Monroe Council Agenda
Regular Meeting
June 28, 2022 – 6:30 p.m.
233 South Main Street, Monroe, Ohio

Pledge of Allegiance

Roll Call

Approval of the Minutes – Council Minutes of June 14, 2022 and June 20, 2022.

Visitors

- Ceremonial Swearing in of Matthew Adkins as a Patrol Officer.

Committee Reports

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

Old Business

Resolution No. 24-2022. A Resolution authorizing the City Manager to enter into an agreement with Fishbeck for professional engineering services to perform a hydrology study at Monroe Bicentennial Commons. (Second Reading) (Tabled June 14, 2022)

New Business

Emergency Resolution No. 27-2022. A Resolution amending Emergency Resolution No. 59-2021 to increase the blanket purchase order for Public Entities Pool and declaring an emergency.

Resolution No. 28-2022. A Resolution authorizing the City Manager to enter into an agreement for professional engineering services with Jones-Warner Consultants, Inc. for the Brittany Heights Subdivision Catch Basin Project.

Emergency Ordinance No. 2022-12. An Ordinance vacating a certain water line easement containing 2608.28 square feet no longer needed for municipal purposes and declaring an emergency.

Emergency Ordinance No. 2022-13. An Ordinance releasing certain deed restrictions no longer needed for municipal purposes and declaring an emergency.

Emergency Ordinance No. 2022-14. An Ordinance providing for the submission to the electorate of amendments to Section 4.01 and Section 4.06 of the Charter of the City of Monroe establishing term limits for members of City Council, to reduce excused absences from four to three, require the attendance of 66% of regularly scheduled meetings in a calendar year, and declaring an emergency.

Emergency Ordinance No. 2022-15. An Ordinance providing for the submission to the electorate of amendments to the Charter of the City of Monroe, Ohio, to provide for gender neutral references; require Council proceedings on public media platforms; include additional duties of the City Manager; add or eliminate departments; and declaring an emergency.

Emergency Ordinance No. 2022-16. An Ordinance providing for the submission to the electorate of amendments to the Charter of the City of Monroe, Ohio, to amend what is to be adopted by an ordinance; permit legislation to be read by title only unless otherwise indicated; all resolutions to become effective immediately; increase the time limit for zoning public hearings from 30 to 60 days; eliminate the requirement for Council to authorize obtaining bids; and declaring an emergency.

Ordinance No. 2022-17. An Ordinance accepting a 20 foot water main easement from the Monroe Local School District Board of Education.

Administrative Reports

- **Strategic Plan Update**

Adjournment

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Old Business

Resolution No. 24-2022. A Resolution authorizing the City Manager to enter into an agreement with Fishbeck for professional engineering services to perform a hydrology study at Monroe Bicentennial Commons. (Second Reading) (Tabled June 14, 2022)

New Business

Emergency Resolution No. 27-2022. A Resolution amending Emergency Resolution No. 59-2021 to increase the blanket purchase order for Public Entities Pool and declaring an emergency.

Backround. The blanket purchase order amount was approved prior to obtaining our 2022 renewal amounts and did not account for the increase related to including the faithful performance coverage. The faithful performance coverage replaces the need to secure individual surety bonds for positions that have monetary exposures and/or liability risks of a significant nature. This change was approved by Council in June, 2021. $10,000 increase.

Resolution No. 28-2022. A Resolution authorizing the City Manager to enter into an agreement for professional engineering services with Jones-Warner Consultants, Inc. for the Brittany Heights Subdivision Catch Basin Project.

Background. This is for engineering services to replace the final 30 catch basins in the Brittany Heights Subdivision. Jones-Warner Consulting has handled previous phases of this project and we have been very happy with the results of their services. The streets impacted by the program will be Wexford Way, Wexford Dr, North Sands Ave, Heatherwood Ct & Ravenwood Ct. Survey work will be completed to provide a set of bid documents and plans for the replacement of all catch basins on the above mentioned streets. The cost of this service is $35,000.00. Attached is the contract and scope of services.

Emergency Ordinance No. 2022-12. An Ordinance vacating a certain water line easement containing 2608.28 square feet no longer needed for municipal purposes and declaring an emergency.

Background. City Council at their last meeting approved the Development Agreement with Thortons that outlines the process to allow for Thorntons to move forward with the construction of a fueling station at the south east corner of State Route 63 and Gateway Boulevard as approved by the Planning Commission. This Ordinance will begin the process of vacating an existing easement that contains utility services for the Monroe Public Works building directly to the east of the site. Two new easements will be granted to the City for water and sewer line purposes once the new services have been relocated to an area outside the proposed building site. Thorntons has agreed to cover the costs of the relocations.

Emergency Ordinance No. 2022-13. An Ordinance releasing certain deed restrictions no longer needed for municipal purposes and declaring an emergency.

Background. Also related to the Thortons Development, the City has agreed to release deed restrictions on that property that limited development. The restrictions were related to wellhead protection of the City's wellhead. Since the City has abandoned those wellheads, there is no longer any need for the restriction to exist.

Emergency Ordinance No. 2022-14. An Ordinance providing for the submission to the electorate of amendments to Section 4.01 and Section 4.06 of the Charter of the City of Monroe establishing term limits for members of City Council, to reduce excused absences from four to three, require the attendance of 66% of regularly scheduled meetings in a calendar year, and declaring an emergency.

Emergency Ordinance No. 2022-15. An Ordinance providing for the submission to the electorate of amendments to the Charter of the City of Monroe, Ohio, to provide for gender neutral references; require Council proceedings on public media platforms; include additional duties of the City Manager; add or eliminate departments; and declaring an emergency.

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Background. After further review of the information provided by Bond Counsel on the Debt Limit provisions being considered, I would ask Council to pull the recommendation. In order to allow for the provision that would increase our debt limit to counteract any overlapping debt issuances by another jurisdiction, the Charter Amendment that would be sought would include a requirement to include a Tax Levy that would cover the amount of the increase in debt limitation.

Per Bond Counsel:

To increase local debt limits via charter amendment beyond the state law limits requires the authority to levy a tax to pay for those debt obligations. In actuality the Charter Amendment is a new tax levy for debt purposes. It can be written such that the tax levy is not actually levied as long as other revenues are appropriated to pay the debt service, but the ability to levy the tax must be there if the debt is not paid from other resources—otherwise it is not general obligation debt.

The Charter amendment can be written so that the limit is in addition to the constitutional limit or instead of. Under the first alternative, Monroe would still be counted on the County ten mill limit and inside millage would be used for debt certified by the County but any additional debt the city would need to levy its new charter millage for—or the City could exclude all of its debt from the county ten mill certification and use its new charter levy for all of its general obligation debt, freeing up capacity for other overlapping subdivisions.

The City can structure the charter amendment to actually levy the new tax in all years and use the revenue to pay debt service on debt, or levy the new tax only when other resources are not appropriated and used to pay debt service on general obligation debt.

Since Council did not have this information previously and the overlapping debt limit issues have been reduced in recent years, the need for further discussion would be recommended if Council saw the need to move forward with this Charter Amendment.

Ordinance No. 2022-17. An Ordinance accepting a 20 foot water main easement from the Monroe Local School District Board of Education.

Background. The Monroe Local School Board has granted an easement to the City to gain access to our 12" water main that runs from S.R. 63 along school property and ties into our system at the dead end of Deneen Ave. There is also a piece of easement that will allow us to loop the Trails of Todhunter Subdivision water system to the line that runs along the school. This easement was critical to obtain. Without it, we technically have no right to enter the property to access the water. The area is heavily wooded and actual access is not possible without the significant clearing

of trees and brush. This fall, City crews will clear the easement so access to the line will be immediate if necessary.

Administrative Reports

- **Strategic Plan Update**

Adjournment

Monroe Council Minutes
Regular Meeting
June 14, 2022 – 6:30 p.m.
233 South Main Street, Monroe, Ohio

Pledge of Allegiance

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

Roll Call

Council members present: Marc Bellapianta, Tom Callahan, Kelly Clark, Keith Funk, Christina McElfresh, and Ben Wagner.

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

Approval of the Minutes

Mrs. McElfresh moved to approve the Council Minutes of May 24, 2022, Finance Committee Minutes of May 24, 2022, and Technology Committee Minutes of June 7, 2022; seconded by Mr. Bellapianta. Voice vote. Motion carried.

Visitors

Law Director Callahan performed a ceremonial swearing in of Griffin Bandy and Jonathon Pack as Firefighters/EMTs/Paramedics.

State Representative Thomas Hall thanked the City of Monroe Public Works for their work following the storm.

Representative Hall presented Fire Chief Centers a certificate from the Ohio House of Representatives congratulating his department on receiving a 2021 Mission: Lifeline EMS Gold Plus Achievement Award by the American Heart Association.

Wes Bake sought assistance from City Council related to the lease to farm the City's property known as the Baker Sports Complex. Mr. Bake advised that there are four and one-half acres of their property they used to access through the City's property and are unable to do so now because the Lessor of the property has planted their crops. He advised they cannot access this portion of their property through their own property due to a big ravine. Mr. Bake also made Council aware that there are deer stands on the City's property and it is supposed to be used for farming purposes only.

Mr. Brock will provide Council with information and background on this matter in a supplemental report.

In response to Mrs. McElfresh's question, Chief Buchanan advised he has not given permission to hunt on the City's property.

Mrs. McElfresh pointed out that the specifications did not indicate the term of the lease agreement and in previous years, it has always been a one year term. Having knowledge of the length of term may have had an impact on the bids that were submitted.

Committee Reports

Mrs. McElfresh reported that the Technology Committee discussed the two-step authentication that must be placed on devices to access City email.

Old Business

Ordinance No. 2022-04. An Ordinance repealing Chapter 1028 known as Comprehensive Stormwater Management and amending and supplementing Chapter 1028. (Second Reading – Tabled May 10, 2022)

Mrs. McElfresh moved to remove Ordinance No. 2022-04 from the table; seconded by Mr. Wagner. Voice vote. Motion carried.

Mr. Brock referred to the redline version reflecting the changes made from the first reading.

Mrs. McElfresh moved to amend Ordinance No. 2022-04 as submitted; seconded by Mr. Frentzel. Voice vote. Motion carried.

Mrs. McElfresh moved to consider this the second reading of Ordinance No. 2022-04 and have it read by title only; seconded by Dr. Clark. Voice vote. Motion carried.

The Clerk of Council read Ordinance No. 2022-04 by title only.

Mrs. McElfresh moved to adopt Ordinance No. 2022-04; seconded by Dr. Clark. Roll call vote: six ayes. Motion carried.

Resolution No. 24-2022. A Resolution authorizing the City Manager to enter into an agreement with Fishbeck for professional engineering services to perform a hydrology study at Monroe Bicentennial Commons. (Second Reading)

Mayor Funk suggested tabling this legislation with the thought that Council needs to have a discussion of the priorities of our Parks Master Plans. Mayor Funk would like for Mr. Brock to meet with Butler County Metro Parks to discuss what a partnership may look like.

Mrs. McElfresh asked Mr. Brock found out if ARPA funds can be used for this study and Mr. Brock replied that those funds can be used.

Mr. Funk moved to table Resolution No. 24-2022; seconded by Mr. Bellapianta. Voice vote. Motion carried.

New Business

Emergency Resolution No. 25-2022. A Resolution accepting the recommendation of the Butler County Tax Incentive Review Council of April 20, 2022 and declaring an emergency.

Mr. Brock reported this is the first of two resolutions for Butler County and Warren County Tax Incentive Review Councils recommending that the TIF's and CRAs continue.

Mrs. McElfresh moved to suspend the rule requiring the reading of Emergency Resolution No. 25-2022 on two separate days, authorize its adoption on the first reading, and have it read by title only; seconded by Dr. Clark. Voice vote. Motion carried.

The Clerk of Council read Emergency Resolution No. 25-2022 by title only.

Mrs. McElfresh moved to adopt Emergency Resolution No. 25-2022; seconded by Mr. Callahan. Roll call vote: six ayes. Motion carried.

Emergency Resolution No. 26-2022. A Resolution accepting the recommendation of the Warren County Tax Incentive Review Council of March 14, 2022 and declaring an emergency.

Mrs. McElfresh moved to suspend the rule requiring the reading of Emergency Resolution No. 26-2022 on two separate days, authorize its adoption on the first reading, and have it read by title only; seconded by Mr. Frentzel. Voice vote. Motion carried.

The Clerk of Council read Emergency Resolution No. 26-2022 by title only.

Mrs. McElfresh moved to adopt Emergency Resolution No. 26-2022; seconded by Mr. Callahan. Roll call vote: six ayes. Motion carried.

Emergency Ordinance No. 2022-08. An Ordinance authorizing the City to participate in cooperation with, and requesting the Warren County Port Authority's participation in, the financing of public improvements for the Corridor 75 Park Project, and declaring an emergency.

Mr. Brock advised this will allow for a deceleration lane off of State Route 63 onto Gateway Boulevard. At the time the traffic impact study was completed it was the recommendation for installation of this lane.

Mrs. McElfresh moved to suspend the rule requiring the reading of Emergency Ordinance No. 2022-08 on two separate days, authorize its adoption on the first reading, and have it read by title only; seconded by Mr. Wagner. Voice vote. Motion carried.

The Clerk of Council read Emergency Ordinance No. 2202-08 by title only.

Mrs. McElfresh moved to adopt Emergency Ordinance No. 2022-08; seconded by Dr. Clark. Roll call vote: six ayes. Motion carried.

Emergency Ordinance No. 2022-09. An Ordinance approving a water rate for Moeller Brew Barn and declaring an emergency.

Mr. Brock stated that this is the first of two ordinances relating to Moeller Brew Barn. This is the same water rate that was in place with the previous tenant.

Mrs. McElfresh moved to suspend the rule requiring the reading of Emergency Ordinance No. 2022-09 on two separate days, authorize its adoption on the first reading, and have it read by title only; seconded by Mr. Frentzel. Voice vote. Motion carried.

The Clerk of Council read Emergency Ordinance No. 2022-09 by title only.

Mrs. McElfresh moved to adopt Emergency Ordinance No. 2022-09; seconded by Dr. Clark. Roll call vote: six ayes. Motion carried.

Emergency Ordinance No. 2022-10. An Ordinance authorizing the City Manager to enter into a Development Agreement by and between the City of Monroe, Thorntons LLC, and Corridor 75 Park, Ltd for a retail fuel station/convenience store and declaring an emergency.

Mr. Brock reported that recently the site plans were recently approved for Thorntons and this development agreement outlines how the utility easements will be located.

Mrs. McElfresh moved to suspend the rule requiring the reading of Emergency Ordinance No. 2022-10 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. 2022-10 by title only.

Mrs. McElfresh moved to adopt Emergency Ordinance No. 2022-10; seconded by Mr. Bellapianta. Roll call vote: six ayes. Motion carried.

Emergency Ordinance No. 2022-11. An Ordinance approving a grant as part of the City's economic development incentive policy, authorizing the City Manager to enter into a grant agreement for the same, and declaring an emergency.

Mrs. Patterson explained that we are asking for a forgivable $150,000 grant and there are metrics every year that must be met. This project was vetted by the Monroe Area Community Improvement Corporation (CIC). Mrs. Patterson noted she is bringing this recommendation to City Council on behalf of the CIC and not necessarily from the City of Monroe.

Mrs. McElfresh moved to suspend the rule requiring the reading of Emergency Ordinance No. 2022-11 on two separate days, authorize its adoption on the first reading, and have it read by title only; seconded by Mr. Bellapianta. Voice vote. Motion carried.

The Clerk of Council read Emergency Ordinance No. 2022-11 by title only.

Mrs. McElfresh moved to adopt Emergency Ordinance No. 2022-11; seconded by Mr. Frentzel. Roll call vote: six ayes. Motion carried.

Consideration of Motion accepting the December 2021 and January 2022 Finance Reports as submitted.

Mrs. McElfresh moved to accept the December 2021 and January 2022 Finance Reports as submitted; seconded by Mr. Bellapianta. Voice vote. Motion carried.

Administrative Reports

Mr. Brock noted he handed out evacuation guidelines to Council in the event of a fire or severe weather.

Mr. Brock had Mrs. Patterson hand out information to City Council to proceed with discussions for a JEDD with Turtlecreek Township for the area behind and around the Racino.

Mr. Smith, Director of Development, proposed Monroe being a Certified Local Government that will preserve and rehabilitate historic properties. An enforcing board needs to be established. The entire process could take one to two years for completion. A Certified Local Government is operated by the Ohio Historic Connection and they have grant funds focused for this initiative.

Mrs. McElfresh moved to direct the City Manager to submit an application for membership designation to the Ohio Historic Preservation for the City of Monroe as a Certified Local Government Community; seconded by Mr. Bellapianta. Voice vote. Motion carried.

Mrs. McElfresh thanked Mr. Brock and the Police Department for providing a cool space for the residents in the extreme heat.

Executive Session – Consideration of the employment of a public employee.

Mrs. McElfresh moved to adjourn into executive session to consider the employment of a public employee; seconded by Mr. Wagner. Roll call vote: six ayes. Motion carried.

Council adjourned into executive session at 7:46 p.m.

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

Council reconvened into regular session at 8:40 p.m.

Adjournment

Mr. Frentzel moved to adjourn; seconded by Mr. Callahan. Voice vote. Motion carried.

The regular meeting of Council adjourned at 8:40 p.m.

Respectfully submitted,

Angela S. Wasson, MMC
Clerk of Council

Monroe Council Minutes
Special Meeting of Council
June 20, 2022 – 6:00 p.m.
233 South Main Street, Monroe, Ohio

Pledge of Allegiance

Mayor Funk opened the special meeting of Council at 6:00 p.m. with the Pledge of Allegiance.

Roll Call

Council members present: Marc Bellapianta, Tom Callahan, Kelly Clark, Keith Funk, Christina McElfresh, and Ben Wagner.

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

Consideration of Motion approving the sale of beer by the Monroe Lions Club at the Fourth of July Light Up the Sky Event.

Mrs. McElfresh moved to approve the sale of beer by the Monroe Lions Club at the Fourth of July Light Up the Sky Event; seconded by Mr. Bellapianta. Voice vote. Motion carried.

Charter discussion and consideration of amendments to be placed on the ballot.

Mr. Callahan questioned the costs for each individual issue placed on the ballot and Mayor Funk acknowledged that there is a cost, but believes it is marginal given that it only happens every ten years. Mr. Callahan encouraged bundling the issues to keep the costs down.

After considerable discussion it was the consensus of Council to have legislation prepared to present three issues on the ballot related to the Charter amendments. The first piece of legislation would include amendments for gender neutral language and Sections 4.09, 6.04, and 8.01. The second piece of legislation would include amendments to Sections 4.01 and 4.06. The third piece of legislation would include amendments to Sections 7.01, 7.05, 7.06, 7.07, 7.08, 7.13, 10.03, and 10.04. All amendments were as recommended by the 2021 Charter Review Commission.

Mrs. McElfresh moved to direct that legislation be prepared for the three Charter issues as discussed; seconded by Mr. Bellapianta. Voice vote. Motion carried.

Adjournment

Mr. Bellapianta moved to adjourn; seconded by Mrs. McElfresh.

Respectfully submitted,

Angela S. Wasson, MMC
Clerk of Council

EMERGENCY RESOLUTION NO. 27-2022

A RESOLUTION AMENDING EMERGENCY RESOLUTION NO. 59-2021 TO INCREASE THE BLANKET PURCHASE ORDER FOR PUBLIC ENTITIES POOL AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to the City's Purchasing Policies and Procedures, Council is required to approve blanket purchase orders.

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

SECTION 1: Section 1 of Emergency Resolution No. 59-2021 is hereby amended to read a as follows:

VENDOR	**"AMOUNT NOT TO EXCEED**	**DEPARTMENTS AFFECTED**
Public Entities Pool	$120,000	All Departments
Tyler Technologies	$ 74,498.34	Finance
Enterprise FM Trust	$345,000	All Departments
Hurst Kelly	$ 30,250	Finance
Clark Schaefer Hackett	$ 25,900	Finance
Velecor	$125,000	All Departments
Frost Brown Todd	$ 50,000	All Departments
National Inspection Corporation	$300,000	Development"

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 these purchase orders are needed for current expenses. 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. 28-2022

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES WITH JONES-WARNER CONSULTANTS, INC. FOR THE BRITTANY HEIGHTS SUBDIVISION CATCH BASIN PROJECT.

WHEREAS, the City has been replacing catch basins throughout the City; and

WHEREAS, there are 30 catch basins remaining in the Brittany Heights Subdivision and in order to complete this area engineering services are needed for preparation of the bid specifications.

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 enter into an agreement for professional engineering services with Jones-Warner Consultants, Inc. for the Brittany Heights Subdivision Catch Basin Project pursuant to the terms and conditions set forth on Exhibit "1" attached hereto and made a part hereof.

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:_____

Exhibit "1" Res No. 28-2022

AGREEMENT
BETWEEN THE CITY OF MONROE, OHIO AS OWNER AND JWCI-JONES WARNER CONSULTANTS, INC. AS ENGINEER FOR PROFESSIONAL SERVICES

WHEREAS OWNER intends to-hire an engineering firm for the Services it needs.

WHEREAS "Services" or "Work" shall mean taking the activities described in the ENGINEER'S proposal letter attached to this agreement.

WHEREAS OWNER and ENGINEER in consideration of their mutual covenants herein agree in respect of the performance of professional engineering services by ENGINEER and the payment for those services by OWNER as set forth below.

NOW THEREFORE THIS AGREEMENT IS MADE as of June 17, 2022 by and between the City of Monroe, Ohio (hereafter called "OWNER") and Jones Warner Consultants, Inc. (JWCI) hereafter called ("ENGINEER").

GENERAL

ENGINEER shall perform for OWNER professional engineering services for the Work to which this Agreement applies as provided in Exhibit A. These services will include serving as OWNER'S professional engineering representative, providing professional engineering and consultation and advice, and furnishing customary civil engineering service incidental thereto, as well as providing additional services requested by the OWNER. The terms of ENGINEER'S basic services agreement remain applicable to the extent it is not inconsistent with the terms of this Agreement.

SCOPE OF SERVICES – Brittany Heights- Catch Basin Replacement Project, Phase 2

1. Basic Services: For a lump sum fee of **$35,000.00**, ENGINEER shall perform the WORK set forth in Exhibit A (attached) described in the ENGIEER'S proposal letter attached to this agreement.

2. Additional Services: Services not included in the Scope of Services are considered additional services and will be negotiated in advance, either by lump sum agreement at the ENGINEER's normal hourly rate schedule. Any easements necessary will be provided in Butler County, Ohio recordable format for a fee of $1,200.00 each.

OWNERS RESPONSIBILITY

The OWNER will:

1. Assign a project coordinator who will be the duly authorized representative of the OWNER for the purpose of coordinating, issuing instructions, giving approvals and to generally facilitate the work.

2. Assist the ENGINEER to enter upon public and private lands as required for the ENGINEER to perform its work.

3. Cooperate with the ENGINEER in the preparation of design drawings.

4. Coordinate the design with community leaders and the public as needed.

ENGINEERS'S STANDARD OF PERFORMANCE

ENGINEER shall perform all Services and the Work with the degree of skill and care observed by Ohio firms performing the same or similar services. Work shall be provided n compliance with all statutes, acts, ordinances, laws, rules, regulations, codes, and standards.

Upon notice of substandard Work, ENGINEER shall, as a minimum, reperform the Work at no cost to OWNER and shall reimburse OWNER for any additional costs that may be incurred by OWNER because of reliance by OWNER or any of its contractors or subcontractors on such Work. If ENGINEER should fail to reperform the Work, or its OWNER determines that ENGINEER will be unable to correct substandard services before the time specified for completion or in the Schedule of Work, if any, OWNER may correct such unsatisfactory Work itself or by the use of third parties and charge ENGINEER for the costs incurred.

BILLING FOR SERVICES

1. OWNER shall also pay ENGINNER reasonable expenses (without any markup) incurred by ENGINEER relative to the performance of Services pursuant to this Agreement. Reasonable expenses are defined as follows:

a. All air travel is to be" tourist" or "coach" class accommodations.

b. Hotel or motel accommodations are to be at the standard "commercial" rate subject to approval by the OWNER.

c. Rental cars are to be compact or mid-size.

ENGINEER shall submit substantiating documentation for other expenses invoiced to OWNER.

ENGINEER agrees to invoice OWNER for allowable expenses monthly.

A list of ENGINEER'S reimbursable expenses, if any, is set forth in Exhibit B.

2. Statements for Additional Services will be supported by ENGINEER'S documentation showing the total hourly services for OWNER completed at the time of billing and the nature of the services provided. OWNER shall make prompt payment of all properly documented services provided. OWNER shall make prompt payment of all properly documented services to OWNER within thirty (30) days of each ENGINEER statement.

3. ENGINNER shall submit monthly statements for Services rendered and for Reimbursable Expenses incurred. The statements will be based upon ENGINEER's estimate of the proportion of the total services completed at the time of the billing. OWNER shall make prompt monthly payments in, response to ENGINEER's monthly statements.

OPINIONS OF COST

Since ENGINEER has no control over the cost of labor, materials, equipment or services furnished by others, or over the Contractor(s)' methods of determining prices, or over competitive bidding or market conditions, ENGINEER's opinions of Construction Cost provides for herein are to be made on the basis of ENGINEER's experience and qualifications and represent ENGINEER's best judgment as an experienced and qualified professional engineer familiar with the construction industry; but ENGINEER cannot and des not guarantee that proposals, bids or actual Total Project or Construction Costs will not vary from opinions of probable cost prepared by ENGINEER.

TERMINATION

Notwithstanding anything to the contrary contained herein, the obligation of ENGINEER to provide Basic and Additional Services and the OWNER'S duty to compensate ENGINEER under this Agreement may be terminated by either party upon thirty (30) days written notice. Upon termination ENGINEER shall be entitled to compensation for work properly completed and provided to OWNER up to and including any date of termination and OWNER shall be entitled to the work for hire ENGINEER has completed to date of termination.

OWNERSHIP OF DOCUMENTS: WORK FOR HIRE

All materials prepared or assembled by ENGINEER under this Agreement for OWNER, regardless of form, constitute work for hire and shall be delivered to OWNER for OWNER's use and said materials become the property of OWNER without need for further compensation to ENGINEER than that set forth in this Agreement. OWNER understands and agrees to that.

Materials prepared or assembled by ENGINEER under the terms of this Agreement are not intended for any other projects or uses and ENGINEER has not represented or warranted to OWNER that they are either useful or suitable in any situation other than that for which it was originally prepared or assembled by ENGINEER. OWNER's use of materials prepared or assembled by ENGINEER in any other context than that for which they were prepared is at OWNER's sole risk. ENGINEER may retain in its files all original drawings, specifications and changes made to the drawings, specifications, and other documents by persons other than ENGINEER. If any changes are made, OWNER shall require that any such change(s) be identified and sealed by the ENGINEER making that change and shall be appropriately marked to reflect what was changed or modified.

RIGHT TO INSPECT RECORDS

ENGINEER agrees that OWNER and auditors of OWNER's record and books shall have access to and the right to examine any directly pertinent books, documents, papers and records of ENGINEER involving transactions relating to this Agreement. This provision shall survive termination of this Agreement. ENGINEER agrees that OWNER shall have access during normal working hours to all necessary Engineering facilities and shall be provided adequate and appropriate workspace in order to conduct audits in compliance with the provisions of this section. OWNER shall give ENGINEER reasonable advance notice of intended audits.

ENGINEER'S LIABILITY

Acceptance of the final design by OWNER shall not constitute nor be deemed a release of the responsibility and liability of the ENGINEER, its employees, associates, agents or consultants for the accuracy and competency of their designs, working drawings, specifications or other documents and work; nor shall such acceptance be deemed an assumption of responsibility by OWNER for any defect in the designs, working drawings, specifications, or other documents and work. Engineers' liability shall not exceed the total amount of the contract with the Owner.

ENGINEER'S REPRESENTATIONS AND WARRANTIES TO OWNER

Engineer' represents and warrants to OWNER in the performance of any services and Work under this Agreement that:

1. OWNER can reasonably rely on the expert quality of all materials provided by ENGINEER under this Agreement; and

2. It will assign and utilize only competent personnel possessed of the necessary expertise to perform Services and the Work under this Agreement; and

3. It is not subject to and will not enter into any agreements or arrangements which preclude compliance with the provisions of this contract; and

4. Its invoice charges under this contract will not exceed comparable rates it charges other customers in substantially similar transactions; and

5. It shall use sound and professional principles and practices in accordance with normally accepted industry standards in the performance of Services and Work hereunder and that performance of its personnel shall reflect their best professional knowledge, skill, and judgment; and

6. It will complete Services and Work under this Agreement in a reasonable, professional, ethical, complete, prudent, accurate and timely fashion; and

7. It is in and will during the term of this Agreement remain in compliance with all applicable laws, regulations, and orders with respect to equal employment opportunity and wither has heretofore provided or will provide to OWNER the certifications and representations regarding equal employment opportunity that OWNER may require under such laws, regulations, and orders.

INSURANCE

ENGINEER shall procure and maintain insurance for protection from claims under worker's compensation acts, claims for damages because of bodily injury including personal injury, sickness or disease or death of all employees. ENGINEER presently maintains professional liability coverage of $2,000,000.00. OWNER shall be listed as an Additional Insured on such policies to prevent such insurers from exercising any right of subrogation against the OWNER.

GOVERNING LAW

This Agreement is to be governed by the law of Ohio.

PARTIES BOUND BY THIS AGREEMENT

OWNER and ENGINEER each is hereby bound, and the partners, successors, executors, administrators and legal representatives of OWNER and ENGINEER are hereby bound to the other party to this Agreement and to the partners, successors, executors, administrators and legal representative of such other party, in respect of all covenants, agreements and obligations of this Agreement.

ASSIGNMENT, SUBCONTRACTING, AND TRANSFER OF RIGHTS PROHIBITED

Neither OWNER nor engineer shall assign, sublet or transfer any rights under or interest in (including, but without limitation, moneys that may become due or moneys that are due) this Agreement without the written consent of the other, except to the extent that any assignment, subletting or transfer is mandated by law, or the effect of this limitation may be restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement. Nothing contained in this paragraph shall prevent ENGINEER from employing such independent professional associates and consultants, as ENGINEER may deem appropriate to assist in the performance of services hereunder. However, any such independent professions hired or consulted by ENGINEER shall be agents or employees of ENGINEER for all purposes of this Agreement, even if such hire or consultation was disclosed in advance to OWNER.

NO THIRD-PARTY BENEFICIARIES INTENDED

Nothing under this Agreement shall be construed to give any rights, entitlement or special benefit(s) in this Agreement or the products or services of this Agreement to anyone other than OWNER and ENGINEER, and all duties and responsibilities undertaken pursuant to this Agreement will be for the sole and exclusive benefit of OWNER and ENGINEER and not for the benefit of any other party.

INDEPENDENT CONTRACTOR

The relationship of OWNER to ENGINEER shall be that of employer and independent contractor. ENGINEER shall supervise the performance of its own services and shall have control of the manner and means by which its services are performed, subject to compliance with this Agreement and any plans, specifications, schedules, or other items approved by the OWNER. Any other amounts OWNER pays ENGINEER under this Agreement shall not be considered salary for pension purposes, and ENGINEER nor its employees or contractors will not be entitled to any of the other fringe and supplemental benefits of OWNER, nor will OWNER withhold any Social Security (FICA) or similar contributions from ENGINEER's fee; and OWNER shall have no liability whatsoever to

the ENGINEER on account of this Agreement except payment of the amounts provided herein. ENGINEER shall be responsible for, pay when due, and the compensation for the work shall include all local, municipal, state, and federal sales, use, excise, and personal property taxes, including but not limited to unemployment, social security, and other payroll taxes for its employees, including any related assessments for contribution required by law, and including but not limited to, the Federal Insurance Contribution act (Sections 3101-3126), of the Internal Revenue Code of 1954, as amended; the Federal Unemployment Tax Act (Sections 3401-3405), and all other governmental fees, taxes, or other governmental charges applicable to the Work.

BEHAVIOR OF ENGINEER'S EMPLOYEES

Engineer acknowledges OWNER has a policy against sexual harassment and hereby agrees. that any of its employees provided to OWNER under this Agreement will also specifically acknowledge that policy and agree to abide by it. ENGINEER shall indemnify OWNER against any liability if any of its employees engage in sexual harassment. In the event that the Work requires ENGINEER to perform Services on OWNER's property, ENGINEER acknowledges and agrees to advise its employees, agents, and subcontractors that it is the policy of OWNER: (1) to prohibit the use, possession, sale, and distribution of alcohol, illegal drugs, or other controlled substances on its premises; and (2) to prohibit the presence on OWNER's property or employees of a contractor, or subcontractor, or agent who has such substances in his/her body for non-medical reasons. Entry onto OWNER's property constitutes consent to an inspection of the employees of the consultant, subcontractor, or agent, including vehicles and personal effects when entering, while on, or upon leaving OWNER's property. Any ENGINEER, employee, subcontractor, or agent who is found in violation of this policy will be removed and barred from OWNERS's property.

AMENDMENTS

All changes, request for performance of extra Work, or amendments to this Agreement or to Services or Work already authorized to be performed pursuant to this agreement must be authorized in writing by OWNER'S COUNCIL AND MAYOR in advance. Any unauthorized Work performed shall be at the sole risk of ENGINEER. ENGINEER shall have no claim for payment for unauthorized work, and ENGINEER specifically disclaims any claim or right to *quantum meruit* recovery as this Agreement constitutes the sole and exclusive basis for ENGINEER's compensation from OWNER. In case of any amendment to this Agreement, so much of the Agreement as is not necessarily thereby changed shall remain in full force and effect. No act or conduct of either party or any employee or employees or agents thereof shall be held to operate as a waiver of any term, condition, or provision of this Agreement unless made with the authority of the Mayor and Council of New Miami and reduced to writing in the form of a change order. In case any change should result in a decrease of the Work to be performed, no allowance shall be made to ENGINEER for loss of anticipated profits, but if ENGINEER, before receiving OWNER's notice of intention to make such a change, shall have incurred expenses rendered unnecessary by such change or alteration, allowance shall be made to ENGINEER as is fair and reasonable. ENGINEER's acceptance of final payment on the Contract shall constitute a waiver of all claims against OWNER.

ENTIRE AGREEMENT

This Agreement represents the entire and integrated Agreement between OWNER and ENGINEER and supersedes all prior negotiations, representations, or Agreements, either written or oral. This agreement may be amended only by written instrument signed by both OWNER and ENGINEER.

SEVERABILITY

Should any provision of this Agreement be held to be void or unenforceable, the remaining provisions shall remain in full force and effect, to be read and construed as if the void or unenforceable provisions were originally deleted.

INDEMNIFICATION

A. Professional Liability

Regarding professional liability claims, to the fullest extent permitted by law the ENGINEER agrees to indemnify and hold the OWNER, it officers, officials, and employees harmless from and against losses and damages to the extent arising from a negligent act, error or omission by the Consultant or its employees or anyone for whom the Consultant is legally liable.

B. Non-Professional Liability (General Liability)

With regard to general liability claims, to the fullest extent permitted by law, the ENGINEER shall indemnify, defend and hold harmless the OWNER from and against claims, damages, losses and expenses, including but not limited to reasonable attorneys' fees, arising out of the acts or omissions of the ENGINEER, provided that such claim, damage loss or expense is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of property (other than the work itself) including loss of use resulting therefrom, but only to the extent caused by the acts or omissions of the ENGINEER, any subconsultant(s) of the ENGINEER, it agents, or anyone directly or indirectly employed by them or anyone for whose acts they may be liable.

IN WITNESS THEREOF, OWNER AND ENGINEER acting herein by their duly authorized representatives have executed this Agreement on the date as shown on the first page of this Agreement.

ENGINEER	**OWNER**
Jones-Warner Consultants Inc.	**City of Monroe, Ohio**
By:	
T. Shawn Campbell, Principal	_____ William Brock, City Manager
June 17, 2022	Date:_____

Corporate Headquarters
8401 Claude Thomas Road, Suite 51
Franklin, OH 45005
P: 937.704.9868
F: 937.704.9949

JONES-WARNER CONSULTANTS, INC.
CIVIL ENGINEERING, SURVEYING, AND CONSULTING SERVICES

Toll-Free: 1-855-704-5924
JWCI@JonesWarner.com
JonesWarner.com

June 17, 2022

City of Monroe
233 South Main Street
P.O. Box 330
Monroe, Ohio 45050-0330
Attention: Gary Morton

Re**: Brittany Heights- Catch Basin Replacement Project, Phase 2**

Dear Mr. Morton

Jones Warner Consultants, Inc. (JWCI), a local, ODOT pre-qualified consultant, is happy to provide you with this fee proposal for requested improvements located in the Brittany Heights subdivision in the City of Monroe. We have visited the project site with you and have discussed the scope of services to be provided.

Scope of Services-

We understand the scope to include the necessary survey and design of the twenty-eight (28) catch basin structures located on Pembroke Ct., North Sands Ave., Heatherwood Ct., Ravenwood Ct., Wexford Drive, and Wexford Way. A detailed survey of each structure will be included. We will provide an individual exhibit for each structure showing existing conditions such as general dimensions, grate, and invert measurements as well as any other details needed to allow a contractor to order each modified structure. Included in each detail will be curb replacement on each side of the structure and pavement restoration. Upon development of the 28 individualized exhibits, any necessary specifications will be developed as well as a bid book document for bidding.

Deliverables-

Deliverables will include one full set of bid documents in electronic pdf format including the appropriate forms for bidding, (bonding documents, misc. affidavits instructions to bidders, individual details, and any necessary specifications. Paper copies will be provided as necessary for bidding.

Fee-

Our lump sum fee for the above outlined services is $35,000.00. The fees provided are JWCI design fees only. This is $1,250.00 per structure like that in Monroe Crossing. The fees do not include any fees that may be required by permitting agencies (if required) or any geotechnical investigations authorized by the City of Monroe. We do not see the need for any geotechnical investigation.

We have prepared a planning estimate based on Phase 1 as well as for recent price increases in material. Total cost of construction is estimated right at $280,000.00 or $10,000.00 per catch basin.

JWCI is prepared to begin immediately upon your acceptance of this proposal. We anticipate a turnaround schedule for final deliverables at approximately 90-120 days from your notice to proceed.

We appreciate this opportunity and look forward to working with you on this project. Should you have any questions, please feel free to call.

Sincerely,

T. Shawn Campbell, President
Jones Warner Consultants, Inc.

EMERGENCY ORDINANCE NO. 2022-12

AN ORDINANCE VACATING A CERTAIN WATER LINE EASEMENT CONTAINING 2608.28 SQUARE FEET NO LONGER NEEDED FOR MUNICIPAL PURPOSES AND DECLARING AN EMERGENCY.

WHEREAS, Council adopted Emergency Ordinance No. 2022-10 authorizing a Development Agreement on June 14, 2022, wherein certain easements and restrictions would be granted from and to the City related to the construction of a retail fueling station and convenience store; and

WHEREAS, a perpetual easement for construction, maintenance operation, repair, replacement and removal of a water line was granted to the Village of Monroe, now the City of Monroe, on July 13, 1953; and

WHEREAS, said easement and water line are located within a portion of the servient estate that are inconsistent with the construction plans for such property approved by the City, which property is to be developed as a retail fueling station and convenience store, and such water line and related facilities have been relocated to a different area within the servient estate and placed within a new easement granted to the City; and

WHEREAS, in light of the foregoing the original water line easement no longer serves any benefit to the City.

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

SECTION 1: The perpetual easement for construction, maintenance operation, repair, replacement and removal of a water line granted to the Village of Monroe, now the City of Monroe by William L. Gallaher a/k/a W.L. Gallaher and Sophia Gallaher, husband and wife via Easement Agreement dated July 13, 1953 and recorded in Warren County deed book 225 pages 236, 237 and 238, and further described on Exhibit "I" attached hereto and made a part hereof is hereby vacated, terminated and released.

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 vacate the within described easement at the earliest possible date to avoid delay in the construction of the new business. Therefore, this measure shall take effect and be in full force from and after its passage.

PASSED: _____

ATTEST: APPROVED:

_____ _____

Clerk of Council Mayor

Exhibit "I" E Ord No. 2022-12

Situated in Section 5, Town 3, Range 3, Turtlecreek Township, Warren County, Ohio, and lying in the northeasterly corner of the farm of the Grantors herein.

Said easement being 4.00 feet in width and 652.07 in length (along the center line) and running from a 2.083 acre tract of land to be conveyed by the Grantors to the Village of Monroe, Ohio, westwardly, passing approximately midway between the house and garage situated on said Grantors lands, to the southeasterly right of way line of the original location of the Monroe-Lebanon Road, and bounded and described as follows:

beginning at a point in the westerly line of the aforesaid 2.083 acre tract, 348.00 feet, S 1°-00' W from the present centerline of the Monroe-Lebanon Road;

thence S 1°-00' W, 4.00 feet;

thence S 89°-56' W, 656.88 feet to a point in the southeasterly right of way line of the aforesaid road as originally located;

thence N 67°-32' E along the last aforesaid right of way line, 10.50 feet;

thence N 89°-56' E, 647.26 feet to the point of beginning.

EMERGENCY ORDINANCE NO. 2022-13

AN ORDINANCE RELEASING CERTAIN DEED RESTRICTIONS NO LONGER NEEDED FOR MUNICIPAL PURPOSES AND DECLARING AN EMERGENCY.

WHEREAS, that certain Warranty Deed from William L. Gallaher a/k/a W.L. Gallaher and Sophia Gallaher, husband and wife as Grantor, and the Village of Monroe, now the City of Monroe, as Grantee, dated July 13, 1953, included certain restrictions prohibiting the construction of any building sewer or any unsanitary structure within a three hundred (300) foot radius of the property described therein being conveyed to the City; and

WHEREAS, said restrictions no longer serve any benefit to the City and are inconsistent with the construction plans approved by the City for the property burdened by the aforementioned restrictions, which property is to be developed as a retail fueling station and convenience store.

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

SECTION 1: The deed restriction prohibiting the construction of building sewers and unsanitary structures within a three hundred (300) foot radius of the property conveyed to the Village of Monroe, now the City of Monroe by William L. Gallaher a/k/a W.L. Gallaher and Sophia Gallaher, husband and wife via Warranty Deed dated July 13, 1953 and recorded in Warren County deed book 225 pages 233, 234 and 235, and further described on Exhibit "1" attached hereto and made a part hereof is hereby terminated and released.

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 vacate the within described deed restriction at the earliest possible date to avoid delay in the construction of the new business. Therefore, this measure shall take effect and be in full force from and after its passage.

PASSED: _____

ATTEST: APPROVED:

_____ _____

Clerk of Council Mayor

Exhibit "1" E Ord No. 2022- 13

Two and eighty-three one-thousands acres in the northeast quarter (NE) of section five (Sec. 5), Town Three (T 3), Range Three (R3), Turtlecreek Township, Warren County, Ohio and is more nearly described as follows:

Beginning at a point in the center line of State Route 63 as now constricted, same point being N 89º 0' W one-thousand one-hundred forth-two and eighty-nine one-hundredths (1142.89) feet, and S 1º 0' W seventy-four and sixty-two one-hundredths (74.62 feet of the northeast corner (NE Cor.) of said section five (Sec. 5), T 3, R 3, turtlecreek Township, Warren County, Ohio; thence from this point of beginning S 67º 0' W eight and sixty-seven one-hundredths (8.67) feet along the centerline of state route 63, thence S 1º 0' W four-hundred seven and fourteen one-hundredths (407.14) feet, then S 89º 4' E four-hundred fifteen and thirty eight one-hundredths (415.38) feet, to a point one-hundred twenty-five and five one-hundredths (125.05) feet shorth of the centerline of the Pennsylvania (C & L N) RR Rw and this line produced, thence N 38º 30' W one-hundred forty-two and seventy-five one-hundredths (142.75) feet, thence N 45º 33' W four-hundred thirty-six and eighteen one-hundredths (436.18) feet to the point of beginning and containing two and eight-three one-thousandths acres more or less.

Being part of the same premises as more fully described in Deed Book 110, Page 20 in the Deed Records of Warren County and in Deed Book 151, Page 545 inn the Deed Records of Warren County, Ohio.

And as a further consideration for this conveyance, said grantors agree for themselves, their heirs and assigns that they will no construct or permit to be constructed any building sewer or any unsanitary structure within a radius of three hundred (300) feet of the above described premises and/or violate any regulation of the State Department of Health of the State of Ohio within said area of 300 feet.

EMERGENCY ORDINANCE NO. 2022-14

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AMENDMENTS TO SECTION 4.01 AND SECTION 4.06 OF THE CHARTER OF THE CITY OF MONROE ESTABLISHING TERM LIMITS FOR MEMBERS OF CITY COUNCIL, TO REDUCE EXCUSED ABSENCES FROM FOUR TO THREE, REQUIRE THE ATTENDANCE OF 66% OF REGULARLY SCHEDULED MEETINGS IN A CALENDAR YEAR, AND DECLARING AN EMERGENCY.

WHEREAS, a Charter Review Commission was appointed in accordance with the Charter of the City of Monroe; and

WHEREAS, this Commission has met and reviewed the Charter proposing certain changes to the Charter; and

WHEREAS, these proposed changes have been reviewed by City Council and a portion were accepted and placed on the 2021 General Election ballot; and

WHEREAS, Council has reconsidered the proposed changes and accepted the remaining recommendations by the Charter Review Commission.

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

SECTION 1: The question of certain amendments of the Charter of the City of Monroe be submitted to a vote of the qualified electors of the City at the general election to be held on November 8, 2022, at the regular places of voting within the City and during regular voting hours. Such ballot for said election shall at the top thereof, be entitled "City Charter Amendment Ballot – Attendance and Term Limits" and the question to be submitted on said ballot shall be in words following: "Shall the proposed amendment to Section 4.01 and Section 4.06 of the Charter of the City of Monroe to establish term limits for Council Members, reduce the excused absences from four to three, and require the attendance of 66% of regularly scheduled meetings in a calendar year be adopted?" or such ballot language as the Office of the Secretary of State of the State of Ohio shall adopt pursuant to the authority granted in Revised Code Section 3505.06. To the left of said wording in boxes with appropriate place for marking, shall appear the words "Yes" and "No" and each voter shall indicate their vote by marking in the place so provided.

SECTION 2: Public notice of the time and place of holding such election shall be given by publication of notice thereof at least ten (10) days prior to the day of such election in a newspaper of general circulation in the City.

SECTION 3: The Clerk of Council be and is hereby directed to publish the full text of the proposed Charter Amendments as set forth in Exhibit "A" attached hereto and made a part hereof, once a week for not less than two consecutive weeks in the Journal-News, with the first publication being at least fifteen (15) days prior to the election hereinbefore provided,

all in accordance with Section 9 of Article XVIII, Ohio Constitution and Revised Code Section 731.211.

SECTION 4: To pay the costs related to the proposed Charter Amendments and submission thereof to the electors, there is hereby appropriated from the General Fund the sum of $5,000, or so much thereof as may be needed.

SECTION 5: This measure is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare for the reason that Council desires to submit the proposed Charter amendments to the Board of Elections to allow sufficient time for review and prior to the deadline set forth in the Ohio Revised Code. Therefore, this measure shall take effect and be in full force from and after its passage.

PASSED:_____

ATTEST: APPROVED:

_____ _____

Clerk of Council Mayor

Exhibit "A" E Ord 2022-14

NOTICE TO VOTERS

In accordance with Section 12.05 of the Charter of Monroe, a Charter Review Commission was appointed. The following are the recommended changes for Section 4.01 and Section 4.06 of the Charter as submitted by the 2021 Charter Review Commission establishing term limits for Council members, reducing excused absences from four to three, and require the attendance of 66% of regularly scheduled meetings in a calendar year. The proposed additions appear in italics and items to be omitted are stricken through. The proposed changes are as follows:

Current Charter Language

Section 4.01 - Composition and Terms.

The Council shall consist of seven members, elected at large for a term of four years beginning on the first day of January next following their election. Four members of the Council shall be elected at the regular Municipal election in 1975 and every fourth year thereafter, and three members of the Council shall be elected at the regular Municipal election in 1977 and every fourth year thereafter.

Proposed Language

Section 4.01 - Composition and Terms.

The Council shall consist of seven members, elected at large for a term of four years beginning on the first day of January next following their election. Four members of the Council shall be elected at the regular Municipal election in 1975 and every fourth year thereafter, and three members of the Council shall be elected at the regular Municipal election in 1977 and every fourth year thereafter. *No person shall hold the office of member of Council for a period longer than two consecutive four year terms of the Council unless a period of at least two years has intervened without such person serving on the Council. The provisions of this amendment shall apply commencing January 1, 2022.*

In determining the eligibility of an individual to hold the office of member of Council in accordance with this article, time spent in the office of member of Council in fulfillment of a term to which another person was first elected shall not be considered.

Each provision of this amendment shall be deemed severable from the others, and a finding that a provision is invalid shall not affect the other provisions.

Current Charter Language

Section 4.06 - Removal.

The Council shall be the judge of the qualifications of its members. Council may, by two-thirds of its membership, expel or remove any member for failure to meet or maintain qualification

of office, or for violation of his oath of office, or for the conviction of a felony or other crime involving moral turpitude, or for persistent failure to abide by the rules of Council. Prior to any such action by Council, the accused member shall be notified in writing of the charge against him at least fifteen days in advance of any hearing upon such charge, and he and counsel shall be given an opportunity to be heard, present evidence or examine under oath any witness in support of such charge. The accused member shall not vote on the question of his removal.

Proposed Amendment

Section 4.06 - Removal.

The Council shall be the judge of the qualifications of its members. Council may, by two-thirds of its membership, expel or remove any member for failure to meet or maintain qualification of office, or for violation of his oath of office, or for the conviction of a felony or other crime involving moral turpitude, or for persistent failure to abide by the rules of Council. Prior to any such action by Council, the accused member shall be notified in writing of the charge against him at least fifteen days in advance of any hearing upon such charge, and he and counsel shall be given an opportunity to be heard, present evidence or examine under oath any witness in support of such charge. The accused member shall not vote on the question of his removal.

A Councilman who is absent, without being excused by the majority of the other members of Council, from ~~four~~ *three* consecutive regular meetings of Council, shall automatically vacate his office on the Council.

Members of Council must attend 66% of the regularly scheduled meetings in a calendar year. Failure to meet this requirement such member shall vacate their office as Council member.

EMERGENCY ORDINANCE NO. 2022-15

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AMENDMENTS TO THE CHARTER OF THE CITY OF MONROE, OHIO, TO PROVIDE FOR GENDER NEUTRAL REFERENCES; REQUIRE COUNCIL PROCEEDINGS ON PUBLIC MEDIA PLATFORMS; INCLUDE ADDITIONAL DUTIES OF THE CITY MANAGER; ADD OR ELIMINATE DEPARTMENTS; AND DECLARING AN EMERGENCY.

WHEREAS, a Charter Review Commission was appointed in accordance with the Charter of the City of Monroe; and

WHEREAS, this Commission has met and reviewed the Charter proposing certain changes to the Charter; and

WHEREAS, these proposed changes have been reviewed by City Council and a portion were accepted and placed on the 2021 General Election ballot; and

WHEREAS, Council has reconsidered the proposed changes and accepted the remaining recommendations by the Charter Review Commission.

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

SECTION 1: The question of certain amendments of the Charter of the City of Monroe be submitted to a vote of the qualified electors of the City at the general election to be held on November 8, 2022, at the regular places of voting within the City and during regular voting hours. Such ballot for said election shall, at the top thereof, be entitled "City Charter Amendment Ballot" and the question to be submitted on said ballot shall be in words following: "Shall the proposed amendments to the Charter of the City of Monroe to provide for gender neutral references; require Council proceedings on public media platforms; include additional duties of the City Manager; and add or eliminate departments be adopted? or such ballot language as the Office of the Secretary of State of the State of Ohio shall adopt pursuant to the authority granted in Revised Code Section 3505.06. To the left of said wording in boxes with appropriate place for marking, shall appear the words "Yes" and "No" and each voter shall indicate their vote by marking in the place so provided.

SECTION 2: Public notice of the time and place of holding such election shall be given by publication of notice thereof at least ten (10) days prior to the day of such election in a newspaper of general circulation in the City.

SECTION 3: The Clerk of Council be and is hereby directed to publish the full text of the proposed Charter Amendments, as set forth in Exhibit "A" attached hereto and made a part hereof, once a week for not less than two consecutive weeks in the Journal-News, with the first publication being at least fifteen (15) days prior to the election hereinbefore provided,

all in accordance with Section 9 of Article XVIII, Ohio Constitution and Revised Code Section 731.211.

SECTION 4: To pay the costs related to the proposed Charter Amendments and submission thereof to the electors, there is hereby appropriated from the General Fund the sum of $5,000, or so much thereof as may be needed.

SECTION 5: 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 cause the proposed amendments to the Charter of the City of Monroe to be submitted to the electors at the general election provided by law. Therefore, this measure shall take effect and be in full force from and after its passage.

PASSED:_____

ATTEST: APPROVED:

_____ _____

Clerk of Council Mayor

Exhibit "A"

NOTICE TO VOTERS

In accordance with Section 12.05 of the Charter of Monroe, a Charter Review Commission was appointed. The following are recommendations for changes in Sections 3.01, 3.03, 4.011, 4.06, 4.09, 6.01, 6.02, 6.03, 6.04, 8.01, 8.04, 10.05, 12.01, and 13.04 of the Charter as submitted by the 2021 Charter Review Commission to provide for general neutral references; require Council proceedings on public media platforms; include additional duties of the City Manager; and add or eliminate departments. The proposed additions appear in italics and items to be omitted are stricken through. The proposed changes are as follows:

Current Charter Language

Section 3.01 - Duties and Responsibilities.

The term of office for the Mayor shall be as provided in Section 4.02 and he/she shall have the following authority:

(A) Preside at Council meetings when present.

(B) While presiding over special or regular meetings of the Council the Mayor may vote upon all matters coming before the Council, but in no event shall the Mayor, in the dual capacity as Council member and presiding officer of the Council, cast more than one vote on any action, nor shall he have power of veto.

(C) To appoint committees of Council and coordinate such committees.

(D) Act as the ceremonial head of the Municipality but shall have no administrative authority.

Proposed Amendment

Section 3.01 - Duties and Responsibilities.

The term of office for the Mayor shall be as provided in Section 4.02 and ~~he/she~~ shall have the following authority:

(A) Preside at Council meetings when present.

(B) While presiding over special or regular meetings of the Council the Mayor may vote upon all matters coming before the Council, but in no event shall the Mayor, in the dual capacity as Council member and presiding officer of the Council, cast more than one vote on any action, nor ~~shall he~~ have power of veto.

(C) To appoint committees of Council and coordinate such committees.

(D) Act as the ceremonial head of the Municipality but shall have no administrative authority.

Current Charter Language

Section 3.03 – Vice Mayor.

The term of the office of Vice Mayor shall be as provided in Section 4.02 and he/she shall act as presiding officer of the Council in the absence or disability of the Mayor and shall exercise all the powers and duties granted the Mayor by this Charter during the absence or disability of the Mayor. While presiding over special or regular meetings of the Council the Vice Mayor may vote upon all matters coming before the Council, but in no event shall the Vice Mayor, in the dual capacity as Council member and presiding officer of Council, cast more than one vote on any action. In the event that the office of Mayor shall become vacant, the Vice Mayor shall become Mayor for the unexpired term, and the Council shall elect a successor from among the membership of the Council to the office of Vice Mayor for that unexpired term.

Proposed Amendment

Section 3.03 - Vice Mayor.

The term of the office of Vice Mayor shall be as provided in Section 4.02 and ~~he/she~~ shall act as presiding officer of the Council in the absence or disability of the Mayor and shall exercise all the powers and duties granted the Mayor by this Charter during the absence or disability of the Mayor. While presiding over special or regular meetings of the Council the Vice Mayor may vote upon all matters coming before the Council, but in no event shall the Vice Mayor, in the dual capacity as Council member and presiding officer of Council, cast more than one vote on any action. In the event that the office of Mayor shall become vacant, the Vice Mayor shall become Mayor for the unexpired term, and the Council shall elect a successor from among the membership of the Council to the office of Vice Mayor for that unexpired term.

Current Charter Language

Section 4.011 - Qualifications.

Each Council member shall have been a resident and qualified elector of the Municipality for at least one year immediately prior to election or appointment and shall continue to be a resident and qualified elector of the Municipality throughout the term of office.

Except as provided by or under this Charter, members of Council shall not hold any other compensated office or position of employment with the Municipality, nor shall they hold any other compensated elected public office.

Any member of Council who shall cease to possess, or who violates, any of the qualifications herein enumerated may be removed from his office, but failure to maintain said qualifications shall not render void or ineffective any action of Council in which such member has participated.

Proposed Amendment

Section 4.011 - Qualifications.

Each Council member shall have been a resident and qualified elector of the Municipality for at least one year immediately prior to election or appointment and shall continue to be a resident and qualified elector of the Municipality throughout the term of office.

Except as provided by or under this Charter, members of Council shall not hold any other compensated office or position of employment with the Municipality, nor shall they hold any other compensated elected public office.

Any member of Council who shall cease to possess, or who violates, any of the qualifications herein enumerated may be removed from ~~his~~ office, but failure to maintain said qualifications shall not render void or ineffective any action of Council in which such member has participated.

Current Charter Language

Section 4.06 - Removal.

The Council shall be the judge of the qualifications of its members. Council may, by two-thirds of its membership, expel or remove any member for failure to meet or maintain qualification of office, or for violation of his oath of office, or for the conviction of a felony or other crime involving moral turpitude, or for persistent failure to abide by the rules of Council. Prior to any such action by Council, the accused member shall be notified in writing of the charge against him at least fifteen days in advance of any hearing upon such charge, and he and counsel shall be given an opportunity to be heard, present evidence or examine under oath any witness in support of such charge. The accused member shall not vote on the question of his removal.

Proposed Amendment

Section 4.06 - Removal.

The Council shall be the judge of the qualifications of its members. Council may, by two-thirds of its membership, expel or remove any member for failure to meet or maintain qualification of office, or for violation of ~~his~~ *said Council member's* oath of office, or for the conviction of a felony or other crime involving moral turpitude, or for persistent failure to abide by the rules of Council. Prior to any such action by Council, the accused member shall be notified in writing of the charge ~~against him~~ at least fifteen days in advance of any hearing upon such charge, and ~~he~~ *the Council member* and counsel shall be given an opportunity to be heard, present evidence or examine under oath any witness in support of such charge. The accused member shall not vote on the question of ~~his~~ *their* removal.

A Council~~man~~ *member* who is absent, without being excused by the majority of the other members of Council, from four consecutive regular meetings of Council, shall automatically vacate ~~his~~ *their* office on the Council.

Current Charter Language

Section 4.09 - Rules and Journal.

Council shall adopt its own rules, regulations or by-laws in so far as they are not set forth in this Charter, and shall keep a Journal of all of its proceedings. The Journal shall be open for public inspection during the Municipal Building's regular office hours.

Proposed Amendment

Section 4.09 - Rules and Journal.

Council shall adopt its own rules, regulations or by-laws in so far as they are not set forth in this Charter, and shall keep a Journal of all of its proceedings. The Journal shall be open for public inspection during the Municipal Building's regular office hours. *In addition, the Journal and all written and digital record of Council's proceedings shall be available on the City website or other public media platform.*

Current Charter Language

Section 6.01 - Appointment; Qualifications.

Council shall appoint the Manager with the approval of a majority for confirmation. If a Manager has not been employed within 180 days after a vacancy occurs, the Mayor may appoint a Manager.

The Manager shall be appointed solely on the basis of his executive and administrative qualifications. He need not be a resident of the Municipality or the State at the time of his appointment, but within six months after this appointment, he shall reside within the Municipality unless such residence requirement is waived by ordinance.

Proposed Amendment

Section 6.01 - Appointment; Qualifications.

Council shall appoint the Manager with the approval of a majority for confirmation. If a Manager has not been employed within 180 days after a vacancy occurs, the Mayor may appoint a Manager.

The Manager shall be appointed solely on the basis of ~~his~~ executive and administrative qualifications. ~~He~~ *The Manager* need not be a resident of the Municipality or the State at the time of ~~his~~ appointment, but within six months after this appointment, ~~he~~ shall reside within the Municipality unless such residence requirement is waived by ordinance.

Current Charter Language

Section 6.02 - Removal.

The Manager may be removed from office by the following procedure:

(A) A majority of Council may suspend the Manager for a period not to exceed forty-five days by informing the Manager in writing of its reasons for said suspension.

(B) The Manager may file a written request for a public hearing on his suspension with the Council within seven days notice of suspension.

(C) If the Manager does not file a written request for a public hearing with the Council his employment will be terminated after fourteen days from the date the Council's suspension letter was received by the Manager.

(D) If the Manager does request a public hearing from the Council, this hearing shall be held at a Council meeting not earlier than fifteen days nor later than thirty days after the request is filed. If a majority of Council does not vote to overrule the suspension, the Manager's employment will be terminated at that time. If a majority does vote to overrule the suspension, the Manager will be reinstated with back pay.

Proposed Amendment

Section 6.02 - Removal.

The Manager may be removed from office by the following procedure:

(A) A majority of Council may suspend the Manager for a period not to exceed forty-five days by informing the Manager in writing of its reasons for said suspension.

(B) The Manager may file a written request for a public hearing on ~~his~~ *the* suspension with the Council within seven days notice of suspension.

(C) If the Manager does not file a written request for a public hearing with the Council ~~his~~ *the Manager's* employment will be terminated after fourteen days from the date the Council's suspension letter was received by the Manager.

(D) If the Manager does request a public hearing from the Council, this hearing shall be held at a Council meeting not earlier than fifteen days nor later than thirty days after the request is filed. If a majority of Council does not vote to overrule the suspension, the Manager's employment will be terminated at that time. If a majority does vote to overrule the suspension, the Manager will be reinstated with back pay.

Current Charter Language

Section 6.03 - Acting Manager.

By motion, Council may appoint a qualified administrative officer of the Municipality or other person suitably qualified to exercise the powers and duties of the Manager during his temporary absence, disability or suspension or when a vacancy occurs. After thirty days absence or disability of the Manager, the Council may declare the position vacant.

In the event of a vacancy in the office of Manager, the Council shall designate a person as Acting Manager, who shall exercise all of the powers, duties and functions of the Manager until a Manager is appointed.

Proposed Amendment

Section 6.03 - Acting Manager.

By motion, Council may appoint a qualified administrative officer of the Municipality or other person suitably qualified to exercise the powers and duties of the Manager during ~~his~~ *the Manager's* temporary absence, disability or suspension or when a vacancy occurs. After thirty days absence or disability of the Manager, the Council may declare the position vacant.

In the event of a vacancy in the office of Manager, the Council shall designate a person as Acting Manager, who shall exercise all of the powers, duties and functions of the Manager until a Manager is appointed.

Current Charter Language

Section 6.04 – Powers and Duties.

The Manager shall: be responsible to the Council for the administration of all Municipal affairs placed in his charge by the Charter.

(A) He shall appoint, suspend or remove all Municipal employees and appointed administrative officers provided by law or personnel rules adopted pursuant to this Charter. He may authorize any administrative officer who is subject to his direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.

(B) He shall direct and supervise the administration of all departments, offices and agencies of the Municipality, except as otherwise provided by this Charter.

(C) He shall attend Council meetings on request of Council.

(D) He shall see that all laws, provisions of this Charter and acts of Council, subject to enforcement by him or by officers subject to his direction and supervision, are faithfully executed.

(E) He shall formulate and arrange contracts, franchises and agreements, and sign all contracts, bonds and notes on behalf of the Municipality, provided proper Council approval has been given.

(F) He shall formulate job descriptions as deemed necessary for the Municipal employees.

(G) He shall perform such other duties as are specified in this Charter or may be required by the Council by ordinances.

(H) He shall make such other reports as the Council may require concerning the operations of Municipal departments, offices and agencies subject to his direction and supervision.

(I) He shall prepare and submit the annual budget, capital program and appropriation ordinance to the Council and be responsible for its administration upon adoption.

(J) He shall keep Council advised of the financial condition and future needs of the City and make recommendations as he may deem advisable.

Proposed Amendment

Section 6.04 - Powers and Duties.

The Manager shall*:* ~~be responsible to the Council for the administration of all Municipal affairs placed in his charge by the Charter.~~

(A) ~~He shall a~~*Appoint*, suspend or remove all Municipal employees and appointed administrative officers provided by law or personnel rules adopted pursuant to this Charter. ~~He m~~*M*ay authorize any administrative officer who is subject to ~~his~~ *the Manager's* direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.

(B) ~~He shall d~~*D*irect and supervise the administration of all departments, offices and agencies of the Municipality, except as otherwise provided by this Charter.

(C) ~~He shall a~~*A*ttend Council meetings on request of Council.

(D) ~~He shall s~~*S*ee that all laws, provisions of this Charter and acts of Council, subject to *the Manager's* enforcement ~~by him~~ or by officers subject to ~~his~~ *the Manager's* direction and supervision, are faithfully executed.

(E) ~~He shall f~~*F*ormulate and arrange contracts, franchises and agreements, and sign all contracts, bonds and notes on behalf of the Municipality, provided proper Council approval has been given.

(F) ~~He shall f~~*F*ormulate job descriptions as deemed necessary for the Municipal employees*; encourage and provide staff support for regional and intergovernmental cooperation; and promote partnerships among Council and staff.*

(G) ~~He shall p~~*P*erform such other duties as are specified in this Charter or may be required by the Council by ordinances.

(H) ~~He shall m~~*M*ake such other reports as the Council may require concerning the operations of Municipal departments, offices and agencies subject to ~~his~~ *the Manager's* direction and supervision.

(I) ~~He shall p~~*P*repare and submit the annual budget, capital program and appropriation ordinance to the Council and be responsible for its administration upon adoption.

(J) ~~He shall k~~*K*eep Council advised of the financial condition and future needs of the City, ~~and~~ make recommendations ~~as he may~~ deem*ed* advisable*, and assist the City Council to develop long term goals for the City and strategies to implement these goals*.

(K) Submit to the City Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year; make such other reports as the City Council may require concerning operations; make recommendations to the City Council concerning the affairs of the City and facilitate the work of the City Council in developing policy.

Current Charter Language

Section 8.01 - Creation of Departments.

For the purpose of carrying on the administrative functions of the Municipality, the following departments are hereby established: Department of Finance, Department of Law, Department of Engineering and Inspection, Department of Fire, Department of Parks, Department of Police, Department of Streets and Department of Utilities. The work of the departments of the Municipality shall be distributed among such divisions and bureaus as provided in the Charter and as provided by ordinance. The Council may establish new departments and divisions of the Municipality, and define the powers and functions of each organizational unit. Where the administrative code is silent, the officers and employees of the Municipality shall have and may exercise all powers and duties provided for similar officers and employees by the State law.

Proposed Amendment

Section 8.01 - Creation of Departments.

For the purpose of carrying on the administrative functions of the Municipality, the following departments are hereby established: Department of Finance, Department of Law, *Department of Public Works,* ~~Department of Engineering and Inspection,~~ Department of Fire, Department of Parks, Department of Police, *Department of Development.* ~~Department of Streets and Department of Utilities.~~ The work of the departments of the Municipality shall be distributed among such divisions and bureaus as provided in the Charter and as provided by ordinance. The Council may establish new departments and divisions of the Municipality, and define the powers and functions of each organizational unit. Where the administrative code is silent, the officers and employees of the Municipality shall have and may exercise all powers and duties provided for similar officers and employees by the State law.

Current Charter Language

Section 8.04 - Law Department.

The Law Director shall be the head of the Department of Law. He shall be appointed by a majority vote of the Council and shall serve at the pleasure of the Council. The Law Director must be admitted to the practice of law in the State of Ohio. The Law Director shall be the legal advisor, attorney and counsel for the Municipality, and for all offices, departments, divisions, bureaus, boards, commissions and bodies of the Municipality in connection with Municipal affairs; and subject to the direction of the Council, shall represent the Municipality in all proceedings in Court or before any administrative board or body. He shall perform such other duties consistent with his office, as may be required by this Charter, by ordinance or resolution of the Council, or by the laws of the State of Ohio. The Law Director shall be the prosecuting attorney on behalf of the Municipality and shall prosecute cases brought before courts of competent jurisdiction; provided, however, that the Law Director may, with the approval of Council, appoint qualified assistants to act on behalf of the Municipality in civil matters and to act as the prosecuting attorney.

Proposed Amendment

Section 8.04 - Law Department.

The Law Director shall be the head of the Department of Law. ~~He~~ *The Law Director* shall be appointed by a majority vote of the Council and shall serve at the pleasure of the Council. The Law Director must be admitted to the practice of law in the State of Ohio. The Law Director shall be the legal advisor, attorney and counsel for the Municipality, and for all offices, departments, divisions, bureaus, boards, commissions and bodies of the Municipality in connection with Municipal affairs; and subject to the direction of the Council, shall represent the Municipality in all proceedings in Court or before any administrative board or body. ~~He~~ *The Law Director* shall perform such other duties consistent with ~~his~~ ~~office~~ *office of the Law Director*, as may be required by this Charter, by ordinance or resolution of the Council, or by the laws of the State of Ohio. The Law Director shall be the prosecuting attorney on behalf of the Municipality and shall prosecute cases brought before courts of competent jurisdiction; provided, however, that the Law Director may, with the approval of Council, appoint qualified assistants to act on behalf of the Municipality in civil matters and to act as the prosecuting attorney.

Current Charter Language

Section 10.05 - Credit for Tax Paid to Another Municipality.

(A) Where a resident of the City of Monroe is subject to a municipal income tax in another municipality, he or she shall not pay a total municipal income tax on the same income greater than the tax imposed at the higher rate.

Proposed Amendment

Section 10.05 - Credit for Tax Paid to Another Municipality.

(A) Where a resident of the City of Monroe is subject to a municipal income tax in another municipality, ~~he or she~~ *said resident* shall not pay a total municipal income tax on the same income greater than the tax imposed at the higher rate.

Current Charter Language

Section 12.01 – Oath of Office.

Every elected and appointed official of the Municipality shall take and subscribe an oath or affirmation to uphold the Constitution and laws of the United States [and] Ohio; to uphold the Charter, ordinances, resolutions and other laws of the Municipality; and to faithfully discharge the duties and responsibilities of his or her office.

Proposed Amendment

Section 12.01 - Oath of Office.

Every elected and appointed official of the Municipality shall take and subscribe an oath or affirmation to uphold the Constitution and laws of the United States [and] Ohio; to uphold the Charter, ordinances, resolutions and other laws of the Municipality; and to faithfully discharge the duties and responsibilities of ~~his or her~~ *their* office.

Current Charter Language

Section 13.04 - Abolishment of Statutory Offices and Election of First Officers Under Charter.

(B) The first election of officials, including the offices of Mayor, Auditor-Treasurer and seven members of the Council, under this Charter shall be held at a special election on the first Tuesday after the first Monday in November, 1974. The nomination and election for such offices at such special election shall be made in accordance with the provisions of this Charter, as far as provided for, and if not provided for in this Charter, as provided by the general laws of Ohio, and if not provided for in such general laws, as provided by ordinance passed by the legislative authority of the Village then serving under the general statutory form of government.

(1) The person who is elected Mayor at such special election shall take office January 1, 1975, and he, or his successor in office under this Charter, shall serve for a three-year term of office ending December 31, 1977.
(2) The person who is elected to the office of Auditor-Treasurer at such special election shall take office January 1, 1975, and he, or his successor in office under this Charter, shall serve for a three-year term of office ending December 31, 1977.

Proposed Amendment

Section 13.04 - Abolishment of Statutory Offices and Election of First Officers Under Charter.

(B) The first election of officials, including the offices of Mayor, Auditor-Treasurer and seven members of the Council, under this Charter shall be held at a special election on the first Tuesday after the first Monday in November, 1974. The nomination and election for such offices at such special election shall be made in accordance with the provisions of this Charter, as far as provided for, and if not provided for in this Charter, as provided by the general laws of Ohio, and if not provided for in such general laws, as provided by ordinance passed by the legislative authority of the Village then serving under the general statutory form of government.

(1) The person who is elected Mayor at such special election shall take office January 1, 1975, and ~~he~~ *the elected Mayor*, or ~~his~~ successor in office under this Charter, shall serve for a three-year term of office ending December 31, 1977.

(2) The person who is elected to the office of Auditor-Treasurer at such special election shall take office January 1, 1975, and ~~he~~ *the elected Auditor-Treasurer*, or ~~his~~ successor

in office under this Charter, shall serve for a three-year term of office ending December 31, 1977.

Section 13.04 - Abolishment of Statutory Offices and Election of First Officers Under Charter.

(B) The first election of officials, including the offices of Mayor, Auditor-Treasurer and seven members of the Council, under this Charter shall be held at a special election on the first Tuesday after the first Monday in November, 1974. The nomination and election for such offices at such special election shall be made in accordance with the provisions of this Charter, as far as provided for, and if not provided for in this Charter, as provided by the general laws of Ohio, and if not provided for in such general laws, as provided by ordinance passed by the legislative authority of the Village then serving under the general statutory form of government.

(1) The person who is elected Mayor at such special election shall take office January 1, 1975, and ~~he~~ *the elected Mayor*, or ~~his~~ successor in office under this Charter, shall serve for a three-year term of office ending December 31, 1977.

(2) The person who is elected to the office of Auditor-Treasurer at such special election shall take office January 1, 1975, and ~~he~~ *the elected Auditor-Treasurer*, or ~~his~~ successor in office under this Charter, shall serve for a three-year term of office ending December 31, 1977

EMERGENCY ORDINANCE NO. 2022-16

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AMENDMENTS TO THE CHARTER OF THE CITY OF MONROE, OHIO, TO AMEND WHAT IS TO BE ADOPTED BY AN ORDINANCE; PERMIT LEGISLATION TO BE READ BY TITLE ONLY UNLESS OTHERWISE INDICATED; ALL RESOLUTIONS TO BECOME EFFECTIVE IMMEDIATELY; INCREASE THE TIME LIMIT FOR ZONING PUBLIC HEARINGS FROM 30 TO 60 DAYS; ELIMINATE THE REQUIREMENT FOR COUNCIL TO AUTHORIZE OBTAINING BIDS; AND DECLARING AN EMERGENCY.

WHEREAS, a Charter Review Commission was appointed in accordance with the Charter of the City of Monroe; and

WHEREAS, this Commission has met and reviewed the Charter proposing certain changes to the Charter; and

WHEREAS, these proposed changes have been reviewed by City Council and a portion were accepted and placed on the 2021 General Election ballot; and

WHEREAS, Council has reconsidered the proposed changes and accepted the remaining recommendations by the Charter Review Commission.

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

SECTION 1: The question of certain amendments of the Charter of the City of Monroe be submitted to a vote of the qualified electors of the City at the general election to be held on November 8, 2022, at the regular places of voting within the City and during regular voting hours. Such ballot for said election shall, at the top thereof, be entitled "City Charter Amendment Ballot" and the question to be submitted on said ballot shall be in words following: "Shall the proposed amendments to the Charter of the City of Monroe to permit legislation to be read by title only unless otherwise indicated; all resolutions to become effective immediately; increase the time limit for zoning public hearings from 30 to 60 days; and eliminate the requirement for Council to authorize obtaining bids be adopted?" or such ballot language as the Office of the Secretary of State of the State of Ohio shall adopt pursuant to the authority granted in Revised Code Section 3505.06. To the left of said wording in boxes with appropriate place for marking, shall appear the words "Yes" and "No" and each voter shall indicate their vote by marking in the place so provided.

SECTION 2: Public notice of the time and place of holding such election shall be given by publication of notice thereof at least ten (10) days prior to the day of such election in a newspaper of circulation in the City.

SECTION 3: The Clerk of Council be and is hereby directed to publish the full text of the proposed Charter Amendments, as set forth in Exhibit "A" attached hereto and made a part hereof, once a week for not less than two consecutive weeks in the Journal-News, with the first publication being at least fifteen (15) days prior to the election hereinbefore provided,

all in accordance with Section 9 of Article XVIII, Ohio Constitution and Revised Code Section 731.211.

SECTION 4: To pay the costs related to the proposed Charter Amendments and submission thereof to the electors, there is hereby appropriated from the General Fund the sum of $5,000, or so much thereof as may be needed.

SECTION 5: 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 cause the proposed amendments to the Charter of the City of Monroe to be submitted to the electors at the general election provided by law. Therefore, this measure shall take effect and be in full force from and after its passage.

PASSED:_____

ATTEST: APPROVED:

_____ _____

Clerk of Council Mayor

Exhibit "A" E Ord No. 2022-16

NOTICE TO VOTERS

In accordance with Section 12.05 of the Charter of Monroe, a Charter Review Commission was appointed. The following are recommendations for changes in Sections 7.01, 7.05, 7.06, 7.07, 7.08, 7.13, and 10.04 of the Charter as submitted by the 2021 Charter Review Commission to amend what is to be adopted by an ordinance; permit legislation to be read by title only unless otherwise indicate; all resolutions to become effective immediately; increase the time limit for zoning public hearings from 30 to 60 days; and eliminate the requirement for Council authorize obtaining bids. The proposed additions appear in italics and items to be omitted are stricken through. The proposed changes are as follows:

Current Charter Language

Section 7.01 - Action to be Taken.

Action of Council shall be by ordinance, resolution or motion.
(A) An ordinance is the formal written enactment of Council in the exercise of a governmental power vested by the Constitution or statutes in the Municipality for the regulation of the conduct of its citizens or others subject to its control, and intended to be of permanent duration. Every action of a general and permanent nature; or granting a franchise; or levying a tax; or appropriating money; or contracting an indebtedness, to be evidenced by the issuance of bonds or notes; or for the purchase, lease or transfer of public property; or establishing an offense and fixing the penalty therefor, shall be taken by ordinance.

Proposed Amendment

Section 7.01 - Action to be Taken.
Action of Council shall be by ordinance, resolution or motion.

(A) An ordinance is the formal written enactment of Council in the exercise of a governmental power vested by the Constitution or statutes in the Municipality for the regulation of the conduct of its citizens or others subject to its control, and intended to be of permanent duration. Every action of a general and permanent nature; or granting a franchise; or levying a tax; or appropriating money; or contracting an indebtedness, to be evidenced by the issuance of bonds or notes; or for the purchase, lease or transfer of public property; or establishing an offense and fixing the penalty therefor, shall be taken by ordinance. *In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the City Council shall be by ordinance which:*

1. *Adopt or amend an administrative code;*
2. *Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;*
3. *Levy taxes;*
4. *Grant, renew, or extend a franchise;*
5. *Regulate the rate charged for its services by a public utility;*
6. *Authorize the borrowing of money;*

7. *Convey or lease or authorize the conveyance or lease of any lands of the City;*
8. *Regulate land use and development;*
9. *Amend or repeal any ordinance previously adopted; or*
10. *Adopt, with or without amendment, ordinances proposed under the initiative power.*

Current Charter Language

Section 7.05 – Reading.

Each ordinance or resolution shall be read fully and distinctly on two separate days. The Council may, by a vote of five members elected or appointed thereto, dispense with the requirement that an ordinance or resolution be read on two separate days, and authorize the adoption of an ordinance or resolution upon its first reading, and the Council may, by a majority vote of all members elected thereto, dispense with the requirement that an ordinance or resolution be read fully and distinctly for its first or second reading or for both its first and second readings, and authorize such reading or readings to be by title only. Motions to dispense with the requirement that an ordinance or resolution be read on two separate days and motions to dispense with the requirement that an ordinance or resolution be read fully and distinctly may be separately stated and a separate vote be taken on each such motion or they may be combined with a vote taken on one inclusive motion. When combined the motion shall require an affirmative vote of five members for passage.

Proposed Amendment

Section 7.05 - Reading.
Each ordinance ~~or resolution~~ shall be read ~~fully and distinctly~~ *by its title only* on two separate days. The Council may, by a vote of five members elected or appointed thereto, dispense with the requirement that an ordinance ~~or resolution~~ be read on two separate days, and authorize the adoption of an ordinance ~~or resolution~~ upon its first reading. *A resolution requires only one reading and shall be read by its title only.* ~~, and the~~ Council may, by a majority vote of all members elected thereto, ~~dispense with the requirement that an ordinance or resolution be read fully and distinctly for its first or second reading or for both its first and second readings, and~~ *authorize an ordinance or resolution be read fully and distinctly.* ~~such reading or readings to be by title only. Motions to dispense with the requirement that an ordinance or resolution be read on two separate days and motions to dispense with the requirement that authorize an ordinance or resolution be read fully and distinctly may be separately stated and a separate vote be taken on each such motion or they may be combined with a vote taken on one inclusive motion. When combined the motion shall require an affirmative vote of five members for passage.~~

Current Charter Language

Section 7.06 – Vote Requirement for Passage.

The vote on the question of passage of each ordinance, resolution and motion shall be taken by yeas and nays and entered on the Journal, and no ordinance, resolution or motion relative to passage of ordinances, resolutions and motions shall be passed without concurrence of at least four

members of the Council, except that each emergency ordinance or resolution shall require the affirmative vote of at least five members of the Council for its enactment; provided, however, that if such emergency ordinance or resolution shall fail to receive the required five affirmative votes, but receives the necessary majority for passage as a nonemergency ordinance or resolution, it shall be considered passed as a nonemergency ordinance or resolution and shall become effective as hereinafter provided by this Charter. A majority of the members present at any regular or special Council meeting may compel the attendance of absent members.

Proposed Amendment

Section 7.06 - Vote Requirement for Passage.
The vote on the question of passage of each ordinance, resolution and motion shall be taken by yeas and nays and entered on the Journal, and no ordinance, resolution or motion relative to passage of ordinances, resolutions and motions shall be passed without concurrence of at least four members of the Council, except that each emergency ordinance ~~or resolution~~ shall require the affirmative vote of at least five members of the Council for its enactment; provided, however, that if such emergency ordinance ~~or resolution~~ shall fail to receive the required five affirmative votes, but receives the necessary majority for passage as a nonemergency ordinance ~~or resolution~~, it shall be considered passed as a nonemergency ordinance ~~or resolution~~ and shall become effective as hereinafter provided by this Charter. A majority of the members present at any regular or special Council meeting may compel the attendance of absent members.

Current Charter Language

Section 7.07 - Emergency Ordinances and Resolutions.

Each emergency ordinance or resolution shall determine that said ordinance or resolution is necessary for the immediate preservation of the public peace, health, safety or welfare, and shall contain a statement of the necessity for such emergency. No ordinance or resolution pertaining to the following matters may be adopted as an emergency measure: zoning classifications, districts or regulations, regulations governing the platting and subdivision of land or the levying of a tax unless such tax shall be necessary to provide or replace Municipal facilities, equipment or buildings and the need for such facilities, equipment or buildings arises out of a public exigency, or the changing of salaries of members of Council.

Proposed Amendment

Section 7.07 - Emergency Ordinances ~~and Resolutions~~.

Each emergency ordinance ~~or resolution~~ shall determine that said ordinance ~~or resolution~~ is necessary for the immediate preservation of the public peace, health, safety or welfare, and shall contain a statement of the necessity for such emergency. No ordinance ~~or resolution~~ pertaining to the following matters may be adopted as an emergency measure: zoning classifications, districts or regulations, regulations governing the platting and subdivision of land or the levying of a tax unless such tax shall be necessary to provide or replace Municipal facilities, equipment or

buildings and the need for such facilities, equipment or buildings arises out of a public exigency, or the changing of salaries of members of Council.

Current Charter Language

Section 7.08 - Effective Date.

No ordinance or resolution shall go into effect until thirty days following its passage with the following exceptions:
(A) Any emergency ordinance or resolution shall take effect, unless a later time be specified therein, immediately upon its passage.
(B) Any ordinance or resolution providing for the following shall take effect, unless a later time be specified therein, immediately upon its passage:
(1) Appropriation of money.
(2) Annual tax levy for current expenses.
(3) Improvements petitioned for by the owners of the requisite majority of the front footage or of the area of the property benefited and to be especially assessed therefor.
(4) Submission of any question to the electorate or the determination to proceed with an election.
(5) Providing for the approval of a revision, codification, recodification or rearrangement of ordinances and resolutions, or publication thereof in book form.

(C) Motions, except as otherwise provided by Council, shall take effect immediately upon passage.

Proposed Amendment

Section 7.08 - Effective Date.

No ordinance ~~or resolution~~ shall go into effect until thirty days following its passage with the following exceptions:
(A) Any emergency ordinance ~~or resolution~~ shall take effect, unless a later time be specified therein, immediately upon its passage.
(B) Any ordinance ~~or resolution~~ providing for the following shall take effect, unless a later time be specified therein, immediately upon its passage:
(1) Appropriation of money.
(2) Annual tax levy for current expenses.
(3) Improvements petitioned for by the owners of the requisite majority of the front footage or of the area of the property benefited and to be especially assessed therefor.
(4) Submission of any question to the electorate or the determination to proceed with an election.
(5) Providing for the approval of a revision, codification, recodification or rearrangement of ordinances and resolutions, or publication thereof in book form.
(C) *Resolutions and* ~~M~~*m*otions, except as otherwise provided by Council, shall take effect immediately upon passage.

Current Charter Language

Section 7.13 - Public Hearing on Zoning Ordinance or Resolution.

Council shall set a date for a public hearing on each ordinance or resolution establishing, amending, revising, changing or repealing zoning classifications, districts, uses or regulations, which hearing shall be within thirty days of receiving the recommendation provided in Section 7.12 within which the Planning Commission is required to return its written recommendations to the Clerk of Council. The Clerk of Council shall cause a notice of said public hearing to be published or delivered in accordance with the Codified Ordinances and Resolutions of the City of Monroe.

Proposed Amendment

Section 7.13 - Public Hearing on Zoning Ordinance or Resolution.

Council shall set a date for a public hearing on each ordinance or resolution establishing, amending, revising, changing or repealing zoning classifications, districts, uses or regulations, which hearing shall be within ~~thirty~~ *sixty* days of receiving the recommendation provided in Section 7.12 within which the Planning Commission is required to return its written recommendations to the Clerk of Council. The Clerk of Council shall cause a notice of said public hearing to be published or delivered in accordance with the Codified Ordinances and Resolutions of the City of Monroe.

Current Charter Language

Section 10.04 – Contracting Procedures.

(A) The Manager shall be the contracting officer for the Municipality and shall award and execute all contracts on behalf of the Municipality.

(B) The Council may authorize the Manager to act as purchasing agent for the Municipality with authority to award and execute contracts not in excess of the limitation provided in Division (C) of this section.

(C) When an expenditure or contract exceeds the amount specified by the laws of Ohio for which work may be accomplished only after advertisement and bidding, the Manager shall be authorized to advertise and seek bids by motion of Council. Said advertisement shall be once a week for at least two weeks in a newspaper of circulation in the Municipality. Following receipt of bids and when authorized and directed by ordinance or resolution passed by Council, the Manager shall make written contract with the lowest and/or best bidder. In those instances and circumstances where contracts and expenditures may be made without advertisement and bidding under the general laws of Ohio pertaining to municipalities, no advertising and bidding shall be required under the Charter, and the general laws of Ohio, if any, applicable in such instances and circumstances shall be followed.

(D) When it becomes necessary to make alterations or modifications to any work project, such changes shall be made only upon the order of the Manager. No such order shall be effective until the price to be paid for the work or materials, or both, under the altered or modified contract, shall have been agreed upon in writing and signed by the contractor and the Manager on behalf of the Municipality.

Proposed Amendment

Section 10.04 - Contracting Procedures.

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ORDINANCE NO. 2022-17

AN ORDINANCE ACCEPTING A 20 FOOT WATER MAIN EASEMENT FROM THE MONROE LOCAL SCHOOL DISTRICT BOARD OF EDUCATION.

WHEREAS, the City has a 12" water main that runs from State Route 63 along Monroe Local School District property; and

WHEREAS, without an easement the City has no right to access the property for maintenance of the water main.

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

SECTION 1: The Council of the City of Monroe hereby accepts the easement from the Monroe Local School District Board of Education as further described in Exhibit "1" attached hereto and made a part hereof.

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:_____

Exhibit "1" Ord No. 2022-17

Date: January 18, 2022

Description: Lot #6255
Twenty Foot (20.00') Water Main Easement

Location: City of Monroe,
Butler County, Ohio

Situated in the State of Ohio, Between the Miamis, Section 24, Town 3, Range 3, City of Monroe, Butler County and being a Twenty Foot (20.00') Water Main Easement in Lot #6255 as known and designated on the List of Lots of said City of Monroe and being in part of the lands of Monroe Local School District Board of Education as recorded in Official Record 9692, Page 779 of the Butler County, Ohio Recorder's Office and being further described as follows:

Commencing on the southeast corner of part Lot #663 and being the lands of Trails of Todhunter, LLC as recorded in Official Record 9267, Page 1134 and being the northwest corner of part Lot #554 and being the lands of Cincinnati Gas and Electric as recorded in Deed Book 1059, Page 25; thence, leaving the southeast corner of said part Lot #554 and with the southerly boundary of said part Lot #663, North 84° 56' 14" West, 100.68 feet to the **True Point of Beginning**;

thence, leaving the southerly boundary of said part Lot #663 and through said Lot #6255 for the following five courses:

1) South 12° 18' 11" West, 99.15 feet;
2) South 32° 41' 49" East, 3.44 feet;
3) South 55° 11' 49" East, 91.28 feet;
4) North 19° 43' 12" East, 2.86 feet;
5) North 51° 52' 28" East, 39.14 feet to the westerly boundary of said part Lot #554;

thence, with the westerly boundary of said part of Lot #554, South 06° 18' 49" West, 28.01 feet;

thence, leaving the westerly boundary of said part Lot #554 and through said Lot #6255 for the following nine courses:

1) South 51° 52' 28" West, 13.76 feet;
2) South 19° 43' 12" West, 49.13 feet;
3) South 06° 12' 39" West, 1997.99 feet;
4) South 40° 58' 22" West, 387.15 feet;
5) North 86° 35' 40" West, 22.45 feet;
6) South 12° 42' 04" West, 3.14 feet;
7) South 32° 11' 56" West, 84.18 feet;
8) South 55° 05' 36" West, 364.20 feet;
9) South 03° 31' 17" West, 294.91 feet to the northerly right of way of State Route #63;

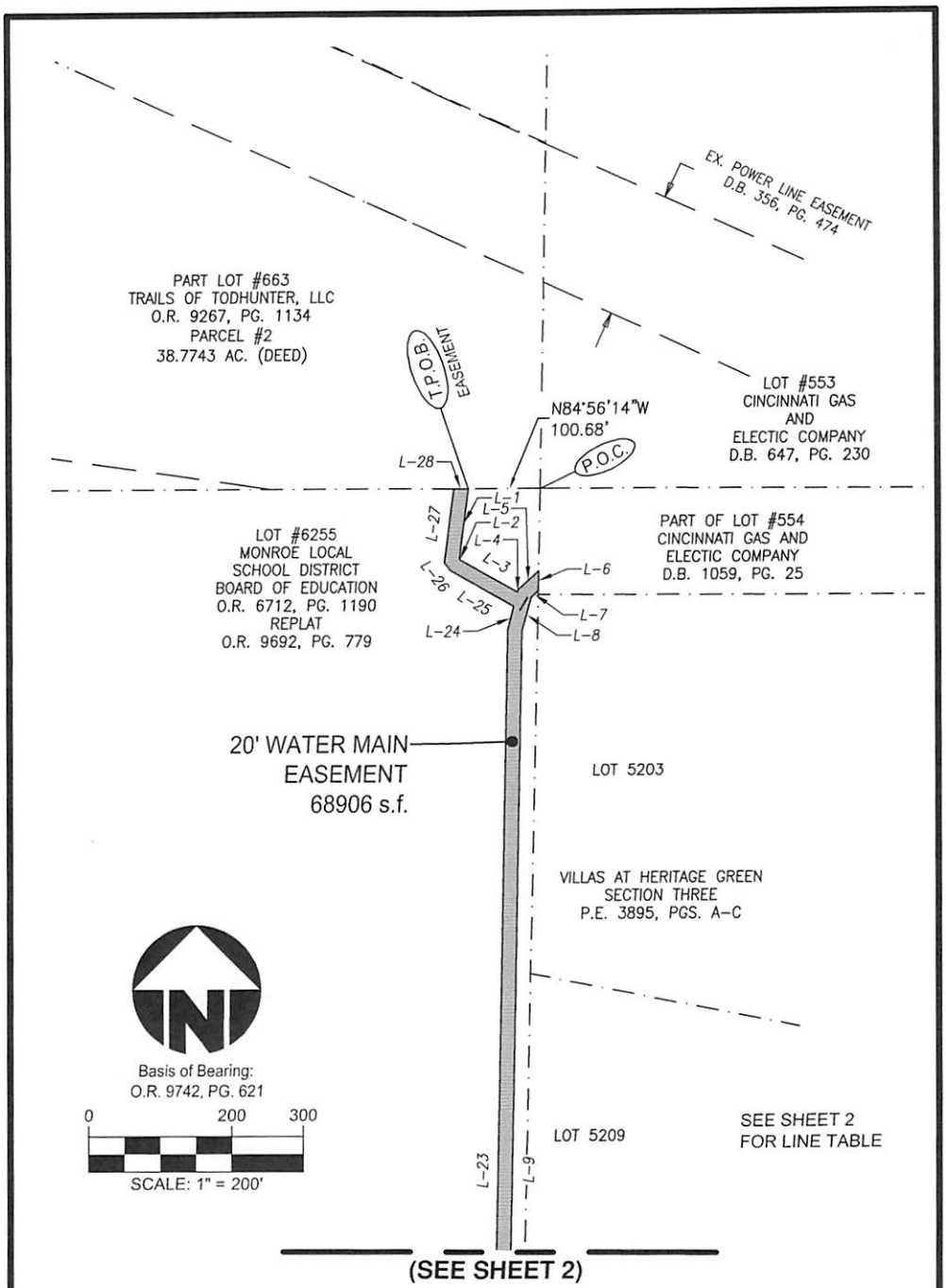
thence, with the northerly right of way of said State Route #63, North 85° 37' 05" West, 20.00 feet;

thence, leaving the northerly right of way of said State Route #63 and through said Lot #6255 for the following eleven courses:

1) North 03° 31' 17" East, 304.27 feet;
2) North 55° 05' 36" East, 369.81 feet;
3) North 32° 11' 56" East, 76.69 feet;
4) North 12° 42' 04" East, 16.70 feet;
5) South 86° 35' 40" East, 29.60 feet;
6) North 40° 58' 22" East, 371.04 feet;
7) North 06° 12' 39" East, 1994.10 feet;
8) North 19° 43' 12" East, 33.69 feet;
9) North 55° 11' 49" West, 100.65 feet;
10) North 32° 41' 49" West, 15.70 feet;
11) North 12° 18' 11" East, 104.89 feet to the southerly boundary of said part Lot #663;

thence, with the southerly boundary of said part Lot #663, South 84° 56' 14" East, 20.16 feet to the **True Point of Beginning**.

The above description was prepared from an easement exhibit by Bayer Becker, David Douglas Smith, Professional Surveyor #7121 in the State of Ohio, January 18, 2022.

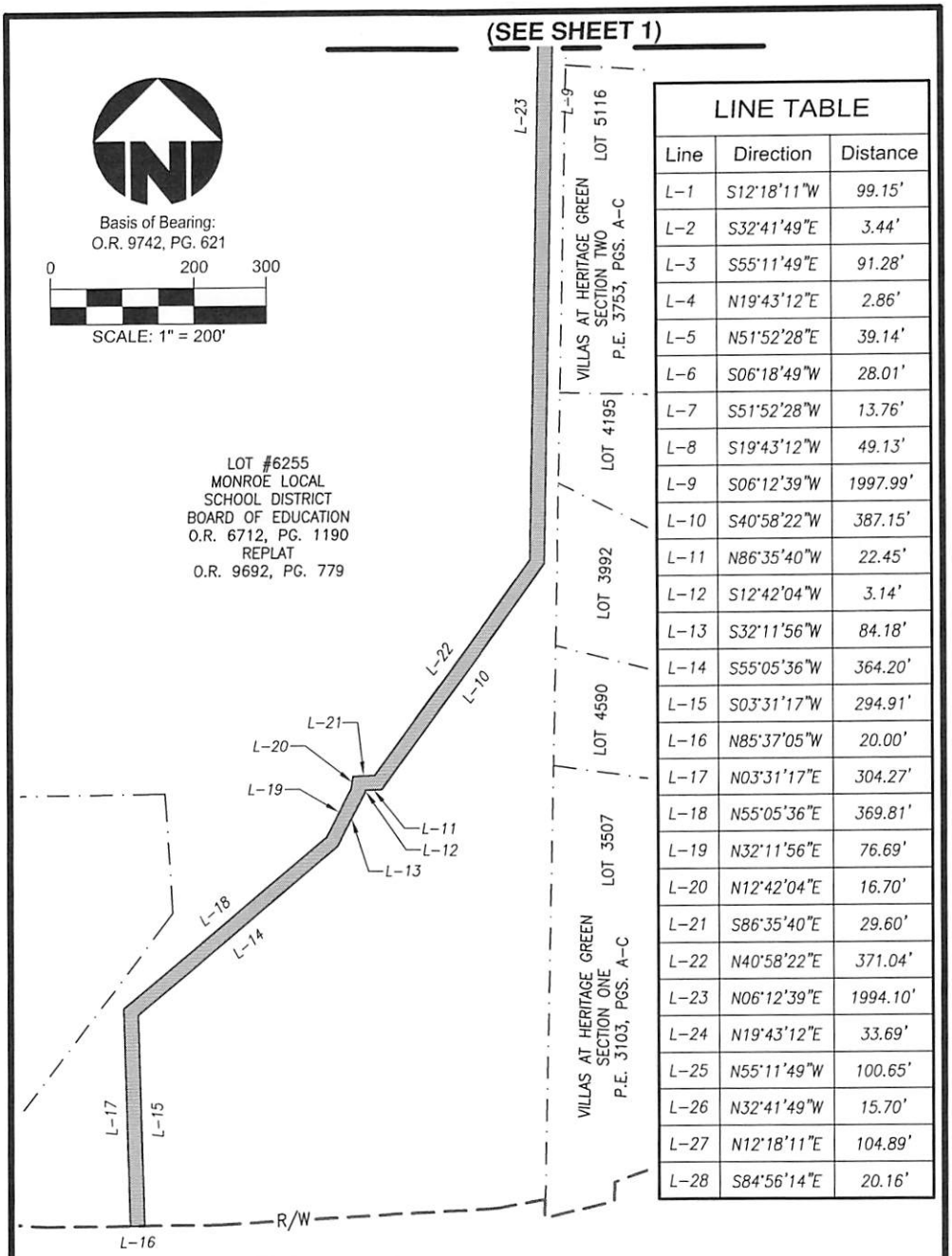


LEGEND

20' WATER MAIN EASEMENT

Note: This exhibit was prepared from existing deeds and surveys of record. It does not represent a boundary survey

Drawing: 8-0096-002 WAT EX Sheet: 1/2 Drawn by: DDS Checked By: j.o.l. Issue Date: 01-18-22	**20' WATER MAIN EASEMENT** **MONROE LOCAL SCHOOL DISTRICT** **BOARD OF EDUCATION** **O.R. 9692, PG. 779 (REPLAT)** **BETWEEN THE MIAMIS** **SECTION 24, TOWN 3, RANGE 3** **CITY OF MONROE** **BUTLER COUNTY, OHIO** **EXHIBIT**	bayer becker 6900 Tylersville Road, Suite A Mason, OH 45040 - 513.336.6600



LINE TABLE		
Line	Direction	Distance
L-1	S12°18'11"W	99.15'
L-2	S32°41'49"E	3.44'
L-3	S55°11'49"E	91.28'
L-4	N19°43'12"E	2.86'
L-5	N51°52'28"E	39.14'
L-6	S06°18'49"W	28.01'
L-7	S51°52'28"W	13.76'
L-8	S19°43'12"W	49.13'
L-9	S06°12'39"W	1997.99'
L-10	S40°58'22"W	387.15'
L-11	N86°35'40"W	22.45'
L-12	S12°42'04"W	3.14'
L-13	S32°11'56"W	84.18'
L-14	S55°05'36"W	364.20'
L-15	S03°31'17"W	294.91'
L-16	N85°37'05"W	20.00'
L-17	N03°31'17"E	304.27'
L-18	N55°05'36"E	369.81'
L-19	N32°11'56"E	76.69'
L-20	N12°42'04"E	16.70'
L-21	S86°35'40"E	29.60'
L-22	N40°58'22"E	371.04'
L-23	N06°12'39"E	1994.10'
L-24	N19°43'12"E	33.69'
L-25	N55°11'49"W	100.65'
L-26	N32°41'49"W	15.70'
L-27	N12°18'11"E	104.89'
L-28	S84°56'14"E	20.16'

LEGEND

20' WATER MAIN EASEMENT

Note: This exhibit was prepared from existing deeds and surveys of record. It does not represent a boundary survey

Drawing: 18-0096-002 WAT EX	**20' WATER MAIN EASEMENT**
Sheet: 2/2	**MONROE LOCAL SCHOOL DISTRICT BOARD OF EDUCATION**
Drawn by: DDS	**O.R. 9692, PG. 779 (REPLAT)**
Checked By: j.o.l.	**BETWEEN THE MIAMIS SECTION 24, TOWN 3, RANGE 3 CITY OF MONROE BUTLER COUNTY, OHIO**
Issue Date: 01-18-22	**EXHIBIT**

bayer becker
6900 Tylersville Road, Suite A
Mason, OH 45040 - 513.336.6600

PERMANENT EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That Holly J. Cahall on behalf of MONROE LOCAL SCHOOL DISTRICT, of Butler County, the Grantor for and in consideration of the sum of one dollar ($1.00) and for other good and valuable considerations to it paid by the MUNICIPALITY OF MONROE, an Ohio Municipal Corporation and Grantee herein, the receipt whereof is hereby acknowledged, do hereby grant, bargain, sell, convey and release to the said Grantee, its successors and assigns, a permanent water service easement in, upon and over the lands described in attached Exhibit "A" attached hereto and made a part hereof.

Grantee's use of said easement area shall be construed to include the use by any agent, assigns, independent contractor or other party entering upon the easement area with the express or implied consent or direction of the Grantee.

IN WITNESS WHEREOF, the said Grantor have set their hand on this 23 day of May, 2022.

Holly J Cahall
MONROE LOCAL SCHOOL DISTRICT
by: Treasurer

BE IT REMEMBERED, that on this 24th day of May, 2022, before me, the subscriber, a notary public in and for said state, personally came, Holly J. Cahall, on behalf of MONROE LOCAL SCHOOL DISTRICT, the Grantor in the foregoing easement, and acknowledged the signing thereof to be his authorized act and deed.

IN TESTIMONY THEREOF, I have hereunto subscribed my name and affixed my notarial seal on the day and year last aforesaid.

Nancy V Miller
Notary Public

Nancy V Miller
Notary Public, State of Ohio
My Commission Expires:
May 11, 2026

THIS INSTRUMENT PREPARED BY: K. Philip Callahan, Attorney at Law, 202 E. Central Ave., Miamisburg, Ohio 45342. 937-866-9933.