

**Monroe Council Minutes  
Regular Meeting of Council  
January 14, 2014 – 6:30 pm  
233 South Main Street, Monroe, Ohio**

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***Pledge of Allegiance***

Mayor Routson opened the meeting with the Pledge of Allegiance at 6:30 pm.

***Roll Call***

The following members of Council were present: Steve Black, Anna Hale, Todd Hickman, Bob Kelley, Robert Routson, and Suzi Rubin.

Staff Members Present:           City Manager/City Engineer William J. Brock  
  Law Director K. Philip Callahan  
  Chief of Police Gregory C. Homer  
  Director of Finance Kacey L. Waggaman  
  Director of Public Works Daniel J. Arthur  
  Assistant to the City Manager/Clerk of Council Angela S. Wasson

Visitors:           Jason Frentzel and Mike Hoffmaster

Mr. Kelley moved to excuse Mrs. Stillman; seconded by Mrs. Hale. Voice vote. Motion carried.

***Approval of the Minutes***

Mr. Kelly moved to approve the Council Minutes of December 10, 2013 and January 7, 2014; seconded by Mrs. Rubin. Voice vote. Motion carried.

***Visitors***

Mr. Callahan swore in David Chasteen as Lieutenant of Police.

***Committee Reports***

None.

***Old Business***

**Ordinance No. 2013-37.** An Ordinance approving the final plat of Wyandot Woods Section Four. (Second Reading)

Mr. Brock noted this is the second reading and there were no questions or comments from Council.

Mr. Kelley moved to consider this the second reading of Ordinance No. 2013-37 and have it read by title only; seconded by Mr. Black. Voice vote. Motion carried.

The Clerk of Council read Ordinance No. 2013-37 by title only.

Mr. Kelley moved to adopt Ordinance No. 2013-37; seconded by Mrs. Rubin. Roll call vote: six ayes. Motion carried.

### ***New Business***

**Emergency Ordinance No. 01-2014.** A Resolution approving a Then-and-Now Certificate in the amount of \$30,317.00 to the Public Entities Pool of Ohio and declaring an emergency.

Mr. Brock reported this is for the property and liability insurance for 2014 and the first payment needed to be made prior to our purchase order process. Mr. Kelley asked if it was included in the year-end appropriations. Mrs. Waggaman advised it was budgeted, but due to the timing and possibly not having the final figures is why a purchase order was not opened.

Mrs. Waggaman confirmed Mr. Black's observation that there were less Then-and-Now Certificates issued in 2013.

Mr. Kelley referred to the carrier that would be used for this insurance and asked how that worked out. Mr. Brock advised that the Berry Company and Wells Fargo have worked it out that it would be administered by the Berry Company.

Mr. Kelley moved to suspend the rule requiring the reading of Emergency Ordinance No. 01-2014 on two separate days, authorize its adoption on the first reading, and have it read by title only; seconded by Mr. Black. Voice vote. Motion carried.

The Clerk of Council read Emergency Ordinance No. 01-2014 by title only.

Mr. Kelley moved to adopt Emergency Ordinance No. 01-2014; seconded by Mrs. Hale. Roll call vote: six ayes. Motion carried.

**Emergency Resolution No. 02-2014.** A Resolution approving Blanket Purchase Orders as recommended by the Director of Finance and the City Manager and declaring an emergency.

Mr. Brock stated this is for property and liability insurance and salt.

Mr. Black asked for a comparison to last year. Mr. Arthur explained that approximately \$30,000 additional was added, which is good due to the amount of snow we have had.

Mr. Kelley moved to suspend the rule requiring the reading of Emergency Resolution No. 02-2014 on two separate days, authorize its adoption on the first reading, and have it read by title only; seconded by Mrs. Rubin. Voice vote. Motion carried.

The Clerk of Council read Emergency Resolution No. 02-2014 by title only.

Mr. Kelley moved to adopt Emergency Resolution No. 02-2014; seconded by Mrs. Rubin. Roll call vote: six ayes. Motion carried.

**Emergency Resolution No. 03-2014.** A Resolution accepting the recommendation of the Butler County Tax Incentive Review Council of November 21, 2013 and declaring an emergency.

Mr. Brock advised that the Butler County TIRC found no reason not to continue with the CRA's, TIF, and RID Districts.

Mr. Kelley moved to suspend the rule requiring the reading of Emergency Resolution No. 03-2013 on two separate days, authorize its adoption on the first reading, and have it read by title only; seconded by Mrs. Hale. Voice vote. Motion carried.

The Clerk of Council read Emergency Resolution No. 03-2014 by title only.

Mr. Kelley moved to adopt Emergency Resolution No. 03-2014; seconded by Mr. Black. Roll call vote: six ayes. Motion carried.

**Emergency Ordinance No. 2014-01.** An Ordinance amending Section 286.07 of the Administrative Code of the Codified Ordinances to require a review fee at the time of the application for construction drawings and declaring an emergency.

Mr. Brock reported that this will provide for the collection of fees at the time construction drawings are filed rather than at the time of the final plat. Some plats may never get to the final phase and our costs for review are not covered at that point.

Mr. Black asked what the typical amount of the 1.5 review comes out to be. Mr. Brock replied that it is under \$20,000 and our fee has been fairly reasonable throughout the County. Other municipalities charge different fees at different times, such as charging a fee for each filing.

Mr. Kelley moved to suspend the rule requiring the reading of Emergency Ordinance No. 2014-01 on two separate days, authorize its adoption on the first reading, and have it read by title only; seconded by Mrs. Hale. Voice vote. Motion carried.

The Clerk of Council read Emergency Ordinance No. 2014-01 by title only.

Mr. Kelley moved to adopt Emergency Ordinance No. 2014-01; seconded by Mr. Hickman. Roll call vote: six ayes. Motion carried.

**Ordinance No. 2014-02.** An Ordinance supplementing Part Four known as the Traffic Code of the Codified Ordinances of the City of Monroe to regulate the use of golf carts on certain streets in the Mount Pleasant Subdivision.

Mr. Brock reported that it will allow for golf carts in the Mount Pleasant Subdivision. This was brought to our attention by Mount Pleasant.

Mr. Kelley asked for the basic criteria used for approving golf carts. Chief Homer started today reviewing different guidelines and it appears pretty simple to make sure they include the basic equipment. Chief Homer will assign someone that will perform a basic inspection that will include a sticker and will allow these on the designated streets and as designated by the City Manager.

Mr. Black asked if any other non-licensed vehicles were permitted on City streets. Chief Homer explained that it addresses golf carts only and what they have been doing all along. We are just trying to develop a small ordinance to legalize them as they are now City streets. Mr. Black

questioned why just Mount Pleasant. Chief Homer stated these are just City streets and not state routes. If there are recommendations or requests from other subdivisions they can request that through the City Manager.

Mr. Kelley felt that it was a spot privilege if you only approve for Mount Pleasant. If you would like to develop a plan all through the City or in designated areas in the City he would rather have that or not at all.

Mrs. Hale informed Council that it is mostly staff that uses them to get in and go to a resident's home in an emergency.

Mr. Black felt it sets up the City for a lot of complaining or litigation and, if we do for one we should do it for all. Mr. Kelley agreed.

Mayor Routson didn't disagree with it, but some of the other neighborhoods should also be opened up. Further, our inspection should include certain safety features.

Mrs. Hale did not feel we should allow golf carts anywhere else except Mount Pleasant.

Mayor Routson referenced the lawn crews that have their mowers going down the street. He agreed that if we open it up for Mount Pleasant we should open it up for other subdivisions.

Mrs. Rubin noted that you have staff at Mount Pleasant and the other subdivisions do not have staff and perhaps that sets this subdivision apart from others.

Mr. Callahan agreed that if another subdivision wanted to use golf carts you may have an issue where you would have to look at their request. One of the qualifiers in this policy is your speed limits are 20 miles per hour. So, if there was another request they would also have to ask the City to lower the speed limit prior to asking permission to allow golf carts.

Mr. Kelley asked Mr. Callahan if he has ever prosecuted a case where a vehicle has a light out, window tint, or the operation is unsafe. Mr. Callahan was sure there have been a number of them. Mr. Kelley referred to the minimum safety guidelines and the differences of standards for the different vehicles. We do not have standards for these. Chief Homer advised they are in the process of creating the criteria to receive approval and agreed with Mrs. Hale in that the majority are for staff in Mount Pleasant.

Mr. Callahan advised if you have a driver that is being negligent in operating a golf cart and causes an accident he did not see how the City has any liability. At the same time it may not be a bad idea for staff to contact our liability carrier and explain this situation and see if they foresee any problem.

Mr. Kelley asked if we would require that they carry insurance and Mr. Callahan advised that as a local entity we don't require insurance coverage on any vehicle as that is a state requirement.

Mrs. Rubin suggested looking at how Amish buggies and farm equipment are regulated. Chief Homer indicated they are also reviewing those regulations.

Mr. Callahan suggested that between now and the second reading we see how many questions can be answered.

Mrs. Hale asked if the State Patrol could inspect the golf carts once the regulations are established and Chief Homer had no objection to that.

Mr. Callahan added that while he doesn't foresee any liability; however, once you begin inspecting a golf cart and you don't inspect one correctly and have an accident, there very well may be immunity, but that is a question for the City's liability carrier.

Mr. Black referred to the section requiring license plates. Chief Homer noted there is no license plate required for golf carts at this time and if there is in the future you have to comply with it.

Mr. Kelley preferred to table the ordinance at this time rather than create something for one subdivision. Mr. Hickman would like to vote on it.

Mr. Kelley moved to consider this the first reading of Ordinance No. 2014-02 and have it read by title only; seconded by Mrs. Rubin. Voice vote. Motion carried.

The Clerk of Council read Ordinance No. 2014-02 by title only.

Mr. Kelley moved to approve the first reading of Ordinance No. 2014-02; seconded by Mrs. Hale. Roll call vote: 3 ayes; 3 nays (Black, Hickman, Kelley nays). Motion failed.

Mr. Kelley moved to appoint William J. Brock to the Emergency Management Agency Advisory Council; seconded by Mrs. Rubin. Voice vote. Motion carried.

Mrs. Hale moved to appoint Bob Kelley to serve on the Ohio-Kentucky-Indiana Regional Council of Governments; seconded by Mr. Hickman. Voice vote. Motion carried.

### ***Administrative Reports***

Mr. Brock referred to a concern by Mr. Black for trash pickers as we do not have anything to regulate the picking of trash. In talking with staff, Chief Homer brought up a Supreme Court ruling that once it is set out at the curb it is in the public domain. In looking at our rules if they create a mess we can look at the littering laws and obstruction of right-of-way.

Mr. Callahan stated that once he throws his bank statements in the trash and set the cans out anyone can come and get the statements and that is why you shred them. His recommendation to staff is if you want to prevent are pickers from coming around on trash day with trucks going through people's trash you need to look at what other communities are doing. That is a different issue than someone going through my trash. If Council's issue is we don't want people driving through town on trash day then let's address this issue.

Mr. Kelley asked if it was trespassing if you set your trash in your driveway or your yard. Mr. Callahan advised it could be if I come onto your property, but trespassing is a civil action if I come onto your property between you and me. It is not a criminal action. Mr. Black noted that sometimes it is.

Mrs. Rubin pointed out it is right-of-way there.

Mr. Callahan needs to know what the issue Council wants to address and if it is people going through someone's garbage or on trash day you have people driving around town in pickup trucks going through trash and putting things in the back of their truck and leaving a mess. Those are two different issues. If the second one is the issue we need to look at what other communities do.

Mayor Routson spoke about some of the piles of junk you see people put out that is there around 5:00 and it is gone by 9:00. If we get to the point that Rumpke is going to start charging by the ton, maybe pickers are a good thing.

Mr. Kelley advised that in this particular case there was an individual that had a mailbox damaged from the plowing of snow and they had it leaning by the curb so they could get mail. The pickers came through and took the mailbox because they thought it was trash. Mr. Black stated that last year someone came by and began rooting through his garbage can who got belligerent and wouldn't leave. So, if it is public domain there is nothing you can do.

Mr. Hickman actually counts on them coming around his house occasionally as he will put things out there early so they will come and get it. He felt that the people picking up trash appreciate the pickers so they don't have to pick some of the big items up. It is unfortunate that he lost his mailbox, but if it wasn't for that we wouldn't be discussing it right now.

Mayor Routson noted that if the City damaged his mailbox we would replace it anyway. Mr. Arthur explained that the reimbursement rate is up to \$75.00 for a mailbox. Mr. Kelley asked if they are actually hitting the mailboxes as it was his understanding that the snow coming off the plow knocks them down. Mr. Arthur replied that 75 to 80% of the time we look at these and it is the snow off the plow. A lot of times it is hard to differentiate if it is an old post and it is just weakened and falls down. If a mailbox is placed where it is supposed to be and just getting hit by snow we are not replacing those.

Mr. Kelley asked to have his and any other broken monitors replaced in the Council Chambers.

Mr. Brock reported that we reviewed the architect submittals and will narrow down the list and asked if anyone on Council would like to sit in on the interview process. Mr. Kelley and Mr. Black volunteered to participate.

Mr. Brock asked for Council to select the individuals to serve on the committee to review the bidding process.

Mr. Kelley moved to appoint Mrs. Rubin and Mr. Black to the special committee to review the bidding process; seconded by Mr. Hickman. Voice vote. Motion carried.

Mr. Brock referred to the staffing study and the performance audit and will begin that process to update it by contacting the individual cities. If you use the same ratios as we had in the original performance audit we should have approximately 150 employees. There has been a lot of change since then and, unless he hears otherwise, he will continue with that study.

Mr. Brock asked Council if they had any questions about the Mindmixer product. He explained that it engages citizen involvement and they do all the leg work to send to us. Mr. Brock would like to have a demonstration before Council. Mr. Black saw no harm in investigating it further.

Mr. Brock requested that Council remove the wage freeze as it only affects 29 non-union individuals. Mr. Kelley asked if this would trigger the “me too” clauses in the contracts. Mr. Brock advised that the clause only relates to an increase in the range.

Mrs. Rubin moved to remove the wage freeze; seconded by Mrs. Hale. Roll call vote: six ayes. Motion carried.

Mr. Kelley asked for an update on the agreement with the Racino. Mr. Brock stated that we are getting frustrated with their attorneys on the JEDD language and we will be taking a stand this week. We want to see a petition and he will be contacting the lead individual at Delaware North.

### *Adjournment*

Mr. Kelley moved to adjourn; seconded by Mrs. Rubin. Voice vote. Motion carried.

The Council meeting adjourned at 7:46 pm.

Respectfully submitted,

Angela S. Wasson, CMC  
Clerk of Council