

- The Tree Committee is still interested in pursuing the possibility of Xenia becoming a Tree City USA, which would open up opportunities for additional grant money for the City.

Councilman Louderback expressed his displeasure for cutting recreational activities. He noted Council was informed at the last meeting that the First Fridays events would also be reduced to just three events. He feels the City should be increasing activities instead of decreasing them. The City Manager mentioned the reduction was due to a lack of volunteers, and he would be happy to get all the volunteers they need for the programs. The City wants these activities [First Fridays, Movies in the Park, Music in the Park, etc.], and many citizens would like the First Friday events extended and not decreased. President Engle said he supports Councilwoman Mills' observations. While he would certainly agree that it would be wonderful to expand the activities at all times, a few very real constraints are present. First, as explained by the City Manager, volunteers have become exhausted with the monthly events. Second, the issue with BRACA's events is also volunteers; additionally, there is an inability to get people to attend the events. He has attended a majority of the Movies and Music in the Park events for the past two years, and attendance has been declining very rapidly to the point that one Music in the Park event only had 12-15 people in attendance. He did not disagree that the citizens of Xenia want more events, but it is not apparent by their actions. Councilwoman Mills added she is having difficulty obtaining bands for Music in the Park because the bands have been very disappointed in the declining attendance. Additionally, the cost of each movie for the Movies in the Park series is approximately \$360 per showing with additional costs for the production crew; therefore, the sponsor determined that the low attendance did not justify the cost.

Councilman Louderback said he would also offer his services for fundraising and volunteers to help fix the problem. Councilwoman Mills noted the decline in attendance is the main reason for suspending the programs and asked if Councilman Louderback could assist in that area as well. Councilman Louderback said he probably could. He would be glad to head up fundraising and can get all the volunteers they want for First Fridays. He talked to several people in the community who want the program to continue for all five months. Councilwoman Mills noted she was not in charge of First Fridays. Councilman Louderback asked if First Fridays is one of the City's main events. Councilwoman Mills confirmed, but it is not a BRACA event. Councilman Louderback said he will do the fundraising and gather volunteers for the BRACA events as well. President Engle suggested Councilman Louderback attend the next BRACA meeting with some volunteers to make a presentation to demonstrate to the Board his interests and commitment. Councilman Louderback said that would not be a problem.

Councilman Wallace asked who was in charge of First Fridays because his church participated in last year's First Fridays events and wishes to continue. President Engle said it is volunteer-led by businesses persons within the community. Mr. Merriman said the event was originally under the Downtown Xenia Now Organization but was spun off to Greene Giving. There are only three primary volunteers who have given countless hours over the last few years, but due to factors in their personal lives, they are no longer able to dedicate the required amount of time necessary to sustain the program for five events. Each First Fridays event is like a festival in itself and has to be coordinated each month. Councilman Wallace recalled that the attendance for August and September was significantly reduced compared to the May, June, and July events; however, there were still a lot of people in attendance. Therefore, he felt it was still worthwhile for his church to participate in future First Fridays events. He thinks the discussion should be revisited. President

Engle said volunteers are actually running the events on their own time, and businesses are staying open later and incurring more expenses; however, they are not seeing a net return from the events. Therefore, it did not seem cost effective for the businesses to continue through the lower attendance months. Mr. Merriman noted the August and September events were generally financial losers in terms of funding because the August event is in direct competition with the fair, and a lot of vendors are committed to the Community Festival in September. Councilman Louderback asked if the events are measured by profit or loss and if that was the bottom line for all the events in the City. Mr. Merriman said absolutely not, but they rely heavily on the funds raised as a result of the vendors, and limited vendors means they do not generate enough revenue to provided entertainment for the events.

Councilman Louderback said he asked for a financial statement from the [First Fridays] group, but he has not received one. He asked Mr. Merriman if he has seen a financial statement. Mr. Merriman said their finances are run through Greene Giving and not the City, but the information could probably be acquired. Councilman Louderback said the lady that did Hometown Christmas [Rebecca Cantrell] could take over the First Fridays events, and Dee Dee Larson would be glad to step in to help. If Mr. Merriman was saying the events are not possible due to three people, then he will get three people. Mr. Merriman said he was not saying the events cannot be done; rather the First Fridays events have been almost totally organized by these three volunteers who have produced an outstanding community event that has continued to gain in notoriety and participation. However, there has been a noticeable drop off for the August and September events for the last three years straight. Therefore, the individuals who are volunteering to produce these events have indicated they do not have the ability to personally continue to maintain five events, especially when two of the events are becoming losers from a sustainability standpoint in terms of fundraising. If there are volunteers who are interested in joining the process to continue the five events or to allow for growth, then everyone would be supportive. However, despite their best efforts, no one has come forward with the time and willingness to take the lead for these events. Councilman Louderback said that could be because no one has been asked. Mr. Merriman said requests have been made; staff has made requests in Council meetings and the three volunteers have attempted to solicit additional volunteers and assistance with no results.

Traffic Commission: Councilwoman Mays said XTC was set to meet on February 6th, but the meeting was cancelled due to a lack of a quorum. She reminded the public that there is still an opening on the Commission, and anyone interested should contact her or City Clerk Michelle Johnson.

Board of Zoning Appeals: Mayor Bayless said the BZA meeting was cancelled due to a lack of agenda items.

ITEMS FROM CITY COUNCIL AND MAYOR:

Emergency Resolution strongly opposing the State of Ohio Governor's proposed 2017-2018 Budget. President Engle read the proposed emergency resolution in its entirety.

Vice President Smith presented a RESOLUTION STRONGLY OPPOSING THE STATE OF OHIO GOVERNOR'S PROPOSED 2017-2018 BUDGET, WHICH PROPOSES

CENTRALIZED COLLECTION OF NET PROFIT TAX RETURNS AND OTHER PROVISIONS RELATED TO THE MUNICIPAL INCOME TAX WHICH WILL CAUSE A SUBSTANTIAL LOSS OF REVENUE NEEDED TO SUPPORT THE HEALTH, SAFETY, WELFARE, AND ECONOMIC DEVELOPMENT EFFORTS OF OHIO MUNICIPALITIES, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Vice President Smith, 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. Discussion followed.

Councilman Wallace said the resolution did not speak to the significant predicament the Governor's prior budget put the City of Xenia in, which they worked all last year to overcome. He said Mr. Bazalak did a marvelous job of helping the City overcome the expected deficit. He felt the proposed resolution should have spoken to that issue as well, which should be addressed at some point in the future.

Councilman Louderback asked if Council passed a Resolution last year about the Local Government Funds. President Engle confirmed. Councilman Louderback asked when the Governor's budget will be approved. Mr. Merriman said it will enter the legislative process and will be front and center in March. He expects to bring back recommended legislation once staff receives more details on the proposal as it relates to local government funds. He finds it hard to believe they will not be going after additional funding. Councilman Louderback said he read in a local newspaper article that they will seek additional funding.

President Engle said staff will send the resolution to the Governor and all local representatives. He encouraged the public to call and/or write representatives and the State Senator to share their views on the issue. It will literally take the voices of a majority of the citizens of Ohio to make a difference on this issue. He encouraged the local paper to publish the information as well. Mayor Bayless asked where citizens could obtain and read the information to get a better understanding of the issue. Mr. Merriman said staff can put a special bulletin on the website with a simplified explanation of the issue. President Engle asked if a PDF version could be attached and/or Facebook post created. Mr. Merriman confirmed. Councilman Louderback asked if the proposed centralized collection would result in any loss of jobs in the City's Income Tax Department. Mr. Bazalak said it would have to be evaluated, but he did not feel it would affect jobs at this time because it is only looking at the net profits portion; therefore, the City would still be taking individual and withholding tax returns. Mr. Merriman added that is part of what adds insult to injury because under the proposal, the State would charge a 1% fee of the taxes collected, but it would not result in any reduction of the cost the City has to conduct local income tax collections; therefore, the City would be paying both coming and going.

Mr. Schierloh noted there is a typographical error in Section 3 of the resolution and asked if a motion could be made to make that correction before it is sent to the Governor.

The Roll on this was the following:

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

Nays: None motion carried.

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

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

Motion by Councilwoman Mays, seconded by Vice President Smith, to make a correction to Section 3 of the Resolution. No discussion followed. The Roll on this was the following:

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

Appointment to Civil Service Commission: President Engle said there is a vacancy on the Civil Service Commission due to the untimely passing of long-time member Donald Pennewitt in October 2016. The vacancy was advertised via the City's public relations process by issuance of a Press Release, which includes notice on the City's Government Channel, Facebook, and website. Ms. Amy C. Hall responded to the call for volunteers and submitted a letter of interest. Based on her background and credentials, Ms. Hall will be an asset to the Commission, and her appointment to fill the vacant term that expires on December 31, 2020 is respectfully requested. Her background check was processed by the Xenia Police Division.

Motion by President Engle, seconded by Vice President Smith, to appoint Ms. Amy C. Hall to fill a vacancy on the Xenia Civil Service Commission with a term expiration date of December 31, 2020. No discussion followed. The Roll on this was the following:

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

REPORTS OF CITY OFFICES:

City Manager's Office:

Authorize Change Order #2 for professional services agreement with Burgess & Niple for a Phase II Environmental Site Assessment of the former Kmart Property. Mr. Merriman respectfully requested authorization of a change order with Burgess and Niple, the environmental consultant for the Xenia Towne Square property, in the amount of \$78,700 for field work and professional services necessary to more thoroughly evaluate site conditions. As detailed in the agenda report, Phase I and Phase II property assessments have been conducted at the site and were necessary as part of the sales agreement and redevelopment. In the course of the site assessment, volatile organic compounds, in particular Trichloroethene, was observed at a high enough level so as to require additional evaluation and likely some form of remediation. The TCE was generally observed in the southeast corner of the property where a service station was located some 50+ years ago. It is likely the TCE was a result of activities at the service station, but until additional evaluation is completed to confirm that the TCE is present on the site and not migrating from an off-site source, a plan of action for remediation cannot be completed. Conducting this additional evaluation, and ultimately the remediation that will correct the TCE vapor issue, are essential steps needed for any redevelopment to occur. Moreover, it is incumbent upon the City to address the environmental safety issue present at the site. Staff recommends

City Council authorize the change order to allow the additional work to commence as soon as weather conditions will permit.

Motion by Mayor Bayless, seconded by Councilman Wallace, to authorize the City Manager to execute Change Order #2 in the amount of \$78,700.00 with Burgess & Niple for additional field work and professional services and authorize a new not-to-exceed amount of \$150,000.00*¹ for the Phase II ESA on the former Kmart property. Brief discussion followed.

Councilman Louderback said asked if the environmental evaluation was listed at \$200,000 in the budget. Mr. Brodsky said \$200,000 was budgeted, but the agreement with Brandicorp said the City would spend up to \$150,000 and anything in excess of that amount would require additional negotiations with the developer; this Change Order would reach the \$150,000 threshold. Councilman Louderback asked if would be \$150,000 plus \$78,000. Mr. Brodsky said no; the total of the entire contract including this Change Order for \$78,700 would equal \$150,000.

The Roll on this was the following:

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

Authorization to purchase Ballistic Vest Replacements utilizing the State of Ohio's Cooperative Purchasing Program to purchase 45 vests, carriers, and multi-threat plates. Mr. Merriman respectfully requested authorization to purchase 45 sets of Ballistic vests from Vance Outdoors of Columbus through the Ohio Department of Administrative Services' state bid list for a total purchase price of \$42,030. Ballistic vests are only warrantied for 5 years and they have reached the end of the warranty period for the current vests. A replacement schedule is maintained based on this warranty; therefore, they have budgeted for replacement this year to ensure officers are provided with proper and functioning essential safety equipment. As a follow-up action, he requested authorization to dispose of the current vests.

Motion by Councilman Louderback, seconded by Councilman Wallace, to authorize the City's participation in the State of Ohio Department of Administrative Services Cooperative Purchasing Program for the purchase of up to 45 ballistic vests, carriers, and multi-threat plates at an approximate cost of \$934.00 per set and authorize the City Manager to execute a purchase order to Vance Outdoors, Columbus OH, in the amount of \$42,030.00. No discussion followed. The Roll on this was the following:

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

Motion by Mayor Bayless, seconded by Vice President Smith, to authorize the City Manager to dispose of all the ballistic vests that are being replaced. Brief discussion followed. President Engle asked how the vests would be disposed. Mr. Merriman said after discussions with the

¹ Original contract \$57,600
Deduct not performed items \$ 6,200
Change Order #1 \$19,900
Change Order #2 \$78,700
New Contract Total \$150,000

XPD, they determined the vests to still potentially be usable; however, they do not want to take any risk with frontline officers. Therefore, the vests will be made available at the shooting range and for training exercises. The Roll on this was the following:

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

Authorization for Annual Police Vehicle Replacements utilizing the State of Ohio's Cooperative Purchasing Program to purchase four (4) marked and Emergency Ordinance to waive competitive bidding to purchase one (1) unmarked police SUV. Mr. Merriman said as part of the Xenia Police Division's annual fleet rotation, he respectfully requested authorization to participate in the State's Cooperative Purchasing Program for the purchase of two (2) 2017 Ford Police Taurus Interceptors and two (2) 2017 Ford Police Interceptor SUVs and to execute a purchase order with Lebanon Ford of Lebanon, Ohio, in the amount of \$107,292.00 for this acquisition. In addition to replacement of four marked vehicles, replacement of one unmarked unit for the detective section was also budgeted. For this, staff negotiated with Lebanon Ford for purchase of a 2016 Ford Edge at a discounted total price of \$29,587; he respectfully requested passage of an emergency ordinance to waive competitive bidding and execute a purchase order for this acquisition. Council's approval of these items will allow staff to process these purchases for a fleet changeover later this spring. It should be noted that staff approached local auto dealer, Key Chrysler, about participation in the fleet program this year, but due to some retirements and staff changes in their business, they are no longer participating in this type of fleet sales.

Motion by Councilwoman Mays, seconded by Councilwoman Mills, to authorize the City's participation in the State of Ohio Department of Administrative Services Cooperative Purchasing Program for the purchase of two (2) 2017 Ford Police Taurus Interceptors and two (2) 2017 Ford Police Interceptor SUVs and authorize the City Manager to a execute purchase order to Lebanon Ford, Lebanon, Ohio, in the amount of \$107,292.00 per the quotes. Discussion followed.

Councilman Louderback asked if Key Chrysler presented anything in writing in regard to no longer participating in the fleet program. Chief Person said Key Chrysler sent him an email confirmation; he apologized for not including it in the agenda report.

The Roll on this was the following:

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

Vice President Smith presented an ORDINANCE WAIVING COMPETITIVE BIDDING AND AUTHORIZING THE PURCHASE OF ONE (1) 2016 FORD EDGE UNMARKED VEHICLE, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Vice President Smith, 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: Smith, Wallace, Louderback, Mays, Mills, Bayless, and Engle
Nays: None motion carried.

Motion by Vice President Smith, seconded by Councilwoman Mays, that Ordinance Number 17-07 be now passed. No discussion followed. The Roll on this was the following:

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

Authorization to submit a letter of intent and apply for grant funds through the United States Fire Administration, Staffing for Adequate Fire and Emergency Response (SAFER). Mr. Merriman respectfully requested authorization to submit an application and letter of intent to the United States Fire Administration's Staffing for Adequate Fire and Emergency Response program (known as SAFER). Pursuant to budget conversations last fall, this application would seek funding resources for the hiring of three additional full-time firefighter/paramedic positions with the City. The SAFER program has been altered considerably since the City's last participation and it no longer fully funds new positions. Rather, under the new program guidelines, a cost sharing approach is offered whereby SAFER will cover 75% of the positions' costs for the first two years and 35% for the third year. The City would then be responsible for 25% salary pick-up for years one and two and 65% for year three. Beyond the grant period, the City would then fully fund the positions. The City is not required to maintain the positions beyond this period, but staff's intent is to retain these positions with a permanent adjustment in authorized manning to include these additional staff members. As always, determination of the number and type of staff positions the City employs is a reserved right of the City and will be based on the revenue resources available to deliver these critical services. Having said this, recent growth in call volume and service demand for Fire Division services has increased the urgency and necessity of additional staffing capacity. The addition of these three positions will allow the XFD to increase its daily authorized staffing to 14. This is operationally very important as it allows greater flexibility in manning additional medic units—noting that emergency medical calls far and away constitute the growth in Fire Division call volume experienced over the last five years. With a growing opiate drug problem in the region and rapidly aging local population, they expect call volume to continue to rise, and staffing demands will continue to be an issue. Staff recommends City Council authorize the application with the intent to participate in the grant program if awarded.

Motion by Councilman Wallace, seconded by Mayor Bayless, to authorize the City Manager to submit an application to the United States Fire Administration, Staffing for Adequate Fire and Emergency Response (SAFER) and send a letter of intent with the application. No discussion followed. The Roll on this was the following:

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

Items for the City Manager: Mr. Merriman said a Request for Proposals will be posted on Tuesday, February 14th for the Simon Kenton Property. Staff has been in touch with all parties who have expressed an interest and the information will be posted publically in case any other interested parties want to submit a proposal, which will provide for a 30-day submission period. A summary of the proposals and a recommendation will be presented to Council to provide a decision and direction to staff.

Finance Director's Office:

Emergency Ordinance to waive competitive bidding and authorize the purchase of Network Wiring Services from Reddy Electric from Xenia, Ohio for the Justice Center (former City Hall). Mr. Bazalak respectfully requested City Council pass an emergency ordinance waiving competitive bidding and authorize the purchase of network wiring services from Reddy Electric in the amount of \$132,405.21 for the Justice Center's network wiring service. Reddy Electric was the network wiring contract on the Administration Building, the overall facilities project, and a local vendor; therefore, IT staff negotiated with Reddy Electric for the network wiring for the Justice Center. Mr. Cardenas is available to answer any questions.

Councilwoman Mays presented an ORDINANCE TO WAIVE COMPETITIVE BIDDING FOR NETWORK WIRING SERVICES, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Councilwoman Mays, 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: Smith, Wallace, Louderback, Mays, Mills, Bayless, and Engle
Nays: None motion carried.

Motion by Councilwoman Mays, seconded by Councilman Wallace, that Ordinance Number 17-08 be now passed. No discussion followed. The Roll on this was the following:

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

Schedule of Bills: Mr. Bazalak presented payment of bills totaling \$316,793.00.

Motion by Mayor Bayless, seconded by Councilman Louderback, to approve payment of bills totaling \$316,793.00. No discussion followed. The Roll on this was the following:

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

Items for the Finance Director: None.

Law Director's Office:

Introduction of Ordinances and Resolutions: None.

Second Readings of Ordinances and Resolutions: Mr. Schierloh presented an ORDINANCE REZONING AN 8.8-ACRE PARCEL AT 730 DAYTON-XENIA ROAD FROM I-2 HEAVY INDUSTRIAL DISTRICT TO A-1 AGRICULTURAL DISTRICT, originally introduced by Councilman Wallace.

Motion by Councilman Wallace, seconded by Vice President Smith, that Ordinance 17-09 be now passed. No discussion followed. The Roll on this was the following:

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

Items for the Law Director: None.

READING OF COMMUNICATIONS AND DISCUSSION: Councilman Louderback, Councilwoman Mays, and Councilwoman Mills had nothing further to share.

Councilman Wallace wished his wife a Happy 51st Anniversary.

Mayor Bayless provided the following updates:

- She congratulated Police Captain Scott Anger and Police Officer Scott Sams on their retirements; they will certainly be missed by the XPD as well as the community.
- She attended the Bridges of Hope community-wide program on January 29th with singing, praying, and speaking to support the homeless needs of the community.
- She attended a program at XHS featuring Alex Sheen regarding the importance of keeping your promises. The students were very attentive and well-behaved.
- She congratulated One Bistro for being featured in the Hometown Hero section in the current print edition of Taste of Home magazine, which is the nation's highest circulation food magazine.
- She encouraged everyone to visit the City of Xenia's website to watch the "Winds of Change" video that included highlights of things going on around the community. It highlights the City in a very positive manner.

Vice President Smith wished everyone a Happy Valentine's Day.

President Engle said there is a group of local people in the community seeking to find a way to repurpose the Carnegie Library, which is a substantial asset to the community with the potential to be much more. There will be announcements in the very near future and advertisements about meetings taking place, and the community is encouraged to become involved in the process and share opinions to help the group solicit outside investors. He believed the facility was well worth saving, and he looked forward to participating in some of the activities. Additionally, he supports the resolution opposing the Ohio Governor's proposed budget. He is very concerned about the actions of the Governor; with all due respect, he feels the Governor got this one wrong. He encouraged the public to write to the representatives, senators, and the Governor to tell him their opinions because these are public servants who serve the public. He wished everyone a Happy Valentine's Day and encouraged them to do something nice for someone in the community.

ADJOURNMENT: Motion by President Engle, seconded by Vice President Smith, to adjourn the Regular Session at 7:56 p.m. to go into Executive Session to discuss the Purchase or Sale of Property per XCO §206.04(a)(2) and ORC §121.22(G)(2). No discussion followed. The Roll on this was the following:

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

Michelle D. Johnson
City Clerk

Michael D. Engle, President
Xenia City Council