

MIDDLETOWN, OHIO

April 2, 2019

At 5:35 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, L. Mulligan, A. Vitori.

**EXCUSE ABSENCE**

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

**CITIZENS COMMENTS**  
**75<sup>th</sup> Anniversary of**  
**The Chamber**  
**Of Commerce**

Mayor Mulligan welcomed Rick Pearce and Ann Banks down to the podium to receive following proclamation:

**PROCLAMATION**

**WHEREAS**, in 1917, a group of business men organized Middletown's Chamber of Commerce with the objective of pulling the resources of the area to aid in winning World War I. That early chamber consisted of 500 members; and

**WHEREAS**, soon after the war, Middletown began to prosper from a booming economy, and they hired their first executive director, Dwight Smith. To help manage Middletown's growth in the early 1920's and to meet the needs of the area, the Middletown Civic Association was created in 1924 and the chamber was absorbed into the organization and hired Mr. Smith to oversee operations. For the next 20 years, the City of Middletown experienced phenomenal growth; and

**WHEREAS**, in 1944, the Bureau of Commerce split from the Civic Association to form Middletown's second chamber of commerce, the organization we know today. In 1998, the Middletown Area Chamber of Commerce merged with the Monroe Chamber of Commerce and Trenton Chamber of Commerce to form the Mid-Miami Valley Chamber of Commerce. In 2003, the name was changed to The Chamber of Commerce serving Middletown, Monroe and Trenton; and

**WHEREAS**, the Chamber of Commerce serving Middletown, Monroe and Trenton is a membership driven organization representing and working with businesses in our communities to improve the business climate and attract new businesses, all the while working with these cities to retain existing businesses and industries; and

**WHEREAS**, the Chamber is a proactive advocate for business and professional organizations and is dedicated to developing, nurturing and protecting a positive economic climate. The Chamber offers networking and exposure through special events; sponsorship opportunities; leadership courses; volunteer opportunities; and referrals.

**NOW THEREFORE, I, Lawrence P. Mulligan, Jr.**, by the powers vested in me as Mayor of the City of Middletown do hereby proclaim April 2, 2019, as a day fitting to celebrate the 75<sup>th</sup> anniversary of The Chamber of Commerce serving Middletown, Monroe and Trenton.



**IN WITNESS WHEREOF**, I have hereunto affixed my hand and the seal of the City this 2<sup>nd</sup> day of April 2019.

Mayor Mulligan presented the following proclamation:

**PROCLAMATION**

National Public Health Week  
 April 1 - 7, 2019

**WHEREAS**, the week of April 1-7, 2019, is National Public Health Week; and

**WHEREAS**, the City of Middletown Health Department along with other local health departments throughout Ohio are using the week to recognize 100 years of public health; and

**WHEREAS**, this year marks the 100<sup>th</sup> anniversary of two legislative acts that shaped the future of public health in Ohio; and

**WHEREAS**, the Hughes Act and Griswold Act, both enacted in 1919, established the modern day organization of local health departments; and

**Public Health Week**  
**April 1 - 7, 2019**

**WHEREAS**, the Health District is reflecting on public health efforts from the past 100 years to honor “How the past made public health matter”; and

**WHEREAS**, public health has added 25 years to American life expectancy, reduced motor vehicle crash deaths by 90 percent and helped reduce sudden infant death rate by 50 percent; and

**WHEREAS**, public health has eradicated smallpox, increased vaccinations against polio and other preventable diseases, reduced tobacco use, improved maternal and infant healthcare.

**NOW, THEREFORE**, I, the Mayor of the City of Middletown, do hereby proclaim the week of April 1-7, 2019, as National Public Health Week, and call upon the people of the City of Middletown to celebrate 100 years of public health and how the past made public health better.



**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the City of Middletown this 2<sup>nd</sup> day of April, 2019.

Mayor Mulligan highlighted the Top 10 Public Health Achievements in the last 100 Years:

- Immunizations / Control of infectious diseases
- Motor vehicle safety
- Declines in deaths from heart disease and stroke
- Safer and healthier foods
- Improved Maternal and Infant Health
- Reduction of tobacco use
- Public Health Preparedness and Response
- Cancer Screenings and Education
- Breastfeeding Support and Education
- Vector and Mosquito Control Programs

Additional achievements include:

- Fluoridation of drinking water to prevent dental cavities
- Family planning and Contraceptive Services
- Improved Occupational Safety
- Lead Exposure and Poisoning Prevention

Mayor Mulligan recognized the important work of the Middletown Health Department and especially the efforts of Health Commissioner, Jackie Phillips.

**Sue Wittman, Director  
Art Central Foundation**

Sue Wittman, 1504 N. Breiel Blvd., addressed the City Council with the following statement. Mayor Mulligan, Members of City Council & City Staff, thank you for allowing the Art Central Foundation update you on the project we have been working on for the last year.

Do you know how much of a champion the Art Central Foundation has been of downtown Middletown for last 14 years? Do you realize our first program, Got Art!, installed original artwork in vacant storefronts along Central Avenue? Before any businesses occupied these spaces, we were washing windows, painting storefronts, removing dead animals and trash, installing temporary walls and lights. We put the best face possible on our city to drive interest in our downtown and setting the stage for the Pendleton Art Center to bring working artists' studios to town.

When another champion of downtown Middletown, Harry Finkleman passed away, do you realize the ACF took over his free community festival, Music on Main? This became the Main Street Art and Music Festival, which for 5 years, featured regional musicians playing on three stages in downtown. The festival included activities for families and children and one year even included a fireworks show. This set the stage for the current Broad Street Bash summer concert series.

When the City of Middletown could not afford a tree lighting ceremony during the holidays, do you realize the ACF started the Affair on the Square? We had trees donated, installed them in the park, decorated & lit them, provided horse drawn carriage rides & showcased our many performing arts groups' holiday offerings. This set the stage for the Santa Parade.

All of these events & festivals were provided at no cost to the City and the citizens of Middletown. And while the ACF has moved our focus away from festivals and events, we still continue to help beautify our town with public art. Since 2011 the ACF has produced 11 pieces of public art, all involving community partners, residents & our students. Again, at no cost to the City. We have participated in Keep Middletown Beautiful Earth Day Clean-up

for many years, bringing volunteers to paint & beautify many downtown properties. We have power washed the Community Center twice and last year painted the entire exterior.

Ten years ago, we found our focus in visual arts education. The ACF's workshop program gives free art classes to children from Middletown & the six School Districts surrounding. These classes have impacted the lives of over 1600 children. Many of these students, after graduation, come back to visit, teach and volunteer for the ACF. As our programming grew, so did the need for a space of our own and we became tenants of yet another downtown champion, Perry Thatcher. As renters, we cared for the building and when he passed, the ACF was one of the non-profits chosen to receive part of his property as outlined in his will. As a local campus of Cincinnati State planned to open, the City of Middletown acquired all of Perry's buildings, displacing all tenants. The Art Central Foundation was forced to leave the building we loved and spent the next two and a half years negotiating with the City to honor Perry's wishes and gift the Art Central Foundation the building at 4 N Main. Rededicated, the Thatcher Temple Arts building, it is now our permanent home and has become a source of revenue for the Foundation. Downtown champions like Finkleman and Thatcher loved these historic buildings and at times, kept them from being torn down. The ACF is here today because we had the good fortune of being in the right place, at the right time. In March 2018, Cincinnati State presented us the opportunity to acquire the First National Bank building at 2 N. Main. After a year of research, committee meetings, and walk-throughs with developers, we accepted Cincinnati State's offer. Ms. Wittman introduced Randy Merrill, from McGill Smith Ponshun Design firm, one of the expert advisors in the development process. He offered to answer any questions that Council may have.

**Mr. Joe Wittman,  
Art Central Foundation**

Mr. Joe Wittman, 1504 N. Breiel Blvd., stated that the background and history of the Art Central Foundation was reviewed because we understand there are those in this room who do not believe in the capabilities of our organization. We have brought experts from MSP who have been our trusted advisors throughout this process. We hope that the City understands the commitment we have made to drive our City and our Foundation forward. We would like to remind everyone here, that when the Art Central Foundation took possession of our building, it came with no funds from the city. The ACF has never asked for or received any funding from the City, with the exception of façade grant money which has been available and used by all downtown property owners. Unlike many other projects that the city has invested large amounts of money into, the ACF has a 100% track record of taking an older unused property and successfully getting it back to full use. It is important to remind the City that 2 and 4 North Main have been developed as a pair for the last 50 years. They have been designed to complement each other, and have many shared features. The ACF is in a perfect position to understand and enhance what each building brings to the table, and how they could both be used to assure success in the development process. There are facts about the success rates of buildings that have been transferred from the city to other groups or people that we think is interesting. We have noted that when buildings are sold or transferred to people who actually live, work and have deep roots in Middletown, those projects are successful. When buildings are owned by people or corporations who live in other towns or states, those properties have not had the same rate of success. There is no one more motivated to see the First National Bank building succeed than the Art Central Foundation. When we decided to accept the challenge of developing 2 N. Main, we accepted a risk to our Foundation that many would not have taken. We are risking our financial resources, our reputation, and quite possibly the future of our mission. Yet our Board of Directors, each and every one of them, stood up and committed their time, their passion, and their professional expertise, to make sure this project will be successful. Not one person on the ACF Board of Directors will walk away with a penny from their involvement from this project. So why do this? Why did we take on this task? Why did the ACF Board unanimously commit to such a project? We saw this as an opportunity to increase our service to our community, by establishing a source of revenue that would be in place for years to come. It would also save an iconic building that is important to our city. We would be honoring and continuing the legacy of Perry Thatcher, and all the others who have been a part of the fight to keep Middletown growing and prospering. We imagined that news of our intent to bring the First National Bank back to life would likely be met with enthusiasm. So why are we here tonight? Because the City administration have questioned the motives and ability of the ACF to manage this project. We are here because we asked a simple question of ourselves. A question it turns out that was asked many times by Perry Thatcher. What if? We began as a small group of friends trying to help Middletown turn things around, asking, what if we have a festival? What if we paint a mural? What if we start classes for kids?

So for the last year we have been working hard to prepare the ground work to successfully develop another property. Because we want to do more. We want to offer more. We want to impact our community more. We intend to do more. We want to offer year round classes. We want to give the city more public art. We want to make sure that 2 North Main is developed in a way that enhances the Middletown experience. We want to make sure the Art Central Foundation is self-sufficient for decades to come. We want to make a difference, in tens of thousands of kids' lives. We want to do more. The only thing that could stand in our way is a decision that is going to be made by the City we have served. What if we can get

you to change your minds and allow us to complete our agreement with Cincinnati State to acquire the First National Bank Building? We are thankful to Council for this opportunity to tell some of our story publically tonight, and to meet with you later in Executive Session.

<b>John Prazynski</b>	John Prazynski, President of the Butler-Warren Association of Realtors spoke against Ordinance No. O2019- 18, an ordinance to enact Chapter 1458, which is the registration of vacant property within Urban Core Central Zoning Districts Mr. Moon arrived at the meeting at 5:54 p.m.
<b>Dennis Vitori</b>	Dennis Vitori, 6853 Cloister Cliffs, Middletown stated that his family owns residential and commercial property in Downtown Middletown and explained that Downtown Middletown Inc.'s Economic Restructuring Committee worked on this for years and suggested this legislation. It is a tool that is needed to make the downtown vibrant and to increase downtown sustainability.
<b>Walter Leap</b>	Walter Leap, 2024 Central Avenue, Middletown asked that the vacant property ordinance be tabled for further discussion.
<b>Larry Lewis</b>	Larry Lewis, 3221 Union Road, Franklin spoke in opposition to the vacant property legislation. He stated that it takes a lot of time, energy and money to successfully rent property. He recognized safety issues and asked Council to table the legislation and to work together with property owners.
<b>Gary Armstrong</b>	Gary Armstrong, 4385 Salisbury Court, Franklin said he was part of the group that had worked on the vacant property issue in the past; but that he was unaware about this ordinance and had a lot of questions about how the ordinance was written. He discussed the percentage of vacancy in the legislation and expressed his concerns about how it would affect those who are in the process of revitalizing downtown. He felt like the penalties are extreme and the ordinance was vague and very subjective.
<b>Rachel Lewitt</b>	Rachel Lewitt, 2804 Central Avenue, Middletown stated that she was opposed to the vacant property ordinance and expressed her concerns that the legislation was too difficult and too cumbersome. She told council she felt the ordinance was heavy-handed and puts current and future property owners at risk. She questioned why council would disrupt the free market and create unintended consequences. Ms. Lewitt said mandates discourage investment and public/private partnerships work better; more discussion was needed. She asked Council to table the legislation.
<b>Dan Tracy</b>	Dan Tracy, 4921 Oaks Court, Middletown said the new ordinance duplicates some of the language that's in chronic nuisance ordinance. He encouraged Council not to fix what is not broken.
<b>Dickie Brandon</b>	Dickie Brandon, 515 Hidden Creek Drive, Monroe asked Council to table the vacant property ordinance. He stated that no one wants blighted properties downtown. He stated that the cost is astronomical to upgrade and restore these properties. He asked Council to look into it further and get more input before they revisit the issue.
<b>Sham Reddy</b>	Sham Reddy, 513 Windsor Park Drive, Centerville spoke in opposition to the vacant property ordinance. He commented on state and county regulations and asked Council to table the legislation and review with additional input from stakeholders.
<b>Denise Brodsky</b>	Denise Brodsky, 662 S. Washington Boulevard stated that she applauded the effort to address blighted downtown properties but that the vacant property ordinance has room for improvement and commented that redevelopment takes time, commitment and patience.
<b>Betsy Hanavan</b>	Betsy Hanavan, 800 South Main Street, Middletown spoke in favor of the vacant property ordinance. She stated that blood, sweat, tears and funds have been invested downtown but that some properties continue to deteriorate. She stated that this holds property owners responsible and that demand will increase the value of these properties.
<b>John Ellison</b>	John Ellison, 7156 Brightwaters Court, Hamilton said that he listened to all of the speakers and he urged Council to slow down and listen to what everyone has to say and improve the legislation for the good of the City.
<b>CONSENT AGENDA</b>	Approve the City Council minutes of March 19, 2019 Receive and File Board and Commission Minutes: Board of Health- February 12, 2019 Citizens Advisory Board- October 19, 2016, January 25, April 12, and July 19, 2017, January 17, May 16, July 18, and September 18, 2018, and January 16, 2019 Receive and File an Oath of Office for Austin Eidemiller Confirm the termination of Bruce Hopper, Part Time Bus Driver, Administrative Services Department, Division of Transit.

Appoint Steve Lewis to the Park Board  
 Declare April Fair Housing Month  
 Recognize April 2, 2019, as National Service Recognition Day  
 Receive and File the Final Assessments for the 2018 Sidewalk Curb & Gutter Program  
 Confirm the appointment of Megan Ellis to the position of Human Resources Clerk in the Department of Administrative Services, Division of Human Resources.

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

**MOTION AGENDA**

To award the contract for the Sunset Park Green Infrastructure Project to Majors Enterprises, Inc., the lowest and best bidder in an amount not to exceed \$2,714,486.00.

Mr. Bohannon moved to award the contract for the Sunset Park Green Infrastructure Project to Majors Enterprises, Inc., the lowest and best bidder in an amount not to exceed \$2,714,486.00. Mr. J. Mulligan seconded. Motion carried. Ayes: Mr. J. Mulligan, Mr. L. Mulligan, Ms. Vitori, Mr. Bohannon. Abstain: Mr. Moon.

**COUNCIL COMMENTS**

**Mr. Bohannon**

Mr. Bohannon thanked everyone for attending the meeting and for speaking their mind. He expressed his concern about the proposed vacant property ordinance. He stated that in the past he was part of the committee that worked on the rental registration and that that committee was very successful in getting input from interested parties and it works very well. He stated that there are some out of town downtown property owners that are not developing their buildings which causes a problem for those property owners that are working hard to develop and invest in downtown. He stated that the issues can be worked out by meeting with property owners and investors and getting their input. He urged Council to put the brakes on the legislation. He offered his condolences to the family of Gregg Clark, who passed away this morning.

**Ms. Vitori**

Ms. Vitori stated that the vacant property ordinance is based on best practices and what is being done successfully all over Ohio, in cities just like ours, and all over the country in cities just like ours. She stated that business owners have the choice to invest the time and money it takes to fix up their properties but that that choice should not be at the sacrifice of the public. She stated that in the last year, the City has spent a million tax payer dollars demolishing two buildings. These vacant properties put firefighters at risk; when the paperboard factory caught fire, it took 4 units comprised of more than 50 firefighters 14 hours to put the fire out. According to the Fire Chief, the building's vacant status, evidence of vandalism, lack of electric and gas all contributed to that fire. There are a lot of dilapidated buildings downtown that, if they caught fire, could potentially cost the City millions of dollars. She stated that the focus of City Council should be on tax payer dollars and spending them responsibly and creating an environment of growth. Ms. Vitori acknowledged that no one likes penalties or fees but at the end of the day if these fees keep a person from buying a building, then it's a good thing because redeveloping that building is going to cost a whole lot more.

**Mr. Moon**

Mr. Moon apologized for arriving late to the meeting and explained that he was in a required continuing education class in West Chester.

**Mr. L. Mulligan**

Mr. L. Mulligan thanked everyone for attending the meeting and for the spirited debate and stated that there is value in it and that it is part of the process. He complimented the Sorg on their progress and said that the building looked great when Fenwick had their school play there.

**Motion to Table  
 Ord. No. O2019-18**

Mr. Bohannon moved to table Ordinance No. O2019-18. Mr. Moon seconded. Motion failed to carry. Ayes: Mr. Moon, Mr. Bohannon. Nays: Mr. J. Mulligan, Mr. L. Mulligan, Ms. Vitori.

Ms. Vitori commented that this ordinance is based on best practices from across the country, and that research shows that there has been no negative impact. She reminded everyone that this has been discussed since 2013.

Mr. Moon stated that he would like to see this legislation tabled for up to six months and would ask Mr. Adkins to pull together a committee in an expedited fashion to work through some of these issues. He wants to get it right as opposed to get it done. Mr. Adkins responded that he was working on the housing policy and that it would be at least 60 days before he could devote time to this. He reminded City Council that this legislation was Council driven and that they need to provide direct feedback for him to be successful.

Mr. J. Mulligan stated that he felt like the issue deserved to be moved forward and voted on and reminded everyone that it would not be implemented until mid-year and that a waiver provision was included. There is time to tweak the legislation, if necessary.

**Ord. No. 02019-15  
Contract with R.B.  
Jergens**

**Ordinance No. 02019-15**, an ordinance authorizing a contract with R.B. Jergens Contractors, Inc. for the 2019 Local Street Improvement Program was read for the second time.

Mr. Bohannon moved to approve Ordinance No. 02019-15, an ordinance authorizing a contract with R.B. Jergens Contractors, Inc. for the 2019 Local Street Improvement Program. Mr. J. Mulligan seconded. Motion carried. Ayes: Mr. L. Mulligan, Ms. Vitori, Mr. Bohannon, Mr. Moon, Mr. J. Mulligan.

**Ord. No. 02019-16  
Amend CRA Agreement  
With Mike Allen**

**Ordinance No. 02019-16**, an ordinance authorizing an amendment to the Community Reinvestment Area Agreement between City of Middletown and Mike Allen Real Estate Holdings, LLC and Allen Group Enterprise, LLC dba BMW Motorcycles of Greater Cincinnati was read for the second time.

Mr. Bohannon moved to approve Ordinance No. 02019-16, an ordinance authorizing an amendment to the Community Reinvestment Area Agreement between City of Middletown and Mike Allen Real Estate Holdings, LLC and Allen Group Enterprise, LLC dba BMW Motorcycles of Greater Cincinnati. Mr. J. Mulligan seconded. Motion carried. Ayes: Ms. Vitori, Mr. Bohannon, Mr. Moon, Mr. J. Mulligan, Mr. L. Mulligan.

**Ord. No. 02019-17  
Amend Grant Agreement  
With Mike Allen**

**Ordinance No. 02019-17**, an ordinance authorizing an amendment to the Small Business Economic Development Grant Agreement between City of Middletown and Mike Allen Real Estate Holdings, LLC and Allen Group Enterprise, LLC dba BMW Motorcycles of Greater Cincinnati was read for the second time.

Mr. Bohannon moved to approve Ordinance No. 02019-17, an ordinance authorizing an amendment to the Small Business Economic Development Grant Agreement between City of Middletown and Mike Allen Real Estate Holdings, LLC and Allen Group Enterprise, LLC dba BMW Motorcycles of Greater Cincinnati. Mr. J. Mulligan seconded. Motion carried. Ayes: Mr. Bohannon, Mr. Moon, Mr. J. Mulligan, Mr. L. Mulligan, Ms. Vitori.

**Ord. No. 02019-18  
Enact Chapter 1458**

**Ordinance No. 02019-18**, an ordinance to enact Chapter 1458 (Registration of Vacant Property Within Urban Core Central Zoning Districts) was read for the second time.

Ms. Vitori moved to approve Ordinance No. 02019-18, an ordinance to enact Chapter 1458 (Registration of Vacant Property Within Urban Core Central Zoning Districts). Mr. J. Mulligan seconded. Motion carried. Ayes: Mr. Moon, Mr. J. Mulligan, Mr. L. Mulligan, Ms. Vitori. Nays: Mr. Bohannon.

**Ord. No. 02019-19  
Policy for Naming  
Streets and Facilities**

**Ordinance No. 02019-19**, an ordinance adopting a policy for the honorary designation of public right of way and public facilities was read for the first time.

**Ord. No. 02019-20  
Contract for Well  
Drilling**

**Ordinance No. 02019-20**, an ordinance establishing a procedure for and authorizing an amendment to a contract with National Water Services, LLC for additional well drilling services was read for the first time.

**EXECUTIVE SESSION**

At 6:56 p.m. Mr. Moon moved to adjourn to executive session under the authority of O.R.C. 121.22 (G) (1) To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official; and 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. Mr. J. Mulligan seconded. Motion carried. Ayes: Mr. Moon, Mr. J. Mulligan, L. Mulligan, Mr. Bohannon, Ms. Vitori.

**ADJOURNMENT**

At 9:00 p.m., the meeting was declared adjourned until the City Council Business Meeting on April 16, 2019 at 5:30 p.m. in Council Chambers.

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**Lawrence P. Mulligan, Jr., Mayor**

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