

October 27, 2017

TO: Mayor and City Council Members  
FROM: Brian K. Riblet, Interim City Manager   
SUBJECT: City Council Business Session of Wednesday, November 1, 2017

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

**Business Session**

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

**Pending Legislation**

- a. An Ordinance to Make Appropriations for Current Expenses and Other Expenditures of the City of Montgomery, State of Ohio, During the Fiscal Year Ending December 31, 2018—(Mr. Suer-2<sup>nd</sup> Reading) Information has been previously supplied on this Ordinance that, if approved, will establish the City's budget for fiscal year 2018. These documents were presented to and reviewed with the Financial Planning Committee of City Council at their September 5 meeting. City Council conducted its formal review of the 2018 Operating and Capital Budget with Four Year Forecast and 2018-2022 Capital Improvement Program, on Wednesday, September 27. As a result of these discussions, any changes to the budget have been made to the attachments of this Ordinance.

***Move to Read this Ordinance by title only***

***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 December 6, 2017 Business Session with adoption of the Ordinance requested at that meeting.***

- b. An Ordinance Amending the Schedule of Municipal Compensation—(Mr. Suer-2<sup>nd</sup> Reading) Information has been previously supplied on this Ordinance that, if approved, will make an amendment to Ordinance No. 5, 2016 “Establishing a Schedule of Municipal Compensation”. It is necessary to amend the Schedule of Municipal Compensation to reflect an organizational change within the administration, which involves the addition of a Tax Commissioner position.

***Move to Read this Ordinance by title only***

***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 December 6, 2017 Business Session with adoption of the Ordinance requested at that meeting.***

### **New Legislation**

- a. A Resolution Authorizing the Interim City Manager to Enter into a Contract with Rumpke of Ohio, Inc. for Waste Collection Services in the City of Montgomery for the Calendar Years 2018 through 2022—(Mr. Cappel) Information has been previously supplied on this Resolution that, if approved, would authorize the Interim City Manager to enter into a contract with Rumpke of Ohio, Inc. for Waste Collection Services in the City of Montgomery for Calendar Years 2018-2022.

Staff analysis of the bids received from Rumpke Waste, Inc. and Republic Services indicates that the continuation of the current program, including residential waste collection, recycling, yard waste, fall leaf collection, and holiday tree collection programs be continued. The cost for this recommendation will be \$655,700.60 for the contract period from 2018 through 2022, representing a 9.38% increase over current costs bid seven years ago. The City would have the option of extending this contract for the year 2023-2024 at a cost of \$683,119.92, representing a 4.18% increase and again in 2024-2025 at the cost of \$714,716.44 representing a 9% increase.

The Public Works Committee of Council met on Wednesday, October 11 at which time they reviewed staff analysis of the bid tabulations. After discussion, the Committee made a motion to support retaining the current level of services and to enter into a contract for years 2018 through 2022.

***Move to read the Resolution by title only***

***Voice Vote***

***Move passage of the Resolution***

***Roll Call Vote***

- b. A Resolution Authorizing the Interim City Manager to Enter into A Labor Agreement with The American Federation of State, County and Municipal Employees, Ohio Council 8, AFL-CIO for Wages and Benefits Form September 1, 2017 Through August 31, 2020—(Mrs. Harbison) Information has been previously supplied on this Resolution that, if approved, will authorize the Interim City Manager to enter into a labor agreement with the American Federation of State, County

and Municipal Employees (AFSCME), Ohio Council 8, AFL-CIO for wages and benefits from September 1, 2017 through August 31, 2020. The City and AFSCME have reached an agreement on a new three (3) year labor agreement that includes wage and benefit modifications, pending City Council's approval.

***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—October 18, 2017 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

November 1, 2017

**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**

- a. An Ordinance to Make Appropriations for Current Expenses and Other Expenditures of the City of Montgomery, State of Ohio, During the Fiscal Year Ending December 31, 2018—(Mr. Suer-2<sup>nd</sup> Reading)

***Move to Read this Ordinance by title only***

***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 December 6, 2017 Business Session with adoption of the Ordinance requested at that meeting.***

- b. An Ordinance Amending the Schedule of Municipal Compensation—(Mr. Suer-2<sup>nd</sup> Reading)

***Move to Read this Ordinance by title only***

***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 December 6, 2017 Business Session with adoption of the Ordinance requested at that meeting.***

## **New Legislation**

- a. A Resolution Authorizing the Interim City Manager to Enter into a Contract with Rumpke of Ohio, Inc. for Waste Collection Services in the City of Montgomery for the Calendar Years 2018 through 2022—(Mr. Cappel)

***Move to read the Resolution by title only***

***Voice Vote***

***Move passage of the Resolution***

***Roll Call Vote***

- b. A Resolution Authorizing the Interim City Manager to Enter into A Labor Agreement with The American Federation of State, County and Municipal Employees, Ohio Council 8, AFL-CIO for Wages and Benefits Form September 1, 2017 Through August 31, 2020 State of Ohio, During the Fiscal Year Ending December 31, 2018—(Mrs. Harbison)

***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 —October 18, 2017 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

ORDINANCE NO. \_\_\_\_\_, 2017

**AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF MONTGOMERY, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2018**

**WHEREAS**, Council previously did approve and submit to the Budget Commission a budget for revenues and expenses for the fiscal year commencing January 1, 2018 and ending December 31, 2018; and

**WHEREAS**, the proposed budget has been accepted and approved, and Council does desire to appropriate funds according to the budget to meet current expenses and other expenditures for the 2018 fiscal year.

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

**SECTION 1.** Commencing January 1, 2018 and for the fiscal year ending December 31, 2018, in order to provide for the current expenses and other expenditures of the City, the sums detailed on the attached schedule are hereby appropriated as if such schedule is fully set forth herein.

**SECTION 2.** 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

## Attachment to 2018 Appropriation Ordinance

General Fund		
101 Police Department	Personnel	3,142,769
	Nonpersonnel	414,367
	<b>Total</b>	<b>\$3,557,136</b>
106 Disaster Services	Personnel	0
	Nonpersonnel	9,300
	<b>Total</b>	<b>\$9,300</b>
201 Public Health and Welfare	Personnel	52,440
	Nonpersonnel	0
	<b>Total</b>	<b>\$52,440</b>
301 Recreation	Personnel	234,073
	Nonpersonnel	98,470
	<b>Total</b>	<b>\$332,543</b>
303 City Parks	Personnel	327,302
	Nonpersonnel	213,500
	<b>Total</b>	<b>\$540,802</b>
317 Swaim and Terwilliger Lodges	Personnel	0
	Nonpersonnel	37,200
	<b>Total</b>	<b>\$37,200</b>
321 Special Events	Personnel	0
	Nonpersonnel	103,516
	<b>Total</b>	<b>\$103,516</b>
405 Landmarks Commission	Personnel	0
	Nonpersonnel	15,250
	<b>Total</b>	<b>\$15,250</b>
406 City Beautiful	Personnel	0
	Nonpersonnel	127,448
	<b>Total</b>	<b>\$127,448</b>
407 Development	Personnel	381,905
	Nonpersonnel	421,200
	<b>Total</b>	<b>\$803,105</b>
408 Planning Commission	Personnel	0
	Nonpersonnel	11,900
	<b>Total</b>	<b>\$11,900</b>
409 Historical Building Operations	Personnel	0
	Nonpersonnel	56,450
	<b>Total</b>	<b>\$56,450</b>
701 City Administration	Personnel	467,924
	Nonpersonnel	25,200
	<b>Total</b>	<b>\$493,124</b>
702 Finance Department	Personnel	575,574
	Nonpersonnel	109,725

	<b>Total</b>	<b>\$685,299</b>
<b>703 Legal Administration</b>	Personnel	0
	Nonpersonnel	230,500
	<b>Total</b>	<b>\$230,500</b>
<b>705 City Council</b>	Personnel	17,834
	Nonpersonnel	4,050
	<b>Total</b>	<b>\$21,884</b>
<b>707 Mayor's Court</b>	Personnel	88,353
	Nonpersonnel	76,841
	<b>Total</b>	<b>\$165,194</b>
<b>708 Civil Service Commission</b>	Personnel	0
	Nonpersonnel	4,150
	<b>Total</b>	<b>\$4,150</b>
<b>709 Public Works Administration</b>	Personnel	549,711
	Nonpersonnel	138,700
	<b>Total</b>	<b>\$688,411</b>
<b>712 Community and Information Services</b>	Personnel	488,796
	Nonpersonnel	148,120
	<b>Total</b>	<b>\$636,916</b>
<b>715 General Government</b>	Personnel	10,000
	Nonpersonnel	1,728,445
	<b>Total</b>	<b>\$1,738,445</b>
<b>Total General Fund Transfers/Cash Advances Out</b>		<b>748,100</b>
<b>Total General Fund</b>	Personnel	6,336,681
	Nonpersonnel	4,722,432
	<b>Total</b>	<b>11,059,113</b>

**Special Revenue Funds**

<b>219 Community Oriented Policing Solutions</b>	Personnel	177,963
	Nonpersonnel	3,600
	<b>Total</b>	<b>\$181,563</b>
<b>223 Fire Department</b>	Personnel	2,303,052
	Nonpersonnel	429,058
	<b>Total</b>	<b>\$2,732,110</b>
<b>261 Street Maintenance and Repair</b>	Personnel	755,475
	Nonpersonnel	303,256
	<b>Total</b>	<b>\$1,058,731</b>
<b>209 Memorial Fund</b>	Personnel	0
	Nonpersonnel	4,000
	<b>Total</b>	<b>\$4,000</b>
<b>210 Parks &amp; Recreation</b>	Personnel	0
	Nonpersonnel	500
	<b>Total</b>	<b>\$500</b>
<b>215 Law Enforcement</b>	Personnel	0
	Nonpersonnel	10,875

	<b>Total</b>	<b>\$10,875</b>
216 Drug Enforcement	Personnel	0
	Nonpersonnel	400
	<b>Total</b>	<b>\$400</b>
217 DUI Enforcement and Education	Personnel	0
	Nonpersonnel	1,000
	<b>Total</b>	<b>\$1,000</b>
218 Mayor's Court Technology Fund	Personnel	0
	Nonpersonnel	14,315
	<b>Total</b>	<b>\$14,315</b>
220 Law Enforcement Assistance Fund	Personnel	0
	Nonpersonnel	1,600
	<b>Total</b>	<b>\$1,600</b>
227 Environmental Impact Area I	Personnel	0
	Nonpersonnel	5,000
	<b>Total</b>	<b>\$5,000</b>
228 Environmental Impact Area II	Personnel	0
	Nonpersonnel	30,000
	<b>Total</b>	<b>\$30,000</b>
229 Environmental Impact Area III	Personnel	0
	Nonpersonnel	5,000
	<b>Total</b>	<b>\$5,000</b>
230 Environmental Impact Area IV	Personnel	0
	Nonpersonnel	5,000
	<b>Total</b>	<b>\$5,000</b>
265 State Highway Fund	Personnel	0
	Nonpersonnel	34,000
	<b>Total</b>	<b>\$34,000</b>
266 Permissive MVL Fund	Personnel	0
	Nonpersonnel	79,000
	<b>Total</b>	<b>\$79,000</b>
275 Municipal Pool	Personnel	0
	Nonpersonnel	269,263
	<b>Total</b>	<b>\$269,263</b>
485 Arts and Amenities	Personnel	0
	Nonpersonnel	95,300
	<b>Total</b>	<b>\$95,300</b>
<b>Total Special Revenue Funds</b>	Personnel	3,236,490
	Nonpersonnel	1,291,167
	<b>Total</b>	<b>4,527,657</b>

**Debt Service Funds**

322 Special Assessment Bond Retirement	Personnel	0
	Nonpersonnel	9,150
	<b>Total</b>	<b>\$9,150</b>

324 General Bond Retirement	Personnel	0
	Nonpersonnel	5,000
	<b>Total</b>	<b>\$5,000</b>
328 Reserve Bond Retirement	Personnel	0
	Nonpersonnel	186,200
	<b>Total</b>	<b>\$186,200</b>
331 Vintage Club Tax Increment Financing Fund	Personnel	0
	Nonpersonnel	2,619,372
	<b>Total</b>	<b>\$2,619,372</b>
Total Debt Service Funds	Personnel	0
	Nonpersonnel	2,819,722
	<b>Total</b>	<b>2,819,722</b>

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#### Capital Projects Funds

410 Capital Improvements	Personnel	0
	Nonpersonnel	2,282,171
	<b>Total</b>	<b>\$2,282,171</b>
460 Urban Redevelopment Fund	Personnel	0
	Nonpersonnel	287,650
	<b>Total</b>	<b>\$287,650</b>
461 Triangle Equivalent TIF	Personnel	0
	Nonpersonnel	185,400
	<b>Total</b>	<b>\$185,400</b>
Total Capital Projects Funds	Personnel	0
	Nonpersonnel	2,755,221
	<b>Total</b>	<b>2,755,221</b>

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#### Fiduciary Funds

875 Compensated Absence	Personnel	30,000
	Nonpersonnel	0
	<b>Total</b>	<b>\$30,000</b>
546 Trust Reimbursements	Personnel	0
	Nonpersonnel	110,000
	<b>Total</b>	<b>\$110,000</b>
601 State Fees	Personnel	0
	Nonpersonnel	8,000
	<b>Total</b>	<b>\$8,000</b>
836 Historical Trust Fund	Personnel	0
	Nonpersonnel	1,300
	<b>Total</b>	<b>\$1,300</b>
840 Cemetery Expendable Trust	Personnel	0
	Nonpersonnel	51,350
	<b>Total</b>	<b>\$51,350</b>
890 Unclaimed Moneys Fund	Personnel	0
	Nonpersonnel	551
	<b>Total</b>	<b>\$551</b>

<b>Total Fiduciary Funds</b>	Personnel	30,000
	Nonpersonnel	171,201
	<b>Total</b>	<b>201,201</b>

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**Total All Funds**

Personnel	9,603,171
Nonpersonnel	11,759,743
<b>Total</b>	<b>21,362,914</b>

**ORDINANCE NO.       , 2017**

**AN ORDINANCE AMENDING THE SCHEDULE OF MUNICIPAL COMPENSATION**

**WHEREAS**, by Ordinance No. 5, 2016 Council did establish the Schedule of Municipal Compensation for all employees working outside of Collective Bargaining Agreements for the period effective the first full pay period effective in July 2017; and

**WHEREAS**, it is necessary to amend the Schedule of Municipal Compensation within Ordinance No. 5, 2016 to address organizational needs and reflect an organizational change within the administration, which change involves the addition of a full-time position classification titled Tax Commissioner; and

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

**SECTION 1.** The Schedule of Municipal Compensation as adopted by Ordinance No. 5, 2016 is hereby amended to establish the full-time position classification of Tax Commissioner at the full-time Range of 4 as reflected in the attachment designated as Exhibit "A".

**SECTION 2.** The Schedule of Municipal Compensation, as amended with the change reflected in Section 1 of this ordinance, attached hereto and incorporated herein by reference is hereby approved and accepted. The Amended Schedule of Municipal Compensation shall be in effect upon passage of this Ordinance.

**SECTION 3.** All other parts of Ordinance No. 5, 2016 which were not amended with this change are hereby ratified and reaffirmed.

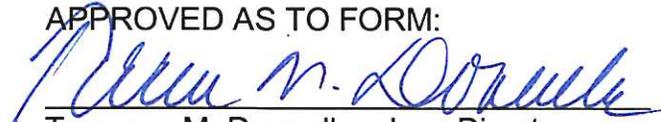
**SECTION 4.** This Ordinance shall be in full force and effect from and after the earliest period allowed by law.

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

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

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

APPROVED AS TO FORM:

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

Full-Time Schedule

Exhibit "A"

Range	Position	Effective first day of first full pay period in July 2016		Effective first day of first full pay period in July 2017		
		Minimum	Maximum	Minimum	Maximum	
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 Community and Information Services Director	Annual	\$88,129.60	\$117,478.40	\$90,334.40	\$120,411.20
2	Assistant Fire Chief Assistant Police Chief Assistant Public Works Director	Annual	\$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 Tax Commissioner	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	Special Projects Coordinator	\$43.01	\$53.33	\$44.08	\$54.66
1B	Assistant to the City Manager	\$25.25	\$31.56	\$25.88	\$32.35
1C	Finance Specialist	\$21.31	\$26.64	\$21.84	\$27.31
1D	Customer Service Representative Volunteer Coordinator	\$20.88	\$26.01	\$21.40	\$26.66
2	Firefighter/Paramedic	\$16.26	\$20.71	\$16.66	\$21.22
3	Custodian Firefighter/EMT	\$14.50	\$18.50	\$14.87	\$18.96
4	Intern Seasonal Service Worker	\$12.63	\$16.06	\$12.94	\$16.46
6	Auxiliary Police Officer	\$ 10.00	\$ 25.00	\$ 10.00	\$ 25.00

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

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

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

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

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

**A RESOLUTION ACCEPTING A BID AND AUTHORIZING THE INTERIM CITY MANAGER TO ENTER INTO A CONTRACT WITH RUMPKE OF OHIO, INC. FOR WASTE COLLECTION SERVICES IN THE CITY OF MONTGOMERY FOR CALENDAR YEARS 2018-2022**

**WHEREAS**, the City has advertised for bids for curbside waste collection, bulk items, recycling, yard waste, fall leaf collection and holiday tree collection services for homes, certain businesses, certain churches, and City facilities in the municipality and has received a bid from Rumpke of Ohio, Inc. deemed to be the lowest and best bid and therefore acceptable.

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

**SECTION 1.** The bid submitted by Rumpke of Ohio, Inc. is hereby accepted, and the Interim City Manager is hereby authorized and directed to enter into a contract with Rumpke of Ohio, Inc. for curbside waste collection, bulk items, recycling, yard waste, fall leaf collection and holiday tree services for homes, certain businesses, certain churches, and City facilities in the City consistent with the bid on file in the office of the City Manager. (A summary of the bid is attached hereto). The Interim City Manager also is authorized to exercise the appropriate options to extend the contract into the years 2023-2024 and 2024-2025 if the savings on those option dates are deemed to be cost effective to the City.

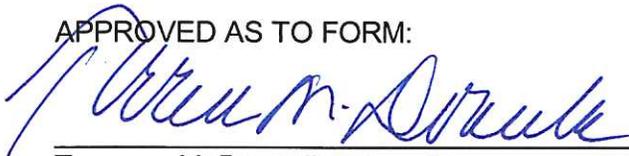
**SECTION 2.** This Resolution shall be in full force and effect from the earliest period allowed by law.

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

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

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

APPROVED AS TO FORM:

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

## **SUMMARY OF CONTRACT BID**

### **Trash Removal/Collection Program**

The Contractor will collect all garbage/refuse through a waste wheeler collection service using an automated system of collection via the mechanical lifting of the waste-wheeler into the truck. Every household receives either one (1) 96-gallon or one (1) 65-gallon waste wheeler free of charge. Bulk item(s) will be collected every Thursday.

### **Curbside Recycling Collection Program**

The Contractor will collect all residential curbside recycling. Every household receives a 35, 65, or 96-gallon recycling tote free of charge.

### **Curbside Limited Yard Waste Collection Program**

The Contractor will collect all yard waste separately from residential waste and will be limited to three (3) paper bags or three (3) 30 gallon containers or one (1) 90-gallon yard waste-wheeler beginning March 1<sup>st</sup> through the end of October each year. Additional yard waste will require a sticker to be collected by the contractor.

### **Unlimited Yard Waste Collection Program**

The Contractor shall collect unlimited yard waste for five (5) weeks beginning the first full business week of November. Collection will be made one (1) time per week at each household on the regularly scheduled service day. During the five (5) week period subscribers will be allowed to place an unlimited amount of yard waste for disposal with no additional compensation due to the Contractor. The contract authorizes an additional three weeks of collection at the City's option.

### **Holiday Tree Collection Program**

The Contractor shall collect Holiday trees, greenery and any additional yard waste on three separate dates according to a schedule agreed upon between the City and the Contractor. In the recent past, the City has offered this collection on the first three Saturdays in January each year. The trees should be free of all plastic, flocking, tinsel and decorations.

### **Miscellaneous**

The Contractor will also provide the City, on as-needed basis, the following services for a separate fee:

- Front Load Service Collection for City Facilities (included in bid amount)
- Portable Restroom
- Cardboard Trash Receptacles
- Temporary Roll-Off Containers
- Residential Truck and Operator (Special Event)

### **Total Bid Amount**

The total bid amount is \$655,700.60 per year. The City has an option to extend the contract for Option Year 2023-2024 at \$683,119.92 and Option Year 2024-2025 at \$714,716.44.

RESOLUTION NO. 2017

**A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO ENTER INTO  
A LABOR AGREEMENT WITH THE AMERICAN FEDERATION OF STATE, COUNTY AND  
MUNICIPAL EMPLOYEES, OHIO COUNCIL 8, AFL-CIO FOR WAGES AND BENEFITS FOR  
EMPLOYEES WITHIN THE DEPARTMENT OF PUBLIC WORKS  
FROM SEPTEMBER 1, 2017 THROUGH AUGUST 31, 2020**

**WHEREAS**, the City of Montgomery entered negotiations with the American Federation of State, County and Municipal Employees, Ohio Council 8, AFL-CIO ("AFSCME") to establish a labor agreement governing wages and benefits for its member/employees within the Department of Public Works; and

**WHEREAS**, the City of Montgomery has negotiated an agreement with AFSCME, which agreement the administration has recommended to the City Council for approval.

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

**SECTION 1.** The attached labor agreement is ratified and approved by the Council of the City of Montgomery. The Interim City Manager is authorized and directed for and on behalf of the City of Montgomery to enter into said agreement.

**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  
October 18, 2017

Present

Brian Riblet, Interim City Manager  
Terry Donnellon, Law Director  
John Crowell, Police Chief  
Tracy Roblero, Community Development Director  
Katie Smiddy, Finance Director  
Matthew Vanderhorst, Community and Information Services Director  
Paul Wright, Fire Chief  
Faith Lynch, Community Engagement Coordinator  
Ben Shapiro, Asst. Fire Chief  
Connie Gaylor, Clerk of Council

City Council Members Present

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

Council Member Absent

Laith Alfaqih

---

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 Council Member Alfaqih was absent due to business and asked for a motion to excuse his absence.

Mr. Margolis moved to excuse Mr. Alfaqih from the meeting. Mr. Cappel seconded. City Council unanimously agreed.

The roll was called.

**GUESTS AND RESIDENTS**

Philip Hautzenroeder, 8972 Terwilligers View Court- Mr. Hautzenroeder stated to City Council that he attended in order to hear the results of the meeting held prior that day, between City staff and Duke representatives, regarding the upcoming tree trimming in his neighborhood.

Mr. Riblet responded to Mr. Hautzenroeder's request and explained that he met with Warren Walker, Steve Holton and Brice Burton of Duke Energy to discuss the concerns shared by residents regarding tree trimming and tree removal in the Terwilligers Run subdivision. He stated that they discussed the need for trimming versus removal on certain properties as well as issues regarding erosion and the use of herbicides. Mr. Riblet stated that he gained a better understanding of the tree trimming plan and feels that there is miscommunication between residents and subcontractors, which is causing confusion. Mr. Riblet stated that Duke is committed to meeting with each individual property owner by November 15, to provide a better understanding of the trimming plan and to make accommodations when possible. He also explained that Duke will work with the homeowners to determine their preference regarding stump removal and/or grinding and the use of herbicides.

Other residents in attendance, asked about the total square footage indicated in the easement. Mr. Riblet explained that anything within 80 feet between the wires is considered as part of the easement and that any tree or shrubbery above 7 feet tall will be removed.

Mr. Riblet stated that the work is not scheduled to begin until after Thanksgiving. He strongly encouraged residents to meet individually with Duke, as each property is different and the approach to trimming or tree removal would be specific to that property. Mr. Riblet asked Law Director Terry Donnellon to address any legal recourse that the City may have.

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City Council Work Session Minutes

October 18, 2017

Page 2

54 Mr. Donnellon stated that during the meeting with Duke Energy, he and Mr. Riblet expressed their frustration about  
55 the lack of communication with residents. He explained that Duke's method of going door to door and not being  
56 diligent in speaking with all homeowners, has given the perception to the residents that Duke does not value their  
57 opinions and concerns. Mr. Donnellon explained to those in the audience that this easement was recorded 60 years  
58 ago and at that time the verbiage of the easement allowed for Duke to have very broad property rights. He stated  
59 that as a local government, the City does not have legal recourse when it comes to utility easements. He stated to  
60 the residents that as the City's law director he is not able to advise them legally and encouraged them to retain their  
61 own legal counsel if they feel they need help in interpreting the easement. He reiterated Mr. Riblets suggestion of  
62 meeting with Duke individually to seek a mutual agreement.

63  
64 The audience discussed the issue further. Mr. Riblet stated that he would continue to communicate with Duke as  
65 the process begins and until it is complete, to work on behalf of the residents.

66  
67 Mr. Donnellon relayed contact information to the audience with which they could contact Duke. The contact phone  
68 number to reach Brice Burton or Steve Holton is 1-866-385-3675.

69  
70 The residents thanked City Council for their time and for meeting with Duke to share their concerns. The residents  
71 left the meeting at 7:46 p.m.

72  
73 **SPECIAL PRESENTATION**

74  
75 Chief Paul Wright gave a special presentation on Fire Department funding, current staffing challenges and the status  
76 of the current 5.5 mil fire levy. Chief Wright stated that he and Asst. Chief Shapiro met with the Law and Safety  
77 Committee at their September and October meetings, at which time they presented the Committee with history of  
78 the department, funding models and staffing levels. He stated that it was recommended by the Committee that he  
79 present to full Council the same information for their consideration.

80  
81 Fire Chief Wright gave a presentation on the history of department services and costs. He explained that the  
82 department began Operations on October 1, 1993 with a station located within Hopewell Cemetery. At that time,  
83 there were six career Firefighter/Paramedics, 25 part-time Firefighter/Paramedics/EMTs. Operations were funded  
84 via an existing 3.5 mil Fire Levy. He stated that there was a total of 885 Incidents in 1994. This included responses  
85 to 602 EMS and 283 fire calls. The current Safety Center was opened in 1996. To support the increasing demands  
86 for service and equipment a 5.55 mil Fire Levy was passed in May 1999. This levy was anticipated to provide  
87 funding for 10 years. With this funding, the department added two additional Career Firefighter/Paramedics and on-  
88 duty staffing went from 4 to 5. A Capital Equipment Replacement Program was created to replace the Quint, Rescue  
89 Pumper, Engine, ambulances, staff vehicles and operational equipment. The total number of incidents continued to  
90 rise to 1,298 in 1998. Of these incidents, 734 were EMS calls and 564 were fire.

91  
92 Chief Wright stated that current day operations include funding still provided by the 1999 5.55 mil Fire Levy. He  
93 stated that the department has nine career employees; one administrative position and 35 part-time employees. He  
94 explained that on-duty staffing consists of six on a.m. shift and five on p.m. shift. The total Incidents in 2016 reached  
95 1,528 calls. 1,091 were EMS calls and 437 were Fire calls. He stated that based on current operations and projected  
96 income/carryover the Fire Fund will exceed the Targeted Fund Reserves in 2020.

97  
98 Chief Wright discussed with the Committee the staffing, equipment and financial needs of the department to  
99 continue to provide the current level of services to the community. He explained with the loss of State funding in  
100 Tangible Personal Property Tax and impact fees collected from Twin Lakes TIF agreement, the department is now  
101 recommending that the Committee consider the issuance of a Fire Levy to fund the purchase of equipment and the  
102 addition of staffing.

103

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City Council Work Session Minutes

October 18, 2017

Page 3

104 Chief Wright explained that a regional shortage in fire personnel has been a challenge in sustaining the required  
105 staffing levels to ensure the level of service the community is accustomed to. He presented a staffing comparison  
106 based on the departments within the region of which Montgomery was among the lowest staffed departments.  
107

108 Chief Wright presented two scenarios' in which the department would shift towards becoming a full-time  
109 department. He proposed in Scenario #3 that 12 career firefighters would be hired which would provide for six full-  
110 time firefighters on duty for all shifts and several part-time staff would be retained to allow for absences of full-  
111 time staff. Chief Wright explained that the revenue needed to support this scenario would be approximately \$5 mil  
112 to support staffing needs, operational costs, capital and building expenses.  
113

114 Chief Wright then presented Scenario #4 which would include hiring 18 career firefighters with no part-time fire  
115 fighters remaining on staff. This scenario would still provide for six full-time firefighters on schedule for each shift,  
116 but would provide for two additional full-time firefighters to fill in the schedule for the off days of other staff. Chief  
117 Wright stated that this scenario would require \$5.7 mil to support the staffing needs, operational costs, capital and  
118 building expenses. He proposed various options of funding for City Council to study and consider.  
119

120 Mr. Margolis asked when the proposed levy was anticipated to be placed on an election ballot.  
121

122 Chief Wright stated that ideally it would be best to have it on the ballot for the primary election in May of 2018 as  
123 it takes a year before collections would begin. He stated that we would need to have all legislation passed by the  
124 January 3, 2018 Business Session to file by the Hamilton County Board of Elections deadline of February 7, 2018.  
125

126 Mr. Suer stated that he felt that City Council needed to act soon. He also stated that future sustainability with part-  
127 time staff is no longer adequate and the City needs to look to switching to a different staffing model.  
128

129 Mr. Margolis stated that he would support Scenario #4 and to move on it as soon as possible.  
130

131 Asst. Chief Shapiro added that another consideration is succession planning for several of the tenured full-time staff  
132 who will be looking to retire. He stated that he and Chief Wright support hiring full-time career staff as their  
133 experience and education levels are generally more advanced than the part-time staff, and are more equipped to  
134 begin their employment without as much basic training.  
135

136 City Council advised Chief Wright to prepare Staff Recommendation to accompany legislation for the November  
137 15, Work Session agenda.  
138

### 139 **ESTABLISHING AN AGENDA FOR NOVEMBER 1, 2017**

#### 140 **Legislation for Consideration this Evening**

#### 141 **An Ordinance to Amend Appropriations for Current Expenses and Other Expenditures of The City of** 142 **Montgomery, State of Ohio, During the Fiscal Year Ending December 31, 2017**

143 Mayor Dobrozsi stated that he would recuse himself from this legislation due to possible professional conflicts and  
144 asked Vice Mayor Roesch to reside over this piece of legislation.  
145

146 Vice Mayor Roesch asked for a motion to add the Ordinance to the agenda for consideration this evening.  
147  
148

149 Mr. Margolis made the motion. Mr. Cappel seconded. City Council unanimously agreed.  
150  
151  
152

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City Council Work Session Minutes

October 18, 2017

Page 4

153 Mr. Suer stated that this is an Ordinance to Amend Appropriations for Current Expenses and Other Expenditures of  
154 The City of Montgomery, State of Ohio, During the Fiscal Year Ending December 31, 2017.

155  
156 Mr. Suer moved to read the Ordinance by title only. Mr. Margolis seconded. City Council unanimously agreed.

157  
158 Mr. Suer moved to suspend the rules requiring reading of the Ordinance on three separate occasions. Mr. Cappel  
159 seconded.

160  
161 The roll was called and showed the following vote to approve the suspension of rules:

162  
163 AYE: Cappel, Harbison, Roesch, Suer, Margolis (5)  
164 NAY: (0)  
165 ABSENT: Alfaqih (1)  
166 RECUSAL: Dobrozsi (1)  
167

168 Mr. Suer moved for passage of the Ordinance. Mr. Cappel seconded. City Council unanimously agreed.

169  
170 Mr. Suer explained that, if approved, this Ordinance will amend the 2017 Annual Appropriation Ordinance to reflect  
171 changes in the initial budget requests as the result of authorizing a reimbursement agreement with Gateway Partners  
172 for the purchase of the Criteria Drawings. The cost for these engineering and design services will be credited against  
173 the current budget for the project and may be reimbursed to the City later when TIF bonds are issued. Once the  
174 Criteria Drawings are prepared, the City can finalize the Design Build contract and future engineering and design  
175 services will be factored within and paid through the Design Build contract. The purchase of these Criteria Drawings  
176 will be done in installments with a total cost not to exceed \$375,000. It is requested that the 2017 budget be amended  
177 in the amount of \$375,000 from the unappropriated Downtown Improvement Fund (480) to account 410.000.5401  
178 Special Projects.

179  
180 The roll was called and showed the following vote:

181  
182 AYE: Cappel, Harbison, Roesch, Suer, Margolis (5)  
183 NAY: (0)  
184 ABSENT: Alfaqih (1)  
185 RECUSAL: Dobrozsi (1)  
186

187 **Pending Legislation**

188  
189 **An Ordinance to Make Appropriations for Current Expenses and Other Expenditures of the City of**  
190 **Montgomery, State of Ohio, During the Fiscal Year Ending December 31, 2018—(Mr. Suer-2<sup>nd</sup>)**

191  
192 Mr. Suer read the Ordinance by title and stated that this would be the second reading for this Ordinance. He asked  
193 if there were any updates.

194  
195 Ms. Smiddy stated there were none.

196  
197 **An Ordinance Amending the Schedule of Municipal Compensation—(Mr. Suer-2<sup>nd</sup> Reading)**

198  
199 Mr. Suer read the Ordinance by title and stated that this would be the second reading for this Ordinance. He asked  
200 if there were any updates.

201  
202 Ms. Smiddy stated there were none.

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City Council Work Session Minutes

October 18, 2017

Page 5

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**New Legislation**

**A Resolution Authorizing the Interim City Manager to Enter into a Contract with Rumpke of Ohio, Inc. for Waste Collection Services in the City of Montgomery for the Calendar Years 2018 through 2022**

Ms. Gaylor explained that, if approved, this Resolution would authorize the Interim City Manager to enter into a contract with Rumpke of Ohio, Inc. for Waste Collection Services in the City of Montgomery for Calendar Years 2018-2022.

Ms. Gaylor explained that staff analysis of the bids received from Rumpke Waste, Inc. and Republic Services indicates that the continuation of the current program, including residential waste collection, recycling, yard waste, fall leaf collection, and holiday tree collection programs be continued. The cost for this recommendation will be \$655,700.60 for the contract period from 2018 through 2022, representing a 9.38% increase over current costs bid seven years ago. The City would have the option of extending this contract for the year 2023-2024 at a cost of \$683,119.92, representing a 4.18% increase and again in 2024-2025 at the cost of \$714,716.44 representing a 9% increase. She further explained that the Public Works Committee of Council met on Wednesday, October 11 at which time they reviewed staff analysis of the bid tabulations. After discussion, the Committee made a motion to support retaining the current level of services and to enter into a contract for years 2018 through 2022.

**A Resolution Authorizing the Interim City Manager to Enter into A Labor Agreement with The American Federation of State, County and Municipal Employees, Ohio Council 8, AFL-CIO for Wages and Benefits Form September 1, 2017 Through August 31, 2020**

Mr. Riblet explained that, if approved, this Resolution will authorize the Interim City Manager to enter into a labor agreement with the American Federation of State, County and Municipal Employees (AFSCME), Ohio Council 8, AFL-CIO for wages and benefits from September 1, 2017 through August 31, 2020. The City and AFSCME have reached an agreement on a new three (3) year labor agreement that includes wage and benefit modifications, pending City Council's approval.

Mr. Riblet stated that he felt the negotiations went well. He explained that the main focuses in the contract were the adjusted wage increases over three years with 2.5%, 3%, 2.75% respectively and the addition of Occupational Injury Leave.

**ADMINISTRATION REPORT**

Mr. Riblet, Interim City Manager, gave the following report:

- The City Council Business Session is scheduled for November 1 at 7:00 p.m.
- The Financial Planning and Planning, Zoning and Landmarks Committees will meet on Monday, November 6 at 4:30 and 5:30 p.m. respectively. The Law and Safety Committee of City Council has cancelled their meeting for the month of November.
- The Government Affairs Committee will meet on Monday, November 13 at 4:30 p.m. The Parks and Recreation and Public Work's Committees have cancelled their meetings for the month of November.
- The Harvest Moon Festival was held this past Saturday proving to be another very successful event. The weather was fantastic as it has been for all our 2017 events.

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City Council Work Session Minutes

October 18, 2017

Page 6

- 252
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- The second Live at the Uni concert was held on Monday, October 16 with acclaimed jazz vocalist Nancy Nolan performing. The concert was a hit with 134 people attending. The fall series concludes on Monday, October 30 with a program of Broadway favorites performed by baritone Sola Fadiran. Twin Lakes Senior Living Community sponsored the Live at the Uni series and Montgomery Inn sponsored the reception. Thanks to the Montgomery Arts Commission for their time in creating this top notch musical concert series for our community.
  - Mr. Riblet travelled to Columbus yesterday to give a presentation to ODOT officials to secure Highway Safety Improvement Program (HSIP) funds to help subsidize the Pfeiffer Road at Deerfield Road intersection improvement project. The City will be notified by mid-November if we are successful.
  - The internal GRA team met today with Gateway Partners to receive status updates on the GRA development project.
  - An entry level patrol officer civil service written exam will be held this Saturday, October 21. A total of 37 applicants are registered to take the exam. Currently there are two vacant patrol officer positions to fill. (due to the retirements of Don Simpson and Greg Schill.)
  - An internal promotional sergeant civil service written exam will be held on Sunday, October 22. The promotional process includes the written exam (worth 60% of the candidate's total final score) and an oral exam (worth 40% of the candidate's total final score.) Lauren Frazier, Alex Janszen, James Martin and TJ Shreve have registered to take the written exam. Currently there is one vacant sergeant position to fill (due to Greg Vonden Benken's promotion to assistant chief earlier this year in June.)
  - The job announcement for the position of tax commissioner has been published in the Sunday, October 8 edition of the Cincinnati Enquirer, posted on various social media job sites, and disseminated to various professional organizations. The deadline for applications is November 3.
  - The promotional exam announcement for fire lieutenant has been published in the October 11 and 12 editions of the Community Press and posted in the fire department. (This promotional process is open to full and part-time employees in the Montgomery Fire Department who possess the requisite qualifications to take the written exam.) The deadline for applications is November 13. There is currently no fire lieutenant opening; however, two staff members are eligible to retire in 2018. The fire lieutenant promotional exam process will be conducted January through March 2018 as the process includes a written test (scheduled for January 8, 2018), oral exam and assessment center. The Civil Service eligible list will be finalized in the spring of 2018.
  - The Smokin' Irish barbecue luncheon is scheduled for Friday, October 20 at Terwilliger Lodge from 11:00 a.m. to 1:00 p.m.
  - The Environmental Advisory Commission will hold its second Shredding event of the year, this Saturday at the Public Works Facility and will run from 10:00 am to 1:00 pm.
  - The First Suburbs Consortium of Southwest Ohio's Membership Meeting will be held on Monday, October 30, 2017 from 6:00 to 8:00 P.M at the Evendale Recreation Center. Katie Smiddy will be participating on the panel of experts to give insight on how to Discover Taxable Income in Your Community. Please let Connie know if you plan to attend. Dinner will be provided.
  - Balbina Maniet, Cincinnati Regional Manager of Community Development at the American Savings Bank on Montgomery Road, has extended an invitation to City Council and Staff to attend a breakfast from 9:00-

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City Council Work Session Minutes

October 18, 2017

Page 7

302 11:00 a.m. on Thursday, November 9 in honor of Veterans Day. Ms. Maniet attended the last Sister Cities  
303 Commission meeting and is interested in applying for an open seat come January 2018.  
304

- 305 • As a reminder, the Chamber of Commerce Annual Business Awards Dinner will be held on Thursday,  
306 November 9 from 5:30-7:30 p.m. at the Montgomery Inn. Please let Connie know if you would like to be  
307 registered for this event.  
308

309 **LAW DIRECTOR REPORT**

310 No report was given.  
311  
312

313 **CITY COUNCIL REPORTS**

314  
315 Mr. Cappel reported that Ralph Buncher of the Environmental Advisory Commission (EAC), submitted his  
316 resignation at the October meeting. He stated that DeAnna Gross, Volunteer Coordinator would be advertising this  
317 open position in an upcoming Montgomery Bulletin.  
318

319 Mr. Cappel reported that pending the final approval of the Simple Recycling Curbside Textile Recycling contract,  
320 the curbside textile recycling service will commence earlier than expected and will begin on December 11.  
321

322 Ms. Harbison reported that the Sister Cities Commission met and are working to plan an exchange with our Sister  
323 City-Neuilly Plaisance in 2018. She explained that it is anticipated that the French contingency would travel to  
324 Montgomery, however before the Commission was to confirm this, she would like to ask City Council if they are  
325 in support of planning an exchange. City Council discussed and are supportive of the exchange.  
326

327 Mrs. Harbison reported that at the Arts Commission meeting, the Commission members responded to a request by  
328 Connie Gaylor, to discuss the Landmark Building picture that is given to outgoing Council Members. The picture  
329 that is used now was drawn several years ago and the artist is now incapacitated and not able to produce additional  
330 prints. Mrs. Harbison asked City Council if they were still in favor of having a keepsake to remember their years  
331 of service. Mrs. Harbison reported that she would work with the Arts Commission to make recommendations on  
332 future gifts.  
333

334 Mrs. Harbison relayed Carol Gorley's appreciation for the sympathy card and flowers sent by the City after the  
335 passing of her father.  
336

337 Ms. Roesch moved to appoint Charles Tyler to the Parks and Recreation Commission with a term expiring on  
338 January 31, 2020. Ms. Roesch stated that this would need a second as it had not been presented to the Parks and  
339 Recreation Committee due to cancellations. Mr. Margolis seconded. City Council unanimously agreed.  
340

341 Ms. Roesch reported that the Beautification and Tree Commission voted to eliminate the Fall Plant Swap in 2018  
342 due to low participation in past years.  
343

344 Ms. Roesch reported that the Blue Ash Montgomery Symphony Orchestra will perform Mozart's Requiem, in  
345 collaboration with the Cincinnati Choral Society. Performances will be held on November 5 at St. Barnabas  
346 Episcopal Church in Montgomery, and November 12 at Mason United Methodist Church. Ms. Roesch also reported  
347 that the program for the 2018 July 3 Concert has been selected and will be music from the 1960's.  
348

349 Mr. Margolis thanked staff for their efforts in coordinating another successful Harvest Moon Festival.  
350

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City Council Work Session Minutes

October 18, 2017

Page 8

351 Mayor Dobrozi also commented on a great Harvest Moon Festival. He also stated that he had attended a OKI  
352 Board Meeting but there were no actions to report.

353

354 **APPROVAL OF MINUTES**

355

356 Mayor Dobrozi requested a motion to approve the September 27, 2017 Budget Review; October 4, 2017 City  
357 Council Special Session and the October 4, 2017 Business Session minutes.

358

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

360

361 **OTHER BUSINESS**

362

363 Mr. Riblet stated that at the Financial Planning meeting held on October 2, the Committee and staff discussed the  
364 status of HB49 in relation to centralized tax collections and the local governments possible loss in the collection of  
365 business taxes. Ms. Smiddy relayed to the Committee at that meeting, that Frost Brown Todd had formed a  
366 municipal coalition to challenge the amendments in HB49 as being unconstitutional and a violation of the home  
367 rule law. Mr. Riblet explained to Council that the cost to join the law suit would be \$4,000 and would include a  
368 name endorsement. Mr. Riblet also stated that the Hamilton County Municipal League is fully endorsing the efforts  
369 of Frost Brown Todd to represent the local municipalities in this suit. Mr. Riblet asked City Council for feedback  
370 on Council's willingness to provide a motion of support for staff to proceed in joining the suit.

371

372 Ms. Smiddy stated that she had reached out to Michelle Jordan, head of the Data Tax Group for all the municipalities,  
373 and Ms. Jordan reported that she is currently working with over 130 municipalities that have committed to join this  
374 effort. Many of the municipalities will stand to lose hundreds of thousands of dollars. Ms. Smiddy explained that  
375 the City's Business net profits make up approximately 6% of our total revenue, which may be a small portion but  
376 this may be just the starting point. She is fully supportive of joining this initiative as the amendments are intrusive  
377 to the home rule law.

378

379 Mr. Donnellon explained that the purpose of this suit is to challenge the constitutionality of the House Bill. He  
380 stated that if we don't adopt HB49 we will lose the ability to tax. He stated that the \$4,000 is a retainer but after  
381 speaking with Frost Brown Todd, they reported that they are getting such a large commitment that it is probable  
382 that there will be no additional funds asked and there may be a prorated amount issued back to the municipalities.  
383 Mr. Donnellon explained that this is being brought before staff this evening because Frost Brown Todd would like  
384 to file by November 1. He reported that we may still be required to pass legislation to adopt the code section by the  
385 end of the year if there is not a stay placed on it. If we do not we may lose our ability to tax.

386

387 Mrs. Harbison moved to authorize the Interim City Manager to join the coalition and to send the funds in the amount  
388 of \$4000. Mr. Margolis seconded. City Council unanimously agreed.

389

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

392

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

394

395 City Council adjourned at 9:05 p.m.

396

397

398

399

---

Connie Gaylor, Clerk of Council