

October 2, 2015

TO: Mayor and City Council Members

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

SUBJECT: City Council Business Session of Wednesday, October 7, 2015

As a reminder, City Council is scheduled to meet in Business Session on Wednesday, October 7, 2015 immediately following the conclusion of the Montgomery Community Improvement Corporation (CIC) meeting at 6:00 p.m., at City Hall.

Montgomery Community Improvement Corporation

At 6:00 p.m., the Montgomery Community Improvement Corporation (CIC) Board of Trustees is scheduled to meet to hear an update on the Master Developer selection process from members of the CIC Gateway Redevelopment Area (GRA) Ad Hoc Committee.

Business Session

1. Call to Order
2. Roll Call
3. Special Presentation
4. Guests and Residents
5. Legislation for Consideration Tonight
 - a. An Ordinance implementing duties Upon approaching Stationary Public Safety, Emergency or Road Service Vehicle Displaying flashing Lights and Declaring an Emergency—(Mr. Suer) Information was previously supplied to City Council on September 15 on this Ordinance that if adopted would update Section 73.101 of the City of Montgomery Code of Ordinances. This Ordinance mirrors State law to require motorists passing an emergency vehicle stopped on the side of the road with flashing lights to proceed with caution or on a two lane road to move over to protect the officer, service worker or firefighter's safety. The Ordinance will apply to all public safety stops including the Police Department, the Fire Department/Emergency Medical Service, and the Public Works Department. It applies whenever a vehicle is stopped on the side of the road with flashing lights in place. This will give our local first responders the added tool they need for the safety of our employees, particularly while operating on Cross County Highway, I-71 and I-275. The Ordinance is being enacted as an emergency safety Ordinance and will take effect immediately. City Council moved to add this legislation to the October 7, Business Session for consideration that evening and if approved to take effect immediately.

Move to read the Ordinance by title only

Voice Vote

Make a motion to suspend the rules requiring three separate readings

Roll Call Vote

Move to approve the Ordinance as an emergency

Roll Call Vote

- b. An Ordinance To Adopt Chapter 44.1 Of The Codified Ordinances of The City of Montgomery Regarding Municipal Income Tax—(Mr. Dobrozsi) Information was previously supplied to City Council on September 15 on this Ordinance that if passed 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 Chapter 44.1 of the City's Code of Ordinances to implement the changes mandated by State law to the Income Tax Code. The legislature has mandated changes to be in effect through all municipalities in the State of Ohio exercising their taxing authority under Chapter 718. If a community does not enact a new Ordinance by January 1 they lose their ability to impose a local earnings tax. This tax code language, as prepared for the City, is drawn upon the model Ordinance prepared in cooperation with the Ohio Municipal League and Frost Brown Todd. There are not any significant changes from our current tax operations other than defining the authority of the Tax Commissioner with compromise claims and restructuring the Board of Tax Review to be appointed in cooperation with City Council and the City Manager. Significant changes in the City's income tax collections are not interrupted and we believe staff is well prepared to manage the new Code.

Move to read the Ordinance by title only

Voice vote

Make a motion to approve the first reading of the Ordinance at Wednesday's meeting. Make a motion to add this to the agenda as a second reading of the Ordinance to be held at the October 21, Work Session. The third reading of the Ordinance is requested to be held at the November 4, Business Session with adoption of the Ordinance requested at that meeting.

Pending Legislation

- a. An Ordinance Accepting Publicly Dedicated Easement Rights and Storm Water Improvements from Property Owners in the 7900 Block of Shelldale Way—(Mr. Suer-3rd Reading) Information has been previously supplied on this Ordinance that if adopted will authorize the City Manager to execute an Easement Agreement for property at 7919 Shelldale Way owned by Oleg Edelman and Mary Edelman, Trustees of the Edelman Family Trust. This Easement encompasses certain stormwater improvements completed by the Public Works Department this past year on and across this property.

Staff would ask City Council to table the third reading of this Ordinance from October 7 until the Business Session on Wednesday, November 4. The original storm water improvements involved two properties, the Edelman property and the Perry property. The Perry's purchased their property after the improvements were installed, but before the final Easement documents were signed. Staff has made a last ditch effort with Mr. Perry to resolve his concerns, and we believe we will be able to implement the second Easement and therefore amend the legislation to include both parcels of property for the third and final reading. Mr. Perry understands the City's deadlines, and it is anticipated that this issue will be resolved shortly to include both properties for recording.

Move to read the Ordinance by title only

Voice vote

Move to table the Ordinance or for passage of the Ordinance

Roll Call Vote

The Ordinance, if tabled, will then be placed on the November 4, 2015 Business Session for consideration, or if approved, the Ordinance will then take effect 30 days after passage, on December 4, 2015.

New Legislation

- a. A Resolution Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying Them to the County Auditor—(Mr. Suer) Information has previously been supplied on this Resolution that if adopted will accept the rates and amounts determined by the Hamilton County Budget Commission. As a State of Ohio taxing authority and pursuant to the Ohio Revised Code, the City is required to adopt an annual tax budget. City Council adopted the 2016 Tax Budget on July 1, 2015, and then submitted it to the Hamilton County Auditor for review by that office and the Hamilton County Budget Commission. Those reviews did not generate any questions and the proposed Tax Budget was accepted by the Budget Commission and Auditor. City Council is now requested to act to accept the Budget Commission's rates and amounts, which would result in the estimated collections as specified in the City's 2016 Tax Budget. This action will then permit the Budget Commission to collect property taxes at the rates established for the upcoming year.

Move to read the Resolution by title only

Voice Vote

Move for passage of the Resolution

Roll Call Vote

- b. 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) 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.

Move to read the Ordinance by title only

Voice Vote

Move for passage of the first reading of the Ordinance

Roll Call Vote

The second reading of the Ordinance will be held at the November 4, 2015 Business Session. The third reading of the Ordinance will be held at the December 2, 2015 Business Session with adoption of the Ordinance requested at that meeting.

- c. A Resolution Authorizing the City Manager to enter into a LPA Local-Let Project Agreement with the Ohio Department of Transportation (ODOT) for the Ham-US 22-15.35 Montgomery Road Sidewalk project, PID No. 99954—(Mr. Margolis) Information has been previously supplied on this Resolution that if adopted would authorize the City Manager to enter into a LPA Local-Let Project Agreement with the Ohio Department of Transportation (ODOT) for the Ham-US 22-15.35 Montgomery Road Sidewalk project, PID No. 99954. This LPA agreement will allow the City of Montgomery to be the “lead” agency for advertising and awarding the construction project that has been approved for a reimbursement grant of up to \$497,760 to complete the construction of a concrete sidewalk on the east side of Montgomery Road from Weller Road to the main entrance of Bethesda Hospital. The amount listed above represents 80% of the overall project cost estimate of \$622,200. The LPA agreement includes the requirement for the City of Montgomery to be responsible for up to \$124,440 of the total project cost estimate. If the project cost exceeds \$622,200 the City of Montgomery would be responsible for 100% of project costs exceeding that amount. Funding for this project is included in the 2016 City of Montgomery Capital Improvement Program (CIP) budget.

Move to read the Resolution by title only

Voice Vote

Move for passage of the Resolution

Roll Call Vote

- 6. Administration Report**
- 7. Approval of Minutes—September 16, 2015 Work Session**
- 8. Mayor’s Court Report**
- 9. Other Business**
- 10. Executive Session**
- 11. 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

October 7, 2015

Montgomery Community Improvement Corporation (CIC) - 6:00 p.m.

The Montgomery Community Improvement Corporation (CIC) Board of Trustees is scheduled to meet to hear an update on the Master Developer selection process from members of the CIC Gateway Redevelopment Area (GRA) Ad Hoc Committee.

City Council Business Session - immediately following the CIC meeting

1. Call to Order
2. Roll Call
3. Special Presentation
4. Guests and Residents
5. Legislation for Consideration Tonight
 - a. **An Ordinance implementing duties Upon approaching Stationary Public Safety, Emergency or Road Service Vehicle Displaying flashing Lights and Declaring an Emergency—(Mr. Suer)**

Move to read the Ordinance by title only

Voice Vote

Make a motion to suspend the rules requiring three separate readings

Roll Call Vote

Move to approve the Ordinance as an emergency

Roll Call Vote
 - b. **An Ordinance To Adopt Chapter 44.1 Of The Codified Ordinances of The City of Montgomery Regarding Municipal Income Tax—(Mr. Dobrozsi)**

Move to read the Ordinance by title only

Voice vote

Make a motion to approve the first reading of the Ordinance at Wednesday's meeting. Make a motion to add this to the agenda as a second reading of the Ordinance to be held at the October 21, Work Session. The third reading of the Ordinance is requested to be held at the November 4, Business Session with adoption of the Ordinance requested at that meeting.

Pending Legislation

- a. **An Ordinance Accepting Publicly Dedicated Easement Rights and Storm Water Improvements from Property Owners in the 7900 Block of Shelldale Way—(Mr. Suer- 2nd Reading)**

Staff would ask City Council to table the third reading of this Ordinance from October 7 until the Business Session on Wednesday, November 4. The original storm water improvements involved two properties, the Edelman property and the Perry property. The Perry's purchased their property after the improvements were installed, but before the final Easement documents were signed. Staff has made a last ditch effort with Mr. Perry to resolve his concerns, and we believe we will be able to implement the second Easement and therefore amend the legislation to include both parcels of property for the third and final reading. Mr. Perry understands the City's deadlines, and it is anticipated that this issue will be resolved shortly to include both properties for recording.

Move to read the Ordinance by title only

Voice vote

Move to table the Ordinance or for passage of the Ordinance

Roll Call Vote

The Ordinance, if tabled, will then be placed on the November 4, 2015 Business Session for consideration, or if approved, the Ordinance will then take effect 30 days after passage, on December 4, 2015.

New Legislation

- a. **A Resolution Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying Them to the County Auditor—(Mr. Suer)**

Move to read the Resolution by title only

Voice Vote

Move for passage of the Resolution

Roll Call Vote

- b. **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. Dobrozi)**

Move to read the Ordinance by title only

Voice Vote

Move for passage of the first reading of the Ordinance

Roll Call Vote

The second reading of the Ordinance will be held at the November 4, 2015 Business Session. The third reading of the Ordinance will be held at the December 2, 2015 Business Session with adoption of the Ordinance requested at that meeting.

- c. **A Resolution Authorizing the City Manager to enter into a LPA Local-Let Project Agreement with the Ohio Department of Transportation (ODOT) for the Ham-US 22-15.35 Montgomery Road Sidewalk project, PID No. 99954—(Mr. Margolis)**

Move to read the Resolution by title only

Voice Vote

Move for passage of the Resolution

Roll Call Vote

- 6. Administration Report**
- 7. Approval of Minutes—September 16, 2015 Work Session**
- 8. Mayor's Court Report**
- 9. Other Business**
- 10. Executive Session**
- 11. Adjournment**

TO: Mayor Todd A. Steinbrink
Members of City Council

FROM: Meghan Donnellon Hyden

RE: Move Over Ordinance

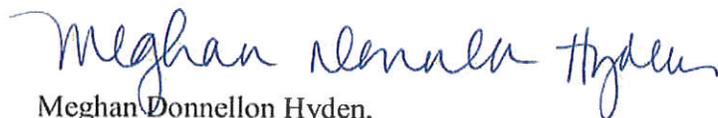
DATE: September 16, 2015

Several months ago, one of our officers was conducting a traffic stop on Cross County Highway and was nearly struck by a passing vehicle. After that encounter, he realized that the City's Code does not have an ordinance to mirror the State Ordinances regarding the requirement of motorists to move over or to exercise caution, when passing a vehicle with flashing lights.

Our officers are constantly conducting traffic stops on Cross County, I-71 and I-275 and their safety, as well as the safety of other Emergency and Road Service personnel, is a priority in the City.

The proposed Ordinance adds the specific provision for motorists to move over or to exercise caution when approaching a vehicle that is displaying flashing lights. This Ordinance mirrors the current State law. The Ordinance has been reviewed with Law and Safety Committee which has recommended that the Ordinance be added to the October Business Session and passed as an emergency to make this safety Ordinance available immediately for enforcement.

Sincerely,



Meghan Donnellon Hyden,
Attorney at Law

MDH/

Enclosure

cc: Connie Gaylor, Administrative Coordinator
Department Heads
File

ORDINANCE NO. , 2015

AN ORDINANCE IMPLEMENTING DUTIES UPON APPROACHING STATIONARY PUBLIC SAFETY, EMERGENCY, OR ROAD SERVICE VEHICLE DISPLAYING FLASHING LIGHTS AND DECLARING AN EMERGENCY

WHEREAS, State law imposes a duty on all vehicles operating on a vehicle on a roadway to move over or exercise caution when passing approaching a stationary vehicle with flashing lights; and

WHEREAS, the safety of our Police Officers, Emergency Response personnel and Road Service personnel is a priority in the City of Montgomery; and

WHEREAS, the City of Montgomery desires to update the Code of Ordinances to reflect the current changes in Ohio law to require motorists to change lanes or proceed with caution when approaching or passing a stationary emergency vehicle which is displaying flashing lights; and

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

SECTION 1. Section 73.101 of the Code of Ordinances entitled, *Duties upon approaching stationary public safety, emergency, or road service vehicle displaying flashing lights*, shall be adopted as follows:

(A) The driver of a motor vehicle, upon approaching a stationary public safety vehicle, emergency vehicle, road service vehicle, vehicle used by the public utilities commission to conduct motor vehicle inspections in accordance with sections 4923.04 and 4923.06 of the Ohio Revised Code, or a highway maintenance vehicle that is displaying the appropriate visual signals by means of flashing, oscillating, or rotating

lights, as prescribed in section 4513.17 of the Ohio Revised Code, shall do either of the following:

(1) If the driver of the motor vehicle is traveling on a highway that consists of at least two lanes that carry traffic in the same direction of travel as that of the driver's motor vehicle, the driver shall proceed with due caution and, if possible and with due regard to the road, weather, and traffic conditions, shall change lanes into a lane that is not adjacent to that of the stationary public safety vehicle, emergency vehicle, road service vehicle, vehicle used by the public utilities commission to conduct motor vehicle inspections in accordance with sections 4923.04 and 4923.06 of the Ohio Revised Code, or a highway maintenance vehicle.

(2) If the driver is not traveling on a highway of a type described in division (A)(1) of this section, or if the driver is traveling on a highway of that type but it is not possible to change lanes or if to do so would be unsafe, the driver shall proceed with due caution, reduce the speed of the motor vehicle, and maintain a safe speed for the road, weather, and traffic conditions.

(B) This section does not relieve the driver of a public safety vehicle, emergency vehicle, road service vehicle, vehicle used by the public utilities commission to conduct motor vehicle inspections in accordance with sections 4923.04 and 4923.06 of the Ohio Revised Code, or a highway maintenance vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway.

(C) No person shall fail to drive a motor vehicle in compliance with division (A)(1) or (2) of this section when so required by division (A) of this section.

(D) (1) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(2) Notwithstanding section 2929.28 of the Ohio Revised Code, upon a finding that a person operated a motor vehicle in violation of division (C) of this section, the court, in addition to all other penalties provided by law, may impose a fine of up to two times the usual amount imposed for the violation.

SECTION 2. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

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

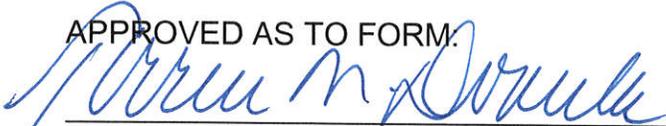
SECTION 4. This Ordinance is hereby declared to be an emergency measure necessary for the preservation of public health, safety and welfare, and it shall take effect immediately as allowable by law.

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Todd A. Steinbrink, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director

TO: Mayor Todd A. Steinbrink
Members of City Council

FROM: Terrence M. Donnellon

RE: Income Tax Code Update

DATE: September 16, 2015

We have prepared for Council consideration an updated Municipal Income Tax Code to meet the requirements mandated by Substitute House Bill (H.B.) 5 which was a substantial overhaul of Chapter 718 of the Ohio Revised Code. Chapter 718 encompasses the statutory sections under which we have authority to levy a municipal income tax. The State legislature in enacting H.B. 5 mandated that all Codes come into compliance with the new legislation effective January 1, 2016.

The Ohio Municipal League, with the assistance of Frost Brown Todd, prepared a model Ordinance for all communities. We have used this model Ordinance as the text in preparing an update of the City Income Tax Code. The new Income Tax Code is enacted as Chapter 44.1 to distinguish it from our current Chapter 44. Chapter 44 as written today will govern all tax years preceding tax year 2016. It will be necessary for several years to have dual Tax Codes as there are different provisions, mandated by law, in the new Code. By enacting it as a separate Chapter 44.1 we are easily able to distinguish between the two Code sections in administering the tax.

Most, if not all, of the language of Chapter 44.1 was mandated by H.B. 5. There were some options which we have incorporated into the Code mirroring what we already have in effect in Chapter 44. Attached to this memo is a document entitled Exhibit B which was prepared by Frost Brown Todd and outlines some of the sample revisions and highlights the options for local communities. As an example, one of the options was to exclude the tax filing requirements for taxpayers under age 18. We have never excluded any taxpayer from filing a tax return, so we have incorporated appropriate language to require all residents earning taxable income to file a tax return. We also have carried forward our tax on stock options and the accounting for wages related to non-qualified plans.

Two other changes to call to your attention are the restructuring of the Board of Tax Review and the Tax Administrator's authority to compromise interest and penalty.

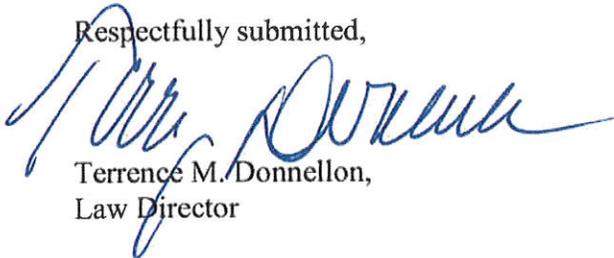
The model Ordinance prepared under H.B. 5 grants the Tax Administrator authority to compromise interest and penalties. Our current Code reserves that authority to the Board of Tax Review except in limited circumstances authorized by their Rules and Regulations. The language in the model Ordinance should be retained to meet the legislative intent of H.B. 5; however, it should be noted that the Tax Commissioner in compromising any claim under the authority granted by § 44.1.132 must act consistent with guidelines established by the Board of Tax Review.

Secondly, the new Code requires at § 44.1.18 that two members of the Board be appointed by City Council and one member of the Board be appointed by the City Manager. Recognizing that there may be times when there is a conflict, our new Code allows City Council to appoint an alternate member to be available to serve as a result of a conflict. The same authority is granted to the City Manager to appoint a substitute Board Member when a conflict would occur.

Finally, we have carried forward in our new Code the option for a diversion program when a taxpayer is cited to the Mayor's Court. Oftentimes a citation simply is needed to require a taxpayer to file a return or to pay a delinquent tax. Rather than creating a criminal record, we give them the opportunity to pay an administrative fee and to work through a payment schedule after which the case would be dismissed.

It is necessary that the legislation be in place by January 1, 2016. The Financial Planning Committee has recommended that the Ordinance be added to the October Business Session Agenda for first reading. Thereafter by motion at the October 7th meeting the legislation may be added to the October work session for second reading, and the third and final reading will occur at the November Business Session to be effective January 1, 2016.

Respectfully submitted,



Terrence M. Donnellon,
Law Director

TMD/lld

Enclosure

cc: Connie Gaylor, Administrative Coordinator
Department Heads
File

EXHIBIT B

SAMPLE ORDINANCE REVISIONS AND OPTIONS REQUIRED OF MUNICIPAL CORPORATION

1. In every place where a Section is referenced (i.e. XXX.01, or referenced as "Chapter XXX"), the municipal corporation must insert the CHAPTER NUMBER in place of the XXX. For example, if the Tax Ordinance is designated as Chapter 191, then in the previous example, it would be changed to read 191.01, or referenced as "Chapter 191." This will occur throughout the Sample Ordinance.

2. The municipal corporation must complete Section XXX.012, "Purposes of Tax; Rate." ORC 718.04 requires that the purpose(s) of the tax must be stated in the Ordinance, and the rate of the tax must be stated in the Ordinance.

3. The municipal corporation must complete Section XXX.013, "Allocation of Funds." This section in each municipal tax Ordinance usually specifies how the municipal income tax funds are allocated, and may be directly tied to whether or not an additional tax has been directly allocated to a specific purpose, such as safety services, capital improvements, etc.

4. Section XXX.014 "Statement of Procedural History; State Mandated Changes to Municipal Income Tax," and Section XXX.02, "Effective Date" must be completed. In both Sections, the Ordinance number relating to the enacting legislation associated with the Sample Ordinance must be inserted (in place of 2015-XX). In both Sections, the language must specify the Chapter number (in place of Chapter XXX) of the current municipal income tax Ordinance. If the current tax Ordinance is not codified, and/or if there are multiple amendments or Ordinances that make up the entirety of the municipality's tax code, then all related ordinances and/or amendments must be noted in this section. The municipal corporation's current tax code will still be effective for taxable years through 2015, even beyond 1/1/16. For the next six years, the old tax code and old ORC 718 will apply to taxable years 2015 and prior. In order to properly instruct the taxpayers that these tax codes / ordinances / amendments are effective for taxable years 2015 and prior, they must be included in this language.

5. Section XXX.03(11)(N)
 Exempt Income
 S Corp Shareholder's distributive share of net profits

If the municipality **did not** go to the ballot and obtain the approval of the electorate (in 2003 or 2004) to tax a shareholder's distributive share of net profits from an S Corporation, the municipal corporation will use the highlighted language for this Section, shown below:

(N) An S corporation shareholder's distributive share of net profits of the S corporation, other than any part of the distributive share of net profits that represents wages as defined in section 3121(a) of the Internal Revenue Code or net earnings from self-employment as defined in section 1402(a) of the Internal Revenue Code.

Section XXX.03(11)(N)
Exempt Income
S Corp Shareholder's distributive share of net profits

If the municipality **did** go to the ballot and obtain the approval of the electorate (in 2003 or 2004) to tax a shareholder's distributive share of net profits from an S Corporation, then this section (N) will be marked as indicated below, as "intentionally left blank." NOTE: If the municipality **did** go to the ballot, there will be optional language under the definition of "Income" that will require the municipal corporation to select the correct option.

(N) INTENTIONALLY LEFT BLANK

Be sure to delete all edit notes and any other instructional language upon completion.

Please refer to ORC 718.03(C)(14) to see the exact ORC 718 language.

6. Section XXX.03(11)(O)
Exempt Income
Taxpayers under age of 18
This section in ORC 718.03(C)(15) reads as follows:

"To the extent authorized under a resolution or ordinance adopted by a municipal corporation before January 1, 2016, all or a portion of the income of individuals or a class of individuals under eighteen years of age."

This provides the municipal corporation with the option to exempt all or a portion of the income for individuals. It is important to note that ORC 718.03(C)(15) requires that any exemption be done before 1/1/16, otherwise the municipal corporation may not, in the future, decide to tax or exempt the income of individuals under the age of eighteen years. This means that the municipal corporation must pass legislation prior to this Sample Ordinance to enact any change in policy regarding this matter. The election stated within the Sample Ordinance may not be changed after this date.

OPTION 1: Exempt all income for individuals under 18 years of age.

(O) All of the income earned by individuals under eighteen years of age

OPTION 2: Exempt part of the income for individuals under 18 years of age:

(O) A portion of the income of earned by individuals or a class of individuals under eighteen years of age, specifically exempting _____ (For example, a municipal corporation could elect to exempt net profit earnings from an individual under eighteen years of age;

could exempt only qualifying wages and tax net profits from individuals under eighteen years of age.)

OPTION 3: Tax all income regardless of age. If the municipal corporation chooses this option, then Section XXX.03(11)(O) should be marked as shown below, as "intentionally left blank."

(O) INTENTIONALLY LEFT BLANK

Be sure to delete all edit notes and any other instructional language upon completion.

Please refer to ORC 718.03(C)(15) to see the exact ORC 718 language.

7. XXX.03(14)(A)(iii)
Income
S Corp Shareholder's distributive share of net profits

The highlighted portion of this section provides that the income of a S Corporation's shareholders' distributive share of net profit is subject to tax, unless exempted by 11(N) of this section (since the municipal corporation did not go to the electorate in 2003 or 2004), and is specified as subject to the tax, by virtue of inclusion in income if shown in 14(E). (Note: #8 will address 14(E)).

8. XXX.03(14)(E)
Income
S Corp Shareholder's distributive share of net profits

If the municipal corporation went to the ballot in Nov 2003 to continue taxing the distributive share of the net profit in the hands of the individual shareholder of the S Corp, and the issue passed successfully, then the following language would be inserted:

(E) For residents, an S corporation shareholder's distributive share of net profits of an S corporation.

XXX.03(14)(E)
Income
S Corp Shareholder's distributive share of net profits

If the municipal corporation went to the ballot in Nov 2004 to continue taxing the distributive share of the net profit in the hands of the individual shareholder of the S Corp, and the issue passed successfully, then the following language would be inserted:

(E) For residents, an S corporation shareholder's distributive share of net profits of the S corporation to the extent the distributive share would be allocated or apportioned to this state under divisions (B)(1) and (2) of section 5733.05 of the Ohio Revised Code if the S corporation were a corporation subject to taxes imposed under Chapter 5733. of the Ohio Revised Code, and the tax shall apply to the distributive share of a shareholder of an S corporation in the hands of the shareholder of the S Corporation.

If the municipal corporation did not go to the electorate and gain approval to continue to tax the distributive share of the net profit of the S corporation in the hands of the shareholder in either the November 2003 or November 2004 election, or went to the ballot and was not successful, then XXX.03(14)(E) can be deleted altogether, or marked as "intentionally left blank."

Be sure to delete all edit notes and any other instructional language upon completion.

9. Section XXX.03(21)
Definition of "**Municipality**"
- A. *For a municipal corporation, "Municipality" means the (City/Village) of _____.*
The Municipal Corporation will choose either "city" or "village", and will insert their name in the blank space provided in Option 1. Option 2 would be deleted.
- B. For a JEDD or JEDZ, you will use Option 2, and insert the name of the JEDD or JEDZ. Option 1 would be deleted.

10. Section XXX.03(34)(A)(iii)
Definition of "**Qualifying Wages**"
- This section provides the starting point for determining "qualifying wages", and (A) lists the items that you deduct from "qualifying wages"
 - Nonqualified Deferred Compensation Plan

A. Option 1. Municipal Corporation **has exempted** nonqualified deferred compensation plan from taxation. Use the following language for number 3:

(iii) Any amount attributable to a nonqualified deferred compensation plan or program described in section 3121(v)(2)(C) of the Internal Revenue Code if the compensation is included in wages.

B. Option 2. Municipal Corporation **has not exempted** nonqualified deferred compensation plans. You will mark as shown below, as "intentionally left blank."

(iii) INTENTIONALLY LEFT BLANK

Be sure to delete all edit notes and any other instructional language upon completion.

11. Section XXX.03(34)(A)(iv)
Definition of "**Qualifying Wages**"

- This section provides the starting point for determining “qualifying wages”, and (A) lists the items that you deduct from “qualifying wages”.
- Stock Option

A. Option 1. The Municipal Corporation has exempted stock options from taxation. Use the following language:

(iv) Any amount included in wages if the amount arises from the sale, exchange, or other disposition of a stock option, the exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option.

B. Option 2. The Municipal Corporation has not exempted stock options from stock options. You will mark as shown below, “intentionally left blank.”

(iv) INTENTIONALLY LEFT BLANK

Be sure to delete all edit notes and any other instructional language upon completion.

12. Section XXX.03(34)(B)(ii)
Definition of “Qualifying Wages”

- This section (B) provides a listing of items that need to be added to the base of “qualifying wages” because they are taxable to the municipal corporation.
- Stock Option

A. Option 1. The Municipal Corporation has not exempted stock options from taxation. You will follow Option 1 and will insert the following language:

(ii) Any amount not included in wages because the amount arises from the sale, exchange, or other disposition of a stock option, the exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option. Division (34)(B)(ii) of this section applies only to those amounts constituting ordinary income.

B. Option 2. The municipal corporation has exempted stock options from taxation. You will mark as “intentionally left blank.”

(ii) INTENTIONALLY LEFT BLANK

Be sure to delete all edit notes and any other instructional language upon completion.

13. Section XXX.051(B)(1)(a)
Collection at Source – Withholding from Qualifying Wages
Reference to Semi-Monthly Withholding

The highlighted reference to (B)(1)(c) may be deleted if the municipal corporation does not choose to implement semi-monthly withholding.

Section XXX.051(B)(1)(c)
Semi Monthly Withholding provision

The Municipal Corporation may determine whether or not it will require semi-monthly withholding from employers who remit taxes withheld, based on the criteria and thresholds provided. The Municipal Corporation has the option to also raise the threshold for required semi-monthly payments, but may not reduce this threshold below the amounts stated.

If the Municipal Corporation decides to require semi-monthly withholding, use the language provided in the Sample Ordinance document (or amended based on increased thresholds), and as shown below:

(c) Remit taxes deducted and withheld semimonthly to the Tax Administrator if the total taxes deducted and withheld or required to be deducted on behalf of the **Municipality** in the preceding calendar year exceeded eleven thousand nine hundred ninety-nine dollars, or if the total amount of taxes deducted and withheld or required to be deducted and withheld on behalf of the **Municipality** in any month of the receding calendar year exceeded one thousand dollars. The payment under division (B)(1)(b) of this section shall be made so that they payment is received by the Tax Administrator not later than one of the following:

- (i) If the taxes were deducted and withheld or required to be deducted and withheld during the first fifteen days of a month, the third banking day after the fifteenth day of that month.
- (ii) If the taxes were deducted and withheld or required to be deducted and withheld after the fifteenth day of a month and before the first day of the immediately following month, the third banking day after the last day of that month.

If the Municipal Corporation determines that it will not require semi-monthly withholding, strike (c) and re-alpha any remaining items. You will need to check for any other references in the Ordinance that might need to be corrected.

Be sure to delete all edit notes and any other instructional language upon completion.

14. Section XXX.051(B)(d)
Collection at Source – Withholding from Qualifying Wages
Payment required by Electronic Funds Transfer

The Municipal Corporation may determine whether or not it will require an employer to remit withholding payments by Electronic Funds Transfer when the employer is required to make

payments electronically for purpose of paying federal taxes withheld under section 6302 of the Internal Revenue Code, 26 C.F.R. 31.6302-1, or any other federal statute or regulation.

If the Municipal Corporation decides to require payment by Electronic Funds Transfer, use the language provided in the Sample Ordinance document, and as shown below:

(d) (OPTION FOR MUNICIPAL CORP) An employer, agent of an employer or other payer is required to make payment by electronic funds transfer to the Tax Administrator of all taxes deducted and withheld on behalf of the employee for remittance to the Municipality if the employer, agent of an employer, or other payer is required to make payments electronically for the purpose of paying federal taxes withheld on payments to employees under section 6302 of the Internal Revenue Code, 26 C.F.R. 31.6302-1, or any other federal statute or regulation. The payment of tax by electronic funds transfer under this division does not affect an employer's, agent's, or other payer's obligation to file any return as required under this section. Once the threshold for remitting payment electronically for federal purposes has been met, any accrued municipal income tax withheld from employee qualifying wages earned within the Municipality shall be remitted to the Municipality at the same time that the federal tax withholding payment is due.

If the Municipal Corporation determines that it will not require payment by Electronic Funds Transfer, strike (d). You will need to check for any other references in the Ordinance that might need to be corrected.

Be sure to delete all edit notes and any other instructional language upon completion.

15. Section XXX.052(G)
Collection at Source – Occasional Entrant
Exception and rules for tax withheld for working at a petroleum refinery

This section (G) relates to taxes withheld when an employee performs personal services at a petroleum refinery located in a municipal corporation. If the Municipal Corporation does not have a petroleum refinery located within the Municipality, this section (G) could be deleted. If deleted, the remaining items would need to be changed, and any other references within the Ordinance would need to be checked and corrected.

If the municipal corporation does not have a petroleum refinery located within the Municipal boundaries, this section could still be left in with no consequence.

16. Section XXX.053
Collection at Source; Casino and VLT

This section provides the requirements for withholding on the proceeds from a casino or VLT. If the municipal corporation does not have such facilities located within the Municipality, this

entire section could be deleted. If deleted, any other references within the Ordinance would need to be checked and corrected.

If the municipal corporation does not have a casino or VLT operation within the municipal boundaries, this section could still be left in with no consequence.

17. Section XXX.081
Credit for tax paid

This section has been left available for the municipal corporation to provide municipal specific language regarding credit provided for tax paid to another municipal corporation for work or services performed in the other municipal corporation.

There is currently no restriction within ORC 718 regarding the amount of credit that a municipal corporation must provide. A municipal corporation may allow full credit up to the Municipality's tax rate, zero credit for tax paid to another municipal corporation, or a reduced credit somewhere between zero credit and full credit.

It will be important to discuss this section with your Tax Administrator, as changes within ORC 718 regarding offsetting of losses against net profit gains, coupled with an NOL carryforward may require further detail on how to properly allocated credit allowed against income reported. Since net profit gains can be offset by net profit losses, it will be important to clarify how credit is allocated.

18. Section XXX.091(A)(2) and (3)
Return and payment of tax

In this section, (3) requires that all resident individual taxpayers, _____ years of age and older, shall file an annual income tax return with the Municipality, regardless of income or liability. This language provides for Mandatory or Universal filing.

Number (2) allows the Tax Administrator to accept a W-2 remitted by an employer (within the Municipality) showing that tax was fully withheld for a nonresident and/or resident individual taxpayer, when that nonresident or resident taxpayer's sole income subject to the tax is the qualifying wages reported by the employer. This W-2 would be in lieu of any filing by the taxpayer.

- To **maintain and require** Mandatory or Universal filing, the municipal corporation could delete "and resident", "or resident" from (2), and leave all other subsections within (A) in place. In (3), would need to complete: "and require all taxpayers, _____ years of age and older, shall file an annual municipal income tax return with the Municipality, regardless of income or liability."

- To **not require** Mandatory or Universal filing, the municipal corporation would delete (3). The municipal corporation will need to decide if (2) is applicable, and (1) will remain as it is.

The municipal corporation may also insert their own language requiring mandatory / universal filing or not requiring mandatory / universal filing.

This would also be an opportunity for a non-mandatory / universal filing municipality to consider adopting an Ordinance that would require mandatory / universal filing.

ANY CHANGES to this section would require possible renumbering and checking for other references within the Ordinance.

19. Section XXX.091(F)(2)

Highlighted language refers to a qualified municipal corporation (Indian Hills, Wyoming), and can be deleted by all other municipal corporations.

20. Section XXX.091(I)

If the municipal corporation has not implemented semi-monthly withholding, the highlighted portion of this subdivision can be deleted.

21. Section XXX.10(F)
Penalty, Interest, Fees and Charges

This section gives the authority to the Tax Administrator to abate or partially abate penalties or interest imposed, in their sole discretion, when the Tax Administrator deems such abatement or partial abatement to be appropriate.

The municipal corporation must determine if there is any other Ordinance, Resolution or Charter that conflicts with the Tax Administrator having this full authority to take such action. The municipal corporation must also determine if they wish for the Tax Administrator to have such authority. The municipal corporation is not restricted from providing guidelines to the Tax Administrator regarding the abatement or partial abatement of penalties or interest imposed.

22. Section XXX.18(A)(2)
Local Board of Tax Review

ORC 718 is silent on several issues regarding the Local Board of Tax Review, and the issues believed to be important have been provided as options. The first three options can be added to XXX.18(A)(2) without having to re-number this section.

OPTION 1: MEMBERS MUST BE DOMICILED IN THE MUNICIPAL CORPORATION.
To choose this option, the following language would be inserted:

The three members of the Local Board of Tax Review must be domiciled in the Municipality.

OPTION 2: MEMBERS MAY BE DOMICILED IN THE MUNICIPAL CORPORATION, BUT THE APPOINTING AUTHORITY MAY DECIDE TO USE INDIVIDUALS NOT DOMICILED IN THE MUNICIPAL CORPORATION.
To choose this option, the following language would be inserted:

The three members of the Local Board of Tax Review may be domiciled in the Municipality, but the appointing authority may consider membership from individuals who are not domiciled within the Municipality.

OPTION 3: REMAIN SILENT. DO NOT USE OPTION 1 or 2, AND LET THE APPOINTING AUTHORITY DECIDE AS NEEDED.
Leaving any language out gives the appointing authority the option to go either way. Where ORC 718 is silent, the municipality may decide.

23 Section XXX.18(A)(8) and (9)
Local Board of Tax Review

ORC 718 is silent on other provisions relating to the Local Board of Tax Review. These options have been added in the Sample Ordinance, listed as items (8) and (9). The municipal corporation could choose to select or delete either of these items. Deleting an item would require re-numbering this section, and checking for any references in the Ordinance and making changes accordingly.

(8) No member of the Local Board of Tax Review shall receive compensation, fee, or reimbursement of expenses for service on the board.

(9) A member of a Local Board of Tax Review shall not be appointed to serve on another such board simultaneously.

24. Section XXX.20(A)
Adoption of Rules

The municipal corporation must decide who will be given the authority to adopt rules to administer the income tax. In most current Ordinances, authority to promulgate rules and regulations is given to the Board of Tax Appeals. ORC 718.30 provides that the legislative authority (Council / Commission) may adopt rules, or the Tax Administrator, by Ordinance, may be granted the authority to adopt rules to administer the income tax. The options provided are listed below:

OPTION 1: (A) Pursuant to Section 718.30 of the Revised Code, the Municipality pursuant to this Ordinance, grants authority to the Tax Administrator to adopt rules to administer the income tax imposed by the Municipality.

This option gives the authority by Ordinance to the Tax Administrator to adopt rules to administer the income tax.

OPTION 2: (A) Pursuant to Section 718.30 of the Revised Code, the legislative authority of the Municipality has the authority by Ordinance or Resolution to adopt rules to administer the income tax imposed by the Municipality.

This option leaves the authority in the hands of the Council / Commission to adopt rules by Ordinance or Regulation.

25. MUNICIPAL SPECIFIC SECTIONS

This space has been left for each municipal corporation to add sections to the Ordinance that do not conflict with ORC 718, and are specific to each municipality. There could be several different sections that would need to be moved to this Sample Ordinance. For example, the municipal corporation may include:

Landlord Reporting
Tenant Registration

These sections should be numbered according to the structure of this Ordinance, and must be included in the contents page in chronological order.

26. Section XXX.99 Violations; Penalty

Subsection (A), (B) and (C) provide violations and applicable criminal remedy for each violation. In (D), the municipal corporation must determine the appropriate remedy for each scenario, or provide appropriate language to coincide with the violations listed separately in (D).

ORDINANCE NO. , 2015

AN ORDINANCE TO ADOPT CHAPTER 44.1 OF THE CODIFIED ORDINANCES OF THE CITY OF MONTGOMERY REGARDING MUNICIPAL INCOME TAX

WHEREAS, the Home Rule Amendment of the Ohio Constitution, Article XVIII, Section 3, provides that “Municipalities shall have authority to exercise all powers of local self-government,” and the municipal taxing power is one of such powers of local self-government delegated by the people of the State to the people of municipalities; and

WHEREAS, Article XIII, Section 6 of the Ohio Constitution provides that the General Assembly may restrict a municipalities power of taxation to the extent necessary to prevent abuse of such power, and Article XVIII, Section 13 of the Ohio Constitution states that “laws may be passed to limit the powers of municipalities to levy taxes and incur debts for local purposes;” and

WHEREAS, the General Assembly has determined that it is necessary and appropriate to comprehensively review and amend Chapter 718 of the Ohio Revised Code, setting forth statutory requirements for municipal income tax codes in Ohio; and

WHEREAS, more specifically, the General Assembly enacted H. B. 5 in December 2014, and mandated that municipal income tax codes be amended by January 1, 2016 such that any income or withholding tax is “levied in accordance with the provisions and limitations specified in [Chapter 718];” and

WHEREAS, upon a detailed review of H. B. 5 and the Codified Ordinances of the City of Montgomery, this Ordinance is found and determined by this Council to enact the amendments required prior to the January 1, 2016 deadline to be in accord with the provisions and limitations specified in Chapter 718 of the Revised Code; and

WHEREAS, Council also finds and determines that the constitutionality of certain provisions of the state-mandated code may have been put in question by recent decisions of the Ohio Supreme Court regarding, among other things, taxation of professional athletes, but these provisions must be included if the municipal income tax code is to be “levied in accordance with the provisions and limitations specified in [Chapter 718]” and thus reluctantly are adopted by this Council but are disclaimed to the extent they are unlawful or unconstitutional;

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

SECTION 1. Chapter 44.1 of the Codified Ordinances be enacted to read as set forth in the document entitled “Chapter 44.1, Municipal Income Tax” attached hereto as Exhibit A and incorporated herein by reference.

SECTION 2. This Ordinance shall take effect and be in force from and after January 1, 2016.

SECTION 3. The enactment of this Chapter 44.1 shall not repeal current Chapter 44 of the Code of Ordinances, which current Chapter 44 shall govern the application and enforcement of the Municipal Income Tax for all tax years preceding tax year 2016.

SECTION 4. All sections, subsections, parts and provisions of this Ordinance are hereby declared to be independent sections, subsections, parts and provisions, and the holding of any section, subsection, part or provision to be unconstitutional, void or ineffective for any reason shall not affect or render invalid any other section, subsection, part or provision of this Ordinance.

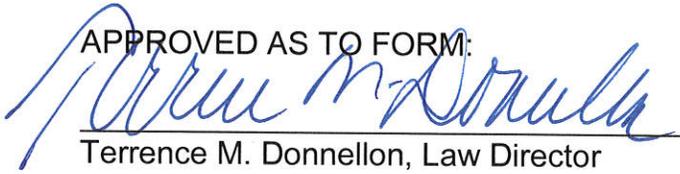
SECTION 5. This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Todd A. Steinbrink, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director

TO: Mayor Todd A. Steinbrink
Members of City Council

FROM: Terrence M. Donnellon

RE: Shelldale Way Stormwater Improvements

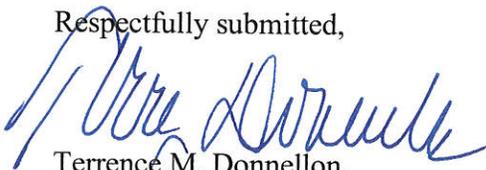
DATE: October 1, 2015

October 7th is the third and final reading of the Ordinance to accept the Easement from the Edelman family governing the area where we installed stormwater improvements this past year. There is a second property through which improvements also were installed which is owned by Edward and Jennifer Perry. The Perrys purchased the property after the work was completed, but before the Easements were drafted for signature.

Mr. Perry has been reluctant to grant the Easement as he has been concerned about compromising his privacy and giving the City unlimited access to a portion of his property. We made a last ditch effort to reach out to him to find acceptable language or to explain to him that we have exhausted all opportunities and we must move on. Mr. Perry has asked for some changes in the Easement, which we have drafted and which has been approved by the Public Works Department.

With the hope that we can combine both properties into one Ordinance for recording, we are asking that Council table the third reading of the Ordinance to the November 7th Business Session. We have sent the revised Easement Agreement to Mr. Perry with an explanation of our timeline to set the Agenda for the third reading. Assuming we can reach a final agreement with Mr. Perry, would Council consider tabling the third reading, and if we are successful an amended Ordinance can then be approved in November.

Respectfully submitted,



Terrence M. Donnellon,
Law Director

TMD/lld
Enclosure

cc: Connie Gaylor, Administrative Coordinator
Department Heads
File

ORDINANCE NO. , 2015

**AN ORDINANCE ACCEPTING PUBLICLY DEDICATED EASEMENT RIGHTS AND
STORM WATER IMPROVEMENTS FROM PROPERTY OWNERS IN THE
7900 BLOCK OF SHELLDALE WAY**

WHEREAS, Oleg Edelman and Mary Edelman as Trustees of the Edelman Family Trust dated January 13, 2012, are property owners in the 7900 block of Shelldale Way, Montgomery, Ohio, being Hamilton County Auditor's Parcel Number 603-0008-0177 ("Edelman Property"), which property is more fully described within Exhibit A within the Easement Agreement accepted by the property owners; and

WHEREAS, the City of Montgomery, Ohio has contracted with the property owners to reconstruct a storm sewer management system on and across the Edelman Property to appropriately manage storm water runoff from the Edelman Property and storm water runoff from the right-of-way of the Montgomery Heights subdivision; and

WHEREAS, the property owners have agreed to grant certain permanent easement rights to the City of Montgomery to allow the City access to the property to maintain such storm water management and surface drainage improvements, now and in the future; and

WHEREAS, Council does desire to accept these property rights for and on behalf of the City and to commit to the maintenance of such storm water management and surface drainage improvements now and in the future.

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

SECTION 1. Council hereby accepts the permanent easement rights from the property owners Oleg Edelman and Mary Edelman, Trustees of the Edelman Family Trust dated January 13, 2012, upon and across property located on Shelldale Way, being Auditor's

Parcel Number 603-0008-0177 set forth within the Easement Agreement attached hereto and incorporated herein by reference and being more particularly described on Exhibit A within such Agreement. The easement area in which the improvements will be constructed as described on the Exhibit B-1 within such Easement Agreement. Such easement area is further depicted in the plat depicted on Exhibit B-2 within such Agreement. It shall be the City of Montgomery's responsibility to construct these storm water management and surface drainage improvements within the easement area and to maintain such public improvements consistent with the terms of the separate Easement Agreement executed by and between the property owners and the City of Montgomery.

SECTION 2. The City Manager is directed to execute such Easement Agreement and any and all additional documentation as may be necessary to accept these property rights, and thereafter to accept responsibility for maintenance of such public improvements upon the property.

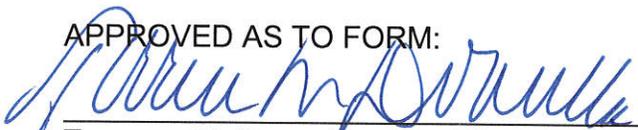
SECTION 3. This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Todd A. Steinbrink, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director

RESOLUTION NO. _____, 2015

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE HAMILTON COUNTY BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR

WHEREAS, this Council, in accordance with the provisions of law, has previously adopted a Tax Budget for the next succeeding fiscal year commencing January 1, 2016; and

WHEREAS, the Budget Commission of Hamilton County, Ohio, has certified its action thereon to the Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council and what part thereof is without, and what part is within the ten mill tax limitation.

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

SECTION 1. The rates, as determined by the Budget Commission in its certification, as set forth on the attached Schedule A, are hereby accepted.

SECTION 2. There is hereby levied on the City of Montgomery's tax duplicate the rate of each tax necessary to be levied without and within the ten mill limitation, as detailed on attached Schedule A, which Schedule A is adopted by reference as if fully restated herein.

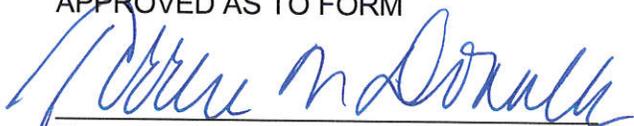
SECTION 3. This Resolution shall be in full force and effect from and after its passage.

PASSED _____

ATTEST _____
Connie M. Gaylor, Clerk of Council

Todd A. Steinbrink, Mayor

APPROVED AS TO FORM



Terrence M. Donnellon, Law Director

000000002
JOURNAL
ENTRY

Date: JUL 28 2015

The Honorable Dusty Rhodes
Hamilton County Auditor
Administration Building
138 East Court Street, Room 304A
Cincinnati, Ohio 45202-1221

Entry Number: 15-07-0200

Re: Approval of Extension for the Hamilton County Budget Commission to Complete its Work

The Tax Commissioner, upon consideration of the application filed by the County Auditor, as secretary of the county budget commission, on July 27, 2015, for an extension of time beyond the statutory date of September first to complete its work, as provided by Revised Code section 5705.27, finds that the extension of time is necessary and approves September 18, 2015, as the date within which such work shall be completed, pursuant to Ohio Revised Code section 5705.341 (last para.).

The Tax Commissioner also extends the October first deadline contained in Ohio Revised Code section 5705.34 for the political subdivision to authorize the necessary tax levies to the auditor by the same number of days that the extension to certify rates is granted by this entry. Accordingly, the political subdivision must authorize the necessary tax levies to the auditor by October 19, 2015. The County Auditor must notify each political subdivision affected by this entry.

It is ordered that a copy of this entry be certified to the County Auditor, as secretary of the County Budget Commission.

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



JOSEPH W. TESTA
TAX COMMISSIONER

/s/ Joseph W. Testa

Joseph W. Testa
Tax Commissioner

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION & AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR

City Council

Rev. Code, Secs. 5705.34

The Council of the City of _____, Hamilton County, Ohio, met in _____ session on the _____ day of _____, 20____, at the office of _____ with the following members present: _____

_____ moved the adoption of the following Resolution:

WHERE AS, This Council in accordance with the provisions of law has previously adopted a Tax Budget for the next succeeding fiscal year commencing January 1st, 20 ____ ; and

WHERE AS, The Budget Commission of Hamilton County, Ohio, has certified its action Thereon to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council and what part thereof is without, and what part within the ten-mill limitation; therefore be it

RESOLVED, By the Council of the City of _____ Hamilton County, Ohio, that the amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted; and be it further

RESOLVED, That there be and is hereby levied on the tax duplicate of said City the rate of each tax necessary to be levied within and without the ten mill limitation as follows:

**SCHEDULE A
SUMMARY OF THE AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY THE BUDGET COMMISSION
AND COUNTY AUDITOR'S ESTIMATED TAX RATES**

	Amount Approved by Budget Commission Inside 10M Limitation	Amount to be Derived from Levies Outside 10M Limitation	Tangible P.P. & P.U.P.P. State Reimbursements	Gross Levy Proceeds	County Auditor's Estimate of the Tax Rate to be Levied		
					Outside	Inside	TOTAL
GENERAL FUND	1,508,700	754,350	0	2,263,050	1.50	3.00	4.50
BOND	0	0	0	0	0.00	0.00	0.00
FIRE	0	1,897,338	0	1,897,338	5.55	0.00	5.55
PARK	0	0	0	0	0.00	0.00	0.00
X6	0	0	0	0	0.00	0.00	0.00
X5	0	0	0	0	0.00	0.00	0.00
X4	0	0	0	0	0.00	0.00	0.00
X3	0	0	0	0	0.00	0.00	0.00
X2	0	0	0	0	0.00	0.00	0.00
X1	0	0	0	0	0.00	0.00	0.00
NEW	0	0	0	0	0.00	0.00	0.00
TOTAL	1,508,700	2,651,688	0	4,160,388	7.05	3.00	10.05

**SCHEDULE B
LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES**

CURRENT EXPENSE LEVIES	Authorized on:	PERIOD OF TIME	Mills	Fiscal Year
Charter Limit -		0	1.50	754,350
		0	0.00	0
		0	0.00	0
		0	0.00	0
		0	0.00	0
		0	0.00	0
		0	0.00	0
		0	0.00	0
		0	0.00	0
		0	0.00	0
TOTAL			1.50	754,350
FIRE	May 4, 1999	Continuing	5.55	1,897,338
		0	0.00	0
		0	0.00	0
		0	0.00	0
		0	0.00	0
		0	0.00	0
		0	0.00	0
		0	0.00	0
		0	0.00	0
		0	0.00	0
TOTAL			5.55	1,897,338
PARK		0	0.00	0
		0	0.00	0
		0	0.00	0
		0	0.00	0
		0	0.00	0
		0	0.00	0
		0	0.00	0
		0	0.00	0
		0	0.00	0
		0	0.00	0
TOTAL			0.00	0
X6		0	0.00	0
		0	0.00	0
		0	0.00	0
		0	0.00	0
		0	0.00	0
		0	0.00	0
		0	0.00	0
		0	0.00	0
		0	0.00	0
		0	0.00	0
TOTAL			0.00	0
X5		0	0.00	0
		0	0.00	0
		0	0.00	0
		0	0.00	0
		0	0.00	0
		0	0.00	0
		0	0.00	0
		0	0.00	0
		0	0.00	0
		0	0.00	0
TOTAL			0.00	0

and be it further

RESOLVED, That the Clerk of this Council be, and is hereby directed to certify a copy of this Resolution to the County Auditor of Hamilton County.

_____ seconded the Resolution and the roll being called upon its adoption the vote resulted as follows:

_____, _____
_____, _____
_____, _____
_____, _____
_____, _____
_____, _____
_____, _____

Adopted the _____ day of _____, 20____

Attest:

President of Council

Clerk of Council

CERTIFICATE TO COPY

ORIGINAL ON FILE

THE STATE OF OHIO, HAMILTON COUNTY,

I, _____, Clerk of Council of the City of

_____, within and for said County, and in whose custody the files and records of said Council are required by the laws of the State of Ohio to be kept, do hereby certify that the foregoing is taken and copied from the original _____

_____ now on file, that the foregoing has been compared by me with said original document, and that the same is a true and correct copy thereof.

WITNESS my signature, this _____ day of _____, 20 _____

Clerk of Council

- 1. A copy of this resolution must be certified to the County Auditor before the first day of October, or at such later date as may be approved by the Board of Tax Appeals.

Receipt

Adopted _____ 20 _____

Clerk of Council

Filed _____ 20 _____

Dusty Rhodes, Hamilton County Auditor

By: Deputy

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.

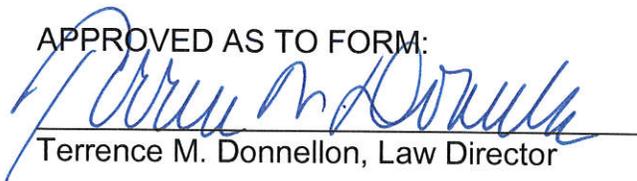
SECTION 2. This Ordinance shall be in full force and effect from and after the earliest period allowed by law.

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Todd A. Steinbrink, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director

RESOLUTION NO. , 2015

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO ENTER INTO A FEDERAL LOCAL LET PROJECT AGREEMENT WITH THE OHIO
DEPARTMENT OF TRANSPORTATION FOR THE PROJECT KNOWN AS THE
HAM-US 22-15.35 MONTGOMERY ROAD SIDEWALK PROJECT, PID NO. 99954**

WHEREAS, the City of Montgomery and the Ohio Department of Transportation desire to enter into a Federal Local Let Project Agreement which will delineate responsibility for the funding and the administration of the HAM-US 22-15.35 Montgomery Road Sidewalk Project.

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

SECTION 1. On behalf of the City of Montgomery, the City Manager is hereby authorized to enter into a Federal Local Let Project Agreement for the funding and the administration of the HAM-US 22-15.35 Montgomery Road Sidewalk Project with the Ohio Department of Transportation.

SECTION 2. It is hereby found and determined that all formal actions of the City Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this City Council, and that any and all deliberations of this City Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all Ohio legal requirements.

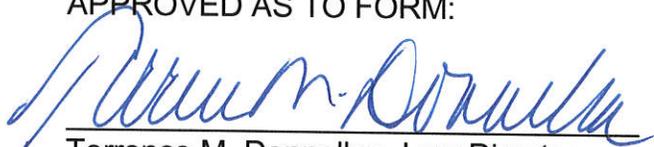
SECTION 3. This Resolution shall be in full force and effect from and after its passage.

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Todd A. Steinbrink, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director

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City of Montgomery
City Council Work Session Minutes
September 16, 2015

Present

Wayne Davis, City Manager
Terry Donnellon, Law Director
Tracy Roblero, Community Development Director
Jim Hanson, Finance Director
Kelly Beach, Asst. Finance Director and Tax Commissioner
Brian Riblet, Public Works Director
Don Simpson, Police Chief
Paul Wright, Fire Chief
Matthew Vanderhorst, Community and Information Services Director
Faith Lynch, Community Engagement Coordinator
Julie Kipper, Acting Clerk of Council

City Council Members Present

Todd Steinbrink, Mayor
Chris Dobrozsi, Vice Mayor
Craig Margolis
Gerri Harbison
Lynda Roesch
Ken Suer

City Council Members Absent

Ann Combs

City Council convened in Council Chambers for the Work Session at 7:09 p.m. with Mayor Steinbrink presiding.

ROLL CALL

Mayor Steinbrink explained that Mrs. Combs was out of town on vacation.

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

ESTABLISHING AN AGENDA FOR OCTOBER 7, 2015

Pending Legislation

An Ordinance Accepting Publicly Dedicated Easement Rights and Storm Water Improvements from Property Owners in the 7900 Block of Shelldale Way—(Mr. Suer- 3rd Reading)

If adopted, the Ordinance will authorize the City Manager to execute an Easement Agreement for property at 7919 Shelldale Way owned by Oleg Edelman and Mary Edelman, Trustees of the Edelman Family Trust. This Easement encompasses certain stormwater improvements completed by the Public Works Department this past year on and across this property.

Mayor Steinbrink asked if there were any updates, Mr. Donnellon stated there were no new updates at this time.

New Legislation

A Resolution Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying Them to the County Auditor

Mr. Jim Hanson, Finance Director, explained that City Council is being asked to consider adoption of this Resolution that will accept the rates and amounts determined by the Hamilton County Budget Commission. He further explained that as a State of Ohio taxing authority and pursuant to the Ohio Revised Code, the City is required to adopt an annual tax budget. Mr. Hanson stated that the 2016 estimated amounts for the General Fund are \$2,263,050 and the Fire/EMS Levy Fund is \$1,897,338 for a total of \$4,160,388. Mr. Hanson recommended

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City Council Work Session Minutes

September 16, 2015

Page 2.

53 that City Council add this Resolution to the October 7 Business Session agenda for approval that evening. He
54 stated that the Resolution must be submitted to the County Auditor by the October 19 deadline.
55

56 **An Ordinance to Make Appropriations for Current Expenses and Other Expenditures of the City of**
57 **Montgomery, State of Ohio, During the Fiscal Year Ending December 31, 2016**
58

59 Ms. Kelly Beach, Assistant Finance Director and Tax Commissioner, explained that this legislation represents the
60 appropriations Ordinance establishing the City's budget for the year 2016. She stated that on October 6, City
61 Council is scheduled to conduct its formal review of the 2016 Operating and Capital Budget with Four Year
62 Forecast and 2016-2020 Capital Improvement Program. She explained that the total expenditures, which includes
63 the departmental budgets, debt service and transfers, are \$20,555,700. She noted that this budget accomplishes
64 three objectives: continued stewardship of the City's resources in a prudent manner while delivering superior
65 services; follows priorities from the 2011 strategic plan for new initiatives; and provides additional resources for
66 the City's capital assets; specifically, technology improvements, street/sidewalk/curb infrastructure maintenance
67 and enhancements to the parks. Mr. Hanson noted that these documents were presented and reviewed by the
68 Financial Planning Committee of City Council at their September 15 meeting.
69

70 **A Resolution Authorizing the City Manager to enter into a LPA Local-Let Project Agreement with the**
71 **Ohio Department of Transportation (ODOT) for the Ham-US 22-15.35 Montgomery Road Sidewalk**
72 **project, PID No. 99954**
73

74 Mr. Brian Riblet, Public Works Director, explained that this Resolution, if adopted, would authorize the City
75 Manager to enter into a LPA Local-Let Project Agreement with the Ohio Department of Transportation (ODOT)
76 for the Ham-US 22-15.35 Montgomery Road Sidewalk project, PID No. 99954. This LPA agreement will allow
77 the City of Montgomery to be the "lead" agency for advertising and awarding the construction project that has
78 been approved for a reimbursement grant of up to \$497,760 to complete the construction of a concrete sidewalk
79 on the east side of Montgomery Road from Weller Road to the main entrance of Bethesda Hospital. The amount
80 listed above represents 80% of the overall project cost estimate of \$622,200. The LPA agreement includes the
81 requirement for the City of Montgomery to be responsible for up to \$124,440 of the total project cost estimate. If
82 the project cost exceeds \$622,200 the City of Montgomery would be responsible for 100% of project costs
83 exceeding that amount. Funding for this project is included in the 2016 City of Montgomery Capital Improvement
84 Program (CIP) budget.
85

86 **ADMINISTRATION REPORT**
87

88 Mr. Wayne Davis reported on the following items:
89

90 City Council will meet on Tuesday, October 6 beginning at 5:00 p.m. for the 2016 Budget Review Session. Those
91 Council Members not on the Financial Planning Committee will have a copy of the proposed 2016 Operating and
92 Capital Budget and Four-Year Forecast and 2016-2020 Five-Year Capital Improvement Program at their seat this
93 evening. This is part of the annual budget process and will give City Council and opportunity to review the
94 budget in detail with staff.
95

96 City Council Business Session is scheduled to meet October 7 at 7:00 p.m. Prior to the Business Session, the
97 Montgomery Community Improvement Corporation (CIC) will meet beginning at 6:00 p.m.
98

99 The Financial Planning, Law and Safety, and Planning, Zoning and Landmarks Committees of Council have
100 cancelled their meetings for the month of October.
101

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City Council Work Session Minutes

September 16, 2015

Page 3.

102 Connie Gaylor is in Virginia this week attending the Leading, Educating and Developing (LEAD) training. She
103 reports that she is doing well and is enjoying the opportunity to attend the session.
104

105 Chief Wright was the instructor at a new class offered by the Ohio Fire Chiefs Association (OFCA) for newly
106 appointed fire chiefs on Saturday and Sunday. The course, called Fire Chief 101, was offered to 20 chiefs and
107 was held at Deer Creek State Park located just south of Columbus, Ohio. Concurrent with the class, the Board of
108 Directors of the OFCA were reviewing and revising their Strategic Plan.
109

110 Public works staff began the Fall Brush Pick-Up program this week as all residents with Monday Rumpke
111 services will have their brush collected. This semi-annual service continues to be a popular program that our
112 residents appreciate. Additionally, public works staff is in the process of removing the summer annual flowers
113 throughout the City and will begin planting bright and colorful fall mums next week, a sure sign that the leaves
114 will be changing color soon.
115

116 Tracy Roblero and I met on Monday, September 14, with representatives from Twin Lakes to discuss proposed
117 plans for the property they own on Montgomery Road, south of the Safety Center. Future plans for the main
118 campus and the former Honda dealership were also discussed. Twin Lakes indicated that the demolition of the
119 former Honda dealership should begin before the end of the year and have indicated that they plan on submitting
120 plans to the Planning Commission for modifications to the main campus by the end of the year as well.
121

122 The fire department received the Insurance Services Office Rating Review that occurs every five years. The
123 department's current rating is a Class 2. This classification is what is used by the insurance industry to set fire
124 insurance rates for businesses and home owners. The results of the review are anticipated to be returned to us in
125 approximately eight weeks, which will either confirm the existing Class 2 rating or change the rating. As soon as
126 we know the results, we will let you know.
127

128 The public contract associated with the Vintage Club/Christ Hospital project for the parking garage and
129 construction of Vintage Club Boulevard is officially being closed out this week with a net savings of \$446,676.16.
130 This involved great teamwork by everyone involved, with Brian Riblet leading the way.
131

132 Brian Riblet provided additional information to the Ohio Attorney General's office pertaining to the antitrust
133 lawsuit claim for rock salt ordered in the 2008-2009 winter season. The representative indicated that
134 disbursements in the settlement are anticipated to begin in the next two weeks.
135

136 Tracy Roblero will meet with Matt Bodner from ABC Signs on Thursday, September 17 to discuss the design for
137 a ground mounted sign for City Hall. The initial design was discussed by senior staff and some modifications
138 have been suggested. The community development department would like to have this project completed by the
139 end of the year, dependent on weather.
140

141 On Saturday, September 19 from 10:00 a.m. to 1:00 p.m., the Environmental Advisory Commission will sponsor
142 the third annual "One Stop Drop Recycling" event located at the public works facility on Cornell Road. This
143 year's vendors include: Goodwill, Global Environmental Systems, Habitat for Humanity, and Matthew 25
144 Ministries. Thanks to the Commission members and staff for organizing and coordinating this event.
145

146 The Montgomery Car Show will be held on Saturday, September 19 from 4:00 to 7:00 p.m. at the Montgomery
147 Square parking lot. Columbia Hyundai/Acura, Camargo Cadillac, Columbia Chevrolet, The Audi Connection,
148 Montgomery Inn and Myers Y. Cooper are sponsoring the event. Eighty to one hundred cars on average are
149 entered into the event. Ooh La La and the Greasers will be playing live on stage and the Montgomery Police
150 Department will have volunteers serving food with proceeds going to the Holiday Family Fund. Mayor Todd

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City Council Work Session Minutes

September 16, 2015

Page 4.

151 Steinbrink will serve as one of the judges at this event. A big "Thank You" is extended to public works and the
152 Car Show Team for all of their time and efforts with planning and preparing for the show.
153

154 We thank Jim Hanson, Finance Director, for all of his dedication and service these past eight years. We are
155 fortunate to have had such a well-respected and knowledgeable member as part of the Montgomery team. He will
156 be greatly missed, but we know there are many new adventures awaiting him. Please join us in City Hall Council
157 Chambers on Monday, September 21 from 11:30 a.m. to 1:00 p.m. as we celebrate Jim's final day at the City.
158 Michelle Greis will begin her first day with the City as the new Finance Director on Monday as well.
159

160 Mr. Hanson addressed City Council and expressed his appreciation for the opportunity to work for such a great
161 community and City Council. He stated that he will enjoy his retirement, and is very confident that Michelle Greis
162 will serve as an excellent Finance Director for the City.
163

164 Mr. Davis stated that he will be out of the office beginning Thursday evening, September 24 to fly to Denver for a
165 wedding and then on to the International City Manager's Association (ICMA) Conference in Seattle, WA and
166 returning October 2. Brian Riblet will serve as Acting City Manager during his absence.
167

168 **CITY COUNCIL REPORTS**

169
170 Mr. Margolis extended thanks to Jim Hanson for his years of service to the City of Montgomery and wished him
171 well in his upcoming retirement.
172

173 Mr. Margolis thanked the entire team for bringing the Christ Hospital project to a close.
174

175 Mr. Margolis reported that after visiting towns out West while on vacation, he encouraged the City of
176 Montgomery to continue to find ways to promote a community that is bicycle and pedestrian friendly. This
177 improves the value of our community, and makes it a more interesting place to live. It also supports the Surgeon
178 General's recent report on the need for more walkable communities to encourage people to engage in physical
179 activity.
180

181 Mr. Margolis reported that the One Stop Drop Recycling event on Saturday, September 19, sponsored by the
182 Environmental Advisory Commission, is a great way to dispose of unwanted items in a responsible and
183 sustainable way to promote reuse and recycling.
184

185 Mrs. Harbison expressed her appreciation to Jim Hanson for his years of service to the City of Montgomery and
186 wished him well in his upcoming retirement.
187

188 Mrs. Harbison reported that she and Derek Tye, President of the Montgomery Chamber of Commerce,
189 participated in a podcast with Matthew Vanderhorst. She stated that the discussion focused on the biking and
190 walkability of the community.
191

192 Mrs. Harbison reported that on Wednesday, September 23 from 5:30 to 7:30 p.m., the Montgomery Chamber of
193 Commerce is hosting an After Hours event at Stir on Ted Gregory Way. The cost is \$20 for food plus wine and
194 beer tastings from Z's. Anyone that is interested can register at www.montgomeryohiochamberofcommerce.com.
195

196 Mrs. Harbison reported that on Tuesday, September 29 from 6:00 to 8:00 p.m., the First Suburbs Consortium and
197 Hamilton County Municipal League joint meeting will be held at the Daniel Beard Boy Scout Council building in
198 Evendale. There is no cost to attend and dinner will be provided. She noted that all three County Commissioners
199 will be in attendance and it would be a great opportunity to interact with them. If anybody is interested in
200 attending, please contact Julie Kipper.

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City Council Work Session Minutes

September 16, 2015

Page 5.

201 Mrs. Harbison reported that the new Montgomery Chamber of Commerce event, Caffeine and Connections, is
202 held on the first Monday of the month at 8:00 a.m. at the Towers of Kenwood. Anyone that is interested can
203 register at the Chamber website, www.montgomeryohiochamberofcommerce.com.

204
205 Mrs. Harbison reported that on Thursday, October 8 from 11:30 a.m. to 1:00 p.m., the Chamber of Commerce is
206 hosting a Lunch and Learn event at Wright Brothers. Derek Tye will present information on mobile applications
207 for business use. Please make your reservations on the Chamber website.

208
209 Mrs. Harbison reported that on Thursday, October 29 from 4:30 to 6:30 p.m., the final 2015 Much in Common
210 meeting will be held at the Regional Chamber office located at 3 E. 4th Street downtown Cincinnati. There is no
211 cost to attend and food and drinks are provided.

212
213 Mrs. Harbison reported that on Thursday, November 5 from 5:30 to 7:30 p.m., the Montgomery Chamber of
214 Commerce Annual Awards Dinner and Election of Officers will be held at the Montgomery Inn. The cost to
215 attend is \$25 which covers buffet dinner and two drink tickets. Anyone that is interested can register at the
216 Chamber website.

217
218 Mrs. Harbison reported that the Arts Commission has proposed to have a Spring Edition of Live at the Uni. She
219 noted that there is some concern about the 120 day window to apply for a new event. Mrs. Harbison noted that
220 since Live at the Uni is a current event and is very popular in the community, she inquired if it would be possible
221 to consider the Spring Edition as a continuation of the Fall series and allow for some flexibility in the timeline for
222 applying for the event.

223
224 Mrs. Harbison reported that there are currently 10 entries for the Holiday Card Contest. There is one week left to
225 submit entries for the contest.

226
227 Mrs. Harbison reported on the recent trip to Montgomery, NY. The community was very welcoming and everyone
228 enjoyed participating in the events. She noted that it was great to re-establish a connection with our national Sister
229 City.

230
231 Mrs. Harbison reported that the Sister Cities Commission has agreed to move the start time of the meetings to
232 6:30 p.m. beginning with the October meeting.

233
234 Mrs. Harbison thanked Lynda Roesch and Connie Gaylor for their work on organizing the First Responder's
235 Breakfast last week. Mrs. Harbison also thanked Mr. Riblet and the Fire Department for their work during the
236 Dog Fest event on Labor Day.

237
238 Ms. Roesch expressed her appreciation to Jim Hanson for his years of service to the City of Montgomery and
239 wished him well in his upcoming retirement.

240
241 Ms. Roesch reported the Blue Ash Montgomery Symphony Orchestra (BAMSO) held its annual Labor Day
242 Concert on Monday, September 7.

243
244 Ms. Roesch reported at the recent BAMSO board meeting, they discussed a future fund raising event to be held at
245 the Peterloon Estate. The tentative date is November 21, 2015.

246
247 Ms. Roesch reported that March 13, 2016 will be the date for the BAMSO Spring Concert. Julie Machon will
248 have more information.

249

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City Council Work Session Minutes

September 16, 2015

Page 6.

250 Ms. Roesch reported that the Parks and Recreation Commission met on September 10. Following the meeting, the
251 members visited Summit Park in Blue Ash to see the park facilities. She noted that the members were impressed
252 by the playground equipment and the park amenities.
253

254 Ms. Roesch reported that at the Parks and Recreation Council Committee meeting on September 14, the
255 Committee unanimously agreed to recommend appointing Mr. Aaron Kellenberger to fill the vacancy on the
256 Beautification and Tree Commission. Ms. Roesch moved to accept the recommendation of the Parks and
257 Recreation Council Committee and appoint Mr. Kellenberger to the Beautification and Tree Commission. City
258 Council unanimously agreed.
259

260 Ms. Roesch reported that the Beautification and Tree Commission will have their Fall Plant Swap on September
261 26 at City Hall from 9:00 to 11:00 a.m.
262

263 Ms. Roesch reported that she attended the WeThrive Meeting at the end of August. Several action items were
264 discussed for future projects that would be recommended to City Council in order for the City to be designated as
265 a WeThrive Community.
266

267 Mr. Suer reported that the Law and Safety Committee met on Tuesday, September 15. He presented the Move
268 Order Ordinance and explained it is an Ordinance implementing duties upon approaching a stationary public
269 safety, emergency, or road service vehicle displaying flashing lights and declaring an emergency. Mr. Suer
270 explained that this Ordinance reflects a State law that requires motorists passing an emergency vehicle stopped on
271 the side of the road with flashing lights to proceed with caution or on a two lane road to move over to protect the
272 officer or firefighter's safety. He stated that this Ordinance will apply to all public safety stops including the
273 police department, the fire department/emergency medical service, and public works. He stated it applies
274 whenever a vehicle is stopped on the side of the road with flashing lights in place. Mr. Suer requested that City
275 Council add this Ordinance to the October 7 Business Session Agenda. The Ordinance is being enacted as an
276 emergency safety Ordinance and if approved, will take effect immediately.
277

278 Mayor Steinbrink asked for a motion to add the Ordinance to the October 7 Business Session Agenda. Mr.
279 Dobrozsi moved. Mrs. Harbison seconded. City Council unanimously agreed. Mayor Steinbrink stated that City
280 Council will add this Ordinance to the October 7 Business Session agenda.
281

282 Mr. Dobrozsi reported that the Financial Planning Committee met on September 15. He stated that the real estate
283 tax collections for The General Fund increased 5.14 % and the Fire Levy Fund increased approximately 2%
284 compared to 2014. The August 2015 Income Tax collections total was \$674,343 which is an increase of \$54,160
285 compared to the amounts collected in August 2014. The total collections for 2015 increased \$231,840, or
286 approximately 4.31% compared to 2014.
287

288 Mr. Dobrozsi reported on the recent trip to Montgomery, NY. The team had dinner with the Mayor on Friday
289 evening, September 11 in the downtown area. The village has a population of approximately 4,500 people with a
290 very diverse population and housing in the area. Mr. Dobrozsi and Mr. Davis participated in a race on Saturday
291 morning, and the entire team participated in the parade events. He noted that the General Montgomery Day
292 festivities compare to our Bastille Day and 4th of July parade all in one. The community was very welcoming and
293 Mr. Dobrozsi stated he would love an opportunity to return to the area.
294

295 Mr. Dobrozsi thanked Mr. Donnellon and Ms. Beach for their hard work on the Tax Code updates.
296

297 Mr. Dobrozsi noted that the Montgomery, NY police officers were an outstanding group and their Fire
298 Department is completely staffed by volunteers.
299

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City Council Work Session Minutes

September 16, 2015

Page 7.

300 Mayor Steinbrink thanked Julie Kipper for serving as Acting Clerk of Council for Connie Gaylor while she is out
301 of town this week.

302
303 Mayor Steinbrink reported that he will be traveling to Boston on September 23 and to Chicago on September 29.
304 Mayor Steinbrink appointed Mr. Dobrozsi to serve as Acting Mayor in his absence.

305
306 Mayor Steinbrink reported that the Montgomery Under Our Roof event will be held on Thursday, September 17 at
307 the Sanctuary DermaSpa location on Montgomery Road at 5:00 p.m. There will be several of small businesses
308 from the area present at the event.

309
310 Mayor Steinbrink reported that he, along with Mr. Davis and Mrs. Harbison, will attend the Community
311 Roundtable meeting at Sycamore Township on Thursday, September 17 at 9:00 a.m.

312
313 Mayor Steinbrink reported that he attended the Rotary Club meeting on Tuesday, September 15 and gave a brief
314 presentation on the July trip to Neuilly-Plaisance.

315
316 Mayor Steinbrink reported that the Sister Cities Commission met on Tuesday, September 15. He stated that the
317 Commission members are reaching out to more groups in the community to share information about the efforts of
318 the Commission and discuss new opportunities to build on the success of the exchange.

319
320 Mayor Steinbrink reported that he received a letter from Christian Demuynck, the Mayor in Neuilly-Plaisance,
321 stating that they had appointed three new Commissions for youth, students and seniors to assist in moving forward
322 with new exchange ideas.

323
324 Mayor Steinbrink reported that Mr. Brian Riblet's birthday is on Friday, September 18. City Council and staff
325 wished Mr. Riblet a happy birthday.

326
327 **LAW DIRECTOR REPORT**

328
329 Mr. Donnellon expressed his gratitude to Mr. Jim Hanson for his professionalism and friendship. He thanked Mr.
330 Hanson for his years of service to the City of Montgomery and wished him well in his upcoming retirement.

331
332 Mr. Donnellon reported on a piece of legislation for City Council to consider adding to the October 7 Business
333 Agenda. This is an Ordinance to Adopt Chapter 44.1 of the Codified Ordinances of the City of Montgomery
334 regarding Municipal Income Tax.

335
336 Mr. Donnellon stated that this legislation is to enact the new Chapter 44.1 of the Code of Ordinances to implement
337 the changes mandated by State law to our Income Tax Code. The legislature has mandated changes to be in effect
338 through all municipalities in the State of Ohio exercising their taxing authority under Chapter 718. He noted that
339 if a community does not enact a new Ordinance by January 1, they lose their ability to impose a local earnings tax.
340 This Tax Code, as prepared for the City, is drawn upon the model Ordinance prepared in cooperation with the
341 Ohio Municipal League and Frost Brown Todd. Mr. Donnellon stated that there are not any significant changes
342 from our current Tax Code other than defining the authority of the Tax Commissioner to compromise claims and
343 restructuring the Board of Tax Review to be appointed in cooperation with City Council and the City Manager.

344
345 Mr. Donnellon explained that the Ordinance grants the Tax Commissioner authority to compromise interest and
346 penalties. Mr. Donnellon stated that the new Code requires that two members of the Board be appointed by City
347 Council and one member of the Board be appointed by the City Manager. He stated that on certain occasions
348 when there is a scheduling or other conflict, the new Code allows City Council to appoint an alternate member
349 who can serve as a result of a conflict. The same authority is granted to the City Manager to appoint a substitute

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City Council Work Session Minutes

September 16, 2015

Page 8.

350 Board Member when a conflict would occur. He stated that the member must be a resident of the City and may
351 not be a City employee.

352
353 Mr. Donnellon stated that the new Code allows for the option for a diversion program when a taxpayer is cited to
354 the Mayor's Court. He explained that this would mean rather than creating a criminal record for an individual,
355 we would give them the opportunity to pay an administrative fee and to work through a payment schedule after
356 which the case would be dismissed.

357
358 Ms. Beach added that there will be some procedural changes. She stated that it is necessary that the legislation be
359 in place by January 1, 2016. She stated that in order to have this Ordinance in place prior to the January 1, 2016
360 deadline, she recommends three consecutive readings with the first reading held at the October 7 Business
361 Session. The second reading of the Ordinance will be held at the October 21 Work Session. The third reading
362 will be held at the November 4 Business Session with adoption of the Ordinance requested at that meeting.

363
364 Mayor Steinbrink asked for a motion to add this Ordinance to the October 7 Business Session agenda for first
365 reading that evening. Mr. Margolis moved. Mr. Dobrozi seconded. City Council unanimously agreed.

366
367 **APPROVAL OF MINUTES**

368
369 Mrs. Harbison moved to approve the September 2 Business Session minutes. Mr. Margolis seconded. City
370 Council unanimously agreed.

371
372 **OTHER BUSINESS**

373
374 Mr. Dobrozi moved. to post the City Council Business Session on October 7 to begin immediately following the
375 Montgomery Community Improvement Corporation (CIC) meeting at 6:00 p.m. Mr. Margolis seconded. City
376 Council unanimously agreed.

377
378 **Liquor License Hearing Request**

379
380 Mr. Donnellon explained that the City has received a notice from the Ohio Department of Liquor Control asking if
381 City Council wishes to request a hearing on a transfer application for a D5, D6 liquor license from Hillview
382 Properties, Inc. to Cibo Oggi, LLC at 9721 Montgomery Road. He stated that a memorandum from Police Chief,
383 Don Simpson indicated that there is no objection to the transfer application based on a review of the operations at
384 the current location and the background of the owners of Cibo Oggi, LLC. He stated that the application for this
385 Trex license was discussed at the August 19 City Council Work Session. This is the next step in the process for
386 Mr. Bassett to obtain approval through the State for this liquor permit. Staff recommends that City Council adopt
387 a motion to indicate that it does not request a hearing on this transfer, at which time staff will notify the State of
388 Ohio Liquor Control Board.

389
390 Mr. Margolis moved to not request a hearing on a transfer application for a D5, D6 liquor license from Hillview
391 Properties, Inc. to Cibo Oggi, LLC at 9721 Montgomery Road. Ms. Roesch seconded the motion. City Council
392 unanimously approved.

393
394 Mayor Steinbrink asked if there was any further business to discuss in Public Session. There being none, he asked
395 for a motion to adjourn.

396
397 Mrs. Harbison moved to adjourn. Ms. Roesch seconded. City Council unanimously agreed.

398
399 City Council adjourned at 8:23 p.m.

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City Council Work Session Minutes

September 16, 2015

Page 9.

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Connie Gaylor, Clerk of Council

DRAFT