

MIDDLETOWN, OHIO

September 3, 2019

At 5:30 p.m., Mayor Mulligan called the City Council meeting to order in Conference Room 2C, Second Floor of the City Building.

ROLL CALL

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

PUBLIC HEARING

Mr. Adkins explained that this is a public hearing on the creation of a new TIF District to support the Sawyer’s Mill development. This is not a typical TIF affecting the public, this gives the affecting property owner a chance to speak publicly about the proposed project. There is only one property owner. In 2016 we were approached by Republic Development, the developer of the Sawyer’s Mill Subdivision at the time, to reengage in a conversation about development. The property had been through a lengthy and acrimonious court battle, ending in a consent decree, which stalled any new development. Republic had been talking to Ryan Homes, who had an interest in Middletown. After 2.5 years of meetings, negotiations with 3 different developers, and a new consent decree, we have a path to move forward on the build out of this subdivision.

As part of the Sawyer’s Mill Development, we wish to create a new TIF (tax increment financing) district. TIF is an economic development mechanism available to local governments in Ohio to finance public infrastructure improvements. Payments derived from the increased assessed value of any improvement to real property beyond that amount are directed towards a separate fund to finance the construction of public infrastructure defined within the TIF legislation. This new TIF will work in concert with the existing Sawyer’s Mill TIF (after amended) to provide some funding for the public infrastructure needed for the development.

Mayor Mulligan opened the public hearing at 5:33 p.m. and asked for those who wished to speak in favor of the creation of a new TIF District to support the Sawyers Mill Development; hearing none, he asked for those who wished to speak in opposition to the creation of a new TIF District to support the Sawyers Mill Development; hearing none, the public hearing was closed at 5:33 p.m.

CITY MANAGER REPORTS  
Water Reclamation Plant

Mr. Adkins explained that prior to the year 1992, the Wastewater Treatment Plant’s official name was “Sewage Plant. The term *wastewater treatment* replaced sewage plant and was utilized to reflect the more encompassing function of not only treating domestic household waste, but industry waste and storm water. The name change to Water Reclamation Facility would be in alignment with industry standards and reflect what the facilities core function is, to reclaim water. We do not waste water we clean it and recycle it back into the Great Miami River with water quality that surpasses current standards set forth by Ohio EPA.

Transit

Mr. Adkins provided an update on Public Transit. During 2012 -2013, the Butler County Regional Transit Authority (BCRTA) assumed the management of the Middletown Transit System (MTS). BCRTA is now providing all ADA demand response trips and providing all night service demand response trips for MTS. The fleet was replaced late 2016 with 5 new buses and 2 new small buses (Federal and State funding covering 90% of the \$2.4 million project costs). Total ridership has grown from 209,079 annual rides to 238,603 annual rides in 2018. This is positive news since ridership nationally has been on the decline as the economy grows. Mr. Adkins explained that the transit system operates on a basic break-even level with small gains in some years and small losses in other years. The Federal Transit Administration (FTA) and the Ohio Department of Transportation (ODOT) fund 53% of the system, BCRTA provides match funds for the regional routes which is 33% of the funding, the passengers pay 7%, the City provides 3%, other partners 3% and 1% is from other revenue. Each year FTA allocates funds to the City of Middletown to provide public transit services. Funds do not have to be used in the year allocated but FTA and ODOT will recapture funds if they are in danger of lapsing. As part of BCRTA’s efforts to improve transit across the County, they are working on building a bus storage and maintenance facility in Oxford. This facility would house the regional route buses. It is a \$9 million project. Middletown Transit System has just over \$3 million in federal funds projected to be unused at the end of 2019, we want to ensure that they do not leave the area. We are proposing to become a project partner and contribute \$2 million of our unused federal funds to BCRTA to support this project. There would be no local cost to the City and we would retain the balance of \$1 million for future use.

There was some discussion on what other things this money could be used for including new bus stops and other amenities.

CONSENT AGENDA

- Receive and File an Oath of Office for Maria Vennemeier
- Receive and File the Maintenance Bond submitted by Alum Cliff Industries, LLC guaranteeing public improvements constructed as part of Waynedale Meadows Section 5 subdivision.
- Approve the purchase of a liquid phosphate (Sodium Hexametaphosphate) for use at the Water Treatment Plant from Shannon Chemical Corporation, of Malvern, Pennsylvania, in the amount of \$5.07/gallon for the estimated usage of 6,000 gallons (approximately \$30,420) for 2020.

Mr. Bohannon moved to approve the issues and actions listed on the Consent Agenda. Mr. J.

<p><b>MOTION AGENDA Police Towing</b></p>	<p>Mulligan seconded. Motion carried. Ayes: Mr. Bohannon, Mr. Moon, Mr. J. Mulligan, Mr. L. Mulligan, Ms. Vitori.</p> <p>Approve an amendment to prior lease agreement for Police Towing Service with Mark Kakaris dba Mark’s Towing, in the amount of \$75/tow. This includes the lease of the land at 3500 Terry Drive to Mr. Kakaris to operate his towing business and for the secure storage of impounded vehicles.</p>
<p><b>Housing Policy</b></p>	<p>Mr. Moon moved to approve an amendment to prior lease agreement for Police Towing Service with Mark Kakaris dba Mark’s Towing, in the amount of \$75/tow. This includes the lease of the land at 3500 Terry Drive to Mr. Kakaris to operate his towing business and for the secure storage of impounded vehicles. Mr. J. Mulligan seconded. Motion carried. Ayes: Mr. Moon, Mr. J. Mulligan, Mr. L. Mulligan, Mr. Bohannon, Ms. Vitori.</p> <p>Adopt the Middletown Housing Policy</p> <p>Ms. Vitori moved to adopt the Middletown Housing Policy. Mr. J. Mulligan seconded. Motion carried. Ayes: Mr. J. Mulligan, Mr. L. Mulligan, Ms. Vitori, Mr. Bohannon, Mr. Moon.</p>
<p><b>COUNCIL COMMENTS Mr. Moon</b></p>	<p>Mr. Moon invited everyone to come out and enjoy the Lip Sync Battle watch party at the Middletown High School on Monday.</p>
<p><b>Mr. L. Mulligan</b></p>	<p>Mr. L. Mulligan congratulated the organizers of the Bash for a great year. He encouraged everyone to come out and enjoy the First Friday events. He provided a Suncoke Citizens Advisory Panel update.</p>
<p><b>Waive Charter</b></p>	<p>Mr. Moon moved to suspend the Charter provision that requires reading on two separate days and to declare Ordinance No. O2019-49, Resolution No. R2019-24, Resolution No. R2019-25, and Resolution No. R2019-27 emergency measures to be read one time only. Mr. J. Mulligan seconded. Motion carried. Ayes: Mr. Moon, Mr. J. Mulligan, Mr. L. Mulligan, Mr. Bohannon, Ms. Vitori.</p>
<p><b>Res. No. R2019-24 OPWC Application University Bridge Deck</b></p>	<p><b>Resolution No. R2019-24</b>, a resolution authorizing the City Manager to submit an application to the Ohio Public Works Commission for Project Year 34 requesting funding for the replacement of the bridge deck for University Boulevard between State Route 122 and 14<sup>th</sup> Avenue, to enter into agreements for such funding, and declaring an emergency was read.</p> <p>Mr. Moon moved to approve Resolution No. R2019-24, a resolution authorizing the City Manager to submit an application to the Ohio Public Works Commission for Project Year 34 requesting funding for the replacement of the bridge deck for University Boulevard between State Route 122 and 14<sup>th</sup> Avenue, to enter into agreements for such funding, and declaring an emergency. Mr. Bohannon seconded. Motion carried. Ayes: Ms. Vitori, Mr. Bohannon, Mr. Moon, Mr. J. Mulligan, Mr. L. Mulligan.</p>
<p><b>Res. No. R2019-25 Accept the Amounts and Rates</b></p>	<p><b>Resolution No. R2019-25</b>, a resolution accepting the Amounts and Rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor and declaring an emergency was read.</p> <p>Mr. Moon moved to approve Resolution No. R2019-25, a resolution accepting the Amounts and Rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor 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><b>Res. No. R2019-26 Kessler Memorial Way</b></p>	<p><b>Resolution No. R2019-26</b>, a resolution honorarily designating a portion of Reinartz Boulevard between Charles Street and Clark Street as Private Patrick L. Kessler Memorial Way was read for the second time.</p> <p>Ms. Vitori moved to approve Resolution No. R2019-26, a resolution honorarily designating a portion of Reinartz Boulevard between Charles Street and Clark Street as Private Patrick L. Kessler Memorial Way. Mr. J. Mulligan seconded. Motion carried. Ayes: Mr. Moon, Mr. J. Mulligan, Mr. L. Mulligan, Mr. Bohannon, Ms. Vitori.</p>
<p><b>Ord. No. O2019-47 LED Streetlight Upgrade</b></p>	<p><b>Ordinance No. O2019-47</b>, an ordinance authorizing a contract with Duke Energy for capital upgrades to convert street lights to LED heads was read for the second time.</p> <p>Mr. Moon moved to approve Ordinance No. O2019-47, an ordinance authorizing a contract with Duke Energy for capital upgrades to convert street lights to LED heads. Mr. J. Mulligan seconded. Motion carried. Ayes: Mr. J. Mulligan, Mr. L. Mulligan, Ms. Vitori, Mr. Bohannon, Mr. Moon.</p>
<p><b>Ord. No. O2019-48 Amend Sections 1226.13, 1228.07</b></p>	<p><b>Ordinance No. O2019-48</b>, an ordinance amending Sections 1226.13 (Appeals) and 1228.07 (Penalties and Remedies for Violations) in the Middletown Development Code of the Middletown Codified Ordinances was read for the second time.</p>

	<p>Ms. Vitori moved to approve Ordinance No. 02019-48, an ordinance amending Sections 1226.13 (Appeals) and 1228.07 (Penalties and Remedies for Violations) in the Middletown Development Code of the Middletown Codified Ordinances. Mr. J. Mulligan seconded. Motion carried. Ayes: Mr. L. Mulligan, Ms. Vitori, Mr. Bohannon, Mr. Moon, Mr. J. Mulligan.</p>
<p><b>Ord. No. 02019-49</b>  <b>Amend Section 250.24</b>  <b>&amp; Section 250.241</b></p>	<p><b>Ordinance No. 02019-49</b>, an ordinance amending Section 250.24 (Entry Level Positions; Police and Fire Divisions) and Section 250.241 (Promotions: Police and Fire Divisions) of the Codified Ordinances and declaring an emergency was read.</p>
	<p>Mr. Moon moved to approve Ordinance No. 02019-49, an ordinance amending Section 250.24 (Entry Level Positions; Police and Fire Divisions) and Section 250.241 (Promotions: Police and Fire Divisions) of the Codified Ordinances 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><b>Res. No. R2019-27</b>  <b>Support OML Amicus</b>  <b>Brief</b></p>	<p><b>Resolution No. R2019-27</b>, a resolution supporting the Ohio Municipal League (OML) position on H.B. 49 and H.B. 5 (Centralized Tax Collection) and asking the OML to include the City of Middletown as a municipality supporting the OML Amicus Brief before the Ohio Supreme Court and declaring an emergency was read.</p>
	<p>Mr. J. Mulligan moved to approve Resolution No. R2019-27, a resolution supporting the Ohio Municipal League (OML) position on H.B. 49 and H.B. 5 (Centralized Tax Collection) and asking the OML to include the City of Middletown as a municipality supporting the OML Amicus Brief before the Ohio Supreme Court and declaring an emergency. Ms. Vitori seconded. Motion carried. Ayes: Mr. Bohannon, Mr. Moon, Mr. J. Mulligan, Mr. L. Mulligan, Ms. Vitori.</p>
<p><b>Ord. No. 02019-50</b>  <b>Adopt 2019 Supplement (S-12)</b></p>	<p><b>Ordinance No. 02019-50</b>, an ordinance enacting and adopting the 2019 Supplement (S-12) to the Codified Ordinances of the City of Middletown, Ohio, and declaring an emergency was read with no action requested until September 17, 2019.</p>
<p><b>Ord. No. 02019-51</b>  <b>Auth. CBA with</b>  <b>AFSCME Local 856</b></p>	<p><b>Ordinance No. 02019-51</b>, an ordinance authorizing a collective bargaining agreement with AF-SCME Local 856 (Public Works) for July 1, 2019 through June 30, 2022, and declaring an emergency was read with no action requested until September 17, 2019.</p>
<p><b>Ord. No. 02019-52</b>  <b>Contract for Natural Gas</b></p>	<p><b>Ordinance No. 02019-52</b>, an ordinance authorizing the City Manager to enter into a contract with the lowest cost supplier for the purchase of natural gas supply by the City of Middletown beginning September 21, 2019 and declaring an emergency was read with no action requested until September 17, 2019.</p>
<p><b>Ord. No. 02019-53</b>  <b>Intersection</b>  <b>Improvements</b></p>	<p><b>Ordinance No. 02019-53</b>, an ordinance authorizing the City Manager to enter into a contract with the Ohio Department of Transportation for safety improvements to the intersection of State Route 122 and Breiel Boulevard was read for the first time.</p>
<p><b>ADJOURNMENT</b></p>	<p>At 6:01 p.m., the meeting was declared adjourned until September 17, 2019 at 5:30 p.m. in Council Chambers.</p>

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**Lawrence P. Mulligan, Jr., Mayor**

Attest: \_\_\_\_\_