

**XENIA CITY COUNCIL  
MEETING MINUTES  
NOVEMBER 23, 2021  
7:00 P.M.**

Rev. Dr. John Freeman, United AME Church, asked all to observe a moment of silence in memory of Greene County Sheriff Gene Fischer. He then provided the Invocation.

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

**B. CALL TO ORDER:** President Smith called the Regular Meeting to order at 7:03 p.m.

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

**D. APPROVAL OF MINUTES:** Motion by Councilman Urschel, seconded by Councilman Scrivens, to approve the November 9, 2021, minutes of the Special and Regular Meetings as written. President Smith entertained comments or questions. None were presented. The Roll on this was the following:

Ayes: Scrivens, Urschel, Mays, Smith

Abstain: L. Dean, R. Dean, Brannum

Nays: None motion carried.

**E. SPECIAL PRESENTATION(S):** President Smith said tonight's Special Presentation was to present a proclamation to Mr. Todd Patterson to acknowledge and thank him for his many years of service to the City, including his volunteer service on the Board for Recreation, Arts, and Cultural Activities. He then invited Mayor Mayors and Mr. Patterson to the front for the presentation. (Applause followed.)

Mr. Patterson said it had been a privilege to work with the children, some of whom are now grown with their own children. He was so happy to have done something for them and help them achieve some things. He thanked Council for the opportunity to do that. It was truly an honor. (Applause followed.)

President Smith said as Chair of BRACA, he could not thank Mr. Patterson enough for all he had done over the years and the countless hours he had invested for the Youth Recreation Basketball Program and the Annual Youth Fishing Derby.

**F. AUDIENCE COMMENTS:** President Smith explained the procedures for Audience Comments and invited those who wished to speak to come forward. No one came forward to speak.

**G. OLD BUSINESS:**

1. President Smith presented **RESOLUTION 2021-TT ADOPTING POLICY EBM-3.07, TITLED "COURT LEAVE," AND REPEALING AND REPLACING POLICY EBM-3.19,**

**TITLED “MILITARY LEAVE,” OF THE CITY OF XENIA EMPLOYEES’ BENEFITS MANUAL**, introduced by Mayor Mays on 11/09/2021, and it was read for a second time.

Motion by Mayor Mays, seconded by Councilman Urschel, to pass Resolution 2021-TT as presented. President Smith entertained comments or questions. None were presented. The Roll on this was the following:

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

2. President Smith presented **RESOLUTION 2021-UU AWARDING THE CONTRACT FOR THE XENIA 2022-2024 BIOSOLIDS HAULING, DISPOSAL, AND APPLICATION SERVICES TO HINES FARMING, LLC**, introduced by Councilman Scrivens on 11/09/2021, and it was read for a second time.

Motion by Councilman Scrivens, seconded by Councilman Brannum, to pass Resolution 2021-UU as presented. President Smith entertained comments or questions. None were presented. The Roll on this was the following:

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

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

**I. NEW BUSINESS:**

1. **ORDINANCE 2021-21 AMENDING ORDINANCE 2021-10 TO PROVIDE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF XENIA, OHIO, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2021, AND DECLARING AN EMERGENCY.** Finance Director Ryan Duke respectfully requested passage of Ordinance 2021-21 to make amendments to the City’s Annual Appropriations for a variety of purposes as follows:

- On August 5, 2021, Purchase Order No. 2021-14080 was issued for TEC Engineering to complete a traffic study for the Xenia Towne Square (XTS) development that would investigate the effects on the reestablishment of the original street grid that existed prior to the 1974 tornado. While a small portion of the funds have been expended to date, there currently remains \$15,486.60 in unspent funds. In lieu of studying the effects of reestablishing the street grid within XTS, the remaining funds are better-suited to complete a traffic study of both the internal and external street networks to determine if any roadway improvements are necessary. The Engineering Division was requesting an additional \$10,000 to supplement the remaining funds to complete the study.
- City Council first approved a project improving the Xenia Greene Central Communications Center in May 2020. The project was being funded in large part by a next generation 911 Grant. A subsequent second round of grant funding was made available and was also approved by Council in July 2020. Now, a third round of funding was being provided to the City and additional appropriations are necessary in order to take advantage of the funding opportunity. Staff requests additional appropriations of \$44,725 to facilitate additional investment in the Center. Additional details are provided in the resolution requesting that Council accept the award.
- The Police Division was requesting \$10,000 to contract with a local architect to investigate the feasibility of expanding the existing Ford Road Shooting Facility and Range in conjunction with

the anticipated federal funds to be received from the F.B.I. in Year 2022. The feasibility study would enumerate any problems/concerns associated with ADA-compliance, local building codes, natural land contours, and the development of a construction budget.

- Structural issues related to a porch at 422 S. Detroit Street necessitates an expedient removal of the porch to alleviate potential safety issues. Greene County Building Inspection has deemed the porch unsafe as it is in danger of total failure and collapse. The property owner has failed to properly address the issue; therefore, the City will demolish the structure and assess the cost of removal back to the property. There are not currently sufficient funds to cover the cost of demolition. Staff is requesting that another \$10,000 be appropriated to cover this cost.
- The Regional Income Tax Agency (RITA) assesses retainer fees at 3% of collections initially for services rendered. At the end of the year, they would do an analysis of all dollars collected for all RITA customers and calculate a new effective rate to be applied to 2021 collections. A rebate of 2021 fees would then be provided back to the City. The 2020 rate was 1.39%, so the City received a rebate of a large percentage of the retainer collected. He expected the City to receive back a rebate of a significant amount of fees paid for 2021 in 2022 as well. Staff requested an additional appropriation of \$70,000 to cover retainer fees for 2021, much of which would be rebated during the second quarter of next year.
- The Xenia Dispatch Center computer hardware system was currently cooled via two (2) individual split unit systems that are 15+ years and 7+ years old. Surprisingly, the 7+ year old unit continues to fail every 3-4 months, resulting in costly repairs. Although the 15+ year old unit continues to properly function with routine maintenance, it had become difficult to locate replacement parts, solely due to its age. Consequently, the Public Service staff received a quote from Graybar to replace the existing units with one (1) redundant Liebert unit, with all new supply and return piping that would cool and heat the Dispatch Center as necessary. Liebert units were installed in other areas of the Dispatch Center and have performed at levels that exceeded staff's expectations.
- A few costs related to City internal service funds have exceeded what was projected as chargebacks and require additional funds to cover what needed to be charged back by the internal service funds. Specifically, another \$4,500 was needed in Finance and another \$5,100 was needed in Planning & Zoning.
- In March 2021, changes were made to the parking enforcement function and the distribution of the position responsible for parking enforcement. The position was budgeted to be split between the 615 and 270 Funds for the entire year, but the change did not become effective until mid-April. Therefore, additional funds are needed in the 615 Fund to cover the wages for the first portion of the year, and \$12,400 needs to be transferred from the 270 Fund into the 615 Fund to cover these costs.
- The City's 234 Fund was no longer needed. In this legacy fund, \$100 needs to be appropriated and spent so that the fund can be closed out. This fund was once used to account for TIFF revenue from the Xenia Towne Square and primarily funded economic development activity.

President Smith entertained questions or comments. Hearing none, he entertained adoption of Ordinance 2021-21 as presented.

Motion by Mayor Mays, seconded by Councilman Brannum, to adopt Ordinance 2021-21 as presented. No discussion followed. The Roll on this was the following:

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

Nays: None                      motion carried.

**2. Introduction of Ordinance 2021-22 Authorizing the Issuance of Not to Exceed \$3,350,000 of Special Obligation Bond Anticipation Notes, Series 2022 (First Renewal), for**

**the Purpose of Paying the Cost of Acquiring Certain Leasehold Interests, and Matters Related Thereto.** Mr. Duke said in February of this year, City Council authorized the issuance of bond anticipation notes to acquire the leasehold interest of property in the Xenia Towne Square. The notes were issued for a period of one year, with the understanding that the notes could be rolled over into a new, one-year note with a maximum maturity of twenty (20) years. Being that it was nearing the end of the first year and it was unlikely that the City will have sold the property by February 2022, it was necessary to renew the notes for another year.

President Smith clarified the interest rate was less than 1%. Mr. Duke said yes; the interest rate on the current one-year note was .875%. The City's financial advisor planned to take the bonds to market around January 14<sup>th</sup>. Per this ordinance, the interest rate would not exceed 4%, though it was likely that the interest rate would be much less. President Smith then entertained other comments or questions. Hearing none, he entertained introduction of Ordinance 2021-22 as presented.

Vice President Dean presented ORDINANCE 2021-22 AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$3,350,000 OF SPECIAL OBLIGATION BOND ANTICIPATION NOTES, SERIES 2022 (FIRST RENEWAL), FOR THE PURPOSE OF PAYING THE COST OF ACQUIRING CERTAIN LEASEHOLD INTERESTS, AND MATTERS RELATED THERETO, and it was read for the first time.

**3. RESOLUTION 2021-VV ACCEPTING THE TRANSFER OF REAL PROPERTY (FORMER CARNEGIE LIBRARY) FROM THE GREENE COUNTY BOARD OF COMMISSIONERS, AND DECLARING AN EMERGENCY.** City Manager Brent Merriman said the Greene County Commissioners have owned the Carnegie Library building located at 194 E. Church Street since 1997. For the past several years, the City has maintained open discussions with County leadership about the future of the site, and the City's desire to see the landmark facility saved and repurposed given its historic context in this community. The County Commission has remained open to strategies to save the site as well. City and County leaders were approached by and over the past several months have worked together with CLX, LLC, who expressed interest in acquiring the Carnegie Library with the intent of restoring the facility for a retail use. The partners of CLX include an existing downtown business owner and experienced development and restoration entity. Both the City and County have vetted the firm's redevelopment concept and find it to be feasible and consistent with the long-term revitalization plans for the neighborhood. Both City and County staff believe that transition of the property to private hands to initiate the redevelopment process was warranted and would benefit the community. The firm was anxious to initiate their final assessment of the property to position them for historic tax credit applications; as such, they are requesting an immediate transfer of the property. To allow for the expeditious transfer of the property, it is necessary for the County to transfer the property to the City, who has more latitude as a charter municipality to transfer the property directly to CLX, LLC. On October 28, 2021, the Greene County Board of County Commissioners passed Resolution 21-10-28-7 transferring the property at 194 E. Church Street, consisting of two parcels, M40000200050032100 and M40000200050032000, to the City of Xenia. This emergency resolution was necessary for the City to officially accept the property from the County; a subsequent agenda item would then transfer the property to CLX.

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

Motion by Councilman Scrivens, seconded by Councilman Urschel, to pass Resolution 2021-VV as presented. No discussion followed. The Roll on this was the following:

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

**4. RESOLUTION 2021-WW AUTHORIZING THE TRANSFER OF REAL PROPERTY (FORMER CARNEGIE LIBRARY) TO CLX, LLC, AND DECLARING AN EMERGENCY.** Mr. Merriman said the previous Resolution 2021-VV officially accepted the property from the County, and this Resolution 2021-WW would transfer the property to CLX, LLC. As previously stated, staff recommends this action be taken as an emergency to allow CLX, LLC, to complete necessary due diligence to make application for State of Ohio Historic Tax Credits in spring 2022.

President Smith entertained questions or comments. Councilman Scrivens said he chairs the Property Management Committee, and the members unanimously endorsed the transfer of this property as requested. Councilman Brannum clarified that the City was not purchasing the property; rather, the City was serving as a pass-through from the County to CLX, LLC. Mr. Merriman said that was correct. Technically, there would be a transfer of ownership from the County to City, and the City would then immediately transfer it to CLX. Law Director Donnette Fisher said the deed from the County to the City was being prepared by the County Prosecutor's Office, and she would be preparing the deed from the City to CLX. If CLX wished to do a title search, that cost would be on them. There are no conveyance fees. No money was changing hands, and the only expense would be recording fees for the deeds. Hearing no further questions or comments, President Smith entertained passage of Resolution 2021-WW as presented.

Motion by Councilman Scrivens, seconded by Councilman Urschel, to pass Resolution 2021-WW as presented. Brief comments followed. Councilman Urschel expressed his excitement for the project. It had been a long time coming. He thanked the representatives from CLX for working through the process and for attending this meeting. He said the project would be a great addition to the downtown area. He also thanked County Administrator Brandon Huddleson who negotiated and worked through all the dynamics of the property transfer, noting the County had done the majority of the footwork. The City was really just coming alongside the County to assist with the transfer of the property to a local business. The Roll on this was the following:

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

**5. Introduction of Resolution 2021-XX Providing for Assessments to be Levied and Authorizing the Finance Director to Certify Those Assessments to the Greene County Auditor.** Mr. Duke said this was the third assessment in 2021 to allow the certification of assessments. There are a variety of reasons the City would need to assess, and this assessment would certify the following amounts: Weeds - \$85,152.50; Trash Cleanup - \$2,875.00; Demolition - \$30,055.46; and Utilities - \$49,721.03.

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

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

**6. Introduction of Resolution 2021-YY Authorizing the Renewal of the City's Lease Fleet Program through Enterprise Fleet Management through December 2024.** Mr. Merriman said since 2017, the City had partnered with Enterprise Fleet Management, a Division of Enterprise Inc., for a vehicle leasing program, which has benefited the City through savings in both purchase price and maintenance costs. As the City became more comfortable with this fleet approach, they have been gradually expanding it as part of the annual Five-Year CIP process, which was discussed with Council. The City currently leases six (6) vehicles with the potential to transition several more into the lease program in the coming years. He believed this would be a long-term benefit, especially in the midst of supply chain issues. The selective approach as to which vehicles are obtained through the lease program was based on a number of factors, including how to maximize resale value and build up equity in vehicles over time. Though lease rates and vehicle purchases are projected in the CIP, actual figures are not known until vehicles are scheduled to be built. Staff expects in the coming year to exceed the \$25,000 threshold for purchasing and requests Council to authorize the continuance of the program with Enterprise Fleet Management at a not to exceed price of \$45,000 annually through December 2024.

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

Mayor Mays presented RESOLUTION 2021-YY AUTHORIZING THE RENEWAL OF THE CITY'S LEASE FLEET PROGRAM THROUGH ENTERPRISE FLEET MANAGEMENT THROUGH DECEMBER 2024, and it was read for the first time.

**7. RESOLUTION 2021-ZZ ACCEPTING AN OHIO 911 LOCAL SUBGRANT (ROUND III FUNDING) FOR THE NG911 COMPATIBILITY PROJECT FOR THE XENIA-GREENE CENTRAL COMMUNICATIONS CENTER, AUTHORIZING THE CITY MANAGER TO EXECUTE THE OHIO 911 LOCAL SUBGRANT PROGRAM AGREEMENT WITH THE OHIO DEPARTMENT OF COMMERCE AND THE CONTRACT WITH INTRADO LIFE & SAFETY SOLUTIONS CORPORATION, AND DECLARING AN EMERGENCY.** Mr. Merriman thanked President Smith for allowing this late, but very time sensitive, agenda item. He said the Xenia – Greene Central Communications Center (XGCCC) has been approved to receive a third award from the Federal Next Generation 911 (NG911) Grant Program, which provided funding for the implementation of a variety of enhanced Next Generation 911 services including the cost of equipment and training. This third grant award would provide funding to establish “text to 911” service for the area served by XGCCC through Intrado Life & Safety Solutions Corporation. Intrado would provide an ITS solution that establishes a secure connection between the public safety answering point (PSAP) and the Intrado Data Center over a VPN using the City's public IP internet connection. The “text to 911” will be provided into the already in-place Emergency CallWorks 911 call handling system. The agreement with Intrado would provide the ITS equipment and initial “text to 911” fees as well as five (5) years of service until the NG911 ESINet was built throughout Ohio. The grant would also provide ArcGIS training for the Communications Director and Technical Director so they are

ready for the NG911 transition. The total cost of the “text to 911” project was \$44,725, noting the breakdown of those costs was included in the agenda report. The City was being awarded the federal grant through the Ohio 911 Local Subgrant award program in the amount of \$26,835, which would go toward the project and reimbursed upon project completion. Under the grant agreement, the City was required to provide a cash match of not less than 40% of local, non-federal funding. As such, local project costs would total \$17,890. As noted, this was a very time sensitive item, and the Resolution was requested as an emergency because the funding had to be encumbered and spent and the project completed by February 2022. With supply chain issues, they need to get the equipment ordered as quickly as possible. Staff was excited to bring this third round of grant funding opportunity forward, and they are monitoring State of Ohio legislation that was moving through the committee process that would establish a template for NG911 systems and require that transition. If the State legislation was approved, it would bring the City one step closer in being compliant with this insufficiently funded mandate. Long term, he anticipated additional transition and operational costs to provide 9-1-1 services.

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

Motion by Vice President Dean, seconded by Mayor Mays, to pass Resolution 2021-WW as presented. No discussion followed. The Roll on this was the following:

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

**8. Administrative Motion Appointing Members to the Board of Tax Review.** Mr. Duke said Ohio Revised Code Section 718.11 required the City to establish a Board of Tax Review. There have been vacancies on the Board for some time, as it had been extremely difficult to find people willing to fill these positions. After many attempts, he finally found two persons who were willing to serve. Xenia Codified Ordinance Section 882.21 (and ORC 718.11) states that the Board shall consist of three (3) members, two (2) of which shall be appointed by the legislative authority and one (1) of which shall be appointed by the City Manager. The terms for the Council appointments are for a period of two (2) years, and the City Manager’s appointee shall serve at his discretion with no term limit. The two persons who volunteered to serve as Council’s appointments are Mr. Gus Wade and Ms. Nancy McPeak. Mr. Wade was a retired City employee from the Income Tax Division, and Ms. McPeak was an engaged citizen who recently served on the Charter Review Commission and wished to continue serving the City. Background checks for both candidates have been processed and are satisfactory. With regard to the City Manager’s appointment, Mr. Merriman intends to appoint Ms. Karly French, who also worked in the Income Tax Division many years ago.

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

Motion by Mayor Mays, seconded by Councilman Urschel, to appoint Mr. Gus Wade and Ms. Nancy McPeak to the Board of Tax Review, per Section 882.21 of the City’s Income Tax Code, with term expiration dates of November 23, 2023. Brief comment followed. Councilman Scrivens thanked Mr. Wade and Ms. McPeak for their volunteerism and service to the City of Xenia, which was the essence of democracy. He also thanked Ms. French, who he believed was

well qualified to serve on the Board. President Smith thanked and acknowledged Ms. McPeak who was sitting in the audience. The Roll on this was the following:

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

**9. Administrative Motion Reappointing One Member of the Civil Service Commission.**

President Smith said the City's board and commission volunteers are an essential part of local government and are comprised of City residents who have a desire to serve their community. One member's term on the Civil Service Commission (CSC), Mr. David Jordan, the Commission's Chairman, was due to expire on December 31, 2021. Mr. Jordan had served since he was appointed to fill a vacancy on October 26, 2017, and expressed his desire to continue to serve. A new five-year term will expire on December 31, 2026. The City of Xenia is fortunate to have dedicated citizen volunteers who wish to continue to give of their time and abilities. He entertained questions or comments. Hearing none, he made the following motion and asked for a second.

Motion by President Smith, seconded by Vice President Dean, to reappoint Mr. David Jordan to the Civil Service Commission with a term expiration date of December 31, 2026 (five-year appointment per Charter §10.03(A)). No discussion followed. The Roll on this was the following:

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

**10. Administrative Motion Approving the Schedule of Bills in the amount of \$1,532,535.71.** Mr. Duke respectfully requested the payment of bills in the amount of \$1,532,535.71, noting the large amount was due to several large expenditures including the 2021 Street Program (\$639,543.35) and several debt service payments (\$111,815.11, \$119,069.52, \$108,604.76, and \$118,715.76, respectively).

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

Motion by Councilman Urschel, seconded by Mayor Mays, to approve the schedule of bills in the amount of \$1,532,535.71. No discussion followed. The Roll on this was the following:

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

**J. APPOINTED OFFICIALS REPORTS**

President Smith asked Ms. Fisher for her comments. Ms. Fisher said on behalf of the Law Department, she expressed condolences to the family and friends of Greene County Sheriff Gene Fischer. She and her staff did not have the pleasure of working directly with him, but they did have the pleasure of working with his deputies. Based on the way his deputies conduct themselves, Sheriff Fischer must have been a great leader. His death was a great loss to the local law enforcement community. She advised that Council oaths for the reelected Council members would be done at the last meeting in December before their new terms begin (instead of the first meeting in January). If one or more of them are unavailable, she asked them to let her or City Clerk Michelle Johnson know so their oaths can be administered at their convenience. She said they needed to



start thinking about Charter amendments once again, noting there would be three elections in 2022 in May, August, and November. They need to revisit the discussion about Charter amendments with regard to when and what items to place on the ballot(s). For the May 3<sup>rd</sup> primary, the window to take action would be January 3<sup>rd</sup> to March 4<sup>th</sup>. She wished everyone a Happy Thanksgiving.

President Smith asked Mr. Duke for his comments. Mr. Duke did not have anything further to share.

President Smith asked Mr. Merriman for his comments. Mr. Merriman thanked Sheriff Fischer for his service and expressed condolences to his family. In his capacity as City Manager, he got to know Sheriff Fischer pretty well over the years. He had a wonderful sense of humor, he was a very caring man, and a consummate professional in law enforcement. He was his favorite County elected official. His loss was deeply felt by many, especially the Xenia community due to his two decades of service with the Xenia Police Division. All Greene County public safety personnel were mourning his loss. He thanked the Fischer family for sharing him for the last 38 years. He wished him Godspeed. He reminded everyone that City offices would be closed on Thursday and Friday for the Thanksgiving holiday. He also noted the former Greene County Commissioner Bob Glaser passed away today and expressed condolences to his family as well.

President Smith wished the three appointed officials a Happy Thanksgiving.

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

**1. Board of Zoning Appeals:** Mayor Mays said BZA met yesterday evening on a variance request to allow an existing 6' tall privacy fence, built without a permit, to remain at its current location and exceed the Land Development Code's height limit of 4' for fences located in a front yard for the property located at 1230 Hamlet Drive, which was denied.

**2. Legislative Review & Government Affairs:** Mayor Mays said the Legislative Review & Government Affairs Committee, which included President Smith and Councilman Scrivens, also met yesterday to review various proposed amendments to the City's Codified Ordinances, specifically Part Two: City Administrative Code, Title Two – General Provisions and Title Four – Legislation. The Committee endorsed the recommended amendments, which are scheduled to be presented to Council at their December 9<sup>th</sup> meeting. Additionally, the Committee reviewed a few proposed minor changes to the Rules of Council and discussed staff's request to repeal Chapter 1492: Vacant Building Registration, which was included in Part Fourteen: Building and Housing Code, Title Six – Property Maintenance.

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

Councilwoman Dean expressed condolences to the Fischer family. She wished everyone a Happy Thanksgiving.

Councilman Scrivens expressed condolences to the Fischer family. He met Sheriff Fischer many years ago when he was running for Sheriff the very first time. From that day until his death, Sheriff Fischer was a model public servant. He had time for everybody. He also expressed condolences to the family of Bob Glaser and the family of Elizabeth Phelps. He said this had been a difficult week; on Thursday, he asked everyone to remember what they give thanks for and who they give thanks

to. He wished everyone a Happy Thanksgiving. He believed Xenia High School would be holding its Benner Field House Classic on Friday with basketball games with both boys and girls teams all day starting at noon. He congratulated Xenia's own (retiree) Greene County Chief Deputy Scott Anger, who was recently appointed acting Greene County Sheriff.

Councilman Brannum echoed the sentiments of many expressed this evening; his thoughts and prayers are with the Fischer family and all Greene County law enforcement personnel who worked with him every day. He has known acting Sheriff Scott Anger for quite a while; he looks forward to his leadership. He also echoed the sentiments expressed this evening as they learned about the passing of Mr. Glaser earlier today. His thoughts and prayers are with both families.

Councilman Urschel said Sheriff Fischer led with humility. He was a humble man with a strength of character and purpose of conviction who was a servant to everyone in Greene County. He agreed with Councilman Scrivens, who noted that Sheriff Fischer was one of the most approachable people anyone would ever meet. He thanked Sheriff Fischer for providing such an excellent example of what leadership was all about ... people like him are few and far between. God be with all of them as they strive to follow his example. He was thankful for folks in this community, including Economic Development and Advisory Board (EDAB) member Dick Montgomery, with whom he had coffee and great conversation with earlier today. Over a two-hour period, Mr. Montgomery shared with him five very specific ideas about economic development and offered to help the City in any way he could. He was thankful for Donny Bryant, who walks the Xenia bike trail every day with his small dog, noting the City Maintenance Workers have reported seeing him all the time. The Bridges of Hope "Give Back" group and he have been at Xenia Station (Bike Hub) to cut up brush and do some painting. Mr. Bryant has been observing their work, and he recently offered to help noting that he was retired but used to do landscaping, etc. He showed up the next day with his chain saw and worked with them for four (4) hours. He did not want any payment ... he just wanted to serve his community and offered to help whenever the group was out working. Last Sunday, a number of area churches held the first community Thanksgiving church service, and it was beautiful. Folks from many different congregations were present. He was thankful for two local pastors who took the lead and made the event a priority; he hoped it became an annual event. He was thankful for the folks at Lighthouse Baptist Church, who are just finishing up their Thanksgiving community meal this evening at the Coffee Hub. Anyone who needed a meal was welcome. He then read the following list, which represented the names of those interred at the City's cemetery:

Sandra Snow	Richard G. Coston
Brenda S. Jones	Rodney D. Boyd
Anna M. Polson	Richard G. Scott
Daniel T. Moore	Shawn P. Campbell
William B. Hanson	Patricia Norkett

He said those listed above were residents of Xenia who passed away within the last few years and did not have any family or the families did not have the means to claim their bodies and properly inter them. He commended Assistant City Manager Jared Holloway who arranged a small ceremony earlier today when he, along with Pastor Todd Martin and five City Public Service personnel, interred their remains, read some scripture, and prayed for them. All of them were known and honored by God. Regarding the City's cemetery located at 561 E. Third Street, he said James Gowdy founded the cemetery in 1810 and was the oldest cemetery in Xenia. Mr. Gowdy was the first store keeper in

Xenia, and he cared for the cemetery until his death in 1853 at the age of 76. On the day of his funeral, all the stores in Xenia closed in honor of him. Mr. Gowdy loved his community and was buried at the cemetery. His gravestone marker states, *“To him the poor never appealed in vain, and the cry of the destitute never passed him unheard.”* Today, there are a number of poor and destitute people in that cemetery that Mr. Gowdy founded for them. He was very thankful for Mr. James Gowdy who has been able to serve this community for centuries. He said 36 people were interred under Mr. Gowdy’s oversight, and the City has interred an additional 25 more in the last two years. He was thankful for the City’s Public Service Workers. He said the City took over the cemetery two years ago, and over the last year, City workers have done a great job cleaning up the cemetery, removing the overgrowth, and honoring those interred there. Finally, he talked about how the fourth Thursday in November came to be an observed holiday known as Thanksgiving. He said President George Washington proclaimed on October 3, 1789, the following [in part] on the first Thanksgiving in 1789:

*“Whereas, it is the duty of all nations to acknowledge the providence of Almighty God, to obey His will, to be grateful for His benefits, and humbly to implore His protection and favor; and Whereas both Houses of Congress have, by their joint committee, requested me “to recommend to the people of the United States a day of public thanksgiving and prayer, to be observed by acknowledging with grateful hearts the many and signal favors of Almighty God, especially by affording them an opportunity peaceably to establish a form of government for their safety and happiness. Now, therefore, I do recommend and assign Thursday, the 26th day of November next, to be devoted by the people of these States to the service of that great and glorious Being who is the beneficent author of all the good that was, that is, or that will be ...”*

In the midst of the great Civil War, President Abe Lincoln issued his own Thanksgiving proclamation on October 3, 1863, after the Battle of Gettysburg when the nation lost 50,000 men in three days (July 1 - 3, 1863), which stated [in part] the following:

*“No human counsel hath devised nor hath any mortal hand worked out these great things. They are the gracious gifts of the Most High God, who, while dealing with us in anger for our sins, hath nevertheless remembered mercy. It has seemed to me fit and proper that they should be solemnly, reverently and gratefully acknowledged as with one heart and one voice by the whole American People. I do therefore invite my fellow citizens in every part of the United States, and also those who are at sea and those who are sojourning in foreign lands, to set apart and observe the last Thursday of November next, as a day of Thanksgiving and Praise to our beneficent Father who dwelleth in the Heavens. And I recommend to them that while offering up the ascriptions justly due to Him for such singular deliverances and blessings, they do also, with humble penitence for our national perverseness and disobedience, commend to His tender care all those who have become widows, orphans, mourners or sufferers in the lamentable civil strife in which we are unavoidably engaged, and fervently implore the interposition of the Almighty Hand to heal the wounds of the nation and to restore it as soon as may be consistent with the Divine purposes to the full enjoyment of peace, harmony, tranquility and Union.”*

He said President Lincoln’s words above led to the birth of the Ohio Soldiers’ and Sailors’ Home (OS&SO), which was established in 1869. Many times, people think of Thanksgiving as just a time to have a day off, spend time with family, eat a big meal, and watch football. But it was much bigger than that—two of the men who founded and held this nation together said they needed to remember almighty God and his providence, be thankful to him, and be humble also, and he encouraged everyone to do that.

Vice President Dean echoed what everyone had said about Sheriff Fischer. He was by far always the most normal, but extraordinary, person in the room. He was saddened to hear of the sudden passing of Mr. Glaser. He expressed his condolences to both families.

President Smith thanked everyone who was present for the meeting and thanked everyone for agreeing to move the meeting to 7 p.m. to allow many of them to attend Sheriff Gene Fischer's visitation this evening. He met Gene, his wife, Gail, and their daughter, Brittany, when he first moved to Xenia in the late 1990s. He attended church with them and knew him before he was Sheriff. It was honor to know him. His thoughts and prayers are with Gail and Brittany and law enforcement personnel, especially the Sheriff's office employees. It was a sad day in Xenia, and he knows area law enforcement personnel are hurting. He noted a lot of law enforcement personnel were in the community today and tomorrow for Sheriff Fischer's services, and he wished them safe passage. He wished everyone a Happy Thanksgiving as they celebrate with their families. He said Council's December meetings would be held on December 9<sup>th</sup> at 6 p.m. and December 29<sup>th</sup> at 5 p.m. As Ms. Fisher previously stated, those who were reelected would take their oaths at the December 29<sup>th</sup> meeting.

Mayor Mays said this year's Free Community Thanksgiving Meal would be held at the former OS&SO home, now known as Athletes in Action (AIA), at the Schindler Banquet Center from 11 a.m. to 1 p.m. It was wonderful to see that the facility was still being used and impacting young people through AIA. On November 10<sup>th</sup>, she attended the Greene Memorial Hospital volunteer luncheon, noting the volunteers do a lot of work behind the scenes that affects this community. It was very special to see them and hear their stories. On Veterans Day on November 11<sup>th</sup>, she attended a program at Legacy Assisted Living, which was the last time she was with Sheriff Fischer. They shared some good laughs together at that event, and it was really beautiful to hear him pray and open the event. He prayed from his heart, and his faith was very evident. She then read the following proclamation in honor of Sheriff Fischer, which was presented to his family and on display at the visitation this evening and his funeral tomorrow:

***BE IT PROCLAIMED:***

***WHEREAS***, Eugene "Gene" C. Fischer graduated from Fairborn Park Hills High School in 1974, earned an associate's degree in law enforcement from Clark Technical College, a bachelor's degree in criminal justice from Capital University, and a master's degree in criminal justice administration from Tiffin University; and

***WHEREAS***, he was hired as a Xenia Police Officer on May 2, 1983, was promoted to Police Sergeant on October 27, 1997, resigned his position on July 5, 2003, to be appointed as Greene County Sheriff, and was returned to office by County voters in subsequent elections, serving four-year successive terms since that time; and

***WHEREAS***, Sheriff Fischer served as a past board member and past president of the Buckeye State Sheriffs' Association and was attending its annual event in Sandusky and suffered a medical emergency; and

***WHEREAS***, he led many initiatives to make our community a better place, including his outstanding efforts to help reintegrate incarcerated individuals struggling with addiction back into this community, improving the lives of many; and

**WHEREAS**, he was involved in many community events throughout the years including supporting children's projects at the Greene County Fair, driving around the County on Halloween to hand out candy to trick-or-treaters, and even performing a stand-up comedy routine filled with his favorite "Dad jokes" at a local comedy club to raise money for Michael's House, a domestic abuse shelter for Greene County children; and

**WHEREAS**, Sheriff Fischer was a pillar in Greene County, serving as an exceptionally principled leader and public servant who deeply cared for this community. Capable and humble, he led by example and always did what was right, even when it was uncomfortable. He was a gentle soul who treated everyone with dignity and respect. No one questioned his integrity. He was a friend to all who knew him and always greeted everyone with a smile ... and usually a joke.

**NOW, THEREFORE**, I, Sarah J. Mays, Mayor of the City of Xenia, Ohio, on behalf of the Xenia City Council, Appointed Officials, and Public Safety staff, do hereby posthumously honor Greene County Sheriff Gene Fischer for his 38 outstanding years of faithful service to the citizens of Greene County, Ohio, and his dedication to his fellow law enforcement brothers and sisters whom he mentored and served as an excellent example for all to follow. I ask that you join me in extending deepest condolences to his wife, Gail, and their daughter, Brittany, and all who knew and loved him. Rest easy, sir. We'll take it from here. End of Watch November 16, 2021.



**M. EXECUTIVE SESSION:** None.

**N. WORK SESSION:** None.

**O. ADJOURNMENT:** Motion by Vice President Dean, seconded by Councilman Brannum, to adjourn the Regular Meeting at 8:17 p.m. No discussion followed. The Roll on this was the following:

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

Nays: None                      motion carried.

Michelle D. Johnson  
City Clerk

Wesley Smith  
President, Xenia City Council