

November 10, 2023

TO: Mayor and City Council Members

FROM: Brian K. Riblet, City Manager 

SUBJECT: City Council Work Session of Wednesday, November 15, 2023

As a reminder, City Council is scheduled to meet in Work Session on Wednesday, November 15, 2023 at 6:00 p.m.

A reminder that prior to the meeting there will be an Open House from 5:00 to 6:00 in honor of Mr. Cappel's service on Council.

Work Session

1. Call to Order
2. Roll Call
3. Special Presentation
  - a. Members of the Health Care Benefits Committee will give a brief presentation on the Health Care process and recommendation to City Council
4. Guest and Residents
5. Legislation for Consideration this Evening
6. Establishing an Agenda for December 6, 2023 Business Session

Pending Legislation

- a. An Ordinance to Make Appropriations for Current Expenses and Other Expenditures of the City of Montgomery, State of Ohio During the Fiscal Year Ending December 31, 2024 —(Mr. Suer 3<sup>rd</sup> reading) Information has been previously supplied on this Ordinance that, if approved, establishes the City's budget for fiscal year 2024. These documents were presented to and reviewed with City Council at the September 14 Budget Review meeting. As a result of these discussions, any changes to the budget will be forthcoming and will be presented prior to the final reading of the Ordinance at the December 6 Business Session.

*Add this Ordinance to the December 6, 2023 Business Session agenda for third reading with adoption of the Ordinance requested at that meeting.*

## New Legislation

- a. A Resolution Adopting a Five-Year Capital Improvement Program for The City of Montgomery—Please find attached correspondence from Maura Gray, Finance Director, requesting that City Council consider a Resolution to adopt the City's proposed Five-Year Capital Improvement Program. This was reviewed by City Council as a companion piece to the proposed 2024 Operating and Capital Budget with Four Year Forecast and represents a comprehensive planning tool for capital investment in the community over the next five years.

*Add this Resolution to the December 6, 2023 Business Session agenda, assign it to a City Council member for reading, and consider adoption of the Resolution that evening.*

- b. A Resolution Authorizing the City Manager to Enter into a Contract with Community Insurance Company d/b/a Anthem Blue Cross and Blue Shield to Provide Medical Insurance and Dental Insurance for Full-Time Employees—Please find attached correspondence from the Employee Health Care Benefits Committee requesting that City Council authorize the City Manager to enter into a contract with Community Insurance Company d/b/a Anthem Blue Cross and Blue Shield for both medical and dental insurance coverages for the City's full-time employees for the January 1, 2024 through December 31, 2024 benefit period. The Anthem proposal for medical insurance represents a 12.2% percent increase from the 2023 plan year premium and also requires bundling group dental insurance with Anthem. The Anthem dental insurance proposal for 2024 represents a 3.63 percent decrease from current premium rates. The Health Care Benefits Committee reviewed proposals from other carriers for medical and dental insurance and determined that these proposals were considerably different from the current plan design and/or were not competitively priced. With Humana leaving the group insurance market, our employee group having multiple significant health conditions, and inflationary pressures on the health care industry, the Committee determined that Anthem's proposal for medical and dental insurance was the best overall option for the upcoming benefit year.

*Add this Resolution to the December 6, 2023 Business Session agenda, assign it to a City Council member for reading, and consider adoption of the Resolution that evening.*

- c. A Resolution Establishing City Contributions for Health Care Benefits— Please find attached correspondence form Human Resources Manager Julie Prickett to City Manager Brian Riblet requesting that City Council consider adoption of a Resolution that will establish the City's maximum contribution limits (caps) for a 12-month period beginning January 2024 for medical and dental insurance. The caps determine the amount of money the employees must contribute toward the cost of their health and dental insurance coverages. Typically, the City has increased these "caps" annually by six percent (6%) for medical insurance and three percent (3%) for dental insurance. It should be noted that the recommended caps for medical and dental insurances are already in place in AFSCME, FOP and IAFF collective bargaining agreements.



*Add this Resolution to the December 6, 2023 Business Session agenda, assign it to a City Council member for reading, and consider adoption of the Resolution that evening.*

- d. A Resolution Authorizing the City Manager to Enter into a Contract with CT Associates, Inc. For Professional Services Related To General Engineering And Architectural Services For Calendar Year 2024—Please find attached correspondence from Brian Riblet, City Manager, Gary Heitkamp, Public Works Director, and Tracy Henao, Assistant City Manager, requesting that City Council authorize the City Manager to enter into a contract with CT Consultants, Inc. for professional engineering and architectural services for calendar year 2024. The City has contracted with CT Consultants to provide civil, traffic, structural, electrical and storm water engineering services. CT Consultants has provided a competitive fee structure for 2024 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 2024 Operating Budget in both the Public Works and Community Development operating budgets.

*Add this Resolution to the December 6, 2023 Business Session agenda, assign it to a City Council member for reading, and consider adoption of the Resolution that evening.*

- e. 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 2024 —Please find attached correspondence from Kevin Chesar, Community Development Director requesting that City Council consider a Resolution to 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 2024. The City has contracted for approximately 20 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.

*Add this Resolution to the December 6, 2023 Business Session agenda, assign it to a City Council member for reading, and consider adoption of the Resolution that evening.*

- f. A Resolution Declaring A Moratorium On The Collection Of Building And Zoning Permit Fees For Solar Installations— Please find attached correspondence from Kevin Chesar, Community Development Director, requesting that City Council authorize a Resolution that would declare a moratorium on the collection of building and zoning permit fees for solar installations. City Council approved Resolution 31 2021 waiving building and zoning fees for solar installations with a cap of \$1,000 for 2022 and 2023. Staff requests to renew this moratorium beginning on January 1, 2024 and ending on December 31, 2025. The waiver would be promoted as an incentive to our residents and businesses to adopt a more environmentally friendly source of power and to continue to promote Montgomery as a progressive community in the region and the State.

*Add this Resolution to the December 6, 2023 Business Session agenda, assign it to a City Council member for reading, and consider adoption of the Resolution that evening.*

- g. A Resolution Accepting A Bid And Authorizing The City Manager To Enter Into A Contract With Rumpke Of Ohio, Inc. For Waste Collection Services within the City Of Montgomery For Calendar Years 2024, 2025, and 2026— Please find attached correspondence from Brian Riblet, City Manager and Connie Gaylor, Executive Assistant requesting that City Council consider approving this Resolution that, if passed, would authorize the City Manager to enter into a contract with Rumpke for all current waste collection services for 2024 through 2026. A bid opening was held on November 2 with Rumpke being the only bidder. The results of the bid reflect an overall increase of 25% in 2024 and 6% increase for the subsequent years. Adjustments to increase the general fund budget for waste collection will be reflected in the 2024 Budget Appropriation Ordinance.

*Add this Resolution to the December 6, 2023 Business Session agenda, assign it to a City Council member for reading, and consider adoption of the Resolution that evening.*

- h. An Ordinance Modifying the List of Conditions and Exceptions for the Vintage Club Planned Unit Development District and Rezoning a Portion of the District from a Multi-Family D-3 District to a Limited Business L-B District— Please find attached correspondence from Kevin Chesar, Community Development Director requesting that City Council consider approving this Ordinance that, if passed, will approve a zone change to a portion of the Vintage Club Planned Development from 'D-3' - Multi-family to 'LB' - Limited Business. The project was unanimously recommended for approval by the Planning Commission, and a motion made for approval at the November 1, Public Hearing by City Council. Staff would like to request that City Council consider adding this legislation to the Business Session agenda on December 7, holding the first reading and making a motion to suspend the second and third readings maintaining the 30-day referendum period.



*Add this Ordinance to the December 6, 2023 Business Session agenda, assign to a Council Member for first reading. The second and third reading are requested to be suspended with adoption of the Ordinance requested at that meeting. The 30 day referendum period remains in effect.*

7. Administration Report
8. Law Director Report
9. City Council Member Reports
  - a. Mr. Cappel
  - b. Vice Mayor Bissmeyer
  - c. Mr. Dobrozsi
  - d. Mrs. Naiman
  - e. Mr. Suer
  - f. Mr. Messer
  - g. Mayor Margolis
10. Approval of Minutes- November 1, 2023 Business Session
11. Mayors Court Report
12. Other Business
13. Executive Session
14. Adjournment

Should you have any questions or concerns regarding this information, please do not hesitate to contact me.

C: Connie Gaylor, Executive Assistant/Clerk of Council  
Department Heads  
Terry Donnellon, Law Director

November 15, 2023

City Hall

6:00 p.m.

1. Call to Order
2. Roll Call
3. Special Presentation
  - a. Members of the Health Care Benefits Committee will give a brief presentation on the Health Care process and recommendation to City Council
4. Guests and Residents
5. Legislation for Consideration This Evening
6. Establishing an Agenda for the December 6, 2023 Business Session

Pending Legislation

- a. An Ordinance to Make Appropriations for Current Expenses and Other Expenditures of the City of Montgomery, State of Ohio During the Fiscal Year Ending December 31, 2024 —(Mr. Suer-3<sup>rd</sup> reading)

*Add this Ordinance to the November 1, 2023 Business Session agenda for second reading. The third reading of the Ordinance will be held at the December 6, 2023 Business Session with adoption of the Ordinance requested at that meeting.*

New Legislation

- a. A Resolution Adopting a Five-Year Capital Improvement Program for The City of Montgomery

*Add this Resolution to the December 6, 2023 Business Session agenda, assign it to a City Council member for reading, and consider adoption of the Resolution that evening.*

- b. A Resolution Authorizing the City Manager to Enter into a Contract with Community Insurance Company d/b/a Anthem Blue Cross and Blue Shield to Provide Medical Insurance and Dental Insurance for Full-Time Employees

*Add this Resolution to the December 6, 2023 Business Session agenda, assign it to a City Council member for reading, and consider adoption of the Resolution that evening.*



c. A Resolution Establishing City Contributions for Health Care Benefits

*Add this Resolution to the December 6, 2023 Business Session agenda, assign it to a City Council member for reading, and consider adoption of the Resolution that evening.*

d. A Resolution Authorizing the City Manager to Enter into a Contract with CT Associates, Inc. For Professional Services Related To General Engineering And Architectural Services For Calendar Year 2024

*Add this Resolution to the December 6, 2023 Business Session agenda, assign it to a City Council member for reading, and consider adoption of the Resolution that evening.*

e. 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 2024

*Add this Resolution to the December 6, 2023 Business Session agenda, assign it to a City Council member for reading, and consider adoption of the Resolution that evening.*

f. A Resolution Declaring A Moratorium On The Collection Of Building And Zoning Permit Fees For Solar Installations

*Add this Resolution to the December 6, 2023 Business Session agenda, assign it to a City Council member for reading, and consider adoption of the Resolution that evening.*

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*Add this Resolution to the December 6, 2023 Business Session agenda, assign it to a City Council member for reading, and consider adoption of the Resolution that evening.*

h. An Ordinance Modifying the List of Conditions and Exceptions for the Vintage Club Planned Unit Development District and Rezoning a Portion of the District from a Multi-Family D-3 District to a Limited Business L-B District

*Add this Ordinance to the December 6, 2023 Business Session agenda, assign to a Council Member for first reading. The second and third reading are requested to be suspended with adoption of the Ordinance requested at that meeting. The 30 day referendum period remains in effect.*

7. Administration Report

8. Law Director Report

9. City Council Member Reports

- a. Mr. Cappel
- b. Vice Mayor Bissmeyer
- c. Mr. Dobrozsi
- d. Mrs. Naiman
- e. Mr. Suer
- f. Mr. Messer
- g. Mayor Margolis

10. Approval of Minutes- November 1, 2023 Business Session

11. Mayors Court Report

12. Other Business

13. Executive Session

14. Adjournment

Should you have any questions or concerns regarding this information, please do not hesitate to contact me.

C: Connie Gaylor, Executive Assistant/Clerk of Council  
Department Heads,  
Terry Donnellon, Law Director



ORDINANCE NO. \_\_\_\_\_, 2023

**AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND  
OTHER EXPENDITURES OF THE CITY OF MONTGOMERY, STATE OF OHIO,  
DURING THE FISCAL YEAR ENDING DECEMBER 31, 2024**

**WHEREAS**, Council previously did approve and submit to the Budget Commission a Budget for revenues and expenses for the fiscal year commencing January 1, 2024 and ending December 31, 2024; and

**WHEREAS**, the proposed Budget has been accepted and approved, and Council does desire to appropriate funds according to the Budget to meet current expenses and other expenditures for the 2024 fiscal year.

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

**SECTION 1.** Commencing January 1, 2024 and for the fiscal year ending December 31, 2024, in order to provide for the current expenses and other expenditures of the City, the sums detailed on the attached Budget schedule are hereby appropriated as if such schedule is fully set forth herein.


**SECTION 2.** This Ordinance shall be in full force and effect from and after the earliest period allowed by law.

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

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

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

APPROVED AS TO FORM:

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

## Attachment to 2024 Appropriation Ordinance

General Fund		
101 Police Department	Personnel	3,885,028
	Nonpersonnel	369,600
	<b>Total</b>	<b>\$4,254,628</b>
106 Disaster Services	Personnel	0
	Nonpersonnel	9,300
	<b>Total</b>	<b>\$9,300</b>
201 Public Health and Welfare	Personnel	59,500
	Nonpersonnel	0
	<b>Total</b>	<b>\$59,500</b>
301 Recreation	Personnel	284,064
	Nonpersonnel	127,000
	<b>Total</b>	<b>\$411,064</b>
303 City Parks	Personnel	363,825
	Nonpersonnel	402,000
	<b>Total</b>	<b>\$765,825</b>
317 Swaim and Terwilliger Lodges	Personnel	0
	Nonpersonnel	69,800
	<b>Total</b>	<b>\$69,800</b>
321 Special Events	Personnel	0
	Nonpersonnel	136,500
	<b>Total</b>	<b>\$136,500</b>
405 Landmarks Commission	Personnel	0
	Nonpersonnel	19,250
	<b>Total</b>	<b>\$19,250</b>
406 City Beautiful	Personnel	0
	Nonpersonnel	178,028
	<b>Total</b>	<b>\$178,028</b>
407 Development	Personnel	464,088
	Nonpersonnel	620,800
	<b>Total</b>	<b>\$1,084,888</b>
408 Planning Commission	Personnel	0
	Nonpersonnel	106,900
	<b>Total</b>	<b>\$106,900</b>
409 Historical Building Operations	Personnel	0
	Nonpersonnel	51,025
	<b>Total</b>	<b>\$51,025</b>
701 City Administration	Personnel	762,462
	Nonpersonnel	35,900
	<b>Total</b>	<b>\$798,362</b>
702 Finance Department	Personnel	602,770
	Nonpersonnel	543,700
	<b>Total</b>	<b>\$1,146,470</b>
703 Legal Administration	Personnel	0
	Nonpersonnel	240,500
	<b>Total</b>	<b>\$240,500</b>



705 City Council	Personnel	10,836
	Nonpersonnel	14,500
	<b>Total</b>	<b>\$25,336</b>
707 Mayor's Court	Personnel	38,007
	Nonpersonnel	75,500
	<b>Total</b>	<b>\$113,507</b>
708 Civil Service Commission	Personnel	0
	Nonpersonnel	5,150
	<b>Total</b>	<b>\$5,150</b>
709 Public Works Administration	Personnel	646,304
	Nonpersonnel	258,900
	<b>Total</b>	<b>\$905,204</b>
712 Community and Information Services	Personnel	431,672
	Nonpersonnel	248,950
	<b>Total</b>	<b>\$680,622</b>
715 General Government	Personnel	10,000
	Nonpersonnel	2,625,850
	<b>Total</b>	<b>\$2,635,850</b>
Total General Fund	Personnel	7,558,556
	Nonpersonnel	6,139,153
	<b>Total</b>	<b>13,697,709</b>
(Total Includes General Fund Transfers/Cash Advances Out)		536,550

#### Special Revenue Funds

219 Community Oriented Policing Solutions	Personnel	162,011
	Nonpersonnel	3,650
	<b>Total</b>	<b>\$165,661</b>
223 Fire Department	Personnel	4,262,724
	Nonpersonnel	1,085,970
	<b>Total</b>	<b>\$5,348,694</b>
261 Street Maintenance and Repair	Personnel	819,639
	Nonpersonnel	411,496
	<b>Total</b>	<b>\$1,231,135</b>
209 Memorial Fund	Personnel	0
	Nonpersonnel	6,500
	<b>Total</b>	<b>\$6,500</b>
210 Parks & Recreation	Personnel	0
	Nonpersonnel	500
	<b>Total</b>	<b>\$500</b>
214 OneOhio Fund	Personnel	0
	Nonpersonnel	500
	<b>Total</b>	<b>\$500</b>
215 Law Enforcement	Personnel	0
	Nonpersonnel	104,500
	<b>Total</b>	<b>\$104,500</b>
216 Drug Enforcement	Personnel	0
	Nonpersonnel	400
	<b>Total</b>	<b>\$400</b>

217 DUI Enforcement and Education	Personnel	0
	Nonpersonnel	1,000
	<b>Total</b>	<b>\$1,000</b>
218 Mayor's Court Technology Fund	Personnel	0
	Nonpersonnel	11,125
	<b>Total</b>	<b>\$11,125</b>
220 Law Enforcement Assistance Fund	Personnel	0
	Nonpersonnel	1,000
	<b>Total</b>	<b>\$1,000</b>
227 Environmental Impact Area I	Personnel	0
	Nonpersonnel	8,000
	<b>Total</b>	<b>\$8,000</b>
228 Environmental Impact Area II	Personnel	0
	Nonpersonnel	160,150
	<b>Total</b>	<b>\$160,150</b>
229 Environmental Impact Area III	Personnel	0
	Nonpersonnel	10,000
	<b>Total</b>	<b>\$10,000</b>
230 Environmental Impact Area IV	Personnel	0
	Nonpersonnel	5,000
	<b>Total</b>	<b>\$5,000</b>
265 State Highway Fund	Personnel	0
	Nonpersonnel	41,500
	<b>Total</b>	<b>\$41,500</b>
266 Permissive MVL Fund	Personnel	0
	Nonpersonnel	78,000
	<b>Total</b>	<b>\$78,000</b>
275 Municipal Pool	Personnel	0
	Nonpersonnel	317,653
	<b>Total</b>	<b>\$317,653</b>
485 Arts and Amenities	Personnel	0
	Nonpersonnel	99,250
	<b>Total</b>	<b>\$99,250</b>
<b>Total Special Revenue Funds</b>	Personnel	5,244,374
	Nonpersonnel	2,346,194
	<b>Total</b>	<b>7,590,568</b>

**Debt Service Funds**

324 General Bond Retirement	Personnel	0
	Nonpersonnel	855,200
	<b>Total</b>	<b>\$855,200</b>
329 Montgomery Quarter TIF Fund	Personnel	0
	Nonpersonnel	966,893
	<b>Total</b>	<b>\$966,893</b>
331 Vintage Club TIF Fund	Personnel	0
	Nonpersonnel	2,421,636
	<b>Total</b>	<b>\$2,421,636</b>
332 Vintage Club North TIF Fund	Personnel	0
	Nonpersonnel	626,557

	<b>Total</b>	<b>\$626,557</b>
<b>Total Debt Service Funds</b>	Personnel	0
	Nonpersonnel	4,870,286
	<b>Total</b>	<b>4,870,286</b>

**Capital Projects Funds**

<b>410 Capital Improvements</b>	Personnel	0
	Nonpersonnel	5,016,990
	<b>Total</b>	<b>\$5,016,990</b>
<b>460 Heritage District Fund (Urban Redevelopment)</b>	Personnel	0
	Nonpersonnel	39,000
	<b>Total</b>	<b>\$39,000</b>
<b>461 Triangle Equivalent TIF Fund</b>	Personnel	0
	Nonpersonnel	178,100
	<b>Total</b>	<b>\$178,100</b>
<b>463 Vintage Club Capital Construction Fund</b>	Personnel	0
	Nonpersonnel	300,000
	<b>Total</b>	<b>\$300,000</b>
<b>464 Montgomery Quarter Construction Fund</b>	Personnel	0
	Nonpersonnel	95,000
	<b>Total</b>	<b>\$95,000</b>
<b>480 Downtown Improvements</b>	Personnel	0
	Nonpersonnel	2,400,550
	<b>Total</b>	<b>\$2,400,550</b>
<b>Total Capital Projects Funds</b>	Personnel	0
	Nonpersonnel	8,029,640
	<b>Total</b>	<b>8,029,640</b>

**Fiduciary Funds**

<b>875 Compensated Absence</b>	Personnel	50,000
	Nonpersonnel	0
	<b>Total</b>	<b>\$50,000</b>
<b>546 Trust Reimbursements</b>	Personnel	0
	Nonpersonnel	100,000
	<b>Total</b>	<b>\$100,000</b>
<b>601 State Fees</b>	Personnel	0
	Nonpersonnel	17,000
	<b>Total</b>	<b>\$17,000</b>
<b>840 Cemetery Expendable Trust</b>	Personnel	0
	Nonpersonnel	111,850
	<b>Total</b>	<b>\$111,850</b>
<b>890 Unclaimed Moneys Fund</b>	Personnel	0
	Nonpersonnel	700
	<b>Total</b>	<b>\$700</b>
<b>Total Fiduciary Funds</b>	Personnel	50,000
	Nonpersonnel	229,550
	<b>Total</b>	<b>279,550</b>

**Total All Funds**

Personnel	12,852,930
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Nonpersonnel

21,614,823

**Total**

**34,467,753**

November 6, 2023

TO: Brian Riblet, City Manager

FROM: Maura Gray, Finance Director

SUBJECT: Recommendation on Adopting Capital Improvement Program (CIP)

### Introduction

As part of the City's Budget process, City Council is asked to approve by Ordinance, the 2024 Operating and Capital Budget and Four-Year Forecast and to approve by Resolution, the 2024-2028 Capital Improvement Program. The City's appropriation Ordinance is currently in the reading stages for final passage and adoption at the December 6 City Council Business Session. This Resolution requests that City Council consider passage and adoption of the City's Capital Improvement Program (CIP).

### Background

The City's 2024-2028 Capital Improvement Program is a formal document providing a detailed description of the City's operating equipment, capital equipment and capital expenditures for the five-year period beginning in 2024. This document is a companion document to the 2024 Operating and Capital Budget and Four-Year Forecast and presents the same capital financial information as the budget document. The CIP, however, provides a more thorough description and presentation of the City's planned capital expenditures than does the budget document. Both documents serve as supporting documentation for the City's annual appropriations and serve as guides for conducting the financial plans of the City.

At the September budget review meeting, the Capital Improvement Program and the related budget documents were reviewed with City Council and staff.

### Recommendation

As part of the 2024 budget process, it is recommended that City Council place the 2024-2028 Capital Improvement Program on its agenda for the November 15, 2023 Work Session for consideration and approval at its December 6, 2023 Business Session.

RESOLUTION NO. \_\_\_\_\_, 2023

**A RESOLUTION ADOPTING A FIVE-YEAR CAPITAL IMPROVEMENT  
PROGRAM FOR THE CITY OF MONTGOMERY**

**WHEREAS**, the City Manager has recommended, and this Council has considered, a Five-Year Capital Improvement Program (CIP) for the years 2024 through 2028; and

**WHEREAS**, the CIP should be approved by City Council so that projects may be planned and implemented.

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

**SECTION 1.** The Council hereby adopts the Five-Year Capital Improvement Program for the years 2024 through 2028.

**SECTION 2.** The City Manager is hereby authorized and directed to implement the Five-Year Capital Improvement Program and to report on its progress from time to time to the Council.

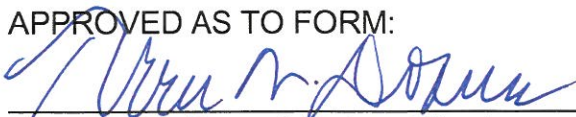
**SECTION 3.** This Resolution shall be in full force and effect from and after its passage.

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

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

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

APPROVED AS TO FORM:

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



November 1, 2023

TO: Brian K. Riblet, City Manager

FROM: Health Care Benefits Committee

SUBJECT: Group Insurance Renewal Proposals

## Introduction

The employee Health Care Benefits Committee (HCBC) has been meeting with Amy Smith and Steve Ashe of HUB-HORAN to review proposals for the renewal of our group medical and dental insurance coverages for the policy period beginning January 1, 2024. The current HCBC members are Tony Brothers, Maura Gray, Julie Prickett, TJ Shreve, and Mike Young. In addition, Jessica Tice attends the Committee meetings and provides administrative support for the open enrollment process. The Committee has the responsibility to evaluate group insurance proposals and to make recommendations on the insurance renewal coverage options. We believe that our recommendation for the upcoming policy period offers the best combination of service and value for the City and the employees.

## Background

**Medical** – Earlier this year, Humana announced that it was leaving the group medical insurance market. In addition, the IRS announced that 2024 minimum deductibles for embedded high deductible health plans (HDHP's) would be increasing from \$3000/single and \$6000/family to \$3200/single and \$6400 family. These two announcements made it obvious that changes to both the carrier and the plan design would be unavoidable for 2024.

Our group's loss ratio for the period from June 2022 through May 2023 was good at 74.02%; however, the loss ratio for the prior period from June 2021 through May 2022 was a concerning 110.48%. In addition, our group reported 13 significant conditions (cancers, pancreatitis, Crohn's, types I and II diabetes, and heart surgery) as well as 61 "cautionary" conditions. Based on this information, carriers made the following initial proposals: 22.1% increase from Aetna (closely matched current plan design); 29.3% increase from UnitedHealthcare (with higher than minimum deductibles and higher co-pays); 29.6% increase from Medical Mutual of Ohio (with higher than minimum deductibles); and four plan design options from Anthem.

The HealthCare Benefits Committee considered two of Anthem's options. The first Anthem option closely matched current plan design (but with higher out of pocket

maximums) and was quoted at a 16.9% increase. The second Anthem option did not closely match current plan design (20% copays and higher out of pocket maximums) and was quoted at a 10.7% increase over current premium costs.

Through negotiations with HUB-HORAN, Anthem countered with a 12.2% increase for the first option and a 6.3% increase for the second option. Both of Anthem's revised proposals required "bundling" Anthem's group dental and voluntary vision insurance plans with its group medical plan.

The Health Care Benefits Committee decided to recommend Anthem's first plan option, which closely matches current plan design and would represent a 12.2% increase over current premium costs. Anthem's first plan option meets the IRS 2024 mandated changes for High Deductible Health Plans (HDHP) with \$3,200/\$6,400 deductibles (with prescriptions covered after meeting out of pocket maximums of \$4000 single/\$8000 family.) The recommended plan would result in monthly premium costs of \$594.94 for Single coverage, \$1308.87 for Employee/Spouse, \$1130.39 for Employee/Child(ren), and \$1903.81 for Family coverage.

Historically, the annual percentage premium changes for medical insurance over the last fifteen years have ranged from a decrease of 6.9% to an increase of 25% as the following shows:

<u>Year</u>	<u>Percentage Increase</u>	<u>Provider</u>
2008	18%	Medical Mutual Ohio
2009	21%	Medical Mutual Ohio
2010	25%	Medical Mutual Ohio
2011	15%	United Health Care
2012	6%	Anthem BC/BS
2013	5%	Anthem BC/BS
2014	6.9% decrease	Humana
2015	5.0% decrease	Humana
2016	5.68%	Humana
2017	zero	Humana
2018	zero	Humana
2019	9.0%	Humana
2020	zero (15 months)	Humana
2021	14%	Humana
2022	6.0%	Humana
2023	12.2% (proposed)	Anthem

Factoring in the proposed 12.2% increase for the new contract period, the average annual premium increase for the 16 contract periods would be 7.81%.

Moving forward, the Health Care Benefits Committee intends to research creative cost-saving approaches to help reduce rising health care cost trends. In addition, more employee education regarding cost-effective strategies when utilizing health care benefits will be offered.

**Dental** – With Anthem's requirement to bundle group dental insurance with the group medical insurance proposal, the Health Care Benefits Committee recommends Anthem for group dental insurance for the upcoming contract period. It should be

noted that Anthem's group dental insurance plan matches the current Humana group dental plan and it represents a 3.63% *decrease* in annual premium costs.

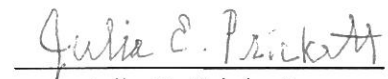
Life - The City currently contracts with Reliance Standard for group term life and AD&D insurance. Reliance Standard has agreed to a rate hold (current rates have been in place for three years and represented a 35.8% decrease from the prior carrier's rates.) There is no need for a recommendation for legislative action for group life insurance at this time.

#### Recommendation

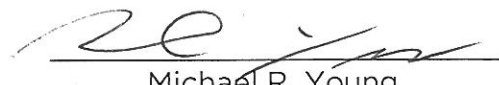
The Health Care Benefits Committee recommends that City Council place an item regarding group medical and group dental insurance on the agenda for its November Work Session, and then pass the resolution at its December Business Session approving the recommendation of the Committee for group medical and dental insurance coverages for its full-time employees.

  
Tony Brothers

  
Maura Gray

  
Julia E. Prickett

  
Thomas J. Shreve

  
Michael R. Young



RESOLUTION NO. , 2023

**A RESOLUTION AUTHORIZING THE CITY MANAGER  
TO ENTER INTO A CONTRACT WITH COMMUNITY INSURANCE COMPANY D/B/A ANTHEM  
BLUE CROSS AND BLUE SHIELD TO PROVIDE MEDICAL INSURANCE AND DENTAL  
INSURANCE FOR FULL-TIME EMPLOYEES**

**WHEREAS**, the City of Montgomery provides medical insurance benefits and dental insurance benefits to its full-time employees; and

**WHEREAS**, the City has requested and reviewed proposals for medical and dental insurance benefits and determined that the proposal submitted by Community Insurance Company d/b/a Anthem Blue Cross and Blue Shield is the best proposal for City employees in terms of quality, price, service and adaptability.

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

**SECTION 1.** The City Manager is hereby authorized to enter into a contract with Community Insurance Company d/b/a Anthem Blue Cross and Blue Shield to provide medical insurance benefits and dental insurance benefits for all full-time employees for twelve months commencing January 1, 2024 through December 31, 2024, subject to any separate requirements from any Collective Bargaining Agreement between the City and any employee group during the term of this benefit contract.

**SECTION 2.** The City Manager is hereby authorized to pay Community Insurance Company d/b/a Anthem Blue Cross and Blue Shield according to the rates set forth in the schedules submitted by Anthem attached hereto as Exhibits "A" and "B" and incorporated herein by reference.

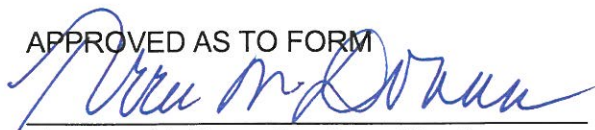
**SECTION 3.** This Resolution shall be in full force and effect from and after its passage.

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

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

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

APPROVED AS TO FORM

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



**HORAN Associates, Inc.**  
City of Montgomery  
Report as of 23 October 2023

XXXXXX

Exhibit "A"

Plan Group Benefit Comparison Report - 11/1/24 - 12/31/24  
This is a brief, illustrative summary of the benefits and rates. This is not intended to be a complete comparison of contract provisions. Refer to the contract/certificate for exact benefit details. While every effort has been made to ensure the accuracy of this data, final rates are subject to change and are based on assumptions.  
\* = Additional details available

Medical Plan Group		Current Renewal 1,123,302 <sup>60</sup> Total Premium	Proposed Anthem 1,260,798 <sup>38</sup> Total Premium +12.2%	Proposed Anthem Alt Opt 1 1,193,811 <sup>48</sup> Total Premium +6.3%
Medical Plan Design		Humana OH 100/70 EHDHP 16 NPOS Opt 13 NPOS	Anthem Blue Access PPO HSA Option E3	Anthem PPO HSA Opt 5 OH-LC-RX Blue Access
Employee Coinsurance Out-of-Pocket Max	Single In	Family In	Single In / Out	Family In / Out
	Deductible	3,000	6,000	3,200 / 9,600
	Embedded	0%	0%	20% / 50%
	Out-of-Pocket Max	3,000	6,000	10,000 / 24,000
Medical Services		In Network	Out Of Network Copays	In Network
Primary Care	\$ --	Deductible, then 0% coinsuran...	\$ 0	Deductible, then 20%
Specialty Care	\$ --	Deductible, then 0% coinsuran...	\$ 0	Deductible, then 20%
Urgent Care	\$ --	Deductible, then 0% coinsuran...	\$ 0	Deductible, then 20%
Emergency	\$ --	Deductible, then 0% coinsuran...	\$ 0	Deductible, then 20%
In-Patient Hospital	\$ --	Deductible, then 0% coinsuran...	\$ 0	Deductible, then 20%
Out-Patient Hospital	\$ --	Deductible, then 0% coinsuran...	\$ --	Deductible, then 20%
In-Patient Physician	\$ --	Deductible, then 0% coinsuran...	\$ --	Deductible, then 20%
Out-Patient Physician	\$ --	Deductible, then 0% coinsuran...	\$ --	Deductible, then 20%
Tele-Medicine	\$ --	Deductible, then 0% coinsuran...	\$ --	Deductible, then 20%
Diagnostic Test	\$ --	Deductible, then 0% coinsuran...	\$ --	Deductible, then 20%
Lab Test	\$ --	Deductible, then 0% coinsuran...	\$ --	Deductible, then 20%
Imaging	\$ --	Deductible, then 0% coinsuran...	\$ --	Deductible, then 20%
Rx		Integrated with Medical	Integrated with Medical	Integrated with Medical
Single	Family	Single	Family	Single
Deductible	\$ --	\$ --	\$ --	\$ --
Out-of-Pocket Max	\$ --	\$ --	\$ --	\$ --
Tiers 1/2/3/4/5/6	--	\$10/ \$40/ \$70/ 25% \$25/ \$100/ \$175/ 25%*	20%/ 20%/ 20%/ 20%	20%
Mail Order	--	--	--	--
Notes		Medical and Rx deductible integrated. Rx copays after deductible.		
Enrollment		Premium	Premium	Premium
Employee Only	21	\$ 530 <sup>06</sup>	21	\$ 563 <sup>33</sup>
Employee + Spouse	10	\$ 1,166 <sup>13</sup>	10	\$ 1,239 <sup>33</sup>
Employee + Children	8	\$ 1,007 <sup>12</sup>	8	\$ 1,070 <sup>33</sup>
Family	37	\$ 1,696 <sup>19</sup>	37	\$ 1,802 <sup>56</sup>
Monthly/Annual Prem	76	\$ 93,608 <sup>55</sup> / 1,123,302 <sup>60</sup>	76	\$ 105,066 <sup>53</sup> / 1,260,798 <sup>35</sup>
			+12.2%	
				\$ 99,484 <sup>29</sup> / 1,193,811 <sup>48</sup>
				+6.3%

## XXXXX

XXXXX

**Maximum Carryover.** If an individual's Covered Service is paid in a calendar year and the total benefit paid does not exceed \$10,000, the individual may carry over the excess benefit to the next calendar year. The amount will accumulate from one calendar year to the next, but will not exceed \$50,000. If no Covered Services are paid during a calendar year, all accumulated carryover

Maximum carryover: If at least 1 Covered Service is paid in a calendar year & the total benefit paid does not exceed \$1000 in that calendar year, \$250 will be added to the next calendar year carryover max. This amount will accumulate from one calendar year to the next, but will not exceed \$2000 if no Covered Services are paid during a calendar year; all accumulated carryover



November 6, 2023

TO: Brian K. Riblet, City Manager

FROM: Julia E. Prickett, Human Resources Manager *JEP*

SUBJECT: Legislation Request to establish City "Caps" for Healthcare Benefits

### Introduction

It is recommended that City Council adopt a Resolution that sets the City's "caps" for the cost of healthcare benefits for employee group insurance for the twelve-month period of January 1, 2024 through December 31, 2024.

### Background

In 1998, the City established "caps" to contain its costs related to employee medical and dental insurance coverages based upon the types of plans that are selected by employees (family, single, employee plus spouse, and employee plus children plans.) For many years, the City has increased these "caps" by six percent (6%) for medical insurance and three percent (3%) for dental insurance. This practice allows for some increase in the cost of healthcare but also ensures that significant increased costs are shared between the City and its employees. The "share concept" also incentivizes the Employee Healthcare Benefits Committee to modify benefits where appropriate to contain costs. The cap figures below represent a six percent increase for medical insurance caps and a three percent increase for the dental insurance cap over current cap amounts. The recommended caps for the upcoming twelve-month period which would be effective January 1, 2024 are as follows:

Family Plan:	\$1,767.24
Employee/Spouse:	\$1,283.90
Employee/Child(ren)	\$1,283.90
Single:	\$ 642.24
Dental:	\$ 208.32

It should be noted that these "caps" are already contained in the City's labor contracts with AFSCME, FOP and IAFF.

### Request and Recommendation

Staff requests the City Manager recommend that City Council place an item on the agenda for its November Work Session regarding establishing City "caps" for medical and dental employee insurance coverages, and then pass a resolution at its December Business Session approving the recommendation for these "caps" for the twelve-month period of January 1, 2024 through December 31, 2024.

RESOLUTION NO. , 2023

**A RESOLUTION ESTABLISHING CITY CONTRIBUTIONS  
FOR HEALTHCARE BENEFITS**

**WHEREAS**, Section 34.01 (C) of the Code of Ordinances sets forth the procedure for Council to establish healthcare insurance costs and benefits for City employees; and

**WHEREAS**, by Resolution No. 28, 2023 passed August 2, 2023 Council did approve contributions to be made to employees' health savings accounts and health reimbursement accounts for the employer sponsored high deductible health plan ("HDHP"); and

**WHEREAS**, Council must establish the contribution limits for both medical and dental insurances.

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

**SECTION 1.** The following contribution limits are established for the cost of medical and dental plans for the twelve-month period beginning January 1, 2024, subject to any separate requirements from any Collective Bargaining Agreement between the City and any employee group:

***Medical Benefit  
City Contribution Limit Per Month – Family Plan  
\$1,767.24 effective January 1, 2024***

***Medical Benefit  
City Contribution Limit Per Month – Single Plan  
\$642.24 effective January 1, 2024***

**Medical Benefit**  
**City Contribution Limit Per Month – Employee and Spouse Plan**  
\$1,283.90 effective January 1, 2024

**Medical Benefit**  
**City Contribution Limit Per Month – Employee and Child(ren) Plan**  
\$1,283.90 effective January 1, 2024

**Dental Insurance**  
**City Contribution Limit Per Month – All Plans**  
\$208.32 effective January 1, 2024

If the cost to provide such insurance coverage exceeds the contribution limits established by City Council, fifty percent (50%) of the cost in excess of such contribution limit shall be paid by the City and fifty percent (50%) of the cost in excess of the contribution limit shall be paid by the employee. Insurance cost payments to be paid by the employee shall be made by payroll deduction.

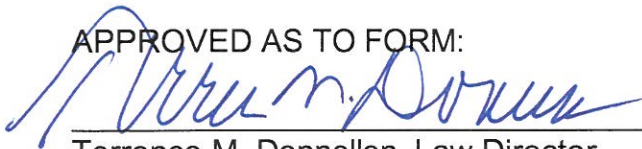
**SECTION 2.** This Resolution shall take effect the earliest opportunity as allowable by law.

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

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

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

APPROVED AS TO FORM:

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

November 3, 2023

TO: Mayor and City Council Members

FROM: Brian Riblet, City Manager  
Tracy Roblero, Assistant City Manager  
Gary Heitkamp, Public Works Director

SUBJECT: Legislation Request for a Professional Services Contract with CT Consultants, Inc. for 2024

## Request

It is necessary for City Council to consider a Resolution authorizing the City Manager to enter into a one-year contract with CT Consultants, Inc. for professional engineering services. It is anticipated that the City will spend more than seventy five thousand (\$75,000) dollars with CT Consultants, Inc. during 2024 for various professional engineering services, thus a contract for these professional services is required.

## Financial Impact

If approved, funding for professional engineering and architectural services is provided in the 2024 operating budgets "303" Parks, "407" Development, "709" Public Works, and in the Capital Improvement Program's "261" Street Maintenance and Repairs.

## Background

The City has contracted with CT Consultants, Inc. for approximately 32 years to provide civil, traffic, structural, electrical, and storm water engineering and have been very satisfied with their ability to perform each of these engineering services.

Attached is the proposed 2024 fee schedule from CT Consultants, Inc. In keeping with the commitment that CT Consultants, Inc. has made to the City to provide professional engineering services at a reasonable cost, CT Consultants, Inc. has provided a competitive fee structure for 2024 that includes minor increases in their hourly fee schedule, averaging 5.0%.

As was provided in previous years, CT Consultants, Inc. has deleted the hourly rate line item for billing of the "Principal" from the fee schedule. If for any reason a Principal



Engineer provides engineering services during the contract year, that work will be billed at the hourly rate of a "Senior Project Engineer".

### **Recommendation**

Staff recommends that the City continue the contractual relationship with CT Consultants, Inc. for professional engineering services. It is requested that the City Council adopt legislation authorizing the City Manager to enter into a contract for those professional engineering services that CT Consultants, Inc. is staffed to provide during 2024 based on the attached hourly fee schedule.

If there are any questions or concerns, please do not hesitate to contact me.

Enclosure



October 30, 2023

Mr. Brian Riblet  
City Manager  
City of Montgomery  
10101 Montgomery Road  
Montgomery, Ohio 45242

RE: 2024 Professional Services Fee Adjustment

Dear Brian:

As the end of 2023 approaches, we would like to meet with you and your staff to discuss our performance over this past year and to see if, and how, we can improve our services to your staff and to the City of Montgomery in the upcoming year.

This is also the time of year when we review our annual agreement for professional services and the associated hourly fee schedule. We have attached our proposed fee schedule for 2024. As you can see, we are requesting a slight adjustment to the fee schedule for 2024.

We will be contacting you shortly to set up a convenient time to meet to review our proposed 2024 fee schedule and our performance for the past year.

Thank you for your long term trust.

Respectfully,  
CT Consultants, Inc.

Mark V. Brueggemann, P.E.  
Vice President

Jay A. Korros, P.E., PTOE  
City Engineer

MVB:pb

Enclosure

cc: Gary Heitkamp, Public Works Director  
Tracy Henao, Assistant City Manager  
Kevin Chesar, Community Development Director



CITY OF MONTGOMERY  
2024 HOURLY FEE SCHEDULE

Principal Engineer	\$ 237.75/hr
Senior Engineer/Architect	\$191.75/hr
Project Engineer/Architect	\$167.00/hr
Engineer 2/Architect 2	\$140.25/hr
Engineer 1/Architect 1	\$125.50/hr
Designer 3	\$122.25/hr
Designer 2	\$103.00/hr
Engineer Intern	\$64.00/hr
Survey Crew	\$175.00/hr
Construction Rep 3	105.75/hr
Technical Support	65.25/hr

Expenses at Cost Plus 10%

CT CONSULTANTS, INC.

2024 MONTGOMERY FEE SCHEDULE

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 2024**

**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 \$75,000 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 2024 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 2024 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.

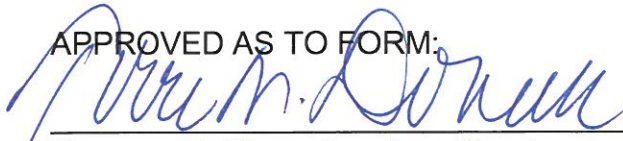


PASSED: \_\_\_\_\_

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

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

APPROVED AS TO FORM:

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



CITY OF MONTGOMERY  
2024 HOURLY FEE SCHEDULE

Principal Engineer	\$ 237.75/hr
Senior Engineer/Architect	\$191.75/hr
Project Engineer/Architect	\$167.00/hr
Engineer 2/Architect 2	\$140.25/hr
Engineer 1/Architect 1	\$125.50/hr
Designer 3	\$122.25/hr
Designer 2	\$103.00/hr
Engineer Intern	\$64.00/hr
Survey Crew	\$175.00/hr
Construction Rep 3	105.75/hr
Technical Support	65.25/hr

Expenses at Cost Plus 10%

CT CONSULTANTS, INC.

2024 MONTGOMERY FEE SCHEDULE

November 10, 2023

TO: Brian K. Riblet, City Manager

FROM: Kevin Chesar, <sup>kc</sup>Community Development Director

SUBJECT: Legislation Request for a Professional Services Contract with National Inspection Corporation

### Request

It is necessary for City Council to adopt a Resolution to authorize the City Manager to enter into a contract with National Inspection Corporation to provide plan review and field inspection authority and services for the City's building department. It is anticipated that the City will spend more than seventy-five thousand (\$75,000) dollars with National Inspection Corporation during 2024 to provide professional building department services; consequently, a contract for these professional services is required.

### Financial Impact

Funding for professional building department services is provided for in the 2024 operating budget in account "407" Development.

### Background

The City has contracted for approximately twenty (20) 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.

Attached is an updated agreement from National Inspection Corporation. In keeping with the commitment that National Inspection Corporation has made to the City the agreement for payment remains the same as in previous years, with National Inspection Corporation collecting ninety percent of all fees received less the administrative fees as are required to be paid to the Ohio Board of Building Standards.

### **Recommendation**

Staff recommends that the City continue the contractual relationship with National Inspection Corporation for plan review and field inspection authority and services for the City's building department. It is requested that City Council adopt legislation authorizing the City Manager to enter into a contract for those professional building department services that National Inspection Corporation is staffed to provide during 2024 based on the attached agreement.



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 2024**

**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 \$75,000 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 2024 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 2024 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.

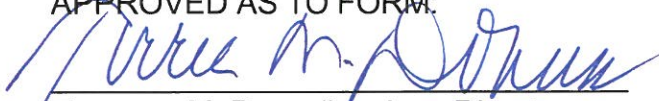
**SECTION 3.** This Resolution shall be in full force and effect from and after its passage.

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. 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: \_\_\_\_\_

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

Andrew McKenzie

Its: President

APPROVED AS TO FORM:

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



November 10, 2023

TO: Brian K. Riblet, City Manager  
FROM: Kevin Chesar, <sup>KC</sup>Community Development Director  
CC: Tracy Henao, Assistant City Manager  
SUBJECT: Legislation Request for the Waiver of Building and Zoning Fees for Solar Installations

**Request**

It is requested that City Council consider passing a resolution waiving the building and zoning permit fees for solar energy installations beginning January 1, 2024, through December 31, 2025. The waiver would be promoted as an incentive to our residents and businesses to adopt a more environmentally friendly source of power and to promote Montgomery as a progressive City within the region.

**Financial Impact**

The financial impact would be the cost of the building and zoning permit fees that are waived during the incentive program. It is estimated that a building permit will cost approximately \$325.00 for an average residential array; however, a larger solar array for a business might be significantly higher. As in years past, Staff would suggest providing the incentive to commercial properties as well with a cap in the waiver to protect the City from exposure to a large, unanticipated fee to National Inspection Corporation (NIC) for the permit. Since it is impossible to predict what the fees could be for the various types of arrays Staff recommends that the City place a cap of \$1,000 on the amount of the building and zoning fees that will be waived during the incentive program. It is believed that most applications would be significantly less than the \$1,000 cap; however, this allows for a larger project to take advantage of the incentive while still limiting the financial exposure of the City.

**Background**

Goal 1, Strategy 5, Implementation Steps 1 and 2 of the 2011 – 2016 Strategic Plan direct staff to look at the opportunities to promote energy efficiency for new homes and for retrofitting existing homes. This includes promoting energy efficient design and products and looking at federal, state, and local incentive options to encourage their

use. In 2014, City Council passed a resolution to waive building permit fees as an incentive, which was advertised in the Montgomery Bulletin and the website. In total, four new solar photovoltaic systems were installed in Montgomery during the 2014 incentive period. Staff also worked together with the Environmental Advisory Commission and local solar installers to host an informational session and recognized residents who installed solar in the Montgomery Bulletin. At the 2015 OKI Solar Workshop, the City's program was recognized for being a model program and the first of its kind in the Cincinnati region.

In April of 2015, City Council chose to reinstate the waiver of building permit fees for new solar installations within the City from June through December. The Community Development Department and Environmental Advisory Commission partnered with Greater Cincinnati Energy Alliance to conduct monthly trainings for residents on the basics of solar installations, the Solarize Cincinnati program and the city's incentive. In total, two new solar photovoltaic systems were installed in Montgomery during the 2015 incentive period, including the first commercial installation at Pipkin's Market on Cooper Road. In 2016, City Council chose to reinstitute the building and zoning permit waiver again for calendar year 2016. Only one new solar photovoltaic system was installed in 2016 using the incentive.

In 2017, the program was reinstated through calendar year 2019. During that time frame a total of 14 solar panel systems have been installed utilizing the incentive program (13 residential installations and 1 commercial installation). The total cost of the waived building fees is \$4,888.08, which averages approximately \$350 per permit.

Due to the continued success of the program, the City reinstated the waiver of building permit fees for new solar installations in January of 2020 through calendar year 2021. During that time frame a total of 5 residential solar panel systems have been installed utilizing the incentive program. The total cost of the waived building fees is \$1,831.37.

The waiver of building permit fees was reinstated by City Council for calendar years 2022 and 2023 as well. During this time, a total of 12 residential solar panel systems were installed utilizing the incentive program. The total cost of waived building permit fees was \$4,509.39.

At this time, installing a photovoltaic solar array for a home or business is costly and has a long payback period; however, there are tax incentives that can offer relief and the cost of the panels themselves have continued to drop in recent years. The waiver of building and zoning permit fees is another way to incentivize solar installations.

### **Staff Recommendation**

Staff recommends that City Council pass a resolution waiving building and zoning permit fees for solar installations with a cap of \$1,000 beginning January 1, 2024, through December 31, 2025. Staff believes that the program would provide a benefit to the residents as well as the image of the City by furthering our reputation as a progressive, proactive community interested in our residents and the environment.

**RESOLUTION NO.       , 2023**

**A RESOLUTION DECLARING A MORATORIUM ON THE COLLECTION  
OF BUILDING AND ZONING PERMIT FEES FOR SOLAR INSTALLATIONS**

**WHEREAS**, Chapter 152.04 of the Code of Ordinances of Montgomery requires the payment of building and zoning fees prior to the issuance of a building and zoning permit; and

**WHEREAS**, the City wants to promote the use of solar technology to provide hot water and electricity from a renewable, non-polluting source; and

**WHEREAS**, the City recognizes that the initial investment costs to install solar technology, while much lower than in the past, are still expensive compared to natural gas and other traditional sources; and

**WHEREAS**, staff has recommended that the City waive the building and zoning permit fees for a period of time to reduce the cost and provide incentives for residents and businesses to invest in a solar installation; and

**WHEREAS**, waiving these fees for a limited period of time will not impact the General Budget nor curtail services within the City, but it may help provide the stimulus to improve energy conservation and positively impact the quality of life in Montgomery; and

**WHEREAS**, Council did previously enact a moratorium on a portion of the building permit fees until December 31, 2023, and to continue to encourage development of solar alternatives, Council does desire to renew this moratorium through December 31, 2025.

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

**SECTION 1.** Building and zoning permit fees that are typically payable in order to receive the proper permits to install a solar hot water heating system or solar photovoltaic electricity system shall be suspended up to a maximum of \$1,000.00 per project for a period of twenty-four (24) months commencing January 1, 2024 and ending December 31, 2025.

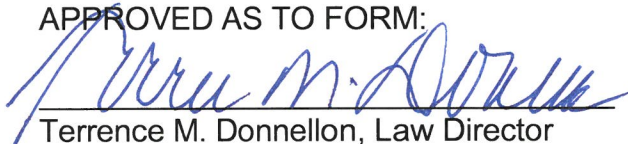
**SECTION 2.** This Resolution shall be in full force and effect from and after its passage.

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

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

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

APPROVED AS TO FORM:

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



November 8, 2023

TO: Mayor and City Council Members

FROM: Brian Riblet, City Manager  
Connie Gaylor, Executive Assistant

SUBJECT: Legislation Request for the Waste Collection Services Contract

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### Request

It is necessary for City Council to adopt a Resolution to authorize the City Manager to enter into a contract with Rumpke Waste Inc. for curbside waste collection, bulk items, recycling, yard waste, and holiday tree collection service for years 2024-2026.

### Background

Currently, the City's waste collection services are provided by Rumpke, Waste Inc. and include weekly waste, recycling, and yard waste collections. These services also extend to an unlimited yard waste collection that is currently contracted for five weeks with the option for additional weeks and holiday greenery and tree collection for the first three Saturdays following the Christmas holiday. The City's current contract with Rumpke was issued in 2018 as a five-year contract with two additional option years. Council will recall that the City entered into a one year contract for 2023 recognizing an increase from the originally bid amount due to inflation. This contract will expire December 31, 2023.

The City issued a bid for the same services for homes, certain businesses, certain churches and City facilities which was opened on November 2, 2023. Although staff pursued other bidders, Rumpke was the only bid submitted. In anticipation of rate increases, the City prepared the bid with several options as done in the last bid. These options involve a modification to the collection of bulk/large items, recycling, and yard waste items.

### Recommended Options

The following represent a summary of the staff recommendation for this contract:

#### Trash Removal/Collection Program-Option 1

The Contract will collect all garbage/refuse through a waste wheeler collection service using an automated system of collection via the mechanical lifting of the waste-wheeler into the truck. Every household receives either one (1) 96-gallon or one (1) 65-gallon waste wheeler free of charge. Bulk item(s) will be collected every Thursday.

### Curbside Recycling Collection Program-Option 1

The contractor will collect all residential curbside recycling. Every household receives a 35, 65, or 96-gallon recycling tote free of charge.

### Curbside Limited Yard Waste Collection Program-Option 1

The Contractor will collect all yard waste separately from residential waste and will be limited to three (3) paper bags or three (3) 30 gallon containers or one (1) 90-gallon yard waste-wheeler beginning March 1<sup>st</sup> through the end of October each year. Additional yard waste will require a sticker to be collected by the contractor.

### Unlimited Yard Waste Collection Program-Option 1 and 2

The Contractor shall collect unlimited yard waste for five (5) weeks beginning the first full business week of November. Collection will be made one (1) time per week at each household on the regularly scheduled service day. During the five (5) week period subscribers will be allowed to place an unlimited amount of yard waste for disposal with no additional compensation due to the Contractor. Since 2015, City Council has approved an additional three weeks of collection, however additional weeks of collection may be added on at the same rate.

### Holiday Tree Collection Program

The Contractor shall collect Holiday trees, greenery and any additional yard waste on three separate dates according to a schedule agreed upon between the City and the Contractor. In the recent past, the City has offered this collection on the first three Saturdays in January each year. The trees should be free of all plastic, flocking, tinsel and decorations.

### Additional Information

After research and discussion, Staff prepared the bid as a one-year contract with two option years to manage the anticipated rising costs. Rumpke's initial proposal included the following costs reflecting a 25% increase in 2024 followed by 6% increases in 2025 and 2026:

RUMPKE BID BY YEAR			
	2024	2025	2026
SERVICE			
TRASH	\$ 530,550.00	\$ 562,383.00	\$ 596,338.20
RECYCLING	\$ 212,220.00	\$ 224,953.20	\$ 238,535.28
LIMITED YARD WASTE	\$ 127,332.00	\$ 134,971.92	\$ 143,036.28
UNL. YW-5 WK	\$ 39,791.25	\$ 42,090.30	\$ 44,566.20
UNL. YW-ADD'L 3 WK	\$ 23,874.75	\$ 25,254.18	\$ 26,739.72
GREENERY	\$ 4,500.00	\$ 4,775.00	\$ 5,075.00
	\$ 938,268.00	\$ 994,427.60	\$ 1,054,290.68

City of Montgomery



As Rumpke is the only bidder, City Manager Brian Riblet proposed committing to a three-year contract in consideration of lowering the extended unlimited yard waste and holiday greenery fees. Rumpke responded indicating they would complete the additional 3-week fees for unlimited yard waste and only charge for 2 weeks and keep this price fixed for the proposed three-year term. In addition, Rumpke indicated they would reduce the amount for holiday greenery to a fixed \$4,000 for the proposed three-year term. These savings combined will result in savings of \$30,469.15 over the three-year term or a total of 3%.

RUMPKE BID BY YEAR			
	2024	2025	2026
SERVICE			
TRASH	\$ 530,550.00	\$ 562,383.00	\$ 596,338.20
RECYCLING	\$ 212,220.00	\$ 224,953.20	\$ 238,535.28
LIMITED YARD WASTE	\$ 127,332.00	\$ 134,971.92	\$ 143,036.28
UNL. YW-5 WK	\$ 39,791.25	\$ 42,090.30	\$ 44,566.20
UNL. YW-ADD'L 3 WK	\$ 15,916.50	\$ 15,916.50	\$ 15,916.50
GREENERY	\$ 4,000.00	\$ 4,000.00	\$ 4,000.00
	\$ 929,809.75	\$ 984,314.92	\$ 1,042,392.46

It is important to note that from 2018 through 2022 the City's contract with Rumpke included 0% annual increases and a 12% increase in 2023 which equates to an average annual increase of 2% for that six-year period.

### Recommendation

The Public Works Committee of Council will be reviewing staff analysis as well as all options available to the City at its meeting of Monday, November 13, 2023. Staff is recommending that the current waste collection, recycling and yard waste services remain the same but recognizing that future conversations regarding the increasing costs in the future may require changes to service or resident contributions.

It is recommended that City Council adopt legislation to authorize the City Manager to enter into a contract with Rumpke Ohio, Inc., at the December 6, 2023 Business Session. Further, it is recommended that City Council award the contract continuing the current service levels contained in the base bid beginning January 1, 2024 through December 31, 2026.

**RESOLUTION NO.                      , 2023**

**A RESOLUTION ACCEPTING A BID AND AUTHORIZING THE CITY MANAGER TO  
ENTER INTO A CONTRACT WITH RUMPKE OF OHIO, INC. FOR WASTE  
COLLECTION AND RELATED SERVICES WITHIN THE CITY OF MONTGOMERY  
FOR CALENDAR YEARS 2024, 2025 AND 2026**

**WHEREAS**, the City advertised for bids with various bid options and bid alternatives for curbside waste collection, collection of bulk items, curbside recycling, seasonal yard waste and seasonal holiday and greenery collection; and

**WHEREAS**, the City has received one bid for such services from Rumpke of Ohio, Inc., which in part is responsive to the bid, presents the best options for the City to continue to provide these services without interruption, and which can be properly managed within the City's budget; and

**WHEREAS**, the Administration, having reviewed the bid options and bid alternatives, is recommending to City Council that Council enter into a contract for calendar year 2024, and at this time to take advantage of potential future savings to avoid significant increases in these services, by accepting the bid options for calendar years 2025 and 2026, and separately reject the bid options proposed for extended yard waste collection and holiday tree collection and instead contract for these services as an Addendum to the contract as needed and as budgeted year to year during the contract term; and

**WHEREAS**, after reviewing the proposals, Council agrees that further competitive bidding likely would not realize any savings to the City, and with the need to continue these services uninterrupted it is best to accept the recommendations from the Administration and award the contract to Rumpke of Ohio, Inc.

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

**SECTION 1.** The following basic services be accepted and awarded by contract to Rumpke of Ohio, Inc. for calendar years 2024 and option years 2025 and 2026.

**RUMPKE BID BY YEAR**

	2024	2025	2026
SERVICE			
Trash Removal/ Collection	\$ 530,550.00	\$ 562,383.00	\$ 596,338.20
Curbside Recycling	\$ 212,220.00	\$ 224,953.20	\$ 238,535.28
Limited Yard Waste Collection	\$ 127,332.00	\$ 134,971.92	\$ 143,036.28
UNL. YW-5 WK	\$ 39,791.25	\$ 42,090.30	\$ 44,566.20

**SECTION 2.** On an as needed basis if supported by the budget, the City Manager is authorized to execute an Addendum to the contract for the following services:

**RUMPKE BID BY YEAR**

	2024	2025	2026
SERVICE			
Add'l 3 WK Collection of Yard Waste	\$ 15,916.50	\$ 15,916.50	\$ 15,916.50
Holiday Tree and Greenery Collection	\$ 4,000.00	\$ 4,000.00	\$ 4,000.00

As these additional services are within the contractual authority of the City Manager, the City Manager is given discretion to award these Addendum to the contracts without the need for additional competitive bidding.



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

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

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

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

APPROVED AS TO FORM:

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

November 10, 2023

TO: Brian K. Riblet, City Manager

FROM: Kevin Chesar, Community Development Director *KC*

Cc: Tracy Henao, Assistant City Manager

SUBJECT: Forward Request for a Modification of the Vintage Club Planned Development List of Conditions and Exceptions and Underlying Zone Change.

It is requested that City Council consider a recommendation from the Planning Commission for a Modification of the Vintage Club Planned Development List of Conditions and Exceptions and an Underlying Zone Change to a portion of the property from 'D-3' - Multi-family to 'LB' - Limited Business. The applicant, McNair Living, on behalf of Traditions VC Developer LLC, is proposing to construct a 144-unit Mixed Use/Independent Living Facility. City Council held a public hearing on this recommendation at the Business Session on November 2.

### Background

The City approved the establishment of the Vintage Club Planned Development in 2006. The process included rezoning approximately 15 acres along Montgomery Road from 'A' - Single Family Residential to 'LB' - Limited Business to allow the creation of a commercial mixed-use village which would be an attractive place for the residents of the Vintage Club, employees of the businesses located there and surrounding residents of Montgomery, Symmes and Sycamore Townships to shop and dine. At the time of the approval the developer, Great Traditions (now Traditions Development Group) had a set plan of how the residential portion of the PD would develop with 40 estate homes in the far eastern portion of the property, courtyard and club homes abutting the estate homes to the west and three condominium buildings between the clubhouse and commercial village.

At that time, the exact layout of the commercial section was not settled; however, it was agreed that the commercial section would be a mix of office, retail and restaurant uses. It was also agreed that the City would create a Tax Increment Financing district to fund development of two underground parking garages, which would allow greater density in the commercial section and provide for a more walkable commercial area without large fields of surface parking. The original concept was to build two parking garages, one of the north side (340 spaces below grade, 80 spaces on deck at grade)

of the entrance drive (Vintage Club Boulevard) and one on the south side (250 spaces below grade, 115 spaces on deck at grade). Great Traditions submitted a concept layout of the village using these principles and the City approved the Planned Development with a set of special conditions and exceptions. A set of parameters for the number and types of uses was spelled out, and due to a concern with overall density, the total maximum square footages for office, retail and restaurant uses was established. The maximum square footage for all three uses was limited to 285,000 square feet with a distribution that was similar to what was being proposed: 72,000 square feet of retail, 165,000 square feet of office and 22,500 square feet of restaurant. There was no limitation placed on the number of residential units that could be provided in the village section. Additionally, one of the special conditions for the 'LB' village section was an acknowledgement that the approved site plan was flexible and could be amended without the need to go through the entire major modification process, which would require an ordinance change.

Using this framework, the Planning Commission approved Sections 1-5 of the Vintage Club which included the residential sections and the clubhouse (Three Chimneys). The commercial section did not develop as anticipated due to the downturn in the economy. In 2012, Great Traditions approached the City about a potential large medical office user for the southwest corner of the Village Section along Montgomery Road. In order to jump start the development of the Village Section and entice a significant employer to the City, Council and Staff worked with a number of interested parties in getting The Christ Hospital to commit to this project. This included the City's pledge to build a public parking garage on the south side per the original TIF concept and also use TIF funds for other public infrastructure needs for the village, including the construction of Vintage Club Boulevard, assuming responsibility for the roundabout in front of the Clubhouse and installing a traffic signal at Montgomery Road and Vintage Club Boulevard. The size of the new garage and the costs of the other public improvements made it impractical to consider a second garage on the north side of Vintage Club Boulevard.

In January of 2013, the first Final Development Site Plan for Section 6, The Christ Hospital development, was processed and approved. It was determined that the 80,000 square foot medical office building met the parameters of the General Development Plan and did not require a major modification. Shortly after the approval of the medical office building, The Christ Hospital and the developer indicated that The Christ Hospital would like to expand into the adjacent 20,000 square foot building. This created concern that the Village was becoming a medical office complex with the loss of the commercial village feel. The Planning Commission approved the expansion of The Christ Hospital into the adjacent 20,000 square foot building; however, told the developer that no more Final Development Plans would be reviewed before reconfirming a village design for the remaining 'LB' portion of the project.



In November of 2013, the developer submitted for a revised General Development Plan along with the application to allow for the 20,000 building to become a medical office building for The Christ Hospital. The Planning Commission had the following concerns during their review of the application:

- 1) *Parking:* The orientation of the parking in large expanses of surface parking that was not broken up into smaller areas.
- 2) *Vehicular Circulation:* There was also concern regarding the overall circulation pattern and pedestrian connectivity for the revised site plan.
- 3) *Lack of Mixed Uses:* With the north side of the development being comprised of a large office building (17,000 square feet), Planning Commission was concerned that the overall development would lose the village feel that was desired and feel more like an office park when combined with the medical office buildings on the north portion of the site.

Based on these concerns at that time, the Planning Commission voted to table the application.

The developer revised the General Development Plan in early 2016 to reflect the reality that a second garage on the north side of Vintage Club Boulevard could not be supported by TIF funding, which necessitated a decrease in total square footage and an increase in surface parking. The revised proposal also reduced the amount of retail and included more residential condominium buildings on the back portion of the north site than originally projected, which reflected the market demand. The revised General Development Plan was approved by the Planning Commission in April of 2016.

In May of 2018, the Planning Commission approved Phase 7 of the Vintage Club, which included the LB portion of the undeveloped area of the Village Section, as well as for the construction of condo buildings H1 and H3 and the associated residential parking garage. The site development and building design and architecture for Buildings A and B were not included in Phase 7.

In December 2018, the Planning Commission approved Phase 8 of the Vintage Club, which included the site work for Buildings A and B, as well as the building design and architecture for Building B.

In March of 2019, the Planning Commission approved Phase 9 of the Vintage Club, which included the building design and architecture for Building B.

In November of 2019, the Planning Commission approved Phase 10 of the Vintage Club which included building design and architecture for Building C as well as site improvements, including the outdoor dining/plaza on the east side of the building.

In June of 2023, a Concept Plan discussion occurred with the Planning Commission. Further information was requested regarding the parking analysis, proposed changes to the List of Conditions and Exceptions and building elevations to help understand the massing, scale, and height of the proposed building.

In July of 2023, the Planning Commission held a public hearing and reviewed a proposed General Development Plan, rezoning request, and modification request to the Planned Unit Development's list of Conditions and Exceptions. Based on feedback heard from the public and Planning Commission the applicant modified the architecture, massing and increased parking while providing further summary details regarding the operations and use of the proposed 201,473 square feet facility with a total of 144 units as well as outward facing restaurants along Vintage Club Drive.

### **Planning Commission Action**

The Planning Commission met on September 11, 2023 to consider a General Development Plan application as well as a Modification of the Vintage Club Planned Development List of Conditions and Exceptions and Underlying Zone Change to a portion of the property (Auditor Parcels 6030A230231, 6030A230230, 06030A230218 & 6030A230219) from 'D-3' - Multi-Family with a Planned Unit Development (PUD) Overlay to 'L-B' - Limited Business with a Planned Unit Development (PUD) Overlay to allow for a 144 unit Mixed Use/Independent Living Facility. After hearing testimony and discussing the application, the Planning Commission voted unanimously to recommend approval of the General Development Plan, proposed PUD Modifications and underlying zoning change.

The four significant changes to the List of Conditions and Exceptions (not minor changes such as language correction references to the City Engineer/potential new development team, etc.):

- Removal of the Residential D3 section due to Staff's suggestion to make the underlying zoning consistent with 'LB' - Limited business. The language is no longer necessary as the zone would not exist.
- Limiting the density to 144 units for the new structure.
- Adjustment to Building Height to permit what has been already approved in the Vintage Club Development of up to 57 feet.
- Recognizing the intent for outdoor community space related to the forthcoming restaurant and increasing the setback to allow for outdoor dining and open space from 20 feet to 30 feet.

The conditions recommended by the Planning Commission are shown below:



- Acceptance of the ULI parking analysis provided by the applicant and updated parking plan of 1.2 parking ratio for the independent living units.
- Further discussions with the City regarding appropriate access configuration with the condition to be reviewed and refined as necessary during Final Development Plan approval.
- Review current pedestrian access options and make enhancements where possible to the public parking garage.
- The stormwater management, utility and grading plans be reviewed and approved by the City Engineer.
- A copy of the NPDES permit from the Ohio EPA be supplied to the Community Development Director.
- A copy of the Post Construction Best Management Plan Inspection and Maintenance Plan (I & M Plan) be properly recorded after completion of the stormwater improvements.

### **Staff Comments**

The project is a significant development that will support the Vintage Club moving toward completion of the overall development that began over 16 years ago. The proposed McNair/Bespoke independent living concept is a distinctive development that will allow an upscale mixed-use facility providing housing alternatives for an aged and active population that desires independent style living that is not in a traditional nursing or assisted living type of facility. It will also serve to provide restaurant amenities to the overall Vintage Club that is walkable and holds true to the intentionally planned village concept. The project will also add to the overall economic vitality of the City and was unanimously recommended for approval by the Planning Commission.

Due to these reasons as well as the fact that the project was unanimously recommended for approval by the Planning Commission, Staff would like to request that City Council consider adding this legislation to the Business Session agenda on December 7, holding the first reading and making a motion to suspend the second and third readings maintaining the 30-day referendum period.

**ORDINANCE NO.                   , 2023**

**AN ORDINANCE MODIFYING THE LIST OF CONDITIONS AND EXCEPTIONS  
FOR THE VINTAGE CLUB PLANNED UNIT DEVELOPMENT DISTRICT  
AND REZONING A PORTION OF THE DISTRICT FROM A MULTI-FAMILY D-3  
DISTRICT TO A LIMITED BUSINESS L-B DISTRICT**

**WHEREAS**, by Ordinance No. 11, 2006, City Council did establish the Vintage Club Planned Unit Development District ("District") to support the development of property fronting Montgomery Road and Kemper Road to be developed by Great Traditions Development Group for both Residential and Business District uses; and

**WHEREAS**, the Vintage Club Planned Unit Development has been modified throughout the past several years to better reflect the market necessities for development; and

**WHEREAS**, Great Traditions Development Group, now known as Traditions Development Group, has petitioned the City to further modify the Vintage Club Planned Unit Development District and to modify the underlying zoning upon Auditor's Parcel Numbers 603-0A23-0218, 603-0A23-0219, 603-0A23-0230 and 603-0A23-0231 from the current D-3 Multi-Family District with a Planned Unit Development Overlay to the L-B Limited Business District with an updated Planned Unit Development Overlay to support the development of a proposed project to construct a 144 unit Mixed Use-Independent Living Facility upon these four parcels to be consolidated for a Final Development Plan; and

**WHEREAS**, the Planning Commission has held a series of public meetings, the result of which is the Planning Commission has unanimously recommended that a portion of the District be rezoned to a L-B Limited Business District and the Planned Unit

Development Overlay be modified as follows:

- A. Remove the Residential D-3 designation if the underlying zoning is approved to create an L-B Limited Business District;
- B. Limit the density for the new development to 144 units;
- C. Adjust building height to up to 57 feet consistent with the approved Vintage Club Development;
- D. Increase property setbacks to allow for outdoor dining and open space from a requirement of a 20 foot setback to a 30 foot setback; and

**WHEREAS**, Council held a public hearing on November 1, 2023 to review the Planning Commission's recommendations, and Council did unanimously accept the recommendations to advance these changes to appropriate legislation.

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

**SECTION 1.** The following four lots shall be rezoned from a D-3 Multi-Family District with a Planned Unit Development Overlay to an L-B Limited Business District with a Planned Unit Development Overlay. The lots and the current ownership are as follows:

<b>Auditor's Parcel Number</b>	<b>Ownership</b>
603-0A23-0218	City of Montgomery, Ohio as depicted on <b>Schedule A</b> attached
603-0A23-0219	City of Montgomery, Ohio as depicted on <b>Schedule B</b> attached
603-0A23-0230	Traditions VC K, LLC as depicted on <b>Schedule C</b> attached
603-0A23-0231	Traditions VC Developer, LLC as depicted on <b>Schedule D</b> attached

**SECTION 2.** The Planned Unit Development Overlay for this portion of the

District is reaffirmed with the following modifications to the Vintage Club L-B Limited Business District Overlay:

- A. Remove the Residential D-3 designation if the underlying zoning is approved to create an L-B Limited Business District;
- B. Limit the density for the new development to 144 units;
- C. Adjust building height to up to 57 feet consistent with the approved Vintage Club Development;
- D. Increase property setbacks to allow for outdoor dining and open space from a requirement of a 20 foot setback to a 30 foot setback; and

**SECTION 3.** All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

**SECTION 4.** All sections, subsections, parts and provisions of this Ordinance are hereby declared to be independent sections, subsections, parts and provisions, and the holding of any section, subsection, part or provision to be unconstitutional, void or ineffective for any reason shall not affect or render invalid any other section, subsection, part or provision of this Ordinance.

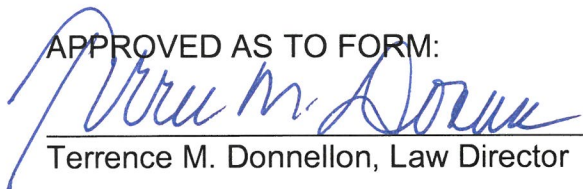
**SECTION 5.** This Ordinance shall take effect the earliest opportunity as allowable by law.

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

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

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

APPROVED AS TO FORM:

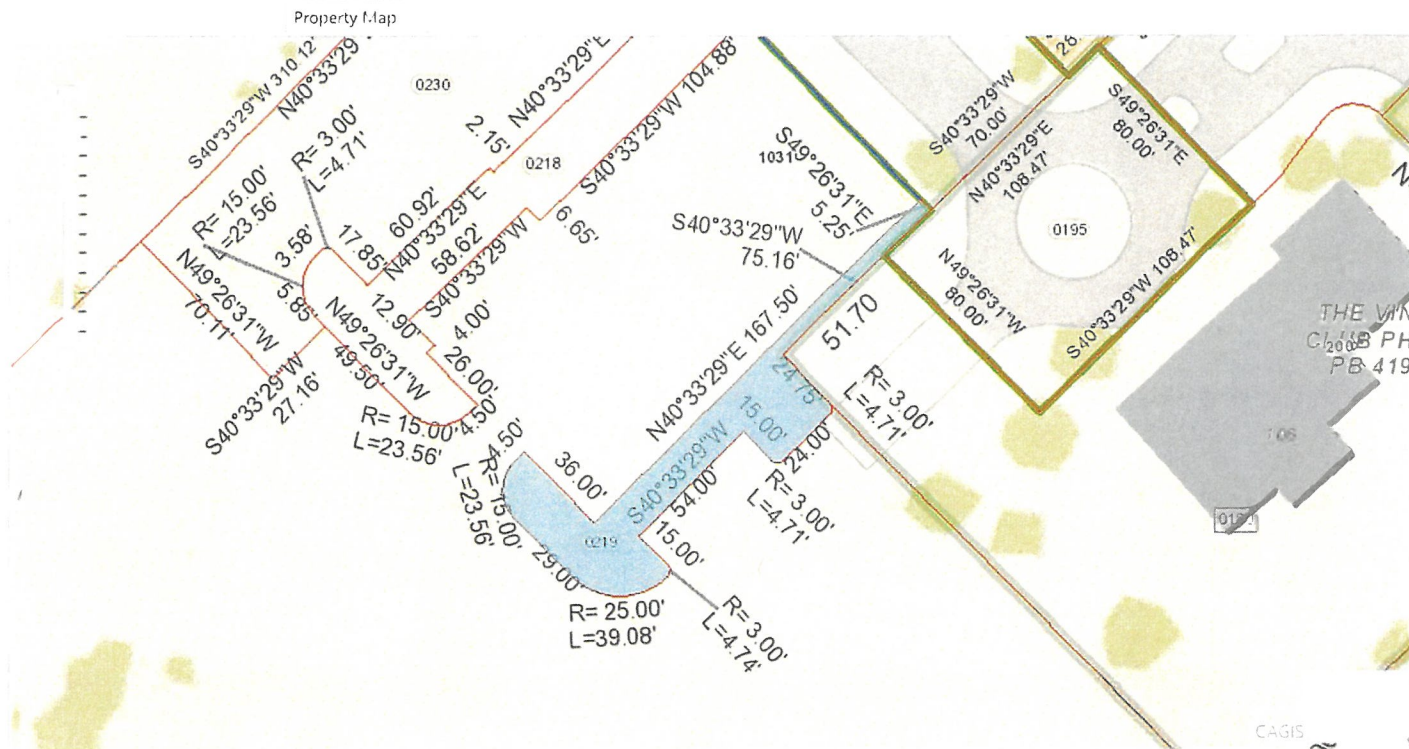
  
\_\_\_\_\_  
Terrence M. Donnellon, Law Director

Tax Year  
2022 Payable 2023

## SCHEDULE A



Tax Year  
2022 Payable 2023



## SCHEDULE B

**Tax Year**  
2022 Payable 2023

## SCHEDULE C

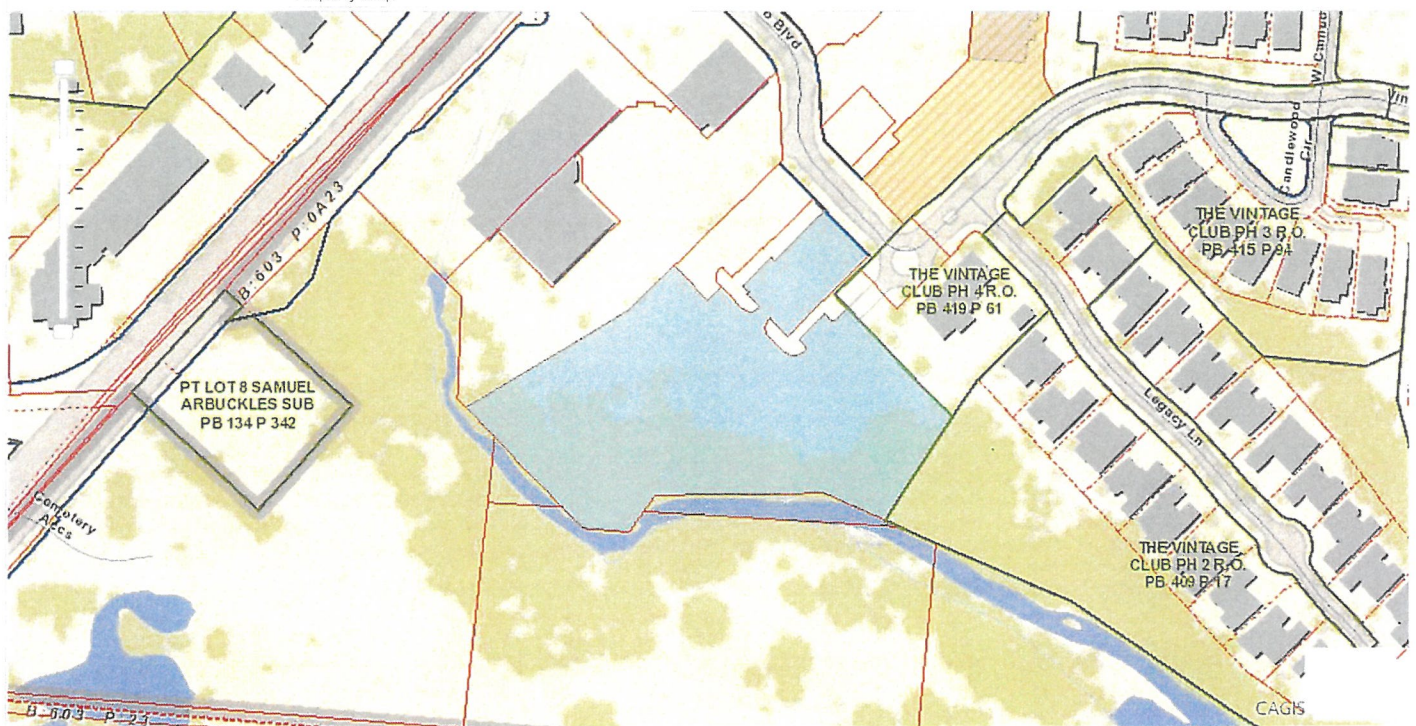
Parcel ID  
603-0A23-0231-00

Address  
VINTAGE CLUB BV

Index Order  
Parcel Number

Tax Year  
2022 Payable 2023

Property Map



## SCHEDULE D



These minutes are a draft of the proposed minutes from the Public Hearing. 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 Public Hearing Minutes  
November 1, 2023

Present

Brian Riblet, City Manager  
Terry Donnellon, Law Director  
Tracy Henao, Asst. City Manager  
Gary Heitkamp, Public Works Director  
Maura Gray, Finance Director  
Greg Vonden Benken, Asst. Police Chief  
Paul Wright, Fire Chief  
Matthew Vanderhorst, Community and Information Serv. 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  
Ron Messer  
Sasha Naiman  
Ken Suer

Council Members Absent

Chris Dobrozsi

City Council convened its Public Hearing for November 1, 2023 at 5:30 p.m. at City Hall with Mayor Margolis presiding.

Mayor Margolis requested a roll call.

The roll was called with all members present except Mr. Dobrozsi. Mr. Cappel moved to approve Mr. Dobrozsi's absence as he had previously notified Council of his scheduled absence. Mrs. Naiman seconded. City Council unanimously agreed.

Mayor Margolis explained the process for the Public Hearing. He explained that in a public hearing Council has the following options when considering an application:

- Approve the Recommendation
- Deny the Recommendation
- Remand the matter to Staff for more specific information or
- Take the matter under advisement and vote at another public meeting within thirty days.

Mayor Margolis explained that if City Council chooses the final option, it is suggested that they announce the date and time of the subsequent hearing when the matter will be discussed and considered for vote.

**NEW BUSINESS**

**An application on behalf of McNair Living, LLC for a Modification of the Vintage Club Planned Development List of Conditions and Exceptions and Underlying Zone Change**

Mr. Chesar explained it is requested that City Council consider a recommendation from the Planning Commission for a modification of the Vintage Club Planned Development List of Conditions and Exceptions and an Underlying Zone Change to a portion of the property. The application, McNair Living, on behalf of Traditions VC Developer LLC, is proposing to construct a 144-unit Mixed Use/Independent Living Facility.

Mr. Chesar explained that in June of 2023, a Concept Plan discussion occurred with the Planning Commission. Further information was requested regarding the parking analysis, proposed changes to the List of Conditions and Exceptions and building elevations to help understand the massing, scale, and height of the proposed building. In July of 2023, the Planning Commission held a public hearing and reviewed a proposed General Development Plan, rezoning request, and modification request to the Planned Unit Development's list of Conditions and

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Exceptions. Based on feedback heard from the public and Planning Commission the applicant modified the architecture, massing and increased parking while providing further summary details regarding the operations and use of the proposed 201,473 square feet facility with a total of 144 units as well as outward facing restaurants along Vintage Club Drive.

Mr. Chesar stated that the Planning Commission met on September 11, 2023 to consider a General Development Plan application as well as a Modification of the Vintage Club Planned Development List of Conditions and Exceptions and Underlying Zone Change to a portion of the property (Auditor Parcels 6030A230231, 6030A230230, 06030A230218 & 6030A230219) from 'D-3' – Multi-Family with a Planned Unit Development (PUD) Overlay to 'L-B' – Limited Business with a Planned Unit Development (PUD) Overlay to allow for a 144 unit Mixed Use/Independent Living Facility. After hearing testimony and discussing the application, the Planning Commission voted unanimously to recommend approval of the General Development Plan, proposed PUD modifications and underlying zoning change. Mr. Chesar noted that a general development plan is generally a rough idea of the development; however, the applicant created a more refined plan to present at this meeting.

The four significant changes to the List of Conditions and Exceptions (not minor changes such as language correction references to the City Engineer/potential new development team, etc.):

- Removal of the Residential D3 section due to Staff's suggestion to make the underlying zoning consistent with 'LB' – Limited business. The language is no longer necessary as the zone would not exist.
- Limiting the density to 144 units for the new structure.
- Adjustment to Building Height to permit what has been already approved in the Vintage Club Development of up to 57 feet.
- Recognizing the intent for outdoor community space related to the forthcoming restaurant and increasing the setback to allow for outdoor dining and open space from 20 feet to 30 feet.

The conditions recommended by the Planning Commission are shown below:

- Acceptance of the ULI parking analysis provided by the applicant and updated parking plan of 1.2 parking ratio for the independent living units.
- Further discussions with the City regarding appropriate access configuration with the condition to be reviewed and refined as necessary during Final Development Plan approval.
- Review current pedestrian access options and make enhancements where possible to the public parking garage.
- The stormwater management, utility and grading plans be reviewed and approved by the City Engineer.
- A copy of the NPDES permit from the Ohio EPA be supplied to the Community Development Director.
- A copy of the Post Construction Best Management Plan Inspection and Maintenance Plan (I & M Plan) be properly recorded after completion of the stormwater improvements.

Mr. Chesar closed by stating the project is a significant development that will support the Vintage Club moving toward completion of the overall development that began over 16 years ago. The proposed McNair/Bespoke independent living concept is a distinctive development that will allow an upscale mixed-use facility providing housing alternatives for an aged and active population that desires independent style living that is not in a traditional nursing or assisted living type of facility. It will also serve to provide restaurant amenities to the overall Vintage Club that is walkable and holds true to the intentionally planned village concept.

Mr. Cappel asked for confirmation that the Bespoke facility is a for profit business.

Mr. Chesar replied that it was.



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Mrs. Naiman asked for confirmation that the parking is calculated at 1.2 spaces per unit.

Mr. Chesar replied that was correct.

Mr. Donnellon stated that there will still be a small portion that will not be rezoned in the area of the public parking garage.

Michal Giesler, 214 Legacy Lane-Ms. Geisler asked if the entrance and exit of the facility will be off the roundabout.

Mr. Chesar replied there would be access off the roundabout and also by the Christ Hospital.

Tom Hume, Traditions Building and Development -Mr. Hume thanked City Council and Staff for their support over the years. He stated that this project is one of the final pieces in completing the Vintage Club. He stated that he felt McNair brings everything to the table as it is a high end project and a great addition to the city. He stated he felt McNair has worked to try to meet as many needs as was possible.

Les Stretch, McNair Living – Mr. Stretch thanked City Council, staff and the residents for their collaboration on the project. He explained that none of their facilities are exactly the same and that meeting with the cities and the residents makes them unique and special. Mr. Stretch explained the changes made as result of resident feedback and the Planning Commission's requested changes. He stated the following changes:

Building Massing: In order to address verbalized concerns about the scale of the building in relation to the surrounding Vintage Club development, we relocated a number of units from the street edge to the south side of the property near the tree line.

- Vintage Club Blvd. - This reduced the number of stories from three stories to two stories.
- Vintage Club Drive - This reduced a portion of the building stories down from four to two stories adjacent to our drop off area, creating a more varied building scale at the termination of Vintage Club Drive.
- Legacy Lane - This reduced the building scale from four to three stories along the eastern edge closest to the neighbors along Legacy Lane.

Building Set Back: The Project has been pulled back from Vintage Club Blvd. an additional 12 feet from where it was previously shown to the City of Montgomery Planning Commission. This has created a larger public realm along the street.

Building Presentation: The Project has been reduced in its overall width by 12 feet, shortening the length of building along Vintage Club Blvd.

Building Parking: The 12-foot reduction in width allowed us to add an additional 29 parking spaces along the western property line adjacent to the public parking garage.

Building Height: The average overall building height has not changed from what was previously presented; however, with the reduction in stories along most of Vintage Club Blvd., the perceived building height from street level on the Blvd. has been reduced.

Mike Hawkins, 215 Legacy Lane- Mr. Hawkins stated that he wanted to relay that he felt Mr. Humes and McNair Living have worked hard to bring a great project about and is in favor of the development.

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Mr. Suer stated that he thought the project was well vetted and reviewed. He explained that he has walked the site using the renderings to understand how it would fit in and relate to the other buildings. He stated that the entire development began 16 years ago and has gone through various stages and phases. He stated that there have been many issues large and small over that time, but they have always been worked out. In general, he feels the project has turned out nicely. He stated that this building will finish off the front area of the development and will be a good mix of uses. He stated that the developer along with staff have addressed the concerns that have arisen.

Mr. Messer stated that it was good to see and hear input from all parties. He stated he felt the completion of the development with this final facility would be a good thing.

Mrs. Naiman stated that she was happy that people spoke up to voice their needs and concerns. She stated that she appreciates the process of collaboration.

Vice Mayor Bissmeyer stated to the audience that Council is aware of the concerns that the residents have. She explained that things have changed since the original plan and she feels that Council, Staff and the Developer have done the best that can be done at the given time. She stated that she felt this final product would address the concerns for options for residents who wish to downsize and/or need the optional services. She stated that now the focus would be on the restaurants and retail to finish it all out.

Mr. Cappel stated that he agrees with all of Council comments. He stated he feels it is a great project that fits our community. He thanked McNair for coming to the City.

Mayor Margolis restated that the options available to City Council related to this request were:

- Approve the Recommendation
- Deny the Recommendation
- Remand the matter to Staff for more specific information or
- Take the matter under advisement and vote at another public meeting within thirty days.

Mr. Cappel made a motion to approve the recommendation from the Planning Commission for a modification of the Vintage Club Planned Development List of Conditions and Exceptions and an Underlying Zone Change to a portion of the property as presented. Vice Mayor Bissmeyer seconded.

The roll was called and showed the following vote:

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

NAY: (0)

ABSENT: Dobrozsi (1)

**An application for Expansion of a Conditional Use and Final Development Plan of a parking area for the Gate of Heaven Cemetery located at 11000 Montgomery Road**

Mr. Chesar explained it is requested that City Council consider a recommendation from the Planning Commission regarding the Application for Expansion of a Conditional Use and Final Development Plan for the Gate of Heaven Cemetery regarding the construction of a new paved 20 space parking lot.

Mr. Chesar explained that the Archdiocese of Cincinnati/Gate of Heaven Cemetery as a part of growth in

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internment services previously received City Council approval on October 5, 2022 to construct two new mausoleums with the first mausoleum currently under construction and the second anticipated as needed in the future. Each mausoleum structure is approximately 2,860 square feet. The mausoleums will be located on the western side of the cemetery approximately 240 feet away from Montgomery Road between the offices and columbarium structures. The applicant is now requesting approval of additional parking spaces to support the overall office as well as forthcoming mausoleum uses.

Mr. Chesar explained that the property is zoned 'A' Single Family Residential, and cemeteries are conditionally permitted use in the district. The property has been utilized as a cemetery since 1947. The surrounding properties to the north are zoned 'A' Single Family Residential and 'D3' Multi-Family Residential (Vintage Club), east and south are zoned 'A' Single Family Residential and used for single family residences. The property to the west is mostly located in the township with a small area zoned 'GB' General Business. Overall, a majority of the frontage of the property is bound by Montgomery Road on the west and I-275 on the south.

Mr. Chesar stated that the Planning Commission met on September 11, 2023, to consider the application for the expansion of a conditional use and the Final Development Plan. After hearing testimony and discussing the application, the Planning Commission voted unanimously to recommend approval of the expansion of the conditional use permit and approve the Final Development Plan. The conditions recommended by the Planning Commission are shown below:

- Final stormwater regulations be met in conformance with Hamilton County Stormwater Regulations.
- The Final Development Plan be approved with City Council's approval of the Expansion of Conditional Use.
- Final landscaping be approved subject to the City Arborist.

Mr. Chesar stated in closing the project enhances the development of internment services provided by the Gate of Heaven Cemetery. The proposed parking area is on a small portion of the overall property and is intended to serve visitors to the cemetery. Overall, it appears the addition of parking spaces should not have any negative impact on surrounding properties. Therefore, Staff supports the recommendation of the Planning Commission.

Mr. Cappel asked if there were any flooding issues in the area of the parking.

Mr. Chesar replied that there were none of which he was aware. He stated that it was such a small area that it may be exempt from the flood plan. He stated that Gate of Heaven's engineers would be required to comply with the Hamilton County requirements.

Mr. Messer asked about the setback requirements of the parking lot and asked if it could be seen from the road.

Mr. Chesar stated the while it could, it would be difficult with the landscaping and traffic to notice it.

Vice Mayor Bissmeyer asked how many acres that Gate of Heaven encompassed.

Mr. Chesar replied approximately 160.

Mr. Suer stated that he felt this was a small project in comparison to others we deal with. He stated that the landscaping would be a good buffer.

Mayor Margolis called for a motion on the recommendation.

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Mr. Cappel moved to approve the recommendation from the Planning Commission regarding the Application for Expansion of a Conditional Use and Final Development Plan for the Gate of Heaven Cemetery regarding the construction of a new paved 20 space parking lot as presented. Vice Mayor Bissmeyer seconded.

The roll was called and showed the following vote:

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

NAY: (0)

ABSENT: Dobrozsi (1)

**An application for Expansion of a Conditional Use and Final Development Plan for an accessory service building for The Audi Connection**

Mayor Margolis stated that he would recuse himself from the discussion on this item as he lives in close proximity to the property. Mayor Margolis asked Vice Mayor Bissmeyer to officiate over the discussion and exited the dais.

Mr. Chesar explained that it is requested that City Council consider a recommendation from the Planning Commission for an Expansion of a Conditional Use to allow for the construction of a new accessory service building for The Audi Connection at 9678 Montgomery Road. The new service building would be approximately 3,502 sq. ft. with four service bays as well as an additional car wash bay.

Mr. Chesar provided background explaining that the Audi Connection is a conditionally permitted use in the 'GB' – General Business District and has been in operation in this location since 2005. An approved 2021 Planning Commission expansion onto the property at 9722 Montgomery Road included additional display and inventory space for the dealership. As part of the project, an existing curb cut on the property at 9722 Montgomery Road was eliminated. The 9722 Montgomery Road LLC property is owned by members of the Joseph family; however, it is not the same ownership as the group who own the existing Audi and cannot be consolidated.

The Board of Zoning Appeals on June 20, 2023, approved a variance to allow the service building to have side yard setbacks of 5' where 10' is required per Schedule 151.1205(A) of the Montgomery Zoning Code. The setback variance approved allowed for the service building to be located closer to the Chevrolet Car Dealership to the north in lieu of a potential southern location that could have had more impact on residential properties to the south and east.

The property to the north is zoned 'GB' and used for parking for Columbia Chevrolet. The property to the east is zoned 'A' Single Family and used for single family residences. The property to the south of the existing Audi is zoned 'GB' and used for a retail center. The properties to the east across Montgomery Road are zoned 'GB' and used for an office building and a vacant retail building.

Mr. Chesar stated the Planning Commission met on September 11, 2023, for a final development plan application on the project and considered the application for the expansion of a conditional use. After hearing testimony and discussing the application, the Planning Commission voted unanimously to recommend approval of the expansion of the conditional use permit and approve the Final Development Plan. The conditions recommended by the Planning Commission are shown below:

- Final stormwater regulations be met in conformance with Hamilton County Stormwater Regulations.
- Area for vehicles waiting to be serviced or returned to the customers following service shall be indicated on the approved site plan.

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- All service operations will occur in the enclosed building with service doors closed.
- The Final Development Plan be approved with City Council's approval of the Expansion of Conditional Use.

Mr. Chesar stated in closing, the project is a significant development that will expand the onsite car washing and servicing space for Audi Connection. The proposed expansion will also provide for a reduction of traffic on Montgomery Road as currently Audi is using the wash bay at the Chevrolet dealership and will not need to do so with the new service building construction. It should be noted that the wash bay is only for cars, serviced by Audi and will not be open to the public.

Mr. Messer asked if noise would be a consideration for the adjacent property owners.

Mr. Chesar replied that the doors would be closed when cars were being washed and that there could be noise from the blowers as cars were exiting the building. He stated that the applicant could address that question as well.

Mr. Cappel asked if the runoff from the car wash would connect to the storm sewer.

Mr. Heitkamp and Ms. Henao both replied that it would drain to the sanitary sewer.

Vice Mayor Bissmeyer asked if by adding this portion to the building would impact the loading and unloading of the cars. She stated she still sees trucks unloading vehicles in the center turn lanes, which is against the law.

Mr. Chesar stated it will not impact the loading and unloading but it was a good reminder to the applicant that it should not be happening.

Mr. Messer asked if this addition would require additional employees.

Kevin Bleichner, Audi Connection- Mr. Bleichner addressed Council's questions. He explained that the addition would add two bays with lifts, two detail bays and one car wash bay. He stated that it would allow for increased employment of technicians. He also added that the addition will match the exact exterior materials as the existing building.

Vice Mayor asked for a motion on this item.

Mr. Messer moved to approve the recommendation from the Planning Commission for an Expansion of a Conditional Use to allow for the construction of a new accessory service building for The Audi Connection at 9678 Montgomery Road with the conditions recommended. Mr. Suer seconded.

The roll was called and showed the following vote:

AYE: Cappel, Bissmeyer, Naiman, Suer, Messer	(5)
NAY:	(0)
ABSENT: Dobrozsi	(1)
ABSTAIN: Margolis	(1)

Mayor Margolis joined Council on the dais.

Mayor Margolis asked if there was any further business to be heard in the Public Hearing. There being none, he



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340 asked for a motion to adjourn from the Public Hearing.

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

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344 The meeting was adjourned at 6:10 p.m.

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Connie Gaylor, Clerk of Council

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City of Montgomery  
City Council Business Session Minutes  
November 1, 2023

Present

Brian Riblet, City Manager  
Terry Donnellon, Law Director  
Tracy Henao, Asst. City Manager  
Kevin Chesar, Community Dev. Director  
Greg Vonden Benken, Asst. Police Chief  
Maura Gray, Finance Director  
Gary Heitkamp, Public Works Director  
Matthew Vanderhorst, Community and Information Services Dir.  
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  
Ron Messer  
Sasha Naiman  
Ken Suer

Council Members Absent

Chris Dobrozsi

City Council Convened its Business Session for November 1, 2023 at 6:10 p.m. at City Hall with Mayor Margolis presiding.

**ROLL CALL**

Mr. Cappel made a motion to excuse Mr. Dobrozsi's absence as already reported. Vice Mayor Bissmeyer seconded. City Council unanimously agreed.

**LEGISLATION FOR CONSIDERATION THIS EVENING**

Mayor Margolis asked for a motion to add the following legislation to the agenda for consideration.

**A Resolution Authorizing The City Manager To Enter Into A Labor Agreement With The American Federation Of State, County And Municipal Employees, Ohio Council 8, AFL-CIO For Wages And Benefits For Employees Within The Department Of Public Works From September 1, 2023 Through August 31, 2026**

Mr. Suer made a motion to add the Resolution to the agenda for consideration this evening. Vice Mayor Bissmeyer seconded. City Council unanimously agreed.

Mayor Margolis assigned the legislation to Mr. Cappel.

Mr. Cappel moved to read the Resolution by title only. Mr. Messer seconded. City Council unanimously agreed.

Mr. Cappel read the title and moved for passage of the Resolution. Mrs. Naiman seconded.

Mr. Cappel explained that this Resolution, if approved, would authorize the City Manager to enter into a labor agreement with the American Federation of State, County and Municipal Employees, Ohio Council 8, AFL-CIO ("AFSCME") from September 1, 2023 through August 31, 2026. The City and AFSCME have reached an agreement on a new three-year labor contract that includes wage and benefit modifications, pending City Council's approval.

Mr. Riblet added that the City reached a tentative agreement with the labor union on October 5 who unanimously ratified it on October 9. He explained that it included a wage increase over 3 years. He added that staff recommends approval that would be retroactive to September 1, 2023.

Mayor Margolis asked for questions. There were none.

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City Council Business Session Minutes  
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The roll was called and showed the following vote:

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

### **PENDING LEGISLATION**

#### **An Ordinance to Make Appropriations for Current Expenses and Other Expenditures of the City of Montgomery, State of Ohio During the Fiscal Year Ending December 31, 2024**

Mr. Suer moved to read by title only. Mr. Cappel seconded. City Council unanimously agreed.

Mr. Suer read the title and moved for passage of the second reading.

Mr. Suer explained that information has been previously supplied on this Ordinance that, if approved, establishes the City's budget for fiscal year 2024. These documents were presented to and reviewed with City Council at the September 14 Budget Review meeting. As a result of these discussions, any changes to the budget will be forthcoming and will be presented prior to the final reading of the Ordinance at the December 6 Business Session.

Mr. Suer asked if there were any updates.

Ms. Gray replied there were none.

The roll was called and showed the following vote:

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

### **NEW LEGISLATION**

Mr. Cappel stated that since all following 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. Mr. Messer seconded. City Council unanimously agreed.

#### **A Resolution Adopting the Hamilton County Multi-Hazard Mitigation Plan**

Mr. Messer read the title and moved for passage of the Resolution. Mr. Cappel seconded.

Mr. Messer explained that information has been previously supplied on this Resolution that, if approved, would adopt the Hamilton County Multi-Hazard Mitigation Plan to comply with the Federal Emergency Management Agency (FEMA) established rules and regulations under 44 CFR Parts 201.6.

Mr. Messer asked if there were any updates. Chief Wright replied there were none.

The roll was called and showed the following vote:

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

**A Resolution Authorizing the City Manager to Enter into a Contract with SwimSafe Pool Management, Inc. for Professional Services Related to the Operation and Management of the Montgomery Municipal Pool**

Mrs. Naiman read the title and moved for passage of the Resolution. Mr. Cappel seconded.

Mrs. Naiman explained that information has been previously supplied on this Resolution that, if approved, would authorize the City Manager to enter into a contract with SwimSafe Pool Management, Inc. for professional services including management of the pool, all staffing (including guards, swim lesson instructors and swim team coaches) and concessions for the 2024 and 2025 swim seasons and includes option years for 2026-2027. Funds for this contract have been programmed into the 275.000.5365 account for the 2024 budget cycle.

Mrs. Naiman asked if there were any updates. Mr. Heitkamp replied there were none.

Mr. Cappel stated he felt SwimSafe was a fantastic firm that rode the waves with us during Covid and worked with us to prove their professionalism and commitment to the City.

The roll was called and showed the following vote:

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

**ADMINISTRATION REPORT**

Mr. Riblet reported the following items:

- A Council Work Session is scheduled for November 15, 2023 at 6:00 p.m.
- As a reminder an Open House is scheduled prior to the November 15 Work Session meeting from 5:00-6:00 to honor Mr. Cappel's time on City Council as this will be his last meeting.
- The Law and Safety, Financial Planning and Planning, Zoning and Landmarks Committees have cancelled their meetings for the month of November.
- The following Committee meetings are scheduled for Monday, November 13: Parks and Recreation, Government Affairs and Public Works at 3:30, 4:30 and 5:00 p.m. respectively.
- The bid opening for waste collection is scheduled for Thursday, November 2 at 10:00 a.m.

**Human Resources**

- Civil Service Commission met and certified the eligible list for patrol officer. Nine candidates will be scheduled for interviews. We have three openings to fill due to resignations and retirements.
- Service Worker I – Applications have been reviewed and initial interviews with 10 candidates are scheduled.
- Firefighter/Paramedic – The Civil Service written, and agility tests were administered today. Five candidates participated in the testing. We have two open firefighter/paramedic positions.



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### Events

- Saturday, November 4 - the American Legion Post 630 will once again be holding a Veteran Grave marking ceremony at Hopewell Cemetery. Please plan to arrive by 10:00 a.m. to participate.
- Saturday, November 4 - The EAC will hold a Catch Basin Labeling event. Volunteers are meeting at Weller Park to meet with a Hamilton County Soil and Water representative before traveling to the north end of town to inspect and replace the worn labels. This project is done every 5-7 years depending on the condition of the labels that informs of "No Dumping Allowed" into the storm sewer drains.
- Saturday, November 11 -The Blue Ash Veterans Day ceremony is on Saturday, November 11. The ceremony begins at 10:30 and will last approximately 1 hour.

### APPROVAL OF MINUTES

Mr. Cappel moved to approve the October 18, 2023 Work Session minutes as written. Mr. Messer seconded. City Council unanimously agreed.

### MAYOR'S COURT REPORT

Mayor Margolis stated the October Mayors Court Report would be added to the November 15 Work Session Agenda.

### OTHER BUSINESS

Mayor Margolis reported on the Kevin Hines presentation sponsored by the City and how impactful it was for those in attendance. He thanked the Mental Health Team who worked to plan and coordinate Mr. Hines presentation.

Mayor Margolis reported a meeting held at Public Works facilitated by Mr. Heitkamp with Sycamore High School students who are learning the process of the Street Resurfacing program and how it works through the process of becoming a bid, through the legislative process and into completion. He thanked Mr. Heitkamp for working with the students on this collaboration with the School.

Mayor Margolis reported that he would be out of the country from November 2 through November 10 and asked Vice Mayor Bissmeyer to be acting mayor during that time.

Mayor Margolis asked if there was any other business to discuss in Public Session.

There was none.

### ADJOURNMENT

Mr. Cappel made a motion to adjourn the meeting. Vice Mayor Bissmeyer. City Council adjourned at 6:32 p.m.

# Monthly Mayor's Court Report

Montgomery Mayor's Court  
Cash Flow for October 2023

Page : 1  
Report Date : 11/06/2023  
Report Time : 15:28:09

	Current Period	Year-To-Date	Last Year-to-Date
<b>City Revenue From:</b>			
Court Costs			
Court Costs	\$220.00	\$2,580.00	\$2,015.00
Computer Fund	\$410.00	\$3,879.00	\$5,130.00
Fines			
Overpayment / Adjustment	\$0.00	\$0.00	\$5.00
City Revenue From Fines	\$5,045.00	\$38,204.00	\$47,200.00
Fees			
NSF FEES	\$0.00	\$0.00	\$15.00
EXPUNGEMENT FEES CITY	\$20.00	\$20.00	\$100.00
Capias Fee	\$300.00	\$3,275.00	\$4,290.00
Tax Diversion Fee	\$175.00	\$3,325.00	\$0.00
Miscellaneous/Other			
Miscellaneous/Other	\$0.00	\$925.00	\$645.00
Bond Forfeits			
Bond Forfeits	\$0.00	\$0.00	\$0.00
Miscellaneous/Other			
Bond Administration Fees	\$0.00	\$0.00	\$0.00
<b>Total to City:</b>	<b>\$6,170.00</b>	<b>\$52,208.00</b>	<b>\$59,400.00</b>
<b>State Revenue From:</b>			
Court Costs			
Court Costs	\$1,065.00	\$9,835.00	\$13,680.00
General Fund	\$0.00	\$0.00	\$15.00
V/C	\$360.00	\$3,231.00	\$4,500.00
DRUG LAW ENFORCEMENT FUND	\$126.00	\$1,155.00	\$1,666.00
Fines			
Fines	\$0.00	\$75.00	\$300.00
Seatbelt Driver	\$0.00	\$60.00	\$60.00
Fees			
BMV FEE	\$0.00	\$0.00	\$0.00
EXPUNGEMENT FEES STATE	\$30.00	\$30.00	\$150.00
Miscellaneous/Other			
Expungement Fee - State	\$0.00	\$0.00	\$30.00
<b>Total to State:</b>	<b>\$1,581.00</b>	<b>\$14,386.00</b>	<b>\$20,401.00</b>
<b>Other Revenue From:</b>			
Court Costs			
Court Costs	\$54.00	\$495.00	\$714.00
Area Fines			
Area Fines	\$0.00	\$25.00	\$100.00
Fees			
Fees	\$0.00	\$0.00	\$46.50

## Monthly Mayor's Court Report

Montgomery Mayor's Court  
Cash Flow for October 2023

Page : 2  
Report Date : 11/06/2023  
Report Time : 15:28:09

	Current Period	Year-To-Date	Last Year-to-Date
Restitution			
Restitution	\$340.00	\$505.00	\$587.00
Total to Other:	\$394.00	\$1,025.00	\$1,447.50
TOTAL REVENUE *	\$8,145.00	\$67,619.00	\$81,248.50
*Includes credit card receipts of	\$2,655.00	\$19,910.00	\$17,252.00

END OF REPORT

# Monthly Distribution Journal

Montgomery Mayor's Court  
Disbursal of fines and court costs for October 2023

Page : 1  
Report Date : 11/06/2023  
Report Time : 15:28:46

Disbursal Category	Amount	
<b>COSTS</b>		
Computer Fund	\$410.00	
city-appearance	\$220.00	
<b>Total to City:</b>		<b>\$630.00</b>
V/C	\$360.00	
DRUG LAW ENFORCEMENT FUND	\$126.00	
INDIGENT DEFENSE SUPPORT FUND - COST	\$1,065.00	
<b>Total to State:</b>		<b>\$1,551.00</b>
INDIGENT DRIVERS ALC TREATMENT FUND-COST	\$54.00	
<b>Total to Other:</b>		<b>\$54.00</b>
<b>Total Costs:</b>		<b>\$2,235.00</b>
<b>FINES</b>		
City Revenue From Fines	\$5,045.00	
<b>Total to City:</b>		<b>\$5,045.00</b>
<b>Total Fines:</b>		<b>\$5,045.00</b>
<b>FEES</b>		
EXPUNGEMENT FEES CITY	\$20.00	
Capias Fee	\$300.00	
Tax Diversion Fee	\$175.00	
<b>Total to City:</b>		<b>\$495.00</b>
EXPUNGEMENT FEES STATE	\$30.00	
<b>Total to State:</b>		<b>\$30.00</b>
<b>Total Fees:</b>		<b>\$525.00</b>
<b>RESTITUTION</b>		
Tearra Davis	\$340.00	
<b>Total to Other:</b>		<b>\$340.00</b>
<b>Total Restitution:</b>		<b>\$340.00</b>
<b>TOTALS</b>		
<b>Total to State:</b>	<b>\$1,581.00</b>	
<b>Total Fines to Other External Agencies:</b>	<b>\$0.00</b>	
<b>Total to Other Entities, including Restitution:</b>	<b>\$394.00</b>	
<b>Total Bonds Forfeited to City:</b>	<b>\$0.00</b>	
<b>Total to City including Misc. Receipts, Adjustments, &amp; BA Fee:</b>	<b>\$6,170.00</b>	
<b>TOTAL TO BE DISBURSED:</b>		<b>\$8,145.00</b>

END OF REPORT