

**Monroe Council Minutes
Regular Meeting of Council
October 8, 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

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

Staff members present: City Manager/City Engineer William J. Brock
Law Director K. Philip Callahan
Police Captain Brian Curlis
Fire Chief John Centers
Director of Finance Karen Ervin
Assistant to the City Manager/Clerk of Council Angela S. Wasson

Visitors: Nik Patel, Mo Patel, Myron Propps, Darlene Wolfe, Edward Schaefer, Kerry Roe, Barry A. Propps, Michael Howard, and Michael O'Donoghue.

Approval of the Minutes

Mr. Clark moved to approve the minutes of the Public Safety Committee and Council Minutes of September 24, 2019; seconded by Mrs. Hale. Voice vote. Motion carried.

Visitors

- Cynthia Stever and Fire Chief John P. Centers – Butler County Elderly Services Program.

Chief Centers has been a Board Member of the Butler County Elderly Services Program for a number of years. As a result of a need experienced with a family member he was made aware of the benefits of the program and realized that a lot of people in Monroe were not familiar with it. This program provides home services and assists in making the home safe to avoid falls and other services. The numbers are increasing and the needs are increasing for our elderly residents. We want to keep people in their homes as long as they possibly can.

Cynthia Stever explained the eligibility for the program and how to enroll.

- Kerry Roe - Clark, Schaefer, & Hackett

Mr. Roe spoke about the City's 2018 Finance Statement Audit. The audit has been submitted to the Auditor of State's audit in June and accepted the report. The City has also submitted their

Comprehensive Annual Finance Report and will find out later in the year if an award will be received. We are required to inspect the City's internal and external controls and found everything to be in compliance. We did find one minor item, but that has been rectified.

Myron Propps advised Council that she and her husband are opposed to the proposed gas station near the corner of South Main Street and Carson Road.

Darlene Wolfe expressed her opposition to the proposed gas station near the corner of South Main Street and Carson Road. She also expressed concern about the weeds at a property on Douglas and people mowing their grass in the street.

Edward Schaefer spoke in support of the proposed gas station near the corner of South Main Street and Carson Road.

Committee Reports

None.

Old 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. (Second Reading)

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

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

Mr. Clark moved to adopt Resolution No. 45-2019; seconded by Mr. Funk. Roll call vote: seven 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. (Second Reading)

Mr. Clark moved to consider this the second 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 adopt Resolution No. 46-2019; seconded by Mr. Hickman. Roll call vote: seven ayes. Motion carried.

Ordinance No. 2019-23. An Ordinance approving the Final Plat of Monroe Commerce Center. (Second Reading)

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

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

Mr. Clark moved to adopt Ordinance No. 2019-23; seconded by Mr. Funk. Roll call vote: seven ayes. Motion carried.

Ordinance No. 2019-24. An Ordinance amending the Planned Unit Development Agreement by and between the City of Monroe and Munafo Seven, Inc. (Second Reading)

Mr. Brock advised that Mr. Chesar explained the four proposed amendments during the public hearing; however, the legislation only included two. Mr. Brock is asking Council to amend the legislation to include all four of the proposed amendments as recommended by the Planning Commission.

Mr. Funk asked if anything else would require approval prior to construction. Mr. Brock advised that a site plan would need to be submitted and a traffic impact study.

Nik Patel, one of the owners of the proposed station, stated that he and his brother become part of the community and do not operate like a franchise. We make sure that our stores are clean and the employees are friendly. He noted that the lot is already zoned for a convenience store and he felt that a gas station would be an added benefit to Monroe.

Mr. Clark moved to amend Ordinance No. 2019-24 to include the location of the fuel canopy and the hours of operation; seconded by Mrs. Hale. Voice vote. Motion carried.

Mr. Clark moved to consider this the second 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 adopt Ordinance No. 2019-24; seconded by Mr. Hickman. Roll call vote: four ayes; three nays (McElfresh, Frentzel, Funk). Motion carried.

New Business

Emergency Resolution No. 47-2019. A Resolution approving a Then-and-Now Certificate in the amount of \$20,666.00 to CT Consultants and declaring an emergency.

Mr. Brock explained that no action is necessary on this legislation as it was found that it was not needed.

Emergency Resolution No. 48-2019. A Resolution approving a Then-and-Now Certificate in the amount of \$17,500.00 to HNC-Virtual Solutions and declaring an emergency.

Mr. Brock reported that this is needed for the second half payment for the telemedicine equipment.

Mr. Clark moved to suspend the rule requiring reading of Emergency Resolution No. 48-2019 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. 48-2019 by title only.

Mr. Clark moved to adopt Emergency Resolution No. 48-2019; seconded by Mr. Frentzel. Roll call vote: seven ayes. Motion carried.

Resolution No. 49-2019. A Resolution authorizing the City Manager to enter into an agreement by and between the City of Monroe and Barrett Paving Materials, Inc. for the 2019 Pavement Resurfacing Project.

Mr. Brock explained that this was the second time we sought bids for the project and, after restructuring the project, it came in under the estimated budget of \$500,000.

Mr. Clark moved to consider this the first reading of Resolution No. 49-2019 and have it read by title only; seconded by Mrs. Hale. Voice vote. Motion carried.

The Clerk of Council read Resolution No. 49-2019 by title only.

Mr. Clark moved to approve the first reading of Resolution No. 49-2019; seconded by Mrs. McElfresh. Roll call vote: seven ayes. Motion carried.

Ordinance No. 2019-25. An Ordinance providing for the issuance of not to exceed \$7,425,000 building improvement bonds, by the City of Monroe, Ohio and authorizing an official statement.

Mr. Brock reported they are all related to bonds we are seeking for the construction of the police department facility. The \$7,425,000 is for the construction, furnishing, moving, and design work by KZF. The \$1.4 million is for reimbursing us for the purchase price for the facility and land. We are not including the strip center as we will be receiving lease payments and is considered a taxable item. The other two items is for park improvements (\$2,680,00) and \$515,000 to renovate the current location of the police department. Bond counsel advised that they need to be addressed individually. The \$11,960,000 combines all of these so we just need to issue bonds for that one amount.

Referring to Ordinance No. 2019-26, Mr. Hickman asked if Council has seen plans for this renovation. Mr. Brock replied the only plans are in the feasibility study completed by KZF. This would be office space for development and a community room. We have not moved forward with any specific design. This is the preliminary estimate.

Mr. Frentzel asked what happens to the excess bond funds if the cost is less than the \$515,000. Mr. Brock explained that it is labeled as building improvements, which is specifically for downstairs. He believes that if we have extra funds we can still use those funds for something out at public works with Council approval.

Mr. Clark pointed out that we are authorizing the bond money and it doesn't mean that we have to spend it or move forward with the renovation.

Mr. Clark moved to consider this the first reading of Ordinance No. 2019-25 and have it read by title only; seconded by Mrs. McElfresh. Voice vote. Motion carried.

The Clerk of Council read Ordinance No. 2019-25 by title only.

Mr. Clark moved to approve the first reading of Ordinance No. 2019-25; seconded by Mr. Funk. Roll call vote: seven ayes. Motion carried.

Ordinance No. 2019-26. An Ordinance providing for the issuance of not to exceed \$515,000 building improvement bonds, by the City of Monroe, Ohio and authorizing an official statement.

Mr. Clark moved to consider this the first reading of Ordinance No. 2019-26 and have it read by title only; seconded by Mrs. McElfresh. Voice vote. Motion carried.

The Clerk of Council read Ordinance No. 2019-26 by title only.

Mr. Clark moved to approve the first reading of Ordinance No. 2019-26; seconded by Mr. Frentzel. Roll call vote: six ayes; one nay (Hickman). Motion carried.

Ordinance No. 2019-27. An Ordinance providing for the issuance of not to exceed \$1,340,000 real estate acquisition bonds, by the City of Monroe, Ohio and authorizing an official statement.

Mr. Clark moved to consider this the first reading of Ordinance No. 2019-27; seconded by Mr. Funk. Voice vote. Motion carried.

The Clerk of Council read Ordinance No. 2019-27 by title only.

Mr. Clark moved to approve the first reading of Ordinance No. 2019-27; seconded by Mr. Hickman. Roll call vote: seven ayes. Motion carried

Ordinance No. 2019-28. An Ordinance providing for the issuance of not to exceed \$2,680,000 park improvement bonds, by the City of Monroe, Ohio and authorizing an official statement.

Mr. Clark moved to consider this the first reading of Ordinance No. 2019-28 and have it read by title only; seconded by Mr. Funk. Voice vote. Motion carried.

The Clerk of Council read Ordinance No. 2019-28 by title only.

Mr. Clark moved to approve the first reading of Ordinance No. 2019-28; seconded by Mr. Frentzel. Roll call vote: seven ayes. Motion carried.

Ordinance No. 2019-29. An Ordinance providing for the issuance of not to exceed \$11,960.00 various purpose income tax revenue bonds, series 2019, by the City of Monroe, Ohio and authorizing an official statement.

Mr. Clark moved to consider this the first reading of Ordinance No. 2019-29 and have it read by title only; seconded by Mr. Funk. Voice vote. Motion carried.

The Clerk of Council read Ordinance No. 2019-29 by title only.

Mr. Clark moved to approve the first reading of Ordinance No. 2019-29; seconded by Mrs. McElfresh. Roll call vote: six ayes; one nay (Hickman). Motion carried.

Ordinance No. 2019-30. An Ordinance repealing Ordinance No. 2019-12 in its entirety.

Mr. Clark moved to consider this the first reading of Ordinance No. 2019-30 and have it read by title only; seconded by Mrs. McElfresh. Voice vote. Motion carried.

The Clerk of Council read Ordinance No. 2019-30 by title only.

Mr. Clark moved to approve the first reading of Ordinance No. 2019-30; seconded by Mr. Funk. Roll call vote: seven ayes. Motion carried.

Ordinance No. 2019-31. An Ordinance supplementing Chapter 660 of the Codified Ordinances to regulate unsolicited materials.

Mr. Callahan advised that the difference between these two ordinances is the first ordinance adopted contains criminal penalties. In April of this year the United States Court of Appeals upheld the Lexington-Fayette Urban County ordinance that contained civil penalties and provided for an administrative appeal. Mr. Callahan felt it best to adopt legislation that has been upheld in Federal Court.

Mr. Callahan encouraged that staff reach out to the distributors that we haven't spoke with to work with them to be in compliance with the legislation.

Mr. Hickman asked if the person received the unsolicited material will need to call the City to complain in order for a citation to be issued. Mr. Callahan explained that if the code enforcement person sees this material in front of someone's house they need to confirm that the property owner did not want them. If that is the case a citation would be issued.

Mr. Hickman could not imagine a staff member driving around every Monday morning and asking each property owner if they wanted the material. This staff member is not going to have time to do that.

Mr. Clark felt that enough people complain and citations are issued the problem will be resolved.

Mr. Hickman didn't want to hire another employee just for this.

Mr. Clark moved to consider this the first reading of Ordinance No. 2019-31 and have it read by title only; seconded by Mr. Frentzel. Voice vote. Motion carried.

The Clerk of Council read Ordinance No. 2019-31 by title only.

Mr. Clark moved to approve the first reading of Ordinance No. 2019-31; seconded by Mr. Hickman. Roll call vote: seven ayes. Motion carried.

Consideration of Motion to reject the bids received for the 2019-05 Monroe Bicentennial Commons Phase 1 Project.

Mr. Clark moved to reject the bids received for the 2019-05 Monroe Bicentennial Commons Phase 1 Project; seconded by Mr. Funk. Voice vote. Motion carried.

Administrative Reports

None.

Adjournment

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

The regular meeting of Council adjourned at 8:05 p.m.

Respectfully submitted,

Angela S. Wasson, MMC
Clerk of Council