

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, M. Nenni.

**Table
Ord. No. 02021-63**

Ms. Condrey moved to table Ordinance No. 02021-63, an ordinance approving a request to rezone 39.6 acres one parcel located at 4340 Union Road, Franklin, Ohio 45005 from BC-F (Business Center Flex) to PD (Planned Development) and approving preliminary development plan at the request of the applicant. Ms. Nenni seconded. Motion carried. Ayes: Ms. Nenni, Mr. Moon, Mr. Mulligan, Ms. Condrey, Ms. Vitori.

**CITIZEN COMMENTS
Gary Woodward**

Gary Woodward, 2210 Linden Avenue, Middletown, OH presented a petition that requested that the City reevaluate the safety and condition of Linden Avenue. He talked to several City staff members and it is currently not on the paving schedule. He stated that the road is deteriorating and has hazards that need to be addressed. Recently, when he was mowing his grass the mower flung road rubble out of the grass and it hit his child. Fortunately, the child was wearing safety goggles and was not injured. He provided the petition to Clerk Schenck.

Erica Norton

Erica Norton, 1215 First Avenue, Middletown OH is the co-owner of the Mindful Healing Center and few other properties in Middletown. She explained that she opened an addiction counseling service at a location in Warren County, where they were welcomed with open arms, about two years ago. They realized that many of their clients were coming from Middletown and when they decided to expand they bought and renovated a building in Middletown. They do not offer detox or prescriptions but they provide support service for people coming out of residential treatment centers. Clients must have a negative drug screen to enter the program which includes peace management, job readiness, housing services, budgeting, nutrition, and other life skills. The Center offers a comprehensive support system that helps people be successful. Many of them are working and paying taxes and many have obtained their drivers license for the first time. Many of them are regaining custody of their children and leading productive lives. The Center is not bringing people in that were not already here. We are excited to be part of the clean-up initiative in Middletown and we have a successful track record.

Jessica Pew

Jessica Pew, 2915 Lefferson Road, Middletown, OH spoke about the positive impact the Mindful Healing Center has had on her life. She came to the Center after she had gotten kicked out of her house and was homeless. She met some amazing people that believed in her and made her feel like she could do good. The Center provided a support system like she had never had before. They helped her to become the adult she was born to be and to get her life back on track. She now gets to see her kids whenever she wants, has a steady job, a car and she got her driver's license back.

Kelly Cuvar

Kelly Cuvar, 2615 Worcester place, Middletown, OH commented, "I was raised here and then I left for about twenty years. I recently returned here after years of working in communities in government and in politics. Most recently, I worked in Washington, DC for several members of Congress on their re-election committees where ethics and above-board dealings are absolutely required. They are held accountable for every dollar raised and every alliance that they have. I spent the past few months curious about local government and really diving into Council's activity. It's been a little confusing. There are some really good things happening and some potential that I am thrilled about coming back here. There are some questions that I have so I want to thank you all for giving me this forum. After watching multiple meetings and reading minutes and noting that the Mayor was beating the drum of transparency and accountability I made an extensive records request of over 1,700 pages of her emails. There is an astonishing amount of detail in them, where the mayor not only violates her Charter duties by engaging in day to day operations and being associated with plaintiffs suing the City; but also violates her ethics opinion by engaging in conversations about the airport. For example, she recently chose to attend an Airport Commission meeting where she pointedly asked questions about the request for proposals for a new fixed base operator. That is a violation of her Ohio Ethic's opinion which specifically states that she cannot engage in conversations of this nature. Division D of Section 102.03 of the Revised Code is mainly what I am referring to, if you want to look that up. I also noticed that the lawsuit that was filed against the City by John Hart was sent from her personal home address, which all of this is public information, easily accessible. I encourage you to look that up. Not only that, she sat on the side of the prosecution at a hearing while her charter duty is to represent the City in all legal matters. These facts are mind-blowing especially for a mayor that makes constant claims about doing the right thing and holding people accountable. A growing number of my fellow citizens are tired of being misled. So, what is this Council going to do to hold her accountable for the violations of this City's charter and the state ethics opinion that she is bound by? How much longer will we permit her to flout these basic good government..." The three-minute time limit was reached.

Shawna Sullivan

Shawna Sullivan, 1306 Fairmount Avenue Apartment 2, Middletown, OH stated that she came to the Mindful Healing Center about a year and a month ago. I am 41 years old and have been using drugs for 27 years. I have been to rehabs before. I have been to residential treatment

and I thought that I needed to go to a long-term facility it hadn't worked for me. I had all of the tools. I knew what to do. I knew everything but I couldn't apply it. I couldn't get into Sojourners because they didn't have any beds open and I tried to get into Modern Psychology but they couldn't take me because I have diabetes. The Center was nice enough to make an exception and let me in without having gone to treatment coming right from treatment. I found out that it was perfect for me because I didn't need to be locked up. I had just the right amount of freedom and it really helped me. I have been clean a little over a year now. I have a job, my own place, a dog, a man, I'm doing good. I haven't been sober for more than 30 days since I was 13 years old. I have hope for the first time. I found a way to live without drugs. We made Thanksgiving dinners and passed out blankets and gloves to the homeless when it got cold. It was nice to be able to give back and find a reason to live. I don't know what I would have done without them, I think locking me in another facility wouldn't have helped me. I was really lucky, God was on my side that day. I think fate brought me there because I don't think anything else would have worked.

Kimberly Sizemore

Kimberly Sizemore, 1221 First Avenue, Middletown, OH stated that she has battled addiction for 44 years. A year ago, I met two very awesome ladies and with their support and them having faith in me, I have done what I never thought I could. I am clean and sober today, I pay bills today. I am actually happy today because of the love and support of these two women. I was lost and I didn't know where to turn but they had faith in me. I haven't spent one day in jail since I met them. I am no longer lost and alone. I want you to know how awesome they are and what they have done in my life.

Jessica Heinz

Jessica Heinz, 1215 First Avenue, Middletown, OH is the co-owner of the Mindful Healing Center and she owns several other properties in Middletown. I came here tonight to go over in detail the problems that I am having with the City. Such as demanding repayment of a \$10,000 grant for part of a roof we had put on our building; the repayment is supposed to be within 90 days. The City refusing to accept any new applications for any future grants for my business. I was going to talk about them failing to give me a certificate of occupancy for what's going on although I have completed everything that the building inspector and the fire inspector said that I needed to do. Instead, I am going to talk about the people in this community and the need for what we do. We are getting a lot of pushback from the City on what we are trying to do here. I want to express the need that the City has. The City and Butler County are geographically located between Montgomery County and Hamilton County. There is always going to be a drug problem. I don't see the City trying to work with us to help this problem. I am facing road blocks at every turn, from permits to zoning to what we are actually doing. I am here to try and get the City to work with us. We are trying to help the people here, we are not bringing outside people in. We are not prescribing medication we are simply teaching them a new way of life. I cannot express how much the City could benefit if we work together instead of working against each other. The City needs it, I would like to work with the City to combat this problem that is so prevalent in this area.

COUNCIL COMMENTS

Mr. Mulligan

Mr. Mulligan commented that he was able to present a proclamation to the organizers of the Broad Street Bash. It was a bittersweet event, the final Broad Street Bash. The proclamation recognized them for over a decade of organizing and putting on the musical events on the corner of Broad Street and Central Avenue. My hat's off to those volunteers that made that possible. Really, it was one of the sparks that allowed for so many events to continue in our downtown and made it an entertainment destination. City Council received a letter from representatives of the Highlands Historic District expressing concern about the infill housing that will go in that neighborhood. It is my intention that owner-occupied, single family homes with compatible architecture to the existing homes will be built. We want to preserve the integrity of the architecture and the owner-occupied focus of the Highlands Historic District.

Ms. Nenni

Ms. Nenni invited new employees to attend the City Council meetings so that City Council can meet them and welcome them.

Mr. Moon

Mr. Moon thanked those who shared their stories and commended them for overcoming difficult circumstances. He encouraged them to continue. Thank you to the organizers of the Broad Street Bash. Even though this chapter is closing, I am hopeful that there will be a reimagined event on the other side of town. We have seen so much growth downtown and I am hopeful that energy might move a little bit further east. It is National Night Out at Smith Park this evening, I encourage everyone to get out and enjoy that. Thank you to all of the staff and volunteers that make it a great event every year.

Ms. Condrey

Ms. Condrey stated that there is something for everybody at National Night Out and encouraged people to attend. In reference to the citizens comment, I do have an Ohio Ethics Commission Advisory opinion in place that I asked for when I first became the Mayor. It specifically states that I should not engage in anything specifically to Start Skydiving, which I have completely stayed away from and more. In fact, I have recused myself from many things from the airport that I never had to but for public perception reasons have recused myself on extra items. I'm happy to share that advisory opinion with anyone and explain anything at any

point in time. My email is open, my cell phone is open and I am completely 100% transparent with everyone. I do appreciate attention to accountability and transparency and I am grateful for those comments.

CITY MANAGER

Mr. Palenick announced that City Council would be holding a special joint meeting with the Middletown City Schools Board of Education to discuss a partnership proposal on expanding the community center on August 9, 2021 at 5:30 p.m. at the Middletown High School in the Community Room. He also asked for a work session in August to go over the proposed budget for the ARPA (American Rescue Plan Act) funds. The City is still having a hard time finding a Finance Director, it is a difficult environment to find people for these higher level positions. A recruiter is working on finding a Finance Director and a City Engineer.

CONSENT AGENDA

Approve the City Council Minutes of July 20, 2021

Receive and file the following Board and Commission minutes:

- Board of Zoning Appeals- June 2, 2021
- Architectural Review Board- June 7, 2021
- Civil Service Commission- June 17, 2021
- Airport Commission- June 21, 2021

Confirm the personnel appointments of Rodney Chaney to the position of Water Treatment Operator in the Department of Public Works & Utilities, Division of Water Treatment; and Grant Morton to the position of Maintenance Worker in the Department of Public Works and Utilities, Water Maintenance Division; and Kimberly Poe and Jennifer Rednour to the position of Senior Account Clerk in the Department of Finance, Division of Water and Sewer Administration; and Tracy Jenkins to the position of Executive Assistant for the City Manager.

Receive and File Oaths of Office for Trevor Fields, Jake Jackson, Thomas Lindsay, Tyler Rosell, Chelsea Spurlock.

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

**MOTION ITEM
Receive, File and
Accept TIRC
Recommendations**

Receive, file and accept the Tax Incentive Review Committee recommendations.

Mr. Mulligan moved to receive, file and accept the Tax Incentive Review Committee recommendations. Ms. Nenni seconded. Motion carried. Ayes: Mr. Mulligan, Ms. Condrey, Ms. Nenni, Mr. Moon. Abstain: Ms. Vitori.

Naive Charter

Mr. Mulligan moved to suspend the Charter provision that requires reading on two separate days and to declare Resolution No. R2021-30 an emergency measure to be read one time only. Mr. Moon seconded. Motion carried. Ayes: Ms. Vitori, Ms. Nenni, Mr. Moon, Mr. Mulligan. Abstain: Ms. Condrey.

**Res. No. R2021-30
Airport Rescue Grant
FAA**

Resolution No. R2021-30, a resolution authorizing the City Manager to enter into an agreement with the Federal Aviation Administration for the Airport Rescue Grant Program and declaring an emergency was read.

Mr. Mulligan moved to approve Resolution No. R2021-30, a resolution authorizing the City Manager to enter into an agreement with the Federal Aviation Administration for the Airport Rescue Grant Program and declaring an emergency. seconded. Motion carried. Ayes: Ms. Vitori, Ms. Nenni, Mr. Moon, Mr. Mulligan. Abstain: Ms. Condrey.

**Ord. No. O2021-62
Rezone Manchester
Road & Dixie Highway**

Ordinance No. O2021-62, an ordinance approving a request to rezone one parcel located at the southwest corner of Manchester Road and Dixie Highway from R-2 (Low Density Residential) to PD (Planned Development) and approving preliminary development plan was read for the second time.

Ms. Condrey moved to table Ordinance No. O2021-62 until the new Master Plan can be reviewed and look at everything from a bigger perspective. Discussion ensued.

Mr. Mulligan stated that he has some reservations about this zone change. It takes away from what is a limited amount of low density residential space within the City. There is already an existing gas station across the street and potential for a third gas station to be built. This location is a gateway into the City and I am just not crazy about the plan. I would support tabling the issue.

Ms. Nenni commented that it was clarified by zoning that even in the new Master Plan this wouldn't necessarily change from residential unless City Council changed it. The shape and size of the lot and the unlikelihood that there would be a residential development on that busy corner answered the questions of why this would not be a good fit for a residential development. I am comfortable taking a vote tonight and not tabling it. I don't think the new Master Plan will change anything at this location.

Ms. Condrey commented that while this specific area may not change, the big picture could

change with the new Master Plan.

Ms. Vitori asked if the new Master Plan would address the number of gas stations, the density and their proximity to other gas stations. Mr. Palenick commented that the Master Plan doesn't address those specific issues but identifies land use plans.

Mr. Moon commented that if the group would like to table it, he would be fine with doing that. He sees this much like Mr. Mulligan does.

Ms. Vitori asked the applicants if delaying the decision would affect them. Amarjit Takhar, the planned developer, explained that the closing for the property is set for August 4th and they need an answer tonight. He has talked with United Dairy Farmers and they have no plans of building on the adjacent corner at this time.

Ms. Nenni asked what drew him to this location. He explained that he owns gas stations in Middletown and Franklin and is building others in Beavercreek and Fairborn.

Mr. Mulligan explained that it is simply the separation between commercial development and existing residential and potentially future residential development that gives me pause. What do we want this corner to look like in 20 years, what do we want a major gateway into the City to look like?

Ms. Condrey thanked Mr. Takhar for the clarification; it is clear that tabling the matter is not helpful in this situation. Ms. Condrey rescinded her motion to table Ordinance No. 02021-62.

Ms. Nenni moved to approve Ordinance No. 02021-62, an ordinance approving a request to rezone one parcel located at the southwest corner of Manchester Road and Dixie Highway from R-2 (Low Density Residential) to PD (Planned Development) and approving preliminary development plan. Ms. Vitori seconded. Motion failed to pass. Ayes: Ms. Vitori, Ms. Nenni. Nays: Mr. Moon, Mr. Mulligan, Ms. Condrey.

Res. No. R2021-31
OPWC Grant
Application

Resolution No. R2021-31, a resolution authorizing the City Manager to submit an application to the Ohio Public Works Commission for Project Year 36 requesting funding for the resurfacing and reconstruction of various streets throughout the City and restoration of curbs, gutters, driveway aprons and sidewalks deemed defective by the City, and to enter into agreements for such funding was read for the first time.

Ord. No. 02021-64
Phoenix Metals
Enterprise Zone
Agreement

Ordinance No. 02021-64, an ordinance 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 the first time.

Res. No. R2021-32
Amend Appropriations

Resolution No. R2021-32, 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 (Sanitary Sewer Fund) was read for the first time.

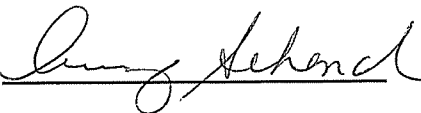
Ord. No. 02021-65
Amend PBO

Ordinance No. 02021-65, an ordinance amending the pay and benefits ordinances, Ordinance No. 02020-69 and Ordinance No. 02020-70 was read for the first time.

ADJOURNMENT

At 6:21 p.m., the meeting was declared adjourned until August 9, 2021 at 5:30 p.m. in the Community Room of the Middletown High School, 601 N. Breiel Boulevard, Middletown, OH 45042.

Attest:





Nicole Condrey, Mayor