

August 28, 2015

TO: Mayor and City Council Members

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

SUBJECT: City Council Business Session of Wednesday, September 2, 2015

As a reminder, City Council is scheduled to meet in Business Session on Wednesday, September 2, 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
  - a. Mayor's Proclamation – Linda Hoetger will be present to accept a Mayor's Proclamation proclaiming the month of September as Prostate Cancer Awareness Month.
4. Guests and Residents
5. Legislation for Consideration Tonight

**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-2<sup>nd</sup> 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.

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

***Voice Vote***

***Move for passage of the second reading of the Ordinance***

***Roll Call Vote***

***The third reading of the Ordinance will be held at the October 7, 2015 Business Session with adoption of the Ordinance requested at that meeting. The Ordinance would then take effect 30 days after passage, on November 7, 2015.***

### **New Legislation**

- a. A Resolution Authorizing an Assessment for the Cutting of Noxious Weeds and Removal of Debris/Trash—(Mr. Suer) Information has been previously supplied on this Resolution that if approved, will authorize an assessment for the cutting of noxious weeds at 10750 Wellerwoods Drive. The City has been forced to maintain the property located at 10750 Wellerwoods Drive. This property appears to be abandoned; however, it is not going through the foreclosure process. The City had the grass cut in the spring as it was becoming a property maintenance issue. Staff is currently working with the Police Department to attempt to locate the property owner; however, it may become necessary to cut the grass on this property again. Section 302.11 provides that all weeds and plant growth in excess of 6 inches shall be cut and destroyed within five (5) days after service of a notice of violation. If the owner fails to comply with the notice within the time allotted, the City may begin minor nuisance abatement. The City, after submitting the notice, has entered upon the property to cut the noxious weeds at a cost of \$75. The City now desires to assess a lien upon the property for the cost incurred by the City to cut the noxious weeds, and an additional administrative fee of \$25. The adoption of this Resolution will allow for the assessment to be included in the upcoming property tax bills that will be mailed in January.

***Move to read the Resolution by title only or in its entirety***

***Voice Vote***

***Move passage of the Resolution***

***Roll Call Vote***

- b. A Resolution Authorizing an Assessment for the Cutting of Noxious Weeds and Removal of Debris/Trash—(Mrs. Combs) Information has been previously supplied on this Resolution that if approved, will authorize an assessment for the cutting of noxious weeds at 8318 Turtlecreek Lane. Due to a foreclosure, the City was forced to maintain the residential property at 8318 Turtlecreek Lane. The property has been vacant for a number of months after the property owner passed away and it currently is in the foreclosure process. The grass is not being cut and the City has had to cut the grass twice thus far this year as it was becoming a property maintenance issue. Staff continues to monitor the situation and may have to cut the grass again as the property has not yet come under new ownership. Section 302.11 provides that all weeds and plant growth in excess of 6 inches shall be cut and destroyed within five (5) days after service of a notice of violation. If the owner fails to comply with the notice within the time allotted, the City may begin minor nuisance abatement. The City, after submitting the notice, has entered upon the property to cut the noxious weeds at a cost of \$100. The City now desires to assess a lien upon the property for the cost incurred by the City to cut the noxious weeds, and an additional administrative fee of \$25. The adoption of this Resolution will allow for the assessment to be included in the upcoming property tax bills that will be mailed in January.

***Move to read the Resolution by title only or in its entirety***

***Voice Vote***

***Move passage of the Resolution***

***Roll Call Vote***

**6. Administration Report**

**7. Approval of Minutes—August 19, 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

**September 2, 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**

- a. **Mayor's Proclamation**— Linda Hoetger will be present to accept a Mayor's Proclamation proclaiming the month of September as Prostate Cancer Awareness Month.

**4. Guests and Residents**

**5. Legislation for Consideration Tonight**

**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- 2<sup>nd</sup> Reading)**

*Move to read the Ordinance by title only*

*Voice Vote*

*Move for passage of the second reading of the Ordinance*

*Roll Call Vote*

*The third reading of the Ordinance will be held at the October 7, 2015 Business Session with adoption of the Ordinance requested at that meeting. The Ordinance would then take effect 30 days after passage, on November 7, 2015.*

**New Legislation**

- a. **A Resolution Authorizing an Assessment for the Cutting of Noxious Weeds and Removal of Debris/Trash—(Mr. Suer)**

*Move to read the Resolution by title only or in its entirety*

*Voice Vote*

*Move passage of the Resolution*

*Roll Call Vote*

**b. A Resolution Authorizing an Assessment for the Cutting of Noxious Weeds and Removal of Debris/Trash—(Mrs. Combs)**

*Move to read the Resolution by title only or in its entirety*

*Voice Vote*

*Move passage of the Resolution*

*Roll Call Vote*

**6. Administration Report**

**7. Approval of Minutes – August 19, 2015 Work Session**

**8. Mayor's Court Report**

**9. Other Business**

**10. Executive Session**

**11. Adjournment**

# The City of Montgomery, Ohio



## Proclamation

*WHEREAS*, prostate cancer is the most commonly diagnosed non-skin cancer in men and the second leading cause of cancer deaths in men; and

*WHEREAS*, everyday approximately 240,000 men are diagnosed with prostate cancer in the United States alone, which equates to one man being diagnosed every 2.63 minutes; and

*WHEREAS*, each year roughly 30,000 die from this disease equaling one death every 17 minutes; and

*WHEREAS*, one in seven men are diagnosed with prostate cancer with African-American men at the highest risk for the disease being diagnosed at a rate of one in four and being 2.5 times more likely to die from the disease; and

*WHEREAS*, education regarding prostate cancer and early detection strategies are critical to saving lives and preserving and protecting our families, and all men are encouraged to recognize the importance of prostate screenings.

*NOW THEREFORE*, I, Todd Steinbrink, the 22nd Mayor of the City of Montgomery, do hereby proclaim the month of September 2015, as

## Prostate Cancer Awareness Month

in the City of Montgomery and encourage all citizens to observe this week in ways relative to its importance and significance.

*IN WITNESS WHEREOF*, I have hereunto subscribed my name this 2<sup>nd</sup> day of September, Two Thousand Fifteen.

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Todd A. Steinbrink, Mayor



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.

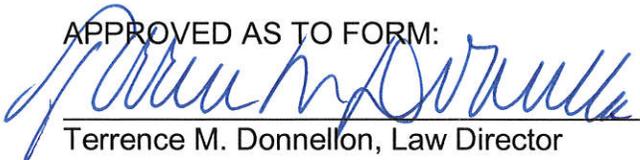
**SECTION 3.** This Ordinance shall take effect the earliest opportunity as allowable by law.

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 AUTHORIZING AN ASSESSMENT FOR THE  
CUTTING OF NOXIOUS WEEDS AND REMOVAL OF DEBRIS/TRASH**

**WHEREAS**, the City of Montgomery, in Chapter 93 of the Code of Ordinances has provided a prohibition against noxious weeds and removal of debris/trash within the City, a method for notifying non-complying property owners to cut said weeds and to remove debris/trash, and a procedure by which the City may cut and remove the weeds and litter if the owner fails to take action within the time allowed; and

**WHEREAS**, Ohio Revised Code allows the City to place a lien against real property for the charges for the services in cutting noxious weeds and removal of debris/trash and the fees incurred administratively to provide notice to the non-complying property owner; and

**WHEREAS**, the City has followed its Code of Ordinances in notifying the owner of the real property at 8318 Turtlecreek Lane, Montgomery, Ohio 45242, being Auditor's Parcel Number 603-0023-0147-00 on three separate occasions as set forth in the attached copies of Affidavits; and

**WHEREAS**, the owner has failed or refused to take action within the time allowed pursuant to such notices; and

**WHEREAS**, the City, after submitting such notices, has entered upon the real property to cut and remove the weeds at a cost of \$100.00; and

**WHEREAS**, the City now desires to assess a lien upon said real property for the cost incurred by the City to cut and remove such weeds and an additional administrative fee of \$25.00 as allowable by law.

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

**SECTION 1.** Pursuant to the Ohio Revised Code and the Ordinances of the City of Montgomery, Council hereby makes this written return to the Auditor of Hamilton County, Ohio, and requests that the Auditor place a lien against the real property located at 8318 Turtlecreek Lane, Montgomery, Ohio 45242, being Auditor's Parcel Number 603-0023-0147-00, in the amount of \$125.00, which includes the administrative fee. The Auditor is requested to place said special assessment against the real property upon the tax duplicate as is authorized by Ohio law to collect the same according to law and to return such collections to the City.

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

PASSED \_\_\_\_\_

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

\_\_\_\_\_  
Todd A. Steinbrink, Mayor

APPROVED AS TO FORM

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



Providing superior services with integrity.  
Partnering with you to build a great community!

April 15, 2015

Edward D. Sheets  
8318 Turtlecreek Lane  
Montgomery, Ohio 45242

Re: Code of Ordinances 302.11 Weeds and Plant Growth 8318 Turtlecreek Lane

Dear Mr. Sheets;

The City of Montgomery has and enforces a Code of Ordinances and a Property maintenance Code for the purpose of promoting and protecting the public health, safety, convenience, comfort, prosperity and general welfare of the people as well as to protect the property values within the city.

Section 302.11 of the Montgomery Property Maintenance Code stipulates that "All premises and exterior property shall be maintained free from weeds or plant growth, including cultivated lawns, along fence lines, trees and, foundations in excess of 6 inches. Weeds shall be defined as annual plants and vegetation, other than trees or shrubs provided; however this term shall not include cultivated flowers and gardens. All weeds and plant growth in excess of 6 inches shall be cut and destroyed within 5 days after service of a Notice of Violation. If the owners fail to comply with the notice within the time allotted, the City may begin minor nuisance abatement, as outlined in Section 107 of this code.

Thank you in advance for your cooperation in the above matter. Please call me if you have any questions or concerns at (513)792-8347. Our office hours are between 8:00 am to 4:30 pm, Monday thru Friday.

Sincerely,

Melissa Hays, AICP

Construction and Compliance Inspector

cc: Brian Riblet, Public Works Director  
Tracy Roblero, Community Development Director  
file

June 4, 2015

John D. Clunk  
4500 Courthouse Blvd.  
Stow, Ohio 44224

Re: Code of Ordinances 302.11 Weeds and Plant Growth 8318 Turtlecreek Lane

Dear Mr. Clunk,

The City of Montgomery has and enforces a Code of Ordinances and a Property maintenance Code for the purpose of promoting and protecting the public health, safety, convenience, comfort, prosperity and general welfare of the people as well as to protect the property values within the city.

Section 302.11 of the Montgomery Property Maintenance Code stipulates that "All premises and exterior property shall be maintained free from weeds or plant growth, including cultivated lawns, along fence lines, trees and, foundations in excess of 6 inches. Weeds shall be defined as annual plants and vegetation, other than trees or shrubs provided; however this term shall not include cultivated flowers and gardens. All weeds and plant growth in excess of 6 inches shall be cut and destroyed within 5 days after service of a Notice of Violation. If the owners fail to comply with the notice within the time allotted, the City may begin minor nuisance abatement, as outlined in Section 107 of this code."

Notification of violations have been mailed to the property address on:

April 15, 2015

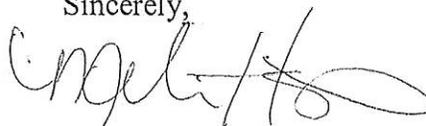
May 13, 2015

May 29, 2015 (POSTED ON DOOR)

In addition, I have spoken with Ali from your office regarding the tall grass matter on June 2, 2015 and as of today, June 4, 2015, the grass has not been cut. The city will be sending out a **lawn service company to cut the grass/weeds next week and the cost of the service and an administration fee will be billed to you.** Failure to pay these costs will result in the fees being placed upon your tax duplicate for the property located at 8318 Turtlecreek Drive. You do have the right of an appeal by written notice. This per the Montgomery Property Maintenance Code Section 111.

Thank you in advance for your cooperation in the above matter. Please call me if you have any questions or concerns at (513)792-8347. Our office hours are between 8:00 am to 4:30 pm, Monday thru Friday. You have the right to appeal this notice.

Sincerely,



Melissa Hays, AICP  
Zoning and Code Compliance Officer

May 15, 2015

Edward D. Sheets  
8318 Turtlecreek Lane  
Montgomery, Ohio 45242

Re: Code of Ordinances 302.11 Weeds and Plant Growth 8318 Turtlecreek Lane

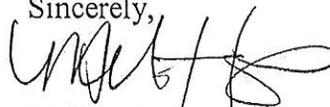
Dear Mr. Sheets;

The City of Montgomery has and enforces a Code of Ordinances and a Property maintenance Code for the purpose of promoting and protecting the public health, safety, convenience, comfort, prosperity and general welfare of the people as well as to protect the property values within the city.

Section 302.11 of the Montgomery Property Maintenance Code stipulates that "All premises and exterior property shall be maintained free from weeds or plant growth, including cultivated lawns, along fence lines, trees and, foundations in excess of 6 inches. Weeds shall be defined as annual plants and vegetation, other than trees or shrubs provided; however this term shall not include cultivated flowers and gardens. All weeds and plant growth in excess of 6 inches shall be cut and destroyed within 5 days after service of a Notice of Violation. If the owners fail to comply with the notice within the time allotted, the City may begin minor nuisance abatement, as outlined in Section 107 of this code."

Thank you in advance for your cooperation in the above matter. Please call me if you have any questions or concerns at (513)792-8347. Our office hours are between 8:00 am to 4:30 pm, Monday thru Friday.

Sincerely,



Melissa Hays, AICP  
Zoning and Code Compliance Officer

May 29, 2015

Edward D. Sheets  
8318 Turtlecreek Lane  
Montgomery, Ohio 45242

Re: Code of Ordinances 302.11 Weeds and Plant Growth 8318 Turtlecreek Lane

Dear Mr. Sheets;

The City of Montgomery has and enforces a Code of Ordinances and a Property maintenance Code for the purpose of promoting and protecting the public health, safety, convenience, comfort, prosperity and general welfare of the people as well as to protect the property values within the city.

Section 302.11 of the Montgomery Property Maintenance Code stipulates that "All premises and exterior property shall be maintained free from weeds or plant growth, including cultivated lawns, along fence lines, trees and, foundations in excess of 6 inches. Weeds shall be defined as annual plants and vegetation, other than trees or shrubs provided; however this term shall not include cultivated flowers and gardens. All weeds and plant growth in excess of 6 inches shall be cut and destroyed within **5 days after service of a Notice of Violation**. If the owners fail to comply with the notice within the time allotted, the City may begin minor nuisance abatement, as outlined in Section 107 of this code."

Thank you in advance for your cooperation in the above matter. Please call me if you have any questions or concerns at (513)792-8347. Our office hours are between 8:00 am to 4:30 pm, Monday thru Friday. You have the right to appeal this notice.

Sincerely,



Melissa Hays, AICP  
Zoning and Code Compliance Officer

**RESOLUTION NO.                   , 2015**

**A RESOLUTION AUTHORIZING AN ASSESSMENT FOR THE  
CUTTING OF NOXIOUS WEEDS AND REMOVAL OF DEBRIS/TRASH**

**WHEREAS**, the City of Montgomery, in Chapter 93 of the Code of Ordinances has provided a prohibition against noxious weeds and removal of debris/trash within the City, a method for notifying non-complying property owners to cut said weeds and to remove debris/trash, and a procedure by which the City may cut and remove the weeds and litter if the owner fails to take action within the time allowed; and

**WHEREAS**, Ohio Revised Code allows the City to place a lien against real property for the charges for the services in cutting noxious weeds and removal of debris/trash and the fees incurred administratively to provide notice to the non-complying property owner; and

**WHEREAS**, the City has followed its Code of Ordinances in notifying the owner of the real property at 10750 Wellerwoods Drive, Montgomery, Ohio 45242, being Auditor's Parcel Number 603-0023-0198-00 on three separate occasions as set forth in the attached copies of Affidavits; and

**WHEREAS**, the owner has failed or refused to take action within the time allowed pursuant to such notices; and

**WHEREAS**, the City, after submitting such notices, has entered upon the real property to cut and remove the weeds at a cost of \$75.00; and

**WHEREAS**, the City now desires to assess a lien upon said real property for the cost incurred by the City to cut and remove such weeds and an additional administrative fee of \$25.00 as allowable by law.

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

**SECTION 1.** Pursuant to the Ohio Revised Code and the Ordinances of the City of Montgomery, Council hereby makes this written return to the Auditor of Hamilton County, Ohio, and requests that the Auditor place a lien against the real property located at 10750 Wellerwoods Drive, Montgomery, Ohio 45242, being Auditor's Parcel Number 603-0023-0198-00, in the amount of \$100.00, which includes the administrative fee. The Auditor is requested to place said special assessment against the real property upon the tax duplicate as is authorized by Ohio law to collect the same according to law and to return such collections to the City.

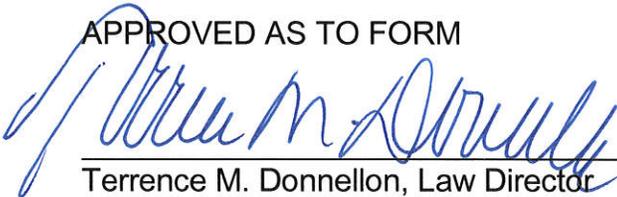
**SECTION 2.** This Resolution shall be in full force and effect from and after its passage.

PASSED \_\_\_\_\_

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

\_\_\_\_\_  
Todd A. Steinbrink, Mayor

APPROVED AS TO FORM

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

July 13, 2015

Mr. James Motz  
10750 Wellerwoods Drive  
Montgomery, Ohio 45242

Re: Code of Ordinances 302.11 **Weeds and Plant Growth 10750 Wellerwoods Drive**

**FINAL NOTICE**

To Whom It May Concern:

The City of Montgomery has and enforces a Code of Ordinances and a Property maintenance Code for the purpose of promoting and protecting the public health, safety, convenience, comfort, prosperity and general welfare of the people as well as to protect the property values within the city.

Section 302.11 of the Montgomery Property Maintenance Code stipulates that "All premises and exterior property shall be maintained free from weeds or plant growth, including cultivated lawns, along fence lines, trees and, foundations in excess of 6 inches. Weeds shall be defined as annual plants and vegetation, other than trees or shrubs provided; however this term shall not include cultivated flowers and gardens. All weeds and plant growth in excess of 6 inches shall be cut and destroyed within 5 days after service of a Notice of Violation." If you as the owner fails to comply with the notice within the time allotted, the City may begin minor nuisance abatement, as outlined in Section 107 of this code.

**Failure to comply will result in the city sending a lawn service company to cut the grass/weeds and the cost of the service and an administration fee will be billed to you. You will have until July 17, 2015 to bring your property into compliance.** Failure to pay these costs will result in the fees being placed upon your tax duplicate for the property located at 10750 Wellerwoods Drive. You do have the right of an appeal by written notice. This per the Montgomery Property Maintenance Code Section 111.

Thank you in advance for your cooperation in the above matter. Please call me if you have any questions or concerns at (513)792-8347. Our office hours are between 8:00 am to 4:30 pm, Monday thru Friday.

Sincerely,



Melissa Hays, AICP  
Zoning and Code Compliance Officer

June 5, 2015

Mr. James Motz  
10750 Wellerwoods Drive  
Montgomery, Ohio 45242

Re: Code of Ordinances 302.11 **Weeds and Plant Growth 10750 Wellerwoods Drive**

To Whom It May Concern:

The City of Montgomery has and enforces a Code of Ordinances and a Property maintenance Code for the purpose of promoting and protecting the public health, safety, convenience, comfort, prosperity and general welfare of the people as well as to protect the property values within the city.

Section 302.11 of the Montgomery Property Maintenance Code stipulates that "All premises and exterior property shall be maintained free from weeds or plant growth, including cultivated lawns, along fence lines, trees and, foundations in excess of 6 inches. Weeds shall be defined as annual plants and vegetation, other than trees or shrubs provided; however this term shall not include cultivated flowers and gardens. All weeds and plant growth in excess of 6 inches shall be cut and destroyed within 5 days after service of a Notice of Violation." If you as the owner fails to comply with the notice within the time allotted, the City may begin minor nuisance abatement, as outlined in Section 107 of this code.

Notification of violations have been mailed to the property address on:

May 11, 2015

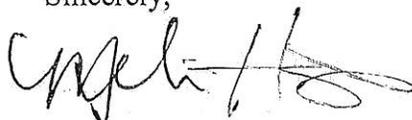
May 20, 2015

May 28, 2015 (POSTED ON DOOR)

The city will be sending out a **lawn service company to cut the grass/weeds next week and the cost of the service and an administration fee will be billed to you.** Failure to pay these costs will result in the fees being placed upon your tax duplicate for the property located at 10750 Wellerwoods Drive. You do have the right of an appeal by written notice. This per the Montgomery Property Maintenance Code Section 111.

Thank you in advance for your cooperation in the above matter. Please call me if you have any questions or concerns at (513)792-8347. Our office hours are between 8:00 am to 4:30 pm, Monday thru Friday.

Sincerely,



Melissa Hays, AICP

Zoning and Code Compliance Officer

May 20, 2015

Mr. James Motz  
10750 Wellerwoods Drive  
Montgomery, Ohio 45242

Re: Code of Ordinances 302.11 Weeds and Plant Growth 10750 Wellerwoods Drive

**SECOND NOTICE**

To Whom It May Concern:

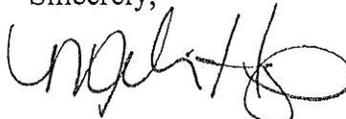
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Failure to comply will result in the city sending a lawn service company to cut the grass and the cost of the service and an administration fee will be billed to you. Failure to pay these costs will result in the fees being placed upon your tax duplicate for the property located at 10750 Wellerwoods Drive. You do have the right of an appeal by written notice. This per the Montgomery Property Maintenance Code Section 111.

Thank you in advance for your cooperation in the above matter. Please call me if you have any questions or concerns at (513)792-8347. Our office hours are between 8:00 am to 4:30 pm, Monday thru Friday.

Sincerely,



Melissa Hays, AICP  
Construction and Compliance Inspector

May 29, 2015

Mr. James Motz  
10750 Wellerwoods Drive  
Montgomery, Ohio 45242

Re: Code of Ordinances 302.11 **Weeds and Plant Growth 10750 Wellerwoods Drive**

**FINAL NOTICE**

To Whom It May Concern:

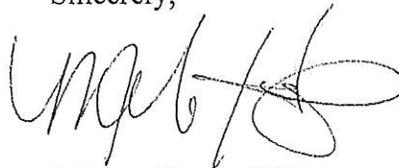
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Sincerely,



Melissa Hays, AICP  
Zoning and Code Compliance Officer

May 11, 2015

Mr. James Motz  
10750 Wellerwoods Drive  
Montgomery, Ohio 45242

Re: Code of Ordinances 302.11 Weeds and Plant Growth 10750 Wellerwoods Drive

To Whom It May Concern:

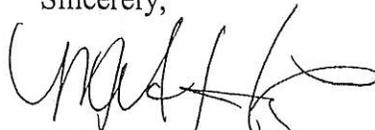
The City of Montgomery has and enforces a Code of Ordinances and a Property maintenance Code for the purpose of promoting and protecting the public health, safety, convenience, comfort, prosperity and general welfare of the people as well as to protect the property values within the city.

Section 302.11 of the Montgomery Property Maintenance Code stipulates that "All premises and exterior property shall be maintained free from weeds or plant growth, including cultivated lawns, along fence lines, trees and, foundations in excess of 6 inches. Weeds shall be defined as annual plants and vegetation, other than trees or shrubs provided; however this term shall not include cultivated flowers and gardens. **All weeds and plant growth in excess of 6 inches shall be cut and destroyed within 5 days after service of a Notice of Violation.**" If you as the owner fail to comply with the notice within the time allotted, the City may begin minor nuisance abatement, as outlined in Section 107 of this code.

Failure to comply will result in the city sending a lawn service company to cut the grass and the cost of the service and an administration fee will be billed to you. Failure to pay these costs will result in the fees being placed upon your tax duplicate for the property located at 10750 Wellerwoods Drive. You do have the right of an appeal by written notice. This per the Montgomery Property Maintenance Code Section 111.

Thank you in advance for your cooperation in the above matter. Please call me if you have any questions or concerns at (513)792-8347. Our office hours are between 8:00 am to 4:30 pm, Monday thru Friday.

Sincerely,



Melissa Hays, AICP  
Zoning and Code Compliance Officer

These minutes are a draft of the proposed minutes from the City Council meeting. They do not represent the official record of proceedings until formally adopted by the City Council. Formal adoption is noted by signature of the Clerk within the minutes.

City of Montgomery  
City Council Work Session Minutes  
August 19, 2015

Present

Wayne Davis, City Manager  
Terry Donnellon, Law Director  
Tracy Roblero, Community Development Director  
Kelly Beach, Assistant Finance Director  
Paul Wright, Fire Chief  
Brian Riblet, Public Works Director  
Don Simpson, Police Chief  
Matthew Vanderhorst, Community and Information Services Director  
Faith Lynch, Community Engagement Coordinator  
Connie Gaylor, Clerk of Council  
Julie Kipper, Customer Service Representative

City Council Members Present

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

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City Council convened in Council Chambers for the Work Session at 7:02 p.m. with Mayor Steinbrink presiding.

**ROLL CALL**

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

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

**SWEARING IN OF NEW POLICE OFFICERS**

Lieutenant John Crowell introduced the City's newest police officers, Alexis Guilkey and David Mulchay. Alexis and David, along with members of their families, were present for their swearing-in ceremony as the City's newest Police Officers.

**ESTABLISHING AN AGENDA FOR SEPTEMBER 2, 2015**

**Pending Legislation**

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

Mr. Suer read the Ordinance by title only. 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.

Mr. Suer asked if there were any updates, Mr. Donnellon indicated there were no new updates at this time.

**New Legislation**

**A Resolution Authorizing an Assessment for the Cutting of Noxious Weeds and Removal of Debris/Trash—10750 Wellerwoods Drive**

Ms. Roblero, Community Development Director, requested that City Council authorize an assessment for the cutting of noxious weeds at 10750 Wellerwoods Drive. She explained that the City has been forced to maintain

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54 the property located at 10750 Wellerwoods Drive, and that the property appears to be abandoned; however, it is  
55 not going through the foreclosure process. She indicated that the City contracted to have the grass cut in the  
56 spring as it was becoming a property maintenance issue, and that Staff had been working with the Police  
57 Department to locate the property owner. She noted that the Police Department recently made contact with the  
58 property owner; and the owner indicated their intent to put the property up for sale. However, it may become  
59 necessary to cut the grass on this property again. She explained that Section 302.11 of the City's Property  
60 Maintenance Code provides that all weeds and plant growth in excess of 6 inches shall be cut and destroyed  
61 within five (5) days after service of a notice of violation. If the owner fails to comply with the notice within the  
62 time allotted, the City may begin minor nuisance abatement. The City, after submitting the notice, has contracted  
63 to have the noxious weeds cut at a cost of \$75. The City now desires to assess a lien upon the property for the  
64 cost incurred by the City to cut the noxious weeds, and an additional administrative fee of \$25. The adoption of  
65 this Resolution will allow for the assessment to be included in the upcoming property tax bills to be mailed in  
66 January.

67  
68 **A Resolution Authorizing an Assessment for the Cutting of Noxious Weeds and Removal of Debris/Trash—**  
69 **8318 Turtlecreek Lane**  
70

71 Ms. Roblero, Community Development Director, explained that as indicated prior, this Resolution would  
72 authorize an assessment for the cutting of noxious weeds at 8318 Turtlecreek Lane. She stated that due to a  
73 foreclosure, the City was forced to maintain the residential property at 8318 Turtlecreek Lane. She indicated that  
74 the property has been vacant for a number of months after the property owner passed away, and it is currently in  
75 the foreclosure process. Staff continues to monitor the situation and may have to cut the grass again as the  
76 property has not yet come under new ownership. The City, after submitting the notice, has contracted to have the  
77 noxious weeds cut at a cost of \$100. The City now desires to assess a lien upon the property for the cost incurred  
78 by the City to cut the noxious weeds, and an additional administrative fee of \$25. The adoption of this Resolution  
79 will allow for the assessment to be included in the upcoming property tax bills that will be mailed in January.

80  
81 **ADMINISTRATION REPORT**  
82

83 Mr. Wayne Davis reported on the following items:

84  
85 Committee meetings scheduled for Monday, September 7, 2015 have been rescheduled for the following dates:

- 86  
87 • Financial Planning will meet on Tuesday, September 15, at 4:30 p.m. at City Hall.
- 88  
89 • Law and Safety will meet on Tuesday, September 15, at 5:30 p.m. at City Hall.
- 90  
91 • Planning, Zoning and Landmarks have cancelled their meeting for the month of September
- 92  
93 • Mr. Davis requested direction from Council to schedule a date for the upcoming Budget Review
- 94 meetings. After a brief discussion, the Budget Review meeting is scheduled for October 6, at 5:00 p.m.
- 95  
96 • City Council Business Session is scheduled for September 2, at 7:00 p.m.
- 97  
98 • The Strategic Plan Retreat is scheduled for Friday, August 21, from 3:00-8:30 p.m. and Saturday, August
- 99 22, from 8:30 a.m.-noon at Three Chimneys Clubhouse in The Vintage Club.
- 100  
101 • The CIC GRA Ad-Hoc Committee met on Monday evening to ask follow-up questions to all four of the
- 102 development teams. The Committee will meet next Monday, August 24, to begin discussions on the

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103 information that was gathered during the interviews as well as to discuss the decision making process  
104 moving forward on this important project.

105  
106 • The Planning Commission met on Monday night to consider a concept plan from Camden Homes for a  
107 new subdivision at the former Montgomery Swim and Tennis Club site. Camden Homes is proposing a  
108 30 lot subdivision that would require a rezoning and a Planned Development Overlay. The Planning  
109 Commission gave the applicant feedback and shared concerns with the developer regarding perimeter  
110 setbacks and open space for the project. The Planning Commission recommended that the applicant  
111 continue to work with Staff on adjusting the plan in this regard before submitting for a General  
112 Development Plan review.

113  
114 • Congratulations is extended to members of the fire department for their academic accomplishments. We  
115 recognize Firefighter/Paramedic, Jason Witte on his graduation from the University of Cincinnati with a  
116 Bachelor's Degree in Fire and Safety Engineering; Firefighter/ Paramedic Bob Hasselfeld on his  
117 graduation from the University of Cincinnati with a Master's Degree in Criminal Justice; and  
118 Firefighter/EMT Mike Jones on passing his National Registry Paramedic Test and now being referred to  
119 as "Firefighter Paramedic Jones". Kevin Bartenberger, one of our part-time firefighter/paramedics,  
120 recently received his Bachelor's Degree in Applied Science from Youngstown State University. Kevin is  
121 planning to pursue training as a Physician Assistant.

122  
123 • A contract was signed with Cox Media for the 2016/2017 Montgomery Bulletin.

124  
125 • Michelle Greis is scheduled to start as our new Finance Director on September 21.

126  
127 • The City will recognize their First Responders by holding a breakfast on September 10 in the courtroom  
128 of the Police Department from 7:00-9:00 a.m.

129  
130 Mr. Davis reported that there was a need for an Executive Session for matters related to the sale/purchase of real  
131 estate.

132  
133 **CITY COUNCIL REPORTS**

134  
135 Mr. Margolis reported that he will be out of town the first two weeks in September for vacation.

136  
137 Mr. Margolis reported that the Environmental Advisory Commission (EAC) met August 11 and discussed results  
138 of the Citizen Survey and the topic of leaf collection. He advised the Commission to discuss methods of educating  
139 the community on the best practices of mulching and composting.

140  
141 Mrs. Combs reported that she will be out of town from September 8-September 29, 2015 for vacation.

142  
143 Mrs. Harbison reported that the Government Affairs Committee met on August 10. Topics discussed at the  
144 meeting were the Public Art Guidelines, the 2016 Holiday Card Contest, Senior Services, and the Twelve Days of  
145 Christmas. Mrs. Harbison stated that Julie Machon, Sarah Fink, Julie Lyons and Carol Gorley are working with  
146 local businesses to garner participation in the event that runs from December 1 through December 12, 2015.

147  
148 Mrs. Harbison reported that the committee discussed adding a Senior Services section to the website to provide its  
149 residents with a list of various services provided to seniors in the community.

150  
151 Mrs. Harbison reported that the Law Director evaluation is on schedule.

152

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153 Mrs. Harbison reported on the upcoming exchange trip to Montgomery, NY for General Montgomery Days.

154

155 Mrs. Harbison reported that at the Sister Cities Committee meeting on August 18, Mayor Todd Steinbrink, City  
156 Manager Wayne Davis, and the Graveline family were all in attendance to discuss with the Committee the July 4<sup>th</sup>  
157 Exchange to Neuilly-Plaisance. The Committee discussed the development of future exchanges.

158

159 Ms. Roesch reported that at the recent BAMSO board meeting, Nancy Nolan and Peter Miller from the Arts  
160 Commission, attended to discuss future fund raising events.

161

162 Ms. Roesch reported that at the Parks and Recreation Commission meeting held August 13, Julie Machon trained  
163 Commission members on how to perform a playground inspection.

164

165 Ms. Roesch reported that she attended the Montgomery Chamber of Commerce luncheon where Sergeant Mike  
166 Plaatje and Officer Jayson Alderman spoke about the heroin epidemic in Hamilton County.

167

168 Mr. Suer congratulated Mr. Davis on becoming a credentialed City Manager.

169

170 Mr. Dobrozsi extended thanks to Mr. Riblet for the management of the Ford Demolition project. He stated that he  
171 felt the process went smoothly.

172

173 Mr. Dobrozsi also extended his congratulations to Mr. Davis on his recent accomplishment on becoming a  
174 credentialed City Manager.

175

176 Mayor Steinbrink recognized Julie Kipper for her ongoing training as back up for the position of Clerk of Council.

177

178 **APPROVAL OF MINUTES**

179

180 Mr. Margolis moved to approve the August 5, 2015 Special Meeting minutes and the August 5, 2015 Business  
181 Session minutes as amended. Mr. Dobrozsi seconded. City Council unanimously agreed.

182

183 **OTHER BUSINESS**

184

185 **Liquor License Application**

186

187 Mr. Donnellon reported that Gary Bassett has submitted an application to the City to approve an Economic  
188 Development (TRES) transfer of a liquor license from Hillview Properties to Cibo Oggi, LLC in the City. Mr.  
189 Bassett indicated he intends to open a French Bistro Restaurant at the previous Verde Salad location at 9721  
190 Montgomery Road. The application process requires the City to agree that this is an economic development  
191 project before the application can be submitted to the Ohio Department of Liquor Control. The ultimate  
192 determination of whether or not the transfer qualifies as an economic development project rests with the  
193 Department. Mr. Donnellon stated the City is simply acknowledging its agreement to accept the transfer.

194

195 Mr. Donnellon explained that if the license is transferred into the City, it may be transferred by the owner to a  
196 subsequent owner at the same location, or it may be transferred within the City with the current owner or a  
197 subsequent owner. He noted the City has approved a number of TRES transfers in the past, this is only the first  
198 stage of the process. If approved by the Ohio Department of Commerce, the Department will return to the City an  
199 acknowledgment of the license with the specifics concerning the owners and ask whether or not City Council  
200 wants to request a hearing. City Council would then approve the application by motion authorizing the City  
201 Manager to give initial approval to the project.

202

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203 Ms. Roblero stated that Mr. Bassett anticipates hiring 17 to 21 employees in this 48 seat capacity restaurant.  
204  
205 Mr. Margolis made a motion to authorize the City Manager to give initial approval to the project. Mrs. Harbison  
206 seconded. City Council unanimously agreed.  
207  
208 Mayor Steinbrink asked if there was any further business to discuss in Public Session. There being none, he asked  
209 for a motion to adjourn into Executive Session to discuss matters related to the sale/purchase of real estate.  
210  
211 Mr. Margolis moved to adjourn to Executive Session for reasons to discuss matters related to the sale/purchase of  
212 real estate. Mr. Dobrozsi seconded.  
213  
214 The roll was called and showed the following vote:  
215  
216 AYE: Margolis, Combs, Harbison, Steinbrink, Roesch, Suer, Dobrozsi (7)  
217 NAY: (0)  
218 ABSENT: (0)  
219  
220 City Council adjourned into Executive Session at 7:55 p.m.  
221  
222 City Council reconvened into Public Session at 8:56 p.m.  
223  
224 Mayor Steinbrink asked if there was any further business to discuss in Public Session. There being none, he asked  
225 for a motion to adjourn.  
226  
227 Mr. Suer moved to adjourn. Mr. Margolis seconded. City Council unanimously agreed.  
228  
229 City Council adjourned at 8:58 p.m.  
230  
231  
232  
233  
234

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Connie Gaylor, Clerk of Council