CITY OF
MONTGOMERY
A CHARMING PAST. A GLOWING FUTURE.

MEMORANDUM

October 16, 2020

TO: Mayor and City Council Members

FROM: Brian K. Riblet, City Manager BKR

SUBJECT: City Council Work Session of Wednesday, October 21, 2020

The meeting will begin at 7:00 p.m. and 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.

Work Session

1. Call to Order

2. Roll Call

3. Special Presentation

a. James "J" and Jane Fleckenstein will be presented with a Certificate of Appreciation as the Beautification and Tree Commission's Summer Seasons of Beauty winners.

b. Aftab Pureval, current Hamilton County Clerk of Court, will be present to speak with City Council regarding his current run for re-election.

c. Don Neyer will be presented with a Proclamation in recognition of his 90th birthday and contributions to the community and region.

4. Guest and Residents

5. Legislation for Consideration this Evening

6. Establishing an Agenda for November 4, 2020 Business Session

Pending Legislation

a. An Ordinance Modifying Section 132.14, Noise, of The Montgomery Code Of Ordinances—(Vice Mayor Margolis, 2nd Reading) Information has been previously supplied on this legislation that, if approved, would enact modifications to the noise ordinance which include differentiating between general noise and construction noise, by defining "construction work" as "any type of work which requires a

building and/or zoning permit". Times for construction work would be limited to 7:00 a.m. - 9:00 p.m. (Monday through Friday) and 9:00 a.m. - 8:00 p.m. on Saturdays and Sundays. The proposed modifications maintain the hours of 7:00 a.m. - 10:00 p.m. for all other types of noise outside of construction work. In addition, the proposed modifications limit the sound permitted outside these hours to 60 decibels, as measured from the complainant's property line. The Planning, Zoning and Landmarks Committee of Council met on March 2, 2020 to discuss the proposed modification. After discussion, the Committee voted unanimously to recommend approval of the amendments to the noise ordinance with the condition that work by utility companies, such as Duke Energy, Cincinnati Bell, Greater Cincinnati Water Works, etc., be included in the list of Exemptions.

Add this Ordinance to the November 4, 2020 Business Session for second reading. The third reading will be conducted at the December 2, 2020 Business Session with adoption of the Ordinance requested at that meeting.

b. An Ordinance To Make Appropriations For Current Expenses And Other Expenditures Of The City Of Montgomery, State Of Ohio, During The Fiscal Year Ending December 31, 2021—(Mr. Suer, 2nd Reading) Information has been previously supplied on this legislation that, if approved, would establish the City's budget for fiscal year 2021. These documents were presented to and reviewed with the Financial Planning Committee of City Council at their September 8 meeting. City Council will conduct its formal review of the 2021 Operating and Capital Budget with Four Year Forecast and 2021-2025 Capital Improvement Program, on Wednesday, September 9. As a result of these discussions, any changes to the budget are included with this legislation.

Add this Ordinance to the November 4, 2020 Business Session for second reading. The third reading will be conducted at the December 2, 2020 Business Session with adoption of the Ordinance requested at that meeting.

New Legislation

No New Legislation

7. Administration Report

8. Law Director Report

9. City Council Member Reports

   a. Mr. Cappel
   b. Mrs. Bissmeyer
   c. Mrs. Harbison
   d. Ms. Roesch
   e. Mr. Suer
   f. Vice Mayor Margolis
   g. Mayor Dobrozsi

10. Approval of Minutes- October 7, 2020 Business Session.

11. Other Business

12. Executive Session

13. Adjournment

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

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

CITY OF MONTGOMERY
A CHARMING PAST. A GLOWING FUTURE.

CITY COUNCIL WORK SESSION AGENDA

10101 Montgomery Road • Montgomery, Ohio 45242
(513) 891-2424 • Fax (513) 891-2498

October 21, 2020
City Hall
7:00 p.m.

Please note, there will be no meeting of The Montgomery Community Improvement Corporation this evening prior to the Council meeting, and Council will not be asked to consider any legislation this evening concerning the Montgomery Quarter project. The Administration has met with the residents along Cooper Road to note their concerns about the project and additional time is needed to circle back to them with additional information.

The City Council Work Session will commence in City Hall observing social distancing guidelines and also by teleconference immediately following the conclusion of the Updates. To phone in please use the following phone number: 1-866-228-9900 with access code 204938.

1. Call to Order

2. Roll Call

3. Special Presentation

   a. James "J" and Jane Fleckenstein will be presented with a Certificate of Appreciation as the Beautification and Tree Commission's Summer Seasons of Beauty winners.

   b. Aftab Pureval, current Hamilton County Clerk of Court, will be present to speak with City Council regarding his current run for re-election.

   c. Don Neyer will be presented with a Proclamation in recognition of his 90th birthday and contributions to the community and region.

4. Guests and Residents

5. Legislation for Consideration This Evening

6. Establishing an Agenda for the November 4, 2020 Business Session

Pending Legislation

a. An Ordinance Modifying Section 132.14, Noise, of The Montgomery Code of Ordinances—(Vice Mayor Margolis, 2nd Reading)

   Add this Ordinance to the November 4, 2020 Business Session for second reading. The third reading will be conducted at the December 2, 2020 Business Session with adoption of the Ordinance requested at that meeting.

b. An Ordinance to Make Appropriations for Current Expenses and Other Expenditures of The City of Montgomery, State of Ohio, During the Fiscal Year Ending December 31, 2021—(Mr. Suer, 2nd Reading)

Add this Ordinance to the November 4, 2020 Business Session for second reading. The third reading of the Ordinance will be held at the December 2, 2020 Business Session with adoption of the Ordinance requested at that meeting.

New Legislation

No New Legislation

7. Administration Report

8. Law Director Report

9. City Council Member Reports

    a. Mr. Cappel
    b. Mrs. Bissmeyer
    c. Mrs. Harbison
    d. Ms. Roesch
    e. Mr. Suer
    f. Vice Mayor Margolis
    g. Mayor Dobrozsi

10. Approval of Minutes-October 7, 2020 Business Session

11. Other Business

12. Executive Session

13. Adjournment

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

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

CITY OF

MONTGOMERY

Certificate of Appreciation

to

James "J" and Jane Fleckenstein

10409 Storybook Drive

WHEREAS, the Montgomery Beautification and Tree Commission has selected the home of **J** and **Jane Fleckenstein**, as the 2020 Summer Seasons of Beauty Award Winner; and,

WHEREAS, the yard is adorned with annuals and perennials in many textures and colors including white, peach, pink, purple, and yellow; and,

WHEREAS, A red Threadleaf Japanese Maple, blue Mink Ageratum, and white Bobo Hydrangea are highlights with numerous green boxwoods used as a backdrop; and,

WHEREAS, twelve flats of pink Begonias are planted throughout the yard with vibrant window boxes and urns of Coleus, Impatiens, and Lantana highlighting the white traditional home; and,

WHEREAS, the Seasons of Beauty award recognizes homes and businesses in Montgomery with special front yards, window boxes, and planters that peak during certain seasons as well as those homes and businesses with decorative features that celebrate the "season" or holiday; and,

WHEREAS, **J** and **Jane Fleckenstein** have contributed to the beautification of Montgomery through the landscaping of their property, thereby visually enhancing the City for all its citizens.

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

SECTION 1. The Council of the City of Montgomery, Ohio recognizes this extraordinary effort and contribution to our City and calls upon all residents and officials of this community to honor **J** and **Jane Fleckenstein** for their efforts.

Lee Ann Bissmeyer, Councilmember

Gerri Harbison, Councilmember

Mike Cappel, Councilmember

Craig Margolis, Councilmember

CHRIS DOBROZSI

Chris Dobrozsi, Councilmember

Lynda Roesch, Councilmember

Ken Suer, Councilmember

CITY OF

MONTGOMERY

Proclamation

WHEREAS, Don Neyer, who turned the young age of 90 on August 10, has built a legacy of goodwill, deep faith, and family here in the City of Montgomery and throughout the community; and,

WHEREAS, Don was the 4th generation of Neyer's to run the family business, beginning work while in high school and throughout college; and,

WHEREAS, Don met the love of his life in 1952 when he met, Phyllis, a pretty teller working at a bank in Cincinnati that he visited daily to make the company bank deposits and after a short courtship, he and Phyllis married in 1953. Phyllis always said he had the "I.Q." but she had the "common sense", this proved to be a winning combination for the couple who shared 63 years of marriage, 8 children, 32 grandchildren, and 25 great-grandchildren; and,

WHEREAS, Don responded to the service of his country immediately after his marriage to Phyllis and served in the Finance Corps during the Korean War for a year and a half, before returning home to begin his family and embark on his career; and,

WHEREAS, Don became CEO of Al. Neyer in 1969 and worked in the family business for 45 years before retiring in 1994; and,

WHEREAS, Don's perspective of "Business is a means to an end; it's not an end in itself" was demonstrated as he always had the greater good in mind and served on 13 non-profit Boards, 4 of which were School Boards; and,

WHEREAS, Don's humanitarian spirit has been recognized throughout his life in such awards as the Super Involved Rotarian award in 1988, the Hamilton County Caregiver Award in 2015 (for his dedication to his wife's care), the dedication of the St. Vincent de Paul's West End Outreach Center as the ***Don and Phyllis Neyer Building*** and recently on February 20, 2020, as being presented with a Great Living Cincinnatian Award; and,

WHEREAS, Don's deep faith has been his foundation and motivation in all he does. He has consistently attended All Saints Catholic Church for 55 years and states that he is here to fulfill God's goal which is to love and serve all that he meets; and,

WHEREAS, Don and Phyllis moved into Twin Lakes in 2012 when Phyllis was diagnosed with dementia. Don lovingly cared for Phyllis and could be heard singing "You are my Sunshine" to Phyllis as he walked her around the halls, a song he also shares with the residents there now to this day; and,

WHEREAS, Don enjoys being referred to as the "Mayor" as he spreads encouragement to all he sees teaching them to have "PMA-Positive Mental Attitude" even while taking on some of his younger counterparts in a game of golf; and,

WHEREAS, Don was instrumental in the fundraising, design and construction of the fitness trail that is enjoyed by many residents of Montgomery; and,

WHEREAS, Don not only identifies as "Mayor at Twin Lakes", he also took on the role while participating in the Montgomery Citizens Leadership Academy (MCLA) in 2016 where he portrayed the City of Montgomery Mayor during a mock Council meeting and added a level of pizazz that the current and past Mayors aspire to have; and,

WHEREAS, Don is a beloved member of this community for his warm smile, zest for life and his loving nature, all of which benefits the community and all those who have the pleasure of knowing him.

NOW, THEREFORE, I, Chris Dobrozsi, the 23rd Mayor of the City of Montgomery, do hereby proclaim the **21st day of October 2020** as

Don Neyer Day

in the City of Montgomery, Ohio and urge all citizens to observe this day in ways relevant to its importance and significance.

CITY OF MONTGOMERY CORPORATE SEAL OHIO

IN WITNESS WHEREOF, I have hereunto subscribed my name this 21st day of October Two Thousand and Twenty.

Christopher P. Dobrozsi

Christopher P. Dobrozsi, Mayor

ORDINANCE NO. , 2020

AN ORDINANCE MODIFYING SECTION 132.14, *NOISE*, OF THE MONTGOMERY CODE OF ORDINANCES

WHEREAS, in a recent survey, residents of the community voiced their concerns regarding excess noise generated from construction activities, particularly as older properties are repurposed with new residential construction; and

WHEREAS, the Administrative staff has reviewed these concerns with the Police Department and surveyed surrounding communities to make a recommendation to the Planning, Zoning and Landmarks Committee of Council to update Section 132.14, *Noise*, of the Code of Ordinances to regulate the hours of construction and to set a more objective standard for determining when excess noise is spilling over from a property; and

WHEREAS, after Staff reviewed the recommended changes with the Planning, Zoning and Landmarks Committee of Council, the Committee endorsed the recommendations from Staff which are incorporated herein.

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

SECTION 1. Section 132.14, *Noise*, of the Code of Ordinances shall be amended as follows:

There shall be added to subsection (A) entitled *Definitions* the following term:

CONSTRUCTION WORK. Any type of work which requires a building and/or zoning permit.

SECTION 2. Existing subsection (C) of Section 132.14 is hereby revoked and deleted with the following subsection (C) to be substituted:

(C) To mitigate excess noise, any Construction Work on a property within the City, whether residential or commercial, shall only occur between the hours of 7:00 AM and 9:00 PM, Monday through Friday, and between the hours of 9:00 AM and 8:00 PM on Saturdays and Sundays.

SECTION 3. A new subsection (D) shall be added to Code Section 132.14 reading as follows:

(D) No person shall generate or permit to be generated unreasonable noise or loud sound that is likely to cause inconvenience or annoyance to persons of ordinary sensibilities between the hours of 10:00 PM and 7:00 AM, by reason of a sound generating or sound amplifying device. Any such broadcast sound in excess of 60 decibels, as measured at a position or positions at the complaint's property line closest to the noise source or at a location along the boundary line from which the noise is being generated, shall presumptively be deemed unreasonable noise.

SECTION 4. Previous subsection (D) of Section 132.14 shall now be subsection (E), and subsection (E) shall now become subsection (F), provided, however, that within the new subsection (E) the following exemptions shall be added:

(6) Any aircraft operated in conformity with, or pursuant to, federal law, federal air regulations, and air traffic control instruction.

(7) Noises resulting from excavations, installation or repairs of public utilities, bridges, streets or highway by or on behalf of a public utility, the

City, County or State when public health, safety, welfare and convenience renders it impractical to perform such work during the hours of the day outlined in subsection (C) above for Construction Work.

SECTION 5. Other parts or sections of Section 132.14, *Noise*, of the Code of Ordinances is hereby ratified and reaffirmed.

SECTION 6. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

SECTION 7. All sections, subsections, parts and provisions of this Ordinance are hereby declared to be independent sections, subsections, parts and provisions, and the holding of any section, subsection, part or provision to be unconstitutional, void or ineffective for any reason shall not affect or render invalid any other section, subsection, part or provision of this Ordinance.

SECTION 8. 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

ORDINANCE NO. , 2020

AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF MONTGOMERY, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2021

WHEREAS, Council previously did approve and submit to the Budget Commission a Budget for revenues and expenses for the fiscal year commencing January 1, 2021 and ending December 31, 2021; and

WHEREAS, the proposed Budget has been accepted and approved, and Council does desire to appropriate funds according to the Budget to meet current expenses and other expenditures for the 2021 fiscal year.

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

SECTION 1. Commencing January 1, 2021 and for the fiscal year ending December 31, 2021, in order to provide for the current expenses and other expenditures of the City, the sums detailed on the attached Budget schedule are hereby appropriated as if such schedule is fully set forth herein.

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

PASSED:_____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

_____
Christopher P. Dobrozsi, Mayor

APPROVED AS TO FORM:

Terrence M. Donnellon, Law Director

Attachment to 2021 Appropriation Ordinance

General Fund

101 Police Department	Personnel	3,510,651
	Nonpersonnel	480,422
	Total	**$3,991,073**
106 Disaster Services	Personnel	0
	Nonpersonnel	9,300
	Total	**$9,300**
201 Public Health and Welfare	Personnel	58,250
	Nonpersonnel	0
	Total	**$58,250**
301 Recreation	Personnel	258,539
	Nonpersonnel	103,346
	Total	**$361,885**
303 City Parks	Personnel	357,908
	Nonpersonnel	243,000
	Total	**$600,908**
317 Swaim and Terwilliger Lodges	Personnel	0
	Nonpersonnel	42,900
	Total	**$42,900**
321 Special Events	Personnel	0
	Nonpersonnel	109,077
	Total	**$109,077**
405 Landmarks Commission	Personnel	0
	Nonpersonnel	15,250
	Total	**$15,250**
406 City Beautiful	Personnel	0
	Nonpersonnel	141,758
	Total	**$141,758**
407 Development	Personnel	407,513
	Nonpersonnel	418,800
	Total	**$826,313**
408 Planning Commission	Personnel	0
	Nonpersonnel	8,900
	Total	**$8,900**
409 Historical Building Operations	Personnel	0
	Nonpersonnel	75,663
	Total	**$75,663**
701 City Administration	Personnel	526,010
	Nonpersonnel	29,000
	Total	**$555,010**
702 Finance Department	Personnel	658,844
	Nonpersonnel	83,725

	Total	**$742,569**
703 Legal Administration	Personnel	0
	Nonpersonnel	240,500
	Total	**$240,500**
705 City Council	Personnel	18,423
	Nonpersonnel	4,400
	Total	**$22,823**
707 Mayor's Court	Personnel	31,996
	Nonpersonnel	76,908
	Total	**$108,904**
708 Civil Service Commission	Personnel	0
	Nonpersonnel	4,650
	Total	**$4,650**
709 Public Works Administration	Personnel	578,089
	Nonpersonnel	178,400
	Total	**$756,489**
712 Community and Information Services	Personnel	550,108
	Nonpersonnel	147,330
	Total	**$697,438**
715 General Government	Personnel	15,000
	Nonpersonnel	2,999,000
	Total	**$3,014,000**
Total General Fund Transfers/Cash Advances Out		**0**
Total General Fund	Personnel	6,971,331
	Nonpersonnel	5,412,329
	Total	**12,383,660**

Special Revenue Funds

219 Community Oriented Policing Solutions	Personnel	188,984
	Nonpersonnel	3,600
	Total	**$192,584**
220 Law Enforcement Assistance Fund	Personnel	1,000
	Nonpersonnel	0
	Total	**$1,000**
223 Fire Department	Personnel	3,746,948
	Nonpersonnel	1,482,364
	Total	**$5,229,312**
261 Street Maintenance and Repair	Personnel	713,679
	Nonpersonnel	316,325
	Total	**$1,030,004**
209 Memorial Fund	Personnel	0
	Nonpersonnel	4,000
	Total	**$4,000**
210 Parks & Recreation	Personnel	0
	Nonpersonnel	500

	Total	**$500**
215 Law Enforcement	Personnel	0
	Nonpersonnel	69,000
	Total	**$69,000**
216 Drug Enforcement	Personnel	0
	Nonpersonnel	400
	Total	**$400**
217 DUI Enforcement and Education	Personnel	0
	Nonpersonnel	10,500
	Total	**$10,500**
218 Mayor's Court Technology Fund	Personnel	0
	Nonpersonnel	13,707
	Total	**$13,707**
224 FEMA Fund	Personnel	0
	Nonpersonnel	5,000
	Total	**$5,000**
227 Environmental Impact Area I	Personnel	0
	Nonpersonnel	8,000
	Total	**$8,000**
228 Environmental Impact Area II	Personnel	0
	Nonpersonnel	20,150
	Total	**$20,150**
229 Environmental Impact Area III	Personnel	0
	Nonpersonnel	10,000
	Total	**$10,000**
230 Environmental Impact Area IV	Personnel	0
	Nonpersonnel	5,000
	Total	**$5,000**
265 State Highway Fund	Personnel	0
	Nonpersonnel	24,000
	Total	**$24,000**
266 Permissive MVL Fund	Personnel	0
	Nonpersonnel	61,000
	Total	**$61,000**
275 Municipal Pool	Personnel	0
	Nonpersonnel	259,870
	Total	**$259,870**
485 Arts and Amenities	Personnel	0
	Nonpersonnel	84,300
	Total	**$84,300**
Total Special Revenue Funds	Personnel	4,650,611
	Nonpersonnel	2,377,716
	Total	**7,028,327**

Debt Service Funds

324 General Bond Retirement	Personnel	0
	Nonpersonnel	112,500
	Total	**$112,500**
328 Reserve Bond Retirement	Personnel	0
	Nonpersonnel	53,410
	Total	**$53,410**
331 Vintage Club TIF Fund	Personnel	0
	Nonpersonnel	2,385,667
	Total	**$2,385,667**
332 Vintage Club North TIF Fund	Personnel	0
	Nonpersonnel	379,054
	Total	**$379,054**
Total Debt Service Funds	Personnel	0
	Nonpersonnel	2,930,631
	Total	**2,930,631**

Capital Projects Funds

410 Capital Improvements	Personnel	0
	Nonpersonnel	2,799,276
	Total	**$2,799,276**
460 Urban Redevelopment Fund	Personnel	0
	Nonpersonnel	32,150
	Total	**$32,150**
461 Triangle Equivalent TIF Fund	Personnel	0
	Nonpersonnel	170,200
	Total	**$170,200**
463 Vintage Club Capital Construction Fund	Personnel	0
	Nonpersonnel	1,102,000
	Total	**$1,102,000**
464 Montgomery Quarter Construction Fund	Personnel	0
	Nonpersonnel	18,500,000
	Total	**$18,500,000**
465 Montgomery Quarter Roundabout Fund	Personnel	0
	Nonpersonnel	700,000
	Total	**$700,000**
480 Downtown Improvements	Personnel	0
	Nonpersonnel	520,550
	Total	**$520,550**
Total Capital Projects Funds	Personnel	0
	Nonpersonnel	23,824,176
	Total	**23,824,176**

Fiduciary Funds

875 Compensated Absence	Personnel	50,000
	Nonpersonnel	0
	Total	**$50,000**

546 Trust Reimbursements	Personnel	0
	Nonpersonnel	100,000
	Total	**$100,000**
601 State Fees	Personnel	0
	Nonpersonnel	8,000
	Total	**$8,000**
836 Historical Trust Fund	Personnel	0
	Nonpersonnel	34,613
	Total	**$34,613**
840 Cemetery Expendable Trust	Personnel	0
	Nonpersonnel	61,650
	Total	**$61,650**
890 Unclaimed Moneys Fund	Personnel	0
	Nonpersonnel	1,000
	Total	**$1,000**
Total Fiduciary Funds	Personnel	50,000
	Nonpersonnel	205,263
	Total	**255,263**

Total All Funds

Personnel	11,671,942
Nonpersonnel	34,750,115
Total	**46,422,056**

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
October 7, 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 October 7, 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 PRESENTATIONS

Isaac Holland along with his parents, Mary and John, were in attendance to be formally introduced to City Council as Isaac was newly hired to the Public Works Department.

Parker Adkins along with his wife, Ashley, was in attendance to be formally introduced to City Council as Parker has also been newly hired to the Public Works Department.

City Council and staff welcomed both Isaac and Parker as new employees to the Montgomery family. They also thanked their families for coming to the meeting. City Council wished both Isaac and Parker great success in their new positions and a long employment with the City.

Derek Morgan was also present to be introduced to City Council. Ms. Smiddy explained that while Derek has been employed with the City since before the pandemic struck, he was not formally introduced to City Council. Derek is the newest member of the Finance Department.

City Council also welcomed Derek to the City and wished him success and longevity in his career with the City.

GUESTS & RESIDENTS

Mayor Dobrozsi explained that as there were residents present in City Hall that he would take their comments at this time but, as was the practice due to the State of Emergency, he would ask that any guests on the phone line hold their comments until the end of the agenda. He asked to move Guests and Residents on the phone 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.

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

Kerry Hull, 7843 Cooper Road- Ms. Hull thanked the Mayor and Council Members, for letting her speak. She stated that she wanted to comment on the Monday, October 5 Planning Commission meeting and the Montgomery Quarter development. She stated that she felt there are some details that Council needs to be aware of. She explained that while this project has been in the works since 2005, this phase of development has clearly been rushed, and it is time to slow down. She stated that if anyone watched the news that day or drove down Montgomery Road, they would see there was a natural gas explosion at the development site right behind her house. She stated this development is too important for the City to rush this phase and the City needs to get it right to ensure quality and safety. She stated the development will be the first thing everybody sees as they enter Montgomery, it will be the gateway into the community, and it should be respectful of the city's historic qualities and design, mass, and scale. Just as the code states in the purpose of scale and massing, landscape in screening sections of the OMG building code, among other places. She stated she talked with many neighbors and residents about the development. She added that these were not just a handful of nosy neighbors, in just a few hours and with just a few neighbors, she collected more than 100 petitions opposing the plan. She added "Imagine what we could do with more time". She explained that in talking with those individuals, there has been one common theme. She stated that so much has changed since the original plans, much of which has never been discussed with the residents of Montgomery. She stated that the monthly bulletin does not go into enough detail and never discusses height, scale or architecture, and the last resident Open House discussing the development was over a year ago. She stated that residents were told the development would be all high end, empty nester owner occupied condos, but now they are rental apartments targeting Millennial's. She stated that residents were told these buildings would be designed to be like the distinguished looking, timeless town homes in Mariemont like what was on the corner of Montgomery and Remington, Main and Remington. She stated that now they are copy and paste buildings just like Liberty Township, Dublin, and Blue Ash. She stated that residents were told they were going to be all two to three story town homes, and now they are towering five story apartment buildings, abutting residential properties of Montgomery and Indian Hill. She stated they will be twice the height of adjacent homes, and these buildings will be seen from Montgomery Road and Cooper Road and will be a giant scar on Montgomery's historic legacy.

Ms. Hull stated that residents have never had to pay for parking in the city, but they will now, with Castro's current plan. She stated that tenants of apartments will be limited to one car per apartment, and they will have to pay for a second spot, not meeting town requirements. She added that parking is already a significant problem in the city, and this is going to make it even worse. She stated that residents were at the Planning Commission last October when the streets and driveway plans were approved. Yet that, too, has changed with no notice to residents. She stated that it is important to remember that the building code was changed for this specific development. She stated that neighbors were not included in these discussions, and heights referenced are significantly taller than anything permitted in the adjacent Heritage District. She stated that Monday night [Planning Commission Meeting] was an embarrassment for our city. She stated the Planning Commission started with the City's Law Director, intimidating Commissioners to vote for the Montgomery Quarter, followed by the chairman who attacked a landmark property owner who merely was citing City Code. She stated he lashed out for no reason, was unprofessional and disrespectful, and everyone there saw it. She stated "This is not what, let me just remind you of, this is not what good government is, and quite frankly, this is not what we need for our city. She asked, "Is this the face we want representing our city".

Ms. Hull stated that the Planning Commission has never approved a project without Landmark Commission approval until Monday night. The Landmark Commission voted unanimously against the proposed plan last week, yet the staff report to the Planning Commission did not accurately reflect the discussions. She stated that at the meeting on Monday night, the neighbors and residents spoke about concerns they had regarding height, parking, dumpsters,

electrical, driveways, and noise. She added that these are not new concerns, they are the same concerns they have had at all the Planning Commission meetings. She stated that when the residents met with the developer in August, Castro made zero changes to address their concerns after meeting with them, and they have added even more apartments. She stated that this brings up yet another concern. She asked if the Sycamore School District were prepared to handle the number of additional residents. She stated to City Council that they could help by honoring their duty and remember the original purpose of this project. She stated the City is one of the three development partners of this project, which makes it very different from any other development in the city. She added that she knew we are all tired and anxious to finalize this development, but that is no reason to have this be the final plan. She stated, "It's time to protect the residents of the community that voted for you and for whose taxpayer dollars are paying for this development". She asked City Council to set up a crane so residents can see how high these buildings are compared to the height of neighboring Heritage District, so residents can see it as they drive along Montgomery and Cooper roads. She stated that she knew there is a bucket truck, she sees it there often and it would be really helpful. She reiterated that the residents are not against the development, they are against the current plan. She stated that the residents of the Heritage District and the value of the landmark properties must be protected just as the code states. She asked Council if they truly care about the landmark properties and the Heritage District of Montgomery. She asked Council if they truly care about being a Tree City. She asked Council do they care at all about their own legacy or the historic legacy of the city. She stated that if they can answer yes to the aforementioned, then she urged them to do the right thing and right the ship. She asked them to please send the developer back to the drawing board, protect the heritage district and maintain and enhance the character of Montgomery that we all love. She thanked them for their time.

Mayor Dobrozsi thanked Ms. Hull for her passion and for obviously preparing a lot of information. He stated we will take the information in and appreciate her coming tonight.

Ms. Hull asked if they were going to make any kind of commitment to investigate in putting a crane up or to coming to her yard to see how they will have no trees left. She asked if Council or Staff could meet with the neighbors and find out their side of the story.

Mayor Dobrozsi replied that what Council can commit to doing is working with staff to better understand her concerns and then Council can translate back through them.

Ms. Hull asked how she would hear from them.

Mayor Dobrozsi stated that she would hear from the City Manager as a single source of contact.

Ms. Hull asked when she would hear from him.

Mr. Riblet replied to Ms. Hull that he needed to meet with staff and City Council regarding her requests and comments and would follow up before the end of the week.

Ms. Hull replied that she would appreciate that and thanked Mr. Riblet.

Mayor Dobrozsi thanked Ms. Hull for her time. At that time Ms. Hull left the meeting.

Mayor Dobrozsi then stated to those on the phone line, that all guests that were at City Hall had left. He asked anyone who was on the line, to hold their comments until the end of the session. He stated that at this time we are going to move right along to legislation for consideration this evening. He explained that the first two items are legislation that needs to be added to the agenda.

Ms. Roesch stated that she would be recusing herself from items A and B due to possible professional conflicts.

Mayor Dobrozsi stated that like he has done with all legislation that relates to the development and roundabout that he will recuse himself from the discussion and vote on this legislation. He explained 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. He asked Vice Mayor Margolis to take over the meeting.

LEGISLATION TO BE ADDED TO THE AGENDA

An Ordinance Amending Tax Incentive Agreement with The Board of Education of The Sycamore Community School District for The Montgomery Quarter Project and Declaring an Emergency

Vice Mayor Margolis asked for a motion to add the legislation to the agenda.

Mrs. Harbison made a motion to the add the legislation to the agenda for consideration this evening. Mr. Suer seconded. City Council unanimously agreed.

Vice Mayor Margolis assigned the legislation to Mr. Suer.

Mr. Suer moved to read the legislation by title only. Mr. Cappel seconded. City Council unanimously agreed.

Mr. Suer read the title and moved for suspension of the rules that require three separate readings of the Ordinance.

The roll was called and showed the following vote:

AYE: Cappel, Bissmeyer, Harbison, Suer, Margolis	(5)
NAY:	(0)
ABSTAIN: Roesch, Dobrozsi	(2)

Mr. Suer asked Mr. Donnellon to provide explanation of the Ordinance.

Mr. Donnellon explained that over a year ago, Council passed legislation to create a Tax Incentive Financing district in the Montgomery Quarter to include residential districts and a commercial district. He explained that at that time, the City entered into a Tax Incentive Agreement with the Sycamore City School District, which provided compensation to them. He explained that when we created it, it was to exempt the property from taxes. He added that the property taxes are considered as payments in lieu of taxes and are collected on the increased value that the City receives which is what we use to fund bond financing for public improvements. He stated that the City also has an agreement with Sycamore Community Schools to compensate them, because once the property is exempted, it exempts their particular levies on that property. He stated staff conducted long negotiations over the course of a year or more with Sycamore Schools to get their cooperation to be able to finance the project. He added that this agreement would substantially increase the compensation that they currently receive on this project when, projecting over a period of 30 years, could produce almost 20 million dollars in revenues. He stated that is probably 10 times the amount that would be collected if the property were still viable car dealerships. He stated that we are coming to the point in time where we are ready to issue the bonds and it was requested to amend the Tax Incentive agreement. He explained the amendment was two-fold. He stated the first action of the amendment was to correct the formula. He explained that when we reached our agreement with Sycamore Schools, we agreed that we would not discount any new or future levies and as you recall Sycamore Schools passed a levy last year for a variety of projects in the school district. He stated that it was for 4 mils and our agreement with Sycamore Schools was based on all the pro forma projections, would not need to discount that levy in any way. He added that Sycamore asked us going forward in the future that if they pass a new levy, like last year's levy or any other levy in the future, during a 30 year period could come on at full value without any discount. He stated that we agreed to that request and then because it was so new, people were having a difficult time trying to word the appropriate formula between the bond attorneys. It

was discovered as we're getting to close to issuing bonds, that that formula needed to be adjusted to accurately reflect that the 4 mil levy will continue to be taxed fully at 4 mils on all the improved values for a period of 30 years. He added that similarly, if they would have a levy 10 years from now, that levy will be taxed at its full value on the full value of the project rather than any discount. He stated that the other change was again to beef up some of the financing of the project. He stated that we had an agreement with Sycamore Schools, a limit on the number of rental units, and we talked to them about bumping that rental unit number up, particularly the number of bedrooms. He stated that they agreed to bump that up, to bring the project where it is today. He reiterated the Tax Incentive agreement is twofold and that is to correct the formula and to correct the cap on the number of rental units. He stated that it does not necessarily mean that the bonds will be issued to that extent but will grant the authorization for issuance. He stated that if he was correct, Sycamore has voted on this amendment also.

Mr. Riblet replied that Sycamore Schools did have their School Board meeting that morning and they approved the amendments that Mr. Donnellon had described to them.

Mr. Donnellon stated that with approval of the amendment, City Council would be authorizing Mr. Riblet to execute the counterpart of that agreement with the Schools.

Vice Mayor Margolis asked Mr. Donnellon that when he used the term "discount" that it meant the future levies will be paid in at the full and not at the reduced amount.

Mr. Donnellon replied that he was correct. He explained that when you look at the tax duplicate, Sycamore Schools will receive about 60 percent of all the taxes that are collected. He explained that when they exempted the property, they would lose 60 percent of that revenue. He stated to incentivize the development of the property, Sycamore Schools agreed, during Phase one of the property, to take compensation equal to 10 percent of the total collection. He stated to help them and to incentivize this we agreed to that as moneys were collected, when the value comes on and the value increases, there may be more money than is necessary to pay for the bonds and to pay their compensation, so we reached a very unique secondary agreement with them. He explained that as we start to build that excess, we will pay back to them 50 percent excess. Then when we reach a certain level in that excess collection where there is 2.5 million reserved for future development by the City, we would kick that up to 75 percent. He explained when you look at all those formulas, that's where projections are about 20 million dollars for Sycamore schools. He stated there is always a cap on that, but if this project goes forward, those values 20 years from now was phenomenal. He added that Sycamore Schools will not receive any more than they would have received, but we will have that new proforma levy without any discounts on old formulas on.

Vice Mayor Margolis asked if there were any questions or comments from City Council.

Mr. Cappel asked what created the need for additional rental units in this project.

Mr. Donnellon stated that as explained to us, the project as it was proposed buildings I & J were very high with J being the closest to the residential properties on Cooper Road. The developer asked for something higher than the code permitted and we pushed back and said no. Following this, they went back to adjusting J back down to what it was projected to be based upon the code that was written 15 years ago and brought that size down once again to make the project work for them. The effect of this was that they need to pick up someplace else in the development where those apartments could be located because there is a specific product mix. That mix included penthouse apartments where apparently the market now for Penthouse is that people want an outside terrace. To accommodate that, they requested that those be put on top of buildings, K and L, which are the two buildings on the eastern edge of the project, that front the Indian Hill buffer. The agreement was that it could be moved over there, still keeping those buildings, within the height limits of the district. He explained that when they move those penthouses to buildings K and L, that brought the number of rental units just over what had been approved before. He stated that in negotiations with them, if we were going to agree to increase the number of units respecting Sycamore Schools, the key is reducing the number or limiting the number of bedrooms because one bedroom unit marketplace shows

it's typically not rented by a family. He stated it may be a very short-term family rental, but very typically it is an empty nester or a millennial. Sycamore is very sensitive to make sure that number of bedrooms does not significantly increase. To meet the market, need for the development and reduce the size of that one building, that is where the tradeoff was made.

Mr. Cappel questioned that we are allowing the additional bedrooms, but not the extra units. He stated he wasn't completely following what Mr. Donnellon explained.

Mr. Donnellon replied that the unit count went up because there is 10 penthouse units between the two buildings. He explained that when the height of building J was reduced, the amenities were reduced, and in order to pick that up with the market, they wanted penthouse units. As a result, the penthouse units were moved to K and L which are much larger horizontally and total 10 units per building. He stated that this added 20 units to the overall project and that is where the units went up in number. He stated when we reviewed this with Sycamore Schools, they were very supportive of it because what it did was also prop up the value of the entire project for compensating them on the taxes.

Mrs. Bissmeyer stated she had a question on page 5, item D. She asked if she was correctly reading that out of the for-sale units, the 48, only four of them can have three bedrooms.

Mr. Donnellon replied that that was a good question. He explained the negotiating history, that again, Sycamore was very supportive of the condominiums, which will be 48 condominium units built. Sycamore's concern was when we get up to three-bedroom units that it is likely to increase their load of students. What they said was, we will support this. Sycamore Schools stated they would like those units to be one and two bedrooms, but they will permit a certain number of three bedrooms. He stated that as you see in the amendment, there is discretion given to the Superintendent of Schools with the City Manager, as the market dictates at that time, to make a slight adjustment to include more three bedroom units as a proposal plan. He stated as discussed, right now, there is a limited number of three-bedroom units in the Commons.

Mrs. Bissmeyer stated that right now she was really concerned that those price points for the purchase, might be a problem.

Vice Mayor Margolis asked City Council if there were any comments or questions. There were none.

The roll was called and showed the following vote:

AYE: Bissmeyer, Harbison, Suer, Margolis, Cappel	(5)
NAY:	(0)
ABSTAIN: Dobrozsi, Roesch	(2)

An Ordinance Amending Ordinance No. 11, 2020 To Increase the Authorized Limits for The Issuance of Special Obligation Revenue Bonds of The City of Montgomery And Declaring an Emergency

Vice Mayor Margolis asked for a motion to add the legislation to the agenda.

Mrs. Harbison made a motion to the add the legislation to the agenda for consideration this evening. Mr. Suer seconded. City Council unanimously agreed.

Vice Mayor Margolis assigned the legislation to Mr. Suer.

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

Mr. Suer read the title and moved for suspension of the rules that require three separate readings of the Ordinance. Mrs. Harbison seconded.

The roll was called and showed the following vote:

AYE: Harbison, Suer, Margolis, Cappel, Bissmeyer	(5)
NAY:	(0)
ABSTAIN: Roesch, Dobrozsi	(2)

Mr. Donnellon explained that a couple of months ago, we passed our authorizing legislation for the bond issuance and are coming close to going to market. He stated that staff has a conference call tomorrow to have the bonds rated by Moody's, which is what we do any time bonds are issued. He stated they look at the finances of the City and at the project and they set a rating on it, which ultimately determines the interest rates that would be associated with the project. He stated that we have seen a lot of volatility in the market over that last days, some market days are great and some market days not so great right now. He stated that right now rates are phenomenally good, but it was recommended that we bump up our authorized ceiling to $25 million. He explained that our projected borrow is still about 23 million to net a project fund of 19 million. He added that just in case we get to that point in time where the market is on a rise on that particular day, and it goes above the $23 million we want to make sure we have the authorization in place. The recommendation by our Bond Counsel and Bond Underwriter was to amend the Ordinance to up that ceiling to $25 million. He explained that does not mean we are going to borrow 25 million, it means that is what we are authorized to borrow for whatever is necessary to net that 19 million at the time we went to the market. He stated the hope is we are in the market in November with funding in December.

Mr. Donnellon noted that the revised Ordinance, which we passed out to City Council, is revised because the Bond Counsel has a certain format that they like to follow. He stated that very typically we note that we are amending a specific section and provide how the section reads. He stated that Bond Counsel asked if we would reprint in the Ordinance the old section in its entirety and imprint new sections in their entirety. He stated the only difference between the two, is in section three the number 23 million and the number 25 million. He stated since these are very specific documents, we want to ensure everything is accurately stated.

Vice Mayor Margolis asked if we have to do some special wording tonight to reflect that.

Mr. Donnellon replied no, because we added this version to the agenda this evening and made it available this afternoon, our rules only require it be available in advance of the meeting.

Vice Mayor Margolis asked if there were any further questions. There were none.

The roll was called and showed the following vote:

AYE: Suer, Margolis, Cappel, Bissmeyer, Harbison	(5)
NAY:	(0)
ABSTAIN: Roesch, Dobrozsi	(2)

Mayor Dobrozsi resumed management of the meeting.

Mrs. Harbison stated she would just like to really thank the staff: Brian, Tracy, Katie, Terry, who have worked tirelessly to get this work through and work with the development team. She stated she was so proud of how hard they have worked and the hours and hours they put into it. She stated it is greatly appreciated.

Mr. Donnellon added that we will need to conform our development agreement to where we are reshaping everything, this is not just a piece of it. He stated that legislation is anticipated to be brought to the October 21

meeting to be added to the agenda for consideration since it was not on the agenda this evening but wanted to give them an alert that it would be forthcoming. He stated that we also anticipate the need for a Montgomery Community Improvement Corporation (CIC) meeting since the agreement is with the Development Team, the City and the CIC. He stated we will have Mrs. Bissmeyer call that meeting as president of the CIC just prior to our next meeting. He explained that staff, the development team and their lawyers and himself have gone through every one of the agreements that Council have reviewed over the course of the last couple of years with the promise from everybody that they would get their final comments in so we can bring those forward, one being the development agreement. He stated we are not going to add all those others to the agenda because you have approved them previously, we are finally shaping the cooperative agreement, the property maintenance agreement, development agreement, service agreement, declarations of easements, all of these to say here we are now let's get it right with the numbers and reflect the project as it is today. He added to again get into the bond market and get the financing to go vertical.

Mr. Riblet stated that if we begin at 6:45 p.m. on October 21 that should give us plenty of time. He added that we could also make a motion to go into the Work Session upon completion of the CIC meeting if City Council wished to.

Vice Mayor Margolis made a motion to begin the October Work Session immediately following the conclusion of the CIC meeting. Mrs. Harbison seconded. City Council unanimously agreed.

Mrs. Bissmeyer stated she agreed as the President of the CIC to hold the meeting at that time.

A Resolution Authorizing A 2020 Cares Act Local Jurisdiction Agreement

Mayor Dobrozsi asked for a motion to add the legislation to the agenda.

Vice Mayor Margolis made a motion to the add the legislation to the agenda for consideration this evening. Mr. Cappel seconded. City Council unanimously agreed.

Mayor Dobrozsi assigned the legislation to Mr. Suer.

At this time, there was considerable interference on the teleconference line. The Mayor asked for those on the line to mute their calls however it did not quiet the interference. The callers were advised to call back in, and the call was ended. The Clerk of Council initiated the call again and conducted a roll call of those on the line. Mr. Cappel, Miss Bissmeyer and Ms. Roesch all identified themselves as being on the line.

Mayor Dobrozsi went back to Mr. Suer to continue the reading of the legislation.

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

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

Mr. Suer explained that, if approved, this Resolution would allow the City to participate in the Hamilton County "Cares Funding" Program. Previously Council passed Resolution No. 21, 2020 to participate in the Coronavirus Relief Fund created by the federal government and managed through the State and County. Hamilton County has requested participating jurisdictions to execute a Local Jurisdiction Agreement to participate in the program. . The Agreement details the amount to be received, $174,616, and the uses of those grant funds. The Agreement also outlines the process to participate in the program including the separate classification of the funds and accounting for the funds being used.

Mayor Dobrozsi asked Mr. Riblet if he had anything to add.

Mr. Riblet stated that Hamilton County has set aside $25 million of their federal funding that they had previously received and are allocating that per the local government formula to the 49 jurisdictions within in Hamilton County and as Mr. Suer mentioned, we are estimated to receive $174,616.

Vice Mayor Margolis asked if the amount we determined by the formula or by requests from the municipalities.

Mr. Riblet replied that's the formula that they use to divide the funds up and as, you know, this will be the third amount of funds that we received, whether it may be Federal funds or State funds and he may have more information soon on some additional funding as well.

Mayor Dobrozsi asked if there were further questions. There being none he asked for the roll call.

The roll was called and showed the following vote:

AYE: Margolis, Cappel, Bissmeyer, Harbison, Dobrozsi, Roesch, Suer (7)
NAY: (0)

NEW LEGISLATION

A Resolution authorizing the City Manager to enter into a contract with Penn Care Incorporated for the purchase of a 2020 Braun E450 Chief XL Type III Ambulance

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

Mrs. Bissmeyer read the title and moved for passage. Mr. Cappel seconded.

Mrs. Bissmeyer explained that information has been previously supplied on this legislation that, if approved, would authorize the City Manager to enter into a contract with Penn Care Inc. for the purchase of a 2020 Braun E450 Chief XL Type III Ambulance. The ambulance will be purchased through the bid process conducted through the State of Ohio Cooperative Purchasing Program. The base bid for the ambulance with STS options totals $187,399.90, with additional Non-STS options totaling $21,996.25, a chassis rebate of $4,600.00 and a contingency amount of $1,203.85. These numbers, when combined, total $206,000.00. In light of budget revisions due to Covid-19, the planned 2020 Capital Improvement purchase of a new Rescue Pumper has been deferred and the 2021 planned purchase of an ambulance to replace a 2006 Horton ambulance was moved into this year's Capital Improvement program in account 223.000.5405. The proposed 2021 expense for the ambulance was $280,000 so the purchase of this ambulance is well under that estimate.

Mrs. Bissmeyer asked if there were any updates.

Chief Wright replied there were none.

The roll was called and showed the following vote:

AYE: Suer, Margolis, Cappel, Bissmeyer, Harbison, Dobrozsi, Roesch (7)
NAY: (0)

An Ordinance Modifying Section 132.14, Noise, of The Montgomery Code of Ordinances

Vice Mayor Margolis moved to read the Ordinance by title only. Mr. Margolis seconded. City Council unanimously agreed.

Vice Mayor Margolis read the title of the Ordinance and moved for passage of the first reading. Mr. Cappel seconded.

Vice Mayor Margolis explained that information has been previously supplied on this legislation that, if approved, would enact modifications to the noise ordinance which include differentiating between general noise and construction noise, by defining "construction work" as "any type of work which requires a building and/or zoning permit". Times for construction work would be limited to 7:00 a.m. – 9:00 p.m. (Monday through Friday) and 9:00 a.m. – 8:00 p.m. on Saturdays and Sundays. The proposed modifications maintain the hours of 7:00 a.m. – 10:00 p.m. for all other types of noise outside of construction work. In addition, the proposed modifications limit the sound permitted outside these hours to 60 decibels, as measured from the complainant's property line. The Planning, Zoning and Landmarks Committee of Council met on March 2, 2020 to discuss the proposed modification. After discussion, the Committee voted unanimously to recommend approval of the amendments to the noise ordinance with the condition that work by utility companies, such as Duke Energy, Cincinnati Bell, Greater Cincinnati Water Works, etc., be included in the list of exemptions.

Mr. Donnellon updated City Council that Mr. Gary Gross has brought incidents regarding the Noise Ordinance to staff and has requested a meeting to discuss his questions. Mr. Donnellon stated that he and Mr. Riblet were scheduled to meet with Mr. Gross on Monday, October 12 to discuss his concerns. He stated that staff has heard a lot of people complain about construction. He stated that this is ideal that we could codify construction, but we also are trying to bring it to a level where it is more objective in terms of what we measure the noise to be. He stated the police are often in a very difficult position as that numerous times when someone says that it is too loud, that what is loud, can be subjective. He said there a lot of great changes and there may be more if we have a chance to meet with Mr. Gross and get his feedback from his own experience.

Mayor Dobrozsi asked if there were any questions from Council.

Mrs. Bissmeyer asked that since Duke Energy, Cincinnati Bell, and Greater Cincinnati Water Works are excluded from the restricted times due to emergencies, are there other contractors that could be exempt.

Mr. Donnellon replied that there is language that excludes all emergencies for utility contractors but not for contractors doing customary work.

Mayor Dobrozsi asked if there were any further questions. There were none.

The roll was called and showed the following vote:

AYE: Margolis, Cappel, Bissmeyer, Harbison, Dobrozsi, Roesch, Suer (7)
NAY: (0)

An Ordinance to Make Appropriations for Current Expenses and Other Expenditures of The City of Montgomery, State of Ohio, During the Fiscal Year Ending December 31, 2021

Mayor Dobrozsi stated that he would recuse himself from the discussion and vote on this legislation. He explained 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. He asked Vice Mayor Margolis to take over the meeting.

Vice Mayor Margolis assumed management of the meeting.

Mr. Suer moved to read the legislation by title only. Mr. Cappel seconded. City Council unanimously agreed.

Mr. Suer read the title and moved for passage of the first reading of the Ordinance. Mr. Cappel seconded.

Mr. Suer stated that information has been previously supplied on this legislation that, if approved, would establish the City's budget for fiscal year 2021. These documents were presented to and reviewed with the Financial Planning Committee of City Council at their September 8 meeting. City Council will conduct its formal review of the 2021 Operating and Capital Budget with Four Year Forecast and 2021-2025 Capital Improvement Program, on Wednesday, September 9. As a result of these discussions, any changes to the budget are included with this legislation.

Mr. Suer asked if there were any updates.

Ms. Smiddy replied there were none.

The roll was called and showed the following vote:

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

Mayor Dobrozsi resumed management of the meeting.

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

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

Mr. Suer read the title and moved for passage. Mr. Cappel seconded.

Mr. Suer explained that information has been previously supplied on this legislation that, if approved, would accept the rates and amounts determined by the Hamilton County Budget Commission. As a State of Ohio taxing authority and pursuant to the Ohio Revised Code, the City is required to adopt an annual tax budget. City Council adopted the Tax Budget on July 1, 2020, and then submitted it to the Hamilton County Auditor for review by that office and the Hamilton County Budget Commission. Those reviews did not generate any questions and the proposed Tax Budget was accepted by the Budget Commission and Auditor. City Council is requested to act to accept the Budget Commission's rates and amounts, which would result in the estimated collections as specified in the City's 2021 Tax Budget. This action will then permit the Budget Commission to collect property taxes at the rates established for the upcoming year.

Mr. Suer asked if there were any updates.

Ms. Smiddy replied there were none.

The roll was called and showed the following vote:

AYE: Bissmeyer, Harbison, Roesch, Suer, Margolis, Cappel, Dobrozsi (7)
NAY: (0)

A Resolution Authorizing the City Manager to Enter into A Contract with Cargill, Inc. For the Purchase of De-Icing Rock Salt for the 2020-2021 Season

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

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

Mr. Cappel explained that information has been previously supplied on this legislation that, if approved, would authorize the City Manager to enter into a contract with Cargill, Inc. pursuant to a joint purchasing bid with Hamilton County for 2020-2021 de-icing rock salt. The purchase of de-icing rock salt for the 2020-2021 winter season is included in the City budget in the 261.000.5380 Street Maintenance, 266.000.5380 Permissive MVL Fund and 265.000.5380 State Highway Fund. It is requested to purchase 200 tons at $58.87 per ton. The total cost for this contract shall not exceed $11,774.

Mr. Cappel asked if there were any updates.

Mr. Heitkamp replied there were none.

The roll was called and showed the following vote:

AYE: Harbison, Dobrozsi, Roesch, Suer, Margolis, Cappel, Bissmeyer (7)
NAY: (0)

A Resolution Authorizing the City Manager to Enter into A Labor Agreement with The American Federation of State, County and Municipal Employees, Ohio Council 8, AFL-CIO for Wages and Benefits for Employees within the Department of Public Works from September 1, 2020 Through August 31, 2023

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

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

Mrs. Harbison explained that information has been previously supplied on this legislation that, if approved, would authorize the City Manager to enter into a labor agreement with the American Federation of State, County and Municipal Employees, Ohio Council 8, AFL-CIO ("AFSCME") from September 1, 2020 through August 31, 2023. The City and AFSCME have reached an agreement on a new three-year labor contract that includes wage and benefit modifications, pending City Council's approval.

Mrs. Harbison asked if there were any updates.

Mr. Riblet stated there were none.

The roll was called and showed the following vote:

AYE: Dobrozsi, Roesch, Suer, Margolis, Cappel, Bissmeyer, Harbison (7)
NAY: (0)

ADMINISTRATION REPORT

Mr. Riblet reported the following items:

- City Council Work Session is scheduled for Wednesday, October 21 at 7:00 p.m.

- The Parks and Recreation and Government Affairs Committees of Council will meet Monday, October 12 in a hybrid meeting at 3:30 and 4:30 p.m. respectively. The Public Works Committee has cancelled their meeting for the month of October.

- Governor DeWine approvef HB614 which allocated an additional $650 million of Federal CARES to all of Ohio including $30 million to Hamilton County to distribute to local municipalities and townships through their counties. The City received $391,781 today and staff will work to ensure any expenditures meet the guidelines and criteria already established.

- On Monday, London Quicci and a member of the Bethesda Foundation stopped by to deliver this "Thank You" certificate to the City of Montgomery and our community for showing our support to their front-line heroes for the onset of the COVID-19 pandemic.

- Mr. Riblet recently signed two separate contracts for Adleta, Inc. including our 2020 Annual Curb Replacement Program in the amount of $23,976 and our 2020 Annual Sidewalk Program in the amount of $7,270.90. Work on both are expected to be complete in the next several weeks.

- Ben Degenhardt transitioned from a part-time employee to a full-time employee on October 4 in the Fire Department. Congratulations Ben and it is good to have you here on a full-time basis.

- We anticipate advertising for the position of Community Development Director on Sunday, October 18.

- We anticipate advertising for the position of Communications and Engagement Coordinator on Sunday, October 25.

- While the Harvest Moon event would normally be held this coming weekend, the Recreation Staff has been working to finalize plans for the Haunted Trail being held on Saturday, October 17. We thank staff and City Council who will be volunteering that night to offer another creative alternative to those in the community.

- Happy Birthday to Katie Smiddy who will be celebrating her birthday on October 18.

- This weekend will mark a special weekend for four of our Montgomery family members. On Saturday, October 10, Terry Willenbrink' s daughter, Brianna, will be married and he has the privilege of officiating the wedding. Also, on Saturday, Chief Crowell's daughter, Mackenzie is getting married at Pioneer Park. Tracy Roblero and Alex Henao are exchanging vows at the Universalist Church and one of our fulltime firefighters, Brian Brownfield is getting married as well. It certainly is a big weekend for everyone, and he wish them all the best and congratulations as well.

APPROVAL OF MINUTES

Mayor Dobrozsi asked for a motion to approve the September 9, 2020 Special Session and the September 23, 2020 Work Session minutes as amended.

Mr. Cappel moved to approve the minutes as amended. Mrs. Bissmeyer seconded. City Council [illegible]

MAYOR'S COURT REPORT

Mayor Dobrozsi asked for a motion to disburse the September Mayors Court collections in the amount of $12,446. Vice Mayor Margolis made a motion to disburse the September Mayors Court collections in the amount of $12,446. Mr. Cappel seconded. City Council unanimously agreed.

OTHER BUSINESS

Application for an Economic Development (TREX) License for the European Café, LLC

Chief Crowell explained that City Council approved the request of European Café, LLC to allow an Economic Development transfer of a liquor license from Depot Barbecue LLC to the European Café at the August 5, 2020 Business Session. This request is to determine if City Council would like to request a hearing on the final issuance of the license. He stated that he was not aware of any information that would cause the City of Montgomery to object to the issuance of this permit or any need to request a hearing. He stated that a motion to request or not request a hearing will be needed in order for the Clerk of Council to respond to the Liquor Control Board.

Mrs. Harbison made a motion to not request a hearing on this Trex License request. Vice Mayor Margolis seconded. City Council unanimously agreed.

Other Business

Mr. Suer stated that he wanted to commend staff on the manner in which they communicated with the residents on the proposed roundabout on Pfeiffer and Deerfield roads. He stated that he seen the information and felt there was a lot of information shared and thought it was an excellent example of how the City communicates with residents.

Mayor Dobrozsi shared that he would be out of town from Thursday, October 15 through Monday, October 19, and appointed Vice Mayor Margolis as acting Mayor during his absence.

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. He reminded callers to limit their comments to three minutes and to send all questions to Mr. Riblet for follow up after the meeting.

Roberto Rivera, 11936 Seventh Avenue, Cincinnati-Mr. Rivera identified himself as being on the line.

Mayor Dobrozsi asked if there were any other guest on the phone line. There being no response, he closed the time for Guests and Residents.

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

Mrs. Harbison moved to adjourn. Mr. Cappel seconded. City Council unanimously agreed.

City Council adjourned at 8:30 p.m.

_____
Connie Gaylor, Clerk of Council