

March 18, 2016

TO: Mayor and City Council Members  
FROM: Wayne S. Davis, City Manager *WSD*  
SUBJECT: City Council Work Session of Wednesday, March 23, 2016

As a reminder, City Council is scheduled to meet in Work Session on Wednesday, March 23, 2016 at 7:00 p.m.

Prior to the City Council meeting at 6:30 p.m., there will be a Public Hearing to consider a request from Twin Lakes, 9840 Montgomery Road, for the expansion of the conditional use permit and the General Development Plan with equivalencies to allow for the construction of an addition to the Main Campus.

At 5:00 p.m. prior to the Public Hearing and Work Session, City Council will meet with staff in Executive Session for the annual evaluation of the City Manager.

**Public Hearing—6:30 p.m.**

City Council is scheduled to conduct a Public Hearing to hear a request from Twin Lakes, 9840 Montgomery Road, for the expansion of the conditional use permit and the General Development Plan with equivalencies to allow for the construction of an addition to the Main Campus of Twin Lakes.

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

City Council has two issues to consider as noted below. City Council can consider one motion to include all three issues or separate them into two separate motions. The motions are:

***City Council accepts/rejects the Conditional Use Permit.***

***City Council approves/does not approve the recommendation of the Planning Commission to grant an equivalency with the approval of the General Development Plan allowing an addition to the Main Campus with conditions established by the Planning Commission.***

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

**Work Session**

1. Call to Order
2. Roll Call
3. Special Presentation

#### 4. Guests and Residents

#### 5. Legislation for Consideration Tonight

#### 6. Establishing an Agenda for April 6, 2016

##### New Legislation

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

***Add this Ordinance to the April 6, 2016 Business Session agenda and assign it to a City Council Member for first reading that evening. The second reading of the Ordinance will be held at the May 4, 2016 Business Session. The third reading of the Ordinance will be held at the June 1, 2016 Business Session with adoption of the Ordinance requested at that meeting.***

- b. An Ordinance Establishing The Schedule of Municipal Compensation For Employees— Please find attached correspondence from Human Resources Manager Julie Prickett requesting that City Council adopt an Ordinance that will establish a Schedule for Municipal Compensation. Traditionally the City's Schedule of Municipal Compensation for non-collective bargaining and exempt employees is adjusted annually in July to remain in sync with collective bargaining employee wage rate adjustments. The current Schedule of Municipal Compensation does not specify any wage rate adjustments for July 2016 or July 2017; therefore, a new compensation schedule must be established. In addition, the new Schedule of Municipal Compensation also reflects adjustments to several position pay ranges in order to ensure that the City's pay practices remain relatively competitive when compared to similar neighboring jurisdictions.

***Add this Ordinance to the April 6, 2016 Business Session agenda and assign it to a City Council Member for first reading that evening. The second reading of the Ordinance will be held at the May 4, 2016 Business Session. The third reading of the Ordinance will be held at the June 1, 2016 Business Session with adoption of the Ordinance requested at that meeting.***

- c. An Ordinance Authorizing The Detachment Of Hamilton County Auditor's Parcel Number 603-0A23-0187 And The Approval Of An Annexation Agreement Related Thereto For The Annexation Of Hamilton County Auditor's Parcel Number 620-0210-0723— Please find attached correspondence from Law Director, Terry Donnellon requesting that City Council adopt an Ordinance that, if adopted, will approve a simultaneous annexation and detachment of properties along the Symmes Township and City of Montgomery borders as a part of the Vintage Club North development. A small lot incorporated into the property owned by Contadino Properties, LLC, operated as a daycare north of the Vintage Club site, will be detached and aligned into Symmes Township. A similarly small wedge

of property in Symmes Township below the property line will be merged into the City by annexation and it will be incorporated into the Vintage Club development. The statutory procedures require legislative approval for this dual process. Ultimately the Board of Commissioners of Hamilton County, Ohio must approve the detachment and annexation.

***Add this Ordinance to the April 6, 2016 Business Session agenda and assign it to a City Council Member for first reading that evening. The second reading of the Ordinance will be held at the May 4, 2016 Business Session. The third reading of the Ordinance will be held at the June 1, 2016 Business Session with adoption of the Ordinance requested at that meeting.***

- d. A Resolution Reaffirming The City's Commitment To Non-Discrimination And Inclusion By Endorsing Guidelines Adopted By The Ohio-Kentucky-Indiana Regional Council Of Governments For Title VI Compliance—Please find attached correspondence from Law Director, Terry Donnellon requesting that City Council approve a Resolution that, if approved, would reaffirm the City's commitment To Non-Discrimination and Inclusion by endorsing Guidelines adopted by the Ohio-Kentucky-Indiana Regional Council of Governments for Title VI Compliance. The City is formally adopting the OKI policy for Title VI compliance. Title VI prohibits discrimination and has been expanded through the years to promote inclusivity in federal programming. While the City already has policies and procedures in place prohibiting discrimination, expanding our policy for federal programs to include the OKI standards allows the City to certify our compliance with Title VI in any project documents.

***Add this Resolution to the April 6, 2016 Business Session agenda, assign it to a City Council member for reading, and consider adoption of the Resolution that evening.***

## **7. Administration Report**

## **8. Law Director Report**

## **9. City Council Member Reports**

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

## **10. Approval of Minutes**—March 2, 2016 Business Session and March 2, 2016 Special Session

## **11. Other Business**

## **12. Executive Session**

## **13. Adjournment**

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

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



## **CITY COUNCIL WORK SESSION AGENDA**

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

**March 23, 2016**

### **City Council Special Meeting – 5:00 p.m.**

- 1. Call to Order**
- 2. Roll Call**
- 3. Personnel/Compensation Matters**
- 4. Executive Session**
- 5. Adjournment**



## CITY COUNCIL WORK SESSION AGENDA

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

March 23, 2016

### Public Hearing – 6:30 p.m.

City Council is scheduled to conduct a Public Hearing to hear a request from Twin Lakes, 9840 Montgomery Road, for the expansion of the conditional use permit and the General Development Plan with equivalencies to allow for the construction of an addition to the Main Campus of Twin Lakes.

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

City Council has two issues to consider as noted below. City Council can consider one motion to include all three issues or separate them into two separate motions. The motions are:

***City Council accepts/rejects the Conditional Use Permit.***

***City Council approves/does not approve the recommendation of the Planning Commission to grant an equivalency with the approval of the General Development Plan allowing an addition to the Main Campus with conditions established by the Planning Commission.***

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

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

1. Call to Order
2. Roll Call
3. Special Presentation
4. Guests and Residents
5. Legislation for Consideration Tonight
6. Establishing an Agenda for April 6, 2016

#### New Legislation

- a. An Ordinance Modifying Section 30.03, Announcement of Public Meetings, of The Code of Ordinances

***Add this Ordinance to the April 6, 2016 Business Session agenda and assign it to a City Council Member for first reading that evening. The second reading of the Ordinance will be held at the May 4, 2016 Business Session. The third reading of the Ordinance will be held at the June 1, 2016 Business Session with adoption of the Ordinance requested at that meeting.***

b. An Ordinance Establishing The Schedule of Municipal Compensation For Employees

***Add this Ordinance to the April 6, 2016 Business Session agenda and assign it to a City Council Member for first reading that evening. The second reading of the Ordinance will be held at the May 4, 2016 Business Session. The third reading of the Ordinance will be held at the June 1, 2016 Business Session with adoption of the Ordinance requested at that meeting.***

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

***Add this Ordinance to the April 6, 2016 Business Session agenda and assign it to a City Council Member for first reading that evening. The second reading of the Ordinance will be held at the May 4, 2016 Business Session. The third reading of the Ordinance will be held at the June 1, 2016 Business Session with adoption of the Ordinance requested at that meeting.***

d. A Resolution Reaffirming The City's Commitment To Non-Discrimination And Inclusion By Endorsing Guidelines Adopted By The Ohio-Kentucky-Indiana Regional Council Of Governments For Title VI Compliance

***Add this Resolution to the April 6, 2016 Business Session agenda, assign it to a City Council member for reading, and consider adoption of the Resolution that evening.***

**7. Administration Report**

**8. Law Director Report**

**9. City Council Member Reports**

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

**10. Approval of Minutes—March 2, 2016 Business Session; March 2, 2016 Special Session**

**11. Other Business**

**12. Executive Session**

**13. Adjournment**

TO: Gerri Harbison, Chair  
Government Affairs Committee of City Council

FROM: Terrence M. Donnellon

RE: Public Meeting Notice

DATE: March 10, 2016

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We recently reviewed the process of providing notice of public meetings as set forth in Section 30.03 of the Code of Ordinances. This Code Section adopted in 1975 seems to be outdated when we examine more closely the method by which the population receives its news in the 21<sup>st</sup> Century. Section 30.03 requires that we publish in a newspaper of general circulation, quarterly, the times and dates of our City Council meetings. It also requires that we have a bulletin board accessible at all hours located within the community. Previously we used the community bulletin board at Kroger's.

Research released by the Pew Research Center in 2012 indicated that 23% of Americans acknowledged they read a print newspaper in the last day. Research in 2015 also from the Pew Research Center indicates that average circulation has continued to fall annually and drops almost 5% each year.

The City Charter does not have any specific requirements regarding notice of public meetings except the advance notice required for Special Meeting of Council in the absence of an emergency. R.C. § 121.22 (Sunshine law) requires that Council establish a reasonable method whereby any person may determine the time and place of all regularly scheduled meetings. The statute also requires that we provide notice of any Special Meeting to media organizations requesting such notice at least 24 hours in advance of the meeting unless it is an emergency. This mirrors the process from the City Charter. Finally, R.C. § 121.22(F) requires that we send advance notice of any public meeting to any person, which would include media organizations, who request advance notification. The advance notification can include mailing the request to the media.

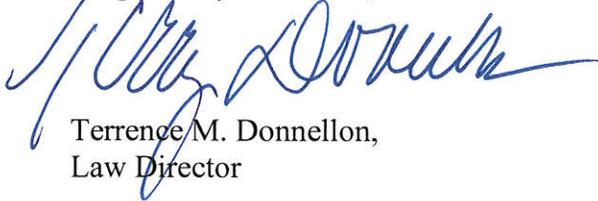
It makes sense in the 21<sup>st</sup> Century when the City has an award winning website and a newsletter mailed to all households in the community that we update the section regarding notification to recognize these avenues as meeting our public notice requirements. The proposed Ordinance change would require the City to post, no less than quarterly, the dates and scheduled times of meetings on the City's website and within the City newsletter. If a decision is made at a public

meeting to change the time or location of a future meeting, then notice of that change would be posted to the City's website.

Mirroring R.C. § 121.22, the proposed change in the Ordinance requires notice to any person or organization who requests advance notice in the manner in which they request such notice to be sent, either electronically (email), by facsimile transmission, or by U.S. Mail. Importantly, the failure of delivery should not void any action by City Council if we had made reasonable attempt to satisfy their requested notice.

The recent City survey tells us the vast majority of households receive information through the newsletter or the City website. The question to be addressed is whether or not a bulletin board should still be required as an outlet for notices to cover that small portion of the population who may not get their information through either the newsletter or the internet. Keep in mind that the newsletter is mailed to all households within the City, so if someone does not have an internet connection they are not missing an opportunity for notice, but a bulletin board could cover the gap between newsletter publications if Council wished to take the extra steps to provide all available sources for meeting notices.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Terrence M. Donnellon", is written over the typed name and title.

Terrence M. Donnellon,  
Law Director

TMD/lld

Enclosure

cc: Members of City Council  
Wayne Davis

ORDINANCE NO. , 2016

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

APPROVED AS TO FORM:

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

March 18, 2016

TO: Wayne S. Davis, City Manager

FROM: Julie Prickett, Human Resources Manager *JEP*

SUBJECT: Municipal Compensation Ordinance

### Introduction

Traditionally the City's Schedule of Municipal Compensation for non-collective bargaining and exempt employees is adjusted annually in July to be consistent with collective bargaining employee wage rate adjustments. The current Schedule of Municipal Compensation does not specify any wage rate adjustments for July 2016 or July 2017; therefore, a new compensation schedule needs to be established. In addition, the new Schedule of Municipal Compensation also reflects adjustments to several position pay ranges in order to ensure that the City's pay practices remain relatively competitive when compared to similar neighboring jurisdictions.

### Background

A long established goal of the City has been to try to retain comparability and consistency between its collective bargaining and non-collective bargaining and exempt employees. Last year in collective bargaining with the International Association of Fire Fighters (IAFF), a contract agreement was reached for full-time firefighters and fire lieutenants which includes wage increases of 3% effective in April 2015, 2.5% effective in April 2016, and 2.5% effective in April 2017. Through a collective bargaining agreement with the American Federation of State, County and Municipal Employees (AFSCME), public works employees will receive a 2.5% wage increase in September 2016. Patrol officers and sergeants, who are under a collective bargaining agreement with the Fraternal Order of Police (FOP), are in the final year of their contract and we are currently starting the bargaining process with the FOP. The attached Municipal Compensation Ordinance would provide the City's non-union employees the same level of wage increases as those that are currently in place through collective bargaining agreements.

It should also be noted that when the Municipal Compensation Ordinance for the July 2014 – January 2016 period was originally adopted, the Administration reported that "adjustments to some of our wage classifications may be required in the future and will need to be reviewed in future years to ensure that our wage classifications remain competitive in the market place." A comprehensive position pay survey of comparable communities (Blue Ash, Forest Park, Indian Hill, Loveland, Madeira, Mason, Sharonville, Springdale and Wyoming) was conducted in May 2015. As a result, it appears that adjustments to pay ranges for certain positions are warranted to ensure that the City's wage rates remain relatively competitive when compared to similar neighboring jurisdictions. Pay ranges would be adjusted for various positions throughout the schedule from the department head level to front lines positions such as finance specialist and customer service representative, consistent with the results of the pay survey.

Finally, it should be noted that this Ordinance will also amend Section 32.01 of the Code of Ordinances to change the police lieutenant position to an assistant chief of police position in order to more accurately portray how this position currently functions as well as to create more consistency between the police and fire departmental command structures.

#### Recommendation

It is recommended that City Council begin the reading and adoption process on the attached Municipal Compensation Ordinance in order for pay ranges to be established for non-union positions to be effective beginning with the first day of the first pay period in July 2016.

#### Attachment

C: Connie Gaylor, Administrative Coordinator  
Department Heads  
File

ORDINANCE NO. \_\_\_\_\_, 2016

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

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

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

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

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

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

*(2) The Assistant Chief of Police.*

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

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

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

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

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

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

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

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

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

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

APPROVED AS TO FORM

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

## Full-Time Schedule

EXHIBIT "A"

Range	Position	Effective first day of first full pay period in July 2016		Effective first day of first full pay period in July 2017		
		Minimum	Maximum	Minimum	Maximum	
1	Assistant City Manager Director of Finance Fire Chief Police Chief Public Works Director Community Development Director Community and Information Services Director	Annual	\$88,129.60	\$117,478.40	\$90,334.40	\$120,411.20
2	Assistant Fire Chief Assistant Police Chief Assistant Public Works Director	Annual	\$79,955.20	\$99,299.20	\$81,952.00	\$101,774.48
3A	Assistant Director of Finance/Tax Commissioner Human Resources Manager	Annual	\$65,644.80	\$86,008.00	\$67,288.00	\$88,150.40
3B	Communications and Engagement Coordinator Recreation Coordinator	Annual	\$64,604.80	\$84,572.80	\$66,227.20	\$86,694.40
4	Zoning and Code Compliance Officer Public Works Department Supervisor	Annual	\$57,803.20	\$73,923.20	\$59,238.40	\$75,774.40
5	Construction and Compliance Inspector	Hourly	\$26.76	\$33.71	\$27.43	\$34.55
6	Administrative Coordinator Building and Development Office Manager	Hourly	\$25.25	\$31.56	\$25.88	\$32.35
7	Recreation Specialist	Hourly	\$23.59	\$29.73	\$24.18	\$30.47
8	Clerk of Court	Hourly	\$21.62	\$28.13	\$22.16	\$28.83
9	Finance Specialist Customer Service Representative	Hourly	\$21.31	\$26.64	\$21.84	\$27.31

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

## Part-Time Schedule

### Part Time Schedule

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

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

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

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

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

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

TO: Mayor Christopher P. Dobrozsi  
Members of City Council

FROM: Terrence M. Donnellon

RE: Vintage Club-North Annexation/Detachment

DATE: March 18, 2016

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As a part of the further development of the Vintage Club-North site, the underlying property owners have asked the City to properly align the boundaries between Symmes Township and Montgomery. Attached for you is a copy of a plat drawing for the development which indicates that parcel 603-0A23-0187 (approximately .0549 acres) was developed by Contadino Properties, LLC within Symmes Township, but a small portion of the developed lot remains within the City of Montgomery. Similarly, a small portion of the lot on the Vintage Club site in that earlier exchange remained a part of Symmes Township and must be realigned with the City of Montgomery to appropriately zone the district.

State statutes allow for a boundary adjustment between municipal corporations, but Symmes Township will not qualify as a municipal corporation, so we are required to proceed with simultaneous procedures to detach the small wedge of property from the City to Symmes Township and to annex a small portion of the property in Symmes Township into the City. Once this detachment and annexation have been complete, the property lines and the boundary lines will be appropriately aligned.

The state statute relative to detachment (R.C. § 709.38) requires the application for detachment to be approved by Ordinance. The state statutes for annexation by agreement of the property owners allows the adjoining jurisdictions to enter into an Annexation Agreement appropriately approved by the legislative bodies for each district. Typically we would approve an agreement by Resolution, but because these processes must run parallel, we are incorporating the approval of the Annexation Agreement into the Ordinance required for detachment.

At this time the property owners are trying to complete the process to secure signatures on the appropriate Petitions. So as not to delay the development of the properties, the developers have asked us to start the legislative process by placing this on the agenda for a first reading April 6<sup>th</sup>. If the Petitions have not been properly signed and presented to City Council by that date, we will ask the legislation to be tabled.

Memo to City Council  
March 18, 2016  
Page Two

The Board of Trustees of Symmes Township similarly is reviewing legislation to approve the Annexation Agreement in Symmes at their April 5<sup>th</sup> Township meeting.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Terrence M. Donnellon", is written over the typed name and title.

Terrence M. Donnellon,  
Law Director

TMD/lld

Enclosure

cc: Connie Gaylor, Administrative Coordinator  
Department Heads  
File

ORDINANCE NO.           , 2016

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

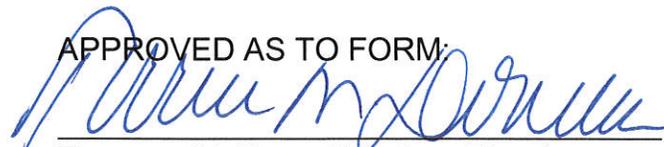
**SECTION 6.** This Ordinance shall take effect the earliest opportunity as allowable by law.

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

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

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

APPROVED AS TO FORM:

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

**SCHEDULE A**

**PETITION FOR DETACHMENT**

The undersigned, authorized representative of Contadino Properties, LLC, an Ohio limited liability corporation, under R.C. § 709.38 does hereby petition the Board of County Commissioners of Hamilton County, Ohio, with the support of the Board of Trustees of Symmes Township, Ohio and the Council of the City of Montgomery, Ohio, which have entered into a separate Annexation Agreement, to appropriately detach Hamilton County Auditor's parcel number 603-0A23-0187 from the City of Montgomery, Ohio to Symmes Township, Ohio. The property to be detached is more particularly described on Exhibit A attached hereto and incorporated herein by reference, and such property is appropriately depicted in the plat attached to such legal description. The property is contiguous to Symmes Township, and Contadino Properties, LLC is the sole owner of the property to be detached.

CONTADINO PROPERTIES, LLC,  
an Ohio limited liability corporation  
owner of Hamilton County Auditor's  
parcel number 603-0A23-0187  
11340 Donwiddle Drive  
Morrow, Ohio 45152

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

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

Its: \_\_\_\_\_

Date: \_\_\_\_\_

EXHIBIT A

PROPERTY CONVEYED - 0.0549 ACRES

Situate in Section 36, Town 5, Entire Range 1, Symmes Township, City of Montgomery, Hamilton County, Ohio and being part of the land conveyed to Vintage Club Associates, LTD., as recorded in O.R. 10330, Page 1823, Hamilton County, Ohio Recorder's Office, and being more particularly described as follows:

Beginning at an existing iron pin at the northwest corner of Open Space Lot H of The Vintage Club, Phase Three, as recorded in P.B. 415, Pg. 94-95, Hamilton County, Ohio Recorder's Office;

Thence, with the northerly lines of the aforesaid lands conveyed to Vintage Club Associates, LTD., South 89°39'20" West, 182.34 feet to a point, said point being witnessed by an iron pin lying 0.1'S, 0.5'W;

Thence, South 89°55'50" West, 264.00 feet to a point, said point being witnessed by a concrete monument lying 1.5'S, 1.8'E;

Thence, with an easterly line of said lands, North 03°45'30" West, 49.25 feet to a set iron pin and the **Real Point of Beginning** for this description;

Thence, with a new division line, North 53°53'11" West, 63.29 feet to a set 5/8" iron pin in the west line of said lands and the southeast right-of-way line of Montgomery Road;

Thence, with said lands and said right-of-way line, North 36°14'57" East, 75.55 feet to a concrete monument;

Thence, leaving said right-of-way line and continuing with said lands, South 03°45'30" East, 98.44 feet to the **Real Point of Beginning**.

Containing 0.0549 acres of land.

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

This conveyance is a transfer between adjoining lot owners made in compliance with Section 711.001 Subsection (B)(1) Ohio Revised Code and does not create an additional building site nor violate any zoning regulation or other public regulation in the parcel hereby conveyed or the balance of the parcel retained by the grantor herein. The parcel hereby conveyed may not

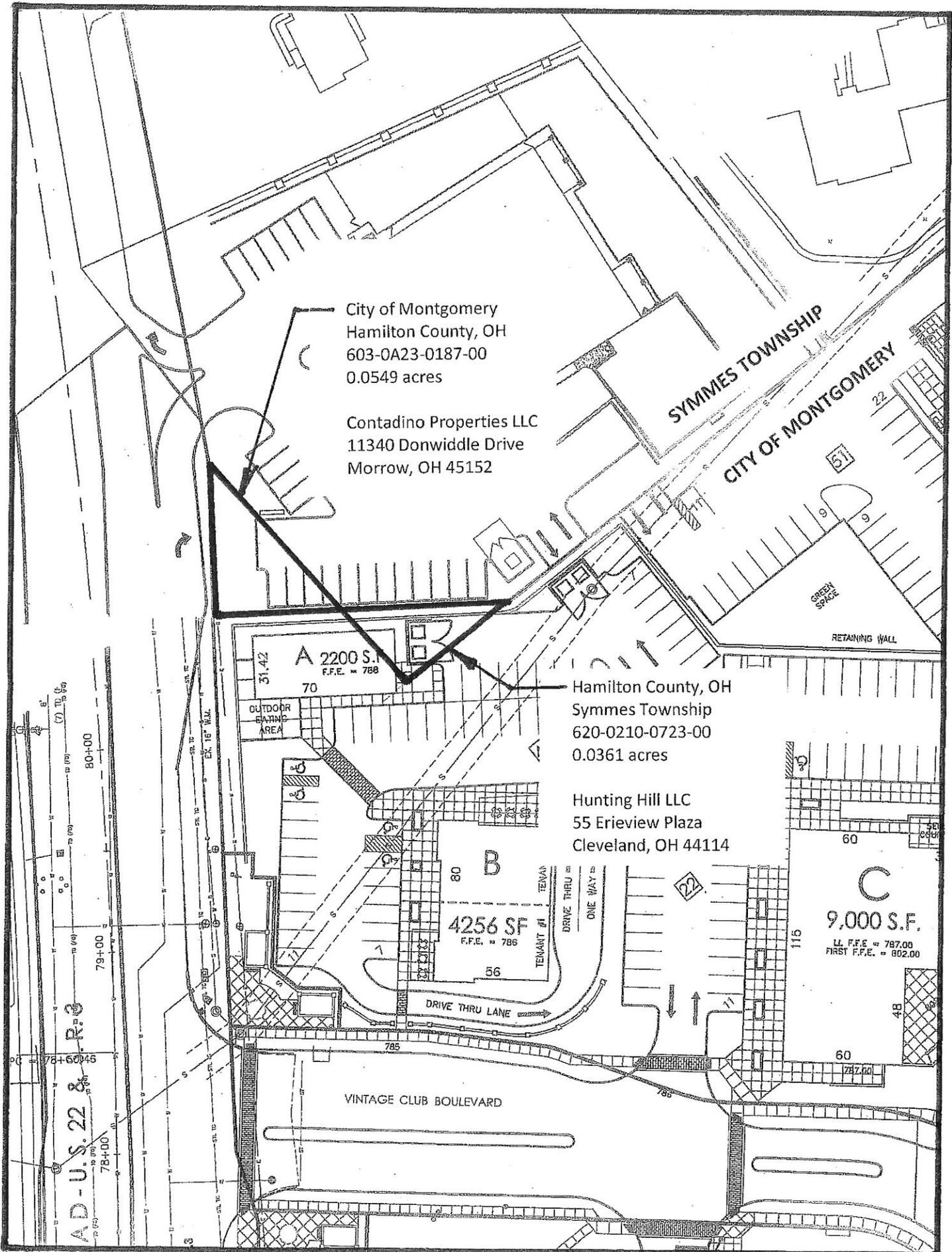
hereafter be conveyed separately from the grantee's adjoining parcel nor any structure erected thereon without the prior approval of the authority having approving jurisdiction of plats.

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, Page 57-58, Hamilton County, Ohio Recorder's Office.

Prepared by: McGill Smith Punshon, Inc.

Date: August 31, 2009

MSP No.: 04308.00



City of Montgomery  
 Hamilton County, OH  
 603-0A23-0187-00  
 0.0549 acres

Contadino Properties LLC  
 11340 Donwiddle Drive  
 Morrow, OH 45152

Hamilton County, OH  
 Symmes Township  
 620-0210-0723-00  
 0.0361 acres

Hunting Hill LLC  
 55 Erieview Plaza  
 Cleveland, OH 44114

AD - U.S. 22 & R.O.

VINTAGE CLUB BOULEVARD

SYMME'S TOWNSHIP

CITY OF MONTGOMERY

RETAINING WALL

CREEPY SPACE

OUTDOOR BATING AREA

DRIVE THRU LANE

DRIVE THRU  
 ONE WAY  
 TENTATIVE

LL F.F.E. = 787.00  
 FIRST F.F.E. = 802.00

**SCHEDULE B**

**PETITION FOR ANNEXATION**

The undersigned, authorized representative of Hunting Hill, LLC, an Ohio limited liability corporation, under R.C. § 709.022 does hereby petition the Board of County Commissioners of Hamilton County, Ohio, with the support of the Board of Trustees of Symmes Township, Ohio and the Council of the City of Montgomery, Ohio, which have entered into a separate Annexation Agreement, to appropriately annex Hamilton County Auditor's parcel number 620-0210-0723 from Symmes Township, Ohio to the City of Montgomery, Ohio. The property to be annexed is more particularly described on Exhibit A attached hereto and incorporated herein by reference, and such property is appropriately depicted in the plat attached to such legal description. The property is contiguous to the City of Montgomery, and Hunting Hill, LLC is the sole owner of the property to be annexed. Further, Hunting Hill, LLC does hereby appoint Wayne S. Davis, City Manager of the City of Montgomery, Ohio, as its agent in these proceedings.

WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL ANY ACTION ON THE PETITION TAKEN BY THE BOARD OF COUNTY COMMISSIONERS. THERE ALSO IS NO APPEAL FROM THE BOARD'S DECISION IN THIS MATTER IN LAW OR IN EQUITY.

HUNTING HILL, LLC,  
an Ohio limited liability corporation  
owner of Hamilton County Auditor's  
parcel number 620-0210-0723  
55 Erieview Plaza  
Cleveland, Ohio 44114

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

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

Its: \_\_\_\_\_

Date: \_\_\_\_\_

**EXHIBIT A**

**PROPERTY CONVEYED - 0.0361 ACRES**

Situate in Section 36, Town 5, Entire Range 1, Symmes Township, Hamilton County, Ohio and being part of the land conveyed to Contadino Properties, LLC., as recorded in O.R. 11198, Page 1604, Hamilton County, Ohio Recorder's Office, and being more particularly described as follows:

Beginning at an iron pin at the northwest corner of Open Space Lot H of The Vintage Club, Phase Three, as recorded in P.B. 415, Pg. 94-95, Hamilton County, Ohio Recorder's Office;

Thence, with the northerly lines of the lands conveyed to Vintage Club Associates, LTD., by deed recorded in O.R. 10330. Page 1823, Hamilton County, Ohio Recorder's Office, South 89°39'20" West, 182.34 feet to a point, said point being witnessed by an iron pin lying 0.1'S, 0.5'W;

Thence, South 89°55'50" West, 199.97 feet to a set 5/8" iron pin and the **Real Point of Beginning** for this description;

Thence, continuing along the north and east lines of said lands, South 89°55'50" West, 64.03 feet to a point, said point being witnessed by a concrete monument lying 1.5'S, 11.8'E;

Thence, North 03°45'30" West, 49.25 feet to a set 5/8" iron pin;

Thence, with a new division line, South 53°53'11" East, 83.25 feet to the **Real Point of Beginning**.

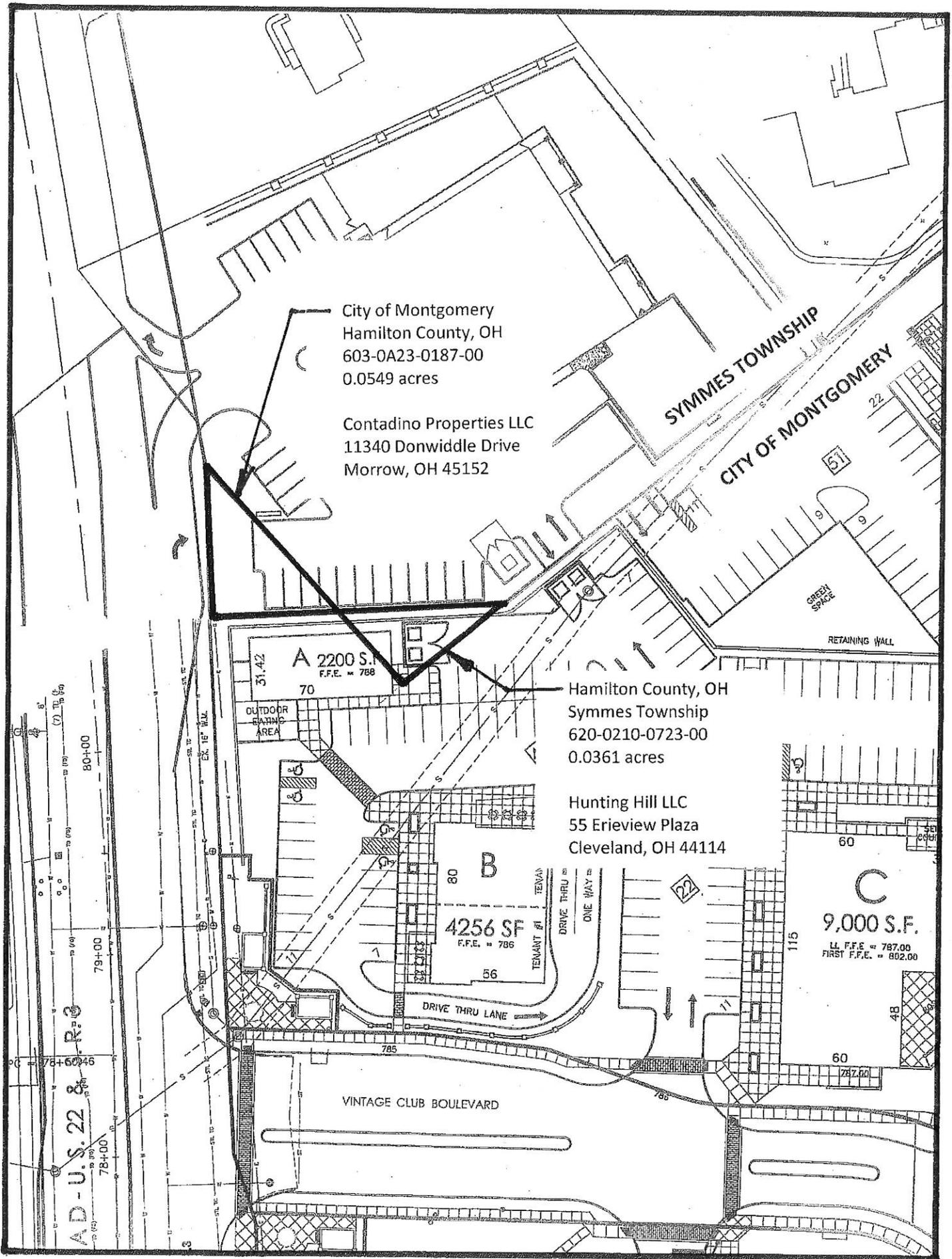
Containing 0.0361 acres of land.

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

This conveyance is a transfer between adjoining lot owners made in compliance with Section 711.001 Subsection (B)(1) Ohio Revised Code and does not create an additional building site nor violate any zoning regulation or other public regulation in the parcel hereby conveyed or the balance of the parcel retained by the grantor herein. The parcel hereby conveyed may not hereafter be conveyed separately from the grantee's adjoining parcel nor any structure erected thereon without the prior approval of the authority having approving jurisdiction of plats.

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, Page 57-58, Hamilton County, Ohio Recorder's Office.

Prepared by: McGill Smith Punshon, Inc.  
Date: August 31, 2009  
MSP No.: 04308.00



City of Montgomery  
 Hamilton County, OH  
 603-0A23-0187-00  
 0.0549 acres

Contadino Properties LLC  
 11340 Donwiddle Drive  
 Morrow, OH 45152

Hamilton County, OH  
 Symmes Township  
 620-0210-0723-00  
 0.0361 acres

Hunting Hill LLC  
 55 Erievue Plaza  
 Cleveland, OH 44114

AD - U.S. 22 & R-3

VINTAGE CLUB BOULEVARD

SYMMES TOWNSHIP

CITY OF MONTGOMERY

GREEN SPACE

RETAINING WALL

A 2200 S.F.  
 F.F.E. = 788

B  
 4256 SF  
 F.F.E. = 786

C  
 9,000 S.F.  
 LL F.F.E. = 787.00  
 FIRST F.F.E. = 802.00

OUTDOOR  
 EATING  
 AREA

DRIVE THRU LANE

DRIVE THRU  
 ONE WAY  
 TENANT #1

80+00

79+00

78+00

31.42

70

80

56

785

22

60

LL F.F.E. = 787.00  
 FIRST F.F.E. = 802.00

48

60

50

51

22

51

9

9

78+60.46

78+00

## SCHEDULE C

### ANNEXATION AGREEMENT

This Annexation Agreement (“Agreement”) is entered into effective upon the legislative approval of the parties to this Agreement, the CITY OF MONTGOMERY, OHIO, an Ohio municipal corporation (“Montgomery”) and the BOARD OF TRUSTEES OF SYMMES TOWNSHIP, OHIO (“Symmes”), which legislative approval is attached hereto.

WHEREAS, on or about November 17, 2009, a parcel of land straddling the Montgomery and Symmes border was subdivided and sold for the development of a childcare/school facility, which property is now owned by and was developed by Contadino Properties, LLC (“Contadino”), an Ohio limited liability corporation; and

WHEREAS, as subdivided, a portion of the land to be developed by Contadino (Hamilton County Auditor parcel number 603-0A23-0187 more particularly described on Schedule A attached hereto) remained in Montgomery, and a portion of the residue of the undeveloped and unsold land (Hamilton County Auditor’s parcel number 620-0210-0723 more particularly described on Schedule B attached hereto) remained in Symmes; and

WHEREAS, such portion of the residue of undeveloped land has since been acquired by Hunting Hill, LLC (“Hunting Hill”), an Ohio limited liability corporation; and

WHEREAS, to properly align the subdivided land and the residue land, the respective owners, Contadino and Hunting Hill, have petitioned Montgomery to detach parcel 603-0A23-0187 to be accepted by Symmes and to annex parcel 620-0210-0723 to be accepted by Montgomery, which Petitions are attached hereto respectively as Schedules C and D; and

WHEREAS, the petitioning property owners represent all property owners within the area to be annexed or within the area to be detached; and

allow an annexation to proceed under agreement between the Township and the municipal corporation with the consent of all property owners; and

WHEREAS, Hunting Hill, LLC is the sole owner of parcel number 620-0210-0723 seeking to be annexed to Montgomery, and Contadino is the sole owner of parcel number 603-0A23-0187 seeking to be detached from Montgomery and included in Symmes; and

WHEREAS, both the Council of the City of Montgomery, Ohio and the Board of Trustees of Symmes Township, Ohio have approved this Annexation Agreement and have approved the simultaneous detachment and annexation of these parcels to properly align the property lines with Symmes and Montgomery boundaries.

NOW THEREFORE, in consideration for the mutual promises and covenants contained herein, the parties agree as follows:

1. This Annexation Agreement and the annexation of parcel 620-0210-0723 from Symmes to Montgomery is expressly conditioned upon the simultaneous approval of the detachment of parcel number 603-0A23-0187 from Montgomery to be incorporated into Symmes.

2. This Agreement shall only apply to the annexation of parcel number 620-0210-0723 and shall remain in effect only until the annexation of such parcel to Montgomery and the attachment of such parcel to Symmes is completed upon approval of the Board of County Commissioners, Hamilton County, Ohio.

3. The parcels, once aligned to the appropriate jurisdictions to which they shall be attached or annexed, shall be accepted into the respective jurisdictions as currently zoned within the township district or the city district, or in such district within the acquiring jurisdiction as would most appropriately align with the underling zone in the respective jurisdictions to which they shall be detached or annexed. Thereafter the owners are free to petition for such rezoning, as appropriate, for their land development.

4. Upon the detachment of parcel 603-0A23-0187 to Symmes Township from the City of Montgomery, such parcel shall be removed from the Tax Incentive Finance District in which it was included in Montgomery, it shall be appropriately renumbered by the Hamilton County Auditor, and such plat, as renumbered, shall become part of the taxing district for Symmes without incentive financing. Montgomery separately shall be entitled to apply to include such parcel, as renumbered by the Hamilton County Auditor, into its tax incentive district.

5. As the respective parcels to be annexed or detached are insignificant in size and value, it is agreed that the boundary adjustment shall have no impact on the indebtedness of each respective jurisdiction and the properties are released from the apportionment of indebtedness in each respective jurisdiction from which they shall be withdrawn, and such properties as realigned shall then be incorporated into the appropriate indebtedness of the jurisdiction to which they shall be attached.

6. The parties find that this exchange shall not be a burden upon the public services provided by either the Symmes or Montgomery, and each jurisdiction upon accepting such parcel shall assume responsibility to provide appropriate public services to such properties.

7. The appropriate annexation and detachment of the parcels in question are expressly conditioned upon both the detachment and the annexation of these parcels in each jurisdiction. If either event should not occur, this Annexation Agreement and any separate agreement relative to detachment shall be void.

8. If any term, provision or condition contained in this Agreement shall, to any extent, be determined to be invalid or unenforceable, the remainder of this Agreement (or the application of such term, provision or condition to persons or circumstances other than those in respect of

which it is invalid or unenforceable), shall not be affected thereby, and each term, provision and condition of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

9. For the convenience of the parties, this Agreement may be executed in one or more counterparts including separate signature pages, which counterparts together shall constitute the entire Agreement of the parties.

10. This Agreement shall be governed by the laws of the State of Ohio and shall be interpreted and enforced in accordance with the laws of that State without regard to the principles of conflicts of laws.

CITY OF MONTGOMERY, OHIO  
an Ohio municipal corporation

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

Wayne S. Davis

Its: City Manager

Date: \_\_\_\_\_

BOARD OF TRUSTEES OF SYMMES  
TOWNSHIP, OHIO

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

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

Its: \_\_\_\_\_

Date: \_\_\_\_\_

## SCHEDULE A

### PROPERTY CONVEYED - 0.0549 ACRES

Situate in Section 36, Town 5, Entire Range 1, Symmes Township, City of Montgomery, Hamilton County, Ohio and being part of the land conveyed to Vintage Club Associates, LTD., as recorded in O.R. 10330, Page 1823, Hamilton County, Ohio Recorder's Office, and being more particularly described as follows:

Beginning at an existing iron pin at the northwest corner of Open Space Lot H of The Vintage Club, Phase Three, as recorded in P.B. 415, Pg. 94-95, Hamilton County, Ohio Recorder's Office;

Thence, with the northerly lines of the aforesaid lands conveyed to Vintage Club Associates, LTD., South 89°39'20" West, 182.34 feet to a point, said point being witnessed by an iron pin lying 0.1'S, 0.5'W;

Thence, South 89°55'50" West, 264.00 feet to a point, said point being witnessed by a concrete monument lying 1.5'S, 1.8'E;

Thence, with an easterly line of said lands, North 03°45'30" West, 49.25 feet to a set iron pin and the **Real Point of Beginning** for this description;

Thence, with a new division line, North 53°53'11" West, 63.29 feet to a set 5/8" iron pin in the west line of said lands and the southeast right-of-way line of Montgomery Road;

Thence, with said lands and said right-of-way line, North 36°14'57" East, 75.55 feet to a concrete monument;

Thence, leaving said right-of-way line and continuing with said lands, South 03°45'30" East, 98.44 feet to the **Real Point of Beginning**.

Containing 0.0549 acres of land.

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

This conveyance is a transfer between adjoining lot owners made in compliance with Section 711.001 Subsection (B)(1) Ohio Revised Code and does not create an additional building site nor violate any zoning regulation or other public regulation in the parcel hereby conveyed or the balance of the parcel retained by the grantor herein. The parcel hereby conveyed may not

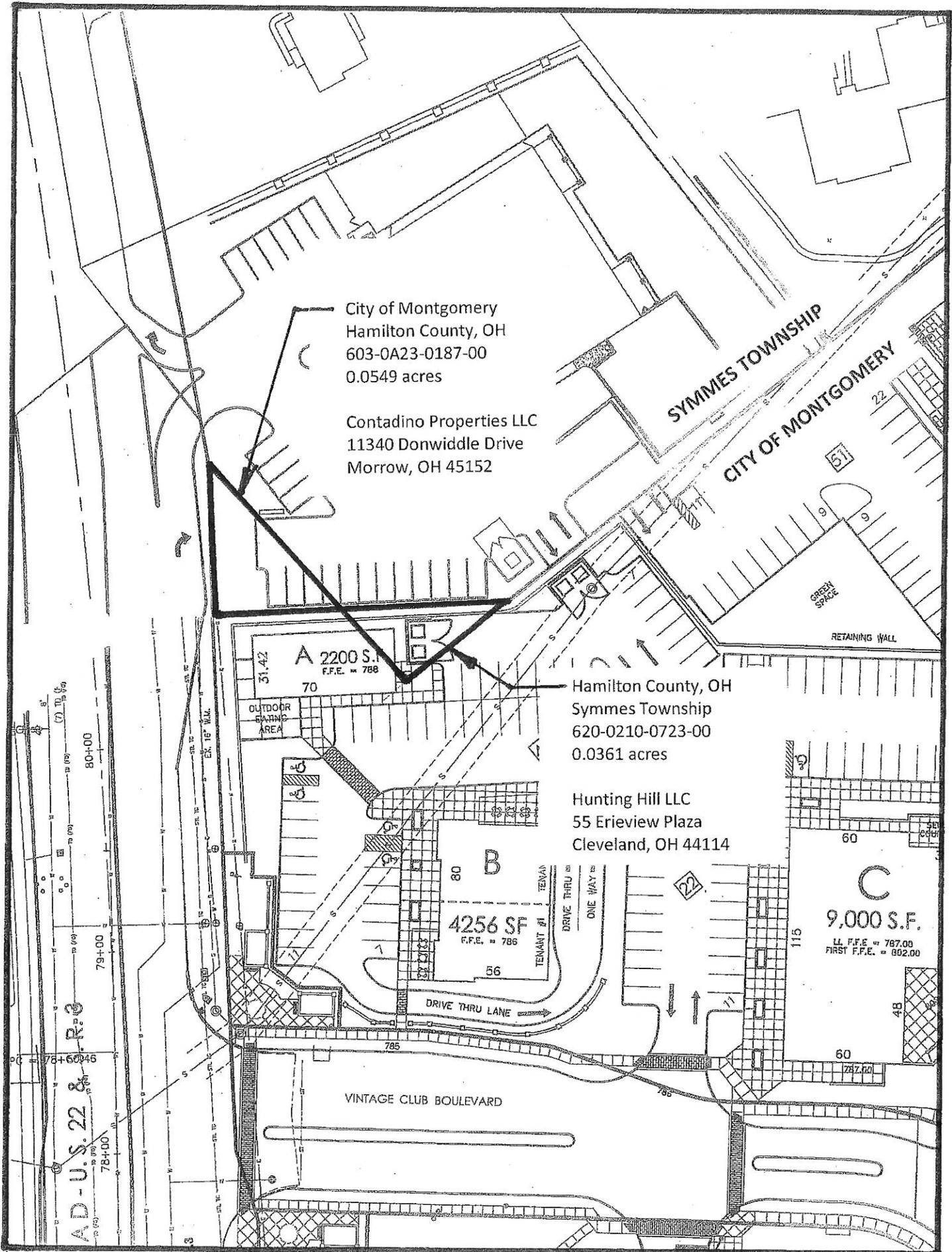
hereafter be conveyed separately from the grantee's adjoining parcel nor any structure erected thereon without the prior approval of the authority having approving jurisdiction of plats.

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, Page 57-58, Hamilton County, Ohio Recorder's Office.

Prepared by: McGill Smith Punshon, Inc.

Date: August 31, 2009

MSP No.: 04308.00



City of Montgomery  
Hamilton County, OH  
603-0A23-0187-00  
0.0549 acres

Contadino Properties LLC  
11340 Donwiddle Drive  
Morrow, OH 45152

Hamilton County, OH  
Symmes Township  
620-0210-0723-00  
0.0361 acres

Hunting Hill LLC  
55 Erieview Plaza  
Cleveland, OH 44114

A 2200 S.F.  
F.F.E. = 788

B 4256 SF  
F.F.E. = 786

C 9,000 S.F.  
LL F.F.E. = 787.00  
FIRST F.F.E. = 802.00

SYMMES TOWNSHIP

CITY OF MONTGOMERY

VINTAGE CLUB BOULEVARD

DRIVE THRU LANE

DRIVE THRU  
ONE WAY

GREEN SPACE

RETAINING WALL

AD-U.S. 22 & R.O.

80+00

79+00

78+60.46

78+00

31.42

70

80

56

785

780

115

60

60

48

51

22

9

9

22

9

9

22

9

9

22

9

9

## SCHEDULE B

### PROPERTY CONVEYED - 0.0361 ACRES

Situate in Section 36, Town 5, Entire Range 1, Symmes Township, Hamilton County, Ohio and being part of the land conveyed to Contadino Properties, LLC., as recorded in O.R. 11198, Page 1604, Hamilton County, Ohio Recorder's Office, and being more particularly described as follows:

Beginning at an iron pin at the northwest corner of Open Space Lot H of The Vintage Club, Phase Three, as recorded in P.B. 415, Pg. 94-95, Hamilton County, Ohio Recorder's Office;

Thence, with the northerly lines of the lands conveyed to Vintage Club Associates, LTD., by deed recorded in O.R. 10330, Page 1823, Hamilton County, Ohio Recorder's Office, South 89°39'20" West, 182.34 feet to a point, said point being witnessed by an iron pin lying 0.1'S, 0.5'W;

Thence, South 89°55'50" West, 199.97 feet to a set 5/8" iron pin and the **Real Point of Beginning** for this description;

Thence, continuing along the north and east lines of said lands, South 89°55'50" West, 64.03 feet to a point, said point being witnessed by a concrete monument lying 1.5'S, 11.8'E;

Thence, North 03°45'30" West, 49.25 feet to a set 5/8" iron pin;

Thence, with a new division line, South 53°53'11" East, 83.25 feet to the **Real Point of Beginning**.

Containing 0.0361 acres of land.

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

This conveyance is a transfer between adjoining lot owners made in compliance with Section 711.001 Subsection (B)(1) Ohio Revised Code and does not create an additional building site nor violate any zoning regulation or other public regulation in the parcel hereby conveyed or the balance of the parcel retained by the grantor herein. The parcel hereby conveyed may not hereafter be conveyed separately from the grantee's adjoining parcel nor any structure erected thereon without the prior approval of the authority having approving jurisdiction of plats.

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, Page 57-58, Hamilton County, Ohio Recorder's Office.

Prepared by: McGill Smith Punshon, Inc.  
Date: August 31, 2009  
MSP No.: 04308.00



**SCHEDULE C**

**PETITION FOR DETACHMENT**

The undersigned, authorized representative of Contadino Properties, LLC, an Ohio limited liability corporation, under R.C. § 709.38 does hereby petition the Board of County Commissioners of Hamilton County, Ohio, with the support of the Board of Trustees of Symmes Township, Ohio and the Council of the City of Montgomery, Ohio, which have entered into a separate Annexation Agreement, to appropriately detach Hamilton County Auditor's parcel number 603-0A23-0187 from the City of Montgomery, Ohio to Symmes Township, Ohio. The property to be detached is more particularly described on Exhibit A attached hereto and incorporated herein by reference, and such property is appropriately depicted in the plat attached to such legal description. The property is contiguous to Symmes Township, and Contadino Properties, LLC is the sole owner of the property to be detached.

CONTADINO PROPERTIES, LLC,  
an Ohio limited liability corporation  
owner of Hamilton County Auditor's  
parcel number 603-0A23-0187  
11340 Donwiddle Drive  
Morrow, Ohio 45152

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

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

Its: \_\_\_\_\_

Date: \_\_\_\_\_

EXHIBIT A

PROPERTY CONVEYED - 0.0549 ACRES

Situate in Section 36, Town 5, Entire Range 1, Symmes Township, City of Montgomery, Hamilton County, Ohio and being part of the land conveyed to Vintage Club Associates, LTD., as recorded in O.R. 10330, Page 1823, Hamilton County, Ohio Recorder's Office, and being more particularly described as follows:

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Thence, with an easterly line of said lands, North  $03^{\circ}45'30''$  West, 49.25 feet to a set iron pin and the **Real Point of Beginning** for this description;

Thence, with a new division line, North  $53^{\circ}53'11''$  West, 63.29 feet to a set  $5/8''$  iron pin in the west line of said lands and the southeast right-of-way line of Montgomery Road;

Thence, with said lands and said right-of-way line, North  $36^{\circ}14'57''$  East, 75.55 feet to a concrete monument;

Thence, leaving said right-of-way line and continuing with said lands, South  $03^{\circ}45'30''$  East, 98.44 feet to the **Real Point of Beginning**.

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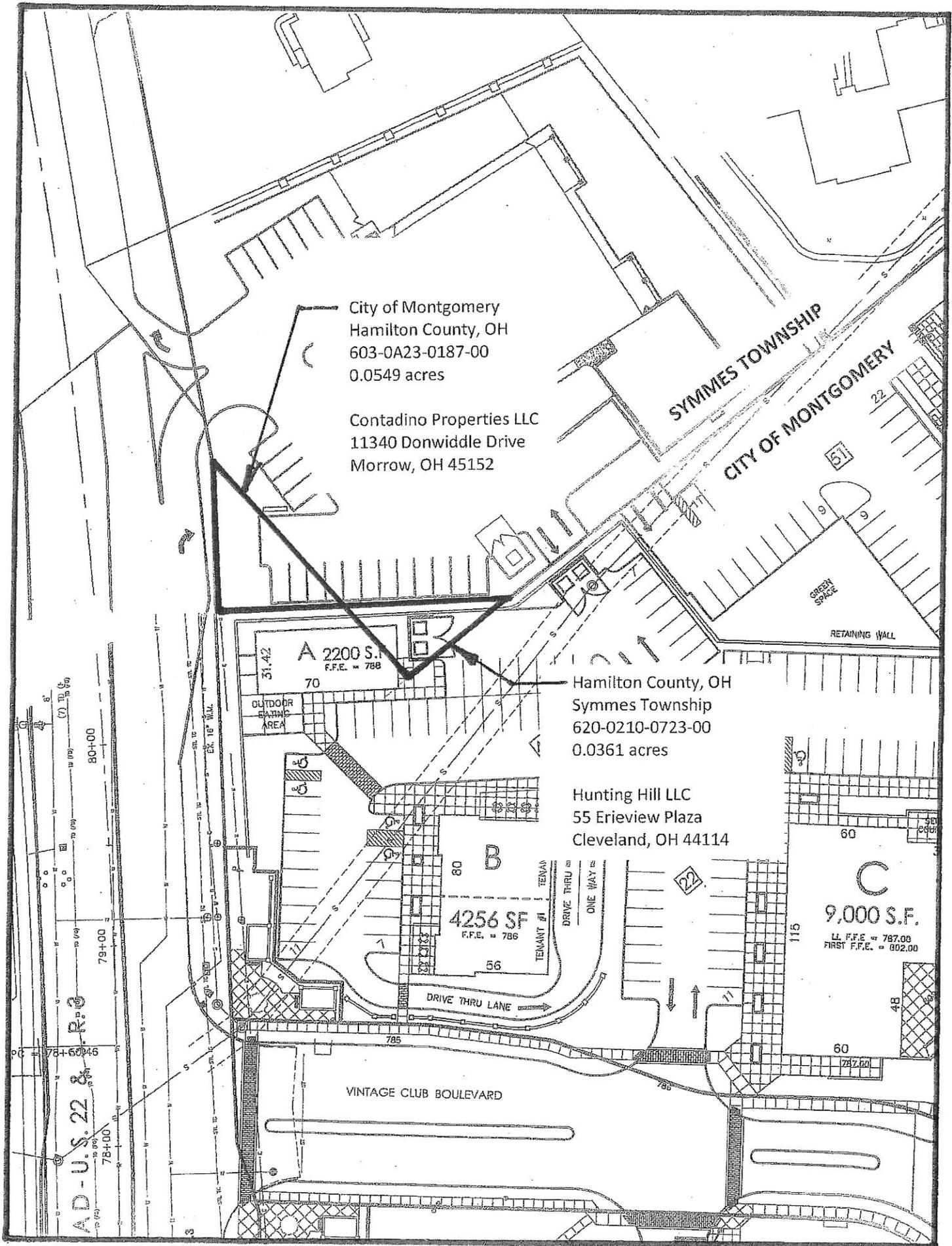
Subject to all legal highways, easements and restrictions of record.

This conveyance is a transfer between adjoining lot owners made in compliance with Section 711.001 Subsection (B)(1) Ohio Revised Code and does not create an additional building site nor violate any zoning regulation or other public regulation in the parcel hereby conveyed or the balance of the parcel retained by the grantor herein. The parcel hereby conveyed may not

hereafter be conveyed separately from the grantee's adjoining parcel nor any structure erected thereon without the prior approval of the authority having approving jurisdiction of plats.

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, Page 57-58, Hamilton County, Ohio Recorder's Office.

Prepared by: McGill Smith Punshon, Inc.  
Date: August 31, 2009  
MSP No.: 04308.00



City of Montgomery  
 Hamilton County, OH  
 603-0A23-0187-00  
 0.0549 acres

Contadino Properties LLC  
 11340 Donwiddle Drive  
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Hamilton County, OH  
 Symmes Township  
 620-0210-0723-00  
 0.0361 acres

Hunting Hill LLC  
 55 Erieview Plaza  
 Cleveland, OH 44114

SYMMES TOWNSHIP

CITY OF MONTGOMERY

AD - U.S. 22 & R.3

VINTAGE CLUB BOULEVARD

GREEN SPACE

RETAINING WALL

A 2200 S.F.  
 F.F.E. = 788

B  
 4256 SF  
 F.F.E. = 786

C  
 9,000 S.F.  
 LL F.F.E. = 787.00  
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80+00

79+00

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**SCHEDULE D**

**PETITION FOR ANNEXATION**

The undersigned, authorized representative of Hunting Hill, LLC, an Ohio limited liability corporation, under R.C. § 709.022 does hereby petition the Board of County Commissioners of Hamilton County, Ohio, with the support of the Board of Trustees of Symmes Township, Ohio and the Council of the City of Montgomery, Ohio, which have entered into a separate Annexation Agreement, to appropriately annex Hamilton County Auditor's parcel number 620-0210-0723 from Symmes Township, Ohio to the City of Montgomery, Ohio. The property to be annexed is more particularly described on Exhibit A attached hereto and incorporated herein by reference, and such property is appropriately depicted in the plat attached to such legal description. The property is contiguous to the City of Montgomery, and Hunting Hill, LLC is the sole owner of the property to be annexed. Further, Hunting Hill, LLC does hereby appoint Wayne S. Davis, City Manager of the City of Montgomery, Ohio, as its agent in these proceedings.

WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL ANY ACTION ON THE PETITION TAKEN BY THE BOARD OF COUNTY COMMISSIONERS. THERE ALSO IS NO APPEAL FROM THE BOARD'S DECISION IN THIS MATTER IN LAW OR IN EQUITY.

HUNTING HILL, LLC,  
an Ohio limited liability corporation  
owner of Hamilton County Auditor's  
parcel number 620-0210-0723  
55 Erieview Plaza  
Cleveland, Ohio 44114

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

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

Its: \_\_\_\_\_

Date: \_\_\_\_\_

**EXHIBIT A**

**PROPERTY CONVEYED - 0.0361 ACRES**

Situate in Section 36, Town 5, Entire Range 1, Symmes Township, Hamilton County, Ohio and being part of the land conveyed to Contadino Properties, LLC., as recorded in O.R. 11198, Page 1604, Hamilton County, Ohio Recorder's Office, and being more particularly described as follows:

Beginning at an iron pin at the northwest corner of Open Space Lot H of The Vintage Club, Phase Three, as recorded in P.B. 415, Pg. 94-95, Hamilton County, Ohio Recorder's Office;

Thence, with the northerly lines of the lands conveyed to Vintage Club Associates, LTD., by deed recorded in O.R. 10330, Page 1823, Hamilton County, Ohio Recorder's Office, South 89°39'20" West, 182.34 feet to a point, said point being witnessed by an iron pin lying 0.1'S, 0.5'W;

Thence, South 89°55'50" West, 199.97 feet to a set 5/8" iron pin and the **Real Point of Beginning** for this description;

Thence, continuing along the north and east lines of said lands, South 89°55'50" West, 64.03 feet to a point, said point being witnessed by a concrete monument lying 1.5'S, 11.8'E;

Thence, North 03°45'30" West, 49.25 feet to a set 5/8" iron pin;

Thence, with a new division line, South 53°53'11" East, 83.25 feet to the **Real Point of Beginning**.

Containing 0.0361 acres of land.

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

This conveyance is a transfer between adjoining lot owners made in compliance with Section 711.001 Subsection (B)(1) Ohio Revised Code and does not create an additional building site nor violate any zoning regulation or other public regulation in the parcel hereby conveyed or the balance of the parcel retained by the grantor herein. The parcel hereby conveyed may not hereafter be conveyed separately from the grantee's adjoining parcel nor any structure erected thereon without the prior approval of the authority having approving jurisdiction of plats.

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, Page 57-58, Hamilton County, Ohio Recorder's Office.

Prepared by: McGill Smith Punshon, Inc.  
Date: August 31, 2009  
MSP No.: 04308.00

City of Montgomery  
Hamilton County, OH  
603-0A23-0187-00  
0.0549 acres

Contadino Properties LLC  
11340 Donwiddle Drive  
Morrow, OH 45152

Hamilton County, OH  
Symmes Township  
620-0210-0723-00  
0.0361 acres

Hunting Hill LLC  
55 Erieview Plaza  
Cleveland, OH 44114

A 2200 S.F.  
F.F.E. = 788

B 4256 SF  
F.F.E. = 786

C 9,000 S.F.  
LL F.F.E. = 787.00  
FIRST F.F.E. = 802.00

SYMMES TOWNSHIP

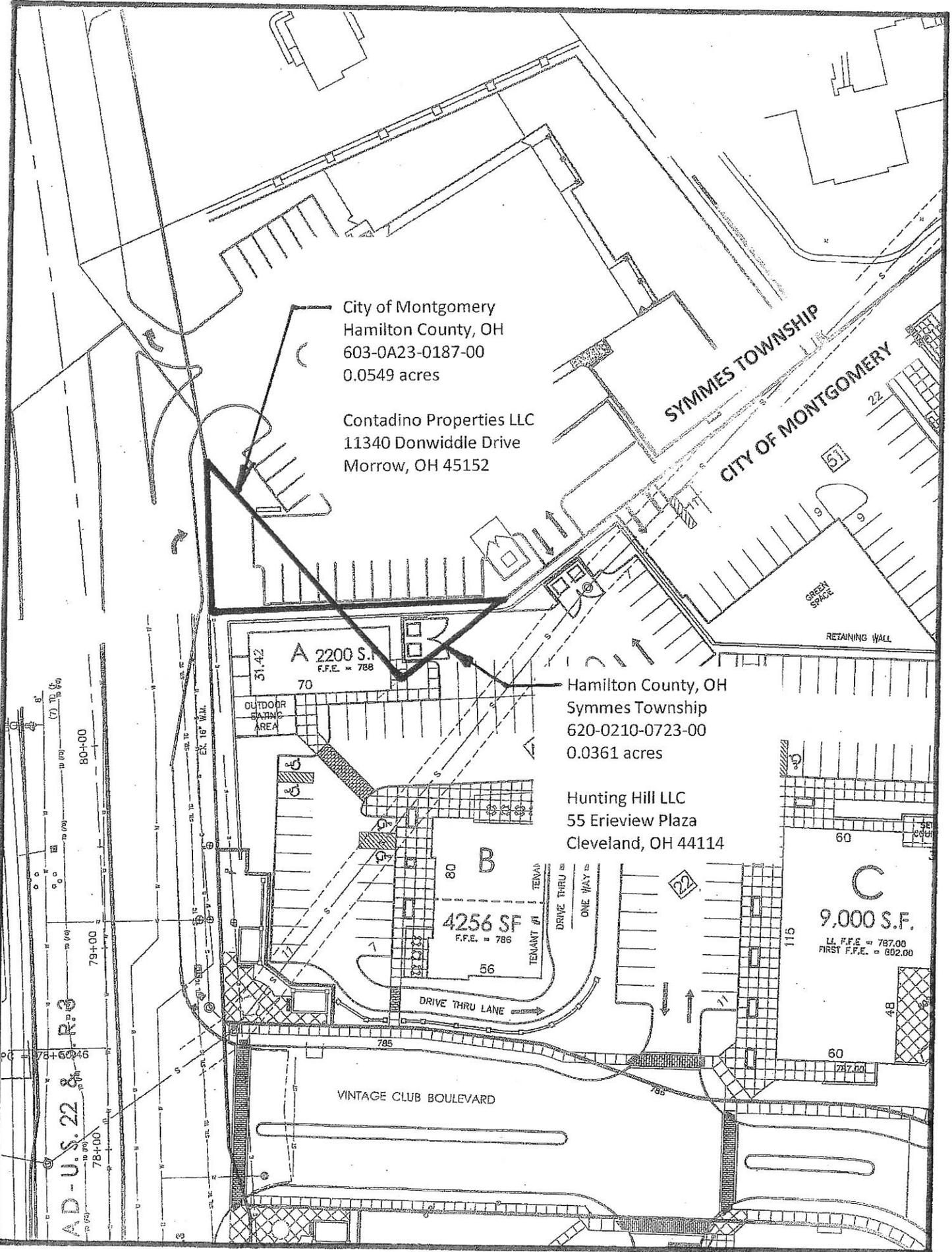
CITY OF MONTGOMERY

VINTAGE CLUB BOULEVARD

AD - U.S. 22 & R.R. 3

GREEN SPACE

RETAINING WALL



TO: Mayor Christopher P. Dobrozsi  
Members of City Council

FROM: Terrence M. Donnellon

RE: Title VI Compliance

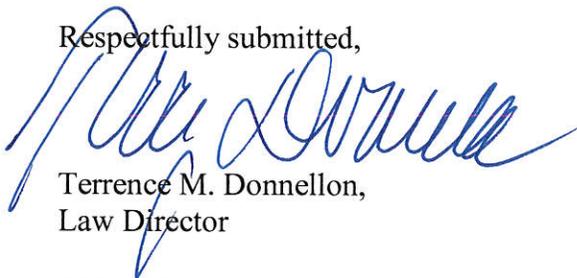
DATE: March 17, 2016

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Over the past several years the City has participated in both state and federally funded grant programs which typically provide partial funding for infrastructure improvements. Documentation accompanying such grants and contracts require the City to reaffirm its commitment to Environmental Justice which requires the City to operate its programs and services without regard to race, color or national origin, and which have been expanded at times to require the City to address the effects of such programs and policies on minority and low income populations.

As we look forward to participating in future OKI projects we want to be sure that the City is on record accepting and endorsing the OKI Title VI program for comprehensive compliance with non-discriminatory practices in bidding and awarding contracts. This legislation will adopt the OKI Title VI program dated December 2013 as amended and corrected through July 30, 2015. Under the legislation the City Manager is appointed the Program Coordinator with the authority on a project-by-project basis to designate another senior staff member to serve as such Coordinator. The City Manager's designation as Coordinator is consistent with our Policy II-2 appointing him as ADA Coordinator.

Respectfully submitted,



Terrence M. Donnellon,  
Law Director

TMD/ld

Enclosure

cc: Connie Gaylor, Administrative Coordinator  
Department Heads  
File

RESOLUTION NO. , 2016

**A RESOLUTION REAFFIRMING THE CITY'S COMMITMENT TO  
NON-DISCRIMINATION AND INCLUSION BY ENDORSING GUIDELINES  
ADOPTED BY THE OHIO-KENTUCKY-INDIANA REGIONAL COUNCIL OF  
GOVERNMENTS FOR TITLE VI COMPLIANCE**

**WHEREAS**, the City of Montgomery is an active member in the Ohio-Kentucky-Indiana Regional Council of Governments (OKI); and

**WHEREAS**, the City has participated, and in the future will continue to participate, in OKI programs to fund infrastructure improvements within the City; and

**WHEREAS**, OKI has adopted guidelines to ensure appropriate Title VI policies and procedures are in place to prevent discrimination and to encourage inclusion in all federally funded OKI grant programs; and

**WHEREAS**, while the City has policies in place to prevent discrimination based upon race, gender, national origin and disabilities, the City Administration supports extending the City's policies to meet the guidelines adopted by OKI.

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

**SECTION 1.** The City hereby accepts and endorses the OKI Title VI Program as amended January 9, 2014, revised October 8, 2014, and corrected July 30, 2015, a copy of which is attached hereto. The City Administration shall ensure that the policy and program requirements for Title VI compliance are met in all grant applications and contract administration of such grants for federally funded programs as required in such program guidelines.

**SECTION 2.** The City Manager is hereby designated as Program Coordinator with the authority to designate Project Coordinators from time to time to oversee compliance. The City Manager is authorized to adopt and/or revise such City policies as necessary to implement the OKI Title VI Program.

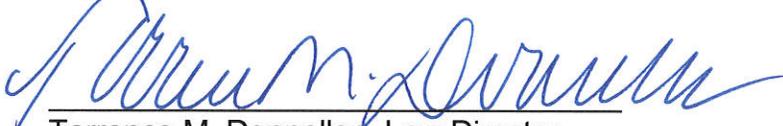
**SECTION 3.** This Resolution shall be in full force and effect from and after its passage.

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

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

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

APPROVED AS TO FORM:

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

# OKI Title VI Program

December 2013



Ohio-Kentucky-Indiana Regional Council of Governments  
720 East Pete Rose Way, Suite 420  
Cincinnati, Ohio 45202  
513-621-6300  
[www.oki.org](http://www.oki.org)

The preparation of this document was financed cooperatively by the Federal Highway Administration, the Federal Transit Administration, the Commonwealth of Kentucky Transportation Cabinet, the Ohio Department of Transportation, the Indiana Department of Transportation, the units of local and county government in the OKI region. The opinions, findings, and conclusions expressed in this document are those of the OKI Regional Council of Governments and are not necessarily those of the U.S. Department of Transportation. This report does not constitute a standard, specification, or regulation.

Amended 1-9-14; Revised 10-8-14; Corrected 7-30-15

OKI 2014-02

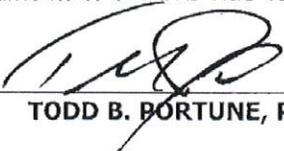
**RESOLUTION**  
**OF THE EXECUTIVE COMMITTEE**  
**OF THE**  
**OHIO-KENTUCKY-INDIANA REGIONAL COUNCIL OF GOVERNMENTS**  
**AUTHORIZING ADOPTION OF AMENDMENTS TO THE**  
**OKI TITLE VI PROGRAM**

**WHEREAS**, the Ohio-Kentucky-Indiana Regional Council of Governments has adopted a Title VI Program that meets the legal requirements and responsibilities of the Federal Transit Administration (FTA) as a recipient of Federal financial assistance; and

**WHEREAS**, the Title VI Program continues to be reviewed by OKI staff on an on-going basis to ensure consistency with federal regulations and guidelines; and

**WHEREAS**, the amendments are consistent with FTA guidance; therefore,

**BE IT RESOLVED**, that the Board of Directors of the Ohio-Kentucky-Indiana Regional Council of Governments, at its regular public meeting of January 9, 2014, hereby adopts the amendments to the OKI Title VI Program as recommended by OKI staff.

  
\_\_\_\_\_  
**TODD B. PORTUNE, PRESIDENT**

fp  
1/9/14

# ACKNOWLEDGEMENTS

The Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), the Ohio Department of Transportation (ODOT), the Kentucky Transportation Cabinet (KYTC), and the units of local and county governments in the OKI region financed the preparation of this document cooperatively.

The opinions, findings and conclusions expressed in this document are those of the Ohio-Kentucky-Indiana Regional Council of Governments (OKI) and are not necessarily those of the U.S. Department of Transportation (U.S. DOT). This report does not constitute a standard, specification, or regulation.

## **OKI**

Mark R. Policinski, Executive Director  
Robert Koehler, Deputy Executive Director

## **Communications**

Brian Cunningham, Communications and Legislative Affairs Director  
Gayle Foster, Project Administrator  
Florence Parker, Senior Planner and Public Involvement Specialist

## **Transportation Planning**

Robyn Bancroft, Strategic Projects Manager  
Mary Luebbbers, Demographer  
Andy Reser, Operations and Air Quality Manager

## **OKI Environmental Justice Advisory Committee Members**

Adam Goetzman, Committee Chair, Green Township  
Bernice Cooper, Freestore Foodbank  
Erin Donovan, City of Fairfield Planning  
Polly Doran, Council on Aging of Southwestern Ohio  
Gina Douthat, Transit Authority of Northern Kentucky (TANK)  
Andrew J. Fluegemann, ODOT – District 8  
James A. Foster, City of Trenton Economic Development  
Allan C. Harris, National Technical Association – Cincinnati Chapter  
Jenna Haverkos, Northern Kentucky Area Planning Commission  
Greg Howard, Urban Appalachian Council  
Joyce Kinley, Kinley and Associates  
Cindy M. Minter, Campbell Co & Municipal Planning & Zoning Commission/Jacobs

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# INTRODUCTION

The Ohio-Kentucky-Indiana Regional Council of Governments (OKI) is the regional planning and intergovernmental coordination agency for the Greater Cincinnati metropolitan area. OKI's planning area includes nearly 200 units of local governments in a Tri-state area comprised of Butler, Clermont, Hamilton, and Warren counties in Ohio; Boone, Campbell, and Kenton counties in Kentucky; and Dearborn County in Indiana. As the designated Metropolitan Planning Organization (MPO) for the Ohio, Kentucky and Indiana counties in its region, OKI is responsible for the development of a long-range plan and a short-range programming document for transportation, as well as other planning initiatives. Civic engagement efforts apply to the broad spectrum of transportation investments and impacts considered in metropolitan planning, as well as individual projects recommended by OKI.

In developing its Participation Plan, OKI replaced its former OKI Policy for Environmental Justice (EJ) (April 7, 2003) and OKI Policy for Public Involvement (November 12, 1998). The new plan addresses OKI's efforts to not only involve the public in transportation decision-making and the provisions for assessing the equity of transportation investments, but also provides a plan for inter-agency coordination and consultation with local governments. The plan is focused on OKI's transportation program, but it may also be applied to other programs at OKI or used by other agencies. The OKI Board of Directors adopted this Participation Plan on June 14, 2007.

As a public agency that receives federal funds and makes recommendations on federal expenditures, OKI is bound by Participation requirements for ensuring that federal funds are used fairly and without discrimination. And, per Title 49 U.S.C. Chapter 53, ensures that the requirements of its transportation planning processes are met for flexible funded projects, including project selection requirements.

The basis for Environmental Justice is Title VI of the Civil Rights Act of 1964, which states:

No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Public participation and civic engagement by public agencies are the result of a series of federal orders that serve to amplify Title VI. These include:

- Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21) effective October 2012
- Federal Highway Administration Order in 1998
- U.S. Department of Transportation Order in 1997
- President Clinton issued Executive Order 12898 in 1994, which directed every federal agency to make EJ part of its mission by identifying and addressing the effects of all programs, policies, and activities on minority and low income populations.
- The U.S. Department of Transportation issued Departmental Order 5610.2(a) (Actions to Address Environmental Justice in Minority Populations and Low-Income Populations). This Order updates the Department's original Environmental Justice Order 12898. The Order continues to be a key component of the Department's strategy to promote the principles of EJ in all departmental programs, policies, and activities.
- Section 504 of the Rehabilitation Act of 1973  
For agencies like OKI, the Orders issued by federal departments clarified the need to involve the potentially affected public in transportation decision-making processes and assess the equity of transportation investments. The targets of the Participation Plan are the entire public, but provide for additional consideration of EJ populations of minority and low income populations. OKI has chosen to expand its efforts to also address elderly persons, people with disabilities, and zero-car households.
- President George W. Bush issued Executive Order 13166 "Improving Access to Services for Persons with Limited English Proficiency", 2000 which requires Federal agencies to examine the services they provide, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to them

The OKI Title VI Program provides an overview of how it operates its programs and services without regard to race, color, or national origin in accordance with the Title VI Civil Rights Act of 1964.

## TITLE VI POLICY STATEMENT ASSURANCES

Ohio-Kentucky-Indiana (OKI) Regional Council of Governments (hereinafter referred to as the Sponsor) hereby agrees that as a condition to receiving Federal financial assistance from the Department of Transportation (DOT), it will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d, et seq.) and all requirements imposed by 49 C.F.R. Part 21, - Nondiscrimination in Federally Assisted Programs of the Department of Transportation -- Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the "Regulations") to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement. As a federal-aid recipient the Sponsor understands that Title VI obligations apply to all projects and activities, regardless of the funding source. Without limiting the above general assurance, the Sponsor agrees concerning this grant that:

1. Each "program" and "facility" (as defined in Sections 21.23(e) and 21.23(b) ) will be conducted or operated in compliance with all requirements of the Regulations.
2. It will insert the clauses of Attachment 1 of this assurance in every contract subject to the Act and the Regulations.
3. Where Federal financial assistance is received to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
4. Where Federal financial assistance is in the form or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over, or under such property.
5. It will include the appropriate clauses set forth in Attachment 2 of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Sponsor with other parties:
  - (a) for the subsequent transfer of real property acquired or improved with Federal financial assistance under this Project; and
  - (b) for the construction or use of or access to space on, over, or under real property acquired or improved with Federal financial assistance under this Project.
6. This assurance obligates the Sponsor for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of personal property or real property or interest

therein or structures or improvements thereon, in which case the assurance obligates the Sponsor or any transferee for the longer of the following periods:

- (a) the period during which the property is used for a purpose for which Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits, or
  - (b) the period during which the Sponsor retains ownership or possession of the property.
7. It will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other sponsors, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants or Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this assurance.
8. It agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining Federal financial assistance for this Project and is binding on its contractors, the sponsor, subcontractors, transferees, successors in interest and other participants in the Project. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Sponsor.

DATED January 15, 2014

OKI Regional Council of Governments  
(Sponsor)

By M. R. Policicchio  
(Signature of Authorized Official)

## ATTACHMENT 1

### CONTRACTOR CONTRACTUAL REQUIREMENTS

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "Contractor") agrees as follows:

1. **Compliance with Regulations.** The Contractor shall comply with the Regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter, "DOT"), Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

2. **Nondiscrimination.** The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment.** In all solicitations either by competitive bidding or negotiation made by the Contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the Contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.

4. **Information and Reports.** The Contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Sponsor or the Federal Aviation Administration (FAA) to be pertinent to ascertain compliance with such Regulations, orders, and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish this information, the Contractor shall so certify to the Sponsor or the FAA, as appropriate, and shall set forth what efforts it has made to obtain the information.

**5. Sanctions for Noncompliance.** In the event of the Contractor's noncompliance with the nondiscrimination provisions of this contract, the Sponsor shall impose such contract sanctions as it or the FAA may determine to be appropriate, including, but not limited to:

- a. Withholding of payments to the Contractor under the contract until the Contractor complies,  
and/or
- b. Cancellation, termination, or suspension of the contract, in whole or in part.

**6. Incorporation of Provisions.** The Contractor shall include the provisions of paragraphs 1 through 5 in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The Contractor shall take such action with respect to any subcontract or procurement as the Sponsor or the FAA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, however, that in the event a Contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Contractor may request the Sponsor to enter into such litigation to protect the interests of the Sponsor and, in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

## **ATTACHMENT 2**

### **CLAUSES FOR DEEDS, LICENSES, LEASES, PERMITS OR SIMILAR INSTRUMENTS**

The following clauses shall be included in deeds, licenses, leases, permits, or similar instruments entered into by the Sponsor pursuant to the provisions of Assurances 5(a) and 5(b).

1. The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add "as a covenant running with the land") that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a DOT program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to 49 CFR Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation, and as said Regulations may be amended.

2. The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add "as a covenant running with the land") that: (1) no person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land and the furnishing of services thereon, no person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to 49 CFR Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation, and as said Regulations may be amended.

## **TITLE VI NOTIFICATION TO THE PUBLIC**

### **Ohio-Kentucky-Indiana (OKI) Regional Council of Governments**

- OKI Regional Council of Governments operates its programs and services without regard to race, color, or national origin in accordance with Title VI of the Civil Rights Act. Any person who believes he or she has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with OKI.
- For more information on OKI's civil rights program, and the procedures to file a complaint, contact 513-619-7686, 800-750-0750 (Ohio Relay Service), visit our administrative office at 720 East Pete Rose Way, Suite 420, Cincinnati, Ohio 45202 or, visit [www.oki.org](http://www.oki.org).
- If information is needed in another language, contact 800-750-0750.

**OKI's Title VI Notification to the Public or Beneficiary Notice** is also posted on the OKI website and in the Lobby area of the OKI office in both English and Spanish.

# TITLE VI NOTICE OF PROTECTIONS AGAINST DISCRIMINATION

**Ohio-Kentucky-Indiana (OKI) Regional Council of Governments operates its programs without regard to race, color or national origin.**

**To request or receive additional information on its discrimination obligations, including its complaint procedures, please contact the person listed below:**

Florence Parker, Title VI Coordinator

OKI Regional Council of Governments

720 East Pete Rose Way – Suite 420

Cincinnati, OH 45202

Telephone: 513-619-7686

Ohio Relay Service: 800-750-0750

Email Address: [fparker@oki.org](mailto:fparker@oki.org)

Website: [www.oki.org](http://www.oki.org)

**To file a discrimination complaint, the written complaint must be filed to the address above within 180 days of the alleged discrimination. To accommodate limited English proficient individuals, oral complaints to be documented and/or translated may also be given at the above address. Written complaints may also be filed with the U. S. Department of Transportation/Federal Transit Administration (FTA) no later than 180 days after the date of the alleged discrimination, unless the time for filing is extended by FTA.**

## **TITLE VI COMPLAINT PROCEDURE**

### **Ohio-Kentucky-Indiana (OKI) Regional Council of Governments**

This document is provided by the OKI Regional Council of Governments for a contractor, subcontractor, vendor or member of the general public to seek recourse if the individual is of the opinion that he or she has been unjustly served during the course of interaction with OKI and its transportation planning process.

Any person who believes he or she has been discriminated against on the basis of race, color, or national origin by the OKI Regional Council of Governments (hereinafter referred to as "the Authority") may file a Title VI complaint by completing and submitting OKI's Title VI Complaint Form. The Authority investigates complaints received no more than 180 days after the alleged incident. The Authority will process complaints that are complete.

Once the complaint is received, the Authority will review it to determine if our office has jurisdiction. The complainant will receive an acknowledgement letter informing him or her whether the complaint will be investigated by our office.

The Authority has ten business days to investigate the complaint. If more information is needed to resolve the case, the Authority may contact the complainant via a letter. The complainant has ten business days from the date of the letter to send requested information to the investigator assigned to the case. If the investigator is not contacted by the complainant or does not receive the additional information within ten business days, the Authority can administratively close the case. A case can be administratively closed also if the complainant no longer wishes to pursue his or her case.

After the investigator reviews the complaint, he or she will issue one of two letters to the complainant: a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed. An LOF summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training of the staff member, or other action will occur. If the complainant wishes to appeal the decision, he or she has ten business days after the date of the letter or the LOF to do so.

A person may also file a complaint directly with the Federal Transit Administration, at FTA Office of Civil Rights, 1200 New Jersey Avenue SE, Washington, DC 20590.

If information is needed in another language, contact 800-750-0750 (Ohio Relay Service).

**TITLE VI COMPLAINT FORM  
Ohio-Kentucky-Indiana (OKI)  
Regional Council of Governments**

<b>Section I:</b>				
Name:				
Address:				
Telephone (Home):			Telephone (Work):	
Electronic Mail Address:				
Accessible Format Requirements?	Large Print		Audio Tape	
	TDD		Other	
<b>Section II:</b>				
Are you filing this complaint on your own behalf?		Yes*	No	
*If you answered "yes" to this question, go to Section III.				
If not, please supply the name and relationship of the person for whom you are complaining:				
Please explain why you have filed for a third party:				
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.			Yes	No
<b>Section III:</b>				
I believe the discrimination I experienced was based on (check all that apply):				
<input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin				
Date of Alleged Discrimination (Month, Day, Year): _____				
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please use the back of this form.				
_____				
_____				
_____				
_____				



**LIST OF TRANSIT-RELATED TITLE VI  
INVESTIGATIONS, COMPLAINTS AND LAWSUITS**

<b>Investigations Complaints Lawsuits initiated</b>	<b>Date (Month,Day, Year)</b>	<b>Summary (Include basis of complaint: race, color, or national origin)</b>	<b>Status</b>	<b>Action(s) Taken</b>
<b>Investigations</b>				
1.				
2.				
<b>Lawsuits</b>				
1.				
2.				
<b>Complaints</b>				
1.				
2.				

As of the date of this submission no transit-related Title VI investigation, lawsuit or complaint has been filed with FTA against the Ohio-Kentucky-Indiana Regional Council of Governments.

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

City of Montgomery  
City Council Business Session Minutes  
March 2, 2016

Present

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

City Council Members Present

Chris Dobrozsi, Mayor  
Lynda Roesch, Vice Mayor  
Ann Combs  
Mike Cappel  
Gerri Harbison  
Ken Suer  
Craig Margolis

City Council Members Absent

Ann Combs

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

**ROLL CALL**

Mayor Dobrozsi stated that Council Member Ann Combs was not in attendance and had requested to be excused at a previous meeting.

Mr. Margolis moved to excuse Mrs. Combs. Mr. Cappel seconded.

The roll was called and showed the following vote:

AYE: Cappel, Harbison, Dobrozsi, Roesch, Suer, Margolis	(6)
NAY:	(0)
ABSENT: Combs	(1)

**LEGISLATION FOR CONSIDERATION TONIGHT**

There was no legislation for consideration for this evening.

**Pending Legislation**

**An Ordinance amending Section 44.13 of the Code of Ordinances Concerning Appointment of the Board of Review**

Mr. Suer read the Ordinance by title only and moved passage of the third and final reading. Mr. Margolis seconded.

Mr. Suer explained that, if passed, this Ordinance will amend the current Section 44.13 of the Code of Ordinances, Board of Review, to reconcile the appointment process with a new Code mandated by the State of Ohio. He stated that while the new Code begins with tax year 2016 and any appeal would not likely occur until 2017, this Ordinance amends our current Code to recognize two year terms for appointees and to allow City Council to appoint an alternate Member to hear cases in the event of a conflict. The third Member of the Board of Review under the new Code and under the amended Code would be appointed by the City Manager.

Mr. Suer asked if there were any updates.

Ms. Greis stated that there were none.

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City Council Business Session Minutes

March 2, 2016

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The roll was called and showed the following vote:

AYE: Cappel, Harbison, Dobrozi, Roesch, Suer, Margolis	(6)
NAY:	(0)
ABSENT: Combs	(1)

**ADMINISTRATION REPORT**

Mr. Davis reported on the following items:

- The Financial Planning and Planning, Zoning and Landmarks Committees of City Council will meet on Monday, March 7, 2016 at 4:30 and 5:30 p.m., respectively. The Law and Safety Committee has cancelled their meeting for the month of March.
- The Government Affairs and Public Works Committees of City Council will meet on Monday, March 14, 2016 at 4:30 and 5:30 p.m., respectively. The Parks and Recreation Committee has cancelled their meeting for the month of March.
- City Council Work Session is scheduled for March 23 at 7:00 p.m. Prior to the City Council meeting, at 6:30 p.m., there will be a public hearing on the Twin Lakes Expansion project.
- Also scheduled prior to the Work Session and Public Hearing, staff is scheduled to meet with City Council at 5:00 p.m. to discuss the City Manager's evaluation.
- Income tax revenue for the month of February was \$877,201, which is an increase of \$263,556 or 42.9% compared to the actual amount collected in February 2015 of \$613,645. A portion of the variance, \$230,000, is attributable to a timing difference of lockbox payments that posted to the bank at the very end of January, but were not available for the City to post to tax accounts until February. Once this variance is taken into consideration, the collections in February 2015 and February 2016 are very similar. This keeps us on pace to meet our income tax revenue projection for 2016. For the month of February, year-to-date revenues were higher than estimated revenues by \$278,537. The February Income Tax Variance Report is attached for reference.
- As a reminder, Planning Commission will meet on Monday, March 7 to consider an application from Twin Lakes for final development site plan approval for the proposed expansion of the main campus and a retail building along Montgomery Road. The Planning Commission will also consider an application from Camden Homes submitted for final development site plan approval for the proposed 29 lot single family residential subdivision off of Orchard Club Drive at the location of the former Montgomery Swim and Tennis Club.
- On Monday, Matt Davis, Brian Riblet, and Wayne Davis met with Hamilton County Commissioner Deter to discuss and review the Gateway Redevelopment Area (GRA) with him.
- Matthew Vanderhorst and Connie Gaylor conducted the Service to Community Grant pre-application meeting on Tuesday, March 1 to explain the new grant program to potential applicants. The Montgomery Woman's Club, Montgomery Farmers Market, and Operation Give Back were in attendance.
- The Hamilton County Communications Center installed a new computer aided dispatch program this week. There have been some expected glitches however, staff is working with them to correct the problems.

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

## City Council Business Session Minutes

March 2, 2016

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- The internal GRA team consisting of: Michelle Greis, Tracy Roblero, Brian Riblet and Wayne Davis will be attending the Hamilton County Transportation Improvement District meeting on March 14 at 1:00 at the Hamilton County Administration Building. Mayor Dobrozsi and Council Member Craig Margolis also committed to attend.
- The Montgomery Citizens' Leadership Academy will meet this Saturday, March 5 at the Montgomery Safety Center at 8:00 a.m. After a brief tour and presentation, the safety personnel will demonstrate several pieces of equipment with which they use and train. The following Montgomery Citizens' Leadership Academy session will be hosted by the community development department at Fellowship Baptist Church on Saturday, March 12 at 8:45 a.m. This session will also include a brief walking tour of historic downtown Montgomery.
- Today the Police Department hosted a retirement reception in honor of Officer Tom Wagner. Tom began his employment with the City in January of 1991. We thank Tom for his 25 years of dedicated service.
- This week the interview team consisting of Michelle Greis, Paul Wright, Cindy Abner and Julie Prickett are conducting first round interviews with nine candidates for the vacant assistant finance director/tax commissioner position. Following the interviews, the team will decide upon a smaller group of candidates to continue in the selection process.
- After conferring with HORAN's compliance department and Terry Donnellon, it was confirmed that provisions of the Affordable Care Act require that the City offer group insurance benefits when filling the temporary recreation position needed to cover Sarah Fink's maternity leave. In terms of potential additional costs, this could result in an additional \$0.00 -- \$4000. Zero if the individual declines the insurance/approximately \$4000 should the individual opt for family coverage. (In between this range if individual needs single or employee/spouse coverage only.)
- As a reminder, I will also be on vacation from March 9 to March 13. Brian Riblet will be the acting City Manager in my absence.
- Don Simpson and I will be traveling to Quantico Washington, D.C. to attend the graduation of Sgt. Greg Vonden Benken from the FBI Academy on March 18 and March 19. Matthew Vanderhorst will be the acting City Manager in my absence.

An Executive Session is requested for matters related to the sale and purchase of real estate.

### **APPROVAL OF MINUTES**

Mr. Margolis moved to approve the February 17, 2016 Work Session minutes. Mr. Cappel seconded. City Council unanimously agreed.

### **MAYOR'S COURT REPORT**

Mayor Dobrozsi reported that the total Mayor's Court collections for the month of February 2016 were \$19,880.00

Ms. Roesch moved to accept the Mayor's Court collections for the month of February 2016. Mr. Margolis seconded. City Council unanimously accepted the collections.

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City Council Business Session Minutes

March 2, 2016

Page 4

157 **OTHER BUSINESS**

158  
159 Mrs. Harbison reminded City Council members and staff of upcoming meetings:

- 160 • The Montgomery Chamber of Commerce will be holding a *Lunch-N-Learn* at Twin Lakes on Thursday,
- 161 March 10 from 11:30 a.m. to 1:00 p.m.
- 162 • The Montgomery Chamber of Commerce will be sponsoring a *Montgomery After 5* event at Stonecreek
- 163 Dining on Wednesday, March 16 from 5:30 to 7:30 p.m.
- 164 • A Much in Common 2016 Series on the Heroin Epidemic will be held at the Sharonville Convention
- 165 Center on Thursday, March 31 from 7:30 to 10:00 a.m. An email regarding this has been sent out
- 166 previously.
- 167

168 Mr. Cappel would like to state that the presentation by Mr. Checco prior to the Council meeting was requested by

169 Mr. Checco's assistant through the Clerk of Council.

170

171 Mr. Cappel also reported that he would be out of town from March 20 through March 26 and is requesting to be

172 excused from the March 23 Work Session meeting.

173

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

175 for a motion to adjourn into Executive Session to discuss matters related to the sale and purchase of real estate.

176

177 Mr. Cappel moved to adjourn to Executive Session for reasons to discuss matters related to the sale and purchase

178 of real estate. Mr. Margolis seconded.

179

180 The roll was called and showed the following vote:

181

- |   |     |
|---|-----|
| 182 AYE: Harbison, Dobrozsi, Roesch, Suer, Margolis, Cappel | (6) |
| 183 NAY:  | (0) |
| 184 ABSENT: Combs   | (1) |
- 185

186 City Council adjourned into Executive Session at 7:40 p.m.

187

188 City Council reconvened into Public Session at 8:34 p.m.

189

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

191 for a motion to adjourn.

192

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

194

195 City Council adjourned at 8:34 p.m.

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Connie Gaylor, Clerk of Council

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

City of Montgomery  
City Council Special Session  
March 2, 2016

Present

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

City Council Members Present

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

City Council Members Absent

Ann Combs

---

City Council convened in Council Chambers for the Special Session at 6:30 p.m. with Mayor Dobrozsi presiding.

Mayor Dobrozsi called the meeting to order and explained that this meeting was scheduled at the request of Gérald Checco, Director of the Metropolitan Sewer District (MSD), to discuss the operations of the Metropolitan Sewer District.

Mr. Checco thanked City Council and staff for the opportunity to meet to discuss the Metropolitan Sewer District. Mr. Checco provided background of the MSD and explained that MSD provides wastewater collection and treatment for residents and businesses in Hamilton County, Ohio and small portions of Butler, Clermont and Warren counties. He stated that MSD has a ratepayer base of about 212,000 residential and commercial users. It provides sewage collection and treatment services to an area covering more than 290 square miles, containing over 200,000 separate sewer connections which tie into approximately 3,000 miles of sanitary and combined sewers. MSD operates seven major wastewater treatment plants, more than 100 pump stations, and two package treatment plants and treats about 184 million gallons of wastewater each day.

Mr. Checco explained that MSD was formed in 1968 as a county sewer district under state law. Prior to 1968, the City of Cincinnati operated an independent municipal sewer district that served city residents and 23 suburban communities. MSD is governed by a 50-year agreement between the City of Cincinnati and Hamilton County. The City of Cincinnati is solely responsible for operating and managing MSD. The City also advertises, purchases and lets contracts, drafts all legislation for County approval and retains all legal title to its assets. Hamilton County is responsible for approving sewer rates and MSD's budgets, as well as approving MSD's Capital Improvement Program (CIP) and legislating design and construction of CIP projects. The agreement expires April 30, 2018. Mr. Checco stated that out of the 11 billion dollars in assets included in this agreement, that the City of Cincinnati owns 52%.

Mr. Checco addressed the issues currently being faced by MSD, in which Hamilton County Commissioners have filed a motion in Federal Court asking for mediation in the review of the MSD budgetary practices. He stated that the City has objected to the motion for mediation in hopes of having open discussions between the two entities.

Mr. Checco explained to City Council that every year, about 11.5 billion gallons of raw sewage – mixed with storm water – overflows from our sewers into local streams and rivers and also backs up into basements. This is not an accident or oversight, but the result of a sewer system designed in 1828. To better protect the health and the environment, wastewater utilities like MSD are being required to improve their sewer systems, particularly those with combined sewers that carry both sewage and storm water in the same pipes. He explained that parts of the current system are deteriorating due to age, and portions are no longer big enough to handle the large volumes of sewage and storm water that enter it during heavy rains. To resolve this problem, the U.S. EPA has mandated that MSD reduce combined sewer overflows (CSOs) into local rivers and streams and eliminate sanitary sewer overflows

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City Council Special Meeting Minutes

March 2, 2016

Page 2.

54 (SSOs) during a typical year of rain. The CSO locations are required to meet a defined remaining volume of  
55 overflow. This federal mandate, known as a "Consent Decree," requires Hamilton County residents to invest in their  
56 sewer system once again.

57  
58 Mr. Checco explained that this Consent Decree will include a multi-year initiative comprised of hundreds of sewer  
59 improvement and storm water control projects across our area. He stated that goals of the initiative are to:

- 60
- 61 • Reduce combined sewer overflows (CSOs) into local rivers and streams;
  - 62 • Eliminate sanitary sewer overflows (SSOs) in a typical year;
  - 63 • Eliminate sewage backups into basements caused by MSD's sewer system;
  - 64 • Reduce sewage debris and sewage odors in local waterways and make streams more pleasant after heavy  
65 rains.

66 Mr. Checco stated that "Project Groundwork" will be conducted in two phases: Phase 1 (2009-2018) and Phase 2  
67 (after 2018). He further explained that in order to comply with the Clean Water Act the combined sewer overflows  
68 would need to be increased from 30% going to the treatment plant up to 85%. In order for this to be accomplished  
69 infrastructure will need to be built and funding acquired. He stated that in Phase 2 of the project that the City of  
70 Cincinnati, Hamilton County and the Ohio EPA will meet to determine a fee schedule to help fund these necessary  
71 improvements.

72  
73 Mr. Checco stated in closing that MSD is committed to transparency and responsiveness and is the recipient of the  
74 2015 Platinum Excellence in Management award from the National Association of Clean Water Agency. The  
75 Platinum award is the highest honor a utility can receive, and MSD is one of three utilities to receive it nationally.  
76 MSD has earned an excellence in management designation multiple times since 2005.

77  
78 City Council thanked Mr. Checco for his presentation and commitment to the Hamilton County residents.

79  
80 Mayor Dobrozsi asked if there was any further comments or questions. There being none, he asked for a motion to  
81 adjourn.

82  
83 Mr. Margolis moved to adjourn. Mr. Cappel seconded. City Council unanimously agreed.

84  
85 City Council adjourned at 7:18 p.m.

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Connie Gaylor, Clerk of Council