

**XENIA CITY COUNCIL
MEETING MINUTES
MARCH 10, 2022
6:00 P.M.**

Pastor Gary Chapman, Zion Baptist and Jeremiah Tree, provided the Invocation.

A. PLEDGE OF ALLEGIANCE: All present stood and recited the Pledge of Allegiance led by Councilman Thomas Scrivens.

B. CALL TO ORDER: President Smith called the Regular Meeting to order at 6:03 p.m.

C. ROLL CALL: Vice President Will Urschel, Councilman Thomas Scrivens, Councilwoman Rebekah Dean, Councilman Cody Brannum, Councilman Levi Dean, Mayor Sarah Mays, and President Wesley Smith were present.

D. APPROVAL OF MINUTES: Motion by Councilwoman Dean, seconded by Councilman Brannum, to approve the February 24, 2022, minutes of the Regular Meeting as written. President Smith entertained comments or questions. None were presented. The Roll on this was the following:

Ayes: Urschel, Scrivens, R. Dean, Brannum, L. Dean, Mays, Smith

Nays: None motion carried.

Motion by Mayor Mays, seconded by Councilwoman Dean, to approve the March 1, 2022, minutes of the Special Meeting as written. President Smith entertained comments or questions. None were presented. The Roll on this was the following:

Ayes: Urschel, Scrivens, R. Dean, Brannum, L. Dean, Mays, Smith

Nays: None motion carried.

E. SPECIAL PRESENTATION(S): None.

F. AUDIENCE COMMENTS: President Smith explained the procedures for Audience Comments and invited those who wished to speak to come forward.

Jeremy Ervin, 921 Orville Way, said he was in favor of Resolution 2022-P to authorize the submittal of an application for a Greene County Community Investment Grant for the Community STEAM Academy, which was on the agenda this evening. He said the grant was very important for the STEAM academy facility, which would provide innovative education for the heart, mind, body, and soul. They currently have almost 100 enrollees, and the academy was scheduled to open this fall. He noted the academy was open to any student in the State of Ohio, but bussing would be provided for any student within a 30-mile radius. This facility would become one of the flagship STEAM academies in the State of Ohio and would be part of the revitalization of the Xenia downtown area including five blocks east and the former East High School building, which would become the K-5 campus. The grant would make a positive difference and impact in the downtown revitalization and the East End as well as to educate students in the 21st century.

G. OLD BUSINESS:

1. President Smith presented **ORDINANCE 2022-05 AMENDING SECTION 260.04, TITLED “HOLIDAYS,” OF THE CITY’S ADMINISTRATIVE CODE, AS CONTAINED IN PART TWO OF THE XENIA CITY CODE**, introduced by Councilman Scrivens on 02/24/2022, and it was read for a second time.

Motion by Councilman Scrivens, seconded by Mayor Mays, to adopt Ordinance 2022-05 as presented. President Smith entertained comments or questions. Brief comment followed. Councilman Scrivens said this legislation approves the addition of a new holiday, which was Juneteenth. The Roll on this was the following:

Ayes: Urschel, Scrivens, R. Dean, Brannum, L. Dean, Mays, Smith

Nays: None motion carried.

2. President Smith presented **RESOLUTION 2022-J AMENDING APPENDIX 2 OF THE EMPLOYEES’ BENEFITS MANUAL (NONUNION WAGE RANGES) FOR THE YEAR 2022**, introduced by Mayor Mays on 02/24/2022, and it was read for a second time.

Motion by Mayor Mays, seconded by Councilman Scrivens, to pass Resolution 2022-J as presented. President Smith entertained comments or questions. Discussion followed.

Vice President Urschel said at the last meeting, he indicated he was not against raising the maximum pay rates, but he presented the idea of not increasing the minimum wage rates. The State and Federal minimum rate was established, and he felt they should give the Appointed Officials leeway to identify the ranges from the maximum rate down. He said the economy was unpredictable, and they did not know what would happen. However, people may be willing to work at a much lower rate. If the minimum pay rates were increased, it would constrain them and require them to pay no lower than that rate. Therefore, he recommended striking the minimum and midpoints and only include the maximum pay rates in the compensation plan. If staff wished to publicize a pay range for a particular position, they can work amongst themselves to determine that pay range.

Motion to amend by Vice President Urschel to strike the minimum and midpoints and only include the maximum pay rates in the compensation plan. President Smith entertained comments or questions and asked the members how they felt about leaving the minimum “as is.” City Manager Brent Merriman clarified the motion on the floor was to remove the minimum and midpoints, but there was not a second to the motion. Vice President Urschel said a second to the motion would allow for discussion. Mayor Mays seconded the motion. Discussion followed.

Mayor Mays said if the minimum and midpoints are struck, she asked if the Appointed Officials would be permitted to set the minimum wherever they deem appropriate. Mr. Merriman said yes, as long as there are no contractual obligations or other laws that require otherwise. Most of the positions using this non-union wage scale are professional staff positions. Wages for union positions are established by collective bargaining agreements. Finance Director Ryan Duke said if Council did not want to increase the minimum, he agreed with removing the minimum and midpoints because they would not be keeping pace with the market. By just keeping the maximum in place, it would allow staff the ability to advertise the range that they feel was appropriate in an effort to attract the best candidates.

Vice President Urschel said staff has the ability to negotiate the entry salary. If a minimum was published, they are not bound to employ someone at that minimum rate. Mr. Duke said that was correct. In fact, they rarely hire someone at the minimum pay range rate. They always take into consideration what the applicant was currently making, what it would take to attract that candidate, etc. Vice President Urschel confirmed they cannot go over the maximum that Council approved. Mr. Duke said that was correct. Mr. Merriman said by establishing a minimum and maximum, it would give a potential candidate the understanding from a marketing standpoint of what can be expected for a position. He noted they rarely start a candidate at the very top of a pay range.

Law Director Donnette Fisher said she hired her employees exclusively on this nonunion pay scale. If all that was left was the maximum in the pay grades, she was concerned that she would be hiring someone at a rate that could fall in multiple pay grades. Mr. Merriman agreed that internal equity was an important consideration. Mr. Duke said there are already some overlaps in the ranges from pay grade to pay grade. By eliminating the minimum and midpoints, the amount of overlap would be extended.

Vice President Urschel expressed his concern with raising the floor (the minimum) because then they could not negotiate based on what was going on with the economy. The Appointed Officials could work out among themselves some ranges for internal equity if they felt that was necessary. He was very concerned about increasing the minimums every year because it would never be retracted.

Councilman Scrivens called for the question. The Roll on the amendment was the following:

Ayes: Urschel, R. Dean, L. Dean, Mays, Smith
Nays: Scrivens, Brannum motion carried.

The Roll on the original motion as amended was the following:

Ayes: Urschel, Scrivens, R. Dean, Brannum, L. Dean, Mays, Smith
Nays: None motion carried.

H. NEW BUSINESS:

1. Introduction of Ordinance 2022-06 Approving a Major Change to the Planned Unit Development Concept Plan for Wright Cycle Estates that Increases the Number of Planned Single-Family Homes and Decreases the Planned Commercial Acreage. City Manager Brent Merriman said originally initiated nearly three decades ago, the Wright Cycle Estates PUD was envisioned as a walkable 306-acre mixed-use community with a range of housing types and a “village center” concept containing shops and a school. While the entire vision never came to be as a result of a number of factors, a sizable portion of mixed housing was built out as well as a public park and a connection to the Little Miami Scenic Trail. Less than half of the original acreage was developed and the PUD had undergone several changes over the years. Recently, the balance of the undeveloped property was sold to a new development firm titled Wright Cycle Estates Holdings III, LLC, and this new owner was seeking to move forward with new housing buildout, albeit under a modified plan. The desired changes to the PUD require City Council action via Ordinance. Specifically, the new developer was seeking changes as follows:

Wright Cycle Boulevard

- Redesignating approximately 10 acres of land along Wright Cycle Boulevard, mostly west of High Wheel Drive, from commercial to single-family residential. The remaining 6.5 acres of land adjacent to US 42 at Wright Cycle Boulevard would remain commercially zoned.

South of Wright Cycle Boulevard and Extension of Tandem Drive

- Changing planned “Small” and “Patio” lots on Tandem Drive to “Medium” lots with reduced density.
- Increasing density of “Medium” lots on the future street east of Tandem Drive.

With these changes, the previously approved street layout would be maintained. If approved, the proposed changes would increase total remaining residential lots from 271 to 293. The proposed increase in residential units resulted in a classification of a Major PUD Change and required action by ordinance to approve. Staff worked with the developer to consider code requirements and regional land use plans and encouraged incorporation of change elements that fall within such guidelines. Staff also completed an impact analysis to evaluate the relative impacts of the PUD change; highlights of this analysis were included in the agenda report materials. With all of these factors in mind, staff believed the proposed changes as presented are acceptable. The requested changes were presented in a public hearing to the Planning and Zoning Commission (PZC) on March 3rd; the Commission voted unanimously to endorse the changes. Pursuant to Xenia City Code, City Council would need to adopt Ordinance 2022-06 to authorize the changes. He respectfully recommended introduction of the Ordinance this evening.

President Smith said as stated, PZC heard the presentation and held a public hearing at their last meeting on March 3rd. Several residents spoke during that hearing but were neither for nor against the proposed changes. He said City Council would hold a public hearing on March 24th. He then entertained questions or comments.

Vice President Urschel asked if the section that would remain commercially zoned was located near the entrance off of US 42. Mr. Merriman said that was correct. Vice President Urschel asked about the lease for a residential building for Xenia Grace Chapel. City Planner Brian Forschner said the pastor of Xenia Grace Chapel attended the PZC meeting and mentioned the lease arrangement. He stated that he was in negotiations with the developer about it. From a zoning standpoint, the house can remain or it could be moved. Vice President Urschel asked if the zoning for that particular lot had changed. Mr. Forschner said no. The action requested with Ordinance 2022-06 would not change the situation with that property. Vice President Urschel shared that the original owner sold the building to the church and signed a lease for the land—so the church owns the building but not the land. Mr. Forschner agreed; it was a negotiation between private parties.

Hearing nothing further, President Smith entertained introduction of Ordinance 2022-06 as presented.

Vice President Urschel presented ORDINANCE 2022-06 APPROVING A MAJOR CHANGE TO THE PLANNED UNIT DEVELOPMENT CONCEPT PLAN FOR WRIGHT CYCLE ESTATES THAT INCREASES THE NUMBER OF PLANNED SINGLE-FAMILY HOMES AND DECREASES THE PLANNED COMMERCIAL ACREAGE, and it was read for the first time.

2. RESOLUTION 2022-K AUTHORIZING A THEN AND NOW PAYMENT OF \$6,129 TO WORLDWIDE INDUSTRIES CORPORATION FOR CLOSEOUT OF THE WATER TOWER PAINTING PROJECT CONTRACT, AND DECLARING AN EMERGENCY. Mr. Duke said as Council was aware, if there was a circumstance where money was not encumbered yet there was an expense to be paid and that expense exceeded \$3,000, then they are required by State Law to bring it before the City Council for approval of a Then and Now Statement. In this circumstance, the Public Service Department completed the Water Tower Painting Project (the water towers at Springhill Park and N. Patton Street) in 2020. Unfortunately, the Contractor did not submit a final invoice for the Project closeout before the end of the year, resulting in the Public Service Department inadvertently closing Purchase Order No. 2020-13015 at the end of 2021. The Public Service Department has no objection to making the payment as sufficient funds were properly encumbered and because services were properly rendered. City staff requests that this Resolution be adopted on an emergency basis so that final payment can be made as soon as possible.

President Smith entertained comments or questions. Hearing none, he entertained a motion to pass Resolution 2022-K as an emergency.

Motion by Councilwoman Dean, seconded by Councilman Scrivens, to pass Resolution 2022-K as presented. No discussion followed. The Roll on this was the following:

Ayes: Urschel, Scrivens, R. Dean, Brannum, L. Dean, Mays, Smith
Nays: None motion carried.

3. Introduction of Resolution 2022-L Awarding Multiple Contracts for the Provision of Water Distribution and Sewer Collection Supplies to the City's Public Service Department for 2022. Mr. Merriman said this was an annual housekeeping request to approve the vendors for the provision of annual water distribution and sewer collection supplies. As in past years, the Public Service Department issued an RFP, and four vendors responded including Core and Main, EJ Prescott, Ferguson Waterworks, and Neenah Foundry. Not all vendors submitted pricing for all necessary supplies, and due to the large quantity and availability of various items, City staff recommended that all four proposals from each vendor be accepted, and that they enter into one-year contracts with each vendor. Staff would purchase the lowest-quoted materials from specific vendors on an as-needed basis. Staff respectfully requested introduction of a resolution authorizing the multiple contract awards as noted.

President Smith entertained questions or comments. Hearing none, he entertained introduction of Resolution 2022-L as presented.

Councilman Brannum presented RESOLUTION 2022-L AWARDING MULTIPLE CONTRACTS FOR THE PROVISION OF WATER DISTRIBUTION AND SEWER COLLECTION SUPPLIES TO THE CITY'S PUBLIC SERVICE DEPARTMENT FOR 2022, and it was read for the first time.

4. Introduction of Resolution 2022-M Establishing Street Lighting District #1 (Sterling Green Crossing Subdivision) and Declaring the Necessity of Improving City Streets and Public Ways Within Street Lighting District #1 by the Lighting Thereof for the Years 2023 – 2027. Mr. Merriman said Council had taken prior actions to implement street lighting districts

to establish assessments for the incorporation of street lights in newly-developed subdivisions of Sterling Green Crossing as required by the Land Development Code for new developments desiring this service. A total of four such districts were approved by Council over the past several years, and these existing districts were all planned to expire in tax year 2022. It was their intent to allow these small, individual districts to expire and then take action to incorporate all of these areas into one master street lighting district for the Sterling Green Crossing Subdivision for the remainder of the payback term. Resolution 2022-M as presented would accomplish this, if approved, and establish a five-year term for the assessment. He noted this action would not create an additional assessment—it would simply carry over the same amount previously being assessed into a new district for the new term. He respectfully requested introduction of the Resolution.

President Smith entertained questions or comments. Vice President Urschel asked how the fees were used and distributed; specifically, he asked if the City was using the fees to pay City staff or to contract with an outside agency. Mr. Merriman said the assessment was for installation of new streetlights. Under the City’s policy, the City agreed to pay for the actual cost of the street lighting, just like they do for all the street lights in this community, but pursuant to the Land Development Code, the developer—or by extension the property owners—must pay to add any new streetlights. The City would subsequently pay for the electric to power the street lights. There was an agreement with Miami Valley Lighting for the maintenance of the street lights, which would include replacing the “heads” of the street lights with new LED bulbs or addressing functional issues, etc. Vice President Urschel asked the term of the assessment period. Ms. Fisher said the initial term was for five years, and this was the first renewal. The developer was required to install the poles, and these assessments cover the cost of the City’s expense to provide power to the poles and maintain them. Mr. Duke agreed these assessments were for maintenance; at times, staff has presented Council with the concept of having a street light assessment for everyone in the City. Currently, some residents in newer neighborhoods are paying for the costs of operating the street lights in their neighborhoods, and some residents in older neighborhoods are not. Vice President Urschel expressed his concerns with regard to maintenance of the street lights, including the faded black paint, fogged window panes, etc. He asked what the City’s expectations were in terms of maintenance. Mr. Merriman said the City owns the ornamental street lights in the downtown area; the vast majority of the other street lights throughout the City have been transitioned through a maintenance agreement with Miami Valley Lighting, who was in a regional process of replacing all of the existing heads to LED heads. He was uncertain when Xenia’s street lights would be addressed. Vice President Urschel said residents may be concerned about paying for a street light assessment when from a visual perspective, the street lights did not look like they were being maintained. Mr. Merriman said there was a difference between form vs. function; he would revisit the agreement in terms of the expectations with regard to “form.” Vice President Urschel said he would like to know the specifics of the agreement.

Hearing nothing further, President Smith entertained introduction of Resolution 2022-M as presented.

Vice President Urschel presented RESOLUTION 2022-M ESTABLISHING STREET LIGHTING DISTRICT #1 (STERLING GREEN CROSSING SUBDIVISION) AND DECLARING THE NECESSITY OF IMPROVING CITY STREETS AND PUBLIC WAYS WITHIN STREET LIGHTING DISTRICT #1 BY THE LIGHTING THEREOF FOR THE YEARS 2023 – 2027, and it was read for the first time.

5. Introduction of Resolution 2022-N Establishing Street Lighting District #2 (Greene Way Subdivision, Section 2) and Declaring the Necessity of Improving City Streets and Public Ways Within Street Lighting District #2 by the Lighting Thereof for the Years 2023 – 2027. Mr. Merriman said similar to the last item, the initial term of the street lighting district for the Greene Way Subdivision was expiring in 2022 and renewal of an assessment arrangement to pay down the existing obligation was necessary. Resolution 2022-N would re-establish, now as Street Lighting District #2, a continuing assessment for the Greene Way subdivision for a five-year term with the same payment as previously applied. He respectfully recommended introduction of the Resolution.

President Smith entertained questions or comments. Hearing none, he entertained introduction of Resolution 2022-N as presented.

Councilman Brannum presented RESOLUTION 2022-N ESTABLISHING STREET LIGHTING DISTRICT #2 (GREENE WAY SUBDIVISION, SECTION 2) AND DECLARING THE NECESSITY OF IMPROVING CITY STREETS AND PUBLIC WAYS WITHIN STREET LIGHTING DISTRICT #2 BY THE LIGHTING THEREOF FOR THE YEARS 2023 – 2027, and it was read for the first time.

6. Introduction of Resolution 2022-O Granting a Fifty-foot-wide Permanent Pipeline Easement, Situated in Part of Virginia Military Survey 387, to Vectren Energy Delivery of Ohio, Inc., D/b/a Centerpoint Energy Ohio. Mr. Merriman said the City was recently notified that CenterPoint Energy Ohio (formerly Vectren) was planning to relocate 5,864 LF of an existing 20-inch high pressure gas main in six (6) sections that runs from the City of Bellbrook to the City of Xenia. While most of the proposed relocations within the Xenia corporate limits are either within public rights-of-way or an existing easement, there was a small section of the planned relocation on property owned by the City that was located outside of the existing right-of-way. The City-owned property of interest encompassed a small portion of the bikeway located immediately north of Kinsey Road. CenterPoint Energy requested that the City of Xenia dedicate a 50' wide permanent pipeline easement, totaling 0.12-acres, so that the installation could proceed. As the City Law Director was currently working with officials from CenterPoint Energy to finalize the terms and conditions of the easement, he respectfully requested that City Council authorize the dedication pending the approval of the Easement by the Law Director.

President Smith said he reached out to City Engineer Chris Berger to inquire about Kinsey Road. He reported that Mr. Berger said the Kinsey Road would not get torn up during this project. He then asked Mr. Merriman if Detroit Street would be affected. Mr. Merriman did not believe it would be affected because they would be boring under the street. President Smith asked if notice would be given to surrounding residents and businesses. Mr. Merriman said any impacted properties would be notified. Hearing nothing further, President Smith entertained introduction of Resolution 2022-O as presented.

Councilman Dean presented RESOLUTION 2022-O GRANTING A FIFTY-FOOT-WIDE PERMANENT PIPELINE EASEMENT, SITUATED IN PART OF VIRGINIA MILITARY SURVEY 387, TO VECTREN ENERGY DELIVERY OF OHIO, INC., D/B/A CENTERPOINT ENERGY OHIO, and it was read for the first time.

7. Introduction of Resolution 2022-P Authorizing Submittal of an Application for a Greene County Community Investment Grant for the Community Steam Academy Building Project, Located at 135 E. Church Street. Mr. Merriman said a grant program known as the Community Investment Grant was launched last year by the Greene County Commission through the Greene County Department of Development. This grant program was designed to provide financial assistance up to \$200,000 per project annually to jurisdictions around the County for the development of sites and infrastructure designed to attract and sustain business activity. Each jurisdiction was permitted to make one project funding request per annual grant cycle. The grant was fairly new and, as such, specific eligibility and selection criteria are somewhat evolving as the program takes root. For this year, the second round of funding, the City solicited local project funding requests and received six application proposals. A review team including CMO, Planning, and Development staff evaluated and rated the applications received. From this, staff felt that an application from the Community Steam Academy was the most ready and viable project based on eligibility criteria provided by County Development. Community STEAM Academy was seeking additional financial support to renovate and transform the former YMCA site on Church Street into a grades 6-12 educational center focused on science, technology, engineering, arts, and math. As Mr. Ervin stated during Audience Comments, a K-5 school was also planned at another facility. The rehab project was estimated to cost \$12.9 million, with the majority of funding secured through bank financing and New Market Tax Credits; if awarded, the Community Investment Grant funding would help close the remaining funding gap for the project. Given the options available to pursue, staff endorsed the STEAM Academy's request and respectfully recommended Council authorize an application on their behalf through the approval of Resolution 2022-P.

President Smith entertained questions or comments. Councilman Scrivens asked if the applications that were not selected would have an opportunity to re-submit next year. Mr. Merriman said they can re-submit, but the City can only submit one proposal per year. Of the other proposals, two of them were for a concept and not a specific plan; therefore, he felt there was an opportunity for the City to work with those downtown building owners to establish a more robust financial plan for rehabilitation. Another request was from One Bistro, which was for a small amount, and they felt there may be alternative means to provide that funding. Finally, the City itself could submit an application for a public improvement project, such as a comprehensive sidewalk, curb, and public space restoration project in the downtown corridor. He reiterated that the program was new, and the County had not guaranteed funding opportunities from year to year. However, he appreciated the opportunity this year. Vice President Urschel said if someone submitted a request for \$10,000 and the City recommended that to the County, that would be the only project considered by the County. Mr. Merriman agreed; the remaining \$190,000 would not be allocated to Xenia. Hearing nothing further, President Smith entertained introduction of Resolution 2022-P as presented.

Councilwoman Dean presented RESOLUTION 2022-P AUTHORIZING SUBMITTAL OF AN APPLICATION FOR A GREENE COUNTY COMMUNITY INVESTMENT GRANT FOR THE COMMUNITY STEAM ACADEMY BUILDING PROJECT, LOCATED AT 135 E. CHURCH STREET, and it was read for the first time.

8. Administrative Motion Appointing Jeremy Cox to the Civil Service Commission. President Smith said there was currently one vacancy on the Civil Service Commission (CSC), which was advertised via the City's public relations outlets. Mr. Jeremy Cox expressed his desire to fill the vacancy. His background check was satisfactorily completed, and the Chair of the CSC,

Mr. David Jordan, respectfully recommended his appointment to fill the term expiring on December 31, 2024. He noted that Mr. Cox's letter of interest was attached to the agenda report, and he was present in the audience this evening. He entertained questions or comments. Hearing none, he entertained a motion.

Motion by President Smith, seconded by Councilman Brannum, to appoint Mr. Jeremy Cox to fill a vacancy on the Civil Service Commission with a term expiration date of December 31, 2024. No discussion followed. The Roll on this was the following:

Ayes: Urschel, Scrivens, R. Dean, Brannum, L. Dean, Mays, Smith
Nays: None motion carried.

Mr. Cox asked if he could speak. President Smith agreed. Mr. Cox said he lived in the Villages of Sterling Green at 2596 Kingman Drive. On more than one occasion, he heard City officials express their desire for more community involvement from Xenia citizens. As the newly elected president of the Greene County Tea Party, otherwise known as "Totally Engaged Americans," he shared in that desire, which was why he was stepping forward to answer their call to serve. He had long believed that personnel decisions are policy decisions by default, and he was most grateful for the Civil Service Commission's Chairman David Jordan's endorsement and for City Council's appointment to serve his community on the Civil Service Commission. God bless Xenia.

9. Administrative Motion Approving the Schedule of Bills in the amount of \$577,003.82.

Mr. Duke respectfully requested the payment of bills in the amount of \$577,003.82. He said the format of the Schedule of Bills had changed because it was prepared in the new financial management software. Each of the items on the Schedule of Bills was submitted for payment electronically, which would be a significant enhancement moving forward. A learning curve existed, and once they become more familiar with the system, they would be tweaking the formatting a bit. He appreciated their patience as they work through some issues.

President Smith entertained questions or comments. Councilman Scrivens said even though they receive the Schedule of Bills in hard copy format, they are also receiving them electronically, which were very difficult to read on a cell phone screen. Mr. Duke said there had been discussions in the past about providing Council with communication devices to view Council packets and other materials they are provided. They currently provide cell phones, which he agreed were difficult to use to view documents. They could certainly look at making other devices available for their use. Hearing nothing further, President Smith wished him luck with the new software and entertained a motion.

Motion by Councilwoman Dean, seconded by Councilman Scrivens, to approve the schedule of bills in the amount of \$577,003.82. No discussion followed. The Roll on this was the following:

Ayes: Urschel, Scrivens, R. Dean, Brannum, L. Dean, Mays, Smith
Nays: None motion carried.

I. APPOINTED OFFICIALS REPORTS

President Smith asked Mr. Duke for his comments. Mr. Duke said as stated, from a software standpoint, significant changes are underway. The changes impact the Finance Department as well

as all City Departments. The conversion was going fairly well—but was not perfect. Residents have also had to experience some changes, including their method for paying bills, which was through InvoiceCloud. Over a thousand payments were already made through the new portal, which was a tremendous response in the first week of implementation. They would continue to communicate with the public with regard to additional options to view and pay their bills, look at their consumption, etc.

President Smith asked Ms. Fisher for her comments. Ms. Fisher said she contacted her County counterparts, and she was pleased to report that the County would take the lead on establishing a council for Greene County for OneOhio's Region 14. Also, if Council wished to place the next round of Charter amendments on the August ballot, they need to consider the introduction of legislation very soon. She proposed presenting an Ordinance for Council consideration at their next meeting for Articles IV – City Council, IX – Finances, XIII – General Provisions, as well as Articles XIV and XV. She noted Articles XIV and XV are recommended for repeal as the Articles were incorporated into Article XIII. With Council's blessing, she would add that to their next meeting agenda. Nobody expressed an objection to her recommendation.

President Smith asked Mr. Merriman for his comments. Mr. Merriman said he and staff were working to put together several reports as a result of the Council Retreat held in February, and Council could expect some of that information as early as next week. Secondly, as part of his service to City Council, he was keeping an eye on the following pending State legislation that could impact this community and this municipal organization.

- Pending State Legislation
 - HB 519— As currently drafted, HB 519 would prevent municipalities, who require mandatory filing for municipal tax purposes, from applying late fees on taxpayers who fail to file, even though there may be no municipal income tax assessed. Additionally, the legislation would take away the ability of tax administrators to communicate with taxpayers through delinquency notices and reminders that a filing has not been received and there is a requirement to make the filing. Mayor Mays said she had spoken with the Executive Director of the Ohio Municipal League and with Senator Matt Dolan who chairs the Finance Committee and talked specifically about this bill and the fact that she did not support it. Mr. Merriman said he was very concerned about the significant contingent in Columbus who are very adverse to income tax, which was a reasonable policy position. However, they continue to erode municipalities' ability to levy that tax, which was the bread and butter of the majority of Ohio communities, and that revenue was used for core services including police protection, fire and EMS services, street maintenance, etc. If the State did not like that tax mechanism, then they must have a more comprehensive conversation about how local governments can fund core services.
 - HB 563—Preempts/prohibits homerule in regulation of short-term rental properties, such as Airbnb rentals.
 - HB 422—Restricts the ability to attach outstanding utility billing obligations to a property owner. If this was passed, the net result would be those who are actually paying their utility bills would have to subsidize those who do not pay their utility bills.

J. REPORTS OF BOARDS, COMMISSIONS, AND COMMITTEES:

1. Board of Zoning Appeals: Councilman Brannum said as noted on the agenda, the February 28th meeting was canceled due to lack of agenda items.

2. Board for Recreation, Arts, and Cultural Activities: Mayor Mays said BRACA met on Tuesday, March 1st. They discussed the Bloom with Xenia ... Adopt-a-Spot program, which runs from May 15th to November 1st. Those interested can find information on the City's website or by contacting City Clerk Michelle Johnson. The FREE Community Easter Egg Hunt would be held on Saturday, April 16th, at Shawnee Park, which would include an "egg-citing" new event—a helicopter Easter Egg drop! Registration begins at 10 a.m., the helicopter egg drop (thanks to Pastor Chaz at Home Church) would be at 10:30 a.m., and staggered start egg hunts in various age groups and for those with special or unique needs would start at 11 a.m. There will be opportunities for photos with the Easter Bunny, and free basket giveaways will be done after conclusion of the egg hunts. She encouraged her fellow Council members to donate Easter baskets for the raffle, and others who are interested in donating a basket can drop them off at the City Administration Building or Emmanuel Baptist Church. The Tree Committee announced their Arbeer Day fundraising event on Saturday, April 23rd, at Devil Wind Brewing. An Arbor Day event would be held on Friday, April 29th, at Summit Academy. Finally, they also discussed holding a Youth Fishing Derby in June.

3. Planning and Zoning Commission: President Smith said PZC met on March 3, 2022, to review the following cases:

- Case PZC2022-05: Conditional Use to allow an existing brewery to relocate its production operation to an existing single-story building in the B-2 Downtown District, filed by David Hatfield, Devil Wind Brewing, for the property located at 113 S. Detroit Street, which was approved.
- Case PZC2022-06: Major Change to the Wright Cycle Estates PUD, which would convert some commercially-zoned parcels on Wright Cycle Boulevard to single-family residential lots and change the configuration/density of residential lots south of Wright Cycle Boulevard, filed by Michael Anderson, Van Atta Engineering, which was endorsed to City Council and presented this evening.
- Case PZC2022-04: PUD Final Development Plan to allow construction of a 1,776 sq. ft. Waffle House Restaurant at 1963 Harner Drive, filed by Walter Barineau, which was approved.

4. Finance & Budget Committee: President Smith said the Finance & Budget Committee just met this evening prior to the Council meeting, which included Vice President Urschel, Councilman Dean, and the three Appointed Officials and their Assistants. They were presented with updated financial projections, and they discussed 2023 budget priorities, ARPA funding allocation, etc.

K. COUNCIL COMMENTS:

Councilwoman Dean did not have anything further to share.

Councilman Scrivens congratulated Mr. Cox on his appointment to the Civil Service Commission; he reminded him that they all have a political affiliation, but they leave it at the door. They all serve as non-partisan officials. Mr. Cox spoke from the audience and said that the Greene County Tea Party was non-partisan as well. Councilman Scrivens wished him well during his service on the Commission. Regarding outstanding water bills, he asked if the City could charge a deposit to turn on water service. Mr. Merriman said if some of the proposed legislation was advanced for the Governor's signature, they would have to take a very hard look on their approach. He believed there were a number of current practices that would become much more complicated. He reiterated that

rate paying citizens should not have to subsidize those who do not pay. Councilman Scrivens agreed. He then reported that he attended the inauguration of the new Central State University (CSU) President Dr. Jack Thomas and saw Mayor Mays amongst the dignitaries. He was very proud of how well she served this City. He spoke about Xenia High School senior Jamell Smith, who was headed to the OHSAA State Wrestling Tournament this weekend. He wished him luck! He said Colonel Charles Young was posthumously promoted to General, and they will be celebrating his birthday at the National Afro-American Museum and Cultural Center on Saturday. He noted a national park was named in his honor here in Greene County thanks to General Young and his military service.

Councilman Brannum also congratulated Jamell Smith and wished him luck at State this weekend. He had the pleasure of watching him grow up in his neighborhood.

Councilman Dean said he was disappointed that he did not see his age group listed on the Easter Egg Hunt flyer. (Laughter followed.) Otherwise, he did not have anything further to share.

Mayor Mays said on February 25th, she participated as a judge in the science fair, and while science was not her best subject, it was very interesting. Ms. Brittney Amole did a wonderful job with the freshman class. On February 26th, she attended the Xenia Area Chamber of Commerce awards dinner. She congratulated this year's award winners: Matthew Bennett, Alan Stock, Christi Cox, Josh Fisher/Fisher's Shop, and Reptiles by Mack. A special new award was given this year in honor of the late Greene County Sheriff Gene Fischer, which was presented to his wife, Gail, and Greene County Sheriff Scott Anger. The new award will be called the Sheriff Gene Fischer HERO award and will be given to a local first responder including law enforcement, firefighters, EMTs, healthcare professionals, search and rescue, U.S. Veterans, active-duty military personnel, or anyone who works to protect and keep them safe. On March 3rd, she attended the Miami Valley Regional Planning Commission Board of Directors meeting; at that meeting they elected the officers for 2022 and voted on two amendments for the Transportation Impact Improvement Program. They also received a lengthy presentation on electric vehicles. On March 4th, she attended the investiture for Dr. Thomas, who was the 9th president of CSU. It was very exciting to hear Dr. Thomas announce the scholarship program for Xenia Community School students, as well as Dayton, Springfield, and Trotwood students. On March 7th, she met with the subcommittee who was appointed through the Governor's office regarding the National Afro-American Museum and Cultural Center, specifically to talk about ways they can begin to promote it better, not just in Greene County, but statewide and across the nation. Finally, she acknowledged Legacy Christian Academy student Ms. Dulce Young in the audience who was job shadowing at the City this week. She was able to meet with staff from many departments throughout the week—even doing a ride along with the Xenia Police Division.

Vice President Urschel said he met with Greene County Auditor David Graham earlier this week to discuss delinquent properties and how they can move forward. He appreciated hearing about the process from the County Auditor's perspective. The next step would be a meeting with the County Treasurer with a member of the Xenia Community School Board. He has been attending Xenia Township Trustee meetings and learned that Sheriff Anger had set up a way to identify license plates as vehicles travel through the County, which was done through the statewide program. The database would be used very selectively in an attempt to catch criminals. He thought it would be a good idea to invite Sheriff Anger to attend an upcoming Public Safety Committee meeting to share more about the program. He has also been attending Greene County Commission meetings; he reported that they have made a decision to tear down Greenwood Manor as well as the treatment home at that site.

They have auctioned off the majority of the equipment, but they are looking to disperse the kitchen equipment to non-profit organizations located in Greene County. He also regularly attended the Xenia Community Schools Board of Education meetings, and they have discussed doing a virtual presentation of various professions. He reported they have invited him to participate from a City Council member perspective. They also have an after-school tutoring program for students who are struggling, and he signed up to be a tutor. There was a desperate need for students in this community to have people come alongside them, support them, and just spend time with them. He really looked forward to participating in that program. He reported that there would be a joint meeting with the City of Fairborn on the issue of funding municipal courts. He met with three individuals over the last month who expressed concerns about the maintenance of the storm water creeks and drainage systems. He asked Mr. Merriman if the majority of the drainage systems were located on private property and the responsibility of the property owner. Mr. Merriman said yes and no; he explained that a lot of the City's newer infrastructure was located in dedicated easements. Unfortunately, some of the older infrastructure was not even on a GIS map, and they only discover it when it collapses. Vice President Urschel said the City had a shared asset with property owners, but a single individual may not be maintaining it. However, a failure would impact multiple residents. If there are no easements, then the City did not have any rights to access the infrastructure on private property. Mr. Merriman agreed it was a real concern—the stormwater management system had been drastically underfunded and largely neglected for 100 years. Finally, Vice President Urschel said earlier this year Council heard a presentation from the United Way about their Strong Families Initiative in cooperation with 14 other local agencies or non-profit organizations. They have now launched the program and are starting with 50 families in Greene County, with about half of them from Xenia. With that, they have sought endorsement from the Greene County Commissioners, who have in turn asked them to seek endorsement from various municipalities. They have already received letters of endorsement from Beaver Creek and Fairborn. He then made the following motion:

Motion by Vice President Urschel, seconded by Mayor Mays, to issue a letter of endorsement to the United Way, under the signature of the City Council President, in support of the Strong Families Initiative. President Smith entertained comments or questions. Councilman Scrivens asked if a resolution of support was necessary. Ms. Fisher did not believe a formal legislative action was necessary for a letter of support. Councilman Brannum confirmed the letter of support did not include a monetary donation. Vice President Urschel said at this time, it was just a letter of support. No discussion followed. The Roll on this was the following:

Ayes: Urschel, Scrivens, R. Dean, Brannum, L. Dean, Mays, Smith

Nays: None motion carried.

President Smith said the Xenia Chamber of Commerce held a retirement open house this evening in honor of past Executive Director Alan Liming. He thanked him for his many years of service. He thanked Central State University for their willingness to provide tuition assistance to Xenia's students. There are many positive things happening in this community, including in the downtown area. He encouraged everyone to pray for a peaceful resolution for situation in Ukraine.

L. EXECUTIVE SESSION: President Smith entertained a motion to go into Executive Session to discuss the purchase or sale of land.

Motion by Mayor Mays, seconded by Councilwoman Dean, to go into Executive Session at 7:31 p.m. to discuss the Purchase or Sale of Property per XCO §204.04(a) and ORC §121.22(G). No discussion followed.

The Roll on this was the following:

Ayes: Urschel, Scrivens, R. Dean, Brannum, L. Dean, Mays, Smith

Nays: None motion carried.

M. WORK SESSION: None.

N. ADJOURNMENT: Motion by Mayor Mays, seconded by President Smith, to adjourn the Regular Meeting at 8:05 p.m. No discussion followed. The Roll on this was the following:

Ayes: Urschel, Scrivens, R. Dean, Brannum, L. Dean, Mays, Smith

Nays: None motion carried.

Michelle D. Johnson
City Clerk

Wesley E. Smith, President
Xenia City Council