

**Monroe Council Agenda
Regular Meeting of Council
October 8, 2019 – 6:30 p.m.
233 South Main Street, Monroe, Ohio**

Pledge of Allegiance

Roll Call

Approval of the Minutes – Public Safety Committee and Council Minutes of September 24, 2019

Visitors

- Cynthia Stever – Butler County Elderly Services Program
- Kerry Roe - Clark, Schaefer, & Hackett

Committee Reports

Public Works Committee
Finance Committee
Administrative Liaison Committee
Technology Committee
Public Involvement Committee
Public Safety Committee

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)

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)

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

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)

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.

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.

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.

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.

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.

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.

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.

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.

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

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

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

Administrative Reports

Adjournment

**Monroe Council Agenda
Regular Meeting of Council
October 8, 2019 – 6:30 p.m.
233 South Main Street, Monroe, Ohio**

Pledge of Allegiance

Roll Call

Approval of the Minutes – Public Safety Committee and Council Minutes of September 24, 2019

Visitors

- Cynthia Stever – Butler County Elderly Services Program
- Kerry Roe - Clark, Schaefer, & Hackett

Committee Reports

Public Works Committee
Finance Committee
Administrative Liaison Committee
Technology Committee
Public Involvement Committee
Public Safety Committee

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)

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)

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

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)

Background. The Planning Commission's recommendation had four proposed amendments to the PUD. In addition, Mr. Chesar reviewed all four proposed amendments in his presentation during the public hearing. A redlined agreement was included in your packets and the legislation was created based on this. However, the redlined agreement only contained two out of the four recommendations. It is recommended that Council amend the legislation to include all four amendments prior to making a decision.

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.

Background. Additional design fees in the amount of \$20,666.00 from CT Consultants for the improvement project at Lawton Avenue and State Route 63. This Then-and-Now will enable CT Consultants to prepare plans for the City's review including traffic signal improvements at American Way as approved by Council per Resolution No. 17-2019 passed on April 23, 2019.

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.

Background. This is the final payment for the telemedicine equipment funded through the Atrium Medical Center Foundation.

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.

Background. Bids were received for the 2019-04 Pavement Resurfacing project on Friday, September 20th, 2019. The City received one (1) bid from Barrett Paving Materials, Inc. in the amount of \$385,286.53 for the base bid and \$41,747.31 for the alternate bid. The base bid includes pavement resurfacing of Salzman Road from S.R. 63 south to Logistics Drive, Westheimer Drive, Wright Drive, and Edison Drive. The alternate bid includes pavement repairs on Dorothy Lane, Bendel Drive and Amity Lane. The total contract price is \$427,033.84 which is well within our estimated budget of \$500,000.00. The work is estimated to be completed by December 15, 2019. Staff recommends accepting the base bid and alternate bid.

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.

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.

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.

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.

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.

Background. These are necessary bond documents that I discussed at our last meeting as prepared by Bond Counsel at Dinsmore. We will have a detailed explanation at the meeting on Tuesday.

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

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

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

Administrative Reports

Adjournment

City of Monroe
Public Safety Committee of Council
September 24, 2019

The Public Safety Committee of Council met at 5:51 p.m. on September 24, 2019, in the Council Library located at 233 South Main Street, Monroe, Ohio.

Present were: Dan Clark, Vice Mayor; Todd Hickman, Council Member; Keith Funk, Council Member; William J. Brock, City Manager/City Engineer; John P. Centers, Fire Chief; Robert Buchanan, Chief of Police; Kacey L. Waggaman, Assistant Manager; and Angela S. Wasson, Assistant to the City Manager/Clerk of Council.

Chief Centers reported that he spoke with Chief Buchanan and the capabilities of the Computer Aided Dispatch (CAD) system. Due to the fact that it tracks by address and not by person it would seem the best route to track the hospital preference, allergies, medications, and medical history would be to utilize the EMS Sign Post Program. This can be updated by the family remotely if they need to and it shows when the last time it was updated. For example, if you are looking at the medications and it hasn't been updated since 2016, it would cue staff to question whether or not the medications were correct. There is a note section that could contain the hospital preference. Chief Centers will see if a field could be added to include the hospital preference.

Mr. Clark asked how it would be advertised. Chief Centers said we could put it on the website, newsletter, and social media.

Mr. Hickman brought up the cell phone app for medical information that is accessible through the cell phone or the watches that are connected to the phone. The app, Health ID, could be accessible by the paramedics. You can include any medical information you want in the app.

Referring to the life threatening illnesses Chief Centers confirmed that the patient can be taken to Atrium or West Chester. Also, if there is someone such as a family member, they can also assist the EMS personnel with the preferred hospital.

Mr. Hickman and Mr. Clark expressed the importance of getting the information to the public and continued training and public notifications.

Chief Buchanan stated that there have been 3 individuals that have been sent to the Ohio State Patrol Academy in Columbus, which is an in-residency academy that lasts for approximately 3 months. These 3 officers were exceptional. In the last couple of tests that we had there have been individuals that we have identified and sent to the academy. This has worked out very well and getting a good product back. They are highly trained when they return. It is an investment and we are very selective on who we send.

Mr. Clark asked if these individuals are more likely to stay and Chief Buchanan believed they are as you are giving them this opportunity and brings that loyalty to the department.

Chief Buchanan advised that the current list has been exhausted and we have asked for an extension. We have identified 1 candidate and we are ready to make the offer; however, none of the academies begin until January. We are down 3 officers and getting close to holding another test.

Mr. Clark asked where college education ranked and Chief Buchanan advised that it counts, but it is lower than the academy.

Chief Buchanan stated that we are in competition with several other jurisdictions and when we test we may have 2 or 3 candidates.

Going back to the hospital choice, Mr. Hickman noted that he personally had a situation where he was not permitted to go to the hospital of his choice.

Mr. Hickman stated that neither police or fire will receive a lot of complaints because people are afraid to complain. People won't complain because they don't want to feel like they may be threatened down the road or may not be treated fairly if they complain. Mr. Funk felt that was an accusation that is not backed up. Mr. Clark thought people may feel that way, but didn't think it was true and hoped that it was not widely true.

At this time, Chief Buchanan left the meeting.

Mr. Hickman related complaining about police and fire to complaining about a neighbor. People do not want to do that because they live right next to them. Mr. Hickman has heard this from citizens. There are things that they will not complain about it.

Mr. Funk asked Mr. Hickman if he was insinuating that our public safety departments are underperforming because people are afraid to complain. Mr. Hickman replied that he did not insinuate anything. Mr. Funk stated that there is no data to support this.

Mr. Hickman did not understand why the Chief of Police walked out as we are supposed to be able to discuss things during the meeting.

The Public Safety Committee meeting adjourned at 6:20 p.m.

Respectfully submitted,

Angela S. Wasson, MMC
Clerk of Council

**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 the 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 Munafo 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 to 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@monroeohio.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

ORDINANCE NO. 2019-24

AN ORDINANCE AMENDING THE PLANNED UNIT DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF MONROE AND MUNAFO SEVEN, INC.

WHEREAS, Council approved a Planned Unit Development Agreement (“Agreement”) through the adoption of Ordinance No. 2001-27 for real property located at the corner of South Main Street and Carson Road; and

WHEREAS, Council has made a recommendation to amend the Agreement to permit retail fuel sales with specific hours of operation, access requirements, and canopy location as further described herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MONROE, STATE OF OHIO, THAT

SECTION 1: Section 5A of the Agreement is hereby repealed and amended to read as follows:

“A. All outparcels shall receive ingress and egress access solely from the internal traffic network for the Project property as shown on the Preliminary Development Plan. No direct access shall be granted for any outparcel from South Main Street or Carson Road. This excludes the two outparcels generally located at the northeastern portion of the PUD boundary, identified as Parcel C1800008000069 and C1800008000070. The referenced parcels shall be permitted a shared ingress and egress access location from South Main Street after a Traffic Impact Study (TIS) is completed and approved with appropriate parameters as determined by the City Engineer. Further, the property owner will be responsible for the creation of any related access easements for these two parcels.”

SECTION 2: Section 5 of the Agreement is hereby supplemented to read as follows:

“C. The fuel canopy location may be required to locate further west from the right-of-way in order to accommodate a sidewalk and avoid possible queueing of refueling traffic from Main Street.”

SECTION 2: Section 6 c) of the Agreement is hereby repealed and amended to read as follows:

“c) Automotive service station (excludes Retail Fuel Sales). Retail Fuel Sales operations are limited to 18 hours per day”

SECTION 3: All other terms and conditions contained in the Agreement shall remain in full force and effect.

SECTION 4: This measure shall take effect and be in full force from and after the earliest period allowed by law.

PASSED:_____

ATTEST:

APPROVED:

Clerk of Council

Mayor

First Reading:_____

ORDINANCE NO. 2019-24

AN ORDINANCE AMENDING THE PLANNED UNIT DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF MONROE AND MUNAFO SEVEN, INC.

WHEREAS, Council approved a Planned Unit Development Agreement (“Agreement”) through the adoption of Ordinance No. 2001-27 for real property located at the corner of South Main Street and Carson Road; and

WHEREAS, Council has made a recommendation to amend the Agreement to permit retail fuel sales with specific hours of operation, access requirements, and canopy location as further described herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MONROE, STATE OF OHIO, THAT

SECTION 1: Section 5A of the Agreement is hereby repealed and amended to read as follows:

- “A. All outparcels shall receive ingress and egress access solely from the internal traffic network for the Project property as shown on the Preliminary Development Plan. No direct access shall be granted for any outparcel from South Main Street or Carson Road. This excludes the two outparcels generally located at the northeastern portion of the PUD boundary, identified as Parcel C1800008000069 and C1800008000070. The referenced parcels shall be permitted a shared ingress and egress access location from South Main Street after a Traffic Impact Study (TIS) is completed and approved with appropriate parameters as determined by the City Engineer. Further, the property owner will be responsible for the creation of any related access easements for these two parcels.”

SECTION 2: Section 5 of the Agreement is hereby supplemented to read as follows:

- “C. The fuel canopy location may be required to locate further west from the right-of-way in order to accommodate a sidewalk and avoid possible queueing of refueling traffic from Main Street.”

SECTION 2: Section 6 c) of the Agreement is hereby repealed and amended to read as follows:

“c) Automotive service station (excludes Retail Fuel Sales). Retail Fuel Sales operations are limited to 18 hours per day”

SECTION 3: All other terms and conditions contained in the Agreement shall remain in full force and effect.

SECTION 4: This measure shall take effect and be in full force from and after the earliest period allowed by law.

PASSED:_____

ATTEST:

APPROVED:

Clerk of Council

Mayor

First Reading:_____

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.

WHEREAS, additional plans for the improvement project at Lawton Avenue and State Route 63 were necessary; and

WHEREAS, the invoice was received prior to the opening of a purchase order.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONROE, STATE OF OHIO, THAT:

SECTION 1: A Then-and-Now Certificate in the amount of \$20,666.00 to CT Consultants is hereby approved.

SECTION 2: This measure is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare and further for the reason that Council desires to authorize the Certificate at the earliest possible date to avoid any delay in paying for services rendered. Therefore, this measure shall take effect and be in full force from and after its passage.

PASSED: _____

ATTEST:

APPROVED:

Clerk of Council

Mayor



Send payment to: Attn: Lockbox
CT Consultants
8150 Sterling Court
Mentor, OH 44060
phone: 440.951.9000
acct@ctconsultants.com

Fed ID #34-0792089

Mr. Dan Arthur
City of Monroe
233 South Main Street
P.O. Box 330
Monroe, OH 45050

August 21, 2019
Invoice No: 180691 - 7

Project 180691 Monroe/SR63 at Lawton Dr. Right Turn Lane Extension

PO# 20180242

Professional Services through July 31, 2019

Phase 03 Prepare Final Plans

Complete final plans & submit to City for review; Complete final construction cost estimate for everything except American Way intersection signal work.

Fee

Total Fee	23,500.00		
Percent Complete	100.00	Total Earned	23,500.00
		Previous Fee Billing	18,330.00
		Current Fee Billing	5,170.00
		Total Fee	5,170.00
		Total this Phase	\$5,170.00

Phase 04 Signal Pole Replacement

Additional field survey; Confirm existing pole types & signal head heights; Prepare 50% complete plan set.

Fee

Total Fee	29,800.00		
Percent Complete	65.00	Total Earned	19,370.00
		Previous Fee Billing	3,874.00
		Current Fee Billing	15,496.00
		Total Fee	15,496.00
		Total this Phase	\$15,496.00

Total this Invoice \$20,666.00

Authorized By: _____

DONALD SHVEGZDA

RESOLUTION NO. 17-2019

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT THE PROPOSAL FROM CT CONSULTANTS FOR PROFESSIONAL ENGINEERING SERVICES FOR SIGNAL IMPROVEMENTS TO THE INTERSECTION OF AMERICAN WAY AND STATE ROUTE 63.

WHEREAS, during the design phase of the improvements to the widening of State Route 63 between Lawton Avenue and American Way it was determined that the signal poles were undersized.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONROE, STATE OF OHIO, THAT:

SECTION 1: The City Manager is authorized to accept the proposal from CT Consultants marked Exhibit "A" attached hereto and made a part hereof, for professional engineering services for signal improvements to the intersection of American Way and State Route 63.

SECTION 2: This measure shall take effect and be in full force from and after the earliest period allowed by law.

PASSED: April 23, 2019

ATTEST:


Clerk of Council

APPROVED:


Mayor

First Reading: April 9, 2019

This legislation was enacted in an open meeting pursuant to the terms and provisions of the Ohio Revised Code, Section 121.22 of the Ohio Revised Code.

"I, the undersigned Clerk of Council of the city of Monroe, Ohio, hereby certify the foregoing (ordinance or resolution) was published as required by Section 7.16 of the Charter of the City of Monroe.


Clerk of Council
City of Monroe, Ohio



December 14, 2018

Dan Arthur, P.E.
Public Works Director
City of Monroe
1000 Holman Drive
Monroe, Ohio 45050

**RE: SR 63 at Lawton Avenue, Additional Services;
Replace signal strain pole at NE corner of SR 63 and Lawton Ave.;
Replace signal strain poles at the intersection of SR 63 and American Way
P18069101**

Dear Mr. Arthur:

We are pleased to present this design proposal for the additional services for the SR 63 and Lawton Avenue project.

The construction scope will consist of the following:

1. SR 63 and Lawton Avenue Intersection

- a. Replacement of signal strain pole at the NE corner, with new combination signal strain pole / street light pole
- b. Luminaire shall be an LED type
- c. Locate new pole in such a manner as to be able to utilize the existing signal until such time as the new signal strain pole is in place and ready for the span wire to be swapped over and minimize the signal outage.
- d. Remove the top 12" of the existing strain pole foundation, such that topsoil and seed can be placed

Preliminary Opinion of Construction Cost \$ 15,500.00

2. SR 63 and American Way Intersection

- a. City prefers to not have guardrail on the northeast and northwest quadrants, which would require relocation/replacing of strain poles outside of the clear zone. Due to the concern on the structural capacity of the existing strain poles at this location, all strain poles would need to be relocated and replaced with larger poles.
- b. All signal strain poles will be the combination strain pole / street light pole with LED luminaires.
- c. The new signal strain poles will be located in such a manner to maintain the existing signal operation until such time that the new signal installation is in place and ready for turn on to stop and go operation to minimize the time the traffic signal out of service.



- d. The installation of a new controller cabinet such that the existing signal can remain in operation until the new controller is operational and the new controller can be connected and the signal outage can be minimized.
- e. Include internally illuminated street name signs on the span wire.
- f. Advanced and local detection will be included utilizing radar detection
- g. CCTV camera will be included for better coverage of SR 63.

Preliminary opinion of construction cost \$ 235,000.00

The design service scope will consist of the following:

1. SR 63 and Lawton Avenue Intersection

- Additional coordination with utilities
- Additional coordination with ODOT to obtain permit for work within the Limited Access right of way. (See Note 1)
- Additional information for the widening plan sheet
- Signal plan detail sheet
- Preparation of signal general notes, including specific maintenance of traffic notes
- Preparation of structural analysis for the modified signal.
- Preparation of additional quantities for the signal modification and prepare and opinion of construction cost for the additional signal work

Design Fee for Design and Plan Preparation \$ 4,500.00

2. SR 63 and American Way

- Additional field survey for design
- Additional courthouse research and right of way resolution
- Additional coordination with ODOT to obtain permit for work within the Limited Access right of way. (See Note 1)
- Additional coordination with utilities
- Additional coordination with ODOT to obtain permit for work within the Limited Access right of way. (See Note 1)
- Signal plan detail sheets
- Preparation of signal general notes, including specific maintenance of traffic notes
- Preparation of structural analysis for the new signal system.
- Preparation of additional quantities for the new signal modification and prepare and opinion of construction cost for the new signal

Design Fee for Design and Plan Preparation \$ 25,300.00

RE: SR 63 at Lawton Avenue, Additional Services;
P18069101
December 14, 2018

Page 3



NOTES:

- 1 — The proposal fee does not include any time /cost for environmental documentation. As confirmed with ODOT, since local funds are being utilized for the project and there are no anticipated modifications to the existing limited access right of way for SR 63, environmental documentation will not be required.
- 2 — The proposal fee does not include preparation of the final contract documents for bid, cost for the legal notice advertising or printing. It is assumed that CT will supply PDF electronic forms of the plan sheets, special provisions, quantity sheets, etc. for the City to utilize in preparing the final bid package.

Design Fee for Design and Plan Preparation \$ 29,800.00

The above noted fee does not include cost for the preparation of documents for right of way acquisition. Until the plans are completed to a level of detail to determine the extent of require additional right of way, a fee to prepare right of way documents cannot be determined.

If right of way is required for the project, our fee would be based on the preparation of legal description and exhibits for permanent highway easements with the legal narrative document for signature and recording being supplied by the City. Right of way negotiations and the recording of the easements would be completed by the City.

We thank you for your continued trust in CT Consultants to fulfill the City of Monroe's infrastructure needs and goals.

Sincerely,

CT CONSULTANTS, INC.

Don Shvegza
Manager, Municipal Engineering Associate

DS:rgf

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.

WHEREAS, a purchase order was not opened prior to the receipt of the invoice.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONROE, STATE OF OHIO, THAT:

SECTION 1: A Then-and-Now Certificate in the amount of \$17,500.00 to HNC-Virtual Solutions is hereby approved.

SECTION 2: This measure is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare and further for the reason that Council desires to authorize the Certificate at the earliest possible date to avoid any delay in paying for certain equipment. Therefore, this measure shall take effect and be in full force from and after its passage.

PASSED:_____

ATTEST:

APPROVED:

Clerk of Council

Mayor

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.

WHEREAS, bids were advertised and received for the 2019 Pavement Resurfacing Project; and

WHEREAS, Council desires to accept and authorize the City Manager to enter into an agreement with the lowest and/or best bidder after bidding according to law.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONROE, STATE OF OHIO, THAT:

SECTION 1: After advertisement and bidding, the bid submitted by Barrett Paving Materials, Inc. is hereby accepted and determined to be the lowest and/or best bidder for the 2019 Pavement Resurfacing Project.

SECTION 2: The City Manager is hereby authorized to enter into an agreement by and between the City of Monroe and Barrett Paving Materials, Inc. for the 2019 Pavement Resurfacing Project in an amount not to exceed \$427,033.84 pursuant to the terms and conditions set forth in the bid specifications submitted on September 20, 2019.

SECTION 3: This measure shall take effect and be in full force from and after the earliest period allowed by law.

PASSED:_____

ATTEST:

APPROVED:

Clerk of Council

Mayor

First Reading:_____

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.

WHEREAS, the fiscal officer of the City has estimated the life of the improvements hereinafter described as at least five (5) years, and certified the maximum maturity of the bonds is thirty (30) years; and

NOW, THEREFORE, BE IT ORDAINED by Council “Council”) of the City of Monroe, (the “City”) Butler and Warren Counties, Ohio:

SECTION 1: That it is hereby declared necessary to issue bonds of the City, in the principal sum of not to exceed \$7,425,000, for the purpose of constructing improvements to a municipal building for use by the municipal police department and paying certain costs related to the issuance of the bonds, together with other permissible costs under the Uniform Public Securities Law, including the cost of printing the bonds, expense of delivery of the bonds, service charges of the paying agent and registrar, legal services and obtaining an approving legal opinion.

SECTION 2: That bonds of the City shall be issued in the principal sum of not to exceed \$7,425,000, for the purposes aforesaid. Said bonds shall be of the denomination of \$5,000 or any integral multiple thereof, shall be numbered from 1 upward; shall be dated as of such date as is set forth in the certificate of award setting forth the final terms of the bonds (the “Certificate of Award”); and shall bear interest from the most recent date to which interest has been paid or duly provided for, or, if no interest has been paid or duly provided for, from their dated date. Said bonds shall bear interest payable semiannually on each June 1 and December 1, or such other dates as are set forth in the Certificate of Award, as determined by the Finance Director (after negotiation with the original purchaser of the bonds) and set forth in the Certificate of Award or in a bond purchase agreement, as applicable, which aggregate rate shall not be in excess of five percent (5.00%) per annum. Said bonds shall mature or be subject to mandatory sinking fund redemption, at the times and in the respective principal amounts as determined by the Finance Director and set forth in the Certificate of Award or in a bond purchase agreement, as applicable, within the limitations set forth in Chapter 133 of the Ohio Revised Code, without further action of this council. All bonds shall finally mature not later than December 1, 2049.

The bonds of such maturities as are designated by the City Manager and Finance Director shall be callable for redemption at the option of the City at such prices and times as are determined by the Finance Director and set forth in the Certificate of Award or in a bond purchase agreement, as applicable.

If less than all bonds which are payable by their terms on the same date are to be called, the particular bonds or portions of bonds payable on such same date and to be redeemed from such series shall be selected by lot by the Paying Agent and Registrar referred to in Section 3 below, in such manner as the Paying Agent and Registrar in its discretion may

determine; provided, however, that the portion of any bond to be redeemed shall be in the principal amount of \$5,000 or some multiple thereof, and that, in selecting bonds for redemption, the Paying Agent and Registrar shall treat each bond as representing that number of bonds which is obtained by dividing the principal amount of such bond by \$5,000.

At least thirty (30) days before the redemption date of any bonds the Paying Agent and Registrar shall cause a notice of such redemption either in whole or in part, signed by the Paying Agent and Registrar, to be mailed, postage prepaid, to all registered owners of bonds to be redeemed in whole or in part at their addresses as they appear on the registration books kept by the Paying Agent and Registrar, but failure so to mail any such notice shall not affect the validity of the proceedings for such redemption. Each such notice shall set forth the date fixed for redemption, the redemption price to be paid and, if less than all of the bonds being payable by their terms on a single date then outstanding shall be called for redemption, the distinctive numbers or letters, if any, of such bonds to be redeemed and, in the case of bonds to be redeemed in part only, the portion of the principal amount thereof to be redeemed. In case any bond is to be redeemed in part only, the notice of redemption which relates to such bond shall state also that on or after the redemption date upon surrender of such bonds, a new bond in principal amount equal to the unredeemed portion of such bonds will be issued.

On the date so designated for redemption, notice having been sent in the manner and under the conditions hereinabove provided and moneys for payment of the redemption price being held in separate accounts by the Paying Agent and Registrar for the holders of the bonds or portions thereof to be redeemed, the bonds or portions of bonds so called for redemption shall become and be due and payable at the redemption price provided for redemption of such bonds or portions of bonds on such date, interest on the bonds or portions of bonds so called for redemption shall cease to accrue, and the holders or registered owners of such bonds or portions of bonds shall have no rights in respect thereof except to receive payment of the redemption price thereof and to receive bonds for any unredeemed portions of bonds.

In case part but not all of an outstanding bond shall be selected for redemption, the registered owner thereof or his attorney or legal representative shall present and surrender such bond to the Paying Agent and Registrar for payment of the principal amount hereof so called for redemption, and the city shall execute and the Paying Agent and Registrar shall authenticate and deliver to or upon the order of such registered owner or his legal representative, without charge therefor, for the unredeemed portion of the principal amount of the bond so surrendered a bond of the same series and maturity and bearing interest at the same rate.

SECTION 3: That said bonds shall be designated "Building Improvement Bonds" and shall express upon their faces the purpose for which they are issued and that they are issued in pursuance of Article XVIII Section 3 of the Ohio Constitution, Chapter 133 of the Ohio Revised Code, the municipal charter and this ordinance. The bonds shall be executed by the City Manager and Finance Director, provided that the execution by either but not both of said officials may be by facsimile. The bonds may also bear the seal of the City, or a

facsimile thereof, and shall bear the manual authenticating signature of an authorized representative of such bank or trust company as is designated, without further action by this Council, by the Finance Director as paying agent, registrar and transfer agent (the "Paying Agent and Registrar") for the bonds. Such designation shall be evidenced by the execution and delivery of a bond registrar agreement by the Finance Director, which execution and delivery is hereby authorized. If the Finance Director does not designate a bank or trust company to act as Paying Agent and Registrar for the bonds, the Finance Director shall be the Paying Agent and Registrar and no authentication signature shall be required.

The principal amount of each bond shall be payable at the principal office of the Paying Agent and Registrar and interest thereon shall be made on each interest payment date to the person whose name appears on the record date (May 15 and November 15 for June 1 and December 1 interest, respectively, or as otherwise set forth in the Certificate of Award) on the bond registration records as the registered holder thereof, by check or draft mailed to such registered holder at his address as it appears on such registration records.

The bonds shall be transferable by the registered holder thereof in person or by his attorney duly authorized in writing at the principal office of the Paying Agent and Registrar upon presentation and surrender thereof to the Paying Agent and Registrar. The City and the Paying Agent and Registrar shall not be required to transfer any bond during the 15-day period preceding any interest payment date, and no such transfer shall be effective until entered upon the registration records maintained by the Paying Agent and Registrar. Upon such transfer, a new bond or bonds of authorized denominations of the same maturity and for the same aggregate principal amount will be issued to the transferee in exchange therefor.

The City and the Paying Agent and Registrar may deem and treat the registered holder of the bonds as the absolute owner thereof for all purposes, and neither the City nor the Paying Agent and Registrar shall be affected by any notice to the contrary.

SECTION 4: The City Manager and Finance Director are hereby authorized to combine these Bonds with three other bond issues authorized under separate legislation into a single consolidated issue of bonds for purposes of their sale as a single issue. If so combined, the consolidated issue of bonds shall be known as "Various Purpose Special Obligation Income Tax Revenue Bonds, Series 2019"; such consolidated issue shall be dated, mature and bear interest, be executed and be denominated in a manner consistent with the provisions of this ordinance relating to the bonds, authorized herein. The proceeds from the sale of such consolidated issue shall be apportioned, deposited and credited in accordance with Section 133.32 of the Revised Code to the respective purposes and funds in accordance with the amount of bonds authorized by this ordinance and the amount of bonds authorized by the ordinances providing for the issuance of not to exceed \$1,300,000 Real Estate Acquisition Bonds; not to exceed \$2,600,000 Park Improvement Bonds; and not to exceed \$500,000 Building Improvement Bonds.

SECTION 5: That the bonds shall be sold at such price (but not less than 97% of par) as is agreed upon by the City Manager and Finance Director and the purchaser. The proceeds from the

sale of said bonds, except the premium and accrued interest thereon, shall be used for the purposes aforesaid and for no other purpose; and the premium and accrued interest received from such sale shall be transferred to the bond retirement fund to be applied to the payment of the cost of issuance of, principal of and interest on the bonds in the manner provided by law.

The City Manager and Finance Director, or either of them, are hereby authorized and directed in the name of and on behalf of the City, to execute and deliver to the purchaser either a contract of purchase or bond purchase agreement between the City and the purchaser, which shall contain the final principal amount, rate or rates of interest and maturity schedules, redemption provisions, and such other terms and conditions concerning the bonds as may be agreed upon between the City and the purchaser. The Finance Director is hereby authorized to execute a Certificate of Award, setting forth any terms relating to the issuance of the bonds which are not specified in this Bond Legislation.

All appropriate officers of the City are further authorized to make, execute, acknowledge and deliver such financing statements, closing certificates, and other instruments or agreements as are, in the opinion of bond counsel, necessary to carry out the purposes of this ordinance.

SECTION 6: The bonds will be special obligations of the City, and to the extent provided in, and except as otherwise permitted under, the bonds will be equally and ratably payable solely from the City's municipal income tax authorized by Chapter 718 Ohio Revised Code and City Ordinance Nos. 93-06, 2004-07, 2005-08, 2011-08, and 2017-18 ("Income Tax") and are secured by a pledge of the Income Tax.

During the years while the bonds are outstanding, the City hereby covenants to levy and collect annually the Income Tax in a sufficient amount to pay principal of and interest on the bonds, and to meet debt service or bond service charges on other obligations of the City to be paid from the Income Tax. The City will appropriate and pay from the Income Tax, into the bond account or fund, amounts sufficient to pay principal of and interest on the bonds on each interest payment date.

The bonds will not constitute general obligation debt of the City and will not constitute a debt or pledge of the full faith and credit of the City. The holders of the bonds have no right to have taxes, other than the Income Tax, levied by the City to pay principal of and interest on the bonds when due. Nothing in this authorizing ordinance will be construed as requiring the City to use or apply to the payment of principal of or interest on the bonds any funds or revenues from any source other than the Income Tax; however, nothing in this authorizing ordinance will be deemed to prohibit the City from using, to the extent that it is authorized by law to do so, any other resources for the fulfillment of any of the terms, conditions, or obligations of this authorizing ordinance or the bonds.

SECTION 7: That this council, for and on behalf of the City, hereby covenants that it will restrict the use of the proceeds, if any, of the bonds hereby authorized in such manner and to such extent, if any, and take such other actions as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute

obligations the interest on which is subject to federal income taxation or “arbitrage bonds” under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the “Code”), and the regulations prescribed thereunder. The Finance Director or any other officer having responsibility with respect to the issuance of the bonds is authorized and directed to give an appropriate certificate on behalf of the City, on the date of delivery of the bonds for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 and regulations thereunder.

SECTION 8: The funds derived from the sale of the bonds authorized by this ordinance become and they are hereby set aside and appropriated for the payment as described in this ordinance.

SECTION 9: That sums which are expended from the above appropriations and which are proper charges against and are repaid by any other department, any firm, person or corporation, shall be considered reappropriated for such original purpose; provided that the total appropriation as increased by any such repayment shall not be exceeded.

SECTION 10: That the Finance Director of the City of Monroe be and she is hereby authorized to draw her warrants of the City Treasury or Depository for payments from any of the foregoing appropriations upon receiving proper approval in accordance with the Charter, the Administrative Code, or other ordinances of the City of Monroe.

SECTION 11: The Manager and Director of Finance, or either of them, is hereby authorized to prepare and cause to be circulated a preliminary official statement with respect to the bonds in form and content satisfactory to them, and to prepare, execute and deliver to the original purchaser of the bonds a reasonable number of copies of an official statement which shall be deemed to be final for purposes of SEC Rule 15c2-12. The execution of the final official statement by either or both of such officers shall be conclusive evidence of its authorization and approval.

SECTION 12: This Council hereby authorizes and directs the City Manager and Finance Director to take any and all actions which may be necessary to issue the bonds in book-entry-only form or in such form as will render the bonds eligible for the services of the Depository Trust Company, New York, New York without further action by this Council, including execution of all documents necessary therefor.

SECTION 13: That the City Manager and Finance Director are hereby authorized to apply, if they deem it appropriate, for a rating on the bonds from either Standard & Poor’s Corporation or Moody’s Investors Service, or both, and to pay the fee for said rating to the extent authorized by law and approved by bond counsel.

The City Manager and Finance Director are hereby further authorized to apply for and, in their discretion, to purchase a policy of municipal bond insurance from any nationally recognized municipal bond insurer, if such insurance will result in net interest cost savings to the City.

SECTION 14: This council hereby covenants and agrees that, to the extent that a continuing disclosure certificate (the “Continuing Disclosure Certificate”) in connection with the issuance of the bonds is required by law, it will execute, comply with and carry out all of the provisions of such Continuing Disclosure Certificate. Failure to comply with any such provisions of the Continuing Disclosure Certificate shall not constitute a default on the bonds; however, any holder of the bonds may take such action as may be necessary and appropriate, including seeking specific performance, to cause this council to comply with its obligations under this section and the Continuing Disclosure Certificate.

SECTION 15: All appropriate officers of the City are further authorized to make, execute, acknowledge and deliver such financing statements, closing certificates and other instruments or agreements as are, in the opinion of bond counsel, necessary to carry out the purposes of this ordinance.

SECTION 16: That the firm of Dinsmore & Shohl LLP (“Dinsmore”), is hereby engaged as the City’s “bond counsel” pursuant to the engagement letter of Dinsmore on file with the City.

SECTION 17: This council hereby finds and determines that all formal actions relative to the adoption of this ordinance were taken in an open meeting of this council, and that all deliberations of this council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code.

SECTION 18: That the Finance Director is hereby directed to forward a certified copy of this ordinance to the County Auditors of Warren and Butler Counties, Ohio.

SECTION 19: This measure shall be in full force and effect from and after the earliest period allowed by law.

PASSED: _____

ATTEST:

APPROVED:

Clerk of Council

Mayor

First Reading: _____

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.

WHEREAS, the fiscal officer of the City has estimated the life of the improvements hereinafter described as at least five (5) years, and certified the maximum maturity of the bonds is thirty (30) years; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MONROE, STATE OF OHIO, THAT:

SECTION 1: That it is hereby declared necessary to issue bonds of the City, in the principal sum of not to exceed \$515,000, for the purpose renovating a municipal building and paying certain costs related to the issuance of the bonds, together with other permissible costs under the Uniform Public Securities Law, including the cost of printing the bonds, expense of delivery of the bonds, service charges of the paying agent and registrar, legal services and obtaining an approving legal opinion.

SECTION 2: That bonds of the City shall be issued in the principal sum of not to exceed \$515,000, for the purposes aforesaid. Said bonds shall be of the denomination of \$5,000 or any integral multiple thereof, shall be numbered from 1 upward; shall be dated as of such date as is set forth in the certificate of award setting forth the final terms of the bonds (the "Certificate of Award"); and shall bear interest from the most recent date to which interest has been paid or duly provided for, or, if no interest has been paid or duly provided for, from their dated date. Said bonds shall bear interest payable semiannually on each June 1 and December 1, or such other dates as are set forth in the Certificate of Award, as determined by the Finance Director (after negotiation with the original purchaser of the bonds) and set forth in the Certificate of Award or in a bond purchase agreement, as applicable, which aggregate rate shall not be in excess of five percent (5.00%) per annum. Said bonds shall mature or be subject to mandatory sinking fund redemption, at the times and in the respective principal amounts as determined by the Finance Director and set forth in the Certificate of Award or in a bond purchase agreement, as applicable, within the limitations set forth in Chapter 133 of the Ohio Revised Code, without further action of this council. All bonds shall finally mature not later than December 1, 2049.

The bonds of such maturities as are designated by the City Manager and Finance Director shall be callable for redemption at the option of the City at such prices and times as are determined by the Finance Director and set forth in the Certificate of Award or in a bond purchase agreement, as applicable.

If less than all bonds which are payable by their terms on the same date are to be called, the particular bonds or portions of bonds payable on such same date and to be redeemed from such series shall be selected by lot by the Paying Agent and Registrar referred to in Section 3 below, in such manner as the Paying Agent and Registrar in its discretion may determine; provided, however, that the portion of any bond to be redeemed shall be in the

principal amount of \$5,000 or some multiple thereof, and that, in selecting bonds for redemption, the Paying Agent and Registrar shall treat each bond as representing that number of bonds which is obtained by dividing the principal amount of such bond by \$5,000.

At least thirty (30) days before the redemption date of any bonds the Paying Agent and Registrar shall cause a notice of such redemption either in whole or in part, signed by the Paying Agent and Registrar, to be mailed, postage prepaid, to all registered owners of bonds to be redeemed in whole or in part at their addresses as they appear on the registration books kept by the Paying Agent and Registrar, but failure so to mail any such notice shall not affect the validity of the proceedings for such redemption. Each such notice shall set forth the date fixed for redemption, the redemption price to be paid and, if less than all of the bonds being payable by their terms on a single date then outstanding shall be called for redemption, the distinctive numbers or letters, if any, of such bonds to be redeemed and, in the case of bonds to be redeemed in part only, the portion of the principal amount thereof to be redeemed. In case any bond is to be redeemed in part only, the notice of redemption which relates to such bond shall state also that on or after the redemption date upon surrender of such bonds, a new bond in principal amount equal to the unredeemed portion of such bonds will be issued.

On the date so designated for redemption, notice having been sent in the manner and under the conditions hereinabove provided and moneys for payment of the redemption price being held in separate accounts by the Paying Agent and Registrar for the holders of the bonds or portions thereof to be redeemed, the bonds or portions of bonds so called for redemption shall become and be due and payable at the redemption price provided for redemption of such bonds or portions of bonds on such date, interest on the bonds or portions of bonds so called for redemption shall cease to accrue, and the holders or registered owners of such bonds or portions of bonds shall have no rights in respect thereof except to receive payment of the redemption price thereof and to receive bonds for any unredeemed portions of bonds.

In case part but not all of an outstanding bond shall be selected for redemption, the registered owner thereof or his attorney or legal representative shall present and surrender such bond to the Paying Agent and Registrar for payment of the principal amount hereof so called for redemption, and the city shall execute and the Paying Agent and Registrar shall authenticate and deliver to or upon the order of such registered owner or his legal representative, without charge therefor, for the unredeemed portion of the principal amount of the bond so surrendered a bond of the same series and maturity and bearing interest at the same rate.

SECTION 3: That said bonds shall be designated "Building Improvement Bonds" and shall express upon their faces the purpose for which they are issued and that they are issued in pursuance of Article XVIII Section 3 of the Ohio Constitution, Chapter 133 of the Ohio Revised Code, the municipal charter and this ordinance. The bonds shall be executed by the City Manager and Finance Director, provided that the execution by either but not both of said officials may be by facsimile. The bonds may also bear the seal of the City, or a facsimile thereof, and shall bear the manual authenticating signature of an authorized

representative of such bank or trust company as is designated, without further action by this Council, by the Finance Director as paying agent, registrar and transfer agent (the "Paying Agent and Registrar") for the bonds. Such designation shall be evidenced by the execution and delivery of a bond registrar agreement by the Finance Director, which execution and delivery is hereby authorized. If the Finance Director does not designate a bank or trust company to act as Paying Agent and Registrar for the bonds, the Finance Director shall be the Paying Agent and Registrar and no authentication signature shall be required.

The principal amount of each bond shall be payable at the principal office of the Paying Agent and Registrar and interest thereon shall be made on each interest payment date to the person whose name appears on the record date (May 15 and November 15 for June 1 and December 1 interest, respectively, or as otherwise set forth in the Certificate of Award) on the bond registration records as the registered holder thereof, by check or draft mailed to such registered holder at his address as it appears on such registration records.

The bonds shall be transferable by the registered holder thereof in person or by his attorney duly authorized in writing at the principal office of the Paying Agent and Registrar upon presentation and surrender thereof to the Paying Agent and Registrar. The City and the Paying Agent and Registrar shall not be required to transfer any bond during the 15-day period preceding any interest payment date, and no such transfer shall be effective until entered upon the registration records maintained by the Paying Agent and Registrar. Upon such transfer, a new bond or bonds of authorized denominations of the same maturity and for the same aggregate principal amount will be issued to the transferee in exchange therefor.

The City and the Paying Agent and Registrar may deem and treat the registered holder of the bonds as the absolute owner thereof for all purposes, and neither the City nor the Paying Agent and Registrar shall be affected by any notice to the contrary.

SECTION 4: The City Manager and Finance Director are hereby authorized to combine these Bonds with three other bond issues authorized under separate legislation into a single consolidated issue of bonds for purposes of their sale as a single issue. If so combined, the consolidated issue of bonds shall be known as "Various Purpose Special Obligation Income Tax Revenue Bonds, Series 2019"; such consolidated issue shall be dated, mature and bear interest, be executed and be denominated in a manner consistent with the provisions of this ordinance relating to the bonds, authorized herein. The proceeds from the sale of such consolidated issue shall be apportioned, deposited and credited in accordance with Section 133.32 of the Revised Code to the respective purposes and funds in accordance with the amount of bonds authorized by this ordinance and the amount of bonds authorized by the ordinances providing for the issuance of not to exceed \$1,300,000 Real Estate Acquisition Bonds; not to exceed \$7,200,000 Building Improvement Bonds; and not to exceed \$2,600,000 Park Improvement Bonds.

SECTION 5: That the bonds shall be sold at such price (but not less than 97% of par) as is agreed upon by the City Manager and Finance Director and the purchaser. The proceeds from the sale of said bonds, except the premium and accrued interest thereon, shall be used for the

purposes aforesaid and for no other purpose; and the premium and accrued interest received from such sale shall be transferred to the bond retirement fund to be applied to the payment of the cost of issuance of, principal of and interest on the bonds in the manner provided by law.

The City Manager and Finance Director, or either of them, are hereby authorized and directed in the name of and on behalf of the City, to execute and deliver to the purchaser either a contract of purchase or bond purchase agreement between the City and the purchaser, which shall contain the final principal amount, rate or rates of interest and maturity schedules, redemption provisions, and such other terms and conditions concerning the bonds as may be agreed upon between the City and the purchaser. The Finance Director is hereby authorized to execute a Certificate of Award, setting forth any terms relating to the issuance of the bonds which are not specified in this Bond Legislation.

All appropriate officers of the City are further authorized to make, execute, acknowledge and deliver such financing statements, closing certificates, and other instruments or agreements as are, in the opinion of bond counsel, necessary to carry out the purposes of this ordinance.

SECTION 6: The bonds will be special obligations of the City, and to the extent provided in, and except as otherwise permitted under, the bonds will be equally and ratably payable solely from the City's municipal income tax authorized by Chapter 718 Ohio Revised Code and City Ordinance Nos. 93-06, 2004-07, 2005-08, 2011-08, and 2017-18 ("Income Tax") and are secured by a pledge of the Income Tax.

During the years while the bonds are outstanding, the City hereby covenants to levy and collect annually the Income Tax in a sufficient amount to pay principal of and interest on the bonds, and to meet debt service or bond service charges on other obligations of the City to be paid from the Income Tax. The City will appropriate and pay from the Income Tax, into the bond account or fund, amounts sufficient to pay principal of and interest on the bonds on each interest payment date.

The bonds will not constitute general obligation debt of the City and will not constitute a debt or pledge of the full faith and credit of the City. The holders of the bonds have no right to have taxes, other than the Income Tax, levied by the City to pay principal of and interest on the bonds when due. Nothing in this authorizing ordinance will be construed as requiring the City to use or apply to the payment of principal of or interest on the bonds any funds or revenues from any source other than the Income Tax; however, nothing in this authorizing ordinance will be deemed to prohibit the City from using, to the extent that it is authorized by law to do so, any other resources for the fulfillment of any of the terms, conditions, or obligations of this authorizing ordinance or the bonds.

SECTION 7: That this council, for and on behalf of the City, hereby covenants that it will restrict the use of the proceeds, if any, of the bonds hereby authorized in such manner and to such extent, if any, and take such other actions as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal income taxation or "arbitrage bonds"

under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the “Code”), and the regulations prescribed thereunder. The Finance Director or any other officer having responsibility with respect to the issuance of the bonds is authorized and directed to give an appropriate certificate on behalf of the City, on the date of delivery of the bonds for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 and regulations thereunder.

SECTION 8: The funds derived from the sale of the bonds authorized by this ordinance become and they are hereby set aside and appropriated for the payment as described in this ordinance.

SECTION 9: That sums which are expended from the above appropriations and which are proper charges against and are repaid by any other department, any firm, person or corporation, shall be considered reappropriated for such original purpose; provided that the total appropriation as increased by any such repayment shall not be exceeded.

SECTION 10: That the Finance Director of the City of Monroe be and she is hereby authorized to draw her warrants of the City Treasury or Depository for payments from any of the foregoing appropriations upon receiving proper approval in accordance with the Charter, the Administrative Code, or other ordinances of the City of Monroe.

SECTION 11: The Manager and Director of Finance, or either of them, is hereby authorized to prepare and cause to be circulated a preliminary official statement with respect to the bonds in form and content satisfactory to them, and to prepare, execute and deliver to the original purchaser of the bonds a reasonable number of copies of an official statement which shall be deemed to be final for purposes of SEC Rule 15c2-12. The execution of the final official statement by either or both of such officers shall be conclusive evidence of its authorization and approval.

SECTION 12: This Council hereby authorizes and directs the City Manager and Finance Director to take any and all actions which may be necessary to issue the bonds in book-entry-only form or in such form as will render the bonds eligible for the services of the Depository Trust Company, New York, New York without further action by this Council, including execution of all documents necessary therefor.

SECTION 13: That the City Manager and Finance Director are hereby authorized to apply, if they deem it appropriate, for a rating on the bonds from either Standard & Poor’s Corporation or Moody’s Investors Service, or both, and to pay the fee for said rating to the extent authorized by law and approved by bond counsel.

The City Manager and Finance Director are hereby further authorized to apply for and, in their discretion, to purchase a policy of municipal bond insurance from any nationally recognized municipal bond insurer, if such insurance will result in net interest cost savings to the City.

SECTION 14: This council hereby covenants and agrees that, to the extent that a continuing disclosure certificate (the “Continuing Disclosure Certificate”) in connection with the

issuance of the bonds is required by law, it will execute, comply with and carry out all of the provisions of such Continuing Disclosure Certificate. Failure to comply with any such provisions of the Continuing Disclosure Certificate shall not constitute a default on the bonds; however, any holder of the bonds may take such action as may be necessary and appropriate, including seeking specific performance, to cause this council to comply with its obligations under this section and the Continuing Disclosure Certificate.

SECTION 15: All appropriate officers of the City are further authorized to make, execute, acknowledge and deliver such financing statements, closing certificates and other instruments or agreements as are, in the opinion of bond counsel, necessary to carry out the purposes of this ordinance.

SECTION 16: That the firm of Dinsmore & Shohl LLP (“Dinsmore”), is hereby engaged as the City’s “bond counsel” pursuant to the engagement letter of Dinsmore on file with the City.

SECTION 17: This council hereby finds and determines that all formal actions relative to the adoption of this ordinance were taken in an open meeting of this council, and that all deliberations of this council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code.

SECTION 18: That the Finance Director is hereby directed to forward a certified copy of this ordinance to the County Auditors of Warren and Butler Counties, Ohio.

SECTION 19: This measure shall be in full force and effect from and after the earliest period

PASSED: _____

ATTEST:

APPROVED:

Clerk of Council

Mayor

First Reading: _____

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.

WHEREAS, the fiscal officer of the City has estimated the life of the improvements hereinafter described as at least five (5) years, and certified the maximum maturity of the bonds is thirty (30) years; and

WHEREAS, the City has previously issued its \$1,300,000 Real Estate Acquisition Limited Tax General Obligation Bond Anticipation Notes, (the "Notes") currently outstanding in the amount of \$1,300,000 and originally issued for the purpose of acquiring real property for use by the municipal police department, which notes are about to mature should be permanently financed in a like principal amount;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MONROE, STATE OF OHIO, THAT:

SECTION 1: That it is hereby declared necessary to issue bonds of the City, in the principal sum of not to exceed \$1,340,000, for the purpose of permanently financing notes originally issued for the purpose of acquiring real property for use by the municipal police department and paying certain costs related to the issuance of the bonds, together with other permissible costs under the Uniform Public Securities Law, including the cost of printing the bonds, expense of delivery of the bonds, service charges of the paying agent and registrar, legal services and obtaining an approving legal opinion.

SECTION 2: That bonds of the City shall be issued in the principal sum of not to exceed \$1,340,000, for the purposes aforesaid. Said bonds shall be of the denomination of \$5,000 or any integral multiple thereof, shall be numbered from 1 upward; shall be dated as of such date as is set forth in the certificate of award setting forth the final terms of the bonds (the "Certificate of Award"); and shall bear interest from the most recent date to which interest has been paid or duly provided for, or, if no interest has been paid or duly provided for, from their dated date. Said bonds shall bear interest payable semiannually on each June 1 and December 1, or such other dates as are set forth in the Certificate of Award, as determined by the Finance Director (after negotiation with the original purchaser of the bonds) and set forth in the Certificate of Award or in a bond purchase agreement, as applicable, which aggregate rate shall not be in excess of five percent (5.00%) per annum. Said bonds shall mature or be subject to mandatory sinking fund redemption, at the times and in the respective principal amounts as determined by the Finance Director and set forth in the Certificate of Award or in a bond purchase agreement, as applicable, within the limitations set forth in Chapter 133 of the Ohio Revised Code, without further action of this council. All bonds shall finally mature not later than December 1, 2049.

The bonds of such maturities as are designated by the City Manager and Finance Director shall be callable for redemption at the option of the City at such prices and times as are

determined by the Finance Director and set forth in the Certificate of Award or in a bond purchase agreement, as applicable.

If less than all bonds which are payable by their terms on the same date are to be called, the particular bonds or portions of bonds payable on such same date and to be redeemed from such series shall be selected by lot by the Paying Agent and Registrar referred to in Section 3 below, in such manner as the Paying Agent and Registrar in its discretion may determine; provided, however, that the portion of any bond to be redeemed shall be in the principal amount of \$5,000 or some multiple thereof, and that, in selecting bonds for redemption, the Paying Agent and Registrar shall treat each bond as representing that number of bonds which is obtained by dividing the principal amount of such bond by \$5,000.

At least thirty (30) days before the redemption date of any bonds the Paying Agent and Registrar shall cause a notice of such redemption either in whole or in part, signed by the Paying Agent and Registrar, to be mailed, postage prepaid, to all registered owners of bonds to be redeemed in whole or in part at their addresses as they appear on the registration books kept by the Paying Agent and Registrar, but failure so to mail any such notice shall not affect the validity of the proceedings for such redemption. Each such notice shall set forth the date fixed for redemption, the redemption price to be paid and, if less than all of the bonds being payable by their terms on a single date then outstanding shall be called for redemption, the distinctive numbers or letters, if any, of such bonds to be redeemed and, in the case of bonds to be redeemed in part only, the portion of the principal amount thereof to be redeemed. In case any bond is to be redeemed in part only, the notice of redemption which relates to such bond shall state also that on or after the redemption date upon surrender of such bonds, a new bond in principal amount equal to the unredeemed portion of such bonds will be issued.

On the date so designated for redemption, notice having been sent in the manner and under the conditions hereinabove provided and moneys for payment of the redemption price being held in separate accounts by the Paying Agent and Registrar for the holders of the bonds or portions thereof to be redeemed, the bonds or portions of bonds so called for redemption shall become and be due and payable at the redemption price provided for redemption of such bonds or portions of bonds on such date, interest on the bonds or portions of bonds so called for redemption shall cease to accrue, and the holders or registered owners of such bonds or portions of bonds shall have no rights in respect thereof except to receive payment of the redemption price thereof and to receive bonds for any unredeemed portions of bonds.

In case part but not all of an outstanding bond shall be selected for redemption, the registered owner thereof or his attorney or legal representative shall present and surrender such bond to the Paying Agent and Registrar for payment of the principal amount hereof so called for redemption, and the city shall execute and the Paying Agent and Registrar shall authenticate and deliver to or upon the order of such registered owner or his legal representative, without charge therefor, for the unredeemed portion of the principal amount of the bond so surrendered a bond of the same series and maturity and bearing interest at the same rate.

SECTION 3: That said bonds shall be designated “Real Estate Acquisition Bonds” and shall express upon their faces the purpose for which they are issued and that they are issued in pursuance of Article XVIII Section 3 of the Ohio Constitution, Chapter 133 of the Ohio Revised Code, the municipal charter and this ordinance. The bonds shall be executed by the City Manager and Finance Director, provided that the execution by either but not both of said officials may be by facsimile. The bonds may also bear the seal of the City, or a facsimile thereof, and shall bear the manual authenticating signature of an authorized representative of such bank or trust company as is designated, without further action by this Council, by the Finance Director as paying agent, registrar and transfer agent (the “Paying Agent and Registrar”) for the bonds. Such designation shall be evidenced by the execution and delivery of a bond registrar agreement by the Finance Director, which execution and delivery is hereby authorized. If the Finance Director does not designate a bank or trust company to act as Paying Agent and Registrar for the bonds, the Finance Director shall be the Paying Agent and Registrar and no authentication signature shall be required.

The principal amount of each bond shall be payable at the principal office of the Paying Agent and Registrar and interest thereon shall be made on each interest payment date to the person whose name appears on the record date (May 15 and November 15 for June 1 and December 1 interest, respectively, or as otherwise set forth in the Certificate of Award) on the bond registration records as the registered holder thereof, by check or draft mailed to such registered holder at his address as it appears on such registration records.

The bonds shall be transferable by the registered holder thereof in person or by his attorney duly authorized in writing at the principal office of the Paying Agent and Registrar upon presentation and surrender thereof to the Paying Agent and Registrar. The City and the Paying Agent and Registrar shall not be required to transfer any bond during the 15-day period preceding any interest payment date, and no such transfer shall be effective until entered upon the registration records maintained by the Paying Agent and Registrar. Upon such transfer, a new bond or bonds of authorized denominations of the same maturity and for the same aggregate principal amount will be issued to the transferee in exchange therefor.

The City and the Paying Agent and Registrar may deem and treat the registered holder of the bonds as the absolute owner thereof for all purposes, and neither the City nor the Paying Agent and Registrar shall be affected by any notice to the contrary.

SECTION 4: The City Manager and Finance Director are hereby authorized to combine these Bonds with three other bond issues authorized under separate legislation into a single consolidated issue of bonds for purposes of their sale as a single issue. If so combined, the consolidated issue of bonds shall be known as “Various Purpose Special Obligation Income Tax Revenue Bonds, Series 2019”; such consolidated issue shall be dated, mature and bear interest, be executed and be denominated in a manner consistent with the provisions of this ordinance relating to the bonds, authorized herein. The proceeds from the sale of such consolidated issue shall be apportioned, deposited and credited in accordance with Section 133.32 of the Revised Code to the respective purposes and funds in accordance with the amount of bonds authorized by this ordinance and the amount of bonds authorized by the

ordinances providing for the issuance of not to exceed \$7,200,000 Building Improvement Bonds; not to exceed \$2,600,000 Park Improvement Bonds; and not to exceed \$500,000 Building Improvement Bonds.

SECTION 5: That the bonds shall be sold at such price (but not less than 97% of par) as is agreed upon by the City Manager and Finance Director and the purchaser. The proceeds from the sale of said bonds, except the premium and accrued interest thereon, shall be used for the purposes aforesaid and for no other purpose; and the premium and accrued interest received from such sale shall be transferred to the bond retirement fund to be applied to the payment of the cost of issuance of, principal of and interest on the bonds in the manner provided by law.

The City Manager and Finance Director, or either of them, are hereby authorized and directed in the name of and on behalf of the City, to execute and deliver to the purchaser either a contract of purchase or bond purchase agreement between the City and the purchaser, which shall contain the final principal amount, rate or rates of interest and maturity schedules, redemption provisions, and such other terms and conditions concerning the bonds as may be agreed upon between the City and the purchaser. The Finance Director is hereby authorized to execute a Certificate of Award, setting forth any terms relating to the issuance of the bonds which are not specified in this Bond Legislation.

All appropriate officers of the City are further authorized to make, execute, acknowledge and deliver such financing statements, closing certificates, and other instruments or agreements as are, in the opinion of bond counsel, necessary to carry out the purposes of this ordinance.

SECTION 6: The bonds will be special obligations of the City, and to the extent provided in, and except as otherwise permitted under, the bonds will be equally and ratably payable solely from the City's municipal income tax authorized by Chapter 718 Ohio Revised Code and City Ordinance Nos. 93-06, 2004-07, 2005-08, 2011-08, and 2017-18 ("Income Tax") and are secured by a pledge of the Income Tax.

During the years while the bonds are outstanding, the City hereby covenants to levy and collect annually the Income Tax in a sufficient amount to pay principal of and interest on the bonds, and to meet debt service or bond service charges on other obligations of the City to be paid from the Income Tax. The City will appropriate and pay from the Income Tax, into the bond account or fund, amounts sufficient to pay principal of and interest on the bonds on each interest payment date.

The bonds will not constitute general obligation debt of the City and will not constitute a debt or pledge of the full faith and credit of the City. The holders of the bonds have no right to have taxes, other than the Income Tax, levied by the City to pay principal of and interest on the bonds when due. Nothing in this authorizing ordinance will be construed as requiring the City to use or apply to the payment of principal of or interest on the bonds any funds or revenues from any source other than the Income Tax; however, nothing in this authorizing ordinance will be deemed to prohibit the City from using, to the extent that

it is authorized by law to do so, any other resources for the fulfillment of any of the terms, conditions, or obligations of this authorizing ordinance or the bonds.

SECTION 7: That this council, for and on behalf of the City, hereby covenants that it will restrict the use of the proceeds, if any, of the bonds hereby authorized in such manner and to such extent, if any, and take such other actions as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal income taxation or “arbitrage bonds” under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the “Code”), and the regulations prescribed thereunder. The Finance Director or any other officer having responsibility with respect to the issuance of the bonds is authorized and directed to give an appropriate certificate on behalf of the City, on the date of delivery of the bonds for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 and regulations thereunder.

SECTION 8: The funds derived from the sale of the bonds authorized by this ordinance become and they are hereby set aside and appropriated for the payment as described in this ordinance.

SECTION 9: That sums which are expended from the above appropriations and which are proper charges against and are repaid by any other department, any firm, person or corporation, shall be considered reappropriated for such original purpose; provided that the total appropriation as increased by any such repayment shall not be exceeded.

SECTION 10: That the Finance Director of the City of Monroe be and she is hereby authorized to draw her warrants of the City Treasury or Depository for payments from any of the foregoing appropriations upon receiving proper approval in accordance with the Charter, the Administrative Code, or other ordinances of the City of Monroe.

SECTION 11: The Manager and Director of Finance, or either of them, is hereby authorized to prepare and cause to be circulated a preliminary official statement with respect to the bonds in form and content satisfactory to them, and to prepare, execute and deliver to the original purchaser of the bonds a reasonable number of copies of an official statement which shall be deemed to be final for purposes of SEC Rule 15c2-12. The execution of the final official statement by either or both of such officers shall be conclusive evidence of its authorization and approval.

SECTION 12: This Council hereby authorizes and directs the City Manager and Finance Director to take any and all actions which may be necessary to issue the bonds in book-entry-only form or in such form as will render the bonds eligible for the services of the Depository Trust Company, New York, New York without further action by this Council, including execution of all documents necessary therefor.

SECTION 13: That the City Manager and Finance Director are hereby authorized to apply, if they deem it appropriate, for a rating on the bonds from either Standard & Poor’s Corporation

or Moody's Investors Service, or both, and to pay the fee for said rating to the extent authorized by law and approved by bond counsel.

The City Manager and Finance Director are hereby further authorized to apply for and, in their discretion, to purchase a policy of municipal bond insurance from any nationally recognized municipal bond insurer, if such insurance will result in net interest cost savings to the City.

SECTION 14: This council hereby covenants and agrees that, to the extent that a continuing disclosure certificate (the "Continuing Disclosure Certificate") in connection with the issuance of the bonds is required by law, it will execute, comply with and carry out all of the provisions of such Continuing Disclosure Certificate. Failure to comply with any such provisions of the Continuing Disclosure Certificate shall not constitute a default on the bonds; however, any holder of the bonds may take such action as may be necessary and appropriate, including seeking specific performance, to cause this council to comply with its obligations under this section and the Continuing Disclosure Certificate.

SECTION 15: All appropriate officers of the City are further authorized to make, execute, acknowledge and deliver such financing statements, closing certificates and other instruments or agreements as are, in the opinion of bond counsel, necessary to carry out the purposes of this ordinance.

SECTION 16: That the firm of Dinsmore & Shohl LLP ("Dinsmore"), is hereby engaged as the City's "bond counsel" pursuant to the engagement letter of Dinsmore on file with the City.

SECTION 17: This council hereby finds and determines that all formal actions relative to the adoption of this ordinance were taken in an open meeting of this council, and that all deliberations of this council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code.

SECTION 18: That the Finance Director is hereby directed to forward a certified copy of this ordinance to the County Auditors of Warren and Butler Counties, Ohio.

SECTION 19: This measure shall be in full force and effect from and after the earliest period allowed by law.

PASSED: _____

ATTEST:

APPROVED:

Clerk of Council

Mayor

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.

WHEREAS, the fiscal officer of the City has estimated the life of the improvements hereinafter described as at least five (5) years, and certified the maximum maturity of the bonds is thirty (30) years; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MONROE, STATE OF OHIO, THAT:

SECTION 1: That it is hereby declared necessary to issue bonds of the City, in the principal sum of not to exceed \$2,680,000, for the purpose constructing improvements to a municipal park, including the Bicentennial Commons park and paying certain costs related to the issuance of the bonds, together with other permissible costs under the Uniform Public Securities Law, including the cost of printing the bonds, expense of delivery of the bonds, service charges of the paying agent and registrar, legal services and obtaining an approving legal opinion.

SECTION 2: That bonds of the City shall be issued in the principal sum of not to exceed \$2,680,000, for the purposes aforesaid. Said bonds shall be of the denomination of \$5,000 or any integral multiple thereof, shall be numbered from 1 upward; shall be dated as of such date as is set forth in the certificate of award setting forth the final terms of the bonds (the "Certificate of Award"); and shall bear interest from the most recent date to which interest has been paid or duly provided for, or, if no interest has been paid or duly provided for, from their dated date. Said bonds shall bear interest payable semiannually on each June 1 and December 1, or such other dates as are set forth in the Certificate of Award, as determined by the Finance Director (after negotiation with the original purchaser of the bonds) and set forth in the Certificate of Award or in a bond purchase agreement, as applicable, which aggregate rate shall not be in excess of five percent (5.00%) per annum. Said bonds shall mature or be subject to mandatory sinking fund redemption, at the times and in the respective principal amounts as determined by the Finance Director and set forth in the Certificate of Award or in a bond purchase agreement, as applicable, within the limitations set forth in Chapter 133 of the Ohio Revised Code, without further action of this council. All bonds shall finally mature not later than December 1, 2049.

The bonds of such maturities as are designated by the City Manager and Finance Director shall be callable for redemption at the option of the City at such prices and times as are determined by the Finance Director and set forth in the Certificate of Award or in a bond purchase agreement, as applicable.

If less than all bonds which are payable by their terms on the same date are to be called, the particular bonds or portions of bonds payable on such same date and to be redeemed from such series shall be selected by lot by the Paying Agent and Registrar referred to in Section 3 below, in such manner as the Paying Agent and Registrar in its discretion may

determine; provided, however, that the portion of any bond to be redeemed shall be in the principal amount of \$5,000 or some multiple thereof, and that, in selecting bonds for redemption, the Paying Agent and Registrar shall treat each bond as representing that number of bonds which is obtained by dividing the principal amount of such bond by \$5,000.

At least thirty (30) days before the redemption date of any bonds the Paying Agent and Registrar shall cause a notice of such redemption either in whole or in part, signed by the Paying Agent and Registrar, to be mailed, postage prepaid, to all registered owners of bonds to be redeemed in whole or in part at their addresses as they appear on the registration books kept by the Paying Agent and Registrar, but failure so to mail any such notice shall not affect the validity of the proceedings for such redemption. Each such notice shall set forth the date fixed for redemption, the redemption price to be paid and, if less than all of the bonds being payable by their terms on a single date then outstanding shall be called for redemption, the distinctive numbers or letters, if any, of such bonds to be redeemed and, in the case of bonds to be redeemed in part only, the portion of the principal amount thereof to be redeemed. In case any bond is to be redeemed in part only, the notice of redemption which relates to such bond shall state also that on or after the redemption date upon surrender of such bonds, a new bond in principal amount equal to the unredeemed portion of such bonds will be issued.

On the date so designated for redemption, notice having been sent in the manner and under the conditions hereinabove provided and moneys for payment of the redemption price being held in separate accounts by the Paying Agent and Registrar for the holders of the bonds or portions thereof to be redeemed, the bonds or portions of bonds so called for redemption shall become and be due and payable at the redemption price provided for redemption of such bonds or portions of bonds on such date, interest on the bonds or portions of bonds so called for redemption shall cease to accrue, and the holders or registered owners of such bonds or portions of bonds shall have no rights in respect thereof except to receive payment of the redemption price thereof and to receive bonds for any unredeemed portions of bonds.

In case part but not all of an outstanding bond shall be selected for redemption, the registered owner thereof or his attorney or legal representative shall present and surrender such bond to the Paying Agent and Registrar for payment of the principal amount hereof so called for redemption, and the city shall execute and the Paying Agent and Registrar shall authenticate and deliver to or upon the order of such registered owner or his legal representative, without charge therefor, for the unredeemed portion of the principal amount of the bond so surrendered a bond of the same series and maturity and bearing interest at the same rate.

SECTION 3: That said bonds shall be designated "Park Improvement Bonds" and shall express upon their faces the purpose for which they are issued and that they are issued in pursuance of Article XVIII Section 3 of the Ohio Constitution, Chapter 133 of the Ohio Revised Code, the municipal charter and this ordinance. The bonds shall be executed by the City Manager and Finance Director, provided that the execution by either but not both of said officials may be by facsimile. The bonds may also bear the seal of the City, or a facsimile thereof,

and shall bear the manual authenticating signature of an authorized representative of such bank or trust company as is designated, without further action by this Council, by the Finance Director as paying agent, registrar and transfer agent (the "Paying Agent and Registrar") for the bonds. Such designation shall be evidenced by the execution and delivery of a bond registrar agreement by the Finance Director, which execution and delivery is hereby authorized. If the Finance Director does not designate a bank or trust company to act as Paying Agent and Registrar for the bonds, the Finance Director shall be the Paying Agent and Registrar and no authentication signature shall be required.

The principal amount of each bond shall be payable at the principal office of the Paying Agent and Registrar and interest thereon shall be made on each interest payment date to the person whose name appears on the record date (May 15 and November 15 for June 1 and December 1 interest, respectively, or as otherwise set forth in the Certificate of Award) on the bond registration records as the registered holder thereof, by check or draft mailed to such registered holder at his address as it appears on such registration records.

The bonds shall be transferable by the registered holder thereof in person or by his attorney duly authorized in writing at the principal office of the Paying Agent and Registrar upon presentation and surrender thereof to the Paying Agent and Registrar. The City and the Paying Agent and Registrar shall not be required to transfer any bond during the 15-day period preceding any interest payment date, and no such transfer shall be effective until entered upon the registration records maintained by the Paying Agent and Registrar. Upon such transfer, a new bond or bonds of authorized denominations of the same maturity and for the same aggregate principal amount will be issued to the transferee in exchange therefor.

The City and the Paying Agent and Registrar may deem and treat the registered holder of the bonds as the absolute owner thereof for all purposes, and neither the City nor the Paying Agent and Registrar shall be affected by any notice to the contrary.

SECTION 4: The City Manager and Finance Director are hereby authorized to combine these Bonds with three other bond issues authorized under separate legislation into a single consolidated issue of bonds for purposes of their sale as a single issue. If so combined, the consolidated issue of bonds shall be known as "Various Purpose Special Obligation Income Tax Revenue Bonds, Series 2019"; such consolidated issue shall be dated, mature and bear interest, be executed and be denominated in a manner consistent with the provisions of this ordinance relating to the bonds, authorized herein. The proceeds from the sale of such consolidated issue shall be apportioned, deposited and credited in accordance with Section 133.32 of the Revised Code to the respective purposes and funds in accordance with the amount of bonds authorized by this ordinance and the amount of bonds authorized by the ordinances providing for the issuance of not to exceed \$1,300,000 Real Estate Acquisition Bonds; not to exceed \$7,200,000 Building Improvement Bonds; and not to exceed \$500,000 Park Improvement Bonds.

SECTION 5: That the bonds shall be sold at such price (but not less than 97% of par) as is agreed upon by the City Manager and Finance Director and the purchaser. The proceeds from the sale of said bonds, except the premium and accrued interest thereon, shall be used for the

purposes aforesaid and for no other purpose; and the premium and accrued interest received from such sale shall be transferred to the bond retirement fund to be applied to the payment of the cost of issuance of, principal of and interest on the bonds in the manner provided by law.

The City Manager and Finance Director, or either of them, are hereby authorized and directed in the name of and on behalf of the City, to execute and deliver to the purchaser either a contract of purchase or bond purchase agreement between the City and the purchaser, which shall contain the final principal amount, rate or rates of interest and maturity schedules, redemption provisions, and such other terms and conditions concerning the bonds as may be agreed upon between the City and the purchaser. The Finance Director is hereby authorized to execute a Certificate of Award, setting forth any terms relating to the issuance of the bonds which are not specified in this Bond Legislation.

All appropriate officers of the City are further authorized to make, execute, acknowledge and deliver such financing statements, closing certificates, and other instruments or agreements as are, in the opinion of bond counsel, necessary to carry out the purposes of this ordinance.

SECTION 6: The bonds will be special obligations of the City, and to the extent provided in, and except as otherwise permitted under, the bonds will be equally and ratably payable solely from the City's municipal income tax authorized by Chapter 718 Ohio Revised Code and City Ordinance Nos. 93-06, 2004-07, 2005-08, 2011-08, and 2017-18 ("Income Tax") and are secured by a pledge of the Income Tax.

During the years while the bonds are outstanding, the City hereby covenants to levy and collect annually the Income Tax in a sufficient amount to pay principal of and interest on the bonds, and to meet debt service or bond service charges on other obligations of the City to be paid from the Income Tax. The City will appropriate and pay from the Income Tax, into the bond account or fund, amounts sufficient to pay principal of and interest on the bonds on each interest payment date.

The bonds will not constitute general obligation debt of the City and will not constitute a debt or pledge of the full faith and credit of the City. The holders of the bonds have no right to have taxes, other than the Income Tax, levied by the City to pay principal of and interest on the bonds when due. Nothing in this authorizing ordinance will be construed as requiring the City to use or apply to the payment of principal of or interest on the bonds any funds or revenues from any source other than the Income Tax; however, nothing in this authorizing ordinance will be deemed to prohibit the City from using, to the extent that it is authorized by law to do so, any other resources for the fulfillment of any of the terms, conditions, or obligations of this authorizing ordinance or the bonds.

SECTION 7: That this council, for and on behalf of the City, hereby covenants that it will restrict the use of the proceeds, if any, of the bonds hereby authorized in such manner and to such extent, if any, and take such other actions as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal income taxation or "arbitrage bonds"

under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the “Code”), and the regulations prescribed thereunder. The Finance Director or any other officer having responsibility with respect to the issuance of the bonds is authorized and directed to give an appropriate certificate on behalf of the City, on the date of delivery of the bonds for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 and regulations thereunder.

SECTION 8: The funds derived from the sale of the bonds authorized by this ordinance become and they are hereby set aside and appropriated for the payment as described in this ordinance.

SECTION 9: That sums which are expended from the above appropriations and which are proper charges against and are repaid by any other department, any firm, person or corporation, shall be considered reappropriated for such original purpose; provided that the total appropriation as increased by any such repayment shall not be exceeded.

SECTION 10: That the Finance Director of the City of Monroe be and she is hereby authorized to draw her warrants of the City Treasury or Depository for payments from any of the foregoing appropriations upon receiving proper approval in accordance with the Charter, the Administrative Code, or other ordinances of the City of Monroe.

SECTION 11: The Manager and Director of Finance, or either of them, is hereby authorized to prepare and cause to be circulated a preliminary official statement with respect to the bonds in form and content satisfactory to them, and to prepare, execute and deliver to the original purchaser of the bonds a reasonable number of copies of an official statement which shall be deemed to be final for purposes of SEC Rule 15c2-12. The execution of the final official statement by either or both of such officers shall be conclusive evidence of its authorization and approval.

SECTION 12: This Council hereby authorizes and directs the City Manager and Finance Director to take any and all actions which may be necessary to issue the bonds in book-entry-only form or in such form as will render the bonds eligible for the services of the Depository Trust Company, New York, New York without further action by this Council, including execution of all documents necessary therefor.

SECTION 13: That the City Manager and Finance Director are hereby authorized to apply, if they deem it appropriate, for a rating on the bonds from either Standard & Poor’s Corporation or Moody’s Investors Service, or both, and to pay the fee for said rating to the extent authorized by law and approved by bond counsel.

The City Manager and Finance Director are hereby further authorized to apply for and, in their discretion, to purchase a policy of municipal bond insurance from any nationally recognized municipal bond insurer, if such insurance will result in net interest cost savings to the City.

SECTION 14: This council hereby covenants and agrees that, to the extent that a continuing disclosure certificate (the “Continuing Disclosure Certificate”) in connection with the

issuance of the bonds is required by law, it will execute, comply with and carry out all of the provisions of such Continuing Disclosure Certificate. Failure to comply with any such provisions of the Continuing Disclosure Certificate shall not constitute a default on the bonds; however, any holder of the bonds may take such action as may be necessary and appropriate, including seeking specific performance, to cause this council to comply with its obligations under this section and the Continuing Disclosure Certificate.

SECTION 15: All appropriate officers of the City are further authorized to make, execute, acknowledge and deliver such financing statements, closing certificates and other instruments or agreements as are, in the opinion of bond counsel, necessary to carry out the purposes of this ordinance.

SECTION 16: That the firm of Dinsmore & Shohl LLP (“Dinsmore”), is hereby engaged as the City’s “bond counsel” pursuant to the engagement letter of Dinsmore on file with the City.

SECTION 17: This council hereby finds and determines that all formal actions relative to the adoption of this ordinance were taken in an open meeting of this council, and that all deliberations of this council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code.

SECTION 18: That the Finance Director is hereby directed to forward a certified copy of this ordinance to the County Auditors of Warren and Butler Counties, Ohio.

SECTION 19: This measure shall be in full force and effect from and after the earliest period allowed by law.

PASSED:_____

ATTEST:

APPROVED:

Clerk of Council

Mayor

First Reading:_____

ORDINANCE NO. 2019-29

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$11,960,000 VARIOUS PURPOSE INCOME TAX REVENUE BONDS, SERIES 2019, BY THE CITY OF MONROE, OHIO, AUTHORIZING AN OFFICIAL STATEMENT.

WHEREAS, the fiscal officer of the City has estimated the life of the improvements hereinafter described as at least five (5) years, and certified the maximum maturity of the bonds is thirty (30) years; and

WHEREAS, the City has previously adopted 4 ordinances authorizing bonds for the purposes of (i) permanently financing notes issued to pay the cost of acquiring a building for use by the municipal police department; (ii) constructing improvements to a municipal building for use by the municipal police department; (iii) constructing improvements to a municipal park; (iv) constructing renovations to a municipal building; and the City deems it in the best interest of the City to combine those 4 issues into one consolidated issue to achieve certain cost savings.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MONROE, STATE OF OHIO, THAT:

SECTION 1: That it is hereby declared necessary to issue bonds of the City, in the principal sum of not to exceed \$11,960,000, for the purposes of (i) permanently financing notes issued to pay the cost of acquiring a building for use by the municipal police department; (ii) constructing improvements to a municipal building for use by the municipal police department; (iii) constructing improvements to a municipal park; (iv) constructing renovations to a municipal building; and (v) paying certain costs related to the issuance of the bonds, together with other permissible costs under the Uniform Public Securities Law, including the cost of printing the bonds, expense of delivery of the bonds, service charges of the paying agent and registrar, legal services and obtaining an approving legal opinion.

SECTION 2: That bonds of the City shall be issued in the principal sum of not to exceed \$11,960,000, for the purposes aforesaid. Said bonds shall be of the denomination of \$5,000 or any integral multiple thereof, shall be numbered from 1 upward; shall be dated as of such date as is set forth in the certificate of award setting forth the final terms of the bonds (the "Certificate of Award"); and shall bear interest from the most recent date to which interest has been paid or duly provided for, or, if no interest has been paid or duly provided for, from their dated date. Said bonds shall bear interest payable semiannually on each June 1 and December 1, or such other dates as are set forth in the Certificate of Award, as determined by the Finance Director (after negotiation with the original purchaser of the bonds) and set forth in the Certificate of Award or in a bond purchase agreement, as applicable, which aggregate rate shall not be in excess of five percent (5.00%) per annum. Said bonds shall mature or be subject to mandatory sinking fund redemption, at the times and in the respective principal amounts as determined by the Finance Director and set forth in the Certificate of Award or in a bond purchase agreement, as applicable, within the

limitations set forth in Chapter 133 of the Ohio Revised Code, without further action of this council. All bonds shall finally mature not later than December 1, 2049.

The bonds of such maturities as are designated by the City Manager and Finance Director shall be callable for redemption at the option of the City at such prices and times as are determined by the Finance Director and set forth in the Certificate of Award or in a bond purchase agreement, as applicable.

If less than all bonds which are payable by their terms on the same date are to be called, the particular bonds or portions of bonds payable on such same date and to be redeemed from such series shall be selected by lot by the Paying Agent and Registrar referred to in Section 3 below, in such manner as the Paying Agent and Registrar in its discretion may determine; provided, however, that the portion of any bond to be redeemed shall be in the principal amount of \$5,000 or some multiple thereof, and that, in selecting bonds for redemption, the Paying Agent and Registrar shall treat each bond as representing that number of bonds which is obtained by dividing the principal amount of such bond by \$5,000.

At least thirty (30) days before the redemption date of any bonds the Paying Agent and Registrar shall cause a notice of such redemption either in whole or in part, signed by the Paying Agent and Registrar, to be mailed, postage prepaid, to all registered owners of bonds to be redeemed in whole or in part at their addresses as they appear on the registration books kept by the Paying Agent and Registrar, but failure so to mail any such notice shall not affect the validity of the proceedings for such redemption. Each such notice shall set forth the date fixed for redemption, the redemption price to be paid and, if less than all of the bonds being payable by their terms on a single date then outstanding shall be called for redemption, the distinctive numbers or letters, if any, of such bonds to be redeemed and, in the case of bonds to be redeemed in part only, the portion of the principal amount thereof to be redeemed. In case any bond is to be redeemed in part only, the notice of redemption which relates to such bond shall state also that on or after the redemption date upon surrender of such bonds, a new bond in principal amount equal to the unredeemed portion of such bonds will be issued.

On the date so designated for redemption, notice having been sent in the manner and under the conditions hereinabove provided and moneys for payment of the redemption price being held in separate accounts by the Paying Agent and Registrar for the holders of the bonds or portions thereof to be redeemed, the bonds or portions of bonds so called for redemption shall become and be due and payable at the redemption price provided for redemption of such bonds or portions of bonds on such date, interest on the bonds or portions of bonds so called for redemption shall cease to accrue, and the holders or registered owners of such bonds or portions of bonds shall have no rights in respect thereof except to receive payment of the redemption price thereof and to receive bonds for any unredeemed portions of bonds.

In case part but not all of an outstanding bond shall be selected for redemption, the registered owner thereof or his attorney or legal representative shall present and surrender such bond to the Paying Agent and Registrar for payment of the principal amount hereof

so called for redemption, and the city shall execute and the Paying Agent and Registrar shall authenticate and deliver to or upon the order of such registered owner or his legal representative, without charge therefor, for the unredeemed portion of the principal amount of the bond so surrendered a bond of the same series and maturity and bearing interest at the same rate.

SECTION 3: That said bonds shall be designated “Various Purpose Special Obligation Income Tax Revenue Bonds, Series 2019” and shall express upon their faces the purpose for which they are issued and that they are issued in pursuance of Article XVIII Section 3 of the Ohio Constitution, Chapter 133 of the Ohio Revised Code, the municipal charter and this ordinance. The bonds shall be executed by the City Manager and Finance Director, provided that the execution by either but not both of said officials may be by facsimile. The bonds may also bear the seal of the City, or a facsimile thereof, and shall bear the manual authenticating signature of an authorized representative of such bank or trust company as is designated, without further action by this Council, by the Finance Director as paying agent, registrar and transfer agent (the “Paying Agent and Registrar”) for the bonds. Such designation shall be evidenced by the execution and delivery of a bond registrar agreement by the Finance Director, which execution and delivery is hereby authorized. If the Finance Director does not designate a bank or trust company to act as Paying Agent and Registrar for the bonds, the Finance Director shall be the Paying Agent and Registrar and no authentication signature shall be required.

The principal amount of each bond shall be payable at the principal office of the Paying Agent and Registrar and interest thereon shall be made on each interest payment date to the person whose name appears on the record date (May 15 and November 15 for June 1 and December 1 interest, respectively, or as otherwise set forth in the Certificate of Award) on the bond registration records as the registered holder thereof, by check or draft mailed to such registered holder at his address as it appears on such registration records.

The bonds shall be transferable by the registered holder thereof in person or by his attorney duly authorized in writing at the principal office of the Paying Agent and Registrar upon presentation and surrender thereof to the Paying Agent and Registrar. The City and the Paying Agent and Registrar shall not be required to transfer any bond during the 15-day period preceding any interest payment date, and no such transfer shall be effective until entered upon the registration records maintained by the Paying Agent and Registrar. Upon such transfer, a new bond or bonds of authorized denominations of the same maturity and for the same aggregate principal amount will be issued to the transferee in exchange therefor.

The City and the Paying Agent and Registrar may deem and treat the registered holder of the bonds as the absolute owner thereof for all purposes, and neither the City nor the Paying Agent and Registrar shall be affected by any notice to the contrary.

SECTION 4: The proceeds from the sale of the Bonds shall be apportioned, deposited and credited in accordance with Section 133.32 of the Revised Code to the respective purposes and funds in accordance with the amount of bonds authorized by the ordinances providing for the issuance of not to exceed \$\$1,300,000 Real Estate Acquisition Bonds, not to exceed

\$7,200,000 Building Improvement Bonds, not to exceed \$2,600,000 Park Improvement Bonds, and not to exceed \$500,000 Building Improvement Bonds.

SECTION 5: That the bonds shall be sold at such price (but not less than 97% of par) as is agreed upon by the City Manager and Finance Director and the purchaser. The proceeds from the sale of said bonds, except the premium and accrued interest thereon, shall be used for the purposes aforesaid and for no other purpose; and the premium and accrued interest received from such sale shall be transferred to the bond retirement fund to be applied to the payment of the cost of issuance of, principal of and interest on the bonds in the manner provided by law.

The City Manager and Finance Director, or either of them, are hereby authorized and directed in the name of and on behalf of the City, to execute and deliver to the purchaser either a contract of purchase or bond purchase agreement between the City and the purchaser, which shall contain the final principal amount, rate or rates of interest and maturity schedules, redemption provisions, and such other terms and conditions concerning the bonds as may be agreed upon between the City and the purchaser. The Finance Director is hereby authorized to execute a Certificate of Award, setting forth any terms relating to the issuance of the bonds which are not specified in this Bond Legislation.

All appropriate officers of the City are further authorized to make, execute, acknowledge and deliver such financing statements, closing certificates, and other instruments or agreements as are, in the opinion of bond counsel, necessary to carry out the purposes of this ordinance.

SECTION 6: The bonds will be special obligations of the City, and to the extent provided in, and except as otherwise permitted under, the bonds will be equally and ratably payable solely from the City's municipal income tax authorized by Chapter 718 Ohio Revised Code and City Ordinance Nos. 93-06, 2004-07, 2005-08, 2011-08, and 2017-18 ("Income Tax") and are secured by a pledge of the Income Tax.

During the years while the bonds are outstanding, the City hereby covenants to levy and collect annually the Income Tax in a sufficient amount to pay principal of and interest on the bonds, and to meet debt service or bond service charges on other obligations of the City to be paid from the Income Tax. The City will appropriate and pay from the Income Tax, into the bond account or fund, amounts sufficient to pay principal of and interest on the bonds on each interest payment date.

The bonds will not constitute general obligation debt of the City and will not constitute a debt or pledge of the full faith and credit of the City. The holders of the bonds have no right to have taxes, other than the Income Tax, levied by the City to pay principal of and interest on the bonds when due. Nothing in this authorizing ordinance will be construed as requiring the City to use or apply to the payment of principal of or interest on the bonds any funds or revenues from any source other than the Income Tax; however, nothing in this authorizing ordinance will be deemed to prohibit the City from using, to the extent that it is authorized by law to do so, any other resources for the fulfillment of any of the terms, conditions, or obligations of this authorizing ordinance or the bonds.

SECTION 7: That this council, for and on behalf of the City, hereby covenants that it will restrict the use of the proceeds, if any, of the bonds hereby authorized in such manner and to such extent, if any, and take such other actions as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal income taxation or “arbitrage bonds” under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the “Code”), and the regulations prescribed thereunder. The Finance Director or any other officer having responsibility with respect to the issuance of the bonds is authorized and directed to give an appropriate certificate on behalf of the City, on the date of delivery of the bonds for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 and regulations thereunder.

SECTION 8: The funds derived from the sale of the bonds authorized by this ordinance become and they are hereby set aside and appropriated for the payment as described in this ordinance.

SECTION 9: That sums which are expended from the above appropriations and which are proper charges against and are repaid by any other department, any firm, person or corporation, shall be considered reappropriated for such original purpose; provided that the total appropriation as increased by any such repayment shall not be exceeded.

SECTION 10: That the Finance Director of the City of Monroe be and she is hereby authorized to draw her warrants of the City Treasury or Depository for payments from any of the foregoing appropriations upon receiving proper approval in accordance with the Charter, the Administrative Code, or other ordinances of the City of Monroe.

SECTION 11: The Manager and Director of Finance, or either of them, is hereby authorized to prepare and cause to be circulated a preliminary official statement with respect to the bonds in form and content satisfactory to them, and to prepare, execute and deliver to the original purchaser of the bonds a reasonable number of copies of an official statement which shall be deemed to be final for purposes of SEC Rule 15c2-12. The execution of the final official statement by either or both of such officers shall be conclusive evidence of its authorization and approval.

SECTION 12: This Council hereby authorizes and directs the City Manager and Finance Director to take any and all actions which may be necessary to issue the bonds in book-entry-only form or in such form as will render the bonds eligible for the services of the Depository Trust Company, New York, New York without further action by this Council, including execution of all documents necessary therefor.

SECTION 13: That the City Manager and Finance Director are hereby authorized to apply, if they deem it appropriate, for a rating on the bonds from either Standard & Poor’s Corporation or Moody’s Investors Service, or both, and to pay the fee for said rating to the extent authorized by law and approved by bond counsel.

The City Manager and Finance Director are hereby further authorized to apply for and, in their discretion, to purchase a policy of municipal bond insurance from any nationally recognized municipal bond insurer, if such insurance will result in net interest cost savings to the City.

SECTION 14: This council hereby covenants and agrees that, to the extent that a continuing disclosure certificate (the “Continuing Disclosure Certificate”) in connection with the issuance of the bonds is required by law, it will execute, comply with and carry out all of the provisions of such Continuing Disclosure Certificate. Failure to comply with any such provisions of the Continuing Disclosure Certificate shall not constitute a default on the bonds; however, any holder of the bonds may take such action as may be necessary and appropriate, including seeking specific performance, to cause this council to comply with its obligations under this section and the Continuing Disclosure Certificate.

SECTION 15: All appropriate officers of the City are further authorized to make, execute, acknowledge and deliver such financing statements, closing certificates and other instruments or agreements as are, in the opinion of bond counsel, necessary to carry out the purposes of this ordinance.

SECTION 16: That the firm of Dinsmore & Shohl LLP (“Dinsmore”), is hereby engaged as the City’s “bond counsel” pursuant to the engagement letter of Dinsmore on file with the City.

SECTION 17: This council hereby finds and determines that all formal actions relative to the adoption of this ordinance were taken in an open meeting of this council, and that all deliberations of this council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code.

SECTION 18: That the Finance Director is hereby directed to forward a certified copy of this ordinance to the County Auditors of Warren and Butler Counties, Ohio.

SECTION 19: This measure shall be in full force and effect from and after the earliest period allowed by law.

PASSED:_____

ATTEST:

APPROVED:

Clerk of Council

Mayor

First Reading:_____

ORDINANCE NO. 2019-30

AN ORDINANCE REPEALING ORDINANCE NO. 2019-12 IN ITS ENTIRETY.

WHEREAS, Council deemed it in the best interest of the City of Monroe to regulate unsolicited materials; and

WHEREAS, Council adopted Ordinance No. 2019-12 regulating unsolicited materials; and

WHEREAS, due to a decision of the United State Court of Appeals for the Sixth District, Council desires to repeal Ordinance No. 2019-12 and adopt new regulations in light of this decision.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONROE, STATE OF OHIO, THAT:

SECTION 1: Ordinance No. 2019-12 is hereby repealed in its entirety.

SECTION 2: This measure shall take effect and be in full force from and after the earliest period allowed by law.

PASSED: _____

ATTEST:

APPROVED:

Clerk of Council

Mayor

First Reading: _____

ORDINANCE NO. 2019-31

AN ORDINANCE SUPPLEMENTING CHAPTER 660 OF THE CODIFIED ORDINANCES TO REGULATE UNSOLICITED MATERIALS.

WHEREAS, the Constitution of the State of Ohio, in Article XVIII, Section 3, grants municipalities the authority to exercise all powers of local self government and to enforce local police, sanitary, and other similar regulations as are not in conflict with the general laws; and

WHEREAS, pursuant to this constitutional home rule authority, the people of the City of Monroe, Ohio, have adopted a Charter and Codified Ordinances to exercise the powers of local self-government and enforce local police power regulations; and

WHEREAS, on April 17, 2019, the United States Court of Appeals for the Sixth District upheld restricting the delivery of “unsolicited written materials.” *Lexington H-L Servs., Inc. v. Lexington-Fayette Urban Cty. Gov’t*, 879 F.3d 224; and

WHEREAS, the City has substantial, legitimate interests in preserving and maintaining a high level of sanitation throughout the City by reducing visual blight and litter; and

WHEREAS, the City has experienced ongoing problems with the delivery of unsolicited written materials to areas of private property such as yards and driveways, commonly resulting in materials remaining in such locations for extended periods of time, causing visual blight;

WHEREAS, the City has received resident complaints related to unsolicited written materials being delivered to locations on the residents’ private property which, in addition to causing visual blight and the spread of litter, cause hardship on residents forced to collect these materials from various portions of their or neighboring property; and

WHEREAS, the City wishes to reduce visual blight, littering, and the interference with private property associated with the delivery of unsolicited written materials while at the same time protecting the First Amendment rights of the persons and organizations delivering those materials.

WHEREAS, the issue of delivery of unsolicited material has been discussed by Council in numerous regular sessions and attempts to deal with the adverse effects of delivery of unsolicited material under existing ordinances and though voluntary action by those responsible for delivering such material has been unsuccessful; and

WHEREAS, based on observation from City Council members and findings in other communities, City Council finds that some of the unsolicited materials can and do migrate to public property, where upon they become litter; and

WHEREAS, in light of the thousands of unsolicited materials delivered in the City each year, the City has a reasonable basis to believe that restricting such deliveries to certain specified locations will bring about a more consistent esthetic and reduce litter; and

WHEREAS, requiring all unsolicited materials to be delivered to consistent, predictable locations will further reduce the visual impact of such materials by increasing the chances that recipients will find and collect the materials and discard them in an appropriate manner; and

WHEREAS, City Council finds that this ordinance leaves open ample alternative channels of communication and does not prohibit the right for individuals to travel door-to-door to proselytize, and leave literature with residents.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MONROE, STATE OF OHIO, THAT:

SECTION 1: Chapter 660 of the Codified Ordinances is hereby supplemented to read as follows:

“660.18 UNSOLICITED WRITTEN MATERIALS.

(a) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) *Citation Officer.* Code Enforcement Officer as defined in the Planning and Zoning Code or designee.

(2) *Front Door.* The street-facing entrance to a principal structure. In the event no door faces the street, then any other door of a principal structure nearest the street shall be considered a front door for purposes of this ordinance.

(3) *Porch.* An exterior appendage to a principal structure leading to a doorway, including any stairway attached thereto.

(4) *Premises.* A lot, plot, or parcel of land including any structures, driveways, or other impervious surfaces thereon.

(5) *Principal Structure.* A structure, or combination of structures of primary importance on the premises, and that contains the primary use associated with the premises. The primary use is characterized by identifying the main activity taking place on the premises.

(6) *Unsolicited written materials.* Any written materials delivered to any premises without the express invitation or permission, in writing or otherwise, by the owner, occupant, or lessee of such premises.

(b) *Placement of Unsolicited Written Materials.* Unsolicited written materials delivered to premises shall be placed:

(1) On a porch if one exists, nearest the front door; or

- (2) So that such materials are securely attached to the front door; or
 - (3) Through a mail slot on the front door or principal structure, if one exists, as permitted by the United States Postal Service.
 - (4) Between the exterior front door, if one exists and is unlocked, and the interior front door; or
 - (5) Where permitted, in a distribution box located on or adjacent to the premises; or
 - (6) Personally with the owner, occupant, and/or lessee of the premises.
- (c) Notwithstanding subsection (b) above, an owner, lessee, or occupant maintains the right to restrict entry to his or her premises.
- (d) Unsolicited written materials placed at a premises create a rebuttable presumption that the materials were placed at the premises by the owner, agent, manager, and/or authorized distributor of the business, product, good, service, message, or idea, which is being advertised, promoted, endorsed, or conveyed in such materials.
- (e) The provisions of this ordinance do not apply to the United States Postal Service.
- (f) Any placement of unsolicited written materials in areas on or adjacent to a premises other than as set forth in subsection (b) of this ordinance shall be a violation of this ordinance, classified as a civil offense, and may be enforced by issuance of a civil citation by a citation officer.
- (g) *Civil Penalty.* The civil penalty for each violation of this ordinance shall be a maximum of two hundred dollars (\$200) per violation.
- (h) *Code Enforcement Board.* The administrative hearing board shall be the Board of Zoning Appeals having authority to determine whether there has been a violation of this ordinance.
- (i) *Severability.* If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person or circumstances shall be held invalid, that invalidation shall not affect the other provisions of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared severable.

SECTION 2: This measure shall take effect and be in full force from and after the earliest period allowed by law.

PASSED: _____

ATTEST:

APPROVED:

Clerk of Council

Mayor

First Reading: _____