



**CITY COUNCIL REGULAR MEETING PACKET**  
**August 2, 2021 @ 7:00pm - Smith Park Shelter House**

- |   |  |
|---|--|
| 1. Call to Order: Mayor Mike Lowrey   | 6. Communications: Charter Review  |
| 2. Roll Call: Clerk of Council  | Commission Members   |
| 3. Invocation: New Carlisle City Council Member                                     | Interviews/Appointments  |
| 4. Pledge of Allegiance: All Welcome to Participate                                 | 7. City Manager's Report: Attached   |
| 5. Action on Minutes: 07.19.2021 Work Session <u>and</u> 07.19.2021 Regular Session | 8. Comments from Members of the Public: *Comments limited to 5 minutes or less |
|   | 9. Committee Reports: N/A  |

**10. RESOLUTIONS:** (1 - Intro; 2 - Action)

**A. Resolution 2021-13R (Introduced on 7/19/21. Public Hearing & Action Tonight)**

A RESOLUTION AMENDING RESOLUTION 2020-21R, THE CAPITAL IMPROVEMENT PROGRAM FOR THE CITY OF NEW CARLISLE, OHIO, FOR ADDITIONAL CAPITAL PURCHASES

**B. Resolution 2021-14R (Introduction, Public Hearing & Action Tonight)**

A RESOLUTION DECLARING THE NECESSITY OF IMPROVING THE STREETS OF THE CITY OF NEW CARLISLE, OHIO BY LIGHTING THEM

**11. ORDINANCES:** (6 - Intro; 4 - Action\*)

**\*A. Ordinance 2021-23E (Introduction, Public Hearing & Action Tonight)**

AN ORDINANCE AUTHORIZING THE EXPENDITURE OF FUNDS OF OVER TWENTY THOUSAND DOLLARS (\$20,000) FOR THE PURPOSE OF THE CITY OF NEW CARLISLE, OHIO'S ANNUAL AUDIT OF FINANCIAL STATEMENTS FOR THE CALENDAR YEARS 2019, 2020, 2021, 2022 AND 2023, AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR SAID AUDITS, AND DECLARING AN EMERGENCY

**\*B. Ordinance 2021-24 (Introduced on 7/19/21. Public Hearing & Action Tonight)**

AN ORDINANCE EMPLOYING A MAGISTRATE FOR THE NEW CARLISLE MAYOR'S COURT

**\*C. Ordinance 2021-25 (Introduced on 7/19/21. Public Hearing & Action Tonight)**

AN ORDINANCE EMPLOYING A CLERK FOR THE NEW CARLISLE MAYOR'S COURT

**\*D. Ordinance 2021-26 (Introduced on 7/19/21. Public Hearing & Action Tonight)**

AN ORDINANCE REPLACING A CERTAIN SECTION OF SECTION 248 OF THE CODIFIED ORDINANCES OF THE CITY OF NEW CARLISLE REGARDING CITY POLICY

**F. Ordinance 2021-28 (Introduction Tonight. Public Hearing & Action on 08/16/21)**

AN ORDINANCE DETERMINING TO PROCEED WITH THE IMPROVEMENT OF CERTAIN PUBLIC STREETS WITHIN THE CORPORATE LIMITS OF THE CITY OF NEW CARLISLE, OHIO BY LIGHTING THEM

**G. Ordinance 2021-29 (Introduction Tonight. Public Hearing & Action on 08/16/21)**

AN ORDINANCE LEVYING ASSESSMENTS FOR THE IMPROVEMENTS OF CERTAIN PUBLIC STREETS WITHIN THE CORPORATE LIMITS OF THE CITY OF NEW CARLISLE, OHIO BY LIGHTING THEM

**H. Ordinance 2021-30 (Introduction Tonight. Public Hearing & Action on 08/16/21)**

AN ORDINANCE CERTIFYING TO THE CLARK COUNTY AUDITOR AND AUTHORIZING PLACEMENT ON THE TAX DUPLICATE CERTAIN DELINQUENT UTILITY ACCOUNTS FOR COLLECTION WITH REAL ESTATE TAXES

**I. Ordinance 2021-31 (Introduction Tonight. Public Hearing & Action on 08/16/21)**

AN ORDINANCE CERTIFYING TO THE CLARK COUNTY AUDITOR AND AUTHORIZING PLACEMENT ON THE TAX DUPLICATE CERTAIN UNCOLLECTED WEED AND/OR GRASS CUTTING FEES FOR COLLECTION WITH REAL ESTATE TAXES

**J. Ordinance 2021-32 (Introduction Tonight. Public Hearing & Action on 08/16/21)**

AN ORDINANCE CERTIFYING TO THE CLARK COUNTY AUDITOR AND AUTHORIZING PLACEMENT ON THE TAX DUPLICATE CERTAIN UNCOLLECTED NUISANCE ABATEMENT FEES FOR COLLECTION WITH REAL ESTATE TAXES

**12. OTHER BUSINESS:**

- Additional City Business - Open Discussion for City Related Matters
13. Executive Session: N/A  
14. Return to Regular Session: N/A  
15. Adjournment

Next **Work Session** of the City Council will be held on Monday, August 2, 2021, at 6pm.  
Next **Regular Meeting** of the City Council will be held on Monday, August 2, 2021, at 7pm.

**RECORD OF PROCEEDINGS**

MINUTES: CITY OF NEW CARLISLE, OHIO WORK SESSION MEETING @ Smith Park Shelter HELD: Monday, July 19, 2021 @ 6:00PM

1. **Call to Order:** Mayor Lowrey calls the meeting to order.
  2. **Roll Call:** Berner calls the roll- 5 members present Lowrey Grimm, Nowakowski, Eggleston, Cook Absent: Cobb, Rodewald Staff present: Bridge, Harris, Garman
  3. **Invocation:** VM Cook
  4. **Pledge of Allegiance:** All Welcome to Participate
  5. **Action on Minutes:** None
  6. **Communications:** None
  7. **City Manager's Report:** None
  8. **Comments from Members of the Public:** None
  9. **Committee Reports:** None
  10. **RESOLUTIONS:** In regular session.
  11. **ORDINANCES:** In regular session.
  12. **OTHER BUSINESS:**
- A. LEGAL DISCUSSION:**

**Ordinance 2021-22** (Introduction Tonight. Public Hearing & Action on 07/19/21) AN ORDINANCE AUTHORIZING THE REGISTRATION OF THE NEW CARLISLE MAYOR'S COURT WITH THE SUPREME COURT OF OHIO AND OTHER STATE GOVERNMENT OFFICES, AND THE FILING OF ANY RELATED AND NECESSARY REPORTS- *registers the Mayor's court various needed agencies.* Lowrey asks: Has the Mayor's court been an overwhelming process? Bridge adds a great learning experience. Worked with Jefferies and Harris for assistance. Lowrey asks if someone gets a fine, will all fines and fees go into 1 fund? They are working through that and which line items it will get dispersed to.

**B. Open discussions related to City Business:**

-Lowrey brings up the Community recycling bin- suggests moving it due to illegal dumping. Bridge suggests moving to the City Building on Church.

-Lowrey asks when street sweeping is scheduled and suggests 2x a year.

-Nowakowski notes a citizen contacted her on a fraud incident and a deputy said "it is not criminal". Garman will talk with CM Nowakowski after the meeting for more details.

Eggleston asks why the farmers market is only on Main St. during the evening markets. Council discussion on shutting down Washington St. and having it there. Nowakowski will approach farmers market advisors and ask if they have any interest in moving?

Bridge goes over the Veterans Banner contract and plans for starting the project.

Nowakowski asks about the vision plan, and what the council is doing. Council noted they were waiting until new members are seated and will meet in January.

Hutchinson- vacant property on Prentice now condemned. Owners plan to try and sell.

**13. Executive Session: NONE**

**14. Adjournment:** 1st Eggleston 2nd Grimm

Yes: 5 Eggleston, Cook, Lowrey, Grimm, Nowakowski NAY: 0 Accepted 5-0

7/19/21

---

Mayor Mike Lowrey

---

Clerk of Council Emily Berner

---

---

**RECORD OF PROCEEDINGS**

**MINUTES: CITY OF NEW CARLISLE, OHIO Regular SESSION MEETING @  
Smith Park Shelter HELD: Monday July 19, 2021 @ 7:00PM**

- 1. Call to Order:** Mayor Lowrey calls the meeting to order.
- 2. Roll Call:** Berner calls the roll- 5 members present Lowrey Grimm, Nowakowski, Eggleston, Cook Absent: Cobb, Rodewald Staff present: Bridge, Kitko, Harris, Trusty, Lemen, Harris, Kitko, Hutchinson
- 3. Invocation:** VM Cook
- 4. Pledge of Allegiance:** All Welcome to Participate
- 5. Action on Minutes:**

**6. Communications:** Charter Review Committee speaks to council and community members requests discussion on guidance for the Charter Review, when they will meet. Committee noted they did meet. Bridge informed that the meeting was not made public therefore they were in violation. Motion by Grimm with a 2nd Eggleston to have a joint Council work session/Charter Review Committee meeting starting at 5:30pm. YES: 5 Nowakowski, Cook, Lowrey, Grimm, Eggleston NAY: 0 Accepted 5-0  
Grimm along with Council thank the members for volunteering to review the Charter.

**7. City Manager's Report:**

**A. DEPARTMENTAL REPORTS**

**Police Report:** Presented by Deputy Garman

**Patrol Division:**

**The New Carlisle Deputies were dispatched to 177 calls for service during the month of June.**

---

Miles Patrolled: 4793

Calls Taken: 177

Reports: 34

Assists: 46

Criminal Arrest: 20

Felony Arrest: 10

Misdemeanor Arrest: 2

Warrants: 8

Traffic Stops: 62

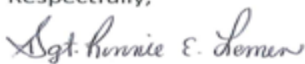
Traffic Warnings: 41

Moving Citations: 21

Business checks: 522

Citizen Contacts: 112

Respectfully,

  
Sgt. Ronnie E. Lemen

NEW CARLISLE	CALLS	ASSISTS	REPORTS	TRAFFIC STOPS	CITATIONS	WARNINGS	ARREST
June							
Dep. Majercak	59	8	8	8	3	5	2
Dep. McDuffie	34	6	12	35	15	22	16
Dep. Garman	52	20	10	12	3	9	2
Dep. Liming	32	12	4	5	0	5	0
<b>Total</b>	<b>177</b>	<b>46</b>	<b>34</b>	<b>60</b>	<b>21</b>	<b>41</b>	<b>20</b>

Grimm asks if the deputies could monitor some of the intersections, especially Main and Jefferson. Lowrey thanks the deputies for all they are doing.

**Fire/EMS Report:** Presented by Steve Trusty, Fire Chief

City of New Carlisle  
City Council Meeting  
07-19-2021  
Fire-EMS Report

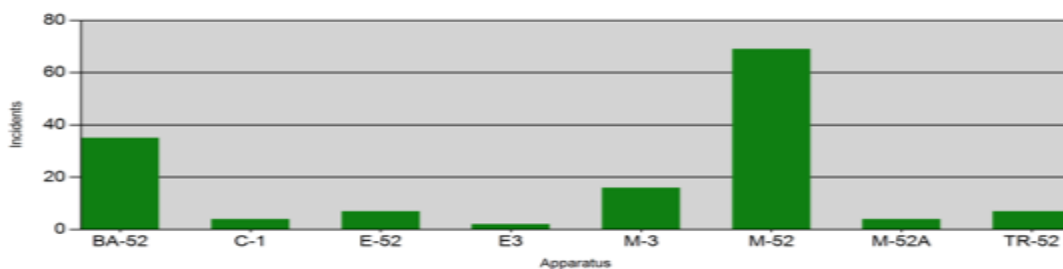
- In the Month of June, the New Carlisle Fire Division responded to 73 EMS call in the city an 16 in Elizabeth Township.
- The Division responded to 10 Fire related calls in the city and 2 in Elizabeth Township.
- We had 4 EMS calls answered by mutual aid, either by Pike Township or Bethel Clark, due to medic 52 being on a response.
- We answered 3 mutual aid EMS calls for Pike Township and 3 for Bethel Clark.22

**New Carlisle Fire Division**

New Carlisle, OH  
This report was generated on 7/16/2021 2:50:47 PM



Incident Count per Apparatus for Date Range  
Start Date: 06/01/2021 | End Date: 06/30/2021



APPARATUS	# of INCIDENTS
BA-52	35
C-1	4
E-52	7
E3	2
M-3	16
M-52	69
M-52A	4
TR-52	7

Grimm asks how short the department is. Trusty notes around 7-8 employees. Grimm asks what the council can do to help. Trusty notes just ask around, find people interested in becoming certified.

**Finance Report:** Presented by Colleen Harris, Finance Director

Bridge notes how well Ms. Harris has done and how nice it is to have her back.

**COUNCIL FINANCIAL REPORT SUMMARY – June 2021**

<b>Estimated Revenue</b>	<b>\$ 5,981,374.00</b>	<b>2021 Original Budget</b>	<b>\$ 7,234,070.00</b>
Amended Est. Resources		1st Q. Supplemental	\$ 99,500.00
Amended Est. Resources	\$ -	2nd Q. Supplemental	\$ 116,302.00
Amended Est. Resources	\$ -	3rd Q. Supplemental	\$ -
Amended Est. Resources	\$ -	4th Q. Supplemental	\$ -
<b>2021 REVISED TOTAL EST. REV.</b>	<b>\$ 5,981,374.00</b>	<b>2021 REVISED TOTAL BUDGET</b>	<b>\$ 7,449,872.00</b>

Month	Revenue Received	Month	Expenses Paid
January	\$ 559,521.31	January	\$ 480,300.85
February	\$ 726,803.87	February	\$ 806,065.74
March	\$ 626,142.05	March	\$ 601,299.92
April	\$ 1,148,742.02	April	\$ 687,819.97
May	\$ 703,465.61	May	\$ 508,884.61
June	\$ 573,117.31	June	\$ 668,967.63
July	\$ -	July	\$ -
August	\$ -	August	\$ -
September	\$ -	September	\$ -
October	\$ -	October	\$ -
November	\$ -	November	\$ -
December	\$ -	December	\$ -
<b>Received To Date</b>	<b>\$ 4,337,792.17</b>	<b>Expenses to Date</b>	<b>\$ 3,753,338.72</b>

**Statement of Cash from Revenue and Expense**

Fund	Description	Beginning Balance	Net Revenue YTD	Net Expense YTD	Unexpended Balance	Encumbrance YTD	Ending Balance
Grand Total:		\$4,760,036.3	\$4,337,792.17	\$3,753,338.72	\$5,344,489.79	\$933,553.07	\$4,410,936.72

**BANK RECONCILIATIONS - June 2021**

Bank Accounts	Bank Balance	Outstanding Vendor	Outstanding Employee	Deposits in Transit	NSF Check (s)	Adjustments	Book Balance	Difference
PNC - General	\$ 2,038,422.61	\$ -	\$ -	\$ 4,870.34	\$ -	\$ -	\$ 2,043,292.95	\$ -
PNC - Payroll	\$ 101,203.56	\$ (1,203.56)	\$ -	\$ -	\$ -	\$ -	\$ 100,000.00	\$ -
Star Ohio	\$ 1,188,406.41	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,188,406.41	\$ -
SNB - General	\$ 1,208,450.42	\$ (9,422.52)	\$ -	\$ 307.18	\$ -	\$ 15.00	\$ 1,199,350.08	\$ -
SNB - MMA	\$ 525,986.58	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 525,986.58	\$ -
SNB - CD's	\$ 212,041.26	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 212,041.26	\$ -
NCF	\$ 526.46	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 526.46	\$ -
NCF - CD's	\$ 74,386.05	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 74,386.05	\$ -
Cash on Hand	\$ 500.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 500.00	\$ -
<b>Grand Totals</b>	<b>\$ 5,349,923.35</b>	<b>\$ (10,626.08)</b>	<b>\$ -</b>	<b>\$ 5,177.52</b>	<b>\$ -</b>	<b>\$ 15.00</b>	<b>\$ 5,344,489.79</b>	<b>\$ -</b>

291,626.96- Funds from the American Rescue Act

Motion to Approve Complete Finance Report Requested: 1st Grimm  
 2nd Eggleston YES: Nowakowski, Cook, Lowrey, Grimm, Eggleston  
 NAY: 0 Accepted 5-0

**Service Report:** Presented by Randy Bridge, City Manager

To: Mr. Bridge, City Manager  
 From: Howard Kitko, Service Director  
 Date: July 19, 2021  
 Subject: Council Update

**Public Works Departments:**

- Catch basin repairs. Basins have been marked, cleaned out, with repairs starting the week of the 7/19.
- Angled parking on Washington St. will not be feasible. Currently getting pricing on painting of the parking spaces and curbs, 2 handicap spots, and curbs in those areas.
- Dura-Patching will resume after catch basin repair. This will include city-wide street and alley work. Please call in Potholes to the Street Dept. at 937-845-3058.

**Water Department:**

- Sanitary Survey: Updating the number of private well locations to complete our backflow program.
- Adam's Street Tower demo is 90% completed. The City still needs to remove the foundations and waterline. This has been delayed due to valving issues in the old section of town and other prioritized work.

**Sewer Department:**

- Currently working on estimates to replace additional clarifiers with possible Federal Funding.

**2021 Road Reconstruction/Resurfacing Projects:**

- Fenwick Phase I has been awarded to Sturm Construction in the amount of \$290,000. Pre-Construction meeting to be set the week of 7/26. Reconstruction is currently slated for this fall. Grant was approved in the amount of \$372,000 with the City's matching share estimated to be \$59,000.
- Clark County Engineer received bids for the street(s) to be resurfaced. The City's cost to Overlay Sunset, Cambridge Ct., Deerfield and S. Scott (Between Madison and Linden) is \$99,324.00. 2021 funding currently set at \$110,000. Slated for Fall of 2021

**Madison St. School Demo:**

- The demolition contract has been awarded to Smith's Wrecking in the amount of \$163,000. Asbestos abatement is complete. Demolition is underway and is slated to take 2-3 weeks. Engineer estimate was \$226,202 with the City's share to be an estimated \$52,302. Bricks will be placed outside the fenced area for citizens to get.



**Economic Development / Community Development**

- Tool Lending Center
  - New software installed – This software allows us to track our inventory, know what is available or not. It stores info and condition of our inventory. It also will be linked to our website and allows residents to see our inventory, reserve tools and create an account.
- GIS Software
  - New GIS Software installed – This software will enable us to create a variety of maps. Zoning maps, Utility maps and much more.
- Comp Plan
  - Requesting Council input and direction in the planning stages of creating the City's Comp Plan.

**Continuing Planning Projects**

- Pike Street Demo – Awaiting Asbestos Testing
- Comp Plan Update – on going - Planning Board Review
- CDBG Grant Program – County Partnership
- Planning Record/Storage organization – on going
- New Code Compliance Truck coming soon – Truck has been built, but due to a micro-ship shortage, Chrysler has multiple new vehicles in storage until parts are received.
- Planning & Exterior Property Maintenance Code Reviews – on going

Grimm- maintain curbs/sidewalks is property owner responsibility- Hutchinson notes he is correct. Looking for a plan on how to move forward with the sidewalks and curbs that need repaired.

Lowrey asks about a sidewalk if residents buy the lot next to them in Twin Creeks Subdivision. Hutchinson will look into it. At the moment, the city can not force them due to their covenants but if the lots "combine" then the sidewalk is required. They may fall under the city codes.

**B. INFORMATIONAL ITEMS**

\*Mayor's Court: Upcoming Ordinances that establishes a Fine Schedule, including Court Cost; Supplements the start-up cost; Advancement of start-up cost from the General Fund-First read either August 2nd or 16th

\*American Rescue Plan Funds

\*Certain Levy Dates-Update on dates

-Health Levy collects in years 2017, 2018, 2019, 2020, 2021, 2022 Will need to place on ballot in 2022

-Fire/EMS Levy collects in years 2018, 2019, 2020, 2021, 2022 Will need to place on ballot in 2022

In 2022 these levies will be on the ballot.

**Upcoming Legislation for Council Approval**

- 2022-2026 Capital Improvement Plan - August
- Street Lighting Assessments - August
- Grass Abatements-August
- Nuisance Abatements-August
- Utility Bill Liens - August
- Codification Numbering Updates - August
- Employees Generally Code Section Update - August

**Coffee and Donuts!** Thank you to those who assisted!



**Sunshine Laws Training Date** -Bridge attended on July 14. If more classes, either online or in-person, are available in the future I will pass along to Council

**Policy Review for Council**-Veteran's Banner Policy Motion to Approve Fixed Assets RFP - Will email to Council by end of week

**Ongoing Projects (Non-Exhaustive List)**

Mayor's Court; Legislation slated; implementation few month's out

Investment Policy; Legislation to invest upcoming

Red Tree Investments; Council approval needed

Fixed Assets; Drafting RFP; Share with Council when completed  
American Rescue Plan; New fund created; expenditure information coming

2020 Financial Audit; Currently underway

2022 Tax Budget; Submitted to Clark County on July 14, 2021

2022-2026 CIP; Prepping underway; Council review in August

2022 Operating Budget; Development underway; Goal to be effective by 1/1/22  
Comprehensive Plan Update; Currently in Planning Board Review

Madison School Demo; Currently Underway

Zoning Code Rewrite; Currently in Planning Board Review

Disaster Recovery Plan; Currently in draft phase; Council approval to codify  
Various City Fee's Review; Currently in data gathering phase; Council review next  
Downtown Beautification Efforts; Planning underway; Council discussions next  
2022-2024 Union Negotiations; Union has requested info; planning underway  
2022-2024 Employee Wage Discussions; Currently analyzing; CM + FD talk soon  
Credit Card Policy; Waiting Council Approval

iWorQ; Currently training in Public Works; Communication package upcoming  
Catch Basins; Currently underway

101 S. Main; Exterior signage installed, hanging sign next, changed exterior lights  
Fenwick Phase 1; Engineering Agreement executed, currently finalizing schedule  
Log Cabin; Awaiting further information

COVID CARES Funds; Application for new shelter submitted

Ohio Community Infrastructure Program; information coming

CHIP 2021; In County review

Old Sub-Station Demo; records destruction soon; final clean, demo

David Trimmer Investment of City Funds; CM will set meeting to discuss

**8. Comments from Members of the Public:** Chris O'Reilly 111 N. Main-Introduces himself and his company Nebulus Solutions-offers phone service consulting, cloud based phone technologies, voicemail, email. Bridge notes the city recently upgraded within the last 5 years but interested in speaking with Mr. O'Reilly.

**9. Committee Reports:None**

**10. RESOLUTIONS:**

**Resolution 2021-13R (Introduction Tonight. Public Hearing & Action on 08/02/21)**A RESOLUTION AMENDING RESOLUTION 2020-21R, THE CAPITAL IMPROVEMENT PROGRAM FOR THE CITY OF NEW CARLISLE, OHIO, FOR ADDITIONAL CAPITAL PURCHASES

**11. ORDINANCES:**

**Ordinance 2021-22** AN ORDINANCE AUTHORIZING THE REGISTRATION OF THE NEW CARLISLE MAYOR'S COURT WITH THE SUPREME COURT OF OHIO AND OTHER STATE GOVERNMENT OFFICES, AND THE FILING OF ANY RELATED AND NECESSARY REPORTS

1st Eggleston 2nd Nowakowski Bridge explains legislation to register the mayor's court. Lowrey thanks Bridge for working on this. YES: 5 Cook, Lowrey, Grimm, Eggleston, Nowakowski NAY: 0 Accepted 5-0  
Grimm motions to remove following Ordinance with 2nd by Eggleston put on the agenda for 8/2/21 YES: 5 Nowakowski, Cook, Lowrey, Grimm, Eggleston NAY: 0 Accepted 5-0

**Ordinance 2021-23E (Introduction, Public Hearing & Action Tonight)**AN ORDINANCE AUTHORIZING THE EXPENDITURE OF FUNDS OF OVER TWENTY THOUSAND DOLLARS (\$20,000) FOR THE PURPOSE OF THE CITY OF NEW CARLISLE, OHIO'S ANNUAL AUDIT OF FINANCIAL STATEMENTS FOR THE CALENDAR YEARS 2019, 2020, 2021, 2022 AND 2023, AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR SAID AUDITS, AND DECLARING AN EMERGENCY

**Ordinance 2021-24 (Introduction Tonight. Public Hearing & Action on 08/02/21)**AN ORDINANCE EMPLOYING A MAGISTRATE FOR THE NEW CARLISLE MAYOR'S COURT

**Ordinance 2021-25 (Introduction Tonight. Public Hearing & Action on 08/02/21)**AN ORDINANCE EMPLOYING A CLERK FOR THE NEW CARLISLE MAYOR'S COURT

**Ordinance 2021-26 (Introduction Tonight. Public Hearing & Action on 08/02/21)**AN ORDINANCE REPLACING A CERTAIN SECTION OF SECTION 248 OF THE CODIFIED ORDINANCES OF THE CITY OF NEW CARLISLE REGARDING CITY POLICY

**12. OTHER BUSINESS:** any city related business-none

**13. Executive Session:** 8:17pm 1st by Grimm to move to executive session 2nd Eggleston YES: 5 Nowakowski, Cook, Lowrey, Grimm, Eggleston. NAY: 0 Accepted 5-0

Grimm motions to return to regular session @ 8:43pm 2nd by Eggleston. YES:5 Nowakowski, Cook, Lowrey, Grimm, Eggleston. NAY: 0 Accepted 5-0

Grimm motions to excuse Rodewald 2nd by Eggleston YES: 5 Nowakowski, Cook, Lowrey, Grimm, Eggleston. NAY: 0 Accepted 5-0

Grimm Motions to excuse Cobb 2nd Eggleston YES: 5 Nowakowski, Cook, Lowrey, Grimm, Eggleston. NAY: 0 Accepted 5-0

**14. Adjournment:** 1st Eggleston 2nd Grimm 8:43pm Yes: 5 Eggleston, Nowakowski, Cobb, Rodewald, Cook, Lowrey, Grimm NAY: 0 Accepted 5-0

\_\_\_\_\_  
Mayor Mike Lowrey

7/19/21

---

Clerk of Council Emily Berner

---

---



# City Manager's Report

August 2, 2021

---

## A. DEPARTMENTAL REPORTS

- The Following Departmental Reports will be given at the next City Council meeting at the Monday, August 16, 2021
  - Finance, Public Service, Planning & Zoning, Fire/EMS, and Police

## B. INFORMATIONAL ITEMS

- Mayor's Court
  - Upcoming Ordinances that:
    - Establishes a Fine Schedule, including Court Cost; Supplements the start-up cost; Advancement of start-up cost from the General Fund
      - ◇ First read: August 16th
      - ◇ Second Read: September 6th
      - ◇ Effective Date: September 22nd
- American Rescue Plan Funds
  - Update
- Upcoming Legislation for Council Approval
  - 2022-2026 Capital Improvement Plan - August 16th (first read)
  - Codification Numbering Updates - August/September
  - Employees Generally Code Section Update - August/September
- Motion to Approve
  - Greg Nash - Parks and Recreation Board Resignation
  - Lynn Sexton - Parks and Recreation Board Application for Appointment
  - Tonia Molla - Parks and Recreation Board Removal

### Attachment Summary

- Greg Nash Resignation Email from Parks and Recreation Board
- Lynn Sexton Application for Parks and Recreation Board Appointment

**Subject:** Parks Board

**Date:** Tuesday, July 27, 2021 at 7:42:25 PM Eastern Daylight Time

**From:** Greg Nash

**To:** Randy Bridge

Hi Randy, I'm told you need an official.... pseudo official I suppose, resignation from the Park Board. I didn't think I was there long enough to be considered a member. This is my resignation. From what I saw of the two meetings I attended, I don't think I would have been a good fit. Thanks and good luck in your City of New Carlisle endeavors, Greg.....and your life's endeavors as well!  
[Sent from the all new AOL app for Android](#)





## **RESOLUTION 2021-13R**

### **A RESOLUTION AMENDING RESOLUTION 2020-21R, THE CAPITAL IMPROVEMENT PROGRAM FOR THE CITY OF NEW CARLISLE, OHIO, FOR ADDITIONAL CAPITAL PURCHASES**

**WHEREAS**, the Capital Improvement Program (CIP) is the financial plan for the next five years of proposed capital improvements for the City of New Carlisle; and

**WHEREAS**, City Council approved the 2021-2025 CIP via Resolution 2020-21R; and

**WHEREAS**, City Council amended the 2021-2025 CIP via Resolutions 2021-08R and 2021-11R; and

**WHEREAS**, City Council desires to establish a Mayor's Court in the City of New Carlisle; and

**WHEREAS**, the current New Carlisle 2021-2025 CIP does not list "Mayor's Court" and this legislation is necessary to permit the addition of a purchase for the Mayor's Court to the City's CIP; and

**WHEREAS**, a capital purchase is needed for the Mayor's Court so that the court will have the resources to operate and function smoothly; and

**WHEREAS**, the Mayor's Court capital purchase will be for the Baldwin Group Mayor's Court Software licensing cost and additional modules for the software (see Exhibit A), a laptop to run the software, a printer/scanner, hand-held metal detectors, and a file cabinet; and

**WHEREAS**, the cost for the Mayor's Court purchase shall not exceed \$25,000; and

**WHEREAS**, this resolution also amends the 2021-2025 CIP to permit the purchase of two (2) replacement primary clarifiers for the City of New Carlisle's Wastewater Treatment Plant; and

**WHEREAS**, primary clarifiers are vital pieces of equipment; and

**WHEREAS**, the replacement primary clarifiers will meet the current and future requirements for sludge settling and removal; and

**WHEREAS**, the estimate for completing the primary clarifier project is approximately \$325,000; and

**WHEREAS**, \$291,626.95 of American Rescue Plan funds will be used for the primary clarifier project cost; and

**WHEREAS**, the remaining funds needed to complete the primary clarifier project will be paid from the City's various Wastewater funds.

**NOW, THEREFORE, BE IT RESOLVED** by the City of New Carlisle City Council that the 2021-2025 Capital Improvement Program's (CIP) shall be amended and adopted per Exhibit B of this legislation.

SIGNATURE PAGE TO FOLLOW

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2021

\_\_\_\_\_  
Mike Lowrey, Mayor

\_\_\_\_\_  
Emily Berner, Clerk of Council

APPROVED AS TO FORM:

\_\_\_\_\_  
Jake Jeffries, DIRECTOR OF LAW

1st \_\_\_\_\_

2cd: \_\_\_\_\_

<b>Cobb</b>	<b>Y</b>	<b>N</b>
<b>Eggleston</b>	<b>Y</b>	<b>N</b>
<b>Vice Mayor Cook</b>	<b>Y</b>	<b>N</b>
<b>Mayor Lowrey</b>	<b>Y</b>	<b>N</b>
<b>Rodewald</b>	<b>Y</b>	<b>N</b>
<b>Grimm</b>	<b>Y</b>	<b>N</b>
<b>Eggleston-Nowakowski</b>	<b>Y</b>	<b>N</b>

**Totals:**

**Pass**

**Fail**





The Baldwin Group, Inc.  
 7550 Lucerne Dr  
 Ste 306  
 Cleveland, OH 44130  
 440-891-9100

**City of New Carlisle  
 Mayor's Court™ and Add-On Modules  
 Cost Summary  
 July 1, 2021**

<b>2021 MAYOR'S COURT SOFTWARE LICENSING COSTS</b>	
Mayor's Court Software Base System License (one time cost)	\$12,000
Twelve (12) hours of training – All training hours are interactive by phone at this time	\$0
**2021 Annual Support/Maintenance	\$1,730
<b>Total 2021 Baldwin Group Mayor's Court Software Licensing Costs</b>	<b>\$13,730</b>

<b>2021 ADD-ON MODULES/OPTIONS COSTS</b>	
--	--

<b><u>ONLINE DOCKETING &amp; PAYMENTS MODULE – BGI FEES</u></b>	
Online Docketing and Ticket Payments Module – Initial Setup (one-time cost)	\$500
Monthly Subscription Fee (billed quarterly – includes hosting) \$30/mo	\$360
<b>Total 2021 Baldwin Group Online Docketing &amp; Payments Costs</b>	<b>\$860</b>

<b><u>ONLINE DOCKETING &amp; PAYMENTS MODULE – PAYMENT PROCESSOR FEES</u></b>	
**Initial setup fee – the payment processor selected may have fees	TBD
**Monthly system hosting fee	TBD

<b><u>BCI INTERFACE MODULE</u></b>	
BCI Interface Module License (one-time cost)	\$900
**2021 Annual Support/Maintenance	\$100
<b>Total 2021 Baldwin Group BCI Interface Module Costs</b>	<b>\$1,000</b>

<b><u>MICROSOFT WORD MODULE</u></b>	
Microsoft Word Module License (one-time cost)	\$3,000
**2021 Annual Support/Maintenance	\$525
<b>Total 2021 Baldwin Group Microsoft Word Module Costs</b>	<b>\$3,525</b>

\*The payment processor selected may have initial setup and/or monthly fees associated with their services and must be contacted for pricing information.

\*\*Annual Support/Maintenance amounts will be prorated based upon actual installation date. Annual support/maintenance includes annual software updates and phone support beyond the initial 12 hours of training.

Prices valid for 90 days from the date shown

**MAYOR'S COURT - GENERAL FUND**

<b>CAPITAL EXPENSES # 101.2200.55000</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>
Court Start-Up Items	25,000	-	-	-	-
<b>CITY COUNCIL TOTAL</b>	<b>\$ 25,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>EXPENSE DESCRIPTIONS</b>					

**Court Start-Up Items** - For the purchase of start-up items needed for Mayor's Court. Items include court software, laptop, file cabinet, hand-held metal detectors, a printer/scanner, and potentially other items needed for the court to function. Paid for by an advance from the General Fund.

Resolution 2021-13R  
Exhibit B (Continued)

**WASTEWATER - ENTERPRISE FUND (\*\*AMENDED)**

WASTEWATER OPERATING FUND 502	2021	2022	2023	2024	2025
Medic Unit Purchase	7,000	-	-	-	-
Primary Clarifiers-#2 (**Amended**)	291,626.95	-	<del>480,000</del>	-	-
Bio-Tower Pump	-	16,000	-	-	-
Bio-Tower Distributor	-	5,000	5,000	5,000	-
Secondary #1 Clarifier	-	180,000	-	-	-
Rotating Biological Contactor	10,000	10,000	10,000	10,000	10,000
Utility Crane Truck	40,000	10,000	10,000	-	-
Equipment Storage Building	-	-	65,000	65,000	-
Technology Upgrades	6,000	-	-	-	-
FUND 502 TOTAL	<del>\$63,000</del> \$354,626.95	\$ 221,000.00	\$ 90,000.00	\$ 80,000.00	\$ 10,000.00
WASTEWATER CAPITAL IMPROVEMENT FUND 560	2021	2022	2023	2024	2025
Drying Bed Rehab	-	5,000	5,000	5,000	5,000
Roadway Resurface	-	10,000	-	-	-
FUND 560 TOTAL	\$ -	\$ 15,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
WASTEWATER CAPITAL CONTINGENCY FUND 562	2021	2022	2023	2024	2025
Lift Station Pumps	10,000	10,000	10,000	10,000	10,000
WW CAPITAL CONTINGENCY FUND 562 - TOTAL	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00
<b>TOTAL - ALL FUNDS</b>	<del>\$73,000</del> <b>\$364,626.95</b>	<b>\$ 246,000</b>	<b>\$ 105,000</b>	<b>\$ 95,000</b>	<b>\$ 25,000</b>

**EXPENSE DESCRIPTIONS**

- Medic Unit Purchase** - Purchase former Fire/EMS 2000 Ford (Horton Box) unit for Wastewater Department's Rover Camera System. Paid for by Wastewater Funds.
- Primary #2 Clarifier** - Replace, with new, existing 40 yr. old operable clarifier. Paid for by Wastewater Fund and/or *American Rescue Plan funds grant money and/or bank financing.*
- Bio-Tower Pump** - Replace with new pump. Paid for by Wastewater Fund.
- Bio Tower Distributor** - Miscellaneous repairs to tower. Paid for by Wastewater Fund.
- Secondary #1 Clarifier** - Clarifier will have been utilized past its useful life and will need replaced. Paid for by Wastewater Fund and/or grant money and/or bank financing.
- Rotating Biological Contactor** - Various maintenance and repairs. Paid for by Wastewater Fund.
- Utility Crane Truck** - Purchase replacement truck with crane attachment. Paid for by Wastewater Funds.
- Equipment Storage Building** - Construction of new heated building to store equipment such as the new Vac-Con Truck. Bank financed over a two-year period; Repaid by Wastewater Funds.
- Technology Upgrades** - Update Utility Clerk's water meter software to a web-based system. Cost shared with Water.
- Drying Bed Rehab** - Install concrete into existing drying bed in order to load pressed sludge on and off the beds. Paid by Wastewater Fund.
- Roadway Resurface** - Complete the rest of the Wastewater Plant roadway resurfacing. Paid by Wastewater Fund.
- Lift Station Pumps** - Upgrade all City-owned lift stations to the same pump and mounting system. Paid by Wastewater Fund and/or possible grant money and/or bank



## **RESOLUTION 2021-14R**

### **A RESOLUTION DECLARING THE NECESSITY OF IMPROVING THE STREETS OF THE CITY OF NEW CARLISLE, OHIO BY LIGHTING THEM**

**THE CITY OF NEW CARLISLE HEREBY RESOLVES that:**

#### **SECTION 1. DETERMINATION TO IMPROVE**

It is deemed necessary by the City of New Carlisle to make a public improvement, the lighting of its streets, to be paid for in part by special assessments to be levied. The plans, specifications, and profiles of the proposed improvement and improvement after completion with reference to the property abutting thereon, and an estimate of the cost of the improvement has been prepared and filed in the office of the Clerk of the City of New Carlisle and shall be/is open to the inspection of all persons interested. Thus, the City of New Carlisle hereby declares the necessity for such improvement by the passage of this Resolution.

#### **SECTION 2. THE NATURE AND LOCATION OF IMPROVEMENT**

The nature of the street lighting improvement is conducive to the public health and welfare of this City, and the inhabitants thereof and the lots to be assessed are specifically benefited by the improvement. This Council further finds and determines that the public streets, roads, boulevards, and places to be improved are so situated in relation to each other that, in order to complete the improvements thereof in the most practical and economical manner, they should be improved at the same time, with the same kind of materials and in the same manner and, therefore, they should be treated as a single improvement included in the same legislation and contract.

#### **SECTION 3. APPROVAL OF PLANS, SPECIFICATIONS, PROFILES AND ESTIMATE OF COST**

The plans, specifications, and profiles of the proposed improvement and improvement after completion with reference to the property abutting thereon, and an estimate of the cost of the improvement are hereby approved.

#### **SECTION 4. COST AND METHOD OF LEVYING ASSESSMENT**

The entire cost of said improvement, less two percent (2%) thereof and the cost of lighting the intersections, shall be assessed upon the following described lots and lands, to-wit: pro rata to all lots and lands bounding and abutting upon said improvement, which lots and lands are hereby determined to be benefited by said improvement. Said assessments shall be levied by the following method, to-wit: by the front footage of the properties bounding and abutting upon the improvement.

#### **SECTION 5. MODE OF PAYMENT AND PAYMENT SCHEDULE**

The mode of payment shall be cash, check, or money order. The payment schedule for the special assessments to be levied will be payable in two annual installments, or the owner of any property

assessed may, at his/her option, pay such assessment in cash within ten days after notice of passage of the Ordinance levying such assessments.

#### SECTION 6. STATEMENT ON SECURITIES

The City of New Carlisle does not intend to issue securities in anticipation of the levy of the special assessment. The City of New Carlisle does not intend to issue securities in anticipation of the collection of the special assessment.

#### SECTION 7. ESTIMATED ASSESSMENTS AGAINST EACH LOT OR PARCEL TO BE ASSESSED

An estimated assessment in accordance with the method of assessment set forth above, showing the amount of the assessment against each lot or parcel of land to be assessed, shall be immediately prepared by the Finance Director and filed in the Office of the Clerk of the City of New Carlisle, and shall be open to the inspection of all persons interested.

#### SECTION 8. LEVIED AND COLLECTED

This special assessment is to be levied and collected before the improvement for which the assessment is levied is commenced.

#### SECTION 9. NOTICE TO PROPERTY OWNERS

Upon filing of said estimated assessments as hereinbefore provided, the Finance Director is hereby ordered to cause notice of the passage of this Resolution and of the filing of said estimated assessments in accordance with Section 727.14 of the Ohio Revised Code: by publication once a week for two consecutive weeks in a newspaper of general circulation in the municipal corporation or, where the assessment against the owner of any lot or parcel of land will exceed two hundred fifty dollars, such owner shall be notified of the assessment in the manner provided in Section 727.13 of the Revised Code, which provides:

Notice of the passage of a resolution of necessity and the filing of the estimated assessment under section 727.12 of the Revised Code, shall, after the estimated assessment has been made and filed as provided by section 727.12 of the Revised Code, be served by the clerk of the legislative authority, or a person designated by such clerk, upon the owners of the lots or parcels of land to be assessed for the proposed improvement, in the same manner as service of summons in civil cases, or by certified mail addressed to such owner at his last known address or to the address to which tax bills are sent, or by a combination of the foregoing methods. If it appears by the return of service or the return of the certified mail notice that one or more of the owners cannot be found, such owners shall be served by publication of the notice once in a newspaper of general circulation within the municipal corporation. The notice shall also set forth the place where such estimated assessments are on file and are open for public inspection. The return of the person serving the notice or a certified copy thereof or a returned receipt for notice forwarded by certified mail accepted by the addressee or anyone purporting to act for him shall be prima facie evidence of the service of notice under this section.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2021

\_\_\_\_\_  
Mike Lowrey, Mayor

\_\_\_\_\_  
Emily Berner, Clerk of Council

APPROVED AS TO FORM:

\_\_\_\_\_  
Jake Jeffries, DIRECTOR OF LAW

1st \_\_\_\_\_

2cd: \_\_\_\_\_

Cobb	Y	N
Eggleston	Y	N
Vice Mayor Cook	Y	N
Mayor Lowrey	Y	N
Rodewald	Y	N
Grimm	Y	N
Eggleston-Nowakowski	Y	N

Totals:		
	Pass	Fail

Intro: 08/02/2021

Action: 08/02/2021

Effective: 08/17/2021



## **ORDINANCE 2021-23E**

AN ORDINANCE AUTHORIZING THE EXPENDITURE OF FUNDS OF OVER TWENTY THOUSAND DOLLARS (\$20,000) FOR THE PURPOSE OF THE CITY OF NEW CARLISLE, OHIO'S ANNUAL AUDIT OF FINANCIAL STATEMENTS FOR THE CALENDAR YEARS 2019, 2020, 2021, 2022 AND 2023, AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR SAID AUDITS, AND DECLARING AN EMERGENCY

**WHEREAS**, the City of New Carlisle's financial statements are audited on an annual basis; and

**WHEREAS**, on July 15, 2021, Perry & Associates Certified Public Accountants, A.C. ("CPA") presented the City of New Carlisle City Manager with a "Proposal for Audit Services", attached as "Exhibit A", for conducting the City of New Carlisle's annual audit of the City's basic financial statements for the calendar years 2019, 2020, 2021, 2022 and 2023; and

**WHEREAS**, the CPA has been assigned to the City of New Carlisle by the Auditor of the State of Ohio; and

**WHEREAS**, the City of New Carlisle desires to enter into a contract with the CPA to conduct said audits; and

**WHEREAS**, this matter is before City Council due to the cost exceeding the City Manager's monetary threshold to enter into contracts.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW CARLISLE, OHIO that:**

**Section 1:** The City of New Carlisle authorizes the expenditure of funds in excess of \$20,000 from the City of New Carlisle's General Fund for the annual audit of financial statements for the calendar years 2019, 2020, 2021, 2022 and 2023.

**Section 2:** The City Manager is authorized to enter into a contract, attached as "Exhibit B" and titled "Engagement Letter", with the CPA to conduct said audits.

**Section 3:** The cost of each annual audit shall not exceed \$25,000 and the total cost for all annual audits shall not exceed \$125,000. The total cost includes additional funds should any revisions to the contracted pricing be required during the audits.

**Section 4:** This ordinance is declared an emergency measure necessary to preserve the financial welfare of the City and to preserve the safety and health of the City, and this ordinance shall be deemed effective immediately upon passage of six (6) City Council members.

SIGNATURE PAGE TO FOLLOW

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2021

\_\_\_\_\_  
Mike Lowrey, MAYOR

\_\_\_\_\_  
Emily Berner, CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
Jacob M. Jeffries, DIRECTOR OF LAW

1st \_\_\_\_\_

2cd: \_\_\_\_\_

<b>Cobb</b>	Y	N
<b>Eggleston</b>	Y	N
<b>Vice Mayor Cook</b>	Y	N
<b>Mayor Lowrey</b>	Y	N
<b>Rodewald</b>	Y	N
<b>Grimm</b>	Y	N
<b>Eggleston-Nowakowski</b>	Y	N

Totals:

Pass

Fail

Intro: 07/19/2021  
Action: 07/19/2021  
Effective: 07/19/2021





**Certified Public Accountants, A.C.**

**Cost Proposal for Audit Service**

**CITY OF NEW CARLISLE  
CLARK COUNTY**

**For Fiscal Periods January 1, 2019 through December 31, 2023**

**Date of Proposal: October 2, 2019**

**Contact: Jodey L. Altier, CPA Audit Partner**

**313 Second Street, Marietta OH 45750 740-373-0056**

**Ohio Department of Administrative Services Equal Opportunity Division's Encouraging**

**Diversity, Growth and Equity (EDGE) Program Certification**

313 Second St.  
Marietta, OH 45750  
740.373.0056

1907 Grand Central  
Ave. Vienna, WV 26105  
304.422.2203

150 West Main St.  
St. Clairsville, OH 43950  
740.695.1569

1310 Market St., Suite 300  
Wheeling, WV 26003  
304.232.1358

749 Wheeling Ave., Suite 300  
Cambridge, OH 43725  
740.435.3417



Certified Public Accountants, A.C.

313 Second St.  
Marietta, OH 45750  
740.373.0056

1907 Grand Central Ave.  
Vienna, WV 26105  
304.422.2203

150 West Main St.  
St. Clairsville, OH 43950  
740.695.1569

1310 Market St., Suite 300  
Wheeling, WV 26003  
304.232.1358

749 Wheeling Ave., Suite 300  
Cambridge, OH 43725  
740.435.3417

October 2, 2019

Janet Kennedy, Work Processing Specialist II / West Region  
Auditor of State Keith Faber  
130 W. Second Street  
Dayton, OH 45402

Deborah Watson, Finance Director  
**City of New Carlisle**  
331 S. Church Street  
New Carlisle, Ohio 45344

Dear Ms. Kennedy and Ms. Watson;

In response to the **Auditor of State's** Request for Proposal for the audits of **the City of New Carlisle, Clark County (the City)** for the fiscal periods January 1, 2019 through December 31, 2023, **Perry & Associates Certified Public Accountants, A.C. (the Firm)** is pleased to provide to you our fixed fee bids of **\$21,400.00 – 2019; \$21,400.00 – 2020; \$21,400.00 – 2021; \$21,400.00 – 2022; \$21,400.00 – 2023; and \$107,000.00 – combined total** for all years of the contract. **This includes our hourly fees and out-of-pocket expenses as detailed in Exhibit A.**

I hereby certify that I am entitled to represent **Perry & Associates CPAs, A.C.**, empowered to submit this bid and authorized to sign a contract with **the City of New Carlisle, Clark County**.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jodey L. Altier". The signature is fluid and cursive, with the first name "Jodey" being the most prominent part.

Jodey L. Altier, CPA, CFF  
Partner of Perry & Associates Certified Public Accountants, A.C.

**CITY OF NEW CARLISLE  
CLARK COUNTY**

**REQUEST FOR PROPOSALS  
October 2, 2019**

**EXHIBIT A**

**SCHEDULE OF PROFESSIONAL FEES AND EXPENSES  
TO SUPPORT THE TOTAL ALL-INCLUSIVE MAXIMUM FIXED FEE  
FOR THE AUDIT OF THE FINANCIAL STATEMENTS  
OF THE CITY OF NEW CARLISLE**

	Hours	Rate	Total
Partner	11	\$50.00	\$550.00
Managers	21	\$50.00	\$1,050.00
Supervisory Staff	43	\$50.00	\$2,150.00
Staff	353	\$50.00	\$17,650.00
Out-of-pocket Expenses			<u>Included</u>
<b>Total Fixed Fee Bid for the Fiscal Period Ending December 31, 2019</b>			<u><u>\$21,400.00</u></u>

	Hours	Average Hourly Rate	Out-of- Pocket Expenses	Total Fixed Fee
Fiscal period Ending 2019	428	\$50.00	Included	\$21,400.00
Fiscal period Ending 2020	428	\$50.00	Included	\$21,400.00
Fiscal period Ending 2021	428	\$50.00	Included	\$21,400.00
Fiscal period Ending 2022	428	\$50.00	Included	\$21,400.00
Fiscal period Ending 2023	428	\$50.00	Included	<u>\$21,400.00</u>
<b>Total for Fiscal Periods 2019 - 2023</b>				<u><u>\$107,000.00</u></u>

**Perry & Associates CPAs, A.C.**, will accept reimbursement for travel, lodging, and subsistence at the rates used by the **City of New Carlisle, Clark County**, for its employees. **These reimbursement costs are already included in the above cost bid amount.**



Ordinance 2021-23  
Exhibit B  
Engagement Letter

313 Second St.  
Marietta, OH 45750  
740.373.0056

1907 Grand Central Ave.  
Vienna, WV 26105  
304.422.2203

150 West Main St.  
St. Clairsville, OH 43950  
740.695.1569

1310 Market Street, Suite 300  
Wheeling, WV 26003  
304.232.1358

749 Wheeling Ave., Suite 300  
Cambridge, OH 43725  
740.435.3417

## ENGAGEMENT LETTER

May 30, 2021

Randy Bridge, City Manager  
City of New Carlisle  
Clark County  
331 South Church Street  
New Carlisle, Ohio 45344

This letter of arrangement between the **City of New Carlisle**, Clark County, Ohio (the City) and our firm describes the objective and scope of the services we will provide, the City's required involvement and assistance in support of our services, the related fee arrangements, and other terms and conditions designed to ensure that our professional services satisfy the City's audit requirements.

### Summary of Services

We will audit the City's basic financial statements, as of and for the year ended December 31, 2020. We are pleased to confirm our acceptance and our understanding of this audit engagement by means of this letter. The objective of an audit is to express our opinion concerning whether the basic financial statements present fairly, in all material respects, the City's financial position, changes in financial position, required budgetary comparisons, and cash flows (where applicable), in conformity with U.S. generally accepted accounting principles.

We expect to deliver our report on or about August 2, 2021.

We will audit to form an opinion on the basic financial statements. We will also opine on whether supplementary information is fairly presented, in all material respects, in relation to the basic financial statements taken as a whole.

We will apply certain limited procedures to required supplementary information. However, we will not opine or provide any assurance on this information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any other assurance.

### Engagement Team

The engagement will be led by:

- \* Jessica Heldman, Principal, who will be responsible for assuring the overall quality, value, and timeliness of our services to you;
- \* Chris Barkley, Senior Audit Manager, who will be responsible for managing the delivery of our services to you.

Tax - Accounting - Audit - Review - Compilation - Agreed Upon Procedure - Consultation - Bookkeeping - Payroll - Litigation Support - Financial Investigations  
Members: American Institute of Certified Public Accountants  
• Ohio Society of CPAs • West Virginia Society of CPAs • Association of Certified Fraud Examiners • Association of Certified Anti-Money Laundering Specialists •

RSM US Alliance member firms are separate and independent businesses and legal entities that are responsible for their own acts and omissions, and each are separate and independent from RSM US LLP. RSM US LLP is the U.S. member firm of RSM International, a global network of independent audit, tax, and consulting firms. Members of RSM US Alliance have access to RSM International resources through RSM US LLP but are not member firms of RSM International.

An independently owned member  
RSM US Alliance



## **The Auditing Process**

### Our Responsibilities:

The *Summary of Services* above describes our responsibilities for the City's basic statements and other financial information.

We will conduct our audit in accordance with U.S. generally accepted auditing standards (GAAS) and the Comptroller General of the United States' standards for financial audits included in *Government Auditing Standards*. Those standards require that we plan and perform the audit to reasonably assure that the financial statements are free of material misstatement.

Because of inherent limitations of an audit, together with the inherent limitations of internal control, an unavoidable risk that some material misstatement may not be detected exists, even though the audit is properly planned and performed in accordance with GAAS.

We may limit certain procedures to selective testing of data. Therefore we might not detect material error and fraud if it exists. It is not cost-efficient to design procedures to detect immaterial error or immaterial fraud. Also, because of the characteristics of fraud, including attempts at concealment through collusion and forgery, a properly designed and executed audit may not detect a material fraud.

We will communicate all instances where we believe fraud *may* exist to you. These would include instances where we:

- Have persuasive evidence that fraud occurred.
- Determined fraud risks exist and were unable to obtain convincing evidence to determine that fraud was unlikely.

Similarly, illegal acts may have occurred. However, our audit provides no assurance that illegal acts generally will be detected and only reasonable assurance that we will detect illegal acts directly and materially affecting the determination of financial statement amounts. We will inform you regarding material error or illegal acts that come to our attention.

If we find indications of abuse, we will expand our tests to determine its financial statement effect.

*Government Auditing Standards* defines *abuse* as behavior which while not necessarily a legal violation, is behavior a prudent person would deem improper or deficient. Because this determination is subjective, *Government Auditing Standards* does not expect auditors to provide reasonable assurance of detecting abuse.

If for any reason we are unable to complete the audit or are unable to form an opinion, we may disclaim an opinion on your financial statements. In this unlikely event, we will communicate the reason for disclaiming an opinion to you, and to those charged with governance, in writing.

### Your Responsibilities and Identification of the Applicable Reporting Framework:

We will audit assuming that management and those charged with governance acknowledge and understand they are responsible for:

1. Preparing the financial statements and other financial information, including related disclosures and selecting and applying accounting principles in accordance with accounting principles generally accepted in the United States of America.
2. Providing us with:
  - a. Access to all information of which management is aware that is relevant to preparing and fairly presenting the financial statements such as records, documentation, and other matters;
  - b. Additional information that we may request from management for the audit; and

- c. Unrestricted access to persons within the entity from whom we determine it necessary to obtain audit evidence.
3. Inform us of events occurring or facts discovered subsequent to the date of the financial statements, of which management may become aware, that may affect the financial statements.
4. Preparing supplementary information in accordance with the applicable criteria.
  - a. Include our report on the supplementary information in any document that includes the supplementary information and that indicates that the auditor has reported on this supplementary information.
  - b. Present the supplementary information with the audited financial statements or, if the supplementary information will not be presented with the audited financial statements, to make the audited financial statements readily available to the intended users of the supplementary information no later than the date of issuance by the entity of the supplementary information and the auditor's report thereon.
5. Reporting fraud and illegal acts of which you are aware to us.
6. Making available to the auditor draft financial statements and any accompanying other information in time to allow the auditor to complete the audit in accordance with the proposed timeline.
7. Reviewing drafts of the audited financial statements, footnotes, any supplemental information, auditor's reports and any findings; and informing us of any edits you believe may be necessary.
8. Designing and implementing programs and controls to prevent and detect fraud.

***You should not rely on our audit as your primary means of detecting fraud.***

## **Compliance with Laws and Regulations**

### *Our Responsibilities*

As part of reasonably assuring whether the financial statements are free of material misstatement, we will test the City's compliance with certain provisions of laws, regulations, contracts, and grants if noncompliance might reasonably directly and materially affect the financial statements. However, our objective is not to opine on overall compliance with these provisions.

### *Your Responsibilities:*

Management and those charged with governance are responsible for:

1. Being knowledgeable of, and complying with, laws, regulations, contracts, and grants applicable to the City.
2. Identifying for us other financial audits, attestation engagements, performance audits, internal audits, reports from regulators or other studies related to the City (if any), and the corrective actions taken to address these audits' significant findings and recommendations.
3. Tracking the status of prior audit findings.
4. Taking timely and appropriate steps to remedy fraud, illegal acts, violations of provisions of laws, regulations, contracts or grant agreements, or abuse we may report.
5. Providing your views and planned corrective action on audit findings we may report.

## **Internal Control**

### Our Responsibilities:

As a part of our audit, we will obtain an understanding of your Entity and its environment, including its internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses.

In assessing risk, we consider internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances but not for the purpose of opining on the effectiveness of the entity's internal control. However, we will communicate to you in writing any significant deficiencies or material weaknesses in internal control relevant to the audit of the financial statements that we have identified during the audit.

### Your Responsibilities:

Design, implement and maintain internal control relevant to compliance and the preparing and fairly presenting financial statements that are free from material misstatement, whether due to fraud or error. Appropriate supervisory reviews are necessary to reasonably assure that adopted policies and prescribed procedures are followed.

### Your Responsibility for Service Organizations:

Service organizations are entities to which you have outsourced accounting functions. Service organizations process transactions reflected in your City's financial statements, and therefore fall within the scope of our audit. While service organizations are responsible for establishing and maintaining their internal control, you are responsible for being aware of the service organizations your City uses, and for establishing controls to monitor the service organization's performance. Because the complexity of service organization transaction processing can vary considerably, your monitoring activities can vary accordingly.

When transaction processing is complex and the volume of transactions is relatively high, obtaining and reviewing a service organization auditor's *Independent Service Auditor's Report on Management's Description of a Service Organization's System and the Suitability of the Design and Operating Effectiveness of Controls* Report (Type 2 Service Organization Control Report (SOC 1)) may be the most effective method of meeting your responsibility to monitor a service organization, and may also be the only efficient means by which we can obtain sufficient evidence regarding their internal controls. AT Section 801, *Reporting on Controls at a Service Organization* (SSAE No. 16) discusses the aforementioned report. (In some circumstances, we can accept a suitably-designed agreed-upon procedures report (AUP) in lieu of a SSAE No. 16.) Our staff can discuss SSAE No. 16 and possible monitoring controls you might use with you.

***You are responsible for informing our staff of the service organizations your City uses, and for monitoring these service organizations' performance.***

We are aware of the following service organizations:

- Medicount
- Central Collection Agency (CCA)

Please confirm to us that, to the best of your knowledge, the above listing is complete.

Of the service organizations above, those for which we believe the complexity of processing and volume of transactions warrant a SSAE No. 16 (or AUP) report are:

- Medicount, which processes the City's EMS transactions.
- CCA, which processes the City's income tax transactions.

Without an acceptable SSAE No. 16 or AUP report for the above-listed organizations, generally accepted auditing standards may require us to qualify our opinion on your City's financial statements due to an insufficiency of audit evidence regarding service organization transactions included in your City's financial statements. You are responsible for communicating the need for a SSAE No. 16 or AUP report to these service organizations, and also for communicating the deadline for which we need the report to meet your reporting deadline. We will require the report by approximately August 2, 2021 to meet your reporting deadline of August 2, 2021.

## **Representations from Management**

### Your Responsibilities

Upon concluding our engagement, management and, when appropriate, those charged with governance will provide to us written representations about the audit that, among other things, will confirm, to the best of their knowledge and belief:

- Management's responsibility for preparing the financial statements in conformity with generally accepted accounting principles;
- The availability of original financial records and related data, the completeness and availability of all minutes of the legislative or other bodies and committee meetings;
- Management's responsibility for the entity's compliance with laws and regulations;
- The identification and disclosure to the auditor of all laws, regulations, and provisions of contracts and grant agreements directly and materially affecting the determination of financial statement amounts and;
- The absence of fraud involving management or employees with significant roles in internal control.

Additionally, we will request representations, as applicable, regarding:

- The inclusion of all component units, and the disclosure of all joint ventures and other related organizations;
- The proper classification of funds, net position and fund balances;
- The proper approval of reserves of fund equity;
- Compliance with laws, regulations, and provisions of contracts and grant agreements, including budget laws or ordinances; compliance with any tax or debt limits, and any debt covenants;
- Representations relative to GASB-required supplementary information;
- The identification of all federal assistance programs, and compliance with grant requirements.
- Events occurring subsequent to the fiscal year end requiring adjustment to or disclosure in the financial statements.

Management is responsible for adjusting the financial statements to correct misstatements we may detect during our audit and for affirming to us in the representation letter that the effects of any uncorrected misstatements we aggregate during our engagement and pertaining to the latest period the statements present are immaterial, both individually and in the aggregate, to the opinion units. (*Financial statements* include the related footnotes and required and other supplemental information).

## **Communication**

### Our Responsibilities

As part of this engagement we will communicate certain additional matters (if applicable) to the appropriate members of management and to those charged with governance. These matters include:

- The initial selection of and changes in significant accounting policies and their application;
- The process management uses to formulate particularly sensitive accounting estimates and the basis for their conclusions regarding the reasonableness of those estimates;
- Audit adjustments, whether posted or waived;
- Any disagreements with management, whether or not satisfactorily resolved, about matters that individually or in the aggregate could be significant to the financial statements or our opinion;
- Our views about matters that were the subject of management's consultation with other accountants about auditing and accounting matters;



- Major issues that were discussed with management related to retaining our services, including, among other matters, any discussions regarding the application of accounting principles and auditing standards; and
- Serious difficulties we encountered in dealing with management during the audit.

We will present those charged with governance our Summary of Unadjusted Differences (if any) at the conclusion of our audit.

### **Terms and Conditions Supporting Fee**

As a result of our planning process, the City and Perry & Associates, CPAs, A.C. have agreed to an approach designed to meet the City's objectives for an agreed-upon fee, subject to the following conditions.

#### Our Responsibilities:

In providing our services, we will consult with the Entity regarding matters of accounting, financial reporting or other significant business issues. Accordingly, our fee includes estimated time necessary for this consultation. Circumstances may require the Auditor of State to confirm balances with your financial institution resulting in additional nominal charges which will not require an amendment to this agreement. However, should a matter require research, consultation or audit work beyond this estimate, the Auditor of State and the Entity will agree to an appropriate revision in services and fee. These revisions will also be set forth in the form of the attached *Amendment to Letter of Arrangement*.

#### Your Responsibilities:

The City will provide in a timely manner all financial records and related information to us, an initial list of which will be furnished to you, including timely communication of all significant accounting and financial reporting matters, as well as working space and clerical assistance as mutually agreed upon and as is normal and reasonable in the circumstances. When and if for any reason the City is unable to provide these schedules, information and assistance, Perry & Associates, CPAs, A.C. and the City will mutually revise the fee to reflect additional services, if any, we require to achieve these objectives. These revisions will be set forth in the form of an *Amendment to Letter of Arrangement*.

#### Confidential Information:

You should make every attempt to minimize or eliminate the transmission of personal information to Perry and Associates CPAs, A.C. All documents you provide to Perry & Associates, CPAs, A.C. in connection with our services including financial records and reports, payroll records, employee rosters, health and medical records, tax records, etc. should be redacted of any personal information. Personal information includes social security numbers, date of birth, drivers' license numbers or financial institution account numbers associated with an individual. The public office should redact all personal information from electronic records before they are transmitted to Perry & Associates, CPAs, A.C. This information should be fully blacked out in all paper documents prior to sending to Perry & Associates, CPAs, A.C. If personal information cannot be redacted from any records or documents; the public office must identify these records to Perry & Associates, CPAs, A.C.

If redacting this personal information compromises the audit or the ability to prepare financial statements, the public office and Perry & Associates, CPAs, A.C. will consider these exceptions on a case-by-case basis. Additionally, if redacting this information creates a hardship on the public office in terms of resources, recordkeeping or other issues, the public office and Perry & Associates, CPAs, A.C. may collaborate on alternative methods of providing the public office's data to t Perry & Associates, CPAs, A.C. without compromising the personal information of individuals served by the public office. Perry & Associates, CPAs, A.C. is willing to work with the public office and it is our intent to greatly reduce the amount of personal information submitted to Perry & Associates, CPAs, A.C. for audit or financial statement preparation purposes. It is important that the public office review internal policies to find ways to eliminate as much personal information from financial records as possible by substituting non-personal information (i.e., change social security numbers to employee identification numbers).

### **Parties' Understandings Concerning Situation Around COVID-19**

Perry & Associates and the City acknowledge that, at the time of the execution of this arrangement letter, federal, state and local governments, both domestic and foreign, have restricted travel and/or the movement of their citizens due to the ongoing and evolving situation around COVID-19. In addition, like many organizations and companies in the United States and around the globe, Perry & Associates has restricted its employees from travel and onsite work, whether at a client facility or Perry & Associates facility, to protect the health of both Perry & Associates' and its clients' employees. Accordingly, to the extent that any of the services described in this arrangement letter requires or relies on Perry & Associates or City personnel to travel and/or perform work onsite, either at the City's or Perry & Associates' facilities, including, but not limited to, maintaining business operations and/or IT infrastructure, Perry & Associates and the City acknowledge and agree that the performance of such work may be delayed, significantly or indefinitely, and thus certain services described herein may need to be rescheduled and/or suspended at either Perry & Associates' or the City's sole discretion. Perry & Associates and the City agree to provide the other with prompt written notice (email will be sufficient) in the event any of the services described herein will need to be rescheduled and/or suspended. Perry & Associates and the City also acknowledge and agree that any delays or workarounds due to the situation surrounding COVID-19 may increase the cost of the services described herein. Perry & Associates will obtain the City's prior written approval (email will be sufficient) for any increase in the cost of Perry & Associates services that may result from the situation surrounding COVID-19.

### **Fee**

Except for any changes in fees and expenses which may result from the circumstances described above, we expect our fees and expenses for our audit services will not exceed **\$21,400**.

Pursuant to Ohio Rev. Code Section 117.13, you may charge all of this audit's cost to the general fund or you may allocate the cost among the general fund and other eligible funds in accordance with Auditor of State Bulletin 2009-011.

### **Reporting**

We will issue a written report upon completing our audit of your financial statements. We will address our report to those charged with governance. We cannot assure you that we will issue an unmodified opinion. Circumstances may arise in which it is necessary for us to modify our opinion, add an emphasis-of-matter paragraph(s), or withdraw from the engagement.

Upon completing our audit, we will also issue a written report in accordance with *Government Auditing Standards* on internal control over financial reporting and our tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements and other matters.

### **Access to Our Reports and Working Papers**

AU-C 905—*Alert That Restricts the Use of the Auditor's Written Communication* requires our reports to disclose the following:

*Independent Accountants' Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Required by Government Auditing Standards:*

This report describes only the scope of our tests of internal control over financial reporting and on compliance and other matters and the results of these tests, and does not opine on the effectiveness of the Authority's internal control over financial reporting or on compliance or other matters. This report is an integral part of an audit performed under *Government Auditing Standards* in considering the entity's internal control over financial reporting and compliance. Accordingly, this report is not suitable for any other purpose.

AU-C 905 requires us to include this restrictive language in our reports due to concerns that other readers may not fully understand the purpose of the report, the nature of the procedures applied in its preparation, the basis or assumptions used in its preparation, the extent to which the procedures performed are generally known or understood, and the potential for the report to be misunderstood, when taken out of the context for which it was intended.

However, under Revised Code Section 117.26, an audit report becomes a public record under Section 149.43, Revised Code, when we file copies of the report with the public officers enumerated in the Revised Code. When we file the reports, our working papers become available to the public upon request, subject to information protected for criminal investigations, by attorney-client privilege or by local, state or federal law. AU-C 905 does not affect public access to our reports or working papers.

Under generally accepted auditing standards, we must retain working papers for five years after the release date of our opinion. However, AOS policy requires we retain working papers for seven years or longer, as needed.

**Peer Review Report**

As required by *Government Auditing Standards*, we have attached a copy of our most recent external quality control review report (Peer Review). The report was a pass rating.

Please sign and return this letter to indicate your acknowledgement of, and agreement with, the arrangements for our audit of the financial statements including our respective responsibilities. If you have any questions, please call Jodey Altier at (740) 373-0056.

Very truly yours,



**Perry and Associates**

Certified Public Accountants, A.C.  
Marietta, Ohio

\_\_\_\_\_  
ACCEPTED BY

\_\_\_\_\_  
TITLE



**ORDINANCE 2021-24**

**AN ORDINANCE EMPLOYING A MAGISTRATE FOR THE NEW CARLISLE  
MAYOR’S COURT**

**WHEREAS**, Chapter 280 of the Codified Ordinances of the City of New Carlisle addresses a Mayor’s Court; and

**WHEREAS**, Section 280.02 requires the City to hire an attorney licensed in and in good standing with the State of Ohio to act as the Magistrate who presides over the City’s Mayor’s Court; and

**WHEREAS**, Stephen L. Hume is an attorney licensed in and in good standing with the State of Ohio; and

**WHEREAS**, Stephen L. Hume has the requisite education and experience necessary to serve as the City’s Mayor’s Court Magistrate; and

**WHEREAS**, the City desires to engage the services of Stephen L. Hume as Magistrate of the City’s Mayor’s Court.

**NOW, THEREFORE, THE CITY OF NEW CARLISLE HEREBY ORDAINS that:**

Section 1. Stephen L. Hume is hired as the Magistrate of the New Carlisle Mayor’s Court.

Section 2. The City Manager is hereby authorized to sign a contract, a copy of which is attached as Exhibit A, with Stephen L. Hume.

Passed this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Mike Lowrey, MAYOR

\_\_\_\_\_  
Emily Berner, CLERK

1st \_\_\_\_\_

2cd: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
Jacob M. Jeffries, DIRECTOR OF LAW

Cobb	Y	N
Eggleston	Y	N
Vice Mayor Cook	Y	N
Mayor Lowrey	Y	N
Rodewald	Y	N
Grimm	Y	N
Eggleston-Nowakowski	Y	N

Totals:

Pass

Fail

Intro: 07/19/2021  
Action: 08/02/21  
Effective: 08/18/2021

## AGREEMENT FOR MAYOR'S COURT MAGISTRATE

This Agreement is entered into this \_\_\_ day of \_\_\_\_\_, 2021, by and between the City of New Carlisle ("City") and Stephen L. Hume ("Magistrate Hume").

WHEREAS, the City is in the process of starting a Mayor's Court; and

WHEREAS, Section 280.02 of the Codified Ordinances requires the City to hire a magistrate to preside over the City's Mayor's Court; and

WHEREAS, the City desires to hire Stephen L. Hume, an attorney licensed in the State of Ohio, as the magistrate of the City's Mayor's Court; and

WHEREAS, Stephen L. Hume desires to serve as the magistrate of the City's Mayor's Court.

NOW, THEREFORE, IT IS AGREED by and between the parties as follows:

1. Term. This agreement shall be for an unspecified time period commencing on \_\_\_\_\_, 2021 and shall terminate upon either party giving thirty days' written notice of termination to the other party or Magistrate Hume no longer qualifying to serve as magistrate for the City's Mayor's Court, whichever occurs first.
2. Services. Magistrate Hume shall hear and determine prosecutions and criminal causes in the City's Mayor's Court that are within the jurisdiction of the court, shall issue all writs and process that are necessary to enforce the administration of justice through the court, and manage the docket in an efficient and timely manner in accordance with the Ohio Revised Code.
3. Facilities. The City will provide such space and equipment as is reasonably necessary for Magistrate Hume to fulfill his duties.

4. Fee. For services rendered under this agreement, Magistrate Hume shall be entitled to receive a fee of \$\_\_\_\_\_ per court session.
5. Independent Contractor. Magistrate Hume is an independent contractor and not an employee of the City under this agreement. He shall maintain his own liability insurance to cover claims arising out of the performance of his services under this agreement.
6. Entire Agreement. This agreement supersedes any and all other agreements, either oral or in writing, between the parties hereto with respect to the subject matter hereof, and no other agreement, statement, or promise relating to the subject matter of this agreement that is not contained herein shall be valid or binding.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

CITY OF NEW CARLISLE, OH

\_\_\_\_\_  
Randy Bridge, City Manager

\_\_\_\_\_  
Stephen L. Hume

Approved as to Form:

\_\_\_\_\_  
Jacob M. Jeffries, Law Director



**ORDINANCE 2021-25**

**AN ORDINANCE EMPLOYING A CLERK FOR THE NEW CARLISLE  
MAYOR’S COURT**

**WHEREAS**, Chapter 280 of the Codified Ordinances of the City of New Carlisle addresses a Mayor’s Court; and

**WHEREAS**, Section 280.03 requires the City to hire a qualified person to serve as the Clerk of the City’s Mayor’s Court; and

**WHEREAS**, Kristy Thome has the requisite education and experience necessary to serve as the Clerk of the City’s Mayor’s Court; and

**WHEREAS**, the City desires to engage the services of Kristy Thome as Clerk of the City’s Mayor’s Court.

**NOW, THEREFORE, THE CITY OF NEW CARLISLE HEREBY ORDAINS that:**

Section 1. Kristy Thome is hired as the Clerk of the New Carlisle Mayor’s Court.

Section 2. The City Manager is hereby authorized to sign a contract, a copy of which is attached as Exhibit A, with Kristy Thome.

Passed this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Mike Lowrey, MAYOR

\_\_\_\_\_  
Emily Berner, CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
Jacob M. Jeffries, DIRECTOR OF LAW

1st \_\_\_\_\_

2cd: \_\_\_\_\_

Cobb	Y	N
Eggleston	Y	N
Vice Mayor Cook	Y	N
Mayor Lowrey	Y	N
Rodewald	Y	N
Grimm	Y	N
Eggleston-Nowakowski	Y	N

Totals:

Pass

Fail

## AGREEMENT FOR MAYOR'S COURT CLERK

This Agreement is entered into this \_\_\_\_ day of \_\_\_\_\_, 2021, by and between the City of New Carlisle (“City”) and Kristy Thome (“Clerk Thome”).

WHEREAS, the City is in the process of starting a Mayor’s Court; and

WHEREAS, Section 280.03 of the Codified Ordinances requires the City to hire a Clerk of Mayor’s Court; and

WHEREAS, the City desires to hire Kristy Thome as the Clerk of Mayor’s Court; and

WHEREAS, Kristy Thome desires to serve as the Clerk of Mayor’s Court.

NOW, THEREFORE, IT IS AGREED by and between the parties as follows:

1. Term. This agreement shall be for an unspecified time period commencing on \_\_\_\_\_, 2021 and shall terminate upon either party giving thirty days’ written notice of termination to the other party.
2. Services. Clerk Thome shall be responsible for preparing and maintaining a docket and such other records of the City’s Mayor’s Court as are required; and shall receive, collect and account for all costs, fines, bail and other monies received by the City’s Mayor’s Court, and shall issue receipts therefore.
3. Facilities. The City will provide such space and equipment as is reasonably necessary for Clerk Thome to fulfill her duties.
4. Fee. For services rendered under this agreement, Clerk Thome shall be entitled to receive a fee of \$25.59 per hour.
5. Independent Contractor. Clerk Thome is an independent contractor and not an employee of the City under this agreement. She shall maintain her own liability insurance to cover claims arising out of the performance of her services under this agreement.



6. Entire Agreement. This agreement supersedes any and all other agreements, either oral or in writing, between the parties hereto with respect to the subject matter hereof, and no other agreement, statement, or promise relating to the subject matter of this agreement that is not contained herein shall be valid or binding.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

CITY OF NEW CARLISLE, OH

\_\_\_\_\_  
Randy Bridge, City Manager

\_\_\_\_\_  
Kristy Thome

Approved as to Form:

\_\_\_\_\_  
Jacob M. Jeffries, Law Director



**ORDINANCE 2021-26**

AN ORDINANCE AMENDING AND REPLACING A CERTAIN SECTION OF CHAPTER 248 OF THE CODIFIED ORDINANCES OF THE CITY OF NEW CARLISLE REGARDING CITY POLICY

**WHEREAS**, Chapter 248 of the Codified Ordinances of the City of New Carlisle addresses various City policies; and

**WHEREAS**, Section 248.10, which is the "Policy for Use of City Credit Cards", has been in effect since 2009; and

**WHEREAS**, the City of New Carlisle wishes to amend and replace the current policy so that the City’s policy will fully comply with Section 717.31 of the Ohio Revised Code.

**NOW, THEREFORE, THE CITY OF NEW CARLISLE HEREBY ORDAINS** that:

SECTION 1: Section 248.10 of the Codified Ordinances of the City of New Carlisle be amended as shown in "Exhibit A" attached to this ordinance.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2021

\_\_\_\_\_  
Mike Lowrey, MAYOR

\_\_\_\_\_  
Emily Berner, CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
Jacob M. Jeffries, DIRECTOR OF LAW

1st \_\_\_\_\_

2cd: \_\_\_\_\_

Cobb	Y	N
Eggleston	Y	N
Vice Mayor Cook	Y	N
Mayor Lowrey	Y	N
Rodewald	Y	N
Grimm	Y	N
Eggleston-Nowakowski	Y	N

Totals: \_\_\_\_\_

Pass      Fail

Intro: 07/19/2021  
Action: 08/02/2021  
Effective: 08/18/2021

#### 248.10 POLICY FOR USE OF CITY CREDIT CARDS.

~~The City allows use of a City-owned credit card for City purchases when: (a) an emergency exists; (b) payment is needed immediately, for example, a purchase made online or through the mail; (c) for putting fuel in a city vehicle; and (d) if the Finance Director prefers payment to be made with a credit card, due to the dollar amount of the purchase. The use of the credit card is a privilege and any misuse can result in disciplinary action, including termination of employment or even a referral for criminal prosecution. All uses of the credit card shall follow the following procedures:~~

- ~~—(a) Obtain permission from your immediate supervisor to make the purchase.~~
- ~~—(b) Ask the Finance Director or designee if they would prefer you use the credit card or a purchase order for the purchase.~~
- ~~—(c) If the Finance Director or designee prefers you use a purchase order, fill out the appropriate requisition.~~
- ~~—(d) If the Finance Director or designee prefers you use the City credit card, sign the sign out sheet in the Finance Department and receive the credit card.~~
- ~~—(e) Fill out the appropriate requisition made out to the credit card company and have it approved by the proper people.~~
- ~~—(f) Make the required purchase, making sure that you are not charged sales tax. The employee signing out a credit card or using the fuel card is responsible for insuring the City's tax exempt status is applied to the transaction(s).~~
- ~~—(g) The employee signing out a credit card or using the fuel card is responsible for obtaining a receipt for every purchase made while the card is assigned to them.~~
- ~~—(h) Sign the receipt, with your name and department and turn it in immediately to Accounts Payable with the signed requisition.~~
- ~~—(i) Return the credit card to the Finance Director or designee, sign the card back in.~~
- ~~—(j) In the case of fuel purchase cards, a requisition is not required.~~
- ~~—(k) Anyone found putting fuel into any container or vehicle for other than City business will be subject to disciplinary action, including termination or even a referral for criminal prosecution.~~

(a) **General Overview**

*The purpose of this policy is to ensure that City credit card accounts are closely monitored in order to provide for maximum security of City funds, and to safeguard against misuse and/or loss of public funds for which the City may be held liable. This policy is meant to comply with the mandates of 2018 H.B. 312, § 1, enacted by the 132nd General Assembly and made applicable to the City as codified by O.R.C. § 717.31. All City-issued credit cards are to be used solely for the City business and are not to be used for personal expenses.*

(b) **Credit Card Account and Credit Card Defined**

*As used in this policy, "credit card account" or "credit card" means any bank-issued credit card account, store-issued credit card account, financial institution-issued credit card account, financial depository-issued credit card account, affinity credit card account, or any other card account allowing the holder to purchase goods or services on credit or to transact with the account, and any debit or gift card account related to the receipt of grant moneys.*

(c) **Objectives**

*The issuance of credit cards by the City and the use of such cards by its employees serve to accomplish the following objectives:*

- (1) *To allow City personnel to utilize an efficient and alternative means of payment for approved expenses, especially expenses related to business travel or office supplies;*
- (2) *To improve managerial reporting related to credit card purchases;*
- (3) *To improve efficiency and reduce payable processing costs; and*
- (4) *To improve internal controls regarding City-issued credit cards.*

(d) **Authorized Personnel**

- (1) *City credit cards may be issued to any of the following employees of the City: City Manager, Police Administrator, Fire Administrator, City Council members, Directors and Superintendents of each City department, and the Pool Manager.*
- (2) *Other City employees may be issued credit cards upon written request of the employee's respective department Superintendent or Director and with the approval of the Finance Director. However, in no event will more than two employees from the same department be issued credit cards.*
- (3) *Before an authorized employee may receive a City credit card, he/she must complete the City's Cardholder Agreement Form, attached as Appendix A, which will be filed and maintained in the employee's personnel file.*

(e) **Acquisition, Use and Management of Credit Card Accounts**

- (1) *The Finance Director shall be responsible for the acquisition, use, and management of all new and existing City credit card accounts and associated presentation instruments, including cards and checks.*
- (2) *Any new credit card accounts to be opened in the City's name must be submitted by the Finance Director to City Council for prior approval.*

(f) **Credit Card Issuance, Use, and Management**

- (1) *Credit cards shall be requested for prospective cardholders by written request to the Finance Director. Cards will be issued in the name of the employee with the City's name also listed. Cardholders are responsible for maintaining physical control over the card they are issued.*
- (2) *Consideration should be given to a prospective cardholder's frequency of usage (out of town travel, online purchases, etc.), as well as the average monthly spending requirements when determining if the prospective cardholder should be issued a card and his/her applicable credit limit.*

- (3) *The Finance Director shall maintain a written list of all employees permitted to use City credit cards, along with a master list of all City credit cards (and the names that appear on each card, if applicable). The Finance Director shall maintain both lists and keep the lists on file and current.*
- (4) *The Finance Director may refuse to authorize the use of a credit card. In the case of a refusal, the department Superintendent or Director of the employee who was refused authorization, if applicable, may request authorization from the City Manager.*
- (5) *The Finance Director shall file an annual report with the legislative authority detailing all rewards received based on the City's use of credit card accounts.*

(g) **Authorized Bank Credit Card Use and Expenses**

*The City recognizes the efficiency and convenience afforded to the day-to-day operations of the City through the use of credit cards under the supervision of the applicable department Directors, Superintendents, and/or the Finance Director. However, credit cards shall not be used to circumvent the general purchasing procedures required by Ohio law and City policies. Therefore, except for the purchase of gasoline with a gasoline credit cards and unless otherwise approved by Council, all purchases made with a City credit card shall be preceded by an approved purchase order. Authorized employees must:*

- (1) *Verify that an approved purchase order has been created for the proposed transaction prior to using the credit card. If an approved purchase order does not currently exist, a reacquisition should be prepared and submitted to the Finance Department. The transaction must not be completed prior to receiving a purchase order number from the Finance Department;*
- (2) *Limit use of credit cards exclusively for City business purposes. Personal purchases of any type are prohibited. The Finance Manager shall be notified immediately of any unintended personal purchases, and the responsible employee shall immediately reimburse the City for such charges;*
- (3) *Make every effort to ensure that City credit card purchases do not include sales tax. Tax-exempt certificates are available through the Finance Department; and*
- (4) *Immediately relinquish any rewards, rebates or awards earned through use of City-issued credit cards to the City.*

(h) **Authorized Gasoline Credit Card Use and Expenses**

- (1) *Gasoline credit cards are distributed to, and used by, applicable departments and are under the jurisdiction of each department Superintendent or Director.*
- (2) *Gasoline credit cards shall only be used by City employees while conducting business on behalf of the City relating to the use of a City vehicle.*
- (3) *Designated employees may be permitted to use a gasoline credit card for their personal vehicles. Any such usage shall require prior written approval by the Finance Director or City Manager. It is the responsibility of the employee to obtain such approval prior to use of the gasoline credit card for personal vehicles.*
- (4) *The department Superintendent or Director is responsible for the security of and the monitoring of gasoline credit card usage under the general direction and control of the Finance Director. Repayment of any unsubstantiated or unrelated purchases will be the responsibility of such employee making the purchases and the employee's department Superintendent or Director, if applicable.*

- (5) *Use of gasoline credit cards shall in all other respects adhere to all procedures and requirements described in this policy.*

(i) **Receipts**

- (1) *Detailed itemized receipts issued by email and/or electronic register along with the credit card receipts for all purchases with a City credit card must be retained and submitted to the Finance Department by the end of the next business day immediately following the employee's return to his/her normal work schedule.*
- (2) *Failure to turn in receipts and appropriate documentation shall result in the charges being deemed unrelated or unsubstantiated. The employee and his/her department Superintendent or Director, if applicable, shall be responsible for any unrelated or unsubstantiated purchases.*
- (3) *In the event the employee made reasonable efforts to obtain an itemized detailed receipt but was unsuccessful, the employee shall promptly complete and submit a **"Lost Credit Card Receipt Form"**, attached to this policy as Appendix B, to the Finance Director. Completion of this form does not relieve the employee from being responsible for repayment of any unrelated or unsubstantiated purchases.*

(j) **Returns**

- (1) *In the event an item or service purchased with a City credit card must be returned or exchanged for any reason, the purchasing employee is responsible for facilitating the return/exchange and requesting a credit to the account. All documentation regarding the return shall be submitted to the Finance Department by the end of the next business day immediately following the employee's return to his/her normal work schedule.*
- (2) *Cardholders shall not receive cash back or in-store credits for any refunds or exchanges. Such amounts must be credited to the City credit card account. If a supplier mistakenly issues a refund check, the refund check must be immediately submitted to the Finance Department.*

(k) **Credit Card Reissuance and Cancellation**

- (1) *Reissuance of City credit cards to any authorized employee, other than an employee previously found to have violated this policy, shall be commenced under the same procedures and requirements described in this policy for the initial issuance of a City credit card.*
- (2) *Failure to comply with this policy shall result in the employee having his/her City credit card cancelled. The Finance Director shall be responsible for requesting and facilitating any necessary City credit card account cancellation and must notify City Council of the same.*
- (3) *Employees must surrender all City credit cards in their possession immediately upon separation of employment from the City or at any time when requested by the Finance Director.*

(l) **Reporting Lost or Stolen Credit Cards**

*In the event a cardholder suspects the loss, theft, damage to, or unauthorized use of a City credit card, the cardholder shall immediately notify the Finance Director. After that, the Finance Director shall immediately take necessary steps to notify the issuing credit card agency, merchant, or financial institution in order to cancel and replace the credit card. The City Manager shall be notified as soon as practicable.*

(m) **Maximum Credit Limits**

*The City has several credit cards issued to City employees and departments. The City's New Carlisle Federal Savings Bank credit card account has a combined credit limit of \$30,000. Individual limits for each credit card are based upon the nature and frequency of use, but in no event shall an individual credit limit exceed \$15,000. Combined or individual credit limit amounts shall only be adjusted by the Finance Director upon prior approval by Council.*

(n) **Misuse of Credit Cards**

*Any use of City credit cards for personal purchases is strictly prohibited and unauthorized. Such use shall result in the cardholder losing all privileges to use City credit cards, cancellation of the credit card, the cardholder being required to reimburse the City, and disciplinary action and/or criminal prosecution.*

- (1) *Cash advances on credit cards are not allowed under any circumstances.*
- (2) *Employees are not permitted to lend their credit card to another employee to facilitate a transaction, online or otherwise. If another employee needs a credit card to complete a transaction, then the employee should have his/her Superintendent or Director, if applicable, submit a request.*
- (3) *Any of the following purchases are strictly prohibited:*
  - (a) *Alcoholic beverages or tobacco products;*
  - (b) *Capital equipment and upgrades over \$5,000;*
  - (c) *Construction, renovation/installation;*
  - (d) *Controlled substances;*
  - (e) *Items or services on term contracts (unless authorized by the Finance Director);*
  - (f) *Maintenance agreements;*
  - (g) *Personal items or loans;*
  - (h) *Rentals (other than short-term automobiles); or*
  - (i) *Any other items deemed inconsistent with City Policy or the Ohio Revised Code.*
- (4) *All actions or omissions by a cardholder that fail to comply with any provision of this policy shall qualify as misuse of a City credit card account and will be subject to appropriate action.*



**CREDIT CARD POLICY ACKNOWLEDGEMENT FORM**

*I have read the forgoing Credit Card Policy and acknowledge that I understand it and will abide by its mandates. I further agree that any cardholder within my department, or cardholder who is a City Council Member if I am also a City Council Member, understands this policy and will abide by its mandates.*

*Signature*

---

*Title*

---

*Date*

---





**MISSING CREDIT CARD RECEIPT FORM**

*This form must be completed and attached to your monthly credit card report if you cannot provide the original receipt for a purchase made with a City-issued credit card.*

*Date of Purchase:* \_\_\_\_\_

*Company Name:* \_\_\_\_\_

*Dollar Amount:* \_\_\_\_\_

*Purpose and Description of Purchase & Quantity:* \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Reason you are unable to provide invoice/receipt:* \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Date:* \_\_\_\_\_

*Cardholder Signature:* \_\_\_\_\_

*Approving Manager's Signature:* \_\_\_\_\_

## **ORDINANCE 2021-28**

### **AN ORDINANCE DETERMINING TO PROCEED WITH THE IMPROVEMENT OF CERTAIN PUBLIC STREETS WITHIN THE CORPORATE LIMITS OF THE CITY OF NEW CARLISLE, OHIO BY LIGHTING THEM**

**WHEREAS**, this Council did adopt Resolution No. 2021-14R on the 2nd day of August 2021, declaring therein the proposed improvement hereinafter described; and

**WHEREAS**, pursuant to said Resolution, estimated assessments with respect to said improvement were duly prepared and placed on file in the Office of the Clerk of Council; and

**WHEREAS**, no objections to said estimated assessments have been filed.

**NOW, THEREFORE, THE CITY OF NEW CARLISLE, OHIO, HEREBY ORDAINS** that:

**SECTION 1.** It is hereby determined to proceed with the improvement of certain public streets within the corporate limits of the City of New Carlisle, Ohio by lighting them in accordance with the plans, profiles, specifications, and cost estimate for said improvement heretofore approved and filed in the Office of the Clerk.

**SECTION 2.** The estimated assessments of the cost of said improvement heretofore prepared and filed in the Office of said Clerk, be and the same are hereby adopted.

**SECTION 3.** It is further determined that the portion of the cost of said improvement to be assessed against the benefited property shall be assessed in the amount, manner and number of installments as provided for in said Resolution declaring the necessity of improvements.

**SECTION 4.** That all claims for damages resulting from said improvement that have been filed in accordance with law, if any, shall be inquired into after the completion of said improvement.

**SECTION 5.** The City Manager of the City of New Carlisle is hereby authorized and directed to cause said lighting improvement to be made by Miami Valley Lighting in accordance with the agreement between Miami Valley Lighting and the City of New Carlisle, Ohio, now in force and effect.

SIGNATURE PAGE TO FOLLOW

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2021

\_\_\_\_\_  
Mike Lowrey, Mayor

\_\_\_\_\_  
Emily Berner, Clerk of Council

APPROVED AS TO FORM:

\_\_\_\_\_  
Jake Jeffries, DIRECTOR OF LAW

1st \_\_\_\_\_

2cd: \_\_\_\_\_

Cobb	Y	N
Eggleston	Y	N
Vice Mayor Cook	Y	N
Mayor Lowrey	Y	N
Rodewald	Y	N
Grimm	Y	N
Eggleston-Nowakowski	Y	N

Totals: \_\_\_\_\_

Pass      Fail

Intro: 08/02/2021

Action: 08/16/2021

Effective: 08/31/2021

## **ORDINANCE 2021-29**

### AN ORDINANCE LEVYING ASSESSMENTS FOR THE IMPROVEMENTS OF CERTAIN PUBLIC STREETS WITHIN THE CORPORATE LIMITS OF THE CITY OF NEW CARLISLE, OHIO BY LIGHTING THEM

**WHEREAS**, this Council did on the 2nd day of August, 2021, duly adopt Resolution 2021-14R, declaring the necessity of the improvement therein and hereinafter described; and

**WHEREAS**, this Council did on the 16th day of August, 2021, duly adopt Ordinance 2021-28, determining to proceed with said improvement and adopting the estimated assessments theretofore filed with respect to said improvement; and

**WHEREAS**, the actual cost of the improvement has now been ascertained and has been placed on file in the Office of the Clerk and has been reported to this Council; and

**WHEREAS**, estimated assessments for said improvement heretofore adopted by Ordinance 2021-28 have been adjusted so that said assessments, as adjusted, are in the same proportion to said estimated assessments as the actual cost of said improvement is to the estimated cost of said improvements; and

**WHEREAS**, the adjusted estimates are now on file in the Office of the Clerk.

**NOW, THEREFORE, THE CITY OF NEW CARLISLE, OHIO, HEREBY ORDAINS** that:

**SECTION 1.** The adjusted assessments for improving certain public streets within the corporate limits of the City of New Carlisle by lighting them, as heretofore reported to this Council and now on file in the Office of the Clerk, and in the estimated aggregate amount of \$94,138.20, be and the same hereby are adopted and confirmed.

**SECTION 2.** There be, and hereby are, levied and assessed upon the lots and lands bounding and abutting upon said improvement, amounts reported in said adjusted assessments as aforesaid, which assessments are at the rate of (\$.60) per front foot. Said assessments do not exceed any statutory limitation and are for calendar year 2022. The assessed lots and lands are set forth in the schedule on file in the Office of the Clerk, and are made a part hereof by reference.

**SECTION 3.** It is hereby determined that the adjusted assessments hereinbefore referred to are in the same proportion to the estimated assessments as the actual cost of said improvement bears to the estimated cost of said improvement upon which such estimated assessments were made.

**SECTION 4.** The mode of payment shall be cash, check, or money order. The payment schedule for the special assessments to be levied will be payable to the Clark County Auditor in cash, check, or money order in two annual installments, which shall include the Auditor's collection fee of 4%, or the owner of any property assessed may, at his/her option, pay such assessment in cash within ten days after notice of passage of the Ordinance levying such assessments to the City of New Carlisle. Assessments not paid in full within the ten-day period will be certified by the Clerk of Council to said Auditor to be placed on the tax duplicate and collected, as provided by law.

**SECTION 5.** The Finance Director is authorized and directed to keep said adjusted assessments on file for as long as any of them remain unpaid.

**SECTION 6.** The Finance Director be, and hereby is, authorized and directed to cause notice of the levying of the assessments herein provided for, to be filed with the Clark County Auditor within thirty (30) days after the passage of the Ordinance.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2021

\_\_\_\_\_  
Mike Lowrey, Mayor

\_\_\_\_\_  
Emily Berner, Clerk of Council

APPROVED AS TO FORM:

\_\_\_\_\_  
Jake Jeffries, DIRECTOR OF LAW

Intro: 08/02/2021  
Action: 08/16/2021  
Effective: 08/31/2021

	1st _____	
	2cd: _____	
<b>Cobb</b>	Y	N
<b>Eggleston</b>	Y	N
<b>Vice Mayor Cook</b>	Y	N
<b>Mayor Lowrey</b>	Y	N
<b>Rodewald</b>	Y	N
<b>Grimm</b>	Y	N
<b>Eggleston-Nowakowski</b>	Y	N
<b>Totals:</b>		
	Pass	Fail



## **ORDINANCE 2021-30**

### **AN ORDINANCE CERTIFYING TO THE CLARK COUNTY AUDITOR AND AUTHORIZING PLACEMENT ON THE TAX DUPLICATE CERTAIN DELINQUENT UTILITY ACCOUNTS FOR COLLECTION WITH REAL ESTATE TAXES**

**WHEREAS**, certain individuals have water and sewer accounts with the City that have become delinquent; and

**WHEREAS**, Section 1040.16 (d) of the Municipal Code provides that all charges for water are a lien accessed against the property served, collectable in the same manner as other tax assessments thereon; and

**WHEREAS**, Section 1042.32 of the Municipal Code provides that unpaid billings, together with accrued penalties, shall be certified to the County Auditor, pursuant to Ohio Revised Code, who shall place such delinquencies upon the real property tax duplicate for the property being served, such delinquencies shall be a lien accessed against the property, and shall be collectable in the same manner as other tax assessments thereon: and

**WHEREAS**, Section 731.54 of the Ohio Revised Code provides that the City may certify such delinquent accounts to the county auditor for placement thereof upon the real property tax list and duplicate against the property served, to be collected in the same manner as other taxes.

**NOW, THEREFORE, THE MUNICIPALITY OF NEW CARLISLE HEREBY ORDAINS** as follows:

Section 1. There are hereby certified to the Auditor of Clark County the following delinquent water and sewer utility accounts for placement upon the tax list and duplicate and collection in the same manner as other taxes provided by law:

Name: Loraine Davis  
Property Address: 1001 Langdale, New Carlisle Ohio 45344  
Parcel Number: 0300500035302049  
Amount due: \$709.60

SIGNATURE PAGE TO FOLLOW

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2021

\_\_\_\_\_  
Mike Lowrey, MAYOR

\_\_\_\_\_  
Emily Berner, CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
Jacob M. Jeffries, DIRECTOR OF LAW

1st \_\_\_\_\_

2cd: \_\_\_\_\_

<b>Cobb</b>	Y	N
<b>Eggleston</b>	Y	N
<b>Vice Mayor Cook</b>	Y	N
<b>Mayor Lowrey</b>	Y	N
<b>Rodewald</b>	Y	N
<b>Grimm</b>	Y	N
<b>Eggleston-Nowakowski</b>	Y	N
<b>Totals:</b>		
	<b>Pass</b>	<b>Fail</b>

Intro: 08/02/2021

Action: 08/16/2021

Effective: 08/31/2021



## **ORDINANCE 2021-31**

### **AN ORDINANCE CERTIFYING TO THE CLARK COUNTY AUDITOR AND AUTHORIZING PLACEMENT ON THE TAX DUPLICATE CERTAIN UNCOLLECTED WEED AND/OR GRASS CUTTING FEES FOR COLLECTION WITH REAL ESTATE TAXES**

**WHEREAS**, pursuant to Municipal Code Section 1460.26(a), no owner of land in the City shall allow his or her grass, weeds or rank vegetation to grow in excess of six inches; and

**WHEREAS**, the City Planning Director or his or her designee or Code Enforcement Officer shall serve written notice upon any owner, lessee, agent, or tenant having charge of the land in the City in violation of said code, notifying him or her of the Municipal Code violation, and that they must cut their grass, weeds or rank vegetation within five days of the receipt of notice; and

**WHEREAS**, the owners, lessees, agents and tenants listed below having charge of such land in violation of said code were advised to cut their grass, weeds or rank vegetation; and

**WHEREAS**, there has been no acknowledgement from the owners, lessees, agents or tenants having charge of such land; and

**WHEREAS**, under the Municipal Code Section 660.13, if the owner, lessee, agent or tenant having charge of such land fails to comply with the notice, the Director of Public Service, shall schedule the cutting of such land's grass, weeds or rank vegetation, and may send a statement to the owner, lessee, agent or tenant having charge of such land, for the sum of money due the City for performing such service, including an administrative fee; and

**WHEREAS**, the City cut the grass, weeds or rank vegetation of such properties in violation of said code and billed the owners, lessees, agents or tenants for such services; and

**WHEREAS**, the owners, lessees, agents or tenants having charge of such land did not pay the City's bill; and

**WHEREAS**, Section 660.13(g) of the Municipal Code provides that such charges for service, if not received by the City within ten days after receipt of such notice by the owner, lessee, agent or tenant having charge of such land, plus an additional administrative charge of ten percent, are a lien against the property served, collectable in the same manner as other tax assessments thereon; and

**WHEREAS**, Section 731.54 of the Ohio Revised Code provides that the Municipality may certify such delinquent charges for services to the county auditor for placement thereof upon the real property tax list and duplicate against the property served, to be collected in the same manner as other taxes.

REMAINDER OF PAGE LEFT INTENTIONALLY BLANK



**NOW, THEREFORE, THE CITY OF NEW CARLISLE, OHIO, HEREBY ORDAINS** as follows:

**SECTION 1.** There are hereby certified to the Auditor of Clark County the following delinquent charges for grass cutting services, for placement upon the tax list and duplicate against the property served, and collection in the same manner as other taxes as provided by law:

Property Address: 210 North Pike Street,  
New Carlisle, OH 45344  
Parcel Number: 0300500029310036  
Amount Due: **\$1,113.75**

Property Address: 219 Rawson Drive,  
New Carlisle, OH 45344  
Parcel Number: 0300500035204027  
Amount Due: **\$880.00**

Property Address: 212 Rawson Drive,  
New Carlisle, OH 45344  
Parcel Number: 0300500035206011  
Amount Due: **\$935.00**

Parcel Address: 526 North Scott Street,  
New Carlisle, OH 45344  
Parcel Number: 0300500035409009  
Amount Due: **\$1,597.75**

Property Address: 503 North Church Street,  
New Carlisle, OH 45344  
Parcel Number: 0300500035407034  
Amount Due: **\$357.50**

Parcel Address: 115 W Jefferson Street,  
New Carlisle, OH 45344  
Parcel Number: 0300500034600001  
Amount Due: **\$1,072.50**

Property Address: 111 North Adams Street,  
New Carlisle, OH 45344  
Parcel Number: 0300500035431006  
Amount Due: **\$440.00**

Parcel Address: 207 North Pike Street,  
New Carlisle, OH 45344  
Parcel Number: 0300500029308010  
Amount Due: **\$618.75**

Property Address: 200 North Main Street,  
New Carlisle, OH 45344  
Parcel Number: 0300500029308008  
Amount Due: **\$357.50**

Parcel Address: 226 Prentice Drive,  
New Carlisle, OH 45344  
Parcel Number: 0300500035213007  
Amount Due: **\$574.76**

Property Address: 911 Leatherwood Drive,  
New Carlisle, OH 45344  
Parcel Number: 0300500035107016  
Amount Due: **\$779.63**

Parcel Address: 208 West Washington Street,  
New Carlisle, OH 45344  
Parcel Number: 0300500034206002  
Amount Due: **\$577.50**

Property Address: 826 Plumwood Drive,  
New Carlisle, OH 45344  
Parcel Number: 0300500035109004  
Amount Due: **\$357.50**

Parcel Address: 505 Funston Avenue,  
New Carlisle, OH 45344  
Parcel Number: 0300500035104006  
Amount Due: **\$1,155.00**

Property Address: 901 Brookfield Drive,  
New Carlisle, OH 45344  
Parcel Number: 0300500035103006  
Amount Due: **\$1,430.00**

Parcel Address: 317 Galewood Drive,  
New Carlisle, OH 45344  
Parcel Number: 0300500035207036  
Amount Due: **\$1,072.50**

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2021

\_\_\_\_\_  
Mike Lowrey, Mayor

\_\_\_\_\_  
Emily Berner, Clerk of Council

APPROVED AS TO FORM:

\_\_\_\_\_  
Jake Jeffries, DIRECTOR OF LAW

1st \_\_\_\_\_

2cd: \_\_\_\_\_

<b>Cobb</b>	Y	N
<b>Eggleston</b>	Y	N
<b>Vice Mayor Cook</b>	Y	N
<b>Mayor Lowrey</b>	Y	N
<b>Rodewald</b>	Y	N
<b>Grimm</b>	Y	N
<b>Eggleston-Nowakowski</b>	Y	N

<b>Totals:</b>		
	<b>Pass</b>	<b>Fail</b>

Intro: 08/02/2021  
Action: 08/16/2021  
Effective: 08/31/2021

## **ORDINANCE 2021-32**

### **AN ORDINANCE CERTIFYING TO THE CLARK COUNTY AUDITOR AND AUTHORIZING PLACEMENT ON THE TAX DUPLICATE CERTAIN UNCOLLECTED NUISANCE ABATEMENT FEES FOR COLLECTION WITH REAL ESTATE TAXES**

**WHEREAS**, pursuant to Section 1460.25 of the New Carlisle Exterior Property Maintenance Code, all yards, courts, and lots shall be kept free of overgrown grasses and weeds exceeding six inches in height, debris and other materials which may cause a fire, health or safety hazard or general unsightliness. In addition, no junk, inoperable, or unlicensed vehicle shall be located on any residential property, except when stored within a completely enclosed building; and

**WHEREAS**, Municipal Code Section 1460.25 further states that all exterior property areas and premises shall be maintained in a clean, safe and sanitary condition, free from any accumulation of rubbish or garbage; and

**WHEREAS**, the Director of Public Service or his or her designee or the Planning Director or his or her designee or the Code Enforcement Officer shall serve written notice upon any owner, lessee, agent, or tenant having charge of the land in the City in violation of said code, notifying him or her of the Municipal Code violation, and that they must remedy the violation(s) within ten days of the receipt of notice; and

**WHEREAS**, the owners, lessees, agents and tenants listed below having charge of such land in violation of said code were advised of the Municipal Code violation; and

**WHEREAS**, there has been no acknowledgement from the owners, lessees, agents or tenants having charge of such land; and

**WHEREAS**, under the Municipal Code, if the owner, lessee, agent or tenant having charge of such land fails to comply with the notice, the Director of Public Service or his or her designee or the Planning Director or his or her designee or the Code Enforcement Officer, after ten days, shall be authorized at any time thereafter to take such action as deemed appropriate to abate the public nuisance by correcting the violation(s), and may send a statement to the owner, lessee, agent or tenant having charge of such land, for the sum of money due the City for performing such service; and

**WHEREAS**, the City took action to abate the public nuisance of such properties in violation of the Municipal Code by correcting the violation(s), and subsequently billed the owners, lessees, agents or tenants for such services, requiring payment to be made in full within ten days of mailing of the invoice per section 1460.15(b) of the Municipal Code; and

**WHEREAS**, the owners, lessees, agents or tenants having charge of such land did not pay the amount due the City for the nuisance abatement services performed; and

**WHEREAS**, Section 1460.15(b) of the Municipal Code provides that such charges for service, if not received by the City within ten days after receipt of such notice by the owner, lessee, agent or tenant having charge of such land, plus an additional administrative charge of ten percent (10%), are a lien against the property served, collectable in the same manner as other tax assessments thereon; and

**WHEREAS**, Section 731.54 of the Ohio Revised Code provides that the Municipality may certify such delinquent charges for services to the county auditor for placement thereof upon the real property tax list and duplicate against the property served, to be collected in the same manner as other taxes.

**NOW, THEREFORE, THE CITY OF NEW CARLISLE, OHIO, HEREBY ORDAINS** as follows:

SECTION 1. There are hereby certified to the Auditor of Clark County the following delinquent charges for nuisance abatement, for placement upon the tax list and duplicate against the property served, and collection in the same manner as other taxes as provided by law:

Parcel Address: 224-230 Orth Drive, New Carlisle, OH 45344  
 Parcel Number: 0300500034206002  
 Amount Due: **\$577.50**

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2021

\_\_\_\_\_  
 Mike Lowrey, Mayor

\_\_\_\_\_  
 Emily Berner, Clerk of Council

APPROVED AS TO FORM:

\_\_\_\_\_  
 Jake Jeffries, Law Director

1st \_\_\_\_\_

2ed: \_\_\_\_\_

Cobb	Y	N
Eggleston	Y	N
Vice Mayor Cook	Y	N
Mayor Lowrey	Y	N
Rodewald	Y	N
Grimm	Y	N
Eggleston-Nowakowski	Y	N

Totals:

Pass                  Fail

Intro: 08/02/2021

Action: 08/16/2021

Effective: 08/31/2021