

City of Montgomery  
City Council Business Session Minutes  
April 1, 2020

Present

Brian Riblet, City Manager  
Terry Donnellon, Law Director  
Tracy Roblero, Asst. City Manager/Acting Comm. Dev. Dir.  
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

City Council convened its Business Session for April 1, 2020 at 7:00 p.m. by telephone conference with Mayor Dobrozsi presiding. This remote access meeting was allowed by emergency legislation adopted last week by the Ohio General Assembly and approved by the Governor. The emergency legislation added language to RC Section 121.22 allowing public meetings by telephone conference during the current pandemic and declared State of Emergency. As required by the statute, notice of the telephonic meeting was publicized more than 24 hours in advance to allow public access through the same conference call in service. The public was also given a backup number to call in the event there were technical difficulties. This Notice was posted on the City's website and a similar Notice was sent to The Cincinnati Enquirer.

**ROLL CALL**

Mayor Dobrozsi asked for the roll to be called.

The roll was called with all members answering as present.

**GUESTS & RESIDENTS**

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

Mr. Cappel made a motion to move the Guests and Residents item to the end of the agenda. Vice Mayor Margolis seconded. City Council unanimously agreed.

**LEGISLATION FOR CONSIDERATION TONIGHT**

**NEW LEGISLATION**

**A Resolution Approving an Amendment to The City of Montgomery, Ohio Agreement and Plan of Industrial, Commercial, Distribution and Research Development**

Mr. Cappel made a motion to add the Resolution to the agenda. Vice Mayor Margolis seconded. City Council unanimously agreed.

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 City Council is asked to consider adopting this Resolution that is to confirm the Amendment to the Agreement and Plan with The Montgomery Community Improvement Corporation for economic development within the City. The Plan was adopted more than 30 years ago, and it is being updated consistent with R.C. § 1724.10 allowing the transfer under the terms and conditions established between the City and the MCIC. Under any circumstances, any monies the MCIC receives from the resale of the property must be returned to the

60 City. This Resolution confirms the motion Council previously made to waive consideration in the purchase, and it  
61 updates the Agreement and Plan consistent with MCIC action.

62  
63 Mayor Dobrozsi asked if there were any questions from City Council. There were none.

64  
65 The roll was called and showed the following vote:

66  
67 AYE: Cappel, Bissmeyer, Harbison, Dobrozsi, Margolis, Roesch, Suer (7)  
68 NAY: (0)  
69

70 Mayor Dobrozsi stated that for the next piece of legislation he would recuse himself from the discussion and vote.  
71 He reminded everyone that although he has no ownership interest in Neyer Properties, Inc. nor any in the limited  
72 liability companies in partnership to develop the Montgomery Quarter, he will continue to recuse himself from  
73 discussion and abstain from voting upon legislation related to the Montgomery Quarter project. He asked Vice Mayor  
74 Margolis to take over the meeting.

75  
76 **An Ordinance Amending Ordinance 14, 2019 Approving and Authorizing the Transfer of Real Property**  
77 **Acquired for Economic Development Purposes to The Montgomery Community Improvement Corporation**  
78

79 Mr. Cappel made a motion to add the Ordinance to the agenda. Mr. Suer seconded. City Council unanimously agreed.  
80

81 Vice Mayor Margolis assigned the legislation to Council Member Bissmeyer.  
82

83 Mrs. Bissmeyer moved to read the Ordinance by title only. Mr. Cappel seconded. City Council unanimously agreed.  
84

85 Mrs. Bissmeyer moved to suspend the rule requiring three readings of the Ordinance. Mr. Cappel seconded.  
86

87 The roll was called and showed the following vote:

88  
89 AYE: Bissmeyer, Harbison, Margolis, Roesch, Suer, Cappel (6)  
90 NAY: (0)  
91 RECUSAL: Dobrozsi (1)  
92

93 Mrs. Bissmeyer moved for passage of the Ordinance as an emergency. Mr. Cappel seconded.  
94

95 Mr. Donnellon explained that City Council is asked to consider adopting this Ordinance that mirrors action taken by  
96 the MCIC, which is to authorize the transfer of the real property and to approve a separate Purchase Agreement to  
97 sell the property for One Dollar (\$1.00) to MCIC with the condition that any proceeds received from the sale be  
98 returned to the City. The City also will be responsible to pay the real estate taxes accumulating to the date of transfer.  
99 Mr. Donnellon added that while the financial markets are in turmoil, staff is trying to position the City to move as  
100 quickly as possible as conditions improve for issuing bonds and for entering into Construction Agreements. He stated  
101 that City Council is asked to consider passing this legislation as an emergency so there is no delay in implementing  
102 the consolidation and transfer of the real property. This action is consistent with action Council previously took in  
103 September which was not passed as an emergency.  
104  
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106 The roll was called and showed the following vote:

107  
108 AYE: Harbison, Margolis, Roesch, Suer, Cappel, Bissmeyer (6)  
109 NAY: (0)  
110 RECUSAL: Dobrozsi (1)  
111

112 Mayor Dobrozsi retained management of the meeting at this time.  
113

114 **PENDING LEGISLATION**

115  
116 **An Ordinance Amending the Land Usage Code to Enact New Regulations for The Heritage Overlay District**

117  
118 Vice Mayor Margolis moved to read the Ordinance by title only. Mr. Cappel seconded. City Council unanimously  
119 agreed.

120  
121 Vice Mayor Margolis read the title and moved for passage of the Ordinance. Mr. Cappel seconded.

122  
123 Vice Mayor Margolis explained that information has been previously supplied on this Ordinance requesting that  
124 City Council authorize an Ordinance to amend Chapter 151.14 of the Code of Ordinances that would enact new  
125 regulations for the Heritage Overlay District. The Planning Commission voted unanimously to recommend approval  
126 of the text amendments to Chapter 151 of the Land Usage Code as recommended by the Landmarks Commission.

127  
128 Vice Mayor Margolis asked if there were any updates. Mr. Donnellon stated there were none.

129  
130 The roll was called and showed the following vote:

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

134  
135 **An Ordinance Authorizing The Issuance Of Not To Exceed \$20,000,000 Special Obligation Revenue Bonds**  
136 **Of The City Of Montgomery; Providing For The Pledge Of Revenues For The Payment Of Such Bonds;**  
137 **Authorizing A Trust Agreement Appropriate For The Protection And Disposition Of Such Revenues To**  
138 **Further Secure Such Bonds; Authorizing An Official Statement; Authorizing Other Necessary And**  
139 **Appropriate Documents; And Authorizing Other Actions In Connection With The Issuance Of Such Bonds**

140  
141 Mr. Donnellon advised City Council to keep this legislation on the table until the April 22 Work Session. He  
142 explained that Bond Advisors recommends postponing the issuance of these bonds for several more weeks in hopes  
143 that the market is more favorable.

144  
145 City Council agreed to leave the legislation tabled until the April 22 Work Session meeting.

146  
147 **NEW LEGISLATION**

148  
149 **An Ordinance Amending the Schedule of Municipal Compensation**

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151 Mrs. Harbison moved to read the Ordinance by title only. Mrs. Bissmeyer seconded. City Council unanimously  
152 agreed.

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154 Mrs. Harbison read the title of the Ordinance and moved for passage of the first reading of the Ordinance. Mr.  
155 Cappel seconded.

156  
157 Mrs. Harbison explained that information has been previously supplied on this Ordinance that, if approved, would  
158 establish a new Schedule of Municipal Compensation for non-bargaining unit employees. It is necessary to establish  
159 a new Schedule of Municipal Compensation as the current Schedule does not specify any wage rate adjustments for  
160 July 2020 or beyond. A new schedule is also needed to provide for title changes to address organizational needs.

161  
162 Mrs. Harbison asked if there were any updates. Mr. Riblet replied that there were none.

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164 Mr. Suer stated that the schedule of municipal compensation was done periodically to update pay ranges and titles  
165 as needed.

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167 The roll was called and showed the following vote:

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

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

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

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

Mr. Cappel explained that information has been previously supplied on this Resolution that, if approved, would authorize the City Manager to enter into a contract with J. K. Meurer Corporation for the annual Street Resurfacing Program. This year's 2020 Street Resurfacing Program includes resurfacing 2.19 centerline miles of roadways. The street resurfacing program is programmed in the 2020 Capital Improvement Program 410-261-5470 account. It is requested that this project be approved for funding in the amount of \$756,700.00 to complete the Base Bid and Alternate #1. The amount of the recommendation includes \$49,539.86 in project contingency funding or approximately 7% of the bid amount.

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

Mrs. Harbison stated that this is one of the many projects, that due to the reserves the City has, are able to proceed. She explained that the reserves are in place for situations like this such as COVID-19 that keep employees employed and projects moving forward.

The roll was called and showed the following vote:

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

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

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

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

Mr. Cappel explained that information has been previously supplied on this Ordinance that, if approved, would adopt the regulations for the Hamilton County Storm Water District. The United States Environmental Protection Agency (USEPA) and Ohio EPA (OEPA) require designated communities, including Hamilton County, which own or operate a Municipal Separate Storm Sewer System (MS4) to develop a Storm Water Management Program pursuant to the Storm Water Phase II Permit Program of the National Pollutant Discharge Elimination System (NPDES). This program enables a jurisdiction to address the quality of storm water runoff within their jurisdiction. As a member municipal corporation under the Phase II Permit, the City must consent to the operation and rules and regulations as stated in Exhibit A "Determinations and Background Pertinent to Storm Water Management in Hamilton County, Ohio" or enact alternative rules and regulations to be mutually agreed upon.

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

The roll was called and showed the following vote:

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

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**ADMINISTRATION REPORT**

Mr. Riblet reported that the past couple of weeks have been dedicated to operations surrounding COVID-19. He stated that staff is working to provide a safe environment for all employees while providing vital services to the community. He explained that he is working with staff to push information out to the community in a positive manner. He thanked staff, City Council and Mr. Donnellon for working diligently to finalize a COVID-19 Leave Policy.

Mr. Suer asked if the emergency response staff had enough Personal protection Equipment (PPE's).

Mr. Riblet replied that they do currently, having recently received additional supplies from the Hamilton County Emergency Management Association. He explained that staff were being cautious with the supplies as they have only received a partial order of what was originally requested.

**APPROVAL OF MINUTES**

Mayor asked for a motion to approve the March 18 and March 21 minutes. Mrs. Harbison and Mr. Donnellon indicated that they informed Ms. Gaylor of a few clarifications.

Mr. Cappel moved approval of the minutes as amended. Vice Mayor Margolis seconded. City Council unanimously agreed.

**MAYOR'S COURT REPORT**

Mayor Dobrozsi stated that the Mayor's Court report for the month of March would be deferred to the April 22 Work Session.

**GUEST AND RESIDENTS**

Steve Silverman, 7504 Golf Green Drive-Mr. Silverman reported that at 5:05 p.m. he was driving onto Ronald Reagan West and observed a black pickup truck go into the area where the City had planted daffodils and was pulling them up. He stated he reported this to the police and asked if staff could remove the remaining daffodils.

Mr. Silverman asked to what extent the City's emergency preparedness incorporates a response to a pandemic virus.

Mayor Dobrozsi reminded Mr. Silverman to email all questions to Mr. Riblet.

Mr. Riblet replied that he would be happy to provide Mr. Silverman with information that is addressed in our Emergency Operation Plan.

Mr. Silverman added that he hopes this teleconference format will be possible in the future.

Mayor Dobrozsi asked if there were any other residents participating in the call. There were no replies.

**OTHER BUSINESS**


Vice Mayor Margolis thanked our first responders, public works employees and all other staff members who were working to fulfill the needs of the city.

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

Mr. Cappel moved to adjourn. Mr. Suer seconded. City Council unanimously agreed.

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City Council adjourned at 7:36 p.m.

  
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Connie Gaylor, Clerk of Council