

At 5:00 p.m., Mayor Condrey called the City Council meeting to order in Conference Room 2C, Second Floor of the City Building.

ROLL CALL

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

EXECUTIVE SESSION

At 5:03 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. seconded. Motion carried. Ayes: Mr. Mulligan, Ms. Nenni, Ms. Vitori, Mr. Moon, Ms. Condrey.

At 5:44 p.m. Mr. Mulligan moved to return to regular session. Mr. Moon seconded. Motion carried. Ayes: Ms. Nenni, Ms. Vitori, Mr. Moon, Ms. Condrey, Mr. Mulligan.

At 5:50 p.m., Mayor Condrey called the City Council meeting to order in Council Chambers, Lower Level of the City Building.

COUNCIL COMMENTS

Ms. Vitori

Ms. Vitori wished everyone a happy New Year and expressed her optimism that the vaccines are coming and that things can get back to normal in the future.

Mr. Mulligan

Mr. Mulligan wished City staff a happy New Year and thanked them for all of their hard work over the last 12 months. Mr. Palenick brings a lot of energy and I am looking forward to him deploying a lot of resources to make 2021 a breakthrough year for the City despite everything that is going on.

Mr. Moon

Mr. Moon expressed his condolences to the family of Dr. Walt Roehll, a lifelong Middletownian and physician in the community that gave back and volunteered in so many ways.

Ms. Nenni

Ms. Nenni wished everyone a happy New Year and commented that it is a good time to look back and reflect on the previous year. My first year on Council was less than normal but I have enjoyed being part of this decision-making body and working with all of these wonderful people at the City. We will continue to do good things for the City and to push forward into the future. I look forward to another exciting year, hopefully not as exciting as last year.

Ms. Condrey

Ms. Condrey wished the entire City a happy 2021, we made it through, here we are. We have been working very hard to get the City's boards and commissions in line and we value the time and energy our citizens are putting in volunteering for all of them. We are working through a few more that will we continue to make appointments to this year. If you see some of them that we have not finalized yet, please know that we have not forgotten and that we appreciate everyone's time. We are trying to do it by the book and do it right. We still need to get clarity on the bylaws and legislation for the Historic Commission and the Citizens Advisory Board to the Police, so we will be putting off appointing people to those boards a little longer.

CITY MANAGER REPORTS

Mr. Palenick explained that the agenda has been amended to remove the extension of a lease agreement with the Salvation Army. The lease was first put together in 1980, it was a 20-year lease with the option to extend it for three separate 20 year extensions. The first extension was granted and it extended the lease until May 2020. The Salvation Army was looking for a second extension of the lease but the City recognized that the lease was not contemporary and that the future plans in that area may include trying to further the housing plan and moving some of the area's tenants into more industrial property. It would be more appropriate to include some additional language in the new lease to acknowledge what would happen if the City needed to acquire the building from the Salvation Army. This will come back to City Council at a future meeting.

CONSENT AGENDA

Approve City Council minutes of October 20, 2020
Receive and file the following Board and Commission Minutes:
 Airport Commission – July 20, September 21, October 5, October 12 and October 19, 2020
 Civil Service Commission - October 15, 2020
Confirm the following personnel appointments: Sara Bontrager to the position of Water Treatment Assistant Lab Analyst in the Department of Public Works, Division of Water Treatment; and Connor Beel to the position of Patrol Officer in the Department of Public Safety, Division of Police.
Confirm the promotional appointments of Omer Hurlburt to the position of Fire Apparatus Operator in the Department of Public Safety, Division of Fire; and Frank Baughman to the position of Fire Captain in the Department of Public Safety, Division of Fire.
Receive and file Maintenance and Performance Bonds submitted by Grand Communities, LLC. guaranteeing public improvements constructed as part of Renaissance 2 Section 3 Subdivision
Accept the resignation of Matt King from the Airport Commission
Confirm the following Board and Commission Appointments:
 Airport Commission - Timothy Epperhart

Historic Commission- Andrew Brickler, Matthew Dixon
Middletown Cemetery Board- Deb Snyder

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

MOTION AGENDA

Authorize a professional services contract with Brown and Caldwell for owner's advisor services associated with Phase 2 of the Lakeside Redirection Project.

**Contract with Brown
And Caldwell
Lakeside Redirection
Project**

Mr. Moon moved to authorize a professional services contract with Brown and Caldwell for owner's advisor services associated with Phase 2 of the Lakeside Redirection Project. Mr. Mulligan seconded. Motion carried. Ayes: Ms. Condrey, Ms. Vitori, Ms. Nenni, Mr. Moon, Mr. Mulligan.

Waive Charter

Mr. Mulligan moved to suspend the Charter provision that requires reading on two separate days and to declare Ordinance No. O2021-02 and Ordinance No. O2021-03 emergency measures to be read one time only. Ms. Condrey seconded. Motion carried. Ayes: Ms. Vitori, Ms. Nenni, Mr. Moon, Mr. Mulligan, Ms. Condrey.

Mr. Palenick explained that we are recommending the formal revocation of "Middletown Moving Forward's", Community Improvement Corporation (CIC), designation as agency of the City for Industrial, Commercial, Distribution, Research and Development to create in its place the successor Agency, "The Middletown Port Authority" as a means of addressing the unique economic development needs of the City. "Port Authorities", as legally-defined stand-alone entities within the state of Ohio, serve to offer progressive and multi-functional opportunities for local economic development efforts. Legally, a Port Authority can do everything a "C.I.C." (Community Investment Corporation) can do, but a C.I.C. conversely, cannot do everything a Port Authority can do. Because a Port is a political subdivision, it has some additional government powers not available to a C.I.C. and can access more development support and incentive programs (like tax-exempt bonding and the sales tax exemption program). The creation of a Port Authority will put these economic development programs squarely within the City's control and not subject to jurisdictions who don't always have the same interests. Because of their tax-exempt status, Port Authorities have the advantage of passing savings on to private economic development projects, thus making complex projects possible that might not otherwise happen. For example, a Port Authority can use its powers to create a sales tax exemption program (i.e., Port-facilitated projects can benefit from a sales tax exemption with respect to the complete cost of construction materials incorporated into such projects). Port Authorities can use this sales tax exemption program to directly incentivize specific community needs such as additional infrastructure, open space, parks, and environmental and/or community assets. Additionally, a Port Authority can loan monies at competitive rates and terms; acquire, own, sell, lease, or transfer property to economic development projects; and provide security for economic development projects by facilitating structured financing such as a "synthetic lease". Port Authorities can also use special powers under the Ohio Constitution to facilitate job creation projects/programs (i.e., Art. 8, Section 13) and all types of residential and housing projects/programs (i.e., Art. 8, Section 16). Some Port Authorities, like the ones in Cincinnati and Toledo, have creatively used the housing powers to fight blight and to invest in neighborhoods. Port Authorities can further cooperate with, and support land banks and their activities. When created specifically for Middletown, our Port Authority will not be subject to service interruptions. There have historically been multiple periods of multiple months, and even years, when each of the Butler County Port Authority, Warren County Port Authority, Dayton-Montgomery County Port Authority, and/or the Cincinnati Port Authority was/were not available for service to municipal political subdivisions. Municipal service needs and community goals become fully aligned and fully consistent with a Municipal Port Authority. Also, C.I.C.'s have little means to generate revenues or start-up capital to support their operations, short of receiving funds from the City itself or from Foundations or other private or public economic development support entities. Any expenses of the C.I.C., including staffing and support, invariably comes from the City, yet the City doesn't have full control over appointing the Board. With a Port Authority, fees can be generated (usually as a percentage of the Sales Tax exemptions granted, or for tax-exempt financing issued) which can, on large-scale development projects, total in the hundreds of thousands of dollars. These fee revenues can then be plowed back into covering expenses and to fund small business economic development revolving loans. Also, the City Council has total control over the Port Authority Board appointments which, in addition to community business leaders aligned with the City's development vision, often includes a member of City Council the City Manager, and the City Economic Development Director. As a separate political subdivision, the Port Authority will take independent action from City Council. City Council will appoint replacements to the Port Authority and fill vacancies as necessary.

Mr. Bell, an attorney with Bricker & Eckler provided additional information about port authorities in Ohio.

Mr. Moon thanked all of the current and past members of Middletown Moving Forward for their investment of time and talent to the City.

**Ord. No. 02021-02
Disband Middletown
Moving Forward**

Ms. Nenni thanked all current and past board members and praised staff for such an aggressive and progressive approach to drive economic development in the City.

Ordinance No. 02021-02, an ordinance determining that Middletown Moving Forward is no longer needed as the designated agent of the City for industrial, commercial, distribution, and research development; rescinding the agency of Middletown Moving Forward; terminating for cause such related agreement; and declaring an emergency was read.

Mr. Mulligan moved to approve Ordinance No. 02021-02, an ordinance determining that Middletown Moving Forward is no longer needed as the designated agent of the City for industrial, commercial, distribution, and research development; rescinding the agency of Middletown Moving Forward; terminating for cause such related agreement; and declaring an emergency. Ms. Nenni seconded. Motion carried. Ayes: Ms. Nenni, Mr. Moon, Mr. Mulligan, Ms. Condrey. Abstain: Ms. Vitori.

**Ord. No. 02021-03
Create Middletown
Port Authority**

Ordinance No. 02021-03, an ordinance authorizing the creation of the Middletown Port Authority and providing for the organization thereof and declaring an emergency was read.


Mr. Mulligan moved to approve Ordinance No. 02021-03, an ordinance authorizing the creation of the Middletown Port Authority and providing for the organization thereof and declaring an emergency. Ms. Nenni seconded. Motion carried. Ayes: Mr. Moon, Mr. Mulligan, Ms. Condrey, Ms. Nenni, Ms. Vitori.

**Ord. No. 02021-04
Amend PBOs**

Ordinance No. 02021-04, an ordinance amending the pay and benefits ordinances, Ordinance No. 02020-69 and Ordinance No. 02020-70, and declaring an emergency was read with no action requested until January 19, 2021.

ADJOURNMENT

At 6:18 p.m., the meeting was declared adjourned until January 19, 2021 at 5:00 p.m. in Council Chambers.



Nicole Condrey, Mayor

Attest: 
