

**XENIA CITY COUNCIL
MEETING MINUTES
MARCH 12, 2020
6:00 P.M.**

1. CALL TO ORDER: President Smith called the March 12, 2020, Regular Meeting to order at 6:00 p.m. in the City Council Chambers, City Administration Building.

2. INVOCATION: Vice President Wallace provided the Invocation.

3. PLEDGE OF ALLEGIANCE: Councilman Cody Brannum led those present in the Pledge of Allegiance.

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

5. APPROVAL OF MINUTES: Motion by Councilman Scrivens, seconded by Vice President Wallace, to approve the minutes from the February 27, 2020, Regular Meeting as written. No discussion followed. The Roll on this was the following:

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

Nays: None motion carried.

6. SPECIAL PRESENTATION(S): None.

7. AUDIENCE COMMENTS: President Smith explained the procedures for audience comments and invited anyone who wished to speak to come forward. No one came forward to speak.

8. OLD BUSINESS:

A. President Smith presented **RESOLUTION 2020-E ESTABLISHING STREET LIGHTING DISTRICT #4 WITHIN THE GREENE WAY SUBDIVISION SECTION 2 REPLAT AND DECLARING THE NECESSITY OF IMPROVING CITY STREETS AND PUBLIC WAYS WITHIN STREET LIGHTING DISTRICT #4 BY THE LIGHTING THEREOF FOR THE YEARS 2021-2022**, originally introduced by Vice President Wallace, and it was read for a second time.

Motion by Vice President Wallace, seconded by Councilman Dean, to adopt Resolution 2020-E as written. No discussion followed. The Roll on this was the following:

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

Nays: None motion carried.

9. PUBLIC HEARING(S): None.

10. NEW BUSINESS:

A. Introduction of Ordinance 2020-05 Amending the Official Zoning Map of the City of Xenia, Ohio, to Rezone Two Parcels totaling 3.94 acres, more or less, at 774 Cincinnati Avenue from I-2, Heavy Industrial District, to B-3, General Business District. City Manager Brent Merriman said Greene County owns the subject property, which was formerly used as a maintenance facility for Greene County Parks and Trails. The Fish Food Pantry now intends to move from its current location on Ledbetter Road into the existing building on the subject property, which is approximately 8,352 square feet and contains adequate space for the food pantry's existing operations as well as future expansion. The food pantry is considered a retail sales use, which is not permitted by the current I-2 zoning. The applicant therefore must rezone the subject property before operating a food pantry at that location. The subject property is adjacent to B-3 zoning to the north, which resulted from a multiple-property rezoning from I-2 during 2019; a mix of commercial, residential and light industrial uses to the north and south; a residential neighborhood and the former Hooven and Allison property to the east; and the Little Miami Scenic Trail along with a mix of industrial and residential buildings to the west. City staff found that the requested rezoning meets the majority of the Land Development Code's zoning amendment approval criteria in Section 1220.03(e) and is consistent with the intent of the Land Development Code and market trends in the Cincinnati Avenue corridor. Furthermore, the requested commercial zoning will be more compatible with surrounding zoning and uses than the existing heavy industrial zoning. Planning and Zoning Commission voted to endorse this rezoning on Thursday, March 5, 2020, after holding the required public hearing.

President Smith entertained introduction of Ordinance 2020-05 as presented.

Vice President Wallace presented ORDINANCE 2020-05 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF XENIA, OHIO, TO REZONE TWO PARCELS TOTALING 3.94 ACRES, MORE OR LESS, AT 774 CINCINNATI AVENUE FROM I-2, HEAVY INDUSTRIAL DISTRICT, TO B-3, GENERAL BUSINESS DISTRICT, and it was read for the first time.

B. Ordinance 2020-06 ENACTING SECTION 230.04, TITLED "AUTHORITY IN AN EMERGENCY," OF THE CITY'S ADMINISTRATIVE CODE, AND DECLARING AN EMERGENCY. President Smith said this is an unprecedented event in history with regard to the Coronavirus (COVID-19). Mr. Merriman said this legislation extracts authorities that already exist in various locations in the City's Codified Ordinances and puts them in one place with regard to issuing a local declaration of emergency, which is required to receive funding and support from county, state, and federal governments. As President Smith indicated, they are facing circumstances now and into the foreseeable future that may force him into a declaration of a state of emergency. The Appointed Officials and senior staff, including Xenia Municipal Court staff, met today to determine the City's overall policy approach in response to this situation in an effort to release information on how to take steps to safeguard employees' health and welfare as well as provide additional guidance to the public at large based on Governor Mike DeWine's executive order and declaration of an emergency issued earlier today.

President Smith entertained passage of 2020-06 as presented.

Motion by Mayor Mays, seconded by Vice President Wallace, to adopt Ordinance 2020-06 as presented. Discussion followed. Councilman Scrivens asked for clarification on item (c)(2).

Ms. Fisher said the City Manager must issue an administrative directive and notify the news media. She said the text “or two members of Council who proclaimed it” should be removed. The Roll on this was the following:

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

Nays: None motion carried.

President Smith advised residents to be very careful as to where they get their information regarding updates on the COVID-19 pandemic. He advised they should visit official government websites, the school website, local news outlets, etc.

C. Introduction of Resolution 2020-F Establishing Street Lighting District #5 within the Sterling Green Crossing Phase 4 Subdivision and Declaring the Necessity of Improving City Streets and Public Ways within Street Lighting District #5 by the Lighting Thereof for the Years 2021-2022. Mr. Merriman said the developer, M One Development LLC, for the Sterling Green Crossing Phase 4 Subdivision has received a cost to install ten (10) streetlights, along with the monthly electricity fee per the City’s contract with Miami Valley Lighting (MVL). The developer is responsible for the initial cost to install the lights, but the City of Xenia is responsible for paying the monthly electricity costs as it has been doing for many years on its other street lights. Adoption of the attached Resolution of Necessity to establish Street Lighting District #5 will result in a streetlight assessment being included on the individual lot owners’ property tax duplicate from the Greene County Auditor. He recommended a two-year period on the assessments as the assessments for Street Lighting District Nos. 1-4 will also expire in 2022, which will allow renewal of the Street Lighting assessments in all five Districts at the same time. Based upon the City of Xenia’s current contract with MVL, and including the administrative fees associated with the continued assessment of each lot on a yearly basis, the owner of each lot within the Sterling Green Crossing Phase 4 Subdivision would pay an annual fee of \$33.53.

President Smith entertained introduction of Resolution 2020-F as presented.

Vice President Wallace presented RESOLUTION 2020-F ESTABLISHING STREET LIGHTING DISTRICT #5 WITHIN THE STERLING GREEN CROSSING PHASE 4 SUBDIVISION AND DECLARING THE NECESSITY OF IMPROVING CITY STREETS AND PUBLIC WAYS WITHIN STREET LIGHTING DISTRICT #5 BY THE LIGHTING THEREOF FOR THE YEARS 2021-2022, and it was read for the first time.

D. Administrative Motion Authorizing the City Manager to Execute Change Order #1 with Kelchner, Inc., for the Innovation Drive Water and Sanitary Sewer Installation Project. Mr. Merriman said on December 30, 2019, Xenia City Council awarded the bid and authorized a contract with Kelchner, Inc., to install the water mains and sanitary sewers along the future Innovation Drive to ultimately service the new Greene County Career Center and facilitate access to Greene Regional Industrial Park. As the contractor is currently in the process of making both installations, he has encountered less than ideal subsurface conditions for the associated trenching work and the future roadway that will be bid in spring 2020. The contractor discovered a buried automobile and building footers while excavating, in addition to the poor backfill material that encompasses the entire site. Consequently, the contractor has been tasked with performing additional excavation over the entire length of the project (2,120 lineal feet), which in turn results in additional gravel necessary for trench restoration, mostly for the installation of the new 10-inch

sanitary sewer. In addition, there were minor tasks to be performed by the contractor that were inadvertently omitted from the original construction plans. Approval of Change Order #1 will result in a new contract price of \$600,163.75, which is (still) well below the original Engineer's Estimate of \$696,900.

President Smith entertained a motion.

Motion by Councilman Dean, seconded by Mayor Mays, to authorize the City Manager to execute Change Order #1 in the amount of \$83,508.20 with Kelchner, Inc., for the additional work needed on the Innovation Drive Water and Sanitary Sewer Installation Project. Brief discussion followed. Mr. Merriman said this was not the first buried automobile that has been unearthed during various construction projects. Vice President Wallace asked if the car could be tornado debris. Mr. Merriman said possibly, but it is also possible that items were buried as a way of disposal back in the day. The Roll on this was the following:

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

E. Administrative Motion Authorizing the City Manager to Execute Contracts for Water Distribution and Sewer Collection Supplies for 2020. Mr. Merriman said proposals were received from four (4) vendors on February 27, 2020, for the provision of both water and sewer supplies for the Public Service Department from Ferguson Waterworks, EJ Prescott, Core and Main, and Neenah Foundry. All vendors proposed competitive pricing for the various supplies, as shown on the bid tabulation included with the agenda report. The prices proposed are valid for a one-year period. Due to the large quantity and availability of various items, City staff recommends that all four (4) proposals from each vendor be accepted and contracts entered into with each vendor. The term of the contracts would be one (1) year with the stipulation that the City will purchase each individual item on an as-needed basis at the lowest cost proposed by the four (4) vendors for that item, provided all specifications are met. All items will be purchased throughout the year on an as-needed basis.

President Smith entertained a motion.

Motion by Vice President Wallace, seconded by President Smith, to authorize the City Manager to execute contracts with Ferguson Waterworks, EJ Prescott, Core and Main, and Neenah Foundry to supply water distribution and sewer collection supplies for 2020 at the lowest cost proposed on the individual items requested provided that City specifications are met. Brief discussion followed. Vice President Wallace asked if any of the vendors are local. Mr. Merriman said no because these are very specialized items. The Roll on this was the following:

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

F. Administrative Motion Approving the Schedule of Bills in the amount of \$331,437.72. Mr. Duke respectfully requested the payment of bills in the amount of \$331,437.72.

President Smith entertained a motion.

Motion by Councilman Dean, seconded by Mayor Mays, to approve the schedule of bills in the amount of \$331,437.72. Brief discussion followed. Councilman Scrivens asked about a payment to Greene County Public Health on page 5. Mr. Merriman said by contract, the City of Xenia is a member of the Greene County Combined Health District, which is the local entity in charge of policy and service delivery for various services. The Roll on this was the following:

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

Nays: None motion carried.

11. APPOINTED OFFICIALS REPORTS AND COUNCIL COMMENTS:

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

Mr. Merriman regarding COVID-19:

- Regardless of how everyone feels about the steps being taken by Governor DeWine to limit public events and mandating closures of certain types of venues, he has an obligation to follow course. Steps will be taken to be in compliance with those actions, and some upcoming events will be cancelled. Currently, any event of 100 or more people is subject to limitation, but religious institutions are exempt for now. Some limitations are in place for nursing home visitations, and spring break has been extended to three weeks statewide. He strongly assured to the public that the local water system is fine, and there is no need to purchase bottled water in excess. Water is the lifeblood of a community, and Xenia's water supply is not at risk. There are currently no plans for cancellation of any city meetings in the best interest of city business; however, if an executive order is issued to limit the number of participants at meetings, he will deal with it at that time. This event will likely result in severe economic and financial implications. He encourage everyone to continue to patronize local small businesses. Regarding the extended spring break, he knows many children rely on the school system for meals, and the City's Development Director will reach out to school staff to determine how to continue to provide those services. There will be changes in protocol for the City's emergency medical services to keep both staff and those in need safe. He said all public safety equipment is sanitized daily. Plans are also in place for deep cleaning after a potential exposure and how they will deal with infection among staff to ensure adequate staffing. He and City staff are working with partner agencies and neighboring communities as well as Xenia Municipal Court on a united approach to keep everyone safe. There may be a disruption of some daily operations, including staggering some staff hours so employees can take care of their children over the extended spring break. Safety is the top priority, and many steps are being taken locally. The City's Public Relations Coordinator created a special webpage on the City's website that includes local statements and Governor DeWine's orders, which will be kept up to date. This is a unique moment in history, and he was confident they will overcome it. President Smith said the Ohio Department of Health's website is odh.ohio.gov and those with questions can call 833-427-5634 (or 833-4-ASKODH). The phones are staffed from 8 a.m. to 8 p.m. Mr. Merriman said he anticipates this being a 30-60 day event.

Mr. Duke said he received notice this week that the City of Xenia was awarded a Certificate of Excellence for the 2018 Comprehensive Annual Financial Report (CAFR). He noted it takes the state quite some time to get through their review. He thanked the Finance Department staff, especially Assistant Finance Director Jason Lake, for their efforts in preparing the report. He reported that work on the 2019 CAFR is underway, which he hopes to submit to the State Auditor's Office in a few months.

As Mr. Merriman indicated, Ms. Fisher said they have been working with the Court, who sees the largest number of people in their space. She said Judge Lewis will be making some changes to limit large crowds in the waiting areas, and pre-trials will be conducted by phone. Speeding tickets can be paid online, so there is no need to come into the building. She said they are taking this virus very seriously, and they have a duty to protect the vulnerable population. However, she noted that 47% of the cases are young adults, who recover but have lung damage. It was not just about the older population, and they need to take care of each other.

B. Mayor and City Council:

Mayor Mays extended her congratulations to Mr. Duke and his staff. She thanked the appointed officials and employees for their thought and leadership over the last few hectic days. They are leading the City well. She reported that she attended the annual awards dinner at 445th Air Base Wing at WPAFB. She congratulated all the award winners, noting the new commander Colonel Smith did a great job hosting the event. She also attended a small gathering to celebrate Colonel Young's 156th birthday noting that it was Dr. Joy Kinard's last time hosting the event. She has done a great job there. She congratulated her on her promotion—she was happy for her but sad to see her go. Finally, she thanked all who extended congratulations to her and her husband on their newest daughter—they are thrilled!

Councilman Brannum and Councilman Dean had nothing further to share.

Councilwoman Dean extended congratulations to Mayor Mays and the Finance Department.

Councilman Scrivens also congratulated the Finance Department. He said the recent Council Retreat was good as they determine how to work together. He inquired about a new Dollar General in the old Family Video location, which is the third one in Xenia. Mr. Merriman said the market is the market. Councilman Scrivens said he is happy about any new business. He said ODOT is starting on the roundabout at Church Street and US 42/Columbus Street on March 16th. He thanked former Councilman Louderback who served as the City's representative on MVRPC when the grant funding was awarded. He noted the new City representative is Councilwoman Dean.

Vice President Wallace congratulated and thanked the Finance Department, especially Assistant Finance Director Jason Lake, for their work. As of Monday, March 16, the intersection will be closed for 90 days for the roundabout construction. He was happy and excited to see the project get started. He congratulated Mayor Mays and her husband, Adam, on the adoption of their daughter, August. He also commented on the joy of meeting a very bright three year old named "Mollie" at the Mays' adoption gathering.

President Smith reminded all that next Tuesday, March 17, is Election Day in Ohio. He was not sure if anything will change with regard to COVID-19. He encouraged everyone to vote and vote early if possible. As previously stated, they are in an unprecedented time, and the economic impact will be huge. He encouraged everyone to support local businesses as much as they can. He said if people go to purchase something and the stores are out of stock, he asked them to be nice to the store's workers because it is not their fault. It is simply a supply and demand issue. He thanked those present at the meeting and those who are watching the meeting. He noted the study session

will not be televised. The Council took a five-minute recess at 6:45 p.m. and reconvened at 6:50 p.m. with the same members present.

12. STUDY SESSION:

2020 Street Improvement Program. Mr. Merriman said the purpose of the presentation was to provide information about the recent pavement condition index (PCI) study and discuss the near-term strategy for streets. He said staff is seeking Council’s direction for only the 2020 and 2021 Street Improvement Programs based on the available funding. He turned the presentation over to City Engineer/Public Service Director Chris Berger. Mr. Berger shared the key findings of the PCI study, with the primary focus on the fourth item below:

1. Repairing streets when they are still in ‘Fair’ condition ultimately costs less over their lifetime than waiting to fix roads that have fallen into ‘Poor’ condition.
2. If repairs are delayed until a road is rated in ‘Fair’ condition or worse, the cost of rehabilitation becomes 4 to 5 times more expensive than those roads in ‘Good’ condition.
3. It seems self-evident that staying on top of the condition of your roadways will save you money and time.
4. This hierarchical strategy ensures that roadways slated for reconstruction remain in the reconstruction pipeline, even if there’s a funding shortfall. Available funds are used to preserve those streets that can be treated with surface treatments (crack sealing, slurry seal) and overlays. No real equity is lost when those roads become unacceptable for use, since they were already scheduled for reconstruction.

<u>PCI Ratings:</u>		<u>Treatments:</u>
86-100	Good	(Little-to-No maintenance required)
71-85	Satisfactory	(Microsurface, Crack Seal)
51-70	Fair	(Microsurface, thin overlays)
26-50	Poor	(Mill & Fill)
0-25	Very Poor	(Reconstruction/Full Depth)

Overall Xenia PCI Ratings:

2014: Arterials/Collectors	64	
Local	60	Overall: 61
2019: Arterials/Collectors	65	
Local	54	Overall: 56

Mr. Berger said Xenia’s arterial/collector streets include Main Street, Detroit Street, Colorado Drive, Progress Drive, etc.; there are a lot more local (residential) streets than arterial/collector streets.

2019 Total Costs of Xenia Streets for Repairs:

Crack Sealing	18.8 miles	\$313,050
Micro-Surface	29.3 miles	\$1,230,710
Mill & Fill	39.8 miles	\$16,422,550
Reconstruction	34.8 miles	\$26,370,650
		\$44,336,950

**Xenia Streets are a
44 Million Dollar
Problem**

Street Program Budget to *maintain* 2019 PCI (56) over the next five years (duration of CIP):
Thoroughfares (\$675,000) and Locals (\$1.1 million) = \$1.8 million

Street Program Budget to *achieve* 2014 PCI (61) over the next five years:
Thoroughfares (\$735,000) and Locals (\$1.9 million) = \$2.64 million

Mr. Berger said the study recommended that they focus on thoroughfares (arterials/collectors), and to maintain the roads that are good. The thought is the roads that are bad will just remain bad and they should maintain the roads that are salvable. He then presented the following PCI study recommendations and options for the 2020 Street Program:

Recommendations:

1. Focus Only on Thoroughfares: Prioritize these streets because of their current condition and an ability to maintain the thoroughfare PCI score. In addition, these streets are highly visible to the public as they are used every day.
2. Any use of funds for Mill & Fill and/or Reconstruction will result in a declining PCI score, given the current overall budget in 2020 of \$900,000.
3. Avoid Reconstruction Streets: No real equity is lost when these roads become unacceptable for use, since they were already scheduled for reconstruction.

Mr. Merriman said from an economic development standpoint, thoroughfares are important for business recruitment and retention. Further, thoroughfares are the roads that everybody is using every day.

Options:

1. **Focus on Thoroughfares (Declining PCI)**
 - Currently at an acceptable PCI and the current budget would maintain, if not slightly increase it, over the next 3-4 years. City's dollar goes further because of grant eligibility. Public's daily use is critical.
2. **Combination Crack Seal and Mill & Fill (Declining PCI)**

Based upon 70/30 split for Local/Thoroughfares

 - \$560,000 (Mill & Fill) and \$70,000 (Crack Seal) for Locals
 - \$240,000 (Mill & Fill) and \$30,000 (Crack Seal) for Thoroughfares
3. **Focus on Locals (only) Crack Seal and Mill & Fill (Declining PCI)**
 - \$800,000 (Mill & Fill) and \$100,000 (Crack Seal)
4. **Focus on Local Streets with ALL treatment types (Declining PCI)**
 - \$400,000 (Mill & Fill), \$400,000 (Reconstruct), and \$100,000 (Crack Seal)
 - Option limits overall number of streets as half of funds are tied up in full depth replacement streets, which total an estimated 3-4.
5. **Maintain Status Quo (Declining PCI)**
 - Mill & Fill and Crack Sealing
 - Select Local streets throughout the City (E, W, N, S)
 - Only complete full depth street repairs once street has shown signs of complete failure (\$\$\$\$\$\$\$\$\$)

To give Council an idea of cost regarding neighborhood streets, Mr. Berger said last year, they paved Montana Drive and replaced some—not all—curbing, and it cost about \$200,000. Based

upon the results of the PCI study, he and his staff are recommending they focus on thoroughfares and crack sealing residential streets, which they believed is “the best bang for the buck.” Mr. Merriman said for the best value, they should focus their maintenance efforts on what is salvageable (fair or good condition). If Council wants to pursue total reconstruction, they would not be able to do much based on the available dollars, and based on the study, it is not cost effective to divert the available dollars away from maintaining roads that are in fair and good condition. He said Mr. Berger needs some direction this evening because he needs to get information on this year’s Xenia street program to the Greene County Engineer so the City can participate in their annual paving bid.

President Smith asked if Colorado Drive was considered a thoroughfare. Mr. Berger said yes, which would be under serious consideration if Council wishes to proceed in that direction; however, he estimated it would probably take most of the \$800,000 budget. He said they could consider different ideas such as paving only a portion of the road or paving only the drive lanes. Mr. Merriman noted that putting together a cost estimate for any specific street takes a lot of time and effort, and once staff knows how Council wishes to proceed, the proper estimates would be prepared and a final list would be prepared.

Vice President Wallace asked if \$500,000 was the amount always budgeted and the extra \$400,000 was from the gas tax increase. Mr. Duke said approximately \$300,000 is from the gas tax increase and \$100,000 is from the 228/229 Funds. Mr. Merriman said he realized some people may have a problem with maintenance being done on a road that was just paved a few years ago, but they will be doing that because they want the paving to last. It’s a better use of taxpayer dollars to preserve what has already been fixed than to completely reconstruct a smaller portion of a road. Vice President Wallace said some streets are in really bad shape and probably need to be reconstructed; however, he asked if the drive lanes on the worst sections of the roads could be done. Mr. Berger said drive lanes are usually done for total reconstruction projects, which would still be very expensive.

Councilman Scrivens said they need to decide whether to start at the top of the list and work down or vice versa. The economics suggest they start at the top but the politics suggest they start at the bottom. It’s a choice they are going to have to make.

Mayor Mays asked if pot hole repairs were part of the \$900,000 budget. Mr. Berger said no; there are separate dollars in the budget for routine maintenance that are not included in the capital budget.

President Smith asked what the City’s commitment was for the Innovation Drive extension project. Mr. Merriman said he did not know yet what the County will be committing to the project, but the engineer’s estimate is higher than anticipated. He anticipates meeting with the County very soon to express his desire for the County’s commitment and support of the project. He noted the County recognizes the value of the roadway extension to make the Greene Regional Business Park more accessible. Vice President Wallace said once the road is complete, he felt more business opportunities would arise. Mr. Merriman agreed. He noted the project will have to be financed, and some of the annual paving dollars will have to be used for the next several years for those debt service payments.

