MIDDLETOWN, OHIO

March 16, 2021

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


CITIZEN COMMENTS

Dan Mayzum, the owner of the Carnegie Library building located at 1320 First Avenue asked about the status of the Oakland Historic District being added to the National Register. It was put on hold because of COVID. Until it is on the National Registry, the tax credits for my $1.3M project are in jeopardy. The same goes for anyone that has purchased a home there in the last twelve months; the home prices and sales in the Oakland neighborhood have increased dramatically. I need to know the status of the final paperwork so that I can get my project moving forward. I cannot apply for tax credits until the process is completed.

John O'Flynn, 2213 Woodawn Avenue and Chris Mack, 404 Aberdeen asked Council to consider a handicap spot to be established at 222 Franklin Street. The resident is wheelchair bound and the street has a lot of congestion that makes it difficult to park.

Jason Wargo

Detective Jason Wargo, Healthcare Committee member, commented on the Ordinances 2021-17 and 18. The person who benefitted from these ordinances was in charge of the healthcare for the City. At a previous meeting, the Healthcare Committee had asked for an increase of $25,000 to lower employees’ co-pays and prescription costs; the request was denied. The person who was in charge of the Healthcare Committee received a benefit from the savings of the employee healthcare fund. It looks bad to the employees. It was $25,000 out of a 1.6M budget.

Ms. Cohen explained that the Healthcare Committee is set up for employees as a longstanding committee. The bylaws and agreements that were made in joining that committee was that the City would set the budget for healthcare and the committee would be responsible for choosing the plans and effectively spending that budget. The question that came up last year about the $25,000 was a question about spending over what the projected budget. The committee was asking to deficit spend. The committee’s ability is to spend the budget that is assigned, not deficit spend. The request was denied because it was to overspend the assigned budget, which is outside of the committee’s bylaws. Mr. Burton explained the healthcare fund savings at the last Healthcare Committee meeting but we will be happy to sit down with any employees that still have questions.

COUNCIL COMMENTS

Ms. Vitori exclaimed that it was good to be back in person now that her parents have been fully vaccinated. She thanked the Health Department and stated that she has received great reviews about the experiences people are having at the vaccination clinics. She thanked Jake Burton for his service to the City and added that he was the ideal Finance Director. She expressed her appreciation to DMI for bringing events and people back downtown. She acknowledged the great social media content from the Economic Development.

Mr. Mulligan

Mr. Mulligan expressed his gratitude to Jacob Burton for his professionalism and commented that Fairfield’s gain is Middletown’s loss. He clarified that he is excited about the upcoming paving project in the City and to be investing in the City’s infrastructure. He wished everyone a safe and happy St. Patrick’s Day.

Mr. Moon

Mr. Moon commented that some questions were asked a few weeks ago about boards and commissions. I hope Mr. Palenick will clarify some of those in his comments. In my experience, I have found that if I am looking to effect change in a person’s actions or procedures calling them out publicly or embarrassing them is not the way to get the desired result. I prefer to bring it to them privately or to their supervisor and I find that policy yields much more effective results. I hope that as a Council we can adopt a similar approach.

Ms. Nenni

Ms. Nenni commented that the City was sad to see Mr. Burton go. His hard work had seen the City through some of the most difficult years imaginable. She wished him the best. She expressed her appreciation to all of the City staff members that work to make sure that the City of Middletown turns steadily on its axis every day. It is an exciting time to be a Middletonian. You all are integral to the plans that will improve this City for generations to come. Mr. Palenick’s leadership continues to push us into the future, and I cannot wait to see what lies ahead for Middletown.

Ms. Condrey

Ms. Condrey thanked Mr. Burton for his service to the City. City staff is working to collaborate with some community partners on the homelessness issue. We have been in communication with other elected officials and looking at how we can work on it from a bigger perspective. It is a very rare situation where I would ever say anything up here that I haven’t already started a communication about elsewhere. I do my research and I really am trying to help everyone in the right way.

CITY MANAGER REPORTS

Mr. Palenick introduced Ms. Manning, Natural Resources Coordinator, Public Works and Utilities Department. Ms. Manning introduced Sarah Evans from the V3 Company. Ms. Evans
We have gathered information during the first phase and now we are exploring concepts based on the feedback that we gathered. We had 230 responses to the survey which was conducted through a combination of hard copy and online sources. The majority of the survey participants live in Middletown. We learned that the City has a lot of strengths that we can build on as we look at park and recreation opportunities over the next ten years.

System-Wide Basic Needs, Gaps, Aspirations

**What would you like to see in Middletown parks? What’s missing? (top 7 shown)**

- **33** Safety/Lighting/Maintenance (19%)
- **31** Restrooms (18%)
- **18** Trails (10.3%)
- **18** Aquatics (10.3%)
- **17** Playgrounds (9.8%)
- **17** Programming (9.8%)
- **15** Dog Park (8.6%)
Ms. DiLandro, Human Nature, provided information about park connectivity.

System Connectivity: Parkways

System Connectivity: Boulevards
Site Opportunities at Smith Park

Exploration Phase
Share survey summary Website
Advisory Groups
General Communications list & survey participants
School Survey
City Council update 3/16
Steering Committee Mtg. #2 will be 3/23
Public Meeting 3/26 and 4/2

Ms. Manning clarified that the survey wrapped up in December. We worked through the survey information and from that we began concept development. The connectivity systems have been identified, as well as special interest areas within the City. The Parks Master Plan has been paralleled with the Comprehensive Master Plan. We will be meeting with stakeholders on March 23rd and have public meetings March 26th and April 2nd. Once we receive the feedback and public input from these meetings, we will work to further refine these concepts.

Mr. Palenick stated that there were questions concerning the public notice provided for the ESID and Port Authority board meetings. He explained that an ESID is an Energy Special Improvement District that is in place to provide for green energy improvements in buildings. Both the ESID and the Port Authority are separate political subdivisions. Public notice requirements are very different from the City’s traditional boards and commissions. We did provide adequate public notice that was both legal and consistent with what is expected by the bylaws of each case. The Port Authority meeting was on the website and legal notice was provided both for the ESID and the Port Authority.

Mr. Palenick read the following press release:

Middletown Health Department Updates Vaccination Registration to Collaborate with Ohio Department of Health Registration Website Middletown, OH (March 16, 2021)
Beginning this Friday, March 19, 2021, all Ohioans age 40 and up are eligible to receive the COVID Vaccine. Additionally, beginning Monday, March 29, all adults age 16 and up are eligible to receive the vaccine. Due to the high volume of Ohioans that will be newly eligible, the City of Middletown Health Department will be collaborating with the Ohio Department of Health and transitioning the City of Middletown’s registration process to the State system. Therefore, the current site, covid.cityofmiddletown.org will be redirected for interested parties to register at getthesthot.coronavirus.ohio.gov after end of business Wednesday, March 17, 2021. Anyone that previously registered on the Middletown Health Department vaccination site, don’t worry, your information will be uploaded into the new system and you will receive a call to schedule your vaccine at a future Middletown vaccination clinic. Again, the City of Middletown’s COVID registration site will be redirected to the State vaccination registration site where you will now register and be able to search for a future clinic near you.

Mr. Palenick explained that the Airport Commission changed their February 15, 2021 meeting from in-person to via zoom for the safety of the meeting participants due to a Level 3 snow emergency. Mr. Palenick stated that it was entirely appropriate. The meeting day and time were not changed just the manner in which the members would be participating.

Ms. Condrey asked if citizens were given a link to participate in that meeting.

Mr. Palenick stated that he didn’t think so. In an emergency case, that may not have been
Ms. Condrey stated that Ohio’s Open Meetings Laws state that you can do that only if there is a binding decision that needs to be made by that board or commission that cannot wait. She expressed her doubt that that was case in this instance.

EXECUTIVE SESSION

At 6:06 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: Ms. Nenni, Mr. Moon, Mr. Mulligan, Ms. Condrey, Ms. Vitorri. 

At 6:28 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. Vitorri.

CONSENT AGENDA

Approve the City Council Minutes November 17 and December 1, 2020
Receive and file board and commission minutes
- Board of Health- January 21, 2021.

Confirm the personnel appointments of Rashawn Coston to the position of Corrections Officer and Jonathon Zachary Hoover to the position of part time Community Security Officer in the Department of Public Safety, Division of Police.

Confirm the reinstatement of William Ross Green to the position of Firefighter paramedic in the Department of Public Safety, Division of Fire.


Request approval for a contract with Brechbuhler Scales, Inc., of West Chester, Ohio, for the pit truck scale replacement at the Water Reclamation Facility in the amount of $61,778.

Confirm the following board and commission appointments: Citizens Advisory Board to the Police: Wanda Glover representing the 2nd Ward Community Council, Rick Pearce representing the Chamber of Commerce, Ruth Kelly representing the Ministerial Alliance.

Energy Special Improvement District (ESID): Tai Moon as Council Representative

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

MOTION AGENDA

Authorize the City Manager to enter into a contract with Barrett Paving Materials, Inc., to proceed with the Great Connection Bike Path Phase 7 project (ODOT PID# 113363).

Mr. Mulligan moved to authorize the City Manager to enter into a contract with Barrett Paving Materials, Inc. to proceed with the Great Connection Bike Path Phase 7 project (ODOT PID# 113363). Ms. Vitorri seconded. Motion carried. Ayes: Ms. Condrey, Ms. Vitorri, Ms. Nenni, Mr. Moon, Mr. Mulligan.

Great Connection Bike Bath Phase 7 Project

Waive Charter

Mr. Mulligan moved to suspend the Charter provision that requires reading on two separate days and to declare Resolution No. R2021-11 an emergency measure to be read one time only. Ms. Vitorri seconded. Motion carried. Ayes: Ms. Vitorri, Ms. Nenni, Mr. Moon, Mr. Mulligan, Ms. Condrey.

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.

Mr. Mulligan moved to approve 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. Ms. Vitorri seconded. Motion carried. Ayes: Ms. Vitorri, Ms. Nenni, Mr. Moon, Mr. Mulligan, Ms. Condrey.

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 second time.

Mr. Mulligan moved to approve 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). Ms. Nenni seconded.

Ms. Nenni commented that City Council relies on City staff and City leadership to navigate the City’s Master Plan and make recommendations that we believe will enhance and improve our City. In this case, staff recommended approval of the zone change and the Planning Commission denied the request. I performed my own research and found that the property owners responded to all of the requests made by City staff and worked to address neighborhood concerns and put landscaping and barriers in place. They invested in architectural drawings that
were not required for a zone change so that we could have a clear picture of their plan. They represented themselves at the public hearing and at the first reading, I believe that they are investing in their neighborhood and have the calls for service record to prove it. The only two calls were made by the business owners for an abandoned vehicle and an instance of vandalism. The gas station that we discussed last year had dramatically different owners with a mile-long map sheet from Police and Code Enforcement, and never showed up to make their case in front of Council. The neighborhood concerns in this case were based on trash and traffic, which cannot be attributed to one business in a business district. The property in question will likely never be used for residential because it only has 50' of road frontage and the City requires 75'. It is a very small parcel of land. I believe the zoning request is reasonable and will provide a great opportunity for a small business to provide the services that their customers are looking for. I respect and appreciate the recommendation of the Planning Commission but based on the information that we have been provided and staff's recommendation, I believe that reversing this denial is the right thing to do.

Mr. Mulligan stated that it makes it difficult when City Council was provided different information than what was provided to the Planning Commission. Generally, equally informed, reasonable men and women make similar or the same conclusions. I don’t think Planning Commission received everything that was provided to Council. He suggested that the issue be sent back to the Planning Commission.

Mr. Moon concurred, and commented that he values the Planning Commission's decision.

Ms. Ashley Combs stated that the drawings were based on the comments received from the Planning Commission meeting. They took the comments very seriously and they want to benefit the surrounding community and their business. So, the drawings were not available at the time of the Planning Commission meeting. Ms. Combs stated that to restart the process of having the Planning Commission revisit the zone change request would add 4-6 months to the project timeline. Ms. Combs explained that the Planning Commission looks at the issue strictly from a land use perspective and cannot place any conditions based on drawings that they receive. The elevations, buffering and landscaping would be reviewed internally by City staff. Those are requirements for the addition of the drive-through and the pavement that would be added due to this project. Staff will make sure that it meets code standards. Ms. Combs stated that staff recommends the approval of the zone change.

Ms. Condrey commented that some of the public comments received were not directly related to the zone change request. I think approving this might help some of the neighboring property owners.

The business must have the land to use for the drive-through to accommodate trucks and other large vehicles.

Mr. Moon suggested tabling the motion and getting additional feedback from Planning Commission members.

Mr. Mulligan withdrew his motion, Ms. Nenni withdrew her second.

Ms. Nenni moved that Ordinance No. 02021-21 be amended to read: an ordinance denying approving 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) and brought back to the April 6th meeting as a second reading. Ms. Vitori seconded. Motion carried. Ayes: Mr. Mulligan, Ms. Condrey, Ms. Vitori, Ms. Nenni, Mr. Moon.

Ordinance No. 02021-22, an ordinance amending Chapter 1041 of the Codified Ordinances was read for the second time.

Mr. Mulligan moved to approve Ordinance No. 02021-22, an ordinance amending Chapter 1041 of the Codified Ordinances. Mr. Moon seconded. Motion carried. Ayes: Ms. Condrey, Ms. Vitori, Ms. Nenni, Mr. Moon, Mr. Mulligan.

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 second time.

Mr. Mulligan moved to approve 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. Ms. Condrey seconded. Motion carried. Ayes: Ms. Vitori, Ms. Nenni, Mr. Moon, Mr. Mulligan, Ms. Condrey.

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 second time.
Mr. Mulligan moved to approve 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. Ms. Vitori seconded. Motion carried. Ayes: Ms. Nenni, Mr. Moon, Mr. Mulligan, Ms. Condrey, Ms. Vitori.

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 second time. (General – Fire)

Mr. Mulligan moved to approve 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. (General – Fire) Mr. Moon seconded. Motion carried. Ayes: Mr. Moon, Mr. Mulligan, Ms. Condrey, Ms. Nenni, Ms. Vitori.

Ord. No. O2021-25
Levy Special
Assessments

Ordinance No. O2021-25, an ordinance to levy special assessments for the repair of sidewalks, curbs, gutters and driveway aprons in the City of Middletown during the year 2020 against the lots and lands benefitted by said improvements was read for the first time.

NEW BUSINESS

Garbage pick-up and litter issues and concerns were discussed including reporting and enforcement.

Ms. Combs provided an update on the residential housing planned for Reinartz Boulevard and Clark Street. The owner has placed all of his projects on hold but hopes to start the townhomes early fall 2021.

Ms. Vitori asked for an update on the Goetz Tower. The crews have started working.

There was a walk through of the Lincoln School for firms interested in demolishing the building.

ADJOURNMENT

At 8:15 p.m., the meeting was declared adjourned until April 6, 2021 at 5:30 p.m. in Council Chambers.

Attest: [Signature]

Nicole Condrey, Mayor