



**Monroe Council Agenda  
Regular Meeting of Council  
July 25, 2023 – 6:30 PM  
233 South Main Street, Monroe, Ohio**

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***Pledge of Allegiance***

***Roll Call***

***Approval of the Minutes***

Council Minutes of July 11, 2023

***Visitors***

***Committee Reports***

Public Works Committee

Finance Committee

Administrative Liaison Committee

Technology Committee

Public Involvement Committee

Public Safety Committee

***Old Business***

***New Business***

**Resolution No. 45-2023.** A Resolution authorizing the submission of a grant application and participation thereof by the City of Monroe, Ohio in the Ohio Public Works Program for the South Main Street Water Main Replacement Project.

**Strategic Priority:** Well Managed Services and Infrastructure

**Background:** This resolution by Council will support the application for OPWC funding on the scheduled Main Street Water Main Replacement project which is slotted for construction in 2024. This project will replace the existing 8" water main along Main Street from Carson Road to Mason Avenue.

**Resolution No. 46-2023.** A Resolution determining the bid submitted by Atkins & Stang, Inc. for the Main Street Lighting Project to be the lowest and/or best bid and authorizing the City Manager to enter into an agreement for said project.

**Strategic Priority:** Well Managed Services and Infrastructure

**Background:** This project will install the lighting that the City has previously purchased for Main Street going from the City Building to Community Park. It also includes new lighting on the City Building



property along Main Street and Seth Johnston Way. It will also remove the parking alcove on Seth Johnston Way, which will be replaced with a Curb and gutter and sidewalk . There will also be sidewalk replacement along Main Street, due to the foundations of the existing lights needing to be removed and new foundations installed to accept the mounting of the new lights.

**Ordinance No. 2023-16.** An Ordinance amending and supplementing Ordinance No. 2023-10, otherwise known as the permanent appropriations ordinance, to meet current expenses and other expenditures of the City of Monroe, during fiscal year ending December 31, 2023.

**Strategic Priority:** Good Governance

**Background:** As detailed in the City Manager's June 30, 2023 Supplemental Report, as we edge closer to bringing our fiber initiative to reality, we are facing several challenges that have necessitated increased use of outside legal counsel. The increase in legal fees of \$30,000 will allow for this work to continue throughout 2023.

The Public Safety Committee held a meeting on July 18, 2023 to discuss the supplemental appropriation request related to the purchase of a new Fire Department Medic Unit and the supplemental appropriation request related to patrol officer wages and overtime. The Public Safety Committee recommended funding \$345,000 for the purchase of the medic unit, \$164,000 for the wages of three officers in which funds were omitted from the 2023 budget, and \$125,000 for overtime as Patrol overtime is exceeding the original budget request. The medic unit purchase will be funded by the Capital Income Tax Fund. The increase in wages for Police will require a supplemental appropriation within the Police Law Enforcement Fund, which will require a supplemental appropriation within the Public Safety Income Tax Fund as a transfer from that fund will be necessary in order to fund the additional wages.

Public Hearing - Amendment of Planned Unit Development between the City of Monroe, Janet Majors, Donald Garver, and Elaine Garver.

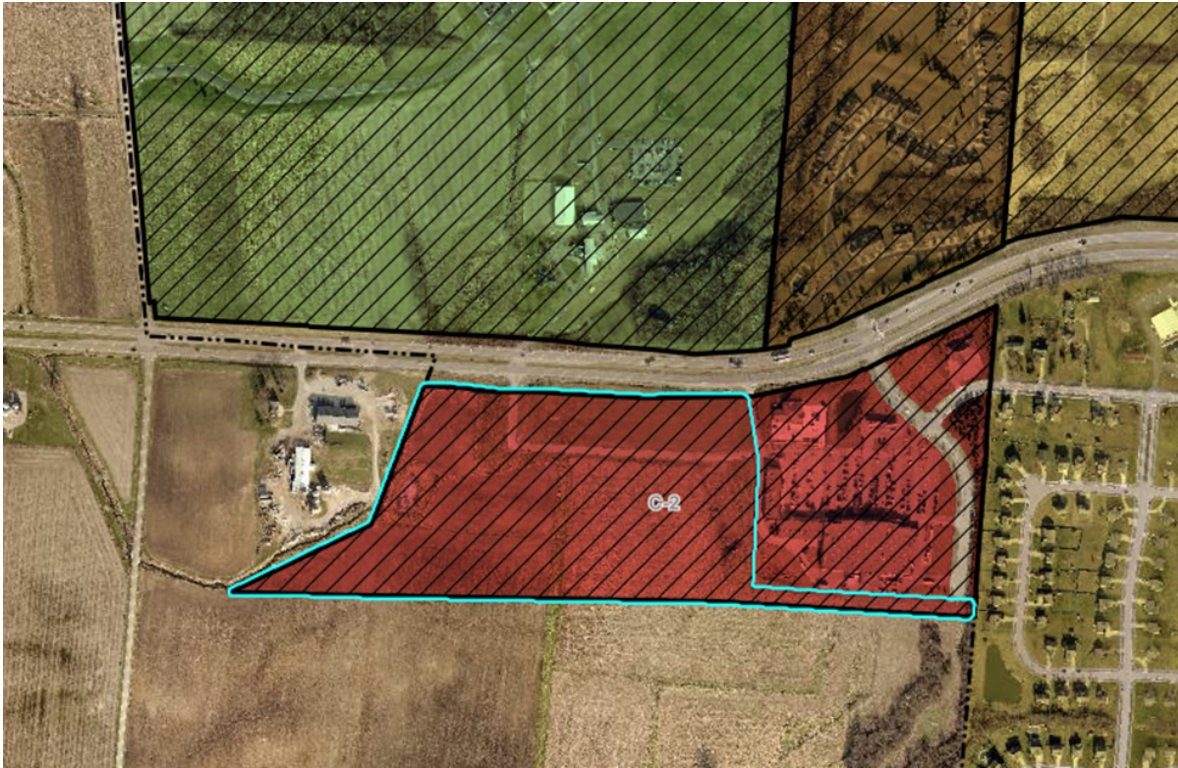
**Strategic Priority:** Strategic Growth and Development

**Background:** An application has been submitted by applicant Michael Majors for Major PUD Amendment regarding the Garver/Majors Planned Unit Development (PUD). The property is located west of the Heritage Plaza commercial area along State Route 63. The subject property is approximately 29.1 acres and is zoned C-2 PUD.

The project property under consideration for this amendment is approximately 8.9 acres at the easternmost end of the PUD site. This project property has not yet been legally split from the larger 29.1-acre site (Figure 1: Site Location Map).

The current PUD involves certain restrictions on development and types of uses permitted, such as automotive sales and places limitations on the look and development of the property. This application seeks to modify several provisions of the PUD, specifically to allow for the development of a Cronin Ford development that would house both new and used automotive sales as well as serve as an automotive service station. In their submittal, the applicant states this location would act to sell and

service the fleet of sprinter vans for the Kroger distribution center located further west on State Route 63.



**Figure 1: Site Location Map**

The current PUD involves certain restrictions on development and types of uses permitted, such as automotive sales and places limitations on the look and development of the property. This application seeks to modify several provisions of the PUD, specifically to allow for the development of a Cronin Ford development that would house both new and used automotive sales as well as serve as an automotive service station. In their submittal, the applicant states this location would act to sell and service the fleet of sprinter vans for the Kroger distribution center located further west on State Route 63.

### **Analysis**

This application is a proposed amendment to a previously approved PUD. The existing Garver/Majors PUD agreement prohibits automotive sales. Automotive sales and leasing are permitted uses in the C-2 underlying, base zoning code. Automotive service stations and parts sales are also permitted with standards in the C-2 underlying, base zoning code. However, the proposed amendments to the existing PUD language deviate from other base code standards in that the zoning code presently prohibits the sale of motor vehicles on premises used for automotive service stations. This proposal would specifically allow for both new and used automotive sales and automotive service station uses to coexist on one site as one operation. While it is understood that most dealerships naturally incorporate a certain amount of service-related uses, the proposed use related to this amendment is the majority of the use of the building. According to the applicant, the proposed square footage of the building would consist of approximately 40% sales related activities and approximately 60% for service-related activities with 40 service bays. The square footage of the entire site would consist of approximately



50% for sales-related activities and approximately 50% for service-related activities.

The Future Land Use Map of the Comprehensive Plans calls for both Commercial and Multi-Family Residential for this 8.9-acre project site. Per the comprehensive plan, the commercial designation is intended for office, retail, hospitality, restaurants, and service businesses. Appropriate location of individual uses within this category should be defined by scale, customer base area, and transportation access considerations.

The comprehensive plan speaks to larger “regional commercial districts”, which can include more intense retail that draw traffic from a wider area and typically include large tenants such as grocery stores (Kroger). These areas should be located closer to the I-75 interchange and major thoroughfares that can handle higher traffic volumes. State Route 63 could be considered a major thoroughfare in this context. The comprehensive plan goes on to describe the following regarding new development in these commercial areas:

- Integrated designs with coordinated accesses, amenities
- Cohesive architecture fitting the context of the larger corridor.
- Buildings should frame and define the street network;
- Large amounts of surface parking, particularly between the building front and the street, should be avoided.
- A coordinated pedestrian system should be provided to connect uses on the site and between the site and adjacent properties.

In their meeting held on June 20, 2023, the Planning Commission held a public hearing and determined that the proposed uses (new/used automotive sales and automotive service station) and the conceptual site plan met the intent of the commercial land use designation as described in the comprehensive plan. No public comment was received during their public hearing. In a vote of 5-0, the Planning Commission moved to recommend approval of the application as follows:

Contingent on a split of the parcel, the amendment language to the Garver/Major's PUD read as follows:

1. Split parcel be excluded from Section 3(A) and in conformance with the conceptual designs included in the applicant's application.
2. Section 4(A)(b):

**GENERAL CONDITIONS RELATING TO THE PROJECT.**

- A) The following uses are expressly prohibited from being located upon the project property
- b) Used or new automotive sales. **However, used or new automotive sales and automotive service stations shall be permitted on Permanent Parcel Number \_\_\_\_\_, consisting of approximately 8.8898 acres of the Property.**

**3. Section 4(F):**

No use located upon the Project property shall be permitted to maintain or display outside bulk storage of inventory, materials, merchandise, or other items related to the business or personal use of the property unless permitted as set forth in the Zoning Enforcement Officer. The temporary display of seasonal items shall be permitted on the Project property subject to the approval of the Zoning Enforcement Officer as set forth in the City of Monroe Planning and Zoning Code. **However,**



automotive sales uses shall be permitted on split parcel to display outside inventory of automotive vehicles in the area fronting State Route 63 and Ring Road and Ring Road to the front façade of the building structure.

4. Section 4(H) to remain in effect for split parcel.

**Ordinance No. 2023-17.** An Ordinance amending the Planned Unit Development Agreement by and between the City of Monroe, Janet Majors, Donald Garver, and Elaine Garver to permit and allow used or new automotive sales and automobile service stations on a portion of a certain parcel further described herein.

#### *Administrative Reports*

**Executive Session** for a conference with an attorney concerning pending or imminent court action and to consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance.

#### *Adjournment*



**Monroe Council Minutes  
Regular Meeting of Council  
July 11, 2023 – 6:30 p.m.  
233 South Main Street, Monroe, Ohio**

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***Pledge of Allegiance***

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

***Roll Call***

Council members present: Marc Bellapianta, Kelly Clark, Jason Frentzel, Keith Funk, Michael Graves, Christina McElfresh, and Ben Wagner.

***Approval of the Minutes***

Mrs. McElfresh moved to approve the Council minutes of June 27, 2023; seconded by Mr. Bellapianta. Voice vote. Motion carried.

***Visitors***

Lacey Smith of 250 Stone Ridge Lane expressed concern about the new Kroger distribution center noise. Ms. Smith presented a petition of approximately 25 signatures from the residents on Stone Ridge Lane to encourage Council to hire a sound engineer to reduce the noise.

Mr. Graves understood the complaints and appreciated the PowerPoint and videos that Ms. Smith sent to Council.

***Old Business***

**Ordinance No. 2023-14.** An Ordinance rezoning real property containing approximately 126.9 acres, more or less, located at Kyles Station Road and Butler Warren Road from B-P Business Park to R-2 Single-Family Residential Planned Unit Development and authorizing the City Manager to enter into a Planned Unit Development Agreement by and between the City of Monroe and Grand Communities LLC. (Second Reading)

Mr. Brock advised this will approve the Planned Unit Development and rezoning of property located at Kyles Station Road and Butler Warren Road and no changes have been made since the first reading.

The Clerk of Council read Ordinance No. 2023-14 by title only.

Mrs. McElfresh moved to adopt Ordinance No. 2023-14; seconded by Dr. Clark. Roll call vote: seven ayes. Motion carried.



***New Business***

**Resolution No. 42-2023.** A Resolution approving a Then-and-Now Certificate in the amount of \$8,201.32 to Enterprise FM Trust.

Mr. Brock reported this is requested for the purchase of a 2018 RAM for the Police Department. We knew the cost of it, but did not have the Bill of Sale before the purchase order was opened.

The Clerk of Council read Resolution No. 42-2023 by title only.

Mrs. McElfresh moved to adopt Resolution No. 42-2023; seconded by Mr. Bellapianta. Roll call vote: seven ayes. Motion carried.

**Resolution No. 43-2023.** A Resolution endorsing Warren County Community Services, Inc. to receive federal designation as Warren County's Community Action Agency.

Mr. Brock commented this is in response to the request of the Warren County Community Services that was presented at the last Council meeting.

The Clerk of Council read Resolution No. 43-2023 by title only.

Mrs. McElfresh moved to adopt Resolution No. 43-2023; seconded by Mr. Frentzel. Roll call vote: seven ayes. Motion carried.

**Resolution No. 44-2023.** A Resolution declaring the necessity of repairing certain curbs, gutters, and driveway aprons in the City of Monroe, County of Butler, and requiring that abutting property owners repair the same.

Mr. Brock explained this is the first step of the assessment process for concrete repair. Once this is adopted notices will go out to the property owners of the need for repair.

The Clerk of Council read Resolution No. 44-2023 by title only.

Mr. Frentzel asked if there is a timeframe that the City plans on doing this work. Mr. Morton advised that the City's contractor will complete the work that the property owners did not repair within their 90 day time limit.

Mrs. McElfresh moved to adopt Resolution No. 44-2023; seconded by Mr. Frentzel. Roll call vote: seven ayes. Motion carried.

**Emergency Ordinance No. 2023-15.** An Ordinance accepting the dedication of real property from CAT Monroe, LLC as public right-of-way and permanent water line easement, authorizing the City Manager to enter into a maintenance agreement for a sewer lateral by and between the City of Monroe and CAT Monroe, LLC, and declaring an emergency.



Mr. Brock reported that as part of the construction of Thorntons, Council authorized a development agreement wherein the property owner agreed to move and the City would accept a relocated water line easement, maintenance agreement for a sewer lateral, and acceptance of right-of-way by the City that is already part of State Route 63.

The Clerk of Council read Emergency Ordinance No. 2023-15 by title only.

Mrs. McElfresh moved to suspend the rule requiring the reading of Emergency Ordinance No. 2023-15 on two separate days and authorize its adoption on the first reading; seconded by Mr. Bellapianta. Voice vote. Motion carried.

Mrs. McElfresh moved to adopt Emergency Ordinance No. 2023-15; seconded by Mr. Wagner. Roll call vote: seven ayes. Motion carried.

**Consideration of Motion** authorizing the City Manager to terminate the contract between the City of Monroe and Brandstetter Carroll Inc.

Mr. Brock referred to the outline provided by Mr. Morton recommending the termination of the agreement with Brandstetter Carroll Inc.

In response to Mr. Wagner's inquiry, Mr. Morton advised that Monroe will receive their data from the services performed.

Mr. Bellapianta asked if there are any penalties to terminate this contract and asked if this company is working on any other projects for Monroe. Mr. Morton replied there are no penalties and they are not working on any other projects for Monroe.

Mrs. McElfresh moved to authorize the City Manager to terminate the contract between the City of Monroe and Brandstetter Carroll Inc.; seconded by Dr. Clark. Voice vote. Motion carried.

**Consideration of Motion** accepting the April and May 2023 Finance Reports as submitted.

Mrs. McElfresh moved to accept the April and May 2023 Finance Reports as submitted; seconded by Mr. Bellapianta. Voice vote. Motion carried.

### ***Administrative Reports***

*Todhunter Road Truck Traffic Concerns* – Mr. Morton reported that the radar unit was placed near the Cintas Building, just west of the DHL entrance off of Todhunter Road, from June 7 to June 13. During that time 12,400 vehicles passed by the unit. There was a total of 1,266 box type trucks and 10 semi tractor trailers assuming trying to reach State Route 4. That clarifies that trucks are using that road when they are not supposed to be. The recommendation of the City Engineer is to utilize a different type of traffic counter, which is setting up video cameras and be able to exactly see if it is vehicles, box trucks, or tractor trailers and which direction they are entering and exiting from. The estimated cost for this is \$5,000.



Mrs. McElfresh noticed there was a “No Truck” sign and a “No Through Trucks” sign and a truck driver was stopped and pointed out there are different signs. Mr. Brock will go back and review the direction of Council on the signs.

Mrs. McElfresh asked if the drive access was approved on Todhunter Road. Mr. Brock replied either he or the former Public Works Director approved it. Mrs. McElfresh requested that Mr. Brock find that out.

*Gallaher Road and Ridge Point Drive* – Mr. Morton stated a similar study with that intersection was performed and it showed, over a 12 hour period from 7 a.m. to 7 p.m. on May 24<sup>th</sup>, a total of 2,640 vehicles and less than 1% were trucks. Four pedestrians during that duration. There has been one crash since 2018 and it was property damage only. The recommendation is to remove the stop signs on Gallaher Road. The stop signs currently are being used as speed control, which is not a good idea. The stop signs will be removed immediately based on the recommendation of the City Engineer.

Mr. Brock referred Council to a report from Mr. Smith with recommendations for medical marijuana.

After discussion, the majority of Council felt that legislation should be adopted to put a limit on the dispensaries and not put an advisory question on the ballot at this time.

Mr. Brock requested that Council give this some thought and then direct staff on how they would like the legislation to read.

Mr. Bellapianta noted that the larger trucks in Monroe Crossings is beginning to increase.

### ***Adjournment***

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

The regular meeting of Council adjourned at 7:22 p.m.

Respectfully submitted,

Angela S. Wasson, MMC  
Clerk of Council

**RESOLUTION NO. 45-2023**

A RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND PARTICIPATION THEREOF BY THE CITY OF MONROE, OHIO IN THE OHIO PUBLIC WORKS PROGRAM (OPWC) FOR THE SOUTH MAIN STREET WATER MAIN REPLACEMENT PROJECT

WHEREAS, the City of Monroe, Ohio has identified a need for certain public Improvements on South Main Street, within the service area of the City of Monroe Water Department, and

WHEREAS, the City of Monroe, Ohio wishes to undertake such improvements by means of the Ohio Public Works Commission's (OPWC) Program and,

WHEREAS, the City of Monroe, Ohio has identified as their project as the South Main Street Water Main Replacement project and has an estimated cost of \$883,563.00 and,

WHEREAS, the City of Monroe, Ohio is seeking a minimum of 10%, and a maximum of 49% in financial assistance from an OPWC grant, the exact amount of said local share will be determined by the official grant score and its relevance per the methodology printed on the OPWC Official Website for District,

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

SECTION 1: The City Manager or designee is hereby authorized to submit a grant application to the Ohio Public Works Commission for the South Main Street Water Main Replacement Project.

SECTION 2: Jones Warner Consultants, Inc., the Project Engineer is hereby authorized to act on behalf of the City of Monroe, by applying to the Ohio Public Works Commission.

SECTION 3: Upon grant award; formal acceptance and execution of any grant agreement will be made by only by formal action of the City of Monroe Council and the City Manager.

SECTION 4: This measure shall take effect and be in full force from and after its passage pursuant to Section 7.08 (C) of the Charter.

PASSED: \_\_\_\_\_

ATTEST:

APPROVED:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

**RESOLUTION NO. 46-2023**

A RESOLUTION DETERMINING THE BID SUBMITTED BY ATKINS & STANG, INC. FOR THE MAIN STREET LIGHTING PROJECT TO BE THE LOWEST AND/OR BEST BID AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR SAID PROJECT.

WHEREAS, after advertising and receiving bids according to law, it has been determined that Atkins & Stang, Inc. is the lowest and/or best bid submitted for the Main Street Lighting Project.

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

SECTION 1: The bid submitted by Atkins & Stang, Inc. for the Main Street Lighting Project is hereby determined to be the lowest and/or best bid according to law.

SECTION 2: The City Manager is hereby authorized to enter into an agreement with Atkins & Stang, Inc. for the Main Street Lighting Project pursuant to the terms and conditions set forth in the bidding documents received on July 7, 2023.

SECTION 3: This measure shall take effect and be in full force from and after its passage pursuant to Section 7.08(C) of the Charter.

PASSED: \_\_\_\_\_

ATTEST:

APPROVED:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

## CITY OF MONROE, OHIO 00 41 13 - Bid Form

Sealed bids will be received by the City of Monroe, Ohio, 1000 Holman Avenue, Monroe, Ohio 45050 at the offices of City of Monroe Public Works, until July 7, 2023, 10:00 AM for:

Main Street Lighting Project

for the

**City of Monroe, Ohio**

The time for Substantial Completion of all Work is ninety (90) days consecutive days from the Notice to Proceed.

Having read and examined the proposed Contract Documents prepared by the Architect/Engineer for the above- referenced Project and the following Addenda:

Addendum Number

Date Received

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The undersigned Bidder proposes to perform all Work for the applicable Contract in accordance with the proposed Contract Documents, for the following sum(s):

**Bid Package – GENERAL CONTRACT**

### Bid

Main Street Lighting:

ALL LABOR AND MATERIALS, for the sum of \$ 162,992.50

Sum in words: One hundred sixty two thousand nine hundred ninety two and fifty /100 dollars.

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City of Monroe

Supplemental Appropriations

July 25, 2023

| FUND        | FUND DESCRIPTION                     | CURRENT<br>APPROPRIATIONS | ADJUSTED<br>APPROPRIATIONS | AMOUNT OF<br>CHANGE | % CHANGE | ACCOUNT NUMBER                   | REASON FOR REQUEST                                                                                                        |
|-------------|--------------------------------------|---------------------------|----------------------------|---------------------|----------|----------------------------------|---------------------------------------------------------------------------------------------------------------------------|
| <b>1110</b> | <b>GENERAL GOVERNMENT</b>            |                           |                            |                     |          |                                  |                                                                                                                           |
|             | <b>110 CITY COUNCIL</b>              |                           |                            |                     |          |                                  |                                                                                                                           |
|             | OPERATING EXPENSES                   | 97,500                    | 110,000                    | 12,500              | 12.8%    | 11111000-52314                   | Executive Evaluation Services facilitator from Raftelis                                                                   |
|             | <b>120 CITY MANAGER'S OFFICE</b>     |                           |                            |                     |          |                                  |                                                                                                                           |
|             | OPERATING EXPENSES                   | 570,918                   | 600,918                    | 30,000              | 5.3%     | 11112000-52391                   | City Manager Legal Fees for outside legal counsel for the fiber project                                                   |
| <b>2101</b> | <b>PUBLIC SAFETY INCOME TAX FUND</b> |                           |                            |                     |          |                                  |                                                                                                                           |
|             | <b>PUBLIC SAFETY</b>                 |                           |                            |                     |          |                                  |                                                                                                                           |
|             | PERSONAL SERVICES                    | 2,300,000                 | 2,589,000                  | 289,000             | 12.6%    | 21012551-51101                   | Funding for increases in patrol salaries and overtime                                                                     |
| <b>2410</b> | <b>POLICE LAW ENFORCEMENT</b>        |                           |                            |                     |          |                                  |                                                                                                                           |
|             | <b>250 PUBLIC SAFETY</b>             |                           |                            |                     |          |                                  |                                                                                                                           |
|             | PERSONAL SERVICES                    | 3,576,947                 | 3,865,947                  | 289,000             | 8.1%     | 24125151-51101<br>24125151-51111 | \$164,000 for three officer salaries.<br>\$125,000 for overtime overages.                                                 |
| <b>3101</b> | <b>CAPITAL INCOME TAX FUND</b>       |                           |                            |                     |          |                                  |                                                                                                                           |
|             | <b>PUBLIC SAFETY</b>                 |                           |                            |                     |          |                                  |                                                                                                                           |
|             | CAPITAL EXPENSES                     | -                         | 345,000                    | 345,000             | 100.0%   | 31012700-53719                   | Purchase of a Medic Unit (F550 with Horton Box) - ordering now to allow for delivery in 2025, replacing a 2015 Medic Unit |

**ORDINANCE NO. 2023-16**

AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE NO. 2023-10, OTHERWISE KNOWN AS THE PERMANENT APPROPRIATIONS, TO MEET CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF MONROE, DURING FISCAL YEAR ENDING DECEMBER 31, 2023.

SECTION 1: To provide for current expenses of the City of Monroe, this Appropriations Ordinance is hereby repealed, amended, and supplemented so it sets aside and appropriates from the various funds of the City the amounts set forth in the following sections.

SECTION 2: There be appropriated from the GENERAL FUND:

|             |                           |                               |                  |
|-------------|---------------------------|-------------------------------|------------------|
| <b>1110</b> | <b>GENERAL GOVERNMENT</b> |                               |                  |
|             | <b>000</b>                | <i>FUND EXPENSES</i>          |                  |
|             |                           | OPERATING EXPENSES            | 51,500           |
|             |                           | OTHER                         | -                |
|             |                           | <i>TOTAL</i>                  | <u>51,500</u>    |
|             | <b>110</b>                | <i>CITY COUNCIL</i>           |                  |
|             |                           | PERSONAL SERVICES             | 124,739          |
|             |                           | OPERATING EXPENSES            | 110,000          |
|             |                           | <i>TOTAL</i>                  | <u>234,739</u>   |
|             | <b>120</b>                | <i>CITY MANAGER'S OFFICE</i>  |                  |
|             |                           | PERSONAL SERVICES             | 703,161          |
|             |                           | OPERATING EXPENSES            | 600,918          |
|             |                           | <i>TOTAL</i>                  | <u>1,304,079</u> |
|             | <b>125</b>                | <i>INFORMATION TECHNOLOGY</i> |                  |
|             |                           | PERSONAL SERVICES             | 313,095          |
|             |                           | OPERATING EXPENSES            | 80,500           |
|             |                           | <i>TOTAL</i>                  | <u>393,595</u>   |
|             | <b>130</b>                | <i>HUMAN RESOURCES</i>        |                  |
|             |                           | PERSONAL SERVICES             | 324,185          |
|             |                           | OPERATING EXPENSES            | 317,500          |
|             |                           | <i>TOTAL</i>                  | <u>641,685</u>   |
|             | <b>135</b>                | <i>ECONOMIC DEVELOPMENT</i>   |                  |
|             |                           | PERSONAL SERVICES             | 201,241          |
|             |                           | OPERATING EXPENSES            | 308,300          |
|             |                           | <i>TOTAL</i>                  | <u>509,541</u>   |
|             | <b>140</b>                | <i>DEVELOPMENT</i>            |                  |
|             |                           | PERSONAL SERVICES             | 497,380          |
|             |                           | OPERATING EXPENSES            | 1,217,500        |
|             |                           | OTHER EXPENSES                | 4,000            |
|             |                           | <i>TOTAL</i>                  | <u>1,718,880</u> |

|                                 |                                     |                  |                  |
|---------------------------------|-------------------------------------|------------------|------------------|
| <b>145</b>                      | <b>ENGINEERING</b>                  |                  |                  |
|                                 | PERSONAL SERVICES                   | 564,588          |                  |
|                                 | OPERATING EXPENSES                  | 526,250          |                  |
|                                 | <i>TOTAL</i>                        | <u>1,090,838</u> |                  |
| <b>150</b>                      | <b>FINANCE</b>                      |                  |                  |
|                                 | PERSONAL SERVICES                   | 1,122,367        |                  |
|                                 | OPERATING EXPENSES                  | 456,565          |                  |
|                                 | OTHER EXPENSES                      | 825,000          |                  |
|                                 | <i>TOTAL</i>                        | <u>2,403,932</u> |                  |
| <b>160</b>                      | <b>MAYOR'S COURT</b>                |                  |                  |
|                                 | PERSONAL SERVICES                   | 120,751          |                  |
|                                 | OPERATING EXPENSES                  | 23,300           |                  |
|                                 | <i>TOTAL</i>                        | <u>144,051</u>   |                  |
| <b>TOTAL GENERAL GOVERNMENT</b> |                                     |                  | <b>8,492,841</b> |
| <b>PUBLIC SAFETY</b>            |                                     |                  |                  |
| <b>220</b>                      | <b>PUBLIC SAFETY COMMUNICATIONS</b> |                  |                  |
|                                 | PERSONAL SERVICES                   | 786,634          |                  |
|                                 | OPERATING EXPENSES                  | 166,050          |                  |
|                                 | <i>TOTAL</i>                        | <u>952,684</u>   |                  |
| <b>250</b>                      | <b>POLICE</b>                       |                  |                  |
|                                 | OTHER EXPENSES                      | 2,700,000        |                  |
|                                 | <i>TOTAL</i>                        | <u>2,700,000</u> |                  |
| <b>270</b>                      | <b>FIRE</b>                         |                  |                  |
|                                 | OTHER EXPENSES                      | 2,900,000        |                  |
|                                 | <i>TOTAL</i>                        | <u>2,900,000</u> |                  |
| <b>TOTAL PUBLIC SAFETY</b>      |                                     |                  | <b>6,552,684</b> |
| <b>PUBLIC WORKS</b>             |                                     |                  |                  |
| <b>310</b>                      | <b>STREET</b>                       |                  |                  |
|                                 | OTHER EXPENSES                      | 1,100,000        |                  |
|                                 | <i>TOTAL</i>                        | <u>1,100,000</u> |                  |
| <b>330</b>                      | <b>BUILDINGS AND GROUNDS</b>        |                  |                  |
|                                 | OPERATING EXPENSES                  | 788,500          |                  |
|                                 | <i>TOTAL</i>                        | <u>788,500</u>   |                  |
| <b>390</b>                      | <b>STORMWATER</b>                   |                  |                  |
|                                 | OTHER EXPENSES                      | 755,000          |                  |
|                                 | <i>TOTAL</i>                        | <u>755,000</u>   |                  |
| <b>TOTAL PUBLIC WORKS</b>       |                                     |                  | <b>2,643,500</b> |

**PARKS AND RECREATION****410 PARK OPERATION AND MAINTENANCE**

|                    |                |  |
|--------------------|----------------|--|
| PERSONAL SERVICES  | 361,337        |  |
| OPERATING EXPENSES | 292,000        |  |
| <i>TOTAL</i>       | <u>653,337</u> |  |

**TOTAL PARKS AND RECREATION****653,337****OTHER FINANCING USES****710 CAPITAL IMPROVEMENTS**

|                |          |  |
|----------------|----------|--|
| OTHER EXPENSES | -        |  |
| <i>TOTAL</i>   | <u>-</u> |  |

**810 DEBT SERVICE**

|                |                |  |
|----------------|----------------|--|
| OTHER EXPENSES | 700,000        |  |
| <i>TOTAL</i>   | <u>700,000</u> |  |

**TOTAL OTHER FINANCING USES****700,000**

TOTAL GENERAL FUND

19,042,362

**GRAND TOTAL GENERAL FUND****19,042,362**SECTION 3: There be appropriated from the following SPECIAL REVENUE FUNDS:**2101 PUBLIC SAFETY INCOME TAX FUND***PUBLIC SAFETY*

|                   |           |                  |
|-------------------|-----------|------------------|
| PERSONAL SERVICES | 2,589,000 |                  |
| OTHER EXPENSES    | 448,700   |                  |
| <i>TOTAL</i>      |           | <i>3,037,700</i> |

**2210 STREET FUND***PUBLIC WORKS*

|                    |           |                  |
|--------------------|-----------|------------------|
| PERSONAL SERVICES  | 1,964,792 |                  |
| OPERATING EXPENSES | 1,150,998 |                  |
| <i>TOTAL</i>       |           | <i>3,115,790</i> |

**2220 STATE HIGHWAY FUND***PUBLIC WORKS*

|                    |        |               |
|--------------------|--------|---------------|
| OPERATING EXPENSES | 86,750 |               |
| <i>TOTAL</i>       |        | <i>86,750</i> |

**2230 MOTOR VEHICLE LICENSE***PUBLIC WORKS*

|                    |   |          |
|--------------------|---|----------|
| OPERATING EXPENSES | - |          |
| <i>TOTAL</i>       |   | <i>-</i> |

|             |                                         |           |  |                  |
|-------------|-----------------------------------------|-----------|--|------------------|
| <b>2310</b> | <b>FIRE - 1989 LEVY FUND</b>            |           |  |                  |
|             | <i>PUBLIC SAFETY</i>                    |           |  |                  |
|             | PERSONAL SERVICES                       | 5,100,051 |  |                  |
|             | OPERATING EXPENSES                      | 1,046,700 |  |                  |
|             | OTHER EXPENSES                          | 3,800     |  |                  |
|             | <i>TOTAL</i>                            |           |  | <i>6,150,551</i> |
| <b>2330</b> | <b>PUBLIC SAFETY FEMA GRANT FUND</b>    |           |  |                  |
|             | <i>PUBLIC SAFETY</i>                    |           |  |                  |
|             | OPERATING EXPENSES                      | 3,600     |  |                  |
|             | <i>TOTAL</i>                            |           |  | <i>3,600</i>     |
| <b>2360</b> | <b>AMERICAN RESCUE PLAN ACT FUND</b>    |           |  |                  |
|             | <i>GENERAL GOVERNMENT</i>               |           |  |                  |
|             | OTHER EXPENSES                          | 855,000   |  |                  |
|             | <i>TOTAL</i>                            |           |  | <i>855,000</i>   |
| <b>2410</b> | <b>POLICE LAW ENFORCEMENT</b>           |           |  |                  |
|             | <b>250 PUBLIC SAFETY</b>                |           |  |                  |
|             | PERSONAL SERVICES                       | 3,865,947 |  |                  |
|             | OPERATING EXPENSES                      | 936,570   |  |                  |
|             | <i>TOTAL</i>                            |           |  | <i>4,802,517</i> |
| <b>2420</b> | <b>DARE GRANT FUND</b>                  |           |  |                  |
|             | <b>250 PUBLIC SAFETY</b>                |           |  |                  |
|             | PERSONAL SERVICES                       | -         |  |                  |
|             | OPERATING EXPENSES                      | 6,500     |  |                  |
|             | <i>TOTAL</i>                            |           |  | <i>6,500</i>     |
| <b>2430</b> | <b>ENFORCEMENT &amp; EDUCATION FUND</b> |           |  |                  |
|             | <b>250 PUBLIC SAFETY</b>                |           |  |                  |
|             | OPERATING EXPENSES                      | 3,000     |  |                  |
|             | <i>TOTAL</i>                            |           |  | <i>3,000</i>     |
| <b>2510</b> | <b>COURT TECHNOLOGY IMPROVEMENT</b>     |           |  |                  |
|             | <i>GENERAL GOVERNMENT</i>               |           |  |                  |
|             | OPERATING EXPENSES                      | 13,400    |  |                  |
|             | <i>TOTAL</i>                            |           |  | <i>13,400</i>    |
| <b>2600</b> | <b>2004 TIFS</b>                        |           |  |                  |
|             | <i>DEVELOPMENT INCENTIVES</i>           |           |  |                  |
|             | OPERATING EXPENSES                      | 32,500    |  |                  |
|             | OTHER EXPENSES                          | 3,332,360 |  |                  |
|             | <i>TOTAL</i>                            |           |  | <i>3,364,860</i> |

|             |                               |           |  |                  |
|-------------|-------------------------------|-----------|--|------------------|
| <b>2700</b> | <b>2004 RIDS</b>              |           |  |                  |
|             | <i>DEVELOPMENT INCENTIVES</i> |           |  |                  |
|             | OPERATING EXPENSES            | 38,400    |  |                  |
|             | OTHER EXPENSES                | 5,366,632 |  |                  |
|             | <i>TOTAL</i>                  |           |  | <i>5,405,032</i> |

**GRAND TOTAL SPECIAL REVENUE FUNDS**

**26,844,700**

SECTION 4: There be appropriated from the following CAPITAL PROJECTS FUNDS:

|             |                                 |           |  |                  |
|-------------|---------------------------------|-----------|--|------------------|
| <b>3101</b> | <b>CAPITAL INCOME TAX FUND</b>  |           |  |                  |
|             | <i>GENERAL GOVERNMENT</i>       |           |  |                  |
|             | OPERATING EXPENSES              | -         |  |                  |
|             | <i>PUBLIC SAFETY</i>            |           |  |                  |
|             | OPERATING EXPENSES              | -         |  |                  |
|             | CAPITAL EXPENSES                | 345,000   |  |                  |
|             | <i>PUBLIC WORKS</i>             |           |  |                  |
|             | OPERATING EXPENSES              | -         |  |                  |
|             | CAPITAL EXPENSES                | 1,200,000 |  |                  |
|             | <i>OTHER FINANCING USES</i>     |           |  |                  |
|             | OTHER EXPENSES                  | 165,400   |  |                  |
|             | <i>TOTAL</i>                    |           |  | <i>1,710,400</i> |
| <b>3110</b> | <b>PARK IMPROVEMENT FUND</b>    |           |  |                  |
|             | <i>PARKS AND RECREATION</i>     |           |  |                  |
|             | OPERATING                       | -         |  |                  |
|             | CAPITAL EXPENSES                | 2,000,000 |  |                  |
|             | <i>TOTAL</i>                    |           |  | <i>2,000,000</i> |
| <b>3120</b> | <b>CAPITAL IMPROVEMENT FUND</b> |           |  |                  |
|             | <i>GENERAL GOVERNMENT</i>       |           |  |                  |
|             | CAPITAL EXPENSES                | -         |  |                  |
|             | <i>PUBLIC SAFETY</i>            |           |  |                  |
|             | CAPITAL EXPENSES                | 204,840   |  |                  |
|             | <i>PUBLIC WORKS</i>             |           |  |                  |
|             | OPERATING EXPENSES              | 113,000   |  |                  |
|             | CAPITAL EXPENSES                | 2,709,962 |  |                  |
|             | <i>TOTAL</i>                    |           |  | <i>3,027,802</i> |

|                                                                                    |                                        |           |                         |
|------------------------------------------------------------------------------------|----------------------------------------|-----------|-------------------------|
| <b>6120</b>                                                                        | <b>WATER CAPITAL IMPROVEMENT FUND</b>  |           |                         |
|                                                                                    | <i>PUBLIC WORKS</i>                    |           |                         |
|                                                                                    | OPERATING EXPENSES                     | 215,000   |                         |
|                                                                                    | CAPITAL EXPENSES                       | 1,177,538 |                         |
|                                                                                    | <i>TOTAL</i>                           |           | <i>1,392,538</i>        |
| <b>6125</b>                                                                        | <b>WATER METER REPLACEMENT FUND</b>    |           |                         |
|                                                                                    | <i>PUBLIC WORKS</i>                    |           |                         |
|                                                                                    | OPERATING EXPENSES                     | 30        |                         |
|                                                                                    | CAPITAL EXPENSES                       | 80,000    |                         |
|                                                                                    | <i>TOTAL</i>                           |           | <i>80,030</i>           |
| <b>GRAND TOTAL CAPITAL PROJECTS FUNDS</b>                                          |                                        |           | <b><u>8,210,770</u></b> |
| <br><u>SECTION 5:</u> There be appropriated from the following DEBT SERVICE FUNDS: |                                        |           |                         |
| <b>4110</b>                                                                        | <b>G.O. BOND RETIREMENT</b>            |           |                         |
|                                                                                    | <i>GENERAL GOVERNMENT</i>              |           |                         |
|                                                                                    | DEBT SERVICE EXPENSE                   | 826,050   |                         |
|                                                                                    | <i>TOTAL</i>                           |           | <i>826,050</i>          |
| <b>4210</b>                                                                        | <b>WATER BOND RETIREMENT</b>           |           |                         |
|                                                                                    | <i>PUBLIC WORKS</i>                    |           |                         |
|                                                                                    | DEBT SERVICE EXPENSE                   | 372,768   |                         |
|                                                                                    | <i>TOTAL</i>                           |           | <i>372,768</i>          |
| <b>4310</b>                                                                        | <b>S.A. BOND RETIREMENT FUND</b>       |           |                         |
|                                                                                    | <i>GENERAL GOVERNMENT</i>              |           |                         |
|                                                                                    | OPERATING EXPENSES                     | 100       |                         |
|                                                                                    | <i>DEVELOPMENT INCENTIVES</i>          |           |                         |
|                                                                                    | OTHER EXPENSES                         | 1,350,500 |                         |
|                                                                                    | <i>TOTAL</i>                           |           | <i>1,350,600</i>        |
| <b>4410</b>                                                                        | <b>INCOME TAX BOND RETIREMENT FUND</b> |           |                         |
|                                                                                    | <i>GENERAL GOVERNMENT</i>              |           |                         |
|                                                                                    | DEBT SERVICE EXPENSE                   | 613,863   |                         |
|                                                                                    | <i>TOTAL</i>                           |           | <i>613,863</i>          |
| <b>GRAND TOTAL DEBT SERVICE FUNDS</b>                                              |                                        |           | <b><u>3,163,281</u></b> |

SECTION 6: There be appropriated from the following SPECIAL ASSESSMENT FUNDS:

|                                             |                                  |   |   |
|---------------------------------------------|----------------------------------|---|---|
| <b>5110</b>                                 | <b>S.A. STREET LIGHTING FUND</b> |   |   |
|                                             | <i>GENERAL GOVERNMENT</i>        |   |   |
|                                             | OPERATING EXPENSES               | - |   |
|                                             | <i>TOTAL</i>                     |   | - |
| <b>GRAND TOTAL SPECIAL ASSESSMENT FUNDS</b> |                                  |   | - |

SECTION 7: There be appropriated from the following ENTERPRISE FUNDS:

|                                     |                             |           |                  |
|-------------------------------------|-----------------------------|-----------|------------------|
| <b>6110</b>                         | <b>WATER FUND</b>           |           |                  |
|                                     | <i>PUBLIC WORKS</i>         |           |                  |
|                                     | PERSONAL SERVICES           | 854,818   |                  |
|                                     | OPERATING EXPENSES          | 1,736,300 |                  |
|                                     | OTHER EXPENSES              | 950,000   |                  |
|                                     | <i>TOTAL</i>                |           | 3,541,118        |
| <b>6210</b>                         | <b>SEWER FUND</b>           |           |                  |
|                                     | <i>PUBLIC WORKS</i>         |           |                  |
|                                     | PERSONAL SERVICES           | 107,981   |                  |
|                                     | OPERATING EXPENSES          | 1,198,200 |                  |
|                                     | <i>TOTAL</i>                |           | 1,306,181        |
| <b>6310</b>                         | <b>STORM WATER FUND</b>     |           |                  |
|                                     | <i>PUBLIC WORKS</i>         |           |                  |
|                                     | PERSONAL SERVICES           | 228,582   |                  |
|                                     | OPERATING EXPENSES          | 354,150   |                  |
|                                     | CAPITAL EXPENSES            | 755,000   |                  |
|                                     | <i>TOTAL</i>                |           | 1,337,732        |
| <b>6410</b>                         | <b>GARBAGE FUND</b>         |           |                  |
|                                     | <i>PUBLIC WORKS</i>         |           |                  |
|                                     | PERSONAL SERVICES           | 81,457    |                  |
|                                     | OPERATING EXPENSES          | 1,122,000 |                  |
|                                     | <i>TOTAL</i>                |           | 1,203,457        |
| <b>6510</b>                         | <b>CEMETERY FUND</b>        |           |                  |
|                                     | <i>PUBLIC WORKS</i>         |           |                  |
|                                     | PERSONAL SERVICES           | 40,000    |                  |
|                                     | OPERATING EXPENSES          | 127,900   |                  |
|                                     | <i>TOTAL</i>                |           | 167,900          |
| <b>6610</b>                         | <b>STREET LIGHTING FUND</b> |           |                  |
|                                     | <i>PUBLIC WORKS</i>         |           |                  |
|                                     | OPERATING EXPENSES          | 150,050   |                  |
|                                     | <i>TOTAL</i>                |           | 150,050          |
| <b>GRAND TOTAL ENTERPRISE FUNDS</b> |                             |           | <b>7,706,439</b> |

SECTION 8: There be appropriated from the following TRUST AND AGENCY FUNDS:

|                                           |                                        |        |       |                                            |
|-------------------------------------------|----------------------------------------|--------|-------|--------------------------------------------|
| <b>7100</b>                               | <b>CEMETERY MAINTENANCE TRUST FUND</b> |        |       |                                            |
|                                           | <i>FUND EXPENSE</i>                    |        |       |                                            |
|                                           | OPERATING EXPENSES                     | 10,000 |       |                                            |
|                                           | <i>TOTAL</i>                           |        |       | <i>10,000</i>                              |
| <b>7110</b>                               | <b>MOUND CEMETERY TRUST FUND</b>       |        |       |                                            |
|                                           | <i>PUBLIC WORKS</i>                    |        |       |                                            |
|                                           | OPERATING EXPENSES                     | 10,000 |       |                                            |
|                                           | <i>TOTAL</i>                           |        |       | <i>10,000</i>                              |
| <b>7120</b>                               | <b>LONG STREET CEMETERY TRUST FUND</b> |        |       |                                            |
|                                           | <i>PUBLIC WORKS</i>                    |        |       |                                            |
|                                           | OPERATING EXPENSES                     | 250    |       |                                            |
|                                           | <i>TOTAL</i>                           |        |       | <i>250</i>                                 |
| <b>7310</b>                               | <b>FIRE HISTORIC PRESERVATION FUND</b> |        |       |                                            |
|                                           | <i>PUBLIC SAFETY</i>                   |        |       |                                            |
|                                           | CAPITAL OUTLAY                         | -      |       |                                            |
|                                           | <i>TOTAL</i>                           |        |       | <i>-</i>                                   |
| <b>7320</b>                               | <b>FIRE LOSS SECURITY FUND</b>         |        |       |                                            |
|                                           | <i>PUBLIC SAFETY</i>                   |        |       |                                            |
|                                           | OPERATING                              | -      |       |                                            |
|                                           | <i>TOTAL</i>                           |        |       | <i>-</i>                                   |
| <b>7410</b>                               | <b>DRUG LAW ENFORCEMENT TRUST FUND</b> |        |       |                                            |
|                                           | <i>PUBLIC SAFETY</i>                   |        |       |                                            |
|                                           | OPERATING EXPENSES                     | 20,000 |       |                                            |
|                                           | <i>TOTAL</i>                           |        |       | <i>20,000</i>                              |
| <b>GRAND TOTAL TRUST AND AGENCY FUNDS</b> |                                        |        | <hr/> | <hr/> <i><b>40,250</b></i> <hr/>           |
| <b>TOTAL ALL APPROPRIATIONS</b>           |                                        |        |       | <hr/> <hr/> <i><b>65,007,802</b></i> <hr/> |

SECTION 9: The City Manager is hereby authorized to convert the dollar appropriation figure in the Ordinance to such form as may be acceptable to the Auditors of Butler and Warren Counties and the Auditor of the State of Ohio provided in this conversion no change of total dollar amounts shall within the Sections of this Ordinance be permitted without approval of Council.

SECTION 10: The Finance Director is hereby authorized to draw warrants on the City Treasury for payments from any of the foregoing appropriations upon receiving proper certificates and vouchers therefore, approved by the board or officers authorized by law to approve the same, or an ordinance or resolution of Council to make the expenditures provided that no warrants shall be drawn OR paid for salaries or wages except to persons employed by authority and in accordance with law or ordinance. Provided further that the appropriations for contingencies can only be expended upon appeal of two-thirds vote of Council for items of expense constituting a legal obligation against the City, and for purposes other than those covered by other specific appropriations herein made.

SECTION 11: This measure shall take effect immediately upon passage pursuant to Section 7.08(B)(1) of the Charter of the City of Monroe.

PASSED: \_\_\_\_\_

ATTEST:

APPROVED:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

## ORDINANCE NO. 2023-16

AN ORDINANCE AMENDING AND SUPPLEMENTING THE PLANNED UNIT DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF MONROE, JANET MAJORS, DONALD GARVER, AND ELAINE GARVER TO PERMIT AND ALLOW USED OR NEW AUTOMOTIVE SALES AND AUTOMOBILE SERVICE STATIONS ON A PORTION OF A CERTAIN PARCEL FURTHER DESCRIBED HEREIN.

WHEREAS, the existing Planned Unit Development Agreement (PUD) prohibits used or new automotive sales or display outside storage of inventory, materials, merchandise, or other items related to the business or personal use of the subject property; and

WHEREAS, the owners of the real property subject to the PUD desire to split Parcel Number C1800007000002 to create a separate parcel containing 8.8898 acres to permit used or new automotive sales and automobile service stations; and

WHEREAS, following a public hearing the Planning Commission has recommended that the Council amend the PUD as set forth therein.

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

SECTION 1: The Planned Unit Development Agreement by and between the City of Monroe, Janet Majors, Donald Garver, and Elaine Garver is hereby amended and supplemented to read as follows:

### **“FIRST AMENDMENT TO GARVER/MAJORS PLANNED UNIT DEVELOPMENT AGREEMENT”**

**THIS FIRST AMENDMENT TO PLANNED UNIT DEVELOPMENT AGREEMENT** (“First Amendment”) is made effective as of \_\_\_\_\_, 2023, by and between **THE CITY OF MONROE, OHIO, an Ohio municipal corporation (the “City”), and JANET MAJORS, a widow (the “Majors”), and DONALD GARVER and ELAINE GARNER, husband and wife (the “Garvers”) (collectively the “Parties”),** and amends that certain Planned Unit Development Agreement executed by the Parties on \_\_\_\_\_, 2005, and recorded at Book \_\_\_\_, Page \_\_\_\_ (the “Agreement”).

### **RECITALS**

WHEREAS, the Parties entered into the Agreement to memorialize the substantive conditions attached to the portion of the planned unit development property (“Property”), owned and developed by Garver and Majors;

WHEREAS, the Agreement provided several prohibited uses on the Property including used or new automotive sales;

WHEREAS, the Parties desire to split off approximately 8.8898 acres of the Property (as further identified on Exhibit A, attached hereto, the "Split Parcel") to sell that portion to an affiliate of the Cronin Auto Group ("Cronin");

WHEREAS, the Parties desire to amend the Agreement such that certain provisions of the Agreement not apply to the Split Parcel in order for Cronin to maintain compliance with its franchise regulations as it relates to the transaction; and

WHEREAS, the Parties desire to amend the Agreement to expressly permit and allow used or new automotive sales and automobile services stations on the Split Parcel in order to pursue its transaction with Cronin.

### AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein set forth, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Agreement is hereby amended as follows:

1. **RECITALS.** The foregoing recitals are hereby incorporated into this First Amendment.

2. **GENERAL CONDITIONS RELATING TO THE PROJECT.** Section 4 of the Agreement is hereby amended with the following language:

A) Used or new automotive sales. **However, used or new automotive sales and automotive service stations shall be permitted on Permanent Parcel Number \_\_\_\_\_, consisting of approximately 8.8898 acres of the Property.**

F) No use located upon the Project property shall be permitted to maintain or display outside bulk storage of inventory, materials, merchandise, or other items related to the business or personal use of the property unless permitted as set forth in the City of Monroe Planning and Zoning. The temporary display of seasonal items shall be permitted on the Project property subject to the approval of the Zoning Enforcement Officer as set forth in the City of Monroe Planning and Zoning. **However, automotive sales uses shall be permitted on split parcel to display outside inventory of automotive vehicles in the area fronting State Route 63 and Ring Road and Ring Road to the front façade of the building structure.**

3. **PROVISIONS NOT APPLICABLE TO SPLIT PARCEL.** The following provisions of the Agreement shall not be applicable to the Split Parcel:

a) Section 3 "Conditions Specific to the Materials and Color Schemes". Notwithstanding, conditions specific to materials and color schemes shall be in conformance with the general conceptual designs submitted as part of the applicant's application.

4. **REAFFIRMATION OF AGREEMENT.** The Agreement as supplemented and amended by this First Amendment is hereby reaffirmed and reinstated. The same may not be further amended or modified except in writing signed by both parties.

5. **COUNTERPARTS.** This First Amendment may be executed in any number of counterparts, and it shall be sufficient that the signature of each party appear on one or more such counterparts. All counterparts shall collectively constitute a single agreement. Signatures transmitted by e-mail or facsimile shall be treated as original signatures for all purposes of this First Amendment.

6. **MISCELLANEOUS.** Any capitalized terms not defined herein shall have the meaning as set forth in the Agreement. In the event of a conflict between this First Amendment and the Agreement, this First Amendment shall control. All other provisions of the Agreement not specifically amended by this First Amendment shall remain in full force and effect.”

**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