

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.

58 **NEW LEGISLATION**

59
60 **A Resolution Accepting the Amounts and Rates as Determined by The Budget Commission and Authorizing**
61 **the Necessary Tax Levies and Certifying Them to The County Auditor**

62
63 Mayor Margolis assigned the legislation to Mr. Suer.

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

73
74 Mayor Margolis stated that every property owner pays tax millage, and this legislation accepts the amount the
75 County has authorized to be the City's portion.

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

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

86
87 **An Ordinance to Make Appropriations for Current Expenses and Other Expenditures of the City of**
88 **Montgomery, State of Ohio During the Fiscal Year Ending December 31, 2023**

89
90 Mayor Margolis assigned the legislation to Mr. Suer.

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

96
97 Mr. Suer thanked Mr. Bigham for his work in coming in and meeting with staff to contribute to a very well presented
98 review session.

99
100 Mayor Margolis thanked Mr. Bigham for his work as well as the presentations he made at the review session.

101
102 **A Resolution Authorizing An Agreement With The Ohio Department Of Transportation For Bridge**
103 **Inspection Services**

104
105 Mayor Margolis assigned the legislation to Mr. Cappel.

106
107 Mr. Heitkamp explained that, if approved, this Resolution would authorize the City Manager to enter into an
108 agreement with the Ohio Department of Transportation (ODOT) for the project known as Bridge Inspection
109 Program Services, PID 109334. Each year the City of Montgomery is required to complete an annual inspection of

110 the bridge located on Terwilliger's Run Drive. In 2019, the City of Montgomery entered into a similar agreement
111 with ODOT by passing Resolution 27, 2019 which included bridge inspection services for years 2020, 2021 and
112 2022. ODOT has indicated they are renewing the program for the year 2023 and anticipate going back to a three
113 year program for 2024, 2025 and 2026. In this program the Ohio Department of Transportation shall assume and
114 bear 100% of the necessary costs for bridge inspection program services requested by the City of Montgomery and
115 agreed to by the State.

116
117 Mr. Messer asked if this contract covered the Interstate bridges on Cornell and I-275.

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

122
123 Mr. Cappel asked if this covered pedestrian bridges.

124
125 Mr. Heitkamp replied that it does not that the Public Works department staff inspects those.

126
127 **An Ordinance for The Allocation of Earnings Tax Revenues and Amending Section 44.14 of The**
128 **Montgomery Code of Ordinances**

129
130 Mayor Margolis assigned the legislation to Mr. Suer.

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

137
138 **An Ordinance To Amend Appropriations For Current Expenses And Other Expenditures Of The City Of**
139 **Montgomery, State Of Ohio, During The Fiscal Year Ending December 31, 2022**

140
141 Mayor Margolis assigned the legislation to Mr. Suer.

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

147
148 Mrs. Naiman asked for clarification regarding the total appropriation of \$34.6M for the 2022 budget as passed in
149 2021 and the \$9.9M now needed. She asked if this was money that was already spent.

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

156
157 Mrs. Naiman asked for clarification that the big items are related to contracts that were approved.

158
159 Mr. Bigham replied she was correct. He stated the funds were there, the appropriation piece to it was not performed.
160 He stated the contracts were approved which makes the expense legal.

161

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

165
166 Mayor Margolis assigned the legislation to Mr. Suer.

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

172
173 **A Resolution Approving The Use Of American Rescue Plan Act (ARPA) Funds For Reporting And**
174 **Compliance To The Us Treasury Department For Fiscal Year 2022**

175
176 Mayor Margolis assigned the legislation to Mr. Suer.

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

182
183 **An Ordinance Correcting Ordinance No. 9, 2018 – An Ordinance Amending The Land Usage Code To Enact**
184 **New Regulations For The Old Montgomery Gateway District**

185
186 Mayor Margolis assigned the legislation to Vice Mayor Bissmeyer

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

191
192 **ADMINISTRATION REPORT**

193
194 Mr. Riblet reported the following items:

- 195
196
- 197 • The next City Council Business Session is scheduled for October 5, 2022.
 - 198 • The Landmarks Commission met on September 14 and approved an application from Thomas and Sharon
199 Hattersley for a new roof on the Wooley-Hattersley Carriage House. The applicant has also applied for the
200 Historic Preservation Matching Grant. Therefore, Staff would like to request a meeting on the CIC on
201 October 5 at 6:30 p.m.
 - 202 • A Public Hearing is requested to consider the Planning Commission recommendation on an Expansion of
203 a Conditional Use and Final Development Plan for the Gate of Heaven Cemetery for October 5 at 6:45 p.m.
204 Mr. Cappel made a motion to commence with the Business Session immediately following the conclusion
205 of the public hearing. Vice Mayor Bissmeyer seconded. City Council unanimously agreed.
 - 206 • The Financial Planning committee will meet on Monday, October 3 at 4:30 p.m. The Law and Safety and
207 Planning, Zoning and Landmarks Committees have cancelled their meetings for the month of October.
 - 208 • The status of the October 10 Committee meetings (Parks and Recreation, Government Affairs and Public
209 Works) will be updated at the October 5 Business Session meeting.
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- 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.
- 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.
- 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.

Human Resources

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

Events

- 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.
- 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.
- As a reminder, the 6th Annual Hamilton County Partners in Preparedness Meeting at 9:00 a.m. on Wednesday, September 28 at the Sharonville Convention Center.
- Fifth Third Private Bank open house is scheduled for Tuesday, October 18 from 4:00 to 6:00 p.m.

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

261 **LAW DIRECTOR REPORT**

262
263 Mr. Donnellon stated he had nothing to report.

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265 **CITY COUNCIL REPORTS**

266
267 **Mr. Cappel**

268
269 Mr. Cappel reported that the One Stop Drop recycling event was held on September 17 and among the collections
270 there were 450lbs of batteries dropped off and taken to Batteries Plus for recycling.

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

275
276 **Vice Mayor Bissmeyer**

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

283
284 **Mr. Dobrozsi**

285
286 Mr. Dobrozsi reported the Arts Commission's Live at the Uni's concerts are almost sold out.

287
288 Mr. Dobrozsi reported that the Sister Cities Commission has secured the bands for Bastille Day 2023. He stated the
289 Naked Karate Girls and the Mistics would be back at the main stages.

290
291 Mr. Dobrozsi thanked the Public Works and Police Departments for their efforts in making this year's Car Show a
292 great success.

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

297
298 **Mrs. Naiman**

299
300 Mrs. Naiman thanked Mayor Margolis for speaking at the Montgomery Ukraine Concert. She stated it was very
301 much appreciated.

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

306
307 Mrs. Naiman reported that the Parks and Recreation Commission met and are hosting two Star Party's on September
308 23 and September 30 and that they are also sold out.

309
310 Mrs. Naiman reported the Diversity and Inclusion Commission met and are planning a tour of the Holocaust
311 Museum on September 28.

312

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

315
316 **Mr. Suer**

317
318 Mr. Suer stated he had nothing to report but did ask how many people were registered for the 2023 MCLA.

319
320 Ms. Frederick's replied that she currently has 30 people registered to attend.

321
322 **Mr. Messer**

323
324 Mr. Messer reported that a Civil Service Commission meeting was held to discuss the Police Sergeant process.
325 He added that the Fire Fighter process is in the oral exam phase.

326
327 Mr. Messer added that he attended the recent Know Your Neighbor Series in which Priya Viswalingam presented
328 on the Indian culture and that it was an excellent presentation.

329
330 **Mayor Margolis**

331
332 Mayor Margolis added his appreciation for the Know Your Neighbor series and that it was a wonderful opportunity
333 to understand different cultures.

334
335 Mayor Margolis thanked Staff for all their efforts regarding past meetings and events such as the Budget Review
336 process, the Car Show and a presentation made at the Chamber of Commerce by Ms. Henao and Mr. Chesar.

337
338 **MINUTES**

339
340 Mr. Dobrozsi moved to accept the September 7, 2022 Business Session minutes as written. Mr. Cappel seconded.
341 City Council unanimously agreed.

342
343 **OTHER BUSINESS**

344
345 **Liquor License Permit Request**

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

352
353 Vice Mayor Bissmeyer made a motion to waive the request for a hearing. Mr. Cappel seconded. City Council
354 unanimously agreed.

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

359
360 Mr. Dobrozsi made a motion to adjourn into Executive Session for matters related to the employment or
361 compensation of a public employee. Mr. Cappel seconded.

362
363 The roll was called and showed the following vote:

364

365 AYE: Cappel, Bissmeyer, Dobrozi, Margolis, Naiman, Suer, Messer (7)
366 NAY: (0)

367
368 Mayor Margolis stated that there would be a short recess prior to the Executive Session and that there would be no
369 items discussed when Council came back into Public Session.

370
371 City Council adjourned into Executive Session at 8:13 p.m.

372
373 City Council reconvened into Public Session at 8:38 p.m.

374
375 Mayor Margolis asked if there was any other business to discuss. There being none, he asked for a motion to
376 adjourn.

377
378 Mr. Cappel made a motion to adjourn. Vice Mayor Bissmeyer seconded. City Council unanimously agreed.

379
380 City Council adjourned at 8:38 p.m.

381
382
383



Connie Gaylor, Clerk of Council