

MIDDLETOWN CITY COUNCIL AGENDA
TUESDAY, September 15, 2015

BUSINESS MEETING – 5:30 pm – COUNCIL CHAMBERS – LOWER LEVEL

- 1. MOMENT OF MEDITATION/PLEDGE OF ALLEGIANCE TO THE FLAG**
- 2. ROLL CALL**
- 3. PRESENTATION- Proclamation- “It Can Wait Pledge Day”**
- 4. CITIZEN COMMENTS, GUESTS, ORGANIZATIONS’ REPORTS**
- 5. CITY MANAGER REPORTS**
- 6. CONSENT AGENDA.** . . Matters listed under the Consent Agenda are considered to be routine and will be enacted by one motion and one vote of consent. There will be no separate discussion of these items. If discussion is desired, that item will be removed and considered separately.
 - (a) **Approve City Council Minutes:** August 18 and September 1, 2015
 - (b) **Receive and File Board & Commission Minutes:**
Civil Service Commission- June 25, 2015
Board of Health & Environment- August 11, 2015
 - (c) **Confirm Personnel Appointments:**
Rachel Combs- Human Resources Clerk, Law, Human Resources
Michael Marksbury & Mark Pitocco- Corrections Officers, Public Safety, Police
Larry Gregg- Part-time Bus Driver, Community Revitalization, Transit
 - (d) **Confirm Promotional Appointments:**
David Adams- Deputy Fire Chief, Public Safety, Fire
Stephen Ludwig, David Hoerst, Jon Harvey- Fire Captains, Public Safety, Fire
 - (e) **Receive and File Oaths of Office:**
Sarah Baker, Rhonda Deaton, Mike Gibson, Karen Robinson
 - (f) **Receive and File:** Designated Outdoor Refreshment Area Application

PINNING CEREMONY

COUNCIL COMMENTS

It is the policy of the City of Middletown to make all public hearings and meetings accessible to all persons, in accordance with state and/or federal laws. If you have a disability which requires accommodation in order for you to attend and/or participate in this meeting, please contact us at 425-7831 at least forty-eight hours prior to the time of the meeting to advise us of the need for accommodation, and reasonable efforts shall be made to provide the same. This agenda may be accessed on the City of Middletown website @ <http://www.cityofmiddletown.org>.

MIDDLETOWN CITY COUNCIL AGENDA
TUESDAY, September 15, 2015

LEGISLATION

1. **Resolution No. R2015-32**, a resolution authorizing the City Manager to submit an application to the Ohio Public Works Commission for Project Year 30 requesting funding for improvements to Yankee Road, to enter into agreements for such funding, and declaring an emergency.
2. **Resolution No. R2015-33**, 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, 2015. (Nuisance Abatement Fund) (2nd Reading)
3. **Ordinance No. O2015-46**, an ordinance amending Section 263.01 (Cemetery Board – Establishment; Members) of the Codified Ordinances. (2nd Reading)
4. **Ordinance No. O2015-47**, an ordinance amending the sewer rates levied and assessed in Section 1040.03 of the Codified Ordinances by adding a surcharge to be applied to infrastructure improvements to the City sanitary sewerage system, including the pumping, treatment and disposal works. (2nd Reading)
5. **Ordinance No. O2015-48**, an ordinance appropriating a fee simple interest and a temporary easement in certain real property owned by Melvin and Ethel Armstrong located at parcel number Q6542100000002 (Project Parcel 49) and declaring an emergency.
6. **Ordinance No. O2015-49**, an ordinance appropriating a temporary easement in certain real property owned by W. Eugene Taylor, Trustee located at parcel number Q6542099000007 (Project Parcel 35) and declaring an emergency.
7. **Ordinance No. O2015-50**, an ordinance establishing a procedure for and authorizing a contract with Constellation NewEnergy Gas for the purchase of natural gas and declaring an emergency.
8. **Ordinance No. O2015-51**, an ordinance authorizing a contract with Capital Electric Line Builders for a railroad/traffic signal preemption project and declaring an emergency.

EXECUTIVE SESSION

Under the authority of O.R.C. 121.22 (G) (4) Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment.

It is the policy of the City of Middletown to make all public hearings and meetings accessible to all persons, in accordance with state and/or federal laws. If you have a disability which requires accommodation in order for you to attend and/or participate in this meeting, please contact us at 425-7831 at least forty-eight hours prior to the time of the meeting to advise us of the need for accommodation, and reasonable efforts shall be made to provide the same. This agenda may be accessed on the City of Middletown website @ <http://www.cityofmiddletown.org>.

BUSINESS MEETING

PRESENTATION

Proclamation

WHEREAS, the City of Middletown, Ohio holds the health and safety of its citizens as a paramount concern; and

WHEREAS, research commissioned by AT&T has found that forty-nine percent of commuters and forty-three percent of teens admit to texting and driving; and

WHEREAS, smartphone driving distractions have grown beyond texting to social media, web surfing, selfies and video chatting; and

WHEREAS, seven in-ten people engage in smartphone activities while driving and sixty-two percent keep their smartphones within easy reach while driving; and

WHEREAS, twenty-two percent of people who access social networks while driving cite addiction as a reason; and

WHEREAS, the National Safety Council reports that texting while driving is involved in 200,000+ vehicle crashes each year, often causing injuries and deaths; and

WHEREAS, distracted driving not only jeopardizes the driver's safety, but also the safety of passengers, pedestrians, and other drivers; and

WHEREAS, concerned entities, including but not limited to AT&T, law enforcement, Butler County Safe Communities and its coalition, have initiated awareness campaigns to educate citizens on the dangers of distracted driving.

NOW, THEREFORE, I, Lawrence P. Mulligan, Jr., Mayor of the City Of Middletown, Counties of Butler/Warren, State of Ohio, do hereby proclaim September 24, 2015 as

IT CAN WAIT PLEDGE DAY

in Middletown, Ohio and encourage all to join in this observance.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Middletown this 15th day of September, 2015

Lawrence P. Mulligan, Jr., Mayor

Attest: Clerk of Council



**CITIZEN
COMMENTS,
GUESTS,
ORGANIZATION'S
REPORT**

**CITY
MANAGER
REPORTS**

CONSENT A GENDA

MIDDLETOWN, OHIO

August 18, 2015

At 5:30 p.m., Mayor L. Mulligan called the City Council meeting to order in Council Chambers, Lower Level of the City Building.

ROLL CALL

City Council Members present: A. Scott Jones, D. Bronston, J. Mulligan, D. Picard, L. Mulligan.

Staff Present: Michele Greis, Amy Schenck, Les Landen, Neal Wilson, Roy Dalton, Nadine Begley, Doug Adkins.

**CITY MANAGER
Distinguished Budget
Presentation Award**

City Manager Adkins recognized Finance Director, Michelle Greis for receiving the Distinguished Budget Presentation Award from the Government Finance Officers Association. This award reflects the commitment of the governing body and staff to meeting the highest principles of governmental budgeting. In order to receive the budget award, the entity had to satisfy nationally recognized guidelines for effective budget presentation. These guidelines are designed to assess how well an entity’s budget serves as a policy document, a financial plan, an operations guide, and a communication device. Budget documents must be rated proficient in all four categories, and the fourteen mandatory criteria within those categories, to receive the award. The Distinguished Budget Presentation Award is the only national awards program in governmental budgeting. A Certificate of Recognition has been presented to Michelle Greis. This is the 20th year that the City has received this prestigious award.

**CONSENT
AGENDA**

Approve City Council Minutes: August 4, 2015

Receive and File Board & Commission Minutes:

Library Board- March 31, 2015

Board of Zoning Appeals – June 3, 2015

Civil Service Commission – June 25, 2015

Park Board – July 6, 2015

Board of Health- July 14, 2015

Confirm Personnel Appointments:

Karen Robinson & Rhonda Deaton – Dispatchers- Department of Public Safety

Confirm Reinstatement: Jeffrey Kren, Firefighter

Ms. D. Bronston moved to approve the issues and actions listed on the Consent Agenda. Mr. J. Mulligan seconded. Motion carried. Ayes: A. Scott Jones, J. Mulligan, D. Picard, L. Mulligan. Ms. D. Bronston voted yes with an abstention of the approval of the August 4, 2015 minutes.

MOTION ITEM

Ms. A. Scott Jones moved to authorize the purchase of a slurry retention type lime slaker for the Water Treatment Plant, from Chemco Systems, L. P. Monongahela, PA, in the amount of \$184,000. Mr. J. Mulligan seconded. Motion carried. Ayes: J. Mulligan, D. Picard, L. Mulligan, A. Scott Jones, D. Bronston.

Dora Bronston

Ms. D. Bronston commented that she recently attended the Tax Incentive Review Committee workshop and that it was very informative; Denise Hamet and Matt Eisenbraun did a great job. She also attended the back to school event at Douglass Park put on by the Community Building Institute and also attended the Marshall High School kick-off event. She commented that there is great concern for our community’s young people and that these events demonstrated that there are a lot of adults supporting our youth. She attended the Arts Central Foundation auction and remarked that it was well attended. She commented that she attended the ribbon cutting event for the new Wound Care Center and Hyperbaric Services at the Atrium and attended the unveiling of the new Central Connections (formerly Middletown Senior Center). She encouraged everyone to come out to the last movie of the summer and announced that the ZAP band would be performing on August 22. She reminded everyone that the Butler County Board of Elections still needs poll workers for the November election.

Anita Scott Jones

Ms. A. Scott Jones continued her “Did You Know?” commentary and shared a news article about the 1913 flood that ravaged Middletown. “Thousands of families in the Great Miami River Valley felt the empathy in that Hamilton, Cincinnati, Dayton, as well as Middletown, even had some flood levies, suffered lost lives and massive property losses. Homes, particularly in the downtown area of Broad, Vanderveer and Main Street, east to Curtis Street, and in the Lakeside area northeast of downtown, the water levels were chest high on the first floor of many homes and offices. The then new Middletown Public Library was flooded up to the first floor. More than one thousand families had to move to dry ground. When it was over, it became known as the ‘Worst Flood of Modern Times’ and resulted in the creation of the Miami Conservancy District, the first of its kind in the nation and a model for many other areas.”

Joseph Mulligan

Mr. J. Mulligan commented, “Today, I announce that I will not seek reelection to Middletown City Council. After careful thought, I have decided to seek the position of State Representative for the 53rd District of the Ohio. The primary election for that seat will take place in March of next year. I’m excited

about the opportunity to serve the citizens of the 53rd District, which includes northern and western parts of Butler County. My background in business, public service, and law will be assets in the decision making process in the legislature. It's vital that we elect leaders to the General Assembly that understand the importance of keeping government effective, accountable and limited. Our area is fortunate to have had robust growth in recent years, while maintaining our heritage. Strong leadership with sound policies will help this District and State retain current residents and businesses, while attracting new residents and new employers. Seeking higher office was a difficult decision for me because in the last four years, I have been part of a team that has led Middletown's comeback, and we are only in the early innings of our comeback. We are in the midst of hundreds of millions of dollars in new commercial investment. WE are revitalizing neighborhoods. We have worked to restore the balance to our local economy by responsibly addressing the complex issue of subsidized housing. We have worked to reduce subsidized housing to an amount that is appropriate for a community our size. We have made the difficult decision to reduce our City's workforce to strengthen the City's finances and end years of deficit spending. We have sought out partnerships with county and state governments to maximize resources and make government more efficient. Under City Manager Doug Adkins, we continue to transform City government into a modern and more responsive operation. It has been my privilege to work with my colleagues on Council, our council clerks, City Manager Gilleland and Adkins, as well as so many department heads and staff members who are in the trenches every day. I am proud to be part of a team that helped guide our City through a very difficult period. Better times are taking hold, and I'm confident that even better times are ahead. I am grateful to the citizens of Middletown who gave me the opportunity to serve, and I look forward to the chance to work for you in the Ohio House. "

Mayor Mulligan

Mayor Mulligan commented that he was glad to participate in the Nicholas Place Groundbreaking Event and that it was great to hear that the developers had experienced great responsiveness from the City. He reminded everyone to be aware that school is back in session and that the safety of the children is very important. He congratulated Ms. Greis and the Finance Department team for their accomplishments. He provided an update from the recent Suncoke Citizens Advisory Panel meeting and reported that Suncoke has some planned outages scheduled at the plant. Suncoke is sponsoring the Choices Program again for the local 8th grade students and played a part in the recent Warrior Weekend activities of the Ohio Challenge hot air balloon event.

**Ord. No. O2015-45
Intergovernmental
Agreement with W. C.**

Ordinance No. O2015-45, an ordinance establishing a procedure for and authorizing an intergovernmental agreement with Warren County was read for the second time.

Ms. D. Bronston moved to approve Ordinance No. O2015-45, an ordinance establishing a procedure for and authorizing an intergovernmental agreement with Warren County. Mr. J. Mulligan seconded. Motion carried. Ayes: D. Picard, L. Mulligan, D. Bronston, A. Scott Jones, J. Mulligan.

Suspend Charter

Ms. A. Scott Jones moved to suspend the Charter provision that requires reading on two separate days be suspended and to declare Resolution No. R2015-29 and Resolution No. R2015-30 emergency measures to be read one time only. Mr. J. Mulligan seconded. Motion carried. Ayes: A. Scott Jones, J. Mulligan, D. Picard, L. Mulligan, D. Bronston.

**Res. No. R2015-29
Advance to Employee
Benefits Fund**

Resolution No. R2015-29, a resolution authorizing a transfer from the General Fund to the Employee Benefits Fund, as an advance subject to reimbursement, and declaring an emergency was read.

Mr. Adkins explained that over the last several years the City's costs for healthcare have remained very stable. For the period of 2011 through 2014 overall costs have increased by less than 1%. The healthcare committee has worked very hard to make changes that have kept costs well below the inflation rate. However, as we are self-insured, healthcare inflation still exists and the City can experience volatility. The first half of 2015 has seen some significant increases in cost; additional appropriations are required and may potentially be used to fund the program. The reasons for the increase are as follows:

- Anthem changed its weekly pay dates in March (billing occurred on Wednesday and now occurs on Monday). This resulted in an extra "five pay month" in 2015 (typically there are four, "five pay months," but in 2015, there will be five [March, April, July, October and December])
- Overall costs through July have increased by 24.8% because three large claimants have impacted the cost structure in the first six months. Last year, one had occurred in the same period. Another six large claimants have entered the watch list. Some of these are not reoccurring in nature, but others are chronic and ongoing. This is a large spike in recent claims, based on over a decade of history; it is not expected to continue long term.
- Pharmacy costs are increasing, primarily in the area of specialty Rx. In particular, cancer and arthritis medications have increased. We also expect higher costs from the new Hepatitis C vaccine.

The committee is aware of the issue and is actively working towards solutions that will reduce expenses in 2016. If the appropriations from the healthcare reserve are used in 2015, they will be added back in

the formula for rates and budget in 2016. This will allow the City to account for and recoup the funding so that the fund remains solvent. The committee is reviewing several cost control mechanisms that include:

- Benefit changes and carrier changes through the RFP process
- Review of fully insured options that would limit volatility
- Spousal strategies for those who have other coverage
- Contribution increases

These changes will be finalized in September and incorporated into the 2016 budget. The funds to be advanced from the General Fund will be repaid in 2016. The requested funds are worst case; if claims level out, the entire amount may not be needed.

Ms. D. Bronston moved approve Resolution No. R2015-29, a resolution authorizing a transfer from the General Fund to the Employee Benefits Fund, as an advance subject to reimbursement, and declaring an emergency. Mr. J. Mulligan seconded. Motion carried. Ayes: D. Bronston, A. Scott Jones, J. Mulligan, D. Picard, L. Mulligan.

Res. No R2015-30
Amend Appropriations

Resolution No. R2015-30, 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, 2015, and declaring an emergency (Employee Benefits Fund) was read.

Ms. A. Scott Jones moved to approve Resolution No. R2015-30, 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, 2015, and declaring an emergency (Employee Benefits Fund). Mr. J. Mulligan seconded. Motion carried. Ayes: A. Scott Jones, J. Mulligan, D. Picard, L. Mulligan, D. Bronston.

WORK SESSION

At 6:00 p.m. the meeting continued with a work session held in Conference Room 2C.

Changes to Municipal
Income Tax

Finance Director Greis explained many of the upcoming changes to the municipal income tax collection and reporting and the impact it will have on the City.

Land Trade

Mr. Adkins provided detailed property descriptions to Council Members and explained that the City and the Middletown City School District are discussing swapping several parcels of land, including the lighted baseball/softball fields at Lefferson Park. Other parcels being discussed include: Barnitz Park, the former Roosevelt Elementary School site and a small strip of land adjacent to the former Verity Middle School. Mr. Adkins said that the school approached the City about the land swap, which is in the preliminary/conceptual stage, because new playing fields were going to be needed for the Middies baseball and softball teams. The current fields on the Middletown High School campus on North Briel Boulevard will be taken out to make way for construction of the district's new middle school. Mr. Adkins said the land swap wouldn't result in any savings for either entity. The Lefferson park baseball/softball fields are currently being used by the Butler County Bombers, and their officials will be included in the discussions about the land swap. The pickleball, tennis and basketball courts at Lefferson Park would not be a part of the City's land trade with the schools. The schools would receive a parking access easement at the park where the City has a maintenance area and a salt dome. In exchange for the ballfield complex, the City would receive a small piece of land next to the former Verity Middle School, which is now owned by Berachah Church, Adkins said. In other components of the deal, the City would give the school district the 7.7-acre Barnitz Park near to the Middies football stadium in exchange for the former Roosevelt Elementary School property on Central Avenue. The school building that used to sit there has been razed but the district still owns the open green space of about 6.79 acres.

Paving

City Manager Doug Adkins presented preliminary cost estimates of \$162 million to reconstruct, repair and improve Middletown's streets. To accomplish this, the City would have to spend about \$8.1 million a year, or roughly four times what it spends on average, to get the job done. He said in the first five years of a proposed 20-year plan, the City would spend nearly \$860,000 just in preventative maintenance to keep the 114 lane miles or 18 percent of streets in satisfactory condition. The costs to repair streets range from \$1.07 per square yard for crack sealing and minor patching to \$33.31 per square yard to fully reconstruct a street with 6.5 inches of asphalt that would also include handicap ramps and spot curb repairs. Middletown spends an average of about \$2.2 million a year for street and road improvements outside of state and federal grants. In 2014, the City spent about \$4.2 million, including state and federal grants. Mr. Adkins shared information with council members about how the City could raise additional revenues to fix its streets. Suggestions included moving the costs of street lighting from the City to property owners as other area communities have done, which would raise about \$800,000 a year; placing a 0.25 percent income tax increase that would be dedicated to

streets and would generate about \$3 million a year; or a property tax increase that would be dedicated for street repairs or improvements (one mill of City property tax generates an estimated \$620,000 annually.

TV Middletown

Mr. Adkins reported that TV Middletown officials had asked the City to give them \$20,000 to help make ends meet for the rest of the year. He explained that the public access channel on Time Warner Cable is going off the air and moving to an online-only format, primarily due to financial challenges and mounting bills. Recently, TVM’s two full-time employees and one part-time employee were laid off. The City had previously offered the station \$20,000 in exchange for providing programming that the City wanted done. Mr. Adkins expressed his concern that they can’t do the programming being asked, and that the \$20,000 is taxpayer money. He said that TV Middletown officials provided him a preliminary profit-and-loss overview for 2016. TVM has put their building on the market, and submitted an appeal to the Butler County Board of Revision to get relief from increased property taxes on the building. The station runs on a base budget of \$150,000 in which \$112,000 is provided by the City which is a part of the cable franchise fee that is paid by Time Warner, and \$38,000 is provided by the Middletown City Schools. The nonprofit also relies on fund-raisers and had a telethon last spring. City Council members told Adkins they wanted him to continue discussions with TVM, which provides good community programming, and also explore options such as streaming council meetings directly to the City’s website. Adkins said the City is looking into possibly updating its equipment in council chambers where council and school board meetings are recorded and later cablecast.

ADJOURNMENT

At 7:00 p.m., the Mayor declared the meeting adjourned until the Council meeting of September 1, 2015 at 5:30 p.m.

Lawrence P. Mulligan, Jr., Mayor

Attest: _____

MIDDLETOWN, OHIO

September 1, 2015

At 5:30 p.m., Vice-Mayor J. Mulligan called the City Council meeting to order in Council Chambers, Lower Level of the City Building.

ROLL CALL

City Council Members present: D. Bronston, J. Mulligan, D. Picard.

Staff Present: Amy Schenck, Les Landen, Neal Wilson, Roy Dalton, Nadine Begley, Doug Adkins.

EXCUSE ABSENCE

Ms. D. Bronston moved to excuse the absence of Mayor L. Mulligan and Ms. A. Scott Jones. Mr. D. Picard seconded. Ayes: J. Mulligan, D. Picard, D. Bronston.

PRESENTATION

Vice-Mayor Mulligan invited Sharmon May to come to the podium and he presented the following proclamation.

Proclamation

Whereas, in Ohio nearly one in five residents, including more than one in four children, live in hunger; and

Whereas, with more than two million visits every three months, Ohio’s foodbanks and pantries need help serving families; and

Whereas, Ohio’s First Lady, Karen Kasich, has joined the Governor’s Office of Faith-Based Community Initiatives and other community groups throughout Ohio to lead FEED OHIO, a statewide effort to help fill this critical need; and

Whereas, the FEED OHIO campaign, September 1 through September 30, will collect donations to assist the Ohio Association of Food Banks and other community pantries and kitchens providing meals and food commodities to needy Ohioans in all eighty-eight counties; and

THEREFORE, I, Joseph Mulligan, Vice-Mayor of Middletown, Counties of Butler and Warren, State of Ohio, on behalf of the Mayor and the City Council, and all of the City’s residents, do hereby proclaim the month of September 2015 as

Feed Ohio Days

In the City of Middletown, and encourage all citizens to get involved by volunteering in their community to give all that they can to help individuals and families struggling with hunger.

Ms. May provided additional information about the critical need to support Ohio’s foodbanks and pantries.

Ms. A. Scott Jones arrived at the meeting.

ORGANIZATIONS’ REPORTS

Ann Munafo, Butler County Elderly Services Program

Ann Munafo, presented information about the Butler County Elderly Services Program. This program helps older adults maintain safe and independent in their homes. It provides in-home care for eligible seniors who might otherwise be forced to leave their homes and enter a nursing facility. The program expands the care that may already be provided by family and friends. The Senior Services Tax Levy provides 92% of the funding for these programs. The levy was first approved in 1996 and is up for renewal on the November 3 election. She commented that the levy is a renewal, not an increase, and encouraged everyone to support the levy.

Julie Joyce-Smith, Butler County Auditor’s Office

Julie Joyce-Smith, provided an update from the Butler County Auditor’s Office and reported that the Auditor’s Office has returned surplus real estate fund money to local governments and school districts again this year, bringing the total to \$8 million returned since 2008. This year’s return totals \$1.99 million; the Auditor’s Office returned \$1.93 million last year. The state legislature sets the fee that county auditors collect from levy funds to pay for their administrative costs such as calculating and distributing real estate tax collections to local governments. Auditor Reynolds has made a strong commitment to run the office like a business and has saved money by utilizing technology and higher range skill sets and being more productive. The Butler County Auditor’s Office has returned the surplus money to local governments and directly benefitted local taxpayers. She provided information about the upcoming forfeited land sale and the annual financial report.

CITY MANAGER

City Manager Adkins reported that staff is continuing to work on the 2016 budget and laid out a schedule to have information to Council by the end of September, budget presentations in October and the first and second readings in November. He discussed the recent Heroin Summits and reported that the groups have been broken into 5 categories: Education and Prevention, Identification and Intervention, Treatment, Post Treatment, and Community Activities for Youth. The five groups have developed

initial plans and submitted them with costs, with the goal of putting the entire plan together in September and implementing by January 1, 2016. Mr. Adkins discussed the upcoming 2nd annual Middletown Arts Festival on September 12 from noon until 8pm. The festival is free with great food, drinks, and art for sale. In conjunction with the festival, the Atrium is sponsoring a free health fair at the downtown YMCA and will offer important health screenings. More information is available at www.middletownartsfestival.com.

CONSENT AGENDA

Receive and File Board & Commission Minutes:

Planning Commission- July 8, 2015

Confirm Personnel Appointments:

Sarah Baker-Senior Account Clerk- City Tax Division- Finance Department

Receive and File Oaths of Office:

Kevin Conrad, Cynthia Cobaugh-Davis, Erica Priest

Ms. D. Bronston moved to approve the issues and actions listed on the Consent Agenda. Mr. D. Picard seconded. Motion carried. Ayes: J. Mulligan, D. Picard, A. Scott Jones, D. Bronston.

MOTION ITEM

Ms. D. Bronston moved to authorize the City Manager to enter into a contract with John R. Jurgensen Co. to proceed with the 2015 Local Street Improvement Program, Part 2. Mr. D. Picard seconded. Motion carried. Ayes: D. Picard, D. Bronston, A. Scott Jones, J. Mulligan.

Mr. Adkins explained that the City is proposing to proceed with Part 2 of the 2015 Local Street Improvement Program which consists of pavement resurfacing and curb repairs on selected streets. Two contractors submitted a bid for the project. John R. Jurgensen Co. was the lowest and best bid. The project will be funded by the General Capital Fund (220) and Auto & Gas Tax Fund (210). These funds are included in the 2015 Capital Improvement budget.

Dora Bronston

Ms. D. Bronston offered her condolences to the Shumake family. She recently attended the Zap Band performance, the unveiling of the Atrium’s new mobile mammography bus, the United Way breakfast, and the Cohen E-Waste Recycling Center Groundbreaking Event. She is looking forward to the upcoming Chamber Steak Fry event and the Land of Illusion season kickoff.

Anita Scott Jones

Ms. A. Scott Jones offered her condolences to the Shumake family. She encouraged everyone to come out and enjoy the Atrium Family Fun Day. This free health fair will be held at the downtown YMCA on September 12th and will offer important health screenings.

Joseph Mulligan

Mr. J. Mulligan encouraged everyone to come out to the First Friday events downtown and to attend the Middletown Symphony Orchestra performance at Woodside Cemetery on Sunday, September 6 (rain-date September 7). He invited everyone to come out and enjoy the Middletown Arts Festival on September 12 and the Downtown Middletown, Inc. Fundraiser at the Pendleton Art Center on September 26th. He offered his congratulations to the Cohen family on the ribbon cutting event of their new E-Waste recycling facility and thanked them for their \$7 million investment in Middletown.

Suspend Charter

Ms. A. Scott Jones moved to suspend the Charter provision that requires reading on two separate days be suspended and to declare Resolution No. R2015-31 an emergency measure to be read one time only. Ms. D. Bronston seconded. Motion carried. Ayes: D. Bronston, A. Scott Jones, J. Mulligan, D. Picard.

Res. No. R2015-31 Amounts & Rates

Resolution No. R2015-31, 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.

Ms. A. Scott Jones moved to approve Resolution No. R2015-31, 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 Ms. D. Bronston seconded. Motion carried. Ayes: D. Bronston, A. Scott Jones, J. Mulligan, D. Picard.

Res. No R2015-32 OPWC Application Yankee Road

Resolution No. R2015-32, a resolution authorizing the City Manager to submit an application to the Ohio Public Works Commission for Project Year 30 requesting funding for improvements to Yankee Road, to enter into agreements for such funding, and declaring an emergency was read with no action requested until September 15, 2015.

Mr. Adkins explained that this project consists of reconstructing a 1.2-mile segment of Yankee Road between Lafayette Avenue and Oxford State Road. The roadway will be widened and reconstructed with a heavy duty pavement, left turn lanes will be added along with curb and gutter and a storm water drainage system. Three traffic signals will be modified to meet current standards. Waterline

Res. No. R2015-33
Amend Appropriations

will be replaced and upsized to meet future demands. Sidewalks will be added to accommodate pedestrian traffic throughout the corridor. Partial funding has been secured through the Ohio-Kentucky-Indiana Regional Council of Governments (OKI). Construction is scheduled to begin in 2017.

Resolution No. R2015-33, 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, 2015 (Nuisance Abatement Fund) was read for the first time.

Mr. Adkins explained that due to the excessive rain this mowing season, the grass has had to be cut much more often. As a result, funds were depleted much sooner than anticipated and will be depleted very soon if no action is taken. This additional appropriation of \$50,000 should be more than enough to carry us through until the end of the year. If there is any surplus at year end, we can utilize that to address any dead trees throughout the City.

Ord. No. O2015-46
Amend Section 263.01

Ordinance No. O2015-46, an ordinance amending Section 263.01 (Cemetery Board – Establishment; Members) of the Codified Ordinances was read for the first time.

Mr. Landen explained that there has been some difficulty finding City residents to serve on the Middletown Cemetery Board in recent years. Non-residents with relatives buried in the cemetery have expressed interest in serving on this board. At City Council’s request, we are amending MCO §263.01 to allow for the appointment of non-residents to serve on the Cemetery Board. Ms. A. Scott Jones asked about the number of non-residents allowed to serve on this board. Mr. Landen clarified that there is a provision in the general code section that resident board members would make up the majority on the board. This clarification will be added to Exhibit A before the second reading on September 15.

Ord. No. O2015-47
Amend Sewer Rates

Ordinance No. O2015-47, an ordinance amending the sewer rates levied and assessed in Section 1040.03 of the Codified Ordinances by adding a surcharge to be applied to infrastructure improvements to the City sanitary sewerage system, including the pumping, treatment and disposal works was read for the first time.

Mr. Adkins explained that Middletown’s water and sewer rates consistently rank in the lower half of communities in the annual Oakwood Water and Sewer Rate Survey for southwest Ohio. We are currently 25th out of 63 communities surveyed for lowest sewer rates. A significant factor affecting future sewer rate increases are the need for major capital improvements to the system. Middletown, like many other older cities across the nation, has combined sewers that drain both rain water and sanitary sewage. The combined sewer flow is transported to the wastewater treatment plant during dry periods. When there are significant rain events the combined sewers are overloaded with rain water and discharge at several points along the river. The City is in active discussions with the EPA on a solution to address combined sewer overflows. Multiple alternatives are being evaluated to reduce the number of overflows. The alternatives range in cost from approximately \$80 to \$250 million over a 25 year period. During this same time-frame, major rehabilitation will be necessary for our sewer collection system and wastewater treatment plant. As you may recall there have been multiple sewer collapses over the past several years. This is just the tip of the iceberg. Nearly half of the City’s sewer system is 50 years old or older and will require extensive rehabilitation going forward. \$142 million is needed to repair the sewer system over the next 25 years. An additional \$68 million will be needed for improvements at the wastewater treatment plant as well. Most the major components of the plant were installed in the mid 1950’s. All told, the City is looking at \$290 to \$460 million in future improvements to the system. Funding options for these improvements are limited mostly to user fees; therefore, it is necessary to adjust sewer rates accordingly. This fee will cost a typical residential user an additional \$2.11 per month for sewer. The infrastructure fee will be a separate line item on individual utility bills. The 10% infrastructure fee will generate approximately \$850,000 per year.

EXECUTIVE SESSION

At 6:08 p.m., Ms. A. Scott Jones moved to adjourn to executive session under the authority of O.R.C. 121.22 (G) (1) To consider the compensation of a public employee or official. Ms. D. Bronston seconded. Motion carried. Ayes: A. Scott Jones, J. Mulligan D. Picard, D. Bronston. The executive session concluded at 6:20 p.m.

ADJOURNMENT

At 6:20 p.m., the Mayor declared the meeting adjourned until the Council meeting of September 15, 2015 at 5:30 p.m.

Lawrence P. Mulligan, Jr., Mayor

Attest: _____

**MIDDLETOWN CIVIL SERVICE COMMISSION
MINUTES – JUNE 25, 2015 – 8:00 A.M.
CONFERENCE ROOM 2B
CITY BUILDING**

ROLL CALL

Vice-Chair James Sherron called the meeting to order.

Members present: Tom Brickey
Bill Becker

Staff Present: Karen Caverly, Human Resources Specialist

APPROVAL OF MINUTES

Approval of Minutes – April 30, 2015

Motion: Moved by Mr. Brickey to approve the minutes of the meeting held April 30, 2015. Mr. Becker seconded the motion. **Motion passed.**

NEW BUSINESS

1. **Eligibility Lists**

Motion: Moved by Mr. Becker to approve the eligibility lists for the following positions:

- a. Police Records Clerk
- b. HVAC/Building Maintenance Technician
- c. Inventory Clerk

Mr. Brickey seconded the motion. **Motion passed.**

2. **Position Descriptions**

Inventory Clerk - Motion: Moved by Mr. Sherron to approve the position description for the position of Inventory Clerk. Mr. Becker seconded the motion. **Motion passed.**

3. **Update on Exams**

Commission received an update for the positions of **Fire Captain, Fire Deputy Chief, Police Sergeant, and Corrections Officer.**

4. **Firefighter Lay-off Recall – Benjamin Bultman**

Commission received the notice of recalling firefighter Benjamin Bultman from lay-off in the Department of Public Safety, Division of Fire.

REPORTS

- 1. Commission received the Personnel Transactions for the months of April and May 2015.

ADJOURN

Motion: Moved by Mr. Sherron to adjourn the meeting. Mr. Brickey seconded the motion. **Motion passed.**

BOARD OF HEALTH AND ENVIRONMENT

Minutes

August 11, 2015

The Middletown City Board of Health & Environment met in regular session at 7:30 AM on August 11, 2015.

Members Present

Lawrence Mulligan Jr., President
Leslie Ford, President Pro Tem
David Schul
Dr. Ken Patrick, D.V.M.
Jeff Bonnell
Sally Kash, M.S., R.N.
Margie Davis, R.N.

Absent and Excused

Charlene Kurtz, BSN, R.N.

Health Department Staff Present

Jackie Phillips, MPH, BSN, R.N.
Paul Jennewine, M.D.
Carla Ealy, R.S.
Teresa Jones

Guests

Doug Adkins, City Manager
Les Landen, Law Director
David VanArsdale, Safety Director
Carley Berman, Communications Intern

ROLL CALL

Motion: Mr. Schul made a motion to excuse absent board member, Charlene Kurtz. Motion was seconded by Dr. Patrick. **Roll call vote:** Yes – 5 (Schul, Davis, Ford, Bonnell and Patrick). No – 0. **Motion passed.** Mrs. Kash arrived at 7:40 AM.

CITIZENS COMMENTS

None

PRESENTATION

Judith Feinberg, M.D. – Cincinnati Exchange Project

Several questions arose from the presentation.

Dr. Patrick questioned the public perception of such a program and would this program bring addicts in from other areas? People do sometimes come from other areas – usually not too far off. Dr. Feinberg stated if the board chose to they could limit the exchange to Middletown residents only but preference would be to leave open for everyone. There are 200 exchanges around the U.S. Five studies have been conducted each showing a decrease in drug use and infections (hepatitis C/HIV).

Dr. Feinberg conservatively estimates there are at least 10,000 addicts in the area. It could easily be two to three times that many.

Has Cleveland seen a decrease? There has been a huge impact on HIV in the area. It is hard to say if deaths have been reduced, but they have seen a decline in everything else related to heroin addiction. Death rate in Hamilton/Butler counties have gone up every year.

Treatment – how many people relapse? Very few people are in permanent recovery after their first attempts for treatment. Some has been in treatment three, four or more times. Only five percent of people who attend programs will succeed. Methadone is one drug used for treatment and it is pretty much a lifelong drug. Almost 35% of addicts have a prescription for mental health. Treatment should be individualized.

Are there any liabilities to the Board of Health? Cleveland has never had a problem. Dr. Feinberg could not comment that there will never be a problem, but historically there has not been.

Discussion

The City Manager expressed concern and the need for programs to address the increase of HIV, Hepatitis C and other aspects of addiction. There is also a need to educate the public.

APPROVAL OF MINUTES – July 14, 2015

Motion: Mr. Schul made a motion to approve the minutes of July 14, 2015. Motion was seconded by Mrs. Davis.
Roll call vote: Yes-6; (Ford, Schul, Davis, Kash, Bonnell and Patrick) No-0. **Motion passed.**

RECEIVE AND FILE FINANCIAL REPORT–July 2015

Motion: Mrs. Davis made a motion to receive and file the July Financial Report. Motion was seconded by Dr. Patrick. **Roll call vote:** Yes-5; (Ford, Schul, Davis, Bonnell and Patrick) No-0. **Motion passed.**

NEW BUSINESS

1. Travel Authorization – none
2. Legalization of Marijuana Staff Report
Staff report was edited to include both medicinal and recreational marijuana.

REPORTS

Medical Director

Chlamydia	14	Hepatitis C chronic	16
Gonorrhea	5	Syphilis	1
Hepatitis B acute	1	Meningitis-aseptic	2
Hepatitis B chronic	4	Salmonellosis	1
Campylobacteriosis	1	Legionellosis	2

Environmental Director

Mockingbird Café on Central is now licensed.

Ohio Department of Health will be in the week of August 24 to survey our food protection program.

ADJOURNMENT

The meeting was adjourned at 9:02 AM. The next meeting will be held on September 8, 2015 at 7:30 AM.

Jackie Phillips, MPH, BSN, R.N.
Board Secretary

Lawrence Mulligan Jr.
President
Board of Health and Environment

LAW DEPARTMENT

Human Resources

September 2, 2015

TO: Doug Adkins, City Manager

FROM: Kay Sauer, Human Resources Specialist

SUBJECT: APPOINTMENT – HUMAN RESOURCES CLERK

We are recommending the appointment of **RACHEL COMBS** to the position of Human Resources Clerk in the Department of Law, Division of Human Resources. Ms. Combs is currently working for the City as a part-time Human Resources Clerk.

Ms. Combs will be assigned to Salary Range 190, Step A, which provides a salary of \$1,147.80 bi-weekly, \$29,842.80 annually. The effective date of the appointment is September 16, 2015.

/ks

c: Amy Schenck, Clerk of Council
Les Landen, Law Director
Human Resources
Finance (Payroll)
file

ccmtg9/15/15

HUMAN RESOURCES

Authorized Strength – 1 FT 2 PT

Current Staff Level – 3 PT

LAW DEPARTMENT

Human Resources

August 31, 2015

TO: Doug Adkins, City Manager

FROM: Kay Sauer, Human Resources Specialist

SUBJECT: APPOINTMENTS – CORRECTIONS OFFICER

We are recommending the appointments of **MICHAEL MARKSBURY** and **MARK PITOCCO** to the position of Corrections Officer in the Department of Public Safety, Division of Police. Both were selected from the eligibility list as a result of Civil Service testing procedures. Mr. Marksbury will fill the vacancy created by the resignation of John Skinner. Mr. Pitocco will fill the vacancy that was created to cut down on police officers having to work the overtime slots in the jail at a higher rate of pay.

Both will be assigned to the Probationary Range that provides a salary of \$1,197.76 bi-weekly, \$31,141.78 annually. The appointments are conditional upon the candidates successfully passing the required medical evaluations.

/ks

c: Amy Schenck, Clerk of Council
David VanArsdale, Director of Public Safety
Rodney Muterspaw, Police Chief
Human Resources
Finance (Payroll)
file

ccmtg9/15/15

CORRECTIONS OFFICER

Authorized Strength – 10
Current Staff Level - 9

Neither is related to City employees

LAW DEPARTMENT

Human Resources

September 8, 2015

TO: Doug Adkins, City Manager

FROM: Kay Sauer, Human Resources Specialist

SUBJECT: APPOINTMENT – PART-TIME BUS DRIVER

We are recommending the appointment of **LARRY GREGG** to the position of part-time Bus Driver in the Department of Community Revitalization, Division of Transit. Mr. Gregg will replace Jesse Brown who resigned.

Mr. Gregg will be placed in Step A of the Part-time Bus Driver range, which provides a salary of \$13.66 per hour. He will work approximately 20 hours per week. The appointment is conditional upon the candidate successfully passing the required medical evaluation.

/ks

c: Amy Schenck, Clerk of Council
Kyle Fuchs, Director of Community Revitalization
Stefanie Lawson, BC Regional Transit Authority
Human Resources
Finance (Payroll)
file

ccmtg9/15/15

Mr. Gregg is not related to any City employee.

LAW DEPARTMENT
HUMAN RESOURCES

September 8, 2015

TO: Doug Adkins, City Manager

FROM: Kay Sauer, Human Resources Specialist

SUBJECT: PROMOTIONAL APPOINTMENT – DEPUTY FIRE CHIEF

We are recommending the promotional appointment of **DAVID ADAMS** to the position of Deputy Fire Chief in the Department of Public Safety, Division of Fire. Mr. Adams was selected from the eligibility list as a result of Civil Service testing procedures. There is presently a vacancy in the position of Assistant Fire Chief. In order to maintain appropriate management staffing this position is being filled at this time.

Mr. Adams will be assigned to Salary Range FO4, Step F, which provides a salary of \$82,436.70 annually. The effective date of appointment is September 16, 2015.

/ks

c: Amy Schenck, Clerk of Council
David VanArsdale, Public Safety Director
Paul Lolli, Fire Chief
Human Resources
Finance (Payroll)
file

cmtg9/15/15

FIRE DEPARTMENT
Authorized Strength - 64
Current Staff Level - 63

LAW DEPARTMENT
HUMAN RESOURCES

September 8, 2015

TO: Doug Adkins, City Manager
FROM: Kay Sauer, Human Resources Specialist
SUBJECT: PROMOTIONAL APPOINTMENTS – FIRE CAPTAIN

We are recommending the promotional appointments of **STEPHEN LUDWIG, DAVID HOERST**, and **JON HARVEY** to the position of Fire Captain in the Department of Public Safety, Division of Fire. All were selected from the eligibility list as a result of Civil Service testing procedures. Mr. Ludwig will replace Greg Justice who resigned; Mr. Hoerst will replace Todd Day who resigned; and Jon Harvey will fill the vacancy created by the anticipated promotion of David Adams.

All will be assigned to Range FO3, Step G, which provides a salary of \$75,202.35 annually. The effective date of appointment for Mr. Ludwig and Mr. Hoerst is September 1, 2015. The effective date of appointment for Mr. Harvey is September 16, 2015.

/ks

c: Amy Schenck, Clerk of Council
David VanArsdale, Public Safety Director
Paul Lolli, Fire Chief
Human Resources
Finance (Payroll)
file

cmtg9/15/15

FIRE DEPARTMENT
Authorized Strength - 64
Current Staff Level - 63

OATH OF OFFICE

I, Sarah Baker, do solemnly swear

that I will support the Constitution and laws of the United States and of the State of Ohio, and the Charter and Ordinances of the City of Middletown; that I will not make or authorize expenditures of public money other than for adequate consideration and efficient service; and that I will in all respects faithfully discharge the duties of my employment or office for the City of Middletown, Butler / Warren Counties, Ohio.

Sarah Baker
Signature

Senior Account Clerk
Position

Sworn to before me and subscribed in my presence this 5th
day of September, 2015.



JULIE A. OWSLEY, NOTARY PUBLIC
IN AND FOR THE STATE OF OHIO
MY COMMISSION EXPIRES DECEMBER 25, 2017

Julie A. Owsley
Notary Public

OATH OF OFFICE

I, Rhonda J. Deaton, do solemnly swear

that I will support the Constitution and laws of the United States and of the State of Ohio, and the Charter and Ordinances of the City of Middletown; that I will not make or authorize expenditures of public money other than for adequate consideration and efficient service; and that I will in all respects faithfully discharge the duties of my employment or office for the City of Middletown, Butler / Warren Counties, Ohio.

Rhonda Deaton
Signature

Dispatcher
Position

Sworn to before me and subscribed in my presence this 8th

day of September, 2015.



JULIE A. OWSLEY, NOTARY PUBLIC
IN AND FOR THE STATE OF OHIO
MY COMMISSION EXPIRES DECEMBER 25, 2017

Julie A. Owsley
Notary Public

OATH OF OFFICE

I, Mike Gibson, do solemnly swear

that I will support the Constitution and laws of the United States and of the State of Ohio, and the Charter and Ordinances of the City of Middletown; that I will not make or authorize expenditures of public money other than for adequate consideration and efficient service; and that I will in all respects faithfully discharge the duties of my employment or office for the City of Middletown, Butler / Warren Counties, Ohio.

Michael O'Shea
Signature

Liason
Position

Sworn to before me and subscribed in my presence this 28th
day of August, 2015.



JULIE A OWSLEY, NOTARY PUBLIC
IN AND FOR THE STATE OF OHIO
MY COMMISSION EXPIRES DECEMBER 25, 2017

Julie A Owsley
Notary Public

OATH OF OFFICE

I, Karen S Robinson, do solemnly swear

that I will support the Constitution and laws of the United States and of the State of Ohio, and the Charter and Ordinances of the City of Middletown; that I will not make or authorize expenditures of public money other than for adequate consideration and efficient service; and that I will in all respects faithfully discharge the duties of my employment or office for the City of Middletown, Butler / Warren Counties, Ohio.

Karen S Robinson

Signature

Dispatcher

Position

Sworn to before me and subscribed in my presence this 8th

day of September, 2015.



JULIE A OWSLEY, NOTARY PUBLIC
IN AND FOR THE STATE OF OHIO
MY COMMISSION EXPIRES DECEMBER 25, 2017

Julie A Owsley
Notary Public

Application for Designated Outdoor Refreshment Area

The purpose of this application is to request that City Council create a Designated Outdoor Refreshment Area (DORA) in the City of Middletown. The application includes the following sections:

1. A map of the proposed designated outdoor refreshment area (one-half square mile or less)
2. A statement of the nature and type of establishments in the proposed area
3. A statement verifying that not less than four liquor permit holders are included in the area
4. Evidence that the land use in the DORA is in accord with the Master Plan
5. Proposed requirements that ensure the public health and safety in the DORA
6. Dates and Hours of Operation

Section 1

See attached map, and list of addresses in the proposed area (Exhibits "A" and "B" respectively).

Section 2

The proposed DORA contains primarily businesses in the form of art shops, restaurants, financial establishments, boutiques and five liquor permit holders.

Section 3

There are currently five liquor permit holders in the proposed DORA (Forest Hills Country Club, Canal House, Murphy's Landing, @ The Square and the American Legion). A sixth business, Central Tap and Pint, has made application for a permit as well.

Section 4

When the Master Plan was created, the state law permitting outdoor refreshment areas did not exist. The Master Plan, however, speaks to increased businesses, tourism and economic development. A DORA helps the City of Middletown to progress in each of these areas, and language to that effect will be included in future changes to the Master Plan.

Further, the proposed area for the DORA is primarily in an Entertainment District, established previously by City Council. The Entertainment District was created in part to allow a greater number of liquor permit establishments in a particular area. The DORA is a one method of enhancing the Entertainment District.

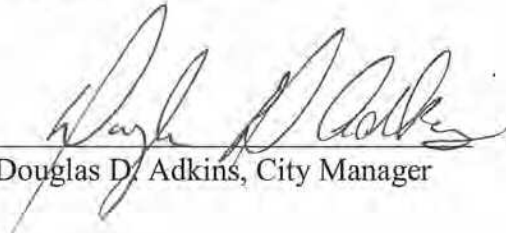
Section 5

See attached Safety Plan and Sanitation Plan (Exhibits "C" and "D" respectively).

Section 6

The DORA will be in operation from 6pm to midnight on Thursday, Friday and Saturday, and at any other times established by the Chief of Police with the concurrence of City Council. Such concurrence would be by motion.

Respectfully submitted,



Douglas D. Adkins, City Manager



Location

1 DONHAM RD
1 N CANAL ST
1 N MAIN ST
100 S CARMODY BLVD
100 S MAIN ST
1000 CENTRAL AVE
1007 FIRST AVE
101 MANCHESTER AVE
101 N MAIN ST
1010 CENTRAL AVE
1010 MANCHESTER AVE
1015 CENTRAL AVE
1020 MANCHESTER AVE
1021 CENTRAL AVE
1024 CENTRAL AVE
1027 MANCHESTER AVE
1029 CENTRAL AVE
1035 CENTRAL AVE
1039 CENTRAL AVE
104 S MAIN ST
1044 CENTRAL AVE
1045 CENTRAL AVE
1049 CENTRAL AVE
105 N MAIN ST
105 S CARMODY BLVD
105 WATER ST
1050 CENTRAL AVE
1053 CENTRAL AVE
1054 CENTRAL AVE
107 WATER ST
109 N MAIN ST
109 WATER ST
11 S CLINTON ST
11 S MAIN ST
1100 CENTRAL AVE
1105 CENTRAL AVE
1108 CENTRAL AVE
111 WATER ST
1119 CENTRAL AVE
112 N BROAD ST
112 S MAIN ST
1120 CENTRAL AVE
1121 CENTRAL AVE
1123 CENTRAL AVE
1131 CENTRAL AVE
1131 MANCHESTER AVE

115 WATER ST
1150 CENTRAL AVE
116 N BROAD ST
116 S MAIN ST
119 WATER ST
12 CLARK ST
12 N MAIN ST
12 S CLINTON ST
120 N BROAD ST
120 N VERITY PKWY
1200 CENTRAL AVE
1201 CENTRAL AVE
1203 VAIL AVE
1205 VAIL AVE
1206 CENTRAL AVE
1206 VAIL AVE
1207 CENTRAL AVE
1207 VAIL AVE
1208 REYNOLDS AVE
1209 CENTRAL AVE
121 N MAIN ST
1210 MANCHESTER AVE
1212 CENTRAL AVE
1214 CENTRAL AVE
1215 CENTRAL AVE
1216 CENTRAL AVE
1218 CENTRAL AVE
1219 CENTRAL AVE
1222 VAIL AVE
1224 CENTRAL AVE
1224 VAIL AVE
1226 CENTRAL AVE
1226 VAIL AVE
1227 CENTRAL AVE
1228 CENTRAL AVE
1232 CENTRAL AVE
1234 CENTRAL AVE
1236 CENTRAL AVE
1237 CENTRAL AVE
1239 CENTRAL AVE
124 N BROAD ST
1240 CENTRAL AVE
128 N BROAD ST
130 N VERITY PKWY
1300 CENTRAL AVE
1301 REYNOLDS AVE
1302 CENTRAL AVE

1304 CENTRAL AVE
1306 CENTRAL AVE
1308 MANCHESTER AVE
1310 CENTRAL AVE
1311 CENTRAL AVE
1311 VAIL AVE
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1313 CENTRAL AVE
1314 CENTRAL AVE
1315 CENTRAL AVE
1315 REYNOLDS AVE
1316 CENTRAL AVE
1316 VAIL AVE
1317 CENTRAL AVE
1318 CENTRAL AVE
1318 MANCHESTER AVE
1319 CENTRAL AVE
1320 CENTRAL AVE
1321 CENTRAL AVE
1321 REYNOLDS AVE
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1327 REYNOLDS AVE
1328 CENTRAL AVE
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1329 REYNOLDS AVE
1330 MANCHESTER AVE
1331 REYNOLDS AVE
1333 CENTRAL AVE
1333 VAIL AVE
1335 CENTRAL AVE
1336 MANCHESTER AVE
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1371 CENTRAL AVE
1372 CENTRAL AVE
1372 VAIL AVE
1373 CENTRAL AVE
1374 CENTRAL AVE
1378 CENTRAL AVE
1379 CENTRAL AVE
1380 CENTRAL AVE
1383 CENTRAL AVE
1385 CENTRAL AVE
1387 CENTRAL AVE
1389 CENTRAL AVE
1391 CENTRAL AVE
14 S BROAD ST
140 N VERITY PKWY
15 N CLINTON ST
15 N VERITY PKWY
16 CLARK ST
16 N CLINTON ST
16 N MAIN ST
17 S CLINTON ST
18 N CLINTON ST
19 N BROAD ST
19 S CLINTON ST
2 N MAIN ST
2 S MAIN ST
20 CLARK ST
20 N BROAD ST
20 N CLINTON ST
20 N MAIN ST
23 DONHAM PLZ
24 N MAIN ST
26 N CLINTON ST
27 N MAIN ST
30 N MAIN ST
31 N CLINTON ST
31 S MAIN ST
32 S MAIN ST
33 N CLINTON ST

34 S MAIN ST
35 WATER ST
36 DONHAM PLZ
36 S MAIN ST
37 N CLINTON ST
38 S MAIN ST
39 N BROAD ST
4 CLARK ST
4 N MAIN ST
40 S BROAD ST
41 S MAIN ST
43 S MAIN ST
44 S BROAD ST
44 S MAIN ST
46 S MAIN ST
49 S MAIN ST
5 S CANAL ST
50 S BROAD ST
50 S MAIN ST
51 N VERITY PKWY
52 S BROAD ST
52 S MAIN ST
53 S MAIN ST
54 S MAIN ST
55 S BROAD ST
55 S MAIN ST
56 S MAIN ST
57 S MAIN ST
6 CLARK ST
6 S CARMODY BLVD
600 CENTRAL AVE
63 S MAIN ST
64 S MAIN ST
65 S MAIN ST
68 S MAIN ST
69 MAIN ST
7 N BROAD ST
7 S BROAD ST
71 S MAIN ST
710 CENTRAL AVE
790 1ST AVE
791 4TH AVE
800 2ND AVE
801 1ST AVE
802 2ND AVE
805 1ST AVE
805 2ND AVE

806 1ST AVE
806 2ND AVE
806 CENTRAL AVE
810 1ST AVE
815 2ND AVE
900 1ST AVE
900 CENTRAL AVE
907 CENTRAL AVE
909 1ST AVE
910 1ST AVE
911 CENTRAL AVE
912 1ST AVE
913 CENTRAL AVE
915 CENTRAL AVE
916 1ST AVE

EXHIBIT "C"

Safety Plan

Designated Outdoor Refreshment Area (DORA)

In the event the City should create a Designated Outdoor Refreshment Area (DORA), the Division of Police will be responsible for the public safety in the area. This will be accomplished in the following manner.

- A. The Division of Police staffs patrol officers using a beat system. The proposed DORA is centrally located, and comprises the majority of, beat 9.
- B. When the DORA is in operation, typically from 6pm to midnight on Thursday, Friday and Saturday night and other times as determined by the Chief of Police, the on-duty supervisor will ensure beat 9 is staffed by at least one officer.
- C. In the event a larger than normal number of people are in the DORA, the on-duty supervisor is authorized to assign two or more officers to beat 9.
- D. In the event of a City sponsored special event in the DORA that is likely to draw a larger than normal number of people, the Chief of Police may require additional officers to be assigned solely to the DORA.
- E. In the event of a private special event in the DORA that is likely to draw a larger than normal number of people to the DORA, the Chief of Police may require the event organizer to hire additional police personnel to be assigned to the area.
- F. At any point when the on-duty supervisor or the Chief of Police deems it necessary, officer may be assigned to the DORA with the sole responsibility of providing police service to the area.



EXHIBIT "D"

MEMORANDUM

Public Works & Utilities Department

TO: David VanArsdale, Public Safety Director
FROM: Scott Tadych, Public Works & Utilities Director
DATE: August 21, 2015
RE: **OUTDOOR REFRESHMENT AREA – SANITATION PLAN**

There are currently 32 trash receptacles located in the proposed outdoor refreshment area. The receptacles are concentrated in the following locations:

Central Avenue – Water Street to Clark Street	(12)
Broad Street – 1 st Avenue to Manchester Avenue	(6)
Bicentennial Commons	(4)
Port Middletown	(4)
Donham Plaza	(6)

The City proposes adding ten additional trash receptacles within the outdoor refreshment area to fill gaps in coverage. The trash receptacles will be serviced by the City's refuse collection contractor a minimum of once per week. Additional collections will be done on an as needed basis. The City's Litter Collection Specialist will monitor the receptacles and coordinated additional collections.

PINNING
CEREMONY

LEGISLATION

ITEM 1

RESOLUTION NO. R2015-32

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE OHIO PUBLIC WORKS COMMISSION FOR PROJECT YEAR 30 REQUESTING FUNDING FOR IMPROVEMENTS TO YANKEE ROAD, TO ENTER INTO AGREEMENTS FOR SUCH FUNDING, AND DECLARING AN EMERGENCY.

BE IT RESOLVED, by the City Council of the City of Middletown, Butler/Warren Counties, Ohio that:

Section 1

The City Manager, on behalf of the City, is authorized to submit an application prepared by the Director of Public Works & Utilities to the Ohio Public Works Commission for a state Issue Grant for Project Year 30, requesting funds for the reconstruction of Yankee Road, between Lafayette Avenue and Oxford State Road, including the addition of left turn lanes, widening of through lands, a heavy-duty pavement design, construction of drainage systems and modification of existing traffic signals. The City Manager is further authorized to enter the necessary agreements to receive and administer these funds. All agreements are subject to the review and approval of the Law Director.

Section 2

It is hereby determined that the subject matter of this legislation is not a general and permanent nature, does not provide for a public improvement and does not assess a tax or payment.

Section 3

This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare, to wit: to permit the application to be submitted in a timely fashion, and shall take effect and be in force from and after its adoption.

Lawrence P. Mulligan, Jr., Mayor

Adopted: _____

Attest: _____
Clerk of the City Council

August 19, 2015

TO: Douglas Adkins, City Manager

FROM: Scott Tadych, Public Works & Utilities Director

OPWC GRANT APPLICATION AUTHORIZATION – YANKEE ROAD IMPROVEMENTS – PHASE 3
--

PURPOSE

To authorize the City Manager to submit a grant application to the Ohio Public Works Commission (OPWC) for Project Year 30.

BACKGROUND and FINDINGS

This project consists of reconstructing a 1.2-mile segment of Yankee Road between Lafayette Avenue and Oxford State Road. The roadway will be widened and reconstructed with a heavy duty pavement, left turn lanes will be added along with curb and gutter and a storm water drainage system. Three traffic signals will be modified to meet current standards. Waterline will be replaced and upsized to meet future demands. Sidewalks will be added to accommodate pedestrian traffic throughout the corridor.

Partial funding has been secured through the Ohio-Kentucky-Indiana Regional Council of Governments (OKI). Construction is scheduled to begin in 2017.

ALTERNATIVES

- 1) Seek financial assistance for a different project.
- 2) Do not apply for an OPWC grant for Project Year 30.

FINANCIAL IMPACT

The estimated cost for construction is \$8,400,000. Below is a breakdown of the proposed funding:

Funding:

PY30 OPWC Grant Request	\$ 800,000
OKI Grant	\$3,006,000
Local Share (2017 CIP)	<u>\$4,594,000</u>
Total:	<u>\$8,400,000</u>

EMERGENCY/NON-EMERGENCY

Emergency legislation is requested at the September 15th, 2015 City Council meeting. The

application is due to the OPWC District 10 liaison by September 25th, 2015.

LEGISLATION

ITEM 2

RESOLUTION NO. R2015-33

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, 2015. (NUISANCE ABATEMENT FUND)

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Middletown, Butler/Warren Counties, Ohio that:

Section 1

The sums are hereby appropriated from the Nuisance Abatement Fund of the City to accounts of the City for the purposes described herein as follows:

FROM: Unappropriated: NUISANCE ABATEMENT FUND (Fund #260)	\$50,000.00
TO: <u>Accounts of 115 (260.115.52487)</u>	<u>\$50,000.00</u>
TOTAL NUISANCE ABATEMENT FUND	\$50,000.00

Section 2

The Director of Finance is hereby authorized to draw his warrants on the City Treasurer for payments from any of the foregoing appropriations upon receiving proper certificates and vouchers therefor, approved by the Board of Officers authorized by law to approve the same, or an ordinance or resolution of the City Council to make expenditures provided that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or ordinance.

Section 3

All legislation inconsistent herewith is hereby repealed.

Section 4

This resolution shall take effect and be in force at the earliest time permitted by law.

Lawrence P. Mulligan, Jr. Mayor

1st Reading: September 1, 2015
2nd Reading: September 15, 2015
Adopted: _____
Effective: _____

Attest: _____
Clerk of the City Council

STAFF REPORT

For the Business Meeting of September 1, 2015

August 18, 2015

TO: Doug Adkins, City Manager

FROM: Kyle Fuchs, Director of Community Revitalization

**APPROPRIATE ADDITIONAL FUNDS FOR
NUISANCE ENFORCEMENT**

PURPOSE

To appropriate an additional \$50,000 to the nuisance enforcement account (260.115.52487).

BACKGROUND and FINDINGS

This account is used to abate nuisance violations such as trash, tall grass, and weeds. Due to the excessive rain this mowing season, the grass has had to be cut much more often. As a result, funds were depleted much sooner than anticipated and will be depleted very soon if no action is taken. This additional appropriation of \$50,000 should be more than enough to carry us through until the end of the year. If there is any surplus at year end, we can utilize that to address any dead trees throughout the City.

ALTERNATIVES

Do not approve. We will run out of funds and will not have the ability to abate tall grass violations.

FINANCIAL IMPACT

Increase of \$50,000 to account 260.115.52487

RECOMMENDATION

Staff recommends approval

EMERGENCY/NON EMERGENCY

Non-Emergency

LEGISLATION

ITEM 3

ORDINANCE NO. O2015-46

AN ORDINANCE AMENDING SECTION 263.01 (CEMETERY BOARD – ESTABLISHMENT; MEMBERS) OF THE CODIFIED ORDINANCES.

BE IT ORDAINED, by the City Council of the City of Middletown, Butler/Warren Counties, Ohio, that:

Section 1

Section 263.01 (Cemetery Board – Establishment; Members) of the Codified Ordinances is hereby amended as set forth in full in Exhibit “A”, attached hereto.

Section 2

This ordinance shall be effective at the earliest time permitted by law.

Lawrence P. Mulligan, Jr., Mayor

1st Reading: September 1, 2015

2nd Reading: September 15, 2015

Adopted: _____

Effective: _____

Attest: _____

Clerk of City Council

EXHIBIT "A"

(a) There is hereby established a Pioneer Cemetery Board, which shall be composed of no more than five (5) members, who shall be appointed by City Council.

(b) One (1) of the members of the Board shall be appointed for a term of one (1) year, beginning January 1, 2011. Two (2) of the members of the Board shall be appointed for a term of two (2) years, beginning January 1, 2011. The remaining two (2) members of the Board shall be appointed for a term of three (3) years, beginning January 1, 2011. At the expiration of their initial terms, Board members shall be appointed for three (3) year terms, which shall begin on January 1. However, if a vacancy occurs on the Board, the term of the member appointed to fill the vacant seat shall begin on the date of appointment and terminate at the end of the term of the member originally appointed to that seat.

(c) Notwithstanding Section 260.03 of the Middletown Codified Ordinances, City Council may appoint persons who are neither an elector of the City nor a resident of the City to the Cemetery Board if City Council determines, in its sole discretion, that such appointment is beneficial to the Cemetery Board. Appointment by City Council creates an irrebuttable presumption that City Council has made this determination that the appointment is beneficial to the Cemetery Board. At all times at least three (3) members of the Cemetery Board shall be electors and/or residents of the City.

STAFF REPORT

For the business meeting of September 1, 2015

DATE: August 24, 2015
TO: Douglas Adkins, City Manager
FROM: Leslie S. Landen, Law Director

**AMENDMENT OF MIDDLETOWN CODIFIED
ORDINANCE §263.01**

PURPOSE

To amend Middletown Codified Ordinance §263.01 to allow the appointment of non-residents to be members of the Cemetery Board.

BACKGROUND AND FINDINGS

There has been some difficulty finding City residents to serve on the Middletown Cemetery Board in recent years. Non-residents with relatives buried in the cemetery have expressed interest in serving on this board. At City Council's request, we are amending MCO §263.01 to allow for the appointment of non-residents to serve on the Cemetery Board.

ALTERNATIVES

The alternative would be to leave the ordinance as it is; however, this will likely result in continued vacancy on the Cemetery Board.

FINANCIAL IMPACTS

N/A

EMERGENCY/NON EMERGENCY

Non-emergency.

LEGISLATION

ITEM 4

ORDINANCE NO. O2015-47

AN ORDINANCE AMENDING THE SEWER RATES LEVIED AND ASSESSED IN SECTION 1040.03 OF THE CODIFIED ORDINANCES BY ADDING A SURCHARGE TO BE APPLIED TO INFRASTRUCTURE IMPROVEMENTS TO THE CITY SANITARY SEWERAGE SYSTEM, INCLUDING THE PUMPING, TREATMENT AND DISPOSAL WORKS.

WHEREAS, Section 1040.02 of the Middletown Codified Ordinances (MCO) declares it necessary and conducive to the protection of the public health, safety, welfare and convenience of the City to levy and collect charges and/or rentals upon real property connected to the City sewerage system; and

WHEREAS, Section 1040.03 of the MCO levies and assesses sewer rates to implement that need; and

WHEREAS, the public infrastructure of the City's sewerage system continues to age, requiring maintenance, repair and replacement; and

WHEREAS, on-going upgrades and improvements are necessary and will continue to be necessary to maintain a sewerage system which is ecologically friendly and meets the needs of our environment; and

WHEREAS, the present sewer rate structure is not able to support the present and forthcoming capital needs of the City sewerage system;

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Middletown, Butler/Warren Counties, Ohio that:

Section 1

Effective October 15, 2015, there is hereby levied and assessed upon each lot, parcel of land, building or premises having any sewer connection with the sanitary sewerage system of the City or otherwise discharging sewage, industrial wastes, water or other liquids, either directly or indirectly, into the City sanitary sewerage system, or to any other person or entity paying service charges or rental payments (hereinafter collectively referred to as "base sewer rates") to the City in compliance with MCO §1040.03, a surcharge equal to ten percent (10%) of the base sewer rates, which shall be known as the "sewer infrastructure surcharge". Base sewer rates shall not include any surcharge amount assessed and applied in accordance with MCO §1040.03(f).

Section 2

The sewer infrastructure surcharge shall be in addition to all other sewer rates imposed by MCO §1040.03, and shall be payable in the same manner, at the same time and in accordance with the same conditions as the base sewer rates (set forth in MCO Section 1040.04). Any reference to “sewer rates” or “total sewer rates” in this Ordinance shall include both the base sewer rates and the sewer infrastructure surcharge.

Section 3

Notwithstanding the requirements of MCO §1040.07, the monies collected as the sewer infrastructure surcharge shall be maintained in a separate account from the Sanitary Sewer Fund and shall be applied to capital expenses for infrastructure improvements to the City sewerage system. Nothing in this Section 2 is intended to limit expenditures for capital expenditures or infrastructure improvements to the City sewerage system from any other fund, account or source of revenue which is otherwise legally permissible.

Section 4

City Council determines that the sewer infrastructure surcharge is necessary to address the present infrastructure needs of the City sewerage system and prepare the system for future upgrades to meet the applicable environmental standards.

Section 5

This ordinance shall take effect and be in force from and after the earliest period allowed by law.

Lawrence P. Mulligan, Jr., Mayor

1st reading: September 1, 2015
2nd reading: September 15, 2015
Adopted: _____
Effective: _____

Attest: _____
Clerk of the City Council

STAFF REPORT
For the business Meeting of: September 1, 2015

August 20, 2015

TO: Douglas Adkins, City Manager

FROM: Scott Tadych, Public Works & Utilities Director

SEWER USER RATE INCREASE – INFRASTRUCTURE FEE

PURPOSE

To adopt legislation approving a 10% user rate increase in the sewer fund to be used solely for sewer infrastructure improvements.

BACKGROUND and FINDINGS

Sewer rates are typically reviewed with City Council every couple of years taking in consideration operational, maintenance, and capital improvement needs of the sewer system. The rates were last discussed in 2013 with a rate increase of 10% effective January 1st of 2014.

Middletown's water and sewer rates consistently rank in the lower half of communities in the annual Oakwood Water and Sewer Rate Survey for southwest Ohio. We are currently 25th out of 63 communities surveyed for lowest sewer rates.

A significant factor affecting future sewer rate increases are the need for major capital improvements to the system. Middletown, like many other older cities across the nation, has combined sewers that drain both rain water and sanitary sewage. The combined sewer flow is transported to the wastewater treatment plant during dry periods. When there are significant rain events the combined sewers are overloaded with rain water and discharge at several points along the river. The City is in active discussions with the EPA on a solution to address combined sewer overflows. Multiple alternatives are being evaluated to reduce the number of overflows. The alternatives range in cost from approximately \$80 to \$250 million over a 25 year period. During this same time frame major rehabilitation will be necessary for our sewer collection system and wastewater treatment plant. As you may recall there have been multiple sewer collapses over the past several years. This is just the tip of the iceberg. Nearly half of the City's sewer system is 50 years old or older and will require extensive rehabilitation going forward. \$142 million is needed to repair the sewer system over the next 25 years. An additional \$68 million will be needed for improvements at the wastewater treatment plant as well. Most the major components of the plant were installed in the mid-50's

All told the City is looking at \$290 to \$460 million in future improvements to the system. Funding options for these improvements are limited mostly to user fees therefore it is necessary to adjust sewer rates accordingly.

ALTERNATIVES

Do not create the infrastructure fee.

FINANCIAL IMPACT

This fee will cost a typical residential user an additional \$2.11 per month for sewer. The infrastructure fee will be a separate line item on individual utility bills. The 10% infrastructure fee will generate approximately \$850,000 per year.

EMERGENCY/NON-EMERGENCY

Non-Emergency

ATTACHMENTS

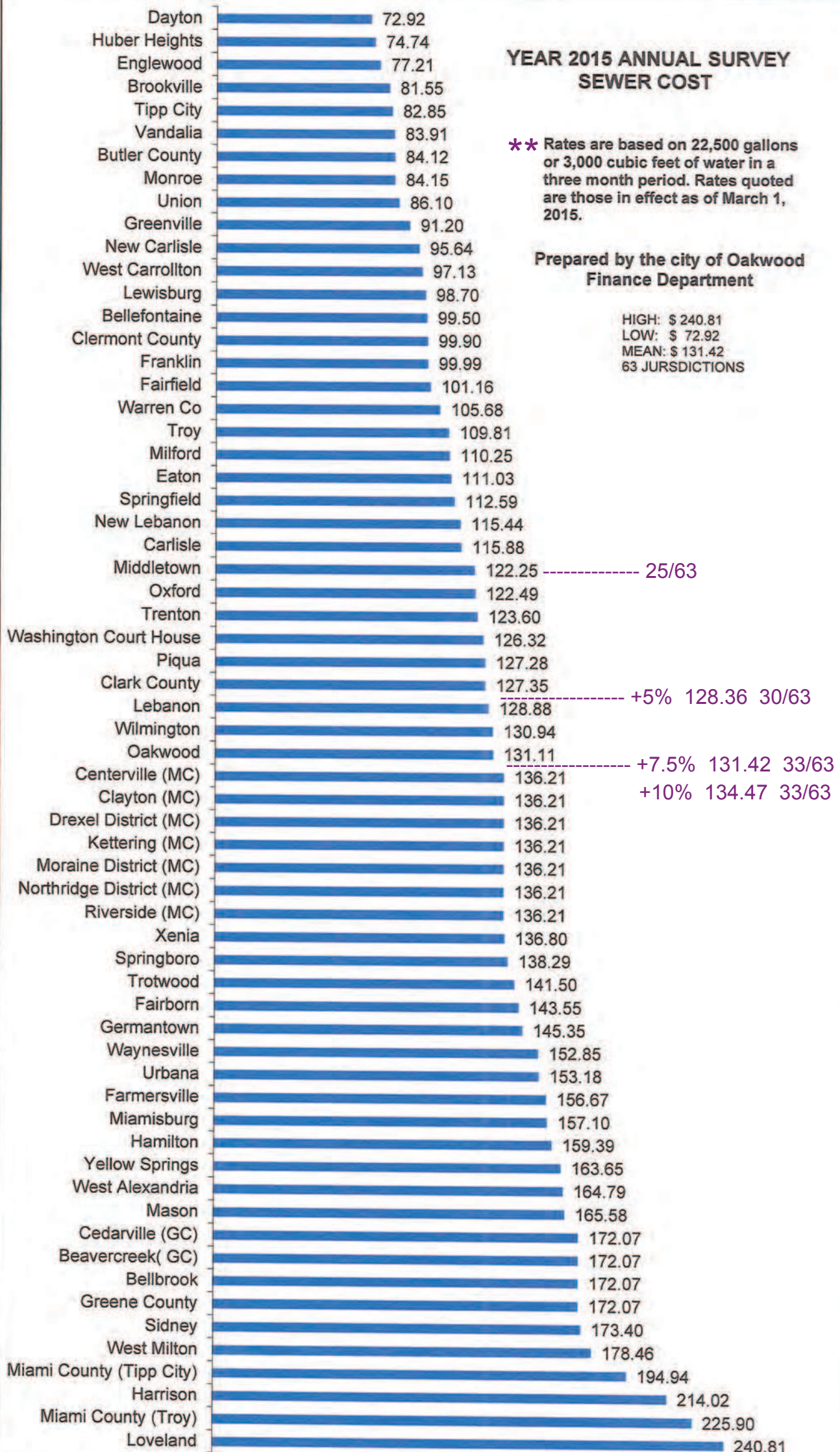
Sewer Rate Survey

YEAR 2015 ANNUAL SURVEY SEWER COST

****** Rates are based on 22,500 gallons or 3,000 cubic feet of water in a three month period. Rates quoted are those in effect as of March 1, 2015.

Prepared by the city of Oakwood
Finance Department

HIGH: \$ 240.81
LOW: \$ 72.92
MEAN: \$ 131.42
63 JURISDICTIONS



LEGISLATIVE ITEMS

5 & 6

SHARE A STAFF

REPORT

LEGISLATION

ITEM 5

ORDINANCE NO. O2015-48

AN ORDINANCE APPROPRIATING A FEE SIMPLE INTEREST AND A TEMPORARY EASEMENT IN CERTAIN REAL PROPERTY OWNED BY MELVIN AND ETHEL ARMSTRONG LOCATED AT PARCEL NUMBER Q654210000002 (PROJECT PARCEL 49) AND DECLARING AN EMERGENCY.

BE IT ORDAINED, by the City Council of the City of Middletown, Butler/Warren Counties, Ohio that:

Section 1

A fee simple interest in the real property described in Exhibit "A", attached hereto, and a temporary easement in the real property described in Exhibit "B", attached hereto, are hereby appropriated for the purpose of making a road open to the public, pursuant to Ohio Rev. Code §163.06 (B) and to the Constitution and laws of the State of Ohio.

Section 2

The City Council, by a vote of at least two-thirds of all members elected thereto, finds that this appropriation is necessary for the stated public purpose, and that the City of Middletown has been unable to agree with the owner of the property and that the City intends to obtain immediate possession of the property, which immediate possession is necessary for the stated public purpose, and thereby directs the appropriation to proceed.

Section 3

The Director of Law is hereby directed to file or to cause to be filed a petition for appropriation in a court of competent jurisdiction, to have a jury empanelled to assess the compensation to be paid for the fee simple interest in the real property described in Exhibit "A", and a temporary easement in the real property described in Exhibit "B". The Director of Law is further directed to deposit or cause to be deposited with the court a sum of money as required by law.

Section 4

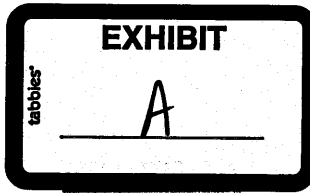
This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare, to wit: to obtain the necessary property to ensure the timely completion of the utility relocation prior to the construction of the Oxford State Road Improvements, and shall take effect and be in force from and after its adoption.

Lawrence P. Mulligan, Jr., Mayor

Adopted: _____

Attest: _____
Clerk of the City Council

H:/Law/leg/2015 Leg/O appropriation ord Oxford State Road Project Parcel 49.doc



RX 250 WD

Ver. Date 10/23/2013

PID 90542

**PARCEL 49-WD
BUT-OXFORD STATE ROAD
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Situated in Section 19, Town 2, Range 4, City of Middletown, Butler County, Ohio, being part of Lot 18134 as conveyed to Melvin E. and Ethel Armstrong in O.R.1579 Pg 104 of the Butler County, Ohio Recorder's Office, being a temporary construction easement, the boundary of which being more particularly described as follows:

Beginning at the northwest corner of said Lot 18134, said point being in the north line of Section 19, said point also being 3.24 feet right of Station 24+20.98;

Thence along said north line, S84°43'19"E a distance of 88.70 feet to the northeast corner of said Lot 18134, said point being 3.33 feet right of Station 25+09.68;

Thence along the east line of said Lot 18134, S05°43'41"W, passing a 5/8" iron pin at 25.00 feet in the existing south right of way line of Oxford State Road, a total distance of 30.00 feet to a 5/8" iron pin set in the proposed south right of way line of Oxford State Road, said point being 33.33 feet right of Station 25+09.41;

Thence along said proposed south right of way line, N84°43'19"W a distance of 88.70 feet to a 5/8" iron pin set in the west line of the aforementioned Lot 18134, said point being 33.24 feet right of Station 24+20.71;

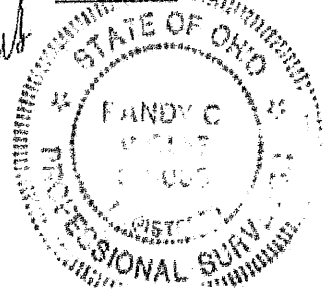
Thence along said east line, N05°43'41"E, passing a 5/8" iron pin set at 5.00 feet in the existing south right of way line of Oxford State Road, a total distance of 30.00 feet to the point of beginning.

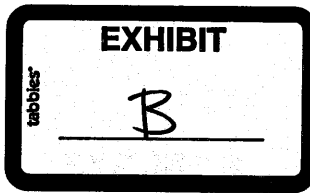
Containing 0.061 acres, more or less, of which 0.051 acres is within the present right of way occupation and being subject to easements restrictions and rights of way of record.

Bearings are based on the Ohio State Plane Coordinate System-South Zone, as derived from the Ohio Department of Transportation's Virtual Reference Stationing System (VRS) (NAD83)

The above description is based on a field survey performed by The Kleingers Group under the direct supervision of Randy C. Wolfe, Ohio Professional Surveyor No. 8033. A plat of survey is recorded in Volume _____ Page _____ of the Butler County Engineer's Record of Land Surveys.

Randy C. Wolfe
7/18/14





Page 1 of 1

Rev. 06/09

RX 286 T

Ver. Date 10/21/2013

PID 90542

**PARCEL 49-T
BUT OXFORD-STATE ROAD
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
GRADE AND REPLACE EXISTING DRIVEWAY
FOR 24 MONTHS FROM DATE OF ENTRY BY THE
STATE OF OHIO, DEPARTMENT OF TRANSPORTATION**

[Surveyor's description of the premises follows]

Situated in Section 19, Town 2, Range 4, City of Middletown, Butler County, Ohio, being part of Lot 18134 as conveyed to Melvin E. and Ethel Armstrong in O.R.1579 Pg 104 of the Butler County, Ohio Recorder's Office, being a temporary construction easement, the boundary of which being more particularly described as follows:

Beginning at a point in the west line of said Lot 18134, said point being S05°43'41"W a distance of 30.00 feet from the northwest corner of Lot 18134, being in the proposed south right of way line of Oxford State Road;

Thence along said proposed south right of way line, S84°43'19"E a distance of 88.70 feet;

Thence S05°43'41"W a distance of 4.00 feet;

Thence continuing, N84°43'19"W a distance of 88.70 feet to a point in the aforementioned west line of Lot 18134;

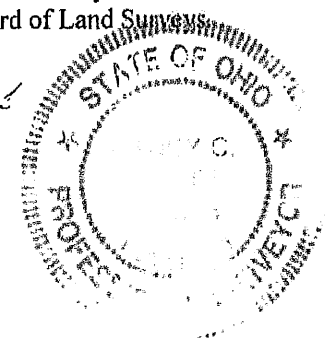
Thence along said west line, N05°43'41"E a distance of 4.00 feet to the point of beginning.

Containing 0.008 acres, more or less and being subject to easements restrictions and rights of way of record.

Bearings are based on the Ohio State Plane Coordinate System-South Zone, as derived from the Ohio Department of Transportation's Virtual Reference Stationing System (VRS) (NAD83)

The above description is based on a field survey performed by The Kleingers Group under the direct supervision of Randy C. Wolfe, Ohio Professional Surveyor No. 8033. A plat of survey is recorded in Volume _____ Page _____ of the Butler County Engineer's Record of Land Surveys

Randy C Wolfe
7/11/14



DATE August 27, 2015

TO: Douglas Adkins, City Manager

FROM: Scott Tadych, Public Works and Utilities Director
Prepared by Rob Nicolls, City Engineer

Oxford State Rd Improvements Appropriation of Right of Way

PURPOSE

To authorize appropriation of right of way and easements required to construct the Oxford State Rd. project.

BACKGROUND AND FINDINGS

City council previously passed the Resolution of Intent To Appropriate which was the first step in the legal process to acquire properties that did not accept the Fair Market Value offered for the property. Property owners were notified of the Resolution. The appropriation grants the City possession of the property which will allow construction activities on the properties. Portions of the following properties are to be acquired:

<u>Property Owner</u>	<u>Parcel ID#</u>	<u>Fair Market Value Offered</u>
W Eugene Taylor, Trustee	Q6542099000007	\$300
Estate of Melvin & Ethel Armstrong	Q6542100000002	\$1,051.00

ALTERNATIVES

None. Negotiations with the property owners will continue in an attempt to reach a settlement; however, this process is necessary to obtain the property in a timely manner to meet the schedule set forth by ODOT.

FINANCIAL IMPACTS

The total Fair Market Value of the properties to be appropriated is \$1,351.00. Right of way acquisition is funded from the 2015 Capital Improvement Program (220-031-54520) and will be partially reimbursed through an ODOT grant.

EMERGENCY/NON EMERGENCY

Emergency-In order to meet the schedule set forth by ODOT.

LEGISLATION

ITEM 6

ORDINANCE NO. O2015-49

AN ORDINANCE APPROPRIATING A TEMPORARY EASEMENT IN CERTAIN REAL PROPERTY OWNED BY W. EUGENE TAYLOR, TRUSTEE LOCATED AT PARCEL NUMBER Q6542099000007 (PROJECT PARCEL 35) AND DECLARING AN EMERGENCY.

BE IT ORDAINED, by the City Council of the City of Middletown, Butler/Warren Counties, Ohio that:

Section 1

A temporary easement in the real property described in Exhibit "A", attached hereto, is hereby appropriated for the purpose of making a road open to the public, pursuant to Ohio Rev. Code §163.06 (B) and to the Constitution and laws of the State of Ohio.

Section 2

The City Council, by a vote of at least two-thirds of all members elected thereto, finds that this appropriation is necessary for the stated public purpose, and that the City of Middletown has been unable to agree with the owner of the property and that the City intends to obtain immediate possession of the property, which immediate possession is necessary for the stated public purpose, and thereby directs the appropriation to proceed.

Section 3

The Director of Law is hereby directed to file or to cause to be filed a petition for appropriation in a court of competent jurisdiction, to have a jury empanelled to assess the compensation to be paid for a temporary easement in the real property described in Exhibit "A". The Director of Law is further directed to deposit or cause to be deposited with the court a sum of money as required by law.

Section 4

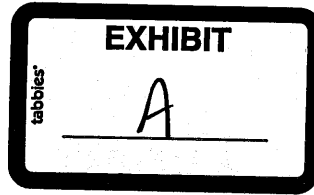
This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare, to wit: to obtain the necessary property to ensure the timely completion of the utility relocation prior to the construction of the Oxford State Road Improvements, and shall take effect and be in force from and after its adoption.

Lawrence P. Mulligan, Jr., Mayor

Adopted: _____

Attest: _____
Clerk of the City Council

H:/Law/leg/2015 Leg/O appropriation ord Oxford State Road Project Parcel 35.doc



RX 286 T

Page 1 of 1

Rev. 06/09

Ver. Date 10/21/2013

PID 90542

**PARCEL 35-T
BUT OXFORD-STATE ROAD
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
REPLACE EXISTING DRIVEWAY
FOR 24 MONTHS FROM DATE OF ENTRY BY THE
STATE OF OHIO, DEPARTMENT OF TRANSPORTATION**

[Surveyor's description of the premises follows]

Situated in Section 19, Town 2, Range 4, City of Middletown, Butler County, Ohio, being part of Lot 18124 conveyed to W. Eugene Taylor, Tr. in O.R. 7780 Pg 2149 of the Butler County, Ohio Recorder's Office, being a temporary construction easement, the boundary of which being more particularly described as follows:

Beginning at a point in the west line of said Lot 18124, said point being S04°10'41"W a distance of 30.01 feet from the northwest corner of said Lot 18124;

Thence along the existing south right of way line of Oxford State Road, S84°43'19"E a distance of 20.41 feet;

Thence S05°16'41"W a distance of 8.29 feet;

Thence N84°54'09"W a distance of 20.25 feet to a point in the aforementioned west line of Lot 18124;

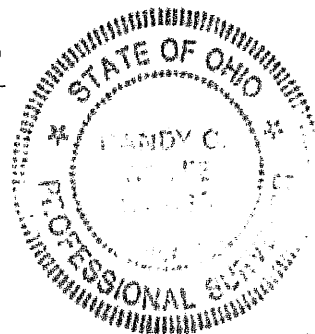
Thence along said west line, N04°10'41"E a distance of 8.36 feet to the point of beginning.

Containing 0.004 acres, more or less and being subject to easements restrictions and rights of way of record.

Bearings are based on the Ohio State Plane Coordinate System-South Zone, as derived from the Ohio Department of Transportation's Virtual Reference Stationing System (VRS) (NAD83)

The above description is based on a field survey performed by The Kleingers Group under the direct supervision of Randy C. Wolfe, Ohio Professional Surveyor No. 8033. A plat of survey is recorded in Volume _____ Page _____ of the Butler County Engineer's Record of Land Surveys.

*Randy C Wolfe
7/16/14*



LEGISLATION

ITEM 7

ORDINANCE NO. O2015-50

AN ORDINANCE ESTABLISHING A PROCEDURE FOR AND AUTHORIZING A CONTRACT WITH CONSTELLATION NEWENERGY GAS FOR THE PURCHASE OF NATURAL GAS AND DECLARING AN EMERGENCY.

WHEREAS, the City has purchased natural gas from Constellation NewEnergy Gas (fka Proliance Gas) for many years; and

WHEREAS, the present contract has expired and the City is purchasing natural gas at a "floating" rate; and

WHEREAS, the City has negotiated a new two year contract with Constellation NewEnergy Gas;

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Middletown, Butler/Warren Counties, Ohio that:

Section 1

The City Manager, without complying with the procedures of Chapter 735 O.R.C. shall enter into a two year contract with Constellation NewEnergy Gas for the purchase of natural gas, a copy of which is on file in the office of the Finance Director.

Section 2

For said purposes, the Director of Finance is authorized and directed to expend a sum not to exceed \$90,000.00 in each year of the contract. This amount shall be funded each year as follows:

\$49,789.51 from the General Fund (Fund #100)
\$12,358.33 from the Water Fund (Fund #510)
\$11,920.48 from the Sanitary Sewer Fund (Fund #520),
\$ 2,107.05 from the Transit System Fund (Fund #530), and
\$13,824.63 from the Municipal Garage Fund (Fund #605).

Section 3

This Council hereby determines that the procedure to be followed in the award and execution of the aforesaid contract shall consist solely of the procedure set forth in this Ordinance and the provisions of Chapter 735, Ohio Revised Code, shall not be applicable to the award and execution of the aforesaid contract.

Section 4

It is hereby determined that the subject matter of this legislation is not of a general and permanent nature, does not provide for a public improvement, and does not assess a tax or payment.

Section 5

This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare, to wit: so the contract can be effective on October 1, 2015 and effectuate monetary savings under that contract, and shall take effect and be in force from and after its adoption.

Lawrence P. Mulligan, Jr., Mayor

Adopted: _____

Attest: _____
Clerk of City Council

STAFF REPORT

For the Business Meeting of September 15, 2015

September 9, 2015

TO: Doug Adkins, City Manager
FROM: Jacob Burton, Assistant Finance Director
Cindy Strayer, Purchasing Agent

Purchase of Natural Gas

PURPOSE

To request authorization to enter into a contract for natural gas with Constellation NewEnergy Gas, of Chicago, IL, in an amount not to exceed \$90,000.

BACKGROUND and FINDINGS

Various City Departments use natural gas in their facilities. The City typically uses a total of approximately 15,000 Dth/year spread over all the facilities. We have worked successfully with Constellation (formerly Proliance Gas) for many years, generally signing two year contracts at a time. The current contract has expired, and the contract has been extended at the “floating” NYMEX rate for the past several months.

We are requesting a new two-year contract be established. This plan will diversify our acquisition process by splitting our gas between three different purchasing options. The NYMEX costs will be divided into three distinct categories to protect against upside price risk (lock-in, “float,” and a managed program). The contract manager is local, has worked with us for many years and is trustworthy, and the company has prepared a plan for us that could potentially save us money over the current plan. For these reasons, it is requested the bid procedure be waived, and this be treated similar to a professional service contract.

FINANCIAL IMPACT

The contract requested will begin October 1, 2015, and will continue until September 30, 2017. Adequate funding for natural gas is (and will be in the future) included in each of the budget years.

EMERGENCY/NON EMERGENCY

Emergency legislation is requested so the contract can be established by October 1, 2015. It would benefit the City to begin the savings immediately, rather than “float” at a higher price for another two months should emergency legislation not be passed.

cc: Les Landen, Director of Law
Michelle Greis, Director of Finance
Jacob Burton, Assistant Finance Director
Amy Schenck, Clerk of Council
File

k:\CITY MANAGER – September 20, 2015\Natural Gas

LEGISLATION

ITEM 8

ORDINANCE NO. O2015-51

AN ORDINANCE AUTHORIZING A CONTRACT WITH CAPITAL ELECTRIC LINE BUILDERS FOR A RAILROAD/TRAFFIC SIGNAL PREEMPTION PROJECT AND DECLARING AN EMERGENCY.

WHEREAS, the City has entered an agreement with the Ohio Rail Development Commission (ORDC) which requires the upgrade of certain signalized intersections to meet railroad preemption requirements; and

WHEREAS, the City determined that upgrading up to nineteen (19) other signalized intersections not included in the agreement with ORDC as part of this project was desirable both technically and economically; and

WHEREAS, the City sought bids for the Railroad/Traffic Signal Preemption Project seeking a base bid for the intersection in the agreement with ORDC and alternate bids for the each additional intersection; and

WHEREAS, three bids were submitted, and upon review City staff recommends that the base bid and alternate bids for fifteen (15) additional intersections be accepted; and

WHEREAS, City Council has determined that based on the recommended scope of the Project, Capital Electric Line Builders is the lowest and best bidder;

NOW THEREFORE, BE IT ORDAINED, by the City Council of the City of Middletown, Butler/Warren Counties, Ohio that:

Section 1

The City Manager is hereby authorized to enter a contract with Capital Electric Line Builders for the Railroad/Traffic Signal Preemption Project, in accordance with said company's low bid therefor, on file with the Director of Public Works and Utilities.

Section 2

For said purposes, the Director of Finance is hereby authorized and directed to expend a sum not to exceed \$551,715.31 from the Capital Improvement Fund (Fund #220), of which \$263,500.10 is hereby appropriated to the accounts of 671 (220.671.54520).

Section 3

This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare, to wit: so the project can begin as soon as possible thereby improving railroad/traffic safety in the City, and shall take effect and be in force from and after its adoption.

Lawrence P. Mulligan, Jr., Mayor

Adopted: _____

Attest: _____
Clerk of City Council

DATE September 2, 2015

TO: Douglas Adkins, City Manager

FROM: Scott Tadych, Public Works and Utilities Director
 Prepared by Kaitlyn Mueller, Senior Engineer

RAILROAD / SIGNAL PREEMPTION PROJECT

PURPOSE

Authorize the City Manager to enter into a contract with Capital Electric Line Builders to proceed with the Railroad / Signal Preemption project.

BACKGROUND AND FINDINGS

The City is proposing to proceed with the Railroad / Signal Preemption project which consists of upgrading four signalized intersections along North University Blvd to meet railroad preemption requirements. The upgrade includes installation of new controllers, new signal phasing & timing, LED blank-out signs and interconnect with railroad equipment. In addition, this project will purchase a centralized control system and convert 19 additional intersections to the centralized control system.

Three contractors submitted a bid for the project. Capital Electric Line Builders was the lowest and best bid.

ALTERNATIVES

Only upgrade the intersections in the base bid as required by the agreement with the Ohio Rail Development Commission.

FINANCIAL IMPACTS

The lowest bid received for this project on August 28, 2015 was \$452,636.56 which is 6% higher than the engineer's estimate and less than 1% lower than the next bidder. To best utilize the funds budgeted for the project and based on the alternate unit prices stated in the bids, staff recommends upgrading 15 additional signals, making the total contract amount \$551,715.31.

The project will be funded by the General Capital Fund (220) (\$288,215.31) and federal funds distributed by the Ohio Rail Development Commission (ORDC) (\$263,500). The General Capital Funds are included in the 2015 Capital Improvement budget. A supplemental appropriation for the ORDC funds in the amount of \$263,500 will also be required.

EMERGENCY/NON EMERGENCY

A second reading emergency is requested in order to begin the project as soon as possible.

ATTACHMENTS

Bid Tab

Bid Tab

RAILROAD/SIGNAL PREEMPTION LEGAL NOTICE NO. 15-7722 BIDS RECEIVED: AUGUST 28, 2015					ENGINEER'S ESTIMATE		Capital Electric Line Builders		Elex Inc.		J. Ranck Electric, Inc.		
ITEM #	ODOT No.		DESCRIPTION	QUAN	UNIT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
TRAFFIC CONTROL													
1	630	79500	SIGN SUPPORT ASSEMBLY, POLE MOUNTED	2	EA	\$250.00	\$500.00	\$58.05	\$116.10	\$65.00	\$130.00	\$60.00	\$120.00
2	630	80100	SIGN, FLAT SHEET	7.5	SF	\$20.00	\$150.00	\$23.18	\$173.85	\$16.00	\$120.00	\$30.00	\$225.00
3	630	97700	SIGNING, MISC.: LED BLANK OUT SIGN ("NO LEFT TURN" OR "NO RIGHT	6	EA	\$5,000.00	\$30,000.00	\$3,870.74	\$23,224.44	\$4,635.00	\$27,810.00	\$5,000.00	\$30,000.00
TRAFFIC SIGNAL													
4	625	25400	CONDUIT, 2", 725.04	193	FT	\$10.00	\$1,930.00	\$8.41	\$1,623.13	\$6.30	\$1,215.90	\$12.50	\$2,412.50
5	625	25902	CONDUIT, 2", JACKED OR DRILLED, 725.04	60	FT	\$15.00	\$900.00	\$45.03	\$2,701.80	\$104.00	\$6,240.00	\$75.00	\$4,500.00
6	625	29000	TRENCH	193	FT	\$10.00	\$1,930.00	\$6.40	\$1,235.20	\$10.30	\$1,987.90	\$9.00	\$1,737.00
7	625	30700	PULL BOX, 725.08, 18"	6	EA	\$400.00	\$2,400.00	\$609.24	\$3,655.44	\$735.00	\$4,410.00	\$750.00	\$4,500.00
8	625	32000	GROUND ROD	3	EA	\$200.00	\$600.00	\$116.11	\$348.33	\$185.00	\$555.00	\$300.00	\$900.00
9	632	30980	SIGNAL CABLE, 3 CONDUCTOR, NO. 10 AWG	715	FT	\$2.00	\$1,430.00	\$2.77	\$1,980.55	\$2.05	\$1,465.75	\$5.00	\$3,575.00
10	632	53202	INTERCONNECT CABLE, 6 PAIR, NO. 19 AWG, SOLID REA (PE-39)	685	FT	\$2.00	\$1,370.00	\$2.83	\$1,938.55	\$3.10	\$2,123.50	\$3.00	\$2,055.00
11	632	62810	INTERCONNECT CABLE, MISC.: OUTDOOR GEL FILLED ETHERNET	6,600	FT	\$2.00	\$13,200.00	\$2.33	\$15,378.00	\$1.65	\$10,890.00	\$1.75	\$11,550.00
12	632	62820	INTERCONNECT, MISC.: REMOVE EXISTING RAILROAD INTERCONNECT	3	EA	\$5.00	\$15.00	\$200.42	\$601.26	\$205.00	\$615.00	\$500.00	\$1,500.00
13	632	62820	INTERCONNECT, MISC.: MOTOROLA CANOPY 9000 ACCESS POINT	2	EA	\$2,000.00	\$4,000.00	\$2,629.85	\$5,259.70	\$1,870.00	\$3,740.00	\$1,800.00	\$3,600.00
14	632	62820	INTERCONNECT, MISC.: MOTOROLA AP RADIO MOUNTING AND CONNECTOR WEATHER SEAL KIT	2	EA	\$100.00	\$200.00	\$80.05	\$160.10	\$30.00	\$60.00	\$350.00	\$700.00
15	632	62830	INTERCONNECT MISC.: DATA CONNECTION BETWEEN SERVER AND	1	LUMP	\$3,000.00	\$3,000.00	\$1,603.36	\$1,603.36	\$1,030.00	\$1,030.00	\$2,500.00	\$2,500.00
16	632	64020	PEDESTAL FOUNDATION	1	EA	\$500.00	\$500.00	\$986.26	\$986.26	\$800.00	\$800.00	\$500.00	\$500.00
17	632	89700	PEDESTAL, 11'	1	EA	\$500.00	\$500.00	\$656.32	\$656.32	\$800.00	\$800.00	\$750.00	\$750.00
18	632	90101	REMOVAL OF TRAFFIC SIGNAL INSTALLATION, AS PER PLAN	3	EA	\$1,000.00	\$3,000.00	\$1,603.36	\$4,810.08	\$750.00	\$2,250.00	\$500.00	\$1,500.00
19	632	90104	REUSE OF TRAFFIC CONTROL ITEM, MEDIAN KEEP RIGHT SIGN	1	EA	\$200.00	\$200.00	\$77.61	\$77.61	\$150.00	\$150.00	\$200.00	\$200.00
20	632	90104	REUSE OF TRAFFIC CONTROL ITEM, PULL BOX	4	EA	\$200.00	\$800.00	\$116.71	\$466.84	\$400.00	\$1,600.00	\$400.00	\$1,600.00
21	632	90400	SIGNALIZATION MISC.: REMOVE EXISTING WIRING	3	EA	\$750.00	\$2,250.00	\$200.42	\$601.26	\$100.00	\$300.00	\$400.00	\$1,200.00
22	632	99000	CABINET FOUNDATION, AS PER PLAN	1	EA	\$2,000.00	\$2,000.00	\$1,241.68	\$1,241.68	\$1,700.00	\$1,700.00	\$1,000.00	\$1,000.00
23	632	99000	CABINET RISER	3	EA	\$500.00	\$1,500.00	\$391.71	\$1,175.13	\$300.00	\$900.00	\$400.00	\$1,200.00
25	633	01541	CONTROLLER UNIT, TYPE TS2/A2, AS PER PLAN, ASC3 RACK MOUNTED	19	EA	\$3,500.00	\$66,500.00	\$2,489.63	\$47,302.97	\$2,790.00	\$53,010.00	\$3,800.00	\$72,200.00
26	633	74000	UNINTERRUPTIBLE POWER SUPPLY (UPS), 1000 WATT	2	EA	\$4,000.00	\$8,000.00	\$7,951.68	\$15,903.36	\$8,325.00	\$16,650.00	\$9,000.00	\$18,000.00
27	633	74001	UNINTERRUPTIBLE POWER SUPPLY (UPS), AS PER PLAN	1	EA	\$5,000.00	\$5,000.00	\$9,761.18	\$9,761.18	\$10,245.00	\$10,245.00	\$11,000.00	\$11,000.00
28	633	90400	SIGNALIZATION MISC.: REMOVE EXISTING BLANKOUT SIGN	2	EA	\$250.00	\$500.00	\$200.42	\$400.84	\$75.00	\$150.00	\$200.00	\$400.00
29	633	99000	CONTROLLER ITEM, MISC.: UPS RISER	3	EA	\$500.00	\$1,500.00	\$331.21	\$993.63	\$245.00	\$735.00	\$300.00	\$900.00
30	633	99000	CONTROLLER WORK PAD, AS PER PLAN	1	EA	\$1,000.00	\$1,000.00	\$931.26	\$931.26	\$850.00	\$850.00	\$525.00	\$525.00
31	633	99000	CONTROLLER ITEM, MISC.: TYPE 332 CABINET ASSEMBLY W/ASC 3 RACK MOUNTED CONTROLLER	2	EA	\$8,500.00	\$17,000.00	\$11,622.38	\$23,244.76	\$10,605.00	\$21,210.00	\$11,000.00	\$22,000.00
32	633	99000	CONTROLLER ITEM, MISC.: TYPE 332D CABINET ASSEMBLY W/ASC 3 RACK MOUNTED CONTROLLER	1	EA	\$10,000.00	\$10,000.00	\$16,797.88	\$16,797.88	\$16,110.00	\$16,110.00	\$17,825.00	\$17,825.00
33	633	99000	CONTROLLER ITEM, MISC.: CAT5 PATCH CORD	22	EA	\$200.00	\$4,400.00	\$34.95	\$768.90	\$10.00	\$220.00	\$40.00	\$880.00
34	633	99000	CONTROLLER ITEM, MISC.: 10/100/1000 ETHERNET SWITCH	23	EA	\$200.00	\$4,600.00	\$1,867.55	\$42,953.65	\$2,035.00	\$46,805.00	\$2,250.00	\$51,750.00
35	633	99000	CONTROLLER ITEM, MISC.: TRAFFIC SIGNAL CENTRAL BASED SYSTEM SIGNAL SOFTWARE VIRTUAL SERVER	1	LUMP	\$100,000.00	\$100,000.00	\$99,000.00	\$99,000.00	\$101,590.00	\$101,590.00	\$119,000.00	\$119,000.00
36	633	99000	CONTROLLER ITEM, MISC.: CENTRAL BASED SYSTEM SIGNAL	1	LUMP	\$20,000.00	\$20,000.00	\$11,000.00	\$11,000.00	\$10,500.00	\$10,500.00	\$12,500.00	\$12,500.00
37	633	99000	CONTROLLER ITEM, MISC.: TRAFFIC SIGNAL CENTRAL SYSTEM WORKSTATION COMPUTER	1	EA	\$3,000.00	\$3,000.00	\$3,575.00	\$3,575.00	\$3,415.00	\$3,415.00	\$4,000.00	\$4,000.00
38	633	99000	CONTROLLER ITEM, MISC.: TRAFFIC SIGNAL CENTRAL SYSTEM WORKSTATION LAPTOP	3	EA	\$2,000.00	\$6,000.00	\$4,125.00	\$12,375.00	\$3,940.00	\$11,820.00	\$4,600.00	\$13,800.00
39	633	99000	CONTROLLER ITEM, MISC.: CENTRAL SYSTEM ANNUAL SOFTWARE MAINTENANCE FEE	3	YR	\$15,000.00	\$45,000.00	\$10,725.00	\$32,175.00	\$10,870.00	\$32,610.00	\$12,650.00	\$37,950.00
40	633	99000	CONTROLLER ITEM, MISC.: MOTOROLA CANOPY RADIO INSTALLATION AND INTEGRATION	22	EA	\$500.00	\$11,000.00	\$328.13	\$7,218.86	\$395.00	\$8,690.00	\$1,200.00	\$26,400.00
41	633	99000	CONTROLLER ITEM, MISC.: DC ISOLATOR	44	EA	\$100.00	\$4,400.00	\$48.03	\$2,113.32	\$35.00	\$1,540.00	\$80.00	\$3,520.00
42	633	99000	CONTROLLER ITEM, MISC.: MERCURY RELAY	22	EA	\$100.00	\$2,200.00	\$268.51	\$5,907.22	\$145.00	\$3,190.00	\$130.00	\$2,860.00
43	633	99000	CONTROLLER ITEM, MISC.: LOAD SWITCH	264	EA	\$50.00	\$13,200.00	\$48.03	\$12,679.92	\$35.00	\$9,240.00	\$80.00	\$21,120.00
44	633	99000	CONTROLLER ITEM, MISC.: INTEGRATE EXISTING RADIO SYSTEM TO NEW CONTROLLERS	1	LUMP	\$3,000.00	\$3,000.00	\$2,405.04	\$2,405.04	\$450.00	\$450.00	\$5,000.00	\$5,000.00
53	819	10000	RAILROAD PREEMPTION INTERFACE	3	EA	\$1,000.00	\$3,000.00	\$2,801.26	\$8,403.78	\$3,065.00	\$9,195.00	\$3,000.00	\$9,000.00

Bid Tab

RAILROAD/SIGNAL PREEMPTION LEGAL NOTICE NO. 15-7722 BIDS RECEIVED: AUGUST 28, 2015					ENGINEER'S ESTIMATE		Capital Electric Line Builders		Elex Inc.		J. Ranck Electric, Inc.		
ITEM #	ODOT No.		DESCRIPTION	QUAN	UNIT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
MAINT. OF TRAFFIC													
55	614	11110	LAW EN. OFFICER W/PATROL CAR	32	HR	\$65.00	\$2,080.00	\$55.00	\$1,760.00	\$50.00	\$1,600.00	\$60.00	\$1,920.00
MISCELLANEOUS													
	SPEC		CONTINGENCY	1	LUMP	\$20,000.00	\$20,000.00	\$20,000.00	\$20,000.00	\$20,000.00	\$20,000.00	\$20,000.00	\$20,000.00
	SPEC		BOND	1	LUMP	\$5,000.00	\$5,000.00	\$4,950.00	\$4,950.00	\$4,716.95	\$4,716.95	\$10,000.00	\$10,000.00
GRAND TOTAL =													
							\$428,755.00		\$452,636.56		\$455,435.00		\$560,374.50
ALTERNATE BID ITEMS													
45	633	01541	CONTROLLER UNIT, TYPE TS2/A2, AS PER PLAN, ASC3 RACK MOUNTED CONTROLLER (ADD ALTERNATE)	22	EA	\$3,500.00	\$77,000.00	\$2,709.63	\$59,611.86	\$2,855.00	\$62,810.00	\$3,800.00	\$83,600.00
46	633	99000	CONTROLLER ITEM, MISC.: MOTOROLA CANOPY RADIO INSTALLATION AND INTEGRATION (ADD ALTERNATE)	22	EA	\$500.00	\$11,000.00	\$328.13	\$7,218.86	\$395.00	\$8,690.00	\$1,625.00	\$35,750.00
47	633	99000	CONTROLLER ITEM, MISC.: 10/100/1000 ETHERNET SWITCH (ADD ALTERNATE)	22	EA	\$200.00	\$4,400.00	\$1,892.61	\$41,637.42	\$2,035.00	\$44,770.00	\$2,250.00	\$49,500.00
48	633	99000	CONTROLLER ITEM, MISC.: DC ISOLATOR (ADD ALTERNATE)	44	EA	\$100.00	\$4,400.00	\$48.03	\$2,113.32	\$35.00	\$1,540.00	\$80.00	\$3,520.00
49	633	99000	CONTROLLER ITEM, MISC.: LOAD SWITCH (ADD ALTERNATE)	264	EA	\$50.00	\$13,200.00	\$48.03	\$12,679.92	\$35.00	\$9,240.00	\$80.00	\$21,120.00
50	633	99000	CONTROLLER ITEM, MISC.: MERCURY RELAY (ADD ALTERNATE)	22	EA	\$100.00	\$2,200.00	\$268.51	\$5,907.22	\$145.00	\$3,190.00	\$130.00	\$2,860.00
51	633	99000	CONTROLLER ITEM, MISC.: CAT5 PATCH CORD (ADD ALTERNATE)	22	EA	\$200.00	\$4,400.00	\$34.95	\$768.90	\$10.00	\$220.00	\$40.00	\$880.00
52	632	62810	INTERCONNECT CABLE, MISC.: OUTDOOR GEL FILLED ETHERNET CABLE (ADD ALTERNATE)	6,600	FT	\$2.00	\$13,200.00	\$2.33	\$15,378.00	\$1.65	\$10,890.00	\$1.75	\$11,550.00
							\$129,800.00		\$145,315.50		\$141,350.00		\$208,780.00

EXECUTIVE SESSION