



CITY COUNCIL
REGULAR MEETING PACKET
October 5, 2026 @ 6:00pm 212 W. Jefferson St.

1. Call to Order: Mayor William Lindsey
2. Roll Call: Acting Clerk of Council
3. Invocation: Pastor David Perry
4. Pledge of Allegiance: All
5. Action on Minutes: 09/21/26 Regular Meeting
6. Communications: Announcement of City Council Vacant Seat
7. City Manager Report: Attached
8. Committee Reports:
9. Comments from Members of the Public: *Comments limited to 5 minutes or less

10. RESOLUTIONS: (4-Intro; – 4-Action*)

***A. Resolution 2026-28R (Introduction, Public Hearing, and Action Tonight)**

A RESOLUTION AUTHORIZING THE RENEWAL OF THE CITY'S PROPERTY AND LIABILITY INSURANCE THROUGH THE PUBLIC ENTITIES POOL OF OHIO

***B. Resolution 2026-29R (Introduction, Public Hearing, and Action Tonight)**

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A SUBDIVIDER'S AGREEMENT WITH D.R. HORTON - INDIANA, LLC FOR RESERVE AT HONEY CREEK - SECTION TWO

***C. Resolution 2026-30R (Introduction, Public Hearing, and Action Tonight)**

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A SUBDIVIDER'S AGREEMENT WITH CLAYTON PROPERTIES GROUP INC. DBA ARBOR HOMES FOR MONROE MEADOWS - SECTION FOUR

***D. Resolution 2026-31R (Introduction, Public Hearing, and Action Tonight)**

A RESOLUTION REAFFIRMING THE INVESTMENT POLICY OF THE CITY OF NEW CARLISLE

11. ORDINANCES: (2-Intro; – 2-Action*)

***A. Ordinance 2026-38 (Introduction on 09/21/26, Public Hearing, and Action Tonight)**

AN ORDINANCE AMENDING CHAPTER 209 OF THE CODIFIED ORDINANCES OF THE CITY OF NEW CARLISLE REGARDING THE CITY'S PUBLIC RECORDS POLICY

***B. Ordinance 2026-39E (Introduction, Public Hearing, and Action Tonight)**

AN ORDINANCE SUPPLEMENTING CERTAIN APPROPRIATIONS CONTAINED IN NEW CARLISLE CITY ORDINANCE 2025-48, AND DECLARING AN EMERGENCY

C. Ordinance 2026-40 (Introduction Tonight, Public Hearing, and Action on 10/19/26)

AN ORDINANCE AMENDING SECTION 248.09 OF THE CODIFIED ORDINANCES OF THE CITY OF NEW CARLISLE, OHIO REGARDING THE USE OF CITY-OWNED VEHICLES AND PERSONAL VEHICLES FOR CITY BUSINESS

12. OTHER BUSINESS:

○ Additional City Business:

- City Offices will be Closed October 12, for Columbus Day
- Open for Discussion on City Related Business

13. Executive Session:

14. Return to Regular Session:

15. Adjournment:

Next Work Session Council Meeting is Tuesday October 13, 2026 @ 212 W. Jefferson St. 6:00 PM

Next Work Session Council Meeting is Thursday October 15, 2026 @ 212 W. Jefferson St. 6:00 PM

Next Regular Council Meeting is Monday, October 19, 2026 @ 212 W. Jefferson St. 6:00PM

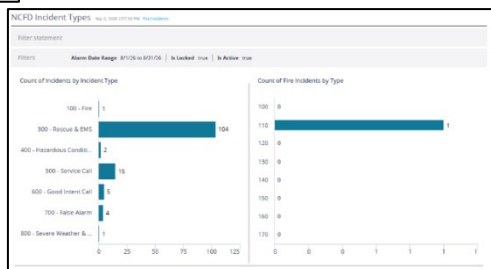
RECORD OF PROCEEDING
MINUTES: CITY OF NEW CARLISLE, OHIO

1. **Call to Order:** Mayor Lindsey calls the meeting to order.
2. **Roll Call:** Jenkins calls the roll – Lindsey, Cook, Bahun, Grow, Wright, Eggleston, Shamy **7 Members present**
3. **Invocation:** Father Jason Bedel
4. **Pledge of Allegiance:** All are welcome to participate
5. **Action on Minutes:**

Action on Regular Session minutes of 9/08/26: **1st: Shamy, 2nd: Cook**, YES: Bahun, Grow, Wright, Eggleston, Shamy, Lindsey NAY: 0 **Accepted 7-0**

Action on Work Session minutes of 9/14/26: **1st: Cook, 2nd: Eggleston**, YES: Shamy, Lindsey, Cook, Bahun, Grow, Wright, Eggleston NAY:0 **Accepted 7-0**

6. **Communications:**
 - Proclamations
 - William E. Shepherd
 - Liam May
7. **City Manager's Report:**

[illegible][illegible][illegible][illegible]

CITY OF NEW CARLISLE MAYOR'S COURT



Court Report August 12, 2020

Alleg: *Ability of New Carlisle placed in jeopardy to Failures to Reimburse, Failure to Signal, Failure to obey traffic control devices, Fine \$144.00 plus cost of 1 defendant per case The Court with a valid license within 180 days from \$250 will be suspended. Payments arrangements made.*

Burglar: *Carriage of Personal Property guilty to Speed 20/25, Fine \$100 plus cost Court. Payment arrangements made.*

Insurance: *Officer previously paid guilty to Operating a Motor Vehicle without a license. Charged community service to fine amount.*

Intox: *Joshua W. of New Carlisle guilty to Non-Compliance Stoppage, Speeding 11/25 over and Under of License Plate. Fine \$200 plus cost of 1 defendant. If defendant provides this Court with a valid license within 60 days from \$450 will be suspended. Payments arrangements made.*

Misc: *James W. of New Carlisle guilty to Operating a Motor Vehicle without a valid license and Use of Taper Paint. Fined \$250 plus cost Court. Operating a Motor Vehicle.*

CITY OF NEW CARLISLE MAYOR'S COURT



Court Report August 26, 2026

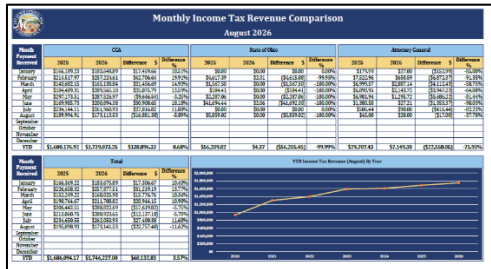
Ruiz, Maximiliano of Huber Heights pled guilty to Operating a Motor Vehicle without a license. Fined \$500 plus court cost. If defendant provides this court with a valid license, then \$400 will be suspended. Payment arrangements made.

PAID THROUGH VIOLATION BUREAU

Crowley, Justyn of New Carlisle, Speed 53/25, \$270 (payment arrangements made)
Goff, Ellee of New Carlisle, Parking, \$40

Council Financial Report Summary									
August 2026									
Financial Summary by Fund									
Financial Summary by Fund		2025/26 Budget		2025/26 Actual		2026/27 Budget		2026/27 Actual	
Fund	Balance	Fund	Balance	Fund	Balance	Fund	Balance	Fund	Balance
General Fund	1,234,567	General Fund	1,234,567	General Fund	1,234,567	General Fund	1,234,567	General Fund	1,234,567
Capital Fund	567,890	Capital Fund	567,890	Capital Fund	567,890	Capital Fund	567,890	Capital Fund	567,890
Debt Fund	123,456	Debt Fund	123,456	Debt Fund	123,456	Debt Fund	123,456	Debt Fund	123,456
Reserve Fund	98,765	Reserve Fund	98,765	Reserve Fund	98,765	Reserve Fund	98,765	Reserve Fund	98,765
Other Funds	45,678	Other Funds	45,678	Other Funds	45,678	Other Funds	45,678	Other Funds	45,678
Total	2,070,356	Total	2,070,356	Total	2,070,356	Total	2,070,356	Total	2,070,356
Financial Summary by Department									
Financial Summary by Department		2025/26 Budget		2025/26 Actual		2026/27 Budget		2026/27 Actual	
Department	Balance	Department	Balance	Department	Balance	Department	Balance	Department	Balance
Administration	123,456	Administration	123,456	Administration	123,456	Administration	123,456	Administration	123,456
Public Works	234,567	Public Works	234,567	Public Works	234,567	Public Works	234,567	Public Works	234,567
Police	345,678	Police	345,678	Police	345,678	Police	345,678	Police	345,678
Fire	456,789	Fire	456,789	Fire	456,789	Fire	456,789	Fire	456,789
Library	56,789	Library	56,789	Library	56,789	Library	56,789	Library	56,789
Other Departments	67,890	Other Departments	67,890	Other Departments	67,890	Other Departments	67,890	Other Departments	67,890
Total	1,325,169	Total	1,325,169	Total	1,325,169	Total	1,325,169	Total	1,325,169
Financial Summary by Program									
Financial Summary by Program		2025/26 Budget		2025/26 Actual		2026/27 Budget		2026/27 Actual	
Program	Balance	Program	Balance	Program	Balance	Program	Balance	Program	Balance
Police Services	123,456	Police Services	123,456	Police Services	123,456	Police Services	123,456	Police Services	123,456
Fire Services	234,567	Fire Services	234,567	Fire Services	234,567	Fire Services	234,567	Fire Services	234,567
Public Works Services	345,678	Public Works Services	345,678	Public Works Services	345,678	Public Works Services	345,678	Public Works Services	345,678
Library Services	56,789	Library Services	56,789	Library Services	56,789	Library Services	56,789	Library Services	56,789
Other Programs	67,890	Other Programs	67,890	Other Programs	67,890	Other Programs	67,890	Other Programs	67,890
Total	828,480	Total	828,480	Total	828,480	Total	828,480	Total	828,480

New Carlisle Bank Report							
Bank: 0001 to 0100							
As Of: 01/01/2026 to 6/31/2026							
Bank	Beginning Bal	MTO Revenue	MTO Expense	MTO Expense	MTO Expense	YTD Other	Ending Bal
PNC - GENERAL	\$44,943.12	\$2039.9126	\$2,850.7174	\$247,691.94	\$2,112,307.19	(\$179,156.66)	\$1,008,251.01
PNC - PAYROLL	\$308,101.05	\$206,539.00	\$1,807,137.10	\$323,867.94	\$2,047,395.08	\$126,156.08	\$177,962.80
STAR OHIO	\$4,431,775.04	\$14,838.62	\$113,862.46	\$0.00	\$0.00	\$0.00	\$4,544,037.60
US BANK INVESTMENTS	\$1,100,164.86	\$1,487.58	\$30,181.69	\$0.00	\$0.00	\$0.00	\$1,139,373.66
PARK NAT - SECURED - GENERAL	\$1,732,054.82	\$378,410.43	\$4,105,369.31	\$1,046,097.89	\$4,550,338.83	\$0.00	\$1,287,106.10
PARK NAT -	\$1,071,006.77	\$1,815.74	\$14,615.07	\$0.00	\$0.00	\$0.00	\$1,091,626.98
PARK NAT - MAYORS COURT	\$0.00	\$2,258.00	\$20,445.00	\$2,335.00	\$20,488.00	\$0.00	\$200.00
PNC - MMA SAVINGS	\$762,307.37	\$1,431.29	\$12,704.74	\$0.00	\$0.00	\$500.00	\$825,411.51
NCF - CD	\$93,614.74	\$2,047.35	\$2,047.35	\$0.00	\$0.00	\$0.00	\$93,669.21
CASH ON HAND	\$500.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$500.00
Grand Total:	\$9,955,100.77	\$1,236,898.47	\$8,957,215.18	\$1,543,672.37	\$8,730,526.10	\$0.00	\$10,181,789.85

[illegible]

Motion to accept Mayors Court Report: **1st: Eggleston 2nd: Wright** YES: Eggleston, Shamy, Lindsey, Cook, Bahun, Grow, Wright NAY: 0 **Accepted 7-0**

- Budget work sessions. Mr. Hall discussed the need to schedule work sessions to look over next year's budget.
 - Motion to have a budget work session on October 13th at 6 pm: **1st: Cook 2nd: Grow YES:** Wright, Eggleston, Shamy, Lindsey, Cook, Bahun, Grow NAY: 0 **Accepted 7-0**
 - Motion to have a second budget work session on October 15th at 6 pm: **1st: Cook 2nd: Grow YES:** Wright, Eggleston, Shamy, Lindsey, Cook, Bahun, Grow NAY: 0 **Accepted 7-0**
- Heritage of Flight. Mr. Hall provided a few updates for the upcoming festival. The City had safety preparedness meetings with the fire and police departments to go over than plan for street coverage and closures. In addition, all rides have been moved to Jackson St.
- City Planner Compensation. Mr. Hall requested that council approve Jeremy Leist's updated compensation for his new role as City Planner. This update includes pay for 40 hours a week and full benefits. Motion to approve City Planner compensation: **1st: Eggleston 2nd: Grow YES:** Wright, Eggleston, Shamy, Lindsey, Cook, Bahun, Grow NAY: 0 **Accepted 7-0**
- Christine Stapleton acting Clerk of Council. Motion to make Christine Stapleton a designated back up for the Clerk of Council, when Mrs. Jenkins is unable to attend: **1st: Cook 2nd: Shamy YES:** Lindsey, Cook, Bahun, Grow, Wright, Eggleston, Shamy NAY: 0 **Accepted 7-0**

- Planning Board Recommendation
 - Motion to approve planning board reports and recommendations: **1st: Cook, 2nd: Eggleston**, YES: Shamy, Lindsey, Cook, Bahun, Grow, Wright, Eggleston NAY:0
Accepted 7-0

- Social Services Commission update. No current updates provided by Councilwoman Grow
- Parks and Recreation update. No current updates provided by Councilwoman Wright

9. **Comments from Members of the Public** (Comments less than 5 minutes)

- **Rhonda Manemann, 317 N Adams-**
 - Discussed that the New Carlisle Historical Society is welcoming new members. They will have a booth at the Heritage of Flight festival for those who would like more information, and their last meeting this year will be on October 14th at 6 pm at the West Lake Senior Center.
- **Mike Lowrey, 816 Plumwood-**
 - Wanted to thank the City for their efforts in helping with the Heritage of Flight festival, and to congratulating this year's Grand Marshall; Councilman William Cook.
 - Showed appreciation for the work Mr. Jerney Leist has done as the City's code enforcement officer. Stated that the City has needed a good code enforcer for a long time and is glad the City is starting to get cleaned up.
 - Mr. Lowrey brought up a topic discussed at the 09/14/26 council meeting and would like to see the pool stay open. He believes that if the pool closes, it may deter some families from moving to New Carlisle, as the pool is a critical piece of the City. It could create the perception that if the city is unable to effectively manage the pool, it may raise concerns about its ability to manage other municipal responsibilities.

10. **RESOLUTIONS:** (3-Intro; – 3-Action*)

***A. Resolution 2026-25R (Introduction, Public Hearing, and Action Tonight)**

A RESOLUTION PROVIDING FOR THE PERMANENT TRANSFER OF FUNDS FROM THE WATER METER UPGRADE FUND TO THE WATER OPERATING FUND OF THE CITY OF NEW CARLISLE **1st: Eggleston, 2nd: Wright, YES: Eggleston, Shamy, Lindsey, Cook, Bahun, Grow, Wright NAY:0 Accepted 7-0**

***B. Resolution 2026-26R (Introduction, Public Hearing, and Action Tonight)**

A RESOLUTION PROVIDING FOR THE PERMANENT TRANSFER OF FUNDS FROM THE WASTEWATER CAPITAL IMPROVEMENT AND WASTEWATER CAPITAL CONTINGENCY FUNDS TO THE WASTEWATER OPERATING FUND OF THE CITY OF NEW CARLISLE **1st: Eggleston, 2nd: Grow, YES: Wright, Eggleston, Shamy, Lindsey, Cook, Bahun, Grow NAY:0 Accepted 7-0**

***C. Resolution 2026-27R (Introduction, Public Hearing, and Action Tonight)**

A RESOLUTION AUTHORIZING AN ADDENDUM TO THE CONTRACT WITH SWIMSAFE POOL MANAGEMENT, INC. TO EXTEND IT FOR THE 2027 POOL SEASON **Motion to table: 1st: Cook, 2nd: Eggleston, YES: Shamy, Lindsey, Cook, Bahun, Grow, Wright, Eggleston NAY:0 Accepted 7-0** ex. This was tabled until there is communication back from SwimSafe.

11. **ORDINANCES:** (2-Intro; – 5-Action*)

***A. Ordinance 2026-33 (Introduction on 09/08/26, Public Hearing, and Action Tonight)**

AN ORDINANCE AUTHORIZING A CONTRACT FOR THE PURCHASE OF DE-ICING ROCK SALT **1st: Eggleston, 2nd: Grow, YES: Wright, Eggleston, Shamy, Lindsey, Cook, Bahun, Grow NAY:0 Accepted 7-0**

***B. Ordinance 2026-34 (Introduction on 09/08/26, Public Hearing, and Action Tonight)**

AN ORDINANCE EXTENDING THE FRANCHISE FOR THE CURBSIDE COLLECTION AND DISPOSAL OF RESIDENTIAL GARBAGE, REFUSE AND RECYCLABLES IN THE CITY OF NEW CARLISLE, OHIO WITH RUMPK **1st: Eggleston, 2nd: Wright, YES: Eggleston, Shamy, Lindsey, Cook, Bahun, Grow, Wright NAY:0 Accepted 7-0**

***C. Ordinance 2026-35 (Introduction on 09/08/26, Public Hearing, and Action Tonight)**

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR THE DIRECTOR OF PUBLIC SERVICE/ASSISTANT CITY MANAGER, TO ENTER INTO AN AGREEMENT WITH BURGESS & NIPLE, INC. FOR HYDRAULIC MODELING **1st: Eggleston, 2nd: Shamy, YES: Lindsey, Cook, Bahun, Grow, Wright, Eggleston, Shamy NAY:0 Accepted 7-0**

***D. Ordinance 2026-36 (Introduction on 09/08/26, Public Hearing, and Action Tonight)**

AN ORDINANCE SUPPLEMENTING CERTAIN APPROPRIATIONS CONTAINED IN NEW CARLISLE CITY ORDINANCE 2025-48 **1st: Eggleston, 2nd: Shamy, YES: Lindsey, Cook, Bahun, Grow, Wright, Eggleston, Shamy NAY:0 Accepted 7-0**

***E. Ordinance 2026-37E (Introduction, Public Hearing, and Action Tonight)**

AN ORDINANCE AMENDING SECTION 276.07 OF THE CODIFIED ORDINANCES OF THE CITY OF NEW CARLISLE, OHIO TO CHANGE THE MEMBERSHIP OF THE COMPREHENSIVE PLAN STEERING COMMISSION, AND DECLARING AN EMERGENCY **1st: Eggleston, 2nd: Cook, YES: Bahun, Grow, Wright, Eggleston, Shamy, Lindsey, Cook NAY:0 Accepted 7-0**

F. Ordinance 2026-38 (Introduction Tonight, Public Hearing, and Action on 10/05/26)

AN ORDINANCE AMENDING CHAPTER 209 OF THE CODIFIED ORDINANCES OF THE CITY OF NEW CARLISLE REGARDING THE CITY'S PUBLIC RECORDS POLICY

12. Other Business:

Additional City Business

- Appointments for the Comprehensive Plan Steering Commission:
 - Emerald Bilbrey (was unable to attend, will be sworn in at a later date)
 - Courtney Casto
 - Tanner Elam
 - Steve Fields
 - Mike Lowrey
 - Rhonda Manemann
 - David Peters
 - Motion to approve the seven selected members: **1st: Cook, 2nd: Shamy,**
YES: Lindsey, Cook, Bahun, Grow, Wright, Eggleston, Shamy NAY:0
Accepted 7-0
- New Carlisle Elementary Fire
 - Motion to allow the Mayor to send letters of appreciation to mutual aid departments: **1st: Shamy, 2nd: Cook,** YES: Bahun, Grow, Wright, Eggleston, Shamy, Lindsey, Cook NAY:0 **Accepted 7-0**
- City Offices Closing at 12 pm on October 2nd
- Heritage of Flight will be October 2nd-October 4th
- Open for Discussion on City Related Business
 - Chief Trusty addressed the upcoming levy and outlined the potential impacts if it fails to pass. These impacts could include a reduction in on-duty fire personnel and the possible outsourcing of medic services, which could lead to emergency response times reaching 20 to 30 minutes.
 - Councilman Bahun has resigned from his position on Council, effective at the end of September. As he will no longer reside within the city limits, he no longer meets the residency requirements to serve on Council.

In our charter it states the qualifications for serving on this city council. One of these is that a member of council must be a resident of the city of New Carlisle. For this reason, I will be resigning my position on this council effective at the end of this month. My wife and I have purchased a new to us home that we hope to be moving to sometime next month. While it is still a New Carlisle address it is not in the city limits.

I would like to thank the citizens that are here and watching on line for allowing me the opportunity to serve on this council for the past few years. It has been a weight of responsibility that I have appreciated. I am truly grateful to you for having given me this opportunity.

I would like to thank the administration of New Carlisle for your hard work and dedication to this city. It would not be possible for this council to accomplish the goals it has without a skilled, dedicated, and caring administration. I hope over the past few years I have been a boss that was more of a help than a hinderance in your daily responsibilities.

Lastly, I would like to thank council. I have a great deal of respect for you and the positions you hold. I am grateful for the kindness and grace you have shown me over the past few years. It has been a pleasure to sit on this council with you and serve the citizens of New Carlisle.

In closing,

Just like my time here on council is coming to an end we all have a time here on earth that will come to an end. The Bible says "it is appointed unto man once to die and then the judgement." It also says that "all have sinned and fall short of the glory of God, The wages of sin is death but the gift of God is eternal life through Jesus Christ our Lord." While the decisions council makes may seem important, the most important decision any of us makes in this life is what we do with Jesus. Do you believe He is who He said He is, and do you believe He paid the price for the debt that you and I owe? The ultimate question is this. If you die today do you know with certainty where you will spend eternity and why that is? If you can't answer that question with certainty, I would be glad to talk with you or introduce you to one of the many pastors we have here in town that could help you with this. If there is any good that you think I brought to this council, make no mistake it is only because of the relationship I have God and his Son Jesus.

Respectfully,
Ben Bahun

13. Executive Session: None

14. Return to Regular Session: None

15. Adjournment: **1st Bahun 2nd: Cook at 7:10 pm** YES: Bahun, Grow, Wright, Eggleston, Shamy, Lindsey, Cook NAY: 0 **Accepted 7-0**

Mayor William R. Lindsey

Clerk of Council Stephanie Jenkins

City Manager Report

October 5, 2026

A. DEPARTMENTAL REPORTS

- The Following Departmental Reports will be given at the next City Council meeting that will be held on Monday, October 19, 2026; Finance, Public Service, Fire/EMS, Police, Planning & Zoning, and Mayor's Court Report.

B. INFORMATIONAL ITEMS

- Discussion Topics
 - Naming of 212 W. Jefferson Building
 - Proposed Parking Revisions/Additions
 - Heritage of Flight

Attachment Summary:

Motion summary:

DRAFT - AMENDED

452.13 PARKING OF COMMERCIAL AND HEAVY VEHICLES.

(a) Definitions. As used in this section:

(1) "Commercial vehicle" means any commercial motor vehicle as defined in Ohio R.C. 4506.01, any vehicle equipped with dual rear wheels, or any other vehicle or equipment that exceeds 23 feet in overall length, 85 inches in overall width or 9 feet in overall height. Overall length, width, and height shall be measured to the outermost point of the vehicle or equipment, including any attachments, accessories or equipment. Notwithstanding the foregoing, for purposes of determining overall width, mirrors that are folded or retracted shall not be included. The actual use of a vehicle, whether commercial, personal, or otherwise, shall not affect whether the vehicle constitutes a commercial vehicle under this section.

(2) "Recreational vehicle" has the same meaning as provided in Section 1240.05(105), except that converted vans and pick-up (slide-in) campers are excluded for purposes of this section.

(3) "School bus" means every bus designed for carrying more than nine passengers which is owned by a public, private or governmental agency or institution of learning and which is operated for the transportation of children to or from a school session or a school function or which is owned by a private person and operated for compensation for the transportation of children to or from a school session or a school function.

(4) "Trailer" means every vehicle designed or used for carrying persons or property wholly on its own structure and for being drawn by a motor vehicle, including, but not limited to, utility trailers, construction trailers, landscaping trailers, equipment trailers, boat trailers, travel trailers, cargo trailers, vehicle transport trailers, semitrailers, and vehicles of the dolly type.

(b) Truck Routes. No person shall operate a vehicle the operation of which requires a commercial driver's license pursuant to Ohio R.C. 4506.03 on any street within the Residential Districts of the City, other than truck routes as designated by ordinance, except that the vehicle may leave a designated truck route when reasonably necessary to make a delivery or pickup, provide services, or load or unload at a location within a Residential District, provided the vehicle travels by the most direct practical route between the designated truck route and such location. This subsection does not apply to a school bus while being operated for the transportation of children to or from a school session or school function.

(c) On-Street Parking Limitations.

(1) No person shall park a trailer on any street within a Residential District of the City.

(2) No person shall park a commercial vehicle or recreational vehicle on any street within a Residential District of the City.

(3) While lawfully parked on a street outside a Residential District, all trailers shall remain attached to the prime motor vehicle. No trailer shall be set on landing gear, a dolly, or similar device.

(d) Exception; Affirmative Defenses.

(1) The on-street parking restrictions set forth in subsection (c) do not apply to any law enforcement, fire, emergency medical service or other emergency response vehicle while being used in the performance of official duties.

(2) It is an affirmative defense to a violation of subsection (c) that:

A. The vehicle or trailer was temporarily parked while actively engaged in providing commercial or professional services to an owner or occupant of property within the Residential District, making deliveries to or from such property, or loading or unloading persons, materials, or merchandise, but only for the time reasonably necessary to perform such activity and in no event for more than four consecutive hours;

B. An emergency necessitated the parking of the vehicle for purposes of making repairs or arranging for its removal, but only for the time reasonably necessary to address the emergency; or

C. A recreational vehicle was temporarily parked for the purpose of loading or unloading persons, supplies, or personal property, but only for the time reasonably necessary to complete such activity and in no event for more than four consecutive hours.

(e) Penalty. Whoever violates this section is guilty of a minor misdemeanor and shall be fined not less than seventy-five dollars (\$75.00). If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to a violation of this section, the offender is guilty of an unclassified misdemeanor and shall be fined two hundred fifty dollars (\$250.00). If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of this section, the offender is guilty of an unclassified misdemeanor and shall be fined five hundred dollars (\$500.00).

The imposition of a criminal penalty does not excuse a violation or permit its continuation. Each day of a violation constitutes a separate offense.

CURRENT

452.13 PARKING OF COMMERCIAL AND HEAVY VEHICLES.

(a) Definitions. As used in this section:

- (1) "Bus" means a motor vehicle designed for carrying more than nine passengers.
- (2) "Large vehicle" means a vehicle fitting the definition set forth in Ohio R.C. 4506.01(E).
- (3) "Motor home" means a self-propelled recreational vehicle constructed with permanently installed facilities for cold storage, cooking and consuming of food and for sleeping, and which is greater than ninety-two inches in height, 72 inches in width or 227 inches in length.
- (4) "School bus" means every bus designed for carrying more than nine passengers which is owned by a public, private or governmental agency or institution of learning and which is operated for the transportation of children to or from a school session or a school function or which is owned by a private person and operated for a compensation for the transportation of children to or from a school session or a school function.
- (5) "Trailer" means every vehicle designed or used for carrying persons or property wholly on its own structure and for being drawn by a motor vehicle, including any such vehicle when formed by or operated as a combination of a semitrailer and a vehicle of the dolly type.

(b) Truck Routes. No person shall operate a vehicle the operation of which requires a commercial driver's license pursuant to Ohio R.C. 4506.03 such as a school bus, commercial tractor, agricultural tractor, truck, bus, trailer, or semitrailer on any street within the Residential Districts of the City, other than truck routes as designated by ordinance.

(c) On-Street Parking Limitations.

- (1) While parked on a City street, all trailers must remain attached to the prime motor vehicle. No trailer shall be set on a landing gear, "dolly" or similar device.
- (2) No person shall park on any street within a Residential District of the City a vehicle, the operation of which requires a commercial driver's license, pursuant to Ohio R.C. 4506.03, such as a school bus, commercial tractor, agricultural tractor, truck, bus, trailer, semitrailer, motor home, vehicle storage or transport van or any vehicle with more than one and one-half ton carrying capacity.

(d) Parking on Private Property.

- (1) No large vehicle, motor home, boat, vehicle storage or transport van, trailer, bus or similar vehicle shall materially impede vision across a required minimum front yard or side yard as stated in Chapters 1248 through 1280 of the Municipal Code. No such vehicle shall be parked within ten feet of a rear property line.

(2) Parking on private property shall only be permitted on a stable surface such as asphalt, concrete or crushed limestone. Loose gravel and dirt surfaces shall not be used. The parking area shall never drain surface water onto an abutting property.

(e) Exceptions. The restrictions set forth in this section shall not apply to the following:

- (1) An emergency necessitating repairs;
- (2) Loading and unloading of people, material or merchandise for a reasonable length of time, not to exceed 24 hours; or
- (3) Loading and unloading of motor homes and recreational vehicles that exceed the size standards stated above for a reasonable length of time, not to exceed 48 hours.
- (4) The above-mentioned time limits may be extended by the City Manager. A written request is required to explain special circumstances.

(Ord. 86-08. Passed 3-17-86; Ord. 99-38. Passed 12-20-99; Ord. 04-35. Passed 7-19-04; Ord. 10-47. Passed 12-6-10.)

452.16 PARKING REGULATIONS OF THE DIRECTOR OF PUBLIC SAFETY.

The Director of Public Safety is hereby authorized to:

- (a) Upon the recommendation of the Director of Public Service, establish regulations prohibiting parking of vehicles upon both sides of any street or highway where the width of the roadway does not exceed twenty-five feet, or upon either side, as designated by the Director of Public Safety, of any street or highway where the width of the roadway exceeds twenty-five feet but does not exceed thirty feet.
- (b) Establish regulations limiting the time of parking for vehicles in municipally operated public off-street parking facilities.
- (c) Declare the commencement and termination of a snow emergency in accordance with Section 452.14, and establish, enforce and rescind regulations prohibiting on-street standing or parking during such snow emergency.
- (d) Establish regulations for any place where the Director has determined that standing or parking is to be prohibited or limited and where the posting of signs is required by this Traffic Code.
- (e) Any parking prohibition or limitation established pursuant to this section, other than subsection (c), shall be designated by appropriate signs.
- (f) All rules and regulations established pursuant to this section shall be in writing, signed by the Director of Public Safety, and maintained by the City as a public record.

452.051 ADDITIONAL GROUNDS FOR REMOVAL AND STORAGE OF VEHICLES.

In addition to the grounds for removal and storage provided in Section 452.05, the Police Chief may order into storage any motor vehicle that is found standing or parked in violation of any parking provision of this Traffic Code and has four or more of any combination of:

- (a) Unpaid fines and costs imposed upon conviction or a plea of guilty for prior parking violations involving the same vehicle; or
- (b) Previously issued citations for prior parking violations involving the same vehicle for which the person cited has failed to appear as required.

Before a vehicle may be ordered into storage pursuant to this section, notice shall be conspicuously placed upon the vehicle stating that the vehicle will be subject to removal if, after twenty-four hours from the time the notice is placed, the vehicle is found standing or parked in violation of any parking provision of this Traffic Code and the outstanding fines and costs have not been paid or the outstanding citations have not otherwise been resolved.

A motor vehicle ordered into storage pursuant to this section shall not be released until all outstanding fines and costs arising from parking violations involving the vehicle have been paid and all outstanding citations arising from parking violations involving the vehicle have otherwise been resolved. The owner or other person lawfully entitled to possession shall also comply with the requirements of division (c)(2) of Section 452.05 for the release of the vehicle.

DRAFT - AMENDED

1460.43 PARKING AND STORAGE OF VEHICLES AND EQUIPMENT.

(a) For purposes of this section, “commercial vehicle,” “recreational vehicle,” and “trailer” have the same meanings as provided in Section 452.13(a) of the Traffic Code.

(b) No commercial vehicle, recreational vehicle, trailer, boat, or similar vehicle or equipment shall materially impede vision across a required minimum front yard or side yard as stated in Chapters 1248 through 1280 of the Municipal Code. No such vehicle or equipment shall be parked or stored within 10 feet of a rear property line.

(c) Parking on private property shall only be permitted on a stable surface such as asphalt, concrete or crushed limestone. Loose gravel and dirt surfaces shall not be used. The parking area shall never drain surface water onto an abutting property.

(d) The repeated or continued parking of a commercial vehicle, recreational vehicle, or trailer in violation of Section 452.13(c) of the Traffic Code constitutes a public nuisance and a violation of this Exterior Property Maintenance Code. Such public nuisance may be enforced and abated as provided in this chapter.

CURRENT

1460.43 PARKING OF PASSENGER, COMMERCIAL AND HEAVY VEHICLES; RESIDENTIAL, COMMERCIAL OR INDUSTRIAL.

(a) Definitions. As used in this section:

- (1) "Bus" means a motor vehicle designed for carrying more than nine passengers.
- (2) "Large vehicle" means a vehicle fitting the definition set forth in R.C. § 4506.01(D).
- (3) "Motor home" means a self-propelled recreational vehicle constructed with permanently installed facilities for cold storage, the cooking and consuming of food, and sleeping, and which is greater than 92 inches in height, 72 inches in width or 227 inches in length.
- (4) "School bus" means every bus designed for carrying more than nine passengers which is owned by a public, private or governmental agency or institution of learning and which is operated for the transportation of children to or from a school session or a school function, or which is owned by a private person and operated for compensation for the transportation of children to or from a school session or a school function.
- (5) "Trailer" means every vehicle designed or used for carrying persons or property wholly on its own structure and for being drawn by a motor vehicle, including any such vehicle when formed by or operated as a combination of a semitrailer and a vehicle of the dolly type.
- (6) "Passenger car" means any motor vehicle that is designed and used for carrying not more than nine persons and includes any motor vehicle that is designed and used for carrying not more than fifteen persons in a ridesharing arrangement per R.C. § 4501.01.

(b) Truck Routes. No person may operate a vehicle, the operation of which requires a commercial driver's license pursuant to R.C. § 4506.03, such as a commercial tractor, agricultural tractor, truck, bus (other than a school bus being operated for the transportation of children to or from a school session or a school function), trailer, or semitrailer on any street within the residential districts of the City, other than truck routes as designated by ordinance.

(c) On-Street Parking Limitations.

(1) While parked on a City street, all trailers must remain attached to the prime motor vehicle. No trailer may be set on a landing gear, "dully" or similar device.

(2) No person may park on any street within a residential district of the City a vehicle, the operation of which requires a commercial driver's license pursuant to R.C. § 4506.03, such as a school bus, commercial tractor, agricultural tractor, truck, bus, trailer, semitrailer, motor home, vehicle storage or transport van, or any vehicle with more than one and one-half ton carrying capacity.

(d) Parking on Private Property.

(1) Parking on private property is only permitted on a stable surface such as asphalt, concrete or crushed limestone. Loose gravel, grass or dirt surfaces may not be used. The parking area may not drain surface water onto an abutting property.

(2) No large vehicle, motor home, boat, vehicle storage or transport van, trailer, bus, or similar vehicle may materially impede vision across a required minimum front yard or side yard setback as set forth in Chapters 1248 through 1280 of the Municipal Code.

(e) Exceptions. The restrictions set forth in this section do not apply to the following:

(1) Loading and unloading of motor homes and recreational vehicles that exceed the size standards stated above for a reasonable length of time, not to exceed 48 hours.

(2) The above-mentioned time limits may be extended by the City Manager. A written request explaining special circumstances is required.

(Ord. 2022-60. Passed 12-5-22.)

DRAFT - AMENDED

1460.44 ACCESSORY USES; RESIDENTIAL, COMMERCIAL OR INDUSTRIAL.

(a) Recreational vehicles and equipment are subject to the following conditions:

(1) Recreational vehicles and equipment as defined in paragraph (105) of Section 1240.05 must be parked or stored entirely within an enclosed building, or parked or stored in a side or rear yard but not closer than five feet to a side lot line or ten feet to a rear lot line. All recreational vehicles and equipment must be parked on an approved, stable surface such as concrete, asphalt, or crushed limestone gravel. No visible grass or weeds may be permitted to grow underneath any recreational vehicle or equipment parked or stored on private property.

(2) In the case of a corner lot, the street side yard shall be considered a front yard and no recreational vehicles or equipment may be parked or stored thereupon.

(3) No recreational vehicles or equipment, except converted vans and pick-up (slide-in) campers, may be parked or stored on any public roadway.

(4) No camping or recreational vehicles or equipment may have fixed connections to gas or sanitary sewer facilities, nor may such vehicles or equipment be used as a dwelling. Connections for electricity via a shoreline or water shall be permitted for cleaning or loading and unloading only.

(b) Overnight (i.e., 10:00 p.m. to 7:00 a.m.) parking or storage of semi-tractors, semi-trailers, buses, school buses, vehicles the operation of which requires a commercial driver's license pursuant to Ohio R.C. 4506.03, or mobile homes is prohibited on private property in any zoning district within the corporate limits of the City except an Industrial (I) District. Parking in an Industrial (I) District is permitted only on an approved surface.

(c) The following exceptions apply to this section:

(1) Camping and other recreational equipment may be parked in a required front yard or corner lot side yard for loading and unloading purposes for a period not to exceed 72 hours and only on an approved surface.

(2) Not more than twice per calendar year, up to an additional 72 hours, consecutive to the first 72-hour period, shall be permitted as long as the City is notified in writing and in advance of such extended time.

CURRENT

1460.44 ACCESSORY USES; RESIDENTIAL, COMMERCIAL OR INDUSTRIAL.

(a) Recreational vehicles and equipment are subject to the following conditions:

(1) Recreational vehicles and equipment as defined in paragraph (105) of Section 1240.05 must be parked or stored entirely within an enclosed building, or parked or stored in a side or rear yard but not closer than five feet to a side or rear yard lot line. All recreational vehicles and equipment must be parked on an approved, stable surface such as concrete, asphalt, or crushed limestone gravel. No visible grass or weeds may be permitted to grow underneath any recreational vehicle or equipment parked or stored on private property.

(2) In the case of a corner lot, the street side yard shall be considered a front yard and no recreational vehicles or equipment may be parked or stored thereupon.

(3) No recreational vehicles or equipment may be parked or stored on any public roadway.

(4) No camping or recreational vehicles or equipment may have fixed connections to gas or sanitary sewer facilities, nor may such vehicles or equipment be used as a dwelling. Connections for electricity via a shoreline or water shall be permitted for cleaning or loading and unloading only.

(b) Overnight (i.e., 10:00 p.m. to 7:00 a.m.) parking or storage of semi-tractors, semi-trailers, buses, school buses, commercial vehicles, trucks over 1.5-ton rated capacity or mobile homes is strictly prohibited on any public roadway or private property in any zoning district within the corporate limits of the City except an Industrial (I) District. Parking in an I District is permitted only on an approved surface.

(c) The following exceptions apply to this section:

(1) Camping and other recreational equipment may be parked in a required front yard or corner lot side yard for loading and unloading purposes for a period not to exceed 72 hours and only on an approved surface.

(2) Not more than twice per calendar year, up to an additional 72 hours, consecutive to the first 72-hour period, shall be permitted as long as the City is notified in writing and in advance of such extended time.

(Ord. 2022-60. Passed 12-5-22; Ord. 2024-22. Passed 6-3-24.)

RESOLUTION 2026-28R

A RESOLUTION AUTHORIZING THE RENEWAL OF THE CITY’S PROPERTY AND LIABILITY INSURANCE THROUGH THE PUBLIC ENTITIES POOL OF OHIO

WHEREAS, ORC 2744.08 authorizes the City to use public funds to secure insurance with respect to the City’s and its employees’ potential liability in civil actions, in addition to any other authority to secure insurance granted by the Ohio Constitution or Ohio Revised Code; and

WHEREAS, the City has contracted for its property and liability insurance through the Public Entities Pool of Ohio (“PEP”) since October 2010 and the renewal date for said insurance is November 1, 2026; and

WHEREAS, after completing its annual review, USI Insurance Services LLC, on behalf of PEP, submitted a property and liability insurance proposal, a summary of which is attached as Exhibit A; and

WHEREAS, the cost of renewal for 2026/2027 has increased by \$9,847 from 2025/2026, with the total premium being \$120,383; and

WHEREAS, the renewal cost increase is largely attributable to the City’s acquisition of additional real and personal property, and increases to the values of its existing property; and

WHEREAS, the annual premium history for the City is as follows:

2017/2018 - \$76,709	2022/2023 - \$66,475
2018/2019 - \$60,499	2023/2024 - \$71,865
2019/2020 - \$59,084	2024/2025 - \$79,781
2020/2021 - \$57,266	2025/2026 - \$110,536
2021/2022 - \$56,150	2026/2027 - \$120,383

NOW, THEREFORE, THE CITY OF NEW CARLISLE HEREBY RESOLVES that:

Section 1. It is hereby determined that it would be in the best interests of the City and its residents to authorize the renewal of the City’s property and liability insurance through PEP.

Section 2. The City Manager, on behalf of the City, is authorized and directed to enter into an agreement with PEP for the renewal of the City’s property and liability insurance for a period of one year, beginning November 1, 2026, in an amount not to exceed One Hundred Twenty Thousand Three Hundred Eighty-Three Dollars (\$120,383).

Passed this _____ day of _____, 2026.

William R. Lindsey, MAYOR

Stephanie Jenkins, Clerk of Council

APPROVED AS TO FORM:

Jacob M. Jeffries, DIRECTOR OF LAW

_____ Bahun	Y		N
_____ Cook	Y		N
_____ Eggleston	Y		N
_____ Grow	Y		N
_____ Mayor Lindsey	Y		N
_____ Vice Mayor Shamy	Y		N
_____ Wright	Y		N

Totals:

Pass	Fail
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Introduction, First Reading and Action:	10/05/2026
Effective Date of Legislation:	10/20/2026



EXHIBIT A

PEP Invoice Summary

For City of New Carlisle, Clark County

Effective Date: 11/01/2026

Invoice Number: R0558PC2026-1

Coverage	Invoiced
General Liability	\$15,495
Auto Liability	\$5,877
Public Officials Liability	\$2,223
Auto Physical Damage	\$23,803
Property/Boiler & Equipment	\$72,985
Total	\$120,383

Please make check payable to Public Entities Pool and mail to the following address:

Public Entities Pool
10100 Innovation Drive
Suite 220
Dayton, OH 45342

RESOLUTION 2026-29R

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A SUBDIVIDER’S AGREEMENT WITH D.R. HORTON - INDIANA, LLC FOR RESERVE AT HONEY CREEK - SECTION TWO

WHEREAS, on September 15, 2026, the Planning Board approved the Final Plat for the Reserve at Honey Creek - Section Two; and

WHEREAS, City Council approved the Final Plat for Reserve at Honey Creek – Section Two at its regular meeting on September 21, 2026; and

WHEREAS, D.R. Horton - Indiana, LLC (“Subdivider”) has agreed to construct the required public improvements for Reserve at Honey Creek - Section Two in accordance with the approved plans and the City’s Codified Ordinances; and

WHEREAS, the City and the Subdivider desire to enter into the attached Subdivider’s Agreement setting forth the parties’ responsibilities with respect to the improvements for Reserve at Honey Creek -Section Two.

NOW, THEREFORE, THE CITY OF NEW CARLISLE HEREBY RESOLVES that:

SECTION 1. The City Manager is authorized to enter into and execute a Subdivider’s Agreement with D.R. Horton - Indiana, LLC, substantially consistent with the agreement attached as Exhibit A, with such revisions as may be approved by the City Manager and Director of Law, provided that such revisions remain consistent with the requirements of the Codified Ordinances and the approved Final Plat.

SECTION 2. The City Manager, Director of Public Service and the Chairperson of the Planning Board are hereby authorized to endorse the Final Plat and any other documentation necessary to record the subdivision approval with the Clark County Recorder.

Passed this _____ day of _____, 2026.

William R. Lindsey, MAYOR

Stephanie Jenkins, Clerk of Council

APPROVED AS TO FORM:

Jacob M. Jeffries, DIRECTOR OF LAW

_____ Bahun	Y		N
_____ Cook	Y		N
_____ Eggleston	Y		N
_____ Grow	Y		N
_____ Mayor Lindsey	Y		N
_____ Vice Mayor Shamy	Y		N
_____ Wright	Y		N

Totals:

Pass Fail

Introduction, First Reading and Action: 10/05/2026
Effective Date of Legislation: 10/20/2026

EXHIBIT A

SUBDIVIDER'S AGREEMENT

THIS AGREEMENT is entered into by and between **D.R. Horton - Indiana, LLC**, a limited liability company organized under the laws of the State of Delaware ("Subdivider"), and the **City of New Carlisle, Ohio**, an Ohio municipal corporation ("City").

WHEREAS, on September 15, 2026, the Planning Board approved the Final Plat for Reserve at Honey Creek - Section Two ("Subdivision"); and

WHEREAS, City Council approved the Final Plat for Reserve at Honey Creek – Section Two at its regular meeting on September 21, 2026; and

WHEREAS, the Subdivision requires the construction of public improvements in accordance with the approved final plat, construction plans and the Codified Ordinances of the City; and

WHEREAS, the parties desire to establish the Subdivider's obligations for construction of the required public improvements and the security required for those obligations.

NOW THEREFORE, the parties agree as follows:

1. Construction of Public Improvements. Subdivider shall, at its expense, construct and install all public improvements required for the Subdivision in accordance with the approved final plat, approved construction plans and specifications, the City's Codified Ordinances, and all other applicable requirements. Subdivider's obligations are not conditioned upon the sale of lots within the Subdivision.
2. Estimated Cost of and Time Period for Public Improvements. The Director of Public Service has reviewed the estimated cost of the required public improvements and determined the estimated cost to be \$1,826,063.75. The required public improvements shall be completed within two (2) years after execution of this Agreement, unless the completion period is extended by mutual written agreement of the City and Subdivider in accordance with the Codified Ordinances. The Director of Public Service may require updated cost estimates and corresponding security if the completion period is extended or construction costs materially increase.
3. Performance Bond. Before the final plat approval becomes effective and before construction of the public improvements begins, Subdivider shall provide a performance bond acceptable to the City in the amount of one hundred percent (100%) of the estimated cost of the required public improvements. The performance bond shall remain in effect until the public improvements are completed, certified by the Director of Public Service, accepted by Council, and otherwise eligible for release under the Codified Ordinances.
4. Fees and Inspection Costs. Subdivider shall pay all engineering, inspection, legal, and other fees or deposits required by the Codified Ordinances in connection with the Subdivision and

the required public improvements. Any additional amounts due to the City shall be paid before Council accepts the public improvements.

5. Indemnification and Liability Insurance. Subdivider shall indemnify and hold harmless the City and its officials, employees and agents from all claims, damages, losses and expenses arising from Subdivider's construction and development activities. Before construction begins, Subdivider shall provide evidence of liability insurance in a form acceptable to the City, in an amount determined by the City but not to exceed \$1,000,000.00, and shall maintain such coverage through the applicable maintenance period.
6. Completion and Acceptance. Upon completion of the required public improvements, Subdivider shall provide the Director of Public Service with all documents required by the Codified Ordinances, including evidence of payment of contractors, subcontractors, material suppliers, engineers, surveyors, and inspection fees; as-built plans; and the actual construction costs of the improvements. Council shall not be requested to accept the public improvements until the Director of Public Service has certified in writing that the improvements have been satisfactorily completed and all requirements for acceptance have been satisfied.
7. Maintenance Bond. Before Council accepts any public improvement, Subdivider shall provide a maintenance bond acceptable to the City in the amount of ten percent (10%) of the actual construction cost of the improvement. The maintenance bond shall remain in effect for one (1) year from the date of acceptance, or for any other period required by the Codified Ordinances. Subdivider shall, at its expense, correct any defects in the public improvements discovered during the maintenance period, and the City may use the maintenance bond if Subdivider fails to do so.
8. Open Space Dedication. Subdivider agrees to dedicate 2.665 acres of land to the City for open space, and said dedication satisfies Section 1228.10 of the Codified Ordinances.
9. Preservation and Restoration of Property. Subdivider shall be responsible for any damage to public property resulting from construction of the Subdivision and shall, at its expense, repair or restore such property to a condition acceptable to the City before acceptance of the public improvements.
10. Cleanup. Subdivider shall keep the Subdivision and adjacent public property reasonably free of construction debris and shall remove all construction debris and temporary materials before acceptance of the public improvements. If Subdivider fails to do so after notice from the City, the City may perform the necessary work and recover its costs from Subdivider.
11. Default and Remedies. A material failure to comply with this Agreement constitutes a breach. The City shall provide written notice of the breach and a reasonable opportunity to cure, except where immediate action is reasonably necessary to protect public health or safety. If Subdivider fails to cure the breach, the City may stop work, draw upon or enforce the applicable security, complete or correct the required improvements and recover any additional costs from Subdivider.

12. Compliance; No Waiver. Subdivider shall comply with all applicable laws, ordinances, regulations, approved plans, specifications and permits in the construction and development of the Subdivision. Nothing in this Agreement shall waive or limit any requirement of the Codified Ordinances or any right, remedy, defense or immunity of the City. No approval, inspection, certification or acceptance by the City shall relieve Subdivider of any obligation imposed by this Agreement or the Codified Ordinances, nor shall acceptance of the public improvements waive any obligation that survives acceptance.
13. Successors and Assignment. This Agreement is binding upon and benefits the parties and their respective successors and assigns.
14. Notices. Notices under this Agreement shall be in writing and delivered to the City Manager, City of New Carlisle, 331 S. Church Street, P.O. Box 419, New Carlisle, Ohio 45344, and to Subdivider at: _____.
15. Severability. If any part, clause, provision or condition of this Subdivider's Agreement is held to be void, invalid or inoperative, then such part, clause, provision or condition will be severed and will not render invalid the remaining portions of this Agreement.
16. Modification, Amendment or Assignment. This Subdivider's Agreement shall not be modified, amended or assigned except by a written instrument signed by the parties hereto.
17. Governing Law. This Agreement shall be governed by, construed and enforced in accordance with the laws of the State of Ohio.
18. Entire Agreement. This Agreement, together with the approved final plat, construction plans and specifications, and applicable provisions of the Codified Ordinances, constitutes the entire agreement between the parties concerning the subject matter of this Agreement and supersedes all prior agreements, representations and understandings concerning such subject matter.
19. Counterparts. This Agreement may be executed in two or more counterparts, each of which, when each party shall have signed and delivered to the other respective parties at least one such counterpart, shall be deemed to be an original and binding agreement, but all of which together shall constitute one binding agreement. Any electronically transmitted signature or photocopy of a signature to the Agreement shall be deemed an original signature and shall have the same force and effect as an original signature.

IN WITNESS WHEREOF, the parties have affixed their signatures hereto this ____ day of _____, 2026.

D.R. Horton - Indiana, LLC

By: _____

Its: _____

CITY OF NEW CARLISLE, OHIO

By: Donald Ray Hall III

Its: City Manager

Approved as to Form:

Jacob M. Jeffries, Law Director

RESOLUTION 2026-30R

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A SUBDIVIDER’S AGREEMENT WITH CLAYTON PROPERTIES GROUP INC. DBA ARBOR HOMES FOR MONROE MEADOWS - SECTION FOUR

WHEREAS, on September 15, 2026, the Planning Board approved the Final Plat for Monroe Meadows - Section Four; and

WHEREAS, City Council approved the Final Plat for Monroe Meadows – Section Four at its regular meeting on September 21, 2026; and

WHEREAS, Clayton Properties Group Inc. dba Arbor Homes (“Subdivider”) has agreed to construct the required public improvements for Monroe Meadows - Section Four in accordance with the approved plans and the City’s Codified Ordinances; and

WHEREAS, the City and the Subdivider desire to enter into the attached Subdivider’s Agreement setting forth the parties’ responsibilities with respect to the improvements for Monroe Meadows – Section Four.

NOW, THEREFORE, THE CITY OF NEW CARLISLE HEREBY RESOLVES that:

SECTION 1. The City Manager is authorized to enter into and execute a Subdivider’s Agreement with Clayton Properties Group Inc. dba Arbor Homes, substantially consistent with the agreement attached as Exhibit A, with such revisions as may be approved by the City Manager and Director of Law, provided that such revisions remain consistent with the requirements of the Codified Ordinances and the approved Final Plat.

SECTION 2. The City Manager, Director of Public Service and the Chairperson of the Planning Board are hereby authorized to endorse the Final Plat and any other documentation necessary to record the subdivision approval with the Clark County Recorder.

Passed this _____ day of _____, 2026.

William R. Lindsey, MAYOR

Stephanie Jenkins, Clerk of Council

APPROVED AS TO FORM:

Jacob M. Jeffries, DIRECTOR OF LAW

_____ Bahun	Y		N
_____ Cook	Y		N
_____ Eggleston	Y		N
_____ Grow	Y		N
_____ Mayor Lindsey	Y		N
_____ Vice Mayor Shamy	Y		N
_____ Wright	Y		N

Totals:

Pass	Fail
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Introduction, First Reading and Action:	10/05/2026
Effective Date of Legislation:	10/20/2026

EXHIBIT A

SUBDIVIDER'S AGREEMENT

THIS AGREEMENT is entered into by and between **Clayton Properties Group Inc. dba Arbor Homes**, a corporation organized under the laws of the State of Tennessee ("Subdivider"), and the **City of New Carlisle, Ohio**, an Ohio municipal corporation ("City").

WHEREAS, on September 15, 2026, the Planning Board approved the Final Plat for Monroe Meadows - Section Four ("Subdivision"); and

WHEREAS, City Council approved the Final Plat for Monroe Meadows – Section Four at its regular meeting on September 21, 2026; and

WHEREAS, the Subdivision requires the construction of public improvements in accordance with the approved final plat, construction plans and the Codified Ordinances of the City; and

WHEREAS, the parties desire to establish the Subdivider's obligations for construction of the required public improvements and the security required for those obligations.

NOW THEREFORE, the parties agree as follows:

1. Construction of Public Improvements. Subdivider shall, at its expense, construct and install all public improvements required for the Subdivision in accordance with the approved final plat, approved construction plans and specifications, the City's Codified Ordinances, and all other applicable requirements. Subdivider's obligations are not conditioned upon the sale of lots within the Subdivision.
2. Estimated Cost of and Time Period for Public Improvements. The Director of Public Service has reviewed the estimated cost of the required public improvements and determined the estimated cost to be \$761,804.62. The required public improvements shall be completed within two (2) years after execution of this Agreement, unless the completion period is extended by mutual written agreement of the City and Subdivider in accordance with the Codified Ordinances. The Director of Public Service may require updated cost estimates and corresponding security if the completion period is extended or construction costs materially increase.
3. Performance Bond. Before the final plat approval becomes effective and before construction of the public improvements begins, Subdivider shall provide a performance bond acceptable to the City in the amount of one hundred percent (100%) of the estimated cost of the required public improvements. The performance bond shall remain in effect until the public improvements are completed, certified by the Director of Public Service, accepted by Council, and otherwise eligible for release under the Codified Ordinances.
4. Fees and Inspection Costs. Subdivider shall pay all engineering, inspection, legal, and other fees or deposits required by the Codified Ordinances in connection with the Subdivision and

the required public improvements. Any additional amounts due to the City shall be paid before Council accepts the public improvements.

5. Indemnification and Liability Insurance. Subdivider shall indemnify and hold harmless the City and its officials, employees and agents from all claims, damages, losses and expenses arising from Subdivider's construction and development activities. Before construction begins, Subdivider shall provide evidence of liability insurance in a form acceptable to the City, in an amount determined by the City but not to exceed \$1,000,000.00, and shall maintain such coverage through the applicable maintenance period.
6. Completion and Acceptance. Upon completion of the required public improvements, Subdivider shall provide the Director of Public Service with all documents required by the Codified Ordinances, including evidence of payment of contractors, subcontractors, material suppliers, engineers, surveyors, and inspection fees; as-built plans; and the actual construction costs of the improvements. Council shall not be requested to accept the public improvements until the Director of Public Service has certified in writing that the improvements have been satisfactorily completed and all requirements for acceptance have been satisfied.
7. Maintenance Bond. Before Council accepts any public improvement, Subdivider shall provide a maintenance bond acceptable to the City in the amount of ten percent (10%) of the actual construction cost of the improvement. The maintenance bond shall remain in effect for one (1) year from the date of acceptance, or for any other period required by the Codified Ordinances. Subdivider shall, at its expense, correct any defects in the public improvements discovered during the maintenance period, and the City may use the maintenance bond if Subdivider fails to do so.
8. Preservation and Restoration of Property. Subdivider shall be responsible for any damage to public property resulting from construction of the Subdivision and shall, at its expense, repair or restore such property to a condition acceptable to the City before acceptance of the public improvements.
9. Cleanup. Subdivider shall keep the Subdivision and adjacent public property reasonably free of construction debris and shall remove all construction debris and temporary materials before acceptance of the public improvements. If Subdivider fails to do so after notice from the City, the City may perform the necessary work and recover its costs from Subdivider.
10. Default and Remedies. A material failure to comply with this Agreement constitutes a breach. The City shall provide written notice of the breach and a reasonable opportunity to cure, except where immediate action is reasonably necessary to protect public health or safety. If Subdivider fails to cure the breach, the City may stop work, draw upon or enforce the applicable security, complete or correct the required improvements and recover any additional costs from Subdivider.
11. Compliance; No Waiver. Subdivider shall comply with all applicable laws, ordinances, regulations, approved plans, specifications and permits in the construction and development

of the Subdivision. Nothing in this Agreement shall waive or limit any requirement of the Codified Ordinances or any right, remedy, defense or immunity of the City. No approval, inspection, certification or acceptance by the City shall relieve Subdivider of any obligation imposed by this Agreement or the Codified Ordinances, nor shall acceptance of the public improvements waive any obligation that survives acceptance.

12. Successors and Assignment. This Agreement is binding upon and benefits the parties and their respective successors and assigns.
13. Notices. Notices under this Agreement shall be in writing and delivered to the City Manager, City of New Carlisle, 331 S. Church Street, P.O. Box 419, New Carlisle, Ohio 45344, and to Subdivider at: _____.
14. Severability. If any part, clause, provision or condition of this Subdivider's Agreement is held to be void, invalid or inoperative, then such part, clause, provision or condition will be severed and will not render invalid the remaining portions of this Agreement.
15. Modification, Amendment or Assignment. This Subdivider's Agreement shall not be modified, amended or assigned except by a written instrument signed by the parties hereto.
16. Governing Law. This Agreement shall be governed by, construed and enforced in accordance with the laws of the State of Ohio.
17. Entire Agreement. This Agreement, together with the approved final plat, construction plans and specifications, and applicable provisions of the Codified Ordinances, constitutes the entire agreement between the parties concerning the subject matter of this Agreement and supersedes all prior agreements, representations and understandings concerning such subject matter.
18. Counterparts. This Agreement may be executed in two or more counterparts, each of which, when each party shall have signed and delivered to the other respective parties at least one such counterpart, shall be deemed to be an original and binding agreement, but all of which together shall constitute one binding agreement. Any electronically transmitted signature or photocopy of a signature to the Agreement shall be deemed an original signature and shall have the same force and effect as an original signature.

IN WITNESS WHEREOF, the parties have affixed their signatures hereto this ____ day of _____, 2026.

Clayton Properties Group Inc. dba Arbor Homes

By: _____

Its: _____

CITY OF NEW CARLISLE, OHIO

By: Donald Ray Hall III

Its: City Manager

Approved as to Form:

Jacob M. Jeffries, Law Director

RESOLUTION 2026-31R

A RESOLUTION REAFFIRMING THE INVESTMENT POLICY OF THE CITY OF NEW CARLISLE

WHEREAS, City Council, through the passage of Ordinance 2021-12 on May 17, 2021, approved the City's Investment Policy and codified it as Section 248.15 of the City's Ordinances; and

WHEREAS, Section 14(a) of the City's Investment Policy requires City Council to review and reaffirm the policy every five years at a minimum; and

WHEREAS, the Finance Director has reviewed the Investment Policy and is recommending no changes; and

WHEREAS, it would be in the City's best interest for the Investment Policy to be reaffirmed.

NOW, THEREFORE, THE CITY OF NEW CARLISLE HEREBY RESOLVES that:

SECTION 1. The City's Investment Policy, attached as Exhibit 1 and incorporated herein, is hereby reaffirmed.

Passed this _____ day of _____, 2026.

William R. Lindsey, Mayor

Stephanie Jenkins, Clerk of Council

APPROVED AS TO FORM:

Jake Jeffries, Law Director

_____ Bahun	Y		N
_____ Cook	Y		N
_____ Eggleston	Y		N
_____ Grow	Y		N
_____ Mayor Lindsey	Y		N
_____ Vice Mayor Shamy	Y		N
_____ Wright	Y		N

Totals: _____

Pass Fail

Introduction, First Reading and Action: 10/05/2026
Effective Date of Legislation: 10/20/2026

248.15 Investment Policy**Section 1 - Introduction**

- (a) It is the policy of the City of New Carlisle to invest public funds in a manner which will provide the maximum safety and preservation of principal, while meeting all the liquidity and operating demands, at reasonable, market interest rates available.

Section 2 - Governing Authority

- (a) All investments made will conform to all applicable laws and regulations governing the investment of public moneys, including all federal, state and other legal requirements including Ohio Revised Code, Chapter 135.

Section 3 - Scope

- (a) All public funds of the City of New Carlisle, as may be prescribed by the Finance Director, may be invested by the Finance Director in the Eligible Investments described in this policy. The Finance Director is authorized to pool cash balances of multiple funds of the City for investment hereunder.

Section 4 - Objectives

- (a) The achievement of sound fiscal management for the City of New Carlisle requires effective investment of the public moneys of the City. To that effect, the following investment objectives shall be applied in the investment of public moneys.
 - (1) **Safety.**
Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective will be to mitigate credit risk and interest rate risk.
 - (2) **Liquidity.**
The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated.
 - (3) **Yield.**
The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, considering the investment risk constraints of safety and liquidity needs. Return on investment is of secondary importance compared to the safety and liquidity objectives described above.

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Section 9 - Prohibited Investments

- (a) Investments in derivatives are strictly forbidden. A derivative is defined in Chapter 135 of the Ohio Revised Code as a financial instrument, contract or obligation whose value is based upon or linked to another asset or index or both, separate from the financial instrument, contract or obligation itself. Additionally, any security, obligation, trust account, or instrument that is created from an obligation of a federal agency or instrumentality or is created from both is considered a derivative instrument.

Section 10 - Authorized Financial Institutions and Dealers

- (a) The Director of Finance will maintain a listing of financial institutions authorized to provide investment services to the City. No public deposit shall be made except in a qualified public depository as established by Chapter 135 of the Ohio Revised Code.
- (b) All financial institutions, broker/dealers and investment advisors who desire to become qualified bidders for investment transactions must supply the Director of Finance with the following when requested, if applicable:
 - (1) Certification of having received and understood the City's Investment Policy, and agreeing to comply with the policy; and
 - (2) Depository Agreement (if applicable); and
 - (3) Other relevant information as requested.

Section 11 - Collateralization Requirements

- (a) Collateralization will be required on all demand deposit accounts, including checking accounts, as well as non-negotiable certificates of deposit and repurchase agreements. The collateralization level will be defined by Ohio Revised Code. Collateral is limited to eligible securities defined in Ohio Revised Code sections 135.18 and 135.181. Each financial institution with which the City has deposits shall provide a quarterly statement reflecting the securities pledged including the market values of such securities.

Section 12 - Safekeeping and Custody

- (a) All security transactions, including collateral for repurchase agreements, entered into by the City shall be conducted on a delivery-versus-payment basis. Should an Investment Company/Manager be utilized, securities will be held by an independent third-party custodian designated by the Investment Company/Manager and evidenced by safekeeping receipts and a written custodial agreement.

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Section 5 - Standards of Care

- (a) Authority to Manage Investment Program
 - (1) Authority to manage the investment program is granted to the Finance Director of the City of New Carlisle, who shall act in accordance with established written procedures and internal controls for the operation of the investment program consistent with this investment policy.
- (b) Prudence
 - (1) The standard of prudence to be used by investment officials shall be the "reasonably prudent person" standard and shall be applied in the context of managing an overall portfolio of an Ohio municipal corporation of like size and resources. The Finance Director acting in accordance with written procedures and this investment policy and exercising due diligence shall be relieved of personal liability for an individual security's credit risk or market price changes, provided that deviations from expectations are reported on a timely fashion and appropriate action is taken to control adverse developments.
- (c) Ethics and Conflicts of Interest
 - (1) Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial or objective investment decisions. The Finance Director shall disclose any material interests in financial institutions with which they conduct business. Officers and employees of the City of New Carlisle shall refrain from undertaking any personal investment transactions with the same individual with whom business is conducted on behalf of the City.

Section 6 - Authorized Investments

- (a) The City may invest in any instrument or security authorized in ORC 135 as amended and such other securities as approved by the Council of the City. Eligible investments, as defined in ORC 135 are attached to this Policy as "Exhibit A".

Section 7 - Maturity

- (a) To the extent possible, the City will attempt to match the term to maturity of its investments with anticipated cash flow requirements. Unless matched to a specific cash flow requirement, the City will not directly invest in securities maturing more than 5 years from the date of settlement, except as provided by ORC 135.

Section 8 - Diversification

- (a) The investment portfolio shall be diversified by:
 - (1) Avoiding over-concentration in securities from a specific issuer or business sector.

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Section 13 - Internal Control, Reporting and Continuing Education

(a) Internal Control

- (1)** The Director of Finance is responsible for establishing and maintaining an internal control structure designed to reasonably ensure that the assets of the City are protected from loss, theft or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. Compliance with policies and procedures will be independently reviewed during required audits by or on behalf of the Auditor of the State of Ohio.

(b) Reporting

- (1)** The Director of Finance is charged with the responsibility of providing reports on investment activity and returns on the pooled balance of the funds. These reports will be prepared on a monthly or quarterly basis and submitted to the City Council.

(c) Continuing Education

- (1)** The Director of Finance will annually complete the public investing continuing education program provided by the Treasurer of the State of Ohio. Furthermore, no investment shall be made in commercial paper or bankers acceptances unless the Director of Finance has completed additional training approved by the Auditor of the State of Ohio.

Section 14 - Policy Considerations

- (a)** The City's Investment Policy shall be adopted by Ordinance of the City Council. City Council shall review and reaffirm this policy every five years at a minimum; and
- (b)** Any investment currently held that does not meet the guidelines of this policy shall be exempted from the requirements of this policy. However, at maturity or liquidation, such monies shall be reinvested only as provided by this policy; and
- (c)** The policies as stated herein may be changed only with the approval of City Council.

Investment Policy
Exhibit "A"

(B) The treasurer or governing board may invest or deposit any part or all of the interim moneys. The following classifications of obligations shall be eligible for such investment or deposit:

(1) United States treasury bills, notes, bonds, or any other obligation or security issued by the United States treasury, or any other obligation guaranteed as to principal and interest by the United States.

Nothing in the classification of eligible obligations set forth in division (B)(1) of this section or in the classifications of eligible obligations set forth in divisions (B)(2) to (7) of this section shall be construed to authorize any investment in stripped principal or interest obligations of such eligible obligations.

(2) Bonds, notes, debentures, or any other obligations or securities issued by any federal government agency or instrumentality, including but not limited to, the federal national mortgage association, federal home loan bank, federal farm credit bank, federal home loan mortgage corporation, and government national mortgage association. All federal agency securities shall be direct issuances of federal government agencies or instrumentalities.

(3) Interim deposits in the eligible institutions applying for interim moneys as provided in section 135.08 of the Revised Code. The award of interim deposits shall be made in accordance with section 135.09 of the Revised Code and the treasurer or the governing board shall determine the periods for which such interim deposits are to be made and shall award such interim deposits for such periods, provided that any eligible institution receiving an interim deposit award may, upon notification that the award has been made, decline to accept the interim deposit in which event the award shall be made as though the institution had not applied for such interim deposit.

(4) Bonds and other obligations of this state, or the political subdivisions of this state, provided that, with respect to bonds or other obligations of political subdivisions, all of the following apply:

(a) The bonds or other obligations are payable from general revenues of the political subdivision and backed by the full faith and credit of the political subdivision.

(b) The bonds or other obligations are rated at the time of purchase in the three highest classifications established by at least one nationally recognized standard rating service and purchased through a registered securities broker or dealer.

(c) The aggregate value of the bonds or other obligations does not exceed twenty per cent of interim moneys available for investment at the time of purchase.

(d) The treasurer or governing board is not the sole purchaser of the bonds or other obligations at original issuance.

(e) The bonds or other obligations mature within ten years from the date of settlement.

No investment shall be made under division (B)(4) of this section unless the treasurer or governing board has completed additional training for making the investments authorized by division (B)(4) of this section. The type and amount of additional training shall be approved by the treasurer of state and may be conducted by or provided under the supervision of the treasurer of state.

(5) No-load money market mutual funds consisting exclusively of obligations described in division (B)(1) or (2) of this section and repurchase agreements secured by such obligations, provided that investments in securities described in this division are made only through eligible institutions mentioned in section 135.03 of the Revised Code;

(6) The Ohio subdivision's fund as provided in section 135.45 of the Revised Code;

(7) Up to forty per cent of interim moneys available for investment in either of the following:

(a) Commercial paper notes issued by an entity that is defined in division (D) of section 1705.01 or division (E) of section 1706.01 of the Revised Code and that has assets exceeding five hundred million dollars, to which notes all of the following apply:

(i) The notes are rated at the time of purchase in the highest classification established by at least two nationally recognized standard rating services.

(ii) The aggregate value of the notes does not exceed ten per cent of the aggregate value of the outstanding commercial paper of the issuing corporation.

(iii) The notes mature not later than two hundred seventy days after purchase.

(iv) The investment in commercial paper notes of a single issuer shall not exceed in the aggregate five per cent of interim moneys available for investment at the time of purchase.

(b) Bankers acceptances of banks that are insured by the federal deposit insurance corporation and that mature not later than one hundred eighty days after purchase.

No investment shall be made pursuant to division (B)(7) of this section unless the treasurer or governing board has completed additional training for making the investments authorized by division (B)(7) of this section. The type and amount of additional training shall be approved by the treasurer of state and may be conducted by or provided under the supervision of the treasurer of state.

ORDINANCE 2026-38

AN ORDINANCE AMENDING CHAPTER 209 OF THE CODIFIED ORDINANCES OF THE CITY OF NEW CARLISLE REGARDING THE CITY'S PUBLIC RECORDS POLICY

WHEREAS, Chapter 209 of the Codified Ordinances of the City of New Carlisle sets forth the City's Public Records Policy; and

WHEREAS, the Public Records Policy was last amended on November 15, 2010; and

WHEREAS, the City's existing records retention program was adopted pursuant to Ordinance 05-06 on February 22, 2005; and

WHEREAS, the Public Records Policy should be updated to reflect changes in Ohio law, establish a Public Records Administrator, provide better guidance to requesters and the City, update costs and media for records requests, provide more detailed provisions regarding electronic records, and clarify the City's records retention obligations; and

WHEREAS, the City's Public Records Commission approved the records retention component of the updated Public Records Policy, set forth as Section 209.07, at its bi-annual meeting on September 9, 2026.

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

Section 1. Chapter 209, which sets forth the City's Public Records Policy, is hereby amended as set forth in the attached Exhibit A, which is incorporated herein by reference.

Section 2. Section 209.07 of the City's Public Records Policy shall supersede and replace the City's records retention program established pursuant to Ordinance 05-06.

Section 3. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed.

Passed this _____ day of _____, 2026.

William R. Lindsey Mayor

Stephanie Jenkins, Clerk of Council

APPROVED AS TO FORM:

Jake Jeffries, Law Director

_____ Bahun	Y		N
_____ Cook	Y		N
_____ Eggleston	Y		N
_____ Grow	Y		N
_____ Mayor Lindsey	Y		N
_____ Vice Mayor Shamy	Y		N
_____ Wright	Y		N
Totals:	_____		
	Pass		Fail

Introduction and First Reading: 09/21/2026
Second Reading and Action: 10/05/2026
Effective Date of Legislation: 10/20/2026

CHAPTER 209

Public Records Policy

- 209.01 Introduction.
- 209.02 Public records.
- 209.03 Public records administrator and custodians.
- 209.04 Record requests.
- 209.05 Costs for public records.
- 209.06 Electronic records.
- 209.07 Records retention.
- 209.08 Administration of policy.

209.01 INTRODUCTION.

Openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of the City of New Carlisle ("City") to fully comply with both the spirit and letter of the Ohio Public Records Act.

209.02 PUBLIC RECORDS.

(a) A "record" includes any document, device or item, regardless of physical form or characteristic, including an electronic record as defined in Ohio Rev. Code Section 1306.01, as it may be amended from time to time, that is created or received by, or comes under the jurisdiction of, the City and documents the organization, functions, policies, decisions, procedures, operations or other activities of the City.

(b) A "public record" is a "record" that is being kept by the City at the time a public records request is made, subject to applicable exemptions from disclosure under Ohio or federal law. All public records must be organized and maintained in such a way that they can be made available for inspection and copying.

209.03 PUBLIC RECORDS ADMINISTRATOR AND CUSTODIANS.

The Human Resources and Communications Administrator, or such other employee of the City designated by the City Manager, shall serve as the Public Records Administrator for all public records maintained by the City. Department heads are the official public records custodians of all public records maintained within their departments.

The Public Records Administrator shall consult with the Law Director and City Manager as appropriate.

209.04 RECORD REQUESTS.

All public records requests shall be forwarded to the Public Records Administrator for processing. Public records requests shall be processed in accordance with the following:

(a) Although no specific language is required to make a public records request, the requester must identify the records requested with sufficient clarity to allow the City to identify, retrieve and review the records.

(b) The requester is not required to make a public records request in writing, or to provide the requester's identity or the intended use of the requested records. It is the City's general policy not to request this information. However, the City may ask for a written request, the requester's identity or the intended use of the requested records, but only if (1) the information would benefit the requester by enhancing the City's ability to identify, locate or deliver the requested records; and (2) the requester is first informed that a written request is not required and that the requester may decline to reveal the requester's identity or intended use.

(c) Public records are to be available for inspection during the regular business hours of the City Building, except on legal holidays or other days the City Building is closed. Inspection may be subject to reasonable measures necessary to protect the integrity of records, prevent unreasonable interference with City operations, and permit review or redaction of information exempt from disclosure. In processing a request for inspection of a public record, a City employee may accompany the requester during the inspection to ensure that original records are not taken or altered. No requester shall be permitted to remove or alter an original record for purposes of making a copy, but copies shall be made by the City upon request.

(d) Public records must be made available for inspection promptly. Copies of public records must be made available within a reasonable period of time. "Prompt" and "reasonable" take into account the volume of records requested, the proximity of the location where the records are stored, the necessity for any legal review and redaction, and other relevant facts and circumstances.

(1) Each request should be evaluated to estimate the time required to gather the requested records. Routine requests should be satisfied as soon as feasible.

(2) All requests for public records must either be satisfied or acknowledged in writing by the City within a reasonable time following receipt of the request. If a request is significantly beyond routine, such as one involving a voluminous number of records or requiring extensive review, retrieval or redaction, the acknowledgment must include an estimated number of business days necessary to satisfy the request.

(e) In processing the request, the City does not have an obligation to create new records, or perform a search or research for information in the City's records. An electronic record is deemed to exist so long as a computer is already programmed to produce the record through the City's standard use of sorting, filtering or querying features.

(f) If the requester makes an ambiguous or overly broad request or has difficulty in making a request such that the City cannot reasonably identify what public records are being requested, the request may be denied, but the City must provide the requester an opportunity to revise the request by informing the requester of the manner in which records are maintained and accessed by the City.

(1) An ambiguous request is one that is subject to interpretation or otherwise lacks sufficient clarity for the City to determine what records the requester is seeking and where responsive records might be located.

(2) An overly broad request is one that is so inclusive that the City is unable to identify the records sought based on the manner in which the City routinely organizes and accesses its records. An overly broad request may include a request that amounts to a complete duplication of a major category of the City's records.

(g) If the City withholds, redacts or otherwise denies requested records, it must provide an explanation, including legal authority, for the denial. The explanation shall not preclude the City from relying upon additional reasons or legal authority in defending an action challenging the denial. If the request was made in writing, the explanation must also be in writing. If portions of a record are exempt from disclosure, those portions may be redacted and the remainder must be released. When making public records available for inspection or copying, the City shall notify the requester of any redaction or make the redaction plainly visible.

(h) The number of records requested by a person that the City will physically deliver by United States mail or another delivery service may be limited to ten per month, unless the requester provides the non-commercial use certification as prescribed by applicable Ohio law.

209.05 COSTS FOR PUBLIC RECORDS.

(a) Those seeking copies of public records may be charged the actual cost of making copies. The charge for paper copies is ten cents per page unless the copies are made by an outside copying service. If the nature, size, format, magnitude or scope of a request is such that the City cannot reasonably fulfill the request without utilizing an outside copying service, the City may, in its discretion, use such a service. If the City uses an outside copying service to make the requested copies, the requester shall be required to pay the cost charged by the copying service for those copies.

(b) For copies provided on electronic or other storage media, the requester may be required to pay in advance the actual cost of the media.

(c) A requester may be required to pay in advance for the actual costs of providing copies, including any cost charged by an outside copying service. The requester may choose to have a public record duplicated on paper, on the same medium upon which the City maintains the record, or on another medium upon which the City determines the record can reasonably be duplicated as an integral part of its normal operations.

(d) If the requester asks that records be mailed or otherwise delivered, the requester may be required to pay in advance the actual cost of postage, mailing supplies or other costs of delivery. There is no charge for records transmitted electronically when no actual cost is incurred.

(e) The City will not permit requested copies of public records to be made on electronic or other storage media provided by the requester. The City will provide such media at the requester's expense.

209.06 ELECTRONIC RECORDS.

(a) Records in the form of email, text messaging and instant messaging, including those sent and received via electronic devices, are to be treated in the same fashion as records in other formats.

(b) Public record content transmitted to or from private accounts or personal devices is subject to disclosure. Employees and representatives of the City shall retain electronic records in accordance with applicable records retention schedules.

209.07 RECORDS RETENTION.

This Section shall serve as the City's Records Retention Policy.

(a) The City shall maintain its records in accordance with its approved records retention schedules, as they may be revised from time to time, and applicable law. Records retention requirements apply to City records regardless of the medium, format or location in which the records are created, received or maintained.

(b) No City record shall be destroyed or otherwise disposed of except in accordance with the approved records retention schedules then in effect and applicable law. A City record that is not included on an approved records retention schedule shall not be destroyed or otherwise disposed of until its disposition has been lawfully authorized.

(c) The City's approved records retention schedules shall be maintained and made readily available to the public.

(d) To the extent practicable, City records shall be maintained in electronic form rather than paper form and records maintained in paper form shall be digitized.

209.08 ADMINISTRATION OF POLICY.

(a) All elected officials or their appropriate designees shall attend public records training as required by Ohio law.

(b) This Policy shall be distributed to each department head and to any other City employee or official who is a records manager or otherwise has custody of City records. Each such person shall be required to acknowledge receipt of this Policy.

(c) The Public Records Administrator shall cause a poster describing this Policy to be posted in a conspicuous place in the City Building and in all other City locations required by law. The Public Records Administrator may also post this Policy on the City's website.

(d) This Policy shall be included in the City's personnel manual as required by law.

EXHIBIT A

CHAPTER 209

Public Records Policy

209.01 Introduction.

209.02 Public records.

209.03 Public records administrator and custodians.

209.034 Record requests.

209.045 Costs for public records.

209.056 ~~E-mail.~~ *Electronic records.*

209.067 ~~Failure to respond to a public records request.~~ *Records retention.*

209.078 ~~Destruction of public records.~~ *Administration of policy.*

209.01 INTRODUCTION.

~~It is the policy of the City of New Carlisle that Openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of the City of New Carlisle to strictly adhere to the state's Public Records Act. All exemptions to openness are to be construed in their narrowest sense and any denial of public records in response to a valid request must be accompanied by an explanation, including legal authority, as outlined in the Ohio Revised Code. If the request is in writing, the explanation must also be in writing. It is the policy of the City of New Carlisle ("City") to fully comply with both the spirit and letter of the Ohio Public Records Act.~~

209.02 PUBLIC RECORDS.

~~(a) This office, in accordance with the Ohio Revised Code, defines records as including the following: Any document — paper, electronic (including, but not limited to, e-mail), or other format — that is created or received by, or comes under the jurisdiction of a public office that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. All records of (this office) are public unless they are specifically exempt from disclosure under the Ohio Revised Code. A "record" includes any document, device or item, regardless of physical form or characteristic, including an electronic record as defined in Ohio Rev. Code Section 1306.01, as it may be amended from time to time, that is created or received by, or comes under the jurisdiction of, the City and documents the organization, functions, policies, decisions, procedures, operations or other activities of the City.~~

~~(b) It is the policy of the City of New Carlisle that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying~~

~~(See Section 209.05 for the e-mail record policy). Record retention schedules are to be updated regularly.~~ A "public record" is a "record" that is being kept by the City at the time a public records request is made, subject to applicable exemptions from disclosure under Ohio or federal law. All public records must be organized and maintained in such a way that they can be made available for inspection and copying.

209.03 PUBLIC RECORDS ADMINISTRATOR AND CUSTODIANS.

The Human Resources and Communications Administrator, or such other employee of the City designated by the City Manager, shall serve as the Public Records Administrator for all public records maintained by the City. Department heads are the official public records custodians of all public records maintained within their departments.

The Public Records Administrator shall consult with the Law Director and City Manager as appropriate.

~~209.03~~ 209.04 RECORD REQUESTS.

All public records requests shall be forwarded to the Public Records Administrator for processing. Each request for public records should be evaluated for a response using the following guidelines Public records requests shall be processed in accordance with the following:

(a) Although no specific language is required to make a *public records* request, the requester must at least identify the records requested with sufficient clarity to allow the public office City to identify, retrieve, and review the records. ~~If it is not clear what records are being sought, the person responsible for that particular department's records must contact the requester for clarification, and should assist the requestor in revising the request by informing the requestor of the manner in which the office keeps its records.~~

(b) ~~The requester does not have to put~~ *is not required to make a public records request in writing, and does not have to provide his or her the requester's identity or the intended use of the requested public records. It is the City's general policy that this information is not to be requested not to request this information. However, the City may ask for a written request, the requester's identity or the intended use of the requested records, but only if (1) the information would benefit the requester by enhancing the City's ability to identify, locate or deliver the requested records; and (2) the requester is first informed that a written request is not required and that the requester may decline to reveal the requester's identity or intended use.*

(c) Public records are to be available for inspection during *the regular business hours of the City Building, with the exception of published holidays except on legal holidays or other days the City Building is closed. Inspection may be subject to reasonable measures necessary to protect the integrity of records, prevent unreasonable interference with City operations, and permit review or redaction of information exempt from disclosure. In processing a request for inspection of a public record, a City employee may accompany the requester during the inspection to ensure that original records are not taken or altered. No requester*

shall be permitted to remove or alter an original record for purposes of making a copy, but copies shall be made by the City upon request.

(d) Public records must be made available for inspection promptly. Copies of public records must be made available within a reasonable period of time. "Prompt" and "reasonable" take into account the volume of records requested, the proximity of the location where the records are stored, and the necessity for any legal review and redaction, and other relevant facts and circumstances of the records requested.

(1) Each request should be evaluated for an estimated length of to estimate the time required to gather the requested records. Routine requests for records should be satisfied as soon as feasible to do so.

(2) All requests for public records must either be satisfied (see (d)(1) above) or be or acknowledged in writing by the City of New Carlisle within a reasonable time following the City's receipt of the request. If a request is deemed significantly beyond routine, such as one seeking involving a voluminous number of copies records or requiring extensive research review, retrieval or redaction, the acknowledgment must include the following: an estimated number of business days it will take necessary to satisfy the request.

~~— B. An estimated cost if copies are requested.~~

~~— C. Any items within the request that may be exempt from disclosure.~~

(e) In processing the request, the City does not have an obligation to create new records, or perform a search or research for information in the City's records. An electronic record is deemed to exist so long as a computer is already programmed to produce the record through the City's standard use of sorting, filtering or querying features.

(f) Any denial of public records requested must include an explanation, including legal authority. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority. If the requester makes an ambiguous or overly broad request or has difficulty in making a request such that the City cannot reasonably identify what public records are being requested, the request may be denied, but the City must provide the requester an opportunity to revise the request by informing the requester of the manner in which records are maintained and accessed by the City.

(1) An ambiguous request is one that is subject to interpretation or otherwise lacks sufficient clarity for the City to determine what records the requester is seeking and where responsive records might be located.

(2) An overly broad request is one that is so inclusive that the City is unable to identify the records sought based on the manner in which the City routinely organizes and accesses its records. An overly broad request may include a request that amounts to a complete duplication of a major category of the City's records.

(g) If the City withholds, redacts or otherwise denies requested records, it must provide an explanation, including legal authority, for the denial. The explanation shall not preclude the City from relying upon additional reasons or legal authority in defending an action challenging the denial. If the request was made in writing, the explanation must also be in writing. If portions of a record are exempt from disclosure, those portions may be redacted and the remainder must be released. When making public records available for inspection or copying, the City shall notify the requester of any redaction or make the redaction plainly visible.

(h) The number of records requested by a person that the City will physically deliver by United States mail or another delivery service may be limited to ten per month, unless the requester provides the non-commercial use certification as prescribed by applicable Ohio law.

~~209.04~~ 209.05 COSTS FOR PUBLIC RECORDS.

(a) Those seeking copies of public records will may be charged only the actual cost of making copies. The charge for paper copies is ten cents per page unless the copies are made by an outside copying service. If the nature, size, format, magnitude or scope of a request is such that the City cannot reasonably fulfill the request without utilizing an outside copying service, the City may, in its discretion, use such a service. If the City uses an outside copying service to make the requested copies, the requester shall be required to pay the cost charged by the copying service for those copies.

(b) For copies provided on electronic or other storage media, the requester may be required to pay in advance the actual cost of the media.

(c) A requester may be required to pay in advance for the actual costs of providing copies, including any cost charged by an outside copying service. The requester may choose to have a public record duplicated on paper, on the same medium upon which the City maintains the record, or on another medium upon which the City determines the record can reasonably be duplicated as an integral part of its normal operations.

(d) If the requester asks that records be mailed or otherwise delivered, the requester may be required to pay in advance the actual cost of postage, mailing supplies or other costs of delivery. There is no charge for records transmitted electronically when no actual cost is incurred.

(e) The City will not permit requested copies of public records to be made on electronic or other storage media provided by the requester. The City will provide such media at the requester's expense.

~~—(a) The charge for paper copies is 10 cents per page.~~

~~—(b) The charge for downloaded computer files to a compact disc is \$1 per disc.~~

~~—(c) There is no charge for documents e-mailed.~~

~~—(d) Requesters may ask that documents be mailed to them. They will be charged the actual cost of the postage and mailing supplies.~~

~~209.05~~ 209.06 ~~E-MAIL~~ ELECTRONIC RECORDS.

~~Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of the office. E-mail is to be treated in the same fashion as records in other formats and should follow the same retention schedules.~~

~~(a) Records in private e-mail accounts used to conduct public business are subject to disclosure, and all employees or representatives of this office are instructed to retain their e-mails that relate to public business (see Section 209.02 Public Records) and to copy them to their business e-mail accounts or print a hard copy of said e-mail and retain in the same fashion as other records. Records in the form of email, text messaging and instant messaging, including those sent and received via electronic devices, are to be treated in the same fashion as records in other formats.~~

~~(b) E-mails from private accounts are to be treated as records of the public office, and should be filed in the appropriate way, retaining them per established schedules and making them available for inspection and copying in accordance with the Public Records Act. Public record content transmitted to or from private accounts or personal devices is subject to disclosure. Employees and representatives of the City shall retain electronic records in accordance with applicable records retention schedules.~~

~~(c) Both the sender and the recipient of any e-mail that relates to public business are equally responsible for maintaining proper records retention.~~

~~209.06~~ 209.07 ~~FAILURE TO RESPOND TO A PUBLIC RECORDS REQUEST~~. RECORDS RETENTION.

~~The City of New Carlisle recognizes the legal and non-legal consequences of failure to properly respond to a public records request. In addition to the distrust in government that failure to comply may cause, the City's failure to comply with a request may result in a court ordering the City to comply with the law and to pay the requester attorney's fees and damages.~~

This Section shall serve as the City's Records Retention Policy.

~~(a) The City shall maintain its records in accordance with its approved records retention schedules, as they may be revised from time to time, and applicable law. Records retention requirements apply to City records regardless of the medium, format or location in which the records are created, received or maintained.~~

~~(b) No City record shall be destroyed or otherwise disposed of except in accordance with the approved records retention schedules then in effect and applicable law. A City record that is not included on an approved records retention schedule shall not be destroyed or otherwise disposed of until its disposition has been lawfully authorized.~~

~~(c) The City's approved records retention schedules shall be maintained and made readily available to the public.~~

(d) To the extent practicable, City records shall be maintained in electronic form rather than paper form and records maintained in paper form shall be digitized.

~~209.07~~ 209.08 ~~DESTRUCTION OF PUBLIC RECORDS.~~ ADMINISTRATION OF POLICY.

~~The City adopted a records retention schedule in February 2005. All public records are maintained and destroyed according to this schedule.~~

(a) All elected officials or their appropriate designees shall attend public records training as required by Ohio law.

(b) This Policy shall be distributed to each department head and to any other City employee or official who is a records manager or otherwise has custody of City records. Each such person shall be required to acknowledge receipt of this Policy.

(c) The Public Records Administrator shall cause a poster describing this Policy to be posted in a conspicuous place in the City Building and in all other City locations required by law. The Public Records Administrator may also post this Policy on the City's website.

(d) This Policy shall be included in the City's personnel manual as required by law.

ORDINANCE 2026-39E

AN ORDINANCE SUPPLEMENTING CERTAIN APPROPRIATIONS CONTAINED
IN NEW CARLISLE CITY ORDINANCE 2025-48, AND DECLARING AN
EMERGENCY

WHEREAS, Ordinance 2025-48 is the Annual Appropriations Ordinance for the City of New Carlisle for the fiscal year ending December 31, 2026; and

WHEREAS, it is necessary to amend certain appropriations contained therein pursuant to divisions (a) and (c) of Section 7.09 of the City Charter.

NOW, THEREFORE THE CITY OF NEW CARLISLE HEREBY ORDAINS that the annual appropriations shall be supplemented as follows:

SECTION 1. To bring the City's appropriations in line with the required expenses of the City of New Carlisle for the fiscal period ending December 31, 2026, the 2026 appropriations are hereby increased or decreased for the following fund/fund types by the amounts shown:

Fund #	Fund Name	Increase -(Decrease)	Reason
101	General Fund	\$ 25,000.00	Additional Wages - Finance Director & Clerk
213	Ambulance Operating	\$ 160,000.00	Additional Wages
215	Fire Operating	\$ 40,000.00	Additional Wages
802	Street Light	\$ 35,000.00	Increase Cost for New Sub Divisions
TOTAL APPROPRIATION INCREASE		\$ 260,000.00	

SECTION 2. The Finance Director is hereby authorized and directed to enter the foregoing supplemental appropriations upon the books and accounts of the City of New Carlisle, and issue warrants pursuant to such authorization.

SECTION 3. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the life, health, property and public peace of the residents of the City, and for the further reason that the City's appropriations should be promptly amended to reflect current operating needs, and this ordinance shall become effective immediately upon its adoption by the affirmative vote of at least six (6) members of City Council.

Passed this _____ day of _____, 2026.

William R. Lindsey, Mayor

Stephanie Jenkins, Clerk of Council

APPROVED AS TO FORM:

Jake Jeffries, Law Director

☐ Bahun	Y		N
☐ Cook	Y		N
☐ Eggleston	Y		N
☐ Grow	Y		N
☐ Mayor Lindsey	Y		N
☐ Vice Mayor Shamy	Y		N
☐ Wright	Y		N

Totals:

Pass Fail

Introduction, First Reading and Action: 10/05/2026
Effective Date: 10/05/2026

ORDINANCE 2026-40

AN ORDINANCE AMENDING SECTION 248.09 OF THE CODIFIED ORDINANCES OF THE CITY OF NEW CARLISLE, OHIO REGARDING THE USE OF CITY-OWNED VEHICLES AND PERSONAL VEHICLES FOR CITY BUSINESS

WHEREAS, Section 248.09 of the Codified Ordinances of the City of New Carlisle sets forth the City's policy regarding employee use of city-owned vehicles, and was enacted on November 16, 2006; and

WHEREAS, City Administration has determined that Section 248.09 should be amended and updated to more adequately address use of personal vehicles for City business, to make the policy more consistent with the City's General Driving Rules and Regulations, and to modernize the policy; and

WHEREAS, amending Section 248.09 is in the best interest of the City and its residents.

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

SECTION 1. Section 248.09 is hereby amended as set forth in the attached Exhibit A, which is incorporated herein by reference.

SECTION 2. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed.

Passed this _____ day of _____, 2026.

William R. Lindsey, MAYOR

Stephanie Jenkins, Clerk of Council

APPROVED AS TO FORM:

Jacob M. Jeffries, DIRECTOR OF LAW

_____ Bahun	Y		N
_____ Cook	Y		N
_____ Eggleston	Y		N
_____ Grow	Y		N
_____ Mayor Lindsey	Y		N
_____ Vice Mayor Shamy	Y		N
_____ Wright	Y		N

Totals: _____

Pass Fail

Introduction and First Reading: 10/05/2026
Second Reading and Action: 10/19/2026
Effective Date of Legislation: 11/03/2026

EXHIBIT A

248.09 USE OF CITY-OWNED VEHICLES AND PERSONAL VEHICLES FOR CITY BUSINESS.

To perform job functions more efficiently and to provide a greater level of service to residents, the City provides City-owned vehicles for use by employees in conducting official City business. For purposes of this section, a City-owned vehicle includes any vehicle owned, leased or otherwise provided by the City for use by City employees. The use of City-owned vehicles and personal vehicles used for official City business shall be governed by this section in conjunction with the City's General Driving Rules and Regulations and other applicable City policies and ordinances.

(a) Official City Business; Use of City Vehicles. City-owned vehicles shall be used for official City business only, except as otherwise provided in this section. When a City-owned vehicle is reasonably available, employees shall use the City-owned vehicle for official City business. Employees shall use City-owned vehicles in a reasonable and efficient manner so as to conserve City resources and minimize unnecessary vehicle operating costs.

(b) Use of Personal Vehicles. An employee may use a personal vehicle for official City business when an appropriate City-owned vehicle is unavailable, when the nature or timing of the travel makes use of a City-owned vehicle impractical or when otherwise approved by the City Manager or the City Manager's designee. Notwithstanding the Business Travel/Personal Use of Government Equipment Policy, an employee who elects to use a personal vehicle when an appropriate City-owned vehicle is reasonably available shall not be eligible for mileage reimbursement unless otherwise approved by the City Manager or the City Manager's designee.

An employee attending an approved multi-day conference, training or similar event requiring an overnight stay may, regardless of the availability of a City-owned vehicle, use a personal vehicle and receive mileage reimbursement in accordance with the City's applicable travel and reimbursement policies.

(c) Authorized Drivers. Only authorized City employees may operate City-owned vehicles.

(d) Safe Operation. Employees shall operate City-owned vehicles in a safe and lawful manner. Employees shall not text, use a handheld cellular telephone or other handheld electronic device, or engage in other distracted driving while operating a City-owned vehicle.

(e) Smoking, Vaping and Pets. Smoking, vaping and the use of electronic cigarettes or similar products are prohibited in City-owned vehicles by drivers and passengers. Employees shall not transport personal pets in City-owned vehicles.

(f) Personal Use and Commuting. Personal use of a City-owned vehicle is restricted to employees who are deemed "on-call" and shall be limited to commuting to and from the employee's residence, except as otherwise authorized by this section. Such personal use shall be reported as a taxable benefit in accordance with applicable law and shall be reported monthly to the Finance Director in the manner prescribed by the City.

Incidental or de minimis personal use of a City-owned vehicle while conducting official City business, such as briefly stopping to obtain food, beverages or personal items, is permitted provided that such use does not materially interfere with City business or result in significant additional expense to the City. A City-owned vehicle shall not be used for personal purposes to travel to or from an establishment for the purpose of consuming alcoholic beverages.

(g) Personal Breaks. An employee shall not use a City-owned vehicle during a personal break if the employee's personal vehicle is available at the employee's location.

(h) EMS and Fire Personnel. All EMS and fire personnel who are normally permitted to drive a City-owned vehicle may use the vehicle during their meal breaks while on duty, so that they will be able to respond faster to an emergency. Such trips shall be limited to a five-mile radius of the City.

(i) Sheriff's Office Personnel. Sheriff's Office personnel shall be permitted to drive City-owned vehicles to commute to and from their residence without reporting said mileage as personal, since they are considered "on-duty" while in the vehicle. Such commuting shall be limited to within ten miles of the City. This permission shall be reviewed periodically and may be revoked if the cost of fuel becomes a burden to the City.

(j) Vehicle Care and Reporting. Employees shall exercise reasonable care in the use of City-owned vehicles and shall keep such vehicles reasonably clean and ready for use by other employees. Unless otherwise authorized by this section, City-owned vehicles shall be returned to their designated City parking location at the end of the employee's workday.

An employee shall not operate a City-owned vehicle if the employee reasonably believes that operation of the vehicle may be unsafe or may cause further damage to the vehicle. Any damage, safety issue or other problem with a City-owned vehicle shall be promptly reported in accordance with the City's General Driving Rules and Regulations and any procedures established by the City Manager.

(k) Passengers. Notwithstanding the City's General Driving Rules and Regulations, non-employees may be transported in City-owned vehicles when necessary or appropriate for official City business, emergency services or law enforcement activities.

(l) Traffic and Parking Violations. An employee shall be personally responsible for any traffic or parking citation resulting from the employee's operation or parking of a City-owned vehicle or a personal vehicle while on official City business. Any such citation or fine shall be paid or otherwise resolved by the employee in a timely manner.

(m) Exceptions. *Except as otherwise prohibited by law, the City Manager or the City Manager's designee may authorize exceptions to the requirements of this section when operational requirements, emergencies, employee assignments, availability of vehicles, cost considerations or other circumstances make an exception appropriate.*

(n) Other Rules. *All employees operating a City-owned vehicle or a personal vehicle on official City business shall comply with the City's General Driving Rules and Regulations, as amended from time to time, and other applicable City policies and ordinances.*

(o) Administration. *The City Manager is authorized to establish such rules, procedures, and forms as are reasonably necessary to implement and administer this section and may delegate responsibilities under this section to other appropriate City employees. Departments operating specialized, emergency, public safety, utility or permanently assigned vehicles may establish additional operating procedures consistent with this section. Where a department-specific policy, collective bargaining agreement, other City ordinance or applicable law establishes more stringent requirements, those requirements shall apply.*

~~248.09 USE OF CITY OWNED VEHICLES.~~

~~—To perform job functions more efficiently and to provide a greater level of service to residents, in some cases, the City extends the use of City-owned vehicles to our employees. The use of said City vehicles shall be governed by this policy in conjunction with the City's General Driving Rules and Regulations, already in place.~~

~~—(a) All vehicles are to be used for official City business only; personal use of the City vehicle is restricted to those employees who are deemed "on-call". Such personal use is restricted to commuting to and from residence only and must be reported as a taxable benefit in accordance with the Internal Revenue Code.~~

~~—(b) Such personal use shall be reported on the attached mileage log and reported on a monthly basis and turned in to the Finance Director by the tenth of every month.~~

~~—(c) There shall be no smoking in a City-owned vehicle, either by the driver or a passenger.~~

~~—(d) City employees who normally use their own means of transportation to and from work shall not use a City vehicle during their personal breaks, unless the employee is away from their work base at the time of a personal break.~~

~~—(e) All EMS and fire personnel who are normally permitted to drive a City vehicle may use the City vehicle during their meal breaks while on duty, so that they will be able to respond faster to an emergency. Such trips shall be limited to a five-mile radius of the City.~~

~~—(f) Sheriff office personnel shall be permitted to drive City vehicles to commute to and from their residence without reporting said mileage as personal, since they are considered "on-duty" while in the vehicle. Such commuting shall be limited to within ten miles of the City. This permission shall be reviewed periodically and may be revoked if the cost of fuel becomes a burden to the City.~~

~~—(g)— All other stipulations of the City's General Driving Rules and Regulations shall apply, including but not limited to, the wearing of seat belts, possession of a valid driver's license, the prohibition of talking on a cell phone while driving, and the prohibition of non-employees in the vehicle.~~