beauty Winners.

Larry Dannenberg of the Montgomery Farmers Market presented an update on the 2021 season of the Market to City Council.

LEGISLATION FOR CONSIDERATION THIS EVENING

There was no legislation for consideration at the meeting.

ESTABLISHING AN AGENDA FOR FEBRUARY 2, 2022 BUSINESS SESSION

PENDING LEGISLATION

There was no pending legislation

NEW LEGISLATION

An Ordinance Establishing an Excise Lodging Tax

Mayor Margolis assigned the legislation to Mr. Suer.

Mr. Donnellon explained that, if approved, this Ordinance would establish an excise tax within the City of Montgomery. He stated that the Ohio Revised Code (O.R.C.) § 5739.08 allows a municipal corporation to levy an excise tax of up to 3% on transactions by which the hotel provides lodging to transient guests. He explained that as we continue to move forward with the development of the Montgomery Quarter project, the Development Team will be constructing a boutique hotel within the development. The hotel plans have been reviewed and approved by the Planning Commission. Montgomery does not currently have a hotel within the City, and it is believed this high-

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City Council Work Session Minutes

January 19, 2022

Page 2

54 end boutique hotel will fill that gap to support not only the Montgomery Quarter development, but the entire
55 community.

56
57 Mr. Messer asked Mr. Donnellon if there was an estimate of projected revenue from this tax on the hotel.
58 Mr. Donnellon explained that a general estimate was between \$175,000 to \$225,000 a year; however,
59 as the rates of the hotel haven't been set yet these are projected estimates.

60
61 Mr. Messer asked if the City of Blue Ash has an excise tax.

62
63 Mr. Donnellon replied that any community that has a hotel has a 3% excise tax.

64
65 Mrs. Naiman asked why it was 3% county wide.

66
67 Mr. Donnellon replied that was the amount that the State of Ohio allows.

68
69 Mr. Dobrozsi stated he would recuse himself from the vote on this legislation as he does with any
70 legislation that has to do with the Montgomery Quarter.

71
72 Vice Mayor Bissmeyer asked if this type of tax was common in every state.

73
74 Mr. Donnellon replied that it was.

75
76 Mrs. Naiman asked Mr. Donnellon to explain the language regarding criminal penalties.

77
78 Mr. Donnellon explained that the language referred to a circumstance where the hotel was to collect the
79 tax from the consumer but did not pay the City the excise tax then it became a criminal penalty.

80
81 **A Resolution Authorizing The City Manager To Enter Into A Contract With Murphy Tractor & Equipment**
82 **Co. for the Purchase of a John Deere 410L Backhoe Loader**

83
84 Mayor Margolis assigned the legislation to Mr. Cappel

85
86 Mr. Heitkamp explained that, if approved, this Resolution would authorize the purchase of a John Deere 410L
87 Backhoe. He stated the purchase of a replacement backhoe is programmed in the 2022 Capital Improvement
88 Program with a requested amount of \$140,595.29, funded through the 410-261-5405 account. If approved, the
89 purchased will be made utilizing the State Bid through the State of Ohio Cooperative Purchasing Agreement
90 (Supplier OAKS Contract ID 800864-48, Program ID – UINV9013).

91
92 Mrs. Naiman asked what would happen with the current backhoe.

93
94 Mr. Heitkamp replied that it would either be traded in or sold on GovDeals.com.

95
96 **ADMINISTRATION REPORT**

97
98 Mr. Riblet reported the following items:

- 99
100 • The next City Council Business Session is scheduled for Wednesday, February 2 immediately following a
101 CIC meeting scheduled at 6:45 p.m., to hold the annual meeting of Members and Trustees. He added that

These minutes are a draft of the proposed minutes from the City Council meeting. They do not represent the official record of proceedings until formally adopted by the City Council. Formal adoption is noted by signature of the Clerk within the minutes.

City Council Work Session Minutes

January 19, 2022

Page 3

102 Council had previously made a motion to commence with the Business Session immediately following the
103 CIC meeting.
104

105 • The Law and Safety and Financial Planning Committees will meet on Monday, February 7 at 3:30 and 4:30
106 p.m., respectively. The Planning, Zoning and Landmarks Committee has cancelled their meeting for
107 February.
108

109 • Mr. Riblet stated for the February 14 Committee meetings the Government Affairs Committee has agenda
110 items, but the Parks and Recreation and Public Works Committees do not have agenda items. He stated he
111 will provide an update at the February 2 meeting.
112

113 • The Planning Commission met on January 18, 2022, to consider the following cases, all of which were
114 approved.
115

116 ○ The first case included a Final Development Plan for Sycamore High School regarding the construction
117 of a new football stadium which is anticipated to start in March 2022 with completion by August 2022.
118 Additional phases include the expansion of the existing pool and spectator area, the relocation of the
119 main entry to the east side of the building and reconfiguration of the access points and drop off/pick up
120 for buses and vehicular traffic. The second phase is anticipated to start in April 2022 with completion
121 in September of 2022.
122

123 ○ The second case was a General Development Plan for a new attached single-family home to be located
124 at 7960 Remington Road and will entail demolition of the current residential structure with a future
125 rebuild.
126

127 ○ Finally, the Planning Commission considered a recommendation from the Landmarks Commission for
128 proposed text amendments to the Sign Code and the Old Montgomery Gateway District Regulations.
129 After consideration, the Planning Commission voted to recommend approval of the proposed text
130 amendments to City Council. Staff would like to request a public hearing to consider the
131 recommendation from the Planning Commission at 6:30 p.m. prior to the March 2 Business Session,
132 and if Council is so inclined, they could make a motion to go directly into the Business Session at the
133 conclusion of the public hearing.
134

135 City Council approved the scheduling of the Public Hearing. Mr. Cappel made a motion to commence
136 with the Business Session at the completion of the Public Hearing. Vice Mayor Bissmeyer seconded.
137 City Council unanimously agreed.
138

139 • The City of Montgomery recently signed a contract with Cincinnati Bell Technology Solutions to replace
140 the current phone system and install backup network connections between City Hall, Safety Center, and
141 Public Works. The project kickoff meeting is scheduled for February 3. The project is anticipated to be
142 completed by the mid-March.
143

144 • The 2022 Resurfacing Program will advertise for bids on Tuesday, January 25, with a scheduled bid opening
145 for Tuesday, February 8.
146

147 • Staff, along with identified members of Council will be meeting with Human Nature on Tuesday, February
148 1 to review their proposed design concepts for the landscape and hardscape elements for the Montgomery
149 Road Roundabout.
150

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City Council Work Session Minutes

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- 151 • The Weller Park COVID mobile testing site was put in place today with appointments beginning on July
152 20 beginning at 8:00 a.m. Hours of operation are Monday through Friday from 8:00 a.m. to 4:00 p.m. The
153 site is staffed with personnel from the National Guard and Ethos Lab Facility. It is anticipated WCPO will
154 be on site tomorrow morning to provide some media coverage.
- 155
- 156 • Mr. Riblet explained that he received a letter from the Ohio Kentucky Indiana (OKI) Regional Council of
157 Governments asking for their annual confirmation of a Council Board Representative. Mr. Riblet stated
158 that Mr. Dobrozsi was currently serving in that position and asked Mr. Dobrozsi if he wished to continue
159 in that role. Mr. Dobrozsi replied he did. Vice Mayor Bissmeyer made a motion to reappoint Mr. Dobrozsi
160 as the Council Representative to the OKI Board. Mr. Cappel seconded. City Council unanimously agreed.
161
- 162 • The monthly HCML meeting is scheduled for Thursday, February 3 at Deer Park Library from 6:00 to 8:00
163 p.m. Kent Scarrett of the OML will be the speaker. Please let Ms. Gaylor know if you would like to be
164 registered to attend.
- 165
- 166 • The Ohio Municipal League will also be conducting Municipal Officials Training Seminars on
167 Saturday, March 5 at the Cincinnati Marriott Northeast (Mason). Please let Ms. Gaylor know if you would
168 like to be registered to attend this session if you have not already done so.
- 169
- 170 • Mr. Riblet wished Council Member Suer a Happy Birthday.
- 171
- 172 • Mr. Riblet congratulated Mr. Messer on his appointment to the Board of Matthew 25 Ministries.
- 173

CITY COUNCIL REPORTS

Mr. Cappel

174
175
176
177
178 Mr. Cappel stated that he would like to reappoint Greg Brodrick and Zeeshan Pasha to the Environmental Advisory
179 Commission with terms ending January 31, 2025. He stated that these reappointments are a recommendation from
180 the Public Works Committee that met on January 10, 2022 and therefore do not a second.

181
182 City Council unanimously agreed to the reappointments.

183
184 Mr. Cappel also reported that the Environmental Advisory Commission (EAC) collected 300 pounds of holiday
185 lights at the past Saturday recycling day. He stated that in total the EAC had collected 444 pounds of holiday lights.

Vice Mayor Bissmeyer

186
187
188
189 Vice Mayor Bissmeyer stated that she would like to make a motion to reappoint Mary Jo Byrnes, Peter Fossett and
190 Richard White to the Board of Zoning Appeals for terms ending January 31, 2026. She explained that the
191 reappointments have not been discussed at the Committee level so they would need a second.

192
193 Mr. Cappel seconded. City Council unanimously agreed.

194
195 Vice Mayor Bissmeyer stated that she would like to make a motion to reappoint Patrick Stull to the Planning
196 Commission with a term ending on January 31, 2026. She explained that the reappointments have not been discussed
197 at the Committee level so they would need a second.

198
199 Mrs. Naiman seconded. City Council unanimously agreed.

200

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201

202

Mr. Dobrozi

203

204

Mr. Dobrozi stated that he would like to make a motion to reappoint the following Commission members to their respective Commissions as follows:

205

206

Elise Williams and Christine Genovese to the Arts Commission with terms ending January 31, 2025

207

208

Marcallene Shockey and Blair Davis to the Sister Cities Commission with terms ending January 31, 2025

209

210

Mr. Dobrozi stated that the reappointments are a recommendation from the Government Affairs Committee that met on January 10, 2022 and therefore do not a second. City Council unanimously agreed to the reappointments.

211

212

213

Mr. Dobrozi also reported that at the January 10 Government Affairs Committee meeting a list of computer equipment was declared as surplus as requested by Mr. Vanderhorst.

214

215

216

Mr. Dobrozi also reported that at the Government Affairs meeting the City Manager evaluation process was discussed. He stated that it was a recommendation to contract with Management Partners to conduct the process.

217

218

219

Mr. Dobrozi requested an Executive Session to be scheduled on February 16 at 6:00 p.m. for matters related to the employment of a public official. Vice Mayor Bissmeyer made a motion to commence with the Work Session at the completion of the Executive Session. Mr. Cappel seconded. City Council unanimously agreed.

220

221

222

223

Mr. Dobrozi made a motion for an Executive Session to be scheduled on March 6 at 5:30 p.m. for matters related to the employment of a public official. Mr. Cappel seconded. City Council unanimously agreed.

224

225

226

Mr. Dobrozi reported that at the Sister Cities Commission they discussed a new event featuring a French themed dinner to be held in May.

227

228

229

Mrs. Naiman

230

231

Mrs. Naiman made a motion to reappoint Shannon Powers and Travis Everly to the Beautification and Tree Commission with terms ending on January 31, 2025. She explained that the reappointments have not been discussed at the Committee level so they would need a second. Mr. Cappel seconded. City Council unanimously agreed.

232

233

234

235

Mrs. Naiman made a motion to reappoint Jorge Tameron to the Parks and Recreation Commission with a term ending on January 31, 2025. She explained that the reappointments have not been discussed at the Committee level so they would need a second. Mr. Messer seconded. City Council unanimously agreed,

236

237

238

239

Mrs. Naiman moved to appoint the following members to the Diversity and Inclusion Commission that was established at the December 1, 2021 Business Session. She stated that this is a recommendation of the Government Affairs Committee and would not need a second.

240

241

242

243

Steve Coppel	for a term ending on January 31, 2024
Priya Viswalingham	for a term ending on January 31, 2024
Juan Molina	for a term ending on January 31, 2024
Lydell Carter	for a term ending on January 31, 2024
Chip Harrod	for a term ending on January 31, 2025
Umama Alam	for a term ending on January 31, 2025
Benny Miles	for a term ending on January 31, 2025

244

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251 City Council unanimously agreed on the appointments.

252

253 Mrs. Naiman reported that she attended a Sycamore Advisory Committee meeting at Mapledale Elementary. She
254 stated they spoke about masking precautions and the “Always an Aviator” campaign.

255

256 Mrs. Naiman reported that at the Beautification and Tree Commission they discussed the following topics:

257

- Holiday Decor Takedown

258

- B & T Talk Series-with a Bee Talk scheduled for 4/27

259

- 2022 Garden Tour

260

261

Mr. Suer

262

263 Mr. Suer made a motion to reappoint Jane Garfield to the Landmarks Commission with a term ending on January
264 31, 2025. He explained that the reappointments have not been discussed at the Committee level so they would need
265 a second. Mr. Cappel seconded. City Council unanimously agreed.

266

267

Mr. Messer

268

269 Mr. Messer made a motion to reappoint Fred Kleiser to the Civil Service Commission with a term ending on January
270 31, 2025. He explained that the reappointments have not been discussed at the Committee level so they would need
271 a second. Mr. Cappel seconded. City Council unanimously agreed.

272

273 Mr. Messer stated that he would be on vacation during the week of the May 4 Business Session.

274

275

Mayor Margolis

276

277 Mayor Margolis reported that he would be out of town from January 27 through January 30 and asked Vice Mayor
278 Bissmeyer to be acting Mayor during that time.

279

280

MINUTES

281

282 Mr. Cappel moved to accept the January 5, 2022 Business Session minutes as written. Vice Mayor Bissmeyer
283 seconded. City Council unanimously agreed.

284

285

OTHER BUSINESS

286

287 Liquor Control Board Request for a Hearing-Taglio Bar & Pizzeria-Police Chief Crowell explained that a request
288 from the Ohio Division of Liquor Control was received asking that City Council to confirm their desire for a hearing
289 on the requested transfer of a TREX D1, D2 and D3 Liquor License from Taglio Bar and Pizzeria at 9321
290 Montgomery Road. The application for this license was presented at the December 15, 2021 Work Session and
291 approved by Council. He added that he has no objection to the issuance of the liquor license and would not
292 recommend a hearing.

293

294 Mr. Cappel made a motion to not request a hearing with the Board of Liquor Control on this request. Vice Mayor
295 Bissmeyer seconded. City Council unanimously agreed.

296

297 Liquor Control Board Request for a Hearing-Board & Brush Studios- Police Chief Crowell explained that a request
298 from the Ohio Division of Liquor Control was received asking City Council to confirm their desire for a hearing on
299 the requested transfer of a license due to the transfer of ownership from Newsom Studios Ohio, LLC to BTB

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300 Enterprises, LLC at 7831 Cooper Road. He added that he has no objection to the issuance of the liquor license and
301 would not recommend a hearing.

302
303 Mr. Cappel made a motion to not request a hearing with the Board of Liquor Control on this request. Vice Mayor
304 Bissmeyer seconded. City Council unanimously agreed.

305
306 **ADJOURNMENT**

307
308 Mayor Margolis asked if there was any further business to discuss in Public Session. There being none he asked for
309 a motion to adjourn.

310
311 Mr. Cappel moved to adjourn. Vice Mayor Bissmeyer seconded. City Council unanimously agreed.

312
313 City Council adjourned at 8:14 p.m.

314
315
316
317

Connie Gaylor, Clerk of Council