

1. Agenda

Documents:

[03-20-2018 AGENDA.PDF](#)

2. Workbook

Documents:

[03-20-2018 WORKBOOK.PDF](#)



MIDDLETOWN CITY COUNCIL AGENDA
TUESDAY, March 20, 2018

CITY COUNCIL BUSINESS MEETING – 5:30 pm – COUNCIL CHAMBERS – LOWER LEVEL

- 1. MOMENT OF MEDITATION/PLEDGE OF ALLEGIANCE TO THE FLAG**
- 2. ROLL CALL**
- 3. CITIZEN COMMENTS, GUESTS, ORGANIZATIONS' REPORTS**
Larry Sims, Warren County Sheriff and Major Steve Arrasmith
- 4. CITY MANAGER REPORTS**
- 5. CONSENT AGENDA.** . . Matters listed under the Consent Agenda are considered to be routine and will be enacted by one motion and one vote of consent. There will be no separate discussion of these items. If discussion is desired, that item will be removed and considered separately.
 - (a) Approve the City Council Minutes: February 20, 2018
 - (b) Confirm the resignation of Dustin Hurley, Joe Mulligan, Ami Vitori, John Langhorne, and Craig Baldwin from the Middletown Visitors Bureau
 - (c) Confirm the Personnel Appointment of Ben Weaver, Maintenance Worker, Public Works and Utilities
 - (d) To authorize the purchase of three sedans off the Ohio Department of Administrative Services' (ODAS) Cooperative Purchasing Contract from Middletown Ford, Inc., in the amount of \$54,858.
 - (e) To authorize the purchase of a Ford Explorer for Detectives off the Ohio Department of Administrative Services' (ODAS) Cooperative Purchasing Contract from Lebanon Ford, Inc., in the amount of \$27,599.
 - (f) Confirm the appointment of Kathleen Batliner to the Civil Service Commission.

MOTION ITEM

- (a) To authorize the sale of a City-owned vacant lot at 621 Waite to the adjacent owner for \$500.

COUNCIL COMMENTS

LEGISLATION

- 1. Resolution No. R2018-06**, a resolution to make adjustments to appropriations for current expenses and other expenditures of the City of Middletown, Counties of Butler and Warren, State of Ohio, for the period ending December 31, 2018. (General Fund) (Second Reading)
- 2. Ordinance No. O2018-07**, an ordinance establishing a procedure for and authorizing a contract with Howell Contractors, Inc. for the repair of the East Middletown Interceptor Sewer and declaring an emergency. (No action is requested until April 3, 2018)

It is the policy of the City of Middletown to make all public hearings and meetings accessible to all persons, in accordance with state and/or federal laws. If you have a disability which requires accommodation in order for you to attend and/or participate in this meeting, please contact us at 425-7831 at least forty-eight hours prior to the time of the meeting to advise us of the need for accommodation, and reasonable efforts shall be made to provide the same. This agenda may be accessed on the City of Middletown website @ <http://www.cityofmiddletown.org>.



MIDDLETOWN CITY COUNCIL AGENDA
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3. **Ordinance No. O2018-08**, an ordinance establishing a procedure for and authorizing a contract with OBR Cooling Towers, Inc. for the repair of cooling towers at the City Building, and declaring an emergency. (No action is requested until April 3, 2018)
4. **Ordinance No. O2018-09**, an ordinance setting forth municipal services that will be provided to 3.089 +/- acres located in Franklin Township, Warren County, Ohio, as required by Section 709.023 of the Ohio Revised Code, and declaring an emergency. (No action is requested until April 3, 2018)
5. **Resolution No. R2018-07**, a resolution to make adjustments to appropriations for current expenses and other expenditures of the City of Middletown, Counties of Butler and Warren, State of Ohio, for the period ending December 31, 2018. (General Fund) (First Reading)



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BUSINESS MEETING

**CITIZEN
COMMENTS,
GUESTS,
ORGANIZATION'S
REPORT**

CITY MANAGER REPORTS

CONSENT AGENDA

MIDDLETOWN, OHIO

February 20, 2018

At 5:30 p.m., Mayor Mulligan called the City Council meeting to order in Council Chambers, Lower Level of the City Building.

ROLL CALL

City Council Members present: S. Bohannon, J. Mulligan, A. Vitori, L. Mulligan, T. Moon.

Staff Present: Nadine Begley, Sarah Fox, City Manager Doug Adkins.

PUBLIC HEARING

2018 ANNUAL ACTION PLAN

Mr. Fuchs explained that the City of Middletown, as directed by the U.S. Department of Housing and Urban Development (HUD), is submitting its Program Year 2018 Annual Action plan as part of the 5 year Consolidated Plan outlining the City's priorities for the Community Development Block Grant (CDBG) program. He discussed the current HUD funded Community Development Block Grant (CDBG), HOME, Neighborhood Stabilization Program (NSP), and the Neighborhood Stabilization Program 3. He discussed the non-HUD funding including the Neighborhood Initiative Program, ongoing grant from 2014 for residential demolition in target areas, nuisance abatement funds and City funds used for tall grass/trash abatement, code abatement, and the securing of dangerous buildings. He explained that leveraging all of these HUD and non-HUD funds in our neighborhoods provides the greatest impact for positive change and healthy neighborhoods free of blighted, crime ridden, and obsolete housing. He discussed the CDBG reporting requirements and the HUD Citizen participation requirements.

Consolidated Plan

Completed for a 5 year period. This document reports overall objectives and goals for the next 5 years for utilizing CDBG funds. Submitted in 2015.

Annual Action Plan

Completed each year and lists specific activities and objectives that are going to be underway the next program year (May 1 – April 30).

CAPER

Completed each year and states what activities and goals were completed the past program year.

HUD Citizen Participation Requirements

Consolidated Plan and Annual Action Plan

- 30 Day Comment Period (Currently running from February 12, 2018 through March 13, 2018).
- All written comments (or oral at the public hearing) must be addressed in the final submitted plan.
- Copies of the plan were placed at the library, senior center, Community Revitalization Department, and on the City's website.

Public Hearings

- Two required per year and must be at different times.
- This is the 1st hearing. The 2nd is completed with the CAPER (around June)

Mr. Fuchs discussed the Program Year 2018 CDBG Activities for the year including:

- Emergency Repair Services (PWC)
- Public Services
- Demolition
- Code Enforcement
- Public Facilities & Improvements
- Fair Housing
- Housing Opportunities Made Equal (H.O.M.E.)
- Investigates violations of fair housing, educates Realtors and landlords on the law, and distributes fair housing information to organizations in the area.
- Legal Aid Society of Southwest Ohio, LLC.
- Provides legal representation for tenant/landlord disputes, represents clients with any violations of fair housing laws, and assists clients with foreclosure prevention.

Mr. Fuchs discussed the 2018 Annual Action Plan CDBG Budget

➤ Emergency Repair Assistance	\$50,00
➤ Fair Housing (H.O.M.E.)	\$5,000
➤ Legal Aid of Southwest Ohio, LLC	\$15,000
➤ Community Center	\$70,700
➤ Code Enforcement	\$330,345
➤ Demolition	\$65,000
➤ Administration	<u>\$129,052</u>
➤ (Estimated) TOTAL =	\$665,097

Mr. Fuchs explained that our Program Year starts May 1st and under the regulations, we are required to have the Action Plan submitted to HUD no later than 45 days prior to that date. The past several years, they have delayed the submission until grant numbers are officially known. However, we want to complete our due diligence and have everything ready to go once they release those numbers. If the grant amount changes, the budget will change accordingly.

Anything greater than a 50% change in a line item will require a public meeting and Council approval.

At 5:36 p.m., Mayor Mulligan opened the public hearing and asked if there were any attendees to speak in favor of the proposed Program Year 2018 Annual Action Plan. Hearing none, he called for any attendees to speak in opposition to the proposed Program Year 2018 Annual Action Plan. Hearing none, he closed the public hearing at 5:37 p.m.

CITIZEN COMMENTS

Ms. Rita Tibbs, 220 N. Marshall Road, explained that the weeds have grown up around the retention basin by Rosedale School. For years it was nicely mowed and there were no issues but the last several years it has not been mowed and the grass gets high. The area becomes marshy and the mosquitos become unbearable.

CITY MANAGER

Best Places to Work

Mr. Adkins announced that the City of Middletown was named one of the Best Places to Work for 2018 and explained that over the last few years, we have worked to get things back on track internally and to raise employee morale.

Master Plan

Mr. Adkins reported that work on the Master Plan would begin with staff on February 26 and continue with the public committee in March. A final report should be ready for Council approval by the end of the year.

Community Paramedicine

He discussed community paramedicine and explained that the Atrium Medical Center, members of the Middletown Fire and Police Department, Middletown Health Department, and Primary Health Solutions are working together to help people better manage chronic illness and to lessen their dependence on acute services, such as EMS calls for service and emergency room visits. The City of Monroe also joined in this discussion.

Transit Services

Mr. Adkins reported that he is continuing to meet with Warren County officials about providing transit services up into the Dayton area to get people to Middletown to work.

Housing Plan

Mr. Adkins reported that he is meeting with three members of the CARE Group on February 28th to discuss how best to receive community input and share information about the housing plan.

Charter Review Committee

Mr. Adkins explained that there was one more name to be added to the list of Charter Review Committee members. Juan Helvey works at Dedicated Motivated, is newly married, a homeowner and wants to get involved in the community.

Avionics Program

Mr. Adkins explained that the City has received a request from Cincinnati State to partner to develop an avionics program in conjunction with the new airport layout plan. An avionics program deals with the electronic components of the airplane instruments, and jobs in this field are in demand. Cincinnati State is looking to begin courses this summer. The program will require an investment of approximately \$100,000 to get the infrastructure in place at the airport; Council concurred to support the project.

CONSENT AGENDA

Approve City Council Minutes: February 6, 2018
Confirm Personnel Appointments:
 Colton Elliott- Maintenance Worker, Public Works and Utilities, Sewer Maintenance Division
 Cody Frazier- Maintenance Worker, Public Works and Utilities, Water Maintenance Division
 Leslie Landen- Part-time Special Counsel, Department of Law
 Sarah Sargent- Dispatcher, Public Safety, Police
 David Vazquez- Treatment Plant Operator, Public Works and Utilities, Wastewater Treatment
Receive and File Board and Commission Minutes: Park Board- January 8, 2018
Confirm Board and Commission Appointments:
Airport Commission- Thomas Anderson
Charter Review Committee- Jeff Repper, Lauren Matus, Rick Pearce, Joseph Newlin, John Langhorne, Greg Martin and Juan Helvey
Accept Board and Commission Resignations:
 Dustin Hurley: Civil Service Commission and the Middletown Visitors Bureau Board
To accept the low bid from EJ USA, Inc. of East Jordan, MI, in the amount of \$1,502.85 each for fire hydrants for an estimated usage of 20 hydrants over the year.
 To approve a contract with the following various vendors for the purchase of supplies for the Water Maintenance Division:

Section 1 – Brass	Ferguson Waterworks - Hamilton, OH	\$16,098.00
Section 2 – Repair Clamps	Viking Supply, Inc. – Hebron, KY	\$14,208.10
Section 3 – Valve Boxes, Sleeves	Fortiline – West Chester, OH	\$21,951.22
Section 4 – Gate Valves	Everett J. Prescott – West Carrollton, OH	\$ 6,682.64
Section 5 – Sewer Rings and Lids	Ferguson Waterworks – Hamilton, OH	\$ 9,032.00
Section 6 – Miscellaneous	Ferguson Waterworks – Hamilton, OH	\$ 2,106.00

	<p>Mr. Bohannon moved to approve the issues and actions listed on the Consent Agenda. Mr. J. Mulligan seconded. Motion carried. Ayes: Mr. Bohannon, Mr. Moon, Mr. J. Mulligan, Mr. L. Mulligan, Ms. Vitori.</p>
MOTION AGENDA	To authorize the City Manager to enter into a contract Building Crafts, Inc. to upgrade the Kensington Pump Station. Building Crafts, Inc. was the lowest and best bid and funds are appropriated in the 2018 budget.
UPGRADE KENSINGTON PUMP STATION	Mr. J. Mulligan moved to authorize the City Manager to enter into a contract Building Crafts, Inc. to upgrade the Kensington Pump Station. Building Crafts, Inc. was the lowest and best bid and funds are appropriated in the 2018 budget. Mr. T. Moon seconded. Motion carried. Ayes: Mr. Moon, Mr. J. Mulligan, Mr. L. Mulligan, Mr. Bohannon, Ms. Vitori.
EXTEND DORA APRIL 28, 2018	<p>To extend the DORA Hours for a Food Truck rally, beginning at 11 a.m. on Saturday, April 28, 2018.</p> <p>Mr. J. Mulligan moved to extend the DORA Hours for a Food Truck rally, beginning at 11 a.m. on Saturday, April 28, 2018. Ms. Vitori seconded. Motion carried. Ayes: Mr. J. Mulligan, Mr. L. Mulligan, Ms. Vitori, Mr. Bohannon, Mr. Moon.</p>
AUTHORIZE SALE 1500 WOODLAWN	<p>To authorize the sale of a City-owned vacant lot at 1500 Woodlawn to Larry Risner for \$500.</p> <p>Mr. J. Mulligan moved to authorize the sale of a City-owned vacant lot at 1500 Woodlawn to Larry Risner for \$500. Mr. Moon seconded. Motion carried. Ayes: Mr. L. Mulligan, Ms. Vitori, Mr. Bohannon, Mr. Moon, Mr. J. Mulligan.</p>
AUTHORIZE SALE 306 CRAWFORD	<p>To authorize the sale of three City-owned vacant lots at 306 Crawford to Kenneth Linton for \$1,500.</p> <p>Mr. J. Mulligan moved to authorize the sale of three City-owned vacant lots at 306 Crawford to Kenneth Linton for \$1,500. Ms. Vitori seconded. Motion carried. Ayes: Ms. Vitori, Mr. Bohannon, Mr. Moon, Mr. J. Mulligan, Mr. L. Mulligan.</p>
ADJUST CONTRACT GROUNDS ELITE, LLC	<p>To make an adjustment to the mowing contract with Grounds Elite, LLC for the final year of the contract.</p> <p>Mr. J. Mulligan moved to make an adjustment to the mowing contract with Grounds Elite, LLC for the final year of the contract. Ms. Vitori seconded. Motion carried. Ayes: Mr. Bohannon, Mr. Moon, Mr. J. Mulligan, Mr. L. Mulligan, Ms. Vitori.</p>
COUNCIL COMMENTS Mr. J. Mulligan	Mr. J. Mulligan thanked the members of the Charter Review Committee for their willingness to serve on this important committee. He announced that Downtown Middletown Inc. was having their annual meeting at the Historical Society on February 21 st at 10 am. He encouraged his fellow Council members to attend. He congratulated Mr. Adkins and City Staff for being named a 2018 Best Place to Work.
Ms. Vitori	Ms. Vitori thanked the Faith Childcare and Learning Center for inviting her to their Peace of My Heart event. She welcomed the new executive director of the Middletown Visitors Bureau, Mary Huttlinger.
Mr. L. Mulligan	Mr. L. Mulligan remarked DMI had another great First Friday event. He thanked Blast Furnace Pizza for their community outreach efforts and for including him in their video.
Suspend Charter	Mr. Moon moved to suspend the Charter provision that requires reading on two separate days and to declare Ordinance No. 02018-02 and Ordinance No. 02018-03 emergency measures to be read one time only. Mr. J. Mulligan seconded. Motion carried. Ayes: Mr. Moon, Mr. J. Mulligan, Mr. L. Mulligan, Mr. Bohannon, Ms. Vitori.
Ord. No. 02018-02 Development Code	<p>Ordinance No. 02018-02, an ordinance repealing a portion of the existing planning and zoning code (Part Twelve of the Middletown Codified Ordinances), adopting a new development code and renumbering certain chapters of the existing planning and zoning code as part of the new development code and declaring an emergency was read.</p> <p>Mr. J. Mulligan moved to approve Ordinance No. 02018-02, an ordinance repealing a portion of the existing planning and zoning code (Part Twelve of the Middletown Codified Ordinances), adopting a new development code and renumbering certain chapters of the existing planning and zoning code as part of the new development code and declaring an emergency. Ms. Vitori seconded. Motion carried. Ayes: Mr. J. Mulligan, Mr. L. Mulligan, Ms. Vitori, Mr. Bohannon, Mr. Moon.</p>

Ord. No. 02018-03
3500 Terry Drive

Ordinance No. 02018-03, an ordinance authorizing the City Manager to grant a utility easement at 3500 Terry Drive in the City of Middletown, Butler County, Ohio, to Duke Energy Ohio, Inc. and declaring an emergency was read.

Mr. J. Mulligan moved to approve Ordinance No. 02018-03, an ordinance authorizing the City Manager to grant a utility easement at 3500 Terry Drive in the City of Middletown, Butler County, Ohio, to Duke Energy Ohio, Inc. and declaring an emergency. Mr. Moon seconded. Motion carried. Ayes: Mr. L. Mulligan, Ms. Vitori, Mr. Bohannon, Mr. Moon, Mr. J. Mulligan.

Res. No. R2018-03
Solid Waste Plan

Resolution No. R2018-03, a resolution approving the Solid Waste Management Plan of Butler County, Ohio and declaring an emergency was read with no action requested until March 6, 2018.

Ord. No. 02018-04
Contract with
Howden Roots LLC

Ordinance No. 02018-04, an ordinance establishing procedure for and authorizing a contract with Howden Roots LLC for the repair and rebuild of a blower at the Wastewater Treatment Plant and declaring an emergency was read with no action requested until March 6, 2018.

Ord. No. 02018-05
2018 Action Plan

Ordinance No. 02018-05, an ordinance authorizing the submission of an application for Federal Assistance, an Action Plan and a Projected Use of Funds, under Title I of the Housing and Community Development Act of 1974, as amended for Program Year 2018 was read for the first time.

Res. No. R2018-04
Amend Appro.

Resolution No. R2018-04, a resolution to make adjustments to appropriations for current expenses and other expenditures of the City of Middletown, Counties of Butler and Warren, State of Ohio, for the period ending December 31, 2018 (Court Special Projects Fund) was read for the first time.

Res. No. R2018-05
Amend Appro.

Resolution No. R2018-05, a resolution to make adjustments to appropriations for current expenses and other expenditures of the City of Middletown, Counties of Butler and Warren, State of Ohio, for the period ending December 31, 2018 (EMS & Law Enforcement Mandatory Drug Fine Funds) was read for the first time.

EXECUTIVE SESSION

At 6:10 p.m., Mr. J. Mulligan moved to adjourn to Executive Session under the authority of O.R.C. 121.22 (G) (2) To consider the purchase of property for public purposes, or for the sale of property at competitive bidding, if premature disclosure of information would give an unfair competitive or bargaining advantage; and under the authority of O.R.C. 121.22 (G) (3) Conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action. Ms. Vitori seconded. Motion carried. Ayes: Mr. Bohannon, Mr. Moon, Mr. J. Mulligan, Mr. L. Mulligan, Ms. Vitori. Council returned to regular session at 6:47 p.m.

ADJOURNMENT

At 6:47 p.m., the meeting was declared adjourned until the Council meeting of March 6, 2018, at 5:30 p.m.

Lawrence P. Mulligan, Jr., Mayor

Attest: _____

LAW DEPARTMENT

Human Resources

March 7, 2018

TO: Doug Adkins, City Manager

FROM: Kay Sauer, Human Resources Specialist

SUBJECT: APPOINTMENT – MAINTENANCE WORKER

We are recommending the appointment of **BEN WEAVER** to the position of Maintenance Worker in the Department of Public Works and Utilities. Mr. Weaver was selected from the eligibility list as a result of Civil Service testing procedures. He will be assigned to the Street Maintenance Division and will fill the vacancy due to the promotion of Ed Truster.

Mr. Weaver will be assigned to Range PW-3, Step B, which provides a salary of \$16.11 hourly, \$33,508.80 annually. The appointment is conditional on the candidate passing the required medical evaluation.

c: Amy Schenck, Clerk of Council
Susan Cohen, General Counsel
Scott Tadych, PW & Utilities Director
Charles Anderson, Public Works Superintendent
Brian Adams, Public Works Superintendent
Human Resources
Finance (Payroll)
file

ccmtg3/20/18

STREET MAINTENANCE

Authorized Strength – 12

Current Staff Level – 11

March 13, 2018

TO: Doug Adkins, City Manager
FROM: Cindy Strayer, Purchasing Agent

Purchase of Sedans for Various Departments

PURPOSE

To request the purchase of three sedans off the Ohio Department of Administrative Services' (ODAS) Cooperative Purchasing Contract from Middletown Ford, Inc., in the amount of \$54,858.

BACKGROUND and FINDINGS

The 2018 budget includes the replacement of 3 sedans – one each for the Health Department, Police Division and Water Distribution. The sedans being replaced will be traded down in the fleet until the worst vehicles are turned over to GovDeals for auction.

FINANCIAL IMPACT

The Garage budget includes \$69,000 for the purchase of these vehicles, so there is adequate funding available.

EMERGENCY/NON EMERGENCY

Since these vehicles are budgeted and purchased off the State of Ohio cooperative purchasing program, legislation is not necessary.

cc: Jacob Burton, Finance Director
Scott Tadych, Public Works & Utilities Director
Rex Hoit, Fleet Manager
Sarah Fox, Staff Attorney
Amy Schenck, Clerk of Council
File

March 13, 2018

TO: Doug Adkins, City Manager
FROM: Cindy Strayer, Purchasing Agent

Purchase of Staff Vehicle for Detectives

PURPOSE

To request the purchase of a Ford Explorer for Detectives off the Ohio Department of Administrative Services' (ODAS) Cooperative Purchasing Contract from Lebanon Ford, Inc., in the amount of \$27,599.

BACKGROUND and FINDINGS

The 2018 budget includes the purchase of two vehicles for the Police Division. One of the vehicles is a sedan (requested under separate staff report), and the second vehicle is an SUV, which will be used by Detectives.

FINANCIAL IMPACT

There is \$27,000 available in the 2018 budget for the purchase of this vehicle. The overage will be covered by savings in the sedan purchase.

EMERGENCY/NON EMERGENCY

Emergency legislation is not necessary, since money has been budgeted in the 2018 budget, and it is being purchased off the State of Ohio cooperative purchasing program.

cc: Jacob Burton, Finance Director
Scott Tadych, Public Works and Utilities Director
Rex Hoit, Fleet Manager
Sarah Fox, Staff Attorney
Amy Schenck, Clerk of Council
File

MOTION ITEM

STAFF REPORT
For the Business Meeting – March 20, 2018

February 27, 2018

TO: Douglas Adkins, City Manager

FROM: Kyle Fuchs, Director – Community Revitalization Department

PURPOSE

Sale of City-owned vacant lot.

BACKGROUND AND FINDINGS

The City of Middletown owns a vacant lot located at 621 Waite. The parcel number is: Q6542031000064. Jonathan Herald owns the property next door at 1819 Grand and wishes to purchase this lot to extend his yard. We are selling the parcel for \$500.

ALTERNATIVES

- 1.) Sell the vacant parcel for \$500 total.
- 2.) Do not sell the vacant lot and continue maintaining

FINANCIAL IMPACTS

The City receives \$500 for a nonproductive pieces of land.

EMERGENCY/NON EMERGENCY

Non-emergency

AGREEMENT FOR THE SALE AND PURCHASE OF REAL ESTATE

This Agreement is entered into this ____ day of _____, 2018 by and between the City of Middletown, One Donham Plaza, Middletown, Ohio 45042 (hereinafter “the City”) and Jonathan Herald, 1819 Grand Ave, Middletown, OH 45042 (hereinafter “Purchaser”).

In exchange for the mutual promises and covenants contained herein, the parties agree as follows:

1. Purchaser agrees to purchase and the City agrees to sell City owned property located at 621 Waite. Parcel number Q6542031000064.
2. The purchase price for the parcel shall be five hundred dollars (\$500) to be paid by Purchaser to the City upon delivery of a quitclaim deed at closing.
3. The property is being sold in its existing condition. The City makes no warranties regarding the soil or environmental condition of the property. Purchaser has made such inspection and obtained such information concerning environmental matters, soil conditions, the provision of utility services and related matters regarding the property as they deem necessary and accepts the property “as is.”
4. At closing, the City shall convey marketable title in the property to Purchaser in fee simple, free and clear of all liens, encumbrances, easements, restrictions and warrants except:
 - (a) real estate taxes and assessments not yet due and payable,
 - (b) existing public highway and utility easements,
 - (c) such other matters as may be waived or may be deemed to have been waived by Purchaser in the means set forth in paragraph 5 of this Agreement
5. Prior to closing, Purchaser may, at his sole expense, undertake such investigation as he deems necessary to assure that he is receiving marketable title to the property. If such investigation reveals that the City cannot convey, or cause to be conveyed, marketable fee simple title to the property, or that there are any defects, liens, easements, restrictions, covenants, encroachments or other encumbrances, other than those disclosed in Section 4, against the property, Purchaser shall notify the City of his objection to any such matter. Upon receipt of such objection, the City shall promptly undertake and complete all actions as are

necessary to satisfy or eliminate the objection. If the City is unable to remove the objection prior to the date of closing, Purchaser may, as his sole remedy, either (a) terminate this Agreement, or (b) waive the objection and such title as the City is able to convey, without abatement of the purchase price.

6. All real property taxes and assessments will be prorated at the date of closing.
7. Purchaser shall take possession of the property at the date of closing.
8. Purchaser shall not assign any rights or obligations under this Agreement without the written consent of the City.

CITY OF MIDDLETOWN

PURCHASER

By: _____
Doug Adkins
City Manager

Jonathan Herald

Attest: _____
Amy Schenck
Clerk of City Council

Approved as to form: _____
Leslie S. Landen
Law Director

Authorized by Ordinance No. **02002-87**

COUNCIL COMMENTS

LEGISLATION

ITEM 1

RESOLUTION NO. R2018-06

A RESOLUTION TO MAKE ADJUSTMENTS TO APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF MIDDLETOWN, COUNTIES OF BUTLER AND WARREN, STATE OF OHIO, FOR THE PERIOD ENDING DECEMBER 31, 2018. (GENERAL FUND)

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Middletown, Butler/Warren Counties, Ohio:

Section 1

The following sums are hereby appropriated from the General Fund of the City to accounts of the City for the purposes herein described as follows:

FROM: Unappropriated General Fund (Fund # 100)	\$10,000.00
TO: Uniform Patrol Mandatory Travel & Training,	
<u>Accounts of 224 (100.224.52111)</u>	<u>\$10,000.00</u>
TOTAL GENERAL FUND	\$10,000.00

Section 2

The Director of Finance is hereby authorized to draw his warrants on the City Treasurer for payments from any of the foregoing appropriations upon receiving proper certificates and vouchers therefor, approved by the Board of Officers authorized by law to approve the same, or an ordinance or resolution of the City Council to make expenditures provided that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or ordinance.

Section 3

All legislation inconsistent herewith is hereby repealed.

Section 4

This resolution shall take effect and be in force from and after the earliest period allowed by law.

Lawrence P. Mulligan, Jr. Mayor

1st Reading: March 6, 2018
2nd Reading: March 20, 2018
Adopted: _____
Effective: _____

Attest: _____
Clerk of City Council

February 26, 2018

TO: Douglas Adkins, City Manager

FROM: Rodney Muterspaw, prepared by David Birk

2018 Appropriation of Grant Monies Received – General Fund

PURPOSE

The purpose of this staff report is to explain the appropriation of grant money received.

BACKGROUND and FINDINGS

The Middletown Community Foundation awarded the City of Middletown Division of Police a \$10,000.00 Grant for the purpose of specialized updated training for the Criminal Investigation and Patrol Division of the Middletown Police Department. This would enable The Middletown Division of Police to send officers to attend such training as Child Abuse and Neglect, Crime Scene Investigation, Active Shooter Instructor School, Hostage Negotiations, De-Escalating the Special Needs Population, Human Trafficking and Interview and Interrogations courses. These officers and detectives attending these courses return to train the entire Middletown Division of Police with new techniques. This will not only benefit the Middletown Division of Police, but the entire community benefits with updated training with more effective methods and techniques in policing.

General Fund (Fund #100)

From: Unappropriated General Fund (Fund #100)	\$10,000.00
T0: 100.224.52111 Uniform Patrol Mandatory Travel & Training	\$10,000.00

ALTERNATIVES

To not approve the appropriation which would prevent the Division of Police from utilizing grant monies for training.

FINANCIAL IMPACT

The net change to the overall budget is zero.

EMERGENCY/NON EMERGENCY

Non-Emergency.

LEGISLATION

ITEM 2

ORDINANCE NO. O2018-07

AN ORDINANCE ESTABLISHING A PROCEDURE FOR AND AUTHORIZING A CONTRACT WITH HOWELL CONTRACTORS, INC. FOR THE REPAIR OF THE EAST MIDDLETOWN INTERCEPTOR SEWER AND DECLARING AN EMERGENCY.

BE IT ORDAINED, by the City Council of the City of Middletown, Butler/Warren Counties, Ohio that:

Section 1

The City Manager without complying with the procedures of Chapter 735 of the Ohio Revised Code is hereby authorized to enter into a contract with Howell Contractors, Inc. for the repair of a collapsed portion of the East Middletown Interceptor Sewer in the rear of the property located at 2410 Oxford State Road. The contract shall be approved by the City Manager.

Section 2

For said purpose the Director of Finance is hereby authorized and directed to pay a sum not to exceed \$133,760.41 from the Sewer Capital Reserve Fund (495).

Section 3

This Council hereby determines that the procedure to be followed in the award and execution of the aforesaid contract shall consist solely of the procedure set forth in this Ordinance and the provisions of Chapter 735, Ohio Revised Code, shall not be applicable to the award and execution of the aforesaid contract.

Section 4

This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare, to wit: to permit the contractor who performed the emergency work to be paid immediately, and shall take effect and be in force from and after its adoption.

Lawrence P. Mulligan, Jr., Mayor

Adopted: _____

Attest: _____
Clerk of the City Council

March 7, 2018

TO: Doug Adkins, City Manager

FROM: Scott Tadych, Public Works & Utilities Director

EAST MIDDLETOWN INTERCEPTOR SEWER REPAIR

PURPOSE

To authorize the City Manager to enter into a contract with Howell Contractors, Inc. for repair of the East Middletown Interceptor Sewer.

BACKGROUND and FINDINGS

A section of the East Middletown Interceptor Sewer partially collapsed on January 29th, 2018 in the rear of property at 2410 Oxford State Road. This sewer line runs along Dick's Creek within an easement. The line serves a large portion of central and east Middletown. This is a 42" diameter corrugated metal pipe installed in 1967. Howell Contractors was contacted immediately to make an emergency repair. Bypass pumping was required to reduce flow in the sewer line during the repair process. The repair process took 14 day which was longer than expected due to sub-freezing weather conditions during this timeframe that caused issues with the bypass pumping operation.

ALTERNATIVES

None. The repair had to be made as soon as possible to avoid a complete sewer blockage causing a sanitary sewer overflow into Dick's Creek that would be a violation of the City's EPA NPDES permit and subject to potential penalties including fines.

FINANCIAL IMPACT

The repair was done on a time and materials basis in the amount of \$133,760.41.

The repair will be funded by the Sewer Capital Reserve Fund (495). Funds are appropriated.

EMERGENCY/NON-EMERGENCY

Emergency legislation is requested at the April 3rd, 2018 City Council to pay the contractor for work already performed as soon as possible.

ATTACHMENTS

Vicinity Map

East Interceptor Sewer Repair



LEGISLATION

ITEM 3

ORDINANCE NO. 02018-08

AN ORDINANCE ESTABLISHING A PROCEDURE FOR AND AUTHORIZING A CONTRACT WITH OBR COOLING TOWERS, INC. FOR THE REPAIR OF COOLING TOWERS AT THE CITY BUILDING, AND DECLARING AN EMERGENCY.

BE IT ORDAINED, by the City Council of the City of Middletown, Butler/Warren Counties, Ohio that:

Section 1

The City Manager without complying with the procedures of Chapter 735 of the Ohio Revised Code is hereby authorized to enter into a contract with OBR Cooling Towers, Inc. for the repair of the cooling towers at the City Building. The contract shall be in a form consistent with the quote from the vendor on file with the Director of Community Revitalization.

Section 2

For said purpose the Director of Finance is hereby authorized and directed to pay a sum not to exceed \$42,000.00 from the General Fund (Fund #100), which is hereby appropriated to the accounts of 261 (100.261.52510).

Section 3

This Council hereby determines that the procedure to be followed in the award and execution of the aforesaid contract shall consist solely of the procedure set forth in this Ordinance and the provisions of Chapter 735, Ohio Revised Code, shall not be applicable to the award and execution of the aforesaid contract.

Section 4

This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare, to wit: to permit the immediate repair of the cooling towers and prevent any emergency failure, and shall take effect and be in force from and after its adoption.

Lawrence P. Mulligan, Jr., Mayor

Adopted: _____

Attest: _____
Clerk of the City Council

STAFF REPORT
For the Business Meeting – March 20, 2017

February 28, 2018

TO: Douglas Adkins, City Manager

FROM: Kyle Fuchs, Director – Community Revitalization Department

PURPOSE

Repair cooling towers on City building

BACKGROUND AND FINDINGS

The cooling towers located on the roof of the City building have become ineffective and leaking water. The City building relies on both cooling towers, especially in hot weather and with the extra stress it takes on them for the old senior center as well. We received a quote from OBR Cooling Towers to make the necessary repairs. To properly repair the cooling towers so that we don't experience a loss of conditioned air in the building as well as the Senior Building, we need to appropriate \$42,000 to the building maintenance account (#100.261.52510). A copy of the quote is attached for your reference.

ALTERNATIVES

Ignore the repairs. In the event of one or possibly both of the towers failing, we would have to bring in temporary portable units while the repairs are made. That would be at a substantial additional cost.

FINANCIAL IMPACTS

\$42,000 needed for account 100.261.52510

EMERGENCY/NON EMERGENCY

Second reading emergency

February 22, 2018



Neal Wilson
City of Middletown
One Donham Plaza
Middletown, OH 45042

Philip Poll
OBR Cooling Towers
Mechanical Engineer
9665 South Compass Dr.
Rossford, OH 43460
tel 419 243 3443
fax 419 244 2157
cell 419 340 1824
www.obrcoolingtowers.com

Mr. Wilson

Per your request I have provided the following quotation for the work on your Baltimore Aircoil Cooling Towers.

Donam Square

Base Scope -- BAC FXT 1 FXT-160* (2 Cells)

- 1) Cut fill and dispose of in dumpsters provided by customer. Mechanically grind cold water basin to and SSPC-SP15 finish and install CIM urethane membrane sealing basin water tight. Install FRP air seal and verify proper operation with customer. OBR Cooling Towers will provide all of the necessary material, labor and supervision.

Material, labor, freight and supervision (2 Cells).....\$ 18,425.00

Add Scope #1 -- BAC FXT 1 FXT-160* (2 Cells)

- Remove fill material and dispose. Install new OEM BACross fill material on new OEM steel supports. New fill will be installed to match existing air travel arrangement.

Material, labor, freight and supervision (2 Cells).....22,762.00

LEGISLATION

ITEM 4

ORDINANCE NO. 02018-09

AN ORDINANCE SETTING FORTH MUNICIPAL SERVICES THAT WILL BE PROVIDED TO 3.089 +/- ACRES LOCATED IN FRANKLIN TOWNSHIP, WARREN COUNTY, OHIO, AS REQUIRED BY SECTION 709.023 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY.

WHEREAS, a petition to annex 3.089 +/- acres in Franklin Township, located near 4501 South Dixie Highway, 6962 Coles Road, and Talton Drive, to the City of Middletown and signed by Crown East Ltd. and DKS, LLC., was filed with the Board of County Commissioners of Warren County, Ohio on March 1, 2018; and

WHEREAS, a review of said petition will be scheduled before the Warren County Board of County Commissioners; and

WHEREAS, Section 709.023 of the Ohio Revised Code requires that before said review, the legislative authority of the municipal corporation to which the annexation is proposed, adopt a statement indicating what services, if any, the municipal corporation will provide to the territory proposed for annexation upon annexation; and

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Middletown, Butler/Warren Counties, Ohio, that:

Section 1

The City of Middletown will provide the following municipal services for the 3.089 +/- acres in Franklin Township, located near 4501 South Dixie Highway, 6962 Coles Road, and Talton Drive immediately upon the effective date of the annexation of said area to the City of Middletown provided by law:

Police

The City of Middletown will provide police protection to the proposed annexation area.

Fire

The City of Middletown will provide fire protection services and EMS services to the proposed area.

Water & Sewer

The City of Middletown will provide water, sanitary sewer service and storm sewer service to the proposed annexation area. To the extent that service is not presently available at the proposed annexation area, sanitary and storm sewer service can be extended in connection with development of the property. The City's system has excess capacity to handle this area.

Zoning and Planning

The City of Middletown will provide zoning and planning services to the proposed annexation area. In accordance with Section 1204.03 of the Codified Ordinances of the City of Middletown, all annexed territory zoned under county or township zoning shall be adopted until such time as City zoning regulations are enacted, unless otherwise requested by the petitioners and approved by the City Council. A buffer will be required if the requested zoning classification is clearly incompatible with uses permitted under current county or township zoning regulations in the adjacent land remaining within the township from which the territory is annexed.

Garbage and Refuse

The City will provide for the collection of garbage and refuse through a contract with a private collection service.

Street and Roadways

Maintenance will be available for additional right-of-way that may be included in this annexation request.

Section 2

If the territory is annexed and becomes subject to the City of Middletown zoning and the city zoning permits uses in the annexed territory that the city determines are clearly incompatible with the uses permitted under applicable township zoning regulations in effect at the time of the filing of the petition on the land adjacent to the annexation territory remaining within Franklin Township, then Middletown City Council will require, in the zoning ordinance permitting the incompatible uses, that the owner of the annexed territory provide a buffer separating the use of the annexed territory and the adjacent land remaining within Franklin Township. The landscape “buffer” may include open space, landscaping, fences, walls, and other structured elements, streets and street rights-of-way, or bicycle and pedestrian paths and sidewalks.

Section 3

The Clerk of City Council is directed to file a copy of this ordinance with the Warren County Board of County Commissioners.

Section 4

This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare, to wit: in order to state the City’s intent to provide services to the area to be annexed within twenty days of the filing of

the petition as required by law and before the review before the Warren County Board of County Commissioners, and shall take effect and be in force from and after its adoption.

Lawrence P. Mulligan, Jr., Mayor

Adopted: _____

Attest: _____
Clerk of the City Council

H:/Law/leg/2018 Leg/O Annexation Services 4501 S. Dixie Highway.doc

STAFF REPORT

For the business meeting of March 20, 2018

DATE March 12, 2018
TO: Douglas Adkins, City Manager
FROM: Sarah N. Fox, General Counsel

Annexation of 4501 S. Dixie Highway

PURPOSE

To provide information to Council regarding the annexation petition received by the City as to 4501 S. Dixie Highway.

BACKGROUND AND FINDINGS

The City has received an annexation petition whereby the Owners of 4501 S. Dixie Highway wish to annex from Franklin Township into the City of Middletown pursuant to Ohio Revised Code 709.023.

Pursuant to the code, the City must enact an ordinance stating what services it will offer to the annexed property.

ALTERNATIVES

The alternative would be to take no action. We would be in violation of the Ohio Revised Code.

FINANCIAL IMPACTS

There will be some financial impact due to providing services to the area, but nothing potentially extraordinary has arisen while discussing with Staff. We also will receive tax revenue from the property.

EMERGENCY/NON EMERGENCY

Emergency legislation is necessary due to time constraints placed in the Ohio Revised Code

LEGISLATION

ITEM 5

RESOLUTION NO. R2018-07

A RESOLUTION TO MAKE ADJUSTMENTS TO APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF MIDDLETOWN, COUNTIES OF BUTLER AND WARREN, STATE OF OHIO, FOR THE PERIOD ENDING DECEMBER 31, 2018. (GENERAL FUND)

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Middletown, Butler/Warren Counties, Ohio:

Section 1

The following sums are hereby appropriated from the General Fund of the City to accounts of the City for the purposes herein described as follows:

FROM: Unappropriated General Fund (Fund # 100)	\$8,953.11
TO: Summit Program Expenses,	
<u>Accounts of City Manager (100.111.52482)</u>	<u>\$8,953.11</u>
TOTAL GENERAL FUND	\$8,953.11

Section 2

The Director of Finance is hereby authorized to draw his warrants on the City Treasurer for payments from any of the foregoing appropriations upon receiving proper certificates and vouchers therefor, approved by the Board of Officers authorized by law to approve the same, or an ordinance or resolution of the City Council to make expenditures provided that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or ordinance.

Section 3

All legislation inconsistent herewith is hereby repealed.

Section 4

This resolution shall take effect and be in force from and after the earliest period allowed by law.

Lawrence P. Mulligan, Jr. Mayor

1st Reading: March 20, 2018

2nd Reading: _____

Adopted: _____

Effective: _____

Attest: _____
Clerk of City Council

DATE: March 5, 2018
TO: Doug Adkins, City Manager
FROM: Nadine Begley, Administrative Assistant to City Manager

Supplemental Appropriations – City Manager’s Office
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PURPOSE

The purpose of this staff report is to request a supplemental appropriation for the Summit Program Expenses from the General Fund.

100.111.52482 (Summit Program Expenses)	<u>\$8,953.11</u>
TOTAL	\$8,953.11

BACKGROUND and FINDINGS

The Summit Program was formerly paid quarterly through the University of Cincinnati Foundation. This program is now invoiced and paid through the Hamilton County Public Health organization. The amount of \$8,953.11 is the Purchase Order balance from the Summit Program Fund 2017, which is required to pay the full amount for the year 2018. As the Purchase Order RG026311, dated 12-6-17 will cease to be valid, with the funds returning to the General Fund. The requested appropriation will then return the funds (\$8,953.11) to the Summit Program Fund- 100.111.52482. The Memorandum of Agreement with cost of the program is attached for reference.

FINANCIAL IMPACT

This legislation will enable the full amount of the program to be available for payment to the Hamilton County public Health organization.

ALTERNATIVES

The alternative would be not to appropriate the funds which would prevent the City Manager from spending these funds in 2018, leaving the account short of funds to pay the full amount.

NON EMERGENCY

Non-Emergency

Cc: Jackie Phillips, Health Commissioner