Monroe Council Agenda
Regular Meeting of Council
April 13, 2021 – 6:30 p.m.
233 South Main Street, Monroe, Ohio

Pledge of Allegiance

Roll Call

Approval of the Minutes – Council Minutes of March 23, 2021 and Public Safety Committee Minutes of March 30, 2021

Visitors

Committee Reports

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

Old Business

Resolution No. 20-2021. A Resolution authorizing the City Manager to enter into a professional engineering services agreement by and between the City of Monroe and Fishbeck for the East Avenue Water Main Replacement Project. (Second Reading)

New Business

Emergency Resolution No. 21-2021. A Resolution approving a Then-and-Now Certificate in the amount of $5,400 to the Ohio Association of Chiefs of Police and declaring an emergency.

Emergency Resolution No. 22-2021. A Resolution authorizing the City Manager to enter into an assignment agreement by and between the City of Monroe, Butler County Commissioners, and CSX Transportation, Inc., and declaring an emergency.

Emergency Ordinance No. 2021-11. An Ordinance amending Ordinance No. 2021-09 to correct a typographical error and declaring an emergency.

Ordinance No. 2021-12. An Ordinance supplementing Section 412.01(a)(1) of the Codified Ordinances to specifically include grass clippings.

Administrative Reports

- Strategic Priorities Update

Adjournment

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Old Business

Resolution No. 20-2021. A Resolution authorizing the City Manager to enter into a professional engineering services agreement by and between the City of Monroe and Fishbeck for the East Avenue Water Main Replacement Project. (Second Reading)

New Business

Emergency Resolution No. 21-2021. A Resolution approving a Then-and-Now Certificate in the amount of $5,400 to the Ohio Association of Chiefs of Police and declaring an emergency.

Background. A purchase order was not opened prior to receipt of the invoice as the final cost for the service was unknown. The service provided was for evaluation of candidates in the promotional process for the Sergeants position.

Emergency Resolution No. 22-2021. A Resolution authorizing the City Manager to enter into an assignment agreement by and between the City of Monroe, Butler County Commissioners, and CSX Transportation, Inc., and declaring an emergency.

Background.

The Public Works Director is requesting Council to authorize the signature of an agreement that will transfer the rights of an underground conduit under the CSX tracks in the area of the

Bicentennial Commons Park. The purpose of the conduit is for the sanitary lateral that services the park, which is now the property of the City. As a requirement of service, Butler County is requiring the City to accept the responsibility of this conduit.

Emergency Ordinance No. 2021-11. An Ordinance amending Ordinance No. 2021-09 to correct a typographical error and declaring an emergency.

Background. When the legislation was prepared the beginning date of the garbage and trash collection increase was May 1, 2024 rather than May 1, 2021.

Ordinance No. 2021-12. An Ordinance supplementing Section 412.01(a)(1) of the Codified Ordinances to specifically include grass clippings.

Administrative Reports

- Strategic Priorities Update

Adjournment

Monroe Council Minutes
Regular Meeting of Council
March 23, 2021 – 6:30 p.m.
233 South Main Street, Monroe, Ohio

Pledge of Allegiance

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

Roll Call

Council members present: Tom Callahan, Jason Frentzel, Keith Funk, Anna Hale*, Todd Hickman, and Christina McElfresh. Mrs. Hale arrived at 6:44 p.m.

Mr. Funk moved to excuse Mrs. Hale and Mr. Routson; seconded by Mr. Callahan. Voice vote: five ayes. Motion carried.

Approval of the Minutes

Mr. Funk moved to approve the Council Minutes of March 9, 2021; seconded by Mrs. McElfresh. Voice vote. Motion carried.

Visitors

None.

Committee Reports

None.

Old Business

Ordinance No. 2021-08. An Ordinance authorizing the City to participate in cooperation with, and requesting the Warren County Port Authority's participation in, the refunding of Port Authority Development Revenue Bonds issued to finance public improvements for the Monroe special assessment project; and authorizing the execution of a First Amendment to Cooperative Agreement in connection with such refunding. (Second Reading)

Mr. Brock requested that this Ordinance be read as an emergency on its second reading so that they can proceed with the refinancing.

Mr. Funk moved to suspend the rule requiring the reading of Ordinance No. 2021-08 on two separate days, authorize its adoption on the second reading, and have it read by title only; seconded by Mr. Hickman. Voice vote. Motion carried.

The Clerk of Council read Ordinance No. 2021-08 by title only.
Mr. Funk moved to adopt Ordinance No. 2021-08; seconded by Mr. Hickman. Roll call vote: five ayes. Motion carried.

Ordinance No. 2021-09. An Ordinance authorizing the extension of the existing contract with Rumpke through January 31, 2023, and amending Section 1060.03(a) of the Codified Ordinances to increase the rate charged for garbage and trash collection to $18.48. (Second Reading)

Mr. Brock advised this extends the contract with Rumpke through January 31, 2023, and increases the garbage rate to $18.48.

Mr. Funk moved to consider this the second reading of Ordinance No. 2021-09 and have it read by title only; seconded by Mr. Callahan. Voice vote. Motion carried.

The Clerk of Council read Ordinance No. 2021-09 by title only.

Mr. Funk moved to adopt Ordinance No. 2021-09; seconded by Mrs. McElfresh. Roll call vote: five ayes. Motion carried.

New Business

Emergency Resolution No. 19-2021. A Resolution accepting the lowest and/or best bid submitted for Phase 1B of the Monroe Bicentennial Commons Park Project and authorizing the City Manager to enter into an agreement by and between the City of Monroe and Universal Contracting Corporation for said project, and declaring an emergency.

Mr. Brock explained this accepts the low bid for Phase 1B of the Monroe Bicentennial Commons Park Project. It is requested to be adopted as an emergency so we can proceed with the work as quickly as possible and meet Council's deadline of opening it up by Labor Day.

Mayor Frentzel asked if the smaller restroom facility will be an existing structure or a new structure for the first phase. Mr. Brock replied that it is a new structure as the only existing building with plumbing is the old office building and it is located a good distance from everything else.

Mr. Funk asked if the contractor is aware of the Labor Day deadline. Mr. Morton was not sure if the contractor is aware; however, the engineer is aware of it. He added that it is going to be a tight deadline. Mr. Funk agreed that it is a tight deadline and wanted to make sure the contractor was aware of this. Mayor Frentzel noted that there may be a time as the project proceeds that Council will need to revisit this deadline. Mr. Funk stated that when awarding a bid for this project, Council may select a slightly higher bid if they can guarantee that they can complete the project by the deadline. This is where we start to go for value rather than the lowest bid. He emphasized that there is a lot of importance with opening this park and people seeing progress on this side of town.

Mr. Funk moved to suspend the rule requiring the reading of Emergency Resolution No. 19-2021 on two separate days, authorize its adoption on the first reading, and have it read by title only; seconded by Mrs. Hale. Voice vote. Motion carried.

The Clerk of Council read Emergency Resolution No. 19-2021 by title only.

Mr. Funk moved to adopt Emergency Resolution No. 19-2021; seconded by Mr. Hickman. Roll call vote: six ayes. Motion carried.

Resolution No. 20-2021. A Resolution authorizing the City Manager to enter into a professional engineering services agreement by and between the City of Monroe and Fishbeck for the East Avenue Water Main Replacement Project.

Mr. Morton explained that this water line will go under State Route 63 near Cincinnati-Dayton Road. Approximately 10 to 12 years ago there was a water main break and they had to shut it off because the water main is about 20 feet deep. We really need to establish a new line under State Route 63 intersection to fill the Main Street tank. This Resolution is for the engineering. We will run up East Avenue to Lebanon Street. This is a first phase in a three year plan for establishing a 12" feed where we are hooked in with the County near Hankins Road. This is the biggest and most expensive phase, but it is part of the five year plan in Capital Improvements. We are trying to have all of these projects ready to be bid in January so we can get better pricing.

In response to Mr. Funk's question, Mr. Morton advised just the design is in the 2021 budget and construction in the 2022 budget. Mr. Funk asked is there a way to quantify the problems we are experiencing now such as, are there a lot of residents affected or if we have fires and trying to figure out if we need to do this today. Mr. Morton explained it will help with the water quality because we do not have a good straight direct line to fill that tank. Mr. Funk noted if we don't know the impact it is hard to justify $1,400,000; however, he does support this and trusts Mr. Morton's assessment.

Mrs. Hale asked how much capacity the tanks are now. Mr. Morton replied that the Mound Tank is at 80% and the Main Street Tank is only at about 65%. One thing that we learned when we had the leak in the Mound Tank is we will never be able to completely fill that tank because of the restrictions in our system.

Mr. Funk noted that it may help for Council to see a Capital Plan. Mr. Morton advised that they are working on those plans.

Mr. Hickman asked if the $87,000 is the lowest for this project. Mr. Morton explained that we did not put it out for bid as this engineering company is the one that puts together our water model.

Mr. Callahan asked where the money would be pulled from. Mr. Morton advised it would come from the Water Capital Fund. Mr. Callahan was of the opinion that it should be looked at a little closer. There are so many projects going on and we need to look at it closer. Mr. Brock informed Council that they can put together additional information between the readings and only the $87,000 design is for 2021 budget.

Mrs. McElfresh asked how long we have been without this connection and Mr. Morton replied it has been 10 to 12 years.

Mr. Funk moved to consider this the first reading of Resolution No. 20-2021 and have it read by title only; seconded by Mrs. Hale. Voice vote. Motion carried.

The Clerk of Council read Resolution No. 20-2021 by title only.

Mr. Funk moved to approve the first reading of Resolution No. 20-21; seconded by Mrs. McElfresh. Roll call vote: four ayes; two nays (Callahan and Hickman). Motion carried.

Emergency Ordinance No. 2021-10. An Ordinance granting an easement to Duke Energy Ohio, Inc. for the purposes of the installation and maintenance of electric lines serving Monroe Bicentennial Commons Park and declaring an emergency.

Mr. Brock reported that this is an easement required by Duke Energy for overhead and underground electric lines to the Monroe Bicentennial Park.

Mr. Funk asked if we can require that all of the lines are underground. Mr. Brock advised that the overhead lines would go over the railroad tracks as Duke doesn't have an easement with the railroad.

Mr. Funk moved to suspend the rule requiring the reading of Emergency Ordinance No. 2021-10 on two separate days, authorize its adoption on the first reading, and have it read by title only; seconded by Mr. Callahan. Voice vote. Motion carried.

The Clerk of Council read Emergency Ordinance No. 2021-10 by title only.

Mr. Funk moved to adopt Emergency Ordinance No. 2021-10; seconded by Mr. Hickman. Roll call vote: six ayes. Motion carried.

Consideration of Motion authorizing the expenditure of $21,000.00 to Zorman Builders for the earthwork and plumbing work in preparation of the installation of the Monroe Crossings Park Restroom Building.

Mr. Brock stated that Zorman Builders will be setting the pre-fab building and we asked them to do additional work to prep the site.

Mr. Hickman asked who the plumber would be and Mr. Morton indicated it would be Blayshock Plumbing and it will be under $1,000.

Referring to the soccer fields in the area, Mr. Funk advised they have been talking about an irrigation system there and asked if this is something that could be utilized for that. Mr. Morton advised that there is a water main at the edge of the apartments. The problem with irrigation is that is County water and not the City's and you would be paying full price for the water. Mr. Funk has spoken with the soccer representatives and they talked about helping with that cost. Mr. Funk is looking for ways to be more efficient and asked if there is anyway this could be accomplished. Mr. Morton replied that there is only a two inch line being run to the building and to accommodate an irrigation system a six inch line would be required and the tap-in fees would need to be paid to the County. Within the scope of this project it would put everything on hold.

Mr. Funk moved to authorize the expenditure of $21,000.00 to Zorman Builders for the earthwork and plumbing work in preparation of the installation of the Monroe Crossings Park Restroom Building; seconded by Mr. Hickman. Voice vote. Motion carried.

Mayor Frentzel pointed out that Council had previously discussed appointments to boards and commissions in executive session and requested that they discuss the appointments on the agenda in executive session.

Consideration of Motion accepting the November 2020 Finance Reports as submitted.

Mr. Funk moved to accept the November 2020 Finance Reports as submitted; seconded by Mrs. McElfresh. Voice vote. Motion carried.

Mr. Hickman asked if we have received a cost on the monument to be placed at the old water tower site on East Avenue.

Mrs. Wasson advised that we are waiting on a concept drawing from Butler Tech and then we will be able to receive the final quote. Mr. Hickman asked if the entire project will be completed this summer. Mr. Morton will request the Assistant Public Works Director to reach out to Butler Tech to check on the status of that.

Mr. Hickman asked about the status of the land swap agreement. Mr. Brock advised that the DTE form was received back from the landowner and it has been filed. It is his understanding the property is now the City's.

Mr. Hickman asked when the dog park will be completed. Mr. Morton stated that we will begin on that soon and he will have an update on this at the next Council meeting. They are waiting on a timeline from the fencing company. He hopes by the end of June it is up and running. Mr. Hickman requested a breakdown of the cost and who is doing the work be sent to all of Council.

Mr. Callahan asked what decision had been made as to whether or not to keep the building located where the dog park will be. Mr. Morton replied that the intent is to keep the building and we may use it as storage. Mr. Callahan felt that it should be kept. Mr. Hickman advised that there is graffiti on that building and asked that Mr. Morton check on that.

Mayor Frentzel informed Council that he was approached by one of the Liberty Township Trustees for the Millikin Road project. They are requesting support from the City of Monroe for the continuing progress of this project. Mr. Hickman questioned why they need Monroe's support. Mayor Frentzel's understanding is that it is a practice to get support from other local jurisdictions. Mr. Brock explained that during the federal funding for this project it is typical to get support from a region as a whole. It is a letter of support that goes into the funding document. Mr. Brock added that he should have a draft of the proposed JEDD for Council's review at a future meeting.

Mr. Funk moved to submit a letter of support for the Millikin Road Project to Liberty Township; seconded by Mr. Hickman. Voice vote. Motion carried.

Mayor Frentzel brought up the Rules of Council that contained the suggestions he and Mrs. McElfresh included and suggested it could be brought up at the next Council meeting.

Executive Session. For a conference with an attorney concerning pending and imminent court action and to consider the appointments of public officials.

Mr. Funk moved to adjourn into executive session for a conference with an attorney concerning pending and imminent court action and to consider the appointments of public officials; seconded by Mrs. Hale. Roll call vote: six ayes. Motion carried.

Council adjourned into executive session at 7:38 p.m.

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

Council reconvened into regular session at 9:09 p.m.

Consideration of Motion making an appointment to the Planning Commission and the Park and Recreation Board.

Mr. Funk moved to appoint Lindsey Pyron to the Planning Commission for the term ending December 31, 2023; appoint Ben Wagner to the Planning Commission for the term ending December 31, 2022; and appoint Josh Howard to the Park and Recreation Board; seconded by Mr. Hickman. Voice vote. Motion carried.

Mr. Funk moved to authorize the Law Director to appoint Catherine Cunningham of Kegler Brown Hill & Ritter to act on behalf of the City of Monroe on certain civil matters to be determined by the Law Director and authorize the execution of any and all documents necessary to retain her services; seconded by Mrs. McElfresh. Voice vote. Motion carried.

Administrative Reports

None.

Adjournment

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

The regular meeting of Council adjourned at 9:12 p.m.

Respectfully submitted,

Angela S. Wasson, MMC
Clerk of Council

City of Monroe
Public Safety Committee of Council
March 30, 2021

The Public Safety Committee of Council met at 5:30 p.m. on March 30, 2021. This meeting was held electronically (remotely) pursuant to Ohio Revised Code Section 121.221.

Present: Robert Routson, Council Member; Christina McElfresh, Council Member; Robert Buchanan, Chief of Police; Kacey L. Waggaman, Assistant City Manager; and Angela S. Wasson, Clerk of Council/Assistant to the City Manager.

Chief Buchanan reported that there has been a lot of work in the Police Department to build upon de-escalation training and communications training. That falls into our mental health training and crisis response training. We will begin mental health training for our dispatchers this week. The training is going to continue over the next five years.

We just recently had Lieutenant Pelfrey graduate from the Police Executive Leadership College.

Mr. Routson pointed out in the past we allowed certain officers trained to be instructors and asked if that is being looked at. Chief Buchanan replied that we have several in-service trainers that are experts and we will look to expand on that with the new officers coming in to give them the opportunities as it is a huge professional development in their career.

Chief Buchanan advised that we are looking at efficiency, especially in the new building to look at the future growth. One of the focuses is the flow of information and communication services, such as emergency medical dispatching. It has always been a goal, but unable to address that due to the staffing levels. We are looking at report dictation where the officers speak their reports and that would go through the process with the dispatchers who function as quasi-clerks for us at the same time.

Park expansion is going to be a focus as we move into the development of the Monroe Bicentennial Commons Park and how we will patrol that especially the bike trail along the river.

Overall community service we are looking to expand on the events.

The professional development will continue to be expanded on. Our policies and procedures that the officers utilize takes a lot of time to make sure those are thoroughly researched. That guides everything from our use of force to our pursuit policy to how we take a piece of evidence from the street and bring it in and process it through. Lieutenant Beacock is our accreditation manager for us as annually we do a check and every four years we go up for re-accreditation.

Staffing is something we are always analyzing and we were pleased when we reached the number of 36 sworn officers with 10 civilian staff. That full staffing did not last long as he is down two and one in training equaling being down three. We are still looking to recruit, but we believe we are in line with being one of those police departments that have the highest caliber of officers. It is a challenge as we are competing with other departments. We have no immediate needs for sworn officers, but we do need a lieutenant position that will be a restructure and not another person. We have three lieutenants and looking at a fourth lieutenant that would oversee the administration such as, dispatching and the detectives section. Right now that is handled by a sergeant and we have overwhelmed him. He would like to move forward in filling that additional lieutenant position in 2021 and this would be without hiring an additional officer.

We are still down two dispatchers and there are challenges there as my dispatch supervisor is acting as a dispatcher and then additional work falls on the sergeant over the dispatchers.

Mrs. McElfresh understood that we had built in several features in the new building to provide onsite training. Giving those added features, Mrs. McElfresh asked if there are still areas where you need to do external training. Chief Buchanan replied that firearms training we still need to go outside to do the range training. There are other training where we can bring instructors to us for training.

Mrs. McElfresh inquired about an open house as she is curious what the new facility looks like. Chief Buchanan advised he would not do an open house, but there will be opportunities for Council to see it as there are security areas that we have to mindful of.

Mrs. McElfresh asked when he would like to add a fourth lieutenant and Chief Buchanan is looking at middle of fall to add that position. The process is a two month process. Approval would be good sooner than later.

Mrs. McElfresh asked where the MRAP is housed. Chief Buchanan advised it is in their parking lot.

Chief Buchanan explained some of the things were not processed during the construction was employee wellness initiative we now have a fitness room and now that moves into fitness for the officers. Electric vehicles is a hot topic right now and we are trying to get out in front of that in case that becomes a reality. In addition, we are looking for security at the parks and call boxes such as you see on college campuses. That also falls in the five-year plan.

Mr. Routson stated he knew that we are going to have some money available to make some improvements this year other than this five year plan and challenged the Chief to get with your leaders to determine what else we really need that we haven't thought about. Mr. Routson asked if the fire department is able to utilize some of the training at the new police station. Chief Buchanan replied they know they have an open invitation.

The Public Safety Committee meeting adjourned at 6:03 p.m.

Respectfully submitted,

Angela S. Wasson, MMC
Clerk of Council

EMERGENCY RESOLUTION NO. 21-2021

A RESOLUTION APPROVING A THEN-AND-NOW CERTIFICATE IN THE AMOUNT OF $5,400 TO THE OHIO ASSOCIATION OF CHIEFS OF POLICE AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio Association of Chiefs of Police was utilized for the pre-assessment and assessment for the rank of police sergeant; and

WHEREAS, a purchase order was not opened due to the unknown final cost for this process.

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

<u>SECTION 1</u>: A Then-and-Now Certificate in the amount of $5,400 to the Ohio Association of Chiefs of Police is hereby approved.

<u>SECTION 2</u>: 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

EMERGENCY RESOLUTION NO. 22-2021

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ASSIGNMENT AGREEMENT BY AND BETWEEN THE CITY OF MONROE, BUTLER COUNTY COMMISSIONERS, AND CSX TRANSPORTATION, INC., AND DECLARING AN EMERGENCY.

WHEREAS, Butler County currently owns the rights to a sanitary lateral underground conduit under the CSX railroad tracks that services the Monroe Bicentennial Commons Park; and

WHEREAS, Butler County is requiring the City to accept responsibility of this conduit since it provides service to City property.

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

<u>SECTION 1</u>: The City Manager is hereby authorized to enter into an assignment agreement by and between the City of Monroe, Butler County Commissioners, and CSX Transportation, Inc. pursuant to the term and conditions set forth on Exhibit "1" attached hereto and made a part hereof.

<u>SECTION 2</u>: 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 would like to avoid any delay in opening up the Monroe Bicentennial Commons Park by Labor Day in 2021. Therefore, this measure shall take effect and be in full force from and after its passage.

PASSED:__________________

ATTEST: APPROVED:

____ ___________________________________

Clerk of Council Mayor

February 2, 2021
500 Water St, J180
Jacksonville, FL 32202
904-279-3867
Carrie_Kurosko@csx.com

Carrie Kurosko
Real Estate Specialist

Agreement No.: **BO L56256**

City Of Monroe
Attn: Gary Morton
233 S Main Street
Monroe, OH 45050

Dear Gary Morton,

Attached is the proposed Assignment Agreement (herein "Agreement"), to assign the agreement(s) listed on "Schedule A" from BUTLER COUNTY COMMISSIONERS (Assignor) to CITY OF MONROE (Assignee).

After carefully reviewing the attached Important Notices, please arrange for execution of the Agreement on behalf of the Assignor and Assignee, and return the executed documents to me in triplicate along with a check in the amount of FIVE HUNDRED DOLLARS AND NO CENTS ($ 500.00), to cover the preparation fee and/or any other fee(s) as noted on the Statement of Fees.

In order to provide you with the quickest turnaround time possible, it is important that you provide the following:

1. Agreement, all copies, **with authorized original signatures in triplicate.**
2. Payment of the fee(s) summarized in the attached Statement of Fees. All payments and/or fees listed on the Statement of Fees, the Agreement, and/or the Schedule A must be made in U.S. dollars.
3. Certificate of Insurance which states **"CSX Transportation, Inc. as additional insured" with the agreement number(s) listed on the certificate.**

Your Prompt response is appreciated. If the Agreement is not executed and returned within twenty-five (25) days, this will serve as a final notice that we are closing our file on **February 27, 2021**, and may consider our options relative to removal of the encroachment or termination of the agreement(s). Thank you for the cooperation.

Sincerely,

AGREEMENT EXECUTION

- ♦ Sign signature page in order to execute the Agreement. One of the following should apply:

Execution on behalf of a CORPORATION should be accomplished by the President, Vice President or an officer authorized by Board Resolution to execute legal documents on behalf of the Corporation. (Copy of Board Authorization should be furnished for anyone signing, other than the President or Vice President.) If the Corporate name is set out erroneously in the Agreement, the document should be executed and the name corrected and initialed where it appears. (Municipal Corporation, furnish copy of such Resolution.

If the Agreement is with a PARTNERSHIP, all general members of the partnership should execute the document unless one member of the firm has been designated managing partner or expressly by the partnership to execute the Agreement. (Furnish copy of such authority.)

The signature(s) must be WITNESSED by ONE (1) witness in the space(s) provided.

- ♦ NAME(S) and TITLE(S) of person(s) executing the agreement must be typed or printed in ink directly beneath signature(s).

- ♦ **A copy of Insurance Certificate naming CSX Transportation, Inc. as additional insured is required.**

- ♦ Be sure to provide and/or verify an emergency contact number located in the "Notice" provision of the Agreement(s). This should be a number by which someone can be contacted should an emergency arise outside of normal business hours.

CSX How tomorrow moves

Statement of Fees

Agreement No.:	BO L56256
Statement Date:	February 2, 2021
Due Date:	Upon Receipt

CSX Federal ID No. : 54-6000720
CSX Canadian ID No. :1022382868

City Of Monroe
Attn: Gary Morton
233 S Main Street
Monroe, OH 45050

Preparation Fee	$1,000.00
Total Outstanding Bills	$ .00
New Fee(s)	$ .00
Total	$1,000.00
Credit	-$ 500.00
Total Due	$ 500.00

SIGNED AGREEMENTS, INSURANCE, AND PAYMENT SHOULD BE REMITTED COLLECTIVELY TO:

CSX Transportation, Inc.
Attn: Carrie Kurosko
500 Water St, J-180
Jacksonville, FL 32202

Due Date	Upon Receipt
Agreement No.	BO L56256
Amount Due	$ 500.00

If you have any questions concerning this Statement of Fees or if you need to correct your name or address, please contact Carrie Kurosko at 904-279-3867 or Carrie_Kurosko@csx.com.

ASSIGNMENT

This Assignment ("Assignment") is made and effective as of April 26, 2021 ("Effective Date"), by and among BUTLER COUNTY COMMISSIONERS, a municipal corporation, political subdivision or state agency, under the laws of the State of Ohio, whose mailing address is 315 High Street, Butler, OH 45011, herein after called ASSIGNOR and CITY OF MONROE, a municipality of the State of Ohio, whose mailing address is 233 S Main Street, Monroe, OH 45050, herein after called ASSIGNEE and CSX TRANSPORTATION, INC., a corporation of the State of Virginia, whose mailing address is 500 Water Street, Jacksonville, FL 32202, known as "LESSOR," "LICENSOR," or "RAILROAD," depending on agreement type, herein after called "CSXT."

In consideration of the mutual covenants contained herein and other good and sufficient consideration, the parties hereto agree as follows:

1. ASSIGNOR assigns and transfers to ASSIGNEE those agreements listed and identified on "Schedule A" attached hereto, covering the property or rights therein described, herein after referred to as "the Agreement(s)"

2. ASSIGNOR covenants and warrants it is the lawful and sole owner of the Agreements; that its interest in the Agreement(s) is free from encumbrances; and that all duties and obligations have been performed; and all payments made under the terms and conditions of the Agreement(s).

3. ASSIGNEE agrees to assume and perform all the obligations required by the terms of the Agreement(s) and pay all rents or fees due from and after the Effective Date.

4. ASSIGNEE shall have no right of refund for any cause whatsoever with respect to any rents or fees paid to CSXT.

5. CSXT hereby consents and agrees to the Assignment, as of the Effective Date, provided that; this Consent shall not be construed by any party as a waiver of consent to any further or subsequent assignment, sublease, sublicense, or transfer of the rights or duties and/or obligations, in whole or in part, of the Agreement(s).

6. This Assignment may be executed in counterpart originals, each of which when duly executed and delivered shall be deemed as an original and all of which when taken together shall constitute one instrument. Electronic counterpart signatures to this Assignment will be acceptable and binding.

7. ASSIGNEE shall procure and shall thereafter maintain during continuance of the Agreement(s), at its sole cost and expense, Commercial General Liability (CGL) Insurance, naming CSXT as additional insured and covering liability assumed by ASSIGNEE under the Agreement(s). Coverage of not less than FIVE MILLION AND 00/100 U.S. DOLLARS ($5,000,000.00) Combined Single Limit per occurrence, for bodily injury and property damage, is required as a prudent minimum to protect ASSIGNEE's assumed obligations hereunder. The CGL certificate, along with this Assignment, shall be mailed to CSX Transportation, Inc., Speed Code J180, 500

Water Street, Jacksonville, FL 32202. Each successive year, ASSIGNEE shall mail the renewal certificate or previously mentioned notice to CSXT at the address shown in this paragraph.

In the event ASSIGNEE finds it necessary to perform construction or demolition operations within fifty feet (50') of any railroad track(s) or affecting any railroad bridge, trestle, tunnel, track(s), roadbed, overpass or underpass, for any of the Agreement(s), ASSIGNEE shall: (a) notify CSXT; and (b) procure and maintain during the period of construction or demolition operations, at no cost to CSXT, Railroad Protective Liability (RPL) Insurance, naming CSXT, and/or its designee, as Named Insured, written on the current ISO/RIMA Form (ISO Form No. CG 00 35 01 96) with limits of FIVE MILLION AND 00/100 U.S. DOLLARS ($5,000,000.00) per occurrence for bodily injury and property damage, with at least TEN MILLION AND 00/100 U.S. DOLLARS ($10,000,000.00) aggregate limit per annual policy period, with Pollution Exclusion Amendment (ISO CG 28 31 11 85) if an older ISO Form CG 00 35 is used. The original of such RPL policy shall be sent to and approved by CSXT prior to commencement of such construction or demolition. CSXT reserves the right to demand higher limits.

At ASSIGNEE's option, in lieu of purchasing RPL insurance from an insurance company (but not CGL insurance), ASSIGNEE may pay CSXT, at CSXT's current rate at time of request, the cost of adding the construction and/or demolition activities to CSXT's Railroad Protective Liability (RPL) Policy for the period of actual construction. This coverage is offered at CSXT's discretion and may not be available under all circumstances.

The minimum insurance coverage required herein is subject to periodic review, adjustment and increases.

ASSIGNEE assumes sole responsibility for, and shall pay directly (or reimburse CSXT) any annual taxes, periodic governmental assessments, and/ or special assessments levied against CSXT or CSXT's property as covered by the Existing Agreements or based upon ASSIGNEE's use or occupation thereof, whenever assessed or levied, regardless of any portion of the year(s) prior to this Assignment.

THE REMAINDER OF THE PAGE INTENTIONALLY LEFT BLANK

In witness whereof, CSXT, ASSIGNOR, and ASSIGNEE have executed this Assignment as of the Effective Date.

Witness for ASSIGNOR: **BUTLER COUNTY COMMISSIONERS**

_______________________________ By: ___________________________________

Who, by the execution hereof, affirms that he/she has the authority to do so and to bind the ASSIGNOR to the terms and conditions of this Assignment.

Print/Type Name: ________________________

Print/Type Title: _________________________

Witness for ASSIGNEE: **CITY OF MONROE**

_______________________________ By: ___________________________________

Who, by the execution hereof, affirms that he/she has the authority to do so and to bind the ASSIGNEE to the terms and conditions of this Assignment.

Print/Type Name: ________________________

Print/Type Title: _________________________

Witness: **CSX TRANSPORTATION, INC.**

_______________________________ By: ___________________________________

Print/Type Name:________________________

Approved as to Form Only

Print/Type Title:_________________________

03/29/2021

Kevin J. Gerrity
Assistant Prosecuting Attorney

PS - FORM 30624B
REVISED OCTOBER 31, 2008
AGREEMENT NO.: BO L56256

ASSIGNOR: BUTLER COUNTY COMMISSIONERS

ASSIGNEE: CITY OF MONROE

Schedule A

Contract Number	Contract Date	Location	Contract Type	Use Code	Rent Amount	Index Amount	Frequency	Payment Date	Terms/Notice
BO L56256	6-Jun-75	BED 8.31, LE SOURDSVILLE, BUTLER COUNTY, OH	PISWX: PIPELINE - SEWER - CROSSING	ENCROACHMENT W&P	$1,900.00	$0.00	LUMP SUM	NA	TW30

Assignment Fee = $1,000.00

EMERGENCY ORDINANCE NO. 2021-11

AN ORDINANCE AMENDING ORDINANCE NO. 2021-09 TO CORRECT A TYPOGRAPHICAL ERROR AND DECLARING AN EMERGENCY.

WHEREAS, Council adopted Ordinance No. 2021-09 to increase the rate charged for garbage and trash collection; and

WHEREAS, it was the intent of Council for said increase to begin May 1, 2021; and

WHEREAS, Ordinance No. 2021-09 erroneously had the begin date of May 1, 2024.

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

SECTION 1: Section 2 of Ordinance No. 2021-09 is hereby amended to read as follows:

"(a) The rate charged for garbage and trash collection shall be $18.48 per customer (or unit) per month beginning May 1, 2021."

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 deems it necessary to avoid the risk of a negative fund balance for trash collection. Therefore, this measure shall take effect and be in full force from and after its passage.

PASSED:_________________

ATTEST: APPROVED:

_________________________ Clerk of Council

_________________________ Mayor

ORDINANCE NO. 2021-12

AN ORDINANCE SUPPLEMENTING SECTION 412.01(A)(1) OF THE CODIFIED ORDINANCES TO SPECIFICALLY INCLUDE GRASS CLIPPINGS.

WHEREAS, Section 412.01(a)(1) prohibits persons from placing or knowingly dropping upon any part of a highway, lane, road, street, or alley any tacks, bottles, wire, glass, nails, or other articles which may damage or injure any person, vehicle, or animal traveling along or upon the highway; and

WHEREAS, Council deems it necessary to specifically include grass clippings within this prohibition.

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

SECTION 1: Section 412.01 (a) (1) of the Codified Ordinance is hereby supplemented to read as follows:

"(a) (1) No person shall place or knowingly drop upon any part of a highway, lane, road, street, or alley any tacks, bottles, wire, glass, nails, grass clippings, or other articles which may damage or injure any person, vehicle, or animal traveling along or upon the highway, except such substances that may be placed upon the roadway by proper authority for repair or construction thereof."

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:_______________