

**Monroe Council Minutes
Regular Meeting of Council
April 10, 2018 – 6:30 p.m.
233 South Main Street, Monroe, Ohio**

Pledge of Allegiance

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

Roll Call

The following members of Council were present: Dan Clark, Jason Frentzel, Keith Funk, Anna Hale, Todd Hickman, Christina McElfresh, and Robert Routson.

Staff members present:

City Manager William J. Brock
Law Director K. Philip Callahan
Chief of Police Robert Buchanan
Director of Development Kevin Chesar
Assistant to the City Manager/Clerk of Council Angela S. Wasson

Approval of the Minutes

Mr. Clark moved to approve the Council Minutes of March 27, 2018; Public Safety Committee Minutes of March 27, 2018; and Public Involvement Committee Minutes of March 26, 2018; seconded by Mrs. McElfresh. Voice vote. Motion carried.

Visitors

- **Presentation of Proclamation for National Public Safety Telecommunicators Week**

Mayor Routson presented a Proclamation for National Public Safety Telecommunicators Week to Chief Buchanan.

Tom Callahan gave Council a background on his racing career. He complimented the Mayor on his comments concerning funds being spent on the Fourth of July fireworks. He also complimented Mr. Hickman on his comments about the alcohol during the Fourth of July event. He suggested entertainment such as, car shows, could be held at the former Americana property. With respect to semis parking in driveways or tool trucks, Mr. Callahan felt that they are not doing any harm.

Committee Reports

Mr. Funk reported that the Public Safety Committee met this evening and wanted to present some findings of Chief Buchanan with the School Board. The Committee felt that it was a good idea to split the cost of a School Resource Officer (SRO) 50/50. With that in mind, the Committee asked that staff come back with the financial impact on the budget.

Mayor Routson stated that Mr. Brock and the Superintendent have had conversations about this. He noted that it has been discussed if it would be one of Monroe's officers or a retired officer. Mr. Funk commented that this would be more geared to adding one of our officers for this position.

Old Business

Ordinance No. 2018-05. An Ordinance amending and supplementing the Planning and Zoning Code to correct typographical errors; establish a deadline for the dedication of streets; authorize the Code Enforcement Officer to extend the time for site plan approval; add the definition for Institutional Care Facility; prohibit truck stops, storage of vehicles as a principle use, and freestanding drive-through facilities; limit the number of semi-trailer truck refueling stations; change the maximum height requirement for fences and/or retaining walls under certain circumstances; clarify only one principle use allowed per parcel, like uses can be on one lot, accessory structures must be subordinate in height to the principle structure, and the sum of square feet of footprint of principle structure; require a permit for unenclosed patios; add floor standards for accessory buildings; permit the raising of chickens; prohibit wood piles in side yards; change the industrial architectural design standards; require private driveways and lots to meet certain requirements; exempt residential property from certain landscaping requirements; expand on the requirement for landscaping; clarifying requirements for street trees for private commercial developments; establish a minimum requirement for certain landscaping; include dumpster wall damage protection; modify the area and height for wayfinding signs and monument signs; permit digital signs in industrial districts; allow for pole mounted driveway signs; amend the material and construction type for ground mounted and downtown signs; and include the definition of truck terminal. (Second Reading) (Tabled March 27, 2018)

Mr. Clark moved to remove Ordinance No. 2018-05 from the table; seconded by Mr. Funk. Voice vote. Motion carried.

Mr. Chesar asked Council about commercial vehicles being parked in residential zones. Mayor Routson recommended that this be presented to Planning Commission again for a recommendation to City Council.

Mr. Hickman referenced the shipping containers and Mr. Chesar advised that those were not addressed in the current updates before Council. Mr. Hickman stated that there are shipping containers on University Boulevard the same as the ones behind the fire station and felt that we need to address it before we see them throughout the City. Mr. Hickman asked if the shipping containers are regulated for other zoning districts. Mr. Chesar explained that no shipping containers are permitted in the rear yard of residential districts. Mr. Hickman is looking for

regulations for permanent shipping containers. Mr. Chesar will bring back the shipping containers and commercial vehicles to Council. He noted it takes approximately 150 days to update the Code.

Mr. Clark moved to delete Section 17 of Ordinance No. 2018-05; seconded by Mr. Frentzel. Voice vote. Motion carried.

Mr. Clark moved to consider this the second reading of Ordinance No. 2018-05 and have it read by title only; seconded by Mr. Funk. Voice vote. Motion carried.

The Clerk of Council read Ordinance No. 2018-05 by title only.

Mr. Clark moved to adopt Ordinance No. 2018-05; seconded by Mrs. McElfresh. Roll call vote: seven ayes. Motion carried.

Ordinance No. 2018-05A. An Ordinance authorizing a fifty percent net profits rebate, waiving a portion of building fees, and extending the reduction in the water rate for UGN, Inc. (Second Reading)

Mr. Brock stated that this is the second reading and pointed out the CFO of UGN is in the audience this evening and asked that Council adopt this as an emergency.

Mr. Clark moved to consider this the second reading of Ordinance No. 2018-05A and have it read by title only; seconded by Mr. Hickman. Voice vote. Motion carried.

The Clerk of Council read Ordinance No. 2018-05A by title only.

Mr. Clark moved to suspend the rule requiring the reading of Ordinance No. 2018-05A on two separate days, authorize its adoption on its second reading; seconded by Mrs. Hale. Roll call vote: seven ayes. Motion carried.

New Business

Emergency Resolution No. 19-2018. A Resolution approving a Then-and-Now Certificate in the amount of \$5,199.09 to the Butler County Emergency Management Agency and declaring an emergency.

Mr. Brock advised this is the annual dues for the Butler County Emergency Management Agency. A purchase order was not opened prior to the receipt of the invoice; however, it was a planned expense.

Mr. Clark moved to suspend the rule requiring the reading of Emergency Resolution No. 19-2018 on two separate days, authorize its adoption on the first reading, and have it read by title only; seconded by Mr. Funk. Voice vote. Motion carried.

The Clerk of Council read Emergency Resolution No. 19-2018 by title only.

Mr. Clark moved to adopt Emergency Resolution No. 19-2018; seconded by Mrs. McElfresh. Roll call vote: seven ayes. Motion carried.

Resolution No. 20-2018. A Resolution accepting the recommendation of the Warren County Tax Incentive Review Council of March 12, 2018.

Mr. Brock reported that we recently received the recommendation to continue with the CRA and TIF Districts from the Warren County Tax Incentive Review Council.

Mr. Clark moved to consider this the first reading of Resolution No. 20-2018 and have it read by title only; seconded by Mr. Hickman. Voice vote. Motion carried.

The Clerk of Council read Resolution No. 20-208 by title only.

Mr. Clark moved to approve the first reading of Resolution No. 20-2018; seconded by Mr. Frentzel. Roll call vote: seven ayes. Motion carried.

Consideration of Motion to request a hearing on the issuance of a new D1 and D2 liquor permit to Numpruk Thai Lao LLC located at 214 South Main Street.

Mr. Clark moved to request a hearing on the issuance of the new D1 and D2 liquor permit to Numpruk Thai Lao LLC located at 214 South Main Street; seconded by Mrs. McElfresh. Roll call vote: seven nays. Motion failed.

Mr. Hickman asked the Law Director about the status of the concealed carry for Council Members. Mr. Callahan stated that in the State of Ohio if you have a license to carry a handgun you can carry a handgun anywhere you want to with specified exceptions in the statute. One of those is a government building but, that exception also says that Council can amend that unless your government building is a courthouse or contains a courtroom. In those situations the exception is a mandatory exception in my opinion. No person shall knowingly possess or have under the persons control in a courthouse and, this is the important language, or in another building or structure in which a courtroom is located. You have a Mayor's Court and this is the courtroom. In my opinion because of that exception, Council does not have the discretion to permit people with concealed carry permits to have guns in this building

Mr. Clark disagreed with Mr. Callahan and was of the opinion that it is only a courtroom when Mayor's Court is taking place.

Mr. Callahan disagreed and advised that the City of Wyoming adopted legislation November of last year that permitted people with concealed carry permits to come in their city building. A month later they rescinded that legislation. Mr. Callahan asked their law director how they got around the issue of having a mayor's court in building. Their law director was of the opinion that the statute was written with enough wiggle room to get around it. Mr. Callahan read the statute and looked around the Ohio Revised Code to find a definition of a courtroom and couldn't locate one. He pointed out that there is Mayor's Court every other Tuesday and other

times because they do have Mayor's Court at a minimum every other Tuesday from about 3:30 – 4:00 until around 6.

Mr. Clark agreed it is a courtroom during that time but, small facilities like us do not have designated courtrooms 24 hours a day. Mr. Callahan replied that the statute says nothing about a designated courtroom. Mr. Clark's opinion is that we look at the intent of the statute and that is to keep guns out of the courtroom and right now it is a City Council meeting and while Court is going on concealed carry is not permitted for obvious reasons.

Mr. Callahan stated that he can provide Council with his opinion; however, the ultimate decision lies with Council.

Mr. Clark asked why Wyoming rescinded the legislation. Mr. Callahan replied that they did not anticipate the public reaction that they received.

Mr. Hickman indicated that as Council we could make a motion and actually pass it to conceal carry except during court. Mr. Callahan disagreed. Mr. Hickman stated that was Mr. Callahan's personal opinion. Mr. Callahan clarified it was his professional opinion as the Law Director.

Mayor Routson asked how judges get by with concealed carry in their courtrooms and Mr. Callahan explained that there are exceptions to that rule none of which include the general public or elected officials. Mayor Routson asked if Council should contact some of the State Representatives to see if they can present legislation that might allow not just general public but, City Council to conceal carry. Mr. Callahan agreed that would be a good idea.

Mr. Hickman referenced Butler County allowing teachers in school districts to carry and then anybody that walks up there on the school could also carry. He didn't understand why City Council couldn't make that motion..

Mr. Callahan advised he does not represent school districts and it is not the same thing. There are separate sections in the statute that specifically deal with schools. I didn't research those because those don't apply to my client. You may be right if Council wants me to spend time researching school laws on this side I would be glad to do that. I didn't do that in this situation because I don't represent the schools and that is not what I was asked to do.

Mr. Clark used the example of a private business that is open to the public and wants to prohibit the public from carrying in their business except for the owner and asked if that is permissible. Mr. Callahan stated they are different from governmental entities and different rules apply to private businesses.

Mr. Clark felt that declaring this as a courtroom is a little much since it is only used a few hours a month for court.

Mr. Callahan pointed out that we have arrests where the Magistrate has to come up here between court hearings to have a hearing to meet a statutory time frame so, I could make the argument

that this room is a courtroom 24 hours a day 7 days a week. Whenever Magistrate Nerenberg determines that he has to have a hearing this is where he is going to have it.

Mr. Clark asked if it is possible for a governmental entity to say people can carry concealed in one particular area but not another area. Mr. Callahan it could be done if this were not a courtroom as the statute reads in another building or structure in which a courtroom is located.

Mr. Funk did not believe the courtroom operates 24 hours and what Mr. Clark is saying, technically, this is used for another purpose. Mr. Clark said this isn't just used for another purpose the courtroom purpose here is pretty limited and not a lot of hours in the day is this a courtroom.

Mr. Callahan suggested that if Council is inclined to do this that they consult your law enforcement officers that guard your council chambers/courtroom or your magistrate. He explained that if you go to municipal court, county court, or common pleas court everyone that walks through there on court day walks through a metal detector and has to empty their pockets. If you are inclined to do this then you may want to determine that is a wise thing to do because if you say if you have a valid concealed carry permit now you are allowed to come into this building but, we have no way to determine who is going to come into this room on court day. Mr. Callahan reported that there was a rather contentious trial today and he is not sure he would have felt comfortable thinking that the gentleman we had in here today, that we prosecuted, potentially had a concealed carry permit and had a gun. Mr. Callahan would have rather he walked through a metal detector or be subject to search. Mr. Clark noted that we have no way of knowing that now and it is a separate issue and doesn't believe it is related to this issue.

Mr. Hickman asked Chief Buchanan if he was okay with Council carrying concealed. Chief Buchanan replied that as long as you go through the legal requirements he has no problem with someone carrying a concealed weapon. He enforces the law as it stands and doesn't interpret it. Chief Buchanan added that if Council adopted legislation he would enforce that until a higher authority makes a different determination.

Mr. Callahan advised that the Wyoming information will be included in the Council packets for the next meeting.

Administrative Reports

Mr. Brock asked that Council consider the staff that works in here most of the time. Council meetings are only twice per month. The environment that his staff works in now, the change that would cause. Just consider that effect. Mr. Hickman asked if Mr. Brock wants them to carry or not to carry. Mr. Brock stated that he is hearing that Council is going to allow concealed carry within this building. Mr. Hickman corrected him and advised that they are talking about Council only. Mr. Brock asked that Council have consideration for that staff that is here. Mr. Brock has heard from the Law Director that Council can only consider Council members. Mr. Hickman pointed out that Council can adopt any legislation they want whether or not it passes. The only thing he has brought up to Council is for only Council members only.

Mr. Callahan gave Council the opinion that because there is a courtroom in the building it cannot be done and did not believe that it could be limited to only Council members. If there wasn't a courtroom in the building it would probably be easier to exclude rooms.

Mr. Hickman felt that we are doing exactly what the schools are doing wherein teachers can carry but no one else can. Mr. Callahan reported that the only school he is familiar with that has actually done something on this and he has looked at what they did, is the Mad River School District. What they did is authorized certain members of staff to have access to firearms during school day. Those staff members are not authorized to carry guns on their hip in classrooms or a gun in their drawer. They have a specific location in the building where there are firearms. Certain members of the staff under certain circumstances can access those firearms. I am not aware of any school district that has passed legislation internally that has said if you are a concealed carry permit holder and you are a teacher you can have your gun in your classroom. I could be wrong, but I am not aware of it. Mr. Callahan will perform more research on limiting it to only Council members.

Mr. Frentzel reported that back in October of 2016, we adopted legislation authorizing a company that provided water line insurance for residence. It reads that for fifty cents per month this company has a right to use the City name and City logo on any mailings they have. In the fall of 2017, people began receiving letters about this. There is some confusion that they rolled it out without notifying the City. It has also come up that they have cancelled service and unsatisfactory support. We have the ability to cancel the agreement in the event they fail to make the required payment to the City or fail to notify the City anytime they send a mailing out. Mr. Brock advised that we have written a letter to the company terminating this agreement because we did not see the material prior to it being sent out and we would not have approved the material had it been reviewed prior to it being sent.

Mr. Frentzel announced that the Warren County Municipal League has a meeting next Wednesday.

Executive Session

To consider the purchase of property for public purposes.

Mr. Clark moved to adjourn into Executive Session to consider the purchase of property for public purposes; seconded by Mrs. Hale. Roll call vote: seven ayes. Motion carried.

Council adjourned into Executive Session at 7:46 p.m.

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

Council reconvened into regular session at 8:03 p.m.

Adjournment

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

The regular meeting of Council adjourned at 8:03 p.m.

Respectfully submitted,

Angela S. Wasson, CMC
Clerk of Council