

City of Montgomery
City Council Work Session Minutes
August 23, 2023

Present

Brian Riblet, City Manager
Terry Donnellon, Law Director
Tracy Henao, Asst. City Manager
Kevin Chesar, Community Development Director
John Crowell, Police Chief
Maura Gray, Finance Director
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 convened its Work Session for August 23, 2023 at 6:00 p.m. at City Hall with Mayor Margolis presiding.

ROLL CALL

Mayor Margolis called for a motion to dispense of the roll call since all members were present.

Mr. Cappel moved to dispense of the roll call. Vice Mayor Bissmeyer seconded. City Council unanimously agreed.

GUESTS AND RESIDENTS

Ms. Laura Deemer, 9893 Forestglen Drive- Ms. Deemer explained to City Council that she moved into her home in December of 2021 and has two children, five and two years old. She stated that she is at the meeting to ask City Council's help in getting sidewalks installed on Forestglen Drive. She explained that her family moved onto Forestglen to be part of a tighter knit community. She stated that her neighborhood has no connecting sidewalks to Montgomery Road so she drives to the areas that she would be able to walk to if there were sidewalks. She explained that since the pandemic the traffic on her no outlet road has increased with delivery trucks and maintenance type vehicles. She stated that at any time there could be 5-15 vehicles parked on the roads causing vehicles that are travelling on the road to swerve around them. She stated this was dangerous for people walking on the road. She explained that she has reached out to the Public Works Director to express these concerns and to ask for sidewalks. She stated that the residents do not understand the process and asked if something different could be done until sidewalks could be installed such as temporary speed bumps or speed trailers. She read various quotes from other residents who she spoke with when preparing to come to the Council meeting.

Mayor Margolis thanked Ms. Deemer for her comments and asked her to reach out to the City Manager for a follow up conversation.

Mike Frazee, 5325 Cooper Road-Mr. Frazee explained to City Council that he has noticed that there are very few residents who attend City Council meetings so he felt he would come to provide feedback on the mixed used development at the Montgomery Quarter. He stated that he felt the City was losing the balance between business and residential properties. He stated he felt it would be better to create development with less housing. He asked if the City was integrating a new park within the City.

Mayor Margolis suggested that Mr. Frazee attend Planning Commission meetings to offer input.

Vice Mayor Bissmeyer explained to him that the City was currently seeking information for a new comprehensive plan and suggested he visit the City's website under Montgomery Moment to add his input to that survey.

LEGISLATION FOR CONSIDERATION THIS EVENING

There was no legislation for consideration at the meeting.

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ESTABLISHING AN AGENDA FOR SEPTEMBER 6, 2023 BUSINESS SESSION

PENDING LEGISLATION

There was no pending legislation for consideration at this meeting.

NEW LEGISLATION

A Resolution Accepting A Bid And Authorizing The City Manager To Enter Into A Contract With Kramer & Feldman, Inc. For The Montgomery Annex Building Improvements

Mayor Margolis assigned the legislation to Mr. Cappel.

Mr. Dobrozsi explained that he would have to leave the meeting at 6:25 p.m.

Mr. Heitkamp explained that, if approved, this Resolution will authorize the City Manager to enter into Contract with Kramer & Feldman Incorporated to complete the Montgomery Annex Building Improvements. The Montgomery Annex Building Improvements is programmed in the 2023 Capital Improvement Program 410.303.5470 (City Parks) account in the amount of \$90,000.00. It is requested that this project be approved for funding in the amount of \$69,950.00.

Mr. Suer asked if the intent of the construction was to provide storage of the Recreation department materials.

Mr. Heitkamp replied that it would be for both Public Works and Parks and Recreation storage.

Mr. Messer asked if we have contracted with this company before.

Mr. Heitkamp replied that he was not aware that we had but that the architects recommended them.

An Ordinance Enacting And Adopting the 2023 Recodification To The Code Of Ordinances and Declaring An Emergency

Mayor Margolis assigned the legislation to Vice Mayor Bissmeyer.

Mr. Donnellon explained that, if approved, this Ordinance will update the Montgomery Code of Ordinances to reflect changes which have been made over the past two years. Principal among these changes is the update to the Land Usage Code. The Recodification also updates the Code for changes under State law concerning Traffic and Criminal matters. Council is asked to pass the Ordinance as an emergency so that the new Code can be implemented immediately.

A Resolution Approving A Construction Agreement With Brandicorp, LLC For The Stage 2 Montgomery Quarter Public Improvements

Mayor Margolis assigned the legislation to Mr. Cappel.

Mr. Riblet explained that, if approved, this Resolution will approve an Agreement with Brandicorp, LLC as the Construction Manager at Risk (CMAR) for public improvements within Stage II of the Montgomery Quarter project.

Mr. Riblet stated that the public improvements associated within Stage II of the Montgomery Quarter project are anticipated to be broken into (3) sequences. A Guaranteed Maximum Price (GMP) will be negotiated with Brandicorp, LLC for each sequence with this first sequence not to exceed \$2.5 million. A companion piece

111 of Legislation will ask City Council to consider appropriating funds necessary to complete Sequence I public
112 improvements within Stage II of the Montgomery Quarter project. The recovery method for the City of
113 Montgomery will consist of sale of land located in Stage II of the Montgomery Quarter, Tax Increment
114 Financing (TIF) dollars, excess accumulation within the TIF and through third party grant sources.
115

116 Mr. Riblet explained the City solicited a Request for Qualifications (RFQ) for firms interested in providing
117 CMAR services and received two proposals by the April 17, 2023, submittal deadline including Prus
118 Construction and Brandicorp, LLC. Both firms were then asked to provide a Request for Proposal (RFP) no
119 later than June 8, 2023. The selection committee consisting of Terry Donnellon, Brian Riblet, Tracy Henao
120 and Gary Heitkamp conducted interviews with each firm on June 21, 2023. After a thorough review and rating
121 of each firm based on the criteria established the selection committee unanimously chose Brandicorp, LLC. as
122 the preferred firm to negotiate with and enter into a CMAR agreement. The Montgomery Quarter project
123 continues to be a primary focus for the City of Montgomery and this Legislative Request would allow us to
124 build upon the success and momentum of Stage I of the Montgomery Quarter. It is necessary to construct the
125 public infrastructure and improvements within Sequence I of Stage II of the Montgomery Quarter project
126 including site grading, utility installation and relocation, earthwork, roadway construction, and sidewalks to
127 support the private development. If approved, it is anticipated that Sequence I of Stage II work will begin this
128 fall and be completed by late summer 2024.
129

130 Mr. Messer congratulated Staff and the Development Team for reaching this stage in the development that
131 would continue until its completion. He asked for clarification of what the three sequences of Stage II would
132 be.
133

134 Mr. Riblet replied that Sequence I includes all utility and roadway installation, Sequence II includes a public
135 parking garage and Sequence III includes a “Activity Alley” and final streetscape.
136

137 Mr. Cappel stated that he knew there was a lot of hard work involved to get to this point and was glad to be
138 moving forward.
139

140 Vice Mayor Bissmeyer asked if the contractors fee of 3 ½% of the cost of the work was built in or in addition
141 to the guaranteed maximum price.
142

143 Mr. Riblet replied it was built in.
144

145 Mayor Margolis thanked all those involved with their work in ensuring the project would be moved to
146 completion.
147

148 Eric Day, 9912 Forestglen Drive-Mr. Day explained that he is a licensed builder and moved here in 2018
149 from Oregon. He stated he has a lot of experience and offered his service to the City. He stated that his
150 family is in Northeast Ohio and that they are all builders.
151

152 **An Ordinance Authorizing A Third Amendment To A Development Agreement By And Between The City**
153 **Of Montgomery, Ohio, The Montgomery Community Improvement Corporation, And Gateway Partners**
154 **Montgomery, LLC And Declaring An Emergency**
155

156 Mayor Margolis assigned the legislation to Mr. Cappel.
157

158 Mr. Donnellon explained that, if approved, this Ordinance will authorize a Third Amendment to the Development
159 Agreement to continue the development of the Montgomery Quarter Project. The Development Team is ready to
160 proceed with Stage II and the modified Agreement will better outline Public Site Improvements, the cost allocation
161 of Public Site Improvements, and the updated mix of uses in the development. The Ordinance is proposed as an

162 emergency to take advantage of market pricing for the anticipated Public Site Improvements. Mr. Donnellon stated
163 this is a companion piece to the CMAR Resolution.

164
165 Vice Mayor Bissmeyer asked when the sales will happen.

166
167 Mr. Donnellon explained that the sale of Lot 5 will happen soon, followed by the extension of the south side
168 then the Activity Alley is estimated to be about three years afterward.

169
170 Mr. Messer asked why there were not condominiums in the development.

171
172 Mr. Donnellon explained that due to the change in the economy since the very beginning stages of this project
173 it is very difficult to finance the construction of them since the market does not support it. He stated because
174 of this City Council had supported the change to luxury apartments.

175
176 Mrs. Naiman asked where the parking would be for the apartments.

177
178 Mr. Donnellon explained that they are designed to be underground. He added that in the future there would
179 also be additional public parking.

180
181 **A Resolution Approving A Joint Agreement With The Board Of County Commissioners, Hamilton County,**
182 **Ohio To Accept And Administer A Community Revitalization Grant**

183
184 Catherine Mills Reynolds, 10035 Old Farm Court-Ms. Reynolds explained that at the past Board of Zoning
185 Appeals meeting, in which she serves on the Board, they discussed feedback from residents north of the
186 development a concern with the increased traffic. She explained that the market is temporary, and this was the
187 City's chance to use development wisely. She stated her concern is if the apartments would be maintained
188 long term. She stated that the long term plan of the community must be considered.

189
190 Mr. Riblet explained that there is a safeguard built in with the Development Team and the Schools that the
191 apartments will always be in the top 10% of rental rates to ensure that they would be maintained.

192
193 Mike Frazee- Mr. Frazee personally thanked Ms. Henao for always providing a quick response to his concerns.

194
195 Mayor Margolis assigned the legislation to Mr. Suer.

196
197 Mr. Riblet explained that, if approved, this Resolution will allow the City of Montgomery to receive \$500,000
198 of funding through the Hamilton County Community Revitalization Grant program to assist with public
199 infrastructure components within Stage II of the Montgomery Quarter project. The grant is a reimbursable
200 grant, and it is anticipated work associated to allow us to submit for reimbursement will be completed in late
201 2023 or early 2024.

202
203 Mr. Cappel stated that he was appreciative of the efforts that go into pursuing grants as it gives the City an
204 opportunity to do nice things.

205
206 Vice Mayor Bissmeyer stated that she agreed with Mr. Cappel and that she feels the County has faith in the
207 City that grant funding will be used properly.

208
209 Mr. Messer said "well done" to staff for applying for and receiving another grant.

210
211 Mr. Suer stated that relationships with people are very important as they consider our requests, especially
212 with these larger grants.

213

214 **An Ordinance To Amend Appropriations For Current Expenses And Other Expenditures Of The City**
215 **Of Montgomery, State Of Ohio, During The Fiscal Year Ending December 31, 2023**
216

217 Mayor Margolis assigned the legislation to Mr. Suer.
218

219 Ms. Gray explained that, if approved, this Ordinance will increase the Appropriation in the General Fund
220 (101) in the amount of \$2.5 million, transfer of cash from the General Fund (101) to the Montgomery Quarter
221 Construction Fund (464) in the amount of \$2.5 million and increase the Appropriation in the Montgomery
222 Quarter Construction Fund (464) in the amount of \$2.5 million. These funds will facilitate the Montgomery
223 Quarter Stage II project and will ensure the project can commence on schedule and provide additional access
224 to Phase One of the project.
225

226 Mr. Messer asked if this would impact our reserves.
227

228 Ms. Gray stated that it will reduce our budget by \$2.5M but will not reduce the target fund policy.
229

230 **ADMINISTRATION REPORT**
231

232 Mr. Riblet reported the following items:
233

- 234 • City Council Business Session is scheduled for September 6 at 6:00 p.m.
235
- 236 • The Law and Safety, Financial Planning and Planning, Zoning and Landmarks Committees have no agenda
237 items for September and are requested to be cancelled. City Council agreed to cancel those Committee
238 meetings.
239
- 240 • The Parks and Recreation, Government Affairs and Public Works Committees do not have agenda items at
241 this time, but he will provide an update at the September 6 Business Session.
242
- 243 • Delray Drive, as part of the watermain replacement project, was resurfaced on Tuesday, August 22 making
244 it ready to go for Sycamore Junior High students returning to class next week. The only items left for KT
245 Holden to perform are the pavement rejuvenator, pavement markings, and restoration of damaged grass
246 areas.
247
- 248 • Mr. Heitkamp provided an update on the new Swaim Park playground equipment. Public Works has
249 received the equipment and is temporarily storing it at their facility. The installer is scheduled to install it
250 after the Harvest Moon festival, sometime in late October. The Village of Higginsport will repurpose the
251 old equipment.
252
- 253 • The City's Calendar Team is working to compile a comprehensive Calendar for 2024 including all meetings
254 and events and hopes to submit a final version to Council in the coming weeks.
255
- 256 • A letter was received recognizing safety services personnel from a couple involved in a serious car accident.
257 The couple expressed their sincere gratitude to Officer Rich Riley and the fire department crew on duty for
258 their compassion and care shown to them on July 7.
259
- 260 • A contract was signed authorizing "The Gertz Company" to complete the 2023 Sidewalk Replacement
261 Program in an amount of \$32,802 which includes replacement areas in the N/E quadrant of the City. Work
262 began this week and is anticipated to be done in early September.
263

- 264 • A contract was signed authorizing J.K. Meurer Corp. to complete the 2023 Curb Replacement Program in
265 an amount of \$48,892 which includes replacement areas in the Central quadrant of the City. Work is
266 anticipated to begin in the coming weeks.

267
268 Human Resources

- 269
270 • Patrol Officer – Advertisement for a new examination process is scheduled to start on Sunday (August 27.)
271 There are three openings to fill due to resignations and retirements.
272
273 • Firefighter/Paramedic – Raul Takeute is scheduled to start September 7. Raul comes to us from Springfield
274 Twp.
275
276 • Building and Zoning Office Manager Evelyn Dumont submitted her retirement letter this week. Evelyn has
277 been a great asset to the City. She plans to retire on February 23, 2024.
278

279 Events

280
281 A Luau DORA event is scheduled for Saturday, August 26 at the Montgomery Quarter from 6:00 to 10:00 p.m.
282 Live music by The Sunburners Island Party Band.

283
284 A First Suburbs meeting will be held on Tuesday, August 29 from 6:00 to 8:00 p.m. at the Silverton Town Hall.
285 Representatives from Hamilton County Public Health's WeTHRIVE! team will be in attendance to speak on health
286 and safety initiatives throughout the County. Please let Ms. Gaylor know if you would like to attend, and she will
287 get you registered.
288

289 **LAW DIRECTOR REPORT**

290
291 Mr. Donnellon reported that many hours have been devoted to the Montgomery Quarter. He explained that there
292 were some final tweaks to be made to the Development Agreement and that a redlined version would be provided
293 in the September Business Session packet. He explained that the Montgomery Community Improvement
294 Corporation (MCIC) would need to meet immediately following the September 6, Business Session.
295

296 MCIC President Ron Messer asked to call a meeting of the MCIC immediately following the September 6 Business
297 Session.
298

299 **CITY COUNCIL REPORTS**

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301 **Mr. Cappel**

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303 Mr. Cappel explained there was no EAC meeting in August due to the elections.

304
305 Mr. Cappel reported the monthly EAC Cardboard recycling event was held on August 19.
306

307 **Vice Mayor Bissmeyer**

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309 Vice Mayor Bissmeyer thanked staff for achieving their 5th Top Work Place designation and for the wonderful
310 celebration.
311

312 **Mr. Dobrozsi**

313
314 No report.
315

316 **Mrs. Naiman**

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318 Mrs. Naiman stated that the Diversity and Inclusion Commission was cancelled this month.
319

320 Mrs. Naiman reported the Beautification and Tree Commission was working on the Fall Plant Swap scheduled for
321 September 30. She stated the Parks and Recreation Commission was working on the Montgomery Amazing Race
322 and expected that to be a very fun event.
323

324 Mrs. Naiman stated that the Top Work Place designation and celebration was well deserved.
325

326 **Mr. Suer**

327
328 Mr. Suer stated that achieving a Top Work Place designation for five years in a row was something that government
329 entities are not usually involved in or recognized. He stated it was impactful for recruitment. He added that it waws
330 a message to the residents that staff is getting work done.
331

332 **Mr. Messer**

333
334 Mr. Messer echoed Mr. Suers sentiments on the Top Work Place designation and stated that every year the
335 celebration gets better and better.
336

337 Mr. Messer stated that at a recent Civil Service Commission meeting the Committee voted to abolish the current
338 eligibility list for police and fire. He stated that in an effort to attract more quality people, a modification to the
339 process to add the possibility of points for veterans was added.
340

341 **Mayor Margolis**

342
343 Mayor Margolis also congratulated staff on the wonderful Top Work Place designation and celebration. He also
344 reminded everyone of the September 14 Budget Review meeting that was open to everyone.
345

346 Mr. Riblet added that he had reached out to all three Council Candidates to invite them, and they are all planning to
347 attend the meeting.
348

349 **MINUTES**

350
351 Mr. Cappel moved to accept the July 19, 2023, Work Session and the August 2, 2023 Business Session minutes as
352 written. Vice Mayor Bissmeyer seconded. City Council unanimously agreed.
353

354 **MAYORS COURT REPORT**

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356 Mr. Cappel made a motion to accept the July 2023 Mayors Court Report to disburse \$4,945.00. Vice Mayor
357 Bissmeyer seconded. City Council unanimously agreed.
358

359 **OTHER BUSINESS**

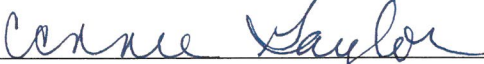
360
361 There was no other business.
362

363 **ADJOURNMENT**

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365 Mayor Margolis asked if there was any further business to discuss in Work Session. There being none he asked for
366 a motion to adjourn.
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368 Mr. Cappel moved to adjourn. Vice Mayor Bissmeyer seconded. City Council unanimously agreed.
369

370 City Council adjourned at 7:04 p.m.
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Connie Gaylor, Clerk of Council