



**Monroe Council Agenda
Regular Meeting of Council
August 8, 2023 – 6:30 PM
233 South Main Street, Monroe, Ohio**

Pledge of Allegiance

Roll Call

Approval of the Minutes

Council Minutes of July 25, 2023

Visitors

Committee Reports

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

Old Business

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. (Second Reading)

New Business

Resolution No. 47-2023. A Resolution authorizing the City Manager to enter into professional services agreement by and between the City of Monroe and KZF Design for the creation of a Downtown Master Plan.

Strategic Priority: Strategic Growth and Development

Background: On October 21, 2021, the City Council approved a Resolution adopting the Advance Monroe 2040 Master Plan. A fundamental part of that plan is the development of a Downtown District. In addition, the City Council has reinforced support for this initiative as one of their goals in their Strategic Plan. The purpose of this project is to develop a Downtown Master Plan that will create a vision for Downtown Monroe, including building façade concepts, streetscapes, pedestrian access, parking, and other public amenities. The Plan will serve as the guiding document for anticipated growth, development and revitalization of the Downtown area and will act as a framework for future ordinances



and initiatives; including coordinated strategies to help reinvigorate the Downtown area and make it an attractive gathering place for people to enjoy dining, retail, arts, public amenities, and employment opportunities.

In their meeting held on July 26, 2023, the Historic Preservation Commission received the recommendation from the interviewing panel. In a vote of 5-0, the Commission moved to recommend approval of KZF Designs as the consultant to prepare a Downtown Master Plan for the City of Monroe as detailed in the Scope of Work expressed in the request for proposal in the amount of \$100,000.

Emergency Ordinance No. 2023-18. An Ordinance supplementing Section 1022.05 of the Codified Ordinances of the City of Monroe to eliminate the requirement of a deposit for a permit associated with a City initiated assessment project, provided for a refund, and declaring an emergency.

Strategic Priority: Good Governance

Background: The Public Works Committee met on August 1, 2023, and recommended that the \$500 deposit fee not apply to City initiated assessment projects.

Administrative Reports

Executive Session. To discuss the appointment of a public employee.

Adjournment



**Monroe Council Minutes
Regular Meeting of Council
July 25, 2023 – 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, 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 July 11, 2023; seconded by Mr. Bellapianta. Voice vote. Motion carried.

Visitors

Representatives with Fishbeck presented a report on the hydrology studies performed at Monroe Bicentennial Commons and Monroe Community Park. During and after large rainfall events, storm water collects around the tree wells near the carousel playground. The tree wells are relatively small compared to the amount of concrete. There is also standing water in the grass areas. 16 soil borings were collected that were typically 20 feet deep. They did not find widespread concrete areas, but they did find thin clay layers, especially in the south half of the park. In addition, a geophysical scan was performed. Fishbeck recommended that a storm water plan be prepared for a drainage system that incorporates features in the Master Plan.

In Monroe Community Park there is ponding of water both on and off the fields, as well as erosion. Recommended improvements are the stabilization of the channel on the east side. On the west side, it is recommended for a potential bioretention that functions like a rain garden. It could limit some of the growth in the park. Underground retention was reviewed, but it is much more expensive.

Carol Brotherton, Kyle Stevens, Jessica Stevens, Lyndsey McCarty, and Justin McCarty expressed concern about the removal of the stop signs on Gallaher Road at Ridgepoint Drive.

Darlene Richey, Jennifer Warfield, and John Hand opposed to the process of concrete assessment project letters recently sent out to residents in the Brittany Heights Subdivision.

Mayor Funk thanked everyone for coming to the meeting and Council will be discussing these matters with staff.

Public Safety Committee



Mayor Funk reported that the Public Safety Committee met and the two officers in the appropriations ordinance on the agenda were approved last year, but not included due to a staff oversight. The medic unit is being pulled into this year's budget as opposed to next year due to lead time.

Old Business

None.

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.

Mr. Morton explained this allows an application to be submitted for the South Main Street Water Main Replacement Project in 2024.

The Clerk of Council read Resolution No. 45-2023 by title only.

Mrs. McElfresh moved to adopt Resolution No. 45-2023; seconded by Dr. Clark. Roll call vote: seven ayes. Motion carried.

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.

Mr. Morton reported this legislation is for the completion of the lighting project on South Main Street from the City Building, on the City Building property, and concrete work on the City Building property. Mr. Morton anticipates the project will begin in September and take six weeks for completion.

The Clerk of Council read Resolution No. 46-2023 by title only.

In response to Mr. Frentzel's question, Mr. Morton advised that the alcove near the City Building on A. Seth Johnston Way will be removed and extend the sidewalk out.

Mr. Bellapianta asked about the total amount of the project and if funds were available. Mr. Morton replied it is approximately \$162,000. Mr. Burton informed Council that these funds were going to be used for the Timrick Place project; however, that project is being moved to 2024. Therefore, we will use the funds for the lighting project. Mr. Bellapianta did not feel it was good fiscal sense to use funds targeted for one project and use for a different one.

Mrs. McElfresh moved to adopt Resolution No. 46-2023; seconded by Mr. Frentzel. Roll call vote: seven ayes. Motion carried.



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.

Pointing out Mayor Funk covered two of the items in this amendment being \$345,000 for a Fire Department medic unit and \$289,000 for Police Department wages. In addition, this also includes an increase in the Council line item for executive facilitator and legal fees for the fiber project.

The Clerk of Council read Ordinance No. 2023-16 by title only.

Mrs. McElfresh moved to adopted Ordinance No. 2023-16; seconded by Dr. Clark. Roll call vote: seven ayes. Motion carried.

Mayor Funk opened the public hearing for an amendment of a Planned Unit Development between the City of Monroe, Janet Majors, Donald Garver, and Elaine Garver. Mayor Funk advised the procedure for the public hearing will run as follows:

The request will be presented by the Director of Development. Following this presentation, anyone wishing to speak in favor of the proposal will be given an opportunity to speak. After all proponents have spoken, the opponents will be given an opportunity to present their case. Speakers are asked not to repeat the same ideas which have been previously presented but indicate that they agree with a previous speaker. All persons speaking are subject to cross examination and must be sworn. Council has the opportunity to question any speaker after they have completed their presentation. Once the public hearing is closed, individual speakers have no right to comment during discussion by Council members.

Anyone wishing to speak during this public hearing, please rise and raise your right hand. Do you hereby swear or affirm that the testimony given by you during this public hearing is the whole truth and nothing but the truth?

Having been sworn, Mr. Smith explained an application has been submitted for an amendment to a Planned Unit Development (PUD) by Michael Majors. This amendment will be for approximately 8.9 acres of a 29.1 acre site that must be split off before proceeding any further. The current PUD prohibits automotive sales and leasing, automotive service stations on the premises where automotive sales and leasing occur, and places limitations on the look and development of the property. The proposed amendment requests to permit automotive sales and leasing on future parcel to be split, permit automotive service stations on the premises where automotive sales and leasing occur on the future parcel to be split, and exemptions for the conditions specific to the materials and color schemes, general conditions related to the project-display of outside storage, and service garages not facing State Route 63.

Mr. Smith informed Council that on June 20, 2023, the Planning Commission moved to recommend the approval of the application on a split of the parcel as follows:



1. Split parcel be excluded from Section 3(A) and in conformance with the conceptual designs included in the applicant's submitted application.
2. Section 4(A)(b) used or new automobile sales and automobile service stations shall be permitted on Permanent Parcel consisting of approximately 8.8898 acres.
3. Section 4(F) include language to read: However, automotive sales and uses shall be permitted on split parcel to display outside inventory of automobile vehicles for sale.
4. Section 4(H) remain in effect for split parcel.

Nick Siepfel, Attorney for the Applicant, commented that there will only be one service bay and not several. Facing State Route 63, will be a very large window frontage that opens to be able to pull the show cars in.

There were no opponents.

For the record, Mr. Smith advised the documents submitted were: the recommendation from the Planning Commission, proof of publication, and notice.

Mrs. McElfresh moved to accept the documents for the record; seconded by Mr. Bellapianta. Voice vote. Motion carried.

Mrs. McElfresh moved to close the public hearing; seconded by Mr. Frentzel. Voice vote. Motion carried.

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 described herein.

The Clerk of Council read Ordinance No. 2023-17 by title only.

Mayor Funk stated Ordinance No. 2023-17 will be on the next agenda for a second reading.

Administrative Reports

Mr. Brock asked if there was any direction from Council on the stop signs on Gallaher Road.

Mr. Frentzel moved to postpone removal of the stop signs up on Gallaher Road at Ridgepoint Drive remain until it can be further reviewed by the Public Safety Committee; seconded by Dr. Clark. Voice vote. Motion carried.

In response to the visitors on the concrete repair program, Mr. Brock asked if there is anything additional Council needs from staff.

Mr. Frentzel asked if were to postpone the work until next year, what impact would that have with other plans throughout the City. Mr. Morton advised this is the final phase of the concrete assessments in the Brittany Heights Subdivision and it would push the resurfacing off until next year.



Mr. Morton emphasized that the letter sent to the property owners contained an estimate only. When the City bids out the work that the property owners did not complete, invoices are sent out with a timeframe for payment. Those unpaid amounts will be sent to the Butler County Auditor's office for assessment on their taxes.

After considerable discussion, City Council would like to see follow up correspondence clarifying the confusion some property owners have placed on the website.

Mr. Graves requested an update on the sound engineer for the Colonial Manor Subdivision. Mr. Brock replied that Mr. Morton is obtaining quotes for that.

Mrs. McElfresh asked if there is an update on Todhunter Road and semis. Mr. Brock advised that the camera equipment is on Todhunter Road and the data will be provided by a third-party in a report.

Mr. Frentzel reminded everyone that the Warren County Municipal League will hold their dinner on August 16, 2023, with the Ohio Municipal League as a speaker.

Executive Session

Mrs. McElfresh moved to adjourn into executive session for a conference with an attorney concerning pending or imminent court action, 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, and discuss the employment of a public employee; seconded by Mr. Bellapianta. Roll call vote: seven ayes. Motion carried.

Council adjourned into executive session at 8:42 p.m.

Mrs. McElfresh moved to reconvene into regular session; seconded by Mr. Wagner. Voice vote. Motion carried.

Council reconvened into regular session at 9:37 p.m.

Adjournment

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

The regular meeting of Council adjourned at 9:37 p.m.

Respectfully submitted,

Angela S. Wasson, MMC
Clerk of Council

ORDINANCE NO. 2023-17

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

RESOLUTION NO. 47-2023

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT BY AND BETWEEN THE CITY OF MONROE AND KZF DESIGN FOR THE CREATION OF A DOWNTOWN MASTER PLAN.

WHEREAS, following a request for proposals and interviews, the Historic Preservation Commission recommended that Council approve KZF Designs as the consultant to prepare a Downtown Master Plan.

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

SECTION 1: The City Manager is hereby authorized to enter into a professional services agreement by and between the City of Monroe and KZF Designs pursuant to the terms and conditions set forth in their proposal dated June 9, 2023.

SECTION 2: 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

EMERGENCY ORDINANCE NO. 2023-18

AN ORDINANCE SUPPLEMENTING SECTION 1022.05 OF THE CODIFIED ORDINANCES OF THE CITY OF MONROE TO ELIMINATE THE REQUIREMENT OF A DEPOSIT FOR A PERMIT ASSOCIATED WITH A CITY INITIATED ASSESSMENT PROJECT, PROVIDE FOR A REFUND, AND DECLARING AN EMERGENCY.

WHEREAS, the City recently adopted a Resolution of Necessity requiring the repair of certain curbs, gutters, and drive aprons; and

WHEREAS, the \$500 deposit set forth in Section 1022.02 of the Codified Ordinances was not intended for work associated with a City initiated assessment project.

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

SECTION 1: Section 1022.05 of the Codified Ordinances is hereby supplemented to read as follows:

“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.

No deposit as referred to in Section 1022.02 of the Codified Ordinances shall be required for a permit associated with a City initiated assessment project.”

SECTION 2: Council hereby directs that any deposits paid in response to Resolution No. 44-2023 shall be refunded at the earliest possible date less the non refundable permit fee.

SECTION 3: 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 remove this unnecessary hardship for a concrete assessment project at the earliest possible date. Therefore, this measure shall take effect and be in full force from and after its passage.

PASSED: _____

ATTEST:

APPROVED:

Clerk of Council

Mayor