

**XENIA CITY COUNCIL
MEETING MINUTES
MAY 26, 2022
6:00 P.M.**

Senior Pastor Todd Martin, Liberty Worship Center, provided the Invocation.

A. PLEDGE OF ALLEGIANCE: All present stood and recited the Pledge of Allegiance led by Mayor Sarah Mays.

B. CALL TO ORDER: President Smith called the Regular Meeting to order at 6:01 p.m.

C. ROLL CALL: Vice President Will Urschel, Councilman Thomas Scrivens, Councilwoman Rebekah Dean, Councilman Cody Brannum, Mayor Sarah Mays, and President Wesley Smith were present. Councilman Levi Dean was absent.¹

D. APPROVAL OF MINUTES: Motion by Councilwoman Dean, seconded by Vice President Urschel, to approve the May 12, 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

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.

Bryan Ryan, 214 Edison Boulevard, said his property was connected to the property of the former Xenia Adult Recreation and Services Center at 130 E. Church Street. He had lived there for over 20 years and knew the previous two directors of the Center. He noted there was an easement and a picnic table located there, and he took care of half of the parking lot (from the drain to his home). His driveway was 10 feet wide but the width of the easement was 15 feet—his curb cut for his driveway was also 15 feet. He had gotten to know Josh and Tammy Cernetic over the years as his neighbors, and he would like to continue to have them as his neighbors. He did not wish to live next door to a Dollar General. He knew Mr. Cernetic had experienced some delays with getting his project up and running due to Covid. He noted he was not technically representing his neighborhood, but he would be reporting back to his neighborhood regarding the future of the building, including one neighbor in particular who they all knew [Mayor Mays]. He said the City needed to somehow get the building into Mr. Cernetic's name because there were a lot of problems with the building including roof leaks. There are reasons why the services that used to be provided in that building wished to relocate.

Josh Cernetic said he was the tenant of 130 E. Church Street. He went through an extensive process with City staff and local business owners prior to Covid to get approval to do a business development center at the property in partnership with Central State University. Due to Covid and the changes at

¹ Excused on page 12.

Central State University, his plan fell apart. He shared his concern for the way things regarding the 130 E. Church Street property had been handled that included Council's executive sessions and other meetings. He came to the City with a possible project to fix what did not work, which would have required the sale of the building. He asked to purchase the building for \$1 or at a very low cost. He consulted legal counsel and was told he had not violated the lease. However, he did not wish to fight it and sour his relationship with the City. The proposed project would employ about 35 full-time people, which in turn would help the City of Xenia (with \$2.5 million in taxable income). He met with the Council President and Council Vice President to discuss the proposed project again, but he was never given the opportunity to present anything to the Property Management Committee. He had already invested over \$20,000, and he was ready to invest another \$40,000. He had already secured anchor tenants for the building, and from the beginning of the lease, it was known and approved that the property would be sublet to other business owners for business development. He was very disappointed that he could not move forward with a project that would benefit the City of Xenia. He was also disappointed that he was not given the opportunity to make a presentation to the Property Management Committee and/or to City Council. While he was willing to step away from the lease in an effort to maintain a reasonable relationship with the City, he noted that Council was voting on the sale of a property that he had not received any official notification or paperwork of any kind from the City of Xenia or the City's Law Director that his lease was being vacated. He asked if that would happen in the near future or if the Council would be voting on the sale of property that was still legally under contract with a tenant.

G. OLD BUSINESS:

1. President Smith presented **ORDINANCE 2022-13 AMENDING CHAPTER 260, "PERSONNEL," AND CHAPTER 274, "CIVIL SERVICE COMMISSION," AND REPEALING SECTION 230.03 OF THE XENIA CITY CODE**, introduced by Mayor Mays on May 12, 2022.

President Smith called for a motion to adopt Ordinance 2022-13.

Motion by Mayor Mays, seconded by Councilwoman Dean, to adopt Ordinance 2022-13 as presented.

President Smith opened the public hearing at 6:12 p.m. and asked those in favor of the amendments to Chapters 260 and 274 and repealing Section 230.03 of the Xenia City Code to come forward to speak. Hearing none, he asked those who were against the amendments to Chapters 260 and 274 and repealing Section 230.03 of the Xenia City Code to come forward to speak. Hearing none, he closed the public hearing at 6:13 p.m. and entertained Council comments or questions. Hearing none, he asked for the Roll Call.

The Roll on this was the following:

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

Nays: None motion carried.

2. President Smith presented **ORDINANCE 2022-14 AMENDING CHAPTER 444 AND REPEALING CHAPTER 446 OF THE CITY OF XENIA TRAFFIC CODE**, introduced by Councilman Scrivens on May 12, 2022.

President Smith called for a motion to adopt Ordinance 2022-14.

Motion by Councilman Scrivens, seconded by Mayor Mays, to adopt Ordinance 2022-14 as presented.

President Smith opened the public hearing at 6:14 p.m. and asked those in favor of the amendments to Chapter 444 and the repealing of Chapter 446 of the Xenia City Code to come forward to speak. Hearing none, he asked those who were against the amendments to Chapter 444 and the repealing of Chapter 446 of the Xenia City Code to come forward to speak. Hearing none, he closed the public hearing at 6:15 p.m. and entertained Council comments or questions. Hearing none, he asked for the Roll Call.

The Roll on this was the following:

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

3. President Smith presented **ORDINANCE 2022-15 DETERMINING TO PROCEED WITH THE IMPROVEMENT OF CITY STREETS AND PUBLIC WAYS BY THE LIGHTING THEREOF WITHIN STREET LIGHTING DISTRICT #1 (STERLING GREEN CROSSING SUBDIVISION) FOR THE YEARS 2023-2027**, introduced by Councilman Dean on May 12, 2022.

President Smith said he would make the motion in Councilman Dean's absence and asked for a second.

Motion by President Smith, seconded by Vice President Urschel, to adopt Ordinance 2022-15 as presented.

President Smith opened the public hearing at 6:15 p.m. and asked those in favor of Street Lighting District #1 to come forward to speak. Hearing none, he asked those who were against Street Lighting District #1 to come forward to speak. Hearing none, he closed the public hearing at 6:16 p.m. and entertained Council comments or questions. Councilman Scrivens said the owner of each lot would be assessed \$31.14 per year. Hearing nothing further, President Smith asked for the Roll Call.

The Roll on this was the following:

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

4. President Smith presented **ORDINANCE 2022-16 DETERMINING TO PROCEED WITH THE IMPROVEMENT OF CITY STREETS AND PUBLIC WAYS BY THE LIGHTING THEREOF WITHIN STREET LIGHTING DISTRICT #2 (GREENE WAY SUBDIVISION, SECTION 2) FOR THE YEARS 2023-2027**, introduced by Vice President Urschel on May 12, 2022.

President Smith called for a motion to adopt Ordinance 2022-16.

Motion by Vice President Urschel, seconded by Councilman Brannum, to adopt Ordinance 2022-16 as presented.

President Smith opened the public hearing at 6:17 p.m. and asked those in favor of Street Lighting District #2 to come forward to speak. Hearing none, he asked those who were against Street Lighting District #2 to come forward to speak. Hearing none, he closed the public hearing at 6:18 p.m. and entertained Council comments or questions. Councilman Scrivens said the owners of these lots would pay \$250.74 per year. Hearing nothing further, President Smith asked for the Roll Call.

The Roll on this was the following:

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

Nays: None motion carried.

H. NEW BUSINESS:

1. ORDINANCE 2022-17 AMENDING ORDINANCE 2022-12 TO PROVIDE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF XENIA, OHIO, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2022, AND DECLARING AN EMERGENCY. Finance Director Ryan Duke said this appropriation ordinance was being presented to adjust the 2022 appropriations for the following:

- **Bellbrook Avenue Paving (Colorado Drive to W. Corporation Limits):** On May 11, 2022, the Engineering staff was notified that its grant application submitted in July 2021 for rehabilitating Bellbrook Avenue from Colorado Drive to the West Corporation Limits was approved for funding. Thus, it was necessary to appropriate monies into Fund 362 in the grant amount of \$221,993 (OPWC) and \$77,997 in Fund 361 as the City's local match.
- **Gap Funding for Hope VI - Xenia Shoe & Leather Project:** Due to time delays and the increase in construction costs, it was necessary to provide loan gap funding in the amount of \$84,800 in order for construction to proceed on four (4) residential units on the top two floors of the Litt Bros. Building at 21 E. Main Street. The appropriated monies would result in a total loan amount of \$200,000 (a gap funding loan of \$115,200 was approved by Council in 2018) for the Hope VI Project to Timothy and Lynn Sontag, the owners of Xenia Shoe & Leather. These business loans would provide gap funding for the \$500,000 federal HOPE VI grant from HUD, which the City was administering for this Project. The total estimated Project cost was \$1,200,000. This appropriation was associated with Resolution 2022-CC on tonight's agenda.
- **Lexington Park Security Enhancements:** Due to recent acts of vandalism and after-hours unruliness at Lexington Park, staff intends to erect gates at the points of ingress/egress within the parking lot to enforce the daily operating hours of the park. In addition, staff intends to erect fencing along the perimeter of the parking lot in order to prevent motorized vehicles from traversing into the adjacent lawn areas, basketball courts, playground equipment and shelter. Staff believed that an appropriation of \$50,000 should suffice in achieving those goals.
- **Property Repairs and Survey Work:** Staff was seeking \$10,000 in funding to assist in the surveying, repairs, listing, and future sale of 130 E. Church Street. Staff had been working with the tenant as he exits the property on needed building repairs and ongoing survey work to separate the building and adjacent property from the City employee parking lot prior to listing the property. Council indicated its intent to transition this property towards sale, and staff expected it to be listed by mid-June. This was associated with Resolution 2022-EE on tonight's agenda.

President Smith entertained comments or questions.

Vice President Urschel said he was not on Council when this project was initiated. He asked about the terms of the loan. Mr. Duke said a mortgage would be placed on the loan for this property in a similar arrangement as the prior loan. Mr. Merriman added that the term would be 12 years at 2% interest. He noted the loan would stay with the property. He said this process had taken a long time because it had to go through an extensive code review process for historic preservation. When estimates were first produced to the current timeframe, the cost was now significantly higher. Vice President Urschel asked if there was a timeframe for completion of the project. Community Development Coordinator Ryan Baker said the majority of the funds had to be spent by September 30, 2022. Mr. Merriman believed the intent for the gap funding would allow them to engage services immediately.

Councilman Scrivens asked the total cost of the additional appropriations for the Ordinance. Mr. Duke said the total was \$444,790. Councilman Scrivens asked Mr. Merriman for more information on the planned security enhancements at Lexington Park. Mr. Merriman said per his email to Council a week or so ago, he put together a task force that included administrative staff as well as public safety and public service staff to look at core security concerns at Lexington Park based on past conversations with City Council regarding the current utilization—and abuse—of the park. Based on their recommendations, staff felt very strongly that certain security enhancements are needed so that any additional investment for amenities at the park can be properly protected. They are concerned with continuing situations that include illicit and illegal activities that include vehicles being driven in and through the park. One of the proposed security enhancements included a fence around the perimeter of the park to provide a physical barrier from vehicular traffic. They are also looking at installing security surveillance cameras and rolling gates at the entrances of the park on Lexington Avenue and Clark Street. The intent was that a police sergeant would close the gate at dusk and a public service worker would open the gate in the morning. The appropriation would also include installation of park signage and some other enhancements to the parking lot. Councilman Scrivens said he was opposed to the installation of gates at Lexington Park because there are not gates at any other City park. Mayor Mays said there are chains on both sides of Shawnee Park. Councilwoman Dean agreed, which prevented people from driving into the park. Councilman Scrivens said he would like to take a more in-depth look at the need for gates and would rather look into upgrading the bathrooms. Councilman Brannum said the security enhancements would prevent the park from being vandalized before additional money was invested for other improvements. Councilman Scrivens reiterated he would support the installation of a fence, but he would not support the installation of gates at Lexington Park.

President Smith said he understood Councilman Scrivens' concerns, but they needed to protect the park as a City asset. Having a police officer close the gate at dusk and public service staff open the gate in the morning would enhance security at the park. He understood the rationale for the gates.

Mayor Mays noted she would be abstaining from the vote due to her involvement on a board with Mr. Cernetic and the 130 E. Church Street property.

Law Director Donnette Fisher noted that Council could amend the requested Ordinance to add or remove appropriations if desired.

Vice President Urschel said many people had spent a lot of time trying to move forward with Lexington Park, and they wished to make it a highlight of the community where families feel safe and can enjoy it. However, there are some bad behaviors taking place at the park on a fairly regular basis that were completely out of hand by people who were not necessarily from Xenia. If these bad behaviors were happening at another City park, he was certain they would be having the same conversation about that park. Lots of people were going into Lexington Park—including taking their vehicles into the park—at all hours of the day and night and doing whatever they wanted to do, and that behavior must be stopped. There was no lighting or safety features in place because all parks close at dusk. It would take some work (and time) to get people to relearn proper behavior, and when their behavior improved, the gate could be removed. Until then, having a police presence to physically close the gate would make a statement. He agreed with Councilman Brannum that they must address the bad behavior and get it under control before City taxpayer dollars and private dollars are invested in the park.

Councilman Scrivens said he did not want a “gated community” at the end of his street. His family had been living on Lexington Avenue for 99 years, and he was unaware of any acts of major vandalism at the park—only deferred maintenance.

President Smith asked Ms. Fisher how many votes were needed to pass this Ordinance. Ms. Fisher said four affirmative votes were required for adoption of the Ordinance.

Mayor Mays asked if the rule regarding trespassing at night are being enforced at other City parks. Mr. Merriman said yes, particularly at Shawnee Park and Sterling Green Park. He said police officers were constantly running people off from Shawnee Park and residents are riding dirt bikes at Sterling Green, which was destroying the green space. When there was a concentration and intensity of issues at any particular park, their desire was to take the necessary measures to institute change.

Mayor Mays noted the chain at Shawnee Park stayed up all the time, but the gate would not be closed all the time at Lexington Park. So, the City’s premier park had more limitations than Lexington Park would have.

President Smith called for the question on a motion to adopt Ordinance 2022-17 as an emergency.

Motion by Councilman Brannum, seconded by Vice President Urschel, to adopt Ordinance 2022-17 as presented. No discussion followed. The Roll on this was the following:

Ayes: Urschel, R. Dean, Brannum, Smith
Abstain: Mays
Nays: Scrivens motion carried.

2. Introduction of Ordinance 2022-18 Vacating the Alley Between Part of Lot 165, Part of Lot 165 – Parcel 1, and Part of Lot 172 – Parcel 2 of the Original Plat of the City of Xenia (Ward a. Lewis’ Survey No. 2243 Virginia Military District). Mr. Merriman said the petitioner was the owner of a single-family home at 191 E. Second Street (part of Lot 165 – Parcel 1) and a vacant lot on S. Collier Street (part of Lot 172 – Parcel 2). The two lots are separated by a 7.5’ wide public alley. The petitioner wished to utilize a portion of the land in the alley for fencing and other improvements. The alley also abutted 183 E. Second Street (Part of Lot 165). The owners of

this property indicated their approval of the alley vacation by signing the petition and a consent/waiver of notice form. Upon vacation, half of the alley's width would be deeded to each abutting property owner. The right-of-way in question did not contain any public improvements and lacked sufficient width for vehicular travel. City staff saw no public need for the alley. Based on these factors, City staff did not anticipate any adverse impacts to be caused by this vacation and had no objections to it.

President Smith entertained comments or questions. Hearing none, he called for introduction of Ordinance 2022-18 as presented.

Councilwoman Dean introduced ORDINANCE 2022-18 VACATING THE ALLEY BETWEEN PART OF LOT 165, PART OF LOT 165 – PARCEL 1, AND PART OF LOT 172 – PARCEL 2 OF THE ORIGINAL PLAT OF THE CITY OF XENIA (WARD A. LEWIS' SURVEY NO. 2243 VIRGINIA MILITARY DISTRICT).

3. RESOLUTION 2022-CC AUTHORIZING AN ADDITIONAL LOAN OF EIGHTY-FOUR THOUSAND EIGHT HUNDRED DOLLARS (\$84,800) TO TIMOTHY AND LYNN SONTAG TO PROVIDE ADDITIONAL GAP FUNDING FOR THE HOPE VI – XENIA SHOE & LEATHER PROJECT AT 21 E. MAIN STREET, XENIA, OHIO. Mr. Merriman said in 2015, the City of Xenia applied for, and was awarded in 2016, a federal HUD grant through the HOPE VI – Main Street Grant Program in the amount of \$500,000 to renovate the top two floors of the Litt Bros Building (Xenia Shoe & Leather) located at 21 E. Main Street, owned by Timothy and Lynn Sontag. The project entailed the construction of four (4) walk-up residential units that would be made available to low- to moderate-income families for the first leasing cycle. The grant was awarded to the City, but the grant program required the funds to be passed on to the property owners via a forgivable loan. The City was required to distribute the HOPE VI grant funds to the property owners on a reimbursement basis for costs incurred. In 2018, as plans progressed and other funding sources were secured, an initial financing gap remained for the project in the amount of \$115,200. The Sontags applied for, and received approval for, a business loan for the project through the City of Xenia on the recommendation of Xenia Loan Trust Committee. On April 12, 2018, Council authorized funds for the business loan to facilitate the project. The loan term was ten (10) years at two percent (2%) interest and was secured by a promissory note and a recorded mortgage on the property at 21 E. Main Street. Since 2018, however, further delays occurred as the design and engineering team responsible for the project had to work through the significant detail required to renovate a historic, interconnected building with local building officials and the State Historic Preservation Office. Those design delays, coupled with the delays and difficulties resulting from the Covid-19 pandemic, had driven up the projected costs for the project. Some of those cost increases would be covered through PACE financing but not all. Mr. and Mrs. Sontag are, therefore, requesting an additional loan of \$84,800 with a repayment term of twelve (12) years at two percent (2%). The new loan would be secured by a promissory note and a recorded mortgage.

President Smith entertained comments or questions. Hearing none, he called for a motion to pass Resolution 2022-CC as presented.

Motion by Mayor Mays, seconded by President Smith, to pass Resolution 2022-CC as presented. No discussion followed.

The Roll on this was the following:

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

Nays: None motion carried.

4. RESOLUTION 2022-DD AUTHORIZING THE COUNCIL PRESIDENT TO EXECUTE A CONTRACT, ON BEHALF OF CITY COUNCIL, WITH MICHELLE JOHNSON FOR SERVICES AS THE CITY CLERK. President Smith said at the May 12, 2022, meeting, Council approved, by procedural motion, the reappointment of Michelle Johnson as City Clerk effective June 1, 2022, following her retirement from the Ohio Public Employment Retirement System (OPERS) effective May 31, 2022. Ms. Johnson requested an employment contract to outline the terms of her reemployment. As an appointed official with an employment contract, the terms of the City's retire/rehire policy would not apply. He was pleased to execute a contract with Ms. Johnson, on behalf of City Council, that took into consideration her years of exceptional service with the City of Xenia, and respectfully request that Council approve Resolution 2022-DD. He then entertained comments or questions. Hearing none, he made the motion to pass Resolution 2022-DD as presented and asked for a second.

Motion by President Smith, seconded by Councilman Scrivens, to pass Resolution 2022-DD as presented. Brief comment followed. As he shared at the last meeting, Vice President Urschel commended Ms. Johnson's service to the Mayor and Council. She immediately responds to their requests, especially with research items, he knew they could ask her any question about the City's ordinances, resolutions, etc. If she did not immediately find the answer, she was committed to doing the research to find the answer. He said she believed that her job was to help the Mayor and Council be successful in serving the community. It was great that Ms. Johnson wanted to continue her service as City Clerk. President Smith agreed. The Roll on this was the following:

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

Nays: None motion carried.

5. RESOLUTION 2022-EE AUTHORIZING THE SALE LISTING OF A PORTION OF CITY-OWNED PROPERTY AT 130 E. CHURCH STREET. Mr. Merriman said Council had previously leased the building located at 130 E. Church Street to the Xenia Adult Recreation and Services Center, who moved out to the newly constructed REACH center in 2019. In 2020, Council authorized the lease of the building to the JP Fritz Business Incubator. The current tenant was moving out of the building, and staff was seeking Council's approval to list this portion of the property with a commercial realtor. Staff was working to line up a surveyor to prepare a new plat in order to split the portion of the property occupied by the building and its immediately adjacent parking from the adjoining City employee parking lot, which was still needed to support nearby City operations. Per the comments made this evening under Audience Comments, there was a unique historic dynamic where there was a recorded easement for a portion of the property; however, it was included on a separate property deed and not on the deed for the subject property. Staff recognized the adjacent resident's unique access concern, and it was appropriate to portion off that small strip to provide that access. If this Resolution was approved, it would allow staff to immediately list the building and the immediate adjacent parking lot for sale with a commercial realtor. It would cost nothing to entertain offers, and at such time when or if viable offers are submitted, staff would present them to the Property Management Committee and ultimately to City Council as a whole.

President Smith entertained comments or questions.

Mayor Mays again noted she would be abstaining from the vote for the reasons previously stated.

Based on audience comments and the concerns that were presented, Vice President Urschel asked if the lease arrangement had been resolved and if the City had done its due diligence to terminate the existing lease. Mr. Merriman asked Ms. Fisher for her comments regarding the lease and the City's legal authority, but it may depend on the outcome of this vote this evening. If Council approved Resolution 2022-EE, a letter was ready to be mailed to the JP Fritz Business Center to indicate the next steps. Councilman Scrivens said he was also concerned about the status of the lease. Ms. Fisher said the lease was signed "approved as to form" by her as the Law Director. Under the Charter, if it did not have her "approved as to form," it was not valid and binding. Aside from that, certain events of default were outlined in the lease, one of which was failure to obtain a certificate of occupancy within 180 days of the lease signing (November 1, 2020). A certificate of occupancy was not obtained until March 22, 2021. Even if they were to argue that a valid lease was in place, the lease itself stated the sole purpose of the property was for a business incubator. She understood that a change in use was proposed, which was not permitted under the lease terms. She also understood that he wished to sublease the property, which was specifically prohibited under the terms of the lease. Council decided to lease the space for \$1 because a business incubator would have supported small business owners in this community. It was not a lease for \$1 for a private business to sublease the property.

Councilwoman Dean noted if the City put the property up for sale, Mr. Cernetic would have an opportunity to buy the property.

Hearing nothing further, President Smith called for a motion to pass Resolution 2022-EE as presented.

Motion by Councilwoman Dean, seconded by Councilman Brannum, to pass Resolution 2022-EE as presented. No discussion followed. The Roll on this was the following:

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

Abstain: Mays

Nays: None motion carried.

6. Procedural Motion Approving the Sale of Alcohol at the Downtown Xenia Oktoberfest 2022 Event on Saturday, October 9, 2022. Mr. Merriman said pursuant to Section 1062.21 of the Xenia City Code, the City would consider allowing sales and consumption of alcohol on City property at public events but only with the direct consent of City Council. As such, the Xenia Oktoberfest Committee, which is made up of community members representing local businesses and volunteers, had made a formal request to sell alcohol at the 2022 Oktoberfest event on October 9th, from noon-10 p.m. Staff was working directly with the event's planning committee as the City was poised to co-sponsor special downtown programming on that same date. The event would include multiple bands, food vendors, and (with Council's approval) craft beer to be sold throughout the concert area, with the beer provided by Devil Wind Brewing and other local craft breweries. He noted there were no concerns or incidents at past events due to alcohol sales. Therefore, in accordance with Section 1062.21, it was the City Manager's Office intent to approve

a Special Event Permit for this event, upon the conditions that alcohol sales are limited to the preauthorized concert area, that Council approve the sale of alcohol and the required sales permit be obtained from the Ohio Division of Liquor Control, and that such alcohol sales are further limited to all requirements deemed necessary by the City Manager and the XPD.

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

Motion by Councilman Brannum, seconded by Councilwoman Dean, to approve the sale of alcohol at the Downtown Xenia Oktoberfest 2022 Event on Saturday, October 9, 2022. Brief comments followed. Councilman Brannum believed they were heading in the right direction with regard to working with local businesses. He felt that it was perhaps time for City Council to once again think about a Designated Outdoor Refreshment Area (DORA). The Roll on this was the following:

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

Nays: Scrivens motion carried.

President Smith excused himself from the meeting at 7:08 p.m. due to work obligations. Vice President Urschel presided over the remainder of the meeting.

7. Procedural Motion Approving the Schedule of Bills in the amount of \$211,480.89.
Mr. Duke respectfully requested the payment of bills in the amount of \$211,480.89.

Vice President Urschel entertained questions or comments. Hearing none, he called for a motion.

Motion by Councilwoman Dean, seconded by Councilman Brannum, to approve the schedule of bills in the amount of \$211,480.89. Comments followed. Councilman Scrivens asked if the expenditure for the Bellbrook Fence Company was for the cemetery on E. Third Street. Mr. Merriman said yes. Councilman Scrivens asked if there would eventually be some signage at the cemetery. Mr. Merriman believed historical markers would be installed. He shared that staff had begun discussing how to take better care of the cemetery in the long term to include consideration of the mature trees, the condition of the existing grave stones, etc. It was a historic asset that should serve as a point of pride for this community. Vice President Urschel asked if this was the cemetery where the City inters its indigent residents. Mr. Merriman said yes; those are part of the new section. Vice President Urschel said the original historic part of the cemetery dated back to the early 1800s. Mr. Merriman agreed, noting some of the City's founders were buried there. The Roll on this was the following:

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

Nays: None motion carried.

I. APPOINTED OFFICIALS REPORTS

President Smith asked Ms. Fisher for her comments. Ms. Fisher said at the last Council meeting, Vice President Urschel asked a question about motorized bicycles. She said individuals who have a valid driver's license do not need to obtain any additional license to operate a moped or motorized bicycle. Those without a valid driver's license could obtain a moped license for \$19.50. For a motorcycle or scooter, an individual must have an endorsement on his or her driver's license. Finally, she requested a brief Executive Session this evening to discuss personnel matters.

President Smith asked Mr. Duke for his comments. Mr. Duke did not have anything further to share.

President Smith asked Mr. Merriman for his comments. Mr. Merriman said Xenia was a great place to live and was a safe community. However, Xenia was not immune from the evils of the world. He reported it had been a rough day in the City, and respectfully asked everyone to keep the City's public safety personnel in their prayers. He said Monday, May 30th, was Memorial Day, and City offices would be closed in observance of the holiday.

J. REPORTS OF BOARDS, COMMISSIONS, AND COMMITTEES:

1. Board of Zoning Appeals (BZA): Councilman Brannum said BZA met on May 23, 2022, to consider two cases as follows:

- Case #BZA2022-04: Variance request to allow a 6' tall fence between the existing home and Kearney Lane, exceeding the maximum permitted fence height of 4', filed by Ethan and Jessica Gaston, for the property located at 2758 Barnhill Place, which was denied. He noted that BZA came up with a proposed text change to the Land Development Code to accommodate this request, which he anticipated coming forward as a text amendment in the future.
- Case #BZA2022-05: Variance request to allow a deck, attached to a home, to be 3' from the rear property line instead of the required 20', and 3' from the east side property line instead of the required 5', and to allow a 12'x24' above-ground swimming pool to be 3' from rear and east side property lines instead of the required 10', filed by Sean and Christina Reilly, for the property located at 304 E. Second Street, which was denied. He noted that Mr. Forschner was working with the applicant to determine a way forward that was compliant with the Land Development Code. He said the applicant and members of his family had some unique health circumstances that prevented them from enjoying public recreational places, such as swimming pools and amusement parks.

2. Economic Development Advisory Board (EDAB): Vice President Urschel said this was not on the Council agenda, but EDAB had its last meeting on May 24, 2022. He reported that EDAB would be transitioning to a larger group that would meet annually, probably in an all-day or half-day session, to look at the strategic direction of economic and community development in the City. He anticipated the annual meetings to be held in the fall so any items that influenced the budget could be considered for the following year. He thanked all the members of EDAB for their many years of service on the Board. He looked forward to continuing to work with them, along with other business owners who may not be residents of the City. He noted they needed to make changes to the Xenia City Code and establish a new Council Standing Committee. Ms. Fisher noted that the Legislative Review & Government Affairs Committee met this evening before the Council meeting and reviewed the proposed changes to Title 8: Boards, Commissions, and Committees and the Rules of Council. Council could expect to see the legislation and amendment to the Rules of Council on June 23rd.

K. COUNCIL COMMENTS:

Councilwoman Dean said she heard from Councilman Dean who was experiencing some unexpected health issues. She asked to make a motion to excuse him from the meeting. Vice President Urschel entertained her request.

Motion by Councilwoman Dean, seconded by Councilman Brannum, to excuse Councilman Dean from the meeting due to illness. Brief comments followed. Vice President Urschel said they all have cell phones, and he felt it was Councilman Dean's responsibility to let the Council President know of his absence so he could plan for the evening's agenda. The Roll on this was the following:

Ayes: Scrivens, R. Dean, Brannum

Nays: Mays, Urschel motion carried.

Mayor Mays agreed with Vice President Urschel. Councilman Dean could have easily sent a text before the meeting advising of his absence.

Councilman Brannum did not have anything further to share.

Councilman Scrivens congratulated all the local graduates, including those graduating from kindergarten all the way up to college. He extended condolences to the family of Ruth Rivers Hazel. He extended kudos to the Public Service Department staff and the Community Development Coordinator for their work on the downtown flower beds. Finally, he encouraged residents, churches, and businesses to purchase a street pole banner to show their community pride—contact the City's reception desk to learn more.

Mayor Mays said she participated in the prayer breakfast at Soin on May 13th. On May 14th, she extended greetings at Central State University's graduation. On May 17th, Bob Colaner retired, who was a teacher at Legacy Christian, had been in Christian education for over 40 years, and was her principal at one point. She thanked him for all his efforts over the years. On May 20th, she attended the production of "Beauty and the Beast" with Actors Unlimited. She congratulated all the high school students who participated in that play. They did a fantastic job, and she and her family had a wonderful time. On May 21st, she attended a retirement luncheon for Pastor John Freeman, who had impacted many, many lives over the years. That evening, she attended the Air Force Band of Flight's first full live concert in over two years to celebrate the Air Force's 75th anniversary. She attending the swearing in of Xenia Firefighter Luke Niekirk, whose family had been friends of hers for a long time. Congratulations to all Xenia High School seniors who graduated on May 25th. On a personal note, today was the preschool's graduation, which included her daughter and the City Manager's daughter as well. She thanked the Xenia Police Division for their presence at the schools yesterday following the tragedy in Uvalde, Texas. Many parents were thanking them and feeling the weight of despair knowing that their children were not celebrating their last day of school. Officer Mumpower was at the preschool, and she did a phenomenal job loving on the parents and students and supporting them in their struggles. She was very proud of the City's Police Division, noting the last few days had been very difficult.

Vice President Urschel said he attended the kick-off banquet for Hamvention last week, and it was extraordinary to learn about the number of people who came from all over the United States. He also attended Pastor Freeman's retirement luncheon, who was now preaching at UR the Church. He noted Pastor Freeman was a pillar of light in this community. He stood in for Senator Hackett and Sheriff Anger at a recent event where a St. Brigid fifth grader was recognized by the Ohio Senate and the Greene County Sheriff for her acts of service. He said Xenia was a City on the move, and it had been a long two years. They are past that now, but there are some storms on the horizon from an economic perspective, and perhaps other perspectives. However, he felt they

would be able to overcome their struggles and continue on. He commended City staff for their creative work, hard thinking, and planning, which many people do not get to see because it took place behind the scenes. He talked with the Greene County Administrator today and reported that he was in favor of Ms. Fisher's endeavor to make sure local businesses are here to enhance this community. From the County's perspective, the County Administrator offered to help if there was a way for them to do so. It was good to know that they supported the City and wished to partner with us.

L. EXECUTIVE SESSION: Vice President Urschel said as stated, the Law Director requested an Executive Session to discuss personnel matters. He noted no further business would be conducted in the Regular Meeting except to adjourn.

Motion by Councilwoman Dean, seconded by Mayor Mays, 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). No discussion followed. The Roll on this was the following:

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

Nays: None motion carried.

The Council convened in Executive Session at 7:35 p.m. with the same members present. The Council reconvened the Regular Meeting at 8:06 p.m. Vice President Urschel called for a motion to adjourn.

M. WORK SESSION: None.

N. ADJOURNMENT: Motion by Mayor Mays, seconded by Councilwoman Dean, to adjourn the Regular Meeting at 8:07 p.m. No discussion followed. The Roll on this was the following:

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

Nays: None motion carried.

Michelle D. Johnson
City Clerk

Wesley E. Smith, President
William Urschel, Vice President
Xenia City Council