

**XENIA CITY COUNCIL  
MEETING MINUTES  
APRIL 9, 2020  
6:00 P.M.**

**1. CALL TO ORDER:** President Smith called the April 9, 2020, Regular Meeting to order at 6:00 p.m. The meeting was held via videoconferencing<sup>1</sup> and live streamed on the City's government channel (via Spectrum/Ch 5 or ATT U-Verse/Ch 99) and YouTube channel (eXplore Xenia).

**2. INVOCATION:** Councilman Thomas Scrivens provided the Invocation.

**3. PLEDGE OF ALLEGIANCE:** President Wesley Smith 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 Councilwoman Dean, to approve the minutes from the March 26, 2020, Regular Meeting as written. No discussion followed. The Roll on this was the following:

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

Abstain: Wallace

Nays: None            motion carried.

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

**7. AUDIENCE COMMENTS:** Per the agenda, the public was given the opportunity to present comments or questions via email before 3 p.m. today and none were received.

**8. OLD BUSINESS:** None.

**9. PUBLIC HEARING(S):** None.

**10. NEW BUSINESS:**

**A. ORDINANCE 2020-08 AMENDING ORDINANCE 2020-07 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 Probation Department has been awarded the 2020 Remote Technology Grant by The Supreme Court of Ohio in the amount of \$23,300, which will provide funding to purchase software and equipment to better allow staff to interact with their clients without face-to-face interactions.

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<sup>1</sup> Due to the COVID-19 pandemic and social-distancing/group gathering restrictions, the City Council met via videoconference per HB 197 signed by Ohio Governor Mike DeWine on 03/27/2020.

President Smith entertained passage of Ordinance 2020-08 as presented.

Motion by Mayor Mays, seconded by Councilman Scrivens, to adopt Ordinance 2020-08 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.

Vice President Wallace was not able to render a vote due to technical difficulties.

**B. Administrative Motion Awarding the Bid and Authorizing the City Manager to Execute a Contract with Matrix 5, LLC, for the Innovation Drive Extension Project.** City Manager Brent Merriman said pursuant to the development agreement executed with the GCCC, the second phase in infrastructure installation at the Career Center project site includes the extension of Innovation Drive roadway connecting Union Road to US 68. This project benefits the Greene Regional Business Park as well as the career center, providing much-needed accessibility to these locations promoting full buildout. The City solicited bids for this project and on March 24 received a total of nine bids, which were very competitive and came in substantially below the engineer's estimate. The lowest and best bid was from Matrix 5, LLC, at \$1,147,044.20. Engineering has vetted the firm with reference checks, and based on the feedback from these references and the lowest bid quoted, staff believes Matrix 5 should be awarded the bid. He, therefore, respectfully recommended award of the bid for the Innovation Drive Extension Project and authorization to execute a contract with Matrix 5, LLC, to complete this project, at a cost not-to-exceed the quoted price.

President Smith entertained a motion.

Motion by Councilman Dean, seconded by Councilwoman Dean, to award the bid for the Innovation Drive Extension Project and authorize the City Manager to execute a contract with Matrix 5, LLC, to complete this project, at a cost not-to-exceed \$1,147,044.20. No discussion followed. The Roll on this was the following:

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

Nays: None motion carried.

Vice President Wallace was not able to render a vote due to technical difficulties.

**C. Administrative Motion Authorizing the City Manager to Execute Work Order No. 2020-01 with Quantum Network Integrators, LLC, for Fiber Installation Services under the Existing Master Services Agreement.** Mr. Duke said staff is requesting Council's approval of the second Work Order with Quantum Network Integrators for the installation of fiber under the Master Services Agreement to connect the Spring Hill Water Tower, the OVCH Lift Station, the Greene Regional Business Park, the Ford Road Wastewater Treatment Plant, and provide a direct connection to MVECA, thereby reducing monthly internet charges. The work being requested in this Work Order is within rights-of-way currently owned by the City and within easements or permits that have been obtained by Quantum and Staff. The cost of the work specifically covered by this Work Order is expected to be \$224,314.85. He noted without this portion of the project, the previous completed work to connect the Career Center, Innovation Drive, and Greene Regional

Business Park would be irrelevant and not functional. The fiber connection also runs out to Hawkins Road and connects to MVECA. Staff is currently negotiating a deal with MVECA to lease fiber between the City and MVECA for a fixed, 10-year price of \$500 per gigabyte per month for up to 10 gigabytes noting they are currently paying \$1,500 per gigabyte per month, which is a significant savings. Further, it provides an opportunity for the City to expand its partners in which they are providing service, and Athletes in Action has committed to purchasing one gigabyte per month from the City. Bringing on Athletes in Action and other customers will help recover some costs of the projects. The current situation with the COVID-19 crisis shows there is a need for adequate internet connections, specifically for videoconferencing meetings like this one. He respectfully requested approval of the work order as presented.

President Smith entertained a motion.

Motion by Vice President Wallace, seconded by Councilman Scrivens, to authorize the City Manager to Execute Work Order No. 2020-01 with Quantum Network Integrators for fiber installation services in the amount of \$224,314.85. Brief discussion followed. Councilman Scrivens asked if this portion of the project included N. Patton or W. Second extensions. Mr. Duke said the W. Second Street extension was completed with the first phase of the project, and the N. Patton Street extension is scheduled for a future extension later this year. He noted this particular extension is being paid for mostly with water and sewer funds. Given the financial impact of the COVID-19 situation, they may have to revisit other portions of the project to determine if they are feasible. Councilman Scrivens asked about connecting the City Administration Building and both fire stations. Mr. Duke said those sites have already been connected with previous extensions. The Roll on this was the following:

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

Nays: None motion carried.

**D. Administrative Motion Approving the Schedule of Bills in the amount of \$690,284.48.**

Mr. Duke respectfully requested the payment of bills in the amount of \$690,284.48, noting the significant amount was largely due to two payments for the Innovation Drive water and sewer project (\$274,539.55) and landfill monitoring and maintenance expenses (\$277,149.20).

President Smith entertained a motion.

Motion by Mayor Mays, seconded by Vice President Wallace, to approve the schedule of bills in the amount of \$690,284.48. No discussion followed. 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 Proposal No. 18470 with Buckeye Power Sales Company, Inc., for the Purchase of a Generator for the Ford Road Wastewater Treatment Plant (WWTP).** Mr. Merriman said on March 26, 2020, City Council approved a retroactive contract for emergency repair services for the backup generator at the Ford Road WWTP. The generator serves the Ford Road plant in times of power loss to the facility to ensure uninterrupted power supply. Upon commencing disassembly of the generator motor for repair, the vendor discovered that the motor was worse than expected and unfortunately deemed it

beyond repair. A complete replacement of the 30-year-old generator was urgently necessary. Therefore, he instructed the Public Service Department to solicit a price quotation from Buckeye Power Sales Company, Inc., to replace the generator. A proposal has been provided in the amount of \$199,828, and the price was better than expected. Given the urgency for this replacement generator to be functional as soon as possible, and as 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, staff recommends City Council authorize this purchase under these terms to allow execution of proposal 18470 with Buckeye Power Sales Company for the quoted price.

President Smith asked for clarification on the motion and if an emergency had to be declared. Ms. Fisher said if this was being presented in the form of an ordinance or resolution, then a declaration of an emergency would need to be declared; however, there is a provision in the City Charter that allows for the waiving of competitive bidding to make the purchase for an emergency situation. President Smith entertained a motion.

Motion by Vice President Wallace, seconded by Councilman Brannum, to authorize the City Manager to Execute Proposal No. 18470 with Buckeye Power Sales Company, Inc. in an amount of \$199,828.00 for the purchase of a generator for the Ford Road WWTP. Discussion followed.

Vice President Wallace said this issue was brought forward at the last meeting; he asked if the generator was not able to be repaired. Mr. Merriman said yes; once the contractor was onsite and started to get into the repair, he realized the damage was more extensive and the motor was beyond repair. The City would not be charged the previously authorized amount of \$55,768.93.

Councilman Brannum asked if the cost for the work done so far would be rolled into this purchase or if the City would be charged anything at all. Mr. Merriman said if the City is charged anything for the initial work, it would be inconsequential. Mr. Duke said the Finance Department staff checked with the City Engineer, and they were told to reduce the purchase order amount to \$5,000 in anticipation of an invoice for approximately \$1,800.

Mr. Merriman said a unit like this typically has a lengthy lead time. The City was very lucky, and there was a unique circumstance that made this particular unit available. He explained that a private firm ordered the unit, but then cancelled the delivery based on the ongoing COVID-19 situation. The unit happens to fit the City's needs and is available for purchase. Councilman Scrivens asked the estimated turnaround time to get the generator installed. Mr. Merriman said with Council's approval, the contractor could get started tomorrow with site prep including some concrete work. With installation and testing, he anticipated it being up and running in 60 days.

Councilman Brannum asked if the rental was needed until the new generator was up and running. Mr. Merriman said unfortunately, yes, because the Ohio EPA requires the plant to have a backup power source.

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:**

President Smith said Mr. Merriman had several updates; therefore, he asked for his report after Mayor and Council comments.

Mr. Duke said he has been trying to evaluate the City's finances due to the COVID-19 situation. He talked with RITA, who collected income tax across the State of Ohio, and they are projecting a 20% loss in revenue for the next three months, a 10% loss for the succeeding two months, and then a 5% loss for another month after that, which is not far off from his projections. He noted the numbers are based on a lot of assumptions, and the real effect may not be realized until September or October. The first quarter of the year was looking pretty good, even with the 27<sup>th</sup> pay, but the COVID-19 situation will undoubtedly have a huge negative financial impact. Regarding income tax filings, the Income Tax Division staff will continue to assist taxpayers with filings; however, they will now have to send the forms back and forth between the Tax Office and taxpayer via either regular US Mail or secure email. Finally, the City has complied with Governor DeWine's orders with regard to water shutoffs. Everyone in the City who was shut off has been turned back on. He recognized some landlords may be upset when their tenants run up large bills, but the City had to comply with the Governor's orders.

Law Director Donnette Fisher said she is continuing to work with Mr. Merriman and Mr. Duke on Xenia-specific issues and the Ohio Municipal Attorneys Association on matters that affect all cities, including legislation for state funding. The Law Department is operating with reduced staffing. She continues to work from home while trying to build in some redundancy for the Law Department, specifically the City Prosecutor in case she has to step in if he is ill. She encouraged everyone to stay home, stay safe, and take care of their families.

**B. Mayor and City Council:**

Mayor Mays said it has been a quiet two weeks. She appreciated that local churches were offering online or drive-in services especially for the upcoming Easter services. Stay safe!

Councilwoman Dean said local businesses have been hit hard, including Snap Fitness. She recently participated in a GoFundMe® campaign for the business, and despite all the bad things associated with COVID-19, there are a lot of good things happening in the community. President Smith agreed; during this crisis, kindness is very much appreciated. He encouraged everyone to continue to support small businesses if they are still open.

Councilman Brannum wished everyone a Happy Easter. He said the Planning and Zoning Commission held a Zoom meeting on April 2 and approved a project that included two restaurants, notably Butterbee's and Skyline. He thanked the PZC members for their participation. He extended condolences to Mr. Sheridan's family in Cedarville noting they were very active in the Xenia community.

Councilman Dean had nothing further to share.

Councilman Scrivens wished everyone a Happy Easter. He extended condolences to the family of Carl E. Johnson, Jr., who graduated from XHS in 1964. Mr. Johnson and several others he knows

have passed away or are suffering from COVID-19. He encouraged everyone to stay strong and be patient during this time; this too shall pass.

Vice President Wallace wished everyone a Happy Easter, noting his church has been doing online services and will present the Easter service online as well. He thanked everyone for doing all they can to keep the City operating, including social distancing, washing their hands, using face masks and gloves, etc.

President Smith did not have any further comments and turned the meeting over to Mr. Merriman.

Mr. Merriman provided the following information and updates:

**Community Garden Program**

- In 2019, 50 spots were available and 31 were rented by 22 people, which was down from 38 rented spots from 24 gardeners in 2018. Last year was the third straight year of declining numbers. While still popular among a core group, this program overall has very limited participation.
- The core reason the community gardens are moving is pretty simple ... from August until mid-October the Wee Bucs football program utilizes Westside Park daily for practice for youth teams ranging in age from 3<sup>rd</sup> through 5<sup>th</sup> grades. Wee Bucs is one of the largest youth sports groups in Xenia, and somewhat unique to Wee Bucs (and encouraged by the organization), is the presence of family as spectators for practices. On any given late summer/early fall evening, Westside Park hosts up to several hundred cars and 400+ people. Truthfully, the facility is not large enough for Wee Bucs, but they have found no alternative location with the acreage and storage they need for their operation.
- Over the past two summers, there have been increasing complaints from the general public and specifically from the neighboring residents about the cars parked along Towler/Sheelin—a designated no parking zone. This is a serious enforcement problem and has become a pretty dangerous concern as the parking spills across to the east side of Towler Road with kids and parents routinely crossing back and forth between cars in a 35 mph zone.
- After spending time with the Police Division, Public Service, and Wee Bucs officials last year in trying to come up with a solution, the bottom line is there is nowhere else for Wee Bucs to go, and there is insufficient parking away from the roadway. The best solution they could come up with is to convert the gardening area into seasonal parking to more safely accommodate the demand from Wee Bucs because it is just more practical to relocate the small gardening program than the very large Wee Bucs program.
- The Community Garden program was relocated to Lexington Park where there is an existing program partnership with the Greene County OSU extension for a community garden and experts who can help with advice on cultivation and care of personal gardens. There is plenty of physical space and full water service is available at the park as well.
- Safety is no more of an issue at Lexington Park than it is at the remote Service Center location. Truthfully, the more the City's parks are used and taken care of by residents, the safer and better they will be.

Mr. Merriman said unless Council directs him otherwise, the community gardens would be relocated to Lexington Park. No members of Council presented any opposition to moving the Community Gardens to Lexington Park.

Mr. Merriman said the next item is in regard to Bridges of Hope. He and Assistant City Manager Jared Holloway have been in consistent conversation with the leadership from Bridges of Hope. Homeless individuals are a highly at-risk and vulnerable population, especially during the COVID-19 Pandemic. Bridges of Hope representatives recently presented an appeal to City Council for funding to keep their

operations open for 24 hours a day. They have also pursued numerous other funding alternatives to cover their operating and capital costs. Unfortunately, their volunteer base has evaporated due to COVID-19, which has resulted in some operational challenges. To reopen, they need to hire staff, and they are looking for assistance from the City of Xenia. He shared the following:

**Bridges of Hope**

- Request for funding; could use \$20K from \$40K Greene County grant
- Lack of congregate space presents a public health concern for Xenia

Mr. Merriman noted he and Mayor Mays have been in contact with a Greene County Commissioner and the County Administrator who were not opposed to the use of the grant dollars to support Bridges of Hope. While this is a countywide issue and not just a “Xenia” issue, he personally did not believe Greene County would provide any funding in the near term directly to Bridges of Hope.

President Smith entertained comments about the Bridges of Hope request.

Mayor Mays said she has been in contact with Sandra Brasington, Western Ohio Regional Liaison for Governor DeWine’s Office, as well as Sam Bain from Senator Rob Portman’s office. Bridges of Hope faces many challenges including lack of volunteers and the need for funding. The money allocated under HUD only goes to certain shelters and because Bridges of Hope is faith-based, they are not recognized. The discussion with Governor DeWine’s and Senator Portman’s offices is focused on changing those qualifications for Region 15 funding. Mr. Merriman said Bridges of Hope has secured vouchers to put some clients in local hotels; however, those vouchers will expire very soon. Council needs to determine what to do with Bridges of Hope’s request noting there is a public health risk if these homeless individuals relocate to downtown area because there are no showers or restrooms for them to use. Mayor Mays noted the newly homeless (those who were not in the system before the shutdown) do not qualify for the vouchers. Mr. Merriman said the homeless population is exacerbated by the fact that some prisoners are being released from jail, and some of them have nowhere to go.

President Smith said it doesn’t seem fair that the City of Xenia should front the entire burden for a countywide issue just because the shelter is located in the City of Xenia. Citizens need to ask their County representatives to help. He asked if staff was asking for City Council action on this request. Ms. Fisher said staff is seeking a directive to prepare emergency legislation for Council consideration at the next Council meeting. Mr. Merriman noted that even with an appropriation ordinance, a separate motion to approve the contribution to Bridges of Hope could be made. Even if a motion was made this evening to provide the contribution, they could not do so until an appropriation ordinance is approved.

Vice President Wallace thought the requested amount was \$20,000. Mr. Merriman said there has been a lot of communication among staff and Mayor Mays, and he agreed the amount requested was \$20,000. He said Bridges of Hope was also submitting additional applications for funding from other agencies to show the City’s contribution as a match. President Smith said if Council meets again in two weeks and approves the contribution, he asked if that was soon enough. Mr. Merriman said it was likely some vouchers would expire before then, but that’s the best they can do.

Vice President Wallace believed Bridges of Hope had three individuals in mind to hire if they knew some funding was coming. He believed Council should express their willingness to help them. He stated he was in favor of helping them.



Mr. Merriman provided a general update with regard to the COVID-19 response as well as the tornado shelter at the Public Service Center:

- Extended all local stay at home orders through April 30<sup>th</sup> per Governor DeWine's directive, which includes the closure of some park amenities. He encouraged residents to use the bike trails and open green space areas.
- Xenia offices remain closed to the public through April 30<sup>th</sup>; staff is working a reduced schedule but can be reached by phone and/or email.
- He met today via videoconferencing with local stakeholders including KHN, Health Department, and Chamber of Commerce. He is scheduling additional meetings with our faith leaders and local social service providers to determine community needs and service deficiencies and to see how the City can partner to meet local needs.
- Staff continues to reach out to Xenia's business community, and many state and federal resources are available with links provided on the City's website. Further, some local business loans through the City have been put in deferment for 120 days.
- Staff is doing everything they can and spending 90% of their time to deal with all facets of the COVID-19 Pandemic. Unfortunately, he fears the long-term economic suffering, and staff has begun discussing how to deal with the financial setbacks over the next two years.
- Due to limited staffing and lack of personal protective equipment, the severe weather shelter at the Xenia Public Service Center is closed.

President Smith thanked Mr. Merriman and city staff for the job they are doing during this difficult time. He encouraged everyone to stay strong, be kind, and observe all the guidelines, such as social distancing, etc.

**12. ADJOURNMENT:** Motion by Mayor Mays, seconded by Councilman Scrivens, to adjourn the Regular Meeting at 7:26 p.m. No discussion followed. The Roll on this was the following:

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

Nays: None motion carried.

Michelle D. Johnson  
City Clerk

Wesley E. Smith  
President, Xenia City Council