

**XENIA CITY COUNCIL  
MEETING MINUTES  
SEPTEMBER 23, 2021  
6:00 P.M.**

Pastor Aaron Chivington, Faith Ignited, provided the Invocation before the Call to Order.

**A. PLEDGE OF ALLEGIANCE:** All present stood and recited the Pledge of Allegiance led by Councilwoman Rebekah Dean.

**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 Will Urschel, Mayor Sarah Mays, and President Wesley Smith were present. Councilman Cody Brannum was absent.

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

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

Nays: None                      motion carried.

**D. APPROVAL OF MINUTES:** Motion by Councilman Scrivens, seconded by Mayor Mays, to approve the September 9, 2021, minutes of the Regular Meeting as written. Brief discussion followed. Councilman Scrivens noted the correct spelling of the gentleman's name as noted on page 6, which is "Shoates." The City Clerk acknowledged the correction. The Roll on this was the following:

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

Abstain: Urschel

Nays: None                      motion carried.

**E. SPECIAL PRESENTATION(S):** President Smith welcomed Joe Braden, West Region Representative for Auditor of State Keith Faber, to the podium. Mr. Braden invited Finance Director Ryan Duke to join him at the podium, which he did. He then presented Mr. Duke, the Finance Department, the Mayor and Council members, and all employees with the Auditor of State Award with Distinction for the FY 2020 Comprehensive Annual Financial Report (CAFR). He said only about 4 percent of nearly 6,000 Ohio local governments and school districts meet the following eligibility criteria of a "clean" audit report:

- The entity must file financial reports with the Auditor of State's office by the statutory due date, without extension on a GAAP accounting basis and prepare a CAFR (Comprehensive Annual Financial Report);
- The audit report does not contain any findings for recovery, material citations, material weaknesses, significant deficiencies, Uniform Guidance (Single Audit) findings or questioned costs;
- The entity's management letter contains no comments related to:
  - Ethics referrals
  - Questioned costs
  - Lack of timely annual financial report submission
  - Bank reconciliation issues

- Failure to obtain a timely Single Audit in accordance with Uniform Guidance
- Findings for recovery
- Public meetings or public records issues
- The entity has no other financial or other concerns.

Mr. Braden said it takes the hard work and effort of every employee every day to achieve this award and achieve accounting excellence. He specifically recognized and congratulated Mr. Duke for his exceptional commitment to financial integrity. (Pictures and applause followed.) President Smith thanked Mr. Braden for attending the meeting and for the presentation of the award. On behalf of the Mayor and City Council, they are very proud of the Finance team. He added that he has worked with only two Finance Directors during his term on Council, and they have both been outstanding. Mr. Duke and his staff do a great job.

**F. AUDIENCE COMMENTS:** President Smith said during Audience Comments, the Mayor and Council typically do not engage in back-and-forth conversation and/or respond to questions presented to them. However, they try to address their questions and find answers either after the meeting or by referring them to specific staff members. He recognized that many audience members were present to hear more about the [Fairmoor Heights] Hollywood Drive plat design, which was not on the agenda for Council action. However, he invited Law Director Donnette Fisher to explain the Planned Unit Development (PUD) process.

Ms. Fisher explained the process for this PUD as follows:

1. Original PUD approved in 2006.
2. In 2021, an amendment to the PUD under the current Land Development Code (LDC) was submitted to Planning and Zoning Commission (PZC), which was approved by PZC.
3. The next step in the process is the Developer will file a Final Plat to be submitted to PZC for endorsement to City Council for final approval, which has not happened yet and she did not know when that would occur. When that is scheduled for PZC and Council action, public engagement would be appropriate at that time.

She invited City Planner Brian Forschner to share additional information. Mr. Forschner said the first stage in the PUD process is the Concept Plan process, which approves the basic layout and standards for the subdivision. The plat stage is when more detailed drawing for the lots, streets, etc., are presented to PZC and then Council. Per the LDC, there is not a requirement to send out notifications (because these are not public hearings) to surrounding property owners, but people are welcome to attend the public meetings and speak during Audience Comments. President Smith asked if there was a timeline for when the final plat would be presented to PZC. Mr. Forschner said he did not know, but he anticipated that when a final plat is presented, it would be for only one phase of the development. Ms. Fisher clarified that the developer cannot start building with just an approved amendment to the PUD; PZC and Council must approve the final plat and it must be recorded with Greene County first. City Manager Brent Merriman said development opportunities that add value are good for this community, and the City wants to be transparent and invite those conversations. He recognized that Mr. Forschner has made himself available to both Council members and residents to answer any and all questions they may have. He encouraged them to continue to present their questions and concerns because he believes there have been some misunderstandings on the process and/or what was allowed to be built. Clarifying the PUD process and what was allowed by the current code may be helpful.

President Smith thanked staff for their comments. Council has heard residents' concerns, and some of them share their concerns. He then invited those who wished to speak to come forward.

Kathy Peabody, 1801 Harris Lane, said her home faces Hollywood Boulevard. She apologized to her neighbors who were present in the audience, noting she was told by a Councilmember that they should attend the meeting this evening. She talked with Mr. Forschner and several Council members about her concerns, and her biggest concern was in regard to allowing them to provide input on the project. She realizes the City must do what is best for the community, but they would like to given the opportunity to provide input. They have all heard a lot rumors, and they just want clarification. They have seen the proposed plan, and they are not happy. They just want their voices to be heard.

Keith Morris, 367 Hollywood Boulevard, said all the plans are being made for the plat and asked when the residents would be allowed to voice their opinions. He asked if they would have a vote on what they want to see, such as extending Hollywood to Sierra Trail and putting two entrances off of Fairground Road so his neighborhood and their home values are not affected. He said if Hollywood Boulevard is extended, it would become a drag strip to Fairground Road. He suggested that maybe the developer's plans would change with their input. He has grandchildren who come to his home, and he didn't want them hurt while they are playing outside.

Gloria Oppenheimer, 1807 Promenade Lane, said she has been a resident for two years. She previously lived in a Ryan Home for 45 years in northeast Ohio, and she has been through several Ryan model homes in Beavercreek. Her daughter also lived in a Ryan Home in Miamisburg for a number of years. She expressed concerns about the build quality and problems with "what you can't see." With her experience with Ryan Homes, everything was decided ahead of time, and by the time it became public, the decisions had already been made. She was told by a neighbor, who has now passed away, who knew the family well who owns the farm land that "they would never do this." She realized a lot of things happen "behind closed doors," and she hoped they would do what they feel is best. However, she asked how many tax dollars the schools would get with these new homes, noting according to the recent census, Xenia's population number has decreased. She also asked where Xenia would get the families to purchase and build these homes.

Anna Maria Walls, 393 Hollywood Boulevard, said she moved to Xenia from another City. She did not know a lot about Xenia government and wished to learn more. She expressed her concern about when residents would have an opportunity to be involved. She hoped the City would consider their input before "everything is said and done." She asked if they could find out who the builder would be, when permits are applied for, etc., and if a Council member could be assigned to keep one of them informed.

Carolyn Jackson, 2219 Carousel Drive, said she previously lived in Xenia, moved away for 20 years, and now she was back. She understands that Xenia needs to grow; however, she was confused about the drawings she received, which she displayed to those in the room. Further, she did not know what the term "PUD" meant. Ms. Fisher said since she was participating via Zoom, perhaps Mr. Forschner could review the drawings she presented. She explained that PUD means "Planned Unit Development," and in this case, this PUD was initially approved in 2006. Unfortunately, the recession in 2009 halted all development. The developer recently proposed some changes, which was the reason for PZC review. The current LDC requires only the PZC to

approve minor amendments to PUDs. The final plat would be presented to both PZC and City Council for review and approval. A traffic study was being conducted, which may change some things on the final plat. Mr. Forschner said he would be happy to meet with residents after the meeting to explain things. President Smith asked Ms. Jackson and other audience members if they would be willing to stay after the meeting to speak with Mr. Forschner. Ms. Jackson agreed, noting she wants answers because a survey was done and there are stakes in the ground behind her home. She was told building would start after the corn was picked. Other audience members agreed.

Mr. Forschner briefly explained the difference between zoning regulations and subdivision regulations. Specifically, zoning regulations dictate how a property can be used and subdivision regulations dictate how that property can be divided up into smaller lots. Further, there are different types of zoning designations. Conventional zoning has pre-defined rules, and PUD zoning allows for more flexibility because the City and the developer can negotiate the standards for that development. The Miller property was a PUD. To create a PUD, the land must go through a rezoning process, which requires public hearings and notices to be sent to all properties within a 300' radius of the property to be rezoned. For this particular PUD, that process occurred back in 2006. The PUD plan included the extension of several streets, including Hollywood Boulevard to Fairground Road. Only a few sections from the original final plat were built, and with 162 lots still left to be built. More recently, the developer wants to begin building again with a few changes. The same number of units will be built; therefore, only PZC approval was required per the LDC. There will be a range in lot sizes with some lots smaller than others, while the amount of green space was increased. The minimum square footage for the homes will be a minimum of 1,400 sq. ft., but not all homes would be 1,400 sq. ft. The next step would be for the developer to submit detailed plans for final plats for each section. He reiterated that the public hearing process occurred in 2006, and all that was occurring now was a few tweaks to the original plan.

Marty Larson, 2228 Sierra Trail, said it had been 15 years since the PUD was approved. However, since that time, many things, including the economy and the developer, had changed. He asked if the City could look at rules for grandfathering. He said the Miller family has told him they would not sell unless they had to, and currently, soy beans and corn prices are the highest they've ever been. On the contrary, land is also being sold at prices as high as they've ever been. He would like the City to take their comments into consideration. Even if the PUD was approved in 2006, they need to consider how the project impacts them today. If the City wants economic growth and higher wage workers, they need to consider that higher taxes will keep people away.

Mr. Merriman said a number of folks have expressed this evening that they are new to the City. He took an opportunity to invite all audience members to attend a future Citizen's Academy, which he and staff host annually. He explained that citizens are invited to attend a series of six meetings at which they would learn more about home rule and how the City Charter works, governance, public safety services, planning/zoning/development, etc. The academy is free, and he and staff want citizens to understand and be engaged. The academy is also an opportunity for the City to be open and accessible to the public.

Ms. Peabody said she was the only resident in the room that had been in the City since the PUD was initially approved in 2006, and she did not recall if notifications were sent to her at that time. She purchased her home in 2002 and was told at that time that Hollywood Boulevard would not go all the way through. Unfortunately, she did not have that in writing.

President Smith thanked everyone for attending the meeting and for their comments this evening. To stay informed, he said the City Clerk posts agendas for City Council and all lay boards on the City's website and on the bulletin board in the first floor lobby of the City Administration Building. He said the Planning and Zoning Commission is chaired by Councilman Brannum and is comprised of City residents who are volunteers; they meet on the first Thursday of the month at 6 p.m. All meetings are open to the public, and there was always an opportunity for audience comments.

**G. OLD BUSINESS:** None.

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

**I. NEW BUSINESS:**

**1. RESOLUTION 2021-KK AUTHORIZING A THEN AND NOW PAYMENT OF \$4,188.86 TO VISTA SOLUTIONS GROUP FOR DOCUMENT IMAGING FOR THE XENIA MUNICIPAL COURT, AND DECLARING AN EMERGENCY.** Finance Director Ryan Duke said in the transition between Court Administrations a couple years ago, it appears that an invoice for services rendered related to document imaging was not properly accounted for. The prior administration had encumbered the funds for this purpose, but the new administration inadvertently used the purchase order to pay for other services rendered by the same vendor. There was some turnover and confusion as new employees tried to acclimate themselves to the purchasing system and sort through outstanding liabilities of the Court. Only recently has the Finance Department become aware of this outstanding invoice from June 2020 due to Vista Solutions Group. The services were rendered, and there is a legitimate liability that needs to be resolved. Because the amount outstanding exceeds \$3,000 (the then and now portion is \$4,188.86) and because there are not sufficient funds encumbered to cover the cost, the City is required by Ohio's Uniform Tax Levy Law to certify, via a resolution, that funds were available when the dollars were spent and that the funds are still available now. Staff recommends Council pass the resolution so the invoice can be processed and payment made.

President Smith entertained a motion to pass Resolution 2021-KK as presented.

Motion by Mayor Mays, seconded by Councilwoman Dean, to pass Resolution 2021-KK. President Smith entertained comments or questions. Mr. Merriman said at times things slip through the cracks, and this was just a housekeeping item. President Smith agreed. Councilman Scrivens asked if there was any interest or penalty charges. Mr. Duke said he did not believe so. The Roll on this was the following:

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

Nays: None                      motion carried.

**2. Introduction of Resolution 2021-LL Providing for Assessments to be Levied and Authorizing the Finance Director to Certify Those Assessments to the Greene County Auditor.** Mr. Duke said the City must sometimes utilize its internal resources or a contractor to abate certain violations of the City's Property Maintenance Code on private property when a property owner fails to heed notices of violation and address the violations. These types of violations typically include mowing tall grass and weeds; removing trees, plant or shrubs that

overhang or otherwise create a danger in the right-of-way; demolition of unsafe structures; and cleanup of trash that has been improperly strewn about a property or cannot be picked up by the City's sanitation service. Correcting these types of violations requires services for which the City incurs direct costs and/or staff time. The Property Maintenance Code allows the City to recover its costs, plus a service charge, by sending an invoice to the property owner. If the property owner fails to pay, then the City is permitted to assess the costs to the owner's property taxes. The County Auditor will allow the City to assess up to three (3) times a year. This is the second assessment in 2021 for the following assessments:

Weeds	\$107,193.75
Trash Cleanup	\$6,840.00
Demolition	\$609.99

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

Councilman Urschel presented RESOLUTION 2021-LL PROVIDING FOR ASSESSMENTS TO BE LEVIED AND AUTHORIZING THE FINANCE DIRECTOR TO CERTIFY THOSE ASSESSMENTS TO THE GREENE COUNTY AUDITOR, and it was read for the first time.

**3. Administrative Motion Changing the November 11 and November 25, 2021, and December 23, 2021, Council Regular Meeting Dates due to Holidays.** Mr. Merriman said per the City Council regular meeting schedule, the first meeting in November 2021 falls on Veterans Day and the second meeting in November always falls on Thanksgiving Day, which are both observed holidays and require a change in meeting dates. Therefore, he respectfully recommended that the November 11<sup>th</sup> meeting be held on the preceding Tuesday, November 9<sup>th</sup>, at 6 p.m. and the November 25<sup>th</sup> meeting be held on the preceding Tuesday, November 23<sup>rd</sup>, at 6 p.m. Also, the second meeting in December falls on December 23<sup>rd</sup>, which will also be a half-day observed holiday (per Ordinance 2020-13 adopted on May 28, 2020, as Christmas Day falls on a Saturday, Christmas Eve will be observed on December 23<sup>rd</sup> and Christmas Day will be observed on Christmas Eve). In an effort to allow more time for end of year closeout as well as being considerate of Council's and staff's personal holiday schedules, staff respectfully recommends moving the second meeting in December from December 23<sup>rd</sup> to Wednesday, December 29<sup>th</sup>, at 5:00 p.m. (instead of the regular 6 p.m. start time).

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

Motion by Vice President Dean, seconded by Mayor Mays, to change the first meeting in November from November 11<sup>th</sup> to Tuesday, November 9<sup>th</sup> at 6 p.m., the second meeting in November from November 25<sup>th</sup> to Tuesday, November 23<sup>rd</sup> at 6 p.m., and change the second meeting in December from December 23<sup>rd</sup> to Wednesday, December 29<sup>th</sup> at 5:00 p.m. to accommodate end of year closeout. No discussion followed. The Roll on this was the following:

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

**4. Administrative Motion Approving the Schedule of Bills in the amount of \$728,726.12.** Mr. Duke respectfully requested the payment of bills in the amount of \$728,726.12. He noted a

large portion of the total was related to the S. Columbus Street Bridge Project (\$335,440.40), which will be reimbursed by the grant.

President Smith entertained a motion.

Motion by Mayor Mays, seconded by President Smith, to approve the schedule of bills in the amount of \$728,726.12. President Smith entertained questions or comments. None followed. The Roll on this was the following:

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

Nays: None                      motion carried.

## **J. APPOINTED OFFICIALS REPORTS**

President Smith asked Mr. Duke for his comments. Mr. Duke said even though Mr. Braden had left the meeting, he thanked the Ohio Auditor of State's for the award, noting that a lot goes into the work they do. He complimented all staff—not just Finance Department staff—for complying with all the various rules and regulations. He was pleased to receive the recognition, which was a testament to the great job done by all staff. Councilman Scrivens agreed. He also complimented Mr. Duke and his staff, noting Mr. Duke was not a “one-man show.” He said the City had a tradition of maintaining financial excellence, noting he has been attending Council meetings since 2006, and more recently participating as a Councilman, and all previous Finance Directors including Mark Bazalak and Jim Freeman also received these awards. He thanked them for accounting for every penny. Mr. Duke thanked him for his comments.

Mr. Merriman noted Ms. Fisher had joined the meeting via Zoom. However, she sent him a message stating that she was experiencing technical difficulties and did not have anything further to share.

President Smith asked Mr. Merriman for his comments. Mr. Merriman said fall had arrived, and with that, fall community events. The *Xenia Oktoberfest* would be held on Saturday, October 9<sup>th</sup>, hosted by the Xenia Area Chamber of Commerce and Devil Wind Brewing from noon to 10 p.m. Food services and music acts from around the region are planned for the entire day. On Saturday, October 16<sup>th</sup>, from 2 to 7 p.m., the first annual *Harvest on Main* event will be held, which will include many family activities, a craft fair and farmer's market, petting zoo, games, a straw maze, photo booth, pie eating contest, food trucks, giveaways, etc. This event is in partnership with Route 68 Vintage Toys and the FLOUR Bake Shop. Mayor Mays noted that Becky Hawkes from FLOUR Bake Shop has scheduled over 40 craft vendors to attend the event. Route 68 Vintage Toys and Collectibles is hosting an adult costume contest with a \$200 cash prize and an under 12 years of age costume contest with a \$50 cash prize. Mr. Merriman reported the last Neighborhood Night Out (NNO) event this year will be held on September 28<sup>th</sup> at Lexington Park. In cooperation with One Bistro, the City will be handing out 250 boxed lunches. There will also be an opportunity for attendees to talk with City Council about the future of the park. Police and Fire personnel will be on site and will be doing demonstrations with their apparatus.

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

**1. Economic Development Advisory Board:** Councilman Urschel said EDAB met in Special Meeting on August 30<sup>th</sup> to discuss the proposed reorganization and consolidation with the

Loan Trust Fund Committee. Two additional Council members may be assigned to the Board. Even though the Xenia Community Schools already have representatives on the Board, he would like to more actively engage them on economic development to address both the City's and the school's needs. He would like to utilize this Board to look at key components of the City's economic development strategy and participate in the review and update the City's X-Plan (comprehensive plan). Even though the legislation has not been completed to facilitate these changes, he wanted the Board to meet to discuss the proposed changes.

#### **L. COUNCIL COMMENTS:**

Councilwoman Dean said she was looking forward to seeing everyone on Tuesday at Lexington Park from 5 to 7 p.m.

Councilman Scrivens congratulated Xenia High School's Homecoming King and Queen, Mr. Treyshawn Hoskins and Ms. Brylee Dixon. He said the Xenia Bucs Varsity Football Team's record this year is 4-1, and they are playing Tippecanoe in Tipp City this evening. He extended condolences to the family of Mr. Norton Doran, one of his fellow classmates.

Councilman Urschel thanked the audience members for their attendance this evening. He recognized that the average citizen has little knowledge of and interaction with the City's code. He has spoken with representatives from the development, and he believed the City has followed the current Land Development Code. However, he agreed that some changes may be needed, and they may need to consider timelines and expirations, especially when the standards change. The current caveat was that if a development has been initiated, there was no expiration date for that final plat. He further noted that there are several PUDs in the City of Xenia, and each one was peculiar and different from the others. They need to work with staff with regard to how to make that information more easily available to residents. Modifications can be either minor or major. In this case, the modification was deemed a minor modification, which required PZC approval only. He personally believed these modifications were major modifications, and they should have had a public hearing. Lessons were learned, and they need to determine with the current Council what are deemed minor or major changes, when public hearings are required, etc. He would be reviewing the current code with regard to bringing forward some recommended changes. However, they must proceed with the process under the existing law. The PZC, Mr. Forscher, and the developer have all complied with the existing law. When the final plat comes forward, they can [all] have input at that time. Regarding Xenia Friday night football games, he previously reported that cars were towed the evening of one game. Several Council members talked with people at Xenia Plaza, who noted that some staff who had been at work since 7 a.m. couldn't get their vehicles out of the parking lot so they could go home. After many announcements at the football game, they had no choice but to tow some cars. Since then, cones were set up in the plaza for home football games, and things have worked out much better.

Mayor Mays also thanked everyone who spoke this evening. She congratulated the Finance Director and all staff on the receipt of the Auditor of State's award. They all pride themselves on the City's transparency on everything, including the City's finances. On September 10<sup>th</sup>, she attended an open house at the Greene County Juvenile Assessment and Intervention Center along with Judge Ron Lewis and Governor Mike DeWine. She was excited about what they will do for the young people in this community. On that same day, she helped 93.7 and 100.7 radio stations celebrate 60 years on

air. She participated in the charrette process with regard to the Xenia Towne Square redevelopment, noting Mr. Larry Dillin and his team, City staff, and all participants are very excited about the future of the site. On September 21<sup>st</sup>, the African American Ministerial Alliance (AAMA) and Xenia Area Association of Churches and Ministries (XAACM) shared a meal and talked about ways they are all working to serve this community. She reported the Route 68 Vintage Toy's "Great Ohio Toy Show" will be on October 2<sup>nd</sup> with over 600 vendors from 19 states. She congratulated the owners of the toy store, Rob and Danielle Eldridge, on their success. Also on October 2<sup>nd</sup>, SOS Ministries would be conducting a fundraiser at Rural King between 10 a.m. and 3 p.m. That evening, the Jeremiah Tree would be having a "Rooted in Hope" gala at Whattapuddle Farms.

Vice President Dean did not have anything further to share.

President Smith encouraged everyone to attend the NNO event on September 28<sup>th</sup> at Lexington Park. He said the City needs community feedback on the future of that park. He then declared the Council in recess from 7:17 to 7:27 p.m. noting the remainder of the meeting would not be televised. He invited those interested to meet with Mr. Forschner in an adjacent conference room.

**M. EXECUTIVE SESSION:** None.

**N. WORK SESSION:**

**1. State of the City Address:** Mr. Merriman said he wished to share a brief overview of his State of the City report, a full version of which will be published in the next few weeks. Even though a lot of the information he will share is not new information for City Council, he wished to present some specific challenges over the past year as they look forward to future years. He discussed three key areas as follows: Evolving Challenges, Emerging Opportunities, and Engaging Priorities for 2022. He noted in many State of the Union, State of the State, and State of the City addresses, leaders tend to focus on only the positives, but he wishes to also recognize their challenges as well.

Evolving Challenges:

- COVID is an issue for everyone in every community. They are all challenged with policy issues regarding mask mandates, vaccination mandates, etc. Employees have voiced concerns and applaud the current position of personal choice. COVID hit City employees harder in 2021 than it did in 2020 from an operational standpoint, especially public safety employees. Both vaccinated and unvaccinated employees got sick. He believes they have weathered the worst of it from both an operational standpoint and an economic standpoint.

Councilman Urschel asked if the 100 employees or more level would impact the City at this time. Mr. Merriman said he and Ms. Fisher have discussed the issue, and they believe that is a rule being written through the U.S. Department of Labor/Occupational Safety and Health Administration (OSHA), which is for occupational safety private businesses. Because there is a separate system inclusive of Bureau of Workers' Compensation in Ohio, the City of Xenia would be excluded from that mandate. He was certain this mandate would end up being litigated all the way up to and through the Supreme Court. If an edict is presented at some point in the future, such as receiving federal grant dollars, they would have to take that into consideration.

- Homelessness
  - HEADS Up Initiative (Homelessness Engagement, Assistance, and Deterrence Solutions)
    - Proactive, daily, face-to-face interactions with homeless offering resources for assistance to those willing, moving along and/or holding accountable those unwilling to otherwise involved in criminal activities. Xenia PD and Public Service, and hopefully bringing TCN and Bridges of Hope alongside, for these engagements to assess service needs and options.
    - Providing resources and contact information for businesses and residents in known trouble locations (no trespassing signage, expedited contact procedures)
    - Funding and Location/Service Options for Bridges of Hope
    - Contacting Other Municipalities—direct communications to stem the tide of any unwarranted transfers of homeless from other jurisdictions to Xenia for services

Both Mr. Merriman and Councilman Urschel stressed the fact that homelessness services should be focused on Greene County residents and families. They do not want other communities to send their homeless people here. Mr. Merriman said other institutional partners need to be part of the overall discussion as they seek solutions. That said, the HEADS Up Initiative has been underway for almost two weeks now, and they believe the scope of the issue was actually less significant than they had feared. President Smith asked how homeless people from other communities get here. He asked if law enforcement bring them and drop them off at Bridges of Hope or somewhere else, such as Walmart. Mr. Merriman said he did not know the answer to that question. There are some assumptions, but he did not have any proof.

- Recruitment & Retention
  - Xenia is experiencing Recruitment and Retention issues across the board, but most pronounced in Public Safety
  - Turnover is extremely costly and lends to inconsistency and service decline
    - Currently, non-certified public safety recruits will cost the City between \$20-\$40K to fully train, equip and backfill during training
  - Expecting major retirement exodus in addition to other retention challenges (mid-career departures)
  - General labor shortage, societal issues, and generational differences and work preferences drive a dearth in recruitment
    - Younger generations less willing to work 24/7/365 schedules; much less likely to work OT and/or nights and weekends
  - Contemporary Recruitment Alternatives
    - Cadet Program funded through Police Cadet Recruitment Program grant to bring along young recruits who do not yet meet minimum age requirements
    - College to Law Enforcement Pathway Program—with Cedarville University, CSU and other Ohio Law Enforcement agencies
  - Continue to evaluate compensation, benefits, culture and other factors that drive competitive dynamics
- Nuisance Abatement program
  - Neighborhood Engagement Action Team (NEAT) Initiative
    - Comprised of personnel from the Law Department, Police Division, Code Enforcement, Fire Division, Public Service alongside Greene County Public Health, Greene County Building Regulation, and other social service entities
    - Addressing hotspots of chronic drug and criminal activities, property maintenance and building safety issues, and infrastructure neglect
    - Holistic approach to rebuilding safety and visible conditions in troubled neighborhoods to transform realities of neighborhood quality of life area marketplace

- Utilize available statutory authorities—Xenia will be the first in Greene County to aggressively pursue this
- Key Operating Funds (KOFs) revenue situation
  - KOFs are stable, but with the state and national climate, nothing can be certain long term
  - Must continue to prioritize tax base expansion to ensure adequate resources for growing service demands
  - Need to grow resource stream to address aging infrastructure
  - Prioritize expenses to ensure adequate service delivery that meet service and amenity expectations of a changing and growing population
- Fighting a Negative Culture
  - Must encourage this community to pair solutions with complaints
  - Need community partners—educational, faith-based, business community, service organizations—to help fill the existing gaps
  - Most community deficiencies stem from broken families and unstable homes and the causes thereof including substance abuse, mental health, and poverty
  - Intergovernmental partnerships are a major key in solving many of these problems
    - City—Schools
    - City—County

#### Emerging Opportunities:

- Housing expansion—developers want to start building again, and three developments totaling over 500 housing units are planned.
- New Retail—the Progress Drive/Hospitality Drive area will continue to develop as well as new opportunities in the downtown area.
- Eavey Building—this project has been on the horizon for several years, and he believed the property owners are close to securing a significant amount of funding. This project in the downtown area was extraordinarily meaningful as it would boost the downtown in becoming a destination location.
- Carnegie Library—this local gem is a Greene County property that they are desperately trying to save and restore.
- Towne Square Redevelopment—planning and the public input process with the Dillin team have been underway for this exciting redevelopment project. The formation of a realistic plan with a sustainable economic model is coming later this year.
- Broadband Service—the highway of the future is the information superhighway = smart infrastructure. There is an opportunity to connect this community and provide broadband services for industrial and residential areas. Staff was currently negotiating with a firm to determine if community-wide buildout for this municipal service can be accomplished. He anticipates bringing more information to Council in October.

#### Engaging Priorities:

- American Rescue Plan Act (ARPA) funding—first tranche was received. They still need to determine how to use those dollars, which could be for streets, a new Fire Station, the redevelopment of Xenia Towne Square, or another high priority project.
- PD Quality Improvement Team—they will be looking at operations and structure in the Police Division with regard to ongoing and anticipated turnover to include changes in leadership. They will be looking at the core structure, service delivery, and how to become more efficient to create an operational structure and culture that is conducive to future service delivery.

- Public Service Task Force—some changes have already been implemented, and they will continue to pursue opportunities for improved service delivery, productivity, efficiency, and professionalism.
- Emergency Operations Planning Update—they are beginning to evaluate the City’s Emergency Operations Plan, which will be organization wide, with the goal to have it completed by March 2022. The Plan will include a continuity of operations plan for every major facility, system, or work unit.
- Educational partnerships—work closely with Xenia Community Schools and other education partners in this community when growth opportunities present themselves.
- X-Plan Update—a specific timeline to engage the community and update the City’s comprehensive plan will need to be determined. They will celebrate the successes achieved to date from the first iteration of the plan while setting higher expectations for the future.

In wrapping up his presentation, Mr. Merriman said three employees have passed away all due to tragic circumstances just in the past year or so—a City Councilman, an administrative staff member, and a public safety staff member. People matter, and they are all struggling with many things, especially in this time of great uncertainty. As leaders, they have an opportunity with staff and with the community to set a high cultural tone and high expectation to be strong leaders and recognize staff’s contributions. He was very proud of the leadership element he has seen from both staff and City Council. He offered to answer any questions they may have. (Applause followed.)

Councilman Scrivens said in regard to increasing the revenue base, he asked the status of the annexation of Central State University. Mr. Merriman said the City has provided to CSU an overview of the process and names of firms that could do the survey work. The challenge that remains was in regard to determining which official entity has to sign the petition, which staff believes is the Department of Administrative Services. They all believe the annexation was right for both the institution’s and the City of Xenia’s long-term benefit.

Councilman Scrivens said in terms of technology, he asked Mr. Merriman if he believed the City could be advanced enough that the buildout would result in establishing a new key operating funds. Mr. Merriman believed there was an opportunity for a line of revenue with the broadband services; however, he did not think it would be an *overwhelming* line of revenue. The revenue could be reinvested in other areas of infrastructure, such as streets. He did not believe the revenue would be substantial enough to entirely fix the street problems, but any “new” revenue should be pursued. President Smith did not believe they could use enterprise funds in that way. Mr. Merriman said if they used water and sewer dollars for any fiber project, they could “buy back” that investment with general capital or general fund dollars; the revenues could then be receipted into the general fund.

Mr. Merriman said in regard to recruitment and retention, the issue goes well beyond public safety staff. He said the average age of a water treatment plant (WTP) employee in the State of Ohio is 53 years old. The average age of the City’s WTP employees is 62 years old. WTP employees must be certified, and finding employees with the proper certifications was becoming a problem. If they wished to recruit from within, they would recruit from maintenance staff employees. As they discuss the Public Service Task Force and “upping” the expectations and professionalism of that staff, part of that is because they want to provide a means of transferring employees to a higher classification.

President Smith said he liked the idea of the Cadet Program. He said while he was not a fan of those who wish to retire and then rehire, he realizes they may have to do that for certain positions. Mr. Merriman agreed. There are several staff members in key positions around the City who are

highly qualified and tremendously valuable that Council may want to consider for retire/rehires. President Smith said job fairs are great, and they really need to do whatever they can to partner with the Greene County Career Center (GCCC) for recruitment opportunities. Mr. Merriman agreed, noting they are already in conversations with the GCCC in launching a training program for firefighter positions.

Regarding the negative culture, President Smith said this Council needs to bring in the ministerial associations for a work session where they can have an open discussion on all this issues listed above. Mr. Merriman agreed.

**2. Five-Year Capital Improvement Plan:** Assistant City Manager Jared Holloway said the 2022-2026 Five-Year Capital Improvement Plan (CIP) was distributed to City Council this evening in hard copy form. The Resolution to accept the plan is scheduled for introduction at the next Council meeting on October 14<sup>th</sup>. He noted the CIP is a capital plan—not an operating plan. There was a 100% chance that it would not be 100% accurate. This plan was constantly evolving—even today, there were meetings that resulted in some changes in the CIP. The plan is just a snapshot in time. The plan does not commit to funding or approval for any specific project. All the items in the CIP will come back to Council either individually or as part of the annual budget, and the items are incorporated into five- and ten-year financial projections. The plan is a funded plan. It is published by the City Manager on or before October 1<sup>st</sup> per Xenia City Charter Section 9.12 (B):

*“The City Council by ordinance or resolution shall adopt the capital program with or without amendment after the public hearing and on or before the first day of November of the current fiscal year.”*

He said there are many variables and complexities with this iteration noting there was uncertainty with revenue due to Covid-19 and last minute grant funding through ARPA. Further, many projects are pending grant award funding. Without grant funding, the project would likely not go forward. This CIP includes over \$61.6 million amongst all funds over five years. The CIP averages over \$2.84 million annually on planned street expenditures in the next five years, which was still not enough to improve the overall PCI.

Streets:

- Streets remain a priority although funding for comprehensive improvement is inadequate.
- Specific street projects included portions of:
  - Bellbrook Avenue
  - Detroit Street
  - US 42
  - Progress Drive
  - US 68 and SR 380
- Annual Street Program—funding for yet to be identified projects.
- Street expenditures prioritize thoroughfares where grants/matching funds are utilized. Not much in terms of neighborhood level streets.

Projects of Note:

- Justice Center Security Addition
- FBI Shooting Range
- Fire Station 32 Replacement
- Influent Diversion Box

- Additional Mitigation for closed landfill
- Third Street Creek Wall
- Fiber Connection to Water/Sewer Assets

Concerns:

- Uncertainty of economic and political environment.
- Even with all the current transportation projects in CIP, staff still projects declining pavement condition index based on 2019 PCI report—especially for neighborhood level streets.
- Sanitation Fund—looking at a possible rate increase in the near future due to capital expenditures related to post landfill closure and expiring Rumpke Contract.
- Stormwater Fund was significantly underfunded. Infrastructure was not being maintained and major projects are placed on hold due to lack of funds.

Mr. Holloway said the presentation was a quick overview, and there are many more details in the printed document. He thanked staff for their assistance in developing the final CIP. He then entertained questions or comments. Mr. Merriman said he has been with the City for 15 years, and when he was the Assistant City Manager, he was tasked with developing the Five-Year CIPs. He commended Mr. Holloway on doing a fantastic job putting the plans together. He appreciated his and all staff members' efforts. He has never seen a year with as much uncertainty than this year, to include uncertainty on how to use ARPA funding, grant funding applications that are still waiting approval, newly announced/last minute opportunities, etc. This version of the CIP was literally already out of date before it was even printed. President Smith agreed it was put together very well. He asked if the CIP would be available to the general public. Mr. Holloway said yes. The City Clerk has a copy, it will be posted on the City's website, and when the Resolution is approved to adopt the plan, it would be attached to that legislation as an exhibit.

**O. ADJOURNMENT:** Motion by Mayor Mays, seconded by Councilwoman Dean, to adjourn the Regular Meeting at 8:26 p.m. No discussion followed. The Roll on this was the following:

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

Nays: None                      motion carried.

Michelle D. Johnson  
City Clerk

Wesley E. Smith  
President, Xenia City Council