

City of Montgomery  
City Council Business Session Minutes  
September 6, 2023

Present

City Council Members Present

Tracy Henao, Asst. City Manager  
Terry Donnellon, Law Director  
Kevin Chesar, Community Dev. Director  
John Crowell, 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

Craig Margolis, Mayor  
Lee Ann Bissmeyer, Vice Mayor  
Mike Cappel  
Chris Dobrozsi  
Ron Messer  
Sasha Naiman  
Ken Suer

City Council Convened its Business Session for September 6, 2023 at 6:00 p.m. at City Hall with Mayor Margolis presiding.

**ROLL CALL**

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

**PENDING LEGISLATION**

There was no pending legislation.

**SPECIAL PRESENTATION**

Mrs. Naiman presented Fred and Melinda Barbi with a Certificate of Appreciation as the Beautification and Tree Commission's 2023 Summer Seasons of Beauty Winners.

Mayor Margolis presented Katie Harper, Executive Director of the National Alliance on Mental Illness (NAMI) of Southwest Ohio with a Proclamation recognizing September as Suicide Prevention Month.

**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. Vice Mayor Bissmeyer seconded. City Council unanimously agreed.

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

Mr. Cappel moved for passage of the Resolution. Vice Mayor Bissmeyer seconded.

Mr. Cappel explained that information has been previously supplied on this Resolution that, if passed, will authorize the City Manager to enter into Contract with Kramer & Feldman Incorporated to complete the Montgomery Annex Building Improvements. The Montgomery Annex Building Improvements is programmed in the 2023 Capital Improvement Program 410.303.5470 (City Parks) account in the amount of \$90,000.00. It is requested that this project be approved for funding in the amount of \$69,950.

Mr. Cappel asked if there were any updates. Mr. Heitkamp replied there were none.

The roll was called and showed the following vote:

AYE: Cappel, Bissmeyer, Dobrozsi, Margolis, Naiman, Suer, Messer (7)  
NAY: (0)

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

Vice Mayor Bissmeyer moved for suspension of the rules requiring three readings of the Ordinance.

The roll was called and showed the following vote:

AYE: Bissmeyer, Dobrozsi, Margolis, Naiman, Suer, Messer, Cappel (7)  
NAY: (0)

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

Vice Mayor Bissmeyer moved for passage of the Ordinance as an emergency. Mr. Cappel seconded.

Vice Mayor asked if there were any updates. Mr. Donnellon replied there were none.

The roll was called and showed the following vote:

AYE: Dobrozsi, Margolis, Naiman, Suer, Messer, Cappel, Bissmeyer (7)  
NAY: (0)

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

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

Mr. Cappel moved passage of the Resolution. Vice Mayor Bissmeyer seconded.

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

Mr. Cappel asked if there were any updates.

Mr. Donnellon replied that since the last meeting, all terms of the agreement have been finalized. He summarized that included in the Stage 2 Construction is \$2.5M to extend Cameron Lane now known as Quarter Boulevard from the roundabout to the development which also includes sidewalks and utility connections. He stated the contract would allow for construction of the “activity alley” in the future which will connect to the plaza that runs behind Montgomery Road. He added that contingencies are built in and would carry forward any unused amount to be split between the City and the Developers in a 75/25% split.

Mr. Messer asked for clarification of what “gingerbread” meant in Stage 1.

112 Mr. Donnellon explained that would include items like brick pavers, baskets, granite trimmed planters. He stated  
113 those items would be determined in the future and are only included as a place marker in Sequence 1 at this time.  
114

115 Mrs. Naiman stated that she would still like to see more green space included in the next phase. She stated that the  
116 residents would appreciate more green space.  
117

118 The roll was called and showed the following vote:  
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120 AYE: Naiman, Suer, Messer, Cappel, Bissmeyer, Margolis (6)  
121 NAY: (0)  
122 RECUSAL: Dobrozsi (1)  
123

124 **An Ordinance Authorizing A Third Amendment To A Development Agreement By And Between The City**  
125 **Of Montgomery, Ohio, The Montgomery Community Improvement Corporation, And Gateway Partners**  
126 **Montgomery, LLC And Declaring An Emergency**  
127

128 Mr. Cappel moved for suspension of the rules requiring three readings of the Ordinance. Mr. Messer seconded.  
129

130 The roll was called and showed the following vote:  
131

132 AYE: Suer, Messer, Cappel, Bissmeyer, Margolis, Naiman (6)  
133 NAY: (0)  
134 RECUSAL: Dobrozsi (1)  
135

136 Mr. Cappel explained that information has been previously supplied on this Ordinance that, if approved, will  
137 authorize a Third Amendment to the Development Agreement to continue the development of the Montgomery  
138 Quarter Project. The Development Team is ready to proceed with Stage 2 and the modified Agreement will better  
139 outline Public Site Improvements, the cost allocation of Public Site Improvements, and the updated mix of uses in  
140 the development. The Ordinance is proposed as an emergency to take advantage of market pricing for the  
141 anticipated Public Site Improvements.  
142

143 Mr. Cappel asked if there were any updates.  
144

145 Mr. Donnellon replied that with this third amendment it caps the number of rental units to 239, an increase from  
146 191 units. He stated that the purchase prices for land are defined in the Amendment and that Stage 1 projections of  
147 values were lower as compared to today's values which would create an excess to use towards public  
148 improvements or bonds.  
149

150 Mr. Cappel moved to pass the Ordinance as an emergency.  
151

152 The roll was called and showed the following vote:  
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154  
155 AYE: Messer, Cappel, Bissmeyer, Margolis, Naiman, Suer (6)  
156 NAY: (0)  
157 RECUSAL: Dobrozsi (1)  
158

159 **A Resolution Approving A Joint Agreement With The Board Of County Commissioners, Hamilton County,**  
160 **Ohio To Accept And Administer A Community Revitalization Grant**  
161

162 Mr. Suer moved for passage of the Resolution. Mr. Cappel seconded.  
163

164 Mr. Suer explained that Information has been previously supplied on this Resolution that, if approved, will allow  
165 the City of Montgomery to receive \$500,000 of funding through the Hamilton County Community Revitalization  
166 Grant program to assist with public infrastructure components within Stage II of the Montgomery Quarter project.  
167 The grant is a reimbursable grant, and it is anticipated work associated to allow us to submit for reimbursement  
168 will be completed in late 2023 or early 2024.

169  
170 Mr. Suer asked if there were any updates.

171  
172 Ms. Henao replied there were none.

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

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

179  
180 **An Ordinance To Amend Appropriations For Current Expenses And Other Expenditures Of The City Of**  
181 **Montgomery, State Of Ohio, During The Fiscal Year Ending December 31, 2023**

182  
183 Mr. Suer moved for suspension of the rules requiring three readings. Mr. Cappel seconded.

184  
185 The roll was called and showed the following vote:

186  
187 AYE: Bissmeyer, Margolis, Naiman, Suer, Messer, Cappel (6)  
188 NAY: (0)  
189 RECUSAL: Dobrozsi (1)

190  
191 Mr. Suer explained that information has been previously supplied on this Ordinance that, if approved, will increase  
192 the Appropriation in the General Fund (101) in the amount of \$2.5 million, transfer of cash from the General Fund  
193 (101) to the Montgomery Quarter Construction Fund (464) in the amount of \$2.5 million and increase the  
194 Appropriation in the Montgomery Quarter Construction Fund (464) in the amount of \$2.5 million. These funds  
195 will facilitate the Montgomery Quarter Stage II project and will ensure the project can commence on schedule and  
196 provide additional access to Phase One of the project.

197  
198 Mr. Suer asked if there were any updates.

199  
200 Ms. Gray replied there were none.

201  
202 The roll was called and showed the following vote:

203  
204 AYE: Margolis, Naiman, Suer, Messer, Cappel, Bissmeyer (6)  
205 NAY: (0)  
206 RECUSAL: Dobrozsi (1)

207  
208 Mr. Dobrozsi rejoined Council on the dais.

209  
210 **ADMINISTRATION REPORT**

211  
212 Ms. Henao reported the following items:

- 213  
214 • A Council Work Session is scheduled for September 20, 2023 at 6:00 p.m.  
215

- 216 • Ms. Henao explained there are no agenda items for the September 11, 2023 Committee meetings and  
217 asked Council to cancel the Parks and Recreation, Government Affairs and Public Works Committee  
218 meetings for the month of September. Council unanimously agreed.  
219
- 220 • On Labor Day, 247 dogs attended the K9 Kerplunk dog swim which is a record. Legacy Builders  
221 group sponsored the event. It was a fun way to end the pool season.  
222
- 223 • This past Tuesday, Cooper Road east of Main Street was closed to through traffic, remaining open for  
224 local traffic so residents can access their homes. This temporary thru-traffic closure is to provide  
225 space for Rack & Ballauer to construct the Indian Hill watermain replacement project. The water  
226 main replacement is expected to take 4-6 weeks.  
227

### 228 Human Resources

- 229
- 230 • Raul Takeute (from Springfield Township FD) is scheduled to start September 7 and Jeffrey Wurtz  
231 (from Colerain Township FD) is scheduled to start September 19. One other candidate is working  
232 through final post-offer screening steps. With these two hires, due to a combination of resignations  
233 and retirements we will have two open firefighter/paramedic positions yet to fill. Another  
234 examination process will be scheduled after candidates from the current eligible list have been hired.  
235

### 236 Events

- 237
- 238 • The City is partnering with the Montgomery Ohio Chamber of Commerce to host Vegas in the Village  
239 this Thursday evening from 5 p.m. to 9 p.m. A total of 39 businesses in Historic Montgomery and  
240 Montgomery Quarter are participating in the event. Participants will begin the evening at The  
241 Remington Room before visiting different businesses throughout the evening, eventually ending at  
242 Montgomery Quarter Park for music, a performance from an Elvis Impersonator and a raffle drawing.  
243
- 244 • The Night Sky Star Party is this Friday, September 8 at Pioneer Park. It is presented by the Parks and  
245 Recreation Commission in conjunction with the Cincinnati Observatory. The children's program will  
246 take place from 8:00 to 9:00 p.m. followed by the adults only program from 9:00 to 10:00 p.m.  
247

### 248 APPROVAL OF MINUTES

249

250 Mr. Cappel moved to approve the August 23 2023 Work Session minutes as written. Vice Mayor Bissmeyer  
251 seconded. City Council unanimously agreed.  
252

### 253 MAYOR'S COURT REPORT

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256 Mayor Margolis stated that the August Mayors Court will be presented on the September 20, 2023 Work Session  
257 agenda.  
258

### 259 OTHER BUSINESS

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261 Liquor License Permit Request—Police Chief Crowell explained to City Council that the attached request from  
262 the State of Ohio Liquor Control Board was received to issue a D5J license for FTBHG LLC dba Kitchen Social at  
263 9340 Montgomery Road, Ste 102. He explained that as this would be a new restaurant at the Montgomery Quarter,  
264 he had no reason to recommend a request for a hearing with the State of Ohio Liquor Control Board.  
265

266 Vice Mayor Bissmeyer made a motion to not request a hearing regarding this permit. Mr. Cappel seconded. City  
267 Council unanimously agreed.


268  
269 Mayor Margolis asked if there was any other business to discuss in Public Session.

270  
271 There was none.

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273 **ADJOURNMENT**

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275 Mr. Cappel made a motion to adjourn the meeting. Vice Mayor Bissmeyer. City Council adjourned at 6:53 p.m.

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Connie Gaylor, Clerk of Council