

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.

**CITIZEN COMMENTS**

Chris Batty, 128 Marymont Court, Middletown, OH, three months ago I proposed a medical freedom ordinance here in the City Council where the City of Middletown would nullify all illegal masks and vaccination mandates two months ago the City Council's attorney responded by saying quote "Accordingly, fortunately the end is near and we can hopefully return to normal." We're not returning to normal we're actually regressing. Just two weeks ago City Council's response to me was and I quote "It's my belief that new mandates are doubtful at this time." It has proven to be incorrect with the data so we're seeing a reignition of all these mandates. Just yesterday Middletown Schools, Joe Biden just an hour ago said that air travel mandates for mask mandates will be extended all the way through the first of the year. They're happening all over the place. The only response from council members on this was basically we don't have the police capacity to enforce the mandates. This is not the point. This is about the current Council standing up and formally, officially upholding their oath to office and the Ohio Constitution and the US Constitution to protect our freedoms. This is our chance, this is this Middletown City Council's opportunity to stand and show that they support the citizens rights. These masks and vaccination mandates are no different than the discrimination of 80 plus years ago that drove Americans to rightfully pass the 1964 Civil Rights Act Title II. Was there opposition to it? Yes. Was it unpopular by many? Yes. Were there politicians and leaders that wouldn't stand behind it for fear of backlash? Absolutely, but were there enough bold folks that stood up for what was right to protect the people's God-given rights. If we really are in a pandemic, hospitals wouldn't be firing qualified, experienced staff simply because they declined a shot. FDA 21 Code Section 360b quotes medical products that have been granted for emergency use cannot, I repeat, cannot be made compulsory and can only be administered after voluntary and after informed consent. This is not an FDA approved vaccine yet and this is a violation of federal law. I and others have approached this council for three months now to inform each member of what is the law and their duty and illegal unconstitutional efforts by state and federal authorities that continue to push and push for more mandates and discrimination at breakneck speed. It's clear as day what's coming, and to act like it isn't or to just wait and hope and try to maybe react later is what's allowing more and more of it to happen. So now is the time to stand and that's what i requested this council is to respond in some way to the citizens of Middletown how they can protect the First, Fourth and Fifth Amendments.

**Josh Laubach**

Josh Laubach, 220 Aberdeen Drive, Middletown, OH, co-founder Rolling Mill Brewing Company at 916 First Avenue here in Middletown. Ms. Mayor, Council, Mr. Palenick thank you for letting me come up and speak. As a former city council member, I want to acknowledge the important work done each day by all of you. Approving new staff members, negotiating city contracts, bringing new economic development opportunities to Middletown, approving purchases for street sweepers, fire trucks, police cruisers, finding new ways to pave streets and improve infrastructure. It is all important work finding new ways to enhance and improve public safety, to get more police officers to get more firefighters, approving all city spending through the annual budgeting process, you are charged with keeping the City solvent and financially sound, this is very important. All of these duties as a councilman or councilwoman are important and very necessary functions. My purpose here today however is to remind you each of your first and foremost duties as an elected official and that is to say to protect the basic constitutional rights of the citizens that you serve. Each of you have sworn an oath, I've taken the same oath, when you took this position. Within this oath you swore you raised your right hand to defend the Constitutions of the United States and the state of Ohio. As you all know from basic civics, the Bill of Rights is a fundamental list of founding rules and principles that allowed us to be the most free and prosperous people that the world has ever known. The Bill of Rights is a list of restrictions on the actions that may be taken by government in regards to the citizens of this nation. When other government officials abuse their powers not only do you all have the right but you have a legal duty to stand up against these actions. As Mr. Batty noted, these are God-given rights. That's how these documents came to be, they do not disappear nor are they suspended in times of pandemic or emergencies. As such, you as members of this Middletown City Council are officials swearing an oath to uphold and defend all of these rights in light of the reactionary, arbitrary and just friggin un-American actions by government officials across the United States in the past 15 months. I stand here calling for Tal Moon, Nicole Condrey, Amy Vitori, Joe Mulligan and Monica Nenni to stand up and fight for what is right by speaking out against and possibly outlawing future business closures, mask mandates, restrictions on gatherings, disclosure of personal health information. The three-minute time limit expired.

**COUNCIL COMMENTS****Ms. Nenni**

Ms. Nenni thanked City staff for all of their hard work on the ARPA budget presentation, it

was a really productive work session.

**Mr. Moon**

Mr. Moon thanked the Middletown School District and their leadership for the work session last week. I thought there was some good, productive dialogue. We certainly have a long way to go and there is a lot of work to be done but it was it was a productive meeting. To Mr. Batty's comment, I sent him an email. I haven't seen anything come down from the governor as far as lockdowns or mandates, unless I've missed something. We've seen some school districts make some mandates which is outside our purview. What I'm seeing from the local level is recommendations and the contacts I have in Columbus and at the local Health Department is what I sent to you in the email, based those conversations.

**Ms. Vitori**

Ms. Vitori thanked Downtown Middletown Inc. for the hard work especially from Mica Glaser and Jeff Payne for the Beer Fest this past weekend. It was probably Gracie's busiest night since we've opened which was just so lovely to see and it was a confluence of events but one of the big thrusts of that was definitely the Beer Fest. It's a lot of work and they're understaffed and underappreciated. I just wanted to put forth the positive about that work and just congratulate them on a very successful first year event. I think they sold out, so that's pretty impressive. Going forward this weekend, we launched our own geocaching trail. Maybe if you have kids you've done one if not it's pretty fun. It will be a three-day event and it basically launches what will now be a trail of geocaches so there's prizes. Geocaching is basically using an app with coordinates to find treasures so that's why kids and adults love it, it's a worldwide phenomenon. It's going to bring a lot of people to Middletown. We had done some stops last year, during Covid, and it was very popular. The Middletown Visitors Bureau geocaching trail launches on Friday. Mary Huttlinger does amazing work and has really put her time and effort into this. It will be exciting.

**Ms. Condrey**

Ms. Condrey addressed the citizen comments made this evening. I wasn't sure whether to do as new business. I want to express my personal request to City staff and I'd love to hear from my fellow council members. Ohio Senate Bill 22 was the one that limited the state's powers on mandating the masks which is why I believe now the only entities that could do that are down to the city level. My personal desire is for Middletown not to engage or propose in any mask or vaccine mandates. I want City staff to know that if they were ever considering proposing that that I am personally not in favor of it. I would love to hear from my council members. We've got a lot of citizens who've asked us these questions. Where do we stand as leaders in our community on that? What are your thoughts on it?

Mr. Moon agreed.

Mr. Mulligan commented that he hasn't seen any recommendation from staff or from his colleagues that there's any interest in that.

Ms. Vitori commented that she doesn't see a necessity at this point in time but I also can't predict the future. I would never want to say never to anything until the situation arises but currently I don't think any city-wide mandates are necessary.

Ms. Nenni commented that she agrees with her fellow councilmembers that as long as they are recommendations and not mandates then we seem to all be on the same page. I appreciate the comments and if we see a need for any further discussion on it we can do that in a little bit more in depth conversation. I'm happy to hear that we're on the same page about that and I wanted to make sure our City staff knew where we stood on it as well. It is a hot topic and a difficult one to deal with.

**CITY MANAGER**

Mr. Palenick reported that the bike path connection between Middletown and Franklin is now complete, ribbon cutting ceremony for the new section will be held Thursday, September 2, 2021 at 2:30 p.m. at 4401 North Verity Parkway. He invited Public Works Director Scott Tadych to provide a paving update.

**Paving Levy Project**

Public Works Director Scott Tadych reported that there is a lot going on as you can see. On the paving levy project, they started work on Zone 1 back in May and they will be applying the surface course of asphalt later this week. That will take a week and a half to complete. That will wrap up that first section of paving. On Zone 2, which began about a month ago, they will continue with concrete curb repairs, handicap ramp upgrades over the next month, followed by the surface course probably in mid-September. Work on Zone 3 is expected to start in early September. This will include the Mayfield and Greenfields area of town. We will provide maps on this as we put more information out. This represents approximately 43 lane miles of work.

**2021 Local Paving Project**

Mr. Tadych explained that 2021 Local Paving Project, which is our annual paving project has begun. It involves multiple streets sprinkled throughout the City. Currently they've started milling and doing base stabilization on that project which will be followed by intermediate asphalt placement and concrete repairs. Ultimately your surface course will be completed later this fall. It will consist of approximately 14 lane miles.

ODOT Urban Paving	The ODOT Urban Paving Project on State Route 73, between Germantown Road and the northeast city limits next to the bike path is mostly complete, only the striping work is left to do. That represents approximately 19 lanes miles.
Water Main Poinciana & Hampton Place	We've also started the water main work on Poinciana and Hampton Place. Both of those streets will be fully repaved once that water main work is completed later this fall.
Lakeside Sewer Redirect Project	The Lakeside Sewer Redirect Project is wrapping up soon and we will be repaving a few more streets with that over the next few weeks.
University Bridge Deck Project	We will be pouring the second phase, the other half of the deck of the University Bridge Deck Project next week. We plan to close South University from August 24- 30 and we will detour traffic. We will provide notice of that closure and detour.
	Mr. Tadych commented that work will continue as long as the weather permits.
	Mayor Condrey thanked Mr. Tadych and his staff for the transformational work that has been completed.
	Ms. Nenni also thanked Mr. Tadych and cautioned citizens to be mindful of the existing speed limits.
<b>CONSENT AGENDA</b>	<p>Approve the City Council Minutes of June 1 and August 3, 2021</p> <p>Receive and file the following Board and Commission minutes:</p> <ul style="list-style-type: none"> <li>Cemetery Board- April 21, 2021</li> <li>Citizens Advisory Board- May 21, 2021</li> <li>Board of Health- July 13, 2021</li> </ul> <p>Confirm the personnel appointment of Kinzey Bronnenberg to the position of part-time Community Security Officer in the Department of Public Safety, Division of Police.</p> <p>Receive and file an Oath of Office for Jonathon Zachary Hoover</p> <p>To request approval to purchase the following items totaling \$75,622.26 off the ODAS contract for two new fire trucks and associated equipment:</p> <ul style="list-style-type: none"> <li>• Two 2021 GMC Sierra 2500 Pickups from Bob Ross Auto Group, of Centerville, OH, in the amount of \$66,296.00.</li> <li>• Graphics package for decals on trucks from DanCo Lettering, of Dayton, OH, in the amount of \$2,286.26.</li> <li>• Two A.R.E. Deluxe Commercial Unit (DCU) topper boxes from Pro-Trim, of West Carrollton, OH, in the amount of \$7,040.00</li> </ul>
	Mr. Mulligan moved to approve the issues and actions listed on the Consent Agenda. Mr. Moon seconded. Motion carried. Ayes: Ms. Nenni, Mr. Moon, Mr. Mulligan, Ms. Condrey, Ms. Vitori.
Waive Charter	Mr. Mulligan moved to suspend the Charter provision that requires reading on two separate days and to declare Ordinance No. O2021-67 an emergency measure to be read one time only. Ms. Condrey seconded. Motion carried. Ayes: Mr. Moon, Mr. Mulligan, Ms. Condrey, Ms. Nenni, Ms. Vitori.
Res. No. R2021-31 OPWC Grant Application	<p><b>Resolution No. R2021-31</b>, 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 second time.</p> <p>Mr. Mulligan moved to approve 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. Ms. Nenni seconded. Motion carried. Ayes: Mr. Mulligan, Ms. Condrey, Ms. Vitori, Ms. Nenni, Mr. Moon.</p>
Ord. No. O2021-64 Phoenix Metals Enterprise Zone Agreement	<p><b>Ordinance No. O2021-64</b>, 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 second time.</p> <p>Mr. Mulligan moved to approve Ordinance No. O2021-64, 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. Mr. Moon seconded. Motion carried. Ayes: Ms. Condrey, Ms. Vitori, Ms. Nenni, Mr. Moon, Mr. Mulligan.</p>
Res. No. R2021-32	<b>Resolution No. R2021-32</b> , a resolution to make adjustments to appropriations for current

Amend Appropriations	<p>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 second time.</p>
Ord. No. 02021-65 Amend PBO	<p>Mr. Mulligan moved to approve 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) Mr. Moon seconded. Motion carried. Ayes: Ms. Vitori, Ms. Nenni, Mr. Moon, Mr. Mulligan, Ms. Condrey.</p> <p><b>Ordinance No. 02021-65</b>, an ordinance amending the pay and benefits ordinances, Ordinance No. 02020-69 and Ordinance No. 02020-70 was read for the second time.</p>
Ord. No. 02021-67 Grant to CBI	<p>Mr. Mulligan moved to Ordinance No. 02021-65, an ordinance amending the pay and benefits ordinances, Ordinance No. 02020-69 and Ordinance No. 02020-70. Ms. Nenni seconded. Motion carried. Ayes: Ms. Nenni, Mr. Moon, Mr. Mulligan, Ms. Condrey, Ms. Vitori.</p> <p><b>Ordinance No. 02021-67</b>, an ordinance authorizing the City Manager to enter into a grant agreement with Community Building Institute of Middletown and declaring an emergency was read.</p>
Res. No. R2021-33 Amend Appropriations	<p>Mr. Mulligan moved to approve Ordinance No. 02021-67, an ordinance authorizing the City Manager to enter into a grant agreement with Community Building Institute of Middletown and declaring an emergency. Mr. Moon seconded. Motion carried. Ayes: Mr. Moon, Mr. Mulligan, Ms. Condrey, Ms. Vitori, Ms. Nenni.</p> <p><b>Resolution No. R2021-33</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, 2021 and declaring an emergency was read with no action requested until September 7, 2021. (General Fund)</p>
NEW BUSINESS  Speeding South Main	<p>City Council discussed the email that was received from Betsy Hanavan regarding excessive speed on South Main Street. Mr. Palenick had discussed the speed and traffic safety issues with Police Chief Birk and Public Works Director Scott Tadych. Chief Birk reported that he had pulled the accident reports and one accident was a DUI hat hit a parked car and that individual was arrested. The Police Department did a traffic study from February to the end of March 2021 and the average speed was of 25 miles an hour, there was some speed a little bit higher at times but the average speed for the time we had it out there was 25 miles an hour. Chief Birk contacted OSP (Ohio State Patrol) to assist with motorcycle officers and he has posted additional opportunities for overtime in the department for traffic. Chief Birk explained that there are only 6 officers working at a time and we get speeding complaints from all over the City. The department does not have enough resources right now and that is why we have been utilizing the OSP. My plan in October is to start a traffic unit with Officer Reece, she will be a full-time traffic officer that will be able to float around the City and work on accidents and speed situations. Speed is our number one complaint throughout the City and we are working on it. We have speed signs and trailers that we will be utilizing in different areas of the City and we are increasing enforcement with the assistance from OSP and will have a full-time traffic officer in October.</p> <p>Has the City ever used speed bumps to deter speeding? Is it economically feasible, does it work? Mr. Tadych explained that speed bumps have not been used on City streets for several reasons. One is when police, fire and EMS personnel are responding to emergencies, they don't want to hit speed bumps, the other is for maintenance reasons such as snow removal. We could look at speed humps in some areas. It would take analysis to determine if they are warranted and to justify the installation of them. We could look at traffic calming measures but ultimately, enforcement is the best way to deal with speeding. Roundabouts and chicanes can be used to slow traffic down.</p> <p>Mr. Mulligan stated that you can't just rely on enforcement to get the speeds down. Recently, Nelbar which was a two-way street, with parking on one side and the side parking was eliminated for a turn lane which arguably increases the speeds on Nelbar. It's coming up on a year since that was done. I think things that we do engineering-wise certainly impacts traffic speeds.</p> <p>Mr. Tadych responded that in the short-term enforcement is the best tool we have but certainly eliminating four or five lanes of traffic on Verity Parkway southbound will help to slow speeds and make it safer for pedestrians. We shortened up the crossings downtown and that made it safer for pedestrians. Let's assume our downtown grows like we want it to grow. Any ingress and egress from that downtown area we really take into consideration the traffic and look at mid and long-term solutions. I talked to a traffic engineering consultant about Main Street specifically to look at possible future options. There's a cost to that and we're analyzing that and determining what the best path forward is. I have met</p>

with South Main Historic neighborhood representatives a couple of times and communicated with the president via email. They have offered to spend money out of their own neighborhood funds to help with the situation. We have looked at a combination of things, but we just haven't come to a conclusion yet.

Mayor Condrey expressed her concern that it does seem like a potentially lethal issue. The examples Ms. Hanavan gave were tremendously terrible and I would hate for us to delay much longer. They are offering to provide funds and they want something done. If we can help them at all and keep something tragic from happening, I am all for it. I think the neighborhood would appreciate something being done. I am interested in what the consultant could produce for a longer-term solution for traffic control. The homes in that neighborhood are historic and many of their features are not replaceable. One homeowner had a vehicle come through her home. I would support seeing a study completed. I have seen a lot of roundabouts added to other cities and they look very nice, I'm sure that they are not cheap. I would be fully supportive of looking into those around the City.

City Council discussed the Community Center Advisory Committee. After some discussion, City Council will propose the following Committee structure to the School Board for their consideration: two City Council members, two School Board members, five community stake holders that City Council proposes and five stakeholders that the school board proposes. Two non-voting City Staff members will assist the committee. The meetings will be open to the public and people will be encouraged to participate and share their ideas.

Ms. Schenck reminded everyone that board and commission applications are being taken.

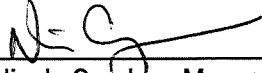
**EXECUTIVE SESSION**


At 6:22 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. Ms. Nenni seconded. Motion carried. Ayes: Mr. Mulligan, Ms. Condrey, Ms. Vitori, Ms. Nenni, Mr. Moon.

At 6:52 p.m. Mr. Mulligan moved to return to regular session. Ms. Nenni seconded. Motion carried. Ayes: Ms. Condrey, Ms. Vitori, Ms. Nenni, Mr. Moon, Mr. Mulligan.

**ADJOURNMENT**

At 6:52 p.m., the meeting was declared adjourned until September 7, 2021 at 5:00 in Council Chambers.

  
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Nicole Condrey, Mayor

Attest:   
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