

September 30, 2022

TO: Mayor and City Council Members
FROM: Brian K. Riblet, City Manager *BKR*
SUBJECT: City Council Business Session of Wednesday, October 5, 2022

As a reminder, City Council is scheduled to meet in Business Session on Wednesday, October 5, 2022 immediately following the conclusion of a Public Hearing scheduled at 6:45 p.m.

Public Hearing

At 6:45 p.m., a Public Hearing will be held to consider the Planning Commission recommendation on an Expansion of a Conditional Use and Final Development Plan for the Gate of Heaven Cemetery.

At the close of the presentation, City Council's options are to:

- 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.

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

As a reminder, the Code does not allow additional new evidence to be submitted for review during the public hearing. City Council is to limit its consideration to the information presented from the City, and any comments, pro or con, from the public.

Montgomery Community Improvement Corporation-(CIC) - 6:30 p.m.

Business Session

1. Call to Order
2. Roll Call

3. Pledge of Allegiance
4. Special Presentations
5. Guest and Residents
6. Legislation for Consideration this Evening

Pending Legislation

- a. An Ordinance Accepting Dedicated Streets Within The City—(Mr. Cappel-2nd Reading) Information has been previously supplied on this Ordinance that, if approved, would formally accept various streets within the City of Montgomery which have been dedicated for public use but had never been properly accepted. Several years ago, we updated the Hamilton County records to reflect various streets within the City which had been dedicated on the various subdivision plats. However, the Developer had not followed through to have the streets accepted after construction was complete.

Move for passage of the second reading of the Ordinance

Roll Call Vote

The third reading will be at the November 2, 2022 Business Session with adoption requested at that meeting.

New Legislation

- a. A Resolution Accepting the Amounts and Rates as Determined by The Budget Commission and Authorizing the Necessary Tax Levies and Certifying Them to The County Auditor—(Mr. Suer) Information has been previously supplied on this Resolution that, if approved, would accept the rates and amounts determined by the Hamilton County Budget Commission. As a State of Ohio taxing authority and pursuant to the Ohio Revised Code, the City is required to adopt an annual tax budget. City Council adopted the Tax Budget on July 6, 2020, and then submitted it to the Hamilton County Auditor for review by that office and the Hamilton County Budget Commission. Those reviews did not generate any questions and the proposed Tax Budget was accepted by the Budget Commission and Auditor. City Council is requested to act to accept the Budget Commission's rates and amounts, which would result in the estimated collections as specified in the City's 2023 Tax Budget. This action will then permit the Budget Commission to collect property taxes at the rates established for the upcoming year.

Move to read the Resolution by title only

Voice Vote

Move for passage of the Resolution

Roll Call Vote

- b. An Ordinance to Make Appropriations for Current Expenses and Other Expenditures of the City of Montgomery, State of Ohio During the Fiscal Year Ending December 31, 2023—(Mr. Suer) Information has been previously supplied on this Ordinance that, if approved, would establish the City's budget for fiscal year 2023. These documents were presented to and reviewed with City Council at the September 15 Budget Review meeting.

Move to read the Ordinance by title only

Voice Vote

Move for passage of the first reading of the Ordinance

Roll Call Vote

The second reading of the Ordinance will be at the November 2, 2022 Business Session. The third reading will be at the December 7, 2022 Business Session with adoption requested at that meeting.

- c. A Resolution Authorizing An Agreement With The Ohio Department Of Transportation For Bridge Inspection Services—(Mr. Cappel) Information has been previously supplied on this Resolution that, if approved, would authorize the City Manager to enter into an agreement with the Ohio Department of Transportation (ODOT) for the project known as Bridge Inspection Program Services, PID 109334. Each year the City of Montgomery is required to complete an annual inspection of the bridge located on Terwilliger's Run Drive. In 2019, the City of Montgomery entered into a similar agreement with ODOT by passing Resolution 27, 2019 which included bridge inspection services for years 2020, 2021 and 2022. ODOT has indicated they are renewing the program for the year 2023 and anticipate going back to a three year program for 2024, 2025 and 2026. In this program the Ohio Department of Transportation shall assume and bear 100% of the necessary costs for bridge inspection program services requested by the City of Montgomery and agreed to by the State.

Move to read the Resolution by title only

Voice Vote

Move for passage of the Resolution

Roll Call Vote

- d. An Ordinance for The Allocation of Earnings Tax Revenues and Amending Section 44.14 of The Montgomery Code of Ordinances—(Mr. Suer) Information has been previously supplied on this Ordinance that, if approved, would adjust the allocation of the City's Earnings Tax Revenues. The current allocation is: 80% of Earnings Tax revenues to the General Fund and 20% to the Capital Improvement Fund. The proposed reallocation would provide 75% of the Earnings Tax revenues to the General Fund, 20% to the Capital Improvement Fund and 5% to the General Bond Retirement Fund.

Move to read the Ordinance by title only

Voice Vote

Move for passage of the first reading of the Ordinance

Roll Call Vote

The second reading of the Ordinance will be at the November 2, 2022 Business Session. The third reading will be at the December 7, 2022 Business Session with adoption requested at that meeting.

- e. An Ordinance To Amend Appropriations For Current Expenses And Other Expenditures Of The City Of Montgomery, State Of Ohio, During The Fiscal Year Ending December 31, 2022—(Mr. Suer) Information has been previously supplied on this Ordinance that, if approved, would amend appropriations for current expenses and other expenditures of the City of Montgomery during the Fiscal Year ending December 31, 2022. It is necessary for City Council to amend the 2022 annual Appropriation Ordinance to reflect changes in the initial budget as listed in the attached memo.

Move to read the Ordinance by title only

Voice Vote

Move suspension of the second and third readings

Roll Call Vote

Move for passage of the Ordinance

Roll Call Vote

- f. An Ordinance Renaming Cares Act Relief Payroll Fund 222 To The Pandemic Relief Fund 222, Transferring General Fund Unappropriated Surplus To The Pandemic Relief Fund 222 And The Downtown Improvement Fund 480 To Comply With American Rescue Plan Act Compliance—(Mr. Suer) Information has been previously supplied on this Ordinance that, if approved, would bring the City into compliance with the funding and allocation of funds for the American Rescue Plan Act of 2021. As a matter of housekeeping, we are renaming the Fund to the Pandemic Relief Fund 222 acknowledging previous expenditures and the allocation of funds to Downtown Improvement Fund while reserving the balance for future uses.

Move to read the Ordinance by title only

Voice Vote

Move suspension of the second and third readings

Roll Call Vote

Move for passage of the Ordinance

Roll Call Vote

- g. A Resolution Approving The Use Of American Rescue Plan Act (ARPA) Funds For Reporting And Compliance To The Us Treasury Department For Fiscal Year 2022—(Mr. Suer) Information has been previously supplied on this Resolution that, if approved, would authorize the City Manager to report, as necessary, the receipt and disbursement of funds through the American Rescue Plan Act of 2021. We have complied with the receipting of funds to the General Fund, but future compliance reports may be required as funds are expended.

Move to read the Resolution by title only

Voice Vote

Move for passage of the Resolution

Roll Call Vote

- h. An Ordinance Correcting Ordinance No. 9, 2018 - An Ordinance Amending The Land Usage Code To Enact New Regulations For The Old Montgomery Gateway District—(Vice Mayor Bissmeyer) Information has been previously supplied on this Ordinance that, if approved, would approve a modification to Ordinance 9, 2018 to include text amendments to Chapters 151.12 and 151.32. These text amendments were previously reviewed and approved by City Council; however, were inadvertently omitted in the final Codification of Ordinance 9, 2018.

Move to read the Ordinance by title only

Voice Vote

Move suspension of the second and third readings

Roll Call Vote

Move for passage of the Ordinance

Roll Call Vote

7. Administration Report
8. Minutes-September 15, 2022 Budget Review Session and September 21, 2022 Work Session
9. Mayor's Court Report
10. Other Business
11. Executive Session
12. Adjournment

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

C: Connie Gaylor, Executive Assistant/Clerk of Council
Department Heads
Terry Donnellon, Law Director

October 5, 2022

City Hall

Immediately following the Public Hearing at 6:45 p.m.

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Special Presentation
5. Guest and Residents
6. Legislation for Consideration for this Evening

Pending Legislation

- a. An Ordinance Accepting Dedicated Streets Within The City—(Mr. Cappel-2nd Reading)

Move for passage of the second reading of the Ordinance

Roll Call Vote

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New Legislation

- a. A Resolution Accepting the Amounts and Rates as Determined by The Budget Commission and Authorizing the Necessary Tax Levies and Certifying Them to The County Auditor—(Mr. Suer)

Move to read the Resolution by title only

Voice Vote

Move for passage of the Resolution

Roll Call Vote

- b. An Ordinance to Make Appropriations for Current Expenses and Other Expenditures of the City of Montgomery, State of Ohio During the Fiscal Year Ending December 31, 2023—(Mr. Suer)

Move to read the Ordinance by title only

Voice Vote

Move for passage of the first reading of the Ordinance

Roll Call Vote

The second reading of the Ordinance will be at the November 2, 2022 Business Session. The third reading will be at the December 7, 2022 Business Session with adoption requested at that meeting.

- c. A Resolution Authorizing An Agreement With The Ohio Department Of Transportation For Bridge Inspection Services—(Mr. Cappel)

Move to read the Resolution by title only

Voice Vote

Move for passage of the Resolution

Roll Call Vote

- d. An Ordinance for The Allocation of Earnings Tax Revenues and Amending Section 44.14 of The Montgomery Code of Ordinances—(Mr. Suer)

Move to read the Ordinance by title only

Voice Vote

Move for passage of the first reading of the Ordinance

Roll Call Vote

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- e. An Ordinance To Amend Appropriations For Current Expenses And Other Expenditures Of The City Of Montgomery, State Of Ohio, During The Fiscal Year Ending December 31, 2022—(Mr. Suer)

Move to read the Ordinance by title only

Voice Vote

Move suspension of the second and third readings

Roll Call Vote

Move for passage of the Ordinance

Roll Call Vote

- f. An Ordinance Renaming Cares Act Relief Payroll Fund 222 To The Pandemic Relief Fund 222, Transferring General Fund Unappropriated Surplus To The Pandemic Relief Fund 222 And The Downtown Improvement Fund 480 To Comply With American Rescue Plan Act Compliance—(Mr. Suer)

Move to read the Ordinance by title only

Voice Vote

Move suspension of the second and third readings

Roll Call Vote

Move for passage of the Ordinance

Roll Call Vote

- g. A Resolution Approving The Use Of American Rescue Plan Act (ARPA) Funds For Reporting And Compliance To The Us Treasury Department For Fiscal Year 2022—(Mr. Suer)

Move to read the Resolution by title only

Voice Vote

Move for passage of the Resolution

Roll Call Vote

- h. An Ordinance Correcting Ordinance No. 9, 2018 – An Ordinance Amending The Land Usage Code To Enact New Regulations For The Old Montgomery Gateway District—(Vice Mayor Bismeyer)

Move to read the Ordinance by title only

Voice Vote

Move suspension of the second and third readings

Roll Call Vote

Move for passage of the Ordinance

Roll Call Vote

7. Administration Report

8. Approval of Minutes – September 15, 2022 Budget Review Session and September 21, 2022 Work Session

9. Mayor’s Court Report

10. Other Business

11. Executive Session

12. Adjournment

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

ORDINANCE NO. , 2022

AN ORDINANCE ACCEPTING DEDICATED STREETS WITHIN THE CITY

WHEREAS, by Ordinance 6, 2016, recorded in Hamilton County Official Records at Book 13356, Page 02025, the City did accept various streets throughout the community which had been dedicated in various subdivision plats filed with the City and the County, but had not been properly documented as accepted; and

WHEREAS, in a comprehensive review of streets within the City, it was discovered that there were additional dedicated, but not accepted streets within the City, which parcels were dedicated by the subdivision developer, but remained in the name of the subdivision developer; and

WHEREAS, Council does desire by enacting this Ordinance to take the appropriate steps to accept these streets which have been inspected and recommended for acceptance by the Director of Public Works.

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

SECTION 1. The following parcels identified in the records of the Hamilton County Auditor and properly dedicated on a recorded plat for the City of Montgomery are hereby accepted as public improvements to be retained and maintained by the City of Montgomery, Ohio:

<u>Parcel No.</u>	<u>Subdivision</u>	<u>Record Owner</u>
603-0014-0093	Fairwind Acres	Hare Kett Development Co.
603-0023-0333	Reserve of Montgomery	Traditions Investments I, Inc.
603-0023-0347	Reserve of Montgomery	Traditions Investments I, Inc.
603-0023-0411	Reserve of Montgomery	Traditions Investments I, Inc.
603-0024-0358	Tanager Woods	Simpson Creek Construction Co.
603-0025-0059	Weller Station	Murphy Development Co.

SECTION 2. The City Manager or his designee is authorized to execute such additional documentation as may be necessary to implement the dedication and acceptance of these public streets.

SECTION 3. The Clerk of Council is hereby directed to forward a certified copy of this Ordinance to the Auditor and Recorder of Hamilton County, Ohio to place these Ordinances of public record to allow the books and records of Hamilton County, Ohio to show that the portion of these streets are now dedicated to public use and are hereby accepted by the City of Montgomery.

SECTION 4. All Ordinances or parts of Ordinances inconsistent herewith are hereby appropriately amended and/or repealed.

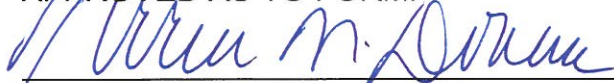
SECTION 5. This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Craig D. Margolis, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director

RESOLUTION NO. _____, 2022

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE HAMILTON COUNTY BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR

WHEREAS, this Council, in accordance with the provisions of law, has previously adopted a Tax Budget for the next succeeding fiscal year commencing January 1, 2023; and

WHEREAS, the Budget Commission of Hamilton County, Ohio, has certified its action thereon to the Montgomery City Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council and what part thereof is without, and what part is within the ten-mill tax limitation.

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

SECTION 1. The rates, as determined by the Budget Commission in its certification, as set forth on the attached Schedule A, are hereby accepted.

SECTION 2. There is hereby levied on the City of Montgomery's tax duplicate the rate of each tax necessary to be levied without and within the ten-mill limitation, as detailed on attached Schedule A, which Schedule A is adopted by reference as if fully restated herein.

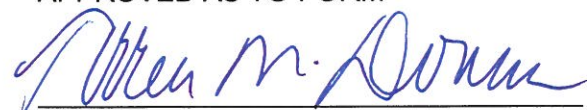
SECTION 3. This Resolution shall be in full force and effect from and after its passage.

PASSED _____

ATTEST _____
Connie M. Gaylor, Clerk of Council

Craig D. Margolis, Mayor

APPROVED AS TO FORM



Terrence M. Donnellon, Law Director

FIRE		CURRENT TAX YEAR		2021		EFFECTIVE RATE		RES/AG		EFFECTIVE RATE		OTHER		FULL RATE		PUPP		TANG PP		TAX CALCULATION		
INSIDE	OUTSIDE	FULL RATE	RES/AG	FACTOR	OTHER	FACTOR	RES/AG	RATE	RES/AG	RATE	OTHER	RATE	OTHER	RATE	OTHER	OTHER	OTHER	TOTAL	TOTAL	TOTAL	TOTAL	
5.55	0.00	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000
0.472832	0.269764	0.09219	1,553,883	0.000000	0.000000	0.000000	0.000000	4.052810	395,149	5.55	63,825	69,000	0	0	0	0	0	0	0	0	2,012,857	0
0.097219	0.090219	0.000000	2,876,902	0.000000	0.000000	0.000000	0.000000	5.458686	532,222	6.00	0	0	0	0	0	0	0	0	0	0	3,478,024	0
0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000
0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000
0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000
0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000
0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000
11.55	8.342468	4,430,685	4,430,685	9.511496	927,371	11.55	132,825	927,371	11.55	132,825	0	0	0	0	0	0	0	0	0	0	5,490,881	0
11.55	8.342468	4,430,685	4,430,685	9.511496	927,371	11.550000	132,825	927,371	11.550000	132,825	0	0	0	0	0	0	0	0	0	0	5,490,881	0

FIRE		UPCOMING TAX YEAR		2022		EFFECTIVE RATE		RES/AG		EFFECTIVE RATE		OTHER		FULL RATE		PUPP		TANG PP		TAX CALCULATION		
INSIDE	OUTSIDE	FULL RATE	RES/AG	FACTOR	OTHER	FACTOR	RES/AG	RATE	RES/AG	RATE	OTHER	RATE	OTHER	RATE	OTHER	OTHER	OTHER	TOTAL	TOTAL	TOTAL	TOTAL	
0.472832	0.269764	0.09219	1,566,756	0.000000	0.000000	0.000000	0.000000	4.052810	397,175	5.55	63,825	69,000	0	0	0	0	0	0	0	0	2,027,757	0
0.097219	0.090219	0.000000	2,900,635	0.000000	0.000000	0.000000	0.000000	5.458686	534,951	6.00	0	0	0	0	0	0	0	0	0	0	3,504,587	0
0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	
0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000
0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000
0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000
0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000
11.55	8.342468	4,467,392	4,467,392	9.511496	932,127	11.55	132,825	932,127	11.55	132,825	0	0	0	0	0	0	0	0	0	0	5,532,343	0
11.55	8.342468	4,467,392	4,467,392	9.511496	932,127	11.550000	132,825	932,127	11.550000	132,825	0	0	0	0	0	0	0	0	0	0	5,532,343	0

Real Estate - 0111	5,295,572
Personal Property - 0113	0
TPP Reimbursement - 0141	0
Rollback & Homestead - 0142	236,772
PUPP - Reimbursement - 0143	0
TOTAL TAX LEVY	5,532,343

Grant	0
Interest	50,000
EMS Fees	175,000
Fines, Licenses & Permits	0
Miscellaneous	0
Transfers In	0
Other Sources	10,915
TOTAL REVENUE	235,915
BEGINNING CASH BALANCE	13,522,049
TOTAL RESOURCES	13,757,964
TOTAL EXPENDITURES	5,709,867
REQUIRED TAX LEVY	-8,048,097
TOTAL TAX LEVY	5,532,343

TAX SUMMARY	REAL	PERSONAL	TOTAL
INSIDE 10 MILL	0	0	0
OUTSIDE 10 MILL	5,532,343	0	5,532,343
TOTAL	5,532,343	0	5,532,343
Less Roll/Hmstd	236,772	0	236,772
Less PUPP Reimbursement	0	0	0
NET LEVY	5,295,572	0	5,295,572
STATE REIMBURSEMENTS	236,772	0	236,772
GROSS LEVY PROCEEDS	5,532,343	0	5,532,343

NEW CONSTRUCTION	REAPPRAISAL	RES/AG	0.00
RES/AG	4,400,000	RES/AG	0.00
OTHER	500,000	COMM/IND	0.00
PUPP	0		
PP	0		

FIRE		UPCOMING TAX YEAR				2022		TOTAL	
NEW ESTIMATED DUPLICATE:	RES/AG	RES/AG	EFFECTIVE	OTHER	OTHER	RES/AG	OTHER	RES/AG	OTHER
FULL RATE	FACTOR	FACTOR	RATE	RATE	RATE	FACTOR	FACTOR	FACTOR	FACTOR
INSIDE	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000
OUTSIDE	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000
5.55	0.472832	0.269764	2.925782	1,566,756	4.052810	397,175	5.55	63,825	2,027,757
6.00	0.097219	0.090219	5.416686	2,900,635	5.458686	534,951	6.00	69,000	3,504,587
0.00	0.000000	0.000000	0.000000	0	0.000000	0	0.00	0	0
0.00	0.000000	0.000000	0.000000	0	0.000000	0	0.00	0	0
0.00	0.000000	0.000000	0.000000	0	0.000000	0	0.00	0	0
0.00	0.000000	0.000000	0.000000	0	0.000000	0	0.00	0	0
0.00	0.000000	0.000000	0.000000	0	0.000000	0	0.00	0	0
0.00	0.000000	0.000000	0.000000	0	0.000000	0	0.00	0	0
0.00	0.000000	0.000000	0.000000	0	0.000000	0	0.00	0	0
11.55	8.342468	4,467,392	9.511496	932,127	11.55	132,825	11.55	132,825	5,532,343
NEW LEVY									
0.00	0.000000	0.000000	0.000000	0	0.000000	0	0.00	0	0
TOTAL									
11.55	8.342468	4,467,392	9.511496	932,127	11.550000	132,825	11.550000	132,825	5,532,343

TAX SUMMARY	FIRE	PERSONAL	TOTAL
INSIDE 10 MILL	0	0	0
OUTSIDE 10 MILL	5,532,343	0	5,532,343
TOTAL	5,532,343	0	5,532,343
Less Roll/Hmstd	236,772		236,772
Less PUPP Reimbursement	0		0
NET LEVY	5,295,572	0	5,295,572
STATE REIMBURSEMENTS	236,772	0	236,772
GROSS LEVY PROCEEDS	5,532,343	0	5,532,343

REVENUE	REVENUE
Grant	0
Interest	50,000
EMS Fees	175,000
Fines, Licenses & Permits	0
Miscellaneous	0
Transfers In	0
Other Sources	10,915
TOTAL REVENUE	235,915
BEGINNING CASH BALANCE	13,572,049
TOTAL RESOURCES	13,757,964
TOTAL EXPENDITURES	5,709,867
REQUIRED TAX LEVY	8,048,097
TOTAL TAX LEVY	5,532,343

NEW CONSTRUCTION	REAPPRAISAL
RESAG	4,400,000
OTHER	500,000
PUPP	0
PP	0

NEW CONSTRUCTION	REAPPRAISAL
RESAG	4,400,000
OTHER	500,000
PUPP	0
PP	0

ORDINANCE NO. _____, 2022

AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF MONTGOMERY, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2023

WHEREAS, Council previously did approve and submit to the Budget Commission a Budget for revenues and expenses for the fiscal year commencing January 1, 2023 and ending December 31, 2023; and

WHEREAS, the proposed Budget has been accepted and approved, and Council does desire to appropriate funds according to the Budget to meet current expenses and other expenditures for the 2023 fiscal year.

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

SECTION 1. Commencing January 1, 2023 and for the fiscal year ending December 31, 2023, in order to provide for the current expenses and other expenditures of the City, the sums detailed on the attached Budget schedule are hereby appropriated as if such schedule is fully set forth herein.

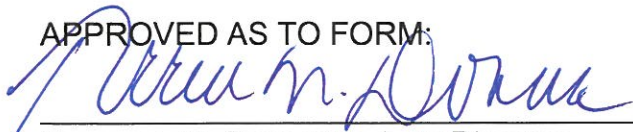
SECTION 2. This Ordinance shall be in full force and effect from and after the earliest period allowed by law.

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Craig D. Margolis, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director

Attachment to 2023 Appropriation Ordinance

General Fund		
101 Police Department	Personnel	3,971,201
	Nonpersonnel	359,300
	Total	\$4,330,501
106 Disaster Services	Personnel	0
	Nonpersonnel	9,300
	Total	\$9,300
201 Public Health and Welfare	Personnel	59,000
	Nonpersonnel	0
	Total	\$59,000
301 Recreation	Personnel	276,506
	Nonpersonnel	109,974
	Total	\$386,480
303 City Parks	Personnel	370,346
	Nonpersonnel	332,500
	Total	\$702,846
317 Swaim and Terwilliger Lodges	Personnel	0
	Nonpersonnel	51,100
	Total	\$51,100
321 Special Events	Personnel	0
	Nonpersonnel	132,000
	Total	\$132,000
405 Landmarks Commission	Personnel	0
	Nonpersonnel	14,250
	Total	\$14,250
406 City Beautiful	Personnel	0
	Nonpersonnel	164,386
	Total	\$164,386
407 Development	Personnel	440,580
	Nonpersonnel	618,900
	Total	\$1,059,480
408 Planning Commission	Personnel	0
	Nonpersonnel	142,400
	Total	\$142,400
409 Historical Building Operations	Personnel	0
	Nonpersonnel	49,400
	Total	\$49,400
701 City Administration	Personnel	729,206
	Nonpersonnel	39,300
	Total	\$768,506
702 Finance Department	Personnel	706,469
	Nonpersonnel	127,737
	Total	\$834,206
703 Legal Administration	Personnel	0
	Nonpersonnel	240,500
	Total	\$240,500

705 City Council	Personnel	11,496
	Nonpersonnel	18,000
	Total	\$29,496
707 Mayor's Court	Personnel	35,136
	Nonpersonnel	75,500
	Total	\$110,636
708 Civil Service Commission	Personnel	0
	Nonpersonnel	5,150
	Total	\$5,150
709 Public Works Administration	Personnel	617,707
	Nonpersonnel	163,800
	Total	\$781,507
712 Community and Information Services	Personnel	414,396
	Nonpersonnel	149,600
	Total	\$563,996
715 General Government	Personnel	10,000
	Nonpersonnel	2,733,125
	Total	\$2,743,125
Total General Fund Transfers/Cash Advances Out		542,550
Total General Fund	Personnel	7,642,043
	Nonpersonnel	5,536,222
	Total	13,178,265

Special Revenue Funds

219 Community Oriented Policing Solutions	Personnel	153,868
	Nonpersonnel	3,650
	Total	\$157,518
220 Law Enforcement Assistance Fund	Personnel	1,000
	Nonpersonnel	1,000
	Total	\$2,000
223 Fire Department	Personnel	4,235,173
	Nonpersonnel	1,970,819
	Total	\$6,205,992
261 Street Maintenance and Repair	Personnel	784,296
	Nonpersonnel	369,938
	Total	\$1,154,234
209 Memorial Fund	Personnel	0
	Nonpersonnel	6,500
	Total	\$6,500
210 Parks & Recreation	Personnel	0
	Nonpersonnel	500
	Total	\$500
215 Law Enforcement	Personnel	0
	Nonpersonnel	354,500
	Total	\$354,500
216 Drug Enforcement	Personnel	0
	Nonpersonnel	400
	Total	\$400

217 DUI Enforcement and Education	Personnel	0
	Nonpersonnel	10,500
	Total	\$10,500
218 Mayor's Court Technology Fund	Personnel	0
	Nonpersonnel	10,325
	Total	\$10,325
222 Pandemic Relief Fund	Personnel	0
	Nonpersonnel	350,000
	Total	\$350,000
227 Environmental Impact Area I	Personnel	0
	Nonpersonnel	8,000
	Total	\$8,000
228 Environmental Impact Area II	Personnel	0
	Nonpersonnel	125,150
	Total	\$125,150
229 Environmental Impact Area III	Personnel	0
	Nonpersonnel	10,000
	Total	\$10,000
230 Environmental Impact Area IV	Personnel	0
	Nonpersonnel	5,000
	Total	\$5,000
265 State Highway Fund	Personnel	0
	Nonpersonnel	41,000
	Total	\$41,000
266 Permissive MVL Fund	Personnel	0
	Nonpersonnel	77,000
	Total	\$77,000
275 Municipal Pool	Personnel	0
	Nonpersonnel	275,778
	Total	\$275,778
485 Arts and Amenities	Personnel	0
	Nonpersonnel	99,250
	Total	\$99,250
Total Special Revenue Funds	Personnel	5,174,337
	Nonpersonnel	3,719,310
	Total	8,893,647

Debt Service Funds

324 General Bond Retirement	Personnel	0
	Nonpersonnel	260,677
	Total	\$260,677
328 Reserve Bond Retirement	Personnel	0
	Nonpersonnel	389,029
	Total	\$389,029
329 Montgomery Quarter TIF Fund	Personnel	0
	Nonpersonnel	1,217,197
	Total	\$1,217,197
331 Vintage Club TIF Fund	Personnel	0
	Nonpersonnel	2,818,422

	Total	\$2,818,422
332 Vintage Club North TIF Fund	Personnel	0
	Nonpersonnel	481,955
	Total	\$481,955
Total Debt Service Funds	Personnel	0
	Nonpersonnel	5,167,280
	Total	5,167,280

Capital Projects Funds

410 Capital Improvements	Personnel	0
	Nonpersonnel	4,460,167
	Total	\$4,460,167
460 Heritage District Fund (Urban Redevelopment)	Personnel	0
	Nonpersonnel	49,000
	Total	\$49,000
461 Triangle Equivalent TIF Fund	Personnel	0
	Nonpersonnel	172,000
	Total	\$172,000
463 Vintage Club Capital Construction Fund	Personnel	0
	Nonpersonnel	300,000
	Total	\$300,000
465 Montgomery Quarter Roundabout Fund	Personnel	0
	Nonpersonnel	26,400
	Total	\$26,400
480 Downtown Improvements	Personnel	0
	Nonpersonnel	1,200,550
	Total	\$1,200,550
Total Capital Projects Funds	Personnel	0
	Nonpersonnel	6,208,117
	Total	6,208,117

Fiduciary Funds

546 Trust Reimbursements	Personnel	0
	Nonpersonnel	100,000
	Total	\$100,000
601 State Fees	Personnel	0
	Nonpersonnel	17,000
	Total	\$17,000
840 Cemetery Expendable Trust	Personnel	0
	Nonpersonnel	71,850
	Total	\$71,850
890 Unclaimed Moneys Fund	Personnel	0
	Nonpersonnel	1,000
	Total	\$1,000
Total Fiduciary Funds	Personnel	0
	Nonpersonnel	189,850
	Total	189,850

Total All Funds

Personnel	12,816,380
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Nonpersonnel

20,820,779

Total

33,637,159

ORDINANCE NO. , 2022

**AN ORDINANCE FOR THE ALLOCATION OF EARNINGS TAX REVENUES
AND AMENDING SECTION 44.14 OF THE MONTGOMERY CODE OF ORDINANCES**

WHEREAS, Section 44.14 of the Montgomery Code of Ordinances provides for the allocation of earnings tax revenues to certain uses and purposes; and

WHEREAS, the City's evolving financial condition warrants a current re-examination of the earnings tax allocation to more accurately reflect operating, capital improvement and debt service needs of the City.

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

SECTION 1. Section 44.14 of the Montgomery Code of Ordinances is hereby amended to read as follows commencing fiscal year 2023:

Section 44.14 Allocation Of Funds

The funds collected under the provision of this chapter shall be disbursed for the following purposes:

- (A) 5% to the General Bond Retirement Fund;
- (B) 20% to the Capital Improvement Fund;
- (B) 75% to the General Fund for the purpose of general municipal operations

SECTION 2. The Operating Budget for fiscal year 2022 shall be adjusted appropriately to reflect the same apportionment of the allocation of funds as outlined in Section 1 above, collected from earnings tax revenues during the fiscal year. The reallocation shall be reflected in the Amended Appropriations enacted by City Council.

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SECTION 3. All Ordinances or parts of Ordinances inconsistent herewith are

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hereby repealed.

SECTION 4. This Ordinance shall be in full force and effect from and after

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the earliest period allowed by law.

PASSED: _____

ATTEST: _____
Connie Gaylor, Clerk of Council

Craig D. Margolis, Mayor

APPROVED AS TO FORM:

Terrence M. Donnellon, Law Director

ORDINANCE NO. _____, 2022

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AND AMENDING SECTION 44.14 OF THE MONTGOMERY CODE OF ORDINANCES**

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Section 44.14 Allocation Of Funds

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SECTION 3. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

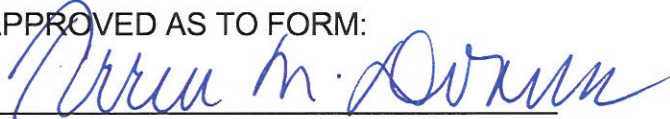
SECTION 4. This Ordinance shall be in full force and effect from and after the earliest period allowed by law.

PASSED: _____

ATTEST: _____
Connie Gaylor, Clerk of Council

Craig D. Margolis, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director

RESOLUTION NO. , 2022

A RESOLUTION AUTHORIZING AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR BRIDGE INSPECTION SERVICES

WHEREAS, the Ohio Department of Transportation offers bridge inspection services to local communities such as the City of Montgomery, which are required periodically to inspect roadway bridges supporting traffic throughout the community; and

WHEREAS, the Ohio Department of Transportation has offered to perform such services for the City with limited cost; and

WHEREAS, the Administration is recommending a contract with the Ohio Department of Transportation for such services.

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

SECTION 1. The City Manager is hereby authorized to enter into an agreement with the Ohio Department of Transportation (“Department”), which agreement is outlined in the attached Exhibit A entitled *Legislation Consent*, for a period of twelve (12) months to participate in the Bridge Inspection Program Services (“Services”) offered by the Department. Such Services are to include, but not be limited to, bridge load rating calculations, scour assessments, bridge inspections and fracture critical plan development.

SECTION 2. Consistent with the proposal from the Department, the Department shall assume and bear one hundred percent (100%) of the cost for Bridge Inspection Program Services requested by the City and agreed to by the Department. Eligible Bridge Inspection Services are described in the Consultant’s Scope of Services Task Order Contract, Exhibit B attached hereto. The City of Montgomery agrees to pay

one hundred percent (100%) of the cost of those services which are not included in Exhibit B and requested by the City.

SECTION 3. The City agrees that all right-of-way required for the described project Services will be made available in accordance with current state and federal regulations.

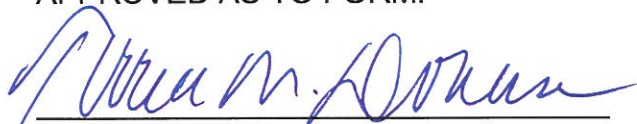
SECTION 4. This Resolution shall be in full force and effect from and after its passage.

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Craig D. Margolis, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director

LEGISLATION CONSENT

Rev. 8/5/2022

Ordinance/Resolution #: _____

ODOT Project Title: Municipal Bridge Inspection Program

The following is a/an _____ enacted by the _____ of _____
(Ordinance/Resolution) (Local Public Agency)
County, Ohio, hereinafter referred to as the Local Public Agency (LPA).

SECTION I – Project Description

WHEREAS the (LPA) has determined the need for the described project:

Bridge Inspection Program Services, including, but not limited to routine inspections, element level inspections, critical findings report, fracture critical member inspections, load rating calculations and reports, weight limits posting sign recommendations, scour assessments, scour plan of actions, development of fracture critical plans, and underwater dive inspection reports if needed.

NOW THEREFORE, be it ordained by the _____ of _____ County, Ohio.
(LPA)

SECTION II – Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

SECTION III – Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the above-described project as follows:

The State shall assume and bear 100% of all the cost for Bridge Inspection Program Services requested by the City and agreed to by the State. Eligible Bridge Inspection Services are described in the Consultant’s Scope of Services Task Order Contract (Exhibit A).

The LPA agrees to pay 100% of the cost of those features which are not included in Exhibit A. Those features may include but not limited to the purchasing and erecting the recommended weight limits postings signs, the implementation of critical findings reports such as partial or total bridge closures, the implementation of the scour plan of actions. When recommendations affect public safety, ODOT expects full implementation by the municipality As of October 2019, FHWA requires installing weight limits posting signs within 30 days from the official date of the approved recommendations. Timely implementation is essential to the success of this program.

SECTION IV – Utilities and Right-of-Way Statement

The LPA agrees that all right-of-way required for the described project will be made available in accordance with current State and Federal regulations.

SECTION V – Project Duration and Consent Applicability

The Project is based on the available funds provided by ODOT aimed at assisting the LPA in reaching compliance with State and Federal laws and policies for bridge inspection. The Project specifics (program duration, PID number, and consultant scope of services (Exhibit A)) shall be provided to the designated LPA Contractual Agent via email sent by ODOT Office of Structural Engineering (OSE).

ODOT will seek additional funds to renew the project in future years. If such funds are allocated, ODOT will send an email with the Project specifics to the designated LPA Contractual Agent seeking approval for the new Project. ODOT will not proceed with any Project that does not have written authorization via email from the designated LPA Contractual Agent.

SECTION VI – Authorization of Project

_____ of _____ is hereby empowered on behalf of the
(Contractual Agent – Designated Position) (LPA)
_____ to provide written authorization via email to the Director of Transportation to
(LPA)
complete the above-described project and any renewals.

Passed: _____, 2_____.
(Date)

Attested: _____
(Clerk)

(Contractual Agent of LPA – title)

Attested: _____
(Title)

(President of Council)

The _____ is hereby declared to be an emergency measure to expedite the highway project and
(Ordinance/Resolution)
to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

**CERTIFICATE OF COPY
STATE OF OHIO**

_____ of _____ County, Ohio
(LPA)

I, _____, as Clerk of the _____
(LPA)
of _____ County, Ohio, do hereby certify that the foregoing is a true and correct copy of
_____ adopted by the legislative Authority of the said
(Ordinance/Resolution)

_____ on the _____ day of _____, 2____.
(LPA)

That the publication of such _____ has been made and certified of record according to
(Ordinance/Resolution)

Law; that no proceedings looking to a referendum upon such _____ have been taken;
(Ordinance/Resolution)

and that such _____ and certificate of publication thereof are of record in _____,
Page _____ (Ordinance/Resolution)
(Record No.)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable,
this _____ day of _____ 2____.

(Clerk)

(CITY SEAL)

_____ of _____ County, Ohio
(LPA)

(If the LPA is designated as a City then the "City Seal" is required. If no Seal, then a letter stating "No Seal is required to accompany the executed legislation.)

The foregoing is accepted as a basis for proceeding with the project herein described.
For the _____ of _____ County, Ohio.
(LPA)

Attested: _____ Date _____
(Contractual Agent)



For the State of Ohio

Attested: _____ Date _____
(Director, Ohio Department of Transportation)

GENERAL ENGINEERING SERVICES Central Office, Office of Structural Engineering Scope of Services

The CONSULTANT may be required to perform the following services on a task order type basis for bridges designated by regulation or by agreement as City or Village inspection responsibility. Consultants must be prequalified for Level 1 Bridge Inspection services, which may include but are not limited to the following:

Task 1 - Scour Tasks

- Task 1A - Scour Critical Assessment
- Task 1B - Scour Plan-of-Action

Task 2 - Load Rating Tasks

- Task 2A - Field Measurements for Load Rating
- Task 2B - Load Rating Calculations

Task 3 – AssetWise Structure Inventory and Review, Including New SNBI Fields

Task 4 – Inspection Procedures

- Task 4A - Fracture Critical Plan
- Task 4B – Underwater Inspection Procedures

Task 5 - Bridge Inspection

- Task 5A – Routine Bridge Inspection
- Task 5B – Fracture Critical Inspection
- Task 5C – Underwater Dive Inspection

Services shall be conducted in accordance with the following:

- ODOT Manual of Bridge Inspection, Latest Version
- ODOT Bridge and Inventory Coding Guide, Latest Version
- ODOT Bridge Design Manual, Section 900), Latest Version
- Hydraulic Engineering Circulars 18, 20 and 23
- The Manual for Bridge Evaluation, Third Edition 2019 interim with revisions, AASHTO

Publication

- Bridge Inspector's Reference Manual, FHWA NHI Publication Number: 12-049,
Publication Year: 2012
- Underwater Bridge Inspection, FHWA Publication Number: FHWA NHI-10-027,
Publication Year: 2010

The CONSULTANT shall maintain a project cost accounting system that will segregate costs for individual task orders. The invoicing progress reports shall be detailed enough to show the breakdown of each assigned structure indicating the status of all subtasks. Completion of the individual subtasks is necessary for reimbursement credits.

The duration of the agreement will be twelve (12) months from the authorization date of the agreement.

The Department will be performing an annual Quality Assurance Review (QAR) for each selected consultant in accordance with Manual of Bridge Inspection to ensure accuracy and consistency of the inspection and documentation in AssetWise. This typically includes an office and field review.

The project will be divided into four (4) sub-projects (SP). A CONSULTANT will be selected for each sub-project. Municipalities opted into the previous inspection program will have the option to renew their legislation. Municipalities with population greater than 50,000 people are excluded from the program. The sub-projects have the following general geographic areas, category characteristics, and maximum contract values for the municipalities with municipal inspection responsibility obtained from AssetWise data as of July 2022.

Project: SP01 - District (1, 2, &3), Total Structures = 485*

Type	L <= 20'	20' < L <= 60'	60' < L <= 200'	L > 200'	Total
Single Span	192	178	26	0	396
Multi-Span	24	20	31	14	89
Culvert	119	29	1	0	149
Truss	0	1	3	0	4
Fracture Critical Inspection	0	0	2	0	2
Underwater Inspection	0	0	0	0	0
Load Rating**	108	99	29	7	243

* Level 1 Bridge Inspection structures

** Tasked as budget allows w/priority for NBI bridges with many BrR updates

General Engineering Services Scope of Services
Central Office, Office of Structural Engineering
PID No. 117554

Project: SP02 - District (4, 11, &12), Total Structures = 392*

Type	L ≤ 20'	20' < L ≤ 60'	60' < L ≤ 200'	L > 200'	Total
Single Span	127	126	35	0	288
Multi-Span	22	25	37	20	104
Culvert	84	40	1	0	125
Truss	1	2	6	0	9
Fracture Critical Inspection	0	0	3	0	3
Underwater Inspection	0	0	0	0	0
Load Rating**	75	76	36	10	197

* Level 1 Bridge Inspection structures

** Tasked as budget allows w/priority for NBI bridges with many BrR updates

Project: SP03 - District (5, 6, &10), Total Structures = 515*

Type	L ≤ 20'	20' < L ≤ 60'	60' < L ≤ 200'	L > 200'	Total
Single Span	189	206	40	0	435
Multi-Span	11	11	37	21	80
Culvert	111	87	4	0	202
Truss	0	0	7	0	7
Fracture Critical Inspection	0	0	7	1	8
Underwater Inspection	0	0	0	0	0
Load Rating**	80	87	31	8	259

* Level 1 bridge inspection structures

** Tasked as budget allows w/priority for NBI bridges with many BrR updates

Project: SP04 - District (7, 8 &9), Total Structures = 508*

Type	L ≤ 20'	20' < L ≤ 60'	60' < L ≤ 200'	L > 200'	Total
Single Span	177	157	36	1	371
Multi-Span	29	45	49	14	137
Culvert	126	85	3	0	214
Truss	0	0	7	1	8
Fracture Critical Inspection	0	1	4	1	6
Underwater Inspection	0	0	0	0	0
Load Rating	103	101	43	8	255

* Level 1 bridge inspection structures

** Tasked as budget allows w/priority for NBI bridges with many BrR updates

Please note that the total number of structure types is estimated based on current AssetWise data queries, and it may be adjusted when tasks are assigned in the future which may include newly found orphan bridges. The estimated annual contract price value for each sub-project is as follows:

SP01 \$560,000
SP02 \$530,000
SP03 \$570,000
SP04 \$590,000

DBE Participation:

Project	Goal
SP01	10%
SP02	0%
SP03	0%
SP04	0%

CONSULTANT shall clearly designate in the letter of intent the SP(s) they wish to be considered for.

Three (3) copies of the letter of intent shall be submitted. The letter of intent shall demonstrate that the CONSULTANT has a clear understanding of the scope of services.

Price Proposal Due Date: **//****

UNDERSTANDING

1. Inspections shall be completed by firm's full-time staff prequalified with ODOT for Level 1 bridge inspection according to the Manual of Bridge Inspection.
2. Task order are intended for maintaining compliance with the FHWA 23-Mertics, Ohio Revised Code, and ODOT policy manuals. Deadlines set by the task orders shall be respected.
3. All reports and records compiled under this agreement shall become the property of the City or Village and shall be housed in the City or Village. ODOT shall receive an electronic copy of plans, analysis files, reports and other items mentioned below.
 - a) CONSULTANT shall perform all applicable updates to ASSETWISE with new or revised information for structure inventory and appraisal data, inspections, scour, fracture critical members, and load ratings.
 - b) CONSULTANT shall submit copies of all reports and calculations electronically, or in hard copies when requested, to the City or Village for inclusion in their bridge records.
 - c) This includes, as applicable, a printed copy of the inspection report, Scour Plan-of-Action, Fracture Critical Plan, load rating report, gusset plate analysis, inspection procedures, and field measurement notes, digital pictures as well as a reproducible digital data file (.pdf, .doc, .xml, and .xls formats).
4. Copies of all transmittal letters and emails related to this Task Order shall be submitted to Central Office, Office of Structural Engineering.
 - a) When required, CONSULTANTS shall locate the original construction plans, as-built, and shop drawings from archive locations specified by the municipality and upload them onto ASSETWISE.

Services to be furnished by CONSULTANT may include:

TASK 1 - SCOUR TASKS

Task 1A – Scour Critical Susceptibility NBIS Item 113) - The CONSULTANT shall refer to the most recent ODOT Manual of Bridge Inspection. Deliverables include field notes, a completed Scour Critical Assessment Checklist as per Appendix I of the 2014 Manual of Bridge Inspection, and any other reference material needed for the bridge owner to properly maintain their bridge files. Channel photos or cross sections may be tasked under this item if assigned. Please use the latest scour assessment form.

Task 1B - Scour Plan-of-Action - The CONSULTANT shall refer to the most recent ODOT Manual of Bridge Inspection Appendix H for the scope of this task. Deliverables include a completed Scour Plan-of-Action, field notes, calculations, and any other reference material needed by bridge owner to maintain bridge files.

TASK 2 – LOAD RATING TASKS

Task 2A - Field Measurements for Load Rating - Should no plans exist or if additional information is required, each main member shall be field measured for load rating. The condition of the member should be noted on the field documentation. All measurements shall be included in the load rating report.

Task 2B - Load Rating Calculations – A bridge carrying vehicular traffic shall be rated to determine the safe load carrying capacity. The CONSULTANT shall review existing bridge plans and inspection reports and other inspection information such as photographs and estimates of section loss for bridge members and connections. The analysis for existing structures shall be performed for AASHTO HS20-44 [MS 18] (truck, lane, & military) loading for both inventory and operating levels, and for the four Ohio Legal Loads including the special hauling vehicles (2F1, 3F1, 4F1, and 5C1, SU4, SU5, SU6, SU7, Type 3, Type 3S2, Type 3-3, NRL, EV2, and EV3) at operating level. The CONSULTANT shall try to complete the load rating analysis utilizing BrR (Virtis) at first. Hand-calculations or Spreadsheets if BrR is not applicable. The BrR analysis file, other load rating files, and the latest BR100 shall be included with the submittal to OSE.

The inventory and operating ratings shall be coded as per the most recent version of the ODOT Bridge Inventory Coding Guide. Update ASSETWISE Inventory with the load rating results and upload BR100 pdf file.

The electronic deliverable shall include if applicable an Excel spreadsheet or other files used for analysis for each bridge which shall include the member areas, member capacities both with and without section loss, influence lines (can be the ordinates or graph of the lines), dead loads and dead load stresses in members, live loads and live load stresses in members for all truck loadings and the load ratings of the members. Truck loadings to be used for the ratings are specified in BDM Section 900.

The Load Rating Report shall be prepared by a registered or non-registered engineer, and it shall be checked, signed, sealed and dated by an Ohio Registered Professional Engineer.

The Load Rating Report shall explain the method used to calculate the load rating of each bridge.

AASHTO Load Factor Rating (LFR) shall be utilized for all bridges not designed by Load and Resistance Factor Design. AASHTO Load and Resistance Factor Rating (LRFDR) shall be utilized for all structures designed for HL93 loading starting October 2010.

Load Rating Report Submittal to the City or Village shall include:

- a. Two (2) printed copies and one electronic pdf copy of the Load Rating Report for each bridge.
- b. Final summary of inventory and operating ratings for each member and the overall ratings of the structure shall be presented for each live load truck. An acceptable format is ODOT form BR-100.
- c. Analysis program input files. Both input and output files shall be submitted when programs other than BrR or spreadsheets are used.
- d. All calculations related to the load rating.
- e. If applicable, the weight limits posting recommendations including a copy of the standard posting sign; such as R12-1 (24" x 30"), R12-H5 (30" x 48"), and R12-H7 (30" x 30").

TASK 3 – ASSETWISE STRUCTURE INVENTORY AND REVIEW

The scope of this task includes a limited review of the structure inventory data in the ODOT ASSETWISE. In general, the CONSULTANT shall review specific existing ODOT bridge inventory records (as provided by the City and approved by ODOT) of the designated bridge. The CONSULTANT may download the inventory report, which contains inventory data for each bridge on file with ODOT from the ODOT website. The CONSULTANT shall verify this data and determine if the ODOT ASSETWISE structure file information needs to be updated on the system. If no changes are necessary, then no ASSETWISE inventory needs to be filled out. If changes are necessary, the scope of this task shall also include completing and filing inventory updates (and supplements, as needed) in ASSETWISE. The CONSULTANT shall refer to the ODOT Office of Structural Engineering Inventory and Coding Guide of ASSETWISE for inventory coding details. In 2023, ODOT will start the transition toward SNBI, the consultants shall fill out all empty fields for this purposes as communicated by OSE.

TASK 4 – INSPECTION PROCEDURES

Task 4A – Fracture Critical Plan – A Fracture Critical Member Plan and inspection procedure shall be developed and updated. For more details, refer to Chapter 4: Inspection Types in the Manual of Bridge Inspection. It shall include:

1. Sketches of the superstructure with locations of all fatigue and fracture prone details identified.
 - a. Use framing plan or schematic with detail locations labeled and a legend explaining each labeled item on the scheme.
 - b. Use an elevation view for trusses.

- c. Classify similar fatigue/fracture prone details as types (e.g. end of partial cover plate).
2. A table or location of important structural details indicating:
 - a. Type of detail (e.g. end of partial cover plate, short web gap, etc.)
 - b. Location of each occurrence of detail
 - c. AASHTO Fatigue Category of detail
 - d. Identify retrofits previously installed
3. Risk Factors Influencing the inspector access.

Photos and sketches shall be properly referenced. The CONSULTANT shall refer to the most recent ODOT Manual of Bridge Inspection for additional details on the scope of this task.

Task 4B – Underwater Inspection Procedures – An underwater inspection procedure shall be developed. For more details, refer to Chapter 4: Underwater Inspections in the Manual of Bridge Inspection. Please note that ODOT has recently revised the format of the procedures file. The diving team shall fill out or update the latest form and upload it on ASSETWISE prior to performing the actual dives. Please contact OSE for a copy of a blank form if not uploaded on ASSETWISE at the time.

TASK 5 – BRIDGE INSPECTION

Task 5A – Routine Bridge Inspection (ASSETWISE Input) - Perform a routine field inspection of the structure to determine the general condition. The CONSULTANT shall refer to the most recent ODOT Manual of Bridge Inspection for additional details on the scope of this task. Section 1111 of the Moving Ahead for Progress in the 21st Century Act (MAP-21) modified 23 U.S.C.144, requires Ohio to report bridge element level data for NBIS bridges on the National Highway System (NHS) to FHWA. A condition rating or element level inspection will be assigned. This task includes Condition Rating Inspection for non-NBI structures, Condition Rating Inspection for NBI structures, and Element Level Inspection for NBI classified as NHS. The consultant shall probe the channel around the footing in water to determine depth of scour and report the date in AssetWise.

Task 5B – Fracture Critical Inspection - Perform a fracture critical field inspection of fracture critical items. The CONSULTANT shall update the FCM inspection procedure with current photos and descriptions. The CONSULTANT shall refer to the most recent ODOT Manual of Bridge Inspection for additional details on the scope of this task.

Task 5C – Underwater Dive Inspection – Perform Underwater/ In-Water inspection of substructure units according to the cycle shown in ASSETWISE. Emergency underwater inspection may arise for specific structures over the duration of the contract period. Work shall be done in accordance with the reference manuals and inspection procedure. Scour risk shall be evaluated after field and data collection.

ORDINANCE NO. , 2022

**AN ORDINANCE TO AMEND APPROPRIATIONS FOR CURRENT EXPENSES
AND OTHER EXPENDITURES OF THE CITY OF MONTGOMERY, STATE OF OHIO,
DURING THE FISCAL YEAR ENDING DECEMBER 31, 2022**

WHEREAS, the 2022 Appropriation Ordinance No. 7, 2021 passed December 1, 2021, appropriated a total of \$34,604,166 for the year 2022; and

WHEREAS, appropriations within a certain fund are insufficient to meet the obligations of the City;

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Montgomery, Ohio, that the 2022 Appropriation Ordinance, Ordinance 7, 2021, be amended as below:

SECTION 1. There be an increase of \$125,833 in the appropriation balance in the following accounts of the General Fund 101 to:

Account Number 101.201.5204	Board of Health	+	\$	833
Account Number 101.715.5372	MCIC Grant Expense	+	\$	125,000

SECTION 2. There be an increase of \$36,000 in the appropriation balance in the Memorial Fund 209 to:

Account Number 209.000.5326	Memorials	+	\$	36,000
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SECTION 3. There be an increase of \$11,475 in the appropriation balance in the Law Enforcement Assistance Fund 220 to:

Account Number 220.000.5205	Salaries/Wages	+	\$	11,475
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SECTION 4. There be an increase of \$21,876 in the appropriation balance in the following accounts of the General Bond Retirement Fund 324 to:

Account Number 324.000.5335	Professional Services	+	\$	1,876
Account Number 324.000.5350	Refunds/Reimburse.	+	\$	20,000

SECTION 5. There be an increase of \$2,979 in the appropriation balance in the Reserve of Montgomery Bond Retirement Fund 328 to:

Account Number 328.000.5370	County Auditor Fees	+	\$	2,979
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SECTION 6. There be an increase of \$242,079 in the appropriation balance in the following accounts of the Vintage Club North TIF Fund 332 to:

Account Number 332.000.5365	Contract Services	+	\$	239,580
Account Number 332.000.5370	County Auditor Fees	+	\$	2,299
Account Number 332.000.5505	Trustee Fee	+	\$	200

SECTION 7. There be an increase of \$1,250,000 in the appropriation balance in the Montgomery Quarter Construction Fund 464 to:

Account Number 464.000.5470 Capital Projects + \$ 1,250,000

SECTION 8. There be an increase of \$725,000 in the appropriation balance in the Montgomery Quarter Roundabout Fund 465 to:

Account Number 465.000.5365 Contract Services + \$ 725,000

SECTION 9. There be an increase of \$7,500,000 in the appropriation balance in the Downtown Improvements Fund 480 to:

Account Number 480.000.5470 Capital Projects + \$ 7,500,000

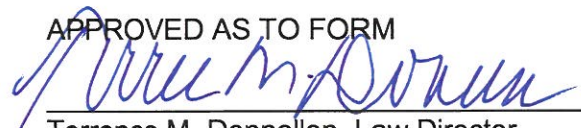
SECTION 10. This Ordinance shall be in full force and effect from and after the earliest period allowed by law.

PASSED: _____

ATTEST: _____
 Connie Gaylor, Clerk of Council

Craig D. Margolis, Mayor

APPROVED AS TO FORM



Terrence M. Donnellon, Law Director

ORDINANCE NO. _____, 2022

**AN ORDINANCE RENAMING CARES ACT RELIEF PAYROLL FUND 222 TO THE
PANDEMIC RELIEF FUND 222, TRANSFERRING GENERAL FUND
UNAPPROPRIATED SURPLUS TO THE PANDEMIC RELIEF FUND 222
AND THE DOWNTOWN IMPROVEMENT FUND 480 TO COMPLY
WITH AMERICAN RESCUE PLAN ACT COMPLIANCE**

WHEREAS, on March 11, 2021, President Biden signed into law H.R. 1319, the American Rescue Plan Act of 2021 ("ARPA") which provides financial assistance to individuals, businesses, and state and local government agencies to assist in the economic recovery from the Covid-19 pandemic; and

WHEREAS, Council previously authorized the City Manager to apply for ARPA funding and to execute any and all documentation, including a Participation Agreement, to allow the City to receive allocated ARPA funds for eligible expenses under the rules and regulations to be issued to provide guidance for the receipt, allocation and expenditure of such funds; and

WHEREAS, the City has received to date \$1,143,400.08 which was allocated to the Coronavirus Relief Fund 221 and from which previously was appropriated \$52,113.18 for pandemic-related response such as technology safe operations for City facilities and allowable administrative costs; and

WHEREAS, the U.S. Treasury Department issued an Interim Final Rule on May 10, 2021, and its Final Rule on January 6, 2022, providing guidance for the use of Coronavirus State and Local Fiscal Recovery Funds as available under ARPA; and

WHEREAS, on February 28, 2022, the U.S. Treasury Department issued revised guidance for the reporting requirements for the use of such Funds; and

WHEREAS, to properly account for the receipt and the authorized expenditure of such Funds, it is recommended that the City specifically establish a Pandemic Relief Fund to track the receipt and allocation of such funds.

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

SECTION 1. The City hereby acknowledges receipt of \$1,143,400.08 of ARPA funding which has been accepted to the Coronavirus Relief Fund 221 for a one-time replenishment of revenues lost as a result of the pandemic. Council hereby reaffirms the appropriation of \$52,163.18 from such Fund for pandemic allowed expenditures.

SECTION 2. For fiscal year 2022, the CARES Act Relief Payroll Fund 222 is hereby renamed the Pandemic Relief Fund 222 to comply with Treasury guidance.

SECTION 3. \$1,091,236.90 is hereby transferred from the Coronavirus Relief Fund 221 to the General Fund 101 for one-time replenishment of revenues lost substantiated by General Fund expenditures representing general government services as a result of the pandemic for future appropriation.

SECTION 4. Five Hundred Thousand Dollars shall be transferred and appropriated from General Fund 101 to the Downtown Improvements Fund 480 for the purpose of authorized expenditures for the Montgomery Quarter Phase 1 Project.

SECTION 5. The remaining balance of \$591,236.90 shall be transferred to the newly renamed Pandemic Relief Fund 222 for future projects.

SECTION 6. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

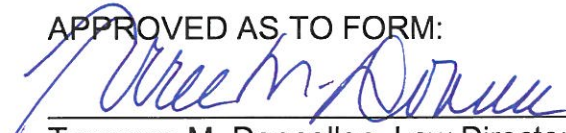
SECTION 7. This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Craig D. Margolis, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director

RESOLUTION NO. _____, 2022

**A RESOLUTION APPROVING THE USE OF AMERICAN RESCUE PLAN ACT
(ARPA) FUNDS FOR REPORTING AND COMPLIANCE TO THE
US TREASURY DEPARTMENT FOR FISCAL YEAR 2022**

WHEREAS, on March 11, 2021, President Biden signed into law HR 1319, the American Rescue Plan Act of 2021 (“ARPA”), which provides financial assistance to individuals, businesses, and state and local government agencies to assist in the economic recovery from the COVID-19 pandemic; and

WHEREAS, ARPA includes a provision entitled “Coronavirus State and Local Fiscal Recovery Funds” (“SLFRF”) that includes \$350 billion in funding for state and local governments of which \$65 billion is dedicated to local government agencies; and

WHEREAS, the provisions in SLFRF provide flexibility for each government to meet local needs in four areas: 1) supporting public health response to and economic impacts from the pandemic; 2) provide premium pay for essential workers; 3) replace lost public sector revenues; and 4) invest in water, wastewater and broadband infrastructure; and

WHEREAS, the City of Montgomery (the “City”) is classified as a non-entitlement unit within the provisions of SLFRF and received a total of \$1,143,400.08; and

WHEREAS, by Resolution 13, 2021, enacted May 5, 2021, Council authorized the City Manager to apply for ARPA funding and to execute any and all documentation including a Participation Agreement to allow the City to receive allocated ARPA funds for eligible expenses under the Rules and Regulations which may be issued to provide guidance for the receipt, allocation and expenditure of such funds; and

WHEREAS, the City has appropriated as revenue loss and expensed to date \$52,163.18 in Fund 221, Coronavirus Relief Fund, for the purpose in expenditures for pandemic-related response such as technology, operations for City facilities, and administrative costs; and

WHEREAS, the US Treasury Department (“Treasury”) is responsible for administration and distribution of SLFRF funds and issued its Interim Final Rule (“IFR”) on May 10, 2021, its Final Rule (“FR”) on January 6, 2022, and its Compliance and Reporting Guidance for State and Local Fiscal Recovery Funds (“CRG”) version 3.0 was issued on February 28, 2022, that establish the provisions and reporting requirements for the use of the SLFRF funds; and

WHEREAS, the FR specifies that every local agency is eligible to claim a minimum allowance of Ten Million Dollars (\$10,000,000) for revenue replacement resulting from revenue losses incurred during the pandemic, without regard to actual revenue losses so incurred, that reduces the reporting and compliance requirements on the local agency; and

WHEREAS, it is in the City’s best interest to stipulate to the standard allowance of revenue loss in that the standard allowance exceeds the City’s federal relief funds received under the SLFRF allocated to the City; and

WHEREAS, the City Council desires to reserve the one-time replenishment of revenues lost as a result of the pandemic in the City’s General Fund for future appropriation.

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

SECTION 1. The City shall report the use of ARPA SLFRF funds to the US Treasury Department in the “Revenue Replacement – 6.1 Provision of Government Services” expenditure category based upon the cost of general government expenditures incurred in the City’s General Fund from the period on or after March 1, 2021 through December 31, 2024 until all such funds are exhausted.

SECTION 2. The City Manager or his designee is authorized to file all necessary reports with the US Treasury Department in compliance with the IFR, FR and the CRG.

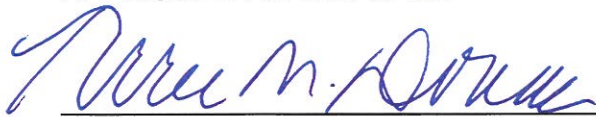
SECTION 3. This Resolution shall be in full force and effect from and after its passage.

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Craig D. Margolis, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director

ORDINANCE NO. _____, 2022

**AN ORDINANCE CORRECTING ORDINANCE NO. 9, 2018 – AN ORDINANCE
AMENDING THE LAND USAGE CODE TO ENACT NEW REGULATIONS
FOR THE OLD MONTGOMERY GATEWAY DISTRICT**

WHEREAS, on July 11, 2018, City Council enacted Ordinance 9, 2018, *An Ordinance Amending The Land Usage Code To Enact New Regulations For The Old Montgomery Gateway District*; and

WHEREAS, to be attached to the Ordinance were various text amendments within related Sections of the Land Usage Code which were impacted by the changes to the Old Montgomery Gateway District; and

WHEREAS, after a public hearing April 4, 2018 when Council unanimously accepted the recommendations of the Planning Commission, and after the Planning Commission completed a comprehensive review of the proposed changes at multiple meetings, this Ordinance was approved after three separate readings; and

WHEREAS, part of this detailed review by the Planning Commission included changes to the text specifically in Chapter 151.15 – *Old Montgomery Gateway District Regulations* – which changes referenced other sections within the Land Usage Code, related to the Old Montgomery Gateway District which were codified in such Chapters as Chapter 151.12 – *Business District Regulations* and Chapter 151.32 – *Off-Street Parking and Loading Regulations*; and

WHEREAS, Council's detailed review at the April 4, 2018 public hearing included reports and recommendations by the Community Development Department and the Minutes from the Planning Commission meetings at which the multiple Section

changes were discussed and approved; and

WHEREAS, in the final Codification of Ordinance 9, 2018, the additional pages with changes to Chapters 151.12 and 151.32 were omitted; and

WHEREAS, to correct such *scrivener's* error, Council does desire to modify Ordinance 9, 2018 to properly attach to the Code those Sections which were omitted as an attachment in the print copy and to clarify that Council does ratify and reaffirm the recommendation from the Planning Commission, which recommendation was accepted by Council at its public hearing and were proposed to be enacted with Ordinance 9, 2018.

NOW THEREFORE, Council having previously considered such changes at a public hearing April 4, 2018 for which notice was properly given, and to correct this *scrivener's* error so that the Codified Ordinances correctly reflect the changes to Chapter 151.1500, **IT IS HEREBY ORDAINED** by the Council of the City of Montgomery, Hamilton County, Ohio, that:

SECTION 1. The attached reformation of Chapter 151.12 – *Business District Regulations*, and Chapter 151.32 – *Off-Street Parking and Loading Regulations*, as recommended and accepted by Council as part of the update to the Old Montgomery Gateway District, are hereby adopted in their entirety as if fully rewritten herein and shall be made a part of the Codified Ordinances of the City of Montgomery to properly correct this *scrivener's* effort.

SECTION 2. Council does hereby ratify and reaffirm the changes to the Old Montgomery Gateway District as detailed in Ordinance 9, 2018, and as detailed in the recommendation from the Planning Commission accepted by City Council.

SECTION 4. All sections, subsections, parts and provisions of this Ordinance are hereby declared to be independent sections, subsections, parts and provisions, and the holding of any section, subsection, part or provision to be unconstitutional, void or ineffective for any reason shall not affect or render invalid any other section, subsection, part or provision of this Ordinance.


SECTION 5. 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

CHAPTER 151.12

Business District Regulations

151.1201	Purpose.	151.1212	Landscaping and screening requirements.
151.1202	Use regulations.	151.1213	Performance standards.
151.1203	Schedule of permitted uses.	151.1214	Supplemental regulations for drive-through facilities and freestanding automated teller machines.
151.1204	Lot requirements.	151.1215	Supplemental regulations for gasoline stations and automobile service stations.
151.1205	Building setback requirements.	151.1216	Supplemental regulations for the Bethesda North Hospital property.
151.1206	Height regulations.	151.1217	Development plan review.
151.1207	Off-street parking setback requirements.		
151.1208	Regulations for permanent outdoor display and sales.		
151.1209	Temporary uses including outdoor sales and displays.		
151.1210	Outdoor dining.		
151.1211	Accessory use regulations.		

§ 151.1201 PURPOSE.

The Business Districts (O, OC, L-B, G-B, OMG and OM) and their regulations are established in order to achieve, among others, the following purposes:

- (a) To provide in appropriate and convenient locations, sufficient areas for business activities for the exchange of goods and services;
- (b) To protect residential neighborhoods adjacent to business uses by restricting the types of establishments, particularly at the common boundaries, that would create congestion, noise or other objectionable influences;
- (c) To protect and stabilize both residential and nonresidential developments from congestion by requiring off-street parking facilities;
- (d) To provide Office Districts (O) and Office Commercial Districts (OC) to create an environment that is conducive to well-located and designed offices building sites to

accommodate all types of offices and limited business service activities;

- (e) To provide Limited Business Districts (L-B) to accommodate small-scale limited retail, office uses and uses confined primarily to indoor activities with residentially sensitive scale and character.
- (f) To provide General Business Districts (G-B) with parcels of sufficient size, allowing for a broader range of commercial uses and services than those specified in the L-B District, including more intensive automotive and outdoor uses.
- (g) To provide an Old Montgomery District (OM) that preserves the historic fabric of the downtown area by maintaining retail and office uses along the primary street frontages, reducing the parking requirements and allowing for buildings to be located closer to the street. To further achieve these objectives, the District has been divided into the "core area" and "outer area". In the core area, development standards are established to maintain the traditional character and arrangement of lots along the Montgomery

Road corridor; in the outer area, slightly more generous standards have been established for adjacent lots surrounding the corridor where existing lot arrangements are more flexible.

(h) To provide an Old Montgomery Gateway District (OMG) to accommodate retail, office and mixed use developments that strengthen the current historic district and create a cohesive development pattern and density in the OMG and OM Districts.

§ 151.1202 USE REGULATIONS.

(a) Uses Permitted by Right. A use listed in Schedule 151.1203 shall be permitted by right as a principal use in a district when denoted by the letter "P" provided that all requirements of other City Ordinances and this Zoning Code have been met;

(b) Conditional Uses. A use listed in Schedule 151.1203 shall be permitted as a conditional use in a district when denoted by the letter "C", provided the Planning Commission and/or Council make the determination that the requirements of Chapter 151.20 have been met according to the procedures set forth in Chapter 150.16;

(c) Accessory Uses. A use listed in Schedule 151.1203 shall be permitted as an accessory use in a district when denoted by the letter "A". Such use shall be permitted as a subordinate building or use when it is clearly incidental to and located on the same lot as the principal building or use. Accessory uses are further regulated in subsequent sections of this Ordinance.

(d) Use Not Listed in Schedule. Although a use may be indicated as a permitted principal, conditional or accessory use in a particular district, it shall not be approved on a parcel unless it can be located thereon in full compliance with all of the standards and other regulations of this Zoning Code applicable to the specific use and parcel in question. Any use not specifically listed as either a permitted principal or conditional use shall be a prohibited use in these zoning districts and shall only be permitted upon amendment of this Code and/or the Zoning Map as provided in Chapter 150.22 or upon a finding that a use is substantially similar as provided in § 150.1611.

§151.1203 SCHEDULE OF PERMITTED USES.

	Office District "O"	Office Commercial District "OC"	Limited Business District "L-B"	General Business District "G-B"	Old Montgomery Gateway District "OMG"	Old Montgomery District "OM"
A. Residential						
1. Single family attached dwellings					P	P
2. Two-family dwellings					P	P ^(a)
3. Multi-family dwellings			P ^(e)	P ^(e)	P	P ^(a)
4. Retirement villages	C	C				
5. Bed and Breakfast					C	C
6. Residential uses as conversions from retail and office uses						P ^(a)
7. Residential units on upper floor of a commercial/office building		P			P	P
8. Mixed Use Developments		P	C	C	P	P ^(a)
B. Community Facilities						
1. Places of worship	C	C	C	C	C	C
2. Daycare within churches, schools	P	P	P	P	P	P
3. Day care center (child and adult)	P	P	P	P	P	P
4. Public utility substations	C	C	C	C		
5. Libraries, museums	P	P	P	P	P	P
6. Public offices	P	P	P	P	P	P
7. Public safety facilities	P	P	P	P	P	P
8. Public service facilities				C		
9. Schools, public & private	C	C	C	C	C	C
C. Medical Facilities						
1. Hospitals	C ^(d)	C ^(d)		C		
2. Nursing Homes	C	C		C		

	Office District "O"	Office Commercial District "OC"	Limited Business District "L-B"	General Business District "G-B"	Old Montgomery Gateway District "OMG"	Old Montgomery District "OM"
D. Office and Professional Services						
1. Administrative, executive and professional offices including the management of commercial businesses, and religious institutions	P	P	P	P	P	P
2. Banks and other financial institutions	P	P	P	P	P	P
3. Public Offices	P	P	P	P	P	P
4. Medical offices of physicians, dentists, health and allied services and clinics	P	P	P	P	P	P
E. Retail						
1. Bakery, confectionery (retail/storefront operation only)			P	P	P	P
2. Greenhouses				P		
3. Freestanding automated teller machines		P	A	A	A	
4. Drive-through facility in association with a permitted use	P	P	P	P	C	C
5. Retail, Specialty including jewelry store, clothing boutique, vitamin store and other similar uses		P ^(f)	P	P	P	P
6. Retail, General including furniture store, grocery, drug store and other similar uses		A ^(g)	P	P	P	P
F. Eating Establishments						
1. Restaurants			P	P	P	P
a. Table Service						
b. Counter Service			P	P	P	P

1. Taverns, bars, cocktail lounges				P	P	P
2. Outdoor dining			P	P	P	P
	Office District "O"	Office Commercial District "OC"	Limited Business District "L-B"	General Business District "G-B"	Old Montgomery Gateway District "OMG"	Old Montgomery District "OM"
G. Services						
1. Animal boarding facility			C	C		
2. Animal grooming facility (excluding open kennels or open runs)			P	P		P
3. Animal hospital or clinic; grooming facility (excluding open kennels or open runs)			P	P		P
4. Barber and beauty shops		P	P	P	P	P
5. Dry cleaning/laundry pickup station			P	P	P	P
6. Funeral home, mortuaries	P	P		P		
7. Motels, hotels				P	P	P ^(a)
8. Studios for instruction		P	P	P	P	P
9. Shoe repair, tailoring		P	P	P	P	P
10. Construction and Mechanical Services				P		
H. Automotive/Transportation						
1. Parking as principal use (lot or garage)				P	P	C
2. Automobile, truck, trailer sales and rental				C		
3. Car wash				C		
4. Gasoline station				C		

5. Vehicle maintenance and repair facility				C		
I. Entertainment/Recreation						
1. Indoor recreation such as bowling lanes, tennis, fitness, etc.				P	P	P
2. Theaters				P	P	P
3. Public and private parks	P	P	P	P	P	P
4. Clubs, lodges or other assembly halls	P	P		P	P	P ^(a)
5. Outdoor recreation including miniature golf courses, swimming pools and other similar uses				C		

	Office District "O"	Office Commercial District "OC"	Limited Business District "L-B"	General Business District "G-B"	Old Montgomery Gateway District "OMG"	Old Montgomery District "OM"
J. Trade Businesses/Services						
Repair and service shop for such items as bicycles; typewriters; keys and locks; electrical, radio and television appliances in completely enclosed buildings			P	P	P	P
K. Other						
1. Outdoor displays			P ^(f)	P ^(f)	P ^(f)	P ^(f)
2. Wireless Telecommunications Facilities	See Chapter 151.36					
L. Accessory						

	Office District "O"	Office Commercial District "OC"	Limited Business District "L-B"	General Business District "G-B"	Old Montgomery Gateway District "OMG"	Old Montgomery District "OM"
1. Restaurants and pharmacies in connection with a principal use when conducted and entered only from within the principal building	A	A	A	A	A	
2. Off-street parking and loading areas	A	A	A	A	A	A
3. Fences, walls, landscape features	A	A	A	A	A	A
4. Trash receptacles	A	A	A	A	A	A
5. Signs	A	A	A	A	A	A
6. Outdoor recreation, including basketball courts, swimming pools and other similar uses in association with an approved multi-family development or hotel/motel	A	A			A	A
	<p>Notes to §151.1203:</p> <ul style="list-style-type: none"> (a) Permitted in the "outer area" only. See City Zoning Map for boundaries of outer area. (b) Uses above the first floor. (c) Uses on the first floor. (d) Except as permitted by right per §151.1215 (e) Only as part of a Mixed Use Development (f) Permitted subject to supplemental regulations of Section 151.1209 <p>P = Use Permitted by Right C = Conditional Use A = Accessory Use</p>					

§151.1204 LOT REQUIREMENTS.

(a) The minimum lot requirements for uses in the O, OC, L-B, G-B, OMG and OM Districts are specified in Schedule 151.1204(a).

**Schedule 151.1204(a)
LOT REQUIREMENTS**

	Office District "O"	Office Commercial District "OC"	Limited Business "L-B"	General Business "G-B"	Old Montgomery Gateway District "OMG"	Old Montgomery District "OM" (a)	
						Core Area	Outer Area
(1) Minimum Lot Size	15,000 sq.ft.	15,000 sq. ft.	15,000 sq.ft.	15,000 sq. ft.	10,000 sq. ft.	none	none
(2) Minimum Lot Width	75 ft.	75 ft.	75 ft.	75 ft.	40 ft.	none	none
(3) Mandatory Building Width	--	--	--	--	60% of lot width ^(c)	70% of lot width ^(b)	none
(4) Maximum Impervious Surface Coverage	--	--	60% of lot area	--	--	--	--

Notes to Schedule 151.1204(a):

- (a) See City Zoning Map for boundaries of core area vs. outer area.
- (b) See also § 151.1204 (b).
- (c) See also §151.1509(a)(1).

(b) Lot Frontage Requirements in the Core Area of the Old Montgomery District. Each lot shall have a minimum of 70 percent of the linear length of the lot frontage devoted to a building, or a building and wall in combination, as specified below:

- (1) The length of lot frontage utilized in the calculation shall not include the width of access drives.
- (2) When the length of the building frontage equals less than 70 percent of the linear length of the lot frontage, a wall shall be required as specified below so that the length of the building and wall, in combination, equal a minimum of 70 percent of the linear length of such lot frontage.
 - A. Walls shall be constructed of solid masonry and shall have a height not less than 3 feet, not including ornamentation or other features.
 - B. Walls shall be located no farther from the public right-of-way than the building setback line established in Subsection 151.1205(b).

§ 151.1205 BUILDING SETBACK REQUIREMENTS.

(a) Every building shall be located on a lot in compliance with the setback requirements set forth in Schedule 151.1205(a).

**Schedule 151.1205(a)
BUILDING SETBACK REQUIREMENTS**

	Office District "O"	Office Commercial District "OC"	Limited Retail "L-B"	General Business "G-B"	Old Montgomery Gateway District "OMG" (c)	Old Montgomery District "OM" (a)	
						Core Area	Outer Area
(1) Front Yard	30 ft.	30 ft.	30 ft.	30 ft.	0 ft ^(c)	0	10 ft.
(2) Side Yard	10 ft. ^(b)	10 ft. ^(b)	10 ft. ^(b)	10 ft. ^(b)	5 ft ^(c)	0	5 ft.
(3) Rear Yard	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	0	15 ft.
(4) Side/Rear Yards When Adjoining a Residential District or Use	45 ft.	45 ft.	45 ft.	45 ft.	15 ft. side 45 ft. rear for commercial structures 10 ft. rear ^(b) for residential structures	15 ft.	15 ft.

		<p>Notes to Schedule 151.1205:</p> <p>(a) See City Zoning Map for boundaries of core area vs. outer area.</p> <p>(b) Or ½ of the building height, whichever is greater.</p> <p>(c) See also §151.1508</p>
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(b) Front Yards of Built-Up Blocks. In an O, OC, L-B, or G-B District, whenever a vacant lot is proposed for development and there are existing buildings (other than those of an accessory use) on adjacent lots that do not meet the minimum setback requirements, the minimum front setback for the vacant lot shall be the mean distance of setback of all buildings within 200 feet of the proposed structure along the block front. However, in no instance shall a building be placed nearer to the front lot line than 15 feet.

§ 151.1206 HEIGHT REGULATIONS.

(a) The height of buildings and structures in the O, OC, G-B and L-B Districts shall not exceed three stories, up to a maximum of 45 feet, except as permitted in §150.0204(b).

(a) The height of buildings in the Heritage Overlay District shall comply with the requirements set forth in §151.1405.

(b) The height of the buildings in the OMG District shall comply with the requirements set forth in §151.1513.

§ 151.1207 OFF-STREET PARKING SETBACK REQUIREMENTS.

Off-street parking areas shall conform to the regulations of Chapter 151.32 and to the parking requirements specified in Schedule 151.1207. Off-street parking shall be located in compliance with the minimum setbacks, measured from the street right-of-way or property line, as specified within Schedule 151.1207 unless otherwise noted.

(a) The area within the parking setback shall be landscaped in accordance with Chapter 151.34.

(b) Off-street parking spaces shall be provided in compliance with Chapter 151.32.

**Schedule 151.1207
OFF-STREET PARKING SETBACK REQUIREMENTS**

	Office District “O”	Office Commercial District “OC”	Limited Retail “L-B”	General Business “G-B”	Old Montgomery		
					“OM” (a)		“OMG”
					Core Area	Outer Area	Gateway
(1) Setback from street right-of-way	50 ft. ^{(b)(e)}	50 ft. ^{(b)(e)}	20 ft. ^(b)	20 ft. ^(b)	(c)	12 ft.	12 ft. ^(b)
(2) Setback from side or rear lot line							

A. When the lot line adjoins a nonresidential district	10 ft.	10 ft.	10 ft.	5 ft.	Side - (d) Rear - 0	3 ft.	5 ft.
B. When the lot line adjoins a residential district or use.	20 ft.	20 ft.	20 ft.	20 ft.	Side - (d) Rear - 5 ft.	10 ft.	10 ft.

Notes to Schedule 151.1207:

- (a) See City Zoning Map for boundaries of core area vs. outer area.
- (b) When the front yard abuts or faces a residential district, no parking may be located in the front yard.
- (c) Not permitted in the front yard. On corner lots, parking may be permitted in the front yard abutting any street other than Montgomery Road, with a minimum 5ft. peripheral landscape strip, provided that no parking is located between the building line and the front lot line along Montgomery Road.
- (d) Not permitted in side yard.
- (e) The setback for parking when the principal building is set closer than 50' from the right of way shall be equal to the setback of the building.

§ 151.1208 REGULATIONS FOR PERMANENT OUTDOOR DISPLAY AND SALES.

Outdoor display of merchandise for sale shall comply with the following:

- (a) Areas devoted to outdoor display shall comply with all parking lot setbacks and yard regulations for the district in which they are located, as set forth in this chapter.
- (b) The outdoor display area shall not be located in areas intended for traffic circulation or pedestrian access as identified on the site plan.
- (c) The area of the lot devoted to outdoor display shall not exceed 20 percent of the ground floor area of the principal building. This restriction does not apply to auto dealerships or plant nurseries.
- (d) One information sign per product(s) identifying the product(s) on permanent

outdoor display shall be permitted; however, such signs shall not exceed one (1) sq. ft in size. The sign message is limited to identifying what the product is and the sale price. The sign must be located on or next to the product it identifies and oriented for pedestrians on the site. As an alternative, a business may display a single sign up to six (6) sq. ft to list all of the products for sale when there are four or more different types of products on display. The sign must be oriented toward customers at the display and not off site. Permanent outdoor display signs may be either fixed message or hand-decorated, must meet the requirements of Section 151.3016, and can not be illuminated.

§ 151.1209 REGULATIONS FOR TEMPORARY OR SEASONAL OUTDOOR SALES AND DISPLAYS.

Temporary outdoor sales and displays associated with an established commercial/retail use or community markets, community events, programs and festivals, shall be permitted in compliance with the following regulations:

(a) Temporary outdoor sales and displays of for-profit merchandise offered by or through an existing business use approved in the community are permitted as a use in the district where located so long as such temporary outdoor sale or display is approved as provided herein.

- (1) Such sales associated with a commercial/retail use which do not exceed three (3) consecutive days and which are held no more frequently than four (4) times per calendar year may be approved by the Zoning Administrator upon application. All other applications for approval require review and approval by the Planning Commission.
 - (2) All applications for outdoor sales must demonstrate that the principal use on the lot will continue to meet all parking requirements during the periods for such sales, there will be no impact upon interior circulation and there will be no significant increase in lighting and noise.
 - (3) Such outdoor display areas must maintain setbacks equivalent to setbacks for the parking areas of that district.
 - (4) The area of the lot devoted to outdoor display shall not exceed twenty percent (20%) of the ground floor area of the principal building.
 - (5) No additional signage is permitted for such sale and/or display with the exception that temporary signage may be erected consistent with Section 151.3015(e), Special Event Signs.
- (b) Community Markets are defined as the temporary outdoor sale and display of goods operated by a not-for-profit or

service organization supporting the Montgomery community. Community Markets are such sales or displays operated by such organization which exceed more than three (3) consecutive days or which are held more frequently than four (4) times per year.

- (1) Such Community Markets may be located in a residential district so long as they are sited on a conditionally permitted use site, and may be located in Business Districts consistent with these regulations.
- (2) The location and operation of such Community Markets must be approved in advance by the Planning Commission and application approval shall demonstrate that there is adequate parking available to accommodate the event and the approved use of the site. Agreements with adjoining property owners for additional parking may be permitted for limited periods of time.
- (3) The area of the lot devoted to the Community Market shall not exceed twenty percent (20%) of the ground floor area of the principal building, or if such Community Market is operated on a vacant lot, no more than fifty percent (50%) of the lot may be used for the sale or display of merchandise.
- (4) The application shall set forth the hours of operation and provide sufficient additional detail concerning required licensing, location and installation of utilities, property maintenance, on-site signage, traffic circulation and safety, and such other information as is required by the Zoning Administrator to determine the effect and impact of the proposed market on the

- community and surrounding properties.
- (5) Signage shall be permitted for a Community Market consistent with Section 151.3015(e), Special Event Signs.
- (c) Community Events such as festivals, concerts, arts and craft shows, and similar events which are operated by a public entity or not-for-profit organization supporting the Montgomery community, are events which do not exceed three (3) consecutive days nor occur more than four (4) times per year. Such Community Events may be approved by the Zoning Administrator on appropriate application. The area of the lot devoted to the Community Event is not limited provided there is adequate parking available to accommodate the event and the approved use of the site. Agreements of the adjoining property owners for additional parking may be permitted for limited periods of time. The Zoning Administrator may require such additional information in an application as is necessary to determine what impact, if any, the event will have on surround property owners and the community including information concerning the duration of the event, hours of operation, licensing security and property maintenance, parking and traffic circulation, access for emergency vehicles, noise, light and signage. Off-site signage for a Community Event is permitted consistent with Section 151.3015

§ 151.1210 OUTDOOR DINING.

Outdoor dining shall comply with the following regulations:

- (a) Outdoor dining shall only be permitted as an accessory use to an indoor restaurant.
- (b) Outdoor dining areas must meet the setback requirements for principal buildings. Outdoor dining areas are permitted to be located upon a public

sidewalk or within the public right-of-way in the Old Montgomery District and the Old Montgomery Gateway District, in accordance with subsection (i) below.

(c) The number of seats permitted outdoors shall be no greater than 30 percent of the number of seats inside the restaurant.

(d) The outdoor dining area shall be limited to seating only and shall not include table bussing facilities or cooking facilities.

(e) Permanently installed sound systems that are used for low level background music and as part of a television system may be permitted by the Planning Commission when the dining area is located at least 100' from a single family residential district. Any sound system to provide entertainment on a temporary basis must be portable and must be removed at the end of each business day. All outdoor dining activities, including any entertainment, are subject to the City's noise ordinance and related limitations thereto.

(f) Outdoor heaters in the dining area may be permitted only pursuant to appropriate health and fire codes enforced in the City of Montgomery.

(g) No separate advertising is permitted for the outdoor dining area, including any advertisement for the business or any supplier to the business on any umbrellas, awning or other structure attending to the outdoor dining facilities.

(h) The property owner shall be responsible to keep the outdoor dining area free and clear of all garbage, trash and other debris and shall provide an appropriate trash receptacle within the outdoor dining area for the deposit of refuse and litter. Such trash receptacle shall be emptied on a regular basis and shall be moved indoors at the end of each business day.

(i) Any outdoor dining located upon a public sidewalk or within the public right-

of-way in the OM or OMG District, requires a separate permit from the City Manager which must be accompanied by sufficient surety or insurance to protect and indemnify the City from any third party claims.

§ 151.1211 ACCESSORY USE REGULATIONS.

Accessory uses permitted in any O, OC, L-B, G-B, OMG or OM District shall conform to the regulations of this Section.

(a) Accessory Buildings. Accessory buildings shall conform to all lot and yard regulations and development plan review and approval requirements for principal buildings of the zoning district in which the parcel or lot is located.

(b) Fences and Walls. Fences and walls may be erected in compliance with the requirements set forth in Chapter 151.34.

(c) Signs. Signs shall conform to the regulations specified in Chapter 151.30.

(d) Temporary Storage Containers. Temporary Storage Containers are considered to be an accessory use within all Business Districts and shall be regulated consistent with the same regulatory standards set forth within Section 151.1009 of the Code.

§ 151.1212 LANDSCAPING AND SCREENING REQUIREMENTS.

Visual screening and landscape buffers shall be provided for all lots in nonresidential districts in accordance with the provisions set forth in Chapter 151.34.

§ 151.1213 PERFORMANCE STANDARDS.

All uses shall comply with the following performance standards.

(a) Trash Receptacles. All solid waste products, including empty packing boxes, that result from any permitted principal, conditional or accessory use shall either be

disposed of, stored in buildings, or completely enclosed in containers. Such building, container or dumpster shall be located in a side or rear yard and in ‘O’ and ‘OC’ districts shall comply with the minimum parking setbacks established in Schedule 151.1207. Additionally, such building, container, or dumpster must also maintain a minimum 20’ setback from any property line which abuts a residential use. All enclosures shall be screened in accordance with provisions set forth in Chapter 151.34.

(b) Lighting. All lighting shall be so arranged as to direct light away from adjacent parcels and streets and shall not be of excessive brightness or cause a glare hazardous to motorists or reasonably objectionable to adjacent property owners. See also 151.3212(c). Exterior lighting should be limited to what is needed to illuminate parking, pedestrian, and other activity areas for safety and security. Additional lighting mounted on a building may be used to illuminate points of ingress and egress as required by building codes. Planning Commission, through the site plan review process, may also permit limited exterior lighting on buildings to highlight architectural features. Lighting under canopies and awnings is permitted when it covers a sidewalk or entrance. However, the awning or canopy must be opaque and the intent of the lighting is not to illuminate the entire canopy or awning. These standards are in addition to the requirements of §151.3212(c) for parking areas.

(c) Enclosure. All uses and operations, except off-street parking and loading facilities, shall be performed wholly within enclosed buildings, unless specifically permitted otherwise.

§151.1214 SUPPLEMENTAL REGULATIONS FOR DRIVE-THROUGH FACILITIES AND

FREESTANDING AUTOMATED TELLER MACHINES.

(a) Drive-through facilities in association with a permitted use shall comply with the following:

- (1) Such facilities shall be located in an area least disruptive to pedestrian or vehicular traffic.
- (2) Any proposed loud speaker system must be pre-approved as part of the development plan.
- (3) All access drives shall be located as far as practicable from an existing intersection in order to minimize congestion and constricted turning movements.
- (4) The Planning Commission may impose restrictions on the hours of operation in order to minimize the impact on surrounding properties.

(b) Freestanding automated teller machines in association with a permitted use shall comply with the following:

- (1) No separate signage is permitted for an ATM other than directional signs located on the lot of the principal use. Additionally, there may be advertising on the ATM to identify the ATM brand, but limited to no more than two (2) square feet on each of two (2) fronts.
- (2) Such ATM facilities shall be located in an area least disruptive to pedestrian or vehicular traffic.
- (3) If an ATM is accessible as a drive-up machine, then there shall be an identifiable and dedicated traffic lane located on the lot of the principal use with sufficient room to allow one (1) motor vehicle to access each machine and such additional space within the identified and dedicated traffic lane to allow two (2) waiting motor vehicles for each machine to stand on

the lot without interfering with other vehicular traffic.

- (4) Any separate lighting for the ATM must comply with § 151.1213 (b) and shall be the minimum necessary to provide adequate security for the use of the ATM.
- (5) No external loud speaker system is permitted with such ATM.

§151.1215 SUPPLEMENTAL REGULATIONS FOR SPECIALTY AND GENERAL RETAIL USES IN AN OFFICE COMMERCIAL DISTRICT

The following supplemental conditions are required for retail uses when located in an ‘OC’ Office Commercial District:

(a) Specialty Retail uses shall comply with the following:

- (1) The maximum gross square footage shall not exceed 5,000 square feet.
- (2) The sign regulations for the Office District will apply to all uses regardless of whether they are retail or service uses.
- (3) Temporary and Permanent Outdoor displays are prohibited.
- (4) Parking will be required per the standards in Schedule 151.3204.

(b) General Retail uses shall comply with the following:

- (1) The maximum gross square footage shall not exceed 5,000 sq. ft. or 20% of the total square footage of the principle and accessory use, whichever is less.
- (2) There will be no additional exterior signage.
- (3) Access to the accessory use will be through one shared entrance with the principle use.

- (4) The hours of operation of the accessory use will coincide with the hours of the permitted use.

§ 151.1216 SUPPLEMENTAL REGULATIONS FOR THE BETHESDA NORTH HOSPITAL PROPERTY.

(a) History. The Bethesda North Hospital Property (hereinafter Bethesda site, Appendix “A” attached) was first zoned in 1967 as a planned development under ordinance 5-67, which acknowledged the permitted site uses related to hospital operations with additional site restrictions concerning height of buildings, setback and green belt requirements, access restrictions, and fence restrictions. In 1998 Council adopted the planned development overlay process for all planned developments in the community. This ordinance established a procedure to convert planned development districts, such as the hospital district created in 1967 and amended in 1995, to the planned development overlay process. The conversion required Council, when the property owner applied for any substantive modification to the planned development, to rezone the property to one of the conventional zoning districts (at that time Districts A through E) while imposing upon the particular property the planned development overlay restrictions. In 1995 the hospital development restrictions were modified in part by Ordinance 21-1995, and the hospital entered into an agreement with neighboring residential properties on the south property line providing certain protective covenants and restrictions between the hospital and these property owners.

(b) Purpose. With this history in mind, the purpose of this Section as codified is to establish the underlying conventional

zoning district for the Bethesda site (the “O” Office District) while recognizing the historically permitted uses from the 1967 ordinance, as modified by the 1995 ordinance, as overlay development restrictions for the Bethesda site and to incorporate future development of the site into the Development Plan Review Process as set forth in Chapter 150.14. These specific development standards have been established in the past to ensure maintenance and growth of the existing hospital and healthcare facilities on the subject property in a manner compatible with surrounding residential neighborhoods. It is intended that these standards be incorporated in this Section and supplemented by development standards applicable to other properties within the “O” District. In the event that the standards set forth below specific to the “Bethesda site conflict with the development standards outlined in this Chapter, the regulations of this Section shall supercede.

(a) Principally Permitted Uses and Accessory Permitted Uses for the Bethesda Site.

(1) Principally Permitted Uses

Hospital and related healthcare facilities including extended care facilities, medical office and outpatient service facilities, and medical and nursing education and research facilities.

(2) Accessory Permitted Uses

(a) Residential uses for hospital personnel or housing exclusively for persons temporarily visiting patients.

(b) Pharmacies and other retail facilities servicing the hospital when located in a building in which the

primary use is a principally permitted use.

- (c) Places of worship.
 - (d) Parking for the hospital site.
- (3) Other Uses
- Any additional permitted and accessory uses within the “O” Office District are recognized for the Bethesda site. Any conditionally permitted uses from the “O” Office District which have not been recognized herein as Permitted or Accessory Uses for the Bethesda site shall remain conditionally permitted for the site and must be considered pursuant to Chapter 150.16. By way of an example, and not by way of limitation, the “O” Office District recognizes hospitals as a conditionally permitted use. The

1967 ordinance, as modified by the 1995 ordinance and adopted herein as Section 151.1216(C), recognizes *Hospitals* as a permitted use for the site. Therefore, any site development within the defined *Hospital* use does not require a review under Section 150.16 for development expansion, but as a permitted use any development expansion within the *Hospital* use requires Section 150.14 Development Plan Approval.

(b) Height, Setback and Open Space Requirements. The following height limitations, building and setbacks and open space requirements shall govern the development and use of the property:

- (1) Height Requirements. No building shall be erected to a height greater than permitted in Schedule 151.1216(d).

Schedule 151.1216(d).

MAXIMUM BUILDING HEIGHT PER STORY

Distance to South Boundary of Property	Maximum Building Height (12 feet/Story)
150 feet to 250 feet	2 Story (24 feet)
More than 250 feet to 300 feet	3 Story (36 feet)
More than 300 feet to 350 feet	4 Story (48 feet)
More than 350 feet to 450 feet	5 Story (60 feet)
More than 450 feet to 550 feet	6 Story (72 feet)
More than 550 feet to 650 feet	7 Story (84 feet)
More than 650 feet	8 Story (96 feet)

- (2) Building and Parking Setback Requirements. Structures shall be set

back a minimum of 50 feet from the north, east and west boundaries of the

property. Structures in excess of 60 feet in height shall be setback an additional one (1) foot for each foot by which the building exceeds 60 feet. Surface parking may be constructed to within 25 feet of the north, east and west boundaries.

- (3) Greenbelt. Along the south line of the property to a depth of 150 feet there shall be a greenbelt which shall include berming and planting as follows:

(A) Along the south line of the property, commencing 150 feet west of Parcel 149, Page 9, of Hamilton County Auditor's Book 603, to a depth of 150 feet there shall be a greenbelt maintained and planted with trees and shrubbery, which shall extend to the easternmost property line of Parcel 140, Book 9, Hamilton County Auditor's Plat Book 603. Within the greenbelt, east and west berms shall be maintained with a one (1) to three (3) slope, a minimum of eight (8) feet in height, and shall substantially screen the adjacent residential properties from the parking areas and other developments on the subject property and the light and glare therefrom.

(B) The west berm shall be established along the south property line behind Parcels 145 through 149. The berm's center line shall be 54 feet north of the south line of the property beginning at a point approximately midway between the east and west property lines of Parcel 145 at the edge of the existing tree cover, and continuing westward behind Parcel 148. At the western edge of Parcel 148, the centerline shall bear 30 degrees northwest until it intersects a berm center line running parallel to

the south property line and 100 feet north of the property line behind Parcel 149. The berm's centerline shall proceed at 52 degrees southwest to intersect the property line of Parcel 149.

(C) In the area where no tree cover exists adjacent to the dead end of Pendery Drive, the east berm shall be constructed approximately 80 feet inside the property line and shall extend 100 linear feet. After planting, the east berm shall be maintained in a natural state.

(D) Those areas within the greenbelt in which no berm is required shall remain covered with existing trees and other vegetation, provided that the existing wooded area is maintained to a depth of 150 feet from the south property line. For those residents whose properties abut the existing wooded area, the owner of the subject property shall offer to plant Eastern Hemlocks within the wooded area, recognizing that the planting of each tree may require some clearing. The maximum number of trees shall be 15 trees per 100 linear feet of property line. These trees shall have a minimum height of five (5) feet. For this purpose, an adjacent homeowner will be determined by an extension of the eastern and westernmost property lines of each resident's property.

(E) Plantings shall be installed and maintained on the earth berms, which shall meet the following minimum standards. The majority of the following required plant materials are to be located within the top one-third (1/3) portion of the berm, on the side facing the residential property.

1. Every 100 linear feet shall contain at least five (5) deciduous trees. These trees shall have an average height of 15 feet at the time of planting.

Recommended plants are Maple, Ash, Linden, and Oak or their equal.

2. Every 100 linear feet of the earth berm shall contain at least 10 conifer trees. Each tree shall be a minimum of 10 feet in height at the time of planting. Recommended plants are White Pine, Austrian Pine and Norway Spruce or their equal.

3. Shrubs and ground cover shall be located and maintained on the earth berm at a density of 20 shrubs per 100 linear feet of berm, which shrubs shall be a minimum of three (3) feet in height.

4. The number of trees required shall be calculated by dividing the actual length of the berm by 100, multiplying by the number of trees required per 100 feet and rounding off to the next highest integer.

(F) All required trees and plants shall be maintained in a healthy condition and replaced with a similar type or its equal if damaged or destroyed. Further, the greenbelt area shall be maintained in good order and kept free of debris. The construction of any earth berm shall not adversely impact private property by obstructing water runoff. The berm must include a swale on each side leading to storm sewer drains or an alternative equal or better drainage system.

(1) Compliance. For the first six (6) years following the installation of the berms, no construction shall take place within 250 feet of the southern line of the property. After six (6) years from the construction of the berms, the greenbelt shall be maintained within 150 feet of the southern line of the property.

(2) Tree Replacement. No trees within the greenbelt shall be removed except as may be necessary to work being performed on recorded easements or

to remove dangerous or diseased trees. Any trees removed for any reason shall be replaced within 90 days, where possible, with the same or similar species and shall at the time of planting, conform to the planting sizes specified in subsection (3) E above.

(3) Construction Criteria within 250 Feet of Property Line. The setbacks from district lines shall be maintained as contained in (c)(1) and (2) of this Section. Any construction within 250 feet north from the corner of Radabaugh Drive and Montgomery Road shall be done in an architectural style that shall reflect the transition from the residential uses along Radabaugh to the larger structures located further north on the property.

(4) Access. All development shall be such that no entrance or exit, public or private, shall be to or from any public right-of-way other than Montgomery Road.

§ 151.1216 DEVELOPMENT PLAN REVIEW.

All uses in a nonresidential district shall be permitted only after development plans have been reviewed and approved by the Planning Commission according to the procedures set forth in Chapter 150.14.

**Chapter 151.32
Off-Street Parking and Loading Regulations**

151.3201	Purpose.	151.3209	Parking design standards.
151.3202	Parking facilities required.	151.3210	Regulations for access drives.
151.3203	Units of measure.	151.3211	Off-street loading requirements.
151.3204	Off-street parking standards.	151.3212	Improvement and maintenance standards.
151.3205	Allowance for shared parking.	151.3213	Parking lot landscaping and screening.
151.3206	Specific standards for the Old Montgomery District.	151.3214	Development plan review.
151.3207	Off-street waiting spaces for drive-thru facilities.		
151.3208	Parking spaces for persons with disabilities.		

§ 151.3201 PURPOSE.

Off-street parking regulations are established to achieve, among others, the following:

- (a) To relieve congestion so streets can be utilized more fully for movement of vehicular traffic;
- (b) To promote the safety and convenience of pedestrians and shoppers by separating parking areas and extensive car movements in the vicinity of pedestrian ways;
- (c) To protect adjoining residential neighborhoods from on-street parking; and
- (d) To establish reasonable controls on the amount of impervious surface coverage on a property;
- (e) To provide for the effective management of stormwater runoff from off-street parking; and
- (f) To promote the general convenience, welfare and prosperity of residential, business, and service developments which depend on off-street parking facilities.

§ 151.3202 PARKING FACILITIES REQUIRED.

Accessory off-street parking facilities, including access driveways, shall be provided prior to the occupancy of any building or use. Facilities shall be provided for the entire building or use in accordance with the regulations contained in this Chapter whenever:

- (a) A building is constructed or a new use is established.
- (b) The use of an existing building is changed to a use requiring more parking facilities.
- (c) An existing building is altered and there is an increase in seating capacity, floor area of the building, or number of employees.

All off-street parking facilities, or those required as accessory to a use of a proposed or altered building, shall continue unobstructed in operation and shall not be reduced below the required size as long as the principal use remains, unless an equivalent number of spaces are provided for said use in another approved location.

§ 151.3203 UNITS OF MEASURE.

In computing the number of parking spaces required by this Code, the following rules shall apply:

(a) Floor Area. Where floor area is designated as the standard for determining parking space requirements, gross floor area shall be used for all land uses.

(b) Seats. The number of seating units installed or indicated, or each 24 lineal inches of benches, pews, or space for loose chairs or similar seating facilities.

(c) Employees. Where employees are the standard for determining parking space requirements, employees shall mean the maximum number of employees or contract workers on any two successive shifts.

(d) Fractional Numbers. Where the computation results in a fractional unit, one additional off-street parking space shall be provided.

(e) Parking for Mixed Uses. A building or group of buildings containing 2 or more uses, operating normally during the same hours, and which have different off-street parking requirements, may jointly provide spaces for not less than the sum of the spaces required for each use.

§ 151.3204 OFF-STREET PARKING STANDARDS.

The number of off-street parking spaces for each facility or use shall be determined by application of the standards noted in Schedule 151.3204. For a use not specified in this Schedule, the Planning Commission shall apply the standard for a specified use that the Commission determines to be most similar to the proposed use.

Schedule 151.3204
Required Off-Street Parking Spaces

Principal Building or Use	Basis for Standard	Minimum Spaces Required ^(a)	Maximum Spaces Permitted	Total Spaces with Earned Bonus Spaces ^(b)
Residential Uses				
Dwelling, single-family unit (detached or attached)	Each Unit	2 enclosed	No restriction	
Dwelling, two-family	Each Unit	2 enclosed	No restriction	
Dwelling, multiple	Each Unit	2 unenclosed	3 unenclosed	4 unenclosed
Bed and Breakfast	Each sleeping room/suite	1 + requirement for dwelling unit	1.50 + requirement for dwelling unit	2 + requirement for dwelling unit
Independent senior living facility	Each Unit	2	2.50	3
Assisted living/congregate	Each Unit	0.30 + 1 per employee on maximum shift	0.50 + 1 per employee on maximum shift	1 + 1 per employee on maximum shift
Nursing homes	Beds	0.33	0.50	1
Community Facilities/Schools				
Convention, exhibition or meeting hall (without fixed seats)	100 sq. ft. of Floor Area	1	1.30	1.60
Day care center (child and adult)	Per Employee	1 + 1 per 5 persons enrolled at capacity	1 + 1 per 4 persons enrolled at capacity	1 + 1 per 3 persons enrolled at capacity
Library, museum, art gallery or similar public building	100 sq. ft. of Floor Area	0.33 + 10 spaces for first 2,000 ft ²	0.65 + 10 spaces for first 2,000 ft ²	1 + 10 spaces for first 2,000 ft ²
Places of worship	Seats	0.33	0.40	0.50
Elementary or Junior High School	Each classroom	2 + 0.25 per seat in auditorium	2 + 0.33 per seat in auditorium	2 + 0.50 per seat in auditorium
High School	Every employee	0.50 + 0.25 per seat in auditorium + 0.10 per student	0.75 + 0.33 per seat in auditorium + 0.10 per student	1 + 0.50 per seat in auditorium + 0.10 per student
College, University	Every employee	0.50 + 0.25 per seat in auditorium + 0.25 per student	0.75 + 0.33 per seat in auditorium + 0.25 per student	1 + 0.50 per seat in auditorium + 0.25 per student
Commercial/trade school (excluding outdoor activities)	Every employee	0.50 + 0.50 per student	0.75 + 0.75 per student	1 + 1 per student

Principal Building or Use	Basis for Standard	Minimum Spaces Required ^(a)	Maximum Spaces Permitted	Total Spaces with Earned Bonus Spaces ^(b)
Office, Professional, Medical Facilities				
Administrative, executive and professional offices, banking and financial institutions (excluding medical and dental)	100 square feet of Floor Area	0.29	0.45	0.57
Medical and dental offices and clinics	1,000 sq. ft. of Floor Area	5	6.50	8
Hospitals	Per Bed	2.50	3.50	4.50
Outpatient (Hospital)	Per exam/treatment room	1.50 + 1 per employee on maximum shift	2 + 1 per employee on maximum shift	2.50 + 1 per employee on maximum shift
Research or testing laboratory	100 square feet of Floor Area	0.25	0.33	0.40
Retail / Service Uses				
Retail sales or personal service establishments in completely enclosed buildings (except as otherwise specified below)	100 sq. ft. of Floor Area	0.40	0.5	0.66
Animal hospital or clinic; grooming facility (excluding open kennels or open runs)	100 sq. ft. of Floor Area	0.25 + 0.50 per employee	0.30 + 0.75 per employee	0.35 + 1 per employee
Funeral homes, mortuaries	100 square feet of Floor Area	2 + 1 for each vehicle maintained on the premises	3 + 1 for each vehicle maintained on the premises	4 + 1 for each vehicle maintained on the premises
Greenhouse, nurseries	100 square feet of Floor Area	0.25	0.30	0.35
Hotel, motel	Per room	1.20	1.35	1.50
Eating Establishments				
Restaurant – Sit down without drive-through	1,000 square feet of gross leaseable area	15	25	30
Restaurant – Sit down with drive-through	1,000 square feet of gross leaseable area	12	15	18
Restaurant – Carry-out only	1,000 square feet of gross leaseable area	5	6.25	7.50
Automotive / Transportation				
Automobile, truck, trailer sales and rental	100 sq. ft. of Floor Area of sales room	0.25 + 1 space for every service stall	0.38 + 1 space for every service stall	0.50 + 1 space for every service stall

Principal Building or Use	Basis for Standard	Minimum Spaces Required ^(a)	Maximum Spaces Permitted	Total Spaces with Earned Bonus Spaces ^(b)
Automobile, truck, trailer sales and rental	100 sq. ft. of Floor Area of sales room	0.25 + 1 space for every service stall in service area	0.38 + 1 space for every service stall in service area	0.50 + 1 space for every service stall in service area
Vehicle repair facility	Every service bay	2 + 1 for every employee	2.50 + 1 for every employee	3 + 1 for every employee
Car Wash	Each Employee	1	1	1
Gasoline Station	Each Employee	1	1	1 + applicable retail space
Entertainment / Recreation				
Bowling alley	Each Lane	4	5	6
Golf course (9 holes or more)	Each Green	8	9	10
Health, fitness facility	1,000 square feet of exercise area (includes locker and equipment rooms)	4	6	8
Indoor theater or auditorium (except school auditorium), sports arena, stadium, gymnasium	Each Seat	0.30	0.40	0.50
Private clubs, lodges	100 sq. ft. of Assembly Room	1	1.25	1.50
Swimming pools, public or private (not associated with residences)	100 sq. ft. of defined active recreation area	2	2.25	2.50
Tennis courts	Per Court	4	5	6

NOTES TO SCHEDULE 151.3204

- (a) A minimum of five (5) spaces is required for each facility other than a single-family detached, single-family attached or two-family dwelling.
- (b) Bonus spaces shall be approved by the Community Development Director or the Planning Commission when part of a Development Plan. Bonus spaces shall be in a pervious material.
- (c) For the purposes of this Section, a shopping center shall include one or more multi-tenant building(s) and or group of buildings where the required parking spaces are provided in a shared parking lot.

§ 151.3205 ALLOWANCE FOR SHARED PARKING.

The Planning Commission and/or Council may accept a development plan that satisfies the off-street parking requirements by use of off-site shared parking with the City or another non-residential user. A copy of the proposed

off-site agreement must be submitted with the application for development plan approval. The Director of Law must review and approve the agreement. In determining whether to accept such proposed plan, Planning Commission and/or Council may consider the proximity and accessibility of the off-site location to

the proposed development site, the hours of operation of the two users, the number of spaces available and required for each business, and the compatibility of uses.

§ 151.3206 ALLOWANCE FOR PARKING RESERVES

The Planning Commission may allow the applicant to delineate a number of the minimum parking spaces required by this Chapter as a reserve area that is available to be constructed for parking in the future, if the applicant can provide documentation showing that the proposed use of the property at the time of the application does not require the minimum number of spaces specified in §151.3204. The proposed reserve area shall be dedicated for future parking only and shall remain as open space until such time that it is necessary to develop the area as parking. In any case in which the Planning Commission permits an applicant to create a reserve parking area, in lieu of development of the minimum required parking, then the Planning Commission shall require, as a condition of approval, that the development be monitored by the Community Development Director on a periodic basis in order to ensure the adequacy of the parking as constructed meets the current needs of the development or that there is a need to construct all or part of the reserve area for parking. Upon recommendation from the Community Development Director that additional parking is needed within the reserve area, the Planning Commission may require that all or a portion of the reserve area be constructed for parking.

(b) If the parking area requires stormwater detention/retention, the applicant shall either design the detention/retention facilities to accommodate the reserve area or demonstrate what stormwater best management practices they will incorporate

in the reserve area in lieu of detention/retention to compensate for the additional stormwater runoff, if the reserve area is developed. The City Engineer shall determine if the detention/retention and/or stormwater BMP's shall be required to be built during the initial construction phase or may be delayed until the reserve parking area is required to be developed.

§ 151.3207 SPECIFIC STANDARDS FOR THE OLD MONTGOMERY DISTRICT.

(a) No off-street parking shall be permitted between the established building setback and the public right-of-way.

(b) In recognition of the historic, compact character of buildings in the Old Montgomery District, as well as the less efficient use of the floor area of those buildings, the number of off-street parking spaces for each facility or use in the Old Montgomery District shall be determined according to the following:

- (1) The number of off-street parking spaces shall be fifty percent (50%) of the standards set forth in § 151.3204.
- (2) However, due to unique building and site characteristics that may be present in the Old Montgomery District and the Old Montgomery Gateway District, the Planning Commission and/or Council may approve a development plan with fewer parking spaces than fifty percent (50%) of the requirements set forth in § 151.3204. In order for the Planning Commission to consider a reduction of the required spaces, the applicant must demonstrate that such a reduction is warranted based on the following criteria.

A. The character of the proposed use, the design of the building and the ability of the proposed use to reinforce the main street environment;

B. The availability and accessibility of public parking spaces, both on-street and within public parking lots to meet the needs of the development;

C. The availability of parking areas on adjacent sites, considering the hours of operation of the proposed use compared to adjacent uses to meet the needs of the development; and

D. The potential negative impact to the character of the district if the requisite number of parking spaces is provided.

§ 151.3208 OFF-STREET WAITING SPACES FOR DRIVE-THRU FACILITIES.

Drive-thru establishments and other establishments which, by their nature, create lines of customers waiting to be served within automobiles shall provide off-street waiting areas, on the same lot as the use, in addition to the required number of parking spaces specified in Schedule 151.3204, in accordance with the following:

(a) Minimum Number of Waiting Spaces:

(1) Establishments serving and/or selling food and/or drinks:	10 waiting spaces
(2) Automatic car wash facilities where a chain conveyor or other similar method is used to move the vehicle through the structure:	10 waiting spaces
(3) Facilities with service windows or service entrances such as banks, ticket booths, and other similar facilities:	5 waiting spaces, plus an additional 2 spaces for each additional window or stall
(4) Self-serve car wash facilities:	2 waiting spaces per stall
(5) Gasoline stations:	2 waiting spaces per accessible side of a gasoline pump island

(b) Vehicles Prohibited within the Public Right-of-Way. In any case, vehicles shall not be permitted to wait within the public right-of-way for service at such drive-in or drive-thru facilities.

(measuring 8 feet by 18 feet) exclusive of access drives and shall not interfere with parking or circulation.

(c) Waiting Space Dimensions. Each required off-street waiting space shall have an area not less than 144 square feet

§ 151.3209 PARKING SPACES FOR PERSONS WITH DISABILITIES.

In accordance with the Americans with Disabilities Act (ADA) of 1990, all new construction and alterations to places of public accommodation and commercial facilities shall provide parking spaces that are designed and constructed to be readily accessible to persons with disabilities. The required spaces and their dimensions shall be in accordance with the Montgomery Code of Ordinance § 76.11 and the Ohio Basic Building Code, respectively.

§ 151.3210 PARKING DESIGN STANDARDS.

(a) Design Standards. Off-street parking areas for full size vehicles, which are motor vehicles seventeen (17) feet in length or longer, shall be designed and constructed in accordance with the following minimum dimensions set forth in Schedule 151.3210, based on the angle of the spaces. Figure 151.3210 illustrates the requirements for each angle scenario.

(b) Compact Car Design Standards. Up to 30 percent of the minimum required parking spaces may be designed for use by compact cars, which are motor vehicles smaller than seventeen (17) feet in length. Any reduction in the total parking area obtained as a result of using compact-sized spaces may be landscaped and will count towards the total required landscaping for the parking lot as specified in §151.3408. Compact-sized parking spaces shall be located in 1 or more continuous areas and shall not be intermixed with spaces designed for full size cars. Compact-size spaces shall be labeled as “Compact Cars Only” and clearly marked with pavement marking. The minimum parking dimensions for full size and compact vehicles are set forth in Schedule 151.3210(a) and 151.3210(b) based on the angle of spaces.

Schedule 151.3210(a)

PARKING DESIGN STANDARDS FOR FULL SIZE VEHICLES

	45°	60°	90°	PARALLEL
(a) Width of Parking Space	9 ft	9 ft	9 ft	9 ft
(b) Length of Parking Space	18 ft ⁽¹⁾	18 ft ⁽¹⁾	18 ft ⁽¹⁾	23 ft
(c) Width of Parking Aisle	13 ft	18 ft	24 ft	12 ft
(d) Width of Double-loaded Parking Module	51 ft	56 ft	60 ft	30 ft
(e) Circulation Aisle (one way)	17 ft	14 ft	14 ft	14 ft

Notes to Schedule 151.3210:

(1) When a parking space is adjacent to a landscaped area that has a width greater than six feet, the length of the parking space may be reduced by not more than 2 feet.

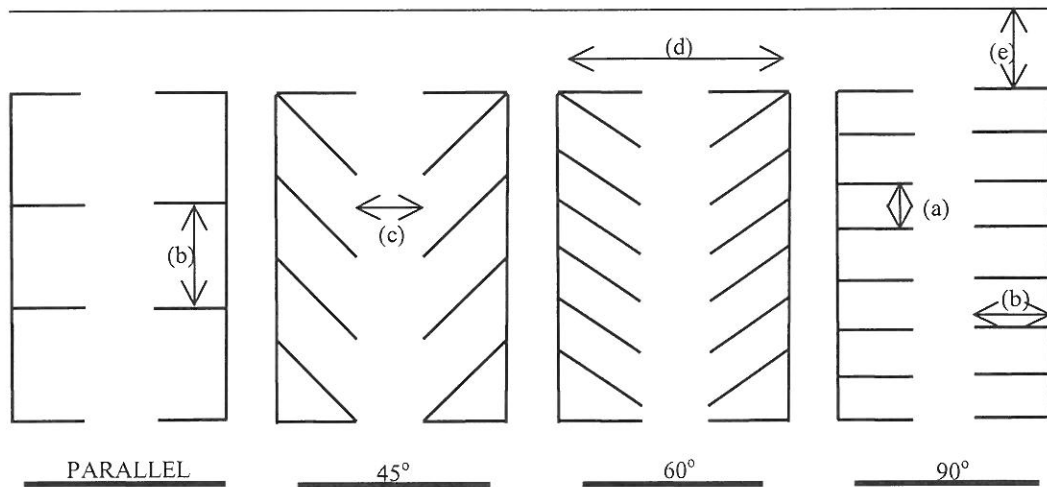
Schedule 151.3210(b)
PARKING DESIGN STANDARDS FOR COMPACT VEHICLES

	45°	60°	90°	PARALLEL
(a) Width of Parking Space	8 ft	8 ft	8 ft	8 ft
(b) Length of Parking Space	16 ft ⁽¹⁾	16 ft ⁽¹⁾	16 ft ⁽¹⁾	18 ft
(c) Width of Parking Aisle	11 ft	16 ft	22 ft	12 ft
(d) Width of Double-loaded Parking Module	47 ft	52 ft	54 ft	28 ft
(e) Circulation Aisle (one way)	17 ft	14 ft	14 ft	14 ft

Notes to Schedule 151.3210:

(1) When a parking space is adjacent to a landscaped area or sidewalk that has a width greater than six feet, the length of the parking space may be reduced by not more than 2 feet.

Figure 151.3210
ILLUSTRATION OF PARKING DESIGN STANDARDS



() Letters refer to subsections on Schedule 151.3209.

§ 151.3211 REGULATIONS FOR ACCESS DRIVES.

The driveway for a single or two-family dwelling, behind the street right-of-way shall be not less than 8 feet nor more than 20 feet in width and a minimum distance of 5 feet from the side lot line, except where two or more properties share a common drive through a joint access

easement, in which case, no setback is required between the properties sharing the easement. Residential access drives must also be in conformance with Chapter 93 of Montgomery Codified Ordinances.

Pedestrian and vehicular access and circulation for the Old Montgomery Gateway District is regulated by Section 151.1510. In all other cases, the location,

width, and number of entrance and exit access drives to accessory parking spaces shall be in accordance with the following:

(a) Location. The location and width of entrance and exit driveways to parking facilities shall be planned to interfere as little as possible with the use of nearby property and with pedestrian and vehicular traffic on the nearest streets. Access driveways shall be located at least 50 feet from the right-of-way line of the nearest intersecting street and no less than 10 feet from the side property line, unless there is a shared easement with the abutting property.

(b) Number of Drives.

(1) Each lot shall be permitted one two-way access drive per street frontage, or, upon review of the site plan, the Planning Commission and/or Council may permit a pair of one-way drives. Planning Commission and/or Council may permit an additional entrance on lots with a street frontage exceeding 250 feet.

(2) Entrances and exits shall be limited to two lanes, except where one driveway provides the sole access to the property and serves as both an entrance and exit, and then it shall be limited to three lanes.

(3) Width of Access Drives. The width of such entrance and exit lanes shall be not less than 12 feet or more than 15 feet per lane and shall not exceed a total of 40 feet.

(c) Radius. The radius of the edge of the access drive apron shall be at least 30 feet so that a vehicle may enter from or exit onto the curb lane without obstructing vehicles in other traffic lanes.

§ 151.3212 OFF-STREET LOADING REQUIREMENTS.

Off-street loading requirements for the Old Montgomery Gateway District are

provided in Section 151.1510. For all other districts, when off-street loading spaces are provided for business and commercial buildings, they shall comply with the following regulations:

(a) No loading space shall be located closer than 50 feet to a lot in any residential district, unless wholly within a completely enclosed building or unless enclosed on all sides by a wall or fence no less than 6 feet in height.

(b) No loading spaces shall face a street right-of-way unless the Planning Commission determines that loading spaces facing the street right-of-way minimizes the impact on adjoining properties. Such loading spaces, if approved, shall be enclosed on all sides by a wall or fence no less than 6 feet in height.

(c) Screening for all loading areas shall be provided along any perimeter that faces a street right-of-way or adjoining property according to the screening requirements of Chapter 151.34.

(d) All loading spaces shall be located on the same lot as the use served and no part of any required yard, off-street parking area, or access drive thereto, shall be used for loading or unloading purposes unless permitted by Planning Commission and/or Council.

(e) Access to truck loading and unloading space shall be provided directly from a public street or alley or from a right-of-way that will not interfere with public convenience and that will permit the orderly and safe movement of trucks.

(f) Streets, sidewalks, alleys or other public rights-of-way or other public property shall not be used for loading purposes nor shall vehicles be parked on such areas during loading and unloading.

(g) Off-street loading spaces shall not be used for repair or servicing of motor vehicles.

§ 151.3213 IMPROVEMENT AND MAINTENANCE STANDARDS.

All driveways, parking areas, curbs, and bumper guards shall be constructed in accordance with standards established by the City Engineer and the following:

(a) Paving. All parking and loading areas and access driveways shall have asphalt or other similar hard surface approved by the City Engineer. Pervious pavement may be used for all driveways, parking areas, curbs and bumper guards if reviewed and approved by the City Engineer. All interior landscaped areas shall have protective curbs along the edges to protect the landscaping from vehicles; however, the curbs shall be perforated or have caps or breaks to allow for stormwater runoff to pass through them, unless determined to be inappropriate by the City Engineer.

(b) Drainage. Parking areas shall be graded to provide for drainage so that injury will not be caused to adjacent properties or water will not drain across a public sidewalk. All new parking areas over 2,000 square feet in area, excluding access drives, shall be designed so that all stormwater runoff from the parking area shall be directed through a minimum of one stormwater best management practice (BMP) as approved by the City Engineer prior to being released from the site. The City Engineer will work with the engineer for the applicant to identify which progressive environmental design should be used, being sensitive to existing site conditions and reasonable technical specifications. Any addition to an existing parking lot which would make the total square footage of the parking area 2,000 square feet or more, excluding access drives, shall install a minimum of one stormwater BMP to capture the additional volume of runoff generated by the additional parking area. The Community Development Director and the City Engineer may approve the reconfiguration of any parking area which reduces the amount of impervious surface or in which

at least one stormwater BMP is installed; otherwise, the reconfiguration of the parking area shall be reviewed by the Planning Commission. Drainage will be consistent with all other applicable standards of the City of Montgomery.

(c) Lighting. Parking areas shall be illuminated whenever necessary to protect the public safety. Light sources utilized for such illumination shall comply with the following regulations:

(1) Height: The height of all light poles for parking and other public areas for permitted and conditional uses in all residential districts and the OM Core District, shall not exceed 20 feet. The height of all light poles in the O Office and L-B, G-B and OM Outer Business Districts shall not exceed 25 feet. Institutional uses in residential and office districts may be permitted a higher pole for accessory recreational uses as part of the approval of a conditional use permit when it can be shown that there will not be a significant impact on surrounding properties. Lighting inside or directly adjacent to a stadium which is intended to light the playing field will be the only pole lighting which may be exempted by the Planning Commission from the height and full cut off requirement. The height of a light pole shall be measured from the ground, including any bases upon which the light pole sits, up to the highest extension of the pole or structure, regardless of the position of the light source.

(2) Fixture: All light poles shall use luminaires with a 90 degree full cutoff with a flat lens. Light poles under 15 feet in height using incandescent lighting or which produce light directly by the combustion of fossil fuels, such as kerosene or gas lamps may be exempted from the full cutoff requirement. When a business or

public institution uses a high intensity (HID) type of bulb on an exterior wall mounted fixture, the bulb must be housed in a full cut off fixture mounted at a 90 degree plane from the ground and may not be directly visible from five feet beyond the property line.

- (3) Type of Light: Lamp types for parking areas may be high pressure sodium, metal halide or light emitting diode (L.E.D). When appropriate, incandescent and lighting produced directly by the combustion of fossil fuels may be approved. Low pressure sodium and mercury vapor lamps are prohibited.
- (4) Light Trespass: The height and location of poles shall be designed such that the maximum light spillage onto the ground of any adjoining

private property shall not exceed .01 footcandles at any point 5 feet from the property line.

- (5) Illumination levels: The maximum lighting levels for parking, and outdoor activities for institutional uses in residential districts shall be established by the Planning Commission as part of the conditional use permit. The maximum lighting levels for parking areas, outdoor seating, and inventory display areas in the Office, Retail and Old Montgomery districts are set forth in Schedule 151.3212 (c). Lighting levels are determined by the average maintained number of footcandles at the ground level.
- (6) Light poles used for public roadway illumination are exempt from the requirements of this § 151.3212(c).

SCHEDULE 151.3213(c)(i)

Maximum Average Illumination Levels for Exterior Parking, Pedestrian and Storage Areas In Office, Business, and Old Montgomery Districts

Use	O, LB, GB, OM(Outer), OMG	OM (Core)
Administrative/Professional Office	2fc	1.5fc
Medical Facilities (clinics with 24 hour operation)	3fc	2fc
Retail Stores, Shopping Centers	2fc	1.5fc
Restaurants, Bars, Nightclubs	2fc	1.5fc
Professional Services (grooming, dry cleaning, repair services)	2fc	1.5fc
Indoor Recreational/Entertainment	2fc	1fc

SCHEDULE 151.3213(c)(ii)

Maximum Average Illumination Levels for Outdoor Display/Storage in the Office, Business and Old Montgomery District

	O, GB	LB, OMG & OM
Auto Dealerships (New, Used, Sales, Rental):		
Front Row and Feature Display	Day/Evening 25fc Overnight* 10fc	Day/Evening 10 fc Overnight* 5fc
Balance of Display/Storage Area	Day/Evening 12fc Overnight* 3fc	Day/Evening 5fc Overnight* 3fc
Other Permanent/Temporary Outside Storage/Display	Day/Evening 8fc Overnight* 3fc	Day/Evening 5fc Overnight* 3fc
Restaurants (Bars) with Outdoor Seating	Day/Evening 3fc Overnight*1fc	Day/Evening 3fc Overnight* 1fc
Gas Stations/Convenience Stores with Pumps:		
Under Canopy within 15 of Pump	Day/Evening 20 fc Overnight*5fc	
Balance of Vehicle Access/Parking/Display	Day/Evening 5fc Overnight 2 fc	
Drive-Up Windows As Part of Principal Building with 10' of Window	Day/Evening 10 fc Overnight 3 fc	Day/Evening 10 fc Overnight* 3 fc
Automated Teller Machines, Restaurant Menu Boards within 8' of ATM or Board	Day/Evening 10 fc Overnight* 3 fc	Day/Evening 10 fc Overnight* 3 fc

*Overnight is defined as starting one hour after close of business or 11:00 p.m., whichever is earlier. Drive-up windows for twenty-four (24) hour restaurants, twenty-four (24) hour gas stations and convenience stores, and twenty-four (24) hour ATM's are exempt from the overnight restriction and may maintain day and evening lighting at all hours.

(d) Curbs and Wheel/Bumper Guards. Appropriate bumper guards and markings shall be provided in order to define parking spaces or limits of paved areas and to prevent vehicles from projecting into required yards, walkways or alleys.

(e) Marking. Any off-street parking area for 5 or more parking spaces shall indicate the location of each parking space, the location of spaces for persons with disabilities, and the location and direction or movement along the aisles and access drives providing access thereto by painting upon

the surface, by raised directional signs, or by markers or other similar measures placed in the surface.

(f) Signs. Signs shall be provided in accordance with Chapter 151.30.

(g) Maintenance. A parking area or loading space shall be maintained in a safe condition to keep it as free as practicable from rubbish, paper and other loose particles, and free of any dangerous accumulation of water, snow and ice. All adjacent sidewalks shall be kept in a safe condition for use by pedestrians and free as practicable from rubbish, paper and other loose particles and weeds, and the dangerous accumulation of water, snow and ice. All signs, markers or any other methods used to indicate direction of traffic movement and location of parking and/or loading spaces shall be maintained in a neat and legible condition. Any walls, trees and shrubbery, as well as surfacing of the parking lot, shall be maintained in good condition throughout its use for parking purposes.

§ 151.3214 PARKING LOT LANDSCAPING AND SCREENING.

All screening and buffering of parking areas shall be in conformance with the regulations set forth in Chapter 151.34.

§ 151.3215 DEVELOPMENT PLAN REVIEW.

Detailed drawings showing the features of off-street parking and loading areas shall be submitted to the Planning Commission for development plan review as required by Chapter 150.14. Any application made which necessitates compliance with the off-street parking provision of this Chapter and involves 2 or more tax parcels shall not be considered until the Zoning Administrator is provided with proof that the tax parcels are or will be combined into a single tax parcel or an appropriately recorded easement.

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

City of Montgomery
City Council Special Session Minutes
September 15, 2022

Present

Brian Riblet, City Manager
Tracy Henao, Asst. City Manager
John Crowell, Chief of Police
Gary Heitkamp, Public Works Director
Chris Bigham, Interim Finance Director
Matthew Vanderhorst, Community and Information Services Director
Paul Wright, Fire Chief
Ben Shapiro, Asst. Fire Chief
Julie Machon, Recreation Director
Connie Gaylor, Clerk of Council
Derek Morgan, Finance Specialist
Mike Rogers, Asst. Public Works Director
Dan Miller, Public Works Supervisor
Taryn Radford, Finance Specialist
Greg Vonden Benken, Asst. Police Chief

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 at in Council Chambers for the Special Budget Review Session at 5:30 p.m. with Mayor Margolis presiding.

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

Mayor Margolis thanked staff for their work in the preparation of the 2023 Operating and Capital Budgets.

Mr. Riblet thanked all department heads and their staff for their time in compiling and reviewing the 2023-2027 budgets and for striving to be good stewards of the city's resources. He also thanked Chris Bigham for stepping in during the process and collaborating with staff to conduct thorough reviews of the budget. Mr. Riblet extended a special thank you to Taryn Radford and Derek Morgan in capturing changes and putting together well-presented budget books.

Mayor Margolis asked Mr. Riblet and Mr. Bigham to proceed with their budget presentations.

Review of the 2023 Operating and Capital Budget

Mr. Riblet and Mr. Bigham presented an overview of the 2023-2027 Operating and Capital Improvement Budget.

Mr. Bigham provided a summary of the anticipated 2023 beginning and ending balances as shown below:

	Beginning Balance	Estimated Revenues	Estimated Expenses	Ending Balance
General Fund	\$ 14,021,754	\$ 12,916,804	\$ 13,178,265	\$ 13,760,293
Special Revenue Funds	18,873,516	7,739,717	8,893,647	17,719,586
Debt Service Funds	7,187,528	4,672,846	5,167,280	6,693,094
Capital Projects Funds	5,148,639	6,620,220	6,208,117	5,560,742
Fiduciary Funds	1,081,610	175,500	189,850	1,067,260
Total Budget	\$ 46,313,047	\$ 32,125,087	\$ 33,637,159	\$ 44,800,975

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City Council Special Session Minutes

September 15, 2022

Page 2.

55 Revenues Estimates

56

57 Mr. Bigham stated that the 2023 Operating and Capital Budget includes a few revenue assumptions as listed below:

58

- 59 • Earnings Tax estimate of \$11.2 million is a 6.7% increase over 2022 due to increased collections in 2022.
- 60 • Real Estate Taxes are estimated to be at 2022 levels.
- 61 • All other revenue sources to remain relatively flat over the next five years.

62

63 Expenditures Assumptions

64

65 Mr. Bigham explained that total personnel estimates are in line with current union agreements and include a 3%
66 cost of living adjustment in 2023. He stated that non-personnel line items such as contractual services, materials
67 and supplies for the General Fund and Special Revenue Funds have increased an average of 3% due to increase in
68 cost of goods and services.

69

70 General Fund Budget

71

72 Mr. Bigham explained the following details for the revenue and expenditures in the General Fund.

73

- 74 • For 2023 General Fund Revenues and transfers-in are about 11% higher than the 2022 Budget due to actual
75 2022 collections trending above estimates. This includes the updated earnings tax projection to include 5%
76 of receipts diverted to the General Bond Retirement Fund to save dollars to pay off the bond anticipation
77 notes, which is explained further in Section 1.A of the transmittal letter that accompanies the budget
78 document. If these funds remained in the General Fund, the annual net revenue (expense) amount would be
79 a positive \$298,000.
- 80
- 81 • The 2023 General Fund estimated expenditures (excludes transfers out) increased by \$595,000 or 4.9% year
82 over year due to cost-of-living adjustments for staff and increased materials and supplies cost in department
83 budgets.
- 84
- 85 • The budget includes staffing all positions at 100% of cost so any vacancies will generate budget savings
86 while the position is recruited and filled.

87

88 Capital Improvement Fund

89

90 Mr. Bigham and Mr. Riblet provided the following details regarding the Capital Improvement Fund.

91

92 American Rescue Plan Act (ARPA) Funds 221/222

93

- 94 • The City of Montgomery received \$1,143,400 in ARPA funds.
- 95 • \$52,000 has been spent on Wi-Fi improvements and additional operations at the City pool.
- 96 • The balance of fund 221 will be transferred to the General Fund for general government expenditures per
97 Treasury Guidance.
- 98 • 2022 includes a transfer out to the Downtown Improvement Fund in the amount of \$500,000 to fund the
99 remaining expenses for Montgomery Quarter Phase One.
- 100 • The remaining fund balance increase of \$591,237 is transferred to Fund 222, Pandemic Relief Fund.
- 101 • 2023 includes a transfer to the capital budget for the Huntersknoll storm sewer drainage project in the
102 amount of \$350,000. This project also includes \$125,000 from Fund 228, Environmental Impact Area II,
103 for drainage improvements.
- 104 • The projected remaining balance in the Pandemic Relief Fund 222 is \$232,885 for future projects.

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City Council Special Session Minutes
 September 15, 2022
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Roundabout Hardscape/Landscape Project

The 2023 Budget includes a transfer from the Montgomery Community Improvement Corporation in the amount of \$2,091,595 for the hardscape and landscape construction for the roundabout adjacent to Montgomery Quarter. The source of the funds is from the sale of land at the Montgomery Quarter project and will be used for permanent improvements. \$1 million is budgeted in 2023 and \$1 million budgeted in 2024 for the project.

Other Projects

- Montgomery Road Sidewalk addition in the amount of \$263,900 as part of a SORTA grant.
- Street Resurfacing funded at \$1.2 million.
- Fire Department budget includes \$1.5 million for the replacement of the Quint fire truck.

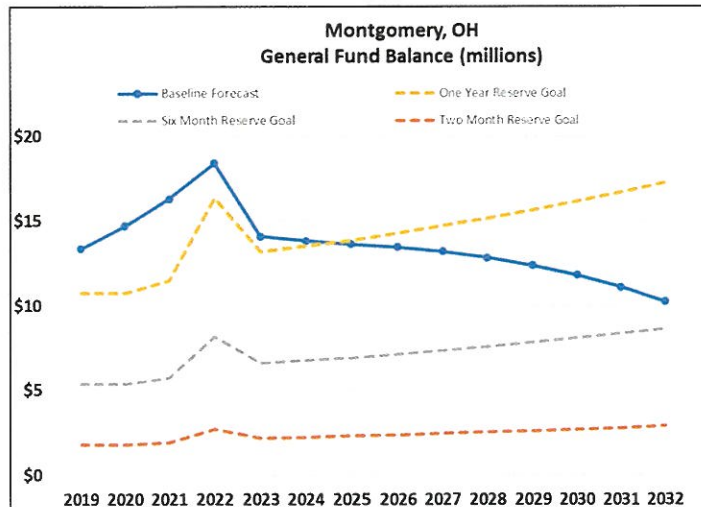
Fund Balance Policy

Mr. Bigham provided a summary and forecast of the fund balance policy as depicted below:

**City of Montgomery
 General Fund Budget Summary
 Fiscal Year 2023**

Projected Beginning Balance	\$	14,021,754
Estimated Revenues and Transfers In		12,916,804
Estimated Expenditures and Transfers Out		13,178,265
Annual Net Revenue (Expense)		(261,461)
Projected Ending Balance		13,760,293
6 Months Reserve Policy		6,589,133
Unreserved Fund Balance	\$	7,171,161

Fund Balance Baseline



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 September 15, 2022
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155 Fund Balance Policy – Other Funds

- 156
- 157 • Capital Improvement Fund 410 - established at \$1,000,000.
- 158 • General Bond Retirement Fund 324 (established as the total principal and interest of the subsequent
- 159 year’s debt service payment).
- 160 • Street Maintenance and Repair Fund 261 (no current policy).
- 161 • Arts and Amenities Fund 485 (established at \$376,237, equivalent to two substantial restricted bequests
- 162 to the fund).
- 163 • Fire/EMS Levy Fund 223 (established as six – twelve months of operating expenditures).
- 164

Fund	Description	Policy	Projected Balance 2027	Policy Met?	Page Number
Fund 223	Fire/EMS Levy	6-12 months operating expenditures	\$ 15,906,739	Yes	P 55
Fund 261	Street Maintenance and Repair	no current policy	\$ 1,484,107	N/A	P 61
Fund 324	General Bond Retirement	total principal and interest in subsequent year	\$ 1,899,435	Yes	P 70
Fund 410	Capital Improvement	\$1,000,000	\$ 1,417,767	Yes	P 76
Fund 485	Arts and Amenities	restricted bequests of \$376,237	\$ 525,994	Yes	P 68

177 10-year General Fund Forecast Scenarios

178
 179 Mr. Bigham continued the discussion of fund balance baselines with a ten year forecast. He stated that baseline
 180 assumptions regarding revenue and expenses are as follows:

181
 182 Revenues:

- 183 • Earnings Tax annual growth of 2.75%.
- 184 • Real Estate Property Taxes annual growth of 3%.
- 185 • Investments annual estimate of 1.5% of Fund Balance.
- 186 • All other revenue types are a 1% annual growth.

187
 188 Expenditures:

- 189 • Salaries increase at 3.75% for 2024, 3% for 2025 and beyond.
- 190 • Healthcare projected to increase 10% annually.
- 191 • Non-personnel expenditures (contracts, supplies, etc.) increases 0% for 2024 and 2025 due to factoring
- 192 in one-time expenditures in 2023 (master plan).
- 193 • Non-personnel expenditures projected increase of 2% in 2026 and beyond.

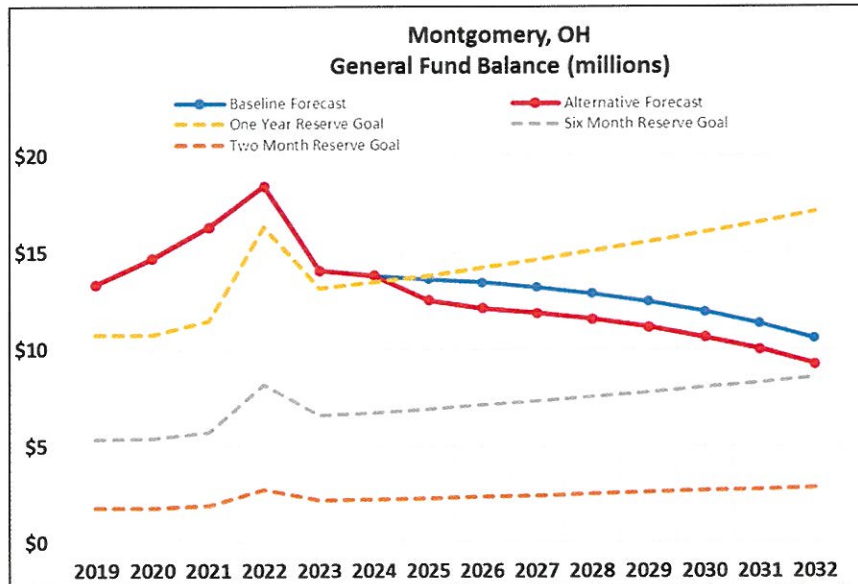
194
 195 Mr. Bigham noted that projected expenditures, specifically personnel and healthcare, outpace projected revenues
 196 resulting in a downward sloping curve. This projection does not factor in any budget savings which has annually
 197 resulted in an 8%-13% savings, or \$949,000-\$1,740,000 annually, that is returned to fund balance. He added that
 198 this projection also does not factor in any earnings taxes increase resulting from various developments being
 199 completed in the coming years. Even with these conservative estimates, the fund balance is still projected above the
 200 six-month reserve goal.

201
 202 Mr. Bigham explained that using the financial forecasting tool it is anticipated there could be a recession in 2024.
 203 He provided the following graph with projected forecasts for the general fund balance.

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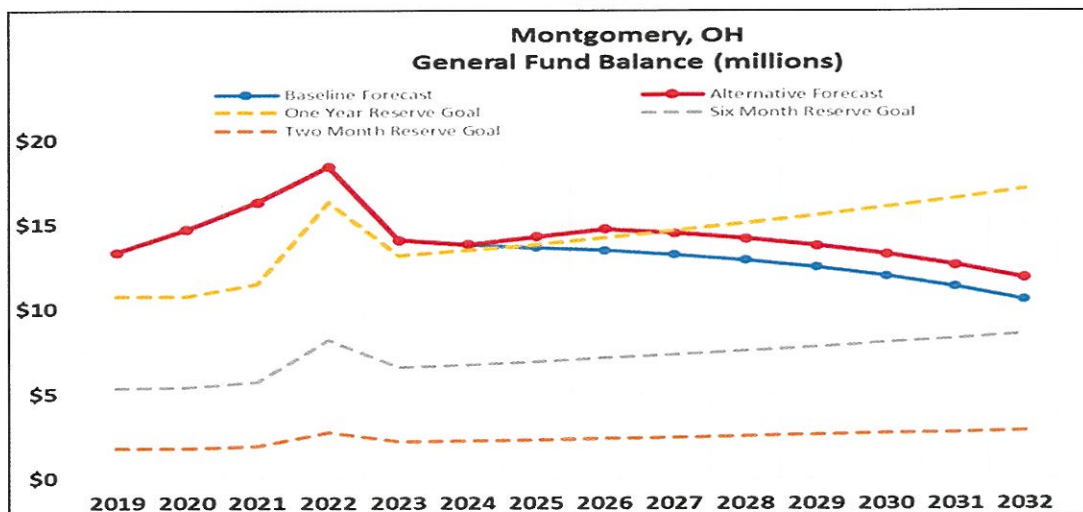
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Mr. Bigham explained that anticipating a recession there could be a 10% decrease in earnings tax in 2024, 0% growth in 2025, and then an anticipated recovery to 2.75% growth in 2026 and beyond. He stated all other assumptions remain the same.

Mr. Bigham explained that even with a 10% drop in earnings taxes, the projection still shows exceeding the six-month fund balance policy. The baseline forecast in blue is based on a conservative increase of 6.7% over the 2022 estimate. This is important to note because actual collections in 2022 is trending about 14% over the prior year actual collections.

Mr. Riblet explained that assumptions from the impact of the Montgomery Quarter businesses coming online include Earnings Tax increases 10% in 2024 and 2025 then settles back to 2.75%. All other assumptions remain the same. This is depicted in the graph below:



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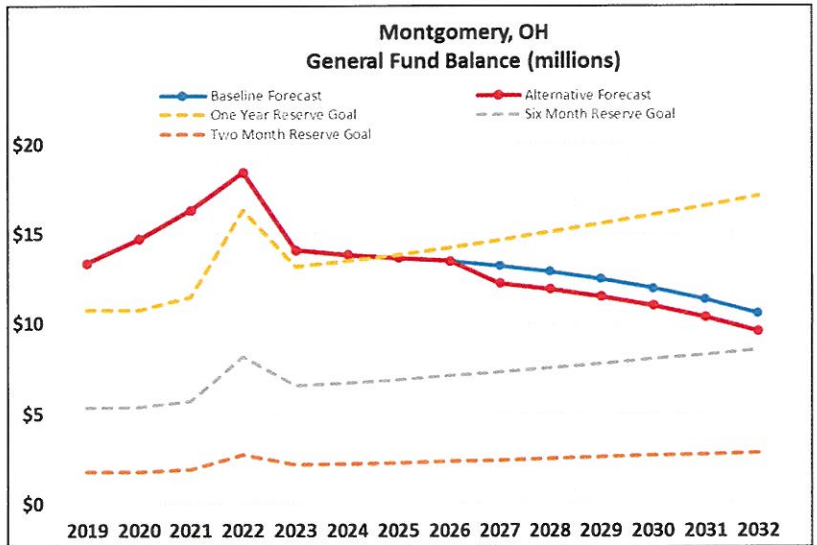
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255 Mr. Bigham gave an overview of the current Bond Anticipation Notes (BANS):

- 256
- 257 • Refinance BANS in 2026 and use the following sources to pay down principal:
- 258 ○ General Bond Retirement Fund-- \$2 million
- 259 ○ Montgomery Quarter TIF Fund -- \$2 million
- 260 ○ General Fund -- \$1 million
- 261 • Refinanced amount of \$2.5 million is the total outstanding amount.
- 262 • All other assumptions remain the same.
- 263

264 The following graph depicts the payment of \$5 million towards BANS principal in 2026.



283 Mr. Bigham explained that using \$1 million of General Fund balance results in remaining above the six-month fund
284 balance policy through 2032. He stated the resulting balance can be paid off utilizing the General Bond Retirement
285 Fund in five years (assumes collections of over \$500,000 annually) or with additional excess TIF dollars which
286 could come in higher. Once BANS are paid off, Council can revisit the earnings tax allocation of 75% to General
287 Fund, 20% to Capital Improvements and 5% to General Bond Retirement.

288
289 Mr. Riblet and Mr. Bigham concluded their presentations at which time staff and Council continued through each
290 department's budget lines and discussed 2022 accomplishments and 2023 requests.

291
292 City Council thanked all staff for their continued good work of delivering a budget with a conservative approach to
293 spending. They stated that it is this perspective that has preserved that targeted fund balances and reserves needed
294 when facing possible economic downturns.

295 **OTHER BUSINESS**

296
297 Mayor Margolis asked if there was any further business to discuss in Public Session. There being none, he asked
298 for a motion to adjourn.

299
300 Mr. Cappel moved to adjourn. Vice Mayor Bissmeyer seconded. City Council unanimously agreed.

301
302 The Special Budget Review Session of City Council adjourned at 7:49 p.m.

303
304

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305
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309

Connie Gaylor, Clerk of Council

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City of Montgomery
City Council Work Session Minutes
September 21, 2022

Present

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

City Council Members Present

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

City Council convened its Work Session for September 21, 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 the roll call. Vice Mayor Bissmeyer seconded. City Council unanimously agreed.

Mayor Margolis asked for a moment of silence for the passing of former council member Bill Niehaus and former volunteers Bill Cleary and Ed Levy.

SPECIAL PRESENTATIONS

Wendy Grethel was formally introduced to City Council as the newest member of the Community and Information Services Department.

Chris Monzel, former Hamilton County Commissioner, provided an update to City Council on his campaign for the State of Ohio House of Representatives-28th District.

GUESTS AND RESIDENTS

There were no additional guests or residents.

ESTABLISHING AN AGENDA FOR OCTOBER 5, 2022 BUSINESS SESSION

PENDING LEGISLATION

An Ordinance Accepting Dedicated Streets Within The City

Mayor Margolis explained that this legislation had been previously introduced and this would be the second reading of the Ordinance. He asked Mr. Heitkamp if there were updates.

Mr. Heitkamp replied there were none.

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55 **NEW LEGISLATION**

56

57 **A Resolution Accepting the Amounts and Rates as Determined by The Budget Commission and Authorizing**
58 **the Necessary Tax Levies and Certifying Them to The County Auditor**

59

60 Mayor Margolis assigned the legislation to Mr. Suer.

61

62 Mr. Bigham explained that, if approved, this Resolution would accept the rates and amounts determined by the
63 Hamilton County Budget Commission. As a State of Ohio taxing authority and pursuant to the Ohio Revised Code,
64 the City is required to adopt an annual Tax Budget. City Council adopted the Tax Budget on July 6, 2020, and then
65 submitted it to the Hamilton County Auditor for review by that office and the Hamilton County Budget Commission.
66 Those reviews did not generate any questions and the proposed Tax Budget was accepted by the Budget
67 Commission and Auditor. City Council is requested to act to accept the Budget Commission's rates and amounts,
68 which would result in the estimated collections as specified in the City's 2023 Tax Budget. This action will then
69 permit the Budget Commission to collect property taxes at the rates established for the upcoming year.

70

71 Mayor Margolis stated that every property owner pays tax millage, and this legislation accepts the amount the
72 County has authorized to be the City's portion.

73

74 Vice Mayor Bissmeyer asked why the estimates are based on 97% of the current duplicate for real property. She
75 also asked why the request for reassessment by Duke Energy would cause the duplicate for public utility to be used
76 at a 92% rate. She closed by asking what the difference of inside versus outside millage was.

77

78 Mr. Bigham replied that the 97% is used to calculate the rates anticipating an uncollectable rate of 3% of property
79 taxes. He then explained that inside millage is not voted on by citizens but enacted by State legislature and outside
80 millage must be voted on by citizens. He explained that it relates to 1% cannot change in excess unless it goes to a
81 vote. Mr. Bigham stated that he would provide an update regarding the Duke Energy petition to her after he
82 researches it.

83

84 **An Ordinance to Make Appropriations for Current Expenses and Other Expenditures of the City of**
85 **Montgomery, State of Ohio During the Fiscal Year Ending December 31, 2023**

86

87 Mayor Margolis assigned the legislation to Mr. Suer.

88

89 Mr. Bigham explained that, if approved, this Ordinance establishes the City's budget for fiscal year 2023. These
90 documents were presented to and reviewed with City Council at the September 15 Budget Review meeting. As a
91 result of these discussions, any changes to the budget will be forthcoming and will be presented to City Council in
92 the packet for the October 5, Business Session.

93

94 Mr. Suer thanked Mr. Bigham for his work in coming in and meeting with staff to contribute to a very well presented
95 review session.

96

97 Mayor Margolis thanked Mr. Bigham for his work as well as the presentations he made at the review session.

98

99 **A Resolution Authorizing An Agreement With The Ohio Department Of Transportation For Bridge**
100 **Inspection Services**

101

102 Mayor Margolis assigned the legislation to Mr. Cappel.

103

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104 Mr. Heitkamp explained that, if approved, this Resolution would authorize the City Manager to enter into an
105 agreement with the Ohio Department of Transportation (ODOT) for the project known as Bridge Inspection
106 Program Services, PID 109334. Each year the City of Montgomery is required to complete an annual inspection of
107 the bridge located on Terwilliger's Run Drive. In 2019, the City of Montgomery entered into a similar agreement
108 with ODOT by passing Resolution 27, 2019 which included bridge inspection services for years 2020, 2021 and
109 2022. ODOT has indicated they are renewing the program for the year 2023 and anticipate going back to a three
110 year program for 2024, 2025 and 2026. In this program the Ohio Department of Transportation shall assume and
111 bear 100% of the necessary costs for bridge inspection program services requested by the City of Montgomery and
112 agreed to by the State.

113
114 Mr. Messer asked if this contract covered the Interstate bridges on Cornell and I-275.

115
116 Mr. Heitkamp replied that those bridges actually fell under ODOT's own program and are not listed in this contract.
117 He added that bridges on Deerfield Road, East Kemper and Terwilligers Run all fall under this program. He stated
118 that anything that is 10' or greater is considered a bridge.

119
120 Mr. Cappel asked if this covered pedestrian bridges.

121
122 Mr. Heitkamp replied that it does not that the Public Works department staff inspects those.

123
124 **An Ordinance for The Allocation of Earnings Tax Revenues and Amending Section 44.14 of The**
125 **Montgomery Code of Ordinances**

126
127 Mayor Margolis assigned the legislation to Mr. Suer.

128
129 Mr. Bigham explained that, if approved, this Ordinance would adjust the allocation of the City's Earnings Tax
130 Revenues. The current allocation is: 80% of Earnings Tax revenues to the General Fund and 20% to the Capital
131 Improvement Fund. The proposed reallocation would provide 75% of the Earnings Tax revenues to the General
132 Fund, 20% to the Capital Improvement Fund and 5% to the General Bond Retirement Fund. He added that this
133 would codify these allocations for 2022 and beyond.

134
135 **An Ordinance To Amend Appropriations For Current Expenses And Other Expenditures Of The City Of**
136 **Montgomery, State Of Ohio, During The Fiscal Year Ending December 31, 2022**

137
138 Mayor Margolis assigned the legislation to Mr. Suer.

139
140 Mr. Bigham explained that, if approved, this Ordinance would amend appropriations for current expenses and other
141 expenditures of the City of Montgomery during the Fiscal Year ending December 31, 2022. He stated that it is
142 necessary for City Council to amend the 2022 annual Appropriation Ordinance to reflect changes in the initial
143 budget as listed in the attached memo.

144
145 Mrs. Naiman asked for clarification regarding the total appropriation of \$34.6M for the 2022 budget as passed in
146 2021 and the \$9.9M now needed. She asked if this was money that was already spent.

147
148 Mr. Bigham replied that she was correct that the total budget approved by Ordinance in 2021 for the 2022 fiscal
149 year was the \$34.6M. He explained that most of the \$9.9M is the construction funds for the Montgomery Quarter,
150 Montgomery Quarter Roundabout and the Downtown Improvement. He explained that the legislation for all of these
151 expenses were passed by Council but were not appropriated as a follow up. He explained this was to take care of
152 those appropriations.

153

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154 Mrs. Naiman asked for clarification that the big items are related to contracts that were approved.

155

156 Mr. Bigham replied she was correct. He stated the funds were there, the appropriation piece to it was not performed.
157 He stated the contracts were approved which makes the expense legal.

158

159 **An Ordinance Renaming Cares Act Relief Payroll Fund 222 To The Pandemic Relief Fund 222, Transferring**
160 **General Fund Unappropriated Surplus To The Pandemic Relief Fund 222 And The Downtown Improvement**
161 **Fund 480 To Comply With American Rescue Plan Act Compliance**

162

163 Mayor Margolis assigned the legislation to Mr. Suer.

164

165 Mr. Bigham explained that, if approved, this Ordinance would bring the City into compliance with the funding and
166 allocation of funds for the American Rescue Plan Act of 2021. As a matter of housekeeping, we are renaming the
167 Fund to the Pandemic Relief Fund 222 acknowledging previous expenditures and the allocation of funds to
168 Downtown Improvement Fund while reserving the balance for future uses.

169

170 **A Resolution Approving The Use Of American Rescue Plan Act (ARPA) Funds For Reporting And**
171 **Compliance To The Us Treasury Department For Fiscal Year 2022**

172

173 Mayor Margolis assigned the legislation to Mr. Suer.

174

175 Mr. Bigham explained that, if approved, this Resolution would authorize the City Manager to report, as necessary,
176 the receipt and disbursement of funds through the American Rescue Plan Act of 2021. He added that staff has
177 complied with the receipting of funds to the General Fund, but future compliance reports may be required as funds
178 are expended.

179

180 **An Ordinance Correcting Ordinance No. 9, 2018 – An Ordinance Amending The Land Usage Code To Enact**
181 **New Regulations For The Old Montgomery Gateway District**

182

183 Mayor Margolis assigned the legislation to Vice Mayor Bissmeyer

184

185 Ms. Henao explained that, if approve, this Ordinance would approve a modification to Ordinance 9, 2018 to include
186 text amendments to Chapters 151.12 and 151.32. These text amendments were previously reviewed and approved
187 by City Council; however, were inadvertently omitted in the final Codification of Ordinance 9, 2018.

188

189 **ADMINISTRATION REPORT**

190

191 Mr. Riblet reported the following items:

192

193 • The next City Council Business Session is scheduled for October 5, 2022.

194

195 • The Landmarks Commission met on September 14 and approved an application from Thomas and Sharon
196 Hattersley for a new roof on the Wooley-Hattersley Carriage House. The applicant has also applied for the
197 Historic Preservation Matching Grant. Therefore, Staff would like to request a meeting on the CIC on
198 October 5 at 6:30 p.m.

199

200 • A Public Hearing is requested to consider the Planning Commission recommendation on an Expansion of
201 a Conditional Use and Final Development Plan for the Gate of Heaven Cemetery for October 5 at 6:45 p.m.
202 Mr. Cappel made a motion to commence with the Business Session immediately following the conclusion
203 of the public hearing. Vice Mayor Bissmeyer seconded. City Council unanimously agreed.

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204

205

- The Financial Planning committee will meet on Monday, October 3 at 4:30 p.m. The Law and Safety and Planning, Zoning and Landmarks Committees have cancelled their meetings for the month of October.

206

207

208

- The status of the October 10 Committee meetings (Parks and Recreation, Government Affairs and Public Works) will be updated at the October 5 Business Session meeting.

209

210

211

- 91 cars entered the Car Show last Saturday and this is a little above average as compared to past years. Thanks to the Public Works Team for planning and implementing the show and thanks to Jeff Barger and the Police Team for serving up Montgomery Inn sandwiches to benefit the Holiday Family Fund. The weather was great, and the Car Show was a big success.

212

213

214

215

216

- Barrett Paving's subcontractor, Rack & Ballauer began the water main replacement for the Pfeiffer at Deerfield Roundabout project last week and will continue water main work for the next several weeks. During work hours, one-lane of Pfeiffer Road is closed, and westbound and eastbound traffic is being alternated by a flagging operation. Traffic delays are expected, so re-route if possible. Also, Altafiber is completing the relocation of their overhead communication lines and are expected to be complete by the end of this week.

217

218

219

220

221

222

223

- ODOT's contractor, Complete General, is substantially complete with the construction of the Cornell Road bridge over I-275. The bridge was re-opened to two-lanes this past Saturday. The bridge now features a sidewalk, which now creates a nice pedestrian connection to both the sidewalks on the Montgomery side and Sycamore Township side of the bridge.

224

225

226

227 Human Resources

228

- Service Worker I – The second open position has been filled and Eric Deidesheimer will start his employment with the City on September 28. Eric currently works for Hamilton County.

229

230

231

- Police Sergeant – Interviews with the top three candidates have been scheduled for October 4.

232

233

- Firefighter/Paramedic – Six candidates took the written exam and agility test portions of the Civil Service testing process on September 12. All six passed and are scheduled for the oral tests to be conducted September 26 and 29.

234

235

236

237

238 Events

239

- Vegas in the Village will be held tomorrow evening from 5:00 to 8:00 p.m. in the Historic District. This event is in partnership with the Chamber of Commerce and begins at the Remington Room and ends at Montgomery Public House. Many of the downtown businesses are participating in this event that includes raffles and a grand prize is a trip for two to Las Vegas for 3-days and 2-night provided by Montgomery Bridal.

240

241

242

243

244

245

- The Beautification and Tree Commission will hold their Fall Plant Swap this coming Saturday, 9/24 from 9:00 a.m. to 12:30 p.m. in conjunction with the Montgomery Farmers Market located in the Montgomery Elementary Parking Lot.

246

247

248

249

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250 • As a reminder, the 6th Annual Hamilton County Partners in Preparedness Meeting at 9:00 a.m. on
251 Wednesday, September 28 at the Sharonville Convention Center.

252 • Fifth Third Private Bank open house is scheduled for Tuesday, October 18 from 4:00 to 6:00 p.m.

253
254
255 Mr. Riblet requested an Executive Session for matters related to the employment or compensation of a
256 public employee.

257
258 **LAW DIRECTOR REPORT**

259
260 Mr. Donnellon stated he nothing to report.

261
262 **CITY COUNCIL REPORTS**

263
264 **Mr. Cappel**

265
266 Mr. Cappel reported that the One Stop Drop recycling event was held on September 17 and among the collections
267 there were 450lbs of batteries dropped off and taken to Batteries Plus for recycling.

268
269 Mr. Cappel made a motion to reappoint Elaine Cohen to the Environmental Advisory Commission with a term
270 ending on January 31, 2025. Mr. Cappel stated that this motion would need a second as it did not go through the
271 Committee. Vice Mayor Bissmeyer seconded. City Council unanimously agreed.

272
273 **Vice Mayor Bissmeyer**

274
275 Vice Mayor Bissmeyer reported that the Public Works Committee met and discussed the Huntersknoll storm water
276 management program. She explained that staff has met with property owners and have obtained the buy in to pursue
277 having advanced plans prepared by CT Consultants to move forward with the project in 2023. She added that ARPA
278 funds and Environmental Impact Fees would be used to fund the project along with a share of the cost from the
279 residents.

280
281 **Mr. Dobrozi**

282
283 Mr. Dobrozi reported the Arts Commission's Live at the Uni's concerts are almost sold out.

284
285 Mr. Dobrozi reported that the Sister Cities Commission has secured the bands for Bastille Day 2023. He stated the
286 Naked Karate Girls and the Mistics would be back at the main stages.

287
288 Mr. Dobrozi thanked the Public Works and Police Departments for their efforts in making this year's Car Show a
289 great success.

290
291 Mr. Dobrozi thanked staff for their hard work in collaborating with the Chamber of Commerce on the first ever
292 Vegas in the Village event. He stated that it was a great event and that the people he spoke with at the businesses
293 and those attending all loved it.

294
295 **Mrs. Naiman**

296
297 Mrs. Naiman thanked Mayor Margolis for speaking at the Montgomery Ukraine Concert. She stated it was very
298 much appreciated.

299

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300 Mrs. Naiman reported the Beautification and Tree Commission were holding the Fall Plant Swap on September 24
301 in conjunction with the Montgomery Farmers Market. She stated they were also hosting another B & T Talk in
302 October on flower arranging.

303

304 Mrs. Naiman reported that the Parks and Recreation Commission met and are hosting two Star Party's on September
305 23 and September 30 and that they are also sold out.

306

307 Mrs. Naiman reported the Diversity and Inclusion Commission met and are planning a tour of the Holocaust
308 Museum on September 28.

309

310 Mrs. Naiman reported the Parks and Recreation Committee of Council met to discuss the pickleball courts usage
311 and complaints by residents regarding the noise from them.

312

313 **Mr. Suer**

314

315 Mr. Suer stated he had nothing to report but did ask how many people were registered for the 2023 MCLA.

316

317 Ms. Frederick's replied that she currently has 30 people registered to attend.

318

319 **Mr. Messer**

320

321 Mr. Messer reported that a Civil Service Commission meeting was held to discuss the Police Sergeant process.
322 He added that the Fire Fighter process is in the oral exam phase.

323

324 Mr. Messer added that he attended the recent Know Your Neighbor Series in which Priya Viswalingam presented
325 on the Indian culture and that it was an excellent presentation.

326

327 **Mayor Margolis**

328

329 Mayor Margolis added his appreciation for the Know Your Neighbor series and that it was a wonderful opportunity
330 to understand different cultures.

331

332 Mayor Margolis thanked Staff for all their efforts regarding past meetings and events such as the Budget Review
333 process, the Car Show and a presentation made at the Chamber of Commerce by Ms. Henao and Mr. Chesar.

334

335 **MINUTES**

336

337 Mr. Dobrozsi moved to accept the September 7, 2022 Business Session minutes as written. Mr. Cappel seconded.
338 City Council unanimously agreed.

339

340 **OTHER BUSINESS**

341

342 **Liquor License Permit Request**

343

344 Police Chief John Crowell explained that a request from the State of Ohio Liquor Control Board was received
345 determine if City Council would like to request a hearing for the issuance of a D2 license for BTB Enterprise, LLC
346 dba Board and Brush at 9871 Montgomery Road. He explained that a similar request was made recently which was
347 for a license reissued due to the Board and Brush moving to their new location on Montgomery Road. He explained
348 that this request was to expand their license to include the addition of the sale of mixed drinks at their facility.

349

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350 Vice Mayor Bissmeyer made a motion to waive the request for a hearing. Mr. Cappel seconded. City Council
351 unanimously agreed.

352

353 Mayor Margolis asked if there was any other business to discuss in public session. There being none, he stated that
354 Mr. Riblet had requested an Executive Session for matters related to the employment or compensation of a public
355 employee.

356

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

359

360 The roll was called and showed the following vote:

361

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

363 NAY: (0)

364

365 Mayor Margolis stated that there would be a short recess prior to the Executive Session and that there would be no
366 items discussed when Council came back into Public Session.

367

368 City Council adjourned into Executive Session at 8:13 p.m.

369

370 City Council reconvened into Public Session at 8:38 p.m.

371

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

374

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

376

377 City Council adjourned at 8:38 p.m.

378

379

380

Connie Gaylor, Clerk of Council