

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.

**PUBLIC HEARING  
Right of Way Vacation  
Kenridge Drive**

Administrative Services Director Ashley Combs provided information about the right of way vacation request by property owner Keith Bailey for the vacation of City-owned right-of-way that is located between the properties located at 430 Kenridge Drive and 431 Kenridge Drive, Middletown, OH 45044, Parcel IDs: Q6531070000038 & Q6531070000017. The city-owned property requested for vacation is approximately 0.10 acres in size. The Planning Commission recommendation of approval is being forwarded to the City Council for final review and decision.

Staff Analysis: Per the petitioner, he has been maintaining the City-owned property since 1997. Since that time the applicant has paid for the new concrete driveway apron across the entire lot. The petitioner claims that the neighboring property, 430 Kenridge Drive, has become a rental property and there have been issues with parked and unlicensed cars left in the off-street parking area, issues with grass not being cut, landscape growing out of control, and other issues. The petitioner requests the city vacate the property and transfer it to him in its entirety. That way he will have legal rights to keep the property free from junk and in good condition. Per the Ohio Revised Code, the process for right-of-way vacation requires filing a petition to Planning Commission to make a recommendation to City Council. The Planning Commission recommendation is forwarded to City Council for final consideration. If approved, the property is split evenly between the abutting property owners and ceases to be public right-of-way.

Legal Notice: Meeting notices were sent to the property owners that are within 200 feet of the proposed street vacation as well as the utility providers. No objections were received. An important determination for the right-of-way vacation is that there is no longer a public need for the property as a public street.

Other Department Comments: Engineering Department: The property can be vacated and sold to the two abutting property owners. The City will need to maintain an easement on the property as there is a water line that runs through there.

**Review Criteria:**

1. The vacation of the requested right of way should not be a detriment to the neighborhood or to emergency service access or utility providers.
2. Planning Commission's recommendation is forwarded to City Council for a public hearing. City Council makes the final decision by City ordinance to vacate public right-of-way.

At 5:35 p.m. Mayor Condrey opened the public hearing and called for those who wished to speak in favor of the vacation of City-owned right-of-way that is located between the properties located at 430 Kenridge Drive and 431 Kenridge Drive.

Petitioner Keith Bailey explained that he intends to continue to keep the property well maintained and continue to allow neighbors to walk through the property. Kenridge Drive was never connected and there is a significant grade change that would require regrading several hundred feet back on either side to correct. There are several other access points that made the connection of the two sections of Kenridge Drive unnecessary.

Mayor Condrey called for those who wished to speak in opposition to the vacation of City-owned right-of-way that is located between the properties located at 430 Kenridge Drive and 431 Kenridge Drive. Hearing none, the public hearing was closed at 5:40 p.m.

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

Ms. Nenni offered her condolences to Ed Dobrozi's family and acknowledged his outstanding dedication and volunteerism to the Middletown community. She thanked all of the volunteers and everyone that came out to see the Independence Day parade and fireworks.

**Mr. Mulligan**

Mr. Mulligan offered his condolences to Ed Dobrozi's family and recognized him as an exemplary volunteer in the Middletown Catholic community and in the community at large. He expressed his appreciation to the sponsors and City staff for all of their hard work to make the Independence Day Festival such a success. He thanked the organizers of the Independence Day parade.

**Ms. Vitori**

Ms. Vitori offered her condolences to the Dobrozi family and stated that his death is a tremendous loss to the community. She thanked the sponsors, organizers and volunteers of the Independence Day festivities. The fireworks were the best yet and it was great to see everything so well attended. She thanked the organizers of the Bash and DMI for all of the

great events happening downtown.

**Ms. Condrey**

Ms. Condrey thanked the sponsors, organizers and volunteers of all of the great community events and commented that it was great to see so many people attend the Independence Day festivities. She requested that the most recent board and commission minutes be sent to City Council as timely as possible. Ms. Condrey reached out to citizen Kyle McGlone who was promised a call back from City staff after the last meeting but he had not heard back from the City.

**CITY MANAGER REPORTS**

Mr. Palenick commented that City is continuing to look for a Finance Director and a City Engineer and may have to hire a recruiter to find suitable candidates. The positions of Administrative Assistant in the City Manager's Office and Administrative Services are also open.

**CONSENT AGENDA**

Approve the City Council Minutes of June 10 and June 15, 2021  
Receive and file the following Board and Commission minutes:  
Civil Service Commission- May 20, 2021  
Middletown Visitors Bureau- September 15, October 19, November 16, December 14, 2020 and January 25, March 15 and April 19, 2021  
Confirm the personnel appointments of Brian Brooks to the position of Electronics Maintenance Supervisor in the Public Works Department; Tyler Rosell, Matthew Green, Thomas Lindsay III and Jake Jackson to the position of Firefighter-EMT in the Department of Public Safety, Division of Fire; Jacob Lentz, Zachary Sharp, and Joshua Lentz to the position of Firefighter-PM in the Department of Public Safety, Division of Fire, Nathan Morgan to the position of Patrol Officer in the Department of Public Safety, Division of Police; and Jonathan Zachary Hoover to the position of Corrections Officer in the Department of Public Safety, Division of Police.  
Confirm the promotional appointment of Tyler Nafe to the position of Equipment Operator in the Department of Public Works & Utilities, Division of Street Maintenance.  
Receive and File an Oath of Office for Brian Singleton.  
Approve a purchase from J.W. Devers & Son, Inc., of Trotwood, OH in the amount of \$61,380.00 for a new service body with electric/hydraulic crane and other mounted equipment for two 2020 Ford F450 trucks.  
Authorize the City Manager to enter into a contract with Insituform Technologies to complete the rehabilitation of approximately 720 LF of sewer near Wildwood Road.  
Receive and File the Fiscal Officer's Certificates and Note Registrar Agreement.

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

**MOTION AGENDA**

Authorize the City Manager to enter into a contract with Barrett Paving Materials, Inc. to proceed with the Moore Rd. Water Main Replacement.

**Contract with Barrett Moore Road Water Replacement**

Mr. Mulligan moved to authorize the City Manager to enter into a contract with Barrett Paving Materials, Inc. to proceed with the Moore Rd. Water Main Replacement. Mr. Moon seconded. Motion carried. Ayes: Mr. Moon, Mr. Mulligan, Ms. Condrey, Ms. Nenni, Ms. Vitori.

Authorize the City Manager to enter into a contract with J.L. Kuck General Contractors, Inc. for the construction of the pumping system for Potable Well 20.

**Contract with J.L. Kuck To Construct Well 20**

Mr. Mulligan moved to authorize the City Manager to enter into a contract with J.L. Kuck General Contractors, Inc. for the construction of the pumping system for Potable Well 20. Ms. Vitori seconded. Motion carried. Ayes: Mr. Mulligan, Ms. Condrey, Ms. Vitori, Ms. Nenni, Mr. Moon.

**Waive Charter**

Mr. Mulligan moved to suspend the Charter provision that requires reading on two separate days and to declare Resolution No. R2021-28, Ordinance No. O2021-54, Ordinance No. O2021-55 and Ordinance No. O2021-56 emergency measures to be read one time only. Ms. Nenni seconded. Motion carried. Ayes: Ms. Condrey, Ms. Vitori, Ms. Nenni, Mr. Moon, Mr. Mulligan.

**Ord. No. O2021-52 Sale of City-Owned Property**

**Ordinance No. O2021-52**, an ordinance establishing a procedure for and authorizing a contract between the City and White Dog Distilling Company for the sale of city owned property was read for the second time.

Ms. Condrey commented that she really loved White Dog and their community involvement and that this is a great opportunity for them to put a park here and that she really likes the plans. However; she would like to keep a precedence for valuing City property and she would have liked to have seen an agreement that was better structured to value the City's investments. I feel like a high rent land lease per month until the project is completed with that money going towards the purchase price would have been better. I know we have set a precedence for doing it one way but I would like to see us value it more. The land appraised at approximately \$83,000. I know they are investing a lot of money into the project. There are a lot of people investing

money into Middletown. White Dog just happens to be located next to a City-owned property. I'm glad they are doing something great with it, very grateful; I just feel that the land was undervalued.

Mr. Mulligan moved to approve Ordinance No. 02021-52, an ordinance establishing a procedure for and authorizing a contract between the City and White Dog Distilling Company for the sale of city owned property. Ms. Vitori seconded. Motion carried. Ayes: Ms. Vitori, Ms. Nenni, Mr. Moon, Mr. Mulligan. Nay: Ms. Condrey.

**Ord. No. 02021-53  
Change Zoning  
Classification**

**Ordinance No. 02021-53**, an ordinance changing the zoning classification for three parcels located along the south side of Lefferson Road and Audubon Drive from R-4 (Attached Residential District) to PD (Planned Development District) was read for the second time.

Mr. Mulligan moved to table Ordinance No. 02021-53 and expressed his concerns about approving this multi-family rental and the additional multi-family rental projects that are in the pipeline. He wants to compare the planned units with the data from the Danter study and examine the relationship to the Master Plan. What does this do to address the percentage of rental versus the owner-occupied properties. What is the City doing to encourage the construction of owner-occupied units and what are the plans to take the older multi family units offline?

Ms. Condrey expressed her concern about the large number of proposed one-bedroom units and asked to for data to compare to the Master Plan. Several questions and concerns that had been raised by City Council at the last meeting have not been addressed.

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

**Res. No. R2021-28  
Establish ARPA Fund**

**Resolution No. R2021-28**, a resolution establishing the American Plan Act of 2021 Fund and declaring an emergency was read.

Mr. Mulligan moved to approve Resolution No. R2021-28, a resolution establishing the American Rescue Plan Act of 2021 Fund and declaring an emergency. Ms. Vitori seconded. Motion carried. Ayes: Mr. Moon, Mr. Mulligan, Ms. Condrey, Ms. Nenni, Ms. Vitori.

**Ord. No. 02021-54  
Contract Barrett  
Paving Materials**

**Ordinance No. 02021-54**, an ordinance authorizing a contract with Barrett Paving Materials, Inc. for the Poinciana Road and Hampton Place Water Main Replacement Project and declaring an emergency was read.

Mr. Mulligan moved to approve Ordinance No. 02021-54, an ordinance authorizing a contract with Barrett Paving Materials, Inc. for the Poinciana Road and Hampton Place Water Main Replacement Project and declaring an emergency. Mr. Moon seconded. Motion carried. Ayes: Mr. Mulligan, Ms. Condrey, Ms. Vitori, Ms. Nenni, Mr. Moon.

**Ord. No. 02021-55  
Bond Anticipation  
Notes Fire Ladder  
Truck**

**Ordinance No. 02021-55**, an ordinance providing for the issuance and sale of notes in the maximum principal amount of \$1,300,000, in anticipation of the issuance of bonds, for the purpose of paying the costs of acquiring and equipping a fire ladder truck for use by the City's Fire Department, together with all necessary appurtenances thereto; and declaring an emergency was read.

Mr. Mulligan moved to approve Ordinance No. 02021-55, an ordinance providing for the issuance and sale of notes in the maximum principal amount of \$1,300,000, in anticipation of the issuance of bonds, for the purpose of paying the costs of acquiring and equipping a fire ladder truck for use by the City's Fire Department, together with all necessary appurtenances thereto; and declaring an emergency. Ms. Vitori seconded. Motion carried. Ayes: Ms. Condrey, Ms. Vitori, Ms. Nenni, Mr. Moon, Mr. Mulligan.

**Ord. No. 02021-56  
Bond Anticipation  
Notes Water  
Reclamation Facility**

**Ordinance No. 02021-56**, an ordinance providing for the issuance and sale of notes in the maximum principal amount of \$2,000,000, in anticipation of the issuance of bonds, for the purpose of paying the costs of improvements to the municipal wastewater system including the construction, equipping and installation of a maintenance building at the Water Reclamation Facility, together with all necessary and related appurtenances thereto; and declaring an emergency was read.

Ms. Condrey commented that over the last two years half a million dollars of water and sewer funds had been used to cover the management of the airport. I feel this is an airport tax on the water and sewer bills for the use of property that the City already owns. I would like to see better appropriation of enterprise funds for what I feel they should be used for.

Mr. Palenick stated that any enterprise fund utility will always pay the cost that a typical private sector entity would pay in similar circumstances. The water facility is paying a lease to the airport which is owned by the City. This comes back to the General Fund for the space that it takes up to provide for the well field. The rate is consistent with the lease rate that we would

charge if it were made available to the private sector. The City must acknowledge the true value in all of the land that is taken up by the well filed for the water utility. This is a typical practice.

Mr. Mulligan moved to approve Ordinance No. O2021-56, an ordinance providing for the issuance and sale of notes in the maximum principal amount of \$2,000,000, in anticipation of the issuance of bonds, for the purpose of paying the costs of improvements to the municipal wastewater system including the construction, equipping and installation of a maintenance building at the Water Reclamation Facility, together with all necessary and related appurtenances thereto; and declaring an emergency. Ms. Vitori seconded. Motion carried. Ayes: Ms. Vitori, Ms. Nenni, Mr. Moon, Mr. Mulligan. Nay: Ms. Condrey.

**Ord. No. O2021-57  
Contract with Perkins  
Carmack Water  
Reclamation Facility**

**Ordinance No. O2021-57**, an ordinance authorizing a contract with Perkins/Carmack Construction, LLC for the design and construction of a maintenance building at the Water Reclamation Facility was read for the first time.

**Res. No. R2021-29  
Intent to Place 1-Mill  
Levy on May 2022  
Ballot- Fire Stations**

**Resolution No. R2021-29**, a resolution declaring the City Council of the City of Middletown, Ohio's intent to proceed with placing a 1-mill property tax levy on the May 2022 election ballot for the purposes of providing funding for the construction of certain fire station improvements for use by the City of Middletown Division of Fire was read for the first time.

A video was shown demonstrating the need for new fire facilities.

Mr. Moon discussed the critical need for the new fire stations. He asked what the options are to build the stations if the levy is not approved.

Mr. Palenick stated that an income tax levy might be considered. The City cannot afford the \$850,000 that is required annually for 25 years to pay the debt service for the fire stations without cutting public safety services, which is in direct opposition to the City's goals of enhancing and improving public safety. Ideally, increased economic development would provide additional revenue but there is no guarantee that will happen. He clarified that ARPA (American Rescue Plan Act) funds cannot be used for this. Another option is to build one station at a time but every one of these stations are truly deficient and obsolete now and will require additional funds each year for maintenance and repairs. Mr. Palenick emphasized the economy of scale of building 4 stations at the same time and the historically low interest rates that are available. The senior citizens tax levy has been in place ten years and is expiring, this would take the place of the expiring levy.

Chief Lolli explained the many benefits of having fire stations located in neighborhoods.

Ms. Condrey commented that the City has known for a long time that the fire stations are in critical need of replacement but has done nothing to address the situation. She questioned why the levy would be on the May 2022 ballot instead of the November 2021 ballot and expressed her concern that this 25-year levy would place a burden on the next generation.

Mr. Moon explained that this levy would replace the Senior Center Levy which was always approved in the spring.

Mr. Palenick commented that this asset has a long-term value and it is equitable to spread the burden of paying for it over a long period of time.

**Ord. No. O2021-58  
Grant Agreement  
Access Envelope, Inc.**

**Ordinance No. O2021-58**, an ordinance authorizing the City Manager to enter into a small business grant agreement with Access Envelope, Inc. was read for the first time.

**Ord. No. O2021-59  
Contract with ODOT  
2022 Urban Paving  
Program**

**Ordinance No. O2021-59**, an ordinance authorizing the City Manager to enter into a contract with the Ohio Department of Transportation for the 2022 Urban Paving on a portion of State Route 4 from Tytus Avenue to Germantown Road was read for the first time.

**Ord. No. O2021-60  
Vacate Public Right of  
Way Kenridge Drive**

**Ordinance No. O2021-60**, an ordinance vacating a portion of public right-of-way located between the properties at 430 and 431 Kenridge Drive was read for the first time.

**Ord. No. O2021-61  
Extend Contract with  
Medicount  
Management**

**Ordinance No. O2021-61**, an ordinance establishing a procedure for and authorizing an extension of a contract with Medicount Management, Inc. for EMS billing services was read for the first time.

**NEW BUSINESS**

Ms. Vitori commented that she had heard that APRA (American Rescue Plan Act) funds might be able to be used for some ongoing salary expenses.

Mr. Palenick commented that staff will be continue to be creative and diligent to find

appropriate uses for all of the federal funding.

**ADJOURNMENT**

At 6:53 p.m., the meeting was declared adjourned until July 20, 2021 at 5:30 p.m. in Council Chambers.

  
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Nicole Condrey, Mayor

Attest: 