

December 22, 2022

TO: Mayor and City Council Members  
FROM: Brian K. Riblet, City Manager **BKR**  
SUBJECT: City Council Business Session of Wednesday, January 4, 2023

As a reminder, City Council is scheduled to meet in Business Session on Wednesday, January 4, 2023 at 6:00 p.m.

Business Session

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Special Presentation
  - a. Julie Lyon with the Montgomery Chamber of Commerce will provide an update to City Council on the current operations of the Chamber
5. Guest and Residents
6. Legislation for Consideration this Evening
  - a. A Resolution Authorizing an Amendment to The Current Contract with Donnellon, Donnellon and Miller for Legal Services to The City of Montgomery—  
This Resolution will authorize an amendment to the current contract with Donnellon, Donnellon and Miller for legal services to the City of Montgomery for the year 2023.

*Add to the Agenda*

*Voice Vote*

*Assign to a City Council Member*

*Move to read the Resolution by title only*

*Voice Vote*

*Move for passage of Resolution*

*Explain Resolution*

*Roll Call Vote*

Pending Legislation

*There is no pending legislation*

*Since all legislation has been made available to the public before this evening's meeting it is moved that Council accept the legislative Agenda and read all legislation by title only.*

*Voice Vote*

New Legislation

- a. A Resolution Authorizing the City Manager to Enter into a Contract with CT Associates, Inc. —(Mr. Cappel) Information has been previously supplied on this legislation that, if passed, would authorize the City Manager to enter into a contract with enter into a contract with CT Consultants, Inc. for professional engineering and architectural services for calendar year 2023. The City has contracted for approximately 31 years with CT Consultants to provide civil, traffic, structural, electrical and storm water engineering services. CT Consultants has provided a competitive fee structure for 2023 including slight hourly rate increases for engineering services. As was provided in previous years, CT Consultants has deleted the line item for billing of the "Principal" from the fee schedule. If for any reason the Principal Engineer provides engineering services during the contract year for development/design review or project design/review, that work would be billed at the hourly rate of a "Senior Manager". Funding for this professional services contract is included in the City's 2023 Operating Budget in both the Public Works and Community Development operating budgets.

*Move for passage of the Resolution*

*Explain*

*Roll Call Vote*

- b. A Resolution Authorizing the City Manager to Contract With National Inspection Corporation For Professional Services To Serve As Building Official And To Provide Plan Review And Field Inspection Authority And Services For The City's Building Department For The Calendar Year 2023 —(Vice Mayor Bissmeyer) Information has been previously supplied on this legislation that, if passed, would authorize the City Manager to enter into a contract with National Inspection Corporation for professional services to serve as Building Official and

to provide plan review and field inspection authority and services for the City's Building Department for the calendar year 2023. The City has contracted for approximately 19 years with National Inspection Corporation to provide plan review and field inspection authority and services for the City's building department and the City continues to be very satisfied with their ability to perform each of these duties.

*Move for passage of the Resolution*

*Explain*

*Roll Call Vote*

- c. A Resolution Authorizing the City Manager to Enter into a Contract with Johnson's Emergency Vehicle Solutions for a Spartan LT 110' NXT Quint Aerial Truck—(Mr. Messer) Information has been previously supplied on this legislation that, if passed, would authorize the City Manager to enter into a contract with Johnson's Emergency Vehicle Solutions for the purchase of a Spartan LT 110' Quint Aerial Truck.

*Move for passage of the Resolution*

*Explain*

*Roll Call Vote*

- d. An Ordinance Confirming Methods for Publication of Legislative Action—(Mr. Dobrozi) Information has been previously supplied on this legislation that, if passed, will formally designate the methods for publication of legislative action by City Council. The Charter under Section 7.03 requires legislative action to be published either in full or by title and summary in a newspaper of general circulation within the community or by posting a copy of such legislative action in a conspicuous public place designated from time to time by City Council. At the November 16 Work Session, Council made a motion to approve displaying a summary of legislative action at the Safety Center in the vestibule that is open 24/7 as well as posting in the bulletin and on the City website. This legislation will codify that motion.

*Move suspension of the second and third readings*

*Roll Call Vote*

*Move for passage of the Ordinance*

*Explain*

*Roll Call Vote*

7. Administration Report
8. Minutes- December 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, Administrative Coordinator  
Department Heads  
Terry Donnellon, Law Director







## CITY COUNCIL BUSINESS SESSION AGENDA

10101 Montgomery Road • Montgomery, Ohio 45242  
(513) 891-2424 • Fax (513) 891-2498

January 4, 2023  
City Hall  
6:00 p.m.

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Special Presentation
  - a. Julie Lyon with the Montgomery Chamber of Commerce will provide an update to City Council on the current operations of the Chamber
5. Guest and Residents
6. Legislation for Consideration for this Evening
  - a. A Resolution Authorizing an Amendment to The Current Contract with Donnellon, Donnellon and Miller for Legal Services to The City of Montgomery

*Add to the Agenda*

*Voice Vote*

*Assign to a City Council Member*

*Move to read the Resolution by title only*

*Voice Vote*

*Explain Resolution*

*Roll Call Vote*

### Pending Legislation

*There is no pending legislation*

*Since all legislation has been made available to the public before this evening's meeting it is moved that Council accept the legislative Agenda and read all legislation by title only.*

*Voice Vote*

## New Legislation

- a. A Resolution Authorizing the City Manager to Enter into a Contract with CT Associates, Inc.—(Mr. Cappel)

*Move for passage of the Resolution*

*Explain*

*Roll Call Vote*

- b. A Resolution Authorizing the City Manager to Contract With National Inspection Corporation For Professional Services To Serve As Building Official And To Provide Plan Review And Field Inspection Authority And Services For The City's Building Department For The Calendar Year 2023 —(Vice Mayor Bissmeyer)

*Move for passage of the Resolution*

*Explain*

*Roll Call Vote*

- c. A Resolution Authorizing the City Manager to Enter into a Contract with Johnson's Emergency Vehicle Solutions for a Spartan LT 110' NXT Quint Aerial Truck —(Mr. Messer)

*Move for passage of the Resolution*

*Explain*

*Roll Call Vote*

- d. An Ordinance Confirming Methods for Publication of Legislative Action—(Mr. Dobrozsi)

*Make a motion to suspend the rules to require three separate readings of the Ordinance*

*Roll Call Vote*

*Move for Passage of Ordinance*

*Explain*

*Roll Call Vote*

7. Administration Report

8. Approval of Minutes – December 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

RESOLUTION NO. , 2023

**A RESOLUTION AUTHORIZING AN AMENDMENT  
TO THE CURRENT CONTRACT WITH DONNELLON, DONNELLON & MILLER  
FOR LEGAL SERVICES TO THE CITY OF MONTGOMERY**

**WHEREAS**, in May 1997 the City did contract with Terrence M. Donnellon to serve as Law Director under the terms of a Legal Services Agreement; and

**WHEREAS**, Council does desire to continue the terms of that agreement, but to amend Article III concerning compensation and billing effective January 1, 2023.

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

**SECTION 1.** Commencing January 1, 2023, Article III of the Legal Services Agreement with Terrence M. Donnellon shall be amended to provide that the City shall pay the Law Director the sum of Three Hundred Five Dollars (\$305.00) per hour for professional services.

**SECTION 2.** Council has completed its annual performance review, and Council authorizes the City Manager to issue a merit adjustment to the Law Director in the amount of Five Thousand Dollars (\$5,000.00) for 2022.

**SECTION 3.** Compensation for Mayor's Court services shall not be adjusted for 2023, but shall remain on a flat fee basis.

**SECTION 4.** All other provisions of the Legal Services Agreement dated May 1, 1997 and the amended Agreement dated January 31, 2005 shall remain in full force and effect.



**SECTION 5.** This Resolution shall be in full force and effect from and after its passage.

ATTEST: \_\_\_\_\_  
Connie M. Gaylor, Clerk of Council

\_\_\_\_\_  
Craig D. Margolis, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Terrence M. Donnellon, Law Director

RESOLUTION NO. , 2023

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO  
A CONTRACT WITH CT CONSULTANTS, INC. FOR PROFESSIONAL SERVICES  
RELATED TO GENERAL ENGINEERING AND ARCHITECTURAL SERVICES  
FOR CALENDAR YEAR 2023**

**WHEREAS**, Section 9.03 of Article IX of the Charter of the City of Montgomery, Ohio, provides the method by which the City Manager shall make certain purchases and enter into contracts on behalf of the City; and

**WHEREAS**, it is appropriate to provide contract authority for professional services that are generally not subject to competitive bidding but will exceed a total of \$50,000 in a calendar year; and

**WHEREAS**, it is the desire of the Council of the City of Montgomery to enter into a contract with CT Consultants, Inc. for calendar year 2023 to perform general engineering and architectural services for the City.

**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 a contract with CT Consultants, Inc. for professional services to be provided to the City of Montgomery for calendar year 2023 according to the schedule submitted by CT Consultants, Inc., attached hereto as Exhibit "A" and incorporated herein by reference.

**SECTION 2.** The City Manager is hereby authorized to pay CT Consultants, Inc. according to the rates set forth in said schedule.

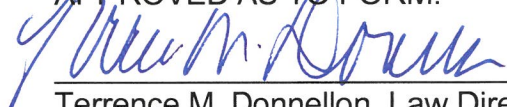
**SECTION 3.** This Resolution shall be in full force and effect from and after its passage.

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Connie Gaylor, Clerk of Council

\_\_\_\_\_  
Craig D. Margolis, Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Terrence M. Donnellon, Law Director



CITY OF MONTGOMERY

2023 HOURLY FEE SCHEDULE

Principal Engineer	\$ 237.75/hr
Senior Engineer/Architect	182.50/hr
Project Engineer/Architect	159.00/hr
Engineer 2/Architect 2	133.50/hr
Engineer 1/Architect 1	119.50/hr
Designer 3	116.50/hr
Designer 2	98.00/hr
Engineer Intern	61.00/hr
Survey Crew	166.75/hr
Construction Rep 3	100.75/hr
Technical Support	62.25/hr

Expenses at Cost Plus 10%

CT CONSULTANTS, INC.



RESOLUTION NO , 2023

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO CONTRACT WITH NATIONAL INSPECTION CORPORATION FOR PROFESSIONAL SERVICES TO SERVE AS BUILDING OFFICIAL AND TO PROVIDE PLAN REVIEW AND FIELD INSPECTION AUTHORITY AND SERVICES FOR THE CITY'S BUILDING DEPARTMENT FOR THE CALENDAR YEAR 2023**

**WHEREAS**, Section 9.03 of Article IX of the Charter of the City of Montgomery, Ohio, provides the method by which the City Manager shall make certain purchases and enter into contracts on behalf of the City; and

**WHEREAS**, it is appropriate to provide contract authority for professional services that are generally not subject to competitive bidding but will exceed a total of \$50,000 in a calendar year; and

**WHEREAS**, it is the desire of the Council of the City of Montgomery to renew the City's contract with National Inspection Corporation for calendar year 2023 to perform general building official and inspection services for the City.

**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 contract with National Inspection Corporation for professional services to be provided to the City of Montgomery for calendar year 2023 according to the attached Agreement submitted by National Inspection Corporation attached hereto as Exhibit "A" and incorporated herein by reference.

**SECTION 2.** The City Manager is hereby authorized to pay National Inspection Corporation according to the rates set forth in said Agreement.

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

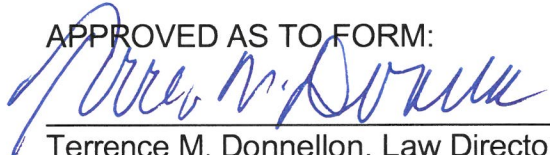
its passage.

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Connie Gaylor, Clerk of Council

\_\_\_\_\_  
Craig D. Margolis, Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Terrence M. Donnellon, Law Director

## AGREEMENT

THE CITY OF MONTGOMERY, OHIO, An Ohio municipal corporation, 10101 Montgomery Road, Montgomery Ohio 45242 (“Montgomery” or “City”), and NATIONAL INSPECTION CORPORATION, an Ohio corporation, 311 Regency Ridge, Dayton, Ohio 45459, (“NIC”), hereby enter into this Agreement upon the terms and conditions as set forth herein.

WHEREAS, the Montgomery Building Department has been certified by the State Of Ohio Board of Building Standards to exercise enforcement authority, accept and approve plans and specifications, and make inspections pursuant to sections 3781.10 and 3791.04 of the Ohio Revised Code; and

WHEREAS, Ohio law authorizes the City to contract with a third party to provide plan review and field inspection authority and services for the City’s Building Department; and

WHEREAS, Montgomery and NIC desire to enter into a contract for NIC to review and approve construction documents, provide building, heating, ventilation, air conditioning, electrical, and site inspection services to Montgomery, to exercise enforcement authority for plan review and inspections as set forth in this Agreement, to provide enforcement authority through NIC’s Certified Inspectors to assure compliance with the adopted Building Code of Montgomery and to provide Building Official and Plan Review services to the City of Montgomery; and

WHEREAS, the services to be performed by NIC are of a technical, non-competitive and professional nature, and the appropriate authority to execute this Agreement with NIC has been granted by the Council of the City of Montgomery;

NOW, THEREFORE, Montgomery and NIC agree as follows:

1. Montgomery and NIC agree that NIC shall exercise enforcement authority for inspections and approval of plans and specifications, issue plan and specification approval and make field inspections on behalf of Montgomery for enforcement of state and local building codes, including the Ohio Building Code

and Ohio Residential Building Code, and such other regulations as Montgomery may adopt related to building construction (individually and collectively "Code"). NIC shall designate a person within NIC to serve as the Certified Building Official for the City. Such authority conveyed to NIC by this Agreement shall be no more than the authority conveyed to Montgomery, Ohio by its building codes and by state law. The extension of this authority to NIC shall not authorize NIC to waive any requirements of the zoning or building codes on behalf of the City.

2. Inspections shall be performed on a daily basis during regular business hours, except for inspections that must be performed during hours of darkness or during commercial "shut-down" conditions. Plan review shall be completed within a reasonable period of time from receipt of such plans by the Montgomery Building Department. For 1, 2, and 3 family dwellings, such review shall typically be completed within two business days of receipt, and for all other plan reviews such review typically shall be completed within three to ten business days of receipt. Plans are to be submitted to Montgomery's office at its address as written above.

3. NIC agrees that inspectors will be available by telephone for citizen and contractor queries between 8:00am and 5:00pm, Monday through Friday with the exception of legal holidays. All NIC inspectors will maintain state certification as required by law. Plan review shall be performed by a Certified plans Examiner for all plans submitted for a permit under the requirements of the Ohio Building Code (OBC).

4. Montgomery has established a statutory permit fee schedule, as enumerated in the ordinances of Montgomery. A true copy of said ordinance is appended hereto as Exhibit "A" and incorporated by reference herein. Montgomery reserves the right to amend the fee schedule from time to time. Any such change which significantly impacts the compensation to be paid to NIC under the terms of this Agreement shall authorize NIC to terminate this Agreement upon sixty (60) days advanced written notice to the City.

In accordance with the schedule of fees adopted by Montgomery, commencing January 1, 2013 Montgomery shall pay NIC for services rendered ninety percent (90%) of all fees received by Montgomery pursuant to such ordinance. The fees received by Montgomery for which NIC shall receive



compensation do not include any penalty fees or penalties assessed by Montgomery for Code enforcement. Net fees shall be the amount of the gross fees paid to the City, less such administrative fees as are required to be paid to the Ohio Board of Building Standards. Collection of permit fees shall be the sole responsibility of Montgomery. NIC shall invoice Montgomery monthly itemizing the project reviewed and fees due. Any other fees required to be collected with the building permit such as water, sewer or environmental impact fees shall be collected by Montgomery and shall not be considered as a part of the net fee structure upon which NIC shall be compensated.

5. NIC shall indemnify, defend and hold harmless Montgomery, its officers, directors, agents and employees from and against any and all loss, liability, claim for personal injury, wrongful death or property loss, damages, and expenses including attorneys fees and litigation expenses resulting from the negligence of NIC, its agents or employees in connection with NIC's services and obligations provided for under this Agreement except to the extent such loss was caused by or resulted from the negligence of Montgomery. This obligation will survive the termination or expiration of this Agreement. To the extent permitted under any policy of liability insurance issued to the City or in accordance with the rules and regulations of any self insurance pool to which the City may belong, NIC shall be entitled to full participation with Montgomery in defense of any such claim. NIC further shall be required to carry a policy of general liability insurance and errors and omissions coverage with limits not less than \$1,000,000.00 per occurrence and \$1,000,000.00 aggregate. The City of Montgomery shall be named as an Additional Insured under such liability policy with the following language included in such Certificate of Coverage:

*THE FOLLOWING ARE Additional Insureds: the City of Montgomery, Ohio, its elected and appointed officials, all employees, agents, volunteers, all boards, commissions and board members, including employees, agents and volunteers of such boards and commissions. Coverage shall be primary to the Additional insureds and not contributing with any other insurance or similar protection available to the Additional Insureds whether other available coverage is primary, contributing, or excess*

Upon a request of Montgomery, NIC shall provide to Montgomery certificates evidencing said insurance coverage's, as well as a certificate evidencing worker's compensation coverage.

6. In addition to the general services outlined above, NIC agrees to furnish the following specific services to Montgomery:

a. Provide at its expense a toll free telephone number at its offices and make same available to the city of Montgomery, its general public, and all persons or entities having business with Montgomery which would be covered by this Agreement.

b. Upon request, advise applicants on Code requirements, but shall not perform design services for the completion of inadequate applications.

c. Perform job inspections of all work described on the application and plans, including the installation of equipment. Such service shall be provided promptly in the order received or scheduled without regard to type or extent of work, but within normal scheduling.

d. Prepare permits and certificates of approval when the installed work complies with all applicable regulations, ordinances, and statutes.

e. Except in those cases where NIC is called upon to assist the City in defense of any claim asserted by a third party against the City arising from any act or omission by NIC, upon request of the Montgomery Law Director, make itself reasonably available for and shall testify in any judicial proceeding or any formal or informal dispute resolution proceeding involving issues arising from the performance of the services herein described. After the first appearance on a specific case, NIC shall be paid \$100.00 per hour for the time any of its employees or principals shall take to fulfill the requirement as set forth in this section.

f. Provide utility companies with certificates of approval when necessary for the release of new services.

g. Provide emergency inspections as necessary at the request of other Montgomery Departments for which NIC shall be entitled to charge Montgomery \$75.00 per hour, port to port.

7. All documents, including applications, plan review, job progress reports and inspection reports shall remain the property of Montgomery.

8. This Agreement shall be effective January 1, 2023. This Agreement shall be renewable for continuing one-year terms unless terminated by either party with written notice directed to the other party sixty (60) days in advance of such renewal date. Either party may terminate this Agreement without cause with sixty (60) days notice to the other party after the first anniversary of this Agreement. While this agreement is in effect and for one year after termination, Montgomery will not offer employment to, nor solicit any employment applications from employees, former employees or contractors of NIC who provided service to Montgomery under this or a predecessor Agreement.

9. All notices to be given by or to either party to this Agreement shall be sent U.S. Mail, Certified, return receipt requested to the address as is noted above or as it is duly noticed by either party. All such notices shall be effective as of the date received.

10. This Agreement shall be construed under and in accordance with the laws of the State of Ohio, and all obligations to the parties created under this Agreement are performable in Hamilton County, Ohio.

11. This Agreement shall be binding and inure to the benefit of the parties of this Agreement and their respective heirs, executors, administrators, legal representatives, successors and assigns as permitted by this Agreement.

12. If one or more of the provisions contained in this Agreement is held by a Court of competent jurisdiction to be invalid, illegal, or unenforceable in any respect, that invalidity, illegality or unenforceability shall not affect any other provision. This Agreement shall be construed as if the invalid, illegal, or unenforceable provision had never been contained in it.

13. This Agreement constitutes the sole and only agreement of the parties and supersedes any prior understandings or written or oral agreements between the parties respecting the subject matter of this Agreement.

14. This Agreement may not be assigned by either party without express written consent of the other party, which consent may not be unreasonably withheld.

**CITY OF MONTGOMERY, OHIO**

Date: \_\_\_\_\_

By: \_\_\_\_\_

Brian Riblet

Its: City Manager

**NATIONAL INSPECTION CORPORATION**

Date: 12/8/22

By: \_\_\_\_\_

Andrew McKenzie

Its: President

APPROVED AS TO FORM:

\_\_\_\_\_  
Terrence M. Donnellon  
Law Director for City of Montgomery

RESOLUTION NO. , 2023

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH JOHNSON'S EMERGENCY VEHICLE SOLUTIONS FOR THE PURCHASE OF A 2022 SPARTAN LT QUINT FIRE TRUCK**

**WHEREAS**, the Administration has determined that it is necessary to replace in service the Fire and EMS Department's 2022 Quint Fire Truck for which the Department has appropriately budgeted; and

**WHEREAS**, the purchase of goods or services in excess of \$50,000 requires Council approval and competitive bidding unless an exception to competitive bidding is recognized; and

**WHEREAS**, Ohio law allows an exception to competitive bidding if the purchase is through a joint purchasing program operated by or through a national or state association of political subdivisions in which the Municipal entity is a member; and

**WHEREAS**, the City of Montgomery is a member of Sourcewell, a cooperative purchasing consortium of state and local governments which meets the statutory exception; and

**WHEREAS**, Sourcewell offers a Quint Fire Truck, and after analysis by the Fire Department, the Johnson's Emergency Vehicle Solutions Quint Fire Truck offered through Sourcewell meets the needs for the Department's replacement vehicle; and

**WHEREAS**, the Administration has determined that separate bids for the purchase of a Quint Fire Truck likely would exceed the price available through Sourcewell and likely unreasonably delay the delivery of the replacement vehicle.

**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 acquire through Sourcewell and Johnson's Emergency Vehicle Solutions, a Spartan LT 110' Quint Fire Truck in the amount of \$1,527,456, which consistent with the specifications reviewed and approved by the Fire and EMS Department which price includes a pre-payment discount and a 24-month performance bond.

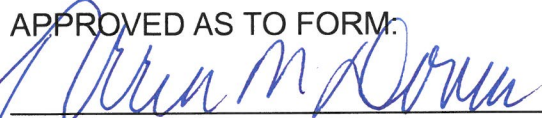
**SECTION 2.** The City Manager is hereby authorized to advance funds as necessary to secure prepayment discount and to execute such additional documentation as may be required to complete this acquisition.

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

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 CONFIRMING METHODS FOR PUBLICATION OF LEGISLATIVE ACTION**

**WHEREAS**, Article VII of the Charter of the City of Montgomery, Ohio requires Council, through its Clerk of Council, to publish all Ordinances and Resolutions (“Legislative Action”) which are passed by Council, either in full or by title with an accompanying summary; and

**WHEREAS**, Section 7.03 of Article VII requires Council, through the Clerk of Council, to either publish such Legislative Action in a newspaper of general circulation within the City, or by posting a copy of such Legislative Action in a conspicuous public place which place shall be designated from time to time by Council; and

**WHEREAS**, Council’s practice has been to publish a Summary of Legislative Action in the City newsletter and through the City’s webpage, recognizing that the methods of public notice and public communication have shifted from print media to digital media; and

**WHEREAS**, recognizing this trend, Council does desire to update its method of publication formally recognizing both digital media and non-digital media,

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

**SECTION 1.** Consistent with Article VII, Section 7.03, Council does designate the City’s webpage, periodic newsletter, and Safety Center Bulletin Board as the official sites for publication of Legislative Action. The Clerk of Council shall properly publish all Legislative Action passed by the Council in the following manner:

(a) By posting a Summary of Legislative Action, listing the legislation passed and a brief summary of the Resolution and Ordinances, within the City's webpage.

(b) By posting a Summary of Legislative Action, listing the legislation passed and a brief summary of the Resolution and Ordinances, on the bulletin board in a secure location at the Safety Center accessible to the general public.

(c) By publishing monthly Legislative Action by Council for circulation within the City's periodic newsletter.

**SECTION 2.** Council deems that these methods of publication satisfy the Charter requirement in accordance with Ohio law to provide appropriate publication and notice of Legislative Action, and such alternate methods of publication will best serve the Residents of the community of Montgomery recognizing the evolution and shift to digital communications within a community.

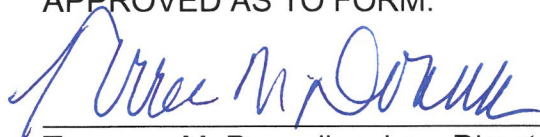
**SECTION 3.** This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Connie M. Gaylor, Clerk of Council

\_\_\_\_\_  
Craig D. Margolis, Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Terrence M. Donnellon, Law Director



*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 Work Session Minutes  
December 21, 2022

Present

Brian Riblet, City Manager  
Tracy Henao, Asst. City Manager  
Chris Bigham, Interim Finance Director  
John Crowell, Police Chief  
Gary Heitkamp, Public Works Director  
Matthew Vanderhorst, Community and Information Serv. Dir.  
Paul Wright, Fire Chief  
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 December 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.

Mr. Cappel made a motion to dispense with the roll call. Vice Mayor Bissmeyer. City Council unanimously agreed.

**GUESTS AND RESIDENTS**

There were no additional guests or residents.

**LEGISLATION FOR CONSIDERATION THIS EVENING**

Mayor Margolis explained that the following legislation was to be added to the agenda for consideration this evening and asked for a motion to do so.

Mr. Cappel made a motion to add the legislation to the agenda for consideration. Vice Mayor Bissmeyer seconded. City Council unanimously agreed.

Mr. Dobrozsi explained that he would recuse himself from the vote and discussion on this legislation. 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. Dobrozsi exited the dais.

**An Ordinance to Modify Appropriations for Current Expenses and Other Expenditures of the City of Montgomery, State of Ohio, During the Fiscal Year Ending December 31, 2022**

Mayor Margolis assigned the legislation to Mr. Suer.

Mr. Bigham explained that this final Appropriation Ordinance for the year is needed to balance the budget for 2022. He explained that an updated attachment was placed at Council's seats. Mr. Bigham explained that the modification to the appropriations was divided into three sections. Section One includes a transfer of \$61,000 from the General Fund 101 to the Compensated Absences Fund 875 and is requested per policy to transfer unused budgeted leave payouts upon retirement when employees do not retire to fund future retirement expenses.

Mr. Bigham explained that Section Two includes a reduction of appropriation in Fund 324 General Bond Retirement Fund by \$375,000 as there are no principal payments due in FY 2022. There is also \$500,000 reduction in

*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 Council Work Session Minutes

December 21, 2022

Page 2

54 appropriation in Fund 480 Downtown Improvements due to appropriating \$500,000 more than is necessary for the  
55 fund.  
56

57 Mr. Bigham explained that Section Three includes appropriation adjustments for all funds. The General Fund  
58 transfers include two intradepartmental transfers for the Parks and Recreation Departments utilizing personnel  
59 savings of \$6,000 in each department to cover additional contract services costs for both departments. There is also  
60 a request for additional appropriation of \$95,000 in the General Fund for increased contract services for the Swaim  
61 and Terwilliger Lodges Department (\$5,000) and contract services in the Finance Department (\$90,000).  
62

63 Finally, for restricted funds, there are nine funds that require additional appropriation to cover current expenditures.  
64 Fund 219 Community Oriented Policing needs an additional \$1,000 for increased training costs. Fund 261 Street  
65 Maintenance and Repair needs an additional appropriation of \$15,000 for increased fuel costs. Fund 324 General  
66 Bond Retirement and Fund 410 Capital Improvement Fund need additional appropriations of \$2,000 and \$35,000  
67 respectively for increased income tax refunds. Fund 328 Reserve of Montgomery Bond Fund needs an additional  
68 appropriation of \$389,030 which represents the refund amount to homeowners for assessment overpayments as  
69 approved by City Council in November. Fund 460 Heritage District Fund needs \$30,000 related to the parking lot  
70 lease. Fund 461 Triangle TIF Fund needs \$1,500 related to increased school board payments based on actual  
71 collections. Fund 875 needs an additional \$30,245 for retirements of four employees. \$75,000 is budgeted but actual  
72 expenditures are \$105,245 for FY 2022. Fund 890 Unclaimed Moneys Fund needs an additional \$1,000 for a check  
73 that was cashed in the current fiscal year.  
74

75 Vice Mayor Bissmeyer asked if the residents of The Reserves of Montgomery were notified of the refunds for the  
76 overpayments of assessments.  
77

78 Mr. Bigham replied that a letter has been drafted to accompany the refund checks, but nothing was sent prior as he  
79 was waiting for this legislation to be approved.  
80

81 Vice Mayor Bissmeyer asked as Fund 328 was being depleted would that fund be used again.  
82

83 Mr. Bigham replied that the fund could be renamed and used again for another specific purpose, but it would become  
84 stagnant for a while before used again.  
85

86 Mayor Margolis asked if this legislation would close out all adjustments.  
87

88 Mr. Bigham replied that it would.  
89

90 Mr. Suer moved to read the legislation by title only. Mr. Cappel seconded. City Council unanimously agreed,  
91

92 Mr. Suer moved to move to suspend the rules requiring reading of the Ordinance on three separate occasions.  
93 Mr. Cappel seconded.  
94

95 The roll was called and showed the following vote:  
96

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

100

101 Mr. Suer moved for passage of the Ordinance. Mr. Cappel seconded.  
102

102

103 The roll was called and showed the following vote:

*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 Council Work Session Minutes

December 21, 2022

Page 3

104  
105 AYE: Bissmeyer, Margolis, Naiman, Suer, Messer, Cappel (6)  
106 NAY: (0)  
107 ABSTAIN: Dobrozsi (1)  
108

109 Mr. Dobrozsi rejoined Council on the dais.  
110

111 **ESTABLISHING AN AGENDA FOR JANAUARY 4, 2023 BUSINESS SESSION**

112  
113 **NEW LEGISLATION**

114  
115 **A Resolution Authorizing the City Manager to Enter into a Contract with CT Associates, Inc.**

116  
117 Mayor Margolis assigned the legislation to Mr. Cappel.  
118

119 Mr. Heitkamp explained that staff is requesting that City Council authorize the City Manager to enter into a contract  
120 with CT Consultants, Inc. for professional engineering and architectural services for calendar year 2023. The City  
121 has contracted for approximately 31 years with CT Consultants to provide civil, traffic, structural, electrical and  
122 storm water engineering services. CT Consultants has provided a competitive fee structure for 2023 including slight  
123 hourly rate increases for engineering services. As was provided in previous years, CT Consultants has deleted the  
124 line item for billing of the "Principal" from the fee schedule. If for any reason the Principal Engineer provides  
125 engineering services during the contract year for development/design review or project design/review, that work  
126 would be billed at the hourly rate of a "Senior Manager". Funding for this professional services contract is included  
127 in the City's 2023 Operating Budget in both the Public Works and Community Development operating budgets.  
128

129 Mr. Messer asked how much has been spent with CT Consultants this year and if we expect to spend the same  
130 amount in 2023.  
131

132 Mr. Heitkamp stated that he did not have the exact amount but estimates that \$30,000-\$40,000 is paid out of the  
133 Public Works budget and Mrs. Hena0 estimated \$40,000 out of the Community Development Fund for an estimated  
134 total of \$80,000 to \$90,000 a year. Mr. Heitkamp explained that the amount can fluctuate each year depending on  
135 the projects the City has, and the services provided by CT Consultants. Mr. Heitkamp stated that there were several  
136 big projects in 2022 and he does not anticipate as many in 2023 but there are always things that come up that could  
137 require their engineering services.  
138

139 Mr. Suer stated that from time to time a resident may question the longstanding contract with CT Consultants, but  
140 he feels that staff has a good relationship with CT Consultants, and they have provided reliable service over the  
141 years.  
142

143 Vice Mayor Bissmeyer stated that as with Mr. Donnellon, with long service comes a greater understanding and a  
144 cost benefit to remaining with the same vendor. She asked if Mr. Heitkamp felt this was the case with CT  
145 Consultants.  
146

147 Mr. Heitkamp replied that yes, Jay Korros of CT Consultants has been our primary consultant for 20 years and the  
148 historical knowledge he has of the City is of a great benefit to us.  
149

150 Mr. Cappel stated he fully supports this contract as he feels we receive a great value for their service.  
151  
152  
153

*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 Council Work Session Minutes

December 21, 2022

Page 4

154

155

156

157

158

159

160

161

162

163

164

165

166

167

168

169

170

171

172

173

174

175

176

177

178

179

180

181

182

183

184

185

186

187

188

189

190

191

192

193

194

195

196

197

198

199

200

201

202

203

**A Resolution Authorizing the City Manager to Contract With National Inspection Corporation For Professional Services To Serve As Building Official And To Provide Plan Review And Field Inspection Authority And Services For The City's Building Department For The Calendar Year 2023**

Mayor Margolis assigned the legislation to Vice Mayor Bissmeyer.

Mr. Chesar explained that staff is requesting that City Council consider a Resolution to authorize the City Manager to enter into a contract with National Inspection Corporation (NIC) for professional services to serve as Building Official and to provide plan review and field inspection authority and services for the City's Building Department for the calendar year 2023. The City has contracted for approximately 19 years with National Inspection Corporation to provide plan review and field inspection authority and services for the City's building department and the City continues to be very satisfied with their ability to perform each of these duties.

Mr. Chesar stated that like CT Consultants, staff has been very satisfied with the service from NIC and there has been no change in the contract terms. National Inspection will continue to receive 90% of building permit collections and the City will received 10%. He stated that the applicants pay all costs.

Mr. Cappel stated that he has dealt with NIC in his own home projects and found them to be fantastic to work with.

**A Resolution Authorizing the City Manager to Enter into a Contract with Johnson's Emergency Vehicle Solutions for a Spartan LT 110' NXT Quint Aerial Truck**

Mayor Margolis assigned the legislation to Mr. Messer.

Chief Wright explained that staff is requesting that City Council consider a Resolution that would authorize the City Manager to enter into a contract with Johnson's Emergency Vehicle Solutions for the purchase of a Spartan LT 110' Quint Aerial Truck.

Chief Wright explained that this proposed vehicle purchase was part of the 2023 Capital Improvement Program. Funding for the project has been approved for \$1,500,000 in the 2023 Capital Improvement Program. Due to inflation and the current recession effecting the economy, all the manufactures have experienced four to six price increases just in 2022. Between the labor shortage, increase in wages and supply chain issues, the manufacturers have increased the prices and lengthen the build/delivery dates. The result is frustration in attempting to forecast the anticipated costs of this project as you will see in the Request For Proposals found later in this memorandum. If City Council approves this project, there be a need to slightly adjust the funding by an additional \$30,000.00 in conjunction with prepayment for the apparatus to take advantage of a net discount of approximately \$130,000.00.

Chief Wright explained that Requests for Proposals (RFP) were sent out to a number of apparatus manufacturers which are part of the cooperative purchasing program in which the City participates. Some of the manufacturers never responded to the RFP while others contacted us and opted not to submit an RFP. In the end staff received three RFPs which only took minimal exceptions to our specifications. They were:

Johnson's Emergency Vehicle Solutions (Spartan)	\$1,657,080.00
Vogelpohl Fire Equipment (E-One)	\$1,576,060.00
Atlantic Emergency Solutions (Pierce)-	\$1,626,729.00

Chief Wright closed by stating that staff recommends purchasing the Quint Fire Truck from Johnson's Emergency Vehicle Solutions due to the quality of their workmanship, price, and experience with this manufacturer. Furthermore, Johnson Emergency Vehicle Solutions offers a pre-pay of 100% on the contract price discount of

*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 Council Work Session Minutes

December 21, 2022

Page 5

204 \$138,324.00. In order to take this discount a 24-month Performance Bond would cost \$8,700.00 to guarantee the  
205 purchase amount in the event of a breach of contract. The total net discount after the purchase of the performance  
206 bond is a deduction of \$129,624.00. This would bring the total price of the apparatus as follows:

207		
208	Johnson's Emergency Vehicle Solutions (Spartan)-	\$1,657,080.00
209	Pre-Pay Discount -	Deduct - (\$138,324.00)
210	24 Month Performance Bond	Add <u>+\$8,700.00</u>
211		
212	<b>Total Price of Spartan Apparatus -</b>	\$1,527,456.00
213	*Total saving of pre-pay program = \$129,624.00	
214		

215 Mr. Messer stated that while the increase is significant, a new truck is sorely needed.

216  
217 Mr. Suer asked if the truck would fit in the garage bay.

218  
219 Chief Wright explained it would, but it was a challenge to obtain a 40' chassis.

220  
221 Mr. Dobrozsi asked if the truck would be black and red to match the new ambulance. He also asked how the City  
222 would sell the old Quint.

223  
224 Chief Wright replied that the truck was black and red and that he anticipated the truck being sold on Govdeals.com.  
225 He stated that due to its age, it would be sold as an entire unit for parts and not for use by another municipality.

226  
227 Mr. Cappel stated that he was glad to see it would be ordered and coming in the next year.

228  
229 Mayor Margolis asked if the components on the truck were generic or proprietary.

230  
231 Chief Wright replied he is trying to get away from proprietary equipment, but some features will be as that is how  
232 the industry works. He stated the chassis is a Spartan chassis which is more common and more serviceable.

### 233 **An Ordinance Confirming Methods for Publication of Legislative Action**

234  
235  
236 Mayor Margolis assigned the legislation to Mr. Dobrozsi.

237  
238 Mr. Riblet explained that, if passed, this legislation will formally designate the methods for publication of legislative  
239 action by City Council. The Charter under Section 7.03 requires legislative action to be published either in full or  
240 by title and summary in a newspaper of general circulation within the community or by posting a copy of such  
241 legislative action in a conspicuous public place designated from time to time by City Council. At the November 16  
242 Work Session, Council made a motion to approve displaying a summary of legislative action at the Safety Center  
243 in the vestibule that is open 24/7 as well as posting in the bulletin and on the City website. This legislation will  
244 codify that motion.

### 245 **ADMINISTRATION REPORT**

246  
247  
248 Mr. Riblet reported the following items:

- 249
- 250 • A Council Business Session is scheduled for January 4, 2023 at 7:00 p.m.
  - 251
  - 252 • The Law & Safety, Financial Planning and Planning, Zoning and Landmarks Committees have cancelled  
253 their meetings for the month of January.



*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 Council Work Session Minutes

December 21, 2022

Page 6

- 254
- Mr. Riblet distributed a 2023 Comprehensive Calendar of Events to Council.
- 255
- 256
- Mr. Riblet reminded Council that City offices will be closed on Friday (12/23) and Monday (12/26) in observance of the Christmas holiday and also on Monday (1/2/23) in observance of New Year's Day.
- 257
- 258
- Mr. Riblet thanked everyone for another successful year and wished everyone a happy holiday season and a healthy and happy new year!
- 259
- 260
- 261

262 **CITY COUNCIL REPORTS**

263

264 **Mr. Cappel**

265

266 Mr. Cappel reported he recently spoke with the Vice Mayor of Wyoming and agreed to a friendly competition of who could recycle the most in 2023. He stated there may be pastries on the line as a reward.

267

268

269 Mr. Cappel stated that he would be thinking about all the City staff who would be working over the holidays and with the predicted inclement weather he wished that everyone would remain safe and thanked them for their service in keeping this community safe.

270

271

272

273 **Vice Mayor Bissmeyer**

274

275 Vice Mayor Bissmeyer stated that she attended the Live at the Uni concert with Mandi Gaines and complimented Ms. Gaines for her wonderful talent and staff for decorating the Universalist Church for the holidays. She stated the whole experience was very festive.

276

277

278

279 Vice Mayor Bissmeyer reported that she provided a presentation for a group of Cub Scouts at Maple Dale Elementary on government and how it works. She stated that they have requested a tour of City Hall in the new year.

280

281

282

283 **Mr. Dobrozsi**

284

285 Mr. Dobrozsi reported that he also attended the Mandi Gaines concert and how impressive of a talent she has. He stated that the whole Live at the Uni series was just great and gave kudos to Greg Leader and the Arts Commission for continuing to offer a wonderful concert series.

286

287

288

289 Mr. Dobrozsi reported that at the recent Government Affairs Committee meeting the Committee considered the request for the amendment to the Council Rules propose changing the start time of council meetings to 6:00 p.m. but with language that allows for Council to adjust meetings as needed. This would be in Section II, #1 of Council Rules. He explained that it was also suggested adding the word 'generally' under item 'A' Work Sessions in the reference to work sessions being held two weeks prior to the Business Session. He explained that there are times that in a five week month the Work Session is moved to the fourth week and also when the meeting falls before a holiday. He stated this would give Council the flexibility to change the Work Session date when needed. Mr. Dobrozsi stated that the Committee moved in favor of the changes, but he would like to request a motion from all of Council to approve the recommended changes.

290

291

292

293

294

295

296

297

298

299 Mr. Messer made a motion to accept the changes as recommended. Vice Mayor Bissmeyer seconded. City Council unanimously agreed.

300

301

302 **Mrs. Naiman**

303

*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 Council Work Session Minutes

December 21, 2022

Page 7

304 Mrs. Naiman reported that she anticipates being at the January 4<sup>th</sup> Business Session but if her baby were to come  
305 sooner then she would miss and then anticipates being off for a short time while recovering and staying home with  
306 the baby.

307

308 **Mr. Suer**

309

310 Mr. Suer wished Mrs. Naiman good luck in her latest ‘project’ and hopes all goes well with her delivery. He also  
311 thanked staff for an excellent year and wished them all happy holidays.

312

313 **Mr. Messer**

314

315 Mr. Messer reported he had listened to the most recent podcast on the historic plane crash in Montgomery created  
316 by Matthew Vanderhorst and Amy Fredericks and other staff. He stated it was fantastic and was so impressed by  
317 the quality of the podcast.

318

319 Mr. Messer also thanked staff for all their work over the year. He stated the City had a wonderful staff and wished  
320 them all happy holidays.

321

322 **Mayor Margolis**

323

324 Mayor Margolis also thanked staff for their hard work over this year and wished them a happy holiday.

325

326 Mayor Margolis stated that he would be out of town from December 26 to January 3.

327

328 **MINUTES**

329

330 Mr. Cappel moved to approve the December 7, 2022 Business Session minutes as written. Vice Mayor Bissmeyer  
331 seconded. City Council unanimously agreed.

332

333 **OTHER BUSINESS**

334

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

338

339 Mr. Cappel made a motion to adjourn into Executive Session for matters related to the appointment, employment  
340 or compensation of a public employee. Vice Mayor Bissmeyer seconded.

341

342 The roll was called and showed the following vote:

343

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

345 NAY: (0)

346

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

349

350 City Council adjourned into Executive Session at 8:00 p.m.

351

352 City Council reconvened into Public Session at 8:59 p.m.

353

*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 Council Work Session Minutes

December 21, 2022

Page 8

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

356

357 Vice Mayor Bissmeyer made a motion to adjourn. Mrs. Naiman seconded. City Council unanimously agreed.

358

359 City Council adjourned at 9:00 p.m.

360

361

362

363

364

---

Connie Gaylor, Clerk of Council

DRAFT