CITY OF MONTGOMERY

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Memorandum

June 30, 2017

TO: Mayor and City Council Members

FROM: Wayne S. Davis, City Manager WSD

SUBJECT: City Council Business Session of Wednesday, July 5, 2017

As a reminder, City Council is scheduled to meet in Business Session on Wednesday, July 5, 2017 immediately following the Public Hearing.

**Public Hearing**

Prior to the Business Session, a Public Hearing is scheduled at 6:45 p.m. to consider a recommendation from Planning Commission to approve an equivalency for Twin Lakes at 10130 Montgomery Road. This equivalency would allow for the Villa Homes to be located 15' from the rear property line when 20' is required. Attached please find a public hearing packet prepared by Tracy Roblero, Community Development Director.

***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.***

**Montgomery Community Improvement Corporation**

At 6:30 p.m., a Montgomery Community Improvement Corporation (CIC) meeting is scheduled to consider an application for a Certificate of Approval to allow for the repair of shutters and replacement hardware for the Wooley-Kelsch House at 7967 Cooper Road. The Landmarks Commission is recommending approval of the Historic Preservation Matching Grant to the Montgomery Community Improvement Corporation (CIC). A separate CIC Agenda and packet has been developed for this meeting.

**Business Session**

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**

**4. Special Presentations**

a. Nancy Bolander will be presented with a Certificate of Appreciation for her service on the Arts Commission.

**5. Guests and Residents**

**6. Legislation for Consideration Tonight**

**Pending Legislation**

a. 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-3rd reading) Information has been previously supplied on this Ordinance that, if approved, will amend Appropriations for the City for Fiscal Year 2017. These supplemental appropriations are necessary for expenses of the City which were not anticipated or known when City Council adopted the City's 2017 Budget on December 7, 2016. This legislation has been amended since the second reading and since the Work Session on June 21. The first adjustment is 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.

***Move for passage of the Amended Ordinance***

***Roll Call Vote***

b. An Ordinance Establishing an Interim Development Control Overlay District to Control Medical Marijuana Businesses—(Mr. Margolis-2nd 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. As a reminder, City Council scheduled a Public Hearing for July 19, at 6:30 p.m. on this matter.

***Move for passage of the second reading of this Ordinance***

***Roll Call Vote***

***The third reading of the Ordinance will be held at the August 2, 2017 Business Session with adoption of the Ordinance requested at that meeting.***

c. An Ordinance Establishing the Terms for Various Boards and Commissions—(Mrs. Harbison-2nd 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.

***Move for passage of the second reading of this Ordinance***

***Roll Call Vote***

***The third reading of the Ordinance will be held at the August 2, 2017 Business Session with adoption of the Ordinance requested at that meeting.***

d. An Ordinance Amending Tax Incentive Agreement with Sycamore Community School District—(Mr. Suer-2nd 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. Please note that the copy of the proposed agreement has been amended with an updated Exhibit 'A' that lists the tax exempted properties at the Vintage Club. This page provides a summary listing of these parcels and replaces several pages previously attached as an exhibit identifying the exempt parcels from various filings over the years.

***Move for passage of the second reading of this Ordinance***

***Roll Call Vote***

***The third reading of the Ordinance will be held at the August 2, 2017 Business Session with adoption of the Ordinance requested at that meeting.***

**New Legislation**

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

***Move to read the Resolution by title only***

***Voice Vote***

***Move passage of the Resolution***

***Roll Call Vote***

b. A Resolution Authorizing the City Manager to enter into an Agreement with Brunk Excavating Inc. for the Jolain Drive Stormwater Sewer Project—(Mr. Cappel) Information has been previously supplied on this Resolution that, if approved, will authorize the City Manager to enter into an agreement with Brunk Excavating Inc. to complete the Jolain Drive Storm Drainage Project. Staff began working with residents from Jolain Drive in October 2011 regarding storm drainage concerns and potential solutions that would result in a positive impact for this area. Staff and seven (7) property owners of Jolain Drive ultimately reached a solution that would involve the removal and replacement of the existing 12" concrete pipe and the installation of a dual 24" storm pipe system. All seven affected property owners agreed to grant public easement rights to the City of Montgomery and all of the property owners have agreed to participate financially through a special assessment to cover the cost of one of the 24" storm pipes associated with the project.

The Jolain Drive Storm Drainage Project is programmed in both the 2017 Capital Improvement Program 410.261.5470 account and the Environmental Impact Area II 228.000.5401 account. It is requested that the Jolain Drive Storm Drainage Project be approved for funding in the amount of $172,000. The amount of the recommendation includes $11,570 in project contingency funding or approximately 7% of the bid amount.

***Move to read the Resolution by title only***

***Voice Vote***

***Move passage of the Resolution***

***Roll Call Vote***

c. A Resolution Authorizing the City Manager to enter into an Agreement with the City of Cincinnati—(Mr. Margolis) Information has been previously supplied on this Resolution that, if approved, will authorize the City Manager to enter into an agreement with the City of Cincinnati. This Resolution authorizes a Pavement Restoration Agreement between the City and the City of Cincinnati as the owner and operator of the Greater Cincinnati Water Works. Staff has worked in cooperation with the City of Cincinnati to establish a basis to share the cost of repaving the streets in the Weller Woods area where the Greater Cincinnati Water Works will be installing water main improvements. The agreement for pavement restoration would be in the amount of $247,289.63 for work to be completed as part of the City of Montgomery 2018 Annual Street Resurfacing Program and be reimbursed by the City of Cincinnati. If approved, staff will include this project in its 2018 Street Resurfacing Program and incorporate the amount of $247,289.63 in its 2018 Budget.

***Move to read the Resolution by title only***

***Voice Vote***

***Move passage of the Resolution***

***Roll Call Vote***

d. A Resolution Authorizing the City Manager to enter into an Agreement with Ohio Heavy Equipment Leasing, LLC for the Ross Avenue Sidewalk and Stormwater Drainage Project—(Mr. Cappel) Information has been previously supplied on this Resolution that, if approved, will authorize the City Manager to enter into an agreement with Ohio Heavy Equipment Leasing, LLC d/b/a Loveland Excavating and Paving to complete the Ross Avenue Sidewalk and Stormwater Drainage Project.

This project was originally programmed in the 2014 Capital Improvement Budget as a sidewalk installation project. As staff began to design the sidewalk project and solicit input from the residents on Ross Avenue there were concerns from the residents regarding storm drainage as well. Staff began designing a project to include installation of a concrete sidewalk and type 6 curb on the east side of Ross Avenue, minor road widening, and storm drainage improvements on both sides of the street. The Ross Avenue Sidewalk and Stormwater Drainage Project is currently programmed in the 2017 Capital Improvement Budget 410.261.5470 account under two different line items, Sidewalk Installation for Ross Avenue, and Small Drainage Projects. It is requested that the Ross Avenue Sidewalk and Stormwater Drainage Project be approved for funding in the amount of $236,128.53. The recommended amount includes $6,877.53 in project contingency funding or 3% of the bid amount.

***Move to read the Resolution by title only***

***Voice Vote***

***Move passage of the Resolution***

***Roll Call Vote***

e. An Ordinance Accepting Dedicated Stormwater Improvements in The Montgomery Woods Subdivision—(Mr. Margolis) 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 the entire stormwater improvement is accepted and maintained by the City.

***Move to Read this Ordinance by title only***

***Voice Vote***

***Move for passage of the first reading of the Ordinance***

***Roll Call Vote***

***The second reading of the Ordinance will be held at the August 2, 2017 Business Session. The third reading of the Ordinance will be held at the September 6, 2017 Business Session with adoption of the Ordinance requested at that meeting.***

**8. Administration Report**

**9. Approval of Minutes** — June 21, 2017 Work Session; June 21, 2017 Public Hearing; June 26, 2017 Special Session

**10. Mayor's Court Report**

**11. Other Business**

**12. Executive Session**

**13. Adjournment**

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

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

CITY OF MONTGOMERY
10101 Montgomery Road • Montgomery, Ohio 45242 • (513) 891-2424 • Fax (513) 891-2498

# CITY COUNCIL BUSINESS SESSION AGENDA

**July 5, 2017**

## Montgomery Community Improvement Corporation-6:30 p.m.

At 6:30 p.m., a Montgomery Community Improvement Corporation (CIC) meeting is scheduled to consider an application for a Certificate of Approval to allow for the repair of shutters and replacement hardware for the Wooley-Kelsch House at 7967 Cooper Road. The Landmarks Commission is recommending approval of the Historic Preservation Matching Grant to the Montgomery Community Improvement Corporation (CIC). Attached please find a CIC packet.

## Public Hearing-6:45 p.m.

Prior to the Business Session, a Public Hearing is scheduled at 6:45 p.m. to consider the recommendation from Planning Commission to approve an equivalency for Twin Lakes at 10130 Montgomery Road. This equivalency would allow for the Villa Homes to be located 15' from the rear property line when 20' is required. Attached please find a public hearing packet prepared by Tracy Roblero, Community Development Director.

## City Council Business Session – 7:00 p.m.

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Special Presentation**
   a. Nancy Bolander will be presented with a Certificate of Appreciation for her service on the Arts Commission
5. **Guests and Residents**
6. **Legislation for Consideration Tonight**

**Pending Legislation**

a. 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-3rd reading)

***Move for passage of the Amended Ordinance***

***Roll Call Vote***

b. An Ordinance Establishing an Interim Development Control Overlay District to Control Medical Marijuana Businesses—(Mr. Margolis-2nd Reading)

***Move for passage of the second reading of this Ordinance***

***Roll Call Vote***

***The third reading of the Ordinance will be held at the August 2, 2017 Business Session with adoption of the Ordinance requested at that meeting.***

c. An Ordinance Establishing the Terms for Various Boards and Commissions—(Mrs. Harbison-2nd Reading)

***Move for passage of the second reading of this Ordinance***

***Roll Call Vote***

***The third reading of the Ordinance will be held at the August 2, 2017 Business Session with adoption of the Ordinance requested at that meeting.***

d. An Ordinance Amending Tax Incentive Agreement with Sycamore Community School District—(Mr. Suer-2nd Reading)

***Move for passage of the second reading of this Ordinance***

***Roll Call Vote***

***The third reading of the Ordinance will be held at the August 2, 2017 Business Session with adoption of the Ordinance requested at that meeting.***

**New Legislation**

a. A Resolution Adopting a Tax Budget For 2018—(Mr. Suer)

***Move to read the Resolution by title only***

***Voice Vote***

***Move passage of the Resolution***

***Roll Call Vote***

b. A Resolution Authorizing the City Manager to enter into an Agreement with Brunk Excavating Inc. for the Jolain Drive Stormwater Sewer Project—(Mr. Cappel)

***Move to read the Resolution by title only***

***Voice Vote***

***Move passage of the Resolution***

***Roll Call Vote***

c. A Resolution Authorizing the City Manager to enter into an Agreement with the City of Cincinnati—(Mr. Margolis)

***Move to read the Resolution by title only***

***Voice Vote***

***Move passage of the Resolution***

***Roll Call Vote***

d. A Resolution Authorizing the City Manager to enter into an Agreement with Ohio Heavy Equipment Leasing, LLC for the Ross Avenue Sidewalk and Stormwater Drainage Project—(Mr. Cappel)

***Move to read the Resolution by title only***

***Voice Vote***

***Move passage of the Resolution***

***Roll Call Vote***

e. An Ordinance Accepting Dedicated Stormwater Improvements in The Montgomery Woods Subdivision—(Mr. Margolis)

***Move to Read this Ordinance by title only***

***Voice Vote***

***Move for passage of the first reading of the Ordinance***

***Roll Call Vote***

***The second reading of the Ordinance will be held at the August 2, 2017 Business Session. The third reading of the Ordinance will be held at the September 6, 2017 Business Session with adoption of the Ordinance requested at that meeting.***

**7. Administration Report**

**8. Approval of Minutes** — June 21, 2017 Work Session; June 21, 2017 Public Hearing; June 26, 2017 Special Session

**9. Mayor's Court Report**

**10. Other Business**

**11. Executive Session**

**12. 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

# *Certificate of Appreciation*
# *to*
# *Nancy Bolander*

***WHEREAS, Nancy Bolander** has served this municipality as a member of its Arts Commission; and,*

***WHEREAS, Nancy** served on the Arts Commission from 2015 to 2017, faithfully attended the monthly meetings and worked to help improve the quality of life in Montgomery; and,*

***WHEREAS, Nancy** assisted in the planning and implementing of many arts activities and events including the region's longest running annual Photography Competition, the Improv Show, the activities at the July 3rd Blue Ash Montgomery Symphony Orchestra Concert; and,*

***WHEREAS, Nancy** diligently helped implement the wildly popular Live at the Uni Concert series where she introduced musicians from the stage and helped coordinate the logistics for the enjoyment and benefit of our community; and,*

***WHEREAS, Nancy** created the Arts Commission's Independence Day parade float complete with two balloon arches and walked the parade route promoting the Arts Commission; and,*

***WHEREAS, Nancy** helped coordinate all the details and logistics of set up and tear down of the Arts events and rolled up her sleeves and worked timelessly to produce them; and,*

***WHEREAS, Nancy** held a lovely holiday dinner party at her home for all Arts Commission members and their spouses which earned her the title of "hostess with the mostess"; and,*

***WHEREAS, Nancy** was a valued member of the Commission, earning the respect and friendship of her peers during the Arts Commission meetings.*

***NOW THEREFORE, BE IT CERTIFIED** by the Council of the City of Montgomery, Ohio, all members concurring:*

***SECTION 1.** City Council hereby expresses its sincere appreciation to **Nancy Bolander** for her valued service as a member of the Arts Commission. She has applied thoughtful, productive attention to the quality of life of our community and we benefit now and hereafter from her efforts.*

Laith Alfaqih, Councilmember

Gerri Harbison, Councilmember

Mike Cappel, Councilmember

Craig Margolis, Councilmember

CHRIS DOBROZSI

Chris Dobrozsi, Councilmember

Lynda Roesch, Councilmember

Ken Suer, Councilmember

**ORDINANCE NO. , 2017**

**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**

**WHEREAS,** the 2017 Appropriation Ordinance No. 7, 2016 passed December 7, 2016, appropriated a total of $28,199,651 for the year 2017;

**WHEREAS**, appropriations within a certain fund are insufficient to meet the obligations of the City;

**NOW THEREFORE, BE IT ORDAINED** by the Council of the City of Montgomery, Ohio, that the appropriation ordinance be amended as below:

**SECTION 1.** There shall be an increase of $1,146,500 in the appropriation balance of the following accounts of the General Fund 101:

| | | | |
|---|---|---|---|
| Account Number 101.715.5401 | Special Project | + | $1,109,000 |
| Account Number 101.409.5401 | Special Project | + | $37,500 |

**SECTION 2.** There shall be an increase of $100,000 in the appropriation balance in the Capital Projects Fund 410 to:

| | | | |
|---|---|---|---|
| Account Number 410.261.5470 | Capital Projects | + | $100,000 |

**SECTION 3.** There shall be an increase of $550,000 in the appropriation balance in the Downtown Improvement Fund 480 to:

| | | | |
|---|---|---|---|
| Account Number 480.000.5401 | Special Projects | + | $550,000 |

This Ordinance shall be in full force and effect from and after the earliest period allowed 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 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

**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 | |

**RESOLUTION NO. , 2017**

**A RESOLUTION ADOPTING A TAX BUDGET FOR 2018**

**WHEREAS,** pursuant to Section 5705.30 of the Ohio Revised Code, the taxing authority of each municipality is required to adopt a tax budget on or before the 15th day of July for the next succeeding year; and

**WHEREAS,** a public hearing was held June 21, 2017 and public notice was given in the manner provided by law; and

**WHEREAS,** copies of the budget have been filed in the Office of the City Manager for public inspection for the ten (10) day period preceding the Public Hearing.

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

**SECTION 1**. The Council hereby adopts the tax budget proposed for 2018 in the form in which it has been proffered to this Council by the Finance Department, a copy of which is attached hereto and included herein by reference. In further conformity with Section 5705.30 of the Revised Code, the budget shall be submitted to the County Auditor on or before July 20, 2017.

**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

**RESOLUTION NO. , 2017**

**A RESOLUTION ACCEPTING A BID AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BRUNK EXCAVATING, INC. FOR THE JOLAIN DRIVE STORMWATER SEWER PROJECT**

**WHEREAS,** the City has advertised for bids for the Jolain Drive Stormwater Sewer Project to complete the public/private improvement, special assessment project for stormwater improvements on Jolain Drive; and

**WHEREAS,** the City has received a bid from the Brunk Excavating, Inc. which the Administration has determined to be the lowest and best bid for this project, and which bid is below the engineer's estimate; and

**WHEREAS,** the Administration has recommended accepting this bid.

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

**SECTION 1.** The bid of $172,000 received from Brunk Excavating, Inc. for the Jolain Drive Stormwater Sewer Project is hereby determined to be the lowest and best bid received in response to an advertisement for the same.

**SECTION 2.** The bid is hereby accepted, which bid includes a 7% contingency fund, and the City Manager is authorized and directed to enter a contract in accordance with the terms described in the specifications.

**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

**RESOLUTION NO. , 2017**

**A RESOLUTION AUTHORIZING AN AGREEMENT WITH CITY OF CINCINNATI**

**WHEREAS,** the Greater Cincinnati Water Works operated by the City of Cincinnati, Ohio, has scheduled a water improvement project in and around the Weller Woods area which will involve trenching within the City streets; and

**WHEREAS**, to properly coordinate street resurfacing with the need for this water improvement project, the Administration has negotiated a Pavement Restoration Agreement for the City of Cincinnati to share in the repavement cost for the project; and

**WHEREAS,** the Administration has requested authorization to execute the Pavement Restoration Agreement in cooperation with the City of Cincinnati.

**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 Pavement Restoration Agreement with the City of Cincinnati, Ohio, and to coordinate the pavement project and the water project between the City, the City of Cincinnati, and the Greater Cincinnati Water Works.

**SECTION 2.** The City Manager is authorized to expend, as budgeted, the City's estimated cost sharing for such paving project improvements.

**SECTION 3.** The City Manager is authorized to execute any and all documentation necessary to implement the Pavement Restoration Agreement and to implement this cooperative project between the City, the City of Cincinnati, and the Greater Cincinnati Water Works.

**SECTION 4.** 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

Cincinnati Contract No. _____

**PAVEMENT RESTORATION AGREEMENT**

This Agreement is made effective on the Effective Date (as defined on the signature page hereof) by and between the CITY OF CINCINNATI, an Ohio municipal corporation ("**Cincinnati**"), and the CITY OF MONTGOMERY, an Ohio municipal corporation ("**Montgomery**").

RECITALS:

A. Montgomery has appropriated funding and intends to bid and construct a project to rehabilitate certain streets in the City of Montgomery (as further defined herein, the "**Paving Project**").

B. Cincinnati, through the Greater Cincinnati Water Works, intends to bid and construct the Indianwoods water main replacement project ("**Water Project**") that affects portions of certain streets within the area of the Paving Project. The area of overlap between the Water Project and the Paving Project is composed of the following two areas: 1) Weller Road from Thistlewood Court to Indian Woods Drive ("**Weller Woods**"), and 2) the Weller Woods 2nd Block Subdivision ("**WW Block 2**"), as depicted in Attachment A hereto (collectively, the "**Cost Sharing Areas**").

C. The parties have determined that substantial cost savings and efficiencies may be realized if the repaving of the Cost Sharing Areas are bid and constructed by Montgomery as part of the Paving Project.

Montgomery has provided estimates to the City for the paving costs for the Cost Sharing Areas, and Cincinnati is agreeable to paying a portion of the paving costs as follows (as further detailed in Attachment B hereto), subject to the terms and conditions hereof and provided that Cincinnati's cost share shall not exceed $300,000 ("**Maximum Cost Sharing Amount**").

| | Estimated paving cost | Cincinnati % share of actual cost | Est.Cincinnati share of cost plus 10% contingency |
|---|---|---|---|
| Weller Woods | $87,505.50 | 50% | $48,128.03 |
| WW Block 2 | $181,056.00 | 100% | $199,161.60 |
| **TOTAL** | **$268,561.50** | | **$247,289.63** |

D. Montgomery Resolution No._____, passed on the ____ day of _____, 2017, authorized Montgomery to enter into an agreement for such cost sharing, and the available funds for the repaving of the Cost Sharing Areas have been appropriated by the City of Montgomery.

E. Cincinnati is authorized to enter into this agreement by Ordinance No. 158-2016, which authorized and appropriated funding for the Water Project, including repaving of the Cost Sharing Areas, as part of Cincinnati's FY 2017 Capital Improvement Budget.

NOW THEREFORE, the parties hereby agree as follows:

**1. Term.** The term ("**Term**") of this Agreement shall commence on the Effective Date (as defined on the signature page hereof) and shall automatically expire upon the completion of the Paving Project in the Cost Sharing Areas and Cincinnati's payment of its share of the Paving Project costs to Montgomery in accordance with the terms and conditions hereof.

2. **Water Project.** Cincinnati shall bid and construct the Water Project, in accordance with Cincinnati requirements and GCWW specifications with an estimated completion date of _____, 2017. The Water Project shall include standard trench restoration as a means of final restoration in the Cost Sharing Areas. Montgomery shall be responsible for the material cost of fire hydrants in the Cost Sharing Area. Cincinnati shall be responsible for all other costs of the Water Project.

3. **Paving Project.** Montgomery shall solicit bids for the Paving Project, which will include the following street work in the Cost Sharing Areas:

a. _____ deep grind and asphalt overlay of the full street width;
b. pavement markings of the streets;
c. Maintenance of Traffic (MOT);

The bidding shall be in compliance with all laws applicable to Montgomery. The winning bid is referred to herein as the "**Final Bid**". Following approval of the Final Bid, Montgomery shall provide to Cincinnati a budget showing the anticipated costs to be incurred in connection with the Paving Project in the Cost Sharing Area according to the Final Bid. It is the purpose and intent of this Agreement for Cincinnati to pay to Montgomery an amount equal to 50% of the actual cost of the Paving Project work in the Weller Woods area and 100% of the Paving Project work in the WW Block 2 area. . Notwithstanding this intent, Montgomery acknowledges that Cincinnati shall not be liable to reimburse Montgomery any amount in excess of the Maximum Cost Sharing Amount.

4. **Standards and laws.** Each party shall cause their respective work in the Cost Sharing Areas to be performed in a good, timely, and professional manner by qualified staff, and in accordance with the standard of care ordinarily exercised by professionals providing similar services for the design, consultation, and construction of similar projects in the Greater Cincinnati region. The performing party shall obtain and maintain or cause to be obtained and maintained all necessary governmental permits, licenses and other approvals and shall comply with all applicable federal, state and local laws, codes, ordinances and other governmental requirements.

5. **Insurance; Surety Bond**. Throughout construction, each party shall cause their contractor to maintain: (i) builder's risk insurance on the improvements, (ii) commercial general liability insurance in the amount of no less than $1,000,000/$2,000,000 aggregate, naming Montgomery and Cincinnati as additional insureds, and (iii) any other insurance reasonably required by the parties in connection with the work under this Agreement.

6. **Inspection of Work**. During construction, each party, its employees and agents shall have the right at all reasonable times to enter upon the Cost Sharing Areas to examine and inspect the progress of construction.

7. **Compensation/Method of Payment.** Following completion of the Paving Project, Montgomery will invoice Cincinnati for Cincinnati's share of the actual costs of the Paving Project work in the Cost Sharing Areas as provided in Section 3 hereof, *provided, however*, that the maximum compensation hereunder shall not exceed the Maximum Cost Sharing Amount. Following receipt of the Montgomery invoice, Cincinnati shall pay Montgomery in accordance with Cincinnati's procedures and with Cincinnati Municipal Code Chapter 319 (prompt payment system).

8. **Notices**. All notices required under this Agreement shall be personally served or sent by U.S. mail, postage prepaid, addressed to the parties as follows:

To Cincinnati: City of Cincinnati
Greater Cincinnati Water Works
Attention: Jon Hunseder
Engineering Division

4747 Spring Grove Ave
Cincinnati, Ohio 45232

With a copy to: Andrea Yang
Chief Counsel
Greater Cincinnati Water Works
4747 Spring Grove Ave
Cincinnati, Ohio 45232

To Montgomery: Wayne S. Davis
City Manager
City of Montgomery
10101 Montgomery Road
Montgomery, Ohio 45242

Brian Riblet
Public Works Director
City of Montgomery
10101 Montgomery Road
Montgomery, Ohio 45242

With a copy to: Terrence M. Donnellon, Esquire
Donnellon, Donnellon & Miller
9079 Montgomery Road
Cincinnati, Ohio 45242

**9. Reporting Requirements.**

(A) Submission of Records and Reports; Records Retention. Montgomery shall collect, maintain, and furnish to Cincinnati upon request such accounting, financial, business, administrative, operational and other reports, records, statements and information as may be requested by Cincinnati pertaining to this Agreement and as may be required for compliance with programs and projects funded by Cincinnati, Hamilton County, the State of Ohio, or any federal agency (collectively, "**Records and Reports**"). Montgomery shall retain all Records and Reports for a period of at least three (3) years after completion of construction.

(B) Cincinnati's Right to Inspect and Audit. During construction and for a period of three (3) years after completion of construction, Montgomery shall permit Cincinnati and its designees and auditors to have access to and to inspect and audit Montgomery's Records and Reports related to this project.

**10. General Provisions.**

(A) Assignment. Neither party shall assign its rights or interests under this Agreement without the prior written consent of the other party.

(B) Entire Agreement. This Agreement (including the exhibits hereto) contains the entire agreement between the parties with respect to the subject matter hereof and supersedes any and all prior discussions, negotiations, representations or agreements, written or oral, between them respecting the subject matter hereof.

(C) Amendments. This Agreement may be amended only by a written amendment signed by both parties.

(D) Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Ohio and with all applicable federal laws. All actions regarding this Agreement shall be brought in the Hamilton County Court of Common Pleas.

(E) Binding Effect. This Agreement shall be binding upon and shall inure to the benefit of and be enforceable by and against the parties and their respective successors and permitted assigns.

(F) Captions. The captions of the various sections and paragraphs of this Agreement are not part of the context hereof and are only guides to assist in locating such sections and paragraphs and shall be ignored in construing this Agreement.

(G) Severability. If any part of this Agreement is held by a court of law to be void, illegal or unenforceable, such part shall be deemed severed from this Agreement, and the balance of this Agreement shall remain in full force and effect.

(H) No Recording. This Agreement shall not be recorded in the Hamilton County Recorder's office.

(I) No Third Party Beneficiaries. The parties hereby agree that no third party beneficiary rights are intended to be created by this Agreement.

(J) Official Capacity. All representations, warranties, covenants, agreements and obligations of Cincinnati under this Agreement shall be effective to the extent authorized and permitted by applicable law. None of those representations, warranties, covenants, agreements or obligations shall be deemed to be a representation, warranty, covenant, agreement or obligation of any present or future officer, agent, employee or attorney of Cincinnati in other than his or her official capacity.

(K) Signatures. This Agreement may be executed in counterparts, and a facsimile or PDF signature shall be deemed to be, and shall have the same force and effect as, an original signature.

(L) Exhibits. The following Exhibits are attached to this Agreement and made a part hereof:
Attachment A – *Site Plan*
Attachment B – *Cost Estimate*

This Agreement is executed by the parties on the dates indicated below their signatures, effective as of the later of such dates (the "**Effective Date**").

**CITY OF MONTGOMERY**

By: _____
Wayne S. Davis
City Manager

Date:_____, 201__

APPROVED FOR LEGAL SUFFICIENCY

_____
Terrence M. Donnellon, Law Director

[CINCINNATI SIGNATURE PAGE FOLLOWS]

**CITY OF CINCINNATI**

By: _____
Harry Black, City Manager

Date:_____, 201__

RECOMMENDED BY:

_____
Cathy B. Bailey, Director
Greater Cincinnati Water Works

APPROVED BY DEPARTMENT OF ECONOMIC INCLUSION:

_____
Markiea Carter, Director

APPROVED FOR LEGAL SUFFICIENCY

_____
Assistant City Solicitor

CITY PURCHASING APPROVAL:

_____
Patrick A. Duhaney
Chief Procurement Officer

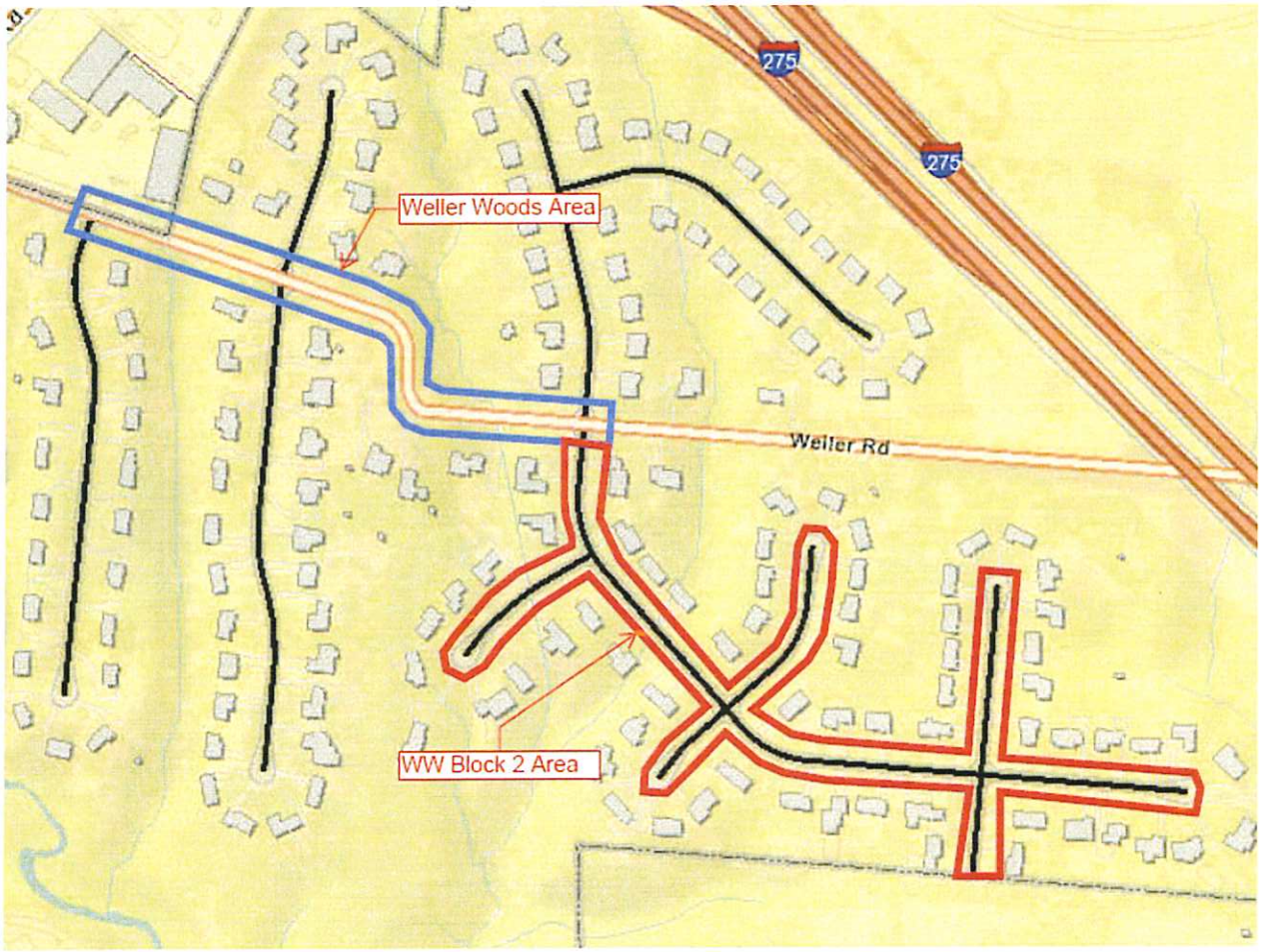
CERTIFICATION OF FUNDS:

Date: _____
Funding: _____
Amount: _____

_____
**Reginald Zeno, Finance Director**

2404726.1

Attachment A
*Site Plan*



Attachment B

*Cost Estimate*

**CITY OF MONTGOMERY**

GCWW Resurfacing of Weller Road and Weller Woods 2nd Block Subdivision — DATE: 2/27/17

| Item No. | Spec. No. | Item | Estimated Quantity | Unit of Measure | Unit Cost Total | Item Cost |
|---|---|---|---|---|---|---|
| | | **Weller Road, Thistlewood Ct to Indian Woods Dr.** | | | | |
| 1 | 254 | PAVEMENT PLANING, ASPHALT CONCRETE (2.5" THICK) | 3,950 | CY | $2.75 | $10,862.50 |
| 2 | 407 | TACK COAT (0.10 GAL/SY) | 395 | GA | $3.00 | $1,185.00 |
| 3 | 442 | ASPHALT CONCRETE SURFACE COURSE, 12.5MM, TYPE A (448)(1.5") | 173 | CY | $170.00 | $29,410.00 |
| 4 | 442 | ASPHALT CONCRETE INTERMEDIATE COURSE, 19MM, TYPE A (448)(1.0") | 115 | CY | $170.00 | $19,550.00 |
| 5 | 614 | MAINTAINING TRAFFIC, AS PER PLAN | 1 | LS | $5,000.00 | $5,000.00 |
| 6 | 604 | * MANHOLE ADJUSTED TO GRADE | 7 | EA | $700.00 | $4,900.00 |
| 7 | 614 | WORK ZONE STOP LINE, CLASS III | 24 | FT | $3.00 | $72.00 |
| 8 | 614 | WORK ZONE CROSSWALK LINE, CLASS III | 332 | FT | $2.00 | $664.00 |
| 9 | 614 | WORK ZONE CENTERLINE, CLASS III | 1,300 | FT | $1.00 | $1,300.00 |
| 10 | 621 | RAISED PAVEMENT MARKER REMOVED | 44 | EA | $10.00 | $440.00 |
| 11 | 621 | RAISED PAVEMENT MARKER | 44 | EA | $30.00 | $1,320.00 |
| 12 | 644 | STOP LINE, 24" WHITE | 24 | FT | $8.00 | $192.00 |
| 13 | 644 | CROSSWALK LINE, 12" WHITE | 332 | FT | $5.00 | $1,660.00 |
| 14 | 644 | TRANSVERSE LINE, 12" WHITE | 360 | FT | $5.00 | $1,800.00 |
| 15 | 644 | CENTERLINE, 4" DOUBLE YELLOW | 1,300 | FT | $2.00 | $2,600.00 |
| 16 | 644 | EDGE LINE, 4" YELLOW | 2,600 | FT | $1.00 | $2,600.00 |
| 17 | SPL | ASPHALT REJUVENATING AGENT: RECLAMITE ASPHALT REJUVENATOR BY PAVEMENT TECHNOLOGIES, INC., OR APPROVED EQUAL | 3,950 | CY | $1.00 | $3,950.00 |
| | | **WELLER RD (THISTLEWOOD TO INDIAN WOODS) TOTAL =** | | | | **$87,505.50** |
| | | **GCWW'S 1/2 OF WELLER RD TOTAL=** | | | | **$43,752.75** |
| | | **Weller Woods 2nd Block Subdivision** | | | | |
| 18 | 254 | PAVEMENT PLANING, ASPHALT CONCRETE (1.75" THICK) | 10,950 | CY | $2.50 | $27,375.00 |
| 19 | 448 | ASPHALT CONCRETE SURFACE COURSE, TYPE 1, PG64-22, MEDIUM TRAFFIC (1.5") | 479 | CY | $170.00 | $81,430.00 |
| 20 | 448 | ASPHALT CONCRETE MISC.: STRESS ABSORBING MEMBRANE INTERLAYER (SAMI), TYPE 1 (BY TERRY ASPHALT MATERIALS, INC. OR APPROVED EQUAL)(1/4" THICK +/-) | 10,950 | CY | $3.50 | $38,325.00 |
| 21 | 614 | MAINTAINING TRAFFIC, AS PER PLAN | 1 | LS | $7,000.00 | $7,000.00 |
| 22 | 604 | * MANHOLE ADJUSTED TO GRADE | 22 | EA | $700.00 | $15,400.00 |
| 23 | 644 | STOP LINE, 24" WHITE | 72 | FT | $8.00 | $576.00 |
| 24 | SPL | ASPHALT REJUVENATING AGENT: RECLAMITE ASPHALT REJUVENATOR BY PAVEMENT TECHNOLOGIES, INC., OR APPROVED EQUAL | 10,950 | CY | $1.00 | $10,950.00 |
| | | **WELLER WOODS 2ND BLOCK SUBDIVISION TOTAL =** | | | | **$181,056.00** |

*DENOTES CONTINGENCY ITEM - USE ONLY AT THE DIRECTION OF THE ENGINEER

| | |
|---|---|
| **GCWW Total** | $224,808.75 |
| **Montgomery Total** | $43,752.75 |
| **Weller and Weller Woods Subd. Total** | $268,561.50 |

GCWW TOTAL + 10% CONTIGENCY: $247,289.63

**RESOLUTION NO. , 2017**

**A RESOLUTION ACCEPTING A BID AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH OHIO HEAVY EQUIPMENT LEASING, LLC FOR THE ROSS AVENUE SIDEWALK AND STORMWATER DRAINAGE PROJECT**

**WHEREAS,** the City has advertised for bids for the Ross Avenue Sidewalk and Stormwater Drainage Project to install sidewalk and certain stormwater improvements on Ross Avenue; and

**WHEREAS,** the City has received a bid from the Ohio Heavy Equipment Leasing, Inc., d/b/a Loveland Excavating and Paving, which the Administration has determined to be the lowest and best bid for this project; and

**WHEREAS,** the Administration has recommended accepting this bid.

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

**SECTION 1.** The bid of $236,128.53 received from Ohio Heavy Equipment Leasing, Inc., d/b/a Loveland Excavating and Paving, for the Ross Avenue Sidewalk and Stormwater Drainage Project is hereby determined to be the lowest and best bid received in response to an advertisement for the same.

**SECTION 2.** The bid is hereby accepted, which bid includes a 3% contingency fund, and the City Manager is authorized and directed to enter a contract in accordance with the terms described in the specifications.

**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

**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

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City of Montgomery
City Council Work Session Minutes
June 21, 2017

| Present | City Council Members Present |
|---|---|
| Wayne Davis, City Manager | Lynda Roesch, Vice Mayor |
| Terry Donnellon, Law Director | Laith Alfaqih |
| Tracy Roblero, Community Development Director | Mike Cappel |
| John Crowell, Police Chief | Gerri Harbison |
| Brian Riblet, Public Works Director | Craig Margolis |
| Matthew Vanderhorst, Community and Information Services Director | |
| Paul Wright, Fire Chief | |
| Faith Lynch, Community Engagement Coordinator | |
| Connie Gaylor, Clerk of Council | City Council Members Absent |
| | Chris Dobrozsi, Mayor |
| | Ken Suer |

City Council convened in Council Chambers for the Work Session at 6:55 p.m. with Vice Mayor Roesch presiding.

**ROLL CALL**

Vice Mayor Roesch asked for a motion to excuse Council Members Suer and Mayor Dobrozsi from tonight's meeting. She explained that Mayor Dobrozsi was on vacation and Mr. Suer had an unexpected personal issue causing him to miss the meeting.

Mr. Cappel moved to excuse Mayor Dobrozsi and Council Member Suer. Mr. Margolis seconded. City Council unanimously agreed.

The roll was called.

**Swearing-In of New Patrol Officers**

Vice Mayor Roesch asked for a moment of silence in remembrance of Otto Warmbier and expressed her condolences to his family.

Assistant Police Chief Greg Vonden Benken introduced the City's newest Patrol Officers: Rich Riley and Kenney Bertz. The Assistant Chief provided a brief background of each officer and introduced their families who were in attendance.

Mr. Davis formally swore in Officers Rich Riley and Kenney Bertz.

City Council and staff welcomed both officers to the City of Montgomery and wished them well in their careers with the City.

**Legislation for Consideration This Evening**

**ESTABLISHING AN AGENDA FOR July 5, 2017**

**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-3rd reading)**

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Vice Mayor Roesch asked if there were any updates since the last reading of this Ordinance.

Mr. Davis explained that this Ordinance has been amended to add $550,000 for the addition in account 480.000.5401 for professional engineering services at the Gateway Redevelopment Area. These services will be provided by Strand Engineering for the intersection modification.

**An Ordinance Establishing an Interim Development Control Overlay District to Control Medical Marijuana Businesses—(Mr. Margolis-2nd Reading)**

Vice Mayor Roesch asked if there were any updates since the last reading of this Ordinance.

Mr. Donnellon stated that a Public Hearing is required before the passage of this Ordinance. He stated that since there is not enough time to post a legal ad in the paper and send notice to property owners before the July 5 Business Session, that City Council could chose to hold the hearing on July 19. He explained that we would likely want to hold the third and final reading of this Ordinance the same night as the hearing. He stated that following these steps would allow us to have protection with no gaps.

Mr. Donnellon also stated that there is another option in which City Council could table the Ordinance and go with a three- month Interim Development Overlay District by Resolution at the August Business session. The Resolution would take effect immediately; however, it shortens the review period with the Planning Commission and City Council. He explained that if this option is chosen that it would extend a moratorium past the September 1 date and if we find there is strong interest in a business opening, Council can then hold a Public Hearing with notice and extend the moratorium.

City Council discussed the options and advised Staff to hold the Public Hearing at the July 19 Work Session, at 6:30 p.m.

Mr. Ian Suddarth, 7951 Shelldale Way, addressed City Council and inquired when the process of this Ordinance began.

Mr. Donnellon explained that the Planning Commission began reviewing the new State Bill in January of this year and after the final ruling was made by the State, they came to City Council with a request to establish this Interim Development Control Overlay District in order to give them time to properly investigate a ban.

**An Ordinance Establishing the Terms for Various Boards and Commissions—(Mrs. Harbison-2nd Reading)**

Mr. Harbison explained that 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.

Vice Mayor asked if there were any updates on this Ordinance.

Mr. Davis stated there were none.

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**Ordinance Amending Tax Incentive Agreement with Sycamore Community School District—(Mr. Suer-2nd Reading)**

Mr. Donnellon explained that it is requested that City Council consider the approval of this Ordinance that 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.

Vice Mayor asked if there were any updates on this Ordinance.

Mr. Davis stated that there no updates to the Ordinance but noted that Sycamore Community Schools had presented their legislation to the School Board at which time it was passed.

**New Legislation**

**A Resolution Adopting a Tax Budget For 2018**

Vice Mayor Roesch explained that this legislation for the proposed 2018 Tax Budget, was prepared and presented by Katie Smiddy, Finance Director, at the Public Hearing held prior to the Work Session meeting that evening.

Vice Mayor Roesch asked if there were any further questions or comments.

There were none.

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

Mr. Riblet explained that it is requested that City Council authorize the City Manager to enter into an agreement with Brunk Excavating Inc. to complete the Jolain Drive Storm Drainage Project. Staff began working with residents from Jolain Drive in October 2011 regarding storm drainage concerns and potential solutions that would result in a positive impact for this area. Staff and seven (7) property owners of Jolain Drive ultimately reached a solution that would involve the removal and replacement of the existing 12" concrete pipe and the installation of a dual 24" storm pipe system. All seven affected property owners agreed to grant public easement rights to the City of Montgomery and all of the property owners have agreed to participate financially through a special assessment to cover the cost of one of the 24" storm pipes associated with the project.

Mr. Riblet stated that the Jolain Drive Storm Drainage Project is programmed in both the 2017 Capital Improvement Program 410.261.5470 account and the Environmental Impact Area II 228.000.5401 account. It is requested that the Jolain Drive Storm Drainage Project be approved for funding in the amount of $172,000. The amount of the recommendation includes $11,570 in project contingency funding or approximately 7% of the bid amount.

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

Mr. Riblet explained that it is requested that City Council authorize the City Manager to enter into an agreement with the City of Cincinnati. He stated that Resolution authorizes a Pavement Restoration Agreement between the City and the City of Cincinnati as the owner and operator of the Greater Cincinnati Water Works. Staff has worked in cooperation with the City of Cincinnati to establish a basis to share the cost of repaving the streets in the Weller Woods area where the Greater Cincinnati Water Works will be installing water main improvements. The agreement

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for pavement restoration would be in the amount of $247,289.63 for work to be completed as part of the City of Montgomery 2018 Annual Street Resurfacing Program and be reimbursed by the City of Cincinnati. If approved, staff will include this project in its 2018 Street Resurfacing Program and incorporate the amount of $247,289.63 in its 2018 Budget.

Mr. Cappel stated that he would plan to recuse himself from voting on this Resolution due to professional conflict.

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

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

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

Mr. Donnellon explained that it is requested that City Council adopt an Ordinance that would 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 previously 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.

**ADMINISTRATION REPORT**

Mr. Davis, City Manager, gave the following report:

- The Law and Safety, Financial Planning and Planning, Zoning and Landmarks Committees of City Council have cancelled their meetings for the month of July.

- Prior to the City Council July 5, Business Session, there will be a Montgomery Community Improvement Corporation (CIC) meeting held at 6:30 to consider the request for a Historic Preservation matching Grant for the Wooley-Kelsch House.

- As a reminder, a public hearing will be held prior to the July 5, Business Session at 6:45 p.m. to consider a recommendation for an equivalency from the Planning Commission for the proposed Villa Homes by Twin Lakes at 10130 Montgomery Road, just south of the Safety Center. The equivalency would allow the Villa homes to be 15' from the rear property line along the Indian Hill jurisdictional boundary, instead of the 20' required by the Zoning Code.

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- The Public Works Committee of City Council will meet at 5:30 p.m. on Monday, July 10. The Parks and Recreation and Government Affairs Committees have cancelled their meetings for the month of July.

- Public works crews are busy preparing for the upcoming July 3/4 festivities as American Flags and Bunting were installed throughout the Montgomery Corridor this week. Crews have also been preparing Montgomery Park by performing maintenance on the walkway, painting lighting bollards, removing and planting trees, and assuring all electrical needs will be accommodated.

- On that same note, the Public Works department is also planning for the City Council parade float and would like to ask City Council's opinion on the design of the float. Is the set up that has been used in the past satisfactory or would City Council like anything added or changed. Also, staff would like to know who plans to ride on the float.

- Katie Smiddy, Terry Donnellon and Wayne Davis met with members of the Gateway Partners Team to work on moving closer a solution for generating a Preferred Developer Agreement for the Gateway Redevelopment Area (GRA). While there is a lot of work to be completed, it is believed that the City and the developers continue to make progress in negotiations and understanding of the dynamics involved with the project. This finance group is next scheduled to meet on Tuesday morning, June 27.

- Ray Kingsbury informed staff today that Peter Block will not be able to present the Zen The Art of Leadership Session during Montgomery Citizens Leadership Academy (MCLA) in 2018. Faith, Ray, and Matthew will review the feedback that was received from the MCLA feedback meeting last month and start to flesh out some of the ideas.

- Crews from J.T. Lohrer began "pot holing" (digging small holes to locate utilities) today across Montgomery Road at the Twin Lakes project in preparation of boring the new water service for the Twin Lakes development. Temporary lane closures are possible in this area of Montgomery Road tomorrow and Friday.

- Weather permitting, crews from J.K. Meurer will be completing pavement repairs to portions of Orchard Club Drive as a result of accelerated deterioration from the construction traffic for the Camden Homes project. Camden Homes is participating financially for the pavement repairs which are anticipated to be completed by Friday.

- Work on the Montgomery Road Sidewalk Project is scheduled to begin on Monday, June 26.

- Kathi Ranford is scheduled to start with the City on July 5 as our new Customer Service Representative. Kathi comes to us with over 27-years' experience in local government with the City of Cincinnati with a short stint in Durham, NC. Kathy is a graduate of Xavier University.

- The Beautification and Tree Commission's Garden Tour is this Sunday from 2:00 to 5:00. Attendees can begin the tour at Montgomery City Hall or Pioneer Park, where Garden tour maps will be available. There are five residential gardens and two business gardens on display. This event is free of charge and does not require registration.

- Wayne Davis and Katie Smiddy met with the State of Ohio, Audit Team this afternoon in a post-audit conference. The 2016 audit is now complete and came back with no findings or problems. The Audit Team will meet at the next Financial Planning meeting to present their summary to the Committee.

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## LAW DIRECTOR REPORT

Mr. Donnellon reported that he recently attended a Miami Valley Risk Management Association Law Directors Roundtable at which time they discussed the new Concealed Carry Law, Public Records, Herding of Feral Cats and the new State of Ohio Sign Code. He stated that he will work with Tracy Roblero, community development director, to tailor the City Code to meet State requirements.

## CITY COUNCIL REPORTS

Mr. Alfaqih requested a Law and Safety meeting to be scheduled for August to discuss traffic control issues.

Mrs. Harbison moved to appoint two new members to the Arts Commission. She stated that this is a Committee recommendation so there would not need to be a motion made and seconded by City Council.

- Andrew Stephens appointed to the Arts Commission with a term ending on January 31, 2018.
- Barbara Lindsey appointed to the Arts Commission with a term ending on January 31, 2018.

City Council was all in favor.

Mrs. Harbison stated that at the Government Affairs meeting held on June 12, staff made a recommendation to award a contract to DMSink for the publishing and mailing of the 2017-2018 Bulletins and the 2018 Calendar. She stated that staff had conducted a Request for Proposal (RFP) and received quotes ranging from $49,718 up to $100,000. She stated that the quote from DMSink is $79,152 and that staff has thoroughly vetted the proposals. She stated that the Committee did make the recommendation to add legislation to a City Council agenda for approval.

Mr. Margolis reported that Barbara White had submitted her resignation from the Planning Commission effective immediately.

Mr. Margolis reported that Stephen Raab had also submitted his resignation from the Landmarks Commission effective on June 15.

Vice Mayor Roesch reported that the Blue Ash Montgomery Symphony Orchestra (BAMSO) program for the July 3 concert will feature Broadway Show tunes. She stated that they would be rehearsing next Wednesday at 9:30 a.m. if anyone is interested to attend.

Vice Mayor Roesch reported that 3 gentlemen attended the Parks and Recreation Commission held on June 8 to discuss holding disc golf in Pioneer Park. The Commission discussed and determined more research would be needed in order to make a recommendation.

## APPROVAL OF MINUTES

Vice Mayor Roesch requested a motion to approve the June 7, 2017 Business Session minutes.

Mr. Margolis moved to approve the minutes. Mr. Cappel seconded. City Council unanimously agreed.

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**OTHER BUSINESS**

Mr. Davis reported that he would be attending the Ohio City/County Managers Association (OCMA) meeting in Columbus on Thursday, June 22 and would be out all day. He stated that this is his last meeting as Vice President of OCMA, and beginning in July he would take the position of President.

City Council congratulated Mr. Davis on this new role and wished him success.

Mr. Margolis made a motion to call the July 5 Business Session to order immediately following the conclusion of the public hearing.

Mr. Cappel seconded. City Council unanimously agreed.

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

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

City Council adjourned at 7:50 p.m.

_____
Connie Gaylor, Clerk of Council

DRAFT

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City of Montgomery
City Council Public Hearing Minutes
June 21, 2017

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

City Council Members Present
Lynda Roesch, Vice Mayor
Laith Alfaqih
Mike Cappel
Gerri Harbison
Craig Margolis

City Council Members Absent
Chris Dobrozsi, Mayor
Ken Suer

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City Council convened in Council Chambers at 6:45 p.m. with Vice Mayor Roesch presiding, to conduct a Public on the 2018 Tax Budget.

Ms. Smiddy explained to City Council in accordance with ORC Section 5705.28, each taxing authority must pass a resolution adopting a Tax Budget prior to July 15 and submit such Tax Budget to the County Auditor. It is necessary for City Council to pass a resolution approving the Tax Budget for the fiscal year beginning January 1, 2018 and submit the said Tax Budget to the Hamilton County Auditor. Ms. Smiddy stated that failure to pass a Tax Budget before July 15, and submittal of it to the County Auditor before July 20, may jeopardize the City's share of the Local Government Fund.

Ms. Smiddy explained to City Council that the Tax Budget requires the City to estimate revenues and expenditures for funds which derive revenues from real and personal property taxes. She stated that the City has two (2) funds which derive money from property taxes: the General Fund and Fire Levy Fund.

Ms. Smiddy gave a report of the 2018 Tax Budget as follows:

It is estimated that the total assessed valuation for the year 2017 collected in 2018, is estimated to be $526 million. This is an estimated .19% increase in property values from the assessed valuation for tax year 2017 of $525 million.

The General Fund collects 4.5 mills (3 mills inside, 1.5 mills outside) on real property. It is estimated that $2,071,000 million will be collected in property taxes in 2018 for the General Fund; this is an increase of 1% that is expected to be collected in 2017.

Income tax collections in the General Fund are estimated to be $6,405,176 of the total income tax collection of $8.1 million estimated for 2018; the assumption is that total income tax revenues are estimated to increase 1% over the amount collected in 2017. The amount of income tax revenues allocated to the General Fund will be 80% in 2018. It is estimated that the General Fund will have a cash balance of approximately $12.8 million at the end of fiscal year 2018.

Other General Fund revenues are estimated to remain relatively flat due to the continued steady economy. Total revenues of the General Fund for 2018 are estimated at $9,857,959 as compared to $9,836,595 estimated for 2017. This is an increase of $21,364 or approximately .22% which is attributed to the estimated increase in income and property tax revenues.

Expenditures of the General Fund are estimated to be $10,375,343 in 2018, as compared to $10,012,171 in 2017. This is a slight increase of $363,172, which can be attributed to increased allocations for capital equipment.

The Fire Levy is a 5.55 mill permanent levy with no expiration date. Total revenues in the Fire Levy Fund are estimated to be $2,187,644 in 2018 as compared to $2,162,296 in 2017; this is an increase of $25,348.

Total expenditures for the 2018 Fire Levy Fund are estimated at $2,784,752, as compared to $2,783,782 estimated in 2017. This is an increase of $970 or .03%.

The estimated ending cash balance for the Fire Levy Fund for 2018 is $2,668,513. This is $597,108 less than the estimated 2017 ending cash balance. This is an operating reserve of 11.5 months, which meets the City's fund balance reserve policy of 6 to 12 months.

Capital spending is projected at $3,125,000 to be spent on permanent improvements. These projects were taken from the 2017-2021 Capital Improvement Program and are projects which were reviewed and approved by City Council on an individual basis. The presentation of these projects in this Tax Budget is intended to indicate a level of spending for capital outlay.

A schedule of Outstanding Debt is presented in the 2018 Tax Budget. It is estimated that the City will have approximately $13.2 million outstanding in debt as of January 1, 2018, for Special Obligation and Special Assessment debt. Debt service payments for this debt in 2018 will be $999,750 for principal repayment and $566,456 for interest expense.

Ms. Smiddy stated that the City has not had any outstanding General Obligation Debt since 2014.

Ms. Smiddy concluded her presentation of the 2018 Tax Budget.

Mr. Davis stated that the City would plan to place a Fire Levy on the ballot in 2018.

Vice Mayor Roesch asked for questions by City Council members. There being none, Vice Mayor Roesch asked for a motion to take under advisement the 2018 Tax Budget.

Mr. Margolis a motion to take under advisement the 2018 Tax Budget. Mr. Cappel seconded. City Council unanimously agreed.

Mr. Margolis made a motion to adjourn the Public Hearing. Mr. Cappel seconded. City Council unanimously agreed.

The Public Hearing adjourned at 6:55 p.m.

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Connie Gaylor, Clerk of Council

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City of Montgomery
City Council Special Session
June 26, 2017

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

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Council convened in Council Chambers with Mayor Dobrozsi presiding at 6:00 p.m.

Mayor Dobrozsi indicated that City Council would be adjourning into Executive Session to discuss matter related to personnel/compensation.

Mayor Dobrozsi asked if there was any further business to discuss in public session. There being none he asked for a motion of adjournment into Executive Session to discuss matters related to personnel/compensation.

Mr. Cappel moved to adjourn into Executive Session for matters related to personnel/compensation. Mr. Margolis seconded.

The roll was called and showed the following vote:

| | | |
|---|---|---|
| AYE: | Dobrozsi, Roesch, Harbison, Suer, Margolis, Cappel, Alfaqih | (6) |
| NAY: | | (0) |

Council adjourned into Executive Session at 6:00 p.m.

Council reconvened in public session at 7:27 p.m.

Mayor Dobrozsi asked if there was any further business to discuss in public session. There being none he asked for a motion of adjournment.

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

Council adjourned at 7:27 p.m.

_____
Clerk of Council