

City Council Meeting Minutes
March 9, 2017
Regular Session
7:00 p.m.

The Xenia City Council met in a Regular Session on March 9, 2017, at 7:00 p.m., in the City Council Chambers, City Administration Building, with the following members present: Wesley Smith, Edgar Wallace, Jeanne Mills, Marsha J. Bayless, and Michael D. Engle.

Dale Louderback and Sarah Mays were absent.

Motion by Councilwoman Mills, seconded by Vice President Smith, to excuse Councilman Louderback and Councilwoman Mays due to prior work commitments. No discussion followed. The Roll on this was the following:

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

INVOCATION: Andy Spencer, First Church of Christ, gave the invocation after which all joined in the Pledge of Allegiance.

APPROVAL OF MINUTES: Motion by Vice President Smith, seconded by Councilwoman Mills, to approve the February 23, 2017, Special Session minutes as written. No discussion followed. The Roll on this was the following:

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

Motion by Vice President Smith, seconded by Councilwoman Mills, to approve the February 23, 2017, Regular Session minutes as written. No discussion followed. The Roll on this was the following:

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

AUDIENCE COMMENTS: President Engle explained the procedures for audience comments and invited anyone who wished to speak to come forward.

Rodney Caupp, 439 S. Columbus Street, said he did not have a lot more to add to what he spoke about at the last Council meeting, but he still feels there is a lack of love for the people. He saw a map that showed everyone was going to get a new street this year and asked if that was true. He asked if Second Street or any streets were going to be paved or if the City was going to spend millions for a study. He was involved in a study in Kettering, which cost them over \$100 million. He felt that “someone” did not know how to manage the City’s dump, and now there’s a need for emergency actions. He recently talked to the City Manager about the ongoing struggles with the toxic dump in his neighborhood. Xenia needs to head some things off at the pass because he did not want the City to face issues similar to what Kettering and Oakwood have had to deal with.

City Manager's Office:

Introduction of a Resolution declaring it necessary to Establish Street Lighting District No. 1 for the Sterling Green Crossing Section 1 Subdivision. Mr. Merriman said pursuant to the City's new zoning code requirements, and as discussed at the preceding Special Session, staff respectfully recommended introduction of a Resolution declaring it necessary to establish Street Lighting District Number 1 for the Sterling Green Crossing Section 1 Subdivision. Adoption of the Resolution of Necessity to establish Street Lighting District No. 1 will result in a streetlight assessment being included on the individual lot owners' property tax duplicate from the Greene County Auditor. Based on the City's current contract with Miami Valley Lighting and including the administrative fees, the owner of one of the 37 lots within Section 1 of the Sterling Green Crossing Subdivision would pay an annual fee of \$28.52. Because the electric rates for street lighting as stated in the City's contract with Miami Valley Lighting will not change until December 31, 2025, City Staff will certify the street light assessments for a period of five years.

Councilman Wallace introduced a RESOLUTION DECLARING IT NECESSARY TO ESTABLISH STREET LIGHTING DISTRICT NO. 1 BY PROVIDING ELECTRICITY TO THE STREET LIGHTING SYSTEM WITHIN CERTAIN STREET AREAS WITHIN THE STERLING GREEN CROSSING SECTION ONE SUBDIVISION, and it was read for the first time.

Authorize the purchase of a New Holland Tractor/Mower via the State of Ohio Department of Administrative Services Cooperative Purchasing Program. Mr. Merriman respectfully requested two motions needed to move forward with the purchase of a New Holland 4wd Workmaster 60 Tractor and accessories, as planned for in the 2017 capital budget. In transitioning to an in-house approach for maintenance of rights-of-way including mowing, staff projected the need to replace the current large-scale mower, which is a 1994 John Deere unit. The total price for this purchase including desired accessories is \$41,385.39 as quoted from Steinke Tractor Sales through the State of Ohio Department of Administrative Services Cooperative Purchasing Program. To accommodate this purchase, staff is requesting Council approve a motion to transfer \$1,386 from account 361-1441-55305 to 361-1441-55401 to align all necessary funding. Staff also recommends Council approve a motion to authorize the purchase of the New Holland unit via the Cooperative Purchasing Program and authorize him to execute a purchase order to Steinke Tractor Sales for a not-to-exceed amount of \$41,385.39.

Motion by Vice President Smith, seconded by Mayor Bayless, to transfer \$1,386.00 from account 361-1441-55305 to 361-1441-55401 for the purchase of a New Holland Tractor. Brief discussion followed. Councilwoman Mills said the tractor is needed because the City will no longer outsource the mowing in order to save money. Mr. Merriman confirmed; further, the existing unit is used on a more occasional basis and is approximately 23 years old. A new, more reliable mower is needed to handle the increased volume of work. The Roll on this was the following:

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

Nays: None motion carried.

Motion by Vice President Smith, seconded by Councilwoman Mills, to approve the purchase of New Holland 4wd Workmaster 60 Tractor with accessories through the State of Ohio Department of Administrative Services Cooperative Purchasing Program and authorize the City Manager to execute a purchase order to Steinke Tractor Sales for a not-to-exceed amount of \$41,385.39. No discussion followed. The Roll on this was the following:

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

Introduction of a Resolution Authorizing the City Manager to enter into a contract with Barrett Paving Materials, Inc. to resurface Bellbrook Avenue from Colorado Drive to Maumee Drive at a cost-not-to-exceed \$309,111.65. Mr. Merriman respectfully requested introduction of a Resolution authorizing the City to enter into a contract with Barrett Paving Materials, Inc. to resurface Bellbrook Avenue from Colorado Drive to Maumee Drive at a cost not-to-exceed \$309,111.65. This project is grant-funded through the state's Surface Transportation Program with a local match of \$100,000. Ultimately, approval of this resolution will allow them to move forward with street resurfacing of this portion of this important thoroughfare.

President Engle introduced a RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BARRETT PAVING MATERIALS, INC. TO RESURFACE BELLBROOK AVENUE FROM COLORADO DRIVE TO MAUMEE DRIVE AT A COST NOT TO EXCEED \$309,111.65, and it was read for the first time.

Introduction of a Resolution Declaring 2017 the Year of the Trail in the City of Xenia. Mr. Merriman respectfully requested City Council take a formal action to recognize the important trail-related activities set to occur on trail ways in and around the City of Xenia this year by introducing and subsequently approving a resolution declaring 2017 as the "Year of the Trail" in Xenia. During 2017, several major trail-related events will be occurring in Greene County that will benefit Xenia. These events will put a focus on the City of Xenia, allowing them to showcase their continuing efforts to improve trail users' experience and providing a chance for local businesses to showcase their goods and services. Among the events scheduled are the Buckeye Trail Fest, the Miami Valley Cycling Summit, and the International Trails Symposium, in addition to the annual Greene Trail Cycling Classic. Xenia's trail systems are a valuable amenity for this community and offer recreational benefits as well as economic opportunities.

Councilwoman Mills introduced a RESOLUTION DECLARING 2017 THE YEAR OF THE TRAIL IN THE CITY OF XENIA, and it was read for the first time.

Tax Incentive Review Council – 2016 Annual Review. Mr. Merriman said in accordance with Ohio Revised Code Section 5709.85, a Tax Incentive Review Council (TIRC) exists to perform required annual reviews of all active Ohio Enterprise Zone (OEZ) Agreements, and Community Reinvestment Act (CRA) Agreements to determine if participating companies are in compliance with the conditions and terms of their respective agreements and make a recommendation to the City Council on the continuation of these agreements. The recommendations of the TIRC and action of City Council are then submitted to the local Enterprise Zone Manager for Greene County and the Greene County Commissioners who perform reviews and forward the approved recommendations to the Ohio Department of

Taxation and the Ohio Development Services Agency, respectively. The City of Xenia has one active CRA Agreement that was reviewed by the TIRC at its annual meeting on February 24, 2017. The TIRC has recommended the acceptance of staff's recommendation for the project based on the information provided. The subject agreement with Tashi Hospitality, Inc., provides a CRA abatement of applicable real property taxes as outlined in the agreement. These terms are recommended for continuation. Therefore, staff respectfully requested City Council accept the recommendations of the TIRC.

Motion by President Engle, seconded by Vice President Smith, to approve the action recommended by the Greene County Tax Incentive Review Committee as presented and direct the Annual Tax Incentive Report to be forwarded to the Greene County Commissioners for their consideration. No discussion followed. The Roll on this was the following:

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

Special Events Alcohol Policy. Mr. Merriman respectfully requested City Council take two actions to authorize the limited sales of alcohol at select festivals co-sponsored by the City on a pilot basis under provisions to be delineated in a new City policy. Staff has previously engaged City Council in extended discussions on this topic in response to repeated requests of organizers of several of the City's community festivals. After thorough review and exhaustive discussion, it is the collective recommendation of staff that City Council amend existing policy by approving two actions that would allow for piloting this new approach for the 2017 festival season. Actions necessary to accomplish this include approval of a motion authorizing staff to implement the proposed alcohol policy and move forward with the permitting process stated therein for the 2017 festival season, and second approval of a motion to suspend enforcement of the City's ordinance prohibiting the sale and consumption of alcohol on City property during Xenia Community Festival (or its successor) and the Tour de Xenia (Criterium) as part of the trial basis of the proposed policy. Upon the successful of these events with the administration of this new policy, staff may then return later with recommendations for amendments to ordinances to facilitate the permanent application of the new policy.

Motion by President Engle, seconded by Councilman Wallace, to authorize staff to implement the proposed alcohol policy and move forward with the permitting process stated therein for the 2017 festival season as it pertains certain scheduled events. Discussion followed.

Councilman Wallace said he would like to discuss this matter with the Xenia Area Association of Churches and Ministries; additionally, he would like to get input and feedback from the public before Council votes on the issue. As a general rule, no drinking is permitted on City property, and he is struggling with breaking that precedent. He would vote no if he had to vote tonight. He asked about the timeline for implementation of the new policy.

Mr. Merriman said staff is suggesting that only the Tour de Xenia (Criterium) and Xenia Community Festival events would be eligible for application of the new policy. There is still sufficient time for the Community Festival because it is held in September. There is a process these organizations would have to go through under Ohio Liquor Control, which is typically between a 30-60-day process that involves signing off at the local level with the City's Chief of Police along with various other provisions that have to be met to get the Temporary Distribution

Licenses for alcohol. Therefore, if the policy was in place by late spring, that should be sufficient time for the applicants to complete the process. However, there is less time for the Criterium since it could take place in late May. He noted staff has not received confirmation that the Criterium will be held in Xenia this year. Staff will finish the policy language and have it posted if Council approves it before getting in touch with event organizers to identify the procedures for submitting their application. The application process will have to work in conjunction with their application for the liquor license as well. If the Criterium is a no-go, then Council has time to postpone the vote and the Xenia Community Festival would still have ample time to apply. However, if the Criterium is a go, they cannot wait much longer.

Vice President Smith suggested limiting the size of the cups to 12 ounces for alcohol distribution. Further, a lot of feedback he has received was concerning the appearance of open containers at events with children and their families. Mr. Merriman said Ohio has recently passed some legislation that allows certain entertainment venues and/or districts to have an open carry type of feel; however, this policy would not be an eligible use of that statute. One requirement to obtain a temporary permit/liquor license for an event is to have a cordoned-off area for the sale and consumption of the alcohol, and staff would work in conjunction with the event organizers to cordon off an area that would be designated for this purpose; alcohol cannot leave that area. There would also be the stipulation that organizers could refuse to sell alcohol to anyone who appears to be underage and cannot provide proper identification or anyone who appears to be intoxicated. The policy also stipulates that on-site security needs to be available, and it may be required that security is provided by the XPD.

Councilwoman Mills asked who would be the end responsible party for any incidents that may occur, if the City would be liable for any incidents, what patrolling would be in place to prevent individuals from leaving the cordoned-off area, who would pay the XPD for their overtime services, and would those officers be working for the City or for the event only. She likes the fact that organizers have to apply for an Ohio Liquor License through the state. She noted the Greene County Fair already offers alcohol at the fair, and to her knowledge, there have not been any issues to date. Mr. Merriman said he could respond to some of her specific questions. He said Section 5(b), Item 10 states that, *“adequate supervision and crowd control is needed at all events; supervisors are responsible for the control and expulsion of patrons when necessary. The number of persons needed for supervisor will be determined by City personnel.”* Staff will highly stress, if not require, that City police officers be employed to help with the coordination of this stipulation. As previously discussed and Council concurred, if City officers provide services at special events, the services will be charged back to the event organizers. Additionally, Section 6 Identification Liability Coverage states that the event organizers have to list the City as an *‘also insured’* on their policy; the City would also be insured under the City’s current insurance, but it would be secondary to being listed under the event’s insurance. He added the event is required to carry at least \$1 million in liability coverage.

Mr. Merriman admitted he was reluctant to initiate the sale of alcohol when they started looking at this possibility a year ago; however, after conducting a lot of research into what is required to obtain a temporary liquor permit—which is quite an exhaustive requirement by the State—he feels much more comfortable about allowing something locally when it is understood that any private event that has a temporary liquor license had to go through the City and the Chief of Police. The City is doing this now with the only differentiation being that the provided service

will be on City property as part of an event that the City is co-sponsoring. He has talked with some Fair Board members regarding their sale of alcohol at the County Fair, and they said it was a greater issue in the past for the Sheriff's Office to have to patrol consumption in the parking lot and other issues associated with alcohol. The circumstances with the new proposal are a little different, but the Fair Board members said they have actually seen a decrease in alcohol-related issues.

Mayor Bayless said she remains reluctant about the sale of alcohol issue. She asked if staff had received any feedback from surrounding communities regarding the issue. Mr. Merriman said staff has not specifically talked with other communities, but they have looked at some of their policies. He noted there are probably more communities in the Miami Valley Region that either allow or actually host events with the sale and distribution of alcohol than those who do not permit it. There is a mixed bag regarding each community's experience, and there is always a potential for incidents when alcohol is involved. However, staff understands that Council's policy is to maintain Xenia as a family-friendly/family-oriented community, which means the City wants to have events that promote a family-friendly environment. Staff has had a lot of internal discussion on the matter, and though he cannot say there is 100% consensus on the issue, the majority of staff understands there is a way to provide some amenities and activities while still promoting a family-friendly environment. Additionally, this is just a pilot period so if there ends up being any issues or concerns with the new policy, it can be discontinued.

Councilwoman Mills asked if an affirmative vote tonight means that the policy will be initiated. She was reluctant to vote on such an important issue without the other two Council members being present. Mr. Merriman said if Council votes tonight, only the two events stipulated in the policy would be eligible to apply for a temporary permit, which are the Criterium and the Community Festival. The policy would have to be amended by Council to allow any other groups to lobby for a permit. Again, the types of events are very limited because the policy is limited to events that the City is co-sponsoring in some way. The City co-sponsors other events, but the policy is limited to these two events at this time.

Vice President Smith asked if there has been a request to explore this option by the organizers of the Community Festival because Caesar's Creek Vineyard has expressed an interest in participating. Mr. Merriman confirmed; staff is responding to two or three years of repeated requests from both organizations to sell alcohol at these two events, and it is only after repeated discussions among staff and with Council that they thought it was appropriate to bring a policy back at this time. The organization's perspective is that having a beer garden would be an opportunity for a significant revenue resource that they could then apply back to the programming of these events to improve the quality of the entertainment, expand activities, etc. This is not to profit anyone or any organization, but rather to provide reinforced revenue lines for these events.

President Engle said he also hesitates to consider this item; however, he made the motion and did so for several reasons. First, local enterprises are interested in this to benefit the overall program/event and not necessarily as a way to profit more. Second, he feels very confident in staff's degree of review and consideration. When considering what is written in the policy, temporarily suspending the rules in the standing ordinance for a temporary period of time and only for two selective events, he was willing to vote in favor of moving forward with the proposed policy. He agreed with his colleagues that there needs to be some broader discussion by stakeholders in the

community, Xenia Area Association of Churches and Ministries, and citizens regarding the issue, but he felt it was appropriate for Council to consider approving the motion at this time. He asked what metrics would be used to evaluate the success of this action. Mr. Merriman said staff could come back to Council at the conclusion of the festival season around October or November to provide an accounting of any issues resulting from the new policy as an evaluation from staff's perspective on how it went, any changes or amendment, and offer any recommendations for a continuation or allow the policy to sunset this year.

Mr. Merriman said the intent was to provide the policy on a pilot basis for 2017. Since he did not see a deadline listed in the policy, he suggested Council make a motion to amend the policy to add Section 10 to include a sunset provision. The policy would sunset this year unless Council instructs staff to bring back an amendment to the existing ordinance.

Vice President Smith said the policy should include a stipulation about the number of drinks a single person can purchase at one time and a cut off time for the sale of the alcohol at the event. He was concerned about the sale of alcohol up to the very end of the event and having intoxicated people drive away from these events. He felt this was probably the biggest issue he has had to vote on in the last few years, which he felt was implementing behavior and not just a policy. President Engle said he thought an amendment could still be added under the rules of conduct that would describe the number of alcoholic beverages that could be sold to an individual, and a second item could be added to provide a cut off time for the sale of alcohol. Mr. Merriman said if staff is being directed to add additional items to the policy, he felt the item should be tabled so staff can take the specific recommendations back to draft the language and provide Council with sufficient time to review the policy before taking action. President Engle asked if the topic was worthy of a Special Session after the changes have been made to the policy. Mr. Merriman thought it was an appropriate topic for a Special Session.

President Engle withdrew his original motion.

Motion by President Engle, seconded by Councilman Wallace, to table the item and allow City staff to amend the policy to add the desired language as discussed. Discussion followed.

Councilman Wallace said it would be appropriate to have a Special Session immediately before the next scheduled Council meeting to allow for churches, organizations, and audience comments on the issue. President Engle asked if two weeks would be enough time for staff to fully assimilate all the changes and additions to the policy before bringing it back to Council. Mr. Merriman recommended that Council take the opportunity to fully review the policy and give it some thought and talk with other constituents regarding the amended policy prior to the Special Session. President Engle said he wanted them to have enough time during the Special Session to talk about all their concerns and asked if they should hold a standalone Special Session two or three days prior to the Regular Session. The public could certainly be invited to the Special Session and participate in the discussion. Councilwoman Mills agreed and noted a significant amount of time was spent on the issue this evening alone. Councilman Wallace said he will be discussing the proposal with the Xenia Area Association of Churches and Ministries and the African American Ministries Alliance next Tuesday. He will solicit questions, feedback, or comments to bring back to the Special Session. He will also invite anyone interested in participating in the discussion with Council to attend the Special Session. Mr. Merriman offered

to attend the meeting with Councilman Wallace on Tuesday to help provide information about the policy to the two organizations. Councilman Wallace accepted his offer.

A brief discussion was held regarding whether Council should hold a standalone Special Session or if a Special Session would be scheduled prior to their Regular Session on March 23rd. Councilmembers stated that they could talk with community members in the meantime and bring that information back to the Special Session. President Engle said he was confident that Mr. Merriman will make the changes discussed this evening to the existing policy and present the amended policy back to Council prior to the scheduled Special Session. The public could attend the Special Session to hear about the amended policy and provide any additional input prior to being presented for a vote at the Regular Session. Councilwoman Mills suggested each Council member include each other in their correspondence to the City Manager to avoid redundancy.

Councilwoman Mills said if similar issues arise [and additional amendments are requested] at the Special Session immediately prior to the Regular Session on March 23rd, she asked if the vote could be postponed until their Regular Session on April 6th. Mr. Merriman said if a decision is delayed until the first meeting in April, there would be insufficient time for the Criterium to make their application, but there would be sufficient time for the Community Festival. Councilwoman Mills noted the Criterium has not confirmed an event this year in Xenia at this time. Mr. Merriman confirmed. Councilwoman Mills said she was willing to risk that to allow additional time to have adequate discussion on this important issue. Hopefully, the Criterium will understand the delay and know that this City cares about its citizens.

President Engle asked if the consensus was that Council will hold a Special Session at 5:30 p.m. prior to the Regular Session on March 23rd. Council concurred.

The Roll on this was the following:

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

Nays: None motion carried.

Mr. Merriman said prior to the Special Session on March 23rd, staff will look at additions to the policy with regard to a sunset clause, potential serving size (ounces) and number of beverages sold per transaction per person, and a cut off time for sales.

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

- **Lead Pipe Mapping** ~ As local residents may have heard in the media, new statutory requirements took effect this week under which all cities must publish maps identifying areas of their community that may have some degree of exposure to lead piping. He is very proud of City Staff and their efforts, who worked directly with the Ohio EPA, to meet the deadline and requirement. He reported that the maps have been submitted and accepted. However, he wanted to ensure that everyone understands that the maps show the potential for there to be pipes in portions or parcels within the City that contain lead or soldering containing led, but this is not a public health crisis or an imminent major concern. The City has maintained a system of upgrading the waterlines and water mains for the past 100 years; therefore, the place where people would see any type of exposure to lead would most likely be in their own homes. Homes built up to the mid-1980s or 1990s may still contain lead pipes. A lot of this was brought about

due to the issues in Flint, Michigan, and the circumstances of those contaminations were far different than this situation. Staff is on top of the issue and in compliance with the OEPA requirement; additionally, staff will come back to Council in the future with a brief work session on the issue. City staff can offer guidance to residents on how to have their homes tested for lead exposure if they have concerns.

- **Hamvention Update** ~ The City is very excited to co-host the event in its backyard at the Fairgrounds from May 19-21, 2017. However, he thought it was worth noting that the City did not bring the event to the City and was not a part of the negotiation process. The City is participating in the planning process now, and he personally has participating in many planning sessions. He did not feel some of the details in the planning process are as far a long as he would have hoped at this point, but there is a very active process underway to put plans in place. They are working on traffic and parking plans in conjunction with Xenia Township; they will send letters to residents that might be directly impacted; they are working on information session for local business community in impacts and opportunities; and there will be a broader community outreach to inform the general public of what's to come. The organizers expect to draw approximately 30,000 people per day on May 19th and 20th with less attendance on the 21st, and they are planning for 7,000 – 8,000 cars that will need parking. This is a large event that will double the City's population for that weekend and will have an impact on traffic, parking, cellular service, etc., and will stretch the City's resources. Therefore, staff is working very closely with organizers to ensure that the safety and accessibility interest of the community remain a top priority while they are planning for this infusion of people. He noted this event presents an economic opportunity for Xenia businesses and other businesses around Greene County. He requested Council consider a motion to authorize him to work with Hamvention on the ability to display welcome banners on the City's street poles. The City has an existing policy that Council has approved relating to the street poles, and under a technical reading of the policy, it should probably come back to Council to authorize staff to utilize the street poles for this private purpose. Staff wants to be a partner with the process, welcome them to the city, and promote the event and Xenia community.

Motion by Councilwoman Mills, seconded by Councilman Wallace, to authorize the City Manager to negotiate the use of banners with Hamvention in concurrence with the existing City Policy. No discussion followed. The Roll on this was the following:

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

Nays: None motion carried.

Mayor Bayless said she recently received an Amber Alert late one evening, but she did not discover that the child was returned until she saw it on the news the next day. She asked the City Manager about a resolution response to the alert. Mr. Merriman said the Emergency Alert System is set up by statewide statute through a series of law enforcement and media trigger points throughout the State; therefore, the City can share the alerts, but the City does not actually issue the alerts. Unfortunately, they do not offer any resolutions to the alerts, and people typically find out the resolution through the media.

Finance Director's Office:

Schedule of Bills: Mr. Lake presented payment of bills totaling \$232,065.09.

Motion by Vice President Smith, seconded by Councilwoman Mills, to approve payment of bills totaling \$232,065.09. No discussion followed. The Roll on this was the following:

Ayes: Smith, Wallace, 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: In Mr. Schierloh's absence, Mr. Merriman presented a RESOLUTION AUTHORIZING A THEN AND NOW PAYMENT OF \$14,434 IN OHIO DEPARTMENT OF TRANSPORTATION SAFETY GRANT FUNDS TO LJB FOR DESIGN SERVICES FOR THE DOWNTOWN SAFETY PROJECT, originally introduced by Vice President Smith.

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

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

Mr. Merriman respectfully requested that Council approved the next two items as emergencies due to time constraints set by the EPA and ODOT.

Mr. Merriman presented an ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITHOUT FORMAL COMPETITIVE BIDDING WITH AMEC FOSTER WHEELER FOR THE PURPOSE OF PERFORMING LANDFILL POST-CLOSURE GROUNDWATER MONITORING FOR 2017, **AND DECLARING IT TO BE AN EMERGENCY.**

Motion by President Engle, seconded by Councilman Wallace, that Ordinance Number 17-11 be now passed as an emergency upon its second reading. No discussion followed. The Roll on this was the following:

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

Mr. Merriman presented an ORDINANCE AMENDING ORDINANCE 17-03 TO MAKE ADJUSTMENTS IN APPROPRIATIONS FOR CURRENT EXPENDITURES OF THE CITY OF XENIA, OHIO DURING THE FISCAL YEAR ENDING DECEMBER 31, 2017, **AND DECLARING IT TO BE AN EMERGENCY.**

Motion by President Engle, seconded by Mayor Bayless, that Ordinance Number 17-12 be now passed as an emergency upon its second reading. Discussion followed.

Vice President Smith said he appreciates everyone's support of the item because it is a very confusing intersection. Mayor Bayless agreed. She said it is a very dangerous intersection, and she was involved in an accident there several years ago. Councilman Wallace said he travels that

route daily, and it is a horrible intersection. Vice President Smith asked if the \$203,000 will be used for the design portion of the project. Mr. Merriman said it will be used for the engineering portion of the project. He further noted the City is not acquiring “significant” property around the intersection—it is a very minor amount of property acquisition to facilitate a round-about solution to the problem, which virtually all the engineering firms recommended as a cost effective and much safer model than what exists today. The intersection’s alignment is clearly an issue because the Ohio Department of Transportation is providing grant funding to fix it.

The Roll on this was the following:

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

Nays: None motion carried.

Motion by President Engle, seconded by Mayor Bayless, to authorize the City Manager to enter into a Professional Services Agreement with American Structurepoint, Inc. to design the improvements to the intersection of U.S. 42 & E. Church Street at a cost not to exceed \$203,116. No discussion followed. The Roll on this was the following:

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

Nays: None motion carried.

Mr. Merriman presented a RESOLUTION AMENDING APPENDIX 2 OF THE EMPLOYEE BENEFITS MANUAL (NON-UNION WAGE RANGES) OF THE CITY OF XENIA PER XCO SECTION 260.02(f), originally introduced by Vice President Smith.

Motion by Vice President Smith, seconded by Councilman Wallace, that Resolution Number 17-F be now passed. Brief discussion followed. President Engle said this item included a change in minimum wage. The Roll on this was the following:

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

Nays: None motion carried.

Items for the Law Director: None.

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

Mayor Bayless thanked everyone for their well wishes during her recent and ongoing illness. She recognized Evan Moulton, Ian Stevens, Robert Rowland, Jared Robinson, and Mackenzie Dailey who recently achieved Eagle Scout rank. She was not able to attend the ceremony due to her illness. She hoped to have them attend an upcoming Council meeting so she can recognize them properly.

Vice President Smith said he was pleased to approve Xenia as a “2017 Year of the Trail” because Xenia is a very bike-friendly community. A Summit Century Ride has been added to the schedule for May 6th; the ride will begin in Xenia and continue for either 60 or 100 miles. Greene County Parks and Trails will start their Night Rides on April 8th, and riders are required to have a light on their bikes to participate. He said the alcohol issue is a very important topic for Council, and he was glad they were able to discuss the matter and bring it back to their next meeting. He

thanked staff for all their hard work they have put into the policy and their continued work to get a resolution to the issue. Finally, he offered his condolences to Josh Long and his family on the recent passing of Josh's father, Kenny. Josh Long served the City on Council for four years, previously served on XPZC, and continues to serve on BZA. It is a sad time for his family. Mayor Bayless said she attended the service and was pleased to say that Josh's mother is doing well. She suffered some recent health issues after the death of her husband, but she is recovering well.

President Engle also offered sincerest condolences to his good friend, Josh Long. It was a very tragic event, especially in conjunction with his mother's health issues immediately following the death of his father, which added to the concern and tension of the moment. He wanted Josh and his family to know that he and the rest of Council will continue to hold him and his family in their prayers and will support him in all things.

ADJOURNMENT: Motion by Vice President Smith, seconded by Mayor Bayless, to adjourn to Executive Session to Pending Litigation per XCO §206.04(a)(3) and ORC §121.22(G)(3) at 8:21 p.m. No discussion followed. The Roll on this was the following:

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

Michelle D. Johnson
City Clerk

Michael D. Engle, President
Xenia City Council