

December 10, 2015

TO: Mayor and City Council Members

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

SUBJECT: City Council Work Session of Wednesday, December 16, 2015

As a reminder, City Council is scheduled to meet in Work Session on Wednesday, December 16, 2015 at 7:00 p.m.

Work Session

1. Call to Order

2. Roll Call

3. Special Presentation

- a. Certificate of Appreciation - Mary Goard will be present to accept a Certificate of Appreciation for her contributions to the City as a member of the board of Zoning Appeals.
- b. Mayor's Proclamation - Christopher Hartkemeier will be present to accept a Mayor's Proclamation proclaiming December 17, 2015 as Christopher Hartkemeier Day in recognition of his accomplishment of earning his ranking as an Eagle Scout.
- c. Mayor's Proclamation - Stephen Hartkemeier will be present to accept a Mayor's Proclamation proclaiming December 18, 2015 as Stephen Hartkemeier Day in recognition of his accomplishment of earning his ranking as an Eagle Scout.

4. Guests and Residents

5. Legislation for Consideration Tonight

- a. An Ordinance to Amend Appropriations for Current Expenses and Other Expenditures of the City of Montgomery, State of Ohio, During the Fiscal Year Ending December 31, 2015—Please find attached correspondence from Michelle Greis, Finance Director, requesting that City Council approve this Ordinance that will amend appropriations for current expenses and other expenditures during the fiscal year ending December 31, 2015. The year-end supplemental appropriations are necessary to reconcile line items which had expenditures exceed budget for various reasons, which need additional appropriations or are required to be reduced by law. The aggregate effect of the supplemental appropriations is to increase total appropriations by \$2,005,500. Most of the increase is the result of a proposed transfer to the Downtown Improvement Fund. Furthermore, there are reductions in appropriations as the result of actual revenues that were less than estimated. Under Ohio Revised Code, appropriations should be reduced in these funds.

Assign to a City Council Member

Move to read the Ordinance by title only

Voice Vote

Move to suspend the rules requiring reading of the Ordinance on three separate occasions.

Voice Vote

Move for passage of the Ordinance

Roll Call Vote

6. Establishing an Agenda for January 6, 2016

Pending Legislation

- a. An Ordinance Rezoning property located at 9441 Orchard Club Drive and Approving an Application for a Planned Development Overlay—(Ms. Roesch-2nd Reading) Information has been supplied previously on this Ordinance rezoning the property located at 9441 Orchard Club Drive and approving an application for a Planned Development Overlay. Based on a motion made during the Public Hearing held on November 18, City Council moved to accept the recommendations of the Planning Commission to rezone this site to a D-3 District, to impose a Planned District Overlay on such site, with the terms and conditions of the Overlay District.

Add this Ordinance to the January 6, 2016 Business Session for second reading at that meeting. The third reading will be held at the February 3, 2016 Business Session with adoption of the Ordinance requested at that meeting.

- b. An Ordinance Rezoning property located at 9876 Montgomery Road from 'GB' – General Business District to 'D-2' – Multi-Family Residential District —(Mr. Suer-2nd Reading) Information has been supplied previously on this Ordinance rezoning the property located at 9876 Montgomery Road from 'GB' – General Business District to 'D-2' – Multi-Family Residential District. Based on a motion made during the Public Hearing held on December 2, City Council moved to accept the recommendations of the Planning Commission to rezone this site to a D-2 District.

Add this Ordinance to the January 6, 2016 Business Session for second reading at that meeting. The third reading will be held at the February 3, 2016 Business Session with adoption of the Ordinance requested at that meeting.

New Legislation

- a. A Resolution Authorizing the City Manager to Enter into a Contract with CT Consultants, Inc. for Professional Services Related to General Engineering and Architectural Services for Calendar Year 2016—Please refer to the attached correspondence from Brian Riblet, Public Works Director, and Tracy Roblero, Community Development Director, requesting that City Council authorize the City Manager to enter into a contract with CT Consultants, Inc. for professional engineering and architectural services for calendar year 2016. The City has contracted for approximately 24 years with CDS Associates Inc. which recently merged with CT Consultants, Inc., to provide civil, traffic, structural, electrical and storm water engineering services. CT Consultants has provided a competitive fee structure for 2016 including slight hourly rate increases for engineering services. As was provided in previous years, CT Consultants has deleted the line item for billing of the "Principal" from the fee schedule. If for any reason the Principal Engineer provides engineering services during the contract year for development/design review or project design/review, that work would be billed at the hourly rate of a "Senior Manager". Funding for this professional services contract is

included in the City's 2016 Operating Budget in both the Public Works and Community Development operating budgets.

Add this Resolution to the January 6, 2016 Business Session agenda, assign it to a City Council member for reading, and consider adoption of the Resolution that evening.

- b. A Resolution Accepting a Bid and Authorizing the City Manager to Enter into a Contract with Elex, Inc. for the Ham-Var-Montgomery Signals Project PID #94300—Please refer to the attached correspondence from Brian Riblet, Public Works Director, requesting that City Council authorize the City Manager to enter into a contract with Elex, Inc. for the Ham-Var-Montgomery Signals Project PID #94300. In 2012, the City of Montgomery applied for grant funding through the Ohio Kentucky Indiana Regional Council of Governments (OKI) and was awarded a grant up to \$849,442 to complete this project which represented 80% of the estimated project costs which primarily includes installing a fiber optic system to the central traffic signal system, installation of pan, tilt, zoom (PTZ) cameras at identified locations, and installation of a new traffic signal system including decorative poles and mast arms at the intersection of Cooper Road and Delray Drive. On July 10, 2013 City Council passed Resolution No. 23 authorizing the City Manager to enter into a Federal Local Let Project Agreement with the Ohio Department of Transportation. Staff has reviewed the bids received and determined that the bid received from Elex Inc. is the lowest and best bid received to complete the HAM-VAR-Montgomery Signals Project PID#94300.

Add this Resolution to the January 6, 2016 Business Session agenda, assign it to a City Council member for reading, and consider adoption of the Resolution that evening.

- c. An Ordinance amending Section 44.13 of the Code of Ordinances Concerning Appointment of the Board of Review—Please refer to the attached correspondence from Terry Donnellon, Law Director, requesting that City Council approve this Ordinance that will amend current Section 44.13 of the Code of Ordinances, Board of Review, to reconcile the appointment process with a new Code mandated by the State of Ohio. While the new Code begins with tax year 2016 and any appeal would not likely occur until 2017, this Ordinance amends our current Code to recognize two year terms for appointees and to allow City Council to appoint an alternate Member to hear cases in the event of a conflict. The third Member of the Board of Review under the new Code and under the amended Code would be appointed by the City Manager.

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

- d. A Resolution Authorizing Amendments to the City's Section 125 Premium Only Plan—Please refer to the attached correspondence from Terry Donnellon, Law Director, requesting that City Council approve this Resolution authorizing Amendments to the City's Section 125 Premium Only Plan. This Resolution ratifies and reaffirms the City's Section 125 Premium Only Plan for employees. Under this Plan employees are able to pay their health insurance premiums with pre-tax dollars. This Resolution reaffirms the current Plan and authorizes the City Manager to sign updates to the Plan as may be required by federal law.

Add this Resolution to the January 6, 2016 Business Session agenda, assign it to a City Council member for reading, and consider adoption of the Resolution that evening.

7. Administration Report

8. Law Director Report

9. City Council Member Reports

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

10. Approval of Minutes—December 2, 2015 Organizational Meeting; Public Hearing; Business Session

11. Other Business

- a. Liquor License Hearing Request—The City has received a notice from the Ohio Department of Liquor Control asking whether or not City Council wishes to request a hearing on a transfer application for a D5 and a D6 liquor license from Allure Restaurant Inc. to Pacific Kitchen LLC at 8300 Market Place Lane. Attached is a memorandum from Chief Simpson indicating that there is no objection on their part to the transfer application based on a review of the operations at the current location and the background of the owners of Pacific Kitchen LLC. Staff recommends that City Council adopt a motion to indicate that it does not request a hearing on this transfer.

City Council needs to consider a motion whether or not to request a hearing on the transfer.

12. Executive Session

13. Adjournment

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

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

December 16, 2015

City Council Work Session – 7:00 p.m.

1. Call to Order

2. Roll Call

3. Special Presentation

- a. Certificate of Appreciation - Mary Goard will be present to accept a Certificate of Appreciation for her contributions to the City as a member of the board of Zoning Appeals.
- b. Mayor's Proclamation - Christopher Hartkemeier will be present to accept a Mayor's Proclamation proclaiming December 17, 2015 as Christopher Hartkemeier Day in recognition of his accomplishment of earning his ranking as an Eagle Scout.
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Assign to a City Council member for reading

Move to read the Resolution by title only

Voice Vote

Move to suspend the rules requiring reading of the Ordinance on three separate occasions.

Voice Vote

Move for passage of the Ordinance

Roll Call Vote

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Pending Legislation

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Add this Ordinance to the January 6, 2016 Business Session for second reading at that meeting. The third reading will be held at the February 3, 2016 Business Session with adoption of the Ordinance requested at that meeting.

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Add this Resolution to the January 6, 2016 Business Session agenda, assign it to a City Council member for reading, and consider adoption of the Resolution that evening.

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- d. A Resolution Authorizing Amendments to the City's Section 125 Premium Only Plan

Add this Resolution to the January 6, 2016 Business Session agenda, assign it to a City Council member for reading, and consider adoption of the Resolution that evening.

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- f. Mr. Margolis
- g. Mayor Dobrozsi

10. Approval of Minutes—December 2, 2015 Organizational Meeting; Public Hearing; Business Session

11. Other Business

- a. Liquor License Hearing Request

12. Executive Session

13. Adjournment

The City of Montgomery, Ohio



Certificate of Appreciation to *Mary Goard*

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

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

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

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

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

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

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

Mike Cappel, Councilmember

Ann Combs, Councilmember

Chris Dobrozsi, Councilmember

Gerri Harbison, Councilmember

Craig Margolis, Councilmember

Lynda Roesch, Councilmember

Ken Suer, Councilmember

Proclamation

WHEREAS, Christopher Hartkemeier earned his Eagle Scout rank on February 10, 2015; and,

WHEREAS, Christopher has earned 47 merit badges, one gold palm and one bronze palm and also held positions such as Patrol Leader and Quartermaster; and,

WHEREAS, Christopher's Eagle project consisted of building three wooden benches for Sycamore Presbyterian Church Memorial Garden and Columbarium; and

WHEREAS, Christopher also received the World Conservation Award on July 5, 2014, which is a combination of three merit badges consisting of Environmental Science, Fish and Wildlife Management/Soil and Water Conservation and Citizenship in the World; and,

WHEREAS, City Council wishes to honor Christopher Hartkemeier for his accomplishment of earning his Eagle Scout rank and wishes him well in his other pursuits in life.

NOW, THEREFORE, I, Chris Dobrozi, the 23rd Mayor of the City of Montgomery, do hereby proclaim the day of December 17, 2015 as

Christopher Hartkemeier Day

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

IN WITNESS WHEREOF, I have hereunto subscribed my name this 16th day of December, Two Thousand Fifteen.

Christopher P. Dobrozi, Mayor

Proclamation

WHEREAS, Stephen Hartkemeier earned his Eagle Scout rank on July 30, 2013; and,

WHEREAS, Stephen has earned 49 merit badges, two bronze palms, one gold palm and one silver palm and also held many positions such as Historian, Librarian, Den Chief, Troop Guide, Patrol Leader and Quartermaster; and,

WHEREAS, Stephen's Eagle project was a large project that involved the transition of over 3,400 items (i.e. books, DVDs, CDs) with the help of volunteers from the former library at Sycamore Presbyterian Church to their new Media Center and Stephen also planned and managed three book drives that collected over 1,200 items for the Media Center and finally he raised over \$1,700 to provide the Media Center with a new flat screen television; and

WHEREAS, Stephen also received the World Conservation Award on July 5, 2014, which is a combination of three merit badges consisting of Environmental Science, Fish and Wildlife Management/Soil and Water Conservation and Citizenship in the World; and,

WHEREAS, City Council wishes to honor Stephen Hartkemeier for his accomplishment of earning his Eagle Scout rank and wishes him well in his other pursuits in life.

*NOW, THEREFORE, I, Chris Dobrozsi, the 23rd Mayor of the City of Montgomery, do hereby proclaim the day of **December 18, 2015** as*

Stephen Hartkemeier Day

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

IN WITNESS WHEREOF, I have hereunto subscribed my name this 16th day of December, Two Thousand Fifteen.

Christopher P. Dobrozsi, Mayor

December 4, 2015

TO: Wayne S. Davis, City Manager
 FROM: Michelle Greis, Finance Director *MG*
 SUBJECT: Legislation Request Amending the Current Year Appropriations

Request

It is necessary for the City Council to amend the 2015 Appropriation Ordinance to appropriate and reduce appropriations in various funds.

Financial Impact

The proposed supplemental appropriations are necessary to reconcile accounts for the year 2015. The aggregate effect of the supplemental appropriations is to increase total appropriations by \$2,005,500. Most of the increase is the result of transfers to the Downtown Improvement Fund. Furthermore, there are reductions in appropriations as the result of actual revenues that were less than estimated. Under Ohio Revised Code, appropriations should be reduced in these funds.

Background

The year-end supplemental appropriations are necessary to reconcile various accounts which either have been overdrawn or need reduction for various reasons. A brief recap of the proposed appropriations is detailed below:

Fund	Net Change	Reason
General Fund	\$2,005,500	2 Million to be transferred out to Downtown Improvement and 5,500 to contractual services for Civil Service Commission to cover cost of testing for new employees
Memorial Fund	\$11,000	City received a donation in 2015 for trees
Law Enforcement	\$10,000	Payment to County for seized items
Environmental Impact Funds (227,229,230)	(\$21,000)	Reduce appropriations to total amount available

Staff Recommendation

It is recommended that Council place this item on the agenda which amends the 2015 Appropriation Ordinance which increases or decreases appropriations in various funds for the year.

If there are any questions or if additional information is required please do not hesitate to contact me.

ORDINANCE NO. , 2015

**AN ORDINANCE TO AMEND APPROPRIATIONS FOR
CURRENT EXPENSES AND OTHER EXPENDITURES OF THE
CITY OF MONTGOMERY, STATE OF OHIO,
DURING THE FISCAL YEAR ENDING DECEMBER 31, 2015**

WHEREAS, the 2015 Appropriation Ordinance No. 18, 2014 passed December 3, 2014, appropriated a total of \$19,454,343 for the year 2015; and the supplemental Appropriation Ordinance No. 6, 2015, appropriated an additional amount of \$2,950,000;

WHEREAS, appropriations within a certain fund are insufficient to meet the obligations of the City;

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Montgomery, Ohio, that the appropriation ordinance be amended as below:

SECTION 1. There be an increase of \$2,005,500 in the appropriation balance of the following accounts of the General Fund 101:

Account Number 101.708.5365	Contractual Services	+ \$	5,500
Account Number 101.715.5474	Transfer Out	+ \$	2,000,000

SECTION 2. There be an increase of \$11,000 in the appropriation balance in the Memorial Fund 209 to:

Account Number 209.000.5326	Memorials	+ \$	11,000
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SECTION 3. There be an increase of \$10,000 in the appropriation balance in the Law Enforcement Fund 215 to:

Account Number 215.000.5350	Refunds and Reimb	+ \$	10,000
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SECTION 4. There be a reduction of \$7,000 in the appropriation balance in the Environmental Impact Tax Fund 227 to:

Account Number 227.000.5401	Special Projects	- \$	7,000
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SECTION 5. There be a reduction of \$5,500 in the appropriation balance in the Environmental Impact Tax Fund 229 from:

Account Number 229.000.5401	Special Projects	- \$	5,500
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SECTION 6. There be a reduction of \$8,500 in the appropriation balance in the Environmental Impact Tax Fund 230 to:

Account Number 230.000.5401 Special Projects - \$ 8,500

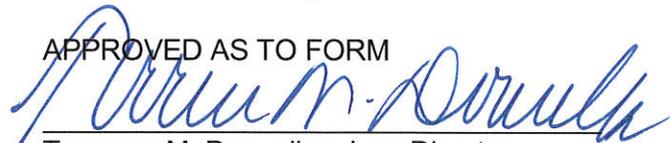
This Ordinance shall be in full force and effect from and after the earliest period allowed by law.

PASSED: _____

ATTEST: _____
Connie Gaylor, Clerk of Council

Christopher P. Dobrozsi, Mayor

APPROVED AS TO FORM



Terrence M. Donnellon, Law Director

ORDINANCE NO. , 2015

**AN ORDINANCE REZONING PROPERTY AT 9441 ORCHARD CLUB DRIVE,
MONTGOMERY, OHIO AND APPROVING AN APPLICATION FOR A
PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT FOR SUCH PROPERTY**

WHEREAS, Bayer Becker as applicant, on behalf of the property owner, Montgomery Swim and Tennis Club, Inc., and the anticipated Developer, Camden Homes, Inc. and/or its subsidiary, has petitioned the City to rezone property at 9441 Orchard Club Drive, Montgomery, Ohio, currently owned and operated as the Montgomery Swim and Tennis Club to rezone such property as part of the process to approve a Planned Unit Development Overlay District (“PUD”) and General Development Plan for such property; and

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

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

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

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

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

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

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

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

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

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

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

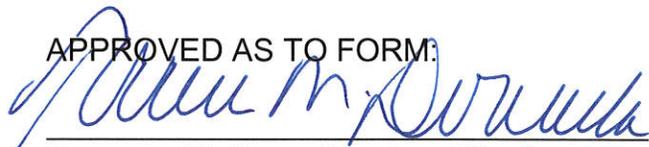
SECTION 5. This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Christopher P. Dobrozsi, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director

ORDINANCE NO. , 2015

**AN ORDINANCE REZONING PROPERTY AT 9876 MONTGOMERY ROAD
MONTGOMERY, OHIO TO THE D-2 MULTI-FAMILY RESIDENTIAL DISTRICT**

WHEREAS, Twin Lakes, operating in the City as a retirement community, has petitioned the City to rezone a portion of the property which it owns at 9876 Montgomery Road, Montgomery, Ohio, being Hamilton County Auditor's parcel number 603-0008-0009, to the D-2 Multi-Family Residential District; and

WHEREAS, such lot currently is situated in the GB General Business District, however the property to the east of the subject lot is owned by Twin Lakes and is similarly zoned within the D-2 Multi-Family Residential District; and

WHEREAS, rezoning the subject lot will facilitate the expansion of the retirement campus onto such lot, and it will not disrupt the Montgomery Road Commercial Corridor as the companion lot frontage will remain in the GB General Business District; and

WHEREAS, Council did hold a public hearing on December 2, 2015 to consider the recommendation and findings from the Planning Commission after appropriate public notice was completed as required by the Montgomery Zoning Code; and

WHEREAS, Council did accept the recommendations and findings of the Planning Commission which support rezoning the property to the D-2 Multi-Family Residential District; and

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

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

SECTION 1. Property currently owned by Twin Lakes, being Auditor's parcel number 603-0008-0009, more commonly known as 9876 Montgomery Road, Montgomery, Ohio 45242, as more particularly described on Schedule A attached hereto and incorporated herein by reference, shall be rezoned to the D-2 Multi-Family Residential District.

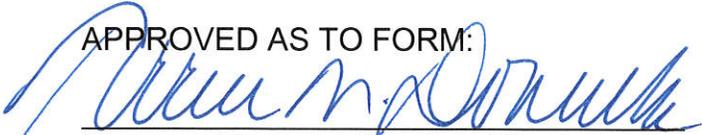
SECTION 2. The Community Development Director is hereby directed to make a change in the Zoning Map to reflect the new residential zone and the boundaries for such zone and District.

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

December 11, 2015

TO: Wayne Davis, City Manager

FROM: Brian Riblet, Public Works Director *BKR*
Tracy Roblero, Community Development Director *TR*

SUBJECT: Legislation Request for a Professional Services Contract with CT Consultants, Inc.

Request

It is necessary for City Council to adopt a Resolution to authorize the City Manager to enter into a one-year contract with CT Consultants, Inc., for professional engineering services. It is anticipated that the City will spend more than fifty thousand (\$50,000) dollars with CT Consultants, Inc. during 2016 for various professional engineering services; consequently a contract for these professional services is required.

Financial Impact

Funding for professional engineering and architectural services is provided for in the 2016 operating budgets including: "303" Parks, "407" Development, "709" Public Works and in the Capital Improvement Program's "261" Street Maintenance and Repairs.

Background

The City has contracted for approximately 24 years with CT Consultants, Inc. (formerly CDS Associates, Inc.) to provide civil, traffic, structural, electrical and storm water engineering and has been very satisfied with their ability to perform each of these engineering services.

Attached is the proposed 2016 fee schedule from CT Consultants, Inc. In keeping with the commitment that CT Consultants, Inc. has made to the City to provide professional engineering services at a reasonable cost, CT Consultants, Inc. has provided a competitive fee structure for 2016 that includes changes to terminology to conform to their new accounting software and a minor adjustment in their fee schedule.

As was provided in previous years, CT Consultants, Inc. has deleted the line item for billing of the "Principal" from the fee schedule. If for any reason the Principal Engineer provides

engineering services during the contract year for development/design review or project design/review, that work would be billed at the hourly rate of a "Senior Project Engineer".

Recommendation

Staff recommends that the City continue the contractual relationship with CT Consultants, Inc. for professional engineering. It is requested that City Council adopt legislation authorizing the City Manager to enter into a contract for those professional engineering services that CT Consultants, Inc. is staffed to provide during 2016 based on the attached fee schedule.

Enclosure

CITY OF MONTGOMERY
2016 HOURLY FEE SCHEDULE

Principal	\$ 195.00
Senior Project Engineer	150.00
Project Engineer	130.00
Engineer 2	110.00
Engineer 1	98.00
Designer 3	95.00
Designer 2	80.00
Engineer Intern	50.00
Construction Rep 3	84.00
Technical Support	51.00
Survey Crew	140.00

Expenses at Cost Plus 10%

CT CONSULTANTS, INC.



RESOLUTION NO , 2016

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO
A CONTRACT WITH CT CONSULTANTS, INC. FOR PROFESSIONAL SERVICES
RELATED TO GENERAL ENGINEERING AND ARCHITECTURAL SERVICES
FOR CALENDAR YEAR 2016**

WHEREAS, Section 9.03 of Article IX of the Charter of the City of Montgomery, Ohio, provides the method under which the City Manager shall make certain purchases and enter into contracts on behalf of the City; and

WHEREAS, it is appropriate to provide contract authority for professional services that are generally not subject to competitive bidding but will exceed a total of \$50,000 in a calendar year; and

WHEREAS, it is the desire of the Council of the City of Montgomery to enter into a contract with CT Consultants, Inc. for calendar year 2016 to perform general engineering and architectural services for the City.

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

SECTION 1. The City Manager is hereby authorized to enter into a contract with CT Consultants, Inc. for professional services to be provided to the City of Montgomery for calendar year 2016 according to the schedule submitted by CT Consultants, attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION 2. The City Manager is hereby authorized to pay CT Consultants, Inc. according to the rates set forth in said schedule.

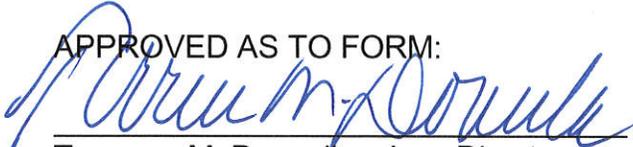
SECTION 3. This Resolution shall be in full force and effect from and after its passage.

PASSED: _____

ATTEST: _____
Connie Gaylor, Clerk of Council

Christopher P. Dobrozsi, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director

December 11, 2015

TO: Wayne Davis, City Manager

FROM: Brian Riblet, Public Works Director *BKR*

SUBJECT: Resolution Request to enter into an Agreement with Elex Inc. to complete the HAM-VAR-Montgomery Signals Project PID#94300

Request

It is necessary for City Council to adopt a Resolution to authorize the City Manager to enter into an agreement with Elex Inc. to complete the HAM-VAR-Montgomery Signals Project PID#94300

Financial Impact

If approved, this Resolution would authorize the City Manager to enter into an agreement with Elex Inc. to complete the HAM-VAR Montgomery Signals Project PID#94300 in the amount of \$841,000.00 Funds for this project are included in the 2016 Capital Improvement Budget 410.261.5470

Background

In 2012, the City of Montgomery applied for grant funding through the Ohio Kentucky Indiana Regional Council of Governments (OKI) and was awarded a grant up to \$849,442.00 to complete this project which represented 80% of the estimated project costs which primarily includes installing a fiber optic system to the central traffic signal system, installation of pan, tilt, zoom (PTZ) cameras at identified locations, and installation of a new traffic signal system including decorative poles and mast arms at the intersection of Cooper Road and Delray Drive.

On July 10, 2013 City Council passed Resolution No. 23 authorizing the City Manager to enter into a Federal Local Let Project Agreement with the Ohio Department of Transportation for the project known as the HAM-VAR-Montgomery Signals Project PID#94300 (see attached).

The City of Montgomery advertised for bids and subsequently held a bid opening for the project on December 2, 2015 with the lowest and best bid being provided by Elex Inc. A complete bid summary of the four (4) companies that submitted a bid is attached.

<u>Contractor</u>	<u>Bid Amount</u>
Elex Inc.	\$764,547.00
Miller Cable Company	\$792,500.00
Complete General Construction Company	\$836,946.25
Capital Electric Line Builders Inc.	\$897,701.35
Engineer's Estimate	\$933,200.75
Engineer's Estimate with contingency	\$1,062,436.65

Recommendation

Staff has reviewed the bids received and determined that the bid received from Elex Inc. is the lowest and best bid received to complete the HAM-VAR-Montgomery Signals Project PID#94300

It is requested that City Council adopt legislation authorizing the City Manager to enter into an agreement with Elex Inc. to complete the HAM-VAR-Montgomery Signals Project PID#94300

The amount of the recommendation includes \$76,453.00 in project contingency funding or approximately 10% of the bid amount.

If there are any questions or if additional information is required please do not hesitate to contact me.

Attachments – Resolution No. 23, 2013
Bid tabulation

RESOLUTION NO. , 2016

**A RESOLUTION ACCEPTING A BID AND AUTHORIZING THE CITY MANAGER
TO ENTER INTO A CONTRACT WITH ELEX INC. FOR THE
HAM-VAR-MONTGOMERY SIGNALS PROJECT PID # 94300**

WHEREAS, by Resolution 23, 2013, Council did authorize the City Manager to enter into a Federal Local Let Project Agreement for the funding and administration of the HAM-VAR-Montgomery Signals Project PID # 94300 ("Project"); and

WHEREAS, such grant funding for the Project has been approved and the City's proportionate share of the funding has been appropriated in the 2016 Capital Improvement Budget; and

WHEREAS, the City has advertised for bids for the Project, and the City has received a bid from Elex Inc., which the Administration has determined to be the lowest and best bid and has recommended acceptance.

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

SECTION 1. The bid of \$764,547.00 received from Elex Inc. for the HAM-VAR-Montgomery Signals Project PID # 94300 is hereby determined to be the lowest and best bid received in response to an advertisement for the same.

SECTION 2. The bid is hereby accepted and the City Manager is authorized and directed to enter into a contract in accordance with the terms described in the specifications.

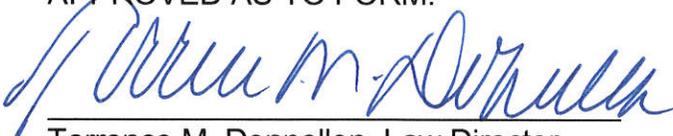
SECTION 3. This Resolution shall be in full force and effect from and after its passage.

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Christopher P. Dobrozsi, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director

TO: Mayor Christopher P. Dobrozi
Members of City Council

FROM: Terrence M. Donnellon

RE: Appointment of Board of Review

DATE: December 10, 2015

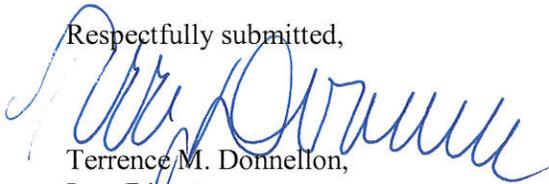
With the mandatory update to our Tax Code commencing January 1, 2016, we would have two different procedures in place for the appointment of the Board of Tax Review; one procedure for the appointment of Board Members to hear cases arising for all tax years prior to 2016, and the other mandatory procedure for all tax years commencing January 1, 2016. One of the differences between the two sections is that our existing Section 44.13 appoints three Members of the Board for three year staggered terms, whereas the new mandated procedure allows only two year terms. Another difference is that all Members of the current Board are appointed by City Council, whereas under the new Code two Members are appointed by City Council and one Member is appointed by the City Manager.

It makes sense to reconcile the two sections of the Code as we transition into the new tax year. The Board will still be compromised of three Members, but we are proposing to modify our current Section 44.13 to start the appointment process with the new year. The result is there will be no changeover once appeals under the new Code would begin in calendar year 2017. The Board as reappointed will hear appeals under the old Code as well until its time runs out.

The proposed amendment to Section 44.13 mirrors new Section 44.1.18. Council would appoint two Members to two year terms, which terms would commence upon the effective date of the Ordinance. The City Manager would appoint the third Member to a continuing term. The two Members appointed by City Council would serve two year terms with the initial term ending January 31, 2017.

Under the new Code, and under the Code as modified, Council can appoint an alternate Member who would step in to hear cases in the event of a conflict or absence of an appointed Member. It is recommended that once the Ordinance takes place that Council by Motion appoint two Members under the new procedure and appoint an alternate to have in place to hear appeals. There is nothing which prevents City Council from appointing two of the current three Members of the Board to this new term of office, and the City Manager could then appoint the third Member of the current Board for the continuing term.

Respectfully submitted,



Terrence M. Donnellon,
Law Director
TMD/lld

cc: Connie Gaylor, Administrative Coordinator
Department Heads
File

ORDINANCE NO. _____, 2016

**AN ORDINANCE AMENDING SECTION 44.13 OF THE CODE OF ORDINANCES
CONCERNING APPOINTMENT OF THE BOARD OF REVIEW**

WHEREAS, Council did adopt an updated Tax Code to be effective January 1, 2016 to meet the statutory mandates of Amended Substitute House Bill 5; and

WHEREAS, under Section 44.1.8 of the new Code, the City has adopted the procedure, mandated by the State, for the appointment of the Board of Tax Review and the process for appeal to the Board of Tax Review; and

WHEREAS, the current Code must remain in place to govern tax years prior to January 1, 2016; and

WHEREAS, Council does desire to update current Code Section 44.13, *Board of Review*, to provide a consistent process for the appointment of the Board of Review while transitioning to the new Code.

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

SECTION 1. Section 44.13, Board of Review, of the Montgomery Code of Ordinances is hereby amended to create a consistent process for tax appeals for all tax years prior to January 1, 2016 which will mirror the process for Board appointments in the new Code while the City transitions to its new Code outlined in Chapter 44.1. Section 44.13 of the current Code of Ordinances shall read as follows:

44.13 BOARD OF TAX REVIEW

(A) Composition. The Board of Tax Review shall consist of three members. The three members of the Board of Tax Review must be domiciled in the City of Montgomery, Ohio. Two members shall be appointed by the Montgomery City Council,

which may also appoint an alternate to serve when there may be a conflict, illness, temporary absence or similar reason. The Council appointees may not be employees, elected officials, or contractors with the City at any time during their term or in the five years immediately preceding the date of appointment. One member shall be appointed by the City Manager. This member may be an employee of the Municipality, but may not be the director of finance or equivalent officer, or the Tax Administrator or other similar official or an employee directly involved in municipal tax matters, or any direct subordinate thereof.

(B) Term. The term for members of the Board of Tax Review appointed by the City Council shall be two years. There is no limit on the number of terms that a member may serve should the member be reappointed by the City Council. The Board member appointed by the City Manager shall serve at the discretion of the City Manager.

(C) Removal. Members of the Board of Tax Review appointed by the City Council may be removed by the City Council as set forth in Section 718.11(A)(4) of the Revised Code. A member of the Board who, for any reason, ceases to meet the qualifications for the position prescribed by this section shall resign immediately by operation of law.

(D) Vacancies. A vacancy in an unexpired term shall be filled in the same manner as the original appointment within sixty days of when the vacancy was created. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. No vacancy on the Board shall impair the power and authority of the remaining members to exercise all the powers of the Board.

(E) Temporary Appointment. If a member is temporarily unable to serve on the Board due to a conflict of interest, illness, absence, or similar reason, the alternate

designated by City Council temporarily shall serve in the place of a Council appointed member's absence. The City Manager shall appoint another individual to temporarily serve on the Board in the member's place if the City Manager appointed member is absent. This appointment shall be subject to the same requirements and limitations as are applicable to the appointment of the member temporarily unable to serve.

SECTION 2. The initial Term of appointment for Members appointed by City Council shall commence upon the effective date of this Ordinance and continue until January 31, 2017. Thereafter, Members appointed by City Council shall serve two (2) year terms.

SECTION 3. Current Code Section 44.13(A) is hereby repealed. All other parts of Section 44.13 are hereby ratified and reaffirmed.

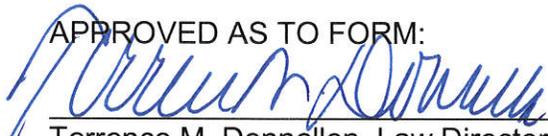
SECTION 4. This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Christopher P. Dobrozsi, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director

TO: Mayor Christopher P. Dobrozsi
Members of City Council

FROM: Terrence M. Donnellon

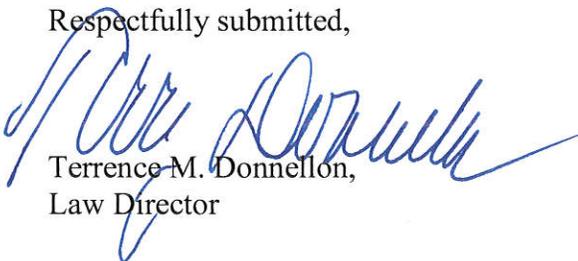
RE: Section 125 Flexible Benefit Plan / Premium Only Plan

DATE: December 10, 2015

Several years ago the City adopted a Section 125 Flexible Benefit Plan. At that time a variety of benefit options were offered to employees including the option to pay their proportionate share of health insurance premiums pre-tax. With the implementation of the Health Savings Accounts for employees, much of the Section 125 Plan has been eliminated.

In a review of the Plan Documents this past year, it was determined that a number of changes need to be implemented in the Plan Documents to comply with the Affordable Care Act and the regulations adopted under the Act. This Resolution reaffirms and ratifies the existing Plan so that there are no gaps in the Plan Documents and authorizes the City Manager to update the Plan Documents as prepared by Chard, Snyder & Associates. Chard, Snyder & Associates will continue to be the Third Party Administrator for the Plan.

Respectfully submitted,



Terrence M. Donnellon,
Law Director

TMD/lld

cc: Connie Gaylor, Administrative Coordinator
Department Heads
File

RESOLUTION NO. , 2016

**A RESOLUTION AUTHORIZING AMENDMENTS TO THE CITY'S
SECTION 125 PREMIUM ONLY PLAN**

WHEREAS, in 2005 Council authorized the City Manager to enter into a contract with Chard, Snyder & Associates, Inc. to administer a Flexible Benefit Plan; and

WHEREAS, with changes in the employee benefit structure, the Section 125 Plan has become a Premium Only Plan; and

WHEREAS, with the implementation of the Affordable Care Act and regulations adopted thereunder, updates to the Plan are required; and

WHEREAS, Chard, Snyder & Associates, Inc. has updated the Plan Documents for the City; and

WHEREAS, Council does desire to ratify and reaffirm the Plan and to authorize the City Manager to accept such amendments as are mandated by federal law.

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 execute any and all agreements and other Plan Documents as are necessary to update the Section 125 Premium Only Plan. The Plan as implemented in calendar year 2006 is hereby ratified and reaffirmed with all modifications and updates to such Plan as may have occurred and as may have been mandated during prior Plan years.

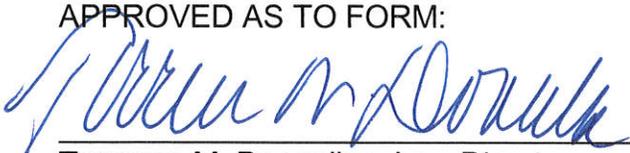
SECTION 2. This Resolution shall be in full force and effect from and after its passage.

PASSED: _____

ATTEST: _____
Connie M. Gaylor, Clerk of Council

Christopher P. Dobrozsi, Mayor

APPROVED AS TO FORM:



Terrence M. Donnellon, Law Director

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City of Montgomery
City Council Organizational Meeting Minutes
December 2, 2015

Present

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

City Council Members Present

Ken Suer
Gerri Harbison
Craig Margolis
Lynda Roesch
Chris Dobrozsi
Ann Combs

Council Member Elect Present

Mike Cappel

City Council convened in Council Chambers at 5:45 p.m. with Terry Donnellon, Law Director, presiding.

SWEARING IN OF NEW COUNCIL MEMBERS

Honorable Judge Curtis E. Kissinger conducted the swearing in of the City's new Council members.

APPOINTMENT OF MAYOR AND VICE MAYOR

Mr. Donnellon asked if there were any nominations for Mayor.

Mrs. Harbison moved to nominate Chris Dobrozsi. Mr. Margolis seconded. City Council unanimously agreed.

Mr. Donnellon asked if there were any nominations for Vice Mayor.

Mrs. Combs moved to nominate Lynda Roesch. Mr. Margolis seconded. City Council unanimously agreed.

SWEARING IN OF MAYOR AND VICE MAYOR

Honorable Judge Bradley Greenberg conducted the swearing in of Mayor Dobrozsi and Vice Mayor Roesch.

Mayor Dobrozsi asked for a motion of adjournment from the organizational meeting.

Mr. Margolis moved for adjournment. Mrs. Harbison seconded. Council unanimously agreed.

Council adjourned at 5:55 p.m.

Connie Gaylor, Clerk of Council

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City of Montgomery
City Council Public Hearing Minutes
December 2, 2015

Present

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

City Council Members Present

Chris Dobrozsi, Mayor
Lynda Roesch
Ann Combs
Mike Cappel
Gerri Harbison
Ken Suer
Craig Margolis

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

Ms. Roblero explained that it is requested that City Council consider a request from Twin Lakes to rezone the property located at 9876 Montgomery Road from 'GB' – General Business District to 'D-2' – Multi-Family Residential District.

Ms. Roblero explained that the property that the applicant is proposing to rezone is approximately 1.65 acres in size with no Montgomery Road frontage. The property has been used for a car dealership in the past (Former Honda Dealership) and Twin Lakes purchased the property after the car dealership closed. The applicant is requesting a rezone from a higher intensity zoning district, 'GB' – General Business, to a lower intensity zoning district, 'D-2' – Multi-family to allow for potential expansion of the Twin Lakes main campus.

Ms. Roblero stated to City Council that the Planning Commission met on October 19 to consider this application. She stated that notices were sent to neighbors within a 300' radius of the property and that staff only received one call regarding the application from Camargo Cadillac with questions regarding the proposal. After hearing the testimony presented at the meeting and discussing the application, the Planning Commission voted unanimously to recommend approval of the rezoning of the property at 9876 Montgomery Road from 'GB' – General Business District to 'D-2' – Multi-Family Residential.

Ms. Roblero stated that staff supports recommendation of the Planning Commission to recommend approval of the rezoning of the property at 9876 Montgomery Road from 'GB' – General Business District to 'D-2' – Multi-Family Residential. Traditionally, the City discourages rezoning of property zoned for commercial use in the Montgomery Road Commercial Corridor in order to preserve the small amount of property zoned for commercial use within the City. However, in this situation, Staff does not believe that rezoning this property will have a negative impact on the Commercial Corridor due to the fact that it is a small parcel of property that does not have frontage on Montgomery Road; therefore, the commercially zoned property along Montgomery Road will be preserved. Staff believes that rezoning this property provides a nice transition from high intensity commercial uses to the north and west of the subject property to a less intense use to the south and that the rezoning will allow for Twin Lakes to make necessary improvements to their campus.

Mr. Suer stated that he was encouraged by the plans and felt the direction of the development was positive for Montgomery.

Mr. Donnellon explained that City Council could continue deliberations for up to 30 days. If they moved to do

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City Council Public Hearing Minutes

December 2, 2015

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53 that they would need to set a date and time for a future Public Hearing meeting at which time they would make
54 their decision. He also explained that City Council could make a motion to accept Planning Commission's
55 recommendation or modify or reject it.

56
57 Mayor Dobrozsi asked if City Council was ready to make a motion.

58
59 Mayor Dobrozsi then asked City Council to make a motion to either table the recommendation from the Planning
60 Commission pending further review, modify, accept or deny the recommendation.

61
62 Mr. Margolis moved to accept and approve the rezoning of the property located at 9876 Montgomery Road from
63 'GB' – General Business District to 'D-2' – Multi-Family Residential District.

64
65 Mrs. Combs seconded. City Council unanimously agree.

66
67 The roll was called and showed the following vote:

68
69 AYE: Combs, Cappel, Harbison, Dobrozsi, Roesch, Suer, Margolis (7)
70 NAY: (0)
71 ABSENT: (0)

72
73 With no further discussion about this topic, Mayor Dobrozsi asked for a motion to adjourn the meeting.

74
75 Mrs. Harbison moved to adjourn the meeting. Mr. Roesch seconded.

76
77 The meeting was adjourned at 6:35 p.m.

78
79
80

Connie Gaylor, Clerk of Council

DUBLIN OHIO

TREE PRESERVATION ORDINANCE

... Dublin, Ohio, meanwhile, approached the challenge with a Tree Preservation Ordinance, passed by City Council in 1998, that automatically designates all trees with a diameter at breast height of six inches or more as protected. These trees are subject to specific requirements pertaining to their removal and replacement, and developers are required to use special construction techniques to preserve their root systems and limbs.

The intent of the ordinance is to encourage responsible design that minimizes any impact on existing trees. For example, the city requires tree surveys and protection plans to be submitted prior to development, and the property owner must maintain protection devices throughout the entire construction period. If the devices fail to protect trees, they must be replaced. Inspections are performed throughout construction to ensure compliance.

The Tree Preservation Ordinance also contains an inch-for-inch replacement requirement that applies to healthy, protected trees that are removed or damaged during the construction process. The minimum size of a replacement tree is 2.5 inches.

“These trees are in addition to the other landscape code required trees,” said Brian Martin, Dublin’s zoning inspector. “So not only

does the developer plant street trees, trees around the parking lot and trees within the parking lot to satisfy the landscape code, they may also need to provide replacement trees. That's a lot of trees for a property owner to maintain along the life of the property.”

If the city determines that tree replacement would cause overcrowding, developers must pay them a fee, now at \$100 per inch. Since 1998, the city has collected over \$750,000 in tree replacement fees, money that its parks and forestry departments put toward maintaining and enhancing the urban forest.

To give the Tree Preservation Ordinance teeth, the city has personnel specifically designated for tree protection inspections. Martin's own job was created in 1999 specifically to be out in the field and “ensure compliance throughout the construction process.” On the front end, he is involved with plan reviews. Once construction is done, he performs follow-up inspections every four years to make sure that trees on commercial properties are adequately maintained.

Dublin's Tree Protection Ordinance is a high standard by any measure. It demands attention to trees at every step along the way, from developing a proposal that goes to the Planning and Zoning Commission and applying for a building permit all the way through construction and ongoing maintenance. It has enforced contingencies. Essentially, the City of Dublin has made it more expensive to replace trees than to preserve them — the opposite approach of many communities, but one that has served them well.

The ordinance was written and enacted prior to a huge development boom that took place over the following decade. According to Martin, a 2010 survey showed that 76 percent of Dublin residents selected tree

preservation and conservation as their most important natural resource.

“Our residents have a voice at the public meetings when new developments are proposed,” he said. “They fight for the trees and the unique high quality of the City of Dublin. They provide an extra set of eyes for inspectors. They value the scenic views and vegetative buffers of our community. Our regulations and enforcement are unique to this area and you can really see the difference when you travel around central-Ohio and beyond.”

Taken from Article “Urban Trees: Let’s Grow Old Together, by Ieda Marritz, October 10, 2012, <https://nextcity.org/daily/entry/urban-trees-lets-grow-old-together>. Highlights added by editor.

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City of Montgomery
City Council Business Session Minutes
December 2, 2015

Present

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

City Council Members Present

Chris Dobrozsi, Mayor
Lynda Roesch, Vice Mayor
Ann Combs
Mike Cappel
Gerri Harbison
Ken Suer
Craig Margolis

City Council convened in Council Chambers for the Business Session at 6:38 p.m. with Mayor Dobrozsi presiding.

ROLL CALL

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

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

SPECIAL PRESENTATION

Todd Steinbrink and his family were present to accept a Certificate of Appreciation for his contributions to the City as a member of City Council and former Mayor.

GUESTS AND RESIDENTS

LEGISLATION FOR CONSIDERATION TONIGHT

Mayor Dobrozsi stated that before we moved on to pending legislation that he needed to make some reassignments and assignments.

Mayor Dobrozsi reassigned the Ordinance to Make Appropriations for Current Expenses and Other Expenditures of the City of Montgomery, State of Ohio, during the Fiscal Year Ending December 31, 2016 to Mr. Suer.

Mayor Dobrozsi assigned the Resolution Authorizing an Amendment to the Current Contract with Donnellon, Donnellon and Miller for Legal Services to the City of Montgomery to Mrs. Harbison.

Mayor Dobrozsi stated that a motion was needed to add the Ordinance Rezoning property located at 9876 Montgomery Road from 'GB' – General Business District to 'D-2' – Multi-Family Residential District to the agenda for tonight.

Mr. Margolis moved to add the legislation to the agenda. Mrs. Combs seconded. City Council unanimously agreed.

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City Council Business Session Minutes

December 2, 2015

Page 2.

55 **Pending Legislation**

56
57 **An Ordinance to Make Appropriations for Current Expenses and Other Expenditures of the City of**
58 **Montgomery, State of Ohio, During the Fiscal Year Ending December 31, 2016 (3rd Reading)**

59
60 Mr. Suer moved to read the Ordinance by title only and for passage of the third reading. Mr. Margolis seconded.
61 City Council unanimously agreed.

62
63 Mr. Suer explained that if adopted this Ordinance will establish the City's budget for the year 2016. These
64 documents were presented to and reviewed with the Financial Planning Committee of City Council at their
65 September 15 meeting. On October 6, City Council conducted its formal review of the 2016 Operating and
66 Capital Budget with Four Year Forecast and 2016-2020 Capital Improvement Program.

67
68 Mr. Suer asked if there were any updates at this time. Ms. Greis stated there were none.

69
70 The roll was called and showed the following vote:

71
72 AYE: Combs, Cappel, Harbison, Dobrozi, Roesch, Suer, Margolis (7)
73 NAY: (0)
74 ABSENT: (0)

75
76 **New Legislation**

77
78 **A Resolution Authorizing a Contract with Dynegy Energy Services (East), LLC**

79
80 Mr. Margolis moved to read the Resolution by title only. Mrs. Harbison seconded. City Council unanimously
81 agreed.

82
83 Mr. Margolis read the Resolution by title only and moved passage. Ms. Roesch seconded.

84
85 Mr. Margolis explained that if adopted this Resolution would authorize the City Manager to sign a contract with
86 Dynegy Energy Services (East), LLC to continue to provide electrical service to City of Montgomery facilities. The
87 City has had a contract in place with Dynegy for several years and this Resolution authorizes the City Manager to
88 execute the continuing contract. Mr. Margolis further explained that the rates proposed by Dynegy are competitive
89 in the marketplace.

90
91 Mr. Margolis asked if there were any updates.

92
93 Ms. Greis reported that as the rates follow the market, that as of the time of the meeting the rate had decreased by .05
94 cents and that the rates could be lower when we finalize the agreement and lock the rates in.

95
96 The roll was called and showed the following vote:

97
98 AYE: Cappel, Harbison, Dobrozi, Roesch, Suer, Margolis, Combs (7)
99 NAY: (0)
100 ABSENT: (0)

101
102 **A Resolution Adopting a Five Year Capital Improvement Program For the City Of Montgomery**

103
104 Mr. Suer moved to read the Resolution by title only. Mr. Margolis seconded. City Council unanimously agreed.

105
106 Mr. Suer read the Resolution by title only and moved passage. Ms. Roesch seconded.

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City Council Business Session Minutes

December 2, 2015

Page 3.

107 Mr. Suer explained that if passed this Resolution would adopt the City's proposed Five-Year Capital Improvement
108 Program. This program was reviewed by City Council as a companion piece to the proposed 2016 Operating and
109 Capital Budget with Four Year Forecast and represents a comprehensive planning tool for capital investment in
110 the community over the next five years.

111
112 Mr. Suer asked if there were any updates. Ms. Greis stated there were none.

113
114 The roll was called and showed the following vote:

115
116 AYE: Harbison, Dobrozsi, Roesch, Suer, Margolis, Combs, Cappel (7)
117 NAY: (0)
118 ABSENT: (0)

119
120 **A Resolution Designating Records Managers and Training Designees for Public Officials in the City of**
121 **Montgomery**

122
123 Mrs. Harbison moved to read the Resolution by title only. Mr. Cappel seconded. City Council unanimously
124 agreed.

125
126 Mrs. Harbison read the Resolution by title only and moved passage. Ms. Roesch seconded.

127
128 Mrs. Harbison explained that if passed this Resolution will designate Records Managers and Training Designees
129 for Public Officials in the City of Montgomery. This Resolution will designate the Communications and
130 Engagement Coordinator, Faith Lynch, and alternately the Administrative Coordinator, Connie Gaylor, as
131 designated representatives of City Council to attend Ohio public records training and to serve as Records
132 Managers for the City. Mrs. Harbison stated that Ohio law requires all public officials to either attend the training
133 or to designate a person to attend on their behalf.

134
135 Mrs. Harbison asked if there were any updates. Mr. Davis stated there were none.

136
137 The roll was called and showed the following vote:

138
139 AYE: Dobrozsi, Roesch, Suer, Margolis, Combs, Cappel, Harbison (7)
140 NAY: (0)
141 ABSENT: (0)

142
143 **An Ordinance Rezoning property located at 9441 Orchard Club Drive and Approving an Application for a**
144 **Planned Development Overlay**

145
146 Ms. Roesch moved to read the Ordinance by title only. Mr. Margolis seconded. City Council unanimously
147 agreed.

148
149 Ms. Roesch read the Ordinance by title only and moved passage of the first reading. Mrs. Combs seconded.

150
151 Ms. Roesch explained that if passed this Ordinance would rezone the property located at 9441 Orchard Club Drive
152 and approve an application for a Planned Development Overlay. Ms. Roesch stated that based on a motion made
153 during the Public Hearing held on November 18, City Council moved to accept the recommendations of the
154 Planning Commission to rezone this site to a D-3 District, to impose a Planned District Overlay on such site, and
155 the terms and conditions of the Overlay District.

156
157 Ms. Roesch asked if there were any updates.

158

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159 Ms. Roblero reported that she has received two additional E-Gov submissions that have been provided to every
160 City Council Member from residents at 10667 Creeknoll Court and 7878 Symphony Lane in support of keeping
161 the greenbelt area in the proposed development.
162

163 Mrs. Kaye Gaffney, 10545 Crescendo Court-addressed City Council stating that she has two concerns regarding
164 the proposed Camden Home Development. The first being the amount of homes that are planned for the 7.89
165 acres of the development and secondly, the issue of losing 150 feet of a tree buffer at the back of the development.
166 She stated that she hopes the plan will be revised to reduce the amount of homes on the plan as well as saving
167 some of the trees. Mrs. Gaffney provided Ms. Gaylor with a copy of a Tree Preservation Ordinance from the City
168 of Dublin, Ohio to be considered in the future. (Attached)
169

170 The roll was called and showed the following vote:

171
172 AYE: Harbison, Dobrozi, Roesch, Suer, Margolis, Combs, Cappel (7)
173 NAY: (0)
174 ABSENT: (0)
175

176 **A Resolution Authorizing an Amendment to the Current Contract with Donnellon, Donnellon and Miller**
177 **for Legal Services to the City of Montgomery**
178

179 Mrs. Harbison moved to read the Resolution by title only. Mr. Margolis. City Council unanimously agreed.
180

181 Mrs. Harbison read the Resolution by title only and moved passage. Mrs. Combs seconded.
182

183 Mrs. Harbison explained that if passed this Resolution will authorize an amendment to the current contract with
184 Donnellon, Donnellon and Miller for legal services to the City of Montgomery. Mrs. Harbison stated that this
185 Resolution is the result of the recent performance appraisal of the Law Director conducted by City Council and
186 staff. Mrs. Harbison explained that this is the same evaluation process used for staff.
187

188 The roll was called and showed the following vote:

189
190 AYE: Suer, Margolis, Combs, Cappel, Harbison, Dobrozi, Roesch (7)
191 NAY: (0)
192 ABSENT: (0)
193

194 **An Ordinance Rezoning property located at 9876 Montgomery Road from 'GB' – General Business District**
195 **to 'D-2' – Multi-Family Residential District**
196

197 Mr. Suer moved to read the Ordinance by title only. Mr. Margolis seconded. City Council unanimously agreed.
198

199 Mr. Suer read the Ordinance by title only and moved passage of the first reading. Ms. Roesch seconded.
200

201 Mr. Suer explained that if passed this Ordinance would rezone the property located at 9876 Montgomery Road
202 from 'GB' – General Business District to 'D-2' – Multi-Family Residential District. Mr. Suer stated that staff
203 believes this rezoning will enhance the Montgomery Road Corridor and the Twin Lakes campus and it is
204 requested that City Council consider accepting the recommendation of the Planning Commission to rezone this
205 site to a D-2 District. Mr. Suer stated that since this recommendation had been presented at the Public Hearing
206 held prior to the Business Session meeting and a motion had been made to approve the recommendation, that
207 there was no additional information at this time.
208

209 The roll was called and showed the following vote:
210

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211 AYE: Margolis, Combs, Cappel, Harbison, Dobrozsi, Roesch, Suer (7)
212 NAY: (0)
213 ABSENT: (0)
214

215 **ADMINISTRATION REPORT**
216

217 Mr. Davis reported on the following items:

- 218
- 219 • The Financial Planning Committee of Council will meet on Monday, December 7 at 4:00 p.m.
- 220
- 221 • The Planning, Zoning and Landmarks and Law and Safety Committees of Council have cancelled their
- 222 meetings for the month of December.
- 223
- 224 • City Council Work Session is scheduled for December 16 at 7:00 p.m.
- 225
- 226 • On Wednesday, November 25, dayshift officers conducted a search warrant at Peach Garden Asian
- 227 Massage on Cooper Road. With the assistance of an undercover officer from another Hamilton County
- 228 police agency, Detective Jim Lacalameto coordinated the investigation stemming from illegal sexual acts
- 229 in exchange for money on Tuesday evening, November 24. The Asian female suspect was arrested and
- 230 charged with prostitution, a misdemeanor of the third degree, and is awaiting trial in Hamilton County
- 231 Municipal Court. This investigation resulted after several months of surveillance and several complaints
- 232 from area businesses of suspicious activity.
- 233
- 234 • Income tax revenues for the month of November were \$661,699, which is an increase of 9.6% compared
- 235 to collections of \$603,207 for November of 2014. Year-to-date revenues are up 5.3% over last year and
- 236 exceed estimated revenues by 4.1%. The November Income Tax Variance Report is attached for
- 237 reference.
- 238
- 239 • A bid opening was held for the Montgomery Signals Project PID#94300 which includes installation of
- 240 fiber optics to connect all of our traffic signal infrastructure and installation of a new traffic signal system
- 241 at the intersection of Cooper Road and Delray Drive. All bids came in under the estimated budget and
- 242 staff will be reviewing in an effort to present legislation to City Council at the December 16, 2015 Work
- 243 Session.
- 244
- 245 • Public works staff installed the 2015 Holiday Tree at Neuilly Plaisance Plaza in advance of this
- 246 weekend's tree lighting ceremony and festivities. This tree was graciously donated by Robert and Gail
- 247 Hellman and as several people have already noted, it is quite nice. Public works staff has also been busy
- 248 sprucing up and cleaning the Heritage District for the event.
- 249
- 250 • Tracy Roblero and I met with representatives of Twin Lakes Senior Living Community to discuss the
- 251 latest concept for the property located south of the Safety Center on Montgomery Road. Twin Lakes is in
- 252 the process of determining the best use for this property and has several questions in regards to zoning
- 253 regulations, access and site conditions.
- 254
- 255 • Tracy Roblero, Terry Donnellon, Brian Riblet, Michelle Greis, Frank Davis, Matt Davis and I met with
- 256 Mark Policinski, CEO of Ohio Kentucky Indiana Regional Council of Governments to discuss the
- 257 Gateway Redevelopment Area. The team discussed potential funding sources for traffic improvements
- 258 for the project and next steps moving forward.
- 259
- 260 • As a reminder, Holiday in the Village is this Saturday, December 5. The tree lighting ceremony will be
- 261 held at 5:00 p.m. at the Neuilly-Plaisance Plaza.

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- 262 • As a reminder, the annual Staff Holiday Luncheon is scheduled for Friday, December 11 from 11:00 a.m.
263 to 1:00 p.m. at Terwilliger Lodge.
- 264
- 265 • The Civil Service exam for the position of patrol officer is scheduled for Saturday, December 5. The City
266 has received 36 applications as of this time.
- 267
- 268 • Michelle Greis and I met today to review the submissions for the Request for Proposals (RFP) for the
269 Gateway Redevelopment Area (GRA) Underwriting and Financial Advising Services. The City received
270 five submissions for Underwriting Services and four for the Financial Advisor Services. Michelle and I
271 will be meeting with the internal GRA team to discuss the submissions before presenting a
272 recommendation to City Council.
- 273
- 274 • Congratulations to our new City Council Members as well as to Mayor Dobrozsi and Vice Mayor Roesch.
275

276 **APPROVAL OF MINUTES**

277
278 Mrs. Harbison moved to approve the November 18, Public Hearing and Work Session minutes. Mr. Margolis
279 seconded. City Council unanimously agreed.
280

281 **MAYOR'S COURT REPORT**

282
283 Mayor Dobrozsi reported that the total Mayor's Court collections for the month of November 2015 were
284 \$17,541.00.
285

286 Mr. Margolis moved to accept the Mayor's Court collections for the month of November 2015. Ms. Roesch
287 seconded. City Council unanimously accepted the collections.
288

289 **OTHER BUSINESS**

290
291 Mayor Dobrozsi informed City Council Members that he would be sending out an email requesting City Council
292 Committee assignment interests and would be issuing those assignments as well as the bulletin article schedule by
293 Friday, December 11.
294

295 Mrs. Harbison congratulated Faith Lynch on the 2016 Calendar. She stated that not only is it attractive but she
296 liked the format of the calendar.
297

298 Mr. Suer explained to City Council that the Planning, Zoning and Landmarks Committee held interviews for two
299 open positions on the Board of Zoning Appeals (BZA) and would like to appoint to the BZA:
300

301 Livia Santschi for a term expiring on 1/31/2018

302 Doug King for a term expiring on 1/31/2017
303

304 Mr. Suer explained that this was a Committee recommendation so a second was not needed. City Council
305 unanimously agreed.
306

307 Ms. Roesch reminded those in attendance of the Blue Ash Montgomery Symphony Orchestra (BAMSO) Holiday
308 Concert to be held on Sunday, December 6 at the Montgomery Assembly of God.
309

310 Mayor Dobrozsi asked if there was any further business to discuss in Public Session. There being none, he asked
311 for a motion to adjourn.
312

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

314

315 City Council adjourned at 7:33 p.m.

316

317

318

319

Connie Gaylor, Clerk of Council

DRAFT

December 10, 2015

To: Connie Gaylor, Clerk of Council

From: Don Simpson, Police Chief



Subject: Liquor Permit

Regarding the 11/23/2015 notification from the Ohio Division of Liquor Control for Pacific Kitchens, LLC located at 8300 Market Place Lane, I am not aware of any information that would cause the City of Montgomery to object to the issuance of the liquor permit transfer or any need to request a hearing.

Should you have any questions, please do not hesitate to contact me.

NOTICE TO LEGISLATIVE
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

6619951		TRFO		PACIFIC KITCHENS LLC DBA PACIFIC KITCHENS 8300 MARKET PLACE LN & PATION MONTGOMERY OH 45242
06 01 2015				
11 19 2015				
D5 D6				
31	264	A	F15118	

FROM 11/23/2015

0142092				ALLURE RESTAURANT INC 8300 MARKET PLACE LN & PATIO MONTGOMERY OHIO 45242
06 01 2015				
11 19 2015				
D5 D6				
31	264			



MAILED 11/23/2015

RESPONSES MUST BE POSTMARKED NO LATER THAN. 12/24/2015

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES **A TRFO 6619951**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD IN OUR COUNTY SEAT. IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

**CLERK OF MONTGOMERY CITY COUNCIL
10101 MONTGOMERY RD
MONTGOMERY OHIO 45242**

6619951 PERMIT NBR
PACIFIC KITCHENS LLC
DBA PACIFIC KITCHENS
8300 MARKET PLACE LN & PATIO
MONTGOMERY OH 45242

MICHAEL LY

11/19/2015 ACTIVE

PRESIDENT

MAN-MBR5%M

PA2-KEY = END SESSION, CLEAR-KEY = END OPTION, ENTER-KEY = TO CONTINUE