



May 13, 2016

Memorandum

TO: Mayor and City Council Members  
FROM: Wayne S. Davis, City Manager *WSD*  
SUBJECT: City Council Work Session of Wednesday, May 18, 2016

As a reminder, City Council is scheduled to meet in Work Session on Wednesday, May 18, 2016 immediately following the conclusion of a Public Hearing at 7:00 p.m.

**Public Hearing**

Staff requests that City Council meet for a Public Hearing at 7:00 p.m. to consider a request by the Planning Commission to extend the Interim Development Control Overlay District for an additional period of time until January 31, 2017.

**Board and Commission Chair Updates**

Prior to the City Council Business Meeting, City Council is scheduled to hear Board and Commission Chair presentations from:

Mary Jo Byrnes (Board of Zoning Appeals) at 6:00 p.m.; Nancy Nolan (Arts Commission) at 6:15 p.m.; Jodi Keith (Beautification and Tree Commission) at 6:30 and Mike Harbison (Planning Commission) at 6:45 p.m.

**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 June 1, 2016

**Pending Legislation**

- a. An Ordinance Modifying Section 30.03, Announcement of Public Meetings, of The Code of Ordinances—(Mrs. Harbison, 3<sup>rd</sup> reading) Information has been supplied previously on this Ordinance that, if approved, will amend the current Section 30.03 of the Code of Ordinances regarding announcements of public meetings. A recent review of the process of providing notice of public meetings as set forth in Section 30.03 revealed that this Code Section was adopted in 1975 and is no longer consistent with current methods by which information is provided and received by the public. Section 30.03 requires that we publish in a newspaper of general circulation, quarterly, the times and dates of our City Council meetings. It also requires that we have a bulletin board accessible at all hours located within the community. The City Charter does not have any specific requirements

regarding notice of public meetings except the advance notice required for a Special Meeting of City Council in the absence of an emergency. R.C. § 121.22 (Sunshine law) requires that City Council establish a reasonable method whereby any person may determine the time and place of all regularly scheduled meetings. Staff requests that consideration be given to no longer requiring the posting of notices on public bulletin boards, and allowing the addition of the use of website postings.

***Add this Ordinance to the June 1, 2016 Business Session agenda for third reading with adoption of the Ordinance requested at that meeting.***

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

***Add this Ordinance to the June 1, 2016 Business Session agenda for third reading 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—(Tabled) Information has been supplied previously on this Ordinance that, if approved, will authorize the simultaneous annexation and detachment of properties along the Symmes Township and City of Montgomery borders as a part of the Vintage Club North development. A small lot incorporated into the property owned by Contadino Properties, LLC, operated as a daycare north of the Vintage Club site, will be detached and aligned into Symmes Township. A similarly small wedge of property in Symmes Township below the property line will be merged into the City by annexation and it will be incorporated into the Vintage Club development. The statutory procedures require legislative approval for this dual process. Ultimately the Board of Commissioners of Hamilton County, Ohio must approve the detachment and annexation.

***City Council voted to table this Ordinance at the April 6, 2016 Business Session, until further notice. No further action is needed at this time. If all required documents have been obtained before this meeting, City Council may consider adding the Ordinance onto the agenda and assigning it to a Council member for the first reading at the June 1, 2016 Business Session.***

### **New Legislation**

- a. A Resolution Authorizing the City Manager to Contract with Frost Brown Todd, LLC to Provide Special Counsel Services (If over \$50,000)—Please find the attached correspondence requesting that City Council adopt a Resolution authorizing the City Manager to enter into a contract with Frost Brown Todd, LLC to provide special legal services for labor negotiations/labor relations/human resource functions. In 2004, the City contracted with Frost Brown Todd, LLC to provide legal services for the negotiations of a contract with the International Association of Fire Fighters (IAFF). Since that time, the City has used the services of Frost Brown Todd, LLC in negotiations with the Fraternal Order of Police (FOP) and in the negotiation of collective bargaining agreements with the American Federation of State, County and Municipal Employees (AFSCME), as well as the IAFF bargaining units. The work of Frost Brown Todd, LLC has been invaluable in labor

negotiations/relations efforts, and it is important that the City is able to maintain this relationship as the City continues its labor relations into the future.

***Add this Resolution to the June 1, 2016 Business Session agenda, assign it to a City Council member for reading, and consider adoption of the Resolution that evening.***

- b. A Resolution Accepting a Bid and Authorizing the City Manager to Enter into a Contract with Strawser Construction for the 2016 "Bituminous Black Mat" Project—Please find the attached correspondence from Brian Riblet, Public Works Director, requesting that City Council authorize the City Manager to enter into a contract with Strawser Construction for the Bituminous "Black Mat" Surfacing Project. The project includes work to micro-surface 0.75 centerline miles on Zig Zag Road, from Monte Drive (north) to the West Corporation limit. Funding for this project is programmed in the 2016 Capital Improvement Program 410-261-5470 account. It is requested that the 2016 Bituminous Black Mat Surfacing Project be approved for funding in the amount of \$97,340.12

***Add this Resolution to the June 1, 2016 Business Session agenda, assign it to a City Council member for reading, and consider adoption of the Resolution that evening.***

- c. A Resolution Accepting a Bid and Authorizing the City Manager to Enter into a Contract with Barrett Paving Materials for the 2016 Street Resurfacing Program—Please find attached correspondence from Brian Riblet, Public Works Director, requesting that City Council authorize the City Manager to enter into a contract with Barrett Paving Materials Construction Company for the annual Street Resurfacing Program. This year's 2016 Street Resurfacing Program includes resurfacing 2.01 centerline miles of roadways. The street resurfacing program is programmed in the 2016 Capital Improvement Program 410-261-5470 account. It is requested that this project be approved for funding in the amount of \$800,000 to complete the Base Bid and Alternate #1 – Escondido Drive. The amount of the recommendation includes \$54,848.40 in project contingency funding or approximately 7% of the bid amount.

***Add this Resolution to the June 1, 2016 Business Session agenda, assign it to a City Council member for reading, and consider adoption of the Resolution that evening.***

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

***Add this Resolution to the June 1, 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—May 4, 2016 Business 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

**May 18, 2016**

**Board and Commission Chair Updates**

Prior to the City Council Business Meeting, City Council is scheduled to hear Board and Commission Chair presentations from:

Mary Jo Byrnes (Board of Zoning Appeals) at 6:00 p.m.; Nancy Nolan (Arts Commission) at 6:15 p.m.; Jodi Keith (Beautification and Tree Commission) at 6:30 and Mike Harbison (Planning Commission) at 6:45 p.m.

**Public Hearing**

Staff requests that City Council meet for a Public Hearing at 7:00 p.m. to consider a request by the Planning Commission to extend the Interim Development Control Overlay District for an additional period of time until January 31, 2017.

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

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

**Pending Legislation**

- a. An Ordinance Modifying Section 30.03, Announcement of Public Meetings, of the Code of Ordinances—(Mrs. Harbison, 3<sup>rd</sup> reading)

***Add this Ordinance to the June 1, 2016 Business Session agenda for third reading with adoption of the Ordinance requested at that meeting.***

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

***Add this Ordinance to the June 1, 2016 Business Session agenda for third reading 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—(Tabled)

***City Council voted to table this Ordinance at the April 6, 2016 Business Session, until further notice. No further action is needed at this time. If all required documents have been obtained before this meeting, City Council may consider adding the Ordinance***

**onto the agenda and assigning it to a Council member for the first reading at the June 1, 2016 Business Session.**

## **New Legislation**

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

***Add this Resolution to the June 1, 2016 Business Session agenda, assign it to a City Council member for reading, and consider adoption of the Resolution that evening.***

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

***Add this Resolution to the June 1, 2016 Business Session agenda, assign it to a City Council member for reading, and consider adoption of the Resolution that evening.***

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

***Add this Resolution to the June 1, 2016 Business Session agenda, assign it to a City Council member for reading, and consider adoption of the Resolution that evening.***

- d. A Resolution Extending an Interim Development Control Overlay District within All Business Districts

***Add this Resolution to the June 1, 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– May 4, 2016 Business Session**

## **11. Other Business**

## **12. Executive Session**

## **13. Adjournment**

May 13, 2016

TO: Mayor and City Council Members  
Wayne Davis, City Manager  
Department Heads

FROM: Connie Gaylor, Clerk of Council *CG*

SUBJECT: City Council Motion to Support OKI Application

Please find below, language drafted by Terry Donnellon and staff, regarding a motion to be made by City Council in support of the Montgomery Road at Ronald Reagan Highway Interchange Improvement Project. It is recommended that this motion be passed at the May 18, Work Session which would allow staff to state within the application to OKI and on correspondence that we have the full support of City Council which realizes that economic support from the community may also be important for the success of the project.

*Montgomery City Council offers its unanimous support to the City Manager, his staff and our consultants in their efforts to secure funding support for the Montgomery Road at Ronald Reagan Highway Interchange Improvement Project. Council views this improvement project as a strong driver for economic development in the Montgomery community, as well as updating the efficient management of traffic through our Gateway corridor, as well as serving as one of the initial steps in bringing this legacy project closer to implementation. The development of the Gateway project repeatedly has been identified as one of the strategic goals for the City and it remains a priority in strategic planning over the next five to ten years. We realize the successful completion of this project may require a further investment by the City, but we believe that investment with our external partners, including the Board of County Commissions of Hamilton County, Ohio, the Hamilton County Transportation Improvement District, the Ohio-Kentucky-Indiana Regional Council of Governments, and the Ohio Department of Transportation, are important to the success of this project. We fully support the Administration's application and encourage strong consideration of these applications for the Gateway project.*

Further discussion on this motion will be addressed by Law Director, Terry Donnellon at the May 18, City Council Work Session, to comply with the Open Meetings Act—R.C. 121.22.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

APPROVED AS TO FORM:

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

ORDINANCE NO. , 2016

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

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

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

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

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

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

*(2) The Assistant Chief of Police.*

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

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

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

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

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

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

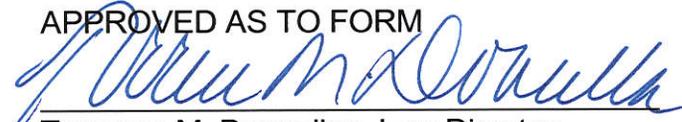
**SECTION 6.** This Ordinance shall take effect the earliest opportunity as allowable by law.

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

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

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

APPROVED AS TO FORM

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

Full Time Schedule

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

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

Part Time Schedule

Range	Position	Effective first day of first full pay period in July 2016		Effective first day of first full pay period in July 2017	
		Minimum	Maximum	Minimum	Maximum
1A 1B 1C	Special Projects Coordinator Assistant to the City Manager Finance Specialist	\$43.01	\$53.33	\$44.08	\$54.66
		\$25.25	\$31.56	\$25.88	\$32.35
		\$21.31	\$26.64	\$21.84	\$27.31
1D	Customer Service Representative Volunteer Coordinator	\$20.88	\$26.01	\$21.40	\$26.66
2	Firefighter/Paramedic	\$16.26	\$20.71	\$16.66	\$21.22
3	Custodian 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:

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

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

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

ORDINANCE NO.                   , 2016

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

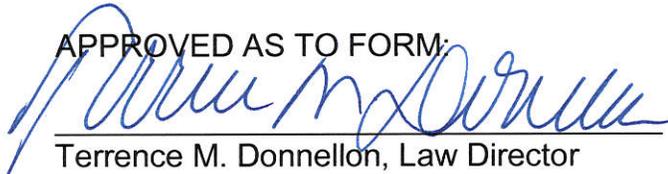
**SECTION 6.** This Ordinance shall take effect the earliest opportunity as allowable by law.

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

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

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

APPROVED AS TO FORM:

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

RESOLUTION NO. \_\_\_\_\_, 2016

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

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

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

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

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

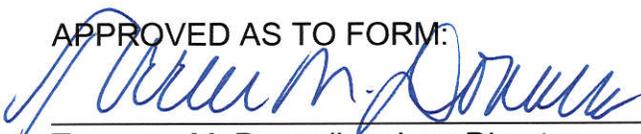
**SECTION 2.** This Resolution shall take effect the earliest opportunity as allowable by law.

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

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

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

APPROVED AS TO FORM:

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



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

April 18, 2016

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

Re: General Labor and Employment

Dear Mr. Davis:

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

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

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

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

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

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

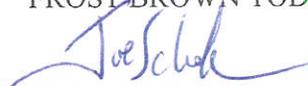
Additional Standard Terms. Our engagement is also subject to the policies included in the enclosed memorandum.

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

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

Very truly yours,

FROST BROWN TODD LLC



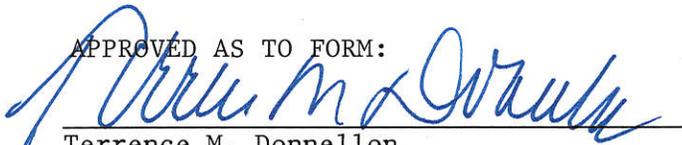
W. Joseph Scholler

The foregoing is understood and accepted:  
CITY OF MONTGOMERY

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Print Title: \_\_\_\_\_

0012283.0551415 4819-1888-1584v1

APPROVED AS TO FORM:



Terrence M. Donnellon  
Law Director

## FROST BROWN TODD LLC

### ADDITIONAL TERMS AND CONDITIONS OF CLIENT ENGAGEMENTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

May 13, 2016

TO: Wayne Davis, City Manager

FROM: Brian Riblet, Public Works Director 

SUBJECT: 2016 Bituminous Black Mat Surfacing Project

**Request**

It is necessary for City Council to adopt a Resolution Authorizing the City Manager to enter into a contract with Strawser Construction, Inc. to complete the City of Montgomery 2016 Bituminous Black Mat Surfacing Project.

**Financial Impact**

The City of Montgomery 2016 Bituminous Black Mat Surfacing Project is programmed in the 2016 Capital Improvement Program 410-261-5470 account. It is requested that the City of Montgomery 2016 Bituminous Black Mat Surfacing Project be approved for funding in the amount of \$97,340.12

**Background**

Each year the City enters into a contract to have various city streets repaired and resurfaced as part of the Capital Improvement Program. The City of Montgomery 2016 Bituminous Black Mat Surfacing Project includes work to microsurface the following street:

<b><u>STREET</u></b>	<b><u>FROM</u></b>	<b><u>TO</u></b>	<b><u>CENTERLINE MILES</u></b>
Zig Zag Road	Monte Drive (north)	West Corp. Limit	0.75
	<b><u>Total</u></b>		<b><u>0.75 centerline miles</u></b>

A total of two (2) bids were received for this project. The lowest and best bid received was provided by Strawser Construction, Inc. A bid summary of the two (2) companies that submitted a bid is attached.

<b><u>Contractor</u></b>	<b><u>Bid Amount</u></b>
Strawser Construction, Inc.	\$92,704.88
American Pavements, Inc.	\$93,937.10
Engineer's Estimate	\$118,175.50

**Recommendation**

Staff has reviewed the bids received and determined that the bid received from Strawser Construction, Inc. is the lowest and best received for the City of Montgomery 2016 Bituminous Black Mat Surfacing Project.

It is recommended that City Council adopt legislation to authorize City Manager Wayne Davis to enter into a contract with Strawser Construction, Inc. to complete the microsurfacing on the 0.75 centerline miles of the street listed above.

The amount of the recommendation includes \$4,635.24 in project contingency funding or 5% of the bid amount.

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

Attachment – bid tabulation

RESOLUTION NO. \_\_\_\_\_, 2016

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

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

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

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

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

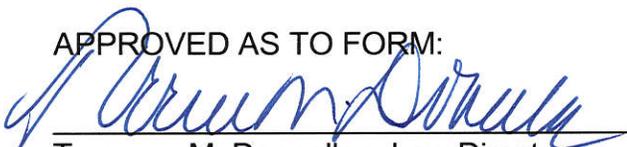
**SECTION 3.** This Resolution shall be in full force and effect from and after its passage.

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

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

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

APPROVED AS TO FORM:

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

2016 BLACK MAT BID TABULATIONS

Item No.	Spec. No.		Estimated Quantity	Unit of Measure	BASE BID		STRAWSER CONSTRUCTION		AMERICAN PAVEMENTS	
					Unit Cost Total	Item Cost	Unit Cost Total	Item Cost	Unit Cost Total	Item Cost
<b>BASE BID</b>										
		<b>ZIG ZAG ROAD (MONTE DRIVE TO CORP. LIMIT)</b>								
1	253	ASPHALT PAVEMENT REPAIR, AS PER PLAN	110	SY	\$200.00	\$22,000.00	\$ 167.00	\$ 18,370.00	\$ 180.00	\$ 19,800.00
2	253	* ASPHALT PAVEMENT REPAIR, AS PER PLAN	50	SY	\$200.00	\$10,000.00	\$ 150.00	\$ 7,500.00	\$ 180.00	\$ 9,000.00
3	421	MICROSURFACING SURFACE COURSE: BITUMINOUS "BLACK MAT" SURFACING (Type 2)	9,170	SY	\$4.80	\$44,016.00	\$ 3.99	\$ 36,588.30	\$ 3.65	\$ 33,470.50
4	604	* MANHOLE ADJUSTED TO GRADE	5	EA	\$800.00	\$4,000.00	\$ 775.00	\$ 3,875.00	\$ 750.00	\$ 3,750.00
5	614	MAINTAINING TRAFFIC	1	LS	\$5,000.00	\$5,000.00	\$ 6,350.00	\$ 6,350.00	\$ 11,000.00	\$ 11,000.00
6	614	WORK ZONE STOP LINE, CLASS III, 642 PAINT (WHITE)	100	FT	\$3.50	\$350.00	\$ 2.87	\$ 287.00	\$ 2.50	\$ 250.00
7	614	WORK ZONE CROSSWALK LINE, CLASS III, 642 PAINT (WHITE)	272	FT	\$2.50	\$680.00	\$ 2.60	\$ 707.20	\$ 2.25	\$ 612.00
8	614	WORK ZONE CENTER LINE, CLASS III, 642 PAINT (DOUBLE YELLOW-SOLID)	6,404	FT	\$0.50	\$3,202.00	\$ 0.22	\$ 1,408.88	\$ 0.20	\$ 1,280.80
9	614	WORK ZONE EDGE LINE, CLASS III, 642 PAINT (WHITE)	6,690	FT	\$0.40	\$2,676.00	\$ 0.18	\$ 1,204.20	\$ 0.18	\$ 1,204.20
10	614	WORK ZONE SCHOOL SYMBOL MARKING (INCLUDES 96" WORD AND TWO 24" LINES)	2	EA	\$500.00	\$1,000.00	\$ 290.00	\$ 580.00	\$ 250.00	\$ 500.00
11	644	STOP LINE, 24" WHITE	50	FT	\$8.00	\$400.00	\$ 5.50	\$ 275.00	\$ 5.00	\$ 250.00
12	644	CROSSWALK LINE, 12" WHITE	136	FT	\$5.00	\$680.00	\$ 3.20	\$ 435.20	\$ 3.00	\$ 408.00
13	644	TRANSVERSE LINE, 12" WHITE	161	FT	\$5.00	\$805.00	\$ 5.30	\$ 853.30	\$ 5.00	\$ 805.00
14	644	CENTER LINE, 4" DOUBLE YELLOW SOLID	3,202	FT	\$2.00	\$6,404.00	\$ 0.90	\$ 2,881.80	\$ 0.80	\$ 2,561.60
15	644	EDGE LINE, 4" WHITE	6,690	FT	\$1.25	\$8,362.50	\$ 0.60	\$ 4,014.00	\$ 0.50	\$ 3,345.00
16	644	SCHOOL SYMBOL MARKING (INCLUDES 96" WORD AND TWO 24" LINES)	2	EA	\$800.00	\$1,600.00	\$ 400.00	\$ 800.00	\$ 350.00	\$ 700.00
17	644	REMOVAL OF PAVEMENT MARKINGS	1	LS	\$7,000.00	\$7,000.00	\$ 6,575.00	\$ 6,575.00	\$ 5,000.00	\$ 5,000.00
<b>BASE BID TOTAL=</b>						<b>\$118,175.50</b>		<b>\$ 92,704.88</b>		<b>\$ 93,937.10</b>

May 13, 2016

**TO:** Wayne Davis, City Manager  
**FROM:** Brian Riblet, Public Works Director *BKR*  
**SUBJECT:** 2016 Street Resurfacing Program Legislation Request

**Request**

It is necessary for City Council to adopt a Resolution Authorizing the City Manager to enter into a Contract with Barrett Paving Materials, Inc. to complete the 2016 Street Resurfacing Program.

**Financial impact**

The 2016 Street Resurfacing Program is programmed in the 2016 Capital Improvement Program 410-261-5470 account. It is requested that this project be approved for funding in the amount of \$800,000.00 to complete the Base Bid and Alternate #1 – Escondido Drive.

**Background**

Each year the City enters into a contract to have various city streets repaired and resurfaced as part of the Capital Improvement Program. The 2016 Street Resurfacing Program includes work to resurface public roads on the following streets.

<b>STREET</b>	<b>FROM</b>	<b>TO</b>	<b>CENTERLINE MILES</b>
Barnsley Court	Delray Drive	terminus	0.114
Cooper Lane	Delray Drive	9689 Cooper Lane	0.201
E. Kemper Road	8914 E. Kemper Road	Hightower Court	0.760
Tanagerwoods Drive	Weller Road	8723 Tanagerwoods Drive	0.547
Acrewood Drive	E. Kemper Road	terminus	0.129

<b>STREET</b>	<b>FROM</b>	<b>Alternate #1 TO</b>	<b>CENTERLINE MILES</b>
Escondido Drive	Tanagerwoods Drive	Tanagerwoods Drive	0.281

**Total centerline miles 2.01**

A total of four (4) bids were received for this project. The lowest and best bid received was provided by Barrett Paving Materials, Inc. A complete bid summary of the four (4) companies that submitted a bid is attached.

<b><u>Contractor</u></b>	<b><u>Bid amount</u></b>
Barrett Paving Materials, Inc.	\$ 745,151.60
Adleta, Inc.	\$ 758,263.92
J.K. Meurer, Corp.	\$ 779,069.19
Mount Pleasant Blacktopping Co., Inc	\$1,055,683.70
Engineer's Estimate	\$832,279.50

**Recommendation**

Staff has reviewed the bids received and determined that the bid received from Barrett Paving Materials, Inc. is the lowest and best received for the 2016 Street Resurfacing Program.

It is recommended that City Council adopt legislation to authorize City Manager Wayne Davis to enter into a contract with Barrett Paving Materials, Inc. to complete the project on the 2.01 centerline miles of streets listed above which include the Base Bid and Alternate #1 – Escondido Drive.

The amount of the recommendation includes \$54,848.40 in project contingency funding or approximately 7% of the bid amount.

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

Attachment – bid tabulation

RESOLUTION NO. \_\_\_\_\_, 2016

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

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

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

**SECTION 1.** The bid of \$800,000.00 received from Barrett Paving Materials. Inc. for the 2016 Street Resurfacing Program is hereby determined to be the lowest and best bid received in response to an advertisement for the same.

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

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

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

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

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

APPROVED AS TO FORM:

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

CITY OF MONTGOMERY 2016 STREET RESURFACING BID

Item No.	Spec. No.	Item	Estimated Quantity	Unit of Measure	ENGINEERS ESTIMATE		BARRETT PAVING		MT. PLEASANT		ADLETA, INC.		J.K. MEURER	
					Unit Cost	Item Cost	Unit Cost Total	Item Cost	Unit Cost Total	Item Cost	Unit Cost Total	Item Cost	Unit Cost Total	Item Cost
		<b>BASE BID</b>												
		<b>BARNESLEY CT (WEST &amp; EAST OF DELRAY DR) - 549'</b>												
1	SPL	* POLYMERIZED EMULSION CONCRETE JOINT MILLING / JOINT FILLING (PER TERRY ASPHALT MATERIALS SPECIFICATIONS, OR APPROVED EQUAL)	1,000	SF	\$16.00	\$16,000.00	\$ 14.00	\$ 14,000.00	\$ 13.50	\$ 13,500.00	\$ 14.63	\$ 14,630.00	\$ 16.50	\$ 16,500.00
2	262	* FULL DEPTH RIGID PAVEMENT REMOVAL AND FLEXIBLE REPLACEMENT, AS PER PLAN	25	SY	\$110.00	\$2,750.00	\$ 100.00	\$ 2,500.00	\$ 50.00	\$ 1,250.00	\$ 105.00	\$ 2,625.00	\$ 75.00	\$ 1,875.00
3	254	PAVEMENT PLANING, ASPHALT CONCRETE (2" THICK OR TO CONCRETE)	1,850	SY	\$2.50	\$4,625.00	\$ 4.00	\$ 7,400.00	\$ 3.50	\$ 6,475.00	\$ 4.20	\$ 7,770.00	\$ 2.30	\$ 4,255.00
4	448	ASPHALT CONCRETE SURFACE COURSE, TYPE 1, PG64-22, MEDIUM TRAFFIC (1")	55	CY	\$165.00	\$9,075.00	\$ 165.00	\$ 9,075.00	\$ 160.00	\$ 8,800.00	\$ 183.75	\$ 10,106.25	\$ 157.50	\$ 8,662.50
5	448	ASPHALT CONCRETE INTERMEDIATE COURSE, TYPE 1, PG64-22 (1")	55	CY	\$165.00	\$9,075.00	\$ 165.00	\$ 9,075.00	\$ 159.00	\$ 8,745.00	\$ 173.25	\$ 9,528.75	\$ 157.50	\$ 8,662.50
6	448	ASPHALT CONCRETE MISC.: STRESS ABSORBING MEMBRANE INTERLAYER (SAMI), TYPE 1 (BY TERRY ASPHALT MATERIALS, INC. OR APPROVED EQUAL)(1/4" THICK +/-)	1,850	SY	\$3.25	\$6,012.50	\$ 2.70	\$ 4,995.00	\$ 3.50	\$ 6,475.00	\$ 2.82	\$ 5,217.00	\$ 3.70	\$ 6,845.00
7	448	* ASPHALT CONCRETE, MISC.: ASPHALT CONCRETE SURFACE COURSE, TYPE 1, PG64-22, DRIVEWAYS (5"), REMOVAL AND REPLACEMENT, AS PER PLAN	10	SY	\$120.00	\$1,200.00	\$ 150.00	\$ 1,500.00	\$ 40.00	\$ 400.00	\$ 125.00	\$ 1,250.00	\$ 75.00	\$ 750.00
8	452	* NON-REINFORCED CONCRETE PAVEMENT, MISC.: 7" PLAIN PORTLAND CEMENT CONCRETE DRIVEWAY REMOVAL AND REPLACEMENT, AS PER PLAN	5	SY	\$150.00	\$750.00	\$ 150.00	\$ 750.00	\$ 135.00	\$ 675.00	\$ 123.00	\$ 615.00	\$ 100.00	\$ 500.00
9	604	CATCH BASIN RECONSTRUCTED TO GRADE (CB-3), REBUILD USING NEW PRECAST TOPS (REUSE EX. GRATES AND HOOD)	2	EA	\$2,800.00	\$5,600.00	\$ 2,800.00	\$ 5,600.00	\$ 2,400.00	\$ 4,800.00	\$ 2,900.00	\$ 5,800.00	\$ 3,000.00	\$ 6,000.00
10	604	CATCH BASIN RECONSTRUCTED TO GRADE (CB-3A), REBUILD USING NEW PRECAST TOPS (REUSE EX. GRATE AND HOOD)	2	EA	\$2,600.00	\$5,200.00	\$ 2,500.00	\$ 5,000.00	\$ 2,300.00	\$ 4,600.00	\$ 2,650.00	\$ 5,300.00	\$ 3,000.00	\$ 6,000.00
11	608	* CONCRETE WALK (5" THICK), INCLUDING REMOVAL OF UNCLASSIFIED MATERIAL (INCLUDING EX. SIDEWALK AND RAMPS)	150	SF	\$12.00	\$1,800.00	\$ 12.00	\$ 1,800.00	\$ 15.00	\$ 2,250.00	\$ 9.80	\$ 1,470.00	\$ 10.30	\$ 1,545.00
12	608	* CURB RAMP (CONCRETE WALK AREAS), TRUNCATED DOMES	2	EA	\$500.00	\$1,000.00	\$ 1,000.00	\$ 2,000.00	\$ 1,250.00	\$ 2,500.00	\$ 250.00	\$ 500.00	\$ 300.00	\$ 600.00
13	609	CURB MISC.: CONCRETE CURB, COMBINATION CURB AND GUTTER, INCLUDING REMOVAL OF EXISTING	676	LF	\$55.00	\$37,180.00	\$ 51.00	\$ 34,476.00	\$ 65.00	\$ 43,940.00	\$ 54.00	\$ 36,504.00	\$ 46.00	\$ 31,096.00
14	609	* CURB MISC.: CONCRETE CURB, COMBINATION CURB AND GUTTER, INCLUDING REMOVAL OF EXISTING	68	LF	\$55.00	\$3,740.00	\$ 51.00	\$ 3,468.00	\$ 65.00	\$ 4,420.00	\$ 54.00	\$ 3,672.00	\$ 46.00	\$ 3,128.00
15	614	MAINTAINING TRAFFIC, AS PER PLAN	1	LS	\$5,000.00	\$5,000.00	\$ 3,000.00	\$ 3,000.00	\$ 65,000.00	\$ 65,000.00	\$ 12,500.00	\$ 12,500.00	\$ 2,800.00	\$ 2,800.00
16	644	STOP LINE, 24" WHITE	24	FT	\$10.00	\$240.00	\$ 6.00	\$ 144.00	\$ 6.60	\$ 158.40	\$ 6.00	\$ 144.00	\$ 6.50	\$ 156.00
17	644	CROSSWALK LINE, 12" WHITE	88	FT	\$5.00	\$440.00	\$ 4.00	\$ 352.00	\$ 2.75	\$ 242.00	\$ 4.00	\$ 352.00	\$ 4.25	\$ 374.00
18	644	TRANSVERSE LINE, 12" WHITE	98	FT	\$5.00	\$490.00	\$ 4.00	\$ 392.00	\$ 3.80	\$ 372.40	\$ 4.00	\$ 392.00	\$ 4.25	\$ 416.50
19	659	*REPAIR SEEDING AND MULCHING	50	SY	\$10.00	\$500.00	\$ 10.00	\$ 500.00	\$ 1.50	\$ 75.00	\$ 4.00	\$ 200.00	\$ 10.00	\$ 500.00
20	SPL	ASPHALT REJUVENATING AGENT: RECLAMITE ASPHALT REJUVENATOR BY PAVEMENT TECHNOLOGIES, INC., OR APPROVED EQUAL	1,850	SY	\$1.00	\$1,850.00	\$ 0.90	\$ 1,665.00	\$ 1.00	\$ 1,850.00	\$ 1.15	\$ 2,127.50	\$ 0.90	\$ 1,665.00
<b>BARNESLEY CT SUBTOTAL =</b>						<b>\$112,527.50</b>		<b>107,692.00</b>		<b>176,527.80</b>		<b>120,703.50</b>		<b>102,330.50</b>

COOPER LN (CORP LIMIT TO DELRAY DR) - 1043'																						
21	252	* ASPHALT PAVEMENT REPAIR, AS PER PLAN	15	SY	\$90.00	\$1,350.00	\$	75.00	\$	1,125.00	\$	50.00	\$	750.00	\$	78.75	\$	1,181.25	\$	105.00	\$	1,575.00
22	254	PAVEMENT PLANING, ASPHALT CONCRETE (1.75" THICK)	2,632	SY	\$2.50	\$6,580.00	\$	2.50	\$	6,580.00	\$	3.50	\$	9,212.00	\$	2.89	\$	7,606.48	\$	2.00	\$	5,264.00
23	448	ASPHALT CONCRETE SURFACE COURSE, TYPE 1, PG64-22, MEDIUM TRAFFIC (1.5")	116	CY	\$155.00	\$17,980.00	\$	165.00	\$	19,140.00	\$	160.00	\$	18,560.00	\$	158.00	\$	18,328.00	\$	157.50	\$	19,270.00
24	448	ASPHALT CONCRETE MISC.: STRESS ABSORBING MEMBRANE INTERLAYER (SAMI), TYPE 1 (BY TERRY ASPHALT MATERIALS, INC. OR APPROVED EQUAL)(1/4" THICK +/-)	2,632	SY	\$3.25	\$8,554.00	\$	2.75	\$	7,238.00	\$	3.50	\$	9,212.00	\$	2.82	\$	7,422.24	\$	3.70	\$	9,738.40
25	614	MAINTAINING TRAFFIC, AS PER PLAN	1	LS	\$3,000.00	\$3,000.00	\$	2,000.00	\$	2,000.00	\$	15,500.00	\$	15,500.00	\$	1,000.00	\$	1,000.00	\$	1,500.00	\$	1,500.00
26	644	STOP LINE, 24" WHITE	11	FT	\$10.00	\$110.00	\$	6.00	\$	66.00	\$	6.60	\$	72.60	\$	6.00	\$	66.00	\$	6.50	\$	71.50
27	SPL	ASPHALT REJUVENATING AGENT, RECLAMITE ASPHALT REJUVENATOR BY PAVEMENT TECHNOLOGIES, INC., OR APPROVED EQUAL	2,632	SY	\$1.00	\$2,632.00	\$	0.90	\$	2,368.80	\$	1.00	\$	2,632.00	\$	0.89	\$	2,342.48	\$	0.90	\$	2,368.80
<b>COOPER LN SUBTOTAL =</b>						<b>\$40,206.00</b>				<b>\$38,517.80</b>			<b>\$55,938.60</b>				<b>\$37,946.45</b>				<b>\$38,787.70</b>	
<b>E. KEMPER ROAD (#8814 TO #9175) - 3969'</b>																						
28	253	* ASPHALT PAVEMENT REPAIR, AS PER PLAN	300	SY	\$90.00	\$27,000.00	\$	75.00	\$	22,500.00	\$	50.00	\$	15,000.00	\$	78.75	\$	23,625.00	\$	50.00	\$	15,000.00
29	254	PAVEMENT PLANING, ASPHALT CONCRETE (3" THICK)	11,140	SY	\$2.50	\$27,850.00	\$	2.00	\$	22,280.00	\$	3.50	\$	38,990.00	\$	1.84	\$	20,497.60	\$	3.00	\$	33,420.00
30	407	TACK COAT (0.10 GAL/SY)	1,114	GA	\$2.50	\$2,785.00	\$	2.50	\$	2,785.00	\$	3.85	\$	4,288.90	\$	2.63	\$	2,929.82	\$	3.00	\$	3,342.00
31	442	ASPHALT CONCRETE SURFACE COURSE, 12.5MM, TYPE A (448)(1.5")	488	CY	\$155.00	\$75,640.00	\$	165.00	\$	80,520.00	\$	170.00	\$	82,960.00	\$	168.00	\$	81,984.00	\$	178.00	\$	86,864.00
32	442	ASPHALT CONCRETE INTERMEDIATE COURSE, 19MM, TYPE A (448)(1.5")	488	CY	\$155.00	\$75,640.00	\$	130.00	\$	63,440.00	\$	165.00	\$	80,520.00	\$	136.50	\$	66,612.00	\$	178.00	\$	86,864.00
33	604	* SANITARY MANHOLE ADJUSTED TO GRADE	1	EA	\$600.00	\$600.00	\$	500.00	\$	500.00	\$	175.00	\$	175.00	\$	525.00	\$	525.00	\$	750.00	\$	750.00
34	608	CURB RAMP (PAVER WALK AREAS), INCLUDING REMOVAL OF UNCLASSIFIED MATERIAL AND PAVERS, INSTALLATION OF TRUNCATED DOMES, AND REINSTALLATION OF PAVERS	2	EA	\$2,000.00	\$4,000.00	\$	1,000.00	\$	2,000.00	\$	1,250.00	\$	2,500.00	\$	850.00	\$	1,700.00	\$	500.00	\$	1,000.00
35	614	MAINTAINING TRAFFIC, AS PER PLAN	1	LS	\$22,000.00	\$22,000.00	\$	46,000.00	\$	46,000.00	\$	125,000.00	\$	125,000.00	\$	7,500.00	\$	7,500.00	\$	11,000.00	\$	11,000.00
36	614	WORK ZONE STOP LINE, CLASS III	104	FT	\$3.00	\$312.00	\$	2.25	\$	234.00	\$	2.75	\$	286.00	\$	2.25	\$	234.00	\$	2.50	\$	260.00
37	614	WORK ZONE CROSSWALK LINE, CLASS III	173	FT	\$2.00	\$346.00	\$	2.00	\$	346.00	\$	1.25	\$	216.25	\$	2.00	\$	346.00	\$	2.50	\$	432.50
38	614	WORK ZONE CENTERLINE, CLASS III	7,454	FT	\$1.00	\$7,454.00	\$	0.25	\$	1,863.50	\$	0.40	\$	2,981.60	\$	0.25	\$	1,863.50	\$	0.26	\$	1,938.04
39	621	RAISED PAVEMENT MARKER REMOVED	177	EA	\$10.00	\$1,770.00	\$	6.00	\$	1,062.00	\$	5.00	\$	885.00	\$	35.00	\$	6,195.00	\$	5.00	\$	885.00
40	621	RAISED PAVEMENT MARKER	198	EA	\$30.00	\$5,940.00	\$	18.00	\$	3,564.00	\$	27.25	\$	5,395.50	\$	18.00	\$	3,564.00	\$	18.50	\$	3,663.00
41	644	STOP LINE, 24" WHITE	52	FT	\$10.00	\$520.00	\$	6.00	\$	312.00	\$	6.60	\$	343.20	\$	6.00	\$	312.00	\$	6.25	\$	325.00
42	644	CROSSWALK LINE, 12" WHITE	173	FT	\$5.00	\$865.00	\$	4.00	\$	692.00	\$	2.75	\$	475.75	\$	4.00	\$	692.00	\$	4.00	\$	692.00
43	644	TRANSVERSE LINE, 12" WHITE	172	FT	\$5.00	\$860.00	\$	4.00	\$	688.00	\$	3.80	\$	653.60	\$	4.00	\$	688.00	\$	4.00	\$	688.00
44	644	CENTERLINE, 4" DOUBLE SOLID YELLOW	3,727	FT	\$2.00	\$7,454.00	\$	0.80	\$	2,981.60	\$	1.00	\$	3,727.00	\$	0.75	\$	2,795.25	\$	0.80	\$	2,981.60

45	644	EDGE LINE, 4" WHITE	7,431	FT	\$1.00	\$7,431.00	\$	0.50	\$	3,715.50	\$	0.50	\$	3,715.50	\$	0.50	\$	3,715.50	\$	0.55	\$	4,087.05
46	659	REPAIR SEEDING AND MULCHING	100	SY	\$10.00	\$1,000.00	\$	10.00	\$	1,000.00	\$	5.00	\$	500.00	\$	4.00	\$	400.00	\$	5.00	\$	500.00
47	SPL	ASPHALT REJUVENATING AGENT: RECLAIMITE ASPHALT REJUVENATOR BY PAVEMENT TECHNOLOGIES, INC., OR APPROVED EQUAL	11,140	SY	\$1.00	\$11,140.00	\$	0.90	\$	10,026.00	\$	1.00	\$	11,140.00	\$	0.89	\$	9,914.60	\$	0.90	\$	10,026.00
<b>E: KEMPER RD SUBTOTAL =</b>						<b>\$280,607.00</b>			<b>\$</b>	<b>266,509.60</b>		<b>\$</b>	<b>379,753.30</b>		<b>\$</b>	<b>236,093.27</b>		<b>\$</b>	<b>264,718.19</b>		<b>\$</b>	
<b>ACREWOOD DR (E. KEMPER RD TO TERMINUS) - 703'</b>																						
48	253	* ASPHALT PAVEMENT REPAIR, AS PER PLAN	10	SY	\$90.00	\$900.00	\$	75.00	\$	750.00	\$	50.00	\$	500.00	\$	78.75	\$	787.50	\$	50.00	\$	500.00
49	254	PAVEMENT PLANING, ASPHALT CONCRETE (1.75" THICK)	1,974	SY	\$2.50	\$4,935.00	\$	3.50	\$	6,909.00	\$	3.50	\$	6,909.00	\$	3.40	\$	6,711.60	\$	2.50	\$	4,935.00
50	448	ASPHALT CONCRETE SURFACE COURSE, TYPE 1, PG64-22, MEDIUM TRAFFIC (1.5")	87	CY	\$155.00	\$13,485.00	\$	165.00	\$	14,355.00	\$	160.00	\$	13,920.00	\$	168.00	\$	14,616.00	\$	154.00	\$	13,398.00
51	448	ASPHALT CONCRETE MISC.: STRESS ABSORBING MEMBRANE INTERLAYER (SAMI), TYPE 1 (BY TERRY ASPHALT MATERIALS, INC. OR APPROVED EQUAL)(1/4" THICK +/-)	1,974	SY	\$3.25	\$6,415.50	\$	2.75	\$	5,428.50	\$	3.50	\$	6,909.00	\$	2.82	\$	5,566.68	\$	3.70	\$	7,303.80
52	448	* ASPHALT CONCRETE MISC.: ASPHALT CONCRETE SURFACE COURSE, TYPE 1, PG64-22, DRIVEWAYS (5"), REMOVAL AND REPLACEMENT, AS PER PLAN	5	SY	\$120.00	\$600.00	\$	150.00	\$	750.00	\$	40.00	\$	200.00	\$	125.00	\$	625.00	\$	75.00	\$	375.00
53	604	CATCH BASIN RECONSTRUCTED TO GRADE (CB-3), REBUILD USING NEW PRECAST TOPS (REUSE EX. GRATES AND HOOD)	3	EA	\$2,800.00	\$8,400.00	\$	2,800.00	\$	8,400.00	\$	2,400.00	\$	7,200.00	\$	2,900.00	\$	8,700.00	\$	3,000.00	\$	9,000.00
54	604	* STORM MANHOLE ADJUSTED TO GRADE	1	EA	\$800.00	\$800.00	\$	500.00	\$	500.00	\$	425.00	\$	425.00	\$	525.00	\$	525.00	\$	400.00	\$	400.00
55	604	* SANITARY MANHOLE ADJUSTED TO GRADE	3	EA	\$800.00	\$2,400.00	\$	500.00	\$	1,500.00	\$	425.00	\$	1,275.00	\$	525.00	\$	1,575.00	\$	650.00	\$	1,950.00
56	609	CURB MISC.: CONCRETE CURB, COMBINATION CURB AND GUTTER, INCLUDING REMOVAL OF EXISTING	101	LF	\$55.00	\$5,555.00	\$	51.00	\$	5,151.00	\$	65.00	\$	6,565.00	\$	69.00	\$	6,969.00	\$	46.00	\$	4,646.00
57	609	* CURB MISC.: CONCRETE CURB, COMBINATION CURB AND GUTTER, INCLUDING REMOVAL OF EXISTING	10	LF	\$55.00	\$550.00	\$	51.00	\$	510.00	\$	65.00	\$	650.00	\$	69.00	\$	690.00	\$	46.00	\$	460.00
58	614	MAINTAINING TRAFFIC, AS PER PLAN	1	LS	\$5,000.00	\$5,000.00	\$	2,500.00	\$	2,500.00	\$	15,000.00	\$	15,000.00	\$	7,500.00	\$	7,500.00	\$	1,500.00	\$	1,500.00
59	644	STOP LINE, 24" WHITE	12	FT	\$10.00	\$120.00	\$	6.00	\$	72.00	\$	6.60	\$	79.20	\$	6.00	\$	72.00	\$	6.25	\$	75.00
60	644	CROSSWALK LINE, 12" WHITE	54	FT	\$5.00	\$270.00	\$	4.00	\$	216.00	\$	2.75	\$	148.50	\$	4.00	\$	216.00	\$	4.00	\$	216.00
61	659	REPAIR SEEDING AND MULCHING	80	SY	\$10.00	\$800.00	\$	10.00	\$	800.00	\$	5.00	\$	400.00	\$	4.00	\$	320.00	\$	10.00	\$	800.00
62	SPL	ASPHALT REJUVENATING AGENT: RECLAIMITE ASPHALT REJUVENATOR BY PAVEMENT TECHNOLOGIES, INC., OR APPROVED EQUAL	1,974	SY	\$1.00	\$1,974.00	\$	0.9	\$	1,776.60	\$	1.00	\$	1,974.00	\$	0.89	\$	1,756.86	\$	0.90	\$	1,776.60
<b>ACREWOOD DR SUBTOTAL =</b>						<b>\$52,204.50</b>			<b>\$</b>	<b>49,618.10</b>		<b>\$</b>	<b>62,154.70</b>		<b>\$</b>	<b>56,630.64</b>		<b>\$</b>	<b>47,335.40</b>		<b>\$</b>	
<b>TANAGERWOODS DR (WELLER RD TO #8723) - 2843'</b>																						
63	253	* ASPHALT PAVEMENT REPAIR, AS PER PLAN	40	SY	\$90.00	\$3,600.00	\$	75.00	\$	3,000.00	\$	50.00	\$	2,000.00	\$	78.75	\$	3,150.00	\$	80.00	\$	3,200.00
64	254	PAVEMENT PLANING, ASPHALT CONCRETE (1.75" THICK)	6,792	SY	\$2.50	\$16,980.00	\$	1.50	\$	10,188.00	\$	3.50	\$	23,772.00	\$	1.58	\$	10,731.36	\$	2.50	\$	16,980.00
65	448	ASPHALT CONCRETE SURFACE COURSE, TYPE 1, PG64-22, MEDIUM TRAFFIC (1.5")	298	CY	\$155.00	\$46,190.00	\$	132.00	\$	39,336.00	\$	160.00	\$	47,680.00	\$	131.25	\$	39,112.50	\$	154.00	\$	45,892.00
66	448	ASPHALT CONCRETE MISC.: STRESS ABSORBING MEMBRANE INTERLAYER (SAMI), TYPE 1 (BY TERRY ASPHALT MATERIALS, INC. OR APPROVED EQUAL)(1/4" THICK +/-)	6,792	SY	\$3.25	\$22,074.00	\$	2.75	\$	18,678.00	\$	3.50	\$	23,772.00	\$	2.82	\$	19,153.44	\$	3.70	\$	25,130.40

67	448	* ASPHALT CONCRETE, MISC.: ASPHALT CONCRETE SURFACE COURSE, TYPE 1, PG64-22, DRIVEWAYS (5"), REMOVAL AND REPLACEMENT, AS PER PLAN	15	SY	\$120.00	\$1,800.00	\$	150.00	\$	2,250.00	\$	40.00	\$	600.00	\$	125.00	\$	1,875.00	\$	75.00	\$	1,125.00
68	452	* NON-REINFORCED CONCRETE PAVEMENT, MISC.: 7" PLAIN PORTLAND CEMENT CONCRETE DRIVEWAY REMOVAL AND REPLACEMENT, AS PER PLAN	15	SY	\$150.00	\$2,250.00	\$	150.00	\$	2,250.00	\$	135.00	\$	2,025.00	\$	123.00	\$	1,845.00	\$	125.00	\$	1,875.00
69	603	* CONDUIT, MISC.: 4" OR 6" DOWNSPOUT, PVC SCHEDULE 40, INCLUDING TEENS AND CLEAN-OUTS	200	LF	\$40.00	\$8,000.00	\$	32.00	\$	6,400.00	\$	25.00	\$	5,000.00	\$	30.00	\$	6,000.00	\$	30.00	\$	6,000.00
70	604	CATCH BASIN RECONSTRUCTED TO GRADE (CB-3) REBUILD USING NEW PRECAST TOPS (REUSE EX. GRATES AND HOOD)	4	EA	\$2,800.00	\$11,200.00	\$	2,800.00	\$	11,200.00	\$	2,400.00	\$	9,600.00	\$	2,900.00	\$	11,600.00	\$	3,000.00	\$	12,000.00
71	604	CATCH BASIN RECONSTRUCTED TO GRADE (CB-3A), REBUILD USING NEW PRECAST TOPS (REUSE EX. GRATE AND HOOD)	13	EA	\$2,600.00	\$33,800.00	\$	2,500.00	\$	32,500.00	\$	1,950.00	\$	25,350.00	\$	2,650.00	\$	34,450.00	\$	2,800.00	\$	36,400.00
72	604	* STORM MANHOLE ADJUSTED TO GRADE	15	EA	\$800.00	\$12,000.00	\$	500.00	\$	7,500.00	\$	425.00	\$	6,375.00	\$	525.00	\$	7,875.00	\$	750.00	\$	11,250.00
73	604	* SANITARY MANHOLE ADJUSTED TO GRADE	13	EA	\$800.00	\$10,400.00	\$	500.00	\$	6,500.00	\$	425.00	\$	5,525.00	\$	525.00	\$	6,825.00	\$	750.00	\$	9,750.00
74	609	CURB MISC.: CONCRETE CURB, TYPE G, INCLUDING REMOVAL OF EXISTING	20	LF	\$55.00	\$1,100.00	\$	36.00	\$	720.00	\$	65.00	\$	1,300.00	\$	69.00	\$	1,360.00	\$	47.00	\$	940.00
75	609	CURB MISC.: CONCRETE CURB, COMBINATION CURB AND GUTTER, INCLUDING REMOVAL OF EXISTING	476	LF	\$55.00	\$26,180.00	\$	51.00	\$	24,276.00	\$	65.00	\$	30,940.00	\$	69.00	\$	32,844.00	\$	47.00	\$	22,372.00
76	609	* CURB MISC.: CONCRETE CURB, COMBINATION CURB AND GUTTER, INCLUDING REMOVAL OF EXISTING	48	LF	\$55.00	\$2,640.00	\$	51.00	\$	2,448.00	\$	65.00	\$	3,120.00	\$	69.00	\$	3,312.00	\$	47.00	\$	2,256.00
77	614	MAINTAINING TRAFFIC, AS PER PLAN	1	LS	\$10,000.00	\$10,000.00	\$	2,500.00	\$	2,500.00	\$	45,000.00	\$	45,000.00	\$	7,500.00	\$	7,500.00	\$	7,000.00	\$	7,000.00
78	644	STOP LINE, 24" WHITE	15	FT	\$10.00	\$150.00	\$	6.00	\$	90.00	\$	6.60	\$	99.00	\$	6.00	\$	90.00	\$	6.25	\$	93.75
79	659	* REPAIR SEEDING AND MULCHING	200	SY	\$10.00	\$2,000.00	\$	10.00	\$	2,000.00	\$	5.00	\$	1,000.00	\$	4.00	\$	800.00	\$	5.00	\$	1,000.00
80	SPL	ASPHALT REJUVENATING AGENT, RECLAMITE ASPHALT REJUVENATOR BY PAVEMENT TECHNOLOGIES, INC., OR APPROVED EQUAL	6.792	SY	\$1.00	\$6,792.00	\$	0.90	\$	6,112.80	\$	1.00	\$	6,792.00	\$	0.89	\$	6,044.88	\$	0.90	\$	6,112.80
<b>TANAGERWOODS DR SUBTOTAL =</b>						<b>\$217,156.00</b>		<b>\$</b>	<b>177,948.80</b>		<b>\$</b>	<b>239,950.00</b>		<b>\$</b>	<b>194,588.18</b>		<b>\$</b>	<b>645,962.04</b>		<b>\$</b>	<b>209,376.95</b>	
<b>BASE BID TOTAL =</b>						<b>\$702,701.00</b>		<b>\$</b>	<b>640,286.30</b>		<b>\$</b>	<b>914,324.40</b>		<b>\$</b>	<b>645,962.04</b>		<b>\$</b>	<b>662,548.74</b>		<b>\$</b>	<b>662,548.74</b>	
<b>ALTERNATE BID #1 - ESCONCIDO DR (TANAGERWOODS TO TANAGERWOODS) - 1484'</b>																						
81	253	* ASPHALT PAVEMENT REPAIR, AS PER PLAN	20	SY	\$90.00	\$1,800.00	\$	75.00	\$	1,500.00	\$	50.00	\$	1,000.00	\$	78.75	\$	1,575.00	\$	80.00	\$	1,600.00
82	254	PAVEMENT PLANING, ASPHALT CONCRETE (1.75" THICK)	3,322	SY	\$2.50	\$8,305.00	\$	1.50	\$	4,983.00	\$	3.50	\$	11,627.00	\$	1.58	\$	5,248.76	\$	2.50	\$	8,305.00
83	448	ASPHALT CONCRETE SURFACE COURSE, TYPE 1, PG64-22, MEDIUM TRAFFIC (1.5")	146	CY	\$155.00	\$22,630.00	\$	132.00	\$	19,272.00	\$	160.00	\$	23,360.00	\$	131.25	\$	19,162.50	\$	154.00	\$	22,484.00
84	448	ASPHALT CONCRETE MISC.: STRESS ABSORBING MEMBRANE INTERLAYER (SAMI), TYPE 1 (BY TERRY ASPHALT MATERIALS, INC. OR APPROVED EQUAL)(1/4" THICK +/-)	3,322	SY	\$3.25	\$10,796.50	\$	2.75	\$	9,135.50	\$	3.50	\$	11,627.00	\$	2.82	\$	9,368.04	\$	3.70	\$	12,291.40
85	448	* ASPHALT CONCRETE, MISC.: ASPHALT CONCRETE SURFACE COURSE, TYPE 1, PG64-22, DRIVEWAYS (6"), REMOVAL AND REPLACEMENT, AS PER PLAN	5	SY	\$120.00	\$600.00	\$	150.00	\$	750.00	\$	40.00	\$	200.00	\$	125.00	\$	625.00	\$	75.00	\$	375.00
86	452	* NON-REINFORCED CONCRETE PAVEMENT, MISC.: 7" PLAIN PORTLAND CEMENT CONCRETE DRIVEWAY REMOVAL AND REPLACEMENT, AS PER PLAN	20	SY	\$150.00	\$3,000.00	\$	150.00	\$	3,000.00	\$	135.00	\$	2,700.00	\$	123.00	\$	2,460.00	\$	125.00	\$	2,500.00

87	603	*CONDUIT, MISC.: 4" OR 6" DOWNSPOUT, PVC SCHEDULE 40, INCLUDING TIE-INS AND CLEAN-OUTS	200	LF	\$40.00	\$6,000.00	\$	32.00	\$	6,400.00	\$	25.00	\$	5,000.00	\$	30.00	\$	6,000.00	\$	30.00	\$	6,000.00
88	604	CATCH BASIN RECONSTRUCTED TO GRADE (CB-3) REBUILD USING NEW PRECAST TOPS (REUSE EX. GRATES AND HOOD)	2	EA	\$2,800.00	\$5,600.00	\$	2,800.00	\$	5,600.00	\$	2,400.00	\$	4,800.00	\$	2,900.00	\$	5,800.00	\$	3,000.00	\$	6,000.00
89	604	CATCH BASIN RECONSTRUCTED TO GRADE (CB-3A), REBUILD USING NEW PRECAST TOPS (REUSE EX. GRATE AND HOOD)	8	EA	\$2,600.00	\$20,800.00	\$	2,500.00	\$	20,000.00	\$	2,300.00	\$	18,400.00	\$	2,650.00	\$	21,200.00	\$	2,800.00	\$	22,400.00
90	604	* STORM MANHOLE ADJUSTED TO GRADE	3	EA	\$800.00	\$2,400.00	\$	500.00	\$	1,500.00	\$	425.00	\$	1,275.00	\$	525.00	\$	1,575.00	\$	750.00	\$	2,250.00
91	604	* SANITARY MANHOLE ADJUSTED TO GRADE	8	EA	\$800.00	\$6,400.00	\$	500.00	\$	4,000.00	\$	425.00	\$	3,400.00	\$	525.00	\$	4,200.00	\$	750.00	\$	6,000.00
92	609	CURB MISC.: CONCRETE CURB, COMBINATION CURB AND GUTTER, INCLUDING REMOVAL OF EXISTING	330	LF	\$55.00	\$18,150.00	\$	51.00	\$	16,830.00	\$	65.00	\$	21,450.00	\$	54.00	\$	17,820.00	\$	47.00	\$	15,510.00
93	609	* CURB MISC.: CONCRETE CURB, COMBINATION CURB AND GUTTER, INCLUDING REMOVAL OF EXISTING	33	LF	\$55.00	\$1,815.00	\$	51.00	\$	1,683.00	\$	65.00	\$	2,145.00	\$	69.00	\$	2,277.00	\$	47.00	\$	1,551.00
94	608	CURB RAMP (PAVER WALK AREAS), INCLUDING REMOVAL OF UNCLASSIFIED MATERIAL AND PAVERS, INSTALLATION OF TRUNCATED DOMES, AND REINSTALLATION OF PAVERS AS RAMP (12:1 MAX SLOPE)	4	EA	\$2,000.00	\$8,000.00	\$	750.00	\$	3,000.00	\$	1,250.00	\$	5,000.00	\$	850.00	\$	3,400.00	\$	500.00	\$	2,000.00
95	614	MAINTAINING TRAFFIC, AS PER PLAN	1	LS	\$6,000.00	\$6,000.00	\$	2,500.00	\$	2,500.00	\$	25,000.00	\$	25,000.00	\$	7,500.00	\$	7,500.00	\$	3,000.00	\$	3,000.00
96	644	STOP LINE, 24" WHITE	23	FT	\$10.00	\$230.00	\$	6.00	\$	138.00	\$	6.60	\$	151.80	\$	6.00	\$	138.00	\$	6.25	\$	143.75
97	644	CROSSWALK LINE, 12" WHITE	146	FT	\$5.00	\$730.00	\$	4.00	\$	584.00	\$	2.75	\$	401.50	\$	4.00	\$	584.00	\$	4.25	\$	620.50
98	659	REPAIR SEEDING AND MULCHING	100	SY	\$10.00	\$1,000.00	\$	10.00	\$	1,000.00	\$	5.00	\$	500.00	\$	4.12	\$	412.00	\$	5.00	\$	500.00
99	SPL	ASPHALT REJUVENATING AGENT, RECLAIMITE ASPHALT REJUVENATOR BY PAVEMENT TECHNOLOGIES, INC., OR APPROVED EQUAL	3,322	SY	\$1.00	\$3,322.00	\$	0.90	\$	2,989.80	\$	1.00	\$	3,322.00	\$	0.89	\$	2,956.58	\$	0.90	\$	2,989.80
		<b>ALTERNATE BID #1 - ESCONDIDO DR TOTAL =</b>				<b>\$129,578.50</b>			<b>\$</b>	<b>104,865.30</b>		<b>\$</b>	<b>141,359.30</b>		<b>\$</b>	<b>112,301.88</b>				<b>\$</b>	<b>116,520.45</b>	
		<b>ALTERNATE BID #2 - OLD POND DR (TANAGERWOODS TO TERMINUS) - 880'</b>																				
100	253	* ASPHALT PAVEMENT REPAIR, AS PER PLAN	10	SY	\$90.00	\$900.00	\$	75.00	\$	750.00	\$	50.00	\$	500.00	\$	78.75	\$	787.50	\$	80.00	\$	800.00
101	254	PAVEMENT PLANING, ASPHALT CONCRETE (1.75" THICK)	2,140	SY	\$2.50	\$5,350.00	\$	1.50	\$	3,210.00	\$	3.50	\$	7,490.00	\$	1.58	\$	3,381.20	\$	2.50	\$	5,350.00
102	448	ASPHALT CONCRETE SURFACE COURSE, TYPE 1, PG64-22, MEDIUM TRAFFIC (1.5")	94	CY	\$155.00	\$14,570.00	\$	132.00	\$	12,408.00	\$	160.00	\$	15,040.00	\$	131.25	\$	12,337.50	\$	154.00	\$	14,476.00
103	448	ASPHALT CONCRETE MISC.: STRESS ABSORBING MEMBRANE INTERLAYER (SAMI), TYPE 1 (BY TERRY ASPHALT MATERIALS, INC. OR APPROVED EQUAL)(1/4" THICK +/-)	2,140	SY	\$3.25	\$6,955.00	\$	2.75	\$	5,885.00	\$	3.50	\$	7,490.00	\$	2.82	\$	6,034.80	\$	3.70	\$	7,918.00
104	448	* ASPHALT CONCRETE MISC.: ASPHALT CONCRETE SURFACE COURSE, TYPE 1, PG64-22, DRIVEWAYS (5"), REMOVAL AND REPLACEMENT, AS PER PLAN	15	SY	\$120.00	\$1,800.00	\$	150.00	\$	2,250.00	\$	40.00	\$	600.00	\$	125.00	\$	1,875.00	\$	75.00	\$	1,125.00

105	452	*NON-REINFORCED CONCRETE PAVEMENT, MISC.: 7" PLAIN PORTLAND CEMENT CONCRETE DRIVEWAY REMOVAL AND REPLACEMENT, AS PER PLAN	10	SY	\$150.00	\$1,500.00	\$	150.00	\$	1,500.00	\$	135.00	\$	1,350.00	\$	123.00	\$	1,230.00	\$	125.00	\$	1,250.00
106	604	CATCH BASIN RECONSTRUCTED TO GRADE (CB-3), REBUILD USING NEW PRECAST TOPS (REUSE EX. GRATES AND HOOD)	3	EA	\$2,800.00	\$8,400.00	\$	2,800.00	\$	8,400.00	\$	2,400.00	\$	7,200.00	\$	2,900.00	\$	8,700.00	\$	3,000.00	\$	9,000.00
107	604	CATCH BASIN RECONSTRUCTED TO GRADE (CB-3A), REBUILD USING NEW PRECAST TOPS (REUSE EX. GRATE AND HOOD)	2	EA	\$2,600.00	\$5,200.00	\$	2,500.00	\$	5,000.00	\$	2,300.00	\$	4,600.00	\$	2,650.00	\$	5,300.00	\$	2,800.00	\$	5,600.00
108	604	*STORM MANHOLE ADJUSTED TO GRADE	4	EA	\$800.00	\$3,200.00	\$	500.00	\$	2,000.00	\$	425.00	\$	1,700.00	\$	525.00	\$	2,100.00	\$	750.00	\$	3,000.00
109	604	*SANITARY MANHOLE ADJUSTED TO GRADE	5	EA	\$800.00	\$4,000.00	\$	500.00	\$	2,500.00	\$	425.00	\$	2,125.00	\$	525.00	\$	2,625.00	\$	750.00	\$	3,750.00
110	609	CURB MISC.: CONCRETE CURB, COMBINATION CURB AND GUTTER, INCLUDING REMOVAL OF EXISTING	283	LF	\$55.00	\$15,565.00	\$	51.00	\$	14,433.00	\$	65.00	\$	18,395.00	\$	54.00	\$	15,282.00	\$	47.00	\$	13,301.00
111	609	*CURB MISC.: CONCRETE CURB, COMBINATION CURB AND GUTTER, INCLUDING REMOVAL OF EXISTING	28	LF	\$55.00	\$1,540.00	\$	51.00	\$	1,428.00	\$	65.00	\$	1,820.00	\$	69.00	\$	1,932.00	\$	47.00	\$	1,316.00
112	614	MAINTAINING TRAFFIC, AS PER PLAN	1	LS	\$5,000.00	\$5,000.00	\$	3,000.00	\$	3,000.00	\$	15,000.00	\$	15,000.00	\$	7,500.00	\$	7,500.00	\$	2,800.00	\$	2,800.00
113	644	STOP LINE, 24" WHITE	11	FT	\$10.00	\$110.00	\$	6.00	\$	66.00	\$	6.60	\$	72.60	\$	6.00	\$	66.00	\$	6.25	\$	68.75
114	659	*REPAIR SEEDING AND MULCHING	50	SY	\$10.00	\$500.00	\$	10.00	\$	500.00	\$	1.50	\$	75.00	\$	4.00	\$	200.00	\$	10.00	\$	500.00
115	SPL	ASPHALT REJUVENATING AGENT: RECLAIMITE ASPHALT REJUVENATOR BY PAVEMENT TECHNOLOGIES, INC., OR APPROVED EQUAL	2,140	SY	\$1.00	\$2,140.00	\$	0.90	\$	1,926.00	\$	1.00	\$	2,140.00	\$	0.89	\$	1,904.60	\$	0.90	\$	1,926.00

ALTERNATE BID #2 - OLD POND DR TOTAL =

\$76,730.00

\$65,256.00

\$85,597.60

\$71,255.60

\$72,180.75

ALTERNATE #3 BID - BARNESLEY CT STORM DRAINAGE ADDITION

116	203	EXCAVATION (TO GRADE "BOWL" SURROUNDING PROPOSED CB)	8	CY	\$100.00	\$800.00	\$	100.00	\$	800.00	\$	50.00	\$	400.00	\$	73.00	\$	584.00	\$	125.00	\$	1,000.00
117	448	*ASPHALT CONCRETE, MISC.: ASPHALT CONCRETE SURFACE COURSE, TYPE 1, PG64-22, DRIVEWAYS (5"), REMOVAL AND REPLACEMENT, AS PER PLAN	12	SY	\$120.00	\$1,440.00	\$	150.00	\$	1,800.00	\$	40.00	\$	480.00	\$	125.00	\$	1,500.00	\$	75.00	\$	900.00
118	603	CONDUIT, MISC.: 4" DOWNSPOUT, PVC SCHEDULE 40, INCLUDING BENDS, TIE-INS, AND CLEAN-OUTS (4 LOCATIONS-10 LF EACH)	40	LF	\$40.00	\$1,600.00	\$	32.00	\$	1,280.00	\$	25.00	\$	1,000.00	\$	25.00	\$	1,000.00	\$	50.00	\$	2,000.00
119	603	12" CONDUIT (HDPE, 707.33 OR PVC, 707.45), INCLUDING 11.25-DEGREE AND 22.5 DEGREE BENDS AND CONNECTION TO CB-3	250	LF	\$80.00	\$20,000.00	\$	100.00	\$	25,000.00	\$	150.00	\$	37,500.00	\$	59.00	\$	14,750.00	\$	35.00	\$	8,750.00
120	604	CATCH BASIN, CB2-2 (AS PER PLAN)	1	EA	\$2,500.00	\$2,500.00	\$	2,600.00	\$	2,600.00	\$	1,250.00	\$	1,250.00	\$	975.00	\$	975.00	\$	1,000.00	\$	1,000.00
121	608	CONCRETE STEPS (5" THICK), INCLUDING REMOVAL OF EX. STEPS	48	SF	\$40.00	\$1,920.00	\$	70.00	\$	3,360.00	\$	35.00	\$	1,680.00	\$	30.00	\$	1,440.00	\$	50.00	\$	2,400.00
122	609	CURB MISC.: CONCRETE CURB, COMBINATION CURB AND GUTTER, INCLUDING REMOVAL OF EXISTING	12	LF	\$55.00	\$660.00	\$	144.00	\$	1,728.00	\$	65.00	\$	780.00	\$	69.00	\$	828.00	\$	60.00	\$	720.00
123	659	REPAIR SEEDING AND MULCHING	180	SY	\$10.00	\$1,800.00	\$	10.00	\$	1,800.00	\$	5.00	\$	900.00	\$	4.00	\$	720.00	\$	10.00	\$	1,800.00

ALTERNATE #3 BID - BARNESLEY CT STORM DRAINAGE ADDITION TOTAL =

\$30,720.00

\$38,366.00

\$43,990.00

\$21,797.00

\$18,570.00

\*\*Yellow Highlighted cells denote an error in calculations recorded on bid sheet

TO: Mayor Christopher P. Dobrozsi  
Members of City Council

FROM: Terrence M. Donnellon

RE: IDC Overlay District

DATE: May 10, 2016

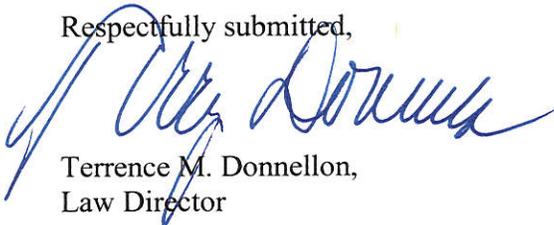
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In February, Council established an Interim Development Control Overlay District throughout the City applicable to all Business Districts to regulate the establishment of Sexual Encounter Businesses within the community. Sexual Encounter Businesses are not clearly defined by law to determine whether or not they enjoy the same constitutional protections as Sexually Oriented Businesses and until such time as the courts specifically rule on the issue or the issue can be studied in depth, a decision was made to stay the issuance of any license for such business within the community until appropriate controls could be put in place.

The Planning Commission considered the Staff's request to extend the district controls for an additional period of time as permitted under our Code. The Planning Commission has made the recommendation and has modified the recommendation to recommend extending the controls to include Sexually Oriented Businesses as they are not currently defined nor regulated under the Code.

This Resolution, following the Planning Commission's recommendation and Council's hearing, will extend the district for an additional period of time until January 31, 2017. In the interim, Staff is working with our office to determine what regulations can be put in place to then take the recommendation to Planning Commission for appropriate study and, if appropriate, amendments to the Code. The Resolution includes Council's request to formally study any potential amendment to the Code which is consistent with the process to initiate a zoning amendment under the Code.

Respectfully submitted,



Terrence M. Donnellon,  
Law Director

TMD/ldd  
Enclosure

cc: Connie Gaylor, Administrative Coordinator  
Department Heads  
File

RESOLUTION NO. , 2016

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

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

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

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

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

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

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

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

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

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

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

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

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

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

APPROVED AS TO FORM:

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

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

City of Montgomery  
City Council Business Session Minutes  
May 4, 2016

Present

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

City Council Members Present

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

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

ROLL CALL

Mayor Dobrozsi asked for a motion to dispense with the roll call since everyone was in attendance.

Mr. Margolis moved to dispense with the roll call. Mr. Cappel seconded. City Council unanimously agreed.

GUESTS AND RESIDENTS

Mr. Peter Stackpole a resident of Glendale addressed City Council in regards to his upcoming candidacy for a Hamilton County Court of Common Pleas Judge.

LEGISLATION FOR CONSIDERATION TONIGHT

**An Ordinance Modifying Section 30.03, Announcement of Public Meetings, of the Code of Ordinances**

Mrs. Harbison read the Ordinance by title only and moved passage of the second reading. Ms. Roesch seconded.

Mrs. Harbison explained that, if approved, this Ordinance 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. O. R.C. § 121.22 (Sunshine law) requires that City Council establish a reasonable method whereby any person may determine the time and place of all regularly scheduled meetings. 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.

Mrs. Harbison asked if there were any updates.

Mr. Donnellon stated that there were none.

The roll was called and showed the following vote:

AYE: Combs, Cappel, Harbison, Dobrozsi, Roesch, Suer, Margolis (7)  
NAY: (0)

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City Council Business Session Minutes

May 4, 2016

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55 ABSENT: (0)

56

57 **An Ordinance Establishing the Schedule of Municipal Compensation for Employees**

58

59 Mr. Suer read the Ordinance by title only and moved passage of the second reading. Mrs. Combs seconded.

60

61 Mr. Suer explained that, if approved, this Ordinance 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.

62

63 Mr. Suer asked if there were any updates.

64

65 Mr. Davis stated that on the amended Schedule of Compensation provided to each Council member, there are changes to the department head classification to now show a range title of "1A" and "1B". He explained that these changes would classify the Police Chief, Fire Chief and Public Works Director as "1A" and the Community Development Director, Community and Information Services Director and the Finance Director as "1B". This change is made to ensure that each pay range wage scale remains competitive for the region.

66

67 Mr. Margolis made a motion to approve the amended Schedule of Compensation. Mr. Cappel seconded. City Council unanimously agreed.

68

69 The roll was called and showed the following vote:

70

71 AYE: Cappel, Harbison, Dobrozi, Roesch, Suer, Margolis, Combs (7)

72 NAY: (0)

73 ABSENT: (0)

74

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

78

79 Law Director, Terry Donnellon, stated that there has been no further progression in the agreement of the annexation terms between the property owners and advised that the legislation remain tabled until further updates are provided.

80

81 **A Resolution Recognizing the Month of May, 2016 as National Historic Preservation Month in the City of**  
82 **Montgomery**

83

84 Mr. Margolis moved to read the Resolution by title only. Ms. Roesch seconded. City Council unanimously agreed.

85

86 Mr. Margolis read the Resolution by title only and moved for passage. Mr. Cappel seconded.

87

88 Mr. Margolis explained that, if approved, this Resolution will recognize the month of May as National Historic Preservation Month in the City of Montgomery. Mr. Margolis stated that the City is known for its Landmark buildings so it is only appropriate that we follow this national recognition.

89

90 The roll was called and showed the following vote:

91

92 AYE: Harbison, Dobrozi, Roesch, Suer, Margolis, Combs, Cappel (7)

93

94

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City Council Business Session Minutes

May 4, 2016

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107 NAY: (0)  
108 ABSENT: (0)

109  
110 **A Resolution Establishing Compensation for the City Manager**

111  
112 Mrs. Harbison moved to read the Resolution by title only. Mr. Margolis seconded. City Council unanimously  
113 agreed.

114  
115 Mrs. Harbison read the Resolution by title only and moved for passage. Mrs. Combs seconded.

116  
117 Mrs. Harbison explained that, if approved, this Resolution will authorize an amendment to the current employment  
118 agreement with Mr. Wayne Davis as the City Manager of Montgomery. This Resolution is the result of the recent  
119 performance appraisal of the City Manager conducted by City Council. The Government Affairs Committee of  
120 City Council has recommended adoption of this Resolution.

121  
122 The roll was called and showed the following vote:

123  
124 AYE: Dobrozsi, Roesch, Suer, Margolis, Combs, Cappel, Harbison (7)  
125 NAY: (0)  
126 ABSENT: (0)

127  
128 **A Resolution Declaring a Moratorium on The Collection of Building and Zoning Permit Fees for Solar**  
129 **Installations**

130  
131 Mr. Margolis moved to read the Resolution by title only. Mr. Cappel seconded. City Council unanimously agreed.

132  
133 Mr. Margolis read the Resolution by title only and moved for passage. Ms. Roesch seconded.

134  
135 Mr. Margolis explained that, if approved, this Resolution would declare a moratorium on the collection of building  
136 and zoning permit fees for solar installations. The City of Cincinnati and the Greater Cincinnati Energy Alliance  
137 have partnered to create the Solarize Cincinnati program. Any property within Hamilton County is eligible for  
138 participation in the program, which provides a free solar assessment, discounted rates and financing. It is  
139 recommended that City Council pass a Resolution waiving building and zoning fees for solar installations with a  
140 cap of \$1,000 for a six-month period beginning July 1, 2016. The waiver would be promoted as an incentive to our  
141 residents and businesses to adopt a more environmentally friendly source of power and to continue to promote  
142 Montgomery as a progressive City within the region.

143  
144 Mr. Donnellon stated that the legislation did not state that the program would begin on July 1, 2016 and  
145 recommended that a motion be made to amend the legislation to add the commencement of the program on July 1,  
146 2016.

147  
148 Mr. Margolis made a motion to amend the legislation as directed by Mr. Donnellon. Mr. Cappel seconded. City  
149 Council unanimously agreed.

150  
151 The roll was called and showed the following vote:

152  
153 AYE: Roesch, Suer, Margolis, Combs, Cappel, Harbison, Dobrozsi (7)  
154 NAY: (0)  
155 ABSENT: (0)

156  
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City Council Business Session Minutes

May 4, 2016

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**ADMINISTRATION REPORT**

Mr. Davis reported on the following items:

- City Council Work Session is scheduled for May 18, 2016 at 7:00 p.m.
- Prior to the City Council Work Session, City Council is scheduled to hear Board and Commission's Chair presentations from Mary Jo Byrnes (Board of Zoning Appeals) at 5:45 p.m.; Mike Hawkins (Civil Service Commission) at 6:00 p.m.; Nancy Nolan (Arts Commission) at 6:15 p.m.; Jodi Keith (Beautification and Tree Commission) at 6:30 p.m.; Mike Harbison (Planning Commission) at 6:45 p.m.
- After the Boards and Commission Chair Updates, Prior to the City Council Work Session, a Public Hearing will be held at 7:00 p.m. to consider a recommendation to City Council on the extension for the Interim Development Control District over all business districts in the City to stay any application to establish a Sexual Encounter Business within the City. The City Council meeting will commence immediately following the Public Hearing.
- A special thanks goes out to Sergeant Mike Plaatje and Officer James Martin for coordinating the Drug Takeback Day on April 30 at Bethesda North Hospital. Officers turned over approximately 200 pounds of assorted pills and medications to the Drug Enforcement Administration (DEA) after this important community event.
- On Monday, May 2, bid openings for the 2016 Street Resurfacing Program and the 2016 Bituminous "Black Mat" Project were held with a total of four bids and two bids being received respectively. Staff is currently reviewing the bids and anticipate presenting Legislative Requests for both items at the May 18 City Council Work Session.
- Melissa Hays sent a final notice to the owner of The Marketplace regarding the unsafe condition due to an incomplete staircase and deck replacement which needs to be closed off to prevent the general public from accessing this section of the property. The letter also stated that the debris around the property, including adjacent to the dumpsters and under the decking, needs to be removed from the property as well. Should the owner not take corrective action with regards to the deck and staircase by May 8, it may be necessary for the City to perform emergency work on the property to ensure temporary safeguards for the general public and place a lien on the property for the cost.
- Staff is reaching out to Duke Energy regarding the rumored installation of a gas pipeline through areas of Montgomery.
- A Transportation Alternative (TA) grant application for the proposed Phase II of new concrete sidewalk installation on the east side of Montgomery Road from Radabaugh Drive to the southern property line of the Safety Center is substantially complete and is anticipated to be submitted to the Ohio-Kentucky-Indiana Regional Council of Governments (OKI). If approved, this project is anticipated to be included in ODOT fiscal year 2021.
- As a reminder, the quarterly Community Roundtable meeting will be held in City Council Chambers tomorrow morning beginning at 8:00 a.m.
- This year's Boards and Commission Training will be held tomorrow evening beginning at 6:30 p.m. This annual training is offered to all Boards and Commission members. So far 10 have registered to attend.

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

May 4, 2016

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- 210 • The next Neighborhood Leader's Forum will be held on Tuesday, May 10 at Terwilliger Lodge beginning  
211 at 6:30 p.m.
- 212
- 213 • Beautification Day planting is a little over a week away on Saturday, May 14, 9:00 to 11:00 a.m., meeting  
214 in the City Hall parking lot for planting assignments. This is the day the medians and select corners and  
215 end caps along Montgomery Road and the planting beds in Pfeiffer Park are planted with thousands of  
216 annuals. It is a great morning of camaraderie with our residents.
- 217
- 218 • Now that Katie Smiddy has had a couple weeks to acclimate herself to her new role in our organization, we  
219 will be proceeding with the process to fill the vacant Assistant Finance Director/Tax Commissioner  
220 position. Advertising to publicize the job announcement for this position is planned to start May 15, 2016.
- 221
- 222 • Fraternal Order of Police (FOP) negotiations are scheduled to be held on Friday, May 20 and also Thursday,  
223 May 26, 2016.
- 224
- 225 • Job offers for two of the three open police patrol officer positions have been extended and these two  
226 candidates are in final stages of post job offer screening steps with one candidate (Steve Hoy) scheduled to  
227 start on May 16. (As a side note, Pat Giblin's retirement will create an additional open position.)
- 228
- 229 • I will be travelling out of town on Friday, May 13 through Tuesday, May 17 and will return to work on  
230 Wednesday, May 18. Brian Riblet will be the acting city manager in my absence.
- 231

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

### APPROVAL OF MINUTES

235 Mrs. Harbison moved to approve the April 20, 2016 Work Session minutes. Mrs. Combs seconded. City Council  
236 unanimously agreed.

### MAYOR'S COURT REPORT

240 Mayor Dobrozsi reported that the total Mayor's Court collections for the month of April 2016 were \$16,810.00

241

242 Mrs. Harbison moved to accept the Mayor's Court collections for the month of April 2016. Mr. Cappel seconded.  
243 City Council unanimously accepted the collections.

### OTHER BUSINESS

246

247 Mr. Margolis thanked Deanna Gross for her efforts in planning the Volunteer Appreciation Dinner and also the staff  
248 that attended to support the Boards or Commission that they are associated with. He stated that it was a nice event  
249 and the volunteers seemed to really enjoy it.

250

251 Mr. Margolis stated that the 3<sup>rd</sup> part of the Much in Common, Heroin Epidemic Series, will be held on June 1 at the  
252 Sharonville Convention Center. The breakfast begins at 7:15 a.m. with the program beginning at 8:00 a.m.

253

254 Mayor Dobrozsi asked if there was any further business to discuss in Public Session. There being none, he asked  
255 for a motion to adjourn into Executive Session to discuss matters related to the sale and purchase of real estate.

256

257 Mr. Margolis moved to adjourn to Executive Session to discuss matters related to the sale and purchase of real  
258 estate. Mr. Cappel seconded.

259

260 The roll was called and showed the following vote:

261

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**City Council Business Session Minutes**

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262

263 AYE: Suer, Margolis, Cappel, Combs, Cappel, Harbison, Dobrozi, Roesch (7)

264 NAY: (0)

265 ABSENT: (0)

266

267 City Council adjourned into Executive Session at 7:35 p.m.

268

269 City Council reconvened into Public Session at 8:18 p.m.

270

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

273

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

275

276 City Council adjourned at 8:18 p.m.

277

278

279

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Connie Gaylor, Clerk of Council