

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

ROLL CALL

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

CITIZEN COMMENTS**Andrew Wendt**

Andrew Wendt, 4602 Manchester Road, Middletown, Ohio. "I am 56 years old and have lived in Middletown, on the east end, most of my life. Which, by all measures, has been a quiet, happy, middle-class life. My employer owns and manages the office building on the corner of Towne Blvd. and Roosevelt Ave. My present struggle in that area is making sure we check the property for needles or other drug paraphernalia before we have a potential tenant stop by for a showing. Tenants are hard to come by these days as the economy and the city's reputation are a tough combination to overcome. Even in my personal life, I am one of the last of my friends and family to live in Middletown. With most having left for nearby communities where they feel safer. Should things not change I will probably follow suit within the next two or three years. Within my last three years in Middletown, I have had my home broken into by a career criminal struggling with addiction and I have seen an armed robbery of a Subway. Prior to that as a boy here in Middletown, I had a knife held to my throat while being mugged. A few years later my friend and I had our bicycles stolen by a thief with bolt cutters. In 2016, my son, while at lunch in the Madison High School cafeteria, saw two of his eighth-grade classmates sitting next to him shot before the gunman fled and was later apprehended. If it can happen at Madison, it can happen here. Being the victim of, or the witness to, such horrible things is something no child should ever have to experience. These stories mentioned above are not the experiences that will attract or keep either citizens or businesses. They are rather the realities of life in Middletown that drive them away. It is, therefore, my strongest belief that this council should authorize acceptance of the 2020 COPS Grant to assist with community-oriented policing services. In closing, I would like to ask two questions: If this council, with all its dedication and concern for the Middletown community, will not make the safety of its citizens a top priority, who will? And if today, with a potential \$250,000 grant for community policing, the council is unwilling or unable to improve our safety, then when? I welcome the new City Manager and I realize that there are a good number of ways to run the numbers on the City's crime stats to make the City look better on paper. Remember that paper changes nothing, we don't live on paper, we don't suffer on paper, we don't die on paper. All of that happens out there in our homes and in our streets. There is only one division of this government whose mission is to protect and serve and that is the Middletown Division of Police and we need more of them out there with us. We need this grant and we need your help.

Levi Cramer

Levi J. Cramer, 24 Aberdeen Drive, Middletown, Ohio. **Members of council, I am here tonight to speak for Rodney Muterspaw, "Mayor and Council, Good Evening. Hope this week finds you well. I wish I could attend tonight, however, work calls me elsewhere. I am writing in support of the COPS grant that will be voted on tonight. As a longtime resident and one who is experienced in "the business", I understand the importance of police staffing, retention and community building. Community building requires staffing, not just social media. Officers personally in the field, at events and in the neighborhoods are required. Please don't look at this grant as a bill or invoice, look at it as an investment. The grant has been successful at so many other agencies and in this volatile time in our country, the investment in our community is vital and necessary. The large number of retirements coming up in the police department is unparalleled. The difference in starting pay compared to top pay is a huge savings and could easily help defray the cost of the grant long term. If there was ever a time to do it, this is it. You have an amazing police department led by a good and caring Chief. They are really trying their best. Please give them the support necessary to achieve the community goals set forth that we all want them to reach. Thank you, stay safe and thank you for your service."**

Mr. Cramer also spoke for Heather Gibson, owner of Triple Moon Coffee, "Good Evening members of Council. First let me officially welcome our new City Manager to Middletown. We are happy that you have joined our community and I wish you well in your new position. I am writing this in lieu of attending the council meeting tonight in person due to Covid. As one of the business owners and citizens who came and spoke to council last year due to our homelessness issue I am writing this in support of an item that I believe you are discussing tonight. That is giving the City Manager Authorization to accept a grant to allow the police department to hire two additional officers for the purpose of community policing. While we certainly have discussed this before particularly last year during all the discussions of homelessness and the problems we were having at the time. My opinion is that never before has there been a time where community policing is needed more than now. Not because we do not already have good community relations but because we must keep that up and do more. This city is large enough that we can certainly benefit from having such a program operating within our police department. Middletown thankfully has escaped what other cities have faced this last couple of months, I believe we have done that because of our leadership, those that have understood that building a bridge between our police department and our community is of upmost importance. So now we must not only continue that but expand upon it. The only way we do this is by adding additional people to achieve this goal. I believe our department can achieve even greater things in this community given the opportunity to grow this particular program. As a citizen and a business owner this is

certainly one which I support and feel the time is now and the need has never been greater. Thank you for your time and consideration in this matter and thank you all for your dedication to our community.”

Scotty Robinson

Scotty Robinson, 3475 Village Drive, stated that he is rising in support of accepting the COPS grant and encouraging all of Council to vote “yes.” In the lives of public officials there is a time to stop talking and to actually do something. This is one of the opportunities to take action and to make our city better. I have heard you talk about the problems of homelessness and drug addiction. You have discussed ways to encourage good economic development and improve the quality of life for our citizens. I encourage you and I will be watching to see how serious you are about these things. I encourage you to do the right thing and to accept the COPS grant.

Joseph Cox

Joseph Cox, 231 Heather Way, owner of Average Joe Films, a small media company in Middletown. We produced the lip-sync video for the Police Department a few years ago. I am friends with the Police Department and I hear them calling for this aid. I hate public speaking but I am here tonight because of my love for my city and the Police Department. I commend Council for applying for this COPS grant; this is a creative and proactive way to aid in public safety without hurting our dwindling budget. Almost all of you ran for office with a focus on improving public safety, passing this would be an excellent start. Even with adding 2 more cops our department is understaffed. Perhaps it is time we talked about wasteful spending if our Police Department is understaffed and we can't afford to hire more officers. For instance, a \$20,000 annual contract with Spot On Media; how many videos are the making, what is that doing for the City and marketing? What about paying a third-party company \$25,000 to evaluate a drop zone for skydivers? This COPS grant is a no brainer; it saves taxpayer dollars, expands the police force and improves public safety. This is what we have been asking for and you have the support of the citizens.

COUNCIL COMMENTS

Ms. Vitori

Ms. Vitori sent her thoughts and prayers to all of the people affected by the Oregon District shooting that happened a year ago. She asked to see a copy of the Quadrex invoice.

Mr. Mulligan

Mr. Mulligan expressed his appreciation to the citizens that provided comments about the COPS grant. It is unfortunate that this decision is being portrayed as us vs. them situation. That is not the case. City Council, the City administration, the Police Department and City staff are all working together for the common good of the City. Federal grants are more complicated than just accepting money and can have significant financial strings attached. We need to be realistic, as a result of the Covid pandemic income tax revenues are down \$2-3 million for the first half of the year. We all believe that public safety is a priority but we have to finance that in a way that is fiscally responsible. We will continue to gather additional information and have more discussion on this issue.

Ms. Condrey

Ms. Condrey stated that she is very supportive of accepting the COPS grant and that to her the issue seems simple. If the City cannot fulfill the grant requirements in the future, then the unused grant funds would have to be returned. Ms. Condrey asked residents to make a long-term commitment to use water more efficiently, reduce pollution, and save energy by taking part in the ninth annual Wyland National Mayor's Challenge for Water Conservation during the month of August. To participate, residents can go to mywaterpledge.com, and then make a series of online pledges to conserve water on behalf of Middletown. Cities with the highest percentage of residents who take the challenge in their population category a chance to win \$3,000 toward their home utility bills, and hundreds more eco-friendly prizes. Students and teachers are encouraged to take part, as well.

Ms. Nenni

Thank you to everyone tonight who came down to share their thoughts on the COPS grant application, as well as to Heather Gibson and former Chief Muterspaw for their emailed comments. We have a department that is fortunate to have the overwhelming support of the community. I encourage Chief Birk to pursue grants and realize cost savings that can enhance his department. Additionally, I hope that the current tensions and challenges in our society encourage higher numbers of qualified candidates to apply for our outstanding department. As I understand, in recent hiring efforts the number of applicants is very low, to the point that we still have 1 vacant office, and two others that haven't been filled because of COVID restrictions. To that end, our young people need to know how important law enforcement is to the safety we enjoy on a daily basis. One of our local baristas from Triple Moon Coffee Company, who is a strong supporter of our police, has an interest in becoming an officer and was recently harassed for wearing a “Thin Blue Line” shirt at work. This is the kind of culture climate that we struggle against and we have a responsibility to lift up young people who not only support our officers but are willing to risk their lives for us as future officers. To this young lady, and everyone like her, please keep pursuing your dreams.

**CITY MANAGER
REPORTS**

City Manager Palenick stated that over the past few weeks he has enjoyed meeting with City staff and learning more about the operations of the City. He is looking forward to meeting with more community members in the next few weeks. He announced that the City is planning to reopen the restrooms at the City parks. The Covid relief funding covers the costs of the extra cleaning and sanitizing that must be done under these circumstances.

CONSENT AGENDA

To Approve City Council Minutes from April 24, May 5, May 9 and May 19, 2020
To Receive and File Board and Commission Minutes from:
Civil Service Commission- December 19, 2019, January 16, May 21 and June 25, 2020.
MidPointe Library Board- April 21 and May 19, 2020
Board of Health- June 9, 2020
To Receive and File Oaths of Office from James Palenick and Charles Daniels
Confirm the Personnel Appointments of Jessi Lovejoy, Corrections Officer, and Sydney Hensley, Dispatcher, Department of Public Safety, Division of Police.
Approve the Final Record Plat for the Renaissance II Section 9 & 11

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.

Waive Charter

Mr. Mulligan moved to suspend the Charter provision that requires reading on two separate days and to declare Ordinance No. O2020-38 and Resolution No. R2020-24 emergency measures to be read one time only. Mr. Moon requested that Resolution No. R2020-24 be delayed and considered at the next regular meeting. Mr. Mulligan withdrew his motion.

Mr. Mulligan moved to suspend the Charter provision that requires reading on two separate days and to declare Ordinance No. O2020-38 an emergency measure to be read one time only. Ms. Nenni seconded. Motion carried. Ayes: Mr. Moon, Mr. Mulligan, Ms. Condrey, Ms. Nenni, Ms. Vitori.

**Ord. No. O2020-36
ED Grant BAAB's
Kayaking, LLC.**

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 second time.

Mr. Mulligan moved to approve 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. Ms. Vitori seconded. Motion carried. Ayes: Mr. J. Mulligan, Ms. Vitori, Ms. Nenni, Mr. Moon. Abstain: Ms. Condrey.

**Ord. No. O2020-37
Forgivable Loan
Brent's Smokin'
utts & Grill LLC**

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 second time.

Mr. Mulligan moved to approve 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. Ms. Vitori seconded. Motion carried. Ayes: Ms. Condrey, Ms. Vitori, Ms. Nenni, Mr. Moon, Mr. J. Mulligan.

**Res. No. R2020-24
COPS Grant**

Resolution No. R2020-24, a resolution authorizing the City Manager to accept a grant and enter into a grant agreement for the 2020 COPS Hiring Program with the U.S. Department of Justice and declaring an emergency was read with no action requested until August 18, 2020.

Mr. Moon asked if the only penalty of not fulfilling the grant requirements was to repay the grant award. Mr. Palenick confirmed that the only penalty for noncompliance was to repay the grant.

Ms. Nenni asked what the likelihood of the responsibility of having to repay the grant for noncompliance being forgiven because of the pandemic. Mr. Palenick stated that many communities are experiencing extraordinary circumstances due to the pandemic and that may increase the likelihood of leniency of the requirements. Business as usual is certainly not usual right now. The City will continue to advocate for flexibility.

Ms. Vitori discussed accepting the grant and putting aside \$80,000 each year just in case the City cannot comply with the terms of the grant and the funds must be returned. Mr. Palenick stated that the worst-case scenario is that the grant money is similar to an interest free loan. He stated that this is the kind of thing that the 15% reserve in the General Fund is for.

Ms. Condrey stated that accepting this grant feels like putting our money where our mouth is. We have talked so much about the homelessness, drug abuse and mental health issues that our City is facing. We want more economic development, home ownership and tourism and the Community Oriented Policing program is the answer. Let's take this free money and help everyone in the Middletown community. It's a big win and a morale booster for the City for us to commit to this program.

Ms. Vitori stated with the upcoming evictions homelessness and crime will increase. Across the state homicides are up 24%. This is a good time to increase our police force with this federal money.

Mr. Mulligan stated that option 3 is still on the table. This option is to decline the \$250,000 COPS Grant award and add two sworn police officers to the Middletown Police Department, create a two-member Community Oriented Policing Unit and fund it out of the General Fund. He stated that he was willing to make that motion to authorize Mr. Palenick to move forward with that option.

Ms. Nenni stated that she tends to agree. The COPS grant money comes with a lot of strings attached and that is her concern. She is trying to find out how the grant works and how it doesn't work. She questioned if the COPS grant was the right answer at this time.

Ms. Vitori questioned that we know what the risk is and we have a plan to mitigate the risk, why not take the federal money?

Mr. Moon stated that we need more officers now and he is prepared to support the acceptance of the COPS grant. He would rather use the federal money first and the City money later.

Ms. Nenni explained that COPS grants have been available since the mid 90's. The City of Middletown has only accepted one grant. In 2011, Middletown accepted a grant of a million dollars for four new officers. The total number of officers then was 78. Over the last 10 years we have reduced the number of officers to 68. Keeping those officers required attrition to maintain their salaries. Middletown's history with COPS grants does not give me confidence especially considering the requirement to pay the money back for noncompliance. We need more officers on the force. We should have more officers if we can afford to support the community-oriented policing. I have a hard time supporting something that doesn't have a good track record in our City.

Ms. Vitori asked Ms. Nenni if accepting the grant and putting aside the \$250,000 in case the City cannot comply with the terms of the grant and the funds must be returned eased her concerns. Ms. Nenni said this was the first she had heard of it and that she would like to think about it.

Ms. Vitori commented that Ms. Nenni and Mr. Mulligan supported spending \$250,000 of City money today to create the Community Oriented Policing Unit and Mr. Moon, Ms. Condrey and herself supported accepting the grant for the program.

Mr. Palenick stated that the COPS grants have changed dramatically over the years. The local match has increased significantly and they do have retention requirements. He explained that option three, which was to fund two new officers out of City funds was based on 7 or 8 upcoming retirements in the department. These retirements of long tenured officers and the hiring of new officers will result in a significant savings in salaries. These savings are expected to more than cover the required local match. We recognize the need for additional officers and we want to implement Community-Oriented Policing, the savings are expected to be enough to accomplish that, unless things get dramatically worse as a result of the pandemic.

Ms. Condrey commented that all of Council supports implementing Community-Oriented Policing and we will think outside the box over the next few weeks and come together and vote on it.

Ord. No. 02020-38
Amend Contract
Howell Contractors

Ordinance No. 02020-38, an ordinance establishing a procedure for and authorizing a second amendment to a contract with Howell Contractors, Inc. for replacement of the North Middletown Interceptor Sewer and declaring an emergency was read.

Mr. Mulligan moved to approve Ordinance No. 02020-38, an ordinance establishing a procedure for and authorizing a second amendment to a contract with Howell Contractors, Inc. for replacement of the North Middletown Interceptor Sewer and declaring an emergency. Ms. Nenni seconded. Motion carried. Ayes: Ms. Nenni, Mr. Moon, Mr. J. Mulligan, Ms. Condrey, Ms. Vitori.

Ord. No. 02020-39
University Bridge
Contract Great Lakes

Ordinance No. 02020-39, an ordinance authorizing a contract with The Great Lakes Construction Co. for repairs to the University Boulevard Bridge and declaring an emergency was read with no action requested until August 18, 2020.

Ord. No. 02020-40
University Bridge
Contract Norfolk
Southern Railway

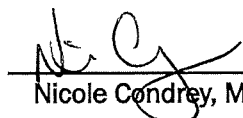
Ordinance No. 02020-40, an ordinance authorizing a contract with Norfolk Southern Railway Company related to the repairs to the University Boulevard Bridge and declaring an emergency was read with no action requested until August 18, 2020.

Ord. No. 02020-41
Amend Section 209.06

Ordinance No. 02020-41, an ordinance amending Section 209.06 (Authority of the City Manager: Purchases) of the Codified Ordinances was read for the first time.

ADJOURNMENT

At 6:18 p.m., the meeting was declared adjourned until August 18, 2020 at 5:30 p.m. in Council Chambers.



Nicole Condrey, Mayor

Attest: 