

MIDDLETOWN, OHIO

May 1, 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, T. Moon, L. Mulligan, A. Vitori.

Staff Present: Nadine Begley, Susan Cohen, Amy Schenck, City Manager Doug Adkins, Leanne Hood, David Von Bargaen, Chief Lolli, Jennifer Ekey.

PRESENTATION

Stamp Out Hunger Proclamation

Mayor Mulligan welcomed Don Hershner to the podium to receive the following proclamation:
WHEREAS, MAY 12, 2008 WILL MARK THE 24TH ANNUAL "STAMP OUT HUNGER" FOOD DRIVE EVENT SPONSORED BY THE NATIONAL ASSOCIATION OF LETTER CARRIERS; AND

WHEREAS, THE NALC FOOD DRIVE COLLECTED 36,500 POUNDS OF FOOD IN BUTLER COUNTY IN 2017, AND OVER 1.3 MILLION POUNDS SINCE 1995; SERVING THOUSANDS OF FAMILIES WHO NEED THIS NOURISHING FOOD THROUGH SHARED HARVEST FOODBANK'S NETWORK OF FOOD PANTRIES; AND

WHEREAS, THE AFL-CIO, SHARED HARVEST FOODBANK, FEEDING AMERICA AND COUNTLESS COMMUNITY VOLUNTEERS WILL LEND ASSISTANCE TO THIS CHARITABLE ENDEAVOR WITH THE UNITED STATES POSTAL SERVICE SUPPORTING THIS DRIVE; AND

NOW, THEREFORE, I, LAWRENCE P. MULLIGAN, JR., MAYOR OF MIDDLETOWN COUNTIES OF BUTLER AND WARREN, OHIO, TO ASSIST PUBLIC AWARENESS OF THIS NATIONWIDE ENDEAVOR TO CARE FOR OUR OWN, DO HEREBY PROCLAIM SATURDAY, MAY 12, 2018, AS

LETTER CARRIERS NATIONAL FOOD DRIVE DAY

FURTHER, ON BEHALF OF ALL MUNICIPAL OFFICIALS AND ADMINISTRATION, DO REQUEST ALL CITIZENS OF OUR COMMUNITY SUPPORT THE EFFORTS OF THIS NATIONAL ANNUAL DRIVE BY PLACING NON-PERISHABLE FOOD BY THEIR MAILBOXES ON MAY 12, 2018 TO HELP MEET THE NEEDS OF OUR NEIGHBORS LOCALLY.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS 1ST DAY OF MAY, 2018.

CITIZEN COMMENTS

Alicia Neal

Alicia Neal, 1659 Wayne Madison Road, Trenton, Ohio, explained that she is the secretary for Vickers Demolition. She stated that Vickers had bid the Studio Theater demolition job and had been given the notice to proceed. She stated that Vickers had purchased equipment for the job and hired outside help to abate the asbestos.

Robert Ryder

Robert Ryder, 1659 Wayne Madison Road, Trenton, Ohio, explained that he is the owner of Vickers Demolition. He asked why the project is being taken away when they have been on the job for three weeks. He stated that there was a lot more asbestos to be removed than was quoted. He asked how the City can just take the job away.

Emily Proffitt

Emily Proffitt, 2102 Yankee Road, Middletown, Ohio, explained that the road construction is interfering with the access to the Meadows Restaurant. The restaurant has been there since 1934 and she felt like it was not considered when making decisions about the roadway. She complained that people are cutting through the parking lot to beat the light and driving the wrong way on a one way street. Mr. Adkins will follow up with her.

CITY MANAGER REPORTS

Judge Sherron Hope Over Heroin

Judge James Sherron stated that the City is making progress in the drug epidemic, not just heroin, but all types of drugs. He explained that Hope Over Heroin is a weekend rally that provides support services and resources including addiction counselors and drug rehab services. The event allows the community to unite and to build hope. There will be educational activities for children; and free backpacks with school supplies provided to the first 100 kids. He encouraged everyone to come out and support this rally scheduled for June 8th & 9th at Berachah Church.

Mayor Mulligan welcomed Captain David Von Bargaen to the podium to receive the following proclamation.

WHEREAS, Fire Captain David Von Bargaen has been instrumental in leading Middletown's response to the opioid crisis through his coordination of the Heroin Response Team, consisting of a paramedic, a police officer, and a drug addiction counselor; and

WHEREAS, Captain Von Bargaen serves on various boards addressing the opioid crisis throughout Butler County, the State of Ohio and the United States; and

WHEREAS, as a result of Captain Von Bargaen's leadership over the past two years, more than

Captain David Von Bargaen Appreciation Day

300 individuals have made their way to treatment centers from referrals of EMS responders, requests for help, and public safety personnel; and

WHEREAS, the City of Middletown and the Division of Fire congratulate Captain Von Barga on being named **FIRST RESPONDER OF THE YEAR** by the Butler County Mental Health & Addiction Recovery Services Board on April 12, 2018.

NOW THEREFORE, I, Lawrence P. Mulligan, Jr., by the powers vested in me as Mayor and on behalf of the Middletown City Council do hereby proclaim May 1, 2018, as

Captain David Von Barga Appreciation Day

Mary Huttlinger
MVB

Mr. Adkins welcomed Mary Huttlinger, Executive Director of The Middletown Visitor’s Bureau (MVB) to the podium to provide an overview of the Board’s vision. She shared the mission statement of, “Promoting Middletown by telling the vibrant and authentic story that attracts visitors to enjoy and experience our community.” She explained that the MVB end goal is “heads in beds”. To do that, the MVB needs to tell Middletown’s story, and lead collaborative efforts promoting Middletown events and destination experiences. They must also support projects that highlight the area and appeal to out of towners, support placemaking and beautification efforts and encourage and empower local ambassadors. She discussed the recent activities of the MVB and presented the following budget for 2018.

| | 2018 Budget | Residual Funds | |
|-----------------------------------|---------------------|---------------------|---------------------|
| Total Income | \$120,000.00 | \$169,098.13 | \$289,098.13 |
| Administrative Exp. | \$84,548.75 | \$8,802.00 | \$93,350.75 |
| Finance/Accounting Exp. | \$7,070.00 | \$22,990.00 | \$30,060.00 |
| Operations Expense | \$22,766.46 | \$150.00 | \$22,916.46 |
| Advertising/Marketing Exp. | \$5,600.00 | \$83,955.00 | \$89,555.00 |
| Start Up Cost Expense | \$0.00 | \$53,175.00 | \$53,175.00 |
| TOTALS | \$119,985.21 | \$169,072.00 | \$289,057.21 |

Ms. Huttlinger reported the MVB accomplishments such as:

- o Creating space in social media with consistent growth
- o Development of customized one page brochure for the International Scratchboard Artist show (hand out)
- o Hiring a full time executive director
- o Put together a comprehensive budget
- o Coordinated Hampton Inn with concert showcase opportunity offered by Warren County Convention and Visitors Bureau
- o Secured office space that will give the MVB a storefront for guests and customers to visit
- o The Great Miami Riverway Coalition sponsorship & participation

Traffic Calming

Mr. Adkins explained that the traffic calming is part of the budget and is expected to be done in the 4th quarter as part of the Master Plan process.

CONSENT AGENDA

Approve the City Council Minutes: April 17, 2018
Receive & File Board of Commission Minutes:
 Middletown Cemetery Board- January 17, 2018
 Planning Commission- March 14, 2018
 Board of Health- March 13, 2018
Receive and File Oaths of Office: Christopher Jacobs II and Nicolas Peters

Mr. Moon 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.

MOTION AGENDA

Mr. Adkins said that the City received demolition bids for the Studio Theater in December 2017. In January, the City opted to do one final requests for proposals cycle in an attempt to redevelop the Studio Theater building. However, no RFP bids were submitted and the City moved to begin demolition of the Studio Theater with Brunk Excavating. Mr. Adkins explained that Brunk Excavating reportedly had timing issues and relayed they were unsure they would hold their December bid price. Based on the information that the bid price would not be held and that they could not start until sometime in June, the City bypassed Brunk and went to Logan Creek, the second bidder. He said references with Logan Creek could not be confirmed, so the project went to Vickers, the third bidder. Mr. Adkins said the City gave the notice to proceed with environmental abatement but did not get the contract to Council for final approval. He explained that as preparations were made to bring the contract to Council for this meeting, the

miscommunication on Brunk’s position arose, and that he got directly involved to find out what had happened. After talking with City staff, Vickers and Brunk he had all different versions of what happened and not enough documentation to support any particular version with certainty. He said with no clear documentation to rely on, he had to fall back to lowest and best bid which was Brunk. Mr. Adkins said that Vickers was understandably angry at the decision that he placed the Brunk contract on the Motion Agenda for council consideration. He said the goal is to go with the lowest and best bid, but City Council can award a contract to a company with a higher bid amount. He stated that it is not a good situation, but that he could not bring Council a bid that was \$157,000 higher because of a communication error by City staff. He stated that the City would make Vickers whole and pay them for the work they have completed. Mr. Adkins explained that it would take another 60 to 90 days to re-start the bidding process and with ongoing water damage to Liberty Spirits, which is connected to the former theater building, the City needed the project to start as soon as possible.

Mr. Bohannon commented that although it’s more money, he didn’t think it was right.

Contract with Brunk to Demolish the Studio

Mr. J. Mulligan moved to authorize the City Manager to enter a contract with Brunk Excavating to demolish the property located at 1347 Central Avenue (aka. Former Studio Theater) for \$327,900. The motion failed for lack of a second.

Contract with Vickers to Demolish the Studio

Mr. Bohannon moved to authorize the City Manager to enter a contract with Vickers to demolish the property located at 1347 Central Avenue (aka. Former Studio Theater) for \$485,000. Ms. Vitori seconded. Motion carried. Ayes: Mr. L. Mulligan, Ms. Vitori, Mr. Bohannon, Mr. J. Mulligan. Abstain: Mr. Moon.

**COUNCIL COMMENTS
Mr. J. Mulligan**

Mr. J. Mulligan congratulated David Von Bargen on being named the First Responder of the Year in Butler County. He thanked Middletown Visitors Bureau Director, Mary Huttlinger, for the update and budget review and remarked that great things are happening. He asked about the traffic calming; Mr. Adkins explained that they expect to have a plan by the 4th quarter of 2018.

Mr. Bohannon

Mr. Bohannon also congratulated David Von Bargen on being named the First Responder of the Year in Butler County.

Ms. Vitori

Ms. Vitori commented that the NAACP Banquet was a great event and reminded everyone that the Coffee with a Cop event is this Friday.

Mr. Moon

Mr. Moon congratulated Josh and Megan Laubach on their open house at Rolling Mill Brewery and congratulated Dora Bronston on a great NAACP event. He encouraged everyone to come and support the Middletown Special Olympics on May 5th.

Mr. L. Mulligan

Mr. L. Mulligan expressed his appreciation to Keep Middletown Beautiful on a great Earth Day event and the beautification of the City. He recently participated in the Gifted and Talented Enrichment (GATE) Program, the annual Workers Memorial Event at AK Steel and celebrated the accomplishments of local Eagle Scouts.

Waive Charter

Mr. Moon moved to suspend the Charter provision that requires reading on two separate days and to declare Resolution No. R2018-08, and Ordinance No. O2018-12 emergency measures to be read one time only. Mr. J. Mulligan seconded. Motion carried. Ayes: Mr. J. Mulligan, Mr. L. Mulligan, Ms. Vitori, Mr. Bohannon, Mr. Moon.

**Res. No. R2018-08
Resolution of
Necessity**

Resolution No. R2018-08, a resolution declaring the necessity of repairing certain sidewalks, curbs and gutters in the City of Middletown, requiring that abutting property owners repair the same, and declaring an emergency was read.

Mr. Moon moved to approve Resolution No. R2018-08, a resolution declaring the necessity of repairing certain sidewalks, curbs and gutters in the City of Middletown, requiring that abutting property owners repair the same, and declaring an emergency. Mr. J. Mulligan seconded. Motion carried. Ayes: Mr. L. Mulligan, Ms. Vitori, Mr. Bohannon, Mr. Moon, Mr. J. Mulligan.

**Ord. No. O2018-12
Contract with
Howell Contractors**

Ordinance No. O2018-12, an ordinance establishing a procedure for and authorizing a contract with Howell Contractors, Inc., for the repair of the North Interceptor Sewer and declaring an emergency was read.

Mr. Bohannon moved to approve Ordinance No. O2018-12, an ordinance establishing a procedure for and authorizing a contract with Howell Contractors, Inc., for the repair of the North Interceptor Sewer and declaring an emergency. Mr. J. Mulligan seconded. Motion carried. Ayes: Ms. Vitori, Mr. Bohannon, Mr. Moon, Mr. J. Mulligan, Mr. L. Mulligan.

**Ord. No. O2018-13
Levy Special
Assessments**

Ordinance No. O2018-13, an ordinance to levy special assessments for the repair of certain concrete sidewalks, curbs, gutters and driveway aprons in the City of Middletown against the lots and lands benefitted by said improvements was read for the second time.

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|--|---|
| Ord. No. 02018-14 Levy Special Assessments | Mr. Bohannon moved to approve Ordinance No. 02018-13, an ordinance to levy special assessments for the repair of certain concrete sidewalks, curbs, gutters and driveway aprons in the City of Middletown against the lots and lands benefitted by said improvements. Mr. J. Mulligan seconded. Motion carried. Ayes: Mr. Bohannon, Mr. Moon, Mr. J. Mulligan, Mr. L. Mulligan, Ms. Vitori. |
| Ord. No. 02018-15 Change Zoning Classifications | <p>Ordinance No. 02018-14, an ordinance to levy special assessments for the repair of sidewalks, curbs and gutters in the City of Middletown during the year 2017, against the lots and lands benefitted by said improvements was read for the second time.</p> <p>Mr. Bohannon moved to approve Ordinance No. 02018-14, an ordinance to levy special assessments for the repair of sidewalks, curbs and gutters in the City of Middletown during the year 2017, against the lots and lands benefitted by said improvements. Mr. J. Mulligan seconded. Motion carried. Ayes: Mr. Moon, Mr. J. Mulligan, Mr. L. Mulligan, Ms. Vitori, Mr. Bohannon.</p> |
| Ord. No. 02018-16 Apply for Natureworks Grant- Smith Park | <p>Ordinance No. 02018-15, an ordinance changing the zoning classification for 17 parcels located in the area of South Verity Parkway and Second Avenue from UCC (Urban Central Core) District to B-3 (General Business) District was read for the second time.</p> <p>Mr. Bohannon moved to approve Ordinance No. 02018-15, an ordinance changing the zoning classification for 17 parcels located in the area of South Verity Parkway and Second Avenue from UCC (Urban Central Core) District to B-3 (General Business) District. Mr. J. Mulligan seconded. Motion carried. Ayes: Mr. J. Mulligan, Mr. L. Mulligan, Ms. Vitori, Mr. Bohannon. Abstain: Mr. Moon.</p> <p>Ordinance No. 02018-16, an ordinance authorizing the City Manager to submit an application to the Ohio Department of Natural Resources Natureworks Program to replace the playground equipment at Smith Park was read for the second time.</p> |
| Ord. No. 02018-17 Vacate Emerald Way | <p>Mr. Moon moved to approve Ordinance No. 02018-16, an ordinance authorizing the City Manager to submit an application to the Ohio Department of Natural Resources Natureworks Program to replace the playground equipment at Smith Park. Mr. J. Mulligan seconded. Motion carried. Ayes: Mr. L. Mulligan, Ms. Vitori, Mr. Bohannon, Mr. Moon, Mr. J. Mulligan.</p> <p>Ordinance No. 02018-17, an ordinance vacating a portion of Emerald Way was read for the second time.</p> <p>Ms. Vitori moved to approve Ordinance No. 02018-17, an ordinance vacating a portion of Emerald Way. Mr. J. Mulligan seconded. Motion carried. Ayes: Ms. Vitori, Mr. Bohannon, Mr. Moon, Mr. J. Mulligan, Mr. L. Mulligan.</p> |
| Ord. No. 02018-18 Transfer Property | <p>Ordinance No. 02018-18, an ordinance authorizing the transfer of City owned property located at 105 Iglehart Street, 312 Crawford Street and 514 Young Street to the Butler County Land Reutilization Corporation was read for the second time.</p> <p>Mr. Moon moved to approve Ordinance No. 02018-18, an ordinance authorizing the transfer of City owned property located at 105 Iglehart Street, 312 Crawford Street and 514 Young Street to the Butler County Land Reutilization Corporation. Mr. J. Mulligan seconded. Motion carried. Ayes: Mr. Bohannon, Mr. Moon, Mr. J. Mulligan, Mr. L. Mulligan, Ms. Vitori.</p> |
| Ord. No. 02018-19 Vacating Easements | <p>Ordinance No. 02018-19, an ordinance vacating various easements granted to the City of Middletown in a portion of City lot 19,943 was read for the first time.</p> |
| EXECUTIVE SESSION | <p>At 6:40 p.m. Mr. Moon 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. Mr. J. Mulligan seconded. Motion carried. Ayes: Mr. Bohannon, Mr. Moon, Mr. J. Mulligan, Mr. L. Mulligan, Ms. Vitori.</p> |
| ADJOURNMENT | <p>At 7:08 p.m., the meeting was declared adjourned until the Council meeting of May 15, 2018, at 5:30 p.m.</p> |

Lawrence P. Mulligan, Jr., Mayor

Attest: _____