

City Council Meeting Minutes
July 13, 2017
Special Session
5:30 p.m.

The Xenia City Council met in a Special Session on July 13, 2017, at 5:30 p.m. in the City Council Chambers, City Administration Building, with the following members present: Wesley Smith, Dale Louderback, Sarah Mays, and Marsha J. Bayless.

Edgar Wallace was absent for the roll call but attended the Executive Session.

Michael D. Engle and Jeanne Mills were absent.

Motion by Vice President Smith, seconded by Councilwoman Mays, 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), Purchase or Sale of Property per XCO §206.04(a)(2) and ORC §121.22(G)(2), and Pending Litigation per XCO §206.04(a)(3) and ORC §121.22(G)(3). No discussion followed. The Roll on this was the following:

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

Nays: None motion carried.

At 7:06 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 July 13, 2017, at 7:12 p.m., in the City Council Chambers, City Administration Building, with the following members present: Wesley Smith, Edgar Wallace, Dale Louderback, Sarah Mays, and Marsha J. Bayless.

Michael D. Engle and Jeanne Mills were absent.

Motion by Vice President Smith, seconded by Councilman Wallace, to excuse President Engle and Councilwoman Mills from the meeting. No discussion followed. The Roll on this was the following:

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

Nays: None motion carried.

INVOCATION: Senior Minister Jay Russell, Northside Christian Church, gave the invocation after which all joined in the Pledge of Allegiance.

APPROVAL OF MINUTES: Motion by Councilman Louderback, seconded by Councilman Wallace, to approve the June 22, 2017, Special Session minutes as written. No discussion followed.

The Roll on this was the following:

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

Nays: None motion carried.

Motion by Councilwoman Mays, seconded by Mayor Bayless, to approve the June 22, 2017, Regular Session minutes as written. No discussion followed. The Roll on this was the following:

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

Nays: None motion carried.

PUBLIC HEARING:

Approval to Submit 2018 Tax Budget. Mr. Merriman said as part of our annual budget development process and as required by the State of Ohio, City Staff has completed the 2018 tax budget. This public hearing is for consideration of the 2018 tax budget. The tax budget as proposed is based on City Council's articulated budget priorities and includes positive ending cash balances for all funds. Within the tax budget as presented, the City's reserve requirement for our key operating funds is not met on a budget basis, but it is important to remember that this is only the tax budget with very conservative estimates and actual ending balances will be healthier. Finance Department projections show ending balances that meet reserve requirements for 2018. Staff's submittal for the final budget will reflect this and other changes to ensure fiscal policy requirements are met. The current budget proposed to City Council for the 2018 Tax Budget is \$57,279,118.00. This budget includes, prospectively, SAFER Grant employees in the Fire Division and an additional School Resource Officer. Final determination on inclusion of these expenses is contingent on awarding of external funding assistance and City Council's ultimate approval. Upon completion of the tax budget process, City Staff will proceed with development of the final operating budget for 2018. Final budget development will include initial review by the Budget and Finance Subcommittee. The final budget will include updated and more accurate revenue projections and expense estimates as these figures become clearer. City Charter requires an operating budget to be delivered to Council by the end of October. Staff requests City Council conduct the public hearing and then entertain a motion to approve the 2018 tax budget for submittal to Greene County.

Vice President Smith invited those in favor of submitting the 2018 Tax Budget to the Greene County Budget Commission to come forward to speak. Hearing none, he invited those against the 2018 Tax Budget to come forward to speak. Hearing none, he invited those neither for nor against the 2018 Tax Budget to come forward to speak. Hearing none, he closed the public hearing at 7:21 and entertained comments and questions from City Council. Hearing none, he entertained a motion.

Motion by Councilwoman Mays, seconded by Councilman Wallace, to approve the 2018 Tax Budget for submittal to the Greene County Budget Commission. Discussion followed.

Councilman Louderback asked if there have been any changes in local government funds for this year. Mr. Merriman said there were two changes of note in local government fund distributions. Council may recall that some prior reports talked about significant changes to the allocation formula. Those changes were approved by the house but not by the Senate and ultimately did not

- Variance to allow a 6' tall wood privacy fence to be constructed in the front yard of a corner lot at 1192 Rockwell Drive filed by property owner Jennifer Weller, which was denied.
- Variance to allow construction of a 24' x 24' detached garage at 409 Redbud Lane filed by property owner Nicole Russ, which was partially approved and partially denied. The size of the construction was approved despite the fact that it exceeds the maximum permitted square footage of an accessory structure, but denied the use of siding that was not similar to the home.

ITEMS FROM CITY COUNCIL AND MAYOR:

Appointment to the Xenia JEDD-1 Board. Vice President Smith said the retirement of Finance Director Mark Bazalak will create a vacancy on the JEDD-1 Board as the City representative. Given that the City Council has appointed Mr. Ryan Duke to the position of Finance Director effective August 1, 2017, he recommended that Mr. Duke fill the City representative vacancy on the JEDD-1 Board.

Motion by Vice President Smith, seconded by Mayor Bayless, to appoint Mr. Ryan Duke to fill the City representative vacancy on the Xenia JEDD-1 Board effective August 1, 2017 with the term expiring January 28, 2020. No discussion followed. The Roll on this was the following:

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

Appointment of Donnette A. Fisher as Law Director. Vice President Smith said there was an additional item for consideration per the Executive Session. Council was notified earlier this year that Mr. Schierloh resigned as the City's Law Director. City Staff conducted two rounds of interviews and a panel of three Council members conducted the final round of interviews for a new Law Director. Staff and Council held a meet-and-greet with Ms. Donnette Fisher earlier this evening. He requested a motion to approve the contract for Ms. Fisher as Law Director for the City of Xenia effective August 14, 2017.

Motion by Councilman Louderback, seconded by Councilman Wallace, to appoint Donnette A. Fisher as Law Director per the terms of the contract effective August 14, 2017. No discussion followed. The Roll on this was the following:

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

Vice President Smith congratulated Ms. Fisher on her appointment.

REPORTS OF CITY OFFICES:

City Manager's Office:

Introduction of a Resolution authorizing the City Manager to apply for financial assistance from the Ohio Public Works Commission (OPWC) for the reconstruction of Ledbetter Road from Mt. Vernon Drive to S. Detroit Street and select sections of W. Second Street between Allison Avenue and S. Progress Drive. Mr. Merriman respectfully requested introduction of a resolution authorizing the City to seek a State of Ohio Issue II grant from the Ohio Public Works Commission for the reconstruction of Ledbetter Road from

Mt. Vernon Drive to S. Detroit Street and select sections of W. Second Street between Allison Avenue and S. Progress Drive. Staff continues to be aggressive in seeking out funding solutions to enhance the City's street replacement program. For this round of Issue II applications, the City Engineering Division would like to apply for Issue II funds for the repair and replacement of asphalt and concrete curbing along portions of Ledbetter Road and W. Second Street as generally described. The specific sections of W. Second Street to be targeted have not been determined as the construction cost estimates are still being completed. Generally, they are looking at the areas from Allison Avenue out to Rockwell Drive. While it would be staff's desire to re-construct W. Second Street over the entire length, the estimated costs will more than likely make it too cost prohibitive. As such, they will attempt to secure funding for the replacement of as much of the roadway as possible. Once the construction cost estimates are completed, Staff will provide a final total to City Council. If the resolution is introduced this evening, it can be passed upon its second reading at the July 27 regular session, which will accommodate the grant program application deadline of July 28.

Councilwoman Mays introduced a RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AND FILE WITH THE DISTRICT 11 PUBLIC WORKS INTEGRATING COMMITTEE AN APPLICATION ON BEHALF OF THE CITY OF XENIA FOR AID IN PARTLY FINANCING THE COST OF CAPITAL IMPROVEMENT PROJECTS PURSUANT TO THE PROGRAMS ADMINISTERED BY THE OHIO PUBLIC WORKS COMMISSION; TO EXECUTE CONTRACT AGREEMENTS WITH THE STATE OF OHIO; AUTHORIZING THE CITY MANAGER TO PERFORM ALL ACTS AND EXECUTE ALL DOCUMENTS HE CONSIDERS NECESSARY TO FULFILL THE CITY OF XENIA'S OBLIGATIONS UNDER SAID GRANT APPLICATION AND CORRESPONDING AGREEMENTS; TO COMPLY WITH ALL RELEVANT LOCAL, STATE, OR FEDERAL LEGAL REQUIREMENTS; AND TO PROVIDE ASSURANCES AND ADDITIONAL INFORMATION AS REQUIRED BY THE OHIO PUBLIC WORKS COMMISSION, and it was read for the first time.

CSU Fire/Rescue Contract Extension. Mr. Merriman respectfully requested Council approve a motion authorizing a one-year contract retroactive to July 1 for fire and rescue services with Central State University, which is essentially an extension of an expiring five-year contract. The original contract, which was executed in 2012, included no provisions allowing for an automatic extension option; therefore, action is required to extend the contract. Staff sought the extension commitment from CSU early in the spring but for a host of reasons, staff did not receive this commitment until recently. For their purposes, CSU has now agreed to and executed the extension. The terms and conditions of the extension are generally the same as with the prior contract. Under the service agreement the City has had over the past five years, both parties have been pleased with the arrangement and its mutual benefits.

Motion by Councilman Wallace, seconded by Mayor Bayless, to authorize the City Manager to enter into an agreement to extend retroactively to July 1, 2017, the term of the CSU fire/rescue service delivery contract for a period of one year at a total contract amount \$156,000.00. Brief discussion followed.

Mayor Bayless noted that the overall results of the agreement were less than anticipated, which resulted in slightly less revenue than projected. Mr. Merriman said the call volume was not as high as anticipated; therefore, it produced less revenue than anticipated. At the same time, it also means

there was a decreased service demand, which worked out in the end. Mayor Bayless said it has been a positive partnership. Mr. Merriman agreed; both parties have benefitted from this contract.

The Roll on this was the following:

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

Nays: None motion carried.

Emergency Appropriations Ordinance to provide for interim legal services.

Mr. Merriman respectfully requested City Council approve an emergency ordinance to provide appropriations for expenses related to legal services. During this interim period as Council has sought a new law director, the City engaged contractual services for legal counsel needs. The number of complex and unique projects and issues the City has faced this year has created a heavy workload in terms of legal advice and review. It is necessary to appropriate additional funds to ensure payment of the expenses incurred for necessary legal due diligence. Staff recommends the approval of the emergency ordinance appropriating \$25,000 from various funds for the purpose as stated.

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

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

Nays: None motion carried.

Motion by Councilwoman Mays, seconded by Mayor Bayless, that Ordinance Number 17-33 be now passed. No discussion followed. The Roll on this was the following:

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

Nays: None motion carried.

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

- **Sterling Green Roadways**—He announced staff's intention to incorporate the Sterling Green Section 3 roadways into the City's 2017 street surfacing program as referenced in the audience comments this evening. This work will include a final asphalt course to provide adequate surface for the affected roadways. Residents in this area have rightly complained for years about their local streets having not been completed by the original developer of the subdivision. The City was hesitant to complete this street surfacing project as the work is specifically the responsibility of the developer of the subdivision under the development agreement. As the recession hit a number of years ago and virtually all housing development came to a halt, the final paving of this area essentially got lost in the weeds. As they have heard the renewed concerns of residents this year, they interceded with the group that now owns the development rights and who is technically responsible for finishing the roadway. Through the efforts of the City's Engineer and Planner, an agreement was struck whereby the City will pay for the initial paving work and incorporate the

cost into the 2017 Street Program. The developer will then reimburse the City over the next three years. This is a really positive outcome—the City can get this needed work completed yet this year while ultimately not having the expenses come out of taxpayers' pockets. This work falls within the 10% rule for change orders for this year's street resurfacing program and funds are immediately available. As such, he has the authority to authorize it and has done so in order to get the addition added to the street resurfacing vendor's schedule. However, arranging for the reimbursement from the developer will require an updated development agreement, which will be brought back to City Council in the very near future. He does not have an exact date that the work will be done because it is subject to the vendor's schedule. He apologized for the lengthy time in getting the issue corrected.

Councilman Louderback asked which streets will be paved. Mr. Merriman said New Mexico and Dundee Drives.

Mayor Bayless wanted to provide some information regarding residents' concerns with the condition of Colorado Drive. The City sets aside \$500,000 annually for the Street Program; however, it would take approximately \$3 million to pave Colorado Drive from end to end. Mr. Merriman confirmed, and noted that figure would include curbing and other aspects of the process. Council and Staff are very cognizant that many neighborhood streets and thoroughfares are in need of repair. He hopes the public can see by tonight's action that they are trying to apply for, and hopefully receive, resources to address these issues and improve some streets that are significant retail corridors. Staff wants to provide good infrastructure for the retail and traveling community, so they continue to try to find resources to supplement the amount Council sets aside each year in the General Capital Fund. He feels it is important for the public to know that the City receives a little over \$1 million in the General Capital Fund, and Council has established that \$500,000 of that will be utilized for the street program. Council has kept their promise to the public and continues to make that program a priority. He said \$500,000 is a lot of money; however, putting asphalt down is a very expensive proposition. The City is making progress, but it is definitely incremental progress. They need to come up with some longer-term solutions to find a more comprehensive set of answers to the problem, but they are making progress.

Councilman Louderback said there were issues with former developers who did not want to step up to the plate and honor their commitments. Mr. Merriman said that is a good point. The Land Use Plan and other code revisions that Council approved last year specifically address that issue. The Public Service Director and City Engineer insisted that developers have bonding and retainage in place as Council authorizes new development within the City to ensure that Council has the financial and legal capability to see the project completed if the developer fails to follow through with the infrastructure. The bond retainer was grossly insufficient to complete the work back when the Sterling Green development was initiated. The City could have called the bond, but it would not have been sufficient to cover the cost of the infrastructure. The issue has been corrected in the new code, and the City has legislation in place for new developments to deal with these issues. Councilman Louderback noted the performance bond was only \$14,000. Mr. Merriman confirmed. He asked how much it would be to complete the work on New Mexico Drive and Dundee Drive. Mr. Merriman said the cost estimate is \$30,000.

- **New Downtown Businesses**—He encouraged folks to shop all the vendors in our downtown and make special note to stop in at Parker's General Store at 29 E. Main Street and Coffee Hub Xenia at 81 E. Main Street. There are fantastic deals for cooking and baking at Parker's General Store,

and they have plans to open a coffee shop within the store in the near future. The owner is a young entrepreneur, and he encouraged the public to stop in to support the business. He is also very pleased with the new Coffee Hub, which opened yesterday in the front of Toward Independence. They sell an excellent selection of coffee and baked goods, and the staff is very friendly. It is great to have two new businesses adding unique touches to our downtown, and he encouraged the public to support downtown businesses to help maintain their longevity.

Councilman Louderback said some people complain about the lack of downtown parking, and he noted there is additional parking at the City Administration Building to help off-set the limited amount of downtown parking. Mr. Merriman said there is 30-minute parking immediately in front of the building, a few dozen parking spaces to the south of the building in Lot 7, which is two-hour parking, and Lot 8 has some limited parking. Staff recognizes there are some concerns and frustrations with downtown parking, and they are currently in the process of evaluating the issues to find some solutions. He hopes Staff can come back to Council in late summer or early fall with some ideas to address the issues.

- **Fireworks Festival**—They got off to a soggy start last Friday for the Kevin Sonnycalb Fireworks Festival and First Friday, but they (literally) ended with a bang. They had great success despite the weather and a great turnout. He showed a brief drone video taken of the event. He gave video credit to A.J. Doyle and Jarred Heartfan for the video. He noted the City does not have total control over deciding if the fireworks show will move forward; the fireworks vendor has the final decision. Staff and other invested people had a meeting late Thursday and early Friday to evaluate the weather forecast and make the decision. He feels they made the right decision all things considered, and there was a great turnout for the event. Rozzi's Fireworks staff enjoy coming to Xenia to put on the show, and Xenia likes having them here. He has been asked why the fireworks were held on July 7th, and he replied the City made a decision a few years ago to incorporate First Fridays and the Fireworks Festival on the same day, which draws a much bigger crowd by having the two events coincide. Unfortunately, there was some rain this year, but it still drew a large crowd. Staff extended a big thank you to Sarah Amend, the Sonnycalb Family, Xenia Rotary, Rozzi's Fireworks, City staff, and numerous other donors and contributors. Everyone is already looking forward to next year with a tentative date of July 6th.
- **Bennett Play Depot**—Playworld, the manufacturer of the playground equipment recently installed at the Bennett Play Depot at Xenia Station, has asked to feature the amenity in their marketing materials. The City agreed, and their representatives will be onsite on July 25th for a photo shoot. They are seeking local talent to participate in the shoot. Additional information can be found on the City's Facebook page and website. In exchange, the City will receive acknowledgement in all of Playworld's marketing materials nationwide, and the City will have access to all the photos produced for the marketing. Staff is pleased to be acknowledged in this positive manner.
- **Bulk Pick-Up**—The City has launched the new bulk pick-up service options. There are now two options for residents: Option 1 - Rumpke will collect up to three bulk items (furniture, appliances, etc.) the second full week of the month at no charge on regular trash collection days; or Option 2, our new option - The City will collect bulk items on Tuesdays and Fridays each week at a cost of \$2.00 per item. Residents must schedule the pickup by calling 376-7260 or by emailing the request to bulk@ci.xenia.oh.us. Additional information on these services is available on-line on the City's website. Staff is already seeing a robust participation in the secondary option, and he sees it as a good thing for both the residents and the City. Option 2 is an enhanced service at a very reasonable price, which is making bulk pick-up more convenient for residents and helping to reduce street-side clutter.

Vice President Smith noted the brown and green carts look very nice in the City in comparison to other color combinations in other communities.

Councilwoman Mays asked if Rumpke could be eliminated from doing the bulk pick up at some point in the future to save money if the new option [Option 2] works out. Mr. Merriman said it is an option, but bulk pick up is a provision of the contract with Rumpke; however, it could be subject to renegotiations. He did not think that bulk pick-up is a significant money-maker for Rumpke; therefore, they may be open to the concept. Staff will evaluate the options.

Vice President Smith reminded the public that the City had no option in dealing with the issues surrounding trash pick-up, and if no changes were made, they would have had to deal with a substantial increase in fees for trash disposal, tipping fees, etc. Therefore, they attempted to find the most amicable solution to the problem. The new system is not perfect, but it is a solution. Recycling has been a big help in reducing the amount of trash going into the trash cart (and eventually the landfill). If needed, additional trash carts can be requested for \$4 per month per cart. Mr. Merriman noted additional recycling carts can be requested and are free of charge. Vice President Smith thanked staff for their constant efforts to improve the City.

- **Neighborhood Night Out (NNO)**—Doug Adams Stadium hosted NNO yesterday, and Xenia Community Schools held a dedication for their new multi-use track. The facility is fantastic and will be a great asset to Xenia. XCS plan to host regular track and field meets and at least one large invitational bringing positive attention to XCS and the Xenia community. The public is invited to the next NNO scheduled for August 29th at the Bennett Play Depot from 5 – 7 p.m.

Vice President Smith asked if anyone had addressed the condition of the soccer fields in the aftermath of Hamvention. Mr. Merriman said the County is aware of the issue, but he has not received any updates at this time. He will raise the concern at the upcoming meeting.

Finance Director's Office:

Schedule of Bills: Mr. Bazalak presented payment of bills totaling \$586,407.74.

Motion by Councilman Louderback, seconded by Councilman Wallace, to approve payment of bills totaling \$586,407.74. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Louderback, Mays, Bayless, and Smith
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 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 a second time.

Motion by Vice President Smith, seconded by Councilwoman Mays, that Ordinance Number 17-34 be now passed. No discussion followed. The Roll on this was the following:

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

Mr. Stokely 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 a second time.

Motion by Councilman Wallace, seconded by Councilwoman Mays, that Ordinance Number 17-35 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Mays, Bayless, and Smith
Nays: Louderback motion carried.

Items for the Law Director: None.

READING OF COMMUNICATIONS AND DISCUSSION: Councilwoman Mays congratulated Wright Place Apartment Interfaith Vesper Services for their nine-year anniversary on July 9th; she was honored to be a part of the celebration. She thanked City Staff for all their hard work at the Fireworks Festival; it was an amazing event and was enjoyed by all who attended. Country Blessings, 491 W. Second Street, is hosting a farmers' market on Thursdays from 4-7 p.m. from June – October. Emmanuel Baptist Church vacation bible school will be offered the week of July 17th through July 21st from 9:30 a.m. to noon and anyone interested can register at www.ebcxenia.org.

Councilman Louderback congratulated City Staff for their work with the additional bulk pick-up and the street work at Sterling Green. He was glad the City is stepping up to the plate to address the issue. He asked if Ryan Homes was the new developer. Mr. Merriman confirmed. Councilman Louderback thought there would be better results with Ryan Homes than previous developers. He asked about next year's fireworks schedule. Mr. Merriman said the decision was made last year to continue to partner the Fireworks Festival with First Fridays because it became too much of a burden for staff and organizers to accommodate two significant events within one week. Combining the two events saves money but also draws a bigger crowd to both events; therefore, the two events will continue to coincide for future years. Councilman Louderback said he knows the splash pad was controversial in the beginning, but he felt it was one of the best things the City has done in a long time and was money well spent.

Councilman Wallace said he regrets that the rain impacted the First Fridays event, but he agreed with keeping the First Fridays and Fireworks Festival coordinated to draw a larger crowd. He apologized for missing the last NNO; he had to travel to Indianapolis. He was excited that Bridges of Hope is moving forward; he heard there were 30 students working three days in a row to help prepare the building for occupancy.

Mayor Bayless said she also attended the anniversary celebration at Wright Place on July 9th; she congratulated those who coordinated the event. In regard to Mr. Scrivens' comments during

