

June 2, 2017

TO: Mayor and City Council Members  
FROM: Wayne S. Davis, City Manager *WSD*  
SUBJECT: City Council Business Session of Wednesday, June 7, 2017

As a reminder, City Council is scheduled to meet in Business Session on Wednesday, June 7, 2017 at 7:00 p.m.

Prior to the Business Session, City Council is scheduled to hear Board and Commission Chair presentations from Larry Schwartz (Landmarks Commission) at 6:30 p.m. and Mike Harbison (Planning Commission) at 6:45 p.m.

**Business Session**

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Special Presentations**
  - a. Cheryl Popp with Honor Flight Tri-State—will be present to accept a check as a grant recipient of this year's Service to the Community Grant.
  - b. Lisa Zelvy with Sycamore Junior High School—will be present to accept a check as a grant recipient of this year's Service to the Community Grant.
  - c. Ron Sheetz and Rod Grabowski with the Church of the Saviour and Boy Scott Troop 674—will be present to accept a check as a grant recipient of this year's Service to the Community Grant.
  - d. Swearing-In of New Chief of Police—John Crowell, along with members of his family, will be present for his swearing-in as the new Chief of Police for the City.
  - e. Swearing-In of New Assistant Chief of Police—Greg Vonden Benken, along with members of his family, will be present for his swearing-in as the new Assistant Chief of Police for the City.
5. **Guests and Residents**
6. **Legislation for Consideration Tonight**

## **Pending Legislation**

- a. An Ordinance to Amend Appropriations for Current Expenses and Other Expenditures of the City of Montgomery, State of Ohio, During the Fiscal Year Ending December 31, 2017—(Mr. Suer-2<sup>nd</sup> 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.

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

***Roll Call Vote***

***The third reading of the Ordinance will be held at the July 5, 2017 Business Session with adoption of the Ordinance requested at that meeting.***

## **New Legislation**

- a. An Ordinance Establishing an Interim Development Control Overlay District to Control Medical Marijuana Businesses—(Mr. Margolis) Information has been previously supplied on this Ordinance that, if approved, 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.

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

***Voice Vote***

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

***Roll Call Vote***

***The second reading of the Ordinance will be held at the July 5, 2017 Business Session. The third reading of the Ordinance will be held at the August 2, 2017 Business Session with adoption of the Ordinance requested at that meeting.***

- b. An Ordinance Establishing the Terms for Various Boards and Commissions—(Mrs. Harbison) 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 follow: the Arts, Beautification and Tree, and Sister Cities Commissions. 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. Over time, these adjustments are intended to create uniformity with term expiration dates for all of the City's Boards and Commissions.

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

***Voice Vote***

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

***Roll Call Vote***

***The second reading of the Ordinance will be held at the July 5, 2017 Business Session. The third reading of the Ordinance will be held at the August 2, 2017 Business Session with adoption of the Ordinance requested at that meeting.***

- c. An Ordinance Amending Tax Incentive Agreement with Sycamore Community School District—(Mr. Suer) 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.

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

***Voice Vote***

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

***Roll Call Vote***

***The second reading of the Ordinance will be held at the July 5, 2017 Business Session. The third reading of the Ordinance will be held at the August 2, 2017 Business Session with adoption of the Ordinance requested at that meeting.***

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

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

***Voice Vote***

***Move passage of the Resolution***

***Roll Call Vote***

**8. Administration Report**

**9. Approval of Minutes — May 24, 2017 Work Session Meeting**

**10. Mayor's Court Report**

**11. Other Business**

- a. Liquor License Hearing Request—The City has received a notice from the Ohio Department of Liquor Control asking if City Council wishes to request a hearing on a liquor license renewal received for Delicio Coal Fired LLC dba Delicio Coal Fired Pizza at 9321 Montgomery Road.

**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

June 7, 2017

**Board and Commission Chair Updates**

Prior to the Business Session, City Council is scheduled to hear Board and Commission Chair presentations from Larry Schwartz (Landmarks Commission) at 6:30 p.m. and Mike Harbison (Planning Commission) at 6:45 p.m.

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

**1. Call to Order**

**2. Roll Call**

**3. Pledge of Allegiance**

**4. Special Presentation**

- a. Cheryl Popp with the Honor Flight Tri-State—will be present to accept a check as a grant recipient of this year's Service to the Community Grant.
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**New Legislation**

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

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

***Voice Vote***

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

***Roll Call Vote***

***The second reading of the Ordinance will be held at the July 5, 2017 Business Session. The third reading of the Ordinance will be held at the August 2, 2017 Business Session with adoption of the Ordinance requested at that meeting.***

- b. An Ordinance Establishing the Terms for Various Boards and Commissions—(Mrs. Harbison)

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

***Voice Vote***

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***Roll Call Vote***

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- c. An Ordinance Amending Tax Incentive Agreement with Sycamore Community School District—(Mr. Suer)

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

***Voice Vote***

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

***Roll Call Vote***

***The second reading of the Ordinance will be held at the July 5, 2017 Business Session. The third reading of the Ordinance will be held at the August 2, 2017 Business Session with adoption of the Ordinance requested at that meeting.***

- d. A Resolution Authorizing the City Manager to Contract with Frost Brown Todd, LLC to Provide Special Counsel Services (If over \$50,000)—(Mrs. Harbison)

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

***Voice Vote***

***Move passage of the Resolution***

***Roll Call Vote***

7. Administration Report

8. Approval of Minutes — May 24, 2017 Work Session Meeting

9. Mayor's Court Report

## **10. Other Business**

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## **11. Executive Session**

## **12. Adjournment**

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

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

ORDINANCE NO. , 2017

**AN ORDINANCE TO AMEND APPROPRIATIONS FOR  
CURRENT EXPENSES AND OTHER EXPENDITURES OF THE  
CITY OF MONTGOMERY, STATE OF OHIO,  
DURING THE FISCAL YEAR ENDING DECEMBER 31, 2017**

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

**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 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 Projects                    +    \$1,109,000

**SECTION 2.** There 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

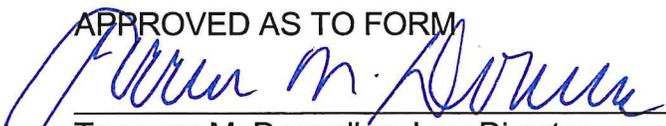
**SECTION 3.** This Ordinance shall be in full force and effect from and after the earliest period allowed by law.

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.

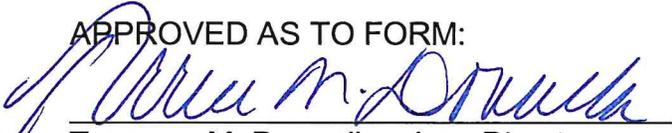
**SECTION 3.** This Ordinance shall take effect the earliest opportunity as allowable by law.

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.

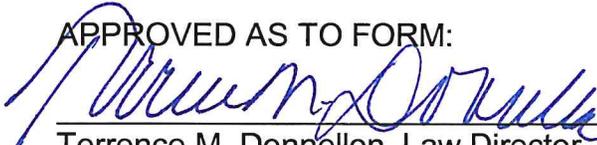
**SECTION 7.** This Ordinance shall take effect the earliest opportunity as allowable by law.

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.

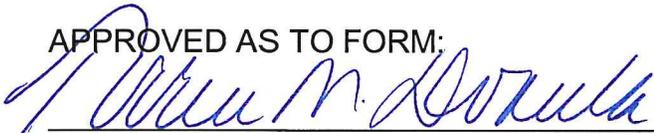
**SECTION 3.** This Ordinance shall take effect the earliest opportunity as allowable by law.

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]

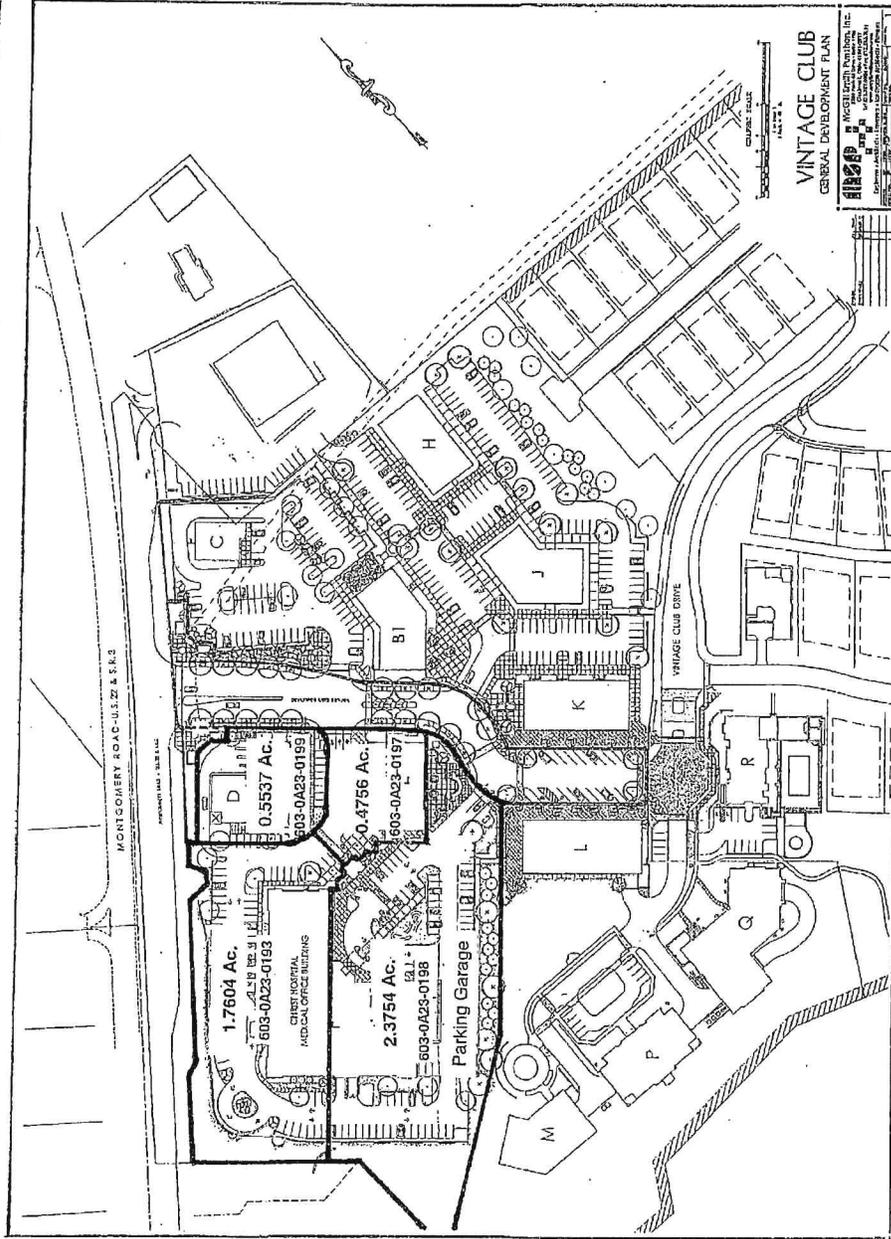
This instrument prepared by:

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**



**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°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;

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

04208053-CLH-ED-1\_7604 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;

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



**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°46'30", a length of 20.49 feet, the chord of said arc bears, South 15°57'58" East, 20.42 feet to an existing 5/8" iron pin and South 07°34'43" East, 110.05 feet to an existing 5/8" iron pin;

Thence, South 40°33'29" West, 310.12 feet to an existing 5/8" iron pin;

Thence, South 53°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°58'38" West, 16.54 feet to an existing 5/8" iron pin;
- 2.) North 02°59'06" West, 149.26 feet to an existing 5/8" iron pin;
- 3.) North 50°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

04308083-CLI-LEG-2\_3754 Ac



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;



**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-CU-LEG-0\_5537 Aa



**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°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;

Thence, along new division lines, the following five (5) 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 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°26'24" West, 59.33 feet to a set 5/8" iron pin;
- 2.) North 85°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°05'38", a length of 22.07, the chord of said arc bears, North 64°38'17" East, 21.43 feet to a set 5/8" iron pin;

EXHIBIT PAGE 9 OF 9

- 4.) North  $40^{\circ}35'28''$  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  $41^{\circ}27'11''$ , a length of 25.68, the chord of said arc bears, North  $19^{\circ}50'00''$  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  $49^{\circ}26'24''$  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  $25^{\circ}05'11''$ , a length of 30.65 feet, the chord of said arc bears, South  $36^{\circ}53'49''$  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  $40^{\circ}33'36''$  West, 140.90 feet to a set 5/8" iron pin;
- 2.) North  $49^{\circ}26'24''$  West, 65.00 feet to a set 5/8" iron pin;
- 3.) South  $40^{\circ}33'36''$  West, 11.98 feet to a set 5/8" iron pin;
- 4.) North  $49^{\circ}26'24''$  West, 10.52 feet to a set 5/8" iron pin;
- 5.) South  $85^{\circ}33'36''$  West, 14.87 feet to a set 5/8" iron pin;
- 6.) North  $04^{\circ}26'24''$  West, 7.17 feet to a set 5/8" iron pin;
- 7.) South  $85^{\circ}33'36''$  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

04308083-CL1-LEG-0\_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 Excepted 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.

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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
603-0A23-0150-00	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	148 Village Gate Lane	7/1/2008	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	4/25/2008	Vintage Club Associates, Ltd.	Yes
603-0A23-0172-00		open space "H"	7/1/02/2008	Great Traditions Homes, 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 Carrow Cr ROW	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.

000000174  
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
603-0A23-0040-00	All are Montgomery, Ohio 46242	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	Kurlermann 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	Rockwood Office, 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	Kurlermann Homes of Montgomery-Blue Ash, LLC	Yes
603-0A23-0052-00	35 Traditions Turn	1/3/2007	Henstley 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	Kurlermann 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 Forie	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	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	19 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	10/21/2007	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	10/17/2007	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 Carmo Court	10/22/2007	David M. Wilson, Trustee	Yes
603-0A23-0096-00	123 Carmo Court	10/12/2007	Great Traditions Homes, Ltd.	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	Jerome Niederhelfman & Kathleen Niederhelfman	Yes
603-0A23-0099-00	117 Village Gate Lane	6/8/2007	Jerome Niederhelfman & Kathleen Niederhelfman	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	Castlelight 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	5/14/2007	The Vintage Club Community Assoc., Inc.	Yes
603-0A23-0109-00	7 (Kemper Entry) Vintage Walk Traditions Turn, Gaslight Lane, Village Club Dr., Courtyard Crossing, Village Gate Lane, Cameo Court	7/5/2007		
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
603-0A23-0114-00	206 Legacy Lane	3/26/2007	Great Traditions Homes, 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
603-0A23-0117-00	212 Legacy Lane	9/18/2007	Great Traditions Homes, 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
603-0A23-0132-00	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.	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
603-0A23-0044-00	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

603-0A23-0109-00	7 (Kemper Entry) Vintage Walk Traditions Turn, Gaslight Lane, Village Club Dr., Courtyard Crossing, Village Gate Lane, Carmeo Court	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
603-0A23-0130-00	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.

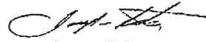
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The Tax Commissioner therefore consents to the requested exemption and orders that 100% of the improvement of the real property described above be entered upon the list of property in said county which is exempt from taxation commencing in the first 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 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.

## 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.

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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)

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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.

RESOLUTION NO. \_\_\_\_\_, 2017

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

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

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

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

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

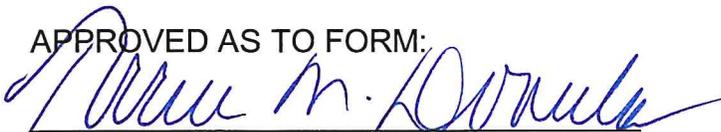
**SECTION 2.** This Resolution shall take effect the earliest opportunity as allowable by law.

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Connie M. Gaylor, Clerk of Council

\_\_\_\_\_  
Christopher P. Dobrozsi, Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Terrence M. Donnellan, Law Director

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

May 19, 2017

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

Re: General Labor and Employment

Dear Mr. Davis:

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

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

Fees. Our fees are based primarily upon the time expended by our attorneys and paralegals on the engagement, including attorney and paralegal travel time which is charged at regular hourly rates. Attorneys and paralegals have been assigned hourly rates based upon their experience and level of expertise. The rates of those attorneys likely to work on this matter range from \$225.00 in the case of Jack Hemenway, and \$355.00 in the case of myself. Our hourly rates are reviewed periodically and may be increased from time to time. It may be necessary to add or change attorneys working on your behalf.

Mr. Wayne Davis, City Manager  
May 19, 2017  
Page 2

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

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

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

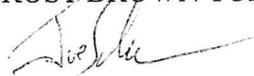
Additional Standard Terms. Our engagement is also subject to the policies included in the enclosed memorandum.

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

Mr. Wayne Davis, City Manager  
May 19, 2017  
Page 3

Very truly yours,

FROST BROWN TODD LLC



W. Joseph Scholler

The foregoing is understood and accepted:  
CITY OF MONTGOMERY

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Print Title: \_\_\_\_\_

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## FROST BROWN TODD LLC

### ADDITIONAL TERMS AND CONDITIONS OF CLIENT ENGAGEMENTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

These minutes are a draft of the proposed minutes from the City Council meeting. They do not represent the official record of proceedings until formally adopted by the City Council. Formal adoption is noted by signature of the Clerk within the minutes.

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City of Montgomery  
City Council Work Session Minutes  
May 24, 2017

Present

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

City Council Members Present

Chris Dobrozsi, Mayor  
Lynda Roesch, Vice Mayor  
Gerri Harbison  
Craig Margolis  
Ken Suer

City Council Members Absent

Mike Cappel  
Laith Alfaqih

---

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

**ROLL CALL**

Mayor Dobrozsi asked for a motion to excuse Council Members Cappel and Alfaqih from tonight's meeting. He explained that Mr. Cappel was on vacation and Mr. Alfaqih's flight had been delayed, causing him to miss the meeting.

Mr. Margolis moved to excuse Council Members Cappel and Alfaqih. Vice Mayor Roesch seconded. City Council unanimously agreed.

The roll was called.

**Special Presentations**

Benny Miles was presented with a proclamation in honor of his induction into the Cincinnati Public Schools Athletic Hall of Fame in April.

City Council congratulated Benny on his many accomplishments athletically and also thanked him for his friendship and commitment to the City.

Logan Sliouan was presented with a check for \$500 as the recipient of the 2017 Montgomery Local Government Scholarship. Council Member Suer stated that this is the sixth year for this Mayor's scholarship that is coordinated with Sycamore High School social studies teachers. Mr. Suer explained that the recipients of this award are nominated by High School teachers and have proven themselves academically as well as exhibited leadership skills and are civic minded.

City Council congratulated Logan on receiving the scholarship as well as his impending graduation and wished him well in his future endeavors.

**Legislation for Consideration this Evening**

**ESTABLISHING AN AGENDA FOR June 7, 2017**

**Pending Legislation**

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City Council Work Session Minutes

May 24, 2017

Page 2

53 **An Ordinance to Amend Appropriations for Current Expenses and Other Expenditures of the City of**  
54 **Montgomery, State of Ohio, During the Fiscal Year Ending December 31, 2017—(Mr. Suer-2nd reading)**  
55

56 Mr. Suer explained that information has been previously supplied on this Ordinance that, if approved, will amend  
57 Appropriations for the City for Fiscal Year 2017. These supplemental appropriations are necessary for expenses of  
58 the City which were not anticipated or known when City Council adopted the City's 2017 Budget on December 7,  
59 2016.

60  
61 Mr. Davis stated that the added appropriations were for the following expenses: renovation of the public works  
62 facility in the amount of \$100,000; purchase of land from Hamilton County at the Gateway Redevelopment Area  
63 site in the amount of \$600,000; and purchase of land from Life Enriching Communities adjoin the Safety Center  
64 site in the amount of \$509,000.

65  
66 **New Legislation**

67  
68 **An Ordinance Establishing an Interim Development Control Overlay District to Control Medical Marijuana**  
69 **Businesses**  
70

71 Mr. Donnellon stated that it is requested that City Council consider this Ordinance to implement a six-month  
72 moratorium, or Interim Development Control Overlay District under the City Code to prevent the establishment of  
73 a medical marijuana business within the City before proper regulations can be considered. The Planning  
74 Commission has reviewed the issue and has recommended a moratorium while the Administration conducts a study  
75 of the impact of medical marijuana businesses on the land usage code and the impact, if any, such restrictions may  
76 have upon the delivery of patient services. He stated that City Council will need to schedule a public hearing prior  
77 to the expiration of the moratorium.

78  
79 **An Ordinance Establishing the Terms for Various Boards and Commissions**  
80

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

90  
91 **Ordinance Amending Tax Incentive Agreement with Sycamore Community School District**  
92

93 Mr. Donnellon explained that it is requested that City Council consider the approval of this Ordinance that will  
94 authorize the City Manager to execute an amendment to the Tax Incentive Agreement with the Sycamore School  
95 District. Due to the success of the current development within the Vintage Club, there are funds accumulating in  
96 the Vintage Club Tax Increment Financing (TIF) Fund. The Sycamore School District has been an excellent partner  
97 with the City in economic development projects, and this agreement would enable the City to restore the School  
98 District to full compensation for the development.

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City Council Work Session Minutes

May 24, 2017

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103 **A Resolution Authorizing the City Manager to Contract with Frost Brown Todd, LLC to Provide Special**  
104 **Counsel Services (If over \$50,000)**  
105

106 Mr. Davis stated that it is requested that City Council consider the adoption of this Resolution that would authorize  
107 a contract with Frost Brown Todd, LLC to provide special legal services for labor negotiations/labor  
108 relations/human resource functions. In 2004, the City contracted with Frost Brown Todd, LLC to provide legal  
109 services for the negotiations of a contract with the International Association of Fire Fighters (IAFF). Since that  
110 time, the City has used the services of Frost Brown Todd, LLC in negotiations with the Fraternal Order of Police  
111 (FOP) and in the negotiation of collective bargaining agreements with the American Federation of State, County  
112 and Municipal Employees (AFSCME), as well as the IAFF bargaining units. The work of Frost Brown Todd, LLC  
113 has been invaluable in labor negotiations/relations efforts, and it is important that the City maintain this relationship  
114 as the City continues its labor and employee relations into the future.

115  
116 **ADMINISTRATION REPORT**  
117

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

- 119
- 120 • The Financial Planning and Planning, Zoning and Landmarks Committees of City Council will meet on  
121 Monday, June 5 at 4:30 and 5:30 p.m., respectively. The Law and Safety Committee has cancelled their  
122 meeting for the month of June.
- 123
- 124 • City Council Business Session is scheduled for June 5, 2017 at 7:00 p.m. Prior to the City Council June 7,  
125 Business Session, Boards and Commission Chair Updates are scheduled from 6:30 to 7:00 p.m. At 6:30  
126 p.m., Larry Schwartz with the Landmarks Commission and at 6:45 p.m., Mike Harbison with the Planning  
127 Commission.
- 128
- 129 • At this time, the Government Affairs Committee of City Council will meet on June 12 at 4:30 p.m. The  
130 Parks and Recreation and Public Works Committee have no agenda items at this time and do not plan to  
131 meet.
- 132
- 133 • The Planning Commission considered a request from Twin Lakes for Final Development Site Plan approval  
134 to allow for 22 new villa homes at 10130 Montgomery Road just south of the Safety Center. As part of the  
135 application, Twin Lakes also requested an equivalency from the rear yard setback requirement along the  
136 Indian Hill jurisdictional boundary. After consideration, the Planning Commission voted to approve the  
137 Final Development Plan and to recommend approval of the equivalency to City Council. Staff would like  
138 to request a public hearing to consider the equivalency request from Twin Lakes on Wednesday, July 5 at  
139 6:45 p.m.
- 140
- 141 • Katie Smiddy is in Denver, Co attending the Government Finance Officers Association National  
142 Conference. The conference will feature unparalleled opportunities for sharing ideas, sharpening skills,  
143 discovering new tools and technologies, and networking with peers from across North America and around  
144 the world.
- 145
- 146 • A pre-construction meeting was held on Monday, May 22, with Tri-State Concrete Construction Company  
147 for the Montgomery Road Sidewalk Project PID#99954. The project is anticipated to begin in mid-June  
148 and is scheduled to be completed by November 3, 2017 and includes the installation of concrete sidewalk  
149 on the east side of Montgomery Road from Weller Road to the main entrance of Bethesda Hospital and  
150 includes the construction of a pedestrian bridge across Sycamore Creek. The project is being primarily  
151 funded through the Ohio-Kentucky-Indiana Regional Council of Governments (OKI).
- 152

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City Council Work Session Minutes

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- 153 • On Tuesday, Wayne Davis and Brian Riblet met with Warren Walker from Duke Energy to discuss our  
154 continued support to the efforts of both of our organizations. Warren also provided an update on the  
155 proposed Natural Gas Pipeline Project. Warren indicated a public hearing for the pipeline project is  
156 scheduled for June 15, 2017 from 3:00 to 8:00 p.m. at the UC Blue Ash campus.  
157
- 158 • Crews from Perkins/Carmack continue work on the Public Works Building. Weather permitting, the  
159 concrete flooring for the office area expansion will be in place on Thursday morning. Public works crews  
160 are preparing to remove the existing greenhouse by the end of the week as construction work on the garage  
161 bay expansion is scheduled to begin on Tuesday, May 30.  
162
- 163 • The Montgomery Community Pool is scheduled to open on Saturday, May 27. Public works staff has been  
164 working diligently to prepare the pool and grounds for the opening. A total of 452 pool memberships have  
165 been purchased which is 48 more memberships than last year at this time.  
166
- 167 • The Gertz Company began work this week to replace 24 fire hydrants in conjunction with the 2017 Street  
168 Resurfacing Program. Weather permitting, crews anticipate the fire hydrants being replaced by June 23,  
169 2017. John R. Jurgensen Company has indicated crews will mobilize early next week to begin work on the  
170 catch basins, drainage issues and removal and replacement of concrete curbing associated with the Street  
171 Resurfacing Program. This project is scheduled for completion by August 11, 2017.  
172
- 173 • Public works staff have been working with representatives from Camden Homes and Site Works to repair  
174 utility trenches on Orchard Club Drive prior to the Memorial Day weekend. Weather permitting, this work  
175 will be completed by end of business on Friday.  
176
- 177 • Melanie Osborn will be assisting the recreation team again this summer and she will begin on Tuesday,  
178 May 30.  
179
- 180 • The assistant police chief selection process concluded with Greg Vonden Benken being selected for  
181 promotion to this position in June. The swearing in of John Crowell as Police Chief and Greg Vonden  
182 Benken as our new Assistant Police Chief, is scheduled for the June 7, Business Session.  
183
- 184 • Other hiring processes are underway as follows:  
185     May 18 – second round of interviews for Assistant Finance Director/Tax Commissioner  
186     May 23 and 24 – in-person interviews for Customer Service Representative  
187
- 188 • The Public Works Recognition Breakfast is scheduled for Thursday, May 25 beginning at 7:30 am, held at  
189 the Public Works Facility. Please feel free to stop in to share a meal and fellowship with our Public Works  
190 crew as well as see the progress being made on the building expansion.  
191
- 192 • The retirement reception for Chief Simpson is scheduled for June 9, from 2:00 to 4:00 p.m. at the  
193 Montgomery Inn.  
194
- 195 • As a reminder, City Offices will be closed on Monday, May 29 in observance of Memorial Day.  
196

197 **LAW DIRECTOR REPORT**  
198

199 Mr. Donnellon reported that with recent changes to the Concealed Carry Weapon (CCW) laws, there has been  
200 confusion about the prohibiting of weapons at public buildings. He stated that per the revisions in the law, unless  
201 City Council passes a policy to permit firearms at City owned properties, they are still banned. He advised that staff

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City Council Work Session Minutes

May 24, 2017

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202 contact the City's representative at Miami Valley Risk Management Association (MVRMA) to discuss this change  
203 and how it would affect the City's liability responsibilities.  
204

205 **CITY COUNCIL REPORTS**  
206

207 Mrs. Harbison reminded everyone that the State of the City address by City Manager Davis will be presented at the  
208 June 8, Chamber of Commerce luncheon.  
209

210 Mrs. Harbison reported that the Sister Cities Commission have been busy with Bastille Day planning. Commission  
211 members are working on confirming participation from local restaurants and food trucks.  
212

213 Mrs. Harbison reported that there are two candidates for the open position on the Arts Commission. Interviews are  
214 scheduled for the June Government Affairs Committee meeting.  
215

216 Vice Mayor Roesch stated that the Blue Ash Montgomery Symphony Orchestra Board meeting was held on May  
217 23, where planning for the July 3<sup>rd</sup> Concert was discussed.  
218

219 Vice Mayor Roesch reminded everyone that the Garden Tour sponsored by the Beautification and Tree Commission  
220 will be held on Sunday, June 25 from 2:00 to 5:00 p.m.  
221

222 Mr. Margolis stated that at the Planning Commission meeting held on May 15, the Commission discussed Bethesda  
223 North Hospitals submittal for the construction of an additional medical building to be built on their complex, located  
224 in the parking lot area along Montgomery Road near Radabaugh Drive. He stated that this new building would  
225 allow them to consolidate their cancer treatment in one building and would require an attached garage in order to  
226 meet the parking requirements.  
227

228 Mr. Margolis reported that the Board of Zoning Appeals met on May 23 to discuss two land use modifications and  
229 also discussed ways to increase efficiencies within the appeal process.  
230

231 Mr. Margolis attended a Hamilton County Emergency Management Agency and Homeland Security Board meeting.  
232 Among the discussions at the meeting was the use of a mobile phone application to receive storm warnings rather  
233 than relying on sirens. He stated that on their website you can link to Artemis cameras and storm weather warnings.  
234

235 Mayor Dobrozsi thanked staff and volunteers for their work during the City's annual Beautification Day and for  
236 making the City so beautiful for all to enjoy.  
237

238 Mayor Dobrozsi stated that he would not be able to attend the June council meetings due to work and personal  
239 conflicts. He asked Vice Mayor Roesch to act as Acting Mayor during his absence. Vice Mayor Roesch agreed.  
240

241 Mayor Dobrozsi relayed an invitation that was extended to City Council to attend a farewell reception given by  
242 Linda Peters, a resident at Meadowbrook Care Center that he and Mr. Davis met while there for a business calling.  
243 Mrs. Peters has been a resident for several months with a dim prognosis but with the help of the staff at  
244 Meadowbrook has went through rehabilitation and can return home. In appreciation to the staff and physicians, she  
245 is hosting a reception complete with a concert pianist! He stated that the reception was to be held on Friday, June  
246 2. He will forward details when he receives them.  
247

248 **APPROVAL OF MINUTES**  
249

250 Mayor Dobrozsi requested a motion to approve the May 3, 2017 Business Session minutes.

251 Mr. Margolis moved to approve the minutes. Vice Mayor Roesch seconded. City Council unanimously agreed.

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City Council Work Session Minutes

May 24, 2017

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**OTHER BUSINESS**

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

A motion was made by Mr. Margolis and seconded by Vice Mayor Roesch to adjourn to an Executive Session to discuss matters related to personnel and compensation

The roll was called and showed the following vote:

AYE: Harbison, Dobrozsi, Roesch, Suer, Margolis (5)

NAY: (0)

ABSENT: Cappel, Alfaqih (2)

City Council adjourned into Executive Session for matters related to personnel and compensation at 7:58 p.m.

City Council reconvened into Public Session at 9:27 p.m.

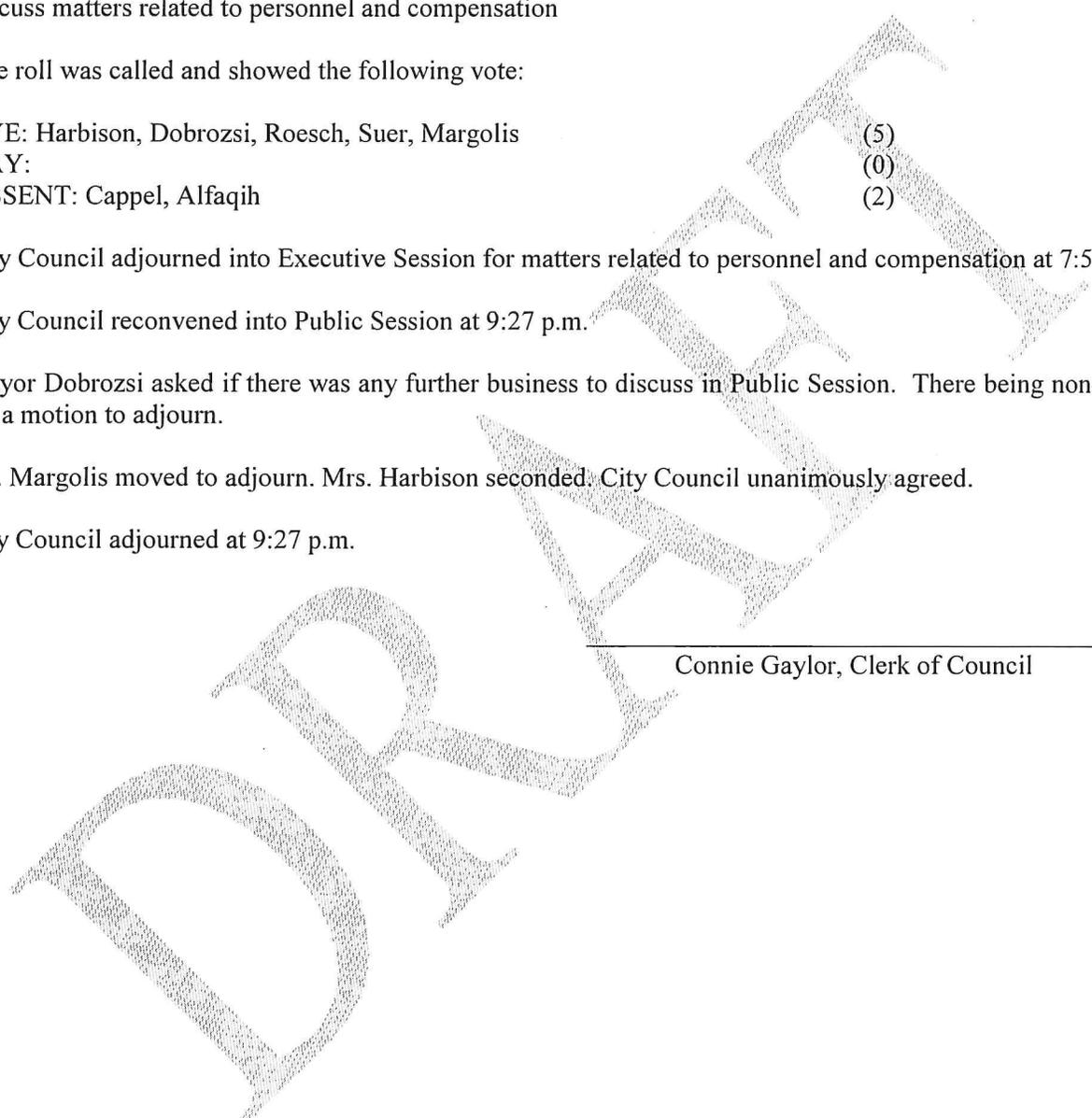
Mayor Dobrozsi asked if there was any further business to discuss in Public Session. There being none, he asked for a motion to adjourn.

Mr. Margolis moved to adjourn. Mrs. Harbison seconded. City Council unanimously agreed.

City Council adjourned at 9:27 p.m.

---

Connie Gaylor, Clerk of Council



## Monthly Mayor's Court Report

Montgomery Mayor's Court  
Cash Flow for May 2017

Page : 1  
Report Date : 06/02/2017  
Report Time : 13:11:35

	Current Period	Year-To-Date	Last Year-to-Date
<b>City Revenue From:</b>			
Court Costs			
Court Costs	\$417.00	\$2,631.00	\$2,578.00
Computer Fund	\$900.00	\$4,370.00	\$5,009.00
Additional Costs	\$29.00	\$209.00	\$209.00
Fines			
Overpayment / Adjustment	\$0.00	\$211.01	\$215.00
City Revenue From Fines	\$7,140.00	\$42,345.00	\$49,330.00
Fees			
NSF FEES	\$15.00	\$15.00	\$0.00
EXPUNGEMENT FEES CITY	\$20.00	\$100.00	\$40.00
Capias Fee	\$500.00	\$4,175.00	\$4,000.00
Tax Diversion Fee	\$0.00	\$0.00	\$525.00
Miscellaneous/Other			
Miscellaneous/Other	\$0.00	\$1,038.00	\$664.00
Bond Forfeits			
Bond Forfeits	\$0.00	\$225.00	\$925.00
Miscellaneous/Other			
Bond Administration Fees	\$0.00	\$0.00	\$0.00
<b>Total to City:</b>	<b>\$9,021.00</b>	<b>\$55,319.01</b>	<b>\$63,495.00</b>
<b>State Revenue From:</b>			
Court Costs			
Court Costs	\$2,195.00	\$10,955.00	\$12,661.10
General Fund	\$0.00	\$0.00	\$15.00
V/C	\$774.00	\$3,690.00	\$4,338.00
DRUG LAW ENFORCEMENT FUND	\$283.50	\$1,333.50	\$1,585.40
Fines			
Fines	\$0.00	\$450.00	\$750.00
Seatbelt Driver	\$0.00	\$60.00	\$60.00
Child Restraint	\$0.00	\$0.00	\$100.00
Fees			
EXPUNGEMENT FEES STATE	\$30.00	\$150.00	\$60.00
<b>Total to State:</b>	<b>\$3,282.50</b>	<b>\$16,638.50</b>	<b>\$19,569.50</b>
<b>Other Revenue From:</b>			
Court Costs			
Court Costs	\$121.50	\$571.50	\$679.50
Area Fines			
Area Fines	\$0.00	\$150.00	\$250.00
Fees			
Fees	\$0.00	\$0.00	\$45.00
Restitution			

# Monthly Mayor's Court Report

Montgomery Mayor's Court  
Cash Flow for May 2017

Page : 2  
Report Date : 06/02/2017  
Report Time : 13:11:35

	Current Period	Year-To-Date	Last Year-to-Date
Restitution	\$0.00	\$125.00	\$425.00
<b>Total to Other:</b>	<b>\$121.50</b>	<b>\$846.50</b>	<b>\$1,399.50</b>
<b>TOTAL REVENUE *</b>	<b>\$12,425.00</b>	<b>\$72,804.01</b>	<b>\$84,464.00</b>
*Includes credit card receipts of	\$2,740.00	\$21,140.90	\$26,115.00

END OF REPORT

## Monthly Distribution Journal

Montgomery Mayor's Court  
 Disbursal of fines and court costs for May 2017

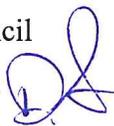
Page : 1  
 Report Date : 06/02/2017  
 Report Time : 13:07:06

Disbursal Category	Amount
<b>COSTS</b>	
Computer Fund	\$900.00
city-appearance	\$417.00
Additional Costs	\$29.00
<b>Total to City:</b>	<b>\$1,346.00</b>
V/C	\$774.00
DRUG LAW ENFORCEMENT FUND	\$283.50
INDIGENT DEFENSE SUPPORT FUND - COST	\$2,195.00
<b>Total to State:</b>	<b>\$3,252.50</b>
INDIGENT DRIVERS ALC TREATMENT FUND-COST	\$121.50
<b>Total to Other:</b>	<b>\$121.50</b>
<b>Total Costs:</b>	<b>\$4,720.00</b>
<b>FINES</b>	
City Revenue From Fines	\$7,140.00
<b>Total to City:</b>	<b>\$7,140.00</b>
<b>Total Fines:</b>	<b>\$7,140.00</b>
<b>FEES</b>	
NSF FEES	\$15.00
EXPUNGEMENT FEES CITY	\$20.00
Capias Fee	\$500.00
<b>Total to City:</b>	<b>\$535.00</b>
EXPUNGEMENT FEES STATE	\$30.00
<b>Total to State:</b>	<b>\$30.00</b>
<b>Total Fees:</b>	<b>\$565.00</b>
<b>TOTALS</b>	
<b>Total to State:</b>	<b>\$3,282.50</b>
<b>Total Area Fines to External Agencies:</b>	<b>\$0.00</b>
<b>Total to Other Entities, including Restitution:</b>	<b>\$121.50</b>
<b>Total Bonds Forfeited to City:</b>	<b>\$0.00</b>
<b>Total to City including Misc. Receipts, Adjustments, &amp; BA Fee:</b>	<b>\$9,021.00</b>
<b>TOTAL TO BE DISBURSED:</b>	<b>\$12,425.00</b>

END OF REPORT

June 1, 2016

To: Connie Gaylor, Clerk of Council

From: Don Simpson, Police Chief 

Subject: Liquor Permit

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Regarding the June 26, 2017 notification from the Ohio Division of Liquor Control for Delicio Coal Fired LLC dba Delicio Coal Fired Pizza located at 9321 Montgomery Road, I am not aware of any information that would cause the City of Montgomery to object to the issuance of the liquor permit transfer or any need to request a hearing.

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

NOTICE TO LEGISLATIVE  
AUTHORITY

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

TO

2029560		TREX	DELICIO COAL FIRED LLC	
PERMIT NUMBER		TYPE	DBA DELICIO COAL FIRED PIZZA	
06	01	2016		
ISSUE DATE				
05	24	2017		
FILING DATE				
D5				
PERMIT CLASSES				
31	264	A	F18571	
TAX DISTRICT			RECEIPT NO.	

FROM 05/26/2017

2029552			DELICIO LLC	
PERMIT NUMBER		TYPE	1ST FL & PATIO SUITE D	
06	01	2016		
ISSUE DATE				
05	24	2017		
FILING DATE				
D5				
PERMIT CLASSES				
31	264			
TAX DISTRICT			RECEIPT NO.	



MAILED 05/26/2017

RESPONSES MUST BE POSTMARKED NO LATER THAN. 06/26/2017

**IMPORTANT NOTICE**

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

REFER TO THIS NUMBER IN ALL INQUIRIES **A TREX 2029560**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

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

WE DO NOT REQUEST A HEARING.

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

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

(Signature)

(Title)-  Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

**CLERK OF MONTGOMERY CITY COUNCIL**  
10101 MONTGOMERY RD  
MONTGOMERY OHIO 45242

2029560 PERMIT NBR  
DELICIO COAL FIRED LLC  
DBA DELICIO COAL FIRED PIZZA  
9321 MONTGOMERY RD STE D  
MONTGOMERY OH 45242

\*\*\*\*\*

LUNSFORD CAPITAL

05/25/2017 ACTIVE

MNMB5%V5%M

PA2-KEY = END SESSION, CLEAR-KEY = END OPTION, ENTER-KEY = TO CONTINUE