

**XENIA CITY COUNCIL  
MEETING MINUTES  
APRIL 14, 2022  
6:00 P.M.**

Senior Minister Andy Spencer, First Church of Christ, provided the Invocation.

**A. PLEDGE OF ALLEGIANCE:** All present stood and recited the Pledge of Allegiance led by Councilwoman Rebekah Dean.

**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, Councilman Levi Dean, Mayor Sarah Mays, and President Wesley Smith were present.

**D. APPROVAL OF MINUTES:** Motion by Vice President Urschel, seconded by Councilwoman Dean, to approve the March 24, 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

Abstain: L. Dean

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.

Thomas Sizemore, 943 E. Church Street, said he was glad to hear about the improvement efforts at Lexington Park. He rents eight garden plots at the park, and he felt safe there. However, there have been reports of gunfire, gun casings found, and pedophiles at Shawnee Park. The East End community watches out for the kids at Lexington Park, but they need to address those things at Shawnee Park. He noted that Xenia has a large homeless community, and they need to figure out how to help them. There are plenty of jobs available, but the homeless may need help with getting identification cards, social security cards, etc.

**G. OLD BUSINESS:**

1. President Smith 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**, introduced by Councilman Scrivens on 03/24/2022, and it was read for a second time.

Motion by Councilman Scrivens, seconded by Mayor Mays, to adopt Ordinance 2022-08 as presented. President Smith entertained comments or questions. Brief comment followed.

Councilman Scrivens said the proposed amendments are to update the old language for the future—there were no wholesale changes.

The Roll on this was the following:

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

Nays: None motion carried.

2. President Smith 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**, introduced by Councilwoman Dean on 03/24/2022, and it was read for a second time.

Motion by Councilwoman Dean, seconded by Councilman Brannum, to pass Resolution 2022-Q as presented. President Smith entertained comments or questions. No discussion followed. The Roll on this was the following:

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

Nays: None motion carried.

#### **H. NEW BUSINESS:**

1. **Introduction of Ordinance 2022-09 Repealing Section 1440.10, Titled “Commemorative Building Names,” of the Xenia City Code.** City Manager Brent Merriman said Chapter 1440.10 allows for commemorative naming of municipal buildings and other public assets. The process outlined in this code section currently required an application process necessitating signatures of 500 residents before City Council action to consider a commemorative naming can commence. The process was cumbersome and did not grant Council the specific authority to proactively pursue naming outside of these procedures. Staff recently entertained discussion from a group of current and former residents interested in naming certain assets at Lexington Park for local individuals who historically have had a meaningful impact on the lives of youth from the adjacent neighborhoods. Staff believed there was local cultural value in promoting commemorative naming for such a purpose; but the burdensome process required in Section 1440.10 discouraged pursuit of such endeavors. Staff further believed that City Council should have the discretion to approve commemorative naming as it deemed fit and based on rationale they felt appropriate outside of a lengthy petitioning process. Therefore, it was respectfully recommended that existing Section 1440.10 be repealed. In doing so, Council would have, by default, the authority to consider commemorative naming of public buildings and assets through presentation of individual resolutions.

President Smith entertained comments or questions. Vice President Urschel commended staff for making it easier to move forward on these items.

Hearing nothing further, President Smith entertained introduction of Ordinance 2022-09 as presented.

Councilman Scrivens presented ORDINANCE 2022-09 REPEALING SECTION 1440.10, TITLED “COMMEMORATIVE BUILDING NAMES,” OF THE XENIA CITY CODE, and it was read for the first time.

**2. Introduction of Ordinance 2022-10 Amending the Official Zoning Map of the City of Xenia, Ohio, to Rezone Two Parcels Totaling 10.02 Acres, More or Less, Located at 441 Ledbetter Road, from R-3 Attached Residential District to P-1 Public and Institutional District.** Mr. Merriman said the applicant for this rezoning request, the First Church of Christ of Xenia, currently occupied an existing 46,000 sq. ft. church facility located on the two subject parcels. As noted in the agenda report, the parcels were situated between the Greene County office complex on Ledbetter Road and the Ledbetter Road Church of God to the west and east, respectively. The South Hill single-family home subdivision was located to the north. Agricultural and undeveloped land in Xenia Township was located to the south. The First Church of Christ property was designated as an R-3 zoning. The church wished to install an electronic message board and may pursue the addition of a banquet facility in the future, both of which were not permitted in the R-3 District. A P-1 District designation would allow the signage and would also facilitate the applicant’s potential future growth plans. Additionally, religious institutions are permitted by right in the P-1 District but only as a Conditional Use in the R-3 District. Future expansions would not require a public hearing under P-1 zoning. The existing R-3 zoning allowed single- and multi-family housing and conditionally allowed a number of institutional uses, including religious institutions. The P-1 District did not permit multi-family housing but allowed many institutional uses by right, along with a limited amount of commercial usage. The existing R-3 zoning predates construction dates of most portions of the church. City staff found the P-1 District’s purpose and standards to be a better fit for the property’s current use, the surrounding neighborhood, the intent of the proposed zoning district, and the property owner’s future plans. Staff believed the rezoning was merited given all these factors. On April 7<sup>th</sup>, the Planning and Zoning Commission (PZC) conducted its required public hearing and subsequently voted to recommend the rezoning to City Council. Staff recommends Council introduce Ordinance 2022-10 this evening so the request may be considered.

President Smith entertained comments or questions. Councilman Scrivens said he was not familiar with P-1 zoning and asked City Planner Brian Forschner for more information. Mr. Forschner said the P-1 Public and Institutional District allowed for places of worship, nonprofits, banquet facilities, limited office uses, public/government uses, etc. The applicant was seeking LED signage and the property was located on a major thoroughfare, so this zoning made sense. Athletes in Action—even though it was zoned as a PUD—was an example of this zoning because they followed the P-1 zoning.

Hearing nothing further, President Smith noted that when the public hearing was held at the PZC meeting, nobody spoke in opposition to this requested rezoning. He then entertained introduction of Ordinance 2022-10 as presented.

Councilwoman Dean presented ORDINANCE 2022-10 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF XENIA, OHIO, TO REZONE TWO PARCELS TOTALING 10.02 ACRES, MORE OR LESS, LOCATED AT 441 LEDBETTER ROAD, FROM R-3 ATTACHED RESIDENTIAL DISTRICT TO P-1 PUBLIC AND INSTITUTIONAL DISTRICT, and it was read for the first time.

**3. Introduction of Ordinance 2022-11 Amending the Official Zoning Map of the City of Xenia, Ohio, to Rezone 23.4373 Acres, More or Less, Located at the Terminus of Tremont Road From R-1B One-Family Residential District (10,000) to A-1 Agricultural District.**

Mr. Merriman said the subject property was recently acquired by John and Rachel Howard, the applicants, through a purchase from the City of Xenia. The property was undeveloped and the applicants intend to operate a “forest farm” on the property, which would consist of activities including tapping maple trees for syrup, establishing mushroom colonies, planting vegetables, and raising honeybees for honey collection. The applicants also desire to build a barn on the property for processing crops and storing equipment used for the forest farm. Longer-term plans include potential maple processing, marketing of crops, limited lumber harvesting, and construction of a home. Aside from the barn and house, the intended uses meet the definition of Agriculture, which were already permitted in the R-1B District as currently zoned. However, barns are not specifically defined as a principle or accessory use in the Land Use Code, and the closest use type would be that of a greenhouse and nursery, which are not permitted in the R-1B District, but are allowable in an A-1 District when associated with an agricultural use. The desire to add a barn is, therefore, the principal reason for the rezoning request. Staff found the rezoning request to be reasonable, to conform with adjoining use, and given market limitations in the area worthy of support for rezoning. He respectfully recommended Council introduce Ordinance 2022-11 this evening so the request may be considered.

President Smith entertained questions or comments. Councilman Scrivens asked how water service would be provided to the property. Mr. Merriman said the service lateral from the meter was the property owners’ responsibility. Councilman Scrivens said depending on where the home was located, the service lateral could span across many acres. Mr. Merriman said it would have to go through the engineering process, but he presumed that was possible.

Hearing nothing further, President Smith entertained introduction of Ordinance 2022-11 as presented.

Councilwoman Dean presented ORDINANCE 2022-11 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF XENIA, OHIO, TO REZONE 23.4373 ACRES, MORE OR LESS, LOCATED AT THE TERMINUS OF TREMONT ROAD FROM R-1B ONE-FAMILY RESIDENTIAL DISTRICT (10,000) TO A-1 AGRICULTURAL DISTRICT, and it was read for the first time.

**4. Introduction of Resolution 2022-R Awarding the Bid and Authorizing the City Manager to Execute a Contract with Barrett Paving Materials, Inc., for the 2022 Street Paving Program.**

Mr. Merriman said it was the policy of Council to focus a majority portion of available general capital resources on rehabilitation of roadways through an annual street paving program. In recent years, they have been focusing on maintaining thoroughfares in order to promote economic growth opportunities, and this priority was affirmed by the Public Service & Utilities Committee. For 2022, staff solicited bids for the rehab of two important thoroughfares for the City’s annual street program: Bellbrook Avenue, from Colorado Drive to the City’s western corporation limits, and Ledbetter Road, from US 42 to SR 380. On March 24<sup>th</sup>, three bids were received for these street restoration projects, with the low bid received from Barrett Paving Materials, Inc., at a price of \$744,468.36. The Barrett bid came in below the engineering estimate,

and the City has utilized Barrett previously for similar projects and found their work to meet local expectations. Staff, therefore, believed that Barrett Paving should be awarded the bid for the 2022 street rehab program in the amount as noted and respectfully recommended that Council introduce Resolution 2022-R for consideration and later approval. He said the memorandum he provided to Council this evening included information on work staff was doing to update some of the data related to their street conditions strategy and how to address that moving forward. This would be another interim year until they can come up with a longer-term strategy. He encouraged them to contact him with any questions they may have.

President Smith entertained questions or comments. Councilman Brannum said the City applied for grant funding for this project and confirmed that the City was not awarded the funds. Mr. Merriman said that was correct. They were successful on other grant applications, but not this one. However, they want to finish out Bellbrook Avenue.

Councilman Scrivens said with this project, most of the City's major arteries will have been improved. He asked when they would be able to get into the neighborhoods for street repairs. Mr. Merriman said 2023 would be a very busy project year for Engineering staff, which included N. Detroit Street and other projects. As noted in the memorandum he provided, they have contracted with the firm that completed the most recent PCI update in 2019, and they will be projecting forward through their formulary process and provide updated numbers. The intent was that over the course of this year, working with Council and engaging in a broader community discussion, they would start to piece together a longer-term funded strategy that would help them get into the neighborhoods and provide significant rehabilitation of those streets. He noted that effort would be an extraordinarily costly venture. There are not sufficient revenues today—even if they are able to free up some operating dollars for that purpose. A funded, long-term strategy would take additional financial resources to accomplish. He agreed with Councilman Scrivens that they are doing a good job catching up on thoroughfares, but the condition of neighborhood streets continued to deteriorate. As a result, the overall Citywide PCI rating also continues to decline, despite the fact that they are investing an average of \$1 to \$1.5 million per year with grant dollars and local resources over the last 5-6 years. To improve the PCI rating, he believed they would need to invest three to four times the amount they are currently investing.

Hearing nothing further, President Smith entertained introduction of Resolution 2022-R as presented.

Mayor Mays presented RESOLUTION 2022-R AWARDING THE BID AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH BARRETT PAVING MATERIALS, INC., FOR THE 2022 STREET PAVING PROGRAM, and it was read for the first time.

**5. Introduction of Resolution 2022-S Authorizing the Renewal of Property and Liability Insurance Through the Public Entities Pool of Ohio for One Year, Effective May 1, 2022.** Mr. Merriman said the City of Xenia was required to have liability and property insurance and must annually pursue action to authorize these services. The City was a vested participant in the Public Entities Pool of Ohio, or PEP, for property and general liability coverage and local brokerage services are provided through Montgomery Insurance and Investments. Staff worked with our partners at Montgomery and with PEP representatives to develop a coverage plan for

insurance year 2022-23, which would take effect at the start of May. Staff reviewed all assets, services, and potential areas of liability and made adjustments to the insurance program necessary to adequately cover all. Staff was requesting introduction of Resolution 2022-S to authorize a renewal contract with PEP and brokerage services through Montgomery Insurance, not to exceed \$300,000 from variety of fund sources for a continuation of insurance coverage.

President Smith entertained questions or comments. Hearing none, he entertained introduction of Resolution 2022-S as presented.

Councilman Brannum presented RESOLUTION 2022-S AUTHORIZING THE RENEWAL OF PROPERTY AND LIABILITY INSURANCE THROUGH THE PUBLIC ENTITIES POOL OF OHIO FOR ONE YEAR, EFFECTIVE MAY 1, 2022, and it was read for the first time.

**6. Introduction of Resolution 2022-T Approving the Final Plat and Authorizing the City Manager to Execute the Subdivider's Agreement for the Edenbridge, Section One, Subdivision.** Mr. Merriman said the Arnold Development Company was pursuing implementation of the new Edenbridge subdivision, near the intersection of Lower Bellbrook Road and Van Eaton Road. This item involved the first section of Edenbridge, for which the Preliminary Plat was approved by PZC on June 3, 2021. Section One encompassed 20.192 acres and would create 47 single-family home lots, 2 duplex lots, and 3 open space/utility lots. A new section of Greystoke Drive would provide the entrance from Van Eaton Road and would connect with the existing Greystoke Drive in the next section. Most proposed lots would be located on the newly created Hawkshead Street and Baybury Avenue. Adequate sanitary sewer and water capacity were available via connections with the Sterling Green subdivision at Greystoke Drive. Sanitary sewer service would require a proposed lift station and a force main extending from the lift station to the existing Greystoke Drive, both of which would be built in Section One. The first section would also establish the subdivision's primary common open space area, which would consist of greenspace, the subdivision's detention basin, walking paths, and landscape/mound buffers between homes and Van Eaton Road. A Homeowner's Association would be established to maintain the open space areas. Pursuant to the Land Development Code, the applicant submitted construction design drawings for planned streets and utilities. The Planning and Zoning Department, Engineering Division, and Fire Division found these drawings to be acceptable. PZC approved the Section One Final Plat on April 7<sup>th</sup>, with the specific conditions as detailed in the agenda report. The Land Development Code required all final plats to receive PZC approval. City Council approval was additionally required if the necessary public improvements have not yet been installed, as in this case. Council approval was also required to authorize execution of a Subdivider's Agreement that established requirements for public improvements construction and bonding before and after the plat was recorded. The proposed Subdivider's Agreement incorporated the conditions required by PZC. Resolution 2022-T as presented this evening would approve the final plat and authorize execution of the Subdivider's Agreement. Staff recommends introduction of the resolution so that this item might be considered.

President Smith entertained questions or comments. Councilman Scrivens asked Vice President Urschel if he wished to inquire about the infrastructure plan for these new streets. Vice President Urschel said it was probably too late to ask that question for this plat. He said it was great for the City to have new development, but, as stated, they cannot maintain the existing neighborhood streets and this plat would add additional streets. At least they would have several years before

they needed to think about these new streets. As Mr. Merriman stated, they are working on a long-term infrastructure strategy because they cannot continue to defer \$2 million of street maintenance every year.

Councilman Scrivens asked if anyone spoke in opposition to this item at the PZC meeting. Councilman Brannum said he served as the Chair of PZC at that time; he recalled that some township residents, and possibly a member of the nearby church, were upset about the development. Overall, they were upset about the development because many were told that the adjacent vacant land would never be developed. Mr. Merriman said there are several large tracts of undeveloped land that were incorporated into the City back in the 2000s with the intent that they would be built out. In fact, there are ongoing efforts for build out of some areas. He believed it was good for people to invest in the City, purchase homes, and raise their families here. That said, it was important to engage in conversation in regard to *smart* growth that added to the City's overall value, which would be part of the X-Plan update later this year and into next year.

President Smith asked if any builders or developers had given any indication of a slow down due to inflation or supply issues. Mr. Forschner said he had not heard anything from any builders or developers with regard to a slow down; as far as he knew, the three subdivisions in Xenia were still moving forward. In addition, Ryan Homes was currently building their model home in Summer Brooke. President Smith asked what percentage of buildout was required before the final asphalt layer was completed. Mr. Forschner said 70 percent of the lots must be sold and homes built before the developer can proceed with the final layer of asphalt, which was the last step before the streets are formally accepted by the City.

Vice President Urschel asked if this property had been zoned residential for quite some time. Mr. Forschner said yes; a previous concept plan for a subdivision was approved about 15-20 years ago. Within the last few years, there was a rezoning of the property, and the comments Councilman Brannum referred to were made during that public hearing. Hearing nothing further, President Smith entertained introduction of Resolution 2022-T as presented.

Vice President Urschel presented RESOLUTION 2022-T APPROVING THE FINAL PLAT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SUBDIVIDER'S AGREEMENT FOR THE EDENBRIDGE, SECTION ONE, SUBDIVISION, and it was read for the first time.

**7. Introduction of Resolution 2022-U Authorizing a Use Agreement with Beyond Motors, LLC, for the Use of City-owned Bike Trail Property Located Adjacent to 1307 N. Detroit Street.** Mr. Merriman said Beyond Motors, LLC, was in the process of acquiring the vacant former auto service facility at 1307 N. Detroit Street. Beyond Motors was affiliated with the Key Chrysler Jeep Dodge Ram Fiat dealership here in Xenia and intended to relocate the dealership's auto service functions to the 1307 N. Detroit Street site. The rear driveway for 1307 N. Detroit Street was located on a City-owned parcel that contained the Little Miami Scenic Trail. There was an existing lease agreement between the current property owner and the City of Xenia that allowed this driveway to be utilized for ingress and egress for the site; however, this lease agreement did not permit its assignment to the prospective purchaser. Instead, the prospective purchaser must enter into a new use agreement with the City in order to continue using the rear driveway. The City had established a precedent of allowing businesses to encroach upon bike trail property, subject to a use agreement. Several bike path use agreements have been authorized in the

past few years, including a driveway for Casey's, as well as building/patio expansions and bike path connections for Nick's Restaurant. Not allowing usage of the rear driveway would harm the marketability and usability of 1307 N. Detroit Street and make prolonged vacancy more likely. The Tobey Automotive group had a valuable business presence in Xenia, and staff believed its connection with Beyond Motors should be recognized and promoted through this new venture, which would backfill a perpetually vacant site. The proposed use agreement would replace and terminate the former lease agreement with Robert and Lois Spitz. This resolution authorizing the use agreement contained a contingency that Beyond Motors, LLC, must complete its purchase of the property before the Use Agreement was executed. Furthermore, any additional improvements of the area subject to the agreement would require case-by-case review and approval by the City. Staff respectfully recommended introduction of Resolution 2022-U to consider the use agreement.

President Smith entertained questions or comments. Hearing none, he entertained introduction of Resolution 2022-U as presented.

Councilwoman Dean presented RESOLUTION 2022-U AUTHORIZING A USE AGREEMENT WITH BEYOND MOTORS, LLC, FOR THE USE OF CITY-OWNED BIKE TRAIL PROPERTY LOCATED ADJACENT TO 1307 N. DETROIT STREET, and it was read for the first time.

**8. Introduction of Resolution 2022-V Objecting to the Renewal by the Ohio Department of Commerce, Division of Liquor Control, of Permit No. 7670240, Classes C1 and C2, Held by Saffron Six, LLC, DBA E-Z Stop Food Mart, 799 W. Second Street, Xenia, Ohio 45385.** Law Director Donnette Fisher said on March 16, 2022, the City received notice that all Class C and D liquor permits in the City will expire on June 1, 2022, and the permit holders must file renewal applications. Under ORC 4303.271(B), Council has the right to file objections to the renewal of any permit. It was staff's recommendation that objections be filed to the renewal of the permit held by Saffron Six, LLC, dba E-Z Stop Food Mart, at 799 W. Second Street. There are currently charges pending in the Xenia Municipal Court against this liquor permit premises for possession of drug paraphernalia and knowingly selling drug paraphernalia. On January 22, 2022, these charges were filed by the Ohio Investigative Unit (OIU) after an undercover buy. This premises had been administratively cited by the OIU in October 2021 for the same activity, and not only did the premises continue to sell drug paraphernalia, they expanded their selection and allowed customers to buy these illegal items on "lay away." Further, at the time of the criminal charges in January 2022, the "owner" informed officers that he was "renting" the business from the permit holder, Saffron Six, LLC. This "hidden ownership" was illegal under the State's liquor laws. Any purchase of alcohol from distributors for sale at this location, or sale of alcohol to the public under Saffron's liquor permit while the business was under a different "owner," was illegal. Lastly, a review of the Xenia PD records show that since Saffron Six, LLC, began operating as E-Z Stop Food Mart in November 2016, there have been over 200 calls for service to this address, with 47 calls in 2020 and 50 calls in 2021 alone. Because of their knowing sale of drug paraphernalia, this permit premises contributed to crime in the surrounding area and created an environment that is harmful to surrounding businesses and the residential neighborhood immediately to the southwest of the premises. It was clear from the behavior of Saffron Six, LLC, that they have no regard for the law, they are knowingly contributing to the City's drug problem, they have created an environment that was harmful to surrounding businesses and residential areas, and they are a burden upon public services. After talking with Mr. Merriman as Public Safety

Director, it was time to send a message to these types of businesses who sell drug paraphernalia and contribute to the drug problem in this area. They will not tolerate this activity in Xenia. If this Resolution was approved, it would be sent to the State Liquor Commission. However, the business's liquor permit would not be pulled while the hearing was pending. She noted that C-1 was carryout for beer and C-2 was carryout for wine and mixed beverages. Finally, two more businesses have been charged with the same behavior, and she would be bringing forward two similar resolutions at their next meeting for emergency passage.

President Smith entertained questions or comments. Vice President Urschel agreed this business was one sketchy store. He assumed they made a lot of their revenue off the sale of drug paraphernalia, liquor, and tobacco. Mayor Mays thanked Ms. Fisher for doing a great job on this item. Ms. Fisher said she would like to pursue a change to the State Law (ORC 2925.14) to make a knowing sale of drug paraphernalia something that she could go after people for criminal nuisance abatement, similar to how the property on E. Second Street was abated. She invited any Council members to assist her in that effort. Mayor Mays offered her assistance.

Hearing nothing further, President Smith entertained introduction of Resolution 2022-V as presented.

Mayor Mays presented RESOLUTION 2022-V OBJECTING TO THE RENEWAL BY THE OHIO DEPARTMENT OF COMMERCE, DIVISION OF LIQUOR CONTROL, OF PERMIT NO. 7670240, CLASSES C1 AND C2, HELD BY SAFFRON SIX, LLC, DBA E-Z STOP FOOD MART, 799 W. SECOND STREET, XENIA, OHIO 45385, and it was read for the first time.

**9. Administrative Motion Approving the City's Budget Priorities for 2023.** Mr. Merriman said pursuant to the City's Charter, City Council must annually approve budget priorities for the ensuing fiscal year's budget cycle. By Charter, these priorities must be approved no later than July 1<sup>st</sup>, yet staff worked with the Budget and Finance Committee to be more proactive with this process in order to incorporate and align priorities with the very beginning of the tax budget development process, which starts in the spring. The Finance & Budget Committee met on March 10<sup>th</sup> to discuss Budget Priorities for 2023. The final, detailed list of priorities as endorsed by the Committee was included in the agenda report for this item. The high-level priorities include the following:

- Position Xenia for Economic Investment;
- Develop a Funded Long-Term Strategy for City Infrastructure;
- Retain Quality Employees, Attract New Talent and Assess Retention;
- Continue to Provide Quality and Efficient Municipal Services;
- Build a Healthier Community; and
- Seek Strategic Solutions for Ongoing Challenges.

Staff respectfully recommended passage of an administrative motion to approve these budget priorities as presented.

President Smith entertained questions or comments. Councilman Scrivens asked if this was recommended by the Finance and Budget Committee. President Smith said yes.

Hearing nothing further, President Smith entertained a motion.

Motion by Vice President Urschel, seconded by President Smith, to approve the City's Budget Priorities for 2023. President Smith entertained further questions or comments. None followed. The Roll on this was the following:

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

**10. Administrative Motion Endorsing the Xenia Towne Square Redevelopment Concept, Authorizing the Creation of a Xenia Towne Square Redevelopment Plan, and Authorizing the Negotiation of a Master Development Agreement with the Dillin Corporation.**

Mr. Merriman said staff was recommending that City Council take action on an administrative motion to endorse the Xenia Towne Square Redevelopment Concept and authorize the creation of a formal redevelopment plan and negotiate a master development agreement with Dillin, LLC. Over the past year, City leaders and the Dillin Corporation worked closely with community stakeholders and business owners to develop a concept for the redevelopment of Xenia Towne Square (XTS Concept). The Towne Square Concept articulated a vision for catalytic revitalization of this critical, 15.5-acre City-owned property in the heart of Xenia and would serve as the foundation for the development of a formal Redevelopment Plan. As recently discussed in detail at the Council work session on this topic, the Towne Square Redevelopment Concept included, among other things, the following key components:

- Demolition of existing rear building, with relocations of existing XTS tenants to new buildings or other locations as dictated by tenant needs.
- Re-establishment of portions of the historic street grid in order to restore a walkable pattern that complements the historic, downtown.
- Establishment of a permanent, sustainable destination with strong streetscape elements that connect it to the downtown area.
- Vibrant public plaza in the center of the site, framed by new mixed-use buildings; the plaza would become a center for event programming that supports and engages the residents and businesses of the new district and the surrounding downtown.
- Upper-story apartments on the north side of the proposed public space.
- For-sale and/or for-rent townhomes on the south side of Church Street
- Modification of W. Church Street to allow on-street parking, safer pedestrian crossings, and lower traffic speeds
- Strong merchandising focused around restaurant uses with small shops mixed in between and pleasing streetscape.
- South XTS building to be initially maintained, with a redesigned façade and a “cut” in the building to allow a northern entrance to a rear parking lot.

Market study research, many hours of public engagement and detailed planning efforts have demonstrated the value and viability of this concept. This work now culminated in the need to endorse the approach and establish direction for staff to develop formal actions steps in order to pursue implementation of redevelopment. Staff respectfully recommended approval of an administrative motion to endorse the concept and direct additional action step preparation.

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

Motion by Mayor Mays, seconded by Councilman Dean, to accept the PZC's recommendation and endorse the Xenia Towne Square (XTS) Concept to allow staff and the Dillin Corporation to work

on the next steps towards a formal, written XTS Master Redevelopment Plan and authorize the negotiation of a master development agreement with the Dillin Corporation. No discussion followed. The Roll on this was the following:

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

**11. Administrative Motion Approving the Schedule of Bills in the amount of \$301,159.18.**  
Mr. Duke respectfully requested the payment of bills in the amount of \$301,159.18, noting the formatting was adjusted a bit. He would entertain additional adjustments at Council's request.

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

Motion by Councilman Scrivens, seconded by Councilman Brannum, to approve the schedule of bills in the amount of \$301,159.18. No discussion followed. The Roll on this was the following:

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

## **I. APPOINTED OFFICIALS REPORTS**

President Smith asked Mr. Duke for his comments. Mr. Duke said the tax deadline for filing federal, state, and municipal taxes was Monday, April 18<sup>th</sup>, and the Regional Income Tax Agency (RITA) administers the City's tax. Xenia residents can file their Xenia tax return electronically online, they can drop their returns in the drop box at the City Administration Building, they can mail them in, or RITA would be open from 8 a.m. to 5 p.m. to assist taxpayers in person. Vice President Urschel asked the consequence of not filing a Xenia tax return. Mr. Duke said penalties and interest could be assessed, the City could pursue criminal charges, or they could be referred to the collection process. They would likely file a request with the Ohio Attorney General's Office a request for them to pursue through their collection efforts any monies due the City. Vice President Urschel believed failure to file a City tax return was a misdemeanor in the first degree. He said even if residents did not have any earned income or have any tax to pay, they still had to file a tax return—unless they were under the age of 16 or over the age of 65 with no income. Mr. Duke said that was correct, but there are a few exceptions. There are scenarios where filing was not required—for example, if a resident filed for disability.

President Smith asked Ms. Fisher for her comments. Ms. Fisher said she would be reaching out to the members of the Legislative Review & Government Affairs Committee to schedule a meeting.

President Smith asked Mr. Merriman for his comments. Mr. Merriman said the City Clerk received an inquiry from a resident about street sweeping services. He said the Public Service Department brought the street sweepers back out for the season just last week. They go all around the City and will visit key areas and downtown multiple times. The first annual Spring Fling event would be held on Saturday, April 23<sup>rd</sup>, in downtown Xenia from noon to 5 p.m. Also, he announced the first Neighborhood Night Out event this year would be held on Tuesday, May 10<sup>th</sup>, at Spring Hill Park. Finally, he would like to schedule the annual walking tour with City Council following an abbreviated meeting on June 9<sup>th</sup>. He would like to start the meeting at 5 p.m. with the tour

immediately following. Nobody objected to the date and time for the June 9<sup>th</sup> meeting and walking tour. President Smith asked if a motion was needed. Mr. Merriman said it was not necessary.

## **J. REPORTS OF BOARDS, COMMISSIONS, AND COMMITTEES:**

**1. Board for Recreation, Arts, and Cultural Activities:** Mayor Mays said she was out of town and was unable to attend the BRACA meeting on April 5<sup>th</sup>, and Vice President Urschel chaired the meeting in her absence. Vice President Urschel said they met and discussed the upcoming Easter Egg Hunt to be held on Saturday, April 16<sup>th</sup>, at Shawnee Park. This event would feature a helicopter Easter egg drop followed by staggered egg hunts for different age groups and those with special needs. Registration for free Easter basket raffles would begin at 10 a.m., followed by the helicopter egg drop at 10:30 a.m., and the staggered egg hunts at 11 a.m. They have already received over 50 donated Easter baskets, and the winning tickets would be drawn after the egg hunts are concluded. Those wishing to donate an Easter basket can drop them off at the City Administration Building or Emmanuel Baptist Church. Mayor Mays noted there are also grand prizes, which are bicycles, thanks to the efforts of Nancy McPeak and generous donation of Xenia Walmart Manager Shane Barker. Vice President Urschel said they also discussed holding a Youth Fishing Derby on Saturday, June 4<sup>th</sup>, and they had a great discussion on the annual Christmas event, which was scheduled for Friday, December 2<sup>nd</sup>.

**2. Planning and Zoning Commission:** President Smith said PZC met on April 7<sup>th</sup> on the following cases:

- Case PZC2022-07: Rezone an existing church at 441 Ledbetter Road from R-3 Attached Residential District to P-1 Public and Institutional District, filed by First Church of Christ of Xenia, which was endorsed to City Council and appeared on the agenda this evening.
- Case PZC2022-08: Final Plan, Edenbridge Section 1, filed by Nick Selhorst, Choice One Engineering, for property located on Van Eaton Road, which was which was endorsed to City Council and appeared on the agenda this evening.
- Case PZC2022-09: PUD Change, Grandstone Trace, filed by Steve Lisle, Reinke Group, for property located on Fairground Road, which was approved.
- Case PZC2022-10: Rezone a 23-acre undeveloped property on N. Columbus Street from R-1B One-Family Residential District to A-1 Agricultural District for the purpose of creating a forest farm, filed by John and Rachel Howard, which was endorsed to City Council and appeared on the agenda this evening.

Vice President Urschel asked if any members of the public were present at the meeting and made comments about the subdivision near the Fairgrounds. President Smith said a few people asked questions about the bike path, fencing, etc., and expressed some concerns about some issues with the existing bike path. Vice President Urschel commended Mr. Forschner, noting that many residents had expressed concerns early on, and now they are much more comfortable with the plan.

## **K. COUNCIL COMMENTS:**

Councilman Brannum thanked the Greene County Parks and Trails for their recent Easter Egg Hunt event. He took his son, which was his first Easter Egg Hunt, and now he was prepared and ready for the City's event on April 16<sup>th</sup>!

Councilman Dean did not have anything further to share.

Councilwoman Dean wished everyone a “Happy Easter!” She hoped everyone was able to spend the holiday at church and with their loved ones.

Councilman Scrivens congratulated Xenia High School Football Assistant Coach Bartley, who was recently honored. He also congratulated this year’s inductees into the Xenia Community Schools Hall of Honor: Ronald Lewis, Carla Long, Cheryl Marcus, Evan Davis, and Danny Cassity. He said the proposed Charter amendments would appear on the May 3<sup>rd</sup> ballot; he thanked and congratulated the members of the Commission, including Jeanne O’Callaghan, Chelsey Garrett, Howard Horstman, and Nancy McPeak, as well as City staff and Mayor Mays—they put in many, many hours of work into this effort. It was not an easy task and took two years of work. He hoped voters would consider approving the amendments to update the City’s Charter. He would like to see a spring cleanup weekend scheduled in the City, where they would supply dumpsters for the community’s use. He looked forward to participating in Charlie Huff’s annual Good Friday walk, as well as the City’s annual Easter Egg Hunt. He commented on the light pole banners and encouraged citizens and business owners to purchase a banner and show their support and Xenia pride. He congratulated Lt. Colonel Samuel Dallas, who was the commander of the CSU Marauder Battalion, and they will be traveling to West Point, New York, for a competition. Finally, he shared that Greene County Commissioners announced that they received \$33 million in ARPA funds, and they are setting aside \$1 million for non-profits, who can apply to receive up to \$25,000 each.

Mayor Mays commended Rob and Danielle Eldridge on their recent annual toy show held on March 26<sup>th</sup> at the Fairgrounds, which was another huge success. She attended several meetings these last few weeks, including a meeting with Aaron Jobson, a local business owner who wanted to get involved and better support this community. She and Vice President Urschel participated in the “Made to Thrive” conference on April 1<sup>st</sup> and 2<sup>nd</sup> at the Xenia Community Center, which was a faith-based conference. It was so exciting to see a lot of people come from many different places, and one woman told her how much she loved Xenia. She participated in the ribbon-cutting ceremony at 313 Beauty Supply on Allison Avenue. She blew the horn at the Ohio River Road Runners Club marathon on Sunday, April 3<sup>rd</sup>. She congratulated all who participated, noting it was very cold and windy that morning. Vice President Urschel noted the marathon was a Boston Marathon qualifying race. Mayor Mays said Mr. Merriman, Development Director Steve Brodsky, and she traveled to Washington, D.C., to participate in the Dayton Development Coalition fly-in from April 5<sup>th</sup>-7<sup>th</sup>. They had an opportunity to speak to many people and advocate for this community. She congratulated Xenia Municipal Court Judge David McNamee; she attended his swearing in on April 8<sup>th</sup>. Opening day for the trails would be celebrated on April 23<sup>rd</sup>, which was the same day as the City’s Spring Fling event. She would be at Xenia Station to greet people as they venture out on the trails. Finally, she received an email today from a woman named Lynne Carroll, and she asked the City Clerk to attach it to the minutes as Exhibit A. Ms. Carroll was a Xenia resident who was working with Matthew 25 Ministries out of Cincinnati. The email was about the overwhelming support from Xenia residents and local businesses.

Vice President Urschel said he also attended the swearing in of Judge McNamee, and the Court Chambers was packed. He noted there were at least 12 other judges present representing Greene County courts and other courts in the County. He said Judge McNamee comes to Xenia from the Greene County Domestic Relations and Juvenile Courts where he worked as a magistrate. Based on what many people said about him, he was a man of high integrity who had an opportunity to

impact a lot of lives in this community. Regarding the current opioid distribution, he understood that one case had been settled and Ohio had an \$800 million disbursement with a multi-tiered disbursement strategy. Ms. Fisher said if he was referring to the OneOhio settlement, that was correct. Vice President Urschel said there was even more money—multiple millions—being provided to Greene County. He said Mayor Mays would be the City’s representative for that distribution. Ms. Fisher agreed Greene County would receive some direct funds, along with every political subdivision (Village, City, Township, County) in Ohio. Vice President Urschel said Greene County set up a group to help manage their direct funds as well as the funds that may come through the Region 14 group. Ms. Fisher said the OneOhio Foundation would receive the bulk of the money and explained how those funds would be disbursed. Vice President Urschel said he attended the Xenia Community Schools Board of Education meeting on Monday evening, and they are kicking off a summer intern program for high school students. He asked Mr. Merriman if they could engage in some discussions about possible internships here at the City with Fire, Police, or Public Service. Mr. Merriman said yes and asked Vice President Urschel to provide him with a key contact. Vice President Urschel suggested that Mr. Merriman reach out to Superintendent Gabe Lofton. He talked about the group of men, who are calling themselves the “Lexington Park Initiative,” who are committed to partnering with the City on renovation and restoration of Lexington Park to include bringing activities back to the park. They are looking at ways to partner with other third parties to support the funding of some improvements, including the basketball courts. He felt it was time for Council to take action by way of an administrative motion to show the City’s support of this initiative, which would not include a commitment of capital dollars at this time.

Motion by Vice President Urschel, seconded by Mayor Mays, to express Council’s intent to work with the Lexington Park Initiative Group to improve the basketball courts, restrooms, parking, and signage at Lexington Park to support summer activities being planned by said group, and if this initiative was productive, to seek improvements in other neighborhood parks with community group participation. Vice President Urschel reiterated that this motion did not include any commitment to provide City funds for improvement of any specific item. Any expenditure of funds would come back to Council for approval. President Smith entertained any comments or questions. Mr. Merriman said staff had discussions with Council last year, and there are some maintenance items, including the basketball court, at Lexington Park that needed to be upgraded. At an upcoming meeting, he would seek Council approval to move forward with some items. Staff also planned to go to every park in the City to prepare an inventory of deferred maintenance items. Councilman Scrivens said he was happy to support this motion and thanked Vice President Urschel for his leadership on this effort. The Roll on this was the following:

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

President Smith welcomed Feeders Pet Supply to Xenia, which was located by Rural King. He thanked Mr. Merriman for his report this evening. He also thanked the Charter Review Commission members for their efforts, noting the Commission was chaired by a Xenia citizen. He also thanked the City Clerk for preparing an advertisement that would appear in Saturday’s Xenia Daily Gazette that showed the final text of the proposed Charter amendments on the May 3<sup>rd</sup> ballot. He said citizens can visit the City’s website to read the City’s current Charter, as well as the final report that showed all the recommended changes. He announced the Xenia High School upcoming

musical this weekend called, “Into the Woods,” which would be led by Mr. Matson. He wished everyone a “Good Friday” and “Happy Easter!” He thanked all those in attendance and all those watching the broadcast.

**L. EXECUTIVE SESSION:** None.

**M. WORK SESSION:** None.

**N. ADJOURNMENT:** Motion by Councilwoman Dean, seconded by Councilman Brannum, to adjourn the Regular Meeting at 7:42 p.m. No discussion followed. The Roll on this was the following:

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

Nays: None                      motion carried.

Michelle D. Johnson  
City Clerk

Wesley E. Smith, President  
Xenia City Council

Exhibit A

**From:** Vjiana Carroll  
**Sent:** Thursday, April 14, 2022 5:17:15 AM  
**To:** XCC--Mays, Sarah  
**Subject:** Ukraine Donation Drive

Good morning Mayor Mays! My name is Lynne Carroll. I have been supporting Matthew 25 Ministries in Cincinnati by conducting a local Ukraine donation drive. I just wanted to let you know about the overwhelming response I have received from local residents and area businesses. You should be so proud to have such warm and giving people in your community. I was hoping that you would consider publicly recognizing some of these folks by saying a few words of appreciation in the local media. I feel that they should be recognized for their efforts. Our country has been divided these days, it would be nice to show how working together can make such a difference.

Below is a list of just a few of those efforts:

Emerge treatment and training initiative along with DeCoach Rehabilitation Centre offered the use of their businesses for drop site/storage of the donations until Matthew 25 Ministries could pick them up and send on to Ukraine.

Feeders Pet Supply which is a brand new business in Xenia; they have a warm and caring manager named "Cat" whose efforts brought 50 bags of pet food, 150 cans of pet food and numerous pet snacks.

Groceryland whose manager donated 21 cases of water, and thru conversation with him I learned that the store has donated around \$5,000 to other ministries supporting Ukraine.

Cedarville pharmacy for donating boxes of mask and medical supplies.

The residents of John Sale Manor, Xenia Senior apartments, held their own Ukraine drive with in the apartment complex; their donations were then given to the local efforts; they collected numerous boxes of medical supplies, diapers, personal care items, clothing and monetary donations of \$200.00! The residents were so proud of their work and rightly so!

A private senior citizen who is bedridden, who recently lost her husband, wanted to be a part of the efforts, sent her STNA to the donation drop site with donations!

The list could go on as so many private individuals, churches, nursing homes, and businesses came together to make the local donation drive a success! As one of your senior citizens said "a little given from every person can go along way"; when she said this I thought of the scripture of the fish and loaf of bread that fed many!

You should be so proud of your citizens as I know I am!

Thank you!  
Lynne Carroll  
Xenia, OH 45385