

**XENIA CITY COUNCIL
REGULAR SESSION MEETING MINUTES
JANUARY 10, 2019
7:00 P.M.**

1. CALL TO ORDER: President Michael Engle called the January 10, 2019, Regular Session to order at 7:00 p.m. in the City Council Chambers, City Administration Building.

2. INVOCATION: Charlie Huff provided the Invocation.

3. PLEDGE OF ALLEGIANCE: Councilman Will Urschel led those present in the Pledge of Allegiance.

4. A. ROLL CALL: Vice President Wallace, Councilman Will Urschel, Councilman Dale Louderback, Councilman Wesley Smith, Councilman Levi Dean, Mayor Sarah Mays, and President Michael Engle.

B. SWEARING IN: Law Director Donnette Fisher presided over the swearing-in of Councilman Will Urschel with his family members present. (Applause followed.)

C. REORGANIZATION: Mayor Mays said at the first meeting of each calendar year, Council reorganizes to select the President and Vice President for the calendar year¹. She entertained nominations for Council President for 2019. Councilman Louderback said he did not wish to be a candidate for either position.

Motion by Councilman Smith, seconded by Vice President Wallace, to nominate Michael Engle to serve as the Council President for 2019. Hearing no further nominations, she asked for the Roll Call. The Roll on this was the following:

Ayes: Wallace, Urschel, Louderback, Smith, Dean, Mays, Engle

Nays: None motion carried.

Mayor Mays entertained nominations for Council Vice President for 2019.

Motion by President Engle, seconded by Councilman Smith, to nominate Dr. Edgar Wallace to serve as the Council Vice President for 2019. Hearing no further nominations, she asked for the Roll Call. The Roll on this was the following:

Ayes: Wallace, Urschel, Louderback, Smith, Dean, Mays, Engle

Nays: None motion carried.

5. APPROVAL OF MINUTES: Motion by Councilman Louderback, seconded by Councilman Smith, to approve the December 27, 2018, Regular Session meeting minutes as written. No discussion followed. The Roll on this was the following:

¹ Per the Charter, the only Council members who meet the criteria to serve as Council President and Vice President are Councilmen Smith, Louderback, Wallace, and Engle. Per Charter Section 4.02, the Mayor cannot serve as Council President or Vice President, and per Charter Section 4.14(B), Councilman Dean and Councilman Urschel must serve as a Council member for two or more years to be eligible.

Ayes: Louderback, Smith, Dean, Mays, Engle
Abstain: Wallace, Urschel
Nays: None motion carried.

6. SPECIAL PRESENTATION(S):

“Stop the Bleed” ~ Natalie Sherry, Trauma Program Manager, Greene Memorial Hospital. Ms. Sherry thanked Council for the opportunity to make a presentation about this important topic and make the community aware of a valuable training opportunity. She said part of being a trauma center includes community outreach. She said the “Stop the Bleed, Save a Life” program is a national initiative that she brought to this community, which is designed to teach civilians about bleeding control interventions during an emergency situation. The program is a free, one-hour course that includes hands-on skills. She noted the training could be adjusted to the level of the learner, i.e., students vs. adults, etc. All participants receive a certificate of participation and a “This shirt can save a life” t-shirts. The program was started in 2018 and is funded through the Greene Memorial Foundation. She provided handouts about the training, which includes contact information. She works closely with Xenia Police Sgt. Lon Etchison to execute this program. She entertained comments or questions.

Councilman Smith asked when the classes are offered. Ms. Sherry said they are arranged per request, and they usually plan for one instructor per eight students. She demonstrated a kit offered through the national program, which includes a tourniquet, that was purchased for each school in Greene County along with providing the training. President Engle asked Assistant City Manager Jared Holloway if staff was planning to take part in this training. Mr. Holloway said there are two opportunities for staff training each year, and this training could be considered for one of those days. President Engle asked Councilmembers if they were interested in receiving the training. All indicated they were interested. President Engle said he would contact Ms. Sherry accordingly.

Ms. Sherry asked Sgt. Etchison to briefly speak about his collaboration for the program. Sgt. Etchison said he and Officer Swihart are trained to be “Stop the Bleed” instructors, and they will provide the training through a community outreach program. He said the next class is scheduled for February 21st, and they will continue the training on a regular basis. He said if Council decides they want to receive the training, he could provide that training.

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

Cody Brannum, 320 Colorado Drive, said he spoke about his denied variance request at the last Council meeting. He said he wants to build a garage 4’ from the property line instead of 10’. His immediately adjacent neighbors all reached out by telephone or sent in a letter of support regarding his garage being built 4’ from the property line. He said any person or business willing to put money into a property should be welcomed with open arms. The City should be willing to work with any individual that is willing to jump through loopholes to get permits and variances. If the City was not willing to work with residents and businesses for the greater good of adding tax revenue to benefit the schools, City, and County, then they should not question why a street or school levy fails. He thanked those who have taken the time this week to walk his property to better understand his situation. In his neighborhood, he sees garage after garage that have 3’ setbacks and his should not be any different. He did not understand why the requirement more than

tripled (from 3' to 10') since 2016. Government is too involved in what property owners can do with their properties. As an aside, he suggested the "Stop the Bleed" training for Public Service Department staff.

Thomas Scrivens, 725 Lexington Avenue, congratulated Councilman Urschel; he said it was a pleasure to have him serve and continue the progress they have made. He thanked Ms. Sherry for the presentation; they all need to know how to "Stop the Bleed," and they all should be diligent to acquire the training to save a life. He was anxious to see what's in store for 2019 and excited to see some projects come to fruition.

8. OLD BUSINESS: None.

9. PUBLIC HEARING(S): None.

10. NEW BUSINESS:

A. Introduction of Resolution 2019-A Determining to Proceed with the Renewal of a Property Tax Levy in excess of the Ten Mill Limitation and To Submit the Question of the Renewal of the Tax to the Electors at the May 7, 2019, Special Election. Finance Director Ryan Duke said the City's 3.5 mill operating levy is set to expire at the end of 2019. At the last Council meeting, a resolution was approved to request the County Auditor to certify an amount related to the renewal of the operating levy, and that information has been received. The next step in the process is introduction of a Resolution determining to proceed to place the item on the May ballot. He noted this levy has been in place for many decades and is important in sustaining critical City operations—it is not a new tax and residents' taxes will not increase as a result of passage of this renewal levy.

Vice President Wallace presented RESOLUTION 2019-A DETERMINING TO PROCEED WITH THE RENEWAL OF A PROPERTY TAX LEVY IN EXCESS OF THE TEN MILL LIMITATION AND TO SUBMIT THE QUESTION OF THE RENEWAL OF THE TAX TO THE ELECTORS AT THE MAY 7, 2019, SPECIAL ELECTION, and it was read for the first time.

Vice President Wallace suggested a citizens committee be appointed to help with promotion of this levy renewal. He feels that passage of the levy depends on the community's understanding of the issue. President Engle asked the appointed officials if action and conversation could be entertained on this request. They agreed.

Councilman Dean said he would like to make a motion to change Land Development Code Section 1224.01(e)(7)B. as follows:

(7) Detached Garages and Carports

B. Detached garages and carport shall be set back a minimum of ~~40~~ **3** feet from all lot lines.

Councilman Dean said he would like this to be considered the first reading of the ordinance.

President Engle clarified that Councilman Dean stated he wished to make a motion. Councilman Dean said yes. President Engle entertained a second to the motion. Councilman Louderback

seconded the motion. President Engle entertained comments or questions on the motion. Councilman Dean asked Law Director Donnette Fisher if there should not be any discussion or questions if it is only an introduction. Ms. Fisher said at least five aye votes are required to pass an ordinance as an emergency. Councilman Dean said he did not wish for this to be passed as an emergency—this should be considered the first reading. Ms. Fisher said per the City Codified Ordinances, any change to the Zoning Code needs to be referred to the Planning and Zoning Commission, they need to hold a public hearing, and then they could make a recommendation back to City Council. Vice President Wallace asked if this matter had already been considered by the Planning and Zoning Commission. Ms. Fisher said she could not answer that question. Mayor Mays said it had not. City Planner Brian Forschner concurred. Ms. Fisher explained that changes to the Zoning Code can be initiated by the Planning and Zoning Commission or by City Council. Therefore, City Council or a Councilmember can initiate that change, but it needs to be referred to the Planning and Zoning Commission for their consideration and recommendation before Council takes a final vote.

President Engle asked if there was a need for a motion at this time to send the request to the Planning and Zoning Commission. Ms. Fisher advised that the motion should be amended to recommend that a change to the above-mentioned section be referred to the Planning and Zoning Commission, and their recommendation would come back to Council for a vote.

Councilman Louderback said he thought Council had the authority to make the change without going to the Planning and Zoning Commission. Ms. Fisher said Council does have the authority to make the change, but the Codified Ordinances state that a recommendation from Planning and Zoning Commission is needed first. Council can either accept that recommendation or reject it—Council has the final decision. Even if Council initiates the change, the Planning and Zoning Commission still have to make a recommendation. Councilman Louderback said he received an email from Mr. Forschner to the contrary.

Mr. Forschner said his email agrees with Ms. Fisher's opinion that the Codified Ordinances require the Planning and Zoning Commission hold a public hearing and then make a recommendation to City Council before City Council acts on it. Regardless of who initiates the change, the Planning and Zoning Commission has to make a recommendation first. Councilman Louderback read a portion of Mr. Forschner's email that included three options and #3 was "if a majority of Council is in favor of the amendment, initiate the amendment through a motion at the January 10th meeting." Mr. Forschner agreed his email stated that, but before that option was presented, the email stated that regardless of who—including Council—initiates the amendment, it has to go to the Planning and Zoning Commission first for a public hearing and a recommendation and then it comes back to Council for a final vote and Council can vote however they wish. He noted this process is outlined in the City Codified Ordinances. Councilman Louderback said he was a bit confused. Ms. Fisher agreed the process is confusing and explained that typically Council has the right to make changes to the Codified Ordinances. In this case, the Codified Ordinance states that the public has the right to speak on any changes to the Zoning Code at public hearings at the Planning and Zoning Commission and again at City Council meetings. Council has the right to recommend a change to the Zoning Code, but XPZC needs to hold the required public hearing and present a recommendation to Council and Council can either accept the recommendation or reject it. Councilman Louderback said as a Council, they have the right to make these decisions for something like this. He said he visited Mr. Brannum's property, and he sees no reason why they are driving him through all these hoops. Now Mr. Brannum is being told he has to go through

another process. He'd like Council to take a vote on this. Ms. Fisher said this is a text amendment change and would affect every residential property in the City and not just Mr. Brannum's property. Councilman Louderback said a variance is a case-by-case basis. Ms. Fisher said that is correct, but this particular request is to change the text of the Zoning Code, which affects everyone in the City, and that is why it is important for the Planning and Zoning Commission to hold the public hearing and make a recommendation back to Council. She noted the extra step is required by ordinance, but that could certainly be looked at and changed. Councilman Louderback said he would like to look at that because Xenia has a reputation of being anti-business and some homeowners get drug through red tape, which he feels is why Xenia's population is not growing. The setback requirement was changed in 2016, but Mr. Brannum lives in Arrowhead where 75% of the homes have detached accessory garages that are built based on the 3' setback requirement. When he looked at Mr. Brannum's property, he did not know if he could get his big truck into the garage if it is 10' from the property line.

Councilman Dean said he concurs with Councilman Louderback. He did not see a reason why they should stop someone from trying to build a garage that would improve his property value, improve his standard of living, and it doesn't harm the neighborhood or neighbors. He has letters from his neighbors that say they are fine with it. He did not see a reason why the code requires a 10' setback, which really diminishes the available (usable) back yard green space for most residential lots in the City. It was stated at the last meeting that the reason for the 10' setback was to increase green space, but that doesn't help the residents because the 10' between the property line and the accessory structure cannot be used. They cannot put a swing set there, a fire pit, etc. As stated, 75% of the homes in this neighborhood already have detached accessory structures that are 3' from the property line. As far as he knows, no reason was given in 2016 as to why this [setback requirement] was changed from 3' to 10'.

President Engle said in consideration of what Ms. Fisher has observed regarding the requirements of the Codified Ordinances, he said Councilman Dean made the motion for the text amendment, Councilman Louderback seconded that motion, and Ms. Fisher has recommended an amendment to the motion. He asked Councilman Dean how he wished to proceed. Councilman Dean said he would like to proceed with the original statement. He thinks Council was well aware of the situation with email exchanges, time to visit the property in question, and look at other properties with accessory structures built based on the old code. With the requested action this evening, Council would still have an additional two weeks to consider the amendment before voting at the next Council meeting. President Engle asked Ms. Fisher if the motion would set into effect the change immediately because an introduction is not made in the form of a motion with a second and a roll call. Ms. Fisher said the change cannot be made immediately—that would be an emergency and would require five affirmative votes. Councilman Dean clarified he did not wish to present this as an emergency—it was just an introduction. Ms. Fisher said if Councilman Dean's intent was to just introduce the Ordinance to make the text change, then a motion and second was not needed. President Engle said the action this evening was an introduction of the Ordinance to change the text of the Zoning Code. Ms. Fisher said that was correct. President Engle asked if Council would then vote at their next meeting. Ms. Fisher said the ordinance needs to be referred to the Planning and Zoning Commission and then it will come back to Council for a vote.

Vice President Wallace asked for a specific timeline for this action. Mr. Forschner said the Land Development Code requires that the Planning and Zoning Commission hold a public hearing, which would occur on February 7th. At that time, XPZC will make a recommendation to Council,

and on February 14th, Council would hold another public hearing, conduct the second reading, and vote. He would publish one public hearing notice for both public hearings (at XPZC and at Council). President Engle reiterated there was an introduction this evening, and there was no need for second. The Law Director will craft the Ordinance, and Planning and Zoning will hold a public hearing on February 7th and Council will hold a public hearing and vote on February 14th.

B. Administrative Motion Reappointing a Member of the Traffic Commission. Councilman Dean said Mr. William Sykes' term on the Traffic Commission expired on January 8, 2019. Mr. Sykes has served on the Traffic Commission since December 10, 2015, and he has expressed his interest in being reappointed to a four-year term, with a term expiration date of January 8, 2023.

Motion by Councilman Dean, seconded by Vice President Wallace, to reappoint William "Bill" Sykes to the Traffic Commission with a term expiration date of January 8, 2023. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Urschel, Louderback, Smith, Dean, Mays, Engle
Nays: None motion carried.

C. Administrative Motion Approving the Schedule of Bills in the amount of \$181,427.78. Mr. Duke requested the payment of bills in the amount of \$181,427.78.

President Engle entertained a motion.

Motion by Mayor Mays, seconded by Councilman Louderback, to approve payment of bills totaling \$181,427.78. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Urschel, Louderback, Smith, Dean, Mays, Engle
Nays: None motion carried.

11. REPORTS OF COMMITTEES:

A. Board for Recreation, Arts, and Cultural Activities: President Engle said the January meeting was cancelled due to lack of agenda items. The next regularly scheduled meeting is February 5, 2019, at 6 p.m. to begin discussing the annual Easter Egg Hunt.

B. Traffic Commission: Councilman Dean said the January meeting was cancelled due to lack of agenda items.

C. Board of Zoning Appeals: Mayor Mays said BZA met on Monday, December 17, 2018, to consider one variance request to allow a 24'x30' detached rear-yard garage to be 4' from the rear/side property lines instead of the required 10' at 320 Colorado Drive filed by Cody Brannum, which was denied. Councilman Louderback asked why the variance was denied. Mayor Mays responded that eight of the nine criteria were not satisfied with one being not applicable.

D. Planning and Zoning Commission: Councilman Smith said the January XPZC meeting was cancelled due to lack of agenda items. The next regularly scheduled meeting is February 7, 2019, at 6 p.m.

12. APPOINTED OFFICIALS REPORTS AND COUNCIL COMMENTS:

A. City Manager, Finance Director, and Law Director:

Mr. Holloway welcomed Councilman Urschel to City Council. He looks forward to working with him.

Mr. Duke had nothing further to share.

Ms. Fisher had nothing further to share.

Councilman Smith asked Council to consider moving the Council meeting time from 7 to 6 p.m. He noted many of the City's lay boards meet at 6 p.m. or earlier. Councilman Dean said he has also considered Council's start time and suggested meeting at 7 p.m. during the summer months and 6 p.m. during the winter months. President Engle said they could certainly consider such a change, keeping in mind the need for occasional special sessions.

B. Mayor and City Council:

Mayor Mays shared the following:

- January 7: She served as honorary coach for the Central State Basketball team. She thanked Nick Novy, Coach Price, and the team for celebrating her son's birthday. It was very fun, and she appreciated their hospitality.
- January 8: She participated in a Ribbon Cutting for Youthland Academy. She congratulated them on their opening. It was amazing to see the transformation into a childcare facility.
- Today, January 10: She met with Derek Paulhus, a senior at Harvard studying government who is doing his senior thesis research project about Ohioans and their political and social perceptions about the nation today. She noted Mr. Paulhus has also met with people at the DDC, Greene County Development, and will be heading to Youngtown, Ohio, to meet with representatives there as well. It was a very interesting conversation.
- Also today, January 10: She met with WCSU, WYSO and Greene County Parks and Trails regarding working on a possible summer project together.
- She welcomed Councilman Urschel to Council.
- She invited everyone to the community Martin Luther King, Jr. service being held at Zion Baptist Church, 565 E. Main Street, Xenia, at 7 p.m. It is an important day to celebrate, and it's a great community event to come together and worship together.

Councilman Louderback said earlier this evening his company provided a dinner for the Xenia Basketball Team, and they do the same for the football team in the fall. He said they were all very courteous and well mannered. He also welcomed Councilman Urschel to the Council. He said if Councilman Urschel was half as tough and smart as his mother, then he will do well.

Councilman Smith said the City of Xenia got a "boost in the arm" with the opening of the REACH Center on January 2, which includes the new YMCA, Central State/Clark State educational opportunities, and the Xenia Adult Recreation and Services Center. He encouraged people to visit the center noting it has been packed with people. The center is a wonderful blessing for this community thanks to numerous donors and partnerships. He thanked Councilman Urschel and his family for his service. He said being a public servant is sometimes a thankless job that requires a lot of time, but they all do it because they are passionate about this community and want to help others. He looked forward to Councilman Urschel's leadership, wisdom, and prayers. He

acknowledged Tammy Bartley who was recently appointed to replace her father's position (William Spahr) on the Xenia Community School Board. Ms. Bartley is a school teacher at Fairborn City Schools. He thanked her for her willingness to serve this community.

Councilman Urschel and Councilman Dean had nothing further to share.

Vice President Wallace said Bob Colaner was present in the audience, and he has directed the choir at the Martin Luther King, Jr. service for the fourth time this year. He invited everyone to attend, especially those who like to sing. He said they have had wonderful services the last few years. Pastor Dan Jordan will preach at this year's service for the first time, and he was looking forward to packing Zion Baptist Church, which is a beautiful architectural marvel. He said Business After Hours was held at the REACH Center this evening and even though he was unable to attend, he was very thankful for that project. He recently heard that the YMCA's membership has doubled.

President Engle also welcomed Councilman Urschel to the Council. He feels he will do exceptionally well on Council and will be an asset to the City. He noted the first major snow event was expected this weekend, and he asked all to take special care while driving.

13. EXECUTIVE SESSION: President Engle entertained a motion to go into Executive Session. He noted it was possible that Council would reconvene in Regular Session to take further action.

At 7:53 p.m., motion by Councilman Louderback, seconded by Vice President Wallace, to go into Executive Session to discuss Labor Negotiations per XCO §206.04(a)(4) and §ORC 121.22(G)(4). No discussion followed. The Roll on this was the following:

Ayes: Wallace, Urschel, Louderback, Smith, Dean, Mays, Engle

Nays: None motion carried.

14. RECONVENE: At 8:11 p.m., the Council reconvened in Regular Session with the same members present. President Engle entertained a motion regarding the AFSCME Union Contract.

Motion by Councilman Louderback, seconded by Vice President Wallace, to ratify the AFSCME Contract for Public Service Workers. Brief discussion followed. Vice President Wallace thanked all involved on a successful negotiation. President Engle concurred. The Roll on this was the following:

Ayes: Wallace, Urschel, Louderback, Smith, Dean, Mays, Engle

Nays: None motion carried.

15. ADJOURNMENT: Motion by Councilman Louderback, seconded by Councilman Smith, to adjourn the Regular Session at 8:13 p.m. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Urschel, Louderback, Smith, Dean, Mays, Engle

Nays: None motion carried.

Michelle D. Johnson
City Clerk

Michael Engle
President, Xenia City Council