

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

ROLL CALL

City Council Members present: A. Vitori, M. Nenni, T. Moon, J. Mulligan, N. Condrey.

PUBLIC HEARING

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

PUBLIC HEARING

At 5:39 p.m. Mayor Condrey opened the public hearing for Map Amendment Case #1-20: A request by petitioner Dustin Hurley, with Hurley Gunsher Ltd., on behalf of the property owner, Breiel Butler, LLC., for a map amendment to rezone the property located Northeast of the intersection of Lefferson Road and Spring Grove Lane, Middletown, OH 45044 (Parcel ID: Q6542063000007) from B-1 Neighborhood Business Zoning District to I-1 Industrial Park Zoning District. The property is a total of 5.5980 acres. Planning Commission's recommendation has been forwarded to City Council for final review and decision. Citizens were invited to submit comments to be read into the record via email to the Clerk of Council and they were also provided instructions on how to join the live Zoom meeting to make a comment.

Zoning Inspector Austin Eidemiller reported that the subject property is zoned B-1 Neighborhood Business District. The property is surrounded by R-4 Attached Residential District to the North (existing residential), B-2 Community Business District to the East (existing commercial), I-1 Industrial Park District to the West (existing storage facility), and I-2 General Industrial District to the South (Heavy Industrial). City Staff and the Planning Commission are in favor of this map amendment. This map amendment also is consistent with the proposed Master Plan indicates that parcel ID: Q6542063000007 will be located in an Industrial Buffer. The Industrial Buffer represents residential neighborhoods that are located directly adjacent to Industrial land Uses. It is the intent that these neighborhoods will transition to non-residential uses over time in compliance with the housing policy.

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

Mayor Condrey stated that the staff report was very well put together and answered all of her questions.

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

COUNCIL COMMENTS

J. Mulligan

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

Mr. Moon

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

Ms. Nenni

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

are out in public. Ms. Nenni thanked those who were considerate and courteous of their neighbors and other citizens while they are out and about. She encouraged everyone to be aware of their own protection and the protection of others while they are out.

Ms. Vitori

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

Ms. Condrey

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

**CITY MANAGER
REPORTS
COVID-19**

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

Paperboard Site

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

Water Main Break

Ms. Cohen discussed the water main break that occurred over the weekend. She assured the citizens, "We hear you and I truly appreciate everyone who has reached out to me and to council members this week. Your involvement and concern for this City is what makes us great. And I understand your concern. We need to do better to communicate with you and we are going to do better. Like any situation that doesn't go well, I personally wish we could go back and get it right. But I can't do that. What I can focus on is making sure we learn from experiences and move forward to do better. In order to do better, staff and I have spent hours this week dissecting what happened, where we think we need to improve and putting together an action plan to do better." She provided a recap of what happened and when so we are accountable to citizens and people are able to understand how we got where we are today. About 9:30-10 p.m. on Saturday night, we started to receive calls of low water pressure and discolored water. Crews responded to the area of Manchester and DaVinci. This area is unique because the main that

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

CONSENT AGENDA

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

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

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

**MOTION AGENDA
Appointment**

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

Mr. Mulligan moved to approve the appointment of Evan Skrobot to the position of part-time Line Service Lead in the Economic Development Department, Airport Division. Mr. Moon seconded. Motion carried. Ayes: Mr. Moon, Mr. J. Mulligan, Ms. Condrey, Ms. Nenni, Ms. Vitori.

**Ord. No. 02020-19
Type A Guardrail
Replacement**

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

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

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

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

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

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

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

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

**Res. No. R2020-11
Amend Appropriations**

Resolution No. R2020-11, a resolution to make adjustments to appropriations for current expenses and other expenditures of the City of Middletown, Counties of Butler and Warren, State of Ohio, for the period ending December 31, 2020 (General Fund) was read for the first time.

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


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

**Ord. No. 02020-21
Amend PBO**

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

ADJOURNMENT

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



Nicole Condrey, Mayor

Attest: 