

**XENIA CITY COUNCIL
MEETING MINUTES
MARCH 26, 2020
6:00 P.M.**

- 1. CALL TO ORDER:** President Smith called the March 26, 2020, Regular Meeting to order at 6:00 p.m. in the City Council Chambers, City Administration Building.
- 2. INVOCATION:** President Wesley Smith provided the Invocation.
- 3. PLEDGE OF ALLEGIANCE:** Councilwoman Rebekah Dean led those present in the Pledge of Allegiance.
- 4. ROLL CALL:** Councilman Thomas Scrivens, Councilwoman Rebekah Dean, Councilman Cody Brannum, Councilman Levi Dean, Mayor Sarah Mays, and President Wesley Smith were present. Vice President Edgar Wallace was supposed to be present via telephone; however, due to technical difficulties, he was unable to join the meeting.

Motion by Mayor Mays, seconded by Councilman Brannum, to excuse Vice President Wallace from the meeting due to technical difficulties. No discussion followed. The Roll on this was the following:

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

President Smith turned the gavel over to the City Manager Brent Merriman to review some important points with regard to how they are conducting the Council meeting. Mr. Merriman said changes have been made to tonight's meeting pursuant to orders from the Ohio Department of Health and recent legislation passed for the State of Ohio regarding COVID-19, which includes a stay at home order, social distancing, and limiting groups to fewer than 10 people. The State of Ohio has loosened some restrictions with regard to open meeting requirements and appropriate steps have been taken in an attempt to continue to do City business while also keeping everyone safe. Therefore, some staff members are participating via video/telephone conferencing and the meeting is being broadcast live on the City's cable government channel and YouTube channels.

- 5. APPROVAL OF MINUTES:** Motion by Councilman Scrivens, seconded by Councilman Dean, to approve the minutes from the March 12, 2020, Regular Meeting as written. No discussion followed. The Roll on this was the following:

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

- 6. SPECIAL PRESENTATION(S):** None.

- 7. AUDIENCE COMMENTS:** President Smith said the meeting was closed to the public; however, the public was given the opportunity to present comments or questions before 3 p.m. today. City Clerk Michelle Johnson reported that no emails were received. President Smith said those wishing to reach him, any other Council member, or staff should email them; their email addresses are listed on the City's website.

8. OLD BUSINESS:

A. President Smith 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**, originally introduced by Vice President Wallace, and it was read for a second time.

Motion by Councilman Scrivens, seconded by Mayor Mays, to adopt Resolution 2020-F as written. No discussion followed. The Roll on this was the following:

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

9. PUBLIC HEARING(S): President Smith said the public hearing and subsequent second reading of Ordinance 2020-05 has been postponed.

10. NEW BUSINESS:

A. **ORDINANCE 2020-07 AMENDING ORDINANCE 2020-04 TO PROVIDE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF XENIA, OHIO, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2020, AND DECLARING AN EMERGENCY.** Finance Director Ryan Duke said the City borrowed funds in 2004 for the upgrade of meters throughout the City. A capital lease agreement was entered into between the City and Fifth Third bank to provide funding for the project. A part of that agreement stated that if there was a change in law that lowered the tax equivalent yield to the lessor, then a supplemental payment would be required of the City. In 2017, the Tax Cuts and Jobs Act reduced the corporate tax rate thereby requiring the City to make a supplemental payment. The City budgeted the original debt service amount for 2020; however, the supplemental amount was not budgeted. Staff requests that Council appropriate the necessary funds in order to cover the supplemental invoice provided by Fifth Third.

President Smith entertained passage of Ordinance 2020-07 as presented.

Motion by Councilman Dean, seconded by Mayor Mays, to adopt Ordinance 2020-07 as presented. No discussion followed. The Roll on this was the following:

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

B. Administrative Motion Approving the Schedule of Bills in the amount of \$381,199.17. Mr. Duke respectfully requested the payment of bills in the amount of \$381,199.17.

President Smith entertained a motion.

Motion by Councilman Scrivens, seconded by President Smith, to approve the schedule of bills in the amount of \$381,199.17. No discussion followed.

The Roll on this was the following:

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

Nays: None motion carried.

C. Administrative Motion Authorizing the City Manager to Execute Service Quote SRE49844 with Buckeye Power Sales Company, Inc., for an Emergency Repair of the Ford Road WWTP Generator. Mr. Merriman said each year and as a part of the routine maintenance at each of the wastewater treatment plants, a full-load ampere test is conducted on the emergency generators. This particular test validates whether the electric current that the motor draws while producing its rated horsepower load at its rated voltage is operating as intended. Recently and while conducting the test on the Ford Road WWTP generator, the rings around the piston broke off and failed. Even though this generator is 30+ years old, the City's long-time generator service provider, Buckeye Power Sales Company, Inc., believes that this generator can be re-built without full replacement. Currently, the City is expending over \$3,000 per week to have a mobile backup generator on site so that the WWTP can remain functioning during power outages. He said Section 9.16 C. of the City's Charter authorizes the expenditure of funds in excess of \$25,000 without bidding in cases of emergency, and he has already authorized the work to proceed given the urgency of this repair so work can begin as soon as possible. Therefore, tonight's Council action would be retroactive.

President Smith entertained a motion.

Motion by Mayor Mays, seconded by Councilman Scrivens, to authorize the City Manager to Execute Service Quote SRE49844 with Buckeye Power Sales Company, Inc. in an amount of \$55,768.93. Discussion followed.

Councilman Scrivens asked how long he anticipated using the mobile backup generator. Mr. Merriman said it has been onsite for two weeks already, and staff was trying to expedite the repair as soon as possible. He expected it to be onsite for at least two more weeks. Councilman Scrivens said it is spring, and he anticipated significant rain events. Mr. Merriman agreed, noting they already experienced a significant rain event last week that required staff to bypass one of the wastewater treatment plants because the plant was pumping at max capacity. Councilman Scrivens asked if sewage was released. Mr. Merriman said it depends on how you look at it, but the bypass was reported to the Ohio EPA.

Councilman Brannum said there were many "extra" costs noted on the quote, and he asked how much those extra costs could be. Mr. Merriman said a change order can be done for up to 10% of the cost without Council approval. If any extra costs are beyond that threshold, he would bring it back for Council consideration. He assured there was money in the sewer fund budget for the repairs.

Mr. Merriman said he realized the price of the repair was significant and briefly explained the process of purchasing a new generator of this size, which is on a flatbed truck. A full scale replacement has to be designed and engineered, approvals are required by DP&L and EPA, it has to be competitively bid or purchased on state bid, and after all that, it is custom built after the order is placed, which could take up to a year, followed by many tests once the equipment is onsite. He

was hopeful that this repair would extend the life of the existing generator for a few more years. He and staff will plan for replacement in the next Five-Year Capital Improvement Plan.

The Roll on this was the following:

Ayes: 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 provided a brief update regarding the City's response to COVID-19:

- Regarding Governor DeWine's "stay at home" order under the recommendation of the Director of the Ohio Department of Health, he encouraged everyone to read the document and become familiar with its restrictions and allowances. He encouraged voluntary compliance to keep everyone safe; however, he noted the order is enforceable by the local Department of Health and local law enforcement. The order has shut down schools and put many restrictions on businesses, child and adult daycare facilities, etc. He encouraged everyone to visit odh.ohio.gov, noting a lot of information is posted there as well as on the City's website.
- In response to the order, he has had to put restrictions on City facilities including closing most buildings to the public and restricting use of playground equipment. Again, he asked for voluntary compliance. Non-safety staff are working a modified work schedule and divided into two platoons to limit the number of employees in the buildings.
- Public safety services are operating uninterrupted. However, some modifications are being made to protocol, including police officers making phone calls versus in-person visits for non-emergent issues. Dispatchers will let the caller know how the issue will be handled. He asked the public **not** to call 9-1-1 for non-emergencies or general questions about Governor's orders, general COVID-19 questions, etc.
- Mowing, code enforcement, and City-sponsored events are impacted. He and staff are putting together a plan to deal with these items, particularly the special events.
- The projected peak of the virus is late April/early May; therefore, he expected the restrictions to be extended for several weeks. He was very concerned about the timeline, and many issues will result from it. He knows they need to balance public health and economics, including the City's finances, and they will not know the outcome for many months.
- There are restrictions for public meetings, including City Council meetings. Most immediate lay board meetings are cancelled, with the exception of Planning and Zoning Commission next week.
- He has been in daily/constant dialogue with the Greene County Combined Health District, Greene County Emergency Management Agency, Kettering Health Network, fellow City Managers in Greene County, etc. They have talked about how they are each handling this situation so they are consistent, mutual aid situations, etc. He appreciated the collaborative spirit.
- Emergency contingency staffing plans are in place, and they are trying to adjust services to provide the best staffing possible.
- He and staff are using conference calls, videoconferences, etc., and they are trying to provide as much timely information as possible using all social media platforms and the City website.
- He reported that a lot of assistance measures are being offered by the State of Ohio and the federal government to help businesses as much as possible. He encouraged local business owners to visit the City's website, which includes a COVID-19 page where many links to information has been provided.

President Smith asked if signage was installed at City parks to discourage use. Mr. Merriman said signs were posted at the playgrounds, but he did not outright close all public amenities. He was trying to balance Governor DeWine's orders with practical application, but he plans to follow up with the Director of Greene County Public Health.

Councilman Scrivens thanked and complimented Mr. Merriman and staff for the contingency plans to keep the City running. He asked how customers can pay their utility bills if the building is closed to the public. Mr. Duke said customers can pay their bills online, by regular mail, over the phone, or use the drop box located outside the building.

Mr. Duke said state legislature passed a bill to move the State's tax filing deadline to July 15. By default, the City follows that deadline. No further action by City Council is required. He and staff are still working through how to aid taxpayers with preparing their City tax returns, noting the signature requirement is the biggest hurdle. He said Utility Billing and Income Tax Division staff are in the office on Mondays/Tuesdays and Thursdays/Fridays via telephone. For tax filing, regular and secure email are also available, or taxpayers can also print hard copies and mail.

Law Director Donnette Fisher said as Mr. Merriman mentioned, emergency legislation was passed by the state. She is reading through the bill and will provide a summary soon. She is continuing to work with Xenia Municipal Court, and most court events have been pushed back to May 8th. They are trying to abide by all guidelines to maintain the safety of staff. She is currently working from home, and she encouraged everyone to take care of themselves and stay well.

B. Mayor and City Council:

Mayor Mays thanked city leadership and staff for doing a phenomenal job keeping Council members—and everyone—informed. She knows this situation has taken a toll on them. The website looks great also and includes a lot of valuable information. When out in the community, she encouraged everyone to be friendly. She hopes the spirit of generosity extends long after this is over.

Councilwoman Dean also thanked city leadership. Stay safe. Stay home.

Councilman Scrivens said Governor DeWine's order was 12 pages long, and he thanked Ms. Fisher for making sense of it all. Compliments to City staff for keeping the City running. He inquired about Greene Memorial Hospital. Mr. Merriman said he and Fire Chief Riggsby participated in a conference call with GMH leadership, and Kettering Health Network is taking a network wide approach to ramp up for an influx of patients in the coming weeks relative to COVID-19. GMH's emergency room will remain open, but the OR has been shuttered for now as well as at other regional sites. They are consolidating operating rooms at larger medical facilities due to the limited number of staff and lack of personal protective equipment. GMH's intensive care unit is not open at this time, but when demand reaches that point, they are ready to open it. Councilman Scrivens said this too shall pass. There is no need to get upset, and people just need to do what has been asked. Pretty soon, they will get back to "normal." He extended condolences to the family of Rock McColaugh, who passed away last week, as well as former City employee Paul Gultice who recently lost his mother.

Councilman Brannum thanked city staff for all they do. He said, “Remember that hope is greater than fear.”

Councilman Dean said everyone had already shared everything; therefore, he had nothing further to share.

President Smith said Xenia Community Schools recently announced that any child aged 1-18 can pick up bagged breakfast and lunches Monday through Friday from 10 to 11 a.m. at Arrowood, Cox, Shawnee, and McKinley Schools. He encouraged everyone to stay calm. If they are hungry, community resources are available. He knows the situation is very sad, especially with regard to spring sports, dance recitals and other school events, proms, graduations, etc. If you can stay home, stay home. Practice social distancing. Work from home if you can. Wash your hands. He thanked citizens for watching and thanked them for their continued prayers.

12. ADJOURNMENT: Motion by Mayor Mays, seconded by Councilman Dean, to adjourn the Regular Meeting at 6:43 p.m. No discussion followed. The Roll on this was the following:

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

Nays: None motion carried.

Michelle D. Johnson
City Clerk

Wesley E. Smith
President, Xenia City Council