1. July 7, 2020 Agenda
   Documents:
   
   20200707.PDF

2. July 7, 2020 Workbook
   Documents:
   
   07-07-2020 WORKBOOK 1.PDF
MIDDLETOWN CITY COUNCIL AGENDA
TUESDAY, July 7, 2020

CITY COUNCIL WORK SESSION – 4:30 PM – POLICE TRAINING ROOM – LOWER LEVEL

CITY COUNCIL BUSINESS MEETING – 5:30 PM – COUNCIL CHAMBERS – LOWER LEVEL

MOMENT OF MEDITATION/PLEDGE OF ALLEGIANCE TO THE FLAG/ROLL CALL

PUBLIC HEARING: 2021 Tax Budget for the MidPointe Library

CITIZEN COMMENTS

COUNCIL COMMENTS

CITY MANAGER REPORTS

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) To approve the City Council minutes from April 7, 13, 15, 21, 25 and May 1, 2020.
(b) To confirm the promotional appointment of Ryan Roberts to the position of Equipment Operator in the Department of Public Works & Utilities, Division of Street Maintenance.

MOTION AGENDA

(a) To Receive, File and Adopt the 2021 Tax Budget for the MidPointe Library
(b) To approve the purchase three new Ford F-450 trucks for Public Works off the ODAS Contract for the Division of Stormwater, Sewer Maintenance, and Water Distribution in the total amount of $113,253 from Lebanon Ford.
(c) To approve a bid from Jess Howard Electric Company, of Blacklick, OH, in the amount of $153,592.50 for the replacement of the Precision Approach Path Indicator (PAPI) System at the Middletown Regional Airport.
(d) To authorize the City Manager to enter into a contract with Adleta, Inc. to proceed with the 2020 Urban Paving Concrete Work Project. The work will take place along Verity Parkway between Tytus Ave. and Eldora St.

LEGISLATION

1. **Ordinance No. O2020-27**, an ordinance establishing a procedure for and authorizing a contract with Phenix Stabilization, LLC to perform subgrade stabilization on Antrim Court, Court Donegal, Galway Circle and Helton Drive and declaring an emergency.
2. **Ordinance No. O2020-28**, an ordinance authorizing the City Manager to consent to the Ohio Department of Transportation to rehabilitate the bridges that carry State Route 122 over the Great Miami River and the overflow channel. (Second Reading)

3. **Ordinance No. O2020-29**, an ordinance establishing a procedure for and authorizing a contract with Motorola Solutions, Inc. for the purchase of APX 6000XE police radios and declaring an emergency.

4. **Ordinance No. O2020-30**, an ordinance approving an agreement with Knust Properties, LLC providing for the expansion of a manufacturing facility as a development project and tax exemption pursuant to the State Urban Jobs and Enterprise Zone Program, and making a determination in connection therewith, and declaring an emergency. (No action requested until July 21, 2020.)

5. **Ordinance No. O2020-31**, an ordinance establishing a procedure for and authorizing an amendment to a contract with Reliable Construction for the installation of a self-serve fueling system and declaring an emergency. (No action requested until July 21, 2020.)

6. **Ordinance No. O2020-32**, an ordinance establishing a procedure for and authorizing a contract with NFP Corporate Services to be Agent of Record for health care services from August 1, 2020 thru July 31, 2023 and declaring an emergency. (No action requested until July 21, 2020.)

7. **Ordinance No. O2020-33**, an ordinance authorizing the City Manager to enter into an agreement for a Small Business Economic Development Grant with White Dog Distilling Company. (First Reading)

**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; and under the authority of O.R.C. 121.22 (G) (8) To consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or to negotiations with other political subdivisions respecting requests for economic development assistance, provided that both of the following conditions apply:

1. The information is directly related to a request for economic development assistance that is to be provided or administered under any provision of Chapter 715., 725., 1724., or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of the Revised Code, or that involves public infrastructure improvements or the extension of utility services that are directly related to an economic development project.

2. A unanimous quorum of the public body determines, by a roll call vote, that the executive session is necessary to protect the interests of the applicant or the possible investment or expenditure of public funds to be made in connection with the economic development project.
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WORK SESSION
PUBLIC HEARING
Office of the Board of Library Trustees, MIDPOINTE LIBRARY SYSTEM

To the County Auditor:

The Board of Library Trustees of said Library hereby submits its annual Budget for the year commencing January 1st, 2021, for consideration of the County Budget Commission.


Fiscal Officer of the Board
Deborah Preston

LEVIES OUTSIDE 10ML LIMITATIONS, EXCLUSIVE OF DEBT LEVIES

<table>
<thead>
<tr>
<th>Authority for &amp; Purpose of Levy</th>
<th>Date of Vote</th>
<th>Tax Year</th>
<th>Maximum Rate Authorized To Be Levied</th>
<th>Reduced Rate Per R.R. 5713.11</th>
<th>County Auditor's Estimate of Yield of Levy</th>
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<tr>
<td>Renewal</td>
<td>03 17 2020</td>
<td>01 2021</td>
<td>12 2026</td>
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<tr>
<td>TOTAL</td>
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CERTIFICATE OF COUNTY BUDGET COMMISSION

The Budget Commission of the County, hereby makes the following Official Certificate of Estimated Resources for the Library for the fiscal year beginning January 1st, 2021.

Date 20
## MIDPOINTE LIBRARY SYSTEM
### COMBINING BUDGETARY SCHEDULE

<table>
<thead>
<tr>
<th>FUND NAME</th>
<th>UNENCUMBERED BALANCE, JAN. 1 2021</th>
<th>TAXES</th>
<th>OTHER RESOURCES</th>
<th>TOTAL RESOURCES</th>
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<td><strong>GOVERNMENTAL:</strong></td>
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<td>GENERAL FUND</td>
<td>9,829,697</td>
<td>3,250,000</td>
<td>4,379,636</td>
<td>17,459,333</td>
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<tr>
<td><strong>TOTAL GENERAL FUND</strong></td>
<td>$9,829,697</td>
<td>$3,250,000</td>
<td>$4,379,636</td>
<td>$17,459,333</td>
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<td><strong>CAPITAL PROJECT FUNDS:</strong></td>
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<td><strong>FIDUCIARY FUNDS:</strong></td>
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<tr>
<td>EDUCATION FUND</td>
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# MIDPOINTE LIBRARY SYSTEM
## REVENUE, DISBURSEMENTS AND BALANCES

<table>
<thead>
<tr>
<th>ACCOUNT</th>
<th>REVENUE</th>
<th>2017 ACTUAL REVENUE</th>
<th>2018 ACTUAL REVENUE</th>
<th>2019 ACTUAL REVENUE</th>
<th>2020 ESTIMATED REVENUE</th>
<th>2021 ESTIMATED REVENUE</th>
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<tbody>
<tr>
<td></td>
<td>GENERAL FUND</td>
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<td></td>
<td>TOTAL TAXES</td>
<td>$3,118,763</td>
<td>$3,165,586</td>
<td>$3,241,399</td>
<td>$3,250,000</td>
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<td>5,342,659</td>
<td>4,344,669</td>
<td>4,012,500</td>
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<td>TOTAL GOVERNMENT FUNDS</td>
<td>$4,930,577</td>
<td>$5,128,618</td>
<td>$5,342,659</td>
<td>$4,344,669</td>
<td>$4,012,500</td>
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<td>PATRON FINES &amp; LOST ITEMS</td>
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<td>TOTAL PATRON FINES &amp; FEES</td>
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<td>OTHER EARNINGS ON INVESTMENTS</td>
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<td>84,611</td>
<td>96,000</td>
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<td>TOTAL EARNINGS</td>
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<td>TOTAL CONTRIBUTIONS/GIFTS</td>
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<td>7,393</td>
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</table>
### MIDPOINTE LIBRARY SYSTEM
#### REVENUE, DISBURSEMENTS AND BALANCES

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<thead>
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<th>REVENUE</th>
<th>2017 ACTUAL REVENUE</th>
<th>2018 ACTUAL REVENUE</th>
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<th>2021 ESTIMATED REVENUE</th>
</tr>
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<tbody>
<tr>
<td>101.000.48900</td>
<td>MISC. REVENUES-ALL OTHERS</td>
<td>35,751</td>
<td>44,065</td>
<td>34,943</td>
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<td>TOTAL MISCELLANEOUS REVENUE</td>
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<td>$92,047</td>
<td>$90,299</td>
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<td>TOTAL REVENUE</td>
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<td>$8,513,701</td>
<td>$8,795,355</td>
<td>$9,099,432</td>
<td>$8,096,189</td>
<td>$7,631,660</td>
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#### GENERAL FUND

<table>
<thead>
<tr>
<th>ACCOUNT</th>
<th>DISBURSEMENTS</th>
<th>2017 ACTUAL</th>
<th>2018 ACTUAL</th>
<th>2019 ACTUAL</th>
<th>2020 ESTIMATED</th>
<th>2021 ESTIMATED</th>
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<tbody>
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<td>101.000.51110</td>
<td>SALARIES &amp; BENEFITS</td>
<td>3,753,997</td>
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<td>PURCHASED &amp; CONTRACTED SVCS.</td>
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<table>
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<tr>
<th>FUND BALANCES</th>
<th>2017 ACTUAL</th>
<th>2018 ACTUAL</th>
<th>2019 ACTUAL</th>
<th>2020 ESTIMATED</th>
<th>2021 ESTIMATED</th>
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<tbody>
<tr>
<td>EXCESS/(DEFICIENCY) OF REVENUE OVER DISBURSEMENTS</td>
<td>$2,009,086</td>
<td>$1,822,836</td>
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<td>BALANCE - JANUARY 1</td>
<td>$7,351,638</td>
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<td>BALANCE - DECEMBER 31</td>
<td>$9,360,724</td>
<td>$10,898,693</td>
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<td>LESS ENCUMBRANCES</td>
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<td>UNENCUMBERED BALANCE DEC. 31</td>
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<th>2021 ESTIMATED REVENUE</th>
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<th>2018 ACTUAL</th>
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<th>2018 ACTUAL</th>
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# MIDPOINTE LIBRARY SYSTEM
## REVENUE, DISBURSEMENTS AND BALANCES

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<th>ACCOUNT</th>
<th>REVENUE</th>
<th>2017 ACTUAL REVENUE</th>
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<td>$2,796</td>
<td>$503</td>
<td>$726</td>
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<tr>
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<td>$2,796</td>
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<table>
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<th>2019 ACTUAL</th>
<th>2020 ESTIMATED</th>
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<tr>
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<tr>
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<td></td>
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<td><strong>$570</strong></td>
<td><strong>$11,437</strong></td>
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</table>

**TOTAL REVENUE** | | **$4,133** | **$570** | **$11,437** | **$3,100** | **$3,100** |

<table>
<thead>
<tr>
<th>ACCOUNT</th>
<th>DISBURSEMENTS</th>
<th>2017 ACTUAL</th>
<th>2018 ACTUAL</th>
<th>2019 ACTUAL</th>
<th>2020 ESTIMATED</th>
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<td><strong>$17,047</strong></td>
<td><strong>$12,418</strong></td>
<td><strong>$20,000</strong></td>
<td><strong>$20,000</strong></td>
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<table>
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### MIDPOINTE LIBRARY SYSTEM

#### REVENUE, DISBURSEMENTS AND BALANCES

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<th>2017 ACTUAL REVENUE</th>
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<th>2019 ACTUAL</th>
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<th>2019 ACTUAL</th>
<th>2020 ESTIMATED</th>
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<td>$44,639</td>
<td>$50,703</td>
<td>$4,190</td>
<td>$4,390</td>
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# MIDPOINTE LIBRARY SYSTEM
## REVENUE, DISBURSEMENTS AND BALANCES

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<th>ACCOUNT</th>
<th>REVENUE</th>
<th>2017 ACTUAL REVENUE</th>
<th>2018 ACTUAL REVENUE</th>
<th>2019 ACTUAL REVENUE</th>
<th>2020 ESTIMATED REVENUE</th>
<th>2021 ESTIMATED REVENUE</th>
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<td>TOTAL REVENUE</td>
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<td>$1,248</td>
<td>$1,519</td>
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<th>2020 ESTIMATED</th>
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<td>UNENCUMBERED BALANCE DEC. 31</td>
<td>$94,109</td>
<td>$77,579</td>
<td>$70,816</td>
<td>$72,616</td>
<td>$73,416</td>
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</tbody>
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CITIZEN COMMENTS
COUNCIL
COMMENTS
CITY MANAGER REPORTS
CONSENT
AGENDA
At 5:30 p.m., Mayor Condrey called the Special Meeting of City Council to order via a Zoom video conference in response to the COVID-19 pandemic and the recently signed Ohio House Bill 197 temporarily amending the public meetings law. The meeting agenda was conducted as normal, and was streamed live on Facebook (on the City of Middletown’s page) and was posted to YouTube (on the City of Middletown’s page.)

ROLL CALL

PUBLIC HEARING
The public hearing for the 2020 Annual Action Plan Regarding HUD Funding was postponed until April 21, 2020 due to the COVID-19 Pandemic.

CITIZEN COMMENTS
No citizen comments were received.

COUNCIL COMMENTS

Mr. Moon thanked the City Staff and commended Health Commissioner Phillips for the excellent work that she and her staff were doing during such unusual times. He commented that it is excellent to see everyone working together. He encouraged Middletownians to stay home and stay safe and stated that he is looking forward to seeing everyone in person soon.

Ms. Vitori echoed that gratitude to City staff members and especially the Health Department staff who have been working around the clock. She offered words of solace to all of small businesses owners and commented that it has been wonderful to see everyone supporting one another. Everyone is working hard to keep and reopen the vibrant downtown. She encouraged everyone to stay home and stay safe.

Mr. Mulligan commented on a newspaper article about the year to date census reporting. The City of Middletown is under the local response rate average. He emphasized the importance of getting a good count for the City, county and state. These numbers determine representation in Congress and the Senate and controls the redistricting in the Statehouse.

Ms. Nenni echoed that statements of Council members Moon and Vitori about the staff. She thanked City staff and other essential workers and thanked people for staying home to flatten the curve and slow the spread of the virus. She encouraged everyone to respond to the 2020 census. She offered her condolences to Jeff Diver on the loss of his father Ron Diver. Ron Diver was an advocate for education and an example of service to our community.

Ms. Condrey expressed her gratitude to City Manager Cohen, Health Commissioner Phillips, Communications Manager Quinlivan, Chief Lolli and Chief Birk for their tireless work during this pandemic. She has been talking to other mayors and also state and national leaders. There is a lot going on and we are advocating for resources for Middletown. Teens and 20 year olds are the biggest violators of the stay at home order. She encouraged parents to monitor where their kids are and to help them understand the gravity of the situation. She encouraged everyone to vote and announced that absentee ballots are available at Kroger stores. She announced that she will be doing a Facebook live every day at 4 p.m. to update the citizens on the latest information about the COVID 19 situation. Thank you for staying home and keeping your community safe. Downtown Middletown Inc. is putting on an Easter Egg Hunt. Families can stay in their cars and hunt for Easter EGGS together. She encouraged everyone to always be humble and kind.

Mr. Mulligan thanked City staff and other essential workers and thanked people for staying home to flatten the curve and slow the spread of the virus. He commented that it has been wonderful to see everyone supporting one another. Everyone is working hard to keep and reopen the vibrant downtown. She encouraged everyone to stay home and stay safe.

Ms. Vitori thanked City staff and other essential workers and thanked people for staying home to flatten the curve and slow the spread of the virus. She encouraged everyone to respond to the 2020 census. She offered her condolences to Jeff Diver on the loss of his father Ron Diver. Ron Diver was an advocate for education and an example of service to our community.

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Ms. Condrey thanked City staff and other essential workers and thanked people for staying home to flatten the curve and slow the spread of the virus. She encouraged everyone to stay home and stay safe.

CITY MANAGER REPORTS
City Manager Cohen thanked Public Works and Utilities Director Scott Tadych for serving as City Manager during her vacation. She thanked Council and staff members for stepping up to offer help and support during this situation. Handwashing stations have been set up in the downtown area and at the parks to keep people safe and healthy. The City also considered hand sanitizing stations but decided not to use them because of trouble finding refills of the sanitizer solution. She expressed her concern about the teens and twenty somethings that are not abiding by the stay at home order. The City encourages everyone to enjoy the parks and to maintain safe social distancing protocols. The City has closed playground equipment and removed basketball hoops to prevent close contact until we move through this crisis. The City has been in constant communication with the Emergency Management Agency to make sure that the City has all of the resources that it needs. The Federal Emergency Management Agency (FEMA) request has been submitted to help recoup the costs the City has incurred as a response to the pandemic. The City’s first responders and the Health Department have been working tirelessly maintaining personal protective equipment (PPE) supplies. She thanked those who have donated hand sanitizer and cleaning supplies to help keep the City’s first responders safe. She has been working with Finance Director Burton to evaluate the City’s finances and to mitigate the financial impact of the COVID 19 crisis. The City does have a healthy carryover reserve which will cushion some of the blow. Some projects and hiring will be put on the back burner until a later time to save some money. At the next meeting you will see legislation de-appropriating $285,000 in expenditures. She acknowledged the hardships to out of work citizens and small businesses owners. The City is providing information daily from the state and federal government about the stimulus packages that are available and is working to identify unmet needs. The City received confirmation that it will receive an additional
$431,000 in Community Development Block Grant (CDBG) funding to meet the needs of low to moderate income residents in this time. Some of the funding will be going to the agencies that serve the homeless population, assistance to those who are out of work and assistance to school children without internet access. She urged people to respond to the census. It determines more than you think. The census numbers determine the level of funding that we receive as a City, county and state. It effects everything from head start to elderly services.

CONSENT AGENDA

To confirm the following promotional appointments of Colton Elliott to the position of Equipment Operator in the Department of Public Works & Utilities, Division of Sewer Maintenance; and Edward Truster to the position of Public Works Leader in the Department of Public Works and Utilities, Grounds Maintenance Division.

Receive and File Oaths of Office for Chandra Corbin, Joshua Lentz and Mark Horn.

Mr. Mulligan moved to approve the issues and actions listed on the Consent Agenda. Ms. Vitori seconded. Motion carried. Ayes: M. Nenni, Mr. Moon, Mr. Mulligan, Ms. Condrey, Ms. Vitori.

MOTION AGENDA

Well Pump #3 Repairs

To recommend the bid from National Water Services, of Groveport, OH, in an amount not to exceed $139,225 for the water well pump and water supply well #3 repairs.

Mr. Mulligan moved to approve the recommended bid from National Water Services, of Groveport, OH, in an amount not to exceed $139,225 for the water well pump and water supply well #3 repairs. Ms. Vitori seconded. Motion carried. Ayes: Mr. Moon, Mr. Mulligan, Ms. Condrey, Ms. Nenni, Ms. Vitori.

Transfer Property 603 14th Avenue

To authorize transfer of City-owned property at 603 Fourteenth Avenue.

Mr. Mulligan moved to authorize the transfer of City-owned property at 603 Fourteenth Avenue. Ms. Vitori seconded. Motion carried. Ayes: Mr. Mulligan, Ms. Condrey, Ms. Vitori, Ms. Nenni, Mr. Moon.

Waive Charter

Mr. Mulligan moved to suspend the Charter provision that requires reading on two separate days and to declare Ordinance No. O2020-14, Ordinance No. O2020-15, Ordinance No. O2020-17, Ordinance No. O2020-18, Resolution No. R2020-07 and Resolution No. R2020-08 emergency measures to be read one time only. Ms. Nenni seconded. Motion carried. Ayes: Ms. Condrey, Ms. Vitori, Ms. Nenni, Mr. Moon, Mr. Mulligan.

Ord. No. O2020-14

Contract for Local Street Improvement

Ordinance No. O2020-14, an ordinance authorizing a contract with RA Miller Construction Co., Inc. for the 2020 Local Street Improvement Program and declaring an emergency was read.

Mr. Mulligan moved to approve Ordinance No. O2020-14, an ordinance authorizing a contract with RA Miller Construction Co., Inc. for the 2020 Local Street Improvement Program and declaring an emergency. Mr. Moon seconded. Motion carried. Ayes: Ms. Vitori, Ms. Nenni, Mr. Moon, Mr. Mulligan, Ms. Condrey.

Ord. No. O2020-15

Approve Contract with Southeastern Equip.

Ordinance No. O2020-15, establishing a procedure for and authorizing a contract with Southeastern Equipment Company for the purchase of a Bomag Tandem Vibratory Roller and declaring an emergency was read.


Ord. No. O2020-16

Levy Special Assessments

Ordinance No. O2020-16, an ordinance to levy special assessments for the repair of sidewalks, curbs, gutters and driveway aprons in the City of Middletown during the year 2019 against the lots and lands benefitted by said improvements was read for the second time.

Mr. Mulligan moved to approve Ordinance No. O2020-16, an ordinance to levy special assessments for the repair of sidewalks, curbs, gutters and driveway aprons in the City of Middletown during the year 2019 against the lots and lands benefitted by said improvements. Ms. Vitori seconded. Motion carried. Ayes: Mr. Mulligan, Ms. Condrey, Ms. Nenni, Ms. Vitori. Abstain: Mr. Moon.

Res. No. R2020-06

Amend Appropriations

Resolution No. R2020-06, 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, 2020 was read for the second time. (Police Grant Fund)

Mr. Mulligan moved to approve Resolution No. R2020-06, 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, 2020. (Police Grant Fund) Ms. Vitori seconded. Motion carried. Ayes: Mr. Mulligan, Ms. Condrey, Ms. Vitori, Ms. Nenni, Mr. Moon.
<table>
<thead>
<tr>
<th>Resolution No. R2020-07</th>
<th>Extend Great Miami River Trail</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. Mulligan moved to approve Resolution No. R2020-07, a final resolution authorizing the City Manager to enter a contract with the state of Ohio, Department of Transportation for the extension of the Great Miami River Trail and declaring an emergency. Mr. Moon seconded. Motion carried. Ayes: Ms. Condrey, Ms. Vitori, Ms. Nenni, Mr. Moon, Mr. Mulligan.</td>
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<table>
<thead>
<tr>
<th>Resolution No. R2020-08</th>
<th>Contribute Funds to DMI</th>
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<tbody>
<tr>
<td>Mr. Mulligan moved to approve Resolution No. R2020-08, a resolution authorizing the contribution of City funds to Downtown Middletown, Inc. to be used for matching funds with the Heritage Ohio Downtown Redevelopment Grant Program and declaring an emergency. Ms. Nenni seconded. Motion carried. Ayes: Ms. Nenni, Mr. Moon, Mr. Mulligan, Ms. Condrey. Abstain: Ms. Vitori.</td>
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<thead>
<tr>
<th>Ordinance No. O2020-17</th>
<th>Howell Contractors N. Interceptor Sewer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. Mulligan moved to approve Ordinance No. O2020-17, an ordinance establishing a procedure for and authorizing a contract with Howell Contractors, Inc. for the repair of the North Interceptor Sewer and declaring an emergency.</td>
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</tbody>
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<table>
<thead>
<tr>
<th>Ordinance No. O2020-18</th>
<th>CBA Police Civilian Employees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. Mulligan moved to approve Ordinance No. O2020-18, an ordinance authorizing a collective bargaining agreement with the Fraternal Order of Police, Ohio Labor Council (Police Civilian Employees) for the years January 1, 2020 through December 31, 2022, and declaring an emergency.</td>
<td></td>
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</tbody>
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<table>
<thead>
<tr>
<th>Ordinance No. O2020-19</th>
<th>Type A Guardrail Replacement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. Mulligan moved to approve Ordinance No. O2020-19, an ordinance authorizing the City Manager to consent to the Ohio Department of Transportation Type A guardrail replacement was read for the first time.</td>
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</tbody>
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<table>
<thead>
<tr>
<th>Resolution No. R2020-09</th>
<th>File DOT Grant Application- Transit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resolution No. R2020-10</td>
<td>File ODOT Grant Application- Transit</td>
</tr>
</tbody>
</table>

| Resolution No. R2020-09, a resolution authorizing the filing of an application with the Department of Transportation, United States of America, for a grant under the Federal Transit Administration Act of 1991, as amended was read for the first time. |

| Resolution No. R2020-10, a resolution authorizing the filing of applications for CY 2021 with the Ohio Department of Transportation for grants under the Ohio Public Transportation Grant Program was read for the first time. |

At 6:16 p.m., the meeting was declared adjourned until April 13, 2020 at 1:30 p.m.

Nicole Condrey, Mayor

Attest: ______________________
At 1:30 p.m., Mayor Condrey called the City Council meeting to order via a Zoom video conference in response to the COVID-19 pandemic and the recently signed Ohio House Bill 197 temporarily amending the public meetings law. The meeting agenda was conducted as normal, and was streamed live on Facebook (on the City of Middletown’s page) and was posted to YouTube (on the City of Middletown’s page.)

ROLL CALL

EXECUTIVE SESSION
At 1:31 p.m., Mr. Mulligan moved to adjourn to executive session under the authority of O.R.C. 121.22 (G) (1) To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official. Ms. Nenni seconded. Motion carried. Ayes: Mr. Moon, Mr. Mulligan, Ms. Condrey, Ms. Nenni, Ms. Vitori.

ADJOURNMENT
At 5:04 p.m., the meeting was declared adjourned until April 15, 2020 at 1:30 p.m.

Nicole Condrey, Mayor

Attest: __________________________
At 1:30 p.m., Mayor Condrey called the City Council meeting to order via a Zoom video conference in response to the COVID-19 pandemic and the recently signed Ohio House Bill 197 temporarily amending the public meetings law. The meeting agenda was conducted as normal, and was streamed live on Facebook (on the City of Middletown’s page) and was posted to YouTube (on the City of Middletown’s page.)

ROLL CALL

EXECUTIVE SESSION
At 1:31 p.m., Mr. Mulligan moved to adjourn to executive session under the authority of O.R.C. 121.22 (G) (1) To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official. Ms. Nenni seconded. Motion carried. Ayes: Mr. Moon, Mr. Mulligan, Ms. Condrey, Ms. Nenni, Ms. Vitori.

ADJOURNMENT
At 5:14 p.m., the meeting was declared adjourned until April 21, 2020 at 1:30 p.m.

Nicole Condrey, Mayor

Attest: __________________________
At 5:30 p.m., Mayor Condrey called the City Council meeting to order via a Zoom video conference in response to the COVID-19 pandemic and the recently signed Ohio House Bill 197 temporarily amending the public meetings law. The meeting agenda was conducted as normal, and was streamed live on Facebook (on the City of Middletown’s page) and was posted to YouTube (on the City of Middletown’s page.)

ROLL CALL

PUBLIC HEARING
At 5:31 p.m. Mayor Condrey opened the public hearing for the 2020 Annual Action Plan Regarding HUD Funding. The City of Middletown, as directed by the U.S. Department of Housing and Urban Development (HUD), is submitting its Program Year 2020 Annual Action Plan, setting the program activities and budget for the Community Development Block Grant (CDBG) Program. Citizens were invited to submit comments to be read into the record via email to the Clerk of Council and they were also provided instructions on how to join the live Zoom meeting to make a comment. No citizen comments were received. Mindy Muller, Community Development Partners, reviewed some information and reported that no additional comments had been received. Mayor Condrey asked about the 20% fee for Planning and Administration. Ms. Cohen explained that this was a fixed cost by contract and included planning and administration of the program, legal ads and other incidental expenses. Mr. Moon commented that the City used to administer these programs in house, but found that it was more cost effective and the City was more compliant with HUD rules by contracting it out. No one spoke in favor of or against the 2020 Annual Action Plan, and the hearing was closed at 5:38 p.m.

PUBLIC HEARING
At 5:39 p.m. Mayor Condrey opened the public hearing for Map Amendment Case #1-20: A request by petitioner Dustin Hurley, with Hurley Gunsher Ltd., on behalf of the property owner, Breiel Butler, LLC., for a map amendment to rezone the property located Northeast of the intersection of Jefferson Road and Spring Grove Lane, Middletown, OH 45044 (Parcel ID: Q65420630000007) from B-1 Neighborhood Business Zoning District to I-1 Industrial Park Zoning District. The property is a total of 5.5980 acres. Planning Commission’s recommendation has been forwarded to City Council for final review and decision. Citizens were invited to submit comments to be read into the record via email to the Clerk of Council and they were also provided instructions on how to join the live Zoom meeting to make a comment.

Zoning Inspector Austin Eidemiller reported that the subject property is zoned B-1 Neighborhood Business District. The property is surrounded by R-4 Attached Residential District to the North (existing residential), B-2 Community Business District to the East (existing commercial), I-1 Industrial Park District to the West (existing storage facility), and I-2 General Industrial District to the South (Heavy Industrial). City Staff and the Planning Commission are in favor of this map amendment. This map amendment also is consistent with the proposed Master Plan indicates that parcel ID: Q65420630000007 will be located in an Industrial Buffer. The Industrial Buffer represents residential neighborhoods that are located directly adjacent to Industrial land Uses. It is the intent that these neighborhoods will transition to non-residential uses over time in compliance with the housing policy.

Mr. Dustin Hurley stated that Planning Commission unanimously approved the amendment.

Mr. Mulligan commented that the staff report was very well put together and answered all of her questions.

Mr. Mulligan acknowledged that this request was approved by Planning Commission and is consistent with the new Master Plan but he stated that there are a lot of these types of storage facilities in the City. He asked Ms. Combs if other cities limit the number of storage facilities. She was not aware of any but she will be glad to check into limits that other cities may have. There were no other comments and the public hearing was closed at 5:47 p.m.

COUNCIL COMMENTS
Mr. Mulligan
Mr. Mulligan commented that he did receive some emails and texts about the recent boil advisory. He thanked City staff for getting that fixed as soon as possible. It did expose some short falls in our communication to residents. We were fortunate in this instance that there was no contamination and no one was in danger because of unsafe water but reveal some things we need to improve upon internally.

Mr. Moon
Mr. Moon stated that along with Mr. Mulligan he agreed that we have some work to do to improve our response to these types of events. He reminded everyone that they have until April 28th to vote by absentee ballot.

Ms. Nenni
Ms. Nenni stated that she lives in the area that was affected by the boil advisory. It seemed that everyone’s experience was different. She stated that staff always tries to do the best thing for the residents and that we will use this as an opportunity to improve our communications and maybe use the alert system better. She addressed a call from a resident that is concerned about people who are not using the recommended personal protective equipment when they
### Ms. Condrey

Ms. Condrey thanked the citizens who contacted her about the boil advisory. She stated that it was a good time to enforce the City ordinances and encouraged residents to report violations. She commented that none of the City’s road improvement projects have been cut as a result of COVID 19. She thanked everyone for doing their part to slow the spread of the disease. She stated that America was built on risk mitigation through education not risk aversion. So as we move forward, I would encourage businesses to make their customers feel safe. She encouraged people to be smart and responsible. Middletown is a City that just keeps on going. It is what drew me to want to be Mayor and it is what is drawing people to want to be City Manager.

### Ms. Vitori

Ms. Vitori encouraged those essential workers who are going to work every day and those trying to keep their businesses alive during the pandemic. It has been a harrowing month or so but Middletown and its small businesses have always been resilient.

### City Manager Reports

City Manager Cohen commented what a challenging couple of weeks it has been! She discussed the City’s response to the COVID 19 pandemic. She has been working with staff on budget projections to help respond quickly to revenue drops as they come up. We will start to see decreases in April by end of month. Typically, with tax collection in April, we would see large revenue collection. With down turn in general and the extension of tax deadline to July 15, we will immediately start to see the drops this month. The deappropriation tonight is the first of many efforts I am sure to respond to these problems. She expressed her appreciation for the residents and staff engaging in social distancing and keeping people healthy. We wait to hear what other updates come from the governor's office regarding reopening sites. Thank you to our first responders for addressing the COVID concerns. Thank you the Health Department for working long hours and tracking down all of the necessary information and advice to keep us safe.

### Paperboard Site

On top of COVID concerns, we have had another issue at the Middletown Paperboard site. On April 16, just after midnight, there was another fire at the site. Luckily this was significantly less destructive than the previous fire and no one was injured. This is disappointing because it is indicative that citizens are still residing in the building. We have previously discussed demolition and environmental remediation on the site. The very rough estimate is that the demolition could cost up to $2 million dollars. Since acquiring the building, we have been lobbying for state funding through the capital budget program and also through House Bill 252, which would allow for grants to demolish blighted commercial buildings. House Bill 252 has been re-referred to committee and has been stagnant at that stage of the legislative process. With the downward projections on state financing, I am guessing we will not see immediate movement on these issues. That leaves us with how to address the situation. Two companies have approached me with unusual offers to clean up the site or demolish the property. I am waiting for the last offer to be committed to writing and then we will present those ideas to council to consider. In the meantime, we had discussed bids for fencing. Prior to the COVID outbreak, we finished up a request for proposals for fencing. As COVID took over our general state of affairs, we received some informal feedback from some contractors that indicated they were concerned about the part of the bid that required attending a walk through at the site. A walk through is necessary on this bid because of the size of the facility and unique nature of the site. There are different parts of the facility where companies could choose to tie in fencing, or use different types of fencing. We were respectful of those concerns and held out on issuing the RFP. Now that we are looking to have additional restrictions lifted and these additional concerns, we will look to push this issue and attempt to get contractors to the site to complete this necessary process. While we are working on this, I share everyone’s concerns that citizens would reside in the facility. This is unsafe on many levels. In order to help address that, I’ve asked the Butler County Homeless Coalition and PATH resource team from transitional living in the county to do some focused outreach on the Paperboard site in hopes we can reach out to those residents and assist them in obtaining resources necessary to get them into safer residences.

### Water Main Break

Ms. Cohen discussed the water main break that occurred over the weekend. She assured the citizens, “We hear you and I truly appreciate everyone who has reached out to me and to council members this week. Your involvement and concern for this City is what makes us great. And I understand your concern. We need to do better to communicate with you and we are going to do better. Like any situation that doesn’t go well, I personally wish we could go back and get it right. But I can’t do that. What I can focus on is making sure we learn from experiences and move forward to do better. In order to do better, staff and I have spent hours this week dissecting what happened, where we think we need to improve and putting together an action plan to do better.” She provided a recap of what happened and when so we are accountable to citizens and people are able to understand how we got where we are today. About 9:30-10 p.m. on Saturday night, we started to receive calls of low water pressure and discolored water. Crews responded to the area of Manchester and DaVinci. This area is unique because the main that
broke was on a transmission line between Kensington Pump Station and the Manchester Water Tower. The location of this break and its place in the system made it a larger break and fix than crews anticipated. As crews determined the break, they are required to excavate around the break. Prior to excavation, crews are required to notify Ohio Utilities Protection Services and that service has to come to the scene to mark other utilities so that excavation can take place. It was two hours before the service responded and marked utilities. Crews worked from midnight to two in the morning to excavate. The repairs then took four hours to complete. During the repair, water needed to be drained from the system to make the repairs. As water was drained from the system and more residents started to wake up, the Water Treatment Plant received additional complaints in the water system and determined the full scope of the concern. At this point, plant management was contacted and eventually the Public Utilities Director was notified. The Communications Manager and I were brought in to discuss. In this type of a situation, there are very specific requirements for when to issue a boil advisory. Our staff worked with EPA to determine the area of the boil advisory and language required. This final warning was sent to the Communications Manager at 12 noon on Saturday. The boil warning was released to local media, including print and television. The message was put on City social media and the City website. Crews hand delivered notification to the percentage of residences whose home age and type indicated that they may have lead exposure. Crews also worked in the afternoon to take necessary samples of the system for contaminants; those samples require 24 hours to process. During the day on Sunday, we sent out additional notifications via the Code Red system. There was some delay interfacing with the Code Red system and the Code red system did not leave voice mails with all residents as they were supposed to do. We received the results on Sunday around 4:30 p.m. indicating no contamination in the system and immediately sent out notice via Code Red, media release and on all social media to notify the end of the advisory. With that rough outline, we have an idea of what happened. But I am more interested in figuring out what bottlenecks we can control in the system and what needs to be fixed. I’ve tasked the Public Works Department to work on new policies and procedures for when supervisors must be notified about these types of breaks. A normal main break would not be this wide in scope, so crews did not have procedures in place to notify supervisors immediately. Clearly we need better procedures in place to determine when notification is required. Public works will also be looking for additional training opportunities as available to get the boil advisories drafted more efficiently. I have also asked Public Works to follow up with the Ohio Utility Protection Services to see if there are ways to speed up those parts in the system. With regards to notifications, we have had the Code Red system for a number of years. With turnover at the City, there were not sufficient policies and procedures in place for how to activate the system and when it should be utilized. I will work with Information Systems and appropriate staff to get updated information and training for all staff on this system and work for a better interface with the system to remove that bottleneck. I am also asking our Information Systems Department to determine if there is a better or different system for making auto calls or emails to citizens. Many people asked questions about why we did not utilize water billing to auto call people. The water billing system does not have capability to autodial residents in this manner. This system would provide a list of phone numbers and it is frequently the number people provided when they registered for water and the numbers are questionably accurate and some numbers are for landlords and not residents. I would like to determine if there is a better way than Code Red to address these situations. I know there were also questions on social media and emails about why there was not television break in for the break. This question is a little harder to answer. We provided the boil advisory to the local stations. I don’t have the ability to control what they put on the screen. We will have follow up to discuss the matter with the media as well to see what we could do to get picked up in a wider area, but ultimately this is one of the issues we can ask about, but not ultimately control.

CONSENT AGENDA

To request approval to purchase the following items totaling $38,951.55 off the ODAS Contract for a new Fire Marshall truck and associated equipment:

- 2020 GMC Sierra 3500 from Bob Ross Auto Group, of Centerville, OH, in the amount of $37,832.00.
- Graphics package for striping on truck from DanCo Lettering, of Dayton, OH, in the amount of $1,119.55.

Mr. Mulligan moved to approve the issues and actions listed on the Consent Agenda. Mr. Moon seconded. Motion carried. Ayes: Ms. Nenni, Mr. Moon, Mr. J. Mulligan, Ms. Condrey, Ms. Vitori.

MOTION AGENDA

Appointment

To approve the appointment of Evan Skrobot to the position of part-time Line Service Lead in the Economic Development Department, Airport Division.

Mr. Mulligan moved to approve the appointment of Evan Skrobot to the position of part-time Line Service Lead in the Economic Development Department, Airport Division. Mr. Moon seconded. Motion carried. Ayes: Mr. Moon, Mr. J. Mulligan, Ms. Condrey, Ms. Nenni, Ms. Vitori.
Ord. No. 02020-19
Type A Guardrail Replacement

Ordinance No. 02020-19, an ordinance authorizing the City Manager to consent to the Ohio Department of Transportation Type A guardrail replacement was read for the second time.

Mr. Mulligan moved to approve Ordinance No. 02020-19, an ordinance authorizing the City Manager to consent to the Ohio Department of Transportation Type A guardrail replacement. Ms. Vitori seconded. Motion carried. Ayes: Mr. J. Mulligan, Ms. Condrey, Ms. Vitori, Ms. Nenni, Mr. Moon.

Res. No. R2020-09
File DOT Grant Application-Transit

Resolution No. R2020-09, a resolution authorizing the filing of an application with the Department of Transportation, United States of America, for a grant under the Federal Transit Administration Act of 1991, as amended was read for the second time.

Mr. Mulligan moved to approve Resolution No. R2020-09, a resolution authorizing the filing of an application with the Department of Transportation, United States of America, for a grant under the Federal Transit Administration Act of 1991, as amended. Ms. Vitori seconded. Motion carried. Ayes: Ms. Condrey, Ms. Vitori, Ms. Nenni, Mr. Moon, Mr. J. Mulligan.

Res. No. R2020-10
File ODOT Grant Application-Transit

Resolution No. R2020-10, a resolution authorizing the filing of applications for CY 2021 with the Ohio Department of Transportation for grants under the Ohio Public Transportation Grant Program was read for the second time.

Mr. Mulligan moved to approve Resolution No. R2020-10, a resolution authorizing the filing of applications for CY 2021 with the Ohio Department of Transportation for grants under the Ohio Public Transportation Grant Program. Ms. Vitori seconded. Motion carried. Ayes: Ms. Vitori, Ms. Nenni, Mr. Moon, Mr. J. Mulligan, Ms. Condrey.

Res. No. R2020-11
Amend Appropriations

Resolution No. R2020-11, 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, 2020 (General Fund) was read for the first time.

Ord. No. 02020-20
Zone Change Lefferson Rd. & Spring Grove Ln.

Ordinance No. 02020-20, an ordinance changing the zoning classification for a parcel located at the intersection of Lefferson Road and Spring Grove Lane from B-1 (Neighborhood Business District) to I-1 (Industrial Park District) was read for the first time.

Ord. No. 02020-21
Amend PBO

Ordinance No. 02020-21, an ordinance amending the pay and benefits ordinances, Ordinance No. 02019-83 and Ordinance No. 02019-84 was read for the first time.

ADJOURNMENT

At 6:23 p.m., the meeting was declared adjourned until April 25, 2020 at 8:45 p.m.

Nicole Condrey, Mayor

Attest: ___________________________
MIDDLETOWN, OHIO
April 25, 2020

At 8:45 a.m., Mayor Condrey called the City Council meeting to order via a Zoom video conference in response to the COVID-19 pandemic and the recently signed Ohio House Bill 197 temporarily amending the public meetings law. The meeting agenda was conducted as normal, and was streamed live on Facebook (on the City of Middletown’s page) and was posted to YouTube (on the City of Middletown’s page.)

ROLL CALL

EXECUTIVE SESSION
At 8:46 a.m., Mr. Mulligan moved to adjourn to executive session under the authority of O.R.C. 121.22 (G) (1) To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official. Ms. Nenni seconded. Motion carried.

Ayes: Mr. Moon, Mr. Mulligan, Ms. Condrey, Ms. Nenni, Ms. Vitori.

ADJOURNMENT
At 12:04 p.m., the meeting was declared adjourned until May 1, 2020 at 1:00 p.m.

Nicole Condrey, Mayor

Attest: __________________________
At 1:00 p.m., Mayor Condrey called the City Council meeting to order via a Zoom video conference in response to the COVID-19 pandemic and the recently signed Ohio House Bill 197 temporarily amending the public meetings law. The meeting agenda was conducted as normal, and was streamed live on Facebook (on the City of Middletown’s page) and was posted to YouTube (on the City of Middletown’s page.)

ROLL CALL

Receive and File Special Meeting Documents
Mr. Mulligan moved to receive and file the special meeting documents. Mr. Moon seconded. Motion carried. Ayes: Ms. Nenni, Mr. Moon, Mr. J. Mulligan, Ms. Condrey, Ms. Vitori.

EXECUTIVE SESSION
At 1:03 p.m. Mr. Mulligan moved to adjourn to executive session under the authority of O.R.C. 121.22 (G) (1) To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official. Ms. Nenni seconded. Motion carried. Ayes: Mr. Moon, Mr. Mulligan, Ms. Condrey, Ms. Nenni, Ms. Vitori.

ADJOURNMENT
At 1:47 p.m., the meeting was declared adjourned until May 5, 2020 at 4:15 p.m.

Nicole Condrey, Mayor

Attest: __________________________
June 11, 2020

TO:        Susan Cohen, Acting City Manager
FROM:      Brittany Grimes, Human Resources Specialist
SUBJECT:   PROMOTIONAL APPOINTMENT – EQUIPMENT OPERATOR

We are recommending the promotional appointment of RYAN ROBERTS to the position of Equipment Operator in the Department of Public Works & Utilities, Division of Street Maintenance. Mr. Roberts will fill the vacancy created by the promotion of Edward Truster to Public Works Leader.

Mr. Roberts will be assigned to Salary Range PW4, Step D, which provides a salary of $21.51 hourly, $44,740.80 annually. The effective date of the promotional appointment is July 8, 2020.

/bg

c:        Amy Schenck, Clerk of Council
          Scott Tadych, Public Works & Utilities Director
          Brian Adams, Public Works Superintendent
          Charles Anderson, Public Works Superintendent
          Human Resources
          Finance (Payroll)
          file

ccmtg7/7/20

STREET MAINTENANCE
Authorized Strength - 12
Current Staff Level - 11
MOTION
AGENDA
June 10, 2020

TO: Susan Cohen, Acting City Manager
FROM: Samantha Zimmerman, Purchasing Agent

PURPOSE

To request approval to purchase three new Ford F-450 trucks for Public Works off the ODAS Contract for the Division of Stormwater, Sewer Maintenance, and Water Distribution in the total amount of $113,253 from Lebanon Ford.

BACKGROUND and FINDINGS

The Division of Stormwater, Sewer Maintenance, and Water Distribution each have a truck that needs to be replaced. All trunks being replaced have met the City’s 15 point replacement schedule. The Stormwater truck is a 2008 Ford F-350 that is 69 months past replacement date. The Sewer Maintenance truck is a 2003 Ford F-350 that is 108 months past replacement date. The Water Distribution truck is a 2004 Ford F-350 that is 86 months past replacement date. The current trucks will be sold through GovDeals.

All three new Ford F-450’s will cost $37,751 each. All three will be up-fitted with utility box beds and strobe lights. Two of the trucks will have a crane added to the bed. The trucks are available through the state cooperative purchasing program, so bidding is not necessary.

ALTERNATIVES

The alternative is to keep the old trucks, although maintenance costs continue to escalate.

FINANCIAL IMPACT

Funds have been appropriated in the 2020 budget for this purchase.

EMERGENCY/NON EMERGENCY

Motion agenda

cc: Jacob Burton, Finance Director
    Scott Tadych, Public Works & Utilities Director
    Rex Hoit, Garage Superintendent
June 16, 2020

TO: Susan Cohen, Acting City Manager
FROM: Samantha Zimmerman, Purchasing Agent

**PURPOSE**

To recommend the bid from Jess Howard Electric Company, of Blacklick, OH, in the amount of $153,592.50 for the replacement of the Precision Approach Path Indicator (PAPI) System at the Middletown Regional Airport.

**BACKGROUND and FINDINGS**

The current Precision Approach Path Indicator (PAPI) System was installed in the early 1990’s at the Middletown Regional Airport. The South PAPI circuit was replaced in 2018 and sections of the North PAPI circuit was replaced in 2017. Both have experienced lightning strikes over the years. A flight check was conducted during the fall of 2019 and both PAPI’s failed with illumination problems.

Bids were taken, with five contractors responding in the following amounts:

- Jess Howard Electric Company – Blacklick, OH $153,592.50
- Bansal Construction – Fairfield, OH $155,160.75
- York Electric Inc. – Dayton, OH $199,871.00
- J. Ranck Electric, Inc. – Mt. Pleasant, MI $205,437.50
- Lake Erie Electric, Inc. – Franklin, OH $232,184.00

Jess Howard Electric has successfully completed other projects at the Middletown Regional Airport, and is being recommended as the lowest and best bid. Jess Howard’s bid came in $14,987.50 below the Engineer’s Estimate.

**ALTERNATIVES**

1. Award project to another Contractor.
2. Do not award this project.
**FINANCIAL IMPACT**

Grant funding via FAA will cover the full amount of this project.

**EMERGENCY/NON-EMERGENCY**

Motion Agenda

cc: Jacob Burton, Finance Director  
    Chris Xiel Lyons, Economic Development Director  
    Matt Eisenbraun, Assistant Economic Development Director  
    Dan Dickten, Airport Manager
DATE  June 23, 2020

TO:  Susan Cohen, Acting City Manager

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

2020 URBAN PAVING CONCRETE WORK

PURPOSE

Authorize the City Manager to enter into a contract with Adleta, Inc. to proceed with the 2020 Urban Paving Concrete Work project and authorize a supplemental appropriation. The work will take place along Verity Parkway between Tytus Ave. and Eldora St.

BACKGROUND AND FINDINGS

The City is proposing to proceed with the 2020 Urban Paving Concrete Work project which consists of repairing defective concrete on Verity Parkway which is scheduled to be paved over the next (2) years. The paving work will be done as part of ODOT’s "Urban Paving" projects in 2021 and 2022.

Six contractors submitted a bid for the project. Adleta, Inc. submitted the lowest and best bid.

ALTERNATIVES

1. Do not replace the defective concrete.
2. Have the work done as part of the paving project. This would likely result in additional costs and design effort.

FINANCIAL IMPACTS

The lowest bid received for this project on June 18, 2020 was $155,245.69 which is 9% lower than the engineer’s estimate and 6% lower than the next bidder.

The project will be funded by the Storm Water Capital Fund (415). Funds are appropriated.
EMERGENCY/NON EMERGENCY

Motion Agenda

ATTACHMENTS

Vicinity Map
Bid Tab
<table>
<thead>
<tr>
<th>CONTRACTOR'S NAME &amp; ADDRESS</th>
<th>AMOUNT</th>
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</thead>
<tbody>
<tr>
<td><strong>ENGINEER’S ESTIMATE</strong></td>
<td>$ 171,479.75</td>
</tr>
<tr>
<td><strong>ADLETA, INC.</strong> 389 S. Wayne Avenue  Cincinnati, OH  45215</td>
<td>$ 155,245.69</td>
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<tr>
<td><strong>JACKSON CONSTRUCTION INC.</strong> 5245 Thomas Road  Trenton, OH  45067</td>
<td>$ 164,909.66</td>
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<tr>
<td><strong>OHIO HEAVY EQUIPMENT LEASING, LLC dba CINCINNATI CONCRETE CURB</strong> 260 Osborne Drive  Fairfield, OH  45014</td>
<td>$ 184,613.00</td>
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<tr>
<td><strong>W.G. STANG, LLC</strong> 4203 Jacksonburg Road  Hamilton, OH  45011</td>
<td>$ 199,934.00</td>
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<tr>
<td><strong>R.A. MILLER CONSTRUCTION CO. INC.</strong> 4148 Augspurger Road  Hamilton, OH  45011</td>
<td>$ 208,194.50</td>
</tr>
<tr>
<td><strong>BELGRAY, INC.</strong> 266 E. Locust Street  Wilmington, OH  45177</td>
<td>$ 249,214.00</td>
</tr>
</tbody>
</table>

*Adleta, Inc. was the low bid in the amount of $ 155,245.69 which is 9% under the Engineer’s Estimate of $ 171,479.75*
LEGISLATION
ITEM 1
ORDINANCE NO. O2020-27

AN ORDINANCE ESTABLISHING A PROCEDURE FOR AND AUTHORIZING A CONTRACT WITH PHENIX STABILIZATION, LLC TO PERFORM SUBGRADE STABILIZATION ON ANTRIM COURT, COURT DONEGAL, GALWAY CIRCLE AND HELTON DRIVE AND DECLARING AN EMERGENCY.

WHEREAS, the subgrade stabilization is specialty work; and

WHEREAS, staff contacted five contractors that can perform this type of work for quotes, one contractor declined to provide a quote, and of the remaining contractors, Phenix Stabilization, LLC provided the lowest and best bid in the amount of $130,388.15; and

WHEREAS, staff has requested the contract be authorized at the unit rates listed in the attached proposal to allow for slight variances in the quantities of cement and materials needed for stabilization;

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 of the Ohio Revised Code, is authorized to enter into a contract with Phenix Stabilization, LLC for the subgrade stabilization of Antrim Court, Court Donegal, Galway Circle and Helton Drive at the unit rates listed in the proposal attached hereto as Exhibit “A”.

Section 2

The Finance Director is hereby authorized and directed to pay a sum not to exceed $130,388.15 from the Auto & Gas Fund (Fund # 210).

Section 3

City 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 of the Ohio Revised Code shall not be applicable to the award and execution of the aforesaid contract.
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: in order to get the work completed as soon as possible so that the paving can take place during this construction season, and shall be in full force and effect from the date of its adoption.

Nicole Condrey, Mayor

Adopted: ______________

Attest: ___________________
Clerk of City Council
**PROPOSAL PRICES**
2020 Local Street Improvements

**EXHIBIT "A"**

**NOTE:** All blanks shall be filled in. The column "Amount" shall be the product of the Unit Price multiplied by the Quantity. In case of error, the Unit Price shall govern. ODOT No. column refers to Section In the Detailed Specifications which governs this item.

**ODOT CONSTRUCTION AND MATERIAL SPECIFICATIONS - 2019**

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<th>UNIT PRICE</th>
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<td>CEMENT STABILIZED SUBGRADE, 12 INCHES DEEP, APP</td>
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<td>LS</td>
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**TOTAL** $130,388.15

---

**Plan Sheet #**

- PL 5: Antilin Ct.
- PL 20: Court Donegal
- PL 25: Galway Cr.
- PL 27: Helton Dr.

**Surface Area**

- 1372
- 1608
- 1223
- 5260

**TOTAL** 4933
DATE   June 3, 2020

TO:   Susan Cohen, Acting City Manager

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

2020 City Crew Paving Subgrade Stabilization

PURPOSE

Authorize the City Manager to enter into a contract with Phenix Stabilization, LLC to perform subgrade stabilization on streets to be paved by city crews and waive the bidding requirement.

BACKGROUND AND FINDINGS

This contract is for work required to prepare Antrim Ct., Court Donegal, Carlow Circle, and Helton Dr. to be paved by City crews. These streets were included in the 2020 Local Street Improvements project for the concrete repairs (sidewalk, curb, and gutter) but the subgrade stabilization was not included for logistical purposes. Staff reached out to (5) contractors that perform this specialty work-(1) declined to provide pricing and Phenix Stabilization, LLC provided the lowest and best price.

FINANCIAL IMPACTS

The lowest quote received for this project on June 3, 2020 was $130,388.15 which is 3% lower than the next bidder.

The project will be funded by 210.541.53520.

Staff recommends authorizing the award of a contract to Phenix Stabilization, LLC based on their unit prices contained in the attached proposal and not to exceed $130,388.15.

EMERGENCY/NON EMERGENCY

2nd Reading Emergency is requested in order to get this work performed in a timely manner so that City Crews can then perform the paving work.

ATTACHMENTS

Phenix Stabilization, LLC Proposal
Vicinity Map
LEGISLATION
ITEM 2
ORDINANCE NO. O2020-28

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO CONSENT TO THE OHIO DEPARTMENT OF TRANSPORTATION TO REHABILITATE THE BRIDGES THAT CARRY STATE ROUTE 122 OVER THE GREAT MIAMI RIVER AND THE OVERFLOW CHANNEL.

PID No.: 110559
County/Route/Section: But 122-6.06/6.26
Agreement No: 34745

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

Section 1 – Project Description

The City (hereinafter “the Local Public Agency or LPA”) has determined the need to rehabilitate the bridges that carry SR 122 over the Great Miami River (BUT-122-0606; SFN:0902209) and the overflow channel (BUT-122-0626; SFN:0902217) by replacing the expansion joints, upgrading the barriers, painting the structural steel and replacing bearings under the intermediate expansion joints. Remove Debris from the main channel and mitigate future debris accumulation by modifying the channel.

Section 2 – Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

Section 3 – Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the above described project as follows:

The State shall assume and bear 100% of all of the cost for guardrail replacement requested by the LPA and agreed to by the State.

The LPA will be responsible for the following:

• Parapet reconstruction for the new lights on both bridges (100% Middletown)
• New foundations for the lights off the two bridges (100% Middletown)
• Pavement resurfacing between the two bridges (20% Middletown)
• Pavement Repairs (100% Middletown)
• Curb reconstruction between the two bridges (100% Middletown)
The LPA agrees to pay 100% of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

Section 4 – Utilities and Right-of-Way Statement

The LPA agrees that all right-of-way required for the described project will be made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs. The LPA agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

Section 5 – Maintenance

Upon completion of the Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the Project in accordance with all applicable State and Federal law, including, but not limited to, Title 23, U.S.C., Section 116; ORC 5501.49; and all highway lighting and foundations for such, including that which extends beyond the city limits to the end of the lighting circuit; (2) provide ample financial provisions, as necessary, for the maintenance of the LPA portions of the Project, as defined above; (3) maintain LPA portion of the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

Section 6 – Authority to Sign

The City Manager of the City of Middletown is hereby empowered by the Middletown City Council to enter into contracts with the Director of Transportation which are necessary to complete the above described project.

Section 7 – Effective Date

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

Nicole Condrey, Mayor

1st Reading: June 16, 2020
2nd Reading:___________
Adopted:_______________
Effective:______________

Attest: _______________________
Clerk of the City Council
DATE       June 3, 2020
TO:        Susan Cohen, Acting City Manager
FROM:      Scott Tadych, Public Works and Utilities Director
Prepared by Rob Nicolls, City Engineer

CITY/ODOT PRELIMINARY LEGISLATION-SR 122 BRIDGE OVER GREAT MIAMI RIVER

PURPOSE

Authorize the City Manager to enter into a contract with the Ohio Department of Transportation (ODOT) to participate in the rehabilitation project for the SR 122 Bridge over the Great Miami River (SFN #0902217).

BACKGROUND AND FINDINGS

ODOT will be rehabilitating the SR 122 bridge over the Great Miami River. Although this bridge is owned by ODOT, the City (along with Duke Energy) is responsible for the lighting on the bridge. As part of the project, ODOT will also be resurfacing the pavement and replacing defective curb on the roadway adjacent to the bridge. This contract is for the City’s share of this work. Construction is scheduled for 2022.

FINANCIAL IMPACTS

The Engineer’s estimate for the project is $4 million; however, the City share is expected to be under $200,000. A more accurate estimate will be available prior to the final legislation.

EMERGENCY/NON EMERGENCY

Non-Emergency

ATTACHMENTS

ODOT Legislation
PRELIMINARY LEGISLATION
(LPA-ODOT-Let Project Agreement)
(PARTICIPATORY/MAINTENANCE)

Ordinance/Resolution #: __________
PID No.: 110559
County/Route/Section: But 122-6.06/6.26
Agreement No: 34745

The following is a/an ________________ enacted by the City of Middletown of Butler
(Motion/Ordinance/Resolution) (Local Public Agency)
County, Ohio, hereinafter referred to as the Local Public Agency (LPA).

SECTION I – Project Description

WHEREAS, the (LPA/STATE) has determined the need for the described project:

Rehabilitate the Bridges that carry SR 122 over the Great Miami River (BUT-122-0606; SFN:0902209) and the overflow channel (BUT-122-0626; SFN:0902217) by replacing the expansion joints, upgrading the barriers, painting the structural steel and replacing bearings under the intermediate expansion joints. Remove Debris from the main channel and mitigate future debris accumulation by modifying the channel.

NOW THEREFORE, be it ordained by the City of Middletown of Butler County, Ohio.

(LPA)

SECTION II – Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project as detailed in the LPA-ODOT-Let Agreement entered into between the parties, if applicable.

SECTION III – Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the development and construction of the above described project and shall enter into an LPA Federal ODOT Let Project Agreement, if applicable, as well any other agreements necessary to develop and construct the Project.

The LPA agrees to participate in the cost of the project. The City of Middletown will be responsible for the following:

• Parapet reconstruction for the new lights on both bridges (100% Middletown)
• New foundations for the lights off the two bridges (100% Middletown)
• Pavement resurfacing between the two bridges (20% Middletown)
• Pavement Repairs (100% Middletown Costs)
• Curb reconstruction between the two bridges (100% Middletown)
The LPA further agrees to pay 100% of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

The LPA further agrees that change orders and extra work contracts required to fulfill the construction contracts shall be processed as needed. The State shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

The LPA agrees that if Federal Funds are used to pay the cost of any consultant contract, the LPA shall comply with 23 CFR 172 in the selection of its consultant and administration of the consultant contract. Further the LPA agrees to incorporate ODOT’s “Specifications for Consulting Services” as a contract document in all of its consultant contracts. The LPA agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT’s current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Project. The LPA agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant’s performance through ODOT’s Consultant Evaluation System.

***(all of the above regarding the consultants is only needed if the LPA is responsible for the preliminary phase and design plans).***

SECTION IV Authority to Sign

The LPA hereby authorizes ______________________ of said City of Middletown to

(Signature authority) (LPA or its division, department or agency)

enter into and execute contracts with the Director of Transportation which are necessary to develop plans for and to complete the above-described project; and to execute contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project.

Upon request of ODOT, the ______________________ is also empowered to execute any appropriate documents to

(Signature authority) (LPA)

affect the assignment of all rights, title, and interests of the City of Middletown to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.
SECTION V – Utilities and Right-of-Way Statement

The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.

The LPA agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION VI – Maintenance

Upon completion of the Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the Project in accordance with all applicable State and Federal law, including, but not limited to, Title 23, U.S.C., Section 116; ORC 5501.49; and all highway lighting and foundations for such, including that which extends beyond the city limits to the end of the lighting circuit; (2) provide ample financial provisions, as necessary, for the maintenance of the LPA portions of the Project, as defined above; (3) maintain LPA portion of the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

SECTION VII - Emergency Measure

(as applicable)

The ___________________________ is hereby declared to be an emergency measure to expedite the highway project and (Motion/Ordinance/Resolution)
to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed: __________________________, 2________.
(Date)

Attested: __________________________
(Clerk)  (Contractual Agent of LPA – title)
CERTIFICATE OF COPY
STATE OF OHIO

City of Middletown of Butler County, Ohio
  (LPA)

I, _________________________, as Clerk of the City of Middletown
  (LPA)
of Butler County, Ohio, do hereby certify that the foregoing is a true and correct copy of
(Motion/Ordinance/Resolution)
______________________________ adopted by the legislative Authority of the said
  (LPA)
on the __________ day of ______________, 2____.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable,
this __________ day of ______________ 2______.

______________________________
(Clerk)

City of Middletown of Butler County, Ohio
  (LPA)

(If the LPA is designated as a City then the “City Seal” is required. If no Seal, then a letter stating “No Seal is required to accompany the
executed legislation.”.)
LEGISLATION
ITEM 3
ORDINANCE NO. O2020-29

AN ORDINANCE ESTABLISHING A PROCEDURE FOR AND AUTHORIZING A CONTRACT WITH MOTOROLA SOLUTIONS, INC. FOR THE PURCHASE OF APX 6000XE POLICE RADIOS AND DECLARING AN EMERGENCY.

WHEREAS, the City has worked with Motorola previously for police radios; and

WHEREAS, there is a need for replacement of current police radios and related equipment (i.e. batteries, charges, etc.);

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 of the Ohio Revised Code, shall enter into a contract with Motorola Solutions, Inc. for the purchase of police radios and related equipment in 2020, 2021 and 2022.

Section 2

For said purposes the Finance Director is authorized and directed to expend a sum not to exceed $269,965.50 ($89,988.50 each year of the contract) from the General Fund (Fund #100).

Section 3

City 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 of the 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 that the radios can be purchased without delay and put into service, and shall take effect and be in force from and after its adoption.

Nicole Condrey, Mayor

Adopted:__________

Attest:_______________________
Clerk of City Council

H:\Law\leg/2020 Leg\G Purchase of Motorola Police Radios
June 12, 2020

TO: Susan Cohen, Acting City Manager
FROM: Samantha Zimmerman, Purchasing Agent

Recommendation for the Purchase of Motorola Radios

PURPOSE

To request approval to purchase a total of 66 Motorola APX 6000XE Radios for the Division of Police, 22 Radios each year for three years (2020, 2021, & 2022) in the total amount of $269,965.50 ($89,988.50 each year) from Motorola Solutions, Inc. of Schaumburg, IL.

BACKGROUND and FINDINGS

The Division of Police currently contracts the police radios from Motorola. Motorola informed all area departments in 2018 that the current software updated through Motorola will no longer be serviced by Motorola or Brics. The software update could affect the function of our current radios, making them inoperable.

In February 2019, Council approved the purchase of 22 Motorola APX 6000XE Radios to allow the department to test the new radios before committing to purchase the remainder needed for the rest of the department. After a year of testing, the department is satisfied and is now requesting approval to purchase the remaining radios needed for the rest of the department. These will be purchased over the course of three years. A waiver of the bid process is requested to keep all radios across the department the same for ease of use and training.

ALTERNATIVES

1. Request bids for this purchase.
2. Keep using the old radios, however, the software update from Motorola could render them inoperable. Also, the old radios are starting to have operational issues and are unable to be repaired.

FINANCIAL IMPACT

Funds have been appropriated in the 2020 budget (100.224.54360) for this purchase. Funds will be appropriated in the 2021 and 2022 budgets as well.
1st Reading Emergency – A first reading emergency is requested in order to make payment to Motorola as soon as possible.

cc: Jacob Burton, Finance Director
    David Birk, Police Chief
LEGISLATION
ITEM 4
ORDINANCE NO. O2020-30

AN ORDINANCE APPROVING AN AGREEMENT WITH KNUST PROPERTIES, LLC PROVIDING FOR THE EXPANSION OF A MANUFACTURING FACILITY AS A DEVELOPMENT PROJECT AND TAX EXEMPTION PURSUANT TO THE STATE URBAN JOBS AND ENTERPRISE ZONE PROGRAM, AND MAKING A DETERMINATION IN CONNECTION THERewith, AND DECLARING AN EMERGENCY.

WHEREAS, the State of Ohio has, pursuant to its Urban Jobs and Enterprise Zone Program, provided for the establishment of Urban Jobs and Enterprise Zones, and for the provision of tax incentives to private enterprise in order to promote and encourage development programs by private enterprise in such Enterprise Zones, and the creation and/or preservation of jobs and economic development in connection therewith; and

WHEREAS, pursuant to the Urban Jobs and Enterprise Zone Program, City Council passed Resolution No. R2001-31 on November 6, 2001, designating the geographic area described in said Ordinance as an Enterprise Zone and authorized and directed the City Manager to petition the Director of Development of the State Department of Development for certification of such area as an Enterprise Zone in accordance with Revised Code Sections 5709.61 through 5709.69, (the “Act”), and the State Director of Development has forwarded to the City his certification and approval of said area as an Enterprise Zone within the requirements of the Act; and

WHEREAS, City Council has received a proposal from Knust Properties, LLC proposing to enter into an Agreement with the City under the State Urban Jobs and Enterprise Zone Program, which Agreement would provide for the construction of two speculative buildings in an amount estimated to cost approximately $4,500,000.00 on property located at parcel number Q6542059000106 on Emerald Way in the Enterprise Zone (the “Construction Project”), and to provide for the approval of certain personal property and real property tax exemptions for such project, and as further detailed and described in the copy of the proposal and site plan attached hereto as Exhibit “A” (hereinafter “the Proposal”); and

WHEREAS, said Proposal has been reviewed and investigated by the City, and City Council has received oral or written reports and data relating to said Proposal for an agreement with Knust Properties, LLC under the State Urban Jobs and Enterprise Zone Program. Based on such review, investigation, reports and data, and City Council’s own information and knowledge, City Council has determined that it will be in the best interests of the City of Middletown and its citizens to enter into an Agreement with Knust Properties, LLC for the construction described in said Proposal and for the requested tax exemption therefore, and that such Agreement and Construction Project will carry out the purposes of the State Urban Jobs and Enterprise Zone Program and the Act, and will promote the economic
welfare of the City and its residents by creating or preserving jobs and employment opportunities.

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

Section 1

Based on the aforesaid review, investigation, reports and data, City Council hereby finds and determines that Knust Properties, LLC is qualified by financial responsibility and business experience to create and preserve employment opportunities in the Enterprise Zone heretofore designated by City Council and to improve the economic climate of the City. City Council further finds and determines that the aforesaid Proposal submitted by Knust Properties, LLC describing the proposed Construction Project complies with the requirements of the State Urban Jobs and Enterprise Zone Program and the Act, the project is satisfactory to the City, and the Proposal is hereby approved.

Section 2

City Council hereby finds and determines that the personal and real property tax exemptions requested by Knust Properties, LLC for said Construction Project described in its Proposal meets the requirements of the State Urban Jobs and Enterprise Zone Program and said state statutes, and City Council hereby approves the exemptions.

City Council further authorizes and directs the City Manager to enter into an Enterprise Zone Agreement with Knust Properties, LLC that provides for the construction of two speculative buildings as described in this Ordinance and the Proposal and granting the tax exemptions requested by Knust Properties, LLC (the “Agreement”). The Agreement shall be in form to be approved by the Law Director and City Manager, and at minimum include the following attachments and/or the information included in the attachments:

- Exhibit A: Proposal with site plan
- Exhibit B: Offer letter from City dated May 7, 2020
- Exhibit C: Renderings of the speculative buildings
- Exhibit D: Aerial Map.

The Agreement shall include any revisions and additional terms and conditions as may be required and as are consistent with the requirements of the State Urban Jobs and Enterprise Zone Program and any statutory requirements in the Act or otherwise. The Agreement shall be consistent with the Offer Letter from the City dated May 7, 2020, this ordinance and the materials currently on file with the City, the accuracy of which this Council has relied upon in the passage of this Ordinance. The approval of
the Agreement shall be conclusively evidenced by the execution of the Agreement by the Law Director and City Manager.

Section 3

City Council hereby authorizes and directs the City Manager, Law Director and Economic Development Director to take such additional steps, provide such information and certifications to the State or Knust Properties, LLC as is necessary and appropriate to carry out and implement the terms and conditions of the aforesaid Agreement, and the requirements and policies of the State Urban Jobs and Enterprise Zone Program.

Section 4

It is found and determined that all formal actions of City Council concerning and relating to the passage of this ordinance were adopted in an open meeting of City Council, and that all deliberations of City Council and any of its committees that resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Revised Code Section 121.22.

Section 5

This ordinance is declared to be an emergency measure, necessary for the immediate preservation of the public health, safety and general welfare of the City, to wit: the prompt approval of the Proposal of Knust Properties, LLC and authorization and execution of an Agreement with Knust Properties, LLC pursuant to said State Urban Jobs and Enterprise Zone Program, is necessary to expedite and permit the Construction Project to proceed during this construction season and to provide for the creation of jobs and employment opportunities within the City for the economic welfare of the City and its residents; and shall take effect and be in force immediately upon its adoption.

Nicole Condrey, Mayor

Adopted:____________

Attest:____________________

Clerk of City Council
1a. Name of business, home or main office address, contact person, and telephone number (attach additional pages if multiple enterprise participants).

Knust Properties
enterprise name

David Knust
contact person

513-319-3422
telephone number

11300 Longwater Chase CT
address

FT Myers, FL 33908

1b. Project site:

David Knust
contact person

4640 Emerald Dr
address

513-319-3422
telephone number

Middletown, Ohio

45042

2a. Nature of business (manufacturing, distribution, wholesale or other).

Development and Leasing Industrial Property

2b. List primary 6 digit NAICS # ________
Business may list other relevant SIC numbers.

2c. If a consolidation, what are the components of the consolidation? (Must itemize the location, assets, and employment positions to be transferred)

N/A
2d. Form of business of enterprise (corporation, partnership, proprietorship, or other).

LLC

3. Name of principal owner(s) or officers of the business (attach list if necessary).

Susan Knust, David Knust, Andrew Knust, Eleanor Knust

4. Is business seasonal in nature? Yes _______ No _______

5a. State the enterprise's current employment level at the proposed project site:

N/A

5b. Will the project involve the relocation of employment positions or assets from one Ohio location to another? Note that relocation projects are restricted in non-distress based Ohio Enterprise Zones. A waiver from the Director of the Ohio Department of Development is available for special limited circumstances. The business and local jurisdiction should contact ODOD early in the discussions.

Yes ______ No ______  Unknown

5c. If yes, state the locations from which employment positions or assets will be relocated and the location to where the employment positions or assets will be located:

________________________________________________________

5d. State the enterprise's current employment level in Ohio (itemized for full and part-time and permanent and temporary employees):

________________________________________________________

5e. State the enterprise's current employment level for each facility to be affected by the relocation of employment positions or assets:

________________________________________________________

5f. What is the projected impact of the relocation, detailing the number and type of employees and/or assets to be relocated?

________________________________________________________

6a. Has the Enterprise previously entered into an Enterprise Zone Agreement with the local legislative authorities at any site where the employment or assets will be relocated as a result of this proposal? Yes ______ No ______  Unknown

6b. If yes, list the local legislative authorities, date, and term of the incentives for each Enterprise Zone Agreement:

________________________________________________________
7. Does the Enterprise owe:
   a. Any delinquent taxes to the State of Ohio or a political subdivision of the state?
      Yes ___ No ___
   b. Any money to the State or a state agency for the administration or enforcement of
      any environmental laws of the State? Yes ___ No ___
   c. Any other money to the State, a state agency or a political subdivision of the State
      that are past due, whether the amounts owed are being contested in a court of law or
      not. Yes ___ No ___
   d. If yes to any of the above, please provide details of each instance including but not
      limited to the location, amounts and/or case identification numbers (add additional
      sheets if necessary).

8. Project Description (attach additional pages if necessary):
   Construction of 2 industrial buildings to lease 
   Site Plan attached

9. Project will begin in ______ and be completed in ______ provided a tax exemption is provided.
   2020 - June 2021

10a. Estimate the number of new employees the business intends to hire at the facility that is
     the project site (job creation projection must be itemized by full and part-time and
     permanent and temporary):
     Estimate 20

10b. State the time frame of this projected hiring: 2 years

10c. State proposed schedule for hiring (itemize by full and part-time and permanent and
     temporary employees):

11a. Estimate the amount of annual payroll such new employees will add (new annual payroll
     must be itemized by full and part-time and permanent and temporary new employees).
     $ _____________ Full Time
     $ _____________ Part Time
     $ _____________ Permanent
     $ _____________ Temporary
11b. Indicate separately the amount of existing annual payroll relating to any job retention claim resulting from the project: 

$ ____________________________

12. Market value of the existing facility as determined for local property taxation.

$ 4,500,000

13a. Business's total current investment in the facility as of the proposal's submission.

$ ____________________________

13b. State the businesses' value of on-site inventory required to be listed in the personal property tax return of the enterprise in the return for the tax year (stated in average dollar value per most recent 12 month period) in which the agreement is entered into (baseline inventory):

$ ____________________________

14. An estimate of the amount to be invested by the enterprise to establish, expand, renovate or occupy a facility:

| A. Acquisition of Land/Buildings: | $ 300,000 |
| B. Additions/New Construction:   | $ 420,000 |
| C. Improvements to existing buildings: | $ __________ |
| D. Machinery & Equipment:       | $ __________ |
| E. Furniture & Fixtures:        | $ __________ |
| F. Inventory:                  | $ __________ |
| **Total New Project Investment:** | $ 4,500,000 |

15a. Business requests the following tax exemption incentives _______% for _______ years covering real property as described above. Please use the area below for additional information.

_____________________________

15b. Business's reasons for requesting tax incentives (be quantitatively specific as possible)

We at Knust Properties build, own, manage, and lease industrial buildings. Potential tenants obviously consider all costs when looking at leasing one of our buildings, but there is a strong emphasis on the big three line items: lease rate, property taxes, and property insurance. If we can get the property tax reduced by abatement during the improvement portion, then we can offset some of the more uncontrollable expenses and have a better chance of leasing the buildings. Construction costs have been prohibitively expensive up until now, making this the best chance we've had in a while to expand our footprint on Emerald Way.
Submission of this application expressly authorizes the City of Middletown of Butler and Warren Counties to contact the Ohio Environmental Protection Agency to confirm statements contained within this application including item #7 and to review applicable confidential records. As part of this application, the business may also be required to directly request from the Ohio Department of Taxation or complete a waiver form allowing the Ohio Department of Taxation to release specific tax records to the local jurisdictions considering the incentive request.

Applicant agrees to supply additional information upon request.

The applicant affirmatively covenants that the information contained in and submitted with this application is complete and correct and is aware of the ORC Sections 9.66(C)(1) and 2921.13(D)(1) penalties for falsification which could result in the forfeiture of all current and future economic development assistance benefit as well as a fine of not more than $1,000 and/or a term of imprisonment of not more than six months.

Knust Properties LLC  3/30/2020
Name of Enterprise  Date

David Knust - Partner
Typed Name and Title

* A copy of this proposal must be forwarded by the local governments to the affected Board of Education along with notice of the meeting date on which the local government will review the proposal. Notice must be given a minimum of fourteen (14) days prior to the scheduled meeting to permit the Board of Education to appear and/or comment before the legislative authorities considering the request.

** Attach to Final Enterprise Zone Agreement as Exhibit A

Please note that copies of this proposal must be included in the finalized Enterprise Zone Agreement and be forwarded to the Ohio Department of Taxation and the Ohio Department of Development within fifteen (15) days of final approval.
May 7, 2020

Mr. Dave Knust  
KP Properties/Knust Properties  
11300 Longwater Chase Court  
Ft. Meyers, FL 33908

Re: Offer Letter for 4640 Emerald Way

Dear Dave:

The City of Middletown would like to first and foremost thank you for your interest in expanding your operations here in our community. The City of Middletown is actively seeking to grow its economic base and we are pleased to learn of KNUST PROPERTIES, LLC’s interest in our community.

Our understanding of the project details are:

**Project Site:** 4640 Emerald Way

**Building Size(s):** Building A-50,000 sq. ft. Building B-56,000 sq. ft.

**New Jobs:** Speculative Building

**New Payroll:** N/A

**Speculative Building Requirements:**

1. Tenants must be engaged in manufacturing, research & development, warehousing or distribution activities
2. Buildings must be a minimum of 25,000 sq. ft. and constructed upon a site that is appropriately platted and zoned.
3. The project must obtain all required city approvals, including site plan review, building plan review, building permit and building inspections.
4. All building façades that face a street be constructed of the following materials: Stone, brick, wood, stucco, cultured stone, cement board, ceramic tile, ceramic block, or exterior insulation finish system (E.I.F.S.).
5. Architectural metal is permitted, provided that it occupies no more than 60 percent of the façade area and that all fasteners are concealed.

The City of Middletown would like to offer an Enterprise Zone (EZ) abatement as a means of assisting with your project. The 75% abatement will be applied to the improvements on parcel Q6542059000042. The abatement will run for 5 years. This project will be eligible for an
additional 5 year term if the owner secures a tenant with a minimum payroll of $750,000 (25 employees/average annual salary $30,000) before this incentive expires.

This incentive offer is contingent on the approval of Middletown City Council and the company entering into an Incentive Agreement with the City of Middletown. If KNUST PROPERTIES, LLC wishes to accept this offer, we ask that you respond on company letterhead via mail or email by Friday, June 5, 2020.

I look forward to working with you, if there is anything I can do to help facilitate the process, please feel free to contact me directly.

Best,

Chris Xeil Lyons
Economic Development Director
### BUILDING 'A'

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### BUILDING 'B'

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DATE: June 11, 2020

TO: Susan Cohen, Acting City Manager

FROM: Chris Xeil Lyons, Economic Development Director, prepared by Alaina Geres, Economic Development Program Manager

Knust Properties LLC Enterprise Zone Agreements

PURPOSE
To authorize an Enterprise Zone Agreement with Knust Properties LLC for the development of 2 speculative buildings on approximately 6 acres in the Greentree Industrial Park.

BACKGROUND and FINDINGS
David Knust of Knust Properties LLC owns several industrial buildings in Monroe, Ohio. In December of 2016, he purchased the property at 4640 Emerald Way, which had one existing building that he continues to rent to Ventilex USA, Inc. He has since split the original parcel into two. He wishes to invest $4.5M total ($2M/$2.5M per building) in the construction of two additional speculative buildings at 50,000 SF and 56,000 SF on parcel (Q6542059000106) – adjacent to the Ventilex parcel (Q6542059000042.) See site map.

The terms of the agreements are 5 years at 75%, and the project will be eligible for an additional 5-year term if the owner secures a tenant for each building with a minimum payroll of $750,000 (25 employees/average salary $30,000) before this incentive expires.

Per the terms of the agreement, the speculative building requirements are:
1. Tenants must be engaged in manufacturing, research & development, warehousing or distribution activities
2. Buildings must be a minimum of 25,000 sq. ft. and constructed upon a site that is appropriately platted and zoned.
3. The project must obtain all required city approvals, including site plan review, building plan review, building permit and building inspections.
4. All building façades that face a street be constructed of the following materials: Stone, brick, wood, stucco, cultured stone, cement board, ceramic tile, ceramic block, or exterior insulation finish system (E.I.F.S.).
5. Architectural metal is permitted, provided that it occupies no more than 60 percent of the façade area and that all fasteners are concealed.

ALTERNATIVES
No alternatives.

FINANCIAL IMPACT
Estimated Financial Impact - A reduction in real estate taxes at 75% for 5-years.
If payroll is over $1M/per building, the City of Middletown will be required to pay Middletown City Schools 33% of what they would have received, had the abatement not been in place.

**EMERGENCY/ NON EMERGENCY**
2nd Reading Emergency – For economic development purposes. Mr. Knust would like to begin building now during construction season.
LEGISLATION
ITEM 5
AN ORDINANCE ESTABLISHING A PROCEDURE FOR AND AUTHORIZING AN AMENDMENT TO A CONTRACT WITH RELIABLE CONSTRUCTION FOR THE INSTALLATION OF A SELF-SERVE FUELING SYSTEM AND DECLARING AN EMERGENCY.

WHEREAS, City Council previously approved a contract with Reliable Construction for the installation of a self-serve fueling system in Ordinance No. O2019-100 on December 17, 2019; and

WHEREAS, while the work was being completed, it was determined that additional electrical infrastructure was needed for staging fuel trucks near the self-serve system and this led to additional plan review by the engineering consultants and Building Inspection;

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 of the Ohio Revised Code, is hereby authorized to enter into an amendment of the contract with Reliable Construction to pay for Change Orders 1 and 2 for the installation of the self-serve fuel system. The change orders are attached hereto as Exhibits A and B.

Section 2

For said purposes the Finance Director is authorized and directed to expend a sum not to exceed $8,607.70 from the Airport Fund (Fund # 525).

Section 3

City 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 of the Ohio Revised Code shall not be applicable to the award and execution of the aforesaid contract.

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: so that the contractor can be paid for the additional expenses as soon as possible, and shall take effect and be in force from and after its adoption.

Nicole Condrey, Mayor
Adopted:__________

Attest:_______________________

Clerk of City Council

H:\Law\Leg\2020 Leg\O Change Orders Reliable Construction
Exhibit A

**WORK DESCRIPTION:**
Professional services needed for stamp drawings for electrical permit for the city of Middletown performed by Diamond Z Engineering, Inc.
Middletown performed

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Owner/Authorized Signature: [Signature]
Date: [Date]

Reliable Construction Services: [Signature]
Date: [Date]
### Exhibit B

#### LABOR

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<th>Date</th>
<th># Personnel</th>
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<td>4&quot; rigid for posts</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$0.00</td>
</tr>
<tr>
<td>Install riser with cap for stick reading</td>
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<td></td>
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<td></td>
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</tbody>
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**Total Labor**  $3,418.70

#### EQUIPMENT

<table>
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<tr>
<th>Equipment</th>
<th>Date</th>
<th>Hours</th>
<th>Cost</th>
<th>Item</th>
<th>Task</th>
<th>Ext Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Air Compressor (6hr)</td>
<td></td>
<td></td>
<td>$0.00</td>
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<tr>
<td>Caterpillar Breaker - hammer</td>
<td></td>
<td></td>
<td>$0.00</td>
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<tr>
<td>Backhoe (Tires)</td>
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<tr>
<td>Mini Excavator (Tracks)</td>
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<td></td>
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<tr>
<td>Bobcat (2x)</td>
<td></td>
<td></td>
<td>$0.00</td>
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<td>$0.00</td>
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<tr>
<td>Bobcat Hammer</td>
<td></td>
<td></td>
<td>$0.00</td>
<td></td>
<td></td>
<td>$0.00</td>
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<td>Bobcat Sweeper</td>
<td></td>
<td></td>
<td>$0.00</td>
<td></td>
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<td>$0.00</td>
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<tr>
<td>Concrete Saw</td>
<td></td>
<td></td>
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<td></td>
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<td>$0.00</td>
</tr>
<tr>
<td>Cut off Saw</td>
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<td></td>
<td>$0.00</td>
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</tr>
<tr>
<td>Truck Mounted Crane</td>
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<tr>
<td>Dump Truck (single axle or stakebed)</td>
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<tr>
<td>Dump Truck (tandem)</td>
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<td>Water pump (2&quot; submersible)</td>
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<td>Service truck</td>
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**Total Equipment** $650.00

**Total Miscellaneous** $0.00

**Total Invoice** $5,888.70

[Signature]

5.28.20
June 24, 2020

TO: Susan Cohen, Acting City Manager
FROM: Chris Xeil Lyons, Economic Development Director
Prepared by Matt Eisenbraun, Economic Development Asst. Director

**PURPOSE**

To approve Change Orders #1 and #2 of the contract for installation of the self-serve fuel system with Reliable Construction Services at Middletown Regional Airport.

**BACKGROUND AND FINDINGS**

In November of 2019, City Council approved the construction and installation of a self-serve fueling system at Middletown Regional Airport. The fueling unit was custom constructed to order and construction/placement approval from the Federal Aviation Administration (FAA) was received at that time.

During the interim period, the Middletown Fire Department clarified the standards for storage and use of fueling trucks; the sum of which directed additional infrastructure requirements (electrical) for staging fuel trucks near the self-serve system.

Furthermore, changes to the infrastructure/utility design then triggered the need for a new set of reviewed/stamped plans from the engineering consultants and acceptance from the Middletown Building Inspection office.

**FINANCIAL IMPACT**

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>CO#1 – New Drawings for additional infrastructure</td>
<td>- $2,724.00</td>
</tr>
<tr>
<td>CO#2 – Construction/installation of new safety and infrastructure requirements</td>
<td>- $5,883.70</td>
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<tr>
<td>525-525-54350 Equipment Purchase</td>
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</tr>
<tr>
<td>Total</td>
<td>$8,607.70</td>
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</tbody>
</table>
EMERGENCY/NON-EMERGENCY

Second Reading Emergency

Cc: Law Director
    Finance Director

Attachments: CO #1, CO #2
LEGISLATION
ITEM 6
ORDINANCE NO. O2020-32

AN ORDINANCE ESTABLISHING A PROCEDURE FOR AND AUTHORIZING A CONTRACT WITH NFP CORPORATE SERVICES TO BE AGENT OF RECORD FOR HEALTH CARE SERVICES FROM AUGUST 1, 2020 THRU JULY 31, 2023 AND DECLARING AN EMERGENCY.

WHEREAS, the City issued an Request for Qualifications for an Agent of Record for health care services in June 2020 and received five responses; and

WHEREAS, the City’s Healthcare Committee reviewed all of the information submitted in response to the RFQ, and the committee unanimously voted to continue our relationship with NFP Corporate Services;

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 of the Ohio Revised Code, is hereby authorized to enter into a contract with NFP Corporate Services (NFP) to be Agent of Record for health care services for the period August 1, 2020 through July 31, 2023. NFP has offered pricing as follows: August 1, 2020 - July 31, 2022 (2 years - $58,000/year), August 1, 2022 – July 31, 2023 (1 year - $62,000/year), with the option for three one-year renewals. The contract shall be in a form approved by the Law Director and City Manager.

Section 2

For said purpose the Finance Director is hereby authorized and directed to pay a sum not to exceed $178,000.00 from the Employee Benefits Fund (Fund # 661) over the term of the contract.

Section 3

City 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 Ohio Revised Code Chapter 735 shall not be applicable to the award and execution of the aforesaid contract.
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 permit the new contract to be signed before the expiration of the current contract, and shall take effect and be in force from and after its adoption.

Nicole Condrey, Mayor

Adopted: ______________

Attest: _______________________

Clerk of the City Council
June 22, 2020

TO: Susan Cohen, Acting City Manager
FROM: Samantha Zimmerman, Purchasing Agent

Request for Contract for Agent of Record

PURPOSE

To request a contract with NFP Corporate Services, of Independence, OH, for Agent of Record for our Health Care Services in the amount of $58,000 for the period of August 1, 2020 through July 31, 2022 and $62,000 for the period of August 1, 2022 through July 31, 2023.

BACKGROUND and FINDINGS

The City of Middletown currently utilizes an Agent of Record for health care services for its employees. Approximately 340 employees are covered under this benefit. The Agent provides ongoing plan monitoring of employee health care benefit programs, monitors health care related issues, and offers advice, as well as consulting services and specialized services for problems and questions as they arise. The Agent is tasked with identifying innovative approaches to health care administration and the creation of health plan options to control costs, while maintaining high quality and competitive health benefits. The Agent also assists the City in its efforts to be in compliance with all legal and regulatory requirements.

The City has been and continues to be a self-funded group, with a third party administrator. A Health Insurance Committee comprised of representatives from the City’s Union and Non-Union employees works with the Agent to provide the best solution possible for the employees of the City.

The City has worked successfully with NFP for several years. Although the City has been very satisfied with the work they have performed, Request for Qualifications were requested in June 2020 to make sure the City is still receiving value for the work NFP has been providing. Five firms responded to the RFQ. Based on information submitted in the RFQ’s, and our past experience with NFP, the committee unanimously recommended continuing our relationship with NFP. Three ‘one-year’ renewals are available on this contract.

ALTERNATIVES

1. Not be self-funded, and turn the health insurance over to an insurance company to handle all our claims, etc.
2. Select a different firm to be the City’s Agent of Record for Health Care Services against the recommendation of the City’s Health Care Committee.

**FINANCIAL IMPACT**

Funding is available in the budget to cover this expenditure.

**EMERGENCY/NON EMERGENCY**

2\(^{nd}\) reading emergency – A 2\(^{nd}\) reading emergency is requested in order for this to be effective before the start of the contract of August 1, 2020.

cc: Jacob Burton, Finance Director  
Susan Cohen, Administrative Services Director  
Brittany Grimes, Human Resources Specialist  
Megan Ellis, Human Resources Clerk
LEGISLATION
ITEM 7
ORDINANCE NO. O2020-33

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR A SMALL BUSINESS ECONOMIC DEVELOPMENT GRANT WITH WHITE DOG DISTILLING COMPANY.

WHEREAS, White Dog Distilling Company is operating a distillery at 1357 Central Avenue; and

WHEREAS, White Dog Distilling Company does not meet the requirements for the City’s Job Creation Incentive Grant program, but the City is interested in providing an incentive for the small business;

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

Section 1

The City Manager is hereby authorized to enter into an agreement for a Small Business Economic Development Grant with White Dog Distilling Company. The agreement shall be in a form substantially similar to Exhibit “A”, and is subject to approval by the City Manager and Law Director.

Section 2

For said purposes, the Finance Director is hereby authorized to pay a sum not to exceed $10,000.00 from the Property Development Fund (Fund # 499).

Section 3

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

Nicole Condrey, Mayor

1st Reading: July 7, 2020
2nd Reading: 
Adopted: 
Effective: 

Attest: 

Clerk of the City Council
SMALL BUSINESS ECONOMIC DEVELOPMENT
GRANT AGREEMENT

This agreement is made and entered into by and between the CITY OF MIDDLETOWN, OHIO, a municipality, with its main offices located at One Donham Plaza, Middletown, Ohio 45042 (hereinafter “the City”) and WHITE DOG DISTILLING COMPANY, LLC, whose business address is located at ______________________________ (hereinafter “Grantee”).

WHEREAS, the City of Middletown has encouraged the creation of new jobs in the City by establishing a Job Creation Incentive Grant Program; and

WHEREAS, there are smaller business enterprises creating new jobs within the City, but do not create sufficient new jobs to qualify for the Job Creation Incentive Grant Program, such as Grantee; and

WHEREAS, the Grantee operates a distillery at 1357-1361 Central Avenue (formerly Liberty Spirits) (the “Property”) and has entered into a land installment contract to purchase the Property from the current owner; and

WHEREAS, Grantee currently has one full-time employee and two part-time employees, and intends to hire two additional full-time employees by December 31, 2023; and

WHEREAS, the Grantee has requested economic assistance from the City; and

WHEREAS, the City’s Economic Development Incentive Team has investigated the request and has recommended to the Middletown City Council that the Grantee be provided a Small Business Economic Development Grant in accordance with the terms and conditions herein;

WHEREAS, the Small Business Economic Development Grant to Grantee will further the public purposes of job creation and preservation within the City and improve the economic welfare of the people of the City;

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained and the benefit to be derived by the parties from the execution hereof, the parties herein agree as follows:

1. Grantee intends to continue investing in its operations within the City of Middletown, including the purchase of its current location at 1357-1361 Central Avenue (the “Property”).

2. Grantee shall receive a one-time Small Business Economic Development Grant in the amount of $10,000.00 (the “Grant”) to be used towards the purchase of the Property, which is expected to be complete in 2023.
3. Grantee shall provide to the City any information reasonably required by the City to evaluate Grantee’s compliance with the Agreement, including, but not limited to:

   a. Annual payroll at the project site
   b. Number of employees working at the project site
   c. Total money invested at the project site.

4. If (a) Grantee materially fails to complete the purchase of the property by December 31, 2023, or (b) the City determines that the certification as to delinquent taxes required by this agreement is fraudulent, the City of Middletown may terminate or modify this agreement in writing. If the City moves forward with termination, the Grantee must repay the full amount of the Grant within 90 days of receipt of the notice of termination.

5. Grantee hereby certifies that at the time this agreement is executed, Grantee does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State of Ohio, and does not owe delinquent taxes for which Grantee is liable under Chapter 5733., 5735., 5739., 5741., 5743., 5747., or 5753. of the Revised Code, or, if such delinquent taxes are owed, Grantee currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof, has filed a petition in bankruptcy under 11 U.S.C.A. 101, et seq., or such a petition has been filed against Grantee. For the purposes of the certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Revised Code governing payment of those taxes.

6. Grantee affirmatively covenants that it does not owe: (1) any delinquent taxes to the State of Ohio or a political subdivision of the State; (2) any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State; and (3) any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not.

7. Grantee and the City of Middletown acknowledge that this agreement has been approved by formal action of the Middletown City Council, Ordinance No. O2020-____. This agreement takes effect upon the signature of both parties. This agreement is not transferrable or assignable without the express, written approval of the City of Middletown.

8. The City of Middletown has developed a policy to ensure recipients of Small Business Economic Development Grants tax benefits practice non-discriminating hiring in its operations. By executing this agreement, Grantee is committing to following non-discriminating hiring practices acknowledging that no individual may be denied employment solely on the basis of race, religion, sex, disability, color, national origin, or ancestry.
9. Grantee affirmatively covenants that it has made no false statements to the City in the process of obtaining approval for this Grant. If any representative of Grantee has knowingly made a false statement to the City to obtain the Grant provided herein, Grantee shall be required to immediately return all benefits received under this Agreement and shall be ineligible for any future economic development assistance from the City. Any person who provides a false statement to secure economic development assistance may be guilty of falsification, a misdemeanor of the first degree, pursuant to R.C. 2921.13(A)(4), which is punishable by a fine of not more than $1,000.00 and/or a term of imprisonment of not more than six months.

IN WITNESS WHEREOF, the parties have executed this agreement on the day written below their signatures.

CITY OF MIDDLETOWN

By: ____________________________
   Jim Palenick
   City Manager

Date: __________________________

Approved as to form:

______________________________
Law Director

WHITE DOG DISTILLING COMPANY, LLC

By: ____________________________
   ______________________________
   Name: _________________________

Title: __________________________

Date: __________________________

Approved as to form:

______________________________
Law Director
DATE:  June 11, 2020

TO:  Susan Cohen, Acting City Manager

FROM:  Chris Xeil Lyons, Economic Development Director,
prepared by Alaina Geres, Economic Development Program Manager

White Dog Distilling Company Small Business Economic Development Grant

PURPOSE
To authorize a Small Business Economic Development Grant for White Dog Distilling Company to be used towards the purchase of the building at 1357 Central Avenue in Middletown, Ohio – parcel number Q6532004000030.

BACKGROUND and FINDINGS
The White Dog Distilling Company wishes to purchase the building they have been operating out of at 1357 Central Avenue – previously occupied by Liberty Spirits. They are currently under land contract to purchase the building by 2023.

They have been a great community partner and have pivoted their business operations during this Covid-19 pandemic to produce hand sanitizer and have sold it to many businesses and individuals in the community.

We are providing them a one-time grant of $10,000 to be paid immediately after execution of the agreement to go towards the land acquisition.

Per the terms of the proposed grant agreement, they will be required to complete the purchase by December 31, 2023. If the acquisition is not complete by that date, then the agreement will state the grant dollars will be returned to the City of Middletown.

Additionally, they will create an additional 2 FT employees. They currently have 1 FT and 2 PT employees. By the end of December 31, 2023, they will employ 3 FT and 2 PT employees.

ALTERNATIVES
No alternatives.

FINANCIAL IMPACT
Estimated Financial Impact - $10,000

EMERGENCY/NON EMERGENCY
Non-emergency
EXECUTIVE SESSION