

MIDDLETOWN, OHIO

February 6, 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.

Staff Present: Nadine Begley, Neal Wilson, Sarah Fox, David Birk, City Manager Doug Adkins, Clerk Amy Schenck.

Mr. Bohannon moved to excuse the absence of Mr. Moon. Mr. J. Mulligan seconded. Motion carried. Ayes: Mr. J. Mulligan, Mr. L. Mulligan, Mr. Bohannon, Ms. Vitori.

PUBLIC HEARING

Text and Map Amendment Case #1-17: City of Middletown Planning & Zoning Ordinance: Consideration of the formal adoption of the updated City of Middletown Planning & Zoning Ordinance, known as the Middletown Development Code. The Planning Commission's recommendation of approval has been forwarded to City Council for final review.

City Manager Adkins explained that the overall purpose of the City of Middletown Planning & Zoning Ordinance update was to streamline regulations to make it easier to invest in the community and to do business in Middletown. This will provide a comprehensive update to the existing zoning and subdivision regulations that have been updated in a more piecemeal fashion since the late 1960's; ensure that the new code addresses modern uses and issues; eliminate major areas of nonconformities, which is where current uses or lots do not meet the existing requirements but were legal established under previous code revisions; make it easier to understand and use the regulations; and eliminate inconsistencies in the language and provide for clearer definitions and rules of measurement.

At 5:32 p.m., Mayor Mulligan opened the public hearing and asked if there were any attendees to speak in favor of the formal adoption of the Middletown Development Code. Hearing none, he called for any attendees to speak in opposition to the formal adoption of the Middletown Development Code. Hearing none, he closed the public hearing at 5:33 p.m.

CITIZEN COMMENTS

Ms. Julie Joyce Smith provided an update from the Butler County Auditor. She reported that first half tax bills are due to the Butler County Treasurer's Office by February 28th this year. Tax bills went out in the mail around January 26th. She reported that there is a new app for Android devices - Skim Plus - that can detect the Bluetooth signal coming from an illegal credit card skimmer. The app maker says Skim Plus will quickly search for any Bluetooth skimmer hardware within 100 meters, 330 feet. It will then alert the user if any known Bluetooth skimmers are present. There have been a total of 20 skimmers pulled from Butler County pumps since November 2015. The Auditor's Weights & Measures department has tested the app and it detected the Bluetooth signal from two skimmers our inspectors had previously pulled from fuel pumps in the county. There have been no false positive signals during testing. Skim Plus can be downloaded for free or there is a .99 cent version that includes a mapping tool. It is not yet available for Apple devices. Ms. Smith reminded everyone that the deadline this year to file for or renew a Current Agricultural Use Value (CAUV) is Monday, March 5th. A filing fee of \$25 is required on the date the application is filed, but yearly renewals are free. Renewal letters have been mailed out. If anyone has questions concerning CAUV or recoupages, please contact Harold Baxter at 513-887-3146. She reported that the filing period to contest the value of your property to the Board of Revision, located in our office, is open through Monday, April 1st. The form and instructions are available online at www.ButlerCountyAuditor.org.

CITY MANAGER

Mr. Adkins reminded Council members that they need to submit their Charter Review nominations and he requested an executive session at the end of the meeting.

CONSENT AGENDA

Approve City Council Minutes: January 16, 2018
Receive and File Board and Commission Minutes:
 Cemetery Board- July 19, 2017
 Planning Commission- November 8 & December 13, 2017
 Library Board- November 14 & December 19, 2017
 Board of Health- December 12, 2017
 Park Board- December 4, 2017
Receive and File Oath of Office: Desiree Malone
Receive and File a Maintenance Bond and a Performance Bond submitted by Fischer Development Co., Inc. guaranteeing public improvements constructed as part of Renaissance 2 Section 6 Subdivision.
Receive and File a Maintenance Bond and a Performance Bond submitted by Fischer Development Co., Inc. guaranteeing public improvements constructed as part of Renaissance 2 Section 7 Subdivision.
Confirm Promotional Appointment:
 Timothy Haney-Equipment Operator, Public Works and Utilities

Confirm Personnel Appointments:

Ethan Cox- Firefighter-EMT, Department of Public Safety
 Michael Preston- Maintenance Worker, Public Works and Utilities, Sewer Maintenance
Receive and File Final Assessments for the 2017 Miscellaneous Concrete Repair Program.
Receive and File Final Assessments for the 2017 Sidewalk, Curb, and Gutter Program.
Approve, Receive and File the Final Plat for Renaissance II Subdivision, Section 6.
Approve, Receive and File the Final Plat for Renaissance II Subdivision, Section 7.
Confirm Board and Commission Appointments:

Airport Commission- Kurt Yearout
 Building & Housing Board of Appeals – Greg Martin
 Citizens Advisory Board to the Police- Wanda Glover, Bill Keith, Katrina Wilson
 Planning Commission- Mike Friedman

Confirm 2018 City Council Representatives to Boards and Commissions:

Airport Commission – Tal Moon
 Architectural Review Board- Steve Bohannon
 Board of Health – Larry Mulligan
 Board of Library Trustees –Ami Vitori
 Citizen Advisory Board to the Middletown Division of Police- S. Bohannon
 City Planning Commission – Larry Mulligan (Alternate: Steve Bohannon)
 Convention and Visitors Bureau – Ami Vitori
 Emergency Management Advisory Council – Larry Mulligan
 Keep Middletown Beautiful – Larry Mulligan
 Master Plan Implementation Committee – Larry Mulligan, Joe Mulligan
 Middletown Cemetery Board – Steve Bohannon
 Middletown Moving Forward – Larry Mulligan, (Tal Moon)
 OKI Regional Council of Governments – Larry Mulligan (Joe Mulligan)
 Park Board – Steve Bohannon
 SELF Board – Tal Moon
 Tax Incentive Review Committee – Larry Mulligan
 Warren County Municipal League Representative- Tal Moon

Mr. Bohannon moved to approve the issues and actions listed on the Consent Agenda. Mr. J. Mulligan seconded. Motion carried. Ayes: Mr. J. Mulligan, Mr. L. Mulligan, Mr. Bohannon, Ms. Vitori.

MOTION AGENDA

Remediation of Aeronca Property

To enter into a professional services agreement with CH2M Hill Engineers, Inc. for preparing construction drawings and technical specifications for remediation of the former Aeronca property.

Mr. Bohannon moved to enter into a professional services agreement with CH2M Hill Engineers, Inc. for preparing construction drawings and technical specifications for remediation of the former Aeronca property. Mr. J. Mulligan seconded. Motion carried. Ayes: Mr. J. Mulligan, Mr. L. Mulligan, Ms. Vitori, Mr. Bohannon.

Purchase SCBAs from Vogelpohl

To purchase MSA Self-Contained Breathing Apparatus (SCBA'S) for the Division of Fire from Vogelpohl Fire Equipment of Erlanger, KY, in the amount of \$353,752.00. The City's share of the Assistance to Firefighters Grant is \$35,375.20 (10%).

Ms. Vitori moved to purchase MSA Self-Contained Breathing Apparatus (SCBA'S) for the Division of Fire from Vogelpohl Fire Equipment of Erlanger, KY, in the amount of \$353,752.00. Mr. Bohannon seconded. Motion carried. Ayes: Mr. L. Mulligan, Ms. Vitori, Mr. Bohannon, Mr. J. Mulligan.

Rec. & File Oath Joe Mulligan

To receive and file an Oath of Office for Joe Mulligan.

Mr. Bohannon moved to receive and file an Oath of Office for Joe Mulligan. Ms. Vitori seconded. Motion carried. Ayes: Ms. Vitori, Mr. Bohannon, Mr. J. Mulligan, Mr. L. Mulligan.

Rec. & File Oath Ami Vitori

To receive and file an Oath of Office for Ami Vitori.

Mr. Bohannon moved to receive and file an Oath of Office for Ami Vitori. Mr. J. Mulligan seconded. Motion carried. Ayes: Mr. Bohannon, Mr. J. Mulligan, Mr. L. Mulligan, Ms. Vitori.

COUNCIL COMMENTS

Mr. J. Mulligan

Mr. J. Mulligan commented that the Silent Heroes event was great and thanked Celeste Didlick-Davis for her leadership. He congratulated those who were honored at the event.

Mr. Bohannon

Mr. Bohannon wished everyone a Happy Valentine's Day and reminded them that baseball season is right around the corner.

Ms. Vitori

Ms. Vitori reported that during Catholic School's Week, Fenwick hosted an all-school Mass and a wonderful reception honoring Fr. John Civile.

Mr. L. Mulligan

Mr. L. Mulligan remarked that the Council had a productive Council Retreat and that the First Friday events downtown were well attended.

Ord. No. 02018-02

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 with no action requested until February 20, 2018.

Ord. No. 02018-03

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 with no action requested until February 20, 2018.

EXECUTIVE SESSION

At 5:48 p.m., Mr. Bohannon moved to adjourn to Executive Session 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. Mr. J. Mulligan seconded. Motion carried. Ayes: Mr. J. Mulligan, Mr. L. Mulligan, Mr. Bohannon, Ms. Vitori. Council returned to regular session at 6:30 p.m.

ADJOURNMENT

At 6:30 p.m., the meeting was declared adjourned until the Council meeting of February 20, 2018, at 5:30 p.m.

Lawrence P. Mulligan, Jr., Mayor

Attest: _____