

**XENIA CITY COUNCIL
MEETING MINUTES
MARCH 11, 2021
REGULAR MEETING**

1. CALL TO ORDER: President Wesley Smith called the Regular Meeting to order at 6:00 p.m. Due to COVID-19, the meeting was closed to the public and some members joined via Zoom videoconferencing.

2. INVOCATION: President Wesley Smith provided the Invocation.

3. PLEDGE OF ALLEGIANCE: Vice President Levi Dean led those participating in the meeting in the Pledge of Allegiance.

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

5. APPROVAL OF MINUTES: Motion by Mayor Mays, seconded by Councilwoman Dean, to approve the February 18, 2021, minutes of the Special Meeting as written. No comments followed. The Roll on this was the following:

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

Abstain: L. Dean

Nays: None motion carried.

Motion by Vice President Dean, seconded by Councilman Scrivens, to approve the February 25, 2021, minutes of the Regular Meeting as written. No comments followed. The Roll on this was the following:

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

Nays: None motion carried.

6. SPECIAL PRESENTATION(S): None.

7. AUDIENCE COMMENTS: President Smith said since the meeting is closed to the public, those wishing to present comments for Council consideration were asked to send an email or written correspondence to the City Clerk. He reported that the City Clerk did not receive any correspondence. However, he received a letter from a group of concerned citizens regarding a nuisance property on E. Second Street. The letter has been forwarded to the appropriate authorities.

8. OLD BUSINESS:

A. President Smith presented **ORDINANCE 2021-03 AMENDING SECTION 260.03 OF THE CODIFIED ORDINANCES OF THE CITY OF XENIA, OHIO, TO ADD THE CLASSIFIED POSITIONS OF POLICE SERVICE AIDE (PARKING FUNCTION) AND ENGINEERING PROJECT MANAGER AND AMENDING MAINTENANCE WORKER, AND AMENDING SECTION 274.07 OF THE CODIFIED ORDINANCES OF THE CITY OF XENIA, OHIO, TO ADD THE CLASSIFIED POSITION OF ENGINEERING**

PROJECT MANAGER, originally introduced by Vice President Dean on 02/25/2021, and it was read for a second time.

Motion by Vice President Dean, seconded by Councilman Scrivens to adopt Ordinance 2021-03 as written. No comments followed. The Roll on this was the following:

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

9. PUBLIC HEARING(S): None.

10. NEW BUSINESS:

A. RESOLUTION 2021-M ADOPTING A STATEMENT OF THE MUNICIPAL SERVICES TO BE PROVIDED TO 24.544 ACRES, MORE OR LESS, LOCATED ALONG LOWER BELLBROOK ROAD THAT IS PROPOSED FOR ANNEXATION FROM XENIA TOWNSHIP TO THE CITY OF XENIA, OHIO, AND DECLARING AN EMERGENCY. City Manager Brent Merriman said pursuant to Ohio Revised Code (ORC) Section 709.023(C), after filing the petition for annexation for the aforementioned properties on Lower Bellbrook Road, Council must adopt a statement of services that the City will provide to the property upon annexation, including an approximate date by which such services will be provided, which must be completed within 20 days of the filing. Resolution 2021-M, presented as an emergency, outlines the City services that will be provided to the parcels requested for annexation in the event that the County approves the annexation and the City accepts it. As expected, the services that will be provided are the same services provided to any other incorporated area of the City. The above-mentioned parcels are currently bordered on three sides by the City. The proposed annexation takes in an approximately 780-foot-long portion of Lower Bellbrook Road, which will become a City street. Passage of this Resolution does not obligate the City to accept the annexation. Assuming the County Commissioners approve the annexation, City Council still must accept or reject the proposed annexation.

President Smith entertained a motion to pass Resolution 2021-M as presented.

Motion by Mayor Mays, seconded by Councilman Urschel, to pass Resolution 2021-M as written. No comments followed. The Roll on this was the following:

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

B. RESOLUTION 2021-N ADOPTING A STATEMENT REGARDING ZONING BUFFERS FOR THE PROPOSED ANNEXATION OF 24.544 ACRES, MORE OR LESS, ALONG LOWER BELLBROOK ROAD FROM XENIA TOWNSHIP TO THE CITY OF XENIA, OHIO, AND DECLARING AN EMERGENCY. Mr. Merriman said this item is also related to the proposed annexation of two parcels on Lower Bellbrook Road. Again, as required by the ORC, within 20 days of the filing of the annexation petition, Council must adopt a statement regarding possible incompatible land uses and zoning buffers. The resolution states that should the property be annexed and City zoning permit uses on the annexed property that are incompatible with the uses permitted by township zoning in adjacent unincorporated areas, the City will require

the property owner to have a buffer between the annexed territory and adjacent unincorporated land. Approval of this resolution does not acknowledge the existence of incompatibilities, and City staff does not have reason to believe there will be any issue with incompatibility based on the current use of the property. Staff recommends approval of the resolution to meet the statutory deadline.

President Smith entertained a motion to pass Resolution 2021-N as presented.

Motion by Councilman Urschel, seconded by Vice President Dean, to pass Resolution 2021-N as written. Comments followed. Councilman Scrivens asked for a definition of a “zoning buffer.” Mr. Merriman said a zoning buffer could be vegetation or some other form of a physical noise barrier, such as a solid surface. Councilman Scrivens asked if a sound berm would be considered a zoning buffer. Mr. Merriman said to some extent, yes, noting zoning buffers could be more aesthetic or more substantive as required. Councilman Urschel said the City determines and approves the zoning buffer and asked if the Township is involved in that discussion. Mr. Merriman said they are following the procedures that are laid out in the statute; however, they want the process to be as amicable as possible and they involve the Township in these decisions as much as possible for good governance. The Roll on this was the following:

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

C. RESOLUTION 2021-O AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR A GREENE COUNTY COMMUNITY INVESTMENT GRANT FOR THE EAVEY BUILDING PROJECT, LOCATED AT 17 W. THIRD STREET, AND DECLARING AN EMERGENCY. Mr. Merriman said the Eavey Building, a former grocery warehouse located adjacent to S. Detroit and Third Streets, has been viewed as a good redevelopment opportunity by the City for some time. The warehouse has been largely vacant for many years, but its historic nature and architecture, strategic location, and capacity for significant usable square footage makes its redevelopment a high priority opportunity, and staff has worked closely with the new owners to try to position the property for redevelopment. The current owners have lined up potential partners and are in the process of seeking out and securing additional financing resources to rehab the building and convert it to productive use as a mixed-use facility which will house, in part, a community workspace, event and meeting facilities, and food and beverage service entities. With this in mind, staff is recommending Council authorize an application for a Greene County Community Investment Grant on behalf of the Eavey Building rehab project. The Greene County Development Department has introduced a new grant program known as the Community Investment Grant. This grant program is designed to provide financial assistance to jurisdictions for the development of sites and infrastructure designed to attract and sustain small businesses. The Community Investment Grant program allows each community to submit one grant application per year. Staff believes the Eavey Building rehab project is a high value opportunity and among the most ready prospects for which the City could request for this grant funding. Staff is requesting Council approve emergency Resolution 2021-O to authorize the application and allow submittal at the soonest possible date to maximize the City’s chance of securing the competitive grant.

President Smith entertained a motion to pass Resolution 2021-O as presented.

Motion by Mayor Mays, seconded by Councilman Urschel, to pass Resolution 2021-O as written. Comments followed. Councilman Urschel said this rehab project was reviewed with the Economic Development Advisory Board at their February meeting, and favorable feedback was received regarding the investment in this facility. Councilman Scrivens noted the grant request was for \$200,000. Mr. Merriman agreed; he noted this request is in conjunction with other grant opportunities and traditional financing opportunities, and with a building that old and with that square footage, it will take quite an investment to bring it up to code. He said this project is coming together at just the right time, and it is huge opportunity for this community. President Smith asked if the owner of the property has a marketing strategy in place to market the building once it is improved. Mr. Merriman said yes. The Roll on this was the following:

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

D. Introduction of Resolution 2021-P Approving the Application submitted by the City Manager for the Establishment of a Designated Outdoor Refreshment Area (DORA) in the City's Historic Downtown District. Mr. Merriman said as has been discussed with Council, the City is eligible to consider the creation of a Designated Outdoor Refreshment Area (DORA) in the downtown. DORAs have been instituted in numerous communities across the State of Ohio including many communities throughout the Miami Valley. The value proposition in creating a DORA is to promote small businesses, specifically local food service, hospitality, and entertainment enterprises by creating a designated zone where approved alcoholic beverages can be enjoyed while consumers shop and partake in activities within the designated zone. Staff has previously provided the details of how the program would work. He previously submitted the application to City Council; should Council approve the application, the proposed DORA will be created. Upon creation of the DORA, the City must send notice of the approval and a description of the DORA to the Ohio Division of Liquor Control and the Ohio Department of Public Safety's Investigative Unit. After passage and notification is sent to the State, City staff intends to spend the next month on education, outreach, and necessary prep work in order for the DORA to be active no later than the first week of May 2021.

President Smith entertained comments or questions. Hearing none, he entertained introduction of Resolution 2021-P as presented.

Councilwoman Dean presented RESOLUTION 2021-P APPROVING THE APPLICATION SUBMITTED BY THE CITY MANAGER FOR THE ESTABLISHMENT OF A DESIGNATED OUTDOOR REFRESHMENT AREA (DORA) IN THE CITY'S HISTORIC DOWNTOWN DISTRICT, and it was read for the first time.

E. Introduction of Resolution 2021-Q Amending Policy EBM-3.10, Titled "Health & Dental Insurance," of the City of Xenia Employees' Benefits Manual. Mr. Merriman said as previously discussed with Council and at Council's direction, staff is presenting Resolution 2021-Q for introduction and consideration to amend Employees' Benefits Manual Policy 3.10 and update the health insurance premium cost split with non-union employees from a 70-30 to an 80-20 model. This change has already been negotiated and applied to most of the collective bargaining contracts as detailed in the agenda report. This measure is intended to make the City of Xenia a more attractive employer and more competitive in an increasingly challenging labor market.

President Smith entertained comments or questions. Hearing none, he entertained introduction of Resolution 2021-Q as presented.

Councilman Urschel presented RESOLUTION 2021-Q AMENDING POLICY EBM-3.10, TITLED “HEALTH & DENTAL INSURANCE,” OF THE CITY OF XENIA EMPLOYEES’ BENEFITS MANUAL, and it was read for the first time.

F. Administrative Motion Authorizing the Purchase of Two (2) Physio Control LIFEPAK 15 v.4 Cardiac Monitors and Accessories from Stryker Medical through the Ohio Department of Administrative Services Cooperative Purchasing Program in the amount of \$39,317.60. Mr. Merriman said the City’s capital plan and approved budget for this year for the Fire Division include funding of \$35,000 for a cardiac monitor replacement. The Fire Division currently utilizes six cardiac monitors, one in each critical front-line response vehicle. With this in mind, staff was recently made aware of an opportunity to purchase two cardiac monitors at a discount, if a version 1 or version 2 model of the LIFEPAK is traded in at the time of purchase. The Division currently has one version 1 monitor and two version 2 monitors. The version 1 monitor is at end of life, and replacement parts will not be available moving forward. The version 2 monitors are also nearing end of life. With the discount that Stryker Medical (formerly Physio Control, Inc.) is offering for the trade in of older monitors, the Fire Division can acquire replacements for two essential pieces of equipment at a cost of \$39,317.60 which is only slightly more than the anticipated expense of one unit. In order to take advantage of this discount opportunity, the new monitors must be purchased together prior to April 1, 2021. The Fire Division has funds available in its capital line item 364-1225-55305 to make this purchase. Because this purchase is being made through the Ohio Department of Administrative Services Cooperative Purchasing Program, competitive bidding is not required pursuant to State law. He respectfully requested approval of an administrative motion to make the purchase.

President Smith entertained a motion.

Motion by Mayor Mays, seconded by Councilman Brannum, to authorize the purchase of two Physio Control LIFEPAK 15 v.4 monitors and accessories from Stryker Medical through the Ohio Department of Administrative Services Cooperative Purchasing Program in the amount of \$39,317.60. Brief comments followed. Mr. Merriman noted this equipment was highlighted in a video presented by the City’s Public Relations Coordinator that describes how the Fire Division responds to certain calls. It is a remarkable and valuable piece of equipment in terms of emergency medical provisions and service delivery. President Smith thanked Fire Chief Kenneth Riggsby for being present at the meeting. The Roll on this was the following:

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

G. Administrative Motion Authorizing the City Manager to Execute a Contract with Strand Associates, Inc., to provide Engineering Services for the Glady Run Wastewater Masterplan and Asset Management Plan Project. Mr. Merriman said to accommodate future development and growth in the City’s southern areas, specifically in the vicinity of the Greene Regional Business Park (GRBP), staff believes there is an immediate need to determine the necessary downstream sanitary sewer improvements required to properly convey raw sewage from the GRBP to the Glady Run Wastewater Treatment Plant (WWTP). As discussed during the capital

plan review last year, the development of a Glady Run Wastewater Masterplan and Asset Management Plan will not only prioritize future capital improvements to the collection system, it will also prioritize the needs for improvements at Glady Run plant. This plan will involve flow monitoring, Glady Run plant evaluation and asset risk ranking, collection system evaluation, and flow modeling. While the immediate focus will be the GRBP, the entire Glady Run WWTP drainage basin will be examined during this process. Once these tasks are complete, the Masterplan will prioritize future capital improvements which will greatly benefit how staff prioritizes and schedules capital planning into the future. On November 16, 2020, the Engineering Division received four responses to a Request for Qualifications from engineering firms to provide the necessary services for development of the Masterplan. An internal selection committee met and identified two firms to interview to ultimately determine the most qualified firm for this project. From this, Strand Associates, Inc., was identified as the best qualified firm. Staff requests authorization to execute a contract with Strand Associates, Inc., to provide engineering services for the Glady Run Wastewater Masterplan and Asset Management Plan Project, in a not-to-exceed amount of \$199,300, upon such terms and conditions as approved by the Law Director.

President Smith entertained a motion.

Motion by Councilman Urschel, seconded by Councilman Brannum, to authorize the City Manager to execute a contract with Strand Associates, Inc., to provide engineering services for the Glady Run Wastewater Masterplan and Asset Management Plan Project, in a not-to-exceed amount of \$199,300.00, upon such terms and conditions as approved by the Law Director. Brief comments followed. Mr. Merriman said this project is part of a long planning process to evaluate both WWTPs. They are starting with this plant since it is tied to the City's industrial areas, and they want to be able to accommodate that additional growth. Once this project is complete, they will look at the Ford Road WWTP. President Smith confirmed this project will be paid with sewer funds. Mr. Merriman said yes, noting the sewer fund is very healthy and no rate increases are anticipated. The Roll on this was the following:

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

Nays: None motion carried.

H. Administrative Motion Authorizing the City Manager to Execute Contracts for Water Distribution and Sewer Collection Supplies for 2021. Mr. Merriman said the City annually seeks proposals for the provision of Water Distribution and Sewer Collection supplies. On February 23, 2021, proposals were received from six vendors for the provision of both water and sewer supplies for the Public Service Department. All vendors proposed competitive pricing for the various supplies, as detailed in the bid tabulation attached to the agenda report. The prices proposed are valid for a one-year period and the list of bidding vendors includes (1) Buckeye State Pipe and Supply, (2) Core and Main, (3) EJ Prescott, (4) Ferguson Waterworks, (5) Pro Source Water Products, and (6) Neenah Foundry. As they have done in the past, City staff recommends that all six proposals from each vendor on the list be accepted and contracts entered into with each vendor. The term of the contracts would be one year, with the stipulation that the City will purchase each individual item at the lowest cost proposed by the six vendors for that item, provided that it meets all specifications. All items will be purchased throughout the year on an as-needed basis. He respectfully requested authorization to enter into the contracts for these supplies.

President Smith entertained a motion.

Motion by Councilman Brannum, seconded by Councilwoman Dean, to authorize the City Manager to execute contracts with Buckeye State Pipe and Supply, Core and Main, EJ Prescott, Ferguson Waterworks, Pro Source Water Products, and Neenah Foundry to supply water distribution and sewer collection supplies for 2021 at the lowest cost proposed on the individual items requested, provided that City specifications are met. No comments followed. The Roll on this was the following:

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

Nays: None motion carried.

I. Administrative Motion Authorizing the City Manager to Execute a Contract for Governmental Electric Aggregation Supply Services. Mr. Merriman said in 2013, the City began its Electric Aggregation Program, and the City has maintained a successful and money-saving electric aggregation program through several service contract periods to date. The current electric supply contract with Dynegy expires at the end of April; therefore, it is time to evaluate options and take action to facilitate a new opt-out process leading into a new supply services contract period. Presently, Palmer Energy is the approved aggregation consultant and their services aid the City in the administration of our aggregation programs (both gas and electric, though only the electric supply contract is up for renewal). Palmer Energy recently issued an RFP for electric pricing for services commencing May 2021 for 12-, 24-, and 36-month terms on behalf of Xenia and several other communities. Despite an extremely chaotic energy market currently, the results of this bid solicitation process are positive, and, at the recommendation of Palmer, he is presenting to Council a request to authorize, by administrative motion, the execution of a contract with a preferred electric supply vendor based on refresh bids staff will seek early next week. For energy services such as this, quotes are typically provided with an extremely limited commitment window, so refreshing the bids is necessary to get the best value within a timeframe they can formally commit to. As a result, he cannot say at this time exactly what the new rate will be; however, based on the initial bids received, he believes that either Dynegy or Energy Harbor will be the likely best bids, with the most advantageous term being a 36-month period during which rates will be locked in. Staff is planning to request a price refresh from suppliers likely on March 16th or 17th and then immediately execute a contract based on the best price available. If, for some unexpected reason, the City is not satisfied with the refresh rate responses, the City is not obligated to enter into a contract and can request new bids. He respectfully requested authority to execute an electric aggregation supply contract with a preferred vendor as described upon concurrence of the Law Director.

President Smith entertained a motion.

Motion by Mayor Mays, seconded by Vice President Dean, to authorize the City Manager to execute a contract for electric generation services with a qualified vendor of choice, given a cost savings in the rates based on the bids from the refresh date, with the terms and conditions of the contract to be as approved by the Law Director. Brief comments followed. Councilman Urschel said once the City enters into this contract, he asked if residents could choose this aggregate supplier or any other service supplier. Mr. Merriman said yes; residents and small businesses can opt-out if they do not want to be included. He noted this is the fourth or fifth electric aggregation contract, so residents and small business owners should be very familiar with the process. He noted the aggregation contracts have saved this community hundreds of thousands of dollars over the years. The Roll on this was the following:

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

J. Administrative Motion Adopting the Rules of Council. Law Director Donnette Fisher said the proposed Rules of Council have been reviewed twice already, so she did not wish to make a detailed presentation. She noted the City Charter as amended in 1998 to allow City Council to establish its own Rules of Council to determine how they conduct business, order of business for meetings, attendance at meetings, the roll of staff at meetings, the use of motions, etc. To date, Council has not adopted its own Rules of Council; therefore, they have been following Roberts Rules of Order, which are very arcane. The proposed Rules of Council are a bit more user friendly. The proposed Rules of Council also establish five (5) new Standing Committees in an effort to get Councilmembers more involved. She said three members of Council would serve on each Standing Committee, with one Councilmember serving as chair. With the establishment of the Standing Committees, other Boards and Commissions (codified in Part Two – Administration Code, Title Eight: Boards, Commissions and Committees) will be repealed or amended. She noted the Rules of Council will be a fluid document that will be reviewed at least every five (5) years (per Section 14). She acknowledged the assistance of Mr. Merriman, Finance Director Ryan Duke, and City Clerk Michelle Johnson in developing the proposed Rules of Council and asked if they had anything they wished to share. Mr. Merriman thanked Ms. Fisher for heading up this important project to allow Council to establish some procedural and conduct rules. He felt the most important part of the Rules of Council was the establishment of the new Standing Committees, which will expunge outdated committees that were not being used at all and consolidate those functions to allow Councilmembers to regularly participate in key conversations with staff regarding finance and budget, property management, public safety, public service and utilities, and legislation and governmental affairs.

President Smith entertained comments or questions.

Councilman Brannum thanked City Clerk Michelle Johnson for reaching out to her fellow Ohio Clerks regarding the sergeant-at-arms subject.

Councilman Scrivens suggested changing *E. Special Presentations (as needed)* to *(if any)* in 4.03, Order of Business. He also inquired about Board and Commission reports, which is not listed in the Order of Business. Ms. Fisher said Board and Commission reports can be given during Council Comments. After a brief discussion, Councilman Scrivens asked that Board and Commission reports be added after item J. Ms. Fisher suggested that Council table this motion if they wished to make changes; otherwise, they will have to make a motion to approve with the changes noted.

Motion by Councilman Scrivens, seconded by Councilman Urschel, to adopt the Rules of Council to govern the proceedings of Council and the conduct of its members as amended as noted above (change E. Special Presentations *as needed* to *if any* and add Reports of Board and Commission after Item J.). Brief comments followed. Councilman Scrivens thanked Ms. Fisher for her outstanding work on this. President Smith concurred; she has served the Council in a very professional manner, which in turn has allowed Council to run more professionally and efficiently. The Roll on this was the following:

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

After the Roll Call, Mr. Merriman addressed the sergeant-at-arms subject. While the majority of those who responded to the City Clerk's inquiry noted that the Police Chief attends Council meetings as a department head, at this time, he was recommending that a duty officer be assigned to attend the Council meetings. President Smith agreed. Further, this meeting was closed to the public, but the next Council meeting will be open to the public. He would like City Council to be as transparent as possible. They will limit capacity at first and hopes they are fully open by April or May.

K. Administrative Motion Approving the Schedule of Bills in the amount of \$3,708,170.57. Mr. Duke respectfully requested the payment of bills in the amount of \$3,708,170.57. He said the vast majority of the amount was due to the \$3.35 million payment to acquire the Xenia Towne Square leasehold interests. Mr. Merriman added that the proceeds from the purchase are non-tax revenue, the debt will be paid from the lease proceeds, and the property is cash flow positive. No funds are being taken away from streets, etc.

President Smith said the current leasehold parties are thrilled with the idea of the City taking over and that the City is showing an interest in their businesses. Further, they are excited about future development at the site. Mr. Merriman agreed, noting staff is working with Dillin Group and they have met in individual meetings with every business. At those meetings, they discussed the City's intentions with the project, determine any needs they may have, express the City's commitment for improved property maintenance, etc. All conversations have been very positive and productive. Councilman Brannum noted City staff was not working at the Towne Square property. Mr. Merriman said contractors are on site through the property management firm. He noted City Public Service staff may be on site from time to time.

President Smith entertained additional comments or questions on the bills. Councilman Scrivens asked for a definition of a purchase from Core and Main on page 3. Mr. Merriman said Core and Main is a water and sewer supplies vendor, and a "saddle" is used to make a joint connection.

President Smith entertained a motion.

Motion by Councilwoman Dean, seconded by Vice President Dean, to approve the schedule of bills in the amount of \$3,708,170.57. No comments followed. The Roll on this was the following:

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

Nays: None motion carried.

11. REPORTS OF COMMITTEES

A. Traffic Commission: Vice President Dean said the March meeting was canceled due to lack of agenda items.

B. Board for Recreation, Arts, and Cultural Activities: President Smith said BRACA met on March 2nd. He noted the School Board member assigned to BRACA resigned; therefore, the School Board will need to appoint another member to serve on BRACA. They welcomed new member Tom Harlan and the new student liaison for the coming year, Jobe Vogelsong. He thanked the current student liaison, Garrison Henry, for his service this past year noting Mr. Henry will be

graduating in a few months. They elected Tom McCarthy to serve as Vice Chair for 2021. They discussed the Easter Egg Hunt Drive Thru event to be held on Saturday, April 3rd, at 10 a.m. at Shawnee Park. He said flyers will be distributed by Xenia Community Schools to students in pre-school through 8th grade. He said those who wished to participate should drive through Shawnee Park to pick up bags of Easter eggs that they can take home and have safe egg hunts there. He noted the supplies are limited to 500 bags of eggs. He thanked all the volunteers who will be working to prepare for the event as well as work the day of the event. The next regularly scheduled BRACA event is the Youth Fishing Derby in June, but that event is still tentative—it may be delayed until the fall. They also received a report from the Tree Committee.

C. Planning and Zoning Commission: Councilman Brannum said PZC met on March 4th. The Commission reelected Faith Sorice as its Vice Chair for 2021. They also considered and approved the following, noting he was looking forward to these projects:

- Case PZC2021-01: Alternative Equivalent Review to allow fiber cement siding as a primary siding material, instead of the required brick or stone, in a proposed residing of an existing building in the B-2 Downtown Business District, filed by Brandon Gore for Arby's Restaurant, 160 W. Main Street.
- Case PZC2021-02: Conditional Use request for expansion/renovation to establish a puppy training and rearing facility, filed by Mark Thomas, 4 Paws for Ability, for the property located at 227 Dayton Avenue.
- Case PZC2021-03: Conditional Use request to install a barbed wire fence for CIL Isotope, 1689 Burnett Drive, filed by RVP Engineering, Rob Painter, P.E.

12. APPOINTED OFFICIALS REPORTS AND COUNCIL COMMENTS:

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

Mr. Merriman said as President Smith already noted, he received a copy of the letter of concern about a nuisance property, which has been forwarded to the appropriate staff for investigation. He encouraged residents to reach out to his office, the Police Division, the Code Enforcement Office, etc., when they have concerns. Staff is already in the process of addressing this particular nuisance property. He said staff continues to discuss the Kevin Sonnycalb Fireworks Festival to be held in July. He thanked Mayor Mays for stepping forward to help with the coordination of that event. He hopes the event can move back to Shawnee Park. He said in the coming weeks Council should expect a very comprehensive update from him on various projects.

Councilman Urschel asked Mr. Merriman to review the public input process for the DORA because he wants to ensure the public has an opportunity to provide some feedback, noting he believes some people think it is a done deal. Specifically, he asked how the public would be notified of the upcoming public hearing because their feedback is critical. Mr. Merriman clarified staff is pressing on with the assumption that City Council will make a policy decision on the DORA, which is undetermined at this point. He invited Community Development Coordinator Ryan Baker to provide additional information. Mr. Baker said everyone in and around the downtown area have been contacted directly by staff. For the public at large, the public hearing scheduled for the March 25th Council meeting was advertised in the newspaper on February 4th and 11th, the notice is posted on the City's website, and the notice is posted in the lobby of the City Administration Building. The notice included the City Clerk's name, phone number, and email address for any inquiries. Councilman Brannum said the subject of the DORA has also been covered in local news stories. Councilman Urschel said he has spoken to about 10 different people

who were not aware of the proposed DORA nor the ability to provide public input. Mr. Merriman said they have abided by the statutory requirements for the public hearing notice and additional outreach inside the proposed DORA boundaries has occurred. Councilman Urschel suggested that notice could be included in utility bills. Mr. Duke said they have to use caution when going above and beyond for one particular public hearing and not for all public hearings. A public hearing is a public hearing, either for the DORA, the budget or capital plan, a rezoning, etc. He said they have been consistent and used the same methods to advertise all public hearings, and they have never advertised a public hearing in the utility bills. They would be setting a precedence if they do that.

Mr. Merriman said while advertising in a “newspaper of general circulation” is a statutory requirement, it is a bit archaic, which is why they also rely on social media and other electronic means as a form of communication. Further, the public has a responsibility to engage in their local government—they cannot go door to door. The materials are made available and members of the public can call City offices to get more information or ask questions. Councilman Urschel asked how an in-person public hearing would be handled. Mr. Merriman said the next Council meeting will be open to the public with limited capacity. Staff will work with the I.T. staff to set up a staging area in the adjacent lobby. Those wishing to speak for or against the DORA can also submit comments by emailing or mailing a letter to the City Clerk. Council will have an opportunity to consider all public comments on the DORA at that time. Mayor Mays said it is their (City Council’s) responsibility to notify the public and discuss this issue in their own respective social circles. Councilman Urschel expressed his concerns about the potential for a lot of people attending the next Council meeting. Mayor Mays said they need to encourage people to send an email or a letter to the City Clerk, and as they have been doing over the last year, they will be read into the record. There was a brief conversation on the deadline in which Council needs to take action on the DORA, which is no later than April 5th (no later than 60 days from the first advertising date of the public hearing). Mr. Merriman said if Council opts to not move forward with the DORA by passing the Resolution following the public hearing at the next meeting, then the DORA just won’t happen this time, but that doesn’t mean they can never bring it back again. They can, but they would have to go through all the steps again. President Smith said he understands Councilman’s Urschel’s concern. They are asking for public input during a pandemic, and if the DORA is approved, it would result in a major change to the downtown flavor. He did not want people to perceive this issue as “being pushed through.” Mayor Mays said that’s why they need to do their job and encourage people to speak up either via email or in person. There was a brief discussion on the possibility of tabling the action after the public hearing on March 25th to allow Council time to deliberate. Mr. Merriman said Council could decide at the next meeting if they wished to table the second reading of the Resolution to establish the DORA and schedule a special meeting before the April 5th deadline.

Mr. Duke provided an update on the meter installation project. NECO is back to doing installations, and he hopes that all installations will be completed by the end of the month. The software associated with the new meters is up and running, and about 90% of the City’s meters can now be read electronically with daily usage. From a customer service standpoint, it is a huge improvement. A user app will be rolled out to customers hopefully by this summer. He will set up a demonstration for City Council at a later date.

Ms. Fisher said she sent the City Clerk the final approved version of the Rules of Council. She encouraged Councilmembers to reach out to President Smith to express their interest in the

Standing Committees they wished to serve on, noting three Councilmembers are needed for each one, and everyone needs to serve on at least one Standing Committee. She is planning to hold a Special Session with Council on the *Title Eight: Boards, Commissions and Committees* re-write so they have an opportunity to review it before it is presented for action.

B. Mayor and City Council:

Councilwoman Dean had nothing further to share.

Councilman Scrivens expressed his concern with the dimly lit intersection at E. Main and Collier Streets. Mr. Merriman agreed, noting money will be found in the budget this year for signage and lighting improvements at that crosswalk.

Councilman Brannum said he looks forward to seeing “Miss Nancy” (McPeak) at the next Council meeting.

Councilman Urschel said he has been sitting in on the Xenia Township Trustees meetings, and he is only one of seven Councilmembers. However, he has asked them to use him as a conduit to convey information to the City and work on their intergovernmental relationship. During a conversation, he learned about the Greene County Regional Planning Commission, and the City of Xenia has a seat on that Board, but nobody is filling that seat. He knows the City of Xenia has a City Planner on staff, but Greene County’s Board is a regional planning commission and there may be some value for Xenia to participate. He did not believe there was any obligation to provide any resource to them other than to attend the meetings. He asked President Smith to consider providing a City representative on GCRPC’s Board. Mr. Duke said there used to be a fee to participate, and he believed that several cities in Greene County chose to no longer participate. Councilman Urschel said three municipalities in Greene County are not participating. President Smith asked how often the Board met and if there were any fees to participate. Mayor Mays said she has a meeting on Monday with Greene County, and she will check with them on how to participate.

Mayor Mays said she had an opportunity to sit down with Jeremiah and Carolyn Byrd of SOS Ministries, who are based here in Xenia and are working with people who are caught up in sex trafficking around the State of Ohio. They are doing tremendous work, and she encouraged people to look into their ministry and support them. Rob and Danielle Eldridge with Route 68 Vintage Toys will be holding a toy expo on March 27th. They will be holding the show in five buildings at the Greene County Fairgrounds. She said the toy store in downtown Xenia is a destination location! She recently received a call from a resident who praised a City employee. The resident said she and her family were on their way to Docton Animal Clinic to say goodbye to their cat, and they got caught up in traffic the day the plane made its way through the City. They were going to miss their appointment, and Sherman Horsley managed to get them out of traffic and down the bikeway. The resident was so thankful and touched by his effort to go above and beyond for them. She thanked Mr. Horsley for doing a great job in representing Xenia! Regarding trash pickup, they need to lead by example. She suggested City Council members go out on a Saturday to pick up trash, either March 20th or April 10th. She will send an email to get it coordinated. President Smith thanked Mayor Mays for all the work she does, and he asked Councilmembers to check their schedules accordingly.

Vice President Dean had nothing further to share.

President Smith said with the approval of the Rules of Council, he reiterated that Councilmembers need to reach out to him and let him know which Standing Committees they wished to serve on. He did not believe the Standing Committees would meet every month—some may only meet once per year or quarterly. He noted the Finance and Budget Committee members have already been appointed. Councilman Urschel asked that a description of each Standing Committee be sent to them. Mr. Merriman said he or the City Clerk would send that information out.

13. ADJOURNMENT: Motion by Councilwoman Dean, seconded by Councilman Brannum, to adjourn the Regular Meeting at 7:46 p.m. No discussion followed. The Roll on this was the following:

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

Nays: None motion carried.

Michelle D. Johnson
City Clerk

Wesley E. Smith
President, Xenia City Council