

MIDDLETOWN, OHIO

June 4, 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: Mr. Bohannon, Mr. J. Mulligan, Mr. L. Mulligan, Mr. Moon, Ms. Vitori.

Mr. Tadych reported that existing road conditions are 35% of the City's roads are good/ excellent, 24% are fair, and 41% are poor/failing condition.

Mr. Tadych reviewed the established 5 year paving plan. This plan includes \$19,525,000 in paving over the next 5 years. He reviewed the projected 2025 pavement conditions of 47% good/excellent, 18% fair, and 34% poor/failing condition.

Mr. Tadych reviewed a proposed 5 year paving plan that includes \$3M income tax revenue added to the established plan. This plan includes \$34,625,000 in paving over the next 5 years. He reviewed the projected 2025 pavement conditions of 59% good/excellent, 18% fair, and 23% poor/failing condition.

The group discussed pros and cons of the City purchasing equipment and doing some of the work in house.

At 5:45 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: Mr. Bohannon, Mr. J. Mulligan, Mr. L. Mulligan, Mr. Moon, Ms. Vitori.

CITY MANAGER

Mr. Adkins advised that an executive session 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 had been added to the agenda.

CITIZENS COMMENTS

Joe Wittman, 1504 N. Breiel Boulevard, expressed concern about property owner rights and the recent legislation approved by City Council concerning vacant and semi vacant buildings. Many citizens are opposed to overreaching legislation intended to punish or coerce property owners who are deemed irresponsible or negligent. Ordinance No. O2019-35 will allow the City to impose civil and criminal penalties against citizens of Middletown without the due process of the courts. He expressed his concerns over the lack of standards and training and the centralization of power. Mr. Wittman urged City Council to vote against it.

Sue Wittman, 1504 N. Breiel Boulevard, expressed her concern over the direction that the City is taking. Mrs. Wittman stated that none of us should be comfortable that the City Manager has the power to appoint and oversee a hearing administrator over all of the code violations listed in the ordinance or that the civil offense notification period is only ten days by regular mail. She expressed her concern that would be not a hearing unless a citizen requested one and then it will be heard by a City appointed hearing officer, not a judge. She expressed her concern that 1436.99 allows for people in violation to be charged with a 4th degree misdemeanor or up to thirty days in jail without appearing in court. She asked Council to table Ordinance No. O2019-35.

Denise Brodsky, 662 S. Washington Boulevard, Hamilton, Ohio, expressed her concerns about Ordinance No. O2019-35. She expressed her concern about the lack of due process and potential conflicts of interest. She questioned that the ordinance may be in conflict with state law and asked Council to table the legislation for further deliberation.

Dan Tracy, 4921 Oaks Court, commented that there are approximately 280 violations listed in Ordinance No. O2019-35. He stated that there are already ordinances in place to do what this ordinance will do.

Rachel Lewitt, 2804 Central Avenue, expressed her concern about Ordinance No. O2019-35 and commented that the legislation is vague, over reaching and that it needs to be discussed further.

CONSENT AGENDA

- Confirm the following personnel appointment of Brett Vance to the position of Firefighter-EMT in the Department of Public Safety, Division of Fire
- To request approval to purchase a new Ford Transit sewer service van off the ODAS contract for the Division of Sewer Maintenance in the total amount of \$27,692.50 from Middletown Ford

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.

<p>MOTION AGENDA Approve Contract for Taxiway Edge Lighting</p>	<p>To enter into a contract with Jess Howard Electric Company of Blacklick, Ohio for the Airport Taxiway Edge Lighting Improvements as agreed to by the Federal Aviation Administration (FAA).</p>
<p>COUNCIL COMMENTS Mr. J. Mulligan</p>	<p>Mr. Bohannon moved to enter into a contract with Jess Howard Electric Company of Blacklick, Ohio for the Airport Taxiway Edge Lighting Improvements as agreed to by the Federal Aviation Administration (FAA). Mr. J. Mulligan seconded. Motion carried. Ayes: Mr. J. Mulligan, Mr. L. Mulligan, Ms. Vitori, Mr. Bohannon, Mr. Moon.</p>
<p>Mr. Bohannon</p>	<p>Mr. J. Mulligan thanked the organizers and volunteers of the Memorial Day parade and the service at Woodside Cemetery.</p>
<p>Mr. Bohannon</p>	<p>Mr. Bohannon asked Judge Sherron for his input on Ordinance No. 02019-35. Judge Sherron stated that he believed that it was a good mechanism for property code maintenance issues but it might be overly broad for other issues. He stated that it doesn't give due process and that he thinks that it merits more discussion. He stated that it is a huge piece of legislation with many options; that makes it potentially more beneficial but also makes it more difficult. He would like to have more input. He discussed a few scenarios and the potential pitfalls.</p>
<p>Mr. Moon</p>	<p>Mr. Moon stated that it was great Memorial Day parade and thanked the organizers. He stated that Judge Sherron summarized his concerns about Ordinance No. 02019-35; and suggested to table the legislation.</p>
<p>Mr. L. Mulligan</p>	<p>Mr. L. Mulligan thanked the organizers and volunteers of the Memorial Day parade and the Broad Street Bash. He announced the ribbon cutting event for BMW of Greater Cincinnati is scheduled for June 28th.</p>
<p>Waive Charter</p>	<p>Mr. Moon moved to suspend the Charter provision that requires reading on two separate days and to declare Ordinance No. 02019-30, Ordinance No. 02019-31, Ordinance No. 02019-32, Ordinance No. 02019-33, Ordinance No. 02019-34, and Resolution No. R2019-16 emergency measures 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.</p>
<p>Ord. No. 02019-30 Approve Petition For Assessments</p>	<p>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.</p> <p>Mr. Bohannon moved to approve 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. Mr. J. Mulligan seconded. Motion carried. Ayes: Ms. Vitori, Mr. Bohannon, Mr. Moon, Mr. J. Mulligan, Mr. L. Mulligan.</p>
<p>Ord. No. 02019-31 Approve Cooperative Agreement</p>	<p>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.</p> <p>Mr. Bohannon moved to approve 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. Mr. J. Mulligan seconded. Motion carried. Ayes: Mr. Bohannon, Mr. Moon, Mr. J. Mulligan, Mr. L. Mulligan, Ms. Vitori.</p>
<p>Res. No. R2019-16 Approve the Necessity Of the Improvements</p>	<p>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.</p> <p>Mr. Moon moved to approve 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. Ms. Vitori seconded. Motion carried. Ayes: Mr. Moon, Mr. J. Mulligan. Mr. L. Mulligan, Mr. Bohannon, Ms. Vitori.</p>
<p>Ord. No. 02019-32 Proceed with Improvements</p>	<p>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.</p>

<p>Ord. No. 02019-33 Levy Special Assessments</p>	<p>Mr. J. Mulligan moved to approve 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. Ms. Vitori seconded. Motion carried. Ayes: Mr. J. Mulligan, Mr. L. Mulligan, Ms. Vitori, Mr. Bohannon, Mr. Moon.</p>
<p>Ord. No. 02019-34 Contact with Juice Technologies DBA Plug Smart</p>	<p>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.</p> <p>Mr. J. Mulligan moved to approve 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. Ms. Vitori seconded. Motion carried. Ayes: Mr. L. Mulligan, Ms. Vitori, Mr. Bohannon, Mr. Moon, Mr. J. Mulligan.</p>
<p>Ord. No. 02019-35 Enact Chapter 214 & Amend Sections 1436.06 & 1436.99</p>	<p>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.</p> <p>Mr. J. Mulligan moved to approve 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. Mr. Moon seconded. Motion carried. Ayes: Ms. Vitori, Mr. Bohannon, Mr. Moon, Mr. J. Mulligan, Mr. L. Mulligan.</p>
<p>Ord. No. 02019-36 Levy Special Assessments Sidewalk, Curb & Gutter</p>	<p>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 second time.</p> <p>Mr. Adkins commented that none of the standards have changed, this legislation just gives the option to charge criminally. This is done in other communities and it works well. The legislation has due process and training is scheduled. It is another tool to solve problems.</p> <p>Mr. Moon moved to table 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. Mr. Bohannon seconded. Motion failed to pass. Ayes: Mr. Bohannon, Mr. Moon. Nays: Mr. J. Mulligan, Ms. Vitori, Mr. L. Mulligan.</p> <p>Mr. J. Mulligan moved to approve 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. Ms. Vitori seconded. Motion carried. Ayes: Mr. J. Mulligan, Mr. L. Mulligan, Ms. Vitori. Nays: Mr. Bohannon, Mr. Moon.</p>
<p>Ord. No. 02019-37 Amend Contract for Additional Well Screen</p>	<p>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 second time.</p> <p>Ms. Vitori moved to approve 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. Mr. J. Mulligan seconded. Motion carried. Ayes: Mr. J. Mulligan, Mr. L. Mulligan, Ms. Vitori, Mr. Bohannon, Mr. Moon.</p>
<p>Ord. No. 02019-38 Authorize a Contract With BrainWave Connections, Inc.</p>	<p>Ordinance No. 02019-37, an ordinance establishing a procedure for and authorizing an amendment to a contract with National Water Services, LLC for additional well screen and declaring an emergency was read with no action requested until June 18, 2019.</p> <p>Ordinance No. 02019-38, an ordinance establishing a procedure for and authorizing a contract with BrainWave Connections Inc. for Phase II of the Oakland Revitalization Incentive District and declaring an emergency was read with no action requested until June 18, 2019.</p>
<p>EXECUTIVE SESSION</p>	<p>At 6:32 p.m. Mr. J. Mulligan 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. L. Mulligan seconded. Motion carried. Ayes: Mr. L. Mulligan, Ms. Vitori, Mr. Bohannon, Mr. Moon, Mr. J. Mulligan.</p>

ADJOURNMENT

At 6:45 p.m., the meeting was declared adjourned until June 18, 2019 with the City Council field trip work session to the City fire stations to discuss their future status and long term upgrades beginning at 4:00 p.m. and the City Council business meeting at 7:00 pm in the Council Chambers.

Lawrence P. Mulligan, Jr., Mayor

Attest: _____