

CITY COUNCIL MEETING AGENDA

FEBRUARY 28, 2019

LOCATION:

City Administration Building
City Council Chambers
107 E. Main Street
Xenia, OH 45385

NOTE: Regular and Special Sessions are open to the public. Executive Sessions are closed to the public. There is an opportunity for Audience Comments during Regular Sessions only.

Regular Session

1. **CALL TO ORDER** 7:00 p.m.
2. **INVOCATION** Van Holloway, Elder, Emmanuel Baptist Church
3. **PLEDGE OF ALLEGIANCE** Mayor Sarah Mays
4. **ROLL CALL** Vice President Edgar Wallace, Councilman Will Urschel, Councilman Dale Louderback, Councilman Wesley Smith, Councilman Levi Dean, Mayor Sarah Mays, and President Michael Engle
5. **APPROVAL OF MINUTES** February 6, 2019, Special Session
February 14, 2019, Regular Session
6. **SPECIAL PRESENTATION(S)** Proclamation Presentation ~ Firefighter/Paramedic Levi Dalton
2020 Census ~ Elizabeth Whitaker, MVRPC
7. **AUDIENCE COMMENTS** (Time limit may be imposed by the Chair. Those who wish to speak must sign in and state their names/addresses for the record.)
8. **OLD BUSINESS**
 - A. RESOLUTION 2019-C AUTHORIZING THE CITY MANAGER TO EXECUTE A
(Second Reading) LEASE AGREEMENT WITH J.P. FRITZ BUSINESS CENTER FOR THE CITY-OWNED PROPERTY AT 130 E. CHURCH STREET FOR THE PURPOSE OF OPERATING A SMALL BUSINESS INCUBATOR (*Introduced by Mayor Mays*)
9. **PUBLIC HEARING(S)**
 - A. ORDINANCE 2019-04 AMENDING THE OFFICIAL ZONING MAP OF THE CITY
(Second Reading) OF XENIA, OHIO, TO REZONE THREE PARCELS ALONG GREENE WAY BOULEVARD, COMPRISING 13.6 ACRES, MORE OR LESS, FROM P-1, PUBLIC AND INSTITUTIONAL DISTRICT, TO B-3, GENERAL BUSINESS DISTRICT (*Introduced by Vice President Wallace*)
10. **NEW BUSINESS**
 - A. RESOLUTION 2019-D FINAL LEGISLATION FOR THE ODOT U.S. 42
(Emergency) (N. COLUMBUS STREET) AND E. CHURCH STREET INTERSECTION IMPROVEMENTS PROJECT, AND DECLARING AN EMERGENCY (*City Manager*)

- General Capital Fund status: Mr. Merriman said the final 2019 budget will be presented at the next Council meeting, and he and staff have begun the initial review of the next Five-Year CIP. He recognized that Council wants them to continue to be very aggressive in addressing streets and seeking grant opportunities noting that three grants were secured to repave Second Street from downtown to Progress Drive, which will still be an expensive project with the City's local share. When they consider all that has been done in the last few years, they cannot continue that pace without an increase in revenue. Mr. Duke said the goal is to maintain a balance of \$1 million in the General Capital Fund. He noted the City's local share of \$1.2 million for W. Second Street project and the extension of Innovation Way in 2019 or 2020 could take the balance below \$1 million. Without the sale of the Kmart property at \$800,000 per the purchase agreement, the 361 fund could drop to \$200,000. Another potential "big ticket" project is the expansion of Progress Drive. If the more expensive projects totaling \$1.75 million are debt-serviced, those payments would take up most of what is set aside for the annual street program. Additional revenue is needed—there is no other way to make up that difference. They have already cut numerous things from the 361 Fund to balance the Five-Year CIP. Mr. Merriman said even with the \$800,000 sale of property, they do not have the balance desired in that fund. Councilman Urschel said the street issue is an ongoing issue, and there would not be an \$800,000 sale of property every year. Mr. Merriman agreed; funding is needed to support economic development projects to include widening local roads to add lanes to accommodate additional traffic. Mr. Duke added that intersection improvements are also needed for significant development projects. Mr. Merriman shared that Governor DeWine was a keynote speaker at the recent Dayton Development Coalition's annual update event, and he stressed that ODOT over promised and over leveraged, and money would not be available for ODOT projects in future years. Councilman Urschel said the City of Xenia was continually falling behind on street maintenance. They need to be on 10- to 15-year paving/maintenance cycle to get to every road in Xenia, and they are on 30- to 40-year cycle and continue to fall behind every single year. The bottom line is the City needs a sustainable income [revenue] stream; otherwise, they will never catch up. Mr. Merriman agreed; the streets are a \$30 million issue and will only get worse if they are not doing adequate maintenance including cracksealing, filling potholes, etc., because complete reconstruction of a street is six to eight times more expensive than a mill and fill. They also need to consider the aging water and sewer lines in the street and the need to address the stormwater system (curbing, catch basins, etc.). Councilman Urschel said he needed to understand the actual need—in dollars—in order to determine how to address that gap. He noted it was too bad the street levy failed in November because all City streets need to be addressed including the newer streets. Mr. Merriman said they should be spending \$1.5 to \$2 million per year on street improvements plus an additional \$500,000 on maintenance in addition to addressing storm sewer issues. However, even if there was no debt service to pay and all the General Capital Fund revenue was only used on streets (no fleet purchases, etc.), it still would not be enough to make headway on the streets. He noted they did not see the income tax growth that was anticipated in 2018, and even though employment numbers are great, it was not translating with income tax revenue. Mr. Duke agreed that income tax revenue was down .4% in 2018 (about \$300,000), and if that continues into 2019, he questions whether they will meet the reserve requirement in 2020. Councilman Louderback said if several of the proposed economic development projects come to fruition, the tax base will grow. Mr. Merriman agreed but noted some projects may seek tax incentives and the full revenue would not be realized for a number of years; however, at times those incentives are necessary to make the project(s) happen. Councilman Urschel said he would like to see some projections on income tax with no additional millage because he did not think all those projects would be enough to generate what was needed to appropriately address the streets. Ms. Fisher noted assessments could also be done to pay for projects. Mr. Merriman noted that assessments would be a Council decision. President Engle said City Council needs to instruct the City Manager how to continue to operate. All the "fat" has already been cut from the budget. Councilman Urschel said they need to fully explain the issue to citizens. Each of them (each Councilmember) has a

community that they influence. Council needs to be united on this issue, and they need to talk to people. With every budget, there are wants and needs, but they need to address the critical infrastructure issues.

- Greene County Career Center / Innovation Way: Mr. Merriman said the City committed to water, sewer, and the roadway to secure the project, and resources are in the budget for the Innovation Way project. In conversations with Greene County Commissioners, they eluded to paying for half of whatever costs are left aside from grant funding because the project is in their best interest as well. It is a difficult trajectory because they need the Lombardi project to move forward to justify the project when seeking grant dollars, and the roadway is needed for both the Lombardi and Career Center projects. GCCC Superintendent Dave Deskins anticipates the completion date for the project as August 2020, so they have some time to build the road.
- School Resource Officer (SRO): Councilman Louderback said the City cannot afford to put an SRO at the career center, the high school, and the junior high. The safety of students needs to be their #1 priority, but the schools need to contribute. Mr. Merriman agreed. He mentioned to Mr. Deskins that the City would be willing to pay for a portion of that position but cannot afford to pay for it all. He said the City has paid the entire cost of the SRO at the high school since inception. He sent a letter to the XCS Superintendent Dr. Lofton a few weeks ago that mentioned the statute that was enacted last year that requires some type of an agreement/contract/MOU for SROs. He put him on notice that some type of an agreement is necessary, and they needed to discuss funding for the position. He and Chief Person believe an SRO is needed at the junior high, and Mr. Deskins wants one at the career center. Therefore, he would like to negotiate with the school board to pay half and then have the Career Center pay for half, and the net result would be the same for the City. On average, Ohio municipalities pay about 17% to 18% of the expenses for an SRO, and Xenia has been paying 100%. He said intervention with students is key to help them before they start down the wrong pathway—it is not just about student safety. President Engle asked about Dr. Lofton's response to the email. Mr. Merriman said he was open to meeting with him about various topics.
- CSU: Annexation/Land Grant/Water Line: Mr. Merriman updated Council on the Mandamus Action noting that eventually a decision will be made, and Council will need to make subsequent decisions on how to move forward. The annexation would provide additional income tax revenue. In addition, CSU will get \$12 million for their land grant program, and by statute, 80% of that \$12 million must be spent on personnel. Mayor Mays said the CSU President is desperate to spend the grant dollars. Councilman Urschel asked if the land grant dollars are in perpetuity. Mr. Merriman said the land grant designation is in perpetuity, but he believed the land grant dollars would vary from year to year. Councilman Louderback asked about the net revenue from annexation. Mr. Duke said it would be about \$180,000. Councilman Louderback asked what annexation would mean with regard to police, fire, etc. Mr. Merriman said the City was already providing dispatch and fire/EMS services under separate contracts, which would continue upon annexation. The dispatch revenue would continue but the contract for fire/EMS would be discontinued. The City would still provide those services without a contract and without payment for those services. In addition, the City would need to provide fire inspection services. CSU would maintain their police force and deal with their own issues vs. using XPD and XMC. Regarding the water line, it is the original line from the 1930s and in significant need of upsizing and replacement from Kinsey Road to the campus. Preliminary estimates have been done, but there are some right-of-way issues. He explained that Xenia is responsible for water service delivery but only owns the line to Stevenson Road, and the State of Ohio still owns the line from Stevenson out to the campus. The issue will need to be reconciled, and CSU wants to know if the City wishes to take ownership of whole line, but dual ownership positions them better for grant dollars. Councilman Louderback asked about the estimated cost of the water line. Mr. Duke said it would be several million dollars, but Issue II grant funding is expected to offset that expense.
- Visioning and Strategic Planning: Mr. Merriman said Council needs to provide more visioning and strategic planning to staff so they can understand their vision for the community and where they

**XENIA CITY COUNCIL
REGULAR SESSION MEETING MINUTES
FEBRUARY 14, 2019
7:00 P.M.**

1. CALL TO ORDER: President Michael Engle called the February 14, 2019, Regular Session to order at 7:00 p.m. in the City Council Chambers, City Administration Building.

2. INVOCATION: Charlie Huff provided the Invocation.

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

4. ROLL CALL: Vice President Wallace, Councilman Will Urschel, Councilman Dale Louderback, Councilman Wesley Smith, Councilman Levi Dean, Mayor Sarah Mays, and President Michael Engle.

5. APPROVAL OF MINUTES: Motion by Councilman Smith, seconded by Mayor Mays, to approve the January 24, 2019, Regular Session meeting minutes as written. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Urschel, Smith, Dean, Mays, Engle

Abstain: Louderback

Nays: None motion carried.

6. SPECIAL PRESENTATION(S): None.

7. AUDIENCE COMMENTS: President Engle explained the procedures for audience comments and invited anyone who wished to speak to come forward.

Eric Holtvogt, 1386 Jasper Road, said he was speaking on behalf of DP&L who was recently made aware of a large number of scam calls made to customers demanding payment. He cautioned customers to be cautious and alert for such scams. As the YMCA's Chief Volunteer Officer, he thanked the Councilmembers who attended the ribbon cutting ceremony for the REACH center, which was a great event and served as the "official" kick off. He said the REACH center is a great amenity in this community. President Engle asked Mr. Holtvogt to explain how DP&L would contact customers when payment needs to be made or for any other service issue. Mr. Holtvogt said customers would receive written correspondence in the mail or it would be included in their bills. Customer service representatives would not call them and ask for account information or payment on the telephone.

Matt Johnson, 563 Jodee Drive, said he appreciates all that City Councilmembers do for the City, which he knows was not an easy task. He expressed his support for Mr. Brannum and hoped they could reach a compromise. He was not certain what occurred when the 3' setback was changed to 10'. He has dealt with similar issues as president of The Reserve of Xenia's homeowners' association. He realized nine criteria must be met to be granted a variance and asked if that could be changed. He said a 10' setback is drastic for anyone in Laynewood and Arrowhead. Further, they have to consider 10' easements, which would put the structure 20' from the property line. People want usable greenspace and not the greenspace around a shed or a detached garage. He

understands the reason for the 10' setback, which should be for areas that are highly visible. Passersby will not see the back of Mr. Brannum's garage or the greenspace because there is already a 6' fence there.

8. OLD BUSINESS:

A. President Engle presented RESOLUTION 2019-B AUTHORIZING THE PURCHASE OF THREE MARKED SUVs FOR ANNUAL POLICE VEHICLE REPLACEMENTS THROUGH THE STATE DAS COOPERATIVE PURCHASING PROGRAM; AUTHORIZING THE PURCHASE OF AN UNMARKED VEHICLE FROM KEY CHRYSLER AT AN AMOUNT BELOW STATE BID; AND AUTHORIZING THE SALE OF CITY-OWNED VEHICLES, originally introduced by Councilman Smith, and it was read for a second time.

Motion by Councilman Smith, seconded by Vice President Wallace, to adopt Resolution 2019-B as read. Brief discussion followed. Councilman Louderback said he would be voting no and would rather wait to purchase these vehicles at a cost of \$118,000. He said the last income tax collections were down, and in April and May, they would have a better understanding of where they stand with income tax collections and the City's financial status. President Engle reviewed the numbers for the vehicle purchases, which was \$85,000 for three marked vehicles and \$25,000 for one unmarked vehicle for a total of \$110,000. The Roll on this was the following:

Ayes: Wallace, Urschel, Smith, Mays, Engle

Nays: Louderback, Dean motion carried.

9. PUBLIC HEARING(S):

A. Ordinance 2019-02 amending Section 1224.01(e)(7) of the City of Xenia Land Development Code, originally introduced by Councilman Dean, and it was read for a second time.

President Engle opened the public hearing at 7:16 p.m. and invited those speaking in favor of the Land Development Code text amendment to come forward to speak.

Matt Johnson, 563 Jodee Drive, reiterated what he previously said, which was there needs to be a compromise because they don't all have big backyards. Outbuildings are important to many residents because they want to protect their belongings and keep their families here in Xenia.

Cody Brannum, 320 Colorado Drive, thanked Mr. Johnson for his support. He regretted that there was not a lot of support at the meeting, but he felt that was because people do not want to come to Council meetings to voice their opinions. He noted he has received support in other ways. He also appreciated the Councilmen who stopped by his home and/or chatted with him after a meeting.

President Engle invited those speaking against the Land Development Code text amendment to come forward to speak.

Mary Haller, 456 N. West Street, said she is concerned about the text amendment before Council this evening. She understand's Mr. Brannum's desire for a detached garage, which he feels could improve his property, but she believes it may not necessarily improve the properties around him. The Land Development Code Section 1224.01 states the following purpose of the section regarding Accessory Uses: "This section authorizes the establishment of accessory uses and

structures that are incidental and customarily subordinate to the principal uses. The intent of this section is to allow a broad range of accessory uses while not creating adverse impacts on surrounding lands.” Although Mr. Brannum’s current neighbors may or may not object to him putting his garage there, it could impact future property owners in the future. For instance, a prospective property owner may not want to look at a garage so close to the yard, and therefore may not purchase the property. She said Mr. Brannum applied for a variance through the BZA and the variance was denied, and this text amendment seems to be another way for him to accomplish his goal of building his garage. However, she did not believe the text amendment would be a good thing for the City of Xenia. As LDC Section 1220.03(e)(6) states, “the proposed amendment will not constitute spot zoning where special treatment is given to a particular property or property owner that would not be applicable to a similar property under the same circumstances.” If City Council votes in favor of this text amendment, she believed they would be doing so for one particular property owner and not what is best for the City of Xenia. She did not want her neighbors to build a garage or carport 3’ from her property line because it would be an eyesore to her and it may shadow a flower or vegetable garden in her yard. Also, she expressed concern about how the neighboring property owners would maintain their structure without coming onto her property and possibly causing damage to her property. She noted the 3’ setback was for the base of the structure and did not include the overhang and gutters, which could contribute to other nuisances such as light and noise from the structure. She said this text amendment would affect all districts in Xenia and not just Mr. Brannum’s property. As the LDC section 1220.03(e)(7) states, “the proposed amendment is not likely to result in significant adverse impacts upon other properties in the vicinity of the subject tract.” This amendment would not only impact other properties in the vicinity but it will impact the entire City of Xenia. For instance, business zoned properties could build accessory structures 3’ from a residential zoned property, and she would not want something like that next to her house. For example, she lives close to the Foundry, but she would not want part of their business 3’ from her property. She loves living in Xenia and she believes the City is doing a great job at trying to make improvements as they can, but she believed this amendment would not be an improvement. She implored the members of the Council to really think about what the text amendment could mean for Xenia as a whole before casting their votes.

President Engle invited those speaking neither for nor against the Land Development Code text amendment to come forward to speak. Hearing none, he closed the public hearing at 7:25 p.m. and invited Council comments.

Vice President Wallace asked to hear from City Planner Brian Forschner because he would like to know the rationale as to why the setback was changed in 2016. Mr. Forschner summarized the report that was included in the agenda packet. He explained that the change was made in 2016 as part of the Shape Xenia process followed by the X-Plan process, both of which were community-driven and designed to reflect the community’s wishes. He noted the planning and zoning code had not been updated since 1968, and they desired a more readable, user-friendly code that streamlined the permitting process to make the City more business friendly. They also wanted to strengthen design standards to improve quality development while striking a balance between making the City an easier place to do business and encouraging development that improves the community’s appearance, functionality and quality of life. For example, the new code introduced citywide architectural standards while also relaxing restrictions on land use and streamlining/expediting the zoning permit process. The setback for detached garages and carports was changed to 10’; however, every resident is now allowed at least 720 sq. ft. of detached accessory structures

regardless of their attached garages. He noted that sheds, gazebos, etc., fall under the 3' setback requirement. Under the old code, Mr. Brannum's garage would not have been permitted due to its size; with the new code, he can build the garage he wants with the required 10' setback. It is true that smaller lots or 50' wide lots do not have a lot of space, but a 24' x 30' garage, which is what Mr. Brannum has requested, is 720 sq. ft. and is the size that any home in Xenia is entitled to. That said, any home with a small yard will be dominated by a 720 sq. ft. garage no matter where it is located in the yard, even with a 3' setback.

Vice President Wallace said if his own garage was destroyed by tornado, it burned down, etc., he asked if he could rebuild and/or rebuild/upsized his garage. Mr. Forschner said yes, but he would have to abide by the current code. He noted there are some provisions in place to rebuild damaged buildings.

Councilman Dean said the 10' setback only applies to detached garages and carports and asked Mr. Forschner to define detached garages and carports as opposed to a shed or a gazebo with regard to size differences. Mr. Forschner said a detached garage is much more bulky than other structures. Most detached garages can accommodate at least two vehicles and are 24'x20' or larger. Councilman Dean asked what would differentiate a shed from a garage. Mr. Forschner said if you park a car in it, it would be a detached garage. Councilman Dean suggested that Mr. Brannum could build a 720 sq. ft. "shed" with a 3' setback and just not park a car in it. Councilman Urschel thought that sheds and gazebos had a 50 sq. ft. limitation with a 3'. Mr. Forschner said that stipulation applies to zoning permit requirements—accessory structures under 50 sq. ft. do not require a zoning permit.

Councilman Louderback said he agreed with the new Land Development Code, but he did not 100% agree. He noted income tax collections are down, and Xenia was not growing, which could be attributed to situations like this when things are not considered on a case-by-case basis. He disagreed with Ms. Haller—this was not a personal favor to Mr. Brannum. He said the only time he met Mr. Brannum was when he visited his home to look at the situation. He then asked Mr. Forschner why they had to go through all this "crap." If they really wanted to be user friendly and business friendly, this was not the way to do it and they were running people out of Xenia.

Councilman Dean said if a property owner built a garage for vehicle storage, a footer would be needed. He asked if the footer would extend underground at least 1' to 2' away from the actual foundation of the garage. He asked if the setback was based on the underground footer. Mr. Forschner said the setback is measured to the wall of the building and not the footer.

Councilman Smith said the Planning and Zoning Commissioners read the December BZA minutes when Mr. Brannum's request was presented, and he did not believe this was a lot of "crap." It is a required process, and BZA was one of those required processes. He believed that some compromises were discussed, but Mr. Brannum was not willing to accept them. Mayor Mays agreed there was some discussion about possible options. Councilman Smith asked if Mr. Brannum would have to reapply to BZA. Mayor Mays said yes. Mr. Forschner recalled that during the meeting, they discussed slightly reducing the size of the garage to address concerns about usable yard space, but Mr. Brannum did not agree. After the meeting's conclusion, they discussed a lesser variance, and Mr. Brannum would have to reapply for a new variance. Councilman Smith said there is also an issue with a 10' utility easement and asked if any documentation had been provided. Mr. Forschner confirmed there is a 10' easement along the rear property line. The applicant stated

that he reached out to DP&L and claimed they would allow the garage with a 7' setback and encroach 3' into the easement. However, he cannot verify that because no documentation has been provided in writing. Councilman Louderback asked if it was Mr. Forschner's job to research that and verify those details. Mr. Forschner said it is the applicant's responsibility to determine where he wants to build a structure, and he assisted the applicant in reaching out to the utilities that occupy that easement. President Engle believed that Councilman Louderback was asking if it was Mr. Forschner's job to secure the utility company's agreement or disagreement. Mr. Forschner said no, it is not. President Engle agreed.

Mr. Brannum asked if he could speak. President Engle said the public portion of the hearing was now closed.

Ms. Fisher reviewed the required process for text amendments to the Land Development Code that included public hearings and review by both the Planning and Zoning Commission and City Council. PZC is an advisory board to City Council. Council can follow and/or consider PZC's recommendation but they are not required to follow it. For this amendment, PZC did not endorse the change to the setback from 10' to 3'.

Hearing no further discussion, President Engle entertained a motion.

Motion by Councilman Dean, seconded by Councilman Louderback, to adopt Ordinance 2019-02 as read. Discussion followed.

Councilman Smith read an excerpt of PZC member Matt Bennett's comments from last week's Planning and Zoning Commission meeting as follows: "... the BZA process is a quasi-judicial Board for the City whose decisions are only appealable in a court of law." He suggested that Council deny this text amendment request. Another PZC member expressed concern about two abutting properties who may each have garages 3' from the property line, which would create maintenance issues due to the close proximity, which is why Beavercreek Township has stopped allowing 3' setbacks due to trespassing issues. Another PZC member noted the text amendment would affect every single property in the City and not just Mr. Brannum—both residential and commercial. The PZC members strongly recommended that Council honor their recommendation. If Council overrides their recommendations, then they should not have recommending bodies. He cannot support this text amendment.

Councilman Louderback said he appreciates all the City's boards and commissions, but Council has to make the final decision and this is a common sense decision. They represent all citizens of Xenia. Further, he disagreed that this decision would affect the rest of Xenia noting that 75% of Arrowhead homes already had detached garages with 3' setbacks.

Councilman Urschel agreed with Councilman Louderback that City Council represents the entire community. Once it leaves the PZC, Council makes the decision for all 10,000 homeowners, and considering only one person's opinion is not a good sample size. All the others who will be affected by this change are not present at the meeting. He went through the Auditor's Office maps and looked at all 28 neighborhoods in Xenia, and this amendment will affect all neighborhoods. A number of homes do not have any garages in their backyards, and a number of homes near Hooven and Allison all have detached garages because that was how they were built at that time. There is a reason for setbacks and structure within the code, which did constrain them, but there are rules

Vice President Wallace said he abstained because he did not like Mr. Forschner's response to his question about his personal garage.

B. Emergency Ordinance 2019-03 providing appropriations for current expenses and other expenditures for the City of Xenia, Ohio, for the fiscal year ending December 31, 2019 (2019 Final Budget and Annual Appropriations Ordinance). City Manager Brent Merriman presented Ordinance 2019-03, which is the annual appropriations for the City of Xenia. Tonight's activities are a culmination of a series of activities dating back to spring 2018 when the initial tax budget for FY 2019 was developed. As of this point, all state, county, and local requirements for preparation, public notice, and public hearing have been met. The Ordinance authorizes the appropriations necessary to provide all core services for City operations for FY 2019 and includes capital expenditures. While comprehensive, this funding plan is conservative and, as such, there may arise needs throughout the remainder of the year that will require supplemental appropriations in order to meet operational resource deficiencies. The Ordinance is presented as an emergency in order to finalize all funding and appropriation amounts at the earliest possible date to allow City Departments and Divisions to initiate bid procedures and other related activities for capital projects as soon possible, thereby improving the likelihood of project completion during this fiscal year. The budget as presented for all funds totals \$69,158,075.44 and includes positive-ending fund balances for all funds. He said it is important to point out that the budget total is not a reflection of what will be spent during the fiscal year; rather, it is the sum total of potential budget activities including requested expenditures, cash transfers, etc., that must be recorded for accounting purposes. The projected cash flow for Key Operating Funds is negative \$483,063.47, which is an area they must watch very closely. After they get through tax collection season, they will seek direction from Council if they do not see corrections in revenues. Staff respectfully recommends conduct of the public hearing and approval of the final operating budget as an emergency.

President Engle opened the public hearing at 8:04 p.m. and invited those speaking in favor of the 2019 Final Budget and Annual Appropriations Ordinance to come forward to speak. Nobody came forward to speak. He then invited those speaking against the 2019 Final Budget and Annual Appropriations Ordinance to come forward to speak. Nobody came forward to speak. He then invited those speaking neither for nor against the 2019 Final Budget and Annual Appropriations Ordinance to come forward to speak.

Matt Johnson, 563 Jodee Drive, asked what the City has set aside as a "Rainy Day" fund, which he believed needed to be explained to citizens.

President Engle closed the public hearing at 8:06 p.m. and entertained a motion.

Motion by Councilman Smith, seconded by Vice President Wallace, to adopt Ordinance 2019-03 as an emergency. Discussion followed. Vice President Wallace said he would like for Mr. Johnson's question to be answered.

President Engle asked Finance Director Ryan Duke to explain the Rainy Day Fund. Mr. Duke said the City's "Rainy Day Fund" is a reserve in key operating funds, which is tax revenue for core services such as police, fire, dispatch, court, etc. The reserve requirement is around \$3.4 million (18% or two months' of operating expenses). At the end of the year, the City is projected to be just below the reserve requirement, but that is contingent upon tax collections in the April/May timeframe. Necessary adjustments will be made to ensure the reserve requirement is met. He noted

there are cash flow issues from time to time including the month of January each year because workers' compensation and employee HSA payments are made, etc. Councilman Louderback asked if the reserve requirement was state mandated or a city policy. Mr. Duke said the reserve requirement is a City policy and is approved by Council each year when the Financial Management Policies and Goals are approved, which can be amended, but he recommends having a reserve as a best practice to help the City's bond rating as potential lenders look at the City's financial viability and impacts how the State of Ohio rates the City when doing analysis of the financial health status of local governments.

Councilman Urschel said he was concerned about two items within the budget, which are road infrastructure and stormwater drainage issues. Per Council's direction, staff prepares the Five-Year Capital Improvement Plan based upon projected income, which did not address all the infrastructure needs because there is not enough projected income to do so, and that was not a sustainable path. He recognized they are spending additional dollars in 2019 for the roads, but that is also not sustainable. In a year or two, those additional dollars will not be available to allocate. As Council, they need to direct the Appointed Officials to come up with a plan to support the infrastructure. He will vote yes on this one-year budget, but future budgets and five-year planning need to address these issues and avoid "business as usual." Council has discussed issues with the Xenia Municipal Court and its support of surrounding jurisdictions to a deficit of \$500,000, and they need to address it. He explained that \$500,000 could pave five miles of roadway. They have also discussed emergency services and noted that 80-90 percent of the Fire Division's calls are medic runs, and they anticipate writing off \$1.2 million in charges a year based on past experience, which is another 12 miles of roadway that could be paved. The City needs to pave 20 to 30 miles per year just to maintain the infrastructure, and they continue to fall behind. Further, the stormwater issues must be addressed. He looks forward to working with Council and the appointed officials on plans to address these issues, which is with additional income or by deferring other items.

Councilman Louderback agreed with Councilman Urschel. By the next Council meeting, he would like a complete fleet management list that includes a cost analysis of each vehicle. He did not want workers to drive around extremely old vehicles, but it seems as if there are a lot of new vehicles being driven by City employees. He recognized that the City has leased a few vehicles. He said the City's finances are not in the best of shape, and they need to look under every rock. Mr. Merriman asked if Councilman Louderback wanted a listing of all fleet that included the model year, purchase price, and operating costs. Councilman Louderback said yes. Mr. Merriman said he would work to provide that information to all of Council.

Mr. Merriman said he could not argue with anything that has been said. In a special session last week, Council discussed this issue and the agenda report was clear in regard to where the City's finances are at and where they are going. He would not push the panic button just yet, but they need to be aware and steadfast in staying on top of it this year. He noted there are some peculiarities with revenue collections in that employment numbers are very positive but that growth was not reflected with income tax revenue. Frankly, he did not know why because there have not been any major business closures, etc. He agreed with Councilman Urschel that the path they are on with regard to infrastructure was not sustainable. However, it was no different from what was happening all over Ohio—the streets are literally falling apart and ODOT is almost out of money. This problem will only continue to get worse and will not go away.

The Roll on this was the following:

Ayes: Wallace, Urschel, Louderback, Smith, Dean, Mays, Engle
Nays: None motion carried.

10. NEW BUSINESS:

A. Introduction of Ordinance 2019-04 Amending the Official Zoning Map of the City of Xenia, Ohio, to rezone three parcels along Greene Way Boulevard, comprising 13.6 acres, more or less, from P-1, Public and Institutional District, to B-3, General Business District. Mr. Merriman said to accommodate new retail development opportunities within parcels located between Greene Way Boulevard and W. Main Street, Ordinance 2019-04 would amend the current zoning of P-1 at the location and rezone the area as B-3 to accommodate a range of commercial uses including retail, food service, and other compatible commercial activities. This request comes as a result of a long-term partnership between the City and the County relative to the disposition of the property. Both leaderships have been working together to accommodate commercial development interests that they have been presented with and they are grateful to County leadership for their role in helping to meet market demand for retail growth in our community by making this property available for development. The rezoning matter was presented to the Planning & Zoning Commission for its required public hearing on February 7, 2019, and the Commission endorsed the rezoning to City Council by a 3-0 vote. He respectfully requested introduction of the Ordinance.

President Engle entertained introduction of the Ordinance as presented.

Vice President Wallace presented ORDINANCE 2019-04 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF XENIA, OHIO, TO REZONE THREE PARCELS ALONG GREENE WAY BOULEVARD, COMPRISING 13.6 ACRES, MORE OR LESS, FROM P-1, PUBLIC AND INSTITUTIONAL DISTRICT, TO B-3, GENERAL BUSINESS DISTRICT, and it was read for the first time.

B. Introduction of Resolution 2019-C Authorizing the City Manager to execute a Lease Agreement with J.P. Fritz Business Center for the City-Owned Property at 130 E. Church Street for the purpose of operating a Small Business Incubator. Mr. Merriman said in line with previous discussions with City Council and at their direction, staff respectfully presents Resolution 2019-C to authorize execution of a lease agreement between the City and the J.P. Fritz Business Center for use of the City-owned facility at 130 E. Church Street, which was formerly the home of the Xenia Adult Recreation and Services Center. City staff has been working with Manifold Development, a local entity, and the Central State University Extension office to promote a business incubation service center, to be known as the J.P. Fritz Business Center, and would provide an array of services intended to assist local entrepreneurs in their pursuit of starting or expanding private business enterprises locally. The initial lease term is for three years and the center will be responsible for all utilities, maintenance, and operating expenses associated with the incubator administration. Staff recommends introduction of the resolution this evening, and if approved, execution of the lease is anticipated in March with the center beginning to work toward an opening after April 1 of this year.

President Engle entertained introduction of the Resolution as presented.

Mayor Mays presented RESOLUTION 2019-C AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT WITH J.P. FRITZ BUSINESS CENTER FOR THE CITY-OWNED PROPERTY AT 130 E. CHURCH STREET FOR THE PURPOSE OF OPERATING A SMALL BUSINESS INCUBATOR, and it was read for the first time.

C. Administrative Motion Appointing a Volunteer to the Planning and Zoning Commission. Councilman Smith said there is one vacancy on the Planning and Zoning Commission, which has been advertised on the City's social media outlets, website, and government channel. The City Clerk received one letter of interest from Ms. Faith Sorice. He has discussed this opportunity with Ms. Sorice and respectfully recommended her appointment to fill a vacant term expiring on December 31, 2022. Her background check was completed and is satisfactory.

President Engle entertained a motion.

Motion by Councilman Smith, seconded by Councilman Dean, to appoint Ms. Faith Sorice to fill a vacancy on the Planning and Zoning Commission with a term expiration date of December 31, 2022. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Urschel, Louderback, Smith, Dean, Mays, Engle
Nays: None motion carried.

D. Administrative Motion Approving the Schedule of Bills in the amount of \$625,657.97. Mr. Duke requested the payment of bills in the amount of \$625,657.97.

President Engle entertained a motion.

Motion by Councilman Smith, seconded by Vice President Wallace, to approve the schedule of bills in the amount of \$625,657.97. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Urschel, Louderback, Smith, Dean, Mays, Engle
Nays: None motion carried.

11. REPORTS OF COMMITTEES:

A. Board for Recreation, Arts, and Cultural Activities: President Engle said BRACA met on February 5 and talked about numerous topics as follows:

- Hometown Christmas: Some changes were discussed for Hometown Christmas 2019. Santa would still be present, but the event may be downsized and moved back to the downtown area. They will continue the discussion at future meetings.
- They heard a presentation by the Assistant City Manager about the Street Pole Banner replacement program, and he showed photos of two proposed banners that includes one general purpose banner and one patriotic banner. He said the existing street pole banners are now about 10 years old and have reached their usable life. The City Manager's Office will be seeking sponsors for replacement banners for 120 poles.
- The Youth Recreation Basketball Program is in full swing with six boys teams and three girls teams.
- The Annual Easter Egg Hunt scheduled for Saturday, April 20 (day before Easter) at Shawnee Park.
- Sponsors are needed for the Bloom with Xenia program; those interested can contact the City Clerk.
- Community Gardens will be available from mid-April through October 31st.

- The Youth Fishing Derby will be held on Saturday, June 1, at Shawnee Park. Sponsors are needed for this annual event.
- The Tree Committee has received three Heritage Tree nominations. More information will be provided at a later date.

Councilman Louderback applauded BRACA for bringing Hometown Christmas back to the downtown area. Downtown Xenia used to be bustling with activities including Old Fashioned Days, and he would like to see as many activities downtown as possible. President Engle agreed but noted that moving events downtown increases costs for public safety and public service personnel. That said, BRACA and City staff would like to hear from citizens about their preference of locations and noted his surprise at the decrease in turnout for last year's Hometown Christmas event. Mr. Merriman said staff is in discussions with Community Festival planners to bring additional activities downtown to expand the overall number of activities. Councilman Urschel agreed with Councilman Louderback. When they do activities downtown, it encourages folks to venture into various stores when they normally would not. However, the businesses need to reciprocate that activity. As President Engle indicated, Mr. Merriman said some inhibitors to holding events downtown include additional manpower with roadways shut down, challenges with electrical and water connections, etc. Vice President Wallace inquired about First Fridays events. Mr. Merriman said the planners are returning this year for events in May, June, and July, with the July event coinciding with the Fireworks event. President Engle noted that First Fridays is not a BRACA event, which is why he did not mention it.

B. Traffic Commission: Councilman Dean said the February meeting was cancelled due to lack of agenda items.

C. Planning and Zoning Commission: Councilman Smith said XPZC met in February 7 and began with a reorganization to elect Matt Bennett as Vice Chair for 2019. Two public hearings were held that evening: one for LDC text amendment, which they did not endorse, and one for the rezoning of three parcels on Greene Way Boulevard, which they did endorse. Both matters were presented at this evening's Council meeting.

D. Board of Zoning Appeals: Mayor Mays said the January meeting was cancelled due to lack of agenda items.

12. APPOINTED OFFICIALS REPORTS AND COUNCIL COMMENTS:

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

Mr. Merriman shared the following:

- Presidents' Day In-Service—City administrative offices will be closed on Monday, February 18, for in-service training for all City staff. They will reopen for normal business hours on Tuesday.
- Montgomery County/City of Dayton Water Service Emergencies—He assured Xenia's residents that they are not affected by the City of Dayton's water emergency. The City of Xenia's system is a closed water system; however, if the Xenia water system ever experiences any type of water quality issue, they have an established and approved OEPA protocol in which to respond that includes required notification via typical media streams (social media, local television and newspaper media, HyperReach system, etc.). He noted water main breaks and boil water advisories occur more at this time of the year due to the changing and unpredictable weather and freeze/thaw cycles.

- Potholes—Staff is aware of the growing number of potholes throughout the City, and they continue to do their best to fill them with temporary patches. He noted the heavy rains have washed some of them out. Staff will continue to address potholes the best they can, and residents can call Public Service or the City Manager’s Office to report them.
- REACH Ribbon-Cutting Ceremony—This project and the YMCA’s membership has blown away all expectations. Central State’s and Clark State’s extension offices and the XARSC are now open. He thanked Councilman Smith and Vice President Wallace for attending the event on Sunday evening.
- Incident at Xenia High School—He praised the Xenia Police Division and all emergency services including the Greene County Sheriff’s Office, Beavercreek Police Division, Greene County Parks and Trails Law Enforcement Staff, and Ohio Highway Patrol for their prompt and professional response in helping to contain that situation. In the end the threat was minimal, but it was reported as a credible threat. He noted there is some work to do with the schools to continue to improve how they communicate with the public and coordinate this type of effort.

Mayor Mays asked how HyperReach works, especially for those who do not have a dedicated home land line. Mr. Merriman said those interested can access HyperReach via a link on the City’s website, and they can enter either a home phone or cell phone number into the system. He noted they do not use HyperReach very often—it will only be used for major emergencies or very high-profile public events.

Mr. Duke had nothing further to share.

Ms. Fisher had nothing further to share.

B. Mayor and City Council:

Mayor Mays shared the following:

- February 6, 2019: She attended the Dayton Development Coalition luncheon with Mr. Merriman where Governor Mike DeWine was the keynote speaker. As Mr. Merriman indicated, Governor DeWine spoke very candidly and openly about issues facing the State of Ohio.
- February 8, 2019: She and Mr. Merriman met with Greene County Commissioner Tom Koogler and Greene County Administrator Brandon Huddleson; they had a very positive discussion.
- February 10, 2019: She congratulated the REACH center on its official grand opening! She was unable to attend and thanked Vice President Wallace for representing her.
- February 13, 2019: She met with a representative from Greene County Public Health regarding education and awareness of vaping/smoking that included the dangers and risks that run concurrently with opioid addiction.
- February 14, 2019: She congratulated Wilberforce University today on their 163rd Founders Day celebration. It was an honor to attend.
- She extended her sympathy and condolences to the family of Bryan George, who passed away this past Monday. He served as treasurer for Bridges of Hope and the Xenia Area Association of Churches and Ministries. He was a very quiet and faithful servant in this community including doing work for Habitat for Humanity. He regularly volunteered for the Easter Egg Hunt and Annual Community Thanksgiving Meal.

Councilman Louderback gave a shout out to city crews who did a fabulous job this winter. He said they are now out and about fixing lots of pot holes. He asked if the entire Council agenda packet or just the Council agenda was published online. Mr. Duke said only the agenda is published. Councilman Louderback asked if the entire packet could be published. Mr. Merriman said yes,

staff could work something out, but noted sometimes the packets are quite large and multiple documents may need to be uploaded. Councilman Louderback said he would appreciate that. He wished everyone a Happy Valentine's Day, especially his wife, Becky, as they celebrate their 56th Valentine's Day.

Councilman Smith also wished a Happy Valentine's Day to everyone and Happy Presidents' Day on Monday. He noted he has seen two presidents in person: Ronald Reagan and George W. Bush. He appreciates all the work staff is doing. He attended the grand opening dinner/ribbon cutting ceremony for the REACH project and wished to thank all the partners for the project including the City of Xenia, Kettering Health Network, Central State University, Clark State College, and the Xenia Adult Recreation and Services Center. He said Xenia YMCA Executive Director Alan Milkis was proud to announce they have reached 11,000 members and are ranked #3 in the greater Dayton area. Mr. Merriman said the Xenia YMCA went from the eighth to third largest and second largest by total membership.

Councilman Urschel said the Dayton Daily News had articles about the Dayton Development Coalition's (DDC) assessment of the impact of WPAFB and Springfield Air National Guard, which noted there are 28,000 direct employees and a total of 50,000 people are employed in and around the base. WPAFB's last assessment of the economic impact was done four years ago, and at that time, it was a \$4 billion impact; however, the DDC's estimate is \$14 billion. At either number, it is the economic engine of the Miami Valley. He said WPAFB will continue to grow with the future consolidations and the addition of the F-35 Sustainment Program and another 500 employees in the next year or so. As he's stated before, there will be thousands of retirees and up to 10,000 new college hires who will be looking for a place to live—probably apartments. Right now, Deer Creek Apartments is about all that Xenia can offer, and they need to start thinking about how they can get those people with wonderful paying jobs and long-term, stable employment to come to Xenia. As already noted, ODOT is broke and gas taxes will increase to pay for road projects. Everyone is in the same situation, and they either need to change priorities or look for additional income. Either way, they have to address the problems.

Councilman Dean did not have anything further to share.

Vice President Wallace reported that the Economic Development Advisory Board met last week in their quarterly session, and they re-elected Theresa Felder as the Vice Chair for 2019. He enjoyed the REACH center grand opening celebration, which was his first visit to the facility. He looks forward to exploring all the facility has to offer including Clark State's and Central State's operations. He said the YMCA indicated they are entertaining 18 new visits per day. He also extended his sympathy to the family of Bryan George who he served with on XACCM when he was President and Mr. George was Treasurer. Mr. George was a quiet and unassuming soul who worked hard. He will be sorely missed. He and his 'Valentine' Joyce celebrated 53 years of marriage on February 11th.

President Engle expressed his appreciation to Public Service staff who work on snow and ice removal and repair water main breaks. Public Service workers are not acknowledged as public safety workers, but they really do provide safety services. Happy Valentine's Day to his wife, Lynn. He was grateful for her every day. In terms of City Boards and Commissions, they are always looking for volunteers. He was incredibly supportive of the Board and Commission volunteers who stepped forward to support this community and take their time to make

recommendations to City Council. When he joined Council in 2006 and went through orientation, he was told to listen to the citizens' points of view especially when facing important policy decisions because they are volunteers who care about the City they serve. Xenia Board and Commission volunteers serve with no compensation, and he thanked all those who are currently serving. Those interested in serving should contact the City Clerk at 376-7235.

13. ADJOURNMENT: Motion by Councilman Louderback, seconded by Councilman Wallace, to adjourn the Regular Session at 8:55 p.m. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Urschel, Louderback, Smith, Dean, Mays, Engle

Nays: None motion carried.

Michelle D. Johnson
City Clerk

Michael Engle
President, Xenia City Council

First Reading: February 14, 2019
2nd Reading & Vote: February 28, 2019
Effective Date: February 28, 2019

Agenda Item: **Resolution 2019-C**
AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT WITH J.P. FRITZ BUSINESS CENTER FOR THE CITY-OWNED PROPERTY AT 130 E. CHURCH STREET FOR THE PURPOSE OF OPERATING A SMALL BUSINESS INCUBATOR
Introduced by Mayor Mays on February 14, 2019

Submitted By: Brian Forschner, City Planner
Presented By: Jared Holloway, Assistant City Manager

Scope/Description: The City was approached by a nonprofit entity known as Manifold Development, who expressed an interest in developing a small business incubator in the former Xenia Adult Recreation and Services Center (XARSC) building. City staff facilitated discussions between Manifold and the new Central State University Extension (CSUE), because CSUE has interest in and resources for small business assistance. The two entities and the City have since worked together to develop preliminary plans for the incubator. The small business incubator is a facility and program designed to help aspiring entrepreneurs translate their dreams and ideas into successful, sustainable businesses. The incubator will provide temporary space for the businesses, as well as intensive training and support.

CSUE has direct or indirect access to a wealth of human and financial resources to provide the programming for the incubator. Manifold will help with administration of the program and facility, and both entities will continue to reach out to other public and private entities for partnerships and funding. It is anticipated that entrepreneurs will spend up to 3 years in the incubator program and then “graduate,” ideally finding permanent space in Xenia. The program will be open to new entrepreneurs as well as existing businesses that need assistance with growth or transitions in services or product lines. Businesses can utilize the space at the incubator location or just participate in the programming while remaining in their current locations. The incubator will operate on a paid membership basis, but some of the programming will be open to the general public as well.

The City hopes that the proposed incubator will become an economic generator, churning out successful, unique, home-grown businesses that will occupy buildings in downtown Xenia and elsewhere in the community. The incubator can make Xenia a more attractive environment for entrepreneurs from within and outside the community. It can lift up existing community residents with entrepreneurial capabilities and help to retain existing businesses and college/technical school graduates. The mix of businesses utilizing the incubator is likely to include offices, retail, services, restaurants and potentially nonprofits. In particular, the building’s commercial kitchen space provides a unique opportunity for food service vendors.



**XENIA CITY COUNCIL
LEGISLATIVE COVER MEMO**

In order to facilitate this project, it is necessary for the City to enter into a lease agreement with the incubator entity. The incubator entity will be a newly formed nonprofit organization known as the J.P. Fritz Business Center. This nonprofit was formed as a partnership between Manifold Development and CSUE. The lease is still being negotiated, but the primary elements include a three-year term renewable upon agreement by both parties.

Cover Memo

Attachments: Proposed Lease Agreement

Budgetary Impact: None

Recommendation: It is the recommendation of City staff that the attached Resolution be adopted to authorize the City Manager to execute the Lease Agreement with J.P. Fritz Business Center for the purpose of establishing and operating a small business incubator at 130 E. Church Street.

LEASE AGREEMENT

This Lease Agreement (“Lease”), is made and entered into on _____, by and between the City of Xenia, Ohio, an Ohio municipal corporation (“Lessor”), whose mailing address is 107 E. Main Street, Xenia, Ohio 45385, and J.P. Fritz Business Center, a ***, whose mailing address is *** (“Lessee”).

WITNESS, that in consideration of the mutual covenants contained herein, it is hereby mutually agreed between the parties as follows:

1. PREMISES

The Lessor, in consideration of rentals to be paid and the covenants and agreement to be performed by the Lessee, hereinafter set forth, does hereby lease to Lessee, the certain real property located 130 East Church Street, Xenia, Ohio as shown on the attached Exhibit A (the “Premises”).

2. LEASE TERM

This Lease shall be for a term of three (3) years, beginning on the date of approval of a Certificate of Occupancy by the Greene County Department of Building Regulation for occupancy of the Premises by the Lessee (“Lease Term”), a copy of which Lessee shall provide to Lessor. Lessee shall deliver written notification to Lessor indicating whether Lessee intends to continue leasing the Premises, no later than one hundred (120) days prior to expiration of the Lease Term. Upon receipt of said notification, Lessor shall make reasonable attempts to schedule a meeting to negotiate renewal or replacement of the Lease, such meeting to occur no later than ninety (90) days prior to expiration of the Lease.

3. RENT

The rent for the Premises for the Lease Term shall be a lump sum of one dollar (\$1.00), payable upon execution of this Lease, at the office of Lessor, 107 East Main Street, City of Xenia, Ohio 45385.

4. USE OF PREMISES

The Lessee shall occupy and use the Premises as a business incubator, which is herein defined as a space that provides support services and workspace to help entrepreneurs start and grow businesses. Any use of the Premises shall comply with all applicable federal, state and local laws.

5. ZONING

The beginning of the Lease Term is contingent upon the Lessor initiating and approving a rezoning of the Premises to a zoning district that permits the uses described in Section 4 of this Lease.

6. UTILITIES

Lessee shall pay or cause to be paid all charges for all utilities used on or related to the Premises during the Lease Term.

7. MAINTENANCE, REPAIRS, REPLACEMENTS AND IMPROVEMENTS

- (a) Lessee shall be responsible to make and pay for all structural and non-structural maintenance, repairs and replacements to the Premises. Maintenance responsibilities shall include, but not be limited to, maintenance of the existing kitchen on the Premises as an active commercial kitchen that complies with Greene County Public Health regulations and inspections.
- (b) Lessee shall, at its sole cost and expense, keep the Premises clean and free from all obstructions, refuse, dirt, snow and ice and keep the Premises properly maintained.
- (c) Lessee shall procure, maintain in effect and comply with all conditions of any and all permits, licenses and other governmental and regulatory approvals required for Lessee's use of the Premises.
- (d) Lessee shall, at its sole costs and expense, comply with all orders and/or deficiencies issued or determined by any governmental authority having jurisdiction of the Premises requiring repairs, modifications, additions or deletions to fixtures and/or structural aspects of the Premises under all existing laws, rules, regulations, or ordinances governing the same.
- (e) Lessee shall deliver and surrender to Lessor possession of the Premises, including all improvements, alterations and replacements to the Premises during the Lease Term, upon the expiration of this Lease or its termination in any manner whatsoever, in substantially as good condition and repair and in substantially similar form, character and manner as the same shall be on the date of commencement of this Lease with permitted changes, improvements and additions during the Lease Term, except as authorized herein, subject to no liens, encumbrances, charges, restrictions, conditions, limitations or claims whatsoever, and deliver the Premises to Lessor.
- (f) Lessee shall not dispose of any furniture, fixtures or equipment located at the Premises during the Lease Term without prior permission from the Lessor.

8. LESSEE'S RIGHT TO PURCHASE

During the Lease Term, Lessee shall have the right to purchase the Premises from Lessor, provided that Lessee and Lessor negotiate mutually agreeable purchase and sale terms, and acknowledging that Lessor has no obligation to agree to a sale of the Premises to Lessee. If, upon expiration of this Lease, Lessor rejects Lessee's expressed intent to continue leasing the Premises and Lessor decides to thereafter sell the Premises to a third party, Lessee shall have the right of first refusal of such a sale.

9. LIENS

Lessee shall not mortgage the Premises, cause the Premises to be mortgaged or in any way cause a lien or encumbrance upon the Premises without the prior written consent of the Lessor.

10. LESSOR'S RIGHT OF ENTRY

Lessor or its agents shall have the right to enter the Premises during reasonable business hours with reasonable notice to Lessee to inspect the Premises. The right of entry shall likewise exist for the purpose of removing placards, signs, fixtures, alterations, or additions, which do not conform to this Lease.

11. LESSEE'S INSURANCE

- (a) Throughout the Lease Term, Lessee shall, at its sole expense, procure and maintain with respect to the Premises, insurance for the contents of the Premises and for commercial general liability, in amounts not less than \$1,000,000 per occurrence and \$2,000,000 annual aggregate.

- (b) All insurance provided for in this Section shall be in a form satisfactory to Lessor and carried with insurance companies reasonably acceptable to Lessor that are licensed or authorized to do business in the State of Ohio, are in good standing with the Ohio Department of Insurance and have a current rating issued with A.M. Best Company of not less than A-VII, and/or whose claim paying ability is rated no lower than A by Standard & Poor's Ratings Service and A2 by Moody's Investors Service. Insurance coverage shall be written as primary policy coverage and not contributing with or excess of any coverage which Lessor may carry, and Lessor shall be named as an additional named insured. Lessee shall furnish Lessor at the commencement of this Lease with a certificate of insurance evidencing that all such insurance is in effect and that Lessor will be given at least thirty (30) days prior written notice of cancellation or non-renewal, and Lessee shall further provide proof that premiums have been paid by Lessee. Lessee will annually, each January 31 during the Lease Term, provide to the Lessor a certificate of insurance identifying the City of Xenia as an additional named insured.
- (c) In the event Lessee shall fail to procure any contract of insurance required under the terms hereof or any renewal of or replacement for any contract of insurance that is expiring or has been canceled, Lessor may, but shall not be obligated to, procure such insurance on behalf of Lessee and the cost thereof shall be payable to Lessor as additional rent within ten (10) days following written demand of such rent.

12. INDEMNIFICATION OF LESSOR

Lessor shall not be liable for any damage by or from any act of the Lessee, its employees, contractors, invitees, or agents. Lessee shall indemnify, defend and hold harmless Lessor and its officers, directors, employees, attorneys and agents from and against any and all claims, demands, causes of action, judgments, costs, expenses, losses and damages, attorney fees, incurred in the defense of any such claim or any action or proceeding which may be brought against, out of or in any way arising from: (i) Lessee, its employees, contractors, invitees, or agents use of the Premises, or from the conduct of its business or from any activity, work, or other acts or things done, permitted or suffered by Lessee, its employees, contractors, invitees, or agents, in or about the Premises; (ii) any breach or default in the performance of any obligation of Lessee to be performed under the terms of this Lease, or arising from any gross negligence or willful or criminal misconduct of Lessee, or any officer, agent, employee, contractors or invitees.

13. ENVIRONMENTAL CONDITIONS

- (a) For the purpose of this Lease, "Environmental Laws" means any law, statute, ordinance or regulation pertaining to health, industrial hygiene or the environment including, without limitation, CERCLA (Comprehensive Environmental Response, Compensation and Liability Act of 1980), RCRA (Resources Conservation and Recovery Act of 1976) and SARA (Superfund Amendments and Reauthorization Act of 1986).
- (b) For the purpose of this Lease, "Hazardous Substance" means any substance, material or waste which is or becomes designated, classified or regulated as being "toxic" or "hazardous" or a "pollutant" or which is or becomes similarly designated, classified or regulated, under any Environmental Law, including asbestos, petroleum and petroleum products.
- (c) Lessee will not cause or permit any Hazardous Substance to be brought upon, kept or used in or about the Premises by Lessee, its agents, employees, contractors or invitees without the prior written consent of Lessor. Lessee will cause any and all Hazardous Substances brought upon the Premises by Lessee to be removed from the Premises and transported solely by duly licensed haulers to duly licensed facilities for final disposal of such materials and wastes. Lessee will, in all respects, handle,

treat, deal with and manage any and all Hazardous Substances in, on, under or about the Premises in total conformity with all applicable Environmental Laws and prudent industry practices regarding management of such Hazardous Substances. Upon expiration or earlier termination of the Lease Term, Lessee will cause all Hazardous Substances placed on, under or about the Premises by Lessee or at Lessee's direction to be removed and transported for use, storage or disposal in accordance and compliance with all applicable Environmental Laws. Lessee will not take any remedial action in response to the presence of any Hazardous Substances in or about the Premises, nor enter into any settlement agreement, consent decree or other compromise in respect to any claims relating to any Hazardous Substances in any way connected with the Premises without first notifying Lessor of Lessee's intention to do so and affording Lessor ample opportunity to appear, intervene or otherwise appropriately assert and protect Lessor's interests with respect thereto.

- (d) Lessee shall provide Lessor with a report, at least once per year during the Lease Term, stating the number and description of businesses, individuals or other entities participating in business incubator training, utilizing space at the Premises, transitioning from the incubator to independent operations, and any other applicable information.
- (e) If the Premises becomes contaminated in any manner for which Lessee is legally liable or otherwise become affected by any release or discharge of a Hazardous Substance, Lessee shall immediately notify Lessor of the release or discharge of the Hazardous Substance, and Lessee shall indemnify, defend and hold harmless Lessor and its officers, directors, employees, attorneys and agents from and against any and all claims, damages, fines, judgments, penalties, costs, liabilities or losses (including, without limitation, a decrease in value of the Premises, damages caused by loss or restriction of rentable or usable space, or any damages caused by adverse impact on marketing of the space, and any and all sums paid for settlement of claims, attorneys' fees and expenses, consultant fees and expert fees) arising during or after the Lease Term and arising as a result of such contamination, release or discharge. This indemnification includes, without limitation, any and all costs incurred because of any investigation of the site or any cleanup, removal or restoration mandated by federal, state or local agency or political subdivision.

14. DEFAULT

The occurrence of any one or more of the following events shall constitute an "Event of Default" under this Lease by Lessee:

- (a) Failure by Lessee to obtain a Certificate of Occupancy within one hundred eighty (180) days of the execution of this Lease.
- (b) The vacating or abandonment of the Premises by Lessee for sixty (60) consecutive days during any period following initial occupancy.
- (c) The failure by Lessee to observe or perform any of the covenants, conditions or provisions of this Lease to be observed or performed by Lessee, where such failure shall continue for a period of thirty (30) days after written notice thereof by Lessor to Lessee; provided, however, that if the nature of Lessee's default is such that more than thirty (30) days are reasonably required for its cure, then Lessee shall not be deemed to be in default if Lessee commences such cure within said thirty (30) day period and thereafter diligently prosecutes such cure to completion.

15. REMEDIES

If any Event of Default shall exist beyond any applicable cure period, Lessor may at any time thereafter, exercise any one or more of the following rights or remedies:

- (a) Terminate Lessee's right to possession of the Premises by any lawful means, in which case this Lease shall terminate and Lessee shall immediately surrender possession of the Premises to Lessor. In such event Lessor shall be entitled to recover from Lessee all reasonable and necessary damages incurred by Lessor by reason of Lessee's default.
- (b) Cure any default or breach of warranty of Lessee hereunder, and perform any covenants which Lessee has materially failed to perform, and any sums expended by Lessor in curing such default or breach of warranty and performing such covenants shall be paid by Lessee to Lessor immediately upon demand.
- (c) Pursue any other remedy or combination of remedies now or hereafter available to Lessor under the laws or judicial decisions of the State of Ohio.

16. LOSS OR DESTRUCTION OF PREMISES

- (a) If the Premises become, as a practical matter, totally untenable after a casualty loss such as fire, storm, explosion, earthquake, or other casualty loss, and if the casualty loss is not due to the negligence or fault of the Lessee or the Lessee's its employees, contractors, invitees, or agents, either Lessor or Lessee may terminate this Lease within thirty (30) days after such damage or destruction and Lessee shall deliver to Lessor all insurance proceeds from such damage or destruction. If this Lease is not terminated as set forth above, this Lease shall continue under its terms and conditions.
- (b) Should only a part of the Premises thereby be rendered untenable, such part so injured shall be restored by Lessee as speedily as practicable, after which the Lease shall continue according to its terms.

17. ASSIGNMENT OR SUBLEASE

Lessee shall not assign this Lease or sublet the Premises without the prior written consent of the Lessor. "Assignment of this Lease" or "sublet the Premises" shall not be construed to include membership agreements with businesses, organizations or individuals who receive training or other services from Lessee's business incubator program. Lessee shall provide a copy of any management contract between Lessee and any third party.

18. EFFECT OF FAILURE TO STRICTLY COMPLY WITH LEASE PROVISIONS

Lessor's failure to object to any default on the part of Lessee shall not be construed as a waiver of such default, nor shall any custom or practice that may grow up between the parties in the course of administering this instrument be construed to waive or to lessen the right of Lessor to insist on the performance of the provisions of this Lease.

19. ENTIRE AGREEMENT

This Lease, together with any addendums, covenants, conditions, and agreements by which reference are herein made a part of this Lease, constitute the entire agreement and there are no other agreements, oral or written, pertaining to this Lease.

20. SEVERABILITY

If any provision in this Lease shall be invalid by judgment or court order, all other provisions shall remain in full force and effect.

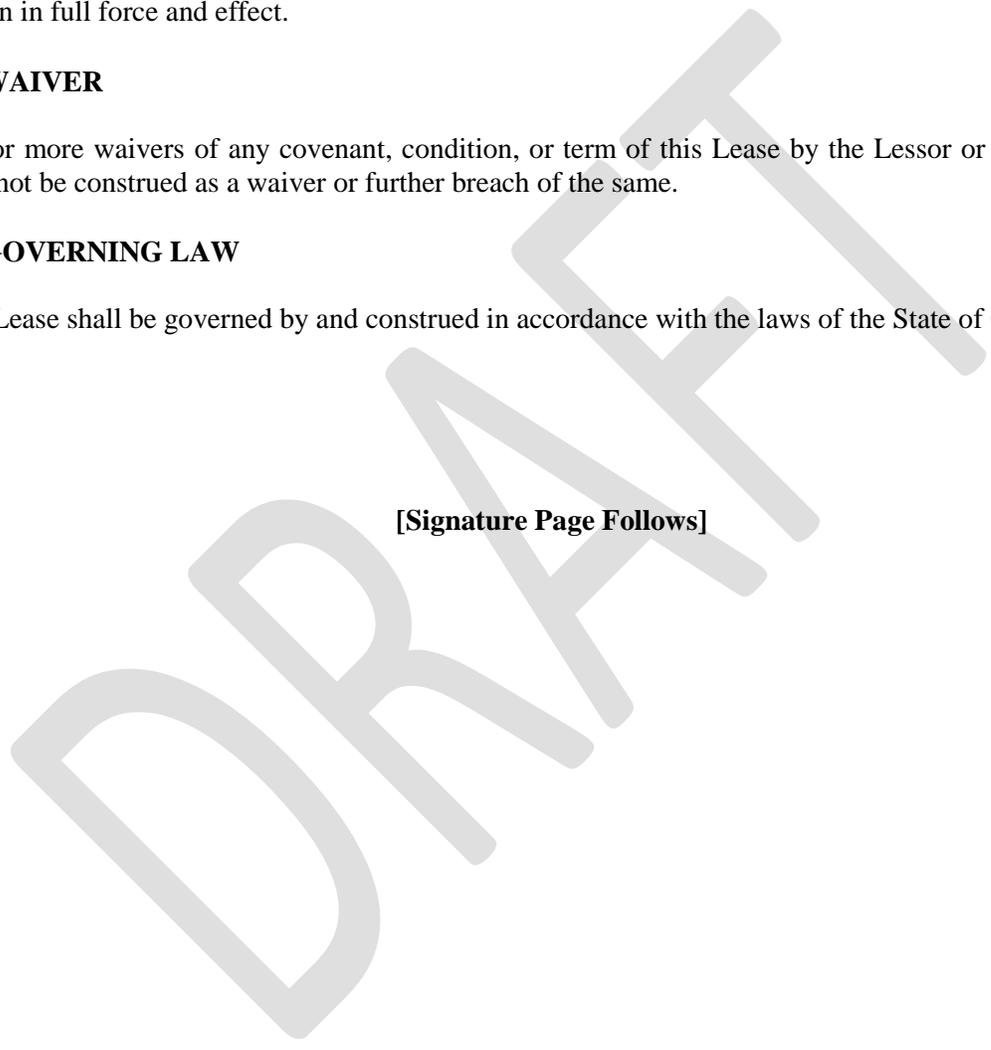
21. WAIVER

One or more waivers of any covenant, condition, or term of this Lease by the Lessor or by the Lessee shall not be construed as a waiver or further breach of the same.

22. GOVERNING LAW

This Lease shall be governed by and construed in accordance with the laws of the State of Ohio.

[Signature Page Follows]

A large, light gray watermark with the word "DRAFT" in all caps is oriented diagonally from the bottom-left to the top-right across the center of the page.



Signature Page

IN WITNESS WHEREOF, the parties have executed or caused the execution of this Lease Agreement as of the day and year set forth below.

**Lessor:
City of Xenia**

By: _____
Print Name: Brent W Merriman
Title: City Manager

Acknowledgement

**STATE OF OHIO
COUNTY OF GREENE, SS:**

The foregoing instrument was acknowledged before me this ____ day of _____, 2019, by Brent Merriman, the City Manager of the City of Xenia, Ohio, on behalf of the City of Xenia.

Notary Public

**Lessee:
J.P. Fritz Business Center**

By: _____
Print Name:
Title:

Acknowledgement

**STATE OF OHIO
COUNTY OF GREENE, SS:**

The foregoing instrument was acknowledged before me this ____ day of _____, 2019, by _____, the _____ of the J.P. Fritz Business Center, on behalf of said entity.

Notary Public

**CITY OF XENIA, OHIO
RESOLUTION 2019 - C**

AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT WITH J.P. FRITZ BUSINESS CENTER FOR THE CITY-OWNED PROPERTY AT 130 E. CHURCH STREET FOR THE PURPOSE OF OPERATING A SMALL BUSINESS INCUBATOR

WHEREAS, the City owns the property at 130 E. Church Street that was leased by the Xenia Adult Recreation and Services Center until its recent relocation to the REACH Center on Progress Drive;

WHEREAS, J.P. Fritz Business Center, a nonprofit organization, desires to lease the building and premises at 130 East Church Street from the City in order to establish and operate a small business incubator to cultivate, train and promote entrepreneurs;

WHEREAS, Section 721.01 of the Ohio Revised Code grants municipal corporations the special power to sell or lease real estate not needed for any municipal purpose;

WHEREAS, Section 5.02 of the City Charter authorizes this Council to approve the lease of any lands of the City by resolution, and Section 9.16 of the City Charter authorizes the lease of real property by negotiation, upon the approval of Council by resolution; and

WHEREAS, leasing the building and premises at 130 East Church Street for the development of a small business incubator would promote local economic growth and, more specifically, accomplish Strategy GE5.3 of X-Plan, the City's adopted Comprehensive Plan;

NOW, THEREFORE, THE CITY OF XENIA HEREBY RESOLVES, at least four (4) members of the City Council concurring, that:

Section 1. The City Manager is hereby authorized to execute a three-year lease agreement with the J. P. Fritz Business Center for the City-owned property at 130 E. Church Street to allow the Business Center to establish and operate a small business incubator, upon such terms and conditions as are approved by the City's Law Director.

Section 2. It is found that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3. This Resolution shall become effective immediately upon its passage.

Introduced: February 14, 2019

Passed: February 28, 2019

Michael D. Engle
President, Xenia City Council

Attest:

Michelle D. Johnson
City Clerk



First Reading: February 14, 2019
Second Reading & Vote: February 28, 2019
Effective Date: March 30, 2019

Public Hearing Required: Yes, per Section 1220.03(d)(4) of the City’s Land Use Code, to be held at the second reading on February 28, 2019

Agenda Item: **Ordinance 2019-04**
AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF XENIA, OHIO, TO REZONE THREE PARCELS ALONG GREENE WAY BLVD., COMPRISING 13.6 ACRES, MORE OR LESS, FROM P-1, PUBLIC AND INSTITUTIONAL DISTRICT, TO B-3, GENERAL BUSINESS DISTRICT
Introduced by Vice-President Wallace on February 14, 2019

Submitted By: Brian Forschner, City Planner
Presented By: Jared Holloway, Assistant City Manager

Scope/Description: The above parcels are vacant land owned by the Greene County Board of Commissioners, which straddle Greene Way Blvd. and include frontage on West Main Street at Hospitality Drive. The location of these parcels adjacent to Xenia’s primary growing retail area and US-35 make them a prime commercial development opportunity. For this reason, the County decided to sell the parcels to the applicant following a competitive RFP process. The County and the applicant are now finalizing a purchase agreement, and the County has permitted the applicant to move forward with rezoning. The applicant intends to develop the site with commercial uses, which are not permitted under the existing P-1 zoning. The requested B-3 zoning would accommodate a range of commercial uses and also reflects the existing zoning of parcels to the east and south.

The applicant has not yet prepared detailed site plans for the development but anticipates that the development will include a mix of retail, food service, and other compatible commercial uses.

On July 26, 2018, City Council approved the final plat that created these parcels, along with dedication of right-of-way for a future extension of Hospitality Drive from West Main Street to Greene Way Boulevard, to be built by the developer.

Planning and Zoning Commission held its required public hearing at its February 7, 2019 meeting and voted to recommend approval of this rezoning. The rezoning satisfies all of the approval criteria in the City’s Land Development Code.

Cover Memo Attachments: None

Budgetary Impact: None

RECOMMENDATION: It is the recommendation of staff and the Planning and Zoning Commission (3-0) that Council adopt this Ordinance to amend the City’s Zoning Map to rezone these 3 parcels along Greene Way Blvd., comprising 13.6 acres, more or less, from P-1, Public and Institutional District, to B-3 General Business District.

**CITY OF XENIA, OHIO
ORDINANCE 2019-04**

**AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF XENIA, OHIO,
TO REZONE THREE PARCELS ALONG GREENE WAY BLVD., COMPRISING 13.6 ACRES,
MORE OR LESS, FROM P-1, PUBLIC AND INSTITUTIONAL DISTRICT,
TO B-3, GENERAL BUSINESS DISTRICT**

WHEREAS, BSM Development, LLC, the authorized representative of the property owner, the Board of County Commissioners of Greene County, Ohio, has submitted an application to rezone three parcels along Greene Way Blvd. from P-1, Public and Institutional District, to B-3, General Business District;

WHEREAS, the procedures with regard to zoning amendments to the City's Official Zoning Map, as set forth in Section 1220.03 of the City's Land Development Code have been followed;

WHEREAS, the Xenia Planning and Zoning Commission, at its February 7, 2019, regular meeting, voted to make a recommendation to this Council that the requested rezoning be approved and this Ordinance be adopted; and

WHEREAS, this Council finds it to be in the best interests of the health, safety and welfare of the City and its inhabitants to adopt Planning Commission's recommendations and make certain amendments to the City's Official Zoning Map,

NOW, THEREFORE, THE CITY OF XENIA HEREBY ORDAINS, at least four (4) members of the City Council concurring, that:

Section 1. The Official Zoning Map of the City of Xenia, Ohio, is hereby amended by changing the zoning district classification from P-1, Public and Institutional District, to B-3, General Business District, on the properties along Greene Way Boulevard identified as: Greene County Parcel ID M40000100510000900 (consisting of 2.597 acres, more or less); Greene County Parcel ID M40000100510000800 (consisting of 7.294 acres, more or less); and Greene County Parcel ID M40000100510001000 (consisting of 3.739 acres, more or less, all parcels a part of the Greene Way Plat, Section 2, in the City of Xenia, as shown on Exhibit A, which shall be part of this ordinance and shall be used as a reference for reflecting the zoning district classification change on the Official Zoning Map of the City of Xenia.

Section 2. The City Planner is hereby directed to make the approved amendments to the City's Official Zoning Map.

Section 3. All ordinances or parts of ordinances that conflict with this ordinance are hereby repealed.

Section 4. It is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5. This Ordinance shall become effective on March 30, 2019.

Introduced: February 14, 2019

Adopted: February 28, 2019

Attest:

Michael D. Engle
President, Xenia City Council

Michelle D. Johnson
City Clerk

ORDINANCE 2019-04
EXHIBIT A
Parcels to be Rezoned Indicated by Red Outline





Meeting Date: February 28, 2019
Emergency: YES
Effective Date: February 28, 2019

Agenda Item: **Resolution 2019-D**
FINAL LEGISLATION FOR THE ODOT U.S. 42 (N. COLUMBUS STREET)
AND E. CHURCH STREET INTERSECTION IMPROVEMENTS PROJECT,
AND DECLARING AN EMERGENCY

Submitted By: Chris Berger, Public Service Director/City Engineer
Presented By: Jared Holloway, Assistant City Manager

Scope/Description: This Resolution is the final legislation required by ODOT for U.S. 42 (N. Columbus Street) and E. Church Street Intersection Improvements Project. As City Council is aware, the City of Xenia was awarded funds through the Miami Valley Regional Planning Commission to construct improvements to the intersection of E. Church Street and U.S. 42 in 2013. Because the Project is located on U.S. 42, ODOT will be accepting bids and administering the contract for the construction of the improvements.

In order for ODOT to proceed with the bidding of the project in late March 2019, the following documents must be executed: (1) Resolution; (2) Contract; (3) Fiscal Officer’s Certificate; and (4) Check and/or Escrow Agreement in the amount of \$270,710.00. These documents are standard for all ODOT-let projects with local jurisdictions. City Staff is requesting that City Council adopt the attached Resolution, which authorizes the City Manager and the Finance Director to execute the documentation needed for ODOT to bid and award the Project.

Because the next regular meeting of City Council is not scheduled until March 14, 2019, and in order to insure that all documents are executed in advance of the bidding letting in late March 2019, City Staff requests that the attached Resolution be adopted on an emergency basis.

Cover Memo

Attachments: None.

Budgetary Impact: Account # 361-4016-55508 \$120,710 (Budget)
Account # 228-4016-55508 \$150,000 (Budget)

Recommendation: It is the recommendation of City Staff to authorize the City Manager to enter into an agreement with the Director of Transportation of the State of Ohio and authorize the Finance Director to enter into an escrow agreement to construct improvements to the intersection of East Church Street and U.S. 42 and declare it to be an emergency.

**CITY OF XENIA, OHIO
RESOLUTION 2019 - D**

FINAL LEGISLATION FOR THE ODOT U.S. 42 (N. COLUMBUS STREET) AND E. CHURCH STREET INTERSECTION IMPROVEMENTS PROJECT, AND DECLARING AN EMERGENCY

WHEREAS, on March 12, 2015, the City of Xenia, Greene County, Ohio, hereinafter referred to as the Local Public Agency (“LPA”), by Resolution 15-E, enacted legislation proposing cooperation with the Ohio Department of Transportation (“ODOT”) Director of Transportation on the following-described project (“Project”):

Improving the existing intersection of U.S. 42 (N. Columbus Street) and E. Church Street, including pedestrian facilities, curb, lighting, and storm sewer system, lying within the City of Xenia.

WHEREAS, the LPA shall cooperate with the Director of ODOT in the above-described Project as follows:

The LPA agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement within the city limits, less the amount of Federal-Aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation.

WHEREAS, the LPA’s share of Project is now estimated in the amount of Two Hundred Seventy Thousand Seven Hundred Ten Dollars (\$270,710.00), but said estimated amount is to be adjusted in order that the LPA’s ultimate share of said improvement shall correspond with said percentages of actual costs when said actual Project costs are determined;

WHEREAS, the Director of ODOT has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for the Project and has transmitted copies of the same to the LPA;

WHEREAS, the LPA desires the Director of ODOT to proceed with the aforesaid Project; and

WHEREAS, because the bidding and awarding will take place in March/April 2019, the City of Xenia must execute an agreement and sign all necessary documents in order for each to proceed, and it is necessary for this legislation to be adopted on an emergency basis.

NOW, THEREFORE, THE CITY OF XENIA HEREBY RESOLVES, at least five (5) members of the City Council concurring, that:

Section 1. This Resolution is declared to be an emergency for the reason that ODOT has notified the City of its plans to bid and award the Project in March/April 2019, and the City must execute the necessary agreements and documents in order for ODOT to proceed with the Project.

Section 2. The estimated sum of Two Hundred Seventy Thousand Seven Hundred Ten Dollars (\$270,710.00) has been or is hereby appropriated for the Project and the Finance Director is hereby authorized and directed to issue an order for said sum upon the requisition of the Director of ODOT to pay the cost and expense of said Project. Further, the City hereby agrees to assume

in the first instance, the share of the cost and expense over and above the amount to be paid from Federal funds.

Section 3. The LPA hereby requests the Director of Transportation to proceed with the aforesaid Project.

Section 4. The City Manager and the Finance Director are hereby directed to execute all necessary contracts and documents with the Ohio Department of Transportation to provide for the payment of the City's share, as set forth above, of the costs of said Project.

Section 5. The City Engineer shall transmit a fully-executed copy of this Resolution to the Director of ODOT.

Section 6. It is found that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 7. This Resolution shall become effective immediately upon its passage, in accordance with Section 5.04 of the City's Charter.

Passed: February 28, 2018

Michael D. Engle
President, Xenia City Council

Attest:

Michelle D. Johnson
City Clerk

CERTIFICATE OF COPY
STATE OF OHIO

City of Xenia of Greene County, Ohio
(LPA)

I, Michelle D. Johnson, as City Clerk of the City of Xenia, Ohio, do hereby certify that the foregoing is a true and correct copy of Resolution 2019-D, passed by the Council of the said City of Xenia on the 28th day of February, 2019.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, this _____ day of February, 2019.

Michelle D. Johnson

(Seal)
(If applicable)

First Reading: February 28, 2019

2nd Reading & Vote: March 14, 2019

Effective Date: April 13, 2019

Agenda Item: **Ordinance 2019-05**

AMENDING SECTION 1490.03(b)(4), TITLED “VEGETATION,” OF THE CITY OF XENIA’S PROPERTY MAINTENANCE CODE

Submitted By: Brian Forschner, City Planner

Presented By: Donnette Fisher, Law Director

Scope/Description: In 2013, the City overhauled its property maintenance code enforcement practices, including administrative changes and adoption of a new code by City Council in 2014. The changes that were made at that time led to greatly improved efficiency, effectiveness and customer service. Since the adoption of the new code and program, the City hired a new Law Director and staff has had several years in which to identify further ways to tweak efficiency and effectiveness. The code violation that generates the greatest workload for Code Enforcement is tall grass on private properties (i.e. grass that exceeds 10” in height). One of the City’s Code Enforcement Officers spends the majority of his time during the growing season identifying tall grass violations, posting notices, ordering a private contractor to mow the properties, paying that contractor, invoicing the property owner for the costs, and the preparing the paperwork for assessment if the invoice remains unpaid. The administrative burden of this process is so large, that the Code Enforcement Officer is assisted by a temporary seasonal employee during the growing season. A portion, but not all, of the City’s costs are recouped through payments of mowing invoices or assessments.

City staff proposes the following code changes that can improve the efficiency of this service, reduce costs, and improve the City’s ability to recoup its costs while improving the quality of the service:

1. **Increasing the administrative fee.** Currently, when invoicing property owners for mowing, the City includes the contractor’s cost and an administrative charge of \$100. This administrative cost is among the lowest in the region, with communities such as Fairborn, Franklin, Huber Heights and Trotwood charging \$200 or more. The current fee of \$100 is not high enough to cover the heavy administrative burden of this Code enforcement function. Furthermore, given the prevalence of repeat offenders, the \$100 amount appears to not be a sufficient deterrent – we do not want absentee property owners treating the City as its mowing service. To that end, staff suggests increasing the administrative fee to \$150, which will be added to the property owner’s invoice, and an additional fee of \$50 to cover the extra administrative costs if the invoice remains unpaid and we have to assess the unpaid mowing/cleanup costs to the property.
2. **Improve efficiency of notification process.** Currently, the Code requires City staff to post a notice on every property upon every individual violation of the Code’s 10” grass limit. This is a labor-intensive process that requires the City to hire a seasonal code enforcement officer every year at a cost of \$10,000. Additionally, the notice is often ineffective for vacant properties or rentals with absentee owners, because owners do not see the notice. Staff

believes that a more effective process will be to mail a notice to a property owner for his/her first tall grass violation of the year, stating that this will be the only notice. Utilizing mail will ensure that the notice reaches absentee owners. Additionally, staff will post a notice in a newspaper and/or other media every spring in order to notify the entire community. The result will be a more efficient, effective process that saves taxpayer dollars and addresses violations more expeditiously.

3. **Trees and shrubs.** Additionally, staff proposes amendments that improve the City's abilities to address neglected trees and shrubs. The current Code only addresses dead, decayed or broken trees or trees/shrubs that overhang a public street/sidewalk. It does not address trees or shrubs that may become hazards or blighting influences due to being overgrown and neglected. The amendments add language to address all trees/shrubs that cause hazards or blighting influences.

Cover Memo

Attachments:

None.

Budgetary Impact:

101-1552-51102 (expense): Reduction of \$10,000 due to streamlined grass notification; discontinuation of seasonal position.

Recommendation:

It is the recommendation of staff that Council adopt this Ordinance amending Section 1490.03(b)(4), titled "Vegetation," of the City of Xenia's Property Maintenance Code.

**CITY OF XENIA, OHIO
ORDINANCE 2019-05**

**AMENDING SECTION 1490.03(b)(4), TITLED “VEGETATION,” OF
THE CITY OF XENIA’S PROPERTY MAINTENANCE CODE**

WHEREAS, this Council, by Ordinance 14-10, adopted on February 13, 2014, enacted a Property Maintenance Code for the City, as contained in Chapter 1490. of Title Six – Property Maintenance, of Part Fourteen – Building and Housing Code, of the Codified Ordinances of the City;

WHEREAS, Section 1490.03(b)(4) of the City’s Property Maintenance Code contains regulations regarding the cutting and maintenance of vegetation, including high grass, noxious weeds, trees, shrubs and other vegetation;

WHEREAS, allowing vegetation to become overgrown can create unsafe, unsanitary, and hazardous conditions that can become a nuisance and have a detrimental effect on neighboring properties; and

WHEREAS, this Council finds it to be in the best interests of the health, safety and welfare of the City of Xenia to enact certain amendments to Property Maintenance Code requirements regarding the maintenance of vegetation on properties within the City,

NOW, THEREFORE, THE CITY OF XENIA HEREBY ORDAINS, at least four (4) members of the City Council concurring, that:

Section 1. Section 1490.03(b)(4), titled “Vegetation,” of the City’s Property Maintenance Code, as contained in Chapter 1490. of Title Six – Property Maintenance, of Part Fourteen – Building and Housing Code, of the Codified Ordinance of the City is hereby amended as shown in the attached Exhibit A.

Section 2. Existing Section 1490.03(b)(4) is hereby repealed.

Section 3. It is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance shall become effective on April 13, 2019.

Introduced: February 28, 2019

Adopted:

Attest:

Michael D. Engle
President, Xenia City Council

Michelle D. Johnson
City Clerk

1490.03 GENERAL REQUIREMENTS.

(b) ~~Section 302~~ Exterior Property Areas:

(4) ~~302.4~~ *Vegetation* – Vegetation on all premises and exterior property shall be maintained as follows:

- A. ~~302.4.1~~ **Grass and Weeds.** All premises and exterior property, **whether residential, nonresidential, commercial or industrial, and whether occupied or vacant,** on parcels of land less than **ten thousand** (10,000) square feet in area shall be maintained free from **grass,** weeds or plant growth in excess of ten inches **(10’)**; ~~Exception:~~ **provided, however, that** for all vacant lots or parcels of land **ten thousand** (10,000) square feet or more in area, ~~Section 302.4.1~~ **this division (b)(4)A.** shall apply only to a ~~fifty-100~~ foot **(50’)** setback from developed areas. All other portions of such **vacant** parcels must be mowed on at least two **(2)** occasions every calendar year, **with** the first mowing to occur on or before April 30 and the second mowing to occur in September, on or before September 30. All noxious weeds, **as defined by OAC 901:5-37-01,** shall be prohibited. ~~Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.~~
- B. ~~302.4.2~~ **Trees, Plants and Shrubs.** All trees, plants or shrubs that overhang a public street or sidewalk shall be trimmed to a height of at least eight feet **(8’)** above the sidewalk and thirteen feet **(13’)** above the street. Any ~~dead, decayed or broken~~ tree, shrub or part thereof **which, as a result of death, decay, breaking, placement or neglect, is a hazard or endangers any person, animal or property, or causes a blighting effect on the neighborhood,** that poses an imminent danger to the subject property, adjacent properties or public right of way shall be trimmed or removed.
- C. **Annual Notice.** **The Code Official shall cause annual notice to be published, no later than April 1st of each year, in a newspaper of general circulation in the county notifying City residents and property owners of the requirements of this division (b)(4). Such notice shall also be posted on the City’s website.**
- D. ~~302.4.3~~ **Notice of Violation.** **When the Code Official determines that a premises or property is in violation of this division (b)(4)A. or B. of this section, he shall serve a written notice of violation upon the owner of the premises or property, in the manner provided by Section 1490.01(g) of this Code of Section 302.4.1, 302.4.2 or 302.4.3 shall conform to Section 107 with the exception that the notice of violation may be posted in a conspicuous place on the premises affected by such notice, without sending the notice by mail. If the address of the owner is unknown, it is sufficient to serve the owner by posting the notice in a conspicuous place in or about the premises or property. Only one (1) written notice is required per calendar year per lot, parcel, premises or property under this division (b)(4). If, after a written notice has been served in accordance with division (b)(4)D. of this section, the Code Official determines that a subsequent violation has occurred, the City may proceed with the remedy set forth in division (b)(4)G. of this section.**
- E. **Failure to Comply.** **No owner shall fail to comply with the notice provided for in division (b)(4)D. of this section.**
- F. **Prima-Facie Violation.** **It is a prima-facie violation of this division (b)(4)A. if grass or weeds in excess of ten inches (10’) exist upon any premises, parcel or lot of less than ten thousand (10,000) square feet, or upon a vacant premises, parcel or lot of more than ten thousand (10,000) square feet within the required fifty-foot (50’) setback between April 1st and November 1st.**

- G. ~~302.4.4 Abatement of Violation. Upon failure of the owner or agent having charge of a property to comply with a notice of violation, the Code Official may~~ **cause such weeds, grass, trees, plants, shrubs and/or other vegetation to be cut and removed** ~~pursue abatement pursuant to Section 106.3.1.~~ **The costs incurred by the City to cut said weeds, grass, trees, plants, shrubs and/or other vegetation, including the cost to serve notice, shall be charged to the owner, together with an administrative fee of one hundred fifty dollars (\$150.00). An invoice for such costs and fee shall be served upon the owner in accordance with the notice provisions of Section 1490.01(g) of this Code. If the invoice is not paid by the owner within the time stated on such invoice, the City's Finance Director is hereby authorized and directed to certify the unpaid amount, together with a fifty dollar (\$50.00) penalty, to the Greene County Auditor for placement upon the tax duplicate, to be collected as other taxes are collected for return to the City.**
- H. **Penalties. The procedure outlined in division (b)(4)G. of this section shall be the exclusive remedy of a violation of this division (b)(4).**

City of Xenia

Schedule of Bills

2/28/2019

<u>Vendor Name</u>	<u>Invoice Date</u>	<u>Invoice #</u>	<u>Description</u>	<u>Amount</u>	<u>Account Number</u>
AIM MEDIA MIDWEST OPERATING LLC	2019-01-02	90049614	PUB ORDS 18/36-40/RES 2018/II-KK	\$251.07	101-1011-53290
	2019-01-29	90051940	PUB ORD 19-01/RES 19-A	\$149.76	101-1011-53290
	2019-01-08	90049984	LEGAL AD-249 S GALLOWAY	\$342.76	101-1553-53290
			Total for Vendor	\$743.59	
ADVANCED WILDLIFE MGMT	2019-02-01	5636	FEB NUISANCE ANIMAL REMOVAL	\$2,000.00	101-1001-53290
			Total for Vendor	\$2,000.00	
ALL AMERICAN FIRE EQUIP INC	2019-01-29	56021	GAUGE/HOSE ADAPTERS	\$528.48	270-1225-54505
			Total for Vendor	\$528.48	
ALPHABET EMBROIDERY STUDIOS	2019-02-11	22779	SGT BADGES/PATCHES	\$95.55	270-1221-54201
			Total for Vendor	\$95.55	
AMERICAN WATER WORKS ASSN	2019-01-25	02677789	MEMBERSHIP-R FERRELL	\$75.00	611-1334-52110
			Total for Vendor	\$75.00	
AQUA FALLS BOTTLED WATER	2019-01-25	062930	WATER X 6/DEPOSIT	\$41.70	708-1008-54299
	2019-01-11	027154	WATER/RET DEPOSIT	\$3.90	708-1008-54299
	2019-01-11	027154	WATER COOLER RENTAL	\$4.00	708-1008-53521
			Total for Vendor	\$49.60	
BOUND TREE MEDICAL LLC	2019-02-08	83108236	ECG PADS/GLOVES/LARYNGOSCOPES	\$2,560.54	270-1225-54299
			Total for Vendor	\$2,560.54	
BUCKEYE BUSINESS SOLUTIONS	2019-01-29	72277	JAN SPAM FILTERING	\$1,368.75	710-1010-53290
	2019-01-23	72226	JAN MAINTENANCE	\$452.00	710-1010-53290
			Total for Vendor	\$1,820.75	
CINTAS CORPORATION LOC G62	2018-01-30	4015833908	UNIFORM SVC-MAINT/LABORER	\$28.10	221-1441-53290
	2018-01-30	4015833908	UNIFORM SVC-MAINT/LABORER	\$7.59	613-1333-53290
	2018-01-30	4015833908	UNIFORM SVC-MAINT/LABORER	\$41.02	612-1332-54299
	2018-01-30	4015833908	UNIFORM SVC-MAINT/LABORER	\$9.50	101-1442-53290
	2018-01-30	4015833908	UNIFORM SVC-MAINT/LABORER	\$41.02	611-1338-54299
	2018-01-30	4015833908	UNIFORM SVC-LABORER	\$2.66	222-1441-53290
	2018-01-30	4015833908	UNIFORM SVC-MAINT	\$12.79	614-1340-53290
			Total for Vendor	\$142.68	
COSTAR REALTY INFORMATION INC	2019-02-01	108764381-1	FEB REAL ESTATE DATABASE SVC	\$395.00	101-1550-53290
			Total for Vendor	\$395.00	
D AND D PROPERTY MAINTENANCE	2019-02-10	408856	TRASH REM-499 S DET/794 CINCY	\$100.00	101-1553-53290
	2019-02-05	408855	TRASH REMOVAL-222 HALL ST	\$300.00	101-1553-53290
			Total for Vendor	\$400.00	
D & S AUTO PARTS INC	2018-10-03	22038	CONNECTOR	\$11.99	709-1446-54505
	2019-02-04	31082	FUEL/TRANSMISSION/OIL FILTERS	\$91.02	709-1446-54505
	2019-02-07	31386	EXACT FIT WIPER BLADES	\$17.14	270-1225-54505
			Total for Vendor	\$120.15	
A E DAVID COMPANY	2019-01-16	206963-1	CARGO PANT X 3/PARKA-BUNDY	\$513.84	270-1225-54201
	2019-01-16	206961-1	4-PKT STATION PANT-DUDLEY	\$57.95	270-1225-54201
			Total for Vendor	\$571.79	
DAYTON DOOR SALES INC					

<u>Vendor Name</u>	<u>Invoice Date</u>	<u>Invoice #</u>	<u>Description</u>	<u>Amount</u>	<u>Account Number</u>
	2019-01-29	32816000	GARAGE DOOR REPAIRS	\$971.00	709-1446-53290
	2019-02-09	32865400	DOOR SECTIONS/GLASS/HINGES	\$1,095.50	270-1225-54299
	2019-02-09	32865400	RECEIVERS/TRANSMITTERS/LUBE	\$471.00	270-1225-54299
	2019-02-09	32865400	OVERHEAD DOOR REPAIR	\$688.00	270-1225-53740
			Total for Vendor	\$3,225.50	
DAYTON DAILY NEWS					
	2018-12-25	118791	12/20-12/18 SUBSCRIPTION	\$479.99	270-1222-54299
			Total for Vendor	\$479.99	
DELUXE BUSINESS CHECKS & SOLUTIONS					
	2019-02-06	2044408041	LASER TOP CHECKS	\$373.41	101-1002-54299
			Total for Vendor	\$373.41	
DETROIT TIRE SALES					
	2019-02-04	650090230	2 TIRES/VALVE STEMS V1406	\$809.56	709-1446-54505
	2019-02-04	650090230	DISPOSAL/MOUNT/BALANCE V1406	\$114.00	709-1446-53740
	2019-01-28	650090073	FLAT REPAIR V1205	\$30.00	709-1446-53740
			Total for Vendor	\$953.56	
DATA YARD					
	2019-01-28	407496	2/15-3/15 E-FIBER SVCS	\$1,203.00	710-1010-53290
			Total for Vendor	\$1,203.00	
EJ PRESCOTT INC					
	2019-01-29	5499678	PVC PIPE/COUPLINGS	\$1,059.32	611-1338-54299
			Total for Vendor	\$1,059.32	
ELAN FINANCIAL SERVICES					
	2018-12-28	1038604	4 KITCHEN CHAIRS	\$239.96	101-1003-54299
	2019-01-15	6025823	WATER FOUNTAIN FILTERS	\$176.88	270-1225-54299
	2019-01-15	5395-TI	JOB POSTING-FIRE/PARAMEDIC	\$75.00	270-1225-54299
	2019-01-15	0549016	LED T8 TUBE LIGHTS	\$49.99	270-1225-54299
	2019-01-15	5547855	COPPER CABLE/TRANCEIVERS	\$412.00	710-1010-55305
	2019-01-12	1427390783	GODADDY EACCESS SSL	\$169.99	710-1010-53290
	2019-01-05	909407	JANUARY ISSUU	\$39.00	101-1013-53290
	2019-01-23	8033854	2019 PLANNER	\$19.99	101-1011-54299
	2019-01-24	032966	VINYL BANNER-TAX SEASON	\$19.50	101-1011-54299
	2019-01-15	BCMCMX	AIRFARE-SWENEY-TYLER TECH CONF	\$476.16	270-1222-52110
	2019-01-15	DWIRUJ	AIRFARE-M LANE-TYLER TECH CONF	\$504.07	270-1222-52110
	2018-12-20	2745036	SONIC MONITOR X 4	\$349.75	710-1225-54299
	2018-12-20	1641043	SURFACE PRO COVERS X 4	\$403.48	710-1225-54299
	2018-12-29	629322025	DEC DISPATCH ALARM SYS PHONE	\$7.48	270-1221-53910
	2019-01-11	M310066559	CARTRIDGE SALES TAX CREDIT	-\$36.40	101-1552-54299
	2019-01-09	H3247098341	DESIGN JET INK CARTRIDGES	\$575.73	101-1552-54299
	2019-01-22	280669	NNO LUNCH MTG MEAL-L WARREN	\$11.81	101-1013-52110
	2018-12-26	859171	15 RUBBER STALL MATS	\$569.85	270-1221-54505
	2018-12-27	136785	RUBBER MATS RETURN	-\$151.96	270-1221-54505
	2018-12-31	LLCDOB	AIRFARE-RIGGSBY/BOGAN-TYLER CNF	\$823.12	270-1225-52110
	2019-01-18	297104363	5000 TOY FILLED EASTER EGGS	\$625.00	101-1001-54299
	2019-01-06	SP2963726	JAN SIMPLYSAFE MONITOR-COVERT	\$24.99	270-1221-53290
	2019-01-03	878141070	DYTN DEV COALITION MTG-BRODSKY	\$45.00	101-1550-52110
	2019-01-15	1148942	DBJ ECONOMIC SUMMIT-BRODSKY	\$49.00	101-1550-52110
	2019-01-16	I-46786	REPRINT SIGNS-CAB	\$368.23	365-1018-53290
	2019-01-17	1/17/19	OCCD WINTER MTG-R BAKER	\$125.00	101-1551-52110
	2019-01-15	AOZAOD	AIRFARE-HAHN-TYLER TECH CONF	\$504.07	270-1221-52110
			Total for Vendor	\$6,476.69	
ELAVON					
	2019-01-31	490003533	JAN BANK SVCS-TR/CR	\$1,116.16	101-1002-52140
	2019-01-31	8015508776	JAN BANK SVCS-CV	\$60.48	101-1002-52140
			Total for Vendor	\$1,176.64	
EMERGENCY MEDICINE SPECIALISTS					
	2019-01-05	1881588	PRISONER PHYSICIAN CARE	\$35.55	270-1221-52180
			Total for Vendor	\$35.55	
ENTERPRISE FM TRUST					
	2019-02-05	FBN3644727	FEB TRUCK LEASE	\$631.50	361-1553-53521

<u>Vendor Name</u>	<u>Invoice Date</u>	<u>Invoice #</u>	<u>Description</u>	<u>Amount</u>	<u>Account Number</u>
	2019-02-05	FBN3644727	FEB TRUCK LEASE	\$631.50	361-1552-53521
			Total for Vendor	\$1,263.00	
F&E PAYMENT PROS	2019-02-07	190073	DEC/JAN SVC FEE/PER ITEM CHG	\$383.30	708-1008-53290
			Total for Vendor	\$383.30	
FASTENAL COMPANY	2019-02-01	OHXEN47164	51" RED VIKAN HANDLE	\$38.26	270-1225-54299
	2019-01-29	OHXEN47098	BOLTS/WASHERS/NUTS	\$21.31	614-1340-54299
			Total for Vendor	\$59.57	
FIRE APPARATUS SERVICE & REP	2019-02-01	25149	REP PUMP COOLER E-32	\$226.00	270-1225-53740
	2019-01-30	25103	ADJ PUMP PACKING E-31	\$262.50	270-1225-53740
	2019-01-30	25102	REP WIRE/REPL BULBS E-33	\$269.59	270-1225-53740
			Total for Vendor	\$758.09	
GERMAIN AUTOMOTIVE PARTNERSHIP	2019-02-05	93109F	SPARK PLUGS	\$28.86	709-1446-54505
			Total for Vendor	\$28.86	
GEYER'S OFFICE SUPPLY INC	2019-02-06	14843	PRINTER TONER	\$134.99	708-1008-54299
	2019-01-31	14821	PENS	\$13.99	101-1004-54299
	2019-02-08	14858	BINDERS	\$31.92	270-1225-54299
	2019-02-05	14839	PAPER/CALENDAR/PENS	\$68.46	101-1003-54299
	2019-01-23	14788	FOLDERS/CALENDARS/ENVELOPES	\$367.20	270-1221-54299
			Total for Vendor	\$616.56	
GOOD VALLEY WATER	2019-02-06	14606	WATER X 2/FEB RENTAL	\$17.90	101-1003-54299
	2019-02-06	14605	WATER X 3/FEB RENTAL	\$22.85	214-1201-53521
			Total for Vendor	\$40.75	
GRAINGER INC	2019-02-06	9079098308	DEGREASER	\$163.88	611-1337-54299
			Total for Vendor	\$163.88	
GREENE COUNTY LAW ENFORCEMENT ASSN	2019-01-17	2019-007	2019 DUES	\$100.00	270-1221-52110
			Total for Vendor	\$100.00	
GREENE COUNTY SHERIFF'S OFFICE	2019-02-06	262019	JAN PRISONER CARE	\$310.00	270-1221-52180
			Total for Vendor	\$310.00	
GREENE INC DOCUMENT SOLUTIONS	2019-01-31	21058	DOCUMENT SHREDDING	\$60.00	270-1221-53290
	2019-01-31	21057	DOCUMENT SHREDDING	\$30.40	101-1009-53290
			Total for Vendor	\$90.40	
GREENE MEMORIAL HOSPITAL INC	2019-01-28	H22570203700	PRISONER MEDICAL CARE	\$983.76	270-1221-52180
			Total for Vendor	\$983.76	
H-M COMPANY	2019-01-24	189857	CHEMICAL DETERGENT/OXY BLEACH	\$547.75	270-1225-54299
			Total for Vendor	\$547.75	
HANDYMAN ACE HARDWARE	2019-01-30	103016	15W CLEAR BULB X 2	\$9.18	270-1225-54299
	2019-02-01	103071	TORCH CYLINDER X 2	\$7.98	611-1338-54299
			Total for Vendor	\$17.16	
HERITAGE OHIO & DOWNTOWN	2019-02-06	19-110	2019 DNTN AFFILIATE FEE-R BAKER	\$999.00	101-1551-52110
			Total for Vendor	\$999.00	
INSOURCE SOLUTIONS GROUP INC	2019-01-31	106311	PRINTING-14400 TAX FORMS	\$6,269.83	101-1007-53320
	2019-01-31	106311	POSTAGE	\$95.00	101-1007-53930
	2019-01-24	106280	POSTAGE-1099G'S	\$266.35	101-1007-53930
	2019-02-06	106362	POSTAGE-1099G'S	\$455.06	101-1007-53930
			Total for Vendor	\$7,086.24	

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INT'L ASSN OF FIRE CHIEFS	2019-02-05	98487	4/1-3/31 MEMBERSHIP-MULLIKIN	\$265.00	270-1225-52110
	2019-02-05	94996	4/1-3/31 MEMBERSHIP-RIGGSBY	\$265.00	270-1225-52110
			Total for Vendor	\$530.00	
K E ROSE INC	2019-01-18	66905	REM/REPL COMPUTER DOCK V1108	\$65.00	270-1221-53740
	2019-02-13	66981	REPL ANTENNAS-3 VEHICLES	\$1,220.00	270-1221-53290
			Total for Vendor	\$1,285.00	
K-TECH SPECIALTY COATINGS INC	2019-01-31	201901-K0132	1142GAL BEET HEAT SOLUTION	\$1,326.12	222-1441-54246
	2019-01-31	201901-K0132	3430GAL BEET HEAT SOLUTION	\$3,978.35	221-1441-54246
			Total for Vendor	\$5,304.47	
LEXISNEXIS RISK SOLUTIONS	2019-01-31	1476820131	JAN LOCATOR SVC-UTB	\$37.68	708-1008-53290
	2019-01-31	1476820131	JAN LOCATOR SVC-TAX	\$37.67	101-1007-53290
			Total for Vendor	\$75.35	
LOGAN MASTER APPLIANCES	2019-02-01	536126	DRYER/CORD/DELIVERY-STA 2	\$891.99	270-1225-54505
			Total for Vendor	\$891.99	
LOWE'S COMPANIES INC	2019-02-04	01097	CONCRETE-MAILBOX REPAIR	\$15.60	221-1441-54299
	2019-02-05	02306	BALL VALVE/TEES/ELBOWS	\$84.59	611-1337-54299
			Total for Vendor	\$100.19	
MIAMI VALLEY COMMUNICATIONS COUNCIL	2019-02-06	3094	2019 AFFILIATION DUES	\$143.14	101-1013-52110
	2019-02-06	3094	2019 AFFILIATION DUES	\$1,400.00	101-1013-53607
			Total for Vendor	\$1,543.14	
MIDWEST SWITCHGEAR SERV	2019-01-28	12672	POWER QUALITY METER-HIGH VOLTAGE	\$4,900.00	664-6602-55305
			Total for Vendor	\$4,900.00	
STEVE MILLS	2019-02-07	19-26	REIMB WTR LICENSE APPLICATION	\$107.00	611-1337-52110
			Total for Vendor	\$107.00	
MICHAEL K MURRY	2019-02-07	19-25	REIMB 124M/LDG-JUDICIAL CONF	\$219.90	101-1002-52110
			Total for Vendor	\$219.90	
NARROW PATH PLUMBING	2018-11-15	22143	REPL URINAL FLUSH VALVE STA 1	\$140.00	270-1225-53290
			Total for Vendor	\$140.00	
OHIO ALCOHOL MONITORING SYS INC	2019-01-31	1/31/2019	JAN HOUSE ARREST SVCS	\$1,320.00	214-1201-53295
	2019-01-31	1/31/2019	JAN ALCOHOL MONITORING-SCRAM	\$920.00	212-1242-53290
			Total for Vendor	\$2,240.00	
OHIO CAT	2019-02-06	WO280014724	REPL BATTERY-S PATTON PUMP STA	\$850.00	611-1337-53290
			Total for Vendor	\$850.00	
OSROA	2019-02-12	MARGIORAS	19 SRO OFFICER CONF-D MARGIORAS	\$600.00	270-1221-53183
	2019-01-29	MASUR	DARE CONF-MASUR	\$600.00	270-1221-53183
			Total for Vendor	\$1,200.00	
OPEN ONLINE LLC	2019-01-31	495611	JAN BACKGROUND CHECKS	\$144.00	101-1005-53290
			Total for Vendor	\$144.00	
P&R COMMUNICATIONS SERV INC	2019-01-18	30629	RADIO ANTENNA/LINES	\$4,484.25	270-1222-54505
			Total for Vendor	\$4,484.25	
PATRIOT DIAMOND INC	2018-11-06	A09366	SAW BLADES	\$2.00	614-1340-54299
	2018-11-06	A09366	SAW BLADES	\$25.00	614-1340-54299
	2018-11-06	A09366	SAW BLADES	\$100.00	612-1332-54299

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	2018-11-06	A09366	SAW BLADES	\$25.00	611-1338-54299
	2018-11-06	A09366	SAW BLADES	\$100.00	221-1441-54299
			Total for Vendor	\$252.00	
PAYMENT SERVICE NETWORK INC					
	2019-02-03	188846	JAN PHONE PAYMENT PROCESSING	\$12.95	708-1008-53290
			Total for Vendor	\$12.95	
PLATTENBURG & ASSOCIATES INC					
	2019-02-12	JAN 31 2019	FY2018 AUDIT SERVICES	\$780.00	270-1225-53101
	2019-02-12	JAN 31 2019	FY2018 AUDIT SERVICES	\$78.00	614-1334-53101
	2019-02-12	JAN 31 2019	FY2018 AUDIT SERVICES	\$312.00	101-1002-53101
	2019-02-12	JAN 31 2019	FY2018 AUDIT SERVICES	\$936.00	611-1334-53101
	2019-02-12	JAN 31 2019	FY2018 AUDIT SERVICES	\$312.00	221-1441-53101
	2019-02-12	JAN 31 2019	FY2018 AUDIT SERVICES	\$234.00	270-1222-53101
	2019-02-12	JAN 31 2019	FY2018 AUDIT SERVICES	\$1,170.00	101-1007-53101
	2019-02-12	JAN 31 2019	FY2018 AUDIT SERVICES	\$546.00	613-1334-53101
	2019-02-12	JAN 31 2019	FY2018 AUDIT SERVICES	\$780.00	270-1221-53101
	2019-02-12	JAN 31 2019	FY2018 AUDIT SERVICES	\$1,170.00	101-1006-53101
	2019-02-12	JAN 31 2019	FY2018 AUDIT SERVICES	\$1,482.00	612-1334-53101
			Total for Vendor	\$7,800.00	
POWERS KELL FUNERAL HOME INC					
	2019-01-29	FRIEND	INDIGENT BURIAL-M FRIEND	\$875.00	101-1050-53290
	2019-01-29	MILLER	INDIGENT BURIAL-W MILLER	\$870.00	101-1050-53290
			Total for Vendor	\$1,745.00	
PROSOURCE INC					
	2019-01-28	1146433	1/28-2/27 COPIER MAINT/OVERAGE	\$1,755.12	710-1010-53792
			Total for Vendor	\$1,755.12	
QUENCH USA LLC					
	2018-10-01	INV01424175	10/1-9/30 WTR FILTRATION LEASE	\$350.04	101-1002-53521
			Total for Vendor	\$350.04	
RUMPKE OF OHIO INC					
	2019-01-18	2945988	JAN 40YD ROLL-OFF DUMPSTER	\$1,127.50	613-1335-53261
	2019-01-18	2945812	JAN REFUSE COLLECTION	\$122,353.90	613-1335-53261
			Total for Vendor	\$123,481.40	
SIERRA WIRELESS AMERICA INC					
	2019-01-23	224540	5 ANTENNAS	\$1,825.00	710-1225-54299
	2019-01-25	224581	5 MODEMS/WARRANTY	\$10,545.00	710-1225-54299
			Total for Vendor	\$12,370.00	
SIG SAUER INC					
	2019-02-11	3220821	MAG CATCH SPRINGS	\$9.00	270-1221-54299
	2019-02-08	3219326	MAINSRING SEATS	\$6.00	270-1221-54299
	2019-01-30	3212458	SPRINGS/TRIGGER PIVOT PINS	\$19.00	270-1221-54299
	2019-02-11	3220841	TRIGGER BAR	\$32.00	270-1221-54299
	2018-02-04	3215780	DECOCKING LEVER BEARINGS	\$12.00	270-1221-54299
			Total for Vendor	\$78.00	
SMART BILL LTD					
	2019-01-22	35457-S	JAN UTILITY BILLS POSTAGE	\$4,321.26	708-1008-53930
	2019-01-22	35457-S	JAN UTILITY BILLS	\$893.88	708-1008-53290
	2019-01-23	35470-F	ENVELOPES/FORMS	\$7,965.90	708-1008-53290
	2019-01-22	35457-S	JAN SERVICE FEE-ONLINE VIEW	\$61.50	710-1008-53290
			Total for Vendor	\$13,242.54	
SOLUPAY PAYMENT SOLUTIONS					
	2019-01-31	4880	JAN UTB CREDIT CARD FEES	\$2,574.19	708-1008-53290
	2019-01-31	4880	JAN TAX CREDIT CARD FEES	\$436.76	101-1007-53290
			Total for Vendor	\$3,010.95	
SUB AQUATICS INC					
	2019-02-11	1069491-IN	AIR COMPRESSOR REPAIR	\$18.00	270-1225-53740
			Total for Vendor	\$18.00	
TREASURER STATE OF OHIO					
	2018-12-18	ARINV-037469	OHIO FIRE ACADEMY X 3	\$2,000.00	270-1225-52110
	2018-12-18	ARINV-037469	OHIO FIRE ACADEMY	\$10.00	270-1225-52110

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			Total for Vendor	\$2,010.00	
TREASURER OF STATE FUND 83F	2019-01-20	19L2779	JAN LEADS SVC	\$1,050.00	270-1222-54505
			Total for Vendor	\$1,050.00	
TREASURER STATE OF OHIO	2019-01-31	1278952	TECH ASSIST-H&A RMP/EC REPORTS	\$167.95	101-1550-53290
			Total for Vendor	\$167.95	
VALLEY ASPHALT CORPORATION	2019-01-31	95163095RI	9.5TN COLD PATCH	\$1,285.20	221-1441-54299
			Total for Vendor	\$1,285.20	
WALMART COMMUNITY	2019-02-12	3500	FLASH DRIVES	\$74.99	270-1221-54299
	2019-02-07	9486	LABELS	\$17.76	270-1221-54299
	2019-02-05	2996	PENS/FOLDERS/CLOROX WIPES	\$87.16	270-1221-54299
			Total for Vendor	\$179.91	
WARREN FIRE EQUIPMENT INC	2019-02-11	IN1308698	REP SCBA HOSE ASSY/REGULATOR	\$488.00	270-1225-54299
			Total for Vendor	\$488.00	
WEST PAYMENT CENTER	2019-02-01	839698563	JAN INFORMATION CHGS	\$398.99	101-1003-53290
	2019-02-04	839779896	1/5-2/4 LIBRARY PLAN CHGS	\$217.30	101-1003-53290
			Total for Vendor	\$616.29	
XENIA ADULT RECREATION SVCS	2019-01-31	1ST QTR	1ST QTR CONTRIBUTION	\$2,500.00	101-1001-59106
			Total for Vendor	\$2,500.00	
XENIA STOR N LOCK	2019-01-24	426	12/3-3/3 STORAGE FEE-426	\$231.00	710-1010-53521
			Total for Vendor	\$231.00	
				\$234,594.75	