MIDDLETOWN, OHIO
June 2, 2020

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


Chief Birk presented the Ron VanArsdale Citizen Service Award to Krystal Marsh. Ms. Marsh is the pharmacist at CVS Pharmacy at 820 S. Breiel Boulevard. On May 2, 2020 there was an armed robbery at the pharmacy. Inventory at CVS was conducted and it was found that a total of 8,146 pills were taken, being various strengths of Oxycodeone and Hydrocodeone, with a total value of more than $11,000. The suspects had used a gun and zip tied the employees, robbing them of prescription medication. Ms. Marsh was honored for her actions during and after the robbery. She remained calm and was able to provide the Police Department important details which enabled the Police to apprehend the subjects and recover the weapon used in the robbery and the stolen drugs.

Chief Birk reported that he and Officer Earl Nelson met with Reverend Bailey, Reverend Monroe and NAACP representative William Ford, to discuss things in Middletown. They are working together to organize a peaceful United March on June 20, 2020; we are all in this together, one City, united as one. The group will be meeting quarterly to go over use of force policies, procedures and complaints. Chief Birk reported that the Police Department has been working on de-escalating training for about a year. He explained that the department takes complaints from anyone and all complaints are investigated. After the investigation is complete the report goes to Major Warrick and Chief Birk for review. He explained that any use of force is first reported to the supervisor on duty and immediately the subject receives medical evaluation and treatment before they are transported to the jail. Reports are completed by each officer that used force and the supervisor documents all evidence such as cruiser cameras, witness statements, and doorbell videos. The complete report is reviewed by Major Warrick and Chief Birk. Chief Birk described what would happen in Middletown if there was a situation like what happened in Minnesota. (George Floyd’s murder while in custody.) Anytime that there is an in-custody death situation, we contact the Bureau of Criminal Investigation and they handle the criminal investigation from the beginning until the end. The officers are immediately placed on administrative leave and Middletown conducts an internal investigation. While on administrative leave, officers are stripped of their badge, gun and access. All cases are presented to the Butler County Grand Jury. He is going to meet with William Ford, Reverend Bailey and Reverend Monroe on a regular basis and discuss things that they can do in the community. He stated that a small protest had taken place with no issues. He stated that the department had recently completed crowd control training. He stated that the department welcomes peaceful protests with open arms. If the protest is not peaceful, the department is also ready to respond to that situation and keep the community and the officers safe. He explained that permits are available through the Police Department or through the Public Works Department. He explained that the Citizen’s Advisory Board to the Police Department meets every other month. This public board reviews any citizens complaints, officer discipline and use of force reports. Chief Birk discusses new hires and promotions within the department and announces upcoming events and answers questions.

Clerk Schenck read the following comments submitted by email.

William Bray submitted the following comment. "It difficult to fathom that this Airport controversy is simply because the City is requiring skydivers to land several hundred yards to the west of their current landing zone, and indeed further away from an active runway. City Council has an obligation to consider the interests of all citizens of Middletown, and ensure that City assets are utilized to their optimal function. As I’ve gathered the facts of this matter, it is clear to me that Start Skydiving wants to monopolize the City airport as its own private playground and recreational center, and any reasonable attempt by the City to carve out room for other Airport users is vehemently opposed by Start Skydiving and its stakeholders, purely out of self-interest. As I viewed the City Council meeting of May 19th I noted that many of the speakers’ comments in that coordinated campaign were around the topic of safety, and how it is a priority to the users of Start Skydiving. Few of them seemed to be residents of Middletown. Generally speaking, let us dispense with the absurd notion that safety is the top priority for skydivers. Indeed, the entire point of skydiving is to get a thrill and adrenaline rush from the controlled danger of jumping out of an airplane. If safety were their top priority, skydivers could instead engage in other diversions like checkers, pinochle, or golf. In the more specific case of Start Skydiving, it is apparent that they have racked up an abysmal safety record over the past decade of operations at Hook Field, which makes all the commentary about safety concerns rather hypocritical, and reveal them to be a diversionary smokescreen. One of the commenters had scoured FAA records going back several decades and was able to find just a few instances of mid-air, aircraft-skydiver collisions. But notably absent from his comments was the fact that, as reported by various news organizations, there have been two fatalities right here in Middletown at Start Skydiving within the past 6 years, and a third fatality earlier this year in Florida by a member of the Middletown-based skydiving team. These deaths are in addition to some unknown number of near-misses and serious accidents, at least one of which apparently
Representative
Candice Keller

Candice Keller submitted the following comments. "Dear Esteemed Council Members, A situation has been brought to my attention regarding a local business in the City of Middletown, Start Skydiving. This issue pertains to the movement of this business's original skydiving landing zones, and combining them into one undesirable landing location. I respectfully ask that the city reconsider, as this decision may have many undesirable consequences for Middletown. First and foremost, Start Skydiving brings in around $6-8 million yearly, making it a very crucial business for Middletown, as well as being an attractive tourist destination. In turn, this is beneficial to every local business in the city. The presence of the skydiving program also secures grant money for the Middletown airport. To enact the change in this business's landing zones without further consideration would threaten economic harm to airport and the entire City of Middletown. The new landing location determined by the city also poses several safety risks for Start Skydiving. The business's original three separate landing zones were set for different skydiving skill levels. Combining them all into one could prove dangerous. The more westward placement of the new landing zone also places the skydivers right in the path of downwind pattern landing aircraft. Further, the new landing location is less handicap accessible, putting in jeopardy the business's tandem skydiving program for both civilian and veteran skydivers. Start Skydiving wishes to mitigate as much risk as possible, however the new landing zone makes this exceedingly difficult. I was also informed that the FAA was not involved in the city's process for determining the new landing location. I find this most troublesome as they would be the greatest authority for evaluating the new landing zone's safety. Excluding the FAA from this process is greatly concerning. In conclusion, I once again respectfully ask that the City of Middletown reconsider their decision. I am certain that a compromise can be made and suggest that a well-meaning dialogue be opened up between the city and Start Skydiving. This local business's input should be well regarded, and also the FAA should be involved in determining the best landing zone locations. This is all for the best safety and economic interest of Middletown."

The following comments were made in person.

Ray Miller
Ray Miller, 4401 Brandon Lane, Middletown, Ohio, expressed his appreciation to the Mayor and City Council for their service. He stated that since Covid 19 closed the Middletown High School, Breiel Boulevard has become a drag strip. Cars and motorcycles are racing past his house and it is really dangerous. He asked for the City to put an officer up there or a sign to stop it.

Pastor Ruth Kelly
Ruth Kelley, 711 Poplar Street, Middletown, Ohio, stated that she has been watching a lot of the protests that have been taking place all over the country and locally. We continue to encounter the same problems that have taken place throughout history here in Butler County. She explained that she grew up in North Carolina and went to segregated schools. When busing took place, she remembered rocks and bricks thrown at the school buses. She stated that structural racism has not been resolved in this country. She commented that past City leaders have been working to change hiring practices and she is pleased that progressive dialog is continuing with the Police Department. We need to resolve the hostility if we are going to have peace and progress and not destroy our neighborhoods. We have an opportunity to grow through our policy changes and by learning from each other.

Ms. Vitori
Ms. Vitori stated that her heart was heavy from the events of the week. She introduced a resolution speaking out against injustice and systemic racism in our country for City Council to consider adopting at the next meeting. She read an excerpt from the sample resolution.

Mr. Mulligan
Mr. Mulligan stated that he shared in the sadness and disappointment of the events in Minneapolis. Obviously, those actions don’t reflect the best of any Police Department. Those actions have opened up a very deep wound in America. I am hopeful and prayerful that Middletown can be part of the solution. It is about building trust across racial and economic divides. If we can do that in Middletown, it would be a great step forward to building friendships and relationships and we would be a better City for it.

Mr. Moon
Mr. Moon commented on the week’s events and the tragic death of Mr. Floyd. He thanked the Citizens Advisory Board, the Middletown NAACP and the Ministerial Alliance for the engagement and their love for this community. He stated that the week’s events strike very close to home because he has family members that are African American. Knowing that they have to have
conversations with their children that I will never need to have with my white children is unacceptable. As a Christian, I believe that we are all made in the image of God and are deserving of respect. We have to accept that racism is real and it is in our community. We all need to examine our own hearts and minds and the unconscious bias that we may harbor ourselves.

Ms. Nenni stated, "We are as we declare each meeting in the Pledge of Allegiance: One Nation, Under God, Indivisible, with Liberty and Justice for All. Until our neighbors in the Black Community are given the liberty and justice that their white counterparts receive without conditions, the protests in America and now across the globe, will continue. Watching peaceful protests evolve into the looting and destruction of my old neighborhood in Over-The-Rhine over the weekend, I was flooded with emotions for my fellow small businesses. I felt loss, fear, anger, disappointment - but these were the exact same emotions that spurred outrage against the public murder of yet another unarmed black person. My white privilege has protected me, and until more white people can admit this, nothing will change. This doesn't mean that violence is the answer, it is never the answer, but that is the point. I am proud to call Middletown home, because in this time of turbulence our Chief, law enforcement and community leaders have come together to support one another and ensure the safety and prosperity of those in most need. As we move forward, let us follow their example. Let's be better than we were before - for each other - with Liberty and Justice for all. This City of ours is resilient in so any ways. We continue to protect the most vulnerable in our community by practicing social distancing. We support our first responders and protect our small businesses. We hold ourselves and others accountable to do the right thing. So what can our citizens do? Keep protecting yourself and others. Peacefully practice your rights to free speech and report wrongdoing - if you see something say something, share any specific concerns you have for the community with the Police Department's Citizen Advisory Board, and know that YOU can make Middletown a better and safer place to live. Thank you."

Ms. Condrey stated, "We can all agree that no human deserves to be treated unjustly. I look forward to participating in many conversations and events to honor the right things and justice. This extends from bullying, slander, and libel to acts of violence. React vs Respond, there is a big difference.

A reaction is survival-oriented and on some level a defense mechanism. It might turn out okay but often a reaction is something you regret later. A response on the other hand usually comes more slowly. It's based on information from both the conscious and unconscious mind. Communication is the key to understanding each other and knowing each other. I give Middletown Police Department a lot of credit for, despite low staffing levels, focusing on Community Oriented Policing and having a continued presence and positive impact on our City. I encourage citizens to maintain a regular line of communications with city staff and elected officials, about not just this topic but all topics of importance. Communications with our City officials in Middletown are increasing in frequency and depth of conversation; you may find exactly what you are looking for through participation in such conversations. Diplomacy on all levels has proven throughout history to be the most peaceful, least expensive, and most effective tool in our belt as humans. The limitation of riots, moral questions aside, is that they cannot win and their participants know it. Hence, rioting is not revolutionary but reactionary because it invites defeat. It involves an emotional catharsis, but it must be followed by a sense of futility. "Life's most persistent and urgent question is, 'What are you doing for others?' Both quotes are from Martin Luther King Jr., which makes them especially relevant to recent topics. When considering your own response, ask yourself if this is a thought-out response or an initial survival-oriented reaction you may regret later and challenge yourself to devise a worthwhile response, perhaps even organize an event or clean-up in honor of an individual or event."

Acting City Manager Cohen stated that nothing that she could talk about tonight is as important as what is going on in the country right now. Her focus has been to open up a dialog between our community members and she commended Chief Birk for his immediate actions to reach out to the community and know that we are here for our citizens. She liked what Pastor Kelly said about learning from each other. She hopes that will be the lesson that we learn over the next few months, that we need to spend more time listening and learning together instead of talking. She encouraged citizens to discuss issues with Council members and City staff.

To Receive and File Board and Commission Minutes from:
Architectural Review Board- October 10, 2019
Planning Commission- November 13 and December 11, 2019
Board of Zoning Appeals- December 4, 2019
Historic Commission- December 12, 2019
Park Board- January 13, 2020
Library Board- February 18, March 17 and April 3, 2020
Board of Health- April 14, 2020
Receive and File Oaths of Office for Geoffrey Getter and Ryan Rawlins

Mr. Mulligan moved to approve the issues and actions listed on the Consent Agenda. Ms. Nenni seconded. Motion carried. Ayes: Ms. Nenni, Mr. Moon, Mr. Mulligan, Ms. Condrey, Ms. Vitori.
Mr. Mulligan moved to suspend the Charter provision that requires reading on two separate days and to declare Resolution No. R2020-24 an emergency measure to be read one time only. Mr. Moon seconded. Motion carried. Ayes: Mr. Moon, Mr. J. Mulligan, Ms. Condrey, Ms. Vitorl, Ms. Nennl.

Resolution No. R2020-14, 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 (Municipal Garage Fund) was read for the second time.

Mr. Mulligan moved to approve Resolution No. R2020-14, 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. (Municipal Garage Fund) Ms. Nennl seconded. Motion carried. Ayes: Mr. J. Mulligan, Ms. Condrey, Ms. Vitorl, Ms. Nennl, Mr. Moon.

Ordinance No. O2020-24, an ordinance authorizing a collective bargaining agreement with the Fraternal Order of Police, Ohio Labor Council (Dispatchers) for the years January 1, 2020 through December 31, 2022 and declaring an emergency was read.

Mr. Mulligan moved to approve Ordinance No. O2020-24, an ordinance authorizing a collective bargaining agreement with the Fraternal Order of Police, Ohio Labor Council (Dispatchers) for the years January 1, 2020 through December 31, 2022 and declaring an emergency. Ms. Vitorl seconded. Motion carried. Ayes: Ms. Condrey, Ms. Vitorl, Ms. Nennl, Mr. Moon, Mr. J. Mulligan.

Resolution No. R2020-15, 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 and emergency was read with no action requested until June 16, 2020. (Transit Fund)

At 7:05 p.m., the meeting was declared adjourned until June 16, 2020 at 4:30 p.m. in Council Chambers.

Attest: [Signature]

Nicole Condrey, Mayor