



MIDDLETOWN

MIDDLETOWN CITY COUNCIL AGENDA TUESDAY, November 3, 2020

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

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

PUBLIC HEARINGS

Historic Landmark Designation: The Middletown Historic Commission recommends to the Middletown City Council to expand the Highlands Historic District with the local historic designation of the properties located at 500, 502, and 504 The Alameda, Middletown, OH 45044 (Parcel IDs: Q6541010000014, Q6541010000013, and Q6541010000012). The properties are a total of approximately 0.51 acres. The Historic Commission recommended approval of the local historic designation of 500, 502, and 504 The Alameda to expand the Highlands Historic District to the Middletown City Council at their regular meeting held September 17, 2020.

Historic Landmark Designation: The Middletown Historic Commission recommends to the Middletown City Council to expand the South Main Street Historic District with the local historic designation of the property located at 812 South Main Street, Middletown, OH 45044 (Parcel ID: Q6521012000065). The property is a total of approximately 0.21 acres. The Historic Commission recommended approval of the local historic designation of 812 South Main Street to expand the South Main Street District to the Middletown City Council at their regular meeting held October 15, 2020.

PRESENTATION- Warren County Community Services

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) Receive and File Board and Commission Minutes from:
 - Airport Commission- September 16, October 21 and November 18, 2019 and January 20, February 24 and March 16, 2020.
 - Board of Health- September 8, 2020
- (b) Receive and File Oath of Office for Jamie Hearlihy
- (c) Confirm the promotional appointments of Billy Shane Owens to the position of Fire Lieutenant and Brian Wright to the position of Fire Captain in the Department of Public Safety, Division of Fire.
- (d) Approve the purchase of three new Ford Explorer's off the ODAS Contract for the Division of Police in the total amount of \$98,187 from Lebanon Ford.

PINNING CEREMONY

Fire Dept Promotions



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MOTION AGENDA

- (a) Approve a contract for Police Towing Servicers with Mark Kakaris dba Mark's Towing of Middletown, Ohio, in the amount of \$100 per tow for the period of January 1, 2021 through December 31, 2022. This contract also includes the lease of the land at 3500 Terry Drive to Mr. Kakaris to operate his towing business and for the secure storage of impounded vehicles.
- (b) Authorize the transfer of property to adjacent property owners through the Vacant Side Lot Program.

PARCEL NO.	ADDRESS	STREET	FEES	INTERSTED PARTY
Q6532030000055	118	HARRISON ST	\$ 500.00	Watts, Lauren
Q6541005000024/25		LOGAN AVE	\$ 919.75	Browning, Jason and Elizabeth

LEGISLATION

1. **Resolution No. R2020-31**, 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 and declaring an emergency. (UDAG Fund)
2. **Ordinance No. 02020-55**, an ordinance authorizing the City Manager to enter into a UDAG Grant agreement with Triad Investment Group, LLC for the property located at 1126 Central Avenue and declaring an emergency.
3. **Ordinance No. 02020-56**, an ordinance authorizing the City Manager to enter into a UDAG Grant agreement with Larry Lewis, Trustee and Triad Investment Group, LLC for the property located at 1212 and 1218 Central Avenue and declaring an emergency.
4. **Ordinance No. 02020-57**, an ordinance authorizing the City Manager to enter into a UDAG Grant agreement with Daniyal, LLC for the property located at 5 South Canal Street and declaring an emergency.
5. **Ordinance No. 02020-58**, an ordinance authorizing the City Manager to enter into a UDAG Grant agreement with MLH Developers, LLC for the property located at 1044 Central Avenue and declaring an emergency.
6. **Ordinance No. 02020-59**, an ordinance establishing a procedure for and authorizing a contract with Allied Technical Services, Inc. to complete the August Avenue Lift Station Repair Project and declaring an emergency.
7. **Ordinance No. 02020-60**, an ordinance authorizing the City Manager to submit an application for the Ohio Department of Natural Resources Paddling Enhancement Grant Program for river access improvements. (Second Reading)
8. **Ordinance No. 02020-61**, an ordinance establishing a procedure for and authorizing an extension of the current contract with SmartBill Ltd. for the printing and mailing of water bills. (Second Reading)



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9. **Ordinance No. 02020-62**, an ordinance establishing a procedure for and authorizing an extension of the contract with CBM Managed Services now known as Summit Food Service for jail food service in 2021. (Second Reading)
10. **Ordinance No. 02020-63**, an ordinance enacting and adopting the 2020 supplement (S-13) to the codified ordinances of the City of Middletown, Ohio, and declaring an emergency.
11. **Ordinance No. 02020-64**, an ordinance establishing a procedure for and authorizing a contract with Air Force One for the installation of a Data Aire System with a GPS Needlepoint Bipolar Ionization System and declaring an emergency.
12. **Ordinance No. 02020-65**, an ordinance authorizing a contract with Lebanon Ford for the purchase of a Ford Explorer and declaring an emergency.
13. **Resolution No. R2020-32**, 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 and declaring an emergency. (Year End-Various Funds) (No action requested until November 17, 2020)
14. **Ordinance No. 02020-66**, an ordinance amending section 1050.07 (Storm Water, Schedule of Rates) of the Codified Ordinances. (First Reading)
15. **Ordinance No. 02020-67**, an ordinance amending section 1040.03 of the Codified Ordinances levying and assessing sewer rates. (First Reading)
16. **Ordinance No. 02020-68**, an ordinance amending section 1066.07(a) of the Codified Ordinances and establishing a new solid waste collection fee. (First Reading)
17. **Ordinance No. 02020-69**, an ordinance establishing pay ranges, pay policy and benefits for various salaried and hourly classifications within the service of the City. (First Reading)
18. **Ordinance No. 02020-70**, an ordinance establishing pay ranges, pay policy and benefits for various salaried and hourly classifications within the service of the City that are hired January 1, 2018 or later. (First Reading)
19. **Ordinance No. 02020-71**, an ordinance establishing pay ranges and certain benefits for employee classifications in the Middletown Department of Health and Environment. (First Reading)
20. **Resolution No. R2020-33**, a resolution to make 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. (Annual Budget – 2021) (First Reading)
21. **Ordinance No. 02020-72**, an ordinance amending the Highlands Historic District to include the properties located at 500, 502 and 504 The Alameda. (First Reading)



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22. **Ordinance No. 02020-73**, an ordinance amending the South Main Street Historic District to include the property located at 812 South Main Street. (First Reading)
23. **Ordinance No. 02020-74**, an ordinance authorizing the City Manager to enter into an agreement for a small business economic development grant with Higher Faculty, LLC. (First Reading)
24. **Ordinance No. 02020-75**, an ordinance consenting to real property tax exemption pursuant to R.C. 5709.121 applicable to property owned by Warren County Community Services and more particularly described as Warren County Auditor's parcel nos. 07032770061 & 07032770062. (First Reading)
25. **Ordinance No. 02020-76**, an ordinance authorizing a contract with RINKA for master planning services related to the Towne Mall Galleria Redevelopment Project and declaring an emergency.

PUBLIC HEARING



October 20, 2020

TO: City Council

ATTN: Amy Schenck, Clerk of Council

FROM: Ashley Combs, Planning Director
Annette Accurso, Historic Property Specialist

SUBJECT: Historic District Expansion – Highlands Historic District
500 The Alameda, Middletown, Ohio 45044

PROPERTY ADDRESS:

500 the Alameda, Middletown, OH 45044

APPLICANT/OWNER:

Phillip Brad and Debbie Childers

PUBLIC HEARING:

The Middletown Historic Commission recommends to the Middletown City Council to expand the Highlands Historic District with the local historic designation of the properties located at 500, 502, and 504 The Alameda, Middletown, OH 45044 (Parcel IDs: Q6541010000014, Q6541010000013, and Q6541010000012). The properties are a total of approximately 0.51 acres.

The Historic Commission recommended approval of the local historic designation of 500, 502, and 504 The Alameda to expand the Highlands Historic District to the Middletown City Council at their regular meeting held September 17, 2020.

The property owners have given their consent and request their properties be locally designated to be included in the Highlands Historic District.

PROPERTY HISTORY:

Per the property owners, 500 The Alameda is one of the oldest properties on the Alameda in the Highlands Historic District. The land was owned by Mr. Simon Goldman, a dry goods businessman, local entrepreneur, and known as a wealthy man of the time period.

Record indicate that the home's builder, John Happersberger was born around 1854 in Germany. Mr. Happersberger immigrated to the United States in 1871 where he met his wife, Caroline. In 1879 they were married and had their family consisting of two daughters, Emma and Thusnelda.

In 1881, Mr. Happersberger had a jewelry store in Lima, Ohio where he was an expert watchmaker. He also had a jewelry store in Middletown and was known locally as a well-known jeweler.

On April 8, 1893, Mr. Happersberger acquired lots 2832-2933 from Simon Goldman and his son Charles T. Goldman (originally the builder of 301 The Alameda) for the cost of \$1,000. The property consists of three lots where the construction of the home started and shortly after the lots were renumbered. The out building (garage) was constructed in 1900. That same year the property was sold on January 17, 1900 to Wm. Caldwell.

ABOUT THE HOME:

The home was constructed in 1893 and is a total of three stories. The gross floor area of the home is a total of 3,373 SQ. FT. The construction of the home is wood and beam, in which the wood was covered with aluminum siding in the 1970's when the addition was constructed on the rear of the home. The home has a total of ten rooms, four bedrooms, two full baths, a butler's pantry/bar area, and a four season room. The basement has the original stone foundation which has been weatherproofed, a wine cellar, a canning room, the old coal room, and two laundry rooms.

When the home was originally built and surrounded by tobacco fields and a greenhouse. The home had a large porch across the front, three fireplaces on the main house and a small back porch on the rear of the home. The front southeast fireplace was removed during a renovation project as well as the front door and a window.

Please see attached historic home description/historical facts and drawings submitted by property owners.

PER MIDDLETOWN DEVELOPMENT CODE 1212.02 DESIGNATION OF A HISTORIC LANDMARK OR HISTORIC DISTRICT

- A. Proposals to designate or expand historic districts or designate historic landmarks may be initiated by the Historic Commission, a property owner or by motion of Planning Commission or City Council. Proposals initiated by property owners, Planning Commission or Council shall be referred to the Historic Commission for recommendation and initiation of the formal designation process.
- B. Proposals to designate or expand a historic district shall be submitted with a rezoning application as well as the information listed below. Proposals to designate a historic landmark shall include, at a minimum, the following additional information:
 1. Evidence of property owner interest in landmark designation or location within the proposed historic district.
 2. A boundary description.
 3. An inventory of historic resources.
 4. A description of the architectural and historical significance of properties within the proposed boundaries, including photo documentation of unique elements and also those that are stereotypical of the architectural style.
 5. A map or description of existing zoning.

- a. In considering any area, place, structure, work of art or similar object in the City as a historic site or historic district, the Historic Commission shall apply the following criteria:
 1. The structure or site or area's character, value, or significance as part of the development of the City, the State, or the United States;
 2. Its location as a site or area of a significant historic event;
 3. Its identification with a person who significantly contributed to the development of the City;
 4. Its embodiment of distinguishing characteristics of an architectural style or type;
 5. Its exemplification of the cultural, economic, social or political heritage of the City;
 6. Its relationship to other distinctive areas or structures designated for preservation;
 7. Its unique location or singular physical characteristic representing an established and familiar feature of the City; and
 8. Its inclusion of prehistoric and/or historic archaeological sites or other important representations of previous cultures.

B. Designation Procedure

The previously named entities, individuals, or Historic Commission shall have the authority to propose designations of any area, place, structure, work of art, or similar object in the City as a historic site or historic district. The following shall be the procedure for the formal designation of such places or areas.

Step 1 – Development Code Administrator Recommendation Required

- A. The Historic Commission shall advise the Development Code Administrator of the proposed designation and secure from the Development Code Administrator a recommendation with respect to the relationship of the proposed designation to the Master Plan of the City and any applicable Historic Preservation Plan.
- B. The Development Code Administrator shall give an opinion as to the effect of the proposed designation upon the surrounding neighborhood and an opinion and recommendation as to any other planning consideration which may be relevant to the proposed designation, together with a recommendation of approval, rejection, or modification of the proposed designation.
- C. Such recommendation shall be submitted in written form by the Historic Commission, along with its recommendation concerning the proposed designation.
- D. The Historic Commission shall make a decision whether to proceed with the designation review based on the recommendation of the Development Code Administrator.

Step 2 – Notification

- A. If the Historic Commission decides to proceed with designation, the Development Code Administrator shall notify the owner of all properties under consideration for designation. For the purpose of designation or expansion of a group or district, notice shall be published on the City's webpage and shall be mailed or otherwise distributed to each owner of real property located within such group or district. Whenever possible, the Historic Commission shall secure the owner's written consent for submittal of the proposed designation, together with its recommendation of findings of fact.
- B. The Historic Commission shall make a recommendation concerning the designation of the property to the City Council. Once the proposal to establish or expand a preservation district or to designate an individual property or structure as a historic landmark has been reviewed, the Historic Commission

shall schedule a public hearing. The public hearing shall not be more than thirty (30) calendar days after such a proposal is submitted. Notice of the public hearing shall be given according to the following:

- i. The Historic Commission shall give the owner(s) not less than fourteen (14) calendar days' written notice of the date, time and place of such hearing.
- ii. Notice of the public hearing shall be given to at least one (1) or more newspapers of general circulation in the City. The notice shall be published at least ten (10) calendar days before the date of the hearing.
- iii. Notices shall include the time and place of the public hearing, a summary of the proposal and a statement that opportunity to be heard will be afforded to any person interested. Failure of delivery of such notice shall not invalidate any such amendment.
- iv. The original application, all comments and additional considerations presented at the public hearing, and the recommendation of the Historic Commission shall be forwarded to the City Council for its consideration.

Step 3 – Historic Commission Public Hearing

- A. The Historic Commission shall conduct the public hearing as provided and shall provide an opportunity for all interested parties to express their opinions.
- B. The Historic Commission shall determine if any or all of the criteria listed in Section 1212.02 have been met.
- C. The Commission shall then make a recommendation regarding the proposed designation, in writing, within 30 days after the initial hearing date and shall notify the owner or any person having a legal interest in such property, as well as other interested parties who request a copy.
- D. The Historic Commission shall state in its recommendation findings of fact that constitute the basis for its decision and shall transmit such recommendation concerning the proposed designation to the Middletown City Council.

Step 4 – Consideration by City Council

- A. The City Council shall give due consideration to the findings and recommendations of the Historic Commission, input provided by the persons participating in the public hearing before the Historic Commission, in addition to the recommendation of the Development Code Administrator, in making its determination with respect to the proposed designation of any areas, places, structures, works of art or similar objects as historic sites or historic districts.
- B. The City Council may, at its discretion, hold public hearings on any such proposed designation, whether such designation is proposed with the consent of the owner or after public hearings before the Historic Commission. The City Council may then designate by ordinance areas, places, structures, works of art, or similar objects as historic sites or historic districts.

Step 5 – Notification of Designation

Within 14 days, the Historic Commission shall notify the Chief Building Official of the official designation. The Commission shall also send, by certified mail, a certified copy of the designation ordinance to the owner and any person having a legal interest in any properties involved in the designation.

Step 6 – Record of Designation

The Historic Commission shall direct the Law Director to cause a record of such designation to be filed with the applicable county recorder

ATTACHMENTS: Application/supporting documents, home pictures, and maps for proposed modification.

ALTERNATIVES:

None

FINANCIAL IMPACT:

None

EMERGENCY/NON-EMERGENCY:

Non-Emergency



MIDDLETOWN

HISTORIC LANDMARK DESIGNATION APPLICATION

Historic Landmark requests require legal notice to be provided 14 days prior to meeting date. Landmark status approval is required by the City of Middletown Historic Commission & City Council

To check if your property is located in a historic district, historically designated, or for more information regarding the City's historic districts/landmarks, please visit our City website at: <https://www.cityofmiddletown.org/194/Planning-Zoning>

LANDMARK DESIGNATIONS ARE REVIEWED ACCORDING TO
CHAPTER 1212 OF THE MIDDLETOWN DEVELOPMENT CODE

APPLICATION DATE: 8/24/20

DEBBIE A. CHILDERS

PROPERTY ADDRESS: 500
THE ALAMEDA

OWNER NAME(S): Phillip Brad Childers

APPLICANT ADDRESS: " "

APPLICANT NAME(S): Phillip & Debbie

OWNER ADDRESS: " "

APPLICANT PHONE NUMBER:

513-464-0286 / 513-464-6366

OWNER'S PHONE NUMBER:

" "

PROPERTY DESCRIPTION: (See Historic Commission Review Criteria Below)

Grey Home - Began Being Built April 8, 1893

Please attach the following:

- Property Photos
- Description of Historic Significance

Please be advised if the designation is approved by the Historic Commission and City Council, a copy of legal description & property deed will be required by the County for recording purposes.

I acknowledge that the information provided is true/correct to the best of my knowledge.

Phillip Brad Childers

Applicant Signature(s)

8/24/20

Date

Debbie A. Childers

Property Owner Signature(s)

8/24/20

Date

HISTORIC COMMISSION REVIEW CRITERIA:

In considering any area, place, structure, work of art or similar object in the City as a historic site or historic district, the Historic Commission shall apply the following criteria:

1. The structure or site or area's character, value, or significance as part of the development of the City, the State, or the United States;
2. Its location as a site or area of a significant historic event;
3. Its identification with a person who significantly contributed to the development of the City;
4. Its embodiment of distinguishing characteristics of an architectural style or type;
5. Its exemplification of the cultural, economic, social or political heritage of the City;
6. Its relationship to other distinctive areas or structures designated for preservation;
7. Its unique location or singular physical characteristic representing an established and familiar feature of the City; and
8. Its inclusion of prehistoric and/or historic archaeological sites or other important representations of previous cultures.

1212.02 DESIGNATION OF A HISTORIC LANDMARK OR HISTORIC DISTRICT

A. Proposals to designate or expand historic districts or designate historic landmarks may be initiated by the Historic Commission, a property owner or by motion of Planning Commission or City Council. Proposals initiated by property owners, Planning Commission or Council shall be referred to the Historic Commission for recommendation and initiation of the formal designation process.

B. Proposals to designate a historic landmark shall include, at a minimum, the following additional information:

1. Evidence of property owner interest in landmark designation or location within the proposed historic district.
2. A boundary description.
3. An inventory of historic resources.
4. A description of the architectural and historical significance of property/properties within the proposed boundaries, including photo documentation of unique elements and also those that are stereotypical of the architectural style.
5. A location map/with existing zoning designation.

In considering any area, place, structure, work of art or similar object in the City as a historic site or historic district, the Historic Commission shall apply the following criteria:

1. The structure or site or area's character, value, or significance as part of the development of the City, the State, or the United States;
2. Its location as a site or area of a significant historic event;
3. Its identification with a person who significantly contributed to the development of the City;
4. Its embodiment of distinguishing characteristics of an architectural style or type;
5. Its exemplification of the cultural, economic, social or political heritage of the City;
6. Its relationship to other distinctive areas or structures designated for preservation;
7. Its unique location or singular physical characteristic representing an established and familiar feature of the City; and
8. Its inclusion of prehistoric and/or historic archaeological sites or other important representations of previous cultures.

Designation Procedure

The previously named entities, individuals, or Historic Commission shall have the authority to propose designations of any area, place, structure, work of art, or similar object in the City as a historic site or historic district. The following shall be the procedure for the formal designation of such places or areas.

D. The Historic Commission shall state in its recommendation findings of fact that constitute the basis for its decision and shall transmit such recommendation concerning the proposed designation to the Middletown City Council.

Step 4 – Consideration by City Council

A. The City Council shall give due consideration to the findings and recommendations of the Historic Commission, input provided by the persons participating in the public hearing before the Historic Commission, in addition to the recommendation of the Development Code Administrator, in making its determination with respect to the proposed designation of any areas, places, structures, works of art or similar objects as historic sites or historic districts.

B. The City Council may, at its discretion, hold public hearings on any such proposed designation, whether such designation is proposed with the consent of the owner or after public hearings before the Historic Commission. The City Council may then designate by ordinance areas, places, structures, works of art, or similar objects as historic sites or historic districts.

Step 5 – Notification of Designation

Within 14 days, the Historic Commission shall notify the Chief Building Official of the official designation. The Commission shall also send, by certified mail, a certified copy of the designation ordinance to the owner and any person having a legal interest in any properties involved in the designation.

Step 6 – Record of Designation

The Historic Commission shall direct the Law Director to cause a record of such designation to be filed with the applicable county recorder.

DEPARTMENTAL USE ONLY:

CASE NUMBER: _____

Application Received By: _____
(Planning & Zoning Department)

Historic Commission Meeting Date: _____

Staff Recommendation: _____

Comments: _____

The Historic Commission Vote to:

APPROVE DENY

The Historic Landmark Designation Request

City Council Hearing Date: _____

500 The Alameda
John Happersberger House
Circa 1893

500 The Alameda is one of the oldest properties on The Alameda and in the neighborhood. The land was owned by Mr. Simon Goldman, a dry goods businessman, local entrepreneur and wealthy gentlemen of the time period. Records indicate the builder, John Happersberger was born about 1854 in Germany. He immigrated to the United States in 1871 where he met his Wife Caroline. They were married in 1879 and had four children, Carl, John and two daughters, Emma and Thusnelda. In 1881, Mr. Happersberger had a jewelry and watch store in Lima, Ohio where he was an expert watchmaker. He also had a jewelry store here in town and was a well known jeweller. On April 8, 1893, John Happersberger assumed lots 2832-2833 from Simon Goldman and his son Charles T. Goldman (Original Builder of 301 The Alameda) for the cost of \$1,000. The property consists of three lots where building started shortly after and eventually the lots were re-numbered. The out building (garage) was built in 1900, the same year the property was sold on January 17, 1900 to a Wm. Caldwell.

Historical Facts:

- According to documents, John Happersberger was required to erect a two-story dwelling house that must have a minimum five rooms and a cellar.
- The house must be worth at least \$2,000.
- The house had to be at least 35' from The Alameda and 15' from Lexington Ave.
- The house had to be completed within two years of purchase date.
- Sherman Ave was originally named Lexington Ave.
- February 4, 1894, John Happersberger was labeled "A Wealthy Citizen" in the Cincinnati Enquirer.
- Charles R. Hook owned the residence from September 30, 1909 until 1920. This was during the time that the Hook Mansion was being built.
- Charles T. Goldman and Minnie S. Goldman owned the residence after Mr. Hook. Mr. Goldman sold the property to W.A. Smith Jr. on July 26, 1929.

Home Facts:

The home has three stories which includes a finished third story loft that has eight windows, its own heating and cooling system and a whole house attic fan. The gross living area is 3,373 sq.ft. The construction is wood and beam, in which the wood was covered with aluminum siding in the early 1970's when the addition was put on the back of the house. The home has a total of 10 rooms, 4 bedrooms, 2 full baths, a Butler's Pantry/Bar area and four season enclosed porch. The basement has the original stone foundation which has been waterproofed, a wine cellar, a canning room (now a Bourbon cellar), the old coal room, along with one of two laundry locations in the home.

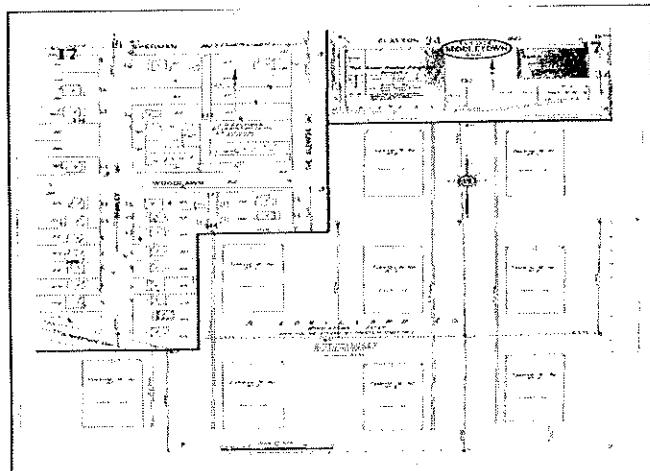
When the home was originally built and surrounded by tobacco fields and a greenhouse, the home had a large front porch across the front, 3 fireplaces on the main house and a small back porch on the rear of the home. The front southeast fireplace was removed during a renovation project as

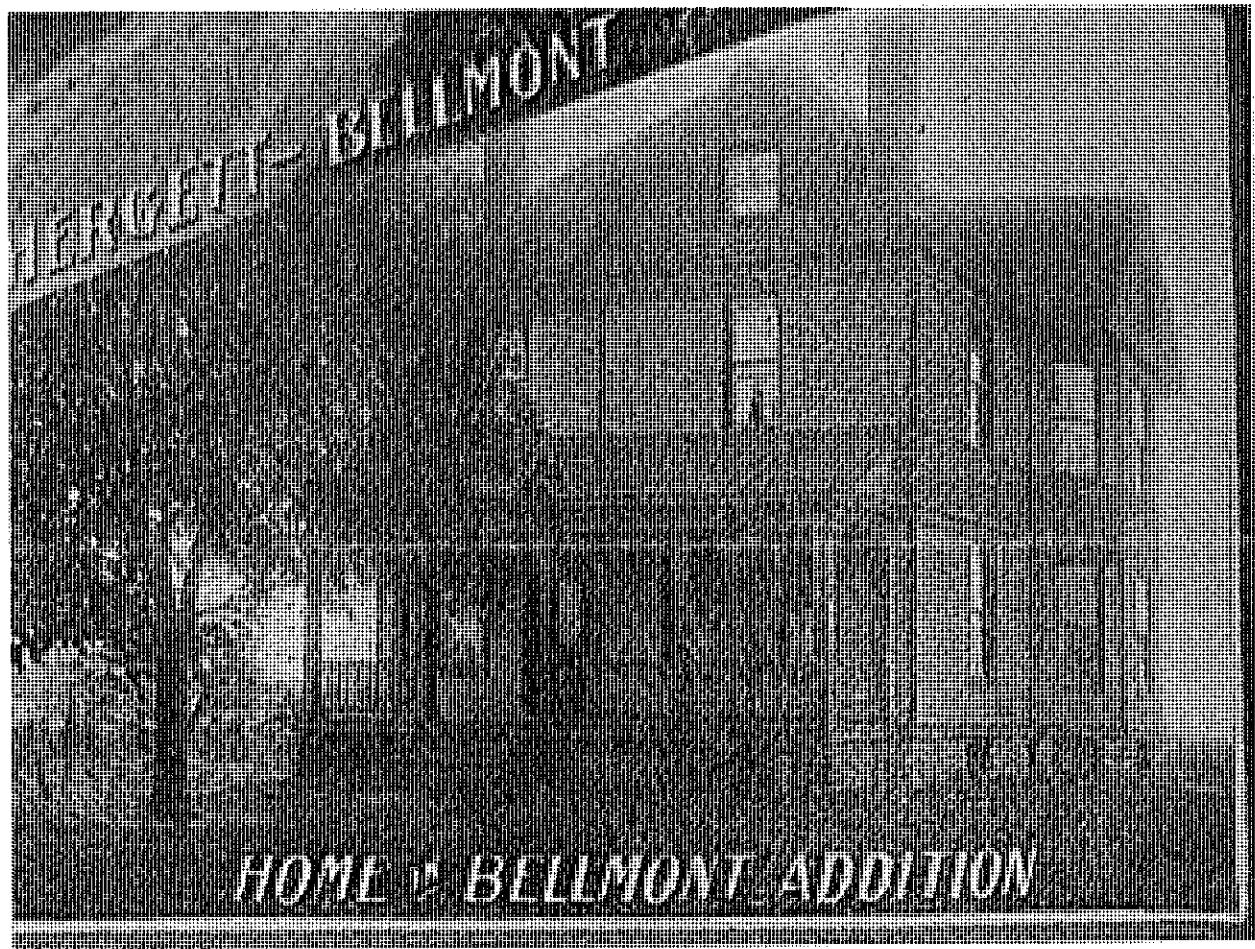
well as the front main door and a window. The cellar door was on the back of the home at the southwest corner noted in the pictures.

For more information about 500 The Alameda, contact bchilders@franklincityschools.com

Thank You for visiting The Highlands Historical District and Neighborhood!

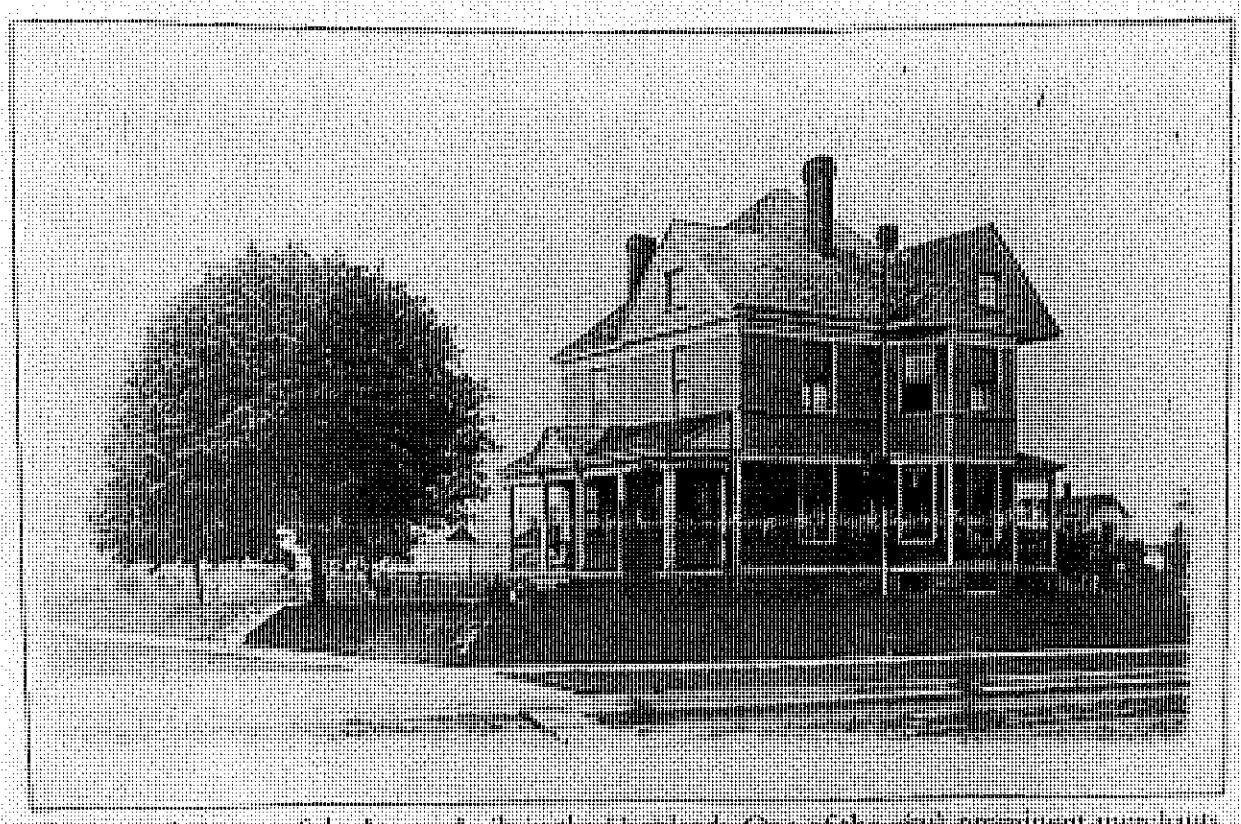
Brad and Debbie Childers



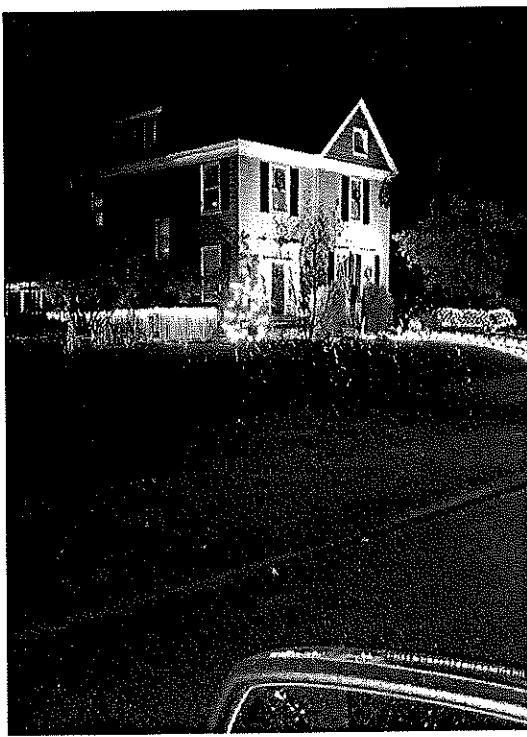
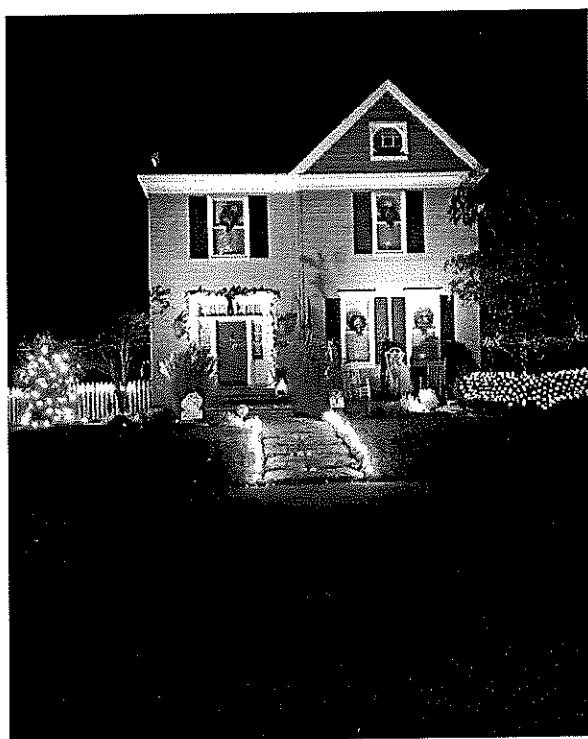




500 The Alameda
John Happersberger House
Circa 1893



This is another one of the houses built in the Highland. One of the city's prominent merchants, Simon Goldstein, owned the land that was developed into the Highland. His sons had planned and sold the lots. They also gave the city land for a park.





500 The Alameda- Expansion of Highlands Historic District



PUBLIC HEARING



October 20, 2020

TO: City Council

ATTN: Amy Schenck, Clerk of Council

FROM: Ashley Combs, Planning Director
Annette Accurso, Historic Property Specialist

SUBJECT: Historic District Expansion – South Main Street Historic District
812 South Main Street, Middletown, OH 45044

PROPERTY ADDRESS:

812 South Main Street, Middletown, OH 45044

APPLICANT/OWNER:

Jacquelyn Phillips

PUBLIC HEARING:

The Middletown Historic Commission recommends to the Middletown City Council to expand the South Main Street Historic District with the local historic designation of the property located at 812 South Main Street, Middletown, OH 45044 (Parcel ID: Q6521012000065). The property is a total of approximately 0.21 acres. The Historic Commission recommended approval of the local historic designation of 812 South Main Street to expand the South Main Street District to the Middletown City Council at their regular meeting held October 15, 2020.

On September 29, 2020, the property owner, Jacquelyn Phillips, submitted an application for the historic designation of her property located at 812 South Main Street, Middletown, OH 45044. Ms. Phillips has an existing home located at 808 South Main Street that is currently designated and included in the South Main Historic District. If approved, the property at 812 South Main Street would be consolidated with 808 South Main Street for an approved home addition.

On October 15, 2020, the Historic Commission voted to recommend to the Middletown City Council the expansion of the South Main Historic District with inclusion and local historic designation of the property located at 812 South Main Street, Middletown, OH 45044. The Historic Commission voted for approval based on planning staff's recommendation and the Historic Commission's knowledge of the South Main Historic District.

The City of Middletown's Planning & Zoning Department staff recommended approval of the expansion of the South Main Historic District to include 812 South Main Street. Planning staff recommended approval because the property owner gave consent and

confirmed that she would be consolidating the property with her existing property located at 812 South Main Street. The property located at 812 South Main Street is already historically designated and included in the South Main Historic District. Planning staff also recommended approval of the expansion as it will add to the preservation of the existing home's style and character and that the designation followed the criteria outlined in 1212.02 Designation of a Historic Landmark or Historic District.

Documents Used to Make Recommendation:

- Application/Supporting Documents Submitted by Property Owner
- South Main Street Historic Homes Inventory
- Middletown Historic Preservation Plan
- Middletown Development Code

Meeting notices were sent to all property owners within the South Main Street Historic District and no objections or comments have been received for the proposed expansion.

The property owner has given their consent and request their property be locally designated to be included in the South Main Street Historic District.

PROPERTY HISTORY:

The property owns to parcels of land that are adjoining. The property that is owned at 808 South Main Street is already historically designated and a part of the South Main Street Historic District. The property owner is having an addition built onto the existing home located at 808 South Main Street. The home addition will be built and cross on to the adjoining lot, parcel Q6521012000065, also known as 812 South Main Street. The applicant is currently working with a surveyor for a lot consolidation.

The home located at 808 South Main Street is an 1875 Victorian style, two-story, wood frame, typical farmhouse. The roof is cross gabled, the structure is small and narrow, and generally plain. It exhibits fine detailing, however, in the decorative brackets, trim and fish-scale shakes at the eaves of the front gable, above the second floor. There is a band of fish-scale shakes above the first-floor level, both of contrasting colors from that of the main exterior walls. The porch is "L" shaped, and complements the upper gable; it has beautifully painted columns and spindles which gives it a distinctive appearance from the street. The porch gable is also decorated with a sunburst, fronted by a contrasting decorative piece. The house is unique within the South Main Historic District in size, scale and design. It is the southernmost house in the district on the west side of South Main Street.

At their meeting held on October 15, 2020, the Historic Commission approved the home addition due to it complementing the existing home's historic architecture.

Please see attached home description/renderings submitted by the property owner.

PER MIDDLETOWN DEVELOPMENT CODE 1212.02 DESIGNATION OF A HISTORIC LANDMARK OR HISTORIC DISTRICT

- A. Proposals to designate or expand historic districts or designate historic landmarks may be initiated by the Historic Commission, a property owner or by motion of Planning Commission or City Council. Proposals initiated by property owners, Planning Commission or Council shall be referred to the Historic Commission for recommendation and initiation of the formal designation process.
- B. Proposals to designate or expand a historic district shall be submitted with a rezoning application as well as the information listed below. Proposals to designate a historic landmark shall include, at a minimum, the following additional information:
 1. Evidence of property owner interest in landmark designation or location within the proposed historic district.
 2. A boundary description.
 3. An inventory of historic resources.
 4. A description of the architectural and historical significance of properties within the proposed boundaries, including photo documentation of unique elements and also those that are stereotypical of the architectural style.
 5. A map or description of existing zoning.
 - a. In considering any area, place, structure, work of art or similar object in the City as a historic site or historic district, the Historic Commission shall apply the following criteria:
 1. The structure or site or area's character, value, or significance as part of the development of the City, the State, or the United States;
 2. Its location as a site or area of a significant historic event;
 3. Its identification with a person who significantly contributed to the development of the City;
 4. Its embodiment of distinguishing characteristics of an architectural style or type;
 5. Its exemplification of the cultural, economic, social or political heritage of the City;
 6. Its relationship to other distinctive areas or structures designated for preservation;
 7. Its unique location or singular physical characteristic representing an established and familiar feature of the City; and
 8. Its inclusion of prehistoric and/or historic archaeological sites or other important representations of previous cultures.

B. Designation Procedure

The previously named entities, individuals, or Historic Commission shall have the authority to propose designations of any area, place, structure, work of art,

or similar object in the City as a historic site or historic district. The following shall be the procedure for the formal designation of such places or areas.

Step 1 – Development Code Administrator Recommendation Required

- A. The Historic Commission shall advise the Development Code Administrator of the proposed designation and secure from the Development Code Administrator a recommendation with respect to the relationship of the proposed designation to the Master Plan of the City and any applicable Historic Preservation Plan.
- B. The Development Code Administrator shall give an opinion as to the effect of the proposed designation upon the surrounding neighborhood and an opinion and recommendation as to any other planning consideration which may be relevant to the proposed designation, together with a recommendation of approval, rejection, or modification of the proposed designation.
- C. Such recommendation shall be submitted in written form by the Historic Commission, along with its recommendation concerning the proposed designation.
- D. The Historic Commission shall make a decision whether to proceed with the designation review based on the recommendation of the Development Code Administrator.

Step 2 – Notification

- A. If the Historic Commission decides to proceed with designation, the Development Code Administrator shall notify the owner of all properties under consideration for designation. For the purpose of designation or expansion of a group or district, notice shall be published on the City's webpage and shall be mailed or otherwise distributed to each owner of real property located within such group or district. Whenever possible, the Historic Commission shall secure the owner's written consent for submittal of the proposed designation, together with its recommendation of findings of fact.
- B. The Historic Commission shall make a recommendation concerning the designation of the property to the City Council. Once the proposal to establish or expand a preservation district or to designate an individual property or structure as a historic landmark has been reviewed, the Historic Commission shall schedule a public hearing. The public hearing shall not be more than thirty (30) calendar days after such a proposal is submitted. Notice of the public hearing shall be given according to the following:
 - i. The Historic Commission shall give the owner(s) not less than fourteen (14) calendar days' written notice of the date, time and place of such hearing.
 - ii. Notice of the public hearing shall be given to at least one (1) or more newspapers of general circulation in the City. The notice shall be published at least ten (10) calendar days before the date of the hearing.

- iii. Notices shall include the time and place of the public hearing, a summary of the proposal and a statement that opportunity to be heard will be afforded to any person interested. Failure of delivery of such notice shall not invalidate any such amendment.
- iv. The original application, all comments and additional considerations presented at the public hearing, and the recommendation of the Historic Commission shall be forwarded to the City Council for its consideration.

Step 3 – Historic Commission Public Hearing

- A. The Historic Commission shall conduct the public hearing as provided and shall provide an opportunity for all interested parties to express their opinions.
- B. The Historic Commission shall determine if any or all of the criteria listed in Section 1212.02 have been met.
- C. The Commission shall then make a recommendation regarding the proposed designation, in writing, within 30 days after the initial hearing date and shall notify the owner or any person having a legal interest in such property, as well as other interested parties who request a copy.
- D. The Historic Commission shall state in its recommendation findings of fact that constitute the basis for its decision and shall transmit such recommendation concerning the proposed designation to the Middletown City Council.

Step 4 – Consideration by City Council

- A. The City Council shall give due consideration to the findings and recommendations of the Historic Commission, input provided by the persons participating in the public hearing before the Historic Commission, in addition to the recommendation of the Development Code Administrator, in making its determination with respect to the proposed designation of any areas, places, structures, works of art or similar objects as historic sites or historic districts.
- B. The City Council may, at its discretion, hold public hearings on any such proposed designation, whether such designation is proposed with the consent of the owner or after public hearings before the Historic Commission. The City Council may then designate by ordinance areas, places, structures, works of art, or similar objects as historic sites or historic districts.

Step 5 – Notification of Designation

Within 14 days, the Historic Commission shall notify the Chief Building Official of the official designation. The Commission shall also send, by certified mail, a certified copy of the designation ordinance to the owner and any person having a legal interest in any properties involved in the designation.

Step 6 – Record of Designation

The Historic Commission shall direct the Law Director to cause a record of such designation to be filed with the applicable county recorder

ATTACHMENTS: Application/supporting documents, home pictures, and maps for proposed modification.

ALTERNATIVES:

None

FINANCIAL IMPACT:

None

EMERGENCY/NON-EMERGENCY:

Non-Emergency



MIDDLETOWN

CERTIFICATE OF APPROPRIATENESS

Historic Commission meetings are the 3rd Thursday of the month (if an application is received)
Applications are due at least 2 weeks prior to scheduled meeting date.

PROPERTY ADDRESS: 812 S. Main St. OWNERS NAME Jacquelyn Phillips
APPLICANT'S ADDRESS: 808 S. Main St
Middletown, OH 45044 APPLICANT'S NAME: Same
PHONE NUMBER: (513) 571-3496
APPLICATION DATE: 9/29/2020

REQUESTED WORK TO BE PERFORMED: Please Check With Apply

Repair/Renovation: Demolition: _____ Sign: _____

Addition: New Construction: _____ Fence: _____

Other (Explain): Add historic designation + lot consolidation

DESCRIPTION OF ALL WORK: (attach drawings, photos, product information or other material to help describe the project)

- Construction of a-story addition on South side of home
- Construction of driveway and carport or garage on lot upon consolidation of parcels, historic designation and zone change

10/8/2020
Please attach the following:

- \$25.00 Application Fee (Cash or Check, Checks Made out to City of Middletown)
- Property Photos
- Proposed Work Photos (include dimensions and setbacks if applicable)

The City of Middletown is not responsible for the enforcement of covenants and restrictions.

Jacquelyn Phillips
Applicant Signature

9/29/2020
Date



MIDDLETOWN

HISTORIC LANDMARK DESIGNATION APPLICATION

Historic Landmark requests require legal notice to be provided 14 days prior to meeting date. Landmark status approval is required by the City of Middletown Historic Commission & City Council

To check if your property is located in a historic district, historically designated, or for more information regarding the City's historic districts/landmarks, please visit our City website at: <https://www.cityofmiddletown.org/194/Planning-Zoning>

LANDMARK DESIGNATIONS ARE REVIEWED ACCORDING TO
CHAPTER 1212 OF THE MIDDLETOWN DEVELOPMENT CODE

APPLICATION DATE: 10/7/2020

PROPERTY ADDRESS: 808 S. Main

APPLICANT ADDRESS: Same as above

OWNER ADDRESS:

OWNER NAME(S): Jacquelyn Phillips

APPLICANT NAME(S): _____

APPLICANT PHONE NUMBER:

513 571-3496

OWNER'S PHONE NUMBER:

Same

PROPERTY DESCRIPTION: (See Historic Commission Review Criteria Below)

1875 Victorian - see additional info attached.

Please attach the following:

- Property Photos
- Description of Historic Significance

Please be advised if the designation is approved by the Historic Commission and City Council, a copy of legal description & property deed will be required by the County for recording purposes.

I acknowledge that the information provided is true/correct to the best of my knowledge.

Jacquelyn Phillips
Applicant Signature(s)

10/7/2020
Date

Property Owner Signature(s)

Date



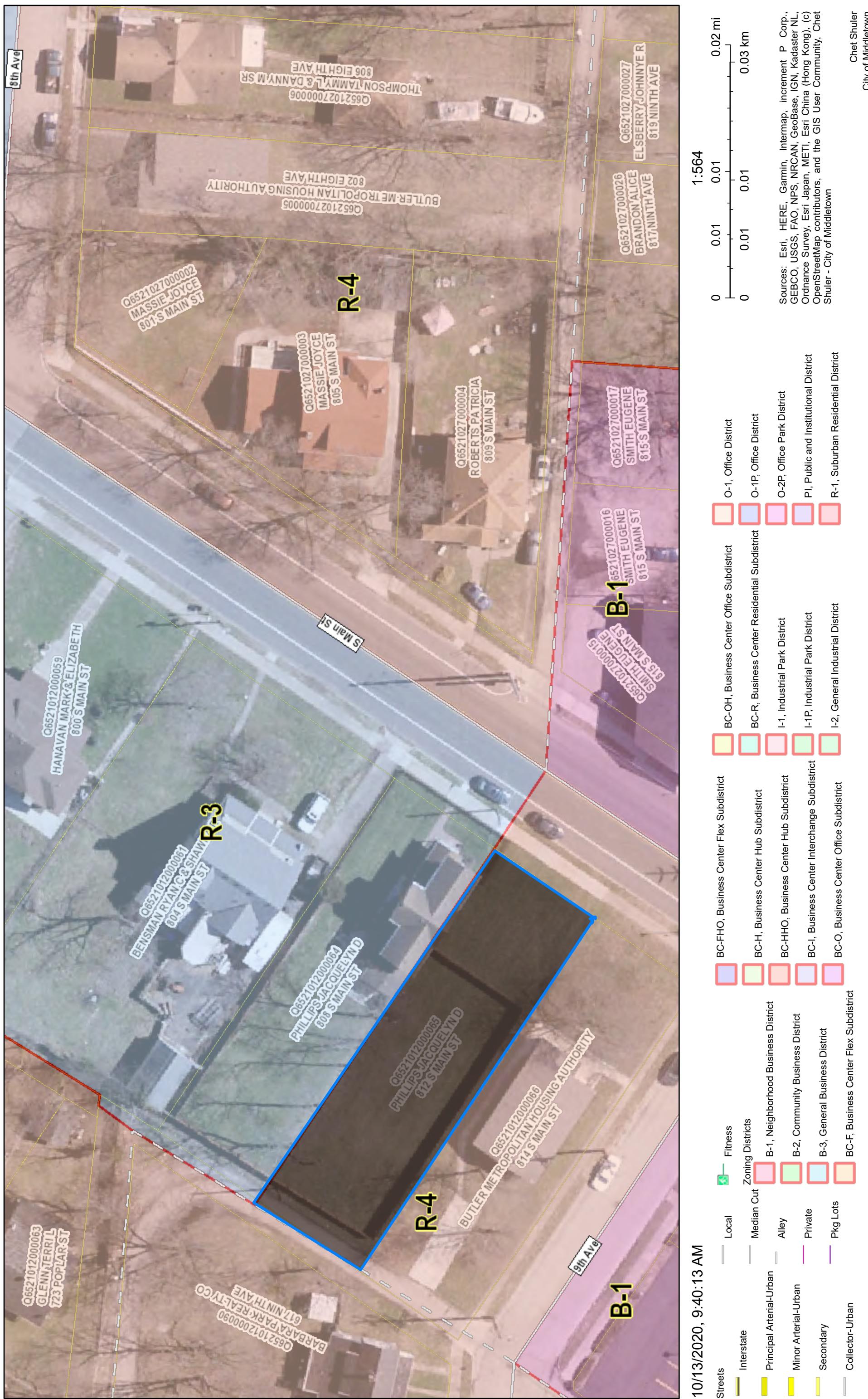
Request for Historic Designation of lot # Q6521012000065, and its consolidation with lot #Q6521012000064, to build upon the existing home and add a driveway and carport or garage.

Description of Property

The house at 808 South Main Street is an 1875 Victorian style, two-story, wood frame, typical farmhouse. The roof is cross gabled, the structure is small and narrow, and generally plain. It exhibits fine detailing, however, in the decorative brackets, trim and fish-scale shakes at the eaves of the front gable, above the second floor. There is a band of fish-scale shakes above the first-floor level, both of contrasting colors from that of the main exterior walls. The porch is "L" shaped, and complements the upper gable; it has beautifully painted columns and spindles which gives it a distinctive appearance from the street. The porch gable is also decorated with a sunburst, fronted by a contrasting decorative piece. The house is unique within the South Main Historic District in size, scale and design. It is the southernmost house in the district on the west side of South Main Street.

The owner wishes to build an addition onto the existing home, by adding a two-story section, a driveway and carport or garage on the south side of her property. The addition will be built on the adjoining lot, parcel Q6521012000065, which is zoned R-3, or Medium-Density Residential District, and is located just outside of the South Main Historic District. Lot number Q6521012000065, also known as 812 South Main Street, therefore, requires a request for historic designation. The applicant has applied for a lot consolidation, and wishes to present the renderings for the additions on the property, along with the request for Historic Designation of lot Q6521012000065 to the Historic Commission for approval.

812 S Main Street- Expansion of South Main Historic District





OPT 2a - REAR VIEW



OPT 2a - FRONT VIEW

PRESENTATION

CITIZEN COMMENTS

COUNCIL COMMENTS

CITY MANAGER REPORTS

CONSENT AGENDA

MIDDLETOWN AIRPORT COMMISSION

Meeting Minutes – September 16, 2019

Commission Members (A – Absent / P – Present)

P - Tom Rudolf, Chairman

P – Tom Wortley

A – Nick Brown

P – Kurt Yearout

P – John Langhorne

A – Tom Anderson

A – Matt King

Visitors

Matt Eisenbraun, Middletown City, Economic Development

Dan Dickten, Middletown Airport Director

Tal Moon, Middletown City Council Representative

Bruce Brandstetter, Brandstetter Carroll, Inc.

Call to Order: The Chairman called the meeting to order at 6:04 PM at Jet's Hangar Office.

The meeting followed the standard agenda. (Attached)

Approval of Minutes:

Meeting minutes were approved as written with motion for approval by John Langhorne and 2nd by T. Wortley and approved for the August 19, 2019 dated minutes.

Brandstetter Carroll Inc. (Bruce Brandstetter) – (attached – September 16, 2019)

- 1) Runway Lighting Project – Warranty work remain, seed/mulch
- 2) Taxiway Lighting Project – Contract awarded. Proceed 8/9/19
- 3) Education Hangar – Concept Planning
- 4) Misc. – CoM issued RFQ for sludge pond

Airport Manager (Dan Dickten) – (attached – September 16, 2019)

- Taxiway Lighting Replacement Project
- Runway Lighting Project
- PAPI Commissioning
- Self-Serve Fuel
- Butler Tech Jets Bldg. build-out office modification in work
- T-Hangars, 4 open
- Mowing / Bailing.
- Lime Pond Removal
- Airport Legislation / Standards
- Runway Obstruction
- Roof Work
- Hangar Leases
- Warbirds Museum Project
- 2019 Airport Events
- Hangar Inspections

- Paint Hangar 1707
- Non-movement / Movement Area Signs
- New Aircraft Wash Area
- FBO Agreement Termination
- FBO Fuel Supply Contract – AvFuel
- Proposed FBO / SASO Business Plan
- Proposed Fuel Discount Program
- Fuel Report / 50 Mile Region Current Pricing
- Solar Energy Generation
- Non-Aeronautical Revenue Generation from Airport Property
- Marketing & Advertising / Branding

New Business

- None

Old Business

- Covered during above items.

Committees

Tenant/Facility

No meeting – No current issues

Finance

No meeting – No current issues

Marketing

Web Site – Now in MWO City Control

Ad-Hoc

No meeting – Standard Operating Procedures in work

Commission Liaison Report

- No report

Actions required by commission

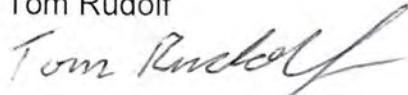
- No actions required

Next meeting on Monday, October 21, 2019.

Meeting adjournment motioned by K. Yearout and 2nd by J. Langhorne and approved.

Meeting adjourned at 7:20 PM.

Submitted by Tom Rudolf



SEPT. 16,
2019

Commission Members

Commission Appointment Start / End	
Kurt Yearout	2014 /2017
Nicholas Brown	2017 /2020
John Langhorne	2017 /2020
Tom Rudolf	2017 /2020
Tom Wortley	2017 /2020
Tom Anderson	2018 /2021
Matt King	2018 / 2021

Signature

Kurt Yearout

Nicholas Brown
John Langhorne
Tom Rudolf
Tom Wortley

Anticipated Guests

Matt Eisenbraun	Middletown City Economic Development
Dan Dickten	MWO Airport Manager
Tal Moon	City Council Representative
<i>Brooke</i> Benjamin E. Brandstetter	Brandstetter Carroll Inc.
Kendra Dahl	Brandstetter Carroll Inc.
John Hart	Start Aviation FBO Management
John P. Hart Jr.	Selection.com
Nicole Condrey	Start Aviation FBO Management
Gene Newsom	Start Aviation Start Skydiving
Diana Nelson	Selection.com
Tim Epperhart	Middletown Regional Flight Training Institute
	Guest
	Guest

Signature

Matt Eisenbraun
Dan Dickten
Tal Moon
Benjamin E. Brandstetter
Kendra Dahl
John Hart

MIDDLETOWN REGIONAL AIRPORT (MWO) COMMISSION
Monthly Meeting - AGENDA
September 16, 2019

1. **Call to order** (6:00 PM)
2. **Welcome Attendees**
 - a. Introduce visitors
 - b. Meeting Schedule – Day & Time (Now 3rd Monday @ 6 PM).
3. **Selection of Commission Officers**
 - a. **Chairman** – Tom Rudolf
 - b. **Vice-Chairman** - Open
 - c. **Secretary** - Open
4. **Review / Approval of the minutes of the August 19, 2019.**
5. **MWO Airport Engineering Firm** – Brandstetter Carroll Inc. Ben E. Brandstetter
6. **Airport Managers Report** – Dan Dickten
7. **Old business**
 - a. Matching Fund Status (\$150K/Year)
 - b. Hangar Renter Status
 - i. Signed Agreements (Matt Eisenbraun)
 - ii. Insurance copies (Matt Eisenbraun)
 - iii. Common Locks (Tenant/Facilities)
 - c. Occupancy
 - i. Available Quantity (Airport Manager)
 - d. Jets Hangar
 - i. Current Condition (Committee – Tenant/Facility)
 - ii. Potential Renters (Matt Eisenbraun)
 - e. Lease for mowing – Nick Dengler (Matt Eisenbraun)
 - f. FAA
 - i. Runway Resurfacing (Bransdetter Carroll)
 - ii. Runway lights (Bransdetter Carroll) in work
 - iii. Taxi-way lights – awarded funding
 - g. MWO Master Plan
 - i. MWO Hangar/Land availability (Matt Eisenbraun)
 - ii. Ground Lease Hangars – Looking for documents
 - h. Airport Commission Succession Plan
 - i. Airport Property – Tax exempt status
 - j. Warbird Museum – Lease Extension explanation
8. **New Business**
 - a. MWO Taxiway / Taxiway Lights / Runway Lights
 - b. Airport Lighting – Outside of Jets hangar / Parking
 - c. Maintenance hangar roof
9. **Committee Reports**
 - a. Tenant/Facility
 - b. Finance
 - c. Marketing
 - d. Ad Hoc – SOP
 - i. No meetings/status
10. **Commission Liaison report – Matt Eisenbraun**
 - a. ?
11. **Actions required by commission**
12. **Next Meeting Planned for October 21, 2019.**

MIDDLETOWN AIRPORT COMMISSION
Event Notes – October 21, 2019

Commission Members (A – Absent / P – Present)

P - Tom Rudolf, Chairman

P – Tom Wortley

A – Nick Brown

A – Kurt Yearout

A – John Langhorne

A – Tom Anderson

A – Matt King

Visitors

Dan Dickten, Middletown Airport Director

Visitors – See attached log.

Call to Order: As no quorum of commission members were in attendance, no official meeting took place. Due to the number of visitors present, agenda information was reviewed. Event took place

The event followed the standard agenda. (Attached)

Approval of Minutes: Not applicable.

Brandstetter Carroll Inc. (Bruce Brandstetter) – (attached – October 21, 2019)

- 1) Runway Lighting Project – Warranty work remain, seed/mulch
- 2) Taxiway Lighting Project – Project 50% complete
- 3) Pavement Markings – Reviewed with Airport Manager
- 4) Education Hangar – Concept Planning
- 5) Misc. – PAPI replacement submitted as ODOT Grant request

Airport Manager (Dan Dickten) – (attached – October 21, 2019)

- Taxiway Lighting Replacement Project
- Runway Lighting Project
- PAPI Commissioning
- Self-Serve Fuel
- Butler Tech Jets Bldg. build-out office modification in work
- T-Hangars, 4 open
- Mowing / Bailing.
- Lime Pond Removal
- Airport Legislation / Standards
- Runway Obstruction
- Roof Work
- Hangar Leases
- Warbirds Museum Project
- 2019 Airport Events
- Hangar Inspections
- Paint Hangar 1707
- Non-movement / Movement Area Signs

- New Aircraft Wash Area
- FBO Agreement Termination
- FBO Fuel Supply Contract – AvFuel
- Proposed FBO / SASO Business Plan
- Proposed Fuel Discount Program
- Fuel Report / 50 Mile Region Current Pricing
- Solar Energy Generation
- Non-Aeronautical Revenue Generation from Airport Property
- Marketing & Advertising / Branding

New Business

- None

Old Business

- Covered during above items.

Committees

Tenant/Facility

No meeting – No current issues

Finance

No meeting – No current issues

Marketing

No meeting – No current issues

Ad-Hoc

No meeting – No current issues

Commission Liaison Report

- No report

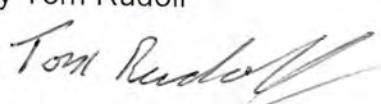
Actions required by commission

- No actions required

Next meeting on Monday, November 18, 2019.

Event ended adjourned at 7:16 PM.

Notes by Tom Rudolf



Oct. 21,
2019

mission Memebers

	Commission Appointment Start / End	Signature
Kurt Yearout	2014 / 2017	
Nicholas Brown	2017 / 2020	
John Langhorne	2017 / 2020	
Tom Rudolf	2017 / 2020	
Tom Wortley	2017 / 2020	
Tom Anderson	2018 / 2021	
Matt King	2018 / 2021	

ated Guests

		Signature
Matt Eisenbraun	Middletown City Economic Development	
Dan Dickten	MWO Airport Manager	
Tal Moon	City Council Representative	
Benjamin E. Brandstetter	Brandstetter	
Brandstetter	Carroll Inc.	
Kendra Dahl	Brandstetter	
Carroll Inc.		
John Hart	Start Aviation FBO Management	
John P. Hart Jr.	Selection.com	
Nicole Condrey	Start Aviation FBO Management	
Gene Newsom	Start Aviation Start Skydiving	
Diana Nelson	Selection.com	
Tim Epperhart	Middletown Regional Flight Training Institute.	
John LaBarre	Guest	
TODD BAILEY	Guest	

Oct 21,
2019

Past	Commission
Tom Anderson	Ended 2016
Dustin Hurley	Ended 2016
Yolanda Junior	Ended 2016
Mike Scorti	2013 / Oct 2015
Harold Kramer	Ended 2013
Tom Wortley	Ended 2013
Doug Root	2015 - 2017

Danffer
Dwane Dins
E. Streiftbau
John Allright
Wendy Allright
V. Allright

Members

MIDDLETOWN REGIONAL AIRPORT (MWO) COMMISSION
Monthly Meeting - AGENDA
October 21, 2019

1. **Call to order** (6:00 PM)
2. **Welcome Attendees**
 - a. Introduce visitors
 - b. Meeting Schedule – Day & Time (Now 3rd Monday @ 6 PM).
3. **Selection of Commission Officers**
 - a. **Chairman** – Tom Rudolf
 - b. **Vice-Chairman** - Open
 - c. **Secretary** - Open
4. **Review / Approval of the minutes of the September 21, 2019. NOT Available.**
5. **MWO Airport Engineering Firm** – Brandstetter Carroll Inc. Ben E. Brandstetter
6. **Airport Managers Report** – Dan Dickten
7. **Old business**
 - a. Matching Fund Status (\$150K/Year)
 - b. Hangar Renter Status
 - i. Signed Agreements (Matt Eisenbraun)
 - ii. Insurance copies (Matt Eisenbraun)
 - iii. Common Locks (Tenant/Facilities)
 - c. Occupancy
 - i. Available Quantity (Airport Manager)
 - d. Jets Hangar
 - i. Current Condition (Committee – Tenant/Facility)
 - ii. Potential Renters (Matt Eisenbraun)
 - e. Lease for mowing – Nick Dengler (Matt Eisenbraun)
 - f. FAA
 - i. Runway Resurfacing (Bransdetter Carroll)
 - ii. Runway lights (Bransdetter Carroll) in work
 - iii. Taxi-way lights – awarded funding
 - g. MWO Master Plan
 - i. MWO Hangar/Land availability (Matt Eisenbraun)
 - ii. Ground Lease Hangars – Looking for documents
 - h. Airport Commission Succession Plan
 - i. Airport Property – Tax exempt status
 - j. Warbird Museum – Lease Extension explanation
8. **New Business**
 - a. MWO Taxiway / Taxiway Lights / Runway Lights
 - b. Airport Lighting – Outside of Jets hangar / Parking
 - c. Maintenance hangar roof
9. **Committee Reports**
 - a. Tenant/Facility
 - b. Finance
 - c. Marketing
 - d. Ad Hoc – SOP
 - i. No meetings/status
10. **Commission Liaison report – Matt Eisenbraun**
 - a. ?
11. **Actions required by commission**
12. **Next Meeting Planned for November 18, 2019.**

MIDDLETOWN AIRPORT COMMISSION
Event Notes – November 18, 2019

Meeting was cancelled due to schedule conflicts.

Commission Members (A – Absent / P – Present)

A - Tom Rudolf, Chairman

A – Tom Wortley

A – Nick Brown

A – Kurt Yearout

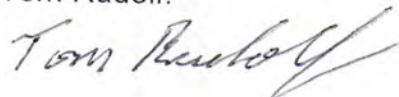
A – John Langhorne

A – Tom Anderson

A – Matt King

Next meeting date to be determined

Notes by Tom Rudolf.



MIDDLETOWN AIRPORT COMMISSION
Meeting Minutes – January 20, 2020

Commission Members (A – Absent / P – Present)

P - Tom Rudolf, Chairman

A – Tom Wortley

A – Nick Brown

P – Kurt Yearout

P – John Langhorne

P – Tom Anderson

A – Matt King

Visitors

Dan Dickten, Middletown Airport Director

Tal Moon, Middletown City Council Representative

Bruce Brandstetter, Brandstetter Carroll, Inc.

Call to Order: The Chairman called the meeting to order at 6:00 PM at Jet's Hangar Office.

The meeting followed the standard agenda. (Attached)

February commission meeting is changed to the 24. Motion made by T. Anderson and 2nd by K. Yearout and approved.

Approval of Minutes:

No previous meeting minutes are available.

Brandstetter Carroll Inc. (Bruce Brandstetter) – (attached – January 20, 2020)

- 1) Taxiway Lighting Project – Project to be complete w/ 1/31/20
- 2) Pavement Markings – To be bid in 1Q2020
- 3) Sludge Pond Project in scope review
- 4) Runway Lighting – Seed/mulch weather dependent

Airport Manager (Dan Dickten) – (attached – January 20, 2020)

- Taxiway Lighting Replacement Project
- PAPI Commissioning
- Runway Pavement Marking
- T-Hangars, 4 open
- International Snow Plow Truck
- Airport Legislation / Standard Documents
- City Operation of FBO
- FBO Operation / Fuel Supply Contract – AvFuel
- Fuel Farm Cleaning / Meter Calibration
- 100LL Refueler
- Self-Serve 100LL Fuel
- Airport Master Plan Study Update
- Fuel Study – hand outs

New Business

- None

Old Business

- Covered during above items.

CommitteesTenant/Facility

No meeting – No current issues

Finance

No meeting – No current issues

Marketing

No meeting – No current issues

Ad-Hoc

No meeting – No current issues

Commission Liaison Report

- No report

Actions required by commission

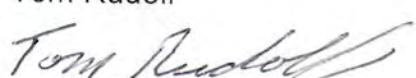
- No actions required

Next meeting on Monday, February 24, 2020.

Meeting adjournment motioned by K. Yearout and 2nd by T. Anderson and approved.

Meeting adjourned at 7:12 PM.

Submitted by Tom Rudolf

A handwritten signature in black ink, appearing to read "Tom Rudolf".

Commission Memebers

Commission Appointment Start / End

Kurt Yearout	2014 /2017	<i>Kurt Yearout</i>
Nicholas Brown	2017 /2020	<i>Nicholas Brown</i>
John Langhorne	2017 /2020	<i>John Langhorne</i>
Tom Rudolf	2017 /2020	<i>Tom Rudolf</i>
Tom Wortley	2017 /2020	<i>Tom Wortley</i>
Tom Anderson	2018 /2021	<i>Tom Anderson</i>
Matt King	2018 / 2021	

Anticipated Guests

Matt Eisenbraun	Middletown City Economic Development
Dan Dickten	MWO Airport Manager
Tal Moon	City Council Representative
<i>Bruce</i> Benjamin E. Brandstetter	Brandstetter Carroll Inc.
Kendra Dahl	Brandstetter Carroll Inc.
John Hart	Start Aviation FBO Management
John P. Hart Jr.	Selection.com
Nicole Condrey	Start Aviation FBO Management
Gene Newsom	Start Aviation Start Skydiving
Diana Nelson	Selection.com
Tim Epperhart	Middletown Regional Flight Training Institute
	Guest
	Guest

MIDDLETOWN REGIONAL AIRPORT (MWO) COMMISSION
Monthly Meeting - AGENDA
January 20, 2020

1. **Call to order** (6:00 PM)
2. **Welcome Attendees**
 - a. Introduce visitors
 - b. Meeting Schedule – Day & Time (Now 3rd Monday @ 6 PM).
3. **Selection of Commission Officers**
 - a. **Chairman** – Tom Rudolf
 - b. **Vice-Chairman** - Open
 - c. **Secretary** - Open
4. **Review / Approval of the minutes of the past months meetings.**
5. **MWO Airport Engineering Firm** – Brandstetter Carroll Inc. Ben E. Brandstetter
6. **Airport Managers Report** – Dan Dickten
7. **Old business**
 - a. Matching Fund Status (\$150K/Year)
 - b. Hangar Renter Status
 - i. Signed Agreements (Matt Eisenbraun)
 - ii. Insurance copies (Matt Eisenbraun)
 - iii. Common Locks (Tenant/Facilities)
 - c. Occupancy
 - i. Available Quantity (Airport Manager)
 - d. Jets Hangar
 - i. Current Condition (Committee – Tenant/Facility)
 - ii. Potential Renters (Matt Eisenbraun)
 - e. Lease for mowing – Nick Dengler (Matt Eisenbraun)
 - f. FAA
 - i. Runway Resurfacing (Bransdetter Carroll)
 - ii. Runway lights (Bransdetter Carroll) in work
 - iii. Taxi-way lights – awarded funding
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 - i. MWO Hangar/Land availability (Matt Eisenbraun)
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 - h. Airport Commission Succession Plan
 - i. Airport Property – Tax exempt status
 - j. Warbird Museum – Lease Extension explanation
8. **New Business**
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 - b. Airport Lighting – Outside of Jets hangar / Parking
 - c. Maintenance hangar roof
9. **Committee Reports**
 - a. Tenant/Facility
 - b. Finance
 - c. Marketing
 - d. Ad Hoc – SOP
 - i. No meetings/status
10. **Commission Liaison report – Matt Eisenbraun**
 - a. ?
11. **Actions required by commission**
12. **Next Meeting Planned for February 17, 2020.**

MIDDLETOWN AIRPORT COMMISSION

Meeting Minutes – February 24, 2020

Commission Members (A – Absent / P – Present)

P - Tom Rudolf, Chairman

P – Tom Wortley

A – Nick Brown

P – Kurt Yearout

P – John Langhorne

P – Tom Anderson

A – Matt King

Visitors

Dan Dickten, Middletown Airport Director

Tal Moon, Middletown City Council Representative

Call to Order: The Chairman called the meeting to order at 6:02 PM at Jet's Hangar Office.

The meeting followed the standard agenda. (Attached)

Approval of Minutes:

No previous meeting minutes are available.

Brandstetter Carroll Inc. (Bruce Brandstetter) – (No Report)

Airport Manager (Dan Dickten) – (attached – February 24, 2020)

- Taxiway Lighting Replacement Project
- Runway Pavement Marking
- Runway Lighting Project
- PAPI Commissioning
- T-Hangars, 4 open
- International Snow Plow Truck
- City Operation of FBO
- Enterprise Car Rental
- FBO Courtesy Cars
- FBO Operation / Fuel Supply Contract – AvFuel
- Fuel Farm Cleaning / Meter Calibration
- 100LL Refueler
- Self-Serve 100LL Fuel
- Hangar 1707 Public Restrooms
- Common Area
- Airport Master Plan Study Update
- Skydiving Operations / Drop Zones – hand outs

New Business

- None

Old Business

- Covered during above items.

Committees

Tenant/Facility

No meeting – No current issues

Finance

No meeting – No current issues

Marketing

No meeting – No current issues

Ad-Hoc

No meeting – No current issues

Commission Liaison Report

- No report

Actions required by commission

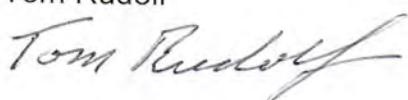
- No actions required

Next meeting on Monday, March 16, 2020.

Meeting adjournment motioned by T. Anderson and 2nd by K. Yearout and approved.

Meeting adjourned at 7:08 PM.

Submitted by Tom Rudolf

A handwritten signature in black ink that reads "Tom Rudolf". The signature is fluid and cursive, with "Tom" on the top line and "Rudolf" on the bottom line.

FEB. 24, 2020

Commission Memebers

	Commission Appointment Start / End	
Kurt Yearout	2014 /2017	
Nicholas Brown	2017 /2020	
John Langhorne	2017 /2020	
Tom Rudolf	2017 /2020	
Tom Wortley	2017 /2020	
Tom Anderson	2018 /2021	
Matt King	2018 / 2021	

Signature

Kurt Yearout
Nicholas Brown
John Langhorne
Tom Rudolf
Tom Wortley
Tom Anderson
Matt King

Anticipated Guests

		Signature
Matt Eisenbraun	Middletown City Economic Development	
Dan Dickten	MWO Airport Manager	
Tal Moon	City Council Representative	
Benjamin E. Brandstetter	Brandstetter Carroll Inc.	
Kendra Dahl	Brandstetter Carroll Inc.	
John Hart	Start Aviation FBO Management	
John P. Hart Jr.	Selection.com	
Nicole Condrey	Start Aviation FBO Management	
Gene Newsom	Start Aviation Start Skydiving	
Diana Nelson	Selection.com	
Tim Epperhart	Middletown Regional Flight Training Institute	
	Guest	
	Guest	

Signature

Dan Dickten
Tal Moon
Benjamin E.
Brandstetter
Kendra Dahl
John Hart
John P. Hart Jr.
Nicole Condrey
Gene Newsom
Diana Nelson
Tim Epperhart

MIDDLETOWN REGIONAL AIRPORT (MWO) COMMISSION
Monthly Meeting - AGENDA
February 24, 2020

1. **Call to order** (6:00 PM)
2. **Welcome Attendees**
 - a. Introduce visitors
 - b. Meeting Schedule – Day & Time (Now 3rd Monday @ 6 PM).
3. **Selection of Commission Officers**
 - a. **Chairman** – Tom Rudolf
 - b. **Vice-Chairman** - Open
 - c. **Secretary** - Open
4. **Review / Approval of the minutes of the past months meetings.**
5. **MWO Airport Engineering Firm** – Brandstetter Carroll Inc. Ben E. Brandstetter
6. **Airport Managers Report** – Dan Dickten
7. **Old business**
 - a. Matching Fund Status (\$150K/Year)
 - b. Hangar Renter Status
 - i. Signed Agreements (Matt Eisenbraun)
 - ii. Insurance copies (Matt Eisenbraun)
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 - i. Available Quantity (Airport Manager)
 - d. Jets Hangar
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 - c. Maintenance hangar roof
9. **Committee Reports**
 - a. Tenant/Facility
 - b. Finance
 - c. Marketing
 - d. Ad Hoc – SOP
 - i. No meetings/status
10. **Commission Liaison report – Matt Eisenbraun**
 - a. ?
11. **Actions required by commission**
12. **Next Meeting Planned for March 16, 2020.**

MIDDLETOWN AIRPORT COMMISSION
Meeting Minutes – March 16, 2020

Commission Members (A – Absent / P – Present)

P - Tom Rudolf, Chairman

A – Tom Wortley

P – Nick Brown (Mobile)

A – Kurt Yearout

P – John Langhorne

P – Tom Anderson

A – Matt King

Visitors

Dan Dickten, Middletown Airport Director

Tal Moon, Middletown City Council Representative

Bruce Brandstetter, Brandstetter-Carroll, Inc.

Call to Order: The Chairman called the meeting to order at 6:00 PM at Jet's Hangar Office.

The meeting followed the standard agenda. (Attached)

Approval of Minutes:

No previous meeting minutes are available.

Brandstetter Carroll Inc. (Bruce Brandstetter) – (No Report)

Airport Manager (Dan Dickten) – (attached – February 24, 2020)

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- Runway Pavement Marking
- Runway Lighting Project
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- FBO Courtesy Cars
- FBO Operation / Fuel Supply Contract – AvFuel
- Fuel Farm Cleaning / Meter Calibration
- 100LL Refueler
- Self-Serve 100LL Fuel
- Hangar 1707 Public Restrooms
- Common Area
- Airport Master Plan Study Update
- Skydiving Operations / Drop Zones – hand outs

New Business

- None

Old Business

- Covered during above items.

Committees

Tenant/Facility

No meeting – No current issues

Finance

No meeting – No current issues

Marketing

No meeting – No current issues

Ad-Hoc

No meeting – No current issues

Commission Liaison Report

- No report

Actions required by commission

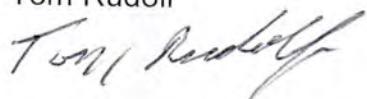
- No actions required

Next meeting on Monday, April 20, 2020.

Meeting adjournment motioned by T. Anderson and 2nd by K. Yearout and approved.

Meeting adjourned at 7:00 PM.

Submitted by Tom Rudolf



MARCH 16,
2020

Commission Members

Commission Appointment
Start / End

Kurt Yearout	2014 / 2017
Nicholas Brown	2017 / 2020
John Langhorne	2017 / 2020
Tom Rudolf	2017 / 2020
Tom Wortley	2017 / 2020
Tom Anderson	2018 / 2021
Matt King	2018 / 2021

Signature

Nicholas Brown
Tom Rudolf
Tom Anderson

Anticipated Guests

Matt Eisenbraun	Middletown City Economic Development
Dan Dickten	MWO Airport Manager
Tal Moon	City Council Representative
Benjamin E. Brandstetter	Brandstetter Carroll Inc.
Kendra Dahl	Brandstetter Carroll Inc.
John Hart	Start Aviation FBO Management
John P. Hart Jr.	Selection.com
Nicole Condrey	Start Aviation FBO Management
Gene Newsom	Start Aviation Start Skydiving
Diana Nelson	Selection.com
Tim Epperhart	Middletown Regional Flight Training Institute
	Guest
	Guest

Signature

Dan Dickten
Tal Moon
Benjamin E. Brandstetter
Kendra Dahl

MIDDLETOWN REGIONAL AIRPORT (MWO) COMMISSION
Monthly Meeting - AGENDA
March 16, 2020

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 - b. Meeting Schedule – Day & Time (Now 3rd Monday @ 6 PM).
- 3. Selection of Commission Officers**
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 - b. **Vice-Chairman** - Open
 - c. **Secretary** - Open
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- 10. Commission Liaison report – Matt Eisenbraun**
 - a. ?
- 11. Actions required by commission**
- 12. Next Meeting Planned for April 20, 2020.**



CITY OF MIDDLETOWN
BOARD OF HEALTH
Minutes
September 8, 2020

The City of Middletown Board of Health met in remote and regular session at 7:30 AM on September 8, 2020.

Members Present

Mayor Nicole Condrey, BS, President
Jeff Bonnell
Margie Davis, RN
Dr. Anita Scott Jones, Ed.D., MBA, BS
Sally Kash, MS, RN
Charlene Kurtz, BSN, RN
Dr. Ken Patrick, DVM
David Schul

Health Department Staff Present

Jackie Phillips, MPH, BSN, RN
Carla Ealy, RS
Chandra Corbin, BSN, RN
Amanda McDonald

Absent and Excused

All board members were present.

ROLL CALL

Motion: Ms. Kash moved, seconded by Mr. Bonnell to excuse Ms. Davis and Dr. Patrick.
Roll call Vote: Yes-5 (Bonnell, Jones, Kash, Kurtz, Schul). No-0. Motion passed.

CITIZEN COMMENTS

None.

APPROVAL OF MINUTES-August 2020

Motion: Ms. Kurtz moved, seconded by Mr. Schul to approve the August 2020 Board of Health Meeting Minutes.
Roll call Vote: Yes-5 (Bonnell, Jones, Kash, Kurtz, Schul). No-0. Motion passed.

Ms. Davis joined the meeting via Zoom at 7:36 AM.

Dr. Patrick notified us of technical difficulties via email. He was present for the entirety of the meeting.

RECEIVE AND FILE FINANCIAL REPORT- July 2020

Motion: Dr. Jones moved, seconded by Ms. Kash to receive and file the August 2020 Financial Report.
Roll call Vote: Yes-7 (Bonnell, Davis, Jones, Kash, Kurtz, Patrick, Schul). No-0. Motion passed.

EDUCATION PRESENTATION- Mortality Trends

Ms. McDonald presented comparative mortality data from 2018-2020. The data compares city of Middletown resident's year-to-date causes of death totals from January-August. The two leading causes of death, heart disease and cancers, remain consistent throughout all three years. Data shows that death by lung disease has more than doubled in 2020 when compared to previous years. Dr. Jennewine stated that the rise in lung-related deaths are almost assuredly correlated to closer attention being paid to lung issues as a result of COVID and that deaths that would have previously been classified otherwise are instead being classified as lung-related in 2020. The data shows that while COVID 19 was non-existent in previous years, there have been ten deaths in 2020, with two of those deaths having been filed in just the last week.

While overdose deaths seem to be on par with previous years, the latest state and nation wide data indicates that there may be a spike in both overdoses and suicides. Ms. McDonald noted that in order for these deaths to be included in the mortality counts, the causes of death must first be determined by the coroner which may take several weeks.

OLD BUSINESS

PHAB

Ms. Phillips noted that City of Middletown Health Department remains focused on achieving accreditation. Ms. Phillips will be participating as a Clinton County Community Partner at their virtual PHAB site visit scheduled for September 18, 2020.

COVID Update

Ms. Phillips noted that throughout the COVID pandemic, mental health has remained both a concern and top priority for public health. With September being Suicide Prevention Month, it is an especially good time to focus on the mental health and mental strain that this pandemic has placed upon society. Ms. Phillips notes that throughout this pandemic and quarantine, many of our coping mechanisms have been stripped from us. While many individuals would once turn to things such as: concerts, movies, pedicures, spas, massages, or gathering at restaurants to relieve stress, many of these things are no longer available or have dramatically changed. Ms. Phillips reminds board members that while a pandemic can lead to depression and anxiety, it can be worse for those already suffering from depression or anxiety. Data is showing an increase in substance abuse and in partner or child abuse. Ms. Phillips notes that we should all remain mindful of others' personal and family concerns throughout this pandemic as well as trying to take care of ourselves during these uncertain times.

NEW BUSINESS

Travel Authorizations

None.

Budget Discussion

Ms. Phillips shared with the board that the city manager has asked all departments to decrease their 2021 budget. Ms. Phillips states that due to state and federal funds, the health department's budget will be fine. The finance director will offset any funds needed with the Care Act funds that will be received by the health department. Mayor Condrey asked about the possibility of health department staff being paid overtime with CARES Act dollars versus receiving comp time that eats into the city budget at a later date. Ms. Phillips stated that she will look into this.

REPORTS

Health Commissioner

Ms. Phillips informed the board that on August 24, 2020, schools voted to allow sports to continue per state protocol. Ms. Phillips and Ms. Ealy have worked to update sports plans and distribute to all Middletown schools. Each school must submit a plan to be approved by the local health department.

On September 4, 2020, Governor DeWine released an order that mandates that all schools report any positive students and/or staff members and a COVID reopening plan to their local health departments. The local health departments will then report these positive cases to Ohio Department of Health. Schools must also notify parents of the positive test results within twenty-four hours of receiving them.

Ms. Phillips states that she is meeting with the city manager bi-weekly to provide COVID updates.

Medical Director

Dr. Jennewine reported on August communicable disease numbers.

Chlamydia	30
COVID 19	187
Gonococcal infection	25
Hepatitis B	2
Hepatitis C	9
Streptococcal-Group A- invasive	1
Tuberculosis	1

Director of Nursing

Ms. Corbin informed the board that there have been 533 confirmed and 2 probable cases of COVID 19 amongst Middletown residents. The total number of cases in Butler County is 4,799. There have been 80 deaths county-wide, with 10 of those deaths being Middletown residents. Ms. Corbin states that we are seeing clusters of cases show up, meaning those that have been in close proximity with a positive case are also testing positive.

Ms. Corbin notes that a Middletown long term care facility had been experiencing an influx in positive cases. By locking down the memory care unit where the positive cases were located, they were able to contain the outbreak.

Ms. Corbin informed the board that Middletown businesses have done an exceptional job in communicating with the health department by notifying nursing staff of positive cases as they come in and following the recommended guidelines. Ms. Phillips notes that any time a business is "shut down" due to COVID, it is voluntary and not due to a direct order by the health department. The board of health would be involved in a decision to shut down a business, these businesses are voluntarily closing in order to properly sanitize and/or quarantine.

Environmental Director

Ms. Ealy informed the board that due to non-payment of 2019 5-year septic fees, 109 properties were sent to Butler County Auditor and nine were sent to Warren County Auditor to have fees assessed to property taxes.

Ms. Ealy states that there are still nine homes that have not complied with the order to connect to sanitary sewer. Two of these homeowners have entered pleas with the prosecutor's office, three are scheduled for court, and one will be refiled with the court. The prosecutor's office informed Ms. Ealy that this is a misdemeanor four charge and could carry possible jail time if homeowners refuse to comply.

Ms. Ealy informed the board that there is a resident on Lefferson Road that continues to make complaints that there are two property owners that should have connected to sanitary sewer, but have not yet connected. Ms. Ealy states that one of those homeowners is already in the court process, and the other property has an outbuilding that no one is living in and does not possess a bathroom or running water. Ms. Ealy states that Mr. Tuttle with Building Inspection is aware of this resident's complaints and is working with the homeowner to resolve this issue.

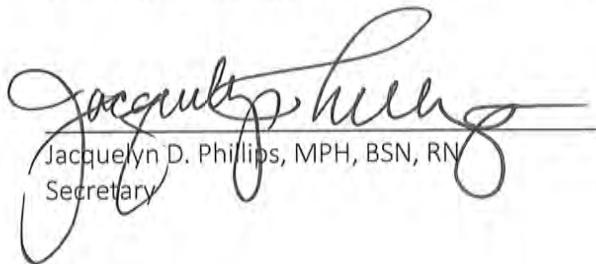
Ms. Ealy informed the board that Brent's Smokin Butts will be opening on Central Avenue. Hook Fish and Chicken is now open on Verity Parkway.

In 2019 Governor Dewine directed Ohio Environmental Protection Agency and Ohio Department of Health to analyze the prevalence of per-and polyflouoroalkyl substances (PFAS) in drinking water and to develop an action plan to address the threat in drinking water supplies. Ms. Ealy explained to the board that PFAS are a group of man-made chemicals applied to many consumer goods to make them waterproof, stain resistant, or nonstick. Exposure to these chemical residuals may cause adverse health effects. Ohio Department of Health contacted local health departments where PFAS had been identified in the drinking water. Middletown municipal raw water supply was sampled and indicated a PFAS level of 5.2 parts per trillion. This is a very small amount, the advisory level is 70 parts per trillion.

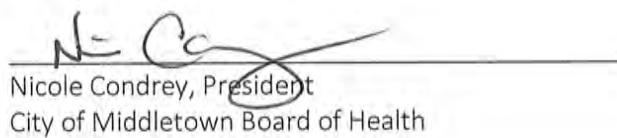


ADJOURNMENT

The meeting was adjourned at 8:42AM. The next meeting will be held on October 13, 2020 at 7:30 AM.



Jacquelyn D. Phillips, MPH, BSN, RN
Secretary



Nicole Condrey, President
City of Middletown Board of Health

OATH OF OFFICE

Jamie A Hearlhy, do solemnly swear that I will support the Constitution and laws of the United States and of the State of Ohio, and the Charter and Ordinances of the City of Middletown; that I will not make or authorize expenditures of public money other than for adequate consideration and efficient service; and that I will in all respects faithfully discharge the duties of my employment or office for the City of Middletown,

Butler / Warren Counties, Ohio.



REBECCA ZACCARIA, Notary Public
In and for the State of Ohio
My Commission Expires Aug 30, 2023

Jamie A Hearlhy
Signature

Animal control

Position

Rebecca Zaccaria

Sworn to before me and subscribed in my presence this 9th

day of October, 2020.

ADMINISTRATIVE SERVICES DEPARTMENT

Human Resources

October 15, 2020

TO: James Palenick, City Manager

FROM: Kay Sauer, Human Resources Specialist

SUBJECT: PROMOTIONAL APPOINTMENT – FIRE LIEUTENANT

We are recommending the promotional appointment of **BILLY SHANE OWENS** to the position of Fire Lieutenant in the Department of Public Safety, Division of Fire. Mr. Owens was selected from the eligibility list as a result of Civil Service testing procedures. He will fill the vacancy created by the anticipated promotion of Brian Wright to Fire Captain.

Mr. Owens will be assigned to Range F02, Step F which provides a salary of \$71,634.87 annually. The effective date of the promotion is November 1, 2020.

c: Amy Schenck, Clerk of Council
Paul Lolli, Fire Chief
Human Resources
Finance (Payroll)
file

cmtg11/03/2020

FIRE LIEUTENANT

Authorized Strength - 11

Current Staff Level – 11 (including Brian Wright)

ADMINISTRATIVE SERVICES DEPARTMENT

Human Resources

October 15, 2020

TO: James Palenick, City Manager

FROM: Kay Sauer, Human Resources Specialist

SUBJECT: PROMOTIONAL APPOINTMENT – FIRE CAPTAIN

We are recommending the promotional appointment of **BRIAN WRIGHT** to the position of Fire Captain in the Department of Public Safety, Division of Fire. Mr. Wright was selected from the eligibility list as a result of Civil Service testing procedures. He will fill the vacancy created by the anticipated retirement of George Blake.

Mr. Wright will be assigned to Range F03, Step G which provides a salary of \$82,217.86 annually. The effective date of the promotion is November 1, 2020.

c: Amy Schenck, Clerk of Council
Paul Lolli, Fire Chief
Human Resources
Finance (Payroll)
file

cmtg11/03/2020

FIRE CAPTAIN

Authorized Strength - 6
Current Staff Level – 6 (including George Blake)

STAFF REPORT
For the Business Meeting of November 3, 2020

October 20, 2020

TO: Jim Palenick, City Manager
FROM: Samantha Zimmerman, Purchasing Agent

Purchase of Vehicles for Police

PURPOSE

To request approval to purchase three new Ford Explorer's off the ODAS Contract for the Division of Police in the total amount of \$98,187 from Lebanon Ford.

BACKGROUND and FINDINGS

The Division of Police was awarded the Coronavirus Emergency Supplemental Funding Program (CESF) from the U.S. Department of Justice (DOJ) to purchase an additional Ford Explorer to add to the current street patrol fleet to cut down on risk of spreading the coronavirus. The CESF Program is awarded to eligible states, local units of government and tribes in preventing, preparing for and responding to the coronavirus, as authorized by Division B of H.R. 748 Pub. L. No. 116-136 (Emergency Appropriations for Coronavirus Health Response and Agency Operations). The Middletown Division of Police received a total allotment of \$76,638 from this grant, with \$33,012 available for the purchase of a vehicle. One of the three vehicles will be purchased with this grant.

The other two new vehicles will be replacement vehicles. The current vehicles have met the City's 15 point replacement schedule. The current vehicles are a 2010 Ford Crown Victoria that is 91 months past replacement date and a 2011 Ford Crown Victoria that is 58 months past replacement date. The current vehicles will be sold through GovDeals.

All three new Explorer's will cost \$32,729 each. The vehicles are available through the state cooperative purchasing program, so bidding is not necessary.

ALTERNATIVES

1. Do not purchase any new vehicles, although maintenance costs continue to escalate.
2. Do not purchase the two replacement vehicles and only purchase the vehicle that is paid for by the CESF grant.
3. Purchase one replacement vehicle and the vehicle that is paid for by the CESF grant.

FINANCIAL IMPACT

Funds have been appropriated in the 2020 budget for two of the three vehicles. The third vehicle will be paid for by the Coronavirus Emergency Supplemental Funding Program (CESF).

EMERGENCY/NON EMERGENCY

Consent agenda

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

PINNING CEREMONY

MOTION AGENDA

S T A F F R E P O R T

For the Business Meeting of November 3, 2020

October 19, 2020

TO: Jim Palenick, City Manager
FROM: Samantha Zimmerman, Purchasing Agent

**Bid Recommendation, Bid #20-8171-13,
Police Towing Services**

PURPOSE

To request a contract for Police Towing Servicers with Mark Kakaris dba Mark's Towing of Middletown, Ohio, in the amount of \$100/tow for the period of January 1, 2021 through December 31, 2022. This contract also includes the lease of the land at 3500 Terry Drive to Mr. Kakaris to operate his towing business and for the secure storage of impounded vehicles.

BACKGROUND and FINDINGS

The towing services were bid to find a qualified contractor to provide a towing service to the City Police impound lot. The vehicles to be towed include all police impounds, as well as vehicles seized for evidence. There are approximately 1,100 tows/year. Mark's Towing was the only bidder.

Mark's Towing has provided the towing service for the City for the past several years. The service they have provided has been sufficient for the needs of the Division of Police. Mark's Towing will be responsible for the vehicles until they are released to the public, and will be responsible for the release of the vehicles. Mr. Kakaris's business is currently located on the property. He is responsible for maintenance of the property, all utilities, and must carry general liability insurance. Two 'one-year' renewals are available on this contract.

ALTERNATIVES

Do not approve this contract. If there is no contract in place we would have to use a rotation of towing companies in the Middletown area. Without a contract we cannot guarantee the price per tow.

FINANCIAL IMPACT

Funds have been appropriated in the 2021 budget for this purchase.

EMERGENCY/NON EMERGENCY

Motion agenda

cc: Jacob Burton, Finance Director
David Birk, Police Chief

DATE: **October 21, 2020**

TO: **Susan Cohen, Director of Administrative Services**

FROM: **Ida Hawkins, Administrative Services Paralegal**

**TRANSFER OF PROPERTIES
THROUGH THE VACANT SIDE LOT PROGRAM**

PURPOSE

To request City Council to authorize the transfer of property to adjacent property owners through the Vacant Side Lot Program.

BACKGROUND AND FINDINGS

The City maintains vacant property lots within the City. During the course of ownership, the City incurs costs to maintain the properties. The City operates a program to transfer the vacant property to adjacent homeowners when appropriate.

Citizens requesting property submit a letter of interest form requesting to purchase vacant properties to extend their current lots. All lots are sold for \$500 or the cost of maintaining the property by the City for the past two years, whichever is higher. The parties below submitted letters of interest on the noted parcels. Each requestor was vetted by staff to meet the requirements of the vacant side lot program. Each lot is analyzed for compliance with the City Housing Plan. Currently, staff requests the following parcels be sold to the interested parties noted:

PARCEL NO.	ADDRESS	STREET	FEES	INTERSTED PARTY
Q653203000055	118	HARRISON ST	\$ 500.00	Watts, Lauren
Q6541005000024/25		LOGAN AVE	\$ 919.75	Browning, Jason and Elizabeth

All of the parties listed above have met the requirements of the Vacant Side Lot Program and all are current on all city taxes, have no outstanding property maintenance code violations and have obligated themselves to maintain the property in compliance with our zoning code.

ALTERNATIVES

Council may choose to not transfer the property. The City would continue to pay the cost to mow and maintain the property until another suitable use is determined

FINANCIAL IMPACTS

Transferring the properties means that the City is no longer responsible for the cost of maintenance of the properties. Additionally, property values of the interested parties should increase with the additional land.

EMERGENCY/NON EMERGENCY

Non-Emergency. MOTION AGENDA

LEGISLATION

ITEM 1

RESOLUTION NO. R2020-31

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 AND DECLARING AN EMERGENCY. (UDAG FUND)

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

Section 1

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

FROM: Unappropriated UDAG Fund (Fund #238)	\$35,735.48
TO: Accounts of 990 (238.990.54400)	\$35,735.48
TOTAL UDAG FUND	\$35,735.48

Section 2

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

Section 3

All legislation inconsistent herewith is hereby repealed.

Section 4

This resolution is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare, to wit: in order make the funds available for UDAG grants as soon as possible, and shall be in full force and effect from the date of its adoption.

Nicole Condrey, Mayor

Adopted: _____

Attest: _____
Clerk of City Council

STAFF REPORT

For the Business Meeting of October 20, 2020

DATE: October 7, 2020

TO: Jim Palenick, City Manager

FROM: Chris Xeil Lyons, Economic Development Director

SUPPLEMENTAL APPROPRIATION FOR UDAG Funds

PURPOSE

The objective of this staff report is to request a supplemental appropriation from City Council for the UDAG Funds in the amount of \$35,735.48.

BACKGROUND AND FINDINGS

Staff is requesting a supplemental appropriation to 238.990.54400 (UDAG Funds) in the amount of \$35,735.48 to cover the cost of the UDAG grants going before City Council at the 10.20.2020 meeting. The UDAG Fund balance is \$75,735.48, but only \$40,000 was budgeted for this year. We are seeking approval from City Council to expend all the funds in this account for 4 different façade projects.

FINANCIAL IMPACT

The supplemental appropriation will come from the unappropriated funds in the UDAG Fund – 238.990.54400.

EMERGENCY/NON EMERGENCY

Emergency legislation is requested in order to get the funds appropriated to pay out the grants. We are also seeking emergency reading for the grants due to timing/weather as all are façade projects and winter is approaching.

LEGISLATION

ITEM 2

ORDINANCE NO. O2020-55

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A UDAG GRANT AGREEMENT WITH TRIAD INVESTMENT GROUP, LLC FOR THE PROPERTY LOCATED AT 1126 CENTRAL AVENUE AND DECLARING AN EMERGENCY.

WHEREAS, Triad Investment Group, LLC owns real property with an address of 1126 Central Avenue that is in need of façade repairs on the rear of the property which will become the new entrance to the building; and

WHEREAS, the City has unused Urban Development Action Grant (UDAG) funds that are to be expended for downtown redevelopment;

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 a UDAG Grant Agreement with Triad Investment Group, LLC for façade repairs to the rear of 1126 Central Avenue. The agreement shall be in a form substantially similar to Exhibit "A", and is subject to approval by the City Manager and Law Director.

No grant funds can be released to Triad Investment Group, LLC until the grant agreement is signed by all parties and the proof of the completed work is submitted in a timely manner and approved by the City.

Section 2

For said purposes, the Finance Director is hereby authorized to pay a sum not to exceed \$11,000.00 from the UDAG Fund (Fund # 238).

Section 3

This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare, to wit: to allow the agreement to be signed upon City Council approval and so that the funds are available for reimbursement without delay when the work is completed, 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 UDAG Grant – Triad Investment Group – 1126 Central

UDAG GRANT AGREEMENT

This UDAG Grant Agreement (the "Agreement") is made by and between **The City of Middletown** (hereby known as "Grantor") and **Triad Investment Group, LLC** (hereby known as "Grantee").

A. Grantor administers an Urban Development Action Grant (UDAG) Program to provide loans to business for the purpose of undertaking certain economic development activities, such as the performance of façade work on buildings in the downtown area of the City of Middletown.

B. Grantee, who is the legal owner of **1126 Central Avenue, Middletown, Ohio** (the "Property"), has requested and been approved by Grantor to receive a UDAG Program grant in the amount of **\$11,000.00** (the "Grant Funds").

C. The Parties hereto understand and agree that Grantee's receipt of the Grant Funds is contingent on Grantee's compliance with the terms and conditions set forth in this Agreement.

1. **The Grant Project.** Grantee understands that its receipt of the Grant Funds is intended to pay for, and expressly conditioned on Grantee's completion of, the following improvements to be made to the existing building on the Property:

- Complete new façade work on the back of the building. New façade will include a reconstructed face with a combination of EFIS and stucco applications to hide the existing brick blemishes and imperfections that currently plague the exterior. The grant shall also include lighting and landscaping upgrades.
- Property is located in the Central Avenue Historic District. Historic Commission met Thursday, September 17, 2020 and determined that the renderings were approved as submitted with a color change between the bands at the top on the building. The work shall be completed as approved.

2. **Payment of Grant Funds.** Grantee must submit copies of cost documentation for the Grant Project improvements (e.g. invoices, receipts, affidavits, etc.) to Grantor for reimbursement up to, but not exceeding, the total amount of the Grant Funds. Once the Grant Project improvements have been completed in accordance with this Agreement, and a representative of Grantor has inspected and approved the work, Grantor shall reimburse Grantee's costs and expenses associated with the Grant Project in an amount up to, but not exceeding, the total amount of the Grant Funds. Payment shall be made in the form of a check payable to the Grantee.

3. **Miscellaneous Terms and Conditions.**

- Grantee shall occupy the Property primarily for the purpose of operating a commercial enterprise thereon. To that end, at least sixty percent (60%) of the ground floor of the building on the Property must serve a commercial function.



- If Grantee is a lessee of the Property, Grantee must provide Grantor with documentation showing Grantee has a minimum of two (2) years remaining on its lease, or an option to renew the lease to extend its occupation for a minimum of two (2) additional years, in order to be eligible to receive the Grant Funds.
- All property and income taxes associated with the Property and commercial enterprise operated thereon must be up-to-date as of the date of the last party's signature on this Agreement.
- Grantee shall immediately commence the Grant Project work upon its receipt of notification from Grantor that Grantee has been awarded the Grant Funds. The Grant Project improvements must be completed within four (4) months thereafter.
- Staff of Grantor will conduct weekly site inspections to monitor Grantee's progress on the Grant Project improvements. Any minor changes in the approved work set forth in Section 1 herein must be approved by both the City of Middletown Economic Development Department and the City of Middletown Historic Commission.
- Upon Grantee's completion of the Grant Project, Grantee shall not change or alter the improved building façade without receiving the prior written approval of Grantor to such change(s) or alteration(s).
- Grantee shall maintain the Property and all Grant Project improvements in good condition, and in compliance with all applicable federal, state and local laws and regulations, during and after Grantee's performance of the Grant Project improvements. Grantee's responsibility to maintain the Property and Grant Project improvements in good condition expressly includes, but is not limited to, Grantee's prompt removal of graffiti, trash, litter, and accumulation of any other natural or manmade debris on the Property's exterior.

4. **Indemnification.** The Parties hereto expressly understand and agree that Grantee shall be solely responsible for ensuring all individuals involved with and/or performing the Grant Project work comply with all applicable safety regulations, building codes, and federal, state and local laws and regulations during the performance of the Grant Project work. Grantee shall hold harmless Grantor and its representatives, employees and agents from and against any and all claims, suits, demands, liabilities, losses, damages, costs and expenses arising out of or resulting from claims for personal injury, death, or loss or damage to any real or personal property arising out of or relating to this Agreement, the UDAG Program or Grantee's performance of the Grant Project improvements.

5. **Insurance.** Grantee shall be responsible for maintaining valid and sufficient insurance coverage in amounts adequate to provide coverage for claims for personal injury, death, and loss or damage to any real or personal property arising out of or related to this Agreement and Grantee's performance of the Grant Project improvements. Grantee shall provide Grantor with copies of certificates evidencing its maintenance of the insurance required by this Agreement upon Grantor's request for the same.



6. **UDAG Program Promotion.** Grantee authorizes Grantor to promote the UDAG Program and the Grant Project contemplated by this Agreement. Authorized promotional activities may occur during and after performance of the Grant Project work, and include, but are not limited to: (i) displaying signs on the Property promoting the UDAG Program; and (ii) use of photographs of the Property and Grant Project improvements in Grantor materials and press releases.

7. **Grantor Reservation of Rights.** Grantee expressly understands and agrees that Grantor shall retain the right to make any changes in conditions of the UDAG Program, as Grantor sees fit in its sole discretion. Grantee further understands and agrees that Grantor shall have the right to immediately revoke the Grant Funds and terminate this Agreement if, in Grantor's sole discretion, Grantee fails to fulfill any term or condition set forth in this Agreement.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date of the last Party's signature below.

GRANTOR:

CITY OF MIDDLETOWN

James Palenick
City Manager

Date: _____

Approved as to form:

Law Director

GRANTEE:

TRIAD INVESTMENT GROUP, LLC

Owner: _____

Date: _____

S T A F F R E P O R T
For the Business Meeting of October 20, 2020

DATE: September 18, 2020

TO: Jim Palenick, City Manager

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

Urban Development Action Grant (UDAG) Assistance – 4 Agreements

PURPOSE

To authorize UDAG funding for 4 projects in downtown Middletown:

- 1120-1126 Central Avenue / Triad Investment Group, LLC
- 1206-1218 Central Avenue / Larry Lewis, Trustee and Triad Investment Group, LLC
- 5 Canal Street / Daniyal, LLC
- 1044 Central Avenue / MLH Developers

BACKGROUND and FINDINGS

The Housing & Community Development Act of 1977 authorized the UDAG program to assist physically and economically distressed cities and urban counties. The city has \$60,000 remaining from this program to expend. These funds were intended for downtown redevelopment and all projects are located downtown. All four projects are façade projects and will be completed within 4 months, which will provide immediate impact to our downtown redevelopment efforts. There is other funding available for small business assistance throughout the city.

1120-1126 Central Avenue / \$11,000

- Assistance for new façade on back of building that will become the new grand entrance for the building. This new façade will include a reconstructed face with a combination of EFIS and stucco applications to hide the existing brick blemishes and imperfections that currently plague the exterior. Assistance also to include any lighting and landscaping upgrades.
- This building is home to the following businesses:
 - Don's Pizza
 - West Central Wines
 - New Business Coming Soon
- Property is located in the Central Avenue Historic District. Historic Commission met Thursday, September 17 and determined that 1120-1126 renderings were approved as submitted with a color change between the bands at the top on the building. There are no current violations on the property.

1206-1218 Central Avenue / \$14,235.48

- Assistance for two new covered porches, partially constructed with trellis to allow for outdoor eating and lounging. An existing business in the middle will separate the two porches.

- Assistance for outdoor signage for new tenant – Brent's Smoking Butts and Grill
- This building is home to the following businesses:
 - Brent's Smoking Butts and Grill – new business opening soon
 - Grandpa Joes
 - Middletown Aquatics and More
 - Fast Lane Subs – new business opening soon
- Property is located in the Central Avenue Historic District. Approval for outdoor dining was approved at the September 17, 2020 Historic Commission meeting. There are no current violations on the property.

5 Canal Street / \$39,000

- Assistance for replacement of old roof, removing debris, and installation of new rubber roof.
- Property is located in the Central Avenue Historic District and unless he changes the pitch of the roof, the roof repairs will not require Historic Commission approval. He will, however be required to submit the repairs/stabilization to the rear of the building.

1044 Central Avenue / \$11,500

- Assistance for façade updates with a mural and three window openings.
- Part of a larger rehabilitation project that will create retail and residential units.
 - Retail space has a tenant signed up for a 3-year contract once space is completed
 - Two 2-bedroom residential units at approximately 1200 SF each has interested renters
- Property falls outside of Central Avenue Historic District, no approval needed from Historic Commission

See attached agreements.

ALTERNATIVES

No alternatives.

FINANCIAL IMPACT

UDAG Funds – 238.990.54400

Estimated Financial Impact - \$75,735.48 TOTAL

- 1120-1126 Central Avenue - \$11,000
- 1206-1218 Central Avenue - \$14,235.48
- 5 Canal Street - \$39,000
- 1044 Central Avenue - \$11,500

EMERGENCY/NON EMERGENCY

Requesting second reading emergency. All four projects are façade work that needs to be completed before winter weather arrives. Without a second reading emergency, the following timeline would take place:

- First reading, October 20th
- Second reading, November 3rd
- Legislation effective, December 4th

The businesses cannot wait that long for approval and action. All work will be completed within 4 months.

LEGISLATION

ITEM 3

ORDINANCE NO. O2020-56

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A UDAG GRANT AGREEMENT WITH LARRY LEWIS, TRUSTEE AND TRIAD INVESTMENT GROUP, LLC FOR THE PROPERTY LOCATED AT 1212 AND 1218 CENTRAL AVENUE AND DECLARING AN EMERGENCY.

WHEREAS, Larry Lewis, Trustee and Triad Investment Group, LLC owns real property with an address of 1212 and 1218 Central Avenue that is in need of façade repairs, including two new covered porches to allow for outdoor seating for patrons of the restaurant tenants; and

WHEREAS, the City has unused Urban Development Action Grant (UDAG) funds that are to be expended for downtown redevelopment;

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 a UDAG Grant Agreement jointly with Larry Lewis, Trustee and Triad Investment Group, LLC for façade repairs to the rear of 1212 and 1218 Central Avenue. The agreement shall be in a form substantially similar to Exhibit "A", and is subject to approval by the City Manager and Law Director.

No grant funds can be released to Larry Lewis, Trustee and Triad Investment Group, LLC until the grant agreement is signed by all parties and the proof of the completed work is submitted in a timely manner and approved by the City.

Section 2

For said purposes, the Finance Director is hereby authorized to pay a sum not to exceed \$14,235.48 from the UDAG Fund (Fund # 238).

Section 3

This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare, to wit: to allow the agreement to be signed upon City Council approval and so that the funds are available for reimbursement without delay when the work is completed, 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 UDAG Grant – Larry Lewis Trustee & Triad Investment Group – 1212 & 1218 Central

UDAG GRANT AGREEMENT

This UDAG Grant Agreement (the "Agreement") is made by and between **The City of Middletown** (hereby known as "Grantor") and **Larry Lewis, Trustee and Triad Investment Group, LLC** (hereby known as "Grantees").

A. Grantor administers an Urban Development Action Grant (UDAG) Program to provide loans to business for the purpose of undertaking certain economic development activities, such as the performance of façade work on buildings in the downtown area of the City of Middletown.

B. Grantees Larry Lewis, Trustee and Triad Investment Group, LLC are the legal owners of a building covering multiple parcels at **1212 and 1218 Central Avenue, Middletown, Ohio** (the "Property"), and have requested and been approved by Grantor to receive a UDAG Program grant in the amount of **\$14,235.48** (the "Grant Funds").

C. The Parties hereto understand and agree that Grantees receipt of the Grant Funds is contingent on Grantees compliance with the terms and conditions set forth in this Agreement.

1. **The Grant Project.** Grantees understand that its receipt of the Grant Funds is intended to pay for, and expressly conditioned on Grantees completion of, the following improvements to be made to the existing building on the Property:

- Two new covered porches, partially constructed with trellis to allow for outdoor eating and lounging for the customers of the restaurant tenants. An existing business in the middle will separate the two porches.
- Assistance for outdoor signage for new tenant Brent's Smokin' Butts and Grill.
- The Property is located in the Central Avenue Historic District. Approval for outdoor dining was approved at the September 17, 2020 Historic Commission meeting. The work shall be completed as approved.

2. **Payment of Grant Funds.** Grantees must submit copies of cost documentation for the Grant Project improvements (e.g. invoices, receipts, affidavits, etc.) to Grantor for reimbursement up to, but not exceeding, the total amount of the Grant Funds. Once the Grant Project improvements have been completed in accordance with this Agreement, and a representative of Grantor has inspected and approved the work, Grantor shall reimburse Grantees costs and expenses associated with the Grant Project in an amount up to, but not exceeding, the total amount of the Grant Funds. Payment shall be made in the form of a check payable to the Grantees.

3. **Miscellaneous Terms and Conditions.**

- Grantees shall occupy the Property primarily for the purpose of operating a commercial enterprise thereon. To that end, at least sixty percent (60%) of the ground floor of the building on the Property must serve a commercial function.



- If Grantees are a lessee of the Property, Grantees must provide Grantor with documentation showing Grantees have a minimum of two (2) years remaining on its lease, or an option to renew the lease to extend its occupation for a minimum of two (2) additional years, in order to be eligible to receive the Grant Funds.
- All property and income taxes associated with the Property and commercial enterprise operated thereon must be up-to-date as of the date of the last party's signature on this Agreement.
- Grantees shall immediately commence the Grant Project work upon its receipt of notification from Grantor that Grantees have been awarded the Grant Funds. The Grant Project improvements must be completed within four (4) months thereafter.
- Staff of Grantor will conduct weekly site inspections to monitor Grantees progress on the Grant Project improvements. Any minor changes in the approved work set forth in Section 1 herein must be approved by both the City of Middletown Economic Development Department and the City of Middletown Historic Commission.
- Upon Grantees completion of the Grant Project, Grantees shall not change or alter the improved building façade without receiving the prior written approval of Grantor to such change(s) or alteration(s).
- Grantees shall maintain the Property and all Grant Project improvements in good condition, and in compliance with all applicable federal, state and local laws and regulations, during and after Grantees performance of the Grant Project improvements. Grantees responsibility to maintain the Property and Grant Project improvements in good condition expressly includes, but is not limited to, Grantees prompt removal of graffiti, trash, litter, and accumulation of any other natural or manmade debris on the Property's exterior.

4. **Indemnification.** The Parties hereto expressly understand and agree that Grantees shall be solely responsible for ensuring all individuals involved with and/or performing the Grant Project work comply with all applicable safety regulations, building codes, and federal, state and local laws and regulations during the performance of the Grant Project work. Grantees shall hold harmless Grantor and its representatives, employees and agents from and against any and all claims, suits, demands, liabilities, losses, damages, costs and expenses arising out of or resulting from claims for personal injury, death, or loss or damage to any real or personal property arising out of or relating to this Agreement, the UDAG Program or Grantees performance of the Grant Project improvements.

5. **Insurance.** Grantees shall be responsible for maintaining valid and sufficient insurance coverage in amounts adequate to provide coverage for claims for personal injury, death, and loss or damage to any real or personal property arising out of or related to this Agreement and Grantees performance of the Grant Project improvements. Grantees shall provide Grantor with copies of certificates evidencing its maintenance of the insurance required by this Agreement upon Grantor's request for the same.



6. **UDAG Program Promotion.** Grantees authorize Grantor to promote the UDAG Program and the Grant Project contemplated by this Agreement. Authorized promotional activities may occur during and after performance of the Grant Project work, and include, but are not limited to: (i) displaying signs on the Property promoting the UDAG Program; and (ii) use of photographs of the Property and Grant Project improvements in Grantor materials and press releases.

7. **Grantor Reservation of Rights.** Grantees expressly understands and agrees that Grantor shall retain the right to make any changes in conditions of the UDAG Program, as Grantor sees fit in its sole discretion. Grantees further understand and agree that Grantor shall have the right to immediately revoke the Grant Funds and terminate this Agreement if, in Grantor's sole discretion, Grantees fail to fulfill any term or condition set forth in this Agreement.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date of the last Party's signature below.

GRANTOR:

CITY OF MIDDLETOWN

James Palenick
City Manager

Date: _____

Approved as to form:

Law Director

GRANTEEES:

TRIAD INVESTMENT GROUP, LLC

Name: _____

Title: _____

Date: _____

LARRY LEWIS, TRUSTEE

Name: _____

Title: _____

Date: _____

S T A F F R E P O R T
For the Business Meeting of October 20, 2020

DATE: September 18, 2020

TO: Jim Palenick, City Manager

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

Urban Development Action Grant (UDAG) Assistance – 4 Agreements

PURPOSE

To authorize UDAG funding for 4 projects in downtown Middletown:

- 1120-1126 Central Avenue / Triad Investment Group, LLC
- 1206-1218 Central Avenue / Larry Lewis, Trustee and Triad Investment Group, LLC
- 5 Canal Street / Daniyal, LLC
- 1044 Central Avenue / MLH Developers

BACKGROUND and FINDINGS

The Housing & Community Development Act of 1977 authorized the UDAG program to assist physically and economically distressed cities and urban counties. The city has \$60,000 remaining from this program to expend. These funds were intended for downtown redevelopment and all projects are located downtown. All four projects are façade projects and will be completed within 4 months, which will provide immediate impact to our downtown redevelopment efforts. There is other funding available for small business assistance throughout the city.

1120-1126 Central Avenue / \$11,000

- Assistance for new façade on back of building that will become the new grand entrance for the building. This new façade will include a reconstructed face with a combination of EFIS and stucco applications to hide the existing brick blemishes and imperfections that currently plague the exterior. Assistance also to include any lighting and landscaping upgrades.
- This building is home to the following businesses:
 - Don's Pizza
 - West Central Wines
 - New Business Coming Soon
- Property is located in the Central Avenue Historic District. Historic Commission met Thursday, September 17 and determined that 1120-1126 renderings were approved as submitted with a color change between the bands at the top on the building. There are no current violations on the property.

1206-1218 Central Avenue / \$14,235.48

- Assistance for two new covered porches, partially constructed with trellis to allow for outdoor eating and lounging. An existing business in the middle will separate the two porches.

- Assistance for outdoor signage for new tenant – Brent's Smoking Butts and Grill
- This building is home to the following businesses:
 - Brent's Smoking Butts and Grill – new business opening soon
 - Grandpa Joes
 - Middletown Aquatics and More
 - Fast Lane Subs – new business opening soon
- Property is located in the Central Avenue Historic District. Approval for outdoor dining was approved at the September 17, 2020 Historic Commission meeting. There are no current violations on the property.

5 Canal Street / \$39,000

- Assistance for replacement of old roof, removing debris, and installation of new rubber roof.
- Property is located in the Central Avenue Historic District and unless he changes the pitch of the roof, the roof repairs will not require Historic Commission approval. He will, however be required to submit the repairs/stabilization to the rear of the building.

1044 Central Avenue / \$11,500

- Assistance for façade updates with a mural and three window openings.
- Part of a larger rehabilitation project that will create retail and residential units.
 - Retail space has a tenant signed up for a 3-year contract once space is completed
 - Two 2-bedroom residential units at approximately 1200 SF each has interested renters
- Property falls outside of Central Avenue Historic District, no approval needed from Historic Commission

See attached agreements.

ALTERNATIVES

No alternatives.

FINANCIAL IMPACT

UDAG Funds – 238.990.54400

Estimated Financial Impact - \$75,735.48 TOTAL

- 1120-1126 Central Avenue - \$11,000
- 1206-1218 Central Avenue - \$14,235.48
- 5 Canal Street - \$39,000
- 1044 Central Avenue - \$11,500

EMERGENCY/NON EMERGENCY

Requesting second reading emergency. All four projects are façade work that needs to be completed before winter weather arrives. Without a second reading emergency, the following timeline would take place:

- First reading, October 20th
- Second reading, November 3rd
- Legislation effective, December 4th

The businesses cannot wait that long for approval and action. All work will be completed within 4 months.

LEGISLATION

ITEM 4

ORDINANCE NO. O2020-57

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A UDAG
GRANT AGREEMENT WITH DANIYAL, LLC FOR THE PROPERTY LOCATED AT
5 SOUTH CANAL STREET AND DECLARING AN EMERGENCY**

WHEREAS, Daniyal, LLC owns real property with an address of 5 South Canal Street that is in need of roof replacement; and

WHEREAS, the City has unused Urban Development Action Grant (UDAG) funds that are to be expended for downtown redevelopment;

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 a UDAG Grant Agreement with Daniyal, LLC for roof replacement at 5 South Canal Street. The agreement shall be in a form substantially similar to Exhibit "A", and is subject to approval by the City Manager and Law Director.

No grant funds can be released to Daniyal, LLC until the grant agreement is signed by all parties and documentation of the completed work is submitted in a timely manner and approved by the City.

Section 2

For said purposes, the Finance Director is hereby authorized to pay a sum not to exceed \$39,000.00 from the UDAG Fund (Fund # 238).

Section 3

This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare, to wit: to allow the agreement to be signed upon City Council approval and so that the funds are available for reimbursement without delay when the work is completed, 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 UDAG Grant - Daniyal LLC - 5 S Canal Street

UDAG GRANT AGREEMENT

This UDAG Grant Agreement (the "Agreement") is made by and between **The City of Middletown** (hereby known as "Grantor") and **Daniyal, LLC** (hereby known as "Grantee").

A. Grantor administers an Urban Development Action Grant (UDAG) Program to provide loans to business for the purpose of undertaking certain economic development activities, such as the performance of façade work on buildings in the downtown area of the City of Middletown.

B. Grantee, who is the legal owner of **5 S. Canal Street, Middletown, Ohio** (the "Property"), has requested and been approved by Grantor to receive a UDAG Program grant in the amount of **\$39,000.00** (the "Grant Funds").

C. The Parties hereto understand and agree that Grantee's receipt of the Grant Funds is contingent on Grantee's compliance with the terms and conditions set forth in this Agreement.

1. **The Grant Project.** Grantee understands that its receipt of the Grant Funds is intended to pay for, and expressly conditioned on Grantee's completion of, the following improvements to be made to the existing building on the Property:

- Removal of existing roof;
- Removal of debris; and
- Installation of new rubber roof.

2. **Payment of Grant Funds.** Grantee must submit copies of cost documentation for the Grant Project improvements (e.g. invoices, receipts, affidavits, etc.) to Grantor for reimbursement up to, but not exceeding, the total amount of the Grant Funds. Once the Grant Project improvements have been completed in accordance with this Agreement, and a representative of Grantor has inspected and approved the work, Grantor shall reimburse Grantee's costs and expenses associated with the Grant Project in an amount up to, but not exceeding, the total amount of the Grant Funds. Payment shall be made in the form of a check payable to the Grantee.

3. **Miscellaneous Terms and Conditions.**

- Grantee shall occupy the Property primarily for the purpose of operating a commercial enterprise thereon. To that end, at least sixty percent (60%) of the ground floor of the building on the Property must serve a commercial function.
- If Grantee is a lessee of the Property, Grantee must provide Grantor with documentation showing Grantee has a minimum of two (2) years remaining on its lease, or an option to renew the lease to extend its occupation for a minimum of two (2) additional years, in order to be eligible to receive the Grant Funds.



- All property and income taxes associated with the Property and commercial enterprise operated thereon must be up-to-date as of the date of the last party's signature on this Agreement.
- Grantee shall immediately commence the Grant Project work upon its receipt of notification from Grantor that Grantee has been awarded the Grant Funds. The Grant Project improvements must be completed within four (4) months thereafter.
- Staff of Grantor will conduct weekly site inspections to monitor Grantee's progress on the Grant Project improvements. Any minor changes in the approved work set forth in Section 1 herein must be approved by both the City of Middletown Economic Development Department and the City of Middletown Historic Commission.
- Upon Grantee's completion of the Grant Project, Grantee shall not change or alter the improved building façade without receiving the prior written approval of Grantor to such change(s) or alteration(s).
- Grantee shall maintain the Property and all Grant Project improvements in good condition, and in compliance with all applicable federal, state and local laws and regulations, during and after Grantee's performance of the Grant Project improvements. Grantee's responsibility to maintain the Property and Grant Project improvements in good condition expressly includes, but is not limited to, Grantee's prompt removal of graffiti, trash, litter, and accumulation of any other natural or manmade debris on the Property's exterior.

4. **Indemnification.** The Parties hereto expressly understand and agree that Grantee shall be solely responsible for ensuring all individuals involved with and/or performing the Grant Project work comply with all applicable safety regulations, building codes, and federal, state and local laws and regulations during the performance of the Grant Project work. Grantee shall hold harmless Grantor and its representatives, employees and agents from and against any and all claims, suits, demands, liabilities, losses, damages, costs and expenses arising out of or resulting from claims for personal injury, death, or loss or damage to any real or personal property arising out of or relating to this Agreement, the UDAG Program or Grantee's performance of the Grant Project improvements.

5. **Insurance.** Grantee shall be responsible for maintaining valid and sufficient insurance coverage in amounts adequate to provide coverage for claims for personal injury, death, and loss or damage to any real or personal property arising out of or related to this Agreement and Grantee's performance of the Grant Project improvements. Grantee shall provide Grantor with copies of certificates evidencing its maintenance of the insurance required by this Agreement upon Grantor's request for the same.

6. **UDAG Program Promotion.** Grantee authorizes Grantor to promote the UDAG Program and the Grant Project contemplated by this Agreement. Authorized promotional activities may occur during and after performance of the Grant Project work, and include, but are not limited to: (i) displaying signs on the Property promoting the UDAG Program;



and (ii) use of photographs of the Property and Grant Project improvements in Grantor materials and press releases.

7. **Grantor Reservation of Rights.** Grantee expressly understands and agrees that Grantor shall retain the right to make any changes in conditions of the UDAG Program, as Grantor sees fit in its sole discretion. Grantee further understands and agrees that Grantor shall have the right to immediately revoke the Grant Funds and terminate this Agreement if, in Grantor's sole discretion, Grantee fails to fulfill any term or condition set forth in this Agreement.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date of the last Party's signature below.

GRANTOR:

CITY OF MIDDLETOWN

James Palenick
City Manager

Date: _____

Approved as to form:

Law Director

GRANTEE:

DANIYAL, LLC

Owner: _____

Date: _____

S T A F F R E P O R T
For the Business Meeting of October 20, 2020

DATE: September 18, 2020

TO: Jim Palenick, City Manager

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

Urban Development Action Grant (UDAG) Assistance – 4 Agreements

PURPOSE

To authorize UDAG funding for 4 projects in downtown Middletown:

- 1120-1126 Central Avenue / Triad Investment Group, LLC
- 1206-1218 Central Avenue / Larry Lewis, Trustee and Triad Investment Group, LLC
- 5 Canal Street / Daniyal, LLC
- 1044 Central Avenue / MLH Developers

BACKGROUND and FINDINGS

The Housing & Community Development Act of 1977 authorized the UDAG program to assist physically and economically distressed cities and urban counties. The city has \$60,000 remaining from this program to expend. These funds were intended for downtown redevelopment and all projects are located downtown. All four projects are façade projects and will be completed within 4 months, which will provide immediate impact to our downtown redevelopment efforts. There is other funding available for small business assistance throughout the city.

1120-1126 Central Avenue / \$11,000

- Assistance for new façade on back of building that will become the new grand entrance for the building. This new façade will include a reconstructed face with a combination of EFIS and stucco applications to hide the existing brick blemishes and imperfections that currently plague the exterior. Assistance also to include any lighting and landscaping upgrades.
- This building is home to the following businesses:
 - Don's Pizza
 - West Central Wines
 - New Business Coming Soon
- Property is located in the Central Avenue Historic District. Historic Commission met Thursday, September 17 and determined that 1120-1126 renderings were approved as submitted with a color change between the bands at the top on the building. There are no current violations on the property.

1206-1218 Central Avenue / \$14,235.48

- Assistance for two new covered porches, partially constructed with trellis to allow for outdoor eating and lounging. An existing business in the middle will separate the two porches.

- Assistance for outdoor signage for new tenant – Brent's Smoking Butts and Grill
- This building is home to the following businesses:
 - Brent's Smoking Butts and Grill – new business opening soon
 - Grandpa Joes
 - Middletown Aquatics and More
 - Fast Lane Subs – new business opening soon
- Property is located in the Central Avenue Historic District. Approval for outdoor dining was approved at the September 17, 2020 Historic Commission meeting. There are no current violations on the property.

5 Canal Street / \$39,000

- Assistance for replacement of old roof, removing debris, and installation of new rubber roof.
- Property is located in the Central Avenue Historic District and unless he changes the pitch of the roof, the roof repairs will not require Historic Commission approval. He will, however be required to submit the repairs/stabilization to the rear of the building.

1044 Central Avenue / \$11,500

- Assistance for façade updates with a mural and three window openings.
- Part of a larger rehabilitation project that will create retail and residential units.
 - Retail space has a tenant signed up for a 3-year contract once space is completed
 - Two 2-bedroom residential units at approximately 1200 SF each has interested renters
- Property falls outside of Central Avenue Historic District, no approval needed from Historic Commission

See attached agreements.

ALTERNATIVES

No alternatives.

FINANCIAL IMPACT

UDAG Funds – 238.990.54400

Estimated Financial Impact - \$75,735.48 TOTAL

- 1120-1126 Central Avenue - \$11,000
- 1206-1218 Central Avenue - \$14,235.48
- 5 Canal Street - \$39,000
- 1044 Central Avenue - \$11,500

EMERGENCY/NON EMERGENCY

Requesting second reading emergency. All four projects are façade work that needs to be completed before winter weather arrives. Without a second reading emergency, the following timeline would take place:

- First reading, October 20th
- Second reading, November 3rd
- Legislation effective, December 4th

The businesses cannot wait that long for approval and action. All work will be completed within 4 months.

LEGISLATION

ITEM 5

ORDINANCE NO. O2020-58

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A UDAG
GRANT AGREEMENT WITH MLH DEVELOPERS, LLC FOR THE PROPERTY
LOCATED AT 1044 CENTRAL AVENUE AND DECLARING AN EMERGENCY**

WHEREAS, MLH Developers, LLC owns real property with an address of 1044 Central Avenue and intends to update the façade with a mural and three window openings; and

WHEREAS, the City has unused Urban Development Action Grant (UDAG) funds that are to be expended for downtown redevelopment;

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 a UDAG Grant Agreement with MLH Developers, LLC for façade improvements at 1044 Central Avenue. The agreement shall be in a form substantially similar to Exhibit "A", and is subject to approval by the City Manager and Law Director.

No grant funds can be released to MLH Developers, LLC until the grant agreement is signed by all parties and the proof of the completed work is submitted in a timely manner and approved by the City.

Section 2

For said purposes, the Finance Director is hereby authorized to pay a sum not to exceed \$11,500.00 from the UDAG Fund (Fund # 238).

Section 3

This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare, to wit: to allow the agreement to be signed upon City Council approval and so that the funds are available for reimbursement without delay when the work is completed, 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 UDAG Grant – MLH Developers – 1044 Central

UDAG GRANT AGREEMENT

This UDAG Grant Agreement (the "Agreement") is made by and between **The City of Middletown** (hereby known as "Grantor") and **MLH Developers, LLC** (hereby known as "Grantee").

A. Grantor administers an Urban Development Action Grant (UDAG) Program to provide loans to business for the purpose of undertaking certain economic development activities, such as the performance of façade work on buildings in the downtown area of the City of Middletown.

B. Grantee, who is the legal owner of **1044 Central Avenue, Middletown, Ohio** (the "Property"), has requested and been approved by Grantor to receive a UDAG Program grant in the amount of **\$11,500.00** (the "Grant Funds").

C. The Parties hereto understand and agree that Grantee's receipt of the Grant Funds is contingent on Grantee's compliance with the terms and conditions set forth in this Agreement.

1. **The Grant Project.** Grantee understands that its receipt of the Grant Funds is intended to pay for, and expressly conditioned on Grantee's completion of, the following improvements to be made to the existing building on the Property:

- Façade updates with a mural and three window openings.

2. **Payment of Grant Funds.** Grantee must submit copies of cost documentation for the Grant Project improvements (e.g. invoices, receipts, affidavits, etc.) to Grantor for reimbursement up to, but not exceeding, the total amount of the Grant Funds. Once the Grant Project improvements have been completed in accordance with this Agreement, and a representative of Grantor has inspected and approved the work, Grantor shall reimburse Grantee's costs and expenses associated with the Grant Project in an amount up to, but not exceeding, the total amount of the Grant Funds. Payment shall be made in the form of a check payable to the Grantee.

3. **Miscellaneous Terms and Conditions.**

- Grantee shall occupy the Property primarily for the purpose of operating a commercial enterprise thereon. To that end, at least sixty percent (60%) of the ground floor of the building on the Property must serve a commercial function.
- If Grantee is a lessee of the Property, Grantee must provide Grantor with documentation showing Grantee has a minimum of two (2) years remaining on its lease, or an option to renew the lease to extend its occupation for a minimum of two (2) additional years, in order to be eligible to receive the Grant Funds.
- All property and income taxes associated with the Property and commercial enterprise operated thereon must be up-to-date as of the date of the last party's signature on this Agreement.



- Grantee shall immediately commence the Grant Project work upon its receipt of notification from Grantor that Grantee has been awarded the Grant Funds. The Grant Project improvements must be completed within four (4) months thereafter.
- Staff of Grantor will conduct weekly site inspections to monitor Grantee's progress on the Grant Project improvements. Any minor changes in the approved work set forth in Section 1 herein must be approved by both the City of Middletown Economic Development Department and the City of Middletown Historic Commission.
- Upon Grantee's completion of the Grant Project, Grantee shall not change or alter the improved building façade without receiving the prior written approval of Grantor to such change(s) or alteration(s).
- Grantee shall maintain the Property and all Grant Project improvements in good condition, and in compliance with all applicable federal, state and local laws and regulations, during and after Grantee's performance of the Grant Project improvements. Grantee's responsibility to maintain the Property and Grant Project improvements in good condition expressly includes, but is not limited to, Grantee's prompt removal of graffiti, trash, litter, and accumulation of any other natural or manmade debris on the Property's exterior.

4. **Indemnification.** The Parties hereto expressly understand and agree that Grantee shall be solely responsible for ensuring all individuals involved with and/or performing the Grant Project work comply with all applicable safety regulations, building codes, and federal, state and local laws and regulations during the performance of the Grant Project work. Grantee shall hold harmless Grantor and its representatives, employees and agents from and against any and all claims, suits, demands, liabilities, losses, damages, costs and expenses arising out of or resulting from claims for personal injury, death, or loss or damage to any real or personal property arising out of or relating to this Agreement, the UDAG Program or Grantee's performance of the Grant Project improvements.

5. **Insurance.** Grantee shall be responsible for maintaining valid and sufficient insurance coverage in amounts adequate to provide coverage for claims for personal injury, death, and loss or damage to any real or personal property arising out of or related to this Agreement and Grantee's performance of the Grant Project improvements. Grantee shall provide Grantor with copies of certificates evidencing its maintenance of the insurance required by this Agreement upon Grantor's request for the same.

6. **UDAG Program Promotion.** Grantee authorizes Grantor to promote the UDAG Program and the Grant Project contemplated by this Agreement. Authorized promotional activities may occur during and after performance of the Grant Project work, and include, but are not limited to: (i) displaying signs on the Property promoting the UDAG Program; and (ii) use of photographs of the Property and Grant Project improvements in Grantor materials and press releases.



7. **Grantor Reservation of Rights.** Grantee expressly understands and agrees that Grantor shall retain the right to make any changes in conditions of the UDAG Program, as Grantor sees fit in its sole discretion. Grantee further understands and agrees that Grantor shall have the right to immediately revoke the Grant Funds and terminate this Agreement if, in Grantor's sole discretion, Grantee fails to fulfill any term or condition set forth in this Agreement.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date of the last Party's signature below.

GRANTOR:

CITY OF MIDDLETOWN

James Palenick
City Manager

Date: _____

Approved as to form:

Law Director

GRANTEE:

MLH DEVELOPERS, LLC

Kevin Kimener
President

Date: _____

S T A F F R E P O R T
For the Business Meeting of October 20, 2020

DATE: September 18, 2020

TO: Jim Palenick, City Manager

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

Urban Development Action Grant (UDAG) Assistance – 4 Agreements

PURPOSE

To authorize UDAG funding for 4 projects in downtown Middletown:

- 1120-1126 Central Avenue / Triad Investment Group, LLC
- 1206-1218 Central Avenue / Larry Lewis, Trustee and Triad Investment Group, LLC
- 5 Canal Street / Daniyal, LLC
- 1044 Central Avenue / MLH Developers

BACKGROUND and FINDINGS

The Housing & Community Development Act of 1977 authorized the UDAG program to assist physically and economically distressed cities and urban counties. The city has \$60,000 remaining from this program to expend. These funds were intended for downtown redevelopment and all projects are located downtown. All four projects are façade projects and will be completed within 4 months, which will provide immediate impact to our downtown redevelopment efforts. There is other funding available for small business assistance throughout the city.

1120-1126 Central Avenue / \$11,000

- Assistance for new façade on back of building that will become the new grand entrance for the building. This new façade will include a reconstructed face with a combination of EFIS and stucco applications to hide the existing brick blemishes and imperfections that currently plague the exterior. Assistance also to include any lighting and landscaping upgrades.
- This building is home to the following businesses:
 - Don's Pizza
 - West Central Wines
 - New Business Coming Soon
- Property is located in the Central Avenue Historic District. Historic Commission met Thursday, September 17 and determined that 1120-1126 renderings were approved as submitted with a color change between the bands at the top on the building. There are no current violations on the property.

1206-1218 Central Avenue / \$14,235.48

- Assistance for two new covered porches, partially constructed with trellis to allow for outdoor eating and lounging. An existing business in the middle will separate the two porches.

- Assistance for outdoor signage for new tenant – Brent's Smoking Butts and Grill
- This building is home to the following businesses:
 - Brent's Smoking Butts and Grill – new business opening soon
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1044 Central Avenue / \$11,500

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- Part of a larger rehabilitation project that will create retail and residential units.
 - Retail space has a tenant signed up for a 3-year contract once space is completed
 - Two 2-bedroom residential units at approximately 1200 SF each has interested renters
- Property falls outside of Central Avenue Historic District, no approval needed from Historic Commission

See attached agreements.

ALTERNATIVES

No alternatives.

FINANCIAL IMPACT

UDAG Funds – 238.990.54400

Estimated Financial Impact - \$75,735.48 TOTAL

- 1120-1126 Central Avenue - \$11,000
- 1206-1218 Central Avenue - \$14,235.48
- 5 Canal Street - \$39,000
- 1044 Central Avenue - \$11,500

EMERGENCY/NON EMERGENCY

Requesting second reading emergency. All four projects are façade work that needs to be completed before winter weather arrives. Without a second reading emergency, the following timeline would take place:

- First reading, October 20th
- Second reading, November 3rd
- Legislation effective, December 4th

The businesses cannot wait that long for approval and action. All work will be completed within 4 months.

LEGISLATION

ITEM 6

ORDINANCE NO. O2020-59

AN ORDINANCE ESTABLISHING A PROCEDURE FOR AND AUTHORIZING A CONTRACT WITH ALLIED TECHNICAL SERVICES, INC. TO COMPLETE THE AUGUST AVENUE LIFT STATION REPAIR PROJECT AND DECLARING AN EMERGENCY.

WHEREAS, the August Avenue Lift Station Repair Project consists of replacing the pump and control panel for an existing out of service storm water lift station; and

WHEREAS, a Request for Proposals was requested and three contractors responded; and

WHEREAS, Allied Technical Services, Inc. provided the lowest price and best proposal for the project;

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 Allied Technical Services, Inc. to complete the August Avenue Lift Station Repair Project in the accordance with the estimate attached hereto as Exhibit "A". The contract shall be in a form approved by the Law Director.

Section 2

The Finance Director is hereby authorized and directed to pay a sum not to exceed \$45,981.00 from the Stormwater Capital Reserve Fund (Fund # 415).

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 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

H:\Law\2020 Leg\O Contract with Allied Technical Services, Inc.

Date: June 23, 2020

To: Rob Nicolls
City of Middletown
robertn@cityofmiddletown.org

From: Dirk Sayre
Office: 877-98-pumps
Mobile: 513-616-7972

Re: **New Cascade axial flow Pump**

Thank you for your interest in Allied. Per your request, we are pleased to provide this estimate.

Rated Condition: 1,670 GPM at 14.0 feet total dynamic head (Bowl)

Pump: 10AP axial flow, 1 stage, 10" diameter below baseplate plain end discharge, oil lubrication, 1760 RPM, bowl efficiency 70%, brake horsepower 8.4, 9'-0" from baseplate to bottom of suction bell, weight 720 LBS., catalog curve AP1004

Total.....\$32,918.50

Motor: 10HP, 1800 RPM, VHS, TEFC enclosure, 220 Volt, 3 phase 60 Hertz, 1.15 service factor, premium efficient

Total.....\$6,012.50

*Submittals 3-4 weeks after receipt of acceptable purchase order.

*Shipment 14-16 weeks after drawing approval and release to production. Manufacturer lead-time is estimated and subject to availability of materials.

*Price is firm for shipment date no later than December 20,2020

*Pump price includes engineering drawings, below base plain end discharge, coupling guards, motor stand, 220volt solenoid valve, per original design and cascade pump standard design and materials of construction and black enamel paint.

*Freight is not included in this pricing.

Re: New Control Panel and install

Enclosure Type: NEMA 4 Painted Steel
Enclosure Mounting: Wall Mounted
Power Requirements: 230 Volt 3 Phase
Horsepower: 10 HP 27 FLA
Station Type: Simplex

Equipment

- ____ Main power distribution block
- ____ Motor circuit protector with adjustable overload protection
- ____ IEC rated Starter
- ____ 230 Volt, 1 Phase circuit for automatic oiler
- ____ 120 Volt fused control transformer
- ____ Float level control, 3-floats required
- ____ Motor overtemp wired in series with starter coil, auto resetting
- ____ Pump running indicator light, door mounted
- ____ Hand-Off-Auto selector switch, door mounted
- ____ Elapsed time meter, door mounted
- ____ Enclosure mounted strobe alarm light for high-level
- ____ High level alarm dry contact for remote monitoring
- ____ Relays, wireway and engraved legends as required
- ____ Terminals for field connections
- ____ UL 508A Listed for industrial control panels
- ____ Float bracket included

Total.....\$2,850.00

*Allied will utilize customer existing meter and 230v 3 phase breaker from meter. The panel will be tied in after this where room will allow. This may be on the pole, in the current panel, or on the concrete structure where the pump is located. All power cable will be run in conduit

*Freight is not included in this pricing

Re: 10" Coupling

Total.....\$300.00

* Included will be the coupling to connect pump to the discharge piping. This will be installed.

*Freight is not included in this pricing.

Re: Labor

Total.....\$3,000.00

Total for complete package, freight, and install not to exceed.....\$45,981.00

Federal, State, Local or other applicable taxes are not included in this pricing.

Freight is not included in this pricing and will be billed out at Allied Technical Services cost.

This estimate is valid for 30 days.

Payment Terms NET30.

Please sign this acknowledgement, note the PO number for this job and the taxable/non-taxable status and fax it back to me at 513-793-0665 or email.

This quote is subject to Allied's Rental Terms & Conditions attached.

Thank you for the opportunity to submit this estimate. Please call with any questions.

Signature of Acceptance: _____ PO/Job No: _____

Is this job tax exempt? No _____ Yes _____ (If yes, please include certificate with acknowledgement, if not already on file.)

STAFF REPORT
For Business Meeting: October 20, 2020

DATE August 6, 2020

TO: Jim Palenick, City Manager

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

August Ave. Lift Station Repair

PURPOSE

Authorize the City Manager to enter into a contract with Allied Technical Services, Inc. and waive the bidding procedure requirement.

BACKGROUND AND FINDINGS

The City is proposing to proceed with the August Ave. Lift Station Repair project which consists of replacing the pump and control panel for an existing out of service storm water lift station.

Staff advertised a request for proposals and three contractors provided proposals to perform the work. Allied Technical Services, Inc. provided the best proposal.

ALTERNATIVES

Award the work to a different contractor and/or alter the scope of work.

FINANCIAL IMPACTS

The lowest and best proposal received for this project on October 2, 2020 was \$45,981.00.

Staff recommends authorizing the award of a contract to Allied Technical Services, Inc. based on their proposal prices provided and not to exceed \$45,981.00.

The project will be funded by the Storm Water Capital Fund (415). These funds are appropriated in the 2020 Capital Improvement budget.

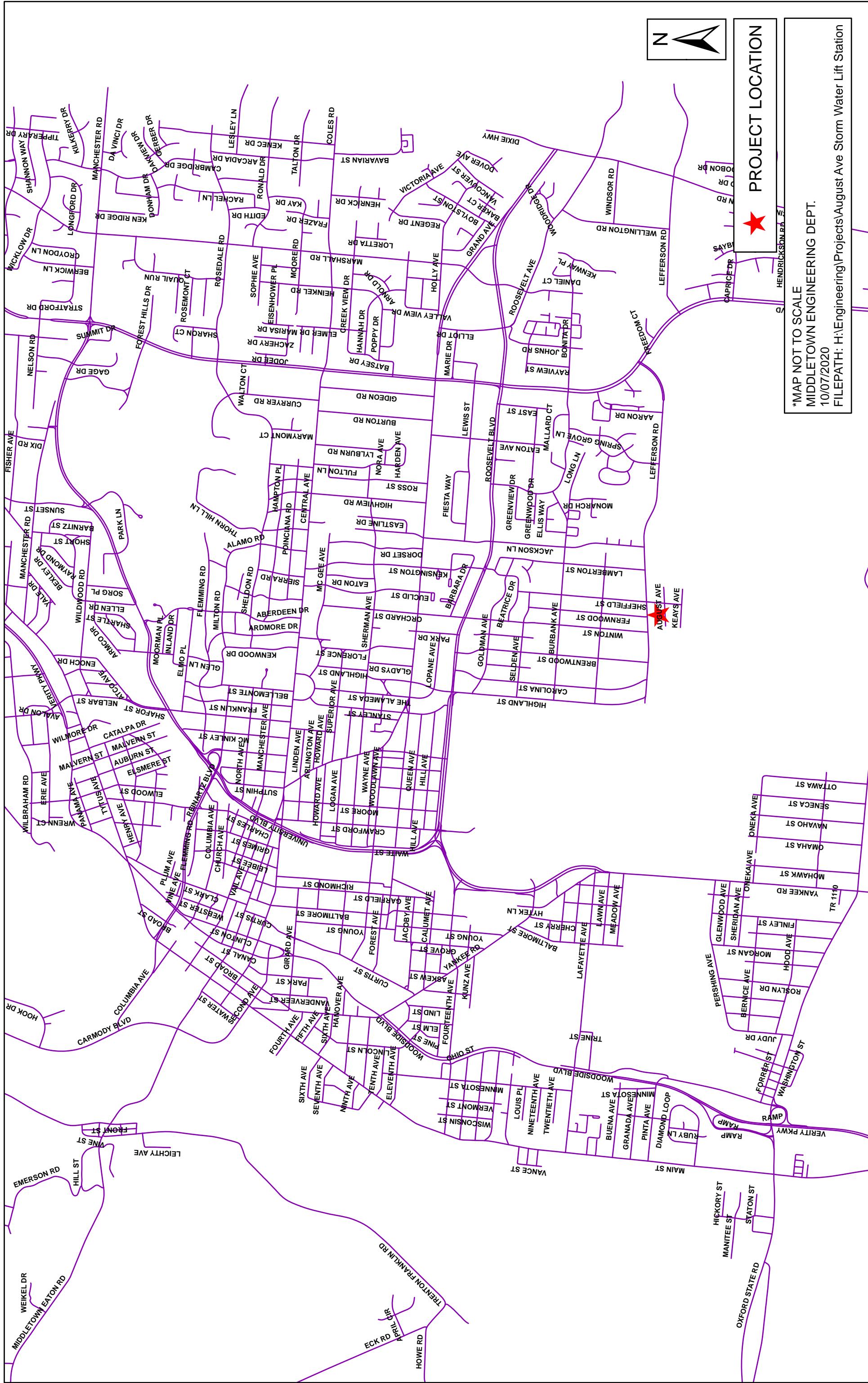
EMERGENCY/NON EMERGENCY

Second Reading Emergency is requested in order to provide as much time as possible for the contractor to perform work this construction season.

ATTACHMENTS

Allied Technical Services Inc Proposal
Vicinity Map

AUGUST AVE LIFT STATION REPAIR



LEGISLATION

ITEM 7

ORDINANCE NO. O2020-60

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION FOR THE OHIO DEPARTMENT OF NATURAL RESOURCES PADDLING ENHANCEMENT GRANT PROGRAM FOR RIVER ACCESS IMPROVEMENTS.

WHEREAS, State of Ohio through the Ohio Department of Natural Resources (ODNR), administers financial assistance for public boating access, through the State of Ohio Paddling Enhancement Grant Program; and

WHEREAS, the City of Middletown desires financial reimbursement under the Paddling Enhancement Grant Program;

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

Section 1

The City Council of the City of Middletown approves filing this application Paddling Enhancement Grant financial assistance.

Section 2

The City Manager is hereby authorized to file and execute an application with the ODNR and to provide all information and documentation required to become eligible for possible financial assistance.

Section 3

The City of Middletown agrees to obligate the funds required to satisfactorily complete the project under the terms and conditions of the Cooperative Agreement if the project is accepted for financial assistance. The City Manager is authorized to execute the Cooperative Agreement without further City Council approval.

Section 4

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

Nicole Condrey, Mayor

1st Reading: _____
2nd Reading: _____
Adopted: _____
Effective: _____

Attest: _____
Clerk of the City Council

S T A F F R E P O R T
For the business meeting of October 20, 2020

DATE: October 5, 2020

TO: James Palenick, City Manager

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

Approval of grant pursuit for ODNR \$75K Grant for River Access Ramp

PURPOSE

Seeking approval from City Council in the form of a resolution to move forward with the pursuit of an ODNR grant for river access improvements. The amount of the grant award is capped at \$75,000 and is 100% reimbursable. The ramp would be placed or constructed on City property at the intersection of Germantown Road and Carmody Blvd close to the east side of the bridge.

BACKGROUND AND FINDINGS

The Ohio Department of Natural Resources, Division of Parks and Watercraft is offering a 100% reimbursable grant capped at \$75,000 to improve or develop recreational boating access for hand-powered watercraft at public facilities.

Middletown is home to 9.5 miles of riverfront along the Great Miami River, however we have zero river access points with a ramp for easy access. Communities Franklin to the north and Trenton to the south both have ramps for access. Middletown is also home to 598 number of registered kayaks belonging to 909 number of owners per ODNR records.

Just this year, Middletown residents Karen and Rob Richardson started their own kayaking and livery business at 301 Carmody Blvd in Middletown, in the area the ramp will be constructed. Their business brings in tourists from all around the region who both eat and stay in Middletown after their kayak trip.

There is also a safety component to applying for the grant in addition to the leisurely reasons stated above. The recent COVID-19 pandemic has increased outdoor recreation and that has included water recreation. State registrations for hand-powered vessels increased 8.16% from the previous year. Unfortunately, this has also increased incidents on the water requiring rescues and sometimes resulting in fatalities. Middletown Fire Department reported an increase from 2 rescues in 2019 to 5 in 2020 to date. Depending on water levels, this ramp could also be used by the Fire Department's water rescue team.

We are working with Choice One Engineering to prepare the grant application and provide engineering of the project. They have reviewed our project and the grant requirements and feel we meet mostly all of the requirements of the grant and have a good chance at being awarded the funds.

ALTERNATIVES

No viable alternatives. Project will not move forward unless grant is awarded.

FINANCIAL IMPACTS

Costs of grant writing quoted at \$1,500 (\$1,000 – preliminary construction estimate / \$500 grant application preparation.) These funds will come from the 2020 Economic Development budget, Professional Services line item 100.164.52480.

Costs of project - \$75,000 estimated. Public Works Director Scott Tadych is approving use of the Capital Improvements Fund (220) to cover the costs until reimbursed by the grant.

EMERGENCY/NON EMERGENCY

Non-emergency. Grant application is not due until March 1, 2020.

LEGISLATION

ITEM 8

ORDINANCE NO. O2020-61

AN ORDINANCE ESTABLISHING A PROCEDURE FOR AND AUTHORIZING AN EXTENSION OF THE CURRENT CONTRACT WITH SMARTBILL LTD. FOR THE PRINTING AND MAILING OF WATER BILLS.

WHEREAS, in 2009 the City entered into a three year contract with SmartBill, Ltd. as the lowest and best bidder for the printing and mailing of water bills; and

WHEREAS, the City has extended the contract for one year terms at the same price since 2013; and

WHEREAS, in 2019, the City requested bids for the mailing of tax bills and it was determined that SmartBill was still the lowest and best price for this type of service; and

WHEREAS, SmartBill, Ltd. is willing to extend the contract for another year (2021) at the same price;

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 Revised Code shall enter into an extension of the contract with SmartBill Ltd. for the printing and mailing of water bills for 2021 in accordance with the current contract on file with the City Purchasing Agent.

Section 2

For said purposes, the Finance Director is authorized and directed to expend a sum not to exceed \$120,000.00 to be paid equally from the Water and Sewer Funds (Fund # 510 & 520).

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 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 shall be effective at the earliest time permitted by law.

Nicole Condrey, Mayor

1st reading: _____
2nd reading: _____
Adopted: _____
Effective: _____

Attest: _____
Clerk of the City Council

H:/Law/leg/2020 Leg/O SmartBill – Water Bills 2021

STAFF REPORT
For the Business Meeting of October 20, 2020

September 25, 2020

TO: Jim Palenick, City Manager
FROM: Samantha Zimmerman, Purchasing Agent

Printing and Mailing of Water Bills

PURPOSE

To recommend the extension of the contract for the printing and mailing of water bills to SmartBill, Ltd., of Hebron, Ohio, in the amount of \$.13/bill, plus postage.

BACKGROUND and FINDINGS

The City presently mails approximately 18,500 water bills each month. These bills are on a 5 day billing cycle, which means there is a massive mailing of bills every five days. Prior to 2009, the City handled the printing and mailing of all the bills.

In 2009, the City bid this service to find an outside contractor. At that time SmartBill, Ltd., submitted the lowest bid. The implementation of this service allowed us to outsource one of our processes in an effort to save both money and staff time. This has worked well for the City. SmartBill has provided excellent service over the past several years, and is willing to extend the contract through December 31, 2021, at the same price.

The City recently requested bids for the mailing of tax bills in 2019 and SmartBill came back with the lowest out of nine bids at a difference of only \$0.009 compared to the 2012 bid.

ALTERNATIVES

1. Return the service in-house. However, contracting the service out results in reduced postage rates, wear and tear on the City's mailing equipment, and software maintenance costs, as well as reduced staff time, resulting in significant savings.
2. Request bids for this service. SmartBill has kept our price the same since 2009. City staff is satisfied with SmartBill and last years' rebid tax bills confirms that prices have stayed the same since 2009.

FINANCIAL IMPACT

We anticipate an expenditure of approximately \$8,300/month for this service through the 2021 contract year, plus an additional \$14,000 annually in stock costs (bills, envelopes, etc.). Any postage increases will be absorbed by the City.

RECOMMENDATION

It is recommended the contract be awarded to SmartBill, Ltd., of Hebron, Ohio, in the same amounts as proposed in Bid 09-6989-08.

EMERGENCY/NON EMERGENCY

Non-Emergency

cc: Jacob Burton, Finance Director
 Barbara Bradley, Assistant Finance Director

LEGISLATION

ITEM 9

ORDINANCE NO. O2020-62

AN ORDINANCE ESTABLISHING A PROCEDURE FOR AND AUTHORIZING AN EXTENSION OF THE CONTRACT WITH CBM MANAGED SERVICES NOW KNOWN AS SUMMIT FOOD SERVICE FOR JAIL FOOD SERVICE IN 2021.

WHEREAS, City Council authorized a three year contract with CBM Managed Services, now known as Summit Food Service, by Motion on November 7, 2017, for the period 2018 through 2020; and

WHEREAS, the original bid included an option for one-year renewals through 2024; and

WHEREAS, in 2020, the parties agreed to amend the contract pricing due to the COVID-19 pandemic; and

WHEREAS, City staff is satisfied with the performance of the vendor and believes renewal of the contract is in the City's best interest;

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 one-year renewal of the contract with Summit Food Service in a form to be approved by the Law Director. The renewal rates shall continue to be a flat fee of \$2,520.00 per week when the jail population is 50 or less. If the jail population is over 50, the rate will be \$2.40 per meal. Any food in excess of what is needed for the day's jail population should be donated to local non-profit organizations or entities.

Section 2

For said purposes, the Finance Director is authorized and directed to expend a sum not to exceed \$131,400.00 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

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

Nicole Condrey, Mayor

1st reading: _____

2nd reading: _____

Adopted: _____

Effective: _____

Attest: _____

Clerk of City Council

S T A F F R E P O R T

For the Business Meeting of October 20, 2020

October 6, 2020

TO: Jim Palenick, City Manager
FROM: Samantha Zimmerman, Purchasing Agent

Recommendation for Jail Food Service

PURPOSE

To recommend a one year renewal to the contract with Summit Food Service (formerly CBM Managed Services), of Sioux Falls, SD, for the period covering January 1, 2021 through December 31, 2021 for jail food service.

BACKGROUND and FINDINGS

In 2017, the City took bids to find a contractor to provide the service of purchasing, receiving, preparing, and serving the food necessary to meet the nutritional needs of the inmates. Summit Food Service was awarded the three year contract as the only bidder.

The Middletown City Jail provides three meals per day to approximately sixty (60) inmates under normal conditions. Due to the national pandemic, earlier this year the City experienced lower than normal inmate population of approximately ten (10) inmates.

In May 2020, City Council approved an amendment to the contract paying Summit a flat payment of \$2,520 per week when the jail population is fifty (50) inmates or less. This payment is equivalent to the cost of fifty (50) inmates. When the jail population goes over fifty (50) inmates, the City pays the normal amount of \$2.40 per meal. In this situation, Summit is still preparing enough food for fifty (50) inmates and any additional food is donated.

A renewal period of three (3) additional one-year periods (1/1/21 – 12/31/24) was written into the original bid. The Middletown City Jail staff is highly satisfied with Summit and believe it is in the best interest of the City to renew for one year. Summit has agreed to keep pricing the same.

ALTERNATIVES

1. Do not renew with Summit Food Service. If we do not renew we would need to rebid this service. If we rebid we risk paying a much higher price due to the current pandemic.

2. Provide the service internally. We have checked into this in the past, and it is not cost effective for the City to provide this service. This is a very specialized service, since food is the number one cause of disruption among inmates in any incarceration facility. Contracting with an organization that has experience in the corrections area helps eliminate the disruption, as well as gives us the insurance we need to make sure the food is properly prepared and the inmates are appropriately fed.
3. Intergovernmental agreement with Butler, Warren, or Montgomery Counties through Aramark. Aramark currently holds the contracts with the above mentioned counties. Aramark attempted to create an intergovernmental agreement where they would prepare the meals for Middletown City Jail at the County Jail and transport to Middletown. Aramark was unsuccessful in obtaining approval from those counties to use their kitchens.

FINANCIAL IMPACT

Funds have been appropriated in the 2021 budget for this purchase. The exact amount to be spent on this contract depends on the number of inmates housed in the jail.

EMERGENCY/NON EMERGENCY

Non-Emergency

cc: Jacob Burton, Finance Director
 David Birk, Police Chief
 Leanne Hood, Deputy Police Chief

LEGISLATION

ITEM 10

ORDINANCE NO. O2020-63

**AN ORDINANCE ENACTING AND ADOPTING THE 2020 SUPPLEMENT (S-13) TO
THE CODIFIED ORDINANCES OF THE CITY OF MIDDLETOWN, OHIO, AND
DECLARING AN EMERGENCY.**

WHEREAS, American Legal Publishers Corporation of Cincinnati, Ohio has completed supplement 2020 S-13 to the Codified Ordinances of the City of Middletown, which supplement contains all ordinances of a general and permanent nature, enacted by City Council through O2020-06 adopted February 4, 2020, and any additional editing changes, including state law changes through December 31, 2019; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Codified Ordinances which are based on or make reference to sections of the Ohio Revised Code; and

WHEREAS, it is the intent of the Legislative Authority to accept these updated sections in accordance with the changes of the law of the State of Ohio; and

WHEREAS, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the municipality that this ordinance take effect at an early date;

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

Section 1

The 2020 (S-13) supplement to the Codified Ordinances of the City of Middletown as submitted by American Legal Publishing Corporation of Cincinnati, Ohio and on file with the Clerk of City Council, be and the same are hereby adopted by reference as if set out in its entirety.

Section 2

One copy of the 2020 (S-13) supplement to the Codified Ordinances shall be certified as correct by the Mayor and the Clerk of Council, as on file in the Clerk of Council's Office, and filed with the permanent ordinance records of the City of Middletown, Ohio.

Section 3

Pursuant to Article IV, Section 5, of the City Charter, a copy of this ordinance shall be promptly published one (1) time in a newspaper of general circulation in the City or electronically on the City's website or other electronic media generally available to the public. As provided in such section, no further publication of this ordinance or of

the 2020 (S-13) supplement to the Codified Ordinances hereby adopted shall be required.

Section 4

All ordinances and resolutions or parts thereof which are in conflict or inconsistent with any provision of the new matter adopted in Section 1 of this ordinance are hereby repealed as of the effective date of this ordinance except as follows:

- (a) The enactment of such sections and subsections shall not be construed to affect a right or liability accrued or incurred under any legislative provision prior to the effective date of such enactment, or an action or proceeding for the enforcement of such right or liability. Such enactment shall not be construed to relieve any person from punishment for an act committed in violation of any such legislative provision, nor to affect an indictment or prosecution therefor. For such purposes, any such legislative provision shall continue in full force notwithstanding its repeal for the purposes of revision and codification.
- (b) The repeal provided above shall not affect any ordinance or resolution enacted by City Council subsequent to February 4, 2020.

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: in order to make the supplement to the codified ordinances effective immediately, and shall take effect and be in force from and after its adoption.

Nicole Condrey, Mayor

Adopted: _____

Attest: _____
Clerk of the City Council

STAFF REPORT

For the Business Meeting of November 3, 2020

DATE: October 15, 2020

TO: Jim Palenick, City Manager

FROM: Susan Cohen, Administrative Services Director
Prepared by: Julie Owsley, Paralegal

EDITING AND UPDATE OF CODIFIED ORDINANCES

PURPOSE

The objective of this staff report is to recommend the adoption of an ordinance approving the editing and inclusion of certain ordinances as part of the various component codes of the Codified Ordinances, to provide for the adoption of new matter in the updated and revised Codified Ordinances, to provide for the publication of such new matter, and to repeal ordinances and resolutions in conflict therewith.

BACKGROUND AND FINDINGS

The City of Middletown contracts with American Legal Publishing to maintain the City's codified ordinances. Periodically, all of our ordinances are sent to the publisher for their review and to be incorporated into our codified ordinances. In addition, they also review changes in State Law that need to be adopted into the City code. In order for the City to be appropriately adjusted to include this new material, and to remove old material that is inconsistent therewith, it is necessary for City Council to approve the codified ordinances as revised by the publishing company.

We have recently received the new supplement to the codified ordinances (2020 S-13). These revisions are consistent with changes in State Law through December 31, 2019 and the ordinances that have been passed by City Council through February 4, 2020. The ordinance before City Council will approve these changes and effectuate the updating of the codified ordinances. A copy of the Middletown Code of Ordinances is available in the office of the Clerk of City Council and is linked to the city website. It is the recommendation of the Law Division that the proposed ordinance be adopted in order to complete the update of the codified ordinances.

ALTERNATIVES

The failure of City Council to adopt this ordinance could result in a court determining that the codified ordinances do not accurately reflect the law in the City of Middletown. Consequently, there will be no codification of City law, and significant confusion could result.

FINANCIAL IMPACT

All costs of the update and revision of the codified ordinances have been previously appropriated and have been paid to the publishing company. There is no cost associated with the adoption of this ordinance.

EMERGENCY/NON EMERGENCY

Emergency action is requested on November 3, 2020 so that the updates to the codified ordinances become effective immediately.

LEGISLATION

ITEM 11

ORDINANCE NO. O2020-64

AN ORDINANCE ESTABLISHING A PROCEDURE FOR AND AUTHORIZING A CONTRACT WITH AIR FORCE ONE FOR THE INSTALLATION OF A DATA AIRE SYSTEM WITH A GPS NEEDLEPOINT BIPOLAR IONIZATION SYSTEM AND DECLARING AN EMERGENCY.

WHEREAS, staff obtained the three quotes below for the installation of a new HVAC system to be installed in the City's dispatch center:

Air Force One	\$35,730
DeBra-Kuempel	\$42,300
Robinson Heating	\$43,250; and

WHEREAS, it has been determined that the lowest and best quote for this project is Air Force One;

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 Revised Code, shall enter into a contract with Air Force One for the installation of Data Aire System with a GPS Needlepoint Bipolar Ionization System in the dispatch center in accordance with the proposal on file with the City Purchasing Agent and/or Facilities Maintenance Supervisor.

Section 2

For said purposes, the Finance Director is authorized and directed to expend a sum not to exceed \$35,730.00 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 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: in order to get the work completed before the CARES Act deadline of December 30, 2020, and shall be in full force and effect from the date of its adoption.

Nicole Condrey, Mayor

Adopted: _____

Attest: _____
Clerk of City Council

H:\Law\leg\2020 Leg\O Contract with Air Force One

S T A F F R E P O R T

For the Business Meeting of November 3, 2020

October 21, 2020

TO: Jim Palenick, City Manager
FROM: Samantha Zimmerman, Purchasing Agent

Purchase & Installation of Dispatch HVAC

PURPOSE

To request Council approve a contract with Air Force One, of Middletown, Ohio, in the amount of \$35,730 for the purchase and installation of a new Data Aire System with a GPS Needlepoint Bipolar Ionization System in the Middletown Dispatch Center.

BACKGROUND and FINDINGS

In order to reduce the exposure and potential spread of COVID-19, staff is recommending a new HVAC system equipped with a Needlepoint Bipolar Ionization System be installed in the Dispatch Center.

Through GPS' needlepoint bipolar ionization (NPBI) technology, they are able to safely clean indoor air without producing ozone or other harmful byproducts. The NPBI technology process neutralizes 99.4% of the coronavirus in just thirty minutes. This technology is constantly cleaning the air because it is constantly sending ions out into the space to neutralize whatever is there.

This was not formally bid due to time constraints, however, staff did receive three quotes from local companies. The following are the quotes that were received:

Air Force One – Middletown, OH	\$35,730
DeBra-Kuempel – Cincinnati, OH	\$42,300
Robinson Heating – Middletown, OH	\$43,250

Since this was not formally bid a waiver of bids is requested in order to enter into a contract with Air Force One so that work may be completed by the CARES Act deadline of December 30, 2020.

ALTERNATIVES

1. Do not approve this purchase.
2. Request formal bids for this purchase. Although, with this alternative we would not be able to formally bid in time to use CARES funding on this purchase.

FINANCIAL IMPACT

The cost of this purchase will be covered by the CARES Act Funding from HB614. Funds will be appropriated as part of the CARES Act Funding legislation on November 17th.

EMERGENCY/NON-EMERGENCY

1st reading emergency – A 1st reading emergency is requested to start work as soon as possible in order to meet the completion deadline of December 30, 2020 for CARES Act Funding.

cc: Jacob Burton, Finance Director
 Neal Wilson, Facilities Maintenance Supervisor

LEGISLATION

ITEM 12

ORDINANCE NO. O2020-65

AN ORDINANCE AUTHORIZING A CONTRACT WITH LEBANON FORD FOR THE PURCHASE OF A FORD EXPLORER AND DECLARING AN EMERGENCY.

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

Section 1

The City Manager in accordance with the procedures of Section 209.06(d) of the Codified Ordinances is hereby authorized to enter into a contract with Lebanon Ford for the purchase of a Ford Explorer for Municipal Court.

Section 2

For said purpose the Director of Finance is hereby authorized and directed to pay a sum not to exceed \$32,729.00 from the Municipal Garage Fund (Fund # 605), which sum is hereby appropriated to the accounts of 550 (605.550.54350).

Section 3

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 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 this purchase can be made simultaneously with the purchase of three vehicles for the Division of Police, and shall take effect and be in force from and after its adoption.

Nicole Condrey, Mayor

Adopted:_____

Attest:_____
Clerk of the City Council

STAFF REPORT
For the Business Meeting of November 3, 2020

October 20, 2020

TO: Jim Palenick, City Manager
FROM: Samantha Zimmerman, Purchasing Agent

Purchase of Vehicles for Police

PURPOSE

To request approval to purchase three new Ford Explorer's off the ODAS Contract for the Division of Police in the total amount of \$98,187 from Lebanon Ford.

BACKGROUND and FINDINGS

The Division of Police was awarded the Coronavirus Emergency Supplemental Funding Program (CESF) from the U.S. Department of Justice (DOJ) to purchase an additional Ford Explorer to add to the current street patrol fleet to cut down on risk of spreading the coronavirus. The CESF Program is awarded to eligible states, local units of government and tribes in preventing, preparing for and responding to the coronavirus, as authorized by Division B of H.R. 748 Pub. L. No. 116-136 (Emergency Appropriations for Coronavirus Health Response and Agency Operations). The Middletown Division of Police received a total allotment of \$76,638 from this grant, with \$33,012 available for the purchase of a vehicle. One of the three vehicles will be purchased with this grant.

The other two new vehicles will be replacement vehicles. The current vehicles have met the City's 15 point replacement schedule. The current vehicles are a 2010 Ford Crown Victoria that is 91 months past replacement date and a 2011 Ford Crown Victoria that is 58 months past replacement date. The current vehicles will be sold through GovDeals.

All three new Explorer's will cost \$32,729 each. The vehicles are available through the state cooperative purchasing program, so bidding is not necessary.

ALTERNATIVES

1. Do not purchase any new vehicles, although maintenance costs continue to escalate.
2. Do not purchase the two replacement vehicles and only purchase the vehicle that is paid for by the CESF grant.
3. Purchase one replacement vehicle and the vehicle that is paid for by the CESF grant.

FINANCIAL IMPACT

Funds have been appropriated in the 2020 budget for two of the three vehicles. The third vehicle will be paid for by the Coronavirus Emergency Supplemental Funding Program (CESF).

EMERGENCY/NON EMERGENCY

Consent agenda

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

LEGISLATION

ITEM 13

RESOLUTION NO. R2020-32

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 AND DECLARING AN EMERGENCY. (YEAR END – VARIOUS FUNDS)

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

Section 1

The following sums are hereby removed from appropriated funds in the General Fund of the City to accounts of the City for the purposes herein described as follows:

FROM:	Finance Administration, Accounts of 131 (100.131.52480)	\$5,200
	Fire Operations, Accounts of 212 (100.212.51110)	\$22,500
	Police Administration, Accounts of 221 (100.221.51110)	\$34,000
	Uniform Patrol, Accounts of 224 (100.224.51230)	\$46,800
	Building Inspection, Accounts of 261 (100.261.51110)	\$4,500
	Parks Maintenance, Accounts of 542 (100.542.51110)	\$4,000
TO:	<u>Unappropriated GENERAL Fund (Fund # 100)</u>	<u>\$117,000</u>
	TOTAL GENERAL FUND	\$117,000

Section 2

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

FROM:	Unappropriated GENERAL Fund (Fund # 100)	\$117,000
TO:	Finance Administration, Accounts of 131 (100.131.51110)	\$1,700
	Treasury, Accounts of 132 (100.132.51110)	\$3,500
	Fire Administration, Accounts of 211 (100.211.51110)	\$12,500
	Fire Prevention & Training, Accounts of 213 (100.213.51120)	\$10,000
	Dispatch, Accounts of 226 (100.226.51120)	\$12,000
	Jail Management, Accounts of 229 (100.229.51110)	\$22,000
	Jail Management, Accounts of 229 (100.229.51120)	\$37,000
	Jail Management, Accounts of 229 (100.229.51230)	\$9,800
	Administrative Services, Accounts of 409 (100.409.51110)	\$2,500
	Community Revitalization Admin., Accounts of 410 (100.410.51240)	\$2,000
	Engineering, Accounts of 512 (100.512.51120)	\$4,000
	TOTAL GENERAL FUND	\$117,000

Section 3

The following sums are hereby appropriated from the Auto & Gas Tax Fund of the City to accounts of the City for the purposes herein described as follows:

FROM: Unappropriated AUTO & GAS TAX Fund (Fund # 210)	\$3,680
TO: Grounds Maintenance, Accounts of 543 (210.543.51230)	\$1,520
<u>Grounds Maintenance, Accounts of 543 (210.543.51240)</u>	<u>\$2,160</u>
TOTAL AUTO & GAS TAX FUND	\$3,680

Section 4

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

FROM: Unappropriated HEALTH Fund (Fund # 228)	\$55,000
TO: Health Administration, Accounts of 450 (228.450.51110)	\$10,000
<u>Health Administration, Accounts of 450 (228.450.52480)</u>	<u>\$45,000</u>
TOTAL HEALTH FUND	\$55,000

Section 5

The following sums are hereby appropriated from the Probation Services Fund of the City to accounts of the City for the purposes herein described as follows:

FROM: Unappropriated Probation Services Fund (Fund # 245)	\$7,250
TO: Probation Services, Accounts of 990 (245.990.51230)	\$7,250
TOTAL PROBATION SERVICES FUND	\$7,250

Section 6

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

FROM: Unappropriated WATER Fund (Fund # 510)	\$35,000
TO: Water Administration, Accounts of 560 (510.560.52480)	\$35,000
TOTAL WATER FUND	\$35,000

Section 7

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

FROM: Unappropriated SEWER Fund (Fund # 520)	\$35,000
TO: Sewer Administration, Accounts of 580 (520.580.52480)	\$35,000
TOTAL SEWER FUND	\$35,000

Section 8

The following sums are hereby appropriated from the Towne Blvd TIF Fund of the City to accounts of the City for the purposes herein described as follows:

FROM: Unappropriated TOWNE BLVD TIF Fund (Fund # 340)	\$37,343
TO: <u>Reimbursements, Accounts of 990 (340.990.52241)</u>	\$37,343
TOTAL TOWNE BLVD TIF FUND	\$37,343

Section 9

The following sums are hereby appropriated from the Towne Mall/Hospital TIF Fund of the City to accounts of the City for the purposes herein described as follows:

FROM: Unappropriated TOWNE MALL/HOSPITAL TIF Fund (Fund # 370)	\$71,389
TO: <u>Reimbursements, Accounts of 990 (370.990.52241)</u>	\$71,389
TOTAL TOWNE MALL/HOSPITAL TIF FUND	\$71,389

Section 10

The following sums are hereby appropriated from the Renaissance N TIF Fund of the City to accounts of the City for the purposes herein described as follows:

FROM: Unappropriated RENAISSANCE N TIF Fund (Fund # 371)	\$137,855
TO: <u>Reimbursements, Accounts of 990 (371.990.52241)</u>	\$137,855
TOTAL RENAISSANCE N TIF FUND	\$137,855

Section 11

The following sums are hereby appropriated from the Renaissance S TIF Fund of the City to accounts of the City for the purposes herein described as follows:

FROM: Unappropriated RENAISSANCE S TIF Fund (Fund # 372)	\$303,635
TO: <u>Reimbursements, Accounts of 990 (372.990.52241)</u>	\$303,635
TOTAL RENAISSANCE S TIF FUND	\$303,635

Section 12

The transfer of monies from the Income Tax Fund to the Fire Relief & Pension Fund and Police Relief & Pension Fund listed below is hereby authorized by City Council:

\$315,000 From the INCOME TAX Fund (Fund #230) (230.915.58130)
\$315,000 To the FIRE RELIEF & PENSION Fund (Fund #726)

\$220,000 From the INCOME TAX Fund (Fund #230) (230.915.58140)
\$220,000 To the POLICE RELIEF & PENSION Fund (Fund #725)

Section 13

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

Section 14

All legislation inconsistent herewith is hereby repealed.

Section 15

This resolution is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare, to wit: to permit appropriation in the 2020 budget, and shall take effect and be in force from and after its adoption.

Nicole Condrey, Mayor

Adopted: _____

Attest: _____

Clerk of City Council

STAFF REPORT
For the Business Meeting of November 3, 2020

DATE: October 22, 2020
TO: Jim Palenick, City Manager
FROM: Jacob Burton, Finance Director

2020 Year End – De-appropriations and Supplements

PURPOSE

The purpose of this staff report is to request de-appropriations and supplemental appropriations for the General Fund and various other funds for year-end accounting purposes.

BACKGROUND and FINDINGS

This Staff Report is for supplemental appropriation requests and de-appropriation requests required prior to year-end. We bring legislation similar to this to Council toward the end of every fiscal year in order to have all funds in audit compliance prior to year-end.

These will have a net zero effect on the General Fund, but are required to be in compliance with Ohio Revised Code. The General Fund supplemental appropriations and de-appropriations total \$117,000 each, resulting in no change to the projected year-end balance of the General Fund. The other various funds will result in the year-end projections decreasing by the supplemental amounts, which were already taken into consideration when planning the 2021 budget. The transfer requests will allow all needed transfers to occur and do not impact the projected year-end balances in those funds.

Below are the requests:

GENERAL FUND

Fund	Div	Acct	Description	Division	Comments	Supplemental
100	131	51110	Salaries & Wages	Finance Admin	To cover VBO in Finance Admin	1,700
100	132	51110	Salaries & Wages	Treasury	Overlap in staffing to allow for training	3,500
100	211	51110	Salaries & Wages	Fire Admin Fire Prevention & Training	To cover holiday cash-ins	12,500
100	213	51120	Overtime Wages		To cover overage in OT	10,000
100	226	51120	Overtime Wages	Dispatch	To cover overage in OT	12,000
100	229	51110	Salaries & Wages	Jail Management	Holiday cash-ins & PO's working in the jail	22,000
100	229	51120	Overtime Wages	Jail Management	To cover OT from PO's working in the jail	37,000
100	229	51230	Group Health Insurance	Jail Management	Higher than budgeted insurance selected	9,800
100	409	51110	Salaries & Wages	Administrative Services	To cover VBO	2,500
100	410	51240	Unemployment Compensation	Community Revit. Admin	Unbudgeted unemployment costs	2,000
100	512	51120	Overtime Wages	Engineering	To cover overage in OT	4,000

Fund	Div	Acct	Description	Division	Comments	De-Appropriate
100	131	52480	Other Professional Services	Finance Admin	Savings from unspent funds	(5,200)
100	212	51110	Salaries & Wages	Fire Operations	Savings from retirements & vacant positions	(22,500)
100	221	51110	Salaries & Wages	Police Admin	Savings from vacant positions	(34,000)
100	224	51230	Group Health Insurance	Uniform Patrol	Savings from vacant positions	(46,800)
100	261	51110	Salaries & Wages	Building Inspection	Savings from vacant position	(4,500)
100	542	51110	Salaries & Wages	Parks Maintenance	Savings from vacant position	(4,000)

VARIOUS FUNDS

Auto & Gas Tax Fund

Fund	Div	Acct	Description	Division	Comments	Supplemental
210	543	51230	Group Health Insurance	Grounds Maintenance	Higher than budgeted insurance selected	1,520
210	543	51240	Unemployment Compensation	Grounds Maintenance	Higher than budgeted unemployment	2,160

Health Fund

Fund	Div	Acct	Description	Division	Comments	Supplemental
228	450	51110	Salaries & Wages	Health Administration	To cover OT & VBO due to COVID Additional costs due to COVID (grant reimbursements cover this)	10,000
228	450	52480	Other Professional Services	Health Administration		45,000

Probation Services Fund

Fund	Div	Acct	Description	Division	Comments	Supplemental
245	990	51230	Group Health Insurance	Probation Services	Higher than budgeted insurance selected	7,250

Water Fund

Fund	Div	Acct	Description	Division	Comments	Supplemental
510	560	52480	Other Professional Services	Water Administration	Costs for Invoice Cloud billing software	35,000

Sewer Fund

Fund	Div	Acct	Description	Division	Comments	Supplemental
520	580	52480	Other Professional Services	Sewer Administration	Costs for Invoice Cloud billing software	35,000

TIF FUNDS

The following supplemental appropriation requests are due to actual TIF revenues exceeding budgeted revenues, resulting in larger payments for reimbursement to the schools:

Towne Blvd TIF Fund (Fund #340),
Reimbursements (340.990.52241) -\$37,343

Towne Mall/Hospital TIF Fund (Fund #370),
Reimbursements (370.990.52241) -\$71,389

Renaissance N TIF Fund (Fund #371),
Reimbursements (371.990.52241) -\$137,855

Renaissance S TIF Fund (Fund #372),
Reimbursements (372.990.52241) -\$303,635

VARIOUS FUND TRANSFERS – SUPPLEMENTAL APPROPRIATIONS

230.915.58130 – **\$315,000** (FROM Income Tax Fund TO Fire Pension Fund)

230.915.58140 – **\$220,000** (FROM Income Tax Fund TO Police Pension Fund)

These are pass thru entries, with the funds ultimately getting transferred from the Police and Fire Pension Funds to the General Fund to pay OP&F pension costs.

ALTERNATIVES

This resolution must be approved to maintain the correct financial relationship between City funds and comply with Ohio Revised Code. Not approving these supplemental appropriations and transfers would result in negative unencumbered balances within each fund which would result in an audit finding.

FINANCIAL IMPACT

These supplemental appropriations and de-appropriations will have an effect on their perspective fund balance; however, all unspent funds will be deposited back into their perspective funds.

EMERGENCY/NON EMERGENCY

2nd Reading Emergency legislation is needed to allow the Finance Department to meet the year-end deadline for compliance with accounting and auditing requirements.

LEGISLATION

ITEM 14

ORDINANCE NO. O2020-66

AN ORDINANCE AMENDING SECTION 1050.07 (STORM WATER, SCHEDULE OF RATES) OF THE CODIFIED ORDINANCES.

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

Section 1

Section 1050.07 (Storm Water, Schedule of Rates) of the Codified Ordinances is hereby amended as set forth in full in Exhibit "A", attached hereto.

Section 2

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

Nicole Condrey, Mayor

1st reading: November 3, 2020

2nd reading: _____

Adopted: _____

Effective: _____

Attest: _____
Clerk of City Council

EXHIBIT “A”

§ 1050.07 SCHEDULE OF RATES.

There is hereby established the following uniform schedule of rates for the services and use of facilities of the storm water management system by the owner, tenant or occupant of the premises using the services and facilities of said system, which rates shall be effective for bills due on or after January 1, 2006.

(a) The rate to be charged for the storm water use fee for equivalent residential unit (ERU) shall be a flat rate as follows:

Current: \$4.00 per month
Effective January 1, 2020 – \$4.75 per month

The equivalent residential unit equals the total square footage of impervious area of the property divided by 2,814 square feet. Equivalent residential units will be rounded to the nearest tenth (0.1) of a unit.

(b) The rates to be charged for all residential dwelling units will be determined by multiplying 1.0 ERU by the fee for an ERU established in (a).

(c) Public road and freeway rights-of-way, including streets, boulevards, alleys, sidewalks, curbing, street crossings, grade separations, and other public ways and easements, and highway structures belonging to the City, state and federal government, shall be exempt from the rate established by this section because they function as part of the storm water collection and conveyance system. Private rights-of-way will be charged as described within this section.

STAFF REPORT
For the business Meeting of: November 3, 2020

October 21, 2020

TO: Jim Palenick, City Manager
FROM: Scott Tadych, Public Works & Utilities Director

STORM WATER UTILITY FEE INCREASE

PURPOSE

To adopt legislation approving a \$0.75 storm water utility fee increase for 2021.

BACKGROUND and FINDINGS

A Storm Water Utility fee was established in 2006 upon the recommendation of the Storm Water Advisory Committee to improve the management of the City's storm water infrastructure. Each residence is currently charged \$4.00 per month, or one equivalent residential unit (ERU). Non-residential properties are charged a rate of \$4.00 per month per ERU based on the actual square footage of impervious area on that property. The fee typically generates approximately \$2 million in revenue per year. The storm water program includes three primary components: Operations & Maintenance, Regulatory Compliance, and Capital Improvements.

The City is proposing to increase the fee to \$4.75 per month per ERU for all properties. The fee has not been changed since 2016. The increased revenue will be used for capital costs associated with curb replacements on paving projects in lieu of assessing property owners.

Below is a list of current storm water utility fees in other communities:

City of Hamilton	\$5.00 per ERU per month
City of Monroe	\$3.00 per month residential
City of Franklin	\$3.50 per ERU per month
City of Mason	\$4.36 per ERU per month
City of Loveland	\$4.25 per ERU per month
City of Springfield	\$0.90 - \$4.50 per ERU per month
City of Cincinnati	\$8.28 - \$11.59 per ERU per month
Kentucky Sanitation District One	\$5.04 per ERU per month

ALTERNATIVES

Do not increase the fee and continuing assessing property owners for curb repairs.

FINANCIAL IMPACT

The increase would generate an additional \$375,000 annually.

EMERGENCY/NON-EMERGENCY

Non-Emergency

LEGISLATION

ITEM 15

ORDINANCE NO. O2020-67

**AN ORDINANCE AMENDING SECTION 1040.03 OF THE CODIFIED ORDINANCES
LEVYING AND ASSESSING SEWER RATES.**

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

Section 1

Section 1040.03 of the Codified Ordinances be amended to read in full as follows:

**1040.03 RATES LEVIED AND ASSESSED; SENIOR CITIZENS;
HANDICAPPED PERSONS.**

For the purpose provided in Section 1040.02, there is hereby levied and assessed upon each lot, parcel of land, building or premises having any sewer connection with the sanitary sewerage system of the City, or otherwise discharging sewage, industrial wastes, water or other liquids, either directly or indirectly, into the City sanitary sewerage system, a sewerage service charge or rental payable as provided in this chapter, and in an amount determinable as follows:

(a) For any lot, parcel of land, building or premises situated within the corporate limits of the City and having any connection with or access to the City sanitary sewerage system or otherwise discharging sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the City sanitary sewerage system, the charge or rental shall be based upon the quantity of water used thereon or therein as the same is measured by the City water meter there in use as follows:

Rates Per Month

Minimum rate including the first 300 cubic feet – ~~\$20.89~~ **\$21.93**

Cubic Feet	Rate (per 100 cubic feet)	
	Current Rates Effective January 1, 2020	Effective January 1, 2021
Next 300	\$6.69	\$7.02
Next 300	\$6.19	\$6.50
Next 700	\$5.68	\$5.96
Next 1,700	\$5.23	\$5.49
Next 13,300	\$4.54	\$4.77
Next 150,000	\$3.97	\$4.17
Next 1,500,000	\$3.30	\$3.47
Over 1,666,500	\$1.85	\$1.94

(b) (1) For any lot, parcel of land, building or premises situated outside the corporate limits of the City and having any connection with the City sanitary sewerage system or otherwise discharging sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the City sanitary sewerage system, the charge will be based upon the quantity of water used thereon or therein as the same is measured by a water meter there in use, which meter shall be subject to the approval of the Director of Public Works and Utilities, and there shall be charged for such service a rate calculated at one hundred and fifty percent (150%) of the rates applicable within the City.

(2) However, any lot, parcel of land, building or premises served either within or without the corporate limits may, at the owner's expense, be serviced by the installation of a separate meter for the metering of water not to be discharged either directly or indirectly into the City sanitary sewerage system, and no charge or rental for the service provided for in this chapter shall be made on the amount of water measured by such separate meter. Such installation shall be supervised and approved by the Director.

(c) (1) In the event a lot, parcel of land, building or premises discharging sanitary sewage, industrial wastes, water or other liquids into the City sanitary sewerage system, either directly or indirectly, is not a user of water supplied by the Division of Water Distribution of the City and the water used thereon or therein is not measured by a City water meter or by a meter acceptable to the Director, then in each such case the amount of water so used shall be otherwise measured or determined by the Director in order to determine the sewer service charge or rental provided in this chapter, or the owner or other interested party, at his or her expense, may install and maintain a meter acceptable to the Director for this purpose.

(2) The rates set forth in subsection (a) hereof shall apply and shall be determined by the amount measured by such meter.

(d) In case a lot, parcel of land, building or premises discharges industrial wastes, either directly or indirectly, into the City sanitary sewerage system, and the Director of Public Works and Utilities finds that it is not practical to attempt to measure such wastes by meter, then such wastes shall be measured or determined in such manner and by such method as he or she may direct in the light of the conditions and attendant circumstances of the case, in order to determine the sewer charge or rental, according to the corresponding rates per thousand or per hundred cubic feet provided in this chapter.

(e) The sewer service charge or rental provided in this chapter shall be payable as provided in Section 1040.04.

(f) For wastes in excess of normal sewage, a surcharge of two hundred forty-six dollars and fifty-two cents (\$246.52) per ton of 2,000 pounds for suspended solids, plus one hundred eleven dollars and forty-six cents (\$111.46) per ton of 2,000 pounds for biochemical oxygen demand (B.O.D.), is assessed and applied, provided, however, that for any lot, parcel of land, building or premises outside the corporate limits of the City, such surcharge shall be one hundred and fifty percent (150%) of such amounts.

(g) For any lot, parcel of land, building or premises having any connection with the City sanitary sewerage system, or otherwise proposing to discharge industrial process water into the City sanitary sewerage system, or a part thereof, for transportation away from the premises so connected, and where such process water is not destined for treatment by the City, the City may enter into a separate contract for a rate of payment fair and equitable for such service.

(h) (1) Notwithstanding the provisions of subsections (a) through (g) hereof, there is hereby established the following sewerage service rate for senior citizens:

Rates Per Month

Minimum rate including the first 300 cubic feet – **\$10.44 \$10.96**

Cubic Feet	Rate (per 100 cubic feet)	
	Current Rates Effective January 1, 2020	Effective January 1, 2021
Next 300	\$6.69	\$7.02
Next 300	\$6.19	\$6.50
Next 700	\$5.68	\$5.96
Next 1,700	\$5.23	\$5.49
Next 13,300	\$4.54	\$4.77
Next 150,000	\$3.97	\$4.17
Next 1,500,000	\$3.30	\$3.47
Over 1,666,500	\$1.85	\$1.94

Rates Per Month for Non-City Senior Citizen Residents

One and one-half times the rates applicable within the City.

(2) In order to qualify for the above rates, the customer must:

- A. Be certified by the City, or by an agency designated by it, as being sixty-five years of age or older;
- B. Be the one legally responsible for payment of the charge;

C. Water service is for a single residential unit with no income being derived from rental income at the service address; and

D. Apply in writing for such rate with the Director of Public Works and Utilities and show proof, as such Director requires, that the total income from all sources, including payments from governments, for the consumer and all other persons residing in the consumer's residence, meets the fifty percent (50%) income limit for one person under the income limits documentation system established by the United States Department of Housing and Urban Development for Butler County.

(3) Such rate shall apply only to the permanent residence of the customer.

(i) (1) One hundred percent disabled persons qualify for reduced sewer rates as provided in subsection (h) hereof by meeting the following criteria:

A. The customer must be certified by the City, or by an agency designated by it, as being a person who has been determined to be under a disability for purposes of receiving either supplemental security income or disability insurance benefits under the Federal Social Security Act, or has been certified totally 100 percent disabled by a public employee retirement plan or system or the United States Government;

B. The customer must be the person legally responsible for payment of the fee;

C. The customer must receive water service by means of a single meter for residential use;

D. Apply in writing for such rate with the Director of Public Works and Utilities and show proof, as such Director requires, that the total income from all sources, including payments from governments, for the consumer and all other persons residing in the consumer's residence, meets the fifty percent (50%) income limit for one person under the income limits documentation system established by the United States Department of Housing and Urban Development for Butler County.

(2) Such reduced rates shall apply only to the permanent residence of the customer.

(j) Where the billing for sewer service represents sewer service furnished during a period of time both prior and subsequent to the effective date of the

rates adopted herein, the service charge shall be prorated among the applicable rates on a time basis. The Finance Director shall reasonably designate the manner and mode of such proration.

(k) Surcharge.

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

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

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

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

Section 2

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

Nicole Condrey, Mayor

1st reading: November 3, 2020

2nd reading: _____

Adopted: _____

Effective: _____

Attest: _____
Clerk of City Council

STAFF REPORT
For the business Meeting of: November 3, 2020

October 19, 2020

TO: Jim Palenick, City Manager
FROM: Scott Tadych, Public Works & Utilities Director

SEWER USER RATE INCREASE

PURPOSE

To adopt legislation approving a 5% user rate increase in the sewer fund for 2021.

BACKGROUND and FINDINGS

Sewer rates are reviewed with City Council as needed taking in consideration operational, maintenance, and capital improvement needs of the sewer system. The rates were last discussed in 2019 with a rate increase of 10% effective January 1, 2020.

The City has agreed to a Consent Decree with the EPA on addressing combined sewer overflows. Therefore, sewer rates are being adjusted as needed to implement a Long Term Control Plan (LTCP). The plan will include combined sewer overflow control projects along with major rehabilitation of the sewer system and water reclamation plant. The total cost is expected to be \$265 million over the next 25 years.

In 2021, the City is budgeting for \$8.31 million in LTCP projects including ongoing sewer rehabilitation and water reclamation plant upgrades. In addition, starting preliminary design of the Downtown Storage Basin project required to be completed by 2026 with an overall estimated future cost \$40 million.

Middletown's sewer rates are currently 55th out of 63 communities surveyed for sewer rates based on the 2020 Oakwood Water and Sewer Rate Survey for southwest Ohio. Middletown's water rates are currently 15th out of 66 communities surveyed for lowest water rates. Water rates will remain the same for 2020. Combining both rates Middletown is 41st out of 63 communities surveyed.

ALTERNATIVES

Do not increase sewer rates or increase the rates by some other factor. Delaying sewer rate increases now could cause higher annual increases in the future.

FINANCIAL IMPACT

This rate increase will cost a typical residential user an additional \$1.51 per month based on 600 cubic feet of usage.

EMERGENCY/NON-EMERGENCY

Non-Emergency

ATTACHMENTS

2020 Oakwood Water & Sewer Rate Survey

2020 WATER & SEWER RATE SURVEY

PREPARED BY
THE CITY OF OAKWOOD

April 2020

Each year the city of Oakwood collects and compiles water and sanitary sewer rate information from jurisdictions in Southwest Ohio and presents the results in the form of comparative bar charts. Reporting governmental entities use this rate analysis in various ways. Water and sewer rates are established to address the costs of providing the utility service. The rates are a function of annual operating expenses and capital expenses. Rates can vary dramatically depending on the scope and timing of major capital investments.

Each participating jurisdiction is asked to calculate their effective water and sewer cost using a base consumption of 22,500 gallons (or 3,000 cubic feet) over a three month period of time. Since reporting entities may bill on a monthly, bi-monthly or quarterly basis and have minimum consumption fees, multipliers, surcharges, etc., calculations must be done carefully to obtain an accurate presentation of the data. The city uses a calculation worksheet to assist participants in determining their quarterly cost and to ensure data accuracy.

Oakwood staff carefully reviews all responses and contacts jurisdictions to double-check calculations in cases where figures appear to be incorrect or noticeably out of line with prior year numbers.

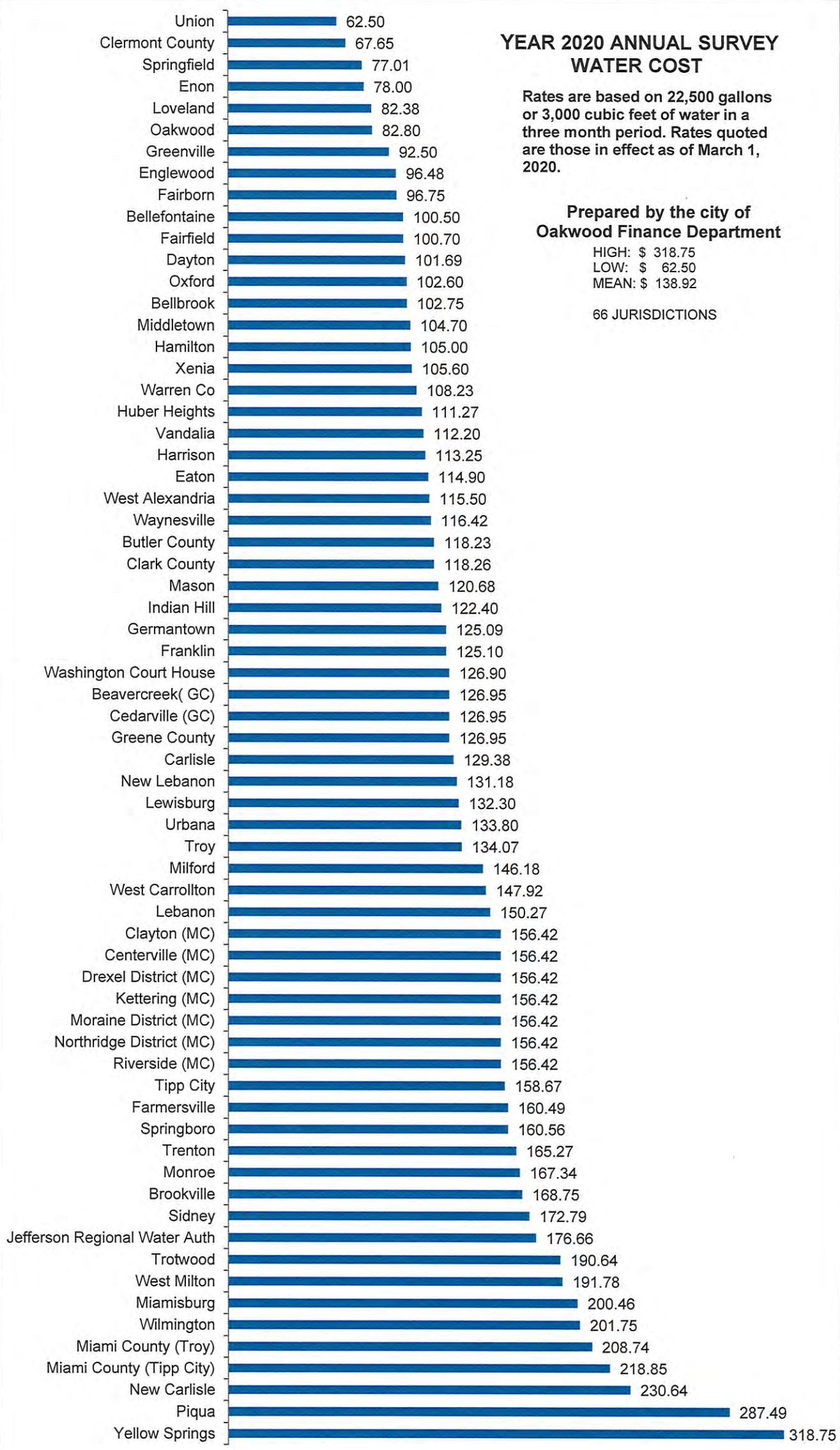
The methodology used in completing the survey is as follows:

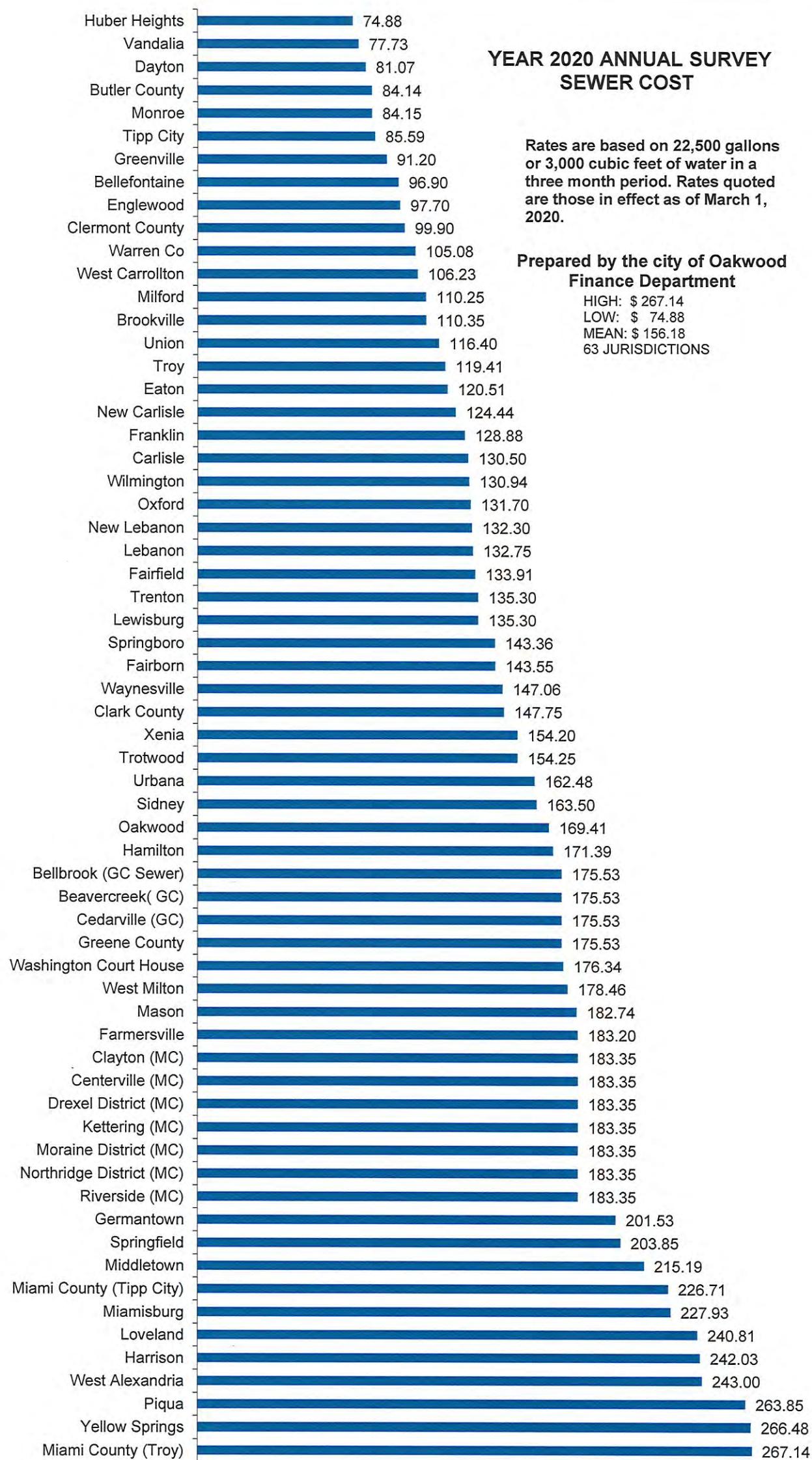
- 1) A survey form is e-mailed to each participating entity in early February.
- 2) Data forms are collected until late February and entered into a tally sheet.
- 3) Second request letters are sent in late February to entities that have not responded.
- 4) The tally sheet is completed once all responses are received.
- 5) The data for each entity is compared to the previous year. Any entity that reports a decrease in rates or an increase in excess of 10% is contacted for verification and recalculation, if necessary. Entities providing water and/or sewer service to multiple jurisdictions, such as the city of Dayton, Montgomery County and Greene County are contacted to verify the correct rate for the various jurisdictions being served.
- 6) The corrected survey information is compiled into bar charts.
- 7) Each responding entity and other interested parties are sent a summary of the survey results.

The 2020 survey reflects a collective rate increase compared to 2019, as follows:

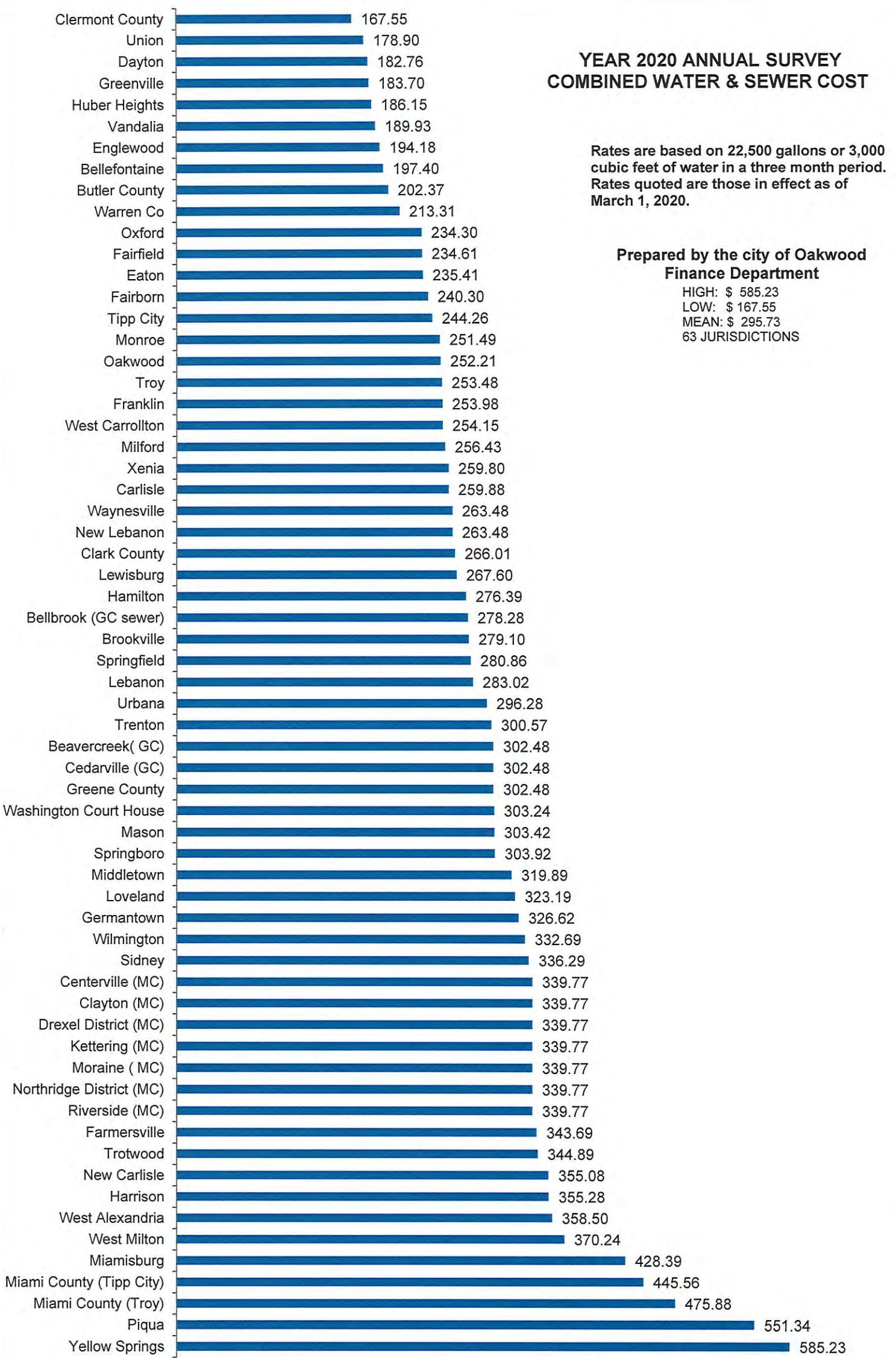
Water:	4.2%
Sewer:	4.5%
Combined:	4.6%

Questions regarding the survey should be addressed to Theresa L. Rushlow, Utility Clerk, city of Oakwood, at (937) 298-0400.





**YEAR 2020 ANNUAL SURVEY
COMBINED WATER & SEWER COST**



Rates are based on 22,500 gallons or 3,000 cubic feet of water in a three month period. Rates quoted are those in effect as of March 1, 2020.

**Prepared by the city of Oakwood
Finance Department**

HIGH: \$ 585.23
LOW: \$ 167.55
MEAN: \$ 295.73
63 JURISDICTIONS

LEGISLATION

ITEM 16

ORDINANCE NO. O2020-68

AN ORDINANCE AMENDING SECTION 1066.07(a) OF THE CODIFIED ORDINANCES AND ESTABLISHING A NEW SOLID WASTE COLLECTION FEE.

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

Section 1

Section 1066.07(a) of the Codified Ordinances is hereby amended to read in full as follows:

1066.07 RATES AND CHARGES

(a) The following rates shall be charged to an occupant of residential premises in the City for the removal of garbage and rubbish therefrom at a frequency of once a week. All material shall be placed by the occupant at the curb lines where street collections are made, or at the alley line where alley collections are made:

Effective January 1, 2021: Sixteen dollars and fifty cents (\$16.50) per month.

Section 2

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

Nicole Condrey, Mayor

1st Reading: November 3, 2020

2nd Reading: _____

Adopted: _____

Effective: _____

Attest: _____
Clerk of City Council

STAFF REPORT

For Business Meeting: November 3, 2020

October 21, 2020

TO: Jim Palenick, City Manager
FROM: Scott Tadych, Public Works & Utilities Director

SOLID WASTE FEE INCREASE

PURPOSE

To authorize approval of a solid waste fee increase for 2021.

BACKGROUND and FINDINGS

The solid waste fund accounts for the City's solid waste disposal programs. The program includes refuse collection and recycling services, monitoring and maintenance at the closed landfill, and litter collection services.

2021 is the second year of a three year contract with Rumpke for refuse collection and recycling services.

The recommended increase is \$1.00 per residential unit per month for 2021. The current fee is \$15.50 per residential unit per month. The recommend fee is \$16.50 per residential unit per month. This increase would satisfy the solid waste funds financial projections for next two years.

Below is a list of current refuse collection and recycling fees in neighboring communities:

City of Hamilton	\$17.15 per month
City of Monroe	\$13.50 per month
City of Franklin	\$17.71 per month
City of Trenton	\$23.36 per month

ALTERNATIVES

No fee increase. Without a fee increase, the fund will run into a deficit in 2021.

FINANCIAL IMPACT

A \$1.00 per residential unit per month fee increase will increase estimated revenues by \$216,000 annually.

EMERGENCY/NON EMERGENCY

Non-Emergency

LEGISLATION

ITEM 17

ORDINANCE NO. O2020-69

**AN ORDINANCE ESTABLISHING PAY RANGES, PAY POLICY AND BENEFITS
FOR VARIOUS SALARIED AND HOURLY CLASSIFICATIONS WITHIN THE
SERVICE OF THE CITY.**

BE IT ORDAINED, by the City Council of the City of Middletown, Butler and Warren Counties, Ohio: (Effective January 1, 2021 except as otherwise noted.)

Section 1

(A) This ordinance applies to all hourly and salaried employees in the job classifications listed in Section 1(C) of this Ordinance hired prior to January 1, 2018.

PAY RANGES FOR SALARIED EMPLOYEES

(B) There are hereby established the following biweekly pay ranges for salaried and hourly classifications with the service of the City. **The cost of living increase for 2021 is 1%.**

RANGE	A	B	C	D	E	F	G
199	838.16	877.64	919.04	962.08	1,007.72	1,054.68	1,104.20
198	877.64	919.04	962.08	1,007.72	1,054.68	1,104.20	1,156.16
197	919.04	962.08	1,007.72	1,054.68	1,104.20	1,156.16	1,210.56
196	962.08	1,007.72	1,054.68	1,104.20	1,156.16	1,210.56	1,267.48
195	1,007.72	1,054.68	1,104.20	1,156.16	1,210.56	1,267.48	1,327.04
194	1,054.68	1,104.20	1,156.16	1,210.56	1,267.48	1,327.04	1,389.32
193	1,104.20	1,156.16	1,210.56	1,267.48	1,327.04	1,389.32	1,454.60
192	1,156.16	1,210.56	1,267.48	1,327.04	1,389.32	1,454.60	1,523.00
191	1,210.56	1,267.48	1,327.04	1,389.32	1,454.60	1,523.00	1,594.92
190	1,267.48	1,327.04	1,389.32	1,454.60	1,523.00	1,594.92	1,669.08
189	1,327.04	1,389.32	1,454.60	1,523.00	1,594.92	1,669.08	1,749.24
188	1,389.32	1,454.60	1,523.00	1,594.92	1,669.08	1,749.24	1,831.56
187	1,454.60	1,523.00	1,594.92	1,669.08	1,749.24	1,831.56	1,917.52

186	1,523.00	1,594.92	1,669.08	1,749.24	1,831.56	1,917.52	2,007.64
185	1,594.92	1,669.08	1,749.24	1,831.56	1,917.52	2,007.64	2,102.04
184	1,669.08	1,749.24	1,831.56	1,917.52	2,007.64	2,102.04	2,200.88
183	1,749.24	1,831.56	1,917.52	2,007.64	2,102.04	2,200.88	2,304.32
182	1,831.56	1,917.52	2,007.64	2,102.04	2,200.88	2,304.32	2,412.64
181	1,917.52	2,007.64	2,102.04	2,200.88	2,304.32	2,412.64	2,526.00
180	2,007.64	2,102.04	2,200.88	2,304.32	2,412.64	2,526.00	2,644.68
179	2,102.04	2,200.88	2,304.32	2,412.64	2,526.00	2,644.68	2,769.00
178	2,200.88	2,304.32	2,412.64	2,526.00	2,644.68	2,769.00	2,899.12
177	2,304.32	2,412.64	2,526.00	2,644.68	2,769.00	2,899.12	3,035.40
176	2,412.64	2,526.00	2,644.68	2,769.00	2,899.12	3,035.40	3,181.24
175	2,526.00	2,644.68	2,769.00	2,899.12	3,035.40	3,181.24	3,328.64
174	2,644.68	2,769.00	2,899.12	3,035.40	3,181.24	3,328.64	3,483.72
173	2,769.00	2,899.12	3,035.40	3,181.24	3,328.64	3,483.72	3,647.64
172	2,899.12	3,035.40	3,181.24	3,328.64	3,483.72	3,647.64	3,819.00
171	3,035.40	3,181.24	3,328.64	3,483.72	3,647.64	3,819.00	3,998.44
170	3,181.24	3,328.64	3,483.72	3,647.64	3,819.00	3,998.44	4,186.44
169	3,328.64	3,483.72	3,647.64	3,819.00	3,998.44	4,186.44	4,383.16
168	3,483.72	3,647.64	3,819.00	3,998.44	4,186.44	4,383.16	4,589.12
167	3,647.64	3,819.00	3,998.44	4,186.44	4,383.16	4,589.12	4,804.80

(C) The various salaried classifications within the service of the City are placed in the said pay ranges as follows:

JOB CLASSIFICATIONS	SALARY RANGE
Administrative Assistant	184
Administrative Services Director	170
Airport Facilities Supervisor	186

Airport Manager	178
Animal Control Officer	186
Assistant City Engineer	174
Assistant Economic Development Director	175
Assistant Finance Director	175
Assistant Fire Chief	172
Assistant Information Systems Director	175
Assistant Public Works & Utilities Director	172
Assistant Public Works Superintendent/Safety Officer	178
Budget Analyst	181
Building Cleaner	197
Building Maintenance Technician	188
Bus Cleaner	196
Chief Building Official	172
City Engineer	171
City Treasurer	183
Civilian Communications Supervisor	183
Clerk of Council	177
Communications Manager	180
Community Development Administrator	176
Community Security Officer	190
Computer Programmer/Analyst	179
Computer Technician	182
Contracts Administrator	183
Customer Relations Specialist	187
Customer Service Lead	190
Deputy Clerk of Council	187
Deputy Police Chief	172
Economic Development Director	170
Economic Development Program Manager	176
Electronics Maintenance Supervisor	179
Electronics Technician	186
Engineer	180
Engineering Construction Inspector	181
Engineering Technician	184
Environmental Monitoring Technician	185
Executive Account Clerk	186
Executive Assistant	183
Facilities Maintenance Supervisor	182
Field Inspector	180
Finance Director	169

Fire Chief	170
Garage Superintendent	177
General Counsel	172
GIS Administrator	178
Grounds Maintenance Supervisor	182
Historic Property Specialist	186
Housing Code Specialist	186
HUD Program Administrator	176
Human Resources Clerk	189
Human Resources Manager	176
Human Resources Specialist	183
HVAC/Building Maintenance Technician	185
Income Tax Auditor	182
Income Tax Superintendent	176
Industrial Pretreatment Coordinator	180
Information Systems Director	170
Intern	187-197
Line Service Lead	190
Line Service Technician	190
Natural Resources Coordinator	176
Paralegal	183
Payroll Administrator	183
Planning Director	176
Police Chief	170
Process Control Supervisor	180
Property Officer	186
Public Works Leader	182
Public Works Superintendent	177
Public Works & Utilities Director	170
Purchasing Agent	181
Secretary	187
Senior Account Clerk	188
Senior Electronics Technician	182
Senior Engineer	176
Senior Engineering Technician	182
Staff Attorney	183
Systems Administrator	178
Utility Billing Supervisor	183

Victim Advocate	191
Water Reclamation Lab Analyst	184
Water Reclamation Maintenance Supervisor	180
Water Reclamation Manager	175
Water Reclamation Mechanic	182
Water Reclamation Operator:	
Class I Certification	185
Class II Certification	183
Class III Certification	182
Uncertified	187
Water Treatment Assistant Lab Analyst	185
Water Treatment Lab Analyst	184
Water Treatment Maintenance Supervisor	180
Water Treatment Manager	176
Water Treatment Mechanic	182
Water Treatment Operator:	
Class I Certification	185
Class II Certification	183
Class III Certification	182
Uncertified	187
Zoning Administrator	183
Zoning Inspector	186

(1) Adjustments.

- (a) All employees shall be paid in the Range provided in Section 1(C) of this Ordinance, except as provided herein.
- (b) Any department director who obtains or possesses a bachelor's degree from an accredited college or university, or receives or possesses certification or licensure deemed by the City Manager to be similar or equivalent to such a degree in a field related to their employment, shall be paid in Range 169.
- (c) Any department director who obtains or possesses a masters or doctoral degree from an accredited college or university, or receives or possesses certification or licensure deemed by the City Manager to be similar or equivalent to such a degree in a field related to their employment, shall be paid in Range 168.
- (d) If the Police Chief or Fire Chief obtains or possesses a bachelor's degree from an accredited college or university, or receives or possesses certification or licensure deemed by the City Manager to be similar or

equivalent to such a degree in a field related to their employment, shall be paid in Range 169.

(e) If a Deputy Police Chief or Assistant Fire Chief obtains or possesses a bachelor's degree from an accredited college or university, or receives or possesses certification or licensure deemed by the City Manager to be similar or equivalent to such a degree in a field related to their employment, shall be paid in Range 171.

(2) Implementation of Reclassifications.

(a) All reclassifications included in Section 1(C) of this Ordinance shall be implemented by providing a step increase to the affected employee on their next anniversary date. If an affected employee is scheduled to receive a step increase regardless of the reclassification, no additional increases in base pay will be provided during **2020 2021** except for the scheduled step increase.

(b) However, any affected employee whose scheduled step increase in **2020 2021** would not result in an amount equivalent to or higher than Step A of the new Range assigned to the position occupied by the affected employee shall be placed in Step A of the new Range effective January 1, **2020 2021**. These employees shall be given a new anniversary date of January 1.

(c) Any part-time employee affected by a reclassification in this Ordinance shall be assigned to a step in the new Range for that position at the step equivalent to at least 4% higher than their present rate of pay.

(d) The procedures for implementation of the reclassifications set forth in Section 7 of this Ordinance are not applicable to the reclassifications set forth in Section 1(C) of this Ordinance.

(3) Exceptions.

(a) Any Planning Director assigned to the position January 1, 2019 or later will be a division manager, not a department director.

(D) Performance-Based Compensation. Performance-Based Compensation (PBC) is supplementary compensation to provide city employees lump sum payments when in the sole discretion of City Council, the overall performance of the City, as measured by income tax receipts, justifies additional compensation to its employees. This payment will be made to all full-time employees of the City, including employees in collective bargaining units which includes the payment in its collective bargaining agreement. The payment will be made to all part-time employees who worked over 1,000 hours in the previous calendar year in an amount equal to one-half of the full-

time employee payment. No employee hired on or after October 1 in the prior calendar year shall receive PBC. City Council determines that the PBC amount to be paid in **2020 2021** to be \$0.

(E) The City Manager is authorized to establish part-time equivalent positions for any full-time position established by this ordinance, and is further authorized to develop Policies and Procedures in accordance with such part-time positions and to maintain the policy on file in the City Manager's office. A part-time employee is an employee who is scheduled to work less than forty hours in a workweek. Authorized leaves do not affect the status of a full-time employee. All part-time employees shall be paid an hourly rate equal to one-eightieth of their full-time equivalent's biweekly rate.

(F) Water Treatment Operators and Water Reclamation Operators who serve as shift operators shall be paid at a rate of pay which is 4.7% above the regular rate of pay. The assignment of a shift operator shall be solely at the discretion of the Water Treatment Manager or the Water Reclamation Manager.

Section 2

PAY RANGES FOR CERTAIN HOURLY EMPLOYEES

The salary of each part-time bus driver shall be reviewed for step increases after having met the following combination of requirements:

Step	Years of Service	Hours of Driving Experience
B	1 ½	1,500
C	3	3,000
D	4	4,500
E	5	6,000
F	6	7,500

PART-TIME BUS DRIVER

STEPS	A	B	C	D	E	F
2021	\$15.09	\$15.60	\$15.99	\$16.44	\$17.27	\$18.02

Section 3

PAY RANGES FOR SEASONAL EMPLOYEES

(A) Seasonal classification shall be paid weekly at the rates listed in this section:

(1) Seasonal Engineering Construction Inspectors shall be paid **\$23.74** per hour.

- (2) Seasonal Mowing Inspectors shall be paid **\$13.80** per hour.
- (3) Seasonal Laborer shall be paid **\$10.77** per hour.
- (4) Transform Middletown Supervisor shall be paid **\$13.80** per hour.

(B) All other seasonal classifications not specifically listed herein shall be paid minimum wage on a weekly basis.

Section 4

ADMINISTRATION OF ORDINANCE

The City Manager is authorized to issue regulations for the administration of this Ordinance.

Section 5

SALARY POLICY

(A) The salary of each employee shall be reviewed annually by the department director for the purpose of determining which employee may be entitled to a step increase. All personnel records, performance, and length of service shall be considered in making recommendations with major emphasis placed on the evaluation of services rendered. A department director may advance an employee to the next step until the maximum step has been reached. Any step increase exceeding one step must be approved by the City Manager in writing.

(B) Part-time employees, upon the recommendation of their department director, may be entitled to a step increase upon completing 2,080 hours in their current step as a part-time employee.

(C) (1) A new employee shall be paid at the minimum step of their range. However, department directors shall have the authority to hire into Step B or C as an inducement to attain qualified candidates. City Manager approval is required for all job offers above Step C.

(2) Positions that are advertised one time which attract no qualified candidates may be re-advertised with a signing bonus incentive. Signing bonuses may be offered between the amount of \$500.00 and \$1,000.00, subject to the availability of funds in the budget to pay such incentive. Before re-advertising the position, the incentive must be approved by the department director, the Finance Director and the City Manager.

An employee that receives this incentive is required to maintain employment with the City for a minimum of 180 calendar days. If the employee separates

from employment by resignation or termination during the 180 calendar days, the incentive shall be repaid from the final paycheck and/or termination pay. If funds from the final paycheck or termination pay are insufficient to repay the incentive, the employee shall repay the City from their own funds.

(D) A full-time employee who is reduced to part-time employment shall be permitted to remain in the last pay step they occupied as a full-time employee as long as such employee remains in the same job classification or title. All other provisions of this ordinance, as it affects part-time employees, shall apply to such an employee, and all definitions of full-time and part-time employment in this ordinance shall be applicable for purposes of this ordinance.

Section 6

OVERTIME PAY

(A) An employee working in excess of 40 hours in one week, as defined by the Fair Labor Standards Act, as amended (provided that holidays, bereavement leave, and injury leave for which the employee is paid shall be counted in the 40 hours), shall, as determined by supervision, either be paid time and one-half their regular rate, or receive compensatory time off on the basis of one and one-half (1½) hours off for each hour of overtime worked. Time off to use earned compensatory time will be granted within 60 days of the request made by the employee. When compensatory time is used, it shall not count as hours worked during the applicable work period for purposes of determining overtime. No employee shall be permitted to accrue more than 240 hours of unused compensatory time and any employee who has accrued 240 hours of compensatory time shall be paid in cash for all overtime in excess thereof, at the employee's regular rate at the time of payment, except that public safety employees may accrue up to 480 hours of compensatory time. Upon termination of employment, unused compensatory time shall be paid at the employee's average regular rate for the last three years of employment or the employee's final regular rate, whichever is higher. This provision shall not apply to exempt employees, a list of such job titles which is attached hereto as Exhibit A.

(B) Except as otherwise provided in a collective bargaining agreement, all non-exempt employees who are scheduled to work, and do work, on any holiday or day observed as a holiday, as determined by the City Manager, other than employee's birthday, shall be paid an amount equal to one and one-half (1½) times the amount which they receive for any other regular work day, in addition to their regular holiday pay, or receive compensatory time off on the basis of one and one-half (1½) hours off for each holiday hour worked, at the discretion of the department director.

(C) All employees who work on a rotating shift at the Water Treatment Plant and Water Reclamation Facility and whose seventh consecutive eight hour day falls on any holiday, shall receive compensation equal to two times their regular hourly rate in addition to their regular holiday pay.

(D) Employees who work on a rotating shift at the Water Treatment Plant and Water Reclamation Facility shall receive one and one-half (1½) times the regular rate of pay for the seventh day when working seven consecutive eight hour days. Those employees who are working the midnight shift during the change to daylight saving time will work only seven hours; however, this will still constitute an entire shift for calculation of seven consecutive eight hour days. Hourly rates of pay shall be determined by dividing the biweekly salary by 80.

(E) Any hour for which an employee receives overtime or premium compensation eliminates that hour from consideration for overtime or premium payment on any other basis. If the time worked falls under two or more overtime and/or premium pay classifications, the higher rate shall prevail. This section shall not eliminate shift premium, where applicable during overtime hours.

Section 7

RECLASSIFICATIONS, PROMOTIONS AND DEMOTIONS

(A) Reclassifications.

(1) A reclassification is reallocating a position to the appropriate pay range as is necessary to provide an equitable, just, and proper classification. A reclassification may be up or down in pay ranges. Any employee may request a review of the classification of their position. Effective the same date as the reclassification the employee will receive a 4.7% increase or go to the lowest step of the new pay range, whichever is greater. A reclassification gives an employee a new anniversary date. The procedure for requesting a reclassification and the process for reviewing such requests shall be established by the City Manager.

(2) An employee who is reclassified to a lower position shall be placed in a step closest to, but not lower than, their current salary. If the lower classification's pay range is lower than the employee's current salary, the employee's salary shall be frozen until the range increases to the employee's current salary.

(B) Temporary Reclassifications.

(1) Except as otherwise provided, when it is necessary for a department director to fill a higher classification, for any reason, with an employee from a lower classification, such employee shall be compensated, ~~during the entire period of continuous temporary assignment~~ at the beginning step of the higher classification, or at a rate of 4.7% greater than the regular step of the employee, whichever is greater, ~~subject to the following limitations: The higher compensation shall begin on the first day of the temporary reclassification, but only if the employee will be reclassified for more than~~

the minimum period established below. Employees that will not be reclassified for the minimum period are not eligible for the higher rate of pay.

- (a) An employee who is officially assigned and who temporarily fills a higher position at the level of department director must fill such position for a continuous period of 40 hours or more to be eligible for compensation at the higher level of classification, as described above.
- (b) An employee who is officially assigned and who temporarily fills the higher position of City Manager must fill such position for a continuous period of 30 calendar days or more to be eligible for compensation at 4.7% greater than the current step of the employee.
- (c) An employee who is officially assigned and who temporarily fills a supervisory position as defined in Exhibit A for a continuous period of 40 hours, except for training, is eligible for such pay.
- (d) All other non-supervisory employees are eligible for such pay when the employee is officially assigned and satisfactorily performs the duties of the higher-level position for a continuous period of 40 hours, except for training.
- (e) An employee who is temporarily reclassified in accordance with subsection 7(B)(1)(a), (b) or (c) (hereinafter the reclassified employee) shall receive the higher rate of pay during any compensable leave taken by the reclassified employee during the period of the temporary reclassification, unless such leave exceeds 40 hours or five consecutive work days, or is determined by the City Manager to be of such a nature to preclude the reclassified employee from performing the duties of the higher or supervisory position.

(2) When it is necessary to temporarily fill a higher classification, for any reason, with a Water Treatment Lab Analyst, Water Treatment Assistant Lab Analyst, Water Treatment Operator, Water Treatment Mechanic, Water Reclamation Lab Analyst, Water Reclamation Mechanic or Water Reclamation Operator and when that employee is officially assigned by the Water Treatment Manager or Water Reclamation Manager and satisfactorily performs the complete duties of the higher level position for a continuous period of eight hours or more, except for training, such employee shall be compensated, during the entire period of continuous temporary reclassification, at the beginning step of the higher classification, calculated on an hourly basis, or at a rate of 4.7% greater than the regular step of the employee, whichever is greater, except as otherwise required by law. If an employee to be temporarily reclassified, as that term is used in Section 7(B) of the current ordinance, is scheduled to receive seventh day pay, as described in Section 6(C) of the current ordinance, as part

of their regularly scheduled work week, the City Manager is authorized at their discretion, to approve compensating such employee at a rate of 9.4% greater than the regular step of the employee rather than the 4.7% set forth in Section 7(B)(1) of current ordinance.

(C) Promotions and Demotions.

(1) Employees whose positions are listed in Section 1(C) of the current ordinance establishing pay ranges, shall have wage changes in the event of promotions or demotions in the following manner:

(a) A promotion is advancing from one pay range to another as the result of changing from one job to another with new and increased responsibilities. This is usually accomplished through Civil Service competitive examinations or by exceptional appointment. Because promotions indicate a more significant advancement in duties and responsibilities, a promoted employee will receive an immediate 4.7% salary increase or lowest step in the new pay range, whichever is greater. A promotion gives the employee a new anniversary date. Promotion is not from reclassification or adjustment of the same position and not from one step to another within the same range. In the case of promotions of division managers and department directors, the City Manager shall determine the rate of pay within the appropriate range.

(b) When an employee is demoted to a lower-class position, they shall be paid at a rate, which is within the approved range for the lower- class position. The rate of pay shall be determined by the City Manager.

(D) Assumption of Additional Duties. In the event it becomes necessary for an employee to assume all job duties of a separately classified employee or job title while that title goes unfilled, the employee performing the additional duties may be entitled to receive up to one additional pay range at the sole discretion of the City Manager. This provision does not apply when job duties are split between separate employees or the position remains filled with another employee.

(E) Certifications and Licenses. Any full-time employee who obtains a license or certification which is determined by the employee's department director, with the concurrence of the City Manager, to be beneficial in the performance of the employee's job shall be eligible to receive a step increase (4.7%) within their current salary range.

Section 8

CALL-OUT, CALL-BACK AND QUICK-RETURN PAY

(A) Call-Out. The following full-time personnel shall be guaranteed a minimum of three hours pay at one and one-half (1½) times their regular rate of pay if the employee

has been notified to report for work outside their scheduled shift, unless the employee has been notified not to report for such scheduled shift. However, if the call-out occurs within one hour prior to the start of the employee's regular shift, the employee will receive two hours of call-out pay at one and one-half (1½) times their regular rate of pay.

Building Maintenance Technician	Water Reclamation Lab Analyst
Computer Programmer/Analyst	Water Reclamation Maintenance Supervisor
Computer Technician	Water Reclamation Mechanic
Electronics Maintenance Supervisor	Water Reclamation Operator
Electronics Technician	Water Treatment Lab Analyst
Engineering Construction Inspector	Water Treatment Maintenance Supervisor
Grounds Maintenance Supervisor	Water Treatment Mechanic
Process Control Supervisor	Water Treatment Operator
Public Works Leader	
Senior Electronics Technician	
Systems Administrator	

In addition to the employee positions listed in Section 8(A), the City Manager, at their discretion, may give call-out pay to non-exempt employees.

(B) Call-Back. If an employee is sent home at the beginning of their regular shift and is required to return later that day to work another shift they shall be compensated in addition to their regular hourly rate for hours actually worked, three hours at their regular hourly rate of pay.

(C) Quick-Return. An employee who completes their regular shift and is required to return to work another shift within 16 hours of their regular shift shall be compensated for three hours at their regular calculated hourly rate, with the following limitations:

A Water Treatment Plant or Water Reclamation Facility employee who completes their regular shift and is required to return to work another shift within 16 hours of their regular shift shall be compensated for three hours at their regular calculated hourly rate if the employee is not notified of the requirement to return prior to the end of their scheduled shift.

Section 9

LONGEVITY PAY

(A) Longevity shall be paid to full-time employees as listed in Section 1(C) of the current ordinance establishing pay ranges in the calendar year of the attainment of the anniversary of employment in accordance with the percentages of their existing base salary as of November 30 of the year in which longevity is to be paid:

Years of Service	Percentage
10 – 14	1%
15 – 19	2%
20+	3%

(B) Payment of Longevity.

- (1) Longevity will be paid in a lump sum in November or December of each year at the discretion of the Finance Director.
- (2) In order to receive longevity payments, an employee must be on the payroll when such payment is made, except as provided herein.

(C) Death, Retirement or Resignation. In the event of death, retirement or resignation of an employee, longevity pay for that year will be paid pro-rata to the date of death, retirement or resignation.

Section 10

SHIFT DIFFERENTIAL

For any shift commencing between the hours of 3:00 P.M. and 4:00 A.M. of the following day, differential pay shall be as follows:

- (A) For any shift starting at 3:00 P.M. or after, but not later than 10:59 P.M., effective January 1, 2019, \$0.65 per hour.
- (B) For any shift starting at 11:00 P.M. or after, but not later than 4:00 A.M., effective January 1, 2019, \$0.75 per hour.
- (C) Water Treatment Operators or Water Reclamation Operators working a scheduled 12 hour shift shall receive shift differential as provided in subsection 10(A) if the majority of the scheduled shift is after 3:00 P.M., and as provided in subsection 10(B) if the majority of the scheduled shift is after 11:00 P.M.

Section 11

INSURANCE

- (A) The City shall offer its standard medical and prescription coverage, hereinafter collectively (health insurance coverage) to all full-time employees. The specific terms of the coverage, including deductibles, co-payment, and employee contributions shall be established by the Health Care Committee, within the budgetary authority established by City Council. Employees may refer to details of the coverage plan on file in the Human Resources Division.

(B) The City shall continue to offer a dental, eye care or vision plan to the employee groups presently eligible to receive such plan in accordance with the terms of such plan on file in the Human Resources Division.

(C) All employees who retire under the Public Employees Retirement System because of inability to work due to disability, or having reached the respective pension funds' retirement age and/or years of service requirements, shall be entitled to current City medical benefits until: (1) such time as coverage is provided by the respective pension fund, or (2) it is determined by the City that such coverage is not available to that employee. No duplication of coverage is permitted. Employees who are not eligible for medical coverage due to the respective pension system's requirements, may be entitled to carry such coverage as provided under Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA).

(D) All full-time employees as listed in Section 1(C) of this ordinance shall receive group life insurance coverage paid by the City in the amount of \$50,000.00. The City Manager and all department directors shall receive such coverage in the amount of \$100,000.00. Double indemnity premiums shall be paid by the City on all such coverage. Additional coverage through "Voluntary Life Insurance" may be purchased by the employees in accordance with the insurance company's requirements.

(E) All retired City employees, hired prior to January 1, 2010, shall receive \$5,000.00 life insurance coverage paid by the City. Double indemnity will not be provided on such coverage.

(F) All City employees hired prior to January 1, 2010 who retire under a disability after May 1, 1995 shall receive \$5,000.00 life insurance coverage paid by the City. Double indemnity will be provided on such coverage.

Section 12

HOLIDAYS

(A) The following days shall be paid holidays for all regular full-time employees: New Year's Day, Martin Luther King Day, President's Day, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the day after Thanksgiving, Christmas Eve, Christmas Day, and employee's birthday. The employee birthday holiday is to be scheduled as a day off at the discretion of the department director, and is not subject to premium pay. Unless otherwise specifically stated, a holiday is equal to eight hours.

(B) A part-time employee who has worked a minimum of 1,040 hours in the previous year shall receive holiday pay for all holidays listed in (A) above as follows:

(1) If the employee worked 1,040 hours or more, but less than 1,560 hours, the employee shall receive four hours of holiday pay for each paid holiday listed

in paragraph (A) of this section, except the employee's birthday, which shall be unpaid, if taken; and

(2) If the employee worked 1,560 hours or more, the employee shall receive six hours of holiday pay for each paid holiday listed in paragraph (A) of this section, except for the employee's birthday, which shall be unpaid, if taken.

(C) An employee who was full-time in the previous year shall not be eligible for holiday pay in their first year of part-time employment.

Section 13

AUTHORIZED LEAVES

(A) Sick Leave.

(1) All full-time employees, including probationary, shall be eligible for sick leave.

(2) Each full-time employee shall be credited with 10 hours of sick leave for each full calendar month of service. Accumulation of sick leave shall be unlimited.

(3) The City Manager is hereby authorized to establish a program for the voluntary transfer of sick leave by employees. Such program and the requirements thereof, if created, shall be included in the policies and procedures promulgated by the City Manager.

(4) The City Manager shall establish policies and procedures for the pay out of accumulated sick leave to an employee upon the termination of their employment.

(5) Sick leave shall be taken in accordance with the Policy and Procedure Manual as determined by the City Manager.

(B) Injury Leave.

(1) The maximum paid injury leave for on-the-job injury shall be 120 work days. For purposes of injury leave, a day is the normal scheduled workday of the employee.

(2) Injury leave shall be taken in accordance with the Policy and Procedure Manual as determined by the City Manager.

(C) Bereavement Leave.

(1) Bereavement leave shall be granted to full-time employees, including probationary employees, in the amounts listed below:

Relationship to Employee	Work Days* of Leave
Spouse, child, parent or someone standing in loco parentis	5
Immediate family: stepchild, grandchild, parent, step-parent, grandparent, brother, step-brother, brother-in-law, sister, step-sister, sister-in-law, parents or step-parents of spouse, and grandparents of spouse	3

*A day is equal to eight hours.

(2) Bereavement leave shall be taken in accordance with the Policy and Procedure Manual as determined by the City Manager.

(D) Military Leave.

(1) Reserve Leave.

(a) Eligibility. Permanent full-time employees who are members of any military reserve component are entitled to leave of absence for such time as they are performing service in the uniformed services, not to exceed 31 days per calendar year. Such a leave will be granted by the department provided employee provides 30 days notice and provides orders prior to departure, except in the case of emergency.

(b) Pay. Military reserve leaves shall be without pay. However, if the employee's military pay is less than the regular City pay, the employee will be entitled to the difference, up to a maximum of 22 days per calendar year. The employee is responsible for notifying the Payroll Administrator upon their return from leave to process the difference in pay.

(c) Effect of Leave. Military reserve leaves for up to 30 calendar days do not constitute a break in continuous employment with the City, nor do they affect the employee's accrual or eligibility for benefits provided by this ordinance.

(2) Active Duty Leave. Permanent full-time employees who are called to active military service which requires their absence from work, pursuant to a Presidential Order or an Act of Congress: (a) will be paid the difference between their regular City salary and their military base pay; (b) are entitled to the continuation of health and life insurance coverage for themselves and their

dependents; and (c) shall continue to accumulate vacation, sick and holiday leave.

Continuation of health insurance will be contingent upon the payment of the employees' regular monthly contribution, in accordance with the requirements of the City. Continuation of life insurance is subject to the same exclusions and limitations currently in effect by the carrier or as may be imposed by the carrier subsequent to the passage of this ordinance. Holiday and vacation days earned during military leave covered by this ordinance must be used or cashed out upon the employee's return from leave, at the department director's discretion. Nothing in this ordinance is intended to prevent the banking of holidays where the same is permitted by a collective bargaining agreement.

(3) Permanent part-time employees who are called to Reserve Leave or Active Duty Leave will have their position held during the leave. Part-time employees are not eligible to receive the difference between their regular City salary and their military base pay.

(4) Probationary employees. Employees who have not completed their probationary period before going on Military Leave will be required to make up the difference of their time upon return from leave in order to fairly evaluate their performance. Step increases will be given at the successful completion of the probationary period, if appropriate. The extended probationary date will be used for step increase purposes. The employee's anniversary date will remain the same.

(5) Compliance with Federal Law. The City will comply with the Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994 (Title 38 USC Chapter 43).

(6) The City Manager is authorized to establish any regulations for the administration of Military Leave in the Policy and Procedure Manual.

(E) Parental Leave.

(1) All full-time employees, including employees on probation, shall be eligible for parental leave for the birth of a biological child or placement of a foster or adopted child.

(2) The City will pay a percentage of the employee's hourly rate for the first six weeks immediately following the birth or placement of a child. The percentage of pay calculated based on the hire date and years of service on the date paternal leave begins.

<u>Years of Service</u>	<u>Percentage of Pay</u>
Less than 1	25%
1 – 4	50%
5 or more	75%

(3) The City Manager shall establish policies and procedures for the administration of Parental Leave.

(F) Personal Day. All full-time employees shall be granted one eight hour personal day each year, to be scheduled with the approval of the department director. Personal Day leave may be used in increments of two hours. Seasonal, temporary, emergency and other part-time employees are not eligible for personal day(s). Personal days are not a holiday and do not count as "hours worked".

(G) Leaves of Absence Without Pay. Leaves of absence without pay, which includes disability leaves of absence, as described and permitted in the Policy and Procedure Manual of the City of Middletown, will be subject to the following limitations:

(1) The employee's health insurance will cease after employee's leave without pay exceeds 10 days. The employee may continue their health insurance coverage at their sole expense.

(2) The employee shall not accumulate sick leave or vacation during any period of leave without pay.

(3) Longevity pay and uniform allowance shall be paid to an employee on a leave of absence without pay or an employee who has used a leave of absence without pay during the year, on a pro-rated basis with no longevity pay or uniform allowance for the period of leave of absence without pay.

(4) These limitations do not apply to an employee who is on unpaid medical leave or unpaid family leave in accordance with the Family and Medical Leave Act of 1993.

Section 14

VACATION LEAVE

(A) Eligibility. Only full-time employees are eligible for vacation. Seasonal, temporary, emergency, and other part-time employees are not eligible, except as otherwise provided herein. A day for purpose of vacation is equal to eight hours.

(B) (1) At Hire. New employees may take vacation after they have been employed by the City for 90 days in accordance with the schedule below. Scheduling of vacation during the year of hire will be at the discretion of the supervisor.

<u>Month of Hire</u>	<u># Days of Vacation</u>	<u>Month of Hire</u>	<u># Days of Vacation</u>
January	9	July	3
February	8	August	2
March	7	September	1
April	6	October	0
May	5	November	0
June	4	December	0

(2) Persons appointed to the position of City Manager, a department director or the Chiefs in the Division of Police or Fire, may take vacation after they have been employed by the City for 90 days in accordance with the pro-rated schedule below. This provision is not intended to reduce any vacation benefit of an employee who is employed by the City in another capacity at the time of their appointment as City Manager, department director or the Chiefs of the Division of Police or Fire.

<u>Month of Hire:</u>	<u># Days of Vacation*:</u>
January	90% of base number of days
February	80% of base number of days
March	70% of base number of days
April	60% of base number of days
May	50% of base number of days
June	40% of base number of days
July	30% of base number of days
August	20% of base number of days
September	10% of base number of days
October	None
November	None
December	None

* The base number of days shall be calculated on the employee's year of service as set forth in paragraph D.

(C) First Full Year of Service. On January 1st of the first full calendar year of employment, employees will be deemed to have earned their vacation credit in accordance with this ordinance, in full, which may be scheduled at any time during such first full year of employment in accordance with department policy. If an employee terminates their employment with the City prior to using the vacation provided in this Section 14(C), no terminal pay will be made for such vacation time.

(D) Subsequent Years of Service. On January 1st of an eligible employee's second full year of service and in each year thereafter, employees shall receive vacation credit in accordance with the schedule set forth herein, based upon the length of service to be obtained in that year. Vacation credit will be deemed to have been earned in the employee's prior year of service, except as otherwise provided herein. Upon

termination or retirement, or in the case of leave without pay, vacation shall be prorated on the basis of monthly accrual. Effective January 1, 2016, when calculating vacation credit earned in the present year for purposes of terminal leave, the credit earned will be based on the employee's date of hire.

Vacation Days Based on Years of Service

Years of Service	Permanent Full-Time	Department Directors	City Manager
1 – 4	10	20	20
5 – 9	13	22	25
10 – 14	18	25	30
15 – 19	20	25	30
20 – 24	25	30	35
25+	28	30	35

Any permanent full-time employee of the City who received vacation credit in an amount exceeding that in the above schedule in 2019 **2020** shall continue to receive the amount of vacation credit they received in 2019 **2020** so long as they remain a permanent full-time employee of the City. For purposes of this schedule, the Chiefs of the Divisions of Fire and Police shall be treated as Department Directors.

(E) The City Manager is authorized to grant vacation benefits in excess of those listed above to unclassified employees either as an inducement to attract qualified candidates or in recognition of qualified service. However, in no circumstance shall such employee receive more than 15 days of vacation in any year prior to entitlement under the proper section of this ordinance.

(F) Full-time employees may request to receive pay for up to 40 hours of vacation leave in each year in which they have accrued vacation credit in lieu of using that vacation leave. The request is subject to the availability of funds in the budget to pay such request and must be approved by the employee's department director, the Finance Director and the City Manager.

(G) Part-time Employees. Part-time employees shall receive vacation based on the number of hours actually worked in the previous year as follows:

Years of Service	Less than 1040 hours	1040 Hours – 1559 Hours
1 – 4	0	40 hours
5 – 9	0	48 hours
10 or more	0	56 hours

Years of service shall not include prior service as a full-time employee of the City. Paragraphs (B), (C), (D), (E) and (F) of this section do not apply to part-time employees. Part-time employees are not entitled to any terminal benefits as the result of this

subsection. If a part-time employee becomes a full-time employee, they will be given vacation credit at the time of becoming full-time in the amount greater of that to which they would be eligible under this paragraph (B) or paragraph (D) of this section. All vacation used in the calendar year in which the employee becomes full-time will be deducted from the amount granted in the prior sentence.

(H) Incremental Usage. Vacation leave may be used in increments of two hours.

Section 15

ALLOWANCES

(A) The City will provide a yearly uniform allowance to the following classifications:

(1) Assistant Public Works Superintendent / Safety Officer	Senior Electronics Technician
Building Maintenance Technician	Water Reclamation Lab Analyst
Electronics Maintenance Supervisor	Water Reclamation Maintenance Supervisor
Electronics Technician	Water Reclamation Manager
Engineering Construction Inspector	Water Reclamation Mechanic
Facilities Maintenance Supervisor	Water Reclamation Operator
Garage Superintendent	Water Treatment Assistant
Grounds Maintenance Supervisor	Lab Analyst
HVAC/Building Maintenance Technician	Water Treatment Lab Analyst
Natural Resources Coordinator	Water Treatment Maintenance Supervisor
Process Control Supervisor	Water Treatment Manager
Public Works Leader	Water Treatment Mechanic
Public Works Superintendent	Water Treatment Operator

Employees will receive up to \$500.00 per year paid in equal installments in January and July.

(2) No allowances will be paid for periods prior to hire, after resignation, retirement, death or dismissal, and during leave of absence without pay and disability leaves of absence.

(B) The City shall reimburse the cost of OSHA approved safety shoes to a maximum of \$200.00 annually when such shoes are required by the City.

(C) If full-time employees in any of the following classifications are required by the City to wear a uniform the City shall provide such uniform and any necessary replacement:

Chief Building Official Housing Code Specialists

Section 16

MISCELLANEOUS PAY AND BENEFITS PROVISIONS

(A) Those provisions, except otherwise provided herein, contained in the current collective bargaining agreement between the City and the Fraternal Order of Police (FOP) pertaining to:

1. Shift Differential	8. Uniforms
2. Holiday Exchange	9. Payment of Insurance Premiums
3. Sick Leave Accumulation	10. Drug Testing
4. Funeral Leave	11. Injury Leave
5. Transfer of Sick Leave	12. Vacation
6. Holidays	13. Terminal Benefits
7. Longevity	14. Purchase of Duty Weapons

shall apply to the Police Chief and the Deputy Police Chiefs in the Division of Police, Department of Public Safety.

(B) Except as provided otherwise herein, those provisions contained in the current Bargaining Agreement between the City and the International Association of Firefighters (IAFF) pertaining to:

1. Holiday Exchange	10. Terminal Benefits
2. Sick Leave Accumulation	11. Voting Procedure
3. Funeral Leave	12. Legal Representation
4. Holiday	13. YMCA Membership Credit
5. Longevity	14. Benefits to be Paid upon Termination
6. Clothing	15. Hazardous Material
7. Insurance	16. Safeties and Health
8. Injury	17. Paramedic Certification Pay
9. Vacation	

shall apply to the Fire Chief and Assistant Fire Chief in the Division of Fire, Department of Public Safety. Wages for Fire Chief and Assistant Fire Chief shall be equal in percentage to the wages negotiated in the IAFF collective bargaining agreement.

(C) The following provisions contained in the current collective bargaining agreement between the City and the Fraternal Order of Police, Ohio Labor Council (Dispatchers) shall apply to the Civilian Communications Supervisor unless specifically excepted otherwise in this ordinance:

1. Holidays. Article 13
2. Sick Leave. Article 17
3. **Funeral Bereavement** Leave. Article 16
4. Wages. Shift Differential. Article 22, paragraph 2

5. Wages. Clothing and Equipment Maintenance Allowance. Article 22, paragraph 4
6. Drug Testing. Article 25
7. Injury Leave. Article 18
8. Vacation. Article 14
9. Longevity. Article 15

(D) The following provisions contained in the current collective bargaining agreement between the City and the American Federation of State, County and Municipal Employees (A.F.S.C.M.E.) Ohio Council #8, Local 856, AFL-CIO shall apply to all Public Works Leaders and the Grounds Maintenance Supervisor.

1. Article 11. Hours of Work, paragraphs pertaining to overtime, break-over point and compensatory time.
2. Article 31. Training and Seminars.
3. Article 13(E). Holiday Pay.

(E) City employees shall be entitled to reimbursement for travel expenses as permitted in the Policy and Procedure Manual.

(F) Each full-time and part-time employee who is employed year around by the City may receive an annual flu immunization.

(G) Except as otherwise provided in this ordinance employees whose normally scheduled work days are in excess of eight hours shall not be eligible for: (1) Quick Return Pay (Section 8); or (2) Shift Differential (Section 10). A day for purposes of Section 12 (Holidays), Section 13 (Authorized Leave, except Bereavement Leave and Military Leave), and Section 14 (Vacation Leave) shall be eight hours. The use of all authorized leaves, including vacations, holidays and personal days, shall be calculated on an hour-by-hour basis, except Bereavement Leave which shall be calculated on a work day.

(H) The City Manager is authorized to implement programs to recognize the achievement of employees. In addition to expenditures authorized in Section 250.29 of the Middletown Codified Ordinances, the City Manager may grant recognition leave, not to exceed 24 hours, or cash bonuses, not to exceed \$500.00 in accordance with an employee recognition policy established as part of the City's Policies and Procedures. Cash bonuses shall be deemed to be compensation to the employee.

(I) Employees are responsible for meals, food and beverages for their own consumption, except that City Council authorizes the expenditures of City funds for the following events and situations, which the City Council hereby determines, are for a public purpose:

- (1) an annual City holiday party and appreciation events for its employees;
- (2) events at city facilities which are sponsored by the City;

- (3) dedications and ground-breaking ceremonies for public projects or economic development projects;
- (4) meetings of professional groups and/or agencies sponsored by the City or an official of the City;
- (5) employee meetings scheduled by the City Manager;
- (6) employee training meetings;
- (7) receptions or ceremonies for incoming and outgoing members of City Council;
- (8) receptions for the hiring or retirement of an employee;
- (9) meetings either internal or with outside personnel when employees work through their normal lunch hour, without additional compensation; and
- (10) meals, receptions or events that an employee attends as a representative of the City at the request of the City Manager.

All such expenditures shall be within the constraints of the budget authority, and are subject to the sole discretion of the City Manager. No public funds shall be expended for the purchase of alcoholic beverages. Nothing in this paragraph is intended to limit or otherwise prohibit the reimbursement of travel expenses, including meals, as authorized in Section 16(E) of this Ordinance.

(J) Employees may receive an incentive in accordance with the guidelines of the City Wellness Program as established by the Health Care Committee.

Section 17

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 18

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

Nicole Condrey, Mayor

1st reading: _____

2nd reading: _____

Adopted: _____

Effective: _____

Attest: _____

Clerk of City Council

EXHIBIT A

Table of Exempt (E), Supervisory (S), Unclassified (UC) & Classified (C) Positions

Job Classifications	E	S	UC	C
Administrative Assistant			X	
Administrative Services Director	X	X	X	
Airport Facilities Supervisor		X	X	
Airport Manager	X	X	X	
Animal Control Officer				X
Assistant City Engineer	X	X	X	
Assistant Economic Development Director	X	X	X	
Assistant Finance Director	X	X	X	
Assistant Fire Chief	X	X		X
Assistant Information Systems Director	X	X	X	
Assistant Public Works & Utilities Director	X	X	X	
Assistant Public Works Superintendent / Safety Officer	X	X	X	
Budget Analyst			X	
Building Cleaner				X
Building Maintenance Technician				X
Bus Cleaner				X
Chief Building Official	X	X	X	
City Engineer	X	X	X	
City Manager	X	X	X	
City Treasurer	X	X		X
Civilian Communications Supervisor	X	X		X
Clerk of Council	X	X	X	
Communications Manager	X		X	
Community Development Administrator	X	X	X	

Job Classifications	E	S	UC	C
Community Security Officer				X
Computer Programmer/Analyst				X
Computer Technician				X
Contracts Administrator			X	
Customer Relations Specialist				X
Customer Service Lead				X
Deputy Clerk of Council				X
Deputy Police Chief	X	X		X
Economic Development Director	X	X	X	
Economic Development Program Manager	X		X	
Electronics Maintenance Supervisor	X	X		X
Electronics Technician				X
Engineer	X			X
Engineering Construction Inspector				X
Engineering Technician				X
Environmental Monitoring Technician				X
Executive Account Clerk				X
Executive Assistant			X	
Facilities Maintenance Supervisor	X	X		X
Field Inspector				X
Finance Director	X	X	X	
Fire Chief	X	X		X
Garage Superintendent	X	X	X	
General Counsel	X	X	X	
GIS Administrator			X	
Grounds Maintenance Supervisor		X	X	
Historic Property Specialist			X	

Job Classifications	E	S	UC	C
Housing Code Specialist			X	
HUD Program Administrator	X	X	X	
Human Resources Clerk			X	
Human Resources Manager	X	X	X	
Human Resources Specialist			X	
HVAC/Building Maintenance Technician				X
Income Tax Auditor				X
Income Tax Superintendent	X		X	
Industrial Pretreatment Coordinator	X		X	
Information Systems Director	X	X	X	
Intern			X	
Line Service Lead			X	
Line Service Technician			X	
Natural Resources Coordinator	X		X	
Paralegal			X	
Payroll Administrator			X	
Planning Director	X	X	X	
Police Chief	X	X		X
Process Control Supervisor		X		X
Property Officer				X
Public Works Leader		X		X
Public Works Superintendent	X	X	X	
Public Works & Utilities Director	X	X	X	
Purchasing Agent	X		X	
Secretary				X
Senior Account Clerk				X
Senior Electronics Technician				X

Job Classifications	E	S	UC	C
Senior Engineer	X	X	X	
Senior Engineering Technician	X			X
Staff Attorney	X		X	
Systems Administrator				X
Utility Billing Supervisor	X	X		X
Victim Advocate				X
Water Reclamation Lab Analyst				X
Water Reclamation Maintenance Supervisor		X		X
Water Reclamation Manager	X	X	X	
Water Reclamation Mechanic				X
Water Reclamation Operator:				
Class I Certification				X
Class II Certification				X
Class III Certification				X
Uncertified				X
Water Treatment Assistant Lab Analyst				X
Water Treatment Lab Analyst				X
Water Treatment Maintenance Supervisor		X		X
Water Treatment Manager	X	X	X	
Water Treatment Mechanic				X
Water Treatment Operator:				
Class I Certification				X
Class II Certification				X
Class III Certification				X
Uncertified				X
Zoning Administrator				X
Zoning Inspector				X

STAFF REPORT
For the Business Meeting: November 3, 2020

DATE: October 21, 2020

TO: Jim Palenick, City Manager

FROM: Pay & Benefits Ordinance Committee

2021 PAY & BENEFITS ORDINANCES

PURPOSE

The objective of this staff report is to outline the proposed changes in the Pay and Benefits Ordinances which are being presented to City Council this year. The three ordinances are: a general ordinance for City employees hired prior to January 1, 2018, a general ordinance for City employees hired January 1, 2018 and after, and an ordinance for employees of the Health Department.

BACKGROUND AND FINDINGS

As part of the annual review of the ordinance, the committee meets with all department heads and then creates a list of its recommendations for the City Manager's approval. The changes to the ordinances regarding the employees of the City of Middletown are also applicable to Health Department employees. The committee has proposed minimal changes to the ordinances for next year. In each ordinance you will see the changes reflected in bold and strikethrough. The most notable changes to the two general ordinances for non-union employees are as follows:

Section 1

Added Job Classification of Zoning Administrator – Pay Range 183/249

Section 7(B) – Temporary Reclassifications

Clarified language for when step-up pay begins.

Section 14(I) – Payout of PTO – Employees hired 1/1/2018 or later only

Added provision to allow for the payout of accrued PTO in the event the employee transfers to a bargaining unit position that offers vacation and sick leave instead of PTO.

Section 15 (A) – Uniform Allowance

Added Water Treatment Assistant Lab Analyst, Water Treatment Manager and Water Reclamation Manager.

FINANCIAL IMPACT

The wage scales in both ordinances reflect the 1% wage increase as proposed in the annual budget. This is consistent with the annual budget being presented to City Council.

EMERGENCY/NON-EMERGENCY

Non-emergency.

LEGISLATION

ITEM 18

ORDINANCE NO. O2020-70

**AN ORDINANCE ESTABLISHING PAY RANGES, PAY POLICY AND BENEFITS
FOR VARIOUS SALARIED AND HOURLY CLASSIFICATIONS WITHIN THE
SERVICE OF THE CITY THAT ARE HIRED JANUARY 1, 2018 OR LATER.**

BE IT ORDAINED, by the City Council of the City of Middletown, Butler and Warren Counties, Ohio: (Effective January 1, 2021 except as otherwise noted.)

Section 1

(A) This ordinance applies to all hourly and salaried employees in the job classifications listed in Section 1(C) of this Ordinance hired on or after January 1, 2018. For purposes of this ordinance, the term "hired on or after January 1, 2018" does not include any employee who was continuously in the employment of the City, either part-time or full-time, before the employee's most recent date of appointment.

PAY RANGES FOR SALARIED EMPLOYEES

(B) The biweekly pay ranges for salaried and hourly classifications with the service of the City are set forth in Exhibit "A", attached hereto and made part hereof. **The cost of living increase for 2021 is 1%.**

(C) The various salaried and hourly classifications within the service of the City are placed in the pay ranges established in Section 1(C) of this Ordinance as follows:

JOB CLASSIFICATIONS	SALARY RANGE
Administrative Assistant	246
Administrative Services Director	288
Airport Facilities Supervisor	240
Airport Manager	264
Animal Control Officer	240
Assistant City Engineer	276
Assistant Economic Development Director	273
Assistant Finance Director	273
Assistant Fire Chief	282
Assistant Information Systems Director	273
Assistant Public Works & Utilities Director	282
Assistant Public Works Superintendent/ Safety Officer	264
Budget Analyst	255
Building Cleaner	207
Building Maintenance Technician	234
Bus Cleaner	210

Chief Building Official	279
City Engineer	285
City Treasurer	249
Civilian Communications Supervisor	249
Clerk of Council	267
Communications Manager	258
Community Development Administrator	270
Community Security Officer	228
Computer Programmer/Analyst	261
Computer Technician	252
Contracts Administrator	249
Customer Relations Specialist	237
Customer Service Lead	228
 Deputy Clerk of Council	237
Deputy Police Chief	282
 Economic Development Director	288
Economic Development Program Manager	270
Electronics Maintenance Supervisor	261
Electronics Technician	240
Engineer	258
Engineering Construction Inspector	255
Engineering Technician	246
Environmental Monitoring Technician	243
Executive Account Clerk	240
Executive Assistant	249
 Facilities Maintenance Supervisor	252
Field Inspector	258
Finance Director	291
Fire Chief	288
 Garage Superintendent	267
General Counsel	282
GIS Administrator	264
Grounds Maintenance Supervisor	252
 Historic Property Specialist	240
Housing Code Specialist	240
HUD Program Administrator	270
Human Resources Clerk	231
Human Resources Manager	270
Human Resources Specialist	249
HVAC/Building Maintenance Technician	243

Income Tax Auditor	252
Income Tax Superintendent	270
Industrial Pretreatment Coordinator	258
Information Systems Director	288
Intern	207-237
Line Service Lead	228
Line Service Technician	228
Natural Resources Coordinator	270
Paralegal	249
Payroll Administrator	249
Planning Director	270
Police Chief	288
Process Control Supervisor	258
Property Officer	228
Public Works Leader	252
Public Works Superintendent	267
Public Works & Utilities Director	288
Purchasing Agent	255
Secretary	237
Senior Account Clerk	234
Senior Electronics Technician	252
Senior Engineer	270
Senior Engineering Technician	252
Staff Attorney	249
Systems Administrator	264
Utility Billing Supervisor	249
Victim Advocate	225
Water Reclamation Lab Analyst	246
Water Reclamation Maintenance Supervisor	258
Water Reclamation Manager	273
Water Reclamation Mechanic	252
Water Reclamation Operator:	
Class I Certification	243
Class II Certification	249
Class III Certification	252
Uncertified	237
Water Treatment Assistant Lab Analyst	243
Water Treatment Lab Analyst	246

Water Treatment Maintenance Supervisor	258
Water Treatment Manager	270
Water Treatment Mechanic	252
Water Treatment Operator:	
Class I Certification	243
Class II Certification	249
Class III Certification	252
Uncertified	237
Zoning Administrator	249
Zoning Inspector	240

(1) Adjustments.

- (a) All employees shall be paid in the Range provided in Section 1(B) of this Ordinance, except as provided herein.
- (b) Any department director who obtains or possesses a bachelor's degree from an accredited college or university, or receives or possesses certification or licensure deemed by the City Manager to be similar or equivalent to such a degree in a field related to their employment, shall be paid in Range 291.
- (c) Any department director who obtains or possesses a masters or doctoral degree from an accredited college or university, or receives or possesses certification or licensure deemed by the City Manager to be similar or equivalent to such a degree in a field related to their employment, shall be paid in Range 294.
- (d) If the Police Chief or Fire Chief obtains or possesses a bachelor's degree from an accredited college or university, or receives or possesses certification or licensure deemed by the City Manager to be similar or equivalent to such a degree in a field related to their employment, shall be paid in Range 291.
- (e) If a Deputy Police Chief or Assistant Fire Chief obtains or possesses a bachelor's degree from an accredited college or university, or receives or possesses certification or licensure deemed by the City Manager to be similar or equivalent to such a degree in a field related to their employment, shall be paid in Range 285.

(2) Implementation of Reclassifications.

- (a) All reclassifications included in Section 1(C) of this Ordinance shall be implemented by providing a step increase to the affected employee on their next anniversary date. If an affected employee is scheduled to

receive a step increase regardless of the reclassification, no additional increases in base pay will be provided during ~~2020~~ **2021** except for the scheduled step increase.

(b) However, any affected employee whose scheduled step increase in ~~2020~~ **2021** would not result in an amount equivalent to or higher than Step A of the new Range assigned to the position occupied by the affected employee shall be placed in Step A of the new Range effective January 1, ~~2020~~ **2021**. These employees shall be given a new anniversary date of January 1.

(c) Any part-time employee affected by a reclassification in this Ordinance shall be assigned to a step in the new Range for that position at the equivalent of at least one step higher than their present rate of pay.

(d) The procedures for implementation of the reclassifications set forth in Section 7 of this Ordinance are not applicable to the reclassifications set forth in Section 1(C) of this Ordinance.

(3) Exceptions.

(a) Any Planning Director assigned to the position January 1, 2019 or later will be a division manager, not a department director.

(D) Performance-Based Compensation. Performance-Based Compensation (PBC) is supplementary compensation to provide city employees lump sum payments when in the sole discretion of City Council the overall performance of the City, as measured by income tax receipts, justifies additional compensation to its employees. This payment will be made to all full-time employees of the City, including employees in collective bargaining units which includes the payment in its collective bargaining agreement. The payment will be made to all part-time employees who worked over 1,000 hours in the previous calendar year in an amount equal to one-half of the full-time employee payment. No employee hired on or after October 1 in the prior calendar year shall receive PBC. City Council determines that the PBC amount to be paid in ~~2020~~ **2021** to be \$0.

(E) The City Manager is authorized to establish part-time equivalent positions for any full-time position established by this ordinance, and is further authorized to develop Policies and Procedures in accordance with such part-time positions and to maintain the policy on file in the City Manager's office. A part-time employee is an employee who is scheduled to work less than 40 hours in a workweek. Authorized leaves do not affect the status of a full-time employee. All part-time employees shall be paid an hourly rate equal to one-eightieth of their full-time equivalent's biweekly rate.

(F) Water Treatment Operators and Water Reclamation Operators who serve as shift operators shall be paid at a rate of pay which is ~~4.7%~~ **two steps** above the regular

rate of pay. The assignment of a shift operator shall be solely at the discretion of the Water Treatment Manager or the Water Reclamation Manager.

Section 2

PAY RANGES FOR CERTAIN HOURLY EMPLOYEES

The salary of each part-time bus driver shall be reviewed for step increases after obtaining 18 months of service and 1,500 hours of bus driving experience for the City.

PART-TIME BUS DRIVER

STEPS	A	B	C	D	E	F	G	H	I
2021	\$15.09	\$15.40	\$15.71	\$16.01	\$16.34	\$16.66	\$16.99	\$17.33	\$17.67

Section 3

PAY RANGES FOR SEASONAL EMPLOYEES

(A) Seasonal classification shall be paid weekly at the rates listed in this section:

- (1) Seasonal Engineering Construction Inspectors shall be paid **\$23.74** per hour.
- (2) Seasonal Mowing Inspectors shall be paid **\$13.80** per hour.
- (3) Seasonal Laborer shall be paid **\$10.77** per hour.
- (4) Transform Middletown Supervisor shall be paid **\$13.80** per hour.

(B) All other seasonal classifications not specifically listed herein shall be paid minimum wage on a weekly basis.

Section 4

ADMINISTRATION OF ORDINANCE

The City Manager is authorized to issue regulations for the administration of this Ordinance.

Section 5

SALARY POLICY

(A) The salary of each employee shall be reviewed annually by the department director for the purpose of determining which employee may be entitled to a step

increase. All personnel records, performance, and length of service shall be considered in making recommendations with major emphasis placed on the evaluation of services rendered. A department director may advance an employee to the next step until the maximum step has been reached. Any step increase exceeding one step must be approved by the City Manager in writing.

(B) Part-time employees, upon the recommendation of their department director, may be entitled to a step increase upon completing 2,080 hours in their current step as a part-time employee.

(C) (1) A new employee shall be paid at the minimum step of their range. However, department directors shall have the authority to hire into Step B, C, D, or E as an inducement to attain qualified candidates. City Manager approval is required for all job offers above Step E.

(2) Positions that are advertised one time which attract no qualified candidates may be re-advertised with a signing bonus incentive. Signing bonuses may be offered between the amount of \$500.00 and \$1,000.00, subject to the availability of funds in the budget to pay such incentive. Before re-advertising the position, the incentive must be approved by the department director, the Finance Director and the City Manager.

An employee that receives this incentive is required to maintain employment with the City for a minimum of 180 calendar days. If the employee separates from employment separates from employment by resignation or termination during the 180 calendar days, the incentive shall be repaid from the final paycheck and/or termination pay. If funds from the final paycheck or termination pay are insufficient to repay the incentive, the employee shall repay the City from their own funds.

(D) A full-time employee who is reduced to part-time employment shall be permitted to remain in the last pay step they occupied as a full-time employee as long as such employee remains in the same job classification or title. All other provisions of this ordinance, as it affects part-time employees, shall apply to such an employee, and all definitions of full-time and part-time employment in this ordinance shall be applicable for purposes of this ordinance.

Section 6

OVERTIME PAY

(A) An employee working in excess of 40 hours in one week, as defined by the Fair Labor Standards Act, as amended (provided that holidays, (A) An employee working in excess of 40 hours in one week, as defined by the Fair Labor Standards Act, as amended (provided that holidays, bereavement leave, and injury leave for which the employee is paid shall be counted in the 40 hours), shall, as determined by supervision,

either be paid time and one-half their regular rate, or receive compensatory time off on the basis of one and one-half (1½) hours off for each hour of overtime worked. Time off to use earned compensatory time will be granted within 60 days of the request made by the employee. When compensatory time is used, it shall not count as hours worked during the applicable work period for purposes of determining overtime. No employee shall be permitted to accrue more than 240 hours of unused compensatory time and any employee who has accrued 240 hours of compensatory time shall be paid in cash for all overtime in excess thereof, at the employee's regular rate at the time of payment, except that public safety employees may accrue up to 480 hours of compensatory time. Upon termination of employment, unused compensatory time shall be paid at the employee's average regular rate for the last three years of employment or the employee's final regular rate, whichever is higher. This provision shall not apply to exempt employees, a list of such job titles which is attached hereto as Exhibit B.

(B) Except as otherwise provided in a collective bargaining agreement, all non-exempt employees who are scheduled to work, and do work, on any holiday or day observed as a holiday, as determined by the City Manager, other than employee's birthday, shall be paid an amount equal to one and one-half (1½) times the amount which they receive for any other regular work day, in addition to their regular holiday pay, or receive compensatory time off on the basis of one and one-half (1½) hours off for each holiday hour worked, at the discretion of the department director.

(C) All employees who work on a rotating shift at the Water Treatment Plant and Water Reclamation Facility and whose seventh consecutive eight hour day falls on any holiday, shall receive compensation equal to two times their regular hourly rate in addition to their regular holiday pay.

(D) Employees who work on a rotating shift at the Water Treatment Plant and Water Reclamation Facility shall receive one and one-half (1½) times the regular rate of pay for the seventh day when working seven consecutive eight hour days. Those employees who are working the midnight shift during the change to daylight saving time will work only seven hours; however, this will still constitute an entire shift for calculation of seven consecutive eight hour days. Hourly rates of pay shall be determined by dividing the biweekly salary by 80.

(E) Any hour for which an employee receives overtime or premium compensation eliminates that hour from consideration for overtime or premium payment on any other basis. If the time worked falls under two or more overtime and/or premium pay classifications, the higher rate shall prevail. This section shall not eliminate shift premium, where applicable during overtime hours.

Section 7

RECLASSIFICATIONS, PROMOTIONS AND DEMOTIONS

(A) Reclassifications.

(1) A reclassification is reallocating a position to the appropriate pay range as is necessary to provide an equitable, just, and proper classification. A reclassification may be up or down in pay ranges. Any employee may request a review of the classification of their position. Effective the same date as the reclassification the employee will receive a 2% increase or go to the lowest step of the new pay range, whichever is greater. A reclassification gives an employee a new anniversary date. The procedure for requesting a reclassification and the process for reviewing such requests shall be established by the City Manager.

(2) An employee who is reclassified to a lower position shall be placed in a step closest to, but not lower than, their current salary. If the lower classification's pay range is lower than the employee's current salary, the employee's salary shall be frozen until the range increases to the employee's current salary.

(B) Temporary Reclassifications.

(1) Except as otherwise provided, when it is necessary for a department director to fill a higher classification, for any reason, with an employee from a lower classification, such employee shall be compensated, ~~during the entire period of continuous temporary assignment~~ at the beginning step of the higher classification, or at a rate of 2% greater than the regular step of the employee, whichever is greater, ~~subject to the following limitations: The higher compensation shall begin on the first day of the temporary reclassification, but only if the employee will be reclassified for more than the minimum period established below. Employees that will not be reclassified for the minimum period are not eligible for the higher rate of pay.~~

(a) An employee who is officially assigned and who temporarily fills a higher position at the level of department director must fill such position for a continuous period of 40 hours or more to be eligible for compensation at the higher level of classification, as described above.

(b) An employee who is officially assigned and who temporarily fills the higher position of City Manager must fill such position for a continuous period of 30 calendar days or more to be eligible for compensation at 4.7% greater than the current step of the employee.

(c) An employee who is officially assigned and who temporarily fills a supervisory position as defined in Exhibit B for a continuous period of 40 hours, except for training, is eligible for such pay.

(d) All other non-supervisory employees are eligible for such pay when the employee is officially assigned and satisfactorily performs the

duties of the higher-level position for a continuous period of 40 hours, except for training.

(e) An employee who is temporarily reclassified in accordance with subsection 7(B)(1)(a), (b) or (c) (hereinafter the reclassified employee) shall receive the higher rate of pay during any compensable leave taken by the reclassified employee during the period of the temporary reclassification, unless such leave exceeds 40 hours or five consecutive work days, or is determined by the City Manager to be of such a nature to preclude the reclassified employee from performing the duties of the higher or supervisory position.

(2) When it is necessary to temporarily fill a higher classification, for any reason, with a Water Treatment Lab Analyst, Water Treatment Assistant Lab Analyst, Water Treatment Operator, Water Treatment Mechanic, Water Reclamation Lab Analyst, Water Reclamation Mechanic or Water Reclamation Operator and when that employee is officially assigned by the Water Treatment Manager or Water Reclamation Manager and satisfactorily performs the complete duties of the higher level position for a continuous period of eight hours or more, except for training, such employee shall be compensated, during the entire period of continuous temporary reclassification, at the beginning step of the higher classification, calculated on an hourly basis, or at a rate of 2% greater than the regular step of the employee, whichever is greater, except as otherwise required by law. If an employee to be temporarily reclassified, as that term is used in Section 7(B) of current ordinance, is scheduled to receive seventh day pay, as described in Section 6(C) of current ordinance, as part of their regularly scheduled work week, the City Manager is authorized at his discretion, to approve compensating such employee at a rate of 4% greater than the regular step of the employee rather than the 2% set forth in Section 7(B)(1) of current ordinance.

(C) Promotions and Demotions.

(1) Employees whose positions are listed in Section 1(C) of the current ordinance establishing pay ranges, shall have wage changes in the event of promotions or demotions in the following manner:

(a) A promotion is advancing from one pay range to another as the result of changing from one job to another with new and increased responsibilities. This is usually accomplished through Civil Service competitive examinations or by exceptional appointment. Because promotions indicate a more significant advancement in duties and responsibilities, a promoted employee will receive an immediate 4% salary increase or lowest step in the new pay range, whichever is greater. A promotion gives the employee a new anniversary date. Promotion is not from reclassification or adjustment of the same position and not from

one step to another within the same range. In the case of promotions of division managers and department directors, the City Manager shall determine the rate of pay within the appropriate range.

(b) When an employee is demoted to a lower-class position, they shall be paid at a rate, which is within the approved range for the lower-class position. The rate of pay shall be determined by the City Manager.

(D) Assumption of Additional Duties. In the event it becomes necessary for an employee to assume all job duties of a separately classified employee or job title while that title goes unfilled, the employee performing the additional duties may be entitled to receive up to one additional pay range at the sole discretion of the City Manager. This provision does not apply when job duties are split between separate employees or the position remains filled with another employee.

(E) Certifications and Licenses. Any full-time employee who obtains a license or certification which is determined by the employee's department director, with the concurrence of the City Manager, to be beneficial in the performance of the employee's job shall be eligible to receive a one step increase within their current salary range.

Section 8

CALL-OUT, CALL-BACK AND QUICK-RETURN PAY

(A) Call-Out. The following full-time personnel shall be guaranteed a minimum of three hours pay at one and one-half (1½) times their regular rate of pay if the employee has been notified to report for work outside their scheduled shift, unless the employee has been notified not to report for such scheduled shift. However, if the call-out occurs within one hour prior to the start of the employee's regular shift, the employee will receive two hours of call-out pay at one and one-half (1½) times their regular rate of pay.

Building Maintenance Technician	Water Reclamation Lab Analyst
Computer Programmer/Analyst	Water Reclamation Maintenance
Computer Technician	Supervisor
Electronics Maintenance Supervisor	Water Reclamation Mechanic
Electronics Technician	Water Reclamation Operator
Engineering Construction Inspector	Water Treatment Lab Analyst
Grounds Maintenance Supervisor	Water Treatment Maintenance
Process Control Supervisor	Supervisor
Public Works Leader	Water Treatment Mechanic
Senior Electronics Technician	Water Treatment Operator
Systems Administrator	

In addition to the employee positions listed in Section 8(A), the City Manager, at their discretion, may give call-out pay to non-exempt employees.

(B) Call-Back. If an employee is sent home at the beginning of their regular shift and is required to return later that day to work another shift they shall be compensated in addition to their regular hourly rate for hours actually worked, three hours at their regular hourly rate of pay.

(C) Quick-Return. An employee who completes their regular shift and is required to return to work another shift within 16 hours of their regular shift shall be compensated for three hours at their regular calculated hourly rate, with the following limitations:

A Water Treatment Plant or Water Reclamation Facility employee who completes their regular shift and is required to return to work another shift within 16 hours of their regular shift shall be compensated for three hours at their regular calculated hourly rate if the employee is not notified of the requirement to return prior to the end of their scheduled shift.

Section 9

LONGEVITY PAY

(A) Longevity shall be paid to full-time employees as listed in Section 1(C) of the current ordinance establishing pay ranges in the calendar year of the attainment of the anniversary of employment in accordance with the following scheduled percentages of their existing base salary as of November 30 of the year in which longevity is to be paid:

Years of Service	Percentage
10 – 14	1%
15 – 19	2%
20+	3%

(B) Payment of Longevity.

(1) Longevity will be paid in a lump sum in November or December of each year at the discretion of the Finance Director.

(2) In order to receive longevity payments, an employee must be on the payroll when such payment is made, except as provided herein.

(C) Death, Retirement or Resignation. In the event of death, retirement or resignation of an employee, longevity pay for that year will be paid pro-rata to the date of death, retirement or resignation.

Section 10

SHIFT DIFFERENTIAL

For any shift commencing between the hours of 3:00 P.M. and 4:00 A.M. of the following day, differential pay shall be as follows:

- (A) For any shift starting at 3:00 P.M. or after, but not later than 10:59 P.M effective January 1, 2019, \$.65 per hour.
- (B) For any shift starting at 11:00 P.M. or after, but not later than 4:00 A.M., effective January 1, 2019, \$.75 per hour.
- (C) Water Treatment Operators or Water Reclamation Operators working a scheduled 12 hour shift shall receive shift differential as provided in subsection 10(A) if the majority of the scheduled shift is after 3:00 P.M., and as provided in subsection 10(B) if the majority of the scheduled shift is after 11:00 P.M.

Section 11

INSURANCE

- (A) The City shall offer its standard medical and prescription coverage, hereinafter collectively (health insurance coverage) to all full-time employees. The specific terms of the coverage, including deductibles, co-payment, and employee contributions shall be established by the Health Care Committee, within the budgetary authority established by City Council. Employees may refer to details of the coverage plan on file in the Human Resources Division.
- (B) The City shall continue to offer a dental and eye care or vision plan to the employee groups presently eligible to receive such plan in accordance with the terms of such plan on file in the Human Resources Division.
- (C) All employees who retire under the Public Employees Retirement System because of inability to work due to disability, or having reached the respective pension funds' retirement age and/or years of service requirements, shall be entitled to current City medical benefits until: (1) such time as coverage is provided by the respective pension fund, or (2) it is determined by the City that such coverage is not available to that employee. No duplication of coverage is permitted. Employees who are not eligible for medical coverage due to the respective pension system's requirements, may be entitled to carry such coverage as provided under Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA).
- (D) All full-time employees as listed in Section 1(C) of this ordinance shall receive group life insurance coverage paid by the City in the amount of \$50,000.00. The City Manager and all department directors shall receive such coverage in the amount of

\$100,000.00. Double indemnity premiums shall be paid by the City on all such coverage. Additional coverage through "Voluntary Life Insurance" may be purchased by the employees in accordance with the insurance company's requirements.

Section 12

HOLIDAYS

(A) The following days shall be paid holidays for all regular full-time employees: New Year's Day, Martin Luther King Day, President's Day, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the day after Thanksgiving, Christmas Eve, and Christmas Day. Unless otherwise specifically stated, a holiday is equal to eight hours.

(B) A part-time employee who has worked a minimum of 1,040 hours in the previous year shall receive holiday pay for all holidays listed in (A) above as follows:

(1) If the employee worked 1,040 hours or more, but less than 1,560 hours, the employee shall receive four hours of holiday pay for each paid holiday listed in paragraph (A) of this section; and

(2) If the employee worked 1,560 hours or more, the employee shall receive six hours of holiday pay for each paid holiday listed in paragraph (A).

(C) An employee who was full-time in the previous year shall not be eligible for holiday pay in their first year of part-time employment.

Section 13

AUTHORIZED LEAVES

(A) Injury Leave.

(1) The maximum paid injury leave for on-the-job injury shall be 120 work days. For purposes of injury leave, a day is the normal scheduled workday of the employee.

(2) Injury leave shall be taken in accordance with the Policy and Procedure Manual as determined by the City Manager.

(B) Bereavement Leave.

(1) Bereavement leave shall be granted to full-time employees, including probationary employees, in the amounts listed below:

Relationship to Employee	Work Days* of Leave
Spouse, child, parent or someone standing in loco parentis	5
Immediate family: stepchild, grandchild, step-parent, grandparent, brother, step-brother, brother-in-law, sister, step-sister, sister-in-law, parents or step-parents of spouse, and grandparents of spouse	3

*A day is equal to eight hours.

(2) Bereavement leave shall be taken in accordance with the Policy and Procedure Manual as determined by the City Manager.

(C) Military Leave.

(1) Reserve Leave.

(a) Eligibility. Permanent full-time employees who are members of any military reserve component are entitled to leave of absence for such time as they are performing service in the uniformed services, not to exceed 31 days per calendar year. Such a leave will be granted by the department provided employee provides 30 days notice and provides orders prior to departure, except in the case of emergency.

(b) Pay. Military reserve leaves shall be without pay. However, if the employee's military pay is less than the regular City pay, the employee will be entitled to the difference, up to a maximum of 22 days per calendar year. The employee is responsible for notifying the Payroll Administrator upon their return from leave to process the difference in pay.

(c) Effect of Leave. Military reserve leaves for up to 30 calendar days do not constitute a break in continuous employment with the City, nor do they affect the employee's accrual or eligibility for benefits provided by this ordinance.

(2) Active Duty Leave. Permanent full-time employees who are called to active military service which requires their absence from work, pursuant to a Presidential Order or an Act of Congress: (a) will be paid the difference between their regular City salary and their military base pay; (b) are entitled to the continuation of health and life insurance coverage for themselves and their dependents; and (c) shall continue to accumulate paid time off and holiday leave.

Continuation of health insurance will be contingent upon the payment of the employees' regular monthly contribution, in accordance with the requirements

of the City. Continuation of life insurance is subject to the same exclusions and limitations currently in effect by the carrier or as may be imposed by the carrier subsequent to the passage of this ordinance. Holiday and paid time off days earned during military leave covered by this ordinance must be used or cashed out upon the employee's return from leave, at the department director's discretion. Nothing in this ordinance is intended to prevent the banking of holidays where the same is permitted by a collective bargaining agreement.

(3) Permanent part-time employees who are called to Reserve Leave or Active Duty Leave will have their position held during the leave. Part-time employees are not eligible to receive the difference between their regular City salary and their military base pay.

(4) Probationary employees. Employees who have not completed their probationary period before going on Military Leave will be required to make up the difference of their time upon return from leave in order to fairly evaluate their performance. Step increases will be given at the successful completion of the probationary period, if appropriate. The extended probationary date will be used for step increase purposes. The employee's anniversary date will remain the same.

(5) Compliance with Federal Law. The City will comply with the Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994 (Title 38 USC Chapter 43).

(6) The City Manager is authorized to establish any regulations for the administration of Military Leave in the Policy and Procedure Manual.

(D) Leaves of Absence Without Pay. Leaves of absence without pay, which includes disability leaves of absence, as described and permitted in the Policy and Procedure Manual of the City of Middletown, will be subject to the following limitations:

(1) The employee's health insurance will cease after employee's leave without pay exceeds 10 days. The employee may continue their health insurance coverage at their sole expense.

(2) Longevity pay and uniform allowance shall be paid to an employee on a leave of absence without pay or an employee who has used a leave of absence without pay during the year, on a pro-rated basis with no longevity pay or uniform allowance for the period of leave of absence without pay.

(3) These limitations do not apply to an employee who is on unpaid medical leave or unpaid family leave in accordance with the Family and Medical Leave Act of 1993.

(E) Parental Leave.

(1) All full-time employees, including employees on probation, shall be eligible for parental leave for the birth of a biological child or placement of a foster or adopted child.

(2) The City will pay a percentage of the employee's hourly rate for the first six weeks immediately following the birth or placement of a child. The percentage of pay calculated based on the hire date and years of service on the date paternal leave begins.

<u>Years of Service</u>	<u>Percentage of Pay</u>
Less than 1	25%
1 – 4	50%
5 or more	75%

(3) The City Manager shall establish policies and procedures for the administration of Parental Leave.

Section 14

PAID TIME OFF (PTO)

(A) Eligibility. Only full-time employees are eligible for PTO. Seasonal, temporary, emergency, and other part-time employees are not eligible, except as otherwise provided herein.

(B) (1) At Hire. New employees may use up to 20 hours of PTO upon hire and may use the remaining hours, in accordance with the schedule below, after they have been employed by the City for 90 days. Scheduling of PTO during the year of hire will be at the discretion of the supervisor. An incumbent employee who is promoted to the position of department director or City Manager shall receive PTO in accordance with Section 14(E) below, which shall be pro-rated based on the date of their appointment.

<u>Month of Hire</u>	<u>Permanent Full-Time</u>	<u>Department Director</u>	<u>City Manager</u>
January	162	216	252
February	144	192	224
March	126	168	196
April	108	144	168
May	90	120	140
June	72	96	112
July	54	72	84
August	36	48	56

September	20	24	28
October	20	24	28
November	20	24	28
December	20	24	28

(C) First Full Year of Service. On January 1st of the first full calendar year of employment, employees will be deemed to have earned their PTO in accordance with this ordinance, in full, which may be scheduled at any time during such first full year of employment in accordance with department policy.

(D) Subsequent Years of Service. On January 1st of an eligible employee's second full year of service and in each year thereafter, employees shall receive PTO in accordance with the schedule set forth herein, based upon the length of service to be obtained in that year. PTO will be deemed to have been earned in the employee's prior year of service, except as otherwise provided herein. Upon termination or retirement, or in the case of leave without pay, PTO shall be pro-rated on the basis of monthly accrual. When calculating PTO earned in the present year for purposes of terminal leave, the credit earned will be based on the employee's date of hire.

Years of Service	Permanent Full Time	Department Directors	City Manager
1 – 4	180	240	280
5 – 9	200	260	300
10 – 14	220	280	320
15 – 19	240	300	340
20 – 24	260	320	360
25+	280	340	380

For purposes of this schedule, the Chiefs of the Divisions of Fire and Police shall be treated as Department Directors.

(E) Part-time Employees. Part-time employees shall receive PTO based on the number of hours actually worked in the previous year as follows:

Years of Service	Less than 1040 hours	1040 Hours – 1559 Hours
1 – 4	0	40 hours
5 – 9	0	48 hours
10 or more	0	56 hours

Years of service shall not include prior service as a full-time employee of the City. Paragraphs (B), (C), and (D) of this section do not apply to part-time employees. Part-time employees are not entitled to any terminal benefits as the result of this subsection.

If a part-time employee becomes a full-time employee, they will receive PTO pursuant to Section 14(B), less any PTO hours already used during that year as a part-time employee.

(G) Incremental Usage. PTO may be used in increments of two hours.

(H) Accrual and Terminal Payout. Employees may carry over PTO from year-to-year to the maximum accrual permitted, which is 400 hours. Upon termination, employees shall be paid for all accrued PTO.

(I) Non-union employees that are subsequently appointed to a job classification covered by a collective bargaining agreement shall be paid out for their accrued PTO balance at their non-union rate of pay.

(IJ) Policy and Procedures. The City Manager is authorized to develop policies and procedures regarding the accumulation, scheduling and use of PTO consistent with the terms of this Ordinance

Section 15

ALLOWANCES

(A) The City will provide a yearly uniform allowance to the following classifications:

(1) Assistant Public Works	
Superintendent / Safety Officer	Senior Electronics Technician
Building Maintenance Technician	Water Reclamation Lab Analyst
Electronics Maintenance	Water Reclamation Maintenance
Supervisor	Supervisor
Electronics Technician	Water Reclamation Manager
Engineering Construction Inspector	Water Reclamation Mechanic
Facilities Maintenance Supervisor	Water Reclamation Operator
Garage Superintendent	Water Treatment Assistant
Grounds Maintenance Supervisor	Lab Analyst
HVAC/Building Maintenance	Water Treatment Lab Analyst
Technician	Water Treatment Maintenance
Natural Resources Coordinator	Supervisor
Process Control Supervisor	Water Treatment Manager
Public Works Leader	Water Treatment Mechanic
Public Works Superintendent	Water Treatment Operator

Employees will receive up to \$500.00 per year paid in equal installments in January and July.

(2) No allowances will be paid for periods prior to hire, after resignation, retirement, death or dismissal, and during leave of absence without pay and disability leaves of absence.

(B) The City shall reimburse the cost of OSHA approved safety shoes to a maximum of \$200.00 annually when such shoes are required by the City.

(C) If full-time employees in any of the following classifications are required by the City to wear a uniform the City shall provide such uniform and any necessary replacement:

Chief Building Official

Housing Code Specialists

Section 16

MISCELLANEOUS PAY AND BENEFITS PROVISIONS

(A) Those provisions, except otherwise provided herein, contained in the current collective bargaining agreement between the City and the Fraternal Order of Police (FOP) pertaining to:

1. Shift Differential	8. Uniforms
2. Holiday Exchange	9. Payment of Insurance Premiums
3. Sick Leave Accumulation	10. Drug Testing
4. Funeral Leave	11. Injury Leave
5. Transfer of Sick Leave	12. Vacation
6. Holidays	13. Terminal Benefits
7. Longevity	14. Purchase of Duty Weapons

shall apply to the Police Chief and the Deputy Police Chiefs in the Division of Police, Department of Public Safety.

(B) Except as provided otherwise herein, those provisions contained in the current Bargaining Agreement between the City and the International Association of Firefighters (IAFF) pertaining to:

1. Holiday Exchange	10. Terminal Benefits
2. Sick Leave Accumulation	11. Voting Procedure
3. Funeral Leave	12. Legal Representation
4. Holiday	13. YMCA Membership Credit
5. Longevity	14. Benefits to be Paid upon Termination
6. Clothing	15. Hazardous Material
7. Insurance	16. Safeties and Health
8. Injury	17. Paramedic Certification Pay
9. Vacation	

shall apply to the Fire Chief and Assistant Fire Chief in the Division of Fire, Department of Public Safety. Wages for Fire Chief and Assistant Fire Chief shall be equal in percentage to the wages negotiated in the IAFF collective bargaining agreement.

(C) The following provisions contained in the current collective bargaining agreement between the City and the Fraternal Order of Police, Ohio Labor Council (Dispatchers) shall apply to the Civilian Communications Supervisor unless specifically excepted otherwise in this ordinance:

1. Holidays. Article 13
2. Sick Leave. Article 17
3. **Funeral Bereavement** Leave. Article 16
4. Wages. Shift Differential. Article 22, paragraph 2
5. Wages. Clothing and Equipment Maintenance Allowance. Article 22, paragraph 4
6. Drug Testing. Article 25
7. Injury Leave. Article 18
8. Vacation. Article 14
9. Longevity. Article 15

(D) The following provisions contained in the current collective bargaining agreement between the City and the American Federation of State, County and Municipal Employees (A.F.S.C.M.E.) Ohio Council #8, Local 856, AFL-CIO shall apply to all Public Works Leaders and the Grounds Maintenance Supervisor.

1. Article 11. Hours of Work, paragraphs pertaining to overtime, break-over point and compensatory time.
2. Article 31. Training and Seminars.
3. Article 13(E). Holiday Pay.

(E) City employees shall be entitled to reimbursement for travel expenses as permitted in the Policy and Procedure Manual.

(F) Each full-time and part-time employee who is employed year around by the City may receive an annual flu immunization.

(G) Except as otherwise provided in this ordinance employees whose normally scheduled work days are in excess of eight hours shall not be eligible for: (1) Quick Return Pay (Section 8); or (2) Shift Differential (Section 10). A day for purposes of Section 12 (Holidays), Section 13 (Authorized Leave, except Bereavement Leave and Military Leave), and Section 14 (Paid Time Off) shall be eight hours.

(H) The City Manager is authorized to implement programs to recognize the achievement of employees. In addition to expenditures authorized in Section 250.29 of the Middletown Codified Ordinances, the City Manager may grant recognition leave, not to exceed 24 hours, or cash bonuses, not to exceed \$500.00 in accordance with

an employee recognition policy established as part of the City's Policies and Procedures. Cash bonuses shall be deemed to be compensation to the employee.

(I) Employees are responsible for meals, food and beverages for their own consumption, except that City Council authorizes the expenditures of City funds for the following events and situations, which the City Council hereby determines, are for a public purpose:

- (1) an annual City holiday party and appreciation events for its employees;
- (2) events at city facilities which are sponsored by the City;
- (3) dedications and ground-breaking ceremonies for public projects or economic development projects;
- (4) meetings of professional groups and/or agencies sponsored by the City or an official of the City;
- (5) employee meetings scheduled by the City Manager;
- (6) employee training meetings;
- (7) receptions or ceremonies for incoming and outgoing members of City Council;
- (8) receptions for the hiring or retirement of an employee;
- (9) meetings either internal or with outside personnel when employees work through their normal lunch hour, without additional compensation; and
- (10) meals, receptions or events that an employee attends as a representative of the City at the request of the City Manager.

All such expenditures shall be within the constraints of the budget authority, and are subject to the sole discretion of the City Manager. No public funds shall be expended for the purchase of alcoholic beverages. Nothing in this paragraph is intended to limit or otherwise prohibit the reimbursement of travel expenses, including meals, as authorized in Section 16(E) of this Ordinance.

(J) Employees may receive an incentive in accordance with the guidelines of the City Wellness Program as established by the Health Care Committee.

Section 17

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 18

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

Nicole Condrey, Mayor

1st reading: _____

2nd reading: _____

Adopted: _____

Effective: _____

Attest: _____
Clerk of City Council

H:/Law/leg/2020 Leg/O PBO 2021 post 1-1-18 hires

EXHIBIT B

Table of Exempt (E), Supervisory (S), Unclassified (UC) & Classified (C) Positions

Job Classifications	E	S	UC	C
Administrative Assistant			X	
Administrative Services Director	X	X	X	
Airport Facilities Supervisor		X	X	
Airport Manager	X	X	X	
Animal Control Officer				X
Assistant City Engineer	X	X	X	
Assistant Economic Development Director	X	X	X	
Assistant Finance Director	X	X	X	
Assistant Fire Chief	X	X		X
Assistant Information Systems Director	X	X	X	
Assistant Public Works & Utilities Director	X	X	X	
Assistant Public Works Superintendent / Safety Officer	X	X	X	
Budget Analyst			X	
Building Cleaner				X
Building Maintenance Technician				X
Bus Cleaner				X
Chief Building Official	X	X	X	
City Engineer	X	X	X	
City Manager	X	X	X	
City Treasurer	X	X		X
Civilian Communications Supervisor	X	X		X
Clerk of Council	X	X	X	
Communications Manager	X		X	
Community Development Administrator	X	X	X	

Job Classifications	E	S	UC	C
Community Security Officer				X
Computer Programmer/Analyst				X
Computer Technician				X
Contracts Administrator			X	
Customer Relations Specialist				X
Customer Service Lead				X
Deputy Clerk of Council				X
Deputy Police Chief	X	X		X
Economic Development Director	X	X	X	
Economic Development Program Manager	X		X	
Electronics Maintenance Supervisor	X	X		X
Electronics Technician				X
Engineer	X			X
Engineering Construction Inspector				X
Engineering Technician				X
Environmental Monitoring Technician				X
Executive Account Clerk				X
Executive Assistant			X	
Facilities Maintenance Supervisor	X	X		X
Field Inspector				X
Finance Director	X	X	X	
Fire Chief	X	X		X
Garage Superintendent	X	X	X	
General Counsel	X	X	X	
GIS Administrator			X	
Grounds Maintenance Supervisor		X	X	
Historic Property Specialist			X	

Job Classifications	E	S	UC	C
Housing Code Specialist			X	
HUD Program Administrator	X	X	X	
Human Resources Clerk			X	
Human Resources Manager	X	X	X	
Human Resources Specialist			X	
HVAC/Building Maintenance Technician				X
Income Tax Auditor				X
Income Tax Superintendent	X		X	
Industrial Pretreatment Coordinator	X		X	
Information Systems Director	X	X	X	
Intern			X	
Line Service Lead			X	
Line Service Technician			X	
Natural Resources Coordinator	X		X	
Paralegal			X	
Payroll Administrator			X	
Planning Director	X	X	X	
Police Chief	X	X		X
Process Control Supervisor		X		X
Property Officer				X
Public Works Leader		X		X
Public Works Superintendent	X	X	X	
Public Works & Utilities Director	X	X	X	
Purchasing Agent	X		X	
Secretary				X
Senior Account Clerk				X
Senior Electronics Technician				X

Job Classifications	E	S	UC	C
Senior Engineer	X	X	X	
Senior Engineering Technician	X			X
Staff Attorney	X		X	
Systems Administrator				X
Utility Billing Supervisor	X	X		X
Victim Advocate				X
Water Reclamation Lab Analyst				X
Water Reclamation Maintenance Supervisor		X		X
Water Reclamation Manager	X	X	X	
Water Reclamation Mechanic				X
Water Reclamation Operator:				
Class I Certification				X
Class II Certification				X
Class III Certification				X
Uncertified				X
Water Treatment Assistant Lab Analyst				X
Water Treatment Lab Analyst				X
Water Treatment Maintenance Supervisor		X		X
Water Treatment Manager	X	X	X	
Water Treatment Mechanic				X
Water Treatment Operator:				
Class I Certification				X
Class II Certification				X
Class III Certification				X
Uncertified				X
Zoning Administrator				X
Zoning Inspector				X

STAFF REPORT
For the Business Meeting: November 3, 2020

DATE: October 21, 2020

TO: Jim Palenick, City Manager

FROM: Pay & Benefits Ordinance Committee

2021 PAY & BENEFITS ORDINANCES

PURPOSE

The objective of this staff report is to outline the proposed changes in the Pay and Benefits Ordinances which are being presented to City Council this year. The three ordinances are: a general ordinance for City employees hired prior to January 1, 2018, a general ordinance for City employees hired January 1, 2018 and after, and an ordinance for employees of the Health Department.

BACKGROUND AND FINDINGS

As part of the annual review of the ordinance, the committee meets with all department heads and then creates a list of its recommendations for the City Manager's approval. The changes to the ordinances regarding the employees of the City of Middletown are also applicable to Health Department employees. The committee has proposed minimal changes to the ordinances for next year. In each ordinance you will see the changes reflected in bold and strikethrough. The most notable changes to the two general ordinances for non-union employees are as follows:

Section 1

Added Job Classification of Zoning Administrator – Pay Range 183/249

Section 7(B) – Temporary Reclassifications

Clarified language for when step-up pay begins.

Section 14(I) – Payout of PTO – Employees hired 1/1/2018 or later only

Added provision to allow for the payout of accrued PTO in the event the employee transfers to a bargaining unit position that offers vacation and sick leave instead of PTO.

Section 15 (A) – Uniform Allowance

Added Water Treatment Assistant Lab Analyst, Water Treatment Manager and Water Reclamation Manager.

FINANCIAL IMPACT

The wage scales in both ordinances reflect the 1% wage increase as proposed in the annual budget. This is consistent with the annual budget being presented to City Council.

EMERGENCY/NON-EMERGENCY

Non-emergency.

LEGISLATION

ITEM 19

ORDINANCE NO. O2020-71

**AN ORDINANCE ESTABLISHING PAY RANGES AND CERTAIN BENEFITS FOR
EMPLOYEE CLASSIFICATIONS IN THE MIDDLETOWN DEPARTMENT OF
HEALTH AND ENVIRONMENT.**

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

Section 1

(A) Effective January 1, 2021 the salaried classifications within the service of the Middletown Department of Health and Environment are hereby established in pay ranges as follows:

Job Classifications	Salary Ranges for Employees Hired:	
	Prior to 2018	1/1/18 and later
Administrative Assistant	184	246
Director of Environmental Health	178	264
Director of Nursing	179	261
Health Clerk	195	213
Health Commissioner	170	288
Public Health Accreditation Board (PHAB) Coordinator	181	255
Public Health Nurse	182	252
Sanitarian	183	249
Sanitarian-in-Training	184	246
Secretary	187	237
Vital Statistic Deputy Registrar	187	237
Vital Statistics Registrar	186	240

All employees shall be paid in the Range provided above, except as otherwise provided herein, and the salary ranges above shall be equivalent to those set forth in the most current ordinance establishing pay ranges for City of Middletown employees.

(B) The Director of Environmental Health, Health Commissioner and Medical Director positions are exempt employees.

(C) Adjustments for Health Commissioner.

(1) Any Health Commissioner who obtains or possesses a bachelor's degree from an accredited college or university, or receives or possesses certification or licensure deemed by the City Manager to be similar or equivalent to such a degree in a field related to his/her employment, shall be paid in Range 169, or Range 291 if hired January 1, 2018 or later.

(2) Any Health Commissioner who obtains or possesses a masters or doctoral degree from an accredited college or university, or receives or possesses certification or licensure deemed by the City Manager to be similar or equivalent to such a degree in a field related to his/her employment, shall be paid in Range 168, or Range 294 if hired January 1, 2018 or later.

(D) Implementation of Reclassifications for Employees Hired Prior to 2018.

(1) All reclassifications included in Section 1(A) of this Ordinance shall be implemented by providing a step increase to the affected employee on his/her next anniversary date. If an affected employee is scheduled to receive a step increase regardless of the reclassification, no additional increases in base pay will be provided during ~~2020~~ ~~2021~~ except for the scheduled step increase.

(2) However, any affected employee whose scheduled step increase in ~~2020~~~~2021~~ would not result in an amount equivalent to or higher than Step A of the new Range assigned to the position occupied by the affected employee shall be placed in Step A of the new Range effective January 1, ~~2020~~~~2021~~. These employees shall be given a new anniversary date of January 1.

(3) Any part-time employee affected by a reclassification in this Ordinance shall be assigned to a step in the new Range for that position at the step equivalent to at least four percent (4%) higher than their present rate of pay.

(4) The procedures for implementation of the reclassifications set forth in Section 7 of the City's Pay and Benefits Ordinance are not applicable to the reclassifications set forth in Section 1(A) of this Ordinance.

Section 2

The position of Medical Director shall be on call at all times and available to handle any health-related emergency affecting the community. The schedule of the Medical Director shall be determined by the Health Commissioner. The Medical Director shall be paid an annual salary in the amount of \$13,000.00 to be paid monthly in twelve (12) equal increments.

Section 3

Employees of the Middletown Department of Health and Environmental shall receive benefits and be subject to the pay policies as set forth in the most current ordinance establishing the pay policy and benefits for City of Middletown employees.

Section 4

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

Nicole Condrey, Mayor

1st reading: November 3, 2020

2nd reading: _____

Adopted: _____

Effective: _____

Attest: _____
Clerk of the City Council

H:/Law/leg/2020 Leg/O PBO Health 2021

STAFF REPORT
For the Business Meeting: November 3, 2020

DATE: October 21, 2020

TO: Jim Palenick, City Manager

FROM: Pay & Benefits Ordinance Committee

2021 PAY & BENEFITS ORDINANCES

PURPOSE

The objective of this staff report is to outline the proposed changes in the Pay and Benefits Ordinances which are being presented to City Council this year. The three ordinances are: a general ordinance for City employees hired prior to January 1, 2018, a general ordinance for City employees hired January 1, 2018 and after, and an ordinance for employees of the Health Department.

BACKGROUND AND FINDINGS

As part of the annual review of the ordinance, the committee meets with all department heads and then creates a list of its recommendations for the City Manager's approval. The changes to the ordinances regarding the employees of the City of Middletown are also applicable to Health Department employees. The committee has proposed minimal changes to the ordinances for next year. In each ordinance you will see the changes reflected in bold and strikethrough. The most notable changes to the two general ordinances for non-union employees are as follows:

Section 1

Added Job Classification of Zoning Administrator – Pay Range 183/249

Section 7(B) – Temporary Reclassifications

Clarified language for when step-up pay begins.

Section 14(I) – Payout of PTO – Employees hired 1/1/2018 or later only

Added provision to allow for the payout of accrued PTO in the event the employee transfers to a bargaining unit position that offers vacation and sick leave instead of PTO.

Section 15 (A) – Uniform Allowance

Added Water Treatment Assistant Lab Analyst, Water Treatment Manager and Water Reclamation Manager.

FINANCIAL IMPACT

The wage scales in both ordinances reflect the 1% wage increase as proposed in the annual budget. This is consistent with the annual budget being presented to City Council.

EMERGENCY/NON-EMERGENCY

Non-emergency.

LEGISLATION

ITEM 20

RESOLUTION NO. R2020-33

A RESOLUTION TO MAKE 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, 2021. (ANNUAL BUDGET – 2021)

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

Section 1

The sums listed in Exhibit "A", attached hereto, are hereby appropriated from the various funds of the City to accounts of the City for the purposes described therein.

Section 2

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

Section 3

All legislation inconsistent herewith is hereby repealed.

Section 4

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

Nicole Condrey, Mayor

1st reading: _____

2nd reading: _____

Adopted: _____

Effective: _____

Attest: _____

Clerk of the City Council

EXHIBIT "A"

FROM:	Unappropriated	GENERAL FUND (Fund #100)	\$	32,994,804
TO:	Accounts of 101	City Council	\$	153,142
		Personal Services		129,796
		All other expenditures		23,346
	Accounts of 111	City Manager	\$	350,530
		Personal Services		304,692
		All other expenditures		45,838
	Accounts of 131	Finance Administration	\$	293,425
		Personal Services		257,665
		All other expenditures		35,760
	Accounts of 132	Treasury	\$	226,341
		Personal Services		217,216
		All other expenditures		9,125
	Accounts of 136	Information Systems	\$	718,722
		Personal Services		624,122
		All other expenditures		94,600
	Accounts of 137	Purchasing	\$	96,372
		Personal Services		93,872
		All other expenditures		2,500
	Accounts of 142	Human Resources	\$	374,925
		Personal Services		252,425
		All other expenditures		122,500
	Accounts of 150	Law	\$	669,173
		Personal Services		351,873
		All other expenditures		317,300
	Accounts of 162	Planning	\$	400,049
		Personal Services		265,949
		All other expenditures		134,100
	Accounts of 164	Economic Development	\$	737,982
		Personal Services		438,792
		All other expenditures		299,190
	Accounts of 165	Communications	\$	153,772
		Personal Services		90,612
		All other expenditures		63,160
	Accounts of 211	Fire Administration	\$	442,860
		Personal Services		431,628
		All other expenditures		11,232
	Accounts of 212	Fire Operations	\$	8,763,085
		Personal Services		7,691,462
		All other expenditures		1,071,623
	Accounts of 213	Fire Training/Prevention	\$	666,508
		Personal Services		660,716
		All other expenditures		5,792
	Accounts of 221	Police Administration	\$	1,002,941
		Personal Services		894,441
		All other expenditures		108,500

Accounts of 222	Criminal Investigation	\$	1,608,690	
	Personal Services			1,578,690
	All other expenditures			30,000
Accounts of 223	Narcotics	\$	805,039	
	Personal Services			781,039
	All other expenditures			24,000
Accounts of 224	Uniform Patrol	\$	6,653,520	
	Personal Services			5,937,094
	All other expenditures			716,426
Accounts of 225	Police Services	\$	356,628	
	Personal Services			347,928
	All other expenditures			8,700
Accounts of 226	Police & Fire Dispatch	\$	1,446,645	
	Personal Services			1,367,145
	All other expenditures			79,500
Accounts of 229	Jail Management	\$	1,378,675	
	Personal Services			1,032,495
	All other expenditures			346,180
Accounts of 260	Building Inspection	\$	545,829	
	Personal Services			497,729
	All other expenditures			48,100
Accounts of 261	Building Maintenance	\$	443,728	
	Personal Services			226,128
	All other expenditures			217,600
Accounts of 409	Administration	\$	261,649	
	Personal Services			198,989
	All other expenditures			62,660
Accounts of 411	Community Center	\$	120,000	
	All other expenditures			120,000
Accounts of 512	Engineering	\$	442,301	
	Personal Services			316,189
	All other expenditures			126,112
Accounts of 542	Parks Maintenance	\$	848,768	
	Personal Services			547,371
	All other expenditures			301,397
Accounts of 590	Street Lighting	\$	697,221	
	Other expenditures			697,221
Accounts of 911	Non-Departmental	\$	1,681,116	
	Personal Services			34,515
	All other expenditures			1,646,601
Accounts of 915	Transfers Out	\$	655,168	
	Other expenditures			655,168
TOTAL GENERAL FUND (Fund #100)		\$	32,994,804	32,994,804

FROM:	Unappropriated	PUBLIC SAFETY LEVY FUND (Fund #200)	\$	3,385,754
TO:	Accounts of 915	Transfers Out		
		Other expenditures		3,385,754
		TOTAL PUBLIC SAFETY LEVY FUND		3,385,754

FROM:	Unappropriated	AUTO & GAS TAX FUND (Fund #210)	\$	3,883,594
TO:	Accounts of 524	Electronic Maintenance	\$	679,712
		Personal Services		300,565
		All other expenditures		379,147
	Accounts of 541	Street Maintenance	\$	2,946,949
		Personal Services		929,307
		All other expenditures		2,017,642
	Accounts of 543	Grounds Maintenance	\$	256,933
		Personal Services		177,344
		All other expenditures		79,589
		TOTAL AUTO & GAS TAX FUND		3,883,594

FROM:	Unappropriated	CONSERVANCY FUND (Fund #215)	\$	125,449
TO:	Accounts of 990	Conservancy		
		Other expenditures		125,449
		TOTAL CONSERVANCY FUND		125,449

FROM:	Unappropriated	CAPITAL IMPROVEMENT FUND (Fund #220)	\$	4,212,000
TO:	Various Accts	Capital Improvements		
		Other expenditures		4,212,000
		TOTAL CAPITAL IMPROVEMENTS FUND		4,212,000

FROM:	Unappropriated	HEALTH FUND (Fund #228)	\$	780,477
TO:	Accounts of 450	Health Administration		
		Personal Services		652,929
		All other expenditures		127,548
	TOTAL	HEALTH FUND		780,477

FROM:	Unappropriated	EMS FUND (Fund #229)	\$	8,850
TO:	Accounts of 990	EMS		
		Other expenditures		8,850
		TOTAL EMS FUND		8,850

FROM:	Unappropriated	CITY INCOME FUND (Fund #230)	\$	23,746,105
TO:	Accounts of 133	Taxation	\$	705,343
		Personal Services		650,918
		All other expenditures		54,425
	Accounts of 915	Transfers Out	\$	23,040,762
		Other expenditures		23,040,762
		TOTAL CITY INCOME TAX FUND		23,746,105

FROM:	Unappropriated	COURT COMPUTERIZATION FUND (Fund #240)	\$	100,000
TO:	Accounts of 990	Court Computerization		
		Other expenditures		100,000
		TOTAL COURT COMPUTERIZATION FUND		100,000
FROM:	Unappropriated	LAW ENFORCEMENT TRUST FUND (Fund #242)	\$	60,000
TO:	Accounts of 990	Law Enforcement Trust		
		Other expenditures	\$	60,000
		TOTAL LAW ENFORCEMENT TRUST FUND	\$	60,000
FROM:	Unappropriated	MANDATORY DRUG FINE FUND (Fund #243)	\$	168,743
TO:	Accounts of 990	Mandatory Drug Fine		
		Personal Services		18,743
		Other expenditures		150,000
		TOTAL MANDATORY DRUG FINE FUND		168,743
FROM:	Unappropriated	PROBATION SERVICES FUND (Fund #245)	\$	165,977
TO:	Accounts of 990	Probation Services		
		Personal Services		117,477
		All other expenditures		48,500
		TOTAL PROBATION SERVICES FUND		165,977
FROM:	Unappropriated	TERMINATION PAY FUND (Fund #246)	\$	750,000
TO:	Accounts of 990	Termination Pay		
		Personal Services		750,000
		TOTAL TERMINATION PAY FUND		750,000
FROM:	Unappropriated	INDIGENT DRIVER ALCOHOL/TRTMT FUND (Fund #247)	\$	25,250
TO:	Accounts of 990	Indigent Driver Alcohol/Treatment		
		Other expenditures		25,250
		TOTAL INDIGENT DRIVER ALCOHOL/TRTMT FUND		25,250
FROM:	Unappropriated	CIVC DEVELOPMENT FUND (Fund #249)	\$	355,000
TO:	Accounts of 990	Civic Development		
		Other expenditures		355,000
		TOTAL CIVIC DEVELOPMENT FUND		355,000

FROM:	Unappropriated	MUNICIPAL COURT FUND (Fund #250)	\$	1,765,621
TO:	Accounts of 120	Municipal Court		
		Personal Services		1,620,245
		All other expenditures		145,376
		TOTAL MUNICIPAL COURT FUND		1,765,621

FROM:	Unappropriated	POLICE GRANTS FUND (Fund #251)	\$	73,448
TO:	Accounts of 037	STEP Grant	\$	19,999
		Personal Services		19,999
	Accounts of 038	IDEP Grant	\$	22,400
		Personal Services		22,400
	Accounts of 048	JAG Memorial Grant	\$	16,049
		Other expenditures		16,049
	Accounts of 070	OVI Task Force Grant	\$	15,000
		Personal Services		15,000
		TOTAL POLICE GRANTS FUND		73,448

FROM:	Unappropriated	COURT IDIAM FUND (Fund #252)	\$	25,000
TO:	Accounts of 990	IDIAM		
		Other expenditures		25,000
		TOTAL COURT IDIAM FUND		25,000

FROM:	Unappropriated	COURT SPECIAL PROJECTS FUND (Fund #253)	\$	421,392
TO:	Accounts of 990	Court Special Projects		
		Personal Services		61,392
		Other expenditures		360,000
		TOTAL COURT SPECIAL PROJECTS FUND		421,392

FROM:	Unappropriated	HOME PROGRAM FUND (Fund #254)	\$	290,000
TO:	Accounts of 990	Home Program		
		Other expenditures		290,000
		TOTAL HOME PROGRAM FUND		290,000

FROM:	Unappropriated	NUISANCE ABATEMENT FUND (Fund #260)	\$	330,000
TO:	Accounts of 115	Nuisance Enforcement	\$	300,000
		Other expenditures	\$	30,000
		TOTAL NUISANCE ABATEMENT FUND		330,000

FROM:	Unappropriated	SENIOR CITIZENS LEVY FUND (Fund #262)	\$	729,810
TO:	Accounts of 990	Senior Citizen Services		
		Other expenditures		729,810
		TOTAL SENIOR CITIZENS LEVY FUND		729,810

FROM:	Unappropriated	GENERAL OBLIGATION BOND RETIREMENT FUND (Fund #305)	\$	1,438,305
TO:	Accounts of 901	General Obligation Bond		
		Other expenditures		1,438,305
		TOTAL GENERAL OBLIGATION BOND FUND		1,438,305
FROM:	Unappropriated	SPECIAL ASSESSMENT BOND RETIREMENT FUND (Fund #325)	\$	172,997
TO:	Accounts of 901	Special Assessment Bond		
		Other expenditures		172,997
		TOTAL SPECIAL ASSESSMENT BOND FUND		172,997
FROM:	Unappropriated	EAST END-TOWNE BLVD TAX INCREMENT FUND (Fund #340)	\$	361,800
TO:	Accounts of 990	East End/Towne Blvd Tax Increment		
		Other expenditures		361,800
		TOTAL EAST END-TOWNE BLVD TAX INCREMENT FUND		361,800
FROM:	Unappropriated	DOWNTOWN TAX INCREMENT FUND (Fund #345)	\$	10,100
TO:	Accounts of 990	Downtown Tax Increment		
		Other expenditures		10,100
		TOTAL DOWNTOWN TAX INCREMENT FUND		10,100
FROM:	Unappropriated	AERONCA TAX INCREMENT FUND (Fund #350)	\$	36
TO:	Accounts of 990	Aeronca Tax Increment		
		Other expenditures		36
		TOTAL AERONCA TAX INCREMENT FUND		36
FROM:	Unappropriated	AIRPORT/RIVERFRONT TAX INCREMENT FUND (Fund #355)	\$	35
TO:	Accounts of 990	Airport/Riverfront Tax Increment		
		Other expenditures		35
		TOTAL AIRPORT/RIVERFRONT TAX INCREMENT FUND		35
FROM:	Unappropriated	MILLER ROAD NORTH TAX INCREMENT FUND (Fund #360)	\$	300
TO:	Accounts of 990	Miller Road North Tax Increment		
		Other expenditures		300
		TOTAL MILLER ROAD NORTH TAX INCREMENT FUND		300
FROM:	Unappropriated	TOWNE MALL/HOSPITAL TAX INCREMENT FUND (Fund #370)	\$	586,750

TO:	Accounts of 990	Towne Mall/Hospital Tax Increment		
		Other expenditures		586,750
	TOTAL	TOWNE MALL/HOSPITAL TAX INCREMENT FUND		586,750
FROM:	Unappropriated	RENAISSANCE NORTH TAX INCREMENT FUND (Fund #371)	\$	283,850
TO:	Accounts of 990	Renaissance North Tax Increment		
		Other expenditures		213,850
	Accounts of 901	Renaissance North TIF Debt		
		Other expenditures		70,000
	TOTAL	RENAISSANCE NORTH TAX INCREMENT FUND		283,850
FROM:	Unappropriated	RENAISSANCE SOUTH TAX INCREMENT FUND (Fund #372)	\$	299,750
TO:	Accounts of 990	Renaissance South Tax Increment		
		Other expenditures		219,750
	Accounts of 901	Renaissance South TIF Debt		
		Other expenditures		80,000
	TOTAL	RENAISSANCE SOUTH TAX INCREMENT FUND		299,750
FROM:	Unappropriated	GREENTREE INDUSTRIAL PARK TAX INCREMENT DISTRICT FUND (Fund #375)	\$	75,020
TO:	Accounts of 990	Greentree Industrial Park Tax TIF		
		Other expenditures		75,020
	TOTAL	GREENTREE INDUSTRIAL PARK TAX INCREMENT FUND		75,020
FROM:	Unappropriated	MADE INDUSTRIAL PARK TAX INCREMENT FUND (Fund #376)	\$	35
TO:	Accounts of 990	Made Industrial Park Tax Increment		
		Other expenditures		35
	TOTAL	MADE INDUSTRIAL PARK TAX INCREMENT FUND		35
FROM:	Unappropriated	SOUTH YANKEE RD TAX INCREMENT FUND (Fund #377)	\$	35
TO:	Accounts of 990	South Yankee Rd Tax Increment		
		Other expenditures		35
	TOTAL	SOUTH YANKEE RD TAX INCREMENT FUND		35
FROM:	Unappropriated	TOWNE MALL TAX INCREMENT FUND (Fund #378)	\$	100,000
TO:	Accounts of 990	Towne Mall Tax Increment		
		Other expenditures		100,000
	TOTAL	TOWNE MALL TAX INCREMENT FUND		100,000

FROM:	Unappropriated	COMMUNITY DEVELOPMENT ACT FUND (Fund #429)	\$	885,000
TO:	Accts of 931-978	CD Act 1974		
		Other expenditures		885,000
		TOTAL COMMUNITY DEVELOPMENT ACT FUND		885,000
FROM:	Unappropriated	DOWNTOWN IMPROVEMENTS FUND (Fund #481)	\$	273,553
TO:	Accounts of 990	Downtown Improvements		
		Other expenditures		273,553
		TOTAL DOWNTOWN IMPROVEMENTS FUND		273,553
FROM:	Unappropriated	AIRPORT IMPROVEMENT FUND (Fund #492)	\$	504,000
TO:	Accounts of 990	Airport Improvements		
		Other expenditures		504,000
		TOTAL AIRPORT IMPROVEMENT FUND		504,000
FROM:	Unappropriated	WATER CAPITAL RESERVE FUND (Fund #494)	\$	3,010,000
TO:	Various Accts	Water Capital Reserve		
		Other expenditures		3,010,000
		TOTAL WATER CAPTIAL RESERVE FUND		3,010,000
FROM:	Unappropriated	STORM WATER CAPITAL RESERVE FUND (Fund #415)	\$	1,100,000
TO:	Various Accts	Storm Water Capital Reserve		
		Other expenditures		1,100,000
		TOTAL STORM WATER CAPITAL RESERVE FUND		1,100,000
FROM:	Unappropriated	SEWER CAPITAL RESERVE FUND (Fund #495)	\$	8,310,000
TO:	Various Accts	Sewer Capital Reserve		
		Other expenditures		8,310,000
		TOTAL SEWER CAPTIAL RESERVE FUND		8,310,000
FROM:	Unappropriated	COMPUTER REPLACEMENT FUND (Fund #498)	\$	475,000
TO:	Accounts of 990	Computer Replacement		
		Other expenditures		475,000
		TOTAL COMPUTER REPLACEMENT FUND		475,000
FROM:	Unappropriated	PROPERTY DEVELOPMENT FUND (Fund #499)	\$	234,858
TO:	Accounts of 990	Property Development		
		Other expenditures		234,858
		TOTAL PROPERTY DEVELOPMENT FUND		234,858

FROM:	Unappropriated	ECONOMIC DEVELOPMENT BOND SERVICE FUND (Fund #485)	\$	160,168
TO:	Accounts of 990	Economic Development Bond Service		
		Other expenditures		160,168
	TOTAL	ECONOMIC DEVELOPMENT BOND SERVICE FUND		160,168

766	Unappropriated	WATER FUND (Fund #510)	\$	9,468,512
TO:	Accounts of 560	Water Administration	\$	554,262
		Personal Services		351,581
		All other expenditures		202,681
	Accounts of 561	Water Treatment	\$	2,824,300
		Personal Services		1,119,883
		All other expenditures		1,704,417
	Accounts of 562	Water Maintenance	\$	1,790,633
		Personal Services		1,192,852
		All other expenditures		597,781
	Accounts of 901	Debt Service	\$	296,200
		Other expenditures		296,200
	Accounts of 902	Administrative Support	\$	1,286,375
		Other expenditures		1,286,375
	Accounts of 915	Transfers Out	\$	2,716,742
		Other expenditures		2,716,742
	TOTAL WATER FUND			9,468,512

FROM:	Unappropriated	STORM WATER FUND (Fund #515)	\$	2,512,160
TO:	Accounts of 461	Storm Water Maintenance	\$	1,347,246
		Personal Services		820,532
		All other expenditures		526,714
	Accounts of 902	Administrative Support	\$	114,914
		All other expenditures		114,914
	Accounts of 915	Transfers Out	\$	1,050,000
		All other expenditures		1,050,000
	TOTAL STORM WATER FUND			2,512,160

FROM:	Unappropriated	SEWER FUND (Fund #520)	\$	15,374,547
TO:	Accounts of 580	Sewer Administration	\$	544,257
		Personal Services		335,726
		All other expenditures		208,531
	Accounts of 581	Water Reclamation	\$	3,407,301
		Personal Services		1,585,826
		All other expenditures		1,821,475
	Accounts of 582	Sewer Maintenance	\$	1,443,581
		Personal Services		902,513
		All other expenditures		541,068

Accounts of 583	Public Works & Utilities Admin.	\$	787,569
	Personal Services		754,420
	All other expenditures		33,149
Accounts of 901	Debt Service	\$	633,450
	Other expenditures		633,450
Accounts of 902	Administrative Support	\$	1,286,375
	Other expenditures		1,286,375
Accounts of 915	Transfers Out	\$	7,272,014
	Other expenditures		7,272,014
	TOTAL SEWER FUND		15,374,547

FROM:	Unappropriated	AIRPORT FUND (Fund #525)	\$	982,269
TO:	Accounts of 525	Airport	\$	841,569
		All other expenditures		841,569
	Accounts of 901	Debt Service	\$	120,700
		Other expenditures		120,700
	Accounts of 915	Transfers Out	\$	20,000
		Other expenditures		20,000
	TOTAL AIRPORT FUND			982,269

FROM:	Unappropriated	TRANSIT FUND (Fund #530)	\$	6,904,187
TO:	Accounts of 530	Transit		
		Personal Services		236,262
		All other expenditures		6,667,925
	TOTAL TRANSIT FUND			6,904,187

FROM:	Unappropriated	WELLFIELD PROTECTION FUND (Fund #546)	\$	319,607
TO:	Accounts of 990	Wellfield Protection	\$	288,860
		Other expenditures		288,860
	Accounts of 902	Administrative Support	\$	30,747
		Other expenditures		30,747
	TOTAL WELLFIELD PROTECTION FUND			319,607

FROM:	Unappropriated	SOLID WASTE DISPOSAL FUND (Fund #555)	\$	3,655,459
TO:	Accounts of 990	Solid Waste Disposal	\$	3,600,783
		Other expenditures		3,600,783
	Accounts of 905	Litter & Waste Collection	\$	54,676
		Personal Services		28,291
		Other expenditures		26,385
	TOTAL SOLID WASTE DISPOSAL FUND			3,655,459

FROM:	Unappropriated	MUNICIPAL GARAGE FUND (Fund #605)	\$	3,876,305
TO:	Accounts of 550	Municipal Garage		
		Personal Services		603,254
		Other expenditures		3,273,051
		TOTAL MUNICIPAL GARAGE FUND		3,876,305
FROM:	Unappropriated	EMPLOYEE BENEFITS FUND (Fund #661)	\$	6,195,623
TO:	Accounts of 990	Employee Benefits		
		Other expenditures		6,195,623
		TOTAL EMPLOYEE BENEFITS FUND		6,195,623
FROM:	Unappropriated	POLICE RELIEF & PENSION FUND (Fund #725)	\$	1,236,752
TO:	Accounts of 990	Police Pension		
		Other expenditures		1,236,752
		TOTAL POLICE RELIEF AND PENSION FUND		1,236,752
FROM:	Unappropriated	FIRE RELIEF & PENSION FUND (Fund #726)	\$	1,383,205
TO:	Accounts of 990	Fire Pension		
		Other expenditures		1,383,205
		TOTAL FIRE RELIEF & PENSION FUND		1,383,205
FROM:	Unappropriated	COMMUNITY DEVELOPMENT ESCROW FUND (Fund #736)	\$	106,138
TO:	Accounts of 990	Community Development		
		Other expenditures		106,138
		TOTAL COMMUNITY DEVELOPMENT ESCROW FUND		106,138
FROM:	Unappropriated	2021 SIDEWALK, CURB & GUTTER (Fund #892)	\$	1,255,000
TO:	Accounts of 990	Concrete Repairs		
		Other expenditures		1,255,000
		TOTAL 2020 CONCRETE REPAIR FUND		1,255,000
TOTAL		ALL OTHER FUNDS	\$	112,953,826
TOTAL		GENERAL FUND	\$	32,994,804
		GRAND TOTAL	\$	145,948,630
				145,948,630

S T A F F R E P O R T
For the business Meeting of: November 3, 2020

October 21, 2020

TO: Jim Palenick, City Manager

FROM: Jacob Burton, Finance Director

2021 BUDGET

PURPOSE

The purpose of this staff report is to present the proposed 2020 Budget Resolution.

BACKGROUND and FINDINGS

The 2020 resolution authorizes the expenditure of funds to support all City operations for the period of January 1, 2021 through December 31, 2021.

The resolution reflects those expenditures in the draft budget, which has been provided to City Council and presented to City Council at the October 6, 2020 meeting, and at the October 20, 2020 meeting.

ALTERNATIVES

The 2020 budget resolution can be changed or modified prior to the 2nd reading.

FINANCIAL IMPACT

See 2021 draft budget.

EMERGENCY/NON-EMERGENCY

Non-Emergency

LEGISLATION

ITEM 21

ORDINANCE NO. O2020-72

AN ORDINANCE AMENDING THE HIGHLANDS HISTORIC DISTRICT TO INCLUDE THE PROPERTIES LOCATED AT 500, 502 AND 504 THE ALAMEDA.

WHEREAS, City Council adopted Ordinance No. O2009-81 on October 6, 2009 designating the boundaries of the Highlands Historic District; and

WHEREAS, the Historic Commission received an application to expand the Highlands Historic District to include 500, 502 and 504 The Alameda (also known as Parcel Nos. Q6541010000014, Q6541010000013 and Q6541010000012) from the property owners; and

WHEREAS, the Development Code Administrator recommended that the proposed designation is consistent with the Master Plan of the City, has opined as to the effect of the proposed on the surrounding community and has recommended the proposed designation; and

WHEREAS, the Historic Commission conducted a public hearing on September 17, 2020, and has recommended that the three parcels listed above and shown in Exhibit "A", attached hereto, be designated as part of the historic district; and

WHEREAS, on November 3, 2020, City Council held a public hearing on the proposed designation and is satisfied that the property designation meets the criteria set forth in Section 1212.02 of the Codified Ordinances;

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

Section 1

City Council hereby expands the boundary of the Highlands Historic District to include the properties located at 500, 502 and 504 The Alameda in accordance Section 1212.02. The Highlands Historic District shall have the following boundaries which include the new parcels:

Beginning at the intersection of Central Ave. and McKnight Dr., proceeding south on McKnight Dr. to an alley, thence east along the alley to the east property line of 1 McKnight Dr., thence south along the east property line of 1 McKnight Drive to McGee Ave., thence west on McGee Ave. to the intersection of Florence St., thence south on Florence St. to the north property line of 2807 Superior Ave., thence west along the north property line of 2807 Superior Ave. to the west property line of 2807 Superior Ave., thence south along said west property line to Superior Ave., thence east along Superior Ave

to the intersection of Florence St., thence south on Florence Street to Sherman Ave., thence west along Sherman Ave. to west property line of 403 The Alameda, thence southward along The Alameda to 504, 502, 500 The Alameda, then north along the west property lines of 406, 402, 310, 304, and 300 The Alameda to Superior Ave., thence west on Superior Ave to the west property line of 206 Stanley St., thence north along the west property lines of 206, 204, 202, 200, 104 and 102 Stanley St. and continuing north along the west property lines of 8, 6, 4, and 2 Alameda Circle to Central Ave., thence east along Central Ave to the point of beginning.

The City lot numbers of the properties included in the Highlands Historic District are attached hereto and made a part of as Exhibit B.

Section 2

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

Nicole Condrey, Mayor

1st Reading:_____

2nd Reading:_____

Adopted:_____

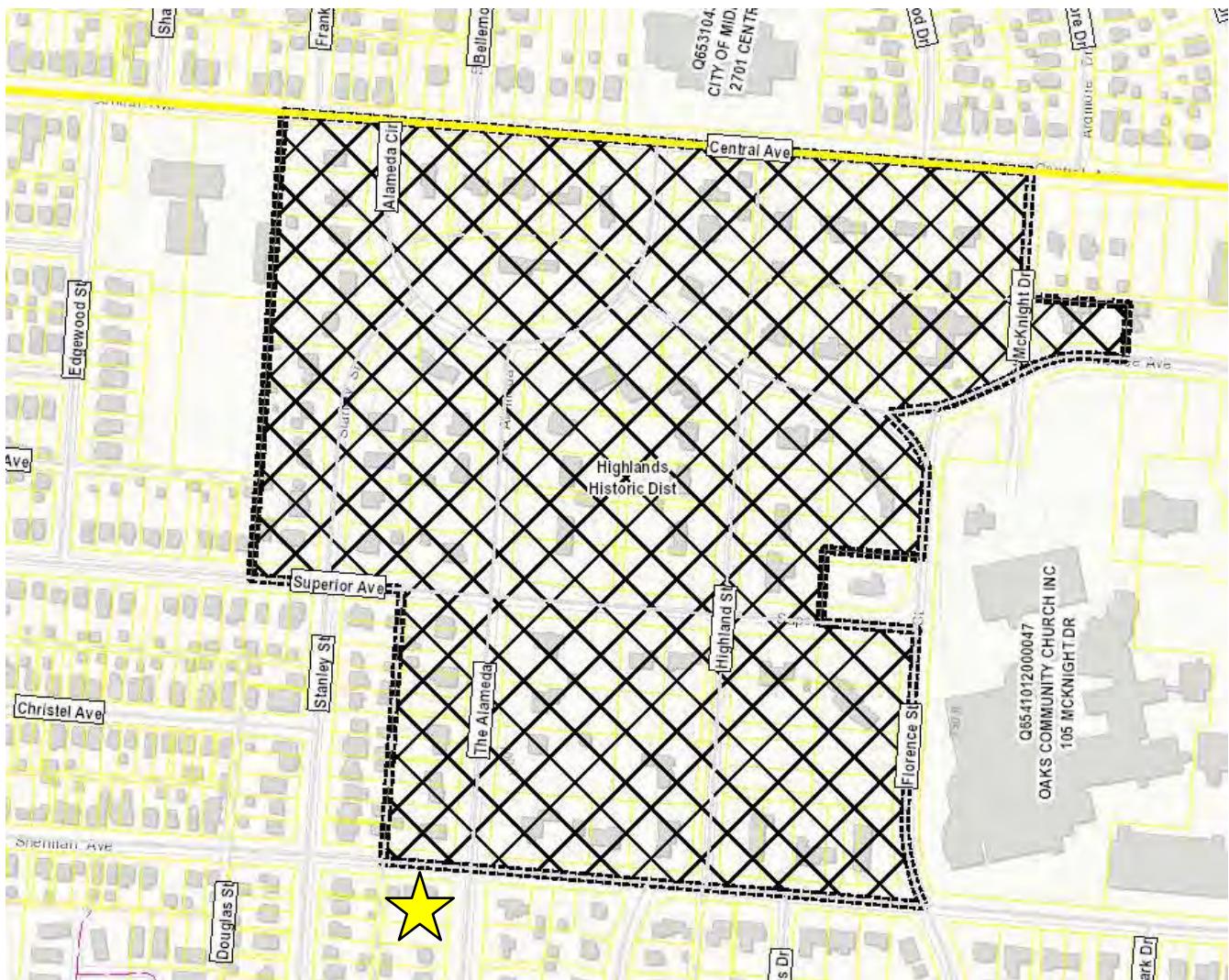
Effective:_____

Attest:_____

Clerk of the City Council

Exhibit A

Map of Highlands Historic District



Property locations proposed for inclusion in Highlands Historic District

500, 502 and 504 The Alameda

Parcel Nos. Q6541010000014, Q6541010000013 and Q6541010000012

Approximately 0.51 acres

Exhibit B

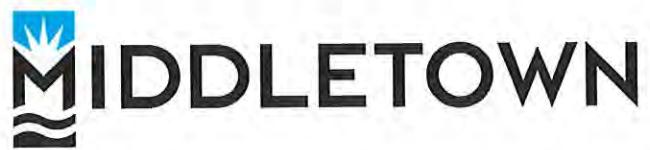
Lot Numbers Included in the Highlands Historic District

Original Lot Numbers:

2798, 2799, 2800, 2801, 2802, 2803, 2804, 2805, 2806, 2807, 2808, 4750, 4751, 4752, 4753, 4754, 4755, 4756, 4757, 4758, 4759, 4760, 4761, 4780, 4781, 4782, 4783, 4784, 4791, 4792, 4793, 4794, 4795, 4796, 4797, 4798, 4799, 4800, 4801, 4802, 4803, 4804, 4805, 4806, 4807, 4808, 4809, 4810, 5557, 5558, 5559, 5560, 5561, 5562, 5563, 5564, 5565, 5566, 5567, 5568, North 75 feet of lot 5570, 5570, 5571, 5572, 7417, 7418, 7419, 7420, 7421, 7422, 7423, 7424, 7435, 7436, 7437, 7438, 7439, 7440, 7441, 7442, 8474, 8475, 8476, 8477, 8478, 8479, 8480, 8481, 8482, 10205, 10206, 10207, 10208, 10209.

Added in this ordinance:

2833, 2832, 2831



October 20, 2020

TO: City Council

ATTN: Amy Schenck, Clerk of Council

FROM: Ashley Combs, Planning Director
Annette Accurso, Historic Property Specialist

SUBJECT: Historic District Expansion – Highlands Historic District
500, 502, and 504 The Alameda, Middletown, Ohio 45044

PROPERTY ADDRESSES:

500, 502, and 504 The Alameda, Middletown, OH 45044

APPLICANT/OWNER:

Phillip Brad and Debbie Childers

PUBLIC HEARING:

The Middletown Historic Commission recommends to the Middletown City Council to expand the Highlands Historic District with the local historic designation of the properties located at 500, 502, and 504 The Alameda, Middletown, OH 45044 (Parcel IDs: Q6541010000014, Q6541010000013, and Q6541010000012). The properties are a total of approximately 0.51 acres.

On August 24, 2020, the property owner, Phillip Brad and Debbie Childers, submitted an application for the historic designation of their properties located at 500, 502, and 504 The Alameda, Middletown, OH 45044.

On September 17, 2020, the Historic Commission voted to recommend to the Middletown City Council the expansion of the Highlands Historic District with inclusion and local historic designation of the properties located at 500, 502, and 504 The Alameda, Middletown, OH 45044. The Historic Commission voted for approval based on planning staff's recommendation and Historic Commission's knowledge of the Highlands Historic District.

Planning & Zoning Department staff recommended approval of the expansion of the Highlands Historic District to include the properties located 500, 502, and 504 The Alameda due to the property owners giving their consent and the historical narrative and evidence that was submitted by the property owners. Planning staff agreed that the supporting documents identify the properties historical significance in context with the existing Highlands Historic District and it was an appropriate addition. Planning staff also recommended approval of the expansion due to the designation meeting the criteria outlined in 1212.02 Designation of a Historic Landmark or Historic District.

Documents Used to Make Recommendation:

- Application/Supporting Documents Submitted by Property Owner
- Highlands Historic Homes Inventory
- Middletown Development Code

Meeting notices were sent to all property owners within the Highlands Historic District and no objections or comments have been received for the proposed expansion.

PROPERTY HISTORY:

Per the property owners, 500 The Alameda is one of the oldest properties on the Alameda in the Highlands Historic District. The land was owned by Mr. Simon Goldman, a dry goods businessman, local entrepreneur, and known as a wealthy man of the time period.

Record indicate that the home's builder, John Happersberger was born around 1854 in Germany. Mr. Happersberger immigrated to the United States in 1871 where he met his wife, Caroline. In 1879 they were married and had their family consisting of two daughters, Emma and Thusnelda.

In 1881, Mr. Happersberger had a jewelry store in Lima, Ohio where he was an expert watchmaker. He also had a jewelry store in Middletown and was known locally as a well-known jeweler.

On April 8, 1893, Mr. Happersberger acquired lots 2832-2933 from Simon Goldman and his son Charles T. Goldman (originally the builder of 301 The Alameda) for the cost of \$1,000. The property consists of three lots where the construction of the home started and shortly after the lots were renumbered. The out building (garage) was constructed in 1900. That same year the property was sold on January 17, 1900 to Wm. Caldwell.

ABOUT THE HOME:

The home was constructed in 1893 and is a total of three stories. The gross floor area of the home is a total of 3,373 SQ. FT. The construction of the home is wood and beam, in which the wood was covered with aluminum siding in the 1970's when the addition was constructed on the rear of the home. The home has a total of ten rooms, four bedrooms, two full baths, a butler's pantry/bar area, and a four season room. The basement has the original stone foundation which has been weatherproofed, a wine cellar, a canning room, the old coal room, and two laundry rooms.

When the home was originally built and surrounded by tobacco fields and a greenhouse. The home had a large porch across the front, three fireplaces on the main house and a small back porch on the rear of the home. The front southeast fireplace was removed during a renovation project as well as the front door and a window.

Please see attached historic home description/historical facts and drawings submitted by property owners.

PER MIDDLETOWN DEVELOPMENT CODE 1212.02 DESIGNATION OF A HISTORIC LANDMARK OR HISTORIC DISTRICT

- A. Proposals to designate or expand historic districts or designate historic landmarks may be initiated by the Historic Commission, a property owner or by motion of Planning Commission or City Council. Proposals initiated by property owners, Planning Commission or Council shall be referred to the Historic Commission for recommendation and initiation of the formal designation process.
- B. Proposals to designate or expand a historic district shall be submitted with a rezoning application as well as the information listed below. Proposals to designate a historic landmark shall include, at a minimum, the following additional information:
 - 1. Evidence of property owner interest in landmark designation or location within the proposed historic district.
 - 2. A boundary description.
 - 3. An inventory of historic resources.
 - 4. A description of the architectural and historical significance of properties within the proposed boundaries, including photo documentation of unique elements and also those that are stereotypical of the architectural style.
 - 5. A map or description of existing zoning.
- a. In considering any area, place, structure, work of art or similar object in the City as a historic site or historic district, the Historic Commission shall apply the following criteria:
 - 1. The structure or site or area's character, value, or significance as part of the development of the City, the State, or the United States;
 - 2. Its location as a site or area of a significant historic event;
 - 3. Its identification with a person who significantly contributed to the development of the City;
 - 4. Its embodiment of distinguishing characteristics of an architectural style or type;
 - 5. Its exemplification of the cultural, economic, social or political heritage of the City;
 - 6. Its relationship to other distinctive areas or structures designated for preservation;
 - 7. Its unique location or singular physical characteristic representing an established and familiar feature of the City; and
 - 8. Its inclusion of prehistoric and/or historic archaeological sites or other important representations of previous cultures.

B. Designation Procedure

The previously named entities, individuals, or Historic Commission shall have the authority to propose designations of any area, place, structure, work of art, or similar object in the City as a historic site or historic district. The following shall be the procedure for the formal designation of such places or areas.

Step 1 – Development Code Administrator Recommendation Required

- A. The Historic Commission shall advise the Development Code Administrator of the proposed designation and secure from the Development Code Administrator a recommendation with respect to the relationship of the proposed designation to the Master Plan of the City and any applicable Historic Preservation Plan.
- B. The Development Code Administrator shall give an opinion as to the effect of the proposed designation upon the surrounding neighborhood and an opinion and recommendation as to any other planning consideration which may be

relevant to the proposed designation, together with a recommendation of approval, rejection, or modification of the proposed designation.

- C. Such recommendation shall be submitted in written form by the Historic Commission, along with its recommendation concerning the proposed designation.
- D. The Historic Commission shall make a decision whether to proceed with the designation review based on the recommendation of the Development Code Administrator.

Step 2 – Notification

- A. If the Historic Commission decides to proceed with designation, the Development Code Administrator shall notify the owner of all properties under consideration for designation. For the purpose of designation or expansion of a group or district, notice shall be published on the City's webpage and shall be mailed or otherwise distributed to each owner of real property located within such group or district. Whenever possible, the Historic Commission shall secure the owner's written consent for submittal of the proposed designation, together with its recommendation of findings of fact.
- B. The Historic Commission shall make a recommendation concerning the designation of the property to the City Council. Once the proposal to establish or expand a preservation district or to designate an individual property or structure as a historic landmark has been reviewed, the Historic Commission shall schedule a public hearing. The public hearing shall not be more than thirty (30) calendar days after such a proposal is submitted. Notice of the public hearing shall be given according to the following:
 - i. The Historic Commission shall give the owner(s) not less than fourteen (14) calendar days' written notice of the date, time and place of such hearing.
 - ii. Notice of the public hearing shall be given to at least one (1) or more newspapers of general circulation in the City. The notice shall be published at least ten (10) calendar days before the date of the hearing.
 - iii. Notices shall include the time and place of the public hearing, a summary of the proposal and a statement that opportunity to be heard will be afforded to any person interested. Failure of delivery of such notice shall not invalidate any such amendment.
 - iv. The original application, all comments and additional considerations presented at the public hearing, and the recommendation of the Historic Commission shall be forwarded to the City Council for its consideration.

Step 3 – Historic Commission Public Hearing

- A. The Historic Commission shall conduct the public hearing as provided and shall provide an opportunity for all interested parties to express their opinions.
- B. The Historic Commission shall determine if any or all of the criteria listed in Section 1212.02 have been met.
- C. The Commission shall then make a recommendation regarding the proposed designation, in writing, within 30 days after the initial hearing date and shall notify the owner or any person having a legal interest in such property, as well as other interested parties who request a copy.
- D. The Historic Commission shall state in its recommendation findings of fact that constitute the basis for its decision and shall transmit such recommendation concerning the proposed designation to the Middletown City Council.

Step 4 – Consideration by City Council

- A. The City Council shall give due consideration to the findings and recommendations of the Historic Commission, input provided by the persons participating in the public hearing before the Historic Commission, in addition to the recommendation of the Development Code Administrator, in making its determination with respect to the proposed designation of any areas, places, structures, works of art or similar objects as historic sites or historic districts.
- B. The City Council may, at its discretion, hold public hearings on any such proposed designation, whether such designation is proposed with the consent of the owner or after public hearings before the Historic Commission. The City Council may then designate by ordinance areas, places, structures, works of art, or similar objects as historic sites or historic districts.

Step 5 – Notification of Designation

Within 14 days, the Historic Commission shall notify the Chief Building Official of the official designation. The Commission shall also send, by certified mail, a certified copy of the designation ordinance to the owner and any person having a legal interest in any properties involved in the designation.

Step 6 – Record of Designation

The Historic Commission shall direct the Law Director to cause a record of such designation to be filed with the applicable county recorder

ATTACHMENTS: Application/supporting documents, home pictures, and maps for proposed modification.

ALTERNATIVES:

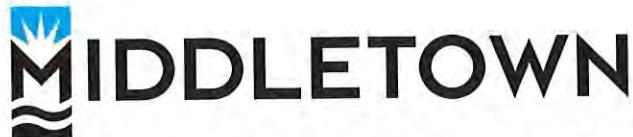
None

FINANCIAL IMPACT:

None

EMERGENCY/NON-EMERGENCY:

Non-Emergency



October 26, 2020

Phillip Brad and Debbie Childers
500, 502, and 504 the Alameda
Middletown, OH 45044

**RE: Historic Commission Recommendation to Middletown City Council
Expansion of the Highlands Historic District
Properties located at 500, 502, and 504 The Alameda, Middletown, OH 45044**

On August 24, 2020, the property owner, Phillip Brad and Debbie Childers, submitted an application for the historic designation of their properties located at 500, 502, and 504 The Alameda, Middletown, OH 45044.

On September 17, 2020, the Historic Commission voted to recommend to the Middletown City Council the expansion of the Highlands Historic District with inclusion and local historic designation of the properties located at 500, 502, and 504 The Alameda, Middletown, OH 45044. The Historic Commission voted for approval based on planning staff's recommendation and Historic Commission's knowledge of the Highlands Historic District.

Planning & Zoning Department staff recommended approval of the expansion of the Highlands Historic District to include the properties located 500, 502, and 504 The Alameda due to the property owners giving their consent and the historical narrative and evidence that was submitted by the property owners. Planning staff agreed that the supporting documents identify the properties historical significance in context with the existing Highlands Historic District and it was an appropriate addition. Planning staff also recommended approval of the expansion due to the designation meeting the criteria outlined in 1212.02 Designation of a Historic Landmark or Historic District.

Documents Used to Make Recommendation:

- Application/Supporting Documents Submitted by Property Owner
- Highlands Historic Homes Inventory
- Middletown Development Code

Meeting notices were sent to all property owners within the Highlands Historic District and no objections or comments have been received for the proposed expansion.

Phillip Brad and Debbie Childers were notified that the Historic Commission recommended approval of the historic designation of their properties and that the next step would be City Council review of the historic designation/expansion proposal at their meeting held on November 3, 2020.

Nancy Romero, Chairwoman
City of Middletown Historic Commission

Annette Accurso, Historic Property Specialist
City of Middletown Historic Commission



MIDDLETOWN

HISTORIC LANDMARK DESIGNATION APPLICATION

Historic Landmark requests require legal notice to be provided 14 days prior to meeting date. Landmark status approval is required by the City of Middletown Historic Commission & City Council

To check if your property is located in a historic district, historically designated, or for more information regarding the City's historic districts/landmarks, please visit our City website at: <https://www.cityofmiddletown.org/194/Planning-Zoning>

LANDMARK DESIGNATIONS ARE REVIEWED ACCORDING TO
CHAPTER 1212 OF THE MIDDLETOWN DEVELOPMENT CODE

APPLICATION DATE: 8/24/20

PROPERTY ADDRESS: 500
THE ALAMEDA

APPLICANT ADDRESS: " "

OWNER ADDRESS: " "

DEBBIE A. CHILDERS

OWNER NAME(S): Phillip Brad Childers

APPLICANT NAME(S): Phillip & Debbie

APPLICANT PHONE NUMBER:

513-464-0286 / 513-464-6366

OWNER'S PHONE NUMBER:

" "

PROPERTY DESCRIPTION: (See Historic Commission Review Criteria Below)

Great Home- Begun Being Built April 8, 1893

Please attach the following:

- Property Photos
- Description of Historic Significance

Please be advised if the designation is approved by the Historic Commission and City Council, a copy of legal description & property deed will be required by the County for recording purposes.

I acknowledge that the information provided is true/correct to the best of my knowledge.

Debbie Childers 8/24/20
Applicant Signature(s) Date
Phillip Childers 8/24/20
Property Owner Signature(s) Date

HISTORIC COMMISSION REVIEW CRITERIA:

In considering any area, place, structure, work of art or similar object in the City as a historic site or historic district, the Historic Commission shall apply the following criteria:

1. The structure or site or area's character, value, or significance as part of the development of the City, the State, or the United States;
2. Its location as a site or area of a significant historic event;
3. Its identification with a person who significantly contributed to the development of the City;
4. Its embodiment of distinguishing characteristics of an architectural style or type;
5. Its exemplification of the cultural, economic, social or political heritage of the City;
6. Its relationship to other distinctive areas or structures designated for preservation;
7. Its unique location or singular physical characteristic representing an established and familiar feature of the City; and
8. Its inclusion of prehistoric and/or historic archaeological sites or other important representations of previous cultures.

1212.02 DESIGNATION OF A HISTORIC LANDMARK OR HISTORIC DISTRICT

A. Proposals to designate or expand historic districts or designate historic landmarks may be initiated by the Historic Commission, a property owner or by motion of Planning Commission or City Council. Proposals initiated by property owners, Planning Commission or Council shall be referred to the Historic Commission for recommendation and initiation of the formal designation process.

B. Proposals to designate a historic landmark shall include, at a minimum, the following additional information:

1. Evidence of property owner interest in landmark designation or location within the proposed historic district.
2. A boundary description.
3. An inventory of historic resources.
4. A description of the architectural and historical significance of property/properties within the proposed boundaries, including photo documentation of unique elements and also those that are stereotypical of the architectural style.
5. A location map/with existing zoning designation.

In considering any area, place, structure, work of art or similar object in the City as a historic site or historic district, the Historic Commission shall apply the following criteria:

1. The structure or site or area's character, value, or significance as part of the development of the City, the State, or the United States;
2. Its location as a site or area of a significant historic event;
3. Its identification with a person who significantly contributed to the development of the City;
4. Its embodiment of distinguishing characteristics of an architectural style or type;
5. Its exemplification of the cultural, economic, social or political heritage of the City;
6. Its relationship to other distinctive areas or structures designated for preservation;
7. Its unique location or singular physical characteristic representing an established and familiar feature of the City; and
8. Its inclusion of prehistoric and/or historic archaeological sites or other important representations of previous cultures.

Designation Procedure

The previously named entities, individuals, or Historic Commission shall have the authority to propose designations of any area, place, structure, work of art, or similar object in the City as a historic site or historic district. The following shall be the procedure for the formal designation of such places or areas.

D. The Historic Commission shall state in its recommendation findings of fact that constitute the basis for its decision and shall transmit such recommendation concerning the proposed designation to the Middletown City Council.

Step 4 – Consideration by City Council

A. The City Council shall give due consideration to the findings and recommendations of the Historic Commission, input provided by the persons participating in the public hearing before the Historic Commission, in addition to the recommendation of the Development Code Administrator, in making its determination with respect to the proposed designation of any areas, places, structures, works of art or similar objects as historic sites or historic districts.

B. The City Council may, at its discretion, hold public hearings on any such proposed designation, whether such designation is proposed with the consent of the owner or after public hearings before the Historic Commission. The City Council may then designate by ordinance areas, places, structures, works of art, or similar objects as historic sites or historic districts.

Step 5 – Notification of Designation

Within 14 days, the Historic Commission shall notify the Chief Building Official of the official designation. The Commission shall also send, by certified mail, a certified copy of the designation ordinance to the owner and any person having a legal interest in any properties involved in the designation.

Step 6 – Record of Designation

The Historic Commission shall direct the Law Director to cause a record of such designation to be filed with the applicable county recorder.

.....

DEPARTMENTAL USE ONLY:

CASE NUMBER: _____

Application Received By: _____
(Planning & Zoning Department)

Historic Commission Meeting Date: _____

Staff Recommendation: _____

Comments: _____

The Historic Commission Vote to:

APPROVE DENY

The Historic Landmark Designation Request

City Council Hearing Date: _____

**500 The Alameda
John Happersberger House
Circa 1893**

500 The Alameda is one of the oldest properties on The Alameda and in the neighborhood. The land was owned by Mr. Simon Goldman, a dry goods businessman, local entrepreneur and wealthy gentlemen of the time period. Records indicate the builder, John Happersberger was born about 1854 in Germany. He immigrated to the United States in 1871 where he met his Wife Caroline. They were married in 1879 and had four children, Carl, John and two daughters, Emma and Thusnelda. In 1881, Mr. Happersberger had a jewelry and watch store in Lima, Ohio where he was an expert watchmaker. He also had a jewelry store here in town and was a well known jeweller. On April 8, 1893, John Happersberger assumed lots 2832-2833 from Simon Goldman and his son Charles T. Goldman (Original Builder of 301 The Alameda) for the cost of \$1,000. The property consists of three lots where building started shortly after and eventually the lots were re-numbered. The out building (garage) was built in 1900, the same year the property was sold on January 17, 1900 to a Wm. Caldwell.

Historical Facts:

- According to documents, John Happersberger was required to erect a two-story dwelling house that must have a minimum five rooms and a cellar.
- The house must be worth at least \$2,000.
- The house had to be at least 35' from The Alameda and 15' from Lexington Ave.
- The house had to be completed within two years of purchase date.
- Sherman Ave was originally named Lexington Ave.
- February 4, 1894, John Happersberger was labeled "A Wealthy Citizen" in the Cincinnati Enquirer.
- Charles R. Hook owned the residence from September 30, 1909 until 1920. This was during the time that the Hook Mansion was being built.
- Charles T. Goldman and Minnie S. Goldman owned the residence after Mr. Hook. Mr. Goldman sold the property to W.A. Smith Jr. on July 26, 1929.

Home Facts:

The home has three stories which includes a finished third story loft that has eight windows, its own heating and cooling system and a whole house attic fan. The gross living area is 3,373 sq.ft. The construction is wood and beam, in which the wood was covered with aluminum siding in the early 1970's when the addition was put on the back of the house. The home has a total of 10 rooms, 4 bedrooms, 2 full baths, a Butler's Pantry/Bar area and four season enclosed porch. The basement has the original stone foundation which has been waterproofed, a wine cellar, a canning room (now a Bourbon cellar), the old coal room, along with one of two laundry locations in the home.

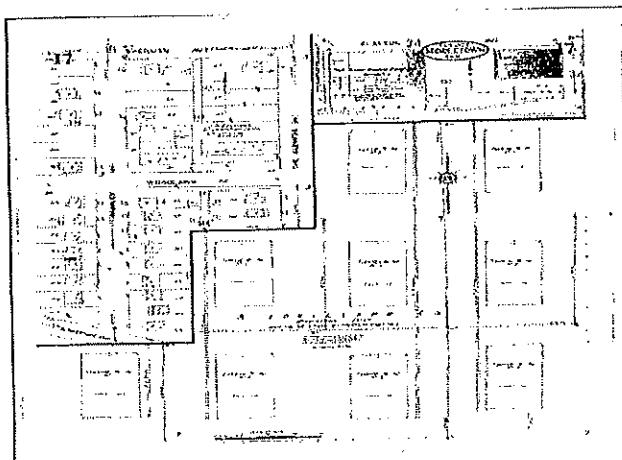
When the home was originally built and surrounded by tobacco fields and a greenhouse, the home had a large front porch across the front, 3 fireplaces on the main house and a small back porch on the rear of the home. The front southeast fireplace was removed during a renovation project as

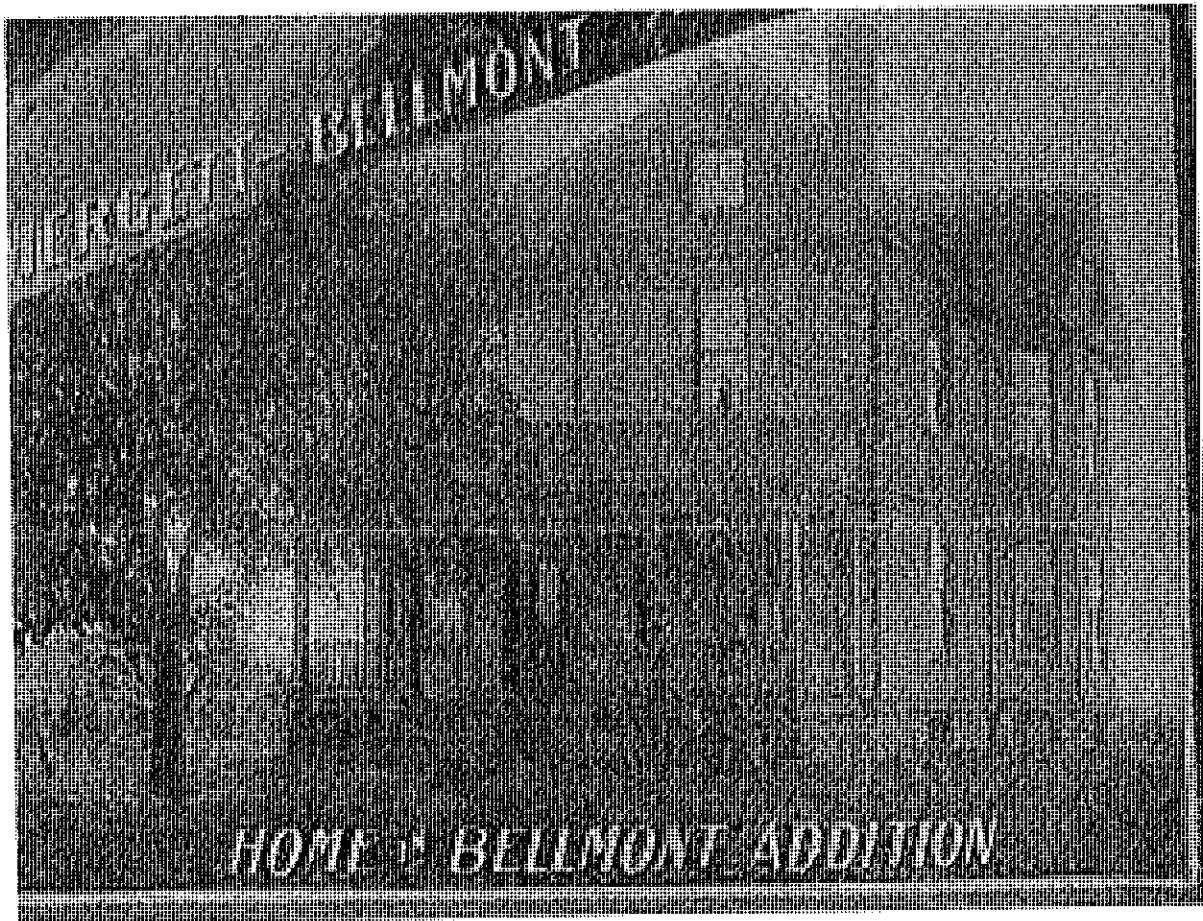
well as the front main door and a window. The cellar door was on the back of the home at the southwest corner noted in the pictures.

For more information about 500 The Alameda, contact bchilders@franklincityschools.com

Thank You for visiting The Highlands Historical District and Neighborhood!

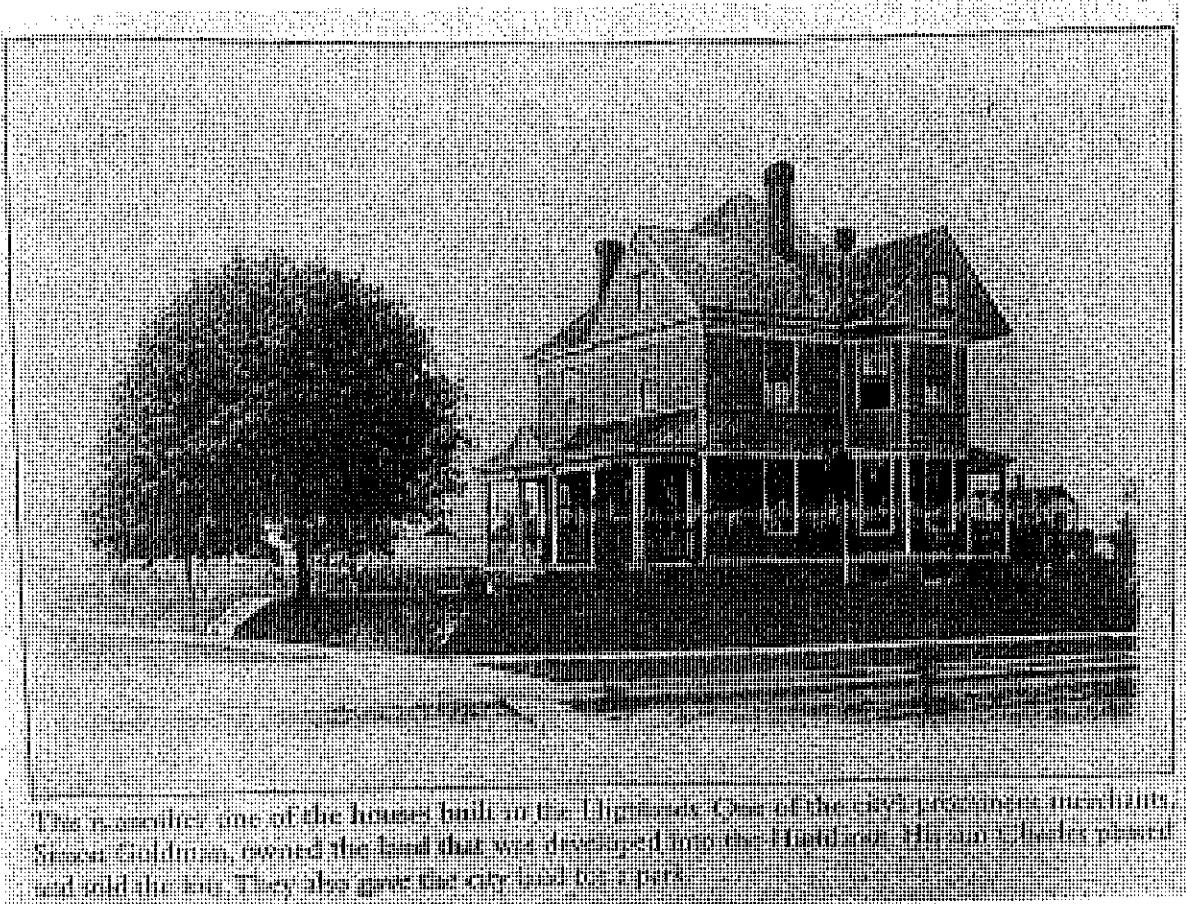
Brad and Debbie Childers



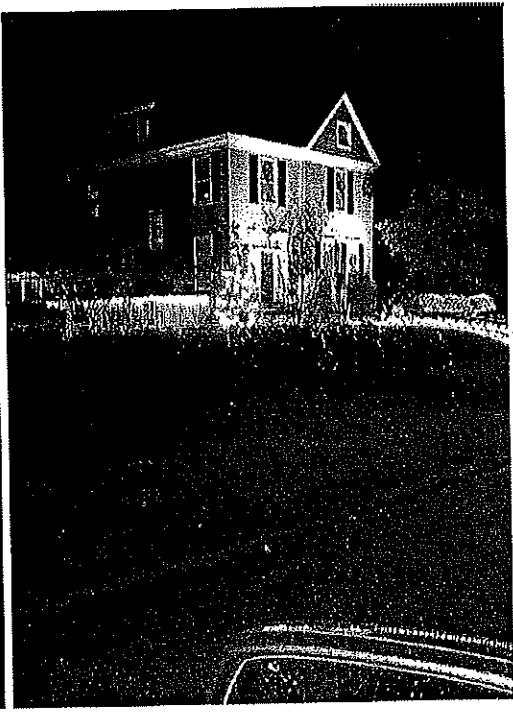
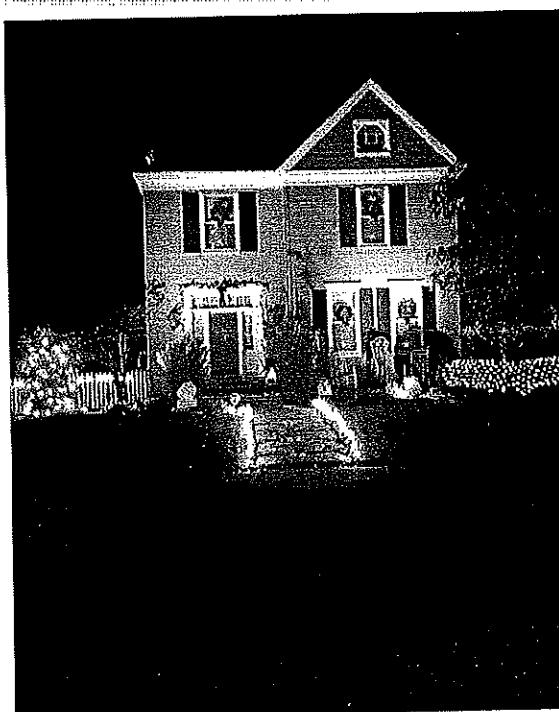




500 The Alameda
John Happersberger House
Circa 1893



The residence home of the Loomis family in Lapeer, Michigan. The residence was built in 1888. The Loomis family owned the land that was developed into the Lapeer City Park. The house is a two-story residence with a gabled roof and a prominent front porch. The house is surrounded by trees and a lawn. A person is standing near the entrance.







STAFF REPORT
HISTORIC COMMISSION MEETING – SEPTEMBER 17, 2020
EXPANSION OF SOUTH MAIN HISTORIC DISTRICT

APPLICANT/OWNER:
Phillip Brad and Debbie Childers

PROPERTY ADDRESS(ES):
500, 502, and 504 the Alameda
Middletown, OH 45044

REQUEST:

The property owners, Phillip Brad and Debbie Childers, request that their property be historically designated by the Middletown Historic Commission and added to the Highlands Historic District.

PUBLIC HEARING:

The Middletown Historic Commission proposes to recommend to the Middletown City Council the local historic landmark designation of the property located at 500 The Alameda, Middletown, OH 45044 to be added to the City's Highlands Historic District. The Historic Commission's recommendation will be forwarded to the City Council for final review and decision.

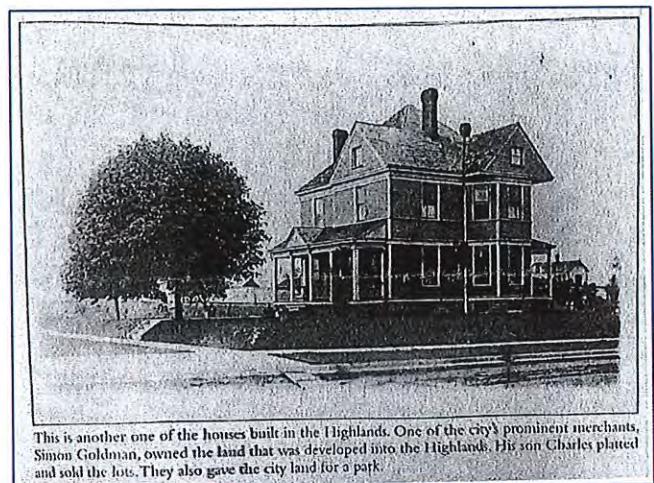
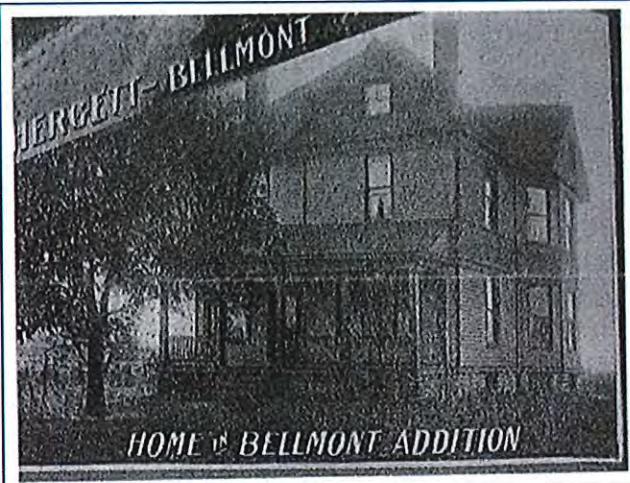
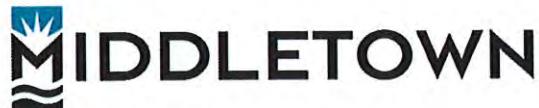
PROPERTY HISTORY:

The property was originally known as the John Happersberger House, and is one of the oldest properties on The Alameda, and in the neighborhood. The land was owned by Simon Goldman, and records indicate the builder, John Happersberger was born about 1854 in Germany. Upon his immigration to the United States, he married and had four children. Mr. Happersberger was a well-known jeweler and owned a (jewelry) store in Middletown. On April 8, 1893, John assumed lots 2832-2833 from Simon and son Charles Goldman for \$1000. The property consisted of three lots where building began shortly after (additional narrative/information submitted by owner attached).



Photos of home located at 500 The Alameda



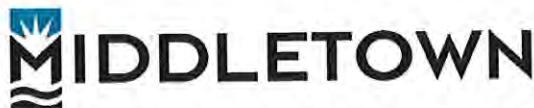


Original home designs submitted by the owner (above).
Interior of the home submitted by the owner (below).



**PER MIDDLETOWN DEVELOPMENT CODE 1212.02 DESIGNATION OF A
HISTORIC LANDMARK OR HISTORIC DISTRICT**

A. Proposals to designate or expand historic districts or designate historic landmarks may be initiated by the Historic Commission, a property owner or by motion of Planning Commission or City Council. Proposals initiated by property owners, Planning Commission or Council shall be referred to the Historic Commission for recommendation and initiation of the formal designation process.



B. Proposals to designate or expand a historic district shall be submitted with a rezoning application as well as the information listed below. Proposals to designate a historic landmark shall include, at a minimum, the following additional information:

1. Evidence of property owner interest in landmark designation or location within the proposed historic district.
2. A boundary description.
3. An inventory of historic resources.
4. A description of the architectural and historical significance of properties within the proposed boundaries, including photo documentation of unique elements and also those that are stereotypical of the architectural style.
5. A map or description of existing zoning.

Please see the attached narrative submitted by the property owner.

- a. In considering any area, place, structure, work of art or similar object in the City as a historic site or historic district, the Historic Commission shall apply the following criteria:
 1. The structure or site or area's character, value, or significance as part of the development of the City, the State, or the United States;
 2. Its location as a site or area of a significant historic event;
 3. Its identification with a person who significantly contributed to the development of the City;
 4. Its embodiment of distinguishing characteristics of an architectural style or type;
 5. Its exemplification of the cultural, economic, social or political heritage of the City;
 6. Its relationship to other distinctive areas or structures designated for preservation;
 7. Its unique location or singular physical characteristic representing an established and familiar feature of the City; and
 8. Its inclusion of prehistoric and/or historic archaeological sites or other important representations of previous cultures.

B. Designation Procedure

The previously named entities, individuals, or Historic Commission shall have the authority to propose designations of any area, place, structure, work of art, or similar object in the City as a historic site or historic district. The following shall be the procedure for the formal designation of such places or areas.

(1) Step 1 – Development Code Administrator Recommendation Required

- A. The Historic Commission shall advise the Development Code Administrator of the proposed designation and secure from the Development Code Administrator a recommendation with respect to the relationship of the proposed designation to the Master Plan of the City and any applicable Historic Preservation Plan.
- B. The Development Code Administrator shall give an opinion as to the effect of the proposed designation upon the surrounding neighborhood and an opinion and recommendation as to any other planning consideration which may be relevant to the proposed designation, together with a recommendation of approval, rejection, or modification of the proposed designation.
- C. Such recommendation shall be submitted in written form by the Historic Commission, along with its recommendation concerning the proposed designation.
- D. The Historic Commission shall make a decision whether to proceed with the designation review based on the recommendation of the Development Code Administrator.



(2) Step 2 – Notification

- A. If the Historic Commission decides to proceed with designation, the Development Code Administrator shall notify the owner of all properties under consideration for designation. For the purpose of designation or expansion of a group or district, notice shall be published on the City's webpage and shall be mailed or otherwise distributed to each owner of real property located within such group or district. Whenever possible, the Historic Commission shall secure the owner's written consent for submittal of the proposed designation, together with its recommendation of findings of fact.
- B. The Historic Commission shall make a recommendation concerning the designation of the property to the City Council. Once the proposal to establish or expand a preservation district or to designate an individual property or structure as a historic landmark has been reviewed, the Historic Commission shall schedule a public hearing. The public hearing shall not be more than thirty (30) calendar days after such a proposal is submitted. Notice of the public hearing shall be given according to the following:
 - i. The Historic Commission shall give the owner(s) not less than fourteen (14) calendar days' written notice of the date, time and place of such hearing.
 - ii. Notice of the public hearing shall be given to at least one (1) or more newspapers of general circulation in the City. The notice shall be published at least ten (10) calendar days before the date of the hearing.
 - iii. Notices shall include the time and place of the public hearing, a summary of the proposal and a statement that opportunity to be heard will be afforded to any person interested. Failure of delivery of such notice shall not invalidate any such amendment.
 - iv. The original application, all comments and additional considerations presented at the public hearing, and the recommendation of the Historic Commission shall be forwarded to the City Council for its consideration.

(3) Step 3 – Historic Commission Public Hearing

- A. The Historic Commission shall conduct the public hearing as provided and shall provide an opportunity for all interested parties to express their opinions.
- B. The Historic Commission shall determine if any or all of the criteria listed in Section 1212.02 have been met.
- C. The Commission shall then make a recommendation regarding the proposed designation, in writing, within 30 days after the initial hearing date and shall notify the owner or any person having a legal interest in such property, as well as other interested parties who request a copy.
- D. The Historic Commission shall state in its recommendation findings of fact that constitute the basis for its decision and shall transmit such recommendation concerning the proposed designation to the Middletown City Council.

(4) Step 4 – Consideration by City Council

- A. The City Council shall give due consideration to the findings and recommendations of the Historic Commission, input provided by the persons participating in the public hearing before the Historic Commission, in addition to the recommendation of the Development Code Administrator, in making its determination with respect to the proposed designation of any areas, places, structures, works of art or similar objects as historic sites or historic districts.



- B. The City Council may, at its discretion, hold public hearings on any such proposed designation, whether such designation is proposed with the consent of the owner or after public hearings before the Historic Commission. The City Council may then designate by ordinance areas, places, structures, works of art, or similar objects as historic sites or historic districts.

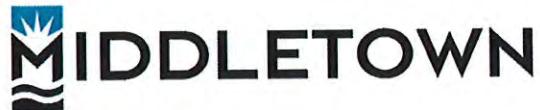
(5) Step 5 – Notification of Designation

Within 14 days, the Historic Commission shall notify the Chief Building Official of the official designation. The Commission shall also send, by certified mail, a certified copy of the designation ordinance to the owner and any person having a legal interest in any properties involved in the designation.

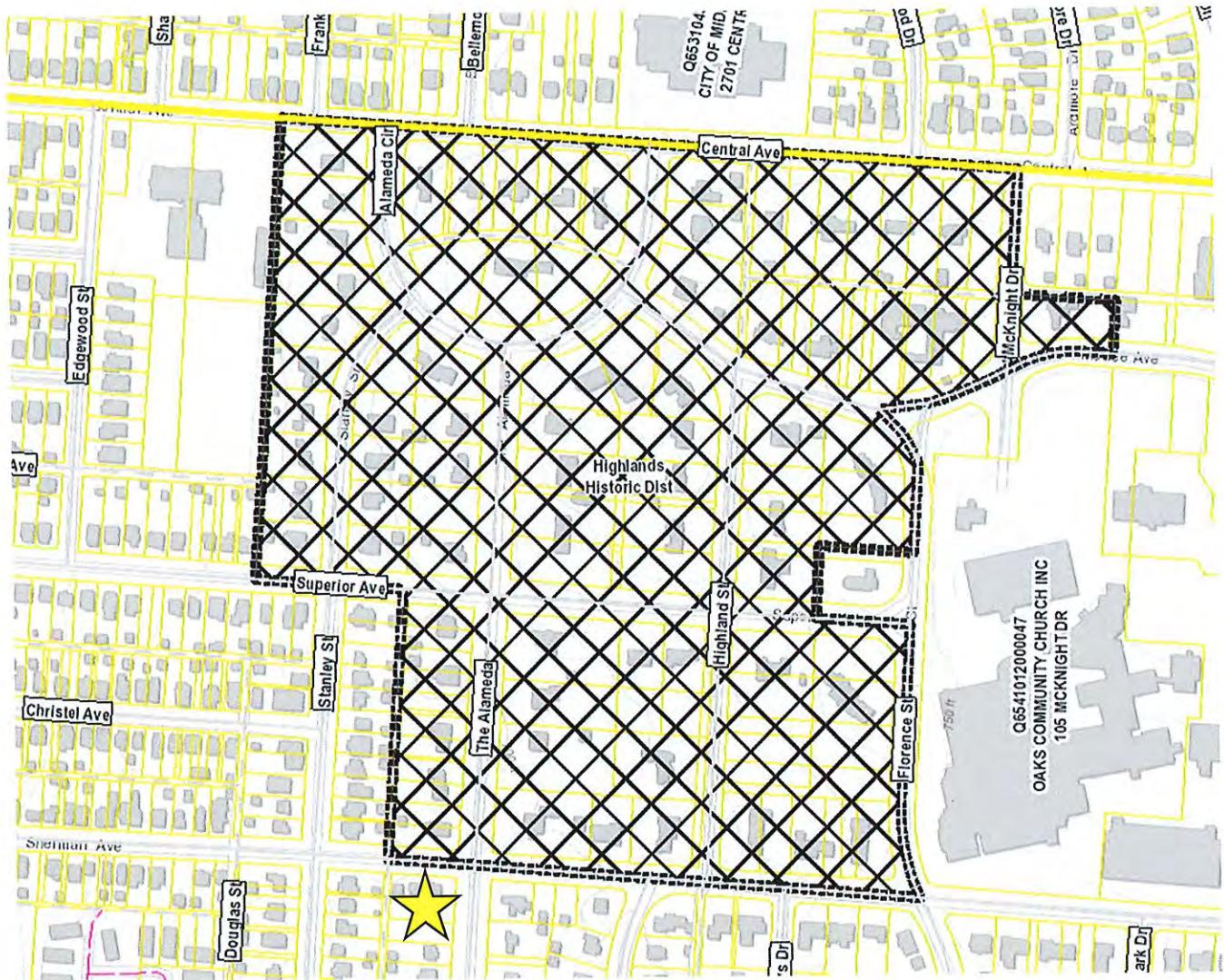
(6) Step 6 – Record of Designation

The Historic Commission shall direct the Law Director to cause a record of such designation to be filed with the applicable county recorder

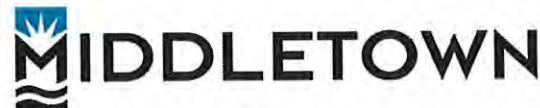
ATTACHMENTS: Please see the attached application, pictures and map for proposed expansion.



MAP OF HIGHLANDS HISTORIC DISTRICT:



Property locations proposed for inclusion in Highlands Historic District



Highlands Historic District

Area Description and Boundary Justification

Beginning at the intersection of Central Ave. and McKnight Dr., proceeding south on McKnight Dr. to an alley, thence east along the alley to the east property line of 1 McKnight Dr., thence south along the east property line of 1 McKnight Drive to McGee Ave., thence west on McGee Ave. to the intersection of Florence St., thence south on Florence St. to the north property line of 2807 Superior Ave., thence west along the north property line of 2807 Superior Ave. to the west property line of 2807 Superior Ave., thence south along said west property line to Superior Ave., thence east along Superior Ave to the intersection of Florence St., thence south on Florence Street to Sherman Ave., thence west along Sherman Ave. to west property line of 406 the Alameda, thence north along the west property lines of 406, 402, 310, 304, and 300 The Alameda to Superior Ave., thence west on Superior Ave to the west property line of 206 Stanley St., thence north along the west property lines of 206, 204, 202, 200, 104 and 102 Stanley St. and continuing north along the west property lines of 8, 6, 4, and 2 Alameda Circle to Central Ave., thence east along Central Ave to the point of beginning.

The neighborhood in the Highlands District primarily consists of single family, detached residences. These residential buildings and lots were larger than what is common in the surrounding neighborhoods and generally contains outstanding architectural styles and craftsmanship. The district also contains an architecturally and historically significant church. Construction dates of the homes in the District begin in 1894 and spans to 2002. An inventory of houses by decade is as follows:

Decade	# of Homes Constructed
1890s	2
1900s	3
1910s	13
1920s	17
1930s	4
1940s	5
1950s	14
1960s	0
1970s	6
1980s	1
1990s	0
2000s	1
total	66

The average age of homes in the district is 73 years old. The number of homes less than 50 years of age (which would not be eligible for a National Register Nomination as a



“contributing structure”) at the time of the formation of the district is 8 or 12 percent of the buildings.

Central Ave. bordering the District on the north is a major east-west connector and forms a logical boundary. The homes north of Central Avenue are of similar age to the Highlands District but are a mixture of smaller single family and multi-family on smaller lots. The west boundary of the District generally coincides with the west boundary of the original plat. The site to the west also contains a former elementary school which was remodeled to office space that is not in keeping with the character of the Highlands. The 300 and 400 block of Stanley was not included in the district due to smaller lots and homes, while of some historic value, are not consistent with the architecture of the Highlands. The areas on the southern ends of Stanley St., The Alameda, and Highland St. may be considered as a future expansion of the historic district. The area east of the district is the former site of the Middletown Hospital. The remaining buildings are more modern in character. The area south and east of the District was largely developed in the late 1950s and early 1960s and does not have the age or architectural significance to qualify for historic preservation.

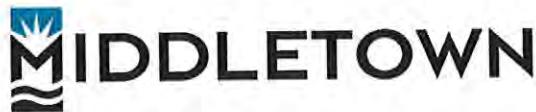
One property at 2807 Superior is excluded from the District even though it contributes to the district due to historical and architectural value at the request of the owners. The remaining non-contributing buildings noted above are centrally located in the District and cannot be geographically excluded from the district.

Area History and Development

The portion of the District west of Highland St. was included in an annexation to the City of Middletown on May 13, 1892 that nearly doubled the geographic area of Middletown. The 1892 annexation expanded Middletown to the north, east and south. The portion of the District east of Highland St. was part of a much smaller annexation on April 23, 1915 and included mainly the site for the proposed Middletown Hospital which was constructed between 1915 and 1917. The hospital campus was greatly enlarged over the years, however the original 1917 portion of the building was demolished about 30 years ago.

The name “Highlands” first appeared on the subdivision plat that created the original lots and streets. At the time of the development of the neighborhood it was the highest elevation in Middletown, presumably giving the neighborhood its name. The Highlands neighborhood was also at the far eastern edge of Middletown at the time of its initial development. The plat was signed on April 8, 1910 by the Middletown Realty Company by V.C. Hatfield, President, L.T. Palmer, Secretary, and W.J. Beck, J. A. Aupperle, Charles R. Hook, Minnie S. Goldman, and Charles T. Goldman.

At the time the plat was signed, three houses were located on the property, two of which are included in the District. The house at 301 The Alameda was constructed in 1894 by Charles and Minnie Goldman in a Victorian, Queen Anne style. The Goldman's owned much of the land included in the district and operated a small farm and florist hothouse business. Of the original signors of the plat, the Palmers, Becks, Hooks, and Goldmans were all residents of the Highlands District.



The house directly across the street from the Goldman House at 300 The Alameda was also constructed in 1894 in the Queen Anne style. An early survey that pre-dated the plat named "The Alameda" as "The Alamedo", "Highland Street" as "Washington Street", and "Sherman Ave." as "Lexington Ave." The "Superior Ave." name stayed the same and the plat called for "East Woodlawn Ave." which was constructed partially as Easton Ave. south of the District. The 1910 plat did not name "Alameda Circle" and created Stanley Avenue, The Alameda, Lexington Avenue, Superior Avenue, and Highland Avenue. The plat also dedicated a portion of Third Street which was later re-named to Central Avenue in the early 1920s. With the renaming of Central, all north-south oriented streets were re-named to "Streets" instead of "Avenues" and vice versa for east west oriented streets. The 1910 Highlands Plat also created six lots on the north side of Central Avenue east of Bellemonte St.

On January 19, 1922 The Middletown Realty Co. further expanded the Highlands plat to the east. The company officers were C.E. Eldridge, President and L.T. Palmer, Secretary. The Plat created "El Monte Road", now McGee Ave., McGee Ave. which is now Florence Street, Ivanhoe Avenue which was subsequently vacated, and Park Drive which is now McKnight Drive. The plat also created a small City park which is now bounded by Florence, McGee, and McKnight. A re-plat of the original Highlands plat in 1936 created the alley behind 16 Alameda Circle.

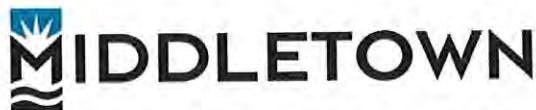
The word "Alameda" in Spanish means a grove of poplar trees or poplar trees lining a street. "El Monte" (now McGee) is Spanish for a thick grove of trees. McKnight Drive was named for E.H. McKnight who was head of the Industrial Commission at the turn of the century and probably the most responsible person in Middletown at the time for bringing the Armco to the City.

Original Occupants and Significance

The architecture of the monumental homes of the Highlands District represents the wealth prosperity that the City was enjoying in the early 20th century due to the many successful manufacturing businesses located in Middletown. The original occupants of the historic homes of the District were mostly involved in steel or paper manufacturing in a managerial or executive capacity. The neighborhood also contained owners of many successful Middletown service and retail businesses. In many cases the original occupants were relocating from neighborhoods on the western portion of Middletown.

Of the original home constructors in the neighborhood for which professions are known, 24 were employed by Armco in some managerial capacity. An additional 5 were in paper manufacturing, 4 were attorneys, and 6 were in real estate and/or construction. Many of the residents were highly involved in community affairs and civic charities. They were involved with education, healthcare and government and were key leaders that helped to form the community assets that Middletown enjoys today.

Architectural Styles and Significance



The Highlands District contains a rich variety of architectural styles that were commonly built in the United States during the time in which the neighborhood developed. Most of the older homes were custom designed by skilled architects and were constructed using the best materials and craftsmanship available at the time. The Highlands developed at a fairly slow pace over a long span of time which accounts for the variety of styles.

Only two structures (300 and 301 The Alameda) were constructed prior to 1900 in the Queen Anne Victorian style. Unfortunately both homes have been significantly modified over the years and have lost key Queen Anne architectural features. Original decorative trim has been removed and original siding covered at 300 The Alameda. Fire damage to 301 the Alameda prompted a remodeling to a colonial revival style that while not original, is considered to be historically correct for the time period of the remodeling.

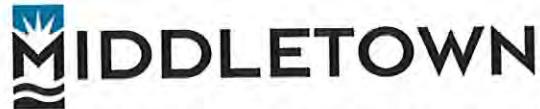
The most common architectural style in the District is a form of Craftsman architecture which is typified by wide overhang on low pitched roofs. These homes were constructed mostly between 1900 and 1920. The examples of Craftsman have several variations that include the "Bungalow", "Four Square", and "Mission". One of the most prominent homes in the District at 7 Alameda Circle is an interesting blend of Craftsman and French Country Revival architecture.

The general styles of homes constructed in the 1920s and 1930s represented imitations of "Revivals" of older American and European styles. These include "Georgian Revival", "Colonial Revival", "Tudor Revival", "French Country Revival", "Dutch Colonial Revival" and "Classical Revival" (aka "Neoclassical") The home at 401 The Alameda is an unusual blend of Craftsman and Classic Revival styles. The district has several excellent examples of Tudor homes which typically have a combination of half-timbered designs on stucco or brick with steeply pitched slate roofs.

After the World War II years, much of the construction in the Highlands could be characterized as "infill development". Most homes were of styles found in newer, massed produced subdivisions with some notable exceptions. The homes at 2704 Central, 2800 Superior, and 303 The Alameda, while constructed in the 1950s, reflect the high quality and architectural individuality of many of the Revival style homes of the 1920s.

Five infill homes were constructed in the mid-1970s on what was previously the rear yard of the home at 7 Alameda Circle. While they are obviously not a part of the historic character of the neighborhood, they are two story and mostly brick sided which helps them to blend with the surrounding homes. The newest home in the highlands was constructed in 2002 on a lot that was previously part of the rear yard of the home at 2700 Superior. During the 1950s and 1960s several single-floor ranch style homes were constructed in a style typical of newer development of that time.

The Episcopal Church of the Ascension located at the corner of McKnight and McGee is the largest and only non-residential structure in the District and serves as a major architectural anchor for the District. The Church was constructed in 1928 in the English Tudor style and was later expanded in 1956 and 1965 in keeping with the original architecture. The



building contains many of the architectural elements of an English county church including a combination of half-timbered stone and stucco siding, steeply pitched slate roof, a semi-enclosed courtyard, and a prominent stone bell tower.

*Full Highlands Homes Inventory on file in Planning & Zoning Department.

500 The Alameda- Expansion of Highlands Historic District



LEGISLATION

ITEM 22

ORDINANCE NO. O2020-73

AN ORDINANCE AMENDING THE SOUTH MAIN STREET HISTORIC DISTRICT TO INCLUDE THE PROPERTY LOCATED AT 812 SOUTH MAIN STREET.

WHEREAS, the City Commission designated certain areas of the City as the South Main Historic District on June 19, 1979 in Ordinance No. 079-99, which is duly recorded at Volume 1417 Page 145 of the records of the Butler County Recorder; and

WHEREAS, the City Commission designated additional areas of the City to be included in the South Main Historic District on March 3, 1981 in Ordinance No. 081-35, which is duly recorded at Volume 1417 Page 150 of the records of the Butler County Recorder; and

WHEREAS, the Historic Commission received an application to expand the South Main Street Historic District to include 812 South Main Street (also known as Parcel No. Q6521012000065) from the property owners; and

WHEREAS, the Development Code Administrator recommended that the proposed designation is consistent with the Master Plan of the City, has opined as to the effect of the proposed on the surrounding community and has recommended the proposed designation; and

WHEREAS, the Historic Commission conducted a public hearing on September 17, 2020, and has recommended that the parcel listed above and shown in Exhibit "A", attached hereto, be designated as part of the historic district; and

WHEREAS, on November 3, 2020, City Council held a public hearing on the proposed designation and is satisfied that the property designation meets the criteria set forth in Section 1212.02 of the Codified Ordinances;

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

Section 1

City Council hereby expands the boundary of the South Main Street Historic District to include the property located at 812 South Main Street in accordance Section 1212.02. The South Main Street Historic District shall have the following boundaries which includes the new parcel:

Beginning at a point at the northeast corner of the intersection of South Main Street and Yankee Road; thence southward along the eastern right-of-way of Yankee Road to a point at the intersection of the extended southern lot line of Lot #1076; thence westward along the extended lot line of Lot #1076 to a point along the eastern lot line of lot #1090; thence southward along the eastern (rear) lot lines of Lots # 1090, 1089, 1088; thence westward along the southern lot line of Lot

#1088 to the intersection of the rear (eastern) property lines of #317 (Pt. Lot 1086) and #321 (Pt. Lot 1085) South Main Street; thence southward along said property line extended to the southern right-of-way of Fourth Avenue to the eastern right-of-way of South Main Street to the northern right-of-way line of Fifth Avenue; thence eastward along the northern right-of-way of an alley east of and parallel to South Main Street; thence southward along the western right-of-way, crossing Sixth Avenue, thence eastward along the north property line of Lot #820 to the northeast corner of Lot #820; thence southward along the eastern property line of Lot #820 and continuing approximately 22 feet along the rear of Part Lot #821; thence westward approximately 35 feet along the south property line of Part Lot #821; thence southward approximately 125 feet along a line parallel to South Main Street; thence westward approximately 65 feet along a line parallel to Eighth Avenue to the intersection of the eastern property line of Lot # 1061; thence southward along the eastern property line of Lot # 1061 to the northern right-of-way of Eighth Avenue; thence westward along the northern right-of-way of Eighth Avenue extended to the western right-of-way South Main Street; thence southward along the western right-of-way of South Main street to the southeast corner of Lot # 1473: thence westward along the southern property line of Lot #1473 to the southwest corner of Lot #1473; thence northward along the western property lines of Lots #1473, #1472, #6168, #6169, #6170 and #6171, #6172, #6173; crossing Seventh Avenue to the western property lines of Lots #904, #903, #902; crossing Sixth Avenue and heading westward along the property lines of Lots #889, heading northwest along the property line of Lot #887; heading north along the rear property line of Lot #887; heading back eastward along the property line of Lot #887, heading north along the rear of the property line of Lot #886 and #885; heading northwest along part of Lot #885; continuing to the rear of property line of Lot #880; heading northeast along the rear property line of Lot #877; heading southeast along part of the property line of Lot #877 to the rear of Lot #876; heading north along the rear property line of Lot #876; crossing Fourth Avenue to the rear property line of Lot #858; heading northwest along the property line of Lot #859; continuing along the rear property line of Lot #859; headed northwest along the property line of Lot #860; heading northward along the rear property lines of Lot #861, #1116, #8391, #8392; heading westward along the property line of Lot #8392; heading northeast along the rear property line of Lot #8393, #8394, #8395, #255; heading east along the Second Avenue right-of-way along Lot #1104; crossing Second Avenue along the west property line of Lot #59; continuing to head north along the rear property line of Lot #59, #58, #57, #56, #57, #55; crossing First Avenue and continuing along an alley along the rear property line of Lot #40, #39, #38, #37; heading southeast along the property line of Lot #37; crossing South Main Street; continuing along the South Main Street right-of-way; heading eastward

along Lot #19; heading south along the rear property line of Lot #19, #20; heading south and crossing First Avenue; continuing along the rear property line of Lot #60, #61; heading southeast along the property line of Lot #82 until the front property line along South Broad Street; heading southward along the front property line of Lot #83; heading west along the property line of #83; heading southwest along Wall Alley along the rear property line of Lot #62, #63, #64; crossing Second Avenue along the rear property line of Lot #65; and heading northwest along the property line of Lot #65 to the intersection of South Main Street and Yankee Road.

The boundary description above combines the description from the original South Main Historic District created by Ordinance No. 01979-99 and the expansion created by Ordinance No. 01981-35.

The City lot numbers of the properties included in the South Main Street Historic District are attached hereto and made a part hereof as Exhibit B.

Section 2

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

Nicole Condrey, Mayor

1st Reading:_____

2nd Reading:_____

Adopted:_____

Effective:_____

Attest:_____

Clerk of the City Council

Exhibit A

Map of South Main Street Historic District



★ Property location proposed for inclusion in South Main Street Historic District
812 South Main Street, Parcel No. Q6521012000065
Approximately 0.21 acres

Exhibit B

Lot Numbers Included in the South Main Street Historic District

35	817	1076
36	818	1085 (West portion)
37 (South 51.5 feet of lot)	819	1086 (West portion)
38	820	1087
39	821	1088
40	856	1089
55	857	1090
56	858	1091
57	860	1092
58	861	1093
59	876	1104
60 (except a 30' by 50' parcel at Northeast corner)	877 (except a 20' by 163' portion of the Northwest corner of lot)	1106
61	879	1107
62	880	1108
63	885	1109
64	886	1110
65 (Northwest 33' and 30' through center of lot)	887	1116
82 (South 43' of lot)	888	1472
83 (North ½ of lot)	889 (East 88')	1473
807	902	6168
808	903	6169
809	904	6170
810	1058 (North portion of lot)	6171
811	1059 (North portion of lot)	6172
812	1060 (North portion of lot)	6173
813	1061	8391 (East portion of lot)
814	1062	8392 (East portion of lot)
815	1073	8393
816	1074	8394
	1075	8395



October 20, 2020

TO: City Council

ATTN: Amy Schenck, Clerk of Council

FROM: Ashley Combs, Planning Director
Annette Accurso, Historic Property Specialist

SUBJECT: Historic District Expansion – South Main Street Historic District
812 South Main Street, Middletown, OH 45044

PROPERTY ADDRESS:

812 South Main Street, Middletown, OH 45044

APPLICANT/OWNER:

Jacquelyn Phillips

PUBLIC HEARING:

The Middletown Historic Commission recommends to the Middletown City Council to expand the South Main Street Historic District with the local historic designation of the property located at 812 South Main Street, Middletown, OH 45044 (Parcel ID: Q6521012000065). The property is a total of approximately 0.21 acres. The Historic Commission recommended approval of the local historic designation of 812 South Main Street to expand the South Main Street District to the Middletown City Council at their regular meeting held October 15, 2020.

On September 29, 2020, the property owner, Jacquelyn Phillips, submitted an application for the historic designation of her property located at 812 South Main Street, Middletown, OH 45044. Ms. Phillips has an existing home located at 808 South Main Street that is currently designated and included in the South Main Historic District. If approved, the property at 812 South Main Street would be consolidated with 808 South Main Street for an approved home addition.

On October 15, 2020, the Historic Commission voted to recommend to the Middletown City Council the expansion of the South Main Historic District with inclusion and local historic designation of the property located at 812 South Main Street, Middletown, OH 45044. The Historic Commission voted for approval based on planning staff's recommendation and the Historic Commission's knowledge of the South Main Historic District.

The City of Middletown's Planning & Zoning Department staff recommended approval of the expansion of the South Main Historic District to include 812 South Main Street. Planning staff recommended approval because the property owner gave consent and

confirmed that she would be consolidating the property with her existing property located at 812 South Main Street. The property located at 812 South Main Street is already historically designated and included in the South Main Historic District. Planning staff also recommended approval of the expansion as it will add to the preservation of the existing home's style and character and that the designation followed the criteria outlined in 1212.02 Designation of a Historic Landmark or Historic District.

Documents Used to Make Recommendation:

- Application/Supporting Documents Submitted by Property Owner
- South Main Street Historic Homes Inventory
- Middletown Historic Preservation Plan
- Middletown Development Code

Meeting notices were sent to all property owners within the South Main Street Historic District and no objections or comments have been received for the proposed expansion.

The property owner has given their consent and request their property be locally designated to be included in the South Main Street Historic District.

PROPERTY HISTORY:

The property owns to parcels of land that are adjoining. The property that is owned at 808 South Main Street is already historically designated and a part of the South Main Street Historic District. The property owner is having an addition built onto the existing home located at 808 South Main Street. The home addition will be built and cross on to the adjoining lot, parcel Q6521012000065, also known as 812 South Main Street. The applicant is currently working with a surveyor for a lot consolidation.

The home located at 808 South Main Street is an 1875 Victorian style, two-story, wood frame, typical farmhouse. The roof is cross gabled, the structure is small and narrow, and generally plain. It exhibits fine detailing, however, in the decorative brackets, trim and fish-scale shakes at the eaves of the front gable, above the second floor. There is a band of fish-scale shakes above the first-floor level, both of contrasting colors from that of the main exterior walls. The porch is "L" shaped, and complements the upper gable; it has beautifully painted columns and spindles which gives it a distinctive appearance from the street. The porch gable is also decorated with a sunburst, fronted by a contrasting decorative piece. The house is unique within the South Main Historic District in size, scale and design. It is the southernmost house in the district on the west side of South Main Street.

At their meeting held on October 15, 2020, the Historic Commission approved the home addition due to it complementing the existing home's historic architecture.

Please see attached home description/renderings submitted by the property owner.

PER MIDDLETOWN DEVELOPMENT CODE 1212.02 DESIGNATION OF A HISTORIC LANDMARK OR HISTORIC DISTRICT

- A. Proposals to designate or expand historic districts or designate historic landmarks may be initiated by the Historic Commission, a property owner or by motion of Planning Commission or City Council. Proposals initiated by property owners, Planning Commission or Council shall be referred to the Historic Commission for recommendation and initiation of the formal designation process.
- B. Proposals to designate or expand a historic district shall be submitted with a rezoning application as well as the information listed below. Proposals to designate a historic landmark shall include, at a minimum, the following additional information:
 1. Evidence of property owner interest in landmark designation or location within the proposed historic district.
 2. A boundary description.
 3. An inventory of historic resources.
 4. A description of the architectural and historical significance of properties within the proposed boundaries, including photo documentation of unique elements and also those that are stereotypical of the architectural style.
 5. A map or description of existing zoning.
 - a. In considering any area, place, structure, work of art or similar object in the City as a historic site or historic district, the Historic Commission shall apply the following criteria:
 1. The structure or site or area's character, value, or significance as part of the development of the City, the State, or the United States;
 2. Its location as a site or area of a significant historic event;
 3. Its identification with a person who significantly contributed to the development of the City;
 4. Its embodiment of distinguishing characteristics of an architectural style or type;
 5. Its exemplification of the cultural, economic, social or political heritage of the City;
 6. Its relationship to other distinctive areas or structures designated for preservation;
 7. Its unique location or singular physical characteristic representing an established and familiar feature of the City; and
 8. Its inclusion of prehistoric and/or historic archaeological sites or other important representations of previous cultures.

B. Designation Procedure

The previously named entities, individuals, or Historic Commission shall have the authority to propose designations of any area, place, structure, work of art,

or similar object in the City as a historic site or historic district. The following shall be the procedure for the formal designation of such places or areas.

Step 1 – Development Code Administrator Recommendation Required

- A. The Historic Commission shall advise the Development Code Administrator of the proposed designation and secure from the Development Code Administrator a recommendation with respect to the relationship of the proposed designation to the Master Plan of the City and any applicable Historic Preservation Plan.
- B. The Development Code Administrator shall give an opinion as to the effect of the proposed designation upon the surrounding neighborhood and an opinion and recommendation as to any other planning consideration which may be relevant to the proposed designation, together with a recommendation of approval, rejection, or modification of the proposed designation.
- C. Such recommendation shall be submitted in written form by the Historic Commission, along with its recommendation concerning the proposed designation.
- D. The Historic Commission shall make a decision whether to proceed with the designation review based on the recommendation of the Development Code Administrator.

Step 2 – Notification

- A. If the Historic Commission decides to proceed with designation, the Development Code Administrator shall notify the owner of all properties under consideration for designation. For the purpose of designation or expansion of a group or district, notice shall be published on the City's webpage and shall be mailed or otherwise distributed to each owner of real property located within such group or district. Whenever possible, the Historic Commission shall secure the owner's written consent for submittal of the proposed designation, together with its recommendation of findings of fact.
- B. The Historic Commission shall make a recommendation concerning the designation of the property to the City Council. Once the proposal to establish or expand a preservation district or to designate an individual property or structure as a historic landmark has been reviewed, the Historic Commission shall schedule a public hearing. The public hearing shall not be more than thirty (30) calendar days after such a proposal is submitted. Notice of the public hearing shall be given according to the following:
 - i. The Historic Commission shall give the owner(s) not less than fourteen (14) calendar days' written notice of the date, time and place of such hearing.
 - ii. Notice of the public hearing shall be given to at least one (1) or more newspapers of general circulation in the City. The notice shall be published at least ten (10) calendar days before the date of the hearing.

- iii. Notices shall include the time and place of the public hearing, a summary of the proposal and a statement that opportunity to be heard will be afforded to any person interested. Failure of delivery of such notice shall not invalidate any such amendment.
- iv. The original application, all comments and additional considerations presented at the public hearing, and the recommendation of the Historic Commission shall be forwarded to the City Council for its consideration.

Step 3 – Historic Commission Public Hearing

- A. The Historic Commission shall conduct the public hearing as provided and shall provide an opportunity for all interested parties to express their opinions.
- B. The Historic Commission shall determine if any or all of the criteria listed in Section 1212.02 have been met.
- C. The Commission shall then make a recommendation regarding the proposed designation, in writing, within 30 days after the initial hearing date and shall notify the owner or any person having a legal interest in such property, as well as other interested parties who request a copy.
- D. The Historic Commission shall state in its recommendation findings of fact that constitute the basis for its decision and shall transmit such recommendation concerning the proposed designation to the Middletown City Council.

Step 4 – Consideration by City Council

- A. The City Council shall give due consideration to the findings and recommendations of the Historic Commission, input provided by the persons participating in the public hearing before the Historic Commission, in addition to the recommendation of the Development Code Administrator, in making its determination with respect to the proposed designation of any areas, places, structures, works of art or similar objects as historic sites or historic districts.
- B. The City Council may, at its discretion, hold public hearings on any such proposed designation, whether such designation is proposed with the consent of the owner or after public hearings before the Historic Commission. The City Council may then designate by ordinance areas, places, structures, works of art, or similar objects as historic sites or historic districts.

Step 5 – Notification of Designation

Within 14 days, the Historic Commission shall notify the Chief Building Official of the official designation. The Commission shall also send, by certified mail, a certified copy of the designation ordinance to the owner and any person having a legal interest in any properties involved in the designation.

Step 6 – Record of Designation

The Historic Commission shall direct the Law Director to cause a record of such designation to be filed with the applicable county recorder

ATTACHMENTS: Application/supporting documents, home pictures, and maps for proposed modification.

ALTERNATIVES:

None

FINANCIAL IMPACT:

None

EMERGENCY/NON-EMERGENCY:

Non-Emergency



MIDDLETOWN

October 26, 2020

Jacquelyn Phillips
812 South Main Street
Middletown, OH 45044

**RE: Historic Commission Recommendation to Middletown City Council
Expansion of the South Main Historic District
Property located at 812 South Main Street, Middletown, OH 45044**

On September 29, 2020, the property owner, Jacquelyn Phillips, submitted an application for the historic designation of her property located at 812 South Main Street, Middletown, OH 45044. Ms. Phillips has an existing home located at 808 South Main Street that is currently designated and included in the South Main Historic District. If approved, the property at 812 South Main Street would be consolidated with 808 South Main Street for an approved home addition.

On October 15, 2020, the Historic Commission voted to recommend to the Middletown City Council the expansion of the South Main Historic District with inclusion and local historic designation of the property located at 812 South Main Street, Middletown, OH 45044. The Historic Commission voted for approval based on planning staff's recommendation and the Historic Commission's knowledge of the South Main Historic District.

The City of Middletown's Planning & Zoning Department staff recommended approval of the expansion of the South Main Historic District to include 812 South Main Street. Planning staff recommended approval because the property owner gave consent and confirmed that she would be consolidating the property with her existing property located at 812 South Main Street. The property located at 812 South Main Street is already historically designated and included in the South Main Historic District. Planning staff also recommended approval of the expansion as it will add to the preservation of the existing home's style and character and that the designation followed the criteria outlined in 1212.02 Designation of a Historic Landmark or Historic District.

Documents Used to Make Recommendation:

- Application/Supporting Documents Submitted by Property Owner
- South Main Street Historic Homes Inventory
- Middletown Historic Preservation Plan
- Middletown Development Code

Meeting notices were sent to all property owners within the South Main Street Historic District and no objections or comments have been received for the proposed expansion.

Ms. Phillips was notified that the Historic Commission recommended approval of the historic designation of her property and that the next step would be City Council review of the historic designation/expansion proposal at their meeting held on November 3, 2020.

Nancy Romero, Chairwoman
City of Middletown Historic Commission

Annette Accurso, Historic Property Specialist
City of Middletown Historic Commission



MIDDLETOWN

CERTIFICATE OF APPROPRIATENESS

Historic Commission meetings are the 3rd Thursday of the month (if an application is received)
Applications are due at least 2 weeks prior to scheduled meeting date.

PROPERTY ADDRESS: 812 S. Main St. OWNERS NAME Jacquelyn Phillips

APPLICANT'S NAME: Same

APPLICANT'S ADDRESS: 808 S. Main St
Middletown, OH 45044

PHONE NUMBER: (513) 571-3496

APPLICATION DATE: 9/29/2020

REQUESTED WORK TO BE PERFORMED: Please Check With Apply

Repair/Renovation: Demolition: _____ Sign: _____

Addition: New Construction: _____ Fence: _____

Other (Explain): Add historic designation & lot consolidation

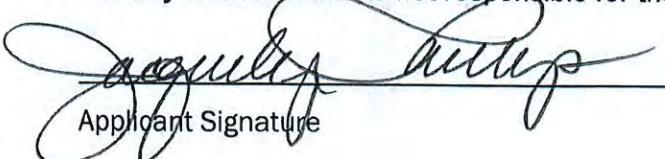
DESCRIPTION OF ALL WORK: (attach drawings, photos, product information or other material to help describe the project)

- Construction of 2-story addition on South side of home
- Construction of driveway and carport or garage on lot
- upon consolidation of parcels, historic designation and zone change

Please attach the following:

- \$25.00 Application Fee (Cash or Check, Checks Made out to City of Middletown)
- Property Photos
- Proposed Work Photos (include dimensions and setbacks if applicable)

The City of Middletown is not responsible for the enforcement of covenants and restrictions.


Applicant Signature

9/29/2020
Date

10/8/2020



MIDDLETOWN

HISTORIC LANDMARK DESIGNATION APPLICATION

Historic Landmark requests require legal notice to be provided 14 days prior to meeting date. Landmark status approval is required by the City of Middletown Historic Commission & City Council

To check if your property is located in a historic district, historically designated, or for more information regarding the City's historic districts/landmarks, please visit our City website at: <https://www.cityofmiddletown.org/194/Planning-Zoning>

LANDMARK DESIGNATIONS ARE REVIEWED ACCORDING TO
CHAPTER 1212 OF THE MIDDLETOWN DEVELOPMENT CODE

APPLICATION DATE: 10/7/2020

PROPERTY ADDRESS: 808 S. Main

APPLICANT ADDRESS: Same as Above

OWNER ADDRESS:

OWNER NAME(S): Jacquelyn Phillips

APPLICANT NAME(S): _____

APPLICANT PHONE NUMBER:

513 571-3496

OWNER'S PHONE NUMBER:

Same

PROPERTY DESCRIPTION: (See Historic Commission Review Criteria Below)

1875 Victorian - see additional info attached.

Please attach the following:

- Property Photos
- Description of Historic Significance

Please be advised if the designation is approved by the Historic Commission and City Council, a copy of legal description & property deed will be required by the County for recording purposes.

I acknowledge that the information provided is true/correct to the best of my knowledge.

Jacquelyn Phillips
Applicant Signature(s)

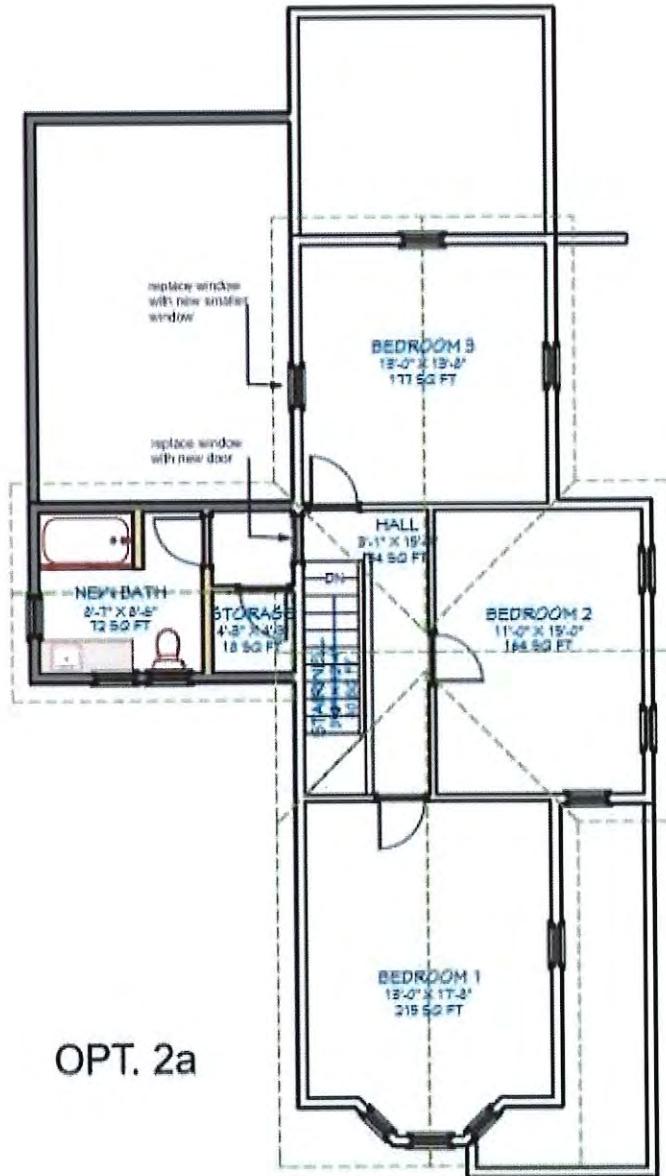
10/7/2020

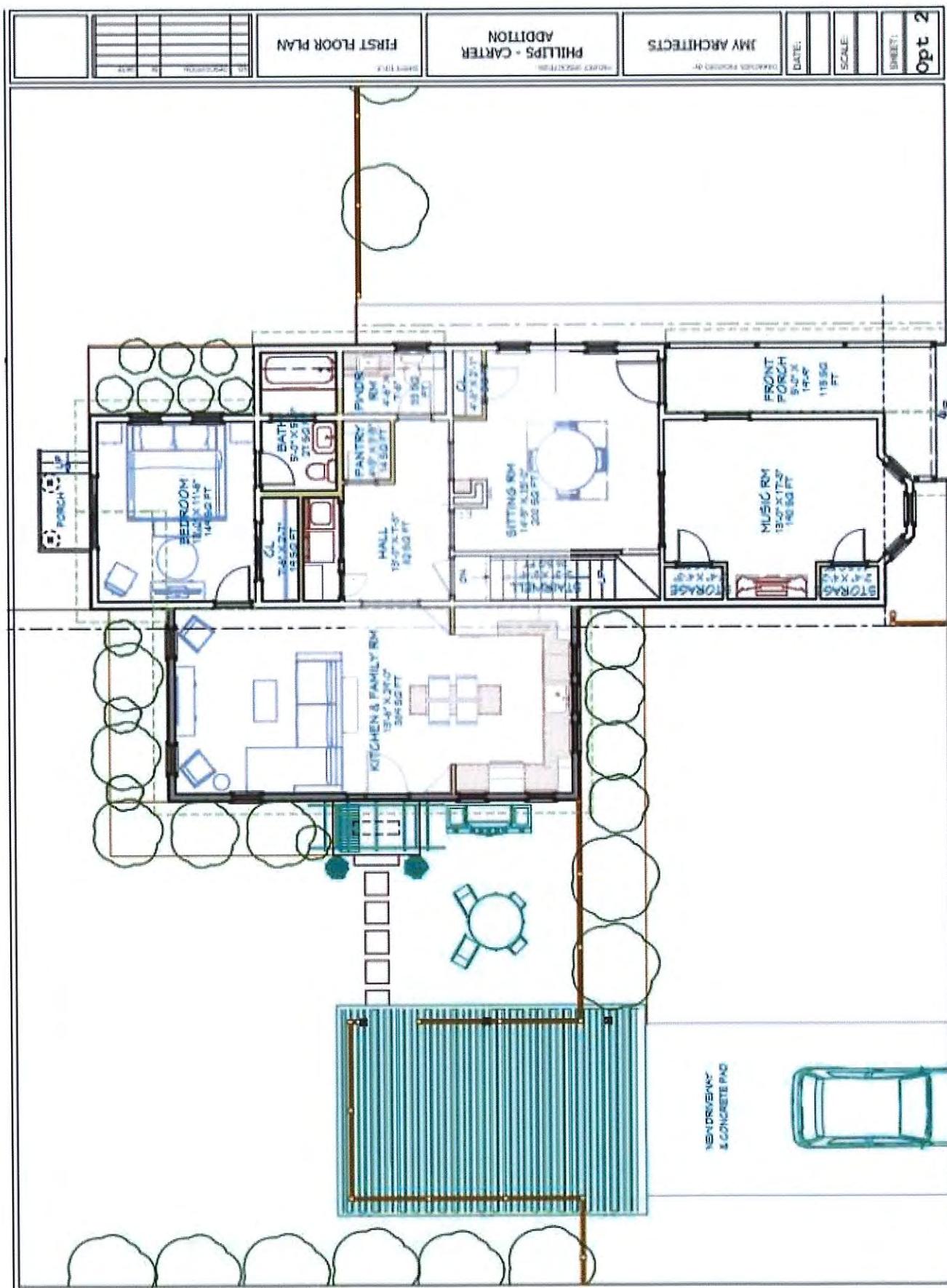
Date

Property Owner Signature(s)

Date













OPT 2a - REAR VIEW



OPT 2a - FRONT VIEW



STAFF REPORT
HISTORIC COMMISSION MEETING – SEPTEMBER 17, 2020
EXPANSION OF SOUTH MAIN HISTORIC DISTRICT

APPLICANT/OWNER:
Jacquelyn Phillips

PROPERTY ADDRESS:
812 South Main Street Middletown, OH 45044

REQUESTED ACTION:

- The owner, Jacquelyn Phillips, requests to add 812 South Main Street, located just south of her home located at 808 South Main Street, to the South Main Historic District.

Ms. Phillips is working with a licensed surveyor and has applied for a lot consolidation. This is being done so she may build an addition onto her existing home located at 808 South Main Street. Owner has included in her application renderings of the house addition, driveway and carport/garage for your consideration.

PUBLIC HEARING:

The Middletown Historic Commission proposes to recommend to the Middletown City Council the local historic landmark designation of the property located at 812 South Main Street, Middletown, OH 45044 to be added to the City's South Main Historic District. The Historic Commission's recommendation will be forwarded to the City Council for final review and decision.

PROPERTY HISTORY:

The house at 808 South Main Street is an 1875 Victorian style, two-story, wood frame, typical farmhouse. The roof is cross gabled, the structure is small and narrow, and generally plain. It exhibits fine detailing, however, in the decorative brackets, trim and fish-scale shakes at the eaves of the front gable, above the second floor. There is a band of fish-scale shakes above the first-floor level, both of contrasting colors from that of the main exterior walls. The porch is "L" shaped, and complements the upper gable; it has beautifully painted columns and spindles which gives it a distinctive appearance from the street. The porch gable is also decorated with a sunburst, fronted by a contrasting decorative piece. The house is unique within the South Main Historic District in size, scale and design. It is the southernmost house in the district on the west side of South Main Street.



Photos of the existing home at 808 South Main Street.



PER MIDDLETOWN DEVELOPMENT CODE 1212.02 DESIGNATION OF A HISTORIC LANDMARK OR HISTORIC DISTRICT

- A. Proposals to designate or expand historic districts or designate historic landmarks may be initiated by the Historic Commission, a property owner or by motion of Planning Commission or City Council. Proposals initiated by property owners, Planning Commission or Council shall be referred to the Historic Commission for recommendation and initiation of the formal designation process.
- B. Proposals to designate or expand a historic district shall be submitted with a rezoning application as well as the information listed below. Proposals to designate a historic landmark shall include, at a minimum, the following additional information:
 1. Evidence of property owner interest in landmark designation or location within the proposed historic district.
 2. A boundary description.
 3. An inventory of historic resources.
 4. A description of the architectural and historical significance of properties within the proposed boundaries, including photo documentation of unique elements and also those that are stereotypical of the architectural style.
 5. A map or description of existing zoning.

Please see the attached narrative submitted by the property owner.

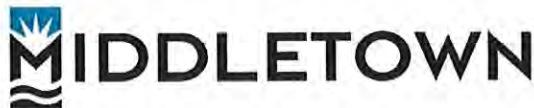
- a. In considering any area, place, structure, work of art or similar object in the City as a historic site or historic district, the Historic Commission shall apply the following criteria:
 1. The structure or site or area's character, value, or significance as part of the development of the City, the State, or the United States;
 2. Its location as a site or area of a significant historic event;
 3. Its identification with a person who significantly contributed to the development of the City;
 4. Its embodiment of distinguishing characteristics of an architectural style or type;
 5. Its exemplification of the cultural, economic, social or political heritage of the City;
 6. Its relationship to other distinctive areas or structures designated for preservation;
 7. Its unique location or singular physical characteristic representing an established and familiar feature of the City; and
 8. Its inclusion of prehistoric and/or historic archaeological sites or other important representations of previous cultures.

B. Designation Procedure

The previously named entities, individuals, or Historic Commission shall have the authority to propose designations of any area, place, structure, work of art, or similar object in the City as a historic site or historic district. The following shall be the procedure for the formal designation of such places or areas.

(1) Step 1 – Development Code Administrator Recommendation Required

- A. The Historic Commission shall advise the Development Code Administrator of the proposed designation and secure from the Development Code Administrator a recommendation with respect to the relationship of the



proposed designation to the Master Plan of the City and any applicable Historic Preservation Plan.

- B. The Development Code Administrator shall give an opinion as to the effect of the proposed designation upon the surrounding neighborhood and an opinion and recommendation as to any other planning consideration which may be relevant to the proposed designation, together with a recommendation of approval, rejection, or modification of the proposed designation.
- C. Such recommendation shall be submitted in written form by the Historic Commission, along with its recommendation concerning the proposed designation.
- D. The Historic Commission shall make a decision whether to proceed with the designation review based on the recommendation of the Development Code Administrator.

(2) Step 2 – Notification

- A. If the Historic Commission decides to proceed with designation, the Development Code Administrator shall notify the owner of all properties under consideration for designation. For the purpose of designation or expansion of a group or district, notice shall be published on the City's webpage and shall be mailed or otherwise distributed to each owner of real property located within such group or district. Whenever possible, the Historic Commission shall secure the owner's written consent for submittal of the proposed designation, together with its recommendation of findings of fact.
- B. The Historic Commission shall make a recommendation concerning the designation of the property to the City Council. Once the proposal to establish or expand a preservation district or to designate an individual property or structure as a historic landmark has been reviewed, the Historic Commission shall schedule a public hearing. The public hearing shall not be more than thirty (30) calendar days after such a proposal is submitted. Notice of the public hearing shall be given according to the following:
 - i. The Historic Commission shall give the owner(s) not less than fourteen (14) calendar days' written notice of the date, time and place of such hearing.
 - ii. Notice of the public hearing shall be given to at least one (1) or more newspapers of general circulation in the City. The notice shall be published at least ten (10) calendar days before the date of the hearing.
 - iii. Notices shall include the time and place of the public hearing, a summary of the proposal and a statement that opportunity to be heard will be afforded to any person interested. Failure of delivery of such notice shall not invalidate any such amendment.
 - iv. The original application, all comments and additional considerations presented at the public hearing, and the recommendation of the Historic Commission shall be forwarded to the City Council for its consideration.

(3) Step 3 – Historic Commission Public Hearing

- A. The Historic Commission shall conduct the public hearing as provided and shall provide an opportunity for all interested parties to express their opinions.
- B. The Historic Commission shall determine if any or all of the criteria listed in Section 1212.02 have been met.



- C. The Commission shall then make a recommendation regarding the proposed designation, in writing, within 30 days after the initial hearing date and shall notify the owner or any person having a legal interest in such property, as well as other interested parties who request a copy.
- D. The Historic Commission shall state in its recommendation findings of fact that constitute the basis for its decision and shall transmit such recommendation concerning the proposed designation to the Middletown City Council.

(4) Step 4 – Consideration by City Council

- A. The City Council shall give due consideration to the findings and recommendations of the Historic Commission, input provided by the persons participating in the public hearing before the Historic Commission, in addition to the recommendation of the Development Code Administrator, in making its determination with respect to the proposed designation of any areas, places, structures, works of art or similar objects as historic sites or historic districts.
- B. The City Council may, at its discretion, hold public hearings on any such proposed designation, whether such designation is proposed with the consent of the owner or after public hearings before the Historic Commission. The City Council may then designate by ordinance areas, places, structures, works of art, or similar objects as historic sites or historic districts.

(5) Step 5 – Notification of Designation

Within 14 days, the Historic Commission shall notify the Chief Building Official of the official designation. The Commission shall also send, by certified mail, a certified copy of the designation ordinance to the owner and any person having a legal interest in any properties involved in the designation.

(6) Step 6 – Record of Designation

The Historic Commission shall direct the Law Director to cause a record of such designation to be filed with the applicable county recorder

SECRETARY OF THE INTERIOR FOR THE TREATMENT OF NEW EXTERIOR ADDITIONS TO HISTORIC BUILDINGS AND NEW CONSTRUCTION:

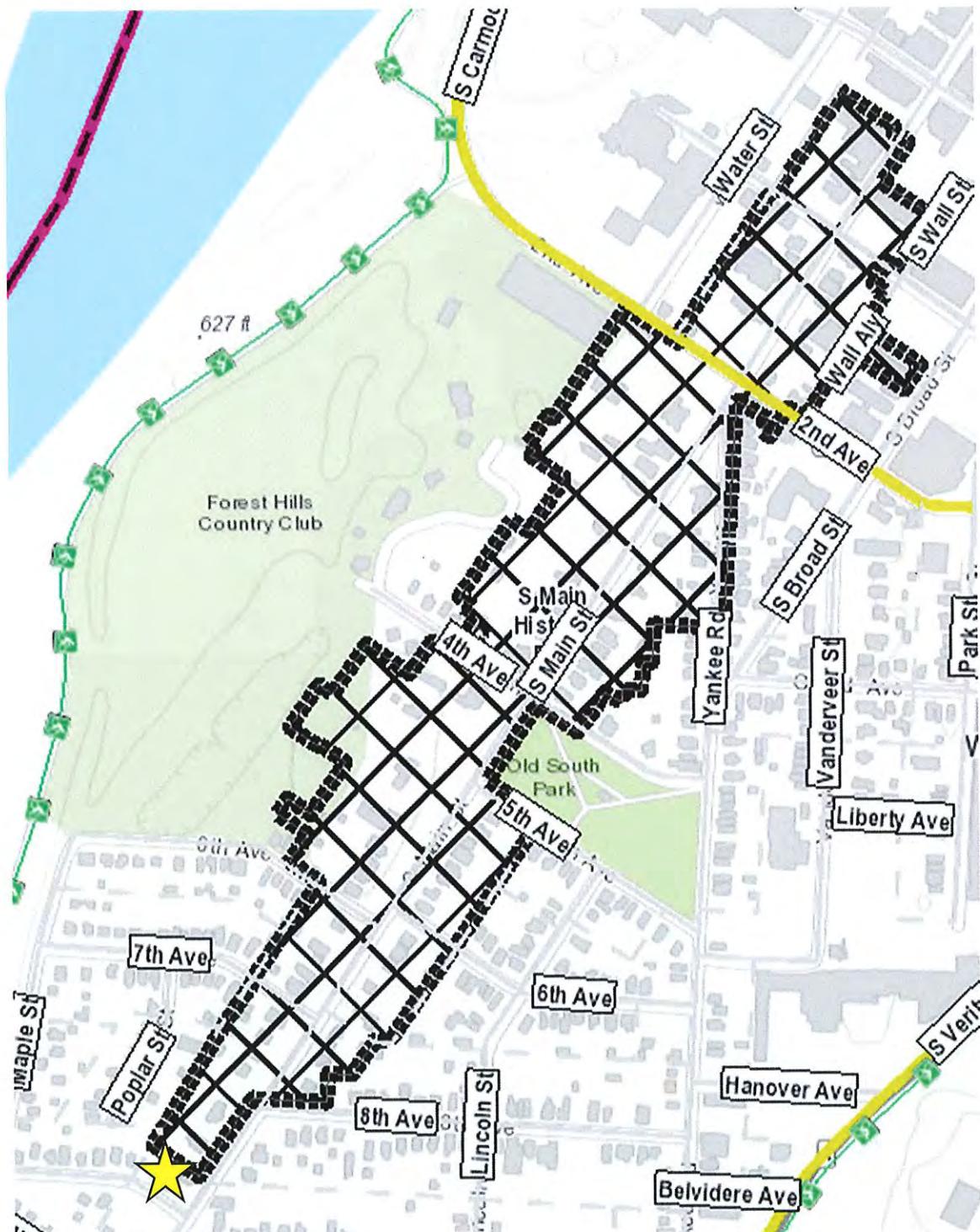
Exterior Additions: It is recommended that construction a new addition that results in the least possible loss of historic materials, so that character-defining features are not obscured, damaged or destroyed. It is also recommended that the addition should be subordinate and secondary to the historic building, and is compatible in massing, scale, materials, relationship of solids, voids and color.

New Construction: Locating new construction far enough away from the historic building, when possible, and/or where it will be minimally visible, and will not negatively affect the building's character, site or setting.

ATTACHMENTS: Please see the attached application, pictures and maps for proposed expansion, and renderings for her property additions.

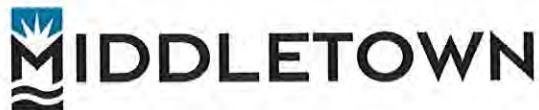
MIDDLETOWN

MAP OF SOUTH MAIN STREET HISTORIC DISTRICT:



Property location proposed for inclusion in South Main Street Historic District

SOUTH MAIN STREET BOUNDARY DESCRIPTION



South Main Historic District Created by 01979-99

Beginning at a point at the northeast corner of the intersection of South Main Street and Yankee Road; thence southward along the eastern right-of-way of Yankee Road to a point at the intersection of the extended southern lot line of Lot #1076; thence westward along the extended lot line of Lot #1076 to a point along the eastern lot line of lot #1090; thence southward along the eastern (rear) lot lines of Lots # 1090, 1089, 1088; thence westward along the southern lot line of Lot #1088 to the intersection of the rear (eastern) property lines of #317 (Pt. Lot 1086) and #321 (Pt. Lot 1085) South Main Street; thence southward along said property line extended to the southern right-of-way of Fourth Avenue to the eastern right-of-way of South Main Street to the northern right-of-way line of Fifth Avenue; thence eastward along the northern right-of-way of an alley east of and parallel to South Main Street; thence southward along the western right-of-way, crossing Sixth Avenue, to the intersection of the extended southern lot line of Lot #819; thence westward along the southern lot line of Lot 819 to the eastern right-of-way of South Main Street; thence southward along the eastern right-of-way of South Main Street to the intersection of the extended southern lot line of Lot #6172; thence westward along the extended southern lot line of Lot #6172 to the eastern right-of-way of an alley west of and parallel to South Main Street; thence northward along the eastern right-of-way of the alley, crossing Seventh Avenue, to the northern right-of-way of Sixth Avenue; thence westward along the northern right-of-way of Sixth Avenue to the intersection of the western (rear) property line of 514 South Main Street; thence northward along the rear property lines of 512, 510, 508, 502, 404, and 400 South Main Street to the southern right-of-way of Fourth Avenue to the intersection of the extended western (rear) property line of 320 South Main street; thence northward along the rear property lines of 320, 314, 308, 306, 300 and extending in a straight line northward to the southern property line of 218 South Main Street; thence westward and northward following the rear property lines of #218, 214, 210, and 206 South Main Street to the southern right-of-way of Second Avenue; thence eastward along the southern right-of-way of Second Avenue to the extended eastern right-of-way of an alley west of and parallel to South Main street; thence northward along the eastern right-of-way of an alley west of and parallel to South Main street; thence northward along the eastern right-of-way of the alley crossing First Avenue, the northern property line of #34 South Main Street; thence eastward along the northern property line of #34 South Main Street, to the eastern right-of-way of South Main Street; thence southward along the eastern right-of-way to the northern lot line of Lot #19; thence eastward along the northern lot line of Lot #19 extended to western right-of-way line of Wall Alley; thence southward along the western right-of-way of Wall Alley to the northern right-of-way of First Avenue to the extended eastern property line of #1012 First Avenue; thence southward to the northern property line of #107 South Main street; and eastward along the northern property line of #107 South Main Street to the westerly right-of-way of Wall Alley; thence southward along the western right-of-way of Wall Alley to the northern right-of-way of Second Avenue; thence westward along the northern right-of-way of Second avenue to the extended eastern property line of #1006 Second Avenue; thence southward, westward and northward along the property lines of #1006 Second Avenue to the southern property line of #201 South Main street; thence westward along the southern property line of #210 South Main Street to the eastern right-of-way of South Main street; thence southward along the eastern right-of-way of South Main Street to the place of beginning.

South Main Historic District Expansion Created by 01981-85



Beginning at a point on the eastern right-of-way of South Main Street at the northwest corner of Lot #820; thence eastward along the north property line of Lot #820 to the northeast corner of Lot #820; thence southward along the eastern property line of Lot #820 and continuing approximately 22 feet along the rear of Part Lot #821; thence westward approximately 35 feet along the south property line of Part Lot #821; thence southward approximately 125 feet along a line parallel to South Main Street; thence westward approximately 65 feet along a line parallel to Eighth Avenue to the intersection of the eastern property line of Lot # 1061; thence southward along the eastern property line of Lot # 1061 to the northern right-of-way of Eighth Avenue; thence westward along the northern right-of-way of Eighth Avenue extended to the western right-of-way South Main Street; thence southward along the western right-of-way of South Main street to the southeast corner of Lot # 1472; thence westward along the southern property line of Lot # 1472 to the southwest corner of Lot # 1472; thence northward along the western property lines of Lots #1472, #6168, #6169, #6170 and #6171 to the northwest corner of Lot # 6171; thence eastward along the northern property line of Lot # 6171 extended to the eastern right-of-way of South Main Street; thence northward along the eastern right-of-way of South Main Street to the point of beginning.

St. Paul's United Church of Christ Historic Site Created by 01981-119

South 43 feet of Lot # 82, North ½ of Lot # 83, as the same is known and designated on the recorded plat of the City of Middletown, Butler County, Ohio.

*Full South Main Street Historical Homes Inventory on file in Planning & Zoning Department.

812 S Main Street- Expansion of South Main Historic District



LEGISLATION

ITEM 23

ORDINANCE NO. O2020-74

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR A SMALL BUSINESS ECONOMIC DEVELOPMENT GRANT WITH HIGHER FACULTY, LLC.

WHEREAS, Higher Faculty, LLC is operating a multimedia company specializing in digital marketing, video, photography, music and copywriting at 1210 Elliot Drive; and

WHEREAS, Higher Faculty, LLC 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 Higher Faculty, LLC. The agreement shall be in a form substantially similar to Attachment "1", and is subject to approval by the City Manager and Law Director. No grant funds can be released to Higher Faculty, LLC until the grant agreement is signed by all parties.

Section 2

For said purposes, the Finance Director is hereby authorized to pay a sum not to exceed \$8,000.00 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: November 3, 2020

2nd Reading: _____

Adopted: _____

Effective: _____

Attest: _____

Clerk of the City Council

ATTACHMENT "1"

**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 **HIGHER FACULTY, LLC**, whose business address is located at 1210 Elliot Drive, Middletown, Ohio 45044 (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 multimedia company specializing in digital marketing, video, photography, music and copywriting to effectively communicate brand messaging on digital platforms; and

WHEREAS, Grantee intends to continue investing in its operation within the City of Middletown at its current location and 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 shall receive a one-time Small Business Economic Development Grant in an amount not to exceed \$8,000.00 (the "Grant") to be used for interior remodeling and equipment. A full list of approved expenditures is attached as Exhibit "A". Grantee will receive the funds after all parties have signed this agreement. Grantee must submit all invoices and receipts for the approved expenditures no later than April 1, 2021.
2. Grantee agrees that if the business ceases operation before December 31, 2023, the full amount of the Grant must be repaid in full.
3. Grantee shall be responsible for obtaining all City permits and approvals that may be necessary for the installation of signage and the proposed interior remodeling work.

ATTACHMENT "1"

4. 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; and
- c. Total money invested at the project site.

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. If the City determines that Grantee has breached the terms and conditions of this agreement, 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.

8. 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.

9. The City of Middletown has developed a policy to ensure recipients of Small Business Economic Development Grants practice non-discriminating hiring in its operations. By executing this agreement, Grantee is committing to follow 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.

10. 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

ATTACHMENT "1"

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 date written below their signatures.

CITY OF MIDDLETOWN

HIGHER FACULTY, LLC

By: _____
James M. Palenick
City Manager

By: _____
Alfredo Peters
Owner

Date: _____

Approved as to form:

Law Director

ATTACHMENT "1"

Exhibit "A"

List of Approved Expenditures

- Interior Remodeling \$2,390 towards \$4,000 expense
 - Ceiling painted, photography studio lighting, front window curtains mounted, drywall window mounted, sound proofing recording studio, 3 TVs mounted, Bathroom remodeled/painted, LED mirror hung
- Sling Studio Live Streaming Device \$1,100
- Deity Connect wireless microphone system \$760
- Aputure 120D \$800
- Godox AD400 strobe light \$800
- GVM LED Light kit \$350
- DJI Mavic Pro 2 \$1,800

S T A F F R E P O R T
For the Business Meeting of November 3, 2020

DATE: October 16, 2020

TO: Jim Palenick, City Manager

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

Higher Faculty Small Business Entrepreneurial Assistance Micro-Grant

PURPOSE

To authorize a Small Business Entrepreneurial Assistance Micro-Grant for Higher Faculty in the amount of \$8,000.00.

BACKGROUND and FINDINGS

Entrepreneur Alfredo Peters was born and raised in Middletown. After graduating from Middletown High School in 2009, he attended Grand Valley State University for four years and earned a bachelor's degree in film/video production. After receiving his degree, he moved to Atlanta, Georgia and worked for television networks BET and The CW. In 2014, he moved back home to Middletown and became a freelance filmmaker. He has many years of volunteering in Middletown where he was an after-school program leader at the Community Center in 2015 and teaching video production after school at the Middletown High School in 2019.

This year he started his company, Higher Faculty. He moved into his current location at 1210 Elliot Drive in Middletown, Ohio in September of this year. Higher Faculty is a new age multimedia company specializing in digital marketing, video, photography, music, and copywriting to effectively communicate brand messaging in the digital space. Their mission is to amplify the voice of our community through professional and engaging content. They simplify the process of using tools such as podcasts, YouTube videos, Facebook ads, and social media marketing to increase revenue and brand awareness. They offer stand-alone services such as commercial video production, photography, and audio production.

Middletown clients include:

- Royal Studio
- Veracruz Mexican Restaurant
- Kingswell
- Bar II
- Hightower's Petroleum Co
- Stephano's Italian Restaurant
- Triple Moon Coffee

He is requesting assistance with signage, interior remodeling, and equipment, which he will provide proof of expenditures:

- Interior Remodeling \$2390 towards \$4000 expense

- Ceiling painted, photography studio lighting, front window curtains mounted, drywall window mounted, sound proofing recording studio, 3 TVs mounted, Bathroom remodeled/painted, LED mirror hung
- Sling Studio Live Streaming Device \$1100
- Deity Connect wireless microphone system \$760
- Aputure 120D \$800
- Godox AD400 strobe light \$800
- GVM LED Light kit \$350
- DJI Mavic Pro 2 \$1800

Current investment includes \$20,430 including a 1 year lease at \$950/month, utilities, equipment, website, and software. Job creation will include 3 employees within the next 3 years.

Invoices and receipts must be submitted by 4/1/21 and requirement of the grant will be to stay in business in Middletown until 12/31/23.

He has met all of the requirements of our small business entrepreneurial assistance micro-grant program including:

- ✓ Pre-development Meeting
- ✓ SBDC Meeting and Business Plan Review
- ✓ Site Visit

ALTERNATIVES

No alternatives.

FINANCIAL IMPACT

Estimated Financial Impact - \$8,000

499.990.52811 – CRA Payments

EMERGENCY/NON EMERGENCY

Non-emergency.

LEGISLATION

ITEM 24

ORDINANCE NO. O2020-75

AN ORDINANCE CONSENTING TO REAL PROPERTY TAX EXEMPTION PURSUANT TO R.C. 5709.121 APPLICABLE TO PROPERTY OWNED BY WARREN COUNTY COMMUNITY SERVICES AND MORE PARTICULARLY DESCRIBED AS WARREN COUNTY AUDITOR'S PARCEL NOS. 07032770061 & 07032770062.

WHEREAS, Warren County Community Services ("WCCS"), an Ohio not-for-profit corporation, owns certain real property located at 6141 Market Avenue, Middletown, Warren County, Ohio, as more particularly described as Warren County Auditor's Parcel Nos. 07032770061 & 07032770062 (the "Property"); and

WHEREAS, WCCS operates its Meals on Wheels program from the Property, whereby it provides fresh, nutritionally balanced meals delivered directly to the homes of eligible homebound seniors, 60 years and over, living in the City of Middletown and in other parts of the surrounding areas; and

WHEREAS, the Property is currently subject to a tax increment financing exemption authorized pursuant to Ohio Revised Code 5709.40; and

WHEREAS, the Property is also eligible for real property tax exemption under R.C. 5709.121 as property which shall be used exclusively for a public purpose; and

WHEREAS, the City understands WCCS shall be applying to the Ohio Department of Taxation for tax exemption of the Property under R.C. 5709.121;

WHEREAS, due to the current tax increment financing exemption applicable to the Property, R.C. 5709.911(B) requires City Council to enact and submit to the Tax Commissioner an ordinance expressing the City's consent to the tax exemption WCCS shall be seeking under R.C. 5709.121; and

WHEREAS, City Council desires real property tax exemption for the Property under R.C. 5709.121 and hereby expresses its consent for such tax exemption through passage of this ordinance.

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

Section 1

City Council hereby consents to subsequent tax exemption for the Property pursuant to R.C. 5709.121. If the Tax Commissioner grants WCCS' subsequent application for tax exemption of the Property pursuant to R.C. 5709.121, City Council further consents to such subsequent tax exemption taking precedent over the Property's current tax exemption under R.C. 5709.40.

Section 2

City Council hereby authorizes and directs the City Manager, Law Director and Economic Development Director to take such additional steps and provide such additional information and certifications, including this ordinance, to WCCS and the Ohio Department of Taxation as are necessary to receive the tax exemption being sought by WCCS for the Property under R.C. 5709.121.

Section 3

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 which resulted in such formal actions were in meetings open to the public and in compliance with all legal requirements, including R.C. 121.22.

Section 4

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

Nicole Condrey, Mayor

1st Reading: November 3, 2020

2nd Reading: _____

Adopted: _____

Effective: _____

Attest: _____

Clerk of City Council

STAFF REPORT
For the Business Meeting: November 3, 2020

DATE: October 28, 2020

TO: Jim Palenick, City Manager

FROM: Benjamin Yoder, Law Director

Tax Exemption – 6141 Market Avenue

PURPOSE

To request City Council's consent to the priority of a real property tax exemption related to Warren County Community Services' Meals on Wheels Program operated out of property located at 6141 Market Avenue.

BACKGROUND AND FINDINGS

In 2017, Warren County Community Services ("WCCS") purchased property located at 6141 Market Avenue, Middletown, Warren County, Ohio (more specifically described as Warren County Auditor's Parcel Nos. 07032770061 & 07032770062) (the "Property"). WCCS operates its Meals on Wheels program from the Property, serving Middletown residence amongst others.

At the time of the purchase, and to this day, the Property is located within the Towne Mall/Hospital TIF District. The TIF provides a 100% tax exemption of the increase in assessed value of each parcel located within the TIF District. However, the Property is also eligible for real property tax exemption under R.C. 5709.121 as property which shall be used exclusively for a public purpose. The Department of Taxation does not allow overlapping tax exemptions, but Council can consent to allowing the exemption under R.C. 5709.121 to take priority.

Staff believes allowing the exemption under R.C. 5709.121 to take priority is in the best interest of the City given the charitable and meaningful services provided by WCCS' Meals on Wheels Program to Middletown residents and others. Moreover, the TIF will expire at some point (eliminating the exemption) and the exemption WCCS will be applying for, if granted, would be indefinite, as long as the Property continues to be used for its stated public use.

EMERGENCY/NON-EMERGENCY

Non-emergency

LEGISLATION

ITEM 25

ORDINANCE NO. O2020-76

AN ORDINANCE AUTHORIZING A CONTRACT WITH RINKA FOR MASTER PLANNING SERVICES RELATED TO THE TOWNE MALL GALLERIA REDEVELOPMENT PROJECT AND DECLARING AN EMERGENCY.

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

Section 1

The City Manager is hereby authorized to enter into a contract with RINKA for master planning services relating to the redevelopment of Towne Mall Galleria. The contract shall be in a form substantially similar to Attachment "1", attached hereto, and shall be approved by the City Manager and the Law Director.

Section 2

For said purposes, the Finance Director is hereby authorized and directed to expend a sum not to exceed \$93,000.00 from the General Fund (Fund # 100), of which such sum \$44,000.00 is hereby appropriated to the accounts of 164 (100.164.52480).

Section 3

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 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 design and planning for the redevelopment of the mall property can begin without delay, and shall be in full force and effect from the date of its adoption.

Nicole Condrey, Mayor

Adopted:_____

Attest:_____
Clerk of City Council

CONTRACT

ATTACHMENT "1"

Date: October 27, 2020

Attn: James M. (Jim) Palenick, City Manager
City of Middletown (The Client)
One Donham Plaza
Middletown, Ohio 45042-1932
Email: jimp@cityofmiddletown.org
Phone: 513.783.3043

RE: Towne Mall Redevelopment
RINKA Project Number: 201021

Dear Jim,

I am very pleased to provide you with this contract for Master Planning Services for the Towne Mall Redevelopment project in Middletown. Below you will find our understanding of the project scope and services.

SCOPE OF PROJECT

The Scope for Towne Mall Redevelopment (the Project) generally includes:

- Development of a planned mixed-use center for the City of Middletown, a community of over 48,000 people, located approximately 40 miles north of Cincinnati, OH.
- The project area includes approximately 40 acres of land including the existing Towne Mall, located near the intersection of I-75 and OH-122 in Middletown, OH.
- Refer to Exhibit B for location information.
- The Towne Mall properties are zoned B-2 Community Business District and are a part of a previously approved Planned Development (PD) Plan.
- The Project would be considered a "major change" of a previously approved PD, and is required to be reviewed and approved by both the City Planning Commission and City Council.
- The Project will transform the site to be a dynamic, walkable, mixed-use vibrant center of activity that will serve as a focal point for the City.
- The project will explore and may incorporate programmed uses such as:
 - Small to medium sized specialty retail
 - Hotel
 - Multi-family housing at varied scales
 - Outdoor public spaces
 - Multi-modal accommodations
 - Interconnected green spaces to promote pedestrian connections, community integration, and activity throughout the site
 - Family & Corporate Entertainment Uses
 - Food and beverage
 - Recreational ice sports (hockey and others)
- Refer to Exhibit A – Contemporary Mixed-use Examples.

SCOPE OF SERVICES

The Scope of Services includes Master Planning Services, as described below:

- Visioning & Programming, generally including:
 - Conduct a kick-off meeting with the Client's representatives and key stakeholders to summarize and confirm community-led visioning activities completed to date, and gain additional city, county, and stakeholder feedback to solidify the design parameters.
 - Develop the Project Guiding Principles and Goals with the group above
 - Develop a draft Program with the group above (list of required features, sizes, adjacencies, etc.)
 - Create a Project Guiding Principles / Goals / Programming document that outlines the above for use in the Concept Master Planning phase.
- Phase A: Concept Draft Master Planning, generally including:
 - 2-3 design review meetings with the Towne Mall Redevelopment key stakeholders during the Concept phase
 - Bi-weekly design & logistics meetings, in person or via video conference, with the key stakeholders, city, and county representatives as deemed appropriate by the Client
 - Color diagrams of the site to demonstrate the major design concepts of the development Concept Design
 - The final design review meeting in the Concept Phase will be a presentation of the Conceptual Draft Master Plan and Project Guiding Principles and Goals to the Client, Towne Mall Redevelopment key stakeholders, and general public, as needed, to solicit feedback and create the basis for the Schematic Master Planning phase.
- Phase B: Schematic Master Planning, and Final Master Plan, generally including:
 - Master Planning that develops the planning concepts established in the Concept Draft Master Plan phase.
 - Incorporate Market Analysis data, if available, provided by others.
 - 3D digital master site plan and conceptual architectural renderings and animation, see Exhibit A for examples from previous projects.
 - Development summary documenting building identification, use, square footage, parking, recommended FAR, etc.
 - Bi-weekly design & logistics meetings, in person or via video conference, with the Client's municipal representatives (Administrator, Planning Dept, and/or others as deemed appropriate by the Client)
 - 2-3 design review meetings with the Client and Towne Mall Redevelopment key stakeholders.
 - Solicit feedback from City Planning & Zoning personnel, Engineering, Land Owners, and Towne Mall Redevelopment key stakeholders.
 - Development of presentation package for Client approval and marketing of project.
 - Presentation of Final Master Plan to the Client, Towne Mall Redevelopment key stakeholders and general public. This presentation will be in the form of an open house or presentation to the city plan commission, as required.
 - Design scope revisions requested after the issuance of the Final Master Plan will be an additional service.
- Future Project Phases: Upon completion of the Concept and Schematic Master Site Planning Phases, RINKA will develop a detailed plan, schedule, and fee for future Project design phases (not included in the current Project scope), generally including:
 - Design Development (DD): Design Development of Site Plan
 - Construction Documents (CD): Construction Documentation of Site Plan
 - Construction Administration (CA): Administer the contract documents through the course of bidding and construction.
- Exclusions / Additional Services: The following items are specifically excluded from the project scope and may be provided as additional services as requested by the Client. Exclusions include, but are not limited to:
 - Engineering or any other Sub-Consultant services not described as included in the scope above
 - 3D models for use by anyone other than RINKA for generating digital imagery
 - Project cost of work estimations/budgets, other than conceptual infrastructure pricing described herein
 - Value engineering revisions after design approval
 - Additional meetings and presentations in excess of the quantity listed in scope of services.
 - LEED, Focus on Energy, or other sustainable design program coordination and submittals

- Geotechnical engineering or reports
- Market Study reports
- Cultural or historic resource reports
- Environmental investigations, reports, or remediation
- Site survey (in CAD format) or revisions to any existing site survey

FEE FOR SERVICES

The fee for Master Planning Services for the above described Scope of Project and Services will be as indicated below:

▪ Visioning & Programming:	\$5,000.00
▪ Phase A: Concept Master Planning:	\$42,500.00
▪ Phase B: Schematic Master Planning:	\$45,500.00

Refer to attached RINKA Standard Terms and Conditions for additional information.

PRELIMINARY PROJECT SCHEDULE

The Project will be completed in a mutually agreed upon schedule commencing with a fully executed contract. The Towne Mall Redevelopment phase durations are anticipated to be:

▪ Visioning & Programming:	1-2 weeks
▪ Phase A: Concept Master Planning:	Approx. 6-8 weeks
▪ Phase B: Schematic Master Planning / Infrastructure Development:	Approx. 6-8 weeks

Note: Project durations beyond the above noted timeframes may result in additional services.

REIMBURSABLES, ADDITIONAL SERVICES & OTHER PROVISIONS

Refer to the attached RINKA Standard Terms and Conditions.

APPROVAL

This contract will supersede and nullify all previous signed and unsigned agreements for this project. If this contract meets with your approval, please sign and return one copy at your earliest convenience. Work on this project will begin immediately upon receipt of the signed contract. Without client approval, this contract is null and void after 30 days unless otherwise validated by RINKA.

If we have not received the countersigned contract before we are requested to begin our services, or you do not otherwise object to our contract in writing prior to our beginning work, we will proceed according to the contract, including its terms and conditions, and assume that it is acceptable to you.

Thank you for the opportunity to collaborate and help create a vibrant, destination center for Middletown!

Kindest Regards,

Steve Morales
partner

phone 414 431 8101
mobile 414 364.4115
email smorales@RINKA.com

ACCEPTANCE

**Authorized Representative for City of Middletown:
Jim Palenick, City Manager**

Signature

Date

Print Name

Title

Company Name**ATTACHMENTS**

- RINKA – Standard Terms and Conditions
- RINKA: 2020 Hourly Rate Schedule
- Exhibit A – Contemporary Mixed-use Examples
- Exhibit B – Zoning Map

RINKA – Standard Terms and Conditions

- **Ownership of Documents:** All documents produced by RINKA Inc. ("RINKA") under this agreement are instruments of service of RINKA and shall remain property of RINKA and may not be used by the Client for any other purpose without the prior written consent of RINKA. All information, graphics, and drawings produced will remain the intellectual and material property of RINKA Inc and will be afforded all ownership rights and copyright protections.
- **Access to the Site:** Unless otherwise stated, RINKA will have access to the site for activities necessary for the performance of the services. RINKA will take reasonable precautions to minimize damage due to these activities, but has not included in the fee the cost of restoration of any resulting damage and will not be responsible for such costs.
- **Retainer/Billing/Payment:** The Client agrees to pay RINKA for all services performed and all costs incurred. Prior to the provision of services, the Client shall deposit the non-refundable retainer to RINKA as outlined in the "Fee for Services" section of this document. Invoices for services by RINKA shall be submitted, at RINKA's option, either upon completion of such services or on a semimonthly basis. If any invoice is not paid within 15 days of due date, RINKA, without waiving any claim or right against the Client, and without liability whatsoever to the Client, may suspend or terminate the performance of services. Accounts unpaid 30 days after due date may be subject to a monthly service charge of 1.5% (or the maximum legal rate) on the unpaid balance. In the event any portion of the account remains unpaid 60 days after the billing, RINKA may institute collection action and the Client shall pay all costs of collection, including reasonable attorney's fees. RINKA retains the right to assert lien rights for any unpaid accounts. All fees quoted do not include any local, state or federal sales tax. All applicable sales tax, current or future, will be charged in addition to quoted services.
- **Indemnification:** The Client shall, to the fullest extent permitted by law, indemnify and hold harmless RINKA and waive any claims against RINKA, his or her officers, directors, employees, agents and subconsultants, from and against all damages, liability and cost, including reasonable attorneys' fees and defense costs, arising out of or in any way connected with the performance of services under this Agreement, excepting only those damages, liabilities or costs attributable to the sole negligence or willful misconduct of RINKA.
- **Information for the Sole Use and Benefit of the Client:** All opinions and conclusions of RINKA, whether written or oral, and any plans, specifications or other documents and services provided by RINKA are for the sole use and benefit of the Client and are not to be provided to any other person or entity without the prior written consent of RINKA.
- **Certifications, Guarantees and Warranties:** RINKA shall not be required to execute any document that would result in RINKA certifying, guaranteeing or warranting the existence of any conditions.
- **Limitation of Liability:** In recognition of the relative risks, rewards and benefits of the project to both the Client and RINKA, the risks have been allocated such that the Client agrees that, to the fullest extent permitted by law, RINKA's total liability to the Client for any and all injuries, damages, losses, expenses or claim expenses arising out of this Agreement from any cause or causes, shall not exceed the amount of the total fee due RINKA as described in the section of this Agreement labeled "fee". Such causes include, but are not limited to, RINKA's negligence, errors, omissions, strict liability, breach of contract or breach of warranty.
- **Dispute Resolution:** Any claims or dispute between the Client and RINKA arising out of the services to be provided by RINKA or out of this Agreement shall be submitted to nonbinding mediation. The Client and RINKA agree to include a similar mediation agreement with all contractors, subconsultants, subcontractors, suppliers and fabricators, providing for mediation as the primary method for dispute resolution among all parties.
- **NOTICE OF LIEN RIGHTS:** AS REQUIRED BY THE WISCONSIN CONSTRUCTION LIEN LAW, CLAIMANT HEREBY NOTIFIES OWNER THAT PERSONS OR COMPANIES PERFORMING, FURNISHING, OR PROCURING LABOR, SERVICES, MATERIALS, PLANS, OR SPECIFICATIONS FOR THE CONSTRUCTION ON OWNER'S LAND MAY HAVE LIEN RIGHTS ON OWNER'S LAND AND BUILDINGS IF NOT PAID. THOSE ENTITLED TO LIEN RIGHTS, IN ADDITION TO THE UNDERSIGNED CLAIMANT, ARE THOSE WHO CONTRACT DIRECTLY WITH THE OWNER OR THOSE WHO GIVE THE OWNER NOTICE WITHIN 60 DAYS AFTER THEY FIRST PERFORM, FURNISH, OR PROCURE LABOR, SERVICES, MATERIALS, PLANS OR SPECIFICATIONS FOR THE CONSTRUCTION. ACCORDINGLY, OWNER PROBABLY WILL RECEIVE NOTICES FROM THOSE WHO PERFORM, FURNISH, OR PROCURE LABOR, SERVICES, MATERIALS, PLANS, OR SPECIFICATIONS FOR THE CONSTRUCTION, AND SHOULD GIVE A COPY OF EACH NOTICE RECEIVED TO THE MORTGAGE LENDER, IF ANY. CLAIMANT AGREES TO COOPERATE WITH THE OWNER AND THE OWNER'S LENDER, IF ANY, TO SEE THAT ALL POTENTIAL LIEN CLAIMANTS ARE DULY PAID.
- **Termination of Service:** This agreement may be terminated at any time by either party at their convenience and without cause upon giving the other party not less than seven (7) calendar days' written notice. In the event of termination for any reason whatsoever, the client shall pay RINKA for all services rendered up through the date of the written termination notice.
- **Additional Services:**
 - Additional architectural services beyond the scope identified are to be provided on an hourly basis based on the standard company billing rates.
 - Services by outside consultants beyond that expressed herein are available at a fee stipulated by the consultant.
- **Reimbursables:** In addition to our fees for architectural services, reimbursable expenses will be charged to the client for, but not limited to, prints/plots, reprographics, project related municipal fees, computer media, travel, long distance telephone, postage and handling, facsimiles, etc. If needed and approved by the client, engineering or sub-consultant services will be billed the cost of the invoice plus 10% for coordination services. All reimbursable expenses and vendor coordination will be billed at cost plus 10% unless otherwise noted.

- **Construction Documents:**
 - The Client acknowledges that the Construction Documents are intended to convey design intent and may represent imperfect data. Such deficiencies will be corrected when identified. The Client shall promptly report to RINKA any defects or suspected defects in the Construction Documents of which the Client becomes aware, so that RINKA may take measures to minimize the consequences of such a defect. The Client further agrees to impose a similar notification requirement on all contractors in its Client/Contractor contract and shall require all subcontracts at any level to contain a like requirement.
 - The Client and RINKA acknowledge that in order to construct the work, the Contractor will provide additional information, including shop drawings, product data, samples and other similar submittals, which RINKA will review in accordance with Construction Phase Services.
- **Construction Phase Services:**
 - RINKA shall not have control over, charge of, or responsibility for the construction means, methods, techniques, sequences or procedures, or for safety precautions and programs in connection with the work, nor shall RINKA be responsible for the contractor's failure to perform the work in accordance with the requirements of the construction documents. RINKA shall not have control over or charge of, and shall not be responsible for, acts or omissions of the contractor or of any other persons or entities performing portions of the work.
 - RINKA shall not be required to make exhaustive or continuous on-site inspections to check the quality or quantity of the work.
 - RINKA may authorize minor changes in the work that are consistent with the intent of the construction documents and do not involve an adjustment in the contract sum or an extension of the contract time
 - RINKA will review Contractor submittals (shop drawings, product data, samples and other similar submittals) only with respect to conformance with information given on the submittals and the design concept expressed in the Construction Documents. RINKA will not review the submittals for the purpose of determining the accuracy and completeness of other details such as dimensions and quantities, all of which are the Contractor's responsibility. RINKA shall not be responsible for approval of submittals containing any deviations from the Construction Documents not brought to the attention of RINKA in writing by the Contractor prior to approval. RINKA's review shall be conducted with reasonable promptness while allowing sufficient time in RINKA's judgment to permit adequate review.
- **Responsibilities of the Client:**
 - The Client shall provide information in a timely manner regarding requirements for and limitations on the project.
 - The Client shall establish and periodically update the budget for the project. The Client shall notify RINKA of significant increases or decreases the project budget, and RINKA and the Client will thereafter agree to a corresponding change in the project's scope and/or quality.
 - The Client shall appoint a representative authorized to act on behalf of the project. The project representative shall render decisions and approve RINKA's submittals in a timely manner to avoid delays in the project schedule and to achieve orderly, sequential progress of RINKA's services.
 - The Client shall furnish a site survey with the appropriate level of information required to complete the project, if required by the project scope. The site survey will be delivered for use on the project in electronic (CAD) format.
 - The Client shall furnish the services of geotechnical engineers, if required by the project scope.
 - The Client shall furnish tests, inspections, and reports required by law or by the construction documents.
 - The Client shall provide prompt notice to RINKA if the Client becomes aware of any fault or defect in the project.
 - The Client shall endeavor to communicate with the contractor or RINKA's consultants through RINKA about matters arising out of or relating to the construction documents. The Client shall promptly notify RINKA of any direct communications with other parties that may affect RINKA's services.
 - The Client shall coordinate the services of its own consultants with those services provided by RINKA. RINKA shall be entitled to rely on the accuracy and completeness of services and information furnished by the Client and/or the Client's consultants. RINKA shall not be responsible for a Client's directive or substitution made without RINKA's approval.
- **Hazardous Materials:** RINKA shall have no responsibility for the discovery, presence, handling, removal or disposal of, or exposure of persons to, hazardous materials or toxic substances in any form at the project site.
- **Promotional Materials:** RINKA shall have the right to include photographic or artistic representations of the design of the project among the RINKA's promotional and professional materials. RINKA shall be given reasonable access to the completed project to make such representation; however, RINKA's materials shall not include the Client's confidential or proprietary information if the Client has previously advised RINKA in writing of the specific information considered by the Client to be confidential or proprietary. The Client shall provide professional credit to RINKA in the Client's promotional materials for the project.
- **Suspension of the Work:** If the Client suspends work on the project for more than 30 cumulative days and subsequently requests RINKA to resume project work, RINKA shall be compensated for expenses incurred in the interruption and resumption of the work. RINKA's fees for the remaining services and the time schedules shall be equitably adjusted.
- **Standard of Care:** In providing services under this agreement, RINKA shall perform in a manner consistent with that degree of care and skill ordinarily exercised by members of the same profession currently practicing under similar circumstances at the same time and in the same or similar locality.
- **Value Engineering:** RINKA will state in writing to the Client any objections to construction cost reduction strategies (value engineering) considered for the project along with the reasons for objecting. If the Client, in spite of RINKA's objections, requires the incorporation of changes in the Construction Documents, the Client agrees, to the fullest extent permitted by law, to waive all claims against the RINKA and to indemnify and hold harmless RINKA from any damages, liabilities or costs, including reasonable attorneys' fees and costs of defense, which arise in connection with or as a result of the incorporation of such design changes required by the Client.
- **Accessibility:** The Client acknowledges that the requirements of the Americans with Disabilities Act (ADA), Fair Housing Act (FHA) and other federal, state and local accessibility laws, rules, codes, ordinances and regulations will be subject to various and possibly contradictory interpretations. RINKA, therefore, will use its reasonable professional efforts and judgment to interpret applicable accessibility requirements in effect as of the date of submission to building authorities as they apply to the project. RINKA, however, cannot and does not warrant or guarantee that the Client's project will comply with all possible interpretations of the accessibility requirements and/or the requirements of other federal, state and local laws, rules, codes, ordinances and regulations as they apply to the project, and RINKA shall, accordingly, not have any liability to the Client in connection with same.

Revised: 1/3/2020

RINKA: 2020 HOURLY RATE SCHEDULE

<u>Title</u>	<u>Code</u>	<u>Rate</u>
Partner	PR	\$195 - \$280
Senior Vice President	SVP	\$150 - \$170
Vice President	VP	\$145
Senior Project Architect	SPA	\$140
Senior Architect, Project Manager	SAPM	\$140
Senior Project Designer	SPD	\$140
Senior Project Delivery Manager	SPDM	\$130
Senior Project Manager	SPM	\$130
Senior Interior Designer	SID	\$130
Project Architect II	PA2	\$120
Architect, Project Manager II	APM1	\$120
Project Designer II	PD2	\$115
Project Delivery Manager II	PDM1	\$115
Project Manager II	PM2	\$115
Interior Design Project Manager II	IDM2	\$115
Project Architect I	PA1	\$105
Architect, Project Manager I	APM1	\$105
Project Designer I	PD1	\$100
Project Delivery Manager I	PDM1	\$100
Project Manager I	PM1	\$100
Interior Design Project Manager I	IDM1	\$100
Design Professional II	DP2	\$ 95
Interior Designer II	ID2	\$ 95
Design Professional I	DP1	\$ 90
Interior Designer I	ID1	\$ 90
Designer II	D2	\$ 85
Designer I	D1	\$ 80
Design Intern	DI1	\$ 60
Support Staff/Administrative	SS	\$ 60

Note: all above rates are for services only and do not include project related reimbursable expenses.

END OF DOCUMENT

EXHIBIT A

The Milwaukee Bucks Entertainment Block is the centerpiece of a new mixed-use development in downtown Milwaukee.

MILWAUKEE BUCKS ENTERTAINMENT DISTRICT

Milwaukee, WI

STATUS
Complete

SIZE
100,000 GSF

PARTNERS
Milwaukee Bucks
Icon Venue

RINKA was selected by the Milwaukee Bucks as the design team for the Milwaukee Bucks Entertainment Block adjacent to the new Bucks arena. An important aspect of the design is extensive outdoor gathering space, which along with dining and retail venues, draws visitors and activity to the city year-round.



RINKA+

EXHIBIT A

AWARDS
2018 Milwaukee Business Journal Real Estate Award

The 58-acre area is a recollection of existing parcels into a mixed-use development that includes inline and mid-size retail, housing and office space. The pedestrian focused design to brings a contemporary, urban touch to a traditionally suburban area. Incorporating multiple green spaces, the development will aptly reflect the name of the Greenfield community. The development includes a locally focused, all seasons entertainment plaza and restaurant cluster dubbed, The Lokal.

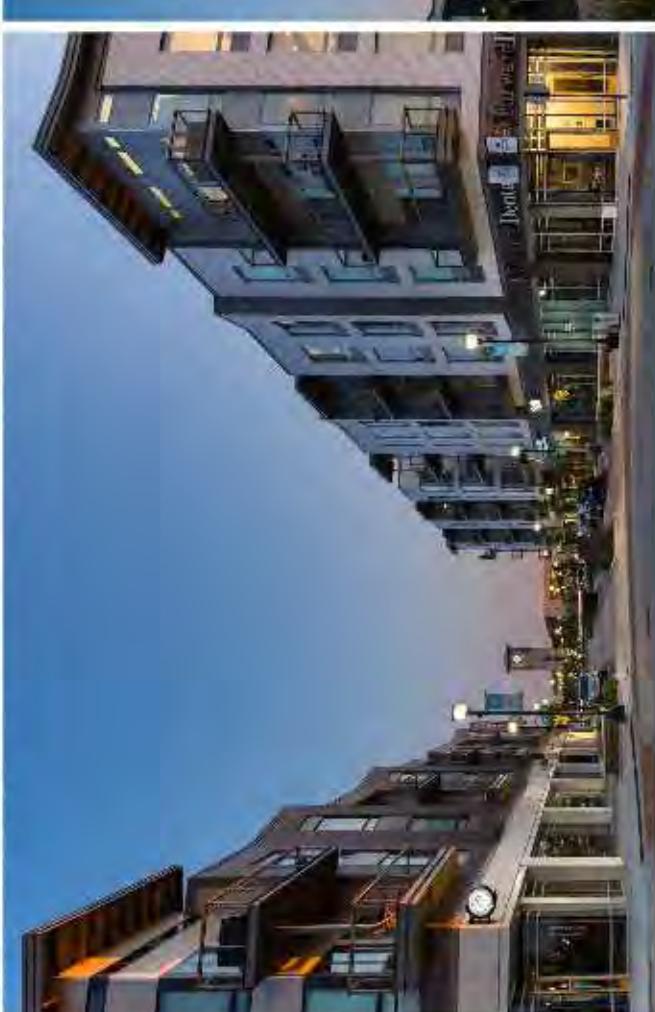
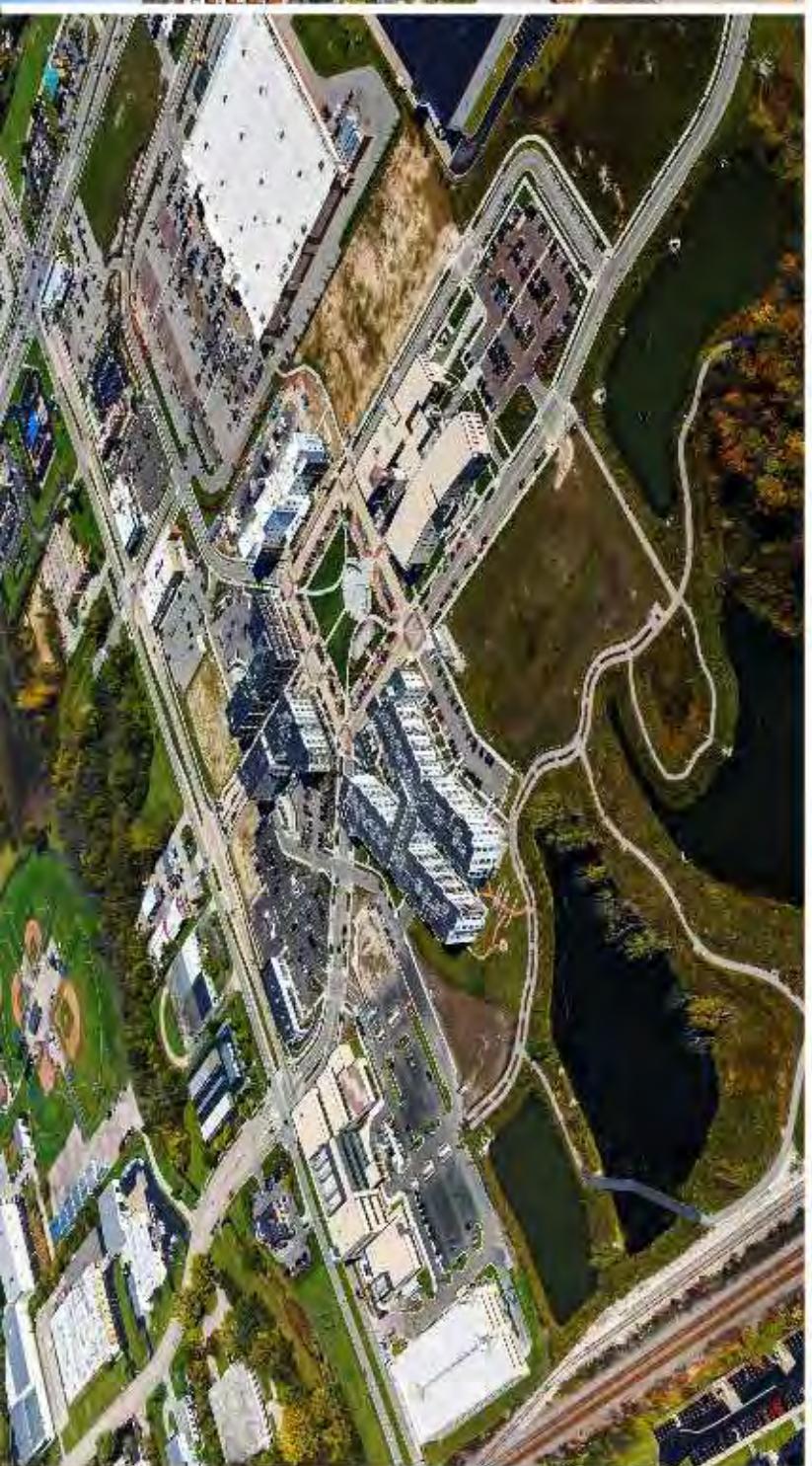
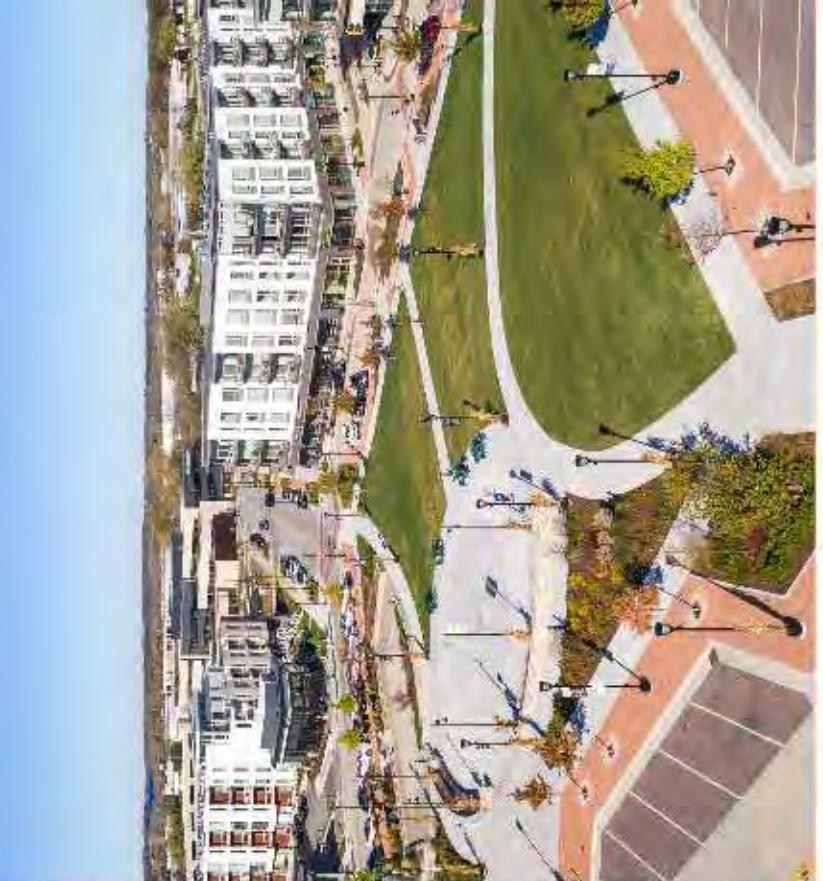
84SOUTH DEVELOPMENT
Greenfield, WI

STATUS
Ongoing
SIZE
58-acres
PARTNERS
Cobalt Partners

RINKA+



EXHIBIT A



DREXEL TOWN SQUARE
Oak Creek, WI

STATUS
Complete 2016

SIZE
85 Acres

PARTNER
City of Oak Creek
Wispark

AWARDS
2016 Milwaukee Business Journal Real Estate Award

Reminiscent of a traditional downtown, the new development will include a new Main Street, Oak Creek's first, with a new City Hall and Library on a the town square, surrounded by retail stores, restaurants, shops, businesses, and apartments. RINKA has been involved in the project from multiple aspects, including a pedestrian oriented streetscape design, design for all of the public spaces, and the Town Center design which will serve as the heart of the new downtown. In conjunction with many project partners, RINKA led the masterplanning design for the 85-acre site while establishing a design vision for all buildings within the core Main Street district.

RINKA

EXHIBIT A

The development integrates the existing site with surrounding residential, retail, recreational and manufacturing context via urban planning strategies. The project includes multi-story large format and mid-size retail, residential parcels, out lots, mixed use parcels, and interconnected green spaces to promote pedestrian connections, community growth and activity along the retail areas of the site.

WHITE STONE STATION
The White Stone Station Development consists of existing parcels that were transformed into a new destinational development and neighborhood through the design of a new masterplan.

STATUS
Complete 2016
SIZE
65 Acres
PARTNER
Cobalt Partners



EXHIBIT A

AWARDS

2016 Daily Reporter Top Projects

The 4-story building is composed of three apartment “wings” that are joined together by a common lobby building element. The lobby connector functions as a transitional space from the main entry courtyard to a communal entertainment deck and pool on the Western portion of the site. Designed to evoke a series of town homes, the building’s design is intended to be of simple sophistication with a sense of retreat from daily urban life, geared towards the discerning resident. In its entirety the complex houses approximately 142 units, with below grade enclosed parking. In addition to the residential component, the necessity of retail spaces was implemented to activate the 6th street corridor.

Located on Drexel Avenue and Howell Avenue, the Emerald Row Apartment Project is a multi-building residential apartment complex within the Drexel Town Square development in Oak Creek, WI.

EMERALD ROW APARTMENTS

Oak Creek, WI

STATUS

Complete

SIZE

190,130 SF

PARTNER
Barrett Lo Visionary Development



EXHIBIT A

FORGE + FLARE APARTMENTS
The two mixed use buildings on Main Street create the North wall to the Town Square, the featured space of the Drexel Town Square development in Oak Creek, WI.

STATUS
Complete

SIZE
Forge: 95,720 SF / Flare: 77,080 SF

PARTNER
WIRED Properties

The three and four story buildings include retail and restaurant space on the first level, with apartments on the upper levels. A pedestrian arcade mid-block separates each building into two and provides cross site access between the buildings. Indoor/outdoor spaces are incorporated into the restaurant locations, along with a perimeter pocket park and landscaping features to screen parking and soften the pedestrian experience.

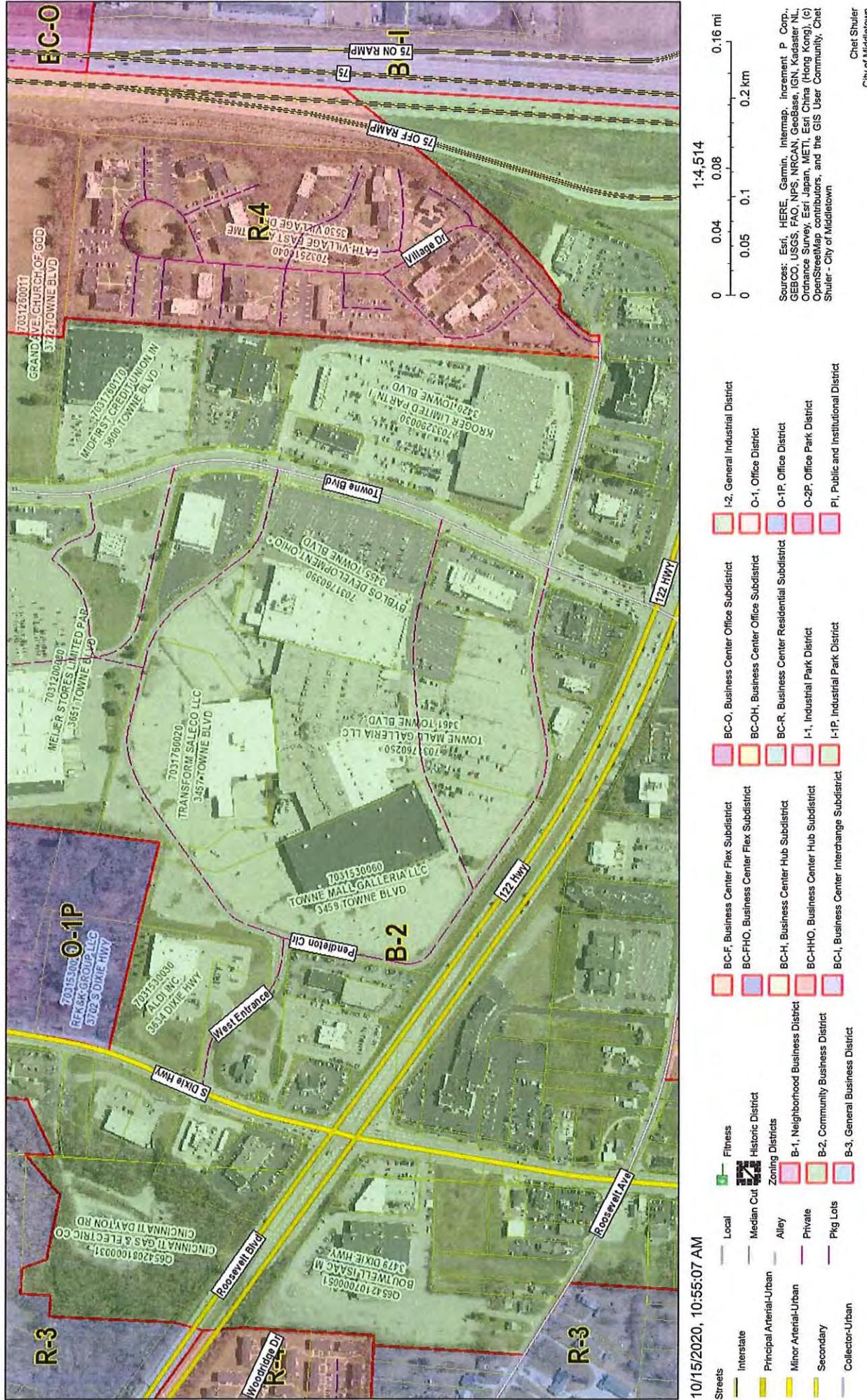
The design of both buildings brings a contemporary urban approach, respective of the traditional Main Street experience, which is consistent with the masterplan concepts for the overall Drexel Town Square development.



RINKA+

EXHIBIT B

Towne Mall - B2 Community Business District



STAFF REPORT
For the Business Meeting of: November 3, 2020

October 29, 2020

TO: City Council

FROM: James M. (Jim) Palenick, City Manager

Prepared by: James M. (Jim) Palenick, City Manager

**Contract with RINKA Architectural Firm for Professional Land
Planning Services Associated with the Towne Mall Galleria
Redevelopment Project.**

PURPOSE

To authorize the City Manager to approve and enter into a professional services contract with the RINKA Architecture and land planning firm of Milwaukee Wisconsin for the purposes of providing a detailed, two-phased master redevelopment planning process for the redevelopment of the Towne Mall Galleria as a mixed use Town Center.

BACKGROUND AND FINDINGS

The Towne Mall Galleria in east Middletown (which includes now-vacant, former Sears and Elder Beerman locations along with the connected and enclosed indoor mall proper and adjacent parking fields), owned by George Rhagheb of California and, in the aggregate, comprising approximately 31 acres, has seen a steady and continuous decline in occupancy and economic activity over the past decade, and much like most other enclosed, suburban, retail malls has reached a point of economic obsolescence. Some developers have made efforts to develop a plan for the comprehensive redevelopment of the properties over the past three years but ultimately failed in negotiating any site control with Mall ownership and those efforts have proven fruitless. With this in mind, and knowing the properties hold significant redevelopment potential as a reimagined contemporary Towne Center with housing, entertainment, dining, and limited and integrated, destination retail, the City has developed a “partnership” arrangement with the property owner, Mr. Ragheb, to jointly Master Plan the properties redevelopment, along with assistance from the Warren County Port Authority. Together, the partners have selected the architecture and land planning firm of RINKA, from Milwaukee Wisconsin to develop both conceptual and schematic Master Redevelopment plans that the City and property owner can agree upon and, with the further assistance of the Warren County Port Authority, follow through to completion as a reimagined Towne Center to include luxury, multi-family housing, entertainment and sports, dining, and mixed-use destination retail. The two-phased, master planning process is expected to take 13-18 weeks from start to finish. And cost \$93,000.

FINANCIAL IMPACTS

The RINKA Contract, which will be entered into by the City of Middletown, calls for the expenditure of: \$5,000 for “visioning and programming”; and then: \$42,500 for the First Phase “conceptual master planning”; and: \$45,500 for the Second Phase of “schematic master planning”; for a TOTAL: **\$93,000**.

The City will fund these expenditures through the use of approved FY2020 General Fund Dollars in the following manner:

Economic Development: other prof. services: (100-164 52480): \$25,000
City Manager: other prof. services: (100-111 52480): \$29,000
Unappropriated General Fund Balance: (100-164 52480): \$44,000

In turn, Mr. Ragheb will reimburse the City, (by way of a separate agreement) from T.I.F. incentive proceeds received, the \$44,000 being covered by “unappropriated General Fund Balance”.

Also, the third partner and stake-holder in the process is the Warren County Port Authority, who sees the creation of significant investment in sales tax-producing recurring economic activity at the site as being in the clear interest of the County and, as such, is prepared to assist with certain financing and economic development incentive tools as well as offering expertise in the sports and entertainment component of the planned redevelopment.

ALTERNATIVES

The alternative to partnering with the property owner and Port Authority, and jointly hiring and directing a nationally-recognized expert in the redevelopment of aging Malls/Towne Center designs, in order to assure a high quality, comprehensive master redevelopment plan is created and followed; would be to allow the owner to proceed with an uncoordinated and unplanned, piecemeal redevelopment or marginal tenancy of the Mall. In such scenario, the total possible level of economic investment and activity would not be maximized in the way that allows the full potential of this valuable property to be realized.

EMERGENCY/NON-EMERGENCY

Emergency – immediate effect for contract approval would allow the City and our partners to engage RINKA to commence the master redevelopment planning and design process immediately so that, in turn, we could then begin the expedited process of the redevelopment of a series of the component parts of the planned investments in parallel, rather than in sequence.