

**XENIA CITY COUNCIL
MEETING MINUTES
JUNE 11, 2020
5:30 P.M.**

1. CALL TO ORDER: President Smith called the June 11, 2020, Special Meeting to order at 5:30 p.m. in the City Council Chambers, City Administration Building. Due to COVID-19 and group gathering restrictions, the meeting was closed to the public.

2. ROLL CALL: Vice President Edgar Wallace, Councilman Cody Brannum, Councilman Levi Dean, Mayor Sarah Mays, and President Wesley Smith were present. Councilman Thomas Scrivens and Councilwoman Rebekah Dean were absent during Roll Call but arrived during the Executive Session.

3. EXECUTIVE SESSION: Motion by President Smith seconded by Mayor Mays, to go into Executive Session at 5:31 p.m. to discuss the Purchase or Sale of Property per XCO §206.04(a)(2) and ORC §121.22(G)(2) and Personnel Matters to consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of a public employee per XCO §206.04(a)(1) and ORC §121.22(G)(1). No discussion followed. The Roll on this was the following:

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

Nays: None motion carried.

At 5:56 p.m., the Council reconvened the Special Meeting with all members present. President Smith turned the floor over to City Manager Brent Merriman to provide a brief update on several items. Mr. Merriman provided the following information and updates:

- Former Nursing Facility on Monroe Drive: The property owner has been non-responsive with regard to clearing brush/overgrowth and general property maintenance, and it has become a haven for drug users and homeless individuals. Therefore, City staff is in the process of boarding up the doors and windows and has shut off the water. Due to the presence of poison ivy in the overgrowth, the clearing of the brush was contracted out. Vice President Wallace asked if the City would be able to recoup the expenses. Mr. Merriman said the expenses would be assessed to the property owner's tax bill.
- Rumpke Contract: 2020 is the last year of the contract with Rumpke, but the contract includes an option for an additional two years. He noted the cities of Fairborn and Kettering recently solicited proposals for refuse collection services; Fairborn received three bids and Kettering received four responses. Both cities awarded the contracts and are switching their contracts to Rumpke. He noted the prices for services that both cities received are higher than the two-year option prices included in the City of Xenia's contract. He felt it would be most efficient and beneficial to exercise the option for the two-year contract extension and continue refuse collection services with Rumpke. He recognized there are some complaints with their services, but considering the thousands of accounts they pick up each week, a few complaints a week should not be unexpected. He recognized that trash collection in the downtown continues to be an issue, and staff will continue to work with Rumpke on this ongoing problem. Mayor Mays asked about the problem with Rumpke's front loaders and the issue of trash blowing around when they dump the containers. Mr. Merriman said Rumpke has dealt with that issue, noting they are very good about dealing with documented problems.
- Special Meeting/Walking Tour: He would like to schedule an upcoming Special Meeting/Walking Tour (with transportation provided) to review some items with Council. He felt a "boots on the

ground” perspective was necessary when contemplating a Designated Outdoor Refreshment Area (DORA) in the downtown Xenia. He anticipates scheduling this session at the end of July.

- **CDBG Critical Infrastructure Grant:** Council previously authorized proceeding with this grant project; however, they need to change the scope of that project. Initially, they were going to rehab Market Street all the way to Collier Street. Unfortunately, there is currently no stormwater collection system from Whiteman to Collier, which means there are no catch basins, and they cannot justify doing the road and sidewalk work on that block. He noted the road is designed with a bit of a pitch so stormwater flows to one side. Therefore, they need to shift a portion of the project scope to sidewalk replacement downtown. There are two options: 1) the south side of Main Street from Detroit to Whiteman and 2) the north side from Whiteman to Greene. The project would include the replacement of basement hatch access points and removal of some unwieldy flower beds that are difficult to maintain. The planned work on Market Street up to Whiteman remains as planned. Councilman Scrivens asked if Greene County Administrator Brandon Huddleson agreed with the change with regard to the work in front of the Courthouse. Mr. Merriman said yes; the County was still on board with doing major concrete work and renovation of the courthouse square, but that project has been pushed back to next year. Mayor Mays asked if there was another option other than sidewalk improvements. Mr. Merriman said the application has to be signed and submitted next week, and only specific projects qualify as ‘critical infrastructure.’ Further, he cannot change the location of the project—it has to be attached to the general vicinity of the original project. Councilman Scrivens said there are no businesses on the north side of E. Main to Detroit. Mr. Merriman agreed; he noted that many areas have multiple different types of concrete due to various projects over the years, which has created some uneven, mismatched concrete that would be corrected with this project when everything is replaced all at once.

4. ADJOURNMENT: President Smith recessed the Special Meeting at 6:11 p.m. in anticipation of the Regular (televised) Meeting immediately following.

1. CALL TO ORDER: President Smith called the Regular Meeting to order at 6:12 p.m. in the City Council Chambers, City Administration Building. Due to COVID-19 and group gathering restrictions, the meeting was closed to the public (with the exception of those invited to attend the public hearing) and live streamed on the City’s government channel (Spectrum/Ch 5 or ATT U-Verse/Ch 99) and YouTube channel (eXplore Xenia).

2. INVOCATION: President Smith provided the Invocation.

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

4. ROLL CALL: Vice President Edgar Wallace, Councilman Thomas Scrivens, Councilwoman Rebekah Dean, Councilman Cody Brannum, Councilman Levi Dean, Mayor Sarah Mays, and President Wesley Smith were present.

5. APPROVAL OF MINUTES: Motion by Mayor Mays, seconded by Vice President Wallace, to approve the minutes from the May 28, 2020, Regular Meeting as written. No discussion followed. The Roll on this was the following:

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

Nays: None motion carried.

6. SPECIAL PRESENTATION(S): None.

7. AUDIENCE COMMENTS: President Smith said the meeting was closed to the public and per the agenda, the public was given the opportunity to present comments or questions via email before 3 p.m. today. No correspondence was received.

8. OLD BUSINESS:

A. President Smith presented **RESOLUTION 2020-N AMENDING RESOLUTION 2019-N TO EXTEND THE DUE DATE OF THE CHARTER REVIEW COMMISSION'S REPORT TO CITY COUNCIL**, originally introduced by Councilman Scrivens, and it was read for a second time.

Motion by Councilman Scrivens, seconded by Mayor Mays, to approve Resolution 2020-N as presented. No discussion followed. The Roll on this was the following:

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

Nays: None motion carried.

9. PUBLIC HEARING(S):

A. President Smith presented **ORDINANCE 2020-05 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF XENIA, OHIO, TO REZONE TWO PARCELS TOTALING 3.94 ACRES, MORE OR LESS, AT 774 CINCINNATI AVENUE FROM I-2, HEAVY INDUSTRIAL DISTRICT, TO B-3, GENERAL BUSINESS DISTRICT**, originally introduced by Vice President Wallace on March 12, 2020, and it was read for a second time. President Smith noted this public hearing was originally scheduled for the March 26, 2020, Council meeting; however, due to COVID-19, it has been delayed since that time. Those wishing to speak for or against the rezoning were invited to the meeting; one individual was present to speak during the public hearing. She is practicing social distancing in an adjacent waiting area and will participate via Zoom videoconferencing. He then opened the public hearing at 6:14 p.m. and asked those speaking for the rezoning to come forward to speak.

Gail Matson, 774 Cincinnati Avenue, said they just paved the parking lot and laid a new cement pad, and they are looking to continue the improvements at the site. She was present to answer any questions they may have. President Smith noted 774 Cincinnati Avenue is the new home of the FISH Food Pantry.

President Smith then invited those wishing to speak against the rezoning to come forward to speak. No one came forward to speak. He closed the public hearing at 6:16 p.m. and entertained passage of Ordinance 2020-05 as presented.

Motion by Vice President Wallace, seconded by Councilman Brannum, to adopt Ordinance 2020-05 as presented. No discussion followed. The Roll on this was the following:

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

Nays: None motion carried.

10. NEW BUSINESS:

A. Introduction of Ordinance 2020-15 Determining to Proceed with the Improvement of City Streets and Public Ways by the Lighting Thereof Within Street Lighting District #5 for the years 2021-2022. City Manager Brent Merriman said with the adoption of the new Zoning Code by City Council in 2016, a new requirement was established where a developer of a subdivision that is interested in including street lights within its subdivision must agree to a street light assessment for the benefitting lots within the subdivision. Accordingly, the developer (M One Development, LLC) for the Sterling Green Crossing Phase 4 Subdivision has received a cost to install ten (10) street lights, along with the monthly electricity fee per the City's contract with Miami Valley Lighting (MVL). The developer is responsible for the initial cost to install the lights, but the City of Xenia is responsible for paying the monthly electricity costs as it has been doing for many years on its other street lights. Council adopted the required Resolution of Necessity to establish Street Lighting District No. 5 on March 26, 2020. This is the second step in the street lighting assessment process, and after the third and final step, a streetlight assessment will be included on the individual lot owners' property tax duplicate from the Greene County Auditor. Based upon the City of Xenia's current contract with MVL, and including the administrative fees associated with the continued assessment of each lot on a yearly basis, the owner of each lot within the Sterling Green Crossing Phase 4 Subdivision would pay an annual fee of \$33.53. This street lighting assessment will be included on the individual lot owner's property taxes. He respectfully recommended a two-year period on the assessments, as the assessments for Street Lighting District's 1-4 will also expire in 2022, which will allow renewal of all street lighting assessments for all five districts at the same time.

President Smith entertained introduction of Ordinance 2020-15 as presented.

Vice President Wallace presented ORDINANCE 2020-15 DETERMINING TO PROCEED WITH THE IMPROVEMENT OF CITY STREETS AND PUBLIC WAYS BY THE LIGHTING THEREOF WITHIN STREET LIGHTING DISTRICT #5 FOR THE YEARS 2021-2022, and it was read for the first time.

B. Introduction of Resolution 2020-O Authorizing the Sale of City-Owned Property Located at 895 Louise Drive to Phillip Stevens. Mr. Merriman said the Greene County Treasurer foreclosed on this vacant but developable parcel located at 895 Louise Drive in December 2014. The City acquired the lot for \$1,152.80. Since then, there has been on-and-off discussion with adjacent property owners who were interested in expanding their side yards. In late 2019, City staff listed for sale this lot and an additional lot owned by the City on Louise Drive with a local realtor with the intent to put the properties back into private hands for the construction of a single-family home. For the lot at 895 Louise Drive, staff received an offer from Phillip Stevens, who would like to purchase the property for \$19,000 to construct a single-family home. Based on the offer, the City would be responsible for closing costs leaving estimated revenue of \$17,522. Staff recommends the sale of this property to Mr. Stevens, which will relieve the City from ongoing mowing maintenance and liability costs and promote additional residential investment in the City. He noted the comparables were in the same price range, and this was a very competitive offer.

President Smith entertained introduction of Resolution 2020-O as presented.

Mayor Mays presented RESOLUTION 2020-O AUTHORIZING THE SALE OF CITY-OWNED PROPERTY LOCATED AT 895 LOUISE DRIVE TO PHILLIP STEVENS, and it was read for the first time.

C. Administrative Motion Approving the Schedule of Bills in the amount of \$1,305,381.80. Mr. Duke respectfully requested the payment of bills in the amount of \$1,305,381.80. He noted the large amount was due to several expenses including a payment in the amount of \$176,000 for the Innovation Way water and sewer project. He added that Greene County has agreed to pay for half of the Innovation Way roadway project, but the City may need to issue debt for the City's portion in the amount of \$575,000. The second expense was for the purchase of meters from Neptune Equipment Company (NECO) for the meter replacement project in the amount of \$911,400, which have already been delivered to the City. He noted Council has already approved the debt service for the meter replacement project, and the proceeds are sitting in escrow and are available to pay for costs related to that project.

President Smith entertained a motion.

Motion by Vice President Wallace, seconded by Councilman Dean, to approve the schedule of bills in the amount of \$1,305,381.80. Brief discussion followed. Vice President Wallace asked when the new meters would be installed. Mr. Duke said the installation was scheduled to start next week. The Roll on this was the following:

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

Nays: None motion carried.

11. APPOINTED OFFICIALS REPORTS AND COUNCIL COMMENTS:

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

Mr. Merriman said the City of Xenia was excited to host the Kevin Sonnyalb Fireworks Festival on Friday, July 3rd. Albeit, it will be in a different format this year. The event would not take place at Shawnee Park; rather, it has been moved to the west side of town. The City's Public Relations Coordinator will begin promoting the event through all social media outlets and share all the details including where to park, who should be able to see the show from their own homes, etc. He acknowledged last minute donations from Xenia Rotary, Xenia Nazarene Church, and Anderson Williamson Insurance, which have ensured that the fireworks show will include larger shells that travel higher and should result in a visually spectacular show. He was very thankful for the Sonnyalb Family as well as all other donors and partners who make this event possible every year. He noted only a handful of other communities are doing fireworks this year, so Xenia should get a fair amount of visitors from surrounding communities. He also thanked area retailers, including Lowe's, Walmart, and Kroger, as well as area churches who are cooperating and will be permitting people to park in their parking lots to watch the fireworks.

Vice President Wallace asked if there would be a July First Fridays event in conjunction with the fireworks show. Mr. Merriman said First Fridays is organized by a group of volunteers, and while City staff supports the endeavor, the City is not responsible for the final decision to hold an event. Unfortunately, many of their volunteers have cancelled, and the event committee did not see how they could make it happen.

Mr. Scrivens thanked Mr. Merriman and his staff for their perseverance to make the fireworks happen. President Smith concurred; he asked what time the fireworks event would get started. Mr. Merriman said the fireworks would begin at dusk, which he estimated would be around 9:30 – 10 p.m., but he anticipated people arriving around 7 p.m.

Mr. Duke said Neptune Equipment Company (NECO) will begin installing the new meters next week, and each meter replacement will take about 30-60 minutes to complete, so the impact to each water user should be minimal. He noted there are about 1,000 accounts with meters located inside the building, which will be a bit more difficult to change out. NECO will send letters to those addresses to set up appointments with the occupants. He brought to Council's attention the issue of irrigation meters, noting about 330 accounts—most are residential—have irrigation meters installed on them. Unfortunately, the existing irrigation meters, which were purchased by the customers at \$250 each, cannot be read by the new meters. He pulled some data to determine if the irrigation meters have provided the customers with a true benefit, and in most cases, they did benefit from a cost savings. He said most irrigation meters were purchased and installed in 2006/2007, but some are newer than that. He reported that staff would work with the residents to determine their continued need for an irrigation meter, and if so, determine a payment schedule, if warranted, to get them replaced.

Councilman Scrivens asked why an irrigation meter would be used. Mr. Duke said irrigation meters are used to meter water used to water lawns and gardens or for businesses (commercial/industrial/retail) who use a lot of water so sewer charges are not applied to that usage. Mr. Merriman said as Mr. Duke noted, some meters were installed more recently; perhaps they could look into replacing just the receiver (communication device) in those units. President Smith asked the total cost to replace all the irrigation meters. Mr. Duke estimated it would cost about \$75,000. President Smith said as a homeowner, he would not want to pay for another irrigation meter. Mr. Duke said the City could consider paying a portion of the expense, noting the fee schedule stipulates the \$250 fee. Further, there are many more customers who are not receiving an irrigation meter as part of the replacement process. If Council wants to amend the charge, then they would have to take the appropriate action. If Council's desire is to allow customers to pay the \$250 fee over a period of time, he did not believe Council action was necessary.

Vice President Wallace assumed there would be a manpower savings associated with the new meters. Mr. Duke said concurred; currently, City Public Service workers travel the City two days per month to remote read the meters; after the new meters are installed, that would no longer be necessary. Additional efficiencies could also be realized such as shutting off customers remotely versus sending a worker out to manually shut off the water. Vice President Wallace agreed with Councilman Scrivens that it would be a lot to ask people to pay \$250 for a new irrigation meter during these difficult times, and he suggested allowing them to spread out that payment over a period of time until it is paid off (for example, \$20 per month).

Councilman Brannum said he was not in favor of the City paying any portion of the new irrigation meter; he felt this was no different than other regular maintenance and replacement of household items, and the users should pay for it.

Councilman Scrivens supported annualization of the \$250 fee. Mr. Duke clarified that to mean that users could pay the fee over a period of time. Councilman Scrivens concurred.

President Smith asked how far back they could go with recent installations with regard to just replacing the receiver. Mr. Duke said he would provide some data on that at a later date.

Mayor Mays asked if users would have the option to just pay the \$250 fee all at once/upfront. Mr. Duke said yes. Mayor Mays asked about the water service interruption during the installation. Mr. Duke said there would be a brief interruption of service, and NECO employees will knock on the door and let the occupants know when they are about to begin work at their specific property.

Ms. Fisher had nothing further to share.

B. Mayor and City Council:

Councilman Brannum said he was pleased to learn that the Greene County Fair will take place this year.

Councilman Dean and Councilwoman Dean had nothing further to share

Councilman Scrivens congratulated Ms. Fisher for her work thus far on the Charter review. He sits on the Charter Review Committee, and he is proud of their work so far. With passage of Resolution 2020-N, their report is now due next year. He was also pleased to learn that the Greene County Fair would be held this year. He invited and encouraged the Greene County Health Commissioner to attend a Council meeting and provide them with a report on the coronavirus. He again congratulated Mr. Merriman, his staff, and all who had a hand in making the Fireworks show happen this year, which he believed would provide some normalcy for everyone. He thanked everybody for their patience as they navigate their way through these crazy times. Finally, he thanked the three appointed officials—the City Manager, the Finance Director, and the Law Director—for foregoing salary increases this year, which he believed showed their hearts for this City. President Smith concurred.

Mayor Mays said she received a text from Gail Matson—who spoke during the public hearing—and she invited everyone to the new FISH Food Pantry on Cincinnati Avenue so they can see the work that is being accomplished. She extended a thank you to all who attended last Saturday's prayer vigil in Xenia. She was very proud of this community, and everyone in attendance handled themselves very well. She thanked Mr. Merriman for speaking and Vice President Wallace for leading them in prayer. She also thanked Police Chief Randy Person, Captain Lane, and Captain Johnson for their presence, and Chief Person for sharing words from his heart. After hearing his speech, she's never been more proud to have Chief Person leading the City's Police Force. She thanked local pastors and others from many area churches for attending the event, a local small business owner who helped organize the vigil, and everyone for attending the event and praying together. They need to continue to gather, pray, and love each other well.

Vice President Wallace concurred with Mayor Mays and Councilman Scrivens. He inquired about Hamvention. Mr. Merriman said Hamvention was supposed to be held in late May, but the event was cancelled. He was happy that the Greene County Fair and Fireworks show were both "a go" this year. He was glad that all three appointed officials elected to forego pay increases this year during this pandemic—he applauded their attitude. The prayer vigil last Saturday was held on a

