

April 29, 2016

TO: Mayor and City Council Members
FROM: Wayne S. Davis, City Manager *WSD*
SUBJECT: City Council Business Session of Wednesday, May 4, 2016

As a reminder, City Council is scheduled to meet in Business Session on Wednesday, May 4, 2016 at 7:00 p.m. at City Hall.

Board and Commission Chair Updates

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

Marcallene Shockey (Sister Cities) at 5:45 p.m.; Laith Alfaqih (Environmental Advisory Commission) at 6:00 p.m.; Gary Blomberg (Board of Tax Review) at 6:15 p.m.; Kristy Felss (Parks and Recreation Commission) at 6:30 p.m.; and Larry Schwartz (Landmarks Commission) at 6:45 p.m.

Montgomery Community Improvement Corporation

Immediately following the conclusion of the City Council Business Session, the Montgomery Community Improvement Corporation Board of Trustees (CIC) is scheduled to meet to discuss the appointment of Katie Smiddy as Finance Director.

Work Session

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Special Presentation**
5. **Guests and Residents**
 - a. Mr. Peter Stackpole, a resident of Glendale, will be present to address City Council regarding his upcoming candidacy for a Hamilton County Common Pleas Judge.
6. **Legislation for Consideration Tonight**

Pending Legislation

- a. An Ordinance Modifying Section 30.03, Announcement of Public Meetings, of The Code of Ordinances—(Mrs. Harbison, 2nd reading) Information has been supplied previously on this Ordinance that, if approved, will amend the current Section 30.03 of the Code of Ordinances

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

Move to approve the second reading.

Voice Vote

Move for passage of the second reading of the Ordinance

Roll Call Vote

The third reading of the Ordinance will be held at the June 1, 2016 Business Session with adoption of the Ordinance requested at that meeting.

- b. An Ordinance Establishing the Schedule of Municipal Compensation for Employees—(Mr. Suer, 2nd reading) Information has been supplied previously on this Ordinance that, if approved, will establish a Schedule for Municipal Compensation. Traditionally the City's Schedule of Municipal Compensation for non-collective bargaining and exempt employees is adjusted annually in July to remain in sync with collective bargaining employee wage rate adjustments. The City's current Schedule of Municipal Compensation does not specify any wage rate adjustments for July 2016 or July 2017; therefore, a new compensation schedule must be established. In addition, the new Schedule of Municipal Compensation also reflects adjustments to several position pay ranges in order to ensure that the City's pay practices remain relatively competitive when compared to similar neighboring jurisdictions. Since the first reading of this Ordinance, staff has met with the Financial Planning Committee of City Council and is recommending the inclusion of a new wage classification and adjustments to two existing wage ranges.

Move to approve the second reading.

Voice Vote

Move for passage of the second reading of the Ordinance

Roll Call Vote

The third reading of the Ordinance will be held at the June 1, 2016 Business Session with adoption of the Ordinance requested at that meeting.

- c. An Ordinance Authorizing The Detachment Of Hamilton County Auditor's Parcel Number 603-0A23-0187 And The Approval Of An Annexation Agreement Related Thereto For The Annexation Of Hamilton County Auditor's Parcel Number 620-0210-0723—(Mr. Margolis-Tabled) Information has been supplied previously on this Ordinance that, if approved, will authorize the simultaneous

annexation and detachment of properties along the Symmes Township and City of Montgomery borders as a part of the Vintage Club North development. A small lot incorporated into the property owned by Contadino Properties, LLC, operated as a daycare north of the Vintage Club site, will be detached and aligned into Symmes Township. A similarly small wedge of property in Symmes Township below the property line will be merged into the City by annexation and it will be incorporated into the Vintage Club development. The statutory procedures require legislative approval for this dual process. Ultimately the Board of Commissioners of Hamilton County, Ohio must approve the detachment and annexation.

City Council voted to table this Ordinance at the April 6, 2016 Business Session, until such time that the City receives additional information on this matter. If all required documents have been obtained before this meeting, City Council may consider adding the Ordinance onto the agenda and assigning to a Council member for the first reading at tonight's meeting.

New Legislation

- a. A Resolution Recognizing the Month of May, 2016 as National Historic Preservation Month in the City of Montgomery—(Mr. Margolis) Information has been supplied previously 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

- b. A Resolution Establishing Compensation for the City Manager—(Mrs. Harbison) Information has been supplied previously 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

- c. A Resolution Declaring a Moratorium on The Collection of Building and Zoning Permit Fees for Solar Installations—(Mr. Margolis) Information has been supplied previously on this Resolution, that if approved, will authorize a Resolution that would declare a moratorium on the collection of building and zoning permit fees for solar installations. The City of Cincinnati and the Greater Cincinnati Energy Alliance have partnered to create the Solarize Cincinnati program. Any property within Hamilton County is eligible for participation in the program, which provides a free solar assessment, discounted rates and financing. It is recommended that City Council pass a Resolution waiving building and zoning fees for solar installations with a cap of \$1,000 for a six-month period beginning

July 1, 2016. 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 City within the region.

Move to read the Resolution by title only

Voice Vote

Move passage of the Resolution

Roll Call Vote

7. Administration Report

8. Approval of Minutes – April 20, 2016 Work Session

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
File

May 4, 2016

Board and Commission Chair Updates

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Marcallene Shockey (Sister Cities) at 5:45 p.m.; Laith Alfaqih (Environmental Advisory Commission) at 6:00 p.m.; Gary Blomberg (Board of Tax Review) at 6:15 p.m.; Kristy Felss (Parks and Recreation Commission) at 6:30 p.m.; and Larry Schwartz (Landmarks Commission) at 6:45 p.m.

City Council Business Session

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2. Pledge of Allegiance

3. Roll Call

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- a. Mr. Peter Stackpole, a resident of Glendale, will be present to address City Council regarding his upcoming candidacy for a Hamilton County Common Pleas Judge.

6. Legislation for Consideration Tonight

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Move to approve the second reading.

Voice Vote

Move for passage of the second reading of the Ordinance

Roll Call Vote

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- b. **An Ordinance Establishing the Schedule of Municipal Compensation for Employees—(Mr. Suer, 2nd reading)**

Move to approve the second reading.

Voice Vote

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Roll Call Vote

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

City Council voted to table this Ordinance at the April 6, 2016 Business Session, until such time that the City receives additional information on this matter. If all required documents have been obtained before this meeting, City Council may consider adding the Ordinance onto the agenda and assigning to a Council member for the first reading at the May 4, 2016 Business Session.

New Legislation

- a. **A Resolution Recognizing the Month of May, 2016 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

- b. **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

- c. **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

7. Administration Report

8. Approval of Minutes – April 20, 2016 Work Session

9. Mayor's Court Report

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11. Executive Session

12. Adjournment

ORDINANCE NO. , 2016

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

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

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

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

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

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

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

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

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

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

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

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

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Christopher P. Dobrozsi, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director

ORDINANCE NO. _____, 2016

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

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

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

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

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

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

(2) The Assistant Chief of Police.

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

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

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

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

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

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

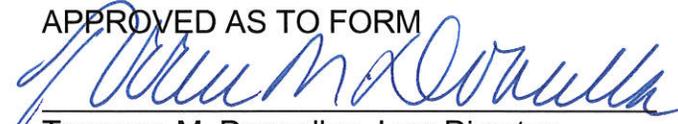
SECTION 6. This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Christopher P. Dobrozsi, Mayor

APPROVED AS TO FORM



Terrence M. Donnellon, Law Director

Full Time Schedule

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

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

Part Time Schedule

Range	Position	Effective first day of first full pay period In July 2016		Effective first day of first full pay period In July 2017	
		Minimum	Maximum	Minimum	Maximum
1A 1B 1C	Special Projects Coordinator Assistant to the City Manager Finance Specialist	\$43.01	\$53.33	\$44.08	\$54.66
		\$25.25	\$31.56	\$25.88	\$32.35
		\$21.31	\$26.64	\$21.84	\$27.31
1D	Customer Service Representative Volunteer Coordinator	\$20.88	\$26.01	\$21.40	\$26.66
2	Firefighter/Paramedic	\$16.26	\$20.71	\$16.66	\$21.22
3	Custodian Firefighter/EMT	\$14.50	\$18.50	\$14.87	\$18.96
4	Intern Seasonal Service Worker	\$12.63	\$16.06	\$12.94	\$16.46
6	Auxiliary Police Officer	\$ 10.00	\$ 25.00	\$ 10.00	\$ 25.00

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

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

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

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

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

ORDINANCE NO. , 2016

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

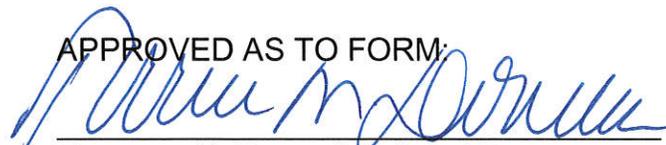
SECTION 6. This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Christopher P. Dobrozsi, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director

SCHEDULE A

PETITION FOR DETACHMENT

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

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

By: _____

Name: _____

Its: _____

Date: _____

EXHIBIT A

PROPERTY CONVEYED - 0.0549 ACRES

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

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

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

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

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

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

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

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

Containing 0.0549 acres of land.

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

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

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

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

Prepared by: McGill Smith Punshon, Inc.

Date: August 31, 2009

MSP No.: 04308.00

SCHEDULE B

PETITION FOR ANNEXATION

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

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

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

By: _____

Name: _____

Its: _____

Date: _____

EXHIBIT A

PROPERTY CONVEYED - 0.0361 ACRES

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

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

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

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

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

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

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

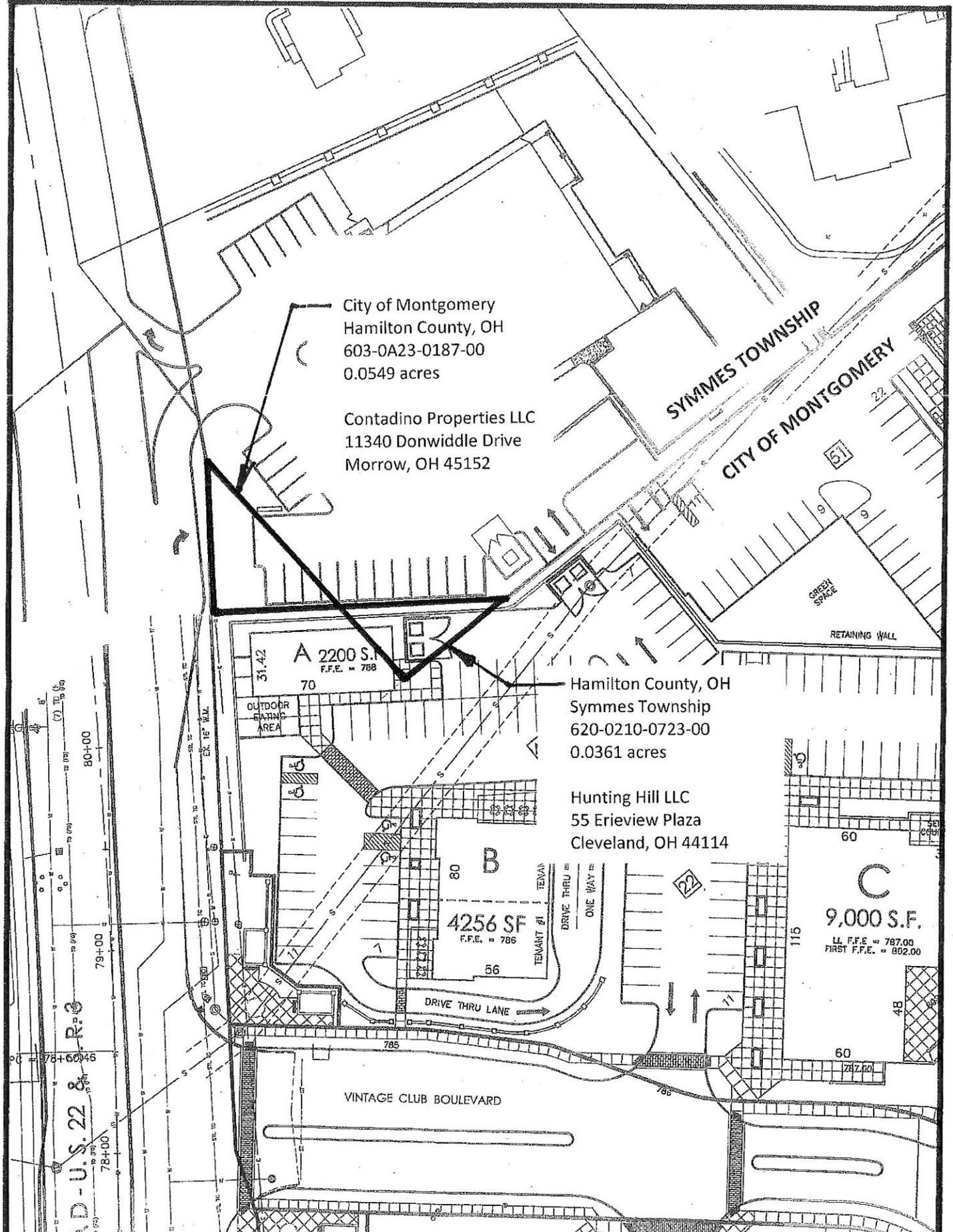
Containing 0.0361 acres of land.

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

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

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

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



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

Contadino Properties LLC
11340 Donwiddle Drive
Morrow, OH 45152

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

Hunting Hill LLC
55 Erieview Plaza
Cleveland, OH 44114

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

80+00

79+00

784+00

784+00

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

B
4256 SF
F.F.E. = 786

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

VINTAGE CLUB BOULEVARD

SYMMES TOWNSHIP

CITY OF MONTGOMERY

OUTDOOR
CATHING
AREA

CRECH
SPACE

RETAINING WALL

DRIVE THRU
ONE WAY

DRIVE THRU LANE

TEVAN
TEVAN

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SCHEDULE C

ANNEXATION AGREEMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CITY OF MONTGOMERY, OHIO
an Ohio municipal corporation

By: _____
Wayne S. Davis
Its: City Manager
Date: _____

BOARD OF TRUSTEES OF SYMMES
TOWNSHIP, OHIO

By: _____
Name: _____
Its: _____
Date: _____

SCHEDULE A

PROPERTY CONVEYED - 0.0549 ACRES

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

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

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

Thence, South $89^{\circ}55'50''$ West, 264.00 feet to a point, said point being witnessed by a concrete monument lying $1.5'S, 1.8'E$;

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

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

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

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

Containing 0.0549 acres of land.

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

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

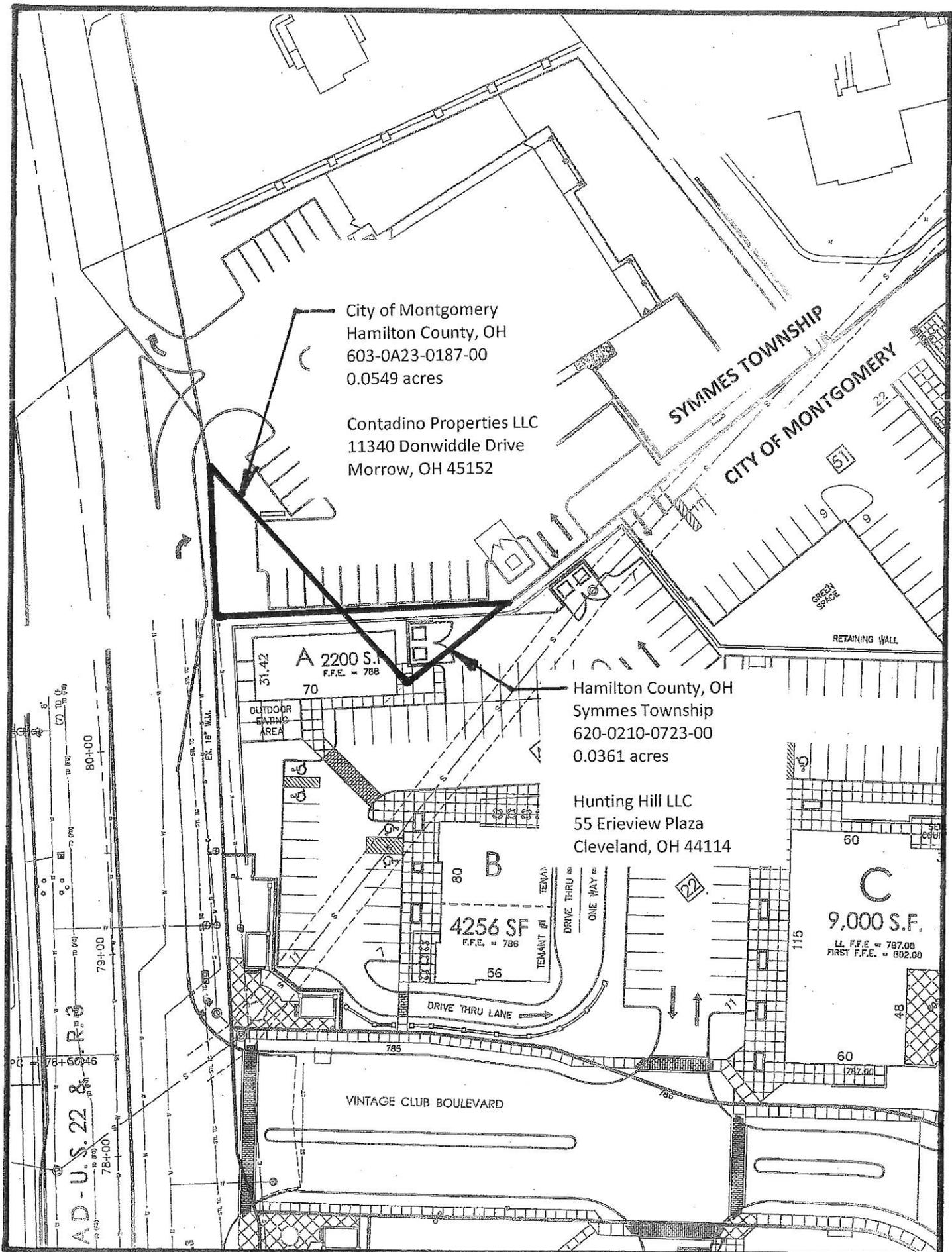
hereafter be conveyed separately from the grantee's adjoining parcel nor any structure erected thereon without the prior approval of the authority having approving jurisdiction of plats.

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

Prepared by: McGill Smith Punshon, Inc.

Date: August 31, 2009

MSP No.: 04308.00



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

Contadino Properties LLC
11340 Donwiddle Drive
Morrow, OH 45152

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

Hunting Hill LLC
55 Erieview Plaza
Cleveland, OH 44114

AD - U.S. 22 & R.O.
78+00
79+00
80+00

VINTAGE CLUB BOULEVARD

SYMMES TOWNSHIP

CITY OF MONTGOMERY

51

22

GREY SPACE

RETAINING WALL

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

70

OUTDOOR BATHING AREA

B 4256 SF
F.F.E. = 786

80

56

DRIVE THRU LANE

DRIVE THRU
ONE WAY

TENANT #1

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

60

115

60

787.00

48

60

787.00

SCHEDULE B

PROPERTY CONVEYED - 0.0361 ACRES

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

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

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

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

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

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

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

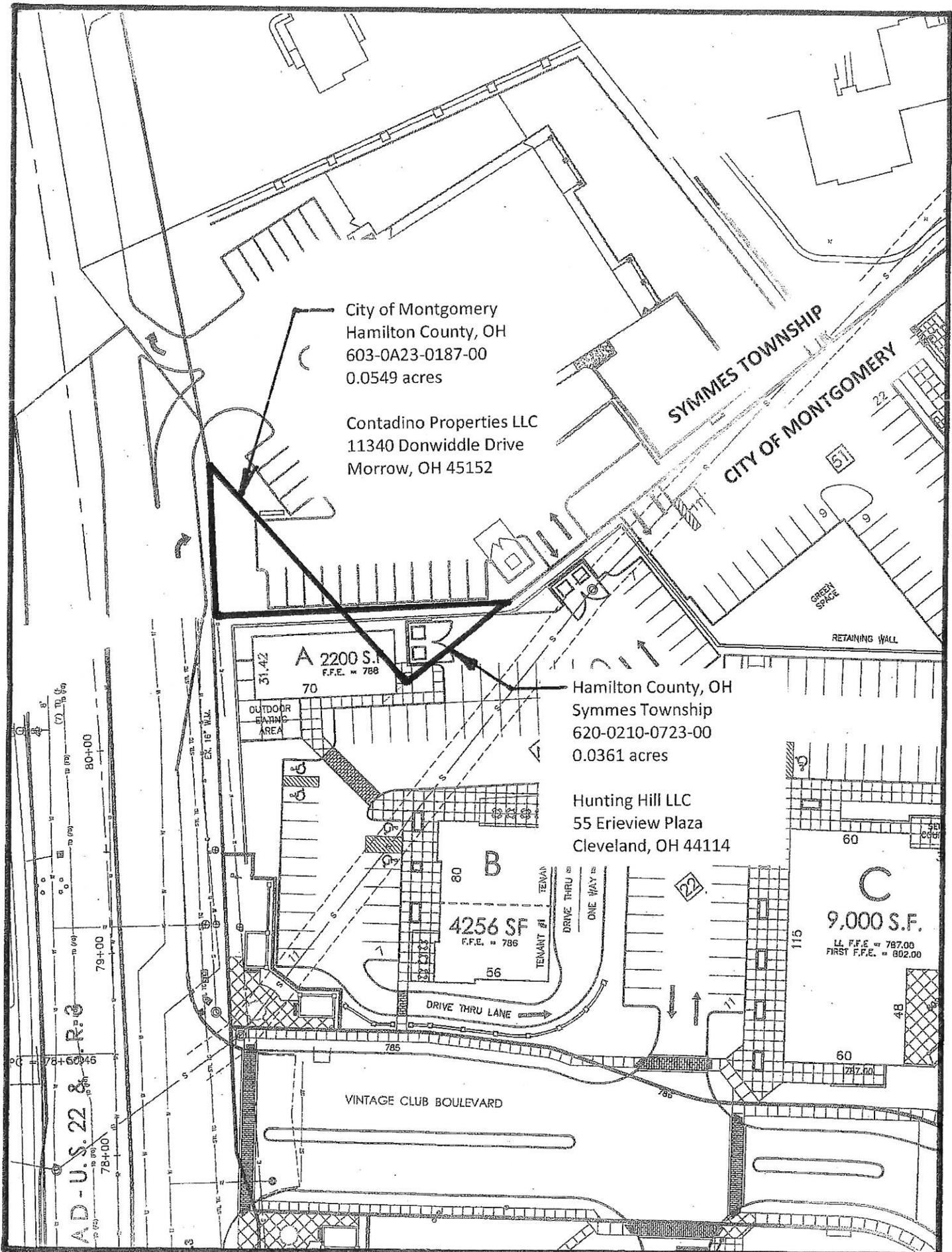
Containing 0.0361 acres of land.

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

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

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

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



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

Contadino Properties LLC
11340 Donwiddle Drive
Morrow, OH 45152

SYMMES TOWNSHIP
CITY OF MONTGOMERY

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

Hunting Hill LLC
55 Erieview Plaza
Cleveland, OH 44114

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

VINTAGE CLUB BOULEVARD

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

4256 SF
F.F.E. = 786

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

SCHEDULE C

PETITION FOR DETACHMENT

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

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

By: _____

Name: _____

Its: _____

Date: _____

EXHIBIT A

PROPERTY CONVEYED - 0.0549 ACRES

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

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

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

Thence, South $89^{\circ}55'50''$ West, 264.00 feet to a point, said point being witnessed by a concrete monument lying $1.5'S, 1.8'E$;

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

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

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

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

Containing 0.0549 acres of land.

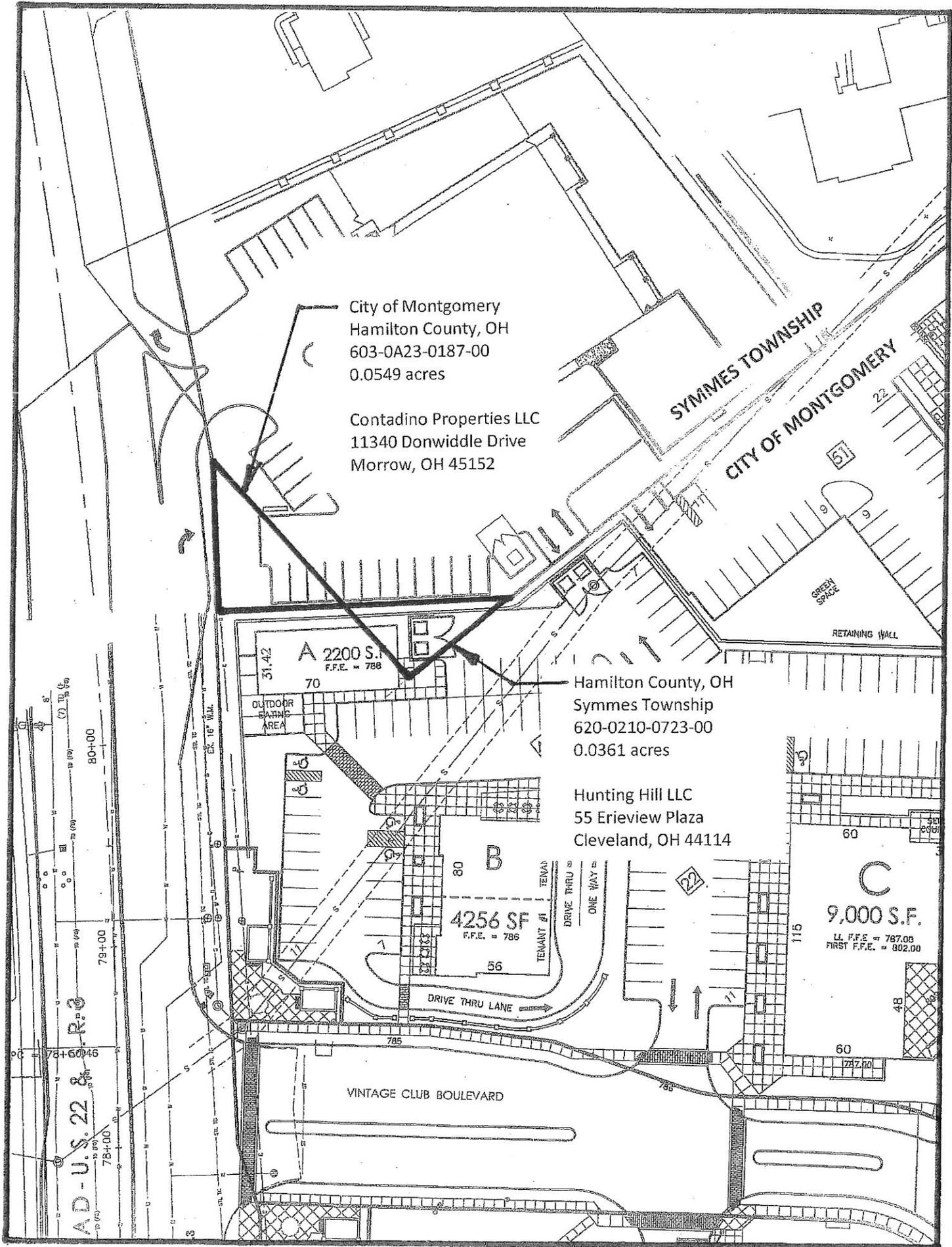
Subject to all legal highways, easements and restrictions of record.

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

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

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

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



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

Contadino Properties LLC
11340 Donwiddle Drive
Morrow, OH 45152

SYMMES TOWNSHIP
CITY OF MONTGOMERY

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

Hunting Hill LLC
55 Erieview Plaza
Cleveland, OH 44114

AD-U.S. 22 & R-3

VINTAGE CLUB BOULEVARD

SCHEDULE D

PETITION FOR ANNEXATION

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

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

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

By: _____

Name: _____

Its: _____

Date: _____

EXHIBIT A

PROPERTY CONVEYED - 0.0361 ACRES

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

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

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

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

Containing 0.0361 acres of land.

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

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

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

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

Contadino Properties LLC
11340 Donwiddle Drive
Morrow, OH 45152

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

Hunting Hill LLC
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A 2200 S.F.
F.F.E. = 788

B 4256 SF
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C 9,000 S.F.
LL F.F.E. = 787.00
FIRST F.F.E. = 802.00

SYMMES TOWNSHIP

CITY OF MONTGOMERY

OUTDOOR
BATING
AREA

GREEN
SPACE

RETAINING WALL

DRIVE THRU LANE

DRIVE THRU
ONE WAY
TENANT

VINTAGE CLUB BOULEVARD

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

80+00

79+00

78+00

78+60.46

31.42

70

80

56

22

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60

48

787.00

115

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RESOLUTION NO. , 2016

**A RESOLUTION RECOGNIZING THE MONTH OF
MAY, 2016 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 Council of the City of Montgomery does hereby designate the month of May, 2016 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.

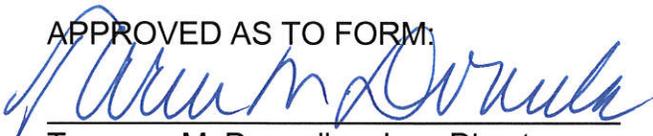
SECTION 4. This Resolution shall be in full force and effect from and after its passage.

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Christopher P. Dobrozsi, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director

RESOLUTION NO. , 2016

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 7, 2016, compensation for the City Manager shall be fixed at One Hundred Forty Six Thousand Nine Hundred Thirty One Dollars and Twenty Cents (\$146,931.20) per year. This adjustment includes a 2.5% general wage increase and a 3.5% 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. All other provisions of the Employment Agreement executed between the City Manager and the City of Montgomery with his hire in May 2012, and as amended during his tenure, shall remain in full force and effect.

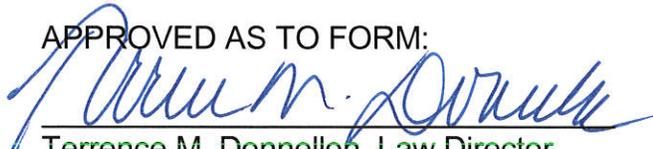
SECTION 3. This Resolution shall take effect at the earliest opportunity allowed by law.

PASSED: _____

ATTEST _____
Connie M. Gaylor, Clerk of Council

Christopher P. Dobrozsi, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director

RESOLUTION NO. , 2016

**A RESOLUTION EXTENDING 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 Council did declare a Moratorium on the collection of such Building and Zoning Permit fees by Resolution No. 14, 2015 to encourage the development of such energy saving construction; and

WHEREAS, Staff has recommended that the City extend such Moratorium established by Resolution No. 14, 2015 until December 31, 2016.

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 until December 31, 2016.

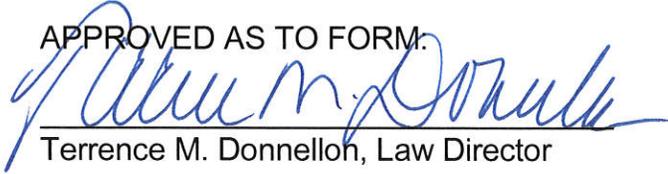
SECTION 2. This Resolution shall be in full force and effect from and after its passage.

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Christopher P. Dobrozsi, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director

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City of Montgomery
City Council Work Session Minutes
April 20, 2016

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
Ann Combs
Mike Cappel
Gerri Harbison
Ken Suer
Craig Margolis

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

ROLL CALL

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

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

GUESTS AND RESIDENTS

ESTABLISHING AN AGENDA FOR MAY 4, 2016

PENDING LEGISLATION

An Ordinance Modifying Section 30.03, Announcement of Public Meetings, of the Code of Ordinances (2nd reading)

Mrs. Harbison explained that a recent review of the process of providing notice of public meetings as set forth in Section 30.03 revealed that this Code Section was adopted in 1975 and is no longer consistent with current methods by which information is provided and received by the public. Section 30.03 requires that we publish in a newspaper of general circulation, quarterly, the times and dates of our City Council meetings. It also requires that we have a bulletin board accessible at all hours located within the community. She explained that the O.R.C. § 121.22 (Sunshine law) requires that City Council establish a reasonable method whereby any person may determine the time and place of all regularly scheduled meetings. She explained that City Council had determined not using the method of posting on a Community Bulletin Board unless we receive complaints from residents.

Mrs. Harbison asked if there were any updates.

Mr. Donnellon stated there were none.

An Ordinance Establishing the Schedule of Municipal Compensation for Employees (2nd Reading)

Mr. Suer explained that the Schedule for Municipal Compensation Ordinance was created to establish salary rates for non-bargaining unit employees. He stated that the City's Schedule of Municipal Compensation for non-collective bargaining and exempt employees is adjusted annually in July to remain in sync with collective bargaining employee wage rate adjustments. The current Schedule of Municipal Compensation does not specify

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54 any wage rate adjustments for July 2016 or July 2017; therefore, a new compensation schedule must be
55 established. In addition, the new Schedule of Municipal Compensation also reflects adjustments to several
56 position pay ranges in order to ensure that the City's pay practices remain relatively competitive when compared
57 to similar neighboring jurisdictions. He added that this proposed Ordinance would also change the title of the
58 Police Lieutenant to that of Assistant Police Chief to be in line with how the fire department is structured as well
59 as neighboring communities.

60
61 Mr. Suer asked if there were any updates.

62
63 Mr. Davis stated there could be an amended schedule presented at the May 4, Business Session meeting pending a
64 review with Senior Staff and the addition of the Assistant to the City Manager position.

65
66 **An Ordinance Authorizing the Detachment of Hamilton County Auditor's Parcel Number 603-0A23-0187**
67 **And The Approval of an Annexation Agreement Related Thereto for The Annexation of Hamilton County**
68 **Auditor's Parcel Number 620-0210-0723 (Tabled)**

69
70 Mr. Donnellon reported that the property owners have not signed the necessary paperwork required to file the
71 annexation. He reported that the signatures are pending negotiations with the developer. He recommended listing
72 the legislation as tabled until the documents are received or further information is provided.

73
74 **New Legislation**

75
76 **A Resolution Recognizing the Month of May, 2016 as National Historic Preservation Month in the City of**
77 **Montgomery**

78
79 Ms. Tracy Roblero, Community Development Director, explained that staff is requesting that City Council adopt
80 this Resolution which will recognize the month of May as National Historic Preservation Month in the City of
81 Montgomery. She explained that this is a time when communities and organizations recognize the value and
82 importance of their heritage. She further explained that traditionally Montgomery has passed a Resolution
83 endorsing historic preservation and the heritage of Montgomery.

84
85 **A Resolution Establishing Compensation for the City Manager**

86
87 Mrs. Harbison explained that this is a yearly review of the City Manager and that if approved this Resolution will
88 authorize an amendment to the current employment agreement with Mr. Wayne Davis as the City Manager of
89 Montgomery. She further explained that this is the result of the recent performance appraisal of the City Manager
90 conducted by City Council. She also explained that the Resolution represents a 2.5% general wage increase, and a
91 3.5% merit increase based on his performance. She noted that the Government Affairs Committee of City
92 Council has recommended adoption of this Resolution.

93
94 **A Resolution Declaring a Moratorium on The Collection of Building and Zoning Permit Fees for Solar**
95 **Installations**

96
97 Ms. Roblero, Community Development Director, explained that City Council is asked to consider the adoption of
98 this Resolution that will declare a moratorium on the collection of building and zoning permit fees for solar
99 installations. Ms. Roblero reminded City Council of the 2011-2016 Strategic Plan Goal 5, Strategy 6, that called
100 for the City to be a role model for environmentally sustainable practices. Within this strategy was the
101 recommendation by the Community Development Department to the Planning, Zoning and Landmark Committee
102 of Council to issue a waiver of building and zoning fees for solar installations. Ms. Roblero further explained that
103 the City of Cincinnati and the Greater Cincinnati Energy Alliance have partnered to create the Solarize Cincinnati

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104 program. Any property within Hamilton County is eligible for participation in the program, which provides a free
105 solar assessment, discounted rates and financing. Ms. Roblero reported that while no residents took advantage of
106 the program in 2015, the City received their first commercial application when Pipkin's Market installed solar
107 panels at their location. Ms. Roblero stated that if approved this Resolution would approve the waiving of building
108 and zoning fees for solar installations with a cap of \$1,000 for a six-month period beginning July 1, 2016. The
109 waiver would be promoted as an incentive to our residents and businesses to adopt a more environmentally
110 friendly source of power and to continue to promote Montgomery as a progressive City within the region.

111
112 Mr. Cappel asked why the program was not offered during the first half of the year?

113
114 Ms. Roblero stated that the summer months were the most common times for these kind of installations.

115
116 Mr. Cappel suggested extending the six-month period in the future to allow more time for installations and to give
117 homeowners an opportunity to complete the project and include the deductions on the current year's tax returns.

118
119 Ms. Roblero stated that it was certainly something that could be changed if offered again in the future.

120 ADMINISTRATION REPORT

121
122 Mr. Wayne Davis reported on the following items:

- 123 • The Parks and Recreation Committee has cancelled their meeting for the month of April and May.
- 124
- 125 • The Government Affairs and Public Works Committees will meet on Monday, April 25, at City Hall at
- 126 4:30 and 5:30 p.m. respectively.
- 127
- 128 • City Council Business Session is scheduled for May 4 at 7:00 p.m.
- 129
- 130 • Prior to the City Council Business Session, City Council is scheduled to hear Board and Commission's
- 131 Chair presentations from Marcallene Shockey (Sister Cities Commission) at 5:45 p.m.; Laith Alfaqih
- 132 (Environmental Advisory Commission) at 6:00 p.m.; Gary Blomberg (Board of Tax Review) at 6:15pm;
- 133 Kristy Felss (Parks and Recreation) at 6:30 p.m.; Larry Schwartz (Landmarks Commission) at 6:45 p.m.
- 134
- 135 • The Planning Commission met on Monday and has recommended approval of three applications that will
- 136 require Public Hearings. Due to the required advertisement times for these public hearings, Staff is
- 137 requesting that City Council consider the following public hearing dates and times:
- 138
- 139 • A Public Hearing for the extension for the Interim Development Control District over all business
- 140 districts in the City to stay any application to establish a Sexual Encounter Business within the City.
- 141
- 142 • On May 18, Chair Updates are scheduled from 5:45-6:45 pm. A suggestion is that the public
- 143 hearing could be held at 7:00 pm with a motion to begin the Work Session immediately following
- 144 the conclusion of the Public Hearing. The public hearing is anticipated to take only 10 minutes.
- 145
- 146 • A Public Hearing for the expansion of a conditional use permit to allow for expansion of the parking
- 147 lot to Twin Lakes Senior Living Community Main Campus located at 9840 Montgomery Road and
- 148 also to consider an application from Columbia Oldsmobile, Inc., 10981-10987 Montgomery Road, for
- 149 the expansion of a conditional use and Final Development Site Plan Approval to allow for a new free
- 150 standing used car building.
- 151
- 152
- 153

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- 154 • On June 1, there are no special meetings prior to City Council. It is anticipated that the hearing
155 would take 30 minutes to address both applications. City Council agreed to set the time for the
156 public hearing at 6:30 p.m.
157
- 158 • Tracy Roblero will be meeting with representatives from Traditions Group and McGill Smith Punshon on
159 Friday to discuss the shared parking analysis at the Vintage Club. This meeting is a follow-up to a
160 meeting with The Christ Hospital last Friday conducted by Wayne Davis and Terry Donnellon. The team
161 will be running different parking scenarios with the hopes of reaching out to The Christ Hospital next
162 week to continue discussions.
163
- 164 • Faith Lynch presented on the Montgomery Citizens Leadership Academy at the Blue Ash Montgomery
165 Rotary Club meeting on Tuesday, April 19. Many members of Rotary are also MCLA graduates,
166 including Dave Hershberger, Don Heithaus and Jack Hamilton who were all in attendance. Faith spoke of
167 the outcomes of the program, the enduring legacy of the Montgomery Citizens' Leadership Academy and
168 recruited for MCLA 10. We received a MCLA application immediately following the meeting (now up to
169 7 applicants) and more are to follow. Faith appreciated the opportunity to address this important
170 community partner.
171
- 172 • I recently renewed an agreement with CompManagement in the amount of \$2,300 for worker's
173 compensation third party administration services.
174
- 175 • The Montgomery Police Department in conjunction with the Drug Enforcement Administration (DEA)
176 will be hosting a Prescription Take-Back Day on Saturday April 30 from 10:00 a.m. to 2:00 p.m. in Lot C
177 of Bethesda North Hospital, located at 10500 Montgomery Rd. This event aims to provide a safe,
178 convenient and responsible means of disposing of prescription drugs, while also educating the general
179 public about the potential for abuse of medications.
180
- 181 • As a reminder the annual Volunteer Dinner will be held on Wednesday, April 27 at the Montgomery Inn.
182 This event will run from 6:30-8:30 p.m.
183
- 184 • On Friday, April 22, Matthew Vanderhorst will be awarded an Achievement in Innovation award by the
185 Greater Cincinnati Chapter of the American Society of Public Administrators for his collaboration with
186 Sycamore Community Schools in the installation of the fiber-optic cabling that connected the Public
187 Works building with Sycamore High School and enabled the Public Works building to now be added to
188 the network with other City facilities. This collaboration also led to a shared services agreement that
189 allowed the City to purchase a new phone system through the school at a discounted rate for the hardware
190 and the maintenance that will now be supported by the Schools. Matthew has been the driving force in
191 further strengthening the valued relationship with Sycamore Community Schools.
192
- 193 • On Friday, April 22, Public Works staff, Vice Mayor Roesch and Council Member Harbison, along with
194 members of the Beautification and Tree Commission will travel to West Carrolton for the annual Tree
195 City USA Award Ceremony where we will be recognized for being a 20-year Tree City participant.
196

197 Mr. Margolis moved to begin the May 18, 2016 Work Session immediately following the conclusion of the Public
198 Hearing at 7:00 p.m. Mr. Cappel seconded. City Council unanimously agreed.
199

200 **LAW DIRECTOR REPORT**

201
202 Mr. Donnellon reported that work on the Vintage Club North development continues. He will provide future
203 updates as the negotiations proceed.

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CITY COUNCIL REPORTS

Mr. Cappel reported that the Environmental Advisory Commission (EAC) will hold a strategic planning meeting on Tuesday, May 3 at 4:30 p.m.

Mr. Cappel reported that at the April 12 EAC meeting the Commission voted to change the start time of their meetings to begin at 5:00. This will make it easier for all Commission members to arrive on time. This change will be effective for the May 10 meeting.

Mr. Cappel reported that Steve Silverman of Golf Green Lane, attended the EAC meeting and is requesting that the Commission investigate collecting household hazardous waste. The Commission discussed what types of waste he was looking to dispose of and staff stated that they would contact private contractors who provide that type of service and report back to the Commission.

Mr. Cappel stated that Elaine Cohen who resigned due to a job conflict has now reported that she is able to serve on the Commission and would like to be appointed back on to the Commission. Mr. Cappel stated that this would need a second as this has not been voted on by the Public Works Committee. Mr. Margolis moved to second Elaine Cohen back to the EAC to a term ending on 1/31/2018. City Council unanimously agreed.

Mrs. Harbison stated that the Sister Cities Commission met on April 19. At this meeting the election of officers was held and Marcellene Shockey remains the Chair and Kathy Lonneman as the Vice Chair.

Mrs. Harbison reported that at the Sister Cities meeting that members Blair Davis and Kathy Lonneman discussed sponsoring an Adopt a Spot program at the exit ramp areas of Interstates 275 and 71. Ms. Davis will contact the EAC Commission about collaborating to focus on these areas.

Mrs. Harbison reported that Jody Ballah of the Sister Cities Commission will be travelling to France on May 11 as part of a work study program through University of Cincinnati, Blue Ash and will be visiting Neuilly-Plaisance while she is there. She will be joined by her family and they will be staying with the Graveline's. Mrs. Harbison requested that Mayor Dobrozsi prepare an introduction letter to Mayor Demuynck that also addressed future exchanges.

Mrs. Harbison reminded staff of Part 2 of 3 of the Much In Common Series on the Heroin epidemic. The meeting is being held on April 28 from 7:15-10:00 a.m. at the Sharonville Convention Center.

Mrs. Harbison reported the First Suburbs Consortium and the Hamilton County Municipal League would be holding their general meetings on April 27 which is the same time as the Volunteer Dinner, however she wanted to mention that Gerald Checco of Metropolitan Sewer District was presenting at the First Suburbs Consortium on their current operations.

Ms. Roesch reported that the BAMS board met and have received a grant that would partially cover the costs of holding a Chamber Concert. She encouraged anyone who would know a possible donor to contact her.

Ms. Roesch reported that the Beautification and Tree Commission is still seeking participants for the Garden Tour.

Mr. Suer reported that he attended the MCLA 2.0 program held on April 14. He thanked staff for their efforts and involvement in presenting this inaugural program that is a follow up for those who were past MCLA graduates. He stated that it was a good start to future MCLA 2.0 programs.

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254 Mr. Suer asked Ms. Gaylor if she had received the Blue Ash Memorial Day parade application.

255

256 Ms. Gaylor reported that she had not, but would contact Blue Ash to obtain one. The following City Council
257 members committed to participate in the parade: Mr. Margolis, Mr. Suer, Mayor Dobrozsi and Mr. Capel.

258

259 Mr. Margolis stated that he also had attended the MCLA 2.0 program and felt that it created a good discussion of
260 the housing stock that is in Montgomery and what residents are looking for.

261

262 Mayor Dobrozsi thanked Public Works staff for the cleanup of the Gateway Redevelopment Site.

263

264 Mayor Dobrozsi reported the retirement of Sycamore School principals, Phil Hackett and Ron Brooks. He stated
265 that he would like to recognize them with a proclamation at an upcoming council meeting. He also mentioned
266 former coach Steve Imhoff, who is being inducted as this year's Distinguished Alumni by Sycamore Schools, as
267 also being issued a proclamation.

268

269 Mr. Davis stated that staff was working to contact all three honorees to schedule a presentation of a proclamation,
270 however Mr. Imhoff has informed staff that as he was honored in 2005 when he retired with a proclamation, that
271 he would rather someone else be recognized. Mr. Davis stated that staff would follow up with further details.

272

273 **APPROVAL OF MINUTES**

274

275 Mr. Margolis moved to approve the April 6, 2016 Business Session and Special Session minutes. Mr. Cappel
276 seconded. City Council unanimously agreed.

277

278 **OTHER BUSINESS**

279

280 Mr. Davis explained that at the March 2, 2016 Business Session, an Ordinance amending Section 44.13 of the
281 Code of Ordinances concerning Appointment of the Board of Review was passed and subsequently at the April 6,
282 Business Session, Shari Kolnicki was appointed by City Council as an alternate member to the Board of Tax
283 Review. Staff has verified that past minutes do not reflect the appointments of the existing Board Members, Gary
284 Blomberg and Ed Steinebrey, for the new term limits. City Council is requested to make those appointments as
285 well as reaffirm Ms. Kolnicki's appointments with term dates ending January 31, 2017. In 2017, the new two-
286 year term limits will be acknowledged when the Board members are appointed or reappointed. He stated that he
287 will by letter appoint a member, as well as an alternate to serve on the Board of Tax Review. These members will
288 serve at his discretion with non-expiring term limits. These joint actions will ensure that all Board of Tax Review
289 positions are filled in accordance with current Code.

290

291 Mr. Suer moved to appoint Gary Blomberg and Ed Steinebrey to a new term that will end on January 31, 2017
292 and to also reaffirm Shari Kolnicki as the alternate. Mrs. Combs seconded. City Council unanimously agreed.

293

294 Mr. Davis also explained that there is a need for the Montgomery Community Improvement Corporation (CIC) to
295 meet to appoint Katie Smiddy as the Finance Director. Mr. Davis requested that the CIC hold a brief meeting at
296 the conclusion of the May 4, Business Session.

297

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

300

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

302

303 City Council adjourned at 7:51 p.m.

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Connie Gaylor, Clerk of Council

DRAFT