

City Council Meeting Minutes
March 26, 2009
Executive Session
6:30 p.m.

The Xenia City Council met in an Executive Session on March 26, 2009, at 6:30 p.m., in the First Floor Conference Room, City Hall, with the following members present: William R. Miller, John Caupp, Dale Louderback, Jeanne Mills, Patricia L. Felton, Phyllis A. Pennewitt, and Dennis R. Propes.

Motion by Councilwoman Mills, seconded by Mayor Pennewitt, to meet in Executive Session to discuss Personnel Matters. No discussion followed. The Roll on this was the following:

Ayes: Miller, Caupp, Louderback, Mills, Felton, Pennewitt, and Propes
Nays: None motion carried.

The City Council met in Executive Session to discuss Personnel Matters.

Regular Session
7:00 p.m.

At 7:02 p.m., the Xenia City Council adjourned their Executive Session and convened in Regular Session in the City Council Chambers, City Hall, with the following members present: William R. Miller, John Caupp, Dale Louderback, Jeanne Mills, Patricia L. Felton, Phyllis A. Pennewitt, and Dennis R. Propes.

INVOCATION: Xenia YMCA Director, David Thompson, gave the invocation after which all joined in the Pledge of Allegiance. Mr. Thompson introduced his daughter, Sela, age 6½, a kindergarten student at Tecumseh Elementary School. He noted his daughter was so excited about meeting Mayor Pennewitt – it made her day!

APPROVAL OF MINUTES: Motion by Mayor Pennewitt, seconded by Councilman Louderback, to approve the March 12, 2009, Regular Session minutes as written. No discussion followed. The Roll on this was the following:

Ayes: Miller, Caupp, Louderback, Mills, Pennewitt, and Propes
Abstain: Felton
Nays: None motion carried.

Motion by Councilman Louderback, seconded by Councilman Caupp, to approve the March 14, 2009, Special/Executive Session minutes as written. No discussion followed. The Roll on this was the following:

Ayes: Caupp, Louderback, Mills, Felton, Pennewitt, and Propes
Abstain: Miller
Nays: None motion carried.

Vice President Miller apologized for not attending the March 14th Special Session. He was home with his five children while his wife worked.

PUBLIC HEARINGS:

Request to Rezone Two (2) Parcels on S. Columbus Street from I-2 Heavy Industrial District to A-1 Agricultural District. President Propes opened the public hearing and asked for the staff report. Mr. Percival said the two parcels involved are owned by Robert W. Louderback, Sr., of 900 Birch Road, Xenia, Ohio, and located east of South Columbus Street, south of the Ohio Erie Trail and north of Birch Road. The land is currently being used for agricultural purposes. Mr. Louderback would like Council to consider introduction of an ordinance rezoning 40.9 acres of land from I-2 Heavy Industrial District to A-1 Agricultural District. He noted City Planner, Nimfa Simpson, was available for questions.

President Propes entertained comments or questions from Council. None were presented.

President Propes invited those in favor of the rezoning to step forward to speak.

Robert W. Louderback, Sr., 900 Birch Road, Xenia, said the parcel being discussed is zoned I-2 Heavy Industrial District, which he did not understand because nothing could ever be built there. He felt the best use of the southern parcel is for agricultural use, which he intends to do. The north parcel, which is mostly in the flood plain, will be kept as open space; it could never be used for heavy industrial use. There is no other use for the southern parcel except agricultural.

President Propes invited those against the rezoning to step forward to speak. No one came forward to speak. He then invited those neither for nor against the rezoning to step forward to speak. No one came forward to speak.

Councilwoman Felton said on March 5, 2009, XPZC voted in favor of the rezoning but had questions on the easement and depth of the sewer line. The city has an easement for the sewer line that goes across the property. She asked the depth of the sewer line. Chris Berger, City Engineer, said the depth of the sewer is within a range of 8 to 14 feet and is deep enough so there is no danger of heavy farm equipment damaging it. Councilwoman Felton noted there was a problem at one time with heavy farm equipment damaging the sewer line. Mr. Berger agreed.

President Propes closed the public hearing at 7:08 p.m. and entertained an introduction of the ordinance.

Councilwoman Felton introduced an ORDINANCE REZONING 40.904 ACRES OF LAND CONSISTING OF TWO PARCELS LOCATED ON SOUTH COLUMBUS STREET AND BIRCH ROAD OWNED BY ROBERT W. LOUDERBACK FROM I-2 HEAVY INDUSTRIAL DISTRICT TO A-1 AGRICULTURAL DISTRICT, and it was read for a first time.

Amendment to FY 2008 Small Cities Community Development Block Grant (CDBG) Formula Allocation. President Propes opened the public hearing and asked for the staff report. Mr. Percival said this is the second of two public hearings to discuss the Small Cities Community Development Block Grant (CDBG) Programs for the year. Council is also requested to approve an Emergency Ordinance authorizing the City Manager to submit a request to amend the FY 2008 CDBG Formula grant application to the State of Ohio. Since last spring, several occurrences led staff to recommend an alternate section of the bike route and to add an additional project to the grant. The additional project is the construction of an oval-shaped walking path

and connectors as part of the Spring Hill Park Master Plan that Council previously reviewed and approved. The project is recommended as part of the Amendment to the FY 2008 CDBG Grant and is an eligible cost under the CDBG Grant, which the city does not currently have budgeted in the General Capital Improvement Fund 361. The second amendment is to change Towler/Sheelin pedestrian/bike path connector to West Side Park. The originally approved grant called for a pedestrian/bike bridge to cross a stream at West Street. Due to subsequent cost estimates and concerns about the feasibility of the bridge construction, the City of Xenia is now asking to replace this project with a project to connect the bike path between the already constructed portions along Towler Road. This “missing gap” in the original project will provide continuity and more safety to cyclists and pedestrians utilizing Towler Road. The City has the ability to spend the money that is currently available, but a formal public hearing must be held to request Council approval on the two changes to the FY 2008 CDBG Grant. He noted Mary Crockett, Community Development Director, was available for questions.

President Propes invited Council comments.

Councilwoman Felton asked how much money the city would be required to spend to complete the projects. Mr. Percival said the city would be required to spend no money—it is a ‘zero’ local share.

President Propes invited those in favor of the amended FY 2008 CDBG Formula Grant activities to step forward to speak. No one came forward to speak. President Propes invited those against the amendments to step forward to speak. No one came forward to speak. He then invited those neither for nor against the amendments to step forward to speak. No one came forward to speak.

President Propes closed the public hearing at 7:12 p.m.

Mr. Percival respectfully requested that Council waive the second reading of an ordinance at two consecutive meetings and pass as an emergency an Ordinance authorizing the City Manager to submit an amendment request to the State of Ohio for the City of Xenia FY 2008 Formula Allocation funds.

Mayor Pennewitt presented a **ORDINANCE AUTHORIZING THE CITY MANAGER TO SUBMIT AN AMENDMENT TO THE FISCAL YEAR 2008 OHIO SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FORMULA ALLOCATION FUNDS AS ADMINISTERED BY THE STATE OF OHIO DEPARTMENT OF DEVELOPMENT, AND DECLARING IT TO BE AN EMERGENCY.**

Motion by Mayor Pennewitt, seconded by Councilwoman Mills, that the rules requiring the reading of an ordinance at two consecutive meetings be dispensed with and this ordinance be placed at once upon its passage. Discussion followed. Councilwoman Felton clarified only two FY 2008 CDBG Formula Grant projects would be done. Mr. Percival said that was correct. The Roll on this was the following:

Ayes: Miller, Caupp, Louderback, Mills, Felton, Pennewitt, and Propes

Nays: None motion carried.

Motion by Mayor Pennewitt, seconded by Councilwoman Mills, that Ordinance Number 09-12 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Miller, Caupp, Louderback, Mills, Felton, Pennewitt, and Propes

Nays: None motion carried.

AUDIENCE COMMENTS: President Propes explained the procedures for audience comments and invited anyone who wished to speak to come forward. No one came forward to speak.

REPORTS OF COMMITTEES:

Planning & Zoning Commission: Councilwoman Felton said XPZC met on March 5th and recommended that City Council approve the rezoning of two (2) parcels on S. Columbus Street from I-2 Heavy Industrial District to A-1 Agricultural District, which was done tonight.

Mayors & Managers: Mayor Pennewitt said Mayors & Managers met on March 11th at a wonderful restaurant in Oakwood called C'east Tout. Don Spange, Executive Director of MVRPC, gave an update on the transportation dollars and projects from the Federal Economic Incentive Dollars. Tonight, Councilman Louderback shared copies of two of the four project requests submitted by the City of Xenia for federal funding. The city requested over a million dollars for the downtown streetscape project, but was awarded only \$209,348. The other project requested (and awarded) was for \$51,123 for the bicycle/pedestrian crossing at Xenia Station to Ohio Erie Trail. Additionally, the full amount of \$3,209,681 was approved for the Greene County Innovation Way project (behind Legacy Ministry). Mr. Percival clarified that the Innovation Way project was approved for \$2.3 million. Mayor Pennewitt agreed. Councilman Louderback stated none of the projects have been approved. Mr. Percival agreed; MVRPC will take official action in April 2009.

Miami Valley Regional Planning Commission: Councilman Louderback said he attended the March 5th meeting. Mayor Pennewitt already shared the recommended projects that will be voted on in April. He was *very disappointed* that the City of Xenia did not receive more money. It seemed to him that the money was distributed elsewhere to a great degree. However, some money is better than nothing.

Councilwoman Felton asked which cities received funding. Councilman Louderback said money went to Beavercreek, Trotwood, and Huber Heights – everywhere but Xenia. Mr. Percival said 88 projects totaling almost \$70 million were submitted to MVRPC but MVRPC only had \$17.3 million in funding. He and the City Engineer really hoped to get funding for the Cincinnati Avenue Pavement and Sidewalk Rehabilitation Project (\$874,273), but it was not even considered. They hope the project will be approved for funding through other sources where it was also submitted. This is just round one. He agreed with Councilman Louderback. He wished the city had been awarded more money, but hopefully more funding will be approved from other sources.

Councilman Louderback stated out of \$17 million, the city got \$250,000. Councilwoman Felton asked how much money was awarded to the City of Dayton. Councilman Louderback said Dayton got quite a bit of money. Mr. Percival said there was \$17 million available for transportation projects, but there was also \$22 million for RTA's and bus lines. Of the \$22

million he thought the Dayton RTA got around \$20 million. Greene CATS got a little bit of money. Councilman Louderback thought it was based on who you know.

Board for Recreation, Arts & Cultural Activities: Councilwoman Mills said BRACA met on March 10th and discussed the following:

- The needs for the city's parks and how Spring Hill Park is moving forward. The approval tonight of the CDBG amendments will allow for improvements at Spring Hill Park as well as completion of the Towler/Sheelin pedestrian/bike path connector.
- Tabled discussion on fundraising activities until the April meeting until after the 2009 budget was finalized.
- Easter Egg Hunt: Saturday, April 4, 2009, at 2 p.m. at Shawnee Park for ages 0 to 12.
- Join Hands Day: This volunteer day will be held on Saturday, May 2nd from 9 a.m. until 1 p.m. in downtown Xenia. Further information will be available on the city's website and Channel 5. Everyone is encouraged to participate in cleaning and sprucing up downtown Xenia.

Councilwoman Felton asked when the citywide clean-up week is scheduled. Mr. Percival said the dates have not yet been scheduled.

ITEMS FROM CITY COUNCIL AND MAYOR:

Councilman Caupp—Requested Actions per Xenia Traffic Commission. Councilman Caupp said as Chair of the Xenia Traffic Commission, he submitted two issues for consideration and approval tonight:

Issue 1: Request for installation of stop bars and 25' of double yellow center lines at the intersections of Purcell Drive at Hollywood and on Alameda at Purcell Drive. As Chair of the Commission, he raised this issue at the November 3, 2008, Xenia Traffic Commission meeting relative to a citizen's request. The citizen complained about drivers' cutting corners, resulting in several near misses. The resident's recommendation was to install stop bars at the above-mentioned intersections along with lane lines. The Xenia Traffic Commission discussed the resident's request and all Commissioners approved the motion to install stop bars with a 25' of double yellow center lines at the following intersections: on Purcell Drive at Hollywood and on Alameda at Purcell Drive. Upon Council's approval tonight, the City Engineer will be asked to make those improvements to those intersections. One of the major concerns was the amount of traffic entering and exiting the nearby soccer fields. After discussion, all Commissioners agreed that the installation of stop bars with a 25' of double yellow center lines would draw attention to the intersections.

Issue 2: Request for Street Light at Hill and Columbus Streets. This citizen request was initially presented to the Traffic Commission on June 2, 2008. His concern was the street light was shaded by very mature trees, and the area where residents park is very dark. The Traffic Commission discussed this issue further on July 7, 2008. At that meeting, it was determined that DPL Energy owns the street light, and Councilman Caupp and city staff would have to consult with the City Manager on this issue. The Traffic Commission discussed the issue again on August 4, 2008. Commissioner DeHaven recommended the street light be moved to a better location to better illuminate the area and requested that staff check with DPL Energy to determine if this was feasible. On January 5, 2009, the Assistant City Engineer updated the Commission on this issue. DPL Energy submitted a bid of \$95.00 to move the existing light to a pole closer to the intersection. Further, installing a light with different lumens would illuminate the intersection more effectively thereby providing a safer environment for the residents. Upon Council's approval, the City Engineer will be asked to schedule the improvements to that intersection. He noted a huge tree currently blocks the street light, which is quite a distance back from the intersection. DPL

Energy would move the light arm on the east side of the intersection to the pole closest to the intersection which will illuminate the intersection much better at a cost of only \$95.

Motion by Councilman Caupp, seconded by Councilwoman Mills, to install stop bars with 25' of double yellow center lines at the intersections of Purcell Drive at Hollywood and Alameda at Purcell Drive, and direct the Engineering Department staff to coordinate this project accordingly. No discussion followed. The Roll on this was the following:

Ayes: Miller, Caupp, Louderback, Mills, Felton, Pennewitt, and Propes
Nays: None motion carried.

Motion by Councilman Caupp, seconded by Mayor Pennewitt, to contract with DPL Energy to move the light arm on the east side of the intersection of Hill Street and Columbus Street to the pole closest to the intersection and change the head fixture per their quote, and direct the Engineering Department staff to coordinate the project at a cost of \$95.00. No discussion followed. The Roll on this was the following:

Ayes: Miller, Caupp, Louderback, Mills, Felton, Pennewitt, and Propes
Nays: None motion carried.

UNFINISHED BUSINESS: None.

REPORTS OF CITY OFFICES:

City Manager's Office:

Passage of Emergency Final Appropriations Ordinance for City Fiscal Year 2009.
Mr. Percival said they have been working on the budget for quite some time. The budget was originally introduced at the February 26, 2009, City Council regular session. Since that time, staff has discussed changes and deletions that needed to be made from the 2009 budget and the out years to ensure that the city maintains its fiscal soundness. He thanked the Finance Department staff and City Manager's staff for their hard work over the last few months to ensure they provide the best possible services with the money available. Mr. Percival respectfully requested that Council waive the second reading of an ordinance at two consecutive meetings and approve as an emergency an ordinance adopting the 2009 operating budget for the City of Xenia.

Councilman Louderback presented an ORDINANCE TO MAKE FINAL APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF XENIA, OHIO, DURING THE FISCAL YEAR BEGINNING JANUARY 1, 2009, AND DECLARING AN EMERGENCY.

Motion by Councilman Louderback, seconded by Vice President Miller, that the rules requiring the reading of an ordinance at two consecutive meetings be dispensed with and this ordinance be placed at once upon its passage. Discussion followed.

Councilwoman Felton stated she received a copy of the Authorized Personnel List that she requested. She asked if the new part-time positions were included in the 2009 budget. Mr. Merriman said yes. Councilwoman Felton noted Council froze all new hiring.

Mr. Merriman said when the original budget was submitted last fall, two new part-time Water Treatment Plant Operator I's were included. Those positions would be paid from the Water Operating Fund and would have no impact on the General Fund or Fund 221, which are the two key operating funds. There is an increase in personnel there. As originally budgeted, a part-time secretary is listed under the Engineering Department. At this point, due to the city's current financial situation, that will not be pursued at this time. The only changes currently included in the 2009 budget would be the addition of the two part-time Operator I's at the Water Treatment Plant. Mr. Percival asked Mr. Merriman if he recalled at which meeting those positions were discussed. Mr. Merriman said the positions were discussed during a work session regarding the reorganization [11-08-08] and on one other occasion.

Councilwoman Felton said she was not debating whether the positions were discussed. Her point was that Council voted on a freeze for hiring new positions. Mr. Percival said no one has been hired for those positions. Mayor Pennewitt noted the positions were included in the 2009 budget. Councilwoman Felton agreed.

Councilman Caupp asked about the Management Analyst for Public Service. Mr. Percival said as part of the overall Public Service Department reorganization, they discussed upgrading Lisa Waters, who is currently the secretary for that department, to compensate her for the actual functions she is providing. It is not a new position but an upgrade for that individual. When a final decision is made on what they are going to do about bringing building inspection back in-house, there may be a need for a part-time clerk. The city would have to do the entire permit intake paperwork in-house and would receive 10% of the building permit fees, which would cover the costs of a part-time clerk. Councilman Caupp asked if Ms. Waters was being moved into the Management Analyst position now. Mr. Percival said yes, that is their recommendation.

Councilwoman Felton suggested that Mr. Percival explain that Ms. Waters has been doing the duties of a Management Analyst for over 18 months. Mr. Percival agreed, which is why they made the recommendation to upgrade the position last fall. Ms. Waters has been functioning in the Management Analyst role for two years. She has been doing all the bid documents, bid packages, and all the work that a Management Analyst does, and has been doing that for the Engineering, Public Service, Water, and Wastewater Departments.

Mayor Pennewitt asked how much money the new position would cost. Mr. Merriman said they are seeking approval for a half-time employee, minus the benefits. He thought the starting range for an employee in that position is about \$30,000, so the costs would be half that. He did not have the exact figures with him but offered to get the figures to the Mayor.

The Roll on this was the following:

Ayes: Miller, Caupp, Louderback, Mills, Pennewitt, and Propes

Nays: Felton motion carried.

Motion by Councilman Louderback, seconded by Vice President Miller, that Ordinance Number 09-13 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Miller, Caupp, Louderback, Mills, Pennewitt, and Propes

Nays: Felton motion carried.

Approval of Change Order for City Building HVAC Project. Mr. Percival noted on September 25, 2008, Council approved \$267,620 for an upgrade to the controls of the City Building HVAC system. During these improvements, numerous apparatuses were found to be inoperable or inadequate to meet contemporary needs that they were unable to identify in the bid documents. The recommended change order descriptions are:

- \$3,972.00 Upsize of the PD Server Room
 - \$4,692.00 XMC Clerk Office new Variable Air Volume Box (VAV), duct and diffuser.
 - \$1,184.00 VAV boxes not on City Building prints
 - \$1,976.00 Failed hot water valves/actuators (5)
 - \$1,484.00 Zone air damper retrofit
- \$13,308.00

Due to various discoveries during the HVAC rehabilitation process, staff is undertaking a review of the previous maintenance agreements and work completed by Rieck Services, Inc. to assess whether the city should pursue recovery of any funds spent for services not fully rendered. He believed the failed hot water valves/actuators and some of the VAV box items should be covered because they should not have failed if they were being properly maintained by the former maintenance crew.

Mr. Percival respectfully requested that Council approve Change Order #1 for the City Building HVAC Rebuild Project and authorize a Purchase Order to Waibel Energy Systems (the current contractor) in the amount of \$13,308.00 for the completion of the project.

Motion by Councilman Louderback, seconded by Councilwoman Mills, to approve Change Order #1 for the City Building HVAC Rebuild Project and authorize a Purchase Order to Waibel Energy Systems in the amount of \$13,308.00 for the completion of the project. Discussion followed.

Councilman Caupp noted Mr. Percival stated they hope to recoup over half the costs from the former maintenance contract. He previously raised an issue with contracts. When a contractor bids a job, they inspect a building or look at the work that needs to be done. It would be no different than him having a new furnace installed in his house. If the contractor submitted a bid but then added \$1,000 to the job because he did not perceive certain things happening, he would tell the contractor that he submitted an estimate for a certain amount of money. He personally does not like contractors coming back to the city with change orders because they don't inspect the property and submit the correct bid the first time. He understood the city hopes to be reimbursed for part of the expenses for the change order. If that is the case, he hopes they are taking legal action against the previous contractor to recoup the \$6,668. President Propes agreed.

The Roll on this was the following:

Ayes: Miller, Louderback, Mills, Felton, and Pennewitt

Nays: Caupp and Propes motion carried.

Award of Bid for Live Fire Training Trailer. Mr. Percival said in 2008, the Fire Division applied for and received a grant from the Department of Homeland Security (DHS), Assistance to Firefighters Grant program (AFG). The Fire Division then developed a bid packet

for the purchase of a live fire training trailer. The trailer will definitely be used by the city to train our firefighters. He respectfully requested Council award the bid for a live fire training trailer to Kidde Fire Trainers, Inc., and authorize him to execute a purchase order in the amount of \$344,615. The city will be responsible for 10% of the total cost or \$34,462; the remaining 90% will be reimbursed to the city by DHS. He noted Deputy Chief Steve Pegram was available for questions.

Motion by Vice President Miller, seconded by Mayor Pennewitt, to award the bid for a Live Fire Training Trailer to Kidde Fire Trainers, Inc., and authorize the City Manager to execute a purchase order in the amount of \$344,615. Discussion followed.

Councilwoman Felton asked where the trailer would be stored. Deputy Chief Pegram said the trailer would be permanently stored at the City Service Center on Towler Road. It is a mobile trainer that can be set-up anywhere there is access to water. You may occasionally see the trailer parked at Station #1 or other locations around the city.

Councilwoman Felton noted they originally discussed allowing other fire departments to use the training trailer. Deputy Chief Pegram said because the Department of Homeland Security encourages their grant to be used on a regional basis, they stated in the grant application that other communities would be allowed to borrow the training trailer. Of course, they would have to train those people. A "Train the Trainer" class is included in the bid packet to teach all the fire instructors how to use and safely operate the training trailer. There will also be a set of liability waivers that the community using the trailer would have to fill out to release the city from any liability. Councilwoman Felton felt the key was that the city is accommodating and working with other agencies. Deputy Chief Pegram agreed.

Councilman Louderback asked how long the trailer would last. Deputy Chief Pegram said he did not know the exact timeline because it would depend on how often it is used. Some training trailers in Warren County have been in service for 10 to 15 years. The trailer must be visually inspected annually. If there are cracks or damage, an inspection from the manufacturer or engineer would be required to certify that the trailer is still useable.

Councilman Louderback noted the city has to pay a lot of money to have houses demolished. He asked if the Fire Division could use the trailer to do training on demolishing houses. Deputy Chief Pegram said they could. However, one reason they wanted to purchase the training trailer was because they are finding it much harder to burn down houses as part of fire training. The EPA and air pollution people are really enforcing more rules on Fire Departments as far as issuing permits and being allowed to do that training. Another problem is the proximity of adjacent houses to any other structures on property lines. He thought the requirement was 100 feet but most homes in Xenia are fairly close together. People have contacted him about burning down a house as part of fire training. Upon inspection of the property, the house may only be 12 feet from the neighbor's house, which prohibits it from being used for fire training purposes. Councilman Louderback asked if it was an option if the houses were more than 100 feet apart. Deputy Chief Pegram said it is still an option, but the owner would have to pay the expense of proving that asbestos has been abated and EPA air pollution permits must be filed. They must also follow the State of Ohio's stringent requirements for fire training. This portable device has many built-in safety systems and is designed to be burned repeatedly. With one flip of a switch,

the fire can be stopped. He noted the company stated they could deliver the trailer by late October because it takes about six months to build.

The Roll on this was the following:

Ayes: Miller, Caupp, Louderback, Mills, Felton, Pennewitt, and Propes

Nays: None motion carried.

Introduction of three (3) Ordinances amending Chapter 250 Community Development, Chapter 244 Public Service, and creating Chapter 246 Planning and Zoning.

Mr. Percival said the ordinances would have two effects: (1) reorganize the Public Service Department; and (2) put into effect some of the things that have normally been done in the Public Service Department. For example, the Engineering Department was moved from the Community Development Department several years ago. Although other changes were made ten years ago, the ordinances were never changed to reflect those changes. These changes will more accurately reflect the functional reality of our operations. In addition to the specific legislative changes, the following are functional adjustments that will result from these changes:

- Public Service Divisional Oversight: The Maintenance and Wastewater Treatment Supervisors will be reclassified (as non-classified, exempt), to the positions of Maintenance Superintendent and Utilities Manager, respectively.
- Public Service Director: The Assistant City Manager will assume this role indefinitely, coordinating with the City Engineer, Maintenance Superintendent, and the Utilities Manager to streamline public service operations;
- The Community Development and Planning and Zoning Departments will report through the Assistant City Manager.

Mr. Percival noted Mr. Merriman was available for questions. He respectfully requested that Council introduce the following ordinances:

Motion 1. Introduction of an Ordinance amending Chapter 244: Department of Public Service of Title Six: Administration of Part Two – Administration Code of the Codified Ordinances, to re-organize the Department of Public Service.

Motion 2. Introduction of an Ordinance amending Chapter 250: Department of Community Development of Title Six: Administration of Part Two – Administration Code of the Codified Ordinances, to repeal certain divisions and creating a Division of Code Enforcement.

Motion 3. Introduction of an Ordinance creating Chapter 246: Department of Planning and Zoning of Title Six: Administration of Part Two – Administration Code of the Codified Ordinances.

President Propes entertained comments from Council. Councilwoman Felton said she already spent an hour on the phone with the Assistant City Manager.

Vice President Miller introduced an ORDINANCE AMENDING CHAPTER 244: DEPARTMENT OF PUBLIC SERVICE OF TITLE SIX: ADMINISTRATION OF PART TWO - ADMINISTRATION CODE OF THE CODIFIED ORDINANCES OF THE CITY OF XENIA TO INCLUDE THE DIVISION OF ENGINEERING, and it was read for a first time; and

Vice President Miller introduced an ORDINANCE AMENDING CHAPTER 250: DEPARTMENT OF COMMUNITY DEVELOPMENT OF TITLE SIX: ADMINISTRATION OF PART TWO - ADMINISTRATION CODE OF THE CODIFIED ORDINANCES OF THE CITY OF XENIA, TO REPEAL CERTAIN DIVISIONS AND CREATING A DIVISION OF CODE ENFORCEMENT, and it was read for a first time; and

Vice President Miller introduced an ORDINANCE CREATING CHAPTER 246: DEPARTMENT OF PLANNING AND ZONING OF TITLE SIX: ADMINISTRATION OF PART TWO - ADMINISTRATION CODE OF THE CODIFIED ORDINANCES OF THE CITY OF XENIA, and it was read for a first time.

Approve Contract for Retail Economic Development Strategy. Mr. Percival noted on January 24th, he presented a proposal to Council to work on a professional services contract with Buxton to develop a retail economic development strategy for the City of Xenia and to also acquire the SCOUT system. The SCOUT system is part of the overall strategy but also allows them to have demographics, psychographics, and site information on-line about all the sites in Xenia. That information can be downloaded and forwarded to any potential retail, industrial, or commercial clients.

There are several elements to complete the study. Buxton will first research and verify Xenia's retail trade area; they will then evaluate Xenia's retail potential. As part of this, they will profile the population into 66 market segments that reflect the buying habits of the customers in the household. The third element to completing the project is matching retailers and restaurants to Xenia's market potential. The final element is delivering the individual market packages to the City. Each of these marketing packages includes a letter from Buxton that explains why Xenia and the potential clients are a good match, along with all the demographic and psychographic information that demonstrates Xenia's qualifications as a location. He would expect to see limited activity in 2009 based on this investment, and then more activity in 2010, 2011, and in the years following. This economic development strategy will be a long-term strategy that should be useful for many years to come. The total cost for the study is \$55,000. The cost is broken down as follows: \$25,000 upon execution of the agreement, \$20,000 upon delivery of the retail site assessment, and \$10,000 upon delivery of the marketing packages. The funds for this study are budgeted in the 233 fund, which are specific dollars to be used for economic development purposes. They do not anticipate using any General Fund Dollars to complete this project.

Mr. Percival respectfully requested that Council authorize him to execute a contract with Buxton to perform a Retail Economic Development Strategy in an amount not to exceed \$55,000.

Motion by Councilman Caupp, seconded by Vice President Miller, to authorize the City Manager to execute a contract with Buxton to perform a Retail Economic Development Strategy in an amount not to exceed \$55,000. Discussion followed.

Councilwoman Mills asked how the services this company offers are different from services that XEGC already offers the city. Mr. Percival said XEGC does not have the breadth and depth of information that Buxton has. Buxton only does community profiling. The company has 1,800 retailers that work with them directly but also has information in the data base on any retailer in

the United States that has more than three sites. That information is used to profile your community and match your community with potential retail.

Councilwoman Felton asked what the monthly costs would be. Mr. Percival said the cost to setup the SCOUT program is \$3,000 and the monthly cost is \$1,000. After the first year, the setup costs are waived. In the out years, he recommends that the software maintenance cost of \$1,000 per month be split 50/50 between XEGC and the city since XEGC will also be able to use the SCOUT program for industrial/commercial clients. Councilwoman Felton commented that the city pays that bill anyway, so it doesn't make any difference.

Councilwoman Felton asked if the city plans to pay the \$1,000 monthly fee indefinitely. Mr. Percival responded that they would pay the monthly fee as long as they continue to use the SCOUT software. Like with any other software, the SCOUT software will continue to be upgraded and improved, and the city will receive those upgrades. Although he could not give a definite timeline, he estimated the city would continue to pay the \$1,000 monthly fee for five to ten years.

Councilwoman Felton asked how often the company upgrades the software and if that was guaranteed in the city's contract with Buxton. Many things are antiquated within months of the purchase. Mr. Percival said the upgrades in the contract are free. Councilwoman Felton disagreed. The city is paying a \$1,000 monthly fee for the software and upgrades. Mr. Percival noted the SCOUT software can be run on any personal computer. Councilwoman Felton thought they would be unable to use the SCOUT software if the city stops paying the \$1,000 monthly fee since the city would not own the software. Mr. Percival said the city owns the software but does not own the service. Councilwoman Felton asked how often the software would be upgraded to make the system work. Mr. Percival said in the three years he has known Buxton, they upgraded the software twice. He cannot guarantee how many times Buxton will upgrade the software.

Councilwoman Felton said she received a call from Dr. Lee Esprit. Dr. Esprit stated the city is about ten years late – he tried to do this ten years ago.

Councilman Louderback said he and Councilman Caupp met representatives from Buxton while attending the National League of Cities. He thinks it is a tremendous opportunity. The city has an empty Wal-mart, Hollywood Video, and several other empty stores. Buxton will find retailers for the vacant stores as well as bring new business to Xenia. Xenia needs shoes stores, women's clothing stores, as well as movie theatres, a skating rink, and a bowling alley for children. Not only will Buxton bring new business, but that also means new jobs. In today's economy, retail, industrial, and high tech jobs in Xenia are the number one things on his mind. He realized \$55,000 seems like a lot of money, but the city would recoup that money if only one major retailer located in Xenia. He is very supportive of the recommendation.

Councilman Caupp said he did his own research on Buxton. He and Councilman Louderback originally met Chip Rogers at the National League of Cities. This is actually a \$75,000 package. They thought they were doing well when they were quoted \$65,000, but the City Manager was able to negotiate the fee at \$55,000. He is actually saving the city \$20,000 off the original quote on this package. He agreed \$55,000 is a lot to spend in this economy and given the city's current financial situation. However, this is the exact time to make this type of expenditure in order to

put Xenia ahead of other cities to try to draw attention to our city. This is all Buxton does. Buxton works with thousands of retailers currently and will try to match our community with some of those retailers. They will also broker meetings for the City Manager with those retailers. He felt it was a very worthwhile expenditure and did not think they could *not* spend the money. If they want to get “our ducks in a row” for 2011, 2012, and 2013, they need to spend the money now. If they don’t spend it now, they will just be behind the eight ball three years from now. He wholeheartedly hopes everyone supports the motion.

Councilwoman Mills noted there were city endorsements attached to the agenda package. One of the cities that endorsed Buxton was Kingsport, TN. They were able to land Target, Kohl’s, Old Navy, and many other larger retailers. South Bend, IN stated they got everything they were promised and more thru Buxton and received new businesses and jobs. Rochelle, IL was also very satisfied. Based on those comments, Xenia, Ohio, should be part of Buxton.

Mr. Bazalak said he discussed tracking the city’s return on investment with the City Manager. As mentioned by Councilwoman Mills, there were some testimonials about what was brought to communities by entering into a contract with Buxton. Although it may be difficult to do, he felt it was important to track the city’s return on investment over a long period of time.

The Roll on this was the following:

Ayes: Miller, Caupp, Louderback, Mills, Felton, Pennewitt, and Propes
Nays: None motion carried.

Vice President Miller said he agreed with the comments Dr. Esprit made to Councilwoman Felton. Not only did Council try to get a contract with Buxton approved ten-years ago, they also tried six years ago, and eight years ago, etc., but that did not work. He was glad they are now moving forward.

Items for the City Manager: Mr. Percival reminded everyone about the Easter Egg Hunt on Saturday, April 4, 2009, at 2 p.m. at Shawnee Park.

Councilman Caupp noted the guardrail at Main Street and Progress Drive has once again been destroyed. He asked if those repairs would take a year like the other repairs took. Mr. Percival said they are waiting to get the accident report information from the State Highway Patrol so they can bill the insurance company of the person responsible for the damages. Mr. Lewis said they do not yet know if the driver was insured.

Councilman Caupp asked if the city was reimbursed for expenses for the previous guardrail damages at that location. Mr. Lewis said the city was reimbursed by one of the drivers. The city sued the other driver and received a Judgment Entry against them. They had a Debtor’s Exam this week, but it is not real promising. The driver made an offer to pay some money toward the outstanding balance, which is something he needs to bring to Council for their consideration. There are not many assets available. He offered to provide further details to Councilman Caupp.

Mayor Pennewitt thought the Sheelin Road/Towler Road bike path was wonderful; it is nice to complete these projects. She asked when Sterling Green Park would be completed. The city has made promises for many years, and the completion of that park is long overdue. Mr. Percival

said he would check to be sure, but he thought improvements for Sterling Green Park and Wright Cycle Park were included in the 2009 budget.

Councilman Louderback said he assumed the Traffic Signalization Project was completed. Mr. Percival said it was completed. Councilman Louderback asked if all the signals had been retimed – there are some terrible traffic signal timing issues in Xenia. Mr. Berger said the signals were not retimed. The Traffic Signalization Project has not been completed nor has it been accepted by the city. Mr. Percival agreed. It makes no sense for the city to accept the project until the contractor gets it right. Councilwoman Felton said you cannot drive north or south in the city again. Councilman Louderback said he is not a very patient person and he hates sitting at those lights for five minutes. Mr. Percival said he never used to have to sit at the Main/Detroit Street light while driving west on Main Street on his way to work in the morning. Now, for nine out of the last ten mornings, he had to stop before he could make the turn onto Detroit Street. It appears the timing is exactly backwards from the way it was previously.

Finance Director's Office:

Introduction of an Ordinance and revision to Income Tax Rules and Regulations to allow use of a collection agency for delinquent income tax accounts. Mr. Bazelak noted the City of Xenia purchased 1,200 collection accounts from GreenFlag Profit Recovery and has started using these accounts to attempt collection on delinquent utility bills. Staff would like the ability to also send delinquent income tax accounts to GreenFlag for collection. Currently, all delinquent income tax accounts are subject to a complaint filed in Xenia Municipal Court. The processing of a complaint and summons requires significant time and effort by the Income Tax Division, the Police Division, and Xenia Municipal Court. They would like to try sending some of the delinquent income tax accounts with lower balances to the collection agency prior to generating a complaint and summons. Any of the accounts collected would reduce work in the Income Tax, Police Division, and Municipal Court offices and reduce the additional costs to the taxpayers (\$10.00 fee for the collection agency versus a minimum of \$115.00 in court costs and fines).

Mr. Lewis noted currently Xenia Municipal Court uses a collection agency to collect past due fines and costs. The likelihood is the bill may end up in collections even if they do take the person to court.

Mr. Bazelak respectfully requested Council entertain the following motions:

Motion 1: Motion to waive the public hearing on the addition of a \$10.00 debt collection fee for delinquent income tax accounts sent to a collection agency.

Motion 2: Introduction of an ordinance amending Part Eight – Business Regulation and Taxation, Title Four: Taxation, Chapter 880 and Part Two – Administration, Title Twelve: Fees, Chapter 298, Section 298.01 (d) to add a \$10.00 debt collection fee for delinquent income tax accounts sent to a collection agency.

Motion 3: Motion to amend the Income Tax Rules and Regulations as presented.

Motion by Mayor Pennewitt, seconded by Councilman Caupp, to waive the public hearing on the addition of a \$10.00 debt collection fee for delinquent income tax accounts sent to a collection agency. No discussion followed. The Roll on this was the following:

Ayes: Miller, Caupp, Louderback, Mills, Felton, Pennewitt, and Propes

Nays: None motion carried.

Vice President Miller presented an ORDINANCE AMENDING PART EIGHT – BUSINESS REGULATION AND TAXATION CODE, TITLE FOUR: TAXATION, CHAPTER 880 AND PART TWO - ADMINISTRATION CODE, TITLE TWELVE: FEES, CHAPTER 298 OF THE CODIFIED ORDINANCES OF THE CITY OF XENIA, TO ADD A \$10.00 DEBT COLLECTION FEE FOR DELINQUENT INCOME TAX ACCOUNTS SENT TO A COLLECTION AGENCY, and it was read for a first time.

Motion by Mayor Pennewitt, seconded by Councilman Caupp, to amend the Income Tax Rules and Regulations as presented. No discussion followed. The Roll on this was the following:

Ayes: Miller, Caupp, Louderback, Mills, Felton, Pennewitt, and Propes

Nays: None motion carried.

Introduction of Two (2) Ordinances and revision to Utility Billing Rules and Regulations to change Internet Merchant and on-line processing fees. Mr. Bazalak said the city's Accounts Receivable Manager, Diana Steck, recently became aware of a program from VISA, MasterCard, and Discover that provides reduced transaction processing fees for utilities. Our current Internet Merchant does not offer this program. Security National Bank was contacted and they (in conjunction with their credit card processing partner Elavon) have provided a quote which, when used in conjunction with this special program (Interchange Pass Thru Utilities), will reduce our credit card fees. However, one requirement of this program is that no type of convenience fee can be charged for credit card payments. Currently, e-onlinedata charges us a 3.49% chargeback on VISA payments and 2.10% chargeback on MasterCard payments. We are currently not accepting Discover since their fees were higher than VISA and MasterCard. Elavon and Security National Bank are offering us processing at \$0.75 per transaction plus a 0.27% chargeback for VISA, MasterCard, and Discover. The city would no longer be permitted to charge the \$1.00 on-line processing fee for credit cards. The e-checks involve a lot more administrative time, which is why they are requesting approval to increase the on-line processing fee for e-checks to \$2.00. Overall, these changes would have a positive financial affect, if implemented.

Mr. Bazalak respectfully requested Council entertain the following motions:

Motion 1: Introduction of an ordinance authorizing the Finance Director to employ the services of Elavon and Security National Bank for an Internet Merchant Account without competitive bidding.

Motion 2: Waive the public hearing to reduce the on-line payment processing fee for credit cards to \$0.00 and increase the on-line processing fee for e-checks to \$2.00.

Motion 3: Introduction of an ordinance amending Part Two – Administration, Title Twelve: Fees, Chapter 298 to delete the on-line payment processing fee for credit cards and increase the on-line processing fee for e-checks to \$2.00.

Motion 4: Motion to amend the Utility Billing Rules and Regulations as presented.

Councilwoman Felton asked what the city's liability was if someone breaks into the credit card processing system after the city agrees to accept credit card payments on-line. Mr. Lewis did not believe the city would have any liability since the city is not actually administering that credit card transaction. The person may have a cause of action against Elavon or Authorize.net, the credit card processing companies, but he did not think the city would have any liability. Mr. Bazelak said the city does not actually host the site; the city has a VPN (virtual private network) connection. Mr. Lewis agreed—city staff is not actually processing the credit card payments.

Councilwoman Mills introduced an ORDINANCE AUTHORIZING THE FINANCE DIRECTOR TO EMPLOY THE SERVICES OF ELAVON AND SECURITY NATIONAL BANK FOR AN INTERNET MERCHANT ACCOUNT WITHOUT FORMAL COMPETITIVE BIDDING, and it was read for a first time.

Motion by Councilwoman Mills, seconded by Vice President Miller, to waive the public hearing to reduce the on-line payment processing fee for credit cards to \$0.00 and increase the on-line processing fee for e-checks to \$2.00. Discussion followed.

Councilman Caupp said he discussed the \$2.00 e-check fee with Mr. Bazelak. From what he could tell, if you still pay your bills on-line through your own bank, you are not charged the \$2.00 fee. Councilman Louderback asked if Councilman Caupp was sure. Mr. Bazelak said the city does not charge the customer. If there is a fee, it is part of the contract a customer would have with their own on-line banking system. The city receives checks for on-line payments from banks that do not go through the city's on-line system. If the customer uses an on-line banking system and the bank charges a fee, the customer would pay that fee to the bank when the bank pays the check to the city.

The Roll on this was the following:

Ayes: Miller, Caupp, Louderback, Mills, Felton, Pennewitt, and Propes

Nays: None motion carried.

Vice President Miller presented an ORDINANCE AMENDING PART TWO – ADMINISTRATION CODE, TITLE TWELVE: FEES, CHAPTER 298 OF THE CODIFIED ORDINANCES OF THE CITY OF XENIA TO DELETE THE ON-LINE PROCESSING FEE FOR CREDIT CARD PAYMENTS AND INCREASE THE ON-LINE PROCESSING FEE FOR ELECTRONIC CHECKS (E-CHECKS) TO \$2.00, and it was read for a first time.

Motion by Councilwoman Mills, seconded by Vice President Miller, to amend the Utility Billing Rules and Regulations as presented. No discussion followed. The Roll on this was the following:

Ayes: Miller, Caupp, Louderback, Mills, Felton, Pennewitt, and Propes

Nays: None motion carried.

Schedule of Bills: Mr. Bazelak presented payment of bills totaling \$335,011.36.

Motion by Mayor Pennewitt, seconded by Councilwoman Mills, to approve payment of bills totaling \$335,011.36. Discussion followed.

Councilman Louderback congratulated all the city departments except Xenia Municipal Court. It seems like XMC insists on still buying from anyone except local businesses. For instance, XCM spent \$792.94 at Staples this month. He encouraged Xenia Municipal Court to jump on board.

Councilman Caupp referenced Kastle Electric on page 10 for \$2,039.25 for emergency generator tests. He asked if that was for testing the generators they found were not working at the Water Treatment Plant. Mr. Percival said yes. Councilman Caupp asked if the generators could be tested without spending \$1,000 for the service. Mr. Percival said the company tested the generator to see what was wrong with it. Once the new generator is installed, there will not be any reason to test it, other than doing the regular weekly test.

Mayor Pennewitt referenced the bill from WBMP Xenia Car Wash on page 15 for \$324 indicating 38 vehicles were washed. She asked if the city rotated the vehicles being washed and wondered how it was determined which vehicles would be washed. Mr. Percival said he would need to check on the breakdown. They are often Police Division vehicles.

The Roll on this was the following:

Ayes: Miller, Caupp, Mills, Felton, Pennewitt, and Propes

Nays: Louderback motion carried.

Items for the Finance Director: None.

Law Director's Office:

Introduction of Ordinances and Resolutions: Introduction of a Resolution to Submit to County Auditor for tax valuation and dollar amount generated by 3.5 Mill Operating Levy Renewal. Mr. Lewis said City Council is being asked to introduce legislation to submit to the County Auditor for a determination of current tax valuation and the dollar amount that would be generated by a 3.5 Mill Operating Renewal Levy. This is the first step in the process to place the 3.5 Mill Operating Renewal Levy on the August 4, 2009, Special Election ballot. The intent would be to introduce legislation at the City Council meeting on April 23, 2009, to place the 3.5 Mill Operating Renewal Levy on the August 4, 2009, ballot.

Mr. Lewis respectfully requested that Council introduce a Resolution to submit to the County Auditor for a determination of total current tax valuation and of a dollar amount that would be generated by each mill or fraction thereof for a 3.5 mill operating renewal levy.

Councilwoman Felton asked why this was not being done as an emergency in order to get it to the County Auditor as quickly as possible. Mr. Lewis said it could be passed as an emergency. Councilwoman Felton stated she does not like emergencies. Mr. Bazalak said that is why it was not presented as an emergency! (Laughter followed.) Councilwoman Felton asked how soon staff needed the information. Mr. Percival said it was on tonight's agenda so they did not have to ask Council to pass it as an emergency. Mr. Lewis stated Councilwoman Felton could make a motion for emergency passage.

Councilwoman Felton presented a RESOLUTION TO SUBMIT TO THE COUNTY AUDITOR FOR A DETERMINATION OF TOTAL CURRENT TAX VALUATION AND OF A DOLLAR AMOUNT THAT WOULD BE GENERATED BY EACH MILL OR FRACTION THEREOF FOR A 3.5 MILL OPERATING RENEWAL LEVY, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Councilwoman Felton, seconded by Councilman Louderback, that the rules requiring the reading of a resolution at two consecutive meetings be dispensed with and this resolution be placed at once upon its passage. Brief comment followed. Councilman Louderback felt everyone knew he did not support the Replacement Levy but he will be 100% behind the Renewal Levy, which means no new taxes. Residents might be seeing him in their neighborhoods. The Roll on this was the following:

Ayes: Miller, Caupp, Louderback, Mills, Felton, Pennewitt, and Propes
Nays: None motion carried.

Motion by Councilwoman Felton, seconded by Councilman Louderback, that Resolution Number 09-I be now passed. No discussion followed. The Roll on this was the following:

Ayes: Miller, Caupp, Louderback, Mills, Felton, Pennewitt, and Propes
Nays: None motion carried.

Introduction of an Ordinance Amending Section 802.01 Definitions of Chapter 802: Definitions of Title Two: Business Regulations. Mr. Lewis noted City Council passed Ordinance 05-20, now known as Chapter 858 Sexually Oriented Businesses and Employees on May 12, 2005. Recently, there have been changes to the Ohio Revised Code that change some of the legal definitions pertaining to Sexually Oriented Businesses. He respectfully requested introduction of an Ordinance amending Section 802.01 so that those changes be made and the city's code will be current.

Mayor Pennewitt introduced an ORDINANCE AMENDING SECTION 802.01 DEFINITIONS OF CHAPTER 802: DEFINITIONS OF TITLE TWO: BUSINESS REGULATIONS, and it was read for a first time.

Second Readings of Ordinances and Resolutions: None.

Items for the Law Director: None.

READING OF COMMUNICATIONS AND DISCUSSION: Councilwoman Mills reminded everyone that spring is here and residents will be soon be mowing yards. She asked them to not blow their grass into the street and storm sewers, because they need to keep our streets and sewers clean. She asked citizens to be aware of children playing outside. Enjoy the weather – it has been long awaited.

Councilman Louderback said he attended the Youth Recreation Basketball tournament last weekend. He congratulated the Parks and Recreation Department for a well run league and tournament. The championship game finals will be held Saturday, March 28th at Xenia High School. At 9:45 and 11:45 a.m., the Xenia High School Hip-Hop Dance Club will perform. They are a great group. He encouraged everyone to attend the event. He noted Capitol Cleaners

reopened in Xenia on W. Second Street by Blockbuster Video. He understood Clark's Cleaners will be reopening next week. Bob Evans broke ground next to Applebee's Restaurant on Harner Drive. Downtown Café opened across from City Hall where *What's Brewing* was located. He commended the Greene County Commission for strongly opposing E-check, which he also opposes. E-check was one of the biggest rip-offs ever. However, he did not agree with the County on closing Mullins Swimming Pool. He understood the city or the YMCA discussed possibly taking over that operation. Our kids don't have anything to do in Xenia; to close our pool is a slap in the face. Ohio River Road Runners, a 42-year old running club, will be in Xenia on Sunday, April 5th. The event brings in hundreds of people to Xenia. He hopes we all support that effort. Ms. Simpson shared with him that Xenia made the New York Times March 11th crossword puzzle—No. 1 across clue: "*Ohio town called the Bicycle Capital of the Midwest.*"

Vice President Miller read a thank you note addressed to Council from Greg Shumaker, Jerry Shumaker's son. The Annual Rotary Pancake Breakfast will be held April 1st at the Greene County Fairgrounds. The Friends of Greene County Children Services Annual Pasta Lunch will be held April 7th from 11:30 a.m. until 1 p.m. at the First Church of Christ on Ledbetter Road. The lunch costs \$5.00. Delivery orders for five or more can be ordered in advance. He met a Beavercreek parent last night whose 8-year old son will be running in the Ohio River Runners Mini-Marathon. The child, who was an avid runner at age 4, was the youngest participant in the Indianapolis Mini-Marathon last year. Finally, he noted his daughters, Maggie and Mary, will be three on Monday.

Councilman Caupp, Mayor Pennewitt, Councilwoman Felton, and President Propes had nothing further to share.

ADJOURNMENT: Motion by Councilwoman Felton, seconded by Vice President Miller, to adjourn the Regular Session at 8:25 p.m. No discussion followed. The Roll on this was the following:

Ayes: Miller, Caupp, Louderback, Mills, Felton, Pennewitt, and Propes
Nays: None motion carried.

Michelle D. Johnson, Clerk
Xenia City Council

Dennis R. Propes, President
Xenia City Council