

City Council Meeting Minutes
July 9, 2009
Special Session
6:30 p.m.

The Xenia City Council met in a Special Session on July 9, 2009, at 6:34 p.m., 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.

August Levy Preparation. Mr. Percival said he wanted to update everyone on the August levy preparations. He assumed everyone knew that Eric Montgomery was going to be the Treasurer of the Levy Committee. This week he was informed that because he is a stock broker, he is no longer able to serve as a treasurer for any external organization. He thought Mr. Lewis said it had something to do with the Bernie Madoff situation and the new FCC regulations. Mr. Lewis said that was what he was told. The treasurer for an organization he belongs to also had to resign because he is a stock broker. Apparently, it affects their ability to be licensed through their brokerage house. They don't want them to have control over non-restrictive funds. Mr. Montgomery cannot be the treasurer for the Levy Committee; however, another person was found this week. Due to that change, the signs were also delayed. Signs were purchased from Trophy Sports, who was able to contact a company in Missouri to make the signs and the treasurer's designation was changed. Mr. Percival said Jackie Fuller, who volunteers on the Xenia Civil Service Commission, agreed to serve as treasurer. The signs are ordered.

Mayor Pennewitt was surprised to hear the signs were just ordered. Councilwoman Felton said if the signs had been ordered on time, they would have had a treasurer on them, which would have made no difference except to re-file the paperwork at the Board of Elections. Those signs should already be up. Mr. Percival said the signs had to have the correct treasurer's name. Councilwoman Felton said they did not know that at the time. The signs should have been preordered and the name could have been changed and put up today. She used sticky notes to change the name of the treasurer on her campaign signs. Those signs should have been in yards this week. Mr. Percival said the 250 signs will be in yards on July 20th. Mr. Lewis said firefighters, police, and Service Center employees will go out in mass on July 20th.

Mayor Pennewitt clarified the signs would be in yards on July 20th. The point is there is very little time to post the signs before August 4th. Mr. Percival said the signs would be posted for [almost] three weeks. Councilwoman Felton said some people are already casting their votes via absentee ballots. Mr. Lewis said fewer than ten people have actually voted. Councilwoman Felton said she should receive her absentee ballot by Saturday or Monday. Mr. Percival said they would check daily to see who requested an absentee ballot and those people will get a mailing from the city regarding the Renewal Levy. Police officers, firefighters, and AFSCME employees, along with a number of non-union employees, are going door-to-door to distribute door hangers.

Mayor Pennewitt noted Election Day is Tuesday, August 4th. She asked how Mr. Percival came up with three weeks. Mr. Percival said they would have the week of July 20th, July 27th, and the

weekend before August 4th. Mayor Pennewitt thought it would take two or three days to distribute the signs. Mr. Lewis said all the signs would be up in one day since many firefighters and police officers will be distributing them. Mayor Pennewitt said she hoped that was the case. Mr. Lewis said he also hoped that worked.

Mr. Percival said the firefighters have already expressed a real interest in the door-to-door campaign. The door hangers will be distributed in all the neighborhoods. Some Council members have also expressed an interest in helping with the door hangers. Mr. Lewis got the new list of all the registered voters so they do not waste their time going to houses with no registered voters. All registered voters in all neighborhoods will get a door hanger.

Councilman Louderback asked who Council needed to contact to coordinate the distribution of door hangers. Mr. Percival said he and Mr. Lewis would lay out the neighborhood maps and would be the coordinators. Mr. Lewis said the FOP was supposed to contact him this afternoon or tomorrow morning. Councilwoman Felton thought Council could not be involved in distributing literature. Mr. Lewis said Council and the Elected Officials cannot be involved. Councilman Louderback said he did not know that. Councilwoman Felton said they went through that before. Council can *talk* about the levy but cannot distribute information door to door. Councilman Louderback asked if he could promote passage of the levy. Councilwoman Felton said yes, but he cannot distribute flyers door to door. Mr. Lewis said the Appointed Officials are not supposed to do anything since they are technically on call 24/7. A number of volunteers ordered the signs and worked to put the Levy Campaign together. Police officers, firefighters, and other employees have come forward without being asked and offered to assist with the campaign when they are off the clock.

Councilwoman Felton clarified Jackie Fuller could be the treasurer even though she serves on the Xenia Civil Service Commission. Mr. Lewis said Ms. Fuller is a volunteer and is not paid for her services. Mr. Percival said he asked Dave Spahr to be treasurer and he had agreed to serve. However, since he is a precinct captain for the Board of Elections, they told him he was not allowed to be treasurer.

Mr. Percival said he would be on WBZI the week after next and the day before Election Day. There were two articles in the paper this week and hopes to have two articles every week through August 4th.

Mr. Lewis said at the next Council meeting, they need to address the following things about which citizens have voiced concerns:

- (1) A number of people have commented that the city 'must not be hurting for funds' since the downtown is being renovated.
- (2) He heard comments at Rotary that the city must not be hurting for funds since they are looking at putting in a BMX park. He realized no one stated they were putting in a BMX park, but that is how it translated to the public.
- (3) He also heard negative comments about the city spending \$5,000 for two swans.

Councilwoman Felton asked if the signs were up. Councilman Caupp asked to which signs she was referring. Mr. Percival said signs should be up tomorrow that state something like "These improvements are paid for through _____," so people will know the improvements on N. Detroit Street are not being paid for with General Fund money.

Vice President Miller and Mr. Percival wondered how the story about the swans made the front page of the Dayton Daily News. Sue Moning, writer for the Dayton Daily News [who was present at the meeting], said she had no idea. She writes the articles but has no control over on which page they are printed. Vice President Miller said it was his fault because he brought up the swans and the BMX track. Mr. Percival said that is why it is critical to get into the neighborhoods and get the door hangers distributed.

Mr. Lewis said everyone in the city should have two contacts. Everyone will get a non-political flyer in their utility bill as well as a door hanger or someone at their door. Councilwoman Felton asked when the door hangers would be delivered. Mr. Lewis said they could get the door hangers in two days since they are being printed locally. It is just a matter of when they decide to distribute them, which he thought should start two weeks before the election. Councilwoman Felton thought the sooner the better. Mr. Lewis said not necessarily.

Councilman Louderback clarified Council can comment if they are contacted by the news media. Mr. Lewis said absolutely. He can confirm that a Renewal Levy has been placed on the ballot and that he is in full support of its passage. Councilman Louderback wondered what else Council could do now. Mr. Percival said Council members could talk about the levy on camera. He personally did not realize Council could not go door-to-door. Mr. Lewis said Council is not supposed to be actively campaigning. Just like the flyer—they can share information on what they would do with the levy money and what would happen if the levy does not pass, but they cannot ask voters how to vote. He does not agree, but it is what it is. Councilwoman Felton said Council can explain that it is a Renewal Levy, and if people have questions they can call her. Mr. Lewis said they can say that passage of the levy would mean no new taxes and share all kinds of information.

Mr. Lewis said firefighters would be visiting nursing homes to let them know the levy would mean no new taxes, particularly for them since they do not pay property taxes. He noted nursing home residents rely heavily on our services.

Councilwoman Felton thought any of the senior citizen places would be important to contact. Mr. Percival said Chief Leaming has an appointment at Wright Cycle and John Sale Manor. He already talked with the people at XARSC about posting yard signs. Councilwoman Felton said yard signs cannot be placed at XARSC. Mr. Lewis asked why. Councilwoman Felton said because of the government money, etc., that they receive. They previously made XARSC remove political signs. Mayor Pennewitt said she remembered that. Mr. Lewis said XARSC rents the property from the City. Vice President Miller asked if signs would be placed in front of City Hall. Mr. Lewis said yes. Vice President Miller did not think signs would be prohibited at XARSC since they lease the property from the city. Councilwoman Felton asked how signs could be displayed on city property if no one present could work on the campaign and taxpayer money cannot be spent on the campaign. Mr. Percival deferred to Mr. Lewis. Mr. Lewis felt signs should be placed in all right of ways and at all city owned properties.

Mr. Bazalak noted the utility billing envelopes will have “**Important Levy Information Enclosed**” in red on the outside of the envelopes to hopefully encourage people to read the flyer inside. Councilwoman Mills said the Xenia Schools use colored paper for flyers instead of white. Mr. Lewis said the flyer is printed in color.

Mr. Percival said he will be on WBZI and he talked to the folks at Channel 7 yesterday to make sure they got a plug in for the Renewal Levy. He asked for other ideas on how to get information out about the levy. Mr. Lewis thought it would be great if they knew someone who could get the newspaper to print a bold headline that read **“City Manager says passage of the Renewal Levy means no new taxes!”** Vice President Miller said, since the swan story was front page news, maybe they can put that on the front page as well.

The special session was adjourned at 6:50 p.m.

Michelle D. Johnson, Clerk
Xenia City Council

Dennis R. Propes, President
Xenia City Council