CITY OF MONROE OHIO

Monroe Council Agenda
Regular Meeting of Council
November 26, 2024 – 6:30 PM
233 South Main Street, Monroe, Ohio

Pledge of Allegiance

Roll Call

Approval of the Minutes

Council Minutes of November 12, 2024.

Visitors

Committee Reports

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

Old Business

Ordinance No. 2024-27. An Ordinance amending and supplementing Section 1050.01 of Chapter 1050 of the Codified Ordinances to establish a maintenance fee for City-owned street lights. (Second Reading)

Sponsor: Jake Burton

Strategic Priority: Well Managed Services and Infrastructure

Background: The City of Monroe began billing a street light utility charge on the monthly utility bill in 2016 with the passage of Ordinance 2016-17, as this charge was previously assessed on property tax bills.

The current rate calculation has been in place since 2018, and monthly street light utility rates have varied from $1.72 to $1.93 since 2016.

Chapter 1050 of the Codified Ordinances contains the following language: "The rate charged for street lighting beginning January 1, 2018, shall be computed by dividing the total street light costs for the prior calendar year from January 1 through December 31 by the number of utility accounts billed by the city to residences and businesses. Unless otherwise billed by individual units, multiple unit dwellings shall be computed and billed by the aggregation of each of the single-family equivalents therein. For example, a four unit apartment building which is billed a single billing for the entire dwelling, would be billed at the sum of the four separate units. In January of every subsequent year the monthly rate shall be adjusted based on the prior calendar year costs."

The City of Monroe owns and has the responsibility to maintain 253 of the 1,555 light poles located within the city limits. The calculation that has been in place since 2018 does not contemplate maintenance costs, and the current charges only cover the monthly Duke electricity bill for the street lights. This results in the need for a General Fund transfer to cover the costs of the light poles. The Street Light Utility Fund is an Enterprise Fund, which, by definition, "charges to customers for sales & services are the primary sources of revenue for these funds and is designed to generate sufficient revenues to pay for its cost."

The staff is recommending an amendment to the calculation above, adding $0.40 per customer (or unit) per month to the current calculation. This would result in an annual impact of $4.80 per resident, and would generate an additional estimated $25,000 annually in revenue. This would prevent the need for a General Fund transfer, and allow funds to be used for maintenance of city-owned street light poles.

Ordinance No. 2024-28. An Ordinance accepting real property from Hutsenpiller Contractors, Inc. containing 0.7867 acres, more or less, for public right-of-way purposes. (Second Reading)

Sponsor: Tom Smith

Strategic Priority: Well Managed Services and Infrastructure

Background: Applicant Hutsenpiller Contractors, Inc. proposes to split his parcel for future development. The parcel split includes a private street that is required to be brought into compliance with City standards. As a result, the applicant is required to dedicate additional right-of-way beyond the current ingress/egress easement.

Ordinance No. 2024-29. An Ordinance supplementing Title Two of the Business Regulation Code of the Codified Ordinances to establish regulations for cannabis facilities and operators. (Second Reading)

Sponsor: Tom Smith

Strategic Priority: Strategic Growth and Development

Background: On September 8, 2016, House Bill 523 was signed into law legalizing the use of medical marijuana in the state of Ohio. Medical Marijuana is regulated by R.C. Chapter 3796: Medical Marijuana Control Program. In November 2023 Ohio Issue 2 passed legalizing the growing, processing, and selling of adult-use cannabis. Adult-use cannabis is regulating by R.C. Chapter 3780: Adult-Use Cannabis Control. Adult-use cannabis and medical marijuana, collectively termed as cannabis, are administered by the Division of Cannabis Control.

Since 2022, City Council has been monitoring the development of the use of cannabis in Ohio and discussing any impacts to the City. At present there is no legislation or code requirement prohibiting the cultivation, processing, or distribution of cannabis in the City. In March of 2024, City Council requested that staff draft legislation regulating the use of cannabis within the City of Monroe. Currently, there are four dual use cannabis dispensaries, one cultivation facility, and one processing facility in the City.

As provided by R.C. Chapters 3796.29 and 3780.25, local authority regarding cannabis uses, the City, at their option, may adopt an ordinance to prohibit, or limit the amount of cannabis operators permitted within the City.

Ordinance No. 2024-30. An Ordinance supplementing Section 1203.02, 1203.05(H) and (I), and 1209.03 of the Planning and Zoning Code to provide for regulations of cannabis facilities. (Second Reading)

Sponsor: Tom Smith

Strategic Priority: Strategic Growth and Development

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As provided by R.C. Chapters 3796.29 and 3780.25, local authority regarding cannabis uses, the City, at their option, may adopt an ordinance to prohibit, or limit the amount of cannabis operators permitted within the City. In a special meeting held on June 3, 2024, Council determined that cannabis use facilities (i.e., cultivators, processors, dispensaries, and testing laboratories) within the City would be:

1. Permitted to operate as a conditional use in only the General Commercial zoning district.
2. Subject to an established fee schedule for the processing of applications, permits, and inspections in the amount of $300 for a conditional use permit and $100 for zoning review for

a new business or use. These charges are what are assessed against any retail use coming into the City.

Throughout this evaluation process, City Council did discuss the notion of implementing a proximity limit of one mile from one dispensary to another within the land use designation. However, that provision is already in place in accordance with Ohio Administrative Code Rule 1301:118-2-06 10 (B): Dispensaries, subsection (I)(6). Please note that this rule is in addition to the state statute in that a dispensary shall not be located within 500 feet of the end boundaries of a parcel having situated on it a prohibited facility (church, public school, public library, public playground, or public park).

Furthermore, the Home Grow provision of the code (R.C. 3780.25(G)(3)) says the City cannot limit or prohibit home grow. For that reason, it is not called out in the proposed legislation.

In their meeting held on October 15, 2024, the Planning Commission met to review the proposed amendments. In a vote of 5-0, the Planning Commission moved to recommend that the City Council adopt the proposed text amendments.

New Business

Resolution No. 56-2024. A Resolution approving a Then-and-Now Certificate in the amount of $7,000.00 to Public Safety Consultants for the Fire Lieutenant promotional assessment.

Sponsor: Kacey Waggaman

Strategic Priority: Good Governance

Background: Then & Now Certificate for S3D Public Safety Consultants in the amount of $7,000 for the Fire Lieutenant promotional assessment.

Resolution No. 57-2024. A Resolution amending Resolution No. 06-2024 to increase the blanket purchase order amount authorized for Bricker Graydon LLP and approve a blanket purchase order for Pradco.

Sponsor: Jake Burton

Strategic Priority: Good Governance

Background: Council originally passed Resolution 67-2023 on December 12, 2023, authorizing the blanket purchase order amounts for fiscal year 2024. This resolution was amended by the passage of Resolution 06-2024 on January 23, 2024, which increased the amount for the City's annual property and liability insurance premium payment to Public Entities Pool to match the invoice received. During the course of 2024, the City will spend more than the previously approved $50,000 to Bricker Graydon LLP for the cost of legal services. Additionally, the original blanket purchase order resolution did not include Pradco, however, actual invoices received for pre-employment testing during 2024 have resulted in the need to add this vendor to the blanket purchase order list as well. Passage of this Resolution will increase the amount for Bricker Graydon LLP by $25,000 from $50,000 to $75,000 and add Pradco for the amount of $28,000. Both of these adjustments are covered by funds already appropriated in the 2024 budget.

Resolution No. 58-2024. A Resolution authorizing the expenditure of not to exceed $1,388,162.98 from the American Rescue Plan Act Fund for the purpose of police and fire personnel costs.

Sponsor: Jake Burton

Strategic Priority: Good Governance

Background: Council passed Resolution 40-2022 on September 27, 2022, authorizing the standard allowance for the Local Fiscal Recovery Fund, which allows ARPA dollars to be used for any government service.

Council passed Resolution 70-2023 on December 12, 2023, authorizing the expenditure of not to exceed $105,000 for the purpose of completing audio and visual upgrades throughout the public meeting spaces within city owned facilities. Many of these upgrades have been completed, and $85,784.06 has been expended for these purposes. The remaining $19,215.94 that has yet to be spent, will now be utilized to offset Police and Fire personnel costs to ensure the funds are spent within the ARPA final rule deadline.

In addition to the $19,215.94, $1,368,947.04 was included in the 2024 annual budget within the ARPA Fund for offsetting Police and Fire salaries. This already budgeted amount and the additional amount will result in a total of $1,388,162.98 being used for this purpose.

This Resolution ensures all expended funds are officially authorized and approved, and allows for the remaining funds to be expended prior to the end of fiscal year 2024.

Resolution No. 59-2024. A Resolution appointing Jack B. Hemenway II as Law Director for the City of Monroe and authorizing the Mayor to enter into an agreement by and between the City of Monroe and Frost Brown Todd L.L.P. for legal services up to and including the positions of Law Director, prosecuting attorney, and qualified assistants to act on behalf of the City of Monroe in civil matters.

Sponsor: City Council

Strategic Priority: Good Governance

Background: Staff advertised a request for proposals for Municipal Legal Services during August 2024 for City Council consideration.

Emergency Ordinance No. 2024-31. An Ordinance providing for the termination of a Tax Increment Financing Exemption previously authorized by this Council by amending Ordinance No. 2004-26

approved on August 10, 2004, under the authority of Ohio Revised Code Section 5709.40; declaring certain parcels of real property to be nonperforming parcels pursuant to Ohio Revised Code Section 5709.40(A)(9); approving related matters; and declaring an emergency.

Sponsor: Jake Burton

Strategic Priority: Strategic Growth and Development

Background: The parcels comprising the Stonybrook development are currently included within a TIF under Ordinance No. 2004-26, specifically the Corridor 75/Millen TIF. Because these parcels (Parcel ID D7000011000003 and D700001100004) have had no development since the creation of the TIF district, no TIF payments have been made to the City. Since these parcels are currently located within a Commercial TIF district and the development is residential, it is necessary to remove the parcels from the TIF district and declare the parcels as "non-performing parcels". The Termination of .40(C) TIF Ordinance allows the first exemption to be removed and the City to declare the parcels as "non-performing parcels". The other parcels originally included in the TIF district will remain.

This action is requested as an emergency to ensure all paperwork is filed by December 31, 2024, so that the termination is effective for tax year 2025 as of January 1, 2025, since development is expected to commence in 2025.

During 2025, legislative action will be requested to authorize a new residential TIF/RID on the parcels comprising the Stonybrook site. This will be a several-step process that will need to be completed by December 31, 2025, to capture all the new value within the district.

Ordinance No. 2024-32. An Ordinance amending and supplementing Ordinance No. 2024-23, otherwise known as the permanent appropriations ordinance, to meet current expenses and other expenditures of the City of Monroe, for the fiscal year ending December 31, 2024.

Sponsor: Jake Burton

Strategic Priority: Good Governance

Background: This Ordinance includes appropriations necessary to ensure that all accounts are in compliance with audit standards to close out the fiscal year correctly. This Ordinance includes the majority of the necessary 2024 year-end adjustments. However, there may be several additional adjustments necessary at the December 10, 2024 Council meeting as the month of November is reconciled in early December. Included within the Council packet are the details of each appropriation request.

Ordinance No. 2024-33. An Ordinance amending Ordinance No. 2024-20 to authorize a 3.5% cost of living to non union employees and establish the deferred compensation amount to executive level employees.

Sponsor: Larry Lester

Strategic Priority: Well Managed Services and Infrastructure

Background: Each year, the Council is asked to determine a cost-of-living adjustment (COLA) increase for employees not covered by a union agreement. Union members receive annual increases that are established through negotiations. The Council reviewed the updated Compensation Plan during the August 13, 2024, meeting. The Council reviewed the 2025 Operating Budget during the October 8, 2024, meeting and the current increases outlined in union agreements. After discussing the information, the Council set the COLA at 3.5%.

This legislation has been amended to include the contribution of $5,000 to an approved deferred compensation plan for executive-level employees. Executive-level employees are the Assistant City Manager, Finance Director, Public Works Director, Fire Chief, Police Chief, and Development Director.

Ordinance No. 2024-34. An Ordinance supplementing Section 1040.02(b) to require annexation into the City for any properties currently outside the City of Monroe corporate limits seeking extension of municipal utility services to said properties.

Sponsor: Kacey Waggaman

Strategic Priority: Strategic Growth and Development and Well Managed Services and Infrastructure

Background: Courts in Ohio have allowed municipalities to require annexation in order to extend utilities to a contiguous property owner; however, most of the cases had ordinances on point requiring annexation to gain access to services. Our ordinances do not address this specifically and we have provided service outside the corporation limit in the past without requiring annexation, so it was recommended by legal counsel to adopt this ordinance that would require annexation for utility services. The ordinance does allow for Council to waive the requirement and also excludes impact to any area outside the corporate limits that already receives utility services.

Administrative Reports

Director of Finance Jake Burton - Capital Budget Presentation

Adjournment