

January 14, 2022

TO: Mayor and City Council Members

FROM: Brian K. Riblet, City Manager 

SUBJECT: City Council Work Session of Wednesday, January 19, 2022

As a reminder, City Council is scheduled to meet in Work Session on Wednesday, January 19, 2022 at 7:00 p.m.

Work Session

1. Call to Order
2. Roll Call
3. Special Presentation
 - a. Paul and Penny Curtis will be in attendance to be presented with a Certificate of Appreciation as the 2021 Beautification and Tree Commission's Fall Seasons of Beauty Winners
 - b. Larry Dannenberg of the Montgomery Farmers Market will present an update on the Market to City Council
4. Guest and Residents
5. Legislation for Consideration this Evening
6. Establishing an Agenda for February 2, 2022 Business Session

Pending Legislation

There is no pending legislation

New Legislation

- a. An Ordinance Establishing an Excise Lodging Tax—Please see the attached correspondence from Law Director Terry Donnellon requesting that City Council consider the approval of an Ordinance establishing 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. 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-end boutique hotel will fill that gap to support not only the Montgomery Quarter development, but the entire community.

Add this Ordinance to the February 2, 2022 Business Session, assign to a Council Member for first reading. The second reading of the Ordinance will be held at the March 2, 2022 Business Session. The third reading of the Ordinance will be held at the April 6, 2022 Business Session with adoption of the Ordinance requested at that meeting.

- 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—Please see attached correspondence from Public Works Director Gary Heitkamp requesting that City Council consider the approval of this Resolution authorizing 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).

Add this Resolution to the February 2, 2022 Business Session agenda, assign it to a City Council member for reading, and consider adoption of the Resolution that evening.

7. Administration Report

8. Law Director Report

9. City Council Member Reports

a. Mr. Cappel

- i. Reappoint Greg Brodrick and Zeeshan Pasha to the Environmental Advisory Commission with terms ending January 31, 2025

Make a motion to reappoint

These reappointments are a recommendation from the Public Works Committee that met on January 10, 2022 and therefore do not a second.

Voice Vote

b. Vice Mayor Bissmeyer

- i. Reappoint Mary Jo Byrnes, Peter Fossett and Richard White to the Board of Zoning Appeals for terms ending January 31, 2026.

Make a motion to reappoint

These reappointments have not been discussed at the Committee level so they would need a second.

Voice Vote

- iii. Reappoint Patrick Stull to the Planning Commission with a term ending on January 31, 2026

Make a motion to reappoint

This reappointment has not been discussed at the Committee level so it would need a second.

Voice Vote

c. Mr. Dobrozsi

- i. Reappoint Elise Williams and Christine Genovese to the Arts Commission with terms ending January 31, 2025
- ii. Reappoint Marcallene Shockey and Blair Davis to the Sister Cities Commission with terms ending January 31, 2025

Make a motion to reappoint

These reappointments are a recommendation from the Government Affairs Committee that met on January 10, 2022 and therefore do not a second.

Voice Vote

d. Mrs. Naiman

- i. Reappoint Shannon Powers and Travis Everly to the Beautification and Tree Commission with terms ending on January 31, 2025

Make a motion to reappoint

These reappointments have not been discussed at the Committee level so they would need a second.

Voice Vote

- ii. Reappoint Jorge Tameron to the Parks and Recreation Commission with a term ending on January 31, 2025

Make a motion to reappoint

These reappointments have not been discussed at the Committee level so they would need a second.

Voice Vote

- iii. Appoint the following individuals to the Diversity and Inclusion Commission and their specified terms:

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
Umana Alam	for a term ending on January 31, 2025
Benny Miles	for a term ending on January 31, 2025

An Ordinance was passed at the December 1, 2021 Business Session establishing the Diversity and Inclusion Commission. As stated in the Ordinance the Commission will consist of seven members with staggered three year terms. This appointment will establish those initial terms and then reappointments will be considered when those four initial two year terms expire to bring the members into a regular term.

Make a motion to appoint

These appointments are a recommendation from the Government Affairs Committee that met on January 10, 2022 and therefore do not a second.

Voice Vote

e. Mr. Suer

- i. Reappoint Jane Garfield to the Landmarks Commission with a term ending on January 31, 2025

Make a motion to reappoint

This reappointment has not been discussed at the Committee level so it would need a second.

Voice Vote

f. Mr. Messer

- i. Reappoint Fred Kleiser to the Civil Service Commission with a term ending on January 31, 2025

Make a motion to reappoint

This reappointment has not been discussed at the Committee level so it would need a second.

Voice Vote

g. Mayor Margolis

10. Approval of Minutes- January 5, 2022 Business Session

11. Other Business

- a. Liquor Control Board Request for a Hearing-Taglio Bar & Pizzeria-Please find the attached request from the Ohio Division of Liquor Control requesting that City Council confirm their desire for a hearing on the requested transfer of a TREX D1, D2 and D3 Liquor License from Taglio Bar and Pizzeria at 9321 Montgomery Road. The application for this license was presented at the December 15, 2021 Work Session and approved by Council.

Make a Motion to have or not have a hearing regrading this request

Voice Vote

- b. Liquor Control Board Request for a Hearing-Board & Brush Studios-Please find the attached memo from Police Chief John Crowell regarding a request from the Ohio Division of Liquor Control requesting that City Council confirm their desire for a hearing on the requested transfer of a license due to the transfer of ownership from Newsom Studios Ohio, LLC to BTB Enterprises, LLC at 7831 Cooper Road.

Make a Motion to have or not have a hearing regrading this request

Voice Vote

12. Executive Session

13. 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

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City Hall

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



CITY OF

MONTGOMERY

Certificate of Appreciation

to

Paul and Penny Curtis

10630 Indianwoods Drive

WHEREAS, the Montgomery Beautification and Tree Commission has selected the home of Paul and Penny Curtis, as the 2021 Fall Seasons of Beauty Award Winner; and,

WHEREAS, the Curtis's family home was a favorite of the many Trick-or-Treaters, decorated for both Halloween and the fall season. The exterior of this traditional home was recently updated with neutral tones and accented with black flowerboxes. The homeowner installed a drip irrigation system through each box so that the summer plantings of deep pink Impatiens and both purple and green Sweet Potato Vines would last long into the fall. The beds of the home were meticulously manicured with both mulch and stone and highlighted by a feature row of Quick Fire Hydrangea whose blooms turned a deep rosy pink in the fall and leaves that turned gold and burgundy; and,

WHEREAS, Paul and Penny made their home a showstopper during Halloween. The front yard featured a ghost, zombie, skeletal dogs, spider and spider web, hand-carved pumpkins, and a 20-foot tall Grim Reaper encased in fog. Eerie lighting and music also greeted the many Halloween visitors; and,

WHEREAS, the Seasons of Beauty award recognizes homes and businesses in Montgomery with special front yards, window boxes, and planters that peak during certain seasons as well as those homes and businesses with decorative features that celebrate the "season" or holiday; and,

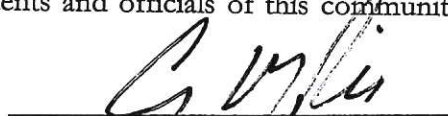
WHEREAS, Paul and Penny Curtis have contributed to the beautification of Montgomery through the landscaping of their property, thereby visually enhancing the City for all its citizens.

NOW THEREFORE, BE IT CERTIFIED by the Council of the City of Montgomery, Ohio:

SECTION 1. The Council of the City of Montgomery, Ohio recognizes this extraordinary effort and contribution to our City and calls upon all residents and officials of this community to honor Paul and Penny Curtis for their efforts.



Lee Ann Bissmeyer, Councilmember



Craig Margolis, Councilmember



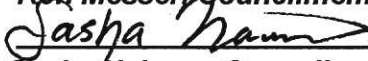
Mike Cappel, Councilmember



Ron Messer, Councilmember



Chris Dobrozsi, Councilmember



Sasha Naiman, Councilmember



Ken Suer, Councilmember

TO: Mayor Craig D. Margolis
Members of City Council

FROM: Terrence M. Donnellon

RE: Establishing an Excise Lodging Tax

DATE: January 13, 2022


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

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. There already is in place a 6.5% excise tax collected by Hamilton County principally to support convention facilities. Many other jurisdictions in Hamilton County have their separate excise tax and do not share in any portion of the County tax when a development brings a hotel online. The excise tax is in addition to any sales tax imposed by R.C. § 5739.02.

This Ordinance will enact the excise tax for the City in the total amount of 3%. The Ordinance defines the terms *Hotel*, *Occupancy*, *Operating*, and *Rent*, and is mirrored after legislation in place by similar communities throughout the county. A Hotel is defined as an establishment offering Five (5) or more rooms for occupancy. Rent is the gross amount charged for lodging.

Once this excise tax is in place and an Occupancy permit is issued for the hotel, the City will begin to collect this 3% tax which may provide long-term support for the City at large and specifically the Montgomery Quarter development project.

Respectfully submitted,



Terrence M. Donnellon,
Law Director

TMD/lld
Enclosure

cc: Brian Riblet, City Manager
Connie Gaylor, Administrative Coordinator
Department Heads
File

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.

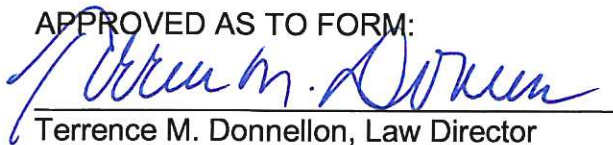
(f) Each day that a violation occurs may be charged as a separate offense.

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

January 7, 2022

TO: Brian Riblet, City Manager
FROM: Gary Heitkamp, Public Works Director
SUBJECT: Legislation Request for Purchase of a John Deere 410L Backhoe Loader

Request

It is necessary for City Council to adopt a Resolution authorizing the City Manager to enter into contract with Murphy Tractor & Equipment Co. for the purchase of a John Deere 410L Backhoe Loader.

Financial Impact

The purchase of a replacement backhoe is programmed in the 2022 Capital Improvement Program. The legislation amount requested is \$140,595.29 and would be funded through the 410-261-5405 account.

Background

The 2022 Capital Improvement Program budget includes the funding for the replacement of a 2006 John Deere 310G Backhoe Loader that currently has 2,920 operating hours and has been in use for 15 years.

Staff has reviewed the various activities the backhoe would be used for and found that the John Deere 410L Backhoe Loader from Murphy Tractor & Equipment Co. will meet the requirements for our public works operations. The backhoe will be purchased utilizing State Bid through the State of Ohio Cooperative Purchasing Agreement (Supplier OAKS Contract ID 800864-48, Program ID - UINV9013).

Recommendation

Staff recommends that City Council authorize the City Manager to enter into a contract with Murphy Tractor & Equipment Co. in the amount of \$140,595.29 for the purchase of a John Deere 410L Backhoe Loader available through the State of Ohio Cooperative Purchasing Agreement.

If there are any questions or if additional information is required, please do not hesitate to contact me.

Attachment - Murphy Tractor & Equipment Co. Quote (3 pages)

Name	Phone	Fax	Email Address
Mr. Matt Poppe	(937) 693-5000	(937) 693-6236	matt.poppe@koenigequipment.com

<u>Dealer Name & Address</u>	<u>Remit To:</u>	<u>OAKS Contract ID:</u>
----------------------------------	------------------	--------------------------

0000183719 Murphy Tractor & Equipment Co. Inc. 1550 Industrial Pkwy S Brunswick Branch Brunswick, OH 44212-2349	0000183719 Murphy Tractor & Equipment Co. Inc. 2121 Walcutt Rd. Columbus, OH 43228-9575	800864-46
--	--	-----------



Dealer's Contact:

Name	Phone	Fax	Email Address
Mr. Mike Slinger	(614) 876-1141	(614) 876-3059	mslinger@murphytractor.com

<u>Dealer Name & Address</u>	<u>Remit To:</u>	<u>OAKS Contract ID:</u>
----------------------------------	------------------	--------------------------

0000183719 Murphy Tractor & Equipment Co. Inc. 1509 Raff Rd. SW Canton Branch Canton, OH 44710-2321	0000183719 Murphy Tractor & Equipment Co. Inc. 2121 Walcutt Rd. Columbus, OH 43228-9575	800864-47
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Dealer's Contact:

Name	Phone	Fax	Email Address
Mr. Mike Slinger	(614) 876-1141	(614) 876-3059	mslinger@murphytractor.com

<u>Dealer Name & Address</u>	<u>Remit To:</u>	<u>OAKS Contract ID:</u>
----------------------------------	------------------	--------------------------

0000183719 Murphy Tractor & Equipment Co. Inc. 11441 Mosteller Rd. Cincinnati Branch Cincinnati, OH 45241-1829	0000183719 Murphy Tractor & Equipment Co. Inc. 2121 Walcutt Rd. Columbus, OH 43228	800864-48
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Dealer's Contact:

Name	Phone	Fax	Email Address
Mr. Mike Slinger	(614) 876-1141	(614) 876-3059	mslinger@murphytractor.com

<u>Dealer Name & Address</u>	<u>Remit To:</u>	<u>OAKS Contract ID:</u>
----------------------------------	------------------	--------------------------

0000183719 Murphy Tractor & Equipment Co. Inc. 2121 Walcutt Rd. Columbus Branch Columbus, OH 43228-9575	0000183719 Murphy Tractor & Equipment Co. Inc. 2121 Walcutt Rd. Columbus, OH 43228-9575	800864-49
--	--	-----------



Dealer's Contact:

Name	Phone	Fax	Email Address
Mr. Mike Slinger	(614) 876-1141	(614) 876-3059	mslinger@murphytractor.com

<u>Dealer Name & Address</u>	<u>Remit To:</u>	<u>OAKS Contract ID:</u>
----------------------------------	------------------	--------------------------

0000183719 Murphy Tractor & Equipment Co. Inc. 1 Deere Way Jackson Branch Jackson, OH 45640-7801	0000183719 Murphy Tractor & Equipment Co. Inc. 2121 Walcutt Rd. Columbus, OH 43228-9575	800864-50
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Dealer's Contact:

OHIO STATE TERM SCHEDULE #800864 Discount Schedule

Last updated 07 MAY 2021

JOHN DEERE CONSTRUCTION RETAIL SALES

	Model	List Price	Discount off List	Price Page Date
Backhoes				
	310L EP	\$114,637	45.00%	04-May-21
	310L	\$119,333	45.50%	04-May-21
	310SL	\$124,205	45.50%	04-May-21
	310SL HL	\$125,870	45.50%	04-May-21
	315SL	\$121,917	45.50%	04-May-21
	410L	\$133,864	44.00%	04-May-21
	710L	\$213,434	43.00%	04-May-21
Compact Track Loaders				
	317G	\$59,637	31.00%	04-May-21
	325G	\$64,462	31.00%	04-May-21
	331G	\$78,238	31.00%	04-May-21
	333G	\$91,804	31.00%	04-May-21
Crawler Dozers				
	450K	\$120,681	29.00%	04-May-21
	550K	\$139,090	29.00%	04-May-21
	650K	\$165,497	28.00%	04-May-21
	700L	\$196,900	25.00%	04-May-21
	750L	\$300,467	25.00%	04-May-21
	850L	\$370,491	28.00%	04-May-21
	950K	\$636,151	33.00%	04-May-21
Crawler Loader				
	755K	\$344,154	28.00%	04-May-21
Excavators				
	75G	\$132,948	34.50%	06-May-21
	85G	\$138,325	33.50%	06-May-21
	130G FT4	\$169,083	36.00%	06-May-21
	135G FT4	\$207,056	36.00%	06-May-21
	160G LC FT4	\$191,435	36.50%	06-May-21
	200G LC FT4	\$198,810	36.00%	06-May-21
	210G LC FT4	\$209,589	36.50%	06-May-21
	245G LC FT4	\$270,523	35.50%	06-May-21
	250G LC FT4	\$247,780	33.50%	06-May-21
	300G LC FT4	\$288,779	33.50%	06-May-21
	345G LC FT4	\$333,486	32.50%	06-May-21
Compact Excavators				
	17G	\$32,995	28.50%	06-May-21
	26G	\$40,372	28.50%	06-May-21
	30G	\$48,851	28.50%	06-May-21
	35G	\$54,204	28.50%	06-May-21
	50G	\$72,217	28.50%	06-May-21
	60G	\$81,425	28.50%	06-May-21
Motor Graders				
	620G	\$313,161	42.50%	06-May-21
	622G	\$360,985	42.50%	06-May-21
	670G	\$346,381	42.50%	06-May-21
	672G	\$390,495	43.00%	06-May-21
	770G	\$373,719	45.00%	06-May-21
	772G	\$424,726	45.50%	06-May-21
	870G	\$405,353	44.50%	06-May-21
	872G	\$470,766	44.50%	06-May-21
Skid Steer Loaders				
	316GR	\$39,820	31.00%	06-May-21
	318G	\$42,194	31.00%	06-May-21
	320G	\$48,671	31.00%	06-May-21
	324G	\$52,741	31.00%	06-May-21
	330G	\$63,303	31.00%	06-May-21
	332G	\$73,466	31.00%	06-May-21
Wheel Loaders				

	444P	\$167,936	37.50%	06-May-21
	524P	\$186,395	40.00%	06-May-21
	544P	\$212,696	40.50%	06-May-21
	624P	\$235,612	39.50%	06-May-21
	644P	\$283,841	37.00%	06-May-21
	644X	\$285,441	37.00%	06-May-21
	724P	\$305,224	39.00%	06-May-21
	744L	\$409,299	38.00%	06-May-21
	824L	\$429,684	38.00%	06-May-21
	844L	\$499,894	38.00%	06-May-21
Wheel Loader (Compact)				
	204L	\$82,184	27.00%	06-May-21
	244L	\$101,663	27.00%	06-May-21
	304L	\$93,783	27.00%	06-May-21
	324L	\$115,026	27.00%	06-May-21
	344L	\$156,963	27.00%	06-May-21
Worksite Pro Attachments				
	Various		20.00%	



Quote Summary

Prepared For:

CITY OF MONTGOMERY
7315 CORNELL RD
MONTGOMERY, OH 45242

Prepared By:

BEN SUTKAMP
Murphy Tractor & Equipment
11441 Mosteller Road
Cincinnati, OH 45241
Phone: 513-772-3232
Mobile: 513-535-0958
bsutkamp@murphytractor.com

**PRICES AND DISCOUNTS SUBJECT TO CHANGE AFTER
12/30/2021**

**PRICE REFLECTS 44% DISCOUNT OFF OF LIST + STS FEE PER
STS CONTRACT**

Program ID - UINV9013

Quote Id: 24660097
Created On: 14 June 2021
Last Modified On: 21 November 2021
Expiration Date: 21 June 2021

Equipment Summary	Selling Price	Qty	Extended
JOHN DEERE 410L BACKHOE LOADER - TBD	\$ 138,545.29 X	1 =	\$ 138,545.29
John Deere Extended Warranty-60mo/3000hr EPTW	\$ 2,050.00 X	1 =	\$ 2,050.00
Sub Total			\$ 140,595.29
Equipment Total			\$ 140,595.29



Selling Equipment



Quote Id: 24660097

Customer: CITY OF MONTGOMERY

JOHN DEERE 410L BACKHOE LOADER - TBD

Hours:

Stock Number: TBD

				Selling Price
				\$ 138,545.29
Code	Description	Qty	Unit	Extended
0AB1T	410L BACKHOE LOADER	1	\$ 133,864.00	\$ 133,864.00
Standard Options - Per Unit				
170C	JDLink Ultimate 5 Year Subscription	1	\$ 0.00	\$ 0.00
1065	John Deere PowerTech™ EWL 4.5L (276 Cu. In.) Engine Meets Final Tier 4 and Stage IV Emissions	1	\$ 15,228.00	\$ 15,228.00
2035	Cab	1	\$ 13,243.00	\$ 13,243.00
2401	English Decals with English Operator and Safety Manuals	1	\$ 0.00	\$ 0.00
3095	Mechanical Front Wheel Drive (MFWD) with Limited Slip Differential Autoshift Transmission	1	\$ 0.00	\$ 0.00
4466	Galaxy 21L 24 in. 12 PR Rear & 12.5/80-18 10PR Front	1	\$ 0.00	\$ 0.00
5285	Pilot Controls, Two Lever, with Pattern Selection	1	\$ 2,665.00	\$ 2,665.00
5401	Less Coupler - Thumb ready	1	\$ 0.00	\$ 0.00
5600	Less Backhoe Bucket with Bucket Pins	1	\$ 0.00	\$ 0.00
6020	Extendible Dipperstick	1	\$ 8,365.00	\$ 8,365.00
6230	Auxiliary Hydraulic with One & Two Way Flow (Hammer & Thumb/Swinger)	1	\$ 6,225.00	\$ 6,225.00
7080	Three-Function Loader Hydraulics, Single Lever	1	\$ 3,268.00	\$ 3,268.00
7685	Wide Multipurpose Bucket	1	\$ 7,593.00	\$ 7,593.00
8485	1250 Lb. (567 kg) Front Counterweight	1	\$ 1,758.00	\$ 1,758.00
8685	Dual Maintenance Free Batteries With Disconnect and Jump Post	1	\$ 544.00	\$ 544.00
9045	Chrome Exhaust Extension	1	\$ 178.00	\$ 178.00
9060	Front View Mirror	1	\$ 82.00	\$ 82.00
9115	Auto Ride Control	1	\$ 2,335.00	\$ 2,335.00
9116	LED Light Package	1	\$ 1,053.00	\$ 1,053.00
9120	Heavy-Duty Grille Frame	1	\$ 555.00	\$ 555.00
9515	Diagnostic Oil Sampling Ports	1	\$ 207.00	\$ 207.00
9916	Radio, Bosch Premium Package	1	\$ 1,356.00	\$ 1,356.00
9919	Sun Visor	1	\$ 95.00	\$ 95.00
9947	Heavy-Duty Stabilizer Pads	1	\$ 462.00	\$ 462.00
9975	Seat, Vinyl Air-Suspension	1	\$ 503.00	\$ 503.00
Standard Options Total				\$ 65,715.00

Confidential



Selling Equipment



Quote Id: 24660097

Customer: CITY OF MONTGOMERY

Dealer Attachments				
AT313592	TAG Hydraulic Tilt Coupler	1	\$ 27,125.00	\$ 27,125.00
	TAG 12" HD Bucket	1	\$ 1,525.00	\$ 1,525.00
	TAG 24" HD Bucket	1	\$ 1,900.00	\$ 1,900.00
	6 inch Amber Warning Light with LED Beacon and Magnetic Roof Mounting Kit	1	\$ 380.00	\$ 380.00
	TAG Main-pin Hydraulic Thumb	1	\$ 6,120.00	\$ 6,120.00
	Dead Pins	2	\$ 285.00	\$ 570.00
	TAG 36" Ditching Bucket	1	\$ 1,514.05	\$ 1,514.05
	Hooks and 48" Forks - Kit	1	\$ 2,247.96	\$ 2,247.96
	Dealer Attachments Total			\$ 41,382.01
Service Agreements				
	John Deere Extended Warranty - 60mo/3000hr EPTW	1	\$ 2,050.00	\$ 2,050.00
	Service Agreements Total			\$ 2,050.00
Other Charges				
	Install Cplr, Hooks, Thumb	1	\$ 6,250.00	\$ 6,250.00
	Sourcewell or STS Fee	1	\$ 1,802.00	\$ 1,802.00
	Other Charges Total			\$ 8,052.00
	Suggested Price			\$ 251,063.01
Customer Discounts				
	Customer Discounts Total		\$ -110,467.72	\$ -110,467.72
Total Selling Price				\$ 140,595.29

Current Contract Detail

Contract Title

Heavy Equipment - Excavators, Loaders, Dozers, Graders

General Information

Contract Type: State Term Schedule
Contract Status: Awarded
Commodity Category: Building Construction Equipment,
Supplies & Services
Schedule Number: 800864
Index Number: STS515

Supplier:

JOHN DEERE CONSTRUCTION
RETAIL SALES

Supplier OAKS
Contract ID:

800864

Dealers(s):

View

Comments/Memo:

Discount Matrix and Pricing

Contract Analyst: Terri Villavicencio
Terri.Villavicencio@das.ohio.gov

Expiration Date:

7/31/2022

Associated PDF Files

Procurement Programs

Amendment/Addenda:

... ▼

Select to view

Open Solicitation:

Yes

Original Contract:


View ORIGINAL CONTRACT 

Other

Revised Contract:

View REVISED CONTRACT 

Terms and Conditions:

 View TERMS & CONDITIONS

Open to Co-op:

Yes

eMarketPlace:

No

Financing Available:

No

Leasing Available:

No

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

January 14, 2022

To: Connie Gaylor, Clerk of Council

From: John Crowell, Police Chief



Subject: Liquor Permit

I am in receipt of a notification from the Ohio Division of Liquor Control, for the transfer of stock and membership of an existing liquor license for Board & Brush located at 7831 Cooper Road from Newsom Studios Ohio, LLC to BTB Enterprises LLC.

It is my understanding that this notice is for the restructuring of stock membership and does not change the permit classes that the license covers. I am not aware of any information that would cause the City of Montgomery to object to the issuance of this permit or any need to request a hearing.

Should you have any questions, please do not hesitate to contact me.

NOTICE TO LEGISLATIVE
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

1135110		TRFO	BTB ENTERPRISES LLC DBA BOARD & BRUSH 7831 COOPER RD MONTGOMERY OH 45242
PERMIT NUMBER		TYPE	
06	01	2021	
ISSUE DATE			
12	16	2021	
FILING DATE			
D1			
PERMIT CLASSES			
31	264	A	F26931
TAX DISTRICT			RECEIPT NO.

FROM 12/20/2021

6379395			NEWSOM STUDIOS OHIO LLC DBA BOARD & BRUSH 7831 COOPER RD MONTGOMERY OH 45242
PERMIT NUMBER		TYPE	
06	01	2021	
ISSUE DATE			
12	16	2021	
FILING DATE			
D1			
PERMIT CLASSES			
31	264		
TAX DISTRICT			RECEIPT NO.



MAILED 12/20/2021

RESPONSES MUST BE POSTMARKED NO LATER THAN. 01/20/2022

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES **A TRFO 1135110**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CLERK OF MONTGOMERY CITY COUNCIL
10101 MONTGOMERY RD
MONTGOMERY OHIO 45242

January 14, 2022

To: Connie Gaylor, Clerk of Council

From: John Crowell, Police Chief *JDC*

Subject: Liquor Permit

Regarding the January 4, 2022 notification from the Ohio Division of Liquor Control for the transfer of a TREX liquor permit requested by Al Taglio Montgomery, LLC dba Taglio's Bar & Pizzeria Blessing 9321 Montgomery Road.

I am not aware of any information that would justify the City of Montgomery to request a hearing in front of the Ohio Division of Liquor Control and therefore recommend a motion to be made by City Council to not request a hearing with the Ohio Division of Liquor Control.

Should you have any questions, please do not hesitate to contact me.

NOTICE TO LEGISLATIVE
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

0143380			TREX	AL TAGLIO MONTGOMERY LLC DBA TAGLIO BAR & PIZZERIA 9321 MONTGOMERY RD MONTGOMERY OH 45242
PERMIT NUMBER			TYPE	
06	01	2019		
ISSUE DATE				
12	30	2021		
FILING DATE				
D1 D2 D3				
PERMIT CLASSES				
31	264	A	F26977	
TAX DISTRICT			RECEIPT NO.	

FROM 01/04/2022 SAFEKEEPING

0006467				A TAVOLA TRATTORIA LLC DBA A TAVOLA TRATTORIA 1220 VINE ST & PATIO CINCINNATI OH 45202
PERMIT NUMBER			TYPE	
06	01	2019		
ISSUE DATE				
12	30	2021		
FILING DATE				
D1 D2 D3				
PERMIT CLASSES				
31	066			
TAX DISTRICT			RECEIPT NO.	



MAILED 01/04/2022

RESPONSES MUST BE POSTMARKED NO LATER THAN. 02/04/2022

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES **A TREX 0143380**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title) - ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CLERK OF MONTGOMERY CITY COUNCIL
10101 MONTGOMERY RD
MONTGOMERY OHIO 45242

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 Business Session Minutes
January 5, 2022

Present

Brian Riblet, City Manager
Terry Donnellon, Law Director
Kevin Chesar, Community Development Dir.
John Crowell, Police Chief
Gary Heitkamp, Public Works Director
Tracy Henao, Asst. City Manager
Katie Smiddy, Finance Director
Matthew Vanderhorst, Community and Information Services Director
Paul Wright, Fire Chief
Amy Frederick, Communications and Engagement Coordinator
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 Business Session for January 5, 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 a motion to dispense with roll call. Mr. Messer seconded. City Council unanimously agreed.

Mayor Margolis asked for a moment in silence in remembrance of former Council Member Gerri Harbison who passed away January 2, 2021.

SPECIAL PRESENTATION

Tom Gregory and family were presented with a Proclamation honoring the Montgomery Inn's 70th Anniversary.

City Council shared fond memories of their experiences dining at the icon restaurant and thanked the Gregory family for being wonderful community partners and friends.

NEW LEGISLATION

A Resolution Authorizing the City Manager to Contract with National Inspection Corporation for Professional Services to Serve as Building Official and to Provide Plan Review and Field Inspection Authority and Services for the City's Building Department for the Calendar Year 2022

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

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

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

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Vice Mayor Bissmeyer explained that information has been previously supplied on this legislation that, if passed, would authorize the City Manager to enter into a contract with National Inspection Corporation for professional services to serve as Building Official and to provide plan review and field inspection authority and services for the City's Building Department for the calendar year 2022. The City has contracted for approximately 18 years with National Inspection Corporation to provide plan review and field inspection authority and services for the City's building department and the City continues to be very satisfied with their ability to perform each of these duties.

Vice Mayor Bissmeyer asked if there were any updates.

Mr. Chesar replied there were none.

The roll was called and showed the following vote:

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

A Resolution Authorizing the City Manager to Enter into a Contract with CT Consultants, Inc. for Professional Services Related to General Engineering and Architectural Services for Calendar Year 2022

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

Mr. Cappel read the title and moved for passage. Mr. Dobrozsi seconded.

Mr. Cappel explained that information has been previously supplied on this Resolution that, if passed, would authorize the City Manager to enter into a contract with CT Consultants, Inc. for professional engineering and architectural services for calendar year 2022. The City has contracted for approximately 30 years with CT Consultants to provide civil, traffic, structural, electrical and storm water engineering services. CT Consultants has provided a competitive fee structure for 2022 including slight hourly rate increases for engineering services. As was provided in previous years, CT Consultants has deleted the line item for billing of the "Principal" from the fee schedule. If for any reason the Principal Engineer provides engineering services during the contract year for development/design review or project design/review, that work would be billed at the hourly rate of a "Senior Manager". Funding for this professional services contract is included in the City's 2022 Operating Budget in both the Public Works and Community Development operating budgets.

Mr. Cappel asked if there were any updates.

Mr. Heitkamp replied there were none.

Mr. Messer stated that in response to a question he had regarding the cost per year that was paid to CT Consultants that Mr. Heitkamp had provided him with information showing that \$92,465 was paid to CT Consultants for their services in 2021.

The roll was called and showed the following vote:

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

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A Resolution Accepting a Bid and Authorizing the City Manager to Enter into a Contract with Elex, Inc. for the Montgomery Heritage District Traffic Signal Project

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

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

Ms. Cappel explained that information has been previously supplied on this legislation that, if passed, would authorize the City Manager to enter into a contract with Elex, Inc. for the Montgomery Heritage District Traffic Signals Improvement project. The project was included in the Capital Improvement Budget for 2021 and will be funded through account 410-261-5470 Street Maintenance and Repair. It is requested that the project be approved in the amount of \$185,680.00, which is the amount of the Base Bid plus 10% contingency.

Mr. Suer asked Mr. Heitkamp how the installation would be conducted on the new signals.

Mr. Heitkamp explained that the new controllers would be installed on the signals one at a time, but all would be activated at the same time.

The roll was called and showed the following vote:

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

NAY: (0)

A Resolution Authorizing The City Manager To Enter Into A Contract With Human Nature, Inc. For Professional Design And Engineering Services Related To The Ronald Reagan Cross County Highway/Montgomery Road Interchange Landscaping Project

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

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

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

Mr. Messer explained that information has been previously supplied on this legislation that, if passed, would authorize the City Manager to enter into a contract with Human Nature, Inc. for design and engineering services for the Ronald Reagan Cross County Highway/Montgomery Interchange landscaping project.

Mr. Messer asked if there were any updates.

Mr. Riblet replied there were none.

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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 Enter Into A Lease For City Copier Equipment And Authorize Related Services

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

Mr. Dobrozsi read the title and moved for passage. Mr. Cappel seconded.

Mr. Dobrozsi explained that information has been previously supplied on this legislation that, if passed, would authorize the City Manager to enter into a contract with Prosource for the lease of copiers and related services. The current copier lease expires on April 1, 2022. A request for proposal was published on September 8, 2021, to solicit quotes for the replacement of equipment and maintenance agreements for the copiers located at City Hall, Public Works, and the Safety Center. A total of six proposals were received representing ten copier brands. After review, staff recommends ProSource Option 1 that includes four Konica copiers and related lease and maintenance costs totaling \$62,817.60. Prosource is an approved State of Ohio cooperative purchasing vendor.

Mr. Dobrozsi asked if there were any updates.

Mr. Vanderhorst replied there were none.

The roll was called and showed the following vote:

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

ADMINISTRATION REPORT

Mr. Riblet reported the following items:

- City Council Work Session is scheduled for Wednesday, January 19 at 7:00 p.m.
- The Government Affairs and Public Works Committees will hold their meetings on Monday, January 10 at 4:30 and 5:30 p.m., respectively. The Parks and Recreation Committee has cancelled their meeting for January.
- As part of the right-of-way acquisition for the Pfeiffer/Deerfield Roundabout project, the house at 10410 Deerfield Road is now the property of the City. S&ME, Inc. will be performing an asbestos inspection of the house to determine if there is any asbestos within the structure. The next step will be to raze the building making way for utility work and ultimately the construction of the roundabout this Summer/Fall.
- Ms. Smiddy reports that City earning's tax collections in 2021 totaled \$10.8M representing a 6.8% increase compared to 2020 receipts of \$10.1M. This will be reviewed in more detail at the February Financial Planning Committee meeting.

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- The Montgomery Road and Ronald Reagan Cross County Highway roundabout was selected as a finalist for the American Society of Highway Engineer's (ASHE) award. The next step in the process will be for Strand Associates and the City to give a presentation on Tuesday, January 18 to be voted on by the ASHE members.
- Mr. Riblet recognized that Mr. Suer would be celebrating his birthday on January 16.

APPROVAL OF MINUTES

Mayor Margolis asked for a motion to approve the December 15, 2021 Work Session minutes.

Mr. Cappel moved to approve the minutes as written. Vice Mayor Bissmeyer seconded. City Council unanimously agreed.

MAYOR'S COURT REPORT

Mayor Margolis explained that the December Mayors Court collections in the amount of \$10,120 need to be disbursed. He asked for a motion to accept the funds.

Mr. Cappel moved to accept the Mayors Court collections for the month of December in the amount of \$10,120. Vice Mayor Bissmeyer seconded. City Council unanimously agreed.

OTHER BUSINESS

Mayor Margolis recognized the service of Mike Harbison, former Chair of the Planning Commission, for his many years of service on the Commission and for his dedication to upholding the Building Code of the City.

Mayor Margolis asked if there was any other business to discuss. There being none he asked for a motion to adjourn.

Vice Mayor Bissmeyer made a motion to adjourn. Mr. Cappel seconded. City Council unanimously agreed.

City Council adjourned at 7:33 p.m.

Connie Gaylor, Clerk of Council