

City of Montgomery
City Council Work Session Minutes
May 18, 2022

Present

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

City Council Members Present

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

City Council convened its Work Session for May 18, 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. Vice Mayor Bissmeyer seconded. City Council unanimously agreed.

SPECIAL PRESENTATIONS

Mr. Dobrozsi explained that each year Mr. Cappel, Mrs. Bissmeyer and himself judged the Citizenship Essay Contest for Troop 674 scouts. He stated that present at the meeting were the top three award winners and introduced them to City Council and staff. He asked their Troop Master to provide background on the contest.

Mr. Dan Saxby explained that the essay contest was created in honor and remembrance of Scout Master Bill Kern. He explained that the winners earn money towards the summer camp.

Nate Hayes, Sam Saxby and Daniel Deschene, members of Troop 674, read their essays on citizenship to City Council and staff.

City Council shared their praise of the scouts and the young men's essays. They encouraged them to continue on their pursuit to getting their Eagle Scout accommodation.

GUESTS AND RESIDENTS

Connie Banning came to City Council on behalf of the Montgomery Farmer's Market to share their experience with a surprise audit performed by a Hamilton County Public Health Inspector the opening day of the market on May 7. Ms. Banning explained that Council Member Suer invited her to come to the meeting to share her experience.

Ms. Banning explained that on the opening day of the market, the inspector conducted audits, or inspections, of each vendor to determine if they were following the public health department codes as related to farmer's market vendor booths. She explained that Marx Bagels and Zoftig Bakehouse were shut down during sales for not having their baked products individually wrapped and labeled with the weight of the product. She added that Marx Bagels also were told that they needed to have a three compartment sink on site. She explained that the requirements by the Health Department would be very costly for the vendors and could cause some of them to not come back to the market. She explained that they have complied with many of the issues brought forward and want to do what is required however they know they will lose some vendors due to costs. She asked if there was anything that the City could do to help mediate on behalf of the Market. She explained that there was no notification by Hamilton County that there would be audits or of any updated rules.

City Council discussed the approach of the Health Department and stated if there was anything that the City could do to help that they would try. They asked Mr. Riblet to reach out to Hamilton County Public Health to discuss the circumstances as relayed by Ms. Banning and see what could be done.

ESTABLISHING AN AGENDA FOR JUNE 1, 2022 BUSINESS SESSION

PENDING LEGISLATION

An Ordinance Establishing Schedules of Municipal Compensation

Mayor Margolis explained that this would be the final reading of the Ordinance and asked Mr. Riblet if there were any updates.

Mr. Riblet replied that at Council's seats was an updated Exhibit A attachment to the Ordinance that reflected changes already discussed with Council in a previous meeting. He stated that he would like to ask for a voice vote to approve the amended exhibit.

Mr. Dobrozsi made a motion to approve the amended exhibit to the Ordinance. Mr. Cappel seconded. City Council unanimously agreed. The final reading will be conducted at the June 1, 2022 Business Session.

NEW LEGISLATION

A Resolution Authorizing The City Manager To Contract With Frost Brown Todd, LLC To Provide Special Counsel Services

Mayor Margolis assigned the legislation to Mr. Dobrozsi.

Mr. Riblet explained that, if approved, this Resolution will approve a contract with Frost Brown Todd, LLC to provide special legal services for labor negotiations/labor relations/human resource functions. He stated that the work of Frost Brown Todd, LLC has been invaluable in labor negotiations/relations efforts, and it is important that the City maintain this relationship as the City continues its labor and employee relations into the future. Mr. Riblet explained that there was a 3% increase in their fees over last year and that this was a standard increase for these services.

Mr. Messer asked what an estimated cost per year with Frost Brown Todd would be.

Mr. Riblet replied it was normally between \$50,000 and \$60,000 dependent on labor negotiations or personnel issues.

A Resolution Accepting A Bid And Authorizing The City Manager To Enter Into A Contract With Barrett Paving Materials, Inc. To Complete The Pfeiffer Road And Deerfield Road Intersection Improvement Project, Ham - CR284 - 1.33, PID # 107130

Mayor Margolis assigned the legislation to Mr. Cappel

Mr. Heitkamp explained that it is requested that City Council consider this Resolution that, if approved, would authorize the City Manager to enter into a Contract with Barrett Paving Materials, Inc. to construct the HAM – CR284 – 1.33 Pfeiffer Road at Deerfield Road Intersection Improvement Project, PID #107130 in the amount of \$2,330,000. The amount of the recommendation includes \$87,052.04 in project contingency funding, which is an amount equal to 3.9% of the Base Bid amount.

Mr. Heitkamp added that the City of Montgomery has been approved by the Ohio-Kentucky-Indiana Regional Council of Governments (OKI) for a grant of up to \$893,575 for construction of a single-lane roundabout to replace the four-way stop at the Pfeiffer Road and Deerfield Road intersection. In addition to that, the City has successfully obtained \$400,000 in Transportation Improvement District (TID) Funds from Hamilton County for construction of the project. Also, in partnership with the Greater Cincinnati Water Works (GCWW), the City included replacement of a 12-inch water main on Pfeiffer Road and Deerfield Road within the project limits as part of the contract scope of work. This replacement is being paid for by GCWW in an amount of \$513,851 which will be reimbursed to the City (85% at the beginning of construction and 15% at the conclusion of construction). The remaining \$522,574 will be the City's share of the construction cost, which will be funded through the 410.261.5470 account.

Mr. Messer asked who was working at the site now.

Mr. Heitkamp replied it was AMS Construction, a subcontractor of Duke installing the new gas main.

Mr. Messer asked if the total cost included the cost to purchase the house that was demolished to prepare for the roundabout.

Mr. Heitkamp replied that it did not, the amount in the contract would only be for the actual construction of the roundabout. He stated that the City has spent approximately \$240,000 to purchase the house and also right of way and easement costs.

Mr. Suer stated that it is good to see grant funding applied to these types of projects. He asked what the timeline of the project would be.

Mr. Heitkamp replied that while there has been no preconstruction meeting pending approval of the contract by Council, he is hopeful they can begin in July or August. He explained that there was a six month lead time on water main piping and supplies. He stated the completion day is estimated to be August of 2023 considering down time in the upcoming winter months.

Mrs. Naiman asked if there would be a time when the intersection would be closed.

Mr. Heitkamp replied that there would be a time when the final pavement would require the intersection to be closed. He stated that would be planned for a weekend and that signage would be placed to inform motorists. He explained that until that time the intersection would remain open with temporary pavement laid to reroute traffic.

Mrs. Naiman asked how the \$522,574 the city's going to expend compared to what was budgeted.

Mr. Heitkamp replied that the original grant stated our local share would be at \$383,000, however that was four or five years ago, and we had to estimate costs. He explained that if the contingency funding is not used then the cost would only be approximately \$50,000 higher.

Mr. Dobrozsi stated that he knew firsthand that material costs are up 30% since then. He stated that he was amazed to see we were not that far over the original budget. He added that he was more impressed the top two low bidders were only about a percent and a half different in their bids.

Vice Mayor Bissmeyer stated that her comments were like most of her counterparts in that she was appreciative of staff pursuing grant funding that helps to pay for these large projects. She stated that even if we have to use contingency funding that the city is only paying 22 ½% of the cost of that project. She then added that if we do not use the contingency, it will drop down to only 18 ½%. She stated that she felt for our Montgomery taxpayers this is a good deal on completing such a large project for a very small amount of money of local funding required.

Mr. Cappel stated that he felt this is a great project. He stated he loved roundabouts as they are great for the community, safe, clean and keep traffic flowing. He asked how long ago the concept was discussed.

Mr. Heitkamp stated he thought it had been about five years.

Mr. Riblet added to that several years ago a City staff member was involved in a serious automobile accident at that intersection and while prior to that, staff had identified that intersection for two reasons. One was all the queuing, so mitigating air quality was one and then the safety aspect. He stated that staff started looking at accidents at that intersection. He explained that even though it is a four way stop, the number of accidents were mounting pretty quickly. So twofold, the safety aspect and then the mitigating air quality was what really prompted that. He stated as a result staff began researching grant funding options and received safety dollars through ODOT for the design and then the OKI funding and then the county TID funding.

Mayor Margolis stated that in addition to what everyone else said, the thanked staff for keen stewardship on a project that is going to make a safer intersection for both pedestrians and cars.

A Resolution Authorizing The City Manager To Enter Into A Contract With Prime CMS, Inc. For Professional Services Related To Construction, Engineering And Inspection Services For The Pfeiffer Road And Deerfield Road Intersection Improvement Project

Mayor Margolis assigned the legislation to Mr. Cappel

Mr. Heitkamp explained that, if approved, this legislation would authorize the City Manager to enter into a "Time and Expense (T&E), Not to Exceed" contract with Prime CMS, Inc. to provide construction engineering and inspection services for the HAM- CR284 – 1.33 Pfeiffer Road at Deerfield Road Intersection Improvement Project. The maximum Not to Exceed amount is \$126,942.86, which equates to 5.7% of the Barrett Paving Materials, Inc. construction contract. Funding for the contract is captured in the 410.261.5470 account.

Vice Mayor Bissmeyer asked if the 70% percent that is approved by the Ohio-Kentucky-Indiana Regional Council of Governments (OKI), is like a pot of money, and if we use it somewhere else, then it could be reduced.

Mr. Heitkamp replied that was correct and at this time it appears all of those monies in the construction contract with Barrett will be used, so therefore we will be paying 100% of this contract. He added that if we were to come in under budget, then we would be able to use any remaining grant funding to pay toward this contract as it is the same project.

Mr. Messer stated that he read in the contract from Prime, that they specify ending in May 2023. He asked if the water main issue becomes an issue and delays the project by several months if Prime would be flexible with the contract term.

Mr. Heitkamp stated that he did speak with Dan Todd about that, and Mr. Todd related that would not be a problem. Mr. Heitkamp stated they are very fair to work with.

Mayor Margolis asked Mr. Heitkamp for clarification that Prime would manage the paperwork, the quality control work, things a larger city would be able to manage internally but for a staff our size, it does not make sense.

Mr. Heitkamp replied that was correct. He explained the amount of time on a project of that scale that we do not have the resources to conduct all inspections and oversee all the paperwork.

A Resolution Authorizing The City Manager To Negotiate And Execute An Agreement With Traditions VC Developer, LLC To Accommodate Short-Term Coverage For Minimum Service Payments In The Vintage Club-North Project

Mayor Margolis assigned the legislation to Mr. Suer.

Mr. Donnellon gave a short history of the Vintage Club Tax Increment Finance District and the benefits to the City in creating a District. This District was started in 2007 and encompassed the entire Vintage Club subdivision, both residential and commercial. The values achieved in the residential portion of the development and the development of The Christ Hospital building have created a very successful TIF Fund.

In 2008, the Developer signed a Service Agreement pledging statutory service payments from the residential area and The Christ Hospital lot to back Special Obligation Revenue Bonds for the construction of many of the public improvements in the Vintage Club, including the public garage. A second Service Agreement was executed in 2018 with the Traditions Group to construct further public improvements to support the north portion of the District and future development on the south side of Vintage Club Boulevard.

Shortly after the bonds were issued, the pandemic significantly impacted the development in this remaining area and the projections for revenues to support the bonds began to fall behind. Even though the construction economy has been slowed, Traditions is back on track finishing the Wicks buildings and developing one of the anticipated commercial structures.

After capitalizing interest for the first few years of this second issue of bonds, there are Minimum Service Payments now due when the statutory service payments fall short. Traditions has asked for some assistance to have the City share a portion of the Minimum Debt Service liability during a short period of time which will then be repaid in time by Traditions. The City is not forgiving the debt, but simply providing short-term assistance to allow cash from the Developer to be devoted toward returning the project to the appropriate development timeline.

The cash assistance is for a period of two years and at least 50% of the minimum liability will still be paid by Traditions. Any monies the City advances will be then repaid starting July 1, 2028 in six equal semi-annual installments. It is projected that the amount the City will contribute during this Forbearance Period will be less than \$225,000. The City's proportionate share of the minimum service liability will be advanced from the Vintage Club TIF Fund with no anticipated negative impact upon the City's budget. The Administration explained that after studying the issue for several months, it is believed that this is the right thing to do to assure the success of this development, and more importantly to provide support to the Vintage Club residents who have been the foundation for the success of this project.

Council asked numerous questions concerning the structure of the contributions and the maximum liability. Council also asked questions to be sure that this liability will not spillover to negatively impact the General Budget. In the end, various Council Members expressed their concern, some reluctantly, for the support of the project knowing that it is a benefit to the residents of the Vintage Club and supports economic development throughout the City.

Mr. Riblet added that with the current market fluctuations, the Ordinance is requested to be passed as an emergency to give our financial advisors the maximum flexibility to price the Bonds and complete refinancing.

Mr. Messer stated that he thought it was the right thing to do as we would pay back cheaper dollars in the long run.

Mrs. Naiman stated that it was noted that 5% of the income tax revenues would be set aside for the funding of this note and asked if that was being done.

Mr. Riblet replied that staff began doing that in 2022. He stated it would take six years to completely pay the note off.

ADMINISTRATION REPORT

Mr. Riblet reported the following items:

- The next City Council Business Session is scheduled for June 1.
- A reminder of the scheduled Board and Commission Updates for June 1:
 - Greg Brodrick, EAC-6:00
 - Aaron Kellenberger, B & T – 6:15
 - Gary Blomberg, Board of Tax – 6:30
 - Dennis Hirotsu, Planning Commission – 6:45
- The Law and Safety and Financial Planning Committees have agenda items and are requested to meet on Monday, June 6 at 3:30 and 4:30 p.m., respectively. The Planning, Zoning and Landmarks Committee have no agenda items and are requested to cancel for June.
- Beautification Day was held on May 14 and the weather and volunteer participation could not have been better. The volunteers, along with members of City Council and staff, planted numerous flower beds on Montgomery Road from Schoolhouse Lane to Weller Road. This team effort goes a long way in beautifying the Montgomery Road corridor. Also, the ever important flower hanging baskets were hung throughout the Heritage District.
- J. K. Meurer has completed all of the concrete work as part of the resurfacing program and has milled a number of the residential streets programmed for this year, followed by Strawser who applied the stress absorbing membrane interlayer (SAMI). They also have begun milling Weller Road between Arcturus and E. Kemper, and then afterwards will be milling the entire length of Zig Zag Road. The resurfacing of all of the streets is anticipated to be complete by May 31.
- Staff has begun work on the 2023-2027 budget process. All requests will be submitted by the end of June with departmental and overall city reviews begin conducted in July and August culminating in a presentation to FPC in early September and then all of Council on September 15.
- Tracy Henao will be providing a walking tour of the historic district for the Montgomery Ohio Chamber of Commerce as part of their Lunch and Leads program on Thursday. The event will provide Chamber members the opportunity to learn more about the history of the City and several of the Landmark Buildings.
- An update of the Gerri Harbison Memorial project stated that there have been more than enough private funds raised to cover the costs associated with this project. Any remaining funds will be placed into a perpetual care line item for maintenance and upkeep. There will be an unveiling ceremony at our July 4 Festival in the Park at approximately 12:00 p.m.

Under Human Resources, Mr. Riblet reported:

- Service Worker I – telephone interviews have been completed and candidates are being scheduled for in-person interviews. There are two Service Worker I positions to fill due to retirements.
- Patrol Officer – the Civil Service Commission met May 16 and certified an eligible list for this position classification. Candidates will be contacted for initial interviews. There are two Patrol Officer positions to fill vacancies due to retirements.
- Customer Service Representative (front desk) – Initial interviews are being scheduled for 7 candidates.

- Finance Specialist (Tax) – a job announcement has been posted to the City’s website and print/online advertising will begin May 22. This is a result of a vacancy due to retirement.

Mr. Riblet reported the following upcoming events to City Council:

- 5-20 Terry Willenbrink’s retirement luncheon is this Friday at Public Works from 11-2.
- 5-26 Public Works Recognition Breakfast will be held at Public Works from 7:30-9:30

LAW DIRECTOR REPORT

Mr. Donnellon stated he had nothing additional to report at this time.

CITY COUNCIL REPORTS

Mr. Cappel

Mr. Cappel reported that a shredding event will be held in conjunction with the monthly cardboard recycling event on Saturday, May 21.

Vice Mayor Bissmeyer

Vice Mayor Bissmeyer reported that she attended a Mental Health presentation sponsored by the City on May 12. She stated that representatives from NAMI were featured and were very informative.

Vice Mayor Bissmeyer also reported that she and Council Member Naiman would be meeting with Beth Naylor regarding the intersection of Cooper Road and Zig Zag Roads. She stated she would report back to Council with feedback from that meetings.

Mr. Dobrozsi

Mr. Dobrozsi reported that he attended a Sycamore Schools Executive meeting where they featured the theme “Forever Greene” highlighting the rebuilding of the E.H. Greene Intermediate School building.

Mr. Dobrozsi reported the success of the Soiree En Blanc Dinner held by the Sister Cities Commission. He stated that although the weather was not ideal, 104 people attended.

Mr. Dobrozsi reported that the Arts Commission, while managing normal operations and planned events, would be focusing on identifying a community art project to be located somewhere in the Montgomery Quarter.

Mrs. Naiman

Mrs. Naiman reported that with the anticipation of opening day at the Municipal Pools on May 28, the Parks and Recreation Commission discussed a Luau planned for June 10 and continued conversations around pickleball.

Mrs. Naiman reported that Diversity and Inclusion Commission continues to work on the Know Your Neighbor Series presentations.

Mr. Suer

Mr. Suer reported that he had received feedback from a resident on Zephyr Road, near Dulle Park, who reported issues of noise from participants of pickleball. He stated he was not sure what could be done but wanted to mention it to Council and staff.

Mr. Messer

Mr. Messer reported that at the recent Civil Service Commission meeting 10 people were certified to an eligibility list for the police department.

Mr. Messer stated he would be participating, along with other Council members, in the Blue Ash Memorial Day parade.

Mayor Margolis

Mayor Margolis provided an overview of functions he attended.

Mayor Margolis explained that he attended a ceremony held by Archbishop Moeller High School in honor of their 50th anniversary of receiving their first State Championship with an athletic team, the 1972 Crusader Baseball Team. He stated that he presented the school with a proclamation making May 14, 2022 as Archbishop Moeller High School 1972 Baseball Team Day.

Mayor Margolis stated that he also attended the Mental Health meeting conducted by NAMI and while it was low in attendance, he felt it was a good way to kick off the upcoming Mental Health public series and the topic of mental ill was very important to provide to the community.

MINUTES

Mr. Cappel moved to accept the May 4, 2022 Business Session minutes as written. Vice Mayor Bissmeyer seconded. City Council unanimously agreed.

OTHER BUSINESS

Chief Crowell explained that a request from the State of Ohio Liquor Control Board to allow a new D2 & D5 liquor permit to be issued to Z Wine & Cheeze LLC at 7823 Cooper Road. He added that while a D3 permit was recently presented to City Council that the D2 and D5 permits which will replace their previously issued C1, C2 and D8 licenses that permitted the sale of samples and carry out until 1:00 a.m. The new licenses will now allow dine in service of regular size beverages as well as carry-out sales until 1:00 a.m. of beer and wine.

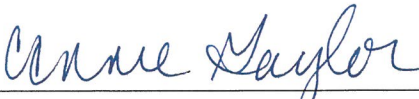
Chief Crowell reported no issues that would require a hearing with the State and recommended Council make a motion to not request a hearing on the request.

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

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. Vice Mayor Bissmeyer seconded. City Council unanimously agreed.

City Council adjourned at 9:37 p.m.



Connie Gaylor, Clerk of Council