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2 City of Montgomery
3 City Council Work Session Minutes
4 February 19, 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 Director
13 Paul Wright, Fire Chief
14 Faith Lynch, Community Engagement Coordinator
15 Connie Gaylor, Clerk of Council
16

City Council Members Present

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

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18 City Council convened in Council Chambers for the Work Session at 7:00 p.m. with Mayor Dobrozsi presiding.
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20 ROLL CALL

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22 Mayor Dobrozsi asked for a motion to dispense with the roll call since everyone was in attendance.
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24 Mr. Cappel moved to dispense with the roll call. Mrs. Bissmeyer seconded. City Council unanimously agreed.
25

26 SPECIAL PRESENTATION

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28 **Mr. Harold Thomas** was presented with a Proclamation by Mayor Dobrozsi in honor of his contributions to the
29 City and philanthropic efforts throughout the community. City Council and staff thanked Mr. Thomas for his
30 generous donation to the Police Department and for his continued support of the community through the Thomas
31 Comprehensive Care Center.
32

33 Mr. Thomas stated that his philosophy was that charity begins at home.
34

35 **Ms. Paula Brehm-Heeger**, with the Public Library of Cincinnati and Hamilton County, made a presentation to City
36 Council and staff regarding the Library's Facilities Master plan.
37

38 **Mr. Chris Monzel**, former Cincinnati City Councilmember and Hamilton County Commissioner addressed City
39 Council to introduce himself and to declare his candidacy for the State of Ohio, House of Representatives District
40 28. He expounded upon his political concerns regarding public education, public safety and the restoration of the
41 Local Government Fund.
42

43 GUESTS & RESIDENTS

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45 Steve Silverman, 7504 Golf Green Dr - Mr. Silverman stated that he had a very solemn matter to speak about. He
46 stated that last year an individual of the community came to a Planning Commission meeting and had made
47 significantly offensive remarks about patients at Bethesda North Hospital. He stated that it was supported in part by
48 one or more individuals on the Planning Commission. He stated that he met with Mr. Donnellon and Mr. Riblet
49 about this. He stated that one of the things Mr. Donnellon wrote to him about was why he didn't protest at the time.
50 He stated he was protesting tonight. He stated an individual on Council use of the word "crazy". He said that
51 individuals who have a disability or who work in the mental health field find that remark significantly offensive and
52 discriminatory. He stated that he was not trying to offend the person who used this term and would categorize this
53 as a lack of sensitivity. He stated that he was surprised that the remark was used by a learned person, with continued
54 education, who has a relationship with an individual who is a psychiatrist. (It should be noted that this comment
55 was not directed to any person nor group of persons in attendance. The comment was made after thanking Mr.
56 Thomas and his wife for all they do in this crazy world we live in.)
57

58 Mayor Dobrozi thanked Mr. Silverman for his comments.
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60 **ESTABLISHING AN AGENDA FOR MARCH 4, 2020**

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62 **PENDING LEGISLATION**

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64 **An Ordinance Amending the Land Usage Code to Enact New Regulations for The Heritage Overlay District**
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66 Vice Mayor Margolis explained that information has been previously supplied on this Ordinance requesting that
67 City Council authorize an Ordinance to amend Chapter 151.14 of the Code of Ordinances that would enact new
68 regulations for the Heritage Overlay District. He stated that the Planning Commission voted unanimously to
69 recommend approval of the text amendments to Chapter 151 of the Land Usage Code as recommended by the
70 Landmarks Commission.

71
72 Vice Mayor Margolis asked if there were any updates.

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74 Ms. Roblero stated there were none. She stated that this legislation would bring the Code up to speed with modern
75 technology and building materials.

76
77 Steve Silverman, 7504 Golf Green Dr. – Mr. Silverman stated that he was contacted by an individual starting a new
78 magazine in Montgomery who seems to think that he knows about what the City is doing in the Heritage and Historic
79 District. He stated that he has explained to this individual that he is not the source. He would like to see the
80 Information and Communications Department place an article in the newsletter as to what this Ordinance will be
81 doing, probably as it's passed. He stated he has refused to be this person's source of information because in his
82 opinion if you are a person who is starting a magazine you should come to the meetings to find the information out
83 for yourself and get it from the "horse's mouth" from the source so to speak.

84
85 Mayor Dobrozi thanked Mr. Silverman for his comments and stated that this would be the second reading of this
86 Ordinance on March 4 with the third and final reading held at the April 1 Business Session.

87
88 **NEW LEGISLATION**

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

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93 Mr. Donnellon explained that this legislation routinely is passed by City Council in cooperation with American
94 Legal Publishing to update our online Code of Ordinances. The supplement includes all Ordinances passed by the
95 City which impact our Code, and it includes supplements for laws passed by the State of Ohio when the legislature
96 adjusts the general Traffic and Criminal Codes. Mr. Donnellon stated that the Ordinance is being proposed as an
97 emergency measure to be sure that the Code is accurately and completely updated online.

98
99 Steve Silverman, 7504 Golf Green Dr. – Mr. Silverman asked if there were any particular changes of significance
100 that Mr. Donnellon would think about.

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102 Mr. Donnellon thanked Mr. Silverman for his question and replied that periodically the City updates the Code of
103 Ordinances which is our printed book, but more importantly, our online Code of Ordinances for people who do
104 research. He stated that this being 2019 would pick up all of our Ordinances that have been enacted since our last
105 recodification two years ago and also changes that may have occurred on State laws that are put into our criminal
106 and traffic law. This is to approve it, pass it and put into law. Mr. Donnellon stated the reason for the emergency is
107 to provide law enforcement with the most up to date language to support their jobs.

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109 Mr. Silverman clarified that this was legislation that had been passed but not included to the printed and online
110 work.

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Mr. Donnellon told him that was correct that American Legal Publishing only updates when the City contracts with them to do so.

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

Ms. Smiddy explained that, if passed, this Ordinance would amend Appropriations for Current Expenses and other Expenditures of the City of Montgomery, State of Ohio, during the Fiscal Year ending December 31, 2019. She stated that it is necessary 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 Community Improvement Corporation (CIC) and expenses associated with the Vintage Club North Construction Project.

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

Mr. Riblet explained that, if approved, this Resolution would authorize 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 specification and bid. It is anticipated that this will be more efficient and provide cost savings to the City. Mr. Riblet added that this agreement is the culmination of a great deal of work by staff and the development team.

Mr. Cappel asked how early the work would begin.

Mr. Riblet replied that, if approved, work could begin as early as April.

Mr. Suer stated this was very good news and he was looking forward to the passage of the legislation.

Mr. Margolis stated that he knew the project was funded in part by the TIFs but asked what the other sources were.

Mr. Riblet replied that \$200 thousand was obtained from Hamilton County TID funds, \$250 thousand from State Capital Budget funds and an application is currently under review with the State for an additional \$750 thousand to support the public park within the development. He stated that he would continue to pursue other opportunities.

Steve Silverman, 7504 Golf Green Dr. – Mr. Silverman asked Mr. Donnellon about the of the Cincinnati Port Authority in the construction of the public park. He asked if Brandicorp was using the Cincinnati Port Authority as their vendor of choice.

Mr. Donnellon replied to Mr. Silverman that this contract was for the construction of the infrastructure and that the Port's involvement has to do with the construction of the garages.

Mr. Silverman stated that the media is protesting the rebuilding of the facility where the Millennial Hotel is and asked if Council was aware of the Port's management of that project.

Mr. Donnellon explained to Mr. Silverman that the City would not be dealing with the Port in its full realm. He stated that our agreement with them contains an inclusivity policy, but we are not that far along at this point.

164 Mayor Dobrozi stated to avoid any question of there being a conflict of interest, he will be abstaining from this
165 legislation item, especially with the addition of Neyer Properties, Inc., (NPI). He explained that he has no ownership
166 in NPI or in the LLC associated with the Montgomery Quarter. He explained that he will continue to recuse or
167 abstain from votes associated with the Montgomery Quarter.
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169 **An Ordinance Authorizing the Issuance of Not to Exceed \$10,000,000 Short Term Notes for The City of**
170 **Montgomery, Ohio For the Purpose of Funding Public Improvements Associated with Stage I Of the**
171 **Montgomery Quarter Project.**

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173 **An Ordinance Authorizing The Issuance of Not To Exceed \$20,000,000 Special Obligation Revenue Bonds**
174 **Of The City Of Montgomery; Providing For The Pledge Of Revenues For The Payment Of Such Bonds;**
175 **Authorizing A Trust Agreement Appropriate For The Protection And Disposition Of Such Revenues To**
176 **Further Secure Such Bonds; Authorizing An Official Statement; Authorizing Other Necessary And**
177 **Appropriate Documents; And Authorizing Other Actions In Connection With The Issuance Of Such Bonds**
178 **This legislation authorizes the issuance of \$20,000,000 in TIF Bonds to support the public improvements for**
179 **the Montgomery Quarter Project. The Bonds are to be repaid from payments in lieu of taxes (PILOT)**
180 **generated from the private improvements to be developed on the site. In a separate Service Agreement, these**
181 **PILOT payments are pledged to support repayment of the bonds**
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183 Mr. Donnellon explained that he would address both of the above pieces of legislation at the same time. He stated
184 that the Ordinance for the Issuance of \$10 mil in short term notes will enable the City to do the work included in
185 the contract with Brandicorp for the construction of Stage 1 of the Montgomery Quarter Project public
186 improvements. He stated that the legislation was not in the packet, but a decision was made to draw the amount
187 down to \$6 million rather than the \$10 million. He stated looking at the long term, the third sequence may not be
188 done for two to three years and there was no point in borrowing at this time for sequence three and to only authorize
189 what was needed for the first two sequences. He stated that the legislation would be ready for the next meeting for
190 a \$6 million short term note and Council could vote tonight to add it to the agenda for the March 4 meeting.
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192 Mr. Donnellon explained that for the next piece of legislation he is asking Council to table the Ordinance authorizing
193 the issuance of the not to exceed \$20 million Special Obligation Revenue Bonds. He stated that in discussions this
194 past week it was determined to upsize the bond amount to leave flexibility to borrow up to 20.1 million in case
195 interest rates were to change. The net effect will be the same and that is to borrow enough to build the garages and
196 fund \$1 million of public infrastructure improvements. He stated the reason to table the legislation is to ensure the
197 legislation is close in time to when we want to issue the bonds. He explained we are not ready to issue the bonds
198 yet, but the bonds are anticipated to be issued in June or July when the garage construction begins, overlapping the
199 utility and site work. He stated that after speaking with Bond Counsel and the Development Team, the decision was
200 made to table the legislation until the April Business Session.
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202 Mr. Donnellon stated that a companion piece that will also be presented in March is an IRS Resolution to authorize
203 reimbursement so when bonds are issued, we can pull the money to pay costs we have already incurred.
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205 Mr. Donnellon recapped that Council is asked to make a motion to add the Ordinance for short term notes in the
206 amount of \$6 million dollars to the March 4 agenda; table the Ordinance for the issuance of the \$20 million special
207 obligation bonds until the April 1 business session; and, to add the IRS Reimbursement Resolution to the March 4
208 Business Session agenda.
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210 Vice Mayor Margolis made a motion to add an Ordinance Authorizing the Issuance of Not to Exceed \$6,000,000
211 Short Term Notes for The City of Montgomery, Ohio For the Purpose of Funding Public Improvements Associated
212 with Stage I of the Montgomery Quarter Project. Mr. Cappel seconded. City Council unanimously agreed.
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214 Vice Mayor Margolis made a motion to add an IRS Reimbursement Resolution to the March 4 Business Session.
215 Mr. Cappel seconded. City Council unanimously agreed.
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217 Mrs. Bissmeyer made a motion to table the Ordinance Authorizing the Issuance of the Not to Exceed \$20,000,000
218 Special Obligation Revenue Bonds to the April 1 Business Session meeting. Mr. Cappel seconded. City Council
219 unanimously agreed.
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221 Ms. Roesch stated that she would be recusing herself from the discussion and vote of the Ordinance Authorizing
222 the Issuance of Not to Exceed \$6,000,000 Short Term Notes and also the Ordinance Authorizing the Issuance of the
223 Not to Exceed \$20,000,000 Special Obligation Revenue Bonds due to possible professional conflicts.
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225 Mayor Dobrozsi restated that he would recuse himself from these pieces of legislation as well for reasons already
226 stated above regarding possible professional conflicts in relation to the Montgomery Quarter.
227

228 Steve Silverman, 7504 Golf Green Dr. – He asked when the City obtains the bonds, for whatever amount it ends up
229 being, is that the amount being spent for sure or is that the amount pending approval of final amounts.
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231 Mr. Donnellon replied that this is an authorization to borrow up to \$6 million. He explained that in our CMAR
232 agreement we will be negotiating, in each sequence, guaranteed maximum pricing.
233

234 Mr. Silverman suggested that if there is another Open House that this be explained so people can understand that
235 the City is being stewards of the money and money will not be spent unless it is approved.
236

237 Mr. Riblet explained that in the CMAR agreement, Brandicorp will be soliciting bids, reviewing bids and come to
238 the City for the approval of the bids.
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240 Mr. Silverman asked when Brandicorp goes out for bids will they be required to follow governmental processes for
241 reviewing bids or will it be private.
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243 Mr. Riblet stated that they are private, but they will be coming through the City for review and approval.
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245 Mr. Donnellon replied that it is a hybrid. He explained that Governor Kasich realized several years ago that while
246 the Statute requires specifications are put out with the lowest and best bid selected, the Governor recognized it isn't
247 an efficient model anymore so the State has authorized contracts with a Construction Manager at Risk (CMAR) like
248 what we are doing now or a Design Build like at the Christ Hospital garage. He explained that when we go through
249 a competitive process by issuing an RFQ and RFP we can then pass the responsibility onto the construction manager
250 to go out to bid and manage the contractors.
251

252 Mr. Silverman stated that those bids were not always the lowest.
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254 Mr. Donnellon responded that it is not always the lowest because we were also looking for the best bid.
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255 ADMINISTRATION REPORT

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257 Mr. Riblet reported the following items:
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259 • The City Council Business Session is scheduled for March 4, 2020 immediately following a CIC meeting
260 scheduled to begin at 6:45 p.m.
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262 • A Montgomery CIC meeting is scheduled for March 4, 2020 at 6:45 p.m. to accept the “Driver” property
263 which was formerly purchased by the Development Team to be included as part of the Montgomery Quarter.
264 This is necessary for this parcel to be included in the consolidation plat and ultimately sub-divided and
265 included with the residential parcel of the Montgomery Quarter Stage I.
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267 Mr. Cappel made a motion to commence the Business Session meeting immediately following the
268 conclusion of the CIC meeting. Mrs. Bissmeyer seconded. City Council unanimously agreed.

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- The Financial Planning and Planning, Zoning and Landmarks Committees of Council will meet on Monday, March 2 at 4:30 and 5:00 p.m., respectively. The Law and Safety Committee has cancelled their meeting for March.
- The Parks and Recreation and Government Affairs Committees are planned to meet Monday, March 9, however an update will be provided at the March 4 Business Session. The Public Works Committee has cancelled their meeting for March.
- Congratulations to Connie Gaylor for obtaining the Certified Municipal Clerk (CMC) designation from the International Institute of Municipal Clerks. This designation supports the work of City Council.
- State Auditors began their fieldwork for the 2019 audit the past Monday. The team of four have been testing payroll entries, reviewing payables and contracts and testing random samples of our tax refunds.
- Tracy Roblero participated in a tour of the Sycamore School District as part of their bond rating presentation for their Master Facility Plan. Tracy shared information about Montgomery Quarter, Twin Lakes, Thomas Comprehensive Care Center and the Vintage Club.
- Thursday evening marks week #7 of the MCLA sessions. Students will be visiting the Public Works building to learn about all of the great people that provide our public works and recreation services. This session begins at 5:45 p.m.
- Also, on Thursday, February 20, a retirement celebration will be held for Diane Adamec at Slats Pub in Blue Ash, honoring her many years of service on the Sycamore Board of Education and to the local community.
- Sycamore Schools will host a Community Design Forum on Thursday, February 27 at 6:30 p.m. at Sycamore Junior High. At this forum the public will have the opportunity to learn about the Master Facility design and provide feedback.
- Looking ahead the 2020 Southwest Ohio Tree City USA Award Program will be held on Friday, April 17 in the City of Sidney. Please let Connie or Terry Willenbrink know by April 3 if you plan to attend.

LAW DIRECTOR REPORT

Mr. Donnellon reported that a conference was held by Governor Mike DeWine’s office regarding the statewide effort known as One Ohio. This settlement plan spells out how settlement money will be divided back to local communities, if the State of Ohio is successful in its lawsuit against drug companies and others in the pharmaceutical industry. He explained that 30 percent of settlement funds will go to local governments for costs related to fighting opioids, 55 percent will be issued in grants, and 15 percent will go to the attorney general's office to cover response costs.

CITY COUNCIL REPORTS

Mr. Cappel

Mr. Cappel reported that the monthly cardboard recycling event was held the previous weekend in surprisingly good weather.

321 **Mrs. Bissmeyer**

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323 Mrs. Bissmeyer and no report.

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325 **Mrs. Harbison**

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327 Mrs. Harbison reported the following items:

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- 329 • The Dinner Around the World event was held with record number participation. She stated that the Sister
 - 330 Cities Commission discussed looking for a different venue to accommodate the larger crowd.
 - 331 • The Improv at the Uni event was held and also had a large number of attendees. She stated that both of
 - 332 these events brought in approximately 150 people into the city. She shared her appreciation with staff for
 - 333 the coordination and management of these popular events.
 - 334 • Sister Cities is in full Bastille Day planning. The band Hotel California will be the headliner on the main
 - 335 stage this year. A number of restaurants have committed for their participation this year.
 - 336 • There are five people coming from Montgomery, New York to participate in Bastille Day. A welcome
 - 337 dinner is planned in their honor for Friday, July 17 at 6:00 at the Montgomery Inn.
 - 338 • The Arts Commission will hold a strategic planning session at their next meeting in which Nancy Nolan
 - 339 will be conducting.
 - 340 • At Government Affairs the policy on donations was discussed.
 - 341 • The Hamilton County Municipal League and First Suburbs Consortium will hold a joint meeting on
 - 342 Thursday, April 30 at the Blue Ash Recreation Center to discuss their annual programming.
 - 343 • The Planning Commission discussed the approval of signs going to staff and not being presented to the
 - 344 Planning Commission. Vice Mayor Margolis stated that the discussion was that if sign applications followed
 - 345 the zoning and land use code, that the Planning Commission felt they were rubber stamping something that
 - 346 staff could handle. Ms. Roblero added that the Planning Commission made a motion for staff to investigate
 - 347 best practices in the process and if there should be a text amendment made on the process, then to come to
 - 348 City Council for a final decision. Mrs. Harbison stated that she had concerns about the issue. Ms. Roblero
 - 349 added that the code requires any new sign package for a new building to be presented for approval to the
 - 350 Planning Commission. A Planning Commission member felt that if the sign package meets code that staff
 - 351 should be able to review and approve just as they do when it is a new sign for an existing building.

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353 **Ms. Roesch**

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355 Ms. Roesch reported the following items:

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- 357 • BAMSO held a Board meeting and an Audit Committee meeting.
 - 358 • A WeTHRIVE meeting was held to discuss new team members and focuses. She stated that Greg Brodrick
 - 359 would be visiting each Board and Commission meeting to invite members to hear a Community Health
 - 360 Assessment presentation to be made on March 18 at 6:30.
 - 361 • The Beautification and Tree Commission are working on the Garden Tour scheduled for June 28.
 - 362 • The Annual Tree City Awards Luncheon will be held in Montgomery in April of 2021.

363
364 **Mr. Suer**

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366 Mr. Suer reported that there were two examples of positive public engagement held recently: The Community

367 Leadership Forum and the Know Your Neighbor Series. He stated that both were well attended and presented. He

368 stated that the presentations made by Steve Coppel and Jackie Congedo were very good.

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370 **Mayor Dobrozsi**

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372 Mayor Dobrozsi echoed Mr. Suer's comments on the events. He stated that the Know Your Neighbors presentations

373 were inspiring, and it was nice to see the trajectory of the attendance increasing.

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APPROVAL OF MINUTES

Mayor Dobrozi asked for a motion to approve the February 5, 2020 Business Session minutes.

Mr. Cappel made a motion to approve the minutes. Mrs. Bissmeyer seconded. City Council unanimously agreed.

OTHER BUSINESS

There was no other business to discuss.

Mayor Dobrozi 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. Mrs. Bissmeyer seconded. City Council unanimously agreed.

City Council adjourned at 8:26 p.m.



Connie Gaylor, Clerk of Council