

March 30, 2017

TO: City Manager, Mayor and City Council Members

FROM: All Department Heads
Connie Gaylor, Administrative Coordinator

SUBJECT: Thursday Update

The following information is provided to you as a summary of activities for the week of March 27, 2017 and as an announcement of activities in the coming weeks:

1. As a reminder, the Financial Planning and Planning, Zoning and Landmarks Committee's will meet on Monday, April 3 at 4:30 and 5:30 p.m., respectively. The Law and Safety Committee has cancelled their meeting for the month of April.
2. As a reminder, City Council will meet at their regularly scheduled Business Session on Wednesday, April 5 at 7:00 p.m. Prior to the meeting at 6:30 p.m., staff will present an update of the 2016-2021 Strategic Plan.
3. Congratulations to Firefighter/Paramedic Jordan Hall and his wife on the birth of their daughter, Claire Louise Hall. Claire made her grand entrance into this world last Thursday, March 23, weighing in at 9 pounds and 3 ounces. Mom and Claire are doing well.
4. On Friday, March 24, Matthew Vanderhorst met with Bill Fritz, Sycamore Community Schools Technology Director, Josh Wilson, Sycamore Network Engineer, and representatives from Hamilton Clermont Cooperative (HCC) Information Technology Center. The group talked about the future of the technology partnership between the City of Montgomery and Sycamore Community Schools. The main topic was about a shared backup Internet circuit that is critical for both organizations as the reliance on Internet services continues to increase. The team will meet again over the next few weeks to begin planning the project and discuss participation of other communities. HCC is a technology and support collaborative used by school districts in Hamilton and Clermont County. They are expanding their services to include other public entities and the partnership between Montgomery and Sycamore Community Schools would be the first of its kind for them.
5. Firefighter/Paramedic Michael Nelson is attending the Leading Educating And Developing (LEAD) course at the University of Virginia this week. LEAD is the foundation of our HPO culture here in Montgomery. Mike has already relayed that the course has exceeded his expectations. We look forward to hearing how his experience will further his personal and professional development.
6. Chief Wright attended the Ohio Fire Chiefs' Winter Symposium and Legislative Reception on Tuesday and Wednesday. This event is a great interaction of State Senators and Representatives with the Chiefs and allows for great one-on-one discussions on how proposed legislation effects the local communities.

7. Wayne Davis and Brian Riblet met this week with Matt Davis and Megan Hube from DSD Advisors to review the schedule and plans for the City's participation in the upcoming Hamilton County Transportation Improvement District (TID) process. As you will recall, the City applied for these grant funds last year, but we did not receive an award. We will reapply in this funding cycle with the anticipation of more opportunity for success given that the Gateway Redevelopment Area (GRA) is much further along than it was at this point last year. We will continue to keep City Council apprised of the status of this application process.
8. The Communication and Information Services and Community Development Department partnered to present MCLA 2.0 on Wednesday evening to discuss the long-term vision for the Montgomery Road Commercial Corridor. Terry Donnellon, Law Director, also participated in the session and presented information on land use law and talked about the evolution of zoning within the City. Members of the Economic Development Strategic Plan Goal Team and City Manager, Wayne Davis, also participated to help make the session a success. Several City Council members were in attendance including Mayor Dobrozsi and Council members Harbison, Margolis, Suer, Cappel and Alfaqih. Approximately 58 MCLA Alumni attended the session and provided valuable feedback regarding the Commercial Corridor that the Community Development Department will use in a report on the area to present to the Planning Commission and City Council as identified in the Strategic Plan.
9. Please see the attached article from The Columbus Dispatch providing a summary of the filing of litigation across the State from several political jurisdictions in opposition to Senate Bill 331. This article confirms the research that was conducted by staff in an effort to remain current on this legislation. This article will provide more detail on this law and the hearings which were scheduled to occur this morning.
10. Tracy Roblero and Brian Riblet will be presenting a session on the Gateway Redevelopment Area on Friday afternoon at the David J. Allor Planning Conference sponsored by the Cincinnati Section of American Planning Association. The session will focus on the process of acquiring the land, selecting a preferred developer and approvals of the roundabout. Tracy will also provide an overview of the latest concept plan.
11. Tracy Roblero and Frank Davis will be meeting with representatives from Gateway Partners this afternoon to discuss potential text amendments to the Zoning Code based on the concept plan for the Gateway Redevelopment Area. There are several items that will need significant discussion before moving forward to the Planning Commission with any proposed language.
12. Tomorrow will be a bittersweet day as we say goodbye to Julie Kipper. Although Julie has only been with us for two years, she quickly became a welcoming, friendly face that we all grew fond of seeing daily. Her strong work ethic, positive demeanor and care for this organization and community will be missed greatly. We all wish her well in her future endeavors and thank her for her friendship and dedication while here at the City. Best wishes Julie!
13. On that note, you will see a new face at the front desk on Monday. Laura Mangan will be with us for the next couple of months, during the hiring process for the front desk position. Laura is a temporary worker from Office Team/Robert Half Company and will be here to give support to staff. Please make her feel welcome when you stop by the front desk.
14. Please find attached Montgomery-related news articles that appeared in the local media since our last update.

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

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

Monday

Posted Mar 20, 2017 at 12:01 PM

Updated Mar 21, 2017 at 5:55 AM

The Columbus Dispatch

Central Ohio cities sue over state law on wireless antennas

By **Alissa Widman Neese**

The Columbus Dispatch

Follow

A hearing will be held March 30 in Summit County Common Pleas Court on a temporary restraining order and preliminary injunction sought by 20 northeast Ohio cities and villages who want to stop a new state wireless equipment law that goes into effect today.

A similar lawsuit against the new law was filed Monday in Franklin County Common Pleas Court by 50 more cities and villages from around the state, including 14 in central Ohio.

Senate Bill 331, approved by the Ohio General Assembly and signed by Gov. John Kasich last year, allows wireless service providers to attach "micro-wireless" equipment — such as antennas and boxes — to traffic lights, utility poles, street signs and other structures in public right-of-ways without consent or regulation from local governments. Antennas must measure less than six cubic feet and boxes less than 28 cubic feet, or about the size of a refrigerator, according to the new state law.

The law also allows cellphone providers to build new signal towers up to 50 feet high in the public right-of-way.

No action is imminent on the Franklin County case as officials wait to see what happens in Summit County court. At a hearing Monday in Akron, Magistrate Kandi S. O'Connor ordered the state to submit a written brief in response to that lawsuit by Friday. The plaintiffs will then have until March 28 to file their written response before verbal arguments will be heard at 9 a.m. March 30.

The two lawsuits contend that the unilateral rights granted wireless providers under the state's law are unconstitutional violations of home-rule authority under the Ohio Constitution. In addition to aesthetic concerns of unregulated placement of such equipment, city and village officials say they're worried the lack of regulation could cause safety problems if equipment isn't installed properly.

"Senate Bill 331 effectively prohibits cities from regulating the placement of wireless facilities in our communities," said Bexley Mayor Ben Kessler, chair of the Central Ohio Mayors and Managers Association, which spearheaded the legal action in Franklin County court. The law, he said, gives utilities "the kind of rights no utility has ever had or should ever get."

The state law only impacts city and villages. It doesn't apply to counties or townships, which the lawsuits contend also violate the Ohio Constitution's uniformity clause.

In addition to those concerns, the lawsuits allege Senate Bill 331 violates the state Constitution's single-subject rule, which says "no bill shall contain more than one subject, which shall be clearly expressed in its title."

The bill, sponsored by Sen. Bob Peterson (R-Sabina), was introduced in May 2016 as a law intended to override local ordinances that restricted how pet stores can acquire dogs they sell. It was often called the "Petland bill" because the national pet store chain pushed for its passage after Grove City and Toledo passed restrictive local laws.

But by the time Kasich signed Senate Bill 331 into law last December, it included several late amendments covering a hodgepodge of topics, such as bestiality, cockfighting and minimum wage.

The controversial "micro wireless facilities" amendment was added during the Senate's lame-duck session, held after the next General Assembly had already been elected. There were no public hearings on the wireless matter, which city and village officials criticized for a lack of transparency.

AT&T lobbied for the wireless provider provisions in Ohio, but other providers, such as Sprint and Verizon, have campaigned for similar rules in other states.

The equipment described in the bill, also called "small-cell" technology, is critical for wireless providers to maintain speedy cellphone coverage in densely populated areas and successfully rolling out next-generation 5G coverage, Verizon spokesman Paul Vasington said.

"They're already deployed in many cities around the country and generally you don't notice them, because they're unobtrusive and fit in with existing infrastructure," Vasington said.

Small-cell technology helps meet demands for 4G service without requiring additional macrocell or large cellphone towers, which typically measure about 150 feet, he said. Existing laws in most Ohio cities only address those larger towers.

An estimated 100,000 to 150,000 small cells will be deployed nationwide by 2018 to improve service and as many as 800,000 by 2026, according to the Federal Communications Commission.

Vasington and AT&T spokeswoman Nicole Walker declined comment on Monday's lawsuit.

The Ohio Attorney General's Office, which represents the General Assembly and the governor in the matter, provided a written statement in response to the legal actions:

"We understand that portions of a bill passed by the Ohio General Assembly have been challenged in several courts. We are reviewing the pleadings and will respond accordingly."

City officials emphasized they're not against bringing new technology into their municipalities. Many cities listed as plaintiffs in the suit already have small-cell equipment installed safely and responsibly within their boundaries, officials said.

But as it's written, Senate Bill 331 doesn't allow for compromise or oversight, creating a "wild west" scenario, New Albany City Manager Joe Stefanov said.

For example, nothing in the law prevents providers from constructing 50-foot cellphone towers in the area between streets and sidewalks in residential areas.

"We want to maintain a balance between making the technology available and protecting the aesthetic qualities that take a lot of time, effort and money to create within our communities," Stefanov said.

The 14 central Ohio cities listed as participants in the Franklin County lawsuit are: Bexley, Columbus, Dublin, Delaware, Gahanna, Grandview Heights, Grove City, Hilliard, Lancaster, New Albany, Upper Arlington, Westerville, Whitehall and Worthington.

It's expected more lawsuits on the subject will be filed statewide, said Greg Dunn, an attorney with Ice Miller LLP, a Columbus law firm representing central Ohio cities in the lawsuit.

Former Columbus Mayor Michael B. Coleman is a partner and member of Ice Miller's Public Affairs and Government Law, Internet of Things Group, and serves as the law firm's director of business and government strategies.

In 1997, the cities of Dublin and Upper Arlington sued the state on a similar issue involving public utilities, home rule and the Ohio Constitution's single-subject rule and were successful.

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PROVIDED

In 2016, Myron Bowling Auctioneers Inc. was awarded the Best Float Award in Montgomery's annual Independence Day Parade.

City seeks Independence Day celebration parade participants

Strike up the band, get your marching shoes on, design a float, or decorate your classic car in patriotic fashion for Montgomery's long-time tradition. The annual Independence Day Parade is set for Tuesday, July 4. Be a part of Montgomery's Independence Day Celebration by volunteering or participating in this yearly event.

Parade entry applications are available online at montgomeryohio.org. Residents, neighborhood associations and local businesses are invited to be a part of Montgomery's Independence Day Celebration. Applications for parade entries are due no later than Friday, June 16.

Parade entries will assemble at designated locations on Cooper Road beginning at 8:30 a.m. with the official parade kickoff starting at 10 a.m. The parade route runs east along Cooper Road from the Junior High to Montgomery Road and then north to Schoolhouse Lane.

Family-fun units and characters have been added to the line-up of this year's parade. Plenty of tradition continues into the lineup of floats, flags, candy, and hand-waving participants to make for an entertaining start to a full day of celebrating.

Award categories for this year's parade include: best patriotic spirit, best float/vehicle, best overall.

Winners receive a large red, white and blue ribbon, a certificate and their name listed in the Montgomery Bulletin.

Parade entry applications are found online at montgomeryohio.org. More information is available by calling 891-2424.