

1
2 City of Montgomery
3 City Council Business Session Minutes
4 August 5, 2020

5 Present

6 Brian Riblet, City Manager
7 Terry Donnellon, Law Director
8 John Crowell, Police Chief
9 Gary Heitkamp, Public Works Director
10 Tracy Roblero, Asst. City Manager/Acting Comm. Dev. Dir.
11 Katie Smiddy, Finance Director
12 Matthew Vanderhorst, Community and Information Services, Dir.
13 Paul Wright, Fire Chief
14 Connie Gaylor, Clerk of Council

City Council Members Present

Chris Dobrozsi, Mayor
Craig Margolis, Vice Mayor
Lee Ann Bissmeyer-Teleconference
Gerri Harbison
Lynda Roesch-Teleconference
Ken Suer

Council Members Absent

Mike Cappel

15
16 City Council convened its Business Session for August 5, 2020 at 7:00 p.m. as a hybrid meeting at City Hall and
17 also by telephone conference with Mayor Dobrozsi presiding. This remote access meeting was allowed by
18 emergency legislation adopted by the Ohio General Assembly and approved by the Governor. The emergency
19 legislation added language to RC Section 121.22 allowing public meetings by telephone conference during the
20 current pandemic and declared State of Emergency. As required by the statute, notice of the telephonic meeting was
21 publicized more than 24 hours in advance to allow public access through the same conference call in service. The
22 public was also given a backup number to call in the event there were technical difficulties. This Notice was posted
23 on the City's website and a similar Notice was sent to The Cincinnati Enquirer.

24
25 ROLL CALL

26
27 Mayor Dobrozsi explained that Council Member Cappel had stated at a prior council meeting that he would be absent
28 from the meeting due to a family vacation. Mayor Dobrozsi asked for a motion to excuse Council Member Cappel's
29 absence.

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31 Vice Mayor Margolis made a motion to excuse Mr. Cappel's absence. Mrs. Harbison seconded. City Council
32 unanimously agreed.

33
34 Mayor Dobrozsi asked for the roll to be called.

35
36 The roll was called with all remaining members answering as present.

37
38 GUESTS & RESIDENTS

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40 Mayor Dobrozsi explained that in an effort to better manage the teleconference meeting he would like to move this
41 portion of the agenda to the end of the meeting and allow any public participating in the call to speak at that time.
42 He stated that comments will be allowed but asked that all questions be forwarded by email to City Manager Brian
43 Riblet. He stated that all comments will be limited to three minutes in total.

44
45 Vice Mayor Margolis made a motion to move the Guests and Residents item to after item #10 on the agenda. Mrs.
46 Harbison seconded. City Council unanimously agreed.

47
48 PENDING LEGISLATION

49
50 **An Ordinance Creating Section 92.05 of The Code of Ordinances, entitled "Littering", And Amending Section**
51 **92.99 Entitled "Penalty"**

52
53 Mrs. Bissmeyer moved to read the Ordinance by title only. Vice Mayor Margolis seconded. City Council
54 unanimously agreed.

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56 Mrs. Bissmeyer read the title and moved passage of the Ordinance. Vice Mayor Margolis seconded.

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Mrs. Bissmeyer explained that information has been previously supplied on this Ordinance that, if adopted, would update Chapter 92 of the Code to add a section regulating Littering. Littering includes illegal dumping. The purpose of updating our Code is to be able to control Littering and dumping on vacant properties within the City, and to control Littering and dumping within either City dumpsters or private dumpsters. She added that this legislation was presented at the Law and Safety Committee of Council at their May 4, 2020 meeting.

Mrs. Bissmeyer asked if there were any updates.

Chief Crowell responded that there were none.

AYE: Harbison, Dobrozsi, Roesch, Suer, Margolis, Bissmeyer (6)
NAY: (0)
ABSENT: Cappel (1)

NEW LEGISLATION

A Resolution to Adopt Recommendation of the Montgomery Tax Incentive Review Council with Respect to The Compliance of All Tax Increment Financing Districts Within the City of Montgomery

Mr. Suer moved to read the Resolution by title only. Vice Mayor Margolis seconded. City Council unanimously agreed.

Mr. Suer read the title and moved for passage. Vice Mayor Margolis seconded.

Mr. Suer explained that information has been previously supplied on this Resolution that, if approved, would adopt the recommendation of the Montgomery Tax Incentive Review Council with respect to the compliance of all Tax Increment Financing Districts within the City of Montgomery. Mr. Suer stated that the Montgomery Tax Incentive Review Council met on Wednesday, June 24, 2020. Ohio law mandates that City Council approve, reject, or remand the decision of the Tax Incentive Review Council relative to the compliance of the tax increment financing districts with their enabling legislation.

The roll was called and showed the following vote:

AYE: Roesch, Suer, Margolis, Dobrozsi, Bissmeyer, Harbison (6)
NAY: (0)
ABSENT: Cappel (1)

A Resolution Authorizing Internet Auction of Surplus Personal Property Through Govdeals.com

Mrs. Harbison moved to read the Resolution by title only. Vice Mayor Margolis seconded. City Council unanimously agreed.

Mrs. Harbison read the title of the Resolution and moved for passage. Vice Mayor Margolis seconded.

Mrs. Harbison explained that information has been previously supplied on this Resolution that, if approved, would designate GovDeals.com as internet auction agents for the disposal of surplus property for the period of August 1, 2020 through July 31, 2021. Ohio law authorizes the City to dispose of surplus and abandoned personal property through internet auction. Section 50.02 of the Code of Ordinances sets forth a procedure for the sale and disposition of lost, abandoned, stolen, seized, or forfeited property ("Surplus Property") through internet auction agents. This Resolution will also authorize the City Manager to enter into appropriate contracts with GovDeals.com.

Mrs. Harbison asked if there were any updates.

110
111 Chief Crowell replied there were none.

112
113 The roll was called and showed the following vote:

114
115 AYE: Suer, Margolis, Bissmeyer, Harbison, Dobrozsi, Roesch (6)
116 NAY: (0)
117 ABSENT: Cappel (1)

118
119 **A Resolution Establishing City Contributions to Employee Health Savings Account**

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121 Mrs. Harbison moved to read the Resolution by title only. Vice Mayor Margolis seconded. City Council unanimously
122 agreed.

123
124 Mrs. Harbison read the title of the Resolution and moved for passage. Vice Mayor Margolis seconded.

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126 Mrs. Harbison explained that information has been previously supplied on this Resolution that, if approved, would
127 continue the City's incentive contribution to employees' Health Savings Accounts for the period beginning
128 September 1, 2020 through August 31, 2021. This Resolution also provides for Health Reimbursement Accounts
129 for employees who, as a result of being enrolled in Medicare, are no longer eligible for a Health Savings Account.
130 The City's contribution to employees' Health Savings Accounts is recommended to be continued at \$1050 for a
131 family plan and \$750 for a single plan for the twelve-month period of September 1, 2020 through August 31, 2021.
132 In addition to the base City incentive contribution, it is recommended that the City continue to match the employee's
133 contribution to his/her Health Savings Account in an amount up to \$700 for employees with family plans and up to
134 \$500 for employees with single plans. It is also recommended that Health Reimbursement Accounts be established
135 for qualifying employees in amounts of \$1050 for a family plan and \$750 for a single plan for the twelve-month
136 period of September 1, 2020 through August 31, 2021. Employees cannot make contributions to Health
137 Reimbursement Accounts (HRA's); therefore, no matching employer contribution is recommended for HRA's.

138
139 Mrs. Harbison asked if there were any updates.

140
141 Mr. Riblet replied there were none.

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143 The roll was called and showed the following vote:

144
145 AYE: Margolis, Bissmeyer, Harbison, Dobrozsi, Roesch, Suer (6)
146 NAY: (0)
147 ABSENT: Cappel (1)

148
149 **A Resolution to Adopt Authorizing the City Manager to Enter into a Contract with W. G. Stang LLC to**
150 **Complete the HAM-US22-14.74 Montgomery Sidewalk Project, PID #104934**

151
152 Ms. Roesch moved to read the Resolution by title only. Vice Mayor Margolis seconded. City Council unanimously
153 agreed.

154
155 Ms. Roesch read the title of the Resolution and moved for passage. Vice Mayor Margolis seconded.

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157 Ms. Roesch explained that information has been previously supplied on this Resolution that, if approved, would
158 authorize the City Manager to enter into a Contract with W. G. Stang LLC to complete the construction of the HAM-
159 US22-14.74 Montgomery Sidewalk Project in the amount of \$261,250.00. Funds for this project are budgeted in
160 the Capital Improvement Program under account 410.261.5470 in the amount of \$350,000.00. The amount of the
161 recommendation includes \$23,748.00 in project contingency funding, which is an amount equal to 10% of the total
162 of the Base Bid.

163
164 Ms. Roesch asked if there were any updates.

165
166 Mr. Heitkamp replied there were none.

167
168 The roll was called and showed the following vote:

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170 AYE: Bissmeyer, Harbison, Dobrozsi, Roesch, Suer, Margolis (6)
171 NAY: (0)
172 ABSENT: Cappel (1)

173
174 **An Ordinance Accepting and Dedicating an Extension of Schoolhouse Lane and Declaring an Emergency**

175
176 Vice Mayor Margolis moved to read the Ordinance by title only. Mrs. Harbison seconded. City Council unanimously
177 agreed.

178
179 Vice Mayor Margolis read the title of the Ordinance and moved to suspend the rules requiring three readings. Mrs.
180 Bissmeyer seconded.

181
182 The roll was called and showed the following vote:

183
184 AYE: Harbison, Dobrozsi, Roesch, Suer, Margolis, Bissmeyer (6)
185 NAY: (0)
186 ABSENT: Cappel (1)

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188 Vice Mayor Margolis explained that information has been previously supplied on this Ordinance that, if approved,
189 would facilitate the acceptance of a Dedication Plat for an extension of Schoolhouse Lane. This roadway already
190 has been constructed east of Montgomery Road and the Dedication Plat is the last step in the process to accept the
191 public improvements. Previously Duke Energy of Ohio, Inc. requested an Easement in conjunction with the
192 Dedication for a utility trench located south of the roadway and within the right-of-way. Duke has since agreed that
193 an Easement will not be required but a right of way permit will suffice when they are ready for construction. The
194 final Ordinance has been modified to reflect these changes. Vice Mayor Margolis added that the title of the Ordinance
195 to be read has been modified to reflect that this is not a new street but an extension of the existing Schoolhouse Lane.

196
197 Vice Mayor Margolis moved to pass the Ordinance as an Emergency. Mrs. Harbison seconded.

198
199 The roll was called and showed the following vote:

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201 AYE: Dobrozsi, Roesch, Suer, Margolis, Bissmeyer, Harbison (6)
202 NAY: (0)
203 ABSENT: Cappel (1)

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205
206 **A Resolution Creating a Designated Outdoor Refreshment Area Within the Old Montgomery Gateway**
207 **District Now Known as The Montgomery Quarter and Portions of Both the Old Montgomery/Heritage**
208 **District and Montgomery Corridor**

209
210 Mayor Dobrozsi stated that although he has no ownership interest in Neyer Properties, Inc. nor any in the limited
211 liability companies in partnership to develop the Montgomery Quarter, he will continue to recuse himself from
212 discussion and abstain from voting upon legislation related to the Montgomery Quarter project. He asked Vice
213 Mayor Margolis to facilitate the discussion of the legislation. He recused himself from the discussion and exited
214 the dais.

215

216 Vice Mayor Margolis assigned the legislation to Mrs. Harbison for execution.

217

218 Mrs. Harbison moved to read the Resolution by title only. Mr. Suer seconded. City Council unanimously agreed.

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220 Mrs. Harbison read the title and moved for passage of the Resolution. Mr. Suer seconded.

221

222 Mrs. Harbison explained that this Resolution creates the Designated Outdoor Refreshment Area (“DORA”) as
223 recommended from the public hearing by City Council. The area encompasses Old Montgomery Gateway now
224 known as the Montgomery Quarter project site and portions of the Montgomery Heritage District and Montgomery
225 Corridor. The legislation to be approved by Council requires Council to designate the boundaries, the hours of
226 operation, and the safe operation of the DORA which are encompassed in the City Manager’s recommendations. If
227 this legislation is accepted by City Council, a copy will then be sent to the Ohio Division of Liquor Control and the
228 Department of Public Safety, which will then take the next steps to automatically qualify permit holders as DORA
229 participants. That last step may take a few more weeks before we may see DORA activities throughout the downtown
230 area. In the interim, Staff can start to implement the plan including obtaining designated signage, cups, and notices.

231

232 Vice Mayor Margolis asked for comments from City Council regarding this Resolution.

233

234 Mr. Suer stated that he felt adding a DORA was an excellent way to increase economic development within the city.
235 He stated that it supports Council’s vision of a vibrant downtown area and anticipates the addition of new restaurants
236 in the Montgomery Quarter will be an improvement to it in the future. He stated that as other cities with DORAs
237 have experienced no issues, he does not anticipate any for the City as well.

238

239 Ms. Roesch stated that she thinks it is a great idea and has seen other areas be successful with them.

240

241 Mrs. Bissmeyer stated that she is in favor of the DORA for economic reasons. She stated that she felt it would propel
242 growth in new areas.

243

244 Vice Mayor Margolis stated that having a DORA would not negate laws for public intoxication and is to create a
245 destination in the community. He stated that he feels like this is a useful tool in helping our restaurant community
246 thrive.

247

248 Mr. Donnellon explained that the Resolution has a number of exhibits that will be submitted to Columbus after the
249 process is concluded. He stated one of the exhibits is a certification of a survey, which is already completed,
250 identifying the area which is on the map and certifying the total acreage to the Department of Liquor Control, so it
251 meets their standards. The exhibits also include a list of the 15 liquor license holders in the area, including the
252 addresses and blocks that are in the DORA including the three streets that are in the Montgomery Quarter. He
253 explained that there are currently no liquor licenses in the Montgomery Quarter but when they come online later the
254 Department can approve those. Also, included is the safety rules and regulations that have gone through before in
255 the application designating the signage and hours. The package will be submitted to Columbus. He added that this
256 could still take three to four weeks depending on Columbus’s schedule, but staff will get it going as soon as possible.
257 The roll was called and showed the following vote:

258

259 AYE: Roesch, Suer, Margolis, Bissmeyer, Harbison (5)

260 NAY: (0)

261 ABSENT: Cappel (1)

262 ABSTAIN: Dobrozsi (1)

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264 **ADMINISTRATION REPORT**

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266 Mr. Riblet reported the following items:

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- City Council Work Session is scheduled for Wednesday August 19 at 7:00 p.m.

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- Staff would like to request a Public Hearing on Wednesday, September 2 at 6:45 in order to consider a recommendation by the Planning Commission for a conditional use permit for Cincinnati Institute of Esthetics and Nails at 10700 Montgomery Road to allow for the operation of a private school in the ‘O’ – Office District. It has been brought to Staff’s attention that while no one was present in Chambers and no one on line asked to speak, the Chair neglected to ask if there were any Public Comments on the application before it was approved by the Planning Commission, and therefore Planning Commission will meet again on August 17 to hear any public comment and either re-affirm their approval or make a different recommendation to City Council.

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Vice Mayor Margolis made a motion to go into the Business Session immediately following the conclusion of the Public Hearing. Mrs. Harbison seconded. City Council unanimously agreed.

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- The Government Affairs Committee will meet at 4:30 p.m. on Monday, August 10 as a hybrid meeting. The Parks and Recreation and Public Works Committees have cancelled their meetings for the month of August.

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- A conference call was held with the State Audit Team on Monday evening in which the Audit report was presented. The City received two clean opinions on the financial statements and internal controls over Financial Reporting.

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- The Healthcare Benefits Committee has met several times to review proposals from various insurance carriers and will be presenting its recommendations to City Council at the August 19 Work Session.

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- On Tuesday, August 8, Matthew Vanderhorst was interviewed by WCPO about the roundabout educational video. The video can be viewed on the City website homepage or via a link to be shared in the Thursday Update.

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- John R. Jurgensen Company (JRJ) has completed the installation of the storm sewer improvements at the Montgomery Road / Main Street split and are currently constructing the entrance pavement and curb for what will be the entrance of Roosa Street. JRJ also has begun filling in the area under the removed bridge that the roundabout will be built upon.

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- On the Montgomery Quarter front, Brandicorp/Bray continues to make great progress constructing the large underground detention vault. They also continue to construct the lag wall and excavate for the construction of the underground garage.

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- The Fire Lieutenant promotional process has concluded with Allison Miller-Bultman to be promoted effective August 9.

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- The Service Worker I hiring process has concluded with Parker Adkins to begin his employment with the City on August 17. Mr. Adkins currently works for Cincinnati Bell as an installer and brings a variety of technical and customer service skills to his new position.

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As a reminder of scheduled events:

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- The EAC sponsored Community Wide Garage Sale is this Saturday from 9:00 a.m. – 1:00 p.m. There are 40 plus residents participating.

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- The Top Workplace Celebration is Friday, August 14 from 11:00 a.m. -2:00 p.m. at Public Works.

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- The Staff Pizza Appreciation luncheon sponsored by City Council is scheduled for Friday, August 28 from 11:00 a.m. to 1:00 p.m. at Terwilligers Lodge.

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- The 2021 Budget Review Session is scheduled for Wednesday, September 9 beginning at 5:30 p.m. at Terwilligers Lodge.
 - A reminder that our good friend Don Neyer is turning 90 on August 10 and if you are so inclined please send him a birthday card.
 - Happy Belated Birthday to Council Member Harbison whose birthday was August 2.

330 Mr. Riblet request an Executive Session to discuss matters relative to negotiations with public employees.

331
332 Mayor Dobrozsi added that regarding the 2021 Budget Review Session that it was important for Council Members
333 to be present in person at this meeting if possible. He stated that staff will be limited to Department Heads only to
334 observe social distancing and that the session will be held at Terwilligers Lodge where there is more space to spread
335 out. He asked for commitment from Council Members who could attend in person. All Council Members present
336 stated that they could attend in person.

337
338 **APPROVAL OF MINUTES**

339
340 Mr. Donnellon explained that he forwarded various corrections of the minutes to Ms. Gaylor and advised Council
341 to pass the minutes as corrected.

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343 Mayor Dobrozsi asked for a motion to approve the July 1, 2020 Business Session, July 22, 2020 Public Hearing, and
344 the July 22, 2020 Work Session minutes as corrected.

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346 Vice Mayor Margolis moved to approve the minutes as corrected. Mr. Suer seconded. City Council unanimously
347 agreed.

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349 **MAYOR'S COURT REPORT**

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351 Mayor Dobrozsi asked for a motion to approve the disbursement of the Mayor's Court report for the month of July
352 in the amount of \$10,305.

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354 Mrs. Harbison motioned to approve the disbursement of the July Mayor's Court collections. Vice Mayor Margolis
355 seconded. City Council unanimously agreed.

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357 **OTHER BUSINESS**

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359 Mayor Dobrozsi stated that there is an application for an Economic Development (TREX) Transfer from Depot
360 Barbecue LLC to European Café, LLC, and asked Mr. Riblet to explain.

361
362 Mr. Riblet explained that staff received an application from European Café, LLC to allow an Economic Development
363 transfer of a liquor license from Depot Barbecue LLC in Madeira to their restaurant, European Café located at 9450
364 Montgomery Road, Montgomery, Ohio 45242. He explained there was not an existing liquor license at the restaurant
365 with the prior owners and there is no objection by the police department regarding this request.

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367 Vice Mayor Margolis asked if the City should include this in an Entertainment District License.

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369 Mr. Donnellon replied that establishing an Entertainment District is a longer process, which we need to look into as
370 it could result in one to two districts and needed to be researched and discussed. He advised to not withhold a motion
371 on this request as it could be some time before an Entertainment District is established.

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Mrs. Harbison made a motion to support the approval of the Trex License for European Café. Mrs. Bissmeyer seconded. City Council unanimously agreed.

Mrs. Harbison added under Other Business, that Jim Mayer resigned as the President of the Montgomery Chamber of Commerce in light of his retirement. She stated that Meghan Donnellon-Hyden was named the new President and Ryan Mound as the new Vice President.

GUEST AND RESIDENTS

Mayor Dobrozsi asked if there were residents on the call who would like to speak. He asked for them to state their name and address. He reminded callers to limit their comments to three minutes and to send all questions to Mr. Riblet for follow up after the meeting.

Steve Silverman, 7504 Golf Green Drive- Mr. Silverman stated that he had six items he wanted to present to City Council and asked that no one interrupt him so that he did not lose his train of thought.

Mayor Dobrozsi reminded Mr. Silverman of his three-minute limit.

Mr. Silverman stated the following:

1. Is the expansion of Schoolhouse Lane funded by the City?
2. Is the partnership for the Montgomery Quarter between the City, the CIC and Developer: Brandywine, Castro, and Neyer Property?
3. Roundabout Construction-There are problems with traffic direction signs and trucks and cars are getting confused which will cause potential accidents. There are not adequate overhead signs. Bridge Out sign is only on the barrier wall and is not lit which creates a dangerous situation. Trucks have a right of way during construction.
4. Why do we have 1 part-time/EMS and 1 part-time/ Firefighter paramedic on the website and not a full-time position?
5. Is Jurgenson employing minorities for the roundabout project?
6. Are any of the new hire's minorities.

Mayor Dobrozsi thanked Mr. Silverman for his questions.

Mr. Donnellon responded to Mr. Silverman that there seemed to be confusion and that Neyer Partners is not a partner in the Development. He stated that it is an entity owned by Mr. Neyer separate from Neyer Property. Also, it is Brandicorp not Brandywine.

Mayor Dobrozsi asked if there were any other callers on the line. There were no responses. Mayor Dobrozsi closed the floor to public speaking.

Mayor Dobrozsi stated that Mr. Riblet had requested an Executive Session to discuss matters relative to negotiations with public employees. He asked for a motion to adjourn into Executive Session.

Vice Mayor Margolis made a motion to adjourn into Executive Session to consider negotiations with public employees. Mrs. Harbison seconded.

The roll was called and showed the following vote:

AYE: Bissmeyer, Harbison, Dobrozsi, Roesch, Suer, Margolis	(6)
NAY:	(0)
ABSENT: Cappel	(1)

425 Council adjourned in Executive Session at 7:43 p.m.

426

427 City Council reconvened into Public Session at 8:00 p.m. Mayor Dobrozsi asked if there was any further business
428 to discuss in Public Session. There being none he asked for a motion to adjourn.

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430 Vice Mayor Margolis moved to adjourn. Mrs. Bissmeyer seconded. City Council unanimously agreed.

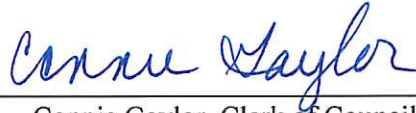
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432 City Council adjourned at 8:00 p.m.

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Connie Gaylor, Clerk of Council