



**Public Works Committee of Council Agenda  
August 1, 2023 - 6:30 PM  
233 South Main Street, Monroe, Ohio**

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1. Public Works Committee Minutes of June 13, 2023
2. Right-of-Way and Street Opening Permit Fee and Bond
3. Discussion, questions, and requests for future meetings.
4. Adjournment



**Public Works Committee of Council  
June 13, 2023 – 5:00 p.m.  
233 South Main Street, Monroe, Ohio**

The Public Works Committee of Council met at 5:00 p.m. on June 13, 2023 in the Administrative Conference Room located at 233 South Main Street, Monroe, Ohio.

Present were: Christina McElfresh, Vice Mayor; Ben Wagner, Council member; Marc Bellapianta, Council member; William J. Brock, City Manager; Kacey L. Waggaman, Assistant City Manager; Gary Morton, Director of Public Works; and Angela S. Wasson, Clerk of Council/Assistant to the City Manager.

Mr. Morton reported on the challenges of constructing a trail along the Great Miami River. A portion of the trail is between Dick's Creek with a rapidly eroding stream bank and a wetland area. Brandstetter Carroll, Inc. continually failed to complete a functional design, missed several deadlines, which has affected our grant funding and construction.

In an effort to continue with the Great Miami River Trail, Mr. Morton and the City's consulting engineer, Paul Goodhue, met with the Miami Conservancy District. Mr. Morton stressed the desire for Monroe to construct the trail; however, cannot bear the entire cost of repairing/stabilizing streambanks which are considered waters of the State.

Mr. Morton reported that he spoke with Dan Foley, Executive Director of the Great Miami Riverway Organization that is an extension of the Miami Conservancy District.

Due to the consistent problems with Brandstetter Carroll, Inc., Mr. Morton recommended that the City terminate the agreement. He noted that Brandstetter Carroll, Inc. is in agreement with this.

Since grant funds were approved from the Ohio Department of Transportation and the Ohio Department of Natural Resources, Mr. Morton recommended that Council turn down the receipt of the grant funds as the deadlines part of the grant cannot be met and the City could reapply once good design plans have been completed. Mr. Morton also recommended that the City partner with the Great Miami Riverway Organization.

There were no objections to Mr. Morton's recommendations from the Committee.

The Public Works Committee meeting adjourned at 5:47 p.m.

Respectfully submitted,

Angela S. Wasson, MMC  
Clerk of Council

# RIGHT-OF-WAY AND STREET OPENING PERMIT APPLICATION

Department of Public Works  
980 Holman Avenue  
Monroe, OH 45050  
Phone: (513) 727-8953 Fax (513) 422-7146  
Office Hours: 7:30 a.m. – 4:30 p.m. Monday-Friday  
7-10 Business Day Review Process

Name & Address of Owner: \_\_\_\_\_

Contact Phone: \_\_\_\_\_ Email Address: \_\_\_\_\_

Address of Excavation: \_\_\_\_\_

Name & Address of Contractor: \_\_\_\_\_

Date of Opening: \_\_\_\_\_

Purpose of Opening: \_\_\_\_\_

Attach a plan or sketch depicting exact location, dimensions, type of installations, and details. The Director of Public Works or their designee will consider issuance of the Permit following a review.

I hereby agree to all terms, conditions and restrictions as far as they apply to work to be done under the permit as issued.

Signature of Applicant: \_\_\_\_\_

Date: \_\_\_\_\_

Residential:  \$50.00

Commercial:  \$100.00

Please attach or provide drawing on back on application.

- \*Notes:
- (1) See Standard Drawings for trench backfill and pavement repair.
  - (2) Call Ohio Utilities Protection Services (800)362-2764 before you dig.
  - (3) Schedule Engineering inspections 48 hours in advance by calling (513) 727-8953 during operating hours. (M-F 7:30am-4:30pm)
  - (4) Please be advised the non-refundable application fee is paid upfront for processing the application and does not guarantee approval of the permit or consent for work to be performed. Work shall not be performed until you receive the approved permit certificate from the City of Monroe. This process could take up to 7 – 10 business days.
  - (5) The Public Works Department will perform inspection during the construction of these specific items to ensure the enforcement of City specifications. Any preparation found to be out of compliance will require the homeowner, builder, contractor, and/or developer to correct any, and all, deficiencies.
  - (6) If the homeowner, builder, contractor, and/or developer fails to have their work inspected, the Director of Public Works, or his designee, may require any work performed be removed and replaced at the owner's expense. All materials used shall be approved by the City of Monroe. Failure to use approved materials may result in removal and replacement with approved materials at the owner's expense.
  - (7) Effective April 7, 2022, all developers, contractors and/or property owner(s) shall be required to pay a \$500 deposit (includes the \$50/\$100 non-refundable application fee). Each permit shall require a separate deposit.

## **286.06. Sidewalks, curb and gutter and drive aprons.**

Permits for sidewalks, curb and gutter and drive apron repair, replacement and/or construction shall be \$50.00 for residential property and \$100.00 for commercial property.

(Ord. 2008-55. Passed 11-25-08; Ord. 2021-01 . Passed 1-26-21.)

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## ***CHAPTER 1022 SIDEWALKS, CURB AND GUTTER AND DRIVE APRONS<sup>1</sup>***

### **1022.01. Duty; permit requirements.**

- (a) Pursuant to section 660.05 of the general offenses code, no owner or occupant of abutting lands shall fail to keep the sidewalks, curbs or gutters in repair. No person shall repair, replace and/or construct sidewalks, curb and gutter, or drive aprons within the City except in accordance with this chapter.
- (b) Any person desiring to repair, replace and/or construct sidewalks, curb and gutter, or drive aprons shall make application for a permit therefore on a form to be provided by the City and shall furnish such information as is necessary to complete the application for permit form, and such other information as the Director of Public Works may require.
- (c) Each permit for repair, replacement and/or construction of sidewalks, curb and gutter, or drive aprons shall be confined to a single parcel.
- (d) This Chapter shall also apply to any curb cut within the public right-of-way for the purpose of constructing a driveway.

(Ord. 2001-31. Passed 11-27-01; Ord. No. 2022-03 . Passed 3-8-22.)

### **1022.02 Deposit.**

- (a) In addition to the permit fee set forth in this Chapter, all developers, contractors and/or property owner(s) shall be required to pay a \$500.00 deposit at the time a permit is obtained. Each permit shall require a separate deposit.
- (b) The purpose of the deposit is to offset any cost incurred by the City for inspection(s), cleaning of streets, and/or any other items of repair in the rights-of-way that was left in an unacceptable condition by the developer, contractor and/or property owner(s) as follows:
  - i) The City has to expend labor and/or materials and/or contract labor and materials to clean and/or repair areas of the right-of-way of any issued permit. This does not include any of the concrete sidewalks, curb and gutter, or drive apron work.
  - ii) The City will provide two inspections for each permit. If additional inspections are required due to improper forms, lack of proper expansion material, job site is not fully prepared for inspection at the time of scheduled inspection, or any other reason caused by the developer, contractor, and/or

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<sup>1</sup>Cross reference(s)—Right-of-way on sidewalks, § 416.09; driving upon curbs, § 432.22; bicycles on sidewalks, § 474.06; sidewalk cleaning and repair, § 660.01; sidewalk obstructions; damage or injury, § 660.10; curbs in subdivisions, § 1220.04.

State law reference(s)—Sidewalk construction or repair at property owner's expense, Ohio R.C. 729.01 et seq.; notice to construct or repair sidewalks, Ohio R.C. 729.03 et seq.

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property(s), a one hundred dollar inspection fee will be deducted from the deposit for each additional inspection.

- (c) The deposit shall be refunded, less any deductions described above, when all required sidewalk, curb and gutter, and/or drive aprons repaired/constructed and receive an approved final inspection by the City.

(Ord. 2001-31. Passed 11-27-01; Ord. 2008-53. Passed 11-25-08; Ord. No. 2022-03 . Passed 3-8-22.)

### **1022.03. Right-of-way obstruction, fences prohibited.**

No person shall obstruct any street, alley, sidewalk or other public way in the City by erecting thereon any fence or building, or permitting any fence or building to remain thereon.

(Ord. 2001-31. Passed 11-27-01.)

### **1022.04. Construction permit and specifications.**

- (a) No sidewalk, curb and gutter, or drive apron shall be repaired, replaced or constructed unless a permit has been obtained from the Director of Public Works or designee. In the event any developer, contractor, and/or property owner(s) perform concrete work in the right-of-way without obtaining a permit, there will be a fine of \$500.00 for performing such work without a permit. If this fine is not paid within six months of being invoiced the fine shall be assessed to the property.
- (b) Repairs, replacements and/or construction of sidewalks, curb and gutter, or drive apron shall be made pursuant to specifications prepared by the City Engineer or designee.

(Ord. 2001-31. Passed 11-27-01; Ord. No. 2022-03 . Passed 3-8-22.)

### **1022.05. Exceptions.**

No permit or deposit is required when a cut is made for the purpose of construction by a developer or subdivider of a new street in a new subdivision, or for the purpose of construction of a new public street or road, the plans for which have been approved by the planning commission; nor shall a permit be required for the installation of water mains, sewers or other utility pipe lines, provided that the curb shall be restored after installation of such water mains, sewers or other utility pipe lines.

(Ord. 2001-31. Passed 11-27-01; Ord. No. 2022-03 . Passed 3-8-22.)

### **1022.06. Stop work orders.**

The Public Works Director or designee is hereby authorized to order work to cease in any case in which a violation of this Chapter is found.

(Ord. 2001-31. Passed 11-27-01; Ord. No. 2022-03 . Passed 3-8-22.)

### **1022.99. Penalty.**

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined not more than \$150.00 for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(Ord. 2001-31. Passed 11-27-01; Ord. No. 2022-03 . Passed 3-8-22.)