

1 City of Montgomery  
2 City Council Work Session Minutes  
3 March 18, 2020  
4

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 Director  
13 Paul Wright, Fire Chief  
14 Connie Gaylor, Clerk of Council

City Council Members Present

Chris Dobrozsi, Mayor  
Craig Margolis, Vice Mayor  
Mike Cappel  
Gerri Harbison  
Ken Suer

City Council Members Absent

Lee Ann Bissmeyer  
Lynda Roesch

15  
16  
17 City Council convened in Council Chambers for the Work Session at 7:00 p.m. with Mayor Dobrozsi presiding.  
18

19 **ROLL CALL**

20  
21 Mayor Dobrozsi noted that Mrs. Bissmeyer and Ms. Roesch were not present at the meeting but were participating  
22 in discussion only by phone. He stated that they would not be participating in motions or votes and were to be  
23 counted as absent on the roll. He asked for a motion to excuse their absences.  
24

25 Mr. Cappel moved to excuse Council Members Bissmeyer and Roesch. Vice Mayor Margolis seconded. City  
26 Council unanimously agreed.  
27

28 **GUESTS & RESIDENTS**

29  
30 **ESTABLISHING AN AGENDA FOR APRIL 1, 2020**

31  
32 Mr. Donnellon explained that on Friday, March 13 Governor DeWine and the Attorney General issued a Declaration  
33 of a State of Emergency for the State of Ohio. Within the wording of the Declaration is the interpretation that a  
34 public meeting could be held by telephone or video conference without requiring physical attendance. The language  
35 states that if there is a teleconference that the status of a quorum would have to be tracked in case a connection was  
36 lost. Mr. Donnellon explained that the authority rests with the Mayor as a statutory community. He stated that if a  
37 teleconference is going to be exercised, the Mayor will issue an order in advance stating that the meeting would be  
38 conducted in that manner. He explained that the City would need to address public access and issue a phone number  
39 in which they could use to dial into the meeting. He stated that City Council would be allowed to vote remotely  
40 with this method. He explained that Council has the right to limit public participation but not public access. He  
41 explained that under this type of a meeting, the Mayor could deem no audience participation or only one participant  
42 at a time and restrict speaking to only the Guest and Resident part of the agenda. Mr. Donnellon stated that if the  
43 Mayor recommends cancelling board and commission meetings, that they would not be able to meet off their own  
44 volition. He added that when the Governor lifts the declaration we can return to normally scheduled meetings for  
45 all boards and commissions. He explained that it was imperative to recognize that as developments occur day-to-  
46 day that it is important to have one voice and one decision maker. He explained that for City Council it was the  
47 Mayor and for the day-to-day operations it was the City Manager.  
48

49 Mayor Dobrozsi explained that it is unclear if the City will be faced with holding teleconferenced meetings, but we  
50 want people to know we have the means to continue to conduct business.  
51

52 Vice Mayor Margolis asked what "shut-down" mode would be.  
53

54 Mr. Donnellon replied that the Governor can determine if residents have to shelter at home. He stated if that type  
55 of a declaration was issued that Council would have to conduct meetings by phone. He stated that the State is asking  
56 everyone to look at agendas and determine if we need to meet and if so to do it remotely.  
57

58 **LEGISLATION FOR CONSIDERATION THIS EVENING**

59  
60 Mayor Dobrozi asked for a motion to add the following legislation to the agenda for consideration this evening.

61  
62 Vice Mayor Margolis moved to add the legislation to the agenda. Mr. Cappel seconded. City Council unanimously  
63 agreed.

64  
65 Mayor Dobrozi assigned the legislation to Council Member Harbison.

66  
67 **A Resolution Establishing Compensation for The City Manager**

68  
69 Mrs. Harbison moved to read the Resolution by title only. Vice Mayor Margolis seconded. City Council  
70 unanimously agreed.

71  
72 Mrs. Harbison read the title and moved for passage. Mr. Cappel seconded.

73  
74 Mrs. Harbison explained that the Government Affairs Committee of City Council has requested that the attached  
75 Resolution be presented to City Council. This Resolution will authorize an amendment to the current employment  
76 agreement with Mr. Brian Riblet as the City Manager of Montgomery. This Resolution is the result of the recent  
77 performance appraisal of the City Manager conducted by City Council. The Government Affairs Committee of  
78 City Council has recommended adoption of this Resolution.

79  
80 Mr. Donnellon explained that there needs to be an amendment to Mr. Riblet's contract to correct the evaluation  
81 period to align it with Mr. Riblet's appointment date. He stated that there should also be an update to the severance  
82 package. He stated that the ongoing contract will be from March 1 through the end of February yearly. He stated  
83 this would provide for a better flow and consistency moving forward.

84  
85 Mayor Dobrozi stated that this should allow for the evaluation process to be completed in a timely manner.

86  
87 Mr. Donnellon asked for a motion to update the contract. Mr. Cappel made a motion to amend the contract as stated  
88 by Mr. Donnellon. Vice Mayor Margolis seconded. City Council unanimously agreed.

89  
90 The roll was called as showed the following:

91  
92 AYE: Cappel, Harbison, Dobrozi, Margolis, Suer (5)  
93 NAY: (0)  
94 ABSENT: Bissmeyer, Roesch (2)

95  
96 **LEGISLATION FOR CONSIDERATION FOR THE APRIL 1, 2020 BUSINESS SESSION**

97  
98 **PENDING LEGISLATION**

99  
100 **An Ordinance Amending the Land Usage Code to Enact New Regulations for The Heritage Overlay District**

101  
102 Vice Mayor Margolis explained that this would be the third reading of this Ordinance and asked if there were any  
103 updates.

104  
105 Ms. Roblero replied there were none.

106  
107 **An Ordinance Authorizing The Issuance Of Not To Exceed \$20,000,000 Special Obligation Revenue Bonds**  
108 **Of The City Of Montgomery; Providing For The Pledge Of Revenues For The Payment Of Such Bonds;**  
109 **Authorizing A Trust Agreement Appropriate For The Protection And Disposition Of Such Revenues To**

110 **Further Secure Such Bonds; Authorizing An Official Statement; Authorizing Other Necessary And**  
111 **Appropriate Documents; And Authorizing Other Actions In Connection With The Issuance Of Such Bonds**  
112

113 Mayor Dobrozsi explained that this legislation was originally tabled at the February 18 Work Session until the April  
114 1 Business Session. He asked Mr. Donnellon if that was still anticipated.

115  
116 Mr. Donnellon responded that it should remain tabled until the April 1 Business Session and could possibly stay  
117 tabled due to the current market condition. He explained that currently Fifth Third representatives are advising to  
118 not enter into the market to issue bonds but that he and staff would continue to be in communications and monitor  
119 the situation. He stated an update would be provided at the April 1 Business Session.

120  
121 **NEW LEGISLATION**  
122

123 **An Ordinance Amending the Schedule of Municipal Compensation**  
124

125 Mr. Riblet explained that every two years in July City Council is presented with an updated schedule of municipal  
126 compensation to adjust annually the pay ranges of non-bargaining unit employees to be consistent with bargaining  
127 unit employees. He stated that staff also looks at the current market ranges and titles in an effort to be consistent  
128 and competitive. Mr. Riblet explained that, if approved, the Ordinance would be effective beginning with the first  
129 day of the first pay period in July 2020. These new pay ranges would reflect a 2.75% cost of living wage increase  
130 in July 2020 and a 2.75% cost of living wage increase in July 2021.

131  
132 Mr. Riblet added that among the recommendations in the ranges, staff would like to change the Recreation  
133 Coordinator to Recreation Director to be consistent with the duties of the position and also would like to title of the  
134 Building and Development Manager changed to Office Manager.

135  
136 **A Resolution Accepting A Bid and Authorizing the City Manager to Enter into A Contract with J.K. Meurer**  
137 **Corporation for the 2020 Street Resurfacing Program**  
138

139 Mr. Heitkamp explained that City Council is requested to authorize the City Manager to enter into a contract with  
140 J. K. Meurer Corporation for the annual Street Resurfacing Program. He explained that this year's 2020 Street  
141 Resurfacing Program includes resurfacing 2.19 centerline miles of roadways and is programmed in the 2020 Capital  
142 Improvement Program 410-261-5470 account. He stated that it is requested that this project be approved for funding  
143 in the amount of \$756,700.00 to complete the Base Bid and Alternate #1. The amount of the recommendation  
144 includes \$49,539.86 in project contingency funding or approximately 7% of the bid amount.

145  
146 Vice Mayor Margolis asked if that amount included curb repair and fire hydrant replacement.

147  
148 Mr. Heitkamp explained that is did include curb repair, however the fire hydrant replacement is conducted under a  
149 sperate contract with a separate contractor. Mr. Heitkamp stated that the City is issuing that contract now.

150  
151 **An Ordinance Adopting Amended Articles I, III, and V, Rules and Regulations for The Hamilton County**  
152 **Storm Water District**  
153

154 Mr. Heitkamp explained that it is requested that City Council consider the approval of this Ordinance that would  
155 adopt the regulations for the Hamilton County Storm Water District. The United States Environmental Protection  
156 Agency (USEPA) and Ohio EPA (OEPA) require designated communities, including Hamilton County, which own  
157 or operate a Municipal Separate Storm Sewer System (MS4) to develop a Storm Water Management Program  
158 pursuant to the Storm Water Phase II Permit Program of the National Pollutant Discharge Elimination System  
159 (NPDES). He explained that this program enables a jurisdiction to address the quality of storm water runoff within  
160 their jurisdiction. As a member municipal corporation under the Phase II Permit, the City must consent to the  
161 operation and rules and regulations as stated in Exhibit A "Determinations and Background Pertinent to Storm

162 Water Management in Hamilton County, Ohio” or enact alternative rules and regulations to be mutually agreed  
163 upon.  
164

165 Mr. Heitkamp explained that the City currently has Articles I-V in place and explained the focus of the amendments  
166 as follows. He stated that Article I clarifies definitions of the plan, Article III addresses earthwork regulations, and  
167 Article V addresses post-construction storm water quality regulations.  
168

169 Ms. Roblero explained that the City has been a leader among municipalities who mandate builders to comply with  
170 all post-construction storm water quality regulations and has been successful with this since added to the Zoning  
171 Code.  
172

### 173 **ADMINISTRATION REPORT**

174  
175 Mr. Riblet reported the following items:  
176

- 177 • The City Council Business Session is scheduled for April 1, 2020 at 7:00 p.m.
- 178
- 179 • Prior to the April 1 meeting the following Chair Updates were scheduled for City Council. Mr. Riblet asked  
180 City Council to advise if the updates are to be held or rescheduled for another time:  
181
  - 182 ○ 6:00 Greg Leader – Arts Commission
  - 183 ○ 6:15 Mary Jo Byrnes- BZA
  - 184 ○ 6:30 Marcallene Shockey-Sister Cities
  - 185 ○ 6:45 Chip Harrod- D & I Committee
  - 186

187 City Council discussed that in light of the current world conditions that it would be best to postpone these  
188 updates to another time in the year or possibly even have the Chairs provide written reports.  
189

- 190 • All Committee meetings for April have been cancelled for lack of agenda items.

191 Mr. Riblet requested an Executive Session for matters relating to compensation of a public employee.  
192

### 193 **LAW DIRECTOR REPORT**

194  
195 Mr. Donnellon stated he had no report.  
196  
197

### 198 **CITY COUNCIL REPORTS**

#### 199 200 **Mr. Cappel**

201  
202 Mr. Cappel proposed to cancel the March and April monthly cardboard recycling events due to the pandemic and  
203 remind residents to recycle what they could through their curbside recycling program.  
204

#### 205 **Mrs. Harbison**

206  
207 Mrs. Harbison reported the following items that were discussed at the Government Affairs Committee meeting held  
208 on March 9:  
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- Flag designs were presented, and the Committee recommends design #1, however Mrs. Harbison asked for feedback from Council on their choice of design. Council discussed the options and agreed to go with design #1.
  - A follow-up discussion on the Community Leadership Forum was held. Mrs. Harbison explained that the videotaping of the forum and making it available online was discussed. She stated that it was also discussed to open the forum up to 100 registrations rather than by invitation only, or the current format could be retained. She asked for feedback from Council. Both Mr. Cappel and Mayor Dobrozsi liked opening it up to the first 100 registrations. Mrs. Harbison stated there would be additional discussions as we get closer to the planning of the 2021 forum.
  - The Boards and Commission training was discussed as it is normally held the first week of May each year. She explained that after discussion the Committee recommended postponing the training until next year as there has not been new members appointed. Mr. Suer and Mayor Dobrozsi both agreed with holding the training on a biannual basis beginning in 2021. Mr. Suer stated that he felt this training should target new or newer members only.

224

225 **Mr. Suer**

226

227 Mr. Suer congratulated staff on another successful MCLA program.

228

229 **Vice Mayor Margolis**

230

231 Vice Mayor Margolis reported the following items that were discussed at the Planning, Zoning and Landmarks

232 Committee meeting held on March 2:

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- 242
- A revised Noise Ordinance was presented by staff. Among the changes were the new definition of work hours of 7:00 a.m. to 9:00 p.m. Monday through Friday and 9:00 a.m. to 8:00 p.m. on the weekends. He added that there was also a noise limit added of 60 decibels that would exclude emergency aircraft.
  - The 2019 Housing Report was presented.
  - There were 64 property maintenance code violations issued in 2019.
  - Staff has developed and recommended a Sensitive Infill Award that would promote positive reinforcement for builders. The Staff would oversee the entire process and the highlighted builder would be featured in the monthly bulletin.

243 **Mayor Dobrozsi**

244

245 Mayor Dobrozsi echoed Mr. Suer's comments on the success of the MCLA program. He also thanked staff for their

246 work this past week as we navigate through the pandemic crisis.

247

248 **APPROVAL OF MINUTES**

249

250 Mayor Dobrozsi asked for a motion to approve the March 3, 2020 Special Session and the March 4, 2020 Business

251 Session minutes.

252

253 Mr. Cappel made a motion to approve the minutes. Vice Mayor Margolis seconded. City Council unanimously

254 agreed.

255

256 **OTHER BUSINESS**

257

- 258 a. **Designation of a Records Training Representative**
- 259

260 Mr. Donnellon explained that a Resolution was previously passed that names Faith Lynch, Community Engagement

261 Coordinator and Connie Gaylor, Clerk of Council as City Council's records training designees. He stated that this

262 year the Auditors requested an update of this designation which can be accomplished by a motion to reaffirm these  
263 assignments.

264  
265 Mr. Cappel made a motion to reaffirm Faith Lynch and Connie Gaylor as records training representatives. Vice  
266 Mayor Margolis seconded. City Council unanimously agreed.

267  
268 Mr. Donnellon addressed the questions regarding an Emergency Ordinance. He explained that there were a number  
269 of communities who were passing emergency designations as we did in the aftermath of the 1999 tornado. He stated  
270 we needed it during that time as the emergency affected only us whereas at this time we are covered under the  
271 declarations of the State and Federal governments. He stated that an Emergency Ordinance waives competitive  
272 bidding, appropriates up to \$500,000 to meet needs and authorizes the Mayor and City Manager to apply for federal  
273 funding.

274  
275 Mr. Donnellon stated that if we see the need to issue an Emergency Ordinance we will then move to virtual meetings.  
276 If and when we get to this point a special meeting to be conducted by phone will be scheduled to pass a declaration.

277  
278 Mr. Riblet stated that another consideration of declaring an emergency is that Administration would be able to  
279 forego contract language with the labor unions to change schedules. He stated that at this time he didn't feel we  
280 were at that level.

281  
282 Ms. Roesch asked if we could call an emergency meeting by phone and could we then declare by phone.

283  
284 Mr. Donnellon replied that was correct. He stated that the Mayor can call an emergency meeting by phone and then  
285 issued a declaration remotely, under the Attorney General's opinion. He stated that we would read the legislation  
286 over the phone and then perform a "all in favor" vote and that would conclude the meeting.

287  
288 Mr. Cappel asked if phones weren't an option for everyone, what would be the next step?

289  
290 Mr. Donnellon stated that we would have to meet at City Hall.

291  
292 Vice Mayor Margolis asked if we were still required to have advanced notice of the meeting.

293  
294 Mr. Donnellon replied that it is 24 hours in advance or in an emergency, it could be waived.

295  
296 Mrs. Bissmeyer asked if the police department were modifying any of their procedures,

297  
298 Chief Crowell replied that officers have been instructed to restrict some of their reasons for pulling motorists over.  
299 He stated that they are to protect life but to not enforce expired tags since the Bureau of Motor Vehicles has been  
300 closed and expired tags and licenses has been extended. He stated that officers are encouraged to take reports over  
301 the phone as well. He added that Mayors Court has been discontinued until the Governor's ban is lifted so there are  
302 not many people coming into the lobby.

303  
304 Mr. Riblet stated that he is recommending that Boards & Commission meetings be cancelled through April unless  
305 the meeting is critical.

306  
307 Mayor Dobrozsi stated that as Mr. Riblet has asked for an Executive Session for matters related to compensation  
308 of a public employee.

309  
310 Mr. Cappel made a motion to adjourn into Executive Session for matters related to compensation of a public  
311 employee. Mr. Suer seconded.

312  
313 The roll as called and showed the following:

314

315 AYE: Cappel, Harbison, Dobrozi, Margolis, Suer (5)  
316 NAY: (0)  
317 ABSENT: Bissmeyer, Roesch (2)

318  
319 Council adjourned in Executive Session at 7:50 p.m.

320  
321 City Council reconvened into Public Session at 8:34 p.m.

322  
323 Mayor Dobrozi asked if there was any further business to discuss in Public Session. There being none he asked for  
324 a motion to adjourn.

325  
326 Mr. Cappel moved to adjourn. Vice Mayor Margolis seconded. City Council unanimously agreed.

327  
328 City Council adjourned at 8:34 p.m.

329  
330  
331  
332

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