



March 18, 2022

TO: Mayor and City Council Members

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

SUBJECT: City Council Work Session of Wednesday, March 23, 2022

As a reminder, City Council is scheduled to meet in Work Session on Wednesday, March 23 immediately following the conclusion of a CIC meeting at 6:45 p.m.

Work Session

1. Call to Order
2. Roll Call
3. Special Presentation
 - a. Mark Stella will be presented with a Certificate of Appreciation for his years of service on the Landmarks Commission
4. Guest and Residents
5. Legislation for Consideration this Evening
 - a. A Resolution Establishing Compensation for The City Manager—The Government Affairs Committee of City Council has requested that the attached Resolution be presented to City Council. This Resolution will authorize an amendment to the current employment agreement with Mr. Brian Riblet as the City Manager of Montgomery. This Resolution is the result of the recent performance appraisal of the City Manager conducted by City Council. The Government Affairs Committee of City Council has recommended adoption of this Resolution.

Make a motion to add to the agenda

Voice Vote

Assign to a Council Member for Reading

Move to read the Resolution by title only

Voice Vote

Move passage of the Resolution

Roll Call Vote

- b. A Resolution Approving Participation in Region 2 Governance Structure Under the Oneohio Memorandum Of Understanding - Please see the attached correspondence from Terry Donnellon, Law Director requesting that City Council consider this legislation that, if adopted, would approve our support for the Region 2 Governance Structure to manage the opioid settlement through OneOhio. OneOhio was the cooperative effort among many jurisdictions throughout the State to join together to negotiate settlements in the complex opioid litigation. Most if not all of the litigation has now been brought to a close and we are being asked to endorse the Governance Structure for Region 2 which will include representatives from local communities as well as subject matter experts in managing opioid abatement programs.

Make a motion to add to the agenda

Voice Vote

Assign to a Council Member for Reading

Move to read the Resolution by title only

Voice Vote

Move passage of the Resolution

Roll Call Vote

6. Establishing an Agenda for April 6, 2022 Business Session

Pending Legislation

- a. An Ordinance Establishing an Excise Lodging Tax—(Mr. Suer-3rd Reading) Information has been previously supplied on this Ordinance that, if approved, would 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. 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 April 6, 2022 Business Session with adoption of the Ordinance requested at that meeting.

New Legislation

- a. An Ordinance Establishing Schedules of Municipal Compensation—Please find attached correspondence from Human Resources Manager Julie Prickett requesting that City Council adopt this Ordinance to establish a new Schedule of Municipal Compensation for non-bargaining unit employees. It is necessary to establish a new Schedule of Municipal Compensation as the current Schedule does not specify any wage rate adjustments for July 2022 or beyond. A new schedule is also needed to provide for title changes to address organizational needs.

Add this Ordinance to the April 6, 2022 Business Session agenda for first reading. The second reading of the Ordinance will be conducted at the May 4, 2022 Business Session. The third reading will be conducted at the June 1, 2022 Business Session with adoption of the Ordinance requested at that meeting.

7. Administration Report

8. Law Director Report

9. City Council Member Reports

- a. Mr. Cappel
- b. Vice Mayor Bissmeyer
- c. Mr. Dobrozsi
- d. Mrs. Naiman
- e. Mr. Suer
- f. Mr. Messer
- g. Mayor Margolis

10. Approval of Minutes- March 2, 2022 Public Hearing and Business Session

11. Other Business

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

March 23, 2022

City Hall

Immediately following the completion of the CIC meetings scheduled for 6:45 p.m.

1. Call to Order

2. Roll Call

3. Special Presentation

- a. Mark Stella will be presented with a Certificate of Appreciation for his years of service on the Landmarks Commission

4. Guests and Residents

5. Legislation for Consideration This Evening

- a. A Resolution Establishing Compensation for The City Manager

Make a motion to add to the agenda

Voice Vote

Assign to a Council Member for Reading

Move to read the Resolution by title only

Voice Vote

Move passage of the Resolution

Roll Call Vote

- b. A Resolution Approving Participation in Region 2 Governance Structure Under the OneOhio Memorandum of Understanding

Make a motion to add to the agenda

Voice Vote

Assign to a Council Member for Reading

Move to read the Resolution by title only

Voice Vote

Move passage of the Resolution

Roll Call Vote

6. Establishing an Agenda for the April 6, 2022 Business Session

Pending Legislation

- a. An Ordinance Establishing an Excise Lodging Tax—(Mr. Suer-3rd Reading)

Add this Ordinance to the April 6, 2022 Business Session with adoption of the Ordinance requested at that meeting.

New Legislation

- a. An Ordinance Establishing Schedules of Municipal Compensation

Add this Ordinance to the April 6, 2022 Business Session agenda for first reading. The second reading of the Ordinance will be conducted at the May 4, 2022 Business Session. The third reading will be conducted at the June 1, 2022 Business Session with adoption of the Ordinance requested at that meeting.

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



Certificate of Appreciation
to
Mark Stella

WHEREAS, Mark Stella generously shared his time and talents with the City of Montgomery by serving on the Landmarks Commission since 2011 and has fulfilled the role of Vice Chair since 2019; and,

WHEREAS, Mark and his wife have been the proud owners and caretakers of the Patmore-Lumley House since 2009 and completed many projects to preserve this Landmark Building for future generations; and,

WHEREAS, Mark shared advice on historic building maintenance and preservation with applicants and fellow Landmark owners based on his own labor of love; and,

WHEREAS, during his term of service on the Landmarks Commission, Mark faithfully attended the monthly meetings and was dedicated to preserving the City's history and upholding the spirit and intent of the Zoning Code; and,


WHEREAS, Mark could always be counted on to help with historic walking tours and Lantern and Landmarks events, to run 'old-fashioned' games at the Harvest Moon Festival or to lend a helping hand at Bastille Day alongside his fellow Commission members; and,


WHEREAS, Mark is dedicated to giving back to his community with a passion for the City's Heritage District and Landmark buildings and is a wealth of knowledge about the City's history; and,


WHEREAS, Mark's contributions have extensively contributed to making the City of Montgomery the special community that it is.

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

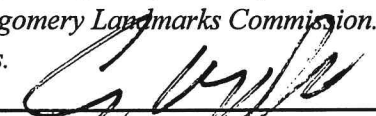
SECTION 1. On behalf of all citizens of the City of Montgomery, the City Council wishes to thank Mark Stella for his valued service as a member of the Montgomery Landmarks Commission. The citizens of Montgomery shall benefit now and hereafter from his efforts.




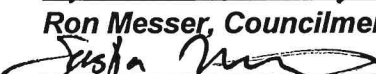
Lee Ann Bissmeyer, Councilmember


Mike Cappel, Councilmember


Chris Dobrozsi, Councilmember



Craig Margolis, Councilmember


Ron Messer, Councilmember


Sasha Naiman, Councilmember



Ken Suer, Councilmember

RESOLUTION NO. , 2022

A RESOLUTION ESTABLISHING COMPENSATION FOR THE CITY MANAGER

WHEREAS, Council, by authority of Article IV, Section 4.01 of the City Charter, is charged with the responsibility for appointment and compensation of the City Manager; and

WHEREAS, Council has completed its annual performance review of the City Manager, and in conjunction with that performance review has recommended an increase in compensation.

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

SECTION 1. Commencing March 1, 2022, salary compensation for the City Manager shall be fixed at One Hundred Seventy-Nine Thousand Twenty Five Dollars (\$179,025.00) per year. If necessary to accommodate the schedule for payroll, the City Manager shall be paid a lump sum during the next effective pay period for the change in compensation effective March 1. Additional compensation shall continue to be paid to the City Manager in the amount of Six Thousand Dollars (\$6,000.00) per year, payable in monthly installments, representing reimbursement to him for costs incurred for use of his personal automobile for City business.

SECTION 2. Effective the first pay period following approval of this Resolution, additional compensation payable to the City Manager shall include a lump sum payable in the amount of Seven Thousand Five Hundred Dollars (\$7,500.00) per year to the OML457 Deferred Compensation Plan, or other Deferred Compensation Plan in which

the City Manager may be entitled to participate through his employment with the City of Montgomery. This deferred compensation shall be paid in a lump sum in each future year with the first full pay period in March.

SECTION 3. Consistent with the adjustments made in 2021, the cap for accrued vacation for the City Manager shall be established at Four Hundred Eighty (480) hours.

SECTION 4. All other provisions of the Employment Agreement executed between the City Manager and the City of Montgomery with his hire in January 2018 and as amended for increased Severance Compensation shall remain in full force and effect.


SECTION 5. This Resolution shall take effect at the earliest opportunity allowed by law.

PASSED: _____

ATTEST _____
Shawn Cooper, Acting Clerk of Council

Craig D. Margolis, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director

TO: Mayor Craig D. Margolis
Members of City Council

FROM: Terrence M. Donnellon

RE: Approving Participation in Region 2
Governance Structure under the OneOhio
Memorandum of Understanding

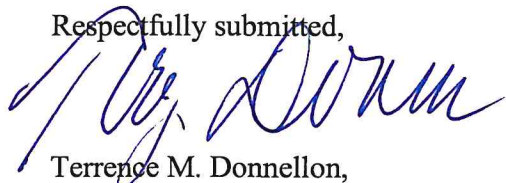
DATE: March 7, 2022

In February 2020, we were asked to approve participation in The OneOhio Memorandum of Understanding to support a concerted effort by communities throughout the State of Ohio to resolve the complex litigation involving manufacturers and distributors of opioids. Part of that OneOhio Memorandum of Understanding was to approve a structure for allocating funds received in settlement and to govern the distribution of those funds throughout the State of Ohio. As you may recall, thirty-five percent (35%) of the funds were earmarked to be paid to a separately established State Foundation, and thirty percent (30%) of the funds were earmarked to be distributed to Local Governments through a Regional Governance Structure. The funds may be used for prevention treatment, recovery, public awareness, and criminal justice response.

Much if not all of the opioid litigation has now been resolved and we are being asked to approve the Governance Structure consistent with the prior Memorandum of Understanding. This legislation will represent City Council's endorsement for the Governance Structure for Region 2 encompassing the Hamilton County area. The Exhibit A to the legislation details how the seats on the Governing Board will be allocated.

Council is asked to endorse the Resolution in cooperation with the Board of Commissioners of Hamilton County, Ohio by the close of March 2022. Procedures will then be in place to appoint the various Members to the Board.

Respectfully submitted,



Terrence M. Donnellon,
Law Director

TMD/lld
Enclosure

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

RESOLUTION NO. , 2022

**A RESOLUTION APPROVING PARTICIPATION IN REGION 2 GOVERNANCE
STRUCTURE UNDER THE ONEOHIO MEMORANDUM OF UNDERSTANDING**

WHEREAS, the City of Montgomery is a Local Government that has adopted and approved The OneOhio Memorandum of Understanding ("The Memorandum") which established a mechanism to disburse settlement proceeds from opioid litigation into Ohio's communities to help abate the opioid crisis, including allocations to Local Governments and Regions through a statewide Foundation; and

WHEREAS, the City of Montgomery is a participant in Region 2 as established by The Memorandum; and

WHEREAS, pursuant to The Memorandum, each Region shall create its own Governance Structure so it ensures all Local Governments have input and equitable representation regarding Regional decisions, including representation on the statewide Foundation Board and the selection of projects to be funded from the Regional Share; and

WHEREAS, Regions have the responsibility to make submissions regarding the allocation of funds to projects that will equitably serve the needs of the entire Region; and

WHEREAS, it is found that the Regional Governance Structure, attached hereto as Exhibit A, ensures all Local Governments in this Region have input and equitable representation regarding Regional decisions under The Memorandum.

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

SECTION 1. Subject to and effective upon the concurrence of all Local Governments (Counties, Cities, Villages, Townships) in Region 2, Council hereby approves and enters into the Regional Governance Structure attached hereto as Exhibit A.

SECTION 2. It is found and determined that all formal actions of this legislative body relating to the adoption of this Resolution were adopted in an open meeting, and that all deliberations that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements.

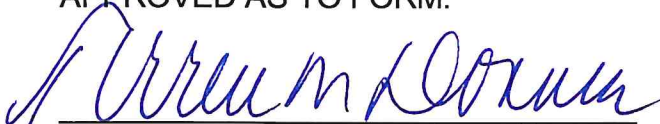
SECTION 3. This Resolution shall be in full force and effect from and after its passage.

PASSED: _____

ATTEST: _____
Shawn Cooper, Acting Clerk of Council

Craig D. Margolis, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director

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) *Operator* 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.

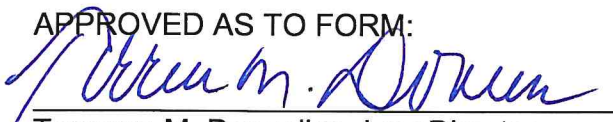
SECTION 14. This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Craig D. Margolis, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director

March 11, 2022

TO: Brian K. Riblet, City Manager

FROM: Julia E. Prickett, Human Resources Manager *JEP*

SUBJECT: Municipal Compensation Ordinance

Introduction

Traditionally the City's Schedule of Municipal Compensation for non-collective bargaining and exempt employees is adjusted annually in July to be consistent with collective bargaining employee wage rate adjustments. The current Schedule of Municipal Compensation does not specify any wage rate adjustments for July 2022 or beyond; therefore, a new compensation schedule needs to be adopted.

Background

A long-established goal of the City has been to maintain consistency with cost of living adjustments for its collective bargaining and non-collective bargaining and exempt employees. Last year in collective bargaining with the International Association of Firefighters (IAFF), a contract agreement was reached for full-time firefighter/paramedics and fire lieutenants which included wage increases of 2.75% effective in April 2021, 2.75% effective in April 2022, and 3.00% effective in April 2023. Through a collective bargaining agreement with the American Federation of State, County and Municipal Employees (AFSCME), full-time bargaining unit Public Works Department employees will receive a 2.75% wage increase in September 2022. Full-time patrol officers and sergeants, who are under a collective bargaining agreement with the Fraternal Order of Police (FOP), are in the final year of their contract and we will be conducting negotiations with this bargaining unit in the upcoming months.

It should also be noted that a comprehensive position wage survey of comparable local communities (Blue Ash, Forest Park, Indian Hill, Loveland, Madeira, Mason, Sharonville, Springdale and Wyoming) was conducted earlier this year. From the survey results we were able to determine that with an adjustment to the pay ranges for our position classifications consistent with cost of living adjustment (COLA) increases scheduled for our bargaining unit employees, our pay ranges would remain competitive in comparison to these other communities. With a 2.75% COLA increase for July 2022, wage ranges for our position classifications would generally continue to rank among the top half to top third among the surveyed communities.

As our organization continues to evolve to meet the changing needs of the community, occasionally other changes to the Schedule of Municipal Compensation are in order. During the upcoming months of the ordinance reading and adoption process, some additional position title changes and/or pay range changes may be recommended in order to address these evolving organizational needs.

Recommendation

It is recommended that City Council begin the reading and adoption process at its March 23, 2022 Work Session for a Municipal Compensation Ordinance in order to provide for pay ranges to be established for non-union and exempt positions to be effective beginning with the first day of the first pay period in July 2022. These new pay ranges would reflect a 2.75% cost of living wage increase in July 2022 and a 3.00% cost of living wage increase in July 2023, with these wage rate adjustments being comparable to cost of living adjustments received by our union employees.

C: File

ORDINANCE NO. , 2022

**AN ORDINANCE ESTABLISHING THE
SCHEDULE OF MUNICIPAL COMPENSATION FOR EMPLOYEES**

WHEREAS, Council must establish a Schedule of Municipal Compensation for City employees who are not members of a collective bargaining unit to be effective July 1, 2022 (the first day of the first full pay period in July 2022); and

WHEREAS, the Administration has recommended an increase in compensation for such employees, which is reflected in the Schedule of Municipal Compensation attached hereto; and

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

SECTION 1. Pursuant to requirements of Chapter 34 of the Montgomery Code of Ordinances, the Schedule of Municipal Compensation ("Schedule") is hereby established to govern the annual compensation of municipal employees who are not governed by collective bargaining agreements, which schedule shall be effective on July 1, 2022. The Schedule governing such positions is attached hereto as "Exhibit A" and is hereby made a part of this Ordinance as if fully rewritten herein.

SECTION 2. The Schedule prescribes the basic rates of pay for various classes of employees. Employees will typically be hired at the starting point of the appropriate salary range, but an employee may be placed at a higher location within their pay range at the discretion of the City Manager depending upon their qualifications, experience, and education. Employees may move through their respective salary range based upon work performance as determined through an annual performance review. The amount of the annual merit increase is dependent upon employee performance and funding availability.

SECTION 3. The City Manager is hereby authorized to grant an annual merit bonus, not to exceed two percent (2%) of the base salary of the employee, for full-time employees who have reached the top of their respective pay range. Permanent part-time employees who have reached the top of the pay range may be eligible for a

merit bonus of up to 20 hours of pay at their current hourly rate for exceptional work performance.

SECTION 4. This Ordinance shall be in full force and effect from and after the earliest period allowed by law.

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Craig D. Margolis, Mayor

APPROVED AS TO FORM



Terrence M. Donnellon, Law Director

Full-Time Schedule

Exhibit "A"

Range	Position	Effective first day of first full pay period in July 2022		Effective first day of first full pay period in July 2023	
		Minimum	Maximum	Minimum	Maximum
1A	Assistant City Manager Fire Chief Police Chief Public Works Director	\$108,825.60	\$144,726.40	\$112,091.20	\$149,073.60
1B	Director of Finance Community Development Director Community and Information Services Director	\$103,688.00	\$138,236.80	\$106,808.00	\$142,376.00
2	Assistant Fire Chief Assistant Police Chief Assistant Public Works Director	\$99,632.00	\$123,572.80	\$102,627.20	\$127,275.20
3A	Assistant Director of Finance/Tax Commissioner Human Resources Manager	\$77,251.20	\$101,192.00	\$79,560.00	\$104,228.80
3B	Communications and Engagement Coordinator Recreation Director	\$76,044.80	\$99,528.00	\$78,332.80	\$102,523.20
4	Zoning and Code Compliance Officer Public Works Department Supervisor Tax Commissioner	\$68,016.00	\$86,985.60	\$70,054.40	\$89,585.60
5	Construction and Compliance Inspector	\$31.49	\$39.68	\$32.44	\$40.87
6	Administrative Coordinator Assistant to the City Manager Office Manager	\$29.71	\$37.14	\$30.60	\$38.26
7	Recreation Specialist	\$27.77	\$34.98	\$28.60	\$36.03
8	Clerk of Court	\$25.45	\$33.11	\$26.22	\$34.10
9	Finance Specialist Customer Service Representative	\$25.08	\$31.35	\$25.84	\$32.29

All annual, salaried positions in Ranges 1 through 4 are calculated assuming a 26 pay period annual pay schedule, which is the normal annual pay schedule for the City. In the event that the City experiences a year which has 27 bi-weekly pay periods, the City's wage scale will reflect an increase of an additional 1/26th of the maximum salary for the purpose of meeting payroll for the 27th pay period. For all other years, the minimum and maximum salaries are as published on the pay schedule above.

Part-Time Schedule

Exhibit "A"

Range	Position	Effective first day of first full pay period in July 2022		Effective first day of first full pay period in July 2023	
		Minimum	Maximum	Minimum	Maximum
1A 1B 1C 1D	Special Projects Coordinator Assistant to the City Manager Finance Specialist Customer Service Representative Volunteer Coordinator	\$50.60 \$29.71 \$25.08 \$24.57	\$62.75 \$37.14 \$31.35 \$30.62	\$52.12 \$30.60 \$25.84 \$25.30	\$64.64 \$38.26 \$32.29 \$31.54
2	Firefighter/Paramedic	\$19.12	\$24.37	\$19.69	\$25.10
3	Custodian Firefighter/EMT	\$17.07	\$21.77	\$17.58	\$22.42
4	Intern Seasonal Service Worker	\$14.87	\$18.90	\$15.31	\$19.46
6	Auxiliary Police Officer	\$11.48	\$28.71	\$11.82	\$29.57

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City of Montgomery
City Council Special Session
March 2, 2022

Staff Present

Brian Riblet, City Manager

Council Members Present

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

City Council convened in Council Chambers with Mayor Margolis presiding at 5:30 p.m.

ROLL CALL

Mayor Margolis explained that Mrs. Naiman had notified him that she may be late. Mr. Cappel made a motion to excuse Mrs. Naiman. Vice Mayor Bissmeyer seconded. City Council unanimously agreed.

The roll was called and showed as follows:

PRESENT: Margolis, Bissmeyer, Dobrozsi, Cappel, Messer, Suer (6)
ABSENT: Naiman (1)

EXECUTIVE SESSION

Mr. Dobrozsi made a motion to adjourn into Executive Session for matters related to the employment and compensation of a public employee and/or public official. Mr. Cappel seconded.

The roll was called and showed the following vote:

AYE: Cappel, Bissmeyer, Dobrozsi, Margolis, Messer, Suer (6)
ABSENT: Naiman (1)

Mayor Margolis stated that if Council did not finish their discussion in Executive Session by 6:30 p.m., when they return to regular session, they will recess the Special Session to convene in the Public Hearing and, as noted before, after the Public Hearing they will commence the Business Session of Council and will resume the Executive Session after the Business Session.

City Council adjourned into Executive Session at 5:31 p.m.

Mrs. Naiman joined the meeting at 5:35 p.m.

City Council asked for a recess to convene into a Public Hearing at 6:30 p.m.

The Special Session of Council recessed at 6:29 p.m.

Clerk of Council

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City of Montgomery
City Council Public Hearing Minutes
March 2, 2022

Present

Brian Riblet, City Manager
Terry Donnellon, Law Director
Tracy Henao, Asst. City Manager
Kevin Chesar, Community Dev. Director
Gary Heitkamp, Public Works Director
Katie Smiddy, Finance Director
John Crowell, Police Chief
Paul Wright, Fire Chief
Matthew Vanderhorst, Community and Information Serv. Dir.
Amy Frederick, Community Engagement Coordinator
Connie Gaylor, Clerk of Council
Shawn Cooper, Customer Service Representative

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 Public Hearing for March 2, 2022 at 6:30 p.m. at City Hall with Mayor Margolis presiding.

Mayor Margolis stated that all Council members were in attendance.

Mayor Margolis explained that the Public Hearing was to consider text amendments to the Land Usage Code – Sign Regulations and Old Montgomery Gateway District Regulations.

NEW BUSINESS

Text Amendments to the Land Usage Code – Sign Regulations and Old Montgomery Gateway District Regulations

Ms. Henao explained that it is requested that City Council consider a recommendation from the Planning Commission on a series of text amendments to Chapter 151.30 Sign Code and 151.15 Old Montgomery Gateway District Regulations.

Ms. Henao explained that the City has partnered with Gateway Montgomery Partners, LLC to develop the Montgomery Quarter project with a shared vision, which includes a viable mix of uses including office, restaurant/retail, residential and a boutique hotel. The City has worked closely with the development team to develop a project that will have its own unique sense of place and create a ‘village within a village,’ while still complementing the adjacent Heritage District. She stated this has been accomplished through a carefully considered mix of uses, a high-quality public realm, enhanced public spaces and pedestrian friendly elements.

The architecture and massing and scale for the buildings in Phase I of the project has been approved and construction is underway. As the development team has begun to market the project, there are concerns that the existing signage regulations are too restrictive and will not allow for proper identification and wayfinding. The existing Sign Code is primarily designed for signage on single or two-story buildings and the regulations are appropriate for the size and scale of those buildings. However, newer developments have buildings which are larger in scale and may have multiple entrances and frontage on more than one street which requires more flexibility to design effective identification and wayfinding signage.

Ms. Henao explained that in the past, signage for buildings of larger scale and massing have been approved by variance. In collaborating with applicant, Staff suggested that modifications to the Zoning Code would be more appropriate than requesting variances to create a cohesive approach to signage for the development and for the

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City Council Public Hearing Minutes

March 2, 2022

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city. The proposed text amendments have been created by Staff and the applicant working together to create proposed text amendments that will allow for flexibility in sign design while respecting the existing built environment. Staff also took the opportunity to clean up sections of the Sign Code that needed clarity (i.e., definitions, clarity on temporary signs in residential districts, process, etc.). It is important to note that the specific regulations for signage for the Heritage District as defined in Chapter 151.14 would supersede these regulations.

Ms. Henao explained that the Landmarks Commission met on November 10, 2021 and December 8, 2021 to discuss the recommendations. At the December 8, 2021 meeting, Staff reviewed the changes that were made since the first meeting and the applicant presented the additional information regarding lighting and brightness levels. After discussion, the Landmarks Commission voted to recommend approval of the proposed amendments to the Planning Commission (4-1 vote) with the following modifications:

- Establishing maximum foot candles to be no more than 0.01 footcandles from the property line.
- Creating a temperature color range.
- Establishing a maximum lumen level, consistent with the existing District (Old Montgomery Gateway), utilizing a lighting expert and final approval of the Landmarks Commission consultants, Ms. Sullebarger and Mr. Grier.
- Add the language that logos may be permitted to be internally illuminated, if appropriate to the architecture, scale and massing of the building, and approved by the Landmarks Commission.
- Add language that in all cases, logos shall be in line with the lettering size.
- Ask that the experts look at the two corners, three over three signs vertically stacked, and take their recommendation, if a limit is needed.

Ms. Henao stated that following the Landmarks Commission recommendation, Staff worked with Kolar Design and the Landmark Commission consultants to research and create proposed language to address the Commission's concerns regarding color temperature and brightness for internally illuminated signs. The changes were incorporated into the proposed text amendments for consideration by the Planning Commission. The Planning Commission met on January 18, 2022 to discuss the proposed text amendments as recommended by the Landmarks Commission. After discussion, the Planning Commission voted unanimously to recommend approval of the text amendments to Chapter 151 of the Land Usage Code as recommended by the Landmarks Commission.

Ms. Henao provided a summary of proposed text amendments as summarized below:

- Chapter 151.3002: Add a definition of channel letters.
- Chapter 151.3002: Remove height regulation from definition of a ground mounted sign. Heights of ground mounted signage would be defined in district regulations.
- Chapter 151.3002: Add clarification to the definition of wall sign to include projecting signs.
- Chapter 151.3011: Clarifying size of temporary signs in commercial districts.
- Chapter 151.3012(a): Proposed language creates different size maximums and heights for ground mounted signs based on size of the building (i.e., one and two story buildings vs. buildings with three or more stories).
- Chapter 151.3012(b): Proposed language creates different size maximums and heights for wall signs based on size of the building (i.e., one and two story buildings vs. buildings with three or more stories) in commercial districts. The proposed amendments would also limit the percentage of wall area where signs can be installed per frontage.
- Chapter 151.3012(b): Proposed language creates limitations on location based on architecture of the building versus setting a maximum height from grade in commercial districts.

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City Council Public Hearing Minutes

March 2, 2022

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- Chapter 151.3012(h): Adding clarity that sandwich board signs shall not be illuminated.
- Chapter 151.3013: Proposed language creates different size maximums and heights for wall signs based on size of the building (i.e., one and two story buildings vs. buildings with three or more stories) in office districts.
- Chapter 151.3012(b): Proposed language creates limitations on location based on architecture of the building versus setting a maximum height from grade in office districts.
- Chapter 151.3014: Proposed language provides clarity on illumination type for channel letter and prohibits open face channel letter with exposed neon lighting or LED ropes. Additional language prohibiting raceway mounting and requiring signs to be constructed so that conduit and piping for electrical sources are not exposed to view.
- Chapter 151.3014: Proposed language would allow internally illuminated signs in all districts except for the Heritage District and residential districts.
- Chapter 151.3017: Proposed language would give the Zoning Administrator the authority to approve signs that meet the code requirements without obtaining approval from the Planning Commission.
- Chapter 151.1518 Signage in OMG District: Remove language that is contradictory to proposed text amendments to the Sign Code.

In closing, Ms. Henao explained that Staff supports the recommendation of the Landmarks Commission and the Planning Commission to approve the proposed text amendments to Chapter 151.30 Sign Code and 151.15 Old Montgomery Gateway District Regulations. The existing Sign Code is primarily designed for signage on single or two-story buildings since as most of the buildings in the commercial districts are single or two-story buildings. The existing regulations are appropriate for the size and scale of those buildings; however, buildings of larger scale require more flexibility in size and height to create effective and appropriate signage. In the past, variances have been granted to deal with these types of buildings (i.e. Thomas Comprehensive Care Building, Christ Hospital medical office building, etc.); however, Staff is of the opinion that creating a Sign Code that provides different regulations based on the scale and mass of the buildings is a more effective way of regulating signage that will lead to a more cohesive approach to signage and reduce the amount of variance requests. Therefore, Staff has worked with Kolar Design to evaluate the existing Sign Code to determine where amendments may be appropriate.

Mayor Margolis explained the process for the Public Hearing to those in attendance. He explained that in a Public Hearing Council has the following options when considering an application:

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

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

Mr. Dobrozsi stated that at the time he will recuse himself as he does with all matters related to the Montgomery Quarter.

Ms. Henao reminded City Council that the proposed amendments apply to the city as a whole and not just the Montgomery Quarter. She added that the Heritage District guidelines would supersede these amendments.

Mr. Cappel stated that he likes this concept as it provides clarity that these standards have to be met.

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City Council Public Hearing Minutes

March 2, 2022

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Vice Mayor Bissmeyer stated that she appreciates the number of hours that staff and the Landmarks and Planning Commission members have dedicated to the updates to the Code. She stated that focus to details was very important to staff and the volunteers even down to the number of lumens to be used.

Ms. Henao stated that staff has worked to find the right temperature of the lighting to project the look desired for the Montgomery Quarter. She stated that 2700 lumens is the color/temperature that will be the standard for the development.

Mrs. Naiman asked if these changes would impact existing businesses.

Ms. Henao replied that any new amendments do not require current signage to be changed, however if a sign is to be replaced then any new sign would need to conform to the new code.

Mr. Suer stated that he agreed that the Planning and Landmarks Commissions did a thorough job in reviewing and updating the Land Usage and Sign Code. He stated that the Code was a constantly evolving document as there is no permanence in it in order to address changes in the environment and industry. He stated that the best approach is adaptation so that new businesses can be identified properly. He stated he felt the City has always taken signage seriously and because of that he was in favor of the modification.

Mr. Messer stated that he too was impressed with the thoroughness of the amendments. He asked Ms. Henao why there was one dissent from the Landmarks Commission.

Ms. Henao explained that the individual who did dissent was concerned about the possibility of a large sign with a logo being internally illuminated with little to no text. She explained that the language was changed to require the logo be in line with text. She added that the individual wanted the proposal to come back with visuals, but the rest of the Commission approved it going on to the Planning Commission instead.

Ms. Henao provided further explanation that "in line" means "aligned."

Mayor Margolis stated that he was also very impressed with the depth of discussion and research that was dedicated to making the proposed amendments best meet the desired appearance and brand of the City.

Mr. Cappel moved to approve the recommendation of the Planning Commission for the stated text amendments to Chapter 151.30 Sign Code and 151.15 Old Montgomery Gateway District Regulations with stated modifications. Vice Mayor Bissmeyer seconded. City Council unanimously agreed.

Mayor Margolis asked if there was any further business to be heard in the Public Hearing. There being none, he explained that City Council convened at 5:30 p.m. and adjourned to an Executive Session for matters related to the employment and compensation of a public employee/public official. Council then reconvened at 6:30 p.m. and recessed for the Public Hearing. He stated that Council will now rejoin the Council meeting from the recess.

Council rejoined the Business Session at 6:49 p.m.

Connie Gaylor, Clerk of Council

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City of Montgomery
City Council Business Session Minutes
March 2, 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
Shawn Cooper, Customer Service Representative

City Council Members Present

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

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Mayor Margolis requested a moment of silence in recognition of the war in Ukraine and the lives lost there. He also requested a moment of silence in remembrance of Dan Donnellon and Ralph Buncher.

SPECIAL PRESENTATION

Mrs. Naiman presented Beth Naylor with a Certificate of Appreciation as the 2021 Winter Seasons of Beauty Winners.

City Council thanked Ms. Naylor for the care and beautification that she and her husband have provided to their historic home. They individually shared their appreciation of how they preserved the craftsmanship of the home.

Mr. Suer presented Julie Tople of Horan Associates with a Certificate of Appreciation for her years of partnership with the City's Health Care Benefits Committee and friendship to staff.

City Council and staff thanked Ms. Tople for being a trusted advisor and tremendous asset to the City for many years of negotiating employee benefits.

LEGISLATION TO BE CONSIDERED THIS EVENING

A Resolution Authorizing the City Manager to enter into a Sculptor Commission Agreement with Tom Tsuchiya Sculptor LTD.

Mayor Margolis explained that he would need a motion to add this legislation to the agenda.

Mr. Cappel made a motion to add the legislation to the agenda. Mr. Dobrozsi seconded. City Council unanimously agreed.

Mayor Margolis assigned the legislation to Mr. Dobrozsi.

Mr. Dobrozsi made a motion to read the Resolution by title only. Mr. Cappel seconded.

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

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City Council Business Session Minutes

March 2, 2022

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Mr. Riblet explained that, if approved, this legislation that will approve a sculptor commission agreement with Tom Tsuchiya. The agreement totals \$67,500.00 which includes \$2,500 of contingency to be used to address additional amounts in fabricating, delivering, and installing the Sculpture as agreed by the parties. A committee of volunteers was assembled to launch a campaign to raise private funds for this project which officially kicked off on July 4, 2021. Mr. Riblet added that since the preparation of the Council packet and corresponding memo he has received 100% of the needed funds with cash and pledges to fund the project. He stated that not only were the goals of the fundraising committee achieved, but they also exceeded what was needed for the contract. He stated that he has no hesitation in recommending approval of the contract.

Mr. Dobrozsi stated that the fundraising committee were met with tremendous support of this project when speaking with donors.

Mrs. Naiman asked how much was received and how much was pledged.

Mr. Riblet replied that \$30,000 was pledged and the remaining amount has been received both by individuals and corporate sponsors.

Mrs. Naiman asked what the potential for the contract to increase due to rising material costs. She stated her concern was that the sculptor would come back with an increase due to rising costs.

Mr. Riblet explained that there was \$2,500 built in as contingency and that materials were already purchased. He added that he did not anticipate a request for an increase as the materials used were not common construction type materials.

Mrs. Naiman asked if the contract was capped to avoid increases.

Mr. Riblet replied that yes it was capped at the \$67,500 stated in the contract.

Mr. Suer stated that he was glad that the fundraising succeeded as it did, and the goal was reached. He stated that there is a difference in that as opposed to this being a big building, for instance, this is a sculpture. He stated he felt that the sculptor has a lot less in the way of materials and is pretty confident this is going to come out just fine. He added that this is an unusual situation and an unusual case, it is not something that the City would be doing on a regular basis.

Mr. Messer stated that he was very pleased to see that we have 100 percent committed now. He asked how much of that was individual donations versus corporate or business donations, is it even between individual and businesses.

Mr. Riblet replied it was about 35% individuals and the rest corporate.

Mr. Messer asked if we were going to recognize the corporate people in some way.

Mr. Riblet explained that there would be a plaque placed at the site recognizing those corporate and large donations.

Mr. Messer stated he was looking forward to seeing it on July 4th, and felt it was going to be good. He thanked Mr. Riblet and Mr. Dobrozsi along with the fundraising Committee for their hard work of seeing the funds were raised to honor Mrs. Harbison.

Mayor Margolis stated that he agreed there is some trust involved. He added that this project was originally discussed and vetted through the Financial Planning Committee of Council and regular monthly updates have been provided. He stated he felt it has been very fact specific, but it is a very unusual circumstance. He stated that he

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City Council Business Session Minutes

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does not know of another instance like this since he has been on Council, but he is comfortable that the City Manager and the Law Director would not recommend he contract if they felt any doubts and would not place the City in a bad position.

The roll was called and showed the following vote:

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

NAY: (0)

NEW LEGISLATION

An Ordinance Establishing an Excise Lodging Tax

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.

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

Mr. Suer explained that 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.

Mr. Suer asked if there were any updates.

Mr. Donnellon replied there were none.

Vice Mayor Bissmeyer stated that she had asked Mr. Riblet and wanted to ask at Council if there a way to allow Montgomery residents to not pay the tax to encourage people to utilize the hotel. She asked if that could be offered according to the language of the O.R.C.

Mr. Donnellon replied that, in his opinion, that would not work because of the tax being issued and reported by a private enterprise. He stated it would have to be fairly monitored by the Hotel and if someone who claimed to be a resident wanted to book 20 rooms for a wedding of all out of town guests that would not be something a Hotel would be willing to verify residency on.

Mr. Suer added that one of the reasons for this excise taxes, was to help defray the costs involved with operating in Montgomery Quarter.

Vice Mayor Bissmeyer stated that she fully supports the tax but was hoping to give the residents an incentive to use the hotel.

The roll was called and showed the following vote:

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

NAY: (0)

ABSTAIN: Dobrozsi (1)

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A Resolution Authorizing The City Manager To Enter Into A Contract With J.K. Meurer for the 2022 Street Resurfacing Program

Mr. Cappel explained that information has been previously supplied on this Resolution that, if approved, would authorize the City Manager to enter into a contract with J.K. Meurer for the annual Street Resurfacing Program. This year's 2022 Street Resurfacing Program includes resurfacing 2.73 centerline miles of roadways. The project is programmed in the 2022 Capital Improvement Program 410-261-5470 account. It is requested that this project be approved in the amount of \$949,870.00 to include the Base Bid and Alternates #1 and #2. The amount of the recommendation includes \$24,971.70 in project contingency funding, which is an amount equal to 2.7% of the total of the Base Bid and Alternates #1 and #2 amount.

Mr. Heitkamp replied there were none.

The roll was called and showed the following vote:

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

ADMINISTRATION REPORT

Mr. Riblet reported the following items:

- City Council Work Session is scheduled for Wednesday, March 23 at 7:00 p.m.
- As a reminder a CIC meeting was scheduled prior to the Work Session at 6:45 p.m., with a motion made to commence with the Work Session immediately following the conclusion of the CIC meeting.
- The Law and Safety and Financial Planning Committees will hold their meetings on Monday, March 7 at 3:30 and 4:30 p.m., respectively. The Planning, Zoning and Landmarks Committee has cancelled their meeting for March.
- The Government Affairs Committee will meet on Monday, March 14 at 4:30 p.m. The Parks and Recreation and Public Works Committees do not have agenda items and have cancelled their meetings for the month of March.
- The Montgomery Road Roundabout Project has been awarded the Donald C. Schramm Transportation Improvement Award for 2021 sponsored by the American Society Highway of Engineers. Gary and I will be attending the awards luncheon on March 15 to accept the award along with Strand Associates.
- I am happy to report that Robert Dunham is scheduled to be released from his care facility at the end of this week and continue his recovery at home. And in typical Montgomery fashion....over the past two weeks City staff and City Council have raised over \$4,000 to assist the Dunham family!
- The following job announcements for a patrol officer exam, summer seasonal positions, public works department supervisor position will begin to post this Sunday, March 6 and our Montgomery Diversity Commission will also be provided these job postings in an effort to further enhance our candidate pools.

APPROVAL OF MINUTES

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Mayor Margolis asked for a motion to approve the February 16, 2022 Special Session and 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 February Mayors Court collections in the amount of \$10,005 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 February in the amount of \$10, 005. Vice Mayor Bissmeyer seconded. City Council unanimously agreed.

OTHER BUSINESS

Mr. Messer reported on the Diversity and Inclusion meeting that was held on Tuesday, February 22. He explained that a very good presentation was made by a group called Braver Angels, and explained they got the name from the better angels, you know, which is the speech that Lincoln gave it his first inaugural. He added that it is a group that tries to bring together red and blue, Republicans, Democrats, Liberals, Conservatives and what was recognized in 2016. He stated their mission is to get people to sit down and understand each other better and they have had a lot of success in helping people to realize they have more in common than they do differences. He read their mission statement to City Council and stated that there was really good discussion in the meeting, and they are offering their help at some point in time to consult with Council.

Mr. Riblet stated that the only thing he would add is the energy that was in the room that evening was that everybody is really energized and committed. He stated he felt the Diversity and Inclusion Commission is off to a great start in 2022.

Mrs. Naiman stated that she is actually familiar with braver angels and was sad that she missed the meeting. Mrs. Naiman stated some people may know that she was born in Odessa, Ukraine, and it is a part of the world that is going through a lot. She stated that she still has some extended family there and in Russia too. She stated that she wanted to take another moment to acknowledge that part of the world and luckily the folks that she knew are currently safe. She explained that it is a globally very interconnected world that we live in. So, this is something that hits to our residents here in Montgomery, herself included.

Mayor Margolis referenced an article he read relating to the shortage of fire service personnel. He thanked staff for the planning and preparation done several years ago when the Fire Levy was placed on the ballot to plan ahead to transition to a Full-Time operation in anticipation of the shortage of part time employees.

EXECUTIVE SESSION

Mr. Dobrozsi made a motion to resume the previous Executive Session called for the purpose of the employment and compensation of a public employee/public official.

Mr. Cappel made a motion to adjourn into Executive Session for employment and compensation of a public employee/public official.

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Mayor Margolis stated that it is not anticipated that Council will be taking any votes or discussing anything further in Public Session after the conclusion of the Executive Session.

The roll was called and showed the following vote:

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

NAY: (0)

City Council adjourned into Executive Session at 8:24 p.m.

City Council reconvened into Public Session at 9:25 p.m.

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

Mr. Cappel made a motion to adjourn. Mr. Messer seconded. City Council unanimously agreed.

City Council adjourned at 9:26 p.m.

Connie Gaylor, Clerk of Council