

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

CITIZEN COMMENTS**Jeff Payne, DMI**

Jeff Payne, Downtown Middletown, Inc., 1050 Central Avenue, Suite 2750, Middletown, Ohio, spoke about the upcoming Women Wine and Chocolate Walk to be held on Saturday, May 20th from noon to 6 p.m. There will be 10 premium wine stops and 10 handcrafted chocolate stops throughout downtown Middletown along with a number of fun things to do. He announced a new partnership between Main Street America and Grow with Google. This partnership will provide digital skills training through free workshops for small businesses located throughout the state of Ohio. During the remainder of this year Downtown Middletown, Inc. and our Grow with Google local partner, Miami University Regional Campus, will celebrate this particular partnership with free training. Dr. Janet Hearn of Miami University eCampus is our Grow with Google digital coach and she will be leading various workshops that will provide a variety of courses free of charge that are aimed at improving the online presence of our local businesses.

Jennifer Carter

Jennifer Carter, 716 Sixth Avenue, Middletown, Ohio, expressed her appreciation on behalf of the Middletown Connect ambassadors to all of the City Council members, City department heads, leaders in our school system, health care and hospitals for attending the 130, 131 and 132 census tract bus ride. This bus ride meant a lot to us and we are really thrilled that you showed up because we all are part of this community and we want a healthy and vibrant community and so with us riding and seeing the census tracts it shows us where we have work to do and where we can go to do this work so thank you thank you for showing up.

Jerry Dobbins

Jerry Dobbins, 309 McKinley Street, Middletown, Ohio, spoke in opposition to building homes at Miami Park. A couple years ago Council was thinking about putting a dog park across the street from us, that wasn't a good idea. I've been living there since 1978, I think that would not be the right way to go. You would be giving a bunch of new people that are going to move in a park in their backyard and the people who've lived there a lot of their lives now aren't going to have it. I watched the kids growing up and playing over there. I watched the gentleman who lived right over there on Fleming go and plant all those nice pine trees that are up and down Miami on that side. Maybe a different setup might be okay, but this just hurts me bad that something like this could happen where I live.

COUNCIL COMMENTS**Mr. Ferrell**

Mr. Ferrell thanked the Park Board and City Council for attending the special meeting and for Mr. Dobbins for his feedback. Mr. Muterspaw and I did a Facebook Live event where we talked about what's going on in the City. Many people reached out to me and gave their suggestions and I appreciate the feedback. The police in the City, everybody knows they're worked hard, they're working overtime, all the issues they're facing. We've invested all this money economically through ARPA funds and into different things to build our economy to make this City last long term. I asked the Police Chief and the City Manager if there's something we can do with ARPA funds to help make the City safer because if the city's not safe, we don't have a city long term. I want to put myself out there, whatever we can do, at least from my perspective, as a council to make sure the City stays safe, I'm willing to do it.

Ms. Nenni

Ms. Nenni announced that she would be appearing in the CBI fundraiser next Thursday, May 11th, at the Sorg theater at 7 p.m. Tickets can be purchased on their website and it supports CBI and all the efforts that they make towards assisting our youth and our community in Middletown. When you get to the website, all of the participants are listed there. If you click on me then I get credit for your donation. They'll have us up there on stage at the Sorg singing with a live band to the song of our choice. I am very much looking forward to that and not at all nervous. I'm singing Tennessee Whiskey by Chris Stapleton.

Mr. Moon

Mr. Moon thanked Miss Carter, Middletown Connect and the OHIZ Grant group for hosting us on that bus tour. Jackie and Deanna, I know there was a lot of work that was involved in planning that and picking out the sites. I think there's some good takeaways from that so I look forward to working more on that. Thank you to the Park Board for joining us just before this meeting. It was good just to have that collaborative open discussion.

Mr. Muterspaw

Mr. Muterspaw commented on the Facebook live event. It was to get the word out there of what's going. We started doing this about a year ago so people could understand where we're coming from but what we're really happy with is the turnout and the questions. There were so many questions asked that we didn't have answers for. That really blew our minds considering we've lived here our whole lives and there were things we didn't know. We reached out to the Manager and his staff and they were able to correct and fix some things immediately based on that, so we were really happy that people took the time to ask questions and get involved even the tough questions I thought were good questions. Thank you to people like Jennifer Carter and Steve Lewis and there's others but I appreciate your passion. It's good to have people that care that come up here. To echo what Councilman Ferrell said about the police,

and I get accused all the time of being partial to the police and there's a lot of truth to that, but I also know what a safe City can do for your City. When I talk to other Chiefs as I still do all the time and I talk about what's going on there and what's going on here with crime rates and things like that, we just have to have some way to do it, to fix it and I don't know what the answer is. I'd be lying if I said I had an answer but I know we need to kind of look at money for some more staffing at some point. I know we've discussed that. The number one complaint we're getting right now is the sirens every night and the shootings and we can't dismiss it by not acknowledging it. It has to be addressed and I just think we needed to try to do a little bit more as a City for our police department and our medics.

Ms. Condrey

Ms. Condrey reminded everyone that Mother's Day is the 14th of May. The Shriners have a car show at Smith Park that day. Happy early Mother's Day to all the mothers in Middletown. Thank you to Council members Muterspaw and Ferrell for the Facebook live events. I heard it was very good. Every effort we can make to communicate in different ways and unique ways with our citizens is not only valuable but critical so thank you guys for doing that.

CITY MANAGER

Ice Rink Discussion

City Manager Lolli provided an update on the Holiday Whopla ice rink discussion. Before we get in to drafting legislation and looking at legal contracts we want to get some further guidance from Council. At the work session on January 21, 2023, Council indicated willingness to spend approximately \$246K out of non-General Funds. Essentially, we're looking at a scenario where the City exercises an option to purchase an ice rink and equipment from a vendor through some sort of an assignment with Whopla when we get final direction, hopefully from you tonight, and we sit down with the Law Department and Whopla and the ice rink company. Our discussions with the rink firm have the mechanics of the purchase manifesting in the area that the city exercises the right to purchase the rink. The price includes the rink, delivery, setup and operating the rink for one more season. At the end of the upcoming season the rink is ours to keep with the one-year warranty. Whopla and the City will enter into some type of an agreement where Whopla will act as the City's operator of the event and the facility and their fundraising efforts in the future will need to cover the future operations and things such as a Zamboni machine, or some other equipment. We will be discussing what requirements will need to be put in place with Whopla and the ice rink company with the Law Department. There was a question asked and subsequent discussion about converting the ice rink to a roller rink. Avinne Kiser explained that the conversion of the ice rink is really the conversion of the pad that the ice rink sits on. The ice rink is a bunch of coils that when it's the ice rink season you roll out the coils it's hooked up to the chiller which is filled with a coolant that is pumped through those coils and then we fill it with water and then it becomes an ice rink so at the end of the season the chiller is removed and we roll up the coils and store them. It's the cement pad in the permanent location that will become the convertible space for the roller rink and that's what we would also be fundraising for. You could set up a roller rink on the cement but if kids fell they would skin their knees so what most cities do is they buy what is called a sports pad and you roller skate on the sports pad and that costs about \$40K. There was discussion about what items were covered under the one-year warranty. The buyback commitment was also discussed. Mrs. Kiser confirmed that the rink to be purchased at the beginning of the upcoming season is the same rink that Whopla used last year. She confirmed that she is not asking for any more money than was originally discussed at the January 21st meeting. She stated that she would have to fundraise over the next 5 months to secure the additional \$250K that was needed. Whopla will be purchasing the Zamboni and the roller rink sports pad in the future. There was additional discussion about the timing of the construction of retention basin/park. Construction is expected to begin early 2026. There was additional discussion about who would pay for the installation of the electric infrastructure at the new site. City Manager Lolli stated that staff will proceed with working with the Law Department and Whopla to get this in motion. There was some additional discussion.

CONSENT AGENDA

Confirm the personnel appointments of Matthew Smith to the position of Helpdesk Administrator in the Information Systems Department and Nathan Brandenburg to the position of Maintenance Worker in the Department of Public Works and Utilities, Water Maintenance Division.
Receive and file Oaths of Office for David Peter, Michael Proffitt, Joseph Stafford.
Approve a contract with Tri-State Public Safety of Middletown, OH for the purchase and installation of lighting and siren equipment for three 2023 Chevrolet Silverado 2500HD pickups in the amount of \$33,029.00.
Approve the final plat for Waterford Place Section 2.

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

MOTION AGENDA

Purchase 800 Badger Water Meters

Authorize the purchase of approximately 800 residential water meters from Badger Meter, Inc. of Milwaukee, WI, in the amount of \$127.19 each.

Ms. Nenni moved to authorize the purchase of approximately 800 residential water meters from Badger Meter, Inc. of Milwaukee, WI, in the amount of \$127.19 each. Mr. Ferrell seconded. Motion carried. Ayes: Ms. Condrey, Mr. Ferrell, Ms. Nenni, Mr. Moon, Mr. Muterspaw.

Enter into a Cultural Project Cooperative Use Agreement with OFCC	<p>Authorize the City Manager to enter into a Cultural Project Cooperative Use Agreement with the Ohio Facilities Construction Commission (OFCC) in order to receive state capital budget funds for the renovation and expansion of the Robert “Sonny” Hill Jr. Community Center.</p> <p>Ms. Nenni moved to authorize the City Manager to enter into a Cultural Project Cooperative Use Agreement with the Ohio Facilities Construction Commission (OFCC) in order to receive state capital budget funds for the renovation and expansion of the Robert “Sonny” Hill Jr. Community Center. Mr. Muterspaw seconded. Motion carried. Ayes: Mr. Ferrell, Ms. Nenni, Mr. Moon, Mr. Muterspaw, Ms. Condrey.</p>
Waive Charter	<p>Ms. Nenni moved to suspend the Charter provision that requires reading on two separate days and 30 days to enactment and to declare Resolution No. R2023-11, Ordinance No. O2023-30, Ordinance No. O2023-31, Ordinance No. O2023-32, Ordinance No. O2023-33, Ordinance No. O2023-36 and Ordinance No. O2023-37 emergency measures and read one time only. Mr. Ferrell seconded. Motion carried. Ayes: Ms. Nenni, Mr. Moon, Mr. Muterspaw, Ms. Condrey, Mr. Ferrell.</p>
Ord. No. O2023-30 Amend Contract with Brandstetter Carroll Community Center	<p>Ordinance No. O2023-30, an ordinance establishing a procedure for and authorizing an amendment to a contract with Brandstetter Carroll, Inc. for engineering and design services for expansion of the Robert “Sonny” Hill, Jr. Community Center and declaring an emergency was read.</p> <p>Ms. Nenni moved to approve Ordinance No. O2023-30, an ordinance establishing a procedure for and authorizing an amendment to a contract with Brandstetter Carroll, Inc. for engineering and design services for expansion of the Robert “Sonny” Hill, Jr. Community Center and declaring an emergency. Mr. Muterspaw seconded. Motion carried. Ayes: Mr. Moon, Mr. Muterspaw, Ms. Condrey, Ms. Nenni, Mr. Ferrell.</p>
Ord. No. O2023-31 Contract with Jones Warner, N Union Sewer	<p>Ordinance No. O2023-31, an ordinance authorizing a contract with Jones Warner Consultants, Inc. to design an extension of the sanitary sewer near North Union Road and declaring an emergency was read.</p> <p>Ms. Nenni moved to approve Ordinance No. O2023-31, an ordinance authorizing a contract with Jones Warner Consultants, Inc. to design an extension of the sanitary sewer near North Union Road and declaring an emergency. Mr. Ferrell seconded. Motion carried. Ayes: Mr. Muterspaw, Ms. Condrey, Mr. Ferrell, Ms. Nenni. Abstain: Mr. Moon.</p>
Ord. No. O2023-32 Yokum Fireworks	<p>Ordinance No. O2023-32, an ordinance establishing a procedure for and authorizing a contract with Yokum Fireworks, LLC and declaring an emergency was read.</p> <p>Ms. Nenni moved to approve Ordinance No. O2023-32, an ordinance establishing a procedure for and authorizing a contract with Yokum Fireworks, LLC and declaring an emergency. Mr. Ferrell seconded. Motion carried. Ayes: Ms. Condrey, Mr. Ferrell, Ms. Nenni, Mr. Moon, Mr. Muterspaw.</p>
Res. No. R2023-11 Advance- General Fund	<p>Resolution No. R2023-11, a resolution authorizing a transfer subject to reimbursement from the General Fund to the Airport Improvement Fund and declaring an emergency was read.</p> <p>Ms. Nenni moved to approve Resolution No. R2023-11, a resolution authorizing a transfer subject to reimbursement from the General Fund to the Airport Improvement Fund and declaring an emergency. Mr. Ferrell seconded. Motion carried. Ayes: Mr. Ferrell, Ms. Nenni, Mr. Moon, Mr. Muterspaw, Ms. Condrey.</p>
Ord. No. O2023-33 Sunesis Airport Ramp Expansion Project	<p>Ordinance No. O2023-33, an ordinance authorizing a contract with Sunesis Construction for the Airport Ramp Expansion Project and declaring an emergency was read.</p> <p>Ms. Nenni moved to approve Ordinance No. O2023-33, an ordinance authorizing a contract with Sunesis Construction for the Airport Ramp Expansion Project and declaring an emergency. Mr. Ferrell seconded. Motion carried. Ayes: Ms. Nenni, Mr. Moon, Mr. Muterspaw, Ms. Condrey, Mr. Ferrell.</p>
Ord. No. O2023-34 Amend MCO Nuisance Codes	<p>Ordinance No. O2023-34, an ordinance amending Sections 660.045 (Accumulation of Rubbish, Garbage or Litter), 660.21 (Yard Maintenance), 1436.06 (Remedial Action), 1458.10 (Effecting Compliance) and various sections of Chapters 678 (Weeds) and 1030 (Trees, Shrubs and Plants) of the Codified Ordinances was read for the second time.</p> <p>Ms. Nenni moved to approve Ordinance No. O2023-34, an ordinance amending Sections 660.045 (Accumulation of Rubbish, Garbage or Litter), 660.21 (Yard Maintenance), 1436.06 (Remedial Action), 1458.10 (Effecting Compliance) and various sections of Chapters 678 (Weeds) and 1030 (Trees, Shrubs and Plants) of the Codified Ordinances. Mr. Muterspaw seconded. Motion carried. Ayes: Mr. Moon, Mr. Muterspaw, Ms. Condrey, Ms. Nenni, Mr. Ferrell.</p>

Ord. No. 02023-35
Notes for Arena
Property & Public
Infrastructure

Ordinance No. 02023-35, an ordinance providing for the issuance and sale of notes in the maximum principal amount of \$8,000,000, in anticipation of the issuance of bonds, for the purpose of paying the costs of the acquisition by the City of approximately 30 acres of real property along Union Road and State Route 122 for a multi-use development, demolition of existing structures and the design, engineering and construction of related and necessary public infrastructure including but not limited to water, sanitary sewer and storm sewer utilities, roads, traffic signals and controls, curbs, gutters, intersections, sidewalks, lighting and related infrastructure, together with all necessary appurtenances thereto, all in support of economic development and job creation within the City was read for the second time.

Ms. Nenni moved to approve Ordinance No. 02023-35, an ordinance providing for the issuance and sale of notes in the maximum principal amount of \$8,000,000, in anticipation of the issuance of bonds, for the purpose of paying the costs of the acquisition by the City of approximately 30 acres of real property along Union Road and State Route 122 for a multi-use development, demolition of existing structures and the design, engineering and construction of related and necessary public infrastructure including but not limited to water, sanitary sewer and storm sewer utilities, roads, traffic signals and controls, curbs, gutters, intersections, sidewalks, lighting and related infrastructure, together with all necessary appurtenances thereto, all in support of economic development and job creation within the City. Mr. Muterspaw seconded. Motion carried. Ayes: Mr. Muterspaw, Ms. Condrey, Mr. Ferrell, Ms. Nenni, Mr. Moon.

Ord. No. 02023-36
NHS First Time Home
Buyer Program

Ordinance No. 02023-36, an ordinance establishing a procedure for and authorizing a contract with Neighborhood Housing Services of Hamilton, Inc. for implementation of a first-time homebuyer assistance program declaring an emergency was read.

Ms. Nenni moved to approve Ordinance No. 02023-36, an ordinance establishing a procedure for and authorizing a contract with Neighborhood Housing Services of Hamilton, Inc. for implementation of a first-time homebuyer assistance program and declaring an emergency. Mr. Moon seconded. Motion carried. Ayes: Ms. Condrey, Mr. Ferrell, Ms. Nenni, Mr. Moon, Mr. Muterspaw.

Ord. No. 02023-37
Automation Displays
Jail Locks

Ordinance No. 02023-37, an ordinance establishing a procedure for and authorizing a contract with Automation Displays, Inc. to purchase locking mechanisms for doors in the City Jail and declaring an emergency was read.

Ms. Nenni moved to approve Ordinance No. 02023-37, an ordinance establishing a procedure for and authorizing a contract with Automation Displays, Inc. to purchase locking mechanisms for doors in the City Jail and declaring an emergency. Mr. Moon seconded. Motion carried. Ayes: Mr. Ferrell, Ms. Nenni, Mr. Moon, Mr. Muterspaw, Ms. Condrey.

Ord. No. 02023-38
Cliffs Water Line
Easement

Ordinance No. 02023-38, an ordinance authorizing the City Manager to grant two utility easements to Cleveland Cliffs for installation of a water transmission main across City-owned parcels Q6521010000114 and Q6521030000009 was read for the first time.

NEW BUSINESS

Ms. Condrey commented that she spoke with Representative Hall about the property tax increases and provided an update. Representative Hall requested that I confirm this information with Nancy Nix, but I have not been able to do that yet. The property tax increases are not policy decisions passed as legislature. They're mandated from the state constitution and administered by the Department of Taxation so the Tax Commissioner and the increases are we're you know commenting of course they're unfortunately the downside to people improving their properties partially. Theirs is a triennial revaluation of property values. Butler County has a measurement that's used at the Auditor's office to address why the increase is warranted so maybe we can get some clarification from Nancy Nix on that. There are 14 counties being affected by this year's property valuation. What it really boils down to is we're in a bad cycle for being revaluated because of the economy's current inflationary rates. Representative Hall is working with his colleagues to investigate what authority they have to claim any sort of extraordinary circumstances or find an option to address the issue short of changing the state constitution. The budget is in the Senate right now which has nothing to do with property values but there could be things put in there to ease the burden of the tax increases. At this point it's up to Senator Lang. So, if anyone has ideas about that and you want to share them with Senator Lang. Any sort of policy changes would take about two to four years to get into effect Representative Hall said. If we don't do anything about it now we'll have to wait until the next valuation process to see the effects. He shared a potential solution being considered to require the Tax Commissioner to use three years of sales data when deciding sales ratio percentages. I believe some of these are actual changes to the Ohio Constitution and I'm not sure which are and which are not. Another potential solution is to give the Tax Commission the discretion to lower the required ratio percentage. Another potential solution is for the state to issue credits to taxpayers from the General Fund surplus, another solution is to modify the 20 mil floors to include substitute and emergency levies in the calculation, another is to revise school funding formula to cap contribution from local taxes and others to reinstate rollback credits for all levies, another increase the homestead exemption and raise income qualification and then the final one he had on the list was increased awareness of tax dilution impacts from exemptions and abatements. They're definitely making efforts and they

are aware of it. Mr. Ferrell commented that he felt the only way to fix it was to lower the percentage that homes are taxed.

EXECUTIVE SESSION

At 6:33 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. Mr. Ferrell seconded. Motion carried. Ayes: Ms. Nenni, Mr. Moon, Mr. Muterspaw, Ms. Condrey, Mr. Ferrell.

RETURN

At 7:04 p.m. Mr. Moon moved to return to regular session. Mr. Muterspaw seconded. Motion carried. Ayes: Mr. Moon, Mr. Muterspaw, Ms. Condrey, Ms. Nenni, Mr. Ferrell.

JOURNMENT

At 7:04 p.m., the meeting was declared adjourned until May 16, 2023 at 5:30 p.m. in Council Chambers.



Nicole Condrey, Mayor

Attest: 
