
Regular Council Meeting



Agenda

6:00 PM February 26, 2026

Teri Murphy, Mayor

Council Members:

Ora Allen..... At-Large
Branden Delph..... At-Large
Mike Daugherty..... Ward 1
Dave Miller..... Ward 2
Shirley Whitt..... Ward 3
Jeanette Marcus..... Ward 4

Michael Davis, City Manager
Martina Dillon, Law Director

Moraine Municipal Building • 4200 Dryden Rd, Moraine, OH 45439

I. Regular Meeting Call to Order

- A. Roll Call
- B. Pledge of Allegiance
- C. Approval of Minutes
 - 1. Regular City Council Meeting Minutes - February 12, 2026
- D. Special Presentations

II. Reports from the Following

- A. Finance Committee
- B. Finance Director
 - 1. January 2026 Monthly Finance Report
- C. Committee of the Whole
- D. City Manager
 - 1. City Manager's Report - February 26, 2026
- E. Law Director
- F. Mayor

III. Guest Speakers - None

IV. Business

(Anyone wishing to raise a question about any piece of legislation listed on this agenda will have three (3) minutes at this time. All other topics to be addressed to Council will be heard later in this meeting.)

Ordinances

- 2219-26 An Ordinance certifying unpaid charges for grass mowing and weed cutting to the Montgomery County Auditor for collections with real estate taxes in the amount of \$17,695.97.
- 2223-26 An Ordinance to make supplemental appropriations for current expenses and other expenditures of the City of Moraine, State of Ohio for the period January 1, 2026, to December 31, 2026, and declaring an emergency.
- 2224-26 An Ordinance to make supplemental appropriations for current expenses and other expenditures of the City of Moraine, State of Ohio, for the period January 1, 2026, to December 31, 2026, and declaring an emergency.

Resolutions

- 8217-26 A Resolution approving EMS billing rates for emergency medical services.
- 8218-26 A Resolution declaring the items listed on the attached 2026 list to be surplus and no longer needed for municipal purposes and authorizing the City Manager to dispose of such items through GovDeals Auction or donation to a non-profit organization or through a trade-in program.

To Be Added By Law Director

- 2225-26 An Ordinance to repeal current Chapter 761 of the Moraine Codified Ordinances and entitled, “Massage Establishments” and replace with a new Chapter 761 Entitled, “Massage Establishments” and declaring an emergency.
- 8219-26 A Resolution approving a base salary adjustment per the City Manager and Director of Public Safety Employment Agreement previously authorized by Council.
- 8220-26 A Resolution confirming and continuing the appointment of Martina M. Dillon, Esq. as Law Director.
- 2226-26 An Ordinance to make supplemental appropriations for current expenses and other expenditures of the City of Moraine, State of Ohio, for the period of January 1, 2026, to December 31, 2026, and declaring an emergency.

Voice Vote

- V. Persons Appearing Before Council**
- VI. Any Other Business**
- VII. Executive Session**
- VIII. Adjournment**

RECORD OF PROCEEDINGS

Minutes of City Council

Held February 12, 2026

Regular Meeting Call to Order

Meeting called to order at 6:00 PM.

Roll Call

Teri Murphy	Mayor	Present
Branden Delph	At-Large	Present
Ora Allen	At-Large	Present
Mike Daugherty	Ward 1	Present
Dave Miller	Ward 2	Present
Shirley Whitt	Ward 3	Present
Jeanette Marcus	Ward 4	Present

Staff Attendance:

City Manager Michael Davis	Law Director Martina Dillon
Police Chief Craig Richardson	Fire Chief Traci Kuzminski
Finance Director Annetta Williams	Street Superintendent Chris Dunn
Build. Maint. Superintendent Rocky Bangert	City Engineer Lauren Alvarado
City Planner Nick Sorice	Public Information Officer Aaron Vietor
Parks and Recreation Director Brent Shane	Clerk of Council Karen Powell
Build. & Zoning Admin. Brent Carpenter	

Pledge of Allegiance

Mayor Murphy led the Pledge of Allegiance.

Approval of Minutes

Regular City Council Meeting Minutes - January 22, 2026

Mayor Murphy asked if there were any changes or corrections to the January 22, 2026, Regular Council meeting minutes. Hearing none, the minutes were approved as submitted.

Special Presentations - None

Reports from the Following

Finance Committee

No report.

Finance Director

No report.

Committee of the Whole

Ms. Marcus noted the last Committee of the Whole meeting was on January 22, 2026. She reported there would be a meeting this evening.

City Manager

RECORD OF PROCEEDINGS

Minutes of City Council

Held February 12, 2026

City Manager's Report — February 12, 2026

No additional report.

Law Director

No report.

Mayor

No report.

Guest Speakers - None

Business

Ordinances

2219-26 An Ordinance certifying unpaid charges for grass mowing and weed cutting to the Montgomery County Auditor for collections with real estate taxes in the amount of \$17,695.97.

Mrs. Allen reported that this Ordinance authorizes the Finance Director to submit property tax assessments to Montgomery County for unpaid invoices issued in the summer and fall of 2025 for cleanup and grass mowing. She noted this legislation will be passed to the February 26, 2026, Regular Council meeting for second reading and vote.

2220-26 An Ordinance authorizing the City Manager to sign on behalf of the City Of Moraine, Ohio, and cause to be recorded with the office of the Montgomery County, Ohio, Recorder release of a base lease dated July 1, 2016, between the City Of Moraine, Ohio, and Project C.U.R.E., Inc. and release of a sublease dated July 1, 2016, between the City Of Moraine, Ohio and Project C.U.R.E., Inc. and declaring an emergency.

Mr. Daugherty stated that this Ordinance authorizes the City Manager to execute and cause to be recorded with the Montgomery County, Ohio, Recorder's office, releases of the base lease and the sublease with Project C.U.R.E. He further noted that this is emergency legislation. Mr. Daugherty moved to suspend the rules to allow for the first and second readings at this meeting.

RESULT: Passed (*Yes 7, No 0, Abstained 0*)
MOVER: Mike Daugherty
AYES: Teri Murphy, Ora Allen, Mike Daugherty, Dave Miller, Shirley Whitt, Jeanette Marcus, Branden Delph
NAYS: None
ABSTAIN: None

Mr. Daugherty moved to approve:

RESULT: Passed (*Yes 7, No 0, Abstained 0*)
MOVER: Mike Daugherty
AYES: Teri Murphy, Ora Allen, Mike Daugherty, Dave Miller, Shirley Whitt, Jeanette Marcus, Branden Delph
NAYS: None
ABSTAIN: None

RECORD OF PROCEEDINGS

Minutes of City Council

Held February 12, 2026

2221-26 An Ordinance approving current replacement pages to the Moraine Codified Ordinances and declaring an emergency.

Mr. Miller reported that this Ordinance approves updates to the Moraine Codified Ordinances with legislation passed by City Council. Mr. Miller noted this is emergency legislation, and he moved to suspend the rules to allow for the first and second readings at this meeting.

RESULT: Passed (*Yes 7, No 0, Abstained 0*)
MOVER: Dave Miller
AYES: Teri Murphy, Ora Allen, Mike Daugherty, Dave Miller, Shirley Whitt, Jeanette Marcus, Branden Delph
NAYS: None
ABSTAIN: None

Mr. Miller moved to approve.

RESULT: Passed (*Yes 7, No 0, Abstained 0*)
MOVER: Dave Miller
AYES: Teri Murphy, Ora Allen, Mike Daugherty, Dave Miller, Shirley Whitt, Jeanette Marcus, Branden Delph
NAYS: None
ABSTAIN: None

2222-26 An Ordinance to amend Moraine Codified Ordinance Chapter 549 (“Weapons And Explosives”) to repeal and replace Section 549.08 (“Discharging Weapons; Exceptions”), to repeal Sections 549.09 (“Unlawful Use Of Air Guns”), 549.10 (“Possession of Certain Weapons Prohibited”), and 549.12 (“Storage of Explosives; Blasting Permit Required”); amending Section 549.11 (“Use of Cross Bows, Bows and Arrows Prohibited”), and amending Section 549.14 (“Falsification of Concealed Handgun License; Possessing a Revoked or Suspended Concealed Handgun License”) and declaring an emergency.

Ms. Marcus reported that this Ordinance amends Moraine Codified Ordinance Chapter 549 in order to remain in compliance with Ohio Revised Code 9.68 and applicable Ohio Case law regarding firearms. She stated this is emergency legislation. Ms. Marcus moved to suspend the rules to allow for the first and second readings at this meeting.

RESULT: Passed (*Yes 7, No 0, Abstained 0*)
MOVER: Jeanette Marcus
AYES: Teri Murphy, Ora Allen, Mike Daugherty, Dave Miller, Shirley Whitt, Jeanette Marcus, Branden Delph
NAYS: None
ABSTAIN: None

Ms. Marcus moved to approve.

RESULT: Passed (*Yes 7, No 0, Abstained 0*)
MOVER: Jeanette Marcus
AYES: Teri Murphy, Ora Allen, Mike Daugherty, Dave Miller, Shirley Whitt, Jeanette Marcus, Branden Delph
NAYS: None
ABSTAIN: None

Resolutions - None

RECORD OF PROCEEDINGS

Minutes of City Council

Held February 12, 2026

Voice Vote - None

Persons Appearing Before Council

Mr. Norman J. Scarce of 5636 Westcreek Drive introduced himself to Council. He stated that he is currently running for Montgomery County Commissioner. He said the county needs commissioners who value the unique relationship between Montgomery County, its townships, and its municipalities. He gave a brief personal history and noted that he just wanted to say hello to the City Council members.

Any Other Business

Mr. Rocky Bangert acknowledged that the Gerhardt Civic Center doors have been complete and noted that he is meeting with the flooring company next week to choose flooring.

Mr. Chris Dunn expressed his appreciation for everyone's patience the last few weeks with all of the snow. He said the amount of snowfall was a lot to deal with and he appreciated the residents' understanding of the amount of time it took to clear the snow.

Mr. Brent Shane thanked Mr. Bangert for completing the door project and noted the doors look really nice. He thanked the Building Maintenance staff and Street Division staff for keeping everything clean over at the Civic Center.

Mr. Nick Sorice reported that he received notification on February 9 that the Tree City USA application was approved with a 15-year milestone. He thanked everyone for their support.

Mrs. Allen thanked the Street Division for all of their work during the adverse weather conditions. She also said she was at Dollar Tree a week ago and three people commented on the great job the Street Division is doing.

Ms. Marcus thanked the Street Division. She also thanked the police officers who assisted her with an issue with her dog during the snow event.

Mrs. Whitt thanked the Street Division, Police Division, and Fire Division personnel. She thanked Mr. Bangert and his staff for the Civic Center doors and the clean entrance. She expressed condolences to the families of seniors Effie Malone and Nellie Arnett who recently passed away, and condolences to another member of the Seniors Group who lost her 21-year-old son.

Mr. Delph thanked the Street, Police and Fire Divisions. He reported he attended the Ohio Municipal League's seminar for newly elected Council members, and the event was really insightful. He said there were over 100 participants from all over Ohio, and he met a lot of neighboring Council members.

Mr. Daugherty also expressed his appreciation for the Police, Fire, and Street Divisions. He said he attended the MVRPC board meeting last Thursday regarding moving forward with some new initiatives on clean air and water. He said he also attended a Zoom meeting for the National League of Cities Small Cities Council. He said he is excited for the opportunities that will be available through that board as well.

Mr. Miller thanked the entire City staff who had to show up every day through the cold weather and snow. He said that he and the Mayor are former members of the Moraine Rotary Club, and he announced that the deadline to apply for the college scholarship is only a few weeks away. He asked if anyone knows any seniors who graduated last December or will graduate in May from West Carrollton High School, Fairmont High School, Jefferson High School, or any

RECORD OF PROCEEDINGS

Minutes of City Council

Held February 12, 2026

Christian or parochial high school to please ask them to apply for the scholarship through the Dayton Foundation website. He said two \$1,000 scholarships are available.

Mayor Murphy thanked the Fire, Police and Street Divisions. She said she spoke with someone who stated they sometimes complain about the streets, but they could not complain this time during the three-day event. Mayor Murphy said there was no snow on any of the main streets, and staff did an excellent job with the side streets.

Executive Session - None

Adjournment

Mayor Murphy thanked the Miami Valley Communications Council for broadcasting this meeting live as well as any future rebroadcasts.

Meeting adjourned at 6:17 PM.

City of Moraine

Finance Department



To: Mayor & City Council

From: Annetta Williams, Finance Director

Date: February 16, 2026

Subject: January 2026 Finance Director Report

Summary

The beginning of the fiscal year has been a positive month for the City. Revenues are just under the 8% target. The budget includes several capital expenditures that have yet to begin so expenditures are below target. We are looking forward to another strong year for the City as we carry out our services and improvements in the community.

For January, our fund balances increased \$692,749.

Finance Department Notes

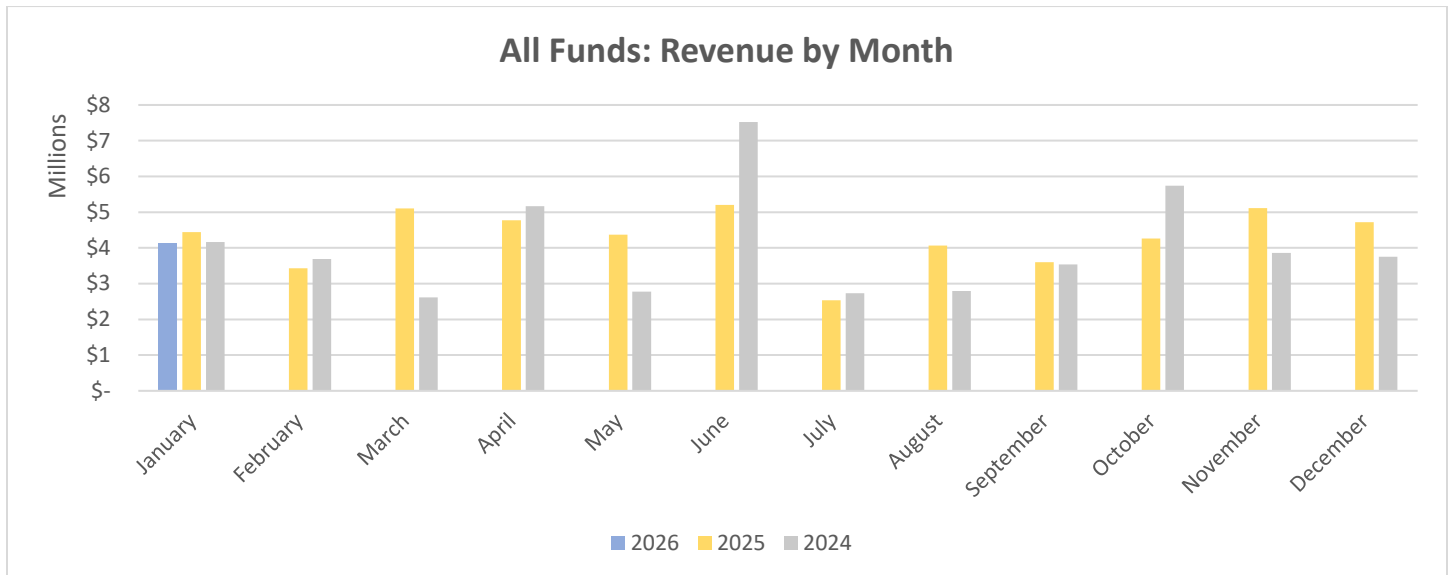
The month of January has been another very busy month for the Finance Department. We had a successful year end closeout for fiscal year 2025 and processed 495 requisitions/purchase orders during the month. We also completed all required annual and quarter-end reporting. All 1099 statements for income tax refunds and vendors were submitted or distributed on January 14th and January 27th, respectively. Moraine Foundation contribution statements were mailed on January 30th. W-2s were distributed on January 21st. And at least five other payroll reports/reconciliations were prepared and submitted. Also, significant work was put into calculating the One Big Beautiful Bill Act overtime deduction calculations. The last of these statements were completed and distributed on February 9th. In addition, annual financial statements were prepared and presented to the respective Boards including the New Community Authority, Moraine Foundation and the Community Improvement Cooperation. The quarterly Investment Board report was also completed and presented.

The Finance Department is preparing for a busy income tax collection season. The tax filing and extension request deadline is April 15th. We made an offer for the full-time Finance (Income Tax) Clerk which was accepted. She began employment with the City on February 3rd.

ALL FUNDS

January 2026

MONTHLY REVENUE COLLECTIONS VS. BUDGET



REVENUES BY CATEGORY (GROSS)	CURRENT MONTH	YEAR TO DATE	COLLECTED		
			2026 BUDGET	UNDER / (OVER)	COLLECTED
Local Taxes	\$ 1,096	\$ 1,096	\$ 1,289,205	\$ 1,288,109	0%
Income Taxes	2,939,837	2,939,837	26,444,375	23,504,538	11%
State Shared Taxes & Fees	69,594	69,594	965,112	895,518	7%
Special Assessments	-	-	592,700	592,700	0%
Intergovernmental Aid	1,875	1,875	4,704,831	4,702,956	0%
Charges for Services	60,260	60,260	507,000	446,740	12%
Civic Center	2,327	2,327	30,000	27,673	8%
Payne Recreation Center	13,482	13,482	75,750	62,268	18%
Fines & Forfeitures	22,313	22,313	327,350	305,037	7%
Miscellaneous Receipts	494,061	494,061	6,244,627	5,750,566	8%
Interfund Transfers	520,000	520,000	14,308,960	13,788,960	4%
Total	\$ 4,124,845	\$ 4,124,845	\$ 55,489,910	\$ 51,365,065	7%

REVENUE COLLECTIONS – ALL CITY FUNDS

Gross Revenues: Compared to January of 2024, there is a 7% decrease. However, January reflects 8% of the year and our total gross revenue collections for the year are at 7% of the budget.

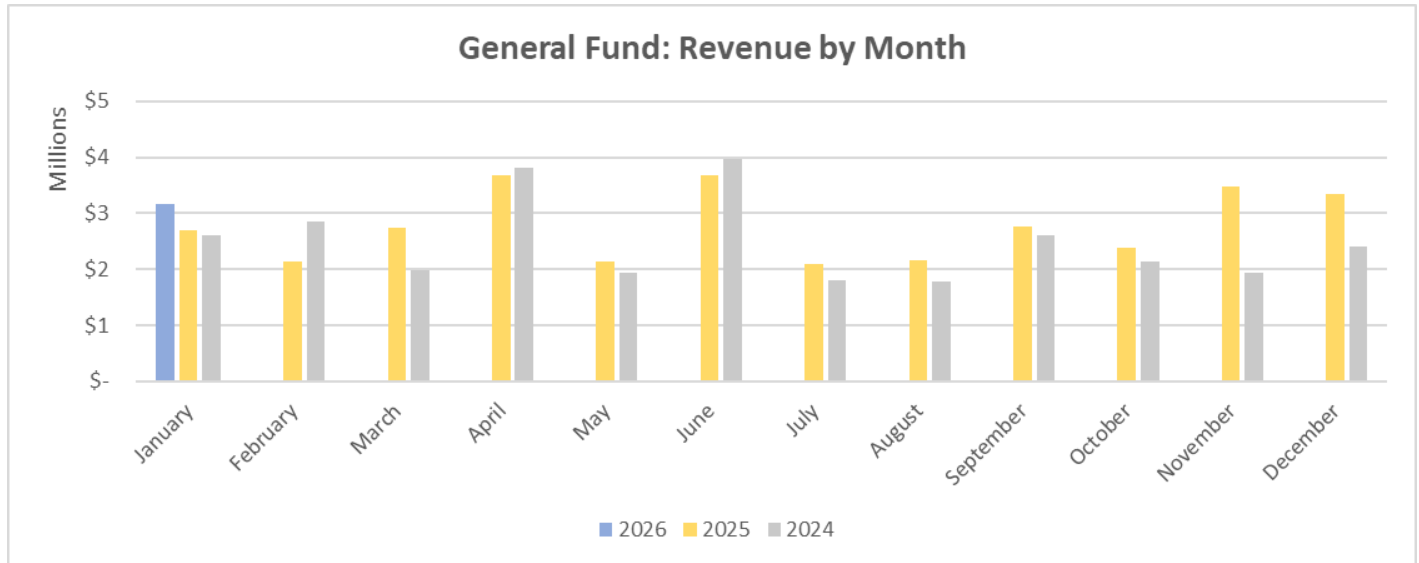
Net Revenue: After removing interfund transfers, net revenue for the month of January was \$3,283,051 and is 8.9% of the net revenue budget. This reflects an increase of 17.7% compared to January 2025, primarily due to net income tax revenues.

Interfund Transfers: Transfers for this month are in the normal range to ensure proper fund cash balances. Year to date transfers for the year are at 4.5% as we only transfer what is needed to maintain a sufficient balance in the receiving funds. As Capital projects are started, transfers will increase.

GENERAL FUND

January 2026

MONTHLY REVENUE COLLECTIONS VS. BUDGET



REVENUES BY CATEGORY (GROSS)			COLLECTED		
	CURRENT MONTH	YEAR TO DATE	2026 BUDGET	UNDER / (OVER)	COLLECTED
Local Taxes	\$ 1,096	\$ 1,096	\$ 667,811	\$ 666,715	0%
Income Taxes	2,939,837	2,939,837	26,444,375	23,504,538	11%
State Shared Taxes & Fees	16,905	16,905	176,424	159,519	10%
Special Assessments	-	-	11,700	11,700	0%
Intergovernmental Aid	1,875	1,875	3,000	1,125	63%
Charges for Services	58,660	58,660	505,000	446,340	12%
Fines & Forfeitures	22,313	22,313	327,350	305,037	7%
Miscellaneous Receipts	128,278	128,278	1,662,970	1,534,692	8%
Total	\$ 3,168,964	\$ 3,168,964	\$ 29,798,630	\$ 26,629,666	11%

REVENUE COLLECTIONS – GENERAL FUND

State Shared Taxes: This category is up 10% over the budget due to local government revenue.

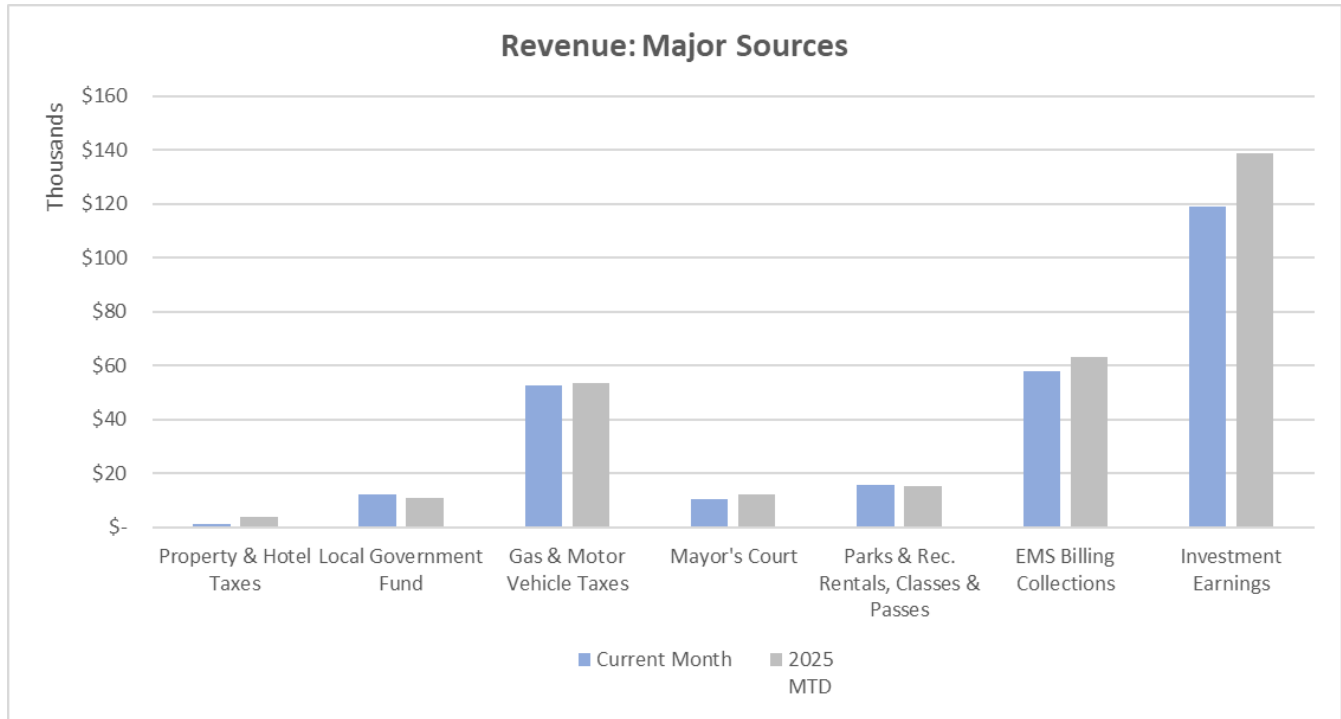
Intergovernmental Aid: This category is at 63% of its budget but at a budget of \$3,000 it is not a significant percentage of the entire budget. We received \$1,875 that was not part of the estimated budget for the Southern Ohio Safe Streets Task Force grant (SOSSTF). More of this funding is expected in 2026 which may warrant an increase to the revenue estimate.

Charges for Services: This category is primarily EMS billing receipts from Fire Department runs that can be billed to insurance. This revenue is at 19% of the budget, this along with the income tax revenues contributes the majority of the 11% actual-to- budget overall in the general fund revenues.

MAJOR SOURCES

January 2026

MONTHLY REVENUE COLLECTIONS VS. BUDGET



REVENUES BY TYPE	CURRENT MONTH	YEAR TO DATE	2026 BUDGET	COLLECTED UNDER / (OVER)	COLLECTED
Property & Hotel Taxes	\$ 1,096	\$ 1,096	\$ 918,251	\$ 917,155	0%
Local Government Fund	12,227	12,227	130,924	118,697	9%
Gas & Motor Vehicle Taxes	52,689	52,689	748,688	695,999	7%
Mayor's Court	10,262	10,262	180,000	169,738	6%
Parks Rentals, Classes & Passe	15,809	15,809	84,000	68,191	19%
EMS Billing Collections	58,020	58,020	500,000	441,980	12%
Investment Earnings	119,196	119,196	1,594,800	1,475,604	7%
Total	\$ 269,300	\$ 269,300	\$ 4,156,663	\$ 3,887,363	6%

REVENUE COLLECTIONS – MAJOR SOURCES

Property Taxes: This revenue is paid to the City twice per year, typically, in April and October. Therefore, overall revenues will run slightly under target until the first distribution is received.

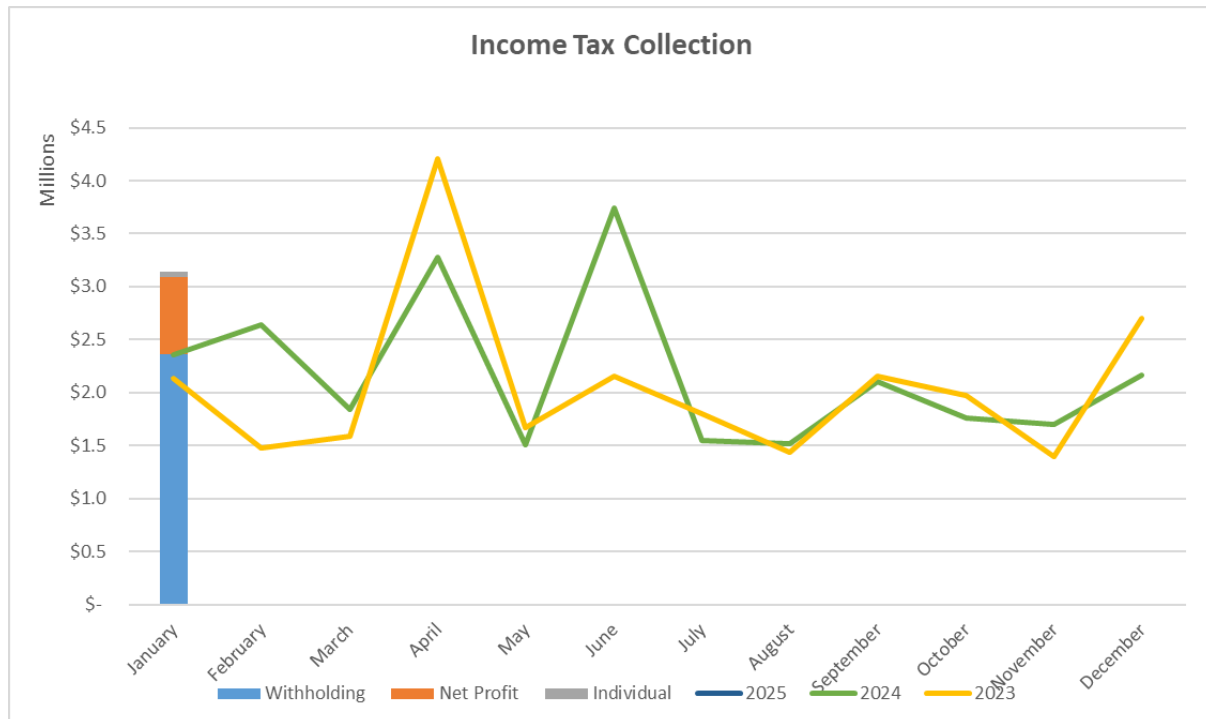
Parks Rentals & Season passes: These revenues are higher than expected at 19% of the budget primarily due to rentals and season passes.

Investment Earnings: The interest earnings revenue received is slightly below target but on track. The City received interest revenue of \$119,116 in January.

INCOME TAX

January 2026

MONTHLY REVENUE COLLECTIONS VS. BUDGET



REVENUES BY TYPE	CURRENT MONTH	YEAR TO DATE	2026 BUDGET	COLLECTED UNDER / (OVER)	COLLECTED
Electric Co. Income Tax	\$ -	\$ -	\$ 1,000	\$ 1,000	0%
Income Tax Refunds	(102,794)	(102,794)	(714,000)	(611,206)	14%
Income Taxes	3,042,631	3,042,631	27,157,375	24,114,744	11%
Total	\$ 2,939,837	\$ 2,939,837	\$ 26,444,375	\$ 23,504,538	11%

REVENUE COLLECTIONS – INCOME TAX

2026 Collections: We are above the total revenue budget for the year by 11%. We have collected \$ 2,939,837 of the budget. We are up 11% over December YTD 2024.

Net Profit: Net Profit receipts started the year coming in strong. In January, we collected \$728,620 in net profit receipts. Net profits are up compared to last year due to an estimated net profit payment from a new employer. Net profit accounts for approximately 23.6% of total gross collections. We are at 11% of the \$6,409,140 expected budget.

Withholding: In January, we collected \$2,160,227. Withholdings are up 13.8% over 2025. Withholdings account for approximately 73.7% of total gross collections. We are at 10.8% of the total \$20,014,985 expected withholdings for the year.

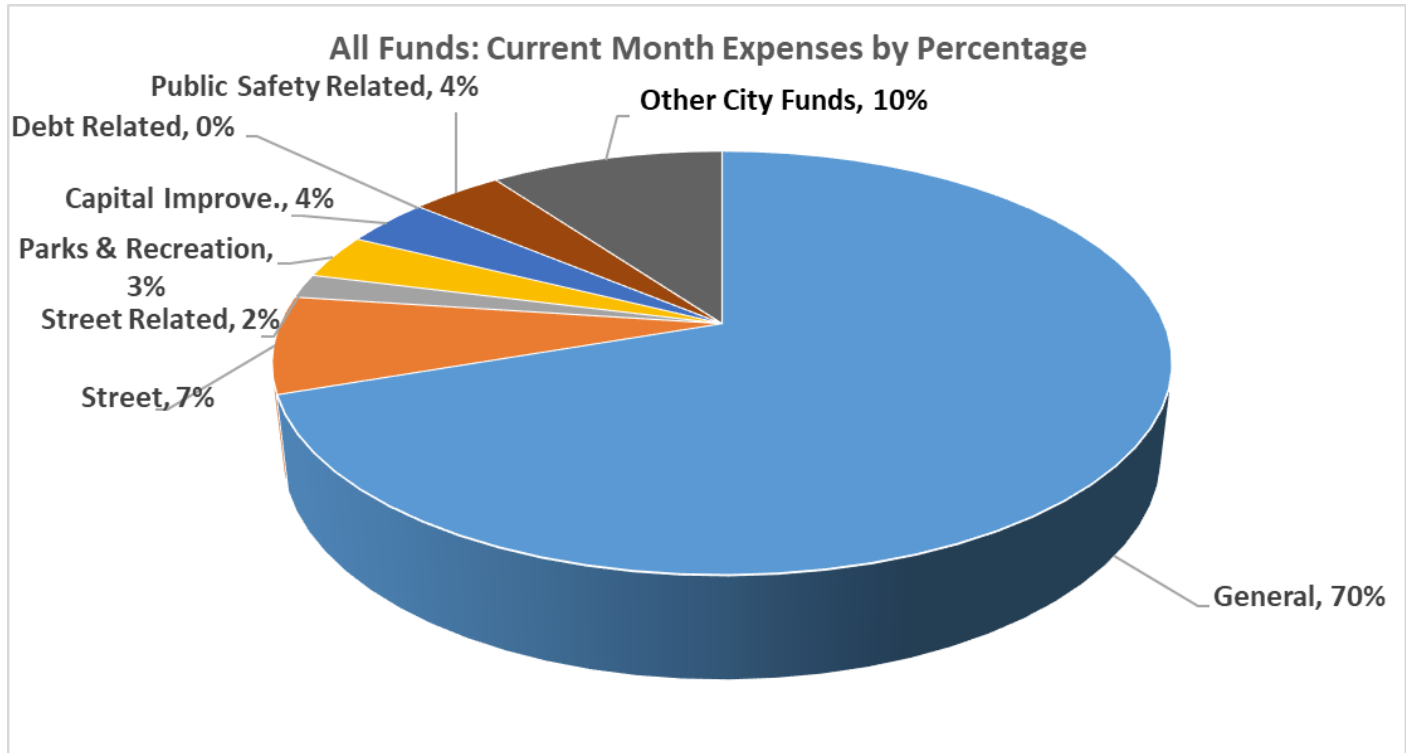
Individual In January, we collected \$59,990. We are up 16% over January 2025 potentially due to being back in the City building. Individual receipts account for approximately 2.7% of total gross collections. We are at 7% of the total \$733,249 expected Individual receipts for the year.

Refunds: We have processed \$102,708 in refunds. We received revenue in error in January that belonged to a different jurisdiction which we refunded in January.

ALL FUNDS

January 2026

MONTHLY EXPENSES VS. BUDGET



EXPENSES BY FUND/TYPE	CURRENT MONTH	YEAR TO DATE	2026 BUDGET	AVAILABLE BALANCE	% EXPENSES TO BUDGET
General Fund	\$ 2,392,358	\$ 2,392,358	\$ 35,925,284	\$ 29,932,931	7%
Street Fund	254,506	254,506	3,065,769	2,479,504	8%
Street Related Funds	63,628	63,628	804,637	628,822	8%
Parks & Recreation Fund	117,285	117,285	1,692,421	1,286,814	7%
Capital Improvement Fund	125,707	125,707	15,999,403	12,440,847	1%
Debt Related Funds	-	-	1,009,250	12,000	0%
Public Safety Related Funds	134,639	134,639	1,594,475	1,438,828	8%
Other City Funds	343,975	343,975	5,171,054	3,956,801	7%
Total	\$ 3,432,096	\$ 3,432,096	\$ 65,262,292	\$ 52,176,546	5%

EXPENSES – ALL FUNDS

Net Expenses: After interfund transfers, our Net Expenses for January were \$2,590,302 and 6% of the budget just under the 8% expected for the month of January.

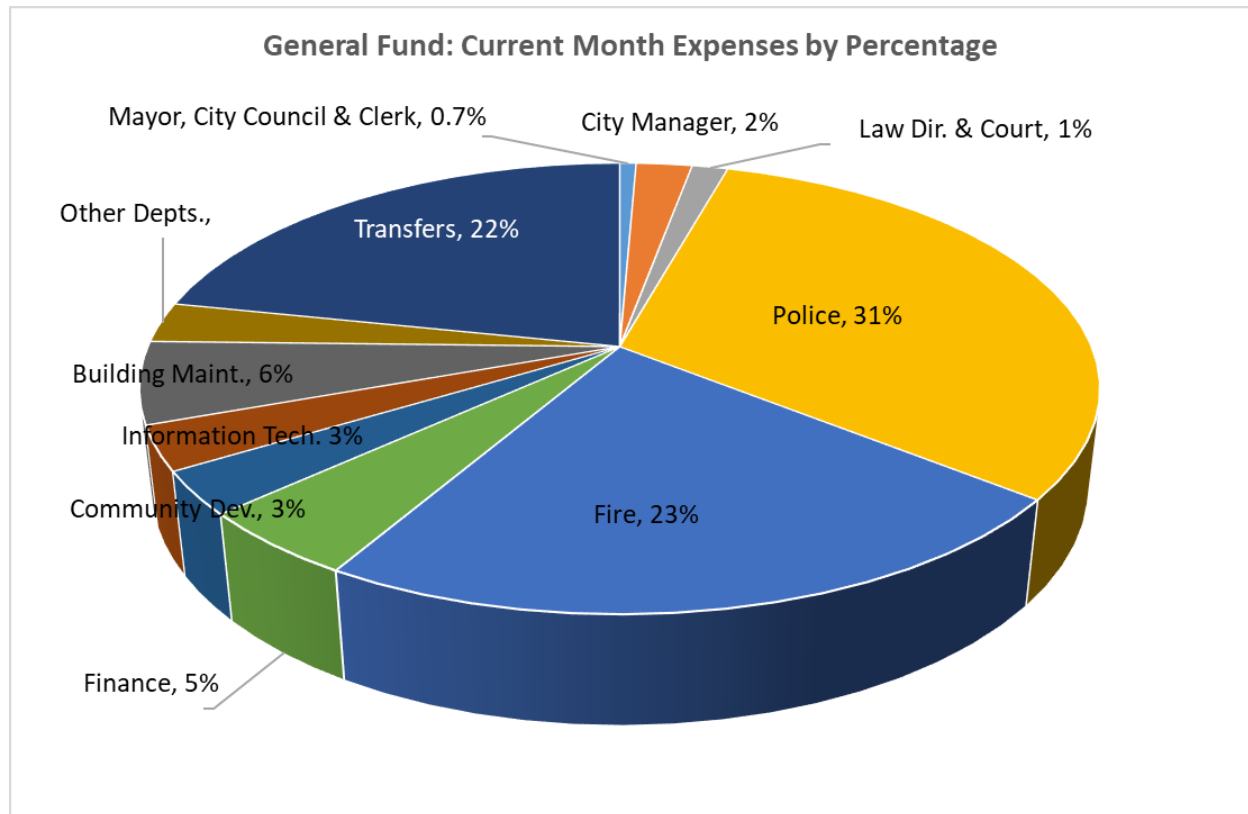
Large Expenses: In January, we made \$280,277 in health insurance premium payments from the departments into the health insurance reserve fund. Additionally, we made a large worker's compensation premium payment, and payments for various maintenance agreements, capital payments for computer replacements, cruiser upfitting, bridge maintenance and trailers.

It's early in the year and we will continue to evaluate current year budget needs. So far, we are under budget by 3% overall.

GENERAL FUND

January 2026

MONTHLY EXPENSES VS. BUDGET



EXPENSES BY DEPARTMENT	CURRENT MONTH	YEAR TO DATE	2026 BUDGET	AVAILABLE BALANCE	% EXPENSES TO BUDGET
Mayor, City Council & Clerk	\$ 15,698	\$ 15,698	\$ 230,501	\$ 189,487	7%
City Manager & Info. Center	53,763	53,763	716,513	598,367	8%
Law Director & Clerk of Courts	34,523	34,523	532,831	270,132	6%
Police	750,105	750,105	7,124,074	5,686,858	11%
Fire	543,598	543,598	5,290,631	4,483,915	10%
Finance	115,333	115,333	1,099,369	863,529	10%
Community & Economic Dev.	73,758	73,758	1,256,823	946,022	6%
Information Technology	76,019	76,019	1,285,705	631,711	6%
Building Maintenance	140,625	140,625	1,888,260	1,390,351	7%
Other Departments	68,934	68,934	2,191,617	1,083,600	3%
Transfers	520,000	520,000	14,308,960	13,788,960	4%
Total	\$ 2,392,358	\$ 2,392,358	\$ 35,925,284	\$ 29,932,931	7%

EXPENSES – GENERAL FUND

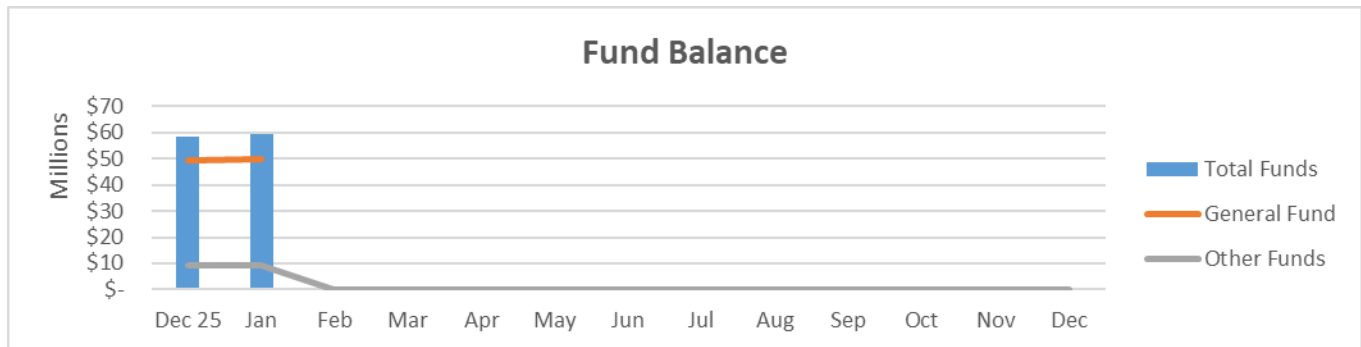
Budget Status: The General Fund is at 7% of the budget, just under the expense target.

Transfers: Transfers are below budget. However, the significant budgeted capital improvement fund projects have not begun yet. Money will be transferred as those projects are encumbered.

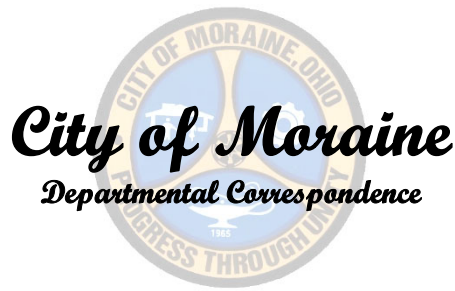
FUND BALANCES & CASH FLOW

January 2026

MONTH END BALANCES BY FUND



FUND	YEAR BEGIN BALANCE	MONTH BEGIN BALANCE	MONTH CHANGE BALANCE	MONTH END BALANCE	YEAR TO DATE CHANGE
General	\$ 49,257,578	\$ 49,257,578	\$ 776,606	\$ 50,034,185	\$ 776,606
Street	402,040	402,040	(31,635)	370,405	(31,635)
State Highway	382,729	382,729	(11,245)	371,483	(11,245)
Parks & Recreation	278,407	278,407	24,094	302,501	24,094
Cemetery	90,547	90,547	1,586	92,133	1,586
Motor Vehicle License Tax	36,299	36,299	(4,365)	31,934	(4,365)
Enforcement & Education	76,120	76,120	210	76,330	210
Mayor's Court Computer	73,497	73,497	(12,750)	60,747	(12,750)
Clerk of Court Computer	48,997	48,997	(8,501)	40,496	(8,501)
Economic Development	366,266	366,266	-	366,266	-
Capital Improvement	3,639,626	3,639,626	(125,707)	3,513,920	(125,707)
Vance Darroch Project	57,381	57,381	-	57,381	-
Debt Service	189,794	189,794	389	190,183	389
Tax Increment Financing	59,066	59,066	121	59,186	121
Home Improvement Loan	723,286	723,286	1,481	724,767	1,481
City Garage	317,557	317,557	200	317,757	200
Miscellaneous Trust	44,926	44,926	600	45,526	600
Police Pension	101,054	101,054	49,383	150,437	49,383
Fire Pension	74,075	74,075	58,338	132,413	58,338
Insurance Reserve	1,478,135	1,478,135	10,966	1,489,100	10,966
Health Insurance	615,689	615,689	(38,369)	577,320	(38,369)
Federal Law Enforcement	43,661	43,661	89	43,750	89
State Law Enforcement Training	54,309	54,309	1,166	55,475	1,166
Drug Law Enforcement Trust	45,358	45,358	93	45,451	93
OneOhio Opioid Settlement	113,560	153,477	-	153,477	
Total	\$ 58,569,957	\$ 58,609,874	\$ 692,749	\$ 59,302,623	\$ 692,749



TO: Mayor
City Council

FROM: Michael Davis, City Manager

DATE: February 23, 2026

SUBJECT: City Manager's Report

1) City Manager

- a) Attended the Greater Dayton Mayors and Managers monthly evening meeting with Mayor Murphy on February 11, 2026 in Xenia.
- b) Met with Winsupply Chairman on February 16, 2026, to discuss current activity at both Win and the City.
- c) Welcomed South Community to the City Building on February 18, 2026, for the quarterly meeting.
- d) I, along with Community Development Staff, met the TNT ownership on February 23, 2026.
- e) Had the privilege of swearing in new Officers Haylee Hook and Sam Waseleski on February 23, 2026.
- f) For the July 4th celebration and the honoring of our 250th year of Independence, Director Brent Shane stated the activities will begin on July 3rd with a concert by Hotel California and festival entertainment and activities until 10:00 p.m. On July 4th festival activities will begin at 12:00 p.m. including an extreme trampoline show by Flippinout Entertainment and will end with a concert by Stranger leading us into the firework show.

2) Engineer

- a) Community Development continues working collaboratively to address issues in the alley behind Take 5.
- b) Dorothy Lane/Springboro Pike punch list items – On-site meeting scheduled for February 20, 2026.
- c) PID 121588 MOT S. Dixie RSF Phase 2 – A project manager has been assigned.
- d) PID 119379 MOT-GMR Recreation Trail Recon – Review comments were sent on January 27, 2026.
- e) PID 120483 MOT Elbee Road Bridge – Participatory legislation has been submitted.
- f) PID 111539 MOT-741-8.38 – The completed project has been formally accepted in coordination with ODOT.
- g) Montgomery County Environmental Services Solid Waste & Recycling Facility Entrance – Cardington at Encrete Improvements – Plans have been reviewed by Capital Electric.

- h) Miami Conservancy District is requiring inspections of storm sewers out letting into the Great Miami River. A visual inspection will be performed where feasible.
- i) TNT Fireworks – Updated plans were received on February 19, 2026.
- j) CenterPoint Energy V-X-977 – The company would like to start and complete the project prior to Kettering's repaving project.
- k) 2026 Asphalt Paving Program – Bids will be opened on February 25, 2026.
- l) 2026 Road, Curb, and Storm Structure Improvements – Bids will be opened on March 4, 2026.
- m) 2026 Sidewalk and Curb Ramp Program – The project will be advertised on Tuesday.
- n) Main Street Bridge Rehabilitation – Plans were received on February 11, 2026.
- o) Springboro Pike County Water Main Replacement – Staff attended the design kick-off meeting on January 13th. Construction is anticipated to begin in July 2026.
- p) Letters will be sent to select businesses on Elbee Road, Edgefield Road, Southtown Boulevard, and Stroop Road encouraging property owners to repair their driveway approaches in advance of the 2027 road repaving program.
- q) Wawa and Street Division staff will coordinate the removal of excess clean fill from the former Frisch's Big Boy site to fill an existing borrow pit associated with the Wright Landing development.

3) Parks

- a) Recruitment continues for year-round part-time positions within the Division, and we need to recruit additional staff to extend possible Rec Center hours in 2026.
- b) Offers have been given for summer camp positions. Camp registration will begin on Monday, March 2, 2026. Staff are planning two field trip destinations, including WDTN News for Weather Watchers Camp.
- c) Director Brent Shane reported they had a productive meeting with Kleinger's regarding the splash pad project. They presented four concept designs. We will provide feedback on each and review their revised proposal once submitted.
- d) Staff are currently working on grant applications, including Keep Montgomery County Beautiful and the Ohio Department of Natural Resources NatureWorks Grant for the German Village Park playground.
- e) AED's have been officially installed at the Gerhardt Civic Center and concession stand at Wax Park.
- f) Mr. Shane stated they are finalizing contracts for fireworks, inflatables, and portable restrooms for the 4th of July celebration.
- g) Spring programs opened for registration last week, and enrollment numbers are strong.
- h) Soccer program flyers were distributed throughout West Carrollton School District to promote MLS Go. I also worked with Penny to secure updated insurance documentation for the 2026 MLS Go season.

- i) Moraine's youth basketball league concludes this week with tournament play. Mr. Shane and a staff member will attend all tournament games to monitor, supervise, and support Moraine teams.
- j) Parks and Recreation staff delivered 12 crates of canned goods to the Foodbank from the Payne Recreation Center's food pantry. The total donation weighed 435 pounds.

4) Police

- a) February 7: Officers responded to a disorderly subject on Cottage Street. A stolen vehicle fled the scene, and GPS tracking was deployed. The subject was later located and arrested. Investigation is ongoing.

Officers are also investigating a vehicle theft in which the owner believes an unknown individual stole the vehicle and fraudulently transferred the title. Investigation is ongoing.
- b) February 8: Dayton VA Campus Police recovered previously stolen license plates from Moraine. Investigation is ongoing.
- c) February 10: Officers responded to a suicide in the alleyway behind Blanchard Avenue. The victim died from a self-inflicted gunshot wound in a public area of the alley and adjacent property.

Officers also responded to a report of a drunken, disorderly subject walking around Chiapas partially nude. The subject was arrested and transported to jail. February 15: Unoccupied stolen car located at Waffle House. Investigation is ongoing.
- d) There were 27 calls for service at Walmart, 20 calls at Kroger, 9 calls at Red Horse Motel, 6 calls at Waffle House, and 36 calls for service on I-75.

5) Street Division

- a) Streets continued with catch basin maintenance and worked with Snyder on Cardington Road drywells.
- b) Continue to perform pothole patching.

Bi-Monthly Report

To: Michael Davis, City Manager
From: Traci Kuzminski, Fire Chief *MG* C30
Date: Feb. 18th 2026
Subject: Activity Report

The Fire Division responded to a total of 116 Incidents from February 1st – February 14th , 2026.

EMS/ Fire & Rescue –

- Division Responded to 5 Motor Vehicle Incidents
- Division responded to 86 EMS Incidents
- Division responded to 10 Fire Alarm/Detector Activations
- Division Responded to 15 other calls
- Division Responded to 1 Structure Fire on Charles Court.

Long-term projects/issues:

- New Medic ordered. Still Waiting
- Order of new ladder E-One Metro Quint Fire Truck through Vogelpohl Fire Equipment.
- Receiving quotes for a new medic unit for delivery in 2029

Full time hiring/promotions:

- Full Time Hiring, Interviews complete

Part time hiring:

- We have 4 part time personnel currently on the roster
- 3 conditional offers are being sent out

Short-term projects/issues:

- 30 Bathroom remodel; complete

Number of Inspections/Re-Inspections:

- 26 Inspections

Meetings:

- Council Meeting 2/12

Other:

- Departmental Ice Rescue Training @ Deer Meadow all crews (WDTN featured)
- Forcible Entry Door Training
- 1 Station Tour (Girl Scouts) At Station 30
- Departmental CPR renewal
- ADT Walk Through
- Financial Wellness Training
- Mental Health training-ETMS

- (2) FF to Hazmat Officer Course –Post/Buck
- 1 Clark State Student Rider 2/11
- All officers are attending an Incident Management class the week of February 23rd

An Ordinance certifying unpaid charges for grass mowing and weed cutting to the Montgomery County Auditor for collections with real estate taxes in the amount of \$17,695.97.

Department: Finance

Request: Action Item

Item Background and Purpose:

This Ordinance provides authorization to send assessments to Montgomery County for property tax assessments for unpaid invoices issued in 2025 summer and fall for cleanup and grass mowing.

Financial Impact:

Is Item Budgeted?: No

Funding Source: NA

Attachments:

1. 2026-01-14 Grass Mowing Assessments
2. 2026-01-14 Grass Mowing Assessments-Exhibit A revised 1-27-2026

RECORD OF ORDINANCES

Ordinance No. 2219-26

AN ORDINANCE CERTIFYING UNPAID CHARGES FOR GRASS MOWING AND WEED CUTTING TO THE MONTGOMERY COUNTY AUDITOR FOR COLLECTIONS WITH REAL ESTATE TAXES IN THE AMOUNT OF \$17,695.97.

WHEREAS, the Codified Ordinances of the City of Moraine, Ohio, requires that any owner, occupant, or any person having the care of any lot or land within the City of Moraine, Ohio, shall cut down and remove all offensive and noxious weeds; and

WHEREAS, Section 1412.10 and .11 of the Moraine Codified Ordinances and Sections 731.51 through 731.53, Ohio Revised Code, permit the City of Moraine to cause such noxious weeds to be cut and destroyed if the City has complied with the requirements of those sections; and

WHEREAS, Sections 731.54, Ohio Revised Code, permits municipalities which have cut noxious weeds under the procedure outlined in Sections 731.51 through 731.53, Ohio Revised Code, to make a written return of its actions with a statement of the charges for this service to the County Auditor the amounts, when allowed, shall be entered upon the tax duplicate, which shall be a lien upon such lands from the date of the entry and shall be collected as other taxes and returned to the municipal corporation with the general fund; and

WHEREAS, the City of Moraine, through its Division of Streets in conformity with the provisions of Section 1412.10 and .11 of the Moraine Codified Ordinances and Sections 731.51 through 731.53, Ohio Revised Code, did cut down and destroy noxious weeds, vines, and grass at various locations throughout the City of Moraine, the charges for these services, in many instances, remains unpaid.

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

SECTION 1: That the Finance Director is hereby authorized and directed to certify noxious weeds at various locations throughout the City of Moraine, Ohio, by the City of Moraine, Ohio, through its Division of Streets. The list, which is attached hereto as Exhibit A and incorporated by reference herein, identifies the properties to be assessed by Parcel ID numbers and specifies the unpaid charges for cutting down noxious weeds. The City requests that these charges be made a lien against the respective properties in accordance with Section 731.54, Ohio Revised Code.

SECTION 2: That the Clerk be and is hereby authorized and directed to forward a certified copy of this Ordinance to the City Manager and Finance Director.

City of Moraine

Finance Department



To: Mayor & City Council

From: Annetta Williams, Finance Director

Date: January 14, 2026

Subject: Grass Mowing Assessments

Each year, the City of Moraine cuts the grass on properties that are not compliant with the City's tall grass ordinance. The City has an established process to invoice property owners for any work done on their property. If these invoices go unpaid for at least 30 days, the City has the right to assess these amounts to the property tax bills. The Montgomery County Auditor can place current grass mowing assessments on the next tax bills. Assessments need to be sent to the Montgomery County Auditor by the second Monday of September to be included on the next tax bills.

Currently, we have 18 properties with outstanding invoices totaling \$17,695.97 from the summer/fall of 2025 that need to be assessed. I am requesting legislation to be prepared to authorize me to send the assessments listed in the attachments to the Montgomery County Auditor.

Exhibit A: City of Moraine Current Grass Mowing Assessments

Parcel ID	Project Number	Tax Year	Amount	Address
J44 04103 0071	31500	2026	\$484.85	3010 Kettering Blvd
J44 20904 0031	31500	2026	\$435.83	2552 Gladstone
J44 20904 0031	31500	2026	\$439.39	2552 Gladstone
J44 20904 0031	31500	2026	\$435.83	2552 Gladstone
J44 20904 0031	31500	2026	\$436.86	2552 Gladstone
J44 20905 0028	31500	2026	\$531.81	2910 Gladstone St
J44 20905 0028	31500	2026	\$439.39	2910 Gladstone St
J44 20905 0028	31500	2026	\$435.83	2910 Gladstone St
J44120911 0038	31500	2026	\$531.81	4101 Ellery Ave
J44120911 0038	31500	2026	\$439.39	4101 Ellery Ave
J44120911 0038	31500	2026	\$1,634.02	4101 Ellery Ave
J44120911 0038	31500	2026	\$381.08	4101 Ellery Ave
J44120913 0051	31500	2026	\$435.83	3443 Trail On Road
J44120913 0054	31500	2026	\$435.83	3357 Trail On Road
J44120913 0054	31500	2026	\$435.83	3357 Trail On Road
J44120913 0115	31500	2026	\$470.45	3409 Cozy Camp
J44120913 0203	31500	2026	\$484.85	4808 Elter Dr.
J44120914 0057	31500	2026	\$435.83	3512 Beechgrove
J44120914 0145	31500	2026	\$459.31	3609 Cozy Camp
J44120914 0206	31500	2026	\$459.31	3601 Clearview
J44120914 0206	31500	2026	\$470.45	3601 Clearview
J44120914 0206	31500	2026	\$377.51	3601 Clearview
J44120914 0294	31500	2026	\$435.83	3708 Trail On Road
J44120914 0294	31500	2026	\$470.45	3708 Trail On Road
J44120914 0381	31500	2026	\$435.83	3740 Clearview
J44120914 0381	31500	2026	\$235.23	3740 Clearview
J44120914 0381	31500	2026	\$377.51	3740 Clearview
J44120914 0382	31500	2026	\$435.83	3738 Clearview
J44120914 0382	31500	2026	\$235.23	3738 Clearview
J44120914 0382	31500	2026	\$377.51	3738 Clearview
J44120916 0018	31500	2026	\$435.83	2054 Munich Ave.
J44120916 0018	31500	2026	\$444.87	2054 Munich Ave.
J44120916 0018	31500	2026	\$377.51	2054 Munich Ave.
J44121002 0044	31500	2026	\$470.45	4617 Miami Shores Dr.
J44121006 0006	31500	2026	\$539.79	3021 Old Sellars Road
J44121006 0006	31500	2026	\$470.45	3021 Old Sellars Road
J44121006 0006	31500	2026	\$377.51	3021 Old Sellars Road
J44226406 0002	31500	2026	\$484.85	4464 S. Union
			\$17,695.97	

Exhibit B: City of Moraine Cumulative Grass Mowing Assessments

Parcel ID	Project Number	Tax Year	Amount
J44 04103 0071	31500	2026	\$484.85
J44 20904 0031	31500	2026	\$1,747.91
J44 20905 0028	31500	2026	\$1,407.03
J44120911 0038	31500	2026	\$2,986.30
J44120913 0051	31500	2026	\$435.83
J44120913 0054	31500	2026	\$871.66
J44120913 0115	31500	2026	\$470.45
J44120913 0203	31500	2026	\$484.85
J44120914 0057	31500	2026	\$435.83
J44120914 0145	31500	2026	\$459.31
J44120914 0206	31500	2026	\$1,307.27
J44120914 0294	31500	2026	\$906.28
J44120914 0381	31500	2026	\$1,048.57
J44120914 0382	31500	2026	\$1,048.57
J44120916 0018	31500	2026	\$1,258.21
J44121002 0044	31500	2026	\$470.45
J44121006 0006	31500	2026	\$1,387.75
J44226406 0002	31500	2026	\$484.85
			\$17,695.97

Exhibit A: City of Moraine Current Grass Mowing Assessments
REVISED 1/27/2026

Parcel ID	Project Number	Tax Year	Amount	Address
J44 04103 0071	31500	2026	\$484.85	3010 Kettering Blvd
J44 20904 0031	31500	2026	\$435.83	Gladstone St, Lot 2552
J44 20904 0031	31500	2026	\$439.39	Gladstone St, Lot 2552
J44 20904 0031	31500	2026	\$435.83	Gladstone St, Lot 2552
J44 20904 0031	31500	2026	\$436.86	Gladstone St, Lot 2552
J44 20905 0028	31500	2026	\$531.81	2910 Gladstone St
J44 20905 0028	31500	2026	\$439.39	2910 Gladstone St
J44 20905 0028	31500	2026	\$435.83	2910 Gladstone St
J44120911 0038	31500	2026	\$531.81	4101 Ellery Ave
J44120911 0038	31500	2026	\$439.39	4101 Ellery Ave
J44120911 0038	31500	2026	\$1,634.02	4101 Ellery Ave
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J44120913 0054	31500	2026	\$435.83	3357 Trail On Road
J44120913 0115	31500	2026	\$470.45	3409 Cozy Camp
J44120913 0203	31500	2026	\$484.85	4808 Elter Dr.
J44120914 0057	31500	2026	\$435.83	3512 Beechgrove
J44120914 0145	31500	2026	\$459.31	3609 Cozy Camp
J44120914 0206	31500	2026	\$459.31	3601 Clearview
J44120914 0206	31500	2026	\$470.45	3601 Clearview
J44120914 0206	31500	2026	\$377.51	3601 Clearview
J44120914 0294	31500	2026	\$435.83	3708 Trail On Road
J44120914 0294	31500	2026	\$470.45	3708 Trail On Road
J44120914 0381	31500	2026	\$435.83	3740 Clearview
J44120914 0381	31500	2026	\$235.23	3740 Clearview
J44120914 0381	31500	2026	\$377.51	3740 Clearview
J44120914 0382	31500	2026	\$435.83	3738 Clearview
J44120914 0382	31500	2026	\$235.23	3738 Clearview
J44120914 0382	31500	2026	\$377.51	3738 Clearview
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J44120916 0018	31500	2026	\$444.87	2054 Munich Ave.
J44120916 0018	31500	2026	\$377.51	2054 Munich Ave.
J44121002 0044	31500	2026	\$470.45	4617 Miami Shores Dr.
J44121006 0006	31500	2026	\$539.79	3021 Old Sellars Road
J44121006 0006	31500	2026	\$470.45	3021 Old Sellars Road
J44121006 0006	31500	2026	\$377.51	3021 Old Sellars Road
J44226406 0002	31500	2026	\$484.85	4464 S. Union
			\$17,695.97	

An Ordinance to make supplemental appropriations for current expenses and other expenditures of the City of Moraine, State of Ohio for the period January 1, 2026, to December 31, 2026, and declaring an emergency.

Department: Finance

Request: Action Item

Item Background and Purpose:

Requesting supplemental appropriation legislation for the 2026 budget for two items discussed during the budget work session/presentation that did not get entered into the software to correct a clerical error.

The pistols for \$20,000 discussed with the Police Capital budget should have been entered into the Federal Forfeiture Fund 907-1201-50117 and the Health Insurance Reserve fund, health insurance claims account 906-1020-59201 should have been increased by \$151,492 to match the final budget for the premiums estimate. These items were discussed with Council during the work session and health insurance presentation.

Financial Impact:

Is Item Budgeted?: Yes

Funding Source: NA

Attachments:

1. 2026-2-12 COW Memo Supplemental appropriations for 2026 Budget Items Discussed During Worksession
2. Police Capital CIP 2026

RECORD OF ORDINANCES

Ordinance No. 2223-26

AN ORDINANCE TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF MORaine, STATE OF OHIO FOR THE PERIOD JANUARY 1, 2026, TO DECEMBER 31, 2026, AND DECLARING AN EMERGENCY.

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

SECTION 1: That after due review and consideration, it has been determined that it is in the best interest of the City of Moraine to provide for the following supplemental appropriations as listed:

906 HEALTH INSURANCE RESERVE FUND			
Department	Personnel Services	Operating Expenses	Appropriation
Health Insurance Program		\$ 151,492	\$ 151,492
		Total Appropriations	\$ 151,492
907 FEDERAL LAW ENFORCEMENT FUND			
Department	Personnel Services	Operating Expenses	Appropriation
Police		\$ 20,000	\$ 20,000
		Total Appropriations	\$ 20,000
Total Supplemental Appropriations			\$ 171,492

SECTION 2: That this Ordinance, being a supplemental appropriation, shall take effect immediately upon passage, pursuant to Section 4.9 of the City of Moraine, Ohio, Charter.

City of Moraine

Finance Department



To: Mayor & City Council

From: Annetta Williams, Finance Director

CC: Michael Davis, City Manager

Date: February 9, 2026

Subject: Supplemental Appropriations for Items Discussed During Budget Meetings

During the 2026 Budget Work Session, when we reviewed the Police Capital plan (see attached exhibit), we discussed with you that pistols are an eligible expenditure of the Federal Law Enforcement fund (#907). The revenue into this Federal fund is derived from equitable sharing funds disbursed from the Department of Justice related to forfeited assets. It is not supported by the General fund. Therefore, we would budget the \$20,000 requested expenditure in the Federal Law Enforcement fund instead of the Capital Improvement fund (#301).

However, the \$20,000 was not entered in the budget software in the Federal law enforcement fund. Nor was it included in the Capital Improvement fund. Therefore, we are requesting supplemental appropriations of \$20,000 in the Federal Law Enforcement fund.

Also, during the work session, we had a lengthy discussion about healthcare. Leading up to the budget being presented to Council, we continued to monitor healthcare costs and update the figures in the department budgets. Once the department healthcare budgets were finalized, the health insurance reserve fund (#906) budget needed to be updated to match. There was one account within this fund (906-1020-59201), however, that did not get updated within the software. Therefore, we are requesting to increase the health insurance program budget in this fund by \$151,492. The amounts budgeted in the departments for healthcare premiums should equal the revenue estimated into fund #906 and the expenditure budgeted to be paid out of #906 fund.

We will bring this to the February 12th COW meeting to request an emergency supplemental appropriations ordinance to include both items for the February 26th regular council meeting agenda for these projects.

Capital Improvement Plan				2026-2030			
Department	Police (1201)						
Funding Source(s)	Capital Improvement Fund, Trust Funds & Grants						
Budgeted Projects		2026	2027	2028	2029	2030	Total
Vehicles							
Cruisers			150,000	150,000	150,000	150,000	600,000
Unmarked ???						105,000	105,000
Utility vehicle side by side offroad	50101	36,000					36,000
Cruiser graphics and accessories	50102	15,000					15,000
Equipment							
Body Armor - Bulletproof Vests	50016	13,000	3,000	16,000	13,000	3,000	48,000
State Grant ?		(6,500)	(1,500)	(8,000)	(6,500)	(1,500)	(24,000)
							-
							-
911 and radio recorder	50409	21,500	-	-	-	-	21,500
Fitness Equipment treadmill	50702	8,000					8,000
Portable Radios	50409	18,000	-	18,000	-	-	36,000
Tasers		-	13,000	-	14,000	-	27,000
Dispatch Radio and Equip Replacement							-
TCSU shared equip-crime scene scanner	50530	9,000					9,000
Body and Cruiser Cams					125,000		125,000
911 Systems Upgrade State Mandated			75,000				75,000
GPS Pursuit Managment System	50513	31,000		-	-	-	31,000
Office Furniture (SAS section)	50110	12,000					12,000
Intoxilizer (Drug Law Enforce. Trust Fund 207)	54507	15,000	-	-	-	-	15,000
Weapons(pistols) Fed Law Enforc. Fund 907)	50117	20,000	-	-	-	-	20,000
City Funding		192,000	239,500	176,000	295,500	256,500	1,159,500
Other Funding		6,500	1,500	8,000	6,500	1,500	24,000
Total		\$ 198,500	\$ 241,000	\$ 184,000	\$ 302,000	\$ 258,000	\$ 1,183,500
Fund 301		\$ 163,500					
Fund 207		\$ 15,000					
Fund 907		\$ 20,000					

An Ordinance to make supplemental appropriations for current expenses and other expenditures of the City of Moraine, State of Ohio, for the period January 1, 2026, to December 31, 2026, and declaring an emergency.

Department: Parks and Recreation

Request: Action Item

Item Background and Purpose:

Due to the rush at the end of the year, there was an oversight and the Splash Pad design purchase order was not entered before the close of the year. So, we need to appropriate it in the 2026 budget. And, as previously shared by the City Manager, for the old Splash Moraine building demolition, there were problems with the bid that prevented the project from being awarded. It will be re-bid after the budget is in place. The funds for both projects are available in the fund balance of the Capital Improvement fund.

Financial Impact:

Is Item Budgeted?: No

Funding Source: Capital Improvement Fund

Attachments:

1. 2026-2-12 COW Memo Supplemental appropriations Splash pad design and splash moraine building demo

RECORD OF ORDINANCES

Ordinance No. 2224-26

AN ORDINANCE TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF MORaine, STATE OF OHIO, FOR THE PERIOD JANUARY 1, 2026, TO DECEMBER 31, 2026, AND DECLARING AN EMERGENCY.

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

SECTION 1: That after due review and consideration, it has been determined that it is in the best interest of the City of Moraine to provide for the following supplemental appropriations as listed:

301 CAPITAL IMPROVEMENT FUND			
Department		Operating Expenses	Appropriation
Payne Recreation Center - Splash Pad Design		\$ 242,000	\$ 242,000
Payne Recreation Center - Splash Moraine Bldg Demo		\$ 200,000	\$ 200,000
	Supplemental Appropriations		\$ 442,000
	Total Supplemental Appropriations		\$ 442,000

SECTION 2: That this Ordinance, being a supplemental appropriation, shall take effect immediately upon passage, pursuant to Section 4.9 of the City of Moraine, Ohio, Charter.

City of Moraine

Finance Department



To: Mayor & City Council

From: Brent Shane, Parks & Recreation Director
Annetta Williams, Finance Director

CC: Michael Davis, City Manager

Date: February 5, 2026

Subject: Splash Pad and Splash Moraine Building Demolition Supplemental Appropriation Request

In October 2025, Council approved supplemental appropriations for the Splash Pad design in the amount of \$250,000 and the demolition of old splash moraine buildings in the amount of \$200,000.

The Parks Department staff worked diligently to get the bids prepared and advertised so that the projects could be awarded and allow for the purchase orders to be entered before the end of 2025. However, as previously shared by the City Manager, problems with the demolition bid prevented that project from being awarded and it will need to be re-bid.

The Splash Pad design bid was awarded in the last meeting of the year, however, due to the rush at the end of the year and a breakdown in communication between Finance and the Parks Department, the purchase order did not get entered before the end of the year. It was an oversight where Finance did not notice at year-end after the Council meeting that it had not been entered and Parks did not follow up to make sure that it was entered.

The funds for both projects are available in the fund balance of the Capital Improvement Fund (#301). Both projects need to be budgeted in 2026. The Splash Pad design contract is \$242,000 and the demolition cost estimate is \$200,000.

The Splash Pad design was able to continue because there is available budget in 2026 for the splash pad project for the construction phase that was able to be used to move forward with it so no ground has been lost there. The demolition will be re-bid once the appropriations are in place.

We will bring this to the February 12th COW meeting to request an emergency supplemental appropriations ordinance for the February 26th regular council meeting agenda for these projects.

A Resolution approving EMS billing rates for emergency medical services.

Department: Fire Division

Request: Action Item

Item Background and Purpose:

To increase EMS Billing Rates to accurately reflect the rising costs of delivering emergency medical services. October 2014 was the last date fees were increased.

Financial Impact:

Is Item Budgeted?: No

Funding Source: N/A

Attachments:

1. 122025 Snapshot CITY OF MORaine (393) (1)
2. Council letter
3. EMS Billing Chart By Date Of Entry_CITY OF MORaine_20260204
4. Montgomery Co and area Charge Rates

RECORD OF RESOLUTIONS

Resolution No. 8217-26

A RESOLUTION APPROVING EMS BILLING RATES FOR EMERGENCY MEDICAL SERVICES.

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

SECTION 1: That the following EMS billing rates for emergency medical services are hereby approved:

BLS (Basic Life Support) 1	\$720.09
ALS (Advanced Life Support) 1	\$919.42
ALS (Advanced Life Support) 2	\$1,125.34
Cost per/mile of transport	\$16.77/mile

SECTION 2: That the Clerk be and is hereby authorized and directed to forward a certified copy of this Resolution to the City Manager, Fire Chief, and Finance Director and the City Manager is hereby authorized to execute appropriate documents to implement such changes.

SECTION 3: That this Resolution shall take effect from and after the date of its passage.

CITY OF MORaine - 393

PAYMENTS MONTH-TO-DATE			
Payments Received by Medicount (Owes to the Client)			\$1,951.31
Payments Received by Client			\$55,109.79
Billing Fee Calculated on Total Amount Received			\$57,061.10
Payments Received by Medicount No Fee (Owes to the Client)			\$0.00
Payments Received by Client No Fee			\$0.00
No Fee On The Total		Total	\$0.00
Total Received Amount			\$57,061.10

FEES AND CREDITS				
Billing Fee	5.25%	\$57,061.10 * 5.25%	Total Billing Fee	\$2,995.71
Credit for Refunds		Refund(s) (Client Owes)		\$106.99
		Return of Billing Fees for the Refund(s) (Medicount Owes)		\$5.62
Misc. Fees/Credits				\$0.00

Total Posted Amount			\$57,061.10
Less Payments Received By Clients			-\$55,109.79
Less Total Billing Fee			-\$2,995.71
Misc/Fees/Credits			\$0.00
Refund Net Amount (Refund – Billing Fees Return for the Refunds)			-\$101.37

INVOICE - CLIENT OWES MEDICOUNT	\$1,145.77
ACH - MEDICOUNT OWES CLIENT	\$0.00

BILLING NOTES

YEAR TO DATE AMOUNTS	
Payments Received by Medicount	\$23,922.82
Payments Received by Medicount No Fee	\$381.13
Payments Received by Client	\$578,299.29
Payments Received by Client No Fee	\$0.00
Year To Date Posted Total:	\$602,603.24
Year To Date Refunds:	\$262.45
Year To Date Billing Fee:	\$31,616.67

ACCOUNT REPRESENTATIVE	EOM CONTACT
Heath Smedley 513-612-3157 hsmmedley@medicount.com	Please Contact Us If You Have Any Questions Grace Brunzman 513-612-3148 Gbrunzman@medicount.com

Payments Received by Medicount No Fee: Payments Received by Client No Fee:	Payments received for claims billed by the previous or new biller & supplemental payments received from Federal & State agencies. Payments Received by Client No Fee: Supplemental payments received from Federal & State agencies.
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We encourage you to regularly reconcile your bank statement against our End of Month Reports.



Dear Council Members,

February 4, 2026

I respectfully request consideration of legislation to update our EMS billing rates, so they are aligned with surrounding communities and accurately reflect the increasing costs associated with delivering emergency medical services. Our current rates were last updated in 2014 and no longer cover the true cost of service delivery or today's operational expenses.

The proposed rates are:

- BLS (Basic Life Support) 1: \$720.09
- ALS (Advanced Life Support) 1: \$919.42
- ALS (Advanced Life Support) 2: \$1,125.34
- Mileage: \$16.77 per mile

Updating these fees will support the financial sustainability of our EMS operations while maintaining the high level of care our residents expect and deserve.

Additionally, when we receive mutual aid from neighboring departments, we are billed at their established rates, which are consistently higher than ours. Likewise, when we provide mutual aid to other communities, we bill their residents according to our rates. Aligning our fees with regional standards promotes fairness and consistency across jurisdictions.

Residents are not required to pay any balance remaining after insurance reimbursement. Accounts are not sent to collections, and unpaid amounts are written off. The primary purpose of billing is cost recovery through insurance providers.

For your review, I have attached a comparison of current EMS rates from neighboring jurisdictions and agencies within Montgomery County. Our billing provider recommends increasing our rates at least to the regional average. I have included billing data for the past 24 months, along with a year-end summary for December.

While a significant revenue increase is not anticipated, any additional cost recovery will help offset the rising expenses of providing emergency medical services.

Thank you for your consideration. I am happy to provide further information or answer any questions.

Level Of Service by Date of Entry - 24 Month Detail

Title	Feb 2026 *	Jan 2026	Dec 2025	Nov 2025	Oct 2025	Sep 2025	Aug 2025	Jul 2025	Jun 2025	May 2025	Apr 2025	Mar 2025	Total
ALS	19	62	89	73	92	65	71	103	83	87	86	96	926
ALS 2	0	1	0	2	1	1	2	2	0	2	2	2	15
ALS NE	0	0	0	0	0	0	0	0	0	0	0	0	0
BLS	12	62	68	56	93	71	69	82	72	63	85	76	809
BLS NE	0	0	0	0	0	0	0	0	0	0	0	0	0
Transport	31	125	157	131	186	137	142	187	155	152	173	174	1750
Non-Transport	0	0	0	0	0	0	0	0	0	0	0	0	0
Invalid Signature Hold	0	0	0	0	0	0	0	0	0	0	0	0	0

* Current month totals include through prior day.

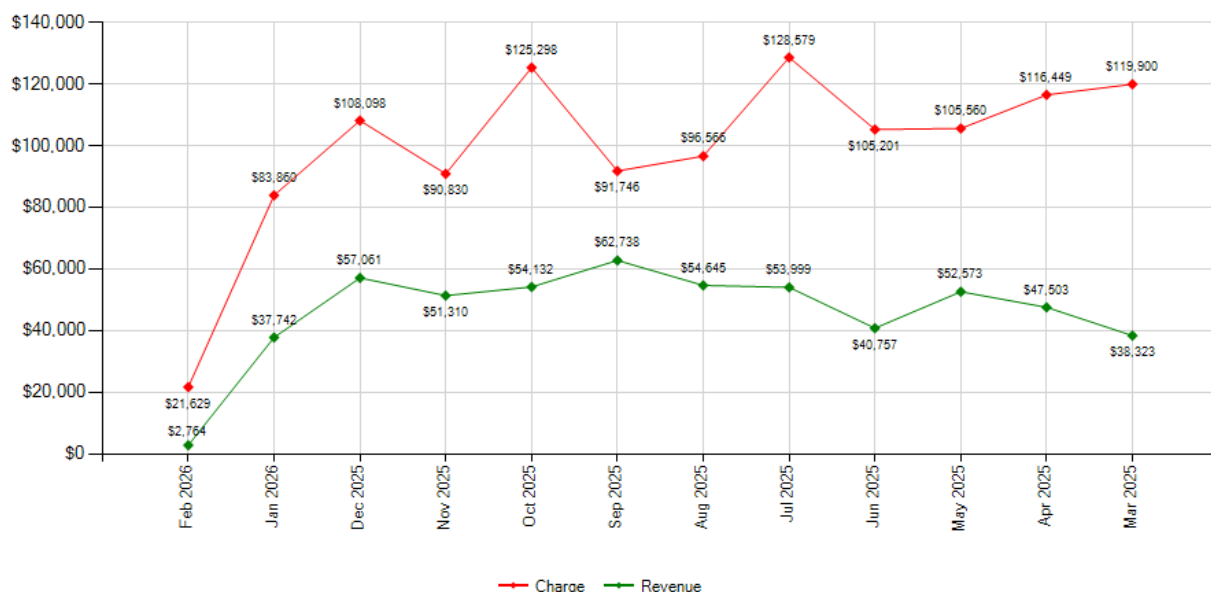
Title	Feb 2025	Jan 2025	Dec 2024	Nov 2024	Oct 2024	Sep 2024	Aug 2024	Jul 2024	Jun 2024	May 2024	Apr 2024	Mar 2024	Total
ALS	41	71	63	63	100	83	90	81	63	90	63	64	872
ALS 2	1	1	1	1	1	2	2	0	0	1	3	0	13
ALS NE	0	0	0	0	0	0	0	0	0	0	0	0	0
BLS	64	83	69	73	85	61	72	54	72	69	79	60	841
BLS NE	0	0	0	0	0	0	0	0	0	0	0	0	0
Transport	106	155	133	137	186	146	164	135	135	160	145	124	1726
Non-Transport	0	0	0	0	0	0	0	0	0	0	0	0	0
Invalid Signature Hold	0	0	0	0	0	0	0	0	0	0	0	0	0

EMS Billing by Date of Entry - 24 Month Activity

Title	Feb 2026 *	Jan 2026	Dec 2025	Nov 2025	Oct 2025	Sep 2025	Aug 2025	Jul 2025	Jun 2025	May 2025	Apr 2025	Mar 2025	Total
Charges	\$21,628.89	\$83,859.89	\$108,098.16	\$90,829.75	\$125,297.64	\$91,746.09	\$96,565.94	\$128,578.87	\$105,201.25	\$105,560.01	\$116,448.69	\$119,900.21	\$1,193,715.39
Revenues	\$2,764.09	\$37,742.17	\$57,061.10	\$51,309.77	\$54,132.49	\$62,738.37	\$54,645.24	\$53,998.86	\$40,756.59	\$52,572.91	\$47,503.21	\$38,323.23	\$553,548.03
Adjustments	\$1,644.93	\$31,819.79	\$42,965.77	\$38,145.62	\$39,446.18	\$45,621.36	\$40,634.80	\$39,053.63	\$29,394.46	\$40,510.03	\$40,941.86	\$29,699.90	\$419,878.33
Write-offs	\$0.00	\$5,675.89	\$22,682.45	\$9,481.94	\$13,566.14	\$12,166.28	\$11,526.50	\$7,613.22	\$12,109.78	\$13,126.60	\$14,127.60	\$14,138.00	\$136,214.40
Refunds	\$0.00	\$0.00	\$106.99	\$87.26	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$194.25

* Current month totals include through prior day.

Title	Feb 2025	Jan 2025	Dec 2024	Nov 2024	Oct 2024	Sep 2024	Aug 2024	Jul 2024	Jun 2024	May 2024	Apr 2024	Mar 2024	Total
Charges	\$69,031.78	\$103,472.29	\$89,286.45	\$91,755.23	\$127,443.00	\$101,116.69	\$112,857.71	\$93,846.23	\$90,110.35	\$110,098.88	\$96,392.61	\$83,779.02	\$1,169,190.23
Revenues	\$35,191.04	\$54,370.43	\$56,446.27	\$43,057.79	\$54,960.04	\$54,064.89	\$51,329.90	\$54,597.66	\$55,901.34	\$51,279.59	\$61,778.54	\$19,895.46	\$592,872.95
Adjustments	\$26,960.87	\$36,944.33	\$39,124.97	\$26,765.93	\$41,438.52	\$32,594.41	\$37,684.08	\$36,714.07	\$34,773.23	\$44,289.31	\$49,701.02	\$19,671.05	\$426,661.79
Write-offs	\$11,053.03	\$11,314.14	\$9,482.59	\$8,841.91	\$19,337.46	\$42,504.36	\$4,261.70	\$891.62	\$28.06	\$0.00	\$21.23	\$0.00	\$107,736.10
Refunds	\$0.00	\$68.20	\$50.00	\$0.00	\$0.00	\$0.00	\$260.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$378.20

EMS Billing by Date of Entry - 12 Month Activity


Montgomery Co and area Charge Rates

Record Count : 71

Account Name	ALS 1 Rate	ALS 2 Rate	BLS Rate	Mileage Rate
Madison Township Butler Co	\$ 937.66	\$ 1,352.86	\$ 785.81	\$ 16.57
Green Twp Trustees / Hustead EMS	\$ 850.00	\$ 900.00	\$ 750.00	\$ 15.00
City of Riverside	\$ 907.00	\$ 1,207.00	\$ 704.00	\$ 15.50
City of Brookville	\$ 990.52	\$ 1,260.60	\$ 745.88	\$ 14.96
Butler Township Government Center	\$ 885.91	\$ 1,233.81	\$ 717.76	\$ 15.12
City of Huber Heights	\$ 982.64	\$ 1,320.43	\$ 736.99	\$ 15.97
Union City Ohio Fire Rescue	\$ 1,000.00	\$ 1,200.00	\$ 800.00	\$ 18.00
City of Oakwood	\$ 1,049.85	\$ 1,237.77	\$ 712.82	\$ 14.90
City of Vandalia	\$ 908.38	\$ 1,163.48	\$ 676.88	\$ 14.70
Covington Fire and Rescue	\$ 1,010.00	\$ 1,260.00	\$ 760.00	\$ 17.50
Village of Versailles	\$ 1,000.00	\$ 1,200.00	\$ 900.00	\$ 14.00
Ansonia Area Emergency Service, Inc	\$ 1,000.00	\$ 1,200.00	\$ 800.00	\$ 18.00
Clearcreek Twp Trustees	\$ 850.00	\$ 1,000.00	\$ 650.00	\$ 14.00
Wayne Township Trustees	\$ 823.00	\$ 1,138.00	\$ 662.00	\$ 16.00
Union Twp Life Sqd inc	\$ 850.00	\$ 1,185.00	\$ 690.00	\$ 14.52
Sugarcreek Township TTEES	\$ 900.00	\$ 1,240.00	\$ 720.00	\$ 23.00
Springfield Twp Trustees	\$ 850.00	\$ 1,185.00	\$ 690.00	\$ 14.53
Jefferson TWP TTEES	\$ 900.00	\$ 1,173.00	\$ 682.00	\$ 41.39
Harrison Township Board of Trustees	\$ 850.00	\$ 1,185.00	\$ 690.00	\$ 14.53
Hanover Township Trustees	\$ 829.00	\$ 1,157.00	\$ 673.00	\$ 14.20
Greenville Twp Off of Clerk	\$ 1,000.00	\$ 1,400.00	\$ 800.00	\$ 21.00
Elizabeth Twp Board/Trustees	\$ 809.00	\$ 1,036.00	\$ 602.00	\$ 12.23
City of Union	\$ 867.00	\$ 1,208.70	\$ 703.80	\$ 17.00
City of Trotwood	\$ 1,110.00	\$ 1,207.00	\$ 1,014.00	\$ 18.27
City of New Carlisle	\$ 843.00	\$ 1,081.00	\$ 629.00	\$ 12.74

City of Middletown	\$ 950.00	\$ 1,250.00	\$ 725.00	\$ 18.50
City of Hamilton	\$ 807.00	\$ 1,158.00	\$ 674.00	\$ 21.89
City of Fairfield	\$ 1,000.00	\$ 1,250.00	\$ 800.00	\$ 16.00
City of Englewood	\$ 850.00	\$ 1,174.00	\$ 664.00	\$ 14.01
Bethel Township Trustees	\$ 810.00	\$ 1,122.00	\$ 652.00	\$ 13.75
Jefferson Township Fire Department Montgomery County	\$ 1,100.00	\$ 1,300.00	\$ 975.00	\$ 30.00
City of Oxford	\$ 1,300.00	\$ 1,400.00	\$ 825.00	\$ 22.00
Bradford Fire and Rescue Srvcs	\$ 1,000.00	\$ 1,200.00	\$ 800.00	\$ 21.14
West Chester Township Trustee	\$ 965.30	\$ 965.30	\$ 482.65	\$ 12.07
City of Trenton	\$ 937.66	\$ 1,352.86	\$ 785.81	\$ 16.57
Miami Valley Fire District	\$ 1,038.64	\$ 1,405.21	\$ 763.71	\$ 18.33
Hamilton Township	\$ 850.00	\$ 1,000.00	\$ 650.00	\$ 14.00
Joint Emergency Medical Ser	\$ 950.00	\$ 1,100.00	\$ 750.00	\$ 17.00
Turtlecreek Twp Trustees	\$ 850.00	\$ 1,000.00	\$ 650.00	\$ 15.00
City of Moraine	\$ 734.31	\$ 891.00	\$ 524.36	\$ 10.49
Wayne Township	\$ 850.00	\$ 950.00	\$ 650.00	\$ 16.00
Union Township Trustees	\$ 900.00	\$ 1,000.00	\$ 700.00	\$ 16.00
Trustees of Deerfield Twp	\$ 950.00	\$ 1,150.00	\$ 750.00	\$ 18.00
Tri Village Joint Ambulance District	\$ 850.00	\$ 1,185.00	\$ 690.00	\$ 14.50
Township of Ross Trustees	\$ 900.00	\$ 1,000.00	\$ 750.00	\$ 17.00
Township of New Jasper	\$ 950.00	\$ 1,050.00	\$ 700.00	\$ 17.00
Township of German	\$ 800.00	\$ 900.00	\$ 600.00	\$ 14.00
St Clair Township Office	\$ 850.00	\$ 950.00	\$ 600.00	\$ 16.00
Spring Valley Township	\$ 850.00	\$ 1,174.00	\$ 683.00	\$ 22.00
Silver Creek Township Trustees	\$ 900.00	\$ 1,000.00	\$ 700.00	\$ 18.00
Village of Seven Mile	\$ 750.00	\$ 950.00	\$ 650.00	\$ 15.00
Salem Township Trustees	\$ 900.00	\$ 1,000.00	\$ 700.00	\$ 16.00
Pleasant Township Trustees	\$ 800.00	\$ 950.00	\$ 600.00	\$ 14.00
Pike Township Trustees	\$ 850.00	\$ 950.00	\$ 600.00	\$ 15.00
Morgan Twp Trustees	\$ 900.00	\$ 1,000.00	\$ 700.00	\$ 17.00
Moorefield Township Trustees	\$ 850.00	\$ 900.00	\$ 750.00	\$ 18.00
Tipp City Monroe	\$ 800.00	\$ 925.00	\$ 680.00	\$ 14.00

Miami Township Trustees Green Co	\$ 900.00	\$ 1,100.00	\$ 700.00	\$ 18.00
Massie Township Trustees	\$ 750.00	\$ 850.00	\$ 550.00	\$ 15.00
Madison Township	\$ 950.00	\$ 1,100.00	\$ 750.00	\$ 19.00
Mad River Township Hustead	\$ 1,200.00	\$ 1,400.00	\$ 1,000.00	\$ 18.00
Mad River Township Trustees	\$ 1,200.00	\$ 1,400.00	\$ 1,000.00	\$ 18.00
Joint Fire District Pleasant Hill	\$ 1,000.00	\$ 1,200.00	\$ 800.00	\$ 20.00
Harmony Township	\$ 800.00	\$ 950.00	\$ 600.00	\$ 14.00
Harlan Township Trustees	\$ 900.00	\$ 1,100.00	\$ 700.00	\$ 16.00
Fairfield Township Ohio	\$ 900.00	\$ 1,000.00	\$ 700.00	\$ 15.00
City of West Carrollton	\$ 850.00	\$ 1,050.00	\$ 650.00	\$ 15.00
Municipality of Tipp City	\$ 800.00	\$ 925.00	\$ 680.00	\$ 14.00
City of Mason Ohio	\$ 958.00	\$ 1,079.00	\$ 720.00	\$ 17.00
City of Lebanon	\$ 825.00	\$ 925.00	\$ 625.00	\$ 14.00
City of Clayton	\$ 800.00	\$ 1,000.00	\$ 560.00	\$ 14.00
Cedarville Township	\$ 900.00	\$ 1,100.00	\$ 700.00	\$ 18.00
Arcanum Community Rescue Squad, Inc	\$ 900.00	\$ 1,100.00	\$ 700.00	\$ 15.50
Liberty Township Trustees	\$ 950.00	\$ 1,150.00	\$ 750.00	\$ 17.00
	\$ 919.42	\$ 1,125.34	\$ 720.09	\$ 16.77

A Resolution declaring the items listed on the attached 2026 list to be surplus and no longer needed for municipal purposes and authorizing the City Manager to dispose of such items through GovDeals Auction or donation to a non-profit organization or through a trade-in program.

Department: Administration

Request: Resolution

Item Background and Purpose:

These items are deemed no longer needed for City use.

Financial Impact:

Is Item Budgeted?: No

Funding Source: N/A

Attachments:

1. Exhibit A - Disposal List

RECORD OF RESOLUTIONS

Resolution No. 8218-26

A RESOLUTION DECLARING THE ITEMS LISTED ON THE ATTACHED 2026 LIST TO BE SURPLUS AND NO LONGER NEEDED FOR MUNICIPAL PURPOSES AND AUTHORIZING THE CITY MANAGER TO DISPOSE OF SUCH ITEMS THROUGH GOVDEALS AUCTION OR DONATION TO A NON-PROFIT ORGANIZATION OR THROUGH A TRADE-IN PROGRAM.

WHEREAS, the City Manager has advised Council that the items on the attached 2026 list (Exhibit A) are surplus and no longer needed for any municipal purposes; and

WHEREAS, the City Manager has recommended that said items be disposed of through GovDeals Auction or donated to a non-profit organization or through a trade-in program.

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

SECTION 1: That it is the legislative determination of this Council that the items listed on the attached 2026 list (Exhibit A) are no longer needed for any municipal purpose and should be disposed of through GovDeals Auction or donated to a non-profit organization or through a trade-in program.

SECTION 2: That the City Manager is hereby authorized to dispose of items through GovDeals Auction or donation to a non-profit organization or through a trade-in program.

SECTION 3: That the Clerk be and is hereby authorized and directed to forward a certified copy of this Resolution to the City Manager and Finance Director.

SECTION 4: That this Resolution shall take effect and be in force from and after the date of its passage.

ID Number	Description	Depart/Loc	Make	VIN/Model Number	Condition	Other Misc	Open Date	Close Date
26-005	misc. cabinets	Fire			see desc	varoius metal cabinets		
26-006	Lot of Fire House	Fire			see desc	various sizes and lengths, does not pass pressure test		
26-007	Safety Vests	Fire			see desc	various sizes		
26-008	Inflatable Boat	Fire			see desc	rescue boat, has small leak		
26-009	(#321) 2007 GMC Sierra Classic	Fire	Sierra	1GTHK23U97F12693	see desc	(#321) 2007 GMC Sierra Classic 2500HD CREW CAB PICKUP 4-DR, 6.0L V8 OHV 16V., miles: 125962, starts and runs, impressions remain, dent and scratches		

An Ordinance to repeal current Chapter 761 of the Moraine Codified Ordinances and entitled, “Massage Establishments” and replace with a new Chapter 761 Entitled, “Massage Establishments” and declaring an emergency.

Department: Community Development

Request: Action Item

Item Background and Purpose:

City staff is recommending repeal of the current MCO 761 regarding Massage Establishments and replacing with the new proposed version of MCO 761. The current version was originally adopted in 1993 and is outdated. Staff recommends updating via adoption of the new attached version of MCO 761.

Financial Impact:

Is Item Budgeted?: No

Funding Source: N/A

Attachments:

1. 2225-26 - Exhibit A - MCO 761

RECORD OF ORDINANCES

Ordinance No. 2225-26

AN ORDINANCE TO REPEAL CURRENT CHAPTER 761 OF THE MORaine CODIFIED ORDINANCES AND ENTITLED, “MESSAGE ESTABLISHMENTS” AND REPLACE WITH A NEW CHAPTER 761 ENTITLED, “MESSAGE ESTABLISHMENTS” AND DECLARING AN EMERGENCY.

WHEREAS, City staff has recommended repealing Chapter 761 (“Message Establishments”) originally adopted in 1993, in order to update same and to replace the current Chapter 761 with the new Chapter 761 delineated in the attached Exhibit A; and

WHEREAS, Council hereby determines it to be for the betterment of the health, safety, and welfare of the City and its inhabitants, to repeal the current Moraine Codified Ordinance Chapter 761 (“Message Establishments”) and replace same with the new Chapter 761 delineated in the attached Exhibit A.

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

SECTION 1: That current Moraine Codified Ordinance Chapter 761 (“Message Establishments”) is repealed and replaced with the new Chapter 761 (“Message Establishments”) as delineated on the attached Exhibit A by adding the language in **boldtype** and deleting the language in ~~strikethrough~~.

SECTION 2: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City and its inhabitants in order to update the current MCO 761 such that the City may process as efficiently as possible applications submitted thereunder in a timely manner and therefore, this Ordinance shall take effect and be in force from and after the date of its passage.

SECTION 3: That the Clerk is hereby directed to forward a certified copy of this Ordinance to the City Manager, City Planner, and Building and Zoning Administrator.

CURRENT MCO CHAPTER 761:

**CHAPTER 761
Massage Establishments**

761.01 Definitions.

761.02 Exemptions.

761.03 Permit required; prohibitions.

761.04 Establishment application information.

761.05 Permit denial or revocation.

761.06 License as masseur or masseuse.

761.07 License denial or revocation.

761.08 Appeal.

761.99 Penalty.

CROSS REFERENCES

Obscenity and sex offenses—see GEN. OFF. Ch. [533](#)

761.01 DEFINITIONS.

—As used in this chapter, certain terms are defined as follows:

—(a) “Massage” means any method of exerting pressure on, striking, kneading, rubbing, tapping, pounding, vibrating, or stimulating the external soft tissue of the body with the hands, or with the aid of any mechanical or electrical apparatus or appliance.

—(b) “Massage establishment” means any fixed place of business where a person offers massages:

—(1) In exchange for anything of value; or

—(2) In connection with the provision of another legitimate service.

—(c) “Masseur” or “masseuse” means any individual who performs massages at a massage establishment.

—(d) “Sexual or genital area” includes the genitalia, pubic area, anus, perineum of any person, and the breasts of a female.

—(Ord. 1018 93. Passed 5-27-93.)

761.02 EXEMPTIONS.

~~—Nothing in this chapter shall be construed to regulate the practice of any limited branch of medicine or surgery in accordance with Ohio R.C. 4731.15 and 4731.16 or the practice of providing therapeutic massage by a licensed physician, a licensed chiropractor, a licensed podiatrist, a licensed nurse, or any other licensed health professional. As used in this chapter, “licensed” means licensed, certified or registered to practice in this State.~~

~~(Ord. 1018-93. Passed 5-27-93.)~~

761.03 PERMIT REQUIRED; PROHIBITIONS.

~~—(a) No person shall engage in, conduct or carry on, or permit to be engaged in, conducted or carried on in the City, the operation of a massage establishment without first having obtained a permit from the Building and Zoning Inspector as provided by Section [761.04](#).~~

~~-~~

~~—(b) No individual shall act as a masseur or masseuse for a massage establishment located in the City without first having obtained a license from the Building and Zoning Inspector as provided in Section [761.06](#).~~

~~—(c) No owner or operator of a massage establishment located in the City shall knowingly do any of the following:~~

~~—(1) Employ an unlicensed masseur or masseuse.~~

~~—(2) Refuse to allow appropriate State or local authorities, including police officers or authorized agents of the Board of Zoning Appeals, access to the massage establishment for any health or safety inspection.~~

~~—(3) Operate during the hours designated as prohibited hours of operation by the Board of Zoning Appeals.~~

~~—(4) Employ any person under the age of eighteen.~~

~~—(d) No person employed in a massage establishment located in the City shall knowingly do any of the following in the performance of duties at the massage establishment:~~

~~—(1) Place his or her hand upon, touch with any part of his or her body, fondle in any manner or massage the sexual or genital area of any other person;~~

~~—(2) Perform, offer, or agree to perform any act which would require the touching of the sexual or genital area of any other person;~~

~~—(3) Touch, offer or agree to touch the sexual or genital area of any other person with any mechanical or electrical apparatus or appliance;~~

~~—(4) Wear unclean clothing, no clothing, transparent clothing or clothing that otherwise reveals the sexual or genital areas of the masseur or masseuse.~~

~~—(5) Uncover or allow the sexual or genital area of any other person to be uncovered while providing massages.~~

~~—(e) No licensed masseur or masseuse shall accept or continue employment at a massage establishment that does not have a current, valid permit issued by the Board of Zoning Appeals. (Ord. 1018-93. Passed 5-27-93.)~~

~~761.04 ESTABLISHMENT APPLICATION INFORMATION.~~

~~—(a) The application for a permit to operate a massage establishment shall be made to the Building and Zoning Inspector and shall include the following:~~

~~—(1) An initial, nonrefundable filing fee of two hundred fifty dollars (\$250.00) and an annual nonrefundable renewal fee of one hundred twenty-five dollars (\$125.00);~~

~~—(2) A health and safety report of an inspection of the premises performed within thirty (30) days of the application to determine compliance with applicable health and safety codes, which inspection the Montgomery County Board of Health, acting pursuant to an agreement with the City, shall perform, at applicant's cost;~~

~~—(3) The full name and address of any person applying for a permit, including any partner or limited partner of a partnership applicant, any officer or director of a corporate applicant, and any stock holder holding more than two percent (2%) of the stock of a corporate applicant, the date of birth and social security number of each individual and the Federal identification number of any partnership or corporation;~~

~~—(4) Authorization for an investigation into the criminal record of any person applying for a permit;~~

~~—(5) Any other information determined by the Building and Zoning Inspector to be necessary;~~

~~—(6) A valid zoning certificate that permits the presence of a non-therapeutic massage establishment.~~

~~—(b) A permit issued under this section to a massage establishment shall expire one (1) year after the date of issuance, except that no massage establishment shall be required to discontinue business because of the failure of the Building and Zoning Inspector to act on a renewal application filed in a timely manner and pending before the Building and Zoning Inspector on the expiration date of the establishment's permit. Each permit shall contain the name of the applicant, the address of the massage establishment, and the expiration date of the permit. (Ord. 1066-94. Passed 2-24-94.)~~

~~761.05 PERMIT DENIAL OR REVOCATION.~~

~~—The Building and Zoning Inspector shall deny any application for a permit to operate a massage establishment or revoke a previously issued permit, for any of the following reasons:~~

- ~~—(a) Falsification of any of the information required for the application or failure to fully complete the application;~~
- ~~—(b) Failure to cooperate with any required health or safety inspection;~~
- ~~—(c) Any one of the persons named on the application is under the age of eighteen;~~
- ~~—(d) Any one of the persons named on the application has been convicted of or pleaded guilty to any violation of Ohio R.C. Chapter 2907 or violation of any municipal ordinance that is substantially equivalent to any offense contained in Ohio R.C. Chapter 2907, within five (5) years preceding the application.~~
- ~~—(e) Any masseur or masseuse employed at the licensed massage establishment has been convicted of or pleaded guilty to a violation of Section [761.03](#)(d).~~

~~—(Ord. 1018-93. Passed 5-27-93.)~~

~~761.06 LICENSE AS MASSEUR OR MASSEUSE.~~

~~—The application for a license as a masseur or masseuse shall be made to the Building and Zoning Inspector and shall include the following:~~

- ~~—(a) An initial, nonrefundable filing fee of fifty dollars (\$50.00) and an annual, nonrefundable renewal fee of twenty-five dollars (\$25.00);~~
- ~~—(b) The results of a physical examination performed by a licensed physician within thirty (30) days of the application certifying that the applicant is free from communicable diseases;~~
- ~~—(c) The full name, date of birth, address and social security number of the applicant;~~
- ~~—(d) The results of an investigation by the Moraine Police Department into the criminal record of the applicant, including a photograph taken no later than thirty (30) days prior to the application, fingerprints and background investigation;~~
- ~~—(e) Any other information determined by the Building and Zoning Inspector to be necessary.~~

~~—(Ord. 1018-93. Passed 5-27-93.)~~

~~761.07 LICENSE DENIAL OR REVOCATION.~~

~~—The Building and Zoning Inspector shall deny the application for a masseur or masseuse license or revoke a previously issued license for any person for any of the following reasons:~~

- ~~—(a) Falsification of any of the information required for the application or failure to fully complete the application;~~
 - ~~—(b) The applicant is under the age of twenty-one (21);~~
 - ~~—(c) The applicant has been convicted of or pleaded guilty to any violation of Ohio R.C. Chapter 2907, or violation of any municipal ordinance that is substantially equivalent to any offense contained in Ohio R.C. Chapter 2907, within five (5) years preceding the application.~~
 - ~~—(d) The applicant has been convicted of or pleaded guilty to a violation of Section [761.03](#)(d).~~
- ~~—(Ord. 1018-93. Passed 5-27-93.)~~

761.08 APPEAL.

~~—All decisions of the Building and Zoning Inspector taken herein are subject to appeal to the Board of Zoning Appeals.~~

~~(Ord. 1018-93. Passed 5-27-93.)~~

761.99 PENALTY.

~~—Whoever violates any provision of this chapter is guilty of a first degree misdemeanor and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six (6) months, or both.~~

~~(Ord. 1018-93. Passed 5-27-93.)~~

NEW MCO CHAPTER 761:

CHAPTER 761 Massage Establishments

761.01 Purpose and intent.

761.02 Definitions.

761.03 Registration certificate required.

761.04 Registration process and fee.

761.05 Registration expiration, renewal, and duty to update.

761.06 Requirements for massage establishments and mobile massage practitioners.

761.07 Prohibitions.

761.08 Inspections.

761.09 Administrative appeal.

761.10 Severability.

761.99 Penalty.

CROSS REFERENCES

Obscenity and sex offenses - see GEN. OFF. Ch. [533](#)

761.01 PURPOSE AND INTENT.

(a) The State of Ohio, through the State Medical Board of Ohio, regulates the practice of massage therapy as a limited branch of medicine by requiring practitioners to satisfy education, character, and examination requirements to obtain a license to practice massage therapy.

Although licensed massage therapists are subject to a national code of ethics and standards of practice, the City Council finds that for some massage establishments, the business in fact is sexual conduct or the intimation of sexual conduct, including human trafficking, rather than lawful massage therapy. Such illegal uses are contrary to the public health, safety, and welfare.

(b) It is a purpose and intent of this chapter to impose licensing requirements to help prevent illegal massage, prostitution, and related sex crimes, yet without hindering legitimate massage establishments operating under a business structure with external oversight that serves that purpose. It is a purpose of this chapter to regulate the operation of massage establishments and spa establishments, and to regulate employees of such establishments who are not licensed as massage therapists by the state, as an exercise of the City's police power in order to protect the health, safety and general welfare of the citizens of the City.

(Ord. ____ . Passed ____.)

761.02 DEFINITIONS.

For the purposes of this chapter, the words and phrases defined in the sections hereunder shall have the meanings respectively ascribed to them herein unless a different meaning is clearly indicated by the context:

(a) "Client" means a person who receives a massage treatment for a fee or any consideration whatsoever.

(b) "Director" means the City of Moraine Building and Zoning Administrator or the Director's designee.

(c) "Draping" means non-transparent linen, towel, or other opaque cloth which securely covers a client's specified anatomical areas by folding, tucking or fastening.

(d) "Employee" means any person who is employed by, or renders any service at, a massage establishment for compensation. "Employee" includes a contract employee, freelance employee, temporary employee, or an independent contractor.

(e) "Exempt" means a person who provides massage as a portion of and incidental to services in accordance with a license issued by any of the following:

(1) The Ohio State Cosmetology and Barber Board or its predecessors pursuant to R.C. Chapter 4709 to 4713;

(2) The State of Ohio Board of Nursing pursuant to R.C. Chapter 4723;

(3) The Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board pursuant to R.C. Chapter 4755;

(4) The Ohio State Chiropractic Board pursuant to R.C. Chapter 4734;

(5) The State Medical Board of Ohio pursuant to R.C. Chapters 4730 to Chapter 4762;

(6) The State Medical Board of Ohio pursuant to R.C. Chapter 4731 except those licensed pursuant to R.C. § 4731.15 to practice "massage therapy."

(7) Schools, colleges, or institutions approved by and determined to be in good standing with the State Medical Board of Ohio that have the massage therapy curriculum required for students to become massage therapists upon course completion and the students enrolled in such schools, colleges, or institutions.

(f) "Incidental" shall have the meaning as ascribed in Chapter 1230 of these Codified Ordinances.

(g) "License" means a massage practitioner license issued by the State Medical Board of Ohio to practice "massage therapy" pursuant to and in accordance with R.C. § 4731.15.

(h) "Massage" means the use of any method on, or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, pressing, compressing, percussing, stretching, rotating, heating, cooling, or stimulating of, the external soft parts of a living human body, which may be performed with direct or indirect human contact, or with the aid of an apparatus, appliance, or other tool or object. The term also includes tub, shower, or cabinet baths; as well as oil rubs; liniments; antiseptics; powders; creams; lotions; ointments; alcohol rubs; salt glows; hot or cold packs, liquids, or solid objects; or other similar types of substances; upon the external soft parts of a living human body which may be applied by direct or indirect human contact, or with the aid of any electrical, mechanical, or vibratory apparatus, appliance, or other tool or object.

(i) "Massage establishment" means any establishment having a fixed place of business where any person engages in, conducts, carries on, or permits for consideration, massage and massage

treatments; including but not limited to, any hot tub/sauna, relaxation, spas, or tanning establishments in which massage treatments are made available to members of the public.

(j) "Massage school" means a facility which meets the minimum standards for training and curriculum as determined by Section 4731-1-15 of the Ohio Administrative Code, or the equivalent licensing authority of another state, or is within the public school system of this state.

(k) "Massage therapist" means any person who has a license in good standing as a massage therapist from the State Medical Board of Ohio.

(l) "Massage treatment" means providing for a fee or any consideration whatsoever any of the following services:

(1) Massage;

(2) A method of treatment that involves the application of oil rubs; liniments; antiseptics; powders; creams; lotions; ointments; alcohol rubs; salt glows; hot or cold packs, liquids, or solid objects; or other similar types of substances; upon the external soft parts of a living human body which may be applied by direct or indirect human contact, or with the aid of any electrical, mechanical, or vibratory apparatus, appliance, or other tool or object.

(m) "Mobile massage" means an activity not having a fixed place of business where a person or entity advertises the availability of, offers, provides, or permits to be carried on, any activity related to or including the provision of a massage treatment. "Mobile massage" includes outcall or traveling "massage treatment" and can be separated into two different categories: corporate or residential.

(n) "Person" means any individual, firm, association, partnership, corporation, joint venture, or combination of individuals.

(o) "Registration certificate" means a certificate of registration issued by the City of Moraine to a massage establishment or mobile massage therapist.

(p) "Specified anatomical area", "state of nudity", and "state of semi-nudity" shall have the meaning ascribed to them in Chapter 1299 of these Codified Ordinances.

(Ord. ____ . Passed ____.)

761.03 REGISTRATION CERTIFICATE REQUIRED.

Within ninety days of the effective date of this chapter, all massage establishments and mobile massage practitioners operating in the City of Moraine shall obtain a registration certificate for a massage establishment to operate. No person shall operate a massage establishment, offer or perform massage treatment, or practice mobile massage without a registration certificate. Massage establishments operating in the City of Moraine shall meet the following licensing and registration requirements:

- (a) No person shall operate a massage establishment in the City of Moraine:
 - (1) Without a registration certificate for a massage establishment;
 - (2) Where a massage treatment is offered or performed by a person who is not either a massage therapist or exempt; and
 - (3) Without a zoning authorization and certificate of occupancy for the massage establishment.
- (b) No person shall offer or perform a massage treatment in a massage establishment or as a mobile massage practitioner:
 - (1) Unless such person is either exempt or a massage therapist;
 - (2) In a massage establishment that does not have a registration certificate;
 - (3) Or, in the case of a mobile massage practitioner, without a registration certificate.

(Ord. ____ . Passed ____.)

761.04 REGISTRATION PROCESS AND FEE.

- (a) A person who wishes to obtain a registration certificate for a massage establishment or as a mobile massage therapist shall submit a registration application to the Director and pay a reasonable initial registration fee and a reasonable renewal fee sufficient to pay the cost of administering this chapter as follows:
 - (1) An initial, nonrefundable registration fee of one hundred fifty dollars (\$150.00) and a nonrefundable renewal fee of seventy-five dollars (\$75.00).
 - (b) The registration application shall be in a form designated by the Director or designee and include all of the following:
 - (1) Full legal name and current residential address of the applicant;
 - (2) The address of the proposed massage establishment or mobile massage practitioner;
 - (3) A list of services to be offered at the massage establishment, or a list of services to be offered by the mobile massage practitioner;
 - (4) The full name of any person who will provide massage treatments at the massage establishment or will be performing mobile massages, including their license numbers provided by the State Medical Board of Ohio;
 - (5) Sufficient information to identify the license for each massage therapist; and
 - (6) If applicable, the website of the massage establishment or mobile massage practitioner.
- (c) The Director or designee shall issue the registration certificate unless the Director or designee finds:

- (1) The registration application is incomplete or contains inaccurate or fraudulent information;
- (2) The license of a massage therapist or anyone identified who will provide massage treatments cannot be verified;
- (3) Within two years before the date the application is submitted, the applicant, or any massage therapist listed on the registration application, was the applicant for a registration certificate that was revoked or denied. Nothing herein prohibits the Director or designee from issuing a registration certificate for a previously denied application that has been substantially modified; and
- (4) The Zoning Authorization has not been approved for the massage establishment.
- (d) The registration applications shall be submitted and approved before a massage establishment or mobile massage practitioner can be operated and massage services offered.
- (e) Massage establishments or mobile massage practitioners that were in operation prior to the effective date of this chapter must submit a registration application not later than ninety days after the effective date of this chapter.
- (f) Following review of the application, the Director or designee shall send, by First Class U.S. Mail addressed to the applicant, either a registration certificate or a written statement that the application was denied and the reason(s) therefore.
- (g) Any person who has been denied a registration certificate may appeal such denial in accordance with 761.09.

761.05 REGISTRATION EXPIRATION, RENEWAL, AND DUTY TO UPDATE.

- (a) Each registration certificate shall be signed by the Director or designee and such certificate shall contain the following information:
 - (1) The name of the applicant to whom the registration certificate is issued;
 - (2) The name and address of the massage establishment or the mobile massage practitioner;
 - (3) The full name of each therapist identified on the application; and
 - (4) The effective date of the registration certificate.
- (b) Each registration certificate shall be displayed in a conspicuous location readily visible to a person entering the massage establishment through a public entrance. Mobile massage practitioners shall carry a copy of the registration certification when performing massage treatment within City limits.
- (c) Each registration certificate shall be valid for two years from the date it is issued.

(d) A person who operates a massage establishment shall notify the Director when a new massage therapist begins working at the massage establishment. The notice shall be received by the Director no more than fifteen days after the first day the therapist provides a massage treatment in the massage establishment.

(e) No more than ninety nor less than seven days before expiration of the registration certificate, the applicant shall submit a new registration application and pay the fee in accordance with Section 761.04.

(f) A registration certificate shall not be transferable. If ownership or operation of a massage establishment transfers, the registration certificate shall automatically expire.

(Ord. ____ . Passed ____.)

761.06 REQUIREMENTS FOR MASSAGE ESTABLISHMENTS AND MOBILE MASSAGE PRACTITIONERS.

Every person who owns, operates, manages, or supervises a massage establishment, or who otherwise causes a massage establishment to operate shall assure all the following:

(a) The registration certificate is displayed in a conspicuous location readily visible to a person entering the massage establishment through a public entrance;

(b) Compliance with all the following:

(1) Applicable regulations issued by the Montgomery County Public Health District;

(2) Applicable provisions of R.C. §§ 4713.08, 4731.15, and 4734.10;

(3) The Codified Ordinances of the City of Moraine;

(c) All tables and surfaces in the massage establishment shall be clean and disinfected;

(d) Clean linen, towels, and other materials are provided in connection with any massage treatment;

(e) Massage treatments provided in the massage establishment are provided only by massage therapists;

(f) Employees permit and cooperate in any inspections provided for in this chapter;

(g) Operating Hours. No massage establishment shall be kept open for business, and no massage therapist shall administer massages after the hour of 10:00 p.m. or before the hour of 7:00 a.m.;

(h) Mobile Massage. Massage therapists providing mobile massage must carry their registration certificate with them to each location where the massage therapists intends to perform massage.

(Ord. ____ . Passed ____.)

761.07 PROHIBITIONS.

(a) No person who owns, operates, manages or supervises the operation of a massage establishment shall do any of the following:

(1) Allow any employee or any massage therapist to appear in any state of undress, to wear transparent clothing, or clothing that otherwise reveals a specified anatomical area;

(2) Allow any employee or massage therapist to provide a massage treatment to a client who is in a state of nudity, a state of semi-nudity, or who reveals a specified anatomical area;

(b) No person shall do any of the following:

(1) Advertise or offer massage treatments or a related service unless they are exempt or are licensed as massage therapists to provide such massage treatments;

(2) Appear in a massage establishment in any state of undress, transparent clothing, or clothing that otherwise reveals a specified anatomical area;

(3) Provide a massage treatment to a client who is in a state of nudity, a state of semi-nudity, or who reveals a specified anatomical area.

(c) No person shall place, publish, distribute, or cause to be placed, published, or distributed any advertising material using sexual or provocative words or images.

(d) No person shall advertise massage treatment services with the suggestion or promise of a sexual service or activity.

(e) Nothing shall prohibit a massage therapist from providing a massage treatment to a client who is covered only by draping, or prohibiting a massage therapist from removing such draping as necessary upon the client's explicit consent.

(f) Transfer of Massage Establishment or Massage Services Registration Certificate. No registration certificate issued pursuant to this chapter shall be transferred or assigned in any manner, whether by authorization or law or otherwise, from any location to another location or from person to person, except that a person possessing a registration certificate, issued by the City, may move from one employer to another without filing a new application or paying a new fee, so long as the registration certificate holder notifies the Director, in writing, of the change in their employment within five business days of such change. Failure to make this notification within five business days shall be grounds for suspension or revocation of a registration certificate.

(Ord. ____ . Passed ____.)

761.08 INSPECTIONS.

(a) Any person or their designee having jurisdiction to enforce the provisions of this chapter may enter the public entrance of a massage establishment without notice during all hours of operation for the purpose of verifying that a valid registration certificate is displayed in accordance with this chapter, that the City has timely received the full name of any person providing massage treatments in order to verify the license of each, and that all other provisions of the herein chapter have been satisfied.

(b) Inspections shall be conducted at least once per year to determine compliance with this chapter.

(c) In accordance with constitutional provisions governing searches, any person or their designee shall have the authority to enter all massage establishments within the City during all hours of operation to conduct an inspection, to investigate, or to perform the duties imposed upon the enforcement officer or designee by this chapter. The enforcement officer or designee shall present credentials and request entry. If entry is refused, the enforcement officer may obtain a search warrant in accordance with R.C. § 2933.21.

(d) A massage establishment shall be given ten days from the date of inspection to correct any violations of this chapter.

(Ord. ____ . Passed ____.)

761.09 ADMINISTRATIVE APPEAL.

(a) A person who has filed a completed registration application and has been denied a registration certificate, or who has had a registration certificate revoked, may appeal that denial or revocation within fifteen days of the denial or revocation thereof by filing a written statement with the Director. The written statement shall include the applicant's full name and contact information (including mailing address, phone number, and email addresses), and shall state the basis for such appeal, including a summary of all relevant facts and circumstances.

(b) The Director or designee shall review the written statement, shall set a time and a place for an administrative hearing, shall provide reasonable notice prior to such hearing, and shall establish the reasonable procedures, therefore. The Director or designee shall determine whether to grant or deny the registration certificate and shall issue a final determination in writing.

(Ord. ____ . Passed ____.)

761.10 SEVERABILITY.

This chapter and each section and provision of said chapter hereunder, are hereby declared to be independent divisions and subdivisions and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provisions of said chapter, or the application thereof to any person or circumstance is held to be

invalid, the remaining sections or provisions and the application of such sections and provisions to any person or circumstances other than those to which it is held invalid, shall not be affected thereby, and it is hereby declared that such sections and provisions would have been passed independently of such section or provision so known to be invalid. Should any procedural aspect of this chapter be invalidated, such invalidation shall not affect the enforceability of the substantive aspects of this chapter.

(Ord. ____ . Passed ____.)

761.99 PENALTY.

(a) Whoever violates any provision of this chapter shall be guilty of a minor misdemeanor.

(b) If the offender previously was convicted of any provision of this chapter within the past three years, the offense is a misdemeanor of the first degree.

(c) In addition to any penalty set forth in subsections (a) and (b) above, the Director or authorized Designee may revoke a registration certificate of a massage establishment for a violation of any provisions of this chapter.

(Ord. ____ . Passed ____.)

A Resolution approving a base salary adjustment per the City Manager and Director of Public Safety Employment Agreement previously authorized by Council.

Department: Law Director

Request: Action Item

Item Background and Purpose:

Base salary adjustment for City Manager.

Financial Impact:

Is Item Budgeted?: Yes

Funding Source: General Fund - City Manager Budget

Attachments:

RECORD OF RESOLUTIONS

Resolution No. 8219-26

A RESOLUTION APPROVING A BASE SALARY ADJUSTMENT PER THE CITY MANAGER AND DIRECTOR OF PUBLIC SAFETY EMPLOYMENT AGREEMENT PREVIOUSLY AUTHORIZED BY COUNCIL.

WHEREAS, via adoption of Resolution No. 7640-20 on February 13, 2020, Council approved and authorized an Employment Agreement (“Agreement”) for the position of City Manager and Director of Public Safety and further appointed Michael Davis as City Manager and Director of Public Safety; and

WHEREAS, said employment agreement provides that the City Manager’s base salary during the Term of the Agreement may be annually adjusted by Council; and

WHEREAS, consistent with the terms of said Agreement, Council desires to adjust the City Manager’s base salary as provided herein.

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

SECTION 1: That this Council approves and authorizes the City Manager’s base salary be adjusted to \$186,742.40 per year effective with the City Manager’s 2026 anniversary date (February 14) appointing him as City Manager and Director of Public Safety. All remaining provisions of the said Employment Agreement shall remain in full force and effect. *An executed copy of this Resolution shall be appended to the City Manager’s current employment agreement.*

SECTION 2: That the Clerk be and is hereby directed to forward a certified copy of this Resolution to the City Manager and Finance Director.

SECTION 3: That any and all provisions of any Resolutions which are in conflict with this Resolution are hereby repealed as set forth herein with the passage of this Resolution.

SECTION 4: That this Resolution shall take effect and be in full force and effect from and after the date of its passage.

A Resolution confirming and continuing the appointment of Martina M. Dillon, Esq. as Law Director.

Department: Administration

Request: Action Item

Item Background and Purpose:

The Law Director was first engaged in 2019 and this legislation effectuates the first compensation adjustment since 2019 in accordance with the revised engagement letter.

Financial Impact:

Is Item Budgeted?: Yes

Funding Source: General Fund

Attachments:

1. 8220-26 Exhibit A - Engagement Letter

RECORD OF RESOLUTIONS		
	Resolution No. 8220-26	
A RESOLUTION CONFIRMING AND CONTINUING THE APPOINTMENT OF MARTINA M. DILLON, ESQ. AS LAW DIRECTOR. NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MORaine, STATE OF OHIO: <u>SECTION 1:</u> That this Council hereby confirms and continues the appointment of Martina M. Dillon now of the Law Office of Martina M. Dillon, Esq. as Law Director of the Department of Law of the City of Moraine, Ohio consistent with the terms and conditions and rates of pay established and as evidenced in the attached Engagement Letter (Exhibit A), effective March 1, 2026. <u>SECTION 2:</u> That this Resolution shall take effect and be in force from and after the date of its passage. <u>SECTION 3:</u> That the Clerk be and is hereby authorized and directed to forward a certified copy of this Resolution to the City Manager and Finance Director.		

LAW OFFICE OF MARTINA M. DILLON, ESQ.

7501 Paragon Road, Suite A
Dayton, Ohio 45459
Phone: 937-434-1908
martina@mdillonlaw.com

February 26, 2026

Mr. Michael Davis
City Manager
4200 Dryden Road
Moraine, Ohio 45439

To Be Effective March 1, 2026:

Martina M. Dillon, Esq.'s appointment as Law Director is continued and confirmed with service to be at the pleasure of City Council with an annual salary of \$115,003.20, subject to employer and employee contributions to OPERS as required by applicable Ohio law(s).

Out of pocket expenses will be billed as incurred with no markup.

In accordance with Section 6.3 of the City Charter, the Law Director will serve as legal counsel for the City in connection with City affairs, and subject to the direction of Council will represent the City in all proceedings in court or before administrative boards. The Law Director serves the City Manager, the Mayor, Council, and the administrative departments and the officers and boards and commissions of the City. The Law Director will also perform all other duties imposed upon City solicitors by the laws of the State of Ohio unless otherwise provided by ordinance and shall perform such other duties as Council may impose upon her consistent with the office.

Respectfully,

Martina M. Dillon, Esq.

Approved:

Council Resolution No.: _____
Date Adopted: February 26, 2026

An Ordinance to make supplemental appropriations for current expenses and other expenditures of the City of Moraine, State of Ohio, for the period of January 1, 2026, to December 31, 2026, and declaring an emergency.

Department: Finance

Request: Action Item

Item Background and Purpose:

This supplemental legislation is the companion piece to the Law Director appointment legislation.

Financial Impact:

Is Item Budgeted?: Yes

Funding Source: General

Attachments:

RECORD OF ORDINANCES

Ordinance No. 2226-26

AN ORDINANCE TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF MORaine, STATE OF OHIO, FOR THE PERIOD OF JANUARY 1, 2026, TO DECEMBER 31, 2026, AND DECLARING AN EMERGENCY.

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

SECTION 1: That after due review and consideration, it has been determined that it is in the best interest of the City of Moraine to provide for the following supplemental appropriations as listed:

101 GENERAL FUND			
Department	Personnel Services	Operating Expenses	Appropriation
Law Director- Part-time Wages	\$ 95,099		\$ 95,099
Law Director- OPERS Pension	\$ 13,314		\$ 13,314
Law Director- Medicare	\$ 1,379		\$ 1,379
Law Director- Legal Services		\$ (109,792)	\$ (109,792)
		Total Appropriations	\$ -
		Total Supplemental Appropriations	\$ -

SECTION 2: That this Ordinance, being a supplemental appropriation, shall take effect immediately upon passage, pursuant to Section 4.9 of the City of Moraine, Ohio Charter.