

## MIDDLETOWN, OHIO

March 5, 2019

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

**ROLL CALL**

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

**EXCUSE ABSENCE**

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

**PUBLIC HEARING  
Right Of Way  
Vacation #1-19**

Ms. Combs explained that Right Of Way Vacation #1-19 (Portions right of way located near the intersection of Clark Street & Reinartz Boulevard) is a request by petitioner, Jake Rudemiller, P.E., on behalf of Brett Oakley, for two portions of right-of-ways to be vacated near the intersection of Clark Street and Reinartz Boulevard. The first right-of-way vacation is an unnamed alley that is a total of 0.059 acres and the second right-of-way vacation is a portion of Reinartz Boulevard that is a total of 0.042 acres. If approved, the portions of the vacated street and alley will be consolidated with the surrounding properties for the recently approved townhome development to be constructed in spring 2019.

Earlier last year a map amendment and right-of-way vacation was approved by the Planning Commission and City Council to allow for an apartment and townhomes project. If approved, the owner Brett Oakley will consolidate the vacations with his property and start construction of the housing project in the spring. Planning Commission recommended approval of the requested ROW Vacation.

At 5:32 p.m., Mr. Moon opened the public hearing for Right of way vacation #1-19 and asked for those who wished to speak in favor of the right of way vacation. Hearing none, he called for those who wished to speak in opposition to the right of way vacation. Hearing none, the public hearing was closed at 5:33 p.m.

**PUBLIC HEARING  
Right Of Way  
Vacation #2-19**

Ms. Combs explained that Right Of Way Vacation #2-19, a request by petitioner, City of Middletown, on behalf of Cohen Brothers, for three portions: Lamneck Street (total of 1.218 acres), Calumet Avenue (total of 1.018 acres), and Grand Avenue (total of 0.634 acre) of public right-of-ways to be vacated. If approved, the portions of streets will be vacated and consolidated with the surrounding property owned by Cohen Brothers Properties LTD and Barrett Paving Materials INC.

In 2016, the City executed an agreement with Norfolk Southern and Ohio Rail Development Commission to close the rail crossing at Grand Avenue near University Boulevard. In 2018, the City executed a project to remove the pavement and curb opening along University Blvd. to remove the remnants of the former roadway crossing. Cohen Brothers had requested the City vacate the right of way for the streets adjacent to their property that is no longer needed since the roadways do not lead to an external street (due to the removal of the crossing). These roadways are in poor shape and only used by Cohen Brothers vehicles. Planning Commission recommended approval of the requested ROW Vacation.

At 5:34 p.m., Mr. Moon opened the public hearing for Right of way vacation #2-19 and asked for those who wished to speak in favor of the right of way vacation. Hearing none, he called for those who wished to speak in opposition to the right of way vacation. Hearing none, the public hearing was closed at 5:34 p.m.

**PUBLIC HEARING  
2019 ANNUAL  
ACTION PLAN**

2019 Annual Action Plan Regarding HUD Funding: The City of Middletown, as directed by the U.S. Department of Housing and Urban Development (HUD), is submitting its Program Year 2019 Annual Action Plan, setting the program activities and budget for the Community Development Block Grant (CDBG) Program.

At 5:35 p.m., Mr. Moon opened the public hearing for 2019 Annual Action Plan Regarding HUD Funding and asked for those who wished to speak in favor of the plan. Hearing none, he called for those who wished to speak in opposition to the plan. Hearing none, the public hearing was closed at 5:35 p.m.

**CITY MANAGER**

City Manager Adkins reported that the City does not have time to put together summer park programming for 2019, but will provide funding to the Community Building Institute and the YMCA for their programs. He also stated that the City was going to provide free Wi-Fi downtown, this program will start small with a cost of less than \$30,000.

**Julie Joyce-Smith**

Julie Joyce-Smith provided an update from the Butler County Auditor's Office and reported that the office was preparing the property tax advances. She provided information about the fuel quality testing by the County Auditor and that it might be added to the transportation budget. She reminded everyone that this issue was important to protect consumers from getting bad gasoline. She reported that CAUV renewals were due by March 4<sup>th</sup> and that the deadline to file with the Board of Revision is April 1, 2019.

**CONSENT AGENDA**

Approve the City Council minutes of January 22, February 5, 2019  
 Confirm the personnel appointments of: Brittany Grimes to the position of Human Resources Specialist, Human Resources; William Paullin and Darryl Barnett to the position of Maintenance Worker, Department of Public Works and Utilities; Garrett Downing to the position of Patrol Officer, Department of Public Safety, Division of Police; Josh Meisner to the position of Firefighter-EMT, Department of Public Safety, Division of Fire; and Austin Eidemiller to the position of Zoning Inspector, Department of Economic Development.  
 Confirm the reinstatement of Jeffrey Palmer to the position of Mechanic, Department of Public Works and Utilities, Municipal Garage  
 Receive and file minutes from the Board of Health from January 8, 2019  
 Receive and file Performance Bonds submitted by Sawyers Mill Project 1, LLC guaranteeing public improvements to be constructed as part of Sawyers Mill Section 1 subdivision, and releasing Letters of Credit provided in 2012 by Sawyers Mill LLC covering the same work.

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, Ms. Vitori.

**MOTION ITEM  
 Purchase Fire Medic**

To approve the purchase a Medix fire medic off the ODAS Contract from Penn Care, of Niles, OH, in the amount of \$144,657.

Mr. Bohannon moved to approve the purchase a Medix fire medic off the ODAS Contract from Penn Care, of Niles, OH, in the amount of \$144,657. Mr. J. Mulligan seconded. Motion carried. Ayes: Mr. Moon, Mr. J. Mulligan, Mr. Bohannon, Ms. Vitori.

**COUNCIL COMMENTS**

**Mr. Moon**

Mr. Moon announced that Middletown High School was hosting a Latino community open house event.

**Waive Charter**

Mr. Bohannon moved to suspend the Charter provision that requires reading on two separate days and to declare resolution No. R2019-10 an emergency measure to be read one time only. Mr. J. Mulligan seconded. Motion carried. Ayes: Mr. J. Mulligan, Ms. Vitori, Mr. Bohannon, Mr. Moon.

**Ord. No. 02019-08  
 Amending Section  
 618.17 and Enacting  
 Section 618.25**

**Ordinance No. 02019-08**, an ordinance amending Section 618.17 (Dangerous and Vicious Dogs) and enacting Section 618.25 (Hearings for Dog Designation) of the Codified Ordinances was read for the second time.

Mr. J. Mulligan moved to approve Ordinance No. 02019-08, an ordinance amending Section 618.17 (Dangerous and Vicious Dogs) and enacting Section 618.25 (Hearings for Dog Designation) of the Codified Ordinances. Ms. Vitori seconded. Motion carried. Ayes: Ms. Vitori, Mr. Bohannon, Mr. Moon, Mr. J. Mulligan.

**Res. No. R2019-09  
 Amend Appropriations  
 Police Grant Fund**

**Resolution No. R2019-09**, 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, 2019 was read for the second time. (Police Grant Fund)

Mr. Bohannon moved to approve Resolution No. R2019-09, 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, 2019. Mr. J. Mulligan seconded. Motion carried. Ayes: Ms. Vitori, Mr. Bohannon, Mr. Moon, Mr. J. Mulligan.

**Res. No. R2019-10  
 Advance Property  
 Taxes**

**Resolution No. R2019-10**, a resolution requesting the Auditor of Butler County to advance to the Treasurer of the City of Middletown, Ohio, taxes assessed and collected for and on behalf of the City of Middletown, Ohio and declaring an emergency was read.

Mr. Bohannon moved to approve Resolution No. R2019-10, a resolution requesting the Auditor of Butler County to advance to the Treasurer of the City of Middletown, Ohio, taxes assessed and collected for and on behalf of the City of Middletown, Ohio and declaring an emergency. Mr. J. Mulligan seconded. Motion carried. Ayes: Mr. Bohannon, Mr. Moon, Mr. J. Mulligan Ms. Vitori.

**Res. No. R2019-11  
 Res. of Necessity  
 Sidewalks, Curbs  
 Gutters**

**Resolution No. R2019-11**, a resolution declaring the necessity of repairing certain sidewalks, curbs, gutters and driveway aprons in the City of Middletown, requiring that abutting property owners repair the same and declaring an emergency was read with no action requested until March 19, 2019.

**Ord. No. 02019-10**

**Ordinance No. 02019-10**, an ordinance authorizing the submission of an application for fed-

**Annual Action Plan**

eral 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 2019 and declaring an emergency was read with no action requested until March 19, 2019.

**Ord. No. 02019-11  
Purchase 2016 Chevy  
Tahoe**

**Ordinance No. 02019-11**, an ordinance establishing a procedure for and authorizing a contract with Beau Townsend Ford for the purchase of a 2016 Chevrolet Tahoe LS was read for the first time.

**Ord. No. 02019-12  
Alley Vacation**

**Ordinance No. 02019-12**, an ordinance vacating an alley near the intersection of Clark Street and Reinartz Boulevard and portion of Reinartz Boulevard was read for the first time.

**Ord. No. 02019-13  
Alley Vacation**

**Ordinance No. 02019-13**, an ordinance vacating portions of Lamneck Street, Calumet Avenue and Grand Avenue was read for the first time.

**EXECUTIVE SESSION**

At 6:00 p.m. Mr. Bohannon 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; and under the authority of O.R.C. 121.22 (G) (8) To consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or to negotiations with other political subdivisions respecting requests for economic development assistance, provided that both of the following conditions apply:

(1) The information is directly related to a request for economic development assistance that is to be provided or administered under any provision of Chapter 715., 725., 1724., or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of the Revised Code, or that involves public infrastructure improvements or the extension of utility services that are directly related to an economic development project.(2) A unanimous quorum of the public body determines, by a roll call vote, that the executive session is necessary to protect the interests of the applicant or the possible investment or expenditure of public funds to be made in connection with the economic development project. Mr. J. Mulligan seconded. Motion carried. Ayes: Mr. Moon, Mr. J. Mulligan, Mr. Bohannon, Ms. Vitori.

**ADJOURNMENT**

At 6:48 p.m., the meeting was declared adjourned until the City Council Business Meeting on March 19, 2019 at 5:00 p.m. in Conference Room 2C.

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Lawrence P. Mulligan, Jr., Mayor

Attest: \_\_\_\_\_