

ROLL CALL**PRESENTATION**

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

City Council Members present: R. Muterspaw, T. Moon, Z. Ferrell, N. Condrey, M. Nenni.

Lori DiStaola, Neighborhood Housing Services of Hamilton, Inc. (NHS) presented information about Middletown's First Time Home Buyer Program. Neighborhood Housing Services (NHS) is a 501(c)(3) nonprofit organization which serves low to moderate income households in Butler County and the City of Kettering. The organization was founded in 1992 to address the lack of homeownership opportunities for the low-to-moderate income families and revitalize neighborhoods.

To advance their vision for a housing program, NHS became a Chartered Member of NeighborWorks@America in 1994, and has since become a HUD Certified Community Housing Development Organization (CHDO); and a HUD Certified Counseling Agency.

Mission Statement

Neighborhood Housing Services of Hamilton, Inc. is a nonprofit community development organization dedicated to building affordable, healthier, and stronger communities through partnerships with government, businesses, and local community leaders.

Historic Outcomes

NHS has always stayed true to its original mission to provide lending opportunities to low-moderate income individuals and families. During its past 29 years of service, NHS has closed 4,095 loans and provided \$212, 527, 864 in permanent financing to low-moderate income households.

NHSH Business lines include:

Lending Services

Home Ownership Promotion Services

Foreclosure Prevention Services for Existing Homeowners

Community Building and Organizing

Real Estate Development

Asset & Property Management

Community Based Economic Development

Ms. DiStaola discussed the programs and services that NHS provides and the statistics of the households they have assisted.

CITIZEN COMMENTS**Rachel Caudwell**

Rachel Caldwell, 2116 Sheffield Street, Middletown Ohio reported incidences of her daughter being bullied and physically assaulted at school. The school needs help. We have one resource officer, he's very good, I love him but he needs help. I know the Middletown Police Department is short staffed already but Middletown Schools need help. I am afraid to send my daughter back to school.

Michael Smallwood

Michael Smallwood, 4009 Central Avenue, Middletown, Ohio commented on Ordinance No. 02022-08. I don't necessarily have an objection to the ordinance as it's written. My only objection would be that according to the proposal, the SHALOM network shut down last year. It stated that the homeless utilized the City hall and the lobby of the Police Department. It's not an emergency. You knew last year that the SHALOM network was shut down and you know that it gets cold every January. In the alternatives it says that you would be abdication your responsibility to be proactive. I would not call shoving through an ordinance in two days proactive. I would call it reactive. It should not be a surprise that its cold at the end of January. All of a sudden, we have to figure out where to put these people. This should have been done properly and it should have been given the proper amount of time for public comment. Thank you.

Lynette DeVine

Lynette DeVine, 4000 Central Avenue, Middletown, Ohio commented that I took advantage of the Neighborhood Housing Services Program in 2006, when I bought my house and I'm still here after 16 years. I live across from Central Connections. I've had concerns before at the Senior Center, when they were asking for a liquor license. I had great concerns about that. They already frequently rented out a room for wedding receptions and whatnot. It would be extremely noisy into the wee hours of the morning. You'd have to call the police ask them to come and get them to turn it down and all of that. Apparently didn't happen, no liquor license. Equally disturbing is this proposal to drop homeless people into that situation over there. It's a residential neighborhood, you like to feel safe when you go outside. I've gone outside to walk my dog at dusk and there was somebody across the street in the shadows, shadow boxing and yelling in front of the Senior Center. Then they crossed the street towards me and I'm like I need to go back in my house right now. Then a couple of homeless people came by one night when I was putting out my garbage. That scared me. That's something I don't often see there and I wouldn't want that be their target place to come. It's not an appropriate solution for the problem. As the other gentleman said, I object to it wholeheartedly and I believe there must be some other solution. Thank you.

COUNCIL COMMENTS

Mr. Muterspaw

Mr. Muterspaw stated I'll save most of my comments for the legislation. I hope everybody had a Happy New Year and I appreciate all the comments on the agenda tonight, through messages and emails. You know that you're being heard, so trust us.

Ms. Nenni

Ms. Nenni commented that we've got an interesting docket here tonight. Like Councilman Muterspaw mentioned, I appreciate all the citizens who reach out directly with their questions and concerns. They certainly factor in our decision making. I encourage that and ask you to continue to do that. There are Covid 19 tests in stock and available at the Health Department and at the libraries. If you've got people who have been exposed, it's nice to have those tests available. I appreciate that and all of the work of the Health Department through this sick season, not just Covid, all kinds of things go around this time of year. I hope that you all stay healthy.

CITY MANAGER

Mr. Palenick provided the following report. As part of our At Home Program, an acronym for Affordable Transformative Housing Opportunities Made Easy, we want to roll out a version of an affordable "Homeorama" this year in the Oakland neighborhood, as part of our State Route 4 redevelopment and Oakland neighborhood revitalization. The request for proposals is due February 4th. The idea is to support, encourage, sanction and partially subsidize 10 new single-family infill home builds in the area around the Vail site on lots that the City has acquired over time. After the proposals come in and they are judged and evaluated and determined and approved by City Council, we're hoping to see the homes built between May and August. The new homes will be available to be toured and seen as part of this program between September and October. Currently, we have moratorium in place on medical marijuana of any form. Recently, we've received some inquiries from developers who have contemplated the building of medical marijuana cultivation facilities. These would be well regulated, well capitalized, exclusively indoors as a business. We deal with a lot of different businesses and if they employ people and they're a good business, etc., we would want to deal with it. But in this case, we are blocked by that piece of legislation. I wanted it to bring to your attention because if that is a policy that you'd like to change or like to pursue there is interest out there by developers that would look to do that as a business. Our organization, like many places, has had some staffing issues as a result of the Omicron Covid 19 spike. We have done some really creative things with staffing and trying to have some folks work remote. This week we had to close down our acceptance of bill payments during the noon hour in order to manage the staff that we have available currently. We've also seen a lot of firefighters out sick. As a result of this spike, we have required employees to wear face coverings in the building. The Airport Commission meeting has been moved to Tuesday, January 24th at 6 p.m. here in Council Chambers. There will be a public information session on the Airport Master Plan from 4-6 p.m. preceding the Airport Commission meeting. Information on the Airport Master Plan is available and will be posted to the city's website.

Mr. Moon asked if 1 contractor would build all 10 homes in the Oakland neighborhood? Mr. Palenick responded that we are hoping for at least 4 or 5 builders, so that perhaps they could each build two. The goal is to have a number of styles, a number of builders, so that we can show the community, the area that Middletown is a great place to build a modest new home. And create enough critical mass within one area in our redevelopment area to really showcase that and to jumpstart the market in and around the Vail site.

Ms. Condrey asked if this is all using the ARPA funds. Mr. Palenick responded that it is using mostly ARPA funds but may require some additional budget dollars.

Ms. Nenni asked if there was an inventory or database of other city-owned properties that would be appropriate for building new infill housing throughout the City? Mr. Palenick responded there is an inventory and some of those are available through our side lot program because they're not really buildable because they're too small. We hope this program will create city-wide interest in the buildable city owned lots.

Ms. Condrey welcomed citizens' input on the medical marijuana issue, I spoke to Representative Hall yesterday about that and he said that they have gotten little feedback on the issue from constituents. I was surprised that even at the state level, they are not sure where people stand. We'd love to hear your thoughts on that.

Clerk Schenck commented that on the City website there is a new link that people can click and it'll send an email to all council members. That is an easy way to be able to share your thoughts that wasn't available before.

Mr. Palenick clarified this would only be in an entirely completely enclosed manufacturing building without windows, you wouldn't see it, it would not have scent or odor coming out of it. It would look like any other manufacturing building, however; it would be agriculture, in this case, medical marijuana growing indoors. Something like the 80 Acres Farms in Hamilton but it would be much more regulated and have much greater security. It's a business but not

currently a type of business that is allowed in our community. That's something you would have to contemplate and change if you wanted to pursue it.

Ms. Nenni clarified that the current moratorium is on any kind of medical marijuana business, agricultural or for sale and is for an indefinite period of time.

Mr. Palenick explained that you could choose to end the moratorium on one aspect of the business but not on the other. If you did not desire dispensaries at retail then we could continue that moratorium while maybe you wanted to have the economic development of the cultivation at wholesale or vice versa.

Ms. Nenni asked do we have information on the economic impact that lifting such a moratorium would have if it was just agricultural versus also including the retail sales? Do we have some statistics on how those impacts have affected other communities? I would be interested if you could provide that. I'm curious whether citizens have an issue with one versus the other or all encompassing. I think there are some clarifications that it'd be interesting to understand from the citizen's perspective. Mr. Palenick will do some research and provide the information to Council.

Ms. Condrey reminded the Middletown citizens that the recreational use of marijuana is still illegal in the state of Ohio, however, I smell it all over the place.

Receive and file the following board and commission minutes:

Planning Commission- October 13, 2021

Historic Commission- November 18, 2021

Board of Health- December 14, 2021

Confirm the personnel appointments of Nicholas Koloc to the position of Firefighter-EMT in the Department of Public Safety, Division of Fire; and of James Metz to the position of City Planner in the Development Services Department.

Confirm the promotional appointment of Justin Scott to the position of Equipment Operator in the Department of Public Works & Utilities, Division of Street Maintenance.

Receive and file Oaths of Office for Anna Matala, Margaret Van Vliet and Derek Brown

Proclaim January 23-29, 2022 School Choice Week

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

Waive Charter

Ms. Nenni moved to suspend the Charter provision that requires reading on two separate days and to declare ordinance No. 02022-08, Ordinance No. 02022-09, Resolution No. R2022-03, Resolution No. R2022-04 emergency measures to be read one time only. Mr. Muterspaw seconded. Motion carried. Ayes: Mr. Moon, Mr. Muterspaw, Ms. Nenni, Mr. Ferrell. Nay: Ms. Condrey.

Ord. No. 02021-127 Amend Section 452.15

Ordinance No. 02021-127, an ordinance amending Section 452.15 (City Parking Facility Fees) of the Codified Ordinances was read for second time.

Mr. Moon moved to approve Ordinance No. 02021-127, an ordinance amending Section 452.15 (City Parking Facility Fees) of the Codified Ordinances. Mr. Ferrell seconded. Motion carried. Ayes: Mr. Muterspaw, Ms. Condrey, Ms. Nenni, Mr. Ferrell, Mr. Moon.

There was discussion about the current demand, enforcement, parking ticket fees and vehicle towing contracts.

Res. No. 02022-01 Amend Appropriations

Resolution No. R2022-01, 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, 2022 was read for a second time. (General Fund – Police)

Ms. Nenni moved to approve Resolution No. R2022-01, 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, 2022. (General Fund – Police) Mr. Ferrell seconded. Motion carried. Ayes: Ms. Condrey, Ms. Nenni, Mr. Ferrell, Mr. Moon, Mr. Muterspaw.

Ord. No. 02022-01 Purchase Buses

Ordinance No. 02022-01, an ordinance establishing a procedure for and authorizing a contract with MCI and Butler County Regional Transit Authority for the purchase of three 45-foot heavy duty commuter coaches. (Second Reading)

Ms. Nenni moved to approve Ordinance No. 02022-01, an ordinance establishing a procedure for and authorizing a contract with MCI and Butler County Regional Transit Authority for the purchase of three 45-foot heavy duty commuter coaches. Mr. Moon seconded. Motion carried. Ayes: Mr. Ferrell, Ms. Nenni, Mr. Moon, Mr. Muterspaw, Ms. Condrey.

**Ord. No. 02022-02
Contract with ODOT
To Replace Bridge**

Ordinance No. 02022-02, an ordinance authorizing the City Manager to enter into a contract with the Ohio Department of Transportation for the replacement or rehabilitation of the bridge that carries SR 122 (Columbia Avenue) over the hydraulic canal was read for the second time.

Ms. Nenni moved to approve Ordinance No. 02022-02, an ordinance authorizing the City Manager to enter into a contract with the Ohio Department of Transportation for the replacement or rehabilitation of the bridge that carries SR 122 (Columbia Avenue) over the hydraulic canal. Mr. Ferrell seconded. Motion carried. Ayes: Ms. Nenni, Mr. Moon, Mr. Muterspaw, Ms. Condrey, Mr. Ferrell.

**Ord. No. 02022-06
Amend Job Creation
Incentive Grant Program**

Ordinance No. 02022-06, an ordinance amending the Job Creation Incentive Grant Program created by Ordinance No. 02007-33 as amended by Ordinance No. 02007-88, Ordinance No. 02011-40 and Ordinance No. 02012-11 was read for the second time.

Ms. Condrey reiterated her request that we have at least 150% of minimum wage to be expected out of any jobs created that are subject to this. She explained that the goal of the program is to incentivize quality jobs for our citizens. I won't support it as written.

There was discussion about full and part time jobs in the calculation of employees and payroll.

Mr. Muterspaw pointed out that the legislation reflects the changes that were requested at the last meeting.

Mr. Moon commented that in his opinion this is an improvement over what we have and I would like to move forward with approving the improvement and if we want to have further discussions about refining it further, I think we can do that. This adds some important provisions that the current ordinance doesn't have. We're operating under an ordinance that doesn't have the claw back language and doesn't have some of these other things that we need to get in there. I'd like to get those in first and I would be open to additional conversation.

Ms. Condrey asked what's the point of Council providing feedback and trying to make things better and having two readings when we just approve part of it and say, we'll get it better next time? I don't want anyone to be wasting time on a job creation incentive that fulfills technically what's going on here but really isn't getting at what we ultimately want. There was additional discussion about setting a percentage of minimum wage and potentially red taping potential businesses. The state of Ohio's Job Creation Incentive Program requires 150% of a minimum wage salary.

Ms. Condrey moved to amend the legislation item to require that the jobs created under this program and subject to the incentive be a minimum of 150% of minimum wage salary. The motion died for lack of a second.

Ms. Nenni moved to approve Ordinance No. 02022-06, an ordinance amending the Job Creation Incentive Grant Program created by Ordinance No. 02007-33 as amended by Ordinance No. 02007-88, Ordinance No. 02011-40 and Ordinance No. 02012-11. Mr. Moon seconded. Motion carried. Ayes: Mr. Moon, Mr. Muterspaw, Ms. Nenni, Mr. Ferrell. Nay: Ms. Condrey.

**Ord. No. 02022-07
Enterprise Zone
Agreement Phoenix
Metals**

Ordinance No. 02022-07, an ordinance amending Ordinance No. 02021-64 authorizing the City to enter into an enterprise zone agreement with Phoenix Metals providing for a new manufacturing facility as a development project and tax exemption pursuant to the Ohio Enterprise Zone Program was read for a second time.

Ms. Nenni moved to approve Ordinance No. 02022-07, an ordinance amending Ordinance No. 02021-64 authorizing the City to enter into an enterprise zone agreement with Phoenix Metals providing for a new manufacturing facility as a development project and tax exemption pursuant to the Ohio Enterprise Zone Program. Mr. Ferrell seconded. Motion carried. Ayes: Ms. Condrey, Mr. Ferrell, Ms. Nenni, Mr. Moon, Mr. Muterspaw.

**Ord. No. 02022-08
Homeless Warming
Shelter**

Ordinance No. 02022-08, an ordinance authorizing the City Manager to enter into a contract with Central Connections to provide a short-term warming shelter for the homeless and declaring an emergency was read.

Ms. Nenni requested that this legislation be postponed for a vote until the next Council meeting.

Ms. Condrey commented that's why she voted no to waiving the Charter provision that requires reading on two separate days and to declare this legislation as an emergency.

Mr. Palenick explained that homelessness is an ongoing problem with very few easy answers. We have all dealt with it seemingly forever. We recently put together an ad hoc sort of internal organization to deal with homelessness issues. We received a completely separate allocation of \$1.3M of ARPA funding through the HOME program, at first, we thought that that funding would assist us in affordable housing but after further review of the legislation, the funds are

very strictly regulated. The funds can only be spent to assist homelessness and we are working towards a sustainable, long-term solution to homelessness and transitional housing. In the past you had SHALOM to assist the homeless and provide warming shelters in the harsh winter months. Since Covid, that model doesn't work anymore. We were looking for a solution and a Central Connections graciously offered a vacant building immediately behind their building as a warming shelter this year for a very short period of time, at cost. Simultaneously we were talking to another group looking to acquire a building in another area of town, near Hope House. They also made a proposal to us and at the time the costs were substantially more and we were couldn't justify them. The goal has always been for a very short time, temporary place that the police department and others can take people to when the weather is very cold. We received a new proposal late this afternoon that I ask you to consider in place of the Central Connections. The location is 1009 Grove Street, by Hope House, the proposal costs less and provides essentially the same services. This location would have fewer neighborhood concerns. Mr. Palenick discussed the fire suppression and staffing requirements. Chief Birk provided additional information and reported that the homeless would have access to resources for people who want help and get them into treatment. People need a place to go. There was discussion about drafting new legislation for City Council to consider. There was discussion on the use of the ARPA funds, congregate and non-congregate shelter and the information in the staff report compared to the information from HUD's website. There was discussion about opportunities for the homeless to go to the Hope House when the warming shelter closes or when they have to leave.

Mr. Moon explained that 1009 Grove Street is owned by the Abilities First Foundation and he is a volunteer member of the Board. There was discussion about who the actual contract would be with, the property owners or the people leasing the property and he questioned whether or not he should vote on the matter. Assistant Law Director Conover suggested that he abstain from the vote out of an abundance of caution.

City Council discussed requesting a special meeting to be held on Friday, January 21 at 1 p.m. in Council Chambers for the purpose of receiving citizens comments and considering a contract for a warming shelter for homeless.

Ord. No. 02022-09
Contract with
Community Center
Partners, LLC

Ordinance No. 02022-09, an ordinance authorizing a contract with Community Center Partners, LLC for development consulting services related to the Towne Mall Galleria Redevelopment Project and declaring an emergency was read.

Ms. Nenni moved to approve Ordinance No. 02022-09, an ordinance authorizing a contract with Community Center Partners, LLC for development consulting services related to the Towne Mall Galleria Redevelopment Project and declaring an emergency. Mr. Muterspaw seconded. Motion carried. Ayes: Ms. Nenni, Mr. Moon, Mr. Muterspaw, Ms. Condrey, Mr. Ferrell.

Res. No. R2022-03
Apply for SAFER Grant

Resolution No. R2022-03, a resolution authorizing the City Manager to apply for and accept a SAFER grant from the Department of Homeland Security and declaring an emergency was read.

Ms. Nenni moved to approve Resolution No. R2022-03, a resolution authorizing the City Manager to apply for and accept a SAFER grant from the Department of Homeland Security and declaring an emergency. Mr. Ferrell seconded. Motion carried. Ayes: Mr. Moon, Mr. Muterspaw, Ms. Condrey, Ms. Nenni, Mr. Ferrell.

Res. No. R2022-04
Accept Water/WW
Grant from ODOD

Resolution No. R2022-04, a resolution authorizing the City Manager to accept a grant from the State of Ohio Department of Development Water and Wastewater Infrastructure Program and declaring an emergency was read.

Ms. Nenni moved to approve Resolution No. R2022-04, a resolution authorizing the City Manager to accept a grant from the State of Ohio Department of Development Water and Wastewater Infrastructure Program and declaring an emergency. seconded. Motion carried. Ayes: Mr. Muterspaw, Ms. Condrey, Mr. Ferrell, Ms. Nenni, Mr. Moon.

Ord. No. 02022-10
Purchase AMR
Hardware & Equipment

Ordinance No. 02022-10, an ordinance establishing a procedure for and authorizing a contract with Aclara Technologies, LLC for the purchase of software and replacement equipment for the automated meter reading system was read for the first time.

Ord. No. 02022-11
Lease to Safe Skies
Aviation LLC

Ordinance No. 02022-11, an ordinance authorizing a lease of a portion of 1707 Run Way, also being part of the City owned Middletown Regional Airport property, to Safe Skies Aviation, LLC. was read for the first time.

Ord. No. 02022-12
Contract with MVB

Ordinance No. 02022-12, an ordinance authorizing the City Manager to enter into contract with Middletown Visitors Bureau for the acceptance of American Rescue Plan Act funds was read for the first time.

NEW BUSINESS

Signs

Ms. Condrey reminded businesses to be aware signs cannot cover more than 50% of the windows. At the last meeting, we approved a zoning change for a property over on the east side of town. Nothing has changed in the windows of the business that he owns and I asked

Hollywoodland

to make sure his business is compliant. We have had a lot of discussion previously about signage and I continue to see blade signs all over town, which are in violation of our City code. I think you know part of it is not having enough code enforcement officers to really address those concerns. It's not just the gas stations, there are a lot of businesses in town that are utilizing signage that is outside of our code.

Ms. Condrey stated that our citizens and stakeholders probably deserve an answer and clarity on Hollywoodland. My request is to bring it to an official vote at the next meeting, so we can move forward and focus on impactful projects in our City and move our City into its successful and fulfilling future. We've got some really great things at our doorstep that the city staff is working on.

Mr. Palenick stated that the project, as it was proposed, is no longer being worked on and we're not going to bring it to you so there's no need to vote on it because it's not coming forward.

There was additional discussion about the ARPA funding and the approved ARPA budget that is no longer allocated to Hollywoodland but rather downtown riverfront redevelopment.

EXECUTIVE SESSION

At 8:22 p.m. 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; and under the authority of O.R.C. 121.22 (G) (8) To consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or to negotiations with other political subdivisions respecting requests for economic development assistance, provided that both of the following conditions apply:

(1) The information is directly related to a request for economic development assistance that is to be provided or administered under any provision of Chapter 715., 725., 1724., or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of the Revised Code, or that involves public infrastructure improvements or the extension of utility services that are directly related to an economic development project.

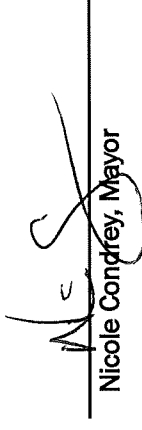
(2) A unanimous quorum of the public body determines, by a roll call vote, that the executive session is necessary to protect the interests of the applicant or the possible investment or expenditure of public funds to be made in connection with the economic development project.

At 9:12 p.m. Mr. Moon moved to return to regular session. Ms. Nenni seconded. Motion carried. Ayes: Mr. Muterspaw, Ms. Condrey, Mr. Ferrell, Ms. Nenni, Mr. Moon.

ADJOURNMENT

At 9:13 p.m., the meeting was declared adjourned until January 21, 2022 at 1:00 in Council Chambers.

Attest:



Nicole Condrey, Mayor