

August 14, 2015

TO: Mayor and City Council Members

FROM: Wayne S. Davis, City Manager *WSD*

SUBJECT: City Council Work Session of Wednesday, August 19, 2015

As a reminder, City Council is scheduled to meet in Work Session on Wednesday, August 19, 2015 at 7:00 p.m., at City Hall.

Prior to the City Council Work Session at 6:00 p.m., Representative Jonathan Dever will be discussing with City Council the State of Ohio Budget and other legislative matters relevant to local government.

Work Session

1. Call to Order
2. Roll Call
3. Special Presentation
 - a. Swearing-In of New Police Officer—Alexis Guilkey, along with members of her family, will be present for her swearing-in ceremony as one of the City's newest Police Officers.
 - b. Swearing-In of New Police Officer—David Mulcahy, along with members of his family, will be present for his swearing-in ceremony as one of the City's newest Police Officers.
4. Guests and Residents
5. Legislation for Consideration Tonight
6. Establishing an Agenda for September 2, 2015

Pending Legislation

- a. An Ordinance Accepting Publicly Dedicated Easement Rights and Storm Water Improvements from Property Owners in the 7900 Block of Shelldale Way—(Mr. Suer- 2nd Reading) Information has been supplied previously on this Ordinance that if adopted will authorize the City Manager to execute an Easement Agreement for property at 7919 Shelldale Way owned by Oleg Edelman and Mary Edelman, Trustees of the Edelman Family Trust. This Easement encompasses certain stormwater improvements completed by the Public Works Department this past year on and across this property.

Staff recommends that City Council add this Ordinance to the September 2, 2015 Business Session agenda for second reading that evening. The third reading of the Ordinance will be held at the October 7, 2015 Business Session with adoption of the Ordinance requested at that meeting.

New Legislation

- a. A Resolution Authorizing an Assessment for the Cutting of Noxious Weeds and Removal of Debris/Trash—Please find attached correspondence from Tracy Roblero, Community Development Director, requesting that City Council authorize an assessment for the cutting of noxious weeds at 10750 Wellerwoods Drive. The City has been forced to maintain the property located at 10750 Wellerwoods Drive. This property appears to be abandoned; however, it is not going through the foreclosure process. The City had the grass cut in the spring as it was becoming a property maintenance issue and we have not been able to make contact with the property owner. Staff is currently working with the Police Department to attempt to locate the property owner; however, it may become necessary to cut the grass on this property again. Section 302.11 provides that all weeds and plant growth in excess of 6 inches shall be cut and destroyed within five (5) days after service of a notice of violation. If the owner fails to comply with the notice within the time allotted, the City may begin minor nuisance abatement. The City, after submitting the notice, has entered upon the property to cut the noxious weeds at a cost of \$75. The City now desires to assess a lien upon the property for the cost incurred by the City to cut the noxious weeds, and an additional administrative fee of \$25. The adoption of this Resolution will allow for the assessment to be included in the upcoming property tax bills that will be mailed in January.

Add this Resolution to the September 2, 2015 Business Session agenda. Assign the Resolution to a City Council member for reading.

- b. A Resolution Authorizing an Assessment for the Cutting of Noxious Weeds and Removal of Debris/Trash—Please find attached correspondence from Tracy Roblero, Community Development Director, requesting that City Council authorize an assessment for the cutting of noxious weeds at 8318 Turtlecreek Lane. Due to a foreclosure, the City was forced to maintain the residential property at 8318 Turtlecreek Lane. The property has been vacant for a number of months after the property owner passed away and it currently is in the foreclosure process. The grass is not being cut and the City has had to cut the grass twice thus far this year as it was becoming a property maintenance issue. Staff continues to monitor the situation and may have to cut the grass again as the property has not yet come under new ownership. Section 302.11 provides that all weeds and plant growth in excess of 6 inches shall be cut and destroyed within five (5) days after service of a notice of violation. If the owner fails to comply with the notice within the time allotted, the City may begin minor nuisance abatement. The City, after submitting the notice, has entered upon the property to cut the noxious weeds at a cost of \$100. The City now desires to assess a lien upon the property for the cost incurred by the City to cut the noxious weeds, and an additional administrative fee of \$25. The adoption of this Resolution will allow for the assessment to be included in the upcoming property tax bills that will be mailed in January.

Add this Resolution to the September 2, 2015 Business Session agenda. Assign the Resolution to a City Council member for reading.

7. Administration Report

8. Law Director Report

9. City Council Member Reports

- a. Mr. Margolis
- b. Mrs. Combs
- c. Mrs. Harbison
- d. Ms. Roesch
- e. Mr. Suer
- f. Vice Mayor Dobrozsi
- g. Mayor Steinbrink

10. Approval of Minutes August 5, 2015 Special Meeting and August 5, 2015 Business Session

11. Other Business

- a. Liquor License Application—Gary Bassett has submitted an application to the City to approve an economic development transfer of a liquor license from Hillview Properties to Cibo Oggi, LLC in the City. His intent is to open a French Bistro Restaurant in the Verde location behind UDF. The application process requires the City to agree that this is an economic development project before the application can be submitted to the Ohio Department of Liquor Control. The ultimate determination of whether or not the transfer qualifies as an economic development project rests with the Department. The City is simply acknowledging its agreement to accept the transfer.

If the license is transferred into the City, it may be transferred by the owner to a subsequent owner at the same location, or it may be transferred within the City with the current owner or a subsequent owner. The City has approved a number of Trex transfers in the past. This is only the first stage of the process as, if it is approved by the Department, the Department will return to the City an acknowledgment of the license with the specifics concerning the owners and ask whether or not the City wants to request a hearing. Council would approve the application by motion authorizing the City Manager to give initial approval to the project.

12. Executive Session

13. Adjournment

Should you have any questions or concerns regarding this information, please do not hesitate to contact me.

C: Connie Gaylor, Administrative Coordinator
Department Heads
Terry Donnellon, Law Director
File

August 19, 2015

Prior to the City Council Work Session at 6:00 p.m., Representative Jonathan Dever will be discussing with City Council the State of Ohio Budget and other legislative matters relevant to local government.

City Council Work Session – 7:00 P.M.

- 1. Call to Order**
- 2. Roll Call**
- 3. Special Presentation**
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Staff recommends that City Council add this Ordinance to the September 2, 2015 Business Session agenda for second reading that evening. The third reading of the Ordinance will be held at the October 7, 2015 Business Session with adoption of the Ordinance requested at that meeting.

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Add this Resolution to the September 2, 2015 Business Session agenda. Assign the Resolution to a City Council member for reading.

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Add this Resolution to the September 2, 2015 Business Session agenda. Assign the Resolution to a City Council member for reading.

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- c. Mrs. Harbison
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12. Executive Session

13. Adjournment

ORDINANCE NO. , 2015

**AN ORDINANCE ACCEPTING PUBLICLY DEDICATED EASEMENT RIGHTS AND
STORM WATER IMPROVEMENTS FROM PROPERTY OWNERS IN THE
7900 BLOCK OF SHELLDALE WAY**

WHEREAS, Oleg Edelman and Mary Edelman as Trustees of the Edelman Family Trust dated January 13, 2012, are property owners in the 7900 block of Shelldale Way, Montgomery, Ohio, being Hamilton County Auditor's Parcel Number 603-0008-0177 ("Edelman Property"), which property is more fully described within Exhibit A within the Easement Agreement accepted by the property owners; and

WHEREAS, the City of Montgomery, Ohio has contracted with the property owners to reconstruct a storm sewer management system on and across the Edelman Property to appropriately manage storm water runoff from the Edelman Property and storm water runoff from the right-of-way of the Montgomery Heights subdivision; and

WHEREAS, the property owners have agreed to grant certain permanent easement rights to the City of Montgomery to allow the City access to the property to maintain such storm water management and surface drainage improvements, now and in the future; and

WHEREAS, Council does desire to accept these property rights for and on behalf of the City and to commit to the maintenance of such storm water management and surface drainage improvements now and in the future.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Montgomery, Hamilton County, Ohio, that:

SECTION 1. Council hereby accepts the permanent easement rights from the property owners Oleg Edelman and Mary Edelman, Trustees of the Edelman Family Trust dated January 13, 2012, upon and across property located on Shelldale Way, being Auditor's

Parcel Number 603-0008-0177 set forth within the Easement Agreement attached hereto and incorporated herein by reference and being more particularly described on Exhibit A within such Agreement. The easement area in which the improvements will be constructed as described on the Exhibit B-1 within such Easement Agreement. Such easement area is further depicted in the plat depicted on Exhibit B-2 within such Agreement. It shall be the City of Montgomery's responsibility to construct these storm water management and surface drainage improvements within the easement area and to maintain such public improvements consistent with the terms of the separate Easement Agreement executed by and between the property owners and the City of Montgomery.

SECTION 2. The City Manager is directed to execute such Easement Agreement and any and all additional documentation as may be necessary to accept these property rights, and thereafter to accept responsibility for maintenance of such public improvements upon the property.

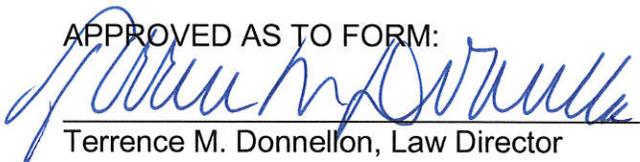
SECTION 3. This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Todd A. Steinbrink, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director

August 14, 2015

TO: Wayne S. Davis, City Manager

FROM: Tracy Roblero, Community Development Director *JMR*

RE: Authorizing an Assessment at 8318 Turtlecreek Lane and 10750 Wellerwoods Drive

Request

It is requested that City Council adopt a Resolution Authorizing an Assessment at 8318 Turtlecreek Lane and 10750 Wellerwoods Drive.

Background

Due to a foreclosure, the City was forced to maintain the residential property at 8318 Turtlecreek Lane. The property has been vacant for a number of months after the property owner passed away and it currently in the foreclosure process. The grass is not being cut and the City has had to cut the grass twice thus far this year as it was becoming a property maintenance issue. Staff continues to monitor the situation and may have to cut the grass again as the property has not yet come under new ownership.

The City also had to cut the grass at 10750 Wellerwoods Drive. This property appears to be abandoned; however, it is not going through the foreclosure process. The City had the grass cut in the spring as it was becoming a property maintenance issue and we have not been able to make contact with the property owner. Staff is currently working with the Police Department to attempt to locate the property owner; however, it may become necessary to cut the grass on this property again as well.

Section 301.11 provided a prohibition against noxious weeds and grass that exceeds 6" in height. Section 107.3 and 107.4 of the code allows the Community Development Director to have these nuisances abated by contract and the cost to be charged against the real property and a lien to be placed upon the property.

The City, after providing the required notice for both properties, contracted with Cutter's Property Maintenance to have the grass cut. It was necessary to have the grass cut twice at the property located at 8318 Turtlecreek Lane and once at the property located at 10750 Wellerwoods Drive. The cost cutting the grass was \$175 (see attached invoice).

The City now desires to assess a lien upon this property for the cost incurred and an additional administrative fee of \$25 as allowable by law.

Recommendation

At this time it is necessary to certify to the Hamilton County Auditor the costs of this maintenance so they may be assessed on the property for this location. Therefore, it is staff's recommendation that this resolution be placed on the agenda for the September 2, 2015 Business Session. This timing will allow for the assessment to be included in the upcoming property tax bills that will be mailed in January.

CUTTERS PROPERTY MAINTENANCE

INVOICE

Attention: City of Montgomery

PO box 530
loveland, Oh 45140

Date:8/10/15

:
:
:

Invoice Number:2015193

Terms:

Description	Quantity	Unit Price	Cost
Cut parcel-8318 Turtle Creek	2	\$ 50	\$ 100
Knock down weeds at 10750 Weller Woods	1	\$ 75	\$ 75
		Subtotal	\$ 175
	Tax	%	N/a
		Total	\$ 175

Thank You for allowing us to service your Maintenance needs, Tim

RESOLUTION NO. , 2015

**A RESOLUTION AUTHORIZING AN ASSESSMENT FOR THE
CUTTING OF NOXIOUS WEEDS AND REMOVAL OF DEBRIS/TRASH**

WHEREAS, the City of Montgomery, in Chapter 93 of the Code of Ordinances has provided a prohibition against noxious weeds and removal of debris/trash within the City, a method for notifying non-complying property owners to cut said weeds and to remove debris/trash, and a procedure by which the City may cut and remove the weeds and litter if the owner fails to take action within the time allowed; and

WHEREAS, Ohio Revised Code allows the City to place a lien against real property for the charges for the services in cutting noxious weeds and removal of debris/trash and the fees incurred administratively to provide notice to the non-complying property owner; and

WHEREAS, the City has followed its Code of Ordinances in notifying the owner of the real property at 8318 Turtlecreek Lane, Montgomery, Ohio 45242, being Auditor's Parcel Number 603-0023-0147-00 on three separate occasions as set forth in the attached copies of Affidavits; and

WHEREAS, the owner has failed or refused to take action within the time allowed pursuant to such notices; and

WHEREAS, the City, after submitting such notices, has entered upon the real property to cut and remove the weeds at a cost of \$100.00; and

WHEREAS, the City now desires to assess a lien upon said real property for the cost incurred by the City to cut and remove such weeds and an additional administrative fee of \$25.00 as allowable by law.

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Montgomery, Ohio:

SECTION 1. Pursuant to the Ohio Revised Code and the Ordinances of the City of Montgomery, Council hereby makes this written return to the Auditor of Hamilton County, Ohio, and requests that the Auditor place a lien against the real property located at 8318 Turtlecreek Lane, Montgomery, Ohio 45242, being Auditor's Parcel Number 603-0023-0147-00, in the amount of \$125.00, which includes the administrative fee. The Auditor is requested to place said special assessment against the real property upon the tax duplicate as is authorized by Ohio law to collect the same according to law and to return such collections to the City.

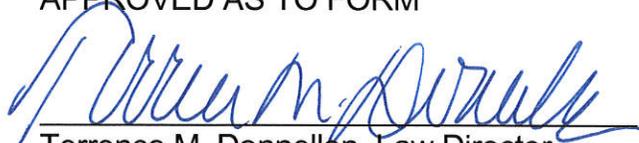
SECTION 2. This Resolution shall be in full force and effect from and after its passage.

PASSED _____

ATTEST _____
Connie M. Gaylor, Clerk of Council

Todd A. Steinbrink, Mayor

APPROVED AS TO FORM



Terrence M. Donnellan, Law Director

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WHEREAS, Ohio Revised Code allows the City to place a lien against real property for the charges for the services in cutting noxious weeds and removal of debris/trash and the fees incurred administratively to provide notice to the non-complying property owner; and

WHEREAS, the City has followed its Code of Ordinances in notifying the owner of the real property at 10750 Wellerwoods Drive, Montgomery, Ohio 45242, being Auditor's Parcel Number 603-0023-0198-00 on three separate occasions as set forth in the attached copies of Affidavits; and

WHEREAS, the owner has failed or refused to take action within the time allowed pursuant to such notices; and

WHEREAS, the City, after submitting such notices, has entered upon the real property to cut and remove the weeds at a cost of \$75.00; and

WHEREAS, the City now desires to assess a lien upon said real property for the cost incurred by the City to cut and remove such weeds and an additional administrative fee of \$25.00 as allowable by law.

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Montgomery, Ohio:

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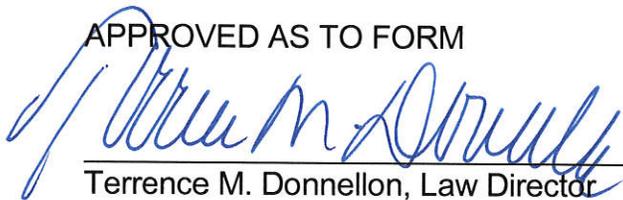
SECTION 2. This Resolution shall be in full force and effect from and after its passage.

PASSED _____

ATTEST _____
Connie M. Gaylor, Clerk of Council

Todd A. Steinbrink, Mayor

APPROVED AS TO FORM



Terrence M. Donnellon, Law Director

These minutes are a draft of the proposed minutes from the City Council meeting. They do not represent the official record of proceedings until formally adopted by the City Council. Formal adoption is noted by signature of the Clerk within the minutes.

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City of Montgomery
City Council Special Meeting Minutes
August 5, 2015

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Present

Wayne Davis, City Manager
Terry Donnellon, Law Director
Tracy Roblero, Community Development Director
Jim Hanson, Finance Director
Paul Wright, Fire Chief
Brian Riblet, Public Works Director
John Crowell, Lieutenant
Matthew Vanderhorst, Community and Information Services Director
Connie Gaylor, Clerk of Council
Julie Kipper, Customer Service Representative

City Council Members Present

Todd Steinbrink, Mayor
Chris Dobrozi, Vice Mayor
Ann Combs
Lynda Roesch
Gerri Harbison
Craig Margolis
Ken Suer

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City Council convened in Council Chambers for the Special Meeting at 6:30 p.m. with Mayor Steinbrink presiding.

SPECIAL PRESENTATIONS

Staff Evaluation of Leaf Management Services in the City

Mr. Brian Riblet, Public Works Director, began the presentation to City Council stating that beginning with the fall leave collection season of 2014, there have been many meetings, discussions and communications on the topic of leaf management in Montgomery. There has been passionate discussion and debate on this topic from citizens and businesses in our community regarding current leaf management practices as well as future approaches the City might consider. He explained to City Council that to better understand the steps taken by the City to appropriately vet this matter, the chronology provided below recalls the efforts undertaken by staff at the direction of City Council and summarizes some of the key steps undertaken by City Council to engage citizens in this process, and to better understand the issue.

- October - December 2014 – Concerns with leaf collection brought forward by some citizens.
- December 8, 2014 and January 12, 2015 - Public Works Committee of City Council Meetings.
- February 6, 2015 – Site visits to Greenville and Springboro to observe and further research leaf vacuuming equipment and operations.
- February 7, 2015 – Community Leadership Forum.
- January – March, 2015 – Several One-on-One Meetings with citizens interested in leaf vacuuming, various phone calls and exchanges with citizens interested in both changing and opposed to changing Montgomery’s leaf management practices.
- March 18, 2015 - City Council Meeting.
- April 27 – May 15, 2015 – Citizen Survey mailed to all Montgomery households.
- June 17, 2015 – Citizens’ Survey presented by Dr. Eric Rademacher of the University of Cincinnati to City Council.
- June 25, 2015 – Montgomery Citizens Leadership Academy (MCLA) Reunion Summit – leaf topic discussed by MCLA Alumni.

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Mr. Matthew Vanderhorst, Community Information Services Director, explained to City Council that in addition to public meetings on the topics, from April 27 through May 15, a citizen survey was conducted by the University of Cincinnati Institute for Policy Research on behalf of Management Partners and the City of Montgomery. This survey, which the City conducts every five years for its Strategic Planning process, focuses on broader topics and issues for the future plans for the City, yet also included several questions on leaf management. While not a

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City Council Special Meeting Minutes

August 5, 2015

Page 2.

54 long-term strategic item, leaf management was an important topic, and staff recommended to City Council to
55 include some questions on this issue in the survey.
56

57 Mr. Vanderhorst also explained that as done in three previous Strategic Planning processes, each Montgomery
58 household was invited to participate in the survey via a mailed invitation that included a web address for the
59 survey. A total of 911 Montgomery households participated, which corresponds to a 23 percent response rate. He
60 stated that all Montgomery households were asked “How satisfied would you say you are with the City of
61 Montgomery's unlimited fall yard waste collection program?” He stated the following results indicated that:
62

- 63 • 18 percent of respondents say they do not use the current leaf collection program.
- 64 • 74 percent, indicated that they are either very satisfied or somewhat satisfied with the City's unlimited fall
65 yard waste collection program.
- 66 • 18.6 percent are either very dissatisfied or somewhat dissatisfied.
- 67 • 7.4 percent being neither satisfied nor dissatisfied.

68
69 Mr. Vanderhorst also stated that residents were also asked the following question: “The City of Montgomery is
70 studying its leaf collection practices. Some residents favor the idea of replacing the current program with a
71 curbside leaf vacuuming service, while others oppose the idea of replacing the current program with a curbside
72 leaf vacuuming service. Would your household favor or oppose replacing the current leaf collection program with
73 a leaf vacuuming service?” He indicated the following responses:
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- 75 • 45 percent favored replacing the current program with a leaf vacuuming service.
- 76 • 30 percent opposed this approach.
- 77 • 26 percent neither favor nor opposed replacement of the current program.

78
79 Mr. Vanderhorst stated that households were next asked whether they would be more likely to favor or more
80 likely to oppose replacing the current leaf collection program with a curbside leaf vacuuming service if a fee were
81 charged due to increase service costs. He indicated the following responses:
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- 83 • 60 percent of households say information about a fee for curbside leaf collection makes them more likely
84 to oppose replacing the current program.

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86 Mr. Riblet stated to City Council that there have been many facts and opinions shared from a variety of sources
87 over the last 10 months on this topic. Admittedly when staff first began to research this topic, data was scarce
88 because there are limited providers in the private sector, and of those jurisdictions that provide it in their
89 municipality, the tracking of costs and performance metrics range from ballpark estimates to detailed information.
90 He explained from our extensive research regarding leaf management we learned many things. Chief among these
91 are the following:
92

- 93 • This is the not the first time that the City has researched this issue as the City conducted a review in 2006.
- 94 • There are equally passionate and engaged citizens on both sides of the leaf management issue, as well as a
95 fair number (24%) of citizens who do not use the service and/or are neutral on leaf management.
- 96 • Leaf vacuums are not a panacea and are quite expensive to purchase, operate and maintain.
- 97 • Unpredictability of weather in late fall may cause disruption and delays to leaf vacuuming services.
- 98 • The City of Montgomery has 107 cul-de-sacs and 23 dead end streets (76% of our total street inventory)
99 potentially creating leaf pick-up issues.
- 100 • The City of Montgomery has approximately 100 panhandle lots which would create challenges for those
101 homeowners if a leaf vacuuming service were to be implemented.
- 102 • Best Practices of well managed cities across the country frequently include mulching leaves.

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City Council Special Meeting Minutes

August 5, 2015

Page 3.

- 103 • If City Council were to implement a leaf vacuum program there would be a need to investigate additional
104 garage space at our already limited public works facility.
- 105 • A factor that is hard to quantify, but is clearly a factor given the calls staff responds to related to other
106 City services, is the aesthetics of a community during an 8-12 week period if a leaf vacuum service were
107 to be implemented. City Council, citizens and staff take great pride in the “looks” of our community.
- 108 • Hamilton County Public Health recommends using designated leaf collection bags for curbside leaf
109 collection to avoid leaves entering drainage channels and storm sewers.
- 110 • City Council, despite some feedback from others outside the City to say “No! and move on”,
111 demonstrated that it is accessible and listens to its citizens by implementing a January leaf collection in
112 conjunction with the Christmas Tree Collection efforts, as well as requiring staff to thoroughly investigate
113 all aspects of leaf management.

114
115 Mr. Riblet stated that there are several options that City Council can consider with regards to leaf management in
116 Montgomery. These options, in no particular priority, are presented below:

- 117
118 • Status Quo – Maintain service and operations that were used in the fall of 2014 with five weeks of
119 unlimited yard waste collection with toters and bags, at a current cost approximately \$5,900 per week or
120 \$29,500 per year.
- 121 • Expand Collection Service – After hearing from citizens in late 2014, City Council authorized staff to
122 allow for three separate yard waste collections in January 2015 with the City’s service to collect
123 Christmas trees. City Council has also authorized staff to expand yard waste collections in the fall of
124 2015 from five to eight weeks. The cost for this option would be \$5,900 per week or \$47,200 per year
125 plus \$1,500 for the three extra Saturdays in January resulting in an annual total of \$48,700.
- 126 • Expand Collection Service plus – In addition to expanding the schedule for collection as identified in the
127 preceding option, another option to consider would be to make toters available, assuming Rumpke or the
128 City’s waste collection contractor could support this, on a temporary basis during the fall collection
129 season. Staff would have to further research the financial impact and availability of this option if it were
130 recommended.
- 131 • Leaf Vacuum Service – There has been substantial analysis on the costs associated with providing this
132 service for the short and long-term for Montgomery citizens. To do this in a manner consistent with the
133 level of service that City Council, staff and our citizens expect, the cost would most likely be in the area
134 of \$165,000 per year, and as most staff from other cities indicate, this would be a service that would not
135 be feasible to eliminate once implemented, even if the costs were determined to be prohibitive from a
136 budget standpoint.
- 137 • Promote Best Practices in Leaf Management:
 - 138 ○ Several well managed communities across the country including Westchester N.Y., Greenburgh, N.Y.,
139 Dayton, VA., Madison, WI, recommend some variation of mulching, which is considered to be more
140 ecologically viable than leaf removal.
 - 141 ○ Identify alternatives to assist homeowners with their leaf management efforts.

142
143
144 Mr. Riblet closed by stating that it is the recommendation of Staff to permanently expand our leaf collection
145 program from five to eight weeks, to continue the additional collections in January coinciding with Christmas
146 Tree pick-up, to further research and highlight best practices (such as mulching via the Environmental Advisory
147 Commission, and to assist those in the community who would like leaf vacuuming to search out private providers
148 of this service. Total cost for this recommendation would be \$47,200 per year plus \$1,500 for the three extra
149 Saturdays in January resulting in an annual total of \$48,700. This represents a budget increase of \$19,200 from
150 the fall unlimited yard waste pickup program in the 2015 budget.

151
152

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153 City Council thanked staff for their presentation and the preparation of their reports.

154
155 City Council discussed with staff details of their presentation such as: the use of a private provider, the use of
156 toters from Rumpke and the costs of offering a leaf vacuum service and still offering yard waste pickup through
157 Rumpke.

158
159 Mayor Steinbrink asked Law Director, Terry Donnellon to explain the legal process needed if this issue would be
160 addressed at the meeting. Mr. Donnellon explained that there would be no legislation needed only direction
161 provided to staff on how to budget for any additional costs. Mr. Donnellon stated that a motion would need to be
162 made to direct staff on how to proceed.

163
164 Mayor Steinbrink asked City Council to indicate if they would like further discussions or were ready to discuss
165 this topic at the City Council Business Session meeting.

166
167 City Council unanimously agreed that they would add this discussion to the Business Session Agenda when the
168 public meeting began.

169
170 Mayor Steinbrink asked if there was any further business to discuss in this Special Meeting. There being none, he
171 asked for a motion to adjourn.

172
173 Mr. Margolis moved to adjourn. Mrs. Harbison seconded. City Council unanimously agreed.

174
175 City Council adjourned from the Special Meeting at 6:53 p.m.

176
177
178
179

Connie Gaylor, Clerk of Council

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City of Montgomery
City Council Business Session Minutes
August 5, 2015

Present

Wayne Davis, City Manager
Terry Donnellon, Law Director
Tracy Roblero, Community Development Director
Jim Hanson, Finance Director
Brian Riblet, Public Works Director
John Crowell, Lieutenant
Paul Wright, Fire Chief
Matthew Vanderhorst, Community Information Services Director
Faith Lynch, Community Engagement Coordinator
Connie Gaylor, Clerk of Council
Julie Kipper, Customer Service Representative

City Council Members Present

Todd Steinbrink, Mayor
Chris Dobrozsi, Vice Mayor
Lynda Roesch
Craig Margolis
Ann Combs
Ken Suer
Gerri Harbison

City Council convened in Council Chambers for the Business Session at 7:00 p.m. with Mayor Steinbrink presiding.

ROLL CALL

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

Mr. Margolis moved to dispense with the roll call. Mr. Dobrozsi seconded. City Council unanimously agreed.

Ms. Roesch moved to amend the agenda to add a Leaf Management discussion under Other Business and to move the Other Business discussion before Legislation for Consideration in respect to guests in the audience.

Mrs. Combs seconded the motion. City Council unanimously agreed.

SPECIAL PRESENTATION

Presentation by Mill Creek Watershed Council of Communities (MCWCC)

Tara Keesling, Operations Manager of the MCWCC, share with City Council an update on the work of the MCWCC. She stated that this year marks the 20th anniversary of the MCWCC. She explained that the Mill Creek Watershed covers 166 square mile basin that runs from Liberty Township into Western Cincinnati. In honor of the 20th anniversary the organization celebrated with a re-signing ceremony of the intergovernmental agreement which brought together 37 political jurisdictions, formed in 1995. Ms. Keesling presented Mayor Steinbrink with a framed copy of the agreement.

Mayor's Proclamation to the Sycamore High School Boys Tennis Team

The Sycamore High School Boys Tennis Team, along with Coach Teets were present to accept a Mayors' Proclamation proclaiming August 6, 2015 as Sycamore Boys Tennis Team Day.

OTHER BUSINESS

Leaf Management

Mayor Steinbrink invited guests and residents to address City Council on this issue. The following guests addressed City Council:

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55 **Sam Chamberlin-7956 Schoolhouse Lane**-Mr. Chamberlin stated that in the percentages stated during Staff's
56 presentation that he felt the largest group responding to the survey was in favor of a leaf vacuum service. He
57 stated that he feels there is justification for continued discussions. He felt it was more prudent to recognize
58 respondents who support the issue. He stated that other communities offer the service and that any problems could
59 be easily solved. He stated that other communities don't stop the service because their residents want it.

60
61 **Dave Shardelow-9903 Knollwind Drive**-Mr. Shardelow asked City Council if they would allow additional
62 discussion after all guests and residents speak. He stated he would like to make additional comments based on
63 City Council's discussion.

64
65 Mayor Steinbrink stated that they would allow that but would observe Council Rules for addressing City Council
66 by remaining within the limited time and not restating facts or opinions already given this evening.

67
68 Mr. Shardelow encourages the use of toters and finds them very effective.

69
70 **Mike Cappel-9253 Village Green Drive**-Mr. Cappel stated that he supports staff's recommendation of extending
71 the amount of weeks of unlimited yard waste pickup as well as adding it to the Christmas tree pickup in January.

72
73 **Mike Harbison-7975 Pfeiffer Road**-Mr. Harbison stated that he is in favor of maintaining the status quo or if
74 City Council supports the expanded collection, otherwise he thinks we should continue with what we are doing
75 and also encourages residents to mulch.

76
77 **Kevin Foy-10383 Peachtree Lane**-Mr. Foy stated to City Council that he has 21 trees on his property, eight of
78 which are Pin Oakes. He stated he has a lot of leaves. He uses a 21 inch mulching lawn mower and one yard waste
79 toter and is able to dispose of his leaves successfully all season. He stated that he supports the extra weeks but
80 would ask that we stay with the system we have currently.

81
82 **Patrick Weese-7964 Schoolhouse Lane**-Mr. Weese stated to City Council that change starts tonight. He stated
83 that they should look at the "A" list communities. He stated that this issue is not going away and will probably be
84 a ballot initiative. He stated that change is tough and change is coming.

85
86 Mayor Steinbrink stated to City Council that they now need to decide if they would like to take staff's
87 presentation and guest comments under advisement or move to make a decision.

88
89 City Council thanked all guests for being engaged citizens and their interest in this issue. Council members
90 thanked those who did research and attended meetings for their time and efforts.

91
92 City Council then discussed the pros and cons of Staff's recommendations and the information presented formally
93 and informally over the past several months concerning curb side leaf services.

94
95 Mr. Donnellon reminded City Council that they would only need to make a motion directing staff on how to
96 proceed and how to budget for any increased expenses.

97
98 City Council members expressed their desire to make a motion regarding this issue tonight.

99
100 Mayor Steinbrink asked if there were any other guests or residents that would like to speak.

101
102 **Mr. Shardelow** thanked staff and City Council for all their work. Mr. Shardelow addressed Mr. Weese and Mr.
103 Chamberlin by asking if they felt they have had every opportunity to address City Council.

104
105 **Mr. Chamberlin** responded that he did, but was not comfortable being addressed in a public meeting.

106

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107 **Mr. Shardelow** encourages those who are thinking about a ballot initiative to seriously consider how it will affect
108 the community.

109
110 **Mr. Chamberlin** thanked City Council for the opportunity to address them. He asked them to keep an open mind
111 although he felt like a decision had already been made. He stated that he didn't think the annual costs of \$165,000
112 was correct. He stated that he has never questioned the superior services that the City provides to its residents. He
113 stated that he feels the results had been skewed and feels there is still a misunderstanding of technology and costs.

114
115 Mayor Steinbrink asked for a motion from City Council as a directive for staff.

116
117 Mr. Margolis moved to initiate an expanded collection service with Rumpke. Mr. Dobrozsi seconded.

118
119 Mrs. Harbison moved to amend the motion to include and promote best practices and to allow for supplemental
120 appropriations for the expanded collection costs. Mr. Dobrozsi seconded.

121
122 City Council unanimously agreed.

123
124 **LEGISLATION FOR CONSIDERATION TONIGHT**

125
126 **New Legislation**

127
128 **A Resolution Authorizing the City Manager to Enter into a Contract with Humana Health Plan of Ohio,
129 Inc. to Provide Medical Coverage and Life Insurance for Full-Time Employees**

130
131 Mrs. Harbison moved to read the Resolution by title only. Mr. Margolis seconded. City Council unanimously
132 agreed.

133
134 Mrs. Harbison read the Resolution by title only and moved passage. Mr. Dobrozsi seconded.

135
136 Mrs. Harbison explained that if approved this Resolution will authorize the City Manager to enter into a contract
137 with Humana for health and life insurance coverage for the City's full-time employees. Each year, the City must
138 bid its health insurance coverage. The proposals are evaluated by the Health Care Benefits Committee, which
139 takes into account benefit levels and coverage costs to make a recommendation as to the desired provider of health
140 insurance coverage, as well as any changes to current benefit levels to achieve cost savings. For the insurance
141 period that runs from September 1, 2015 through September 30, 2016, the Health Care Benefits Committee is
142 recommending Humana as the carrier. (Please note that at the suggestion of our insurance broker, Horan, we are
143 recommending a 13 month renewal period in order to delay the implementation of higher costing community rated
144 premiums which will eventually be mandated under current provisions of the Affordable Care Act.)

145
146 Humana's proposal would provide full-time employees one High Deductible Health Plan with a Health Savings
147 Account (HDHP/HSA) with deductible levels of \$3,000/\$6,000 (single/family). The health care plan being
148 recommended would continue to include four levels of coverage: single; employee with child(ren); employee with
149 spouse and family. The Humana proposal represents a 5.0% decrease from the 2014-2015 plan year premium.
150 Finally, it should be noted that the City's current carrier for group life and accidental death and dismemberment
151 (AD&D) benefits, Lincoln Financial, quoted an 8% increase for our group's renewal. By moving our group's life
152 and AD&D coverage to Humana, this will contribute to the 5% decrease in health insurance rates from Humana
153 and keep our life and AD&D benefit renewal rate at the same as it is currently.

154
155 Mrs. Harbison asked Mr. Hanson if there were any updates.

156
157 Mr. Hanson indicated there were none.

158

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The roll was called and showed the following vote:

159
160
161 AYE: Margolis, Combs, Harbison, Steinbrink, Roesch, Suer, Dobrozsi (7)
162 NAY: (0)
163 ABSENT: (0)
164

165 **A Resolution Establishing City Contributions for Health Care Benefits**
166

167 Ms. Roesch moved to read the Resolution by title only. Mr. Margolis seconded. City Council unanimously agreed.
168

169 Ms. Roesch read the Resolution by title only and moved passage. Mr. Dobrozsi seconded.
170

171 Ms. Roesch explained that if approved this Resolution will establish the City's incentive contribution for 2015-
172 2016 for employees choosing the High Deductible Health Plan/Health Savings Account. This proposed
173 Resolution will also restate the maximum established contribution limits (caps) for medical and dental insurance
174 which determines the amount of money the employees must contribute toward the cost of their health and dental
175 insurance coverage. The maximum contribution by the City to the High Deductible Health Plan/Health Savings
176 Account is recommended to be established at \$1,050 for a family plan and \$750 for a single plan for the 2015-
177 2016 insurance plan year. In addition to the base City incentive contribution, it is recommended that the City
178 match the employee's contribution to his/her health savings account in an amount up to \$700 for employees with
179 family plans and \$500 for employees with single plans. These incentive contributions would be payable when
180 each employee reaches the corresponding level of personal contribution to his/her health savings account. For
181 those who do not reach these matching thresholds, the payments would be made at the end of the health insurance
182 plan year on September 30, 2016, for the amount the employee contributed to their health savings account.
183

184 Ms. Roesch asked if there were any updates at this time. Mr. Hanson stated there were none.
185

186 The roll was called and showed the following vote:
187

188 AYE: Combs, Harbison, Steinbrink, Roesch, Suer, Dobrozsi, Margolis (7)
189 NAY: (0)
190 ABSENT: (0)
191

192 **A Resolution to Adopt Recommendation of the Montgomery Tax Incentive Review Council with Respect to**
193 **the Compliance of all Tax Increment Financing Districts within the City of Montgomery**
194

195 Mr. Dobrozsi moved to read the Resolution by title only. Ms. Roesch seconded. City Council unanimously
196 agreed.
197

198 Mr. Dobrozsi read the Resolution by title only and moved passage. Ms. Roesch seconded.
199

200 Mr. Dobrozsi explained that if approved this Resolution will adopt the recommendation of the Montgomery Tax
201 incentive Review Council which met on Thursday, July 16, 2015. Ohio law mandates that City Council approve,
202 reject or remand the decision of the Tax Incentive Review Council relative to the compliance of the tax increment
203 financing districts with their enabling legislation and file this Resolution indicating City Council's action with the
204 Ohio Department of Development by the September 1 deadline.
205

206 Mr. Dobrozsi asked if there were any updates at this time. Mr. Davis stated there were none.
207

208 The roll was called and showed the following vote:
209

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210 AYE: Harbison, Steinbrink, Roesch, Suer, Dobrozsi, Margolis, Combs (7)
211 NAY: (0)
212 ABSENT: (0)
213

214 **A Resolution Authorizing Internet Auction of Surplus Personal Property through GovDeals.com**
215

216 Mrs. Combs moved to read the Resolution by title only. Mr. Margolis seconded. City Council unanimously
217 agreed.

218
219 Mrs. Combs read the Resolution by title only and moved passage. Mrs. Harbison seconded.
220

221 Mrs. Combs explained that if approved this Resolution will authorize a Resolution that will designate
222 GovDeals.com as internet auction agents for the disposal of surplus property for the period of September 1, 2015
223 through August 31, 2016. Ohio law authorizes the City to dispose of surplus and abandoned personal property
224 through internet auction. Section 50.02 of the Code of Ordinances sets forth a procedure for the sale and
225 disposition of lost, abandoned, stolen, seized or forfeited property ("Surplus Property") through internet auction
226 agents. This Resolution will also authorize the City Manager to enter into appropriate contracts with
227 GovDeals.com.
228

229 Mrs. Combs asked if there were any updates at this time. Mr. Crowell stated there were none.
230

231 The roll was called and showed the following vote:
232

233 AYE: Steinbrink, Roesch, Suer, Dobrozsi, Margolis, Combs, Harbison (7)
234 NAY: (0)
235 ABSENT: (0)
236

237 **A Resolution Authorizing the City Manager to Enter into an Agreement with the Sycamore Community**
238 **School District Board of Education To Assign A School Resource Officer**
239

240 Mrs. Combs moved to read the Resolution by title only. Mrs. Harbison seconded. City Council unanimously
241 agreed.
242

243 Mrs. Combs read the Resolution by title only and moved passage. Ms. Roesch seconded.
244

245 Mrs. Combs explained that if approved this Resolution will authorize the City Manager to execute an agreement
246 with the Sycamore Community School District Board of Education for the School Resource Officer (SRO)
247 position for Sycamore High School for a one-year period. Since 2001, the City of Montgomery has partnered
248 with the Sycamore Community School District on an SRO program at Sycamore High School. This program was
249 initially funded through a three-year COPS in Schools grant from the Department of Justice, as well as through a
250 local funding commitment from both the School District and the City. In 2004, City Council, City staff and
251 School District Administrators agreed the SRO program was beneficial to the community and the school district
252 and should be continued with the City and the school district continuing to share the cost of the program through a
253 written agreement detailing how costs would be split. This year's agreement continues the 60/40% split in costs
254 for the School District and City, respectively.
255

256 Mrs. Combs asked if there were any updates at this time. Mr. Crowell stated there were none.
257

258 The roll was called and showed the following vote:
259

260 AYE: Roesch, Suer, Dobrozsi, Margolis, Combs, Harbison, Steinbrink (7)
261 NAY: (0)

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262 ABSENT: (0)

263 **An Ordinance Accepting Publicly Dedicated Easement Rights and Storm Water Improvements from**
264 **Property Owners in the 7900 Block of Shelldale Way**

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

267
268 Mr. Suer read the Ordinance by title only and moved passage of the first reading. Mr. Margolis seconded.

269
270 Mr. Suer explained that if adopted this Ordinance will authorize the City Manager to execute an Easement
271 Agreement for property at 7919 Shelldale Way owned by Oleg Edelman and Mary Edelman, Trustees of the
272 Edelman Family Trust. This Easement encompasses certain stormwater improvements completed by the Public
273 Works Department this past year on and across this property.

274
275 Mr. Suer asked if there were any updates at this time. Mr. Riblet stated there were none.

276
277 The roll was called and showed the following vote:

278
279 AYE: Suer, Dobrozsi, Margolis, Combs, Harbison, Steinbrink, Roesch (7)

280 NAY: (0)

281 ABSENT: (0)

282
283 **A Resolution Authorizing Amendment to Development/Service Agreement with Montgomery Gateway**
284 **Partners, LLC**

285
286 Mr. Margolis moved to read the Resolution by title only. Mr. Suer seconded. City Council unanimously agreed.

287
288 Mr. Margolis read the Resolution by title only and moved passage. Mrs. Combs seconded.

289
290 Mr. Margolis explained that if approved this Resolution would authorize the City Manager to enter into an
291 Amendment to a Development/Service Agreement between the City and Montgomery Gateway Partners, LLC
292 dating to December 27, 2005. Montgomery Gateway Partners developed the Triangle Property and the Service
293 Agreement which called for Service Payments in lieu of taxes to reimburse the City for public improvements in
294 and around the Triangle. The property values proved to be insufficient in recent years to meet the minimum
295 service payments and this Agreement will allow us to spread out that deficiency over several years so as not to
296 unfairly burden the tenants in the property with the pass-through charges in their lease. The Amendment also
297 allows any future deficiencies to be paid solely during the second half settlement each year.

298
299 Mr. Margolis asked if there were any updates at this time. Mr. Donnellon stated there were none.

300
301 The roll was called and showed the following vote:

302
303 AYE: Dobrozsi, Margolis, Combs, Harbison, Steinbrink, Roesch, Suer, (7)

304 NAY: (0)

305 ABSENT: (0)

306
307 **Mr. Shardelow** asked Mr. Donnellon to explain if we were deferring the payments for the service agreement. Mr.
308 Donnellon explained that the deficiency is a result of dropping property values which fall below the minimum
309 service agreement and that rather than passing the difference between the property value and the service
310 agreement on in one large payment the City has agreed to spread it out over the term to ensure the tenants of this
311 property are able to remain a viable business. Mr. Donnellon explained that there is no bonding involved that this
312 was privately funded through the City. Mr. Shardelow expressed his concerns with the repayment process.

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Mr. Davis stated to Mr. Shardelow that the City exercises checks and balances of this type of Tax Increment Financing (TIF) through the Tax Review Council that meets yearly to review the status of all TIF's issued by the City. He stated that the City retired the Ohio National TIF early because we were fiscally able to and that we have been very successful with this type of funding.

ADMINISTRATION REPORT

Mr. Davis reported on the following items:

- The Government Affairs Committee will meet on Monday August 10 at 4:30 p.m.
- The Parks and Recreation and Public Works Committees have cancelled their meetings for the month of August.
- City Council Work Session is scheduled for August 19, 2015 at 7:00 p.m.
- Prior to the meeting State Representative Devers will hold a presentation to City Council at 6:00 p.m.
- Strategic Plan Retreat is scheduled for Friday, August 21, from 3:00 to 8:00 p.m. and Saturday, August 22, from 8:30 a.m.-noon.
- Don Crowell's father-in-law passed away after a lengthy illness on Tuesday, in Louisville Kentucky. Please keep Don and his family in your thoughts during this difficult time.
- We apologize for the lateness of this update, but as the deadline for jurisdictions to file is Friday, we wanted to ensure that you are aware that we filed a claim with the Office of the Ohio Attorney General regarding the class action lawsuit filed against Cargill and Morton Salt for price fixing. Brian Riblet filed the claim with the Ohio Attorney General's office on June 29, 2015 for the 2008-2009 winter season indicating expenditures of \$151,801.22 (1210.15 tons at \$125.44 per ton). We will keep you updated regarding the status of our filing, and the proportionate share of the settlement that we anticipate receiving from the State of Ohio.
- The Montgomery Community Improvement Corporation (CIC) Gateway Redevelopment Area (GRA) Ad-Hoc Committee met on Tuesday evening to hear the first two presentations on the request for proposals (RFPs) submissions for the GRA. The first two teams to present were the Miller Valentine and Great Traditions teams. The Ad-Hoc Committee will meet on August 13 to hear presentations from the remaining two teams.
- Gary Heitkamp and Tracy Roblero met with a developer who has a contract on the Montgomery Swim and Tennis Club site on Wednesday. Tracy reports the developer is looking at a single family Planned Unit Development with 30 single family lots. The product would be very similar to the courtyards at the Vintage Club. The developer will be submitting a concept plan to Planning Commission to get initial feedback at their August 17 meeting.
- The former Ford Dealership Demolition Project is substantially complete as crews from Complete Demolition Services have completed all specified items with the exception of capping the sanitary sewer line to the site. Staff will continue to coordinate with the contractor until all work has been completed, and will begin project closeout and begin the submittal for reimbursement process with Hamilton County for the grant funding that was secured for the project.
- Department heads are meeting with Jim Hanson, Kelly Beach and myself this week and next as we review their submissions for the 2016 operating and capital budget, including the four year (2017-2020) revenue

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366 and expenditure forecast. These meetings will enable us to keep to our tentative budget schedule to
367 submit a draft budget at the September Financial Planning Committee meeting, and schedule our annual
368 budget review with the full City Council at a date to be determined.
369

- 370 • Weather permitting, on Saturday, August 8, crews from Barrett Paving Materials will be installing the
371 final asphalt surfacing and thermoplastic pavement markings as part of the Montgomery Road and
372 Pfeiffer Road Improvement project. With the exception of the installation of additional mast arms to
373 accommodate overhead directional signage, the project will be substantially complete. Staff will work
374 with ODOT officials to assure any punch list items are addressed and proceed toward project
375 reconciliation and closeout.
376
- 377 • The 2015 Street Resurfacing Program is nearing completion as base joint repairs are being completed this
378 week as well as the installation of the Stress Absorbing Membrane Interlayer (SAMI). Weather
379 permitting, the final asphalt surfacing for all streets will occur beginning Monday, August 10 with the
380 anticipation of being completed by Wednesday, August 12. Staff will continue to monitor and inspect this
381 annual infrastructure program.
382
- 383 • The City of Montgomery recently renewed its annual contract with Sycamore Community Schools for the
384 fiber optic network connection and network engineer support. This year, the contract was modified to
385 include support for a shared telephone system. The shared telephone system will reduce the typical
386 annual support costs from other third-party vendors 85%. In total, the contract saves the City
387 approximately \$11,000 per year for comparable services and it provides added resources for Sycamore to
388 increase their technology office strength.
389
- 390 • A change order with Evans Landscaping for the Demolition of the Former Chevrolet Dealership was
391 signed in the amount of \$11,474.54 to cover expenses for the removal of an underground oil/water
392 separator discovered after the demolition began. These costs also include testing of the soil, and although
393 not found to be hazardous, disposal at an EPA certified landfill. Final payment was been released to
394 Evans on Tuesday, August 11, 2015.
395
- 396 • New police officer Alexis Guilkey will begin on Monday, August 10, 2015.
397
- 398 • A conditional offer was made to Michelle Greis for the Finance Director position, pending drug
399 screenings and background checks she will begin on Monday, September 21, 2015.
400
- 401 • Touch-A-Truck will be held on Thursday, August 6 from 9:00 to 11:00 a.m. at Weller Park. Typically,
402 250 kids and their parents come out to talk to our great staff and climb on the vehicles we use in service
403 every day. The fire, police and public works departments will have staff and vehicles at the event. Also,
404 Rumpke and the U.S. military will have vehicles on site for the kids to enjoy. Vendor, Snowie Bus, will
405 be selling sno-cones for refreshments.
406
- 407 • The annual Montgomery Community Pool Luau Party and Dive-in Movie is this Friday, August 7. Pool
408 members and guests will be able to enjoy the sounds of "The Sunburners", a live steel drum band; free
409 sno-cones from 6:00 to 6:45 p.m.; the crazy juggler (back by popular demand) from 7:00 to 7:45 p.m.;
410 kids' games and prizes; and the movie "Big Hero 6" (rated PG) will be shown at dusk. The event is free
411 for pool members and \$3 for guests.
412
- 413 • As a reminder, the City Council sponsored Pizza Lunch is Friday from 11:00 a.m. to 1:00 p.m. at Swaim
414 Lodge.
415
416
417

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APPROVAL OF MINUTES

Mr. Margolis moved to approve the July 22, 2015, Work Session minutes. Mr. Dobrozsi seconded. City Council unanimously agreed.

MAYOR'S COURT REPORT

Mayor Steinbrink reported that the total Mayor's Court collections for the month of July 2015 were \$15,025.

Mr. Suer moved to accept the Mayor's Court collections for the month of July 2015. Mrs. Harbison seconded. City Council unanimously accepted the collections.

OTHER BUSINESS

Mr. Margolis reported that he had attended the Much in Common, Economic Development breakfast at the new Riff Distillery. He stated that Johnna Reeder spoke about a regional economic initiative.

Mayor Steinbrink recognized the efforts of the finance department for receiving an Award with Distinction for the 2014 Comprehensive Annual Financial Report from the Auditor of State.

Mrs. Harbison stated that a Montgomery Chamber of Commerce luncheon is scheduled for August 13, at Wright Brothers Inc., 7825 Cooper Rd. It begins at 11:30 a.m. and will run to 1:00 p.m. She stated that City police officers will give a presentation on the heroin epidemic.

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

Mr. Margolis moved to adjourn. Mr. Dobrozsi seconded. City Council unanimously agreed.

City Council adjourned at 8:32 p.m.

Connie Gaylor, Clerk of Council

TO: Mayor Todd A. Steinbrink
Members of City Council

FROM: Terrence M. Donnellon

RE: Trex Transfer

DATE: August 14, 2015

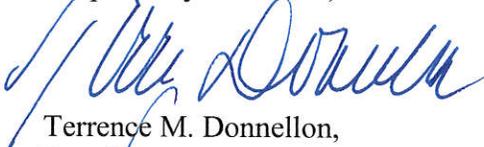
Gary Bassett has submitted an application to the City to approve an economic development transfer of a liquor license from Hillview Properties to Cibo Oggi, LLC in the City. His intent is to open a French Bistro Restaurant in the Verde location behind UDF. The application process requires the City to agree that this is an economic development project before the application can be submitted to the Ohio Department of Liquor Control. The ultimate determination of whether or not the transfer qualifies as an economic development project rests with the Department. The City is simply acknowledging its agreement to accept the transfer.

The factors to be weighed in determining whether or not it qualifies as an economic development project include the amount to be invested in the community, projected earnings and projected tax revenues. Mr. Bassett has not detailed the City's income taxes to be paid, but likely this is his *Other* category. We will try to clarify this issue before the meeting.

If the license is transferred into the City, it may be transferred by the owner to a subsequent owner at the same location, or it may be transferred within the City with the current owner or a subsequent owner. The City has approved a number of Trex transfers in the past. This is only the first stage of the process as, if it is approved by the Department, the Department will return to the City an acknowledgment of the license with the specifics concerning the owners and ask whether or not the City would like to request a hearing.

Council would approve this application by a motion authorizing the City Manager to give initial approval to the project.

Respectfully submitted,



Terrence M. Donnellon,
Law Director
TMD/ld

cc: Connie Gaylor, Administrative Coordinator
Department Heads
File

