

City of Montgomery  
City Council Business Session Minutes  
October 5, 2022

Present

Brian Riblet, City Manager  
Terry Donnellon, Law Director  
Chris Bigham, Interim Finance Director  
Kevin Chesar, Community Dev. Director  
John Crowell, Police Chief  
Gary Heitkamp, Public Works Director  
Paul Wright, Fire Chief  
Amy Frederick, Community 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 its Business Session for October 5, 2022 at 6:57 p.m. at City Hall with Mayor Margolis presiding.

**ROLL CALL**

Mayor Margolis asked for a motion to dispense with the 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 recognized the passing of former Council Member George Rehfeldt.

**LEGISLATION TO BE CONSIDERED THIS EVENING**

Mr. Donnellon explained that if Council would so choose, they could make one motion to accept the agenda for the November 2, 2022 Business Session and also read all legislation by title only. He stated this would streamline the process.

Mr. Cappel made a motion to accept the legislation for the November 2, 2022 Business Session and to read all legislation by title only. Vice Mayor Bissmeyer seconded. City Council unanimously agreed.

**PENDING LEGISLATION**

**An Ordinance Accepting Dedicated Streets Within The City**

Mr. Cappel moved for passage of the second reading of the Ordinance. Mr. Dobrozsi seconded.

Mr. Cappel explained that 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, the City 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.

Mr. Cappel asked if there were any updates.

Mr. Heitkamp replied there were none.

The roll was called and showed the following vote:

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

NAY: (0)

**NEW LEGISLATION**

**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 moved for passage of the Resolution. Mr. Cappel seconded.

Mr. Suer explained that 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.

Mr. Suer asked if there were any updates.

Mr. Bigham replied there were none.

The roll was called and showed the following vote:

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

NAY: (0)

**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. Dobrozsi explained that he would recuse himself from the vote and discussion moving forward. He explained that although he has no ownership interest in Neyer Properties, Inc. nor any in the limited liability companies in partnership to develop the Montgomery Quarter, he will continue to recuse himself from discussion and abstain from voting upon legislation related to the Montgomery Quarter project.

Mr. Suer moved for passage of the first reading of the Ordinance. Mr. Cappel seconded.

Mr. Suer explained that 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.

Mr. Suer asked if there were any updates.

Mr. Bigham stated there were none at this time.

The roll was called and showed the following vote:

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

NAY: (0)

ABSTAIN: Dobrozsi (1)

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

Mr. Cappel moved for passage of the Resolution. Mr. Messer seconded.

Mr. Cappel explained that 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.

The roll was called and showed the following vote:

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

NAY: (0)

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

Mr. Suer moved for passage of the first reading of the Ordinance. Mr. Cappel seconded.

Mr. Suer explained that 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.

Mr. Suer asked if there were any updates.

Mr. Donnellon explained that a redlined version of the Ordinance was included in the packet. He stated that it is suggested that Council enact the text as amended. There is no need to make a motion to amend the Ordinance as it has not been presented until this first reading. Mr. Donnellon explained that Section 2 was added to the Ordinance to state that the Operating Budget for fiscal year 2022 shall be adjusted to reflect the same apportionment of the funds as referenced in Section 1 related to fiscal year 2023.

The roll was called and showed the following vote:

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

NAY: (0)

**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. Dobrozsi explained that he would recuse himself from the vote and discussion moving forward. He explained that although he has no ownership interest in Neyer Properties, Inc. nor any in the limited liability companies in partnership to develop the Montgomery Quarter, he will continue to recuse himself from discussion and abstain from voting upon legislation related to the Montgomery Quarter project.

Mr. Suer moved suspension of the second and third readings. Mr. Cappel seconded.

Mr. Suer explained that 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.

Mr. Suer asked if there were any updates.

Mr. Bigham replied there were none.

The roll was called and showed the following vote:

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

**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 moved suspension of the second and third readings. Mr. Cappel seconded.

The roll was called and showed the following vote:

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

Mr. Suer moved for passage of the Ordinance. Mr. Cappel seconded.

Mr. Suer explained that 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.

Mrs. Naiman asked if the ARPA funding has already been received.

Mr. Riblet replied that it had but had not yet been spent.

Mrs. Naiman asked if the money was included in the 2023 budget or used in 2022.

Mr. Riblet stated that it was included in the 2023 budget but would not be expended until the Ordinance was passed by Council.

Mr. Bigham explained that this legislation was to comply with the federal requirements to transfer \$1,091,236.90 from the Coronavirus Relief Fund 221 to the General Fund 101. The transfer amount from the General Fund 101 to the Downtown Improvements Fund 480 is \$500,000. The transfer from the General Fund 101 to the Pandemic Relief Fund 222 is \$591,236.90. These funds will be used for future projects.

Mr. Dobrozsi explained that he would recuse himself from the vote. He explained that although he has no ownership interest in Neyer Properties, Inc. nor any in the limited liability companies in partnership to develop the Montgomery Quarter, he will continue to recuse himself from discussion and abstain from voting upon legislation related to the Montgomery Quarter project.

The roll was called and showed the following vote:

221  
222 AYE: Dobrozsi, Margolis, Naiman, Suer, Messer, Cappel, Bissmeyer (7)  
223 NAY: (0)  
224

225 **A Resolution Approving The Use Of American Rescue Plan Act (ARPA) Funds For Reporting And**  
226 **Compliance To The Us Treasury Department For Fiscal Year 2022**  
227

228 Mr. Suer moved for passage of the Resolution. Mr. Cappel seconded.  
229

230 Mr. Suer explained that information has been previously supplied on this Resolution that, if approved, would  
231 authorize the City Manager to report, as necessary, the receipt and disbursement of funds through the American  
232 Rescue Plan Act of 2021. We have complied with the receipting of funds to the General Fund, but future  
233 compliance reports may be required as funds are expended.  
234

235 Mr. Suer asked if there were any updates.  
236

237 Mr. Bigham replied there none.  
238

239 The roll was called and showed the following vote:  
240

241 AYE: Margolis, Naiman, Suer, Messer, Cappel, Bissmeyer (6)  
242 NAY: (0)  
243 ABSTAIN: Dobrozsi (1)  
244

245 **An Ordinance Correcting Ordinance No. 9, 2018 – An Ordinance Amending The Land Usage Code To**  
246 **Enact New Regulations For The Old Montgomery Gateway District**  
247

248 Vice Mayor Bissmeyer moved for suspension of the second and third readings of the Ordinance. Mr. Messer  
249 seconded.  
250

251 The roll was called and showed the following vote:  
252

253 AYE: Naiman, Suer, Messer, Cappel, Bissmeyer, Dobrozsi, Margolis (7)  
254 NAY: (0)  
255

256 Vice Mayor Bissmeyer explained that information has been previously supplied on this Ordinance that, if  
257 approved, would approve a modification to Ordinance 9, 2018 to include text amendments to Chapters 151.12 and  
258 151.32. These text amendments were previously reviewed and approved by City Council; however, were  
259 inadvertently omitted in the final Codification of Ordinance 9, 2018.  
260

261 Vice Mayor Bissmeyer asked if there were any updates.  
262

263 Mr. Chesar replied there were none.  
264

265 The roll was called and showed the following vote:  
266

267 AYE: Suer, Messer, Cappel, Bissmeyer, Dobrozsi, Margolis, Naiman (7)  
268 NAY: (0)  
269

270 **ADMINISTRATION REPORT**  
271

272 Mr. Riblet reported the following items:  
273

- 274
- City Council Work Session is scheduled for Wednesday, October 19 at 7:00 p.m.

- As a reminder, the Government Affairs Committee will meet on Monday, October 17 at 3:30 p.m. The Parks and Recreation and Public Works Committees have cancelled their meetings for the month of October.
- Matthew Vanderhorst and Mr. Riblet had a meeting with Julia Hoover our account representative with SpyGlass. As a reminder, the City contracted with Spyglass three years ago to help oversee digital and analog contracts and search for redundancies in services, overcharges and underusage of lines to identify cost savings. Mr. Riblet was happy to report that over this three year term there has been a savings of \$8,351.04 for charges such as unused wireless devices, Excessive data pricing and taxes that the City is exempt from. The yearly fee for this service is \$1,450.
- On the Pfeiffer/Deerfield Roundabout front, Barrett Paving's subcontractor, Rack & Ballauer, has completed the installation of the new water main, but is still in the process of getting the water main tested by GCWW and installing the new water service laterals. This work is expected to take a couple more weeks. When the water main work is complete, Barrett Paving will be constructing "Phase 1" of the project, which consists of storm drainage infrastructure and temporary pavement to widen the south side of Pfeiffer Road and the west side of Deerfield Road north of Pfeiffer.
- Strawser, Inc. has completed the roadway crack seal program for 2022.
- MSD had to perform an emergency sanitary sewer lateral repair that serves 9309 Montgomery Road, which is home to the new business Atalo. The owner had indicated that they were having sewer issues, and working with the City, we discovered that the lateral was damaged at the connection into the sanitary main in Montgomery Road. Thus, MSD crews mobilized to the location on Tuesday, open cutting Montgomery Road in the south bound lanes in front of the shared access drive that serves Atalo, Dunkin Donuts, Avis, etc., to complete the repair.
- Mr. Riblet reported that he and Ms. Henao met with Ohio National Financial, REDI and JobsOhio to discuss employment trends in the area and in the City of Montgomery.

#### Hiring Updates

- Police Sergeant – City Manager interviews with the top three candidates on the Sergeant eligible list were conducted on Tuesday.
- Recreation Specialist – Due to multiple staff members expressing interest in the position, the City will be conducting an interview process for internal candidates.

#### Events

- Staff is busy preparing for the Harvest Moon event on Saturday, October 8 from 4:00 to 8:00 p.m. at Swaim Park.
- The first Live at the Uni concert will be held on Tuesday, October 11 at Universalist Church. No Promises Vocal Band will be performing. Concerts will begin at 7:00 p.m. and a reception will occur immediately following at Montgomery Inn for the first three concerts and at MPH for the last holiday concert.

#### APPROVAL OF MINUTES

Mayor Margolis asked for a motion to approve the September 15 Budget Review and September 21, 2022 Work Session minutes.



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

**MAYOR'S COURT REPORT**

Mayor Margolis asked for a motion to disburse the September Mayor's Court Report in the amount of \$5,850.

Mr. Cappel made a motion to disburse the September Mayor's Court Report in the amount of \$5,850. Vice Mayor Bissmeyer seconded. City Council unanimously agreed.

**OTHER BUSINESS**

Vice Mayor Bissmeyer reported that she would be out of town the coming weekend.

Mr. Messer reported that he attended the Hamilton County Partners in Preparedness along with Mayor Margolis, Chief Wright and Mr. Riblet. He explained that there were representatives from FEMA and the State EMA present to discuss preparedness and planning for disasters. He stated that he learned that all disasters begin and end locally.

At the request of the Mayor, Chief Wright gave a brief overview of the City's Emergency Operations Plan. He explained that in the event of a disaster the plan would be built from the ground up beginning with Hamilton County EMA then if needed the Ohio EMA would be contacted followed by the Governor declaring a disaster which is needed for a disaster to be advanced to the federal level to FEMA.

Mayor Margolis thanked Ms. Henao and Ms. Fredericks for being such good ambassadors at the Vegas in the Village event.

Mayor Margolis thanked his colleagues on Council for providing context and information at the September Work Session when Kenta Mignot, a local student, visited Council.

Mayor Margolis explained that he received a letter from Mayor Christian Demuynck of Neuilly-Plaisance expressing his desire to resume the sister city exchanges between Montgomery and his city.

Mayor Margolis shared that the Hamilton County Municipal League has scheduled a meeting on Saturday, November 12 with local and state representatives.

Mayor Margolis reported that he would be out of town from October 7 through October 17.

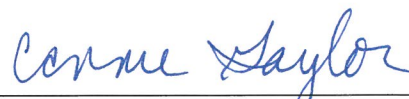
Mr. Riblet stated that he received late notice of a ribbon cutting ceremony at The Gloss Salon on Thursday, October 6 from 3:00 to 5:00 p.m.

**ADJOURNMENT**

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

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

City Council adjourned at 8:05 p.m.



Connie Gaylor, Clerk of Council