

MINUTES OF SPECIAL MEETING OF THE COMMISSIONERS
OF THE CITY OF MIDDLETOWN
Friday, March 22, 2019 2:00 p.m.

Present at the meeting were:

Mayor J. Byron Chapman
Commissioner Amy Oliver
Commissioner Ron Wolf
Commissioner Paul Zimmerman
Attorney John Singler
Administrative Assistant Deanne McQuaide
Absent: Commissioner Mark Stigers

Call to order:

Meeting was called to order at 2:00 pm by Mayor J. Byron Chapman who then made the following summarized statements:

"You are here because of me" - I gave the go ahead against Binding Element #28 because of the extended delay of the utility company getting the road ready to turn over to the contractor. Other contract work, such as sidewalk, landscaping, sprinkler and turn lane work was stopped in the process It was the right thing to do.

Discussion:

Attorney Singler: Read current Binding Element #28 text and then made the following summarized statement: *Because it is our binding element (city created, not contractor created), we can grant the developer relief from it.*

Commissioner Oliver comments summarized: *Doesn't take issue, but just wants to be sure we don't have people moving in without landscaping, etc.*

Developer: *Landscape will be finished in 2 weeks.*

Mayor Chapman asked Lloyds for comment.

They stated 2:

1. *They wish the process & sequence to be followed as it was originally agreed upon.*

2. Offered a possible solution is to request a 2 week pause until the landscape is complete.

Attorney Singler read a possible amendment.

Commissioner Oliver suggested putting a max limit of 3 weeks in the amendment.

Mayor asked the Lloyds opinion. Summarized: They are fine with it as long as the problem just doesn't get "kicked down the road".

Comment by Mr. O'Leary: 1. What is option for punitive action? Mayor will "shut the job down". Who can give approval? Commissioners. 3. Rules need to be followed. 4. Appreciation for Mayor and Commissioners "keeping on top of it".

Action on Binding Element #28:

Motion: "Allow relief from binding element #28 to allow vertical construction of building 6, due to construction delays outside the control of the developer, provided that developer fulfills it's landscape installation responsibilities as in Binding Element 28 as soon as feasible, but in no event later than April 12th, 2019."

Commissioner Oliver made the motion, 2nd is Commissioner Wolf. Motion carried, all in favor.

Motion to Adjourn: Commissioner Oliver at 2:20pm seconded by Commissioner Wolf.


Deborah Columbia, City Clerk


J. Byron Chapman, Mayor