

May 18, 2017

TO: Mayor and City Council Members

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

SUBJECT: City Council Work Session of Wednesday, May 24, 2017

As a reminder, City Council is scheduled to meet in Work Session on Wednesday, May 24, 2017 at 7:00 p.m.

Prior to the City Council Business Meeting, City Council is scheduled to hear Board and Commission Chair presentations from: Kristy Felss (Parks and Recreation) 6:00 p.m.; Benny Miles (Civil Service) 6:30 p.m.; and Aaron Kellenberger (Beautification and Tree) 6:45 p.m.

At 6:15 p.m., a Montgomery Community Improvement Corporation (CIC) meeting is scheduled to consider two applications approved by the Landmarks Commission. The first is an application for a Certificate of Approval for interior and exterior storm windows on the James Ayers House located at 9423 Montgomery Road. The second is an application for a Certificate of Approval for exterior paint of the Cameron Feintheil House located at 7893 Cooper Road as well as the associated Carriage House and shed on the property. This Landmarks Commission is recommending approval of a Historic Preservation Matching Grant to the Montgomery Community Improvement Corporation for both historic properties.

### Work Session

#### 1. Call to Order

#### 2. Roll Call

#### 3. Special Presentation

- a. Benny Miles—will be present to receive a proclamation in honor of his induction into the Cincinnati Public Schools Athletic Hall of Fame in April.
- b. Logan Sliogan—will be present along with his family, will be present to accept a check for \$500 as the recipient of the 2017 Montgomery Local Government Scholarship presented every year by City Council.

#### 4. Guests and Residents

#### 5. Legislation for Consideration Tonight

#### 6. Establishing an Agenda for June 7, 2017

## **Pending Legislation**

- a. An Ordinance to Amend Appropriations for Current Expenses and Other Expenditures of the City of Montgomery, State of Ohio, During the Fiscal Year Ending December 31, 2017—(Mr. Suer-2<sup>nd</sup> reading) Information has been previously supplied on this Ordinance that, if approved, will amend Appropriations for the City for Fiscal Year 2017. These supplemental appropriations are necessary for expenses of the City which were not anticipated or known when City Council adopted the City's 2017 Budget on December 7, 2016.

***Add this Ordinance to the June 7, 2017 Business Session agenda for second reading that evening. The third reading of the Ordinance would be held at the July 5, 2017 Business Session with adoption of the Ordinance requested at that meeting.***

## **New Legislation**

- a. An Ordinance Establishing an Interim Development Control Overlay District to Control Medical Marijuana Businesses—Please find attached correspondence from Terry Donnellon, Law Director, requesting that City Council consider this Ordinance to implement a six-month moratorium, or Interim Development Control Overlay District under the City Code to prevent the establishment of a medical marijuana business within the City before proper regulations can be considered. The Planning Commission has reviewed the issue and has recommended a moratorium while the Administration conducts a study of the impact of medical marijuana businesses on the land usage code and the impact, if any, such restrictions may have upon the delivery of patient services. City Council will need to first schedule a public hearing, and after the public hearing the Ordinance will be presented for consideration.

***Add this Ordinance to the June 7, 2017 Business Session agenda and assign it to a City Council Member for first reading that evening. The second reading of the Ordinance would be held at the July 5, 2017 Business Session. The third reading of the Ordinance would be held at the August 2, 2017 Business Session with adoption of the Ordinance requested at that meeting.***

- b. An Ordinance Establishing the Terms for Various Boards and Commissions— This Ordinance, if approved, will allow for the alignment of the term ending dates for all Boards and Commissions other than those established by Charter. These Boards and Commissions are as follow: Arts Commission, Beautification and Tree Commission, and Sister Cities Commission. Current Board and Commission Members will continue to serve the remainder of their one-, two- or three-year terms, with the only change being with the adjustment of their term expiration date. The Planning Commission, Board of Zoning Appeals, Parks and Recreation Commission, Civil Service Commission, and Landmarks Commission have their term ending dates established by the Charter, and, as such, may be considered for adjustments to their term dates if a Charter Review process is undertaken in the future.

***Add this Ordinance to the June 7, 2017 Business Session agenda and assign it to a City Council Member for first reading that evening. The second reading of the Ordinance would be held at the July 5, 2017 Business Session. The third reading of the Ordinance would be held at the August 2, 2017 Business Session with adoption of the Ordinance requested at that meeting.***

- c. An Ordinance Amending Tax Incentive Agreement with Sycamore Community School District— Please find attached correspondence from Terry Donnellon, Law Director, requesting that City

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

***Add this Ordinance to the June 7, 2017 Business Session agenda and assign it to a City Council Member for first reading that evening. The second reading of the Ordinance would be held at the July 5, 2017 Business Session. The third reading of the Ordinance would be held at the August 2, 2017 Business Session with adoption of the Ordinance requested at that meeting.***

- d. 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 maintain this relationship as the City continues its labor and employee relations into the future.

***Add this Resolution to the June 7, 2017 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. Mr. Cappel
- b. Mr. Alfaqih
- c. Mrs. Harbison
- d. Vice Mayor Roesch
- e. Mr. Suer
- f. Mr. Margolis
- g. Mayor Dobrozsi

## **10. Approval of Minutes—May 3, 2017 Business Session Minutes**

## **11. Other Business**

## **12. Executive Session**

## **13. Adjournment**

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

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

May 24, 2017

**Board and Commission Chair Updates**

Prior to the City Council Business Meeting, City Council is scheduled to hear Board and Commission Chair presentations from: Kristy Felss (Parks and Recreation) 6:00 p.m.; Benny Miles (Civil Service) 6:30 p.m.; and Aaron Kellenberger (Beautification and Tree) 6:45 p.m.

**Montgomery Community Improvement Corporation (CIC) – 6:15 p.m.**

At 6:15 p.m., a Montgomery Community Improvement Corporation (CIC) meeting is scheduled to consider two applications approved by the Landmarks Commission. The first is an application for a Certificate of Approval for interior and exterior storm windows on the James Ayers House located at 9423 Montgomery Road. The second is an application for a Certificate of Approval for exterior paint of the Cameron Feintheil House located at 7893 Cooper Road as well as the associated Carriage House and shed on the property. The Landmarks Commission is recommending approval of a Historic Preservation Matching Grant to the Montgomery Community Improvement Corporation for both historic properties.

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

**1. Call to Order**

**2. Roll Call**

**3. Special Presentation**

- a. Benny Miles—will be present to receive a proclamation in honor of his induction into the Cincinnati Public Schools Athletic Hall of Fame in April.
- b. Logan Sliouan—along with his family, will be present to accept a check for \$500 as the recipient of the 2017 Montgomery Local Government Scholarship presented every year by City Council.

**4. Guests and Residents**

**5. Legislation for Consideration Tonight**

**6. Establishing an Agenda for May 3, 2017**

**Pending Legislation**

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

***Add this Ordinance to the June 7, 2017 Business Session agenda for second reading that evening. The third reading of the Ordinance would be held at the July 5, 2017 Business Session with adoption of the Ordinance requested at that meeting.***

## **New Legislation**

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

***Add this Ordinance to the June 7, 2017 Business Session agenda and assign it to a City Council Member for first reading that evening. The second reading of the Ordinance would be held at the July 5, 2017 Business Session. The third reading of the Ordinance would be held at the August 2, 2017 Business Session with adoption of the Ordinance requested at that meeting.***

- b. An Ordinance Establishing the Terms for Various Boards and Commissions

***Add this Ordinance to the June 7, 2017 Business Session agenda and assign it to a City Council Member for first reading that evening. The second reading of the Ordinance would be held at the July 5, 2017 Business Session. The third reading of the Ordinance would be held at the August 2, 2017 Business Session with adoption of the Ordinance requested at that meeting.***

- c. An Ordinance Amending Tax Incentive Agreement with Sycamore Community School District

***Add this Ordinance to the June 7, 2017 Business Session agenda and assign it to a City Council Member for first reading that evening. The second reading of the Ordinance would be held at the July 5, 2017 Business Session. The third reading of the Ordinance would be held at the August 2, 2017 Business Session with adoption of the Ordinance requested at that meeting.***

- d. 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 7, 2017 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. Mr. Cappel
- b. Mr. Alfaqih
- c. Mrs. Harbison
- d. Vice Mayor Roesch
- e. Mr. Suer
- f. Mr. Margolis
- g. Mayor Dobrozsi

## **10. Approval of Minutes— May 3, 2017 Business Session Minutes**

## **11. Other Business**

## **12. Executive Session**

## **13. Adjournment**

# *The City of Montgomery, Ohio*



## *Proclamation*

*WHEREAS, Benny Miles, a Montgomery resident, has been a valued member of the City of Montgomery Civil Service Commission since 2015 and currently serves as Chair; and*

*WHEREAS, Benny served in various leadership roles, including school principal, with Cincinnati Public Schools for over 40 years; and*

*WHEREAS, as a student at Hughes High School, Benny excelled in football, basketball, wrestling, and track and field competition; receiving the Flying "H" Award for earning a Varsity Letter in three sports in a single season during his senior year; and*

*WHEREAS, in April 2017, Benny was inducted into the Cincinnati Public Schools Athletic Hall of Fame; and*

*WHEREAS, Benny's words of wisdom – "You can't always win but you can always be a winner!" – inspired countless students and parents through the years; and*

*WHEREAS, Benny's commitment and life-long service to the public is a testament to his vision of enriching others' lives through leading by example.*

*NOW THEREFORE, I, Christopher P. Dobrozsi, by virtue of the authority vested in me as Mayor of the City of Montgomery in the State of Ohio, do hereby proclaim **Thursday, May 25, 2017** as*

### *Benny Miles Day*

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



*IN WITNESS WHEREOF, I have hereunto subscribed my name this 24<sup>th</sup> day of May, Two Thousand Seventeen.*

---

*Christopher P. Dobrozsi, Mayor*

ORDINANCE NO. , 2017

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

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

**WHEREAS**, appropriations within a certain fund are insufficient to meet the obligations of the City.

**NOW THEREFORE, BE IT ORDAINED** by the Council of the City of Montgomery, Ohio, that the appropriation ordinance be amended as below:

**SECTION 1.** There be an increase of \$1,109,000 in the appropriation balance of the following accounts of the General Fund 101:

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

**SECTION 2.** There be an increase of \$100,000 in the appropriation balance in the Capital Projects Fund 410 to:

Account Number 410.261.5470    Capital Projects                    +    \$100,000

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

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

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

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

APPROVED AS TO FORM

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

TO: Mayor Chris Dobrozsi  
Members of City Council

FROM: Terrence M. Donnellon

RE: Establishing IDC Overlay District to  
Control Medical Marijuana Businesses

DATE: May 11, 2017

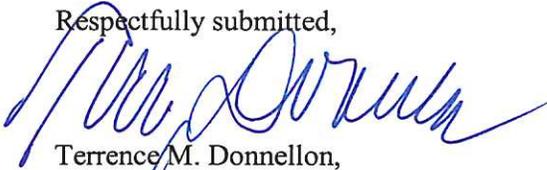
---

Attached is a draft of proposed legislation to enact an Interim Development Control Overlay District within the City to prohibit the operation of a medical marijuana business at this time. This is not a permanent ban upon such businesses, but is the procedure for the City to enact a moratorium for a period of six months. The Planning Commission has recommended a moratorium to give them adequate time to further study the impact any such regulations may have upon the delivery of patient services in the Montgomery community. Regulations adopted by the State of Ohio are scheduled to take effect September 2017, and this six month Interim Development Control Overlay District will give the City protection, if a long term restriction is appropriate. The Overlay District will maintain the status quo.

Procedurally, Council can enact an Interim Development Control Overlay District, but first Council must hold a public hearing. It is recommended that this legislation be set upon the agenda for future approval, and in the interim that Council schedule a public hearing to meet the procedural requirements of Chapter 151.13. At the public hearing Council is required to find that an *Ongoing Study* is necessary before the Planning Commission can make a recommendation concerning any modification of the Land Usage Code; *the Study is not yet completed*, but is anticipated to be completed within the restricted timeframe; and the proposed use may be *Inconsistent with the current Land Usage Code*. Not knowing what, if any, detrimental impact there may be in imposing these restrictions, the Planning Commission has asked that Council proceed cautiously and enact this moratorium.

Chapter 151.13 recognizes that as zoning legislation, this Ordinance cannot be adopted as an emergency. There is no proposal to enact the Ordinance as an emergency. Chapter 151.13, however, does recognize that the Ordinance may be read at one presentation with a suspension of the rules to be able to preserve the status quo.

Respectfully submitted,



Terrence M. Donnellon,  
Law Director  
TMD/lld  
Enclosure

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

**ORDINANCE NO.                   , 2017**

**AN ORDINANCE ESTABLISHING AN INTERIM DEVELOPMENT CONTROL  
OVERLAY DISTRICT TO CONTROL MEDICAL MARIJUANA BUSINESSES**

**WHEREAS**, Chapter 151.13 of the Montgomery Code of Ordinances allows City Council to establish an Interim Development Control Overlay District to regulate uses which need to be studied further because of their potential negative impact; and

**WHEREAS**, the Ohio legislature has authorized the cultivation, processing, distributing and retail sale of medical marijuana throughout the state, but has reserved to local communities the ability to regulate such uses; and

**WHEREAS**, Council has referred this issue to the Planning Commission for a recommendation concerning whether or not to implement controls on such medical marijuana business uses within the City; and

**WHEREAS**, after an initial public meeting, the Planning Commission has requested time for additional study before rules and regulations take effect in September 2017 which will govern the business uses of medical marijuana in the State of Ohio; and

**WHEREAS**, the Planning Commission has asked the Administration to reach out to various businesses within the Montgomery community which provide healthcare services to determine whether or not any restrictions or a prohibition will have a detrimental impact on their ability to deliver patient services within the City; and

**WHEREAS**, to give adequate time for such review and the ultimate review of such recommendation by City Council as an amendment to the Zoning Code, the Planning Commission has recommended that Council implement an Interim Development Control Overlay District throughout the City for a period of six months to give Planning

Commission and the City Council adequate time to study and implement any appropriate controls.

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

**SECTION 1.** Council does hereby accept the recommendation of the Planning Commission to establish a moratorium for a period of six months commencing \_\_\_\_\_ until \_\_\_\_\_ under Chapter 151.13, which permits Council to enact an Interim Development Control Overlay District. Such Overlay District shall be in effect overlaying all business districts within the City of Montgomery for a period of six months from the effective date of this Ordinance. Within the Overlay District the processing, distribution, or retail dispensing of medical marijuana is hereby prohibited. As determined by Council at its public hearing, the Planning Commission is continuing to study the proposed regulation of medical marijuana businesses within the community. The Planning Commission has requested the Administration to reach out to various healthcare providers within the City to determine what impact, if any, such restrictions may have upon their effective delivery of patient services. Given that regulations adopted by the State of Ohio will take effect September 2017, adequate time is needed to complete such study and to implement any recommendation from the Planning Commission. The operation of a medical marijuana business within the City has not been defined, and allowing such use without an appropriate study may have a negative impact upon surrounding businesses and/or residential uses within the City.

**SECTION 2.** During the period that this Overlay District is in effect, any application for a zoning permit for a medical marijuana business shall be governed by the procedures of Chapter 151.13.

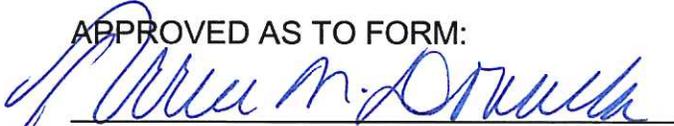
**SECTION 3.** This Ordinance shall take effect the earliest opportunity as allowable by law.

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

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

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

APPROVED AS TO FORM:

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

March 10, 2017

To: City Council Member Gerri Harbison, Chair  
Government Affairs Committee of City Council

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

Subject: Board and Commission Term Expiration Dates

**Request**

It is requested that the Government Affairs Committee of City Council consider an amendment to the Board and Commission Ordinances to reassign all non-Chartered Commissions created by City Council to a term ending on January 31 of every year.

**Background**

After a review of the Board and Commission reappointment processes by staff, it was determined that it would be more efficient and consistent to align all Boards and Commissions to have consistent term expiration dates. The Arts, Beautification and Tree, and Sister Cities Commissions all have terms that expire on February 28, which differs from all other Boards and Commissions. After a review of past processes, staff is not aware of a specific need for this staggering of terms and finds it would be easier for tracking purposes to conduct all appointments at the same time. This change would only affect Commissions that are created by an Ordinance and will not affect those created by Charter. Staff would recommend that in the future if Charter amendments are required that consideration would be given to changing all term expirations to March 31. This change would give the Boards and Commissions time to hold meetings outside of the holidays in which applicants could attend the required meetings, allow new City Council Members to become better acquainted with their Liaison duties for the Board and Commission to which they are assigned, and would still work within the schedule parameters of the election of officers and Chair Updates to City Council.

**Recommendation**

Staff recommends approval of the amendments to the Board and Commission Ordinances for all non-Chartered Commissions created by City Council to a term ending on January 31 of every year.

**ORDINANCE NO.           , 2017**

**AN ORDINANCE ESTABLISHING THE TERMS FOR  
VARIOUS BOARDS AND COMMISSIONS**

**WHEREAS**, the City is served by various Boards and Commissions with citizen volunteers whose terms are either established by Charter or established by Ordinance; and

**WHEREAS**, various Boards and Commission have different starting and ending dates for the terms of appointment; and

**WHEREAS**, the Administration has recommended that Council adopt a uniform term date for each Board and Commission to be able to better track member terms and to better identify volunteer opportunities for community residents.

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

**SECTION 1.** The term of office for all members appointed to the Arts Commission, Beautification and Tree Commission, Board of Tax Review, Environmental Advisory Commission and Sister Cities Commission shall commence February 1 in the appropriate calendar year. The term of office shall then end January 31 of the calendar year in which the term of office ends. Any appointments for an unexpired term shall commence on the date of appointment and shall end January 31 of the appropriate calendar year for the member's term which was vacated.

**SECTION 2.** Members of the Arts Commission, Beautification and Tree Commission, Environmental Advisory Commission and Sister Cities Commission shall each serve three year terms and shall be eligible for reappointment. The terms shall be

staggered so only a portion of Commission members' terms of office will end in any calendar year.

**SECTION 3.** With the adoption of this Ordinance, all current Board and Commission member's offices shall be adjusted to reflect the ending term date January 31 in the calendar year in which their current term ends. As a result, those members appointed with the term ending in calendar year 2018 shall have their term of office end January 31, 2018. For those members appointed with the term ending in calendar year 2019 shall have their term of office end January 31, 2019. For those members appointed with the term ending in calendar year 2020 shall have their term of office end January 31, 2020.

**SECTION 4.** The two year term of office for the Board of Tax Review shall remain in effect as codified in Chapter 44.1 of the Code. Provided, however, that those members of the Board currently appointed by City Council shall have their term of office end January 31, 2018 or January 31, 2019 as appropriate.

**SECTION 5.** Any changes to those Boards and Commissions established by Charter: Planning Commission, Board of Zoning Appeals, Park and Recreation Commission, Civil Service Commission and Landmarks Commission shall not be affected by this Ordinance. The term of office for those Board and Commission members shall be governed by the Charter until otherwise amended.

**SECTION 6.** All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

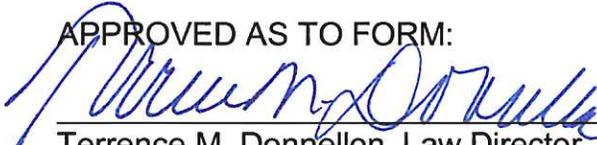
**SECTION 7.** This Ordinance shall take effect the earliest opportunity as allowable by law.

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

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

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

APPROVED AS TO FORM:

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

TO: Mayor Chris Dobrozsi  
Members of City Council

FROM: Terrence M. Donnellon

RE: Amending Tax Incentive Agreement  
with Sycamore Community School District

DATE: May 11, 2017

---

In 2006, the City entered into a Tax Incentive Agreement with the Sycamore Community School District to allow the City to create the Vintage Club Tax Incentive District. The purpose of the district was to generate monies for public improvements in and around the district by utilizing payments in lieu of taxes as permitted by Ohio law. The Tax Incentive Agreement with the schools at that time provided that 50% of the revenue generated from the PILOT funds will be paid to the schools in exchange for which the school would waive the compensation to which it typically is entitled from the development of real estate.

The first phase of the Vintage Club has been a resounding success. The first phase includes the commercial development encompassing The Christ Hospital and the residential development in the Vintage Club. Based upon current collections and projections from our bond underwriters, excess revenues in the funds will continue to grow over the next several years. After examining these projections with our bond counsel and bond underwriter, the City Administration has determined that funds would be available now and in the future to restore the school's full compensation from this development.

This Ordinance authorizes a Second Amendment to the Tax Incentive Agreement to modify the compensation formula from the excess revenues as they continue to grow.

As an aside, the First Amendment to the Compensation Agreement merely extended the term for the Tax Incentive District for an additional year. The amendment was executed with both Hamilton County and the School District at that time as the original project had been delayed several months and there is a 30 year limit on the time a tax incentive district may remain in place. The First Amendment did not change the compensation formula as is proposed by this Second Amendment.

Respectfully submitted,



Terrence M. Donnellon,  
Law Director  
TMD/lld  
Enclosure

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

**ORDINANCE NO.                   , 2017**

**AN ORDINANCE AMENDING TAX INCENTIVE AGREEMENT  
WITH SYCAMORE COMMUNITY SCHOOL DISTRICT**

**WHEREAS**, by Ordinance No. 23, 2006, Council did authorize a Tax Incentive Agreement (“Agreement”) with the Sycamore Community School District governing the allocation of Payments In Lieu Of Taxes generated from the development of real estate in Phase I of the Vintage Club Tax Incentive District; and

**WHEREAS**, the Agreement was executed between the City and the School District on May 19, 2006, and later amended between the City and the School District on November 20, 2007, which Agreement provided for the exemption from real property taxes, certain parcels of property located within the Vintage Club Tax Incentive District; and

**WHEREAS**, the development contemplated by such Agreement has progressed to a certain sustainable level to allow the City to adequately service the debt on the bonds issued by the City to finance public improvements in and around the district; and

**WHEREAS**, the School District has been a valued partner with the City in serving the Montgomery community, and with the success of the Vintage Club project to date the City does desire to share in the success of the Vintage Club development by amending the Tax Incentive Agreement.

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

**SECTION 1.** The City Manager is hereby authorized to execute the attached Second Amendment to the Tax Incentive Agreement to modify the compensation payable to the Sycamore Community School District from Phase I of the Vintage Club Tax Incentive District. This amendment will increase the compensation to the schools up to that compensation which they would have received from the development of the real estate absent the exemption approved by the City and the School District.

**SECTION 2.** The City Manager is authorized to execute the Second Amendment to the Tax Incentive Agreement and all additional documentation necessary to implement this amendment.

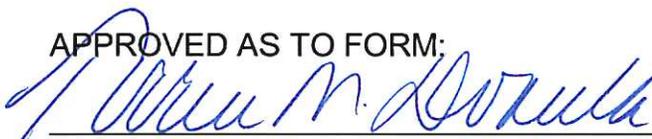
**SECTION 3.** This Ordinance shall take effect the earliest opportunity as allowable by law.

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

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

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

APPROVED AS TO FORM:

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

**SECOND AMENDMENT TO TAX INCENTIVE AGREEMENT**

**THIS SECOND AMENDMENT TO THE TAX INCENTIVE AGREEMENT (the “Amendment”)**, made and entered into as of the \_\_\_\_ day of \_\_\_\_\_ 2017, by and between the SYCAMORE COMMUNITY SCHOOL DISTRICT, Hamilton County Ohio, a community school district and political subdivision of the State of Ohio (the “School District”) and the CITY OF MONTGOMERY, Hamilton County, Ohio, a political subdivision of the State of Ohio (the “City”).

WITNESSETH THAT:

WHEREAS, on May 19, 2006 the School District and the City entered into a Tax Incentive Agreement, as amended by the Amendment to Tax Incentive Agreement entered into by and between the City and the School District on November 20, 2007, (the “Agreement”) providing for the exemption from real property taxes certain parcels of property located within the City and corresponding compensation to the School District; and

WHEREAS, the development contemplated by such Agreement has progressed to a certain sustainable level and the parties desire to redefine the compensation to the School District as a result of the current level of development on the Phase I Exempted Property, as set forth on Exhibit A, attached hereto;

NOW, THEREFORE, in consideration of the premises and the mutual covenants hereinafter described, the School District and the City, covenant, agree and bind themselves as follows:

**SECTION 1.** That Section 1(b), which reads as follows:

(b) During any year or any portion thereof, in which the School District would have received property tax payments derived from the Exempted Property, but for the City’s authorization of the TIF Exemption, the City agrees to pay to the School District, solely from the Service Payments in Lieu of Taxes from the owners of the Exempted Property or from Minimum Service Payments, as defined in the Service Agreement, from the developer pursuant to the Service Agreement between a developer, and the City, an amount equal to fifty percent (50%) of the Service Payments in Lieu of Taxes received by the City from the owners of the Exempted Property (the “TIF Compensation”). Nothing in this Agreement shall be construed to pledge the full faith and credit of the City.

shall be and is hereby amended to read as follows:

(b) During any year or any portion thereof, in which the School District would have received property tax payments derived from the Exempted Property, but for the City’s authorization of the TIF Exemption, the City agrees to pay to the School District, solely from the Service Payments in Lieu of Taxes from the owners of the Exempted Property or from Minimum Service Payments, as defined in the Service Agreement, from the developer pursuant to the Service Agreement between a developer, and the City, an

amount equal to fifty percent (50%) of the Service Payments in Lieu of Taxes received by the City from the owners of the Exempted Property (the "TIF Compensation"). Nothing in this Agreement shall be construed to pledge the full faith and credit of the City for the payment of the TIF Compensation.

Additionally, commencing with tax year 2017/collection year 2018, during any year or any portion thereof, in which the School District would have received property tax payments derived from the Exempted Property, but for the City's authorization of the TIF Exemptions, the City will pay to the School District "Additional Compensation," which shall be a portion of all Service Payments received from the owners of the Phase I Exempted Property in excess of the amount of such Service Payments required to pay (i) Phase I Exempted Property TIF Compensation set forth above in Section 1(b) and (ii) debt service on the \$13,265,000 Special Obligation Revenue Bonds, Series 2013 (Vintage Club Project) issued by the City to pay for necessary infrastructure improvements in support of development of the Phase I Exempted Property. Such portion of excess Service Payments to be paid to the School District shall be such amount as when added to the TIF Compensation set forth above combined compensation (TIF Compensation plus Additional Compensation ("School Compensation")) shall be equal to the amount produced by the School District's effective rate tax times the assessed value of the Phase I Exempted Property, so long as the total School Compensation over the entire life of the TIF Exemption does not exceed the amount of property taxes from the Phase I Exempted Property the School District would have received if the property were not exempted. Nothing in this Agreement shall be construed to pledge the full faith and credit of the City for the payment of School Compensation.

**SECTION 2.** All other provisions of the Agreement not specifically amended herein shall remain in full force and effect as agreed to by the parties on May 19, 2006, as amended on November 20, 2007.

IN WITNESS WHEREOF, the School District and the City have caused this Agreement to be executed in their respective names by their duly authorized officers all as of the date hereinbefore written.

**SYCAMORE COMMUNITY SCHOOL  
DISTRICT, HAMILTON COUNTY,  
OHIO**

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

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

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

**CITY OF MONTGOMERY,  
HAMILTON COUNTY, OHIO**

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

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

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

STATE OF OHIO                    )  
  ) ss:  
COUNTY OF HAMILTON        )

On this \_\_\_\_ day of \_\_\_\_\_, 2017, personally appeared before me, a Notary Public in and for the State of Ohio, the Sycamore Community School District, Hamilton County, Ohio, by \_\_\_\_\_, the \_\_\_\_\_ of said School District and duly authorized in the premises, who acknowledged the signing and sealing of the said Tax Incentive Agreement for himself/herself and on behalf of said School District, to be his/her voluntary act and deed, and the voluntary act and deed of said School District.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

[NOTARY  
SEAL]

STATE OF OHIO                    )  
  ) ss:  
COUNTY OF HAMILTON        )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2017, personally appeared before me, a Notary Public in and for the State of Ohio, the City of Montgomery, Ohio, by Wayne Davis, the City Manager of said City and duly authorized in the premises, who acknowledged the signing and sealing of the said Tax Incentive Agreement for himself/herself and on behalf of said City, to be his/her voluntary act and deed, and the voluntary act and deed of said City.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

[NOTARY  
SEAL]

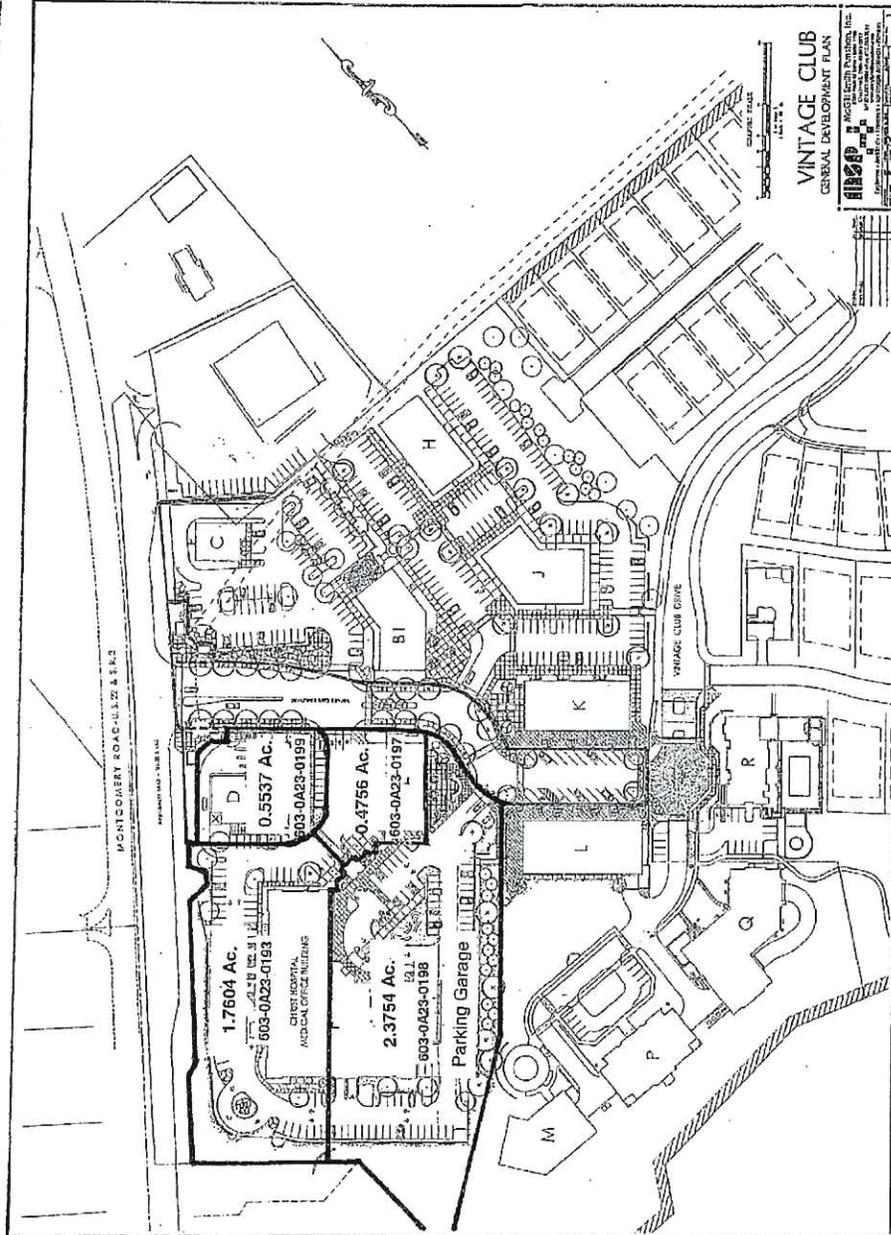
This instrument prepared by:

Brenda A Wehmer, Esq.  
DINSMORE & SHOHL LLP  
255 East Fifth Street, Suite 1900  
Cincinnati, Ohio 45202

**EXHIBIT A**

**LEGAL DESCRIPTION OF THE "PHASE I EXEMPTED PROPERTY"**

**EXHIBIT  
PAGE 1 OF 9**



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

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

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

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

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

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

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

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

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

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



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

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

Containing 1.7604 acres of land.

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

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

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

04308083-CL-LEG-1\_7024 Ac



**EXHIBIT PAGE 4 OF 9**

**DESCRIPTION FOR:** Hunting Hill, LLC

**LOCATION:** Montgomery Road – 2.3754 Acres

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

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

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

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

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

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

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

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



**EXHIBIT PAGE 5 OF 9**

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

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

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

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

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

Containing 2.3754 acres of land.

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

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

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

04308083-CL-LEG-2\_3754 Ac

2 of 2

McGill Smith Punshon, Inc.  
3700 Park 42 Drive ■ Suite 1708 ■ Cincinnati, Ohio ■ 45241-2097  
513.759.0004 ■ Fax 513.563.7099 ■ www.mcgillsmithpunshon.com



**DESCRIPTION FOR:** Hunting Hill, LLC

**LOCATION:** Montgomery Road – 0.5537 Acres

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

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

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

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

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

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

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

Thence, from said **REAL POINT OF BEGINNING** North  $40^{\circ}33'39''$  East, 118.79 feet to an existing 5/8" iron pin;

Thence, South  $85^{\circ}46'27''$  East, 16.39 feet to an existing 5/8" iron pin;

Thence, South  $49^{\circ}26'26''$  East, 21.02 feet to an existing 5/8" iron pin;

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



**EXHIBIT PAGE 7 OF 9**

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

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

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

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

Containing 0.5537 acres of land.

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

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

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

04308063-CL-LEG-0\_5537 Ac

2 of 2

McGill Smith Punshon, Inc.  
3700 Park 42 Drive ■ Suite 1908 ■ Cincinnati, Ohio ■ 45241-2097  
513.759.0904 ■ Fax 513.563.7099 ■ www.mcgillsmithpunshon.com



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

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

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

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

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

Thence, with the north line of said lands, South 50°00'00" East, 184.76 feet to a set 5/8" iron pin;

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

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

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

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

**EXHIBIT PAGE 9 OF 9**

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

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

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

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

Containing 0.4756 acres of land.

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

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

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

04308063-CL-LEG-Q\_4756 Ac

2 of 2

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



**EXHIBIT**

**Additional Excepted Properties**

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

Consisting of 17 pages

0000000253



## FINAL DETERMINATION

Date: JAN 29 2009

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

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

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

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

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

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

0000000254

JAN 29 2009

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

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

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

*Richard A. Levin*  
RICHARD A. LEVIN  
TAX COMMISSIONER

/s/ Richard A. Levin

Richard A. Levin  
Tax Commissioner

Attachment



000000173



## FINAL DETERMINATION

Date: MAR 07 2008

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

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

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

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

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

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

1000000174  
MAR 07 2008

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

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

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

*Richard A. Levin*  
RICHARD A. LEVIN  
TAX COMMISSIONER

/s/ Richard A. Levin

Richard A. Levin  
Tax Commissioner

## THE VINTAGE CLUB

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

000000175  
MAR 01 2008

## THE VINTAGE CLUB

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

MAR 07 2008  
000000176

## THE VINTAGE CLUB

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

MAR 07 2008  
000000177

PARCELS OWNED BY VINTAGE CLUB ASSOCIATES, LLC

Parcel Number	Address	Title Acquired	Owner	Consent Attached
603-0A23-0040-00	10 Vintage Walk	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0041-00	12 Vintage Walk	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0135-00	14 Vintage Walk	7/5/2007	Vintage Club Associates Ltd.	Yes
603-0A23-0044-00	18 Vintage Walk	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0046-00	22 Vintage Walk	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0056-00	43 Traditions Turn	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0138-00	49 Traditions Turn	7/5/2007	Vintage Club Associates Ltd.	Yes
603-0A23-0139-00	51 Traditions Turn	7/5/2007	Vintage Club Associates Ltd.	Yes
603-0A23-0140-00	50 Traditions Turn	7/5/2007	Vintage Club Associates Ltd.	Yes
603-0A23-0062-00	48 Traditions Turn	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0064-00	44 Traditions Turn	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0065-00	60 Gaslight Lane	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0066-00	62 Gaslight Lane	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0141-00	68 Gaslight Lane	7/5/2007	Vintage Club Associates Ltd.	Yes
603-0A23-0070-00	42 Traditions Turn	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0071-00	40 Traditions Turn	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0073-00	23 Vintage Walk	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0074-00	21 Vintage Walk	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0075-00	19 Vintage Walk	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0143-00	15 Vintage Walk	7/5/2007	Vintage Club Associates Ltd.	Yes
603-0A23-0078-00	9 Vintage Walk	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0079-00	11 Vintage Walk	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0081-00	104 Courtyard Crossing	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0082-00	106 Courtyard Crossing	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0083-00	108 Courtyard Crossing	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0084-00	114 Village Gate Lane	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0087-00	116 Village Gate Lane	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0088-00	118 Village Gate Lane	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0089-00	120 Village Gate Lane	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0090-00	122 Village Gate Lane	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0091-00	124 Village Gate Lane	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0092-00	126 Village Gate Lane	11/20/2006	Vintage Club Associates Ltd.	Yes
603-0A23-0144-00	Gaslight Lane	7/5/2007	Vintage Club Associates Ltd.	Yes

MAR 07 2008  
000000178

PARCELS OWNED BY VINTAGE CLUB ASSOCIATES, LLC

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

MAR 07 2008 100000179

0000000388



## FINAL DETERMINATION

Date: APR 19 2011

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

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

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

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

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

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

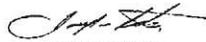
0000000389

APR 19 2011

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

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

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

  
JOSEPH W. TESTA  
TAX COMMISSIONER

/s/ Joseph W. Testa

Joseph W. Testa  
Tax Commissioner

## EXHIBIT

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

### Vintage Club Phase One (51 Lots)

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

### Vintage Club Phase One-A (8 Lots)

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

### Vintage Club Phase One-B (3 Lots)

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

### Vintage Club Phase Two (18 Lots)

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

### Vintage Club Phase 2-A (2 Lots)

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

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

Vintage Club Phase Three (22 Lots)

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

Vintage Club Phase 4 (1 Lot)

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

## **EXHIBIT C-1**

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

### Vintage Club Phase One (51 Lots)

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

### Vintage Club Phase One-A (8 Lots)

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

### Vintage Club Phase One-B (3 Lots)

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

### Vintage Club Phase Two (18 Lots)

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

### Vintage Club Phase 2-A (2 Lots)

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

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

Vintage Club Phase Three (22 Lots)

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

Vintage Club Phase 4 (1 Lot)

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

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

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

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

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

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

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

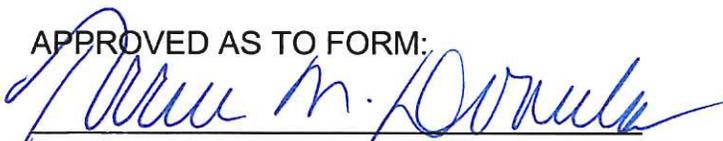
**SECTION 2.** This Resolution shall take effect the earliest opportunity as allowable by law.

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

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

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

APPROVED AS TO FORM:

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

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

May 19, 2017

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

Re: General Labor and Employment

Dear Mr. Davis:

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

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

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

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

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

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

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

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

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

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

Very truly yours,

FROST BROWN TODD LLC



W. Joseph Scholler

The foregoing is understood and accepted:  
CITY OF MONTGOMERY

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

0012283.0551415 4832-2739-7401v11

## FROST BROWN TODD LLC

### ADDITIONAL TERMS AND CONDITIONS OF CLIENT ENGAGEMENTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

City of Montgomery  
City Council Business Session Minutes  
May 3, 2017

Present

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

City Council Members Present

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

---

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

**LEGISLATION FOR CONSIDERATION TONIGHT**

**Pending Legislation**

**New Legislation**

**A Resolution Authorizing the City Manager to enter into a Contract with Strand Associates, Inc. for Professional Services related to Engineering Services for the Gateway Redevelopment Area Project**

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

Mr. Cappel read the Resolution by title only and moved for passage. Mrs. Harbison seconded.

Mr. Cappel explained that this Resolution, if approved, will authorize the City Manager to enter into a contract with Strand Associates, Inc. for professional engineering services associated with the HAM SR126/US 22 20.00/13.19 Interchange Improvement Project. The proposed contract includes professional design and consulting services and includes work to perform geotechnical, surveying and environmental components which are all necessary for the project. The total contract amount is not to exceed \$1,285,632 and includes a 15% contingency. These services are anticipated to be funded as part of the public improvements for the GRA project.

The roll was called and showed the following vote:

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

**A Resolution Recognizing the Month of May, 2017 as National Historic Preservation Month in the City of Montgomery**

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

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 3, 2017

Page 2

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

56  
57 Mr. Margolis explained that this Resolution, if approved, will recognize the month of May as National Historic  
58 Preservation Month in the City of Montgomery. Mr. Margolis stated that part of the City's brand is its landmark  
59 buildings and it is fitting that we recognize the historic nature of them formally.

60  
61 The roll was called and showed the following vote:

62  
63 AYE: Alfaqih, Harbison, Dobrozsi, Roesch, Suer, Margolis, Cappel (7)

64 NAY: (0)

65  
66 A Resolution Establishing Compensation for the City Manager

67  
68 Mrs. Harbison moved to read the Resolution by title only. Mr. Cappel seconded. City Council unanimously agreed.

69  
70 Mrs. Harbison read the Resolution by title only and moved for passage. Mr. Margolis seconded.

71  
72 Mrs. Harbison explained that this Resolution, if approved, will authorize an amendment to the current employment  
73 agreement with Mr. Wayne Davis as the City Manager of Montgomery. This Resolution is the result of the recent  
74 performance appraisal of the City Manager conducted by City Council. The Government Affairs Committee of  
75 City Council has recommended adoption of this Resolution.

76  
77 The roll was called and showed the following vote:

78  
79 AYE: Harbison, Dobrozsi, Roesch, Suer, Margolis, Cappel, Alfaqih (7)

80 NAY: (0)

81  
82 A Resolution Declaring a Moratorium on The Collection of Building and Zoning Permit Fees for Solar Installations

83  
84 Mr. Margolis moved to read the Resolution by title only. Mr. Cappel 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 this Resolution, if approved, will declare a moratorium on the collection of building  
89 and zoning permit fees for solar installations. She stated that at the April 3, 2017 Planning, Zoning and Landmarks  
90 Committee meeting of City Council, it was recommended to pass a Resolution waiving building and zoning fees  
91 for solar installations with a cap of \$1,000 for a thirty-month period beginning June 1, 2017 and ending on December  
92 31, 2019. This extension will mirror the federal tax incentive that expires at the end of 2019. The waiver would be  
93 promoted as an incentive to our residents and businesses to adopt a more environmentally friendly source of power  
94 and to continue to promote Montgomery as a progressive community in the region and the State.

95  
96 The roll was called and showed the following vote:

97  
98 AYE: Dobrozsi, Roesch, Suer, Margolis, Cappel, Alfaqih, Harbison (7)

99 NAY: (0)

100  
101 An Ordinance Authorizing Jolain Drive Stormwater Sewer Project Public Improvements

102  
103 Mr. Cappel moved to read the Ordinance by title only. Mr. Margolis seconded. City Council unanimously agreed.

104  
105 Mr. Cappel read the Ordinance by title only and moved for suspension of rules. Mr. Margolis seconded.

106

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 3, 2017

Page 3

107 The roll was called and showed the following vote:

108  
109 AYE: Roesch, Suer, Margolis, Cappel, Alfaqih, Harbison, Dobrozsi (7)  
110 NAY: (0)  
111

112 Mr. Cappel moved for passage. Mr. Margolis seconded.  
113

114 Mr. Cappel explained that this Ordinance, if approved, will authorize the Jolain Drive Stormwater Sewer Project  
115 Public Improvements. This legislation is the next step in the process to authorize the Jolain Drive stormwater sewer  
116 project and to assess a portion of the project costs to the properties on Jolain Drive that will benefit from the shared  
117 stormwater sewer improvements. City Council previously passed a Resolution of Necessity authorizing the  
118 assessment, and notice was sent by the Clerk of Council to each of the property owners estimating their annual  
119 assessment over a period of 20 years with interest at 3.7% per year. This Ordinance then authorizes the  
120 Administration to proceed to prepare specifications for the project and to advertise for bids for construction. It is  
121 anticipated that construction will be completed during this construction season.  
122

123 The roll was called and showed the following vote:

124  
125 AYE: Suer, Margolis, Cappel, Alfaqih, Harbison, Dobrozsi, Roesch (7)  
126 NAY: (0)  
127

128 An Ordinance to Amend Appropriations for Current Expenses and Other Expenditures of the City of Montgomery,  
129 State of Ohio, During the Fiscal Year Ending December 31, 2017  
130

131 Mr. Suer moved to read the Ordinance by title only. Mr. Margolis seconded. City Council unanimously agreed.  
132

133 Mr. Suer read the Ordinance by title only and moved for passage of the first reading. Mr. Cappel seconded.  
134

135 Mr. Suer explained that this Ordinance, if approved, will amend Appropriations for the City for Fiscal Year 2017.  
136 These supplemental appropriations are necessary for purchases by the City which were not anticipated or known  
137 when City Council adopted the City's 2017 Budget on December 7, 2016.  
138

139 The roll was called and showed the following vote:

140  
141 AYE: Margolis, Cappel, Alfaqih, Harbison, Dobrozsi, Roesch, Suer (7)  
142 NAY: (0)  
143

144 An Ordinance Vacating a Public Roadway Use and Authorizing the Transfer of Certain Real Estate Rights to Twin  
145 Lakes  
146

147 Mr. Margolis moved to read the Ordinance by title only. Mr. Margolis seconded. City Council unanimously agreed.  
148

149 Mr. Margolis read the Ordinance by title only and moved for suspension of rules. Ms. Roesch seconded.  
150

151 The roll was called and showed the following vote:

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

156 Mr. Margolis moved for passage. Mr. Cappel seconded.  
157

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 3, 2017

Page 4

158 Mr. Donnellon explained that an updated red-lined version of the Ordinance is provided this evening and indicates  
159 more specifically where the access is in relation to the construction of the Villa homes. He explained that the change  
160 to the vebiage does not affect the legislation.

161  
162 Mr. Margolis explained that this Ordinance, if approved, will vacate a public roadway use and authorize the transfer  
163 of certain real estate rights to Twin Lakes. This legislation authorizes the City to return the property the City acquired  
164 several years ago on the east side of Montgomery Road to the successor property owners as the City cannot meet  
165 the terms and conditions of the gift of such land, which was solely for the purpose of constructing a public access  
166 roadway. At that time, Twin Lakes was contemplating a development further north of the Schoolhouse Lane and  
167 Montgomery Road intersection, and it was determined that the City would build a public access roadway from  
168 Montgomery Road to the site in an attempt to limit curb cuts on Montgomery Road. The originally proposed  
169 development never came to fruition and a new, revised plan has been developed by Twin Lakes which will create  
170 access off the Schoolhouse Road extension. As such, the City no longer requires this property and the land is being  
171 returned to the successor property owner as the City cannot meet the terms of the conditional gift.

172  
173 The roll was called and showed the following vote:

174  
175 AYE: Cappel, Alfaqih, Harbison, Dobrozszi, Roesch, Suer, Margolis (7)  
176 NAY: (0)

## 177 ADMINISTRATION REPORT

178  
179 Mr. Davis reported on the following items:

- 180  
181
- 182 • City Council Work Session is scheduled for May 24, 2017 at 7:00 p.m.
  - 183
  - 184 • Prior to the May 24, Work Session, a Montgomery Community Improvement Corporation (CIC) meeting is  
185 scheduled at 6:15 p.m. to consider an application for a Certificate of Approval for interior and exterior storm  
186 windows on the James Ayers House located at 9423 Montgomery Road. The Landmarks Commission  
187 approved the application and is recommending approval of a Historic Preservation Matching Grant to the  
188 CIC.
  - 189
  - 190 • Also scheduled for the May 24 Work Session, Boards and Commission Chair Updates are scheduled from  
191 6:30 to 7:00 p.m. At 6:30 p.m., Benny Miles of the Civil Service Commission and at 6:45 p.m., Aaron  
192 Kellenberger of the Beautification and Tree Commission are scheduled to update City Council.
  - 193
  - 194 • The Public Works Committee will meet on Monday, May 8 at 4:30 p.m. The Parks and Recreation and  
195 Governments Affairs Committees have cancelled their meetings for the month of May.
  - 196
  - 197 • Special thanks go out to Officers James Martin and Greg Schill for coordinating the Drug Takeback Day  
198 this past Saturday at the Safety Center. Officers turned over approximately 345 pounds of assorted pills  
199 and medications that were collected throughout the year and at this event, to the Drug Enforcement  
200 Administration (DEA).
  - 201
  - 202 • The Planning Commission met on Monday evening to consider a text amendment to the Land Usage Code  
203 to ban medical marijuana-related business or home occupation from being established, operated, or  
204 maintained within the City. After debating the issue, the Planning Commission voted to table the  
205 application in order to obtain more feedback from the medical community within the City. The Commission  
206 also recommended that City Council consider a six-month moratorium on the establishment of medical  
207 marijuana-related businesses with the City in order for the Planning Commission to further study the issue  
208 and make a recommendation to City Council.

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

City Council Business Session Minutes

May 3, 2017

Page 5

- 209
- Tracy Roblero, Julie Machon, Melissa Hays and Sarah Fink met on Monday afternoon to discuss the Lanterns and Landmarks event in the fall. The event would be on a Saturday evening from 6:30 until 9 p.m. and would include a walking tour of downtown Montgomery and reception at the Universalist Church. Staff is considering Saturday, September 23 or Saturday, October 28 and would like to obtain feedback on potential dates of the event.
- 210
- 211
- 212
- 213
- 214
- Chief Simpson has returned from the annual Ohio Chiefs of Police Conference held in Columbus. This will mark the last Ohio Chiefs of Police Conference that Chief Simpson will attend pending his retirement in June.
- 215
- 216
- 217
- 218
- Tracy Roblero will be attending the American Planning Association's National Conference in New York City beginning Friday, May 5 and will return to the office on Thursday, May 11. This year's conference is titled 'Planning in Motion' and will showcase emerging trends, innovative ideas and new technologies for the planning field. There are several sessions on housing, economic development and zoning that should be beneficial to the City and staff is very appreciative of the support from the City Manager and City Council for professional development opportunities such as this conference.
- 219
- 220
- 221
- 222
- 223
- 224
- 225
- Brian Riblet returned last week from the American Public Works Association (APWA) and Matthew Vanderhorst and Gary Heitkamp recently returned from the Alliance for Innovation; Transforming Local Government annual conference.
- 226
- 227
- 228
- 229
- The annual Boards and Commissions training will be held tomorrow night beginning at 6:30 p.m. There are 10 people registered to attend this training.
- 230
- 231
- 232
- Staff and I are working on the preparations for the State of the City Presentation that will be held on June 8 at Twin Lakes Clubhouse located on Brookstone Court.
- 233
- 234
- 235
- Several hiring processes are underway with interviews scheduled in the month of May as follows:
- 236
- 237
- 238
- 239
- 240
- 241
- 242
- 243
- 244
- 245
- 246
- 247
- 248
- 249
- 250
- 251
- 252
- 253
- 254
- 255
- 256
- 257
- Also during the month of May, we will be onboarding summer seasonal employees and two patrol officers. Target start dates for the two new patrol officers are May 8, Officer Kenney Bertz and May 15, Officer Rich Riley.
- Staff will be hosting the Neighborhood Leaders Forum on Tuesday, May 9, at Terwilliger Lodge. The programs begin at 7:00 p.m. The focus of this forum is to address recent traffic improvements as well as traffic-related challenges that face Montgomery now and into the future. Police staff will review recent crime trends and reveal some of the latest crime prevention tips. Gary Heitkamp will attend and present on many of the traffic management activities including the traffic signal system. Please contact Faith Lynch if you would like to attend. Expected attendance for this session is approximately 50 people.
- The annual Beautification Day is scheduled for Saturday, May 13 beginning at 9:00 a.m. Crews from Public Works are currently preparing all the flower beds and will be receiving the assortment of colorful annual
- 258
- 259

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 3, 2017

Page 6

260 flowers next week. Thanks again to our members of the Beautification and Tree Commission members,  
261 along with many volunteers, City Council and staff members that participate in this event to beautify our  
262 City through the summer months.

263  
264 • The Environmental Commission will hold their Spring Document Shredding event on Saturday, May 20 at  
265 the public works facility. This event will be held from 10:00 am to 1:00 p.m.

266  
267 • As a save the date reminder, plans are underway for a reception for Don Simpson on Friday, June 9 from  
268 2:00 to 4:00 p.m. at the Montgomery Inn.

269  
270 • A Executive Session is requested for matters related to economic development and personnel.

271  
272 **APPROVAL OF MINUTES**

273  
274 Mr. Margolis moved to approve the April 19, 2017 Work Session minutes. Mr. Cappel seconded. City Council  
275 unanimously agreed.

276  
277 **MAYOR'S COURT**

278  
279 Mayor Dobrozsi reported that the total Mayor's Court collections for the month of April 2017 were \$14,059.00.

280  
281 Mr. Cappel moved to accept the Mayor's Court collections for the month of April 2017. Mr. Margolis seconded.  
282 City Council unanimously accepted the collections.

283  
284 **OTHER BUSINESS**

285  
286 Mr. Margolis thanked the public works staff for their work in removing a tree from the street that had fallen due to  
287 heavy storms from his neighbor's property the past Saturday. He related how much his neighbor appreciated it and  
288 praised them for their customer service.

289  
290 Mrs. Harbison made a motion to approve funds for the Service to Community Grant recipients: Sycamore Junior  
291 High School, Tri State Honor Flight to be used for Montgomery residents, and the Church of the Saviour and Troop  
292 674.

293  
294 Mr. Cappel seconded. City Council unanimously agreed.

295  
296 Ms. Roesch moved to appoint Darla Hall to the Beautification and Tree Commission for a term to expire on January  
297 31, 2020.

298  
299 Mrs. Harbison seconded. City Council unanimously agreed.

300  
301 Mrs. Harbison stated that she has asked DeAnna Gross to scheduled interviews with interested applicants for the  
302 Arts Commission at the June Government Affairs Committee meeting.

303  
304 Mr. Cappel stated that he would be out of the country on May 24 and would miss the City Council Work Session.

305  
306 Mayor Dobrozsi stated that he would miss both meetings in June and asked Vice Mayor Roesch to be acting Mayor  
307 during his absence.

308 Mayor Dobrozsi stated that he and City Manager, Wayne Davis, held a business calling lunch meeting with John  
309 Stroia of the Hamilton Safe Company. Mr. Stroia stated that they will be rebranding as "Hamilton" and indicated  
310 that they have been very pleased with their location here in the City.

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 3, 2017

Page 7

311

312 Mayor Dobrozi asked if there was any further business to discuss in Public Session. There being none, he asked  
313 for a motion to adjourn into Executive Session for matters related to economic development and personnel.

314

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

316

317 The roll was called and showed the following vote:

318

319 AYE: Cappel, Alfaqih, Harbison, Dobrozi, Roesch, Suer, Margolis (7)

320

NAY: (0)

321

322 City Council adjourned into Executive Session at 7:53 p.m.

323

324 City Council reconvened into Public Session at 9:41 p.m.

325

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

328

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

330

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

332

333

---

Connie Gaylor, Clerk of Council