



**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 regulated 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

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 regulated 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. 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 D7000011000004) 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



**Monroe Council Minutes
Regular Meeting of Council
November 12, 2024 – 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: John Centers, Kelly Clark, Keith Funk, Michael Graves, Tom Hagedorn, Christina McElfresh, and Ben Wagner.

Approval of the Minutes

Mrs. McElfresh moved to approve the Council Minutes of October 22, 2024; seconded by Mr. Wagner. Voice vote. Motion carried.

Visitors

John Gomez, Southwest Regional Liaison for State Treasurer Robert Sprague, provided an update on programs the State Treasurer's office has been working on. On the government side, there are two main programs:

1. Star Ohio. A mutual fund that has generated over a billion dollars in interest for local governments, school boards, and other jurisdictions this year.
2. Ohio Market Access Program. This is for any local government that is looking to do a bond project. Essentially, you can use the State's credit rating to get your rating raised on your bond, so your interest comes down.

On the consumer side the main programs are:

1. Ohio Home Buyer Plus. If you are over the age of 18 you can go into any of the participating institutions and you will get whatever the savings rate is from that bank. In addition to another 2.6 on top of that tax rate from the State Treasurer's office. Every dollar you contribute to that account is income tax deductible for your state income tax. Individuals have up to five years to save up to \$100,000 to use that money for closing costs or a down payment on a home in the State of Ohio. Family members can contribute to those accounts for an income tax deduction for themselves up to \$5,000.
2. Stable Account Programs. This program is for individuals with disabilities. The Federal Government only permits individuals to have \$2,000 in assets before you start to receive benefits. The State permits individuals to save \$31,000 each year without losing those benefits.



3. Family Forward. This is for families going through adoptions and provide for a lower interest rate for up to \$50,000.

Committee Reports

None.

Old Business

None.

New Business

Resolution No. 53-2024. A Resolution approving a Then-and-Now Certificate in the amount of \$5,735 to Pradco for the Fire Battalion Chief.

The Clerk of Council read the title of Resolution No. 53-2024.

Mrs. McElfresh moved to adopt Resolution No. 53-2024; seconded by Mr. Centers. Roll call vote: seven ayes. Motion carried.

Resolution No. 54-2024. A Resolution approving a Then-and-Now Certificate in the amount of \$14,084.33 to ESO Solutions, Inc. for the renewal of an annual contract for and EMS reporting systems.

The Clerk of Council read the title of Resolution No. 54-2024.

Mrs. McElfresh moved to adopt Resolution No. 54-2024; seconded by Mr. Hagedorn. Roll call vote: seven ayes. Motion carried.

Resolution No. 55-2024. A Resolution authorizing the City Manager to implement a Health Savings Account for calendar year 2025.

The Clerk of Council read the title of Resolution No. 55-2024.

Mrs. McElfresh moved to adopt Resolution No. 55-2024; seconded by Dr. Clark. Roll call vote: seven ayes. Motion carried.

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.

The Clerk of Council read the title of Ordinance No. 2024-27.

Mayor Funk announced Ordinance No. 2024-27 will be on the next agenda for a second reading.



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.

The Clerk of Council read the title of Ordinance No. 2024-28.

In response to Mrs. McElfresh's question, Mr. Smith explained the real property being accepted is directly behind Dominos and Overbrook Court.

Mayor Funk announced Ordinance No. 2024-28 will be on the next agenda for a second reading.

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.

The Clerk of Council read the title of Ordinance No. 2024-29.

Mayor Funk announced Ordinance No. 2024-29 will be on the next agenda for a second reading.

Mayor Funk opened the public hearing for Ordinance No. 2024-30 and advised 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."

Having been sworn, Mr. Smith submitted the proof of publication and the recommendation from Planning Commission to City Council for the record. He advised that the Ohio Revised Code permits municipalities to limit the number of dispensaries and prohibits cannabis operations within 500 feet of the property line of a public library, church, playground, park, or school. Mr. Smith further advised that the Ohio Revised Code prohibits dispensaries to be less than one mile from each other. Ordinance No. 2024-29 will require dispensaries to be considered a conditional use and only located in a certain zoning district.

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

Mrs. McElfresh moved to close the public hearing; seconded by Mr. Hagedorn.

Mayor Funk announced Ordinance No. 2024-30 will be on the next agenda for a second reading.



Consideration of motion to authorize the expenditure of \$38,516.69 to Civica North America, Inc. for the 2025 license, support and maintenance agreement to maintain the police department's records management system.

Mrs. McElfresh moved to authorize the expenditure of \$38,516.69 to Civica North America, Inc. for the 2025 license, support and maintenance of agreement to maintain the police department's records management system; seconded by Mr. Hagedorn. Voice vote. Motion carried.

Consideration of motion authorizing the City Manager to enter into a contract with Pierce (Atlantic Emergency Solutions) for the purchase of a Pierce 107' Aerial Ladder Truck not to exceed \$225,000 for twelve years.

Mayor Funk noted that the Finance Committee recommended moving forward with this and there is no cost for this year.

Chief Leverage reported that the total cost will be approximately \$1.7 million. The build out time is four years. In response to Mr. Centers' question, Chief Leverage advised that the sale of the Sutphen will either be to offset the striping or additional items for this new truck or to make a payment towards the new truck.

Mrs. McElfresh moved to authorize the City Manager to enter into a contract with Pierce (Atlantic Emergency Solutions) for the purchase of a Pierce 107' Aerial Ladder Truck not to exceed \$225,000 annually for twelve years; second by Mr. Hagedorn. Voice vote. Motion carried.

Consideration of Motion accepting the July, August, and September 2024, Finance Reports as submitted.

Mrs. McElfresh moved to accept the July, August, and September 2024, Finance Reports as submitted; seconded by Mr. Wagner. Voice vote. Motion carried.

Administrative Reports

Mr. Lester reported that the South Main Street Water Main Project is almost complete, staff is working on the information for the 2025 operating budget for the December meeting, and the cost of living legislation will be on the agenda for the next meeting.

Mr. Graves congratulated the Monroe Local School District for passing their bond issue.

Mrs. McElfresh moved to adjourn into executive session 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 and the appointment of a public employee; seconded by Mr. Graves. Roll call vote: seven ayes. Motion carried.



Council adjourned into executive session at 7:09 p.m.

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

Council reconvened into regular session at 8:23 p.m.

Adjournment

Mrs. McElfresh moved to adjourn the regular meeting of Council; seconded by Mr. Wagner. Voice vote. Motion carried.

The regular meeting of Council adjourned at 8:23 p.m.

Respectfully submitted,

Angela S. Wasson, MMC
Clerk of Council



STREET LIGHTING UTILITY

Chapter 1050 of Codified Ordinances – Street Light Utility

- 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.
- In January of every subsequent year the monthly rate shall be adjusted based on the prior calendar year costs.
- Streetlight charges were placed on the utility bills beginning in 2016 with Ordinance 2016-17 (were assessed on property tax bills previously.)
- Monthly Rate Table is below:

Street Light Fees

Charged per account, monthly.

Year	Rate
Effective 2016 - 2019	\$1.93
Effective 2020	\$1.73
Effective 2021	\$1.75
Effective 2022-2023	\$1.72
Effective 2024	\$1.88

STREET LIGHTING FUND (6610) HISTORY

Year	Revenues	Operating Exp	Surplus (Deficit)
2025 (Est.)	154,750	153,050	1,700
2024 (Est.)	130,603	153,050	(22,447)
2023	107,906	177,332	(69,426)
2022	131,651	84,584	47,066
2021	120,426	125,223	(4,797)
2020	124,309	125,222	(914)
2019	132,758	150,582	(17,824)
2018	126,476	151,175	(24,698)
2017	133,766	115,785	17,981
TOTAL	1,007,894	1,082,954	(75,060)

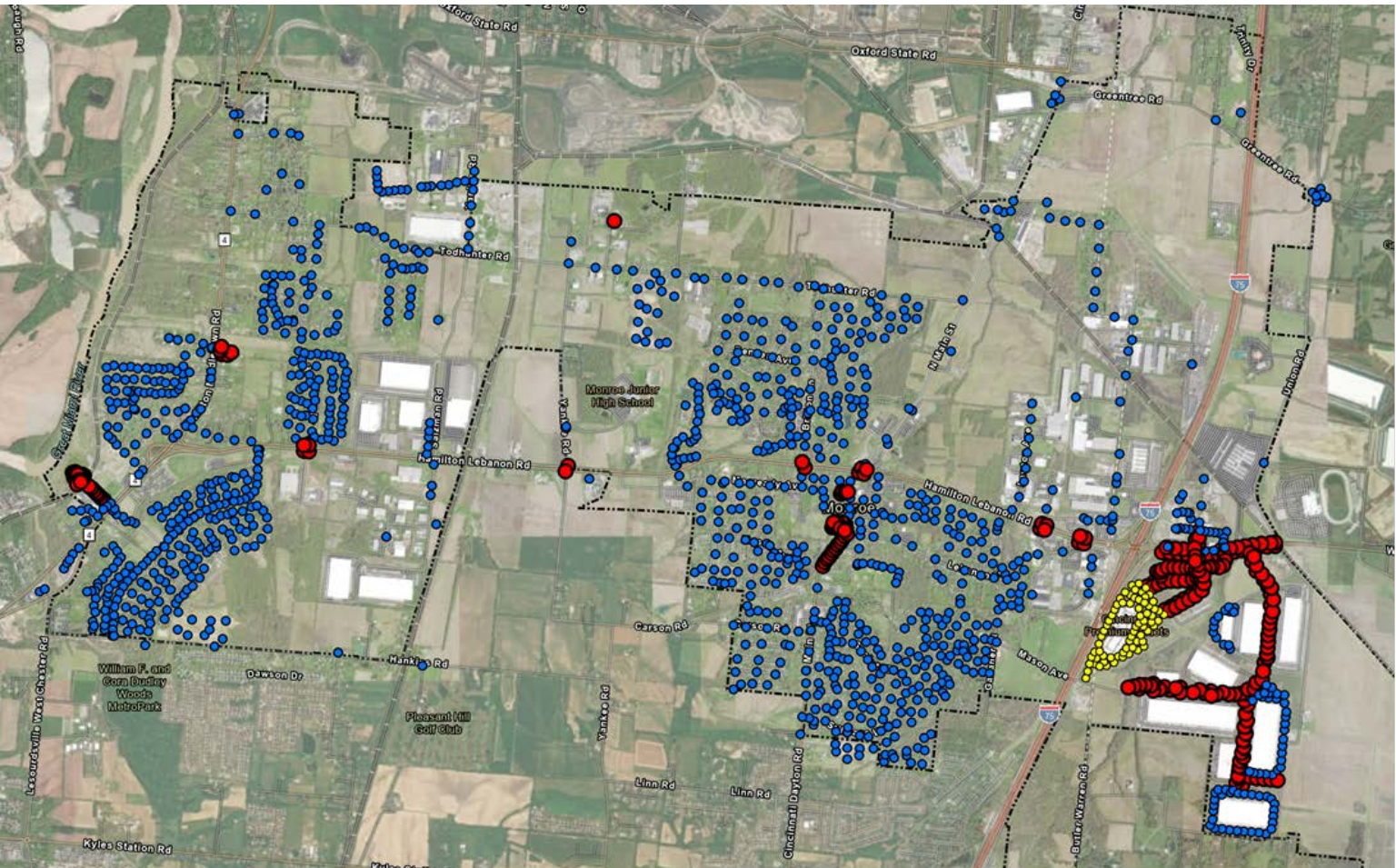
Currently, charges provide funds to offset the monthly invoices from Duke for Street Lights, but do not allow funding for repair of City-owned streetlights.

S.A. Street Light Fund - \$2,466 remains in the fund balance as funds have been spent down since 2016

Recommending a **\$0.40 per month “maintenance” fee** in addition to current language

Would result in a 2025 estimated **monthly charge of \$2.30** (\$0.42 per month or \$5.04 annually)

STREET LIGHTING UTILITY



Monroe owned in Red

Duke owned in Blue

Privately-owned in Yellow

The City of Monroe owns and has the responsibility to maintain 253 of the 1,555 light poles located within city limits

PROPOSED NEW LANGUAGE

Generates approximately \$25,000 annually

The rate charged for street lighting beginning January 1, ~~2018~~ 2025, 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, plus \$0.40 per customer (or unit) per month.

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.

WHEREAS, the City owns and is responsible for a portion of the street lights within the City;
and

WHEREAS, in order to provide for sufficient funds for the maintenance of the City-owned street lights Council deems it in the best interest to establish a maintenance fee.

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

SECTION 1: Section 1050.01 of Chapter 1050 of the Codified Ordinances is hereby amended and supplemented to establish a maintenance fee for City-owned street lights as follows:

“1050.01 - Rates; collection of charges.

- (a) The rate charged for street lighting beginning January 1, 2025 and every subsequent year, 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 in addition to a \$0.40 maintenance fee. 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.”

SECTION 2: This measure shall take effect and be in full force from and after the earliest date allowed by law.

PASSED: _____

ATTEST:

APPROVED:

Clerk of Council

Mayor

First Reading: _____

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.

WHEREAS, Hutsenpiller Contractors, Inc. proposed to split a certain parcel for future development; and

WHEREAS, the newly split parcel includes a private street required to be brought up to City standards; and

WHEREAS, Council deems it in the best interest of its citizens to accept said real property to provide the ability to maintain the public infrastructure without hindrance.

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

SECTION 1: The real property from Hutsenpiller Contractors, Inc. containing 0.7867 acres, more or less, and described on Exhibit "A" attached hereto and made a part hereof, is hereby accepted.

SECTION 2: This shall take effect and be in full force from and after the earliest period allowed by law.

PASSED: _____

ATTEST:

APPROVED:

Clerk of Council

Mayor

First Reading: _____

BASIS OF BEARINGS:
THE BEARINGS SHOWN HERON ARE
BASED ON SURVEY VOLUME 64, PAGE
32 OF THE BUTLER COUNTY
ENGINEERS RECORD OF SURVEYS

Exhibit "A" Ord No. 2024-28

SPLIT PLAT & DEDICATION

SITUATE IN
SECTION 18, TOWN 3, RANGE 3 E M.R.S.
CITY OF MONROE, BUTLER COUNTY, OHIO

VOLUME PAGE
BUTLER COUNTY ENGINEER'S
RECORD OF LAND SURVEYS

North: 532307.4609' East: 1443439.9291'
Segment #1 : Line
Course: N35° 44' 03"E Length: 165.761'
North: 532442.0150' East: 1443536.7377'
Segment #2 : Line
Course: S54° 15' 57"E Length: 183.461'
North: 532334.8692' East: 1443685.6595'
Segment #3 : Curve
Length: 62.242' Radius: 118.500'
Delta: 030°05'41" Tangent: 31.857'
Chord: 61.529' Course: S69° 18' 47"E
Course In: N35° 44' 03"E Course Out: S05° 38' 22"W
RP North: 532431.0599' East: 1443754.8665'
End North: 532313.1335' East: 1443743.2214'
Segment #4 : Line
Course: S84° 21' 38"E Length: 117.686'
North: 532301.5686' East: 1443860.3378'
Segment #5 : Line
Course: S47° 59' 19"W Length: 246.364'
North: 532136.6825' East: 1443677.2865'
Segment #6 : Line
Course: N54° 15' 54"W Length: 292.410'
North: 532307.4608' East: 1443439.9294'
Perimeter: 1067.925' Area: 55782.59 Sq. Ft.
Error Closure: 0.0003 Course: S79° 44' 08"E
Error North: -0.00005 East: 0.00030
Precision 1: 3557370.000
PARCEL A: 1.2806 ACRES

North: 532719.5292' East: 1443736.4026'
Segment #1 : Line
Course: S54° 15' 54"E Length: 402.669'
North: 532484.3555' East: 1444063.2599'
Segment #2 : Line
Course: S47° 59' 19"W Length: 151.332'
North: 532383.0720' East: 1443950.8187'
Segment #3 : Line
Course: N84° 21' 38"W Length: 199.720'
North: 532402.6983' East: 1443752.0653'
Segment #4 : Curve
Length: 14.970' Radius: 28.500'
Delta: 030°05'41" Tangent: 7.662'
Chord: 14.798' Course: N69° 18' 47"W
Course In: N05° 38' 22"E Course Out: S35° 44' 03"W
RP North: 532431.0604' East: 1443754.8660'
End North: 532407.9258' East: 1443738.2214'
Segment #5 : Line
Course: N54° 15' 57"W Length: 183.461'
North: 532515.0716' East: 1443589.2996'
Segment #6 : Line
Course: N35° 44' 03"E Length: 251.877'
North: 532719.5292' East: 1443736.4020'
Perimeter: 1204.028' Area: 86372.70 Sq. Ft.
Error Closure: 0.0006 Course: N87° 16' 18"W
Error North: 0.00003 East: -0.00059
Precision 1: 2006428.333
PARCEL B: 1.9828 ACRES

NOTES:

- ALL FOUND MONUMENTATION WAS STRAIGHT AND IN GOOD CONDITION UNLESS OTHERWISE NOTED.
- OCCUPATION GENERALLY FOLLOWS PROPERTY LINES
- EASEMENTS LABELED AND SHOWN
- IRON PINS SET ARE 5/8" X 30" LONG REBAR WITH CAP STAMPED RVP SURVEYING

LEGEND

- = I.PIN FND.
- = I.PIN W/CAP FND.
- = I.PIN SET
- ⊙ = I.PIN FND.
- = R.R. SPK. FND.
- = R.R. SPK. SET
- ▲ = MAG NAIL FND.
- ▲ = MAG NAIL SET
- ◇ = P.K. NAIL FND.
- ⊕ = STONE FND.
- = MON. FND.

Rakeem F. Wright
Rakeem F. Wright, P.S. Ohio License No. 8902

THIS PLAT IS A TRUE AND ACCURATE RESULT OF A
FIELD SURVEY MADE UNDER MY DIRECTION AND ALL
MONUMENTATION HAS BEEN FOUND OR SET AS SHOWN

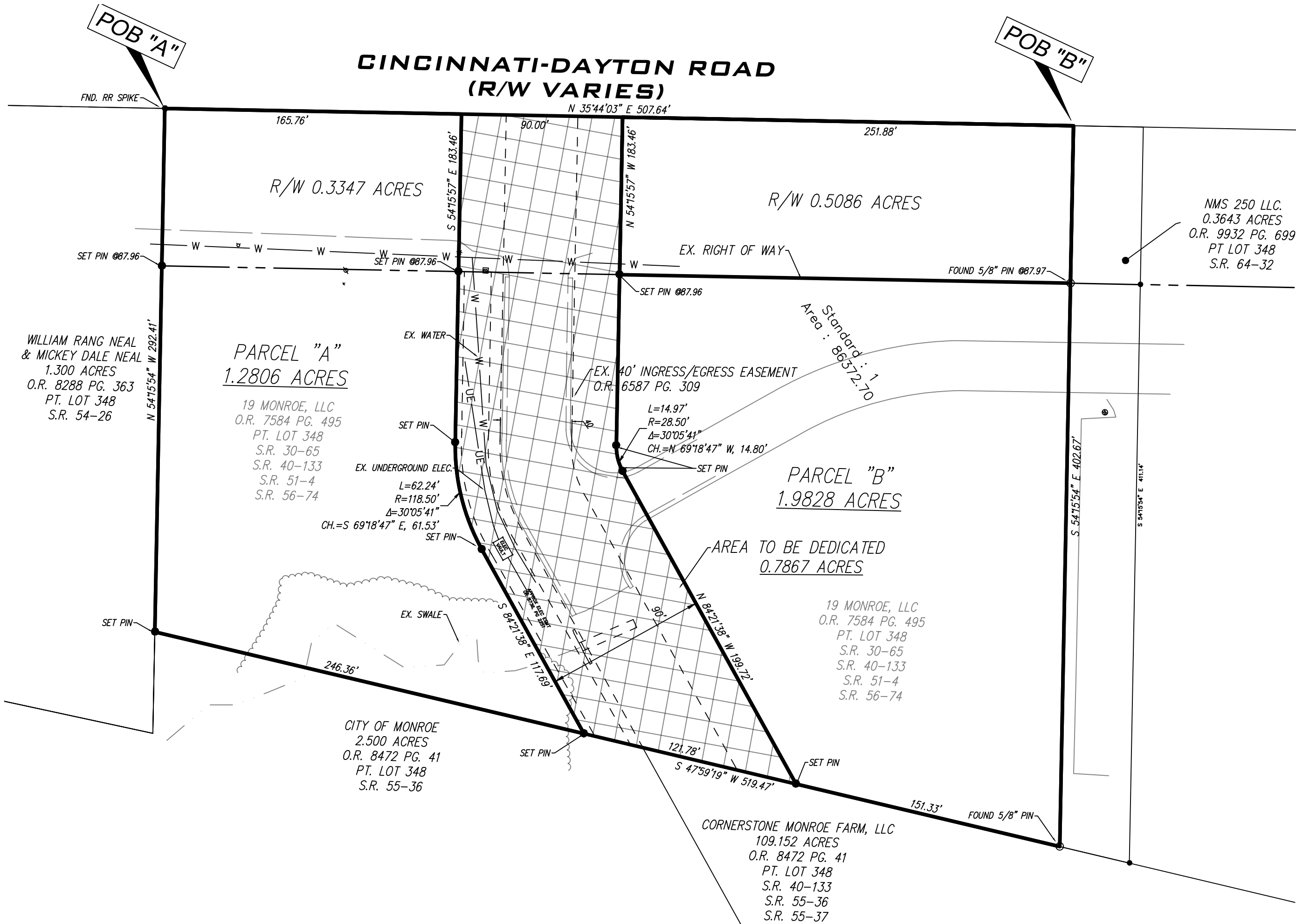


10/14/2024



SURVEY PLAT
1.6650 & 2.3852 ACRES
SEC 18, TOWN 3, RANGE 3 E
CITY OF MONROE, BUTLER COUNTY, OHIO

SCALE: 1" = 50' OCTOBER 2024



North: 532442.0153' East: 1443536.7378'
Segment #1 : Line
Course: N35° 44' 03"E Length: 90.000'
North: 532515.0715' East: 1443589.3001'
Segment #2 : Line
Course: S54° 15' 57"E Length: 183.461'
North: 532407.9257' East: 1443738.2219'
Segment #3 : Curve
Length: 14.970' Radius: 28.500'
Delta: 030°05'41" Tangent: 7.662'
Chord: 14.798' Course: S69° 18' 47"E
Course In: N35° 44' 03"E Course Out: S05° 38' 22"W
RP North: 532431.0602' East: 1443754.8666'
End North: 532402.6982' East: 1443752.0658'
Segment #4 : Line
Course: S84° 21' 38"E Length: 199.720'
North: 532383.0719' East: 1443950.8192'
Segment #5 : Line
Course: S47° 59' 18"W Length: 121.777'
North: 532301.5685' East: 1443860.3380'
Segment #6 : Line
Course: N84° 21' 38"W Length: 117.686'
North: 532313.1334' East: 1443743.2216'
Segment #7 : Curve
Length: 62.242' Radius: 118.500'
Delta: 030°05'41" Tangent: 31.857'
Chord: 61.529' Course: N69° 18' 47"W
Course In: N05° 38' 22"E Course Out: S35° 44' 03"W
RP North: 532431.0599' East: 1443754.8665'
End North: 532334.8691' East: 1443685.6597'
Segment #8 : Line
Course: N54° 15' 57"W Length: 183.461'
North: 532442.0150' East: 1443536.7378'
Perimeter: 973.315' Area: 34269.25 Sq. Ft.
Error Closure: 0.0003 Course: S05° 18' 35"W
Error North: -0.00033 East: -0.00003
Precision 1: 3241440.000
AREA TO BE DEDICATED: 0.7867 ACRES



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.

SECTION 1: Title Two of the Business Regulation Code of the Codified Ordinances is hereby supplemented to read as follows:

“874.01 PURPOSE.

The purpose of this chapter is to establish regulations for Cannabis Facilities and Operators.

874.02 DEFINITIONS.

For the purpose of this chapter, the definitions, words and phrases defined in the sections hereunder shall have the meaning therein respectively ascribed to them unless the context clearly indicates or requires a different meaning.

Cannabis. Marijuana or cannabis that is cultivated, processed, dispensed, tested, possessed, or used as authorized by R.C. Chapters 3780 and/or 3796.

Cannabis Cultivator. The holder of a current and valid cultivator license to cultivate, distribute, transfer, or sell Cannabis to a Cannabis Operator as authorized by R.C. Chapters 3780 and/or 3796.

Cannabis Facility. A Cannabis cultivator, processor, or retail dispensary as authorized by R.C. Chapters 3780 and/or 3796.

Cannabis Operator. CANNABIS OPERATOR. The individual or entity licensed to operate a Cannabis Facility.

Cannabis Processor. The holder of a current and Valid processor license to manufacture, distribute, transfer, or sell Cannabis to a Cannabis Operator as authorized under R.C. Chapters 3780 and/or 3796.

Cannabis Retail Dispensary. The holder of a current and valid dispensary license to sell Cannabis and Cannabis paraphernalia to a consumer as authorized under R.C. Chapters 3780 and/or 3796.

Cannabis Testing Facility, Research Facility, or Laboratory. The holder of a current and valid testing facility license to conduct research for scientific purposes, instruction, research, and analysis, including but not limited to testing for potency, homogeneity, and contamination and the preparation of reports from test results.

Director. As defined in the City of Monroe Planning and Zoning Code.

Marijuana. As defined in R.C. 3719.01.

Zoning Permit. As defined in the City of Monroe Planning and Zoning Code.

874.03 PERMITTING OF CANNABIS FACILITIES.

(A) Cannabis Operators shall not operate in the City without a valid Cannabis Operator business license issued by the City.

(B) An application for a business license shall be made to the Director and shall include:

- (1) The legal name of the applicant.
- (2) The type of business organization of the applicant, such as an individual, corporation partnership, limited liability company, association, cooperative, joint venture, or any other business organization.
- (3) The mailing address, email address, and phone number of the applicant, if the applicant is an individual, or the name, mailing address, email address, and phone number of a designated representative of the applicant, if the applicant is not an individual.
- (4) Confirmation that the applicant is registered with the Ohio Division of Cannabis Control as the type of business submitted pursuant to this rule and a copy of the applicable business documents governing the operations and administration of the business.
- (5) A copy of the City-issued conditional use or zoning permit authorizing the Cannabis Facility's operation at a particular address in the City.
- (6) A copy of the license, provisional or otherwise, granted by the Ohio Division of Cannabis Control under R.C. Chapters 3780 or 3796 to the Cannabis Facility, and Cannabis Testing Facilities for the address of which the facility is to be located;
- (7) Confirmation that the Cannabis Facility, or Cannabis Testing Facility, is conforming to all requirements under this chapter and R.C. Chapters 3780 and 3796 as may be relevant;
- (8) If the applicant is currently, was previously, or has applied to be licensed or authorized in another state or jurisdiction to cultivate, produce, dispense, or otherwise deal in the distribution of Cannabis in any form, the following:
 - (a) A copy of each licensing/authorizing document verifying licensure in that state or jurisdiction; and
 - (b) A statement summarizing any warning, fine, sanction, or license denial, suspension or revocation, the applicant has received related to its Cannabis business operations. This includes notification of any pending proceedings regarding warnings, fines, denials, suspensions, revocations, or other sanctions. The City's reasonable belief that a prior warning, fine, sanction, or license denial, suspension or revocation, demonstrates a disregard for any governmental laws, regulations, rules or orders on behalf of the applicant, or other otherwise reflects poorly on the applicant's fitness to operate a Cannabis business, shall be grounds for the City to deny the applicant's license application.

(9) Any other information requested by the Director.

(10) A non-refundable application fee of \$300.

(C) An application for a business license shall be approved if the City determines, in its discretion, that the applicant has satisfied all conditions and requirements set forth in this Chapter.

874.04 LOCATION CHANGE.

(A) A business license to operate a Cannabis Facility is only valid as to the particular address listed in the initial application.

(B) A Cannabis Operator seeking a location change under this chapter must re-apply for a business license as required in section 874.03.

(C) If the ownership of a Cannabis Facility changes, the Cannabis Operator must notify the City of the change in ownership and the new owner must submit a new business license application in accordance with this Chapter.

874.05 INSPECTIONS; RECORDS; NOTIFICATIONS.

(A) As part of the submission of an application that results in the issuance of a business license to operate a Cannabis Facility in the City, the applicant irrevocably consents to the following:

(1) Any inspection by the City that is deemed necessary to ensure compliance of a Cannabis Facility, and Cannabis Testing Facilities with this chapter and R.C. Chapter 3780 and/or 3796. An inspection may be conducted with or without notice. During an inspection, a representative of the City may:

(a) Review all records maintained;

(b) Enter any area in the facility (including those areas which are locked against access);

(c) Inspect facility vehicles;

(d) Review the policies and procedures of the Cannabis Operator, including methods of operating;

(e) Survey the premises;

(f) Inspect all equipment, instruments, tools, materials, machinery, or any other resource used to cultivate, process, test, or dispense Cannabis;

(g) Question employees at the location; and

(h) Obtain samples for testing any form of Cannabis at the facility, any labels or containers for Cannabis, or any raw packaged Cannabis.

(B) Notifications.

(1) If, at any time, a Cannabis Facility is subject to any enforcement action by the State of Ohio under R.C. Chapter 3780 or 3796, the Cannabis Facility must immediately notify the City of Monroe and provide any relevant information or documentation requested by the City.

(2) If, at any time, any information listed in a Cannabis Operator's original business license application changes, the Cannabis Operator must immediately notify the City of the change in information. In the event of any changes in information which are material to the application and/or the City's prior grant of the Cannabis Operator's business license (as determined by the City in its discretion), the City shall have the right to revoke the Cannabis Operator's business license and/or require the Cannabis Operator to apply for a new business license pursuant to this Chapter with respect to the Cannabis Facility.

874.06 ENFORCEMENT.

(A) If, at any time, the City becomes aware that a Cannabis Operator possessing a business license has engaged in, is engaged in, or is about to engage in, any act or practice declared to be prohibited by this Chapter, R.C. Chapters 3780 or 3796, or any other local, state, or federal law, with the exception of acts that are permitted under state law but are federal law violations stemming from the classification of Marijuana as a controlled substance under 21 U.S.C. § 812(c), the Director may do any of the following:

(1) Refer such violations to the Ohio Division of Cannabis Control;

(2) Issue a warning to the Cannabis Operator, which may include possible corrective action(s);

(3) Suspend the business license issued hereunder, and require any violations to be resolved and corrective actions to be taken as conditions to the reinstatement of the suspended license; and/or

(4) Revoke the Cannabis Operator's business license.

(B) Notice.

(1) A warning, suspension, or revocation issued by the City under this Chapter shall be served upon a Cannabis Operator at the address for which a business license was granted, by personal service, by certified and regular mail, or by posting in a conspicuous location.

(2) Notice by certified mail shall be effective upon delivery. In the event that notice by certified mail is returned unclaimed or refused, mailing of the notice by regular mail shall be deemed effective upon mailing. Notice by personal service or by posting shall be deemed effective at the time of personal service or posting, respectively.

(C) In the event a Cannabis Operator's conditional use permit and/or zoning permit issued under the City's Planning and Zoning Code is suspended or revoked, the Cannabis

Operator must immediately cease operations at the Cannabis Facility, unless otherwise instructed by the City, until the suspension is lifted, or a new conditional use and/or the zoning permit is obtained.

(D) Suspension of Business License.

(1) Suspension of a Cannabis Operator's business license shall only be accomplished through the procedures outlined in this Chapter. Suspension shall be accomplished after a public hearing is held thereon by the Director, which hearing shall be held within 30 days after notice is given to the Cannabis Operator of such hearing, by certified mail and regular mail. The Cannabis Operator shall have the right to appear at such a hearing, to be represented by counsel, and to examine and cross examine witnesses.

(2) Suspension may take place without a prior hearing if the Director finds clear and convincing evidence that the Cannabis Operator's continued operation of a Cannabis Facility presents a danger of immediate and serious harm to others. Notice of the suspension shall be made as provided in this section and a hearing on the merits of the suspension will take place within five days of the suspension.

(3) The suspension will remain in effect, unless lifted by the Director, pending the results of the hearing. If the Director does not issue an order within 90 days after the hearing, the suspension shall be lifted on the 91st day following the hearing.

(4) As a condition of the reinstatement of a suspended license, the Director may require any violations to be resolved and reasonable corrective actions to be taken.

(E) Revocation of Business License.

(1) Revocation of a Cannabis Operator's business license shall only be accomplished through the procedures outlined in this Chapter. Revocation shall be accomplished only after a public hearing is held thereon by the Director, which hearing shall be held within 30 days after notice is given to the Cannabis Operator of such hearing, by certified mail and regular mail. The Cannabis Operator shall have the right to appear at such a hearing, to be represented by counsel, and to examine and cross-examine witnesses.

874.07 APPEAL.

(A) In the event of a decision or ruling adverse to a business license holder or applicant regarding a denial, revocation, or suspension of a license, the license holder or applicant shall have the right to appeal such decision and ruling to a court of competent jurisdiction, per R.C. Chapter 2506.

870.99 PENALTY.

Whoever violates any provision of this Chapter shall be deemed guilty of a misdemeanor of the first degree."

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

First Reading: _____

EXHIBIT A

Table 1203.02-1, Primary Use Table

Key: P = Permitted Use | C = Conditional Use | L = Limited Use | -- = Prohibited

Use Category (1203.03)	Use Type	RR	SR	GR	NC	UR	MU	DT	HC	GC	EC	LI	HI	Use Standard
	Other Parks and Open Areas uses not listed above	P	P	P	P	P	P	P	P	P	P	P	P	
Passenger Terminal Facilities	All Passenger Terminal Facilities	--	--	--	--	--	--	--	--	--	--	--	--	
Social Services	All Social Service uses	--	--	--	--	--	--	--	--	--	--	--	--	
Utilities	Wireless Telecommunication Facilities (co-location on existing facility)	L	L	L	L	L	L	L	L	L	L	L	L	1203.04
	All Minor Utilities not listed above	P	P	P	P	P	P	P	P	P	P	P	P	
	Solar Farms	L	--	--	--	--	--	--	--	--	--	--	--	1203.04
	All Major Utilities uses not listed above	C	C	C	C	C	C	C	C	C	C	C	C	1203.05
Commercial Use Categories														
	24 Hour Operation adjacent to a Residential District or Subdivision								C	C	C	C	C	1203.05
Automotive Sales and Services	Automotive Body and Major Repair	--	--	--	--	--	--	--	--	--	--	L	L	1203.04
	Automotive Sales, Leasing, or Rental	--	--	--	--	--	--	--	L	L	--	--	--	1203.04
	Automotive Servicing	--	--	--	--	--	L	--	--	L	--	P	P	1203.04
	Retail Fuel Sales	--	--	--	--	--	--	--	L	L	--	--	--	1203.04
	Vehicle Washing Establishment	--	--	--	--	--	--	--	L	L	--	--	--	1203.04
Cannabis	Retail Dispensary	--	--	--	--	--	--	--	--	C	--	--	--	1203.05
Entertainment and Recreation, Indoor	Entertainment Device Arcades	--	--	--	--	--	--	--	--	C	--	--	--	1203.05
	Event Hall or Conference Center	C	--	--	--	--	L	L	L	L	L	--	--	1203.04
	Microbrewery, Microdistillery, or Microwinery	--	--	--	--	--	L	L	L	L	L	P	P	1203.04
	Sexually Oriented Business	--	--	--	--	--	--	--	--	L	--	--	--	1203.04
	Shooting Range, Indoor	--	--	--	--	--	--	--	--	--	--	P	P	
	Video Lottery Terminals (VLT)	--	--	--	--	--	--	--	P	P	--	P	P	1203.04
	Other Indoor Entertainment and Recreation uses not listed above	C	--	--	--	--	P	P	P	P	P	P	--	1203.05

EXHIBIT A

Table 1203.02-1, Primary Use Table														
Key: P = Permitted Use C = Conditional Use L = Limited Use -- = Prohibited														
Use Category (1203.03)	Use Type	RR	SR	GR	NC	UR	MU	DT	HC	GC	EC	LI	HI	Use Standard
Entertainment and Recreation, Outdoor	All Outdoor Entertainment and Recreation uses	C	--	--	--	--	L	L	L	L	L	--	--	1203.04 and 1203.05
Office	All Office uses	--	--	--	--	--	P	P	P	P	P	P	P	
Overnight Accommodations	Bed and Breakfast Establishments	C	C	C	C	C	--	--	--	--	--	--	--	1203.05
	Short-Term Rental	--	C	C	C	C	C	C	C	--	--	--	--	1203.05
	Other Overnight Accommodation uses not listed above	--	--	--	--	--	P	P	P	P	P	--	--	
Parking, Commercial	Parking Garages	--	--	--	--	--	L	L	L	L	L	L	L	1203.04
	Parking Lots	--	--	--	--	--	--	--	--	--	L	L	L	1203.04
	Park-and-Ride Facility	--	--	--	--	--	P	P	P	P	P	P	P	
	Other Commercial Parking uses not listed above	--	--	--	--	--	--	--	--	--	--	--	--	
Restaurants	Brewpub	--	--	--	--	--	L	L	L	L	L	--	--	1203.04
	Restaurant, Drive-Through or Drive-In	--	--	--	--	--	L	L	L	L	L	L	L	1203.04
	Other Restaurant uses not listed above	--	--	--	--	C	P	P	P	P	P	P	P	1203.05
Retail Repair, Sales, and Services	All Retail Repair-Oriented uses	--	--	--	--	--	P	P	P	P	P	P	P	
	Antique Mall	--	--	--	--	--	--	L	--	L	--	--	--	1203.04
	Flea Market	--	--	--	--	--	--	--	C	--	--	--	--	1203.05
	Small Box Discount Retail Store	--	--	--	--	--	--	--	L	L	--	--	--	1203.04
	Other Retail Sales-Oriented uses not listed above	--	--	--	--	--	L	L	L	L	L	L	--	1203.04
	Other Retail Service-Oriented uses not listed above	--	--	--	--	--	L	L	L	L	L	L	--	1203.04
Industrial Use Categories														
	24 Hour Operation adjacent to a Residential District or Subdivision													1203.05
Cannabis	Cultivation	--	--	--	--	--	--	--	--	--	--	C	C	1203.05
	Processing	--	--	--	--	--	--	--	--	--	--	C	C	1203.05
	Laboratories	--	--	--	--	--	--	--	--	--	C	--	--	1203.05
Heavy Industrial	All Heavy Industrial Uses	--	--	--	--	--	--	--	--	--	--	--	P	
Light Industrial	Artisan/Micro-Manufacturing	--	--	--	--	--	--	--	--	--	L	L	L	1203.04
	Contractor Yard	--	--	--	--	--	--	--	--	--	--	C	L	1203.03 & 1203.04
	Building or Lumber Yard	--	--	--	--	--	--	--	--	C	--	P	P	1203.05

EXHIBIT A

1203.05(H)

6. *Retail Dispensaries*

- a. Proximity. No cannabis dispensary shall be located within the proximity of one mile from the property line of any other Cannabis Operator.
- b. Prohibition. No Cannabis dispensary shall be located within 500 feet of a school, church, public park, public playground or public library.
- c. Screening. The exterior structure of any cannabis dispensary shall be properly screened so that its activities involving the handling of cannabis plants or products cannot be seen by the public on adjacent private or public property.
- d. Permitting. Cannabis dispensary seeking to obtain a zoning permit under this Chapter must first apply for a conditional use permit. A cannabis dispensary may not receive a certificate of occupancy unless they possess both a valid conditional use permit and a valid zoning permit.
- e. Application. In addition to any other application requirements set forth in Section 1203.02(C) of this Chapter, and/or established by the Development Department, cannabis dispensaries conditional use applications must include:
 - (1) The type of business organization of the applicant, such as an individual, corporation partnership, limited liability company, association, cooperative, joint venture, or any other business organization.
 - (2) Confirmation that the applicant is licensed by the Ohio Division of Cannabis Control as a cannabis dispensary and a copy of the applicable documents governing the licensing, operations, and administration of the business. Provisional licenses will be sufficient for the purposes of the conditional use application; however, the certificate of occupancy will not be issued until the applicant provides the City with the non-provisional, official license issued by the Ohio Division of Cannabis Control to operate at the property proposed for the use.
 - (3) A location area map for the proposed cannabis dispensary which shows with sufficient certainty (as determined in the City's discretion) that each lot line of the parcel on which the proposed dispensary will be located is at least 500 feet from the lot line of any other parcel containing a school, church, public park, public playground or public library.
 - (4) Any other information requested by the City.
- f. Other Requirements. See Chapter 874 of the Business Regulation and Taxation Code for additional regulations applicable to cannabis dispensaries.

1203.05 (I)

A. *Industrial Conditional Use Standards.*

1. *Cannabis Cultivators, Processors, and Laboratories*

- a. Proximity. No cannabis cultivator, processor, and/or laboratory shall be located within the proximity of one mile from the property line of any other Cannabis Operator.
- b. Prohibition. No cannabis cultivator, processor, and/or laboratory shall be located within 500 feet of a school, church, public park, public playground or public library.
- c. Screening. The exterior structure of any cannabis cultivator, processor, and/or laboratory shall be properly screened so that its activities involving the handling of cannabis plants or products cannot be seen by the public on adjacent private or public property.
- d. Permitting. Cannabis cultivator, processor, and/or laboratory seeking to obtain a zoning permit under this Chapter must first apply for a conditional use permit. A cannabis cultivator, processor, and/or

EXHIBIT A

laboratory may not receive a certificate of occupancy unless they possess both a valid conditional use permit and a valid zoning permit.

- e. Application. In addition to any other application requirements set forth in Section 1203.02(C) of this Chapter, and/or established by the Development Department, Cannabis cultivator, processor, and/or laboratory conditional use applications must include:
 - (1) The type of business organization of the applicant, such as an individual, corporation partnership, limited liability company, association, cooperative, joint venture, or any other business organization.
 - (2) Confirmation that the applicant is licensed by the Ohio Division of Cannabis Control as a cannabis cultivator, processor, and/or laboratory and a copy of the applicable documents governing the licensing, operations, and administration of the business. Provisional licenses will be sufficient for the purposes of the conditional use application; however, the certificate of occupancy will not be issued until the applicant provides the City with the non-provisional, official license issued by the Ohio Division of Cannabis Control to operate at the property proposed for the use.
 - (3) A location area map for the proposed cannabis cultivator, processor, and/or laboratory which shows with sufficient certainty (as determined in the City's discretion) that each lot line of the parcel on which the proposed cultivator, processor, and/or laboratory will be located is at least 500 feet from the lot line of any other parcel containing a school, church, public park, public playground or public library.
 - (4) Any other information requested by the City.
- f) Other Requirements. See Chapter 874 of the Business Regulation and Taxation Code for additional regulations applicable to Cannabis Facilities and Operators.

1209.03

Building Height means the vertical distance of a building or structure, measured in a manner established in [Article 02.05, Measurements and Special Allowances](#).

Bus Terminal means a use or establishment devoted solely to the storage or parking of buses without receiving or discharging of passengers on the premises.

Cannabis Facility means a cannabis cultivator, processor, or retail dispensary as authorized and properly licensed under R.C. Chapters 3780 and/or 3796.

Cannabis Operator means the individual or entity authorized and properly licensed under R.C. Chapters 3780 and/or 3796 to operate a cannabis facility.

Canopy means a structure other than an awning made of cloth, metal, or other material with frames affixed to a building and/or carried by a frame supported by the ground. See also the definition of "awning."

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.

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

SECTION 1: Section 1203.02 is hereby supplemented to read as follows:

“Table 1203.02-1, Primary Use Table														
Key: P = Permitted Use C = Conditional Use L = Limited Use -- = Prohibited														
Use Category (1203.03)	Use Type	RR	SR	GR	NC	UR	MU	DT	HC	GC	EC	LI	HI	Use Standard
	Other Parks and Open Areas uses not listed above	P	P	P	P	P	P	P	P	P	P	P	P	
Passenger Terminal Facilities	All Passenger Terminal Facilities	--	--	--	--	--	--	--	--	--	--	--	--	
Social Services	All Social Service uses	--	--	--	--	--	--	--	--	--	--	--	--	
Utilities	Wireless Telecommunication Facilities (co-location on existing facility)	L	L	L	L	L	L	L	L	L	L	L	L	1203.04
	All Minor Utilities not listed above	P	P	P	P	P	P	P	P	P	P	P	P	
	Solar Farms	L	--	--	--	--	--	--	--	--	--	--	--	1203.04
	All Major Utilities uses not listed above	C	C	C	C	C	C	C	C	C	C	C	C	1203.05
Commercial Use Categories														
	24 Hour Operation adjacent to a Residential District or Subdivision								C	C	C	C	C	1203.05
Automotive Sales and Services	Automotive Body and Major Repair	--	--	--	--	--	--	--	--	--	--	L	L	1203.04
	Automotive Sales, Leasing, or Rental	--	--	--	--	--	--	--	L	L	--	--	--	1203.04
	Automotive Servicing	--	--	--	--	--	L	--	--	L	--	P	P	1203.04
	Retail Fuel Sales	--	--	--	--	--	--	--	L	L	--	--	--	1203.04
	Vehicle Washing Establishment	--	--	--	--	--	--	--	L	L	--	--	--	1203.04
Cannabis	Retail Dispensary	--	--	--	--	--	--	--	--	C	--	--	--	1203.05
Entertainment and Recreation, Indoor	Entertainment Device Arcades	--	--	--	--	--	--	--	--	C	--	--	--	1203.05
	Event Hall or Conference Center	C	--	--	--	--	L	L	L	L	L	--	--	1203.04
	Microbrewery, Microdistillery, or Microwinery	--	--	--	--	--	L	L	L	L	L	P	P	1203.04
	Sexually Oriented Business	--	--	--	--	--	--	--	--	L	--	--	--	1203.04
	Shooting Range, Indoor	--	--	--	--	--	--	--	--	--	--	P	P	

	Video Lottery Terminals (VLT)	--	--	--	--	--	--	--	P	P	--	P	P	1203.04
	Other Indoor Entertainment and Recreation uses not listed above	C	--	--	--	--	P	P	P	P	P	P	--	1203.05

Table 1203.02-1, Primary Use Table

Key: P = Permitted Use | C = Conditional Use | L = Limited Use | -- = Prohibited

Use Category (1203.03)	Use Type	RR	SR	GR	NC	UR	MU	DT	HC	GC	E C	LI	HI	Use Standard
Entertainment and Recreation, Outdoor	All Outdoor Entertainment and Recreation uses	C	--	--	--	--	L	L	L	L	L	--	--	1203.04 and 1203.05
Office	All Office uses	--	--	--	--	--	P	P	P	P	P	P	P	
Overnight Accommodations	Bed and Breakfast Establishments	C	C	C	C	C	--	--	--	--	--	--	--	1203.05
	Short-Term Rental	--	C	C	C	C	C	C	C	--	--	--	--	1203.05
	Other Overnight Accommodation uses not listed above	--	--	--	--	--	P	P	P	P	P	--	--	
Parking, Commercial	Parking Garages	--	--	--	--	--	L	L	L	L	L	L	L	1203.04
	Parking Lots	--	--	--	--	--	--	--	--	--	L	L	L	1203.04
	Park-and-Ride Facility	--	--	--	--	--	P	P	P	P	P	P	P	
	Other Commercial Parking uses not listed above	--	--	--	--	--	--	--	--	--	--	--	--	
Restaurants	Brewpub	--	--	--	--	--	L	L	L	L	L	--	--	1203.04
	Restaurant, Drive-Through or Drive-In	--	--	--	--	--	L	L	L	L	L	L	L	1203.04
	Other Restaurant uses not listed above	--	--	--	--	C	P	P	P	P	P	P	P	1203.05
Retail Repair, Sales, and Services	All Retail Repair-Oriented uses	--	--	--	--	--	P	P	P	P	P	P	P	
	Antique Mall	--	--	--	--	--	--	L	--	L	--	--	--	1203.04
	Flea Market	--	--	--	--	--	--	--	C	--	--	--	--	1203.05
	Small Box Discount Retail Store	--	--	--	--	--	--	--	L	L	--	--	--	1203.04
	Other Retail Sales-Oriented uses not listed above	--	--	--	--	--	L	L	L	L	L	L	--	1203.04
	Other Retail Service-Oriented uses not listed above	--	--	--	--	--	L	L	L	L	L	L	--	1203.04
Industrial Use Categories														
	24 Hour Operation adjacent to a Residential District or Subdivision													1203.05
Cannabis	Cultivation	--	--	--	--	--	--	--	--	--	--	C	C	1203.05
	Processing	--	--	--	--	--	--	--	--	--	--	C	C	1203.05
	Laboratories	--	--	--	--	--	--	--	--	--	C	--	--	1203.05
Heavy Industrial	All Heavy Industrial Uses	--	--	--	--	--	--	--	--	--	--	--	P	

Light Industrial	Artisan/Micro-Manufacturing	--	--	--	--	--	--	--	--	--	L	L	L	1203.04
	Contractor Yard	--	--	--	--	--	--	--	--	--	--	C	L	1203.03 & 1203.04
	Building or Lumber Yard	--	--	--	--	--	--	--	--	C	--	P	P	1203.05"

SECTION 2: Section 1203.05(H) and (I) of the Planning and Zoning Code is hereby supplemented to read as follows:

“6. Retail Dispensaries

- a. Proximity. No cannabis dispensary shall be located within the proximity of one mile from the property line of any other Cannabis Operator.
- b. Prohibition. No Cannabis dispensary shall be located within 500 feet of a school, church, public park, public playground or public library.
- c. Screening. The exterior structure of any cannabis dispensary shall be properly screened so that its activities involving the handling of cannabis plants or products cannot be seen by the public on adjacent private or public property.
- d. Permitting. Cannabis dispensary seeking to obtain a zoning permit under this Chapter must first apply for a conditional use permit. A cannabis dispensary may not receive a certificate of occupancy unless they possess both a valid conditional use permit and a valid zoning permit.
- e. Application. In addition to any other application requirements set forth in Section 1203.02(C) of this Chapter, and/or established by the Development Department, cannabis dispensaries conditional use applications must include:
 - (1) The type of business organization of the applicant, such as an individual, corporation partnership, limited liability company, association, cooperative, joint venture, or any other business organization.
 - (2) Confirmation that the applicant is licensed by the Ohio Division of Cannabis Control as a cannabis dispensary and a copy of the applicable documents governing the licensing, operations, and administration of the business. Provisional licenses will be sufficient for the purposes of the conditional use application; however, the certificate of occupancy will not be issued until the applicant provides the City with the non-provisional, official license issued by the Ohio Division of Cannabis Control to operate at the property proposed for the use.
 - (3) A location area map for the proposed cannabis dispensary which shows with sufficient certainty (as determined in the City’s discretion) that each lot line of the parcel on which the proposed dispensary will be located is at least 500 feet from the lot line of any other parcel containing a school, church, public park, public playground or public library.
 - (4) Any other information requested by the City.
- f. Other Requirements. See Chapter 874 of the Business Regulation and Taxation Code for additional regulations applicable to cannabis dispensaries.

1203.05 (I)

A. Industrial Conditional Use Standards.

1. Cannabis Cultivators, Processors, and Laboratories

- a. Proximity. No cannabis cultivator, processor, and/or laboratory shall be located within the proximity of one mile from the property line of any other Cannabis Operator.
- b. Prohibition. No cannabis cultivator, processor, and/or laboratory shall be located within 500 feet

of a school, church, public park, public playground or public library.

- c. Screening. The exterior structure of any cannabis cultivator, processor, and/or laboratory shall be properly screened so that its activities involving the handling of cannabis plants or products cannot be seen by the public on adjacent private or public property.
- d. Permitting. Cannabis cultivator, processor, and/or laboratory seeking to obtain a zoning permit under this Chapter must first apply for a conditional use permit. A cannabis cultivator, processor, and/or laboratory may not receive a certificate of occupancy unless they possess both a valid conditional use permit and a valid zoning permit.
- e. Application. In addition to any other application requirements set forth in Section 1203.02(C) of this Chapter, and/or established by the Development Department, Cannabis cultivator, processor, and/or laboratory conditional use applications must include:
 - (1) The type of business organization of the applicant, such as an individual, corporation partnership, limited liability company, association, cooperative, joint venture, or any other business organization.
 - (2) Confirmation that the applicant is licensed by the Ohio Division of Cannabis Control as a cannabis cultivator, processor, and/or laboratory and a copy of the applicable documents governing the licensing, operations, and administration of the business. Provisional licenses will be sufficient for the purposes of the conditional use application; however, the certificate of occupancy will not be issued until the applicant provides the City with the non-provisional, official license issued by the Ohio Division of Cannabis Control to operate at the property proposed for the use.
 - (3) A location area map for the proposed cannabis cultivator, processor, and/or laboratory which shows with sufficient certainty (as determined in the City's discretion) that each lot line of the parcel on which the proposed cultivator, processor, and/or laboratory will be located is at least 500 feet from the lot line of any other parcel containing a school, church, public park, public playground or public library.
 - (4) Any other information requested by the City.
- f) Other Requirements. See Chapter 874 of the Business Regulation and Taxation Code for additional regulations applicable to Cannabis Facilities and Operators.”

SECTION 3: Section 1209.03 of the Planning and Zoning Code is hereby supplemented to read as follows:

“Cannabis Facility means a cannabis cultivator, processor, or retail dispensary as authorized and properly licensed under R.C. Chapters 3780 and/or 3796.

Cannabis Operator means the individual or entity authorized and properly licensed under R.C. Chapters 3780 and/or 3796 to operate a cannabis facility.”

SECTION 4: 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

First Reading: _____

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.

WHEREAS, the invoice was received prior to the purchase order being opened.

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

SECTION 1: A Then-and-Now Certificate in the amount of \$7,000.00 to Public Safety Consultants for the Fire Lieutenant promotional assessment.

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

RESOLUTION NO. 57-2024

A RESOLUTION AMENDING RESOLUTION NO. 06-2024 TO INCREASE THE BLANKET PURCHASE ORDER FOR BRICKER GRAYDON LLP AND APPROVE A BLANKET PURCHASE ORDER FOR PRADCO.

WHEREAS, pursuant to the City's Purchasing Policies and Procedures, Council is required to approve blanket purchase orders.

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

SECTION 1: Section 1 of Resolution No. 06-2024 is hereby amended to read as follows:

“SECTION 1: Council hereby approves the following blanket purchase orders for 2024:

Vendor	Amount Not to Exceed	Departments Affected
Public Entities Pool	\$156,634.00	All Departments
Tyler Technologies	\$ 85,000.00	Finance
Enterprise FM Trust	\$335,000.00	All Departments
Hurst Kelly	\$ 36,500.00	Finance
Clark Schaefer Hackett	\$ 28,000.00	Finance
Bricker Graydon LLP	\$ 75,000.00	CMO/Economic Development
DSD Advisors LLC	\$ 30,000.00	CMO/Economic Development
Velecor	\$140,000.00	All Departments
National Inspection Corporation	\$400,000.00	Development
PRADCO	\$28,000.00	CMO/Human Resources”

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

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.

WHEREAS, the City of Monroe received \$1,473,947.04 from the Federal Government through the American Rescue Plan Act (“ARPA”); and

WHEREAS, Council passed Resolution No. 40-2022 on September 27, 2022, authorizing the City of Monroe to use the standard allowance for the Local Fiscal Recovery Fund as authorized by the ARPA; and

WHEREAS, since all the ARPA dollars have been calculated as loss revenue, the ARPA dollars can be used to provide any government service; and

WHEREAS, Council passed Resolution No. 70-2023 authorizing the expenditure of not to exceed \$105,000 from the ARPA Fund for the purpose of completing audio and visual upgrades through the public meeting spaces within City-owned facilities; and

WHEREAS, \$85,784.06 of ARPA funds were expended in fiscal years 2023 and 2024 for the purpose approved with the passage of Resolution No. 70-2023; and

WHEREAS, \$1,368,947.04 in total has been spent in fiscal year 2024 for police and fire personnel costs, and the remaining ARPA Funds of \$19,215.94 previously approved with the passage of Resolution No. 70-2023 will also be used for police and fire personnel costs.

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

SECTION 1: The Council authorizes the expenditure of \$1,388,162.98 from the American Rescue Plan Act Fund for the purpose of police and fire personnel costs during fiscal year 2024.

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

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.

WHEREAS, Section 8.01 of the Charter requires a Department of Law, of which shall be headed by the Law Director as appointed by Council; and

WHEREAS, the position of Law Director is vacant and, after review of requests for proposal, Council has determined to appoint Jack B. Hemenway II as Law Director under an agreement with Frost Brown Todd L.L.P.

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

SECTION 1: Council hereby appoints Jack Hemenway to serve as the Law Director pursuant to Article VIII of the Charter.

SECTION 2: Council hereby authorizes 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 as set forth in Section 8.04 of the Charter. The terms of said agreement shall be as set forth in Exhibit "A" attached hereto and made a part hereof.

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

Exhibit "A" Res No. 59-2024

Jack B. Hemenway II

Partner

513.870.8204 (t)

513.870.0999 (f)

jhemeway@fbtlaw.com

November 19, 2024

Mayor Keith Funk
City of Monroe
233 South Main Street
Monroe, OH 45050

Dear Mayor Funk,

We are pleased that City Council selected me to serve as the City of Monroe's Law Director, and Frost Brown Todd ("FBT" or "Firm") to serve as the City's legal counsel. This letter will confirm the terms of our representation. If you have any questions about these terms, do not hesitate to contact me.

Client; Scope of Representation. Our client in this matter will be City of Monroe ("City," "you" or the "Client"). We will represent you as the City's Law Director. You may limit or expand the scope of our representation from time to time, provided that any substantial expansion must be agreed to by us.

Fees. Frost Brown Todd shall provide the City with retainer and non-retainer services under this contract, effective December 1, 2024. For retainer services, the City will pay the Firm \$7,000 per month on a flat fee basis. The retainer will cover standard law director services, including attendance at Council meetings; Mayor's Court prosecution; reviewing and drafting Resolutions, Ordinances, and contracts; and providing general legal advice and legal opinions to Council. The retainer may be increased each year by not more than five percent per year except as otherwise agreed.

Non-retainer services are billed separately at our attorneys' discounted billing rates. Non-retainer services include: litigation, collective bargaining and personnel, land use and zoning, construction, public finance, and any individual matter expected to take 10 or more hours of attorney time. For non-retainer services, our fees are based primarily on the time expended by our attorneys, paralegals, and other professionals on the engagement, including travel time charged at regular rates. Attorneys, paralegals, and other professionals have been assigned hourly rates based upon their practice areas and skills, experience, and level of expertise. The current rates of those attorneys likely to handle most of the legal work for the City range from \$255 to \$380 per hour. It may be necessary to add to or change the team working on your behalf. Our hourly rates are reviewed periodically and may be increased from time to time, typically at the beginning of each calendar year.

Waiver of Future Conflicts. Our firm represents many other entities and individuals. Some may have business or legal interests that are contrary to your interests. It is therefore possible that during the time we are working for you, an existing or future client may seek our assistance in connection with a transaction, pending or potential litigation, or another matter or proceeding in which that client's interests are or could become adverse to your interests. This can create situations

in which work for one client on a matter might preclude us from assisting other clients on unrelated matters.

To avoid the potential for this kind of restriction on our practice, you agree that Frost Brown Todd may represent any existing or future client in any matter (including litigation, arbitration, or other dispute resolution proceedings), even if the interests of that client in the other matter are directly adverse to the interests of Client, as long as that other matter is not substantially related to our Firm's work on behalf of Client. You also agree that FBT may represent Client in any matter, even if your interests in the matter are directly adverse to the interests of another FBT client, as long as the matter for you is not substantially related to our Firm's work on behalf of the other client. We encourage you to consult with other counsel about this prospective conflicts waiver.

Additional Terms. Our engagement is also subject to the additional terms and conditions that follow this letter.

We appreciate the opportunity to represent you. Please return a signed version of this letter to confirm your agreement to these terms of our engagement. Our representation of you will begin when you accept the terms of our engagement. However, please note that your instructing us on this matter will also constitute your acceptance of the terms in this letter and those that follow it.

We look forward very much to serving as the City's Law Director.

Sincerely,

FROST BROWN TODD LLP



Jack B. Hemenway II

JBH/mee

Attachment

AGREED:

CITY OF MONROE

By: _____

Print Name: _____

Print Title: _____

FROST BROWN TODD LLP

ADDITIONAL TERMS AND CONDITIONS OF CLIENT ENGAGEMENTS

1. Expenses. Expenses we incur on the engagement are charged to the Client's account. Expenses include such items as court costs, hard copy document reproductions, travel expenses, messenger service charges, overnight mail or delivery charges, extraordinary administrative support, filing fees, fees of court reporters and charges for depositions, fees for expert witnesses, and other expenses we incur on your behalf. Our charges for these services reflect our actual out-of-pocket costs based on usage, and in some areas may also include our related administrative expenses.

2. Monthly Statements. Unless a different billing period is agreed upon with the Client, the Firm will render monthly statements indicating the current status of the account as to both fees and expenses. The statements shall be payable upon receipt. If statements are not paid in full within 30 days, we reserve the right to add a late charge of 1% per month of the amount due. If it becomes necessary for the Firm to file suit or to engage a collection agency for the collection of fees or expenses, the Client shall pay all related costs and expenses, including reasonable attorneys' fees.

3. Retainers. Any retainer payment will normally be less than the Firm's ultimate fees and expenses, which must be kept current irrespective of your retainer payment(s). Such a payment or series of payments is not intended as a limitation upon the Firm's fees and expenses. Retainer payments will be deposited into a client trust account (which you agree may be maintained outside the state of the engagement letter signatory's office), and we may draw against it to satisfy any of your invoices that are more than 60 days past due. We may require that the retainer be replenished as a condition of continuing work on your behalf. In addition, we may request additional retainer payments if you request additional services and we agree to provide them, or if we determine that the cost of the required services and expenses to be incurred on the engagement may exceed any retainer balance. Additional retainer payments must be made within 15 days of the dates we request them. We reserve the right to discontinue our representation until you make such requested payments. The Firm may apply the advance payment toward any unpaid fees and expenses, in which event the Client shall make an additional deposit to restore the advance payment to its original level. Additional advance payments must be made within fifteen days of the date the request is made. Any unexpended balance of advance payments will be refunded to the Client, without interest, at the end of this engagement.

4. Litigation Matters. If this engagement involves litigation, the Client may be required to pay the opposing party's court costs. Such costs include filing fees, witness fees, and fees for depositions and documents used at trial. We will not settle litigated matters without the Client's express consent. We require the Client's active participation in all phases of the case.

5. Waiver of Future Conflicts. In deciding whether to consent to future conflicts as described in the engagement letter, the Client should consider how you might be affected by our Firm being adverse to you in another matter, or by our representing you in a matter in which the adverse party is also a client of the Firm (albeit in other matters). Because we would not be adverse to the Client on the same matter on which we represented the Client (or one substantially related to such matter), we do not believe that there is any material risk that our commitment and dedication to the Client's interests will be adversely affected. Furthermore, your waiver of future conflicts does not

waive your right to have our Firm maintain the confidentiality of client information obtained by us in representing you. If our representation of another client in a matter is directly adverse to you, our lawyers who have had significant involvement in our work for you will not work on the matter for such other client. We will take appropriate measures to ensure that your proprietary or other confidential information will not be made available to lawyers or others in our Firm involved in such matter. On the other hand, in our representation of other clients pursuant to this waiver of future conflicts, we may obtain confidential information of interest to you that we cannot share with you.

6. Generative AI. Unless you expressly instruct us otherwise, we may use on your matters applications that incorporate generative artificial intelligence that meet the Firm's security protocols, are not open-source applications, and are otherwise approved by the Firm. We may also train such applications using our information-management systems, which may include work product we created for you. We will comply with applicable ethics and court rules in any use of generative artificial intelligence.

7. Insurance coverage. Unless we have been explicitly retained to address insurance coverage issues (as documented in this engagement letter), we have no responsibility or obligation to (a) identify any potentially applicable insurance coverage, (b) provide notice to any carrier, or (c) advise the Client on issues relating to insurance coverage at any point during our representation.

8. Corporate Transparency Act. Unless we have been explicitly retained to advise on compliance with the federal Corporate Transparency Act or any similar state statute (collectively "CTA"), we have no responsibility to advise the Client on compliance with the CTA or applicability of CTA exemptions. When our work on behalf of the Client involves creating a new legal entity, we will provide to the Client any Firm-specific information required for a CTA filing. We will not be responsible for making any initial or updated filing required under the CTA, which shall remain the responsibility of the Client.

9. Termination. The Client has the right to terminate our representation at any time by notifying us of your intention to do so in writing. We will have the same right, subject to an obligation to give the Client reasonable notice to arrange alternative representation. If either party should elect to terminate our relationship, our fees and expenses incurred up to that point still will be due to us.

10. Withdrawal. Under the rules of professional conduct by which we are governed, we may withdraw from our representation of the Client in the event of, among other reasons, (a) nonpayment of our fees and expenses; (b) misrepresentation or failure to disclose material facts concerning the engagement; (c) action taken by the Client contrary to our advice; and (d) in situations involving a conflict of interest with another client. If such a situation occurs, which we do not expect, we will promptly give the Client written notice of our intention to withdraw.

11. Post-Engagement Services. The Client is engaging our Firm to provide legal services in connection with a specific matter. After completion of that matter, changes may occur in the applicable laws or regulations that could have an impact on the Client's future rights and obligations. Unless the Client engages us after completion of the matter to provide additional advice on issues arising from the matter, the Firm has no continuing obligation to advise the Client with respect to future legal developments.

12. Retention and Disposition of Documents. At the Client's request, its documents and property will be returned to the Client upon conclusion of our representation in the matter described above, although the Firm reserves the right to retain copies of any such documents as it deems appropriate. Our own files pertaining to the matter will be retained by the Firm. These firm files include, for example, administrative records, time and expense reports, personnel and staffing materials, and credit and accounting records. All documents and property, including those belonging to the Client, that are retained by the Firm will be transferred to the person responsible for administering our records retention program. For various reasons, including the minimization of unnecessary storage expenses, and consistent with professional conduct rules, we reserve the right to destroy or otherwise dispose of any such documents or other materials retained by us *within a reasonable time after the termination of the engagement* without further notice to the Client.

13. Audit letters. We will comply strictly with, and not go beyond, the terms of the ABA Statement of Policy Regarding Lawyers' Responses to Auditors' Requests for Information (December 1975) in any response that you request we make to your auditors regarding "loss contingencies" affecting you.

14. Consultation with Firm Counsel. From time to time, issues arise that raise questions as to our duties under the professional conduct rules that apply to lawyers. These might include conflict of interest issues and could even include issues raised because of a dispute between us and a client over the handling of a matter. The Firm has in-house counsel who advise the Firm's lawyers in such matters. We believe that it is in our clients' interest, as well as the Firm's interest, that in the event issues arise about our duties and obligations as lawyers, we receive candid and confidential advice from counsel versed in these subjects. Accordingly, the Client agrees that if we determine in our own discretion during the course of the representation that it is either necessary or appropriate to consult with our Firm's counsel (either the Firm's internal counsel or, if we choose, outside counsel), we have the Client's consent to do so and that our representation of the Client shall not waive any attorney-client privilege that the Firm may have to protect the confidentiality of our communications with our internal or outside counsel.

15. Retirement Plan Advice. If the Client engages the Firm to provide legal services with respect to a retirement plan that is subject to the Employee Retirement Income Security Act, the Client should be aware that certain "covered service providers" must disclose some very specific information to the Client as a responsible fiduciary before the Client engages those services. While the Firm would not usually be serving as a "covered service provider," there are some situations in which it might be. A description of the disclosures required in those situations can be located at [final-regulation-service-provider-disclosures-under-408b2.pdf \(dol.gov\)](https://www.dol.gov/eis/whistleblower/final-regulation-service-provider-disclosures-under-408b2.pdf).

16. Authorization. By the Client's agreement to these terms of our representation, the Client authorizes us to take any action we deem advisable on the Client's behalf on this matter. We will, whenever possible, discuss with the Client in advance any significant actions we intend to take.

Jack B. Hemenway II

Partner

513.870.8204 (t)

513.870.0999 (f)

jhemeway@fbtlaw.com

September 6, 2024

City of Monroe
Office of the City Manager
Larry M. Lester Jr., MPA
233 South Main Street
Monroe, Ohio 45050

Dear Mr. Lester:

Thank you for the opportunity to respond to the request for proposal (RFP) for municipal legal services issued on August 6, 2024 by the City of Monroe (City). Frost Brown Todd (FBT) values our longstanding relationship with the City, growing alongside each other since our firm began providing labor and employment counsel to Monroe in 1989.

Through the years, FBT has developed a premier public sector legal team that provides legal services to some of the largest public entities in our expanding footprint, including Cincinnati, Dayton, and Columbus; Indianapolis and Marion County; Lexington and Louisville, as well as many smaller and mid-sized Ohio municipalities. We currently serve as Law Director for over fifteen Ohio communities. Our experience ranges from general public law matters to specialized areas such as public sector labor and employment, zoning and land use, economic development, and litigation. We have extensive experience in representing public clients in regulatory, administrative, and trial and appellate matters at the local, state and federal levels.

I have worked closely with your administrative team for the past 10 years and would be honored to continue serving Monroe in the expanded capacity of Law Director. Enclosed please find a detailed overview of our qualifications for your legal needs. If you have any questions about our proposal, please feel free to contact me.

Sincerely,

FROST BROWN TODD LLP



Jack Hemenway

JBH/mcc

EN00246.Public-00246 4868-2408-5474v1

City of Monroe

Proposal Municipal Legal Services



frostbrowntodd.com

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A. Cover Letter

We have provided our cover letter separately.

B. Firm

As a full-service national law firm with one of the premier public-sector teams in the country, FBT is equipped and ready to perform the complete range of duties and responsibilities outlined in the RFP, including those described in the Monroe City Charter.

Public Sector Know-How

Today's suburban cities and towns face complex, wide-ranging issues that demand a wealth of knowledge and experience that one individual cannot provide. That is why more and more mid-sized communities turn to us as their outside counsel and Law Director. At FBT, we have at our fingertips the resources of a full-service, multi-state law firm. We can draw on a talented team of lawyers with deep experience in every legal issue a local government might face—from real estate development projects and bond deals to labor and employment matters. Distinguishing us from the crowd, FBT can offer assurance that most attorneys who would be working with the city focus their legal practice on matters affecting local government.

Everything we do is grounded in helping you make your community a better place to live. We attend committee, board and council meetings and get to know the personalities and politics, so we can better understand the everyday realities of your community and spot potential landmines and road bumps. More than anything, though, our experience sets us apart. Our relationships with dozens of municipalities and public officials throughout the region span decades, allowing us to tailor a legal approach to the needs of each unique client while providing effective and prompt representation and service.

Our attorneys invest time and work hard to foster lasting relationships with our clients, saving them the headaches of high staff turnover or the frustrations of transferring institutional knowledge from one law firm to another. This saves you time and money, as we act as your advocates when it's time to orchestrate the right approach for getting the job done—whether that job involves issuing bonds, planning economic and redevelopment projects or managing day-to-day operational needs with community leaders.

Litigation

Our experienced, high-performing litigation team boasts a long, successful track record representing clients in complex disputes and claims against public agencies and officials. We blend skill and insight with sophisticated legal savvy across various disciplines to help clients effectively manage and resolve disputes in every industry. We are vested in a

positive outcome for our clients and work aggressively towards the most effective and expedient resolution. Find experience highlights in [Section K](#) below.

Personal Injury and Property Damage

Our trial lawyers have a wealth of experience defending wrongful death, personal injury, and property damage lawsuits. In fact, our litigators have defended thousands of personal injury cases.

Workers' Compensation

At any given time, our attorneys are assisting employers with hundreds of workers compensation cases—managing a full range of issues and challenges arising in the employee-employer and independent contractor context. This includes advising employers on self-insurance and state workers' compensation insurance, as well as private insurance needs and the management of premiums and ratings. Furthermore, we have team members who devote a significant portion of their practices to defending employers in judicial proceedings and interfacing with administrative agencies on their behalf.

Our team collaborates with employers to develop pragmatic defensive strategies for increasing workplace safety while reducing workplace injuries and claims. We also help employers decrease workers' compensation costs through a variety of means—from contesting claims and investigating suspected fraud and abuse to conducting in-house training and returning employees to transitional and full duty work.

Representative Experience

- Engaged at the appellate level and successfully obtained a reversal at the Court of Appeals of a \$2.6 million judgment on immunity and other issues stemming from a personal injury on a county-owned and operated golf course.
- Represented a school district in a personal injury action arising out of the collapse of bleachers during a football game.

Employment Litigation

Having handled thousands of cases over the decades, our team has developed a reputation of integrity and competency with our clients, as well as with the EEOC and various state civil rights agencies. Our group has litigated on behalf of employers in nearly every state in the country and has tried hundreds of jury trials, bench trials, arbitrations, administrative hearings, and preliminary injunctions.

While providing you with unparalleled service, it is our objective to avoid litigation. Should you require counsel through the litigation process, however, our attorneys are prepared to represent the City through trial and appeal.

Prosecution (Mayor's Court)

FBT is unique in that it has an in-house staff of prosecutors who represent cities and villages in both Mayor's Court and Municipal Court. FBT provides prosecution services for violations of local ordinances and the Ohio Revised Code. In addition, our prosecutors work with our law enforcement partners comprehensively from charging through hearings and trials and onto appeals. Our team works with the Ohio Municipal League to certify all Mayor's Court Magistrates in the State of Ohio. FBT also provides legal training and updates for our law enforcement partners on current issues.

Economic Development & Public Finance

FBT attorneys have assisted governmental clients in developing and implementing economic development strategies across the State of Ohio to increase employment opportunities, mitigate blight, reinvigorate neighborhoods, and create housing opportunities. We pride ourselves on our comprehensive approach to economic development, advising our governmental clients from the earliest stages of each project through financing, construction, and project administration. Our knowledge of economic development structures, as well as our approach, is unique. The team offers proven expertise in:

- Analysis of legal structures and funding sources, with an eye on deal economics, including stakeholder engagement, market and financial feasibility, and deal structuring.
- Analysis of changes to state law and how it affects municipal economic development initiatives.
- Public and project finance tools, including without limitation, tax-exempt and taxable debt obligations, property assessed clean energy (PACE) bonds, tax increment financing, joint economic development districts (JEDDs), new community authorities, community improvement corporations (CICs), port authorities, transformational mixed-use development tax credits, new market tax credits, low-income housing tax credits, grants, capital leases, job creation tax credits, and opportunity zones.
- Advising on appropriate risk-sharing and cost-sharing arrangements between public and private entities.

The team's extensive experience is complemented by a commitment to problem solving and finding innovative solutions to address community concerns and initiatives. We also understand the importance of citizen engagement, public perception, public support, transparency, and education to effectively implement strategy.

As part of our bond counsel representation, we assist clients in both pre-issuance and post-issuance compliance with state and local laws and federal tax and securities laws, including tax audit work, arbitrage rebate compliance, and continuing disclosure obligations.

Representative Experience

- A township sought to partake in a large economic development project on approximately 65 acres of real estate. We assisted this local government in their development of a mixed-use commercial project. This economic development project made the township more competitive with other political subdivisions by bringing in more than \$300 million in private investment funds, creating an estimated 3,200 jobs during the construction phase of the project, and creating an estimated 4,500 permanent jobs for the area.
- A city sought to develop a pedestrian-friendly neighborhood that contained office, residential and retail features. The development, along a major river, includes an entertainment, dining, retail and office destination with riverfront parks, residential options, access to water and trail ways and a pedestrian bridge connecting two distinct, upscale areas. We have assisted the city with this ever-developing project by advising on all legal matters along the way including necessary real estate acquisitions and construction documents. Many features of this overall project have been completed, but the project development continues to grow.
- A city wanted to create a large space for the community, highlighting natural features and encompassing both sides of a major river. One side was envisioned as a venue for public events including features such as a greenspace and an interactive bouldering play area. The other side was envisioned as a location to display the

riverside and to make connections to the water and pedestrian trails. Our team has assisted throughout this large project by advising the city on all necessary real estate acquisitions and construction documents.

- In developing a plan for a major park, a city sought to build a pedestrian bridge across a river to connect two budding areas of the metro area. The project faced several challenges along the way, but we were able to assist the city with addressing all legal matters that the project presented.

Real Estate

Our team has defended hundreds of zoning commission and board of zoning appeals decisions as well as defended many constitutional challenges to zoning ordinances. We have also counseled and negotiated on behalf of clients in a wide range of multi-million-dollar construction and real estate matters involving municipal, township and school-related projects. We are uniquely situated in that we represent, as general and special counsel, numerous cities and villages across our footprint in real estate litigation, inverse condemnation and eminent domain cases, including the successful management of over 100 eminent domain lawsuits in the last five years alone. While we stand ready to aggressively defend public entities in litigation, we are equally adept at guiding clients through the alternative dispute resolution (ADR) process.

The following are some real estate services we can offer the City:

- Advice on project delivery methods and contract types, including lump sum, cost-plus fee, guaranteed maximum price, design-bid-build, design-build, construction management at-risk, construction management agency, and multi-prime procurement.
- Risk management/best practices counseling and training.
- Claims and dispute resolution (including defect and schedule impact claims).
- Mechanics' liens and payments disputes.
- Mediation and arbitration (as advocates and neutrals).
- Litigation.
- Insurance counseling and claims.
- Surety bond counseling and claims.

Eminent Domain

Our team has a wealth of experience navigating eminent domain issues. We draft the necessary documentation for the acquisition, negotiate with property owners and their counsel, and take court action to fulfill acquisitions when necessary. We understand that these matters can cause tension within a community, and we have experience navigating those issues to achieve the best results.

Experience Highlights

- An Ohio township recognized the need to properly plan and implement a temporary moratorium on new development and redevelopment to effectively implement a new zoning district. When the moratorium was challenged, our team successfully defended the township against an injunction to stop the application of the

temporary development moratorium. It was the first statutory township in Ohio to successfully implement a development moratorium.

- Our team assisted an Ohio city that owned hundreds of acres of land outside of its corporate limits but wanted to annex the property into its corporate limits. As a first step, we drafted the annexation petition and the ordinance authorizing the annexation. We also represented the city at the Board of County Commissioners hearing on the annexation petition. Ultimately, the board approved the petition, and the city was able to add the annexed property to their city area.
- An Ohio city sought to make certain roadway improvements, part of which involved the construction of a new road to support the development of a medical center. To move forward with this project, the city needed to acquire road rights of way and easements for the construction. We were able to assist the city in acquiring those rights so that the project could continue.

Labor & Employment

The FBT labor and employment team has negotiated over 500 public sector labor contracts (including many for the City of Monroe) and represents clients in labor arbitrations, union awareness and election petitions, collective bargaining, and employee investigation and discipline matters. We hope to continue to advise the City on all aspects of labor and employment law. Considering our extensive experience with the City, our attorneys know the special circumstances faced by the City of Monroe when dealing with labor and employment issues. We work to develop proactive and cost-effective solutions facing governmental entities on a daily basis. FBT's services in this area include advising and representing municipalities and townships in litigation in a number of areas:

- Collective bargaining
- Americans with Disabilities Act (ADA)
- Family Medical Leave Act (FMLA)
- Fair Labor Standards Act (FLSA)
- Discrimination, harassment, whistleblower claims
- Wrongful discharge
- Civil service hearings/Due Process hearings
- Equal Employment Opportunity Commission (EEOC) & state agency proceedings
- Grievances and arbitrations
- Discipline and discharge
- Workers' compensation defense
- Unemployment compensation defense
- Policy creation and review

C. Approach to Providing Legal Services

We tailor a legal approach to the needs of each client to provide effective and prompt representation and service. When a client's legal needs call for specialized expertise, FBT draws on the knowledge and experience of more than 575 attorneys who practice in a full spectrum of legal areas.

When it comes to staffing, we employ a lean staffing approach, carefully matching project needs with our attorneys' experience and capacity to ensure top-quality and timely delivery. Seasoned partners handle complex matters for

efficient, high-quality service. Those seasoned partners consider the complexity, deadlines, billing rates, and specialization required when assigning work to attorneys, paralegals, and business professionals. Partners oversee tasks suited to paralegals or associates for quality assurance.

Collaboration is a hallmark of FBT—from the way our internal teams operate to how we will interface with council members, administrative leadership and staff, citizens and outside consultants. FBT will offer exceptional, responsive legal advice, creative solutions, and personal client service in the manner that best suits your needs.

We will employ legal project management (LPM) principles to provide value, cost efficiency, predictability, and transparency. FBT’s LPM program, crafted by a full-time legal project manager, assists attorneys with scoping, budgeting, monitoring, and managing matters and provides our attorneys with routine coaching to adopt LPM tools and techniques to manage client matters more efficiently and effectively. Our LPM program helps us identify process improvement opportunities like revising internal workflow, exploring new technology and management tools, and analyzing staffing levels.

D. Working Relationship

Because each client is unique, FBT customizes lines of communication based on the preferences and needs of the client. The Law Director serves Council and will be readily available to answer questions and provide legal guidance whenever needed, including after hours. The Law Director will also have direct, frequent contact with the City Manager and department heads. The Law Director will provide direct contact information for all attorneys providing service to the City. Our team works hand in hand with your Council and staff to achieve your goals and manage daily operations of your municipality.

E. Key Personnel

Though we will draw upon a broad bench of more than 575 attorneys as needed, we expect that the following attorneys will lead our work with the City, as noted below:

Legal Area	Lead	Support
Law Director/General Counsel	Jack Hemenway	Alex Ewing Jon Roach
Labor & Employment	Jack Hemenway	Alex Ewing Cat Burgett Joe Scholler Jasmine Corrie Nick Taylor Samantha Bagley
Contracts	Jack Hemenway	Jasmine Corrie Nick Taylor

Legal Area	Lead	Support
Sunshine Law	Jack Hemenway	Alex Ewing Jon Roach
Land Use	Phil Hartmann	Charles Galvin Jon Roach Scott Phillips Bobby Mumma
Litigation	Phil Hartman Thad Boggs	Charles Galvin Jon Roach Scott Phillips Julie Bruns
Economic Development	Thad Boggs	Emma Mulvaney
Annexation	Thad Boggs	Jon Roach Bobby Mumma
Regulatory	Thad Boggs	Jon Roach Bobby Mumma
Public Finance	Pat Woodside	Emma Mulvaney
Real Estate	Alyse Hoffer	Thad Boggs Bobby Mumma

Please find qualifications and experience for each of these attorneys in [Section N](#).

F. Fee Structure

We propose a fixed monthly retainer of \$7,000 (\$84,000 annually) for law director services, as described below in Section O. This retainer would cover all services currently performed by the City’s retiring Law Director, which include attendance at Council meetings; Mayor’s Court; reviewing and drafting Resolutions, Ordinances, and contracts; provision of routine legal advice and research/drafting legal opinions on state/federal laws and legal matters; phone and email communication with City Council, the City Manager, and Department Heads.

In line with the City’s current legal operations, we would bill the City separately at our reduced governmental rates for work that involves litigation, collective bargaining and personnel, land use and zoning, construction, public finance, and any individual matter expected to take 10 or more hours of attorney time. The reduced governmental billing rates for attorneys we expect to handle most of the City’s work range from \$255-380 per hour.

We will actively budget and strive to maintain the City’s total legal spend to be within the guidelines recommended in the City’s recent organizational assessment. We want this to be a longstanding relationship that works well for both the City and our Firm. We would look forward to reviewing our engagement after 6 months (and anytime thereafter) to make sure the engagement is working well for all parties and is a “good deal” for the City.

G. References

The Village of Indian Hill

Dina Minneci, City Manager
6525 Drake Rd.
Cincinnati, OH 45243
513.561.6500
dminneci@indianhill.gov

City of Dublin

Megan O'Callaghan, City Manager
5555 Perimeter Dr.
Dublin, OH 43017
614.410.4400
mcallaghan@dublin.oh.us

Liberty Township

Caroline McKinney, Township Administrator
5021 Winners Cir.
Liberty Twp., OH 45011
513.759.7510
cmckinney@liberty-township.com

City of Hilliard

Michelle Crandall, City Manager
3800 Municipal Way
Hilliard, OH 43026
614.876.7361
mcrandall@hilliardohio.gov

West Chester Township

Larry Burks, Township Administrator
9113 Cincinnati-Dayton Rd.
West Chester, OH 45069
513.777.5900
lburks@westchesteroh.org

West Chester Township

Lisa Brown, Assistant Township Administrator
9113 Cincinnati-Dayton Rd.
West Chester, OH 45069
513.777.5900
lbrown@westchesteroh.org

City of Centerville

Wayne Davis, City Manager
100 W. Spring Valley Rd.
Centerville, OH 45458
937.433.7151
wdavis@centervilleohio.gov

City of Carlisle

Chris Lohr, City Manager
760 Central Ave.
Carlisle, OH 45005
937.746.0555
clohr@carlisleoh.org

City of Miamisburg

Keith D. Johnson, City Manager
10 N. First St.
Miamisburg, OH 45342
937.847.6456
keith.johnson@cityofmiamisburg.com

City of Miamisburg

Leslie A. Kohli, Human Resources Director
10 N. First St.
Miamisburg, OH 45342
937.847.6465 (Leslie)
leslie.kohli@cityofmiamisburg.com

H. Municipal Experience

Frost Brown Todd (FBT) has one of the premier public sector legal teams in the country. We provide legal services to some of the largest public entities in our footprint, including the cities of Columbus, Cincinnati, and Dayton in Ohio; Lexington and Louisville in Kentucky; Indianapolis, Brownsburg, Hammond, and Marion County in Indiana. We also advise growing Ohio municipalities and townships such as the Cities of Kettering, Miamisburg, Centerville, Montgomery, Indian Hill, Hilliard, Canal Winchester, and Pickerington, and West Chester, Liberty, and Washington Townships. The attorneys at FBT have represented the City of Monroe since it was a Village in 1989. We have a unique and important institutional knowledge of the City's rich history and relationships with key community stakeholders, making us specially situated to provide legal services and counseling to the City.

Our team is a cross-section of highly experienced attorneys, all of whom have served in a general counsel capacity. We understand and address the day-to-day challenges you and your team face with practical and efficient solutions to legal, risk management, and compliance issues. Outlined below are some of FBT's key competencies:

Law Director Services

FBT delivers sound legal counsel, responsive service, concise communications, and efficient representation. Everything we do is grounded in helping our government clients make their communities better places to live. FBT is deeply committed to our partnerships with our municipal and government clients. We know communities are more than bond deals, real estate acquisitions, economic development projects, or lawsuits. The City of Monroe is an organization with political nuance, high-profile and sensitive issues, and opportunities to provide visionary leadership. Representation of the City of Monroe requires both institutional City knowledge and elite, comprehensive legal expertise. We draw on a talented team of lawyers with deep experience on every legal issue the City might face—from environmental and real estate development projects to bond deals and workers' compensation lawsuits. Together, we deliver premier client service.

Our attorneys aim to be true team members. This means that while we offer project-based solutions as needed, we consider our clients' relationships, day-to-day practicalities, and long-term objectives. Our Law Director Services include:

Public Records & Open Meetings

Our attorneys have deep subject-matter expertise with respect to Sunshine Laws. We provide annual training on our clients' public records and open meetings obligations. We also routinely assist clients in responding to subpoenas and record requests, helping ensure full compliance with federal and state law. We work closely with our public-sector clients to avoid other constitutional challenges as well, including those involving the First Amendment, Free Exercise and Establishment Clauses.

Code Enforcement & Nuisance Abatement

Likely all political subdivisions throughout the country have faced a difficult code enforcement case where the property owner is not compliant. Our attorneys have experience working through these cases from beginning to end

to ensure that the goals of the code are realized. In appropriate cases, costs of nuisance abatement, including legal fees, can be recouped as an assessment against the nuisance property.

Contract Negotiation, Preparation & Review

A successful project starts with a good contract, one that reflects the needs of the particular project and fairly and reasonably allocates risks and rewards among the parties. We regularly assist clients with their contracts, whether drafting and negotiating unique “manuscript” contracts for complicated projects or providing a quick consultation on insurance, indemnity, no-damages-for-delay, pay-if-paid, and other key risk-shifting provisions.

Preparation/Review of Legislation

We assist with planning and drafting of forms, legislation, resolutions, and ordinances. We also offer routine advice and guidance before, during, and after the process, in substantive areas, including:

- Liquor licensing
- Tax increment financing (TIF)
- Zoning classifications
- Environmental conservation legislation
- Cooperative purchasing agreements
- Economic development initiatives

Police Legal Counsel

Our team has extensive experience and expertise in representing law enforcement entities throughout Ohio, both large and small. Members of our team serve as general counsel and special counsel to municipal law enforcement agencies and are leaders in the development of best practices for law enforcement throughout Ohio in the current challenging environment. We are routinely asked to provide training on these issues for local law enforcement organizations. We are also commonly consulted in connection with ensuring proper procedures are employed during internal affairs investigations, and external reviews or audits. We appreciate the continued confidence our clients place in us by selecting us to represent them in these sensitive and often publicly reported claims.

Representative Experience

- We defend law enforcement agencies against various employment discrimination and civil rights claims including Title VII, ADA, ADEA and USERRA claims.
- Obtained summary judgment in favor of police officer in 42 U.S.C. § 1983 lawsuit, based on allegedly false affidavit. Affirmed on appeal.
- Through motion to dismiss, obtained judgment in favor of governmental entity, supervisors, and individual officers in 42 U.S.C. § 1983 lawsuit.
- Obtained dismissal as a matter of law in a civil rights action against a municipal police officer allegedly conducting an unlawful search of a residence and false arrest.
- Obtained jury verdict for defense in federal district court in a civil rights action filed against two municipal police officers alleged to have used excessive force in connection with an arrest.
- Through motion to dismiss, obtained judgment in favor of governmental entity in a wrongful death lawsuit alleging negligent failure to locate missing person.

Planning and Zoning

FBT's Zoning and Land Use team serves as zoning counsel to numerous central and southwest Ohio municipalities. We have defended hundreds of planning and zoning commissions and board of zoning appeals decisions as well as defended many constitutional challenges to zoning ordinances. This group routinely handles real estate litigation matters and prosecutes and defends eminent domain cases. We have had the privilege of representing public entities within the eminent domain space for decades—over 100 lawsuits in the past five years alone.

In addition to having years of experience in the land use and zoning field, we have and maintain excellent long-term relationships with builder associations, government agencies, local developer, local governmental associations, planning and zoning commissions, and their staffs. These relationships are critical to keeping up to date with best practices, trends and evolving legal issues in the land use, zoning, and planning arena. In short, we provide “soup to nuts” legal services to assist a broad and diverse client base in every aspect of land use and zoning, including:

- Drafting and implementing updates and modifications to comprehensive plans and zoning codes.
- Assisting with zone changes, variances and special or conditional use permits.
- Zoning-related litigation, including administrative appeals and constitutional claims.
- Advising and defending government entities.
- Monitoring current issues and trends in land use law and updating clients accordingly.
- Counseling developers, property owners and zoning applicants through all stages of zoning processes.
- Obtaining subdivision approvals.
- Successfully defended multiple municipal clients in federal due process actions related to land use and zoning challenges.
- Researched and drafted zoning code revisions and complete overhauls for numerous local government clients, both urban and rural in size.
- Successfully defended multiple local government clients against highly publicized zoning permit denials involving alleged violations of the Religious Land Use and Institutionalized Persons Act (RLUIPA).
- Represented municipality in numerous zoning and land use disputes, including a publicized action brought by the ACLU over an ordinance that restricted the display of political signs.
- Litigated, from trial through appeal, a watershed tax increment financing case on behalf of local government client.
- Regularly perform zoning-related due diligence work for potential purchases of complex commercial and industrial properties.
- Prosecuted and defended eminent domain actions.

Experience Highlights

- A city partnered with the state to realign roadways to create a “gateway” for the city and to create a more efficient and safe traffic pattern. As part of that project, the city needed to acquire road rights of way and easements for the realigned roadway and expansions of right of way, including twelve property interests that had to be acquired

through eminent domain. We represented the city and were successful in negotiating agreements that were financially favorable to the city so that the project could move forward and meet the budget.

- As special counsel for a state department, we successfully represented the client in over 50 eminent domain actions involving the alleged flooding of farmlands. The litigation originated from the modification of a spillway on the western border of a major lake. After unsuccessful settlement negotiations and an appropriation trial, we were then retained as special counsel. Taking lead on the continuing litigation, our team successfully navigated the department through the litigation and successful negotiations.
- We successfully advised a municipality in negotiations with the developer of the largest revitalization project in the city's history and a highly successful regional shopping center, valued in excess of \$100 million. Our role in the project was to usher two simultaneous property sales through execution, examine conditions for development, clear transportation congestion obstacles, and develop the legal parameters of a highly creative excess-profit-sharing agreement between the developer and the city. The project generated a \$5+ million payout to the city from the developer and an increase in annual sales tax revenue that exceeds \$3 million per year.

I. Years of Law Director Experience

We are providing a comprehensive, though inexhaustive, list of Ohio clients we currently serve in the role of Law Director. Notably absent from this list are the many clients we serve in more focused capacities, e.g., labor counsel, land use and zoning counsel, environmental counsel.

Client	Current Role	Years as a Client
West Chester Township	Law Director	1998-Present
Village of Indian Hill	Village Solicitor	1998-Present
Liberty Township	Law Director	2004-Present
Village of Minerva Park	Village Solicitor	2005-Present
City of Powell	Law Director	2007-Present
Washington Township	Law Director	2012-Present
City of Dublin	Law Director	2013-Present
City of Grove City	Law Director	2013-Present
Village of Marble Cliff	Village Solicitor	2013-Present
City of Pickerington	Law Director	2013-Present
City of Canal Winchester	Law Director	2014-Present
Village of Johnstown	Village Solicitor	2017-Present
City of Hilliard	Law Director	2018-Present
Village of Mt. Sterling	Village Solicitor	2020-Present
Village of Hanover	Village Solicitor	2021-Present
City of Carlisle	Law Director	2023-Present

J. Knowledge of Ohio Revised Code (ORC)

We have an entire practice group of attorneys who represent and provide legal advice to Ohio municipalities on the Ohio Revised Code daily. Many of our government services attorneys conduct training for municipalities and other lawyers on the Ohio Revised Code. We have a thorough knowledge of all the laws applicable to the City.

K. Litigation Experience

General Litigation

Our attorneys have decades of experience representing municipalities in litigation.

- We obtained summary judgment, affirmed on appeal, for governmental employee in fraud lawsuit.
- We obtained judgment in favor of governmental entity in election challenge.
- Through motion to dismiss, we obtained judgment in favor of several elected officials in a complaint alleging copyright infringement.
- We obtained multimillion dollar summary judgment, upheld on appeal, against a neighboring city as it pertained to annexation reparation agreement.
- We represented Ohio municipality in declaratory judgment lawsuit against over one hundred defendants in action over enforceability of zoning code.
- We obtained dismissal as a matter of law for a planning commission in a civil rights matter arising out of violation of due process of law.
- We successfully represented a municipality against a residential developer alleging the city had an obligation to connect streets for development.
- We successfully sued a repeat plaintiff on behalf of an Ohio township, seeking to have the plaintiff labeled a “vexatious litigator,” preventing future lawsuits by that person.
- We obtained dismissal as a matter of law for an Ohio county in multi-jurisdictional, multi-count, multi-million-dollar sexual assault and civil rights lawsuit.
- We represented Ohio municipality in action in Ohio Supreme Court involving challenge to city charter.
- We defended a public official in an ethics commission investigation.
- We successfully represented and defended claims against various public officials on sovereign immunity grounds.
- We represented a city in an annexation dispute with a local user of the city sewer system.
- We successfully represented a county in a dispute with a city over the proper division of occupational license tax revenue generated in the county.
- We successfully defended Ohio township in multimillion-dollar challenge to a TIF plan.

Employment Litigation

Should Monroe require counsel through an employment litigation matter, our attorneys are prepared to represent the City through trial and appeal.

- We successfully represented a large municipality and one of its council members against charges of wrongful termination and violation of First Amendment rights.
- We defended a city, its personnel department, and finance director against six plaintiff claims of age and disability discrimination based on the claimant's allegation that she was not selected for a position for which she had applied and was not reclassified as a full-time employee.
- We conducted an investigation on behalf of a city into charges brought by a firefighter trainee alleging racial discrimination arising from ratings of unsatisfactory performance by teachers of the firefighters' academy.
- Our team conducted an investigation on behalf of a city after a female firefighter trainee brought claims alleging sex discrimination arising from ratings of unsatisfactory performance by the teachers of the firefighters' academy.
- Through motions to dismiss, we have obtained judgment in favor of governmental entities in lawsuits alleging sexual harassment, assault, and discrimination.
- We obtained summary judgment in favor of a governmental entity in lawsuit alleging wrongful discharge in violation of public policy.

L. Conflicts of Interest

We currently have no known conflicts of interest impacting our representation of Monroe. As with any firm of our size and scope, FBT encounters potential conflicts of interest occasionally. We have a sophisticated system for identifying and addressing conflicts promptly. We screen new matters for conflicts and, where appropriate, we may seek waivers to resolve actual conflicts of interest. On rare occasions, we may face a conflict that cannot be resolved, and in those cases, we assist with providing a qualified referral to an attorney/firm who can assist.

M. Ability to Serve

We have longstanding relationships with most of your administrative team and work collaboratively with the City's administrative leadership and department heads. We earned the trust of your staff through years of quality legal work and collaboration. Our office is only a few miles down the road from your City building. We are very familiar with your community and have a dedicated team ready to partner with you and help you achieve your goals.

N. Attorney Biographies



Years in Practice
10

Bar Admission
Ohio, 2014

Jack Hemenway | Government Services

Partner | West Chester, OH | 513.870.8204 | jhemenway@fbtlaw.com

Jack serves as general counsel for employers in the public and private sectors including municipalities, townships, and school districts. He focuses his practice on labor and employment matters, including collective bargaining negotiations, grievances and labor arbitrations, unfair labor practice charges, employee discipline and termination, employment discrimination and harassment. As a former small business manager, Jack has a unique understanding of the operational issues his clients face and uses that experience to find creative and practical solutions to problems.

Jack handles complex and sensitive employment investigations, including sexual harassment under Title IX and race, sex, age, and disability discrimination and retaliation under Title VII of the Civil Rights Act, the Age Discrimination in Employment Act, the Americans with Disabilities Act, and the Family and Medical Leave Act. Jack represents clients in employment litigation in state and federal courts, as well as in administrative proceedings before the Equal Employment Opportunity Commission, Ohio Civil Rights Commission, and the Ohio State Employment Relations Board. He also provides training and advises clients on compliance with these various discrimination laws.

Education: University of Dayton School of Law, J.D.; Wittenberg University, B.A.

To view Jack's full biography, click [here](#).



Years in Practice
16

Bar Admissions
Ohio, 2008
Kentucky, 2011

Alex Ewing | Government Services

Partner | West Chester, OH | 513.870.8213 | aewing@fbtlaw.com

Alex Ewing is an experienced school lawyer and public sector labor attorney. He represents a wide variety of schools, cities, townships, and other public sector entities in all areas of labor relations, including collective bargaining, labor arbitrations, employee discipline matters, and unfair labor practice charges. Alex specializes in Ohio public sector collective bargaining, including representing clients in the statutory impasse resolution proceedings (including fact-finding and conciliation). He has represented public sector clients in traditional labor matters before several courts in Ohio and Kentucky, the Ohio State Employment Relations Board, the Kentucky Labor Cabinet, the Ohio State Personnel Board of Review, and several local civil service commissions, as well as before multiple private arbitrators. Alex also advises clients regarding strike preparation and avoidance. In addition to traditional labor relations work, he advises clients regarding employment discrimination, FMLA, and wage and hour issues. Alex represents clients before the Equal Employment Opportunity Commission, the Ohio Civil Rights Commission, and several state and federal courts. He also provides training on employee leave management issues for human resource managers and supervisors. Alex also has extensive experience advising public sector clients regarding board and council governance issues, open meetings and public records issues, and First Amendment matters.

Education: Salmon P. College of Law, J.D.; The Ohio State University, B.A.

To view Alex's full bio, click [here](#).



Years in Practice
32

Bar Admission
Ohio, 1992

Philip K. Hartmann | Government Services

Partner | Columbus, OH | 614.559.7206 | phartmann@fbtlaw.com

Phil serves his clients in the areas of general municipal law, land use and zoning, eminent domain, real estate acquisition, annexation, home rule charter drafting, economic development and administrative appeals. He counsels a wide variety of clients from cities, villages and the private sector. Phil also serves as General Counsel (i.e., law director) for the cities of Hilliard and Pickerington, advising the cities on day-to-day issues and all other matters.

Education: The Ohio State University Moritz College of Law, J.D.; Capital University, B.A.

To view Phil's full biography, click [here](#).



Years in Practice
17

Bar Admission
Ohio, 2007

Catherine Burgett | Labor & Employment

Partner | Columbus, OH | 614.559.7287 | cburgett@fbtlaw.com

Catherine focuses her practice on the representation of both public and private employers in a broad range of labor and employment matters, including traditional labor work, employment litigation, breach of contract, and advising employers daily regarding employment issues. She has represented companies in federal and state courts and before the Equal Employment Opportunity Commission, Ohio Civil Rights Commission, the National Labor Relations Board, among others. Catherine also spends significant time working with her clients and advising on the many day-to-day issues that arise with employees and enjoys helping her clients successfully navigate the often turbulent waters of human resources.

Education: The College of William & Mary, J.D.; The College of William & Mary, M.B.A.; Denison University, B.A.

To view Catherine's full bio, click [here](#).



Years in Practice
24

Bar Admission
Ohio, 2000

Joe Scholler | Government Services

Partner | Columbus, OH | 614.

Joe is a member of the firm's Government Services Practice Group and serves as general counsel for clients in both the private and public sectors, including municipalities, townships and school districts. He thrives by digging through complex issues and working with clients to produce creative solutions that are beneficial both financially and from a business perspective. His approach to working in partnership with innovative clients has made him a trusted and sought-after counselor in the legal profession. Joe's practice has an emphasis in labor and employment issues, including contract negotiations, grievances, arbitrations, union avoidance, wage and hour law, Family Medical Leave Act, Americans with Disabilities Act, workers' compensation, unfair labor practice charges, harassment, discrimination and misconduct investigations, policy development, litigation, evaluation, nonrenewal and termination. He has served as a lead negotiator in more than 100 collective bargaining negotiations.

Education: University of Dayton School of Law, J.D.; Miami University, B.A.

To view Joe's full biography, click [here](#).



Years in Practice
12

Bar Admission
Ohio, 2012

Thaddeus M. Boggs | Government Services

Partner | Columbus, OH | 614.559.7293 | tboggs@fbtlaw.com

Thad represents clients in diverse matters related to state and local government—with an emphasis on land use and economic development issues, including municipal annexation, development agreements, and zoning applications. Thad’s variety of experience and his practical approach to helping clients solve problems informs his service as general counsel to the Ohio Air Quality Development Authority and law director for the City of Canal Winchester, OH.

Education: The Ohio State University Moritz College of Law, J.D.; Miami University, B.A.

To view Thad’s full biography, click [here](#).



Years in Practice
12

Bar Admission
Ohio, 2012

Charles Galvin | Government Services

Partner | Columbus, OH | 614.

Charles resides in Warren County and regularly advises townships, municipalities, school districts, political subdivisions, state agencies, and elected officials on a wide range of day-to-day issues. He fields questions from staff and attends meetings to provide practical advice. He has served as lead trial or appellate counsel for these entities and achieved successful results to complex legal problems through litigation and alternative dispute resolution.

Education: University of Notre Dame Law School, J.D.; Xavier University, B.A.

To view Charles’s full biography, click [here](#).



Years in Practice
35

Bar Admission
Ohio, 1989

Scott Phillips | Government Services

Partner | West Chester, OH | 513.870.8206 | sphillips@fbtlaw.com

Scott leads the Government Services Practice Group. He is passionate about helping communities become the absolute best places they can be to live, work and play. He is privileged to be a law director, solicitor, and special counsel for numerous communities in southwestern Ohio. In those roles, Scott counsels and advocates for clients. He also represents owners and developers in land use, zoning and eminent domain matters.

Education: American University Washington College of Law, J.D.; Southern Methodist University, B.B.A.

To view Scott’s full biography, click [here](#).



Years in Practice
10

Bar Admission
Ohio, 2014

Jonathan E. Roach | Government Services

Managing Associate | West Chester, OH | 513.870.8288 | jroach@fbtlaw.com

Jon's practice focuses on finding solutions for local governments and private clients in land use, zoning, and other real estate litigation matters. He handles litigation that improves the quality of life for local residents, neighbors, and the community at large. Jon regularly pursues public nuisance litigation against problem properties, or problem property owners, on behalf of local governments. Jon also handles labor and employment disputes and other litigation on behalf of public and private clients.

Education: Indiana University Maurer School of Law, J.D.; Miami University, B.S.

To view Jon's full biography, click [here](#).



Years in Practice
13

Bar Admissions
Ohio, 2011
Kentucky, 2012

Alyse Hoffer | Real Estate

Partner | Cincinnati, OH | 513.651.6706 | ahoffer@fbtlaw.com

Alyse focuses her practice on commercial real estate transactions, including acquisitions, sales, leasing, and development of retail, restaurant, office, and warehouse projects.

Education: Salmon P. Chase College of Law, J.D.; Northern Kentucky University, B.A.

To view Alyse's full bio, click [here](#).



Years in Practice
19

Bar Admission
Ohio, 2005

Pat Woodside | Public Finance

Partner | Cincinnati | 513.651.6701 | pwoodside@fbtlaw.com

Patrick's practice is focused on complex financings, structured finance, and counseling governmental and banking clients on federal tax issues associated with new money, current refunding and advance refunding tax-exempt financings; the issuance of governmental bonds, exempt facility bonds, qualified small issue manufacturing bonds and 501(c)(3) bonds; as well as post issuance compliance matters including arbitrage rebate and yield restriction requirements.

Education: Moritz College of Law, J.D.; Fisher College of Business, M.B.A.; Columbia University, B.S.

To view Pat's full bio, click [here](#).



Emma Mulvaney | Public Finance

Associate | Columbus, OH | 614.872.2102 | emulvaney@fbtlaw.com

Emma devotes her practice to assisting municipalities, school districts, and other public and private entities in various financial matters including bond issuances, economic development, and special project financing.

Education: Capital University Law School, J.D.; Capital University, B.A.

To view Emma's full biography, click [here](#).

Years in Practice
4

Bar Admissions
Ohio, 2020
Kentucky, 2021



Julie Bruns | Labor & Employment

Partner | Cincinnati, OH | 513.651.6938 | jbruns@fbtlaw.com

Julie represents employers in all phases of workers' compensation matters including administrative hearings and judicial matters before various levels of Ohio state courts. She counsels employers regarding the administration of workers' compensation claims, claims management and cost containment, accident investigation, violation of specific safety requirement claims, premium and group ratings, attaining and maintaining self-insured status, and other related matters. She also defends employers in post-administrative litigation in common pleas courts throughout Ohio.

Education: University of Cincinnati College of Law, J.D.; Miami University, B.A.

To view Julie's full biography, click [here](#).

Years in Practice
25

Bar Admission
Ohio, 1999



Samantha Bagley | Government Services

Associate | West Chester, OH | 513.870.8267 | sbagley@fbtlaw.com

Samantha's practice focuses on all aspects of government services. She represents townships, cities, school districts, and other public entities in the areas of land use, zoning, taxpayer lawsuits, labor relations, and general litigation. Prior to joining the firm, Samantha served as an Assistant Prosecuting Attorney in Hamilton County, OH, for over seven years. There, she litigated hundreds of cases and secured convictions in both bench and jury trials.

Education: University of Cincinnati, J.D.; The Ohio State University, B.A.

To view Samantha's full bio, click [here](#).

Years in Practice
8

Bar Admission
Ohio, 2016



Years in Practice
1

Bar Admission
Ohio, 2023

Jasmine Corrie Jones | Government Services

Staff Attorney | West Chester, OH | 513.870.8205 | jjones@fbtlaw.com

Jasmine focuses her practice on advising school districts and other public entities on policies, governance, and labor and employment matters, including employee discipline and civil rights issues. As a former school administrator, Jasmine has first-hand experience with addressing the complex issues that public entities, in particular school administrations and boards of education, face. Jasmine's commitment to public service and advocacy fuels her passion for aiding her clients and creating solutions to meet their unique needs.

Education: The Ohio State University, J.D.; Drexel University, B.S.

To view Jasmine's full bio, click [here](#).



Years in Practice
1

Bar Admission
Ohio, 2023

Bobby Mumma | Government Services

Associate | West Chester, OH | 513.870.8244 | bmumma@fbtlaw.com

Bobby focuses on a variety of matters within government services. He represents a wide variety of schools, cities, townships, and other public sector entities in all areas of land use, zoning, labor relations, collective bargaining, and labor arbitrations.

Education: University of Dayton School of Law, J.D.; University of Dayton, B.A., B.S.E.

To view Bobby's full bio, click [here](#).



Years in Practice
1

Bar Admission
Ohio, 2023

Nick Taylor | Government Services

Associate | West Chester, OH | 513.870.8220 | ntaylor@fbtlaw.com

Nick's practice focuses on helping public sector clients find creative solutions to complex legal issues. He assists a wide variety of schools, cities, townships, and other public sector entities in matters involving labor and employment, zoning, land use, litigation, and day-to-day operations.

Education: University of Dayton School of Law, J.D.; University of Kentucky, B.A.

To view Nick's full bio, click [here](#).

O. Fee Schedule

Routine Legal Services

Except as otherwise provided herein, the Law Director will provide the following “Routine Services” at the rate of \$7,000.00 per month.

- a. Attend all Council meetings.
- b. Prosecute Mayor’s Court.
- c. Attend planning and zoning commission meetings, and other routine board and commission meetings upon the request of the chair or upon request of the City Manager.
- d. Draft/review ordinances and resolutions arising in the normal course of municipal operation upon request of the City Manager or Staff, or as requested by action of City Council.
- e. Draft all other routine documents, legal memoranda, and legal opinions as requested by the City Manager, Staff, and/or Council subject to prior approval of the City Manager.
- f. Contract review and routine legal questions, assist with risk management issues.
- g. Guidance on Public records, open meetings, competitive bidding, home rule authority, and ethics.
- h. Provide legal advice relating to matters of public law and municipal code enforcement to City officials as necessary or upon request.
- i. Respond to the Council, City Manager and Staff inquiries about legal matters.
- j. Guidance on economic development, zoning, and real estate matters.
- k. Other normal City matters requiring legal input or involvement not specifically described under “Non-Routine Services,” including the responsibilities identified in the City’s RFP.

Non-Routine Legal Services

The following legal services shall be classified as “Non-Routine Services” and will be billed separately at our reduced governmental rates: litigation; collective bargaining and personnel; land use and zoning; construction; public finance; and any individual matter expected to take 10 or more hours of attorney time.

P. Annual Cost: Specific Services

Mayor’s Court Prosecution

The Law Director or designee shall serve as the City’s prosecutor for cases before Mayor’s Court and for traffic and criminal matters in Franklin County Municipal Court. These services will be included in the monthly retainer.

Frost Brown Todd is a full-service national law firm serving some of America’s top corporations and emerging companies. With attorneys regularly identified by clients, peers and industry organizations as leaders in their practice areas, the firm advises and protects clients in business transactions and litigation in many industries. Following its recent merger with California-based AlvaradoSmith, the firm’s more than 575 attorneys in 17 offices across multiple states provide unparalleled service to meet clients’ needs; deliver the insights and solutions available only from a diverse group of professionals; and support the communities in which they operate.

Industry-Focused Services

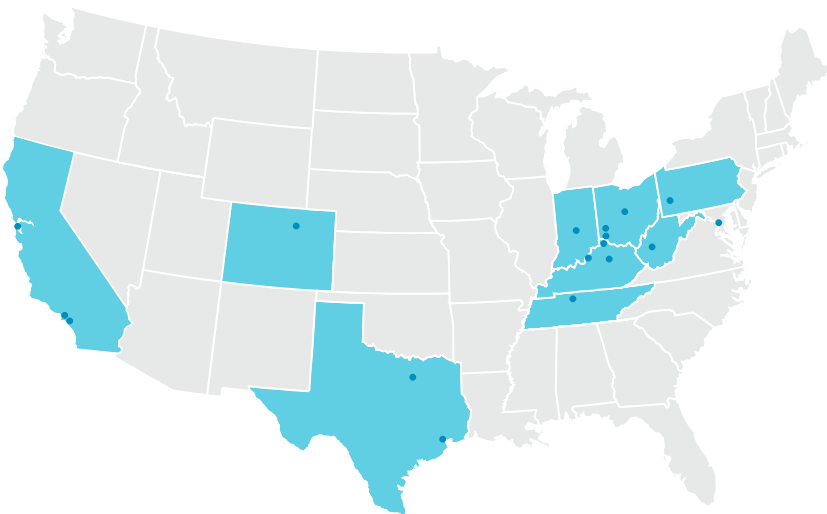
*There is no substitute for deep industry knowledge and experience.
Our industry teams have both in abundance.*

Each team has been organized comprehensively to ensure consistent and effective execution across our clients’ broad range of legal needs. With a focused understanding of both the everyday realities and changing dynamics of the industries we serve, we’re able to protect and assist our clients at the most essential levels, from the C-suite to the factory floor, from the high courts to the data room, and everywhere in between.

Our Culture

An inclusive law firm is simply a better one. For us, for our clients and our communities.

Our formalized inclusion, diversity, equity and belonging efforts feature an ever-growing mentor program, a culture of acceptance, a commitment to work-life integration, and an energized Women’s Initiative — all contributing to a more vibrant law firm for our people, our clients, and communities.



Charleston | Cincinnati | Columbus | Dallas | Denver | Florence | Houston
Indianapolis | Lexington | Los Angeles | Louisville | Nashville | Orange County
Pittsburgh | San Francisco | Washington, D.C. | West Chester

INDUSTRIES

Energy
Finance
Health Care
Manufacturing
Technology

PRACTICES

Appellate
Bankruptcy & Restructuring
Business & Commercial
Litigation
CMBS Lending & Servicing
Transactions
Commercial Finance
Construction
Corporate Law
Data, Digital Assets &
Technology
Employee Benefits & ERISA
Environmental
Franchise & Distribution
Government Contracting
Government Services
Insurance Regulation & Risk
Management
Intellectual Property
International Services
Labor & Employment
Litigation
Lobby & Public Policy
Private Client & Wealth
Management
Private Equity & Venture
Product, Tort, & Insurance
Litigation
Public Finance
Real Estate
Tax

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.

WHEREAS, Grand Communities LLC, a Kentucky limited liability company, together with its permitted successors and assigns (the “Land Owner”), is the fee owner of a certain parcel of real property located within the City of Monroe, Ohio (the “City”), as identified more particularly as Exhibit A attached hereto (the “Nonperforming Parcel” as further defined herein); and

WHEREAS, the City, in partnership with the Land Owner and its affiliate Fischer Homes, Inc., has prepared a strategy fostering the development of an area of the City more commonly known as the “Stonybrook by Fischer Homes” project in order to cause the new construction of a subdivision within the City currently expected to include not more than 219 single family dwelling units, all as more generally described pursuant to (i) that Development Agreement entered into between the City and the Land Owner pursuant to Ordinance No. 2024-15 approved by this Council (the “Council”) on May 28, 2024 and Ordinance No. 2024-16 approved by this Council on June 11, 2024 (the “Development Agreement”) and (ii) that Planned Unit Development Agreement executed on August 10, 2023 between the City and the Land Owner (the “PUD” and together with the Development Agreement, the “Project Documents”), together with any amendments to the Project Documents as may be required from time to time (collectively, the “Project”); and

WHEREAS, the City desires for the Land Owner to construct the Project upon what is currently vacant real property within the City and, pursuant to the terms of the Project Documents, anticipates that certain “public infrastructure improvements” must be constructed in order to support the economic viability of the Project; and

WHEREAS, pursuant to Ohio Revised Code Section 5709.40, this Council approved Ordinance No. 2004-26 on August 10, 2004 (the “Original TIF Ordinance”) authorizing an exemption from real property taxation equal to Seventy-Five Percent (75%) of the “improvements” (as defined by the Original TIF Ordinance) to parcels of real property (identified by one or more Exhibits to the Original TIF Ordinance) in the City for a period of thirty (30) years (the “Original TIF Exemption”); and

WHEREAS, under the terms of the Original TIF Ordinance and one or more Exhibits attached thereto, this Council authorized the Original TIF Exemption with respect to each of the parcels of real property that currently comprise the Nonperforming Parcel; and

WHEREAS, to encourage the construction and completion of the Project and the “public infrastructure improvements” identified by the Project Documents, this Council now desires to provide appropriate development incentives to support the timely and sustainable development of the Project upon the Nonperforming Parcel, including an alternative tax increment financing exemption from real property taxation on the increase in the assessed value of the Nonperforming Parcel pursuant to Ohio Revised Code Section 5709.40(C) (the “New TIF Exemption”), as may be authorized pursuant to one or more subsequent ordinances approved by this Council (the “New TIF Ordinance”); and

WHEREAS, this Council now desires to terminate the Original TIF Exemption with respect to the Nonperforming Parcel by amending the Original TIF Ordinance; and

WHEREAS, this Council further desires to declare that the Nonperforming Parcel is a “nonperforming parcel” pursuant to Ohio Revised Code Section 5709.40(A)(9), such that, after the passage of this Ordinance, the Nonperforming Parcel shall no longer be exempted from taxation pursuant to Ohio Revised Code Section 5709.40 and the Original TIF Ordinance, and may be included within a subsequent ordinance authorizing a New TIF Exemption pursuant to Ohio Revised Code Section 5709.40(C).

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

SECTION 1: The Original TIF Ordinance is hereby amended as follows: Ordinance No. 2004-26, approved by this Council on August 10, 2004 is hereby amended to terminate the Original TIF Exemption, solely with respect to the Nonperforming Parcel.

SECTION 2: Pursuant to the conditions set forth under Ohio Revised Code Section 5709.40(A)(9), this Council declares the Nonperforming Parcel to be a “nonperforming parcel” as a result of the following circumstances:

- (i) The Nonperforming Parcel is a parcel of real property that is, or was, exempted from real property taxation pursuant to Ohio Revised Code Section 5709.40 and the Original TIF Ordinance; and
- (ii) Pursuant to Section 5 of the Original TIF Ordinance, all owners of the Nonperforming Parcel were required to make service payments in lieu of real property taxes in accordance with Ohio Revised Code Section 5709.42 during the term of the Original TIF Exemption; and

- (iii) As evidenced by Exhibit B attached hereto, the City has not received from, and no service payments in lieu of real property taxes have been remitted by, the Butler County Treasurer with respect to the Nonperforming Parcel since the inception of the Original TIF Exemption under the Original TIF Ordinance.

SECTION 3: It is the intention of this Council that notwithstanding anything to the contrary in this Ordinance:

- (i) The Original TIF Exemption authorized by the Original TIF Ordinance shall not apply to the Nonperforming Parcel on and after the tax lien date of January 1, 2025 with respect to tax year 2025 real property taxes payable in calendar year 2026.
- (ii) Except as expressly provided in this Ordinance, this Council does not intend by this Ordinance to cause any other amendments to the Original TIF Ordinance or the Original TIF Exemption. This Ordinance shall not in any manner affect any of the parcels of real property subject to the Original TIF Ordinance and the Original TIF Exemption except for the Nonperforming Parcel.

SECTION 4: The City Manager, the Director of the Development Department, the Clerk of this Council, their designees, and other appropriate officers of the City are authorized and directed to execute any agreements, certificates, and other documents, as may be in their discretion necessary or appropriate in order to carry out the intent of this Ordinance, including, but not limited to, the filing of this Ordinance with the Butler County Auditor and the Ohio Department of Development. Pursuant to Ohio Revised Code Section 5709.916(E), it is the intention of this Council that the termination and replacement of the Original TIF Exemption with respect to the Nonperforming Parcel will be further implemented by the approval of a New TIF Ordinance authorizing a New TIF Exemption with respect to the Nonperforming Parcel pursuant to Ohio Revised Code Section 5709.40(C).

SECTION 5: This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Ohio Revised Code Section 121.22.

SECTION 6: This measure is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare for the reason that the Original TIF Exemption with respect to the parcels of real property comprising the Project Site must be terminated in calendar year 2024 for tax year 2025 in order to allow the timely construction and completion of the Project and the authorization of a New TIF Exemption. Therefore, this measure shall take effect and be in full force from and after its passage.

PASSED: _____

ATTEST:

APPROVED:

Clerk of Council

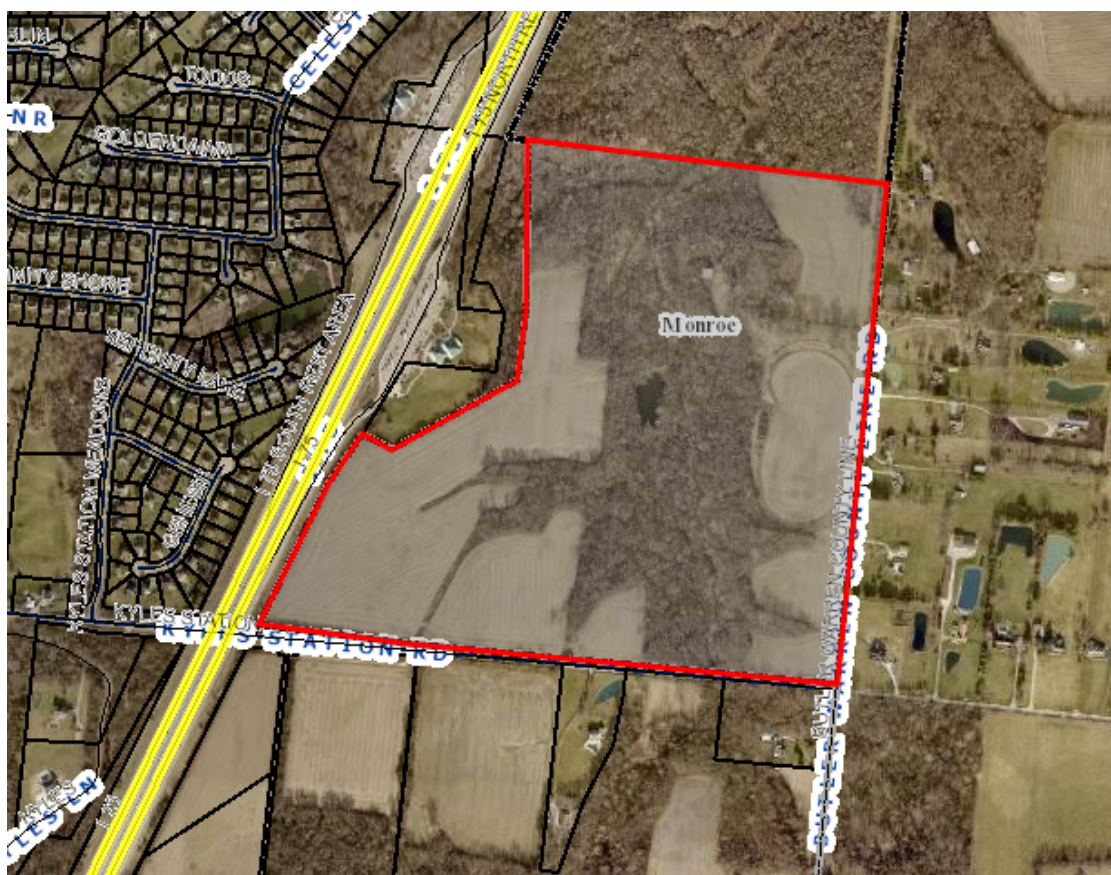
Mayor

Exhibit A

Description of the Nonperforming Parcel

The Nonperforming Parcel consists of the parcel of real property identified in the records of the Butler County Auditor as having the permanent parcel identification number D7000011000005, as of the date of the passage of the Ordinance to which this Exhibit A is attached. The Nonperforming Parcel shall consist of, and the authorizations of the Ordinance to which this Exhibit A is attached shall apply to, the Nonperforming Parcel, as such Nonperforming Parcel may be further sub-divided, combined, re-combined, re-numbered, or re-platted from time to time by the Land Owner, any future owner or owners, the City, or the Butler County Auditor.

For the avoidance of doubt, the Nonperforming Parcel is outlined in red below:



For the avoidance of doubt, a legal description identifying the Nonperforming Parcel is attached hereto, as follows:

[See Legal Description Attached]

Exhibit B

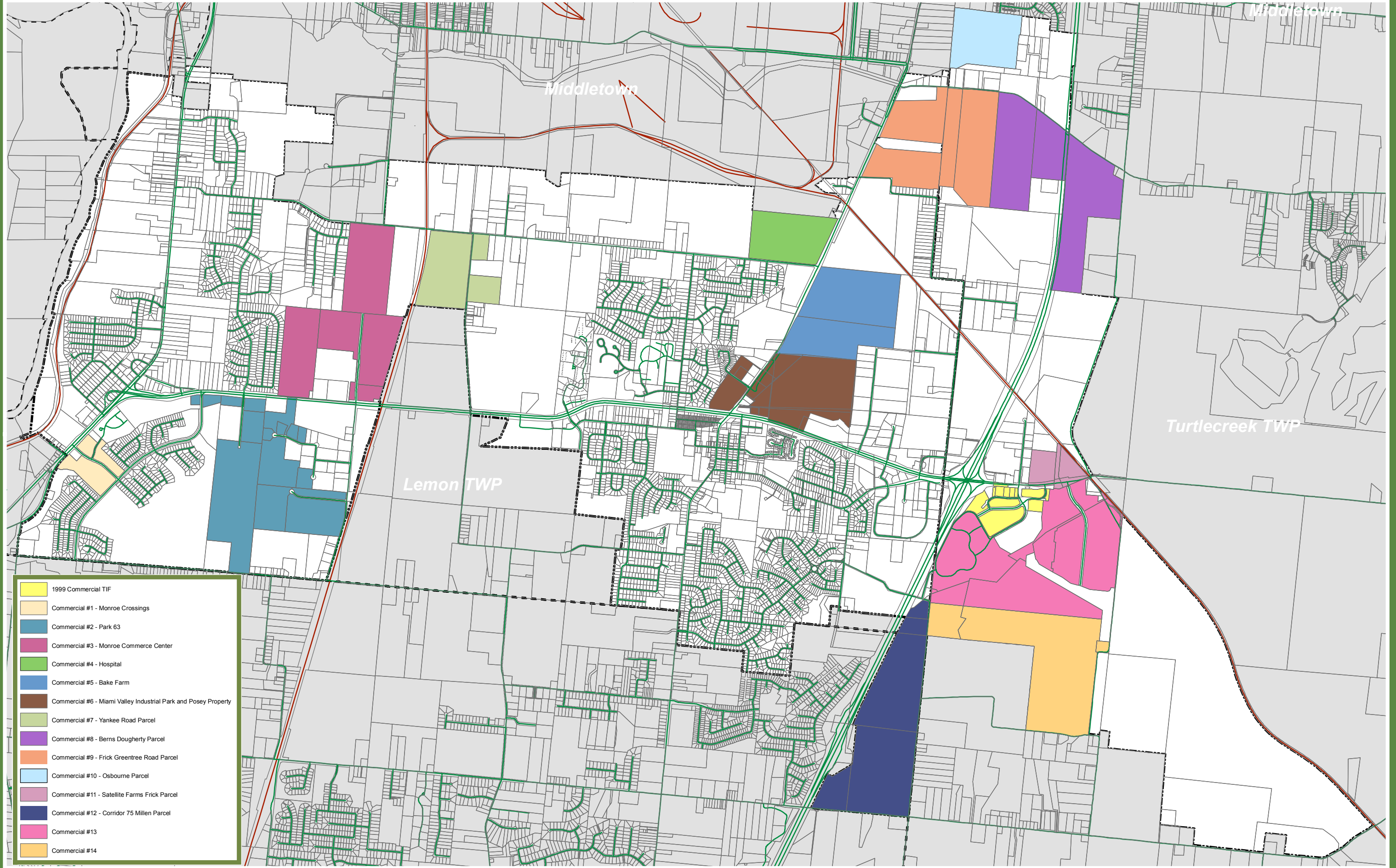
Nonperforming Parcel Service Payment In Lieu of Taxes History

Pursuant to the conditions set forth under Ohio Revised Code Section 5709.40(A)(9), this Council may declare the Nonperforming Parcel to be a “nonperforming parcel.”

The Nonperforming Parcel was the subject of a re-plat submitted by the Land Owner and a parcel combination of Butler County permanent parcel identification numbers D7000011000003 and D7000011000004, both of which were subject to the Original TIF Exemption pursuant to the Original TIF Ordinance. The Director of Finance of the City hereby certifies that the City has not received from, and no service payments in lieu of real property taxes have been remitted to or from, the Butler County Treasurer with respect to the Nonperforming Parcel, nor any parcel preceding the re-plat of the Nonperforming Parcel, since the inception of the Original TIF Exemption under the Original TIF Ordinance, as follows:

Nonperforming Parcel No.	Tax Year	Payment In Lieu of Tax Paid
D7000011000003 D7000011000004	2005	\$0.00
D7000011000003 D7000011000004	2006	\$0.00
D7000011000003 D7000011000004	2007	\$0.00
D7000011000003 D7000011000004	2008	\$0.00
D7000011000003 D7000011000004	2009	\$0.00
D7000011000003 D7000011000004	2010	\$0.00
D7000011000003 D7000011000004	2011	\$0.00
D7000011000003 D7000011000004	2012	\$0.00
D7000011000003 D7000011000004	2013	\$0.00
D7000011000003 D7000011000004	2014	\$0.00
D7000011000003 D7000011000004	2015	\$0.00
D7000011000003 D7000011000004	2016	\$0.00
D7000011000003 D7000011000004	2017	\$0.00
D7000011000003 D7000011000004	2018	\$0.00

D7000011000003 D7000011000004	2019	\$0.00
D7000011000003 D7000011000004	2020	\$0.00
D7000011000003 D7000011000004	2021	\$0.00
D7000011000003 D7000011000004	2022	\$0.00
D7000011000003 D7000011000004	2023	\$0.00



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 FISCAL YEAR ENDING DECEMBER 31, 2024.

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:

1110	GENERAL GOVERNMENT		
000	<i>FUND EXPENSES</i>		
	OPERATING EXPENSES	51,500	
	OTHER	-	
	<i>TOTAL</i>	<u>51,500</u>	
110	<i>CITY COUNCIL</i>		
	PERSONAL SERVICES	127,841	
	OPERATING EXPENSES	99,700	
	<i>TOTAL</i>	<u>227,541</u>	
120	<i>CITY MANAGER'S OFFICE</i>		
	PERSONAL SERVICES	638,395	
	OPERATING EXPENSES	460,634	
	<i>TOTAL</i>	<u>1,099,029</u>	
125	<i>INFORMATION TECHNOLOGY</i>		
	PERSONAL SERVICES	354,742	
	OPERATING EXPENSES	240,000	
	<i>TOTAL</i>	<u>594,742</u>	
130	<i>HUMAN RESOURCES</i>		
	PERSONAL SERVICES	497,218	
	OPERATING EXPENSES	341,250	
	<i>TOTAL</i>	<u>838,468</u>	
135	<i>ECONOMIC DEVELOPMENT</i>		
	PERSONAL SERVICES	222,867	
	OPERATING EXPENSES	1,058,300	
	<i>TOTAL</i>	<u>1,281,167</u>	
140	<i>DEVELOPMENT</i>		
	PERSONAL SERVICES	540,152	
	OPERATING EXPENSES	546,900	
	OTHER EXPENSES	4,000	
	CAPITAL EXPENSES	3,200,000	
	<i>TOTAL</i>	<u>4,291,052</u>	

145	ENGINEERING		
	PERSONAL SERVICES	465,090	
	OPERATING EXPENSES	527,750	
	<i>TOTAL</i>	<u>992,840</u>	
150	FINANCE		
	PERSONAL SERVICES	1,042,584	
	OPERATING EXPENSES	437,340	
	OTHER EXPENSES	1,250,000	
	<i>TOTAL</i>	<u>2,729,924</u>	
160	MAYOR'S COURT		
	PERSONAL SERVICES	122,125	
	OPERATING EXPENSES	23,300	
	<i>TOTAL</i>	<u>145,425</u>	
TOTAL GENERAL GOVERNMENT			12,251,688
PUBLIC SAFETY			
220	PUBLIC SAFETY COMMUNICATIONS		
	PERSONAL SERVICES	762,497	
	OPERATING EXPENSES	123,550	
	<i>TOTAL</i>	<u>886,047</u>	
250	POLICE		
	OTHER EXPENSES	2,975,000	
	<i>TOTAL</i>	<u>2,975,000</u>	
270	FIRE		
	OTHER EXPENSES	3,475,000	
	<i>TOTAL</i>	<u>3,475,000</u>	
TOTAL PUBLIC SAFETY			7,336,047
PUBLIC WORKS			
310	STREET		
	OTHER EXPENSES	1,100,000	
	<i>TOTAL</i>	<u>1,100,000</u>	
330	BUILDINGS AND GROUNDS		
	OPERATING EXPENSES	674,000	
	<i>TOTAL</i>	<u>674,000</u>	
390	STORMWATER		
	OTHER EXPENSES	-	
	<i>TOTAL</i>	<u>-</u>	
TOTAL PUBLIC WORKS			1,774,000

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

PERSONAL SERVICES	388,359	
OPERATING EXPENSES	359,500	
<i>TOTAL</i>	<u>747,859</u>	

TOTAL PARKS AND RECREATION**747,859****OTHER FINANCING USES****710 CAPITAL IMPROVEMENTS**

OTHER EXPENSES	500,000	
<i>TOTAL</i>	<u>500,000</u>	

810 DEBT SERVICE

OTHER EXPENSES	810,000	
<i>TOTAL</i>	<u>810,000</u>	

TOTAL OTHER FINANCING USES**1,310,000**

TOTAL GENERAL FUND

23,419,594

GRAND TOTAL GENERAL FUND**23,419,594**SECTION 3: There be appropriated from the following SPECIAL REVENUE FUNDS:**2101 PUBLIC SAFETY INCOME TAX FUND***PUBLIC SAFETY*

PERSONAL SERVICES	3,450,000	
OTHER EXPENSES	-	
<i>TOTAL</i>		3,450,000

2210 STREET FUND*PUBLIC WORKS*

PERSONAL SERVICES	2,073,785	
OPERATING EXPENSES	1,144,198	
<i>TOTAL</i>		3,217,983

2220 STATE HIGHWAY FUND*PUBLIC WORKS*

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

2230 MOTOR VEHICLE LICENSE*PUBLIC WORKS*

OPERATING EXPENSES	200	
<i>TOTAL</i>		200

2310 FIRE - 1989 LEVY FUND

	<i>PUBLIC SAFETY</i>			
	PERSONAL SERVICES	5,105,136		
	OPERATING EXPENSES	890,400		
	OTHER EXPENSES	3,800		
	<i>TOTAL</i>			5,999,336
2330	PUBLIC SAFETY FEMA GRANT FUND			
	<i>PUBLIC SAFETY</i>			
	OPERATING EXPENSES	3,600		
	<i>TOTAL</i>			3,600
2360	AMERICAN RESCUE PLAN ACT FUND			
	<i>GENERAL GOVERNMENT</i>			
	OTHER EXPENSES	1,388,162.98		
	<i>TOTAL</i>			1,388,162.98
2410	POLICE LAW ENFORCEMENT			
	250 PUBLIC SAFETY			
	PERSONAL SERVICES	2,991,036		
	OPERATING EXPENSES	1,014,750		
	<i>TOTAL</i>			4,005,786
2420	DARE GRANT FUND			
	250 PUBLIC SAFETY			
	PERSONAL SERVICES	-		
	OPERATING EXPENSES	6,500		
	<i>TOTAL</i>			6,500
2430	ENFORCEMENT & EDUCATION FUND			
	250 PUBLIC SAFETY			
	OPERATING EXPENSES	3,000		
	<i>TOTAL</i>			3,000
2510	COURT TECHNOLOGY IMPROVEMENT			
	<i>GENERAL GOVERNMENT</i>			
	OPERATING EXPENSES	13,400		
	<i>TOTAL</i>			13,400
2600	2004 TIFS			
	<i>DEVELOPMENT INCENTIVES</i>			
	OPERATING EXPENSES	57,500		
	OTHER EXPENSES	3,135,086		
	<i>TOTAL</i>			3,192,586
2700	2004 RIDs			
	<i>DEVELOPMENT INCENTIVES</i>			
	OPERATING EXPENSES	50,900		
	OTHER EXPENSES	5,538,957		

TOTAL

5,589,857

GRAND TOTAL SPECIAL REVENUE FUNDS

26,957,160.98

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

3101 CAPITAL INCOME TAX FUND

GENERAL GOVERNMENT

OPERATING EXPENSES

-

PUBLIC SAFETY

OPERATING EXPENSES

-

PUBLIC WORKS

OPERATING EXPENSES

-

CAPITAL EXPENSES

1,849,000

OTHER FINANCING USES

OTHER EXPENSES

434,300

TOTAL

2,283,300

3110 PARK IMPROVEMENT FUND

PARKS AND RECREATION

OPERATING

130,000

CAPITAL EXPENSES

100,000

TOTAL

230,000

3120 CAPITAL IMPROVEMENT FUND

GENERAL GOVERNMENT

CAPITAL EXPENSES

135,823

PUBLIC SAFETY

CAPITAL EXPENSES

273,000

PUBLIC WORKS

OPERATING EXPENSES

113,000

CAPITAL EXPENSES

2,145,000

TOTAL

2,666,823

6120 WATER CAPITAL IMPROVEMENT FUND

PUBLIC WORKS

OPERATING EXPENSES

100,000

CAPITAL EXPENSES

1,615,000

TOTAL

1,715,000

6125 WATER METER REPLACEMENT FUND

PUBLIC WORKS

OPERATING EXPENSES

30

	CAPITAL EXPENSES	120,000	
	<i>TOTAL</i>		120,030
GRAND TOTAL CAPITAL PROJECTS FUNDS			7,015,153

SECTION 5: There be appropriated from the following DEBT SERVICE FUNDS:

4110	G.O. BOND RETIREMENT		
	<i>GENERAL GOVERNMENT</i>		
	DEBT SERVICE EXPENSE	995,061	
	<i>TOTAL</i>		995,061
4210	WATER BOND RETIREMENT		
	<i>PUBLIC WORKS</i>		
	DEBT SERVICE EXPENSE	367,422	
	<i>TOTAL</i>		367,422
4310	S.A. BOND RETIREMENT FUND		
	<i>GENERAL GOVERNMENT</i>		
	OPERATING EXPENSES	100	
	<i>DEVELOPMENT INCENTIVES</i>		
	OTHER EXPENSES	1,342,000	
	<i>TOTAL</i>		1,342,100
4410	INCOME TAX BOND RETIREMENT FUND		
	<i>GENERAL GOVERNMENT</i>		
	DEBT SERVICE EXPENSE	609,263	
	<i>TOTAL</i>		609,263
GRAND TOTAL DEBT SERVICE FUNDS			3,313,846

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

5110	S.A. STREET LIGHTING FUND		
	<i>GENERAL GOVERNMENT</i>		
	OPERATING EXPENSES	10	
	<i>TOTAL</i>		10
GRAND TOTAL SPECIAL ASSESSMENT FUNDS			10

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

6110	WATER FUND		
	<i>PUBLIC WORKS</i>		
	PERSONAL SERVICES	1,015,989	
	OPERATING EXPENSES	1,922,900	
	OTHER EXPENSES	950,000	

		<i>TOTAL</i>		3,888,889
6210	SEWER FUND			
	<i>PUBLIC WORKS</i>			
	PERSONAL SERVICES	100,262		
	OPERATING EXPENSES	1,420,200		
	<i>TOTAL</i>			1,520,462
6310	STORM WATER FUND			
	<i>PUBLIC WORKS</i>			
	PERSONAL SERVICES	246,414		
	OPERATING EXPENSES	350,650		
	CAPITAL EXPENSES	-		
	<i>TOTAL</i>			597,064
6410	GARBAGE FUND			
	<i>PUBLIC WORKS</i>			
	PERSONAL SERVICES	159,168		
	OPERATING EXPENSES	1,122,000		
	<i>TOTAL</i>			1,281,168
6510	CEMETERY FUND			
	<i>PUBLIC WORKS</i>			
	PERSONAL SERVICES	40,000		
	OPERATING EXPENSES	124,100		
	<i>TOTAL</i>			164,100
6610	STREET LIGHTING FUND			
	<i>PUBLIC WORKS</i>			
	OPERATING EXPENSES	153,050		
	<i>TOTAL</i>			153,050
GRAND TOTAL ENTERPRISE FUNDS				7,604,733

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

7100	CEMETERY MAINTENANCE TRUST FUND			
	<i>FUND EXPENSE</i>			
	OPERATING EXPENSES	10,000		
	<i>TOTAL</i>			10,000
7110	MOUND CEMETERY TRUST FUND			
	<i>PUBLIC WORKS</i>			
	OPERATING EXPENSES	10,000		
	<i>TOTAL</i>			10,000
7120	LONG STREET CEMETERY TRUST FUND			
	<i>PUBLIC WORKS</i>			

	OPERATING EXPENSES	250	
	<i>TOTAL</i>		250
7310	FIRE HISTORIC PRESERVATION FUND		
	<i>PUBLIC SAFETY</i>		
	CAPITAL OUTLAY	-	
	<i>TOTAL</i>		-
7320	FIRE LOSS SECURITY FUND		
	<i>PUBLIC SAFETY</i>		
	OPERATING	-	
	<i>TOTAL</i>		-
7410	DRUG LAW ENFORCEMENT TRUST FUND		
	<i>PUBLIC SAFETY</i>		
	OPERATING EXPENSES	91,295	
	<i>TOTAL</i>		91,295
GRAND TOTAL TRUST AND AGENCY FUNDS			111,545
TOTAL ALL APPROPRIATIONS			68,422,041.98

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

FUND	FUND DESCRIPTION	CURRENT APPROPRIATIONS	ADJUSTED APPROPRIATIONS	AMOUNT OF CHANGE	% CHANGE	ACCOUNT NUMBER	REASON FOR REQUEST
1110	GENERAL GOVERNMENT						
140	DEVELOPMENT						
	CAPITAL EXPENSES	-	3,200,000	3,200,000	100.0%	11114300-53701	Account used for initial purchase of PW Facility Land - Bond Anticipation Notes (BANs) will reimburse General Fund
150	FINANCE						
	OTHER EXPENSES	890,000	1,250,000	360,000	40.4%	11115100-55903	Income Tax Refunds: \$1,004,917 issued YTD as of 11/15 with Dec. refunds & state filing still remaining
	PUBLIC SAFETY						
220	PUBLIC SAFETY COMMUNICATIONS						
	PERSONAL SERVICES	737,497	762,497	25,000	3.4%	11122151-51101 11122000-52411 11122154-52370	Covers increases in Dispatch wages, health insurance selections & overtime overage (\$12,500) - unspent funds in 2024 to offset payroll inc. (\$5,000) - unspent funds in 2024 to offset payroll inc.
	OPERATING EXPENSES	148,550	123,550	(25,000)	-16.8%	11122155-52321	(\$7,500) - unspent funds in 2024 to offset payroll inc.
2360	AMERICAN RESCUE PLAN ACT						
250	GENERAL GOVERNMENT						
	OTHER EXPENSES	1,368,947.04	1,388,162.98	19,215.94	1.4%	23625151-51101 23627051-51101	\$9,608.00 - to offset Police personnel costs \$9,607.94 - to offset Fire personnel costs
2600	2004 TIFS						
	DEVELOPMENT INCENTIVES						
	OPERATING EXPENSES	32,500	57,500	25,000	76.9%	2623-52303	Additional tax collection fees due to increase in TIF collections
	OTHER EXPENSES	2,560,086	3,135,086	575,000	22.5%	2623-52614	Additional school reimbursement payments due to increase in TIF collections

2700	2004 RIDS						
	DEVELOPMENT INCENTIVES						
	OPERATING EXPENSES	38,400	50,900	12,500	32.6%	2732-52301 2721-52614 2722-52614 2723-52614 2726-52614	Additional tax collection fees due to increase in RID collections
	OTHER EXPENSES	4,604,457	5,538,957	934,500	20.3%	2732-52614 2733-52614	Additional school reimbursement payments due to increase in RID collections. \$125,000; \$50,000; \$170,000; \$100,000; \$429,500; \$60,000
4110	G.O. BOND RETIREMENT						
	GENERAL GOVERNMENT						
	DEBT SERVICE EXPENSE	976,278	995,061	18,783	1.9%	4110058-54811	To book cost of issuance of BAN renewal, which is offset by \$21,504 received from notes
6110	WATER FUND						
	PUBLIC WORKS						
	PERSONAL SERVICES	985,989	1,015,989	30,000	3.0%	61138051-51101	Covers increases in Water wages and benefits
	OPERATING EXPENSES	1,952,900	1,922,900	(30,000)	-1.5%	61138000-52313	Unspent funds in 2024 to offset payroll inc.
6410	GARBAGE FUND						
	PUBLIC WORKS						
	PERSONAL SERVICES	117,168	159,168	42,000	35.8%	64139051-51109	Annual Payroll Admin Fee - omitted from 2024 budget ordinance

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.

WHEREAS, Council desires to authorize a 3.5% cost of living adjustment for all non-union employees; and

WHEREAS, Council desires to establish the deferred compensation amount to executive level employees pursuant to Personnel Policy 2-2(a)5.

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

SECTION 1: Ordinance No. 2024-20 is hereby amended as set forth on Exhibit “1” attached hereto and made a part hereof.

SECTION 2: There shall be no reduction in pay for those employees with a current rate of pay above the maximum rate of pay grade established for their position. Employees with a rate of pay above the maximum rate of pay grade established for their position shall receive the same cost of living increase on their base pay as all non union employees.

SECTION 3: Pursuant to Personnel Policy 2-2(a)5, the executive level employees as defined in the Employee Handbook is established at \$5,000 for the 2025 yearly contribution into a qualified deferred compensation plan.

SECTION 4: This measure shall take effect and be in full force retroactive to January 1, 2025.

PASSED: _____

ATTEST:

APPROVED:

Clerk of Council

Mayor

First Reading: _____

Exhibit “1” Ord No. 2024-23

TITLE	CLASS	POSITIONS	PAY GRADE
COUNCIL			
CLERK OF COURTS	C	1	3
CITY MANAGER'S OFFICE			
ASSISTANT CITY MANAGER	UC	1	10
HUMAN RESOURCES MANAGER	UC	1	7
TECHNOLOGY SERVICES MANAGER	UC	1	7
IT OPERATIONS MANAGER	UC	1	7
HUMAN RESOURCES SPECIALIST	UC	1	5
ECONOMIC DEVELOPMENT MANAGER	UC	1	7
TECHNOLOGY SUPPORT SPECIALIST	UC	1	3
COMMUNICATIONS AND MANAGEMENT ASSISTANT	UC	1	4
INTERN/SEASONAL STAFF	UC	1	1
DEVELOPMENT			
DEVELOPMENT DIRECTOR	UC	1	9
ASSISTANT DEVELOPMENT DIRECTOR	UC	1	8
PLANNER	UC	1	5
PROPERTY MAINTENANCE INSPECTOR	UC	1	4
PLANNING & ZONING SPECIALIST	UC	1	3
FINANCE			
FINANCE DIRECTOR	UC	1	9
FINANCE ADMINISTRATOR	UC	1	7
FINANCIAL SERVICES MANAGER	UC	1	7
INCOME TAX ADMINISTRATOR	UC	1	7
FINANCE SPECIALIST (Payroll & Accounts Payable)	UC	2	3
INCOME TAX AUDITOR	UC	2	3
COMMUNITY SERVICES SPECIALIST	UC	3	2
UTILITY BILLING SPECIALIST	UC	2	2
ADMINISTRATIVE SUPPORT CLERK	UC	1	1
INTERN/SEASONAL STAFF	UC	1	1

FIRE			
FIRE CHIEF	UC	1	9
ASSISTANT FIRE CHIEF	UC	2	8A
FIRE CAPTAIN	C	1	UNION SCALE
EMS COORDINATOR	C	1	UNION SCALE
BATTALION CHIEF	C	3	UNION SCALE
FIRE ADMINISTRATIVE ASSISTANT	UC	1	2
FIRE LIEUTENANT	C	6	UNION SCALE
FIREFIGHTER/PARAMEDIC/EMT	C	34	UNION SCALE
POLICE			
POLICE CHIEF	UC	1	9
POLICE CAPTAIN	UC	2	8A
POLICE LIEUTENANT	C	3	UNION SCALE
COMMUNICATIONS SUPERVISOR	UC	1	5
DISPATCHER	C	8	3
RECORDS SUPERVISOR	UC	1	5
POLICE ADMINISTRATIVE ASSISTANT	UC	1	2
POLICE SERGEANT	C	4	UNION SCALE
PATROL OFFICER	C	29	UNION SCALE
PUBLIC WORKS			
PUBLIC WORKS DIRECTOR	UC	1	9
CIVIL ENGINEER	UC	1	7
ASSISTANT PUBLIC WORKS DIRECTOR	UC	2	8
PUBLIC WORKS SUPERINTENDENT	UC	3	6
GIS ANALYST	UC	1	6
PROJECT MANAGER/INSPECTOR	UC	1	5
PUBLIC WORKS ADMINISTRATIVE ASSISTANT	UC	2	2
INTERN/SEASONAL STAFF	UC	4	1
PUBLIC WORKS CREW LEADER	C	6	UNION SCALE

SERVICE WORKER II & III	C	20	UNION SCALE
SERVICE WORKER I	UC		UNION SCALE

CLASS: C= CLASSIFIED UC= UNCLASSIFIED

Pay Grade	Pay Ranges			
	Minimum Annual	Maximum Annual	Minimum Hourly	Maximum Hourly
10	\$ 110,999.17	\$ 158,808.05	\$53.36	\$76.35
9	\$ 103,599.22	\$ 148,280.15	\$49.81	\$71.29
8	\$ 98,325.00	\$ 134,800.15	\$47.27	\$64.81
8A	\$ 96,690.96	\$ 126,610.34	\$46.49	\$60.87
7	\$ 78,670.50	\$ 110,507.47	\$37.82	\$53.13
6	\$ 71,024.73	\$ 99,434.60	\$34.15	\$47.81
5	\$ 61,461.33	\$ 86,045.86	\$29.55	\$41.37
4	\$ 56,544.43	\$ 79,162.20	\$27.18	\$38.06
3	\$ 51,627.52	\$ 72,278.53	\$24.82	\$34.75
2	\$ 49,267.40	\$ 68,974.37	\$23.69	\$33.16
1	\$ 38,750.40	\$ 49,169.07	\$18.63	\$23.64

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.

WHEREAS, City Council has determined that it is in the best interest of the City 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.

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

SECTION 1: Section 1040.02(b) is hereby supplemented to read as follows:

- (2) Council determines that it is in the best interests of the Municipality and its inhabitants to require territories receiving extension of utilities, including but not limited to sewer and water, to be annexed within the corporate limits of the Municipality as a condition of the extension of said services; excepting instances which Council in its sole discretion determines to excuse annexation as a requirement for services, including, but not limited to, health related emergencies and unusual hardship, federal restrictions or regulations which may apply or other special circumstances. Council determines said annexation requirement in exchange for further extension of municipal utility services outside the municipal boundaries is in the best interest for the City and its inhabitants for future extensions but shall not apply retroactively to areas outside the corporate limits already served by the extension of utilities.

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

First Reading:_____