



MIDDLETOWN CITY COUNCIL AGENDA
Tuesday, September 5, 2023

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

MOMENT OF MEDITATION/PLEDGE OF ALLEGIANCE TO THE FLAG/ROLL CALL

PUBLIC HEARING: Map Amendment: A request by applicant Adarsh Mani for approval of a Map Amendment and Zone Change at 1303-1307 Woodlawn Avenue, known as Parcel ID: Q6521003000002. The property is a total of 0.1837 acres. Per the City of Middletown Zoning Map and Middletown Development Code, the property is zoned I-1: Industrial Park District and would not permit multi-family dwellings therefore the applicant is proposing a Zone Change to R-4: Attached Residential District. The project will need approval by the City Council for the Map Amendment and Zone Change.

PUBLIC HEARING: Map Amendment: A request by applicant 2207 Oxford State Road LLC for approval of a Map Amendment and Zone Change at 2208 Oxford State Road, known as Parcel ID: Q6542101000016. The property is a total of 5 acres. Per the City of Middletown Zoning Map and Middletown Development Code, the property is zoned R-4: Attached Residential District and the applicant is proposing a Zone Change to I-2: General Industrial District. The project will need approval by the City Council for the Map Amendment and Zone Change.

PUBLIC HEARING: Preliminary Development Plan: A request by applicant J.A. Development on behalf of property owner Ravello Properties for approval of a Preliminary Development Plan to construct 47 single-family attached residential homes with private streets, and public water, sanitary, and storm sewers, as well as a 1.92-acre commercial out parcel on Towne Boulevard, known as Parcels ID: 07021760522 or 7021760501. The property is a total of 8.37 acres. The project will need approval by the City Council for the Planned Development Map Amendment and Zone Change.

PUBLIC HEARING: Text Amendment: Consideration of text amendments to the Middletown Development Code pertaining to Chapter 1218: Parking, Access, and Mobility, Chapter 1212.06 Remedies of the Historic Commission's Decision, and Chapter 1228.07 Penalties and Remedies for Violations. Planning Commission's recommendation will be forwarded to City Council for final review and decision.

CITIZEN COMMENTS

COUNCIL COMMENTS

CITY MANAGER REPORTS – Matt Dutkevicz- Butler County Regional Transit Authority

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) Receive and file the following board and commission minutes:
 - Cemetery Board- April 19, 2023
 - Civil Service Commission- June 15 & July 20, 2023
- b) Confirm the personnel appointments of Jacob Compton and Elisha Choudhary to the position of Corrections Officer in the Department of Public Safety, Division of Police; Jennifer Holland to the position of Dispatcher in the Department of Public Safety, Division of Police; William Horst to the position of City Engineer in the Department of Public Works & Utilities, Division of Engineering.
- c) To request approval to purchase one CV SGT Vacuum Excavator trailer from Vermeer of Washington CH, OH in the amount of \$59,900 for the Water Distribution Division.



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- d) Receive & file Oaths of Office for Logan Dooley, Tyrevis Hill, Anthony Scott, Conant Smith

MOTION AGENDA

- a) To authorize the City Manager to enter in to a professional services contract with Greeley and Hansen for design services for a new raw water transmission main in an amount not-to-exceed \$173,300.
- b) To approve the purchase of highway rock salt from Compass Minerals America Inc., of Overland Park, KS, in the amount of \$100.33/ton for the approximate usage of 3,500 tons over the 2023-2024 winter season. (Approximately \$351,155)
- c) To authorize the City Manager to enter into a land lease with Butler Tech for a portion of the Middletown Regional Airport for the construction and operation of a new aviation and educational facility to be operated by Butler Tech.
- d) To authorize the City Manager to enter into a renewed lease contract with Butler County Warbirds, Inc.
- e) To authorize the City Manager to enter into an Electric Aggregation Agreement with Energy Harbor as recommended by Energy Alliances, Inc., provided that the accepted aggregation rate is at or below \$0.0699/kwh at the time of execution, for a period not to exceed 24 months.
- f) To authorize the City Manager to enter into an agreement to enter into a Natural Gas Aggregation Agreement with a natural gas supplier as recommended by Energy Alliances, Inc., provided that the accepted aggregation rate is at or below \$0.699/ccf at the time of execution, for a period not to exceed 24 months.
- g) To authorize the City Manager to execute a Parking Lease Agreement with East Pointe 200 Office Equities, LLC in order to obtain rights to utilize parking at the existing office building on Atrium Blvd. (occupied by Paychex) in support of the arena and event center project.

LEGISLATION

1. **Ordinance No. 02023-64**, an ordinance authorizing an American Rescue Plan Act Infusion Grant Program agreement with the Denny Lumber Company for the acceptance of American Rescue Plan Act funds as a provision of government services to the extent of the reduction in revenue and declaring an emergency.
2. **Ordinance No. 02023-65**, an ordinance authorizing an American Rescue Plan Act Infusion Grant Program agreement with The Bearded Brewer, LLC for the acceptance of American Rescue Plan Act funds as a provision of government services to the extent of the reduction in revenue and declaring an emergency.
3. **Ordinance No. 02023-66**, an ordinance authorizing an American Rescue Plan Act Infusion Grant Program agreement with Combs Veterinary Services, LLC for the acceptance of American Rescue Plan Act funds as a provision of government services to the extent of the reduction in revenue and declaring an emergency.
4. **Ordinance No. 02023-67**, an ordinance authorizing an American Rescue Plan Act Infusion Grant Program agreement with Repper Pagan Law, Ltd. for the acceptance of American Rescue Plan Act funds as a provision of government services to the extent of the reduction in revenue and declaring an emergency.
5. **Ordinance No. 02023-68**, an ordinance authorizing an American Rescue Plan Act Infusion Grant Program agreement with Tekie Brothers, LLC for the acceptance of American Rescue Plan Act funds as a provision of government services to the extent of the reduction in revenue and declaring an emergency.



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6. **Ordinance No. O2023-69**, an ordinance authorizing an American Rescue Plan Act ARPA Infusion Grant Program agreement with N.E.W. Ales Brewing, LLC for the acceptance of American Rescue Plan Act funds as a provision of government services to the extent of the reduction in revenue and declaring an emergency.
7. **Ordinance No. O2023-70**, an ordinance accepting the annexation of 93.429 +/- acres of territory located in Lemon Township, Butler County, Ohio, as required by Section 709.04 of the Ohio Revised Code. (Second Reading)
8. **Ordinance No. O2023-71**, an ordinance authorizing the City Manager to apply for, accept and enter into a water supply revolving loan account agreement with the Ohio Environmental Protection Agency's Department of Environmental and Financial Assistance for the 18th Avenue Water Main Replacement Project. (Second Reading)
9. **Resolution No. R2023-24**, a resolution authorizing the filing of applications for State Fiscal Year (SFY) 2025 with the Ohio Department of Transportation for grants under the Ohio Public Transportation Grant Program. (Second Reading)
10. **Ordinance No. O2023-72**, an ordinance establishing a procedure for and authorizing a contract with Cintas Corporation No. 2 dba Cintas Fire Protection to purchase a Fike FE-25 clean agent automatic fire detection and suppression system for the computer server room and declaring an emergency.
11. **Ordinance No. O2023-73**, an ordinance establishing a procedure for and authorizing a contract with Pro-Vision for the purchase of in-cruiser camera systems for the Division of Police and declaring an emergency.
12. **Resolution No. R2023-25**, a resolution determining that a petition to establish the Renaissance Arena District New Community Authority is sufficient and complies with the requirements of Section 349.03 of the Ohio Revised Code in form and substance; setting the time and place for a public hearing on the petition; authorizing notice by publication of such public hearing, and declaring an emergency.
13. **Ordinance No. O2023-74**, an ordinance establishing a procedure for and authorizing the extension of a contract with Rumpke, Inc. for refuse collection and disposal and declaring an emergency. (No action requested until September 19, 2023)
14. **Resolution No. R2023-26**, a resolution authorizing the City Manager to submit an application to the Ohio Public Works Commission for Project Year 38 requesting funding for the installation of approximately 9,600 linear feet of raw water transmission main to serve 13 production wells within the City's wellfield, to enter into agreements for such funding and declaring an emergency. (No action requested until September 19, 2023)
15. **Ordinance No. O2023-75**, an ordinance amending the contract with Shook Construction to accept the guaranteed maximum price for phase 2 of the Downtown CSO Storage Basin Project. (First Reading)
16. **Ordinance No. O2023-76**, an ordinance establishing a procedure for and authorizing an amendment to a professional services contract with Brown & Caldwell for owners advisor services related to the Downtown CSO Storage Basin Project. (First Reading)



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17. **Ordinance No. 02023-77**, an ordinance establishing a procedure for and authorizing a contract with Tesco and Butler County Regional Transit Authority for the purchase of one light transit vehicle. (First Reading)
18. **Ordinance No. 02023-78**, an ordinance authorizing the City Manager to enter into a memorandum of understanding with NEORide to administer small urban coordination projects for the Middletown Transit System. (First Reading)
19. **Ordinance No. 02023-79**, an ordinance establishing a procedure for and authorizing a contract with Rosco Collision Avoidance, Inc. and Butler County Regional Transit Authority for the purchase of collision avoidance technology. (First Reading)
20. **Ordinance No. 02023-80**, an ordinance amending Sections 1212.06, 1218.03 and 1228.07 of the Middletown Development Code included in the Middletown Codified Ordinances. (First Reading)
21. **Ordinance No. 02023-81**, an ordinance changing the zoning classification for the parcel located at 1303-1307 Woodlawn Avenue from I-1 (Industrial Park District) to R-4 (Attached Residential District). (First Reading)
22. **Ordinance No. 02023-82**, an ordinance changing the zoning classification for the parcel located at 2208 Oxford State Road from R-4 (Attached Residential District) to I-2 (General Industrial District). (First Reading)
23. **Ordinance No. 02023-83**, an ordinance changing the zoning classification for a portion of Warren County parcel number 07021760522 from B-2 (Community Business District) to PD (Planned Development District) and approving a preliminary development plan. (First Reading)

NEW BUSINESS

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.