

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

ROLL CALL

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

EXCUSE ABSENCE

Mr. Moon moved to excuse the absence of Ms. Nenni. Mr. Mulligan seconded. Motion carried. Ayes: Mr. Moon, Mr. Mulligan, Ms. Vitori, Ms. Condrey.

Ms. Nenni joined the meeting at 5:33 p.m.

CITIZEN COMMENTS**Mr. Kent Keller II**

Mr. Kent Keller II stated, "Thank you council that showed up, it shows that you care about this city, the fact that you came here. Two weeks ago, the City Manager made a video, Jim Palenick. I just wanted to point out a few things that I noticed. A couple of people apparently dug through the Facebook page of a good officer. He happened to be a Trump supporter. Some people found that he was playing the circle game, which I play with my kid all the time, and somehow blew it up into something it's not. But within 22 hours of two people complaining you released a city video Jim. Meanwhile, for years I have been complaining about budget issues, the fact that the airport is constantly being poked and prodded and people are being bullied around and businesses are being bullied. The fact that the 2019 to 2020 budget went up 147% to \$739,000 and you didn't do a video for that within 22 hours. You didn't do a video about Dan Dickten lying to officers, lying to investigators and then getting paid six months leave. In fact, after he was let go, the city congratulated him, gave him a pat on the back. While he was getting \$65,000 + of my tax dollars. You didn't do a video for him. Why didn't you do a video about Dan Dickten lying to officers, lying to investigators? You didn't do a video about Matt Eisenbraun, who has a court case coming up and has committed a serious misdemeanor? No video or apology about that. I have been in the city for 42 years; don't you dare come in this city and start dividing and playing games. We have good officers. Don't you dare accuse our officers of things that they didn't do. If an officer actually did something, if an officer has mistreated someone, let's see it; but don't try to put this (gestured with his hand) together with white supremacy. Don't. Do not accuse our officers of something they didn't do. You will not bring that into my town. Thank you."

Mr. Ed Richter

Mr. Ed Richter, Journal News, stated, "Just wanted to inform Council and Administration that this is my last council meeting. I have accepted a new assignment with Dayton Daily News and this is my last week here. It has been a pleasure and a privilege to cover you all during 4 assignments in the last 16 years. So, I will be heading over to Warren County. I will be keeping an eye on you, just not as close. I just wanted to let you know. Thank you."

Ms. Condrey thanked Mr. Richter and congratulated him on his new position.

Mr. Don Gilgrist

Mr. Don Gilgrist, stated, "Good evening, my name is Don Gilgrist. I have been a resident of the City of Middletown since 1972. I am a retired teacher from Middletown City Schools and also a part-time adjunct professor at the Middletown campus of Miami University. I am here in attendance tonight to speak on behalf of the integrity and character of Jason Deaton. He is a police officer in the Middletown police force. Jason has been accused of using what, I guess, is now known as a racial sign. If you do a study on that racial sign, his wasn't in the right position for it and it was more of a game that he had played when he was in junior high. I feel bad that he has had to go through this whole ordeal, being such a good cop in Middletown. I have known Jason for over 20 years. The first time I met him he took my tennis class at Miami University. He was a top student, not only in his physical ability and his mental ability but also in his respect. I put a lot of emphasis on grading students that way; the way that he respected me and the way he respected his classmates. Later, he married the daughter of a close friend of mine and I got to know him on a more personal level and watched his family grow. In the 20 years that I have known him I have never once heard Jason use inappropriate language or treat anybody in a disparaging manner that would ever be considered racist or anything like that. I have watched him and his wife parent their two boys who are now if their teens. All those years, both of them have instilled values and respect in the boys. Jason has been a youth sports coach ever since his older son was at the age to start participating. I have seen him coach baseball, basketball, football and lacrosse. He gives a lot of time to the community he works in and to his sons. As a coach, Jason tries to instill good character, self-control and respect into all of his players. (Mr. Gilgrist reached the 3-minute time limit.)

Lamar Farrell

Lamar Ferrell, 5002 Manchester Road, Middletown, spoke on behalf of Jason Deaton. A man that I have known and spent a lot of time with over the last 16 years. One of the saddest moments I have ever spent with Jason was when his brother was killed. I spent many hours with Jason and the family in the days following his death. Jason was involved in a very vicious fight against a white supremacist and he sustained many broken bones in his face. The woman that he was trying to help was a woman of color. Since the beginning of time, the world has taken symbols and perverted them. The game Mr. Deaton was playing was turned into a racial witch hunt. Jason Deaton is a coach of children of many colors. He is a good friend of Steven Hartman owner of Dedicated Motivated. The sad tragedy is that people take something and try

	<p>to spin it. Any organization that threatens the character of a person should be ready to have the finger pointed back at them. I don't know why in the world we are attacking a man for playing a game. The game he was playing has been turned on him. Having your character assassinated is not a game. For any institution, including the NAACP, I would say this. The "A" stands for advancement, lets continue to advance and to march forward. Why would we attack this police department and other police departments that are underpaid, under appreciated and under staffed as they protect and serve us? I have had the pleasure of serving as a volunteer chaplain for this department for 16 years. This department has carried itself with dignity through troubled times. I applaud all of the accomplishments of our officers, and of our City Council. We need to stand up for what is right, I am grateful that I have had the chance to stand up for what is right.</p>
<p>COUNCIL COMMENTS Ms. Vitori</p>	<p>Ms. Vitori commented that she was glad that everyone came and spoke on behalf of Officer Deaton. I think it is important that he was able to deny these allegations. These comments began on social media over a week before we had the video or any comments. This had snowballed, there were thousands of comments on many different pages. I was getting messages. It was already out there which means we have a responsibility as a City to talk to this officer and give the opportunity to clear his name which is what we did. I am grateful that the City Manager handled it the way he did and I applaud Chief Birk as well. I think the video was sharing that information so that people knew that we heard them. It wasn't two people, I had more than two people texting me and the NAACP represents more than two people. I think that it is hard to see things through other people's lenses. Given a context some people felt that it potentially could have been a bad situation; but because we addressed it we were able to say, "no, that's not what it was." This guy was playing a game and in the context of his life and who he is; he's a great officer, it's not the case here. I think we did the right things to give everyone the chance to talk about this thing, to communicate, to share. That's what you do when you are a transparent government. You don't just sweep it under the rug and hope that people stop talking about it, because that doesn't typically happen. I want to thank everyone involved, Chief Birk did a great job and Shelby and the City Manager did as well. I also want to applaud the City crews for their hard work during the recent snow events.</p>
<p>Mr. Moon</p>	<p>Mr. Moon thanked the City's public works employees for working around the clock during the recent heavy snowfalls and Mr. Richter for covering City Council meetings for many years and wished him the best.</p>
<p>Ms. Nenni</p>	<p>Ms. Nenni echoed Mr. Moon's comments about Mr. Richter and commented, "we will miss you in our meetings. I appreciate you coming down to say goodbye in person. Thank you to the City road crews and their families that are working long hours plowing snow and dealing with water main breaks. It is important to see all perspectives of a situation to really know and to get to the bottom of what the intentions are. I think City staff handled it pretty well and I appreciate them communicating and having an open dialog about these kinds of issues. It is difficult for both sides.</p>
<p>Ms. Condrey</p>	<p>Ms. Condrey commented that as the Council representative to the Citizens Advisory Board if we have a similar situation in the future, we could call a special meeting of the Citizens Advisory Board. I think that would be a great use for that board and come together and have a good community discussion in a venue that allows for that. I will do my best to call a special meeting when it is needed. I met with Dr. Dora Bronston over the weekend and had a really good discussion about assuming best intent. While that is not always possible, assuming best intent gives us a better outlook as we start the conversation and begin working with others. I recorded our conversation and my goal is to take clips of that and put it together and have it available as some thoughtful pieces to consider as we are interacting with others.</p>
<p>NEW BUSINESS</p>	<p>City Council discussed setting up a work session to receive more information and to discuss the City's response to homelessness issues.</p>
<p>CITY MANAGER REPORTS</p>	<p>Mr. Palenick pointed out that what was previously item #1. Ordinance No. O2021-10, an ordinance authorizing the City Manager to enter into a Memorandum of Understanding with OneCity for Recovery was tabled and is not on tonight's agenda.</p>
<p>CONSENT AGENDA</p>	<p>Approve the City Council Minutes of November 11, 2020. Confirm the personnel appointments of Kevin Bryant, Savannah Conrad, Jeremy Spears, Tyler Mullis, Cameron Koch, Michael Welch, Kyle Baughman to the position of Firefighter-EMT in the Department of Public Safety, Division of Fire; and Candice Stultz to the position of Housing Code Specialist in the Department of Public Safety, Division of Police. Receive and file an oath of office for Elayna Romine. Receive and file the board and commission minutes of: Planning Commission-August 12 and December 9, 2020 Approve the final plat for Renaissance 2 Section 13 Subdivision. Receive and file Maintenance and Performance Bonds submitted by Grand Communities, LLC., guaranteeing public improvements constructed as part of Renaissance 2 Section 13 Subdivision.</p>

Proclamation: February - Black History Month

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.

MOTION AGENDA

Approve a contract with Everett J. Prescott, Inc., of West Carrollton, OH, in an estimated amount of \$113,601.58 for the purchase of supplies for the Water Maintenance Division.

Mr. Mulligan moved to Approve a contract with Everett J. Prescott, Inc., of West Carrollton, OH, in an estimated amount of \$113,601.58 for the purchase of supplies for the Water Maintenance Division. Mr. Moon seconded. Motion carried. Ayes: Mr. Mulligan, Ms. Condrey, Ms. Vitori, Ms. Nenni, Mr. Moon.

W re Charter

Mr. Mulligan moved to suspend the Charter provision that requires reading on two separate days and to declare Ordinance No. O2021-15 an emergency measure to be read one time only. Mr. Moon seconded. Motion carried. Ayes: Ms. Vitori, Ms. Nenni, Mr. Moon, Mr. Mulligan. Nays: Ms. Condrey.

**Ord. No. O2021-12
Extend Fire Uniform
Contract with A.E. David**

Ordinance No. O2021-12, an ordinance establishing a procedure for and authorizing an extension of the current contract with A.E. David Company for the purchase of fire uniforms was read for the second time.

Mr. Mulligan moved to approve Ordinance No. O2021-12, an ordinance establishing a procedure for and authorizing an extension of the current contract with A.E. David Company for the purchase of fire uniforms. Ms. Nenni seconded. Motion carried. Ayes: Ms. Vitori, Ms. Nenni, Mr. Moon, Mr. Mulligan, Ms. Condrey.

**Ord. No. O2021-13
SBED Grant Mz
Jades Soul Food, LLC**

Ordinance No. O2021-13, an ordinance authorizing the City Manager to enter into an agreement for a Small Business Economic Development Grant with Mz Jades Soul Food, LLC was read for the second time.

Mr. Mulligan moved to approve Ordinance No. O2021-13, an ordinance authorizing the City Manager to enter into an agreement for a Small Business Economic Development Grant with Mz Jades Soul Food, LLC. Ms. Condrey seconded. Motion carried. Ayes: Ms. Nenni, Mr. Moon, Mr. Mulligan, Ms. Condrey, Ms. Vitori.

**Ord. No. O2021-14
New and Expand
D.O.R.A.**

Ordinance No. O2021-14, an ordinance renewing the Designated Outdoor Refreshment Area and authorizing an expansion of the boundary thereof was read for the second time.

Mr. Mulligan moved to approve Ordinance No. O2021-14, an ordinance renewing the Designated Outdoor Refreshment Area and authorizing an expansion of the boundary thereof. Mr. Moon seconded. Motion carried. Ayes: Mr. Moon, Mr. Mulligan, Ms. Condrey, Ms. Nenni, Ms. Vitori.

**Res. No. R2021-04
Hidden Heroes City**

Resolution No. R2021-04, a resolution in support of the City of Middletown, Ohio becoming a Hidden Heroes City in support of military and veteran caregivers was read for the second time.

Mr. Mulligan moved to approve Resolution No. R2021-04, a resolution in support of the City of Middletown, Ohio becoming a Hidden Heroes City in support of military and veteran caregivers. Ms. Condrey seconded. Motion carried. Ayes: Mr. Mulligan, Ms. Condrey, Ms. Vitori, Ms. Nenni, Mr. Moon.

**Res. No. R2021-05
Amend
Appropriations**

Resolution No. R2021-05, 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, 2021 was read for the second time. (Police Grant Fund)

Mr. Mulligan moved to approve Resolution No. R2021-05, 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, 2021. (Police Grant Fund) Ms. Nenni seconded. Motion carried. Ayes: Ms. Condrey, Ms. Vitori, Ms. Nenni, Mr. Moon, Mr. Mulligan.

**Ord. No. O2021-15
Contract for Gateway
Maintenance**

Ordinance No. O2021-15, an ordinance establishing a procedure for and authorizing a contract with T.R. Gear Landscaping, Inc. for gateway maintenance and declaring an emergency.

Mr. Mulligan moved to approve Ordinance No. O2021-15, an ordinance establishing a procedure for and authorizing a contract with T.R. Gear Landscaping, Inc. for gateway maintenance and declaring an emergency. Mr. Moon seconded. Motion carried. Ayes: Ms. Vitori, Ms. Nenni, Mr. Moon, Mr. Mulligan, Ms. Condrey.

**Res. No. R2021-07
Amend**

Resolution No. R2021-07, a resolution to make adjustments to appropriations for current expenses and other expenditures of the City of Middletown, Counties of Butler and Warren,

Appropriations

State of Ohio, for the period ending December 31, 2021 was read for the first time. (General Fund)

**Ord. No. 02021-16
Contract to
Purchase Bus**

Ordinance No. 02021-16, an ordinance establishing a procedure for and authorizing a contract with Gillig, LLC and Butler County Regional Transit Authority for the purchase of a 35 foot diesel bus was read for the first time.

**Ord. No. 02021-17
Amend PBO**

Ordinance No. 02021-17, an ordinance amending Ordinance No. 02020-69 establishing the pay ranges, pay policy and benefits for various salaried and hourly classifications within the service of the City that are hired prior to 2018 was read for the first time.

**Ord. No. 02021-18
Amend PBO After
01/01/2018**

Ordinance No. 02021-18, an ordinance amending Ordinance No. 02020-70 establishing the pay ranges, pay policy and benefits for various salaried and hourly classifications within the service of the City that are hired January 1, 2018 or later was read for the first time.

ADJOURNMENT

At 6:19 p.m., the meeting was declared adjourned until February 25, 2021 at 4:00 p.m. in Council Chambers.



Nicole Condrey, Mayor

Attest: 
