

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: R. Muterspaw, T. Moon, Z. Ferrell, N. Condrey, M. Nenni.

**PRESENTATION**

**PROCLAMATION**

**PRAY FOR PORTER DAY**

**WHEREAS**, it gives me great pleasure to introduce Porter Boone Sowards. Porter is the strongest, happiest, smartest, funniest and bravest 11-year-old in Middletown, Ohio; and

**WHEREAS**, Porter was recently diagnosed with a stage 4 Glioblastoma. That diagnosis does not define Porter because God has not given Porter a spirit of fear; but of power, love and a sound mind; and

**WHEREAS**, our community has the opportunity to join with Porter’s family and friends to pray BIG for his complete healing. We have the opportunity to pray BIG for strength, peace and rest for his family, and for wisdom for his doctors and nurses; and

**WHEREAS**, Porter Boone Sowards’ example of faith and courage is an inspiration to us all and we trust that our wonder working God hears every prayer.

**NOW, THEREFORE**, I, Nicole Condrey, Mayor of the City of Middletown, respectfully invite our community to join me and Members of Council in praying for healing for young Porter, for wisdom for his doctors and nurses, and for strength for his family and friends. Accordingly, I hereby declare Monday, July 25, 2022 as,

**PRAY FOR PORTER DAY**  
In Middletown, Ohio

**CONSENT AGENDA**

- Approve the following City Council minutes: State of the City Address- December 7, 2021, December 21, 2021, January 4, January 18 and January 21, 2022.
- Receive and file the Board of Health minutes of June 22, 2022.
- Confirm the personnel appointments of Gabriella Rodriguez to the position of Dispatcher in the Department of Public Safety, Division of Police; Jace Speers to the position of Corrections Officer in the Department of Public Safety, Division of Police; and Heather Sizemore to the position of Payroll Administrator in the Department of Finance, Division of Treasury.
- Confirm the promotional appointment of Anthony Gibson to the position of Police Sergeant in the Department of Public Safety, Division of Police.
- Receive and file an Oath of Office for Hope Ballinger, Isaac Creech, Eli Crowe, Jacob Swanger
- Receive and file a maintenance bond submitted by Sawyers Mill Project 1, LLC guaranteeing excavation, sanitary, water, and storm improvements constructed as part of Sawyers Mill Section 4A Subdivision.
- Receive and file a performance bond submitted by Sawyer’s Mill Project 1, LLC guaranteeing installation of sidewalk and asphalt surface to be constructed as part of Sawyer’s Mill Section 4A Subdivision.
- Receive and file a maintenance bond submitted by Sawyers Mill Project 1, LLC guaranteeing excavation, sanitary, water, and storm improvements constructed as part of Sawyers Mill Section 4B Subdivision.
- Receive and file a performance bond submitted by Sawyer’s Mill Project 1, LLC guaranteeing installation of sidewalk and asphalt surface to be constructed as part of Sawyer’s Mill Section 4B Subdivision.

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

**PINNING CEREMONY**

Chief Birk introduced Sergeant Anthony Gibson. Anthony Gibson was born and raised in the Monroe Middletown area. He graduated from Middletown High School where he played baseball and football. After graduation, he started working at Worthington Steel. He decided to go to the Butler Tech Police Academy and he started working as a Corrections Officer with Butler County. We were able to hire him as an officer in 2011 and he took his first steps towards becoming a field training officer. He was able to get his first canine officer, Bear, in 2016. He went through the certification process and now he is a K-9 trainer. Chief Birk commented that the promotional process is not easy. You have to take a written test, then go through an assessment center and then have an interview with the command staff. I think he's going to do an excellent job, he has been with us a long time and I really look forward to the great things he's going to do. Congratulations Tony.

**PUBLIC HEARING**  
**2022 Tax Budget**  
**MidPointe Library**

Fiscal Officer Deborah Slater and Library Director Travis Bautz discussed some of the programs and services available at the library. Ms. Slater presented the 2023 MidPointe Library tax budget and discussed some of the highlights.

**PUBLIC HEARING  
5013 LEFFERSON ROAD**

At 5:47 p.m. Ms. Condrey opened the public hearing and asked for those who wished to speak in favor of the MidPointe Library's Tax Budget; hearing none she called for those who wished to speak in opposition to the tax budget. Hearing none the public hearing was closed at 5:48 p.m.

City Planner James Metz presented the request for Map Amendment approval by Dennis Beatty, on behalf of the applicant and property owner, R&R Takhar Oil LLC, to rezone a portion of the property located at 5013 Lefferson Road (Parcel ID: Q6542108000020) Middletown, OH 45044, from R-3 Medium-Density Residential Zoning District to B-2 Community Business Zoning District.

PROPERTY BACKGROUND:

The subject property is currently zoned R-3. Per the Middletown Development Code, the purpose of the R-3 Medium-Density Residential District is to provide for moderate density, single-family residential uses in an urban setting which are served completely by public infrastructure adequate for the applicable density of development. The property currently abuts both the B-2 and R-4 zoning districts.

STAFF ANALYSIS:

The applicant is proposing a Zone Change/Map Amendment to allow for the construction of an Automotive Service Station and Retail Fuel Sales.

Per Chapter 1204.09 of the Middletown Development Code,

- Gasoline pumps shall be set back a minimum of 20 feet from all lot lines and 50 feet from all adjacent residential lot lines.
- Canopies shall be set back a minimum of 10 feet from all lot lines and 25 feet from all adjacent residential lot lines.
- A solid wood fence or masonry wall at least six feet high shall be provided on any side of the site adjacent to a residential lot.
- Vehicles being serviced or awaiting same shall be stored for no longer than 14 days on the site if in unenclosed areas.
- All areas not paved or covered by the building shall be landscaped.
- There shall be no more than two driveway openings along any frontage and there shall be a minimum separation of 50 feet between each driveway as measured from the edge of pavement.
- The storage and disposal of solid waste and recyclable materials, including used or discarded motor vehicle parts or equipment, and fluids, shall comply with all applicable federal, State, and local requirements.
- Outdoor solid waste and recyclable storage areas shall be screened in accordance with Section 1216.10.
- Per Chapter 1216.06 of the Middletown Development Code, any new development abutting a residential district will need to install landscaping and buffering.

MIDDLETOWN COMPREHENSIVE PLAN:

2021 Comprehensive Plan Land Use Map: Mixed Use Residential:

1. Primarily a mix of residential housing types that range from single family to high density multi-family.
2. It supports a range of housing styles and price points that cater to a variety of lifestyles and preferences.
3. Secondary uses include parks, recreational uses, and neighborhood churches and schools.

PUBLIC NOTICE REQUIREMENT:

Per the Middletown Development Code, Table 1226-1: Notice Requirements, public notice was published a minimum of 30 days prior to the public hearing of City Council. Notice was also provided to all property owners within 200 feet from the boundary of all properties subject to the rezoning a minimum of 14 days before the public hearing. No comments were received.

OTHER DEPARTMENT COMMENTS:

The City's internal Development Committee reviewed the proposal and gave its support.

The Development Committee includes the City Manager and Assistant City Manager, Economic Development Department, Public Works & Engineering Department, Development Services (Building Inspections Division, Planning/Zoning Division, and Code Enforcement Division).

City Engineering Department: The construction plans need to comply with the Engineering Manual of Design (Grading, Storm Water, Utilities, Erosion Control, Traffic, etc.).

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission at their regular meeting held on June 8, 2022 voted to recommend APPROVAL to the City Council for Map Amendment to rezone the property located at 5013 Lefferson Road (Parcel ID: Q6542108000020) Middletown, OH 45044, from R-3 Medium-Density Residential Zoning District to B-2 Community Business Zoning District with the

**PUBLIC HEARING  
ATTICUS APARTMENTS**

following conditions:

1. Only a portion of the lot at 5013 Lefferson Road be rezoned to B-2 not to extend beyond the adjacent R-4 district.
2. The remaining portion will continue to be zoned R-3 and must meet the Middletown Development Code requirements concerning lot width, area, etc. in order to be considered a buildable lot.
3. The existing wooded area be maintained as much as possible as a buffer between the gas station and the surrounding residential properties.

At 6:00 p.m. Ms. Condrey opened the public hearing and asked for those who wished to speak in favor of the map amendment; hearing none she called for those who wished to speak in opposition to the map amendment. Hearing none the public hearing was closed at 6:00 p.m.

City Planner James Metz presented the request for a preliminary development plan & map amendment. The request by applicant Calibre Engineering, on behalf of the property owners S Broadway Development LLC & Paradigm Development Group LLC, for Preliminary Development Plan approval for an apartment development that proposes ten (10) twenty-four (24) unit residential buildings, clubhouse, pool, outdoor recreational area, and dog park to be constructed on a portion (12.6 acres) of the property located at parcels 07032760170 and 07032760180. The property is currently zoned BC-H: Business Center Hub Subdistrict. If approved, as a part of the Planned Development process, the property would be rezoned to "PD Planned Development District" to acknowledge there is a development plan associated with the property.

PROPERTY BACKGROUND:

The subject property is currently zoned BC-H "Business Center Hub Subdistrict". Per the Middletown Development Code, the purpose of the BC-H Subdistrict is to create an urban, mixed-use core that serves as the vibrant hub of the BC District, encourage signature architecture and landscaping treatment, and an urban, pedestrian-scale environment through building height and building and parking lot placement and design.

STAFF ANALYSIS:

The applicant proposes a Planned Unit Development that will feature ten (10) twenty-four (24) unit residential buildings, clubhouse, pool, outdoor recreational area, and dog park to be constructed on a portion of the parcels.

Per the Middletown Development Code, the purpose of the PD Planned Development District is to provide an opportunity for creative and flexible land development where a base zoning district will not accommodate the proposed development but where such development will further the purpose of this code and the goals and policies of the master plan. The PD District is designed to allow for deviations from certain zoning standards that would otherwise apply if not contrary to the general spirit and intent of the Middletown Development Code.

Per the Middletown Development Code, Chapter 1210: Architectural Standards, 1210.03: Architectural Standards for Residential Buildings:

- The first above-ground story of a residential dwelling shall have facades constructed of stone, brick, wood, stucco, cultured stone, cement siding, or hardy plank when such facades are visible from a public street.
- All other exterior walls areas of the dwelling may be constructed of other code approved building materials.

Per the Middletown Development Code, Chapter 1210: Architectural Standards, 1210.03: Architectural Standards for Residential Buildings:

- At least three of the following design features shall be provided on the front façade of each dwelling unit with frontage on a public street:
- One or more dormer windows or cupolas;
- A recessed entrance;
- A covered porch or balcony;
- Pillars, posts, or pilasters;
- One or more bay windows with a minimum of 12-inch projection from the façade plane;
- A parapet wall with an articulated design, which entails design variation rather than a simple rectilinear form; or
- Multiple windows with a minimum of four-inch-wide trim.
- To the maximum extent practicable, all roof vents, pipes, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys) shall be located on the rear elevations or configured to have a minimal visual impact as seen from the street.

MIDDLETOWN COMPREHENSIVE PLAN:

2021 Comprehensive Plan Land Use Map: Employment Mixed-Use:

Primarily office, high-tech industrial, medical, and other similar uses with secondary uses that include commercial, service, and residential.

PUBLIC NOTICE REQUIREMENT:

Per the Middletown Development Code, Table 1226-1: Notice Requirements, public notice was published in the paper and letters were sent to all property owners within 200 feet of the property.

OTHER DEPARTMENT COMMENTS:

The City's internal Development Committee reviewed the proposal and recommended denial of the application due to its location in a designated employment area.

The Development Committee includes the City Manager and Assistant City Manager, Economic Development Department, Public Works & Engineering Department, Development Services (Building Inspections Division, Planning/Zoning Division, and Code Enforcement Division).

City Engineering Department: The construction plans need to comply with the Engineering Manual of Design (Grading, Storm Water, Utilities, Erosion Control, Traffic, etc.)

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission at their regular meeting held on June 8, 2022 voted to recommend APPROVAL of the Preliminary Development Plan for the Atticus development that proposes ten (10) twenty-four (24) unit residential buildings, a clubhouse, pool, outdoor recreational area, and a dog park. If approved, as a part of the Planned Development process, the property would be rezoned to "PD Planned Development District" to acknowledge there is a development plan associated with the property. The project will also require review by the Middletown City Council.

At 6:18 p.m. Ms. Condrey opened the public hearing and asked for those who wished to speak in favor of the map amendment.

Art Hardin, Caliber Engineering, 7700 Paragon Road, Centerville, Ohio spoke in favor of the map amendment. He highlighted all of the amenities of the development such as a recreation center, swimming pool, dog park and walking trails, it is designed to be an active community. He reviewed the layout and the details of the luxury apartments planned for the development. He discussed how the project fit within the community and how the traffic would flow. He explained that this gated, lifestyle community would be intended for professionals. He reviewed the interior designs and stated that the apartments would be high-end market rate apartments.

Assistant Law Director Austin Musser pointed out that the site plan Mr. Hardin just presented was substantially different from the one that was presented to Planning Commission and asked Mr. Hardin what he was asking City Council to consider.

Mr. Hardin responded that he asking Council to consider this plan. The one that we presented to Planning Commission is essentially this plan. We have worked through a number of different scenarios. We did not get to go before the Planning Commission in May because of lack of quorum and then we went in and made a supplemental package which basically reflects this program right here with some subtle changes. We haven't done the final design yet.

There was additional discussion about whether the plan that was just presented was the same plan that the Planning Commission approved. There was additional discussion about the apartments being over 1,000 feet off of the interstate and that a commercial development wouldn't create enough traffic to make it viable.

Dino Kanelos, the property owner's son, spoke in favor of the map amendment and explained that we've had this property since 1979 and no one has contacted us for commercial development on that site. We did have people interested in buying the property to build a funeral home but the hospital came in and said we do not want that there because it interrupts ambulance traffic. The hospital owns the majority of the property around there. The past few phone calls we have received are interested in hotels or apartments.

Ms. Condrey called for those who wished to speak in opposition to the map amendment. Hearing none the public hearing was closed at 6:38 p.m.

**CITIZEN COMMENTS**

**Pacemakers Car Club**

Sylvia McIntosh, 1050 Central Avenue, Suite 2750, Middletown, Ohio provided information about Thunderfest, one of the community events that Downtown Middletown Inc. helps put together. She introduced Mike Palmer and John Bray from the Middletown Pacemakers a car club that's been here since 1951. Originally, it was mainly drag racing but it turned into civic events like vehicle inspections, iron lung programs and car shows. In 2012, the National Hot Rod Association awarded the Middletown Pacemakers a Showcase Award for being one of the quintessential car clubs in the United States. We hold Thunderfest each year to bring people in from outside the community. We have a really special car show that brings in a lot of spectators. Thunderfest will be July 30<sup>th</sup> from 11 a.m. to 4 p.m. downtown.

**Mark Frazier**

Mark Frazier, 1809 Schirm Drive, Middletown, Ohio, commented that he is lifelong resident of Middletown and some people know him as a former school board member, some as a family physician but for some strange reason most people know me as a commercial balloon pilot here in town. Balloons are very important to this City, we have just concluded a fantastic weekend. Thank you to the City for their support. It's just a great cooperative effort between the City, the festival which consists of about 25 executive committee members and hundreds of volunteers and organizations that benefit from the festival. We also are very thankful for the sponsorship again of Team Fastrax. Next year will be our 20<sup>th</sup> year and we have seen the event in

years when we've had solid sponsorship and we have seen years when it's not been so strong but the leadership has always been there. It's very difficult in this day and age to raise money and when you have a strong partner like Team Fastrax that steps up to the plate and not only provides financial support but also provides manpower and the skilled performances. The attendance figures are anywhere from 12-14,000 inside the park and I would say because we're an air event you probably have another 10,000 -12,000 people outside the park all over our City looking for the balloons and the skydivers. Middletown is defined by a lot of things. I'm a lifelong resident, a product of our school system, I enjoy and love Middletown and hopefully through my involvement it shows two defining factors that make up our City right now. One is the hot air balloons since 1993, we are a community known for our balloons and we are also known for Team Fastrax, which is a national organization. There is not probably 200 people who can define what the conflict is between our City and this organization which is one of the faces of our community but I think that the vast majority of us as citizens, and I'm here as a private citizen, are ready for this conflict to be resolved. Team Fastrax has been excellent for the premier event in this community which I believe is our balloon festival and it's time that we move on and we provide leadership and to allow the event to take center stage. I would encourage each person to look at the details and let's get going. Thank you.

**Dave Pearce**

Dave Pearce, 607 Tara Oaks Drive, Middletown, Ohio, reported that the Ohio Challenge was an overwhelming success. I don't have final numbers yet but I expect the two-day crowd would be well over 18,000 people strong. The entertainment was impressive. We raised the bar this year and made investments to improve the customer experience. With the jumbo video board we were able to broadcast live video of the skydivers in the plane and jumping out of the plane and falling in the air, the people just loved it. We also had 225 people that were able to enjoy a tethered balloon ride, that is something the public has been asking for years. That was a great success. A special thanks go out to our sponsors to make this event happen. They're really the spark that makes the engine run and they're critical to our success. Without the sponsors you don't have the opportunity to add to the entertainment and the many volunteers that it takes to run the event, we couldn't do it without the volunteers. I appreciate City Manager Paul Lolli for his interest and consideration in the event. One of the primary drivers of the improved customer experience is John Hart and his organization Start Skydiving, Selection.com and Team Fastrax. What that organization brought to the table for this event was unbelievable. Not only do they bring sponsorship dollars but they also bring ideas and a new way of thinking. I've lived here long enough to know that Start Skydiving and John's organization are very active throughout the community. They are very generous with their time, talent and treasure and they are tattooed all over the City of Middletown. They've really helped us raise the profile of the event. I'm here to ask you to reach a settlement in the lawsuit the City has with John because I know if a settlement cannot be reached and the case goes to court I think John's going to move his business out of town. When business owners move out of town the sponsorship dollars and involvement with the all events moves with it. Given the overall value that John and his businesses have on the Ohio Challenge I've made the personal decision if they are no longer involved with the event I'm stepping away from the Ohio Challenge. It's that simple, I'm not willing to step backwards. I don't understand why you want to move forward with a trial and spend taxpayer money on a case where two City employees already pled guilty.

**Rich Bevis**

Rich Bevis, 4205 Fisher Avenue, Middletown, Ohio, commented that he has been involved with Start Skydiving long before they moved to the Middletown Airport in 2009. In 2009, we made a deal, we drew up a lease, a contract, the Law Department did that and the City Council approved it, the City Manager signed it. Then the City of Middletown decided not to honor that lease and I think that's the most dishonorable thing I have ever witnessed. Why would anyone want to come to Middletown and make a deal with this City when they renege on their contracts. This was supposed to happen over the winter time in 2010. Judy Gilliland decided she was not going to do that and she brought in Mike Robinette. Mike Robinette was the Airport Manager at the time and he told me that Judy told him that his job was to get rid of the skydivers. I was appalled, I told him to get out of my office. Next came Matt Eisenbraun, the very first day he came into office he said my job is to get rid of the skydivers. Why would you want to get rid of somebody who brings in all this tourist money? When people think of Middletown, they think of skydiving. It brings in so many people. They sponsor the balloon festival and they have added so much to fourth of July fireworks with the skydivers and the flag jumps and the pyrotechnics jumps. If Start Skydiving leaves and Dave Pearce leaves, we are canceling Hops in the Hangar. The City needs to be honorable now. Step up, make a deal, get it done. I'm ashamed of the City that I've lived in since 1977. I have loved the City but what's happened over the last 13 years with this deal is shameful. Please make a deal, let's don't go to court, let's don't spend the money.

**Deanna Shores**

Deanna Shores, 1050 Central Avenue, Middletown, Ohio, representing the Coalition for a Healthy Middletown discussed the unhoused citizens of Middletown. A group of citizens has been meeting to discuss the concerns we all have about our unhoused citizens here in Middletown and those in the surrounding areas. We have been meeting since March and while everybody has differing opinions about what we should be doing, we've been coming together and working those things out. Middletown residents, community leaders and businesses are working on a reasonable plan for this fall and will present it to Council late August or early

September. We want to have a plan in place before winter. We hope you will consider our ability to come together as concerned citizens and appreciate our position.

**COUNCIL COMMENTS**  
**Mr. Muterspaw**

Mr. Muterspaw commented that the City staff is working on picking up tree limbs from the recent storm and urged people to be patient as this is a service that they don't usually provide and they are working short staffed. He also reminded people not to put other things out at the curb that are not storm related. He commented that there is a new business in Middletown located at 2024 Central Avenue, the Cracked Pot, it is a crepe and omelet restaurant and coffee shop, really cool, well worth stopping into. One of the most unique things you'll ever see in southwestern Ohio is the balloon challenge. It's the coolest thing out there and it's grown and gotten better every year. It is phenomenal. To all of the people that came up and spoke about Start Skydiving, you know we can't comment on that because there is a lawsuit, but we hear your passion and understand where you're coming from. All I ask is to be patient a little bit longer because they're working hard on it. We are trying to fix a lot of things from the past so just be patient with us.

**Mr. Moon**

Mr. Moon thanked Mr. Pearce and all of the volunteers for their work on the balloon festival, it was an incredible event. Porter and his family will be in my thoughts and prayers. He is such an inspiring and strong young man and he's facing some things that nobody his age should have to face. I want to thank the Butler County Commissioners for working with us on our ARPA request, we're certainly going to steward those dollars well.

**Ms. Nenni**

Ms. Nenni commented that the Ohio Challenge is a signature event in Middletown and thanked all of the volunteers and participants who are involved in that. Thank you for all of the time and energy you have put into it. It is heartbreaking to see what Porter and his family are going through right now, I appreciate everyone who was a part of requesting that special day for him and honoring him in that way. I know that having that support means a lot. Congratulations to Sergeant Gibson on his pinning, we look forward to all of his hard work for the City. I look forward to hearing more from Deanna and the citizens group about their ideas to address the unhoused population in Middletown. Hopefully, we can collaborate and find a way to move forward before the winter months come. I encourage everyone to come out and enjoy Thunderfest.

**Mr. Ferrell**

Mr. Ferrell also thanked Dave Pearce for his work on the Ohio Challenge. He commented that he has known Porter's family for years and they're just great people and great ambassadors of the community. Congratulations to Sergeant Gibson and I'm looking forward to ride-a-longs with Officers Mosley, Kessler, Patterson and Mooney this week. I have been trying to go around and learn about each department. I sent an email to the Butler County Commissioners thanking them for everything they are doing in Middletown and they replied and said that they felt like Middletown is really on the right track. The Council Chambers is packed tonight for nothing but positivity and I feel like that mirrors where our City's going. We've got a new City Manager coming in, new leadership. I feel like things are really looking up and I am excited for the future.

**Ms. Condrey**

Ms. Condrey congratulated Sergeant Gibson and thanked all the Ohio Challenge volunteers. You guys have done amazing work. From above it was one of the largest community events I have ever seen from the sky. It was really amazing to see just families and their blankets and just coming and being together, it was really cool. Thank you to everybody who decided to come out. These are the things that that make me really enjoy the community. Today is probably the highlight of my time on City Council so far; that is the opportunity to vote to have a leader in this community that we deserve and that is willing to step up to the plate. Paul, that is no small feat, but your willingness to do it is something this community is grateful for. You're a true leader, you're inspirational, you are passionate, you're dedicated, you have integrity, you care about City staff. You care about the citizens and you also care about our regional partners. You have the ability to unite so many and I've never seen that ability in someone as strongly as it is in you and your willingness to step up to the plate and walk into the fire in a totally different role. I'm very grateful and excited for that and I'm really excited for the citizens.

**MOTION AGENDA**

**2023 Tax Budget**  
**MidPointe Library**

Receive, file and adopt the 2023 Tax Budget for the MidPointe Library

Ms. Nenni moved to receive, file and adopt the 2023 Tax Budget for the MidPointe Library. Mr. Ferrell seconded. Motion carried. Ayes: Mr. Moon, Mr. Muterspaw, Ms. Condrey, Ms. Nenni, Mr. Ferrell.

**Contract with Triton**  
**Services at Water**  
**Reclamation Facility**

Authorize the City Manager to enter into a contract with Triton Services to design and replace the boiler in the Main Building at the Water Reclamation Facility in an amount not-to-exceed \$874,000.

Ms. Nenni moved to authorize the City Manager to enter into a contract with Triton Services to design and replace the boiler in the Main Building at the Water Reclamation Facility in an amount not-to-exceed \$874,000. Mr. Muterspaw seconded. Motion carried. Ayes: Mr. Muterspaw, Ms. Condrey, Mr. Ferrell, Ms. Nenni, Mr. Moon.

<p><b>Waive Charter</b></p>	<p>Ms. Nenni moved to suspend the Charter provision that requires reading on two separate days and to declare Ordinance No. O2022-63, Ordinance No. O2022-64, Resolution No. R2022-26, Resolution No. R2022-27, Resolution No. R2022-29 and Resolution No. R2022-30 emergency measures and read one time only. Mr. Moon seconded. Motion carried. Ayes: Ms. Condrey, Mr. Ferrell, Ms. Nenni, Mr. Moon, Mr. Muterspaw.</p>
<p><b>Ord. No. O2022-63 ARPA MOU Premium Pay Fire</b></p>	<p><b>Ordinance No. O2022-63</b>, An ordinance authorizing the City Manager to enter into a Memorandum of Understanding with IAFF Local 336 for the payment of premium pay using American Rescue Plan Act funds and declaring an emergency was read.</p> <p>Ms. Nenni moved to approve Ordinance No. O2022-63, an ordinance authorizing the City Manager to enter into a Memorandum of Understanding with IAFF Local 336 for the payment of premium pay using American Rescue Plan Act funds and declaring an emergency. Mr. Ferrell seconded. Motion carried. Ayes: Mr. Ferrell, Ms. Nenni, Mr. Moon, Mr. Muterspaw, Ms. Condrey.</p>
<p><b>Ord. No. O2022-64 Electric Generation</b></p>	<p><b>Ordinance No. O2022-64</b>, an ordinance authorizing the City Manager to enter into a contract with the lowest cost supplier for the purchase of electric generation supply by the City of Middletown beginning January 2023, and declaring an emergency was read.</p> <p>Ms. Nenni moved to approve Ordinance No. O2022-64, an ordinance authorizing the City Manager to enter into a contract with the lowest cost supplier for the purchase of electric generation supply by the City of Middletown beginning January 2023, and declaring an emergency. Mr. Ferrell seconded. Motion carried. Ayes: Ms. Nenni, Mr. Moon, Mr. Muterspaw, Ms. Condrey, Mr. Ferrell.</p>
<p><b>Res. No. R2022-26 Amend Appropriations General Fund Legal Services</b></p>	<p><b>Resolution No. R2022-26</b>, 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 and declaring an emergency was read. (General Fund- Legal Services)</p> <p>Ms. Nenni moved to approve Resolution No. R2022-26, 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 and declaring an emergency. (General Fund- Legal Services) Mr. Moon seconded. Motion carried. Ayes: Mr. Moon, Mr. Muterspaw, Ms. Condrey, Ms. Nenni, Mr. Ferrell.</p>
<p><b>Res. No. R2022-27 Paul Lolli City Manager</b></p>	<p><b>Resolution No. R2022-27</b>, a resolution accepting the resignation of Paul Lolli as Acting City Manager, accepting the resignation for purposes of retirement of Paul Lolli as Fire Chief, authorizing an employment agreement with Paul Lolli to serve as City Manager of the City of Middletown, and declaring an emergency was read.</p> <p>Ms. Nenni moved to approve Resolution No. R2022-27, a resolution accepting the resignation of Paul Lolli as Acting City Manager, accepting the resignation for purposes of retirement of Paul Lolli as Fire Chief, authorizing an employment agreement with Paul Lolli to serve as City Manager of the City of Middletown, and declaring an emergency. Mr. Moon seconded. Motion carried. Ayes: Mr. Muterspaw, Ms. Condrey, Ms. Nenni, Mr. Ferrell, Mr. Moon.</p>
<p><b>Res. No. R2022-28 FRA Railroad Trespassing Enforcement Grant</b></p>	<p><b>Resolution No. R2022-28</b>, a resolution authorizing the City Manager to accept a grant from the Federal Railroad Administration Railroad Trespassing Enforcement Grant Program was read for the second time.</p> <p>Ms. Nenni moved to approve Resolution No. R2022-28, a resolution authorizing the City Manager to accept a grant from the Federal Railroad Administration Railroad Trespassing Enforcement Grant Program. Mr. Ferrell seconded. Motion carried. Ayes: Ms. Condrey, Mr. Ferrell, Ms. Nenni, Mr. Moon, Mr. Muterspaw.</p>
<p><b>Res. No. R2022-29 Amend Appropriations General Fund &amp; Sanitary Sewer</b></p>	<p><b>Resolution No. R2022-29</b>, 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 and declaring an emergency was read. (General Fund &amp; Sanitary Sewer)</p> <p>Ms. Nenni moved to approve Resolution No. R2022-29, 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 and declaring an emergency. (General Fund &amp; Sanitary Sewer) Mr. Muterspaw seconded. Motion carried. Ayes: Mr. Ferrell, Ms. Nenni, Mr. Moon, Mr. Muterspaw, Ms. Condrey.</p>
<p><b>Res. No. R2022-30 Amend Appropriations General Fund Transfer To Transit</b></p>	<p><b>Resolution No. R2022-30</b>, 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 and declaring an emergency was read. (General Fund - Transfer to Transit)</p>

Ms. Nenni moved to approve Resolution No. R2022-30, 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 and declaring an emergency. (General Fund - Transfer to Transit) Mr. Ferrell seconded. Motion carried. Ayes: Ms. Nenni, Mr. Moon, Mr. Muterspaw, Ms. Condrey, Mr. Ferrell.

**Ord. No. 02022-65  
Zone Change 5013  
Lefferson Road**

**Ordinance No. 02022- 65**, an ordinance changing the zoning classification for a portion of a parcel located at 5013 Lefferson Road from R-3 (Medium Density Residential District) to B-2 (Community Business District) was read for the first time.

**Ord. No. 02022-66  
Zone Change to PD**

**Ordinance No. 02022- 66**, an ordinance changing the zoning classification for two parcels on Market Avenue known as Warren County Parcel Numbers 0703276017 and 0703276018 from BC-H (Business Center Hub Subdistrict) to PD (Planned Development District) and approving preliminary development plan was read for the first time.

**NEW BUSINESS**

There was discussion about having a workshop on the ARPA funds in August; City Manager Lolli will work to schedule it at a time that works for all of City Council.

There was discussion about the Economic Development Director position; City Manager Lolli responded that the City is down to two very strong candidates.

**EXECUTIVE SESSION**

At 7:40 p.m. Ms. Nenni moved to adjourn to executive session under the authority of O.R.C. 121.22 (G) (2) To consider the purchase of property for public purposes, or for the sale of property at competitive bidding, if premature disclosure of information would give an unfair competitive or bargaining advantage; 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. Mr. Muterspaw seconded. Motion carried. Ayes: Mr. Moon, Mr. Muterspaw, Ms. Condrey, Ms. Nenni, Mr. Ferrell.

**RETURN TO  
REGULAR SESSION**

At 8:20 p.m. Ms. Nenni moved to return to regular session. Mr. Moon seconded. Motion carried. Ayes: Mr. Muterspaw, Ms. Condrey, Mr. Ferrell, Ms. Nenni, Mr. Moon.

**EXECUTIVE SESSION**


At 8:20 p.m. Ms. Nenni moved to adjourn to executive session under the authority of O.R.C. 121.22 (G) (3) Conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action. Mr. Muterspaw seconded. Motion carried. Ayes: Mr. Ferrell, Ms. Nenni, Mr. Moon, Mr. Muterspaw. Abstain: Ms. Condrey.

**RETURN TO  
REGULAR SESSION**

At 8:40 p.m. Mr. Moon moved to return to regular session. Mr. Ferrell seconded. Motion carried. Ayes: Mr. Moon, Mr. Muterspaw, Ms. Nenni, Mr. Ferrell. Absent: Ms. Condrey.

**ADJOURNMENT**

At 8:40 p.m., the meeting was declared adjourned until July 26, 2022 at 4:15 p.m. in Council Chambers.

  
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Nicole Condrey, Mayor

Attest:   
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