

MIDDLETOWN, OHIO

May 21, 2019

At 5:00 p.m., Mayor Mulligan called the City Council work session to order in the Learning Lab, 4th Floor of the City Building.

ROLL CALL

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

Oakland Renaissance

Dan Barton explained that there will be 5 phases to the project. He explained that there are 112-140 lots available for infill construction. He discussed establishing gateways so that there is visibility. He discussed incentives including subsidies for purchasers and subsidies for exterior improvements. These subsidies would be awarded on a first come, first served basis. The first year costs are estimated to be \$146,904. This will affect approximately 30 houses. Mr. Barton discussed different property appreciation values based on new infill construction each year; the projections are based on obtaining the Historic Places designation.

Mr. Barton discussed establishing a neighborhood association to strengthen the social aspect and the neighborhood accountability. He discussed redeveloping existing housing to a more modern design that today's families will want to live in. He explained that it is more cost effective to rehab existing homes than to construct new homes. New construction runs approximately \$113 per square foot and rehab can be approximately \$41-\$75 per square foot depending on the tax credits. The rehabbed homes will feature new floor plans to be modern and open concept which will offer flexibility to homeowners.

Mr. Adkins explained the plans for the new park. It will feature walking paths, LED lighting and new playground equipment. It will be the nicest park in the City. He discussed the plans for the Vail site. The City will attack from both sides. He is working on paving costs for the neighborhood and updating programs addressing access to Wi-Fi, public health, and food deserts. He discussed the Certified Local Government status working through the state historical funds.

The financial estimate for Phase II is \$108,000 to set up incentives, ect. The City will be looking at working with area partners and considering incentives for professionals to buy in this neighborhood.

At 5:50 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, Mr. Moon, A. Vitori.

CITY MANAGER
Community Center
Improvements

Mr. Adkins discussed making capital improvements at the Community Center using PACE financing. He explained that the City maintains ownership of the building at the Robert Sonny Hill Community Center. CBI Middletown operates the facility. In the operating contract with CBI, the City maintains responsibility for any maintenance to the building that costs more than \$2,500. The building has not had a major rehabilitation in many years. Over the last few years, there are increasing problems regarding the roofing and lighting in the building. In order to address those concerns, the staff is proposing using PACE financing to perform full rehabilitation of the building.

He explained that Property Assessed Clean Energy (PACE) is a financing mechanism that enables low-cost, long-term funding for energy efficiency, renewable energy and water conservation projects. PACE financing is repaid as an assessment on the property's regular tax bill, and is processed the same way as other local public benefit assessments (sidewalks, sewers) have been for decades. By utilizing PACE financing on a public building, the Economic Development Department will have a facility to use as a showcase to entice other parties to use PACE financing as a means to promote development in both a financially and environmentally friendly way. We hope that by having a successful project with a City-Owned facility, others will follow.

Matt Kussman, of Plug Smart was contacted to do an evaluation of the building for purposes of a PACE project. Plug Smart can also coordinate the construction work. In order to qualify for PACE financing, there must be a direct correlation between the energy savings possible and the cost of improvements. The Evaluation led to the following priorities, which balance the appropriate financing requirements and facility needs:

1. Convert interior and exterior lighting to LED lighting: convert remaining interior and exterior lighting to LED bulbs and fixtures
2. Update HVAC Controls: Install low-voltage programmable thermostats to allow night and weekend setback temperatures for the four furnace/AC units as well as new thermostat to control electric resistance baseboard heating
3. Parking Lot LED Lighting: Install 8 new LED parking lot lights with new poles (2 to East Lot, 4 in West Lot, 2 over entry drive)
4. Fix entry Roof Drain: Correct drainage problem from roof to facilitate storm flow away from the roof to landscaping or storm drain

5. Roofing: Separated out into three sections. Removes existing roof system, leave insulation in place, new hardboard over insulation, new roof system, edge metals where needed, replace damaged gutters and downspouts, reuse gravel ballast, new insulation and TPO roof over metal roof section

The monetary cost for this menu of improvements is estimated at maximum \$298,021. The estimated annual savings is \$21,628. The average useful life of the improvements is an average of 19 years and the simple payback in years is estimated at 13.7 years. The cost will be separated out over 10 years and assessed as special assessments on the facility. The first payment would not be due until June 2020. Warren County Port Authority has been involved in financing the project.

Multiple pieces of legislation will be necessary to implement the program. These include adoption and authorizing the necessary agreements with Warren County Port Authority, authorizing financing, authorizing special assessments and authorizing agreement with Plug Smart to perform the construction work. These are necessary to qualify and utilize PACE funding pursuant to the statute.

Total project cost is \$390,000. This includes \$300,000 of construction costs and \$90,000 of financing costs. The cost of the renovations will be funded through PACE financing and will be added to the property assessments each year for a 10 year period. First payment will be due 2020.

Civil Penalties

Mr. Adkins explained the changes to the Middletown Codified Ordinances that will impose civil penalties for violations of the code. Beginning with the revisions to the Development Code a few years back, staff has been working on a process to implement civil penalties for various violations of the Codified Ordinances (MCO). Modeled after the City of Cincinnati's ordinance, the proposed ordinance allows for a Notice of Civil Offense to be issued for more than 220 sections of the MCO. The civil offense process will also be used for processing civil violations in the Development Code. This new chapter will be numbered 214 and titled Code Compliance: Civil Offenses & Fines. In many circumstances, people are given an opportunity to abate an issue. If they choose to ignore the problem, they can then be cited in to court for the violation. This ordinance is designed to give City officials an alternative to court, but still impose a penalty. Any City official (i.e. patrol officer, inspector, etc.) that is charged with the enforcement of the MCO may issue a notice of civil offense and civil fine to a person found to have committed a civil offense instead of citing them in to court. Once the Notice of Civil Offense has been served personally or by certified mail, the person has 10 days to submit their answer to the violation. They can pay the civil fine or request a hearing to contest the violation. Certain violations will be eligible to have the civil fine reduced by 50% if the violation is corrected and proof is provided. A reduction of the civil fine is not allowed for violations of the same code section within one year. Repeated violations of the same code section within one year may put the violator in the category of "second offender" for the imposition of civil fines. For those that wish to contest the violation, they can submit the answer attached to the Notice of Civil Offense and a hearing will be scheduled by the Office of Administrative Hearings. Following a hearing, the hearing examiner will prepare a written decision which will uphold the violation or dismiss the violation if it is not consistent with applicable laws, ordinances, regulations or in the interest of justice. A Notice of Hearing will be issued within 10 days of receipt of the answer, and hearings will be held within 30 days of receipt of the answer. If the violator wishes to appeal the decision of the hearing examiner, they may do so in accordance with the Ohio Revised Code. He explained that the use of this ordinance does not prevent the City from pursuing criminal charges. However, criminal charges and Notices of Civil Offense cannot be filed simultaneously for the same violation. Implementing this new chapter also means it is necessary to amend MCO §1436.06 and 1436.99 which refer to the International Property Maintenance Code. The changes to these sections are relatively minor, but will allow civil penalties to be imposed for violations of the IMPC.

CITIZENS COMMENTS

Julie Joyce-Smith
Butler County
Auditor's Office

Ms. Smith reported that Representative George Lang of West Chester and Representative Brigid Kelly of Cincinnati have become allies in the effort to implement fuel quality testing in Ohio. We are anticipating that once the two-year budget is passed the timing will be right to introduce fuel quality legislation in the House. We are seeking legislation that would allow county auditors the authority to test fuel for water, sediment and octane level. If only the Auditors of the 10 largest counties implemented the testing it would cover more than 50 percent of all the service stations in the state. The Ohio Farm Bureau and the Ohio Township Association are in support and fuel quality testing by county auditors is on each of their legislative agendas. We're hopeful that this issue gains broad support once it is introduced in the House. Ohio is one of only three states in the nation, along with Alaska and Nebraska that does not have a fuel quality testing program in place.

Beginning the end of May, the Auditor’s Office will have appraisers in the field for a few months doing new construction site visits and also visiting those properties where a change took place that we could not rectify from our desktop views. This will include about 4,200 properties across the county. Local police and dispatch agencies will be notified in advance of our visits to your community.

In April, the Auditor’s Office mailed out letters to those who own commercial and industrial class properties asking for income and expense information where applicable. This data, which we also asked for prior to our 2014 property revaluation, will help our commercial appraisers put an appropriate value on this class of property during our 2020 revaluation. Our office would like to receive this information by May 31.

In addition to building permits, we have begun requesting building blueprints and inspection dates from various township, municipality, and county building and zoning departments. We scan and compile that data into our real estate system for the sketch and valuation use. This information sharing among governments adds efficiencies and improves accuracies to our data collection. Thus ensuring a more accurate result, which drives the real estate revenue stream and ultimately lessens the volume of appeals. We appreciate the cooperation from those agencies.

Mobile home and real estate first-half tax settlements have been certified by the Treasurer’s Office. This year’s first half certified collections amount is \$232.2 million (about a \$4.5 million increase, or 2.0 percent). Last year’s first half certified number was \$227.7 million.

The Ohio Revised Code established a maximum allowable income for 2014 tax year applicants for the Homestead Exemption. (Income is defined as the Ohio Adjusted Gross Income (OAGI) of the applicant and the applicant’s spouse; OAGI can be found on line 3 of the Ohio Income Tax Return.) The maximum allowable income for those eligible beginning the 2019 tax year is \$32,800. (If applying for the 2019 tax year, refer to your 2018 income tax return.) The filing deadline is Dec. 31 each year. If you do not file Ohio income taxes, you will be asked to produce a federal income tax return, or evidence of income and deductions allowable under Ohio law. There is no income limit for qualifying disabled Veterans.

Central Connections

Monica Smith, Executive Director of Central Connections provided an overview of the 2018 stats. Central Connections, a nonprofit senior center in Middletown, Ohio, has been serving the Middletown community for 66 years. The center provides a place for physical activity, dining, education, creative arts, and social gathering. For those adults who need a little more help, we provide resources to help keep them healthy and independent. Central Connections, promotes whole-person wellness and serves the needs of adults over age 50 by providing nutritious meals, exercise and fitness classes, transportation services, health screenings, recreation, volunteer opportunities, and social and educational events and programs. The Banquet Center offers meeting rooms and catering services for private, corporate, and organization gatherings. Our chefs and event planners will help plan your wedding reception, holiday party, corporate seminar and in-service training, and celebrations such as graduations, reunions, anniversaries, birthdays, and more. The center receives support from the Council on Aging of Southwestern Ohio and are an Agency Partner of the United Way of Greater Cincinnati. We also rely on contributions from individuals, companies, and foundations to accomplish our mission to enrich our community by creating opportunities for healthy living through social, physical and intellectual well-being.

Rita Tibbs

Rita Tibbs, 220 N. Marshall Road, complained that the retention basin near her home got overgrown last year and the City had to come in and take care of it. She warned the City that the same thing is happening again and that she wanted to let it be known before it was out of control. The City manager will look into it.

CONSENT AGENDA

- Approve the City Council minutes of May 7, 2019
- Receive and File Board and Commission Minutes:
 - Board of Health- April 9, 2019
 - Library Board- January 15 & February 19, 2019
- Confirm the following Personnel Appointments:
 - Kelly Short to the position of Administrative Assistant in the Department of Public Safety, Division of Fire
 - Nicholas Cundiff to the position of Corrections Officer in the Department of Public Safety, Division of Police
 - Timothy Engleka to the position of Patrol Officer in the Department of Public Safety, Division of Police
 - Alexis Manning to the position of Corrections Officer in the Department of Public Safety, Division of Police
- Confirm the Personnel Promotion of William Adkins to the position of Equipment Operator in the Department of Public Works & Utilities, Division of Street Maintenance
- Authorize the City Manager to contract for demolition of 209 Yankee and 19 S. Clinton using

CDBG demolition funds

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, Mr. L. Mulligan, Ms. Vitori.

MOTION AGENDA
Purchase 4 Police
Vehicles

To approve the purchase of four new Ford PPV utility vehicles of the ODAS contract for the Division of Police in the total amount of \$132,747 from Lebanon Ford.

Mr. Bohannon moved to approve the purchase of four new Ford PPV utility vehicles of the ODAS contract for the Division of Police in the total amount of \$132,747 from Lebanon Ford. Mr. J. Mulligan seconded. Motion carried. Ayes: Mr. Moon, Mr. J. Mulligan, Mr. L. Mulligan, Mr. Bohannon, Ms. Vitori.

COUNCIL COMMENTS

Mr. J. Mulligan

Mr. J. Mulligan thanked and commended the organizers and volunteers of the recent Keep Middletown Beautiful clean up event. He stated that the bags of advertisements that are thrown on people's driveway can be a nuisance and that there is a number that residents can call to have the delivery of these bags stopped; the number is listed on the bag. He thanked the organizers of the Police Memorial Week dinner event that was held last week. He commented that the Middletown Olympics, held at the newly renovated Middletown High School athletic fields, was a great event where all of the special needs athletes were winners.

Mr. Bohannon

Mr. Bohannon reminded everyone that tomorrow is the first concert of the 2019 Broad Street Bash and encouraged everyone to come out to the Memorial Day parade.

Ms. Vitori

Ms. Vitori thanked the organizers of the Women's Wine and Chocolate Event; there were 1,000 women who participated in this great downtown event.

Mr. Moon

Mr. Moon congratulated all of the Police Memorial Dinner award winners and thanked the police department for their good work. He attended the inaugural Friday Night Live show put on by Kip Moore at the Towne Mall.

Mr. L. Mulligan

Mr. L. Mulligan thanked the volunteers that make so many of these great community events happen in Middletown. He reminded City Council to submit names for the 2020 Census Complete Count Committee. He commended the Chamber and the school district for hosting the Pathways to Success program at the Towne Mall.

Waive Charter

Mr. Moon moved to suspend the Charter provision that requires reading on two separate days and to declare Resolution No. R2019-17 an emergency measure to be read one time only. Mr. J. Mulligan seconded. Motion carried. Ayes: Mr. L. Mulligan, Ms. Vitori, Mr. Bohannon, Mr. Moon, Mr. J. Mulligan.

Ord. No. 02019-29
Court X-ray Scanner

Ordinance No. 02019-29, an ordinance establishing a procedure for and authorizing a contract with Hamco X-Ray, Inc. for the purchase of an x-ray scanner for Municipal Court was read for the second time.

Mr. Bohannon moved to approve Ordinance No. 02019-29, an ordinance establishing a procedure for and authorizing a contract with Hamco X-Ray, Inc. for the purchase of an x-ray scanner for Municipal Court. Mr. J. Mulligan seconded. Motion carried. Ayes: Mr. J. Mulligan, Mr. L. Mulligan, Ms. Vitori, Mr. Bohannon, Mr. Moon.

Ord. No. 02019-30
Approve Petition
For Assessments

Ordinance No. 02019-30, an ordinance authorizing and approving a petition for special assessments for Special Energy Improvement Projects and Plan for public improvements and declaring an emergency was read with no action requested until June 4, 2019.

Ord. No. 02019-31
Approve Cooperative
Agreement

Ordinance No. 02019-31, an ordinance authorizing and approving a cooperative agreement providing for the financing of a Special Energy Improvement Project in the City of Middletown; authorizing and approving a special assessment agreement; authorizing and approving a construction agency agreement; authorizing and approving certain other related documents; and declaring an emergency was read with no action requested until June 4, 2019.

Res. No. R2019-16
Approve the Necessity
Of the Improvements

Resolution No. R2019-16, a resolution approving the necessity of acquiring, constructing, and improving certain public improvements in the City of Middletown, Ohio in cooperation with the Middletown Energy Special Improvement District, and declaring an emergency was read with no action requested until June 4, 2019.

Ord. No. 02019-32
Proceed with
Improvements

Ordinance No. 02019-32, an ordinance determining to proceed with the acquisition, construction and improvement of certain public improvements in the City of Middletown in cooperation with the Middletown Energy Special Improvement District, and declaring an emergency was read with no action requested until June 4, 2019.

**Ord. No. 02019-33
Levy Special
Assessments**

Ordinance No. 02019-33, an ordinance levying special assessments for the purpose of acquiring constructing, and improving certain public improvements in the City of Middletown, Ohio, in cooperation with the Middletown Energy Special Improvement District, and declaring an emergency was read with no action requested until June 4, 2019.

**Ord. No. 02019-34
Contact With Juice
Technologies DBA
Plug Smart**

Ordinance No. 02019-34, an ordinance establishing a procedure for and authorizing a contract with Juice Technologies, Inc. dba Plug Smart for a PACE project to implement energy conservation measures at the Robert "Sonny" Hill, Jr. Community Center and declaring an emergency was read with no action requested until June 4, 2019.

**Res. No. R2019-17
Amend Appropriations
(General Fund)**

Resolution No. R2019-17, 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 and declaring an emergency (General Fund) was read.

Mr. Bohannon moved to approve Resolution No. R2019-17, 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 and declaring an emergency. (General Fund) Ms. Vitori seconded. Motion carried. Ayes: Ms. Vitori, Mr. Bohannon, Mr. Moon, Mr. J. Mulligan. Abstain: Mr. L. Mulligan.

**Res. No. R2019-18
Amend Appropriations
(General Fund)**

Resolution No. R2019-18, 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. (General Fund)

Mr. Bohannon moved to approve Resolution No. R2019-18, 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. (General Fund) Mr. J. Mulligan seconded. Motion carried. Ayes: Mr. Bohannon, Mr. Moon, Mr. J. Mulligan, Mr. L. Mulligan, Ms. Vitori.

**Res. No. R2019-19
Tax Abatement
Agreement to MLH
Developers**

Resolution No. R2019-19, a resolution authorizing an agreement granting tax abatement to MLH Developers LLC for redevelopment of 1044 Central Avenue in the Downtown Middletown Community Reinvestment Area was read for the second time.

Mr. Bohannon moved to approve Resolution No. R2019-19, a resolution authorizing an agreement granting tax abatement to MLH Developers LLC for redevelopment of 1044 Central Avenue in the Downtown Middletown Community Reinvestment Area. Mr. J. Mulligan seconded. Motion carried. Ayes: Mr. L. Mulligan, Mr. Bohannon, Mr. Moon, Mr. J. Mulligan. Abstain: Ms. Vitori.

**Ord. No. 02019-35
Enact Chapter 214 &
Amend Sections
1436.06 & 1436.99**

Ordinance No. 02019-35, an ordinance to enact Chapter 214 (Code Compliance: Civil Offenses & Fines) and amend Sections 1436.06 (Remedial Action) and 1436.99 (Penalty) of the Middletown Codified Ordinances was read for the first time.

**Ord. No. 02019-36
Levy Special Assess-
ments Sidewalk,
Curb & Gutter**

Ordinance No. 02019-36, an ordinance to levy special assessments for the repair of sidewalks, curbs and gutters in the City of Middletown during the Year 2018 against the lots and lands benefitted by said improvements was read for the first time.

EXECUTIVE SESSION

At 6:38 p.m. Mr. Bohannon moved to adjourn to executive session under the authority of O.R.C. 121.22 (G) (1) To consider the compensation of a public employee or official. Mr. J. Mulligan seconded. Motion carried. Ayes: Ms. Vitori, Mr. Bohannon, Mr. Moon, Mr. J. Mulligan, Mr. L. Mulligan.

ADJOURNMENT

At 6:45 p.m., the meeting was declared adjourned until the City Council Business Meeting on June 4, 2019 at 5:00 p.m. in the 4th Floor Learning Lab.

Lawrence P. Mulligan, Jr., Mayor

Attest: _____