

November 13, 2015

TO: Mayor and City Council Members

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

SUBJECT: City Council Work Session of Wednesday, November 18, 2015

As a reminder, City Council is scheduled to meet in Work Session on Wednesday, November 18, 2015 at 7:00 p.m. immediately following the conclusion of the Public Hearing scheduled for 6:30 p.m., at City Hall.

Public Hearing

City Council is scheduled to conduct a Public Hearing to hear a request from Camden Homes for rezoning with a Planned Development Overlay and an equivalency.

City Council can make its decision on this request at Wednesday's meeting, or may continue its deliberations for up to thirty (30) days. If continued, City Council will need to set the date and time for the continuation of the public meeting when it will make its decision.

City Council has three issues to consider as noted below. City Council can consider one motion to include all three issues or separate them into three separate motions. The motions are:

City Council accepts/rejects the recommendation of the Planning Commission to rezone this site to a D-3 District.

City Council approves/does not approve Planning Commission's recommendation to impose a Planned Unit Overlay District over such site. Council also approves/does not approve the terms and conditions of the Overlay District as recommended by Planning Commission.

City Council approves/does not approve the recommendation of the Planning Commission to grant an equivalency with the approval of the General Development Plan allowing a portion of the conservation easement to satisfy the open space requirements of the Planned Unit Development District.

As a reminder, the Code does not allow additional new evidence to be submitted for review during the public hearing. City Council is to limit its consideration to the record from the Planning Commission, the arguments from the City and the applicant, and any comments, pro or con, from the public.

Work Session

1. Call to Order
2. Roll Call
3. Special Presentation

- a. Certificate of Appreciation- Joe Danzer will be present to receive a Certificate of Appreciation for his many volunteer hours in the creation of 360 degree photo tours of City parks and the Municipal Pool to be presented on the City website.
- b. Certificate of Appreciation- Mary Goard will be present to accept a Certificate of Appreciation for her contributions to the City as a member of the board of Zoning Appeals.

4. Guests and Residents

5. Legislation for Consideration Tonight

- a. A Resolution Authorizing the City Manager to Enter into a Labor Agreement with the Montgomery Firefighters IAFF Local 4391 for Wages and Benefits from April 1, 2015 Through March 31, 2018 — Please find attached correspondence from Julie Prickett, Human Resources Manager requesting that City Council consider a Resolution authorizing the City Manager to enter into a labor agreement with the International Association of Firefighters (IAFF), Local 4391 for wage and benefits from April 1, 2015 through March 31, 2018. The City and the International Association of Firefighters (IAFF), Local 4391 have reached an agreement on a new three (3) year labor contract that includes wage and benefit modifications.

Assign to a City Council member for reading

Move to read the Resolution by title only

Voice Vote

Move for passage of the Resolution

Roll Call Vote

6. Establishing an Agenda for December 2, 2015

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, 2016—(Mr. Dobrozsi-3rd Reading) Information has been previously supplied on this Ordinance that will establish the City's budget for the year 2016. These documents were presented to and reviewed with the Financial Planning Committee of City Council at their September 15 meeting. On October 6, City Council conducted its formal review of the 2016 Operating and Capital Budget with Four Year Forecast and 2016-2020 Capital Improvement Program.

Add this Ordinance to the December 2, 2015 Business Session with adoption of the Ordinance requested at that meeting.

New Legislation

- a. A Resolution Authorizing a Contract with Dynegy Energy Services (East), LLC—Please find attached correspondence from Michelle Greis, Finance Director, requesting that City Council adopt a Resolution that will authorize the City Manager to sign a contract with Dynegy Energy Services (East), LLC to continue to provide electrical service to City of Montgomery facilities. The City has had a contract in place with Dynegy for several years and this Resolution authorizes the City

Manager to execute the continuing contract. The rates proposed by Dynegy are competitive in the marketplace. The City will also have certain carrying costs with Duke, but overall staff believes this will result in cost effective electric service for the City.

Add this Resolution to the December 2, 2015 Business Session agenda, assign it to a City Council member for reading, and consider adoption of the Resolution that evening.

- b. A Resolution Adopting a Five Year Capital Improvement Program for the City of Montgomery—Please find attached correspondence requesting that City Council consider a Resolution to adopt the City's proposed Five-Year Capital Improvement Program. This program was reviewed by City Council as a companion piece to the proposed 2016 Operating and Capital Budget with a Four Year Forecast and represents a comprehensive planning tool for capital investment in the community over the next five years.

Add this Resolution to the December 2, 2015 Business Session agenda, assign it to a City Council member for reading, and consider adoption of the Resolution that evening.

- c. A Resolution Designating Records Managers and Training Designees for Public Officials for the City of Montgomery—Please find attached correspondence from Terry Donnellon, Law Director, requesting that City Council adopt a Resolution designating records managers and training designees for Public Officials for the City of Montgomery. This Resolution will designate the Community Engagement Coordinator, Faith Lynch, and alternately the Administrative Coordinator, Connie Gaylor, as designated representatives of City Council to attend Ohio public records training and to serve as Records Managers for the City. Ohio law requires all public officials to either attend the training or to designate a person to attend on their behalf. Many Council Members have also attended the training even though the City has Designees in place.

Add this Resolution to the December 2, 2015 Business Session agenda, assign it to a City Council member for reading, and consider adoption of the Resolution that evening.

- d. An Ordinance Rezoning property located at 9441 Orchard Club Drive and Approving an Application for a Planned Development Overlay and General Development Plan with an Equivalency—Please refer to tonight's Public Hearing packet requesting that City Council adopt an Ordinance rezoning the property located at 9441 Orchard Club Drive and approving an application for a Planned Development Overlay and General Development Plan with an equivalency. Based on a motion made during the Public Hearing held immediately prior to this meeting, City Council made a motion to accept the recommendations of the Planning Commission to rezone this site to a D-3 District, to impose a Planned Unit Overlay District over such site, the terms and conditions of the Overlay District and also approved the recommendation of the Planning Commission to grant an equivalency with the approval of the General Development Plan allowing a portion of the conservation easement to satisfy the open space requirements of the Planned Unit Development District.

Add this Ordinance to the December 2, 2015 Business Session agenda, assign it to a City Council member for the first reading. The second reading of the Ordinance will be held at the January 6, 2016 Business Session. The third reading will be held at the February 3, 2016 Business Session with adoption of the Ordinance requested at that meeting.

If City Council does not approve Planning Commission's recommendation on this Application, this piece of legislation should be removed from the Agenda.

7. Administration Report

8. Law Director Report

9. City Council Member Reports

- a. Mr. Margolis
- b. Mrs. Combs
- c. Mrs. Harbison
- d. Ms. Roesch
- e. Mr. Suer
- f. Vice Mayor Dobrozsi
- g. Mayor Steinbrink

10. Approval of Minutes—November 4, 2015 Public Hearing; November 4, 2015 Business Session

11. Other Business

12. Executive Session

13. Adjournment

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

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

November 18, 2015

Public Hearing - 6:30 p.m.

A Public Hearing is requested to hear a request from Camden Homes for rezoning with a Planned Development Overlay and an equivalency.

City Council can make its decision on this request at Wednesday's meeting, or may continue its deliberations for up to thirty (30) days. If continued, City Council will need to set the date and time for the continuation of the public meeting when it will make its decision.

City Council has three issues to consider as noted below. City Council can consider one motion to include all three issues or separate them into three separate motions. The motions are:

City Council accepts/rejects the recommendation of the Planning Commission to rezone this site to a D-3 District.

City Council approves/does not approve Planning Commission's recommendation to impose a Planned Unit Overlay District over such site. Council also approves/does not approve the terms and conditions of the Overlay District as recommended by Planning Commission.

City Council approves/does not approve the recommendation of the Planning Commission to grant an equivalency with the approval of the General Development Plan allowing a portion of the conservation easement to satisfy the open space requirements of the Planned Unit Development District.

As a reminder, the Code does not allow additional new evidence to be submitted for review during the public hearing. City Council is to limit its consideration to the record from the Planning Commission, the arguments from the City and the applicant, and any comments, pro or con, from the public.

City Council Work Session - immediately following the Public Hearing

1. Call to Order

2. Roll Call

3. Special Presentation

- a. Certificate of Appreciation—Joe Danzer will be present to receive a Certificate of Appreciation for his many volunteer hours in the creation of 360 degree photo tours of City parks and the Municipal Pool to be presented on the City website.
- b. Certificate of Appreciation—Mary Goard will be present to accept a Certificate of Appreciation for her contributions to the City as a member of the board of Zoning Appeals.

4. Guests and Residents

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- a. A Resolution Authorizing the City Manager to Enter into a Labor Agreement with the Montgomery Firefighters IAFF Local 4391 for Wages and Benefits from April 1, 2015 Through March 31, 2018

Assign to a City Council member for reading

Move to read the Resolution by title only

Voice Vote

Move for passage of the Resolution

Roll Call Vote

6. Establishing an Agenda for December 2, 2015

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, 2016—(Mr. Dobrozsi-3rd Reading)

Add this Ordinance to the December 2, 2015 Business Session with adoption of the Ordinance requested at that meeting.

New Legislation

- a. A Resolution Authorizing a Contract with Dynege Energy Services (East), LLC

Add this Resolution to the December 2, 2015 Business Session agenda, assign it to a City Council member for reading, and consider adoption of the Resolution that evening.

- b. A Resolution Adopting a Five Year Capital Improvement Program for the City of Montgomery

Add this Resolution to the December 2, 2015 Business Session agenda, assign it to a City Council member for reading, and consider adoption of the Resolution that evening.

- c. A Resolution Designating Records Managers and Training Designees for Public Officials for the City of Montgomery

Add this Resolution to the December 2, 2015 Business Session agenda, assign it to a City Council member for reading, and consider adoption of the Resolution that evening.

- d. An Ordinance Rezoning property located at 9441 Orchard Club Drive and Approving an Application for a Planned Development Overlay and General Development Plan with an Equivalency

Add this Ordinance to the December 2, 2015 Business Session agenda, assign it to a City Council member for the first reading. The second reading of the Ordinance will be held at the January 6, 2016 Business Session. The third reading will be held at the February 3, 2016 Business Session with adoption of the Ordinance requested at that meeting.

If City Council does not approve Planning Commission's recommendation on this Application, this piece of legislation should be removed from the Agenda.

7. Administration Report

8. Law Director Report

9. City Council Member Reports

- a. **Mr. Margolis**
- b. **Mrs. Combs**
- c. **Mrs. Harbison**
- d. **Ms. Roesch**
- e. **Mr. Suer**
- f. **Vice Mayor Dobrozsi**
- g. **Mayor Steinbrink**

10. Approval of Minutes—November 4, 2015 Public Hearing; November 4, 2015 Business Session

11. Other Business

12. Executive Session

13. Adjournment

The City of Montgomery, Ohio



Certificate of Appreciation

to

Joseph Danzer

WHEREAS, Joe Danzer volunteered over \$3,000 in service hours to improve engagement and awareness of City parks and facilities; and,

WHEREAS, Joe created 360 degree photo tours of many locations including Montgomery Pool, Montgomery Park, Swaim Park, Pioneer Park, and Dulle Park; and,

WHEREAS, Joe's Google "insider" status helped properly list and verify all City locations on Google Maps and even corrected long standing errors such as the true location of Montgomery City Hall; and,

WHEREAS, Joe's love for the Montgomery community and his commitment to improving local businesses through his efforts as a member of the Montgomery Chamber of Commerce truly shined through.

*NOW THEREFORE, City Council hereby expresses its sincere appreciation to **Joseph Danzer** for his valued service to the City of Montgomery. He has applied education and creativity and we benefit now and hereafter from his efforts.*

Ann Combs, Councilmember

Chris Dobrozsi, Councilmember

Gerri Harrison, Councilmember

Craig Margolis, Councilmember

Lynda Roesch, Councilmember

Todd Steinbrink, Councilmember

Ken Suer, Councilmember

The City of Montgomery, Ohio



Certificate of Appreciation to Mary Goard

WHEREAS, Mary Goard has generously shared her time and talents with this municipality for five years as a member of its Board of Zoning Appeals; and

WHEREAS, during her term of service on the Board of Zoning Appeals Mary faithfully attended the monthly meetings and was dedicated to upholding the spirit and intent of the Zoning Code while taking a fair and balanced approach to considering variance requests; and,

WHEREAS, Mary was giving of her time and is an example of professionalism, fair-mindedness and commitment to the Montgomery community; and,

WHEREAS, Mary is so passionate about upholding the regulations of the Montgomery Zoning Code that she went to great strides to ensure that a project on her personal property met the regulations; and,

WHEREAS, Mary's service has extensively contributed to making the City of Montgomery the great community it is.

NOW THEREFORE, BE IT CERTIFIED by the Council of the City of Montgomery, Ohio, all members concurring:

SECTION 1. City Council hereby expresses its sincere appreciation to **Mary Goard** for her valued service as a member of the Montgomery Board of Zoning Appeals. She has applied thoughtful, careful attention to upholding the spirit and intent of the Montgomery Zoning Code and we benefit now and hereafter from her efforts.

Ann Combs, Councilmember

Chris Dobrozsi, Councilmember

Gerrit Harbison, Councilmember

Craig Margolis, Councilmember

Lynda Roesch, Councilmember

Todd Steinbrink, Councilmember

Ken Suer, Councilmember

November 12, 2015

TO: Wayne S. Davis, City Manager

FROM: Julia E. Prickett, Human Resources Manager *JEP*

SUBJECT: Legislation Request for Approval of Contract with the International Association of Firefighters (IAFF), Local 4391

Introduction

It is requested that City Council adopt a Resolution to authorize the City Manager to enter into a contract with the International Association of Firefighters (IAFF), Local 4391 effective April 1, 2015 through March 31, 2018.

Background

On September 4, 2015, with the assistance of a mediator, the City of Montgomery and members of IAFF reached tentative agreement on a new contract for the members of the bargaining unit which includes fulltime Firefighter/Paramedics and Fire Lieutenants. This proposed agreement requires approval by a majority of the IAFF members as well as approval by City Council before it will become binding. The IAFF members met on October 15, 2015 and voted to approve the tentative agreement, but also requested an additional contract change to which the City did not agree. On November 3, 2015, the IAFF confirmed its members' earlier vote to approve the tentative agreement and withdrew its request for the additional change to the contract.

The two parties began the negotiating process on March 27, 2015 and then met four additional times in order to reach a tentative agreement. The following list provides a summary of the major issues settled in negotiations which represent substantive changes from current contract language.

- Wages: 3% increase effective April 2015, 2.5% increase in April 2016 and a 2.5% increase effective April 2017. In addition, the range for firefighter/paramedic in the first year of the contract is to be adjusted upwards by \$1000.
- Lay-off/Recall List: Recall lists for laid off employees would expire after 18 months. (Current language provides for a recall list to expire after one year.)
- Officer in Charge Pay Rate: \$1.50 per hour in addition to regular pay rate. (Current language provides for \$1.00 per hour in addition to regular pay rate.)
- Occupational Injury Leave (OIL): OIL provisions to apply to injuries sustained during training evolutions in addition to current contract provisions which allow OIL for injuries sustained through firefighting, EMS operations and rescue operations.
- Occupational Injury Leave (OIL): The City will have the option to utilize the Bureau of Workers' Compensation Modified Duty Off-Site (MDOS) provision in lieu of OIL. (I.e. The City would have the option to assign an injured employee capable of working a modified work assignment to an MDOS location if the City determines it has no appropriate modified work assignment to offer the injured worker.)

- Group health and dental insurance caps: Group insurance caps (paid by employer) would be increased to be consistent with caps set for all other eligible employees.

The changes identified above represent the major changes which were settled during negotiations. While there were other changes to the contract, these were of a non-substantive nature and are not identified in this recommendation.

Recommendation

Staff recommends that City Council authorize the City Manager to enter into a labor agreement with the International Association of Firefighters (IAFF), Local 4391 effective April 1, 2015 through March 31, 2018.

c: Paul Wright, Fire Chief

RESOLUTION NO. 2015

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO ENTER INTO A LABOR AGREEMENT
WITH THE MONTGOMERY FIREFIGHTERS IAFF LOCAL 4391
FOR WAGES AND BENEFITS
FROM APRIL 1, 2015 THROUGH MARCH 31, 2018**

WHEREAS, the City of Montgomery entered negotiations with the Montgomery Firefighters IAFF Local 4391 to establish a labor agreement governing wages and benefits for its member/employees; and

WHEREAS, the City of Montgomery has negotiated an agreement with Montgomery Firefighters IAFF Local 4391 and said labor agreement has been ratified by the Montgomery Firefighters IAFF Local 4391 bargaining unit certified by the State Employment Relations Board.

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

SECTION 1. The attached labor agreement governing wages and benefits for member/employees of the Montgomery Firefighters IAFF Local 4391 from April 1, 2015 through March 31, 2018 is ratified and approved by the City Council of the City of Montgomery. The City Manager is authorized and directed for and on behalf of the City of Montgomery to enter into said agreement.

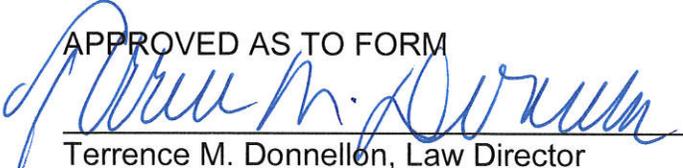
SECTION 2. This Resolution shall be in full force and effect from and after its passage.

PASSED _____

ATTEST _____
Connie M. Gaylor, Clerk of Council

Todd A. Steinbrink, Mayor

APPROVED AS TO FORM



Terrence M. Donnellon, Law Director

ORDINANCE NO. _____, 2015

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, 2016

WHEREAS, Council previously did approve and submit to the Budget Commission a budget for revenues and expenses for the fiscal year commencing January 1, 2016 and ending December 31, 2016; 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 2016 fiscal year.

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

SECTION 1. Commencing January 1, 2016 and for the fiscal year ending December 31, 2016, 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.

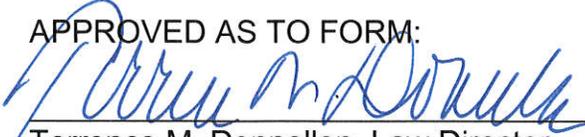
SECTION 2. This Ordinance shall be in full force and effect from and after the earliest period allowed by law.

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Todd A. Steinbrink, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director

November 6, 2015

TO: Wayne S. Davis, City Manager
FROM: Michelle Greis, Finance Director *mg*
SUBJECT: Legislation Request for the Designation of Electric Utility Provider

Introduction

It is necessary for City Council to consider the Resolution for the designation of the City's Electric Utility Provider for a three (3) year period beginning January 1, 2016 and ending December 31, 2018.

Background

On January 8, 2010 the City entered into a two year retail power sale agreement with Duke Energy Retail. Duke Energy Retail agreed to supply electric to the City at a set price. The City signed a two year addendum to this agreement in 2011 (for supply in 2012 and 2013) and another two year addendum to this agreement in August 2013 (for supply in 2014 and 2015).

The City asked vendors to provide pricing for electric supply for a one, two and three year term (see attached). We reviewed the pricing along with the Company's experience internally and are recommending we select the lowest and best price provided by Dynegy (formerly Duke Energy Retail) which will result in a reduction of approximately 3.5% for electrical usage in 2016. This legislation will ensure continuation of the City's electric service at competitive market rates.

Recommendation

It is recommended that City Council authorize legislation for a Resolution naming Dynegy Energy Services as electric supplier for the City of Montgomery for a three (3) year period beginning January 1, 2016 and ending December 31, 2018.

RESOLUTION NO. , 2015

**A RESOLUTION AUTHORIZING A CONTRACT WITH
DYNEGY ENERGY SERVICES (EAST), LLC**

WHEREAS, the City of Montgomery, Ohio as an energy customer has been serviced by Dynegy Energy Services (East), LLC for the past several years; and

WHEREAS, the Electric Service Agreement for such energy services is set to expire; and

WHEREAS, the Administration, after reviewing the proposed Agreement, does desire to continue Dynegy Energy Services (East), LLC as the supplier for all electricity requirements for the various service locations of the City; and

WHEREAS, Council does accept the recommendation of the Administration and intends by this legislation to authorize the City Manager to enter into a new contract extending through December 2016.

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

SECTION 1. The proposed Electric Service Agreement from Dynegy Energy Services (East), LLC to provide electricity service to the various locations owned and operated by the City of Montgomery, Ohio, is hereby accepted. The City Manager is authorized to execute such Agreement to continue such energy services through December 2016. Further, the City Manager is authorized to execute any and all additional documentation necessary to implement this continuing Agreement.

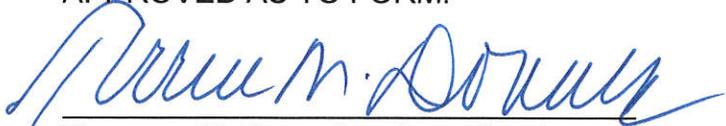
SECTION 2. This Resolution shall be in full force and effect from and after its passage.

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Todd A. Steinbrink, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director

November 3, 2015

To: Mayor and City Council Members

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

Subject: Recommendation to Adopt the Five-Year Capital Improvement Program

Introduction

As part of the 2016 budget process, City Council is asked to approve, by resolution, the *2016 - 2020 Capital Improvement Program*. (CIP) The 2016 appropriations ordinance is currently in the reading stages for final passage and adoption at the December 2nd City Council business session. This resolution requests that City Council adopt the CIP.

Background

The CIP is a formal program providing a detailed description of the City's operating equipment, capital equipment and capital project expenditures for the five year period, 2016 - 2020. The CIP is a companion to the *2016 Operating and Capital Budget and Four-Year Forecast*, presenting the same capital financial information as the budget document. The CIP provides, however, a more thorough description and presentation of the planned capital expenditures. Both of the documents provide supporting documentation for the city's annual appropriations and serve as guides for carrying out the City's financial plans.

At the October 6th budget review meeting, the budget documents were reviewed with City Council and senior staff.

Recommendation

Staff recommends that *2016 - 2020 Capital Improvement Program* be placed on the Council's November 18th work session agenda for consideration and approval at its December 2nd meeting.

RESOLUTION NO. _____, 2015

A RESOLUTION ADOPTING A FIVE YEAR CAPITAL IMPROVEMENT PROGRAM FOR THE CITY OF MONTGOMERY

WHEREAS, the City Manager has recommended and this Council has considered a Five Year Capital Improvement Program (CIP) for the years 2016 through 2020; and

WHEREAS, the CIP should be approved by City Council so that projects may be planned and implemented.

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

SECTION 1. The Council hereby adopts the Five Year Capital Improvement Program for the years 2016 through 2020.

SECTION 2. The City Manager is hereby authorized and directed to implement the Five Year Capital Improvement Program and to report on its progress from time to time to the Council.

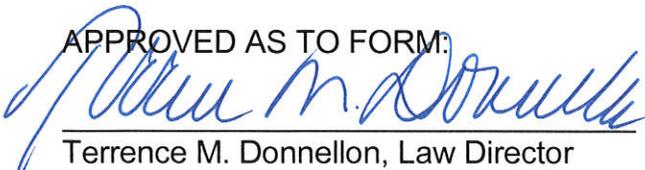
SECTION 3. This Resolution shall be in full force and effect from and after its passage.

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Todd A. Steinbrink, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director

TO: Mayor Todd A. Steinbrink
Members of City Council

FROM: Terrence M. Donnellon

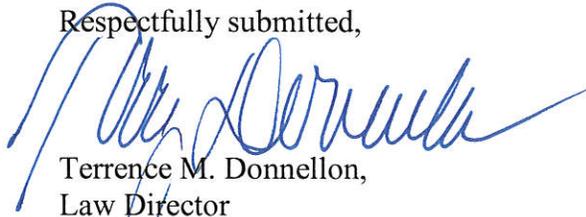
RE: Records Manager Designation

DATE: November 12, 2015

Ohio Revised Code § 109.43 obligates all public officials to complete public records training during their term of office. The term of office for our Council members is the four year period to which they are elected which overlaps each two years as different members are elected or re-elected to City Council. State law also allows public officials to designate a person to receive such training on their behalf.

Traditionally Council has appointed a primary and a secondary City employee to serve as their designee for records management training. Within every two year cycle our designated person will receive the training directed by the Ohio Attorney General. This legislation designates Faith Lynch, the Community Engagement Coordinator, and alternately Connie Gaylor, the Administrative Coordinator, as the Designees for all Council officials. This legislation does not mean that Council members themselves cannot attend the training, but it allows us to satisfy the statutory requirements by either Faith or Connie attending such training sessions. We also name the title to the office so if there is a vacancy in office, whoever is appointed to that position automatically assumes the role as Designee.

Respectfully submitted,



Terrence M. Donnellon,
Law Director

TMD/lld

cc: Connie Gaylor, Administrative Coordinator
Department Heads
File

RESOLUTION NO. , 2015

**A RESOLUTION DESIGNATING RECORDS MANAGERS AND TRAINING
DESIGNEES FOR PUBLIC OFFICIALS IN
THE CITY OF MONTGOMERY**

WHEREAS, under RC § 109.43, public officials are either required to obtain training in the policies and procedures for appropriate public records management or to designate persons (*Designee* under RC § 109.43) who will receive such training and oversee the management of the public records policy during their term; and

WHEREAS, Council does desire to designate the appropriate offices within the City who shall have responsibility for receiving and directing training within the City, developing the appropriate public policy for adoption by Council, and overseeing records management.

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

SECTION 1. The Community Engagement Coordinator, currently Faith Lynch, is hereby designated by City Council as its Designee to attend the appropriate certified training program and seminars directed by the Ohio Office of the Attorney General to provide training in the management and accessibility of public records. The Administrative Coordinator, currently Connie Gaylor, is hereby designated as the alternate to the principal Designee to assume such responsibilities for education, training and records management in the absence of, or the vacancy in office of, the Community Engagement Coordinator. Council hereby designates the appropriate offices for such training and whoever should succeed either Faith Lynch or Connie Gaylor in those offices

shall be the appropriate Designee for future compliance with the requirements of the Ohio Public Records Law. The Administration is hereby authorized to file any appropriate certification which may be required to verify this designation.

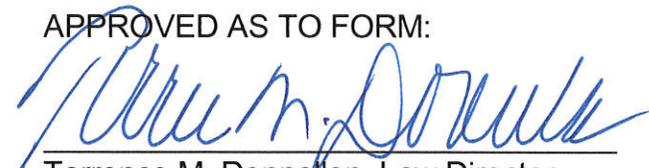
SECTION 2. This Resolution shall take effect the earliest opportunity as allowable by law.

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Todd A. Steinbrink, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director

ORDINANCE NO. , 2015

**AN ORDINANCE REZONING PROPERTY AT 10627 MONTGOMERY ROAD,
MONTGOMERY OHIO AND APPROVING AN APPLICATION FOR A
PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT FOR SUCH PROPERTY**

WHEREAS, Bayer Becker as applicant, on behalf of the property owner, Montgomery Swim and Tennis Club, Inc., and the anticipated Developer, Camden Homes, Inc. and/or its subsidiary, has petitioned the City to rezone property at 10627 Montgomery Road, Montgomery, Ohio, currently owned and operated as the Montgomery Swim and Tennis Club to rezone such property as part of the process to approve a Planned Unit Development Overlay District (“PUD”) and General Development Plan for such property; and

WHEREAS, the Planning Commission has reviewed the application and recommended the approval of a Planned Unit Development Overlay District with specific conditions, the General Development Plan with an equivalency allowing open area within a conservation easement to satisfy the open space requirements of the PUD, and further rezoning the property to a Residential D-3 District allowing for the development of single-family homes; and

WHEREAS, Council did hold a public hearing on November 18, 2015 to consider the recommendation and findings from the Planning Commission after appropriate public notice was completed as required by the Montgomery Zoning Code; and

WHEREAS, Council did accept the recommendations and findings of the Planning Commission which support rezoning these properties to D-3 Residential as a

part of a Planned Unit Development Overlay District with conditions specific to such PUD district, and Council did accept the General Development Plan September 3, 2015 with the equivalency to meet the open space requirements; and

WHEREAS, Council does find that the zoning amendment, as proposed and accepted at the public hearing, will be consistent with the Comprehensive Community Plan for the City.

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

SECTION 1. Property currently owned by Montgomery Swim and Tennis Club, Inc., being Auditor's parcel number 603-0018-0178, and more commonly known as 9941 Orchard Club Drive, Montgomery, Ohio 45242, as more particularly described on Schedule A attached hereto and incorporated herein by reference, shall be rezoned to the D-3 Residential District.

SECTION 2. The property proposed for development by Camden Homes, Inc. currently owned by the Montgomery Swim and Tennis Club, Inc. encompassing Auditor's Parcel number 603-0018-0178 is hereby approved as a Planned Unit Development Overlay District pursuant to Chapter 150.13 of the Code of Ordinances.

SECTION 3. In addition to the underlying zoning district regulations for a D-3 Residential District, the property in the Planned Unit Development Overlay shall be subject to the general conditions and specific conditions as set forth in Schedule B attached hereto and incorporated herein by reference. To the extent that the general and specific conditions of the Planned Unit Development District as described on

Schedule B are inconsistent with the underlying zoning district regulations, the regulations of the Planned Unit Development District shall supersede.

SECTION 4. The Community Development Director is hereby directed to make a change in the Zoning Map to reflect the new underlying zone, the Planned Unit Development Overlay District, and the boundaries for such zone and District.

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

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Todd A. Steinbrink, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director

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City of Montgomery
City Council Public Hearing Minutes
November 4, 2015

Present

Wayne Davis, City Manager
Terry Donnellon, Law Director
Tracy Roblero, Community Development Director
Ben Shapiro, Assistant Fire Chief
Don Simpson, Police Chief
Brian Riblet, Public Works Director
Michelle Greis, Finance Director
Kelly Beach, Assistant Finance Director/Tax Commissioner
Faith Lynch, Community Engagement Coordinator
Matthew Vanderhorst, Community and Information Services Director
Connie Gaylor, Clerk of Council

City Council Members Present

Todd Steinbrink, Mayor
Gerri Harbison
Craig Margolis
Chris Dobrozsi
Ann Combs

City Council Members Absent

Lynda Roesch
Ken Suer

City Council convened in Council Chambers to conduct a Public Hearing at 6:30 p.m. with Mayor Steinbrink presiding.

Ms. Roblero explained that it is requested that City Council consider a request from Camargo Cadillac at 10150 Montgomery Road for an expansion of the conditional use permit to allow for the construction of an addition to the body shop at the rear of the property. Ms. Roblero explained that Camargo Cadillac has an existing body shop which is approximately 5,470 square feet in size at the rear of the property and is detached from the principal showroom and service bays. The applicant would like to expand the existing body shop by adding a new 8,120 square foot addition to the rear of the building. The addition would increase the capacity by ten bays. There would be one new door on the south elevation of the addition and a new canopy would be installed on the front of the existing body shop. She stated that the applicant submitted the same request in December of 2005 and the Planning Commission approved the Final Development Site Plan and recommended approval of the expansion of the conditional use permit with conditions to City Council in January of 2006. She stated that this is a relatively minor project. During the application process in 2006, the applicant made significant changes to the building in order to mitigate the noise from the expansion as well as to improve the visual appearance particularly for the property to the south which is used for Twin Lakes. All of these changes are still incorporated into the current proposal and the applicant has not stated any objection to meeting the conditions the Planning Commission recommended in regards to noise mitigation in 2006.

Ms. Roblero explained that the Planning Commission met on October 19 to consider this application. Notices were sent to neighbors within a 300' radius of the property. Staff only received one call regarding the application from Twin Lakes with questions regarding the proposal. The Planning Commission noted that the site is currently non-conforming to the zoning standards in regards to perimeter and interior landscaping, storm water detention and the Montgomery Road Corridor Design Guidelines. These conditions pre-date the zoning regulations and the site is therefore legally non-conforming. The Commission pointed out that Section 151.5003(g) requires non-conforming site conditions on a non-residential properties to be brought into compliance as part of the submission of a new final development site plan unless the Commission finds that compliance cannot be reasonably achieved. The Commission felt that it is unreasonable to expect the entire site to be brought up to Hamilton County storm water detention regulations; however, there was interest in requiring the use of one storm water best management practice. The Commission also found that it was unreasonable to require the entire site to be brought into compliance with the landscaping requirements; however, believed that the front yard landscaping should be improved as part of the application. The Commission also recognized that it would be unreasonable to require the existing body shop and/or addition to be in compliance with the Montgomery Road Corridor Design Guidelines. The proposed building materials match the existing building and the addition of the split face block brings the

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City Council Public Hearing Minutes

November 4, 2015

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53 addition closer into conformance with the Corridor Design Guidelines. At the conclusion of the discussion, the
54 Planning Commission voted unanimously to recommend approval of the expansion of the conditional use permit
55 to allow for the construction of the new body shop addition with conditions. Ms. Roblero stated that staff supports
56 the recommendation of the Planning Commission based upon the following relevant conditions for Section
57 151.2007 (A) and (U) as reference:

- 58
- 59 • Vehicle parking areas, equipment storage areas, maneuvering lanes, and access ways to public streets
60 shall be designed to cause no interference with the safe and convenient movement of automobile traffic on
61 and adjacent to the site.
- 62
- 63 • Display of vehicles for sale shall be located on a paved surface and shall comply with the parking
64 setbacks according to the regulations in Section 151.1207.
- 65
- 66 • No junk or inoperative vehicle shall be permitted to remain outdoors on the property for a period
67 exceeding 72 hours.
- 68
- 69 • Lighting for all areas used for the outdoor display of automobiles shall be in accordance with a plan
70 consistent with the lighting regulations set forth in § 151.3213(c) and approved by the Planning
71 Commission.
- 72
- 73 • All work shall be conducted entirely within an enclosed building.
- 74
- 75 • Outdoor storage of supplies, parts and merchandise shall be within an entirely enclosed building;
76 however, an area not to exceed 200 square feet in size of outdoor storage shall be permitted, if the area is
77 entirely screened by an opaque fence and landscaping.
- 78
- 79 • The parking of employee vehicles and vehicles waiting to be serviced or returned to the customers
80 following service shall be parked in areas indicated for such parking on the approved site plan.
- 81
- 82 • No junk, inoperable or unlicensed vehicles may be stored on site.
- 83

84 Mayor Steinbrink asked if there were any questions by City Council members.

85

86 Mr. Margolis asked if any of the neighboring businesses had expressed any concerns.

87

88 Ms. Roblero stated that representatives from Twin Lakes were actually in attendance at the Planning Commission
89 meeting on October 19 and expressed no concerns.

90

91 Mayor Steinbrink asked for a motion to accept the recommendation from Planning Commission and grant the
92 request for expansion of the conditional use permit.

93

94 Mr. Margolis made a motion to accept the recommendation. Mrs. Combs seconded. City Council unanimously
95 agreed.

96

97 With no further discussion about this topic, Mayor Steinbrink asked for a motion to adjourn the meeting.

98

99 Mr. Dobrozsi moved to adjourn the meeting. Mrs. Harbison seconded.

100

101 The meeting was adjourned at 6:40 p.m.

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City of Montgomery
City Council Business Session Minutes
November 4, 2015

Present

Wayne Davis, City Manager
Terry Donnellon, Law Director
Tracy Roblero, Community Development Director
Don Simpson, Police Chief
Michelle Greis, Finance Director
Kelly Beach, Tax Commissioner/Assistant Finance Director
Brian Riblet, Public Works Director
Ben Shapiro, Assistant Fire Chief
Matthew Vanderhorst, Community and Information Services Director
Faith Lynch, Community Engagement Coordinator
Connie Gaylor, Clerk of Council

City Council Members Present

Todd Steinbrink, Mayor
Chris Dobrozsi, Vice Mayor
Ann Combs
Craig Margolis
Gerri Harbison

Council Members Absent

Lynda Roesch
Ken Suer

City Council convened in Council Chambers for the Business Session at 6:40 p.m. with Mayor Steinbrink presiding.

ROLL CALL

Mayor Steinbrink explained that Ms. Roesch and Mr. Suer would be absent due to out of town business.

Mayor Steinbrink asked for a motion to excuse Ms. Roesch and Mr. Suer from tonight's meeting. Mr. Margolis moved to excuse Ms. Roesch and Mr. Suer from the meeting. Mr. Dobrozsi seconded the motion. City Council unanimously approved the absence.

GUESTS AND RESIDENTS

Kim Chelf, Health Educator for the Hamilton County Health Department, was in attendance to present the City with a WeThrive Community sign in acknowledgment of obtaining our WeThrive Community status.

LEGISLATION FOR CONSIDERATION TONIGHT

Pending Legislation

An Ordinance to Adopt Chapter 44.1 of the Codified Ordinances of the City of Montgomery Regarding Municipal Income Tax (3rd Reading)

Mr. Dobrozsi moved to amend the text of Chapter 44.1 attached to the Ordinance to acknowledge the change to the Definitions in section (44) defining the Tax Administrator as the Tax Commissioner of the City and the clarification in Section 44.1.095 eliminating an incorrect Code reference.

Mr. Margolis seconded. City Council unanimously agreed.

Mr. Dobrozsi read the Ordinance by title only and moved for passage of the third reading as amended. Mrs. Harbison seconded.

Mr. Dobrozsi explained that if adopted this Ordinance would adopt the addition of Chapter 44.1 to the Codified Ordinances of the City regarding Municipal Income Tax. This legislation is to enact new language in Chapter 44.1

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54 of the City's Code of Ordinances to implement the changes mandated by State law to the Income Tax Code. The
55 legislature has mandated changes to be in effect through all municipalities in the State of Ohio exercising their
56 taxing authority under Chapter 718. If a community does not enact a new Ordinance by January 1, 2016, they
57 would lose their ability to impose a local earnings tax. This tax code language, as prepared for the City, is drawn
58 upon the model Ordinance prepared in cooperation with the Ohio Municipal League and Frost Brown Todd.
59 There are not any significant changes from our current tax operations other than defining the authority of the Tax
60 Commissioner with compromise claims and restructuring the Board of Tax Review to be appointed in cooperation
61 with City Council and the City Manager.

62
63 Mr. Dobrozsi asked if there were any updates at this time. Ms. Greis stated there were none.

64
65 The roll was called and showed the following vote:

66
67 AYE: Margolis, Combs, Harbison, Steinbrink, Dobrozsi (5)
68 NAY: (0)
69 ABSENT: Roesch, Suer (2)

70
71 **An Ordinance Accepting Publicly Dedicated Easement Rights and Storm Water Improvements from**
72 **Property Owners in the 7900 Block of Shelldale Way (3rd Reading)**

73
74 Mr. Donnellon explained that City Council was asked to table the third reading of this Ordinance from the Work
75 Session meeting until the Business Session on Wednesday, November 4. The original storm water improvements
76 involved two properties, the Edelman property and the Perry property. The Perry's purchased their property after
77 the improvements were installed, but before the final Easement documents were signed. Mr. Donnellon stated that
78 Staff has made a final effort with Mr. Perry to resolve his concerns, and that a settlement and final agreement was
79 not reached. Mr. Donnellon stated that at this time it is advised to finalize the Easement with the Edelman
80 property and to move to pass the original Ordinance accepting the Dedicated Easement Rights.

81
82 Mr. Margolis moved to read the original Ordinance by title only. Mrs. Combs seconded. City Council
83 unanimously agreed.

84
85 Mr. Dobrozsi read the Ordinance by title only and moved for passage of the third reading. Mrs. Harbison
86 seconded.

87
88 The roll was called and showed the following vote:

89
90 AYE: Combs, Harbison, Steinbrink, Dobrozsi, Margolis (5)
91 NAY: (0)
92 ABSENT: Roesch, Suer (2)

93
94 **An Ordinance to Make Appropriations for Current Expenses and Other Expenditures of the City of**
95 **Montgomery, State of Ohio, During the Fiscal Year Ending December 31, 2016 (2nd Reading)**

96
97 Mr. Dobrozsi read the Ordinance by title only and moved passage of the second reading. Mr. Margolis seconded.

98
99 Mr. Dobrozsi explained that if adopted this Ordinance will establish the City's budget for the year 2016. These
100 documents were presented to and reviewed with the Financial Planning Committee of City Council at their
101 September 15 meeting. On October 6, City Council conducted its formal review of the 2016 Operating and
102 Capital Budget with Four Year Forecast and 2016-2020 Capital Improvement Program.

103
104 The roll was called and showed the following vote:

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AYE: Harbison, Steinbrink, Dobrozsi, Margolis, Combs (5)
NAY: (0)
ABSENT: Roesch, Suer (2)

New Legislation

A Resolution Authorizing the City Manager to Accept the Proposed 2016-2017 Option Years with Rumpke of Ohio, Inc.

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

Mr. Margolis read the Resolution by title only and moved passage. Mrs. Combs seconded.

Mr. Margolis explained that if adopted this Resolution would authorize the City Manager to accept the proposed 2016-2017 optional contract years with Rumpke for residential waste collection services within the community. Currently, the City's waste collection services are provided by Rumpke. As a part of this contract, Rumpke offered option years for calendar years 2016-2017, which the City could accept to fix the cost for waste collection services during this period of time. These are the last option years allowed in the original contract of 2011 therefore waste collection services will need to be bid in the next two years with a contract executed by January 1, 2018.

Mr. Margolis asked if there were any updates. Ms. Gaylor stated there were none.

The roll was called and showed the following vote:

AYE: Steinbrink, Dobrozsi, Margolis, Combs, Harbison (5)
NAY: (0)
ABSENT: Roesch, Suer (2)

A Resolution Adopting a Five-Year Strategic Plan for the City of Montgomery

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

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

Mrs. Harbison explained that if passed this Resolution would adopt the City's proposed Five-Year Strategic Plan. Mrs. Harbison explained that the implementation plan was created by staff based upon work accomplished at the Strategic Planning Retreat in August, where City Council and staff collectively developed five (5) major goal statements, as well as a number of strategies for each goal area based upon input from a detailed environmental scan, the survey of citizens, and various public input opportunities offered throughout last fall and winter. Mrs. Harbison stated that the Plan was reviewed by the Government Affairs Committee on October 12.

Mrs. Harbison asked if there were any updates. Mr. Davis stated there were none.

The roll was called and showed the following vote:

AYE: Dobrozsi, Margolis, Combs, Harbison, Steinbrink (5)

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156 NAY: (0)
157 ABSENT: Roesch, Suer (2)
158

159 **ADMINISTRATION REPORT**
160

161 Mr. Davis reported on the following items:
162

- 163 • The Public Works Committee of Council will meet on Friday, November 13 at 8:00 a.m.
- 164
- 165 • The Parks and Recreation and Government Affairs Committees of Council have cancelled their meetings
166 for the month of November.
- 167
- 168 • City Council Work Session is scheduled for November 18 at 7:00 p.m.
- 169
- 170 • Prior to the City Council Work Session there is a Public Hearing for Camden Homes scheduled for 6:30
171 p.m. that evening to hear the request for rezoning with a Planned Development Overlay and an
172 equivalency from Camden Homes.
- 173
- 174 • On December 2, City Council will hold a Special Session at 6:00 p.m. to conduct the swearing in of the
175 new Council Members. This would be followed by the Public Hearing for Twin Lakes at 6:30 p.m. which
176 has already been scheduled and advertised.
- 177
- 178 • Crews from Strawser, Inc. are completing the annual crack sealing program this week. A total of twelve
179 (12) streets are being crack sealed as part of our overall preventative maintenance plan for our roadway
180 infrastructure.
- 181
- 182 • On Saturday, November 7 members of the Montgomery Women's Club, Beautification and Tree
183 Commission, and other volunteers will meet at the Annex Building at 9:30 a.m. to prepare all of the
184 holiday decorations that will be installed throughout the Heritage District and other identified areas on
185 Monday, November 9, weather permitting.
- 186
- 187 • The Records Commission met on Wednesday to discuss records retention policies and updates. This
188 Commission monitors document handling, storage, destruction and reporting to ensure that the State of
189 Ohio Records Retention Laws are being followed. The Commission meets semi-annually to conduct its
190 business, usually in May and November.
- 191
- 192 • The Neighborhood Leaders Forum scheduled for Thursday, November 12 currently has 25 reservations.
193 Tracy Roblero will address future development and Melissa Hays will present on property maintenance.
194 The session will be held from 6:30 to 8:00 p.m. at Terwilliger Lodge. Please let Faith Lynch know if you
195 would like to attend.
- 196
- 197 • The Montgomery Ministerial Association will host their annual Ecumenical Thanksgiving Service on
198 Sunday, November 22 at 6:30 p.m. at Montgomery Assembly of God, 7950 Pfeiffer Road. All are invited
199 to participate.
- 200
- 201 • As a reminder, The Community Development Department will be partnering with the Environmental
202 Advisory Commission and the Greater Cincinnati Energy Alliance to hold a Solar Workshop on
203 Thursday, November 5 at Terwilliger's Lodge at 6:30 p.m.
- 204
- 205 • A Civil Service exam for the position of patrol officer has been scheduled for December 5. We are in the
206 process of receiving applications.

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November 4, 2015

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207

An Executive Session is requested to meet on matters related to Labor Negotiations, and Personnel Compensation.

208

209

210

APPROVAL OF MINUTES

211

212

Mr. Margolis moved to approve the October 21, 2015 Work Session minutes. Mr. Dobrozsi seconded. City Council unanimously agreed.

213

214

215

MAYOR'S COURT REPORT

216

217

Mayor Steinbrink reported that the total Mayor's Court collections for the month of October 2015 were \$16,735.00.

218

219

220

Mrs. Harbison moved to accept the Mayor's Court collections for the month of October 2015. Mr. Margolis seconded. City Council unanimously accepted the collections.

221

222

OTHER BUSINESS

223

224

Mayor Steinbrink stated that a motion would be needed to schedule the November 18 City Council Work Session to begin immediately following the Public Hearing scheduled for 6:30 p.m. that evening.

225

226

227

Mr. Margolis made a motion to begin the November 18 City Council Work Session immediately following the Public Hearing. Mrs. Harbison seconded. City Council unanimously agreed.

228

229

230

Mrs. Harbison reminded City Council and Staff that the Montgomery Chamber of Commerce will be holding their Annual Chamber Business Awards on Thursday, November 5 at the Montgomery Inn. The event begins at 5:30 p.m.

231

232

233

234

Mrs. Harbison reminded City Council Members that the Law Director reviews were due by Friday, November 6, 2015.

235

236

237

Mrs. Harbison moved to appoint Elise Williams to the Arts Commission for a term ending 2/28/16. Mrs. Combs seconded. City Council unanimously agreed.

238

239

240

Mr. Margolis acknowledged that the Crist Home located at 9854 Zig Zag Road will be recognized this year with its 200th anniversary.

241

242

243

Mayor Steinbrink stated that as Mr. Davis has requested an Executive Session for matters related to Labor Negotiations, and Personnel Compensation, that he would need a motion to adjourn into Executive Session.

244

245

246

Mr. Margolis made a motion to adjourn into Executive Session for matters related to Labor Negotiations, and Personnel Compensation. Mrs. Harbison seconded.

247

248

249

The roll was called and showed the following vote:

250

251

AYE: Margolis, Combs, Harbison, Steinbrink, Dobrozsi (5)

252

NAY: (0)

253

ABSENT: Roesch, Suer (2)

254

255

City Council adjourned into Executive Session at 7:12 p.m.

256

257

City Council reconvened into Public Session at 7:55 p.m.

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258

259

Mayor Steinbrink stated that a motion would be needed to add a Resolution Authorizing the City Manager to Enter into a Labor Agreement with The Montgomery Firefighters IAFF Local 4391 to the November 18 Work Session agenda for consideration that evening.

261

262

263

Mr. Margolis made a motion to add the Resolution for the IAFF agreement to the November 18 Work Session Agenda. Mrs. Harbison seconded. City Council unanimously agreed.

264

265

266

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

267

268

269

Mr. Dobrozsi moved to adjourn. Mr. Margolis seconded. City Council unanimously agreed.

270

271

City Council adjourned at 7:55 p.m.

272

273

274

275

Connie Gaylor, Clerk of Council