

City of Montgomery
City Council Business Session Minutes
May 3, 2023

Present

Brian Riblet, City Manager
Terry Donnellon, Law Director
Tracy Henao, Assistant City Manager
Kevin Chesar, Community Dev. Director
John Crowell, Police Chief
Maura Gray, Finance Director
Gary Heitkamp, Public Works Director
Paul Wright, Fire Chief
Matthew Vanderhorst, Community and Information Services Dir.
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 Convened its Business Session for May 3, 2023 at 6:00 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 are present.

Mr. Cappel made a motion to dispense with roll call as all members are present. Vice Mayor Bissmeyer seconded. City Council unanimously agreed.

GUESTS AND RESIDENTS

Otto Weening, 8537 Weller Road- Mr. Weening explained to City Council that he was attending Council to share a concern he had over safety on the paved path that runs along Weller Road. He explained that on several occasions while he was walking bicyclists would come from behind without his knowledge that they were approaching. He stated this was very dangerous and asked if something could be done to require a sound device on bicycles and riders signaling them so walkers would be alerted, they were approaching.

Mr. Suer thanked Mr. Weening for coming to Council to share his concerns. Mr. Suer explained that he also walks the same path and that the topography of the road, and the path contributes to bicyclists gaining speed and coming upon a walker faster than anticipated. He acknowledged that it would be difficult to enforce if a bicyclist were endangering another person and suggested that staff promote proper protocol of bicyclists and walkers while on paths and sidewalks in the Montgomery bulletin.

Chief Crowell explained that there is an Ordinance that requires bicyclists to give an audible signal and also suggested that an article be run in the bulletin and shared on social media to raise awareness of safety while on paved paths.

LEGISLATION FOR CONSIDERATION AND ADDITION TO THE AGENDA

Mayor Margolis explained that the following piece of legislation would need a motion to be added to the agenda for consideration this evening.

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

A Resolution Authorizing A Contract With Dynegy Energy Services East, LLC

Mayor Margolis assigned the legislation to Mr. Suer.

58 Mr. Suer moved to read the legislation by title only. Mr. Cappel seconded. City Council unanimously agreed.
59

60 Mr. Suer read the title and moved for passage of the Resolution. Mr. Cappel seconded.
61

62 Ms. Gray explained that, if approved, this Resolution will authorize the City Manager to enter into a contract with
63 Dynegy Energy Services East for a retail power sale agreement that would set electricity rates for the City's
64 streetlights and facilities for a one year period. She added that the current Duke Energy rate was nine cents per
65 kilowatt hour (kWh) and the rate Dynegy was offering was six cents per kWh.
66

67 Mr. Riblet added that through this contract the City would have the ability to purchase green energy as well. He
68 stated that the one year agreement could also be extended for an additional year if agreeable to both parties at the
69 end of the first year.
70

71 Mr. Cappel stated he was happy to see that green energy was an option.
72

73 Mr. Messer asked for clarification of the 24% reduction that was mentioned in the legislative request memo.
74

75 Ms. Gray replied that, if approved, the contract would be a decrease to the energy budget as compared to projected
76 Duke Energy rates.
77

78 Mrs. Naiman asked if this contract is associated with energy aggregation.
79

80 Mr. Riblet replied that it does not and explained that City Council has decided to leave the decision to switch
81 energy providers up to the homeowners as when a City enters into an aggregate contract it includes all residences
82 and would require each resident to opt out if they do not want to participate and that has been shown difficult to
83 do. He stated that residents have the freedom to choose their own providers at their own discretion.
84

85 The roll was called and showed the following vote:
86

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

88 NAY: (0)
89

90 **PENDING LEGISLATION**
91

92 Mayor Margolis explained that since the following legislation has been made available to the public before this
93 evening's meeting, he asked for a motion to accept the legislative Agenda and read all legislation by title only.
94

95 Mr. Cappel made a motion to accept the legislative Agenda and read all legislation by title only. Vice Mayor
96 Bissmeyer seconded. City Council unanimously agreed.
97

98
99 **An Ordinance Amending Chapter 156.02 of The Land Usage Code, Subdivision Regulations: Requirements
100 For Subdivision Approval**
101

102 Vice Mayor Bissmeyer read the title and moved for passage of the second reading of the Ordinance. Mr. Cappel
103 seconded.
104

105 Vice Mayor Bissmeyer explained that information has been previously supplied on this legislation that, if
106 approved, would authorize a series of text amendments to Chapter 156.02 Subdivision Regulations: Requirements
107 for Subdivision Approval, to become consistent with the Hamilton County Engineers Office.
108

109 Vice Mayor Bissmeyer asked if there were any updates.

110

111 Mr. Chesar replied there were none.

112

113 The roll was called and showed the following vote:

114

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

116 NAY: (0)

117

118 **An Ordinance Amending Chapter 157 of The Land Usage Code, Floodplain Management Regulations And**
119 **Flood Damage Prevention, And Declaring An Emergency**

120

121 Vice Mayor Bissmeyer read the title and moved to suspend the third reading of the Ordinance. Mr. Cappel
122 seconded.

123

124 The roll was called and showed the following vote:

125

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

127 NAY: (0)

128

129 Vice Mayor Bissmeyer moved to pass the Ordinance as an emergency. Mr. Cappel seconded.

130

131 Vice Mayor Bissmeyer explained that information has been previously supplied on this Ordinance that, if passed,
132 would authorize a series of text amendments to Chapter 157 Flood Damage Protection. She stated that the Federal
133 Emergency Management Agency (FEMA) has issued a Letter of Final Determination that contains revised Flood
134 Insurance Study and Flood Insurance Rate Maps that will become effective on June 7, 2023. Due to this
135 requirement by FEMA, staff are asking the third reading to be suspended and the legislation to be passed as an
136 emergency.

137

138 Vice Mayor Bissmeyer asked if there were any updates.

139

140 Mr. Chesar replied there were none.

141

142 The roll was called and showed the following vote:

143

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

145 NAY: (0)

146

147 **NEW LEGISLATION**

148

149 **A Resolution Recognizing The Month of May 2023 As National Historic Preservation Month in The City of**
150 **Montgomery**

151

152 Vice Mayor Bissmeyer read the title and moved for passage of the Resolution. Mr. Cappel seconded.

153

154 Vice Mayor Bissmeyer explained that the information has been previously supplied on this Resolution that, if
155 approved, would recognize the month of May as National Historic Preservation Month in the City of Montgomery.

156

157 The roll was called and showed the following vote:

158

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

160 NAY: (0)

161

162 **An Ordinance Providing for The Issuance of Not to Exceed \$7,500,000 Of Notes by The City of**
163 **Montgomery, Ohio, For the Purpose of Making Public Infrastructure Improvements Within the City and**
164 **Declaring an Emergency**
165

166 Mr. Dobrozsi explained that he would recuse himself from the vote and discussion on this legislation. He
167 explained that although he has no ownership interest in Neyer Properties, Inc. nor any in the limited liability
168 companies in partnership to develop the Montgomery Quarter, he will continue to recuse himself from discussion
169 and abstain from voting upon legislation related to the Montgomery Quarter project. Mr. Dobrozsi exited the dais.
170

171 Mr. Suer read the title and moved for suspension of the second and third readings of the Ordinance. Mr. Cappel
172 seconded.

173
174 The roll was called and showed the following vote:

175
176 AYE: Suer, Messer, Cappel, Bissmeyer, Margolis, Naiman (6)
177 NAY: (0)
178 ABSTAIN: Dobrozsi (1)
179

180 Mr. Suer moved to pass the Ordinance as an emergency. Mr. Cappel seconded.
181

182 Mr. Suer explained that information has been previously supplied on this Ordinance that, if approved, will
183 refinance certain Bond Anticipation Notes related to funding construction and engineering services for the
184 Montgomery Quarter Project. The Notes must either be paid in full or refinanced within the second quarter of this
185 year. It is recommended that the City refinance the Notes for another year due to the fluctuating financial markets.
186 In the future, once the Montgomery Quarter Project through at least Stage 1 has been completed, the City can
187 make the decision to issue permanent Notes to be repaid with revenues generated from the completed project.
188 With the current market fluctuations, the Ordinance is being passed as an emergency to give our financial advisors
189 the maximum flexibility to price the Bonds and complete refinancing.
190

191 Mr. Suer asked if there were any updates.

192
193 Mr. Riblet replied there were none.

194
195 The roll was called and showed the following vote:

196
197 AYE: Messer, Cappel, Bissmeyer, Margolis, Naiman, Suer (6)
198 NAY: (0)
199 ABSTAIN: Dobrozsi (1)
200

201 Mr. Dobrozsi rejoined council on the dais.
202

203 **ADMINISTRATION REPORT**
204

205 Mr. Riblet reported the following items:
206

- 207
 - The Boards and Commission Chair Updates are currently being scheduled for May 24, June 7 and
208 June 21. In order to fit all 10 Updates in, staff is requesting that the May 24 and June 7 Council
209 Meetings begin at 6:30 to allow for four updates prior to those meetings.
210

211 The final two updates will be scheduled prior to the June 21 meeting, however that meeting will
212 remain at the normal 6:00 scheduled time.
213

214 Mr. Cappel made a motion to begin the May 24 and June 7 meetings at 6:30 to allow for the board and
215 commission updates to be held prior to the meetings. Mr. Messer seconded. City Council
216 unanimously agreed.

- 217
- 218 • City Council Work Session is scheduled for Wednesday, May 24 at 6:30 p.m.
- 219
- 220 • The Parks and Recreation, Government Affairs and Public Works Committee meetings were cancelled
221 for the month of May.
- 222
- 223 • ODOT’s contractor, Eagle Bridge, is nearing completion of the Cooper Road Bridge rehabilitation
224 project, and the bridge is scheduled to be re-opened by the end of the week.
- 225
- 226 • Mr. Riblet gave an update on the April Income Tax Collections. He stated that For the month of April,
227 the City’s total income tax receipts were \$3,222,987 which is an increase of \$832,981 or 34.85% when
228 compared to the 2022 April collections of \$2,390,006.
- 229
- 230 • Mr. Riblet reported that staff met with the Vintage Club development team who shared some potential
231 southside opportunities for the development. He explained that in Building C there is a Letter of
232 Interest anticipated to be completed with a small bakery and the team is also working to secure an
233 upscale restaurant and office user for that building.
- 234

235 Human Resources

- 236
- 237 • Patrol Officer – initial interviews with nine candidates have been scheduled for May 12 and 15. The
238 City has three openings to fill due to resignations and retirements.
- 239
- 240 • Firefighter/Paramedic – ten applications were received for the May 10 written exam and agility
241 testing. There are four open firefighter/paramedic positions to fill.
- 242

243 Events

- 244
- 245 • The Development Team will conduct a hard-had tour of the apartments on Friday, May 5 from 3:00-
246 4:00 p.m. for City Council and Senior Staff.
- 247
- 248 • HCML is holding a meeting Saturday, May 13 beginning at 9:00 a.m. at the Sharonville Fire
249 Department. The speaker is Mark Policinski, CEO of OKI and their impact on local governments.
- 250
- 251 • Beautification Day is scheduled for Saturday, May 13. Wendy Grethel is scheduling all volunteers and
252 bed assignments. Please reach out to Ms. Grethel if you have any questions.
- 253
- 254 • The MQ Celebration is scheduled for Friday, May 19 at the MQ site. This event will run from 6:00 to
255 9:30 pm.
- 256
- 257 • As a reminder, please let Ms. Gaylor know if you plan to attend the City of Blue Ash Memorial Day
258 Parade and/or Ceremony on Monday, May 29. The deadline for the parade application and ceremony
259 rsvp is May 19.
- 260

261 **APPROVAL OF MINUTES**

262

263 Mayor Margolis asked for a motion to approve the April 19, 2023 Work Session minutes.

264

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

267
268 **MAYOR'S COURT REPORT**

269
270 Mayor Margolis asked for a motion to disburse the Mayors Court collections for the month of April in the amount
271 of \$5,325.

272
273 Mr. Cappel made a motion to disburse the Mayors Court collections for the month of April in the amount of
274 \$5,325. Vice Mayor Bissmeyer seconded. City Council unanimously agreed,

275
276 **OTHER BUSINESS**

277
278 Mr. Dobrozsi stated that as he is the Council Liaison to the Arts Commission, he would like to make a motion to
279 appoint Nam-Ha Brown to the Commission for a term ending January 31, 2025. He explained that she has
280 attended several commission meetings and the Chair and Staff Liaison are both highly supportive of her
281 appointment. He stated that this was not discussed at a Government Affairs Committee meeting so there would
282 need to be a second from Council.

283
284 Mr. Cappel seconded the appointment of Nam-Ha Brown to the Arts Commission. City Council unanimously
285 agreed.

286
287 Mr. Suer reported that the Financial Planning Committee met to interview for the vacancy on the Board of Tax
288 Review. He stated that it is the recommendation of the Financial Planning Committee and made a motion to
289 appoint Brian Clifford to the Board of Tax Review with a term ending on January 31, 2025. City Council
290 unanimously agreed.

291
292 **ADJOURNMENT**

293
294 Mayor Margolis asked if there was any other business to discuss in Public Session. There being none, Mr. Cappel
295 made a motion to adjourn the meeting. Vice Mayor Bissmeyer seconded.

296
297 City Council adjourned at 6:39 p.m.

298
299
300
301



Connie Gaylor, Clerk of Council