

MIDDLETOWN, OHIO

July 17, 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.

EXCUSE ABSENCE

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

Staff Present: Jennifer Ekey, Doug Adkins, Susan Cohen, Amy Schenck, Ashley Combs.

PRESENTATION

PROCLAMATION

**Abilities First
60th Anniversary**

WHEREAS, people with disabilities should have the opportunity to achieve their unique potential and have an extraordinary quality of life. For the last 60 years, Abilities First has worked to empower people with disabilities to achieve their potential and is the region's first choice resource for people with disabilities & their families; and

WHEREAS, inside every child and adult is the ability for growth and Abilities First has a family of services helping the needs of families, from birth through life. Abilities First serves children with autism in the Autism Learning Center, including a 4 Plus 1 Preschool Program. Abilities First serves children with disabilities and typical children in the Integrated Early Childhood Learning Center and provides speech, occupational and physical therapy opportunities; and

WHEREAS, Abilities First provides an intensive pediatric therapy program, a residential care center, adult day programs and employment habilitation for people with disabilities. Abilities First transforms the lives of children and adults with disabilities to impact families, communities and businesses in Butler, Warren, Hamilton, Montgomery, Preble, Greene and Clark counties in Ohio; and

WHEREAS, all people living up to their full potential create productive citizens, and to that end, a better community for all. August 2, 2018, is the 60th anniversary of the Abilities First Articles of Incorporation.

NOW, THEREFORE, I, Lawrence P. Mulligan, Jr., Mayor of the City of Middletown, Butler and Warren Counties, Ohio, do hereby proclaim August 2, 2018, as

Abilities First Day
in Middletown, Ohio

“Abilities First Day” is an opportunity to recognize and celebrate the people served by Abilities First, the employees, citizens and professional partners of the organization who diligently work to make Middletown a unique and vibrant place to live, work, learn and play.

PUBLIC HEARINGS

**2019 Tax Budget
MidPointe Library**

Debra Preston, Fiscal Officer of the MidPointe Library, presented the 2019 Tax Budget. Travis Bautz reported on the summer lunch program, the new bookmobile, and the new 3,500 sq. ft. storefront at Liberty Center.

At 5:39 p.m., Mayor Mulligan opened the public hearing and asked for those who wanted to speak in favor of the 2019 Tax Budget for the MidPointe Library. Hearing none, he called for those who wanted to speak in opposition to the 2019 Tax Budget for the MidPointe Library. Hearing none, he closed the public hearing at 5:39 p.m.

**Text Amendment
Case #2-18**

Ashley Combs presented Text Amendment Case #2-18, Planning & Zoning Development Code: Consideration of text amendments to the Planning & Zoning Development Code pertaining to review fees, accessory structures, uses, procedures, and definitions.

At 5:47 p.m., Mayor Mulligan opened the public hearing and asked for those who wanted to speak in favor of the Text Amendment Case #2-18. Hearing none, he called for those who wanted to speak in opposition to the Text Amendment Case #2-18. Hearing none, he closed the public hearing at 5:47 p.m.

**Map Amendment
Case #3-18**

Ashley Combs presented Map Amendment Case #3-18, a request for zone changes by applicant Bob Gage for a total of three (3) properties located on the southwest corner of Roosevelt Boulevard and Bonita Drive, Parcel IDS Q6542065000055, Q6542065000199, and Q6542065000200 from R-4P Attached Residential Zoning District to B-1 Neighborhood Business District. Per the Butler County Auditor, the properties are a total of 0.689 acres. If approved, the applicant is proposing to build a 7,500 sq. ft. retail store. The map amendment

will require final review and approval by the City Council.

At 5:49 p.m., Mayor Mulligan opened the public hearing and asked for those who wanted to speak in favor of the Map Amendment Case #3-18. Hearing none, he called for those who wanted to speak in opposition to the Map Amendment Case #3-18. Hearing none, he closed the public hearing at 5:49 p.m.

Map Amendment Case #4-18

Ashley Combs presented Map Amendment Case #4-18, a request for zone changes by applicant Ron Decker, on behalf of Oakley Property Group LLC, for a total of five (5) properties located at the intersection of Clark Street and Plum Street, Parcel IDS Q6532011000004, Q6532011000005, Q6532011000006, Q6532011000011, and Q6532011000012 from I-2 General Industrial Zoning District to R-4 Attached Residential Zoning District. Per the Butler County Auditor the properties are a total of 1.3 acres. If approved, the applicant is planning a new housing development. The Planning Commission's recommendation is forwarded to City Council for final review.

At 5:51 p.m., Mayor Mulligan opened the public hearing and asked for those who wanted to speak in favor of the Map Amendment Case #4-18. Hearing none, he called for those who wanted to speak in opposition to the Map Amendment Case #4-18. Hearing none, he closed the public hearing at 5:52 p.m.

Right-of-Way Vacation Case #2-18

Ashley Combs presented Right-of Way Vacation Case #2-18, a request by petitioner, Ron Decker, on behalf of Oakley Property Group LLC, for a portion of alley to be vacated near the intersection of Clark Street & Reinartz Boulevard (Middletown, Ohio 45042). The alley is surrounded by Parcel IDS: Q6532011000005 and Q6532011000006. The alley vacation is 132 feet long and 15 feet wide (approximately 0.05 acres). If approved, the alley property will be consolidated with the surrounding property for a new housing development.

At 5:52 p.m., Mayor Mulligan opened the public hearing and asked for those who wanted to speak in favor of the Right-of-Way Vacation Case #2-18. Hearing none, he called for those who wanted to speak in opposition to the Right-of-Way Vacation Case #2-18. Hearing none, he closed the public hearing at 5:52 p.m.

Map Amendment Case #5-18

Ashley Combs presented Map Amendment Case #5-18, a request for zone changes by the City of Middletown for a total of forty (40) properties located near Towne Boulevard located between Roosevelt Boulevard and Hendrickson Road from O-2 Office Park District to B-2 Community Business District. Per the Warren County Auditor the properties are a total of 207.92 acres. The request for rezoning is regarding consistency of current land uses with the City's recently adopted Development Code. The Planning Commission's recommendation is forwarded to City Council for final review.

At 5:54 p.m., Mayor Mulligan opened the public hearing and asked for those who wanted to speak in favor of the Map Amendment Case #5-18. Hearing none, he called for those who wanted to speak in opposition to the Map Amendment Case #5-18. Hearing none, he closed the public hearing at 5:54 p.m.

CITY MANAGER

City Manager Adkins announced that there would be a public meeting on July 19 at 6:00 p.m. at Sunset Park to discuss the Sunset Park Green Infrastructure Project. If the weather is inclement, the meeting will be held in Council Chambers.

CONSENT AGENDA

Approve the City Council Minutes: July 3, 2018

Receive & File an Oath of Office for Audrey Morris

Confirm the Personnel Appointments of:

Joseph Lietz to the position of Patrol Officer, Department of Public Safety, Division of Police
Jamie Sturgill to the position of Treatment Plant Operator, Public Works & Utilities, Division of Water Treatment

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

**MOTION AGENDA
2019 Library Budget**

To Receive, File, and Adopt the 2019 Tax Budget for the MidPointe Library

Mr. J. Mulligan moved to receive, file, and adopt the 2019 Tax Budget for the MidPointe Library. Ms. Vitori seconded. Motion carried. Ayes: Mr. J. Mulligan, Mr. L. Mulligan, Mr. Bohannon, Ms. Vitori.

COUNCIL COMMENTS

Mr. J. Mulligan	Mr. J. Mulligan thanked the organizers of the 4 th of July Parade and festival and commented that the fireworks were well attended.
Mr. Bohannon	Mr. Bohannon encouraged everyone to come out and enjoy the balloon festival.
Ms. Vitori	Ms. Vitori commented on how great the fireworks were and complimented the Library on their summer programming.
Mr. L. Mulligan	<p>Mr. L. Mulligan expressed his thanks and appreciation to the City Staff for all of their work on the fireworks and the festivities. He remarked that the Housing Committee is making great progress. He announced that there would be an ice cream social as part of the First Friday events. He encouraged his fellow council members to carefully consider the proposed legislation for the road improvement levy. Support of this legislation will allow for the voters of Middletown to provide direct input on the conditions of our streets. Unlike legislation at the state and federal level, by voting for this legislation, we have the opportunity to allow the voters of Middletown to decide if roads are a priority for funding. Since my involvement on the Financial Oversight Committee dating back to 2004, the roads have been an area of concern. Since that time, the city has made good use of available dollars from our general fund, state and federal matching funds, and some limited grant funding. But ultimately, the city has limited resources to dedicate toward street improvements and repaving. Previous councils allowed the citizens to provide input on another key local priority, public safety, through a referendum for increased income taxes. By in large, those levies were widely supported by voters. While I am not a proponent of higher taxes, I do recognize that the financial landscape has changed quite a bit over the last several years. The local government funding from the state has been eliminated, and isn't likely to be restored to previous levels. At the Federal level, with improved gas mileage on vehicles, federal tax dollars have been limited and competition for funding has increased; additionally, the higher cost over the years for materials and labor have also contributed to reduced availability of funding, and interstates consume much more of the funding. Other area cities levy taxes at 2% or more, or have a limited local credit for taxes paid elsewhere, which results in higher effective rates. So if the voters approve an increase, we will not be different than our neighboring cities. Based on input I've received, many of our local roads are at a tipping point. In the mid-1980's a dedicated portion of income taxes for capital was placed on the ballot and voted to be phased out in lieu of implementing an income tax increase then. Since that time, the funding available for capital maintenance of our roads has declined. As a result of reduced funding for maintenance and increasing expenses in other areas, we are reaching the end of the useful life of many lane miles, at which point the cost to rehabilitate them will increase many fold. Based on some of the data presented by staff, a 0.25% income tax increase would generate about \$3.2 million per year. If we bond a percentage of those proceeds over the 10 year term of the tax, the city could make a significant impact in repaving streets, possibly addressing as many as 140 to 150 lane miles of streets that are at the tipping point of decaying into total disrepair. This 10 year tax would provide for repaving which would extend these roads another 25-30 years. Also, there would remain an annual portion not bonded that could be used for additional targeted improvements or for matching funds for state and federal projects or to aid in the targeted improvements as part of our housing plan. Maintaining a discipline of a percentage of the general fund for capital projects is a worthwhile and credible option. However, I believe the citizens should have input on advancing these efforts in a meaningful way. We are making progress on our path to sustainability, with additional jobs, new homes and new residents, but action is needed much sooner than later to address the condition of our roads.</p>
Waive Charter	Mr. Bohannon moved to suspend the Charter provision that requires reading on two separate days and to declare Resolution No. R2018-13, Ordinance No. O2018-42, and Ordinance No. O2018-43 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.
Res. No. R2018-13 Resolution of Necessity	<p>Resolution No. R2018-13, a resolution declaring the necessity of repairing certain sidewalks, curbs, gutters and driveway aprons in the City of Middletown, requiring that abutting property owners repair the same and declaring an emergency was read.</p> <p>Mr. J. Mulligan moved to approve Resolution No. R2018-13, a resolution declaring the necessity of repairing certain sidewalks, curbs, gutters and driveway aprons in the City of Middletown, requiring that abutting property owners repair the same and declaring an emergency. Ms. Vitori seconded. Motion carried. Ayes: Mr. L. Mulligan, Mr. Bohannon, Ms. Vitori, Mr. J. Mulligan.</p>
Res. No. R2018-14 Aviation Grant	Resolution No. R2018-14 , a resolution authorizing the City Manager to accept and receive aviation grant funding from the Ohio Department of Transportation Office of Aviation for the Airport Runway Lighting Project was read for the second time.

	<p>Mr. J. Mulligan moved to approve Resolution No. R2018-14, a resolution authorizing the City Manager to accept and receive aviation grant funding from the Ohio Department of Transportation Office of Aviation for the Airport Runway Lighting Project. Ms. Vitori seconded. Motion carried. Ayes: Ms. Vitori, Mr. Bohannon, Mr. J. Mulligan, Mr. L. Mulligan.</p>
<p>Ord. 02018-42 Annex 3+ Acres From Franklin Twp.</p>	<p>Ordinance No. 02018-42, an ordinance setting forth municipal services that will be provided to 3.089 +/- acres located in Franklin Township, Warren County, Ohio, as required by Section 709.023 of the Ohio Revised Code, and declaring an emergency was read.</p>
	<p>Mr. J. Mulligan moved to approve Ordinance No. 02018-42, an ordinance setting forth municipal services that will be provided to 3.089 +/- acres located in Franklin Township, Warren County, Ohio, as required by Section 709.023 of the Ohio Revised Code, and declaring an emergency. Ms. Vitori seconded. Motion carried. Ayes: Mr. Bohannon, Mr. J. Mulligan, Mr. L. Mulligan, Ms. Vitori.</p>
<p>Ord. No. 02018-43 Amend Lease with New Par</p>	<p>Ordinance No. 02018-43, an ordinance establishing a procedure for and authorizing the second amendment of a lease of certain real property to New Par and declaring an emergency was read.</p>
	<p>Mr. J. Mulligan moved to approve Ordinance No. 02018-43, an ordinance establishing a procedure for and authorizing the second amendment of a lease of certain real property to New Par and declaring an emergency. Ms. Vitori seconded. Motion carried. Ayes: Mr. J. Mulligan, Mr. L. Mulligan, Mr. Bohannon, Ms. Vitori.</p>
<p>Res. No. R2018-15 Amend Appro. General and Nuisance Abatement Fund</p>	<p>Resolution No. R2018-15, 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 and Nuisance Abatement Fund)</p>
<p>Ord. No. 02018-44 Amend Development Code</p>	<p>Ordinance No. 02018-44, an ordinance amending various sections the Middletown Development Code of the Middletown Codified Ordinances was read for the first time.</p>
<p>Ord. No. 02018-45 Vacate Alley</p>	<p>Ordinance No. 02018-45, an ordinance vacating a portion of an alley on Clark Street near Reinartz Boulevard was read for the first time.</p>
<p>Ord. No. 02018-46 Change Zoning Classification</p>	<p>Ordinance No. 02018-46, an ordinance changing the zoning classification for five parcels located at the intersection of Clark Street and Plum Street from I-2 (General Industrial District) to R-4 (Attached Residential District) was read for the first time.</p>
<p>Ord. No. 02018-47 Change Zoning Classification</p>	<p>Ordinance No. 02018-47, an ordinance changing the zoning classification for 40 parcels located near Towne Boulevard between Roosevelt Boulevard and Hendrickson Road from O-2 (Office Park District) to B-2 (Community Business District) was read for the first time.</p>
<p>Ord. No. 02018-48 Change Zoning Classification</p>	<p>Ordinance No. 02018-48, an ordinance changing the zoning classification for three parcels located at the southwest corner of Roosevelt Boulevard and Bonita Drive from R-4P (Attached Residential District) to B-1 (Neighborhood Business District) was read for the first time.</p>
<p>Ord. No. 02018-49 .25 Income Tax for Road Maintenance</p>	<p>Ordinance No. 02018-49, an ordinance to impose an additional one-quarter percent (0.25%) income tax effective January 1, 2019, for a period of ten (10) years to be used solely for the construction, repair, improvement and maintenance of streets and roads in the City, and appurtenances thereto including principal of and interest on bonds or notes issued for any of those purposes, and to declare an emergency was read with no action requested until August 7, 2018.</p>
<p>Res. No. R2018-16 Ballot Measure .25 Income Tax for Abatement Fund</p>	<p>Resolution No. R2018-16, a resolution directing the Boards of Elections of Butler County and Warren County to place upon the ballot at the general election to be held November 6, 2018, the question of approving an ordinance to enact Section 891.012.1 of the Codified Ordinances of the City of Middletown to impose an additional one-quarter of one percent (0.25%) income tax effective January 1, 2019, for a period of ten (10) years to be used solely for the construction, repair, improvement and maintenance of streets and roadways in the City and appurtenances thereto including principal of and interest on bonds or notes issued for any of those purposes and declaring an emergency with no action requested until August 7, 2018.</p>
<p>EXECUTIVE SESSION</p>	<p>At 6:15 p.m., Mr. Bohannon 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; and 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. Mr. J. Mulligan seconded. Motion carried. Ayes: Mr. L. Mulligan, Mr. Bohannon, Ms. Vitori, Mr. J. Mulligan.</p>

ADJOURNMENT

At 7:00 p.m., the meeting was declared adjourned until the Council meeting of August 7, 2018, at 5:30 p.m.

Lawrence P. Mulligan, Jr., Mayor

Attest: _____