

City Council Meeting Minutes
July 27, 2017
Regular Session
7:00 p.m.

The Xenia City Council met in a Regular Session on July 27, 2017, at 7:00 p.m., in the City Council Chambers, City Administration Building, with the following members present: Wesley Smith, Edgar Wallace, Dale Louderback, Sarah Mays, Marsha J. Bayless, and Michael D. Engle.

Jeanne Mills was absent.

INVOCATION: Steve Fyffe, Eastmont Freewill Baptist Church, Dayton, gave the invocation after which all joined in the Pledge of Allegiance.

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

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

Nays: None motion carried.

APPROVAL OF MINUTES: Motion by Councilwoman Mays, seconded by Mayor Bayless, to approve the July 13, 2017, Special/Regular Session minutes as written. No discussion followed. The Roll on this was the following:

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

Abstain: Engle

Nays: None motion carried.

SPECIAL PRESENTATION:

Resolution of Appreciation for Finance Director Mark A. Bazelak. President Engle read in its entirety a Resolution of Appreciation for retiring Finance Director Mark A. Bazelak for his thirty-three years of service to the City of Xenia. (Applause followed.)

Mr. Bazelak thanked City Clerk Michelle Johnson, Denise Percival, and everyone involved in the reception. It was great to see people he has worked with over the years. He thanked past and present Mayors and City Council members for giving him the privilege to serve the community as Finance Director, which has been both challenging and rewarding. They have achieved a lot of great work together. He thanked past and present City Staff for all they have done to make Xenia a great place to live. Very few cities, if any, provide the level of service that Xenia does with the limited amount of resources available. It really says something about this City with its great public safety, public service, administrative staff, etc., and the level of service provided on such a tight budget. Most especially, he thanked his staff in the Finance Department for supporting him both personally and professionally over the years. His position has been more of a home than a job. He started as a Finance Clerk for a few years before serving as the Assistant Finance Director and eventually Finance Director. The positions gave him the opportunity to work with many fantastic people. It seems like he has had three separate careers all in one. He

got to meet a lot of people in each position, and he has made friends for life. A new group of employees are coming in that will take on the challenges of the City, and it has been an honor and privilege to work with them. He wished them well in their careers. He looks forward to the progress Xenia will make over the next few years with the Downtown Revitalization, Downtown Hope IV Grant, Downtown Bikeway Safety Project, Xenia Towne Square redevelopment, REACH Project, Splash Pad at Xenia Station, new hotel on Progress Drive, and countless other initiatives. Xenia is on the move! There will always be challenges and there will always be nay-sayers, but the appointed officials and City Council need to continue to look at the big picture. Sometimes they have a tendency to get involved in the details of the day-to-day things without looking at the big picture that affects the citizens. He advised staff and Council to have the courage of their convictions as they move forward. He thanked everyone and wished Xenia luck ... and noted he will be watching. (Applause followed.)

Councilman Louderback presented RESOLUTION OF APPRECIATION FOR MARK A. BAZELAK IN RECOGNITION OF HIS VALUABLE SERVICE TO THE CITY OF XENIA, AND DECLARED IT TO BE AN EMERGENCY.

Motion by Councilman Louderback, seconded by Councilman Wallace, that the rules requiring the reading of a resolution at two consecutive meetings be dispensed with and this resolution be placed at once upon its passage. No discussion followed. The Roll on this was the following:

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

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

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

Vice President Smith thanked Mr. Bazalak for his dedicated service; he really appreciated everything he did for the City of Xenia. It has been a pleasure to work with him.

Councilman Louderback also thanked Mr. Bazalak for his service; he didn't realize he had done so much over the years. He wished him good luck in his retirement.

Mayor Bayless congratulated Mr. Bazalak on his retirement. She worked with Mr. Bazalak's father in the school system and had so much respect for him and his intelligence; she was pleased that he produced such an intelligent son. It has been wonderful to work with Mr. Bazalak. Mr. Bazalak said his father thought the world of Mayor Bayless as well. He thanked her for her kind words.

President Engle thanked Mr. Bazalak for his service. He will be greatly missed but he was glad he will still be a part of Xenia as it moves forward.

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

Marty Heide, Greene County Outreach for Congressman Mike Turner, extended congratulations to Mr. Bazelak on behalf of Congressman Turner. She was certain Xenia will miss Mr. Bazelak and his service. She provided a handout to Council regarding the services offered through Congressman Turner's Dayton office. They currently have two full-time caseworkers for Social Security, Medicare, veterans, and active duty military. She handles any other issues that fall under government agencies. She encouraged Council and the public to reach out to her office if they need any assistance with any government issues. There is a process for handling issues to bring them to resolution. They have a liaison with all the agencies to serve members of Congress, which allows for an immediate response. She shared that they recently had a lady with a passport issue that was time-sensitive, and Congressman Turner's office was able to assist in getting that issue resolved. She shared contact information as follows: (937) 225-2843 or www.turner.house.gov.

Councilman Louderback asked if Congressman Turner would consider being the Grand Marshall for Xenia's Hometown Christmas parade on the Saturday after Thanksgiving. Ms. Heide said that would be an honor, and she will pass the invitation on to Congressman Turner.

John Caupp, 936 Orville Way, thanked Steve Fyffe for giving the invocation. Mr. Fyffe is a longtime Wee Bucs volunteer even though he does not have any kids in the program. He gives hundreds and hundreds of hours to the youth of Xenia each year. He thanked Mr. Bazelak for his 33 years of service to the City of Xenia. The City has had some outstanding employees pass through, but Mr. Bazelak is truly a spectacular employee. The City will have a void to fill with his retirement. Mr. Bazelak did not always agree with him politically, but he always respected his opinion. Mr. Bazelak was always a straight-shooter. He gives him a lot of credit for caring for his mother and dedicating more time to his family. As the Executive Chair for the Greene County Republican Party, he announced their new permanent location will be at 45 E. Main Street. They will have a grand opening in mid-September and would love to have Congressman Turner in attendance. The owner of the building is one of the best downtown businessmen, and it has been great to work with him throughout the process.

Thomas Scrivens, 725 Lexington Avenue, congratulated Mr. Bazelak on his retirement. He knew Mr. Bazelak's father when he was on the School Board, and he was a consummate public servant, and Mr. Bazelak followed suit. He watched Mr. Bazelak progress from the time Mr. Freeman passed the baton on to him, and he took the lead. Mr. Duke will be challenged to keep up with Mr. Bazelak's legacy. He reported the islands on Fairground Road and Ankeney Mill Road and near the Chamber of Commerce building could use some attention. He thanked the City for getting E. Church Street paved, but motorists are now speeding through that section of town. He asked if [additional] 25 mph signs could be posted in the area. Additionally, cars are still parking in the "no parking" area of the street, which needs to be addressed. People continue to ask him if W. Second Street, Colorado Drive, and E. Second Street will be paved in the near future. He informed them they may be paved next year. He understands all the bad roads cannot be paved every year, but he is thankful that Ledbetter Road will be addressed.

Michelle Johnson, City Clerk, said she has had the pleasure of working for Mr. Bazelak since 2003. She has been in public service for 26 years and has had the pleasure of working for some really great bosses; of course, Mr. Bazelak is at the top of the list. They make a great team, and she will miss him very much. She is looking forward to Mr. Duke taking over and new

challenges associated with that transition. She wanted to let Mr. Bazelak know publically that he is a great boss. She appreciates his leadership style; he puts the hammer down when necessary but allows employees to do their job without micromanaging their work. He will be greatly missed.

Steve Fyffe, 263 Bedford Road, asked if the City could host a Fourth of July parade in the future. Also, he is an announcer for the Xenia Wee Bucs and invited Council, staff, and the public to come out to support the Wee Bucs at their first game on August 13th. Further, Xenia will host the Super Bowl this year; he hopes a Xenia team will make it to compete in the Super Bowl to finally put Xenia on the map. He encouraged the public to come out and support the teams.

REPORTS OF COMMITTEES:

Economic Development Advisory Board: Councilman Wallace announced the EDAB meeting has been moved from its regularly scheduled meeting date of Tuesday, August 15th, to Wednesday, August 2nd, at 6 p.m.

ITEMS FROM CITY COUNCIL AND MAYOR:

Reappointment to Board for Recreation, Arts, and Cultural Activities. President Engle said Mr. Nelson King was appointed to fill a vacancy on the Board for Recreation, Arts, and Cultural Activities on November 10, 2016. His term will expire on July 31, 2017. The City Clerk contacted him to determine his interest in being reappointed for an additional four-year term, and he wishes to be reappointed. It should be noted that Mr. King recently completed the Master Gardener program, he is an active Tree Committee member (a subcommittee of BRACA), he is managing the Bloom with Xenia ... Adopt-a-Spot program, and he is a valued City volunteer.

Motion by President Engle, seconded by Councilwoman Mays, to reappoint Mr. Nelson King to the Board for Recreation, Arts, and Cultural Activities with a term expiring on July 31, 2021. No discussion followed. The Roll on this was the following:

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

Nays: None motion carried.

REPORTS OF CITY OFFICES:

City Manager's Office:

Authorization to Execute New Subdivider's Agreement for Remaining Public Improvements in Villages of Sterling Green Section 3. Mr. Merriman said as a follow-up to an item addressed at the last Council meeting, staff is recommending City Council authorize a new Subdivider's Agreement with M One Development for the completion of public improvements in the Villages of Sterling Green, Section, 3 subdivision that includes a requirement for M One Development to secure a financial guarantee in compliance with the City's Land Development Code. As previously reported, staff has negotiated an arrangement with M One Development that will allow the City to move forward with completion of unfinished roadways in Section 3 this year with the guarantee of the developer reimbursing the City over the next 3 years. Passage of a

motion would memorialize this arrangement and allow them to move forward with the project this year with the confidence that the developer will be required to make good on its commitment to pay for the improvements as negotiated.



Motion by Councilman Louderback, seconded by Councilman Wallace, to authorize the City Manager to execute a new Subdivider’s Agreement with M One Development for the completion of public improvements in the Villages of Sterling Green Section 3 subdivision, including a requirement for M One Development to secure a financial guarantee in compliance with the City’s Land Development Code. Brief discussion followed. Councilman Louderback commended staff for addressing this issue; he was certain the residents appreciated this effort. Mr. Merriman passed some of the credit on to City Engineer/Public Service Director Chris Berger, and City Planner Brian Forschner for being instrumental in getting this project underway. The Roll on this was the following:

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

Award of Bid for Road Salt per Southwest Ohio Purchaser’s for Government.

Mr. Merriman respectfully requested Council approve a motion to award the bid for road salt to Detroit Salt Company in the amount of \$48.32 per ton on an as-needed basis for the 2017-2018 winter storm season per the Southwest Ohio Purchaser’s for Government (SWOP4G) program. This quote represents a substantial reduction from last year’s bid price of \$58.45 per ton and reflects abundance of the commodity given the light winter seasons they have experienced over the last few years. The City currently has full capacity of salt on-hand totaling about 1,300 tons and will only need to order additional product at this bidder’s price point if the City experiences a heavy winter season. Staff recommends awarding the bid to Detroit Salt Company at this time.

Motion by Vice President Smith, seconded by Councilwoman Mays, to award the bid for road salt to Detroit Salt Company in the amount of \$48.32 per ton on an as-needed basis for the 2017-

2018 winter storm season per the Southwest Ohio Purchaser's for Government (SWOP4G) program. No discussion followed. The Roll on this was the following:

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

Nays: None motion carried.

Rejection of Bid for the Submersible Pumps & Associated Apparatus for OVCH Lift Station. Mr. Merriman said staff recently advertised for competitive bids for the Submersible Pumps & Associated Apparatus for OVCH Lift Station. Only one bid was received for the project, which was opened on July 11, 2017. Due to the fact that this sole bid exceeded the amount budgeted for the project, staff will reassess the specifications and scope of work for this project and will make adjustments as necessary to rebid the project in the near future. As a result, staff is requesting that City Council reject the bid.

Councilman Wallace asked about the exceeded amount. Mr. Merriman said he did not have an exact dollar amount, but it was considerably over the budgeted amount, which was a concern for staff. They will take a closer look because it is an important project.

Motion by Councilman Wallace, seconded by Mayor Bayless, to reject the sole bid opened at the July 11, 2017, bid opening for the Submersible Pumps & Associated Apparatus for OVCH Lift Station. No discussion followed. The Roll on this was the following:

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

Nays: None motion carried.

Authorize Change Order #4 of professional services agreement with Burgess & Niple for a Phase II Environmental Site Assessment of the former Kmart Property. Mr. Merriman respectfully requested City Council authorize execution of Change Order #4 in a not to exceed amount of \$34,700 with Burgess & Niple for additional field work and professional services and authorize a new not-to-exceed contract amount of \$192,000 for the Phase II ESA on the former Kmart property. As described in the agenda report, testing to date related to environmental evaluation of the former Kmart site has led to the need for additional investigation attempting to understand the point-source or sources of the chemical of concern. Staff continues to pursue these efforts on an urgent basis in the interest of the health, safety and welfare of the businesses and employees in this area of downtown. As he has separately communicated with members of Council, staff has taken steps to transition additional testing expenses to OEPA under the guise of their regulatory authorities and responsibilities. With the forthcoming results of additional tests, staff hopes to be at a point that steps toward application for an NFA at the Kmart site might be pursued within the coming weeks. Simultaneously, staff is pursuing appropriate means to assist our downtown businesses with any concerns that arise as a result of OEPA's evaluation of presence of chemicals of concern.

Motion by Mayor Bayless, seconded by Councilwoman Mays, to authorize the City Manager to execute Change Order #4 in a not to exceed amount of \$34,700 with Burgess & Niple for additional field work and professional services and authorize a new not-to-exceed contract amount of \$192,000 for the Phase II ESA on the former Kmart property. Brief discussion followed. President Engle said he hopes the City will see an end to the issue soon. The Roll on this was the following:

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

Items for the City Manager: Mr. Merriman expressed a sincere thank you to Mr. Bazelak for his service and comradery. It has been a very active first few years for him in his role as City Manager, and Mr. Bazelak has been a tremendous source of inspiration, stability, and professionalism in his unwavering commitment to the community, its people, and City Staff. These types of jobs have a certain degree of loneliness, but Mr. Bazelak has been a confidant and a source of strength throughout their time working together. He cannot thank him enough for his contributions to the City and to himself personally. He will miss him, but Mr. Bazelak has well-earned his retirement. Staff has him on speed dial in case his knowledge and guidance are needed. He has full faith and confidence in Mr. Bazelak's replacement, Ryan Duke. He is a little saddened that Mr. Duke has been stolen from his office, but he knows he will perform well as Finance Director. Mr. Bazelak in many respects has renewed his hope for this country because he has shown that people can sit down and have good discussions despite their disagreements and still be professional, respectful, and compassionate. He has also proven that even with disagreements they can still walk away having more respect than when they started. He thanked Mr. Bazelak for his service and friendship and wished him the best in his well-deserved retirement.

Finance Director's Office:

Schedule of Bills: Mr. Bazelak presented payment of bills totaling \$520,525.37.

Motion by Mayor Bayless, seconded by Councilwoman Mays, to approve payment of bills totaling \$520,525.37. No discussion followed. The Roll on this was the following:

Ayes: Smith, Wallace, Louderback, Mays, 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. Schaeffer presented 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 a second time.

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

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

Nays: None motion carried.

Items for the Law Director: None.

READING OF COMMUNICATIONS AND DISCUSSION: Councilman Louderback said Xenia lost a great businessman with the passing of Mr. Terry Tobey. He was always dedicated to the City of Xenia and always appreciated when Council and City Staff purchased vehicles from him. He will be missed.

Councilwoman Mays congratulated seventeen-year-old Drew Brads for setting a new World Record at the World Rubik's Cube competition. His average solve time is 2.04 seconds for the Pyraminx. Mr. Brads is an amazing young man and will be a senior at Legacy Christian Academy. He is a quality person who serves others in the community. He often serves as a buddy for those with special needs at Joni and Friends Family Retreat. He is an amazing person, and she congratulated him on his recent achievement.

Councilman Wallace said Wilberforce University is preparing to start classes on Wednesday, August 2nd, and he welcomed students back and prays they have a good year. He noted things are looking up for Wilberforce University.

Mayor Bayless shared the following:

- She was invited by the mobility managers to take a tour on the Greene CATS transit bus, which was really interesting. The tour last two hours and travels throughout the City and out to Central State University and Wilberforce University. She learned a lot on the tour including the care they provide to their disadvantaged passengers. The bus drivers greet each rider personally. One rider noted he would be unable to get to his job in Dayton if not for Greene CATS.
- She attended the fundraiser for the Christopher House and Women's Recovery at Shawnee Park on Saturday. It was moving to listen to the testimony of people in recovery. Xenia is fortunate that its addiction rate is not as high as other communities, but they still have a lot of work to do.
- She asked everyone to keep the Terry Tobey family in their thoughts and prayers. He was a very kind man. She is thankful that Council and Staff have purchased some vehicles locally, and noted his dealership is the only new car dealership left in Xenia. His family plans to continue the business.
- Central State University received an award for being the #1 HBCU (Historically Black Colleges and Universities). The campus has had a lot of great things happening in recent years. Every year the President of CSU hosts a tea for the incoming freshman girls, and the President's husband hosts an alternate event for the incoming freshman boys. She has a chance to tell the freshmen girls about the area and community. It is always a nice event, and she enjoys attending each year.

Vice President Smith offered his condolences and prayers for the passing of Mr. Tobey. The residents located behind his dealership have always respected him as a great neighbor. Mr. Tobey was always very personable and friendly, which is why he was such a successful

businessman. He had the opportunity to photograph riders of the Centurion Ride for Greene County Parks and Trails on July 14th. Over 370 cyclists from all over the country participated, which was the highest number of participants to date. Some cyclists start riding as early as 7 a.m. and start rolling in around 2 p.m., and many average 20 mph on their bikes. He ran into a CSU booth at the Ohio State Fair, and a young lady representing CSU signed him up to help with her 4-H photography project. The accident at the Ohio State Fair was tragic, and he sent prayers out to the family of the victim and those injured in the accident. He encouraged the public to support the Greene County Fair, which starts on Sunday, July 30th and runs through August 5th at the Greene County Fairgrounds.

President Engle added his sincerest condolences to the Tobey family. He first met Mr. Tobey when he moved to Xenia in 1992, and he has been a loyal customer ever since. He was a man of his word and he is certain Mr. Tobey's family will continue that standard with the dealership. He knows the City will make every opportunity to support local businesses when fiscally responsible and possible. He reported Mr. Tobey's viewing is at Tobias Funeral Home in Beavercreek on Monday, July 31st, which he plans to attend. He encouraged the public to visit two new businesses in Xenia: The Flower Mom is a cupcake and baked goods store located on the corner of N. Detroit Street and Main Street and Devil Wind Brewing Company is located at 130 S. Detroit Street, which specializes in craft beers. He reminded the public to drink responsibly. He invited families with school-aged children in need of shoes to attend the "*Shoes 4 the Shoeless*" event at Faith Community United Methodist Church on their measuring day, Sunday, August 6th from 10:30 a.m. to 12:30 p.m. with a pick-up date of Sunday, August 13th at the same time. Each child will receive a new pair of athletic shoes and at least one pair of socks. The program has served approximately 2,200 – 2,300 children over the duration of the program. His wife and daughter have actively participated in the program, and he has also assisted with the event. It is rewarding to see smiles on the faces of children as they receive a brand new pair of shoes. Anyone interested can contact FCUMC for more information. This is just another example of how Xenia is the City of Hospitality through its community, City, and faith-based institutions that help citizens in the community.

ADJOURNMENT: Motion by Vice President Smith, seconded by Councilwoman Mays, to adjourn the Regular Session at 7:57 p.m. and go into Executive Session to discuss the Purchase or Sale of Property per XCO 206.04(a)(2) and ORC §121.22(G)(2). No discussion followed. The Roll on this was the following:

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

Nays: None motion carried.

Michelle D. Johnson
City Clerk

Michael D. Engle, President
Xenia City Council