

MIDDLETOWN, OHIO

February 19, 2019

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

ROLL CALL

City Council Members present: A. Vitori, S. Bohannon, J. Mulligan, L. Mulligan.

EXCUSE ABSENCE

Mr. Mulligan moved to excuse Mr. Moon's absence due to an illness in his family. Mr. Bohannon seconded. Motion carried. Ayes: Mr. Bohannon, Mr. J. Mulligan, Mr. L. Mulligan, Ms. Vitori.

CITY MANAGER

Douglas Todd Fisher

Mr. Adkins introduced Assistant Economic Development Director Alexis Fitzsimmons to explain that Todd Fisher wishes to renovate and update the properties listed below. These properties are in a visible areas of the historic downtown and renovations would improve the area's aesthetic. Many of the properties have been neglected and are not usable until renovations are complete. Mr. Fisher is requesting a 100% for 12 year tax abatements on his properties. The projects would be completed by December 31, 2019. She introduced Mr. Todd Fisher.

Ms. Vitori asked, considering the state of the properties, what can be done for \$25,000? Will you be working on ten properties at one time? Mr. Fisher answered and stated that he will be prioritizing property needs. He tries to work on the property without displacing anyone. He is looking to make incremental improvements and to upgrade the properties. He will be making a much larger overall investment into each property. He stated that initially he invests in new roofs and HVAC to restore the integrity to the buildings. Many of these building are mixed use, with apartments upstairs and commercial spaces on the first floor. After the renovations, he will be able to charge a higher rent on the properties. He explained that most of the apartments are rented and that more of the commercial spaces are being rented. Ms. Vitori stated that the goal of the Downtown Community Reinvestment Area agreement is to encourage the redevelopment of existing properties and establishing housing and commercial activity in the CRA. There was additional discussion about other property investors all over the City who have made large investments into their properties who did not have the incentive of the tax abatement offered through a CRA. Mr. Bohannon stated that he felt like this was somewhat unfair to other investors. He discussed the goal of having market-rate apartments downtown. Mr. Fisher stated that no amount of renovations can make a \$200 a month apartment into a \$1,000 a month apartment overnight, it takes time. He is increasing the rent incrementally as the downtown area improves, the apartments improve and the renter market improves. Mr. Bohannon stated that he has heard from several people that they would like to live in a nice apartment downtown. Mr. J. Mulligan asked if Mr. Fisher was doing some of the work himself and if that work was considered as part of the total investment. Mr. Fisher replied that he does as much of the work as he can under the permitting guidelines and that work is in addition to the investment. Mr. J. Mulligan reminded everyone that Mr. Fisher applied under the existing guidelines and encouraged them not to move the goal posts. Mayor Mulligan asked for a total of all of the improvements that have been completed on these properties. Mr. Fisher provided a rundown of the projects that have already been completed. Mr. Fisher stated that he is restoring the integrity of the buildings, making them look good and getting them rented. Mr. Fisher stated that he is a long term investor, not a flipper. Ms. Vitori asked if the additional improvements will be added to the CRA agreement; Ms. Fitzsimmons confirmed they would. Ms. Fitzsimmons provided additional information about the intent of the CRA. Mr. Adkins encouraged Council to consider the matter under the existing guidelines and not to move the goal posts; if they want to make changes, they can do that in the future.

Warren County
Drug Task Force

Steve Arrasmith, Warren County Drug Task Force Commander, thanked the City Council for their support and commended the Middletown Police Chief and the officers for their hard work. He presented the 2018 year in review and explained that the Warren County Drug Task Force is a multi-jurisdictional unit specializing in the investigation of drug trafficking, prescription drug diversion, money laundering and other drug related crimes.

Melissa Kutzera
Monica Nenni

Owners of West Central Wine, Melissa Kutzera and Monica Nenni announced that they were hosting the first annual EcoFest on the First Friday of March to raise awareness about the benefits of recycling and to provide education and awareness of local efforts to preserve our planet for future generations.

CITIZEN COMMENTS
Judge Sherron

Judge Sherron offered the following statement on the plans to close the City jail. Thank you for giving me the opportunity to speak with you tonight. I'll try to be brief. Middletown Municipal Court has been known for many years as a leader in the criminal justice community, using evidence based programs to set policies that benefit our community. In the 1990s, the Court completed a comprehensive study of how treatment and jail impact OVI offenders. Then in the late 1990s and early 2000s, we addressed the domestic violence problem not only with the offenders, but as one of the first Courts to provide a program for victims paid for by the offenders. Again this policy involved both jail and treatment. In the last few years the heroin problem has again challenged the City and the Court to develop an evidence based program using the drug court model including administering the Vivitrol shot to defendants prior to their release from the city jail. All of

these "best practices" involved both jail and treatment.

And as you all know, Middletown has made great strides combating the drug crisis over the past several years through the combined efforts of fire and police first responders, the rapid response team, the hospitals and medical community, drug counselors and other treatment providers, and through the additional efforts of the courts.

In 2018, MMC alone processed over 6,000 criminal cases. About 70% of those cases involved drug or alcohol related offenses. The court has also tried to adapt responsively.

- Counseling agencies are now embedded into each court docket, greatly enhancing treatment options with many defendants going directly from jail into inpatient, outpatient and IOP treatment.
- In 2018, the Court performed over 400 drug screens on defendants, many in the court's holding cell prior to sentencing.
- Last year the court referred 420 defendants to the Access counseling agency alone. 55% of those 420 people remain in treatment.
- In 2018, 54 defendants were transported directly from jail to inpatient drug and alcohol rehab facilities. Most such facilities will not admit someone until after they have detoxed from the drugs in their system. This can be 7-14 days for an opioid addict to 30-45 days for a meth addict.
- In 2018, 53 Vivitrol injections were administered to defendants in jail as they were being released into treatment and onto probation. Vivitrol also cannot be administered to a person until after they have detoxed.

It is my understanding that City administration is proposing and that you are considering closing the jail in the near future. I was informed last week that the issue has been tabled until next year but I believe the issue remains critical and timely to still merit discussion right now. I fully respect the City Manager and the work he has done for Middletown, however we simply have a deep disagreement on this issue.

The reductions in jail population have already caused limitations in the Court. Most glaringly with unserved warrants. There are over 1800 unserved warrants in Middletown (not including warrants for monetary sanctions). These include Failure to Appear, original unserved warrants, and Failure to Comply warrants. Failure to appear warrants are up 15% from 2017 to 2018. More importantly felony failure to appear warrants are up 30%! Let me repeat that. Felony failure to appear warrants are up 30%! Non compliance with probation orders are up as well. Our Probation Officers are well educated (all have Master's Degrees with an area of specialty) and trained to help offenders change behavior, but without enforcement of violations they can't be as effective at gaining positive change and compliance. Unserved warrants and non-acceptance at the jail is and will continue to result in more criminal behavior. Middletown's director of court services, Steve Longworth, serves on Governor DeWine's new Warrant Taskforce. The Governor wants a plan to combat the state's ever growing warrant crisis as justice is not served for the victims of these crimes when a warrant languishes unserved.

Make no mistake, closing the jail will, in my opinion, have a profound and catastrophic impact on Middletown and its residents. Criminals who should be in jail, will not be. Crime will increase, drug related activity and overdoses will increase. The City's expenses will increase and public safety will be further jeopardized. Middletown will no longer have control over many of the offenders committing crimes here.

As an example, one morning last week: the court heard 13 meth cases (those charged with meth who pled to a misdemeanor offense or tested + for meth.). Many of them were potentially violent and/or actively psychotic and jail was necessary to keep you and them safe. Most of them were sentenced to a jail term, either downstairs or in one of the two county jails. If the latter, they very well may have been released by now by either county, back on the streets while still potentially under the influence of meth. Let's be honest, in most cases, No jail likely means no treatment. All the court can do is put them on probation, not surprisingly, probation officers are completely undermined if the probationer knows he or she will not go to jail for continuing to use drugs or committing other misdemeanor offenses.

The city has already reduced the maximum jail population from an average of 60-70 prisoners down to 40. As a result, and as I already alluded, FTA's at arraignment have increased dramatically often with 13-15 daily. There are extreme examples of the associated risks: several weeks ago, a defendant was charged with assault, CCW (a knife) and RIA. He was booked then released from the jail on his own recognizance and notified to appear in court the following week. Not only did he fail to appear in court, 2 days later he was arrested on an aggravated robbery and CCW charge for robbing a

gas station.

Many offenders are summonsed and then fail to appear, are rearrested, released from jail, re summonsed and fail to appear again, sometimes 4-5 times. This occurs 6-10 times every week on average. Make no mistake, these numbers will only increase **exponentially** with the closing of the City's jail. One young man with multiple driving under suspension charges failed to appear several times after being re cited to court. After his last missed court date here, he was charged with new offenses in Warren County because he allegedly wrecked a rental car into another driver and broke an elderly man's neck.

MMC covers 2 counties, neither county, will house non-violent misdemeanor offenders. Let me repeat that: Neither county will house non-violent misdemeanor offenders. Catch and release will become the routine. Someone charged with breaking into your garage and stealing your mower today could be going after your snow blower tomorrow and never go to jail.

The current state-wide trend for pre-trial confinement is to use evidence based risk assessment tools not a blanket release or hold based on the charge alone. This risk assessment on felony cases in our court involves a partnership between Butler County Pre-trial Services and our Court. This allows low risk felony offenders to be released while their case is pending. It may include electronic home monitoring, treatment, and/or reporting to a probation officer. This reduces the jail population as those felony offenders would otherwise be held in jail for up to 10 days in the City jail waiting on a preliminary hearing and even longer in the county jail awaiting trial. On misdemeanor offenses, the Court is evaluating the risk posed by the offender and releasing and setting conditions of release (such as bond) accordingly. This is a judicial determination, not an administrative one.

The ripple effects of closing the jail will run broad and deep and include economic, social and safety considerations beyond what I've mentioned already. The effects may be permanent because, once the jail closes, it stays closed.

Economic: The jail study of 2017 which you paid \$30,000 for, recommends keeping the jail open. It considers many but not all of the economic factors involved. For example, currently, most defendants appear in court for their arraignment the morning following their arrest. Most of them are eligible for a public defender who they speak with that same morning. They very often reappear that same morning, enter a plea and are sentenced. Their case is completed; however, with no jail, if the defendants are incarcerated in one of the county jails, they will have to either have a video arraignment (which the court is not currently equipped for or capable of) or be transported to the court for their arraignment. Women in one transport, men in another. Even with video arraignment, each defendant would still have to be transported to court to speak with their attorney and for their case to be heard. This might involve several hearings if pre-trials, trials and other proceedings are needed. All transported at the City's expense. Another example: a detective needs to interview a prisoner. Currently he walks the 100 feet or so to the jail, returns with the prisoner to the interview room, conducts his interview and returns him to the jail. Maybe a one or two hour process depending on the interview length. What if that detective has to drive to Hamilton or Lebanon to interview the prisoner and then has to wait 30 or 45 minutes to have the prisoner brought out for an interview. That detective may have just spent half a day instead of an hour.

Police often have to wait with a prisoner for up to an hour or longer just to have the county jail process the prisoner into jail.

There are so many other hidden costs to jail closure that City Council needs to consider.

I've heard the argument that there are only 2 other municipal jails now operating in Ohio and what if the state closes our jail since it's out of compliance with state regulations. First, there are actually about 6 dozen municipally operated jails in Ohio. In 5 of them a prisoner can serve a full term of up to 18 months. In others, that time is limited to 12 days, 3 days or 12 hours. No jails have closed in the past 10 years. Only 1 city over the last 10 years stopped operating a full service jail by reducing to a 12 day city jail.

Most of the municipally operated jails in Ohio, in fact 2/3rds of all jails in Ohio, were out of compliance with state standards in 2016. In 2017, of the 12 jails in the 8 counties of southwest Ohio were found to be overcrowded. That's only gotten worse since then. All but 1 of those jails was found to be out of compliance with state safety and security standards. The Ohio Board of Adult Detention supervises jail compliance. Middletown's jail has been open since 1976 and has been out of compliance since 1977. It never has had windows and never will, that's one of the violations. The B.A.D. has never closed down a jail and has, to my knowledge, never threatened to close Middletown's. The Bureaus' last report indicated areas of non-compliance and rated their severity. Many of them appear to be remediable. Others, like the lack of direct sunlight, are not. Fixing the remediable issues will cost much less than the cost of closing the

jail and the resulting expenses, and will mitigate against any agency attempting to close our jail.

There are many people here tonight solely because of their concern regarding this issue. All 4 living former chiefs of the Middletown Police stand united here tonight in their opposition to the closing of our jail. The council could well benefit from their input. It has been argued that their input is less relevant as times and circumstances have changed since their tenures as chief. That times and circumstances have changed is true in several regards: the jail population has been reduced nearly by half from when these men were chiefs and thus should be more affordable and manageable. At the request of the police department, the court is now issuing many more medical furloughs for prisoners from jail when requested so as to avoid the cost of treatment being left to the city. Prisoners with medical issues are also being sent for medical treatment prior to being jailed. So yes, circumstances regarding the jail have improved in many ways.

There are many other stakeholders here tonight whose input council would benefit from: the FOP, other first responders, business owners and landlords, professional treatment providers and concerned citizens of Middletown.

They all want and deserve to be heard on this issue. The future of the jail should not be left up to any one person or perhaps even council. Should the voters decide? Perhaps. At a minimum, if council is considering closing this resource, at least establish a task force or committee to investigate the options and repercussions of closing the jail before taking any other action.

The ultimate purpose of the jail is to protect the residents of your community and to punish and rehabilitate offenders. Closing the City's jail will have the very opposite effect. Neither Butler County nor Warren County will rescue Middletown from that fate. They simply don't have the space or available resources. Middletown will be fighting for fewer beds available that every other community in each county is already fighting for and once you close the jail, it will never re-open again. Thank you for your time.

Harvey Poff

Former Middletown Police Officer Harvey Poff commented on the closure of the City jail. He stated that the officers would have to drive several miles and wait in line to book prisoners in the Butler and Warren County jails. He suggested that City Council appoint a task force to look into the issue. He stated that this would take away the officer's ability to incarcerate the bad guys.

Bill Becker

Former Middletown Police Officer, Police Chief, City Manager and City Council Member Bill Becker stated that the jail houses and incarcerates the people that have the most negative impact on the community. He stated that closing the jail would be a big mistake and suggested to keep the jail open and make the required improvements.

CONSENT AGENDA

Approve the City Council minutes of December 18, 2018, and January 8, 2019
 Confirm the personnel appointments of Heather Hellmuth and Melissa Langlais to the position of part-time Victim Advocate in the Department of Administrative Services, Law Division
 Receive and file minutes from the Library Board from November 13 & December 18, 2018
 Approve a contract with various vendors for the purchase of supplies for the Water Maintenance Division
 Accept the resignation of Roger Conner from the Park Board
 Appoint Scott D. Triick to the Park Board

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

COUNCIL COMMENTS

Ms. A. Vitori

Ms. Vitori suggested that the City prepare a proclamation recognizing EcoFest.

Mr. L. Mulligan

Mr. L Mulligan expressed his appreciation to everyone that attended the meeting tonight and thanked those that spoke for their thoughts.

Waive Charter

Mr. Bohannon moved to suspend the Charter provision that requires reading on two separate days and to declare Ordinance No. O2019-06 and Ordinance No. O2019-09 emergency measures to be read one time only. Mr. J. Mulligan seconded. Motion carried. Ayes: Mr. J. Mulligan, Mr. L. Mulligan, Mr. Bohannon, Ms. Vitori.

**Res. No. R2019-01
 1318-1326 Central
 CRA Agreement**

Resolution No. R2019-01, a resolution authorizing an agreement granting tax abatement to Douglas Todd Fisher for redevelopment of 1318 - 1326 Central Avenue in the Downtown Middletown Community Reinvestment Area was read for the second time.

Mr. Bohannon moved to approve Resolution No. R2019-01, a resolution authorizing an agreement granting tax abatement to Douglas Todd Fisher for redevelopment of 1318 - 1326

**Res. No. R2019-02
1364, 1366, 1368
Central CRA
Agreement**

Central Avenue in the Downtown Middletown Community Reinvestment Area. Mr. J. Mulligan seconded. Motion carried. Ayes: Mr. L. Mulligan, Ms. Vitori, Mr. Bohannon, Mr. J. Mulligan.

Resolution No. R2019-02, a resolution authorizing an agreement granting tax abatement to Douglas Todd Fisher for redevelopment of 1364, 1366 and 1368 Central Avenue in the Downtown Middletown Community Reinvestment Area was read for the second time.

Mr. Bohannon moved to approve Resolution No. R2019-02, a resolution authorizing an agreement granting tax abatement to Douglas Todd Fisher for redevelopment of 1364, 1366 and 1368 Central Avenue in the Downtown Middletown Community Reinvestment Area. Mr. J. Mulligan seconded. Motion carried. Ayes: Ms. Vitori, Mr. Bohannon, Mr. J. Mulligan, Mr. L. Mulligan.

**Res. No. R2019-03
1372, 1374, 1378
1380 Central CRA
Agreement**

Resolution No. R2019-03, a resolution authorizing an agreement granting tax abatement to Douglas Todd Fisher for redevelopment of 1372, 1374, 1378 and 1380 Central Avenue in the Downtown Middletown Community Reinvestment Area was read for the second time.

Mr. Bohannon moved to approve Resolution No. R2019-03, a resolution authorizing an agreement granting tax abatement to Douglas Todd Fisher for redevelopment of 1372, 1374, 1378 and 1380 Central Avenue in the Downtown Middletown Community Reinvestment Area. Mr. J. Mulligan seconded. Motion carried. Ayes: Mr. Bohannon, Mr. J. Mulligan, Mr. L. Mulligan, Ms. Vitori.

**Res. No. R2019-04
1389, 1391 Central
CRA Agreement**

Resolution No. R2019-04, a resolution authorizing an agreement granting tax abatement to Douglas Todd Fisher for redevelopment of 1389 and 1391 Central Avenue in the Downtown Middletown Community Reinvestment Area was read for the second time.

Mr. Bohannon moved to approve Resolution No. R2019-04, a resolution authorizing an agreement granting tax abatement to Douglas Todd Fisher for redevelopment of 1389 and 1391 Central Avenue in the Downtown Middletown Community Reinvestment Area. Mr. J. Mulligan seconded. Motion carried. Ayes: Mr. J. Mulligan, Mr. L. Mulligan, Mr. Bohannon, Ms. Vitori.

**Res. No. R2019-05
12 Clark St. CRA
Agreement**

Resolution No. R2019-05, a resolution authorizing an agreement granting tax abatement to Douglas Todd Fisher for redevelopment of 12 Clark Street in the Downtown Middletown Community Reinvestment Area was read for the second time.

Ms. Vitori moved to approve Resolution No. R2019-05, a resolution authorizing an agreement granting tax abatement to Douglas Todd Fisher for redevelopment of 12 Clark Street in the Downtown Middletown Community Reinvestment Area. Mr. J. Mulligan seconded. Motion carried. Ayes: Mr. J. Mulligan, Mr. L. Mulligan, Ms. Vitori, Mr. Bohannon.

**Res. No. R2019-06
1720, 10722 Central
CRA Agreement**

Resolution No. R2019-06, a resolution authorizing an agreement granting tax abatement to Douglas Todd Fisher for redevelopment of 1720 and 1722 Central Avenue in the Downtown Middletown Community Reinvestment Area was read for the second time.

Ms. Vitori moved to approve Resolution No. R2019-06, a resolution authorizing an agreement granting tax abatement to Douglas Todd Fisher for redevelopment of 1720 and 1722 Central Avenue in the Downtown Middletown Community Reinvestment Area. Mr. J. Mulligan seconded. Motion carried. Ayes: Mr. L. Mulligan, Ms. Vitori, Mr. Bohannon, Mr. J. Mulligan.

**Res. No. R2019-07
1500 First Ave. CRA
Agreement**

Resolution No. R2019-07, a resolution authorizing an agreement granting tax abatement to Douglas Todd Fisher for redevelopment of 1500 First Avenue in the Downtown Middletown Community Reinvestment Area was read for the second time.

Ms. Vitori moved to approve Resolution No. R2019-07, a resolution authorizing an agreement granting tax abatement to Douglas Todd Fisher for redevelopment of 1500 First Avenue in the Downtown Middletown Community Reinvestment Area. Mr. J. Mulligan seconded. Motion carried. Ayes: Ms. Vitori, Mr. Bohannon, Mr. J. Mulligan, Mr. L. Mulligan.

**Res. No. R2019-08
1316 First, 108,112,
114 Curtis CRA**

Resolution No. R2019-08, a resolution authorizing an agreement granting tax abatement to Douglas Todd Fisher for redevelopment of 1316 First Avenue and 108, 112 and 114 Curtis Street in the Downtown Middletown Community Reinvestment Area was read for the second time.

Ms. Vitori moved to approve Resolution No. R2019-08, a resolution authorizing an agreement granting tax abatement to Douglas Todd Fisher for redevelopment of 1316 First Avenue and 108, 112 and 114 Curtis Street in the Downtown Middletown Community Reinvestment Area. Mr. J. Mulligan seconded. Motion carried. Ayes: Mr. Bohannon, Mr. J. Mulligan, Mr. L. Mulligan, Ms. Vitori.

**Ord. No. 02019-06
Grounds Maintenance
Contracts**

Ordinance No. 02019-06, an ordinance establishing a procedure for and authorizing contracts for grounds maintenance for 2019, and declaring an emergency was read.

Ms. Vitori moved to approve Ordinance No. 02019-06, an ordinance establishing a procedure for and authorizing contracts for grounds maintenance for 2019, and declaring an emergency. Mr. J. Mulligan seconded. Motion carried. Ayes: Mr. J. Mulligan, Mr. L. Mulligan, Mr. Bohannon, Ms. Vitori.

**Ord. No. 02019-07
Police Radios**

Ordinance No. 02019-07, an ordinance establishing a procedure for and authorizing a contract with Motorola Solutions for the purchase of APX 6000 police radios was read for the second time.

Ms. Vitori moved to approve Ordinance No. 02019-07, an ordinance establishing a procedure for and authorizing a contract with Motorola Solutions for the purchase of APX 6000 police radios. Mr. J. Mulligan seconded. Motion carried. Ayes: Mr. J. Mulligan, Mr. L. Mulligan, Ms. Vitori, Mr. Bohannon.

**Ord. No. 02019-08
Amending Section
618.17 and Enacting
Section 618.25**

Ordinance No. 02019-08, an ordinance amending Section 618.17 (Dangerous and Vicious Dogs) and enacting Section 618.25 (Hearings for Dog Designation) of the Codified Ordinances was read for the first time.

**Res. No. R2019-09
Amend Appropriations
Police Grant Fund**

Resolution No. R2019-09, 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, 2019 was read for the first time. (Police Grant Fund)

**Ord. No. 02019-09
Amend Ord. No.
02017-69**

Ordinance No. 02019-09, an ordinance amending Ordinance No. 02017-69 vacating a portion of Long Meadow Drive and declaring an emergency was read.

Mr. J. Mulligan moved to approve Ordinance No. 02019-09, an ordinance amending Ordinance No. 02017-69 vacating a portion of Long Meadow Drive and declaring an emergency was read. Ms. Vitori seconded. Motion carried. Ayes: Mr. L. Mulligan, Ms. Vitori, Mr. Bohannon, Mr. J. Mulligan.

ADJOURNMENT

At 7:04 p.m., the meeting was declared adjourned until the City Council Business Meeting on March 5, 2019 at 5:30 p.m. in Council Chambers.

Lawrence P. Mulligan, Jr., Mayor

Attest: _____