

MIDDLETOWN, OHIO

August 6, 2019

At 5:00 p.m., Mayor Mulligan called the City Council meeting to order in Conference Room 2C, Second Floor of the City Building.

ROLL CALL
LED Streetlight
Conversion

City Council Members present: A. Vitori, S. Bohannon, T. Moon, J. Mulligan, L. Mulligan. City Manager Adkins discussed converting the streetlights to LED. He explained that the City currently contracts with Duke Energy to operate and maintain approximately 5000 street lights in town. Duke and the City have been working for the past two years on options to convert all the Duke owned and maintained cobra-head style street lights to LED heads. There are 3771 of these street lights in town. Conversion to the LED heads will allow for a significant savings in the annual energy and maintenance charge to the City along with brighter lighting and far fewer street light outages. LED bulbs typically last seven to ten years versus one to three years for the current bulbs. The total project cost is estimated to be approximately \$2.25M. There is currently \$1.2M available in the Capital Improvements Fund for Phase 1 of the project. This funding comes from a reimbursement from the City's share of the 2009 1-75/SR 122 project received earlier this year. (The City paid \$6.4M in 2009 for the estimated share of the interchange and highway widening project. These funds were bonded in 2009. The current annual debt payment is \$466K and expires in 2029.) The City is proposing to move forward with phase 1 of the project which includes conversion of approximately 2000 lights at cost of \$1.2M.

Street lighting cost has traditionally been funded by the City's General Fund. Some communities in the area fund street lighting cost through assessments as allowed by Ohio Revised Code.

The current General Fund budget for all street lighting is \$710K.

Example Assessment #1: Assess for current budget to offset capital cost
 $\$710K / 19000 \text{ accounts} / 12 \text{ months} = \$3.11 / \text{month}$

Example Assessment #2: Assess for budget after savings only
 $\$351K / 19000 \text{ accounts} / 12 \text{ months} = \$1.54 / \text{month}$

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, T. Moon, J. Mulligan, L. Mulligan, A. Vitori.

PUBLIC HEARING

Historic Designation of the Carnegie Library site, 1320 First Avenue, Middletown, OH 45044 City Manager Adkins explained that the Historic Commission recommended to the Middletown City Council the designation of the Carnegie Library site located at 1320 First Avenue, Middletown, OH 45044 (Parcel IDS: Q6532001000014, Parcel Q6532001000015, and Parcel Q6532001000016) as a historic site and recommended the site to the National Register of Historic Places of the U.S. Department of the Interior. He explained that an application for local landmark status was submitted to the Middletown Historic Commission by property owner Dan Mayzum (1865 GEBA LLC) for the Carnegie Library located at 1320 First Avenue, Middletown, Ohio 45044 and a public hearing was held at the City Historic Commission on June 20, 2019 in accordance with Chapter 1212: Historic Preservation of the Middletown Development Code. Based on the review criteria for historic landmark designation, designation procedure outlined in the Middletown Development Code Chapter 1212: Historic Preservation Section 1212.02 Designation of a Historic Landmark, and the presentation provided by the property owner, the City of Middletown Historic Commission recommended approval of the local designation of the Carnegie Library site located at 1320 First Avenue, Middletown, OH 45044 (Parcel IDS: Q6532001000014, Parcel Q6532001000015, and Parcel Q6532001000016) as a landmark site. The Middletown Historic Commission determined that The Middletown Carnegie Library meets the standards for listing on the National Register under Criteria A. (The property is associated with events that made a significant contribution to the broad patterns of our history) The library is historically significant as it met an important need in Middletown for a more robust public educational infrastructure. This educational asset development was part of several community upgrades required by local industrialists for their increased investment in Middletown, versus potentially locating to other regional sites. This industrialist group spearheaded the drive in accepting the Carnegie Corporation grant offer and assembling the required local support commitments. The critical decision by the industrialists to invest in Middletown lead directly to the rapid growth and a vibrant intellectual climate in the early decades of the 20th century. Middletown became a leading innovative industrial city in a region noted for creative industrial development. Built in 1911 near Middletown's (then) working class population center, and adjacent to the outstanding new High School, the Library underwent multiple expansions corresponding to the explosive growth of Middletown. The period significance is 1911 until replacement by a larger facility in 1987. The Library used innovative strategies to increase its community impact by creating satellite branches in local elementary schools, outlying small village sites, and pioneering "bookmobile" service throughout Butler County. Once approval is granted and finalized by the City Council, the approval will be

forwarded for approval to be added National Register listing of Historic Places for local landmark status. The City of Middletown is currently pursuing the Certified Local Government status through the State Historic Preservation Office. The Planning Commission will be reviewing a text amendment for required to the Middletown Development Code Historic Preservations Chapters and Sections at their meeting on Wednesday, August 14th. The City Council will review the text amendments as a public hearing at their meeting held on Tuesday, September 17th. Once the City Council has adopted the text amendments they will be sent to the State Historic Preservation Office who will then send them to the National Register for approval of the CLG status for the City. The goal is to have the Certified Local Government status by the end of the year.

Mayor Mulligan opened the public hearing at 5:35 p.m. and asked for those who wished to speak in favor of the proposed designation of the Carnegie Library site located at 1320 First Avenue, Middletown, OH 45044 (Parcel IDS: Q6532001000014, Parcel Q6532001000015, and Parcel Q6532001000016) as a historic site and adding the site to the National Register of Historic Places of the U.S. Department of the Interior; hearing none, he asked for those who wished to speak in opposition to the designation of the Carnegie Library site located at 1320 First Avenue, Middletown, OH 45044 (Parcel IDS: Q6532001000014, Parcel Q6532001000015, and Parcel Q6532001000016) as a historic site and adding the site to the National Register of Historic Places of the U.S. Department of the Interior; hearing none, the public hearing was closed at 5:35 p.m.

CITY MANAGER REPORTS

Mr. Adkins reported that the Housing Committee has been working on the Housing Policy for over a year; the draft will be presented at the August 20th meeting, with adopting legislation to be presented in September.

CITIZEN'S COMMENTS
Robbie Childers

Robbie Childers, 123 Jodee Drive, presented information about Christians United for Israel. He explained the significance of supporting Israel and the Jewish community and asked Council to consider passing a resolution of support. He invited City Council to an upcoming dinner event.

Joe Wittman

Joe Wittman, 1504 N. Breiel Boulevard spoke out against the comments of Representative Keller who blamed the recent tragic shooting in Dayton on the breakdown of the traditional American family and cited transgender, homosexual marriage and drag queen advocates as the causation of this event. Her bigotry and small-mindedness are not representative of Middletown values. Many of Middletown's small business owners are members of the LGBTQ community and are a dynamic and integral part of the Middletown community. They are our brothers and sisters, they own businesses, pay taxes, raise families, attend our churches and are some of the finest people I know. The LGBTQ community also includes some of our children who deserve our unwavering support. Middletown as a whole should denounce Representative Keller's statements as she doesn't speak for Middletown and she certainly doesn't speak for me. He encourage the City to include LGBTQ non-discrimination language in all City contracts. He encouraged Middletown to take care of its own people and to reassure them that all are welcome here.

CONSENT AGENDA

Approve the City Council minutes of July 2 and July 16, 2019
 Receive and File Oaths of Office for Alaina Geres
 Receive and File Board of Health Minutes of June 11, 2019
 To authorize the purchase of mounted equipment for an International truck chassis purchased in June 2018, for the Division of Streets, from J.W. Devers & Son, Inc., of Trotwood, Ohio, in the amount of \$55,380.
 Proclamation: National Night Out

MOTION AGENDA
Contract with UMR

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.

To authorize the City Manager to enter into a contract for services with UMR to administer health care plan for employees.

Mr. Bohannon moved to authorize the City Manager to enter into a contract for services with UMR to administer health care plan for employees. Mr. J. Mulligan seconded. Motion carried. Ayes: Mr. J. Mulligan, Mr. L. Mulligan, Ms. Vitori, Mr. Bohannon, Mr. Moon.

Interlocal Agreement For the JAG Grant

To authorize the Middletown Division of Police to enter into an Interlocal Agreement with Butler County and the Hamilton Police Department to receive a grant from the U.S. Department of Justice JAG Program.

Mr. Moon moved to authorize the Middletown Division of Police to enter into an Interlocal Agreement with Butler County and the Hamilton Police Department to receive a grant from the U.S. Department of Justice JAG Program. Mr. J. Mulligan seconded. Motion carried. Ayes: Mr. J. Mulligan, Mr. L. Mulligan, Ms. Vitori, Mr. Bohannon, Mr. Moon.

COUNCIL COMMENTS

Mr. Bohannon

Mr. Bohannon offered his condolences to Jennifer Ekey and her family on the passing of her mother.

Ms. Vitori

Ms. Vitori thanked everyone that came downtown and enjoyed Italianfest. She thanked Mr. Wittman for his comments and stated that Representative Keller’s comments do not represent Middletown. She condemned Representative Keller’s comments and demanded her resignation.

Mr. Moon

Mr. Moon commented that he had the pleasure of attending the Multi-Cultural Festival recently and stated that he was heartbroken for the families of the Dayton and El Paso shooting victims. He stated that all human lives are invaluable. He offered a quote from Mother Teresa, “What can you do to promote world peace? Go home and love your family.”

Mr. L. Mulligan

Mr. L. Mulligan read the following letter addressed to Mayor Nan Whaley, City of Dayton from the Ohio Mayors Alliance.

The Honorable Nan Whaley
 Mayor, City of Dayton
 101 W. 3rd Street
 Dayton, OH 45402

Dear Mayor Whaley,

As friends and fellow mayors, we write to you in this hour of tragedy with the deepest of sympathies for the Dayton community. We know words alone won’t ease the pain of this horrific event, but we hope to provide some comfort through this expression of solidarity.

Just a few short months ago, Dayton came together after it had been rocked by a series of devastating tornadoes. In the face of another heart-wrenching tragedy, we know Dayton’s unconquerable spirit – with your leadership – will shine through yet again.

We would like to recognize the inspiring courage of your law enforcement officials, whose quick action undoubtedly prevented the loss of even more innocent lives. We would also like to recognize your leadership throughout these trying times. You have been rock and a steadfast leader for your community and the entire Dayton-region. You have represented the Ohio mayors well and we are so proud to call you our friend and our colleague.

As your fellow board members, and on behalf of our bipartisan coalition of mayors, we pledge to do whatever we can to support you and the Dayton community in this time of grief and the search for answers to this senseless tragedy. Over the years, many of our communities have been impacted by gun violence and we refuse to accept that there are no reasonable policy solutions at the state and federal to help prevent the next mass shooting.

Sincerely,

Signed by:
 Mayor John Cranley, City of Cincinnati
 Mayor Tim DeGeeter, City of Parma
 Mayor Andrew J. Ginther, City of Columbus
 Mayor Don Patterson, City of Kettering
 Mayor David Scheffler, City of Lancaster
 Mayor Lawrence P. Mulligan, Jr. City of Middletown

**Ord. No. O2019-43
 Contract with Phenix
 Stabilization, LLC**

Ordinance No. O2019-43, an ordinance establishing a procedure for and authorizing a contract with Phenix Stabilization, LLC to perform subgrade stabilization on Bonita Drive and declaring an emergency was read with no action requested until August 20, 2019.

**Res. No. R2019-21
 Amend Appropriations**

Resolution No. R2019-21, 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 was read with no action requested until August 20, 2019.

**Res. No. R2019-22
 Kessler Memorial Way**

Resolution No. R2019-22, a resolution honorarily designating a portion of Reinartz Boulevard between Charles Street and Clark Street as Private Patrick L. Kessler Memorial Way for a period of two years was read for the first time.

Mr. Moon asked if the designation could be made permanent; Mr. Adkins responded that if it was the will of Council, then the designation could be made permanent before the second reading of the legislation.

**Res. No. R2019-23
Amend Appropriations**

Resolution No. R2019-23, 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 first time. (General & Airport Funds)

**Ord. No. O2019-44
Carnegie Library
Historic Landmark**

Ordinance No. O2019-44, an ordinance designating the former Carnegie Library located at 1320 First Avenue as a historic landmark site and recommending the site to the National Register of Historic Places of the U.S. Department of the Interior was read for the first time.

**Ord. No. O2019-45
Waive Water/Sewer
Tap In Fees**

Ordinance No. O2019-45, an ordinance authorizing a development agreement with NVR, Inc. DBA Ryan Homes to waive the water and sewer tap-in fees was read for the first time.

**Ord. N. O2019-46
ODOT Bridge
Inspection Program**

Ordinance No. O2019-46, an ordinance authorizing the City Manager to consent to the City of Middletown participating in the Ohio Department of Transportation Bridge Inspection Program was read for the first time.

EXECUTIVE SESSION

At 5:54 p.m. Mr. Bohannon moved to adjourn to executive session 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, Ms. Vitori, Mr. Bohannon, Mr. Moon, Mr. J. Mulligan.

ADJOURNMENT

At 6:14 p.m., the meeting was declared adjourned until August 20, 2019 at 5:30 p.m. in Council Chambers.

Lawrence P. Mulligan, Jr., Mayor

Attest: _____