

July 31, 2020

TO: Mayor and City Council Members

FROM: Brian K. Riblet, City Manager *BKR*

SUBJECT: City Council Business Session of Wednesday, August 5, 2020

As a reminder, City Council is scheduled to meet in Business Session on Wednesday, August 5, 2020 immediately following the conclusion of the Montgomery Community Improvement Corporation scheduled at 6:45 p.m. The meeting will be offered both in place at City Hall and by teleconference for those who cannot attend in person or feel safer sheltering at home. To participate in this meeting by teleconference please use the following phone number: 1-866-228-9900 with a passcode of 204938.

Business Session

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Special Presentation
5. Guest and Residents
6. Legislation for Consideration this Evening

Pending Legislation

- a. An Ordinance Creating Section 92.05 of The Code of Ordinances, Entitled "Littering", And Amending Section 92.99 Entitled "Penalty"—(Mrs. Bissmeyer, 3<sup>rd</sup> Reading) Information has been previously supplied on this Ordinance that, if adopted, would update Chapter 92 of the Code to add a section regulating Littering. Littering includes illegal dumping. The purpose of updating our Code is to be able to control Littering and dumping on vacant properties within the City, and to control Littering and dumping within either City dumpsters or private dumpsters. This legislation was presented at the Law and Safety Committee of Council at their May 4, 2020 meeting.

*Move for passage of the Ordinance*

*Roll Call Vote*

New Legislation

- a. A Resolution to Adopt Recommendation of the Montgomery Tax Incentive Review Council with Respect to The Compliance of All Tax Increment Financing Districts Within the City of Montgomery—(Mr. Suer) Information has been previously supplied on this Resolution that, if approved, would adopt the Recommendation of the Montgomery Tax Incentive Review Council with respect to the compliance of all Tax Increment Financing Districts within the City of Montgomery. The Montgomery Tax Incentive Review Council met on Wednesday, June 24, 2020. Ohio law mandates that City Council approve, reject, or remand the decision of the Tax Incentive Review Council relative to the compliance of the tax increment financing districts with their enabling legislation.

*Move to read the Resolution by title only*

*Voice Vote*

*Move for passage of the Resolution*

*Roll Call Vote*

- b. A Resolution Authorizing Internet Auction of Surplus Personal Property Through Govdeals.com—(Mrs. Harbison) Information has been previously supplied on this Resolution that, if approved, would designate GovDeals.com as internet auction agents for the disposal of surplus property for the period of August 1, 2020 through July 31, 2021. Ohio law authorizes the City to dispose of surplus and abandoned personal property through internet auction. Section 50.02 of the Code of Ordinances sets forth a procedure for the sale and disposition of lost, abandoned, stolen, seized, or forfeited property (“Surplus Property”) through internet auction agents. This Resolution will also authorize the City Manager to enter into appropriate contracts with GovDeals.com.

*Move to read the Resolution by title only*

*Voice Vote*

*Move for passage of the Resolution*

*Roll Call Vote*

- c. A Resolution Establishing City Contributions to Employee Health Savings Account —(Mrs. Harbison) Information has been previously supplied on this Resolution that, if approved, would continue the City's incentive contribution to employees' Health Savings Accounts for the period beginning September 1, 2020 through August 31, 2021. This Resolution also provides for Health Reimbursement Accounts for employees who, as a result of being enrolled in Medicare, are no longer eligible for a Health Savings Account. The City's contribution to employees' Health Savings Accounts is recommended to be continued at \$1050 for a family plan and \$750 for a single plan for the twelve-month period of September 1, 2020 through August 31, 2021. In addition to the base City incentive contribution, it is recommended that the City continue to match the employee's contribution to his/her Health Savings Account in an amount up to \$700 for employees with family plans and up to \$500 for employees with single plans. It is also recommended that Health Reimbursement Accounts be established for qualifying employees in amounts of \$1050 for a family plan and \$750 for a single plan for the twelve-month period of September 1, 2020 through August 31, 2021. Employees cannot make contributions to Health Reimbursement Accounts (HRA's); therefore, no matching employer contribution is recommended for HRA's.

*Move to read the Resolution by title only*

*Voice Vote*

*Move for passage of the Resolution*

*Roll Call Vote*

- d. A Resolution to Adopt Authorizing the City Manager to Enter into a Contract with W. G. Stang LLC to Complete the HAM-US22-14.74 Montgomery Sidewalk Project, PID #104934—(Ms. Roesch) Information has been previously supplied on this Resolution that, if approved, would authorize the City Manager to enter into a Contract with W. G. Stang LLC to complete the construction of the HAM-US22-14.74 Montgomery Sidewalk Project in the amount of \$261,250.00. Funds for this project are budgeted in the Capital Improvement Program under account 410.261.5470 in the amount of \$350,000.00. The amount of the recommendation includes \$23,748.00 in project contingency funding, which is an amount equal to 10% of the total of the Base Bid.

*Move to read the Resolution by title only*

*Voice Vote*

*Move for passage of the Resolution*

*Roll Call Vote*

- e. An Ordinance Accepting and Dedicating an Extension of Schoolhouse Lane and Declaring an Emergency – (Vice Mayor Margolis) Information has been previously supplied on this Ordinance that if approved, would facilitate the acceptance of a Dedication Plat for an extension of Schoolhouse Lane. This roadway already has been constructed east of Montgomery Road and the Dedication Plat is the last step in the process to accept the public improvements. Previously Duke Energy of Ohio, Inc. requested an Easement in conjunction with the Dedication for a utility trench located south of the roadway and within the right-of-way. Duke has since agreed that an Easement will not be required but a right of way permit will suffice when they are ready for construction. The final Ordinance has been modified to reflect these changes. *Please Note: The title of the Ordinance to be read has been modified to reflect that this is not a new street but an extension of the existing Schoolhouse Lane.*

*Move to read the Ordinance by Title only*

*Voice Vote*

*Move to suspend the rules requiring three readings*

*Roll Call Vote*

*Move for passage of the Ordinance as an emergency*

*Roll Call Vote*

- f. A Resolution Creating a Designated Outdoor Refreshment Area Within the Old Montgomery Gateway District Now Known as The Montgomery Quarter and Portions of Both The Old Montgomery/Heritage District and Montgomery Corridor – This Resolution creates the Designated Outdoor Refreshment Area (“DORA”) as recommended from the public hearing by City Council. The area encompasses Old Montgomery Gateway now known as the Montgomery Quarter project site and portions of the Montgomery Heritage District and Montgomery Corridor. The legislation to be approved by Council requires Council to designate the boundaries, the hours of operation, and the safe operation of the DORA which are encompassed in the City Manager’s recommendations. If this legislation is accepted by City Council, a copy will then be sent to the Ohio Division of Liquor Control and the Department of Public Safety, which will then take the next steps to automatically qualify permit holders as DORA participants. That last step may take a few more weeks before we may see DORA activities throughout the downtown area. In the interim, Staff can start to implement the plan including obtaining designated signage, cups, and notices.

*Assign to a Council Member*

*Move to read the Resolution by title only*

*Voice Vote*

*Move for passage of the Resolution*

*Roll Call Vote*

7. Administration Report

8. Minutes- July 1, 2020 Business Session; July 22 Public Hearing and July 22 Work Session

9. Mayor's Court Report

10. Other Business

- a. Application for an Economic Development (TREX) Transfer from Depot Barbecue LLC to European Café, LLC - Please see the attached correspondence from City Manager Brian Riblet regarding the request from European Café, LLC to allow an Economic Development transfer of a liquor license from Depot Barbecue LLC to their restaurant, European Café located at 9450 Montgomery Road, Montgomery, Ohio 45242.

11. Executive Session

12. Adjournment

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

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



## CITY COUNCIL BUSINESS SESSION AGENDA

10101 Montgomery Road • Montgomery, Ohio 45242

(513) 891-2424 • Fax (513) 891-2498

August 5, 2020

Immediately following the conclusion of the CIC meeting scheduled at 6:45 p.m.

The meeting will be offered both in place at City Hall and by teleconference for those who cannot attend in person or feel safer sheltering at home. To participate in this meeting by teleconference please use the following phone number: 1-866-228-9900 with a passcode of 204938.

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Special Presentation
5. Guest and Residents
6. Legislation for Consideration for this Evening

### Pending Legislation

- a. An Ordinance Creating Section 92.05 of The Code of Ordinances, entitled "Littering", And Amending Section 92.99 Entitled "Penalty"—(Mrs. Bissmeyer-3<sup>rd</sup> Reading))

*Move for passage of the Ordinance*

*Roll Call Vote*

### New Legislation

- a. A Resolution to Adopt Recommendation of the Montgomery Tax Incentive Review Council with Respect to The Compliance of All Tax Increment Financing Districts Within the City of Montgomery—( Mr. Suer)

*Move to read the Resolution by title only*

*Voice Vote*

*Move for passage of the Resolution*

*Roll Call Vote*

- b. A Resolution Authorizing Internet Auction of Surplus Personal Property Through Govdeals.com—(Mrs. Harbison)

*Move to read the Resolution by title only*

*Voice Vote*

*Move for passage of the Resolution*

*Roll Call Vote*

- c. A Resolution Establishing City Contributions to Employee Health Savings Account—(Mrs. Harbison)

*Move to read the Resolution by title only*

*Voice Vote*

*Move for passage of the Resolution*

*Roll Call Vote*

- d. A Resolution to Adopt Authorizing the City Manager to Enter into a Contract with W. G. Stang LLC to Complete the HAM-US22-14.74 Montgomery Sidewalk Project, PID #104934—(Ms. Roesch)

*Move to read the Resolution by title only*

*Voice Vote*

*Move for passage of the Resolution*

*Roll Call Vote*

- e. An Ordinance Accepting and Dedicating an Extension of Schoolhouse Lane and Declaring an Emergency – (Vice Mayor Margolis)

*Move to read the Ordinance by Title only*

*Voice Vote*

*Move to suspend the rules requiring three readings*

*Roll Call Vote*

*Move for passage of the Ordinance as an emergency*

*Roll Call Vote*

- f. A Resolution Creating a Designated Outdoor Refreshment Area Within the Old Montgomery Gateway District Now Known as The Montgomery Quarter and Portions of Both the Old Montgomery/Heritage District and Montgomery Corridor

*Assign to a Council Member*

*Move to read the Resolution by title only*

*Voice Vote*

*Move for passage of the Resolution*

*Roll Call Vote*

7. Administration Report

8. Approval of Minutes – July 1, 2020 Business Session; July 22 Public Hearing and July 22 Work Session

9. Mayor’s Court Report

10. Other Business

- a. Application for an Economic Development (TREX) Transfer from Depot Barbecue LLC to European Café, LLC

11. Executive Session

12. Adjournment

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

ORDINANCE NO. \_\_\_\_\_, 2020

**AN ORDINANCE CREATING SECTION 92.05 OF THE CODE OF ORDINANCES, ENTITLED “LITTERING”, AND AMENDING SECTION 92.99 ENTITLED “PENALTY”**

**WHEREAS**, the City of Montgomery has recently discovered incidents on vacant land located within the City and owned by the City in which individuals are dumping garbage, litter and other refuse on vacant land; and

**WHEREAS**, the City of Montgomery has several construction projects within the City that involve vacant land and the potential for increased illegal dumping and littering on these sites; and

**WHEREAS**, the City of Montgomery does desire to retain jurisdiction over these incidents as they become more pervasive, rather than cite violations under the State Code; and

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

**SECTION 1.** Section 92.05 of the Montgomery Code of Ordinances is hereby created, which shall read as follows:

(A) *Definitions.* For purposes of Section 92.05, *Litter* shall include garbage (as defined by Section 93.21), waste, peelings of vegetables or fruits, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, and other materials of an unsightly or unsanitary nature, and discarded materials as defined by Section 93.21.

(B) No person, regardless of intent, shall deposit Litter or cause Litter to be deposited on any public property, on private property not owned by such person unless one of the following applies:

(1) The person is directed to do so by a public official as part of a Litter collection drive;

(2) Except as provided in division (C) of this section, the person deposits the Litter in an appropriate Litter receptacle as defined in Section 92.04(A) in a manner that prevents it being carried away by the elements;

(C) No person, without privilege to do so, shall knowingly deposit Litter, or cause it to be deposited, in a Litter receptacle located on any public property or on any private property not owned by the person unless one of the following applies:

(1) The Litter was generated or located on the property on which the Litter receptacle is located;

(2) The person is directed to do so by a public official as part of a Litter collection drive;

(3) The person is directed to do so by a person whom the person reasonably believes to have the privilege to use the Litter receptacle;

(4) The Litter consists of any of the following:

(a) The contents of a Litter bag or container of a type and size customarily carried and used in a motor vehicle;

(b) The contents of an ash tray of a type customarily installed or carried and used in a motor vehicle;

(c) Beverage containers and food sacks, wrappings, and containers of a type and in an amount that reasonably may be expected to be generated during routine commuting or business or recreational travel by a motor vehicle;

(d) Beverage containers, food sacks, wrappings, containers, and other materials of a type and in an amount that reasonably may be expected to be generated during a routine day by a person and deposited in a litter receptacle by a casual passerby.

(D)(1) As used in division (C)(1) of this section, "public property" includes property owned by the City and any private property open to the public for the conduct of business or the provision of a service, but does not include any private property to which the public otherwise does not have a right of access.

(2) As used in division (C)(4) of this section, "casual passerby" means a person who does not have depositing litter in a litter receptacle as the person's

primary reason for traveling to or by the property on which the litter receptacle is located.

**SECTION 2.** Section 92.99 of the Code of Ordinances shall be amended to read as follows:

Except as provided in Section (A) herein, anyone who violates any provisions of this chapter shall be subject to penalty provided in §10.99;

(A) Whoever violates section 92.05 of this chapter is guilty of a misdemeanor of the third degree. The sentencing court may, in addition to or in lieu of the penalty provided in this division, require a person who violates section 92.05 of the Code, to remove litter from any public or private property.

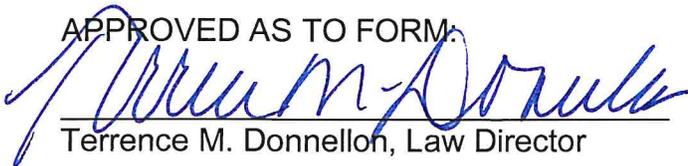
**SECTION 3.** This Ordinance shall take effect the earliest opportunity as allowable by law.

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

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

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

APPROVED AS TO FORM:

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

**RESOLUTION NO. , 2020**

**A RESOLUTION TO ADOPT RECOMMENDATION OF THE MONTGOMERY  
TAX INCENTIVE REVIEW COUNCIL WITH RESPECT TO THE COMPLIANCE  
OF ALL TAX INCREMENT FINANCING DISTRICTS WITHIN  
THE CITY OF MONTGOMERY**

**WHEREAS**, the Council of the City of Montgomery, Ohio has approved tax increment financing districts to encourage economic development of certain properties within the City limits; and

**WHEREAS**, the Montgomery Tax Incentive Review Council meets annually to review these districts for compliance with payments in lieu of real estate taxes and other requirements as set forth in the legislation which created the districts; and

**WHEREAS**, ORC Section 5709.85 requires, annually, that the recommendations of Tax Incentive Review Councils to be adopted by the legislative authority of the political subdivision in which the district is located, and such legislation forwarded to the Ohio Department of Development.

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

**SECTION 1.** The Council of the City of Montgomery, Ohio, having received the 2020 report of the Montgomery Tax Incentive Review Council, hereby adopts the recommendation of that Council, a copy of which is attached hereto, with respect to the compliance of each tax increment financing district within the corporate limits of the City of Montgomery.

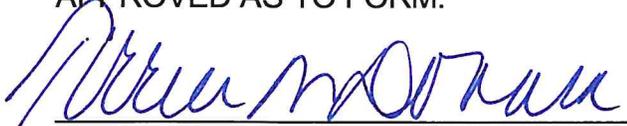
**SECTION 2.** This Resolution shall be in full force and effect from and after its passage.

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

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

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

APPROVED AS TO FORM:

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

July 17, 2020

TO: Brian K. Riblet, City Manager *KMS*

FROM: Katie Smiddy, Finance Director Position

SUBJECT: Approval of Action by Montgomery Tax Incentive Review Council

### Request

In accordance with ORC Section 5709.85, it is necessary for City Council to adopt legislation to approve the June 24, 2020 finding of the Montgomery Tax Incentive Review Council. The Tax Incentive Review Council has determined that all current tax increment financing districts are in compliance with the requirements of the legislation that created the districts.

### Background

The City of Montgomery Tax Incentive Review Council meets annually to review all existing tax increment financing districts to ensure their compliance with all requirements of the agreements that created the districts. This Tax Incentive Review Council is comprised of one representative from the Hamilton County Auditor's Office, one representative of the Sycamore Community Schools, one representative of the Great Oaks Joint Vocational School District, one Montgomery City Council Member, and the City Manager.

### Recommendation

Staff recommends City Council adopt a Resolution to affirm the action of the Montgomery Tax Incentive Review Council relative to the compliance of the current tax increment financing districts follow all standards. The meeting agenda and minutes from the Council's meeting are attached for your review.

City of Montgomery  
Tax Incentive Review Council

AGENDA

Wednesday, June 24, 2020 at 11:00 a.m.  
Zoom Meeting

1. Call to order
2. Approval of Minutes of July 31, 2019
3. Review of outstanding tax incentive financing districts operating within the City of Montgomery:
  - a. Montgomery Triangle Development
  - b. Vintage Club Phase I
4. Approval of Annual TIF Financial Report
5. Other Business
6. Adjournment

Montgomery Tax Incentive Review Council  
June 24, 2020  
Minutes

Present: Greg Jarvis, Hamilton County Auditor's Office, Chairman  
Brian Riblet, Montgomery City Manager  
Katie Smiddy, Montgomery Finance Director  
Ben VanHorn, Great Oask  
Beth Weber, Sycamore Community Schools

The meeting of the Montgomery Tax Incentive Review Council was called to order at 11:12 a.m. by Chairman Greg Jarvis.

The minutes of the July 31, 2019 meeting were approved as submitted, with a motion by Beth Weber, seconded by Greg Jarvis, with all concurring.

The Council received the following TIF Districts in place in the City of Montgomery:

1. Montgomery Triangle Development
2. Vintage Club

Ben VanHorn made a motion to find all TIF Districts to be in compliance with all requirements of the TIF legislation, and this was seconded by Beth Weber, with all concurring.

Under Other business, Katie Smiddy and Brian Riblet discussed the City's progress regarding the Montgomery Quarter and provided an update on the north portion of the Vintage Club Development.

There being no further business to discuss, Greg Jarvis made a motion to adjourn, seconded by Beth Weber, with all concurring. The Tax Incentive Review Council meeting was adjourned at 11:35 a.m.

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Secretary

RESOLUTION NO. , 2020

**A RESOLUTION AUTHORIZING INTERNET AUCTION OF SURPLUS PERSONAL PROPERTY THROUGH *GOVDEALS.COM***

**WHEREAS**, Ohio law authorizes the City to dispose of surplus and abandoned personal property through internet auction; and

**WHEREAS**, by § 50.02 of the Code of Ordinances, Council has set forth a procedure for the sale and disposition of lost, abandoned, stolen, seized or forfeited property (“Surplus Property”) through internet auction; and

**WHEREAS**, the Administration has determined that the most efficient disposition of Surplus Property is through the internet auction service of Liquidity Services, Inc., *d/b/a GovDeals.com*, which has served the City well in the past; and

**WHEREAS**, consistent with the procedure of § 50.02, Council does desire to designate its appropriate internet auction agent for disposal of Surplus Property for the period of August 1, 2020 through July 31, 2021.

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

**SECTION 1.** Consistent with Ohio law and § 50.02 of the Code of Ordinances, Council does hereby designate Liquidity Services, Inc., *d/b/a GovDeals.com* as its internet auction agent for the disposal of Surplus Property for the year August 1, 2020 through July 31, 2021. The City Manager is hereby authorized to enter into an appropriate contract with Liquidity Services, Inc., 1920 L Street, NW, 6<sup>th</sup> Floor, Washington, DC, 20036, 1-800-310-4604, *d/b/a GovDeals.com*, for the receipt, disposition and sale of Surplus Property. The terms of such contract shall designate that the property shall be offered for

sale As Is with the purchaser to pay all costs necessary for shipping, handling and insuring the property, and any taxes associated with the sale of such property. The terms of such contract shall provide that the minimum period of time during which bids may be accepted is Fifteen (15) days including Saturdays, Sundays and legal holidays.

**SECTION 2.** The Administration shall take the appropriate steps to provide notice of its intent to sell such Surplus Property by way of internet auction consistent with Ohio law and § 50.02 of the Code of Ordinances.

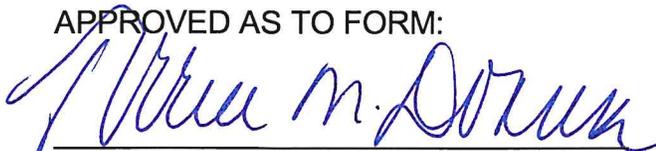
**SECTION 3.** This Resolution shall be in full force and effect from and after its passage.

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

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

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

APPROVED AS TO FORM:

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

RESOLUTION NO. \_\_\_\_\_, 2020

**A RESOLUTION ESTABLISHING CITY CONTRIBUTIONS TO EMPLOYEE HEALTH SAVINGS ACCOUNTS AND HEALTH REIMBURSEMENT ACCOUNTS**

**WHEREAS**, the City has adopted a high deductible health plan (“HDHP”) upon recommendation from the City Administration and the Employee Healthcare Benefits Committee; and

**WHEREAS**, the City has in the past contributed monies to the employee’s individual health savings account to offset uncovered medical expenses and to incentivize employee participation; and

**WHEREAS**, the plan year for such contributions traditionally has run from September 1 to August 31 annually; and

**WHEREAS**, the City has in the past provided a similar benefit in the form of a health reimbursement account for employees who participate in the high deductible health plan (“HDHP”) but who are ineligible for a health savings account; and

**WHEREAS**, the Administration recommends renewing the City’s program for contributions to employee health savings accounts; and

**WHEREAS**, the Administration recommends renewing the City’s program for deposits to health reimbursement accounts for employees who participate in the City’s high deductible health plan (“HDHP”) but are ineligible for health savings accounts; and

**WHEREAS**, the Administration recommends keeping the calendar for health savings accounts contributions and health reimbursement accounts deposits on the September 1 to August 31 cycle.

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

**SECTION 1.** For all employees electing to participate in the City's high deductible health plan ("HDHP") who are eligible to contribute to a health savings account shall receive a contribution from the City in the amount of (1) \$1,050.00 during the twelve month period commencing September 1, 2020 if such employee elects to receive family coverage within the HDHP (family coverage being defined as a Family Plan, Employee and Spouse Plan, or Employee and Children Plan), or (2) \$750.00 for the twelve month period commencing September 1, 2020 if such employee elects to receive single plan coverage through the HDHP. These amounts will be paid on or after September 1, 2020 and deposited to the employee's health savings account. Commencing September 1, 2020 through August 31, 2021, in addition to the incentive contribution to be paid by the City, the City agrees to match the employee's contribution to their health savings account up to an additional \$700.00 for employees enrolled in family plans and \$500.00 for employees enrolled in single plans. The matching contribution from the City shall be paid to the employee's health savings account at such time during the year as the employee's contributions reach the City's maximum level of matching contribution. If the employee does not reach the maximum level on or before August 31, 2021, then the City's matching contribution shall be paid at the close of the plan year, August 31, 2021.

**SECTION 2.** For all employees electing to participate in the City's high deductible health plan ("HDHP") but who are ineligible to contribute to a health savings account, the City shall deposit to a health reimbursement account for such employee the amount of (1) \$1,050.00 during the twelve month period commencing September 1, 2020

if such employee elects to receive family coverage within the HDHP (family coverage being defined as a Family Plan, Employee and Spouse Plan, or Employee and Children Plan), or (2) \$750.00 for the twelve month period commencing September 1, 2020 if such employee elects to receive single plan coverage through the HDHP. The deposits to health reimbursement accounts will be made on or after September 1, 2020.

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

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

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

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

APPROVED AS TO FORM:

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

RESOLUTION NO. \_\_\_\_\_, 2020

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH W. G. STANG, LLC TO COMPLETE THE HAM-US 22-14.74 MONTGOMERY ROAD SIDEWALK PROJECT, PID # 104934**

**WHEREAS**, by Resolution No. 30, 2017, Council did authorize 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 22-14.74 Montgomery Road Sidewalk Project, PID # 104934; and

**WHEREAS**, the City Manager has entered into such contract and the Administration has taken the steps necessary to acquire appropriate easements/rights-of-way as required by project guidelines to construct the Montgomery Road Sidewalk Project; and

**WHEREAS**, upon approval of the Ohio Department of Transportation, the City did advertise for bids for the construction and has received a bid from W. G. Stang, LLC, which after review with the City's Engineer has been determined to be the lowest and best bid in response to the advertisement and bid specification; and

**WHEREAS**, the Administration is now recommending that consistent with the Local LET Agreement, the City should enter into a contract with W. G. Stang, LLC and administer the contract consistent with the Local LET Agreement to secure appropriate reimbursement.

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

**SECTION 1.** The City Manager is hereby authorized to enter into an agreement with W. G. Stang, LLC in the amount of \$261.250, and Council does authorize within the grant and contract documents a 10% contingency fund which is included in the authorized pricing.

**SECTION 2.** The City Manager is authorized to execute any and all additional documentation as a necessary component of the Local LET Agreement to meet the terms and conditions of the grant, and to meet the terms and conditions for this contract.

**SECTION 3.** 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 the City Council, and that any and all deliberations of the City Council and any and all of its committees that resulted in such formal action were in meetings open to the public in compliance with all Ohio legal requirements.

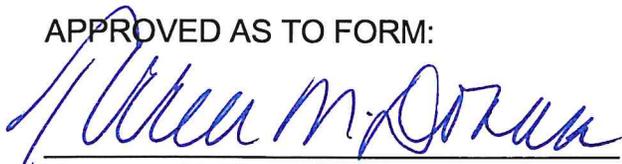
**SECTION 4.** This Resolution shall be in full force and effect from and after its passage.

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

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

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

APPROVED AS TO FORM:

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

ORDINANCE NO. \_\_\_\_\_, 2020

**AN ORDINANCE ACCEPTING AND DEDICATING AN EXTENSION OF  
SCHOOLHOUSE LANE AND DECLARING AN EMERGENCY**

**WHEREAS**, Twin Lakes, an Ohio non-profit corporation, in cooperation with Emery Brothers Limited Partnership, an Ohio limited partnership, have joined together to construct an extension of Schoolhouse Lane east from Montgomery Road to facilitate access to properties held by Twin Lakes, commercial property held and used by First Financial Bank, N.A., and the development of a residential subdivision owned by Emery Brothers Limited Partnership located east of the corporate line for the City of Montgomery, Ohio; and

**WHEREAS**, having completed such improvements, the parties do desire to dedicate, and the City does desire to accept, the extension of Schoolhouse Lane as depicted on the Dedication Plat attached hereto, which property has further been identified as Auditor's parcel number 603-0008-0523; and

**WHEREAS**, the property having been dedicated for public use and the improvements constructed consistent with the engineering standards for public use, City Council does desire to accept such dedication and declare the improvements within the extension of Schoolhouse Lane to be dedicated public improvements for the use of the traveling public.

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

**SECTION 1.** The attached Dedication Plat depicting the dedication of an extension of Schoolhouse Lane, Auditor's parcel number 603-0008-0523, is hereby

accepted and approved for filing within the Official Records of Hamilton County, Ohio.

**SECTION 2.** The public improvements within such dedicated extension are hereby accepted and the City assumes further responsibility to maintain such public improvements as a part of the roadway system within the City of Montgomery for the benefit of the traveling public.

**SECTION 3.** In order to facilitate the appropriate development of the site, and to open the roadway for safe public travel, this Ordinance is hereby declared to be an emergency measure necessary for the public health, safety and welfare, and shall take effect immediately upon passage.

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

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

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

APPROVED AS TO FORM:

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



RESOLUTION NO. \_\_\_\_\_, 2020

**A RESOLUTION CREATING A DESIGNATED OUTDOOR REFRESHMENT AREA WITHIN THE OLD MONTGOMERY GATEWAY DISTRICT NOW KNOWN AS THE MONTGOMERY QUARTER AND PORTIONS OF BOTH THE OLD MONTGOMERY/HERITAGE DISTRICT AND MONTGOMERY CORRIDOR**

**WHEREAS**, in 2017 the Ohio Revised Code was amended to allow for the establishment of Designated Outdoor Refreshment Areas (“DORA”) under R.C. § 4301.82; and

**WHEREAS**, on June 17, 2020, the City Manager submitted an application to City Council for approval of a DORA within the Old Montgomery Gateway District, now known as the Montgomery Quarter, and portions of both the Old Montgomery/Heritage District and the Montgomery Corridor; and

**WHEREAS**, pursuant to R.C. § 4301.02(C), notice of the filing of the DORA application and the date of a public hearing thereon was published within the *Cincinnati Enquirer* on June 29, 2020 and July 6, 2020; and

**WHEREAS**, a public hearing, upon such application, was held July 22, 2020; and

**WHEREAS**, Council did recommend establishing a DORA after receiving comment at the public hearing in an area depicted upon Exhibit B attached hereto and including the addresses depicted upon Exhibit C attached hereto; and

**WHEREAS**, the application submitted by the City Manager and reviewed at the public hearing did outline the nature and types of business establishments that are located within and are proposed to be located within the DORA, identified sixteen currently active qualified permit holders under the authority of the Division of Liquor Control located

within the DORA, did verify that the proposed DORA is consistent with the Comprehensive Community Plan for the City as it will support redevelopment within the designated area as well as enhance already in place pedestrian friendly features connecting the Old Montgomery Heritage District to the District area now known as the Montgomery Quarter, and did outline proposed requirements to insure appropriate public health and safety in the operation of the DORA; and

**WHEREAS**, Council does believe the approval of the DORA will serve to enhance the experience of patrons in the business establishments within the DORA area, and such special events as may be scheduled now and in the future within such DORA area.

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

**SECTION 1.** City Council determines that all public notice requirements of R.C. § 4301.82 prior to the passage of this Resolution have been met.

**SECTION 2.** City Council hereby accepts the DORA application as submitted by the City Manager as having met the requirements of R.C. § 4301.82(B)(1-5).

**SECTION 3.** Council finds that the DORA encompasses no fewer than four qualified permit holders, all of which are identified on Exhibit A attached hereto and made a part hereof by business name, address, liquor permit type, and liquor permit number. Council further finds that the DORA depicted on Exhibit B comprises an area of less than One Hundred Fifty (150) acres as more specifically certified in the survey provided by CT Consultants.

**SECTION 4.** Council hereby approves the establishment of a DORA

comprised of the area depicted on Exhibit B attached hereto and made a part hereof. Such area shall include and encompass the premises and current qualified permit holders located on the street addresses as listed on Exhibit C, and it shall encompass the street addresses of those sections of the public streets located within the DORA to allow future permit holders to receive properly coded permits to be incorporated in the DORA.

**SECTION 5.** To ensure public health and safety, and in accordance with R.C. § 4301.82(F)(1)(b), the number, spacing and type of signage designating the DORA boundaries as set forth in Exhibit D attached hereto and made a part hereof are hereby approved.

**SECTION 6.** As recommended by the City Manager, the hours of operation for the DORA shall be Monday through Thursday from 5:00 PM to 11:00 PM, Friday from 5:00 PM to Midnight, Saturday from Noon to Midnight, and Sunday from Noon to 9:00 PM. Additionally, special hours of DORA operation may be allowed as designated in advance by the City Manager for the occasion of holidays or special events to be held within the DORA sponsored by F Class permit holders.

**SECTION 7.** To ensure public health and safety, and in accordance with R.C. § 4301.82(F)(1), the Public Health and Safety Plan ("Plan") as outlined in Exhibit E attached hereto and made a part hereof is hereby approved. The Plan properly confirms the number, spacing and type of signage designating the DORA boundaries, the hours of operation for the DORA, the number of personnel needed to ensure public safety in the DORA, a sanitation plan to maintain the appearance and appropriate public safety in the DORA, and the number of personnel needed to execute the sanitation plan.

**SECTION 8.** As is required by R.C. § 4301.82(F)(1)(g), beer and intoxicating

liquor shall only be served in plastic bottles or other plastic containers, which shall be provided by the qualified permit holders in a readily identified container as approved by the office of the City Manager.

**SECTION 9.** City Council shall continue to review the requirements of the DORA as established herein, and the Administration is asked to report to City Council on or before August 31, 2021 concerning the operations of the DORA, the success of the DORA, and any recommended modification to the terms or conditions of the DORA. Further, on or before August 31, 2026, Council shall review the operation of the DORA and shall by Resolution either approve the continuing operation of the DORA or dissolve the DORA. Council shall give appropriate public notice as required by Ohio law at that time before considering an extension or dissolution of the DORA. Such DORA may be dissolved earlier as provided by law.

**SECTION 10.** The Clerk of Council is hereby authorized to forward a copy of this Resolution to the Ohio Division of Liquor Control and to the Investigative Unit of the Ohio Department of Public Safety, all in accordance with R.C. § 4301.82(C) and R.C. § 4301.82(F)(3).

**SECTION 11.** This Resolution shall be in full force and effect from and after its passage.

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

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

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

APPROVED AS TO FORM:

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



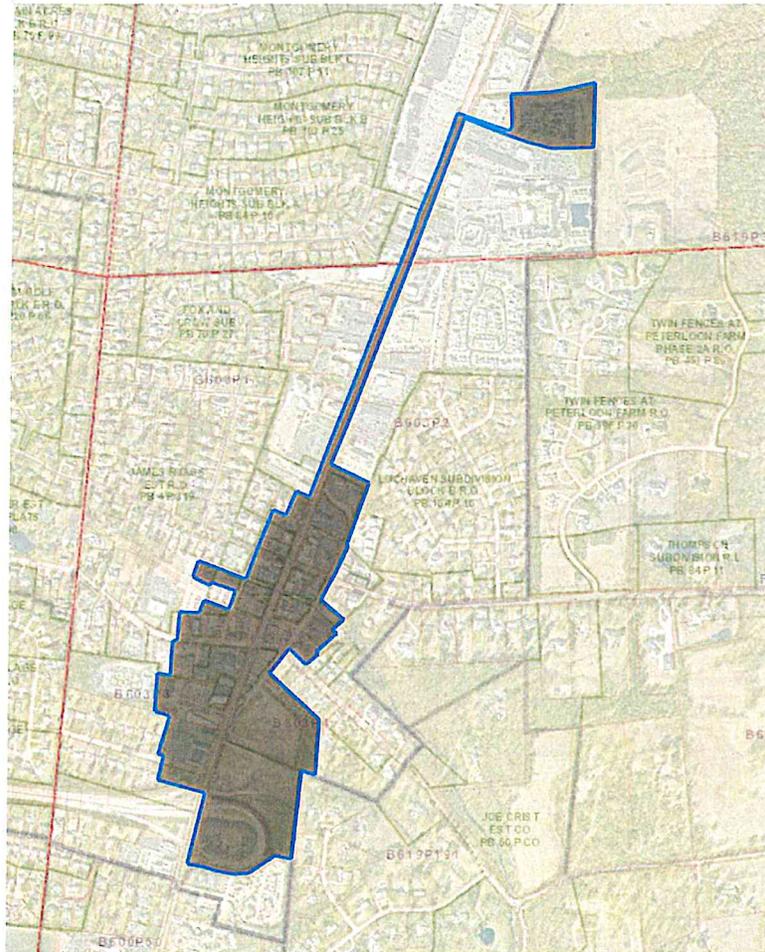
### Exhibit A

In accordance with ORC 4301(B)(3) the DORA will encompass not fewer than four (4) qualified permit holders. These include:

- Forno Osteria & Bar, 9415 Montgomery Road, (D1, D2, D3, and D6) Permit #2822293
- Montgomery Inn, 9440 Montgomery Road, (D1, D2, D3, D3A and D6) Permit #61142930005
- Montgomery Public House, 7880 Remington Road, (D6) Permit #6113785
- Board and Brush, 7831 Cooper Road, (D1) Permit #6379395
- Artemis Mediterranean Bistro, 7791 Cooper Road, (D51, and D6) Permit #8429785
- The Corner Pub, 7833 Cooper Road, (D1, D2, D3, D3A, D6) Permit #8828005
- The Village Tavern, 9390 Montgomery Road, (D5 and D6) Permit #92755760002
- Napa Kitchen and Bar, 9386 Montgomery Road, (D51 and D6) Permit #9690548
- Z Place, 7823 Cooper Road, (D8) Permit #9962491
- Tandoors, 8702 Market Place Lane, (D2, D3A, D6) Permit #6744060
- MEI Japanese Restaurant, 8608 Market Place Lane, (D5 and D6) Permit #5808502
- Go Bananas Comedy Club, 8410 Market Place Lane, (D1, D2, D3, D3A and D6) Permit #6050384
- Sukhothai Thai Cuisine, 8102 Market Place Lane, (D5 and D6) Permit #6481707
- Pacific Kitchen, 8300 Market Place Lane, (D5 and D6) Permit #6619951
- The Belle and the Bear, 8512 Market Place Lane, (D2, D2X, D3, D3A, and D6) Permit #65482430005

## Exhibit B

Proposed DORA Area - Market Place, Old Montgomery Gateway and Heritage District  
Acreage - 63.8



*A certificate shall be substituted from the office of the City Engineer verifying the boundaries and the total acreage for submission to the Division of Liquor Control.*



Proposed DORA Area – Market Place, Old Montgomery Gateway and Heritage District

Address Ranges

Street Name	Low	High	Odd/Even
Market Place Lane	8100	8702	Even
Montgomery Road	9227	9521	Odd
Montgomery Road	9202	9560	Even
Remington Road	7844	7850	Even
Cooper Road	7790	7878	Even
Cooper Road	7789	7835	Odd
Main Street	9352		
Main Street	9383	9555	Odd
Main Street	9370	9424	Even
Shelly Lane	9431		
Shelly Lane	9393	9399	Odd
Shelly Lane	9424	9426	Even
Ted Gregory Lane	7813		
Roosa Street	7800	7950	Both
Ayer's Place	7700	7799	Both
Cameron Lane	9200	9350	Both

*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 Business Session Minutes  
July 1, 2020

Present

Brian Riblet, City Manager  
Terry Donnellon, Law Director  
John Crowell, Police Chief  
Gary Heitkamp, Public Works Director  
Tracy Roblero, Asst. City Manager/Acting Comm. Dev. Dir.  
Katie Smiddy, Finance Director  
Matthew Vanderhorst, Community and Information Services, Dir.  
Paul Wright, Fire Chief  
Connie Gaylor, Clerk of Council

City Council Members Present

Chris Dobrozsi, Mayor  
Craig Margolis, Vice Mayor  
Lee Ann Bissmeyer-Teleconference  
Mike Cappel -Teleconference  
Gerri Harbison  
Lynda Roesch-Teleconference  
Ken Suer

City Council convened its Business Session for July 1, 2020 at 7:00 p.m. as a hybrid meeting at City Hall and also by telephone conference with Mayor Dobrozsi presiding. This remote access meeting was allowed by emergency legislation adopted by the Ohio General Assembly and approved by the Governor. The emergency legislation added language to RC Section 121.22 allowing public meetings by telephone conference during the current pandemic and declared State of Emergency. As required by the statute, notice of the telephonic meeting was publicized more than 24 hours in advance to allow public access through the same conference call in service. The public was also given a backup number to call in the event there were technical difficulties. This Notice was posted on the City's website and a similar Notice was sent to The Cincinnati Enquirer.

**ROLL CALL**

Mayor Dobrozsi asked for the roll to be called.

The roll was called with all members answering as present.

**SPECIAL PRESENTATION**

Tom Wolf was presented with a Certificate of Appreciation and a Ceremonial Fire Speaking Trumpet in honor of his years of service in the Fire Department and his upcoming retirement on July 4, 2020.

Chief Wright prepared a power point presentation featuring photos of Tom throughout his career and shared stories and well wishes with Tom.

City Council and staff thanked Tom and extended their gratitude for his dedication to the City of Montgomery and the community.

**GUESTS & RESIDENTS**

Mayor Dobrozsi explained that in an effort to better manage the teleconference meeting he would like to move this portion of the agenda to the end of the meeting and allow any public participating in the call to speak at that time. He stated that comments will be allowed but asked that all questions be forwarded by email to City Manager Brian Riblet. He stated that all comments will be limited to three minutes in total.

Mr. Cappel made a motion to move the Guests and Residents item to after item #10 on the agenda. Vice Mayor Margolis seconded. City Council unanimously agreed.

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City Council Business Session Minutes

July 1, 2020

Page 2

56 **PENDING LEGISLATION**

57

58 **An Ordinance Authorizing The Issuance Of Not To Exceed \$23,000,000 Special Obligation Revenue Bonds**  
59 **Of The City Of Montgomery; Providing For The Pledge Of Revenues For The Payment Of Such Bonds;**  
60 **Authorizing A Trust Agreement Appropriate For The Protection And Disposition Of Such Revenues To**  
61 **Further Secure Such Bonds; Authorizing An Official Statement; Authorizing Other Necessary And**  
62 **Appropriate Documents; And Authorizing Other Actions In Connection With The Issuance Of Such Bonds**

63

64 Mayor Dobrozsi stated that although he has no ownership interest in Neyer Properties, Inc. nor any in the limited  
65 liability companies in partnership to develop the Montgomery Quarter, he will continue to recuse himself from  
66 discussion and abstain from voting upon legislation related to the Montgomery Quarter project. He recused himself  
67 from the discussion and exited the dais.

68

69 Ms. Roesch stated (telephonically) that she would be recusing herself as well for possible professional conflicts.

70

71 Vice Mayor Margolis took over the meeting.

72

73 Mr. Suer moved to read the Ordinance by title only. Mr. Cappel seconded. The remaining Council members  
74 unanimously agreed.

75

76 Mr. Suer moved to suspend the rules requiring three readings. Mr. Cappel seconded.

77

78 The roll was called and showed the following vote:

79

80 AYE: Cappel, Bissmeyer, Harbison, Margolis, Suer (5)

81 NAY: (0)

82 RECUSE: Dobrozsi, Roesch (2)

83

84 Mr. Suer moved for passage of the Ordinance. Mr. Cappel seconded.

85

86 Mr. Suer asked Mr. Donnellon for any updates.

87

88 Mr. Donnellon stated that the passing of this Ordinance is the first step in the final stages to fund the public  
89 improvements such as the garages. He stated that the bonds would be capped at 23 million and that projections are  
90 lower, but it depends on the market. He stated that it is anticipated that the Service Agreement will be signed and  
91 issued in September.

92

93 The roll was called and showed the following vote:

94

95 AYE: Bissmeyer, Harbison, Margolis, Suer, Cappel (5)

96 NAY: (0)

97 RECUSE: Dobrozsi, Roesch (2)

98

99 Mayor Dobrozsi returned to the dais and took control of the meeting. He thanked Vice Mayor Margolis for  
100 handling this portion of the meeting.

101

102 **An Ordinance Creating Section 92.05 of The Code of Ordinances, entitled "Littering", And Amending Section**  
103 **92.99 Entitled "Penalty"**

104

105 Mrs. Bissmeyer moved to read the Ordinance by title only. Vice Mayor Margolis seconded. City Council  
106 unanimously agreed.

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City Council Business Session Minutes

July 1, 2020

Page 3

107

108 Mrs. Bissmeyer read the title and moved passage of the second reading of the Ordinance. Mr. Cappel seconded.

109

110 Mrs. Bissmeyer explained that information has been previously supplied on this Ordinance that, if adopted, would  
111 update Chapter 92 of the Code to add a section regulating Littering. Littering includes illegal dumping. The purpose  
112 of updating our Code is to be able to control Littering and dumping on vacant properties within the City, and to  
113 control Littering and dumping within either City dumpsters or private dumpsters. She added that this legislation was  
114 presented at the Law and Safety Committee of Council at their May 4, 2020 meeting.

115

116 Mrs. Bissmeyer asked if there were any updates.

117

118 Chief Crowell responded that there were none.

119

120 Mr. Cappel asked if this update would cover tire dumping.

121

122 Chief Crowell replied that it would cover any illegal dumping of any kind.

123

124 Mr. Donnellon added that there is also a separate State Code for tire dumping.

125

126 AYE: Harbison, Dobrozi, Roesch, Suer, Margolis, Cappel, Bissmeyer (7)

127 NAY: (0)

128

129 **NEW LEGISLATION**

130

131 **A Resolution Adopting A Tax Budget For 2021**

132

133 Mr. Suer moved to read the Resolution by title only. Vice Mayor Margolis seconded. City Council unanimously  
134 agreed.

135

136 Mr. Suer read the title and moved for passage. Mrs. Harbison seconded.

137

138 Mr. Suer explained that information has been previously supplied on this Resolution that, if approved, would adopt  
139 the 2021 Tax Budget. The preparation of the Tax Budget is an annual requirement for governmental jurisdictions  
140 per the Ohio Revised Code, Section 5705.28. The Financial Planning Committee of City Council reviewed the  
141 City's 2021 Tax Budget at its May 4, 2020 meeting. The Tax Budget will be submitted to the Hamilton County  
142 Budget Commission for approval, and will, in turn, be used to determine Local Government Fund allocations. The  
143 proposed budget is essentially based on the year 2021 projections as reflected in the City's 2020-2024 Five-Year  
144 Operating and Capital Budget.

145

146 Mr. Donnellon advised Mayor Dobrozi to abstain from the vote since the 2021 Budget contains funding for the  
147 Montgomery Quarter Tax Increment Financing.

148

149 The roll was called and showed the following vote:

150

151 AYE: Roesch, Suer, Margolis, Cappel, Bissmeyer, Harbison (7)

152 NAY: (0)

153 ABSTAIN: Dobrozi (1)

154

155 **A Resolution Approving the Process to Receive and Disburse Coronavirus Relief Funds**

156

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City Council Business Session Minutes

July 1, 2020

Page 4

157 Mr. Riblet explained that an update was made to the legislation changing the title from Senate Bill 310 (SB310) to  
158 House Bill 481 (HB481). He explained that a redlined version of the legislation was included in the Council packet.  
159

160 Mr. Suer moved to read the Resolution by title only. Vice Mayor Margolis seconded. City Council unanimously  
161 agreed.  
162

163 Mr. Suer read the title of the Resolution and moved for passage. Mr. Cappel seconded.  
164

165 Mr. Suer explained that information has been previously supplied on this Resolution that, if approved, would allow  
166 the City of Montgomery to participate in the HB481 Funding Program. Part of the requirement prior to any political  
167 subdivision receiving payment is for each subdivision to adopt a Resolution affirming that the subdivision will spend  
168 the funds only on pandemic-related expenses, as required under the CARES Act. Staff has been and continues to  
169 track expenses on supplies and materials such as Personal Protective Equipment (PPE), sanitation products,  
170 disinfecting services, signage and other miscellaneous items related to COVID-19.  
171

172 Vice Mayor Margolis asked if there were any updates.  
173

174 The roll was called and showed the following vote:  
175

176 AYE: Suer, Margolis, Cappel, Bissmeyer, Harbison, Dobrozsi, Roesch (7)

177 NAY: (0)  
178

179 **A Resolution Accepting A Bid and Authorizing the City Manager to Enter into A Contract with Strawser  
180 Construction, Inc., for the 2020 Crack Seal Program Through the Ohio Department of Transportation  
181 (ODOT) Cooperative Purchasing Program Contract #101L-21**  
182

183 Mr. Cappel moved to read the Resolution by title only. Vice Mayor Margolis seconded. City Council unanimously  
184 agreed.  
185

186 Mr. Cappel read the Resolution by title only and moved for passage. Vice Mayor Margolis seconded.  
187

188 Mr. Cappel explained that information has been previously supplied on this Resolution that, if approved, would  
189 allow the City Manager to enter into a contract with Strawser Construction for the 2020 Crack Seal Program. The  
190 Crack Seal Program includes 6.97 centerline miles which equates to approximately 99,945 square-yards of roadway  
191 surface to be treated. The program is included in the 2020 Capital Improvement 410-261-5470 account in the amount  
192 of \$75,000.00. It is requested that the Crack Seal Program be approved for funding in the amount of \$52,770.00,  
193 which includes a 10% contingency of \$4,797.00. The Crack Seal Program will be contracted with Strawser  
194 Construction, Inc. through the ODOT Cooperative Purchasing Program.  
195

196 Mr. Cappel asked if there were any updates.  
197

198 Mr. Heitkamp replied there were none.  
199

200 The roll was called and showed the following vote:  
201

202 AYE: Margolis, Cappel, Bissmeyer, Harbison, Dobrozsi, Roesch, Suer (7)

203 NAY: (0)  
204  
205  
206  
207

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City Council Business Session Minutes

July 1, 2020

Page 5

208

## **ADMINISTRATION REPORT**

209

210

Mr. Riblet reported the following items:

211

212

- City Council Work Session is scheduled for Wednesday July 22, immediately following the conclusion of the Public Hearing scheduled at 6:30 p.m. for the proposed DORA (Designated Outdoor Refreshment Area). A motion was made at the June Work Session to commence with the City Council meeting at the conclusion of the Public Hearing.

216

217

- The Law and Safety, Financial Planning and Planning, Zoning and Landmarks Committees have cancelled their meetings for the month of July.

218

219

220

- The Public Works Committee will meet at 4:30 p.m. on Monday, July 13 as a hybrid meeting. The Parks and Recreation and Government Affairs Committees have cancelled their meetings for the month of July.

221

222

223

- On Wednesday Chief Crowell took part in a Zoom conference call with Congressman Chabot as part of a feedback process on federal legislation related to police reform.

224

225

226

- John R. Jurgensen (JRJ) will be installing asphalt sidewalk along the east side of Montgomery Road and Main Street on Monday, July 6. In order to construct the Main Street portion, JRJ will close Main Street for several hours on Monday, July 6 sometime between the hours of 8:00 a.m. and 3:00 p.m. Traffic heading north will simply need to head up to Cooper Road and turn right.

227

228

229

230

- Bray Construction continues to install underground utility duct bank along Main Street and future Cameron Lane of the Montgomery Quarter. They also are installing storm sewer and sanitary sewer; both being relocated to make way for building construction.

231

232

233

234

- As a reminder, City offices will be closed on Friday, July 3 in observance of the July 4<sup>th</sup> holiday.

235

236

237

- Mr. Riblet recently signed a contract with Municipal & Contractors Sealing Products in the amount of \$24,500 for the 2020 Corrugated Metal Pipe Lining Program which includes lining of a 60" CMP located at 10580 Tanagerhills Drive.

238

239

240

- The July 3 Symphony Concert will be virtual style. The concert will be shown on the City's website beginning Friday July 3 at 7:00 p.m. through Saturday July 4 at 7:00 p.m.

241

242

243

- The July 4th "Reverse" Parade is from 10:00 a.m. to noon at Sycamore High School. Thanks to Sycamore Schools for their support and hosting this event.

244

245

246

- Mr. Riblet wished Happy Birthday to Council Member Bissmeyer whose birthday is July 2.

247

248

249

## **APPROVAL OF MINUTES**

250

251

Mayor Dobrozsi asked for a motion to approve the June 17, 2020 Public Hearing minutes as written and the June 17, 2020 Work Session Minutes as amended.

252

253

254

Vice Mayor Margolis moved to approve the minutes as noted. Mr. Cappel seconded. City Council unanimously agreed.

255

256

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City Council Business Session Minutes

July 1, 2020

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**MAYOR’S COURT REPORT**

Mayor Dobrozsi asked for a motion to approve the disbursement of the Mayor’s Court report for the month of June in the amount of \$17,373.

Mr. Cappel motioned to approve the disbursement of the June Mayor’s Court collections. Mrs. Bissmeyer seconded. City Council unanimously agreed.

**OTHER BUSINESS**

Vice Mayor Margolis stated that over the last several years he has spent time as a passenger doing ride-alongs with Officers Gruber, Riley, Janszen and Nimeskern. After watching their interactions with both guests to our community and residents and can attest to their character. He wanted to share his opinion of the City of Montgomery as in times the appreciation of police is not reciprocated. He thanked all the officers for putting themselves at risk. He thanked the Civil Service Commission, the Law and Safety Committee and the Diversity Inclusion Committee for their continued effort to ensure that the City offers the fairest hiring processes.

Mayor Dobrozsi stated that he recorded the opening for the July 3 BAMSO Concert with the help of Julie Machon.

**GUEST AND RESIDENTS**

Mayor Dobrozsi asked if there were residents on the call who would like to speak. He asked for them to state their name and address. There were no responses. Mayor Dobrozsi closed the floor to public speaking.

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

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

City Council adjourned at 8:05 p.m.

---

Connie Gaylor, Clerk of Council

These minutes are a draft of the proposed minutes from the Public Hearing. 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 Public Hearing Minutes  
July 22, 2020

Present

Brian Riblet, City Manager  
Terry Donnellon, Law Director  
John Crowell, Police Chief  
Gary Heitkamp, Public Works Director  
Tracy Roblero, Asst. City Manager/Acting Comm. Dev. Dir.  
Matthew Vanderhorst, Community and Information Services Director  
Paul Wright, Fire Chief  
Connie Gaylor, Clerk of Council

City Council Members Present

Chris Dobrozsi, Mayor  
Craig Margolis, Vice Mayor  
Lee Ann Bissmeyer - teleconference  
Mike Cappel - teleconference  
Gerri Harbison  
Lynda Roesch - teleconference  
Ken Suer

City Council convened its Public Hearing for July 22, 2020 at 6:30 p.m. in a hybrid meeting at City Hall and by telephone conference with Mayor Dobrozsi presiding. This remote access meeting was allowed by emergency legislation adopted by the Ohio General Assembly and approved by the Governor. The emergency legislation added language to RC Section 121.22 allowing public meetings by telephone conference during the current pandemic and declared State of Emergency. As required by the statute, notice of the telephonic meeting was publicized more than 24 hours in advance to allow public access through the same conference call in service. The public was also given a backup number to call in the event there were technical difficulties. This Notice was posted on the City's website and a similar Notice was sent to The Cincinnati Enquirer.

**ROLL CALL**

Mayor Dobrozsi conveyed that Vice Mayor Margolis previously notified City Council he would be unable to attend.

The roll was called and showed the following vote:

AYE: Cappel, Bissmeyer, Harbison, Dobrozsi, Roesch, Suer	(6)
NAY:	(0)
ABSENT: Margolis	(1)

Mayor Dobrozsi stated that he would recuse himself from the discussion of the agenda item and asked for a motion by Council to appoint a Mayor pro tem as Vice Mayor Margolis was not present. He stated that although he has no ownership interest in Neyer Properties, Inc. nor any in the limited liability companies in partnership to develop the Montgomery Quarter, he will continue to recuse himself from discussion and abstain from voting upon legislation related to the Montgomery Quarter project.

Mr. Cappel made a motion to appoint Mrs. Harbison as Mayor pro tem during the discussion of the agenda item. Mr. Suer seconded. City Council unanimously agreed. Mayor Dobrozsi exited the dais and Mrs. Harbison took over the meeting.

**NEW BUSINESS**

**Designated Outdoor Refreshment Area (DORA)**

Mr. Riblet and Ms. Roblero presented the following information on the DORA.

These minutes are a draft of the proposed minutes from the Public Hearing. 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 Council Public Hearing Minutes  
July 22, 2020  
Page 2.

54 **What is a DORA?**

- 55
- 56 • A specifically designated area that allows patrons over the age of 21 to purchase alcoholic beverages from  
57 an establishment and carry them within a clearly defined area within the City
  - 58
  - 59 • It was established in April 2017 by Section 4301.82 of the O.R.C.; it creates an exemption from the Open  
60 Container Law; under the statute, a person who purchases beer or intoxicating liquor from the holder of a  
61 permit with a DORA designation is permitted to have that beverage in an open container at any outdoor  
62 location within the DORA.

63

64 **Why a DORA?**

- 65
- 66 • Economic draw for the businesses and the City
  - 67 • Building on the lively, pedestrian friendly environment of the areas
  - 68 • Provide an additional incentive for restaurants to locate in the area and potentially drive redevelopment of  
69 under-utilized properties
  - 70 • The Comprehensive Community Plan calls for the City to work with developers and property owners to  
71 ensure that redevelopment in the Old Montgomery Gateway District includes pedestrian friendly features  
72 and connects to the Heritage District
  - 73 • The Comprehensive Community Plan states that the City will define a vision for the future of the Heritage  
74 District which will expand entertainment and restaurant opportunities
  - 75 • Goal 3, Strategy 3 of the Strategic Plan calls for the creation of an environment in the Heritage District  
76 and Old Montgomery Gateway District that attracts a sustainable mix of retail and restaurants that caters  
77 to employees and residents

78

79 **Map of the DORA**

80

81 Mr. Riblet explained that the proposed DORA Area reached the following areas– Market Place, Old Montgomery  
82 Gateway, and Heritage District. He explained that is encompassed a total of 63.8 acres. He added that we could  
83 have up to 150 contiguous acres so there was room to expand it in the future.

84

85 **Qualified Businesses within the District**

86

87 Ms. Roblero explained that a “Qualified Business” is one that has a current “D” liquor license. Following are a  
88 list of those businesses:

- 89
- 90 • Montgomery Inn
  - 91 • Forno Osteria & Bar
  - 92 • Montgomery Public House
  - 93 • Board and Brush
  - 94 • Artemis Mediterranean Bistro
  - 95 • The Corner Pub
  - 96 • The Village Tavern
  - 97 • Napa Kitchen and Bar
  - 98 • Z Place
  - 99 • Tandoors
  - 100 • MEI Japanese Restaurant
  - 101 • Go Bananas Comedy Club
  - 102 • Sukhothai

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- 103 • Pacific Kitchen
- 104 • The Corner Pub
- 105 • The Belle and the Bear

106

107 Ms. Roblero stated that she has received emails in support of the DORA from Z's Place, Montgomery Inn, and the  
108 Corner Pub. She stated that the Montgomery Chamber of Commerce also issued a motion of support for the  
109 DORA.

110

### 111 **Steps Toward the DORA Creation**

112

- 113 • City Manager submits Application to City Council
- 114 • Public Notice is provided to the Community (newspaper, posted agenda and website)
- 115 • Public Hearing on July 22, 6:30 p.m. prior to a City Council meeting
- 116 • If City Council chooses to move forward the item would be added to the August 5 City Council Business  
117 Session for consideration
- 118 • Notice to and approval from Ohio Department of Liquor Control

119

### 120 **FAQ'S**

121

#### 122 **Q: Can I walk anywhere with my DORA cup?**

123

124 A: Patrons can only carry DORA beverages in the defined area. Retail and private establishments may allow  
125 DORA beverages in their establishment or they may opt to not allow them. Each establishment within the DORA  
126 will have their own policy and will have signage on their establishment door defining their DORA policy.

127

#### 128 **Q: Are the hours of the DORA limited?**

129

130 A: Yes, the DORA hours are Monday through Thursday from 5:00 p.m. to 11:00 p.m.; Friday from 5:00 p.m. to  
131 midnight; Saturday from noon to midnight; and Sunday from noon to 9:00 p.m. Special hours of DORA operation  
132 will be allowed as designated in advance by the City Manager for the occasion of holidays or special events, with  
133 the consent of City Council.

134

#### 135 **Q: What is a DORA cup?**

136

137 A: A plastic, reusable, designated cup for all establishments. The cup is purchased at restaurants for a nominal  
138 fee. The cup will be branded for the City of Montgomery.

139

#### 140 **Q: Can I take my DORA beverage into another restaurant?**

141

142 A: No, once a DORA beverage has left a restaurant, it must be consumed before entering another restaurant.  
143 Empty cups may be taken into a different restaurant for another beverage.

144

#### 145 **Q: How will patrons know the DORA limits?**

146

147 A: Each patron purchasing a DORA cup will receive a card with the map and DORA rules. Restaurants will have  
148 large laminated maps on hand to show patrons the DORA limits. Signs at key egress areas of the DORA will be  
149 installed.

150

151

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152 **Q: Can I pour my own alcoholic drink into a DORA cup and carry it?**

153

154 A: No. Beverages must be purchased from participating restaurants. No cans, glass bottles, or outside alcoholic  
155 beverages are allowed within the DORA boundaries. Alcoholic beverages may not be carried outside of the  
156 boundary area or patrons are subject to legal consequences.

157

158 **Q: Will the area become littered, unruly, or noisy due to the DORA?**

159

160 A. Mason, Milford, Hamilton, Loveland, and Wyoming all have DORAs. City Administration has made  
161 inquiries to those communities and none have negative experiences to report.

162

- 163 • The City has numerous garbage cans in the DORA area; however, cups are intended to be kept and  
164 reused.
- 165 • The Police Department will conduct routine patrols and will enforce responsible behavior.
- 166 • The boundaries of the DORA will be strictly enforced.
- 167 • Special events may require additional Police and Public Works staffing, as is already the practice.

168

169 Mr. Riblet reminded City Council that except as provided in the DORA statute, all State of Ohio and City of  
170 Montgomery laws regarding public intoxication, impaired driving, and open containers apply to areas both inside  
171 and outside of the DORA boundaries. He stated that failure to comply with the rules as stated is a crime.

172

173 Mr. Donnellon added that the City is also required to do a periodic review of the DORA, that once it is created it  
174 is not left unsupervised.

175

176 Mrs. Harbison asked for City Council comments.

177

178 Mr. Suer stated that he agreed the DORA would be a benefit to the businesses and would stimulate pedestrian  
179 traffic to create a thriving downtown area. He added that he felt new businesses coming to the Montgomery  
180 Quarter would also energize the downtown area. Mr. Suer stated that the downside would be the few individuals  
181 who may disregard the rules. He stated he felt the businesses would have to be active partners to help the DORA  
182 succeed. He closed by stating that if the City can create it, they can also dissolve it if it becomes a real problem.

183

184 Ms. Roesch stated she thought this was a great economic development tool. She is pleased that businesses are  
185 supportive of the DORA. She stated she felt that the public is generally responsible and does not anticipate  
186 significant issues.

187

188 Mr. Cappel stated that he just read the July 10 edition of the Cincinnati Enquirer about the increase of drug and  
189 alcohol consumption during the pandemic. He stated after reading that, and colored by his personal beliefs, he  
190 believes the creation of a DORA is a short-sighted public policy that will encourage and facilitate the use of drugs  
191 and alcohol in our community. He stated he was worried about that and believes the police when they think they  
192 can control it, but it shakes him up.

193

194 Mrs. Bissmeyer asked if the businesses within the DORA are determined by the map or by interest from the  
195 businesses themselves.

196

197 Mr. Riblet replied that the City designates the area but the businesses that fall within that area do not have to  
198 participate.

199

200 Mrs. Bissmeyer asked if there were businesses that were excluded.

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201

202 Mr. Donnellon replied that all businesses are eligible within the district, but some may not have the appropriate  
203 liquor licensing to participate.

204

205 Mrs. Bissmeyer asked about Carlos and Johnny's.

206

207 Mr. Donnellon stated that the area currently does not stretch to Carlos and Johnny's, but the area can be amended.

208

209 Mrs. Bissmeyer stated she understood that Twin Lakes does not want to participate.

210

211 Mr. Donnellon stated that was correct. He explained that they do not feel they are a walkable entertainment area  
212 and did not feel it was appropriate at this time.

213

214 Mrs. Bissmeyer asked if the area could be expanded to Hopewell Road to incorporate the municipal pool.

215

216 Mrs. Harbison stated that City Council has always taken the position that there would not be alcohol at the pool.

217

218 Mr. Donnellon added that we do not have licensing for serving alcohol at the pool. He stated that there is an event  
219 specific alcohol permit, permit "F" that would facilitate "D" license holders.

220

221 Mrs. Bissmeyer asked if the weekend hours could be expanded to an earlier time to include brunch hours as  
222 designated by the businesses.

223

224 Mr. Riblet stated that we could amend the current hours.

225

226 Mrs. Bissmeyer stated that she would suggest 9:00 a.m. to match the opening hours of the businesses. She also  
227 stated that while she appreciates the reusable cups, she feels using disposable cups would create new revenue.

228

229 Mr. Riblet stated that we could discuss that as we get closer to opening up the area.

230

231 Mr. Donnellon stated that we do not have to designate the type of cup now, only that it has to be designated as a  
232 "DORA" cup.

233

234 Mrs. Harbison stated that she feels creating a DORA sets Montgomery up to be a destination area. She stated that  
235 it would be an asset to the businesses who have taken a hit during the pandemic.

236

### 237 **GUESTS AND RESIDENTS**

238

239 Jim Christmann, 7880 Remington Road- Mr. Christmann addressed City Council as a partner of Montgomery  
240 Public House microbrewery stating his support for the creation of the DORA. He stated that he felt it would  
241 benefit all business and those business owners that he has spoken with were all in favor of it. He stated he thought  
242 it would make Montgomery an exciting destination and was appreciative that City Council was considering it.

243

244 Mrs. Harbison thanked Mr. Christmann for his comments and asked if there were any guests or residents on the  
245 phone line that would like to speak. Hearing no responses, Mrs. Harbison closed the floor to public comment.

246

247 Mrs. Harbison stated to City Council that a motion would now be needed to either, accept the recommendation of  
248 staff, deny the recommendation, remand the recommendation back to staff for more information, or table the  
249 recommendation to another meeting within 30 days.

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250

251

Mr. Suer made a motion to accept the recommendation of staff to create a DORA in the City of Montgomery. Ms. Roesch seconded the motion. Five Council members answered in favor, one Council member was opposed.

252

253

254

Mr. Suer made a motion to add the legislation to the August 5 Business Session Agenda. Ms. Roesch seconded. Five Council members answered in favor, one Council member was opposed.

255

256

257

Mr. Donnellon asked for confirmation, based on discussion from the meeting, if the hours of the DORA should be adjusted.

258

259

260

Mrs. Harbison advised Mr. Donnellon to research what hours surrounding businesses were open and to adjust the hours accordingly.

261

262

263

Mayor Dobrozi reentered the dais and regained control of the meeting.

264

265

Mayor Dobrozi asked if there was any further business to be heard in the Public Hearing. There being none, he asked for a motion to adjourn from the Public Hearing.

266

267

268

Mrs. Harbison made a motion to adjourn. Mr. Cappel seconded. City Council unanimously agreed.

269

270

The meeting was adjourned at 7:04 p.m.

271

272

273

274

275

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Connie Gaylor, Clerk of Council

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City of Montgomery  
City Council Work Session Minutes  
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Present

Brian Riblet, City Manager  
Terry Donnellon, Law Director  
Tracy Roblero, Asst. City Manager/Acting Comm. Dev. Dir.  
John Crowell, Police Chief  
Gary Heitkamp, Public Works Director  
Katie Smiddy, Finance Director  
Matthew Vanderhorst, Community, and Information Services Dir.  
Paul Wright, Fire Chief  
Connie Gaylor, Clerk of Council

City Council Members Present

Chris Dobrozsi, Mayor  
Craig Margolis, Vice Mayor  
Lee Ann Bissmeyer -teleconference  
Mike Cappel - teleconference  
Gerri Harbison  
Lynda Roesch - teleconference  
Ken Suer

City Council convened its Work Session for July 22, 2020 at 7:05 p.m. in a hybrid meeting at City Hall and by telephone conference with Mayor Dobrozsi presiding. This remote access meeting was allowed by emergency legislation adopted by the Ohio General Assembly and approved by the Governor. The emergency legislation added language to RC Section 121.22 allowing public meetings by telephone conference during the current pandemic and declared State of Emergency. As required by the statute, notice of the telephonic meeting was publicized more than 24 hours in advance to allow public access through the same conference call in service. The public was also given a backup number to call in the event there were technical difficulties. This Notice was posted on the City's website and a similar Notice was sent to The Cincinnati Enquirer.

ROLL CALL

The roll was called, and all Council Members answered as present with the exception of Vice Mayor Margolis who will be joining the meeting in progress.

GUESTS & RESIDENTS

Dr. Bradley Hull, 7893 Cooper Road- Dr. Hull stated that he was the owner of the Cameron Feintheil House, a City Landmark building, and was at the meeting to speak about the Montgomery Quarter (MQ) Development. He stated as a steward of a landmark home he felt it was disingenuous of the City to name a road within the development, Cameron Lane. He stated that Building J would be located directly behind his home according to the original plan approved in October 2019 by the Planning Commission. He stated that the driveway entrance to this building is akin to a road that passes behind his house and is 43' wide. He stated that this road is only 8 ½' from his property line. He stated he has concerns for the safety of his property due to the proximity of motorists. He explained that two of his neighbors have sold their homes within the last year but at a considerable loss. Dr. Hull stated that in Code Chapter 105.8, which is the regulation for landmark properties, specifically the purpose of landmark properties in Section 1801, states the point of landmark homes as a "measure of protection afforded to landmark homes". He stated specifically the point is to "stabilize and improve property values". He explained that he felt Building J will diminish the value of his home as it will be a 50' structure located behind his home. He voiced his anger and frustration by stating that neighbors have not been consulted and through this process there were unfortunate comments from members of the Development Team and a person on the Planning Commission which highlight the fact that there is very little interest in landmark owners and the impact this will have on their properties. He asked that before the next round of plans go to the Planning Commission that City Council look into this matter. He requests further consultations be made with the property owners. He stated that there have been comments made that the landmark property owners are against development. He stated they are not but there was a big difference between a 50' series of townhouses and a 25' tall dentist office that was formally there. He said these are very different things to the homeowners. He added that adding a road right on his rear property line is totally inappropriate and against the spirit of what he felt having a landmark home meant. He added that if having a landmark designation meant nothing that he would be happy to remove the landmark plaque from his home and give it back to the City. He thanked City Council for their time.

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55 Mayor Dobrozsi thanked Dr. Hull for his comments.

56  
57 **ESTABLISHING AN AGENDA FOR AUGUST 5, 2020 BUSINESS SESSION**

58  
59 **PENDING LEGISLATION**

60  
61 **An Ordinance Creating Section 92.05 of The Code of Ordinances, entitled “Littering”, and Amending Section**  
62 **92.99 entitled “Penalty”**

63  
64 Mayor Dobrozsi stated this would be the third reading of this Ordinance and asked Chief Crowell if there were any  
65 updates.

66  
67 Chief Crowell replied there were none.

68  
69 Mr. Suer inquired about the pending case against the parties who were caught dumping on the Montgomery Quarter  
70 site.

71  
72 Chief Crowell explained that due to Covid-19, many cases are still pending in the Hamilton County Court.

73  
74 **NEW LEGISLATION**

75  
76 **A Resolution to Adopt Recommendation of the Montgomery Tax Incentive Review Council with Respect to**  
77 **The Compliance of All Tax Increment Financing Districts Within the City of Montgomery**

78  
79 Mayor Dobrozsi assigned the legislation to Mr. Suer

80  
81 Mr. Riblet explained that this legislation is an annual item that is required by Ohio law for City Council to approve,  
82 reject, or remand the decision of the Tax Incentive Review Council relative to the compliance of the tax increment  
83 financing districts with their enabling legislation. He stated that the Montgomery Tax Incentive Review Council  
84 met on Wednesday, June 24, 2020 and that it was determined that everything was in compliance.

85  
86 **A Resolution Authorizing Internet Auction of Surplus Personal Property Through Govdeals.com**

87  
88 Mayor Dobrozsi assigned the legislation to Mrs. Harbison.

89  
90 Chief Crowell explained that, if adopted, this Resolution will designate GovDeals.com as internet auction agents  
91 for the disposal of surplus property for the period of August 1, 2020 through July 31, 2021. Ohio law authorizes  
92 the City to dispose of surplus and abandoned personal property through internet auction. Section 50.02 of the Code  
93 of Ordinances sets forth a procedure for the sale and disposition of lost, abandoned, stolen, seized, or forfeited  
94 property (“Surplus Property”) through internet auction agents. This Resolution will also authorize the City Manager  
95 to enter into appropriate contracts with GovDeals.com.

96  
97 Mrs. Bissmeyer asked if items that were to be auctioned could be advertised to the residents since they were  
98 purchased with public funds.

99  
100 Chief Crowell explained that anyone could view the items on Govdeals.com but he felt like it could be shared on  
101 social media.

102  
103 Mr. Riblet added that information could be pushed out to the public.

104 Vice Mayor Margolis joined the meeting at 7:16 p.m.

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105

106

**A Resolution Establishing City Contributions to Employee Health Savings Account**

107

108

Mayor Dobrozsi assigned the legislation to Mrs. Harbison

109

110

111

112

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114

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121

122

Mr. Riblet explained that, if approved, this Resolution will continue the City's incentive contribution to employees' Health Savings Accounts for the period beginning September 1, 2020 through August 31, 2021. This Resolution also provides for Health Reimbursement Accounts for employees who, as a result of being enrolled in Medicare, are no longer eligible for a Health Savings Account. The City's contribution to employees' Health Savings Accounts is recommended to be continued at \$1050 for a family plan and \$750 for a single plan for the twelve-month period of September 1, 2020 through August 31, 2021. In addition to the base City incentive contribution, it is recommended that the City continue to match the employee's contribution to his/her Health Savings Account in an amount up to \$700 for employees with family plans and up to \$500 for employees with single plans. It is also recommended that Health Reimbursement Accounts be established for qualifying employees in amounts of \$1050 for a family plan and \$750 for a single plan for the twelve-month period of September 1, 2020 through August 31, 2021. Employees cannot make contributions to Health Reimbursement Accounts (HRA's); therefore, no matching employer contribution is recommended for HRA's.

123

124

**A Resolution to Adopt Authorizing the City Manager to Enter into a Contract with W. G. Stang LLC to Complete the HAM-US22-14.74 Montgomery Sidewalk Project, PID #104934**

125

126

Mayor Dobrozsi assigned the legislation to Ms. Roesch.

127

128

129

130

131

132

133

Mr. Heitkamp explained that, if approved, the Resolution would authorize the City Manager to enter into a Contract with W. G. Stang LLC to complete the construction of the HAM-US22-14.74 Montgomery Sidewalk Project in the amount of \$261,250.00. Funds for this project are budgeted in the Capital Improvement Program under account 410.261.5470 in the amount of \$350,000.00. The amount of the recommendation includes \$23,748.00 in project contingency funding, which is an amount equal to 10% of the total of the Base Bid.

134

Vice Mayor Margolis if W.G. Stang had a track record with the City.

135

136

137

138

139

Mr. Heitkamp replied that while they have not done work in the City during his time here, he has worked with them in the past while with another employer and found their work to be good. He added that they were determined to be the lowest and best bidder.

140

141

142

Mrs. Bissmeyer asked that since this project was funded mostly by OKI grant funding and the project came in low would the 80% of the funding cover the entire project.

143

Mr. Heitkamp replied that it is 80% of the actual cost.

144

145

**An Ordinance Accepting and Dedicating Schoolhouse Lane Extension and Declaring an Emergency**

146

147

Mayor Dobrozsi assigned the legislation to Vice Mayor Margolis.

148

149

150

151

152

Mr. Donnellon explained that this Ordinance is to facilitate the acceptance of a Dedication Plat for the Schoolhouse Lane Extension. This roadway already has been constructed east of Montgomery Road and the Dedication Plat is the last step in the process to accept the public improvements as well as to facilitate an easement to Duke Energy Ohio, Inc. for a utility trench located south of the roadway and within the right-of-way.

153

154

Mr. Cappel asked who would maintain the extension.

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155

156

Mr. Donnellon replied that the City would.

157

158

Mr. Riblet added that conversations would be pending with Indian Hill regarding the long-term infrastructure and the City may contract with Indian Hill for snow removal and maintenance of landscaping.

159

160

161

### **ADMINISTRATION REPORT**

162

163

Mr. Riblet reported the following items:

164

165

- The City Council Business Session is scheduled for August 5, 2020 at 7:00 p.m.

166

167

- The Financial Planning Committee will meet on Monday, August 3 in a hybrid meeting at City Hall and also using the teleconference phone line and Zoom at 4:30 p.m. The Law and Safety and Planning, Zoning and Landmarks Committee have cancelled their meetings for the month of August.

168

169

170

171

- The Government Affairs and Public Works Committees will meet Monday, August 10 in a hybrid meeting at City Hall and also using the teleconference phone line. The Parks and Recreation Committee has cancelled their meeting for the month of August.

172

173

174

175

- Mr. Riblet stated that it is time to schedule the annual budget review meeting. He proposed September 9 or September 10 to hold the meeting and asked City Council which would work best for them. He reminded them that the meeting is typically scheduled from 5:30 to 8:00 p.m. City Council determined that Wednesday, September 9 would be the best date to hold the budget review meeting.

176

177

178

179

- Staff would like to request a meeting of the Montgomery CIC on Wednesday, August 5 at 6:45 p.m. to consider a request for a historic preservation matching grant from Redbird Group LLC for renovations to the Jonathan Crain House at 9441 Main Street. City Council approved the meeting. Vice Mayor Margolis made a motion to move directly into the Business Session at the conclusion of the CIC meeting. Mr. Suer seconded. City Council unanimously agreed.

180

181

182

183

184

185

- The Health Care Benefits Committee (Patrick Morgan, Julie Prickett, Scott Schulte, TJ Shreve, Katie Smiddy, and Sharon Savitt) started its annual process of reviewing proposals from health insurance carriers for group insurance coverage in order to develop a recommendation to be presented to City Council at the August 19 Work Session.

186

187

188

189

190

- John R. Jurgensen Company (JRJ) is in the process of removing the Montgomery Road bridge. They have the concrete bridge deck and most of the steel I-beams removed. After the bridge removal is complete, JRJ will begin filling in the area under the bridge with fill material already stockpiled at the site.

191

192

193

194

- JK Meurer has completed the curb replacement in the Winds subdivision for the street resurfacing project and are currently in the process of milling the street's asphalt surface.

195

196

197

- An open house for the Huntersknoll Court Drainage Study completed by CT Consultants will be held at Terwilligers Lodge Thursday, July 23 from 5:00 to 7:00 p.m. Invitations for the open house were sent to all of the residents of Huntersknoll Court, and to a number of residents on Deerfield Road and Trailwind Drive that are directly located in the study area. The purpose of the open house is to share the CT Consultants study results, answer questions, and to obtain feedback from the residents.

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- 222
- Mr. Riblet reported that he signed a contract with The Gertz Co. to perform storm water upgrades in the annex parking lot. The work will entail adding two new storm drainage structures and connecting the annex building downspouts into the new system, as well as other miscellaneous drainage repairs. Total cost for this project is \$28,190.00.
  - Hiring processes for Firefighter/Paramedic, Fire Lieutenant and Service Worker I continue to proceed through various interview and screening stages.
  - A reminder that there are a couple of events that will be coming up:
    - Top Work-Place Celebration at Public Works – Friday, August 14 (11-2)
    - City Council Appreciation Lunch at Terwilligers Lodge– Friday, August 28 (11-1)
  - Mr. Riblet wished Happy Birthday to Council Member Bissmeyer, whose birthday was July 2 and Tracy Roblero whose birthday is Friday, July 24. Happy Birthday to both Mrs. Bissmeyer and Tracy.
  - Mr. Riblet shared that he received a very nice letter from a Phyllis Byrum of Kennedy Texas in recognition of the July 4<sup>th</sup> Reverse parade. Mr. Riblet read the letter and thanked staff for being creative and offering the community an alternative way to celebrate the 4<sup>th</sup> of July.

### **LAW DIRECTOR REPORT**

223

224

225

226

227

Mr. Donnellon stated that the titles, surveys, platting, and easements were all being completed and filed and that the project was coming in shape.

### **CITY COUNCIL REPORTS**

#### **Mr. Cappel**

230

231

232

233

234

235

Mr. Cappel explained that the Public Works Committee interviewed Zeeshan Pasha at their July 13 meeting and he would like to make a motion to appoint Mr. Pasha to the Environmental Advisory Commission with a term ending on January 31, 2022. Mr. Suer seconded the motion. City Council unanimously agreed.

#### **Mrs. Bissmeyer**

236

237

238

239

No report.

#### **Mrs. Harbison**

240

241

242

243

244

245

Mrs. Harbison reminded everyone of the upcoming First Suburbs meeting on July 30 from 6:00 to 8:00 p.m. She stated the meeting would be conducted via a Zoom conference. She explained that attendees could login to their website and sign up and a link would be sent to them with login instructions.

246

247

248

Mrs. Harbison recognized members of the Fire Department: Mike Henderson, Jacob Quinn, and Ben Shapiro, who responded to a call and provided treatment for her. She thanked them for their compassion and wonderful care.

#### **Ms. Roesch**

249

250

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252

Ms. Roesch reported that the Parks and Recreation Commission met via Zoom and reported their projects are in a holding pattern.

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253

254 Ms. Roesch reported that the Beautification and Tree Commission held a teleconference meeting and that they have  
255 taken over responsibility of maintaining the garden next to Swaim Lodge that Kaye Gaffney with the Montgomery  
256 Historical Preservation Association formally maintained.

257

258 **Mr. Suer**

259

260 No report.

261

262 **Vice Mayor Margolis**

263

264 Vice Mayor Margolis explained that the Planning Commission met on July 6 and discussed the Montgomery  
265 Quarter. He stated that the Commission are using extreme caution to preserve the privacy of residents on Cooper  
266 Road. He stated that he felt the development team did ok on the screening of Phase II and it was approved by the  
267 Commission. He explained that also in Phase II were the apartments and that there were issues with the screening  
268 of residents and ample parking. He stated that the Planning Commission tabled this portion until the next meeting.

269

270 Vice Mayor Margolis stated that he attended a Hamilton County EMA meeting on July 6 via Zoom where they  
271 reviewed the efforts of support from the Public Health department during the pandemic.

272

273 Vice Mayor Margolis explained that the Landmarks Commission met on July 8 and approved the replacement of  
274 windows in the Jonathon Crain House which is being renovated by Clarity House Bakery and Tea Room.

275

276 Vice Mayor Margolis stated that he felt the July 4 celebration was a brilliant idea. He stated that he appreciated  
277 seeing an increase in the amount of information being pushed on social media to the residents.

278

279 Ms. Roblero added to Vice Mayor Margolis's comments regarding the actions of the Planning Commission and the  
280 comments made by Dr. Hull earlier regarding the Montgomery Quarter development. She assured City Council that  
281 staff is in contact with residents near the Montgomery Quarter regarding their concerns and she would follow up  
282 with Dr. Hull once again.

283

284 **Mayor Dobrozi**

285

286 Mayor Dobrozi thanked staff for all their creativity during the pandemic. He stated that staff figured a way to  
287 improvise and innovate with opening City Hall earlier than other entities, opening the pool, holding events and  
288 programs all while maintaining the safety of the community.

289

290 Mr. Riblet added that he was optimistic of fall events, but it looks like they may not happen. He stated that staff are  
291 working on creative events that may include a Mystics Drive-In concert and a Fall Theme Drive-Thru in place of  
292 Harvest Moon. He added these were just a couple of events staff is working on.

293

294 Mr. Suer asked what the current thinking was on MCLA.

295

296 Mr. Riblet stated that staff has met about the 2021 MCLA program. He explained that they are looking at  
297 modifications to the schedule considering that the major partners: Bethesda North, Twin Lakes, and Ohio National  
298 may not participate this year. He stated there were essentially three options which include: 1) continue as normal;  
299 2) offer a modified version; or 3) cancel for 2021.

300

301 Mr. Suer asked if we were still accepting applications. He stated he knew our deadline was usually the end of  
302 September.

*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.*

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303 Mr. Vanderhorst replied that we have had some registrations and that we are still promoting it in hopes of offering  
304 the program. He stated that we would extend the deadline into November. He said the message would be to still  
305 register for the program, but it could change depending on the commitments from the partners.

306  
307 **OTHER BUSINESS**

308  
309 Mayor Dobrozsi asked if there was any Other Business to discuss.

310  
311 There was none.

312  
313 **ADJOURNMENT**

314  
315 Mayor Dobrozsi asked if there was any further business to discuss in Public Session. There being none he asked for  
316 a motion to adjourn.

317  
318 Vice Mayor Margolis moved to adjourn. Mr. Cappel seconded. City Council unanimously agreed.

319  
320 City Council adjourned at 7:58 p.m.

321  
322  
323  
324

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Connie Gaylor, Clerk of Council

July 31, 2020

TO: Mayor and City Council Members

FROM: Brian K. Riblet, City Manager *BKR*

SUBJECT: Economic Development (TRES) Transfer Request from The European Cafe

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**Introduction**

Staff received the attached Economic Development (TRES) Liquor License transfer form request from Andrea S. Anusbigian on July 20. This form requires an endorsement be made by the City of Montgomery for their request to transfer an existing TRES Liquor License from another community to their restaurant The European Café at 9450 Montgomery Road.

**Background**

At the September 14, 2012 Government Affairs Committee meeting a discussion was held regarding the economic development license (TRES) approval process for liquor license applications. It was determined at this meeting that the initial approval of these applications would be based on the recommendation of staff to be approved by motion of City Council. Upon receipt of the (TRES) transfer form, staff ensures that all the required information is provided before forwarding to the City Manager for consideration, such as:

- a. The number of jobs to be created by the restaurant
- b. The projected earnings of the restaurant
- c. The projected tax revenues including the value of the real estate and improvements which will generate real estate taxes for the City, estimated earning taxes, and anticipated sales to generate sales tax, although he City does not received direct sales tax support.
- d. The cost of the project and the financial investment by the applicant in the project
- e. A narrative describing the restaurant and the applicant's history in the food service industry

If approved by City Council, the transfer form is completed and returned to the applicant who sends it along with their application to the State of Ohio Division of Liquor Control Board. The City will receive notice from the State in which City Council will then have the option to request a hearing on the request or decline the hearing.

**Recommendation**

Staff recommends that City Council authorize the City Manager to approve the Economic Development (TREX) Transfer Form as requested by Andrea S. Anusbigian, owner of The European Cafe.

