

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, M. Nenni, T. Moon, J. Mulligan, N. Condrey.

Public Hearing

Ms. Ashley Combs presented a map amendment request by applicant Haley-Dusa Group on behalf of the property owner, RY PETROLEUM INC., to rezone the property located at 1817 Highland Street, Middletown, OH 45044 (Parcel ID: Q6542068000020) from R-4 Attached Residential Zoning District to B-1 Neighborhood Business District. The property is a total of approximately 0.1722 acres. The Planning Commission's recommendation of denial for the map amendment is being forwarded to City Council for final review and decision. The subject property is currently vacant. A residential home was demolished on the property in 2013 due to being blighted. The owner has owned the subject property since 2017. The property owner also owns two properties to the South of the subject property located at 1825 Highland Street (Sloan's Market) and 2709 Burbank Avenue (a blighted home was demolished on this property on 2/10/21). The applicant requests to rezone the subject property so that it can be combined with the other properties so that the existing business can be enhanced and expanded to offer additional parking spaces, screening, and driveway for a future drive-through window.

Planning Commission Recommendation:

On January 13, 2021 the Planning Commission recommended denial of the Map Amendment request due to the request not meeting Map Amendment Review Criteria outlined in the Middletown Development Code (Chapter 1226.03 Code Text and Map Amendments, e. Review Criteria, specifically numbers 3 and 6).

The Planning Commission determined that additional traffic generated by commercially zoning the property would negatively impact safety of the neighborhood by creating visibility issues and traffic for the surrounding property owners. The Commission also determined that the maintenance and upkeep of the subject property is a detriment to the surrounding properties and could potentially worsen by expanding the commercial use. The Commission identified that rather than expand the commercial district, the property would be better suited for a single-family residential home. The Planning Commission voted deny the map amendment due to the request not promoting the public health, safety, and general welfare of the surrounding neighborhood and because the zone change would adversely impact the surrounding residential properties.

Staff Recommendation:

Planning staff recommended approval of the map amendment to the Planning Commission. Per the 2005 Master Plan, the subject property is located in the Greentree Road Opportunity Area and is identified as "neighborhood preserve and enhance." Staff feels that the zone change would allow the owner to enhance the existing business by offering additional parking and amenities to the surrounding neighborhood that uses the convenience store.

Staff thinks that the investment made in screening/buffering would be beneficial to the surrounding properties by visually lessening activities on the convenience store property. Staff also feels that the creation of additional parking spaces would positively help alleviate on-street parking and traffic safety concerns. If approved, the proposed zone change would not cause spot zoning and would be consistent with the adjoining B-1 Neighborhood Business Zoning District properties that are located to the south of the property.

PUBLIC NOTICE REQUIREMENT:

Per the Middletown Development Code notice requirement, public notice was provided to all owners within 200 feet of the subject property and notice was published in the Middletown Journal. Comments received from neighboring properties identified traffic visibility issues, property screening issues, and property maintenance issues concerning trash/debris. One comment pertains to a gas station; however the use would not meet Middletown Development Code requirements.

Rebecca Wieser, Property Owner (comment received VIA Email: beckywieser@sbcglobal.net)

I hope you really reconsider putting gas pumps on Highland Street at that intersection. It is busy enough with two convenience markets on that corner. I own two homes on Carolina Street behind where the gas pumps will go. I do not want them there.

Brad Brubaker, Property Owner (comment received VIA email: brdmbru@gmail.com)

I own property on Carolina Street that I rent to my daughter. We have no objection to the rezoning as long as the owner is required to put in a 2' to 3' grass hill between the 2 properties and install an 8' fence along with bushes on the top of the hill across the entire property and maintain the fence and keep it in good repair the bushes would be installed on our side of the fence. We would also ask that the fence be terminated on both ends so people do not have access to the properties and the trash does not blow into our yard. People in the neighborhood currently walk down our drive to get to the business on the corner and trash blows into our yard currently from that lot. I would also suggest they be

required at minimum to install an 8' fence along the property line of 1813 Highland. Gordon Hensley, Property Owner (comment received VIA Phone)
Protesting – this is a very high traffic street and we have trouble backing out of the driveways. We do not need another drive-through. Can't hardly get out their driveway with the two convenience stores across from one another.
Brenda Maze (Property Owner) – 1820 Highland Street (comment received VIA Phone):
We don't need any more traffic because it is terrible. We have a hard enough time turning off of Burbank onto Highland Street. The property is always a mess and there is trash, wrappers, and cans all over the property that blow onto all of the surrounding neighbors' properties. The owner does not have the trash picked up and the property looks terrible. We want to see the property sold and another residential home built.

OTHER DEPARTMENT COMMENTS:

The map amendment was provided to City Departments for review.
No comments were received.

MAP AMENDMENT REVIEW CRITERIA:

Recommendations and decisions on map amendments shall be based on consideration of the following review criteria. Not all criteria may be applicable and each case shall be determined on its own facts.

1. The proposed amendment is consistent with the master plan, other adopted City plans, and the stated purposes of the Middletown Development Code;
2. The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions;
3. The proposed amendment will promote the public health, safety, and general welfare;
4. The proposed amendment is consistent with the stated purpose of the proposed zoning district;
5. The proposed amendment is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated; and/or
6. The proposed amendment is not likely to result in significant adverse impacts upon other properties in the vicinity of the subject lot.

At 5:43 p.m. Ms. Condrey opened the public hearing and called for those who wanted to speak in favor of the Planning Commission's recommendation to deny the zoning request. Hearing none, she called for those who wished to speak in opposition to the Planning Commission's recommendation.

John Herr, 400 S. Main Street, the attorney for the applicants, spoke in opposition to the Planning Commission's recommendation. He stated that times do change. Right now, the property is a zoning nightmare, consisting of small chunks of B1 properties. Once combined will be a fairly robust B1 and will fall under the new rules requiring buffering, fencing and landscaping. If this matter is studied objectively this is an upgrade to an existing business that will also be an upgrade for the neighborhood. This is a classic convenience store that caters to the neighborhood regulars and will not bring any more traffic. There is no evidence that the change would represent any additional burden to the neighborhood.

At 5:51 p.m. the public hearing was closed.

COUNCIL COMMENTS

Ms. Vitori

Ms. Vitori offered her condolences to the family and loved ones of James Hutchinson. She encouraged people to put their feelings into community action, there are many opportunities to give back to the community.

Mr. Mulligan

Mr. Mulligan offered his condolences to the friends and family of James Hutchinson. It is times like these that you try to make sense of the senseless and explain the inexplicable but there are no answers just grief and sadness. I pray that they find peace.

Mr. Moon

Mr. Moon echoed his colleagues' sentiments of sympathy. It is heart breaking and tragic. A six-year-old child should not lose his life. We need to embrace and love those that are hurting.

Ms. Nenni

Ms. Nenni commented that you can hear the pain in the voices of parents during these times. She encouraged everyone to come together and serve the community and help prevent these tragic situations. She expressed her appreciation to local small businesses for being creative and trying new things in difficult times. As a small business owner, I can appreciate the need to change your business model and adapt.

Ms. Condrey

Ms. Condrey sent her condolences to the family of James Hutchinson and urged the community to come together and do some incredible things in his honor. She reported that the Ohio Mayors Alliance's Mayors and Police Chief's Leadership Committee met and it shows that Ohio is on the leading edge of things when it comes to collaboration. Three Police Chiefs from Canton, Cincinnati and Lima met with the Mayors of Youngstown, Springfield, Euclid, Beavercreek and

Middletown to discuss policies and procedures, communication and training. We will be discussing how to share resources across the state, support our police departments and keep accountability a high priority. I will keep everyone up to date on how it goes. I plan to bring up some of the things we discussed about homelessness and social services related to that, and also collaborating on those issues. We need to tighten up on the open meetings law and sunshine issues and need to be communicating with our citizens properly. There were some last-minute changes some board and commission meetings, less than 24 hours prior to the meeting. The February 15th Airport Commission meeting was changed from in-person to virtual less than 4 hours before the meeting was scheduled to start. I did not see any public notice about the Port Authority meeting on February 19th and apparently there is a new board and commission the Energy Special Improvement District. She warned her fellow City Council members about copying each other on emails related to things that might decide on.

EXECUTIVE SESSION

At 6:02 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; 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. Ms. Nenni seconded. Motion carried. Ayes: Ms. Nenni, Mr. Moon, Mr. Mulligan, Ms. Condrey, Ms. Vitori.

At 7:37 p.m. Mr. Mulligan moved to return to regular session. Ms. Nenni seconded. Motion carried. Ayes: Mr. Moon, Mr. Mulligan, Ms. Condrey, Ms. Nenni, Ms. Vitori.

CONSENT AGENDA

Confirm the personnel appointments of Michael David Spears to the position of part-time Community Security Officer and of Renee Athey to the position of Corrections Officer in the Department of Public Safety, Division of Police.

Receive and file Fiscal Officer's Certificate for Income Tax Revenue Bonds.

Authorize the purchase of approximately 800 residential water meters from Badger Meter, Inc. of Milwaukee, WI, in the amount of \$74.89 each.

Confirm the following Board and Commission Appointments:

Architectural Review Board- Tal Moon to serve as the City Council Alternate

Middletown Visitors Bureau- Majisola Collins

Building and Housing Board of Appeals: Greg Martin, Mike Taylor, Rita Ratliff

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

MOTION AGENDA

Approve a contract with RedZone Robotics for Sewer Condition Assessment

Contract with Red Zone Robotics

Mr. Mulligan moved to approve a contract with RedZone Robotics for Sewer Condition Assessment. Ms. Condrey 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. 02021-19, Resolution No. R2021-08, Resolution No. R2021-09, Resolution No. R2021-10 and Ordinance No. 02021-20 emergency measures to be read one time only. Mr. Moon seconded. Motion carried. Ayes: Ms. Vitori, Ms. Nenni, Mr. Moon, Mr. Mulligan, Ms. Condrey.

Res. No. R2021-07 Amend Appropriations

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

Mr. Mulligan moved to approve 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, State of Ohio, for the period ending December 31, 2021. Mr. Moon seconded. Motion carried. Ayes: Ms. Nenni, Mr. Moon, Mr. Mulligan, Ms. Condrey, Ms. Vitori.

<p>Ord. No. 02021-16 Contract to Purchase Bus</p>	<p>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 second time.</p> <p>Mr. Mulligan moved to approve 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. Ms. Condrey seconded. Motion carried. Ayes: Mr. Moon, Mr. Mulligan, Ms. Condrey, Ms. Nenni, Ms. Vitori.</p>
<p>Ord. No. 02021-17 Amend PBO</p>	<p>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 second time.</p>
<p>Motion to Amend</p>	<p>Ms. Condrey moved to amend Ordinance No. 02021-17 and create two separate ordinances with the Assistant City Manager position in Ordinance No. 02021-17 and the Development Services Director position in Ordinance No. 02021-23. Ms. Nenni seconded. Motion carried. Ayes: Ms. Condrey, Ms. Nenni, Mr. Moon, Mr. Mulligan. Nays: Ms. Vitori.</p>
<p>Ord. No. 02021-23 Amend PBO</p>	<p>Mr. Mulligan moved to approve 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. Ms. Nenni seconded. Motion carried. Ayes: Ms. Vitori, Ms. Nenni, Mr. Moon, Mr. Mulligan. Nays: Ms. Condrey.</p>
<p>Ord. No. 02021-23 Amend PBO</p>	<p>Ordinance No. 02021-23, 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.</p>
<p>Ord. No. 02021-23 Amend PBO</p>	<p>Mr. Mulligan moved to approve Ordinance No. 02021-23, 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. Mr. Moon seconded. Motion carried. Ayes: Ms. Nenni, Mr. Moon, Mr. Mulligan, Ms. Condrey, Ms. Vitori.</p>
<p>Ord. No. 02021-18 Amend PBO After 01/01/2018</p>	<p>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.</p>
<p>Motion to Amend</p>	<p>Ms. Condrey moved to amend Ordinance No. 02021-18 and create two separate ordinances with the Assistant City Manager position in Ordinance No. 02021-18 and the Development Services Director position in Ordinance No. 02021-24. Ms. Nenni seconded. Motion carried. Ayes: Ms. Condrey, Ms. Nenni, Mr. Moon, Mr. Mulligan. Nays: Ms. Vitori.</p>
<p>Ord. No. 02021-18 Amend PBO After 01/01/2018</p>	<p>Mr. Mulligan moved to approve 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. Ms. Nenni seconded. Motion carried. Ayes: Mr. Mulligan, Ms. Vitori, Ms. Nenni, Mr. Moon. Nays: Ms. Condrey.</p>
<p>Ord. No. 02021-24 Amend PBO After 01/01/2018</p>	<p>Ordinance No. 02021-24, 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.</p>
<p>Ord. No. 02021-24 Amend PBO After 01/01/2018</p>	<p>Mr. Mulligan moved to approve Ordinance No. 02021-24, 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. Ms. Nenni seconded. Motion carried. Ayes: Ms. Condrey, Ms. Vitori, Ms. Nenni, Mr. Moon, Mr. Mulligan.</p>
<p>Ord. No. 02021-19 Issuance and Sale of Special Obligation Bonds</p>	<p>Ordinance No. 02021-19, an ordinance providing for the issuance and sale of income tax special obligation bonds in the maximum principal amount of \$31,600,000, for the purpose of paying the costs of the construction and improvement of streets and roadways in the City where necessary and appurtenances thereto, including but not limited to, the widening, grading, draining, curbing, paving, and resurfacing of streets and roadways, constructing and reconstructing sidewalks, constructing traffic barriers to divert the flow of traffic and acquiring and installing signs, signals, markings and other devices for traffic control purposes, together with all necessary work incidental thereto and otherwise improving the same, and declaring an emergency was read.</p>
<p>Ord. No. 02021-19 Issuance and Sale of Special Obligation Bonds</p>	<p>Mr. Mulligan moved to approve Ordinance No. 02021-19, an ordinance providing for the issuance and sale of income tax special obligation bonds in the maximum principal amount of \$31,600,000, for the purpose of paying the costs of the construction and improvement of streets and roadways in the City where necessary and appurtenances thereto, including but</p>

not limited to, the widening, grading, draining, curbing, paving, and resurfacing of streets and roadways, constructing and reconstructing sidewalks, constructing traffic barriers to divert the flow of traffic and acquiring and installing signs, signals, markings and other devices for traffic control purposes, together with all necessary work incidental thereto and otherwise improving the same, and declaring an emergency. Mr. Moon seconded. Motion carried. Ayes: Ms. Vitori, Ms. Nenni, Mr. Moon, Mr. Mulligan, Ms. Condrey.

**Res. No. R2021-08
Apply for SAFER Grant**

Resolution No. R2021-08, 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.

Mr. Mulligan moved to approve Resolution No. R2021-08, a resolution authorizing the City Manager to apply for and accept a SAFER Grant from the Department of Homeland Security and declaring an emergency. Ms. Nenni seconded. Motion carried. Ayes: Ms. Nenni, Mr. Moon, Mr. Mulligan, Ms. Condrey, Ms. Vitori.

**Res. No. R2021-09
Amend
Appropriations**

Resolution No. R2021-09, 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 and declaring an emergency was read. (Appropriation Transfer – General Fund)

Mr. Moon moved to approve Resolution No. R2021-09, 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 and declaring an emergency. (Appropriation Transfer – General Fund) Mr. Mulligan seconded. Motion carried. Ayes: Mr. Moon, Mr. Mulligan, Ms. Condrey, Ms. Nenni, Ms. Vitori.

**Res. No. R2021-10
Extend Moratorium on
Massage Parlors**

Resolution No. R2021-10, a resolution extending the moratorium on the issuance and processing of any building permits or certificates of occupancy allowing standalone businesses providing massage therapy, relaxation massage services or the like within the City of Middletown for 90 days and declaring an emergency was read.

Mr. Mulligan moved to approve Resolution No. R2021-10, a resolution extending the moratorium on the issuance and processing of any building permits or certificates of occupancy allowing standalone businesses providing massage therapy, relaxation massage services or the like within the City of Middletown for 90 days and declaring an emergency. Ms. Condrey seconded. Motion carried. Ayes: Mr. Mulligan, Ms. Condrey, Ms. Vitori, Ms. Nenni, Mr. Moon.

**Ord. No. O2021-20
Contract with OZH & R
Middletown, LLC**

Ordinance No. O2021-20, an ordinance an ordinance authorizing a contract with OZH&R Middletown, LLC for pre-development planning related to redevelopment of City-owned assets in downtown Middletown and declaring an emergency was read.

Mr. Mulligan moved to approve Ordinance No. O2021-20, an ordinance an ordinance authorizing a contract with OZH&R Middletown, LLC for pre-development planning related to redevelopment of City-owned assets in downtown Middletown and declaring an emergency. Mr. Moon seconded. Motion carried. Ayes: Ms. Condrey, Ms. Vitori, Ms. Nenni, Mr. Moon, Mr. Mulligan.

**Res. No. R2021-11
Res. Of Necessity
Sidewalks, Driveway
Aprons**

Resolution No. R2021-11, a resolution declaring the necessity of repairing certain sidewalks and driveway aprons in the City of Middletown, requiring that abutting property owners repair the same and declaring an emergency was read with no action requested until March 16, 2021.

**Ord. No. O2021-21
Change Zoning
Classification**

Ordinance No. O2021-21, an ordinance denying a request to change the zoning classification for one parcel located at 1817 Highland Street from R-4 (Attached Residential District) to B-1 (Neighborhood Business District) was read for the first time.

**Ord. No. O2021-22
Amend Chapter 1041**

Ordinance No. O2021-22, an ordinance amending Chapter 1041 of the Codified Ordinances was read for the first time.

**Res. No. R2021-12
Federal Transit Grant**

Resolution No. R2021-12, a resolution authorizing the filing of an application with the Department of Transportation, United States of America, for a grant under the Federal Transit Administration Act of 1991, as amended was read for the first time.

**Res. No. R2021-13
State Transit Grant**

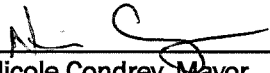
Resolution No. R2021-13, a resolution authorizing the filing of applications for CY 2022 with the Ohio Department of Transportation for grants under the Ohio Public Transportation Grant program was read for the first time.

**Res. No. R2021-14
Amend Appropriations**

Resolution No. R2021-14, 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 first time. (General – Fire)

ADJOURNMENT

At 8:30 p.m., the meeting was declared adjourned until March 16, 2021 at 5:30 p.m. in Council Chambers.



Nicole Condrey, Mayor

Attest: 