

**Monroe Council Minutes
Regular Meeting of Council
March 12, 2019 – 6:30 p.m.
233 South Main Street, Monroe, Ohio**

Pledge of Allegiance

Mayor Routson opened the regular meeting of Council at 6:30 p.m. with the Pledge of Allegiance.

Roll Call

Members of Council present – Dan Clark, Jason Frentzel, Keith Funk, Anna Hale, Todd Hickman, Christina McElfresh, and Robert Routson.

Staff members present:

- City Manager William J. Brock
- Law Director K. Philip Callahan
- Chief of Police Robert Buchanan
- Fire Chief John P. Centers
- Director of Development Kevin Chesar
- Director of Finance Karen Ervin
- Clerk of Council/Assistant to the City Manager Angela S. Wasson

Visitors: Clarence Schaub, Crawundle Smith, Joe Trauth, Amy Cope, David Wright, Michael Berns, Ureth Berns, Don Allen, John Bumgarner, Michael P. Morris, Cynthia Bowen, Vickia Berns, Leslie A. Sumner, James Kleingers, Robert Stephe, and Jay Frick.

Visitors

Mr. Callahan performed the ceremonial swearing in of Daniel Gault as Firefighter/Paramedic/EMT.

Major Steve Arrasmith of the Warren County Drug Task Force distributed their annual report. He reported that the structure of the WCDTF remains the same. We are a multi-jurisdictional drug task force and operate in all of Warren County and the City of Wilmington. We operate off of grants, Warren County Commissioners, and contributions. Last year's report showed heroin and fentanyl was our greatest threat. We started to see a shift to crystal methamphetamine and we are seeing tremendous spikes in that. We had a 142% increase in Warren County. The heroin and fentanyl seizures we saw an 80% reduction. In Warren County we had 102 overdose deaths in 2017. In 2018 that was down to 52.

Mrs. McElfresh told him to keep up the good work. Mr. Clark expressed his appreciation for coming to Council every year.

Mayor Routson presented a proclamation to Rick Pierce of the Chamber of Commerce recognizing their 75 years of service.

A representative of Rundell Ernest Berger and Associates gave the following presentation. We have been in the business for over 37 years and a specialized firm. We specialize in planning, landscape architecture and urban design. We help our communities figure out where they want to go and how they want to get there and by what means they want to do that. There are not too many issues that we haven't really dealt with. We have also done several downtown plans and master plans. One of the things we can look at is how we can connect the different areas of the City. The Comprehensive Plan is the foundation for the Zoning Code. We typically take a four-stage approach. Our first stage is discovery and of course, I don't live here in the community and that is a good thing because we bring a fresh perspective. The first four months we gather data and engage with the community. The second phase is the vision stage that takes a couple of months and we go out to the public and ask them what they want to see. What do you think is missing? We then look at the Transportation Plan. Finally, we end with the implementation in the last five to seven months. You need to look who are your partners. One thing unique is you want to have a lot of engagement and we are going to employ getting the community involved. We will establish a website specific to this project and allow them to provide feedback and see the product and give us input. We also use Twitter and Facebook and we ask a different question over 16 weeks. We will be going to community events. We have a lot of public meetings and we like to make them fun. We have a map exercise and we show the before and after and they can see what it can be.

Mr. Hickman asked if it should last for 20 years. The representative replied because Monroe is growing things are going to change and it depends on what is happening in the community. We have to have short term, midterm, and long term because you will not be able to fund all of the improvements at once.

Mr. Hickman referred to the current comprehensive plan with maps that were provided by Mr. Chesar. This Comprehensive Plan is going to be a lot more work than what we received last time. The representative advised that was correct. It will be much more graphic and we will create all the maps and go out and get input. While there will be a section on the census, that is not a large section. We will work hand-in-hand with the steering committee. What we will be bringing to you is our experiences and knowledge from doing this. I will always provide our communities various options that you can go. It is Council's decision which direction you want to go. Their company will provide a recommendation on where they believe you need to go based on what they are hearing and seeing, but ultimately it is Council's decision because it is your community. It will be a completely different process and different document. The document will be interactive so it is not a static piece of paper that you have and use it on a daily basis.

Mr. Hickman expressed his appreciation for her coming in and explaining everything. Mr. Clark felt the community involvement is the most important part of this. The representative noted communication is key.

Mrs. McElfresh asked when this will begin. Mr. Chesar requested it to be read as an emergency on the second reading because he did not want to wait another 30 days as we are trying to formulate those a lot of that data and research happens in month one through four and if we put it off we are getting into the summer months. We talked about holding special event and attend the community events.

Committee Reports

Mr. Funk reported that the Public Involvement Committee met last night and there were a few organizations from the community present. Daughters of the American Revolution, Historical Society, Lions Club, and the Rotary. Light up the Sky will be on July 4th and they recommended to have alcohol in the park. They will submit a schematic to tell us where they want it and the layout of the event. The Committee would like guidance from Council if they are okay with that.

Mr. Clark sought Chief Buchanan's opinion and the Chief is okay with that.

Mr. Funk further reported the Committee talked about having a more open beer garden with a restriction of where the kids are. The City has historically donated \$5,000 to the event and they asked, due to increased cost, could the City donate \$7,500. We talked through sponsoring certain portions of the event. He asked if the Lions Club could provide the City with a spreadsheet showing the income and expenses so we know that we are spending the taxpayers' money wisely. We went through the events coming up with the other organizations. Mr. Frentzel stated the main reason they asked for \$7,500 versus \$5,000 is because the Lions Club is proud of the event and they want to continue to make it an event the City could be proud of. The Lions Club representative indicated they are not really make any money and they just want it to be a great event for the community.

Mr. Clark like the idea of the City's donation being targeted toward something such as the rides.

Mrs. McElfresh asked when they need an answer. Mr. Frentzel advised that the sooner the better as it helps them plan for the event.

Mr. Funk reported that the Committee has scheduled a reoccurring meeting every month on the third Monday at 6 p.m.

Old Business

Resolution No. 12-2019. A Resolution authorizing the City Manager to enter into an agreement by and between the City of Monroe and Rundell Ernestberger Associate for professional planning services to assist with updating the Comprehensive Plan. (Second Reading)

Mr. Clark moved to suspend the rule requiring the reading of Resolution No. 12-2019 on two separate days, authorize its adoption on the second reading, and have it read by title only; seconded by Mrs. McElfresh. Voice vote. Motion carried.

The Clerk of Council read Resolution No. 12-2019 by title only.

Mr. Clark moved to adopt Emergency Resolution No. 12-2019; seconded by Mr. Funk. Roll call vote: seven ayes. Motion carried.

Public Hearing: Ordinance No. 2019-06. An Ordinance rezoning real property containing approximately 117.361 acres, more or less, located south of Mason Road and East of I-75 from C-2 General Commercial District to L-1 Light Industrial District.

Mayor Routson opened the Public Hearing by giving the Statement of Purpose and Procedure for the Public Hearing as follows:

“The request will be presented by the Director of Development. Following this presentation, anyone wishing to speak in favor of the proposal will be given an opportunity to speak. After all proponents have spoken, the opponents will be given an opportunity to present their case. Speakers are asked not to repeat the same ideas which have been previously presented but indicate that they agree with a previous speaker. All persons speaking are subject to cross examination and must be sworn. Council has the opportunity to question any speaker after they have completed their presentation. Once the public hearing is closed, individual speakers have no right to comment during the discussion by Council members.”

Having been sworn, Kevin Chesar, Director of Development, presented the relevant exhibits which include the proper notification in the newspaper, proper notification of the surrounding property owners, as well as a written recommendation of the Planning Commission. This is a consideration of a zoning map amendment for five different parcels. I’m not going to read their individual numbers to you this evening, but it totals approximately 117 acres along Butler-Warren Road and the request is to rezone it from C-2 General Commercial to L-1 Light Industrial. Lenny Robinson on behalf of Corridor Park 75 has submitted a request for this rezoning and, according to the applicant in their statements, they have stated that the property in this area has been historically zoned for industrial purposes until the late 1990’s and early 2000’s when the property was rezoned. In its essential current state in anticipation of commercial uses associated with such items such as the Cincinnati Premium Outlets. This is the overall zoning map for the City of Monroe. My cool bright green zoom in circle area is the approximate area just to give you the orientation from the City perspective. These are the five specific parcels that are involved with the rezoning request just to the east of 75 and south of the Outlet Center. This map shows what they have submitted on the right side which is essentially the legal description of the requesting the acreage and there would be a proposed new road or connection of Gateway Boulevard at some point. The north side of that they are essentially stating on the south side of the future connection of Gateway Boulevard to Butler-Warren Road that area would become or they are requesting for light industrial and then everything else to the west of that means no commercial from a color. So everything in purple or light pink is industrial zoning and the blue on the south side is business park zoning.

Mrs. McElfresh - can I ask you a question real quick, can you go back? What color is the parcels that are currently zoned light industrial? Mr. Chesar - they are the ones highlighted in yellow and their color is red which is which indicates General Commercial. Mrs. McElfresh - so when you look at the bigger map anything in red is currently zoned...Mr. Chesar - General Commercial. Mrs. McElfresh - what is currently zoned light industrial that is my question. Mr. Chesar - so anything on the bigger map currently zoned light industrial would be anything in the deep purple/light purple area. Mr. Clark - deep purple is heavy. Mr. Chesar - deep purple is heavy so anything on the southeast quadrant of the City is industrial zone for the most part. If you look past

the railroad tracks in that area along State Route 63 and Salzman Road that area is industrial as well for the most part. Mrs. McElfresh - it looks like there is quite a bit. Mr. Chesar - and along Cincinnati Dayton Road there are areas and Greentree Road that are industrial.

Mr. Chesar - these are just some general images if you are looking east, the arrow and the path beyond Mason Road, it is essentially all raw land. We just wanted to give you some images of the site, this is looking south on Butler-Warren Road to the right would be I-75. This is just further south along Butler Warren Road. The intent would be long term to widen that roadway as development occurs. I hope this came out a little better for you, but I had a permitted uses table essentially to indicate, and if we need to I can get more specific. If you look at the permitted uses for C-2 General Commercial that is highlighted in yellow and then the permitted or conditional uses are highlighted in the pink/purple color for light industrial. Just generally speaking to let you know some of the differences between the two zones. C-2 allows hotels, they allow retail uses, they allow medical offices, or gas stations. If that was rezoned to light industrial all of those uses are generally not permitted in a light industrial zone. From the light industrial perspective we would allow contractor yards, we would allow auto repair. A large brewery could go in a light industrial zone other light industrial uses assembly of products, warehouse distribution, and wholesale businesses, as well as research and development facilities.

From the review criteria, the Code specifies certain review criteria it. It should be considered in, please excuse me but I will have to read all of them as we go into the review process that Council and Planning Commission. Planning Commission took a look at the review criteria during their analysis of the rezoning request and I will present that to you too as well. The Planning and Zoning Code states the purpose of a text or map amendment is to make adjustments due to change in condition, changes in public policy, recommendations of the Comprehensive Plan, or other necessary to advance the health safety and general welfare of the City. So I want to know as well this review criteria we list starting with A below not all criteria may be applicable on each case right? But there is something for you all to think about as you are trying to analyze your decision on this and these are some things to help that thought process. They should be considered again on each one of these if they are applicable. So the first one is whether the proposed amendment corrects an error meets the challenge of some changing condition, trend or facts since the time the original text or map designation were established. Whether the proposed amendment is consistent with the comprehensive plan or other applicable City plans. So at this point I just pulled a section from the current comprehensive plan that talks about attracting industrial development and text language from the comprehensive plan states the City should pursue industrial development within its five industrial parks and it names the acreage of land the purpose of that was to take advantage of strong access and high visibility of available land and additional projects should be concentrated where appropriately zoned along the southeastern border of the City along the east and west sides of I-75 north and State Route 63. Another strategy listed was to the Committee supported the land use strategies and concentrated industrial warehouse facilities along 75 to capitalize on the access visibility, utilities and infrastructure and also to help limit truck traffic and employee traffic. Specifically, the interchange area. The map in itself is also part of the Comprehensive Plan and we will see a lot of this over the next 12 months. The map in this area and all of the arrows are pointing to the specific parcels that are a part of this request so when we look at a future land use map that vision for the next 20 years of what we want things to be the land use map calls for this specific area to be C-2 Commercial as such it was zoned that way in 20, well it was reaffirmed in

2013 to stay with that zoning type because it was that previously. Additional review criteria includes whether the proposed amendment is consistent with the purpose of this code. Whether to the extent to which the proposed amendment addressed demonstrated community need. Whether the proposed amendment will protect the health safety, morals and general welfare of the public. F is whether the proposed amendment will result in significant mitigation of adverse impact to the natural environment including air, or water, noise, storm water, or management wildlife and vegetation. G whether the proposed amendment will ensure sufficient development within the City. And H whether the proposed amendment will result in the logical and orderly development. So with that in mind Planning Commission did review that criteria as well at their meeting and at their January 29th, 2019 meeting gave a favorable recommendation to City Council by a vote of five to zero regarding approval of the zoning amendment from Lenny Robinson. With that one other note that I want to note as well as the next zoning request, Planning Commission did discuss a potential moratorium on future rezonings that we got through the Comprehensive Plan review process after consideration of these two cases were given. While there was no formal motion by them that conversation did come up during their Planning Commission meeting.

Mrs. McElfresh - regarding the moratorium how would that work? Mr. Chesar - from a moratorium perspective I think that would be at Council's purview to institute that from the specifics. Mr. Callahan could answer that whether a motion would just need to be presented for a certain amount of time. Mrs. McElfresh - I mean what would it mean? Mr. Chesar - depending on what the moratorium and, excuse me let me clarify, the moratorium regarding this was for industrial rezonings. Planning Commission discussion on this and again they didn't make a formal recommendation but from Council's perspective we won't consider any more future industrial rezonings until such and such time and then from that perspective no one could come in and make application for that. Mrs. McElfresh - no future requests except for this is that what you are saying? Mr. Chesar - well this is the case before you this evening so their application is already before you. But I think after these two cases come before Council their discussion was should we entertain any more rezonings until we complete an overall comprehensive study of the City.

Mayor Routson - and the comment was on commercial property going into light industrial. Mr. Chesar - they didn't make a formal recommendation and I am sure at their next Planning Commission meeting there will be more discussion on this. Mrs. McElfresh - does not recall seeing minutes from that meeting. Mr. Chesar - the minutes haven't been officially approved by Planning Commission based on the timeline. Mrs. McElfresh - saw the letter in the packet. Mr. Chesar - could not speak to whether you received them, but I will take the hit on those not being done in time.

Mr. Frentzel - so the excerpts you had taken out of the Comprehensive Plan. Refresh my memory when was that Comprehensive Plan initially redone. Mr. Chesar - the process began in 2008 and was completed in 2010. Mr. Frentzel - and at that point of time how much of Park North was developed at that time. Mr. Chesar - Park North the first two buildings were under construction and completed in 2010 along Gateway Boulevard. Mr. Frentzel - for Park North, the buildings in that area have a tax abatement with them. This abatement does not have an abatement assuming they get transferred from commercial to industrial. Mr. Chesar - is not the abatement specialist, but my understanding is the abatement does not apply to those properties that are under the rezoning requests.

Mrs. McElfresh asked Jennifer Patterson if the abatement applied to these lots if they were rezoned. Having been sworn, Mrs. Patterson stated that the abatement only applied to the mother parcels and these parcels were split off, so that only applied to that area for the 100%, 15 year tax abatement. She would have to look at the map so they may fall in the district, but they would not fall within the development agreement that Council approved in 2007-2008. If you wanted to move forward with incentives then that would be a separate process similar to what we have done in the past for other projects. Mr. Clark - so eligible, but we would have to vote on it. Mrs. Patterson - correct.

Presentation from Proponents

Having been sworn, Joe Trauth spoke. Mr. Trauth - good evening Mayor and Members of Council my name is Joe Trauth. I'm an attorney representing the developer which is Corridor 75 Park. The gentlemen who presented at the Planning Commission meeting, Lenny Robinson, could not be here this evening. He requested after the meeting that he needs the opportunity to speak. That this public hearing be continued to the 26th so that he can come back. As stated in the staff report and we agree with the staff report and we agree with the determination of the Planning Commission. Corridor 75 Park is an affiliate of Hills Developers and Hills has been in the City of Monroe for many, many years developing residential so they are no stranger to the community. They have owned this property since 1996, I think is the correct date and there really has been no demand for commercial use on this property. Camp World was interested in 2015, but Camp World would have had a body shop so City Council turned it down in 2015. So that was only on a small piece of this 117 acres. The bottom line is this light industrial use and Kevin went through the various uses that can occur there and really only makes sense because the owners have been unable to use their property during this whole time period. Despite their efforts and they have tried to market this property for commercial and it just is not happening. We all know the elephant in the room what has happened with retail. Bricks and mortar is not being built like it used to pre-2008. There was big boom in retail back then in the early 2000, but today very little retail/commercial is being built. I think it comes to the location of this property. It doesn't have direct access it is next to an industrial zoned piece and for all those reasons the industrial zone is the only thing that could create an economic value for the owners. Lenny can go through the whole history of the property but, basically it has been unmarketable and we need to be able to market it and light industrial gives more uses in the number available rather than commercial. I heard discussion about moratorium I think Mr. Callahan can tell you that studies have to be done prior to a moratorium because what you are doing is holding up the ability to rezone the property and you have to show the need and reason for that and I just wanted to mention that. The request I think is imminently reasonable one and we think the staff analyzed it and Planning Commission analyzed it properly and we just ask that you pass the amendment from commercial to light industrial. We are happy to answer any questions and we have one of the owners here to answer questions if you have any. That is really the end of our presentation.

Having been sworn, Mike Morris spoke. Mr. Morris - just wanted to clarify a couple of things. The Mayor was correct that the discussion at Planning Commission had to do with light and heavy industrial pieces of property. Knowing we were going into this Comprehensive Plan update. The discussion occurred to be after these two parcels. Then we went through the process of the cause and effects basically, and it came to us then we had the discussion about a moratorium on anything

after Council took action on these two parcels. Never any discussion about abatement or anything like that. It was our fault we didn't get it into the minutes purposely to get to Council. Kevin and I had that discussion to make a motion next time, but it is in the minutes. I have no idea if Council has those minutes yet. Mayor Routson said he had a copy. Mr. Morris - I just wanted to clarify that. Now, on a moratorium we know that things occur as you are going through a planning development if you need something and Jennifer gets a business it has no other effect on any change of zonings. If you get a hot project and you need it and you need a zoning change to make it happen that moratorium we had no discussion about anything like that. We have to consider we have the housing study this is going to take place you never know what is going to happen in those next 12 months. It could be six months from now you hit a good one and you might need a zoning change. To be honest with you on these two parcels I will give you a little history in back in 2000 the Mayor was here and I was here, this was the one build all end all. Went and put an interchange on OKI's long range plan up there near the property on Greentree it is surrounded with light industrial zoning. What's the City or the people going to do you know the gorilla coming in, interchange, hospital. You have to do something with the land. The City requested it we changed it Mayor you remember everybody got real excited. Same thing happened with the mall okay the warehouse districts and if you will look Mrs. McElfresh, the purple, the blend that piece that he is asking to be changed was originally that purple blend. I just want to clarify the Mayor was right. That is what our discussion was about. It did not affect any other parcels or any other rezoning that would come before you if you need it.

Mr. Hickman - why did you guys rezone that area and move it up Butler-Warren Road? Mr. Morris - we didn't rezone it we put it back to what it was in 2000. Mr. Chesar - we originally talked about the whole bottom of 63 and 75 and it went back to what it was back in 2000. Okay, because nothing had ever happened. It just laid dormant. Mr. Hickman - so it went back to light industrial? Mr. Morris - yes. Mr. Hickman - and then when did we change it? Mr. Morris - when the mall started talking in early 2000 and everybody got excited well we need all of this commercial land around the mall. Mr. Hickman - did it have anything to do with Cox Road coming in? Mr. Morris - no because to serve that the five lane is going to have to come up from Butler-Warren which is County sponsored, somebody is going to have to make that connection. Monroe is not involved from the bridge over. Everything that went to a warehouse except one piece has been TIF'd. So somebody is going to have to foot that bill. Okay it will be the developer that comes in. We just put it back Todd to what it was when everybody got excited about the big gorilla walking into Monroe. That is all we did and that was back in 2000.

Mr. Hickman - you go on up it's the, up toward Kyle Station Road that is zoned business park. One of the things I am worried about is that we rezone this back light industrial and then we just move it all the way up the highway and all we have people coming to Monroe all they see is warehouses from Kyle Station all the way to Greentree. Mr. Morris - I understand I've read your comments and everybody uses that big word warehouse and if you go to that list you can have more than warehouses. Mr. Hickman - there is more to that list but do we get and what is hot right now. Mr. Morris - I am not in the development business I am just here for you guys to give us guidance. Mr. Hickman - you are supposed to give us guidance. Mr. Morris - we give you recommendations. Mr. Hickman - well that is guidance. Mr. Morris - yes. We have given you a recommendation you tell us if we missed it. Thank you. Mr. Hickman - well that is the one thing that concerns me is Monroe is nothing more than warehouses. They have a little area on 63

everything else is big old buildings all over the place. Mr. Morris - I have been here since 1973 and I have seen some changes some I like some I don't, but I guess you hear everybody wants sit down restaurants and they want this and they want that. Council, unless you are given some great incentives or Planning Commission don't go out and create restaurants or don't go out and tell people to build them. We just do the best we can with what we got.

Mr. Hickman - I don't think any of us are in a big hurry to fill every gap. There is plenty of time. Mr. Morris - there is plenty of time to grow. We don't have much room, but we have plenty of time to grow.

Mr. Clark - let me ask you about moratoriums and I don't want to ask you for the Planning Commission's opinion just yours. Mr. Morris - you want my personal opinion or... Mr. Clark - when that came up in discussion of a moratorium is that something you would be in favor of after this? Mr. Morris - yes I brought it up. Mr. Clark - so why after this instead of now? Mr. Morris - well it would be like the chicken or the egg. Somebody comes to us and all of a sudden the lights go on and should we punish the people that have been sitting here for 20 years we just put it back to the way it was. It wasn't a case of well we got a new thing. It has been sitting there dormant. The City approached all of this originally. Like I said the big monster the big gorilla and here is commercial, commercial. Kevin you have seen those plans as we have been through the years. Would I be in favor of that large tract stop now yes. I think we did that on a housing moratorium. We did do one on a housing development that took us to referendum. We put a moratorium so we could establish architectural standards but that subdivision got built under the old regulations because they took a referendum on us. The referendum was a little shady, but they did it. We did put a moratorium on it so we could establish guidelines. So that is why I brought it up. That maybe you guys would consider a moratorium on any more large tract rezonings. Five or six acre rezones if you get a hot one we will bring it to you.

Mr. Clark - we got to say no sometime right? Mr. Morris - exactly yes you do. Mr. Clark if it is a question on when we say no. We talk about change, you talk about change. We changed it back then because the town was changing maybe and we had the gorilla coming in. Mr. Morris - everybody was walking in promising this and promising that. Mr. Clark - we had that excitement and change and now we are changing it back but maybe we don't because maybe it was different in 2000. Mr. Morris - well let me give my personal opinion on that Dan. Because it is abutted by that warehouse district. Because it is abutted by where that connection is going to come in from Butler County that one piece down there. That is the only reason I was in favor of it because it was a close condition. Now I'm going to give you my thoughts on the other one. It has not been brought up tonight yet but if you want my thoughts on the other piece you can call me back up. Mr. Clark - I may do that.

Mr. Hickman - before you leave one other question they did all that area over there. Mr. Morris - where we at over by the mall? Mr. Hickman - yes. The area on the west side of Butler-Warren. Mr. Morris - his parcel abutting the interstate. Mr. Hickman - why did you guys do all of it four parcels. Mr. Morris - it is not my place to tell him what to request. Mr. Hickman - so you couldn't tell him. Mr. Morris I could not say cut it in half, no. That was his request and we had to deal with what he asked us to do. Mr. Hickman - okay that is what I wanted to know. Before you leave I just want to make one other point so people realize it. People use Butler-Warren Road quite a

bit and what we are about to do is put warehouses right along that road and the truck traffic is just like it is and it is going to get worse when Amazon gets going it is going to be worse than what it is. To me Butler-Warren Road people travel that road a lot they go to the mall that way. People that live here in Monroe actually go to work that way. So I want you to just remember trucks that road will be affected by the trucks. Mr. Morris - can I comment on that comment? Mr. Hickman - yes you can. Mr. Morris - I have 30 years in transportation background. Can I get a map put up there? I want to go back to that map that shows the corner. Make sure Todd and I are on the same page. Todd I totally agree with you Butler-Warren is terrible. It has no berms, no safety it is just a pothole patch. Mr. Clark - it is better than it was. Mr. Morris - they did some work on it. If you look the road going to through warehouses comes across that creek. Someone is going to build it, go south it would have to be upgraded transportation wise on Butler-Warren to make it at least twice or three times as safe as it is now. You couldn't put trucks, the cost of putting trucks on that road that road wouldn't last three weeks with that blacktop out there so my personal opinion is if you extend that and if you go down, if you build a warehouse or if you build anything on that parcel you are going to have to improve that road when you do the transportation study. So you are going to end up with a curbed road that is going to bypass the mall road entrance and connect to the five lanes that should be under the Mason Warren bridge and it shouldn't affect people going to the mall. It actually would increase more safety down that parcel to open it up and get three or four lanes down there than what we are riding down there now. Mr. Hickman - it should take place whether there are warehouses there or not. Mr. Morris - you are right and I wish the County would have come north and connect it and get that connection to 63 up from Butler-Warren. They are working their way. It is not very far in between. I am hoping they keep coming. Mr. Hickman - if you drive that road then you know that road is all the way up through there basically. Mr. Morris - it is all residential, high end apartments and then you are going to spread out. There is about a two mile piece that is skinny, skinny. Mr. Hickman - we all know that the road will have to be widened. I'm just talking about the fact that the only spot that that road will have warehouses on, that I believe will have warehouses on is the City of Monroe limits and I believe eventually the business parcel will be warehouses as well. Mr. Morris - well we just acted on the request as we are required to do. So, that is all we did.

Mr. Trauth - I think the advantage of the rezone is we have non productive property used as agricultural right now and the zone change will create a new tax base for the City of Monroe. So I think that is the advantage plus the improvement of the road that is an advantage and I think light industrial has gotten a bad reputation of being warehouses. It is usually an office with a small back area tiny warehouse that is what a lot of industrial is. Heavy industrial would be warehouses but this is not that so I think it is a good use and it will create the tax base for the City.

Presentation from Opponents

None.

Mr. Clark moved to accept the documents that were submitted for the record; seconded by Mrs. Hale. Voice vote. Motion carried.

Mayor Routson stated there was a request to keep the public hearing open on this particular resolution. What is the Council's pleasure on this? Mr. Trauth stated that they withdraw their request for keeping the public hearing open.

Mr. Clark moved to close the public hearing; seconded by Mrs. McElfresh. Voice vote. Motion carried.

Mr. Clark moved to consider this the second reading of Ordinance No. 2019-06 and have it read by title only; seconded by Mr. Frentzel. Voice vote. Motion carried.

The Clerk of Council read Ordinance No. 2019-06 by title only.

Mr. Clark moved to adopt Ordinance No. 2019-06; seconded by Mr. Funk. Roll call vote: three ayes; four nays (Frentzel, Hickman, McElfresh, Clark). Motion carried.

Mr. Callahan explained that you have a recommendation from the Planning Commission to approve the application and according to the Charter in order to disapprove that application or modify that application it takes five votes. What you have tonight are four votes against and three votes in favor so you do not have the five votes required to turn over the recommendation of the Planning Commission. Section 7.12 of the Charter is more specific than Section 7.06 of the Charter. If you do not have five votes that action does not take place. Mr. Clark asked if the Planning Commission voted three to two in favor of this would the result be the same. Mr. Callahan explained that there are five members on the Planning Commission and it takes a simple majority, which is the same as Council to approve that would require a simple majority of four. But the Charter requires a super majority of five to overturn the recommendation of the Planning Commission. Unless someone wants to change their vote you could make a motion to reconsider the vote. A motion to reconsider must be made before the action of Council is journalized and adoption of the minutes journalizes the action of Council.

Public Hearing: Ordinance No. 2019-07. An Ordinance rezoning real property containing approximately 164.419 acres, more or less, located at 6337 Greentree Road and 1401 North Union Road from B-P Business Park District to L-1 Light Industrial District.

Mayor Routson stated the procedure for the public hearing is the same as the previous public hearing.

Mr. Callahan advised Mr. Chesar that all of what you said in the previous public hearing apply to this public hearing for the record. Having been sworn, Director of Development Kevin Chesar, presented the proof of publication of the public hearing and notice to surrounding property owners. Mr. Chesar - This is a request for a zoning map amendment for two parcels containing approximately 164 acres located along Greentree Road. The request is to rezone from B-P Business Park District to L-1 Light Industrial District. The Kleingers Group submitted this application for Berns Nursery and Garden Center for the two properties. As part of their application the applicant pointed out in 2010 the Comprehensive Plan had a major zoning map change to these specific parcels where there were rezoned from Industrial to B-P Business Park

and the property owners have indicated since that time, there has been little development that has occurred and the real estate industry has suggested that industrial is a more appropriate classification. The applicant also pointed out that while the request is for light industrial they think the only other land use appropriate would be residential or agricultural. If the L-1 didn't get changed they do not feel B-P Business Park from their perspective. The green circle indicates the general area on the northeastern portion of the City. The two properties hug the east and west side of I-75. They are highlighted in yellow. Mr. Hickman - while you are on that can I ask a question? Mr. Chesar - yes. Mr. Hickman - the property that is next to Cincinnati-Dayton Road is that L-1? Mr. Chesar - yes. Mr. Hickman - how much of that has been sold? Mr. Chesar - as for a real estate transaction I am not aware of any property that has been sold. Mr. Hickman - does the Berns family own that as well? Mr. Chesar - that I believe is owned by another property owner. I believe it is approximately 300 acres in that area. Mr. Hickman - so they haven't had any hits there either for light industrial? Mr. Chesar - we have had no inquiries from a zoning permit perspective of what can go on that property. Mayor Routson - the same people that own the flea market owns that property also. Mr. Hickman - either way it is open and hasn't been touched yet.

Mr. Chesar - so just to get more specific the east side of the property is approximately 100 acres, the west side is approximately 64 acres. This just shows the overall zoning. The blue just reflects business park zoning for reference and as stated before the light pink and purple indicate industrial. The green to the north is agricultural and the red is C-2 Commercial. These are some views looking southeast from Greentree Road and this is open space land currently undeveloped. This is just looking south from Greentree Road. Just from a permitted use comparison similar to before in this instance the light industrial is still the pink color and the business park is highlighted in yellow. There are some limited retail uses allowed in business park that couldn't go in light industrial. Hotels can go in business park that cannot go in industrial. Industrial would allow for contractor yards. Industrial would not permit gas stations, or medical offices, or general medical use as is allowed in the business park zoning. Again the differences with light industrial would change the uses permitted would allow for auto repair, large brewery, contractor yard, other light industrial uses such as assembly products, research and development, warehouse distribution, and wholesale businesses.

Mr. Chesar - as we just stated for the record I would like the same information as I presented before about the purpose for the conditions and changes for why the zoning amendment should be considered as well as the various criteria I had presented previously. I do want to point out that the Comprehensive Plan map if you look at it had stated, and I think Mr. Morris had alluded to this too, if you look at the one area that is zoned to the west side the comprehensive plan had called for that to be more commercial in nature and if you look at the east side, the 100 acre portion which is purple in color it called for it to be business park. At the time of the rezonings the entire area was zoned business park with the intention that if the interchange was ever to be built there may be a need for that western side that provides services possibly for offices, those types of things on the eastern side. Those are the criteria that was previously discussed with you. I did want to know that the Planning Commission's recommendation on January 29, 2019, in a five to zero vote was to recommend approval of the zoning map amendment for the request from Berns Nursery and Garden Center from a Business Park zoning to a L-1 Light Industrial Zoning.

Presentation from Proponents

Having been sworn, David Wright spoke. Mr. Wright - my name is David Wright with the Kleingers Group. Thank you for hearing from us tonight. I have a number of the Berns family here tonight. They will be able to talk about the history of the property and what they had originally intended for this property. I appreciate everybody hearing us tonight. This is a unique case we think even though we talked about taking a property that was formerly rezoned and taking it back to the previous rezoning in the previous case. In this case we had an interchange that was talked about and planned during the rezoning of the property to business park and we have done our due diligence from the standpoint of talking to the Warren County Engineer's office and verifying whether or not there is any plans in either forthcoming or funding for the Greentree Interchange. During the meeting the answer was no and in fact all plans on OKI budgets for that interchange had been removed. They kind of joked that if anybody wanted to take it up that would be great, but they are not going to. That seems to remove from our standpoint the need for the business park zoning in that particular location. Just looking at the Comprehensive Plan that is currently in effect it does talk about having industrial uses north of 63 on both sides of the interstate. We fit that we are on both sides of the interstate north of 63. We feel like we meet the comprehensive plan.

Having been sworn, Mike Berns spoke. Mr. Berns – good evening Mayor and Council and thank you for your time. My name is Mike Berns with Berns Gardening and Landscaping. In 1956 Al and Sherry Berns, our mom and dad, started our business on Yankee Road in Lemon Township. In 1982, we chose to move our business into the City of Monroe when we purchased the ground on Greentree Road and opened up our landscape business. In 1996, we built and opened up the present garden center on Greentree Road that services the City of Monroe and surrounding communities. We now employ 80 to 100 people during our peak season and Berns Garden Center is recognized as one of the top 100 garden centers in the United States right here in the City of Monroe. In 1992 and 98 we bought the land along I-75 to grow trees and shrubs that we sold in our garden center and our landscaping company. In 2003, we came to the City of Monroe and chose to annex 120 acres on the east side of 75 into the City of Monroe. The zoning at that time was heavy industrial and they asked at that time and requested to change it at that time to light industrial to match the land west of I-75. In 2010, as you were told, we worked again with the City of Monroe in their master comprehensive plan and the zoning was changed to business park. So during these times the recession came and the growing of trees and shrubs ended and the land returned to farming growing corn and soy beans. The Rocky Mountain Express compression station and a Duke Energy substation were built on the I-75 west property. It was on there on the map. Now that the recession has moved on the family has decided to sell these properties so we can reinvested into the 23 year old garden center and expand our landscape division. We have consulted with a number of real estate market professionals in the Cincinnati-Dayton areas and they made it very clear, painfully clear, that the present zoning of business park is a non starter. It just won't work. I doubt if they would put it on the market and it will stay that way for the foreseeable future. We are asking that this request be considered on it's individual merit. This property, this time not combined with everything else that is going on. This property is located on the far northeast edge of Monroe it is far away from Monroe's commercial corridors. Its original zoning was industrial and the land west of this property is zoned industrial. We are all connected there. We are a long time family business and a corporate citizen of Monroe. And it is now critical

for our family business going forward to be able to market this property. That is what we are asking for the ability to change the zoning so we can put it on the market to further our business needs. We are asking the City of Monroe to restore the original zoning of light industrial to these properties at this time. I want to thank you for your time and consideration and if you have any questions I will probably talk too much.

Mr. Clark – that is a highly visible property in terms of 75. Let's say we change the zoning and it is marketed and it is going to be developed if it were up to you what would you want to see there? Mr. Berns – once we sell that property and our family sells that property we have no say in it. Mr. Clark – but what would you want to see there? Mr. Berns – whatever we had thought about in 96 and 2000 never came to fruition and during this time we watched Austin Landing being built and the papers are full of Millikin Road exchange being talked about. It was dead quiet here. Dead quiet. There is no support for this piece of ground for the big ideas people may have had 20 years ago. It is not five years it is not two years. You can condemn us to a life of farmers because that property cannot be sold as business park. The only choices we have is being a farmer at least for the foreseeable future. It will still sit there the way it is during my lifetime, my parents' lifetime, and maybe my children or grandchildren will see it turn it into something else and that will happen way after this group of people are no longer here. That is why we would like to propose to send it back to the original zoning because nothing happened during this time. The recession changed a lot of things and commercial real estate and the way retail works and how people buy and sell things. So everything has changed since 2000 and that is 19 years ago. It didn't happen overnight. We want to sell that property and invest in the business we know and understand and love. We hope we get a consideration on this piece of property. It is on the northeast corner and most people probably don't even know it is in the City of Monroe.

Mr. Frentzel – what is your. do you have any concerns with this land being sold that it will have an effect at all with your business at it's current location? Mr. Berns – I do not. Although it looks close, everything looks close, from my office I can see the Solid Rock Church statute, I-75, it is flat ground. We are a destination garden center. We sell between 675 and 275 and Oxford and Lebanon. We have a wide range of customers and clients. We will use the money to invest in our businesses and expand them. Does that answer your question? Mr. Frentzel - for the most part yes. The second thing I had Mr. Chesar had alluded to or maybe I just heard it myself that there were a couple of other considerations for changing the zoning to something other than light industrial, is that correct? Mr. Chesar – as part of their application the essential statement was they didn't feel business park zoning would work, so other than that one of the suggestions was if it is not light industrial or business park that it be residential or something of that nature.

Mr. Berns – this is business park it is not commercial. This business park really pigeon-holes that property. Mr. Frentzel – what made you go with light industrial rather than another zoning option, commercial or residential? Mr. Berns – as I stated that the why industrial versus commercial? If you notice Austin Landing, and you notice Union Centre, and you notice Liberty Center, and to the east of us, so I read in the paper, they are going to build a new city at 741 and 63. A new city between Lebanon and Monroe. I don't think this new piece of property will compete against those marketing forces. If they could have they would have by now. We just could never get any traction to get what you are talking about. Mr. Frentzel – I wasn't talking about keeping it business park you it seemed like it was stated there are other options besides business park as well.

David Wright – so we did actually have an opportunity to talk to the Berns family about this application before it was made and talked with real estate brokers and others with knowledge in the real estate industry. The site is not very appropriate for commercial there is not great access for commercial property. From a residential standpoint maybe it would work. It is a large tract of land and it is also up on the interstate so you would have to build sound walls and lots of buffering there so you are going to lose lots of real estate we feel. Frankly, in looking at the comprehensive plan and seeing industrial was suggested on both sides of the interstate north of 63 we felt that it was realistic to request this. Mr. Frentzel – thank you for your answer.

Mrs. McElfresh – I have a question for you, Mr. Berns. Let's say this does get rezoned to light industrial how would it impact your business if you were surrounded by one of the options that could be available, which would be warehouses? How would that impact your livelihood. Mr. Berns – we are located on Cincinnati-Dayton Road and Greentree Road and we are surrounded by warehouses. If you go into Middletown it is a commercial warehouse district, if you go across the street, Mrs. McElfresh – I mean on these parcels that you are looking to rezone. Mr. Berns – it will not affect our retail business.

Presentation by Opponents

None.

Mr. Clark moved to accept the documents that were submitted; seconded by Mrs. Hale. Voice vote. Motion carried.

Mr. Clark moved to close the public hearing; seconded by Mrs. McElfresh. Voice vote. Motion carried.

Ordinance No. 2019-07. An Ordinance rezoning real property containing approximately 164.419 acres, more or less, located at 6337 Greentree Road and 1401 North Union Road from B-P Business Park District to L-1 Light Industrial District. (Second Reading)

Mr. Callahan pointed out that this is the exact same situation you had with the first one. You have a positive recommendation from the Planning Commission. It is going to take five votes to deviate from the recommendation. If you have four votes to deviate from the recommendation, you have ultimately rezoned the property because you didn't have five votes. If this ordinance is adopted tonight the ordinance is not going to take effect for 30 days.

Mr. Funk – just to give some perspective on why I vote the way I do on these rezonings, if we take Mason and Butler-Warren, that road needs help. If someone has a vested interest it is going to help the City fix that up. Both of these locations are spots for light industrial that are out and away from the core of our City which is what we want. We don't want this stuff right here on 63 and they are not by neighborhoods so there is no noise. There is nothing like that, that we need to concern ourselves with which were challenges that we faced with some of the other developments. Just because we are changing this or if we change it, it doesn't mean that our whole City is light industrial because we can always change something else. I think it has given light industrial

developments other options instead of some that are closer to the heart of our City which is where I would rather not see it. I would rather it be out northeast, pushed away, that would be my thoughts.

Mr. Clark – We do have warehouses on 63 unfortunately and the Berns property is a highly visible property on the freeway. People drive by and they see that and currently it looks nice. Depends on what goes there and Mr. Berns testified that once he sells it, it is going to be what it is going to be. It is going to get developed and we will see what it is. I don't want to take that chance and have something that could look in a way that we don't want it to look. Especially with this zoning it is going to look the way I don't want it to look. The City has the right and with us reviewing the comprehensive plan and creating a new one I don't know if we want to make decisions based on the old comprehensive plan which has been raised several times during these public hearings. The old comprehensive plan says this, that, and the other thing well that is great but we are in the process. We have people here today that are going to change that for us. I don't think that is a good basis to change that either and from people that I have talked to and that is on small sample size. People want to see different things and a little more variety. We will see how it goes, but that is where I stand on it.

Mrs. McElfresh – I am going to second what Dan just said. I actually took a small poll myself of the community and I have actually had people reach out to me, contact me about this issue and what I have heard overwhelmingly I will say this the residents, the taxpayers of Monroe do not want any more warehouses. Period. That is what I heard. And I am not saying that is everybody, but the folks that I had conversations with. That being said I just want to make a record note that you know I am sitting here not for the personal gain not for anything personal. I am here to represent my City and to represent the taxpayers and do what is in the best interest of both that is why I am here. My fear okay is that the decisions that are made today are going to carry forward for years to come. And each one of us, I am one of seven, but each one of us plays a role in whatever that decision making process is. I just want to say I understand the concerns. I also understand that I personally don't want to stifle new business development. So it is challenging what do you do. I want to do what is in the best interest of my City and the residents. Period.

Mr. Hickman – Kevin, let's just say we had a company like the Amazon headquarters come to Monroe. Where would that go? Would that go in a business park, would that go in light industry? I'm talk about the headquarters. Mr. Chesar – the headquarters, an office use would belong in a commercial district, the highway commercial, C-2 General Commercial as well as business park zoning would allow for that type of office use. Those are the three that come to mind. There is also the Gateway Commercial which is on the western portion of town around Monroe Crossings, that area would permit office uses like that. If you want me to show you on the map the red areas I had indicated before. Mr. Hickman – with this map I could probably tell you what it is, but the other question is Bill, the land swap that we did, this is going to another question. For the land that was on 63 has that been completed yet? Mr. Brock – no Phil has actually sent some correspondence to their attorney. Mr. Hickman – was that the guy that was here? Mr. Brock – no that was a different attorney. Mr. Callahan – I have been dealing with their in-house attorney, Eric Schnieder. I did have a conversation with Mr. Robinson. I wasn't sure he was aware of the communication I was having with their attorney. Mr. Hickman – that land swap was done before I was on Council. Was that 2008? Mr. Brock – somewhere around that time. Mr. Hickman – so

we still haven't finalized that and part of that land that would have went to us is one of the pieces he was willing to give to us is that right? Mr. Hickman – and we turned that down right? Mr. Brock – we never came to terms on the dimension of it and then we looked at another parcel near the water treatment plant. Mr. Hickman – do we have a time line that we will get this land swap done and over with? It is 11 years. Mr. Callahan – the trigger in the agreement was when Butler-Warren Road was built that would define the northern boundary of the land that we would get. So the trigger in the agreement, and that agreement is probably 10 years old, once Butler-Warren Road was either developed or there is a final location for it that is when the split would happen and they would deed the property over to us. That hasn't happened and the primary reason that aspect of the agreement has not been fulfilled yet. What Corridor Park 75 did was started offering us different parcels. I think Council hasn't shown any interest in taking different parcels. My letter to them in probably December was you guys have got a rezone and you guys have included a map with the rezone that shows what we believe to be Butler-Warren Road. We will use that what you have included in your application as the northern boundary and lets just get this done and that is my position with them. Mr. Hickman – 11 years is a long time really. Mr. Callahan- we do have an agreement and honestly 11 years ago I don't know what the status of Butler-Warren Road was. I didn't draft that agreement , but the agreement specifically references Butler-Warren Road and that is the trigger of the agreement is once we know the location of Butler-Warren road then we will know the location of this property. At that time, my understanding, and correct me if I am wrong Bill, my understanding was that we were looking at putting a fire station over there. That changed. Butler-Warren Road I don't think there is an official location, but again as you have said it has been 10 years we need to get something so my response to them was you guys have used a location of Butler-Warren Road on your application, let's use that location and get this done.

Mr. Hickman – Bill I have got another question for you. Representative Candice Keller sent a letter to the CEO of Amazon to help Monroe to obtain the Amazon headquarters right? Mr. Brock – right. Mr. Hickman – have you heard anything from her yet on that? Mr. Brock – other than a short conversation I had last week, no. Mr. Hickman – if this property that we are getting ready to change was rezoned would that Amazon go into that property?. We are talking about 25,000 jobs. I am only talking about it because it was brought up. Mr. Chesar – let me correct my previous statement to you. What I was looking at was medical or dental offices. Offices in themselves are permitted within any commercial, any C zone, as well as the business park zone and any industrial zone. Because offices are a natural component even of larger buildings they have them in them. An office building itself would, basically allow any commercial or industrial zone to answer your question. Mr. Hickman – thank you.

Mr. Funk – and if we rezone it we can rezone it again if a development comes along and we want to capitalize on. Mrs. McElfresh – or somebody that is interested in that parcel can come forward and ask for it to be rezoned. Mr. Funk – absolutely. Mayor Routson - and for Amazon to bring their office here we would have to increase our population by like 10/12 times. They did have a minimum population of where they would go to. Mr. Hickman – I agree with you full-heartedly and I think you know that. The facts remain.

Mrs. Hale – I can kind of piggyback on what Mrs. McElfresh said. I have the same question about the rezoning since Mr. Berns mentioned it has been rezoned a couple three times. I would not

want to do anything to impact your business. It is one of the greatest businesses we have around here, but I would like to wait until the comprehensive study to see what they suggest before I make my decision on that. If my vote doesn't sit well with you I just want you to know it is not because I have a problem with or your business.

Mr. Clark moved to consider this the second reading of Ordinance No. 2019-07 and have it read by title only; seconded by Mr. Frentzel. Voice vote. Motion carried.

The Clerk of Council read Ordinance No. 2019-07 by title only.

Mr. Clark moved to adopt Ordinance No. 2019-07; seconded by Mr. Funk. Roll call: two ayes; five nays. (Hale, Hickman, McElfresh, Clark, and Frentzel). Motion failed.

Mayor Routson requested a brief recess before proceeding.

Ordinance No. 2019-08. An Ordinance supplementing Chapter 1065 of the Codified Ordinances to provide for rules and regulations for the reservation of park shelters. (Second Reading)

Mr. Brock reported that this will create the new regulations for the reservation of park shelters. Mr. Hickman sought clarification that it was \$50 and then only charged \$10. He would rather just charge \$10 than \$25. Mr. Brock this is just the rules and regulations. Mr. Frentzel asked what the increase will go to other than general park funding. Mr. Brock replied that is it. Mr. Frentzel asked about the general park clean up by the Public Works Department. Mr. Brock indicated yes, but that just goes back into the general park fund. Mr. Hickman asked if the \$50 was there in case they went to the park and saw it was trashed and they wouldn't get their \$50 back. Mr. Brock advised that was the intent. Mr. Hickman asked why we would want to charge everyone a flat \$25 because the City is not going to make any money off of this. The residents already paid the taxes why do they need to pay \$25 for a picnic? Mr. Clark advised they are paying for the reservation and administrative expenses. Mrs. McElfresh noted that you want to assure that it is reserved. Mr. Frentzel asked if we changed this to \$25 what would the repercussions be if the person didn't clean up that area. Mrs. Hale would think that the person that rented that area would be charged for the damage. Mr. Hickman stated that insurance could pay for it if totally damaged or arrested for destruction of property.

Mr. Clark moved to consider this the second reading of Ordinance No. 2019-08 and have it read by title only; seconded by Mr. Frentzel. Voice vote. Motion carried.

The Clerk of Council read Ordinance No. 2019-08 by title only.

Mr. Clark moved to adopt Ordinance No. 2019-08; seconded by Mrs. Hale. Roll call vote: six ayes; one nay (Hickman). Motion carried.

Ordinance No. 2019-09. An Ordinance supplementing Chapter 286 of the Codified Ordinances to establish a fee for the reservation of park shelters. (Second Reading)

Mr. Brock stated that this changes the codified ordinances for the fee for reserving the park shelters. Mr. Hickman noted the same comment he made before.

Mr. Clark moved to consider this the second reading of Ordinance No. 2019-09 and have it read by title only; seconded by Mr. Funk. Voice vote. Motion carried.

The Clerk of Council read Ordinance No. 2019-09 by title only.

Mr. Clark moved to adopt Ordinance No. 2019-09; seconded by Mr. Frentzel. Roll call vote: six ayes; one nay (Hickman). Motion carried.

New Business

Resolution No. 13-2019. A Resolution authorizing the City Manager to enter into an agreement by and between the City of Monroe and Brandstetter Carroll Inc. for supplemental design services for the Great Miami River Trail.

Mr. Brock explained that this will accept an agreement for the Great Miami River Trail. As a part of the grant and plans we must meet the rules and regulations for the Ohio Department of Transportation. This is an additional \$233,240 to do the work necessary to meet the requirements for that trail. Mrs. McElfresh asked how much the grant was and Mr. Brock replied that we received \$1.5 million. Mr. Frentzel asked if all of the services we would have to do anyway, but because of the grant they have to be ODOT approved. Mr. Brock explained that most of it, but not the right-of-way, but because of the requirements those are needed. Mr. Frentzel asked if he could keep track of how much grant specific costs are for this. Mr. Chesar added that it is approximately \$270,000 for various design expenses.

Mr. Clark moved to consider this the first reading of Resolution No. 13-2019 and have it read by title only; seconded by Mr. Hickman. Voice vote. Motion carried.

The Clerk read Resolution No. 13-2019 by title only.

Mr. Clark moved to approve the first reading of Resolution No. 13-2019; seconded by Mr. Hickman. Roll call vote: seven ayes. Motion carried.

Mr. Clark moved to reconsider the prior adoption of Ordinance No. 2019-06. Mrs. Hale stated she would like to address this.

Mr. Callahan advised that the proper motion would be to reconsider the vote on whatever the ordinance number is and then once there is a second, then it would be open for discussion and Mrs. Hale could say what she has to say.

Mr. Clark moved to reconsider the vote to adopt Ordinance No. 2019-06; seconded by Mr. Frentzel. Voice vote. Motion carried.

Mayor Routson stated that we are going to reconsider Ordinance No. 2019-06.

Discussion: Mrs. Hale stated that she would like to amend her vote and also to include the same thing she included for 2019-07 to wait for the comprehensive study to make a final decision on that. Change it from yes to no. Mr. Clark advised she will have to revote.

Mr. Clark moved to adopt Ordinance No. 2019-06; seconded by Mr. Frentzel. Roll call vote: two ayes; five nays. (Clark, Frentzel, Hale, Hickman, and McElfresh) Motion failed.

Administrative Reports

Mr. Brock reported that earlier this evening the architects provided a review of the new police station and would like Council to consider what direction they would like to go with the remaining space of former IGA building.

Mrs. Patterson stated there are still two tenants at this location and sought Council's input on the existing arrangement and how we move forward - short term and long term. Right now we have two existing tenants on month-to-month leases. If we wanted to terminate a lease we only need to give 30 days notice. Looking overall with what the strip center has to offer there is gravel on the back side. There is a 2,500 square foot space and an 800 square foot space. Mrs. Patterson asked what they would like the strip center to become. Three potential scenarios. 1. Fully commercial at a commercial rate to be determined. 2) Some commercial space and some City community space such as a community room. Also popular is a landing space people that work from home can use for a meeting room or conference calls or have access to some basic office equipment. 3) That it is only City space, we may actually help relocate those tenants. If Council chooses an option that takes us to commercial space there are challenges have the City as the landlord. We have challenges with the lease structure and improvements to the leased area. A lot of communities partner up with the city and the CIC. We have asked for recommendations and the recommendation is the City would lease the strip center to the CIC which means the City would retain substantial control over that site. The idea would be that it fits within the CIC's goals and non-profit objectives to create employment opportunities, develop commercial activities and revitalize the property. That master lease would run through, for example maintenance and utilities. It would also talk about allowable tenants. Goals and annual budget agreements. Once the CIC would have that master lease they could sublease to tenants approved by the City.

Mrs. McElfresh asked if she has reached out to the tenants that are currently there and Mrs. Patterson advised she has had some conversations with Foggyz through emails to introduce ourselves as the new landlords and provide contact information. We have not heard back from them. Cassano's, they were out of town, but she received a voice mail indicating they would sign the estoppel agreement, but she does not know for sure if they are interested in staying.

Mrs. McElfresh hopes that it will be awhile before that police department is finished and my thought is why would you not generate some income. Mr. Clark stated that the Public Safety Committee met and the space where Foggyz is located and the empty space next to it would be part of the police station.

Mr. Hickman prefers to have businesses in the area if we are not using it and a community room at the end of the center.

Mrs. McElfresh likes the idea of non-profit use and the flux space for office space. Non-profits make sense.

Mr. Hickman advised that governmental agencies may want to rent that space as well.

Mr. Clark is comfortable with leaving Cassano's where they are. Mr. Hickman felt that only providing a 30 day notice was not enough time to give them. Mr. Funk felt we would be remiss if we didn't sublease the areas. If you bring in a start up company maybe they would like to stay here.

Mrs. McElfresh is okay with the master lease with the CIC provided the City has control.

Adjournment

Mr. Hickman moved to adjourn; seconded by Mr. Funk. Voice vote. Motion carried.

The regular meeting of Council adjourned at 9:19 p.m.

Respectfully submitted,

Angela S. Wasson, MMC
Clerk of Council