

February 12, 2016

TO: Mayor and City Council Members
FROM: Wayne S. Davis, City Manager *WSD*
SUBJECT: City Council Work Session of Wednesday, February 17, 2016

As a reminder, City Council is scheduled to meet in Work Session on Wednesday, February 17, 2016 at 7:00 p.m.

Work Session

1. Call to Order
2. Roll Call
3. Special Presentation
4. Guests and Residents
5. Legislation for Consideration Tonight
6. Establishing an Agenda for March 2, 2016

Pending Legislation

- a. An Ordinance amending Section 44.13 of the Code of Ordinances Concerning Appointment of the Board of Review—(Mr. Suer-3rd Reading) Information has been supplied previously on this Ordinance that, if approved, will amend current Section 44.13 of the Code of Ordinances, Board of Review, to reconcile the appointment process with a new Code mandated by the State of Ohio. While the new Code begins with tax year 2016 and any appeal would not likely occur until 2017, this Ordinance amends our current Code to recognize two year terms for appointees and to allow City Council to appoint an alternate Member to hear cases in the event of a conflict. The third Member of the Board of Review under the new Code and under the amended Code would be appointed by the City Manager.

Add this Ordinance to the March 2, 2016 Business Session for third reading with adoption of the Ordinance requested at that meeting.

New Legislation

There is no new legislation for the March 2, 2016 Business Session

7. Administration Report
8. Law Director Report

9. City Council Member Reports

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

10. Approval of Minutes—February 3, 2016 Business Session

11. Other Business

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

February 17, 2016

City Council Work Session – 7:00 p.m.

- 1. Call to Order**
- 2. Roll Call**
- 3. Special Presentation**
- 4. Guests and Residents**
- 5. Legislation for Consideration Tonight**
- 6. Establishing an Agenda for March 2, 2016**

Pending Legislation

- a. An Ordinance amending Section 44.13 of the Code of Ordinances Concerning Appointment of the Board of Review—(Mr. Suer-3rd Reading)

Add this Ordinance to the March 2, 2016 Business Session agenda for third reading with adoption of the Ordinance requested at that meeting.

New Legislation

There is no new legislation for the March 2, 2016 Business Session

- 7. Administration Report**
- 8. Law Director Report**
- 9. City Council Member Reports**
 - a. Mrs. Combs
 - b. Mr. Cappel
 - c. Mrs. Harbison
 - d. Vice Mayor Roesch
 - e. Mr. Suer
 - f. Mr. Margolis
 - g. Mayor Dobrozsi
- 10. Approval of Minutes—February 3, 2016 Business Session**
- 11. Other Business**
- 12. Executive Session**
- 13. Adjournment**

ORDINANCE NO. _____, 2016

**AN ORDINANCE AMENDING SECTION 44.13 OF THE CODE OF ORDINANCES
CONCERNING APPOINTMENT OF THE BOARD OF REVIEW**

WHEREAS, Council did adopt an updated Tax Code to be effective January 1, 2016 to meet the statutory mandates of Amended Substitute House Bill 5; and

WHEREAS, under Section 44.1.8 of the new Code, the City has adopted the procedure, mandated by the State, for the appointment of the Board of Tax Review and the process for appeal to the Board of Tax Review; and

WHEREAS, the current Code must remain in place to govern tax years prior to January 1, 2016; and

WHEREAS, Council does desire to update current Code Section 44.13, *Board of Review*, to provide a consistent process for the appointment of the Board of Review while transitioning to the new Code.

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

SECTION 1. Section 44.13, Board of Review, of the Montgomery Code of Ordinances is hereby amended to create a consistent process for tax appeals for all tax years prior to January 1, 2016 which will mirror the process for Board appointments in the new Code while the City transitions to its new Code outlined in Chapter 44.1. Section 44.13 of the current Code of Ordinances shall read as follows:

44.13 BOARD OF TAX REVIEW

(A) Composition. The Board of Tax Review shall consist of three members. The three members of the Board of Tax Review must be domiciled in the City of Montgomery, Ohio. Two members shall be appointed by the Montgomery City Council,

which may also appoint an alternate to serve when there may be a conflict, illness, temporary absence or similar reason. The Council appointees may not be employees, elected officials, or contractors with the City at any time during their term or in the five years immediately preceding the date of appointment. One member shall be appointed by the City Manager. This member may be an employee of the Municipality, but may not be the director of finance or equivalent officer, or the Tax Administrator or other similar official or an employee directly involved in municipal tax matters, or any direct subordinate thereof.

(B) Term. The term for members of the Board of Tax Review appointed by the City Council shall be two years. There is no limit on the number of terms that a member may serve should the member be reappointed by the City Council. The Board member appointed by the City Manager shall serve at the discretion of the City Manager.

(C) Removal. Members of the Board of Tax Review appointed by the City Council may be removed by the City Council as set forth in Section 718.11(A)(4) of the Revised Code. A member of the Board who, for any reason, ceases to meet the qualifications for the position prescribed by this section shall resign immediately by operation of law.

(D) Vacancies. A vacancy in an unexpired term shall be filled in the same manner as the original appointment within sixty days of when the vacancy was created. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. No vacancy on the Board shall impair the power and authority of the remaining members to exercise all the powers of the Board.

(E) Temporary Appointment. If a member is temporarily unable to serve on the Board due to a conflict of interest, illness, absence, or similar reason, the alternate

designated by City Council temporarily shall serve in the place of a Council appointed member's absence. The City Manager shall appoint another individual to temporarily serve on the Board in the member's place if the City Manager appointed member is absent. This appointment shall be subject to the same requirements and limitations as are applicable to the appointment of the member temporarily unable to serve.

SECTION 2. The initial Term of appointment for Members appointed by City Council shall commence upon the effective date of this Ordinance and continue until January 31, 2017. Thereafter, Members appointed by City Council shall serve two (2) year terms.

SECTION 3. Current Code Section 44.13(A) is hereby repealed. All other parts of Section 44.13 are hereby ratified and reaffirmed.

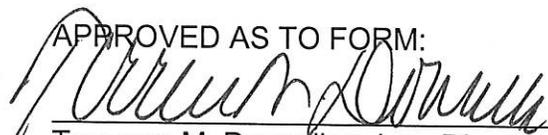
SECTION 4. This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Christopher P. Dobrozsi, 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.

City of Montgomery
City Council Business Session Minutes
February 3, 2016

Present

Wayne Davis, City Manager
Terry Donnellon, Law Director
Tracy Roblero, Community Development Director
Michelle Greis, Finance Director
Kelly Beach, Asst. Finance Director/Tax Commissioner
Brian Riblet, Public Works Director
Don Simpson, Police Chief
Faith Lynch, Communications and Engagement Coordinator
Matthew Vanderhorst, Community and Information Services Director
Paul Wright, Fire Chief
Connie Gaylor, Clerk of Council

City Council Members Present

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

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

ROLL CALL

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

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

LEGISLATION FOR CONSIDERATION TONIGHT

There was no legislation for consideration for this evening.

Pending Legislation

An Ordinance Rezoning property located at 9441 Orchard Club Drive and Approving an Application for a Planned Development Overlay

Ms. Roesch read the Ordinance by title only and moved passage of the second reading. Mr. Margolis seconded.

Ms. Roesch explained that if passed this Ordinance would rezone the property located at 9441 Orchard Club Drive and approve an application for a Planned Development Overlay. Ms. Roesch stated that based on a motion made during the Public Hearing held on November 18, City Council moved to accept the recommendations of the Planning Commission to rezone this site to a D-3 District, to impose a Planned District Overlay on such site, and the terms and conditions of the Overlay District.

Ms. Roesch asked if there were any updates.

Ms. Roblero stated that she did want to go on record acknowledging the receipt of an email received by Linda Raterman of 10663 Montgomery Road, regarding the decision made by the Planning Commission to prohibit on-street parking in front of the Cincinnati Sports Medicine and Orthopedic Center on the corner of Montgomery and Orchard Club Drive due to narrow roadway. Ms. Roblero stated that this recommendation was made after a traffic impact study was compiled on Orchard Club Drive. Ms. Roblero stated that the email and her response had been forwarded to all Council Members for review.

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55 Mr. Tom Fryman, 7884 Symphony-addressed City Council stating that he feels the density is too high for the
56 proposed Orchard Club development. He feels that City staff and City Council should have tougher regulations of
57 this in the future. He states that lot 15 is closest to the existing tree line and thinks that City Council should
58 consider buying that lot. He stated that he has met with Mr. Davis and Ms. Roblero and appreciates their time in
59 explaining zoning issues.

60
61 Mr. Gary Kolnicke, 9835 Orchard Club Drive-addressed City Council regarding what he understood as a sidewalk
62 installation across from Valley Creek apartments as part of the Orchard Club development project. He is
63 requesting a traffic signal be placed at the intersection of Orchard Club Drive as a safety precaution. He feels that
64 it is only a matter of time until a serious car accident will occur. He wanted to officially raise his concerns.

65
66 Mayor Dobrozsi stated to Mr. Kolnicke that the sidewalk project is in no way connected to the Orchard Club
67 project but that the City does appreciate his comments and concerns.

68
69 Mayor Dobrozsi asked if there were any other comments or questions. There being none the roll was called and
70 showed the following vote:

71
72 AYE: Combs, Cappel, Harbison, Dobrozsi, Roesch, Suer, Margolis, (7)
73 NAY: (0)
74 ABSENT: (0)
75

76 **An Ordinance Rezoning property located at 9876 Montgomery Road from 'GB' – General Business District**
77 **to 'D-2' – Multi-Family Residential District**
78

79 Mr. Suer read the Ordinance by title only and moved passage of the Ordinance. Mrs. Harbison seconded.
80

81 Mr. Suer explained that this Ordinance would rezone the property located at 9876 Montgomery Road from 'GB' –
82 General Business District to 'D-2' – Multi-Family Residential District. Mr. Suer stated that staff believes this
83 rezoning will enhance the Montgomery Road Corridor and the Twin Lakes campus, and it is requested that City
84 Council consider accepting the recommendation of the Planning Commission to rezone this site to a D-2 District.
85

86 Mr. Suer asked if there were any updates.
87

88 Ms. Roblero stated that there were none.
89

90 The roll was called and showed the following vote:
91

92 AYE: Cappel, Harbison, Dobrozsi, Roesch, Suer, Margolis, Combs (7)
93 NAY: (0)
94 ABSENT: (0)
95

96 **An Ordinance amending Section 44.13 of the Code of Ordinances Concerning Appointment of the Board of**
97 **Review**
98

99 Mr. Suer read the Ordinance by title only and moved passage of the second reading. Mr. Margolis seconded.
100

101 Mr. Suer explained that, if passed, this Ordinance will amend the current Section 44.13 of the Code of
102 Ordinances, Board of Review, to reconcile the appointment process with a new Code mandated by the State of
103 Ohio. He stated that while the new Code begins with tax year 2016 and any appeal would not likely occur until
104 2017, this Ordinance amends our current Code to recognize two year terms for appointees and to allow City
105 Council to appoint an alternate Member to hear cases in the event of a conflict. The third Member of the Board of
106 Review under the new Code and under the amended Code would be appointed by the City Manager.

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Mr. Suer asked if there were any updates.

Ms. Beach stated that there were none

The roll was called and showed the following vote:

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

New Legislation

A Resolution Authorizing the City Manager to Enter into a Contract with FYDA Freightliner Cincinnati, Inc. for the Purchase of a 2017 Freightliner M2 106 Dump Truck

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

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

Mr. Cappel explained that, if approved, this Resolution would authorize the City Manager to enter into a contract with FYDA Freightliner Cincinnati, Inc. for the purchase of a Freightliner M2 106 Dump Truck. The 2016 Capital Improvement Program Budget includes funding for the replacement of a 2004 Ford F-650 five-ton dump truck that currently has 47,714 miles and has been in use for 11 years. The amount requested is \$136,835 and would be funded through the 410.261.5404 and 410.261.5405 accounts.

Mr. Cappel asked if there were any updates.

Mr. Riblet stated there were none.

The roll was called and showed the following vote:

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

ADMINISTRATION REPORT

Mr. Davis reported on the following items:

The Planning Commission met on Monday, February 1, to consider an application for the expansion of a conditional use permit and approval of the General Development Site Plan with equivalencies for Twin Lakes Senior Living Community. Twin Lakes is proposing to construct a three story 42,500 square foot addition on the northwest side of the existing building. The new addition would add up to 45 independent living units, an additional dining venue and a community center. The proposed addition would include a lower level 58 space parking garage and would also require modifications to the parking lot and access from Montgomery Road. After a careful consideration, the Planning Commission voted to recommend approval of the expansion of a conditional use permit and the General Development Site Plan with equivalencies to City Council. Staff would like to request that City Council schedule a public hearing prior to the March 23 Business Session at 6:30 p.m.

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159

160 On Tuesday, the HealthCare Benefits Committee (Michelle Greis, James Martin, Patrick Morgan, Julie Prickett,
161 Mike Rogers, Sharon Savitt and Julie Tople) had its initial planning meeting for 2016. Julie Tople provided
162 updates on provisions of the Affordable Care Act as well as various health insurance carrier updates. The team
163 also laid out a timetable to follow for the 2016 renewal process.

164

165 Income tax revenues for the month of January were \$524,444 which is a decrease of \$304,834 or 36.7% compared
166 to collections of \$829,279 for January of 2015. Approximately 75% of the variance, \$230,000, is attributable to a
167 timing difference of lockbox payments that posted to the bank at the very end of the month, but were not available
168 for the City to post to tax accounts until February. It should also be noted that January 2015 was larger than
169 typical due to a large employer paying bonuses, as January 2014 receipts were \$690,483. Year-to-date revenues
170 were under estimated revenues by 35.2%. The January Income Tax Variance Report is attached for reference.

171

172 Public works staff received word this week that the City of Montgomery has been approved for a grant through
173 the Hamilton County Storm Water District (HCSWD) in the amount of \$69,184 to construct a wet pond
174 (retention) and rain harvesting system at public works facilities. Staff had submitted 4 grant proposals and we're
175 happy to get one of these approved. Staff will work to secure the agreement and anticipate work to be done later
176 this summer and early fall.

177

178 Public works staff attended an ODOT pre-construction meeting for the HAM 71-17.17 project (Cornell Road
179 Bridge over I-71) which consists of replacing the entire bridge deck, parapet walls, vandal fencing, guardrail, and
180 includes an 8' wide sidewalk on the north side of the bridge providing a safe connection point to existing
181 sidewalks in Montgomery and Blue Ash. ODOT has awarded the contract to Complete General Construction and
182 anticipates work to begin in late spring. The contract does provide for a bridge closure to occur only when school
183 is not in session this summer.

184

185 I signed a contract this week with Image Cleaning Systems, Inc. to provide cleaning services for City facilities for
186 an annual amount of \$35,820. There was a previous short term contract with City-Wide Cleaning for an amount of
187 \$40,758.80 which was terminated by the City and prior to that Jani-King provided services in the amount of
188 \$29,800 annually. Staff was also able to negotiate a 30 day termination agreement with Image Cleaning Systems,
189 typical cleaning companies require a 12 month guaranteed agreement.

190

191 Ohio National Financial Services will host the Montgomery Citizens' Leadership Academy Class of 2016 this
192 evening, Feb. 4, for the "Dreams, Aspirations and Taxes" session as taught by members of the Finance
193 Department, Michelle Greis and Kelly Beach, and Tracy Roblero, of the Community Development Department.
194 The session starts at 5:45 p.m. Sycamore Community Schools and Sycamore High School will host the next
195 MCLA session on Tuesday, Feb. 9. This session starts at 6:00 p.m. For more information or to sign up at attend
196 this session, please contact Faith Lynch.

197

198 The Community Leadership Forum will be held this Saturday morning at 8:15 a.m. at the Bethesda North Hospital
199 Golder Conference Rooms I & II. 75 individuals have registered for the event. Senior Staff members are
200 preparing their presentations on the upcoming 2016-2021 Strategic Plan. Staff members of Twin Lakes,
201 Sycamore Schools and the Montgomery Ohio Chamber of Commerce will participate in a panel discussion.
202 Finally, members of the Police and Fire Departments will share information with the attendees on the Heroin
203 epidemic in southwest Ohio. For more information or to RSVP, please contact Faith Lynch.

204

205

206 The Community and Information Systems Department is hosting a Service to the Community Grant pre-
207 application meeting on Tuesday, March 1 at 5:30 p.m. in the Montgomery City Hall Council Chambers. The
208 purpose of the meeting is to answer any questions local service organizations may have regarding the new Service
209 to the Community Grant. The Service to Community Grant application, timeline and scorecard are available for

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210 your review at <http://www.montgomeryohio.org/pages/service-to-the-community-grant/>. Please let Faith Lynch
211 know if you plan to attend or have any questions regarding the grant program.
212

213 Mr. Davis congratulated Assistant Finance Director/Tax Commissioner, Kelly Beach on her upcoming career
214 change with being hired as the City of Loveland's new Finance Director. He thanked her for her service to the
215 City and wished her well in her new role at the City of Loveland.
216

217 This week the City began accepting applications for the position of Assistant Finance Director/Tax
218 Commissioner. The deadline for applications is February 19.
219

220 Mr. Davis stated that confirmation has been made that Tony Gardner, President of the Charlottesville Center for
221 High-Performance Organizations, will be here from April 19 through April 21 to discuss with employees and City
222 Council the topic of an High Performance Organization (HPO). Staff is working with Mr. Gardner to create an
223 agenda that addresses the needs of employees and City Council Members.
224

225 Mayor Dobrozsi, Council Member Harbison and I will attend a quarterly Community Roundtable meeting on
226 Thursday, February 4 to be held at the Sycamore School District Board office. These roundtable meetings include
227 council members and administrators from our neighboring communities and schools and provide the forum to
228 network on current events, economic development and issues currently being faced.
229

230 An Executive Session is requested for matters related to the sale and purchase of real estate.
231

232 **APPROVAL OF MINUTES**
233

234 Ms. Combs moved to approve the January 20, 2016 Special Session and January 20, 2016 Work Session minutes.
235 Mrs. Harbison seconded. City Council unanimously agreed.
236

237 **MAYOR'S COURT REPORT**
238

239 Mayor Dobrozsi reported that the total Mayor's Court collections for the month of January 2016 were \$15,284.00
240

241 Mr. Margolis moved to accept the Mayor's Court collections for the month of January 2016. Mr. Cappel
242 seconded. City Council unanimously accepted the collections.
243

244 **OTHER BUSINESS**
245

246 Mr. Donnellon reported that Twin Lakes is requesting several equivalencies in regards to the building setbacks
247 and parking setbacks due to the need to keep PIN 603-0008-0009 a separate parcel from the Main Campus parcel
248 for tax purposes. The applicant owns both parcels and is proposing a covenant be added to the parcel that would
249 allow the City to treat the parcels as a single parcel for the purposes of the Building, Fire and Zoning Code, thus
250 allowing the proposed addition to cross the property lines. In effect, the covenant would eliminate the east and
251 south property lines for PIN 603-0008-0009 for zoning and building purposes and would allow the City to review
252 the setbacks from the project boundary for the entire project. The covenant would require that Twin Lakes could
253 not sell or otherwise transfer the parcels separately from one another. Mr. Donnellon stated that he has been in
254 contact with the applicant's legal counsel, has reviewed the draft covenant and has found it to be acceptable.
255

256 Mr. Margolis made a motion for the following appointments and reappointments:
257

258 Darrell Leibson appointed to the Planning Commission for a term expiring on 1/31/2020

259 Vince Dong reappointed to the Planning Commission for a term expiring on 1/31/2020

260 Steve Uckotter appointed to the Board of Zoning Appeals for a term expiring on 1/31/2020

261 Bob Saul reappointed to the Board of Zoning Appeals for a term expiring on 1/31/2020

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Ms. Roesch seconded. City Council unanimously agreed.

Mr. Suer made a motion for the following reappointments:

Dave Clark reappointed to the Landmarks Commission for a term expiring on 1/31/2019

Jane Garfield reappointed to the Landmarks Commission for a term expiring on 1/31/2019

Mark Stella reappointed to the Landmarks Commission for a term expiring on 1/31/2019

Ms. Roesch seconded. City Council unanimously agreed.

Ms. Roesch made a motion for the following reappointments:

Bev Stull reappointed to the Parks and Recreation Commission for a term expiring on 1/31/2019

Pete Teitelman reappointed to the Parks and Recreation Commission for a term expiring on 1/31/2019

Jody Keith reappointed to the Beautification and Tree Commission for a term expiring on 2/28/2019

Helen Grimes reappointed to the Beautification and Tree Commission for a term expiring on 2/28/2019

Mr. Cappel seconded. City Council unanimously agreed.

Mrs. Combs reported that the Law and Safety Committee has recommended the appointment of Fred Kleiser to the Civil Service Board with a term ending on 1/31/2019. Mayor Dobrozsi stated that since it is a Committee recommendation there is no need for a second. City Council unanimously agreed.

Mr. Cappel made a motion to appoint Mary Ann Folz to the Environmental Advisory Commission with a term ending 1/31/2019. Mrs. Harbison seconded. City Council unanimously agreed.

Mr. Cappel reported that at the Public Works Committee meeting held on January 11, the Committee discussed a proposed request from Capital Telecom in regards to the ongoing review of the installation of a cell phone tower within the City. Based on the proposed location and the height requirement needed from Capital Telecom, the Committee made the decision to deny the request made by Capital Telecom to install a cell phone tower at the Safety Center.

Mr. Davis summarized the locations and options that staff have investigated as well as the amount of time that staff has committed to working with Capital Telecom to find a good solution.

Mr. Kevin Phillips of Capital Telecom addressed City Council to address any questions they might have about the proposed tower. Mr. Phillips stated that the lack of coverage in this area will become an issue in the future, but appreciates staff and City Council's time in working through the request with Capital Telecom.

Mayor Dobrozsi advised Mr. Phillips to stay in contact with the City as though there may not be a solution today there might be in the future.

Mayor Dobrozsi asked if there was any further business to discuss in Public Session. There being none, he asked for a motion to adjourn into Executive Session to discuss matters related to the sale and purchase of real estate.

Mr. Margolis moved to adjourn to Executive Session for reasons to discuss matters related to the sale and purchase of real estate. Mr. Cappel seconded.

The roll was called and showed the following vote:

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

315 NAY: (0)

316 ABSENT: (0)

317

318 City Council adjourned into Executive Session at 7:47 p.m.

319

320 City Council reconvened into Public Session at 8:26 p.m.

321

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

324

325 Mrs. Combs moved to adjourn. Mr. Suer seconded. City Council unanimously agreed.

326

327 City Council adjourned at 8:26 p.m.

328

329

330

Connie Gaylor, Clerk of Council

DRAFT