

June 16, 2017

TO: Mayor and City Council Members

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

SUBJECT: City Council Work Session of Wednesday, June 21, 2017

As a reminder, City Council is scheduled to meet in Work Session on Wednesday, June 21, 2017 immediately following the Public Hearing.

Public Hearing

Prior to the Work Session, a Public Hearing is scheduled at 6:45 to hear a presentation of the City's proposed 2018 Tax Budget as required by the Ohio Revised Code, Section 5705.28. The submission of the adopted tax budget to the County Auditor is a statutory requirement that enables the City to receive its share of local government funds. The County Auditor's Office uses the Tax Budget to determine property tax rates and millage amounts, to disburse local government funds and for reviewing the City's annual budget activities. The recommended Tax Budget is generally a restatement of the City's projected 2018 revenues and expenditures as contained in the City's 2017-2021 Five-Year Operating and Capital Budget, with some modifications which may have occurred since the budget was approved in December of 2016. Attached please find a public hearing packet prepared by Katie Smiddy, Finance Director, on the proposed 2018 Tax Budget.

For this Public Hearing, City Council can remand the matter to Financial Planning for more specific information or take the information under advisement and then take formal action on the request via consideration of the Resolution adopting the Tax Budget for 2018 at the July 5, 2017 Business Session. This legislation is presented under the New Legislation section of this Work Session agenda.

A motion was made at the June 7 Business Session to call the June 21 Work Session to order immediately following the conclusion of the Public Hearing.

Work Session

1. Call to Order
2. Roll Call
3. Special Presentation
 - a. Swearing-In of Patrol Officer Kenney Bertz—Kenney Bertz, along with members of his family, will be present for his swearing-in as one of the City's newest police officers.
 - b. Swearing-In of Patrol Officer Rich Riley—Rich Riley, along with members of his family, will be present for his swearing-in as one of the City's newest police officers.

4. **Guests and Residents**
5. **Legislation for Consideration Tonight**
6. **Establishing an Agenda for July 5, 2017**

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. The requested change is the addition of \$550,000 in account 480.000.5401 for professional engineering services at the Gateway Redevelopment Area for the intersection modification.

Add this Amended Ordinance to the July 5, 2017 Business Session agenda with adoption of the Ordinance requested at that meeting.

- 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.

Add this Ordinance to the July 5, 2017 Business Session for second reading. The third reading of the Ordinance would 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.

Add this Ordinance to the July 5, 2017 Business Session for second reading. The third reading of the Ordinance would 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.

Add this Ordinance to the July 5, 2017 Business Session for second reading. The third reading of the Ordinance would 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—Please refer to the Public Hearing packet on the proposed 2018 Tax Budget as prepared by Katie Smiddy, Finance Director. 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. The Tax Budget will be submitted to the Hamilton County Budget Commission for 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.

Add this Resolution to the July 5, 2017 Business Session agenda, assign it to a City Council member for reading, and consider adoption of the Resolution that evening.

- b. A Resolution Authorizing the City Manager to enter into an Agreement with Brunk Excavating Inc. for the Jolain Drive Stormwater Sewer Project—Please find attached correspondence from Brian Riblet, Public Works Director, requesting 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.

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.

Add this Resolution to the July 5, 2017 Business Session agenda, assign it to a City Council member for reading, and consider adoption of the Resolution that evening.

- c. A Resolution Authorizing the City Manager to enter into an Agreement with the City of Cincinnati—Please find attached correspondence from Brian Riblet, Public Works Director, requesting that City Council 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.

Add this Resolution to the July 5, 2017 Business Session agenda, assign it to a City Council member for reading, and consider adoption of the Resolution that evening.

- 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—Please find attached correspondence from Brian Riblet, Public Works Director, requesting that City Council 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.

Add this Resolution to the July 5, 2017 Business Session agenda, assign it to a City Council member for reading, and consider adoption of the Resolution that evening.

- e. An Ordinance Accepting Dedicated Stormwater Improvements in The Montgomery Woods Subdivision—Please find attached correspondence from Law Director, Terry Donnellon requesting 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 accepted by Sycamore Township where a portion of the subdivision was in its jurisdiction, but the second portion of the same sewer line located in the City of Montgomery had not been properly accepted. This Ordinance will correct that mistake so that the entire stormwater improvement is accepted and maintained by the City.

Add this Ordinance to the July 5, 2017 Business Session agenda and assign it to a City Council Member for first reading that evening. The second reading of the Ordinance would be held at the August 2, 2017 Business Session. The third reading of the Ordinance would be held at the September 6, 2017 Business Session with adoption of the Ordinance requested at that meeting.

7. Administration Report

8. Law Director Report

9. City Council Member Reports

- a. Mr. Cappel
- b. Mr. Alfaqih
- c. Mrs. Harbison
- d. Vice Mayor Roesch

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

10. Approval of Minutes—June 7, 2017 Business Session Minutes

11. Other Business

12. Executive Session

13. Adjournment

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

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

May 24, 2017

Public Hearing – 6:45 p.m.

Staff requests that City Council meet for a Public Hearing at 6:45 p.m. to hear a presentation of the 2018 Tax Budget.

For this Public Hearing, City Council can remand the matter to Financial Planning for more specific information or take the information under advisement and then take formal action on the request via consideration of the Resolution adopting the Tax Budget for 2018 at the July 5, 2017 Business Session. This legislation is presented under the New Legislation section of this Work Session agenda.

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

1. Call to Order
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 - a. Swearing-In of Patrol Officer Kenney Bertz—Kenney Bertz, along with members of his family, will be present for his swearing-in as one of the City's newest police officers.
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Add this Amended Ordinance to the July 5, 2017 Business Session agenda with adoption of the Ordinance requested at that meeting.

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

Add this Ordinance to the July 5, 2017 Business Session agenda for second reading that evening. The third reading of the Ordinance would be held at the August 2, 2017 Business Session with adoption of the Ordinance requested at that meeting.

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- f. Mr. Margolis
- g. Mayor Dobrozsi

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March 31, 2017

AMENDED
6-16-17

TO: Wayne S. Davis, City Manager
FROM: Katie Smiddy, Finance Director *KMS*
SUBJECT: Recommendation on 2017 Appropriation Adjustments

Introduction

The City approved its 2017 Operating Budget at the December 7, 2016 Business Session of City Council. This culminated six months of work that is associated with reviewing, planning and creating the financial plan of the City of Montgomery for 2017 – 2021 over the course of three separate readings which occur in October, November and December. In any given year, it may become necessary to make adjustments to the appropriations as new funding becomes available or as unplanned opportunities arise or emergency situations occur.

Background

Due to unplanned situations that are beyond the control of staff, it is necessary for staff to request the following appropriation adjustments for 2017. The changes are identified below:

<u>Budget Account</u>	<u>Description</u>	<u>Amount</u>
410.261.5470	Renovation of Public Works Facility	\$100,000

This will provide additional funds to allow for funding of three alternative bids for this project including an 18 foot Truck Bay Addition; Fire Protection and a Back-Up Generator, as well as for \$30,000 in contingency appropriation for this project which was originally budgeted for \$900,000, without the alternatives.

101.715.5401	Purchase of Hamilton County Land at the GRA	\$600,000
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This appropriation increase from the City’s General Fund will allow for the purchase of 10.334 acres from Hamilton County for the Gateway Redevelopment Project. This was approved by City Council at its February 1, 2017 Business Session. To accommodate this increase, the City will plan to transfer the cash balance of the 460 – Urban Redevelopment Fund to the General Fund when the Village Corner and Montgomery Commons Tax Increment Financing (TIF) districts are terminated later in the year. This appropriation will be added as a supplemental appropriation at the end of the year to transfer and close out the remaining fund balance in the Urban Redevelopment Fund.

101.715.5401	Purchase of Land from Life Enriching Communities	\$509,000
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This appropriation increase from the City's General Fund will allow for the purchase of .4 acres from Life Enriching Communities that is directly south of the City's Safety Center at 10150 Montgomery Road. This was approved by City Council at its April 5, 2017 Business Session. In the beginning of 2017, City Council approved a change in the City's earnings tax allocation to allow for an additional 4% of collections to be allocated to the City's General Fund. This additional allocation is forecasted to result in \$330,000 in collections, and will contribute to the General Fund's Cash Reserves and this with the City's current financial position will provide the necessary funding.

480.000.5401 Professional Services for Gateway Redevelopment Area (GRA) \$550,000

This will provide additional funds for professional engineering services at the Gateway Redevelopment Area for the intersection modification. The downtown improvement fund will be reimbursed from Tax Increment Financing Funds (TIF) once established with the GRA going forward.

Recommendation

It is recommended that City Council consider amending and adopting the appropriations adjustment legislation at its May 3 Business Session. This action will enable the City to meet its financial obligations which have resulted from financial issues that cannot be reasonably anticipated while developing and planning for the appropriation of the City's funds during its 2017 Budget process.

ORDINANCE NO. , 2017

AMENDED

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 \$1,109,000 in the appropriation balance of the following accounts of the General Fund 101:

Account Number 101.715.5401 Special Project + \$1,109,000

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.

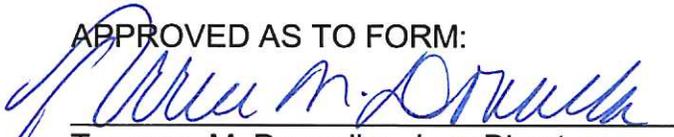
SECTION 3. This Ordinance shall take effect the earliest opportunity as allowable by law.

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.

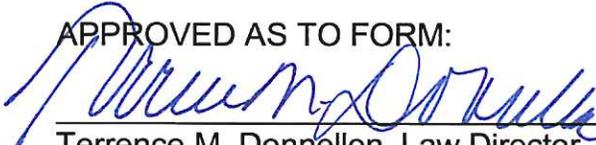
SECTION 7. This Ordinance shall take effect the earliest opportunity as allowable by law.

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

LEGAL DESCRIPTION OF THE "PHASE I EXEMPTED PROPERTY"

**EXHIBIT
PAGE 1 OF 9**

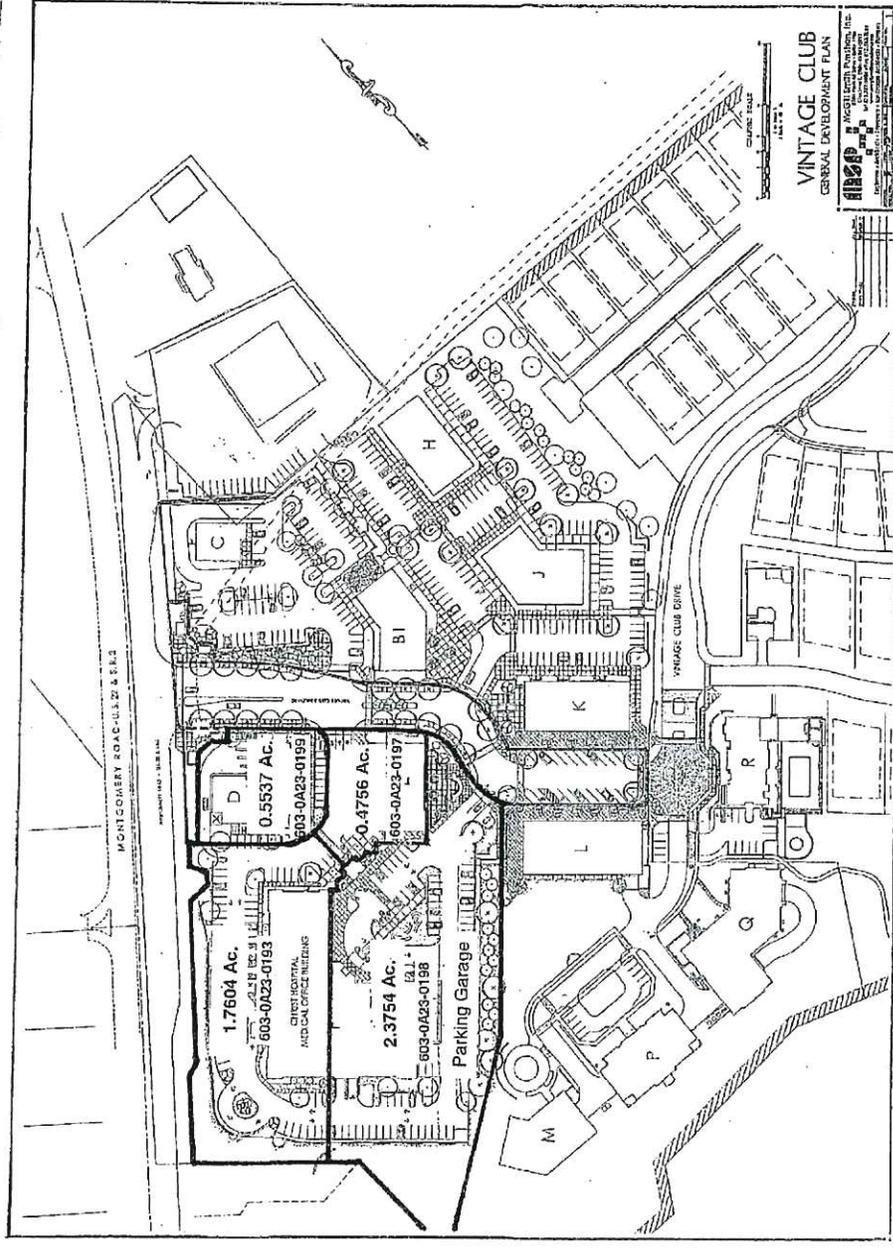


EXHIBIT **PAGE 2 OF 9**

DESCRIPTION FOR: Hunting Hill, LLC
LOCATION: Montgomery Road – 1.7604 Acres

Situate in Section 36, Town 5, Entire Range 1, of the Miami Purchase in the City of Montgomery, County of Hamilton, State of Ohio, and being part of the same premises as conveyed to Vintage Club Associates, LTD, by deed recorded in O.R. 12265, Page 1916, Hamilton County, Ohio Recorder's Office and being more particularly described as follows:

Beginning at the southwest corner of Section 36, thence along the south line of Section 36, North 89°32'01" East, 453.18 feet to a point in the old centerline of Montgomery Road located 9.08 feet right of centerline Station 62+04.66 as shown on Ohio Department of Transportation Right-of-Way Plans "HAM-22/3-16.45" (Montgomery Road).

Thence, along the old centerline of said Montgomery Road, North 37°07'58" East, 766.19 feet and North 37°06'18" East, 239.70 feet to a point located 10.12 feet right of centerline Station 72+10.94 of said HAM-22/3-16.45 (Montgomery Road);

Thence, South 50°00'00" East, 46.39 feet to an existing 5/8" iron pin in the existing east right-of-way line of U.S. 22 / S.R. 3 (Montgomery Road) and the **REAL POINT OF BEGINNING** for this description;

Thence, from said **REAL POINT OF BEGINNING**, with existing east right-of-way lines of said U.S. 22 / S.R. 3 (Montgomery Road), the following eight (8) courses and distances:

- 1.) North 37°33'36" East, 110.94 feet to an existing 5/8" iron pin;
- 2.) North 65°49'49" East, 21.11 feet to an existing 5/8" iron pin;
- 3.) North 37°35'36" East, 81.79 feet to an existing 5/8" iron pin;
- 4.) North 38°00'34" East, 125.86 feet to an existing 5/8" iron pin;
- 5.) North 86°43'44" East, 32.15 feet to an existing 5/8" iron pin;
- 6.) North 32°33'22" East, 15.08 feet to an existing 5/8" iron pin;
- 7.) North 29°01'31" West, 24.68 feet to an existing 5/8" iron pin;
- 8.) North 38°00'34" East, 29.30 feet to an existing 5/8" iron pin;

Thence, South 49°26'24" East, 13.75 feet to an existing 5/8" iron pin;

Thence, along new division lines, the following nine (9) courses and distances:

- 1.) South 48°45'39" East, 42.18 feet to a set 5/8" iron pin;
- 2.) South 49°26'24" East, 83.48 feet to a set 5/8" iron pin;
- 3.) Along an arc deflecting to the left, having a radius of 30.00 feet, a central angle of 45°00'00", a length of 23.56 feet, the chord of said arc bears, South 71°56'24" East, 22.96 feet to a set 5/8" iron pin;



- 4.) North 85°33'36" East, 1.80 feet to a set 5/8" iron pin;
- 5.) South 04°26'24" East, 66.50 feet to a set 5/8" iron pin;
- 6.) South 85°33'36" West, 14.87 feet to a set 5/8" iron pin;
- 7.) South 40°33'36" West, 10.52 feet to a set 5/8" iron pin;
- 8.) North 49°26'24" West, 3.64 feet to a set 5/8" iron pin;
- 9.) South 40°33'36" West, 352.05 feet to a set 5/8" iron pin in a northerly line of lands conveyed to John T. McNicholas Archbishop of Cincinnati in Deed Book 1840, Page 511, records of the Hamilton County, Ohio Recorder's Office;

Thence along a northerly lines of said John T. McNicholas Archbishop of Cincinnati, North 50°00'00" West, 184.76 feet to the **REAL POINT OF BEGINNING**.

Containing 1.7604 acres of land.

Subject to all legal highways, easements and restrictions of record.

The above description was prepared by McGill Smith Punshon, Inc., under the direction of Jerry L. Keller, P.S., Ohio Registration No. 7584. The bearings in the above description are based on Reserve of Montgomery, Section "4", recorded in Plat Book 315, Pages 57-58, Hamilton County, Ohio Recorder's Office.

Prepared by: McGill Smith Punshon, Inc.
Date: March 29, 2013
MSP No.: 04308.06

04308053-GLH-EG-1_7074 Ac



EXHIBIT PAGE 4 OF 9

DESCRIPTION FOR: Hunting Hill, LLC

LOCATION: Montgomery Road – 2.3754 Acres

Situate in Section 36, Town 5, Entire Range 1, of the Miami Purchase in the City of Montgomery, County of Hamilton, State of Ohio, and being part of the same premises as conveyed to Vintage Club Associates, LTD, by deed recorded in O.R. 12265, Page 1916, Hamilton County, Ohio Recorder's Office and being more particularly described as follows:

Beginning at the southwest corner of Section 36, thence along the south line of Section 36, North 89°32'01" East, 453.18 feet to a point in the old centerline of Montgomery Road located 9.08 feet right of centerline Station 62+04.66 as shown on Ohio Department of Transportation Right-of-Way Plans "HAM-22/3-16.45" (Montgomery Road).

Thence, along the old centerline of said Montgomery Road, North 37°07'58" East, 766.19 feet and North 37°06'18" East, 239.70 feet to a point located 10.12 feet right of centerline Station 72+10.94 of said HAM-22/3-16.45 (Montgomery Road);

Thence, South 50°00'00" East, 46.39 feet to an existing 5/8" iron pin in the existing east right-of-way line of U.S. 22 / S.R. 3 (Montgomery Road) said point also being the northwest corner of lands conveyed to John T. McNicholas Archbishop of Cincinnati in Deed Book 1840, Page 511, records of the Hamilton County, Ohio Recorder's Office;

Thence, with the north line of said lands, South 50°00'00" East, 184.76 feet to a set 5/8" iron pin and the **REAL POINT OF BEGINNING** for this description;

Thence, from said **REAL POINT OF BEGINNING**, along new division lines, the following twelve (12) courses and distances:

- 1.) North 40°33'36" East, 352.05 feet to a set 5/8" iron pin;
- 2.) South 49°26'24" East, 3.64 feet to a set 5/8" iron pin;
- 3.) North 40°33'36" East, 10.52 feet to a set 5/8" iron pin;
- 4.) North 85°33'36" East, 14.87 feet to a set 5/8" iron pin;
- 5.) North 04°26'24" West, 7.17 feet to a set 5/8" iron pin;
- 6.) North 85°33'36" East, 24.00 feet to a set 5/8" iron pin;
- 7.) South 04°26'24" East, 7.17 feet to a set 5/8" iron pin;
- 8.) North 85°33'36" East, 14.87 feet to a set 5/8" iron pin;
- 9.) South 49°26'24" East, 10.52 feet to a set 5/8" iron pin;
- 10.) North 40°33'36" East, 11.98 feet to a set 5/8" iron pin;
- 11.) South 49°26'24" East, 65.00 feet to a set 5/8" iron pin;
- 12.) North 40°33'36" East, 140.90 feet to a set 5/8" iron pin in the south right-of-way line of Vintage Club Boulevard;

EXHIBIT **PAGE 5 OF 9**

Thence, with said south right-of-way line, along an arc deflecting to the right, having a radius of 70.00 feet, a central angle of $16^{\circ}46'30''$, a length of 20.49 feet, the chord of said arc bears, South $15^{\circ}57'58''$ East, 20.42 feet to an existing 5/8" iron pin and South $07^{\circ}34'43''$ East, 110.05 feet to an existing 5/8" iron pin;

Thence, South $40^{\circ}33'29''$ West, 310.12 feet to an existing 5/8" iron pin;

Thence, South $53^{\circ}50'18''$ West, 273.94 feet to an existing 5/8" iron pin in a northerly line of lands conveyed to John T. McNicholas Archbishop of Cincinnati in Deed Book 1840, Page 511, records of the Hamilton County, Ohio Recorder's Office;

Thence along the northerly lines of said John T. McNicholas Archbishop of Cincinnati, the following three (3) courses and distances;

- 1.) North $48^{\circ}58'38''$ West, 16.54 feet to an existing 5/8" iron pin;
- 2.) North $02^{\circ}59'06''$ West, 149.26 feet to an existing 5/8" iron pin;
- 3.) North $50^{\circ}00'00''$ West, 33.88 feet to the **REAL POINT OF BEGINNING**.

Containing 2.3754 acres of land.

Subject to all legal highways, easements and restrictions of record.

The above description was prepared by McGill Smith Punshon, Inc., under the direction of Jerry L. Keller, P.S., Ohio Registration No. 7584. The bearings in the above description are based on Reserve of Montgomery, Section "4", recorded in Plat Book 315, Pages 57-58, Hamilton County, Ohio Recorder's Office.

Prepared by: McGill Smith Punshon, Inc.
Date: March 29, 2013
MSP No.: 04308.06

04308093-CLI-LEG-2_3754 Ac

2 of 2

McGill Smith Punshon, Inc.
3700 Park 42 Drive ■ Suite 1908 ■ Cincinnati, Ohio ■ 45241-2097
513.759.0004 ■ Fax 513.563.7099 ■ www.mcgillsmithpunshon.com



DESCRIPTION FOR: Hunting Hill, LLC
LOCATION: Montgomery Road – 0.5537 Acres

Situate in Section 36, Town 5, Entire Range 1, of the Miami Purchase in the City of Montgomery, County of Hamilton, State of Ohio, and being part of the same premises as conveyed to Vintage Club Associates, LTD, by deed recorded in O.R. 12265, Page 1916, Hamilton County, Ohio Recorder's Office and being more particularly described as follows:

Beginning at the southwest corner of Section 36, thence along the south line of Section 36, North 89°32'01" East, 453.18 feet to a point in the old centerline of Montgomery Road located 9.08 feet right of centerline Station 62+04.66 as shown on Ohio Department of Transportation Right-of-Way Plans "HAM-22/3-16.45" (Montgomery Road).

Thence, along the old centerline of said Montgomery Road, North 37°07'58" East, 766.19 feet and North 37°06'18" East, 239.70 feet to a point located 10.12 feet right of centerline Station 72+10.94 of said IIAM-22/3-16.45 (Montgomery Road);

Thence, South 50°00'00" East, 46.39 feet to an existing 5/8" iron pin in the existing east right-of-way line of U.S. 22 / S.R. 3 (Montgomery Road);

Thence, with existing east right-of-way lines of said U.S. 22 / S.R. 3 (Montgomery Road), the following eight (8) courses and distances:

- 1.) North 37°33'36" East, 110.94 feet to an existing 5/8" iron pin;
- 2.) North 65°49'49" East, 21.11 feet to an existing 5/8" iron pin;
- 3.) North 37°33'36" East, 81.79 feet to an existing 5/8" iron pin;
- 4.) North 38°00'34" East, 125.86 feet to an existing 5/8" iron pin;
- 5.) North 86°43'44" East, 32.15 feet to an existing 5/8" iron pin;
- 6.) North 32°33'22" East, 15.08 feet to an existing 5/8" iron pin;
- 7.) North 29°01'31" West, 24.68 feet to an existing 5/8" iron pin;
- 8.) North 38°00'34" East, 29.30 feet to an existing 5/8" iron pin;

Thence, South 49°26'24" East, 13.75 feet to an existing 5/8" iron pin and the **REAL POINT OF BEGINNING** for this description;

Thence, from said **REAL POINT OF BEGINNING** North 40°33'39" East, 118.79 feet to an existing 5/8" iron pin;

Thence, South 85°46'27" East, 16.39 feet to an existing 5/8" iron pin;

Thence, South 49°26'26" East, 21.02 feet to an existing 5/8" iron pin;

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 513.759.0004 • Fax 513.563.7099 • www.mcgillsmithpunshon.com



EXHIBIT PAGE 7 OF 9

Thence, North 40°33'34" East, 21.00 feet to an existing 5/8" iron pin in the south right-of-way of Vintage Club Boulevard;

Thence, with said south right-of-way line, South 49°26'24" East, 127.07 feet to a set 5/8" iron pin;

Thence, along new division lines, the following seven (7) courses and distances:

- 1.) Along an arc deflecting to the right, having a radius of 35.50 feet, a central angle of 41°27'11", a length of 25.68, the chord of said arc bears, South 19°50'00" West, 25.13 feet to a set 5/8" iron pin;
- 2.) South 40°35'28" West, 83.64 feet to a set 5/8" iron pin;
- 3.) Along an arc deflecting to the right, having a radius of 26.29 feet, a central angle of 48°05'38", a length of 22.07 feet, the chord of said arc bears, South 64°38'17" West, 21.43 feet to a set 5/8" iron pin;
- 4.) South 85°33'36" West, 20.53 feet to a set 5/8" iron pin;
- 5.) Along an arc deflecting to the right, having a radius of 30.00 feet, a central angle of 45°00'00", a length of 23.56 feet, the chord of said arc bears, North 71°56'24" West, 22.96 feet to a set 5/8" iron pin;
- 6.) North 49°26'24" West, 83.48 feet to a set 5/8" iron pin;
- 7.) North 48°45'39" West, 42.18 feet to the **REAL POINT OF BEGINNING**.

Containing 0.5537 acres of land.

Subject to all legal highways, easements and restrictions of record.

The above description was prepared by McGill Smith Punshon, Inc., under the direction of Jerry L. Keller, P.S., Ohio Registration No. 7584. The bearings in the above description are based on Reserve of Montgomery, Section "4", recorded in Plat Book 315, Pages 57-58, Hamilton County, Ohio Recorder's Office.

Prepared by: McGill Smith Punshon, Inc.
Date: March 29, 2013
MSP No.: 04308.06

04308063-CLJ-LEG-0_2537 Aa

2 of 2

McGill Smith Punshon, Inc.
3700 Park 42 Drive ■ Suite 1908 ■ Cincinnati, Ohio ■ 45241-2097
513.759.0004 ■ Fax 513.563.7099 ■ www.mcgillsmithpunshon.com



DESCRIPTION FOR: Hunting Hill, LLC
LOCATION: Montgomery Road - 0.4756 Acres

Situate in Section 36, Town 5, Entire Range 1, of the Miami Purchase in the City of Montgomery, County of Hamilton, State of Ohio, and being part of the same premises as conveyed to Vintage Club Associates, LTD, by deed recorded in O.R. 12265, Page 1916, Hamilton County, Ohio Recorder's Office and being more particularly described as follows:

Beginning at the southwest corner of Section 36, thence along the south line of Section 36, North $89^{\circ}32'01''$ East, 453.18 feet to a point in the old centerline of Montgomery Road located 9.08 feet right of centerline Station 62+04.66 as shown on Ohio Department of Transportation Right-of-Way Plans "HAM-22/3-16.45" (Montgomery Road).

Thence, along the old centerline of said Montgomery Road, North $37^{\circ}07'58''$ East, 766.19 feet and North $37^{\circ}06'18''$ East, 239.70 feet to a point located 10.12 feet right of centerline Station 72+10.94 of said HAM-22/3-16.45 (Montgomery Road);

Thence, South $50^{\circ}00'00''$ East, 46.39 feet to an existing $5/8''$ iron pin in the existing east right-of-way line of U.S. 22 / S.R. 3 (Montgomery Road) said point also being the northwest corner of lands conveyed to John T. McNicholas Archbishop of Cincinnati in Deed Book 1840, Page 511, records of the Hamilton County, Ohio Recorder's Office;

Thence, with the north line of said lands, South $50^{\circ}00'00''$ East, 184.76 feet to a set $5/8''$ iron pin;

Thence, along new division lines, the following five (5) courses and distances:

- 1.) North $40^{\circ}33'36''$ East, 352.05 feet to a set $5/8''$ iron pin;
- 2.) South $49^{\circ}26'24''$ East, 3.64 feet to a set $5/8''$ iron pin;
- 3.) North $40^{\circ}33'36''$ East, 10.52 feet to a set $5/8''$ iron pin;
- 4.) North $85^{\circ}33'36''$ East, 14.87 feet to a set $5/8''$ iron pin;
- 5.) North $04^{\circ}26'24''$ West, 7.17 feet to a set $5/8''$ iron pin and the REAL POINT OF BEGINNING for this description;

Thence, from said REAL POINT OF BEGINNING, along new division lines, the following five (5) courses and distances:

- 1.) North $04^{\circ}26'24''$ West, 59.33 feet to a set $5/8''$ iron pin;
- 2.) North $85^{\circ}33'36''$ East, 18.73 feet to a set $5/8''$ iron pin;
- 3.) Along an arc deflecting to the left, having a radius of 26.29 feet, a central angle of $48^{\circ}05'38''$, a length of 22.07, the chord of said arc bears, North $64^{\circ}38'17''$ East, 21.43 feet to a set $5/8''$ iron pin;

EXHIBIT PAGE 9 OF 9

- 4.) North 40°35'28" East, 83.64 feet to a set 5/8" iron pin;
- 5.) Along an arc deflecting to the left, having a radius of 35.50 feet, a central angle of 41°27'11", a length of 25.68, the chord of said arc bears, North 19°50'00" East, 25.13 feet to a set 5/8" iron pin in the south right-of-way line of Vintage Club Boulevard;

Thence, with said south right-of-way line, South 49°26'24" East, 107.21 feet to an existing 5/8" iron pin and along an arc deflecting to the right, having a radius of 70.00 feet, a central angle of 25°05'11", a length of 30.65 feet, the chord of said arc bears, South 36°53'49" East, 30.40 feet to a set 5/8" iron pin;

Thence, along new division lines, the following seven (7) courses and distances:

- 1.) South 40°33'36" West, 140.90 feet to a set 5/8" iron pin;
- 2.) North 49°26'24" West, 65.00 feet to a set 5/8" iron pin;
- 3.) South 40°33'36" West, 11.98 feet to a set 5/8" iron pin;
- 4.) North 49°26'24" West, 10.52 feet to a set 5/8" iron pin;
- 5.) South 85°33'36" West, 14.87 feet to a set 5/8" iron pin;
- 6.) North 04°26'24" West, 7.17 feet to a set 5/8" iron pin;
- 7.) South 85°33'36" West, 24.00 feet to the **REAL POINT OF BEGINNING**.

Containing 0.4756 acres of land.

Subject to all legal highways, easements and restrictions of record.

The above description was prepared by McGill Smith Punshon, Inc., under the direction of Jerry L. Keller, P.S., Ohio Registration No. 7584. The bearings in the above description are based on Reserve of Montgomery, Section "4", recorded in Plat Book 315, Pages 57-58, Hamilton County, Ohio Recorder's Office.

Prepared by: McGill Smith Punshon, Inc.
Date: March 29, 2013
MSP No.: 04308.06

04308069.CLI.LEG-Q_4756 Ac

2 of 2

McGill Smith Punshon, Inc.
3700 Park 42 Drive ■ Suite 190B ■ Cincinnati, Ohio ■ 45241-2097
513.759.0004 ■ Fax 513.563.7099 ■ www.mcgillsmithpunshon.com



EXHIBIT

Additional Exempted Properties

The Auditor's parcel listing attached to the Final Determinations from the Ohio Department of Taxation March 7, 2008, January 29, 2009 and April 19, 2011, show the additional exempted parcels for this Exhibit and they are further described in the legal descriptions attached hereto as Legals -- Exhibit C-1.

Consisting of 17 pages

0000000253



FINAL DETERMINATION

Date: JAN 29 2009

City of Montgomery
Attn: R. Douglas Miller, Assistant Law Director
9079 Montgomery Road
Cincinnati, OH 45242

Re: DTE No.: PE 3380
Auditor's No.: 08-192
County: Hamilton
School District: Sycamore Community CSD
Parcel Number(s): See Attached List

This is the final determination of the Tax Commissioner on an application for exemption of real property from taxation filed on November 13, 2008. On September 6, 2006, the City of Montgomery passed Ordinance No. 14,2006 creating an incentive district pursuant to Ohio Revised Code Section ("R.C.") 5709.40(C) later amended by ordinance No. 26,2006 on December 6, 2006 and ordinance No. 28,2006 on December 20, 2006. This application for exemption of real property was filed by the City with the signature or other written consent of the owner.

The Tax Commissioner finds that 100% of the increase in the assessed valuation of the improvements is exempt pursuant to R.C. 5709.40 and in accordance with the provisions of the municipal ordinance. "Improvement" means the increase in the assessed value of any real property that would first appear on the tax list and duplicate of real and public utility property after the effective date of an ordinance adopted under R.C. 5709.40(C) were it not for the exemption granted by that ordinance.

The Tax Commissioner further finds that since this application was filed by the City with the signature or other written consent of the owner, the exemption is subject to limitations set forth in R.C. 5709.911 regarding other requests for exemption of the subject property. This exemption shall supersede an exemption granted under any other provision of the Revised Code unless provisions of R.C. 5709.911(B)(1) and (2) are satisfied.

Additionally, pursuant to R.C. 5709.913(F), the county auditor is hereby notified that a City has applied for exemption for real property within an incentive district on behalf of the property owner and that the exemption has been granted under R.C. 5715.27.

0000000254

JAN 29 2009

The Tax Commissioner therefore consents to the requested exemption and orders that 100% of the improvement of the real property described above be entered upon the list of property in said county which is exempt from taxation commencing in the first year in which an improvement first appears on the tax list and duplicate of real and public utility property and that begins after the effective date of the ordinance, and ending on the earlier of 30 years from such date of passage or the date on which the City can no longer require semiannual service payments in lieu of taxes, and with such limitations as comport with the provisions set forth in R.C. 5709.40, R.C. 5709.911, R.C. 5709.913, R.C. 5713.081, and the relevant municipal ordinance.

THIS IS THE TAX COMMISSIONER'S FINAL DETERMINATION WITH REGARD TO THIS MATTER. NOTICE WILL BE SENT PURSUANT TO R.C. 5715.27 TO THE COUNTY AUDITOR. UPON EXPIRATION OF THE SIXTY-DAY APPEAL PERIOD PRESCRIBED BY R.C. 5717.02, THIS MATTER WILL BE CONCLUDED AND THE FILE APPROPRIATELY CLOSED.

I CERTIFY THAT THIS IS A TRUE AND ACCURATE COPY OF THE FINAL
DETERMINATION RECORDED IN THE TAX COMMISSIONER'S JOURNAL

Richard A. Levin

RICHARD A. LEVIN
TAX COMMISSIONER

/s/ Richard A. Levin

Richard A. Levin
Tax Commissioner

Attachment

VINTAGE CLUB ASSOCIATES, LLC - PHASE 3

Parcel Number	Lot Number	Address	Title Acquired	Owner	Consent Attached
603-0A23-0149-00	83	132 Village Gate Lane	4/25/2008	Vintage Club Associates, Ltd.	Yes
603-0A23-0150-08	84	134 Village Gate Lane	4/25/2008	Vintage Club Associates, Ltd.	Yes
603-0A23-0151-00	85	136 Village Gate Lane	4/25/2008	Vintage Club Associates, Ltd.	Yes
603-0A23-0152-00	86	138 Village Gate Lane	4/25/2008	Vintage Club Associates, Ltd.	Yes
603-0A23-0153-00	87	140 Village Gate Lane	4/25/2008	Vintage Club Associates, Ltd.	Yes
603-0A23-0154-00	88	142 Village Gate Lane	4/25/2008	Vintage Club Associates, Ltd.	Yes
603-0A23-0155-00	89	144 Village Gate Lane	4/25/2008	Vintage Club Associates, Ltd.	Yes
603-0A23-0156-00	90	146 Village Gate Lane	4/25/2008	Vintage Club Associates, Ltd.	Yes
603-0A23-0157-00	91	135 Village Gate Lane	7/10/2008	Great Traditions Homes, Ltd.	Yes
603-0A23-0158-00	92	133 Village Gate Lane	4/25/2008	Vintage Club Associates, Ltd.	Yes
603-0A23-0159-00	93	131 Village Gate Lane	4/25/2008	Vintage Club Associates, Ltd.	Yes
603-0A23-0160-00	94	129 Village Gate Lane	4/25/2008	Vintage Club Associates, Ltd.	Yes
603-0A23-0161-00	95	127 Village Gate Lane	7/22/2008	Great Traditions Homes, Ltd.	Yes
603-0A23-0162-00	96	101 Candlewood Circle	4/25/2008	Vintage Club Associates, Ltd.	Yes
603-0A23-0163-00	97	103 Candlewood Circle	4/25/2008	Vintage Club Associates, Ltd.	Yes
603-0A23-0164-00	98	105 Candlewood Circle	4/25/2008	Vintage Club Associates, Ltd.	Yes
603-0A23-0165-00	99	107 Candlewood Circle	4/25/2008	Vintage Club Associates, Ltd.	Yes
603-0A23-0166-00	100	109 Candlewood Circle	4/25/2008	Vintage Club Associates, Ltd.	Yes
603-0A23-0167-00	101	111 Candlewood Circle	4/25/2008	Vintage Club Associates, Ltd.	Yes
603-0A23-0168-00	102	113 Candlewood Circle	4/25/2008	Vintage Club Associates, Ltd.	Yes
603-0A23-0169-00	103	115 Candlewood Circle	4/25/2008	Vintage Club Associates, Ltd.	Yes
603-0A23-0170-00	104	117 Candlewood Circle	4/25/2008	Vintage Club Associates, Ltd.	Yes
603-0A23-0171-00	105	119 Candlewood Circle	7/10/2008	Great Traditions Homes, Ltd.	Yes
603-0A23-0172-00		open space "H"	4/25/2008	Vintage Club Associates, Ltd.	Yes
603-0A23-0173-00		open space "I"	4/25/2008	Vintage Club Associates, Ltd.	Yes
603-0A23-0174-00		open space "J"	4/25/2008	Vintage Club Associates, Ltd.	Yes
603-0A23-0175-00		open space "K"	8/26/2008	Vintage Club Associates, Ltd.	Yes
603-0A23-0176-00		West Corner C/R.O.W.	4/25/2008	Vintage Club Associates, Ltd.	Yes
603-0A23-0177-00		Candlewood Circle ROW	4/25/2008	Vintage Club Associates, Ltd.	Yes
Address of Vintage Club Associates, Ltd.: 10123 Alliance Road Cincinnati, Ohio 45242					
Address of Great Traditions Homes, Ltd.: 10123 Alliance Road, Cincinnati, Ohio 45242					

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FINAL DETERMINATION

Date: MAR 07 2008

Montgomery City
Attn: R. Douglas Miller, Assistant Law Director
9079 Montgomery Road
Cincinnati, OH 45242

Re: DTE No.: NE 4131
Auditor's No.: 07-280
County: Hamilton
School District: Sycamore Community CSD
Parcel Number(s): See Attached List

This is the final determination of the Tax Commissioner on an application for exemption of real property from taxation filed on November 21, 2007. On September 6, 2006, the City of Montgomery passed Ordinance No. 14,2006 creating an incentive district pursuant to Ohio Revised Code Section ("R.C.") 5709.40(C). This application for exemption of real property was filed by the City with the signature or other written consent of the owner.

The Tax Commissioner finds that 100% of the increase in the assessed valuation of the improvements is exempt pursuant to R.C. 5709.40 and in accordance with the provisions of the municipal ordinance. "Improvement" means the increase in the assessed value of any real property that would first appear on the tax list and duplicate of real and public utility property after the effective date of an ordinance adopted under R.C. 5709.40(C) were it not for the exemption granted by that ordinance.

The Tax Commissioner further finds that since this application was filed by the City with the signature or other written consent of the owner, the exemption is subject to limitations set forth in R.C. 5709.911 regarding other requests for exemption of the subject property. This exemption shall supersede an exemption granted under any other provision of the Revised Code unless provisions of R.C. 5709.911(B)(1) and (2) are satisfied.

Additionally, pursuant to R.C. 5709.913(F), the county auditor is hereby notified that a City has applied for exemption for real property within an incentive district on behalf of the property owner and that the exemption has been granted under R.C. 5715.27.

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MAR 07 2008

The Tax Commissioner therefore consents to the requested exemption and orders that 100% of the improvement of the real property described above be entered upon the list of property in said county which is exempt from taxation commencing in the first year in which an improvement first appears on the tax list and duplicate of real and public utility property and that begins after the effective date of the ordinance, and ending on the earlier of 30 years from such date of passage or the date on which the City can no longer require semiannual service payments in lieu of taxes, and with such limitations as comport with the provisions set forth in R.C. 5709.40, R.C. 5709.911, R.C. 5709.913, R.C. 5713.081, and the relevant municipal ordinance.

THIS IS THE TAX COMMISSIONER'S FINAL DETERMINATION WITH REGARD TO THIS MATTER. NOTICE WILL BE SENT PURSUANT TO R.C. 5715.27 TO THE COUNTY AUDITOR. UPON EXPIRATION OF THE SIXTY-DAY APPEAL PERIOD PRESCRIBED BY R.C. 5717.02, THIS MATTER WILL BE CONCLUDED AND THE FILE APPROPRIATELY CLOSED.

I CERTIFY THAT THIS IS A TRUE AND ACCURATE COPY OF THE FINAL DETERMINATION RECORDED IN THE TAX COMMISSIONER'S JOURNAL.

Richard A. Levin
RICHARD A. LEVIN
TAX COMMISSIONER

/s/ Richard A. Levin

Richard A. Levin
Tax Commissioner

THE VINTAGE CLUB

Parcel Number	Address	Title Acquired	Owner	Consent Attached
	All are Montgomery, Ohio 45242			
603-0A23-0040-00	10 Vintage Walk	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0041-00	12 Vintage Walk	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0135-00	14 Vintage Walk	7/5/2007	Vintage Club Associates Ltd.	Yes
603-0A23-0136-00	16 Vintage Walk	7/5/2007	Kurlemann Homes of Montgomery-Blue Ash, LLC	Yes
603-0A23-0044-00	18 Vintage Walk	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0045-00	20 Vintage Walk	12/26/2006	deStefano Custom Builders, LLC	Yes
603-0A23-0046-00	22 Vintage Walk	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0047-00	24 Vintage Walk	1/23/2007	William A Bush & Rebecca A. Bush	Yes
603-0A23-0048-00	26 Vintage Walk	1/17/2007	Cove Norris Investments, LLC	Yes
603-0A23-0049-00	28 Vintage Walk	4/25/2007	Rookwood Offsite, LLC	Yes
603-0A23-0050-00	31 Traditions Turn	1/8/2007	James A. Daniels & Kathy M. Daniels	Yes
603-0A23-0051-00	33 Traditions Turn	1/3/2007	Kurlemann Homes of Montgomery-Blue Ash, LLC	Yes
603-0A23-0052-00	35 Traditions Turn	1/3/2007	Hensley Custom Building Group, LLC	Yes
603-0A23-0053-00	37 Traditions Turn	12/22/2006	Nan Jensen	Yes
603-0A23-0054-00	39 Traditions Turn	1/22/2007	Kurlemann Homes of Montgomery-Blue Ash, LLC	Yes
603-0A23-0055-00	41 Traditions Turn	1/18/2007	Camden Homes, LLC	Yes
603-0A23-0056-00	43 Traditions Turn	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0057-00	45 Traditions Turn	1/17/2007	Daniels Real Estate Holdings, LLC	Yes
603-0A23-0137-00	47 Traditions Turn	7/5/2007	Angela Rorie	Yes
603-0A23-0138-00	49 Traditions Turn	7/5/2007	Vintage Club Associates Ltd.	Yes
603-0A23-0139-00	51 Traditions Turn	7/5/2007	Vintage Club Associates Ltd.	Yes
603-0A23-0140-00	50 Traditions Turn	7/5/2007	Vintage Club Associates Ltd.	Yes
603-0A23-0062-00	48 Traditions Turn	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0063-00	46 Traditions Turn	5/3/2007	Robert Lucke Homes, Inc.	Yes
603-0A23-0064-00	44 Traditions Turn	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0065-00	60 Gaslight Lane	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0066-00	62 Gaslight Lane	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0067-00	64 Gaslight Lane	9/6/2007	Kurlemann Homes of Montgomery-Blue Ash, LLC	Yes
603-0A23-0068-00	66 Gaslight Lane	6/22/2007	Camden Homes, LLC	Yes
603-0A23-0141-00	68 Gaslight Lane	7/5/2007	Vintage Club Associates Ltd.	Yes
603-0A23-0070-00	42 Traditions Turn	11/20/2006	Vintage Club Associates Ltd.	Yes

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THE VINTAGE CLUB

603-0A23-0071-00	40 Traditions Turn	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0073-00	23 Vintage Walk	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0074-00	21 Vintage Walk	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0075-00	19 Vintage Walk	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0143-00	15 Vintage Walk	7/5/2007	Vintage Club Associates Ltd.	Yes
603-0A23-0078-00	9 Vintage Walk	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0079-00	11 Vintage Walk	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0080-00	102 Courtyard Crossing	10/2/2007	Terrence M. Wright & Linda S. Wright	Yes
603-0A23-0081-00	104 Courtyard Crossing	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0082-00	106 Courtyard Crossing	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0083-00	108 Courtyard Crossing	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0084-00	110 Courtyard Crossing	6/8/2007	Great Traditions Homes, Ltd.	Yes
603-0A23-0085-00	112 Village Gate Lane	10/1/2007	Christopher Cramer & Stacy Cramer	Yes
603-0A23-0086-00	114 Village Gate Lane	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0087-00	116 Village Gate Lane	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0088-00	118 Village Gate Lane	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0089-00	120 Village Gate Lane	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0090-00	122 Village Gate Lane	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0091-00	124 Village Gate Lane	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0092-00	126 Village Gate Lane	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0093-00	128 Village Gate Lane	9/18/2007	Great Traditions Homes, Ltd.	Yes
603-0A23-0094-00	130 Village Gate Lane	6/8/2007	Great Traditions Homes, Ltd.	Yes
603-0A23-0095-00	125 Cameo Court	10/22/2007	Great Traditions Homes, Ltd.	Yes
603-0A23-0096-00	123 Cameo Court	10/12/2007	David M. Wilson, Trustee	Yes
603-0A23-0097-00	121 Village Gate Lane	4/20/2007	Great Traditions Homes, Ltd.	Yes
603-0A23-0098-00	119 Village Gate Lane	6/8/2007	Great Traditions Homes, Ltd.	Yes
603-0A23-0099-00	117 Village Gate Lane	6/8/2007	Jerome Niederhelman & Kathleen Niederhelman	Yes
603-0A23-0100-00	103 Courtyard Crossing	9/24/2007	Sheldon A. & Vivian G. Kopin	Yes
603-0A23-0101-00	101 Courtyard Crossing	12/15/2006	Great Traditions Homes, Ltd.	Yes
603-0A23-0102-00	13 Vintage Club Drive	5/14/2007	The Vintage Club Community Assoc., Inc.✓	Yes
603-0A23-0103-00	Vintage Club Drive	5/14/2007	The Vintage Club Community Assoc., Inc.	Yes
603-0A23-0104-00	Vintage Walk	5/14/2007	The Vintage Club Community Assoc., Inc.	Yes
603-0A23-0105-00	30 Vintage Walk	5/14/2007	The Vintage Club Community Assoc., Inc.	Yes
603-0A23-0144-00	Gaslight Lane	7/5/2007	Vintage Club Associates Ltd.	Yes
603-0A23-0107-00	Vintage Club Drive	5/14/2007	The Vintage Club Community Assoc., Inc.	Yes

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THE VINTAGE CLUB

603-0A23-0108-00	100 Courtyard Crossing 7 (Kemper Entry) Vintage Walk Traditions Turn, Gaslight Lane, Village Club Dr., Courtyard Crossing, Village Gate Lane, Cameo Court	5/14/2007	The Vintage Club Community Assoc., Inc.	Yes
603-0A23-0109-00	Kemper Road	7/5/2007	Vintage Club Associates Ltd.	Yes
603-0A23-0110-00	202 Legacy Lane	1/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0111-00	204 Legacy Lane	3/26/2007	Vintage Club Associates Ltd.	Yes
603-0A23-0112-00	206 Legacy Lane	3/26/2007	Vintage Club Associates Ltd.	Yes
603-0A23-0113-00	208 Legacy Lane	3/26/2007	Great Traditions Homes, Ltd.	Yes
603-0A23-0114-00	210 Legacy Lane	3/26/2007	Vintage Club Associates Ltd.	Yes
603-0A23-0115-00	212 Legacy Lane	3/26/2007	Vintage Club Associates Ltd.	Yes
603-0A23-0116-00	214 Legacy Lane	9/18/2007	Great Traditions Homes, Ltd.	Yes
603-0A23-0117-00	216 Legacy Lane	3/26/2007	Vintage Club Associates Ltd.	Yes
603-0A23-0118-00	218 Legacy Lane	3/26/2007	Vintage Club Associates Ltd.	Yes
603-0A23-0119-00	220 Legacy Lane	3/26/2007	Vintage Club Associates Ltd.	Yes
603-0A23-0120-00	222 Legacy Lane	3/26/2007	Vintage Club Associates Ltd.	Yes
603-0A23-0121-00	223 Legacy Lane	3/26/2007	Vintage Club Associates Ltd.	Yes
603-0A23-0122-00	221 Legacy Lane	3/26/2007	Vintage Club Associates Ltd.	Yes
603-0A23-0123-00	219 Legacy Lane	3/26/2007	Vintage Club Associates Ltd.	Yes
603-0A23-0124-00	217 Legacy Lane	3/26/2007	Vintage Club Associates Ltd.	Yes
603-0A23-0125-00	215 Legacy Lane	3/26/2007	Vintage Club Associates Ltd.	Yes
603-0A23-0126-00	213 Legacy Lane	3/26/2007	Vintage Club Associates Ltd.	Yes
603-0A23-0127-00	211 Legacy Lane	3/26/2007	Vintage Club Associates Ltd.	Yes
603-0A23-0128-00	209 Legacy Lane	3/26/2007	Vintage Club Associates Ltd.	Yes
603-0A23-0129-00	207 Legacy Lane	3/26/2007	Vintage Club Associates Ltd.	Yes
603-0A23-0130-00	Legacy Lane	5/14/2007	The Vintage Club Community Assoc., Inc.	Yes
603-0A23-0131-00	Legacy Lane	5/14/2007	The Vintage Club Community Assoc., Inc.	Yes
603-0A23-0132-00	Legacy Lane	5/14/2007	The Vintage Club Community Assoc., Inc.	Yes
603-0A23-0133-00	Legacy Lane	5/14/2007	The Vintage Club Community Assoc., Inc.	Yes
603-0A23-0145-00	Vintage Club Dr. & Legacy Lane (Private Drive)	7/5/2007	Vintage Club Associates Ltd.	Yes

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PARCELS OWNED BY VINTAGE CLUB ASSOCIATES, LLC

Parcel Number	Address	Title Acquired	Owner	Consent Attached
603-0A23-0040-00	10 Vintage Walk	11/20/2006	Vintage Club Associates Ltd.	
603-0A23-0041-00	12 Vintage Walk	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0135-00	14 Vintage Walk	7/5/2007	Vintage Club Associates Ltd.	Yes
603-0A23-0044-00	18 Vintage Walk	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0046-00	22 Vintage Walk	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0056-00	43 Traditions Turn	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0138-00	49 Traditions Turn	7/5/2007	Vintage Club Associates Ltd.	Yes
603-0A23-0139-00	51 Traditions Turn	7/5/2007	Vintage Club Associates Ltd.	Yes
603-0A23-0140-00	50 Traditions Turn	7/5/2007	Vintage Club Associates Ltd.	Yes
603-0A23-0062-00	48 Traditions Turn	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0064-00	44 Traditions Turn	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0065-00	60 Gaslight Lane	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0066-00	62 Gaslight Lane	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0141-00	68 Gaslight Lane	7/5/2007	Vintage Club Associates Ltd.	Yes
603-0A23-0070-00	42 Traditions Turn	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0071-00	40 Traditions Turn	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0073-00	23 Vintage Walk	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0074-00	21 Vintage Walk	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0075-00	19 Vintage Walk	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0143-00	15 Vintage Walk	7/5/2007	Vintage Club Associates Ltd.	Yes
603-0A23-0078-00	9 Vintage Walk	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0079-00	11 Vintage Walk	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0081-00	104 Courtyard Crossing	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0082-00	106 Courtyard Crossing	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0083-00	108 Courtyard Crossing	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0086-00	114 Village Gate Lane	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0087-00	116 Village Gate Lane	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0088-00	118 Village Gate Lane	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0089-00	120 Village Gate Lane	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0090-00	122 Village Gate Lane	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0091-00	124 Village Gate Lane	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0092-00	126 Village Gate Lane	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0144-00	Gaslight Lane	7/5/2007	Vintage Club Associates Ltd.	Yes

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PARCELS OWNED BY VINTAGE CLUB ASSOCIATES, LLC

	7 (Kemper Entry) Vintage Walk Traditions Turn, Gaslight Lane, Village Club Dr., Courtyard Crossing, Village Gate Lane, Cameo Court			
603-0A23-0109-00		7/5/2007	Vintage Club Associates Ltd.	Yes
603-0A23-0110-00	Kemper Road	1/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0112-00	202 Legacy Lane	3/26/2007	Vintage Club Associates Ltd.	Yes
603-0A23-0113-00	204 Legacy Lane	3/26/2007	Vintage Club Associates Ltd.	Yes
603-0A23-0115-00	208 Legacy Lane	3/26/2007	Vintage Club Associates Ltd.	Yes
603-0A23-0116-00	210 Legacy Lane	3/26/2007	Vintage Club Associates Ltd.	Yes
603-0A23-0118-00	214 Legacy Lane	3/26/2007	Vintage Club Associates Ltd.	Yes
603-0A23-0119-00	216 Legacy Lane	3/26/2007	Vintage Club Associates Ltd.	Yes
603-0A23-0120-00	218 Legacy Lane	3/26/2007	Vintage Club Associates Ltd.	Yes
603-0A23-0121-00	220 Legacy Lane	3/26/2007	Vintage Club Associates Ltd.	Yes
603-0A23-0122-00	222 Legacy Lane	3/26/2007	Vintage Club Associates Ltd.	Yes
603-0A23-0123-00	223 Legacy Lane	3/26/2007	Vintage Club Associates Ltd.	Yes
603-0A23-0124-00	221 Legacy Lane	3/26/2007	Vintage Club Associates Ltd.	Yes
603-0A23-0125-00	219 Legacy Lane	3/26/2007	Vintage Club Associates Ltd.	Yes
603-0A23-0126-00	217 Legacy Lane	3/26/2007	Vintage Club Associates Ltd.	Yes
603-0A23-0127-00	215 Legacy Lane	3/26/2007	Vintage Club Associates Ltd.	Yes
603-0A23-0128-00	213 Legacy Lane	3/26/2007	Vintage Club Associates Ltd.	Yes
603-0A23-0129-00	211 Legacy Lane	3/26/2007	Vintage Club Associates Ltd.	Yes
603-0A23-0130-00	209 Legacy Lane	3/26/2007	Vintage Club Associates Ltd.	Yes
603-0A23-0131-00	207 Legacy Lane	3/26/2007	Vintage Club Associates Ltd.	Yes
603-0A23-0145-00	Vintage Club Dr. & Legacy Lane (Private Drive)	7/5/2007	Vintage Club Associates Ltd.	Yes

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FINAL DETERMINATION

Date: APR 19 2011

City of Montgomery, Ohio
R. Douglas Miller, Asst. Law Dir.
9079 Montgomery Road
Cincinnati, Ohio 45242

Re: DTE No.: NE 4130
Auditor's No.: 07-282
County: Hamilton
School District: Sycamore City S.D.
Parcel Number(s): 603-0A23-0142-00
603-0A23-0076-00

This is the final determination of the Tax Commissioner on an application for exemption of real property from taxation filed on November 21, 2007. On December 20, 2006, the City of Montgomery passed Ordinance No. 28, 2006 as amended, creating an incentive district pursuant to Ohio Revised Code Section ("R.C.") 5709.40(C). The City filed the subject application on behalf of the property owners without the signatures or other written consent of the owners of the properties listed in the application.

The Tax Commissioner finds that 100% of the increase in the assessed valuation of the improvements is exempt pursuant to R.C. 5709.40 and in accordance with the provisions of the municipal ordinance. "Improvement" means the increase in the assessed value of any real property that would first appear on the tax list and duplicate of real and public utility property after the effective date of an ordinance adopted under R.C. 5709.40(C) were it not for the exemption granted by that ordinance.

The Tax Commissioner further finds that since the application was filed on behalf of the property owners without the written consent of those owners, the exemption is subject to limitations set forth in R.C. 5709.911 regarding other requests for exemption of the subject properties. If more than one real property tax exemption applies by law to property included in this application, this exemption shall be subordinate to an exemption granted under any other provision of the Revised Code unless provisions of R.C. 5709.911(B)(2) are satisfied.

Additionally, pursuant to R.C. 5709.913(F), the county auditor is hereby notified that a municipal corporation has applied for exemption for real property within an incentive district on behalf of the property owner and that the exemption has been granted under R.C. 5715.27.

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The Tax Commissioner therefore consents to the requested exemption and orders that 100% of the improvement of the real property described above be entered upon the list of property in said county which is exempt from taxation commencing in the first year in which an improvement first appears on the tax list and duplicate of real and public utility property and that begins after the effective date of the ordinance, and ending on the earlier of 30 years from such date of passage or the date on which the City can no longer require semiannual service payments in lieu of taxes, and with such limitations as comport with the provisions set forth in R.C. 5709.40, R.C. 5709.911, R.C. 5709.913, R.C. 5713.081, and the relevant municipal ordinance.

THIS IS THE TAX COMMISSIONER'S FINAL DETERMINATION WITH REGARD TO THIS MATTER. NOTICE WILL BE SENT PURSUANT TO R.C. 5715.27 TO THE COUNTY AUDITOR. UPON EXPIRATION OF THE SIXTY-DAY APPEAL PERIOD PRESCRIBED BY R.C. 5717.02, THIS MATTER WILL BE CONCLUDED AND THE FILE APPROPRIATELY CLOSED.

I CERTIFY THAT THIS IS A TRUE AND ACCURATE COPY OF THE FINAL DETERMINATION RECORDED IN THE TAX COMMISSIONER'S JOURNAL


JOSEPH W. TESTA
TAX COMMISSIONER

/s/ Joseph W. Testa

Joseph W. Testa
Tax Commissioner

EXHIBIT

Exhibit C-1 is comprised of 105 single family residential lots located in the Vintage Club community described below:

Vintage Club Phase One (51 Lots)

Situated in Section 36, Town 5, Entire Range 1, Symmes Township, City of Montgomery, Hamilton County, Ohio and being all of Lots 1-2, 5-18, 23-29, 34-37, 39-62, of The Vintage Club Subdivision, Phase One, as recorded in Plat Book 406, Pages 14-17 of the Hamilton County, Ohio records.

Vintage Club Phase One-A (8 Lots)

Situated in Section 36, Town 5, Entire Range 1, Symmes Township, City of Montgomery, Hamilton County, Ohio and being all of Lots 3A-4A, 19A-22A, 33A, and 38A, of The Vintage Club Subdivision, Phase One-A, as recorded in Plat Book 411, Pages 15-18 of the Hamilton County, Ohio records, being a re-plat of lots 3-4, 19-22, 30, 33, 38, Open Space B, and part of the Private Right of Way of the Vintage Club Phase One as recorded in Plat Book 406, Pages 14-17 of the Hamilton County, Ohio records.

Vintage Club Phase One-B (3 Lots)

Situated in Section 36, Town 5, Entire Range 1, Symmes Township, City of Montgomery, Hamilton County, Ohio and being all of Lots 30B-32B, of The Vintage Club Subdivision, Phase One-B, as recorded in Plat Book 422, Pages 75-76 of the Hamilton County, Ohio records, being a re-plat of lots 31 and 32 of the Vintage Club Phase One as recorded in Plat Book 406, Pages 14-17, Hamilton County, Ohio records, and also being a re-plat of Lot 30A of the Vintage Club Phase One-A as recorded in Plat Book 411, Pages 15-18 of the Hamilton County, Ohio records.

Vintage Club Phase Two (18 Lots)

Situated in Section 36, Town 5, Entire Range 1, Symmes Township, City of Montgomery, Hamilton County, Ohio and being all of Lots 65-82, of The Vintage Club Subdivision, Phase Two, as recorded in Plat Book 409, Pages 17-18 of the Hamilton County, Ohio records.

Vintage Club Phase 2-A (2 Lots)

Situated in Section 36, Town 5, Entire Range 1, Symmes Township, City of Montgomery, Hamilton County, Ohio and being all of Lots 63A, and 64A, of The Vintage Club Subdivision, Phase 2-A, as recorded in Plat Book 414, Pages 96-97 of the Hamilton County, Ohio records, being a re-plat of Lots 63, 64, and Village Gate Drive of

the Vintage Club Phase Two as recorded in Plat Book 409, Page 17, of the Hamilton County, Ohio Records.

Vintage Club Phase Three (22 Lots)

Situated in Section 36, Town 5, Entire Range 1, Symmes Township, City of Montgomery, Hamilton County, Ohio and being all of Lots 83-95 and 97-105 of The Vintage Club Subdivision, Phase Three, as recorded in Plat Book 415, Pages 94-95 of the Hamilton County, Ohio records.

Vintage Club Phase 4 (1 Lot)

Situated in Section 36, Town 5, Entire Range 1, Symmes Township, City of Montgomery, Hamilton County, Ohio and being all of Lot 96A of The Vintage Club Subdivision, Phase Four, as recorded in Plat Book 419, Pages 61-62 of the Hamilton County, Ohio records, being a re-plat of Lot 96 of The Vintage Club Phase Three as recorded in Plat Book 415, Pages 94-95 of the Hamilton County, Ohio records.

EXHIBIT C-1

Exhibit C-1 is comprised of 105 single family residential lots located in the Vintage Club community described below:

Vintage Club Phase One (51 Lots)

Situated in Section 36, Town 5, Entire Range 1, Symmes Township, City of Montgomery, Hamilton County, Ohio and being all of Lots 1-2, 5-18, 23-29, 34-37, 39-62, of The Vintage Club Subdivision, Phase One, as recorded in Plat Book 406, Pages 14-17 of the Hamilton County, Ohio records.

Vintage Club Phase One-A (8 Lots)

Situated in Section 36, Town 5, Entire Range 1, Symmes Township, City of Montgomery, Hamilton County, Ohio and being all of Lots 3A-4A, 19A-22A, 33A, and 38A, of The Vintage Club Subdivision, Phase One-A, as recorded in Plat Book 411, Pages 15-18 of the Hamilton County, Ohio records, being a re-plat of lots 3-4, 19-22, 30, 33, 38, Open Space E, and part of the Private Right of Way of the Vintage Club Phase One as recorded in Plat Book 406, Pages 14-17 of the Hamilton County, Ohio records.

Vintage Club Phase One-B (3 Lots)

Situated in Section 36, Town 5, Entire Range 1, Symmes Township, City of Montgomery, Hamilton County, Ohio and being all of Lots 30B-32B, of The Vintage Club Subdivision, Phase One-B, as recorded in Plat Book 422, Pages 75-76 of the Hamilton County, Ohio records, being a re-plat of lots 31 and 32 of the Vintage Club Phase One as recorded in Plat Book 406, Pages 14-17, Hamilton County, Ohio records, and also being a re-plat of Lot 30A of the Vintage Club Phase One-A as recorded in Plat Book 411, Pages 15-18 of the Hamilton County, Ohio records.

Vintage Club Phase Two (18 Lots)

Situated in Section 36, Town 5, Entire Range 1, Symmes Township, City of Montgomery, Hamilton County, Ohio and being all of Lots 65-82, of The Vintage Club Subdivision, Phase Two, as recorded in Plat Book 409, Pages 17-18 of the Hamilton County, Ohio records.

Vintage Club Phase 2-A (2 Lots)

Situated in Section 36, Town 5, Entire Range 1, Symmes Township, City of Montgomery, Hamilton County, Ohio and being all of Lots 63A, and 64A, of The Vintage Club Subdivision, Phase 2-A, as recorded in Plat Book 414, Pages 96-97 of the Hamilton County, Ohio records, being a re-plat of Lots 63, 64, and Village Gate Drive of

the Vintage Club Phase Two as recorded in Plat Book 409, Page 17, of the Hamilton County, Ohio Records.

Vintage Club Phase Three (22 Lots)

Situated in Section 36, Town 5, Entire Range 1, Symmes Township, City of Montgomery, Hamilton County, Ohio and being all of Lots 83-95 and 97-105 of The Vintage Club Subdivision, Phase Three, as recorded in Plat Book 415, Pages 94-95 of the Hamilton County, Ohio records.

Vintage Club Phase 4 (1 Lot)

Situated in Section 36, Town 5, Entire Range 1, Symmes Township, City of Montgomery, Hamilton County, Ohio and being all of Lot 96A of The Vintage Club Subdivision, Phase Four, as recorded in Plat Book 419, Pages 61-62 of the Hamilton County, Ohio records, being a re-plat of Lot 96 of The Vintage Club Phase Three as recorded in Plat Book 415, Pages 94-95 of the Hamilton County, Ohio records.

June 1, 2017

TO: Wayne Davis, City Manager
FROM: Katie M. Smiddy, Finance Director *KMS*
SUBJECT: 2018 Tax Budget

REQUEST

In accordance with ORC Section 5705.28, each taxing authority must pass a resolution adopting a tax budget prior to July 15th and submit such tax budget to the County Auditor. It is necessary for City Council to consider 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.

FINANCIAL IMPACT

Failure to pass a Tax Budget before July 15 and submit a Tax Budget to the County Auditor before July 20 of each year may jeopardize the City's share of the Local Government Fund.

BACKGROUND

The Tax Budget requires the City to estimate revenues and expenditures for funds which derive revenues from real and personal property taxes.

The City of Montgomery has two (2) funds which derive money from property taxes: the General Fund and Fire Levy Fund. Detailed schedules for these funds have been included in the 2018 tax budget.

Assessed Valuation:

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

General Fund:

The General Fund collects 4.5 mills (3 mills inside, 1.5 mills outside) on real property. It is estimated at \$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 is 80% in 2017. 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 \$81,021,364 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 \$10,853,810 in 2018, as compared to \$10,596,334 in 2017. This is an increase of \$257,476, which can be attributed to increased allocations to capital equipment.

Transfers from the General Fund programmed for 2017 and estimated for 2018 are as follows:

Line Item	2017	2018
School Resource Officer	\$64,006	\$57,600
Environmental Impact Tax	\$45,000	\$33,000
Street Maintenance & Repair	\$575,000	\$650,000
Municipal Pool	\$15,000	\$15,000
Total	\$699,006	\$755,600

Fire Levy Fund:

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 2017 Fire Levy Fund are estimated at \$2,784,752, as compared to \$2,783,782 estimated for 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.

Other Operating Funds:

The other operating funds addressed in the 2018 Tax Budget are estimated to be continuations of current budget spending levels with adjustments made for healthcare and personnel costs by labor contracts.

Capital Projects Spending:

Capital spending is projected at \$3,125,000 being spent on permanent improvements. These projects were taken from the 2017-2021 Capital Improvement Program and are projects which were reviewed and approved by 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.

Debt Service:

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.

The City has not had any outstanding General Obligation Debt since 2014.

STAFF RECOMMENDATION

It is recommended that City Council hold a Public Hearing on the Tax Budget on June 21, 2017 to enable staff to report on the 2018 Tax Budget to City Council and members of the public.

It is recommended that City Council place this Resolution on the July 5, 2017, Business agenda for consideration that evening.

**City of Montgomery, Ohio
Hamilton County, Ohio
July 9, 2018**

This Budget must be adopted by the Council of Montgomery Ohio on or before July 15th, and two copie must be submitted to the County Auditor on or before July 20th. FAILURE TO COMPLY WITH SEC. 5705.28 R.C. SHALL RESULT IN LOSS OF LOCAL GOVERNMENT FUND ALLOCATION.

To the County Auditor of said County:

The following Budget year beginning January 1, 2018, has been adopted by Council and is herewith submitted for consideration of the County Budget Commission.

Signed
Katie M. Smiddy, Director of Finance

SCHEDULE A

**SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET COMMISSION,
AND COUNTY AUDITOR'S ESTIMATED RATES**

For Municipal Use	For Budget Commission Use			For County Auditor Use	
FUND	Budget Year Amount Requested of Budget Commission Inside/Outside	Budget Year Amount Approved Budget Commission 10 Mill Limitation	Budget Year Amount Derived From Levies Outside 10 Mill Limitation	County Auditor's Estimate of Tax Rate to be Levied	
				Inside 10 Mill Limit Budget Year	Outside 10 Mill Limit Budget Year
GOVERNMENT FUNDS					
GENERAL FUND	2,071,000				
FIRE LEVY FUND	1,804,584				
PROPRIETARY FUNDS					
FIDUCIARY FUNDS					
TOTAL ALL FUNDS	3,875,584				

FUND NAME: GENERAL FUND
 FUND TYPE/CLASSIFICATION: GOVERNMENTAL-GENERAL

DESCRIPTION	2015 Actual	2016 Actual	Current Year Estimated for 2017	Budget Year Estimated for 2018
REVENUES				
Local Taxes				
General Property Taxes-Real Estate	2,061,727	2,077,136	2,050,000	2,071,000
Tangible Personal Property Taxes	-	-	-	-
Municipal Income Taxes	6,424,913	6,719,027	6,341,758	6,405,176
Other Local Taxes	93	8	50	-
Total Local Taxes	8,486,733	8,796,171	8,391,808	8,476,176
Intergovernmental Revenues				
Local Government- State	31,401	14,752	15,750	15,750
Local Government- County	122,155	117,129	105,000	105,000
Estate Tax	17,062	-	-	-
Cigarette Tax	120	150	150	150
Liquor Tax	19,568	23,353	20,000	20,000
Property Tax Allocation	256,244	258,710	254,717	257,264
Other State Shared Taxes and Permits	-	-	-	-
Total State Shared Taxes and Permits	446,550	414,094	395,617	398,164
Federal Grants or Aid				
State Grants or Aid	-	-	-	-
Other Grants or Aid	1,589	-	2,000	2,000
Total Intergovernmental Revenues	448,139	414,094	397,617	400,164
Interest Income	100,077	97,046	85,000	85,000
Special Assessments	-	-	-	-
Building and Construction Permits	269,379	329,239	350,000	275,000
Charges for Services	382,276	354,159	364,849	365,782
Fines, Licenses and Permits	141,882	134,614	168,250	170,250
Miscellaneous Revenues	72,884	55,055	70,445	80,446
Other Financing Sources:				
Lease Payments	-	-	-	-
Transfers	16,139	-	1,126	141
Reimbursements	-	-	-	-
Other Sources	10,773	19,914	7,500	5,000
TOTAL REVENUES	9,928,282.00	10,200,292.00	9,836,595	9,857,959

FUND NAME: GENERAL FUND

FUND TYPE/CLASSIFICATION: GOVERNMENTAL-GENERAL

DESCRIPTION	2015 Actual	2016 Actual	Current Year Estimated for 2017	Budget Year Estimated for 2018
EXPENDITURES				
Security of Persons and Property				
Personal Services and Benefits	2,789,659	2,780,532	3,204,691	3,229,846
Travel Transportation	19,960	32,199	26,265	26,265
Contractual Services	225,281	250,230	367,611	334,916
Supplies and Materials	27,710	21,400	33,389	39,492
Capital Outlay	112,601	8,999	115,795	44,095
Total Security of Persons and Property	3,175,211	3,093,360	3,747,751	3,674,614
Public Health Services				
Personal Services and Benefits	-	-	-	-
Travel Transportation	-	-	-	-
Contractual Services	-	-	-	-
Supplies and Materials	54,936	55,415	58,179	58,440
Capital Outlay	-	-	-	-
Total Public Health Services	54,936	55,415	58,179	58,440
Leisure Time Activities				
Personal Services and Benefits	434,109	484,689	534,874	566,394
Travel Transportation	7,110	5,532	9,000	9,500
Contractual Services	280,145	334,949	372,613	368,254
Supplies and Materials	109,391	144,679	155,510	192,816
Capital Outlay	60,473	9,859	43,900	-
Total Leisure Time Activities	891,228	979,708	1,115,897	1,136,964
Community Environment				
Personal Services and Benefits	302,877	340,859	364,416	489,788
Travel Transportation	6,937	7,669	9,100	9,100
Contractual Services	270,999	348,026	455,400	295,200
Supplies and Materials	5,507	2,392	14,350	23,800
Capital Outlay	-	-	1,200	-
Total Community Environment	586,320	698,946	844,466	817,888
Basic Utility Services				
Personal Services and Benefits	-	-	-	-
Travel Transportation	-	-	-	-
Contractual Services	509,687	623,806	611,587	656,250
Supplies and Materials	-	-	-	-
Capital Outlay	-	-	-	-
Total Basis Utility Services	509,687	623,806	611,587	656,250

FUND NAME: GENERAL FUND
 FUND TYPE/CLASSIFICATION: GOVERNMENTAL-GENERAL

DESCRIPTION	2015 Actual	2016 Actual	Current Year Estimated for 2017	Budget Year Estimated for 2018
Public Works				
Personal Services and Benefits	476,532	500,276	671,525	693,155
Travel Transportation	4,534	3,907	4,500	4,500
Contractual Services	81,997	104,850	119,700	121,900
Supplies and Materials	10,353	6,456	16,050	10,600
Capital Outlay	5,592	-	-	-
Total Public Works	579,008	615,489	811,775	830,155
General Government				
Personal Services and Benefits	1,191,658	1,224,302	1,526,347	1,599,008
Travel Transportation	43,009	42,241	53,765	45,945
Contractual Services	1,084,627	956,055	1,011,711	1,191,496
Supplies and Materials	58,440	51,405	115,850	87,450
Capital Outlay	24,889	-	-	-
Total General Government	2,402,623	2,274,003	2,707,673	2,923,899
Total General Fd Before Other Uses	8,199,013	8,340,727	9,897,328	10,098,210
Debt Service				
Redemption of Principal				
Interest				
Total Debt Service				
Other Uses of Funds				
Transfers				
to Street Maintenance Fund	425,000	450,000	575,000	650,000
to Municipal Pool	-	15,000	15,000	15,000
to Downtown Improvement Fund	2,000,000	-	-	-
to General Bond Retirement	-	49,500	-	-
to School Resource Officer Fund	49,000	-	64,006	57,600
to Environmental Impact	20,000	25,500	45,000	33,000
Total Other Uses of Funds	2,494,000	540,000	699,006	755,600
Advances Out				
TOTAL EXPENDITURES	10,693,013	8,880,727	10,596,334	10,853,810
Revenues over/(under) Expenditures	(764,731)	1,319,565	(759,739)	(995,851)
Beginning Unencumbered Balance	13,988,889	13,224,158	14,543,723	13,783,984
Ending Cash Balance	13,224,158	14,543,723	13,783,984	12,788,133
Estimated Encumbrances (outstanding at year end)	180,489	266,923	200,000	244,000
Estimated Ending Unencumbered Fund Balance	13,043,669	14,276,800	13,583,984	12,544,133

FUND NAME: FIRE LEVY FUND
 FUND TYPE/CLASSIFICATION: GOVERNMENTAL-SPECIAL REVENUE FUND

DESCRIPTION	2015 Actual	2016 Actual	Current Year Estimated for 2017	Budget Year Estimated for 2018
REVENUES				
Real Estate				
Real Estate Property Tax	1,740,492	1,752,971	1,786,717	1,804,584
Personal Property Tax	-	-	-	-
Property Tax Allocation	218,745	205,638	212,364	214,488
Other	17,441	13,147	15,213	25,872
Interest	30,230	19,688	23,000	17,700
EMS Fees	145,402	173,114	125,000	125,000
Total Real Estate Taxes	2,152,310	2,164,558	2,162,294	2,187,644
Transfer from General Fund				
Miami Conservancy	-	-	-	-
Charter Fire Force	-	-	-	-
Proceeds From Debt				
Charter Fire Force	-	-	-	-
TOTAL REVENUES	2,152,310	2,164,558	2,162,294	2,187,644
EXPENDITURES				
Personal Services and Benefits	1,852,903	1,984,660	2,269,738	2,373,690
Travel Transportation	17,033	23,720	31,950	36,977
Contractual Services	239,533	213,518	270,200	279,114
Supplies and Materials	12,430	11,513	20,150	20,600
Capital Outlay	42,683	110,807	191,744	74,371
	-	-	-	-
	-	-	-	-
TOTAL EXPENDITURES	2,164,582	2,344,218	2,783,782	2,784,752
Revenues over/(under) Expenditures	(12,272)	(179,660)	(621,488)	(597,108)
Beginning Unencumbered Balance	4,339,866	4,327,594	3,887,109	3,265,621
Ending Cash Balance	4,327,594	3,887,109	3,265,621	2,668,513
Estimated Encumbrances (outstanding at year end)	48,923	99,282	30,000	30,000
Estimated Ending Unencumbered Fund Balance	4,278,671	3,787,827	3,235,621	2,638,513

FUND NAME:
 FUND TYPE/CLASSIFICATION: GOVERNMENTAL-SPECIAL REVENUE FUND

DESCRIPTION	2015 Actual	2016 Actual	Current Year Estimated for 2017	Budget Year Estimated for 2018
REVENUES				
Local Taxes				
General Property Taxes-Real Estate				
Tangible Personal Property Taxes				
Total Local Taxes			-	-
Charges for Services				
Interest Income				
Transfers from				
TOTAL REVENUES	-	-	-	-
EXPENDITURES				
Personal Services and Benefits				
Travel Transportation			-	-
Contractual Services				
Supplies and Materials				
Capital Outlay				
TOTAL EXPENDITURES	-	-	-	-
Revenues over/(under) Expenditures	-	-	-	-
Beginning Unencumbered Balance	-	-	-	-
Ending Cash Balance	-	-	-	-
Estimated Encumbrances (outstanding at year end)	-	-	-	-
Estimated Ending Unencumbered Fund Balance	-	-	-	-

STATEMENT OF PERMANENT IMPROVEMENTS

DESCRIPTION	Estimated Cost of Permanent Improvements	Amount to be Budgeted During Current Year	Name of Paying Fund
City Parks			
Parking Lot Repairs/Striping	\$12,500	\$12,500	Capital Improvement Fund
Asphalt Path Repairs	\$12,500	\$12,500	Capital Improvement Fund
Resurface Tennis Courts	\$0	\$0	Capital Improvement Fund
Resurface Basketball Courts	\$10,000	\$10,000	Capital Improvement Fund
Replacement & Relocation of Greenhouse	\$75,000	\$75,000	Capital Improvement Fund
Swaim and Terwilliger Lodges		\$0	
Building Repair and Maintenance	\$5,000	\$5,000	Capital Improvement Fund
Staining/Sealing deck	\$0	\$0	Capital Improvement Fund
HVAC Replacement	\$0	\$0	Capital Improvement Fund
Special Events		\$0	
Sound System	\$0	\$0	Capital Improvement Fund
Public Works Administration		\$0	
Upgrades to Council Chambers	\$100,000	\$100,000	Capital Improvement Fund
Replace Carpet at City Hall	\$35,000	\$35,000	Capital Improvement Fund
Community & Information Services	\$0	\$0	
Replace Network Cabling	\$0	\$0	Capital Improvement Fund
Police Department			
Cruiser Carport	\$0	\$0	Capital Improvement Fund
Street Maintenance and Repair			Capital Improvement Fund
Annual Resurfacing	\$950,000	\$950,000	Capital Improvement Fund
Asphalt Surface Treatments	\$125,000	\$125,000	Capital Improvement Fund
Crack Sealing Program	\$75,000	\$75,000	Capital Improvement Fund
Curb Repairs	\$50,000	\$50,000	Capital Improvement Fund
Contingencies	\$30,000	\$30,000	Capital Improvement Fund
Sidewalk Repairs	\$42,000	\$42,000	Capital Improvement Fund
Small Drainage Projects	\$85,000	\$85,000	Capital Improvement Fund
Sidewalk Install Btw Montgomery & Weller	\$0	\$0	Capital Improvement Fund
Sidewalk Construction Ross	\$0	\$0	Capital Improvement Fund
Guardrail Repair/Replace	\$25,000	\$25,000	Capital Improvement Fund
Renovation of Public Works Facility	\$1,000,000	\$1,000,000	Capital Improvement Fund
Jolain Drive Storm Water Project		\$0	Capital Improvement Fund
Municipal Pool		\$0	
Basketball Court	\$0	\$0	Capital Improvement Fund
Water Feature	\$0	\$0	Capital Improvement Fund
Main Pump	\$0	\$0	Capital Improvement Fund
Vintage Club North or GRA	\$450,000	\$450,000	Tax Increment Financing
Urban Redevelopment Fund	\$0	\$0	
Heritage District Pedestrian Improvements	\$15,000	\$15,000	Urban Redevelopment Fund
Streetscape Fill-in Projects	\$20,000	\$20,000	Urban Redevelopment Fund
Public Common Area Construction	\$0	\$0	Urban Redevelopment Fund
Cemetery Expendable Trust		\$0	
Asphalt Road and Curb Repairs	\$4,000	\$4,000	Capital Improvement Fund
Sealing of Asphalt Walking Paths	\$4,000	\$4,000	Capital Improvement Fund
TOTAL PERMANENT IMPROVEMENTS	\$3,125,000	\$3,125,000	
Break Down by Name of Paying Fund			
Capital Improvement Fund	\$2,640,000	\$2,640,000	
Tax Increment Financing	\$450,000	\$450,000	
Urban Redevelopment Fund	\$35,000	\$35,000	
Total of all Funds	\$3,125,000	\$3,125,000	

COUNTY AUDITOR'S ESTIMATE
 Tax Levies and Rates for
 Assessed Valuation \$ _____

	Amount Approved By Budget Commission	County Auditor's Estimate of Rate in Mills
LEVIES WITH IN 10 MILL LIMITATION		
COUNTY		
TOWNSHIP		
SCHOOL		
VILLAGE		
CITY		
TOTAL		
LEVIES OUTSIDE 10 MILL LIMITATION		
COUNTY		
TOWNSHIP		
SCHOOL		
VILLAGE		
CITY		
STATE		
TOTAL		
TOTAL LEVY FOR ALL PURPOSES		

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:

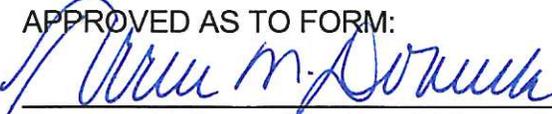
SECTION 1. The Council hereby adopts the tax budget proposed for 2018 in the form in which it has been proffered to this Council by the Finance Department, a copy of which is attached hereto and included herein by reference. In further conformity with Section 5705.30 of the Revised Code, the budget shall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

June 16, 2017

TO: Wayne Davis, City Manager

FROM: Brian Riblet, Public Works Director *BR*

SUBJECT: Jolain Drive Stormwater Sewer Project Legislative Request

Request

It is necessary for City Council to adopt a Resolution Authorizing the City Manager to enter into a contract with Brunk Excavating Inc., to complete the Jolain Drive Stormwater Sewer Project.

Financial Impact

The Jolain Drive Stormwater Sewer 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 Stormwater Sewer Project be approved for funding in the amount of \$172,000.00.

Background

Staff began working with residents from Jolain Drive in October 2011 regarding stormwater drainage concerns and potential solutions that would result in a positive impact for this area (see attached memo providing a chronology of discussion and events). 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 property owners granting public easement rights to the City of Montgomery and all seven (7) property owners participating financially through a special assessment to cover the cost of one of the 24" storm pipes associated with the project.

Staff received a total of four (4) bids for this project. The lowest and best bid received was provided by Brunk Excavating Inc. A complete summary of the four (4) companies that submitted a bid is attached.

<u>Contractor</u>	<u>Bid Amount</u>
Brunk Excavating Inc.	\$160,430.00
The Gertz Company	\$188,569.20
Ford Development Corporation	\$253,030.00
Majors Enterprises, Inc.	\$293,392.00
Engineer's Estimate	\$194,690.00

Recommendation

Staff has reviewed the bids received and determined that the bid received from Brunk Excavating Inc. is the lowest and best bid received for the Jolain Drive Stormwater Sewer Project.

Staff recommends that City Council adopt legislation to authorize City Manager Wayne Davis to enter into a contract with Brunk Excavating Inc. to complete the Jolain Drive Stormwater Sewer Project in the amount of \$172,000.00.

The amount of the recommendation includes \$11,570.00 in project contingency funding or approximately 7% of the bid amount.

If there are any questions or if additional information is required, please do not hesitate to contact me.

Attachments – October 7, 2016 Memo
Bid Tabulation

October 7, 2016

TO: Wayne Davis, City Manager

FROM: Brian Riblet, Public Works Director 

REF: Jolain Drive Storm Water (7775 to 7885)

Background

The purpose of this memo is to provide a chronology of the Jolain Drive storm water discussions that began in October 2011 when a resident of Jolain Drive first contacted the City of Montgomery with concerns of storm water in his back yard. The nature of the concern from this resident was at times when heavy or sustained rainfalls occur it creates a large and rapid movement of water above ground in the rear of the property.

City staff began reviewing the issue and solicited a proposal from CDS Associates, Inc. to complete a drainage study at an estimated fee of \$17,000 to \$21,000 for the area in question to include: establishing a tributary drainage area, locating existing storm pipes and preparing a topographic survey of the existing drainage swale and storm pipes in the back yards of the project scope area.

The information and proposal was discussed at the Public Works Committee of Council on November 11, 2011 and authorization was given to CDS Associates, Inc. to proceed with the drainage study.

On January 10, 2012 CDS Associates, Inc. provide the results of the drainage study which indicated the storm drainage along the rear yards of 7775 to 7885 Jolain Drive is collected and conveyed under Jolain Drive by a 54" diameter concrete storm pipe located on 7875/7885 Jolain Drive. A drainage swale is evident from 7775 to 7815 Jolain Drive at which point a portion of the drainage water is collected at a headwall and conveyed by a 12" concrete storm pipe to the 54" concrete storm pipe. The rest of the drainage does not maintain a channel but travels over the land.

In the late 1970's a channel improvement was proposed and some channel construction easements were acquired for a 5' wide bottom within a 20' wide channel easement. Channel easements were only recorded on seven of the twelve properties. This information was discussed at the Public Works Committee of Council on January 17, 2012.

City staff continued to research and study the drainage area and worked with Law Director, Terry Donnellon on the issue. Mr. Donnellon prepared a memo with this information being discussed at the April 17, 2012 Public Works Committee of Council.

Mr. Donnellon's memo including: a review of the drainage study conducted by CDS Associates, Inc. already mentioned above, history of the project scope area was reviewed as City staff was able to find records dating back to 1794 with the City addressing the same storm water issue.

At that time the City's engineer prepared a cost estimate to address drainage complaints by installing a large storm pipe from 7775 to 7875 Jolain Drive at an estimated cost of \$112,000 but this project was never completed. In 1978 the City again studied the project scope area with engineers proposing two options to address storm drainage issues. Plan A to reopen the Jolain Drive drainage channel which had been filled in through the years by the various property owners at an estimated cost of \$100,000 or Plan B to install a storm pipe estimated at \$200,000. City Council declined Plan B but offered to pay for Plan A and give the residents the option to pay the difference for Plan B through a special assessment. In order to proceed the City of Montgomery needed to secure the easement rights however three of the residents refused the option therefore the City declined to go any further with the project without cooperation of all property owners.

Mr. Donnellon's memo continued with a legal opinion that the City has immunity from civil liability for damages arising from governmental operations under Chapter 2744 of the Revised Code. Since the City has never made the decision to intervene to design and construct a storm system we have immunity from any damage caused within or by this storm drainage channel and cannot be required to intervene because of potential liability.

And finally, Mr. Donnellon's memo outline potential options moving forward with a public/private partnership first discussed in the 1970's appearing to be the most logical and one the Public Works Committee of Council seemed to be supportive of with the key being agreement of all property owners to provide the necessary easements and some level of participation in the overall project costs.

City staff never lost sight of the issue and continued discussions with the residents of Jolain Drive as well as efforts to find solutions resulting in a positive impact on storm drainage in the area.

In April 2014, Public Works staff reconstructed a concrete spillway located at 7875 Jolain Drive at a cost of \$2,500.

In July 2014, Public Works staff installed a fence on the headwall located at 7875 Jolain Drive at a cost of \$500.

In October 2014, CDS Associates, Inc. was authorized to conduct a pond analysis at a cost of \$1500 for 10011 Zig Zag Road to identify existing impacts to the drainage area and possible solutions to positively impact the drainage area. An option to raise the pond storage elevation and to lower the water surface elevation was studied and it was determined the potential additional volume would not approach a volume that would make this option feasible.

Again, City staff never lost sight of the issue and continued discussion with residents of Jolain Drive.

In 2015 and 2016, Public Works staff were called to the project scope area on several occasions to investigate and make repairs to the existing 12" concrete pipe. Staff solicited Tele-Vac Inc. to video the 12" concrete pipe and found that there were multiple areas where the storm pipe had separations and other deficiencies.

Public Works staff also began researching and evaluating other potential solutions the storm drainage issue and only July 6, 2016, Wayne Davis, Brian Riblet and Gary Heitkamp met with residents of Jolain Drive to discuss and review potential options for consideration including:

- Reconstruction of the drainage swale with a 5' wide bottom and 20' channel easement at an estimated cost of \$140,000 to \$190,000
- Construction and installation of a 48" storm pipe along the back property lines at an estimated cost of \$240,000 to \$290,000
- Removal of existing 12" concrete pipe and installing dual 24" storm pipes at an estimated overall cost of \$175,000 with a public/private partnership approach to include:
 - All impacted property owners to grant any necessary easement required,
 - Financial participation by each homeowner to divide the estimated \$50,000 cost to install the second 24" storm pipe with a potential assessment option,
 - Confirmation by all property owners that this proposed solution is not a 100% guarantee that their homes would never be impacted.

This proposed solution was shared with all seven property owners within the project scope and all are supportive of this approach.

In August, 2016 City staff programmed funds in the 261.000.5470 (\$100,000) and the 228.000.5401 (\$75,000) accounts for consideration by City Council to be included in the 2017 City of Montgomery budget.

Recommendation

City staff respectfully requests the Public Works Committee of Council authorization to continue to work with the residents of Jolain Drive in pursuing the proposed storm drainage project to remove the existing 12" concrete storm pipe and installing dual 24" storm pipes at an estimated overall cost of \$175,000 with a public/private approach as indicated above and to continue consideration of the proposed budget funds included in the 2017 requests.

City staff would also pursue potential grant opportunities through the Hamilton County Storm Water District (HCSWD) for funds that may assist in subsidizing the proposed storm water project.

Should you have any questions please contact me.

Attachments:

- CDS Drainage Study – January 10, 2012
- Terry Donnellon Memo – April 12, 2012
- Exhibit A – Jolain Drive 20' Swale Easement
- Exhibit B – Jolain Drive 8' Drainage Easement
- Exhibit C – 1974 Proposed Solution
- Exhibit D – 1979 Memo from Law Director
- Exhibit E - 1993 Resolution
- CDS Pond Analysis – October 29, 2014
- Proposed Dual 24" Pipe Solution Plan Sheet
- Preliminary Estimate of Construction Cost
- Assessment Process

CITY OF MONTGOMERY JOLAIN DRIVE STORM DRAINAGE PROJECT							DATE: 6/9/17							
Item No.	Spec. No.	Item	Estimated Quantity	Unit of Measure	ENGINEER'S ESTIMATE		BRUNK EXCAVATING		THE GERTZ COMPANY		FORD DEVELOPMENT		MAJORS ENTERPRISES	
					Unit Cost Total	Item Cost	Unit Cost	Item Cost	Unit Cost	Item Cost	Unit Cost	Item Cost	Unit Cost	Item Cost
Base Bid														
1	201	CLEARING AND GRUBBING	1	LS	\$10,000.00	\$10,000.00	\$ 2,750.00	\$ 2,750.00	\$ 2,100.00	\$ 2,100.00	\$ 14,400.00	\$ 14,400.00	\$ 2,500.00	\$ 2,500.00
2	202	FENCE REMOVED FOR REUSE (WOODEN SPLIT RAIL)	120	FT	\$10.00	\$1,200.00	\$ 6.00	\$ 720.00	\$ 10.00	\$ 1,200.00	\$ 1.00	\$ 120.00	\$ 10.00	\$ 1,200.00
3	202	FENCE REMOVED (AND DISPOSED OF)	10	FT	\$10.00	\$100.00	\$ 11.00	\$ 110.00	\$ 10.00	\$ 100.00	\$ 1.00	\$ 10.00	\$ 15.00	\$ 150.00
4	202	STRUCTURE REMOVED: PRE-CAST CONCRETE HEADWALL	1	EA	\$600.00	\$600.00	\$ 250.00	\$ 250.00	\$ 408.00	\$ 408.00	\$ 50.00	\$ 50.00	\$ 1,500.00	\$ 1,500.00
5	202	STRUCTURE REMOVED: CONCRETE RAMP AT EX. HEADWALL, INCLUDING SAWCUT (MAINTAIN EXISTING HEADWALL)	70	SF	\$25.00	\$1,750.00	\$ 20.00	\$ 1,400.00	\$ 10.00	\$ 700.00	\$ 1.00	\$ 70.00	\$ 20.00	\$ 1,400.00
6	202	PIPE REMOVED: 12" DIAMETER, INCLUDING PLUGGING DOWNSTREAM END WITH CONCRETE	630	LF	\$8.00	\$5,040.00	\$ 5.00	\$ 3,150.00	\$ 5.00	\$ 3,150.00	\$ 1.00	\$ 630.00	\$ 35.00	\$ 22,050.00
7	202	CATCH BASIN REMOVED	2	EA	\$500.00	\$1,000.00	\$ 150.00	\$ 300.00	\$ 150.00	\$ 300.00	\$ 25.00	\$ 50.00	\$ 250.00	\$ 500.00
8	203	EXCAVATION (TRENCH FOR DUAL PIPE INSTALLATION), TO BE HAULED OFF SITE AND PROPERLY DISPOSED OF	420	CY	\$20.00	\$8,400.00	\$ 25.00	\$ 10,500.00	\$ 91.00	\$ 38,220.00	\$ 20.00	\$ 8,400.00	\$ 65.00	\$ 27,300.00
9	601	REINFORCED CONCRETE SLAB (CONCRETE RAMPS AT HEADWALLS) (CLASS QC-1 - 6" THICK WITH REINFORCING WIRE MESH)	320	SF	\$25.00	\$8,000.00	\$ 15.00	\$ 4,800.00	\$ 17.00	\$ 5,440.00	\$ 10.00	\$ 3,200.00	\$ 11.00	\$ 3,520.00
10	605	6" UNCLASSIFIED PIPE UNDERDRAIN, AS PER PLAN (ODOT 707.31)	620	LF	\$15.00	\$9,300.00	\$ 8.00	\$ 4,960.00	\$ 2.85	\$ 1,767.00	\$ 10.00	\$ 6,200.00	\$ 25.00	\$ 15,500.00
11	607	FENCE (WOODEN SPLIT RAIL REINSTALLED)	120	FT	\$25.00	\$3,000.00	\$ 15.00	\$ 1,800.00	\$ 20.00	\$ 2,400.00	\$ 10.00	\$ 1,200.00	\$ 20.00	\$ 2,400.00
12	611	24" CONDUIT, TYPE C (PVC SDR-35 SOLID WALL PIPE, ODOT 707.48), AS PER PLAN	1,240	LF	\$70.00	\$86,800.00	\$ 66.00	\$ 81,840.00	\$ 66.08	\$ 81,939.20	\$ 135.00	\$ 167,400.00	\$ 128.00	\$ 158,720.00
13	611	24" DIA. 22.5-DEGREE BEND (PVC SDR-35 SOLID-WALL PIPE)	8	EA	\$500.00	\$4,000.00	\$ 1,300.00	\$ 10,400.00	\$ 950.00	\$ 7,600.00	\$ 1,500.00	\$ 12,000.00	\$ 2,000.00	\$ 16,000.00
14	611	*4" CONDUIT, DOWNSPOUT COLLECTOR LINE (PVC) AND INSERT-TEE CONNECTION (OR APPROVED EQUAL)	6	LOC.	\$600.00	\$3,600.00	\$ 250.00	\$ 1,500.00	\$ 385.00	\$ 2,310.00	\$ 100.00	\$ 600.00	\$ 100.00	\$ 600.00
15	611	*6" CONDUIT, DOWNSPOUT COLLECTOR LINE (PVC) AND INSERT-TEE CONNECTION (OR APPROVED EQUAL)	2	LOC.	\$800.00	\$1,600.00	\$ 275.00	\$ 550.00	\$ 400.00	\$ 800.00	\$ 150.00	\$ 300.00	\$ 150.00	\$ 300.00
16	611	HEADWALL AT #7815 JOLAIN DRIVE, AS PER PLAN	1	EA	\$8,000.00	\$8,000.00	\$ 4,000.00	\$ 4,000.00	\$ 11,820.00	\$ 11,820.00	\$ 10,000.00	\$ 10,000.00	\$ 12,750.00	\$ 12,750.00
17	611	HEADWALL AT #7875 JOLAIN DRIVE, AS PER PLAN	1	EA	\$12,000.00	\$12,000.00	\$ 4,000.00	\$ 4,000.00	\$ 9,868.00	\$ 9,868.00	\$ 10,000.00	\$ 10,000.00	\$ 12,750.00	\$ 12,750.00
18	611	CATCH BASIN (CB 2-2B),AS PER PLAN	5	EA	\$3,000.00	\$15,000.00	\$ 2,500.00	\$ 12,500.00	\$ 1,585.00	\$ 7,925.00	\$ 1,500.00	\$ 7,500.00	\$ 1,250.00	\$ 6,250.00
19	614	MAINTAINING TRAFFIC	1	LS	\$1,500.00	\$1,500.00	\$ 5,000.00	\$ 5,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 500.00	\$ 500.00
20	623	CONSTRUCTION LAYOUT STAKES	1	LS	\$5,000.00	\$5,000.00	\$ 2,500.00	\$ 2,500.00	\$ 1,000.00	\$ 1,000.00	\$ 3,000.00	\$ 3,000.00	\$ 2,202.00	\$ 2,202.00
21	653	*TOPSOIL FURNISHED AND PLACED (THIS ITEM IS ONLY TO BE USED IF REUSE OF EXISTING EXCAVATED MATERIAL IS INSUFFICIENT)	50	CY	\$40.00	\$2,000.00	\$ 32.00	\$ 1,600.00	\$ 65.00	\$ 3,250.00	\$ 50.00	\$ 2,500.00	\$ 10.00	\$ 500.00
22	659	SEEDING AND MULCHING	2,000	SY	\$2.00	\$4,000.00	\$ 1.50	\$ 3,000.00	\$ 1.15	\$ 2,300.00	\$ 1.00	\$ 2,000.00	\$ 2.00	\$ 4,000.00
23	660	SODDING, UNSTAKED (FLOWLINE)	400	SY	\$7.00	\$2,800.00	\$ 7.00	\$ 2,800.00	\$ 7.43	\$ 2,972.00	\$ 6.00	\$ 2,400.00	\$ 2.00	\$ 800.00
ENGINEER'S OPINION OF PROBABLE CONSTRUCTION COST=						\$194,690.00	\$ 160,430.00		\$ 188,569.20		\$ 253,030.00		\$ 293,392.00	

* DENOTES CONTINGENCY ITEM - USE ONLY AT THE DISCRETION OF THE ENGINEER OR CITY REPRESENTATIVE

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

June 16, 2017

TO: Wayne Davis, City Manager

FROM: Brian Riblet, Public Works Director *BR*

SUBJECT: City of Cincinnati (GCWW) Pavement Restoration Agreement
Legislative Request

Request

It is necessary for City Council to adopt a Resolution Authorizing the City Manager to enter into an Agreement with the City of Cincinnati operating through Greater Cincinnati Water Works (GCWW), for Pavement Restoration.

Financial Impact

If authorized, the City of Montgomery would enter into a Pavement Restoration Agreement with the City of Cincinnati 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 for review by City Council.

Background

Staff has worked with GCWW over the past 18 months to coordinate a proposed water line and fire hydrant replacement project for the following streets:

Street	From	To
Weller Road	Thistlewood Court	Indianwoods Drive
Indianwoods Drive	Weller Road	Terminus
Brandywine Lane	South Terminus	North Terminus
Merrick Lane	South Terminus	North Terminus
Turtle Creek Drive	Indianwoods Drive	Terminus

GCWW anticipates completing this project in the late summer/early fall of 2017 and will make trench restorations per City standards. Staff would add these streets to the 2018 Annual Street Resurfacing Program and the streets would be asphalt resurfaced at that time. The City of Montgomery would oversee the project and, upon completion, invoice the City of Cincinnati for reimbursement.

Recommendation

Staff recommends that City Council adopt legislation to authorize City Manager Wayne Davis to enter into an Agreement with the City of Cincinnati operating through GCWW for Pavement Restoration in the amount of \$247,289.63

If there are any questions or if additional information is required, please do not hesitate to contact me.

Attachment – Pavement Restoration Agreement

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

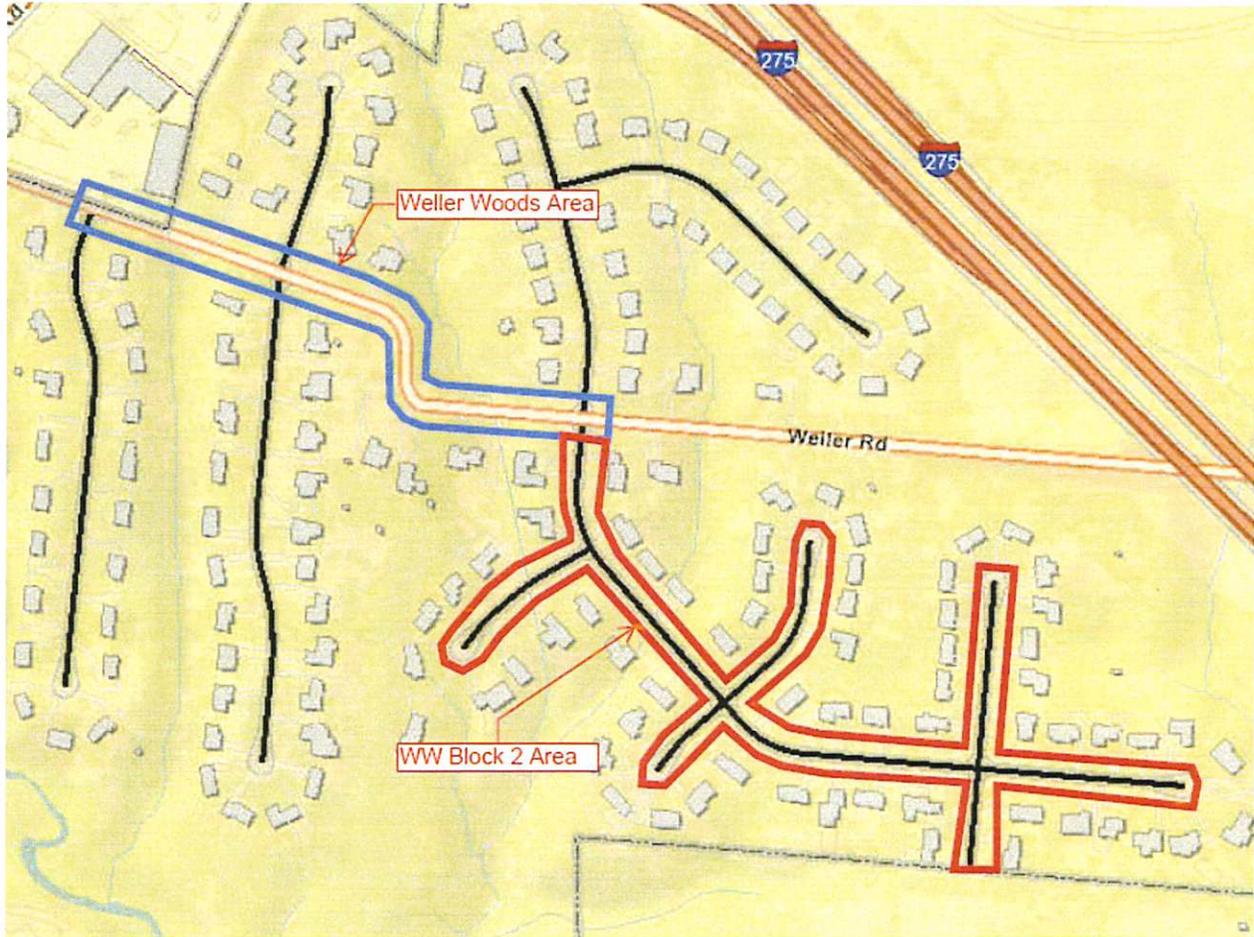
CERTIFICATION OF FUNDS:

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	LG	\$5,000.00	\$5,000.00
6	604	1" 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	OPL	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	1" MANHOLE ADJUSTED TO GRADE	22	EA	\$700.00	\$15,400.00
23	644	STOP LINE, 24" WHITE	72	FT	\$8.00	\$576.00
24	OPL	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% CONTINGENCY: \$247,289.63

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.

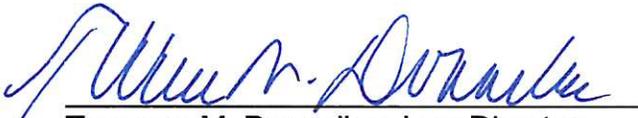
SECTION 4. This Resolution shall be in full force and effect from and after its passage.

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Christopher P. Dobrozsi, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director

June 16, 2017

TO: Wayne Davis, City Manager

FROM: Brian Riblet, Public Works Director *BKR*

SUBJECT: Ross Avenue Sidewalk and Stormwater Drainage Project Legislative Request

Request

It is necessary for City Council to consider adopting a Resolution Authorizing the City Manager to enter into a contract with Ohio Heavy Equipment Leasing, LLC, d/b/a Loveland Excavating and Paving to complete the Ross Avenue Sidewalk and Stormwater Drainage Project.

Financial Impact

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.

Background

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 they indicated concerns 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. Staff applied for grant funding in 2016 through the Ohio Public Works Commission (OPWC) to assist in subsidizing the project but was unsuccessful. The project was ultimately included in the 2017 Capital Improvement Budget as indicated above.

Staff received a total of two (2) bids for this project. The lowest and best bid was provided by Ohio Heavy Equipment Leasing, LLC, d/b/a Loveland Excavating and Paving. A complete summary of the two (2) companies that submitted a bid is attached.

<u>Contractor</u>	<u>Bid Amount</u>
Ohio Heavy Equipment Leasing, LLC d/b/a Loveland Excavating and Paving	\$229,251.00
Ford Development	\$257,077.00

Engineer's Estimate

\$210,344.60

Recommendation

On Monday, June 12, 2017 staff reviewed the bids received with the Public Works Committee of City Council to discuss the bids received being higher than the Engineer's Estimate. The Public Works Committee of City Council motioned to move forward in the process with Ohio Heavy Equipment Leasing, LLC, d/b/a Loveland Excavating and Paving.

Staff requests that City Council adopt legislation to authorize City Manager Wayne Davis to enter into a contract with Ohio Heavy Equipment Leasing, LLC, d/b/a Loveland Excavating and Paving to complete the Ross Avenue Sidewalk and Storm Drainage Project in the amount of \$236,128.53.

The recommended amount includes \$6,877.53 in project contingency funding or 3% of the bid amount.

If there are any questions or if additional information is required, please do not hesitate to contact me.

Attachments – Bid Tabulation

CITY OF MONTGOMERY

ROSS AVENUE IMPROVEMENTS
Preliminary Opinion of Project Construction Cost

DATE: 5/19/17
 PROJECT: 15039101



Item No.	Spec. No.	Item	Estimated Quantity	Unit of Measure	Unit Cost Total	Item Cost	LOVELAND EXCAVATING		FORD DEVELOPMENT	
							Unit Cost	Item Cost	Unit Cost	Item Cost
DRAINAGE IMPROVEMENTS										
1	203	EXCAVATION FOR ROADWAY	88	CY	\$40.00	\$3,520.00	\$90.00	\$7,920.00	\$50.00	\$4,400.00
2	204	SUBGRADE COMPACTION	320	SY	\$2.00	\$640.00	\$9.00	\$2,880.00	\$1.00	\$320.00
3	204	PROOF ROLLING	2	HR	\$150.00	\$300.00	\$120.00	\$240.00	\$50.00	\$100.00
4	254	*PAVEMENT REMOVAL, INCLUDING SAWCUT	112	SY	\$40.00	\$4,462.22	\$52.00	\$5,824.00	\$10.00	\$1,120.00
5	254	PAVEMENT PLANING, ASPHALT CONCRETE, 2"	232	SY	\$5.00	\$1,157.78	\$12.00	\$2,784.00	\$10.00	\$2,320.00
6	304	*AGGREGATE BASE FOR SUBGRADE REPAIR	5	CY	\$70.00	\$369.60	\$155.00	\$775.00	\$50.00	\$250.00
7	441	ASPHALT CONCRETE SURFACE COURSE, TYPE 1, (448) PG 64-22 (2")	30	CY	\$220.00	\$6,600.00	\$455.00	\$13,650.00	\$300.00	\$9,000.00
8	301	ASPHALT CONCRETE BASE (8")	71	CY	\$165.00	\$11,715.00	\$317.00	\$22,507.00	\$225.00	\$15,975.00
9	609	TYPE 6 CURB, AS PER PLAN	1,004	LF	\$30.00	\$30,120.00	\$21.00	\$21,084.00	\$33.00	\$33,132.00
10	611	ODOT CATCH BASIN; NO. 3	1	EA	\$3,500.00	\$3,500.00	\$3,235.00	\$3,235.00	\$5,000.00	\$5,000.00
11	611	ODOT CATCH BASIN; NO. 3-A	1	EA	\$3,000.00	\$3,000.00	\$2,584.00	\$2,584.00	\$3,500.00	\$3,500.00
12	611	ODOT CATCH BASIN NO. 2-2A	1	EA	\$2,500.00	\$2,500.00	\$2,018.00	\$2,018.00	\$2,000.00	\$2,000.00
13	611	ODOT CATCH BASIN NO. 2-2B	4	EA	\$2,000.00	\$8,000.00	\$2,018.00	\$8,072.00	\$2,000.00	\$8,000.00
14	611	DBL GUTTER INLET, AS PER PLAN	1	EA	\$4,000.00	\$4,000.00	\$3,365.00	\$3,365.00	\$5,000.00	\$5,000.00
15	611	YARD DRAIN, AS PER PLAN	1	EA	\$1,000.00	\$1,000.00	\$1,489.00	\$1,489.00	\$1,000.00	\$1,000.00
16	611	CONVERT ODOT CATCH BASIN NO. 2-2B TO ODOT MANHOLE 3	1	EA	\$1,500.00	\$1,500.00	\$3,649.00	\$3,649.00	\$2,000.00	\$2,000.00
17	611	CONVERT ODOT CATCH BASIN NO. 2-2B TO ODOT CATCH BASIN NO. 3-A	1	EA	\$1,500.00	\$1,500.00	\$4,396.00	\$4,396.00	\$2,000.00	\$2,000.00

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

CITY OF MONTGOMERY

ROSS AVENUE IMPROVEMENTS
Preliminary Opinion of Project Construction Cost

DATE: 5/19/17
PROJECT: 15039101



Item No.	Spec. No.	Item	Estimated Quantity	Unit of Measure	Unit Cost Total	Item Cost	LOVELAND EXCAVATING		FORD DEVELOPMENT	
							Unit Cost	Item Cost	Unit Cost	Item Cost
18	611	8" CONDUIT, TYPE C; 707.33, 707.42	69	LF	\$20.00	\$1,380.00	\$39.00	\$2,691.00	\$60.00	\$4,140.00
19	611	10" CONDUIT TYPE C; 707.33, 707.42	33	LF	\$40.00	\$1,320.00	\$49.00	\$1,617.00	\$70.00	\$2,310.00
20	611	12" CONDUIT TYPE B; 707.33, 707.42	164	LF	\$100.00	\$16,400.00	\$54.00	\$8,856.00	\$130.00	\$21,320.00
21	611	15" CONDUIT TYPE B; 707.33, 707.42	92	LF	\$110.00	\$10,120.00	\$61.00	\$5,612.00	\$140.00	\$12,880.00
22	611	18" CONDUIT TYPE B; 707.33, 707.42	157	LF	\$120.00	\$18,840.00	\$63.00	\$9,891.00	\$150.00	\$23,550.00
23	611	RECONSTRUCT SANITARY MANHOLE TO GRADE BY REPLACING CONCENTRIC CONE WITH ECCENTRIC CONE; AS PER PLAN	3	EA	\$2,500.00	\$7,500.00	\$2,533.00	\$7,599.00	\$1,000.00	\$3,000.00
24	638	*FURNISHING, INSTALLING, AND CONNECTING 3/4" COPPER SERVICE PIPE	70	LF	\$60.00	\$4,200.00	\$85.00	\$5,950.00	\$20.00	\$1,400.00
DRAINAGE IMPROVEMENTS----SUBTOTAL						\$143,644.60		\$148,688.00		\$163,717.00
SIDEWALK										
25	452	7" NON REINFORCED CONCRETE FOR DRIVE APRON	110	SY	\$85.00	\$9,350.00	85.00	\$9,350.00	\$100.00	\$11,000.00
26	452	NON REINFORCED CONCRETE FOR DRIVE REPLACEMENT, AS PER PLAN	25	SY	\$80.00	\$2,000.00	151.00	\$3,775.00	\$100.00	\$2,500.00
27	608	WALKWAY MISC: 5" CONCRETE WALK, INCLUDING REMOVAL OF UNCLASSIFIED MATERIAL	4,825	SF	\$8.00	\$38,600.00	10.00	\$48,250.00	\$11.00	\$53,075.00
28	401	ASPHALT DRIVEWAY REPLACEMENT, AS PER PLAN	70	SY	\$75.00	\$5,250.00	129.00	\$9,030.00	\$50.00	\$3,500.00

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

CITY OF MONTGOMERY

ROSS AVENUE IMPROVEMENTS
Preliminary Opinion of Project Construction Cost

DATE: 5/19/17
 PROJECT: 15039101



Item No.	Spec. No.	Item	Estimated Quantity	Unit of Measure	Unit Cost Total	Item Cost	LOVELAND EXCAVATING		FORD DEVELOPMENT	
							Unit Cost	Item Cost	Unit Cost	Item Cost
29	608	9" CURB RAMP, COMPLETE, AS PER PLAN, INCLUDING SAW CUTTING, EXCAVATION, DISPOSAL OF MATERIAL, BACKFILL, BASE COURSE MATERIAL, REINFORCING STEEL, EXPANSION JOINT MATERIAL, GRADING, FORMING, ALL MATERIALS, FINISHING OF CURB & WALK OF RAMP, RESTORATION, INSTALLATION OF TRUNCATED DOMES, DETECTABLE WARNING INSERTS, RAMP CURBING, AND INCIDENTALS NECESSARY TO COMPLETE THE SPECIFIED ITEMS	25	SF	\$100.00	\$2,500.00	121.00	\$3,025.00	\$30.00	\$750.00
SIDEWALK----SUBTOTAL						\$57,700.00		\$73,430.00		\$70,825.00
MISCELLANEOUS										
30	614	MAINTENANCE OF TRAFFIC	1	LS	\$5,000.00	\$5,000.00	2,000.00	\$2,000.00	\$17,690.00	\$17,690.00
31	623	CONSTRUCTION LAYOUT STAKES	1	LS	\$4,000.00	\$4,000.00	5,133.00	\$5,133.00	\$4,845.00	\$4,845.00
MISCELLANEOUS----SUBTOTAL						\$9,000.00		\$7,133.00		\$22,535.00
CONSTRUCTION TOTAL						\$210,344.60		\$229,251.00		\$257,077.00

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

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.

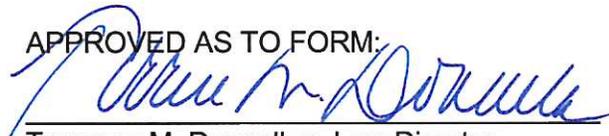
SECTION 3. This Resolution shall be in full force and effect from and after its passage.

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Christopher P. Dobrozsi, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director

TO: Mayor Chris Dobrozi
Members of City Council

FROM: Terrence M. Donnellon

RE: Stormwater Improvements in the
Montgomery Woods Subdivision

DATE: June 14, 2017

Several years ago the City annexed a portion of the Montgomery Woods subdivision constructed within Sycamore Township. The subdivision as developed was split between the City of Montgomery and Sycamore Township.

The plat for the subdivision recorded at Plat Book 202, Page 79-A of the Official Records of Hamilton County, Ohio noted a stormwater easement running across and through Auditor's parcel numbers 603-0026-0050, 0051 and 0052, being parcels 33, 34 and 35 of the Montgomery Woods subdivision, Block D.

The portion of the stormwater improvements as constructed in Sycamore Township were properly accepted by the County. However, that portion of the improvements located within the City of Montgomery were not accepted on the plat before recording. As mentioned, the entire subdivision is now within the City of Montgomery.

The Public Works Department has inspected the sewer line and determined that it has been engineered and maintained according to City specifications. To clear up this oversight, this Ordinance will accept the improvements as located within the City of Montgomery. While that portion of the improvements which were not properly accepted run across Lots 33 and 34, it is prudent to acknowledge the entire sewer line as built runs across Lots 33, 34 and 35 connecting to Lakewater Drive near Valley Stream.

Once this Ordinance has been accepted a certified copy will be recorded to clarify this oversight from the developer.

Respectfully submitted,



Terrence M. Donnellon,
Law Director

TMD/lld
Enclosure

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

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.

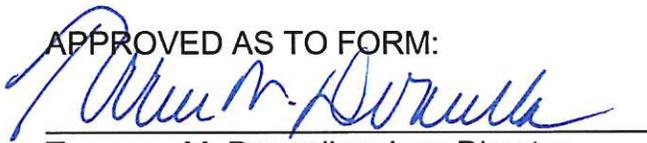
SECTION 5. This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Christopher P. Dobrozsi, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director

The City of Montgomery Trustee of Unimproved Property
 The City of Montgomery Trustee of Unimproved Property
 The City of Montgomery Trustee of Unimproved Property

ENGINEER: JOHN R. SANSALONE & CO.
 107 S. MARSHALL AVENUE
 CINCINNATI, OHIO 45229

Montgomery Woods Subdivision
 BLOCK C
 23 1/3 2 1/3 1/3



DEDICATION PLAT
 CORNELL RD. LAKEWATER DR.
 & VALLEYSIDE DR.

BLOCK D
 MONTGOMERY WOODS SUBDIVISION
 SECTION 5, TOWN 4, S22 RANGE 2W
 CITY OF MONTGOMERY - HAMILTON COUNTY, OHIO
 DATE: MAY, 1978

Part Book 202
 PAGE 19

- PROTECTIVE COVENANTS AND RESTRICTIONS**
1. Use: No lot in this subdivision shall be used except for residential purposes. No structure shall be erected on any lot except one single family dwelling house, which shall include an attached garage, and a separate garage, part of which may include living quarters, except as otherwise provided.
 2. Architectural Control: Construction of any structure, fence, wall, or building within the plans and specifications have first been approved by the grantor or the grantor's designee. The grantor or his designee shall have the sole discretion of determining the location, height, and all other details of design, grades, exterior materials and the location of any building or structure on the lot. The design shall be designed by a qualified professional architect.
 3. Fences and Walls: Walls or fences to be erected on any lot shall be constructed in accordance with the plans and specifications approved by the grantor or his designee. No wall or fence shall extend into the front yard beyond the front setback line of each respective residence, except as otherwise provided. The height of any wall or fence shall be as shown on the plan of this plat.
 4. Lots for Residential Purposes Only: Lots in this subdivision shall be used for residential purposes only and no lot shall be used or occupied for business or professional purposes.
 5. Setback Lines: No part of the house shall be nearer than fifty (50) feet to the front property line and setback lines shall be no less than five (5) feet, except however, corner lots may be setback at setbacks will be shown by the grantor before construction starts.
 6. Variance: A. All houses in the subdivision shall be constructed of stone, brick, and stone or other approved construction materials, and shall not have less than two (2) stories above ground level. B. All houses shall include all finished basements and shall include garages and carport areas.
 7. Sidewalks: No sidewalks shall be used in the construction of any house, nor shall concrete be used to be placed on any driveway. No motor vehicles shall be permitted in the subdivision or on the streets and approved by the Eagle Investment Company or designee.
 8. Animals: No dogs, cats, poultry or other livestock shall be kept on any lot in this subdivision, except however, each residence shall be permitted to keep one dog or cat on any lot in this subdivision.
 9. Nuisances: No offensive odors or unsightly nuisances shall be permitted on any lot in this subdivision which may be construed to be detrimental to the neighborhood.
 10. Structures: No structure or structures of a temporary character, tent, or other out building shall be erected on any lot in this subdivision. This will not prohibit a small temporary sales office of the grantor to be erected on the subdivision or the adjacent County Board of Commissioners. We also grant public use to the County of Hamilton, Ohio's successors and assigns for sewer easements on the lots in this subdivision.
 11. Oil and Mining Operations: No oil drilling operations or mining operations shall be permitted on any of the lots in this subdivision.
 12. Signs and Billboards: No sign shall be used or maintained as a building ground for rubbish, trash, garbage or other waste.
 13. Parking: Trucks and other vehicles shall be permitted to be parked in this subdivision for a period of more than four hours, unless the sign is clearly being used for construction or repair work on a house in the subdivision. No sign shall be used or maintained as a building ground for rubbish, trash, garbage or other waste.
 14. Signs and Billboards: No sign shall be used or maintained as a building ground for rubbish, trash, garbage or other waste.
 15. Signs and Billboards: No sign shall be used or maintained as a building ground for rubbish, trash, garbage or other waste.

16. No cars, trailers, mobile homes shall be permitted to be parked on any lot in the subdivision unless same is stored or parked in an enclosed garage so as not to constitute an unsightly nuisance to the surrounding neighborhood.
17. No Cycles shall be parked on any lots or streets in the subdivision.
18. No vehicle which constitutes an unsightly nuisance shall be parked on any lots or streets of this subdivision.
19. These restrictions with reference to vehicles as referred to in this subdivision shall not apply to vehicles used in the building and development of this subdivision.
20. Signs: No permanent type sign shall be permitted on any lot or building in the subdivision, however, owner or owners agents shall be permitted to place signs advertising their property for sale or lease. This does not prohibit signs of a subdivision sign.
21. Duration of Restrictions: These restrictions shall remain in full force and effect until December 31, 1997, unless however 75% of the lot owners in this subdivision agree with the Eagle Investment Company, its heirs, assigns, successors, additions or cancellation of any or all of these restrictions.
22. Responsibility: Violation of any one of these covenants by judgment of court order shall in no way affect any of the other provisions which shall remain in full force and effect.
23. Enforcement: Enforcement shall be by process of law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violations or to recover damages.

DEDICATION
 We the undersigned do hereby adopt and confirm this plat of subdivision and dedicate to public use forever, Lakewater Drive and Valleystream Drive as shown hereon. We also guarantee the easements and assessments that are shown on this plat to the City of Montgomery, Ohio its successors and assigns for sewer easements for sewers as shown hereon and being equivalent to each side of the centerline of the sewer as indicated hereon.

WITNESSES	DATE
John R. Sansalone	5/15/78
John R. Sansalone	5/15/78
John R. Sansalone	5/15/78

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 We the undersigned do hereby adopt and confirm this plat of subdivision and dedicate to public use forever, Lakewater Drive and Valleystream Drive as shown hereon. We also guarantee the easements and assessments that are shown on this plat to the City of Montgomery, Ohio its successors and assigns for sewer easements for sewers as shown hereon and being equivalent to each side of the centerline of the sewer as indicated hereon.

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John R. Sansalone	5/15/78
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No part of any driveway or drive may approach within the road right of way shall be installed closer than five feet of any street, fire hydrant, utility easement or any wire another. Streets dedicated by this plat are not accepted for public use and will not be dedicated until all physical improvements have been completed according to the plat and subdivision plan or revisions thereto on file in the Hamilton County and Montgomery Engineering Office, and the engineer's consent in the records of this office. A bond in the amount of \$10,000.00 in public bond amount to complete all unfinished physical improvements.

Sewer Easement Restrictions
 No improvement of any kind shall be made on said easements which will interfere with access to the sewer and the County of Hamilton and the City of Montgomery shall be responsible to any person or future owners of the property shown hereon for any damage done on said easement to any structure, fence, driveway or other improvements, or the removal of any structure or other building to be constructed on property in which said easement exists shall be equal not less than three (3) feet from the easement line nearest the site of the proposed structure.

Property shown hereon conveyed to Eagle Investment Company by deed recorded in Deed Book 202, Page 25, Hamilton County, Ohio, and Deed Book 202, Page 202, Hamilton County, Ohio.

I hereby certify that I have made a survey of the subdivision shown hereon and verified all dimensions. I have set or found a plat in accordance with said survey.

John R. Sansalone
 John R. Sansalone, Surveyor

Service Charges, Assessments and Fees
 The owners of all properties shown hereon shall be subject to all applicable sewer service charges, assessments, and fees and/or fees which have been or may be established by the Board of County Commissioners.

Approval - City of Montgomery
 Plat accepted by the Planning Commission of the City of Montgomery, Ohio at the meeting held the 21st day of December, 1978.

J. C. [Signature]
 Secretary - Planning Commission

Approval - Hamilton County
 Subdivision Plat, Lakewater Drive and Sewer Easements as shown hereon accepted by the Board of County Commissioners of Hamilton County, Ohio by Ordinance No. [Number] Dated [Date].

Acceptance
 Cornell Road, Valleystream Drive and Sewer Easement as shown hereon accepted on this 15th day of May, 1978, by the Board of County Commissioners of Hamilton County, Ohio and under the authority of the Board of County Commissioners by virtue of Resolution No. 202-20 and the resolution adopted January 7, 1973 and entered in the journal of said Board.

R. O. [Signature]
 County Administrator

Approval
 Plat accepted by the Regional Planning Commission of Hamilton County, Ohio this 5th day of January, 1978.

Ernest W. [Signature]
 Executive Director

PLAT-BOOK 202
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City of Montgomery
City Council Business Session Minutes
June 7, 2017

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
Paul Wright, Fire Chief
Matthew Vanderhorst, Community and Information Services Director
Faith Lynch, Community Engagement Coordinator
Connie Gaylor, Clerk of Council

City Council Members Present

Lynda Roesch, Vice Mayor
Mike Cappel
Gerri Harbison
Craig Margolis
Ken Suer

City Council Members Absent

Chris Dobrozsi, Mayor
Laith Alfaqih

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

ROLL CALL

Vice Mayor Roesch stated that Mayor Dobrozsi and Council Member Alfaqih were absent due to prior commitments and asked for a motion to excuse their absences.

Mr. Margolis moved to excuse Mayor Dobrozsi and Mr. Alfaqih from the meeting. Mr. Cappel seconded. City Council unanimously agreed.

The roll was called.

Special Presentations

Mr. Margolis presented Cheryl Popp of Honor Flight Tri-State with a check in the amount of \$1,500 as a recipient of the 2017 Montgomery Service to the Community Grant.

Mrs. Harbison presented Sycamore Junior High School Vice Principal, Lisa Zelvy with a check in the amount of \$500 as a recipient of the 2017 Montgomery Service to the Community Grant.

Vice Mayor Roesch presented Rod Sheetz and Rod Grabowski, along with Boy Scouts from Troop 674 with a check in the amount of \$1,500 as a recipient of the 2017 Montgomery Service to the Community Grant.

City Council thanked all the grant recipients for their commitment to providing service to residents of Montgomery and for enriching the lives of our residents.

Swearing-In of New Chief of Police and New Assistant Chief of Police

Retiring Chief, Don Simpson introduced the families of John Crowell and Greg Vonden Benken and commended the two gentlemen on their commitment and superior service to law enforcement and the City of Montgomery.

Mr. Davis formally swore in John Crowell as the City's new Chief of Police and Greg Vonden Benken as the City's new Assistant Chief of Police.

City Council and staff congratulated Chief Crowell and Assistant Chief Vonden Benken on their new positions and thanked them for their years of service to the City.

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LEGISLATION FOR CONSIDERATION TONIGHT

Pending Legislation

An Ordinance to Amend Appropriations for Current Expenses and Other Expenditures of the City of Montgomery, State of Ohio, During the Fiscal Year Ending December 31, 2017

Mr. Suer moved for passage of the second reading. Mr. Margolis made the motion. Mr. Cappel seconded. City Council unanimously agreed.

Mr. Suer explained that this Ordinance, if approved, will amend Appropriations for the City for Fiscal Year 2017. These supplemental appropriations are necessary for purchases by the City which were not anticipated or known when City Council adopted the City's 2017 Budget on December 7, 2016.

The roll was called and showed the following vote:

AYE: Margolis, Cappel, Harbison, Roesch, Suer	(5)
NAY:	(0)
ABSENT: Alfaqih, Dobrozsi	(2)

New Legislation

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

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

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

Mr. Margolis explained that, if approved, this Ordinance will implement a six-month moratorium, via an Interim Development Control Overlay District, 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.

The roll was called and showed the following vote:

AYE: Harbison, Roesch, Suer, Margolis, Cappel	(5)
NAY:	(0)
ABSENT: Alfaqih, Dobrozsi	(2)

An Ordinance Establishing the Terms for Various Boards and Commissions

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

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

Mrs. Harbison explained that, if approved, this Ordinance 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 follow: the Arts, Beautification and Tree, and Sister Cities Commissions. Current Board and Commission Members will

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106 continue to serve the remainder of their one-, two- or three-year terms, with the only change being with the
107 adjustment of their term expiration date. The Planning Commission, Board of Zoning Appeals, Parks and
108 Recreation Commission, Civil Service Commission, and Landmarks Commission have their term ending dates
109 established by the Charter, and, as such, may be considered for adjustments to their term dates if a Charter Review
110 process is undertaken in the future. Over time, these adjustments are intended to create uniformity with term
111 expiration dates for all the City's Boards and Commissions.

112
113 The roll was called and showed the following vote:

114
115 AYE: Roesch, Suer, Margolis, Cappel, Harbison (5)
116 NAY: (0)
117 ABSENT: Alfaqih, Dobrozsi (2)
118

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

120
121 Mr. Suer moved to read the Ordinance by title only. Mr. Margolis seconded. City Council unanimously agreed.

122
123 Mr. Suer read the Ordinance by title only and moved for passage of the first reading. Mr. Cappel seconded.

124
125 Mr. Suer explained that, if approved, this Ordinance will authorize the City Manager to execute an amendment to
126 the Tax Incentive Agreement with the Sycamore School District. Due to the success of the current development
127 within the Vintage Club, there are funds accumulating in the Vintage Club Tax Increment Financing (TIF) Fund.
128 The Sycamore School District has been an excellent partner with the City in economic development projects, and
129 this agreement would enable the City to restore the School District to full compensation for the development.

130
131 The roll was called and showed the following vote:

132
133 AYE: Suer, Margolis, Cappel, Harbison, Roesch (5)
134 NAY: (0)
135 ABSENT: Alfaqih, Dobrozsi (2)
136

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

139
140 Mrs. Harbison moved to read the Resolution by title only. Mr. Margolis seconded. City Council unanimously
141 agreed.

142
143 Mrs. Harbison read the Resolution by title only and moved for passage. Mr. Margolis seconded.

144
145 Mrs. Harbison explained that this Resolution, if approved, will authorize the City Manager to enter into a contract
146 with Frost Brown Todd, LLC to provide special legal services for labor negotiations, labor relations, and human
147 resource functions. In 2004, the City contracted with Frost Brown Todd, LLC to provide legal services for the
148 negotiations of a contract with the International Association of Fire Fighters (IAFF). Since that time, the City has
149 used the services of Frost Brown Todd, LLC in negotiations with the Fraternal Order of Police (FOP) and in the
150 negotiation of collective bargaining agreements with the American Federation of State, County and Municipal
151 Employees (AFSCME), as well as the IAFF bargaining units. In addition, the City uses Frost Brown Todd to assist
152 with other personnel matters and employee relations. The work of Frost Brown Todd, LLC has been invaluable in
153 labor negotiations/relations efforts, and it is important that the City maintain this relationship as the City continues
154 its labor and employee relations into the future.

155
156 The roll was called and showed the following vote:

157

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158

159

160

AYE: Margolis, Cappel, Harbison, Roesch, Suer

(5)

161

NAY:

(0)

162

ABSENT: Alfaqih, Dobrozsi

(2)

163

164

ADMINISTRATION REPORT

165

Mr. Davis reported on the following items:

167

- City Council Work Session is scheduled for June 21, 2017 at 7:00 p.m.

169

- Prior to the June 21 City Council Work Session, a Public Hearing is requested to be held at 6:45 p.m. on the proposed 2018 Tax Budget.

170

171

172

- The Government Affairs and Public Works Committees will meet on Monday, June 12 at 4:30 and 5:30 p.m., respectively. The Parks and Recreation Committee has cancelled their meeting for the month of June.

173

174

175

- Crews began concrete curb removal and replacement this week as part of the 2017 Street Resurfacing Program which includes resurfacing of 2.48 centerline miles of roadway. The project is scheduled for completion on or before August 11 just prior to school beginning. In addition, crews from The Gertz Company should complete the annual fire hydrant replacements that are done in conjunction with the annual Street Resurfacing Program this week .

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- On Friday, June 9, sealed bids will be opened for the Ross Avenue Sidewalk and Storm Drainage Project as well as the Jolain Drive Storm Drainage Project. Staff will review the bids and, if acceptable, will request both projects be added to the June 21 City Council Work Session for consideration.

181

182

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184

185

- The City was recently named 5th among the Top 50 Communities in Cincy Magazine's 11th annual Rating of the Burbs. Top awards went to Madeira, Union Township (Warren County), Terrace Park and Springboro. The featured article will appear in this week's Thursday Update.

186

187

188

189

- Background and reference checks are being completed in preparation to extend a conditional job offer to one of the candidates for the Customer Service Representative position at City Hall.

190

191

192

- Wayne, Katie Smiddy and Julie Prickett met this week to discuss strategies regarding how to structure and fill the Assistant Finance Director/Tax Commissioner position.

193

194

195

- On Thursday, June 8, the Montgomery Chamber of Commerce will hold the annual State of the City address presented by Wayne Davis. It is being hosted at the Twin Lakes Clubhouse from 11:30 a.m. to 1:00 p.m.

196

197

198

- As a reminder, Don Simpson's retirement reception is this Friday, June 9 from 2:00 to 4:00 p.m. at the Montgomery Inn.

199

200

201

- The City Council Staff Appreciation Pizza Lunch is scheduled for Thursday, July 20 from 11:00 a.m. to 1:00 p.m.

202

203

204

- An Executive Session is requested for economic development or matters related to the sale and/or purchase of real estate and matters related to personnel compensation.

205

206

207

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208 Mr. Margolis made a motion to call the June 21 Work Session to order immediately following the conclusion of the
209 public hearing.

210 **APPROVAL OF MINUTES**

212 Mr. Margolis moved to approve the May 24, 2017 Work Session minutes as amended. Mr. Cappel seconded. City
213 Council unanimously agreed.

215 **MAYOR'S COURT**

216 Vice Mayor Roesch reported that the total Mayor's Court collections for the month of May 2017 were \$12,425.00.

219 Mrs. Harbison moved to accept the Mayor's Court collections for the month of May 2017. Mr. Cappel seconded.
220 City Council unanimously accepted the collections.

222 **OTHER BUSINESS**

223 **Liquor License Hearing Request**

224 Ms. Gaylor explained that a notice was received from the Ohio Department of Liquor Control asking if City Council
225 wishes to request a hearing on a liquor license renewal received for Delicio Coal Fired LLC dba Delicio Coal Fired
226 Pizza at 9321 Montgomery Road. Ms. Gaylor stated that Delicio does have a Trex License that is good for 5 years,
227 however they changed their corporation name which required them to change their licensing through the State of
228 Ohio Liquor Control Board.

229 Chief Simpson stated that there have been no issues with this liquor permit and recommends no hearing being held.

232 Mr. Margolis moved to request no hearing on this license renewal. Mr. Cappel seconded. City Council unanimously
233 agreed.

234 Mrs. Harbison reminded everyone that the Chamber of Commerce would be holding their next "5 after 5" program
235 on June 22 from 5:30 to 7:30 p.m. at DeSha's American Tavern in Harper's Point.

238 Vice Mayor Roesch asked if there was any further business to discuss in Public Session. There being none, she
239 asked for a motion to adjourn into Executive Session for matters related to economic development or matters related
240 to the sale and/or purchase of real estate, and matters related to personnel compensation.

241 Mr. Margolis motioned to adjourn into Executive Session. Mr. Cappel seconded.

242 The roll was called and showed the following vote:

248	AYE: Cappel, Harbison, Roesch, Suer, Margolis	(5)
249	NAY:	(0)
250	ABSENT: Alfaqih, Dobrozsi	(2)

251 City Council adjourned into Executive Session at 8:20 p.m.

252 City Council reconvened into Public Session at 9:40 p.m.

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

259

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

261

262

263

264 City Council adjourned at 9:41 p.m.

265

266

Connie Gaylor, Clerk of Council

DRAFT