

**XENIA CITY COUNCIL
REGULAR SESSION MEETING MINUTES
MAY 23, 2019
7:00 P.M.**

1. CALL TO ORDER: President Engle called the May 23, 2019, Regular Session to order at 7:00 p.m. in the City Council Chambers, City Administration Building.

2. INVOCATION: Senior Minister Dr. Andy Spencer, First Church of Christ, provided the Invocation.

3. PLEDGE OF ALLEGIANCE: Councilman Levi Dean led those present in the Pledge of Allegiance.

4. ROLL CALL: Vice President Edgar Wallace, Councilman Will Urschel, Councilman Dale Louderback, Councilman Wesley Smith, Councilman Levi Dean, Mayor Sarah Mays, and President Michael Engle were present.

President Engle acknowledged and welcomed participants of the Citizens Academy in the audience. (Applause followed.)

5. APPROVAL OF MINUTES: Motion by Councilman Louderback, seconded by Mayor Mays, to approve the May 9, 2019, Special Session meeting minutes as written. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Urschel, Louderback, Dean, Mays, Engle
Abstain: Smith
Nays: None motion carried.

Motion by Vice President Wallace, seconded by Councilman Louderback, to approve the May 9, 2019, Regular Session meeting minutes as written. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Urschel, Louderback, Dean, Mays, Engle
Abstain: Smith
Nays: None motion carried.

6. SPECIAL PRESENTATION(S): None.

7. AUDIENCE COMMENTS: President Engle explained the procedures for audience comments and invited anyone who wished to speak to come forward.

Brian Johnson, 819 Wyoming Street, Dayton, said an item on the agenda this evening was in regard to the “Xenia Lives” music festival. He said his organization has been holding fundraising community events in the Miami Valley area for over six years. Regarding the request to sell alcohol, 100% of the proceeds will go to Downtown Xenia Now to further their mission. He noted he was very conscious of issues regarding alcohol consumption.

John Caupp, 936 Orville Way, said he sent an email to staff and Council earlier in the week, and he thanked Councilmen Smith and Louderback for their responses. On tonight’s agenda, Council

will be voting on a Resolution for a compensation adjustment for City Council. While he believes some City positions are overly compensated, Councilmembers are extremely underpaid. When he first ran for a Council seat, the salary was only \$150 per year, and then it was increased to \$3,000. Council can give themselves raises during odd numbered years, but that is limited to no more than 3%. There are several instances when Council opted not to give themselves a raise due to the perception of doing so, which defeats the purpose of increasing the salary for Councilmembers as an incentive to run for Council. Good, qualified people need an incentive to take the time to serve. He felt the Council's salary should be around \$10,000 per year with automatic increases. Councilmembers in surrounding communities are making anywhere from \$9,000-\$11,000 per year. He supports Council's approval of the resolution to increase their compensation.

Judy Evans, 270 Mt. Vernon Drive, Apt. 301, said her building is located at the end of Mt. Vernon Drive, which is located across from the Greene County Job and Family Services Office. She has been asked by some of the 66 residents at her building to attend the Council meeting and bring some issues to their attention. They felt they have a problem with police protection because the people who live behind them in the Meadows Apartments have a tendency to shoot guns late at night, with some bullets landing in their parking lot. She noted she was a Philadelphia police officer for 11 years; she was shot and her partner died. As a result, she has PTSD. She has asked the manager of the Meadows to reign the residents in from 10 p.m. to 5 a.m. She would like Xenia Police Officers to drive around the building at least once per night. Also, the road is terrible. She has lived there for many years, and the potholes are ridiculous. From 14 years of experience, Mt. Vernon Drive has never been touched. She realizes other streets in the City are in the same condition, but their cars get torn up and they cannot afford to get them fixed every few weeks. They also want the Meadows to cut their trees off the fence line, which collect a lot of trash and wild animals including feral cats, skunks, opossums, and raccoons. She invited every Council member to their building, and noted they make blankets for babies and like to serve this community. She also asked if a crosswalk could be installed at the end of Mt. Vernon Drive so they can safely cross the street to the Greene County complex because there is no place for them to safely cross in their scooter chairs. They would appreciate any help. President Engle thanked her for her letter, which he provided to the City Manager. Vice President Wallace asked if all of Council could be provided with a copy of her letter; he would like her issues to be addressed as soon as possible.

Thomas Scrivens, 725 Lexington Avenue, congratulated those who participated in the Police Division's Citizens Academy. He was proud of those who want to learn more about the Police Division. He also congratulated those who participated in the City Manager's Citizens Academy and City staff on the successful Neighborhood Night Out this week. The event was very well attended, and he hopes the remaining events are even more successful. He thanked Public Service Director/City Engineer Chris Berger and Public Service Supervisor Keith Koch for sprucing up the yellow lines in the downtown area. However, he felt that the corner of Fairground and Ankeney Mill needs to be spruced up. The groundbreaking for the roundabout project at N. Columbus and E. Church will be soon, and he has spoken to the City Manager and Councilmembers about naming certain roads after specific luminaries. He, the East End Community Organization, and the East High Preservation Group suggested the roundabout be named after former Mayor James T. Henry. He served with distinction and was elected among his peers as the first African-American Mayor. His legacy includes the initiative to get inside plumbing for East End homes. As Memorial Day approaches, he thanked all veterans who have given their full measure. He also thanked those veterans who have been maimed and suffer from PTSD. He cares about what they have done for

10. NEW BUSINESS:

A. ORDINANCE 2019-12 AMENDING SECTION 220.11 OF THE CODIFIED ORDINANCES OF THE CITY OF XENIA, OHIO, TO ADJUST THE SALARY OF THE MAYOR AND COUNCIL MEMBERS, AND DECLARING AN EMERGENCY. President Engle said Section 4.04 of the City's Charter, titled "Salary of Members of Council and Adjustments," states that any ordinance changing the salary of the members of Council must be adopted by June 1 of any odd-numbered year. Further, the annual salary adjustment shall not exceed three (3) percent. As adjustments to the salaries of the members of Council or the Mayor must be for future terms, the proposed adjustments will take effect for terms beginning on or after January 1, 2020, and terms beginning on or after January 1, 2022. With 2019 being an odd-numbered year, he respectfully asked his colleagues to consider the legislation to increase the salary of future members of Council and the Mayor for terms beginning January 1, 2020, and beginning January 1, 2022, respectively.

Motion by President Engle, seconded by Vice President Wallace, to adopt Ordinance 2019-12 as presented. Discussion followed.

Vice President Wallace asked if they can request the Charter Review Commission to remove the 3% increase limitation; otherwise, their salaries will never catch up to their counterparts in neighboring communities. Ms. Fisher said it is already on the list of items to address with the Charter Review Committee.

Councilman Louderback said the salary of Beavercreek City Councilmembers went from \$6,000 to \$10,800; Kettering went to \$9,300; Fairborn to \$7,900; and Huber Heights to \$8,100. He would like the citizens to vote for a Charter change because 3% a year is just a drop in the bucket [when their salaries are so low]. They put a lot of time into serving as a Councilmember that includes going to meetings at the City, attending other meetings, answering phone calls and emails, etc. Ms. Fisher agreed; she noted their salaries are lower than those serving in neighboring villages.

Councilman Dean said he was not necessarily opposed to the increase, but he felt it was a bit odd that they can vote on their own pay raise. He also felt it would be hypocritical to vote yes on this when he recently voted no for administration's pay increase. Mr. Duke clarified this vote did not increase the pay for those currently serving; rather, the pay adjustments are for those serving future terms.

Councilman Urschel agreed with Councilman Louderback in that compensation should not be a barrier to serve. Likewise, if they are given the funds, they don't have to keep them. He donates both his time and his Council salary to charity because there are a lot of folks in need in this community.

Councilman Smith asked for the current salary to be disclosed. Ms. Fisher said they currently make \$4,273 per year. With the increases per the Resolution, their salaries will go to \$4,402 in year 1, \$4,534 in year 2, \$4,670 in year 3, and \$4,810 in year 4 per terms beginning on January 1, 2020, and January 1, 2022, respectively. Mr. Merriman said Councilmembers are constantly giving their time and are constantly being asked to attend events. They even buy their own tickets on many occasions; there are a few exceptions when the City buys their tickets. They incur a lot of expenses with their roles.

President Engle said whether the salary is \$4,000 or \$10,000, people should not seek a seat to serve on City Council because of the compensation. Those interested in serving should seek a seat to serve this community. He thanked Ms. Fisher for her due diligence in thoroughly researching this issue to ensure they are providing for Council pay increases in the proper fashion.

Vice President Wallace clarified they are not voting for their own raise—they are voting on behalf of future Councilmembers. He did not care who was sitting in his seat—it was worth more than they are currently making. It was presented as an emergency because it must be done by June 1 per the City Charter.

The Roll on this was the following:

Ayes: Wallace, Urschel, Louderback, Smith, Mays, Engle
Nays: Dean motion carried.

B. RESOLUTION 2019-L AUTHORIZING THE CITY MANAGER TO EXECUTE AND FILE AN APPLICATION WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES FOR THE NATUREWORKS GRANT PROGRAM FOR THE PURPOSE OF FUNDING IMPROVEMENTS TO SHAWNEE PARK, AND DECLARING AN EMERGENCY. City Manager Brent Merriman said staff is recommending an emergency resolution authorizing application to the Ohio Department of Natural Resources for the NatureWorks Grant program. Funding worth approximately \$47,000 is available to jurisdictions within Greene County for development of outdoor recreation areas. If successful with the application, this funding would be combined with various other City funding sources, including the remaining park improvement bond proceeds, fee-in-lieu reserves for Shawnee Park, and unrestricted CDBG-related program income to cover expenses for replacement of the Shawnee Park playground equipment. In an attempt to avoid using general capital funding, staff has cobbled together an alternative funding approach to allow them to get at least phase one of the playground replacement completed at Shawnee Park. The existing equipment is believed to be more than 20 years old, and its condition is diminishing rapidly. Replacement parts are no longer available from the manufacturer. Portions of the equipment have been cordoned off to keep users safe, and the City's insurance provider has advised that equipment replacement should be a priority. The reason for the emergency is to meet the state's application deadline. He shared the following graphic showing the location of the proposed improvements noting the City Planner utilized an extensive outreach project to include residents and the schools to receive input on what they would like to see at this park. This project has been a Council priority for obvious reasons, and although there is no guarantee they will be awarded the grant, this action allows staff to apply for it.



President Engle entertained a motion to pass Resolution 2019-L as an emergency.

Motion by Mayor Mays, seconded by Councilman Louderback, to adopt Resolution 2019-L as presented. Brief discussion followed. Councilman Louderback appreciated that staff goes after

grant money. Also, Shawnee Park is a focal point of the City of Xenia. In 2010, the City did over \$1 million in improvements to the lagoon retaining wall and the pavilion. Mr. Merriman agreed. Mayor Mays said as a mother of young children, she thanked City Planner Brian Forschner for allowing her to be involved, look at plans, etc. President Engle said BRACA also looked at this project and endorsed it. He will be voting yes because this project is in all of their best interest. The Roll on this was the following:

Ayes: Wallace, Urschel, Louderback, Smith, Dean, Mays, Engle
Nays: None motion carried.

C. RESOLUTION 2019-M STRONGLY URGING THE OHIO GOVERNOR AND MEMBERS OF THE GENERAL ASSEMBLY TO REMOVE LANGUAGE FROM HOUSE BILL 166 THAT COULD REQUIRE OHIO'S MUNICIPALITIES TO COVER THE STATE'S NEGATIVE DISTRIBUTIONS OF TAX REVENUES, AND DECLARING AN EMERGENCY. Vice President Wallace entertained adoption of an emergency resolution to oppose language in the State budget bill that would negatively affect the City's and all Ohio's cities' finances. The State should have thought about this and ensured they had the proper resources before they decided to take over the collection of municipal taxes. Xenia shouldn't have to pay for them to do it when City staff was doing a fine job in the first place. They need to fight back when the State tries to take over more and more of local municipal functions.

President Engle entertained a motion to pass Resolution 2019-M as an emergency.

Motion by Vice President Wallace, seconded by Councilman Louderback, to adopt Resolution 2019-M as presented. Brief discussion followed. President Engle encouraged citizens to write state representatives, senator, and governor because this is their money. It was important that they take this stand because this was not a proper exercise of power by the State of Ohio. The Roll on this was the following:

Ayes: Wallace, Urschel, Louderback, Smith, Dean, Mays, Engle
Nays: None motion carried.

D. Introduction of Ordinance 2019-13 Vacating a Section of June Drive, in the Progress Center Section One Plat, between S. Progress Drive and the Layne Number Four Part C Plat, within the Corporate Limits of the City of Xenia, Ohio. Mr. Merriman said the owner of 65 S. Progress Drive, which contains an approximately 3,700 sq. ft. commercial building, has purchased a vacant lot north of 65 S. Progress Drive with the desire to expand the existing parking lot at 65 S. Progress Drive onto the vacant lot in order to make its existing building more marketable to a broader range of tenants. A section of the June Drive right-of-way separates the vacant lot from 65 S. Progress Drive. The right-of-way section in question does not contain a street but does contain a bike path and utilities. The property owner filed a petition requesting Council vacate the above-mentioned section of June Drive in order to construct a driveway to connect Lot 12A to the parking lot at 65 S. Progress Drive. To this end, the Petitioner has submitted a survey plat, petition, and waiver of notification requirements in compliance with the Ohio Revised Code. Both Engineering and Planning and Zoning staff have reviewed the petition and determined that the vacation will not be detrimental to the community. The City does not intend to extend June Drive to connect with S. Progress Drive, as this would result in an unsafe intersection that is too close to the congested Progress/W. Main intersection. The City intends to maintain existing utilities and the bike path that is located within this right-of-way, which can be done with an

easement. Staff recommends introduction and ultimately approval of this vacation, provided that the City retains an easement that encompasses the existing utilities and bike path.

President Engle entertained introduction of Ordinance 2019-13 as presented.

Vice President Wallace presented ORDINANCE 2019-13 VACATING A SECTION OF JUNE DRIVE, IN THE PROGRESS CENTER SECTION ONE PLAT, BETWEEN S. PROGRESS DRIVE AND THE LAYNE NUMBER FOUR PART C PLAT, WITHIN THE CORPORATE LIMITS OF THE CITY OF XENIA, OHIO, and it was read for the first time.

E. Introduction of Resolution 2019-N Appointing Members to the City of Xenia Charter Review Commission. Law Director Donnette Fisher said the current Charter was last reviewed in 1998, and many things need to be addressed to improve their efficiency and transparency. At the November 2019 election, the citizens of Xenia approved an amendment to the City's Charter creating a Charter Review Commission, and Resolution 2019-N will appoint said Charter Review Commission. Per Charter Section 8.05, the Commission must consist of an odd-number of members from a minimum of five to a maximum of eleven. Staff advertised for interested citizens who would like to be a part of this Commission and received letters of interest from Ms. Chelsey Garrett, Mr. Howard Horstman, Ms. Jeanne O'Callaghan, Mr. Jim Percival and Mr. Thomas Scrivens. She recommended appointing three of the applicants along with two alternates as noted in the Resolution. She also suggested the appointment of two members of Council to this Commission, as permitted by the Charter. She, as Law Director, shall serve as the legal advisor for the Commission, and the City Manager and Finance Director may also serve in an advisory capacity. Council must also designate a deadline by which the Commission is to file its report on any recommendations it makes regarding any amendments, additions, revisions or alterations to the City's Charter. The deadline by which the Commission is to file its report is July 1, 2020, which should give the Commission ample time to review the Charter with the goal of having any amendments it recommends ready for the November 2020 ballot.

President Engle entertained introduction of Resolution 2019-N as presented.

Councilman Louderback asked for clarification about the five citizen appointments plus two Councilmembers. Ms. Fisher said there would be three citizen appointments and two Council appointments, which totals five members, in addition to two alternate citizen appoints. The two alternates are Mr. Scrivens and Mr. Percival. She noted Mr. Scrivens, was previously was appointed to City Council, plans to run for a Council seat in the November 2019 election, and Mr. Percival is the former City Manager. If Mr. Scrivens wins a seat on Council, he would have to resign from the Commission. If they appointed all five citizens and two Council members and Mr. Scrivens is elected and subsequently resigns, it would create an even-numbered board. Mr. Merriman said they also did not want it to appear as if they are "stacking" the Commission with "city leadership."

Councilman Louderback presented RESOLUTION 2019-N APPOINTING MEMBERS TO THE CITY OF XENIA CHARTER REVIEW COMMISSION, and it was read for the first time.

F. Administrative Motion Authorizing the City Manager to Execute a Contract with Moody's of Dayton for the Cleaning and Redevelopment of Wells #2 and #4. Mr. Merriman said as part of the City's preventative maintenance program for the Water Treatment production wells, the City annually inspects, cleans and reconditions wells on a rotating basis as necessary.

This year wells #2 and #4 are due for treatment. As described in the agenda report, staff conducted a competitive bid for the service, the specs for which included both base inspections, cleaning and redevelopment as well as pump and motor replacement functions as necessary and authorized. Moody's of Dayton was the low bidder and staff's prior experience with the firm gives them confidence in their ability to be the best. He respectfully recommended a motion to award and execute a contract with Moody's of Dayton for the well cleaning and replacement services at a combined not-to-exceed amount of \$68,550.

President Engle entertained a motion.

Motion by Councilman Louderback, seconded by Councilman Smith, to authorize the City Manager to execute a contract with Moody's of Dayton for the Cleaning and Redevelopment of Wells #2 and #4 and the replacements of motors/pumps/parts for these wells in a not-to-exceed amount of \$68,550. Brief discussion followed. Mr. Merriman noted the Citizens Academy participants will tour the Water Treatment Plant next week. The Roll on this was the following:

Ayes: Wallace, Urschel, Louderback, Smith, Dean, Mays, Engle

Nays: None motion carried.

G. Administrative Motion Authorizing the City Manager to Execute a Contract with Fryman-Kuck General Contractors, Inc., for the Garcia and OVCH Lift Stations and Force Main Project. Mr. Merriman respectfully recommended authorization to execute a contract with Fryman-Kuck General Contractors, Inc., for completion of two similar sanitary sewer infrastructure projects. The first component project includes installation of mechanical and electrical appurtenances necessary to activate the OVCH Lift Station for sewer service to the area of the Greene Regional Business Park, south of the former OVCH across US 35. While a lift station has been anticipated at this site for some time, the prevailing strategy was to wait to expend funds for a project until known users at the site created demand. They have now reached that point with the new ODOT facility in the business park set to come on-line this summer, in addition to the Greene County Career Center currently under construction on the property adjacent to the business park. To get the best possible value for the City, staff has aligned the bid for the OVCH lift station to also include a second project component for reconstruction of the Garcia Road Lift station. This project has been in the CIP for a number of years and has been pushed back numerous times. Bidding both projects together provides an economy of scale value and saves the city money. The Garcia Road Lift Station is currently in service but is a frequent maintenance challenge for City Maintenance staff. On a regular basis with heavy rain events, it is necessary to utilize the Vac-Truck, often with staff on overtime, to pump the station out before it is inundated and results in catastrophic failure of the station and/or an SSO¹ event. This project will replace and up-size the pumping capacity of the Garcia Road Lift Station. Staff developed specs and bid the combined project resulting in two qualified bid submittals. The lowest bid, evaluated and confirmed by the City and the design engineer consultant, totaled \$586,007.35 by Fryman-Kuck General Contractors, Inc. The bid meets all requirements, and as such, he respectfully recommended authorization of a contract with the firm at a not-to-exceed cost as submitted.

President Engle entertained a motion.

¹ Sanitary Sewer Overflow

Motion by Vice President Wallace, seconded by Mayor Mays, to authorize the City Manager to execute a contract with Fryman-Kuck General Contractors, Inc., for the Garcia and OVCH Lift Stations and Force Main Project in a not-to-exceed amount of \$586,007.35. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Urschel, Louderback, Smith, Dean, Mays, Engle

Nays: None motion carried.

H. Administrative Motion Authorizing the Sale of Craft Beer at the 2019 ‘Xenia Lives’ Music Festival to be hosted in Downtown Xenia. Mr. Merriman said staff was approached by the principles from Ten High Productions who were interested in pursuing production of a music festival for downtown Xenia. Through initial planning dialogue, staff was impressed with the group’s approach, excitement about Xenia, and optimism that an annual music festival could be successful to promote downtown businesses and the downtown culture in general. Staff recommended the group submit a formal special events application, which they did along with an event proposal and various other documents demonstrating a thoroughness in planning and preparation. The Xenia Lives Festival would provide a unique musical event not currently offered in Xenia. The festival would be an easily accessible cultural event for Xenians, but equally important, it would be a platform to attract regional attendees to visit Xenia and expose them to the downtown businesses. These types of events offer an invaluable marketing opportunity for this community. The festival itself can be administratively approved through his office; however, pursuant to Codified Ordinance Section 1062.21, any alcohol sales on City property or right-of-way requires approval by City Council motion. Alcohol sales at the event would be in conjunction with Devil Wind Brewery, which is located downtown, and profits from the sales would benefit the Downtown Xenia Now organization—the City’s partner in downtown revitalization efforts. After thorough review of the event proposal and discussion with Police, Fire, and Public Service staff, he respectfully recommends Council approve a motion to allow the alcohol sales subject to permitting through the Ohio Liquor control and signs-off by local authorities.

President Engle entertained a motion.

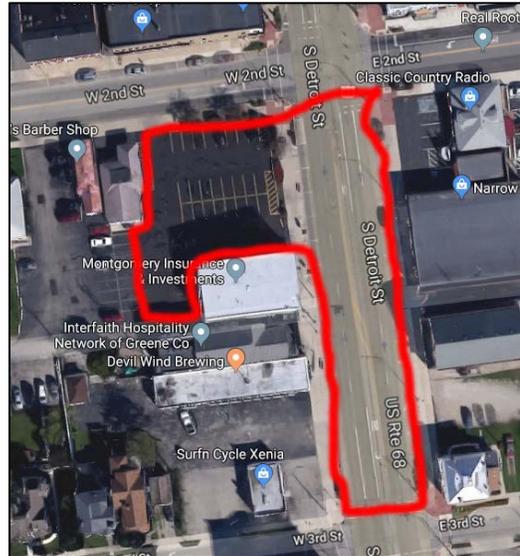
Motion by Councilman Louderback, seconded by Mayor Mays, to authorize Downtown Xenia Now and the Xenia Lives Festival Committee to sell craft beer at the 2019 ‘Xenia Lives’ Music Festival within the concert area in downtown Xenia upon the conditions that they obtain the required alcohol sales permit from the State of Ohio’s Division of Liquor Control and that such sales are done pursuant to all requirements deemed necessary by the City Manager and the Police Division. Discussion followed.

Councilman Smith asked who would be responsible for the funding needed for sound, stage, talent, etc. Mr. Merriman said that is all coordinated through the production team and Downtown Xenia Now via Greene Giving. If approved, they will be seeking sponsorships, use the revenue generated from food truck permits, etc., to provide the necessary funding for those core costs. Councilman Smith asked if this event would be operated similar to the Community Festival at Shawnee Park with specific regulations, cut-off times, etc. Mr. Merriman said yes. To obtain the proper liquor permit, it must be signed off by the Police Chief, and to obtain the special events permit, it must be signed off by his office. He and other staff have already had preliminary discussions with regard to police and fire, fencing off the area for the necessary security, etc., which is required by the Division of Liquor Control above and beyond what is required locally.

Councilman Urschel said he did some research with the Centers for Disease Control and reported that binge drinking is the most common costly and deadly pattern of excessive alcohol use in the United States, which typically occurs when men consume five or more drinks and women consume four or more drinks in a two-hour period. Most who binge drink are not alcoholics, but the health effects include unintentional injuries such as car crashes, falls, burns, alcohol poisoning, violence (including homicide, suicide, partner violence, and sexual assault), sexually transmitted diseases, and poor pregnancy outcomes (including fetal alcohol spectrum disorders, SIDS, and miscarriage/still births). He said the Greene County Public Health conducts surveys in Greene County with regard to alcohol consumption, and binge drinking within Greene County is at about 22% and is the largest percentage of any county in Ohio. Some folks do not drink responsibly, and they are already seeing the repercussions. Binge drinking in Greene County has increased by 40% over the last 15 years. This trend is going the wrong way, and they need to take some measures to address this problem. He appreciated Devil Wind and their craft beer and lagers, but they have 40% more alcohol per volume than canned beer. Binge drinking affects all people regardless of income spectrums. He grew up in a family of binge drinkers, and he witnessed the effects. The CDC has requested that municipalities do not pursue or encourage open air container events. He realized these types of events are being advertised as a fundraiser and benefit to the communities, but the cost to communities is five times the profits, which is primarily due to the cost of addressing the health effects, which is the burden of City and County agencies. Although there was no direct budgetary impact, there would be an impact. They can do a lot of amazing community events without alcohol, such as Neighborhood Night Out. If they were living in a County with responsible drinkers, it would be different, but they do not have responsible drinkers in this County. He cannot endorse this request, and he encouraged his fellow Councilmembers to also vote against it.

Councilman Louderback said having beer at the Community Festival was brought to Council, and after some debate with staff and among Councilmembers, Council endorsed it as a test case. He believed there has not been one incident. Mr. Merriman agreed there has not been one incident following the Community Festival for the past three years. Further, beer was also available at the Greene County Fair, which also did not have any incidents. Councilman Louderback said he was certain there was a way to prevent over indulgence. Mr. Merriman said provisions are in place, and the license holder is ultimately responsible for those sales. He believed Devil Wind would not create a liability for themselves, and the City will put the necessary securities in place to minimize any adverse impact. Councilman Louderback said just because someone has a beer doesn't mean he or she is a bad person. He will support the request. Councilman Urschel said sometimes the effects happen months later and last a lifetime, such as fetal alcohol spectrum disorder. Further, violence happens at home after the event. There is a real problem in this County.

Councilman Smith asked if the area in red would be blocked off. Mr. Merriman said yes, which will be cordoned off. Councilman Smith asked if Montgomery Insurance was on board. Mr. Merriman said yes. Councilman Smith asked how traffic would be impacted. Mr. Merriman said staff has had preliminary discussions with ODOT regarding detours around the event, which would have less of an impact as First Friday events.



Vice President Wallace asked how many votes are needed for this to pass. Ms. Fisher said administrative motions require four aye votes to pass. Vice President Wallace said he respects Councilman Urschel's comments about binge drinking, and in an event like this, he would expect that police presence would observe any issues. As a person who has been in recovery for over 32 years, he was well aware that binge drinking could be a problem, and as a clergyman, he feels compelled to abstain from the vote.

The Roll on this was the following:

Ayes: Louderback, Smith, Dean, Mays, Engle
Abstain: Wallace
Nays: Urschel motion carried.

I. Administrative Motion Approving the Schedule of Bills in the amount of \$854,501.23. Finance Director Ryan Duke requested the payment of bills in the amount of \$854,501.23. He noted Council recently authorized the City Manager to enter into a contract for general liability insurance. The total of this Schedule of Bills is larger than typical because one of the payments is the lump sum payment for said insurance for a one-year period.

President Engle entertained a motion.

Motion by Councilman Louderback, seconded by Vice President Wallace, to approve the schedule of bills in the amount of \$854,501.23. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Urschel, Louderback, Smith, Dean, Mays, Engle
Nays: None motion carried.

11. REPORTS OF COMMITTEES:

A. Planning and Zoning Commission: Councilman Smith said XPZC met on May 2, 2019, and held a public hearing on the rezoning of the Cincinnati Avenue properties, which was the subject of tonight's public hearing for Ordinance 2019-11. As he previously indicated, the Commission endorsed the rezoning request with a vote of 4-0. The next regularly scheduled meeting is June 6, 2019.

B. Mayors and Managers: Mr. Merriman said this was the last meeting before the summer hiatus for the months of June, July, and August. They received a legislative update, with particular focus on the State's budget, and a presentation from Scott McGohan from McGohan Brabender, which was a very inspirational message.

C. Miami Valley Regional Planning Commission: Councilman Louderback said he was unable to attend the meeting due to a work conflict.

12. APPOINTED OFFICIALS REPORTS AND COUNCIL COMMENTS:

A. City Manager, Finance Director, and Law Director:

Mr. Merriman provided the following updates:

- Neighborhood Night Out on May 21st: He thanked the Councilmembers who attended as well as staff for attending, most of whom extended their regular work day by several hours. He also thanked Kroger and many other sponsors and partners, and Xenia Community Schools for hosting the event at Shawnee Elementary School. He met a family from Wyoming who just relocated here, and he was pleased to welcome them to the community. The next two events are August 27 at Arrowood Elementary and September 10 at Lexington Park from 5 to 7 p.m.
- He thanked the Citizens Academy attendees who were present in the audience. There are three remaining sessions that include review of the Public Service Department and tours of the Justice Center (specifically Police and Dispatch), the Water Treatment Plant, and the Fire Station on E. Main Street.
- Staff is continuing to work on the Building Inspection Plan report, Xenia Towne Square site plan, and other big projects.
- City offices will be closed on Monday in observance of Memorial Day.
- The Splash Pad at Xenia Station opens tomorrow for the season just in time for the holiday weekend.
- He requested that Council go into Executive Session following the meeting to discuss urgent matters regarding the purchase or sale of land and economic development.

Mr. Duke had nothing further to share.

Ms. Fisher asked if Council wished to move their meeting time from 7 to 6 p.m. for the summer months. If so, she offered to prepare an administrative motion agenda report for their next meeting. President Engle asked for Council input. Councilman Louderback said he preferred 6 p.m., noting that if they go into Executive Session tonight, they could be here until 10 p.m. Councilman Smith concurred. He said XPZC moved their start time from 7 to 6 p.m., which has resulted in better attendance with the commissioners and audience members.

B. Mayor and City Council:

Mayor Mays noted she would be working with the City Clerk on adding her mayoral activities to the City's website. She then highlighted the following events:

- May 11: YRC is under new leadership, and they held their kickoff meeting where she gave the opening ceremony greeting and prayer and threw the opening pitch. She thanked YRC for the phenomenal job they are doing in this community.
- May 17: She gave the opening remarks at Hamvention on Friday, which was her first time attending the event and met people from all parts of the world. She thanked City staff for their support of this event.

Councilman Louderback said he spoke to Hamvention's Director today who said this year's event was the best Hamvention ever. He reported they are currently negotiating a five-year contract for the event to be held in Greene County. Citizens who need to report potholes should call 376-7265; crews go out to fill potholes on a weekly basis. Regarding craft beer, he only supports events that residents can attend with their families. He knows there are seven Council members with seven different opinions. He noted he used to take his son to Cincinnati Reds games, and beer is sold at the games. Regarding the Ten High Productions event, he will keep an eye on it. If there are any problems, they will not get his vote the next time.

Councilman Smith wished everyone a Happy Memorial Day.

Councilman Urschel said he attended an event on the Mayor's behalf for Community Action Partnership (CAP) day at Shawnee Park. He was amazed to learn about the spectrum of their efforts to help citizens with financial and family wellness including getting out of poverty, housing assistance, heating assistance, food assistance, etc. He was very impressed by their energy and commitment of employees. Kudos to them for inviting many other social services to participate in that event. He also attended an event put on by Five Rivers Health Care, which is a non-profit health organization located behind Greene Memorial Hospital in same building as the Health Department. Their goal is to ensure that every member of a community has a "health home." This means if a member of this community did not have a family doctor, pediatrician, dentist, etc., they would typically go to the emergency room, which is a burden on first responders and ER staff. Five Rivers Health Care wishes to serve as a health home and offer preventative care for families. When EMS staff respond to a call, they need to provide information about Five Rivers Health Care to homes in need. The City is losing about \$1.2 million per year due to write-offs.²

Councilman Dean had nothing further to share.

Vice President Wallace thanked Mayor Mays and her family for visiting First United Christian Church; she was the principal speaker at their Sunday morning service and did a phenomenal job. He regretfully reported that he could not attend her prayer breakfast in the morning due to his scheduled travel to Kentucky for a funeral.

President Engle thanked Citizens Academy members for their attendance this evening. He said the annual Youth Fishing Derby will be held on Saturday, June 1, at Shawnee Park for children ages 4-15. The event is free thanks to many generous sponsors. There will be door prizes, trophies, etc.—kids just need to bring their fishing poles. He encouraged everyone to attend to either participate or observe this great event. On a personal note, his daughter is back from college who will be a senior next year; he wished her a happy 22nd birthday tomorrow. He said Monday is Memorial Day, which is a day to reflect on those who have sacrificed for this country to ensure their safety, security, and freedoms.

Councilman Louderback said he was on the CAP Board for about ten years. CAP would like to have a homeless shelter in Xenia, and Bridges of Hope (BoH) needs help. Unfortunately, he cannot get the two of them to work together. He felt it was a perfect fit because CAP has the money and BOH needs the money. Councilman Urschel said he is on the BoH Board and would love to work that out.

² BLS (basic life support)/ALS (advanced life support) bills that are not paid.

President Engle then entertained a motion to go into an Executive Session.

Motion by Councilman Louderback, seconded by Vice President Wallace, to go into an Executive Session at 8:41 p.m. to discuss the Purchase or Sale of Property per XCO §206.04(a)(2) and ORC §121.22(G)(2) and confidential information related to Economic Development Projects per XCO §206.04(a)(7) and ORC §121.22(G)(8). No discussion followed. The Roll on this was the following:

Ayes: Wallace, Urschel, Louderback, Smith, Dean, Mays, Engle
Nays: None motion carried.

The Council convened in the Executive Conference Room with the same members present.

13. ADJOURNMENT: At 10:29 p.m., the Council reconvened in Regular Session with the same members present. President Engle entertained a motion to adjourn.

Motion by Mayor Mays, seconded by Councilman Dean, to adjourn the meeting at 10:30 p.m. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Urschel, Louderback, Smith, Dean, Mays, Engle
Nays: None motion carried.

Michelle D. Johnson
City Clerk

Michael D. Engle
President, Xenia City Council