

Monroe Council Minutes
Regular Meeting of Council
August 25, 2015 – 6:30 pm
233 South Main Street, Monroe, Ohio

Pledge of Allegiance

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

Roll Call

The following members of Council were present: Steve Black, Dan Clark, Todd Hickman, Robert Routson, Suzi Rubin, and Lora Stillman.

Staff members present: City Manager/City Engineer William J. Brock
 Law Director K. Philip Callahan
 Chief of Police Robert Buchanan
 Fire Chief John P. Centers
 Director of Finance Kacey L. Waggaman
 Assistant to the City Manager/Clerk of Council Angela S. Wasson

Visitors: Jason Frentzel and Brent Osborn

Mrs. Rubin moved to excuse Mrs. Hale; seconded by Mr. Clark. Voice vote. Motion carried.

Approval of the Minutes

Mrs. Rubin moved to approve the Council Minutes of August 11, 2015; seconded by Mr. Black. Voice vote. Motion carried.

Visitors

Brent Osborn asked that City Council consider Mr. Hickman's previous motion of allowing alcohol sales at the park. The vote was close in 2008 and believes the general feel of the citizens is different since that time. His business hosted a beer garden earlier this year and there were no incidents.

Committee Reports

None.

Old Business

Resolution No. 39-2015. A Resolution authorizing the City Manager to accept the proposal by Tyler Technologies for a work order module.

Mr. Brock stated it was the second reading to allow for the purchase of a work order module from Tyler Technologies.

Mrs. Rubin moved to consider this the second reading of Resolution No. 39-2015; seconded by Mrs. Stillman. Voice vote. Motion carried.

The Clerk of Council read Resolution No. 39-2015 by title only.

Mrs. Rubin moved to adopt Resolution No. 39-2015; seconded by Mr. Black. Roll call vote: six ayes. Motion carried.

Resolution No. 40-2015. A Resolution authorizing the City Manager to accept the proposal submitted by Fishbeck, Thompson, Carr & Huber, Inc. for professional services to update the Storm Water Management Plan.

Mr. Brock advised that this update will be for the Storm Water Management Plan.

Mrs. Rubin moved to consider this the second reading of Resolution No. 40-2015 and have it read by title only; seconded by Mrs. Stillman. Voice vote. Motion carried.

The Clerk of Council read Resolution No. 40-2015 by title only.

Mrs. Rubin moved to adopt Resolution No. 40-2015; seconded by Mr. Clark. Roll call vote: six ayes. Motion carried.

Emergency Resolution No. 41-2015. A Resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor and declaring an emergency.

Mr. Brock explained that this accepts the amounts and rates as determined by the County Budget Commission.

Mrs. Rubin moved to suspend the rule requiring the reading of Emergency Resolution No. 41-2015 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 Resolution No. 41-2015 by title only.

Mrs. Rubin moved to adopt Emergency Resolution No. 41-2015; seconded by Mr. Clark. Roll call vote: six ayes. Motion carried.

Emergency Resolution No. 42-2015. A Resolution amending Emergency Resolution No. 23-2015 to increase the amount for professional architectural and engineering services for the exterior building envelope repairs of 233 South Main Street and declaring an emergency.

Mr. Brock stated that it was determined we exceeded amount approved by Council for KZF Design. It did not include additional site visits, but the contract signed did reflect the correct amount.

Mr. Black asked if the purchase order was for the entire amount and Mr. Brock replied that the purchase order reflected the contract that was presented to Council.

Mrs. Rubin moved to suspend the rule requiring the reading of Emergency Resolution No. 42-2015 on two separate days, authorize its adoption on the first reading, and have it read by title only; seconded by Mrs. Stillman. Voice vote. Motion carried.

The Clerk of Council read Emergency Resolution No. 42-2015 by title only.

Mrs. Rubin moved to adopt Emergency Resolution No. 42-2015; seconded by Mrs. Stillman. Roll call vote: six ayes. Motion carried.

Emergency Resolution No. 43-2015. A Resolution approving a Then-and-Now Certificate in the amount of \$6,582.10 to KZF Design Inc. and declaring an emergency.

Mrs. Rubin moved to suspend the rule requiring the reading of Emergency Resolution No. 43-2015 on two separate days, authorize its adoption on the first reading, and have it read by title only; seconded by Mr. Clark. Voice vote. Motion carried.

The Clerk of Council read Emergency Resolution No. 43-2015 by title only.

Mrs. Rubin moved to adopt Emergency Resolution No. 43-2015; seconded by Mr. Black. Roll call vote: six ayes. Motion carried.

Emergency Resolution No. 44-2015. A Resolution amending Emergency Resolution No. 28-2015 to authorize the correct amount for the Union Road Retaining Wall Project and declaring an emergency.

Mr. Brock noted this corrects a typographical error where the numbers were transposed.

Mrs. Rubin moved to suspend the rule requiring the reading of Emergency Resolution No. 44-2015 on two separate days, authorize its adoption on the first reading, and have it read by title only; seconded by Mr. Clark. Voice vote. Motion carried.

The Clerk of Council read Emergency Resolution No. 44-2015 by title only.

Mrs. Rubin moved to adopt Emergency Resolution No. 44-2015; seconded by Mrs. Stillman. Roll call vote: six ayes. Motion carried.

Emergency Resolution No. 45-2015. A Resolution implementing Sections 3735.65 through 3735.70 of the Ohio Revised Code, establishing and describing the boundaries of a Community Reinvestment Area in the City of Monroe, Ohio, and creating a Community Reinvestment Housing Council and Tax Incentives Review Council and declaring an emergency.

Mr. Brock informed Council that the property owners of the Bishop Farm are looking to market the property for future use. We have recently changed the zoning from residential to business park and the request would extend the CRA boundaries to include the area. The housing survey has been completed. The family is not requesting anything from the City at this time only that the map be amended to include the property.

Mrs. Rubin asked what the upside is by doing this. Mr. Brock explained that currently there is no business park development and it will bolster our leverage in keeping what we want to develop on that property.

Mr. Black asked if the rezoning included adjacent properties and Mr. Brock believed that only the Bishop property was rezoned business park, but he will confirm this.

Mrs. Stillman asked how Mr. Brock proposes to get traffic in and out of a business park. Mr. Brock explained that the potential access would be to extend Gateway Boulevard to Butler-Warren Road and they could also bring traffic from State Route 63 to Breaden Drive.

Mrs. Rubin moved to suspend the rule requiring the reading of Emergency Resolution No. 45-2015 on two separate days, authorize its adoption on the first reading, and have it read by title only; seconded by Mr. Clark. Voice vote. Motion carried.

The Clerk of Council read Emergency Resolution No. 45-2015 by title only.

Mrs. Rubin moved to adopt Emergency Resolution No. 45-2015; seconded by Mr. Black. Roll call vote: six ayes. Motion carried.

Emergency Ordinance No. 2015-20. An Ordinance directing the Director of Finance to certify any and all unpaid assessments to the Butler County Auditor for mowing of property in violation of Chapter 674 of the Codified Ordinances and declaring an emergency.

Mr. Brock stated that these are the mowing assessments.

Mrs. Rubin moved to suspend the rule requiring the reading of Emergency Ordinance No. 2015-20 on two separate days, authorize its adoption on the first reading, and have it read by title only; seconded by Mr. Clark. Voice vote. Motion carried.

The Clerk of Council read Emergency Ordinance No. 2015-20 by title only.

Mrs. Rubin moved to adopt Emergency Ordinance No. 2015-20; seconded by Mrs. Stillman. Roll call vote: six ayes. Motion carried.

Ordinance No. 2015-21. An Ordinance levying assessments for sidewalks, curbs, gutters, and driveway aprons.

Mr. Brock advised this is the process to list the amounts to be assessed to the owners for concrete work.

Mr. Black asked Mr. Brock to describe the assessment process. Mr. Brock explained that we bid out the contract and get the unit price or price per square foot and the residents have an opportunity to do that themselves or have the City do it at the costs we receive bids on. Once we complete that work we tabulate the costs and then we advertise and assess those costs.

Mr. Hickman asked if the residents on Deneen were going to be affected by this. Mr. Brock advised they are not where the City is changing the grade. Mr. Hickman asked if it was typical to just cut out a foot and Mr. Brock would not advise that.

Mrs. Rubin moved to consider this the first reading of Ordinance No. 2015-21 and have it read by title only; seconded by Mr. Black. Voice vote. Motion carried.

The Clerk of Council read Ordinance No. 2015-21 by title only.

Mrs. Rubin moved to approve the first reading of Ordinance No. 2015-21; seconded by Mr. Hickman. Roll call vote: six ayes. Motion carried.

Administrative Reports

Mr. Brock recommended that Beggar's Night be set for Saturday, October 31st from 6 pm to 8 pm.

Mrs. Rubin moved to set Beggar's Night as October 31, 2015 from 6:00 pm to 8:00 pm; seconded by Mr. Hickman. Voice vote. Motion carried.

Mr. Brock recommended that Large Item Pickup be scheduled for October 17, 2015.

Mrs. Rubin moved to set the date for Large Item Pickup for October 17, 2015.

Mr. Brock reported that he has suspended the use of the James Monroe Community Room until after the first of the year to determine our staffing needs and possible expansion of staff into that area. Mr. Brock did not want to get too close to the end of the year and be too crowded for staff. The intent would be to move the three tax employees in there as it would be easier access for the public and ease the stress on the front desk during that time of year.

Mr. Brock announced that at the next Council meeting will be a semi-work session to discuss the management plan items and staffing.

Mrs. Stillman encouraged people to sign up for the Citizens Police Academy.

As a follow up from the last meeting, Mr. Callahan looked into the process of permitting alcohol sales in the park. The Clerk of Council has prepared legislation amending that and if Council would like to have it on a future agenda we can do so.

It was the consensus of Council that this appear on the next agenda as a first reading.

Mr. Callahan added that the City of Miamisburg just went through this last year and strongly recommended that some administrative processes be developed for this.

Mr. Osborn informed Council that the process established by the State is an extensive process.

Mr. Callahan will provide samples of the administrative processes.

Mr. Hickman distributed proposed legislation to prohibit the display of the Confederate Flag at the parks. He felt that it promotes hate and race. It would be allowed for educational or historical purposes provided that it is approved by City Council.

Mr. Clark did not agree with banning the display of the flag as it would apply to someone wearing a t-shirt and people are allowed to express themselves.

Mr. Callahan advised it is defensible if City Council says the City will not fly this flag and directs staff not to fly this flag. If the City has a historic park that has a gift shop it is defensible to say the City will not sell this flag in their gift shop. You begin to cross the line when you place restrictions on others. Parks are traditional public forums where people express their First Amendment Rights. If a governmental entity is going to try to restrict those rights it puts the burden on the City to show that there is some governmental purpose that we are protecting.

Mr. Callahan advised that you have to ask what is the public purpose of a prohibition and is the public purpose so strong that you can do that and, is what you are doing the least restrictive means of achieving the public purpose. If you are going to err on these First Amendment issues it is wise to err on the side of freedom more so than the side of restrictions.

It was the consensus of Council not to move forward with the proposed legislation.

Mr. Black announced that his petitions for re-election to City Council were not certified and will no longer be on City Council as of December 31, 2015. Mr. Black advised Council that if there are any committees he is involved with he would resign from those in the event any other members of Council would like to become a part of prior to December 31st.

Adjournment

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

The regular meeting of Council adjourned at 7:40 pm.

Respectfully submitted,

Angela S. Wasson, CMC
Clerk of Council