

**XENIA CITY COUNCIL  
MEETING MINUTES  
AUGUST 26, 2021  
6:00 P.M.**

Pastor Van Holloway, Emmanuel Baptist Church, provided the Invocation before the Call to Order.

**A. PLEDGE OF ALLEGIANCE:** All present stood and recited the Pledge of Allegiance led by Councilman Cody Brannum.

**B. CALL TO ORDER:** President Wesley Smith called the Regular Meeting to order at 6:03 p.m.

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

**D. APPROVAL OF MINUTES:** Motion by Mayor Mays, seconded by Councilman Scrivens, to approve the August 12, 2021, minutes of the Regular Meeting as written. President Smith entertained comments. Councilman Scrivens noted a typo under Council comments. The Roll on this was the following:

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

Abstain: R. Dean

Nays: None            motion carried.

**E. SPECIAL PRESENTATION(S):** None.

**F. AUDIENCE COMMENTS:** President Smith invited audience members who wished to speak to come forward.

John Caupp, 936 Orville Way, said there are four (4) Ordinances on the agenda this evening for Council consideration regarding the proposed Charter amendments. As he has already shared, he believed the changes are too cumbersome to present all at once. He believed if they put all four on the ballot all at once, people would not read everything, and they would either vote no on all of them or vote yes on all of them. He recommended they present the changes a few at a time. He said the Federal and State government is putting a lot of pressure on municipalities, County organizations, health care organizations, long-term care facilities, etc., and withholding Medicare and Medicaid funds if their employees do not get vaccinated. He believed the Biden administration was setting all of them up for a major employment crisis if they implement vaccination mandates—even if only 15% of their workers walk off the job. He said there are four Council members on the November ballot to be considered for re-election, and he would like to know if they would support vaccination mandates for City employees.

Lloyd Dafler said at the July 8<sup>th</sup> Council meeting, residents came to speak about Lexington Park. He thanked Council for providing a port-a-john at the park. However, a local preacher spoke at that meeting who felt that he was racially profiled while he was taking God's word into the park. That man has changed and has done better for himself, but law enforcement still sees him as he was 10

years ago when he was selling drugs. He, himself, had hate in his heart but Councilman Urschel helped him. If this is the City of Hospitality, then that man deserves an apology.

Thomas Sizemore, 943 E. Church Street, said he has spoken to Council about improvements that are needed at Lexington Park, and with the community gardens located there, he planted some sunflowers that are now 14' tall. He was happy that people are coming to enjoy the sunflowers and take pictures with them, even though he only planted them for pollination for the gardens. He said he went to Shawnee Park to go fishing, and the bathrooms were already locked at 5 p.m. He felt that was a bit too early to lock the bathrooms—people are just getting off of work at 5 p.m. and many people use the park and the playground well into the evening. He suggested not locking them until dark or at least keep them open until 8 p.m. He commented on the locks on the picnic tables and benches, and noted Lexington Park's shelter areas need some grills. A lot of events have been held at the park this year, and all of them went very well without a need for a police or EMS presence, but there's nowhere to make food.

Jerry Ferrell said he is a Greene County resident and a veteran, and he started a self-funded project to donate Purple Heart signs. He's already donated about 30 signs to other surrounding communities. He would like to donate a sign to the City of Xenia to be displayed in a prominent area, such as by the Courthouse. He said today was a very sad day, noting the United States just lost 12 service members that day. City Manager Brent Merriman graciously accepted the sign and thanked Mr. Ferrell for his service to this country and for donating the sign. (Applause followed.)

**G. OLD BUSINESS:** None.

**H. PUBLIC HEARING(S):** None.

**I. NEW BUSINESS:**

President Smith said before they proceed with the first four New Business items, he wished to share that a few Council members and members of the Charter Review Committee did not believe that now was the time to place the proposed Charter amendments on the ballot. He recommended taking no action on the four Ordinances on this evening's agenda. Mayor Mays agreed; if they proceeded with taking action on the four Ordinances, she would vote no on all of them. She reached out and spoke with the citizens who served on the Charter Review Commission for two years, noting she participated as well, and she feels it was very important to show the respect to the Charter that it deserves and be careful not to politicize the proposed amendments. Over the next few months, they will have the time to fully digest the information and educate the voters on the proposed amendments. If they moved forward with the proposed Ordinances, they would only have about a month to educate voters before people could start voting on them. The work that was done to present these proposed Charter amendments was incredibly valuable, noting the Charter has not been updated in well over 20 years (1998). However, she agreed that now was not the time to present the proposed amendments. She was not saying "no" to the proposed amendments, she was just saying "not right now."

Councilwoman Dean asked if the proposed amendments would be placed on a special election ballot. Mayor Mays said that is an option; they would have to evaluate the election cycles to see who else was on the ballot so they could share the cost. President Smith asked the Law Director to address Councilwoman Dean's question. Ms. Fisher said per State Law, the Charter amendments

can be placed on a special election ballot, but it would be at the City's cost. Otherwise, the next general election would be in November 2022, and the City would not have to pay to do that. Mr. Duke clarified that from a cost standpoint, the City always pays a portion of every election that they participate in. With regard to a special election, there may be fewer entities on the ballot in which to share that cost, resulting in increased costs for the City.

**1. ORDINANCE 2021-17 PROVIDING FOR THE ELECTION ON AMENDMENTS TO ARTICLES V, VIII, AND X OF THE CHARTER OF THE CITY OF XENIA, OHIO, AND DECLARING AN EMERGENCY.** Per the above, no further discussion was held and no action was taken.

**2. ORDINANCE 2021-18 PROVIDING FOR THE ELECTION ON AMENDMENTS TO ARTICLES IV, IX, XIII, XIV, AND XV OF THE CHARTER OF THE CITY OF XENIA, OHIO, AND DECLARING AN EMERGENCY.** Per the above, no further discussion was held and no action was taken.

**3. ORDINANCE 2021-19 PROVIDING FOR THE ELECTION ON AMENDMENTS TO ARTICLES VI, VII, AND XVI OF THE CHARTER OF THE CITY OF XENIA, OHIO, AND DECLARING AN EMERGENCY.** Per the above, no further discussion was held and no action was taken.

**4. ORDINANCE 2021-20 PROVIDING FOR THE ELECTION ON AMENDMENTS TO ARTICLES I, II, AND III OF THE CHARTER OF THE CITY OF XENIA, OHIO, AND DECLARING AN EMERGENCY.** Per the above, no further discussion was held and no action was taken.

**5. Introduction of Resolution 2021-GG Accepting the Amounts and Tax Rates as Certified by the Greene County Budget Commission for 2022, Authorizing the Necessary Tax Levies, and Certifying the Tax Levies to the Greene County Auditor.** Finance Director Ryan Duke said the Ohio Revised Code requires City Council to authorize the necessary property tax levies for any inside millage, and for any outside millage that has already been approved by the voters, for the succeeding tax year. Thus, Council needs to pass this Resolution to accept the amounts and tax rates, as determined by the Greene County Budget Commission, each year. For the year 2022, the Greene County Budget Commission has certified the total of estimated revenue from general property taxes as \$1,932,036, which is an increase of \$104,036 compared to what was certified for 2021. The Local Government Allocation for 2022 is \$693,247.03, which is calculated by the Greene County Auditor's Office and is \$66,502.97 less than the 2021 County estimate. The Resolution must be filed with the County Auditor prior to October 1, 2021. He respectfully requested introduction of the Resolution this evening.

President Smith entertained comments or questions. Hearing none, he entertained introduction of Resolution 2021-GG as presented.

Mayor Mays presented RESOLUTION 2021-GG ACCEPTING THE AMOUNTS AND TAX RATES AS CERTIFIED BY THE GREENE COUNTY BUDGET COMMISSION FOR 2022, AUTHORIZING THE NECESSARY TAX LEVIES, AND CERTIFYING THE TAX LEVIES TO THE GREENE COUNTY AUDITOR, and it was read for the first time.

**6. Administrative Motion Authorizing the Purchase of Various Software Modules from BS&A Software.** Mr. Duke said staff has had several conversations with Council over the last several years about the need to replace a number of outdated software platforms that are no longer sufficiently meeting the needs of City Departments and the customers those Departments serve. The last time Council approved an overhaul of those systems was in 2005 when a contract was awarded to Software Solutions, Inc. (SSI), and many of those systems are still in use, specifically Utility Billing, Cash Receipting, and Fixed Asset Systems, which are no longer supported by SSI. Further, these systems will not run on anything newer than Windows 2003 servers, which presents a number of challenges. These systems are routinely inaccessible due to incompatibilities between the outdated servers and newer equipment creating headaches for staff and inadequate service to our customers. Staff is requesting that Council authorize the purchase of the following modules from BS&A:

- Human Resources
- Payroll
- General Ledger
- Accounts Payable
- Cash Receipting
- Accounts Receivable
- Fixed Assets
- Purchase Order
- Utility Billing
- BS&A Online (Records Searches, Online Bill Pay, Etc.)

The City currently has no Accounts Receivable System outside of utilities, which does not have the functionality to bill for miscellaneous services. The City invoices for a number of other services such as school resource officers, dispatch contracts, land leases, and police special duty services, just to name a few, which are invoiced and tracked manually. The total cost for the BS&A modules, data conversions, database setup, and implementation, hosting, and training is \$246,564. For context, the City paid \$250,000 for system licensing, implementation, and training back in 2005. Beginning in year two, the annual cost will be \$76,195 for unlimited support and hosting fees. Currently, the City pays an annual maintenance cost of \$43,319.40; however, he noted the City will be receiving additional modules, hence the increase in maintenance costs. The BS&A annual maintenance and hosting fee will not be increased more than the yearly consumer price index. The BS&A system will be hosted remotely via Microsoft Azure cloud services. This will allow City staff to access the system from anywhere they have an internet connection. Having access to the system remotely is of tremendous benefit and enhances the ways in which the system can be utilized. With Microsoft Azure, the City's data will benefit from a robust set of security tools and Microsoft's numerous datacenters which ensure that the City's data is backed up often and stored at multiple offsite locations. The total cost of the software setup, and the continuing annual maintenance and hosting fee, will be spread across many City funds (General, Street, Police & Fire, Water, Sewer, Sanitation, and Storm) as noted in the staff report, as those funds will benefit from the services provided. He respectfully requested authorization to execute a contract with BS&A as noted above and offered to answer any questions they may have.

President Smith entertained comments or questions.

Councilman Scrivens asked about security against malware, ransomware, etc. Mr. Duke said the security is significant because the modules are not hosted on the City's network; they are hosted with Microsoft Azure, which is the best of the best. He recognized that nothing is foolproof, but the level of security offered by Microsoft Azure was far greater than what the City could provide internally.

Councilman Urschel said it was disturbing to learn that the City is operating software off of Microsoft servers that are no longer being maintained, which leaves the City more and more vulnerable as time goes on. For that reason alone, he supported the request.

Hearing no further discussion, President Smith entertained a motion.

Motion by Councilman Scrivens, seconded by Councilman Brannum, to authorize the City Manager to execute a contract for the purchase of software modules from BS&A Software at a cost not to exceed \$232,564 for implementation and setup, \$14,000 for hosting fees\*, and \$62,195 for annual support and maintenance,\* upon such terms and conditions as are approved by the Law Director (\*shall not be increased more than the yearly consumer price index). No discussion followed. The Roll on this was the following:

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

**7. Administrative Motion Authorizing a Contract for the Purchase, Installation, and Maintenance of Electric Vehicle Chargers in a City-Owned Parking Lot from EV United through the Ohio Department of Administrative Services Cooperative Purchasing Program, pursuant to the OEPA's Diesel Mitigation Trust Fund Grant.** Mr. Merriman said on May 27, 2021, Council authorized an agreement with OEPA to accept a \$30,000 grant from the Ohio EPA's Diesel Mitigation Trust Fund to purchase, install, and maintain two (2) dual-port electric vehicle charging stations in City-owned Lot 2 (located on W. Second Street immediately behind buildings fronting on S. Detroit Street and W. Main Street). Council authorization is now needed to contract with EV United to cover the purchase, installation and five (5) years of maintenance of the chargers. EV United was also awarded Ohio Department of Administrative Services' (ODAS) Contract Number RS900320 (Electric Vehicle Chargers and Equipment). Competitive bidding is not required for purchases made pursuant to the ODAS Cooperative Purchasing Program. Due to the specialized nature of the equipment/services and EV United's familiarity with the region, staff recommends proceeding with EV United under the ODAS contract.

President Smith entertained a motion.

Motion by Mayor Mays, seconded by Councilman Scrivens, to authorize the City Manager to execute a contract with EV United for the purchase, installation, and maintenance of two (2) dual-port electric vehicle charging stations in the amount of \$28,527 through the ODAS Cooperative Purchasing Program, upon such terms and conditions as are approved by the Law Director. President Smith entertained comments or questions. No comments followed. The Roll on this was the following:

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

President Smith asked if additional charging ports may be needed in the future. Mr. Merriman said the need for additional charging ports may depend on federal and state policies, noting there is currently a heavy push for electric vehicles and major manufacturers are migrating in that direction. These first two charging stations are a good first step and will be located in the downtown area where a lot of consumers can use them. He noted per the agenda report, users will be charged a fee to utilize the charging stations. In the future, they could consider additional charging stations at other locations if warranted.

**8. Administrative Motion Authorizing the Sale of Craft Beer by the Xenia Area Chamber of Commerce at the 2021 Xenia Oktoberfest in Downtown Xenia.** Mr. Merriman said pursuant to Xenia Codified Ordinances Section 1062.21, Council may authorize entities to serve and/or consume alcohol at events on City property through the City Manager's Office (CMO) endorsement of the special events application. The applicant is also required to obtain a permit for such alcohol sales from the State of Ohio's Division of Liquor Control. Planners of the Xenia Oktoberfest event have requested the sale and consumption of craft beer on Saturday, October 9<sup>th</sup>, from noon to 10 p.m. The event area is proposed on S. Detroit Street between Second and Third Streets as well as adjacent private properties. Proof of insurance and indemnification have been received. Staff has met internally and is supportive of the event and has determined that the City is able to accommodate the plans as discussed and proposed.

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

Motion by Councilwoman Dean, seconded by Councilman Brannum, to authorize the Xenia Area Chamber of Commerce to sell beer at the 2021 Xenia Oktoberfest within the concert area, upon the conditions that: (1) they obtain the required alcohol sales permit from the State of Ohio's Division of Liquor Control; and (2) that such sales are done pursuant to all requirements deemed necessary by the City Manager and the Police Division. Brief comment followed. Councilman Brannum said he was surprised the Council did not receive 40+ emails about this request to sell alcohol like they did when they discussed the Designated Outdoor Refreshment Area (DORA). He wished this event was coinciding with a Xenia DORA. The Roll on this was the following:

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

Nays: None                      motion carried.

**9. Administrative Motion Approving the Schedule of Bills in the amount of \$991,385.31.** Mr. Duke respectfully requested the payment of bills in the amount of \$991,385.31. He noted the large amount was due to payments for street paving projects [in the amounts of \$326,834.67 and \$139,779.74, respectively].

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

Motion by Mayor Mays, seconded by Vice President Dean, to approve the schedule of bills in the amount of \$991,385.31. No discussion followed. The Roll on this was the following:

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

Nays: None                      motion carried.

**10. Administrative Motion Authorizing the Purchase of Fiber Materials from Quantum Network Integrators, LLC.** Mr. Duke said the City's contractor, Quantum (who was awarded the contract in response to an RFP in 2019), is completing and wrapping up City projects that were previously approved by Council with the last connection being the Ford Road WWTP. Staff is still evaluating future projects; however, Quantum has access to fiber at a very attractive price. Currently, the federal government's funding availability for fiber projects has created an incredible demand for this product, which has increased the price points and wait times up to nearly a full year. Therefore, if Council desires to purchase fiber materials, the City would need to move to acquire the material immediately. Specifically, staff is requesting permission to purchase 50,000 feet of 144-count fiber at a cost of \$1.54 per foot, totaling \$77,000. The amount of available fiber may have decreased from early this week; therefore, the price would be a not-to-exceed amount. In doing so, the City would have on hand the materials needed to complete a number of projects that have been in the queue. Of course, staff would bring back to Council projects for approval before moving forward. This is a terrific price and in the event that Council should choose not to move forward with other projects, the fiber could easily be resold. Staff respectfully requests permission to acquire these materials that are now in high demand.

President Smith entertained a motion.

Motion by Vice President Dean, seconded by Mayor Mays, to authorize the City Manager to purchase 50,000 feet of fiber at a total cost not to exceed \$77,000 from Quantum Network Integrators LLC. President Smith entertained comments or questions. Councilman Urschel noted they had previously discussed some movement at the State house regarding municipal broadband restrictions. He asked for an update on that subject. Mr. Merriman said that was a provision in the State's biennial budget to restrict municipal broadband internet projects; it remained as it went through committee but was line-item vetoed by the Governor, which was a very wise move. However, it was clear there was still interest to regulate it, which was another reason to proceed with this purchase and do as much build out as possible. He added that staff was currently engaged in discussions with firms on how to pursue public/private partnerships to expand access to lower cost, higher speed (upload and download) broadband services for residents and businesses. The Roll on this was the following:

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

## **J. APPOINTED OFFICIALS REPORTS**

President Smith asked Ms. Fisher for her comments. Ms. Fisher said she and her significant other recently started a coffee roasting business, which they hope to relocate to Xenia. When they do shows and events, they tell people they are a business from Xenia. She noted they are using a Xenia post office box as their mailing address. They were attending a show in Greenville recently and met a gentleman by the name of Ron Clark, whose father lived in Xenia in 1974. Mr. Clark forwarded to her pictures that his father took five days after the April 3, 1974, tornado. She shared the photos with City Council, which Mr. Clark wished to donate to the City archives. With the Council's permission, she would send Mr. Clark a thank you note. She said it was good to meet people who recognize Xenia as the "City of Hospitality."

President Smith asked Mr. Duke for his comments. Mr. Duke did not have anything further to share. Councilman Scrivens said with a \$77,000 fiber purchase, he wants to see some projects because “fiber is the future.”

President Smith asked Mr. Merriman for his comments. Mr. Merriman provided the following updates and information:

- Staff is engaged in conversations on several levels to look at additional steps to address homelessness issues in this community—specifically, the adverse effects of the behavior of those individuals. He was hopeful to share more information with Council very soon with regard to applying additional resources to bring more enforcement and accountability. While they want to be sensitive to those who are experiencing homelessness, they do not want to present an image that would have an adverse impact while they are trying to make additional investments and make the downtown area a destination point. Xenia is the “City of Hospitality,” and they wish to help those who wish to receive help. However, if they do not want help, then they need to consider moving along.
- The nuisance abatement at 217 E. Second Street has been completed, and they are moving forward with the municipal auction with items from the site along with many other surplus items. The E. Second Street property will remain sealed for one year, and then they will determine a way forward. Given the success of this initial nuisance abatement event, he will be looking to formalizing and creating a Nuisance Abatement Task Force to coordinate Public Safety (police and fire), Code Enforcement, and Law Department personnel to target properties where long-term drug and criminal activity, lack of property maintenance, etc., have plagued neighborhoods.
- As discussed with the Property Management Committee this evening, staff has had very productive conversations with partners including other Greene County municipal leaders as well as the County Treasurer and County Auditor to look at the delinquent property tax issue, noting there are many properties in this community and throughout the County that have been tax delinquent for many years. The discussion centered on how to partner together with County elected officials along with other municipal leaders to develop a process to hold property owners accountable with regard to their tax burden.
- The City received its first tranche of the American Rescue Plan Act (ARPA) payment in the amount of \$1.1 million, which was about half of what the federal government allotted. He and Mr. Duke have participated in numerous webinars and have done a lot of research to determine how they can lawfully spend the money. He believed they are getting closer to a consensus on a recommendation to Council.
- The first Neighborhood Night Out (NNO) would occur on Tuesday, August 31, at Sterling Green Park from 5 – 7 p.m. The second NNO would occur on Tuesday, September 28, at Lexington Park (moved from Spring Hill Park) from 5 – 7 p.m. He encouraged members of Council to attend both events and engage with residents. Public Safety personnel will also be present.

## **K. REPORTS OF BOARDS AND COMMISSIONS:**

**1. Board of Zoning Appeals:** Mayor Mays said BZA met on August 23<sup>rd</sup> on the following variance requests:

- Case #BZA2021-10: Variance to allow a 12' x 16' shed to be built in the east side yard instead of the rear yard at the property located at 224 Country Club Drive, which was approved.
- Case #BZA2021-11: Variance to allow a 24' x 54' above-ground pool to be built in the front yard (between the home and the street) instead of the rear yard at the property located at 130 Massie Drive, which was approved. She explained that the property is very large, and the house actually faces Kylemore Drive.

## L. COUNCIL COMMENTS:

Councilwoman Dean did not have anything further to share.

Councilman Scrivens said he received a few calls last Friday evening after the Xenia football game regarding vehicles being towed from the parking lot at the strip center, which is on its last leg with just a few entities remaining open. Football games start at 7 p.m., and people have been parking in the strip mall parking lot for years. An announcement was made at the game regarding vehicles being towed, and fans felt like it was a slap in the face. There's another big game this Friday against Troy, and people will park there again. He expressed condolences to the families of Edith Skinner, Ferman E. Brown, Cora Stevens, and Richard Scott. He was pleased that work has begun on the monument at the James T. Henry circle to honor the City's first African American Mayor who served for 28 years. He thanked former Councilmember Dale Louderback for his leadership on this project. He would like Mr. Louderback to attend the ribbon-cutting ceremony when it is held. He congratulated the new Xenia High School football head coach Maurice Harden, who was also an instructor at the Greene County Career Center. Coach Harden's team is currently 1-0 and hoping for a 10-0 season. Xenia is currently ranked 308<sup>th</sup> in the state behind Fairborn and Troy, and they are looking to fix that. Finally, there are some intersections in the City of Xenia that need some attention as there are weeds growing up through the curbs. Some storm drains also need to be cleared of debris.

Councilman Brannum said he heard that Xenia Community Schools (XCS) was requiring masks for all staff and students starting on Monday. He was hoping that XCS would stand strong and that masks would be optional and up to the parents. He feels that wearing masks and getting a vaccine should be a personal choice for everyone.

Councilman Urschel said he has been working to rebuild the City's relationship with the Xenia Community Schools and has been attending Board of Education meetings. Regarding the issue with parking for the football game, he spoke with school representatives regarding the strip mall parking lot, which is private parking. The property owner has posted the proper signage, so he has the right to tow people. School personnel contacted Goodwill Industries, which is the primary user of the strip mall, and will have administrative staff there to monitor parking on Friday evening. There was also some concern about cars blocking access to their loading docks, which prohibited the delivery of goods. He offered that if there was anything the City could do, he was certain they would love to help. He added that the Xenia Community Schools has contracted with several Xenia Police Officers to assist with traffic control and attend the football games. At the last meeting, it was reported that the School Superintendent had stated that a certain square footage of housing was needed to support the school district, which sparked his interest. Therefore, he talked with School Treasurer Carolyn Huber, and together they looked at a scenario and ran some numbers, noting there are a lot of variables and the methodology was very complicated. He also met with Greene County Auditor David Graham to understand the property taxes and millage and to review the scenario, variables, and property values used. A new neighborhood consisting of 160 homes that are 1,400 square feet (the minimum allowed) would include about 60 school age children. Based on all that information, the total revenue the school would receive from a new neighborhood of 160 homes on 50 acres would be approximately \$370,000. Ms. Huber said the district's financial burden for one student is about \$6,000 each, and if they assume there are 60 school age children, that burden would be \$360,000. He reiterated that the numbers he presented were based on one

scenario; however, he did not believe the new subdivision would be a burden on the school district. Regarding residency for municipal employees, he shared excerpts from the Ohio Constitution (Article I, Section 1 and Article II, Sections 1 and 34), and Ohio Revised Code Section 9.481, which in its enactment, the General Assembly declared in Section 2 (A) that it is “The inalienable and fundamental right of an individual to choose where to live pursuant to Section 1 of Article I, Ohio Constitution.” He then defined “inalienable right,” which means *impossible to take away or give up*, and it is the government’s job to protect inalienable rights. He recognized there are some limitations for public safety personnel, elected officials, and volunteers. However, it is this Council’s responsibility to uphold the law; otherwise, they would be guilty of misconduct of office. If they do not agree with the law, then there is a process they must follow to change that law—but that is not done through a local municipality. He spent 34 years working for the federal government, and he has been part of some pretty amazing things with very high-powered teams of people. The City’s three appointed officials are some of the greatest people he has had the pleasure to work with. They are very professional and diligent and take their responsibilities very seriously. He believed they are working for the best interest of the City. He encouraged them to live in Xenia simply because Xenia is a great place to live, but as their employer, it was his duty to let them know that it is their fundamental right to live wherever they want.

Mayor Mays said she participated in a ribbon cutting ceremony at Wilberforce University with University President Dr. Pinkard on August 15<sup>th</sup> for a sidewalk that connects Wilberforce to Central State. She noted there has been a path there for years, since she was a child, and now there was an official sidewalk with a crosswalk. That same day, the Greene County Council on Aging had their Senior Palooza Jam Fest that included an auction and a lot of fun games. She acknowledged Karen Puterbaugh, who did a great job planning the event, which raised a lot of money for the Council on Aging. She appreciated the work and services provided by the Council on Aging, noting they have helped her family members. On Friday, August 20<sup>th</sup>, she attended an informational meeting with Mr. Merriman and Development Director Steve Brodsky who provided information about the City as well as a tour of many of Xenia’s industries in an effort to determine ways to partner together to help local businesses, help students find local internships, etc. On Friday, she also attended the “Backyard Battle” football game, and she was happy that Xenia went home with the trophy. She was pleased to host a Mayors’ lunch on August 23<sup>rd</sup> at a local restaurant. She thanked Mr. Ferrell for the Purple Heart parking sign; she really appreciated him and his work. She had been talking with him for some time and Mr. Ferrell had already texted her to let her know how much he appreciated the City’s support. She expressed condolences to the family of Tayon Howell, who was a part of her niece’s friend group. Tayon was one of several of her niece’s friend group that they have lost in the last two years, which has been very difficult for them. She acknowledged the loss of life today and over the last month of United States service members. As a person of faith, she shared a prayer of lament, noting it was important to give themselves a moment to grieve. Otherwise, their grief may present itself in moments of anger.

Vice President Dean did not have anything further to share.

President Smith also thanked Mr. Ferrell for attending their meeting and presenting a Purple Heart sign. He thanked the others who spoke this evening as well. Regarding the incident at Lexington Park and the alleged profiling, he understood Mr. Dafler’s concerns and his anger, but he could not speak to that incident because he was not there. However, he believes the Xenia Police Division is comprised of some of the finest men and women in uniform who try every day to keep citizens

safe. He believed there was not anything more important than public safety. He noted the gentleman who attended the July 8<sup>th</sup> meeting who said he was racially profiled spoke to XPD Captain Steve Lane, and he believed they have everything worked out. He did not believe that one incident should define Xenia as a community. He still stands by the title “Xenia, City of Hospitality.” He offered to meet with Mr. Dafler after the meeting. He declared Council in recess for five minutes from 7:25 p.m. to 7:30 p.m. before proceeding to the Work Session, which would not be televised.

**M. EXECUTIVE SESSION:** None.

**N. WORK SESSION:**

**1. Presentation by Dillin Corporation: Summary of Public Engagement Findings.**

President Smith asked Mr. Merriman for his comments. Mr. Merriman noted the presence of two Xenia CIC members, Donna Saraga from the Xenia Area Chamber of Commerce, and Executive Vice President Dave Walton of Old Fort Bank, who were invited to the meeting because the CIC will play a role in the redevelopment process. He then welcomed Larry Dillin, Dillin Corporation President and CEO, and members of his team. They have been very pleased over the last six weeks or so to be working with the Dillin team on the public outreach process. They feel the process has been very successful, and they are very excited for the next phase. Mr. Dillin acknowledged two members of his team, Development Coordinators Aaron Horn and Jordanne Horn. He then gave the following PowerPoint presentation regarding the in-person meetings, online survey results, and their next steps:



### In-Person Meetings

Seven Topics:  
Architectural Character \* Gathering Spaces \* Mixed-Use Buildings \* Parking Solutions \* Residential Options \* Streetscapes & Amenities \* Merchandising Strategy

- **Meetings we have held to date:**
  - Senior Center: 11 (interactive)
  - Rotary: 25 (Presentation Only)
  - Historic Center: 10 (interactive)
  - Library: 11 (interactive)
  - The Lunch Box: 14 (interactive) (Downtown Businesses)
  - Xenia School: 17 (interactive)
  - Library: 14 (interactive)
- **Totalling: 102**



### In-Person Meetings

- Consensus on preferred architectural character, and public gathering spaces
- Emphasis on Green Space and improved streetscape
- Create a cohesive central business district, incorporating the historic downtown with the redevelopment of Xenia Towne Square
- Re-create the street grid and walkable block pattern
- Healthy Mix of local & National Tenants
- Manage Traffic Impacts
- Re-Introduce Pedestrian walkability & connectedness
- Rebranding of “Xenia Towne Square” Name



### Online Survey Results

- We have collected a total of 2,010 surveys.
- A collective survey completion response rate of 77%. A normal survey goal is to have a completion rate of 1-2%.
- Overwhelming response for reintroducing the street grid
- The majority of survey takers wanted to see an increase of Family Street Festivals, Entertainment Venues of all kinds, and more quality restaurants with a mixture of National and Local tenants.



### Next Steps

- Master Planning Charrette Process
  - Engage a small group of Community Stakeholders (approximately 20)
  - Two day Charrette to draft 2-3 schemes based off of the community engagement feedback.
- Initiate Market Analysis from Market Foresight
- Follow-Up 3 – 4 weeks post Charrette with Master Plans (2-3) and Renderings to show character and quality based off of the feedback provided.

Mr. Dillin said they are currently wrapping up the community engagement portion of their assignment, which included both in-person meetings and online surveys. While the in-person meetings were not highly attended, they were highly engaged with lots of conversation and very visual activities that included selecting preferred photos among many 6’ x 10’ photos that were on display that showed numerous examples of architectural character, merchandising, residential character, gathering spaces, parking options, etc. Regarding the online surveys, they were amazed

at the survey response rate of 77%. He noted the in-person results and online survey results were amazingly consistent. The booklet shared with Council included the top preferred photos of the categories cited above along with the results of the survey questions obtained during the movie night event at the YMCA and the public online survey.

Regarding the next steps and what they will do with all this information, Mr. Dillin said the target dates for the charrette is Monday and Tuesday, September 13<sup>th</sup> and 14<sup>th</sup>. They will invite community stakeholders, and once consensus is achieved, they will consider that their marching orders and will work to come up with drawings and a master plan. The next piece includes market analysis that includes psycho demographic analysis so they can understand how consumers spend their money based on their activities, interests, and opinions—it was not just about household income. The last piece is the financial analysis, which may include multiple phases, both public and private components, etc. They want to present a business plan that is executable. He then entertained any questions they may have.

Councilman Urschel asked how the group of participants for the charrette would be selected. Mr. Brodsky said senior staff was asked who they thought should be at the table, which resulted in a list of about 45 people. They were able to pare down that list to 20 people. Mr. Merriman noted that some backups have also been identified just in case some are not able to participate. Mr. Dillin said a group of 20 people is a very good number, noting it was much more difficult to reach consensus with a larger group of people.

Mr. Merriman said regarding financing, he felt it was likely that there would be a public financing component, including a TIF (Tax Increment Financing). Therefore, it was extremely important for the schools to participate in the stakeholder process. They anticipate presenting a plan to Council by December and seek their directives on how to proceed.

Mayor Mays asked Mr. Dillin if they were surprised by any of the responses that raised some concern. Mr. Dillin said they did not get any results that they did not expect; however, he noted some people are just not comfortable with change and some comments were received along those lines. Mr. Merriman said he was very pleased that people seemed to be very interested and invested in this project. Mr. Dillin agreed; they asked people how they felt about Xenia, and most people love being in Xenia, which is a great place to start.

Councilman Brannum said the site is only 15 acres and asked if that is enough space to do everything they want to accomplish. Mr. Dillin said it would be very difficult to satisfy everybody's wants and needs. They will do their best to present the most impactful solution for this particular space. They may recommend other things for other locations in the City, noting there are many opportunities in the Central Business District.

President Smith inquired about the Ohio EPA concerns with one corner of the site. Mr. Merriman said the issue has been abated; however, there was always a chance they will encounter additional issues as they get into the project given the site's history. Mr. Dillin said his team has not seen anything yet that they have not been able to deal with. Their implementation strategy will include how to deal with any environmental issues. As he always says, "they cannot afford to fail," so they will keep working the plan until they get the best answers.

President Smith said he was proud of the community's response and thanked Mr. Dillin and his team for the presentation and for their efforts thus far. Mr. Dillin expressed his pleasure with working with City staff; it has been a very rewarding process.

**O. ADJOURNMENT:** Motion by Councilwoman Dean, seconded by Mayor Mays, to adjourn the Regular Meeting at 8:22 p.m. No discussion followed. The Roll on this was the following:

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

Nays: None                      motion carried.

Michelle D. Johnson  
City Clerk

Wesley E. Smith  
President, Xenia City Council