

May 27, 2016

TO: Mayor and City Council Members

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

SUBJECT: City Council Business Session of Wednesday, June 1, 2016

As a reminder, City Council is scheduled to meet in Business Session on Wednesday, June 1, 2016 immediately at the conclusion of the Public Hearing scheduled at 6:30 p.m. at City Hall.

Public Hearing

Prior to the City Council Business Session, a Public Hearing will be held at 6:30 p.m. to consider the recommendation of the Planning Commission on two applications. The first application from Twin Lakes is for the expansion of a conditional use permit to allow for the extension of the parking lot. The proposed parking lot expansion would add 14 parking spaces on the south side of the property along Perin Road. The second application is from Columbia Oldsmobile, Inc., for the expansion of a conditional use permit and Final Development Site Plan Approval to allow for a new free standing used car building.

Business Session

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Special Presentation**
 - a. Phil Hackett-retired Principal of Edwin H. Greene Intermediate School will be present to accept a Proclamation honoring his 28 years of service to the Sycamore School District and community.
 - b. Marian Dickinson with the Montgomery Farmers' Market and Beverly Tharp with Operation Give Back-will both be present to accept checks as grant recipients of this years' Service to the Community Grant.
 - c. Eva Thorn-along with her family will be present to accept a check for \$500 as the recipient of the 2016 Montgomery Local Government Scholarship presented every year by City Council.
5. **Guests and Residents**
6. **Legislation for Consideration Tonight**

Pending Legislation

- a. An Ordinance Modifying Section 30.03, Announcement of Public Meetings, of The Code of Ordinances—(Mrs. Harbison, 3rd reading) Information has been supplied previously on this Ordinance that, if approved, will amend the current Section 30.03 of the Code of Ordinances

regarding announcements of public meetings. A recent review of the process of providing notice of public meetings as set forth in Section 30.03 revealed that this Code Section was adopted in 1975 and is no longer consistent with current methods by which information is provided and received by the public. Section 30.03 requires that we publish in a newspaper of general circulation, quarterly, the times and dates of our City Council meetings. It also requires that we have a bulletin board accessible at all hours located within the community. The City Charter does not have any specific requirements regarding notice of public meetings except the advance notice required for a Special Meeting of City Council in the absence of an emergency. R.C. § 121.22 (Sunshine law) requires that City Council establish a reasonable method whereby any person may determine the time and place of all regularly scheduled meetings. Staff requests that consideration be given to no longer requiring the posting of notices on public bulletin boards, and allowing the addition of the use of website postings.

Move for passage of the Ordinance

Roll Call Vote

- b. An Ordinance Establishing the Schedule of Municipal Compensation for Employees—(Mr. Suer, 3rd reading) Information has been supplied previously on this Ordinance that, if approved, will establish a Schedule for Municipal Compensation. Traditionally the City's Schedule of Municipal Compensation for non-collective bargaining and exempt employees is adjusted annually in July to remain in sync with collective bargaining employee wage rate adjustments. The City's current Schedule of Municipal Compensation does not specify any wage rate adjustments for July 2016 or July 2017; therefore, a new compensation schedule must be established. In addition, the new Schedule of Municipal Compensation also reflects adjustments to several position pay ranges in order to ensure that the City's pay practices remain relatively competitive when compared to similar neighboring jurisdictions. Since the first reading of this Ordinance, staff has met with the Financial Planning Committee of City Council and is recommending the inclusion of a new wage classification and adjustments to two existing wage ranges.

Move for passage of the Ordinance

Roll Call Vote

- c. An Ordinance Authorizing The Detachment Of Hamilton County Auditor's Parcel Number 603-0A23-0187 And The Approval Of An Annexation Agreement Related Thereto For The Annexation Of Hamilton County Auditor's Parcel Number 620-0210-0723—(Mr. Margolis-Tabled) Information has been supplied previously on this Ordinance that, if approved, will authorize the simultaneous annexation and detachment of properties along the Symmes Township and City of Montgomery borders as a part of the Vintage Club North development. A small lot incorporated into the property owned by Contadino Properties, LLC, operated as a daycare north of the Vintage Club site, will be detached and aligned into Symmes Township. A similarly small wedge of property in Symmes Township below the property line will be merged into the City by annexation and it will be incorporated into the Vintage Club development. The statutory procedures require legislative approval for this dual process. Ultimately the Board of Commissioners of Hamilton County, Ohio must approve the detachment and annexation.

City Council voted to table this Ordinance at the April 6, 2016 Business Session, until such time that the City receives additional information on this matter. If all required documents have been obtained before this meeting, City Council may consider adding the Ordinance to the agenda and assigning it to a Council member for the first reading at tonight's meeting.

New Legislation

- a. A Resolution Authorizing the City Manager to Contract with Frost Brown Todd, LLC to Provide Special Counsel Services (If over \$50,000)—(Mrs. Harbison) Information has been supplied previously on this Resolution that, if approved, will authorize the City Manager to enter into a contract with Frost Brown Todd, LLC to provide special legal services for labor negotiations/labor relations/human resource functions. In 2004, the City contracted with Frost Brown Todd, LLC to provide legal services for the negotiations of a contract with the International Association of Fire Fighters (IAFF). Since that time, the City has used the services of Frost Brown Todd, LLC in negotiations with the Fraternal Order of Police (FOP) and in the negotiation of collective bargaining agreements with the American Federation of State, County and Municipal Employees (AFSCME), as well as the IAFF bargaining units. The work of Frost Brown Todd, LLC has been invaluable in labor negotiations/relations efforts, and it is important that the City is able to maintain this relationship as the City continues its labor relations into the future.

Move to read the Resolution by title only

Voice Vote

Move passage of the Resolution

Roll Call Vote

- b. A Resolution Accepting a Bid and Authorizing the City Manager to Enter into a Contract with Strawser Construction for the 2016 "Bituminous Black Mat" Project—(Mr. Cappel) Information has been supplied previously on this Resolution that, if approved, will authorize the City Manager to enter into a contract with Strawser Construction for the Bituminous "Black Mat" Surfacing Project. The project includes work to micro-surface 0.75 centerline miles on Zig Zag Road, from Monte Drive (north) to the West Corporation limit. Funding for this project is programmed in the 2016 Capital Improvement Program 410-261-5470 account. It is requested that the 2016 Bituminous Black Mat Surfacing Project be approved for funding in the amount of \$97,340.12.

Move to read the Resolution by title only

Voice Vote

Move passage of the Resolution

Roll Call Vote

- c. A Resolution Accepting a Bid and Authorizing the City Manager to Enter into a Contract with Barrett Paving Materials for the 2016 Street Resurfacing Program—(Mr. Cappel) Information has been supplied previously on this Resolution that, if approved, will authorize the City Manager to enter into a contract with Barrett Paving Materials Construction Company for the annual Street Resurfacing Program. This year's 2016 Street Resurfacing Program includes resurfacing 2.01 centerline miles of roadways. The street resurfacing program is programmed in the 2016 Capital Improvement Program 410-261-5470 account. It is requested that this project be approved for funding in the amount of \$800,000 to complete the Base Bid and Alternate #1 – Escondido Drive. The amount of the recommendation includes \$54,848.40 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

- d. A Resolution Extending an Interim Development Control Overlay District within All Business Districts
—(Mr. Suer) Information has been supplied previously on this Resolution that, if approved, will extend the Interim Development Overlay District throughout all Business Districts within the City through January 31, 2017. Our Code allows us to establish Interim Development Control Overlay Districts in a process that starts with a City Council three month stay and then an extension for an additional nine months upon recommendation from the Planning Commission. The controls will limit the issuance of any permit for a Sexual Encounter Business, and upon recommendation from the Planning Commission such controls will remain in place to limit the issuance of any permit for a Sexually Oriented Business until such time as Staff can review the impact of these businesses on the community and regulations which may be permitted by law. The Resolution also formally initiates the process for a potential zoning amendment with City Council's request to Planning Commission to review and consider such amendments.

Move to read the Resolution by title only

Voice Vote

Move passage of the Resolution

Roll Call Vote

7. Administration Report

8. Approval of Minutes – May 18, 2016 Public Hearing; May 18, 2016 Work 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
File

June 1, 2016

Public Hearing 6:30

Prior to the City Council Business Session, a Public Hearing will be held at 6:30 p.m. to consider the recommendation of the Planning Commission on the following applications:

1. A request from Twin Lakes at 9840 Montgomery Road for the expansion of the conditional use permit to allow for a parking lot expansion of 14 parking spaces on the south side of the property along Perin Road.
2. A request from Columbia Oldsmobile, Inc., for an expansion of a conditional use permit to allow for the construction of a new free-standing building at the Hyundai/Acura Dealership at 10981-10987 Montgomery Road.

City Council can make its decision on this request at Wednesday's meeting, or may continue its deliberations for up to thirty (30) days. If continued, City Council will need to set the date and time for the continuation of the public meeting when it will make its decision.

City Council accepts/rejects the Conditional Use Permit.

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.

City Council Business Session

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Special Presentation
 - a. Phil Hackett-retired Principal of Edwin H. Greene Intermediate School will be present to accept a Proclamation honoring his 28 years of service to the Sycamore School District and community.
 - b. Marian Dickinson with the Montgomery Farmers' Market and Beverly Tharp with Operation Give Back-will both be present to accept checks as grant recipients of this years' Service to the Community Grant.
 - c. Eva Thorn-along with her family will be present to accept a check for \$500 as the recipient of the 2016 Montgomery Local Government Scholarship presented every year by City Council.
5. Guests and Residents
6. Legislation for Consideration Tonight
 - a. **An Ordinance Modifying Section 30.03, Announcement of Public Meetings, of The Code of Ordinances**—(Mrs. Harbison, 3rd reading)

Move for passage of the Ordinance

Roll Call Vote

- b. **An Ordinance Establishing the Schedule of Municipal Compensation for Employees—(Mr. Suer, 3rd reading)**

Move for passage of the Ordinance

Roll Call Vote

- c. **An Ordinance Authorizing The Detachment Of Hamilton County Auditor's Parcel Number 603-0A23-0187 And The Approval Of An Annexation Agreement Related Thereto For The Annexation Of Hamilton County Auditor's Parcel Number 620-0210-0723—(Mr. Margolis-Tabled)**

City Council voted to table this Ordinance at the April 6, 2016 Business Session, until such time that the City receives additional information on this matter. If all required documents have been obtained before this meeting, City Council may consider adding the Ordinance onto the agenda and assigning to a Council member for the first reading at tonight's meeting.

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Move to read the Resolution by title only

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Move to read the Resolution by title only

Voice Vote

Move passage of the Resolution

Roll Call Vote

- c. **A Resolution Accepting a Bid and Authorizing the City Manager to Enter into a Contract with Barrett Paving Materials for the 2016 Street Resurfacing Program—(Mr. Cappel)**

Move to read the Resolution by title only

Voice Vote

Move passage of the Resolution

Roll Call Vote

- d. **A Resolution Extending an Interim Development Control Overlay District within All Business Districts**—(Mr. Suer)

Move to read the Resolution by title only

Voice Vote

Move passage of the Resolution

Roll Call Vote

7. Administration Report

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10. Other Business

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12. Adjournment

The City of Montgomery, Ohio



Proclamation

WHEREAS, Phil Hackett has been a champion of public education for 43 years and an educator in Sycamore Community Schools for 34 years; and,

WHEREAS, Phil has been the principal of Edwin H. Greene Intermediate School since 1995, but his tenure at Sycamore Schools has lasted for more than three decades. He first arrived at Sycamore in 1988 as the principal of Maple Dale Elementary. He led the school for seven years, before moving to E.H. Greene where he was named a National Distinguished Principal by the U.S. Department of Education and under his leadership, E.H. Greene was selected as an Ohio School to Watch as well as a Blue Ribbon School; and,

WHEREAS, Phil has undergraduate and graduate degrees from Xavier University, where he is currently an adjunct faculty member in the Middle Childhood Education Department. He participated in the Change Leadership Group at the Harvard University Graduate School of Education and has been a local, state and national presenter on current issues in education and as a representative for the City of Cincinnati, he attended the International Educational Summit in Gifu, Japan where he addressed educators from around the world.; and,

WHEREAS, Phil announced his retirement effective June 29, 2016; and,

WHEREAS, Phil has not only educated and led our children, and ourselves as parents, his "Can You Hack-ett? Challenge" has encouraged students and teachers to reach their fullest potential; and

WHEREAS, City Council wishes to honor Phil Hackett's professional achievements and offer its best wishes and encouragement to Phil for a successful retirement, victorious tennis matches and a bright future in his future endeavors.

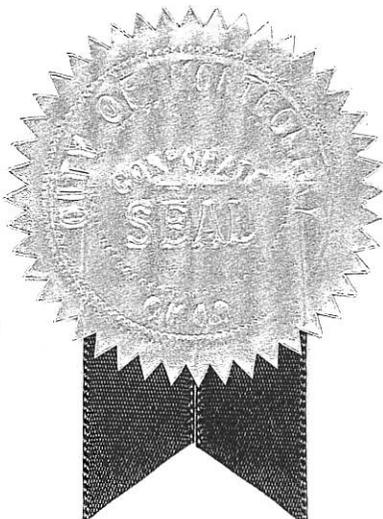
NOW, THEREFORE, I, Chris Dobrozsi, the 23rd Mayor of the City of Montgomery, do hereby proclaim the day of June 2, 2016 as

Phil Hackett Day

in the City of Montgomery, Ohio and urge all citizens to observe this day in ways relevant to its importance and significance.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 1st Day of June, Two Thousand Sixteen.

Christopher Dobrozsi, Mayor



ORDINANCE NO. , 2016

AN ORDINANCE MODIFYING SECTION 30.03, ANNOUNCEMENT OF PUBLIC MEETINGS, OF THE CODE OF ORDINANCES

WHEREAS, Section 30.03 of the Code of Ordinances, enacted in 1975, sets forth the procedure for providing notice for regular and Special Meetings of City Council; and

WHEREAS, with a significant shift in the manner by which the public receives information, Council does desire to update the announcement of public meetings to incorporate modern technology and to meet the statutory requirements of R.C. § 121.22 to provide notice to the public of the meetings of City Council.

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

SECTION 1. Section 30.03, *Announcement of Public Meetings*, shall be amended to read as follows:

A. *No less than quarterly, the City shall post the scheduled date and time for City Council meetings on the City's website and within the City's newsletter. If a meeting time or location is changed, as decided by City Council at a prior open meeting, the new time and place shall be posted as soon as practical on the City's website. If time allows within the circulation schedule of the City newsletter, such changed time and location shall also be noted in the newsletter.*

B. *Any person or news organization may request advance notice of all meetings of City Council in writing delivered to the Clerk of Council. The Clerk shall then send advance notice of such meetings of City Council through either email (or equivalent*

electronic medium), by facsimile transmission, or by regular U.S. Mail as has been designated by the requesting person or organization. The failure of delivery shall not void any action taken at such meeting by City Council.

C. Consistent with Section 3.04 of the Charter of the City of Montgomery, Council may hold Special Meetings and, except in the event of an emergency, notice of such meeting shall be posted to the City's website and shall be provided to those persons and media outlets requesting advance notification no less than twenty four (24) hours in advance of such meeting in the format requested by such person or organization.

SECTION 2. Section 30.03 of the Code of Ordinances is hereby repealed with the adoption of this replacement section.

SECTION 3. All sections, subsections, parts and provisions of this Ordinance are hereby declared to be independent sections, subsections, parts and provisions, and the holding of any section, subsection, part or provision to be unconstitutional, void or ineffective for any reason shall not affect or render invalid any other section, subsection, part or provision of this Ordinance.

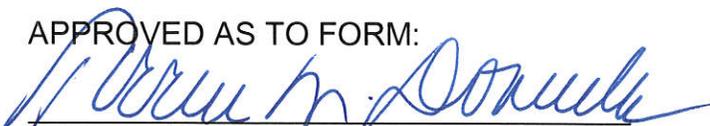
SECTION 4. This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Christopher P. Dobrozsi, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director

ORDINANCE NO. , 2016

**AN ORDINANCE ESTABLISHING THE
SCHEDULE OF MUNICIPAL COMPENSATION FOR EMPLOYEES
AND AMENDING SECTION 32.01 OF THE CODE OF ORDINANCES**

WHEREAS, Council must establish a Schedule of Municipal Compensation for City employees who are not members of a collective bargaining unit to be effective July 3, 2016 (the first day of the first full pay period in July 2016); and

WHEREAS, the Administration has recommended an increase in compensation for such employees and modifications to several wage classifications, which recommendations are reflected in the schedule of Municipal Compensation attached hereto; and

WHEREAS, to conform the Schedule of Wages to the recognized titles and job responsibilities in the Public Safety departments, the Administration has recommended that Council acknowledge the position of Assistant Chief of Police as the second in Command within the Police Department.

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

SECTION 1. The existing Code § 32.01(B)(2) is hereby rescinded and Code § 32.01(B)(2) shall read:

(2) The Assistant Chief of Police.

With this amendment the position of Police Lieutenant is hereby eliminated.

SECTION 2. Pursuant to requirements of Chapter 34 of the Montgomery Code of Ordinances, the Schedule of Municipal Compensation (“Schedule”) is hereby established to govern the annual compensation of municipal employees who are not governed by collective bargaining agreements, which schedule shall be effective on July 3, 2016. The Schedule governing such positions is attached hereto as “Exhibit A” and is hereby made a part of this Ordinance as if fully rewritten herein.

SECTION 3. The Schedule of Compensation prescribes the basic rates of pay for various classes of employees. Employees typically will be hired at the starting point of the appropriate salary range, but an employee may be placed at a higher location within his or her pay range at the discretion of the City Manager depending upon qualifications, experience, and education. Employees may move through his or her respective salary range based upon work performance as determined through an annual performance review. The amount of the annual adjustment within the salary range shall be dependent upon employee performance and funding availability.

SECTION 4. The City Manager is hereby authorized to grant an annual merit bonus, not to exceed two percent (2%) of the base salary of the employee, for full time employees who have reached the top of their respective pay range. Permanent part-time employees who have reached the top of the pay range may be eligible for a merit bonus of up to 20 hours of pay at his or her current hourly rate for exceptional work performance.

SECTION 5. It is recognized that some employees’ salaries will exceed the maximum rate of their respective pay range at the time of implementation of this Schedule. These employees are noted by name on the attached Schedule and are

compensated accordingly. These employees are eligible for annual wage adjustments as approved by the City Council of the City of Montgomery and for annual merit bonuses as specified in Section 4 of this Ordinance.

SECTION 6. 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

Full Time Schedule

Range	Position	Effective first day of first full pay period in July 2016		Effective first day of first full pay period in July 2017		
		Minimum	Maximum	Minimum	Maximum	
1A	Assistant City Manager Fire Chief Police Chief Public Works Director	Annual	\$92,476.80	\$122,990.40	\$94,785.60	\$126,068.80
1B	Director of Finance Community Development Director	Annual	\$88,129.60	\$117,478.40	\$90,334.40	\$120,411.20
2	Assistant Fire Chief Assistant Police Chief Assistant Public Works Director	Annual	\$84,676.80	\$104,998.40	\$86,798.40	\$107,619.20
3A	Assistant Director of Finance/Tax Commissioner Human Resources Manager	Annual	\$65,644.80	\$86,008.00	\$67,288.00	\$88,150.40
3B	Communications and Engagement Coordinator Recreation Coordinator	Annual	\$64,604.80	\$84,572.80	\$66,227.20	\$86,694.40
4	Zoning and Code Compliance Officer Public Works Department Supervisor	Annual	\$57,803.20	\$73,923.20	\$59,238.40	\$75,774.40
5	Construction and Compliance Inspector	Hourly	\$26.76	\$33.71	\$27.43	\$34.55
6	Administrative Coordinator Assistant to the City Manager Building and Development Office Manager	Hourly	\$25.25	\$31.56	\$25.88	\$32.35
7	Recreation Specialist	Hourly	\$23.59	\$29.73	\$24.18	\$30.47
8	Clerk of Court	Hourly	\$21.62	\$28.13	\$22.16	\$28.83
9	Finance Specialist Customer Service Representative	Hourly	\$21.31	\$26.64	\$21.84	\$27.31

All annual, salaried positions in Ranges 1 through 4 are calculated assuming a 26 pay period annual pay schedule, which is the normal annual pay schedule for the City. In the event that the City experiences a year which has 27 bi-weekly pay periods, the City's wage scale will reflect an increase of an additional 1/26th of the maximum salary for the purpose of meeting payroll for the 27th pay period. For all other years, the minimum and maximum salaries are as published on the pay schedule above.

Part Time Schedule

Range	Position	Effective first day of first full pay period in July 2016		Effective first day of first full pay period in July 2017	
		Minimum	Maximum	Minimum	Maximum
1A 1B 1C	Special Projects Coordinator Assistant to the City Manager Finance Specialist	\$43.01	\$53.33	\$44.08	\$54.66
		\$25.25	\$31.56	\$25.88	\$32.35
		\$21.31	\$26.64	\$21.84	\$27.31
1D	Customer Service Representative Volunteer Coordinator	\$20.88	\$26.01	\$21.40	\$26.66
2	Firefighter/Paramedic	\$16.26	\$20.71	\$16.66	\$21.22
3	Custodian	\$14.50	\$18.50	\$14.87	\$18.96
	Firefighter/EMT				
4	Intern	\$12.63	\$16.06	\$12.94	\$16.46
	Seasonal Service Worker				
6	Auxiliary Police Officer	\$ 10.00	\$ 25.00	\$ 10.00	\$ 25.00

Grandfathered Wage Provisions (2.5% in July 2016, 2.5% in July 2017)

1. Effective May 3, 2006, Jesse Bundy was grandfathered into Range 5 with top range earning potential of \$57,907.20 from 7/1/2005 – 6/30/2006 and \$60,091.20 from 7/1/2006 – 6/30/2007, because of the change in his former position of Project Manager (previous Range 3) to Construction and Compliance Inspector (Range 5). In future years, he will be eligible for annual (non-equity) adjustments to his current hourly rate as follows:

<u>Employee</u>	<u>Effective first day of first pay period in July 2016</u>	<u>Effective first day of first pay period in July 2017</u>
Jesse Bundy	\$35.01	\$35.89

2. Effective July 1, 2010, Terry Willenbrink was grandfathered outside pay range 4 established in this ordinance, and will be compensated at the following hourly rate and will be eligible for general wage increases and merit bonuses as are employees within their ranges.

<u>Employee</u>	<u>Effective first day of first pay period in July 2016</u>	<u>Effective first day of first pay period in July 2017</u>
Terry Willenbrink	\$84,572.80	\$86,694.40

ORDINANCE NO. , 2016

AN ORDINANCE AUTHORIZING THE DETACHMENT OF HAMILTON COUNTY AUDITOR'S PARCEL NUMBER 603-0A23-0187 AND THE APPROVAL OF AN ANNEXATION AGREEMENT RELATED THERETO FOR THE ANNEXATION OF HAMILTON COUNTY AUDITOR'S PARCEL NUMBER 620-0210-0723

WHEREAS, in November 2009 a parcel of land straddling the City of Montgomery and Symmes Township border was subdivided and sold for the development of a childcare/school facility within Symmes Township; and

WHEREAS, within such transaction, Contadino Properties, LLC acquired certain land in Symmes Township, and a portion of the land it acquired, parcel number 603-0A23-0187, remained within the City of Montgomery; and

WHEREAS, as a result of the subdivision and the sale of such land, a portion of the residue of the unsold property, Hamilton County Auditor's parcel number 620-0210-0723, remained within Symmes Township, Ohio, which property is now owned by Hunting Hill, LLC; and

WHEREAS, the respective property owners desire to have their property appropriately aligned with the boundary line between the City of Montgomery and Symmes Township; and

WHEREAS, Contadino Properties, LLC has petitioned the City under R.C. § 709.38 to detach Hamilton County Auditor's parcel number 603-0A23-0187 from the City to Symmes Township, a copy of which Petition is attached hereto as Schedule A; and

WHEREAS, Hunting Hill, LLC has petitioned Symmes Township and the City of Montgomery to annex Hamilton County Auditor's parcel number 620-0210-0723

to the City of Montgomery from Symmes Township, which Petition is attached hereto as Schedule B; and

WHEREAS, as permitted by R.C. § 709.192 to support such annexation, Council does desire to enter into an Annexation Agreement with Symmes Township, Ohio solely applicable to these respective properties, which Annexation Agreement is attached hereto as Schedule C; and

WHEREAS, Council does desire to approve and accept the Petition for Detachment and approve and accept the Annexation Agreement and Petition for Annexation contingent upon both the detachment and annexation being accepted by the Board of Trustees of Symmes Township, Ohio and the Board of County Commissioners of Hamilton County, Ohio.

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

SECTION 1. The attached Annexation Agreement is hereby approved and accepted by the Council of the City of Montgomery, Ohio, and the City Manager is hereby authorized for and on behalf of the City to execute this Agreement and all related documents necessary to support the Petition to annex Hamilton County Auditor's parcel number 620-0210-0723 from Symmes Township, Ohio to the City of Montgomery, Ohio.

SECTION 2. Separately, the City does accept and approve the Petition from Contadino Properties, LLC to detach Hamilton County Auditor's parcel number 603-0A23-0187 from the City of Montgomery to Symmes Township, Ohio.

SECTION 3. With the approval of this Annexation Agreement, Council does authorize Hamilton County Auditor's parcel number 603-0A23-0187 to be removed

from the Tax Incentive Financing District to which it has been assigned and Council will accept, and execute appropriate documentation, to include what is now parcel number 620-0210-0723 into the Tax Incentive Financing District encompassing the Vintage Club development once such tax parcel has been renumbered.

SECTION 4. Council hereby finds that the adjustment of the boundary line with the detachment and annexation of these two parcels shall have little or no impact upon the indebtedness of the City of Montgomery, and the property is released from such indebtedness when it has been detached, and the property to be annexed and received shall be appropriately apportioned to the indebtedness of the City of Montgomery, Ohio upon completion of the process.

SECTION 5. All sections, subsections, parts and provisions of this Ordinance are hereby declared to be independent sections, subsections, parts and provisions, and the holding of any section, subsection, part or provision to be unconstitutional, void or ineffective for any reason shall not affect or render invalid any other section, subsection, part or provision of this Ordinance.

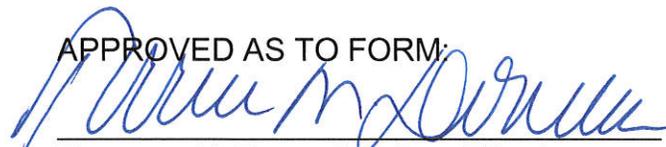
SECTION 6. This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Christopher P. Dobrozsi, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director

RESOLUTION NO. _____, 2016

A RESOLUTION AUTHORIZING THE CITY MANAGER TO CONTRACT WITH FROST BROWN TODD, LLC TO PROVIDE SPECIAL COUNSEL SERVICES

WHEREAS, the City does desire to engage special counsel to assist in negotiating Collective Bargaining Agreements and to handle labor and employment issues; and

WHEREAS, the Law Director and the Administration recommend the City retain the services of Frost Brown Todd, LLC as such special counsel.

NOW THEREFORE, Be It Resolved by the Council of the City of Montgomery, Ohio, that:

SECTION 1. The City Manager is authorized to enter into a contract with Frost Brown Todd, LLC according to the terms in the Letter of Engagement attached to this Resolution and incorporated herein by reference. The Administration is authorized to pay Frost Brown Todd, LLC according to the schedule of fees outlined in the Letter of Engagement for the purposes of providing assistance to the City in labor negotiations.

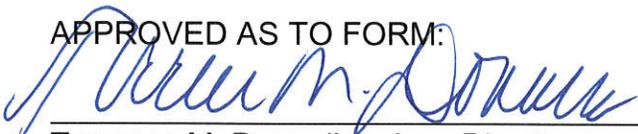
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PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Christopher P. Dobrozsi, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director



W. Joseph Scholler
513.870.8226 (t)
513.870.0999 (f)
jscholler@fbtlaw.com

April 18, 2016

Mr. Wayne Davis, City Manager
City of Montgomery
10101 Montgomery Road
Montgomery, Ohio 45242

Re: General Labor and Employment

Dear Mr. Davis:

We are pleased that you have asked Frost Brown Todd to serve as your counsel in this matter. This letter will confirm our discussion with you regarding your engagement of our firm and will describe the basis upon which our firm will provide legal services to you. Accordingly, we submit for your approval the following provisions governing our engagement. If you are in agreement, please sign the enclosed copy of this letter in the space provided below. If you have any questions about these provisions, do not hesitate to call. Again, we are pleased to have the opportunity to serve you.

Client; Scope of Representation. Our client in this matter will be the City of Montgomery (the "City"). We will be engaged to advise the City in connection with general labor and employment matters, including negotiations. You may limit or expand the scope of our representation from time to time, provided that any substantial expansion must be agreed to by us. While we would be interested in assisting you in other matters, unless we are specifically engaged for some other future matter this will confirm that our representation of you is limited to the foregoing matter and will end when it is concluded.

Fees. Our fees are based primarily upon the time expended by our attorneys and paralegals on the engagement, including attorney and paralegal travel time which is charged at regular hourly rates. Attorneys and paralegals have been assigned hourly rates based upon their experience and level of expertise. The rates of those attorneys likely to work on this matter range from \$210.00 in the case of Jack Hemenway, and \$345.00 in the case of myself. Our hourly rates are reviewed periodically and may be increased from time to time. It may be necessary to add or change attorneys working on your behalf.

Mr. Wayne Davis, City Manager
April 18, 2016
Page 2

Consent to Future Conflicts. You are aware that our firm is a relatively large law firm and represents many other companies and individuals. Some may be direct competitors of yours or otherwise may have business or legal interests that are contrary to your interests. It is therefore possible that during the time we are working for you, an existing or future client may seek our assistance in connection with a transaction, pending or potential litigation, or another matter or proceeding in which such a client's interests are, or potentially may become, adverse to your interests. This can create situations where work for one client on a matter might preclude us from assisting other clients on unrelated matters.

To avoid the potential for this kind of restriction on our practice, we ask you to agree, and you hereby do agree, that Frost Brown Todd may continue to represent, or may undertake in the future to represent, any existing or future client in any matter (including but not limited to transactions, litigation or other dispute resolution proceedings), even if the interests of that client in the other matter are directly adverse to the interests of the **City of Montgomery**, as long as that other matter is not substantially related to this or our firm's other engagements on behalf of the **City of Montgomery**. We do not, however, intend for you to waive your right to have our firm maintain the confidentiality of client information obtained by us in the course of representing you. Thus, if our representation of another client in a matter is directly adverse to you, our lawyers who have had significant involvement in our work for you will not work on the matter for such other client, and appropriate measures will be taken to assure that proprietary or other confidential information of a non-public nature concerning you which we acquire as a result of representing you will not be made available to lawyers or others in our firm involved in such matter. You are hereby advised, and have had the opportunity, to consult with other counsel about this prospective waiver. You also understand and acknowledge that, in the course of our representation of other clients pursuant to this prospective waiver, we may obtain confidential information of interest to you that we cannot share with you.

ABA Statement of Policy. We wish to inform the City, and the City acknowledges, that it is our firm's policy to comply strictly with the terms of the ABA Statement of Policy Regarding Lawyers' Responses to Auditors' Requests for Information (December 1975) in any response that the City requests we make to the City's auditors regarding "loss contingencies" affecting the City.

Additional Standard Terms. Our engagement is also subject to the policies included in the enclosed memorandum.

We appreciate the opportunity to represent you. If these terms of our engagement are acceptable to you, please return a signed copy of this letter to me in the enclosed envelope. Our representation of you will commence upon receipt of the signed engagement letter. We look forward very much to working with you on this matter.

Mr. Wayne Davis, City Manager
April 18, 2016
Page 3

Very truly yours,

FROST BROWN TODD LLC

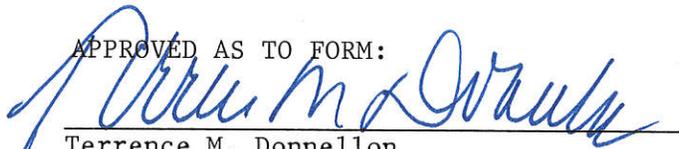

W. Joseph Scholler

The foregoing is understood and accepted:
CITY OF MONTGOMERY

By: _____
Print Name: _____
Print Title: _____

0012283.0551415 4819-1888-1584v1

APPROVED AS TO FORM:



Terrence M. Donnellon
Law Director

FROST BROWN TODD LLC

ADDITIONAL TERMS AND CONDITIONS OF CLIENT ENGAGEMENTS

1. Expenses. Expenses we incur on the engagement are charged to the Client's account. Expenses include such items as court costs, charges for computerized research services and hard copy document reproductions, long distance telephone, travel expenses, messenger service charges, overnight mail or delivery charges, extraordinary administrative support, filing fees, fees of court reporters and charges for depositions, fees for expert witnesses and other expenses we incur on your behalf. Our charges for these services reflect our actual out-of-pocket costs based on usage, and in some areas may also include our related administrative expenses.

2. Monthly Statements. Unless a different billing period is agreed upon with the Client, the Firm will render monthly statements indicating the current status of the account as to both fees and expenses. The statements shall be payable upon receipt. If statements are not paid in full within 30 days, we reserve the right to add a late charge of 1% per month of the amount due. If it becomes necessary for the Firm to file suit or to engage a collection agency for the collection of fees or expenses, the Client shall pay all related costs and expenses, including reasonable attorneys' fees.

3. Advance Payments. Any advance payment to be paid by the Client will normally be less than the Firm's ultimate fees and expenses. Such a payment or series of payments is not intended as a limitation upon the Firm's fees and expenses. The Firm may apply the advance payment toward any unpaid fees and expenses, in which event the Client shall make an additional deposit to restore the advance payment to its original level. Additional advance payments must be made within fifteen days of the date the request is made. Any unexpended balance of advance payments will be refunded to the Client, without interest, at the end of this engagement.

4. Litigation Matters. If this engagement involves litigation, the Client may be required to pay the opposing party's trial costs. Such costs include filing fees, witness fees, and fees for depositions and documents used at trial. We will not settle litigated matters without the Client's express consent. We require the Client's active participation in all phases of the case.

5. Insurance coverage. Unless we have been explicitly retained to address insurance coverage issues (as documented in this engagement letter), we have no responsibility or obligation to (a) identify any potentially applicable insurance coverage, (b) provide notice to any carrier, or (c) advise the Client on issues relating to insurance coverage at any point during our representation.

6. Termination. The Client has the right to terminate our representation at any time by notifying us of your intention to do so in writing. We will have the same right, subject to an obligation to give the Client reasonable notice to arrange alternative representation. In the event that either party should elect to terminate our relationship, our fees and expenses incurred up to that point still will be due to us. Upon payment to us of any balance due for fees and expenses,

we will return to the Client, or to whomever the Client directs, any property or papers of the Client in our possession.

7. Withdrawal. Under the rules of professional conduct by which we are governed, we may withdraw from our representation of the Client in the event of, for example: nonpayment of our fees and expenses; misrepresentation or failure to disclose material facts concerning the engagement; action taken by the Client contrary to our advice; and in situations involving a conflict of interest with another client. If such a situation occurs, which we do not expect, we will promptly give the Client written notice of our intention to withdraw.

8. Post-Engagement Services. The Client is engaging our Firm to provide legal services in connection with a specific matter. After completion of that matter, changes may occur in the applicable laws or regulations that could have an impact on the Client's future rights and liabilities. Unless the Client engages us after completion of the matter to provide additional advice on issues arising from the matter, the Firm has no continuing obligation to advise the Client with respect to future legal developments.

9. Retention and Disposition of Documents. At the Client's request, its documents and property will be returned to the Client upon conclusion of our representation in the matter described above, although the firm reserves the right to retain copies of any such documents as it deems appropriate. Our own files pertaining to the matter will be retained by the firm. These firm files include, for example, firm administrative records, time and expense reports, personnel and staffing materials, and credit and accounting records. All documents and property, including those belonging to the Client, that are retained by the firm will be transferred to the person responsible for administering our records retention program. For various reasons, including the minimization of unnecessary storage expenses, and consistent with professional conduct rules, we reserve the right to destroy or otherwise dispose of any such documents or other materials retained by us within a reasonable time after the termination of the engagement without further notice to the Client.

10. Parent/Subsidiary/Affiliate Relationships. The Client may be a subsidiary of a parent organization or may itself have subsidiary or affiliated organizations. The Client agrees that the Firm's representation of the Client in this matter does not give rise to an attorney-client relationship between the Firm and any parent, subsidiary or affiliate of the Client (any of them being referred to as "Affiliate"). The Firm, during the course of its representation of the Client, will not be given any confidential information regarding any of the Client's Affiliates. Accordingly, representation of the Client in this matter will not give rise to any conflict of interest in the event other clients of the Firm are adverse to any of the Client's Affiliates.

11. Consultation with Firm Counsel. From time to time, issues arise that raise questions as to our duties under the professional conduct rules that apply to lawyers. These might include conflict of interest issues, and could even include issues raised because of a dispute between us and a client over the handling of a matter. The firm has several in-house ethics counsel who assist the firm's lawyers in such matters. We believe that it is in our clients' interest, as well as the firm's interest, that in the event that issues arise during a representation about our duties and obligations as lawyers, we receive expert analysis of our obligations. Accordingly, as part of our agreement concerning our representation, the Client agrees that if we

determine in our own discretion during the course of the representation that it is either necessary or appropriate to consult with our firm's counsel (either the firm's internal counsel or, if we choose, outside counsel), we have the Client's consent to do so and that our representation of the Client shall not, thereby, waive any attorney-client privilege that the firm may have to protect the confidentiality of our communications with our internal or outside counsel.

12. Retirement Plan Advice. If the Client engages the Firm to provide legal services with respect to a retirement plan that is subject to the Employee Retirement Income Security Act, the Client should be aware that certain "covered service providers" must disclose some very specific information to the Client as a responsible fiduciary before the Client engages those services. While the Firm would not usually be serving as a "covered service provider," there are some situations in which it might be. A description of the disclosures required in those situations can be located at www.dol.gov/ebsa/newsroom/fs408b2finalreg.html.

13. Authorization. By the Client's agreement to these terms of our representation, the Client authorizes us to take any and all action we deem advisable on the Client's behalf on this matter. We will, whenever possible, discuss with the Client in advance any significant actions we intend to take.

RESOLUTION NO. _____, 2016

A RESOLUTION ACCEPTING A BID AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH STRAWSER CONSTRUCTION, INC. FOR THE 2016 "BITUMINOUS BLACK MAT" PROJECT

WHEREAS, the City has advertised for bids for the 2016 "Bituminous Black Mat" Project, and the City has received a bid from Strawser Construction, Inc. which the Administration has determined to be the lowest and best bid and has recommended acceptance.

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

SECTION 1. The bid of \$97,340.12 received from Strawser Construction, Inc. for the 2016 "Bituminous Black Mat" Project is hereby determined to be the lowest and best bid received in response to an advertisement for the same.

SECTION 2. This bid is accepted and the City Manager is authorized and directed to enter into a contract in accordance with the terms described in the bid specifications.

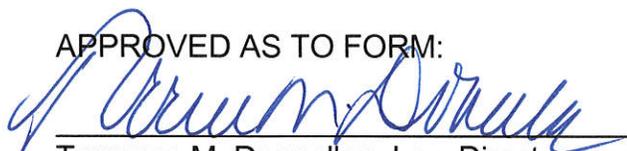
SECTION 3. This Resolution shall be in full force and effect from and after its passage.

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Christopher P. Dobrozsi, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director

RESOLUTION NO. _____, 2016

A RESOLUTION ACCEPTING A BID AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BARRETT PAVING MATERIALS, INC. FOR THE 2016 STREET RESURFACING PROGRAM

WHEREAS, the City has advertised for bids for the 2016 Street Resurfacing Program, and the City has received a bid from Barrett Paving Materials. Inc. which the Administration has determined to be the lowest and best bid and has recommended acceptance.

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

SECTION 1. The bid of \$800,000.00 received from Barrett Paving Materials. Inc. for the 2016 Street Resurfacing Program 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 and the City Manager is authorized and directed to enter into 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. , 2016

**A RESOLUTION EXTENDING AN INTERIM DEVELOPMENT CONTROL OVERLAY
DISTRICT WITHIN ALL BUSINESS DISTRICTS**

WHEREAS, on February 17, 2016, Council did adopt a Resolution establishing an Interim Development Control Overlay District in all Business Districts within the City while Staff undertakes a study to determine how to define and what controls can be put in place concerning Sexual Encounter Establishments; and

WHEREAS, consistent with Chapter 150.13 of the Code of Ordinances, the Planning Commission did review the current Overlay District and has made a recommendation to extend such district for up to an additional period of nine months with an additional recommendation to continue such control in place to include Sexually Oriented Businesses as a related or similar use; and

WHEREAS, Council did hold a public hearing on May 18, 2016 to consider the recommendation of the Planning Commission and Council did accept such recommendation; and

WHEREAS, while such businesses may be incompatible with the community's standards, because they may hold certain constitutional protections, the regulation of such businesses is a complex issue requiring careful study and until such study can be completed, interim development controls are appropriate to protect existing uses within the City.

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

SECTION 1. The previously enacted establishment of an Interim Development Control Overlay District throughout all Business Districts within the City to limit the establishment of Sexual Encounter Establishments is hereby extended until January 31, 2017.

This Overlay District and the limitations enacted herein also is extended to include the establishment of any Sexually Oriented Business which are a similar use. During such extension, the Staff is asked to continue to study the potential negative impact of these uses upon the community, the compatibility of such uses with the Land Usage Code, and what regulations, if any, can be imposed upon such uses under law. During the period this Overlay District is in effect, the issuance of any permit or other license for such uses is stayed until such application is appropriately reviewed consistent with the procedures of Chapter 150.13 of the Code of Ordinances.

SECTION 2. Staff and the Planning Commission are hereby directed to continue to study such uses and the potential regulations concerning such uses within the City.

SECTION 3. All sections, subsections, parts and provisions of this Resolution are hereby declared to be independent sections, subsections, parts and provisions, and the holding of any section, subsection, part or provision to be unconstitutional, void or ineffective for any reason shall not affect or render invalid any other section, subsection, part or provision of this Resolution.

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

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
May 18, 2016

1		
2		
3		
4		
5	<u>Present</u>	<u>City Council Members Present</u>
6	Wayne Davis, City Manager	Chris Dobrozsi, Mayor
7	Terry Donnellon, Law Director	Lynda Roesch
8	Tracy Roblero, Community Development Director	Ann Combs
9	Brian Riblet, Public Works Director	Gerri Harbison
10	Don Simpson, Police Chief	Ken Suer
11	Ben Shapiro, Assistant Fire Chief	Mike Cappel
12	Katie Smiddy, Finance Director	
13	Matthew Vanderhorst, Community and Information Services Director	
14	Faith Lynch, Communications and Engagement Coordinator	
15	Connie Gaylor, Clerk of Council	<u>City Council Members Absent</u>
16		Craig Margolis
17		

18 City Council convened in Council Chambers to conduct a Public Hearing at 7:13 p.m. with Mayor Dobrozsi
19 presiding.

20
21 Mr. Donnellon explained that in February of 2016 City Council issued a temporary stay on the establishment of
22 any Sexual Encounter Business's within the City until the Planning Commission was able to review the code. He
23 stated that our Code allows us to establish Interim Development Control Overlay Districts (IDC) in a process that
24 starts with a Council three month stay and then an extension for an additional nine months upon recommendation
25 from the Planning Commission. A Public Hearing is required to be held before City Council can consider a
26 motion to extend the IDC. He further explained that the controls will limit the issuance of any permit for a Sexual
27 Encounter and Sexually Oriented Businesses until staff has had time to review the impact of these businesses on
28 the community and regulations which may be permitted by law. A motion by City Council is required to accept
29 the Planning Commission's recommendation to extend the IDC through January 31, 2017.

30
31 Mayor Dobrozsi asked if City Council was ready to make a motion.

32
33 Mrs. Harbison moved to accept the Planning Commission's recommendation to extend the Interim Development
34 Control Overlay District for an additional period of time until January 21, 2017.

35
36 Mr. Cappel seconded. City Council unanimously agreed.

37
38 Mayor Dobrozsi asked for a motion to adjourn from the Public Hearing.

39
40 Mrs. Harbison moved to adjourn. Mr. Cappel seconded. City Council unanimously agreed.

41
42 The meeting was adjourned at 7:16 p.m.

43
44
45

Connie Gaylor, Clerk of Council

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City of Montgomery
City Council Work Session Minutes
May 18, 2016

Present

Wayne Davis, City Manager
Terry Donnellon, Law Director
Tracy Roblero, Community Development Director
Katie Smiddy, Finance Director
Brian Riblet, Public Works Director
Don Simpson, Police Chief
Ben Shapiro, Assistant 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
Ann Combs
Mike Cappel
Gerri Harbison
Ken Suer

City Council Member Absent

Craig Margolis

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

ROLL CALL

Mayor Dobrozsi explained that Mr. Margolis had indicated that he would be out of town for tonight's meeting as well as the June 1, Business Session. Mayor Dobrozsi asked for a motion to excuse Mr. Margolis.

Mrs. Harbison moved to excuse Mr. Margolis from the meeting. Mr. Cappel seconded the motion. City Council unanimously approved the absence.

GUESTS AND RESIDENTS

Gary Betz, 9257 Montgomery Road- addressed City Council to provide an update of upgrades made to the Historic Landmark Building, the Mason House. Mr. Betz explained that extreme care was taken to upgrade the security system within the guidelines that are placed on a landmark building. He shared that in recognition of National Historic Preservation month he wanted to pass this along to City Council so they were aware of the efforts to preserve one of Montgomery's historic treasures.

Mayor Dobrozsi thanked Mr. Betz for his report and for his respect to preserving the Mason House.

ESTABLISHING AN AGENDA FOR JUNE 1, 2016

PENDING LEGISLATION

An Ordinance Modifying Section 30.03, Announcement of Public Meetings, of the Code of Ordinances (3rd reading)

Mrs. Harbison explained that a recent review of the process of providing notice of public meetings as set forth in Section 30.03 revealed that this Code Section was adopted in 1975 and is no longer consistent with current methods by which information is provided and received by the public. Section 30.03 requires that we publish in a newspaper of general circulation, quarterly, the times and dates of our City Council meetings. It also requires that we have a bulletin board accessible at all hours located within the community. She explained that the O.R.C. § 121.22 (Sunshine law) requires that City Council establish a reasonable method whereby any person may determine the time and place of all regularly scheduled meetings. She explained that City Council had determined not using the method of posting on a Community Bulletin Board unless we receive complaints from residents.

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City Council Work Session Minutes

May 18, 2016

Page 2.

54 Mrs. Harbison asked if there were any updates.

55

56 Mr. Donnellon stated there were none.

57

58 **An Ordinance Establishing the Schedule of Municipal Compensation for Employees (3rd Reading)**

59

60 Mr. Suer explained that the Schedule for Municipal Compensation Ordinance was created to establish salary rates
61 for non-bargaining unit employees. He stated that the City's Schedule of Municipal Compensation for non-
62 collective bargaining and exempt employees is adjusted annually in July to remain in sync with collective
63 bargaining employee wage rate adjustments. The current Schedule of Municipal Compensation does not specify
64 any wage rate adjustments for July 2016 or July 2017; therefore, a new compensation schedule must be
65 established. In addition, the new Schedule of Municipal Compensation also reflects adjustments to several
66 position pay ranges in order to ensure that the City's pay practices remain relatively competitive when compared
67 to similar neighboring jurisdictions. He added that this proposed Ordinance would also change the title of the
68 Police Lieutenant to that of Assistant Police Chief to be in line with how the fire department is structured as well
69 as neighboring communities.

70

71 Mr. Suer asked if there were any updates.

72

73 Mr. Davis stated there were none.

74

75 **An Ordinance Authorizing the Detachment of Hamilton County Auditor's Parcel Number 603-0A23-0187**
76 **And The Approval of an Annexation Agreement Related Thereto for The Annexation of Hamilton County**
77 **Auditor's Parcel Number 620-0210-0723 (Tabled)**

78

79 Mr. Donnellon recommended that the legislation remain tabled. He indicated that there have been indications that
80 the property owners are inquiring about getting one parcel rezoned in hopes of coming to an agreement, however
81 it is unclear what the intention of that is at this time.

82

83 **New Legislation**

84

85 **A Resolution Authorizing the City Manager to Contract with Frost Brown Todd, LLC to Provide Special**
86 **Counsel Services (If over \$50,000)**

87

88 Mr. Davis, City Manager, explained that this Resolution, if approved, is an annual contract with Frost Brown
89 Todd, LLC to provide special legal services for labor negotiations/labor relations/human resource functions. He
90 stated that the work of Frost Brown Todd, LLC has been invaluable in labor negotiations/relations efforts, and it is
91 important that the City is able to maintain this relationship as the City continues labor relations into the future.

92

93 **A Resolution Accepting a Bid and Authorizing the City Manager to Enter into a Contract with Strawser**
94 **Construction for the 2016 "Bituminous Black Mat" Project**

95

96 Mr. Riblet explained that, if approved, this Resolution would authorize the City Manager to enter into a contract
97 with Strawser Construction for the Bituminous "Black Mat" Surfacing Project. The project includes work to
98 micro-surface 0.75 centerline miles on Zig Zag Road, from Monte Drive (north) to the West Corporation limit.
99 Funding for this project is programmed in the 2016 Capital Improvement Program 410-261-5470 account. It is
100 requested that the 2016 Bituminous Black Mat Surfacing Project be approved for funding in the amount of
101 \$97,340.12.

102

103

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City Council Work Session Minutes

May 18, 2016

Page 3.

104 **A Resolution Accepting a Bid and Authorizing the City Manager to Enter into a Contract with**
105 **Barrett Paving Materials for the 2016 Street Resurfacing Program**
106

107 Mr. Riblet explained that if approved, this Resolution would authorize the City Manager to enter into a contract
108 with Barrett Paving Materials Construction Company for the annual Street Resurfacing Program. This year's
109 2016 Street Resurfacing Program includes resurfacing 2.01 centerline miles of roadways. The street resurfacing
110 program is programmed in the 2016 Capital Improvement Program 410-261-5470 account. It is requested that this
111 project be approved for funding in the amount of \$800,000 to complete the Base Bid and Alternate #1 –
112 Escondido Drive. The amount of the recommendation includes \$54,848.40 in project contingency funding or
113 approximately 7% of the bid amount.
114

115 **A Resolution Extending an Interim Development Control Overlay District within All Business Districts**
116

117 Mr. Donnellon stated that as presented at the previously held Public Hearing this evening, if approved this
118 Resolution would extend the Interim Development Overlay District throughout all Business Districts within the
119 City through January 31, 2017. Our Code allows us to establish Interim Development Control Overlay Districts
120 in a process that starts with a Council three month stay and then an extension for an additional nine months upon
121 recommendation from the Planning Commission. The controls will limit the issuance of any permit for a Sexual
122 Encounter Business, and upon recommendation from the Planning Commission such controls will remain in place
123 to limit the issuance of any permit for a Sexually Oriented Business until such time as Staff can review the impact
124 of these businesses on the community and regulations which may be permitted by law. The Resolution also
125 formally initiates the process for a potential zoning amendment with Council's request to Planning Commission to
126 review and consider such amendments.
127

128 **ADMINISTRATION REPORT**
129

130 Mr. Wayne Davis reported on the following items:
131

- 132 • City Council Business Session is scheduled for June 1 at 7:00 p.m.
133
- 134 • Prior to the City Council Business Session, a Public Hearing will be held at 6:30 p.m. to consider two
135 applications; an application from Twin Lakes for the expansion of a conditional use permit to allow for
136 the expansion of the parking lot. The proposed parking lot expansion would add 14 parking spaces on the
137 south side of the property along Perin Road. Also, an application from Columbia Oldsmobile, for the
138 expansion of a conditional use permit and Final Development Site Plan Approval to allow for a new free
139 standing used car building.
140
- 141 • The Financial Planning Committee will meet on June 6 at 4:30 p.m. at City Hall.
142
- 143 • The Law and Safety and Planning, Zoning and Landmarks Committees have cancelled their meetings for
144 the month of June.
145
- 146 • Planning Commission met on Monday night to discuss a concept plan for the construction of a new
147 building at 10587 Montgomery Road for King Dental. The site plan would require several variance
148 requests and the applicant wanted to discuss the plan with the Planning Commission prior to filing a
149 formal application. The applicant has indicated that they intend to move forward with an application to
150 the Board of Zoning Appeals. The Planning Commission also heard a request from Traditions
151 Development and Building Group for a revised General Development Plan for the village section of the
152 Vintage Club. Several residents from the Vintage Club were in attendance at the meeting. After hearing

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City Council Work Session Minutes

May 18, 2016

Page 4.

- 153 presentations from staff and the Developer as well as taking comment from the residents, the Planning
154 Commission voted to approved the reviewed General Development Plan.
155
- 156 • In recognition of National Police Week and National Public Works Week, we would like to thank all of
157 the staff from both of these departments for their dedicated service to the safety, welfare, maintenance and
158 beautification of our wonderful Community. Your efforts are appreciated each day by the residents and
159 your peers.
160
 - 161 • Beautification Day was held this past Saturday and despite the cold and rain, 55 volunteers donned
162 gardening gloves and grabbed trowels to help plant the 10,000 annual flowers that grace the median,
163 corner and park beds along Montgomery Road. The seven members of the Beautification and Tree
164 Commission helped to route the volunteers to their planting beds. Another 25 to 30 volunteers from the
165 Mormon Youth Group will plant the beds at the entrances to Dulle and Pioneer Parks this evening (with a
166 rain date of next Thursday, 5/26). The City is very much appreciative of these volunteers coming out in
167 the rain and their planting efforts.
168
 - 169 • Brian Riblet reports that the Hamilton County Transportation Improvement District (TID) application is
170 complete, submitted, and will be presented at the TID Board Meeting scheduled for Monday, May 23, at
171 1:00 p.m. and that the Ohio-Kentucky-Indiana Regional Council of Governments (OKI) STP application
172 will be complete and ready to submit to OKI by the end of business this Friday.
173
 - 174 • The Environmental Advisory Commission will be hosting a Document Shredding event this Saturday at
175 the Public Works Facility. This event will be held from the hours of 10:00 a.m. to 1:00 p.m. This is not
176 only a service to the community, but the reported tonnage of paper collected is reported on the application
177 for the Annual Residential Recycling Incentive grant to Hamilton County Solid Waste and Recycling
178 District and will help to increase our recycling percentages. Thank you to the EAC for hosting this event.
179
 - 180 • As a reminder, the Hamilton County Municipal League will be holding an event on May 23, 2016 at the
181 Sharonville Fire Department for networking, dinner and a presentation from Kent Scarrett, the new OML
182 Executive Director, and the new Hamilton County Commissioner, Dennis Deters. The event begins with
183 social time at 6:00 p.m. and dinner will be served at 6:30 p.m. Councilmembers Harbison, Suer, and
184 Cappel along with Katie Smiddy and myself are currently registered to go.
185
 - 186 • As a reminder, a retirement reception for Pat Giblin is scheduled for tomorrow, May 19, from 1:00 to 3:00
187 p.m. at the Safety Center. Please stop by and thank Pat for his service and wish him well in his
188 retirement.
189
 - 190 • Steve Hoy, our newest police officer, began his employment on Monday, May 16. Job offers for two
191 additional open police officer positions have been extended and these two candidates are in final stages of
192 post job offer screening steps. (As a side note, Pat Giblin's retirement creates a new additional open
193 position which we will begin working on filling.)
194
 - 195 • A job offer has been extended to a candidate to fill the temporary recreation position that will provide
196 coverage for when Sarah Fink is on maternity leave. The candidate must pass a post-offer drug screen
197 and then we can determine a start date (anticipated to be late May/early June.) As a side note, the
198 candidate has initially indicated she will not be opting to sign up for health insurance through our group
199 plan.
200
 - 201 • On Friday, the City's management team (Joe Scholler, Don Simpson, John Crowell, Julie Prickett and
202 Katie Smiddy) will conduct its first negotiations session with FOP representatives (Ross Rader, Greg

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203 Harris, James Martin and Bob Otte) regarding a new collective bargaining agreement. A second
204 negotiations session is scheduled for May 26. The current FOP contract expires June 30.
205

206 Mr. Davis stated that he would like to request an Executive Session for matters related to the sale and/or purchase
207 of real estate.
208

209 **LAW DIRECTOR REPORT**

210
211 Mr. Donnellon stated that at Council member's seats tonight is a memo explaining the Ohio Supreme Court
212 decision concerning R.C. § 121.22 redefining the term *meeting* and extending the Ohio Sunshine Act to include
213 serial email exchanges among the majority of the members of a public body. He stated that the Court's opinion
214 specifically states:
215

216 R.C. § 121.22 prohibits any private prearranged discussion of public business by majority of the members of a
217 public body regardless of whether the discussion occurs face to face, telephonically, by video conference or
218 electronically by email, text, tweet or other form of communication.
219

220 Mr. Donnellon, City Council and staff discussed the ruling in detail to ensure full understanding of it.
221

222 Mr. Donnellon also stated that included in the packet was a memo that explained the need for a motion by City
223 Council in support of the Montgomery Road at Ronald Reagan Highway Interchange Improvement Project. He
224 explained that he recommends a motion be passed this evening which would allow staff to state within an
225 application to OKI Regional Council of Governments and on correspondence, that City Council fully supports the
226 project and realizes that economic support from the community may also be important for the success of the
227 project.
228

229 Mrs. Harbison made a motion to adopt the motion to support as amended. Ms. Roesch seconded. City Council
230 unanimously agreed.
231

232 **CITY COUNCIL REPORTS**

233
234 Mr. Cappel reported that the Environmental Advisory Commission (EAC) will now begin collecting clothing
235 during the monthly recycling event held the third Saturday of every month. He stated that Goodwill Industries has
236 partnered with the City to collect these items.
237

238 Mrs. Harbison stated that at the Government Affairs Committee meeting held on April 25, the Committee
239 reviewed recommendations from the Grant Team for the 2016 Service to Community Grant. She explained that
240 there were two applicants this year, the Montgomery Farmer's Market and Operation Give Back. After discussion
241 of the requests and grant guidelines, the Grant Team recommended that each organization be awarded \$1,500
242 each. Mrs. Harbison stated that the Committee supports the recommendation of the Grant Team and asked for a
243 motion to award the Montgomery Farmer's Market and Operation Give Back funds in the amount of \$1,500 each.
244

245 Mr. Cappel made a motion to award the Montgomery Farmer's Market and Operation Give Bank the funds as
246 stated. Ms. Roesch seconded. City Council unanimously agreed.
247

248 Mrs. Harbison stated that the Committee also approved the disposal of miscellaneous surplus equipment as
249 requested by Matthew Vanderhorst.
250

251 Mrs. Harbison reported that the final session of the Much in Common Heroin Series will be held on Thursday,
252 June 2, from 7:00 to 9:30 a.m., at the Sharonville Convention Center.

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253 Mrs. Harbison stated that the First Suburbs Consortium will meet on Wednesday, June 29 at the Evendale Boy
254 Scout Building. At this meeting Community Grants will be discussed as well as speakers from HCDC, Center for
255 Local Government, Ohio Public Works Commission and Homeland Security.

256
257 Ms. Roesch reported that the Beautification and Tree Commission met and have confirmed there are enough
258 properties participating to hold the Garden Tour.

259
260 Ms. Roesch stated that the Parks and Recreation Commission met. She stated that Julie Machon, Recreation
261 Coordinator and Pool Manager, has reported that pool memberships are higher this year than this time last year.

262
263 Ms. Roesch stated that Cindy Deihl has attended the required meetings to be appointed to the Parks and
264 Recreation Commission and is a good fit for that Commission. She asked for a second as a motion was not made
265 at a Parks and Recreation Committee meeting. Mrs. Harbison seconded. City Council unanimously agreed.

266
267 Mr. Suer reported that he had attended the Neighborhood Leaders Forum on May 10, and was very impressed
268 with the professionalism staff showed at the sometimes contentious meeting. He also stated that based on the
269 communities input heard that evening, that creating a Housing goal in the Strategic Plan was very timely.

270
271 Mayor Dobrozsi thanked staff of the Police Department and Public Works in recognition of National Police and
272 Public Works week.

273
274 Mayor Dobrozsi thanked Mr. Davis and Mr. Donnellon for their presentations at the Boards and Commission
275 training held on May 5, 2016.

276
277 **APPROVAL OF MINUTES**

278
279 Mrs. Harbison moved to approve the May 4, 2016 Business Session minutes. Mr. Cappel seconded. City Council
280 unanimously agreed.

281
282 **OTHER BUSINESS**

283
284 Mayor Dobrozsi stated that he would be out of town for two upcoming weeks and would like to make a motion to
285 appoint an Acting Mayor for those weeks.

286
287 Mayor Dobrozsi stated for the week of June 18 through June 25, Vice Mayor Roesch would be appointed Acting
288 Mayor.

289
290 Mayor Dobrozsi stated that from May 21 to May 25, Mr. Suer would be appointed Acting Mayor as Vice Mayor
291 Roesch would also be out of town.

292
293 Mr. Cappel made a motion to appoint Council Member Suer as Acting Mayor from May 21 to May 25. Ms.
294 Roesch seconded. City Council unanimously agreed.

295
296 Mrs. Harbison stated that she would be out of town from May 27 through May 30.

297
298 Mayor Dobrozsi stated that a motion would need to be made to begin the June 1, Business Session immediately at
299 the conclusion of the Public Hearing held at 6:30 that same evening.

300
301 Ms. Roesch made a motion. Mr. Cappel seconded. City Council unanimously agreed.

302

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303 Mayor Dobrozsi stated that we would need a motion to adjourn into Executive Session for matters related to the
304 sale and/or purchase of real estate.

305
306 Ms. Roesch made a motion. Mr. Cappel seconded.

307
308 The roll was called and showed the following vote:

309
310 AYE: Combs, Cappel, Harbison, Dobrozsi, Roesch, Suer (6)

311 NAY: (0)

312 ABSENT: Margolis (1)

313
314 City Council adjourned into Executive Session at 8:08 p.m.

315
316 City Council reconvened into Public Session at 8:20 p.m.

317
318 Mayor Dobrozsi asked if there was any further business to discuss in Public Session. There being none, he asked
319 for a motion to adjourn.

320
321 Mr. Cappel moved to adjourn. Mr. Suer seconded. City Council unanimously agreed.

322
323 City Council adjourned at 8:21 p.m.

324
325
326
327

Connie Gaylor, Clerk of Council