



**Monroe Council Minutes
September 14, 2021 – 6:30 p.m.
233 South Main Street, Monroe, Ohio**

Pledge of Allegiance

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

At the request of Mr. Callahan, everyone stood in a moment of silence for the lives lost in Afghanistan.

Roll Call

Council members present: Tom Callahan, Jason Frentzel, Keith Funk, Anna Hale, Todd Hickman, Christina McElfresh, and Ben Wagner.

Approval of the Minutes

Mr. Funk moved to approve the Council Minutes of August 24, 2021 and Public Involvement Committee of August 25, 2021; seconded by Mrs. Hale. Voice vote. Motion carried.

Visitors

- Energy Special Improvement District Presentation by Jennifer Patterson

Mrs. Patterson stated that in July of 2020, City Council approved the creation of a district within the municipal boundaries. This was established, in part, because there was a business that had asked for Energy Special Improvement District (ESID) assistance and we were not able to do that. It is a way to have another economic development tool outside of tax abatements. Once the ESID was established, Liberty Township joined Monroe to help reduce the cost. We have since moved forward with marketing materials.

Within an ESID you can have Property Assessed Clean Energy (PACE) financing that is a type of bond you can use to pay for qualified projects. A qualified project is generally anything clean energy like HVAC, lighting, roofing, windows, and alternative energy. These bonds are paid back by an assessment on the property tax bill. A project is identified and put the financing in place. The ESID and legal counsel review the project for compliance with the ESID statute. It will then come back to the City Council/Township Trustees for approval of the assessment of the project.

In July of 2021, staff presented legislation to amend the District's membership to reflect the new state law wherein member communities no longer have to be contiguous. When this was brought to Council to amend the legislation allowing for noncontiguous communities to join the ESID, Council did not move that legislation forward. City Council expressed concerns that ESID financing could negatively affect projects or people.



In Ohio, residential is not permitted to be part of the ESID; however, that is likely to change this year.

With financial concerns there is the possibility where the energy savings re not sufficient to cover the cost of the assessments. In Ohio, there are consumer protections that limit the amount of assessments cannot exceed the valuation of the property. Whether or not the energy savings are sufficient is a business decision for that company.

With the social and contractor concerns, Mrs. Patterson emphasized that the language in the current district encourages businesses to seek financial advice and no contractor is being endorsed.

If Council would like to continue to have the ESID as an economic development tool, staff will reintroduce the legislation to amend the ESID's membership rules at the next meeting to allow other projects to come into the district.

If Council does not want to continue, staff will bring legislation to remove Monroe from the I-75 ESID.

Mr. Funk asked if there were any communities similar to Monroe where they had a negative impact. Mrs. Patterson was not aware of any and, during her discussion with legal counsel, it has typically been well received on both large and small projects. Mr. Funk asked if it was seen as a positive tool by the City Manager's office/ Mrs. Patterson. Mrs. Patterson would like to be able to offer it as it is something other than a tax abatement.

Mrs. McElfresh's concern is the State of Ohio has yet to endorse or roll out the residential side of this and it may or may not happen. Speaking specifically on the residential side and if it is coming, it will seem like the City of Monroe is supporting this through the ESID. Her concern is in Missouri, California, and Florida where this is rolled out on the residential side there are lawsuits with the financing element of this. She recognizes that the commercial side operates differently; however, there are lawsuits in every state this has come out for commercial. That would include Missouri, California, Wisconsin, Florida, New York, Oregon, Vermont, Connecticut, and Michigan. When you have that level of litigation in multiple states there is a problem somewhere.

Mrs. Patterson advised that the plan can include that this will not be used for residential even in the event Ohio implements it.

Mrs. McElfresh would like to see more information on how it operates in other areas before moving further.

Mayor Frentzel asked if there are other ESID's in Ohio and if they have faced any challenges. Mrs. Patterson replied that ESID's have started in larger cities such as Columbus, Cincinnati, and Cleveland.

Mrs. Patterson explained that businesses that have had that level of renovation or improvement someone is getting a better building because of it.



Mayor Frentzel gave an example of the company he works for that changed out all of the lighting fixtures to LED. He is not sure if they took advantage of this type of program, but by doing that the energy cost for that change has been reduced significantly.

As an example, Mrs. McElfresh mentioned the possibility of a distribution center that takes advantage of this program on the commercial side and they leave. Then you have a large building that has an assessment attached to it and is now not very attractive.

Mrs. Patterson advised that it is a business decision and every project within the City of Monroe the assessment must come to City Council for approval.

Mr. Hickman has concerns as well about the PACE financing.

Mr. Funk asked who the lawsuits were against that Mrs. McElfresh mentioned. Law Director Callahan was of the opinion that it may be a legitimate concern and the City should consult with Brickler & Eckler legal counsel.

It was the consensus of Council to bring in legal counsel advising the City on this matter to answer any questions.

Mrs. Patterson reminded Council that the ESID Board needs a replacement for Mr. Routson.

Mayor Frentzel encouraged Council to email Mrs. Patterson if they have any questions they would like answered.

As a point of clarification, Mr. Brock stated that the question before Council is do we allow this other jurisdiction to join our ESID as it has no impact on the City of Monroe. Even if we want to come out of the district it does not have an impact on the other community from joining our District.

Mayor Frentzel asked if the City of Monroe does decide to remove from the ESID does that prohibit Liberty Township from being involved in an ESID. Mrs. Patterson replied that it is up to Liberty Township.

Mr. Hickman suggested that if anyone has not watched John Oliver's video on PACE financing to do so.

- Baker Tilly Municipal Advisors, LLC – Water Utility Rate Study

Douglas Baldessari, representative from Baker Tilly Municipal Advisors, gave a presentation on the Water Utility Rate Study they have recently completed. The existing rates are adequate at this point, but not adequate for capital improvements. The cash balances are good. The rate planning period is through 2025. Over the next five years there is approximately \$8.6 million in capital improvement needs. The rates have your operating expenses, debt, and replacements and improvements. There would be approximately \$610,000 needed to pay for those capital items. You want to continue the meter replacement program because the older they get the slower they read.



Three rate alternatives were looked at.

1. Capital plan – no new long-term debt with an annual increase of \$1.5 million and a 47.7% rate increase.
2. Open market bonds - \$0.72 million annually and a 22.7% rate increase.
3. Water Supply Revolving Loan Account (WSRLA) - \$0.68 million annual and a 21.2% rate increase.

If you are looking at a dollar increase per resident per month, assuming the average usage is 4,000 gallons per month, and using the WSRLA, you are looking at an average \$1.90 across the board for residential or \$2.12 if you are looking at the cost of service. This would begin January of 2022.

As part of the study the fire protection rates were reviewed. This is for non-residential users.

The current and proposed rates compared other southwest Ohio communities based on usage of 22,500 gallons in a three-month period are:

- Southwest Ohio average = \$138.92
- Southwest Ohio high = \$318.75
- Monroe (present) = \$167.34
- Monroe (cost of service Phase I) = \$178.88
- Monroe (cost of service Phase II) = \$190.43
- Monroe (cost of service Phase III) = \$201.98
- Monroe (cost of service Phase IV) = \$213.60

He recommended phasing in smaller rates.

Mrs. McElfresh asked if the \$3.00 meter fee is imbedded in these costs and Mr. Baldessari confirmed it is.

Mr. Brock advised that Council can set the rates based on this study or you could have the Finance Committee of Council to review and provide a recommendation.

Mrs. McElfresh felt it would be appropriate for the Finance Committee to review more thoroughly. There was no objection from Council to refer this to the Finance Committee.

Committee Reports

Mr. Callahan reported that a resident showed him pictures of Rosemont Park where some of the trails were impassible. Mr. Morton explained that initially the trails were so wide that it was causing erosion problems, so they are attempting to make them more narrow. However, he will have his staff look at the area.



Old Business

Ordinance No. 2021-34. An Ordinance supplementing Chapter 204 of the Codified Ordinances to designate the dog park located at 401 Old Street as Monrover Park. (Second Reading)

Mr. Funk moved to consider this the second reading of Ordinance No. 2021-34 and have it read by title only; seconded by Mrs. Hale. Voice vote. Motion carried.

The Clerk of Council read Ordinance No. 2021-34 by title only.

Mr. Funk moved to adopt Ordinance No. 2021-34; seconded by Mr. Hickman. Roll call vote: seven ayes. Motion carried.

Ordinance No. 2021-35. An Ordinance granting and designating real property owned by the City of Monroe as an easement for the Great Miami River Trail. (Second Reading)

Mr. Brock reported that staff is asking that this and the next three ordinances be adopted as an emergency so we can proceed with the project.

Mr. Funk moved to suspend the rule requiring the reading of Ordinance No. 2021-35 on two separate days, authorize its adoption on the second reading, and have it read by title only; seconded by Mr. Wagner. Voice vote. Motion carried.

The Clerk of Council read Ordinance No. 2021-35 by title only.

Mr. Funk moved to adopt Ordinance No. 2021-35; seconded by Mr. Hickman. Roll call vote: six ayes; one nay (Callahan). Motion carried.

Ordinance No. 2021-36. An Ordinance authorizing the purchase of real property from Barbara Trimble, Successor Trustee of the William H. Trimble Trust Agreement and Barbara Trimble, Trustee of the Barbara Trimble Trust Agreement for easement purposes for the Great Miami River Trail. (Second Reading)

Mr. Funk moved to suspend the rule requiring the reading of Ordinance No. 2021-36 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 Ordinance No. 2021-36 by title only.

Mr. Funk moved to adopt Ordinance No. 2021-36; seconded by Mr. Wagner. Roll call vote: six ayes; one nay (Callahan). Motion carried.

Ordinance No. 2021-37. An Ordinance authorizing the purchase of real property from Frank C. Frey and Mary Lindon, Trustees of the Frey Preservation Trust for easement purposes for the Great Miami River Trail. (Second Reading)



Mr. Funk moved to suspend the rule requiring the reading of Ordinance No. 2021-37 on two separate days, authorize its adoption on the second reading, and have it read by title only; seconded by Mrs. Hale. Voice vote. Motion carried.

The Clerk of Council read Ordinance No. 2021-37 by title only.

Mr. Funk moved to adopt Ordinance No. 2021-37; seconded by Mrs. McElfresh. Roll call vote: six ayes; one nay (Callahan). Motion carried.

Ordinance No. 2021-38. An Ordinance authorizing the purchase of real property from Frank C. Frey and Mary Lindon, Trustees of the Frey Preservation Trust to be used for public purposes. (Second Reading)

Mr. Funk moved to suspend the rule requiring the reading of Ordinance No. 2021-38 on two separate days, authorize its adoption on the second reading, and have it read by title only; seconded by Mr. Wagner. Voice vote. Motion carried.

The Clerk of Council read Ordinance No. 2021-38 by title only.

Mr. Funk moved to adopt Ordinance No. 2021-38; seconded by Mr. Hickman. Roll call vote: six ayes; one nay (Callahan). Motion carried.

New Business

Resolution No. 48-2021. A Resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor.

Mrs. Ervin explained this is an annual piece of legislation as part of our tax budget. The County reviews the tax budget to make sure it looks appropriate to our debt and then evaluates how much property tax the City needs. She has included the increases from last year being \$30,000 in the General Fund, \$15,000 in the Police Fund, and \$35,000 in the Fire Levy. Once the County receives this they will send the City a Certificate of Estimated Resources and then we can proceed with finalizing next year's appropriations.

Mr. Funk moved to consider this the first reading of Resolution No. 48-2021 and have it read by title only; seconded by Mrs. McElfresh. Voice vote. Motion carried.

The Clerk of Council read Resolution No. 48-2021 by the title only.

Mr. Funk moved to approve the first reading of Resolution No. 48-2021; seconded by Mrs. Hale. Roll call vote: seven ayes. Motion carried.



Ordinance No. 2021-43. An Ordinance amending and supplementing Ordinance No. 2021-22, otherwise known as the permanent appropriations ordinance, to meet current expenses and other expenditures of the City of Monroe, during fiscal year ending December 31, 2021.

Mrs. Ervin noted she typically would present this in the fourth quarter; however, since she will not be here she wanted to get this entered to ease the burden when she leaves.

Mr. Funk moved to suspend the rule requiring the reading of Ordinance No. 2021-43 on two separate days, authorize its adoption on the first reading, and have it read by title only; seconded by Mr. Wagner. Voice vote. Motion carried.

The Clerk of Council read Ordinance No. 2021-43 by title only.

Mr. Funk moved to adopt Ordinance No. 2021-43; seconded by Mr. Wagner. Roll call vote: seven ayes. Motion carried.

Emergency Ordinance No. 2021-44. An Ordinance adjusting the compensation of the Law Director and declaring an emergency.

Mayor Frentzel reported this will not be a financial impact on the City and the Law Director's base salary has not been increased since 2008.

Mr. Funk moved to suspend the rule requiring the reading of Emergency Ordinance No. 2021-44 on two separate days, authorize its adoption on the first reading, and have it read by title only; seconded by Mrs. Hale. Voice vote. Motion carried.

The Clerk of Council read Emergency Ordinance No. 2021-44 by title only.

Mr. Funk moved to adopt Emergency Ordinance No. 2021-44; seconded by Mr. Hickman. Roll call vote: seven ayes. Motion carried.

Ordinance No. 2021-45. An Ordinance amending and supplementing Chapter 887 of the Codified Ordinances related to retirees, minors, and withholding tiers.

Mrs. Ervin explained this Ordinance has three major changes. The first change concerns retirees that are currently required to file once every three years. It has always been a challenge as to when they need to file and that is not a lot of income. We recommend that retirees only need to file if they meet the Federal filing requirement. Most of these returns have zero taxable income and this will relieve the burden on the retirees and staff.

The second change concerns minors most of which are home owner dependents and a lot of them file and ask for credits/refunds. That is a lot of processing time and it is not a huge impact on the City financially and for minors they only have to file with the City if they have to file Federal.

Both of these ease the burden on the residents and staff.



The third is the three different tiers. If you pay your employees a certain amount of money you have to file with the City quarterly, monthly, or semi-monthly. We are asking to reduce the semi-monthly. The original intent was to receive the money more frequently, but the reality is we are doing fine if we are getting it monthly. It is really more for the staff as to how much work we are processing.

Mr. Hickman asked about individuals who do not pay Monroe City tax and have to pay an estimated City tax instead of guessing what they are supposed to paying through the year and let them pay once per year. Mrs. Ervin isn't sure if that can be removed because of House Bill 5 and referred the question to Law Director Callahan who will look into this.

Mr. Funk moved to consider this the first reading of Ordinance 2021-45 and have it read by title only; seconded by Mrs. McElfresh. Voice vote. Motion carried.

The Clerk of Council read Ordinance No. 2021-45 by title only.

Mr. Funk moved to approve the first reading of Ordinance No. 2021-45; seconded by Mrs. Hale. Roll call vote: seven ayes. Motion carried.

Consideration of Motion to authorize the expenditure of \$23,822.28 for landscaping at the Police Facility.

Mr. Brock explained this will be to fill in the landscaping beds around the police facility.

Mr. Funk moved to authorize the expenditure of \$23,822.28 to Berns Landscaping for landscaping at the Police Facility; seconded by Mrs. Hale. Voice vote. Motion carried.

Consideration of Motion to authorize the expenditure of \$22,226.00 to Digital Visions Security Technologies for the purchase and installation of surveillance and security cameras at the police facility.

Captain Chasteen advised this is a continuation of our original plan and there were some things that we did not address in the original construction phase. We needed to get in and settled before we could address certain surveillance and cameras. We also have minor additional costs to monitor the Monroe Bicentennial Commons.

Mr. Funk moved to authorize the expenditure of \$22,226.00 to Digital Visions Security Technologies for the purchase and installation of surveillance and security cameras at the police facility; seconded by Mr. Wagner. Voice vote. Motion carried.

Consideration of Motion to authorize the expenditure of \$77,840.16 for the purchase of a CAT 305 Excavator and implements for the Department of Public Works.

Mr. Morton stated that he is asking to purchase a new excavator for the Water Department as the existing one is approximately 10 years old. We would like to replace it and take the existing to the parks and streets department. We are also asking for the implements.



Mr. Funk moved to authorize the expenditure of \$77,840.16 for the purchase of a CAT 305 Excavator and implements for the Department of Public Works; seconded by Mrs. Hale. Voice vote. Motion carried.

Consideration of Motion to authorize the expenditure of \$154,676.03 for the purchase of two CAT 259 Skid Loader and implements for the Department of Public Works.

Mr. Morton reported that originally we had a dump truck, skid loader, and excavator in the Water Department. If we ordered a dump truck now we wouldn't get it until next year. We would like to eliminate the dump truck this year and replace it with an extra skid loader.

Mr. Funk moved to authorize the expenditure of \$154,676.03 for the purchase of two CAT 259 Skid Loaders and implements for the Department of Public Works; seconded by Mrs. Hale. Voice vote. Motion carried.

Administrative Reports

Mr. Brock thanked Mrs. Ervin for her service with the City as she is leaving us to work for the Lebanon City School District.

The Center for Local Government is holding a meeting to put a group together for solar panels for city facilities. It can help us go green and reduce energy cost. We can include this in the capital cost or join the consortium. The first step is a no cost feasibility study. There was no objection from Council in proceeding with a feasibility study at no cost.

Regarding the State Route 63 Traffic Study, Mr. Brock read from the Study, for the record, and made the following comments:

At your request, I have investigated the traffic concerns that exist at the State Route 63 (SR 63) at Main Street intersection and have worked with traffic engineers with CT Consultants and Ohio Department of Transportation (ODOT) District 8 to offer my recommendations. He did a crash analysis and investigated the crashes that occurred either directly at the intersection or in the four approaches to the intersection (also understood to be the entire intersection influence area) in a four plus year period beginning in January 2017 and most recently on July 8, 2021. A total of 137 crashes occurred during that time period with 2 fatalities and 4 serious injuries. Overall, 45 crashes included injuries, which account for almost 33 percent of the crashes, which for a look-alike intersection elsewhere in the State of Ohio is above the statewide average of almost 28 percent. So, we are higher than the statewide average. Beyond, the intersection involving a higher percentage of dangerous injury crashes, a handful of crash patterns are particularly concerning as they make up a larger percentage of crashes at this intersection compared to the statewide average: left turn angle, right turn angle, and head-on crashes. Even worse, to compound the high rates of crashes for these crash types, the injury rate of these type of crashes are also higher than the statewide average. In summary, the historical data bears out that the most dangerous crash types are happening too frequently at this intersection. I have discussed these troubling crash patterns with ODOT District 8



and they agree that there is an opportunity for safety improvement at this intersection. This is a positive thing.

In the State Route 63 Speed Zone Review, the City contracted with CT Consultants. He has been working with CT Consultants. Through that analysis we believe in working with ODOT between Lawton Avenue and Britton Lane there is a segment that would permit the reduction of speed from 50 to 45 miles per hour. ODOT is looking at that data right now. We believe we have a case and bring that speed limit down.

The geometric and operational concerns are the skew that hampers a driver's line of sight and the sag of a vertical curve on State Route 63. While the SR 63 left turn lanes were aligned previously to aid in addressing the left turn angle crashes, the left movements are allowed to turn left with the green ball through movements. This gets to the point where we are talking about making that a permissive left turn only. With such a wide intersection and a long path to make left turning movements, left turning motorists must additionally judge oncoming vehicles traveling at high rates of speed and potentially accelerating coming down grade at them. Another concern at this intersection is the high volume of left turning traffic at three of the four approaches (all except the northbound left). The volume of each of these left turning movements, as well as the documented safety concerns suggest that each of these movements could benefit from protected-only left turn phases and additional capacity improvements. Another issue relates to southbound Main Street, particularly the left turning lane, which is plagued by a high rate of truck traffic that is severely rutting the pavement. Adding capacity to this movement, likely by adding a second left turn lane and building a thicker, heavy-duty, truck-appropriate concrete pavement approach where the trucks are decelerating and starting/stopping will be necessary.

We have had on our radar improving that movement at that intersection. We are getting cooperation from ODOT. One of the things we asked them to do is a safety study. They said that they could, but funding would not be until 2025.

There are three recommendations. The first one is do nothing and wait for ODOT to do a full study and the capital improvement costs are deferred out into the future.

The second is make a short term safety improvement and then do a full study. This is what Mr. Brock is recommending. The capital cost would include \$65,000 not including any additional studies. Traffic signal heads on each mast arm being adjusted, switching to the permissive left turn only now, not making any infrastructure improvements, putting flashing warning signs signal ahead, and a speed enforcement campaign. We are still recommending that a full study be completed beyond this, but this will make those minor improvements now. The downside is your level of service at that intersection is going to drop. It will take longer to get through.

The third option would be to make medium term safety capacity improvements which would include extending the lanes on State Route 63 and that would be approximately \$500,000. If we move forward with making those adjustments in the intersection under Option 2, we can add Option 3 pieces in the capital budget for discussion.



Mayor Frentzel felt that something sooner than waiting until a study is performed in 2025 is too long and agreed with Mr. Brock's recommendation.

Mrs. McElfresh noted more enforcement of the new speed would help and perhaps a coordinated effort with the Ohio State Patrol.

Mrs. McElfresh requested an update on the Todhunter Road study. Mr. Brock advised that there was a delay in getting core samples and we should receive a report soon.

Mrs. McElfresh moved to amend the agenda to consider Emergency Resolution No. 49-2021; seconded by Mr. Hickman. Roll call vote: seven ayes. Motion carried.

Mrs. McElfresh referred to the survey of reducing the speed on Lebanon Street that resulted in 70% of the residents in favor of the speed reduction. She agrees with the residents.

Emergency Resolution No. 49-2021. A Resolution directing the City Manager to cause the speed limit on Lebanon Street to be reduced from 35 miles per hour to 25 miles per hour and declaring an emergency.

Mr. Funk advised his position has not changed as it is a collector street and felt that it is more of a behavior issue.

In response to Mr. Brock's question, Mrs. McElfresh advised the legislation is for the entirety of Lebanon Street.

Mr. Funk moved to suspend the rule requiring the reading of Emergency Resolution No. 49-2021 on two separate days, authorize its adoption on the first reading, and have it read by title only; seconded by Mrs. Hale. Voice vote. Motion carried.

The Clerk of Council read Emergency Resolution No. 49-2021 by title only.

Mr. Funk moved to adopt Emergency Resolution No. 49-2021; seconded by Mrs. McElfresh. Roll call vote: six ayes; one nay (Funk). Motion carried.

Adjournment

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

The regular meeting of Council adjourned at 8:41 p.m.

Respectfully submitted,

Angela S. Wasson, MMC



Clerk of Council