

Monroe Council Agenda
Regular Meeting of Council
September 24, 2019 – 6:30 p.m.
233 South Main Street, Monroe, Ohio

Public Hearing. Ordinance No. 2019-24. An Ordinance amending the Planned Unit Development Agreement by and between the City of Monroe and Munafo Seven, Inc.

Mayor Routson opened the public hearing with the following statement of purpose and procedure for the hearing.

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 discussion by Council members.

Having been sworn, Mr. Chesar submitted proof of publication, proof of notice to required property owners, Planning Commission's written recommendation, a letter in support of the amendment from Ryan Zarbaugh, and two letters in opposition to the amendment from Aledra George and Thomas O'Hair.

Mr. Chesar reported that MNR Oil, Inc. submitted an application for a Planned Unit Development (PUD) amendment for an outparcel adjacent to the former IGA retail center on South Main Street. The request was to remove one of the parcels from the PUD to allow for a retail fuel sales operation and full access to the individual parcel.

Mr. Chesar informed Council that recommendations and decisions on text or map amendments shall be based on consideration of certain criteria although, not all criteria may apply to each case. Mr. Chesar advised of the criteria and comments relating to each as follows:

1. *Whether the proposed amendment corrects an error or meets the challenge of some changing condition, trend, or fact since the time that the original text or map designations were established.*

While the proposed amendment may not correct an error, the applicant has stated it does reflect the demand for this use. Additionally, the conditions surrounding the overall development involved in the PUD has changed from what was likely anticipated during the creation of the PUD in 2001.

2. *Whether the proposed amendment is consistent with the purpose of this code.*

The Planning and Zoning Code states “the purpose of a text or map amendment is to make adjustments due to changed conditions, changes in public policy, recommendations of the comprehensive plan, or that are necessary to advance the health, safety, and general welfare of the City.” With this in mind, the proposed amendment may be consistent with the purpose of the Code. As stated prior, the environment under which this PUD was created may not exist today.

3. *Whether, and the extent to which, the proposed amendment addresses a demonstrated community need.*

The applicant states in its application a need for an additional convenience store/refuel station, particularly along this stretch of Cincinnati Dayton Road: “The closest gas station is the small Ameristop on State Route 63 or down to Kroger’s or out to I-75 for either Shell or Speedway. When you look at the Cincinnati Dayton Road corridor, there is one station in Middletown and then eight miles south in Liberty Township. UDF, for example, only targets neighborhoods for its store locations and we think there is a lot of merit to that. With the few gas locations in Monroe, this means less competition and our survey of gas prices, which we do every day, shows this city has some of the higher prices in the region. Good competition will help to bring those high prices lower and we want to lead the way...”

4. *Whether the proposed amendment will protect the health, safety, morals, and general welfare of the public.*

Should the applicant move forward with development of the site for any use, adherence to the Code will be required in regards to issues of lighting, traffic, and other issues of public concern via the typical site plan approval process. Should Planning Commission recommend the PUD be amended to allow for a gas station, more directed measures could be included to further protect surrounding properties.

5. *Whether the proposed amendment will result in significant mitigation of adverse impacts on the natural environment, including air, water, noise, storm water management, wildlife, and vegetation.*

The applicant anticipates 200-300 vehicles per day, which they state is estimated to be one tenth of the former IGA traffic at its peak. The developer agrees to limit operations to 18 hours a day. City standards would ensure appropriate development of any new site. Concerns regarding light pollution, noise, and access issues would be tempered through code regulations and the results of the TIS as determined by the City Engineer. While most commercial development are not designed to reduce environmental impacts, the proposed development is not considerably different than other C-2 uses.

6. *Whether the proposed amendment will ensure efficient development within the City.*

As there is an end use associated with this PUD amendment request, the amendment may result in efficient development. Additionally, the C2 zoning would be consistent with much of the surrounding zoning.

7. *Whether the proposed amendment will result in a logical and orderly development pattern.*

Surrounding zoning is all either C-2 or C-2 PUD. The change from C-2 PUD to C-2 (or by allowing another C-2 use, such as gas station) could make logical sense in the overall development pattern of that area. A variety of other typical C-2 uses could be viewed as a similar use intensity as a convenience store/gas station.

Mr. Chesar advised that while the applicant requested the parcel be removed from the PUD, the Planning Commission recommended to modify “Automotive Service Station” to exclude retail fuel sales, limit the operation to 18 hours per day, 6 a.m. to 10 p.m., eliminate the requirement for outparcels to receive access solely from the main entrance along South Main Street and be permitted direct access to their property from South Main Street with the two northern out lots having one shared access point, and the fuel canopy location may be required to locate further west from the right-of-way in order to accommodate a sidewalk and to avoid possible queuing of refueling traffic from Main Street.

Mr. Chesar noted that the hours of 6 a.m. to 10 p.m. do not equal 18 hours per day and will followup on that.

Nicholas Kakers of 135 Stillpass Way supported this because it would be convenient. They have the BP off of the Interstate in Middletown.

Andrew Huelscamp supported this. He stated he was the contractor for other projects of the applicant and has been building gas stations for over 20 years. Mr. Funk asked what would happen to the tanks if they business does not do well. Mr. Huelscamp said that the government requires insurance through BUSTER and if the business is no longer in use they must be removed. Tanks are safer than they have ever been.

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

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

Pledge of Allegiance

Mayor Routson opened the regular meeting of Council at 6:53 p.m. with the Pledge of Allegiance.

Roll Call

Council members present: Dan Clark, Keith Funk, Anna Hale, Todd Hickman, Christina McElfresh, and Robert Routson.

Staff members present: City Manager William J. Brock
Law Director K. Philip Callahan
Police Captain David Chasteen
Fire Chief John P. Centers
Director of Development Kevin Chesar
Director of Finance Karen Ervin

Mr. Clark moved to excuse Mr. Frentzel; seconded by Mrs. McElfresh. Voice vote. Motion carried.

Approval of the Minutes

Mr. Clark moved to approve the Finance Committee Minutes and Council Minutes of September 10, 2019; seconded by Mrs. Hale. Voice vote. Motion carried.

Visitors

None.

Committee Reports

None.

Old Business

Ordinance No. 2019-19. An Ordinance authorizing the trade in of a 2010 International 4300 no longer needed for municipal purposes. (Second Reading – Tabled August 27, 2019)

Mr. Brock advised that the dealer has increased the trade in by \$2,000 bringing it to \$17,000. As requested by Council, Mr. Brock reported that staff checked the selling prices of similar vehicles and only found one that was slightly higher; therefore, he is recommending that Council authorize the trade in of this vehicle.

Mr. Clark moved to remove Ordinance No. 2019-19 from the table; seconded by Mr. Funk. Voice vote. Motion carried.

Mr. Clark moved to consider this the second reading of Ordinance No. 2019-19 and have it read by title only; seconded by Mr. Funk. Voice vote. Motion carried.

The Clerk of Council read Ordinance No. 2019-19 by title only.

Mr. Clark moved to adopt Ordinance No. 2019-19; seconded by Mr. Hickman. Roll call vote: six ayes. Motion carried.

New Business

Resolution No. 45-2019. A Resolution authorizing the City Manager to enter into an extension agreement by and between the City of Monroe and Clark, Schaefer, Hackett & Co. for the annual audit.

Mr. Brock reported that the Auditor of State rebid the annual audit project and has agreed to allow Clark, Schaefer, Hackett & Co. to extend their contract with the City of Monroe for five years.

Mr. Clark moved to consider this the first reading of Resolution No. 45-2019 and have it read by title only; seconded by Mrs. Hale. Voice vote. Motion carried.

The Clerk of Council read Resolution No. 45-2019 by title only.

Mr. Clark moved to approve the first reading of Resolution No. 45-2019; seconded by Mrs. McElfresh. Roll call vote: six ayes. Motion carried.

Resolution No. 46-2019. A Resolution authorizing the City Manager to enter into a License Agreement by and between the City of Monroe and The Dial Radio Club of Middletown for placement of an antenna on the Britton Lane Storage Tank.

Mr. Brock stated that The Dial Radio Club of Middletown had an antenna on the East Avenue water tower and, since that tower has been removed, they are requesting permission to place the antenna on the Britton Lane water tower.

Mr. Clark moved to consider this the first reading of Resolution No. 46-2019 and have it read by title only; seconded by Mrs. Hale. Voice vote. Motion carried.

The Clerk of Council read Resolution No. 46-2019 by title only.

Mr. Clark moved to approve the first reading of Resolution No. 46-2019; seconded by Mrs. Hale. Roll call vote: six ayes. Motion carried.

Ordinance No. 2019-23. An Ordinance approving the Final Plat of Monroe Commerce Center.

Mr. Brock informed Council that review of the site plan for ProLogis/Bed Bath and Beyond required a new road to be constructed. This legislation will accept and dedicate the new road.

Mr. Clark moved to consider this the first reading of Ordinance No. 2019-23 and have it read by title only; seconded by Mr. Funk. Voice vote. Motion carried.

The Clerk of Council read Ordinance No. 2019-23 by title only.

Mr. Clark moved to approve the first reading of Ordinance No. 2019-23; seconded by Mr. Hickman. Roll call vote: six ayes. Motion carried.

Ordinance No. 2019-24. An Ordinance amending the Planned Unit Development Agreement by and between the City of Monroe and Munafco Seven, Inc.

Mr. Clark moved to consider this the first reading of Ordinance No. 2019-24 and have it read by title only; seconded by Mrs. Hale. Voice vote. Motion carried.

The Clerk of Council read Ordinance No. 2019-24 by title only.

Mr. Clark moved to approve the first reading of Ordinance No. 2019-24; seconded by Mr. Funk. Roll call vote: six ayes. Motion carried.

Consideration of Motion authorizing the expenditure of \$160,509 for the purchase of a Western Star 4700SF dump truck, including a snow removal package, for the Department of Public Works.

Mr. Clark moved to authorize the expenditure of \$160,509 for the purchase of a Western Star 4700SF dump truck, including a snow removal package, for the Department of Public Works; seconded by Mr. Hickman. Voice vote. Motion carried.

Consideration of Motion rejecting the bids received for the 2019-06 Monroe Crossings Park Shelter and Playground Project.

Mr. Brock announced that today we accepted bids for Phase One of Bicentennial Commons. We had estimated that at about \$1.2 million. Half budgeted this year half budgeted for next year. One bid came in at \$2.4 million. We are finding that this type of work is becoming very expensive. Not sure if it is because the contractors are busy. We are going back to the consultants to see what it is we need to do to get this project moving forward. We are getting ready to bid out the interior of the police station. We did get an acceptable bid on the repaving the second time around.

Mr. Clark moved to reject the bids for the 2019-06 Monroe Crossings Park Shelter and Playground Project; seconded by Mr. Funk. Voice vote. Motion carried.

Consideration of Motion accepting the July 2019 Finance Reports as submitted.

Mr. Clark moved to accept the July 2019 Finance Reports as submitted; seconded by Mrs. McElfresh. Voice vote. Motion carried.

Administrative Reports

Mr. Brock stated that there will be legislation presented in October for bond issuance. For the construction of the police department itself, including the design of the building and construction documents the total costs are at approximately \$8.1 million. If you are looking at \$8 million and

what we are seeing in the bids coming in, we may want to bump out our estimates. We did a note for \$1.3 million for the acquisition and the reserves for that we used. We have the use as a police department we are earning income from Foggyz and Cassanos and that is taxable income. Do we want to use that or do we want to use the \$600,000 and just not reimburse ourselves? We did pass reimbursement legislation. We can use those funds in the parks and capital improvements.

In addition if we want to remodel the downstairs Mr. Brock estimates that at about \$500,000. We were about \$150,000 for what was done downstairs (City Manager's offices). The Baker dog park was budgeted for \$250,000 and now we are looking at \$750,000 - \$800,000 for a dog park. We have Brandstetter Carroll working on estimates for a splash pad. We have the needs out there and if we had an annual debt service payment of \$800,000 that would be \$11,600,000 in bonds and it would provide funds for other projects. Do we take that additional capacity that we can afford to do and then just schedule it out as we discuss capital improvements? Mayor said to go for it all as we don't know what the costs are going to be in the future.

Mr. Clark noted that it doesn't mean we are going to spend it. Mr. Brock replied that Mr. Clark is correct; however, we incur costs every time we issue debt. Mrs. Waggaman did not know the exact costs, but it could be around \$100,000 or could be less every time we issue debt.

Mrs. McElfresh did not want to be in a position where we wished we did something and make sure we can afford them. At least if we allocate all of the funds we can just piece mill it out. Mr. Brock confirmed that all of it will come before Council for a decision.

Mrs. McElfresh pointed out that the community wants to utilize the park. Mr. Brock explained that we need to look at what we need to spend that money on. For example, do we need a big arch? He cannot understand spending half a million dollars for a toilet (referring to the Monroe Crossings Shelter). Mr. Brock would like to take some of these things back to the Park Board.

Mr. Hickman asked if we needed an indoor firing range or drive through at the new police station. Mr. Clark stated that the indoor firing range is not included at this time. Mr. Hickman's point is that the priorities are the police department and the community wants the parks. Mr. Brock noted we will look at that and the needs. He advised that we will prepare the legislation for the full amount. Mrs. Waggaman added that if the projects come in lower we will not need to spend it all.

Mr. Clark sought an updated on the unsolicited materials legislation from Mr. Callahan. Mr. Callahan advised that new legislation will be on the October 8th agenda.

Mr. Hickman asked if the swimming pool recently acquired by the City will be filled in. Mr. Brock advised that staff is obtaining cost estimates on filling it in. Mr. Hickman stated he had someone ask about a pickle ball court being located there. Mr. Brock noted it will not be filled in until next year and the plan is to present the area to the Park Board.

Mr. Hickman referenced an email Council received about solar and energy savings and asked Mr. Brock if he received that. Mr. Brock replied that he did and will be responding.

Mr. Hickman expressed concern when people send an email to council@monroeoehio.org they believe it is going to the 7 members of Council, but it also goes to the City Manager and Clerk of Council. He didn't think it was very honest for Council to have an email and it goes to other people as there are times when we receive complaints. Mayor Routson pointed out that 90% of the emails sent to council come from the City Manager or the Clerk of Council. Mr. Hickman still felt they were being dishonest to the citizens. Mayor Routson advised his response to the emails would be that he would forward to the City Manager or the Clerk. Mr. Hickman was fine with that.

Mayor Routson stated that he has had emails sent to him and asked the Clerk if anyone has responded then find out they were not sent to everyone on Council. Mr. Clark didn't think it was a big deal and an easy fix. Mrs. McElfresh agreed and suggested we employ the easy fix.

Mr. Clark moved to adjourn into executive session to consider the sale or disposition of real property; seconded by Mrs. Hale. Roll call vote: six ayes. Motion carried.

Council adjourned into executive session at 7:36 p.m.

Mr. Clark moved to reconvene into regular session; seconded by Mr. Funk. Voice vote. Motion carried.

Council reconvened into regular session at 7:49 p.m.

Adjournment

Mr. Clark moved to adjourn; seconded by Mrs. Hale. Voice vote. Motion carried.

The regular meeting of Council adjourned at 7:49 p.m.

Respectfully submitted,

Angela S. Wasson, MMC
Clerk of Council