At 4:30 p.m., Mayor Condrey called the City Council work session to order in Police Administration Conference Room, Lower Level of the City Building.


The purpose of the work session was to discuss boards and commissions. City Council reviewed the following Administrative Code provisions:

§ 260.01 MEETINGS; MINUTES. All City boards and commissions established by Charter, ordinance or the general laws of the State shall meet periodically, as is necessary, except as otherwise required by law, and shall transmit a copy of the minutes of such meeting to the City Council forthwith. (Ord. 2411, passed 1-15-1942; Am. Ord. 02010-69, passed 10-19-2010)

§ 260.02 FAILURE TO ATTEND MEETINGS. Any member of any City board or commission established by ordinance who fails to attend two successive meetings of the board or commission to which he or she has been appointed and such absences are not excused by a majority vote of said board or commission shall thereupon be automatically dismissed as a member of such board or commission and his or her office or place of appointment shall become vacant. (Ord. 2411, passed 1-15-1942; Am. Ord. 02010-69, passed 10-19-2010)

§ 260.03 RESIDENCY REQUIREMENT. Every member of any City board or commission shall be an elector of the City, except as otherwise permitted by the City Charter or the ordinance creating the specific board or commission. If City Council determines, in its sole discretion, that a board or commission requires a member with a particular qualification or expertise, and an elector of the City is not readily available to fill that position, City Council may appoint a resident who is not an elector or a person not residing in the corporate limits. However, the majority of members of all boards and commissions created by City Council shall be electors of the City. (Ord. 02010-69, passed 10-19-2010)

City Council discussed the goals of the boards and commissions, some are established by the Charter and some by the Administrative Code. The discussed the two consecutive term limit rule. This is specifically mentioned in the establishment of the Airport Commission but generally expected across all of the City boards and commissions. They discussed what would happen if no other applications were received; would members be permitted to continue to serve? City Council discussed board minutes and the code provision to receive the minutes “forthwith.” City Council discussed the varying roles of staff liaisons, some serve as the secretary and some lead the meetings. The guidelines and meeting frequency vary widely across the boards. The goal of receiving the minutes is for City Council to be aware of what is going on. Some board secretaries are volunteers and not City staff members. There is a need for additional training and establishing a template for minutes to improve the consistency across the boards and commissions.

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


Mayor Condrey presented the following proclamation to Susan Cohen.

WHEREAS, Susan Cohen began her career with the City of Middletown on August 15, 2013, as the Assistant Prosecutor. On January 1, 2015, she was promoted to Assistant Law Director and on January 1, 2018 she was reclassified as General Counsel for the City of Middletown. She was named the Administrative Services Director on January 1, 2019; and

WHEREAS, Susan Cohen was named Acting City Manager on November 5, 2019. She has demonstrated incredible strength and wisdom as she guided our City through these dynamic, unprecedented times caused by the global COVID-19 (coronavirus) pandemic. The pandemic created new economic storms and unique challenges and Susan Cohen steadfastly faced these obstacles and kept the City of Middletown on course and moving forward. She was instrumental in the search for Middletown’s new City Manager and continues to support him as he takes the reins. The City of Middletown is grateful for her dedicated leadership; and

WHEREAS, Susan Cohen’s friendly, approachable style has earned the respect and admiration of all those with whom she has worked. Her hard work and dedication continue to positively impact the City of Middletown and its citizens.

NOW, THEREFORE, I, Nicole Condrey, by the powers vested in me as Mayor of the City of Middletown, on behalf of the City Council, City Staff and Citizens of our City, do hereby present this proclamation as a token of our appreciation and declare Tuesday, July 21, 2020, as Susan Cohen Day

In the City of Middletown
Detective Jason Wargo, 1 Donham Plaza, Middletown, Ohio welcomed new City Manager Jim Palenick on behalf of the police officers. He expressed his appreciation to Ms. Cohen for stepping up to lead the City when she was called upon. He discussed the SAFER Grant and explained that the department needs the two additional officers. He stated that the FOP contract expired on October 31, 2018 and today it is July 21, 2020, and we don't have a signed contract. He stated that they need to get the contract finalized and signed.

Levi J. Cramer, 24 Aberdeen Drive, Middletown, Ohio. “Members of council, I am here tonight to speak For Pastor Lamar Ferrell and Berachah Church. He wishes he could be here tonight to give this statement himself, however he is out of town with his family. He sent me a statement, which I will read verbatim: “It was such an honor for Berachah Church to host the BOOM “Blessings Over Our Middletown” on Friday night July 3... We were at full capacity on our property with thousands of people in attendance!! We had a beautiful evening and our thanks goes to all who came out to watch! A special thanks goes out to Sean Aakew & crew who brought three hot air balloons Middletown Fire Dept & Middletown Police Department and also a huge thanks to Team Fastrax for the amazing pyrotechnics display from the air!! It was beautiful to see a 5000 square foot American Flag illuminated and descending from the air while the National Anthem was played to the cheers & applause from thousands of Middletowners.” Thank you.”

Jeff Payne, Executive Director of Downtown Middletown Inc., 1050 Central Avenue, Middletown, Ohio thanked Ms. Cohen for all of her hard work as we have navigated through this year and he welcomed City Manager Jim Palenick to Middletown.

Fred Hurst, 114 Stoles Drive, Middletown, Ohio commented that recently he had a water leak and the response from the City was incredible. Mr. Haney responded within 30 minutes and the crew worked all weekend and did an incredible job. He stated that he is really concerned about the condition of the roads and that the issue has been kicked down the road for twenty years. He recommended that a citizens committee be formed to take a look at this before any definitive action is taken.

Mayor Condrey opened the public hearing at 5:41 p.m. Finance Director Burton presented the annual paving amounts from the last five years, using only City funds.

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</tr>
</thead>
<tbody>
<tr>
<td>3,650,000</td>
<td>$1,887,882</td>
<td>$1,160,135</td>
<td>$1,293,224</td>
<td>$993,300</td>
</tr>
</tbody>
</table>

- These amounts exclude grant funding such as OPWC, ODOT, etc. that are utilized annually, especially with larger projects such as Oxford State Rd., Yankee Rd., and Central Ave.
- These amounts also exclude other large capital projects such as the Bike Path, South University Bridge deck replacement, etc.

2020 Local Street Paving $3.7 Million in 2020 Paving

Contractor Paving

Estimated Cost = $3,350,000 ($1.4M General Capital Fund, $250k Storm Water Capital Fund, $1M Auto & Gas Tax Fund from new gas tax increase, $700K assessments for sidewalk, curb and gutter).

STREETS:

Bonita Dr. between Roosevelt and Breiel, Esmere St. between Van and Crescent, Burton Rd. between Central and Grand, Gladys Dr. between Sherman and Grand, Calumet Ave. between Yankee and Garfield, Main between 1st and Reinartz, Casper Ave between Carmody and Main, McGee between McKnight and Dorset, Central Ave. between Carmody and Main, Schirm between Riverview and dead-end, Dorset Dr. between McGee and Grand, 16th Ave. between Main and Ohio, 11th Ave. between Main and Lincoln, Vermont St. between 17th and dead-end

City Crew Paving

Estimated Cost = $300K (Auto & Gas Tax Fund) plus assessments for sidewalk, curb and gutter

STREETS: Antrim Cl, Court Donegal, Galway Cir., and Helton Dr. between Bonita and East

S. University Bridge Project (not included in Paving total)

$2,050,000 total projected cost - $800,000 funded by OPWC Grant & paving included with overall project budget

Finance Director Burton explained that a 0.25% income tax levy would generate approximately $3 million annually to be used for paving. The Finance Department would create a new fund titled something like “Street Levy Fund” to capture the revenue received from the 0.25% income tax increase, as well as all expenditures. This would allow for transparency and ensure all spending was paving related.
**Issue Debt to Pave Significant Portion in Years 1-2:**
- The City’s legal debt margin is currently $59,709,000.
- Debt could be issued for $25-$28 Million (as an example) which would allow for a large amount of streets to be paved immediately. The debt service would be paid for with the new income tax revenue and any possible excess would be deposited into a debt service fund dedicated exclusively to the pavement levy debt repayment.

**Street Light Fee**
- Estimate = $3.11 per resident per month to cover approx. $700k in annual expense
- Separate “Street Light Fund” would be created to capture revenues and expenses
- Would allow for this $700k expense to be diverted to paving

Most communities charge their citizens for the cost of streetlighting.

Public Works Director Scott Tadych presented the following information.

### 2020 Pavement Condition Index

- **2020 PCI**
  - Excellent/Very Good
  - Good
  - Fair
  - Poor
  - Very Poor/Failed

Mr. Tadych shared the 2017 Pavement Condition Index from 2017 compared to 2020.

<table>
<thead>
<tr>
<th>PCI</th>
<th>Condition Description</th>
<th>% of Total Area 2017</th>
<th>% of Total Area 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>PCI 100 - 82</td>
<td>Excellent/Very Good</td>
<td>21%</td>
<td>24%</td>
</tr>
<tr>
<td>PCI 81 - 68</td>
<td>Good</td>
<td>14%</td>
<td>16%</td>
</tr>
<tr>
<td>PCI 67 - 50</td>
<td>Fair</td>
<td>24%</td>
<td>21%</td>
</tr>
<tr>
<td>PCI 49 - 35</td>
<td>Poor</td>
<td>23%</td>
<td>19%</td>
</tr>
<tr>
<td>PCI 34 - 0</td>
<td>Very Poor/Failed</td>
<td>18%</td>
<td>20%</td>
</tr>
</tbody>
</table>

### 2021-22 Paving Plan w/ Bond Issue

- **Paving Projects**
  - 2021-City Wide Paving Program
  - 156 Lane-Miles
  - 2022-2024 Arterials and Collectors
  - 36 Lane-Miles
  - 2021-Goodway Urban Paving
  - 18 Lane-Miles
  - 2022-2025 Urban Paving
  - 2 Lane-Miles
  - 2022-DH
  - 2 Lane-Miles

- **Funding Assumption:**
  - 2020 Bond Issue
  - 2020 Regular Funding
  - 2021 Total
  - 2021 Lane-Miles
Mr. Tadych shared the predicted Pavement Condition Index from 2020 to 2023 with the additional income tax levy funding.

<table>
<thead>
<tr>
<th>PCI</th>
<th>Condition Description</th>
<th>Pavement Area 2020 Lane-Miles</th>
<th>% of Total Area 2020</th>
<th>Pavement Area 2023 Lane Miles</th>
<th>% of Total Area 2023</th>
</tr>
</thead>
<tbody>
<tr>
<td>PCI 100 - 82</td>
<td>Excellent/Very Good</td>
<td>152</td>
<td>24%</td>
<td>345</td>
<td>55%</td>
</tr>
<tr>
<td>PCI 81 - 68</td>
<td>Good</td>
<td>100</td>
<td>16%</td>
<td>98</td>
<td>16%</td>
</tr>
<tr>
<td>PCI 67 - 50</td>
<td>Fair</td>
<td>127</td>
<td>21%</td>
<td>77</td>
<td>12%</td>
</tr>
<tr>
<td>PCI 49 - 35</td>
<td>Poor</td>
<td>120</td>
<td>19%</td>
<td>58</td>
<td>9%</td>
</tr>
<tr>
<td>PCI 34 - 0</td>
<td>Very Poor/Failed</td>
<td>125</td>
<td>20%</td>
<td>46</td>
<td>7%</td>
</tr>
</tbody>
</table>

City Manager Palenick commented that if the residents are going to put their hard-earned dollars towards a new income tax levy they want to see us do as much as possible and see real results. He explained that the bonding route seems to be the best way to go for several reasons including; municipal interest bond rates are historically low right now; and based on the current economic crisis created by the Covid pandemic, the City could see some very competitive bids which will allow the City to get more paving done at once; and when you do larger projects there are economies of scale. It would be nice to be able to tell our residents that a significant number of lane miles all over the City are going to be paved fairly quickly. He commented on the Build America bonds that were used in 2010. There was a 35% interest subsidy offered on those municipal bonds. If the Build America bonds are offered again, they would allow the City to do even more paving. He commented that the timing of bonding this kind of work could have a meaningful effect on the entire community and provide a boost to economic development and private investment in the City.

Ms. Vitori commented that for a person that makes $40,000 annually, this new tax would cost them $100 a year.

Mayor Condrey asked what effect on the interest rates would be if Council pushed the additional income tax levy to the May primary instead of putting it on the November ballot. Mr. Palenick stated that he thought that interest rates would remain low for the next 6-9 months. He stated that the subsidized Build America bonds may come back during that time frame as well. He explained that typical municipal bonds are tax free and the Build America bonds are taxable, however, the subsidy makes them much less expensive than typical municipal bonds.

Mr. Mulligan stated that there was never any scenario that he would put this issue on the ballot and the work not be bonded.

Mayor Condrey asked Ms. Cohen to explain the timing of the emergency legislation to approve the additional income tax levy. Ms. Cohen explained that in order to be included on the November 3, 2020 ballot legislation must be certified to the Board of Elections 90 days prior to the election (August 7, 2020.) Mayor Condrey expressed her desire to get more citizen involvement on this issue and to not to have waited until the last minute to bring it to a vote.

Mr. Mulligan stated that Council has discussed this issue for years and the condition of the
roads is not going to improve between November and May and he didn’t believe the feelings of the voters will change much between November and May. He felt that the sooner we get the answer of whether or not roads are a priority for the citizens of Middletown, the better.

Ms. Vitori commented that there is plenty of time between now and November to engage and educate the public on how it would work and what the numbers are. She felt that voter education is critically important.

Mayor Condrey commented that she knows the City needs this but her concern is putting it on the ballot in November with Covid when our citizens and our businesses are financially stressed. Her concern is that even with good marketing and education it has a high likelihood of failing due to the Covid financial crisis. She questioned if the levy has an increased likelihood of success in May 2021. She will be considering that when she votes on the legislation.

Ms. Vitori commented that the midterm voter turnout numbers are typically abysmal and there will be better voter turnout in November with the presidential election. She added that economically things could actually be worse in May 2021 as a result of Covid. She stated that she thinks it is fair to ask the public what they want and to give them an opportunity to make their voice heard at the polls.

Mr. Moon commented that currently there is $3M Gas Tax or General Fund dollars committed to paving every year and that it is his intention that this new tax would be in addition to, not take the place of, the current funding for road improvements; the other Council members concurred.

Mayor Condrey called for those who would like to speak in favor of the proposed road improvement levy; hearing none she called for those who would like to speak in opposition to the proposed road improvement levy.

Levi J. Cramer, 24 Aberdeen Drive, Middletown, Ohio expressed his strong opposition to increasing taxes. He stated that it is completely out of touch to be talking about a tax increase with the Covid pandemic. Many families will have to become one income households as a result of the school board’s decision to not resume in person classes. Last year he read news stories about budget surpluses that have gone to special projects. We can talk about a tax but we need to be talking about other things first. It is completely inappropriate to be talking about a new tax when many Middletownians are relying on unemployment right now. It is completely out of touch when families are making hard decisions so that parents can be home with their children. It is offensive at this point in time. He complained that this is not being handled the way that it should be and asked Council to delay their decision.

The public hearing was closed at 6:18 p.m.

Ms. Nanni commented that I would like to extend a warm welcome to Jim Palenick as he joins us as Middletown’s newest City Manager and express my appreciation for the tireless efforts of Susan Cohen as she returns to her position from interim acting City Manager. We have been truly blessed to have Susan at the helm as we navigated uncharted territory through these past several months. I have confidence that this new team can lead Middletown to a brighter future for all of its residents. It is evident through our legislation tonight that Chris Xell Lyons is already starting to work her magic through both small business and industrial development efforts. I look forward to seeing what else she is capable of accomplishing here in Middletown. We are diligently working to address the issue of street paving and maintenance with the help of Scott Tadych and Jake Burton. This is an issue that always finds its way to the forefront, because it is so important to quality of life for our citizens. When I ran for this seat, I told the voters that I would work to give them an opportunity to vote for a tax increase to improve the roads, and I hope to do just that tonight. I believe that the proposed increase will afford us the opportunity to make significant improvements, and as a citizen, I look forward to voting for its approval when I take my ballot in November.

Mr. Moon thanked Ms. Cohen for her work as Acting City Manager and welcomed Mr. Palenick.

Ms. Condrey thanked Ms. Cohen for her work and welcomed Mr. Palenick to the job and the City.

Mr. Mulligan thanked Ms. Cohen for her work and commented that she has handled the last nine months with professionalism, grace and good humor. There was never a dull moment, every week there was something new coming up. He welcomed Mr. Palenick to Middletown and commented that it is an exciting time in Middletown’s history.

Ms. Vitori expressed her appreciation to Ms. Cohen for her work during such unprecedented times and welcomed Mr. Palenick. She questioned, during this Covid environment, will the administrators of the SAFER Grant be considering any relief in how that program works? She acknowledged the hard work of the Middletown City School Board in making the difficult decision about the safest way for students to learn given the Covid situation and the potential
<table>
<thead>
<tr>
<th>Report/Ordinance</th>
<th>Description</th>
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<tbody>
<tr>
<td>CITY MANAGER REPORTS</td>
<td>Mr. Palienick thanked Ms. Cohen for managing the organization so well, her leadership has made my transition so much easier. She has really helped me to get up to speed and to understand the nuances and intricacies of the things that are going on. My goal is to get out in the community and meet as many people as I can. I want to learn as much as possible about their interests, goals and concerns and to find out what we can do as a City to build that kind of future.</td>
</tr>
<tr>
<td>CONSENT AGENDA</td>
<td>To Receive and File Cemetery Board Minutes from January 15, 2020. To Approve the Final Record Plat for Sawyer's Mill Section 3</td>
</tr>
<tr>
<td>WAIVE CHARTER</td>
<td>Mr. Mulligan moved to approve the issues and actions listed on the Consent Agenda. Ms. Nenni seconded. Motion carried. Ayes: Mr. Moon, Mr. Mulligan, Ms. Condrey, Ms. Nenni, Ms. Vitori.</td>
</tr>
<tr>
<td>Ord. No. 02020-30</td>
<td>Ordinance No. 02020-30, an ordinance approving an agreement with Knust Properties, LLC providing for the expansion of a manufacturing facility as a development project and tax exemption pursuant to the State Urban Jobs and Enterprise Zone Program, and making a determination in connection therewith, and declaring an emergency was read.</td>
</tr>
<tr>
<td>Ord. No. 02020-31</td>
<td>Ordinance No. 02020-31, an ordinance establishing a procedure for and authorizing an amendment to a contract with Reliable Construction for the installation of a self-serve fueling system and declaring an emergency was read.</td>
</tr>
<tr>
<td>Ord. No. 02020-32</td>
<td>Ordinance No. 02020-32, an ordinance establishing a procedure for and authorizing a contract with NFP Corporate Services to be Agent of Record for health care services from August 1, 2020 thru July 31, 2023 and declaring an emergency was read.</td>
</tr>
<tr>
<td>Ord. No. 02020-33</td>
<td>Ordinance No. 02020-33, an ordinance authorizing the City Manager to enter into an agreement for a Small Business Economic Development Grant with White Dog Distilling Company was read for the second time.</td>
</tr>
<tr>
<td>Ord. No. 02020-34</td>
<td>Ordinance No. 02020-34, an ordinance to impose an additional one-quarter percent (0.25%) income tax on and after January 1, 2021 for a period of ten (10) years to be used solely for the...</td>
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</table>
Road Improvement

construction, repair, improvement and maintenance of streets and roads within the City, and appurtenances thereto, to amend Chapter 891 of the Codified Ordinances of the City of Middletown, as amended and to declare an emergency was read.

Mr. Mulligan moved to approve Ordinance No. 02020-34, an ordinance to impose an additional one-quarter percent (0.25%) income tax on and after January 1, 2021 for a period of ten (10) years to be used solely for the construction, repair, improvement and maintenance of streets and roads within the City, and appurtenances thereto, to amend Chapter 891 of the Codified Ordinances of the City of Middletown, as amended and to declare an emergency. Ms. Nenni seconded. Motion carried. Ayes: Mr. Mulligan, Ms. Vitori, Ms. Nenni, Mr. Moon. Nays: Ms. Condrey.

Resolution No. R2020-21, a resolution directing the Boards of Elections of Butler County and Warren County to place upon the ballot at the General Election to be held November 3, 2020 the question of approving an ordinance to enact Section 891.012.1 of the Codified Ordinances of the City of Middletown to impose an additional one-quarter of one percent (0.25%) income tax effective January 1, 2021 for a period of ten (10) years to be used solely for the construction, repair, improvement and maintenance of streets and roadways in the City and appurtenances thereto and declaring an emergency was read.

Mr. Mulligan moved to approve Resolution No. R2020-21, a resolution directing the Boards of Elections of Butler County and Warren County to place upon the ballot at the General Election to be held November 3, 2020 the question of approving an ordinance to enact Section 891.012.1 of the Codified Ordinances of the City of Middletown to impose an additional one-quarter of one percent (0.25%) income tax effective January 1, 2021 for a period of ten (10) years to be used solely for the construction, repair, improvement and maintenance of streets and roadways in the City and appurtenances thereto and declaring an emergency. Ms. Nenni seconded. Motion carried. Ayes: Ms. Vitori, Ms. Nenni, Mr. Moon, Mr. Mulligan. Nays: Ms. Condrey.

Res. No. R2020-22
Amend Appropriations General Fund

Resolution No. R2020-22, 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. (General Fund)

Mr. Mulligan moved to approve Resolution No. R2020-22, 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. (General Fund) Ms. Vitori seconded. Motion carried. Ayes: Ms. Vitori, Ms. Nenni, Mr. Moon, Mr. Mulligan, Ms. Condrey.

Res. No. R2020-23
Resolution of Support Davidson Act

Resolution No. R2020-23, a resolution supporting the Davidson Flexibility for States and Localities Act and declaring an emergency was read.

Mr. Mulligan moved to approve Resolution No. R2020-23, a resolution supporting the Davidson Flexibility for States and Localities Act and declaring an emergency, Ms. Vitori seconded. Motion carried. Ayes: Ms. Nenni, Mr. Moon, Mr. Mulligan, Ms. Condrey, Ms. Vitori.

Ord. No. 02020-35
Amend CBA with AFSCME

Ordinance No. O2020-35, an ordinance authorizing an amendment to the collective bargaining agreement with AFSCME Local 856 (Public Works) for July 1, 2019 through June 30, 2022, and declaring an emergency was read.

Mr. Mulligan moved to approve Ordinance No. O2020-35, an ordinance authorizing an amendment to the collective bargaining agreement with AFSCME Local 856 (Public Works) for July 1, 2019 through June 30, 2022, and declaring an emergency. Ms. Nenni seconded. Motion carried. Ayes: Mr. Moon, Mr. Mulligan, Ms. Condrey, Ms. Nenni, Ms. Vitori.

Ord No. 02020-36
ED Grant BAAB’s Kayaking

Ordinance No. O2020-36, an ordinance authorizing the City Manager to enter into an agreement for a Small Business Economic Development Grant with BAAB’S Kayaking, LLC was read for the first time.

Ord No. 02020-37
Forgivable Loan Brent’s Smokin Butts & Grill

Ordinance No. O2020-37, an ordinance authorizing the City Manager to enter into a forgivable loan agreement with Brent’s Smokin’ Butts & Grill LLC for Small Business Economic Development Assistance was read for the first time.

At 6:50 p.m., Mr. Mulligan moved to adjourn to executive session under the authority of O.R.C. 121.22 (G) (1) To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official. Mr. Moon seconded. Motion carried. Ayes: Mr. Mulligan, Ms. Condrey, Ms. Vitori, Ms. Nenni, Mr. Moon.
At 7:35 p.m., the meeting was declared adjourned until August 4, 2020 at 5:30 p.m. in Council Chambers.

Attest: [Signature]

Nicole Condrey, Mayor