

April 28, 2017

TO: Mayor and City Council Members
FROM: Wayne S. Davis, City Manager *WSD*
SUBJECT: City Council Business Session of Wednesday, May 3, 2017

As a reminder, City Council is scheduled to meet in Business Session on Wednesday, May 3, 2017 at 7:00 p.m.

Prior to the Business Session, City Council is scheduled to hear Board and Commission Chair presentations from Kristy Felss (Parks and Recreation) 6:00 p.m.; Gary Blomberg (Board of Tax Review) 6:15 p.m.; Mary Jo Byrnes (Board of Zoning Appeals) 6:30 p.m.; and Christine Genovese (Arts Commission) 6:45 p.m.

Business Session

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Special Presentation
5. Guests and Residents
6. Legislation for Consideration Tonight

Pending Legislation

New Legislation

- a. 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) Information has been previously supplied on this Resolution, that 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.

Move to read the Resolution by title only

Voice Vote

Move passage of the Resolution

Roll Call Vote

- b. A Resolution Recognizing the Month of May, 2017 as National Historic Preservation Month in the City of Montgomery—(Mr. Margolis) Information has been previously supplied on this Resolution that, if approved, will recognize the month of May as National Historic Preservation Month in the City of Montgomery.

Move to read the Resolution by title only

Voice Vote

Move passage of the Resolution

Roll Call Vote

- c. A Resolution Establishing Compensation for the City Manager—(Mrs. Harbison) Information has been previously supplied on this Resolution that, if approved, will authorize an amendment to the current employment agreement with Mr. Wayne Davis as the City Manager of Montgomery. This Resolution is the result of the recent performance appraisal of the City Manager conducted by City Council. The Government Affairs Committee of City Council has recommended adoption of this Resolution.

Move to read the Resolution by title only

Voice Vote

Move passage of the Resolution

Roll Call Vote

- d. A Resolution Declaring a Moratorium on The Collection of Building and Zoning Permit Fees for Solar Installations—(Mr. Margolis) Information has been previously supplied on this Resolution that, if approved, will declare a moratorium on the collection of building and zoning permit fees for solar installations. Any property within Hamilton County is eligible for participation in the program, which provides a free solar assessment, discounted rates and financing. At the April 3, 2017 Planning, Zoning and Landmarks Committee meeting of City Council, it was recommended to pass a Resolution waiving building and zoning fees for solar installations with a cap of \$1,000 for a thirty-month period beginning June 1, 2017 and ending on December 31, 2019. This extension will mirror the federal tax incentive that expires at the end of 2019. The waiver would be promoted as an incentive to our residents and businesses to adopt a more environmentally friendly source of power and to continue to promote Montgomery as a progressive community in the region and the State.

Move to read the Resolution by title only

Voice Vote

Move passage of the Resolution

Roll Call Vote

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

Move to read the Ordinance by title only

Voice Vote

Move to consider suspension of the rules to waive the requirement of three separate readings

Roll Call Vote

Move for passage of the Ordinance

Roll Call Vote

- f. 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) 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 purchases by the City which were not anticipated or known when City Council adopted the City's 2017 Budget on December 7, 2016.

Move to Read this Ordinance by title only

Voice Vote

Move for passage of the first reading of the Ordinance

Roll Call Vote

The second reading of the Ordinance will be held at the June 7, 2017 Business Session. The third reading of the Ordinance will be held at the July 5, 2017 Business Session with adoption of the Ordinance requested at that meeting.

- g. An Ordinance Vacating a Public Roadway Use and Authorizing the Transfer of Certain Real Estate Rights to Twin Lakes—(Mr. Margolis) Please see the attached correspondence from Law Director, Terry Donnellon, requesting that City Council approve this Ordinance to vacate a public roadway use and authorize the transfer of certain real estate rights to Twin Lakes. This legislation authorizes the City to return the property the City acquired several years ago on the east side of Montgomery Road to the successor property owners as the City cannot meet the terms and conditions of the gift of such land, which was solely for the purpose of constructing a public access roadway. At that time, Twin Lakes was contemplating a development further north of the Schoolhouse Lane and Montgomery Road intersection, and it was determined that the City would build a public access roadway from Montgomery Road to the site in an attempt to limit curb cuts on Montgomery Road. The originally proposed development never came to fruition and a new, revised plan has been developed by Twin Lakes which will create access off of the Schoolhouse Road extension. As such, the City no longer requires this property and the land is being returned to the successor property owner as the City cannot meet the terms of the conditional gift.

Move to read the Ordinance by title only

Voice Vote

Move to consider suspension of the rules to waive the requirement of three separate readings

Roll Call Vote

Move for passage of the Ordinance

Roll Call Vote

8. Administration Report

9. Approval of Minutes — April 19, 2017 Work Session Meeting

10. Mayor's Court Report

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

May 3, 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.; Gary Blomberg (Board of Tax Review) 6:15 p.m.; Mary Jo Byrnes (Board of Zoning Appeals) 6:30 p.m.; and Christine Genovese (Arts Commission) 6:45 p.m.

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

- 1. Call to Order**
- 2. Roll Call**
- 3. Pledge of Allegiance**
- 4. Special Presentation**
- 5. Guests and Residents**
- 6. Legislation for Consideration Tonight**

Pending Legislation

New Legislation

- a. 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. Alfaqih)

Move to read the Resolution by title only

Voice Vote

Move passage of the Resolution

Roll Call Vote

- b. A Resolution Recognizing the Month of May, 2017 as National Historic Preservation Month in the City of Montgomery—(Mr. Margolis)

Move to read the Resolution by title only

Voice Vote

Move passage of the Resolution

Roll Call Vote

- c. A Resolution Establishing Compensation for the City Manager—(Mrs. Harbison)

Move to read the Resolution by title only

Voice Vote

Move passage of the Resolution

Roll Call Vote

- d. A Resolution Declaring a Moratorium on The Collection of Building and Zoning Permit Fees for Solar Installations—(Mr. Margolis)

Move to read the Resolution by title only

Voice Vote

Move passage of the Resolution

Roll Call Vote

- e. An Ordinance Authorizing Jolain Drive Stormwater Sewer Project Public Improvements—(Mr. Cappel)

Move to read the Ordinance by title only

Voice Vote

Move to consider suspension of the rules to waive the requirement of three separate readings

Roll Call Vote

Move for passage of the Ordinance

Roll Call Vote

- f. 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)

Move to Read this Ordinance by title only

Voice Vote

Move for passage of the first reading of the Ordinance

Roll Call Vote

The second reading of the Ordinance will be held at the June 7, 2017 Business Session. The third reading of the Ordinance will be held at the July 5, 2017 Business Session with adoption of the Ordinance requested at that meeting.

- g. An Ordinance Vacating a public Roadway Use and Authorizing the Transfer of Certain Real Estate Rights to Twin Lakes—(Mr. Margolis)

Move to read the Ordinance by title only

Voice Vote

Move to consider suspension of the rules to waive the requirement of three separate readings

Roll Call Vote

Move for passage of the Ordinance

Roll Call Vote

7. **Administration Report**
8. **Approval of Minutes** — April 19, 2017 Work Session Meeting
9. **Mayor's Court Report**
10. **Other Business**
11. **Executive Session**
12. **Adjournment**

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

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

RESOLUTION NO , 2017

**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**

WHEREAS, Section 9.03 of Article IX of the Charter of the City of Montgomery, Ohio, provides the method under which the City Manager shall make certain purchases and enter into contracts on behalf of the City; and

WHEREAS, it is appropriate to provide contract authority for professional services that are generally not subject to competitive bidding but will exceed a total of \$50,000 in a calendar year; and

WHEREAS, the Administration did request Letters of Interest from engineering firms which may be needed to assist the City in designing and engineering public improvements specifically including anticipated Interchange Improvements at and along Montgomery Road at the terminus of the Ronald Reagan Highway to support the development of the Gateway Redevelopment Area; and

WHEREAS, Strand Associates, Inc. did submit a Letter of Interest which was reviewed and recommended for approval by an evaluation committee consisting of the City Manager, Director of Law and Public Works Director; and

WHEREAS, it is the desire of the Council of the City of Montgomery to enter into a contract with Strand Associates, Inc. to perform design and engineering services for the City in conjunction with the Intersection Improvement project at Montgomery Road and the terminus of the Ronald Reagan Highway and other similar services in the Gateway Redevelopment Area related to such improvements.

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

SECTION 1. The City Manager is hereby authorized to enter into a contract with Strand Associates, Inc. for professional services to be provided to the City of Montgomery according to the schedule submitted by Strand Associates, Inc., attached hereto as Exhibit "A" and incorporated herein by reference, for the intersection improvements and related traffic improvements for the Gateway Redevelopment Area and more specifically the Intersection Improvements along Montgomery Road at the terminus of the Ronald Reagan Highway.

SECTION 2. The City Manager is hereby authorized to pay Strand Associates, Inc. according to the rates set forth in said schedule within the anticipated project scope of \$1,285,632.00 which includes all necessary subcontractors for surveying and engineering and a 15% contingency fund above the engineer's estimates.

SECTION 3. The City Manager is additionally authorized to seek appropriate grant funding for these services in conjunction with the Gateway Redevelopment Area Intersection Improvement project.

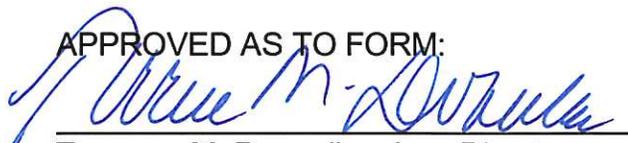
SECTION 4. This Resolution shall be in full force and effect from and after its passage.

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Christopher P. Dobrozsi, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director

RESOLUTION NO. , 2017

**A RESOLUTION RECOGNIZING THE MONTH OF
MAY, 2017 AS NATIONAL HISTORIC PRESERVATION MONTH
IN THE CITY OF MONTGOMERY**

WHEREAS, the City of Montgomery has a rich heritage which is manifested in numerous buildings throughout the City, including eight buildings listed in the National Historic Register; and

WHEREAS, this heritage enriches the lives of our citizens, and it is in the public interest to preserve this legacy so that future generations may benefit from the cultural, aesthetic, educational, economic and inspirational benefits of their heritage; and

WHEREAS, the retention of the City of Montgomery's heritage is best accomplished only through the combined efforts of concerned individuals and organizations in the community.

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

SECTION 1. The City of Montgomery does hereby designate the month of May, 2017 as ***National Historic Preservation Month*** in the City of Montgomery. We call special attention to the Montgomery Landmarks that have been carefully researched and recognized by the Landmarks Commission and the collection of our community history assembled by the Montgomery Historical Preservation Association at the Wilder Swaim House.

SECTION 2. The City of Montgomery is proud to be home to many authentic architectural representations of the City's historic cultural heritage.

SECTION 3. We hereby call upon all citizens to recognize our City's historical past, and to protect these precious resources for the enjoyment of future generations.

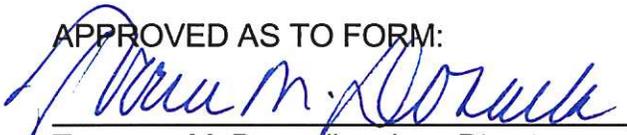
SECTION 4. This Resolution shall be in full force and effect from and after its passage.

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Christopher P. Dobrozsi, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director

RESOLUTION NO. , 2017

A RESOLUTION ESTABLISHING COMPENSATION FOR THE CITY MANAGER

WHEREAS, Council, by authority of Article IV, Section 4.01 of the City Charter, is charged with the responsibility for appointment and compensation of the City Manager; and

WHEREAS, Council has completed its annual performance review of the City Manager, and in conjunction with that performance review has recommended an increase in compensation.

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

SECTION 1. Commencing May 3, 2017, compensation for the City Manager shall be fixed at One Hundred Fifty-Four Thousand Two Hundred Ninety Four Dollars and Forty Cents (\$154,294.40) per year. This adjustment includes a 2.5% general wage increase and a 2.5% merit increase based on performance. Additional compensation shall be payable to the City Manager in the amount of Six Thousand Dollars (\$6,000.00) per year, payable in quarterly installments representing reimbursement to him for costs incurred for use of his personal automobile for City business.

SECTION 2. The City Manager's Employment Agreement also shall provide for severance benefits of twelve (12) months' salary compensation if termination shall occur which triggers such compensation.

SECTION 3. The City Manager's Employment Agreement also shall provide for vacation time to be carried over and accumulated in subsequent calendar years in an amount not to exceed the amount of vacation earned in a three-year period.

SECTION 4. All other provisions of the Employment Agreement executed between the City Manager and the City of Montgomery with his hire in May 2012 shall remain in full force and effect.

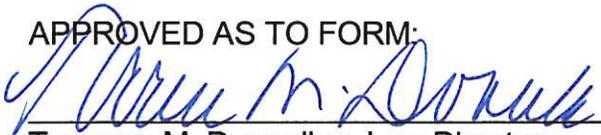
SECTION 5. This Resolution shall take effect at the earliest opportunity allowed by law.

PASSED: _____

ATTEST _____
Connie M. Gaylor, Clerk of Council

Christopher P. Dobrozsi, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director

RESOLUTION NO. , 2017

A RESOLUTION DECLARING A MORATORIUM ON THE COLLECTION OF BUILDING AND ZONING PERMIT FEES FOR SOLAR INSTALLATIONS

WHEREAS, Chapter 152.04 of the Code of Ordinances of Montgomery requires the payment of building and zoning fees prior to the issuance of a building and zoning permit; and

WHEREAS, the City wants to promote the use of solar technology to provide hot water and electricity from a renewable, non-polluting source; and

WHEREAS, the City recognizes that the upfront costs to install solar technology, while much lower than in the past, are still expensive compared to natural gas and other traditional sources; and

WHEREAS, staff has recommended that the City waive the building and zoning permit fees for a period of time to reduce the cost and provide incentives for residents and businesses to invest in a solar installation; and

WHEREAS, suspending these fees will not impact the General Budget nor curtail services within the City, but may help provide the stimulus to improve the quality of life in Montgomery.

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

SECTION 1. Building and zoning permit fees that are typically payable in order to receive the proper permits to install a solar hot water heating system or solar photovoltaic electricity system shall be suspended up to a maximum of \$1,000.00 per

project for a period of (30) months commencing June 1, 2017, and ending December 31, 2019.

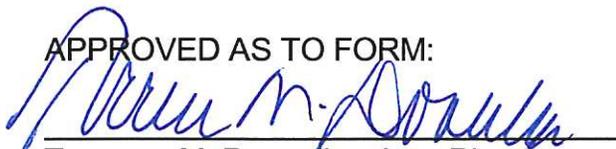
SECTION 2. This Resolution shall be in full force and effect from and after its passage.

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Christopher P. Dobrozsi, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director

ORDINANCE NO. , 2017

**AN ORDINANCE AUTHORIZING JOLAIN DRIVE STORMWATER SEWER
PROJECT PUBLIC IMPROVEMENTS**

WHEREAS, the Administration previously received a petition from property owners on the south side of Jolain Drive from 7815 through 7875 Jolain Drive petitioning the City for the construction of a stormwater sewer project across their properties and allocation of a portion of the expense of such project through a special assessment; and

WHEREAS, on March 1, 2017, Council did adopt Resolution 4, 2017 which was a Resolution of Necessity to implement the Jolain Drive stormwater sewer project and special assessments; and

WHEREAS, notice of the adoption of the Resolution of Necessity with the estimated costs of the project and an estimated assessment for each of the properties in the improvement area has been sent by the Clerk of Council by certified mail, and the time for filing any objection to the project and assessment has passed without any objections being filed by the affected property owners; and

WHEREAS, R.C. § 727.23 requires the City Council as the next step in the project assessment process to pass this Ordinance declaring its intention to proceed with the Jolain Drive stormwater sewer project and special assessment to the property owners benefited in the project area.

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

SECTION 1. Council hereby does authorize the Administration to proceed with the Jolain Drive stormwater sewer project as outlined in the Resolution of Necessity

and to secure appropriate bids to be able to award a contract for such public improvements.

SECTION 2. Council does hereby adopt the estimated assessment of \$52,800.00 for that portion of the project cost to be allocated and assessed to the impacted and benefited properties, being Auditor parcel numbers 603-0013-0039, 603-0013-0040, 603-0013-0041, 603-0013-0043, 603-0013-0047, 603-0013-0048, and 603-0013-0049.

SECTION 3. No claims for damages have been filed consistent with R.C. § 727.18, and no objections to the assessment have been filed within the notice period allowing Council to authorize this public improvement and the resulting assessment based upon the actual cost of such public improvement which shall be determined after the award of the contract and completion of the project.

SECTION 4. The City Manager is authorized to execute any and all additional documentation necessary to implement this project and assessment, and to bring forward to Council in the future a recommended lowest and best bid to proceed with such project and the final assessment for such project costs as required by Ohio law.

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

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Christopher P. Dobrozsi, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director

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

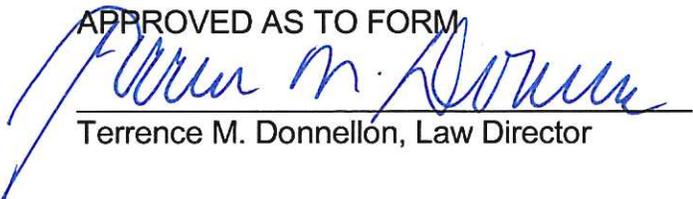
SECTION 3. This Ordinance shall be in full force and effect from and after the earliest period allowed by law.

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: Vacating a Public Roadway Use and
Authorizing Certain Real Estate Rights to Twin Lakes

DATE: April 27, 2017

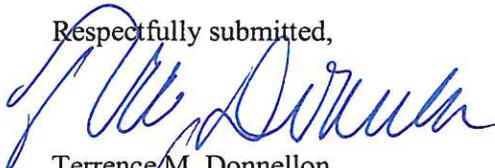
This legislation authorizes the City Manager to execute documentation returning property on the east side of Montgomery Road acquired by the City several years ago to the surrounding property owner, Twin Lakes. The property was received from Twin Lakes' predecessor in title solely for the purposes of constructing a public roadway. The property was accepted by Ordinance No. 17, 2008 noting these conditions. At that time a development was anticipated which would have an access point on Montgomery Road. A revised and approved General Development Plan now creates the access to the property from the publicly dedicated Schoolhouse extension. As a result, no access roadway from Montgomery Road is needed.

The property presents a very unique topography and very unique shape. A center portion of the property has been retained by the State of Ohio to support a stormwater runoff system which then drains to a stormwater easement traversing the center of the property. As a result, the remainder property on either side of the easement and swale are not developable lots. The City engineers have determined that the City has no public use for the property.

Since the property was acquired as a gift conditioned upon constructing a public access road, it is believed that in the spirit of the original gift that since the City cannot meet those conditions the property should revert to the successor property owner. This Ordinance will vacate the public use and authorize the City Manager to complete such transfer.

Related to the transfer of the deed, the City acquired two support Easements to be able to construct the public roadway, which Easements are no longer needed. These Easements, as well, are being vacated and released to the successor property owners.

Respectfully submitted,



Terrence M. Donnellon,
Law Director
TMD/td
Enclosure

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

ORDINANCE NO. , 2017

**AN ORDINANCE VACATING A PUBLIC ROADWAY USE AND AUTHORIZING THE
TRANSFER OF CERTAIN REAL ESTATE RIGHTS TO TWIN LAKES**

WHEREAS, by Ordinance No. 17, 2008, adopted November 5, 2008, the City did accept certain property rights on the east side of the 10000 block of Montgomery Road solely for the purpose of the City developing a public access road to provide safe access from Montgomery Road to proposed development by Twin Lakes; and

WHEREAS, such property rights were transferred to the City conditioned upon constructing the access road, which property rights included (1) fee simple title to the land ("Property") described on Exhibit A attached hereto and incorporated herein by reference, which Property was received by a Limited Warranty Deed recorded February 5, 2009 in the Official Records of Hamilton County, Ohio, in Book 11059, Page 01716; (2) easement rights for a shoring system and lateral support for the public access roads recorded in an Easement Agreement on February 19, 2009 in the Official Records of Hamilton County, Ohio, in Book 11069, Page 02452; and (3) easement rights for the excavation, construction, installation, use and maintenance of a public access roadway recorded in an Easement Agreement on February 19, 2009 in the Official Records of Hamilton County, Ohio, in Book 11069, Page 02428; and

WHEREAS, no access road was constructed and with the revised and approved General Development Plan for the site, access to the site will be maintained from the publicly dedicated extension of Schoolhouse Lane and therefore the public purpose for this Property is no longer needed; and

WHEREAS, since the City cannot meet the conditions upon which this Property and related easement rights were received, the City does desire to vacate the declared public use for the Property and return to the successor property owner the Property and Property rights so acquired; and

WHEREAS, Council further finds that the Property has limited public roadway access as a result of a stormwater drainage system upon the Property which traverses the entire site, and with the City having received the Property by gift conditioned upon constructing a public access roadway, the Property is no longer needed for the stated public purpose, nor can the Property be appropriately marketed and sold because of its topography, its configuration, and the expressed conditions upon which it was received.

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

SECTION 1. The dedicated use of the Property described on Exhibit A, attached hereto and incorporated herein by reference, for a public access road is hereby vacated, as such access road is no longer needed by the City of Montgomery, Ohio for the intended public purpose. With the public use being vacated and the City no longer able to meet the conditions for the gift of this Property, the City Manager is hereby authorized to execute a deed and appropriate vacation plat to return such Property to the successor and surrounding property owner, Twin Lakes.

SECTION 2. The easement rights granted to the City in conjunction with the conveyance of this Property for a public roadway, which easement rights were conveyed in recorded Easements February 19, 2009 at Official Records of Hamilton

County, Ohio in Book 11069, Page 2452, and Book 11069, Page 2428, are hereby released. As the City can no longer meet the terms and conditions for the Easements to construct a public access road, these easement rights are hereby vacated. The City Manager is authorized to execute any and all documentation necessary to confirm the release, vacation, and transfer of these easement rights.

SECTION 3. In examining the title records to the Property to be vacated and deeded, it was noted that there was a scrivener's error in the third paragraph of the legal description of the Property which should be corrected in these transfer documents. The correct legal description matches the legal description in the plat recorded at Official Records of Hamilton County, Ohio, Plat Book 125, Page 44. The correct Point of Beginning should read:

*THENCE North 16° 23' 00" East and continuing with said centerline of Montgomery Road a distance of **829.33 feet** to the real place of the beginning for this description.*

SECTION 4. The City Manager is authorized to execute any and all documentation necessary to facilitate these transactions.

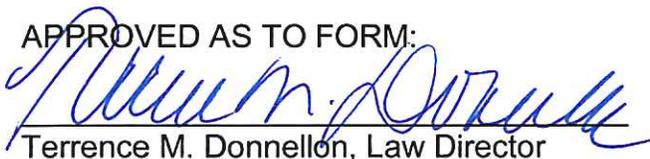
SECTION 5. This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Christopher P. Dobrozsi, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director

EXHIBIT "A"

LEGAL DESCRIPTION
TRACT 1
0.5647 ACRES

Situate in Section 4, Town 4, Entire Range 1, Sycamore Township, City of Montgomery, Hamilton County and State of Ohio and being more particularly described as follows:

Starting at a point in the centerline of Montgomery Road, said point lying North 16 Degrees 06 Minutes 00 Seconds East a distance of 1601.65 Feet from the intersection of the said centerline of Montgomery Road with the Southerly line of Section 4;

THENCE North 16 degrees 23 minutes 00 seconds East and continuing with the said centerline of Montgomery Road, a distance of 829.33 feet to the real place of beginning for this description;

THENCE North 16 degrees 23 minutes 00 seconds East for a distance of 158.16 feet with said centerline of Montgomery Road;

THENCE South 73 degrees 37 minutes 00 seconds East for a distance of 104.48 feet leaving said centerline of Montgomery Road and passing a set 5/8" Iron Pin and Cap at 40.00 Feet to a set 5/8" Iron Pin and Cap;

THENCE South 46 degrees 09 minutes 47 seconds East for a distance of 71.20 feet to a set 5/8" Iron Pin and Cap;

THENCE along a curve to the left having a radius of 68.00 feet and an arc length of 32.58 feet, being subtended by a chord of South 30 degrees 06 minutes 36 seconds West for a distance of 32.27 feet to a set 5/8" Iron Pin and Cap;

THENCE South 16 degrees 23 minutes 00 seconds West for a distance of 93.99 feet to a set 5/8" Iron Pin and Cap;

THENCE North 73 degrees 37 minutes 00 seconds West for a distance of 160.00 feet passing a set 5/8" Iron Pin and Cap at 120.00 feet to the said centerline of Montgomery Road and the place of beginning.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 0.5647 acres more or less.

Based on a survey by Nordloh & Associates, Inc. 614 Wooster Pike, Terrace Park, Ohio 45174 under the direct supervision of Lee C. Nordloh P.S. Ohio Registration No. 7066 dated September, 2008.

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 Work Session Minutes
April 19, 2017

Present

Paul Wright, Fire Chief/Acting City Manager
Terry Donnellon, Law Director
Tracy Roblero, Community Development Director
Katie Smiddy, Finance Director
Brian Riblet, Public Works Director
Don Simpson, Police Chief
Faith Lynch, Community Engagement Coordinator
Connie Gaylor, Clerk of Council

City Council Members Present

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

City Council Members Absent

Lynda Roesch, Vice Mayor

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

ROLL CALL

Mayor Dobrozsi stated that Vice Mayor Roesch had an unexpected absence and asked for a motion to excuse her from tonight's meeting.

Mr. Margolis moved to excuse Vice Mayor Roesch's absence. Mr. Cappel seconded. City Council unanimously agreed.

The roll was called.

Legislation for Consideration this Evening

Pending Legislation

A Resolution Authorizing a Purchase Agreement with Twin Lakes to Acquire Certain Real Property on Montgomery Road Adjacent to the City's Safety Center

Mr. Donnellon explained that through further conversations with Twin Lakes, this Resolution was now able to be presented to City Council for consideration as all terms of the Purchase Agreement have been reviewed and approved. He stated that Twin Lakes has asked that the small portion of land that they had transferred to the City in 2008 for a public access road be vacated as there is no longer a need for public improvements. He explained to City Council that he agreed that once the property was acquired that we would vacate that small parcel and related easements to Twin Lakes for public purpose.

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

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

Mrs. Harbison explained that as Mr. Donnellon had explained this Resolution, that if approved, will authorize a Purchase Agreement with Twin Lakes to acquire Certain Real Property on Montgomery Road adjacent to the City's Safety Center. She stated that this contract will enable the City Manager to acquire the needed .40 acres for future service enhancements on a parcel of land immediately to the south of the Safety Center.

The roll was called and showed the following vote:

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54 AYE: Cappel, Alfaqih, Harbison, Dobrozi, Suer, Margolis (6)

55 NAY: (0)

56 ABSENT: Roesch (1)

57

58 **ESTABLISHING AN AGENDA FOR MAY 3, 2017**

59

60 **New Legislation**

61

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

64

65 Mr. Riblet explained that, if approved, this Resolution would authorize the City Manager to enter into a Contract
66 with Strand Associates, Inc. for professional engineering services associated with the HAM SR126/US 22
67 20.00/13.19 Interchange Improvement Project. The proposed contract includes professional design and consulting
68 services and includes work to perform geotechnical, surveying and environmental components which are all
69 necessary for the project. The total contract amount is not to exceed \$1,285,632 and includes a 15% contingency.
70 These services are anticipated to be funded as part of the public improvements for the GRA project.

71

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

74

75 Ms. Roblero explained that, if approved, this Resolution will which will recognize the month of May as National
76 Historic Preservation Month in the City of Montgomery. She explained that this is a time when communities and
77 organizations recognize the value and importance of their heritage. She further explained that traditionally
78 Montgomery has passed a Resolution endorsing historic preservation and the heritage of Montgomery.

79

80 **A Resolution Establishing Compensation for the City Manager**

81

82 Mrs. Harbison explained that this is a yearly review of the City Manager and that, if approved, this Resolution will
83 authorize an amendment to the current employment agreement with Mr. Wayne Davis as the City Manager of
84 Montgomery. She further explained that this is the result of the recent performance appraisal of the City Manager
85 conducted by City Council. She also explained that the Resolution represents a 2.5% general wage increase, and a
86 2.5% merit increase based on his performance. She noted that the Government Affairs Committee of City Council
87 has recommended adoption of this Resolution.

88

89 **A Resolution Declaring a Moratorium on the Collection of Building and Zoning Permit Fees for Solar**
90 **Installations**

91

92 Ms. Roblero, Community Development Director, explained that City Council is asked to consider the adoption of
93 this Resolution that will declare a moratorium on the collection of building and zoning permit fees for solar
94 installations. Ms. Roblero reminded City Council of the 2011-2016 Strategic Plan Goal 5, Strategy 6, that called for
95 the City to be a role model for environmentally sustainable practices. Ms. Roblero further explained that it is
96 estimated that a building permit will cost approximately \$304.00 for an average residential array; however, a larger
97 solar array for a business might be significantly higher. Staff would like to promote solar installations for
98 commercial properties as well; however, staff does not want to leave the City exposed to a large, unanticipated fee
99 from National Inspection Corporation (NIC) for the permit. Since it is impossible to predict what the fees could be
100 for these various types of commercial solar arrays, Staff recommends that the City place a cap of \$1,000 on the
101 amount of the building and zoning fees that will be waived during the incentive program. It is believed that most
102 applications would be significantly less than the \$1,000 cap; however, this allows for a larger project to take
103 advantage of the incentive while still limiting the financial exposure of the City. She stated that the Planning,

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104 Zoning and Landmarks Committee of Council met on April 3, 2017 to discuss reinstating the waiver of building
105 permit fees for new solar installations within the City, which would provide a greater incentive to our residents if
106 paired with the Solarize Cincinnati program and the federal tax incentives which are scheduled to expire at the end
107 of 2019. The Committee recommended approval of the waiver through calendar year 2019, when the federal tax
108 expires.

109
110 Mr. Cappel asked if the \$1,000 cap was per installation or for the overall total of fees.

111
112 Ms. Roblero stated that was per installation.

113 114 **An Ordinance Authorizing Jolain Drive Stormwater Sewer Project Public Improvements**

115
116 Mr. Donnellon explained that this Ordinance, if approved, is the next step in the process to authorize the Jolain
117 Drive stormwater sewer project and to assess a portion of the project costs to the properties on Jolain Drive that will
118 benefit from the shared stormwater sewer improvements. City Council previously passed a Resolution of Necessity
119 authorizing the assessment, and notice was sent by the Clerk of Council to each of the property owners estimating
120 their annual assessment over a period of 20 years with interest at 3.7% per year. He explained that certified letters
121 were mailed to all effected property owners by the Clerk of Council and there have been no objections. This
122 Ordinance then authorizes the Administration to proceed to prepare specifications for the project and to advertise
123 for bids for construction.

124
125 Mr. Donnellon asked Mr. Riblet if he had concerns as to when the Ordinance was passed.

126
127 Mr. Riblet stated that he had originally targeted the June Work Session so the project could be placed to bid.

128
129 After discussion of bid dates and project completion dates, Mr. Donnellon suggested that it may be best if the
130 Ordinance was read and passed at the May 3, Business Session with suspension of rules. He stated that the Ordinance
131 would not need to be passed as an emergency.

132
133 City Council was in favor of placing the Ordinance on the May 3 agenda with the suspension of rules.

134 135 **An Ordinance to Amend Appropriations for Current Expenses and Other Expenditures of the City of** 136 **Montgomery, State of Ohio, During the Fiscal Year Ending December 31, 2017**

137
138 Ms. Smiddy explained that, if approved, this Ordinance would amend appropriations for the City for Fiscal Year
139 2017. These supplemental appropriations are necessary for purchases by the City which were not anticipated or
140 known when City Council adopted the City's 2017 Budget on December 7, 2016.

141
142 Ms. Smiddy explained that \$100,000 will need to be appropriated to the 410 Capital Improvement Fund for the
143 renovation of the Public Works Facility. She explained this will provide additional funds to allow for funding of
144 three alternative bids for this project including an 18-foot Truck Bay Addition; Fire Protection and a Back-Up
145 Generator, as well as for \$30,000 in contingency appropriation for this project which was originally budgeted for
146 \$900,000, without the alternatives.

147
148 Ms. Smiddy explained that \$600,000 will need to be appropriated from the General Fund to allow for the purchase
149 of 10.334 acres from Hamilton County for the Gateway Redevelopment Project. She stated that to accommodate
150 this increase, the City will plan to transfer the cash balance of the 460 – Urban Redevelopment Fund to the General
151 Fund when the Village Corner and Montgomery Commons Tax Increment Financing (TIF) districts are terminated
152 later in the year. This appropriation will be added as a supplemental appropriation at the end of the year to transfer
153 and close out the remaining fund balance in the Urban Redevelopment Fund.

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154

155 Ms. Smiddy explained that \$509,000 will need to be appropriated from the General Fund to allow for the purchase
156 of .4 acres from Life Enriching Communities that is directly south of the City's Safety Center at 10150 Montgomery
157 Road.

158

159 Tabled Legislation

160

161 **An Ordinance Amending Ordinance 17, 2008 and Declaring a New Public Purpose for Montgomery Road** 162 **Property**

163

164 Mr. Donnellon explained that this Ordinance was tabled at the April 5, Business Session while working with Twin
165 Lakes on determining the purpose of this property. He explained that the City received this property at no cost from
166 Twin Lakes and at that time was dedicated for use as an anticipated roadway. The property is now being proposed
167 for development under a revised plan with access from an extension of Schoolhouse Lane and the City no longer
168 needs this property for a public access road. Mr. Donnellon stated that there is no need for this property for any
169 public improvements and it is requested that the City vacate the property. Mr. Donnellon added that Twin Lakes is
170 refinancing the entire development that includes this small parcel and is asking for special consideration be given
171 to passing this Ordinance with one reading at the May 3 Business Session. He explained that the Ordinance would
172 not be passed by emergency, but would allow Twin Lakes to meet their June consolidation and bond meeting
173 deadlines.

174

175 Mr. Margolis confirmed that the Ordinance would be passed with suspension of rules on May 3, with no emergency
176 language.

177

178 Mr. Donnellon confirmed that was correct.

179

180 City Council agreed to add the Ordinance to the May 3, Business Session agenda with the aforementioned language.

181

182 ADMINISTRATION REPORT

183

184 Chief Wright serving as Acting City Manager gave the following report:

185

- 186 • The Law and Safety, Financial Planning and Planning, Zoning and Landmarks Committees of City Council
187 have cancelled their meetings for the month of May.
- 188
- 189 • City Council Business Session is scheduled for May 3, 2017 at 7:00 p.m.
- 190
- 191 • Staff is reporting that at this time there are no agenda items for the Parks and Recreation and Government
192 Affairs Committees for the month of May. The Public Works Committee does have agenda items now. Staff
193 will update City Council of these meetings at the May 3, Business Session.
- 194
- 195 • The Landmarks Commission met on Wednesday, April 12 to consider an application for a Certificate of
196 Approval for interior and exterior storm windows on the James Ayers House located at 9423 Montgomery
197 Road. The Landmarks Commission approved the application and recommended approval of a Historic
198 Preservation Matching Grant to the Montgomery Community Improvement Corporation. Staff would like
199 to request a CIC meeting to discuss the grant on Wednesday, May 24 at 6:15 p.m.
- 200
- 201 • On Monday morning Brian Riblet, Megan Hube and Matt Davis from DSD Advisors and Wayne Davis met
202 with Hamilton County Engineer Ted Hubbard to provide a brief update on the status of the Gateway
203 Redevelopment Area (GRA) project. The meeting was also used as an opportunity to discuss Hamilton

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- 204 County Transportation Improvement District (TID) Funds which we will plan to apply for with an
205 application for funding to be submitted to the County by May 1. We appreciate the support of Engineer
206 Hubbard and his staff and we are hopeful that we will be successful with our application for the GRA.
207 Wayne will be attending the TID Meeting on Monday, April 24, at the County Administration Building at
208 1:00 p.m.
209
- 210 • Matthew Vanderhorst and Gary Heitkamp are currently attending the Transforming Local Government
211 Conference in Tulsa, OK where the City is being honored with an “Outstanding Achievement in Local
212 Government Innovation Award” for the Public Works recent Storm Water Improvement Project including
213 a 5,000-gallon rain harvesting system. In addition to the award, both Matthew and Gary will attend multiple
214 innovative and creative session on delivering services in the government sector. The conference will
215 conclude on Friday, April 21.
216
 - 217 • On Tuesday afternoon Katie Smiddy, Wayne Davis and Terry Donnellon along with Brenda Wehmer, Brian
218 Seedhouse and Jack Gusweiler met with several members of the Gateway partners team to review a follow-
219 up proposal from the City for the financing of the Gateway Redevelopment Area (GRA). The meeting
220 included a comprehensive review of the Gateway Partners proforma and will result in a follow-up meeting
221 with Gateway Partners in the next week.
222
 - 223 • Brian Riblet will attend the American Public Works Association (APWA) North American Snow
224 Conference in Des Moines, Iowa from Sunday, April 24 through Tuesday, April 26 where he will accept
225 the “Excellence in Snow and Ice Control Award” on behalf of the City. Brian will also be providing a
226 presentation on our winter operations during Monday’s educational sessions.
227
 - 228 • Mr. Davis signed the annual contract renewal agreement in the amount of \$2,415 with CompManagement,
229 the City’s third party administrator for workers’ compensation. Through the Ohio Municipal League (and
230 based on the City’s claims experience) the City is eligible to participate in OML’s CompManagement group
231 retrospective rating program. This rating program allows participants to realize savings on workers’
232 compensation premiums.
233
 - 234 • Three police patrol officer candidates are in the final stages of post job offer screening steps.
235
 - 236 • The deadline for customer service representative job applications was today at 5:00 p.m. Next steps for the
237 hiring team are to review applications to determine candidates for phone interviews (scheduled for week of
238 May 8.)
239
 - 240 • The first round of assistant finance director/tax commissioner interviews are scheduled for the week of
241 May 1. Eight candidates will be interviewed.
242
 - 243 • Assistant police chief interviews are scheduled for week of May 8.
244
 - 245 • As a reminder, a retirement reception for Chief Simpson is scheduled for June 9, 2:00 p.m. to 4:00 p.m. at
246 the Montgomery Inn.
247
 - 248 • Terry Willenbrink will once again conduct an Arbor Day Walk this year on Friday, April 28. The walk will
249 be held at Swaim Park, attendees are instructed to meet at the Zig Zag Road parking lot at 9:00 a.m.
250
 - 251 • As a reminder, the Volunteer Recognition Dinner will be held on Wednesday, April 26 at the Montgomery
252 Inn.
253

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- 254 • The next Neighborhood Leaders Forum will be held on Tuesday May 9, beginning at 7:00 p.m. at
255 Terwilliger Lodge. Sergeant Mike Plaatje and Gary Heitkamp will be speaking on issues regarding traffic
256 management on Montgomery Road and the new Pan, Tilt, Zoom traffic cameras.
257

258 **LAW DIRECTOR REPORT**

259
260 Mr. Donnellon requested an Executive Session for matters related to economic development.
261

262 **CITY COUNCIL REPORTS**

263
264 Mr. Cappel reported that Michelle Balz with Hamilton County Recycling and Solid Waste District attended the
265 Environmental Advisory Commission meeting on April 11 and gave a very detailed presentation on the Residential
266 Recycling Grant program and how to increase recycling efforts in the City. He stated that the Commission is
267 considering tire recycling and curbside textile pickup.
268

269 Mrs. Harbison reported the following items that were discussed at the Government Affairs Committee meeting held
270 on April 10:

- 271 • Surplus property by the Police, Fire and Community and Information Services departments.
272 • A new event proposed by the Arts Commission, a Shakespeare in the Park production of Romeo and Juliet,
273 was approved. This event is free to the public and will have a sponsor that will cover the expenses.
274 • A new event proposed by multiple Commissions is a Lanterns and Landmarks Tour of the Historic
275 Downtown District. She stated that this event would be held in the fall of this year and would be a paid
276 event.
277 • A discussion of spouses serving on the same Commission was held and after deliberations the Committee
278 recommended against it.
279 • There were 280 entries in this year's 30th anniversary of the Photo Competition held at Universalist Church.
280 • The Committee and staff discussed the Service to Community Grant applications submitted by the Church
281 of the Saviour and Boy Scout Troop 674, Sycamore Junior High School and Tri-State Honor Flight. After
282 discussion, the Committee supports the recommendation of staff of granting the awards to all three
283 applicants with the specification on the Tri-State Honor Flight award that the recipients are Montgomery
284 residents. She stated that they asked that the recipients attend the July 3 concert if possible to be honored
285 for their service to their country.
286

287 Mayor Dobrozi stated that he attended a OKI Board meeting on April 13 at which time they reviewed a schedule
288 of projects for the tristate area.
289

290 Mayor Dobrozi stated that he would not be able to attend the June council meetings due to work and personal
291 conflicts. He stated he would work with Vice Mayor Roesch and City Council to appoint an Acting Mayor during
292 these dates and report back at the next meeting.
293

294 **APPROVAL OF MINUTES**

295
296 Mayor Dobrozi requested a motion to approve the April 5, 2017 Special Session and Business Session minutes.
297

298 Mr. Margolis moved to approve the minutes. Mr. Cappel seconded. City Council unanimously agreed.
299

300 **OTHER BUSINESS**

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

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304 Ms. Cappel moved to adjourn to Executive Session to discuss matters related to economic development, and
305 personnel and compensation. Mr. Margolis seconded.

306

307 The roll was called and showed the following vote:

308

309 AYE: Cappel, Alfaqih, Harbison, Dobrozsi, Suer, Margolis (6)

310 NAY: (0)

311 ABSENT: Roesch (1)

312

313 City Council adjourned into Executive Session for matters related to economic development and personnel and
314 compensation at 7:48 p.m.

315

316 City Council reconvened into Public Session at 10:15 p.m.

317

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

320

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

322

323 City Council adjourned at 10:15 p.m.

324

325

326

327

Connie Gaylor, Clerk of Council