

City Council Meeting Minutes
January 26, 2017
Regular Session
7:00 p.m.

The Xenia City Council met in a Regular Session on January 26, 2017, at 7:00 p.m., in the City Council Chambers, City Administration Building, with the following members present: Edgar Wallace, Dale Louderback, Sarah Mays, Jeanne Mills, Marsha J. Bayless, and Michael D. Engle.

Wesley Smith was absent.

Motion by Mayor Bayless, seconded by Councilwoman Mays, to excuse Vice President Smith due to a business commitment. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Louderback, Mays, Mills, Bayless, and Engle
Nays: None motion carried.

INVOCATION: Van Holloway, Emmanuel Baptist Church, gave the invocation after which all joined in the Pledge of Allegiance.

APPROVAL OF MINUTES: Motion by Councilwoman Mills, seconded by Councilman Wallace, to approve the January 12, 2017, Regular Session minutes as written. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Louderback, Mays, Mills, Bayless, and Engle
Nays: None motion carried.

PUBLIC HEARINGS:

Introduction of an Ordinance rezoning of an 8.8-acre parcel with an address of 730 Dayton-Xenia Road from I-2 Heavy Industrial District to A-1 Agricultural District filed by property owners David A. and Veda A. Thompson. Mr. Merriman said the public hearing is to consider a request to rezone an 8.8-acre parcel of land located at 730 Dayton-Xenia Road from I-2 Heavy Industrial to A-1 Agricultural. The parcel is owned by David and Veda Thompson and is, accessible from a private drive known as Thompson Lane, which lends access to a construction debris landfill operated by Mr. Thompson and located immediately to the north of the parcel in question. The applicants intend to construct a single-family home on the 8.8-acre property if the rezoning is approved, which is the stated purpose of their rezoning request. Staff has reviewed this request in consideration of the City's land use plan and evaluated the potential impacts of approval of the rezoning. Staff feels that the requested rezoning is not inconsistent with land use plans and presents no adverse impact on adjoining properties and therefore supports the rezoning request. This matter was presented to the Planning and Zoning Commission (XPZC) on January 19, 2017, and XPZC endorsed the requested rezoning. At the conclusion of the public hearing, it is recommended that City Council introduce an ordinance authorizing the rezoning.



President Engle invited those in favor of the rezoning to come forward to speak. No one came forward. President Engle invited those wishing to speak against the rezoning to come forward to speak. No one came forward. President Engle invited those wishing to speak neither for nor against the rezoning to come forward to speak. No one came forward.

Councilman Wallace asked if any feedback was received from adjacent landowners regarding the rezoning. Mr. Forschner said staff did not receive any feedback.

President Engle closed the public hearing at 7:08 p.m. and entertained an introduction of the Ordinance.

Councilman Wallace introduced an ORDINANCE REZONING AN 8.8-ACRE PARCEL AT 730 DAYTON-XENIA ROAD FROM I-2 HEAVY INDUSTRIAL DISTRICT TO A-1 AGRICULTURAL DISTRICT, and it was read for the first time.

2017 Final Budget--Emergency Ordinance for 2017 Final Operating Budget and Emergency Resolution for the 2017 Financial Management Policies and Goals. Mr. Merriman said Ohio statute and the Charter for the City of Xenia require an annual operating budget approved by ordinance. As part of the review process of the annual budget, a public hearing must occur before the final budget can be authorized, which is the final step of an intense development and review process for the City budget that began last March when preparation of the tax budget was initiated. Over the course of the ensuing 10 months, staff closely monitored revenues and expenses, evaluated service needs, and made difficult decisions on items for inclusion in the final budget. City Council instructed this process and previously provided budget priorities, approved the tax budget, and approved the temporary 2017 operating budget. As presented, the total budget for FY 2017 is \$64,906,136. All funds project a positive balance. As is an annual practice, accompanying the 2017 final budget is an updated list of the Financial Management Policies and Goals for the City of Xenia, which are consistent with those approved by City Council in previous years. Staff is recommending that Council take three actions this evening: first conduct the public hearing and then approve an emergency ordinance adopting the 2017 budget and an emergency resolution adopting the 2017 Financial Management Policies and Goals.

President Engle invited those in favor of the 2017 Final Budget or 2017 Financial Management Policies and Goals to come forward to speak. No one came forward. President Engle invited those wishing to speak against the 2017 Final Budget or 2017 Financial Management Policies and Goals to come forward to speak. No one came forward. President Engle invited those wishing to speak neither for nor against the 2017 Final Budget or 2017 Financial Management Policies and Goals to come forward to speak. No one came forward.

President Engle closed the public hearing at 7:10 p.m. and entertained motions.

Councilwoman Mays presented an ORDINANCE TO MAKE FINAL APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF XENIA, OHIO, DURING THE FISCAL YEAR BEGINNING JANUARY 1, 2017, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Councilwoman Mays, seconded by Councilman Louderback, that the rules requiring the reading of an ordinance at two consecutive meetings be dispensed with and this ordinance be placed at once upon its passage. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Louderback, Mays, Mills, Bayless, and Engle
Nays: None motion carried.

Motion by Councilwoman Mays, seconded by Councilman Louderback, that Ordinance Number 17-03 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Louderback, Mays, Mills, Bayless, and Engle
Nays: None motion carried.

Councilwoman Mills presented a RESOLUTION APPROVING THE 2017 FINANCIAL MANAGEMENT POLICIES AND GOALS, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Councilwoman Mills, seconded by Councilman Wallace, that the rules requiring the reading of a resolution at two consecutive meetings be dispensed with and this resolution be placed at once upon its passage. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Louderback, Mays, Mills, Bayless, and Engle
Nays: None motion carried.

Motion by Councilwoman Mills, seconded by Councilman Wallace, that Resolution Number 17-B be now passed. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Louderback, Mays, Mills, Bayless, and Engle
Nays: None motion carried.

AUDIENCE COMMENTS: President Engle explained the procedures for audience comments and invited anyone who wished to speak to come forward. No one came forward to speak.

REPORTS OF COMMITTEES:

Mayors & Managers: Mr. Merriman said he and Mayor Bayless attended the December Mayors & Managers meeting in Vandalia. Two presentations were given at the meeting regarding Vandalia becoming a Bee City and legislation updates. The first presentation stressed the importance of maintaining the necessary population of local populating insects. The US bee population has dramatically declined over the last decade, but he was informed that it is on a substantial rebound over the last two years. The second presentation involved several legislative updates from the groups Legislative Liaison, which reported no substantial news with the state budget, but noted the next bi-annual budget will be released by the Governor's Office within the next few weeks. He heard from one Dayton area media source that post-secondary education and schools are looking at a potential slight increase, which is probably a good sign; therefore, staff will keep their fingers crossed in regard to local government funds, and staff will report back to Council when they have a better understanding of where Local Government Funds are headed. Additionally, there was a mention of House Bill 463, which is known as the 'Plywood Ban.' Essentially, there is an amendment to a previous bill that states that properties that go through an

expedited foreclosure process will have a ban on applying plywood to the properties, and a polycarbonate material must be used instead. The polycarbonate looks better but is approximately six times more expensive than plywood. Xenia may or may not have to encounter this issue, but it is worth noting. Finally, a number of concerns were expressed at the meeting due to the introduction or possible introduction of legislation regarding local government income tax collection. There is real concern with some movement in the State House relative to some of these issues, but several groups are keeping a close eye on the issue because it could have a significant impact on the City's local government income tax collection.

ITEMS FROM CITY COUNCIL AND MAYOR:

Xenia Planning and Zoning Commission. President Engle said a member of the Xenia Planning and Zoning Commission recently resigned due to moving outside the City limits. The City Clerk advertised the vacancy on the City's Government Channel, Facebook, website, and via a Press Release. A letter of interest (via email) was received from Tyler Richey. His background check has been reviewed by the Xenia Police Division and was deemed satisfactory; therefore, Mr. Richey is recommended for an appointment to the Planning and Zoning Commission with a term expiration date of December 31, 2020.

Motion by President Engle, seconded by Councilman Wallace, to appoint Mr. Tyler Richey to fill a vacancy on the Xenia Planning and Zoning Commission with a term expiring on December 31, 2020. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Louderback, Mays, Mills, Bayless, and Engle
Nays: None motion carried.

Xenia Traffic Commission. Councilwoman Mays said Mr. Dennis Lewis was originally appointed to the Xenia Traffic Commission on November 14, 2013. His term expired on January 8, 2017. The City Clerk contacted Mr. Lewis to determine if he wished to be reappointed. On January 24th, Mr. Lewis indicated he wished to be reappointed. Mr. Lewis is a professional engineer and has lived in Xenia for nearly 13 years. She believed Mr. Lewis would continue to be an asset to the Traffic Commission and respectfully requested that he be reappointed to the Xenia Traffic Commission with a term expiring on January 8, 2021.

Motion by Councilwoman Mays, seconded by Councilwoman Mills, to reappoint Mr. Dennis Lewis to the Xenia Traffic Commission with a term expiration date of January 8, 2021. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Louderback, Mays, Mills, Bayless, and Engle
Nays: None motion carried.

Board and Commission Assignments for 2017. President Engle said he prepared the Board and Commission Assignments for 2017. He respectfully requested a motion to approve the Chair assignments to the Board for Recreation, Arts and Cultural Activities; Board of Zoning Appeals; Loan Trust Fund Committee; Planning and Zoning Commission; Traffic Commission; JEDD-1 Board of Directors; and Economic Development Advisory Board for 2017.

Motion by President Engle, seconded by Councilwoman Mills, to approve the Chair assignments to the Board for Recreation, Arts and Cultural Activities [Mills]; Board of Zoning Appeals

[Bayless]; Loan Trust Fund Committee [Chair-Wallace/Vice Chair-Louderback]; Planning and Zoning Commission [Smith]; Traffic Commission [Mays]; JEDD-1 Board of Directors [Mark Bazalak]; and Economic Development Advisory Board [Wallace] for 2017. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Louderback, Mays, Mills, Bayless, and Engle

Nays: None motion carried.

REPORTS OF CITY OFFICES:

City Manager's Office: None.

Items for the City Manager: Mr. Merriman provided the following updates:

- **Simon Kenton Property:** Since Council's last meeting, he has had multiple discussions with representatives from Bridges of Hope and Community Action Partnerships. Bridges of Hope has maintained their interest and have offered up the possibility of purchasing the property outright from the City rather than the gifting previously sought. This would be done in partnership with one or two local churches who have expressed an interest in a more direct partnership. In talking with Community Action Partnerships, he learned they have been in contact with associates in state agencies and with private funders. CAP representatives indicated they have meetings scheduled with several major lending institutions to discuss debt arrangements to fund their potential project at the Simon Kenton site. They have suggested that it would be mid-February at the earliest before they could present a fully-funded reuse plan for consideration. Additionally, several days ago he received a letter of interest in regard to purchase of the building from an organization that provides residential and college preparatory services for foster youth. Based on everything that has led up to this point and with the interest they are seeing in the site presently, staff recommends that the City move forward with a Request for Proposal process for the purchase and reuse of the former Simon Kenton school site. As part of this process, interested parties would submit a proposal that includes, among other things, the following items:
 - Description of the intended reuse and the community benefit the project would bring
 - Acquisition arrangement, whether the proposal includes an intended purchase price or if gifting is sought
 - Demonstration of a financial means to complete the intended project
 - Detail on any jobs created or other economic impacts to the community
 - General timeline and redevelopment plan

He recommends they initiate the process immediately and set a deadline for submission of proposals for about the first week of March to enable review of submissions and hopefully obtain a final decision no later than Council's second regular session in March. He strongly suggested that Council make a definitive final decision and instruct staff on how to move forward. Given that there are multiple parties interested in making the purchase rather than requesting the gifting, staff feels it is important to have an open and fair process, which he feels would be achieved through a Request for Proposals. He reached out to CAP and SKBOH but was unable to reach anyone; therefore, he left messages at both organizations to request a call back. He reiterated he like to get to a point where Council could make a final decision regarding the property by late March.

Councilman Wallace said he was disappointed that the City has been working with SKBOH for some time as if they would be the sole owner or occupant of the property, but now there are two other perspective owners involved. He said SKBOH knew the property was being marketed all along. He suggested the City divide the property for the future firehouse and road expansion

project prior to the negotiations for sale of the site. Mr. Merriman said staff has communicated to SKBOH and CAP that the City's intent is to retain a portion of the property for a respective use of a fire station, and SKBOH nor CAP have expressed any concerns with that modification.

Councilman Louderback asked how much money the City has invested to date in the property from the time it took possession. Mr. Merriman said he was not sure, but he could get that information, which would be good for Council to have when considering the potential for purchase.

Mr. Merriman noted there was a recent minor break in at the building, with no damage, and the youths were apprehended; however, it is another example of why the City needs to get to a position of resolution with the property. He did not feel a motion was necessary, but he wanted to confirm that Council was in agreeance of moving forward with the RFP. Council concurred. Mr. Merriman said he will share the information in the RFP with Council as soon as it is ready to be distributed.

- **Parking:** This spring staff will initiate an effort to address parking needs and concerns in the downtown. The effort will be an advancement of initial evaluation started last fall in which they will seek to further analyze current conditions and project future needs with the intent of providing recommendations on steps the City can take to address parking concerns. As part of this initiative, the CMO will work with the Development and Planning Departments and the Police Division to lead an outreach effort among business and property owners downtown to solicit feedback from these and other major stakeholders individually. He said the County would also be included in the discussions. It is important to remember that there are several major projects currently in the works that could have substantial implications for downtown traffic and parking needs to include the Downtown Safety Project, Xenia Towne Square Redevelopment, and the REACH Project. As a result, they will need to be sensitive to the impacts of these efforts as they seek to arrive at final recommendations. There will be some changes to the downtown that will not necessarily be completed this year, but ones that the City will have to adjust to in the future; this will be a work in progress over the next few years.
- **REACH Project:** He and the Law Director met with leadership from the YMCA to discuss an overall partnership agreement and plan to move the project forward. They are still pursuing two major funding components but remain optimistic and hope to have more clarity on funding feasibility within the next two weeks. They have learned that the Library may also be interested in access to some additional parking space in that portion of the downtown area. The project is moving forward, and they are feeling increasingly optimistic. There is still substantial work to do with regard to putting agreements together, getting the design process underway, and all the functions required before breaking ground. However, if all the pieces come together, the intent is to break ground yet this year. It is an ambitious project, but it could be a tremendous catalytic opportunity for the community. He will keep Council updated on its progress.
- **Community Events:** Staff organized a meeting this week with volunteer leadership from the Community Festival, First Fridays, the Independence Day Fireworks Festival, and Hometown Christmas. It is staff's intent to work with these groups directly to better coordinate volunteer services, funding requests, and event administration with the ultimate goal of improving the quality of Xenia's community events. As a result of the meeting, it was determined that First Fridays will be paired back from May thru September to just May, June, and July. They are also looking to ramp up Hometown Christmas in 2017. Staff is mindful that these events are very important to the community and add to the quality of life, they can be economic drivers, and staff wants to ensure the longevity and quality of the events so they can be examples for the whole

region. More information will be coming soon, and staff plans to come back with recommendations in the near future.

- **Annual Calendar:** Staff does a lot of the things to promote the community, and Lee Warren does a lot of work to advance the City's brand, imaging, and marketing. Staff submitted community photos as part of the Public Entities Pool of Ohio (PEP) for the City's liability and property insurance for their annual calendar; proudly, two photos of Xenia were chosen to be used in the calendar, which helps to promote Xenia in a good light.

Councilman Wallace asked about the rationale for eliminating the August and September First Friday events. Mr. Merriman said there are three primary volunteers that put all five First Friday events together, which causes a great deal of stress and burnout for the volunteers; additionally, one volunteer is due to have a baby this year and will have to step back from her participation. Also, the attendance for the August and September events has been declining partially because they compete with other local events, such as the Greene County Fair in August and Friday night football in September. Therefore, they determined that quality is better than quantity and decided to pare it back and focus their efforts on the first three months. There are still a number of other smaller events held throughout the summer that they want to continue to build on and promote. He and the Law Director will be bringing back a recommendation for legislation in the near future with regard to the possibility of allowing certain alcohol consumption at some of the events, which will facilitate some additional funding opportunities for some of these events. Mr. Schierloh said the legislation will require a permit by any vendor wishing to sell alcohol, and they are putting together a policy for Council's review.

Councilwoman Mills said BRACA has seen a decline in attendance for the Music in the Park and Movies in the Park events to almost nothing, and BRACA supports the City's decision to reduce the number of events with the hope that "doing less but best" for these events. It was very difficult to compete with the Greene County Fair and Friday night football games in August and September.

Councilman Louderback said he was glad they brought up the bike path through downtown because there is a lot of confusion on the issue. He understands the downtown parking will not be eliminated; rather, it will be restricted from 4 – 6 p.m. Mr. Merriman said a majority of the parking that was originally conceptually considered for elimination for the bike path will not be eliminated, but it will now be restricted. Mr. Forschner said the restriction only applies to two blocks on the east side of Detroit Street. Councilman Louderback asked if parking would still be permitted in front of the Courthouse. Mr. Forschner confirmed parking will be allowed at all times, with the exception of 4 – 6 p.m., Monday – Friday, on the block in front of the Courthouse as well as the block between Main Street and Second Street; the parking everywhere else will be maintained without a time restriction. Councilman Louderback said he misunderstood and thinks the information needs to be relayed to the public and the downtown business owners. Mr. Merriman said that is part of the reason why they are planning an outreach with staff and the local business owners. Councilman Louderback said he appreciated that Mr. Forschner tweaked the plans to accommodate the parking adjacent to the Courthouse. Mr. Merriman said staff wants to be responsive to downtown stakeholders while trying to enhance the trail system in the community, and he feels the new plan helps to achieve both.

Councilman Louderback asked if public parking was available at the Administration Building. Mr. Merriman said Mr. Warren and Mr. Forschner met with the PR intern who will be working

to produce a short video to provide a tutorial for the public on what and where parking is available. The video should be completed within the next month. Staff will also visit stakeholders in the downtown area to discuss parking, and any other issues or concerns with those businesses owners. Councilman Louderback felt there will need to be additional accommodations for owner/staff parking for the businesses and future residential parking in the downtown area once the upper floor apartments are complete.

Councilwoman Mays asked if there will be links on the City's website to the video and possibly a map for permitted parking in the downtown area for visitors. Mr. Merriman said yes; staff is working to make the information more visible and available to the public. Mr. Forschner said there is a downtown parking permit section with maps and policies on the website under the "How Do I" section of the site. Public Relations Coordinator Lee Warren added the website will feature parking in multiple locations for the general public to reference; additionally, there will be links on the City's Facebook page.

Councilman Louderback noted Xenia is not the only city facing parking issues. Yellow Springs also has very limited parking in the downtown area. He appreciates staff's efforts in trying to address the issue.

Finance Director's Office:

Request to make changes to the Utility Billing Rules and Regulations related to Billing Disputes and Pool Adjustments. Mr. Bazalak respectfully requested a motion to make changes to the Utility Billing Rules and Regulations related to the Billing Disputes and Pool Adjustments. The City has fairly extensive program to deal with customers who have concerns with regard to higher than normal utility bills; first, they contact the Utility Office and talk to the Accounts Receivables Manager, which typically results in sending a service person out to check the meter readings and for possible leaks. This process usually resolves a lot of the issues; however, sometimes the service person is unable to find any errors and the customer is still concerned with the higher than normal usage. In this case, the customer fills out a dispute form, which goes to the City Manager's Office (CMO) for review by the City Manager and staff before rendering a decision. Again, if the customer is still not satisfied after these steps, they have the option of filing an appeal with the Appeals Committee (the three appointed officials), and they will render a final decision. The recommended changes will not affect the first step in this process; if there is an error or leak, an adjustment will be made. However, the proposed recommendation will affect the second step in that if the amount in question is under \$20, then a letter would be sent stating the City will not take the issue under consideration because the amount is under \$20. Similarly, staff is looking at the same in regard to pool adjustments; typically, the City does pool adjustments once a year that average about \$40, which would remain the same. However, if the pool adjustment is under \$20 (for smaller pools/kiddie pools), it would not be adjusted. Another factor in the change is that under the billing dispute section, the complainant would need to provide a justified reason for their dispute. The reason cannot just be that they do not like the ordinance, which states the property owner is responsible for the bill. Obviously, that would have to be addressed through some type of ordinance change.

Mr. Merriman said his office has seen a significant increase in the number of disputes; sometimes, there are legitimate disputes where there appears to have been some type of error in the meter reading. However, his office is seeing more and more people submitting disputes for

very arbitrary capricious reasons. For example, they received a dispute last fall for a \$5.78 adjustment, which requires the City to spend four or five times that amount in staff time review before it even gets to his office for consideration. Therefore, this is also in part an efficiency issue for City Staff. Disputes start in the Accounts Receivables Office to include staff review and then the A/R manager before moving to the CMO for review by the secretary, then Assistant City Manager, then himself for discussion among the four; this lengthy process involves a fair amount of administrative overhead. Staff wants to provide this important process because sometimes things happen and this is an effective process of reaching a resolution. He noted a majority of the disputes will not fall under the proposed changes, but given the increased number of disputes, staff feels it is appropriate to put some parameters around the policy in order to deal with the more serious problems.

Councilman Wallace said he was more concerned about the bills in the range of \$600 to \$700, which are typically bills left by tenants for the landlords to pay. After discussions with Mr. Merriman and Mr. Bazalak, he understands why the bill goes with the property owner; however, he feels the City needs to do something to help the property owner go after the tenant who is actually responsible for the bill. Mr. Merriman said staff handles those situations pretty well too, and noted Mr. Bazalak will send a letter requesting additional information to help address extreme situations. Staff tries to provide opportunities for extenuating circumstances and acknowledges the landlord issue dates back quite a ways in regard to the City's policy on the issue; however, staff tries to work with residents on the extenuating circumstances. Mr. Bazalak said staff plans to come back with additional and updated information as well as recommendations to address some of the issues with landlords being 'stuck' with their tenants' bills.

Councilwoman Mills asked if the new guidelines require the dispute be made by e-mail or regular mail or in person but not by phone. Mr. Merriman said they typically get the forms by e-mail. Mr. Bazalak said it depends on the issue, but the proposed changes require the forms to be submitted through e-mail or regular mail. Phone calls and walk-ins will be taken and inspection appointments can be made to address the issue. Mr. Merriman noted they will continue to take calls and walk-ins, and they will direct people through the process.

Councilwoman Mays said she understands the point of the proposed changes and the concern with the overhead cost for the City; however, she is concerned that \$20 can be a significant amount for some people and feels people should be able to dispute amounts under \$20. Mr. Bazalak said in most cases, adjustments are made, but some of the requested adjustments do not fall within the confines of the rules, but people still expect the adjustments to be made when they are not justified.

Councilwoman Mills noted residents can contact the City and request that a service person be sent out to ensure there are no leaks or malfunctions that would cause an increased bill. However, when residents refill their kiddie pools every few days, that is not a justified reason to have their bill adjusted by the City under the "pool adjustment" clause. Mr. Merriman confirmed and reiterated the City will send someone out to check for leaks or meter issues, and the City will then adjust the bill accordingly; however, when staff cannot find a basis for the adjustment, then the dispute process exists for residents to seek a solution. If it is determined through the next process that there is no basis for an adjustment, then residents can proceed to the appeal process that will involve the three appointed officials meeting to discuss the issue. He said the City

provides extensive recourses for residents to find a solution. He understands that \$20 is a lot of money to many folks in the community, but it is becoming burdensome to staff because there are a few people are trying to take advantage of the system and costing the City a significant amount in staff time and overhead costs.

Motion by Mayor Bayless, seconded by Councilwoman Mills, to amend the Utility Billing Rules and Regulations as noted in the agenda report. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Louderback, Mays, Mills, Bayless, and Engle
Nays: None motion carried.

Schedule of Bills: Mr. Bazelak presented payment of bills totaling \$790,314.81.

Motion by Councilwoman Mays, seconded by Mayor Bayless, to approve payment of bills totaling \$790,314.81. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Louderback, Mays, Mills, Bayless, and Engle
Nays: None motion carried.

Items for the Finance Director: None.

Law Director's Office:

Emergency Ordinance approving the Supplemental Pages prepared by American Legal Publishing for the Yearly Hard Copy Update of the Xenia Codified Ordinances. Mr. Schierloh said the City has a supplemental five-year contract with American Legal Publishing, which was approved on August 23, 2012, and expires in 2017. The contract calls for two updates of our Codified Ordinances each year. This Emergency Ordinance will approve the fifth hard copy update of our code under this contract. The update codifies local legislation through November 30, 2016 (Ordinance 16-54 and Resolution 16-II). Also included are certain changes to the Code to bring City law into conformity with State law. The updates were provided in the exhibit that is attached to the ordinance. He respectfully requested emergency passage of the Ordinance.

Councilwoman Mills presented an ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; PROVIDING FOR THE ADOPTION AND PUBLICATION OF NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; REPEALING ORDINANCES IN CONFLICT THEREWITH; AND DECLARING IT TO BE AN EMERGENCY.

Motion by Councilwoman Mills, seconded by Councilwoman Mays, that the rules requiring the reading of an ordinance at two consecutive meetings be dispensed with and this ordinance be placed at once upon its passage. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Louderback, Mays, Mills, Bayless, and Engle
Nays: None motion carried.

Motion by Councilwoman Mills, seconded by Councilwoman Mays, that Ordinance Number 17-04 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Louderback, Mays, Mills, Bayless, and Engle
Nays: None motion carried.

Emergency Ordinance to accept tax delinquent property known as Parcel M40000200080026600 located on E. Market Street and authorization to disburse the funds for estimated court costs and various fees. Mr. Schierloh said the Greene County Treasurer filed a complaint of foreclosure on this parcel located on E. Market Street in May 2015 for non-payment of delinquent property taxes. According to Chapter 5723 of the Ohio Revised Code, if the parcel has been advertised and offered for sale on two separate occasions and there are no bidders, the parcel shall be forfeited to the state or to a political subdivision, school district, etc. The Greene County Common Pleas Court has awarded this parcel to the City and the taxing authorities have waived the delinquent property taxes (\$21,892.21). This parcel is a rectangular shaped vacant lot on .1253 acres. It is the east half of Lot Number 3 in McDowell's Addition to the City of Xenia. According to the Greene County GIS, this property is valued at \$3,320.00. The City is responsible for payment of the court costs (\$1,167.35 to date) and the transfer and recording fees (estimated at \$44.50). Staff plans to market the sale of the property with the hope to recover costs incurred during the foreclosure process. He respectfully requested an emergency ordinance to accept the parcel located on E. Market Street and to authorize the Finance Director to disburse \$1,167.35 for court costs and estimated \$44.50 for the transfer and recording fees.



Councilman Wallace asked if there was an address for this parcel. Mr. Schierloh said he brought up that question during the foreclosure process, but the Greene County Treasurer did not include an address when they filed for the foreclosure. Mr. Merriman suggested having the Public Service Department officially assign an address to the property to help reduce confusion once the City takes possession.

Mayor Bayless presented an ORDINANCE ACCEPTING PARCEL NUMBER M40000200080026600 LOCATED ON E. MARKET STREET IN THE CITY OF XENIA, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Mayor Bayless, seconded by Councilman Wallace, that the rules requiring the reading of an ordinance at two consecutive meetings be dispensed with and this ordinance be placed at once upon its passage. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Louderback, Mays, Mills, Bayless, and Engle
Nays: None motion carried.

Motion by Mayor Bayless, seconded by Councilman Wallace, that Ordinance Number 17-05 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Louderback, Mays, Mills, Bayless, and Engle
Nays: None motion carried.

Motion by Councilwoman Mills, seconded by Councilwoman Mays, to authorize the Finance Director to disburse \$1,167.35 for the court costs and estimated \$44.50 for the transfer and recording fees from line item 361-1006-53607 for the parcel M40000200080026600 located on E. Market Street. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Louderback, Mays, Mills, Bayless, and Engle
Nays: None motion carried.

Emergency Ordinance to accept tax delinquent property known as Parcel M40000200050022000 located at 392 E. Market Street and authorization to disburse the funds for estimated court costs and various fees. Mr. Schierloh said similar to the previous item, the Greene County Treasurer filed a complaint of foreclosure on this parcel located at 392 E. Market Street in May 2015 for non-payment of delinquent property taxes. According to Chapter 5723 of the Ohio Revised Code, if the parcel has been advertised and offered for sale on two separate occasions and there are no bidders, the parcel shall be forfeited to the state or to a political subdivision, school district, etc. The Greene County Common Pleas Court has awarded this parcel to the City and the taxing authorities have waived the delinquent property taxes (\$23,996.94). This parcel is a rectangular shaped vacant lot on .1468 acres. It is the east half of Lot Number 30 in Lewis and Monroe's Addition to the City of Xenia. According to the Greene County GIS, this property is valued at \$4,860.00. The City is responsible for payment of the court costs (\$1,479.18 to date) and the transfer and recording fees (estimated at \$44.50). Staff plans to market the sale of the property with the hope to recover costs incurred during the foreclosure process.



Councilwoman Mays presented an ORDINANCE ACCEPTING PARCEL NUMBER M40000200050022000 LOCATED AT 392 E. MARKET STREET IN THE CITY OF XENIA, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Councilwoman Mays, seconded by Councilwoman Mills, that the rules requiring the reading of an ordinance at two consecutive meetings be dispensed with and this ordinance be placed at once upon its passage. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Louderback, Mays, Mills, Bayless, and Engle
Nays: None motion carried.

Motion by Councilwoman Mays, seconded by Councilwoman Mills, that Ordinance Number 17-06 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Louderback, Mays, Mills, Bayless, and Engle
Nays: None motion carried.

Motion by Councilman Louderback, seconded by Councilman Wallace, to authorize the Finance Director to disburse \$1,479.18 for the court costs and estimated \$44.50 for the transfer and recording fees from line item 361-1006-53607 for the parcel M40000200050022000 located at 392 E. Market Street. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Louderback, Mays, Mills, Bayless, and Engle
Nays: None motion carried.

Second Readings of Ordinances and Resolutions: Mr. Schierloh presented a RESOLUTION SUPPORTING THE STATE/FEDERAL BICYCLE ROUTE DESIGNATIONS OF PORTIONS OF THE LITTLE MIAMI, CREEKSIDE, AND JAMESTOWN CONNECTOR TRAIL WAYS THROUGH THE CITY OF XENIA BY THE OHIO DEPARTMENT OF TRANSPORTATION AND THE AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS, and it was read for a second time.

Motion by Councilman Wallace, seconded by Councilman Louderback, that Resolution Number 17-C be now passed. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Louderback, Mays, Mills, Bayless, and Engle
Nays: None motion carried.

Items for the Law Director: Mr. Schierloh said the Ohio Legislature has revised its red light statutory procedures for when someone can proceed through a red light when it is not operating correctly. He has had discussions with the City Manager and the Police Chief, and the new law will go into effect on March 21, 2017; therefore, staff intends to provide Council with some proposed legislation that will mirror the new changes made by the General Assembly of Ohio. Councilman Louderback asked if the change means motorists could legally run red lights. Mr. Schierloh said a motorist will be able to proceed through a red light using reasonable caution if the light is not working properly.

Mayor Bayless asked about the flow of traffic from the new Administration Building onto Whiteman and then onto Main Street. Mr. Merriman said staff has observed a problem, which probably existed before the new building was built but has been magnified by the increased traffic as a result of the new building. He had a preliminary discussion with the City Engineer about possible modifications to help keep motorists and pedestrians safe.

READING OF COMMUNICATIONS AND DISCUSSION: Councilman Louderback had nothing further to share.

Councilwoman Mays thanked Middle Run Baptist Church; they did a wonderful job hosting the Martin Luther King Jr. Community Service.

Councilman Wallace also thanked Middle Run Baptist Church for hosting the event; he really enjoyed participating in the Community Choir with Mayor Bayless and members of several area churches. It was one of the best sermons he has ever heard. He congratulated the new president for the Xenia Christian Men's Fellowship, County Commission Alan Anderson; he noted the County Administrator will be speaking at the event tomorrow at the Xenia Adult Recreation and Services Center. He was at the Wilberforce Chapel earlier and noted some students were very confused about the sale of two buildings on the Wilberforce campus. He explained that the two

buildings are for sale to raise cash and will be leased back to the university for a 60-year period; they will not be sold for other purposes. He wanted the public to know that Wilberforce University is doing well and is planning to remain in the community for a long time to come.

Councilwoman Mills reminded everyone that winter is still going strong, despite the recent warm temperatures. She encouraged everyone to be careful on the roads when the cold temperatures return. She also encouraged the public to visit the City's website for information regarding events and activities occurring throughout the Xenia community.

Mayor Bayless provided the following updates:

- She extended her congratulations to the following inductees of the Athletic Hall of Honor:
 - William "Bill" Wilson – 30-year track and cross country coach and previous Xenia Mayor
 - Dr. David Hazel – Football player and Track star
 - Erin Fawley – Record setting swimmer
 - Kristi Cope Eisman – Soccer and basketball player
 - Nick Ungard – Golf and basketball scoring leader
 - Richard Bennett – Teacher, principal, and coach
 - Shawn Thigpen – Basketball and track star
 - Steve Smith – MVP Wrestler and State Runner-up wrestling team 85' -86'
- She thanked Middle Run Baptist Church for hosting the Martin Luther King Jr. Service, which was a great event.
- She attended the monthly area Mayors meeting in addition to the Mayors and Managers meeting.
- She congratulated Police Captain Scott Anger and Police Officer Scott Sams on their upcoming retirements.

President Engle congratulated and wished the two officers well on their retirements. He wished they would continue on the force as they have both contributed significantly to the City. He invited the public to attend the production of *Same Time, Next Year* at X*Act, which has a show this Friday, Saturday, and Sunday, and again next weekend.

ADJOURNMENT: Motion by Councilman Louderback, seconded by Mayor Bayless, to adjourn the Regular Session at 8:21 p.m. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Louderback, Mays, Mills, Bayless, and Engle
Nays: None motion carried.

Michelle D. Johnson
City Clerk

Michael D. Engle, President
Xenia City Council