

RECORD OF PROCEEDINGS

Minutes of City Council

Held June 22, 2023

Regular Meeting Call to Order

Regular Meeting Call to Order at 6:00 PM

Roll Call

Teri Murphy	Mayor	Present
Donald Burchett	At-Large	Present
Ora Allen	At-Large	Absent
Randy Daugherty	Ward 1	Present
Dave Miller	Ward 2	Present
Shirley Whitt	Ward 3	Absent
Jeanette Marcus	Ward 4	Present

Staff Members Present:

City Manager Michael Davis	Law Director Martina Dillon
Police Chief Craig Richardson	Fire Chief Dave Cooper
Finance Director Don Buczek	Street Superintendent Chris Dunn
Build. Maint. Supervisor Rocky Bangert	Public Information Officer Aaron Vietor
Community Dev. Director Matt Eisenbraun	Clerk of Council Amy Brown
Parks and Recreation Director Brent Shane	

Ms. Marcus made a motion to excuse Mrs. Allen and Mrs. Whitt.

RESULT: Passed, *(Yes 5, No 0, Abstained 0)*
MOVER: Jeanette Marcus
AYES: Teri Murphy, Donald Burchett, Randy Daugherty, Dave Miller, Jeanette Marcus
NAYS: None

Pledge of Allegiance

Mayor Murphy led the Pledge of Allegiance.

Approval of Minutes

Regular Council Meeting Minutes - June 8, 2023

Mayor Murphy asked if there were any changes or corrections to the June 8, 2023 Regular Council meeting minutes. Hearing none, the minutes were approved as submitted.

Special Presentations

Representatives from RACER Trust

Carolyn Grogran, Project Manager with Arcadis, Pam Barnett, RACER Trust Cleanup Manager, and Patricia Spitzley, Director of Government Relations and Deputy Redevelopment Manager with Racer Trust, were present this evening to give an update on the Moraine facility site.

Ms. Grogran stated RACER Trust was established to manage environmental liabilities associated with the bankruptcy of GM, and they have been focused on redevelopment. She noted they have hundreds of monitoring wells in the area to collect groundwater data to understand the contaminant plume associated with this site. She explained they have different

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remedial measures in place and ongoing remediation with current monitoring through wells, and groundwater recirculation and treatment systems installed to address the contaminant plume. She reported they also have vapor intrusion (VI) mitigation systems installed in homes in the Riverview plat to resolve the issue of vapor intrusion. She stated those interim measures they are operating now were implemented in 2019, and added they are currently working with the US EPA to resolve the whole problem and not just treat the symptom. She noted they estimated five years to reduce the concentrations under the neighborhood, and in 2021, it has been reduced to acceptable levels, so it only took about two years. She reported there is upcoming work to be done at the source area site at Springboro and Stroop Roads, which will be installing injection wells at the site to inject emulsified vegetable oil to help break up the plume. She added this would be done about every six months, and stated the injection period would be about five years.

Mayor Murphy asked when this started, because this has been going on a lot longer than five years.

Ms. Grogan replied they installed the groundwater circulation system to address the water under the neighborhood in 2019 and the plume below the neighborhood was cleaned up in 2021.

Mayor Murphy asked when they put the systems in the homes.

Ms. Grogan responded the VI mitigation installation started in 2012.

Mayor Murphy asked why they waited from 2013 to 2019 to get rid of the plume under the homes.

Ms. Barnett replied there is a limited amount of money, so the funds they have are finite. She noted they also have to work with the US EPA, and they approve their budget every year. She stated they do offer stipends to the people who allow them to come in and operate the VI system on an annual basis. She added the groundwater is much better under the neighborhood, but they still have to treat the source.

Mr. Daugherty commented he didn't understand why there is a 10 or 11 year period where they are finally at a point when something is done to actually eliminate this, especially when there are possibly people's lives in jeopardy.

Ms. Grogan stated she understood the sensitivity of this topic. She noted there is a regulatory process that has to be followed, and added RACER and Arcadis have done everything they can to push the process forward and move it along.

Ms. Spitzley remarked the VI systems were put in for the immediate protection of the residents while they figured out and got a handle on what the issue was and how to address it.

Mayor Murphy commented it didn't help that it cost the people so much money that they couldn't afford it, and added some of their bills tripled.

Ms. Grogan noted they have successful implementation of these systems. She stated they look at the usage of electricity and they evaluate the cost to reimburse the actual cost of electrical usage for the stipends in this community.

Mayor Murphy stated that is not what they hear as Council, because they have to listen to the complaints. She remarked they have disrupted everyone's lives and cost them a lot of money. She noted this solution should have been done 10 years ago.

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Ms. Barnett replied there was a lot of discussion on how much the loss of condition that these systems may have caused, and they worked closely with the US EPA. She stated she wished they could have been implementing this remedy from the very first day, but they had to follow a process with the US EPA.

Mr. Daugherty stated this was still a learning item for them. He noted Moraine is an industrial city, and they are proud of the industry. He added if something were to occur again, he would want to know that Council did everything right on their part.

Ms. Spitzley explained RACER became the repository of these properties when General Motors went bankrupt, and they walked away from a large footprint of property. She noted these properties have significant environmental challenges, and in working with the EPA, they determine the dollar amount for cleanup. She stated they first have to figure out the scope of the issue, and then immediately address the concerns of the residents. She commented while they are looking at the bigger picture, they are also working with the EPA to come up with a solution. She noted they have done vapor intrusion in other communities and electric bills go up, and it is disruptive, but they had to immediately do that here. She explained the alternative was that the property would just sit there if RACER hadn't taken it over and there would be no vapor intrusion in these homes. She remarked their responsibility was to stop the acute issue while looking at the long term issues of how to stop it permanently. She added when RACER became owners of the property, they tried to address the immediate concerns while still going through the long approval process to address the long term issues.

Mayor Murphy thanked Ms. Grogan, Ms. Barnett, and Ms. Spitzley for coming this evening.

Reports from the Following

Finance Committee

No report.

Finance Director

May 2023 Finance Director Report

No report.

Committee of the Whole

Ms. Marcus reported the last meeting was on June 8, and added there will be a meeting following this meeting. She noted there would be an item at that meeting regarding a couple of properties that are in disrepair.

City Manager

City Manager's Report

Mr. Davis stated he had nothing beyond the written report.

Law Director

Ms. Dillon requested to add a voice vote to the agenda for a liquor permit related to 2653 West Alex Bell Road.

RESULT: Passed, *(Yes 5, No 0, Abstained 0)*

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MOVER: Jeanette Marcus
AYES: Teri Murphy, Donald Burchett, Randy Daugherty, Dave Miller, Jeanette Marcus
NAYS: None

Mayor

Mayor's Court Monthly - May 2023

Mayor Murphy reported for the month of May 2023, Mayor’s Court received \$24,592.00. She noted after various expenses and disbursements, a total of \$18,306.00 was deposited into the General Fund.

Guest Speakers - None

Business

Ordinances

An Ordinance approving an amendment to the City's Personnel Policy Manual to add Section 5.14 entitled, "Public Safety Full Time Non-Union Probationary Employee Benefits".

Mr. Buchett reported this Ordinance approves an amendment to the City's Personnel Manual concerning fire and Police Full Time Non-Union Probationary Employees, and added this was on for a second and final reading.

RESULT: Passed, *(Yes 5, No 0, Abstained 0)*
MOVER: Donald Burchett
AYES: Teri Murphy, Donald Burchett, Randy Daugherty, Dave Miller, Jeanette Marcus
NAYS: None

An Ordinance to amend Moraine Codified Ordinance Section 121.04(e)(1) entitled "Non-Local Travel and Training Expenses Reimbursement".

Mr. Daugherty explained this Ordinance allows an amendment to the MCO Section concerning Council travel. He added this would enable Council travel legislation to be passed at the end of the previous year instead of the current year. He noted this was on for a first reading, and added the second reading and final adoption would be at the July 13 Regular Council meeting.

Resolutions

A Resolution authorizing the City Manager to execute Change Order Number 1 to the 2023 Concrete Program contract with L.J. DeWeese Co., Inc. for additional concrete work for the reconstruction of two (2) catch basins on Chief Woods Lane and West Dorothy Lane at an additional cost of \$32,305.00.

Mr. Miller noted this Resolution authorizes a Change Order to the City's 2023 Concrete Program. He added this would allow for the reconstruction of two catch basins that have fallen into disrepair.

RESULT: Passed, *(Yes 5, No 0, Abstained 0)*
MOVER: Dave Miller
AYES: Teri Murphy, Donald Burchett, Randy Daugherty, Dave Miller, Jeanette Marcus

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NAYS: None

A Resolution authorizing the City Manager to enter into a Memorandum of Understanding with the Board of Education of the West Carrollton City School District for the provision of a School Resource Officer at the Intermediate School for the 2023-2024 school year.

Ms. Marcus reported this Resolution approves a Memorandum of Understanding with West Carrollton City Schools in order to provide a School Resource Officer for the 2023-2024 school year.

RESULT: Passed, *(Yes 5, No 0, Abstained 0)*
MOVER: Jeanette Marcus
AYES: Teri Murphy, Donald Burchett, Randy Daugherty, Dave Miller, Jeanette Marcus
NAYS: None

A Resolution authorizing the transfer of appropriations between General Fund expense accounts in order to provide sufficient appropriations to meet current and future obligations of the City of Moraine for the period January 1, 2023 to December 31, 2023.

Mr. Burchett stated this Resolution authorizes the transfer of appropriations within the Community Development Department in order to cover expenses for contractual obligations.

RESULT: Passed, *(Yes 5, No 0, Abstained 0)*
MOVER: Donald Burchett
AYES: Teri Murphy, Donald Burchett, Randy Daugherty, Dave Miller, Jeanette Marcus
NAYS: None

Voice Vote

Liquor Permit - 2653 W. Alex Bell Road (To Be Added By Law Director)

Ms. Dillon explained this was for a transfer of the current liquor permits at 2653 West Alex Bell Road. She noted that the Fire and Police Divisions have no objection to this, and added she didn't see a basis to request a hearing.

Ms. Marcus made a motion to not request a hearing.

RESULT: Passed, *(Yes 5, No 0, Abstained 0)*
MOVER: Jeanette Marcus
AYES: Teri Murphy, Donald Burchett, Randy Daugherty, Dave Miller, Jeanette Marcus
NAYS: None

Persons Appearing Before Council - None

Any Other Business

Fire Department - No report.

Police Department - No report.

Building & Maintenance Department - No report.

Street Department - No report.

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Mr. Shane stated next Friday night is Movie Night in the Park, and added the movie would be Top Gun: Maverick. He reported July 1 is the Disc Golf Tournament and thanked Dave Miller and his wife, Rosie, for their blessing to call it the First Annual Shane Miller Disc Golf Tournament. He encouraged everyone to come out for the July 4 event, and added the band Stranger would play at 7 PM. He noted there would be free inflatables and food trucks, and added the fireworks would start at 10 PM.

Mr. Eisenbraun reported that American StructurePoint would be coming in next week for the Movie Night. He stated postcards were sent out to residents and they would have the opportunity to come to the event to put their name into a drawing for a Scene 75 gift card.

City Manager - No report.

Law Director - No report.

Finance Director - No report.

Clerk of Council - No report.

COUNCIL REPORTS

Ms. Marcus noted that there have been a lot of comments on social media concerning the splash pad or pool, and stated people want to know if there is a possibility of building some type of water feature. She commented the ground is unstable in the area by Wax Park, and asked if there was another location to put in a water feature.

Mr. Daugherty stated that tests had been done in a specific area of Wax Park, and asked if there was an outlying area in the park where they would be able to put something.

Mr. Davis explained they would have to do a more thorough study to be able to determine that, and that is something they could look into. He noted when Splash Moraine was there, the pool cracked every year due to groundwater pressure pushing up and creating significant expenses that the Building Maintenance department had to deal with every year. He reported the City was supplementing about \$700,000 or more each year for Splash Moraine and a major portion of that went into repairs so the water table over there is heavily concentrated. He stated if they did put in a splash pad, there would have to be a special pump installed.

Mr. Shane noted that was correct, and added that special pump would be needed to make sure the water would circulate properly. He stated the splash pad was part of the 10-year master plan, and noted they got the walking path around it and that was it. He commented when the previous Engineer was here, and the soil tests came back bad, they didn't look at other places because it wasn't in the 10-year plan. He stated if Council wants to put in a splash pad, let him know, and he would find a place to put it. He added the reason why it was dropped was because the ground is not sustainable over there.

Mr. Davis remarked the upcoming comprehensive plan is looking at the City and also assessing the parks, so there should be some recommendations coming out of that to provide some guidance on what direction Council would like to go. He noted the previous plan also included playgrounds and an amphitheater.

Mr. Daughtery stated they had a good study done, but once the splash pad was pushed out, nothing else was ever done.

Mr. Davis noted they have been kind of hanging in the balance trying to determine if they

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should push forward phase two or three. He stated they are now about halfway through the comprehensive plan and at this point, they can make recommendations on where the investment should be made. He added they could look at the 2024 budget to give some consideration to phase two and phase three as part of a capital plan.

Mr. Daugherty commented he hoped they would because once there is direction, the next thing to do is follow that direction.

Mayor Murphy noted with the natatorium, that pool was okay because there was always water in it.

Ms. Marcus stated she thought that pool had cracked and they couldn't rebuild it because of the same problem.

Mr. Daugherty commented once Splash Moraine was put in, the pool didn't have the use anymore at some point.

Mr. Bangert noted at some point they were having issues with the dome, so they started winterizing it and there wasn't enough water pressure in the pool to keep it from cracking.

Mr. Miller stated it was not only the water issue, but it had gotten older, and it couldn't be maintained.

Mr. Shane commented there was money for a pool in the capital budget at one point.

Ms. Marcus asked Mr. Shane if he could give them an idea on where they could put a pool or splash pad.

Mr. Shane responded, yes, he could look into it.

Mayor Murphy noted it would have to be indoors, because in the winter you wouldn't be able to take the water out of that pool.

Mr. Daugherty remarked this would be a good discussion to have during a Council retreat or for the budget discussions.

Ms. Marcus noted people on social media are commenting that there is nothing for kids to do.

Mr. Shane replied he has numbers on programs they have offered that no one has even shown up for. He noted in the spring, they offered 11 programs and had to cancel 10 of them because no one came to them. He stated the staff works really hard and to have no one show up is disheartening. He commented that when they do a program and it is successful, it's not the Moraine residents who are coming, it's people from outside the City supporting them. He noted even with Rec Center memberships, they are not supported by Moraine residents. He reported they started the Summer Lunch Program on Tuesday from 12 PM to 1 PM at the Rec Center, and not one person has come to get a free lunch. He noted this program is through a reimbursement grant, and Council approved \$25,000 for it, but the only way the City gets money back from that is by kids coming to get meals.

Mr. Daugherty noted maybe it's a different direction they need to go, and go at it in a different way. He commented maybe revamping Wax Park and making an amphitheater to have outdoor events would be something they could do for the residents.

Mr. Shane responded it could come down that they do fewer programs and more events.

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Ms. Marcus noted community involvement or lack thereof is an issue, and added people said they would come to tonight's meeting, but there is only one resident here this evening.

Mr. Shane replied he did see the social media thread, and added he would love for those people to come and talk to him about what they would like his department to offer.

Ms. Marcus noted that instead, they are seeing them complain, and added it doesn't make sense when one of those people is a long-time employee.

Mr. Miller thanked the representatives from RACER Trust for this evening's presentation.

Mr. Daugherty - No report.

Mr. Burchett thanked the representatives from RACER Trust for coming this evening.

Mayor Murphy encouraged everyone to come out for Star Spangled Boom on July 4. She reminded everyone that kids are out right now and encouraged everyone to watch out when they are driving. She thanked the Miami Valley Communications Council for broadcasting this meeting live as well as any future rebroadcasts.

Executive Session - None

Adjournment

Adjournment at 6:56 PM



Mayor Teri Murphy



ATTEST: Clerk of Council Amy Brown