

City Council Meeting Minutes
June 8, 2017
Special Session
5:00 p.m.

The Xenia City Council met in a Special Session on June 8, 2017, at 5:00 p.m., in the City Council Chambers, City Administration Building, with the following members present: Wesley Smith, Edgar Wallace, Dale Louderback, Jeanne Mills, Marsha J. Bayless, and Michael D. Engle.

Motion by Vice President Smith, seconded by Mayor Bayless, to adjourn to Executive Session to discuss Personnel Matters to consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of a public employee per XCO §206.04(a)(1) and ORC §121.22(G)(1), Personnel Matters – Labor Negotiations per XCO §206.04(a)(4) and ORC §121.22(G)(4) and 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, Louderback, Mills, Bayless, and Engle
Nays: None motion carried.

Councilman Wallace was absent for the vote but attended the session; Councilwoman Mays was absent from the Executive Session.

At 7:03 p.m., the Council adjourned their Executive Session to prepare for their Regular Session immediately following.

Regular Session
7:00 p.m.

The Xenia City Council met in a Regular Session on June 8, 2017, at 7:03 p.m. in the City Council Chambers, City Administration Building, with the following members present: Wesley Smith, Edgar Wallace, Dale Louderback, Sarah Mays, Jeanne Mills, Marsha J. Bayless, and Michael D. Engle.

INVOCATION: There was a moment of silence after which all joined in the Pledge of Allegiance.

APPROVAL OF MINUTES: Motion by Mayor Bayless, seconded by Vice President Smith, to approve the May 25, 2017, Special Session minutes as written. No discussion followed. The Roll on this was the following:

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

Motion by Vice President Smith, seconded by Councilman Wallace, to approve the May 25, 2017, Regular Session minutes as written. No discussion followed. The Roll on this was the following:

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

Miami Valley Regional Planning Commission: Councilman Louderback said MVRPC is adjourned until August.

Board for Recreation, Arts & Cultural Activities: Councilwoman Mills said BRACA met on Tuesday, June 6th to discuss several events. The Board voted to reinstate the Beautification Awards, which was previously suspended due to a lack of participation. Anyone can nominate a home or business for the award, and nominations can be made to Michelle Johnson, City Clerk. The Tree Committee is holding a Spring Photo Contest; photos of any tree, plant, or vegetation can be submitted until July 1st to Michelle Johnson. She reminded the public that there is still a vacancy on the Board and any motivated person who wishes to make a difference in the community can submit a letter of interest to Michelle Johnson. The annual Fishing Derby was successful with approximately 78 kids participating, which was down from the typical 120 participants. However, each child received a door prize and free t-shirt at the event. She noted Greene County Fish and Game also held a fishing derby on the same day with approximately 70 kids participating. Mr. Patterson will work with Greene County Fish and Game to ensure the dates do not coincide for next year's events.

Traffic Commission: Councilwoman Mays said XTC met on June 6th to discuss sight issues for motorists traveling from S. Whiteman Street to E. Main Street; however, Toward Independence took ownership of the landscaped area and scaled back the vegetation to open up visibility. Therefore, at this time no further action will be taken. The Commission also discussed the traffic signal that will be eliminated at S. King Street and W. Main Street on June 12th. The light was originally scheduled to be eliminated in August as part of the Downtown Safety Project; however, the controller recently failed and staff determined it was not worth replacing for only two months.

Councilman Wallace asked if the parking space that was lined off in front of TI meant that parking would no longer be permitted in that spot. Councilwoman Mays confirmed.

Vice President Smith thanked City Staff for their work and improvements to the Hospitality Drive and Main Street area. The improvements have made it a lot safer for motorists traveling in that area. Councilwoman Mays noted Mr. Berger has put a lot of work into that project, which included writing several grants to help fund the project. President Engle added it has been 2.5 years from the time they obtained the grant funding to actual project construction. Councilman Wallace noted the changes have already produced relief of the traffic at Progress Drive. Councilman Louderback agreed.

Board of Zoning Appeals: Mayor Bayless said BZA met on May 22nd on the following two variance requests:

- Variance to allow a 6' tall wood privacy fence to be constructed in the front yard of a corner lot at 2326 Minnesota Drive filed by property owner Shawn Davidson, which was denied.
- Variance to allow placement of a temporary classroom structure in a front yard at 1694 Pawnee Drive filed by ASA Architects for Summit Academy, property owner, which was approved.

ITEMS FROM CITY COUNCIL AND MAYOR: Vice President Smith asked which Council member is assigned to the Source Water Protection Board¹. Mr. Merriman said he will have to check and let him know.

REPORTS OF CITY OFFICES:

City Manager's Office:

Approval of FY 2018 Budget Priorities. Mr. Merriman said pursuant to Xenia City Charter, Council must adopt budget priorities no later than July 1st of each year. City Staff has worked with Council to accelerate the budget priorities conversation this year to better align with the county's tax budget calendar, thus making the budget priorities conversation more meaningful in the budget development process. After a productive conversation with Council in a work session on May 25th, staff now respectfully submits the 2018 budget priorities for approval as directed by City Council. These priorities, among other things, reflect a continuing emphasis on economic development activities, quality service delivery, and conservative financial administration.

Motion by Councilman Louderback, seconded by Councilman Wallace, to approve the FY2018 budget priorities as reviewed in the prior work session. Brief discussion followed. President Engle said he was very pleased with the budget priorities, which are in line with what Council has asked for in past years. The priorities reflect Council's desire to move forward, but to do so in a very fiscally responsible manner. The Roll on this was the following:

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

Nays: None motion carried.

Emergency Appropriations Ordinance and authorization to enter into a contract for specialized legal services for the operations of the closed landfill at a cost not-to-exceed \$20,000. Mr. Merriman respectfully requested two actions regarding the City's former landfill. The City's former landfill has been closed for decades, but the City maintains an obligation to ensure the post-closure monitoring functions are carried out effectively and in compliance with all applicable state and federal requirements to ensure public safety and environmental sensitivity. City staff, with the assistance of third-party private consultation, has maintained an active monitoring program and has worked over the many years since the closure to address any water or air quality issues through approved mitigation measures. These efforts allowed the City to be in generally good standing with the OEPA, despite lingering issues with gas migration resulting from natural decomposition processes. Within the last approximately 18 months, OEPA, likely in response to federal EPA pressure, has taken a more aggressive compliance approach with local communities facing situations such as Xenia's related to the closed landfill. Despite an on-going and productive collaboration with personnel from the OEPA Southwest

¹ Wellhead Protection Committee: President Engle and Councilman Louderback are the 2017 Council designees.

District Office, they recently received correspondence from the OEPA Central Office suggesting a new course of action may be necessary with regard to Xenia's landfill gas migration mitigation efforts. As a result, staff feels it is in the City's best interest to retain specialized legal counsel to assist in navigating these uncharted waters. Staff understands City Council's interests in ensuring both safety and compliance at the closed landfill. Staff also understands that any mitigation measures taken should work in the best interests of the taxpayers and rate payers to ensure cost effectiveness of actions. For these reasons, staff recommends approval of actions to adopt an emergency ordinance to appropriate \$20,000 in the 613 Sanitation Fund for the purpose of resourcing specialized legal counsel and to authorize an agreement with Van Kley & Walker for professional services at a not-to-exceed cost of \$20,000 as specified in the provided engagement letter. This matter is a high priority and time sensitive thus justifying the emergency designation.

Councilman Wallace 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 Councilman Wallace, 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 Councilman Wallace, seconded by Councilwoman Mays, that Ordinance Number 17-28 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 Mills, seconded by Vice President Smith, to authorize the City Manager to enter into an agreement with Van Kley & Walker, LLC, at a cost not-to-exceed \$20,000 and waiving the City's normal purchasing policy requiring three (3) price quotations. 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 provided the following updates:

- **Downtown Safety Project:** The downtown safety project will commence later this summer (approximately August 1st). Staff will be initiating an aggressive public awareness campaign to prep the public for the work and changes coming later this year.
- **Bennett Play Depot and Splash Pad:** The Bennett Play Depot and Splash Pad have been open for a few weeks, and he wanted to take a public opportunity to applaud City Council for encouraging and authorizing the project. It has by all accounts been a rousing success. If Council has had any opportunity to go by the park within the last week, they have seen, as he has on numerous occasions, an amazing number of kids having the time of their young lives. In leadership roles, they do not often

have the opportunity to bring real joy and true happiness to the City's residents, but in this case, that's exactly what they have accomplished. He complimented Council and staff for the great project and a job well done. In a related note, staff plans to make a few adjustments to the site for safety purposes, including installation of some additional fencing, which should be installed sometime in early July. Staff has also had numerous requests from residents asking that the site be designated as a "no smoking" area. Staff is actively evaluating this request and will bring any recommendations back to City Council in the very near future. He encouraged the public to help take care of the site; it was an expensive project and is an amazing amenity to the City. He asked everyone to help pick up trash and monitor behavior. He also encouraged them to call dispatch if they see any destructive or inappropriate behavior at the site. There is nothing better than when residents police City assets and take pride in their community.

Councilman Wallace said he took a member of his congregation to view the site, but he was unable to find a vacant parking spot due to the number of people enjoying the park. Mr. Merriman said the park is a good tribute to Mr. Bennett, and staff has enjoyed the partnership with the other organizations that help maintain the site. It is a great location and a great way to memorialize him.

- **Esterline Visit:** Even when staff is not presenting direct updates regarding industrial retention and recruitment activities, they are actively working with and for the local business community to advance their efforts. Recently, he and Steve Brodsky had the opportunity to coordinate a meeting with reps from Greene County Development and the Dayton Development Coalition at the Xenia office of Esterline Technologies on Bellbrook Avenue. Esterline Xenia is a fabricator of high-tech simulation systems. Their major lines of business are in the defense industry, but they also have lines of work in the commercial marketplace. They had a fantastic and productive visit, and came out of the conversation with some follow-up work. Staff will be working collaboratively to help connect Esterline Xenia with workforce placement assistance and other networking opportunities. There are some amazing, world-class businesses in Xenia that are often little-known to residents. The City appreciates these local gems, which is why he wanted to highlight one of them and the City's efforts to promote their success.
- **Sonnycalb Fireworks Festival:** Planning is well underway for the 2017 Kevin Sonnycalb Memorial Fireworks Festival and July First Fridays. The City invites the Xenia community and any interested neighbors to visit downtown on July 7 starting at 4 p.m. for live music, activities, and great vendors for the July First Fridays event and then transition to Shawnee Park for more free games and activities including bouncy houses, a bicycle parade and decorating competition, fishing derbies for prizes, chalk art competitions, and of course, capping off the events with an amazing fireworks display from world renowned Rozzi's Famous Fireworks. This event has grown into a very special event in the community and more activities have been added to this year's event. Flyers will be available at various businesses around town describing the times, activities, and amenities.
- **Neighborhood Night Out:** The next event is June 13th at Cox Elementary from 5-7 p.m. Returning partners include Xenia Community Schools, Kettering Health Network, Kroger, Central State University, and Ohio Means Jobs. The City will be joined by new participants including National Parks Service and Greene County Public Health. Staff encourages folks to come out for free food, a bouncy house, activities, and a dance competition for prizes. He encouraged Council to stop in and connect with neighbors in a great environment. He noted staff and Council had an amazing time at the last event. They ran out of hotdogs early in the event and had to purchase more. The Neighborhood Night Out events are a great way to get the public acquainted with staff including police and fire personnel.

Councilman Louderback asked if Hamvention drew the expected number of people to the event, and if the group has signed a three-year contract. Mr. Merriman said staff is working with the County and Hamvention to get statistics, and staff will conduct outreach to local business owners. He did not have specific numbers but was informed that most of Hamvention's estimates were comparable. There are a number of steps being taken to begin to look at next year's event and to address some of the traffic and parking issues. One major objective is to focus on keeping more of the business in Xenia, and staff already has a few ideas on how to make that happen. They hope to come back with additional information in the near future. He noted there is not necessarily a three-year contract, but discussions seemed to indicate a green light for next year's event. The Hamvention folks have made a substantial economic commitment in terms of infrastructure at the Fairgrounds, and all the partners have a substantial cash stake in the event. There is no doubt the event has a significant economic impact on the region, but staff wants to make sure Xenia is keeping a good chunk of that financial benefit with its local businesses.

Finance Director's Office:

Schedule of Bills: Mr. Bazelak presented payment of bills totaling \$917,974.81.

Motion by Councilwoman Mills, seconded by Councilwoman Mays, to approve payment of bills totaling \$917,974.81. 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. Stokely presented an ORDINANCE REZONING TWO PARCELS AT 1017-1051 STEVENSON ROAD TOTALING 13.941 ACRES FROM R-1A ONE-FAMILY RESIDENTIAL TO A-1 AGRICULTURAL DISTRICT, and it was read for a second time.

Motion by Vice President Smith, seconded by Councilwoman Mays, that Ordinance Number 17-29 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.

Mr. Stokely presented an ORDINANCE AMENDING ORDINANCE 17-03 TO MAKE ADJUSTMENTS IN APPROPRIATIONS FOR CURRENT EXPENDITURES OF THE CITY OF XENIA DURING THE FISCAL YEAR ENDING DECEMBER 31, 2017, and it was read for a second time (\$22,000 for cemetery costs).

Motion by Councilman Wallace, seconded by Councilwoman Mills, that Ordinance Number 17-30 be now passed. Brief discussion followed.

President Engle said questions were presented at the last meeting in regard to the City's potential investment in the cemetery and asked for any additional updates. Mr. Merriman said based on subsequent evaluations, everything is ready to go. There were some misperceptions about what the City planned to do, but those points have been clarified with the community member who raised concerns at the last meeting. The City will seek cremations as the form of processing the bodies; therefore, space and set back requirements are not an issue. He noted the City was contacted by some of the Board members for Woodlawn Cemetery who were interested in the possibility of providing some plots at a reduced rate. He asked Mr. Brodsky to contact them, but staff recommends moving forward with these items at this time. However, staff will check with them before finalization to make sure everything is in order. Staff will come back to Council if there are any deviations from the original stipulations.

Councilman Louderback asked if Mr. Merriman still had the remains in his office. Mr. Merriman confirmed; there are currently six urns in his office.

The Roll on this was the following:

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

Mr. Stokely presented an ORDINANCE AUTHORIZING THE CITY TO OBTAIN AN INTEREST IN REAL ESTATE AT PARCELS M40000200120028900 AND M40000200120045600 FOR PRESERVATION OF AN HISTORIC CEMETERY AND DEVELOPMENT OF A NEW MUNICIPAL CEMETERY, and it was read for a second time.

Motion by Councilwoman Mays, seconded by Councilman Wallace, that Ordinance Number 17-31 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 and Councilwoman Mays had nothing further to share.

Councilwoman Mills reminded the public of some upcoming events: Neighborhood Night Out is on June 13th at Cox Elementary from 5-7 p.m. and the Sonnyalb Fireworks Festival and July First Fridays on July 7th. The First Fridays event will start downtown at 4 p.m., and participants are urged to make their way to Shawnee Park for many activities and fireworks. A Cruise In and Car Show will be held at Key Chrysler on Saturday, June 10th, from 11 a.m. – 2 p.m., and she was invited and will participate on behalf of X-Out Hunger.

Councilman Wallace said he enjoyed the Neighborhood Night Out last month at Shawnee School; unfortunately, he will be in Branson, Missouri, during the next event.

Mayor Bayless provided the following updates:

- She attended the Community Action Partnership event at Shawnee Park, and Diamonds and Pearls put on a wonderful performance.

