

MIDDLETOWN, OHIO**June 5, 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: A. Vitori, S. Bohannon, J. Mulligan, T. Moon, L. Mulligan.

Staff Present: Nadine Begley, Sarah Fox, Amy Schenck, Ashley Combs, Jennifer Ekey, Les Landen.

**CITIZEN COMMENTS,
GUESTS,
ORGANIZATIONS'
REPORTS**

Mayor Mulligan welcomed Julie Joyce Smith, Butler County Auditor's Office, to the podium. Ms. Smith provided information about the Board of Revision and reported that no new credit card skimmers had been found in Butler County since October 2017. She reported that the County-wide physical reappraisal started in April. The appraisers will be taking photos of homes from clearly-marked County Auditor vehicles. She encouraged residents and City leaders to contact their State Representatives and ask them to support fuel quality testing.

Dora Bronston

Dora Bronston, 4817 Earl Avenue, expressed her support for public safety and stated that Middletown's Chiefs are strong and transparent. They are active in community events, such as Coffee with a Cop, National Night Out, Citizens Advisory Board, the Derrico Easter Egg Hunt, and the Opioid Summits. The departments work well with the NAACP, and the canine officer training is impeccable. They have developed effective task forces and have partnered well with other departments and organizations. If it's not broke, don't fix it.

Jason Wargo

Detective Jason Wargo, FOP #36, stated that the police union opposes any change to the Charter with regard to the hiring of outside police and fire chiefs. Chief Muterspaw has set high benchmarks and the department is strong.

Ross Green

Firefighter Ross Green, Local #336, stated that the fire union opposes the Charter changes to hiring outside chiefs. He stated that the public safety department members are dedicated to the City and its residents and employees. It's so much more than a job. He stated that West Chester just conducted a nationwide search for a chief and ended up hiring one of their own. The Middletown process is proven and it works. Don't fix something that's not broken.

Wanda Glover

Wanda Glover, 1106 Calumet, encouraged everyone to come out to the Second Ward Community Council's Multi-Cultural Festival on Saturday, June 9th from 10 a.m. to 7 p.m. The festival will feature a parade, health fair, live entertainment, food and family fun. She thanked the Mayor and Vice Mayor for their support. She stated that she had been a member of the Charter Review Committee in the past and was disappointed in the reduction of the number of members. She expressed her support for police and fire and stated that they work well with the community. She asked if the housing meetings are closed to the public and stated that she wants to be involved.

**CITY MANAGER
REPORTS**

City Manager Adkins welcomed Charter Review Committee Chairman Joe Newlin to the podium. Mr. Newlin explained that many of the recommendations from the committee were to clean up language and to streamline City processes. He explained that the committee unanimously approved a recommendation to remove the Chiefs of the Divisions of Fire and Police from the classified service and place them in the unclassified service. This would allow the City a larger pool of applicants, both internal and external candidates, to choose from. The Committee agreed that the procedure to incorporate outside candidates into the selection process should be left in the hands of administration and City Council. There was some discussion about the Committee developing a specific procedure, but the CRC decided this was best done by the testing professionals in the city administration. The Committee does recommend that in developing that process, the Chiefs should not select the members of the assessment test teams. He explained that the committee discussed a proposal to include a mandatory allocation of annual income tax proceeds to capital improvements, specifically road improvements. While the committee did not recommend that an amendment implementing this proposal be placed on the ballot; this proposal was the subject of significant discussion. The issue was flexibility versus commitment to street improvements. The committee became aware of a specific administrative plan to begin comprehensive street improvements within the next three to four years. The committee is recommending that the plan outlined by the City Manager be pursued and that City Council take deliberate action to show commitment to the plan. The Committee sees street improvements as a critical issue in the community and recommends specific action to address it. It is concerned that the failure to do so could lead to a stronger movement to place some mandatory spending commitment in the Charter, thereby limiting the flexibility of future City Councils and city administrations.

CONSENT AGENDA

Approve the City Council Minutes: May 15, 2018

Receive & File Board of Commission Minutes:

Park Board- April 9, 2018

Board of Health- April 10, 2018

Middletown Visitors Bureau- April 16, 2018

Confirm the Personnel Appointments of:

Aaron Adkins- Animal Control Officer, Public Safety, Police

Audrey Morris- Secretary III, Public Works and Utilities, Water Treatment

Confirm the Board & Commission Resignation of:

Scott Tucker from the Building and Housing Appeals Board

Confirm the Board & Commission Appointments of:

Sheri Howard to the Middletown Visitors Bureau

To Purchase Three ¾ Ton Pickup Trucks from Beau Townsend Ford, Vandalia, Ohio, in the amount of \$84,190.50 (\$28,063.50/truck).

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

MOTION AGENDA

**Sale of Lot 302
Charles Street**

Sale of City-owned vacant lot located at 302 Charles Street. Parcel number: Q6532026000041. James and Heather Rudie own the property next door at 306 Charles Street and wish to purchase this lot to extend their yard. Sale price \$500.

Mr. Bohannon moved to approve the sale of City-owned vacant lot located at 302 Charles Street, parcel number: Q653202600004 for \$500. Mr. J. Mulligan seconded. Motion carried. Ayes: Mr. Moon, Mr. J. Mulligan, Mr. L. Mulligan, Mr. Bohannon, Ms. Vitori.

**Sale of Lot 1109
Hughes Street**

Sale of City-owned vacant lots located at 1109 Hughes Street. Parcel numbers: Q6511020000020 & Q6511020000045. Ova W Conley and Karen Conley own the property next door at 1111 Hughes Street and wish to purchase these lots to extend their yard. Typically we sell these for \$500 per parcel. However, one of these parcels is very narrow and virtually unusable. Sale price for both lots is \$500 total.

Mr. Bohannon moved to approve the sale of City-owned vacant lots located at 1109 Hughes Street, parcel numbers: Q6511020000020 & Q6511020000045 for \$500 total. Mr. J. Mulligan seconded. Motion carried. Ayes: Mr. J. Mulligan, Mr. L. Mulligan, Ms. Vitori, Mr. Bohannon, Mr. Moon.

**Sale of Lot 1508
Taylor Avenue**

Sale of City-owned vacant lot located at 1508 Taylor Avenue. Parcel number: Q6542039000005. Robert Robinson owns the property next door at 1510 Taylor Avenue and wishes to purchase this lot to extend his yard. Sale price \$500.

Mr. Bohannon moved to approve the sale of City-owned vacant lot located at 1508 Taylor Avenue, parcel number: Q6542039000005 for \$500. Mr. J. Mulligan seconded. Motion carried. Ayes: Mr. L. Mulligan, Ms. Vitori, Mr. Bohannon, Mr. Moon, Mr. J. Mulligan.

**Sale of Lot 3105
Morgan Street**

Sale of City-owned vacant lot located at 3105 Morgan Street. Parcel number: Q6542118000063. Carol Joseph owns the property next door at 3103 Morgan Street and wishes to purchase this lot to extend her yard. Sale price \$500.

Mr. Bohannon moved to approve the sale of City-owned vacant lot located at 3105 Morgan Street, parcel number: Q6542118000063 for \$500. Mr. J. Mulligan seconded. Motion carried. Ayes: Ms. Vitori, Mr. Bohannon, Mr. Moon, Mr. J. Mulligan, Mr. L. Mulligan.

**Sale of Lot 3316
Tytus Avenue**

Sale of City-owned lot located at 3316 Tytus Avenue to Metropolitans of Middletown, LLC. for \$26,000.

Mr. Bohannon moved to approve the sale of City-owned lot located at 3316 Tytus to Metropolitans of Middletown, LLC. for \$26,000. Mr. Moon seconded. Motion carried. Ayes: Mr. Bohannon, Mr. Moon, Mr. J. Mulligan, Mr. L. Mulligan, Ms. Vitori.

**Sale of Lot 423
Yankee Road**

Sale of City-owned vacant lot located at 423 Yankee Road. Parcel number: Q6521021000013. Tim Bailey owns the property next door at 421 Yankee Road and wishes to purchase this lot to extend his yard. He would like to acquire the property through the mow to own program. He would be responsible for maintaining the lot for one (1) year. If there are no violations within that year, the City will deed him the lot at that time.

Mr. Bohannon moved to approve the sale of City-owned vacant lot located at 423 Yankee Road, parcel number: Q6521021000013 through the mow to own program. Mr. J. Mulligan seconded. Motion carried. Ayes: Mr. Moon, Mr. J. Mulligan, Mr. L. Mulligan, Mr. Bohannon, Ms. Vitori.

	<p>Mr. Moon suggested that the City pause on the sale of these City-owned vacant lots until after the housing study is complete and the housing plan is established.</p>
Purchase Sewer Inspection Equip.	<p>To purchase Sewer Inspection Camera Equipment and Ford E-450 Chassis from Jack Doheny Companies, Inc., of Northville, MI, in the total amount of \$242,500.</p> <p>Mr. Bohannon moved to approve the purchase Sewer Inspection Camera Equipment and Ford E-450 Chassis from Jack Doheny Companies, Inc., of Northville, MI, in the total amount of \$242,500. Ms. Vitori seconded. Motion carried. Ayes: Mr. J. Mulligan, Mr. L. Mulligan, Ms. Vitori, Mr. Bohannon, Mr. Moon.</p>
COUNCIL COMMENTS	
Mr. J. Mulligan	<p>Mr. J. Mulligan thanked the members of the Charter Review Committee for their thoughts and input on the Charter recommendations. He expressed his appreciation to the Fraternal Order of Eagles for hosting the Police Memorial Dinner.</p>
Mr. T. Moon	<p>Mr. T. Moon expressed his appreciation to the members of the Charter Review Committee for their time and effort. He thanked Scott and Jeri Lewis for their work on the Memorial Day Parade.</p>
Mr. L. Mulligan	<p>Mr. L. Mulligan stated that the housing committee meetings are streamed on the website. He encouraged everyone to attend the upcoming Multi-Cultural Festival, and the Fenwick Festival. He wished all of the fathers and Happy Father's Day.</p>
Waive Charter	<p>Mr. Moon moved to suspend the Charter provision that requires reading on two separate days and to declare Ordinance No. 02018-22 an emergency measures to be read one time only. Mr. Bohannon seconded. Motion carried. Ayes: Mr. L. Mulligan, Ms. Vitori, Mr. Bohannon, Mr. Moon, Mr. J. Mulligan.</p>
Ord. No. 02018-20 Amend Sections 624.02, 624.03 & 624.16	<p>Ordinance No. 02018-20, an ordinance amending Sections 624.02 (Trafficking in Controlled Substances; Gift of Marihuana), 624.03 (Drug Abuse) and 624.16 (Possession, Manufacture and Sale of Drug Paraphernalia) of the Codified Ordinances was read for the second time.</p> <p>Mr. Bohannon moved to approve Ordinance No. 02018-20, an ordinance amending Sections 624.02 (Trafficking in Controlled Substances; Gift of Marihuana), 624.03 (Drug Abuse) and 624.16 (Possession, Manufacture and Sale of Drug Paraphernalia) of the Codified Ordinances. Mr. J. Mulligan seconded. Motion carried. Ayes: Ms. Vitori, Mr. Bohannon, Mr. Moon, Mr. J. Mulligan, Mr. L. Mulligan.</p>
Ord. No. 02018-21 Change Zoning Central Avenue	<p>Ordinance No. 02018-21, an ordinance changing the zoning classification for various parcels located on Central Avenue from B-1 (Neighborhood Business District) to B-2 (Community Business District) was read for the second time.</p> <p>Mr. Bohannon moved to approve Ordinance No. 02018-21, an ordinance changing the zoning classification for various parcels located on Central Avenue from B-1 (Neighborhood Business District) to B-2 (Community Business District). Mr. J. Mulligan seconded. Motion carried. Ayes: Mr. Bohannon, Mr. Moon, Mr. J. Mulligan, Mr. L. Mulligan, Ms. Vitori.</p>
Ord. No. 02018-22 Clean Harbors	<p>Ordinance No. 02018-22, an ordinance establishing a procedure for and authorizing a contract with Clean Harbors Environmental Services, Inc. for the clean-up of a lime spill at the Water Treatment Plant and declaring an emergency.</p> <p>Mr. Bohannon moved to approve Ordinance No. 02018-22, an ordinance establishing a procedure for and authorizing a contract with Clean Harbors Environmental Services, Inc. for the clean-up of a lime spill at the Water Treatment Plant and declaring an emergency. Mr. J. Mulligan seconded. Motion carried. Ayes: Mr. Moon, Mr. J. Mulligan, Mr. L. Mulligan, Mr. Bohannon, Ms. Vitori.</p>
Ord. No. 02018-23 Agreement with Grove Street PSH, LLC	<p>Ordinance No. 02018-23, an ordinance authorizing an agreement with Grove Street PSH, LLC and/or Hope House Rescue Mission to waive permit fees and impact fees for the redevelopment of 1001 Grove Street, and declaring an emergency was read with no action requested until June 19, 2018.</p>
Ord. No. 02018-24 Modify DORA Hours	<p>Ordinance No. 02018-24, an ordinance modifying the Designated Outdoor Refreshment Area, establishing requirements to ensure public health and safety within such area and declaring an emergency was read with no action requested until June 19, 2018.</p>
Ord. No. 02018-25 Amend Article 1, Sections 1 & 3 and Article II, Sections	<p>Ordinance No. 02018-25, an ordinance providing the submission to the electors of the City of Middletown an amendment to Article I, Sections 1 and 3 and Article II, Sections 2 and 3 of the Charter of the City pertaining to the structure and composition of City Council was read for the first time.</p>

2 & 3 of the City Charter

Mr. Landen explained that the language changes provide a simpler description of the composition and election of City Council. These amendments do not change the make-up or operation of City Council.

Ord. No. 02018-26 Amend Article II, Section 11 of the City Charter

Ordinance No. 02018-26, an ordinance providing the submission to the electors of the City of Middletown an amendment to Article II, Section 11 of the Charter of the City requiring a copy of the annual report of the City to be on file at the City library was read for the first time.

Mr. Landen explained that this change moves the City from a purely “paper” world to “paperless” options. If a citizen does not own an electronic device, he/she can obtain the report by contacting the Clerk of City Council.

Ord. No. 02018-27 Amend Article III, Section 3 of the City Charter

Ordinance No. 02018-27, an ordinance providing the submission to the electors of the City of Middletown an amendment to Article III, Section 3 of the Charter of the City pertaining to the appointment of City employees was read for the first time.

Mr. Landen explained that this proposal will eliminate the requirement that all employee appointments by the City Manager be subject to the consent of City Council. The City Manager is the chief administrative officer and the head of the administrative branch of the City government and should hire and fire City employees.

Ord. No. 02017-28 Amend Article III, Section 8 of the City Charter

Ordinance No. 02018-28, an ordinance providing the submission to the electors of the City of Middletown an amendment to Article III, Section 8 and of the Charter of the City pertaining to the power of City Council to delegate to the City Manager the ability to change the organizational structure of the City administration was read for the first time.

Mr. Landen explained that City Council is required to maintain an administrative code by ordinance, which establishes departments and their responsibilities. In reality, every City Manager develops a structure consistent with his/her administration of the organization. The result is frequently an organizational structure that is not wholly consistent with the adopted administrative code. Further, the 1949 Charter rewrite was designed to create a business model for the City, under the direction of a chief administrative officer (CAO), the City Manager. The present Charter language is not consistent with this model. The City Manager should be responsible for the organizational structure as part of his/her administrative function. The proposed change, while giving City Council the ultimate control of organizational structure, allows it to delegate authority to the City Manager as the CAO.

Ord. No. 02018-29 Amend Article III, Section 8 of the City Charter

Ordinance No. 02018-29, an ordinance providing the submission to the electors of the City of Middletown an amendment to Article III, Section 8 of the Charter of the City pertaining to placing the Chiefs of the Divisions of Fire and Police in the unclassified service was read for the first time.

Mr. Landen explained that the present Charter language requires that the Chiefs of the Divisions of Police and Fire be included in the classified service and the present system does not permit outside candidates to be considered. Every other department head in the City is unclassified. New chiefs must be hired through a promotional process, which typically assures the chiefs will be hired from internal candidates. The Committee believes this is not always in the best interest of the City. The Committee holds no prejudice against internal candidates, and believes that an internal candidate should be preferred if he/she is equally or better qualified. The committee believes that outside candidates should be considered in order to assure that the citizens of Middletown are getting the best chief in the given circumstance. The Committee agreed that the procedure to incorporate outside candidates into the selection process should be left in the hands of administration and City Council. There was some discussion about the Committee developing a specific procedure, but the CRC decided this was best done by the testing professionals in the city administration. The Committee does recommend that in developing that process, the Chiefs should not select the members of the assessment test teams.

Mr. Bohannon commented that the Chief’s position could become a stepping stone for outside candidates.

Ord. No. 02018-30 Amend Article IV, Section 3 & 5 of the City Charter

Ordinance No. 02018-30, an ordinance providing the submission to the electors of the City of Middletown an amendment to Article IV, Sections 3 and 5 of the Charter of the City pertaining to the publication of legislation and public hearing notices was read for the first time.

Mr. Landen explained that certain matters are required to be published in a newspaper of general circulation in the City. The committee concluded that newspaper publication is no longer an effective method of public notice because a declining number of people subscribe to newspapers and there is cost associated with newspaper publication. Newspaper publication can be replaced by electronic publication; electronic publication is a more efficient and effective means of reaching citizens of the City with this information.

Ord. No. 02018-31 Amend Article V of

Ordinance No. 02018-31, an ordinance providing the submission to the electors of the City of Middletown an amendment to Article V of the Charter of the City pertaining to boards and

the City Charter

commissions was read for the first time.

Mr. Landen explained that the City Charter presently creates four boards, the Board of Health, the Board of Library Trustees, the Civil Service Commission and the Park Board. City Council, by ordinance, has clarified the structure and responsibility of these boards and created many other boards. The Board of Health and the Library Board of Trustees are needed to address issues of state law. The Civil Service Commission and the Park Board are not required to exist by state law. Creating the Board of Health and the Library Board of Trustees by Charter are a clear exercise of home rule power over the structure of those boards. This is not needed with the Civil Service Commission and Park Board. By removing these two boards from the Charter and allowing them to continue to be creatures of City Council, their structure, duties and responsibilities are more flexible. It becomes easier to combine and/or separate functions among citizen boards and commissions to meet current administrative needs. This amendment allows the City to exercise permissible control over the two boards needed to comply with state law, while placing other boards and commissions under the control of City Council.

Ord. No. 02018-32
Amend Article I,
Section 5 of the City
Charter

Ordinance No. 02018-32, an ordinance providing the submission to the electors of the City of Middletown an amendment to Article I, Section 5 of the Charter of the City pertaining to the charter review committee was read for the first time.

Mr. Landen explained that the committee felt that a more frequent review would result in fewer matters for consideration and would allow problems that develop to be addressed more quickly.

Ord. No. 02018-33
Sign Easement
For AK Steel Corp.

Ordinance No. 02018-33, an ordinance granting an agreement with AK Steel Corporation for a sign easement at the intersection of Research Way and Union Road was read for the first time.

Ord. No. 02018-34
Amend Sections
1402.01, 1402.02,
1404.01, 1406.01,
1406.02, 1406.06,
1410.11, 1412.01
1412.02, 1418.06
1420.01, 1424.06
1426.01, 1426.02
1432.02, 1448.04

Ordinance No. 02018-34, an ordinance amending Sections 1402.01 (Residential Code of Ohio Adopted), 1402.02 (File and Distribution Copies), 1404.01 (Ohio Building Code Adopted), 1406.01 (Building Permits; Certificates of Occupancy), 1406.02 (Demolition Permits), 1406.06 (Inspections Outside Regular Business Hours), 1410.11 (Fees for Occupancy of Streets), 1412.01 (Ohio Mechanical Code Adopted), 1412.02 (File and Distribution Copies), 1418.06 (HVAC Permit and Inspection Fees), 1420.01 (National Electrical Code Adopted), 1424.06 (Electrical Permit and Inspection Fees), 1426.01 (Ohio Plumbing Code Adopted), 1426.02 (File and Distribution Copies), 1432.02 (Plumbing Permit and Inspection Fees) and 1448.04 (Permit Fees) of the Codified Ordinances was read for the first time.

Ord. No. 02018-35
Amend Chapter 864

Ordinance No. 02018-35, an ordinance amending Chapter 864 (Special Police Officers) of the Codified Ordinances was read for the first time.

Ord. No. 02018-36
Amend Section 209.07

Ordinance No. 02018-36, an ordinance amending Section 209.07 (Bid Securities) of the Codified Ordinances was read for the first time.

Ord. No. 02018-37
Contract w/ CBI

Ordinance No. 02018-37, an ordinance establishing a procedure for and authorizing a contract with the Community Building Institute was read for the first time.

Ord. No. 02018-38
Contract w/ Flottweg

Ordinance No. 02018-38, an ordinance establishing a procedure for and authorizing a contract with Flottweg for the purchase of a dewatering centrifuge was read for the first time.

Res. No. R2018-09
Amend Appropriations

Resolution No. R2018-09, 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, 2018, was read for the first time. (General Fund)

EXECUTIVE SESSION

At 6:43 p.m. Mr. Bohannon moved to adjourned to executive session under the authority of O.R.C. 121.22 (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. J. Mulligan, L. Mulligan, A. Vitori, Mr. Bohannon, Mr. Moon.

ADJOURNMENT

At 7:15 p.m., the meeting was declared adjourned until the Council meeting of June 19, 2018, at 5:30 p.m.

Lawrence P. Mulligan, Jr., Mayor

Attest: _____