

February 24, 2017

TO: Mayor and City Council Members  
FROM: Wayne S. Davis, City Manager *WSD*  
SUBJECT: City Council Business Session of Wednesday, March 1, 2017

As a reminder, City Council is scheduled to meet in Business Session on Wednesday, March 1, 2017 immediately following the conclusion of the Public Hearing scheduled at 6:45 p.m.

At 6:45 p.m., a Public Hearing is scheduled to consider a recommendation made by the Planning Commission for the approval of a conditional use permit for an assisted living memory care facility at 10110 Montgomery Road for Twin Lakes.

At 6:30 p.m., immediately prior to the Public Hearing, the Montgomery Community Improvement Corporation (CIC) Board of Trustees is scheduled to meet.

#### **Public Hearing**

Prior to the City Council Work Session, a Public Hearing is scheduled at 6:45 to consider the recommendation of the Planning Commission for the approval of a conditional use permit for an assisted living memory care facility at 10110 Montgomery Road for Twin Lakes. Attached please find a public hearing packet prepared by Tracy Roblero, Community Development Director.

***At the close of the presentation, City Council's options are to either Approve the Recommendation, Deny the Recommendation, Remand the matter to Planning Commission for more specific information, or take the matter under advisement and vote at another public meeting within thirty days. If City Council chooses this final option, it is suggested that City Council announce the date and time of the subsequent hearing when the matter will be discussed and considered for vote.***

***As a reminder, the Code does not allow additional new evidence to be submitted for review during the public hearing. City Council is to limit its consideration to the record from the Planning Commission, the arguments from the City and the applicant, and any comments, pro or con, from the public.***

#### **Montgomery Community Improvement Corporation**

At 6:30 p.m., the Montgomery Community Improvement Corporation (CIC) and the CIC Board of Trustees are scheduled to conduct their annual meetings. The members of the Montgomery City Council also comprise the membership of the Montgomery CIC and the Montgomery CIC Board of Trustees. It is required by the Ohio Revised Code, Chapter 1724, that a CIC prepare, approve and submit an annual financial report. It is also required by the Montgomery CIC Code of Regulations that this group meet at least once annually, and that this meeting take place before the last day of the third month following the close of the CIC's fiscal year. The CIC and the CIC Board of Trustees will meet to elect new officers, review the 2016 financial statements and activity, review the Corporation's Tax Return for 2016, approve

the December 21, 2016 CIC minutes and consider a request for a Historic Preservation Grant by the owner of the Parrot Smith House for a new roof.

### **Business Session**

#### **1. Call to Order**

**2. Swearing in of New City Council Member**— As you are aware, City Council took action to appoint Mr. Laith Alfaqih as a City Council Member at the Business Meeting of City Council on Wednesday, February 1, 2017. Mr. Alfaqih has accepted the appointment and will be officially sworn into office as a City Council Member by Law Director Terry Donnellon.

#### **3. Roll Call**

#### **4. Pledge of Allegiance**

#### **5. Special Presentation**

- a. Nancy Nolan will be presented with a Certificate of Appreciation for her service on the Arts Commission.

#### **6. Guests and Residents**

#### **7. Legislation for Consideration Tonight**

### **Pending Legislation**

#### **New Legislation**

- a. A Resolution Authorizing the City Manager to Enter into a Contract with Lebanon Ford for the Purchase of One (1) 2017 Ford Interceptor Sedan and Two (2) Ford Interceptor Utility Vehicles— (Mr. Suer) Information has been previously supplied on this Resolution, that if approved, will authorize the City Manager to enter into a contract with Lebanon Ford for the purchase of one (1) 2017 Ford interceptor Sedan and two (2) Ford Interceptor Utility Vehicles. The purchase of three (3) police vehicles is part of a scheduled rotation program to replace older police vehicles in the Police Department's fleet. Funding for the vehicles is appropriated in the City's 2017 Police Department Operating and Capital Budget.

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

***Voice Vote***

***Move passage of the Resolution***

***Roll Call Vote***

- b. A Resolution of Necessity to Implement the Jolain Drive Stormwater Sewer Project and Special Assessments—(Mr. Cappel) Information has been previously supplied on this Resolution, that if approved, will adopt a Resolution of Necessity to Implement the Jolain Drive Stormwater Sewer Project and Special Assessments. This Resolution is the beginning of the City Council process to authorize the City's involvement in stormwater improvements on the south side of the 7800 block

of Jolain Drive. The seven homeowners in the impacted area have unanimously petitioned City Council to upgrade the proposed public improvements in the area to include a second stormwater underground pipe which will be funded by the property owners in the impacted area through a special assessment of ten to twenty years. The twenty-year period in the Resolution is a placeholder in the legislation until City Council decides the term for repayment. The estimated cost for the entire project is \$171,600; of this amount \$52,800 will be paid by the homeowners with an additional interest cost of 3.7%. This is the same interest rate as would be paid on a bond if the City issued securities to pay for the improvement cost. The actual amount of the assessment will be determined when the final project is bid and built. At that time an Ordinance will be passed to administer the tax assessment through the Hamilton County Auditor. The assessment is being apportioned among the properties based upon linear street frontage. The street frontage for all of the parcels is relatively the same.

The administration has been working through the process with the impacted homeowners who have supported this approach. The initial design of the project requires new easements in the rear of the properties and the property owners have given their support for granting the easements at no additional cost to the City. Once installed the City will assume the responsibility to maintain the entire improvement project.

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

***Voice Vote***

***Move passage of the Resolution***

***Roll Call Vote***

- 8. Administration Report**
- 9. Approval of Minutes** — February 15, 2017 Work Session
- 10. Mayor's Court Report**
- 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

**March 1, 2017**

**Public Hearing – 6:45 p.m.**

**1. Call to Order**

Prior to the City Council Work Session, a Public Hearing is scheduled at 6:45 to consider the recommendation of the Planning Commission for the approval of a conditional use permit for an assisted living memory care facility at 10110 Montgomery Road for Twin Lakes. Attached please find a public hearing packet prepared by Tracy Roblero, Community Development Director.

**City Council can make its decision on this request at Wednesday’s meeting, or may continue its deliberations for up to thirty (30) days. If continued, City Council will need to set the date and time for the continuation of the public meeting when it will make its decision.**

**City Council accepts/rejects the Conditional Use Permit.**

**City Council approves/does not approve the recommendation of the Planning Commission to grant an equivalency with the approval of the General Development Plan allowing an addition to the Main Campus with conditions established by the Planning Commission.**

**As a reminder, the Code does not allow additional new evidence to be submitted for review during the public hearing. City Council is to limit its consideration to the record from the Planning Commission, the arguments from the City and the applicant, and any comments, pro or con, from the public.**

**2. Adjournment**

**City Council Business Session – 7:00 p.m.**

**1. Call to Order**

**2. Swearing in of New City Council Member**

**3. Roll Call**

**4. Pledge of Allegiance**

**5. Special Presentation**

- a. Nancy Nolan will be presented with a Certificate of Appreciation for her service on the Arts Commission.

**6. Guests and Residents**

**7. Legislation for Consideration Tonight**

**New Legislation**

- a. A Resolution Authorizing The City Manager To Enter Into A Contract With Lebanon Ford For The Purchase Of One (1) 2017 Ford Interceptor Sedan And Two (2) Ford Interceptor Utility Vehicles—(Mr. Suer)

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

***Voice Vote***

***Move passage of the Resolution***

***Roll Call Vote***

- b. A Resolution of Necessity to Implement the Jolain Drive Stormwater Sewer Project and Special Assessments —(Mr. Cappel)

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

***Voice Vote***

***Move passage of the Resolution***

***Roll Call Vote***

- 8. Administration Report**
- 9. Approval of Minutes** — February 15, 2017 Work Session
- 10. Mayor's Court Report**
- 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

*Certificate of Appreciation*  
*to*  
*Nancy Nolan*

*WHEREAS, Nancy Nolan has served the City of Montgomery as a member of its Arts Commission; and,*

*WHEREAS, Nancy served on the Arts Commission from 2009 to 2016, faithfully attended the monthly meetings and facilitated meetings as the Chair of the Commission from 2013 to 2016; and,*

*WHEREAS, Nancy co-created the wildly popular Live at the Uni series where she gathered professional musicians from Montgomery and beyond for the enjoyment and benefit of our community; and,*

*WHEREAS, Nancy assisted in the planning and implementing of many art activities and events including the region's longest- running annual photography competition, the Improv Show, the theme and activities at the July 3 Blue Ash Montgomery Symphony Orchestra Concert, and a family paint night program; and,*

*WHEREAS, Nancy skillfully led annual strategic planning sessions for the Commission which provided direction and focus; and,*

*WHEREAS, Nancy utilized her communication and marketing talents to write press releases and numerous articles for the Montgomery Bulletin; and,*

*WHEREAS, Nancy created the cultural arts survey and analyzed the results to provide additional direction with understanding the needs of the community; and,*

*WHEREAS, Nancy used her exceptional mediation and diplomacy skills in a variety of instances with an assortment of personalities; and,*

*WHEREAS, Nancy was a valued member of the Arts Commission, earning the respect and friendship of her peers.*

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

*SECTION 1. The Council hereby expresses its sincere appreciation to Nancy Nolan for her valued service as a member of the Arts Commission. She has applied thoughtful, productive attention to the quality of life of our community and we benefit now and hereafter from her efforts.*

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*Laith Alfaqih, Councilmember*

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*Mike Cappel, Councilmember*

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*Chris Dobrozsi, Councilmember*

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*Ken Suer, Councilmember*

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*Gerri Harbison, Councilmember*

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*Craig Margolis, Councilmember*

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*Lynda Roesch, Councilmember*

RESOLUTION NO. \_\_\_\_\_, 2017

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER  
INTO A CONTRACT WITH LEBANON FORD FOR THE  
PURCHASE OF ONE (1) 2017 FORD INTERCEPTOR SEDAN AND TWO (2) FORD  
INTERCEPTOR UTILITY VEHICLES**

**WHEREAS**, the Police Department has requested in the routine course of vehicle replacement to purchase one sedan and two utility vehicles; and

**WHEREAS**, the City of Montgomery is a participant in the State of Ohio's Cooperative Purchasing Program; and

**WHEREAS**, the City has determined that separate bids for the purchase of one (1) 2017 Ford Interceptor Sedan and two (2) Ford Interceptor Utility vehicles would exceed the price available through the Ohio Cooperative Purchasing Program;

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

**SECTION 1.** The City Manager is hereby authorized to purchase from Lebanon Ford through the Ohio Cooperative Purchasing Program one (1) 2017 Ford Interceptor Sedan and two (2) Ford Interceptor Utility vehicles, for a total amount not to exceed \$ 109,553.00 for delivery in calendar year 2017.

**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

RESOLUTION NO. , 2017

**A RESOLUTION OF NECESSITY TO IMPLEMENT THE JOLAIN DRIVE  
STORMWATER SEWER PROJECT AND SPECIAL ASSESSMENTS**

**WHEREAS**, there has been a history of stormwater drainage and runoff problems on the south side of the 7800 block of Jolain Drive which has been reviewed and studied by the City and property owners for decades; and

**WHEREAS**, such studies have indicated that the stormwater drainage easement and stormwater improvements noted on the original subdivision plat dating to the 1950's have been inadequate to address stormwater runoff; and

**WHEREAS**, attempts by property owners to divert stormwater runoff through a drainage swale also have proven to be inadequate; and

**WHEREAS**, attempts over the past decades to create a public/private partnership to address the problem with stormwater runoff have fallen short; and

**WHEREAS**, the Administration has received a petition (a copy of which is attached hereto as Exhibit A) signed by the property owners on the south side of Jolain Drive from 7815 through 7875 Jolain Drive, which Petition represents unanimous written approval for the construction of the project and allocation of a portion of expense of the project through a special assessment; and

**WHEREAS**, the nature and location of the improvements are depicted on the plat drawing attached hereto and identified as Exhibit B, which consists of a dual pipe underground drainage system; and

**WHEREAS**, the lots and parcels to be assessed are: 603-0013-0039, 603-0013-0040, 603-0013-0041, 603-0013-0043, 603-0013-0047, 603-0013-0048, and 603-0013-0049, all of which are represented by the petitioners for the project; and

**WHEREAS**, plans and specifications and an estimated cost of the project totaling \$171,600.00 have been prepared by the City's engineers and filed with the Clerk of Courts for public inspection; and

**WHEREAS**, Council does desire to initiate the process to construct this public/private improvement project for the common benefit of the area in question and to assess a portion of such costs to the properties particularly benefitting from this improvement.

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

**SECTION 1.** The City shall undertake construction of a Stormwater Improvement Project to specifically benefit the properties located at 7815 Jolain Drive through 7875 Jolain Drive on the south side of such street ("Properties"), based upon a determination by the Administration that such project will improve stormwater runoff in the area, and based upon the unanimous written support by a Petition of all of the property owners in the impacted area.

**SECTION 2.** This Stormwater Improvement Project shall consist of the installation of dual twenty-four inch pipes running east to west across the Properties from 7775 Jolain Drive through 7885 Jolain Drive on the south side of the street, as depicted on Exhibit B attached hereto. Council does hereby accept and approve the plans, specifications and estimated costs of the project.

**SECTION 3.** Only a portion of the project cost shall be assessed to the Properties, which cost is based upon the installation of the second twenty-four inch line, which according to the engineer's estimate, is predicted to cost \$52,800.00 of the total cost. This estimated cost is predicated upon the property owners for the area in question granting certain temporary and permanent easement rights to the City to install and maintain the stormwater sewer. The remaining project costs as noted in the engineer's estimate shall be paid by the City.

**SECTION 4.** The private cost of the improvements, once finally determined upon completion of the project, shall be assessed on a proportionate basis among the following Properties: 603-0013-0039, 603-0013-0040, 603-0013-0041, 603-0013-0043, 603-0013-0047, 603-0013-0048, and 603-0013-0049, based upon the linear street frontage of each of the impacted Properties. Such improvements shall be paid over a period of twenty years as a special assessment on the Properties, collected with real estate taxes by the Hamilton County Auditor and Hamilton County Treasurer, and reimbursed to the City of Montgomery. No separate securities shall be issued to fund the project, but the cost of the project plus interest at the annual rate of 3.7% shall be properly assessed and amortized over the twenty year period. These costs do not include any cost for the acquisition of real estate, however all costs to design and engineer the project shall be paid by the City as a part of its public partnership with the homeowners.

**SECTION 5.** Upon passage of this Resolution, the Clerk of Council's office is hereby instructed to prepare an estimated assessment cost for each of the Properties in question and to send an estimate of the assessment cost to each property owner of the Properties as required by Ohio law.

**SECTION 6.** Council does hereby appoint the Board of Tax Review as the Equalization Board to consider and review any appeal of the assessment by the property owners in question, and to file a report of such appeals and recommendations to City Council before Council adopts an Ordinance to proceed. Any appeal shall be made within fourteen days of receipt of the notice from the Clerk of Council's office.

**SECTION 7.** The City Manager, Public Works Director and Clerk of Council are hereby authorized to take any additional steps as may be required by Ohio law to implement this Resolution of Necessity.

**SECTION 8.** 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. Donnella, Law Director



PETITION FOR ASSESSMENT

The undersigned petitioners represent all of the homeowners from 7815 Jolain Drive through 7875 Jolain Drive on the south side of the roadway who are petitioning the City of Montgomery pursuant to Ohio Revised Code Chapters 727 and 729 to complete certain public improvements on and across our properties for purpose of maintaining surface water runoff impacting the properties in our neighborhood. We are petitioning the City, in conjunction with such public improvements anticipated by the City, to assess a portion of the costs to upgrade the stormwater system to better mitigate the problems we have been experiencing.

We understand and agree that if 100% of the homeowners in the impacted area sign and accept this Petition, the City will initiate the process for a Special Assessment consistent with Chapters 727 and 729.

This Petition may be executed in component parts, together which shall constitute the entire Petition among the homeowners identified herein.

**7815 Jolain Drive:**

\_\_\_\_\_  
Vivek Mehta

\_\_\_\_\_  
Bhavna Mehta

**7825 Jolain Drive:**

*J. Finck, Trustee*  
Jason Finck, Co-Trustee of the Finck  
Family Trust Agreement U/A dated March  
6, 2009

*Brooke Finck, Trustee*  
Brooke Finck, Co-Trustee of the Finck  
Family Trust Agreement U/A dated March  
6, 2009

**7835 Jolain Drive:**

\_\_\_\_\_  
Darryl C. Davis

\_\_\_\_\_  
Ann E. Ray

**PETITION FOR ASSESSMENT**

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**7815 Jolain Drive:**

\_\_\_\_\_  
-  
Vivek Mehta

\_\_\_\_\_  
Bhavna Mehta

**7825 Jolain Drive:**

\_\_\_\_\_  
-  
Jason Finck, Co-Trustee of the Finck  
Family Trust Agreement U/A dated March  
March 6, 2009

\_\_\_\_\_  
Brooke Finck, Co-Trustee of the Finck  
Family Trust Agreement U/A dated  
6, 2009

**7835 Jolain Drive:**

*Darryl C. Davis*  
-  
Darryl C. Davis

*Ann E. Ray*  
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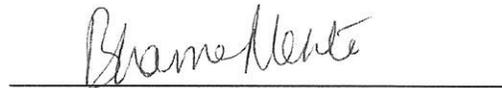
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**7815 Jolain Drive:**



—  
Vivek Mehta



—  
Bhavna Mehta

**7825 Jolain Drive:**

—  
—

Jason Finck, Co-Trustee of the Finck Family Trust Agreement U/A dated March 6, 2009

—  
—

Brooke Finck, Co-Trustee of the Finck Family Trust Agreement U/A dated 6, 2009

**7835 Jolain Drive:**

—  
—

Darryl C. Davis

—  
—

Ann E. Ray

**7845 Jolain Drive:**

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Daniel Paul Stigler

**7855 Jolain Drive:**

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Melissa E. Zeph, Trustee of the Melissa E.  
Zeph Trust U/A dated October 31, 2008

**7865 Jolain Drive:**

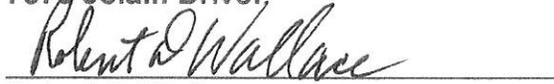


Andrew S. Zilch



Sarita S. Zilch

**7875 Jolain Drive:**



Robert D. Wallace

**7845 Jolain Drive:**



\_\_\_\_\_  
Daniel Paul Stigler

**7855 Jolain Drive:**

\_\_\_\_\_  
Melissa E. Zeph, Trustee of the Melissa E.  
Zeph Trust U/A dated October 31, 2008

*Zeph Zeph will contact with Terry Domek now*

**7865 Jolain Drive:**



\_\_\_\_\_  
Andrew S. Zilch



\_\_\_\_\_  
Sarita S. Zilch

**7875 Jolain Drive:**

\_\_\_\_\_  
Robert D. Wallace

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We understand and agree that if 100% of the homeowners in the impacted area sign and accept this Petition, the City will initiate the process for a Special Assessment consistent with Chapters 727 and 729.

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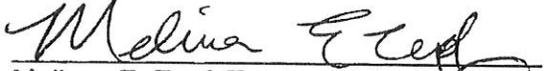
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Daniel Paul Stigler

**7855 Jolain Drive:**

  
Melissa E. Zepf, Trustee of the Melissa E.  
Zepf Trust U/A dated October 31, 2008

**7865 Jolain Drive:**

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Andrew S. Zilch

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Sarita S. Zilch

**7875 Jolain Drive:**

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Robert D. Wallace



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

City of Montgomery  
City Council Work Session Minutes  
February 15, 2017

Present

Wayne Davis, City Manager  
Terry Donnellon, Law Director  
Brian Riblet, Public Works Director  
Don Simpson, Police Chief  
Katie Smiddy, Finance Director  
Paul Wright, Fire Chief  
Matthew Vanderhorst, Community and Information Services Director  
Connie Gaylor, Clerk of Council

City Council Members Present

Chris Dobrozsi, Mayor  
Mike Cappel  
Craig Margolis  
Gerri Harbison  
Ken Suer

City Council Members Absent

Lynda Roesch, Vice Mayor

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City Council convened in Council Chambers for the Work Session at 7:00 p.m. with Mayor Dobrozsi presiding.

**ROLL CALL**

Mayor Dobrozsi explained that Ms. Roesch had previously indicated that she would be absent for tonight's meeting due to a planned vacation. Mayor Dobrozsi asked for a motion to excuse Ms. Roesch.

Mr. Margolis moved to excuse Ms. Roesch from the meeting. Mr. Cappel seconded the motion. City Council unanimously approved the absence.

**SPECIAL PRESENTATION**

Cherie Estill was present to accept a Certificate of Appreciation in honor for her years of service on the Parks and Recreation Commission.

Mitch Radakovich was present to accept a Certificate of Appreciation for his service on the Parks and Recreation Commission.

City Council expressed their thanks to Cherie and Mitch for their service to the Parks and Recreation Commission and the community.

**GUESTS AND RESIDENTS**

Police Chief, Michael Mathis and Captain, Tom Wells of the City of Springdale, Police Department addressed City Council to thank Chief Simpson and the City for allowing Patrol Officer Steve Hoy to assist their department on January 26, 2017 during the investigation of a shooting that led to the death of the victim. Chief Mathis explained that the victim was transported to Bethesda North Hospital at which time he passed away. Chief Mathis stated that at this time their department found themselves in need of assistance. He stated that the motto of the Hamilton County Police Association is 'Cooperation and Operation', which is what was demonstrated by Officer Hoy. Chief Mathis stated that Officer Hoy's assistance resulted in a successful investigation and his presence was very much appreciated. Chief Mathis presented Officer Hoy with a City of Springdale, Police Department challenge coin in recognition of his service and commitment to law enforcement.

**Legislation for Consideration this Evening**

**ESTABLISHING AN AGENDA FOR MARCH 1, 2017**

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 Council Work Session Minutes  
February 15, 2017  
Page 2.

54 **New Legislation**

55  
56 **A Resolution Authorizing the City Manager to Enter into a Contract with Lebanon Ford for the**  
57 **Purchase of One (1) 2017 Ford Interceptor Sedan and Two (2) Ford Interceptor Utility Vehicles**  
58

59 Chief Simpson explained that, if approved, this Resolution will authorize the City Manager to enter into a contract  
60 with Lebanon Ford for the purchase of one (1) 2017 Ford interceptor Sedan and two (2) Ford Interceptor Utility  
61 Vehicles. The purchase of the three (3) police vehicles is part of a scheduled rotation program to replace older  
62 police vehicles in the police department's fleet. Chief Simpson stated that the total price for the vehicles is  
63 \$109,553.00 and is appropriated in the City's 2017 police department Operating and Capital Budget.  
64

65 **A Resolution of Necessity to Implement the Jolain Drive Stormwater Sewer Project and Special Assessments**  
66

67 Mr. Donnellon explained that, if approved, this Resolution would implement the Jolain Drive Stormwater Sewer  
68 Project and Special Assessments. He explained this Resolution is the beginning of the City Council process to  
69 authorize the City's involvement in stormwater improvements on the south side of the 7800 block of Jolain Drive.  
70 The seven homeowners in the impacted area have unanimously petitioned City Council to upgrade the proposed  
71 public improvements in the area to include a second stormwater underground pipe which will be funded by the  
72 property owners in the impacted area through a twenty-year special assessment. The twenty-year period in the  
73 Resolution is a placeholder in the legislation until City Council decides the term for repayment. The estimated cost  
74 for the entire project is \$171,600; of this amount \$52,800 will be paid by the homeowners with an additional interest  
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76 improvement cost. The actual amount of the assessment will be determined when the final project is bid and built.  
77 At that time, an Ordinance will be passed to administer the tax assessment through the Hamilton County Auditor.  
78 The assessment is being apportioned among the properties based upon linear street frontage. The street frontage for  
79 all of the parcels is relatively the same.  
80

81 Mr. Donnellon stated that administration has been working through the process with the impacted homeowners who  
82 have supported this approach. The initial design of the project requires new easements in the rear of the properties  
83 and the property owners have given their support for granting the easements at no additional cost to the City. Once  
84 installed, the City will assume the responsibility to maintain the entire improvement project.  
85

86 Mr. Davis thanked the residents, Brian Riblet and Gary Heitkamp for working together to find a solution. He stated  
87 that the drainage for these residents has been a problem since 1972 and he knows it was a challenge to get all  
88 homeowners to meet and agree to the necessary improvements and assessment costs.  
89

90 Mr. Riblet explained that this stormwater issue has been a problem since the 1970's, as Mr. Davis mentioned. He  
91 explained that over the years there have been homes sold as tear downs and when the new homes were built in their  
92 place, they had lower elevations. These lower elevations exposed them to a higher risk of flooding when heavy rains  
93 occurred. He stated that the existing deteriorated 12" concrete pipe will be replaced with a dual 12" pipe system that  
94 will be able to handle 12 times more capacity of water. Mr. Riblet stated that although there is no 100% guarantee  
95 that there will not be any overflow water, this will certainly help to resolve most of these problems. Mr. Riblet  
96 thanked the residents for working together to obtain the full support from all those affected and working with the  
97 City to come to an agreeable solution for everyone.  
98

99 Residents of Jolain Drive, Mr. Andy Zilch and Mr. Jason Finck, thanked Wayne Davis, Brian Riblet, Gary Heitkamp  
100 and Mr. Donnellon for their partnership in finding a solution to this drainage problem. They stated that having young  
101 children, it was always a concern for the children's safety when the water began to rise. They specifically thanked  
102 Mr. Riblet for his partnership, of which they felt without, they might not have the solution they have today.  
103

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City Council Work Session Minutes

February 15, 2017

Page 3.

104 Mayor Dobrozsi asked what the anticipated timeframe was for the installation of the new pipe system.

105

106 Mr. Riblet stated that once all assessments have been filed and legislation passed, he anticipated construction to  
107 begin this summer.

108

109 **ADMINISTRATION REPORT**

110

111 Mr. Wayne Davis reported on the following items:

112

113 • City Council Business Session is scheduled for March 1, 2017 at 7:00 p.m.

114

115 • As a reminder, there is a Public Hearing scheduled for 6:45 p.m. prior to the City Council Business Session  
116 to consider a recommendation made by the Planning Commission for the approval of a conditional use  
117 permit for an assisted living memory care facility at 10110 Montgomery Road for Twin Lakes.

118

119 • As a reminder, the Montgomery Community Improvement Corporation (CIC) Annual Meeting of the  
120 Members as well as the Meeting of the Board of Trustees will need to meet at either one of the March City  
121 Council meetings. The Annual Meeting of the Board of Trustees will need to be held in order to hold an  
122 election of officers, consider the acceptance of financial statements, review of the Corporation's tax return  
123 for 2016 and consider a request for a Historic Preservation Matching Grant by the owner of the Parrot Smith  
124 House for a new roof. City Council agreed to hold this meeting on March 1, 2017 at 6:30 p.m.

125

126 • Mayor Dobrozsi moved to start the March 1, 2017 Business Session immediately at the conclusion of the  
127 Public Hearing scheduled for 6:45 p.m., that evening.

128

129 Mr. Margolis moved to start the meeting immediately at the conclusion of the Public Hearing. Mr. Cappel  
130 seconded. City Council unanimously agreed.

131

132 • On Monday afternoon, Terry Donnellon, Katie Smiddy and Mr. Davis met with Sycamore Community  
133 Schools Superintendent, Frank Forsthoefel and Treasurer, Beth Weber to share an update with them on the  
134 Gateway Redevelopment Area (GRA) project. The team discussed the valuation forecasts a potential  
135 funding option.

136

137 • On Monday, the City advertised for Letters of Interest from interested firms to provide  
138 consulting/engineering services for the HAM-SR126/US 22-20.00/13.19 (Roundabout Project)  
139 PID#104936. Interested firms must submit their LOI's by Monday, February 27 for consideration.

140

141 • The Community and Information Services Department will host a Service to the Community Grant pre-  
142 application meeting on Tuesday, February 21 at 5:00 p.m. in City Hall Council Chambers. A notice has  
143 appeared in the Montgomery Bulletin and 65 letters have been sent, informing local service organizations  
144 on the Service to the Community Grant and its purpose. A press release has also been sent to the local media  
145 promoting this grant program. The City is currently seeking applications for this grant program which is  
146 open to all not-for-profit organizations with innovative ideas and the skills necessary to execute creative  
147 community projects. These programs or projects must benefit and engage the citizens of the City of  
148 Montgomery. Applications for this grant program are due Monday, April 3 at 4:00 p.m.

149

150 • Today, a Gateway Redevelopment Area (GRA) Utility coordination and process meeting was held at 10:00  
151 a.m. and included representatives from Greater Cincinnati Water Works (GCWW), Metropolitan Sewer  
152 District (MSD), Duke Energy, the Development team and staff. It was a very productive meeting providing

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City Council Work Session Minutes

February 15, 2017

Page 4.

153 scheduling, permitting, and approval processes by the utility companies as it relates to the GRA  
154 development project.  
155

- 156 • We are in the process of completing the second round of interviews for patrol officer positions. Seven  
157 candidates are being interviewed (February 10, 15 and 16) by the City Manager and the Police Chief with  
158 the Assistant Chief and HR Manager also in attendance. After interviews are completed, back ground  
159 investigations will be conducted. Following completion of the background investigations, conditional  
160 offers of employment will be extended. The employment offer is conditional upon the candidate's  
161 satisfactory completion of a pre-employment polygraph examination, a psychological evaluation, and a  
162 medical physical exam and drug screen.  
163
- 164 • This week's Montgomery Citizens' Leadership Academy will be hosted by the staff at Bethesda North  
165 Hospital on Thursday, February 16. This session starts at 6:00 p.m. in the Golder Conference Room I and  
166 II. Attendees should plan to park in the main parking lot, enter at the main hospital entrance and take the  
167 elevator to the second floor to access these conference rooms. Next week, Public Works will be sharing  
168 their "Innovation Solutions in Public Works, Recreation and Parks" on Thursday, February 23. This session  
169 starts with a fantastic meal served by our Public Works staff at 5:45 p.m. at the Public Works facility. Staff  
170 members are invited to attend this session. Please let Faith Lynch know if you would like to attend.  
171
- 172 • As a reminder, I will be out of the office next Wednesday through Friday, to attend the Ohio City/County  
173 Managers Association (OCMA) Winter Conference held in Columbus. As I will be accessible if needed, I  
174 will not be appointing an Acting City Manager in my absence  
175

176 **LAW DIRECTOR REPORT**  
177

178 Mr. Donnellon stated that prior to the close of 2016, Ohio Legislators passed SB331. He explained that the bill gives  
179 utility companies the ability to put small-cell wireless nodes almost anywhere within public rights of way and on  
180 such structures as street signs and traffic lights. When such structures are not present, the bill allows companies to  
181 install a tower, similar to a telephone pole, for infrastructure. He stated that the installation of these towers are  
182 automatic approval and that communities cannot propose a moratorium on the installation of such towers, they can  
183 only assess a fee. Mr. Donnellon stated that SB331 originally was crafted to specify where pet stores could buy their  
184 puppies, regulating against puppy mills and other crimes against animals. The portion of the bill regarding the cell  
185 towers was included as an addendum. He explained that many communities are upset that this was passed and are  
186 working with their respective Council Members and City Managers to file a letter of protest that will be sent to State  
187 legislators. He asked that City Council consider making a motion that would authorize the City Manager to send a  
188 Letter of Protest to Representatives Dever and Seitz, Senator Terhar and if necessary, even Governor Kasich.  
189

190 Mayor Dobrozsi asked when this Bill became effective. Mr. Donnellon stated on March 19, 2017.  
191

192 Mr. Davis reported that he has been in contact with City Managers across the state that are against this bill. Several  
193 entities have gone to great efforts and investment to bury these lines and would lose that investment if these towers  
194 were to be installed above ground. He stated that SB331 is an encroachment on our Home Rule and our citizens'  
195 rights to determine the aesthetics of their community.  
196

197 Mayor Dobrozsi asked for a motion to authorize the City Manager to file a letter of protest with these representatives  
198 in Columbus.  
199

200 Mr. Margolis made the motion. Mr. Cappel seconded. City Council unanimously agreed.  
201  
202

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City Council Work Session Minutes

February 15, 2017

Page 5.

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**CITY COUNCIL REPORTS**

Mr. Cappel reported that currently there are two people who are interested in the vacancy on the Environmental Advisory Commission.

Mrs. Harbison moved to appoint Matthew Debevec to the Arts Commission with a term ending on 2/28/18. She stated that this appointment would require a second by City Council as a motion had not been made during a Committee meeting.

Mr. Cappel seconded. City Council unanimously agreed.

Mayor Dobrozsi thanked staff for all of their efforts and extra hours spent in conducting the current Montgomery Citizen Leadership Academy classes. He recognizes that this is time spent away from their families and thanks them for their willingness and dedication to this program.

**APPROVAL OF MINUTES**

Mayor Dobrozsi requested a motion to approve the January 21, 2017; January 25, 2017; January 30, 2017 Special Session minutes, February 1, 2017 Public Hearing minutes and February 2, 2017 Business Session minutes.

Mr. Margolis moved to approve the aforementioned minutes. Mr. Cappel seconded. City Council unanimously agreed.

**MAYORS COURT REPORT**

Mayor Dobrozsi reported that the total Mayor's Court collections for the month of January 2017 were \$14,075.00.

Mr. Cappel moved to accept the Mayor's Court collections for the month of January 2017. Mr. Margolis seconded. City Council unanimously accepted the collections.

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

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

City Council adjourned at 8:01 p.m.

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Connie Gaylor, Clerk of Council