

July 14, 2017

TO: Mayor and City Council Members

FROM: Wayne S. Davis, City Manager



SUBJECT: City Council Work Session of Wednesday, July 19, 2017

As a reminder, City Council is scheduled to meet in Work Session on Wednesday, July 19, 2017 immediately following the Public Hearing.

Public Hearing

Prior to the Work Session, a Public Hearing is scheduled at 6:30 p.m. to consider an Interim Development Control Overlay District throughout the City for a period of 6 months which would prohibit the processing, distribution, or retail dispensing of medical marijuana.

At the close of the presentation, City Council's options are to either Approve the Recommendation, Deny the Recommendation, Remand the matter to Planning Commission for more specific information, or take the matter under advisement and vote at another public meeting within thirty days. If City Council chooses this final option, it is suggested that City Council announce the date and time of the subsequent hearing when the matter will be discussed and considered for vote.

As a reminder, the Code does not allow additional new evidence to be submitted for review during the public hearing. City Council is to limit its consideration to the record from the Planning Commission, the arguments from the City and the applicant, and any comments, pro or con, from the public.

A motion was made at the July 5, 2017 Business Session to call the July 19, 2017 Work Session to order immediately following the conclusion of the Public Hearing.

Work Session

1. Call to Order
2. Roll Call
3. Special Presentation
4. Guests and Residents
5. Legislation for Consideration Tonight
 - a. An Ordinance Establishing an Interim Development Control Overlay District to Control Medical Marijuana Businesses—(Mr. Margolis-3rd Reading) Information has been previously supplied on this Ordinance that, if approved, will implement a six-month moratorium, or Interim Development Control Overlay District under the City Code to prevent the establishment of a medical marijuana business within the City before proper regulations can be considered. The Planning Commission has

reviewed the issue and has recommended a moratorium while the Administration conducts a study of the impact of medical marijuana businesses on the land usage code and the impact, if any, such restrictions may have upon the delivery of patient services.

Move for passage of the Ordinance

Roll Call Vote

- b. A Resolution Authorizing a Reimbursement Agreement with Gateway Partners, LLC—Please find attached correspondence from Law Director Terry Donnellon requesting that City Council adopt this Resolution that will authorize reimbursement to Gateway Partners, LLC for interim engineering design costs that Gateway may incur while we finalize negotiations for the project. This provides downside protection to Gateway in the event negotiations are terminated.

Assign to a Council Member for Reading

Move to read the Resolution by title only

Voice Vote

Move passage of the Resolution

Roll Call Vote

6. Establishing an Agenda for August 2, 2017

Pending Legislation

- a. An Ordinance Establishing the Terms for Various Boards and Commissions—(Mrs. Harbison-3rd Reading) Information has been previously supplied on this Ordinance that, if approved, will allow for the alignment of the term ending dates for all Boards and Commissions other than those established by Charter. These Boards and Commissions are as follows: Arts Commission, Beautification and Tree Commission, and Sister Cities Commission. Current Board and Commission Members will continue to serve the remainder of their one-, two- or three-year terms, with the only change being with the adjustment of their term expiration date. The Planning Commission, Board of Zoning Appeals, Parks and Recreation Commission, Civil Service Commission, and Landmarks Commission have their term ending dates established by the Charter, and, as such, may be considered for adjustments to their term dates if a Charter Review process is undertaken in the future.

Add this Ordinance to the August 2, 2017 Business Session with adoption of the Ordinance requested at that meeting.

- b. An Ordinance Amending Tax Incentive Agreement with Sycamore Community School District—(Mr. Suer-3rd Reading) Information has been previously supplied on this Ordinance that, if approved, will authorize the City Manager to execute an amendment to the Tax Incentive Agreement with the Sycamore School District. Due to the success of the current development within the Vintage Club, there are funds accumulating in the Vintage Club Tax Increment Financing (TIF) Fund. The Sycamore School District has been an excellent partner with the City in economic development projects, and this agreement would enable the City to restore the School District to full compensation for the development.

Add this Ordinance to the August 2, 2017 Business Session with adoption of the Ordinance requested at that meeting.

- c. An Ordinance Accepting Dedicated Stormwater Improvements in the Montgomery Woods Subdivision—(Mr. Margolis-2nd Reading) Information has been previously supplied on this Ordinance that, if approved, will accept certain stormwater improvements constructed several years ago within the Montgomery Woods Subdivision. It was discovered in a review of City records that a portion of the stormwater improvement on Lakewater Drive had been accepted by Sycamore Township where a portion of the subdivision was in its jurisdiction, but the second portion of the same sewer line located in the City of Montgomery had not been properly accepted. This Ordinance will correct that mistake so that the entire stormwater improvement is accepted and maintained by the City.

Add this Ordinance to the August 2, 2017 Business Session agenda for second reading of the Ordinance. The third reading of the Ordinance would be held at the September 6, 2017 Business Session with adoption of the Ordinance requested at that meeting.

New Legislation

- a. A Resolution Establishing City Contributions to Employee Health Savings Account—Please find attached correspondence from City Manager Wayne Davis requesting that City Council adopt this Resolution that will continue the City's incentive contribution to employees' Health Savings Accounts for the period beginning September 1, 2017 through August 31, 2018. The maximum contribution by the City to employees' Health Savings Accounts is recommended to be continued at \$1,050 for a family plan and \$750 for a single plan for the 12-month period of September 1, 2017 through August 31, 2018. In addition to the base City incentive contribution, it is recommended that the City continue to match the employee's contribution to his/her Health Savings Account in an amount up to \$700 for employees with family plans and up to \$500 for employees with single plans.

Add this Resolution to the August 2, 2017 Business Session agenda, assign it to a City Council member for reading, and consider adoption of the Resolution that evening.

- b. A Resolution Authorizing a Contract with Dayton Mailing Services, Inc. D/B/A DMS Ink for Design and Production Services—Please find attached correspondence from Community and Information Services Director Matthew Vanderhorst, requesting that City Council approve this Resolution that would authorize the City Manager to enter into an agreement with DMS Ink for design, production, printing, and mailing of the monthly newsletter and annual calendar for 2017-2018 for \$79,152.00. After reviewing several proposals, staff has recommended the work of DMS Ink as meeting the high professional quality demanded by the City at an effective price. Funds for these services are budgeted in 101.715.5390.

Add this Resolution to the August 2, 2017 Business Session agenda, assign it to a City Council member for reading, and consider adoption of the Resolution that evening.

- c. A Resolution Designating Brian Riblet as Interim City Manager—Please find attached correspondence from Law Director Terry Donnellon requesting that City Council adopt this Resolution that will designate Brian Riblet as the Interim City Manager during Wayne Davis' transition and during the vacancy in the office of City Manager until a new City Manager is appointed. This Resolution is permitted by Charter to fill such vacancy.

Add this Resolution to the August 2, 2017 Business Session agenda, assign it to a City Council member for reading, and consider adoption of the Resolution that evening.

7. Administration Report

8. Law Director Report

9. City Council Member Reports

a. Mr. Cappel

- i) Appointment of Alice Aguilar to the Environmental Advisory Commission with a term ending on January 31, 2020.

Committee Recommendation, no second required

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

10. Approval of Minutes—July 5, 2017 Business Session; July 5, 2017 Public Hearing

11. Other Business

- a. Liquor License Hearing Request—Please see the attached memo from Police Chief John Crowell regarding a liquor license hearing notice received from the Ohio Division of Liquor Control. The City received this notice to confirm if City Council wishes to request a hearing on a new liquor license application for Stonecreek Dining at the new location, 9856 Montgomery Road. This license is considered new because of the change in address. Their current license will subsequently be sold to a new tenant when the location at 9386 Montgomery Road is occupied.

Motion to request or not request a hearing

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

July 19, 2017

Public Hearing – 6:30 p.m.

A Public Hearing is scheduled at 6:30 p.m. to consider an Interim Development Control Overlay District throughout the City for a period of 6 months which would prohibit the processing, distribution, or retail dispensing of medical marijuana.

At the close of the presentation, City Council's options are to either Approve the Recommendation, Deny the Recommendation, Remand the matter to Planning Commission for more specific information, or take the matter under advisement and vote at another public meeting within thirty days. If City Council chooses this final option, it is suggested that City Council announce the date and time of the subsequent hearing when the matter will be discussed and considered for vote.

As a reminder, the Code does not allow additional new evidence to be submitted for review during the public hearing. City Council is to limit its consideration to the record from the Planning Commission, the arguments from the City and the applicant, and any comments, pro or con, from the public.

A motion was made at the July 5, 2017 Business Session to call the July 19, 2017 Work Session to order immediately following the conclusion of the Public Hearing.

City Council Work Session –Immediately following the conclusion of the Public Hearing

1. Call to Order
2. Roll Call
3. Special Presentation
4. Guests and Residents
5. Legislation for Consideration Tonight
 - a. An Ordinance Establishing an Interim Development Control Overlay District to Control Medical Marijuana Businesses—(Mr. Margolis-3rd Reading)

Move for passage of the Ordinance

Roll Call Vote
 - b. A Resolution Authorizing a Reimbursement Agreement with Gateway Partners, LLC

Assign to a Council Member for Reading

Move to read the Resolution by title only

Voice Vote

Move passage of the Resolution

Roll Call Vote

6. Establishing an Agenda for August 2, 2017

Pending Legislation

- a. An Ordinance Establishing the Terms for Various Boards and Commissions—(Mrs. Harbison-3rd reading)

Add this Ordinance to the August 2, 2017 Business Session agenda with adoption of the Ordinance requested at that meeting.

- b. An Ordinance Amending Tax Incentive Agreement with Sycamore Community School District—(Mr. Suer-3rd reading)

Add this Ordinance to the August 2, 2017 Business Session with adoption of the Ordinance requested at that meeting.

- c. An Ordinance Accepting Dedicated Stormwater Improvements in the Montgomery Woods Subdivision—(Mr. Margolis-2nd Reading)

Add this Ordinance to the August 2, 2017 Business Session agenda for second reading of the Ordinance. The third reading of the Ordinance would be held at the September 6, 2017 Business Session with adoption of the Ordinance requested at that meeting.

New Legislation

- a. A Resolution Establishing City Contributions to Employee Health Savings Account

Add this Resolution to the August 2, 2017 Business Session agenda, assign it to a City Council member for reading, and consider adoption of the Resolution that evening.

- b. A Resolution Authorizing a Contract with Dayton Mailing Services, Inc. D/B/A DMS Ink for Design and Production Services

Add this Resolution to the August 2, 2017 Business Session agenda, assign it to a City Council member for reading, and consider adoption of the Resolution that evening.

- c. A Resolution Designating Brian Riblet as Interim City Manager

Add this Resolution to the August 2, 2017 Business Session agenda, assign it to a City Council member for reading, and consider adoption of the Resolution that evening.

7. Administration Report

8. Law Director Report

9. City Council Member Reports

- a. Mr. Cappel
i) Appointment of Alice Aguilar to the Environmental Advisory Commission with a term ending on January 31, 2020.
- b. Mr. Alfaqih
c. Mrs. Harbison
d. Vice Mayor Roesch

- e. Mr. Suer
- f. Mr. Margolis
- g. Mayor Dobrozsi

10. Approval of Minutes— July 5, 2017 Business Session; July 5, 2017 Public Hearing

11. Other Business

- a. Liquor License Hearing Request—Please see the attached memo from Police Chief John Crowell regarding a liquor license hearing notice received from the Ohio Division of Liquor Control. The City received this notice to confirm if City Council wishes to request a hearing on a new liquor license application for Stonecreek Dining at the new location, 9856 Montgomery Road. This license is considered new because of the change in address. Their current license will subsequently be sold to a new tenant when the location at 9386 Montgomery Road is occupied.

Make a motion to request or not request a hearing

12. Executive Session

13. Adjournment

ORDINANCE NO. , 2017

AN ORDINANCE ESTABLISHING AN INTERIM DEVELOPMENT CONTROL OVERLAY DISTRICT TO CONTROL MEDICAL MARIJUANA BUSINESSES

WHEREAS, Chapter 151.13 of the Montgomery Code of Ordinances allows City Council to establish an Interim Development Control Overlay District to regulate uses which need to be studied further because of their potential negative impact; and

WHEREAS, the Ohio legislature has authorized the cultivation, processing, distributing and retail sale of medical marijuana throughout the state, but has reserved to local communities the ability to regulate such uses; and

WHEREAS, Council has referred this issue to the Planning Commission for a recommendation concerning whether or not to implement controls on such medical marijuana business uses within the City; and

WHEREAS, after an initial public meeting, the Planning Commission has requested time for additional study before rules and regulations take effect in September 2017 which will govern the business uses of medical marijuana in the State of Ohio; and

WHEREAS, the Planning Commission has asked the Administration to reach out to various businesses within the Montgomery community which provide healthcare services to determine whether or not any restrictions or a prohibition will have a detrimental impact on their ability to deliver patient services within the City; and

WHEREAS, to give adequate time for such review and the ultimate review of such recommendation by City Council as an amendment to the Zoning Code, the Planning Commission has recommended that Council implement an Interim Development Control Overlay District throughout the City for a period of six months to give Planning

Commission and the City Council adequate time to study and implement any appropriate controls.

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

SECTION 1. Council does hereby accept the recommendation of the Planning Commission to establish a moratorium for a period of six months commencing _____ until _____ under Chapter 151.13, which permits Council to enact an Interim Development Control Overlay District. Such Overlay District shall be in effect overlaying all business districts within the City of Montgomery for a period of six months from the effective date of this Ordinance. Within the Overlay District the processing, distribution, or retail dispensing of medical marijuana is hereby prohibited. As determined by Council at its public hearing, the Planning Commission is continuing to study the proposed regulation of medical marijuana businesses within the community. The Planning Commission has requested the Administration to reach out to various healthcare providers within the City to determine what impact, if any, such restrictions may have upon their effective delivery of patient services. Given that regulations adopted by the State of Ohio will take effect September 2017, adequate time is needed to complete such study and to implement any recommendation from the Planning Commission. The operation of a medical marijuana business within the City has not been defined, and allowing such use without an appropriate study may have a negative impact upon surrounding businesses and/or residential uses within the City.

SECTION 2. During the period that this Overlay District is in effect, any application for a zoning permit for a medical marijuana business shall be governed by the procedures of Chapter 151.13.

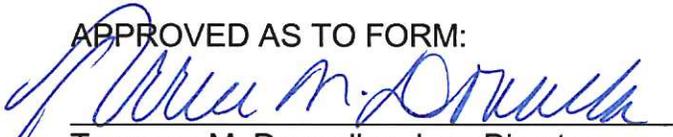
SECTION 3. This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Christopher P. Dobrozsi, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director

TO: Mayor Chris Dobrozi
Members of City Council

FROM: Terrence M. Donnellon

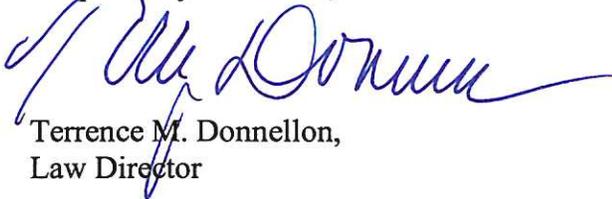
RE: Reimbursement Agreement with
Gateway Partners, LLC

DATE: July 13, 2017

We are in the final stages of our negotiations with Gateway Partners, LLC, but we have not reached a final agreement. Critical to the successful completion of the project, Gateway Partners, LLC needs to begin preparing engineering and design drawings for certain improvements to be developed onsite including public improvements. So as not to disrupt the timeline, but to protect Gateway Partners, LLC in the event the City terminates their role, the City Manager is being authorized to execute this Reimbursement Agreement.

The scope of the services to be reimbursed are capped at \$404,000. They are detailed on the attached Schedule. The City's responsibility will be to provide reimbursement for such services which have been paid by Gateway at the point in time when negotiations or a contract is terminated. At that time the City would acquire all engineering and design drawings, and the City may be permitted to authorize completion of the drawings, all of which will then become the property of the City in the continuing development of the site. In the event this would occur, the Agreement also provides for complete release of the City and the CIC from any further liability.

Respectfully submitted,



Terrence M. Donnellon,
Law Director

TMD/lld

Enclosures

cc: Wayne S. Davis, City Manager
Connie Gaylor, Administrative Coordinator
Department Heads
File

RESOLUTION NO. _____, 2017

**A RESOLUTION AUTHORIZING A REIMBURSEMENT AGREEMENT
WITH GATEWAY PARTNERS, LLC**

WHEREAS, the City has been in negotiations with Gateway Partners, LLC (“Gateway”) concerning the development of the Gateway Redevelopment Area Project; and

WHEREAS, a final Development Agreement has not been concluded, but Gateway needs to initiate engineering and design services to meet its timeline for completion of the project; and

WHEREAS, while the parties continue their negotiations, the City is in agreement to provide reimbursement to Gateway for engineering and design services they may incur in the event negotiations are terminated or a Development Agreement is terminated without Gateway being able to complete the project; and

WHEREAS, the Scope of such services is anticipated to exceed the \$50,000 limit the City Manager is authorized to approve without legislation, and therefore this Resolution is necessary to execute such Agreement to provide the appropriate reimbursement and purchase of such design and engineering services in the event negotiations are terminated.

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

SECTION 1. The City Manager is hereby authorized to execute the attached Reimbursement Agreement with Gateway Partners, LLC to commit the City to reimburse Gateway Partners, LLC for any interim costs incurred during final negotiations for advances

they may make for engineering and design services in the event such negotiations are terminated. Consistent with the scope of the Agreement, if such reimbursement is required, the City will acquire all engineering and design documents and be released from further liability to Gateway Partners, LLC or its investors.

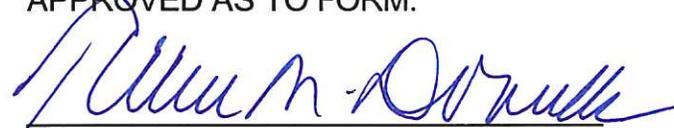
SECTION 2. This Resolution shall be in full force and effect from and after its passage.

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Christopher P. Dobrozsi, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director

REIMBURSEMENT AGREEMENT

This Reimbursement Agreement (this "Agreement") is entered into this _____ day of July, 2017 by and between GATEWAY PARTNERS, LLC ("Gateway") and the CITY OF MONTGOMERY, OHIO, an Ohio municipal corporation ("Montgomery").

WHEREAS, Gateway and Montgomery have been negotiating a Development Agreement for the development of certain real property located in the City of Montgomery, Ohio, and in order to complete the terms of the Development Agreement certain design/engineering drawings need to be completed; and

WHEREAS, Gateway is willing to advance the costs and pay for the design/engineering drawings so long as Montgomery agrees to reimburse Gateway in the event that the Development Agreement is not agreed-upon; and

WHEREAS, Montgomery is willing to reimburse Gateway for such advancement of costs as provided for herein.

NOW THEREFORE, for and in consideration of the mutual covenants and agreements contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties do hereby agree as follows:

1. Proceed with Design. Gateway shall proceed with obtaining the necessary design/construction drawings necessary to firm up the cost of construction and development of the Gateway project. Such advancements shall not exceed \$404,000. A specific Scope of Work for reimbursable expenses is attached hereto as Schedule A.

2. Reimbursement. If the Development Agreement is not agreed-upon between Gateway and Montgomery by September 30, 2017, then Montgomery shall reimburse Gateway its costs to prepare the design and engineering drawings identified upon Schedule A. At Montgomery's option, Montgomery may authorize any work in progress to continue until conclusion.

3. Funding and Release. Upon termination of the negotiations as provided herein, Montgomery shall pay Gateway for the Scope of Work defined within Schedule A, all such work completed to such date and paid by Gateway. In exchange for such payment, Gateway and its development partners, Brandicorp, LLC, Traditions Land Development Group, LLC and Greiwe Development, shall release and discharge the City of Montgomery, Ohio, the Montgomery Community Improvement Corporation and their elected officials, officers and employees, from any and all claims related in any way to the negotiations entered into a Development Agreement or any alleged breach of the Development Agreement. Further, in exchange for the reimbursement payment, Gateway and/or its design contractors shall deliver all design and/or engineering drawings to Montgomery, and thereafter Montgomery shall have the exclusive use and control of such drawings.

GATEWAY PARTNERS, LLC,
an Ohio limited liability company

By: _____
Thomas H. Humes
Its: Managing Member

CITY OF MONTGOMERY, OHIO
An Ohio municipal corporation

By: _____
Wayne S. Davis
Its: City Manager

APPROVED AS TO FORM:

Terrence M. Donnellon
Law Director

6/30/2017

Montgomery Development Partners
Planning Expenses

Montgomery GRA
Engineering Cost Estimates

Consultant	Disicipline	Future Expenses Up to Signed Development Agreement
Planning / Design		
MKSK	Land Planning	\$ 82,000
Gossman Group	Architecture	\$ 12,000
McGill Smith Punshon	Civil Engineering	\$ 200,000
KZF Design	Architecture / Preliminary Garage Analysis	\$ 40,000
THP	Parking Garage Design	\$ 50,000
Miscellaneous		\$ 20,000
SUBTOTAL DESIGN		\$ 404,000

SCHEDULE A

ORDINANCE NO. , 2017

**AN ORDINANCE ESTABLISHING THE TERMS FOR
VARIOUS BOARDS AND COMMISSIONS**

WHEREAS, the City is served by various Boards and Commissions with citizen volunteers whose terms are either established by Charter or established by Ordinance; and

WHEREAS, various Boards and Commission have different starting and ending dates for the terms of appointment; and

WHEREAS, the Administration has recommended that Council adopt a uniform term date for each Board and Commission to be able to better track member terms and to better identify volunteer opportunities for community residents.

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

SECTION 1. The term of office for all members appointed to the Arts Commission, Beautification and Tree Commission, Board of Tax Review, Environmental Advisory Commission and Sister Cities Commission shall commence February 1 in the appropriate calendar year. The term of office shall then end January 31 of the calendar year in which the term of office ends. Any appointments for an unexpired term shall commence on the date of appointment and shall end January 31 of the appropriate calendar year for the member's term which was vacated.

SECTION 2. Members of the Arts Commission, Beautification and Tree Commission, Environmental Advisory Commission and Sister Cities Commission shall each serve three year terms and shall be eligible for reappointment. The terms shall be

staggered so only a portion of Commission members' terms of office will end in any calendar year.

SECTION 3. With the adoption of this Ordinance, all current Board and Commission member's offices shall be adjusted to reflect the ending term date January 31 in the calendar year in which their current term ends. As a result, those members appointed with the term ending in calendar year 2018 shall have their term of office end January 31, 2018. For those members appointed with the term ending in calendar year 2019 shall have their term of office end January 31, 2019. For those members appointed with the term ending in calendar year 2020 shall have their term of office end January 31, 2020.

SECTION 4. The two year term of office for the Board of Tax Review shall remain in effect as codified in Chapter 44.1 of the Code. Provided, however, that those members of the Board currently appointed by City Council shall have their term of office end January 31, 2018 or January 31, 2019 as appropriate.

SECTION 5. Any changes to those Boards and Commissions established by Charter: Planning Commission, Board of Zoning Appeals, Park and Recreation Commission, Civil Service Commission and Landmarks Commission shall not be affected by this Ordinance. The term of office for those Board and Commission members shall be governed by the Charter until otherwise amended.

SECTION 6. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

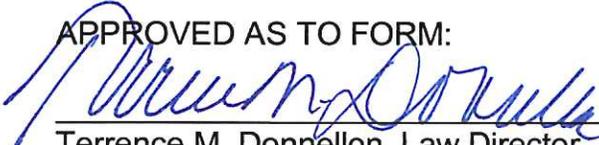
SECTION 7. This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Christopher P. Dobrozsi, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director

ORDINANCE NO. , 2017

**AN ORDINANCE AMENDING TAX INCENTIVE AGREEMENT
WITH SYCAMORE COMMUNITY SCHOOL DISTRICT**

WHEREAS, by Ordinance No. 23, 2006, Council did authorize a Tax Incentive Agreement (“Agreement”) with the Sycamore Community School District governing the allocation of Payments In Lieu Of Taxes generated from the development of real estate in Phase I of the Vintage Club Tax Incentive District; and

WHEREAS, the Agreement was executed between the City and the School District on May 19, 2006, and later amended between the City and the School District on November 20, 2007, which Agreement provided for the exemption from real property taxes, certain parcels of property located within the Vintage Club Tax Incentive District; and

WHEREAS, the development contemplated by such Agreement has progressed to a certain sustainable level to allow the City to adequately service the debt on the bonds issued by the City to finance public improvements in and around the district; and

WHEREAS, the School District has been a valued partner with the City in serving the Montgomery community, and with the success of the Vintage Club project to date the City does desire to share in the success of the Vintage Club development by amending the Tax Incentive Agreement.

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

SECTION 1. The City Manager is hereby authorized to execute the attached Second Amendment to the Tax Incentive Agreement to modify the compensation payable to the Sycamore Community School District from Phase I of the Vintage Club Tax Incentive District. This amendment will increase the compensation to the schools up to that compensation which they would have received from the development of the real estate absent the exemption approved by the City and the School District.

SECTION 2. The City Manager is authorized to execute the Second Amendment to the Tax Incentive Agreement and all additional documentation necessary to implement this amendment.

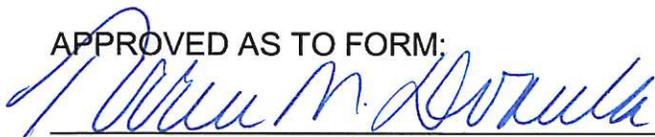
SECTION 3. This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Christopher P. Dobrozsi, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director

SECOND AMENDMENT TO TAX INCENTIVE AGREEMENT

THIS SECOND AMENDMENT TO THE TAX INCENTIVE AGREEMENT (the “Amendment”), made and entered into as of the ____ day of _____ 2017, by and between the SYCAMORE COMMUNITY SCHOOL DISTRICT, Hamilton County Ohio, a community school district and political subdivision of the State of Ohio (the “School District”) and the CITY OF MONTGOMERY, Hamilton County, Ohio, a political subdivision of the State of Ohio (the “City”).

WITNESSETH THAT:

WHEREAS, on May 19, 2006 the School District and the City entered into a Tax Incentive Agreement, as amended by the Amendment to Tax Incentive Agreement entered into by and between the City and the School District on November 20, 2007, (the “Agreement”) providing for the exemption from real property taxes certain parcels of property located within the City and corresponding compensation to the School District; and

WHEREAS, the development contemplated by such Agreement has progressed to a certain sustainable level and the parties desire to redefine the compensation to the School District as a result of the current level of development on the Phase I Exempted Property, as set forth on Exhibit A, attached hereto;

NOW, THEREFORE, in consideration of the premises and the mutual covenants hereinafter described, the School District and the City, covenant, agree and bind themselves as follows:

SECTION 1. That Section 1(b), which reads as follows:

(b) During any year or any portion thereof, in which the School District would have received property tax payments derived from the Exempted Property, but for the City’s authorization of the TIF Exemption, the City agrees to pay to the School District, solely from the Service Payments in Lieu of Taxes from the owners of the Exempted Property or from Minimum Service Payments, as defined in the Service Agreement, from the developer pursuant to the Service Agreement between a developer, and the City, an amount equal to fifty percent (50%) of the Service Payments in Lieu of Taxes received by the City from the owners of the Exempted Property (the “TIF Compensation”). Nothing in this Agreement shall be construed to pledge the full faith and credit of the City.

shall be and is hereby amended to read as follows:

(b) During any year or any portion thereof, in which the School District would have received property tax payments derived from the Exempted Property, but for the City’s authorization of the TIF Exemption, the City agrees to pay to the School District, solely from the Service Payments in Lieu of Taxes from the owners of the Exempted Property or from Minimum Service Payments, as defined in the Service Agreement, from the developer pursuant to the Service Agreement between a developer, and the City, an

amount equal to fifty percent (50%) of the Service Payments in Lieu of Taxes received by the City from the owners of the Exempted Property (the "TIF Compensation"). Nothing in this Agreement shall be construed to pledge the full faith and credit of the City for the payment of the TIF Compensation.

Additionally, commencing with tax year 2017/collection year 2018, during any year or any portion thereof, in which the School District would have received property tax payments derived from the Exempted Property, but for the City's authorization of the TIF Exemptions, the City will pay to the School District "Additional Compensation," which shall be a portion of all Service Payments received from the owners of the Phase I Exempted Property in excess of the amount of such Service Payments required to pay (i) Phase I Exempted Property TIF Compensation set forth above in Section 1(b) and (ii) debt service on the \$13,265,000 Special Obligation Revenue Bonds, Series 2013 (Vintage Club Project) issued by the City to pay for necessary infrastructure improvements in support of development of the Phase I Exempted Property. Such portion of excess Service Payments to be paid to the School District shall be such amount as when added to the TIF Compensation set forth above combined compensation (TIF Compensation plus Additional Compensation ("School Compensation")) shall be equal to the amount produced by the School District's effective rate tax times the assessed value of the Phase I Exempted Property, so long as the total School Compensation over the entire life of the TIF Exemption does not exceed the amount of property taxes from the Phase I Exempted Property the School District would have received if the property were not exempted. Nothing in this Agreement shall be construed to pledge the full faith and credit of the City for the payment of School Compensation.

SECTION 2. All other provisions of the Agreement not specifically amended herein shall remain in full force and effect as agreed to by the parties on May 19, 2006, as amended on November 20, 2007.

IN WITNESS WHEREOF, the School District and the City have caused this Agreement to be executed in their respective names by their duly authorized officers all as of the date hereinbefore written.

**SYCAMORE COMMUNITY SCHOOL
DISTRICT, HAMILTON COUNTY,
OHIO**

By: _____

Printed Name: _____

Title: _____

**CITY OF MONTGOMERY,
HAMILTON COUNTY, OHIO**

By: _____

Printed Name: _____

Title: _____

STATE OF OHIO)
) ss:
COUNTY OF HAMILTON)

On this _____ day of _____, 2017, personally appeared before me, a Notary Public in and for the State of Ohio, the Sycamore Community School District, Hamilton County, Ohio, by _____, the _____ of said School District and duly authorized in the premises, who acknowledged the signing and sealing of the said Tax Incentive Agreement for himself/herself and on behalf of said School District, to be his/her voluntary act and deed, and the voluntary act and deed of said School District.

Notary Public

My commission expires: _____

[NOTARY
SEAL]

STATE OF OHIO)
) ss:
COUNTY OF HAMILTON)

On this _____ day of _____, 2017, personally appeared before me, a Notary Public in and for the State of Ohio, the City of Montgomery, Ohio, by Wayne Davis, the City Manager of said City and duly authorized in the premises, who acknowledged the signing and sealing of the said Tax Incentive Agreement for himself/herself and on behalf of said City, to be his/her voluntary act and deed, and the voluntary act and deed of said City.

Notary Public

My commission expires: _____

[NOTARY
SEAL]

This instrument prepared by:

Brenda A Wehmer, Esq.
DINSMORE & SHOHL LLP
255 East Fifth Street, Suite 1900
Cincinnati, Ohio 45202

EXHIBIT A
VINTAGE CLUB
TAX EXEMPTED PROPERTIES

603-0A23-205	603-0A23-194	603-0A23-193
603-0A23-198	603-0A23-204	603-0A23-195
603-0A23-197	603-0A23-199	603-0A23-44
603-0A23-40	603-0A23-41	603-0A23-47
603-0A23-45	603-0A23-46	603-0A23-50
603-0A23-48	603-0A23-49	603-0A23-53
603-0A23-51	603-0A23-52	603-0A23-56
603-0A23-54	603-0A23-55	603-0A23-63
603-0A23-57	603-0A23-62	603-0A23-66
603-0A23-64	603-0A23-65	603-0A23-73
603-0A23-67	603-0A23-68	603-0A23-76
603-0A23-74	603-0A23-75	603-0A23-80
603-0A23-78	603-0A23-79	603-0A23-83
603-0A23-81	603-0A23-82	603-0A23-86
603-0A23-84	603-0A23-85	603-0A23-89
603-0A23-87	603-0A23-88	603-0A23-92
603-0A23-90	603-0A23-91	603-0A23-95
603-0A23-93	603-0A23-94	603-0A23-98
603-0A23-96	603-0A23-97	603-0A23-101
603-0A23-99	603-0A23-100	603-0A23-104
603-0A23-102	603-0A23-103	603-0A23-108
603-0A23-105	603-0A23-107	603-0A23-114
603-0A23-115	603-0A23-110	603-0A23-117
603-0A23-118	603-0A23-116	603-0A23-120
603-0A23-121	603-0A23-119	603-0A23-123
603-0A23-124	603-0A23-122	603-0A23-126
603-0A23-127	603-0A23-125	603-0A23-129
603-0A23-130	603-0A23-128	603-0A23-132
603-0A23-133	603-0A23-131	603-0A23-136
603-0A23-137	603-0A23-135	603-0A23-139
603-0A23-140	603-0A23-138	603-0A23-142
603-0A23-143	603-0A23-144	603-0A23-145
603-0A23-146	603-0A23-147	603-0A23-151
603-0A23-149	603-0A23-150	603-0A23-154
603-0A23-152	603-0A23-153	603-0A23-157
603-0A23-155	603-0A23-156	603-0A23-160
603-0A23-158	603-0A23-159	603-0A23-166
603-0A23-161	603-0A23-163	603-0A23-169
603-0A23-164	603-0A23-165	603-0A23-172
603-0A23-167	603-0A23-168	603-0A23-181
603-0A23-170	603-0A23-171	603-0A23-200
603-0A23-173	603-0A23-174	603-0A23-203
603-0A23-176	603-0A23-177	603-0A23-186
603-0A23-179	603-0A23-180	603-0A23-206
603-0A23-184	603-0A23-185	
603-0A23-188	603-0A23-189	

ORDINANCE NO. , 2017

**AN ORDINANCE ACCEPTING DEDICATED STORMWATER IMPROVEMENTS
IN THE MONTGOMERY WOODS SUBDIVISION**

WHEREAS, a portion of the Montgomery Woods Subdivision was developed under the authority of Sycamore Township and the City of Montgomery, but later the entire subdivision was annexed into the City of Montgomery by Resolution No. 35, 1979; and

WHEREAS, a subdivision plat was prepared and accepted by Sycamore recorded at Plat Book 202, Page 79-A, a copy of which is attached hereto; and

WHEREAS, such subdivision plat did dedicate certain stormwater improvements running on and across Auditor's parcel numbers 603-0026-0050/0051/0052; and

WHEREAS, records indicate that a portion of the improvements located within the City of Montgomery were never properly accepted by the City within the plat; and

WHEREAS, after inspecting the stormwater improvements the Administration has recommended the City formally accept such dedicated public improvements as they have been constructed consistent with our engineering standards and have been maintained accordingly since installation.

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

SECTION 1. The stormwater easement and stormwater improvements as depicted on the attached Exhibit A, being Plat Book 202, Page 79-A of the Official

Records of Hamilton County, Ohio, are hereby accepted as more specifically located on Auditor's Parcel Numbers 603-0026-0050, 603-0026-0051, and 603-0026-0052, being also known as Lots 33, 34 and 35 of the Montgomery Woods Subdivision, Block D.

SECTION 2. The Clerk of Council is hereby directed to forward a certified copy of this Ordinance to the Auditor and Recorder of Hamilton County, Ohio, to place this Ordinance of public record showing that the dedicated improvements have been completed and accepted for public use by the City of Montgomery, Ohio.

SECTION 3. The City Manager is authorized to execute any and all documentation necessary to complete this dedication and acceptance.

SECTION 4. All Ordinances or parts of Ordinances inconsistent herewith are hereby appropriately amended and/or repealed.

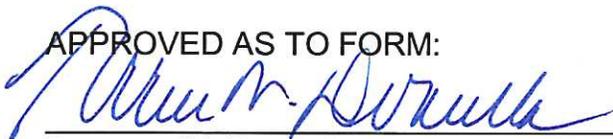
SECTION 5. This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Christopher P. Dobrozsi, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director

July 14, 2017

TO: Mayor and City Council Members

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

SUBJECT: Legislation Request to Establish City Contribution to Employee Health Savings Accounts

Introduction

It is recommended that City Council adopt a Resolution that establishes a City contribution to employees' health savings accounts for the period of September 1, 2017 through August 31, 2018.

Background

The City has, for the past eleven (11) years, made contributions to the employees' health savings accounts to offset the premiums which are shared and incent the employee to contribute his/her own money to a health savings account. In the years 2006, 2007 and 2008, this contribution had been in the amount of \$3,000 for the plan years for employees with family coverage and \$1,500 for employees with single coverage. For 2009 and 2010, the amount was \$2,500 for employees with family coverage and \$1,250 for employees with single coverage. In 2011, 2012, 2013, 2014, 2015 and 2016 the maximum amount was \$1,750 for employees with family coverage and \$1,250 for employees with single coverage, with employees required to contribute a \$700 match for family and \$500 match for single plans to realize the entire City contribution.

This year, it is being proposed to keep the contribution the same as last year: \$1,050 for family coverage with a City match of the employee's contribution up to \$700; \$750 for single coverage with a City match of the employee's contribution up to \$500.

The recommendation to maintain the current structure for the City's contribution is within the amount programmed in the 2017 and 2018 budgets.

Staff Recommendation

Staff recommends that City Council adopt a Resolution that establishes the City's incentive contribution to employees' health savings accounts for the 12-month period from September 1, 2017 through August 31, 2018 at \$1,050 for employees selecting family coverage and \$750 for employees selecting single coverage. These amounts would be deposited into the employees' health savings accounts on or close to September 1, 2017.

Further, it is recommended that the City continue the incentive that would match an employee's contribution of up to \$700 for those selecting family plans and \$500 for those selecting single plans. These matching contributions would be payable when each employee

reaches the corresponding level of personal contribution to his/her health savings account. For those who do not reach these matching thresholds, payments would be made at the end of the 12-month period (September 1, 2017 through August 31, 2018) for the amount the employee contributed to his/her health savings account.

Additional Notes

Finally, it should be noted that in 2015, due to certain provisions of the federal Affordable Care Act, the City opted for a one time 13-month contract for group health insurance thereby creating an October 1 renewal date for group insurance coverages going forward. As a result, the renewal month for group insurance coverages no longer coincides with the annual twelve month period of September 1 through August 31 established for City contributions to employee health saving accounts. Recommendations regarding proposals from carriers for group insurance coverage, as well as recommendations regarding City "caps" on insurance premium contributions, will be presented to City Council in August.

RESOLUTION NO. , 2017

**A RESOLUTION ESTABLISHING CITY CONTRIBUTIONS TO
EMPLOYEE HEALTH SAVINGS ACCOUNTS**

WHEREAS, the City has adopted a high deductible health plan (“HDHP”) upon recommendation from the City Administration and the Employee Healthcare Benefits Committee; and

WHEREAS, the City has in the past contributed monies to the employee’s individual health savings account to offset uncovered medical expenses and to incentivize employee participation; and

WHEREAS, the plan year for such contributions traditionally has run from September 1 to August 31 annually; and

WHEREAS, the Administration recommends renewing the City’s program for contributions to employee health savings accounts and keeping the employee health savings accounts contributions calendar on the September 1 to August 31 cycle.

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

SECTION 1. All employees electing to participate in the City’s high deductible health plan (“HDHP”) shall receive a contribution from the City in the amount of \$1,050.00 during the twelve month period commencing September 1, 2017 if such employee elects to receive family coverage within the HDHP (family coverage being defined as a Family Plan, Employee and Spouse Plan, or Employee and Children Plan), or \$750.00 for the twelve month period commencing September 1, 2017 if such employee elects to receive single plan coverage through the HDHP. These amounts will be paid on

or after September 1, 2017 and deposited to the employee's health savings account. Commencing September 1, 2017 through August 31, 2018, in addition to the incentive contribution to be paid by the City, the City agrees to match the employee's contribution to his/her health savings account up to an additional \$700.00 for employees enrolled in family plans and \$500.00 for employees enrolled in single plans. The matching contribution from the City shall be paid to the employee's health savings account at such time during the year as the employee's contributions reach the City's maximum level of matching contribution. If the employee does not reach the maximum level on or before August 31, 2018, then the City's matching contribution shall be paid at the close of the plan year, August 31, 2018.

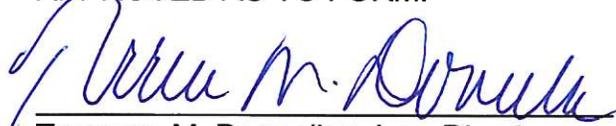
SECTION 2. This Resolution shall be in full force and effect from and after its passage.

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Christopher P. Dobrozsi, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director

July 14, 2017

To: Wayne S. Davis, City Manager

From: Matthew Vanderhorst, Community and Information Services Director 

Subject: Recommendation for 2017-2018 Newsletter and 2018 Annual Calendar

Introduction

The City of Montgomery produces a monthly newsletter and an annual calendar to inform its citizens and businesses of the services, decisions, and events provided by the City. These publications are regularly recognized as the primary communication pieces that the public uses to get information about the community. Through the past 25 years, the newsletter publication has grown from a trifold mailer to a 16-page, full-color newsletter with photographs.

Background

Since December 2013, the City of Montgomery has partnered with Cox Media Ohio to produce and publish the Montgomery Bulletin. The current agreement with Cox Media Ohio for the Montgomery Bulletin runs through 2017. In addition, Cox Media Ohio has also produced and/or printed the annual City Calendar. In the past a quote on the calendar product was solicited separately.

Over the last year, we have encountered many challenges working with Cox Media Ohio. City staff has worked with three different account managers and two different designers to produce these key communication pieces. This has meant that staff has needed to teach our specific design expectations several times over. Cox Media Group staffing changes has placed added pressure on City resources and sacrificed quality.

In addition to these staffing changes, City staff was unprepared for the dramatic increase in price for the annual calendar.

- The City of Montgomery paid Cox Media Ohio \$7,879 for the 2016 Calendar;
- For the 2017 Calendar, the City paid \$12,673. This accounted for a 61 % increase.

Their explanation for the increase was due to increasing operation and production costs, which previous quotes did not adequately capture. Staff opted to continue this relationship for the 2017 Calendar, despite a steep increase from last year's final cost, due to Cox's knowledge of the project, an effective working relationship, collateral on hand from the newsletter, and a design concept created for the 2017 Calendar.

The other 2017 quotes from two competing companies were also substantially more than Cox's final cost for the 2016 Calendar.

When the City of Montgomery signed the contract with Cox Media Ohio for the calendar, a letter was included to communicate that the Bulletin agreement expires at the end of 2017, at which time, the City of Montgomery will send out a request for proposals to area printers and designers. This letter also stated that if the proposal for the Bulletin is consistent with the calendar's cost increase, the City will reconsider its partnership with Cox Media Ohio. Finally, the letter included a request for an estimate on future Bulletin production costs for budgetary planning purposes.

- The current rate for a 16-page newsletter is \$2,784 and their future pricing estimate (provided in September 2016) for a 16-page newsletter was \$5,417, a 95% increase.
- Their actual 2017 quote for the RFP was \$5,545.

For context, the City of Montgomery contracted with AVI, Inc. in 2008-2009 for design purposes only. The quoted amount was \$5,088 per 16-page issue. This price ran through 2013. The actual total design cost in 2013 was \$48,461. In 2013, the City paid \$27,089 to Quality Publishing for printing services. In 2013, Montgomery spent \$75,550 on producing the newsletter including design and printing.

Since 2014, the City has paid Cox Media Group to produce the yearly newsletter.

- 2014 – \$28,235; with postage, \$38,450
- 2015 – \$28,851; with postage, \$38,923
- 2016 – \$30,344; with postage, \$41,602

The quote received from Cox Media Ohio for the production of the monthly newsletter was \$67,580 and includes postage. The quote for the calendar is \$12,463. The total quote for both pieces is \$80,043.

Staff has requested information from surrounding jurisdictions on their communications practices.

- Madeira produces five regular issues and a sixth issue is dedicated to leaf collection. Most of these issues are produced close to the beginning of the year. They do sell ads for the newsletter between October and December each year. They solicit Madeira businesses to purchase a \$95 advertising subscription per year. They recruit 36 businesses to fill the three pages of ad space. Businesses run the same consistent ad in a business card format for the entire year.
- Sharonville produces *Hometown Guide* quarterly. This publication is sent to all residents only (not businesses at this time). They do sell ads, but are selective about the businesses that can purchase ads. They sell each ad at \$1,000 each, but they do not aggressively sell ad space. They use Quality Printing. They also publish a monthly electronic publication that features new programs, events or services and pushes recreation members to those program details on their website.
- Blue Ash does a monthly electronic newsletter. It does not sell ads.
- Wyoming has a multi-dimensional approach to communications. They send out a weekly news e-blast to subscribers who indicate their preferred news topics. *What's Up Wyoming* is a blog managed by the Promote Wyoming Advisory Commission. The City submits news to this blog, which is managed and updated by volunteers. Finally, they produce *Word on Wyoming*, a quarterly

publication, which features City news, four pages of school district news and 10 pages devoted to recreational programming.

- The Village of Indian Hill no longer sells ads for each of its 11 *The Indian Hill Bulletin* newsletters (they print two issues in May and no issues in July or August). They cited difficulty in managing the ad program as the reason they no longer sell ads.

Based on the information laid out above, cost of printing, postage and design is increasingly becoming less sustainable. This is also evidenced by the quotes we received.

Upon review of the submitted proposals and provided samples of art work, staff recommends contracting with DMSink from Yellow Springs, Ohio for \$79,152 over Five Visual Communications. DMSink provided superior samples of work, a competitive bid, and another benefit that none of the other vendors originally offered, research on flat rate vs. folded rate according to carrier routes. While the savings could be minimal between postage and handling, staff was impressed that they made the offer to do this research to find potential savings. This offer speaks to their ability to not only understand our organizational values of cost efficiency, but also to their attention to every detail.

One item to note is that the lowest quote from Hamilton County Educational Service Center was very competitive on first review; however, it was outlined in their proposal that they needed eight to 10 business days for design, proofing, editing and approval and 10 business days for printing, addressing, mail processing and delivery to the post office. This timeline did not include the two to seven days needed for USPS delivery. This schedule would not meet our needs to deliver a timely product to the citizens and could cause due dates for articles to be six weeks before the delivery date. Hamilton County Educational Service Center could be an option if we opt to move to a quarterly publication schedule. They may also be an option for printing brochures or other static pieces.

In addition, staff would like to begin working with the new vendor on the annual calendar in July 2017, and on the newsletter in November 2017, in order to mail out the December 2017 Bulletin with the annual calendar. By mailing these two pieces together, the City saves \$1,100.

Recommendation

The recommendation is to terminate the agreement with Cox Media Ohio effective November 1, 2017. We will contact them regarding this change on July 5, 2017, which is more than 60 days prior notice as required in the 2014-2015 contract, which was extended in a 2016-2017 signed quote. Staff recommends contracting with DMSink for design, production, printing, and mailing of the monthly newsletter and annual calendar for 2017-2018 based on the attached summary statement, their ability to deliver the required publications according to our time schedule, and the design and production of the provided samples. Staff also recommends a continuing conversation on future communication publications and possibly changing from monthly to quarterly to adjust for increasing printing, postage and design costs.

Attachments: Spreadsheet of proposed amounts

RESOLUTION NO. , 2017

A RESOLUTION AUTHORIZING A CONTRACT WITH DAYTON MAILING SERVICES, INC. D/B/A DMS INK FOR DESIGN AND PRODUCTION SERVICES

WHEREAS, the City produces a monthly bulletin and an annual calendar providing valuable communication services to the residents of the City of Montgomery; and

WHEREAS, to most effectively deliver such communications, the Administration has requested proposals from various design and publication firms to quote the costs for professional services; and

WHEREAS, after reviewing such proposals, the staff has recommended that the City contract with Dayton Mailing Services, Inc., d/b/a DMS ink, to provide such professional services which would be exempt from competitive bidding, although the amount of the contract would exceed \$50,000 in a calendar year.

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

SECTION 1. The City Manager is authorized to execute the attached Master Agreement with Dayton Mailing Services, Inc., d/b/a DMS ink, for design, production and mailing services for the monthly bulletin and annual calendar in an amount not to exceed \$80,000.

SECTION 2. The City Manager is hereby authorized to pay DMS ink according to the rate set forth within such contract and its attached schedules.

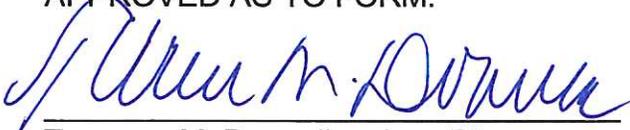
SECTION 3. This Resolution shall be in full force and effect from and after its passage.

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Christopher P. Dobrozsi, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director

TO: Mayor Chris Dobrozi
Members of City Council

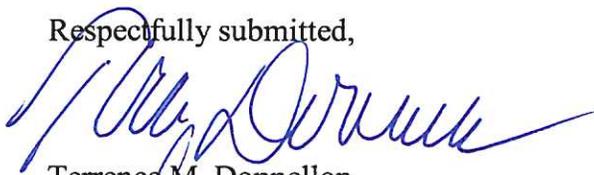
FROM: Terrence M. Donnellon

RE: Designating Brian Riblet as
Interim City Manager

DATE: July 13, 2017

The Charter of the City of Montgomery permits City Council to appoint a Department Head or any qualified Administrative Director as the Acting City Manager in the absence of the formally appointed City Manager. This Resolution will formally appoint Brian Riblet, Public Works Director, as the Acting City Manager. Mr. Davis has the power by Charter to designate an Acting Manager during his absence, but the Charter reserves to Council the right to make the appointment during a vacancy. This appointment will take place after Mr. Davis' resignation and his transition takes place. During his proposed vacation leave, the appointment power will be exercised by Mr. Davis. The Resolution authorizes Brian Riblet during the vacancy to exercise all duties, powers and functions of the City Manager consistent with the City Charter, its Ordinances, and as authorized by Ohio law.

Respectfully submitted,



Terrence M. Donnellon,
Law Director

TMD/lld

Enclosure

cc: Wayne S. Davis, City Manager
Connie Gaylor, Administrative Coordinator
Department Heads
File

RESOLUTION NO. , 2017

A RESOLUTION DESIGNATING BRIAN RIBLET AS INTERIM CITY MANAGER

WHEREAS, Section 4.05 of the Charter of the City of Montgomery provides that Council by Resolution may designate a qualified Administrative Director or Department Head to perform the duties of the City Manager as the Acting City Manager in the absence of the appointed City Manager; and

WHEREAS, the appointed City Manager, Wayne S. Davis, has tendered his resignation to transition August 21, 2017 to a similar position with Centerville, Ohio; and

WHEREAS, it is Council's desire to appoint Brian Riblet, who is the Public Works Director, to the role of Acting City Manager after Mr. Davis' resignation when the office shall be vacant until a new City Manager is appointed.

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

SECTION 1. Brian Riblet is hereby appointed the Acting City Manager effective August 21, 2017 during the vacancy in the office of the City Manager. The Acting City Manager shall exercise all duties, powers and functions of the City Manager during such transition while the position is vacant, consistent with the City Charter, its Ordinances, and as authorized by state law, including the right to appoint a substitute manager in his absence.

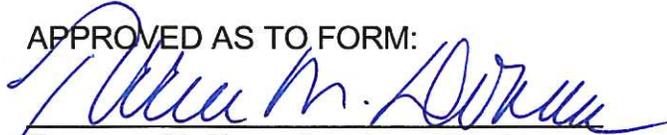
SECTION 2. This Resolution shall be in full force and effect from and after its passage.

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
July 5, 2017

Present

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

City Council Members Present

Chris Dobrozsi, Mayor
Lynda Roesch, Vice Mayor
Laith Alfaqih
Mike Cappel
Gerri Harbison
Craig Margolis
Ken Suer

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

ROLL CALL

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

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

Special Presentations

Mrs. Harbison presented Nancy Bolander with a Certificate of Appreciation for her service on the Arts Commission and her dedication to the City of Montgomery.

City Council thanked Nancy for all her contributions and time spent volunteering for the City.

LEGISLATION FOR CONSIDERATION TONIGHT

Pending Legislation

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, 2017

Mr. Suer read the Ordinance by title only and moved for passage of the Amended Ordinance. Mr. Margolis seconded.

Mr. Suer explained that if approved, this Ordinance will amend Appropriations for the City for Fiscal Year 2017. These supplemental appropriations are necessary for purchases by the City which were not anticipated or known when City Council adopted the City's 2017 Budget on December 7, 2016. He stated that the Ordinance has been amended since the second reading with the addition of \$550,000 in account 480.000.5401 for professional engineering services at the Gateway Redevelopment Area for the intersection modification. The other requested addition is \$37,500 in the 101.409.5401 account for tenant improvements for the long-term lease of the Johnson Murdough Building.

Mr. Suer made a motion to Amend the Ordinance to include the additions as noted. Mr. Cappel seconded. City Council unanimously agreed.

Mr. Suer moved for passage of the third reading of the Amended Ordinance. Mr. Margolis seconded.

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 Council Business Session Minutes

July 5, 2017

Page 2

55 The roll was called and showed the following vote:

56

57 AYE: Cappel, Alfaqih, Harbison, Dobrozi, Roesch, Suer, Margolis (7)

58 NAY: (0)

59

60 An Ordinance Establishing an Interim Development Control Overlay District to Control Medical Marijuana
61 Businesses

62

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

64

65 Mr. Margolis explained that, if approved, this Ordinance will implement a six-month moratorium, via an Interim
66 Development Control Overlay District, to prevent the establishment of a medical marijuana business within the City
67 before proper regulations can be considered. The Planning Commission has reviewed the issue and has
68 recommended a moratorium while the Administration conducts a study of the impact of medical marijuana
69 businesses on the land usage code and the impact, if any, such restrictions may have upon the delivery of patient
70 services.

71

72 The roll was called and showed the following vote:

73

74 AYE: Alfaqih, Harbison, Dobrozi, Roesch, Suer, Margolis, Cappel (7)

75 NAY: (0)

76

77 An Ordinance Establishing the Terms for Various Boards and Commissions

78

79 Mrs. Harbison read the Ordinance by title and moved for passage of the second reading. Ms. Roesch seconded.
80 City Council unanimously agreed.

81

82 Mrs. Harbison explained that, if approved, this Ordinance will allow for the alignment of the term ending dates for
83 all Boards and Commissions other than those established by Charter. These Boards and Commissions are as follow:
84 the Arts, Beautification and Tree, and Sister Cities Commissions. Current Board and Commission Members will
85 continue to serve the remainder of their one-, two- or three-year terms, with the only change being with the
86 adjustment of their term expiration date. The Planning Commission, Board of Zoning Appeals, Parks and
87 Recreation Commission, Civil Service Commission, and Landmarks Commission have their term ending dates
88 established by the Charter, and, as such, may be considered for adjustments to their term dates if a Charter Review
89 process is undertaken in the future. Over time, these adjustments are intended to create uniformity with term
90 expiration dates for all the City's Boards and Commissions.

91

92 The roll was called and showed the following vote:

93

94 AYE: Harbison, Dobrozi, Roesch, Suer, Margolis, Cappel, Alfaqih (7)

95 NAY: (0)

96

97 An Ordinance Amending Tax Incentive Agreement with Sycamore Community School District

98

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

100

101 Mr. Suer explained that, if approved, this Ordinance will authorize the City Manager to execute an amendment to
102 the Tax Incentive Agreement with the Sycamore School District. Due to the success of the current development
103 within the Vintage Club, there are funds accumulating in the Vintage Club Tax Increment Financing (TIF) Fund.
104 The Sycamore School District has been an excellent partner with the City in economic development projects, and
105 this agreement would enable the City to restore the School District to full compensation for the development.

106

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 Council Business Session Minutes

July 5, 2017

Page 3

107 The roll was called and showed the following vote:

108

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

110 NAY: (0)

111

112 New Legislation

113

114 A Resolution Adopting a Tax Budget For 2018

115

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

117

118 Mr. Suer read the Resolution by title only and moved for passage. Mr. Cappel seconded.

119

120 Mr. Suer explained that if approved, this Resolution will adopt the Tax Budget for 2018. The preparation of the
121 Tax Budget is an annual requirement for governmental jurisdictions per the Ohio Revised Code, Section 5705.28.
122 The Financial Planning Committee of City Council reviewed the City's 2018 Tax Budget at its June 5, 2017 meeting.
123 If approved, the Tax Budget will be submitted to the Hamilton County Budget Commission for review and approval,
124 and will, in turn, be used to determine Local Government Fund allocations. The proposed budget is essentially
125 based on the year 2018 projections as reflected in the City's 2017-2021 Five-Year Operating and Capital Budget.

126

127 The roll was called and showed the following vote:

128

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

130 NAY: (0)

131

132 A Resolution Authorizing the City Manager to enter into an Agreement with Brunk Excavating Inc. for the Jolain
133 Drive Stormwater Sewer Project

134

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

136

137 Mr. Cappel read the Resolution by title only and moved for passage. Mr. Margolis seconded.

138

139 Mr. Cappel explained that if approved, this Resolution will authorize the City Manager to enter into an agreement
140 with Brunk Excavating Inc. to complete the Jolain Drive Storm Drainage Project. Staff began working with residents
141 from Jolain Drive in October 2011 regarding storm drainage concerns and potential solutions that would result in a
142 positive impact for this area. Staff and seven (7) property owners of Jolain Drive ultimately reached a solution that
143 would involve the removal and replacement of the existing 12" concrete pipe and the installation of a dual 24" storm
144 pipe system. All seven affected property owners agreed to grant public easement rights to the City of Montgomery
145 and all of the property owners have agreed to participate financially through a special assessment to cover the cost
146 of one of the 24" storm pipes associated with the project. He further stated that the Jolain Drive Storm Drainage
147 Project is programmed in both the 2017 Capital Improvement Program 410.261.5470 account and the
148 Environmental Impact Area II 228.000.5401 account. He explained that staff is requesting the project be approved
149 for funding in the amount of \$172,000. The amount of the recommendation includes \$11,570 in project contingency
150 funding or approximately 7% of the bid amount.

151

152 The roll was called and showed the following vote:

153

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

155 NAY: (0)

156

157 A Resolution Authorizing the City Manager to enter into an Agreement with the City of Cincinnati

158

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 Council Business Session Minutes

July 5, 2017

Page 4

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

160

161 Mr. Margolis read the Resolution by title only and moved for passage. Mr. Alfaqih seconded.

162

163 Mr. Cappel requested to recuse himself from this legislation for professional reasons.

164

165 Mr. Margolis explained that if approved, this Resolution will authorize the City Manager to enter into an agreement
166 with the City of Cincinnati. This Resolution authorizes a Pavement Restoration Agreement between the City and
167 the City of Cincinnati as the owner and operator of the Greater Cincinnati Water Works. Staff has worked in
168 cooperation with the City of Cincinnati to establish a basis to share the cost of repaving the streets in the Weller
169 Woods area where the Greater Cincinnati Water Works will be installing water main improvements. The agreement
170 for pavement restoration would be in the amount of \$247,289.63 for work to be completed as part of the City of
171 Montgomery 2018 Annual Street Resurfacing Program and be reimbursed by the City of Cincinnati. If approved,
172 staff will include this project in its 2018 Street Resurfacing Program and incorporate the amount of \$247,289.63 in
173 its 2018 Budget.

174

175 The roll was called and showed the following vote:

176

177 AYE: Margolis, Alfaqih, Harbison, Dobrozsi, Roesch, Suer (6)

178 NAY: (0)

179 RECUSE: Cappel (1)

180

181 A Resolution Authorizing the City Manager to enter into an Agreement with Ohio Heavy Equipment Leasing, LLC
182 for the Ross Avenue Sidewalk and Stormwater Drainage Project

183

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

185

186 Mr. Cappel read the Resolution by title only and moved for passage. Mr. Alfaqih seconded.

187

188 Mr. Cappel explained that if approved, this Resolution will authorize the City Manager to enter into an agreement
189 with Ohio Heavy Equipment Leasing, LLC d/b/a Loveland Excavating and Paving to complete the Ross Avenue
190 Sidewalk and Stormwater Drainage Project. This project was originally programmed in the 2014 Capital
191 Improvement Budget as a sidewalk installation project. As staff began to design the sidewalk project and solicit
192 input from the residents on Ross Avenue there were concerns from the residents regarding storm drainage as well.
193 Staff began designing a project to include installation of a concrete sidewalk and type 6 curb on the east side of
194 Ross Avenue, minor road widening, and storm drainage improvements on both sides of the street. The Ross Avenue
195 Sidewalk and Stormwater Drainage Project is currently programmed in the 2017 Capital Improvement Budget
196 410.261.5470 account under two different line items, Sidewalk Installation for Ross Avenue, and Small Drainage
197 Projects. It is requested that the Ross Avenue Sidewalk and Stormwater Drainage Project be approved for funding
198 in the amount of \$236,128.53. The recommended amount includes \$6,877.53 in project contingency funding or 3%
199 of the bid amount.

200

201 The roll was called and showed the following vote:

202

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

204 NAY: (0)

205

206 An Ordinance Accepting Dedicated Stormwater Improvements in The Montgomery Woods Subdivision

207

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

209

210 Mr. Margolis read the Ordinance by title only and moved for passage of the first reading. Mr. Cappel seconded.

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 Council Business Session Minutes
July 5, 2017
Page 5

211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261

Mr. Margolis explained that if approved, this Ordinance will accept certain stormwater improvements constructed several years ago, within the Montgomery Woods Subdivision. It was discovered in a review of City records that a portion of the stormwater improvement on Lakewater Drive had been accepted by Sycamore Township where a portion of the subdivision was in its jurisdiction, but the second portion of the same sewer line located in the City of Montgomery had not been properly accepted. This Ordinance will correct that mistake so the entire stormwater improvement is accepted and maintained by the City.

The roll was called and showed the following vote:

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

ADMINISTRATION REPORT

Mr. Davis reported on the following items:

- City Council Work Session is scheduled for July 19, 2017 immediately following the conclusion of the Public Hearing that will be held at 6:30 p.m. City Council is requested to consider an Interim Development Control Overlay District throughout the City for a period of 6 months which would prohibit the processing, distribution, or retail dispensing of Medical Marijuana.
- The Public Works Committee will meet on Monday, July 10 at 5:30 p.m. The Parks and Recreation and Government Affairs Committees have cancelled their meetings for the month of July.
- Katie Smiddy and Wayne Davis recently conducted interviews for the vacant alternate seat on the Board of Tax Review. As you will recall, this open position is a result of the resignation of Robert Uhrig and is an appointed position made by the City Manager. Mr. Davis is recommending the appointment of Anthony Pishotti to fill this position.
- Beginning tomorrow, July 6, contractors working on the 2017 Street Resurfacing Program will begin the asphalt milling process on Deerfield Road beginning at Hartfield Place to the West Corporation limit as well as the City owned portion of Shakerdale Road.
- Some stats for the July 3 and 4 events as well as a record number at the Pool on July 3:
 - \$2395.85 was taken in during the July 3 and 4 events from ticket and beer sales which was more than double past numbers for these events
 - The new band Eden was a hit at the July 4 Festival as well as the new watermelon seed spitting contest
 - The Rec1 check in report showed an unprecedented 987 check ins at the pool on Monday, July 3 smashing the previous one day record of 642 in June of 2016
- On Friday, Brian Riblet submitted a Congestion-Mitigation-Air Quality (CMAQ) grant application to the Ohio-Kentucky-Indiana Council of Governments (OKI) for consideration. The grant application is for a conceptual traffic alternative project at the intersection of Deerfield Road and Pfeiffer Road. A preliminary estimate for construction is approximately \$1.2 million with the request from OKI coming in at approximately \$900,000 or 70% of construction costs. In addition, due to the number of traffic related accidents at this intersection, staff will also be able to submit to the Ohio Department of Transportation (ODOT) for Highway Safety Improvement Funds (HSIP) which could subsidize 90% of anticipated design and right-of-way acquisition costs.

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 Council Business Session Minutes

July 5, 2017

Page 6

- 262 • On Saturday, July 8, asphalt milling and installation of the intermediate asphalt course for Main Street from
263 Cooper Road proceeding north to Montgomery Road will be completed (weather permitting). During this
264 work, there may be traffic delays and minor detours and off-duty police officers will be utilized to assist
265 with any traffic control measures and City staff will be on site to address any issues or concerns.
266
- 267 • Two Montgomery residents will be spending time with staff in an intern capacity.
268
 - 269 ○ Abby McGowan, just finished her freshmen year at The Ohio State University and is studying
270 Political Science, will be job shadowing staff and possibly attending Committee and Commission
271 meetings in an effort to experience local governments procedures.
272
 - 273 ○ Katie Busch who also just finished her freshmen year at Liberty University, VA, is studying Business
274 Administration. A conditional offer of internship has been extended to Katie contingent on a
275 successful background check and drug screen. If all comes back well, she will be with us from Mid-
276 July through August.
277
- 278 • As a reminder, Bastille Day is fast approaching on Saturday, July 15. This annual event will run from noon
279 until 11:00 pm. The kid's area will be open from noon until approximately 5:30 featuring games, balloon
280 artists, six-hole putt-putt. The Main Stage will host the Sycamore Community Band, the Cincinnati Dancing
281 Pigs Jug Band and at 8:00pm the Naked Karate Girls. The North Stage will host Tom Bemmes Magic Show,
282 the Waiter's Race, a juggling show and finish the night with the Mistics at 8:00 pm.
283

284 Mr. Davis requested that a motion be made to add a Reimbursement Resolution to the July 19 Work Session Agenda.
285 He explained that this Resolution would allow the City to reimburse the Gateway Developers for any upfront costs
286 that they have incurred at this time.
287

288 Mr. Cappel made a motion to add the Reimbursement Resolution to the July 19 Work Session Agenda. Mr. Margolis
289 seconded. City Council unanimously agreed.
290

291 Mr. Margolis made a motion to call the July 19 Work Session to order immediately following the conclusion of the
292 Public Hearing. Mr. Cappel seconded. City Council unanimously agreed.
293

294 Mr. Davis reported that Kathi Ranford our new Customer Service Representative started with the City on this date.
295 He welcomed Kathi to our team.
296

297 **APPROVAL OF MINUTES**

298
299 Mr. Margolis moved to approve the June 21, 2017 Work Session, June 21, 2017 Public Hearing and June 26, 2017
300 Special Session minutes. Mr. Cappel seconded. City Council unanimously agreed.
301

302 **MAYOR'S COURT**

303
304 Mayor Dobrozsi reported that the total Mayor's Court collections for the month of June 2017 were \$17,880.00.
305

306 Mr. Cappel moved to accept the Mayor's Court collections for the month of June 2017. Mr. Suer seconded. City
307 Council unanimously accepted the collections.
308
309
310
311

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 Council Business Session Minutes

July 5, 2017

Page 7

312 **OTHER BUSINESS**

313

314 Mr. Donnellon requested that the Ordinance Establishing an Interim Development Control Overlay District to
315 Control Medical Marijuana Businesses be added to the July 19 Work Session Agenda for consideration that evening.
316 He explained that by doing this the moratorium would begin before the State bill becomes effective and there would
317 be no gap in which a business could file for a permit.

318

319 Mr. Cappel made a motion to add the Ordinance to the July 19 Work Session Agenda for consideration. Mr.
320 Margolis seconded. City Council unanimously agreed.

321

322 Mrs. Harbison reminded everyone that the Chamber of Commerce would be holding their next State of the City
323 program at Ohio National Financial Services on Thursday, September 9 at 11:45 am.

324

325 Mayor Dobrozsi asked if there was any further business to discuss in Public Session. There being none, he asked
326 for a motion to adjourn into Executive Session for matters related to personnel compensation.

327

328 Mr. Cappel motioned to adjourn into Executive Session for matters related to personnel compensation. Mr. Margolis
329 seconded.

330

331 The roll was called and showed the following vote:

332

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

334 NAY: (0)

335

336 City Council adjourned into Executive Session at 7:52 p.m.

337

338 City Council reconvened into Public Session at 9:20 p.m.

339

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

342

343 Mr. Cappel moved to adjourn. Mr. Margolis seconded. City Council unanimously agreed.

344

345

346 City Council adjourned at 9:21 p.m.

347

348

349

350

351

Connie Gaylor, Clerk of Council

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 Public Hearing Minutes
July 5, 2017

Present

Wayne Davis, City Manager
Terry Donnellon, Law Director
Brian Riblet, Public Works Director
Tracy Roblero, Community Development Director
Katie Smiddy, Finance Director
Paul Wright, Fire Chief
Matthew Vanderhorst, Community and Information Services Director
Connie Gaylor, Clerk of Council

City Council Members Present

Chris Dobrozsi, Mayor
Lynda Roesch, Vice Mayor
Laith Alfaqih
Mike Cappel
Gerri Harbison
Craig Margolis
Ken Suer

City Council convened in Council Chambers at 6:45 p.m. with Mayor Dobrozsi presiding, to conduct a Public Hearing to consider a request from Twin Lakes for an equivalency to allow for construction of villa homes with a rear yard setback of 15' where 20' is required at 10130 Montgomery Road.

Ms. Roblero explained to City Council that the applicant is proposing to construct 22 new villa homes for residents of Twin Lakes Senior Living Community on the vacant parcel just south of the Safety Center, 10130 Montgomery Road. The proposal includes 11 duplexes for a total of 22 units. The access to the proposed homes will be from the existing private drive, Arborcreek Lane, which comes off Hopewell Road. Indian Hill's Planning Commission has approved the extension of the private drive through Indian Hill with conditions. The property is zoned 'D-2' – Multi-Family Residential. Single family homes, two-family homes, multi-family homes and 'cluster' developments are permitted uses within the district. The maximum density permitted is five units per acre or 26 units. The project meets this requirement with a total of 22 units proposed.

Ms. Roblero explained that a similar project for 23 villa homes was proposed for this property in May of 2008; however, at that time the access was proposed from Montgomery Road. Originally, the applicant proposed to line the access point up with Forestglen Drive; however, after concern from residents, City Council agreed to put the access point further south to line up with the driveway to the Annex building. The applicant did not move forward with the project in 2008; however, has made the decision to revisit the project and is now providing access off Arborcreek Lane.

Mr. Roblero stated that the plan follows the requirements of the Zoning Code except for the rear yard setback from Indian Hill. The applicant is requesting an equivalency from this provision. The Planning Commission approved a setback of 15 feet from the east property line in the past when the property was under an Interim Development Control (IDC) in 2008. The IDC gave Planning Commission the authority to approve this waiver from the Zoning Code without an equivalency or a variance; however, the IDC is no longer in effect and therefore an equivalency or a variance is required. The applicant is proposing a 15' setback from the rear property line to allow a greater setback from Montgomery Road to deal effectively with topography issues on the site and to provide an extensive landscape buffer along Montgomery Road to provide an effective visual buffer.

Ms. Roblero explained that the Planning Commission met to consider the Final Development Plan and the request for an equivalency on May 15, 2017. Notices were sent to neighbors within a 300' radius of the property. A few residents from Forestglen Drive and Montgomery Road attended the meeting to understand the project and ask questions. After hearing the testimony presented at the meetings and discussing the application, the Planning Commission voted unanimously to approve the Final Development Plan and to recommend approval to City Council of the equivalency request. In regards to the equivalency request, the Planning Commission found that the decreased setback along the rear property line would allow for an extensive landscape buffer along Montgomery Road to provide an effective visual buffer. The Planning Commission also found that the intent of the regulation is being met by the proposed site plan because the estate homes in Indian Hill are located on large

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 Council Public Hearing Minutes
July 5, 2017
Page 2.

54 lots and the closest home is approximately 80' from the shared property line. Additionally, the project is
55 residential in nature and abuts property which is under common ownership.
56

57 The Planning Commission placed the following conditions upon approval of the Final Development Plan:
58

- 59 • The final design for the sidewalk along Montgomery Road shall be reviewed and approved by the Public
60 Works Director.
- 61 • If the applicant chooses to install light poles, the final location of the light poles should be reviewed and
62 approved by the Public Works Director.
- 63 • The stormwater management construction drawings shall be approved by the City Engineer.
- 64 • A copy of the NPDES permit be supplied to the Community Development Director.
- 65 • The final grading plans shall be approved by the City Engineer.
- 66 • The final landscape plan be approved by the City Arborist.
- 67 • The applicant shall complete the consolidation plat process to combine the existing lots into one lot prior
68 to a building permit being issued.
69

70 Jim Mayer of Twin Lakes thanked staff and City Council for their cooperation on this project and for considering
71 this request. He stated that the Planning Commission was very willing to work to find a solution and that Twin
72 Lakes appreciated that.
73

74 Mayor Dobrozsi asked for questions by City Council members. There being none, Mayor Dobrozsi explained that
75 City Council could either approve the recommendation, deny the recommendation, remand the matter to Planning
76 Commission for more specific information, or take the matter under advisement and vote at another public
77 meeting within thirty days. If City Council chooses this final option, it is suggested that City Council announce
78 the date and time of the subsequent hearing when the matter will be discussed and considered for vote.
79

80 Mr. Margolis moved to approve the recommendation by the Planning Commission. Mr. Cappel seconded. City
81 Council unanimously agreed.
82

83 Mayor Dobrozsi stated that at the City Council Work Session held on June 21, a motion was made to begin the
84 July 5, City Council Business Session after this Public Hearing.
85

86 The Public Hearing adjourned at 6:55 p.m.
87
88
89
90
91

Connie Gaylor, Clerk of Council

July 14, 2017

To: Connie Gaylor, Clerk of Council

From: John Crowell, Police Chief 

Subject: Liquor Permit

In response to the June 27, 2017 notification from the Ohio Division of Liquor Control, a new D5I liquor permit has been requested by Stone Creek Montgomery LLC dba Stone Creek Dining Company. I am not aware of any information that would cause the City of Montgomery to object to the issuance of this permit or any need to request a hearing. This permit will be for the new location at 9856 Montgomery Road. It is anticipated that the current D5I license will be sold and then issued to a new tenant at the 9386 Montgomery Road location.

Should you have any questions, please do not hesitate to contact me.

**NOTICE TO LEGISLATIVE
AUTHORITY**

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

8604245 PERMIT NUMBER		NEW TYPE	STONE CREEK MONTGOMERY LLC	
			DBA STONE CREEK DINING CO	
06 21 2017 ISSUE DATE			9856 MONTGOMERY RD UNIT 100	
06 21 2017 FILING DATE			MONTGOMERY OH 45242	
D51 PERMIT CLASSES				
31 TAX DISTRICT	264	A	B63278 RECEIPT NO.	

FROM **06/27/2017**

PERMIT NUMBER		TYPE	
ISSUE DATE			
FILING DATE			
PERMIT CLASSES			
TAX DISTRICT			RECEIPT NO.



MAILED **06/27/2017**

RESPONSES MUST BE POSTMARKED NO LATER THAN.

07/28/2017

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES _____

A NEW 8604245

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD IN OUR COUNTY SEAT. IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

CLERK OF MONTGOMERY CITY COUNCIL
10101 MONTGOMERY RD
MONTGOMERY OHIO 45242

Commerce Division of Liquor Control : Web Database Search

OWNERSHIP DISCLOSURE INFORMATION

This online service will allow you to obtain ownership disclosure information for issued and pending retail liquor permit entities within the State of Ohio.

Searching Instructions

Enter the known information and click the "Search" button. For best results, search only ONE criteria at a time. If you try to put too much information and it does not match exactly, the search will return a message "No records to display".

The information is sorted based on the Permit Number in ascending order.

To do another search, click the "Reset" button.

	SEARCH CRITERIA
Permit Number	<input type="text" value="8604245"/>
Permit Name / DBA	<input type="text"/>
Member / Officer Name	<input type="text"/>

[Search](#)[Reset](#)[Main Menu](#)

Member/Officer Name	Shares/Interest	Office Held
Permit Number: 8604245; Name: STONE CREEK MONTGOMERY LLC; DBA: DBA STONE CREEK DINING CO; Address: 9856 MONTGOMERY RD UNIT 100 MONTGOMERY 45242		
JOHN E ROESCH		SECRETARY
MICHAEL E CUNNINGHAM		CEO
CRG HOLDINGS LLC	MANAGE MEM	

- [Ohio.Gov](#)
- [Ohio Department of Commerce](#)

[Commerce Home](#) | [Press Room](#) | [Forms](#) | [CPI Policy](#) | [Privacy Statement](#) | [Public Records Request Policy](#) | [Disclaimer](#) | [Employment](#) | [Contacts](#)