

City of Montgomery
City Council Business Session Minutes
March 4, 2020

Present

Brian Riblet, City Manager
Terry Donnellon, Law Director
John Crowell, Police Chief
Gary Heitkamp, Public Works Director
Katie Smiddy, Finance Director
Paul Wright, Fire Chief
Matthew Vanderhorst, Community and Information Services Director
Faith Lynch, Community Engagement Coordinator
Connie Gaylor, Clerk of Council

City Council Members Present

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

Absent

Tracy Roblero, Asst. City Manager/Acting Community Development Director

City Council convened in Council Chambers for the Business Session at 6:55 p.m. with Mayor Dobrozsi presiding.

ROLL CALL

Mayor Dobrozsi asked for a motion to dispense with the roll call since everyone was in attendance.

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

GUESTS & RESIDENTS

Todd and Christy Majeski, 10715 Escondido Drive-Council Member Roesch presented Todd and Christy Majeski with a Certificate of Appreciation as the Beautification and Tree Commission Fall Seasons of Beauty Winners. City Council shared their enjoyment and appreciation of the Majeski's holiday decorations and care for their property.

Kevin Kahn, Libertarian Party candidate for the U.S. House of Representatives for the 1st District of Ohio introduced himself to City Council and shared his background and political interests prior to the upcoming election.

Steve Silverman, 7504 Golf Green Drive-Mr. Silverman asked Mr. Donnellon when the last negotiations for the use of the parking lot at the Masonic Lodge were last discussed.

Mr. Donnellon replied that he believed it to be three to four years ago. He stated he believed the terms were that we get to use the lot for public parking as long as we maintain the lot.

Mr. Silverman stated that he was a member of the Mason's organization and he thought the terms of the agreement were if the Mason's were to need to use the lot for private purposes that they would give the City a ten-day notice. He asked in what way the City ensures that the lot wouldn't be used by the public during those times.

Mr. Riblet stated that in the past, the public works department would deliver signs and cones to block the lot off.

LEGISLATION FOR CONSIDERATION TONIGHT

There was none.

PENDING LEGISLATION

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

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

Vice Mayor Margolis read the title and moved for passage of the second reading of the Ordinance. Mr. Cappel seconded.

Vice Mayor Margolis explained that information has been previously supplied on this Ordinance requesting that City Council authorize an Ordinance to amend Chapter 151.14 of the Code of Ordinances that would enact new regulations for the Heritage Overlay District. The Planning Commission voted unanimously to recommend approval of the text amendments to Chapter 151 of the Land Usage Code as recommended by the Landmarks Commission.

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

The roll was called and showed the following vote:

AYE: Cappel, Bissmeyer, Harbison, Dobrozsi, Margolis, Roesch, Suer (7)
NAY: (0)

NEW LEGISLATION

An Ordinance Enacting and Adopting the 2019 Recodification to the Code of Ordinances and Declaring an Emergency

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

Vice Mayor Margolis read the title of the Ordinance and moved to suspend the rules requiring three readings. Mr. Cappel seconded.

The roll was called and showed the following vote:

AYE: Bissmeyer, Harbison, Dobrozsi, Roesch, Suer, Margolis, Cappel (7)
NAY: (0)

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

Vice Mayor Margolis explained that information has been previously supplied on this Ordinance that, if approved, would adopt the 2019 Recodification to The Code of Ordinances. This legislation routinely is passed by City Council in cooperation with American Legal Publishing to update our online Code of Ordinances. The supplement includes all Ordinances passed by the City which impact our Code, and it includes supplements for laws passed by the State of Ohio when the legislature adjusts the general Traffic and Criminal Codes. This Ordinance is being proposed as an emergency measure to be sure that the Code is accurately and completely updated online.

Steve Silverman, 7504 Golf Green Drive-Mr. Silverman suggested to City Council and staff that the Community and Information Services Department organize a class on "Ordinance 101" to educate people on how an Ordinance is developed.

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

The roll was called and showed the following vote:

AYE: Harbison, Dobrozsi, Margolis, Roesch, Suer, Cappel, Bissmeyer (7)
NAY: (0)

An Ordinance to Amend Appropriations for Current Expenses and Other Expenditures of The City of Montgomery, State of Ohio, During the Fiscal Year Ending December 31, 2020

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

Mr. Suer read the title and moved to suspend the rules requiring three readings. Mr. Cappel seconded.

The roll was called and showed the following vote:

AYE: Dobrozsi, Roesch, Suer, Margolis, Cappel, Bissmeyer, Harbison (7)
NAY: (0)

Vice Mayor Margolis moved for passage of the Ordinance. Mr. Cappel seconded.

Mr. Suer explained that information has been previously supplied requesting that City Council consider approving an Ordinance to Amend Appropriations for Current Expenses and other Expenditures of the City of Montgomery, State of Ohio, during the Fiscal Year ending December 31, 2019. It is necessary for City Council to amend the 2020 annual Appropriation Ordinance to reflect changes in the initial budget as the result of the monies needed to fund the Montgomery CIC and expenses associated with the Vintage Club North Construction Project.

Mr. Suer asked if there were any updates. Ms. Smiddy replied there were none.

Mr. Silverman asked if this Ordinance would be passed as an emergency.

Mr. Donnellon explained that Appropriation Ordinances do not carry a referendum period of 30 days and are immediately effective.

The roll was called and showed the following vote:

AYE: Roesch, Suer, Margolis, Cappel, Bissmeyer, Harbison, Dobrozsi (7)
NAY: (0)

Mayor Dobrozsi stated that for the next three pieces of legislation he would recuse himself from the discussion and vote. He reminded everyone 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. He asked Vice Mayor Margolis to take over the meeting.

A Resolution Approving A Construction Agreement with Brandicorp, LLC For the Montgomery Quarter Public Improvements

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

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

Mr. Cappel explained that information has been previously supplied on this Resolution that, if approved, will authorize the City Manager to finalize and execute a contract with Brandicorp, LLC for the construction of Stage 1 of the Montgomery Quarter Project public improvements. These improvements, which will be completed in three Sequences to be able to start the Project immediately while final plans are being developed for the latter Sequences of the project. The three Sequences include site preparation, utility construction, and the final Sequence will include sidewalks, landscape and streetscape improvements. The total contract amount for all three Sequences will not exceed \$10,000,000, and the contract will be finalized with Guaranteed Maximum Pricing for each Sequence. The construction management fee to be paid to Brandicorp, LLC is 3.5% of the Cost of Work. Brandicorp, LLC was chosen through a competitive process authorized by R.C. § 9.33 et. seq. which allows this construction delivery model in lieu of the traditional spec and bid.

Mr. Donnellon provided background on the RFP process that began months ago in which Brandicorp and Prus Construction were interviewed following their submissions. The evaluation committee consisting of himself, Mr. Riblet and Mr. Heitkamp, concluded that with early costing that Brandicorp would be more cost efficient and would guarantee pricing amendments. Mr. Donnellon explained that as part of the contract, there will be clear language on open book pricing and the City has the right to review the bids and verify the qualifications of the subcontractors. Mr. Donnellon stated that Brandicorp will advertise for subcontractors in the essence of time. He stated that the contracts with all subcontractors will include an overtly equal employment opportunity statement as well as requiring all employees to be drug and alcohol free.

Steve Silverman, 7504 Golf Green Drive-Mr. Silverman thanked Mr. Donnellon for an excellent explanation of transparency in the contract. He asked Council to what extent, if any, the Beautification and Tree and Landmarks Commission involved in the endeavor of the Montgomery Quarter.

Mr. Donnellon stated that the Landmarks Commission has a part in reviewing the development plans and have already approved the first stage of the development plans to move forward to Planning Commission. He explained that the landscape plan is something very specific that goes to the Planning Commission for the review with the final development plan.

Mr. Silverman asked if the Beautification and Tree Commission is involved reviewing the landscape plan.

Mr. Donnellon stated that we do not have a requirement that the Beautification and Tree Commission review the landscape plans, that they are typically reviewed by our landscape engineers.

Ms. Roesch stated that our City Arborist does review the plans.

Mr. Riblet stated that we do have our streetscape guidelines in place for Montgomery Road frontage and it is the intent to carry those guidelines throughout the Montgomery Quarter design. He stated that what you see along Montgomery Road will be seen throughout the development. He stated that staff will share those designs with the Beautification and Tree Commission.

The roll was called and showed the following vote:

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

Ms. Roesch stated that she will recuse herself from the next two pieces of legislation and exited the dais.

Mr. Donnellon asked that the minutes reflect the change in the legislation from \$6 million to \$8 million so staff has the flexibility in issuing notes based on the amounts that bids come in at.

Mr. Donnellon also stated that as discussed at the February 19 Work Session, there is no need for an IRS reimbursement Resolution as there is one currently in place that would encompass this short-term note.

Mr. Cappel made a motion to correct the agenda, changing the legislation from \$6 million to \$8 million. Mr. Suer seconded. City Council unanimously agreed.

An Ordinance Providing for The Issuance of Not to Exceed \$8,000,000 Of Notes by The City of Montgomery, Ohio, For the Purpose of Making Public Infrastructure Improvements in The City and Declaring an Emergency

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

Mr. Suer read the title and moved to suspend the rules requiring three readings. Mr. Cappel seconded.

The roll was called and showed the following vote:

AYE: Margolis, Cappel, Bissmeyer, Harbison, Suer	(5)
NAY:	(0)
RECUSE: Dobrozsi, Roesch	(2)

Vice Mayor Margolis moved for passage of the Ordinance. Mr. Cappel seconded.

Mr. Suer explained that information has been previously supplied on this Ordinance requesting that City Council consider approving the issuance of \$8,000,000 in Bond Anticipation Notes to cover the cash needs for construction of public improvements in the Montgomery Quarter Project. He explained the Notes may be converted to General Obligation Bonds in the future if interest rates remain favorable or they can be extended and/or repaid on a short-term basis from other available downtown improvement funds. Debt service for these Notes will be included in the City's Budget.

Mr. Suer asked if there were any updates.

Mr. Donnellon explained that as previously indicated, the public improvements will be performed in three sequences. He stated that Phase 1 and 2 may overlap which could require additional funding going above the \$6 million dollar Note. He stated that although Council is asked to change the Note to \$8 million, the City may not borrow that amount. He explained that this is a one year note that could be converted into a General Obligation Bond or renew in one year. Mr. Donnellon explained that staff is asking to pass this as an emergency due to the Market volatility and would like the flexibility to be able to issue the bonds as soon as it is necessary. He stated that he feels we are still two to three weeks away from issuing them, but this will provide us the flexibility to move quickly if needed.

Steve Silverman, 7504 Golf Green Drive-Mr. Silverman asked Mr. Donnellon what caused the ½ point increase in the bond because the stock market dropped.

Mr. Donnellon replied that he could not answer to what caused the stock market to drop.

The roll was called and showed the following vote:

AYE: Cappel, Bissmeyer, Harbison, Suer, Margolis	(5)
NAY:	(0)
RECUSE: Dobrozsi, Roesch	(2)

An Ordinance Authorizing The Issuance Of Not To Exceed \$20,000,000 Special Obligation Revenue Bonds Of The City Of Montgomery; Providing For The Pledge Of Revenues For The Payment Of Such Bonds; Authorizing A Trust Agreement Appropriate For The Protection And Disposition Of Such Revenues To Further Secure Such Bonds; Authorizing An Official Statement; Authorizing Other Necessary And Appropriate Documents; And Authorizing Other Actions In Connection With The Issuance Of Such Bonds

Mr. Donnellon stated that this legislation was tabled at the February 19, Work Session and he advised Council to leave on the legislation on the table until we are closer in time for the construction to start.

Mayor Dobrozsi and Council Member Roesch returned to their seats at the dais. Mayor Dobrozsi assumed control of the meeting.

A Resolution to Accept the One Ohio Memorandum of Understanding

Mayor Dobrozsi assigned the legislation to Council Member Bissmeyer.

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

Mrs. Bissmeyer read the title and moved for passage. Mr. Cappel seconded.

Mr. Donnellon explained that this Resolution declares the City's support for the One Ohio Memorandum of Understanding requested by the Governor and Attorney General. He stated that this Resolution supports Ohio's Negotiating Committee in their efforts to reach a settlement in the Opioid litigation involving the pharmaceutical industry. The MOU commits the City to the unified process and supports the proposed guidelines for administering any settlement between Local Governments (30% of proceeds) a state created public/private foundation (55%) and the State of Ohio (15%). The City Manager will be the point of contact for the City to continue to support the settlement efforts.

Mrs. Bissmeyer asked for confirmation of the wording that if the local government share would be under the \$500 that it would revert back to the County and questioned if we would be under that limit.

Mr. Donnellon stated that we would be well above that amount as the formula is based on an algorithm that considers the number of residents. He stated it would be a very rural district with only 400-500 residents that would receive \$500 or less.

Mr. Margolis asked in what form the show of support is.

Mr. Donnellon replied it would be in the form of the Resolution.

Steve Silverman, 7504 Golf Green Drive- Mr. Silverman asked Mr. Donnellon if he had a list of the pharmaceutical companies that were involved.

Mr. Donnellon replied that he did not that they are listed online. He stated that there were hundreds.

The roll was called and showed the following vote:

AYE: Cappel, Bissmeyer, Harbison, Dobrozsi, Roesch, Suer, Margolis (7)

NAY: (0)

ADMINISTRATION REPORT

Mr. Riblet reported the following items:

- A City Council Work Session is scheduled for March 18, 2020 at 7:00 p.m.
- As a reminder, Kim Chelf with Hamilton County Public Health will be presenting the Community Health Assessment prior to the March 18 Work Session beginning at 6:30 p.m.
- The Government Affairs Committee will meet on Monday, March 9 at 4:30 p.m. The Parks and Recreation and Public Works Committees have cancelled their meetings for the month of March.
- Tracy Roblero is attending the Ohio City Manager Association Winter Conference in Columbus Wednesday, March 4 and Thursday, March 5.
- The City was informed that once again we are being recognized with the "Achievement of Excellence in Financial Reporting" for our 2018 CAFR. This marks the 22nd consecutive year for this recognition. A big kudos off to Katie and everyone in Finance.

- Tracy Roblero, Chip Harrod and Mr. Riblet met with members of the Hispanic Chamber of Commerce, the Midwest Chinese Chamber of Commerce, the African American Chamber of Commerce and the Indian Chamber of Commerce on Tuesday afternoon as part of the Diversity and Inclusion Committee's continued efforts to promote diversity within the community.
- The annual Boards and Commission Chair Updates to City Council are scheduled for April 1, April 22, and May 6. The updates are scheduled in 15-minute increments and will be scheduled as close to the meeting times as possible.
- A contract was recently signed to support the upcoming concert season of BAMSO in the amount of \$27,500 which includes a concert this Sunday at St. Barnabas Episcopal Church beginning at 6:00 p.m.
- A contract was signed with Brian Christian Landscaping & Lawn Care for mowing services for the 2020 mowing season for various City parcels in the amount of \$49,999.82 which includes 26 mowing cycles.
- Staff is in the process of scheduling initial screening phone interviews for the Service Worker I position for mid-March. The City received 49 applications and selected 16 candidates for phone interviews. This position is opening up as Jim Stewart announced his plans to retire at the end of May.
- A job announcement for seasonal positions for the Public Works Department is being distributed and advertised with a March 31 application deadline. Several seasonal employees from prior years will not be returning this year.
- Announcements for an April 24 written examination for Firefighter/EMT(Paramedic) have been distributed with an application deadline of April 3. The written exam is the first step in the process authorized by the Civil Service Commission to establish a new eligible list. We will be working to fill six additional firefighter/paramedic positions authorized in the 2020 budget.
- MCLA meets Saturday, March 7, at 8:00 a.m. at Universalist Church. This session, "History and Development, the Art of Co-existence".
- The next Neighborhood Leaders Forum will be held on Monday, May 11 at Terwilliger Lodge. The K9 unit of Officer Alex Janszen and Ricky will be at this forum to conduct demonstrations and answer questions. This program will start at 7:00 p.m.
- A Ribbon Cutting ceremony will be held on Tuesday, April 7 at 9:00 for the new greenhouse at Public Works.
- The 2020 Volunteer Recognition Dinner to be held on Wednesday, April 29 at the Montgomery Inn.

Mr. Riblet wished Chief Wright a Happy Birthday that evening and also Mayor Dobrozsi on March 23.

Mr. Riblet requested an Executive Session for matters related to pending and/or imminent litigation.

Mr. Margolis informed Council that he would be out of town from March 17 to March 25.

APPROVAL OF MINUTES

Mr. Donnellon asked to make a note in the February 19, Work Session minutes to add the following comment in parentheses: (It should be noted that this comment was not directed to any person nor group of persons in attendance. The comment was made after thanking Mr. Thomas and his wife for all they do in this crazy world we live in.) Mr.

Donnellon believed anyone reading the minutes who was not present at the February 19 meeting may not understand the exchange.

Vice Mayor Margolis moved to approve the addition to the February 19 minutes. Mrs. Bissmeyer seconded. City Council unanimously agreed.

Mr. Cappel moved approval of the minutes as amended. Mrs. Bissmeyer seconded. City Council unanimously agreed.

MAYOR'S COURT REPORT

Mayor Dobrozsi reported that the total Mayor's Court collection for the month of February is \$11,855 and asked for a motion to disburse the collection.

Mr. Cappel moved to accept and disburse the Mayor's Court Report for the month of February. Mr. Suer seconded. City Council unanimously agreed.

OTHER BUSINESS

Vice Mayor Margolis reported that at the Planning, Zoning and Landmarks Committee that the Committee discussed a revision to the existing Noise Ordinance to include revised construction work hours that will state the maximum level of decibels in which the noise level could be. The Committee also approved the recommendation by Staff for the creation of a new Sensitive Infill Award that the Community Development Department would issue to builders who promoted and enhanced greener efforts during construction.

Mayor Dobrozsi stated that Mr. Riblet had requested an Executive Session for matters related to pending and/or imminent litigation. He stated that it is anticipated that there would be a motion made in Public Session at the conclusion of Executive Session. He asked for a motion to adjourn into Executive Session.

Mr. Cappel made a motion to adjourn into Executive Session for matters related to pending and/or imminent litigation. Mrs. Bissmeyer seconded.

The roll was called and showed the following vote:

AYE: Cappel, Bissmeyer, Harbison, Dobrozsi, Roesch, Suer, Margolis	(7)
NAY:	(0)

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

City Council reconvened into Public Session at 8:12 p.m.

Mayor Dobrozsi stated that for the following discussion and motion, he would recuse himself and asked Vice Mayor Margolis to manage the completion of the meeting.

Mr. Donnellon explained that staff has been working on a very large records request for some time now. He stated the last request was for documents that may be considered privileged and had to do with the Montgomery Quarter development. He asked that City Council grant authority to the City Manager and himself to authorize the dispensing of the documents.

Steve Silverman, 7504 Golf Green Drive-Mr. Silverman asked if this was a lawsuit and was it in the discovery phase.


432 Mr. Donnellon replied that there was no lawsuit that this was a records request on the Montgomery Quarter. He
433 reiterated to Mr. Silverman that there was no pending lawsuit. Mr. Donnellon stated that if there was no resolution
434 on this request that it could possibly go to the Court of Claims.
435

436 Vice Mayor Margolis asked for a voice vote to authorize Mr. Riblet and Mr. Donnellon, as appropriate, to waive
437 and/or to preserve privilege in the final release of documents to resolve the pending records request. Mr. Cappel
438 moved to authorize Mr. Riblet and Mr. Donnellon, as appropriate, to waive and/or to preserve privilege in the final
439 release of documents to resolve the pending records request. Mrs. Bissmeyer seconded the motion. City Council
440 unanimously agreed.
441

442 Vice Mayor Margolis asked if there was any further business to discuss in Public Session. There being none he asked
443 for a motion to adjourn.
444

445 Mr. Cappel moved to adjourn. Mrs. Bissmeyer seconded. City Council unanimously agreed.
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447 City Council adjourned at 8:16 p.m.
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Connie Gaylor, Clerk of Council