

City Council Meeting Minutes
June 22, 2017
Regular Session
7:00 p.m.

At 7:00 p.m., the Xenia City Council met in a Regular Session on June 22, 2017, 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: Pastor Barbara Schneckler, Faith Community United Methodist Church, 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 June 8, 2017, Special/Regular Session minutes as written. Brief discussion followed. Vice President Smith identified a typo with regard to the start time for the Special Session. President Engle noted the correct start time was 5 p.m. The Roll on this was the following:

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

Nays: None motion carried.

PUBLIC HEARING:

Rezoning of a 1.876-acre portion of 856 Hedges Road from A-1 Agricultural District to R-1A One-Family Residential filed by property owner Paul Price. Mr. Merriman said Council is being asked to consider the proposed rezoning of a 1.876-acre portion of a parcel located at 856 Hedges Road from A-1 Agricultural District to R-1A One-Family Residential. The applicant wishes to resurvey his property and split off the 1.876-acre lot to convey to another owner for construction of a single-family home. While a single-family home is allowed in A-1, a five-acre minimum lot size would be required under site zoning regulations. As a result, the applicant cannot create the 1.876-acre lot without either applying for a variance or rezoning the parcel. The requested rezoning is generally consistent with X-Plan land use projections and the rezoning is congruent with surrounding land uses. Planning and Zoning Commission held a public hearing on June 15, 2017, and endorsed the proposed rezoning. Following the public hearing, staff recommends introduction of an ordinance authorizing the rezoning.

President Engle invited those in favor of the rezoning to come forward to speak. Hearing none, he invited those against the rezoning to come forward to speak. Hearing none, he invited those neither for nor against the rezoning to come forward to speak. Hearing none, he closed the public hearing at 7:06 p.m. and entertained comments and questions from City Council. Hearing none, he entertained an introduction of the Ordinance.

Vice President Smith introduced an ORDINANCE REZONING A 1.876-ACRE PORTION OF A PARCEL AT 856 HEDGES ROAD FROM A-1 AGRICULTURAL DISTRICT TO R-1A ONE-FAMILY RESIDENTIAL DISTRICT, and it was read for the first time.

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

Myra McDaniel, 835 E. Market Street, commended the city for the wonderful work they do. She has seen a lot of things going on around Xenia that have been surprising and encouraging for growth of the City and the surrounding area. She has lived here for 18 years and has always been told “there’s nothing to do here,” but it has been a blessing to be here for all those years. Last year she raised concern with abandoned structures in the East End and ‘critters’ specifically as it relates to them eating her garden. She thanked the City for the program where someone comes out and sets traps to catch the critters. Two groundhogs were trapped on her property. Karly French in the City Manager’s Office has been a great help. She noted she gives away 90% of what she grows in her garden. Secondly, she rides her bike and was recently on the bike trail. She witnessed a police officer who stopped his car and was picking up glass on E. Main in front of McDonalds. She stopped to help him and thanked him. She then read Matthew 7:12. She asked the citizens of Xenia to “say something if they see something and do something.” Cyclists are coming from all over the place to visit Xenia, and all citizens need to help pick up broken glass on the bike trail. On Tuesday evening, she was disturbed because someone threw trash in the bushes behind her neighbor’s home. Again, she appealed to the citizens of Xenia to “say something if they see something and, if possible, do something.” Again, she thanked the City for the work that they do.

John Caupp, 936 Orville Way, said he was happy to see that the Simon Kenton ordeal may be coming to a close this evening after four years. Several months ago, the Council reviewed three different proposals and one would have helped foster children, employed 15 people, and they would have purchased the property for a much higher price. He asked the true cost to the taxpayers, such as unpaid taxes, closing costs, fees, etc. He asked if that figure was more or less than the \$25,000 that Bridges of Hope will pay. He gave credit to Bridges of Hope for their mission and what they want to do, but people from outside communities will be coming to Xenia, which is a concern for residents. There are 80+ churches in Xenia, and if all the churches wanted this project to happen, it would have happened already. He was disappointed Council did not select the private corporation to receive that property.

REPORTS OF COMMITTEES: None.

ITEMS FROM CITY COUNCIL AND MAYOR:

Appointment to Board of Zoning Appeals: Mayor Bayless said there has been a vacancy on the Board of Zoning Appeals since April 2017. The City Clerk’s Office advertised the vacancy and solicited for applications on the City’s government channel, the website, Facebook, and it has been mentioned at Council meetings. On Friday, June 2nd, the City Clerk received a letter of interest from Ms. Mary Haller, and she spoke with Ms. Haller regarding her interest in serving. With her experience and knowledge, she was pleased to recommend her appointment to fill a vacancy with a term expiration date of April 11, 2021. Her background check was done by the Xenia Police Division and is satisfactory.

Motion by Mayor Bayless, seconded by Councilman Wallace, to appoint Ms. Mary Haller to fill a vacancy on the Board of Zoning Appeals with a term expiring on April 11, 2021. No discussion followed. The Roll on this was the following:

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

President Engle presented two additional items for Council consideration. He requested a motion to approve a new five-year contract for City Manager Brent W Merriman per the discussion in the Executive Session.

Motion by Councilwoman Mays, seconded by Councilman Wallace, to approve a new five-year contract for City Manager Brent W Merriman effective July 2, 2017. 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 Mills, to appoint Ryan Duke as Finance Director per the terms of the contract effective August 1, 2017. No discussion followed. The Roll on this was the following:

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

Nays: None motion carried.

President Engle congratulated both gentlemen; Council was pleased to present contracts to both of them and look forward to their continued services for many years to come.

REPORTS OF CITY OFFICES:

City Manager's Office:

Approval of Final Plat and Subdivider's Agreement for Sterling Green Crossing Phase II. Mr. Merriman respectfully requested approval of a final plat and subdivider's agreement for Sterling Green Crossing Phase II, an original plat for which was approved in 1993 and amended in 2010. As detailed in the agenda report, the Developer has worked to meet all conditions and requirements set forth by ordinance and policy to include requirements enacted in the City's updated Land Development Code. All parkland, utilities, and roadways are addressed and appropriate bonding will be in place to ensure completion of such infrastructure. The Subdivider's Agreement and Final Plat for Sterling Green Crossing Phase II have met the conditions required by Planning and Zoning Commission and are therefore acceptable and presented for City Council approval. Given that the proposed subdivision received approval of a preliminary plat and approval of the final plat for its first section prior to the establishment of the City's fiscal impact analysis policy, he and the Finance Director have elected to waive said policy review requirements. They are excited to see continued growth in the City's residential sector to meet the growing community's housing needs. Staff therefore recommends City Council approve the Final Plat for Sterling Green Crossing Phase II prior to completion of required public improvements and authorize execution of the Subdivider's Agreement for Sterling Green Crossing Phase II, which includes a requirement to post a financial guarantee that complies with Section 1238.03(d) of the City of Xenia Land Development Code. He noted City Planner Brian Forschner has done a lot of work with regard to the Land Development Code to ensure that it is contemporary and provides the City with good expectations and excellent opportunities for growth.

Motion by Mayor Bayless, seconded by Vice President Smith, to approve the Final Plat for Sterling Green Crossing Phase II prior to completion of required public improvements and authorize the City Manager to execute the attached Subdivider's Agreement for Sterling Green Crossing Phase II, which includes a requirement to post a financial guarantee that complies with Section 1238.03(d) of the City of Xenia Land Development Code. Discussion followed.

Councilman Louderback asked who was responsible for paving the streets in this new section. Mr. Merriman said pursuant to City requirements, the streets, utilities, and parkland dedication have to be done before the development can move forward, and the developer is responsible for those things. Councilman Louderback said New Mexico Drive and Dundee Drive have not been completed and those residents have been waiting four years for those streets to be completed. Mr. Merriman concurred those improvements were not completed. The new developer is responsible and has indicated the improvements will be done, and he would like to see those improvements done this year. With changes in the new Land Development Code, there is now adequate bond requirements/retainage that if the improvements do not get done by the developer, the City will have the resources to complete projects like this. He commended the City Planner and Council for approving the legislation to put those measures in place.

The Roll on this was the following:

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

Nays: None motion carried.

Emergency Appropriation Ordinance and authorize the City Manager to enter into a contract with TEC Engineering, Inc. to complete a Traffic Impact Study for the Progress Center Development. Mr. Merriman respectfully requested approval of two measures needed to immediately initiate a traffic study intended to evaluate current and projected traffic conditions associated with the Progress Drive commercial area. These actions include an emergency ordinance to provide supplemental appropriations in the amount of \$20,363 for account 101-1555-53290 for the engineering service and a motion to waive the purchasing policy requirement of three cost quotations and authorize a contract with TEC Engineering, Inc., to complete a Traffic Impact Study for the Progress Center Development at a cost not-to-exceed \$20,363. As always, it is their desire to seek out the best value in contractual services, and given a unique set of circumstances associated with this situation, they feel as though they can accomplish this as recommended. The agenda report details the recent work and unique knowledge TEC Engineering has with regard to traffic study in the Progress Drive area. By engaging this firm immediately, they can utilize data collection TEC has recently compiled for other related projects and maximize their speed and efficiency in delivering a final traffic study report to the City. Timing is important with this situation given the recent momentum the REACH project has gained and because the use of state grant dollars this year could be impacted based on the final results of this new traffic study.

Councilwoman Mills 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 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. Discussion followed.

Councilman Louderback asked the status of the REACH project. Mr. Merriman said the YMCA in conjunction with the Senior Center has launched a formal fundraising campaign, and there has been some early success so far. The campaign committee has identified a number of charitable groups, corporations, and individuals that they will be reaching out to for additional financial support. They received excellent news from several key partners of the project including the Dayton Foundation with a \$225,000 grant versus the anticipated \$75,000 grant. Also, the REACH project will be the July cover story on the publication "Good News Dayton." They have also received good news from Citywide Development, which is the funding entity with regard to the new market tax credits. He explained there are two types of tax credits with state and federal dollars, and the federal tax credits yield a better return. He reported this project will be transitioned to all federal tax credits, resulting in an additional \$250,000. Everyone feels very good about the funding process thus far, and he anticipates initial development will begin this year. Councilman Louderback said for the public's knowledge, he asked where the REACH project would be located. Mr. Merriman said on Progress Drive where the former landscaping/nursery business was located next to Lowe's. This project will provide core services in much needed areas including Kettering Health Network, a satellite campus for Clark State, a new facility for the Senior Center (Xenia Adult Recreation and Services Center), a new facility for the YMCA, a satellite campus and community outreach center for Central State with regard to the Land Grant program, etc.

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 Councilwoman Mays, that Ordinance Number 17-32 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 Councilwoman Mills, to waive the City of Xenia's purchasing policy requiring three cost quotations and authorize the City Manager to enter into a contract with TEC Engineering, Inc. to complete a Traffic Impact Study for the Progress Center Development at a cost not-to-exceed \$20,363.00. No discussion followed. The Roll on this was the following:

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

Introduction of an Ordinance to authorize the sale of land and execution of purchase and development agreements with regard to the former Simon Kenton Elementary School site to Bridges of Hope. Mr. Merriman said as instructed by City Council, staff has spent the last few weeks working through the due diligence process and discussing the

sale of the property with representatives of Bridges of Hope. Provided this week were the draft purchase and development agreements and a general site plan indicating the easement area as identified in the ordinance and agreements, ostensibly for future roadway expansion and future relocation and replacement of fire facilities. Staff must still engage representatives of Bridges of Hope one final time to ensure any remaining concerns with the agreements are addressed, but in general, they feel they have incorporated City Council's wishes into agreements that protect both the City and the site purchaser. As indicated in the agenda report, no action is requested of City Council this evening other than introduction of the ordinance for the sale of the Simon Kenton site to Bridges of Hope. As they proceed with final discussions with Bridge of Hope, any material changes to the contracts will be provided to City Council well in advance of the second reading and final action on this matter.

Councilman Wallace presented an ORDINANCE AUTHORIZING THE SALE OF LAND KNOWN AS THE FORMER SIMON KENTON ELEMENTARY SCHOOL, CONSTITUTING PARCELS M40000100190000500 AND M40000100190000600, and it was read for the first time.

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

- Indigent Burials—Staff has met with board leaders from Woodlawn Cemetery to discuss possible alternatives to developing a City cemetery for indigent burials. Woodlawn will be responding within the next week or so to present a proposal and cost breakdown so they can evaluate and compare this option with what Council has authorized regarding purchase and development of the municipal cemetery. Again, they are looking for a cost effective, dignified, and long-term solution and will report back on what they believe the next step should be.
- Fireworks Festival and First Fridays—A final reminder of the Fireworks Festival and First Fridays event on July 7th starting at 5 p.m. There are thousands of fireworks shells and many activities at both events to be enjoyed by all. The rain date for fireworks is Saturday, which is determined by Rozzi's (fireworks company). Everyone's fingers are crossed for great weather.

Councilman Louderback said he understood the Simon Kenton transaction was not a done deal. There was a 3 to 2 vote with one abstention to move forward and talk with Bridges of Hope, and since that time, he has resigned from CAP's Board. If he understood correctly, Council will be voting to move forward with Bridges of Hope. He said if that vote was unsuccessful, he asked if they could contract with CAP or anybody else. Mr. Merriman said Council directed staff to move forward with negotiation with Bridges of Hope, which they have done. For the land transaction, an ordinance is required, which was introduced this evening. That ordinance includes authorization to execute the purchase and development agreements. Councilman Louderback said the second reading of the Ordinance requires four aye votes for passage. Mr. Merriman said that was correct.

Councilwoman Mills asked about rescheduling the recently cancelled Neighborhood Night Out at Cox Elementary. Mr. Merriman said they have reached out to the partners about rescheduling, and they are still awaiting a response from Xenia Community Schools. If they agree to rescheduling the event, they certainly will.

Vice President Smith said he has received many compliments and positive comments on the recently opened Splash Pad. However, some residents have asked if the water is filtered and/or recycled water. Mr. Merriman said it is a flow-through system, which means the water used is

clean, purified city water. Once the water comes out, the run off water goes into the City's sewer system and is not recirculated. He was pleased with the activity levels there, and noted there are always dozens of kids enjoying the amenities. He added they are considering the request to designate non-smoking areas and anticipates presenting a recommendation to Council within the next few weeks.

Finance Director's Office:

Schedule of Bills: Mr. Bazalak presented payment of bills totaling \$469,075.92.

Motion by Mayor Bayless, seconded by Vice President Smith, to approve payment of bills totaling \$469,075.92. No discussion followed. The Roll on this was the following:

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

Items for the Finance Director: Mr. Bazalak commended City Council for investing in City leadership going forward. Many positive things are happening and have happened over the last few years, and those things don't happen in a vacuum. A lot of work and visionary processes have occurred over the last number of years and the Appointed Officials going forward, with hopefully one more very shortly, will lead the City in good stead for future positive growth. President Engle concurred.

Law Director's Office:

Introduction of Ordinances and Resolutions: None.

Second Readings of Ordinances and Resolutions: None.

Items for the Law Director: None.

READING OF COMMUNICATIONS AND DISCUSSION: Councilman Louderback and Vice President Smith had nothing further to share.

Councilwoman Mays said Xenia Scouts Baseball has started, which is free and very family friendly. The college athletes come from all over the country. The next home game is Tuesday, June 27th, at 1197 S. Detroit Street. The team's schedule can be accessed at www.XeniaScouts.com.

Councilman Wallace said his granddaughter from Boston plans to bring her grandmother to the City's July 7th Independence Day activities. He is looking forward to both events and hopes for mild weather.

Councilwoman Mills reminded all citizens that there is an open seat on BRACA. Those interested can visit the City's website, government channel, or Facebook page for more information. Serving on a City Board or Commission is a wonderful way to give back to the community where they live. As they celebrate Independence Day, she thanked all the men and women who continue to give Americans their freedom. On Friday, July 7th, Shawnee Park

activities start at 4 p.m. with the Kevin Sonnycalb Fireworks Festival, First Fridays in the downtown area runs from 5-9 p.m., and activities continue at the park until 11 p.m.

Mayor Bayless said she attended customer appreciation day at River Metals Recycling at 840 Jasper Road, which is a very clean operation that takes all kinds of scraps including cars. Clark State held a welcome event for retired Air Force Colonel Devillier, who is their new Vice President of Business Affairs. As a WPAFB commander, his annual budget was \$300 million, so she thinks he can handle Clark State as he serves as their chief financial officer. She attended the Colonel Young renovation meeting a few days ago and was excited to hear about the plans for enhanced bike trails, an amphitheater, areas for buses and overflow parking, vegetable gardens, barnyard areas, and renovations to recreate the original character of the home. They are seeking input from the public; she suggested those interested visit their website and/or Facebook page. She also attended the Carnegie presentation yesterday at the Greene County Historical Society. There are 111 Carnegie libraries in Ohio, and Xenia's library has some unique features including the yellow brick. One of the presenters, Mary Ellen Armentrout, was hopeful they can come up with a plan to keep and maintain that building.

President Engle said yesterday was his and his wife Lynn's 31st wedding anniversary. He loves and appreciates her and the three wonderful children they have raised in Xenia. He is looking forward to many more years.

ADJOURNMENT: Motion by Councilman Louderback, seconded by Councilman Wallace, to adjourn the meeting at 7:47 p.m. 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