

**XENIA CITY COUNCIL
MEETING MINUTES
MARCH 24, 2022
6:00 P.M.**

Ms. Chris Stevens, YMCA, provided the Invocation.

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

B. CALL TO ORDER: President Smith called the Regular Meeting to order at 6:02 p.m.

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

President Smith noted he received a message from Councilman Dean earlier in the day letting him know that he was ill and unable to attend the meeting.

Motion by President Smith, seconded by Councilman Brannum, to excuse Councilman Dean from the meeting due to illness. No discussion followed. The Roll on this was the following:

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

D. APPROVAL OF MINUTES: Motion by Councilwoman Dean, seconded by Mayor Mays, to approve the March 10, 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, 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. No one came forward to speak.

G. OLD BUSINESS:

1. President Smith 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**, introduced by Vice President Urschel on 03/10/2022, and it was read for a second time.

Motion by Vice President Urschel, seconded by Councilwoman Dean, to adopt Ordinance 2022-06 as presented.

President Smith opened the public hearing at 6:05 p.m. and asked those in favor of the Major Change to the PUD for Wright Cycle Estates to come forward to speak. No one came forward to speak. He then asked for those opposed to the Major Change to the PUD for Wright Cycles Estates to come forward to speak. No one came forward to speak. He closed the public hearing at 6:06 p.m. and entertained comments or questions from City Council. None followed.

The Roll on adoption of Ordinance 2022-06 was the following:

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

Nays: None motion carried.

2. President Smith 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**, introduced by Councilman Brannum on 03/10/2022, and it was read for a second time.

Motion by Councilman Brannum, seconded by Mayor Mays, to pass Resolution 2022-L as presented. President Smith entertained comments or questions. Councilman Brannum extended kudos to the Public Service Department for getting the best prices on these water and sewer supplies. President Smith agreed. The Roll on this was the following:

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

Nays: None motion carried.

3. President Smith 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**, introduced by Vice President Urschel on 03/10/2022, and it was read for a second time.

Motion by Vice President Urschel, seconded by Mayor Mays, to pass Resolution 2022-M as presented. President Smith entertained comments or questions. None followed. The Roll on this was the following:

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

Nays: None motion carried.

4. President Smith 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**, introduced by Councilman Brannum on 03/10/2022, and it was read for a second time.

Motion by Councilman Brannum, seconded by Councilwoman Dean, to pass Resolution 2022-N as presented. President Smith entertained comments or questions. None followed.

The Roll on this was the following:

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

Nays: None motion carried.

5. President Smith 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**, introduced by Councilman Dean on 03/10/2022, and it was read for a second time.

Motion by President Smith, seconded by Vice President Urschel, to pass Resolution 2022-O as presented. President Smith entertained comments or questions. None followed. The Roll on this was the following:

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

Nays: None motion carried.

6. President Smith 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**, introduced by Councilwoman Dean on 03/10/2022, and it was read for a second time.

Motion by Councilwoman Dean, seconded by Councilman Brannum, to pass Resolution 2022-P as presented. President Smith entertained comments or questions. Councilman Scrivens noted that several applications were received, and the City felt that the STEAM Academy had the best application. The Roll on this was the following:

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

Nays: None motion carried.

H. NEW BUSINESS:

1. **First Public Hearing on the Community Development Block Grant (CDBG) Small Cities Program for 2022.** City Manager Brent Merriman said to comply with federal Community Development Block Grant Small Cities Program (CDBG) citizen participation requirements, grantees (such as Xenia) must hold one public hearing to cover general aspects of the CDBG Program, and one project application-specific public hearing before submission of any projects to the State of Ohio for CDBG funding. The second, project application-specific public hearing was scheduled for May 12, 2022, at the regularly scheduled Council Meeting. In 2022, Xenia was eligible to receive its biennial allocation grant and was also eligible to apply for competitive grant programs such as Neighborhood Revitalization, Critical Infrastructure, and Target of Opportunity. The public was encouraged to request specific projects at this time or may contact the Development Department with questions or suggestions. There would also be two informational sessions open to the public on March 30th at 4 p.m. and April 5th at 10 a.m., both to be held in the Council Chambers. All grant project requests should be submitted to the City by April 15th at 5 p.m. He

respectfully requested the public hearing be conducted as noted. Per the agenda report, a brief listing of potential CDBG Programs available to the City of Xenia in 2022 are as follows:

<u>NON-COMPETITIVE</u>	<u>APPROXIMATE AVAILABLE FUNDS</u>
PY 2022 CDBG Allocation Grant	\$150,000
 <u>COMPETITIVE</u>	
Neighborhood Revitalization Grant	\$750,000
Critical Infrastructure Grant	\$500,000
Target of Opportunity (including Downtown Revitalization)	n/a

President Smith opened the public hearing at 6:13 p.m. and asked for those in favor of the CDBG Small Cities Program for 2022 to come forward to speak. No one came forward to speak. He then asked for those against the CDBG Small Cities Program for 2022 to come forward to speak. No one came forward to speak. He closed the public hearing at 6:14 p.m. and entertained comments or questions from City Council.

Vice President Urschel asked Mr. Merriman to briefly go over what types of projects these grants encompass and if the City was a pass through entity in terms of recommendations of the grants or who allocated the funds. Mr. Merriman said there are two different allocations: 1) City allocation, which the City can determine locally with the State’s approval how they wish to earmark those dollars and could include local projects as well as City-awarded projects, and 2) competitive Statewide process for funding opportunities (Neighborhood Revitalization Grant, Critical Infrastructure Grant, Target of Opportunity Grant) that each have their own set of program requirements, specifications, guidelines, etc. Community Development Coordinator Ryan Baker said the grants are designed to specifically aid low- to moderate-income community, and projects include curb and sidewalk improvements such as E. Second Street, W. Second Street, et al. Vice President Urschel asked if the City was developing its own proposals for the last three competitive cycles or if they are waiting for the neighborhood residents to come to the City [to request projects.]. Mr. Baker said they do both—they have internal project discussions on a regular basis, and they also hold public meetings to solicit input and project application requests. Vice President Urschel asked if the [up to] \$150,000 CDBG Allocation Grant was allocated to the City and if the State’s approval was required to expend those funds. Mr. Baker said yes; he added that a portion of that funding had to be allocated for the fair housing program. Mr. Merriman said there was a range of different types of uses for these funds. He noted the City used to receive \$300,000 to \$400,000 per year, and the “up to” \$150,000 was for a two-year period. While the grant was appreciated, there was a lot of red tape, and the money did not go very far. Therefore, they focus on more simple tasks and infrastructure, such as curbs and sidewalks. Vice President Urschel asked Mr. Baker if he would be reviewing the criteria at the public meetings on March 30th and April 5th. Mr. Baker said yes; handouts would be available, including materials provided by the State of Ohio.

Vice President Urschel asked about the outcome of the applications for Neighborhood Revitalization, Critical Infrastructure, and Target of Opportunity Grants when the City applied two years ago. Mr. Merriman said none were awarded to the City during the last round. Mr. Baker agreed; the City applied for a Critical Infrastructure Grant for a curb, sidewalk, and ADA ramp project on E. Second Street between S. Columbus and S. Leach Streets, which was denied.

Councilman Scrivens noted a member of the audience (Mr. Clayton Brady) arrived after the conclusion of the public hearing, and he believed he wished to speak in favor of the CDBG Small Cities Program for 2022. Mr. Brady did not present any written comments for the record.

Vice President Urschel asked if non-profits or public institutions, such as the Xenia Community Schools (XCS), were eligible to submit applications. Mr. Merriman said non-profits can apply, but there are some requirements. Mr. Baker agreed; the grants cannot be used for operating expenses. He did not believe public schools could apply for these grants—even for capital expenses. He offered to check into it. Vice President Urschel said at the XCS' last Board of Education meeting, the Superintendent asked if they could apply for the grant. Law Director Donnette Fisher said the only time she had seen these grant funds awarded to a non-profit, the project involved housing rehabilitation.

2. ORDINANCE 2022-07 AMENDING ORDINANCE 2022-03 TO PROVIDE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF XENIA, OHIO, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2022, AND DECLARING AN EMERGENCY. Finance Director Ryan Duke said this appropriation ordinance was being presented to adjust the 2022 appropriations for several reasons. The first requested increase was to cover the cost of replacing vehicle 1915, which was a dump truck for which the cost had increased from \$115,000 to \$141,883 (\$80,683 for the chassis and \$61,200 for the bed, salt spreader, and the snowplow unit). He noted there was an additional agenda report associated with this request, and an additional \$26,883 was being requested to facilitate the purchase. The second requested increase was for grant funding to be appropriated for the law enforcement recruitment grant for both the grant portion of \$32,450.28, as well as the City's match of \$10,433.42, totaling \$42,883.70. The third requested increase was also an appropriation for another grant. The City was awarded \$122,748 from the County for the demolition of the former Fulmer Building. The City's match for the demolition was \$50,000, bringing the total appropriation amount for the demolition to \$172,748. The final increase being requested was \$10,000 for Fair Housing expenses, which was related to the CDBG public hearing they just conducted. This program was paid for out of allocation grant dollars and needed to be appropriated to properly allocate the money to fair housing.

President Smith entertained comments or questions. Councilman Scrivens asked what the City would receive for the \$42,883.80 law enforcement recruitment grant. Mr. Merriman said the grant would allow the City to launch a Cadet Program in the Xenia Police Division to specifically recruit young individuals for law enforcement careers. In the State of Ohio, a licensed peace officer must be at least 21 years old. They often lose a lot of recruits between graduation from high school and age 21 because they start down an alternate career path. With the grant funds, the Cadet Program would provide part-time law enforcement employment opportunities for local graduates in an effort to expose them to the environment and prepare them for future service. He felt this was a creative and unique opportunity that they could pursue to help with recruitment issues and also target to local young adults.

Vice President Urschel asked if Greene County had approved their portion of the funding for the demolition of the former Fulmer building. Mr. Merriman said he believed they had or would be approving the funding. Vice President Urschel said if the County funding fell through, he asked if the City would have to pursue the demolition with its own dollars. Mr. Merriman said yes.

Hearing nothing further, President Smith entertained a motion to adopt Ordinance 2022-07 as an emergency.

Motion by Mayor Mays, seconded by Councilman Brannum, to adopt Ordinance 2022-07 as presented. No discussion followed. The Roll on this was the following:

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

Nays: None motion carried.

3. Introduction of Ordinance 2022-08 Providing for the Special Election on Amendments to Articles IV, IX, XIII, XIV and XV of the Charter of the City of Xenia, Ohio, Said Election to Be Held on the Same Date and Times as the August 2, 2022, Special Election.

Ms. Fisher said this was the second round of proposed Charter amendments. This Ordinance would place on the August 2nd special election ballot the question of whether the Charter Review Commission's proposed amendments to Articles IV (City Council), IX (Finances), XIII (General Provisions), XIV (Charter Amendments), and XV (Separability) of the City's Charter should be adopted. These Articles would be presented as one ballot item. The proposed amendments to these Articles, and the reasonings therefore, are set forth in the Charter Review Commission's April 6, 2021, Report to Council. She noted that these Articles were grouped together based on the interplay among them; further, Articles XIV and XV are proposed for repeal as their contents are incorporated into the proposed amendments to Article XIII. She noted Exhibit B to the Ordinance included the proposed ballot language in a format preferred by the Board of Elections and the Ohio Secretary of State. Exhibit A was the exact "word for word" language of the proposed amendments and would be posted at all polling locations as required by State Law. She shared the announcement that the May 3rd federal primary would not be held; per the Ohio Secretary of State's Office, local elections and local ballot items would proceed as scheduled, and the May 3rd ballot included the first round of proposed Charter amendments. If these first two rounds of amendments are approved, the final round of amendments would be requested for placement on the November 1st ballot.

President Smith entertained questions or comments. Councilman Scrivens thanked Ms. Fisher for her due diligence on these proposed Charter amendments, noting the citizens have the power to approve the amendments and move the City into the 21st century. President Smith commented on the flyer that was recently included in the utility bills that included the ballot language for the May 3rd ballot. He thanked the staff person who put that flyer together. Ms. Fisher said City Clerk Michelle Johnson developed that informational flyer. Vice President Urschel said with the primary ballot items being removed from the May 3rd ballot, he asked if the proposed Charter amendments would be the only item on the ballot for Xenia voters. Ms. Fisher believed they were proceeding with state and local primaries—only federal primaries were being removed. Vice President Urschel expressed his concern about low voter turnout if the proposed Charter amendments were the only thing on Xenia's ballot. Ms. Fisher said the City Charter served as the City of Xenia's constitution, and as a home rule City, Xenia voters were in a unique position to write their own constitution. The Charter Review Commission included citizens from the community who spent two years comprehensively reviewing the Charter word for word. She encouraged voters to get on the City's website, read the information about the proposed amendments, and reach out to City staff or Mayor and Council members with any questions they may have.

Hearing nothing further, President Smith entertained introduction of Ordinance 2022-08 as presented.

Councilman Scrivens presented ORDINANCE 2022-08 PROVIDING FOR THE SPECIAL ELECTION ON AMENDMENTS TO ARTICLES IV, IX, XIII, XIV AND XV OF THE CHARTER OF THE CITY OF XENIA, OHIO, SAID ELECTION TO BE HELD ON THE SAME DATE AND TIMES AS THE AUGUST 2, 2022, SPECIAL ELECTION, and it was read for the first time.

4. Introduction of Resolution 2022-Q Authorizing the Purchase of a One-ton Dump Truck Chassis From Stoops Freightliner, Through the ODOT Cooperative Purchasing Program, and Authorizing the Purchase of a Bed, Salt Spreader, and Snowplow Unit From KE Rose Company, Through the Sourcewell Government Purchasing Program. Mr. Merriman said staff was requesting authorization to replace Vehicle #1915, which was a 2010 dump truck with nearly 5,000 hours of registered usage. The vehicle's growing maintenance cost and unreliability are presenting a negative return as they have attempted to keep the vehicle road worthy. Key maintenance concerns were highlighted in the agenda report. This vehicle served as a frontline vehicle used daily for cold patching in the winter months, towing the "hot box" for permanent asphalt repairs in warmer months, and it was also routinely used to haul materials to job sites. The Public Service Department was proposing to purchase the chassis for the replacement vehicle from Stoops Freightliner through the ODOT Cooperative Purchasing Program (Contract #023-22) at a cost not-to-exceed \$80,683. Pursuant to state law, competitive bidding was not required for purchases made through this program. City staff was informed by Stoops Freightliner that this particular chassis was originally ordered by another jurisdiction, but that purchase contract fell through. Thus, the City was fortunate that this vehicle can be delivered later this year as the backlog for ordering similar vehicles was expected to be a minimum of two (2) years. The bed, salt spreader, and snowplow unit needed to equip the new chassis would be purchased via the Sourcewell (formerly NJPA) Purchasing Program from KE Rose Company in the amount of \$61,200 (Contract #080818-BPC). Similar to the ODOT Cooperative Purchasing Program, competitive bidding was not required for purchases made through the Sourcewell program. The 2022 General Capital CIP included \$115,000 for the replacement of this vehicle; thus, there were insufficient funds to cover the necessary (total) purchase price of \$141,883 (\$80,683 + \$61,200). The escalated price difference between the budgeted amount and the actual purchase cost was attributable to the lack of availability of parts and vehicles worldwide. Consequently, City Council was requested to authorize an additional \$26,883 via Ordinance 2022-07 earlier this evening so this purchase could be made. He respectfully requested introduction, and subsequent approval, of Resolution 2022-Q to authorize this purchase.

President Smith entertained questions or comments. Councilman Scrivens thanked City Engineer/Public Service Director Chris Berger for procuring the bids for this purchase. He asked about the expected lifetime of the new vehicle. Mr. Berger said they aim to get ten years out of these vehicles, but since this vehicle was a 'work horse,' he expected to get about seven years out of it. Councilman Scrivens asked if there was an aftermarket for the vehicle that would be taken out of service. Mr. Berger said the City has had some luck with recent public auctions, and he believed that may be the best way to dispose of it. Hearing nothing further, President Smith entertained introduction of Resolution 2022-Q as presented.

Councilwoman Dean presented RESOLUTION 2022-Q AUTHORIZING THE PURCHASE OF A ONE-TON DUMP TRUCK CHASSIS FROM STOOPS FREIGHTLINER, THROUGH THE ODOT COOPERATIVE PURCHASING PROGRAM, AND AUTHORIZING THE PURCHASE OF A BED, SALT SPREADER, AND SNOWPLOW UNIT FROM KE ROSE COMPANY, THROUGH THE SOURCEWELL GOVERNMENT PURCHASING PROGRAM, and it was read for the first time.

5. Administrative Motion Appointing a Representative to the Greene County Combined Health District's Board of Health. Mr. Merriman said the current term of Tamisha Samiec, MD, (one of the City's two current appointees) to the Greene County Combined Health District's Board of Health expired at the end of February 2022. Dr. Samiec, a Xenia township resident, had expressed her interest and continued willingness to represent the City on the Board; however, due to other work and community commitments, she communicated a willingness to cede her seat if another qualified individual was interested. The City solicited potential candidates to volunteer for this important position and received several qualified City residents. Of the candidates who expressed an interest to serve on the board and represent the City's interests, staff respectfully recommended Mr. Marty Larson for appointment by City Council. Mr. Larson was currently the CEO of Ascend Innovations, as well as Executive Vice President for the Greater Dayton Area Hospital Association. Mr. Larson has over 20 years of experience in the hospital and medical administration fields, a bachelor's degree in Business Management from Cedarville University, and a master's degree in Management from Antioch University, McGregor. He had been a resident of Xenia for over 25 years and raised his family here while also serving the community in many ways. He believed that Mr. Larson was well qualified to serve in this capacity.

President Smith said Mr. Larson's resume was quite impressive. He entertained questions or comments. Councilman Scrivens agreed; he was thoroughly impressed with Mr. Larson's resume; however, he would not be supporting his appointment because he was not present this evening.

Vice President Urschel said he had known Mr. Larson for 40 years, and he could not imagine a better person to serve in this capacity on the City's behalf. He believed Mr. Larson grew up in Xenia and had been here much longer than just 25 years as noted above. Xenia was his home and his community, and he believed Mr. Larson was committed to Xenia for the rest of his life. He said this was Xenia's opportunity to provide someone who represents Xenia City Council and City staff on the Board of Health, and he asked if they could request some type of feedback or report on a regular basis from Mr. Larson as to what was occurring in that service on the Board. Mr. Merriman said copies of the Board's meeting minutes and action items are made publicly available, and he could forward that information to the Mayor and Council. Vice President Urschel said it would be good to receive the minutes; however, it would also be nice to receive a brief summary from Mr. Larson. Mr. Merriman noted there are two City representatives on the Board of Health; the other member was David Thompson from the Xenia YMCA. He could discuss the idea with both of them with regard to a quarterly conversation with him or some other type of communication. Vice President Urschel agreed; further, the two representatives needed to express any concerns they may have with regard to anything the Board of Health was presenting for discussion.

Councilman Brannum said Council continued to task Mr. Merriman with more and more responsibilities; he suggested that the City Clerk provide the representatives' contact information so that Mr. Merriman did not have to add another task to his "to do" list. Vice President Urschel

said he was not suggesting that Mr. Merriman do that; as a matter of fact, he preferred to have those discussions directly with the City's representatives to the Board and that they send the feedback directly to the Mayor and Council. He reported that he knew both gentlemen very well, and he could discuss this request with them and work out the details. He agreed that Mr. Merriman had enough to do, and they could work out the details. Mr. Merriman said it was up to Council as to how they wished to handle receiving the feedback, and he would adjust either way. Mayor Mays said she would like the feedback to be presented to everyone on City Council. Vice President Urschel agreed.

President Smith said he realized Councilman Scrivens was disappointed that Mr. Larson was not present; however, as an employer and business professional, [evening] meetings are sometimes very difficult for people to attend due to professional and/or family obligations. He can understand why Mr. Larson may not have been able to attend the meeting. Hearing nothing further, he entertained a motion.

Motion by Mayor Mays, seconded by Vice President Urschel, to appoint Mr. Marty Larson as a City of Xenia representative on the Greene County Combined Health District's Board of Health with a term expiration date of February 28, 2026. President Smith entertained questions or comments. None followed. The Roll on this was the following:

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

6. Administrative Motion Approving the Schedule of Bills in the amount of \$251,633.43.
Mr. Duke respectfully requested the payment of bills in the amount of \$251,633.43. He noted that he still anticipated tweaking the format of the schedule of bills, and Council could look forward to upcoming changes within the next month.

President Smith entertained questions or comments. Hearing none, he entertained a motion.

Motion by Councilwoman Dean, seconded by Councilman Brannum, to approve the schedule of bills in the amount of \$251,633.43. No discussion followed. The Roll on this was the following:

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

I. APPOINTED OFFICIALS REPORTS

President Smith asked Mr. Duke for his comments. Mr. Duke did not have anything further to share.

President Smith asked Ms. Fisher for her comments. Ms. Fisher reported that Governor DeWine appointed Mr. David McNamee as the Xenia Municipal Court Judge effective April 11th. He was currently serving as a magistrate in both the Juvenile and Domestic Relations Divisions of the Court of Common Pleas and had court administrator experience. The past few months of musical chairs with visiting judges had taken a toll on Court and Law Department employees, and they were all looking forward to getting Mr. McNamee on board. Vice President Urschel said once Mr. McNamee got settled or even before his first day since he was local, he asked if some time

could be scheduled to sit down with him to welcome him and discuss various subjects, such as code enforcement. Mayor Mays said she had a meeting scheduled with him next week. Ms. Fisher said she would suggest to Mr. McNamee that he come to City Council and introduce himself. She suggested giving him at least a month to get acclimated in his new position. Mayor Mays said Mr. McNamee reached out to her directly to schedule a meeting with her and Mr. Merriman, which would occur next week. She agreed that he needed to meet other Council members and staff and get to know what was going on, and her meeting with him was just a place to start. Mr. Merriman said as the new Judge gets himself acclimated, they (Law Director, Finance Director, and he) would take time to familiarize him with the City's budget process, internal operating procedures, etc. He agreed with Vice President Urschel that perhaps after he meets with the Mayor and him and after a few months in office, a meeting could be scheduled with the contingent of Council to talk about policy issues, including a Drug Court or Environmental Court, in a proactive way of trying to align the adjudicative process with the policy making/legislative process. Vice President Urschel agreed. He said the Court employees, outside of the Judge, were employees of the City of Xenia. Ms. Fisher disagreed; she explained that the Judge appointed the Clerk of Courts, the Bailiffs, the Probation Officers, etc. Vice President Urschel agreed that those employees were appointed by the Judge, but they are City of Xenia employees from a pay/personnel perspective. Ms. Fisher said per State Statute, the Clerk of Courts sets the salary for the Deputy Clerks. Council sets the salary for the Clerk of Courts only if the Court did not bring in as much as it expended. Most of the other salaries are set by the Judge. Vice President Urschel said he did not mean to imply that Council had the right to set those salaries, but in terms of funding for Municipal Court personnel, that was funded by the municipality of Xenia. Ms. Fisher agreed; however, there are some salary funding that could be done out of the Court's special projects fund, but by statute, that was somewhat limited. Vice President Urschel said the operation of the facility that the Court operates and resides in was also managed by the City of Xenia. Mr. Merriman said practically speaking, the administrative functions (payroll, finance, human resources, insurance/benefits, etc.) was under the City. He noted that the City of Xenia was only a portion of the Judge's district (geographically). Vice President Urschel said even so, the City of Xenia was the only municipality that was funding the Court. Ms. Fisher noted that Greene County pays a portion of the Judge's, the Clerk of Court's, and the Bailiffs' salaries under statute. Vice President Urschel summarized that the Xenia Municipal Court was a significant portion of the City's budget and personnel, and that one individual [the Judge] had a lot of influence over both of those items.

President Smith asked Mr. Merriman for his comments. Mr. Merriman said it was spring in Ohio, and with that comes the risk of severe weather. He said they have already dodged some severe weather, and he urged citizens to stay "weather aware" with the use of free weather apps on cell phones. Yesterday, the City's tornado sirens sounded for severe weather in the Xenia area, but not in the City of Xenia proper. Under the current system, the Xenia Greene Central Communications Center was responsible for sounding the tornado sirens for various jurisdictions within the dispatch region. The tornadic activity spotted on the radar yesterday was nowhere near Xenia proper, but the City's sirens were sounded. They are looking into a polygon system to warn residents in the immediate trajectory of the storm, instead of the entire area of the County for example. They would be working with neighboring jurisdictions on this effort because the City of Xenia should not necessarily be saddled with the sole expense of this possible six-figure system conversion. As Chief Executive for the City of Xenia, he joined other Chief Executives and Township representatives and attended the annual Greene County Combined Health District Advisory Board meeting; their

primary goal for the meeting was to approve the annual budget for the Combined Health District. A report was provided on scope of service delivery in 2021, although the numbers were very skewed given the back half of the pandemic that they were dealing with. There are some interesting numbers as they related to certain disease-related service delivery in the City of Xenia, which have prompted some follow-up questions in that regard to determine and understand causality. He would provide copies of the report to Council if desired. Vice President Urschel asked about the Combined Health District's annual budget amount. Mr. Merriman believed it was around \$8 million, noting they get a lot of money from the State of Ohio.

J. REPORTS OF BOARDS, COMMISSIONS, AND COMMITTEES:

1. Public Safety Committee: Councilman Scrivens said the Public Safety Committee met on March 17th; unfortunately, he was detained at a medical appointment and was not present for the entire meeting. Councilwoman Dean, Vice President Urschel, and staff, including Fire Chief Ken Riggsby, were also present. He noted the agenda included nine items, although he did not believe any were ready for formal presentation to Council. Therefore, he asked Assistant City Manager Jared Holloway to provide a report. Mr. Holloway said the Committee discussed the following topics:

- Public Safety Recruitment/Turnover Concerns
- Public Safety Plus 1 Program/SAFER Grant
- Police Chief Transition Plan
- Fire Station 32 Replacement Status
- Fire Inspection Fees
- Dispatch Consolidation Conversations
- Public Safety Study Update
- Public Safety IT support for Public Safety
- Other Public Safety Updates

2. Board of Zoning Appeals: Councilman Brannum said BZA met on March 21st. They reelected Tara Macduff as Vice Chair and considered Case #BZA2022-01 – Variance request to allow residential occupancy in an abandoned, nonconforming single-family home adjacent to an existing auto repair garage in the B-3 General Business District, filed by Dustin Adams, for the property located at 709 Home Avenue, which was approved. He commended Mr. Adams, who was doing a phenomenal job of updating dilapidated properties around the City of Xenia. He was putting a lot of work into these properties and really making a difference.

K. COUNCIL COMMENTS:

Councilman Brannum and Councilwoman Dean did not have anything further to share.

Councilman Scrivens said he attended the Xenia Fire Division Awards Banquet last week, which was an extraordinary occasion. He was glad to see them honoring their own people, who do extraordinary things. He congratulated all who received awards—even those who did not receive awards because there was always next year. He announced the U.S. Senate and Ohio Governor debates will be held at Central State University next week on Monday and Tuesday. Clark State Community College would be dedicating a room to the late Greene County Sheriff Gene Fischer on Monday, March 28th, at 4 p.m. at 100 S. Limestone Street in Springfield. In terms of parking

enforcement, when a curb was painted was yellow, he asked Ms. Fisher when it was acceptable to park there. Ms. Fisher said it was never acceptable to park there if the curb was painted yellow. Councilman Scrivens asked if that was enforced in the City of Xenia. Ms. Fisher said the Parking Enforcement Officer enforces that in the downtown area; however, beyond the downtown area, it would depend on whether or not a patrol officer saw the yellow curb and had an opportunity to stop to issue the citation. Councilman Scrivens said hypothetically if an officer drives by a painted yellow curb and observes a vehicle parked there with no occupants, the officer could stop and issue a citation. Ms. Fisher said yes, the officer could stop and issue a citation. Councilman Scrivens asked what would happen if the officer did not stop to issue the citation. Ms. Fisher said nothing would happen. Councilman Scrivens asked if it was up to the officer's discretion. Ms. Fisher said yes, similar to if an officer did not pull somebody over for speeding. She imagined during the winter months, if the curb was covered with snow, the officer would not even be able to see the curb. Councilwoman Dean asked Councilman Scrivens if he received a parking ticket. Councilman Scrivens said no; he shared that some people are habitually parking where they should not be parking and should be receiving tickets. The police officers are constantly driving by and not stopping. As the Chair of the Public Safety Committee, he was seeking enforcement. Ms. Fisher suggested he have a conversation with Mr. Merriman, who was the City's Public Safety Director. Councilman Scrivens asked Mr. Berger when cracksealing would be done in 2022. Mr. Berger said there was not a contract out for cracksealing in 2022; they are reassessing that for this year. Based upon the grant funds they need for this year's projects, they had to dip into the fund used for cracksealing because the gas tax revenues were not as high as they originally expected. Councilman Scrivens said he hoped they could use some CDBG dollars to crackseal and save some streets. He announced Rotary's Annual Pancake Day would be held on Wednesday, April 6th. Finally, as of yesterday, March 23, 2022, the Scrivens Family had resided on Lexington Avenue for 99 years. He was one of the last remaining relatives of Alexander Scrivens, who arrived at the train station in Xenia on March 23, 1923, with his family of five boys and one girl from Newnan, Georgia, in an effort to escape the woes of Jim Crow.

Mayor Mays thanked Vice President Urschel for attending in her absence (due to having sick children) and speaking at General Charles Young's birthday celebration. On March 16th, Vice President Urschel, Mr. Merriman, and she met with leadership at Central State University to talk about some new development happening out there, noting there was quite a list of projects over the next three years totaling approximately \$65 million, which was very exciting. On March 19th, she attended the Faith Community United Methodist Church's ladies prayer breakfast and heard Pastor Dar Hensley speak, who spent a lot of time praying for City leaders and this community. She also had coffee with several people this week, including local representatives from Edward Jones, who are looking to get involved in community events. She reminded everyone that the FREE Community Easter Egg Hunt event would be held at Shawnee Park on Saturday, April 16th. She reminded her colleagues and local businesses that Easter baskets are needed for door prizes, and volunteers are needed for the event. 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 different age groups and those with special needs would begin at 11 a.m. President Smith thanked Mayor Mays, Emmanuel Baptist Church, and the Xenia Area Association of Churches and Ministries for their efforts in holding the Easter Egg Hunt every year.

Vice President Urschel said this month, he attended the Xenia Community Schools Board of Education meeting, several Greene County Board of Commissioners meetings, and the Xenia

Township Trustees meeting. There was nothing specific to bring up, but he felt it was important to coordinate with those groups. He thanked City Planner Brian Forschner for developing an initial list of ten properties that would be provided to Greene County for proposed foreclosure and sale due to delinquent property taxes. He would be meeting with the Greene County Treasurer and the Board of Education next Thursday to discuss the next steps from the County's perspective to either get the back taxes resolved or put the properties up for auction. He felt this was an important first step towards resolving a number of issues including neighborhood blight. He thanked Councilman Scrivens for attending General Young's birthday celebration. He shared that General Young was a patriot and a soldier who served the United States all over the world, from the Philippine Campaigns to the Campaign in Mexico to being the US liaison to Liberia and Africa. In today's time, he would likely be a Lieutenant General (three stars); however, in his day as an African American during World War I, he was only promoted to full Colonel and was posthumously promoted to the rank of Brigadier General (single star) last month thanks to the efforts of the Governor of Kentucky. Despite having to attend segregated schools, ride on segregated buses, etc., he chose to serve his country anyway. He said much of General Young's history was recorded at the African American National Museum at Central State University, and he encouraged everyone to visit it.

President Smith said thanked his colleagues for their attendance at the Xenia Fire Division Awards Dinner last week. He thanked Fire Chief Riggsby and the City of Xenia for holding that event at the Schindler Banquet Center. He thanked the Appointed Officials for the time they spent with Vice President Urschel and him on Monday. Finally, he said at the last Council meeting, it was reported that Xenia High School senior wrestler Jamell Smith was headed to the OHSAA State Wrestling tournament. City Clerk Michelle Johnson informed him that the entire Wrestling Team for Xenia's Legacy Christian Academy attended the state meet. They won their second straight Division III team wrestling title with three state champs and four state placers.¹ He extended congratulations to all local wrestlers!

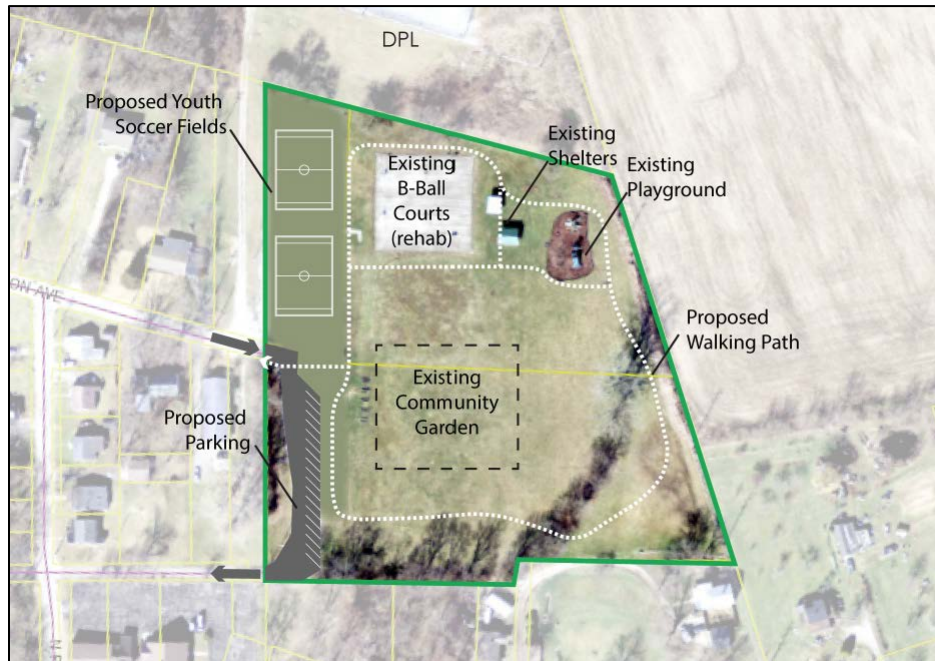
President Smith announced that the Work Session would not be televised but it was open to the public. Before they began the Work Session in the Conference and Training Room, the Council took a five-minute recess from 7:20 p.m. to 7:25 p.m.

L. WORK SESSION:

1. Parks: President Smith said he and Vice President Urschel felt there was a strong citizen engagement to direct improvements at Lexington Park, which was the purpose of the Work Session. As long as they continue to wait, they felt the momentum would continue to wane. Council had already toured the park two summers ago, and a Neighborhood Night Out was held there last year. They need to seriously consider and act on the engagement from citizens rather than continue to wait. He asked Vice President Urschel for his comments.

¹ DAYTON DAILY NEWS, March 14, 2022: Gavin Brown, a senior, won his third title at 150 pounds. He won at 126 in 2019 and 145 last year. Only the COVID shutdown of the 2020 state tournament stopped Brown from joining the elite list of Ohio wrestlers with four state crowns. Teammates junior Dillon Campbell (120 pounds) and senior Camron Lacure (138 pounds) won for the second straight year. Also placing for the Knights were Nick Alvarez (3rd place, 165 pounds), Eli Campbell (4th place, 113 lbs.), Logan Attisano (4th place, 126 pounds), and Boede Campbell (8th place, 144 pounds).

Vice President Urschel said last April, several people came to City Council to ask for improvements at Lexington Park. Since that time, he and President Smith have had multiple discussions with many people who are also concerned about the future of Lexington Park, including Mr. Clayton Brady, who was present at the meeting. Multiple generations of people want to step up and partner with the City of Xenia so they can hold activities at the park. He noted that no other people are coming forward from other neighborhoods and asking to work with the City. This group of people want to improve Lexington Park, they are committed, and they do not want the City to do it all. They are willing to go out and be the voice for this park. He had personally talked to Athletes in Action (AIA), local colleges and universities, and others regarding activities for the park, which could serve as a great model for other City parks. Regarding the proposed improvement plan below, he did not think they needed to do everything, but they needed to do *something*. They have a group of people willing to partner with the City, and it was time to get started with activities, improvements, and maintenance. He was concerned that if they did not get started this spring, they would never get started.



President Smith said he knew that everyone was very busy, which was why he and Vice President Urschel were working to submit an application for a grant from Lowe's, noting that Lowe's would be granting \$100 million over the next five years. Lexington Park would be a great fit for the grant dollars, even over Shawnee Park. He asked Mr. Brady if he wished to make some comments.

Mr. Brady said things would happen outside of the City's walls, and they need to do what they can in this moment. He had been a resident of Xenia for 65 years, and in 2009, he developed a program called the 'fundamentals of sports of Xenia,' which he held at the parks. He had been invested for a long time, including teaching the fundamentals for free for most sports and coaching for basketball, softball, and volleyball. He eventually had to move the fundamentals program from Lexington Park to the Fairgrounds, but Lexington Park was his home. He had friends who lived all over the City who wanted to help with Lexington Park. They have already held events, such as 'Ballers Against Bullies,' and they would like to get area churches involved. He would also like

to help YRC and planned to reach out to Xenia Community Schools. He would like to hold a “Fun Day” at the park and create a walking path that included a “Walk of Fame” to highlight Xenians who played sports, including naming the two basketball courts after Dave Wedderburn and Ben Waterman. He shared his proposed calendar of events for the month of June, noting he also had a camp scheduled in July. They were looking to secure a company who would sponsor and complete the rubberized basketball courts. He was excited to bring improvements to Lexington Park and other area parks as well. He expressed his appreciation for City Council and City staff and the work they do.

President Smith asked if improvements could be entertained this year and if Public Service workers could assist with those improvements. He did not want to circumvent the X-Plan update, but residents want something done at the park. He knew there were issues with security, which they may be able to control with chains or a gate to the parking lot. He said only about half the garden plots are rented each year, and the bathrooms needed to be opened back up so events can be hosted at the park.

Councilman Scrivens did not believe soccer fields were needed at the park. Vice President Urschel agreed; he felt the basketball courts were the key to the park. They also needed to address the large parking lot. The group was ready to get started with activities in June, and he felt the basketball courts were a good place to make some incremental improvements. Councilwoman Dean asked what was stopping them from getting started with activities. Vice President Urschel said the existing basketball courts are currently unusable—the backboards need to be replaced and the courts need to be resurfaced.

Councilman Brannum said the bathrooms are not feasible; the building was too dilapidated and was basically a bat house. He noted there are only two Public Service parks employees, and they service Shawnee Park and Xenia Station, which both have restrooms. As a former Public Service employee, he did not think the workers would have time to add another park with restrooms to their schedules. President Smith said they could limit the use of the restrooms to only those hosting activities at the park. Vice President Urschel said those hosting events at the park could even be responsible for cleaning and maintaining the restrooms, and if enough people are using the park, there should be enough people to police the park. Mayor Mays said there are people at Xenia Station all day, including the volunteer group “Friends of Xenia Station,” and those restrooms are vandalized all the time. Further, when she takes her children to play at parks, she never expected restrooms to be available at every park. Vice President Urschel said the restroom was not a “make or break” item. President Smith said the infrastructure was there for restrooms, and he did not think they should be removed—especially if there were funds available to improve them. He asked when the last time the restrooms were open. Councilman Brannum said the restrooms are not worth rehabbing. Mr. Berger said it had been at least 7-8 years since the restrooms were open, possibly even 10 years. Councilman Scrivens said the concrete blocks and water/sewer pipes were still intact; the only thing the building needed was a new roof. Mr. Berger believed that some internal plumbing improvements would also be needed.

Mr. Merriman said one week ago, there were an estimated 1,000-1,500 people at Lexington Park, and all Xenia Police units responded to a fight in the park. The aftermath included trash/empty food containers and smashed liquor bottles everywhere. Kids as young as 13 years old were at the park—so the crowd was not just local college students. He could agree with some incremental

improvements, including the basketball courts, but as long as the large parking lot was there, he felt there would continue to be ‘bad activity’ at the park. Regarding larger projects, he felt they would need to think through the long-term use and viability of the park and also consider the needs of all Xenia parks. Referencing Councilman Brannum’s email regarding City parks, he agreed that some City neighborhood parks that have been neglected for more than 30 years, including Ridgebury and Parnell. The City rarely had people who were willing to provide more than just lip service, and he was excited for the City to work alongside those who are willing to help over the next several years. However, they needed to pace themselves given the limited available resources and keep in perspective the maintenance obligation that the improvements would create. The last thing he wanted to do was invest taxpayer dollars into something that they could not maintain. Vice President Urschel said they must do something with the park; otherwise, the ‘bad activity’ would continue if the park had no purpose. If they start doing positive things at the park, it would change the tone of the park. If the City did not want to improve the park, they should consider selling it or signing it over to the group of people who want to use the park.

Councilwoman Dean asked if any taxpayer dollars would be needed for the park if the Lowe’s grant was awarded. Vice President Urschel said if the Lowe’s grant or any other community support dollars were received, they would use that; otherwise, Lexington Park is a City park, and taxpayer dollars would have to be used for the improvements.

Mayor Mays asked what specifically was being sought this evening. Vice President Urschel said a meeting was scheduled in the coming week at which time they would be developing a list of items they would be recommending to the City. City Council earmarked \$600,000 of ARPA funds for community improvements, and he would like some funds to be used for the initial list of improvements—not for the bathrooms or for major improvements/reorientation of the park.

President Smith shared these photos of the park that he took earlier that day, which prove the park was being used. He feels if this park was located anywhere else in the City, it would not be an issue. Councilman Brannum disagreed. Beverly Hills Park, Franklin Park, Parnell Park, Ridgebury Park, etc., all need improvements. In fact, Lexington Park was 20x better than Parnell and Ridgebury. President Smith said residents were coming to the City and asking for something to be done. With the ARPA funds and possible Lowe’s grant, it was time to do something. Vice President Urschel said they could get started with \$50,000 from the City along with the funds being raised and sponsorships. Mr. Brady said before the park was closed and/or amenities torn down, he asked the City to give him and his friends a chance to do something.



M. EXECUTIVE SESSION: President Smith entertained a motion to go into Executive Session to discuss personnel matters.

Motion by Councilman Scrivens, seconded by Councilwoman Dean, to go into Executive Session at 8:11 p.m. to discuss Personnel Matters to consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of a public employee 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, Mays, Smith
Nays: None motion carried.

N. ADJOURNMENT: Motion by Mayor Mays, seconded by Councilwoman Dean, to adjourn the Regular Meeting at 8:43 p.m. No discussion followed. The Roll on this was the following:

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

Michelle D. Johnson
City Clerk

Wesley E. Smith, President
Xenia City Council