

**XENIA CITY COUNCIL
MEETING MINUTES
APRIL 28, 2022
6:00 P.M.**

Pastor Andy Wagner, Faith Community United Methodist Church, provided the Invocation.

A. PLEDGE OF ALLEGIANCE: All present stood and recited the Pledge of Allegiance led by President Smith

B. CALL TO ORDER: President Smith called the Regular Meeting to order at 6:04 p.m.

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

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

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

D. APPROVAL OF MINUTES: Motion by Councilman Brannum, seconded by Vice President Urschel, to approve the April 14, 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, Brannum, L. Dean, Mays, Smith
Nays: None motion carried.

E. SPECIAL PRESENTATION(S): None.

F. AUDIENCE COMMENTS: President Smith explained the procedures for Audience Comments and invited those who wished to speak to come forward. He noted there were two public hearings scheduled this evening, at which time audience members would be invited to speak.

Don Dye, 343 Greene Acres Drive, said he was present to speak on behalf of the requested rezoning from R-3 to P-1 for the First Church of Christ at 441 Ledbetter Road. As a member of the Board of Elders, the church wished to complete some updates on the property including installation of an electronic sign, and rezoning the parcels to P-1 would allow that. The rezoning would also allow for future development of the property. He hoped Council would endorse the rezoning request. President Smith noted that Mr. Dye was referencing Ordinance 2022-10, which was on the agenda that evening.

Thomas Sizemore, 943 E. Church Street, said he went to Lexington Park this past Sunday, and the park was trashed because there were about 1,000 to 1,500 people there on Saturday, which he assumed were local college kids. On Saturday, there was also an Autism banquet or gathering of some sort who were pushed out of one of the park shelters and had to leave the park. On Sunday, a City worker was there picking up trash, so he and a few others helped him out. It took them all about four hours to clean up most of the trash. He said policing was needed if there are over 1,000

people at one location, and this issue needed to be addressed before the City or the volunteer group invested money in the park. President Smith agreed, noting that Council was made aware of the situation on Monday and would be discussing the issue further.

Hiba Loukssi, 1575 Greene Lake Drive, said she left flyers at their seats to introduce the concept of a Xenia Youth City Council, which she felt would promote leadership skills while also working toward advising and drafting legislation regarding issues related to local youth and allow teens to be represented and heard in policy-making decisions. President Smith thanked Ms. Loukssi for the information.

G. OLD BUSINESS:

1. President Smith presented **ORDINANCE 2022-09 REPEALING SECTION 1440.10, TITLED “COMMEMORATIVE BUILDING NAMES,” OF THE XENIA CITY CODE**, introduced by Councilman Scrivens on 04/14/2022, and it was read for a second time.

Motion by Councilman Scrivens, seconded by Vice President Urschel, to adopt Ordinance 2022-09 as presented. President Smith entertained comments or questions. Vice President Urschel said this Ordinance was presented because the past process was fairly onerous and they wished to streamline the process. City Manager Brent Merriman concurred; however, he noted that any future requests for commemorative names would still require Council approval by Resolution. The Roll on this was the following:

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

2. President Smith 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**, introduced by Councilwoman Dean on 04/14/2022, and it was read for a second time.

Motion by President Smith, seconded by Councilman Brannum, to adopt Ordinance 2022-10 as presented.

President Smith noted this item was presented to the Planning and Zoning Commission on April 7, 2022, where the first public hearing was held and the requested rezoning was endorsed to City Council. He then opened the public hearing at 6:16 p.m. and asked those in favor of the rezoning of 441 Ledbetter Road to come forward to speak. No one came forward to speak. He then asked for those opposed to the rezoning of 441 Ledbetter Road to come forward to speak. No one came forward to speak. He closed the public hearing at 6:17 p.m. and entertained comments or questions from City Council. No discussion followed. The Roll on adoption of Ordinance 2022-10 was the following:

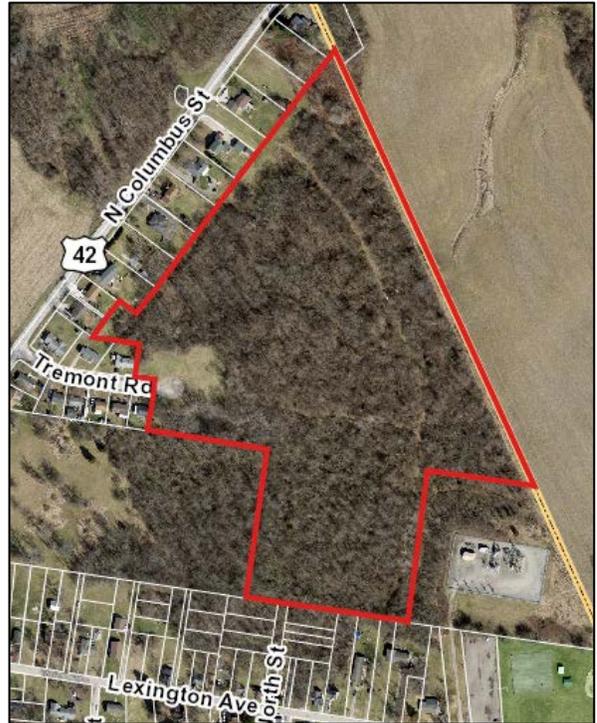
Ayes: Urschel, Scrivens, Brannum, L. Dean, Mays, Smith
Nays: None motion carried.

3. President Smith 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**, introduced by Councilwoman Dean on 04/14/2022, and it was read for a second time.

Motion by President Smith, seconded by Vice President Urschel, to adopt Ordinance 2022-11 as presented.

President Smith opened the public hearing at 6:19 p.m. and asked those in favor of the rezoning of 23.4373 acres of land on Tremont Road to come forward to speak.

Rachel Howard, 3309 Sunrise Way, Beavercreek, said her husband, John, was also present. They purchased the property with the intent of developing a perennial forest farm to include maple trees, chestnut trees, native pawpaw trees, elderberry trees, etc., and also grow several kinds of edible (not hallucinogenic) mushrooms. They believe a barn would really help their expansion efforts with regard to having a place to store maintenance equipment, honeybee equipment, etc. Under residential zoning, they would have to build a home in order to build an accessory structure. She noted a home on the property was part of their long-term plan, but they wished to build the barn now, which was the reason for the requested rezoning. They do not intend to raise livestock on the property, and with the shape of the property and the required setbacks, the allowable space for livestock would only end up being about five acres anyway. She offered to answer any questions they may have.



President Smith asked for those opposed to the rezoning of 23.4373 acres of land on Tremont Road to come forward to speak.

O'Neil Williams, 852 Lexington Avenue, said he lived adjacent to the subject property, and the change from R-1B zoning to A-1 zoning really opened up the property because the A-1 zoning was very broad. He expressed concerns that the applicants could change their minds about how they wished to use the property. He also expressed concerns about ongoing water drainage issues (water standing on the property), which he felt should be dealt with now. The water needed to be removed somehow, but he did not think it needed to be removed and put on his or other neighboring properties. He would like to know how that water would be dealt with, who would pay for the utility connections, and if the City would be paying any attention to the area, noting his curb was completely gone.

President Smith closed the public hearing at 6:25 p.m. and said utility connections are paid for by the property owners. He then asked City Planner Brian Forschner to address some of the concerns with regard to the A-1 zoning that were presented. Mr. Forschner said the property owners requested rezoning to A-1 because they wished to build a barn (an accessory structure) without having a main structure (a home), which was not permitted under the existing single-family zoning district.

President Smith entertained comments or questions from City Council. Vice President Urschel asked Mr. Forschner to explain what was permitted under the A-1 zoning. Mr. Forschner reviewed the table to the right, which included permitted uses (P), permitted uses with standards (PS), conditional uses (C), and prohibited uses (---), noting that conditional uses are required to go through a public hearing process to allow for public input.

Vice President Urschel asked if there was another zoning designation that would allow a barn without a main structure. Mr. Forschner said industrial zoning may allow for that, but that zoning designation would not be appropriate. Vice President Urschel confirmed that the barn structure would have to comply with local building and zoning regulations. Mr. Forschner concurred.

Councilman Scrivens said with regard to water retention and drainage, he mentioned an ephemeral stream, which was the natural flow of water during and immediately after rainfall. The water would find somewhere to go. Before he could support the rezoning request, he would also like to know where the water was currently going and if it would be ponding anywhere near the current residents. Mr. Merriman said that particular issue was not subject to any requirement in the Land Development Code or for consideration by the applicants. To the extent that there was an issue that needed to be addressed, City Engineering Department staff could work through it. Mr. Forschner said if there was a drainage issue, it should not impact the request for rezoning. He agreed with Mr. Merriman that if there was a drainage issue, they could look into it with or without the rezoning. He noted if it was simply an existing natural condition, he was not certain what, if anything, could be done about it.

Use Type	A-1
Agriculture (Raising of Crops)	P
Agriculture (Livestock)	PS
Community Gardens	PS
Farm Implement Sales and Service	C
Greenhouses and Nurseries	PS
ORC Section 5119.34(B)(1)(b) Residential Facility	PS
ORC Section 5123.19(A)(5) Residential Facility	PS
Dwelling, Single-Family	P
Narrow Lot Developments	---
Permanently Sited Manufactured Homes	PS
Kennels and Animal Boarding	C
Commercial Recreational Facilities (Indoors)	C
Commercial Recreational Facilities (Outdoors)	C
Community Clubhouses	---
Day Care Facilities (Child or Adult)	C
Funeral Homes and Mortuaries	C
Campgrounds	C
Transient Guest Lodging	PS
Soil and Mineral Extraction Activities	C
Cemeteries	C
Cultural Institutions	C
Educational Facilities (K-12)	C
Educational Facilities (Higher Education)	C
Religious Institutions	C
Improved Park and Recreational Facilities	C
Open Space and Conservation Areas	P
Public Use or Building	C
Radio and Television Studios	C
Wireless Telecommunication Facilities (New Towers)	C
Wireless Telecommunication Facilities (Antenna Only)	PS
Utility Structures	PS

The Roll on adoption of Ordinance 2022-11 was the following:

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

4. President Smith presented RESOLUTION 2022-R AWARDED THE BID AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH

BARRETT PAVING MATERIALS, INC., FOR THE 2022 STREET PAVING PROGRAM, introduced by Mayor Mays on 04/14/2022, and it was read for a second time.

Motion by Mayor Mays, seconded by Councilman Dean, to pass Resolution 2022-R as presented. President Smith entertained comments or questions. Mr. Merriman said he met with City Engineer Chris Berger earlier that day, and they are currently updating the Pavement Condition Index (PCI) ratings. The next step would be to sit down with Finance staff and work through the financial implications and the direction moving forward. The PCI ratings would include a list of streets that qualify for crack sealing or other advanced maintenance functions, such as microsurfacing/sealing. He planned to engage Council later this year in further conversations on the overall trajectory for street rehabilitation in an effort to adopt a strategy moving forward. The Roll on this was the following:

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

5. President Smith 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**, introduced by Councilman Brannum on 04/14/2022, and it was read for a second time.

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

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

6. President Smith 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**, introduced by Vice President Urschel on 04/14/2022, and it was read for a second time.

Motion by Vice President Urschel, seconded by Mayor Mays, to pass Resolution 2022-T as presented. President Smith entertained comments or questions. Councilman Scrivens said they needed to pay attention to the drainage on this property as well. The Roll on this was the following:

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

7. President Smith 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**, introduced by Councilwoman Dean on 04/14/2022, and it was read for a second time

Motion by President Smith, seconded by Councilman Brannum, to pass Resolution 2022-U as presented. President Smith entertained comments or questions. Councilman Brannum said he was

very pleased that this local business was already investing money into the subject property. The Roll on this was the following:

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

8. President Smith 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, introduced by Mayor Mays on 04/14/2022, and it was read for a second time.

Motion by Mayor Mays, seconded by Vice President Urschel, to pass Resolution 2022-V as presented. President Smith entertained comments or questions. Vice President Urschel asked Law Director Donnette Fisher for her comments with regard to a conversation with the Greene County Prosecutor on this item. Ms. Fisher said regarding this item and the next two emergency resolutions, she spoke with Greene County Prosecutor David Hayes about the businesses knowingly selling drug paraphernalia, which was not something she could currently pursue a criminal nuisance abatement on, which was the process used for the home at 271 E. Second Street. She recently had a good conversation with Senator Hackett and asked him to support a change in the law so if there was a conviction for knowingly selling drug paraphernalia, she could pursue criminal nuisance abatements on those businesses. She had Senator Hackett's support; she and Vice President Urschel met with Greene County Prosecutor David Hayes earlier that week, who also expressed his support of the change. Vice President Urschel commended Ms. Fisher for moving forward on this effort at all three locations; they need to let them know that what they are doing was not acceptable in this community. Councilman Scrivens agreed; however, he knew some people who had medical marijuana cards, and they need to purchase items for that purpose. Ms. Fisher said the drug paraphernalia being purchased did not have anything to do with medical marijuana; the purchases made were for meth pipes. The Roll on this was the following:

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

H. NEW BUSINESS:

1. RESOLUTION 2022-W OBJECTING TO THE RENEWAL BY THE OHIO DEPARTMENT OF COMMERCE, DIVISION OF LIQUOR CONTROL, OF PERMIT NO. 9804316, CLASSES C1 AND C2, HELD BY XENIA GAS & SNACK, INC., DBA XENIA MARATHON, 590 W. SECOND STREET, XENIA, OHIO 45385, AND DECLARING AN EMERGENCY. 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 had 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 Xenia Gas & Snack, Inc., dba Xenia Marathon, at 590 W. Second Street. Charges are currently pending in the Xenia Municipal Court against this liquor permit premises for possession of drug paraphernalia and knowingly selling drug paraphernalia. On April 8, 2022, these charges were filed by the Ohio Investigative Unit (OIU) after an undercover buy. This premises was also administratively cited by the OIU for the same

activity. Further, at the time of the criminal charges on April 8, 2022, the employee who made the sale of the drug paraphernalia to the agents was here on a student visa, which prohibited him from engaging in employment. As this employee cannot legally work, it was highly doubtful that this business was legitimately reporting its employees and income taxes due to the City. While a review of the Xenia Police Division records did not show excess calls to this premises, because of their knowing sale of drug paraphernalia, this permit premises contributed to crime in the surrounding area and created an environment that was harmful to surrounding businesses and the residential neighborhood immediately to the southwest of the premises. It was clear from the behavior of Xenia Marathon that they have no regard for the law, they are knowingly contributing to the City's drug problem, and they have created an environment that was harmful to surrounding businesses and residential areas.

President Smith entertained comments or questions.

President Smith entertained passage of Resolution 2022-W as presented.

Motion by Mayor Mays, seconded by Vice President Urschel, to pass Resolution 2022-W as presented. No discussion followed. The Roll on this was the following:

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

Nays: None motion carried.

2. RESOLUTION 2022-X OBJECTING TO THE RENEWAL BY THE OHIO DEPARTMENT OF COMMERCE, DIVISION OF LIQUOR CONTROL, OF PERMIT NO. 5424165, CLASSES C1, C2, AND D6, HELD BY MAHARAJA INC. FOOD MART, 1901 W. SECOND STREET, XENIA, OHIO 45385, AND DECLARING AN EMERGENCY. Ms. Fisher said staff respectfully requested that objections also be filed to the renewal of the permit held by Maharaja Inc. Food Mart at 1901 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 April 8, 2022, these charges were filed by the Ohio Investigative Unit (OIU) after an undercover buy. This premises was also administratively cited by the OIU for the same activity. The sale of the drug paraphernalia was made by the business owner himself. While a review of the Xenia Police Division records did not show excess calls to this premises, because of their knowing sale of drug paraphernalia and its location in the middle of a residential neighborhood, this permit premises contributed to crime in the surrounding area and created a dangerous environment for the surrounding homes. It was clear from the behavior of Maharaja Food Mart that they have no regard for the law, they are knowingly contributing to the City's drug problem, and they have created an environment that is harmful to surrounding residential uses. She noted that C1 and C2 permits are for carryout of wine, beer, and mixed beverages, and the business applied for D6 permit for Sunday sales, which was pending.

President Smith entertained comments or questions. Vice President Urschel said letters of objecting are being sent to the Ohio Division of Liquor Control, but he asked if they would be informing the business owners of Council's objections to renewal of their liquor licenses. Ms. Fisher said she had already talked with the Xenia Police Division, and she believed they would be visiting the businesses.

President Smith entertained passage of Resolution 2022-X as presented.

Motion by Mayor Mays, seconded by Vice President Urschel, to pass Resolution 2022-X as presented. Brief comment followed. Ms. Fisher recognized that Council had not been through this objection process before. She explained that the objections did not operate as a stay on their ability to sell. The businesses can continue to make liquor sales until the hearings are held, and she requested the hearings be held in Xenia. The Roll on this was the following:

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

Nays: None motion carried.

3. Administrative Motion Approving the Schedule of Bills in the amount of \$803,827.31.

Mr. Duke respectfully requested the payment of bills in the amount of \$803,827.31.

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

Motion by Councilman Scrivens, seconded by Mayor Mays, to approve the schedule of bills in the amount of \$803,827.31. No discussion followed. The Roll on this was the following:

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

Nays: None motion carried.

I. APPOINTED OFFICIALS REPORTS

President Smith asked Ms. Fisher for her comments. Ms. Fisher did not have anything further to share. President Smith thanked her for the Legislative Review and Government Affairs meeting, which was held at 4 p.m. prior to the Council meeting.

President Smith asked Mr. Duke for his comments. Mr. Duke did not have anything further to share. President Smith said a resident recently asked him about RITA and the fact that they owed some money. He asked if the resident would be forced to make advanced estimated tax payments. Mr. Duke said if taxpayers owed more than \$200 when they filed their taxes, there could be penalties and interest. He explained that a percentage was due each quarter, and 90% of a taxpayers' tax liability must be paid by the end of the year. Therefore, he advised them to go ahead and make estimated tax payments. Those with questions should contact RITA directly. City staff could also help them get the answers they are seeking. Vice President Urschel said sometimes people had the perception that tax payments made at the end of year were providing funds for the next year; however, the City operated off of the taxes collected during the year. Mr. Duke agreed. Income tax withholdings accounted for a significant portion of the City's income tax revenue, which are dollars used for operations.

President Smith asked Mr. Merriman for his comments. Mr. Merriman said the Spring Fling held last Saturday was a huge success thanks to the efforts of many including Becky Hawkes at the FLOUR Bake Shop (craft show), Mike Morris (cruise in), Xenia Church of Christ (mother's day flower giveaway), First Evangelical Lutheran Church (facepainting), Xenia Police Division's Sgt. Osburn and Officer Callen (Safety City), Xenia Dispatch Director Mindy Lane and Dispatch employee Jillian Hughes (petting zoo), MadCab (food trucks), Athletes in Action staff (oversight for all free inflatables), all the organizations and businesses who participated including Little

Miami Farms, OSU Extension Office, the Xenia Tree Committee, the Charter Review Commission, and of course City staff, especially Community Development Coordinator Ryan Baker and Public Relations Coordinator Christina Schaefer. It was a beautiful day with a fantastic turnout. He reported that the City's first Neighborhood Night Out (NNO) of the season would be held on Tuesday, May 10th, from 5 – 7 p.m. at Franklin Park. The City would provide boxed dinners in collaboration with One Bistro. He encouraged Council's attendance in an effort to connect with community members. Various other agencies and Xenia Public Safety Services would also be attending the NNO. He addressed the situation related to the City's municipal gas aggregation program. The City was notified that the firm they contracted with had filed for bankruptcy protection, and in doing so, had sought to cancel all existing contracts, which affected more than 30 municipalities in the State of Ohio alone. Staff recently met with the Public Service & Utilities Committee, and they will be starting the process to solicit for new bids with a service period that would start in November. In the meantime, he recommended that local consumers stay in a variable arrangement with the local provider until they have an opportunity to opt out if they have not signed a contract with another provider. He regretted this unfortunate situation, but it was out of their control. Vice President Urschel said when they started the aggregation programs, they were not required to do them but wished to provide that service. Residents could do variable or long-term contracts on their own. Mr. Merriman agreed, adding that the State of Ohio agreed to allow municipalities to ask local voters to authorize gas or electric aggregation programs. Xenia voters authorized both. The aggregation programs have been a benefit to local consumers, but consumers always had the option to opt-out and contract with individual suppliers on their own.

J. REPORTS OF BOARDS, COMMISSIONS, AND COMMITTEES:

1. Property Management Committee: Vice President Urschel said the Committee met on April 21st and went into Executive Session to discuss the purchase or sale of land. They also talked about other general property updates in regular session, noting that someone was interested in purchasing four vacant parcels owned by the City, and they talked about properties with delinquent taxes due. He met with the Greene County Auditor, the Greene County Treasurer, and the Greene County Prosecutor who all have a role, as well as the Greene County Court of Common Pleas, in terms of collecting those delinquent taxes. He noted that the City of Xenia did not have a role in that process. There are currently 587 delinquent properties in Greene County that are behind at least \$1,000 each in property taxes, and of those, only 30 are outside the City of Xenia or the City of Fairborn with 283 in Xenia. He said some of the properties are delinquent up to 20 years. When he and Ms. Fisher met with the County Prosecutor, the County Prosecutor said that he [Vice President Urschel] was only one of seven Council members and asked how the remaining Councilmembers felt about it, which he felt was irrelevant because it was their jobs. Regardless, he wished to present a motion in an effort to get Council's endorsement and support of this initiative. Ms. Fisher said the County Prosecutor contracted out the services for tax foreclosures, which included title searches. The person who had been providing that service was recently named magistrate at Domestic Relations, replacing Judge McNamee after his appointment as Xenia Municipal Court Judge. After their conversation with Prosecutor Hayes, they are debating whether it was best for them to contract that service out or bring it in-house, which would include hiring another assistant. In the conversations she had with the Fairborn Law Director, both Xenia and Fairborn would support Prosecutor Hayes in making that request to the County Commissioners. Vice President Urschel agreed. They are not looking to resolve only 5 to 10 properties per year—they are too far behind. They need to file hundreds; otherwise, they would never catch up.

Motion by Vice President Urschel, seconded by President Smith, that it was the intent of City Council to encourage the Greene County Auditor, Greene County Treasurer, and Greene County Prosecutor to fulfill their obligations in collecting delinquent property taxes as directed in the Ohio Revised Code Section 323. Specifically, the Council encourages the Greene County Treasurer, in addition to all other means provided by law for collection taxes and assessment charges upon real estate, to petition the Greene County Common Pleas Court to ORC 323.49 and 323.50. In addition, the Council encourages the Greene County Prosecutor to represent the Greene County Treasurer in all proceedings authorized by ORC 323.49 and 323.50, as required by ORC 323.51. Comments followed.

Vice President Urschel said ORC 323.49 and 323.50 included the word “shall,” and the motion was not asking them to do something that they were not already required to do within the current laws of the State of Ohio. Regarding the thought of “throwing people out of their homes due to delinquent taxes,” there was a provision in ORC 323.49 that homeowners would not be pursued in the homes they lived in. He believed that the majority of the delinquent properties were not homeowners—they were either abandoned, vacant lots, or rentals. ORC 323.50 gave the County Treasurer the ability to take rental income to pay back taxes.

Mr. Merriman said he supported the effort to bring accountability to this issue. This was not about putting people out of their homes. These are vacant, dilapidated properties that are blighting influences in this community. It really came down to fairness—other property owners were paying their property taxes to support the schools, et al, and 283 property owners in Xenia were not paying theirs. In many cases, the properties have been delinquent for up to 20 years, which was blatantly unacceptable. The current County officials wished to bring this matter up to date and make it right. They accept that responsibility, but they just need to align the resources and the process. Additional work and conversation would be needed with Council on this broad topic with regard to what would happen with the properties and their ultimate disposition and how to prevent getting to this point in the future. They may also need to have conversations with other taxing institutions, including the School District, so they understand the goal of making the properties economically viable for purchase and redevelopment. Vice President Urschel said the County Treasurer was willing to work with property owners on payment plans for up to five years. He reported that multiple notices had been sent, but very few people—if any—responded.

The Roll on this was the following:

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

Nays: None motion carried.

2. Public Service & Utilities Committee: Vice President Urschel said the Committee met on April 25th. He thanked Assistant City Manager Jared Holloway for the research and work he did on all the subjects they discussed as follows: the upcoming Refuse Collection RFP, the Gas Aggregation Plan, Stormwater Funding & Alternative Fee Structure, Equivalent Residential Unit (ERU), Stormwater Infrastructure/Maintenance on Private Property, and other public service related items, including the PCI study and the City’s deferral of about \$3 million in street improvements each year.

3. Board of Zoning Appeals: Councilman Brannum said BZA also met on April 25th on the following two cases:

- Case #BZA2022-02: Administrative Appeal regarding a Notice of Violation issued by the City of Xenia for keeping more than the allowable four animals considered to be "small livestock" on the property located at 44 Thornhill Avenue, filed by Crystal L. Wilkinson, which was denied.
- Case #BZA2022-03: Variance request to allow a shed to be built at 240 Roselawn Drive instead of the adjacent lot that contains the home that the shed serves; additionally, to allow said shed and a patio to be built approximately zero feet instead of the required three feet from the lot line that divides the two aforementioned lots, filed by Patrick and Rachel White, which was approved.

Councilman Brannum said ORC 925.62 speaks to rabbits and poultry, requiring that poultry be purchased in lots of six at a time. He would like the City's Planning and Zoning Commission to look into revising the Land Development Code so it aligned with the ORC.

K. COUNCIL COMMENTS:

Councilman Scrivens said proposed Charter amendments are on the May 3rd ballot in an effort to bring the Charter up to date and current, and he encouraged everyone to vote. He congratulated Ms. Alforetta Hughes, a member of the Zeta Phi Beta Sorority, who recently received an award. He acknowledged Dr. M. Cookie Newsome, the former president of the Wilberforce Community Property Owners and Voters Association who had passed the gavel to Mr. Wilbur Jamerson. In the Mayor's absence, he attended the Xenia Community Schools Hall of Honor banquet. He congratulated all of the honorees for representing Xenia so well. He extended condolences to the family Mr. LeRoy Harshaw. He extended congratulations to the City on the great Spring Fling event held on Saturday, April 23rd, noting the participation of the Xenia Charter Review Commission members, which included Mayor Mays and himself. He was looking forward to Xenia getting a Waffle House, a Popeye's Chicken, and a Dunkin' Donuts. He was also looking forward to working with the Xenia Youth City Council as they develop their civic responsibility.

Councilman Brannum thanked Ms. Loukssi for attending tonight's meeting, noting that he used to work at a local daycare that she used to attend. He thanked Mr. Sizemore for expressing his concerns about Lexington Park. It seems they cannot win with this park. When he worked for the City almost five years ago, there were problems with large gatherings at this park. They need to determine who was organizing these large parties. He supported some of the planned improvements at the park, but he did not support reopening the bathrooms.

Councilman Dean did not have anything further to share.

Mayor Mays thanked everyone involved in the recent Easter Egg Hunt, especially Public Service Supervisor Keith Koch, the Xenia Area Association of Churches and Ministries, the Board for Recreation, Arts, and Cultural Activities, and Xenia High School National Honor Society students, as well as Home Church for the helicopter egg drop. She also thanked Xenia Walmart for their generous donation of six bikes that were raffled off as grand prizes. On the morning of April 23rd, she was at Xenia Station to help the Friends of Xenia Station (FOXs) celebrate the opening of the bike trails. They handed out coffee, water, pretzels, and bananas to many visitors. She said the Spring Fling event had already been mentioned, but she thanked Charter Commission members Chelsey Garrett, Howard Horstman, Jeanne O'Callaghan, and Nancy McPeak for attending the event with Councilman Scrivens and herself. She also thanked City Clerk Michelle Johnson for

preparing several printed items for them to share with those who wished to learn more about the proposed Charter amendments. She thanked Councilman Scrivens for always being willing to stand in for her in her absence at community events. She invited everyone to the National Day of Prayer at Emmanuel Baptist Church, 1120 S. Detroit Street, on May 5th at 6:30 p.m. Finally, she thanked Ms. Loukssi for her attendance this evening. President Smith said someone on Council would reach out to her about the Xenia Youth City Council initiative.

Vice President Urschel did not have anything further to share.

President Smith said those seeking information on the upcoming Charter amendments on the May 3rd ballot could visit the City's website for information. He noted there was also an insert in their utility bills and information inserted into the Xenia Daily Gazette. He congratulated Greene County Clerk of Courts AJ Williams, noting he and his wife, Molly, just welcomed a baby boy into their family. He invited the public to attend the first Neighborhood Night Out of the year at Franklin Park on May 10th. He thanked staff for all the work they do to put those events together. He said the next two items on the agenda, an Executive Session and a Work Session, would be reversed. He recessed the meeting from 7:30 to 7:40 p.m. before starting the Work Session.

L. WORK SESSION: Mr. Merriman said he requested this work session in an effort to update Council on numerous topics as follows:

- Xenia Towne Square Project Update: They continue to have weekly meetings with Larry Dillin and his team. They are working on a development agreement and would likely have a working document within the next 10 days with presentation of an action to Council in June.
- Ramada Inn: The hotel was on the water shut-off list. He provided other updates with regard to ongoing actions.
- Building Inspection Service Alternatives: He reported that he reviewed the current County contract for exit procedures and would need to determine internal oversight structure and administrative support functions. He had started a conversation with Law Director Donnette Fisher on necessary legislative additions/updates/removals in addition to beginning to draft an RFP/RFQ for contractual services. There was discussion on the ongoing issues in spite of the County's ongoing improvement efforts.
- Advanced Hiring Program: On-boarding was initiated for two employees in the Fire Division and one in the Police Division in anticipation of openings later this year/January 2023. However, he reported there was one additional current vacancy in the Police Division (due to an unplanned rookie resignation), and it was possible that 1-2 additional fire personnel will leave for other opportunities.
- Xenia Police Division Restructuring and Chief Transition: Chief Person's last day would be June 10th with a private event scheduled for June 13th. Captain Chris Stutes would be sworn in as Chief on June 10th at 3 p.m. at the Greene County Courthouse. A resolution of appreciation was being prepared in honor of Chief Person for presentation at an upcoming Council meeting prior to his retirement. He, Captain Stutes, and Human Resources Director Jackie Potter have had in-depth conversations about expectations, operations, and efficiencies of the Xenia Police Division to include dealing with drugs in this community. The restructuring would not eliminate positions; however, some employees would be impacted. He said the Xenia Police Division provided excellent services with very limited resources, but they were operating under a very outdated structure.

- Kettering Health Network Lease for Station 32 Replacement: He felt they were close to finalizing a lease agreement for Council consideration in June or July, but it needed to be predicated on working with the existing resources. The building they wanted to build two years ago would now cost about 40% more.
- Redistributed Fund Use and ARPA Reporting: He explained the very intrusive process he and Finance Director Ryan Duke had to go through to register the City of Xenia, which included providing personal information, such as social security numbers, personal cell phone numbers, driver's license numbers, etc. He solicited feedback from senior staff on potential uses of the redistributed funds.
- Future of Municipal Court Services: He and Vice President Urschel met with representatives from the City of Fairborn regarding municipal court services. He also had conversations with Judge McNamee and the Fairborn Municipal Court Judge. There are also opportunities for crossover conversations with Fairborn City Council. He also reached out to Judge McNamee to set up a time with the Appointed Officials to sit down and talk with him on Council's policies and adjudicative process for perhaps a drug court, etc. Vice President Urschel said part of the discussion involved a consolidated Countywide municipal court to keep them [Xenia and Fairborn] from underwriting those County court services.
- Central State Fire/EMS Contract: The current contract was due to expire in June. There was a brief conversation on the return on investment for this contract. Mr. Duke said the contract was lucrative for the City based on the number of runs vs. the revenue received. Mr. Merriman agreed, but there was also a cost for readiness to serve.
- Future of Economic Development Advisory Board (EDAB): He and Vice President Urschel were meeting to discuss the future and structure of the Board to include changes that could be made if the proposed Charter amendments on May 3rd are approved. Vice President Urschel said they may even recommend abolishing EDAB in its current structure and removing it from the City Code. He felt that a larger group could be established to work in conjunction with developing the City's strategic one-, three-, and five-year plans, possibly only meeting once per year in a retreat-type setting. Mr. Merriman noted the changes with EDAB would be rolled into other City Code changes with regard to other committees, including Loan Trust Fund Committee and Loan Review Committee.
- Lexington Park: A lengthy conversation was held with regard to a recent event at the park where 1,000 to 1,500 people gathered and were very disruptive and left trash everywhere. They discussed immediate efforts that could be done, as well as longer term efforts, to deter that activity. Mr. Merriman said they cannot tell visitors of the park that they do not have the right to lawfully assemble there. Unfortunately when they do gather in those quantities, the situation had to rise to a certain threshold before enforcement could begin. Given the history of the park, they needed to be very careful and strategic on how to handle issues at this park because he did not want to rush to a solution that would create a bigger problem. He hoped the Lexington Park group could reengage and reactive the neighborhood so they could take some ownership of the park. He would reach out to Police Division leadership to discuss this further and would report back to Council. Vice President Urschel said they needed to make it painful for people to be stupid in City parks.

M. EXECUTIVE SESSION: Motion by President Smith, seconded by Councilman Scrivens, to go into Executive Session to discuss Personnel Matters to consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of a public employee per XCO

§204.04(a) and ORC §121.22(G) and to discuss Purchase or Sale of Property per XCO §204.04(a) and ORC §121.22(G). No discussion followed. The Roll on this was the following:

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

The Council convened in Executive Session at 8:57 p.m. The Council reconvened the Regular Meeting at 9:56 p.m. President Smith entertained a motion to adjourn.

N. ADJOURNMENT: Motion by Mayor Mays, seconded by Vice President Urschel, to adjourn the Regular Meeting at 9:57 p.m. No discussion followed. The Roll on this was the following:

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

Michelle D. Johnson
City Clerk

Wesley E. Smith, President
Xenia City Council