

**XENIA CITY COUNCIL  
REGULAR SESSION MEETING MINUTES  
JANUARY 11, 2018  
7:00 P.M.**

**1. CALL TO ORDER:** President Michael Engle called the January 11, 2018, Regular Session to order at 7:00 p.m. in the City Council Chambers, City Administration Building.

**2. INVOCATION:** Elder Van Holloway, Emmanuel Baptist Church, provided the Invocation.

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

**4. A. ROLL CALL:** Vice President Wesley Smith, Councilman Edgar Wallace, Councilman Dale Louderback, Councilman Levi Dean, Mayor Sarah Mays, and President Michael Engle were present.

**B. SWEARING-INS:** Law Director Donnette Fisher presided over the swearing-ins of Mayor Sarah Mays, Councilman Wesley Smith, and Councilman Levi Dean. Their respective family members participated in each ceremony with applause following.

**C. REORGANIZATION:** Mayor Mays said at the first meeting of each calendar year, Council reorganizes to select the President and Vice President for the calendar year<sup>1</sup>. She entertained nominations for Council President for 2018. Councilman Louderback said he did not wish to be a candidate for either position.

Motion by Councilman Wallace, seconded by Vice President Smith, to nominate Michael Engle to serve as the Council President for 2018. Hearing no further nominations, she asked for the Roll Call. The Roll on this was the following:

Ayes: Smith, Wallace, Louderback, Dean, and Mays

Abstain: Engle

Nays: None motion carried.

Mayor Mays entertained nominations for Council Vice President for 2018. Vice President Smith asked that he not be reconsidered for the position of Vice President.

Motion by Vice President Smith, seconded by Councilman Louderback, to nominate Dr. Edgar Wallace to serve as the Council Vice President for 2018. Hearing no further nominations, she asked for the Roll Call. The Roll on this was the following:

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

Nays: None motion carried.

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<sup>1</sup> Per the Charter, the only Council members who meet the criteria to serve as Council President and Vice President are Councilmen Smith, Louderback, Wallace, and Engle. Per Charter Section 4.02, the Mayor cannot serve as Council President or Vice President, and per Charter Section 4.14(B), Councilman Dean has to serve as a Council member for two or more years before he is eligible.

**5. APPROVAL OF MINUTES:** Motion by Councilman Louderback, seconded by Councilman Smith, to approve the December 28, 2017, Regular Session meeting minutes as written. No discussion followed. The Roll on this was the following:

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

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.

Forest Wilson, 193 California Street, said he came before Council several weeks ago to request that the City address the drug house next door to his residence, which has been a problem for two years. He is back before Council this evening to commend recent actions of the Xenia Police Division (XPD) for their recent arrest of several of the occupants on felony drug charges including drug trafficking. It is his personal hope that the City will utilize the City's Law Director to consider billing Greene Metropolitan Housing or the property owner for enabling the drug activity to go on for an extended period of time. His neighbors are also very appreciative of the brave men and women of the XPD, who put their lives on the line every single day. He especially mentioned Officer Fred Barker for exhibiting a high level of professionalism and community policing of his neighborhood; he cannot speak highly enough of Officer Barker and the other men and women of the XPD for closing the drug house.

**8. OLD BUSINESS:** President Engle asked Ms. Fisher to present the second readings.

A. Ms. Fisher presented RESOLUTION 2017-HH AUTHORIZING THE CITY TO CONVEY LAND FROM, AND ACCEPT LAND DEDICATED TO, STERLING GREEN PARK AS PART OF THE STERLING GREEN CROSSING PHASE II SUBDIVISION PLAT, originally introduced by Councilman Louderback on December 28, 2017, and it was read for a second time.

Motion by Councilman Louderback, seconded by Vice President Wallace, to adopt Resolution 2017-HH as read. No discussion followed. The Roll on this was the following:

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

Nays: None motion carried.

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

**10. NEW BUSINESS:**

A. **Emergency Ordinance 2018-01 Repealing Ordinance 84-7, and Declaring an Emergency.** Ms. Fisher said this emergency ordinance repeals Ordinance 84-7, which amended Section 129.04 of the Codified Ordinances, "Construction Contract Procedure," and is a Section that no longer exists in our Codified Ordinances. Ordinance 84-7 set forth Construction Contract General Provisions, which are still being used in all City construction contracts today. This creates an issue as these 1984 General Provisions are severely outdated and do not comply with the requirements of State and Federal Law. Rather than replacing these provisions, she respectfully

recommended that general provisions for all construction contracts should not be enacted by ordinance because different funding sources (i.e., Issue II funds, CDBG funds, OPWC, Federal funds, etc.) have different requirements on what must be included in the contracts. Allowing City staff to tailor the general contract provisions on a per contract basis will ensure they are meeting the requirements of any funding source, they are complying with State law, and they can adjust the general contract provisions as needed in response to changing case law.

Motion by Councilman Louderback seconded by Vice President Wallace, to adopt ORDINANCE 2018-01 REPEALING ORDINANCE 84-7 AND DECLARING AN EMERGENCY. Brief discussion followed. Councilman Louderback thanked Ms. Fisher for her due diligence to detail in addressing issues concerning the City's Code. He noted Council and elected officials want to continue to be transparent to the public. The Roll on this was the following:

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

Nays: None motion carried.

**B. Introduction of Ordinance 2018-02 Enacting Section 230.03, titled "Administrative Steering Committee," and Repealing Sections 236.09 and 252.03 of the Codified Ordinances of the City of Xenia, Ohio.** Ms. Fisher said this ordinance repeals Section 236.09, which created the Information Technology Steering Committee in 2014, and Section 252.03, which created the Personnel Management Committee in 1984. These two Committees consisted of the three appointed officials and the Municipal Court Clerk. A new Committee, called the Administrative Steering Committee, is being created with the enactment of Section 230.03, which will have the same duties and functions as both the IT Steering Committee and the Personnel Management Committee but will also allow the three appointed officials and the Municipal Court Clerk to discuss and provide policy direction on other issues that affect all branches of the City government, such as building security, personnel matters, and information technology. She respectfully requested introduction of Ordinance 2018-02 as presented.

Councilman Smith introduced ORDINANCE 2018-02 ENACTING SECTION 230.03, TITLED "ADMINISTRATIVE STEERING COMMITTEE," AND REPEALING SECTIONS 236.09 AND 252.03 OF THE CODIFIED ORDINANCES OF THE CITY OF XENIA, OHIO, and it was read for the first time.

**C. Introduction of Resolution 2018-A Authorizing Amendments to the City of Xenia's Electric Power Aggregation Plan of Operation and Governance.** City Manager Brent Merriman said Resolution 2018-A authorizes amendments to the City's Electric Power Aggregation Plan of Operation and Governance (originally passed by Council on July 24, 2014). These amendments are needed to remove the name of a specific consultant and expand the City's ability to choose different consultants to help the City administer the Plan. (All consultants have been and will continue to be selected through an RFQ process.) Thus, the bulk of the amendments are to change the name of a specific consultant to just "consultant" and to allow the City to change consultants in the future through an amendment to Appendix C, as approved by Council by this Resolution. Other proposed amendments to the Plan are housekeeping measures – correction of typos, correction of numbering sequence, updating/adding definitions, updating the education and opt-out letter, and updating the Customer Service Plan to simply state that all billing will be done in accordance with PUCO guidelines, rather than spelling out PUCO

guidelines (this assures the required billing guidelines of the Program are always up-to-date and do not have to be amended every time PUCO changes the guidelines). He respectfully requested introduction of Resolution 2018-A as presented.

Councilman Louderback noted that residents who are currently happy with their choice of service provider do not have to submit anything new. Mr. Merriman confirmed and added approval of the resolution will not change the program as it was previously constituted. Homeowners can still opt out of the aggregation, and if they are currently part of the aggregation, they can be a part of the aggregation should the City choose to move forward with the new electric generation aggregation later this spring; basically, the current status will be kept in place.

Councilman Louderback said this program has saved citizens a substantial amount of money. Mr. Merriman agreed; they estimated the total savings over the period of the current contract to be in excess of \$1 million over what the rate comparison would have been through DP&L. Councilman Louderback asked if this was a ballot issue. Mr. Merriman said this was a ballot issue approved by voters, and staff moved forward with the electric aggregation at Council's direction, and they have had a successful first round of the initiative. Again, staff is in the early phases of looking at a bid process to test the market, and depending on that bid process, staff would come back to Council for a recommendation to engage in additional contracts for the electric generation services.

Councilman Louderback noted the price of natural gas is so low that he did not feel a gas aggregation could be done as successfully as the electric aggregation. Mr. Merriman said he appreciates Councilman Louderback bringing that up. Voters in the City of Xenia previously approved a natural gas aggregation prior to the electric aggregation; however, the City did not take any action with the natural gas aggregation. Staff asked the respective consultants if they were certified in the State of Ohio to provide aggregation services for natural gas as well and asked what they would recommend as part of that process. The current consultant is certified to walk the City through the natural gas aggregation process. Staff's recommendation moving forward will probably be to test the waters to see what the environment is like, but he noted putting out a bid does not compel the City to follow through with a contract. The natural gas market has been very robust in terms of the available supply, and fracking has made the United States the largest producer of natural gas in the world. The market is not ideal, but staff feels it is worth researching to see if there is a potential savings for City residents. Staff will come back to Council with recommendations if there appears to be a savings.

Councilman Louderback introduced RESOLUTION 2018-A AUTHORIZING AMENDMENTS TO THE CITY OF XENIA'S ELECTRIC POWER AGGREGATION PLAN OF OPERATION AND GOVERNANCE, and it was read for the first time.

**D. Approve Schedule of Bills in the amount of \$259,331.40.** Finance Director Ryan Duke requested the payment of bills as presented.

Motion by Mayor Mays, seconded by Councilman Smith, to approve payment of bills totaling \$259,331.40. No discussion followed. The Roll on this was the following:

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

Nays: None motion carried.

**E. Appointment to fill Council Vacancy:** Councilman Smith said the next agenda item was an appointment to fill the Council Vacancy.

Motion by Councilman Smith, seconded by Vice President Wallace, to appoint Thomas Scrivens to City Council to fill the vacancy created by the election of Sarah Mays as Mayor. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Smith, Mays, and Engle

Nays: Louderback and Dean motion carried.

President Engle welcomed and congratulated Thomas Scrivens, who was present in the audience. He said Mr. Scrivens will take his oath at the January 25<sup>th</sup> City Council meeting and will serve on Council until December 31, 2018. (Applause followed.)

## **11. REPORTS OF COMMITTEES:**

**A. Board for Recreation, Arts, and Cultural Activities:** President Engle said the January meeting was cancelled. The next regularly scheduled meeting is February 6, 2018. He noted Board and Commission Chair assignments will be done at the January 25<sup>th</sup> Council meeting.

**B. Traffic Commission:** Mayor Mays said the January meeting was cancelled. The next regularly scheduled meeting is February 5, 2018.

**C. Board of Zoning Appeals:** The report was postponed.

**D. Planning and Zoning Commission:** Councilman Smith said XPZC met on January 4, 2018, on the following:

- Matthew Bennett was voted to continue serving as Vice Chair of XPZC in 2018.
- Text Amendments to the Land Development Code to (1) allow parking of Commercial Vehicles on residential properties with restrictions and (2) increase the maximum height and reduce the required setbacks for temporary blade signs, which were endorsed to City Council for a public hearing on January 25, 2018.
- Alternative Equivalent Review for a proposed recreation center with adjoining senior center and higher-education facilities at 716 S. Progress Drive filed by Ferguson Construction, which was approved.

## **12. APPOINTED OFFICIALS REPORTS AND COUNCIL COMMENTS:**

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

Mr. Merriman said the City is facing the potential for some significant winter weather conditions on Friday and Saturday. The City will not pre-treat the streets because the storm will approach as a rain event, and staff will deal with conditions on a real-time basis. There is potential for icing before snow accumulation, and the City's protocol requires staff to start treatment on the thoroughfares first and then work on the major arterial streets, minor arterial streets, and on down the line. This process is done to maintain a majority of the major traffic throughways, and they have to coordinate with the Public Safety Departments for any critical concerns they may have. Therefore, crews cannot always get to secondary streets as quickly as desired, but they will

certainly do so as quickly as possible. Staff will keep a close eye on the situation and already have plans to stagger the Maintenance Staff starting Friday to allow multiple shifts to address the conditions. The most recent report scales back the snow accumulation; however, it shows an increase in the ice totals. He has also been in touch with the schools to help coordinate a plan. Staff will stay on top of the situation. Additionally, staff is working on several projects and will be scheduling some special sessions in the future. Council has been promised some recommendations regarding downtown parking, and staff is in the process of bringing recommendations on that issue as well as addressing the street sweeping situation.

Mr. Duke reminded the public that City Offices will be closed on Monday, January 15<sup>th</sup>, in recognition of Martin Luther King Jr. Day, but essential police, fire, etc., personnel will be in service.

Ms. Fisher had nothing further to share.

### **B. Mayor and City Council:**

Councilman Louderback said three good candidates applied for the vacancy on City Council, and he was going to support Billie Carrico who finished third at the voting poll. The people have spoken, and they wanted her on Council. The other two candidates did not run for a seat on Council; therefore, his opinion is that Council should follow what the voters wanted.

Councilman Smith congratulated Dr. Wallace for being elected as Vice President and thanked him for stepping into that role. After three years serving as Vice President, he felt it was a good time to take a break to allow more time for him to concentrate on his company. He also congratulated Sarah Mays for being sworn in as Mayor—he knows she will do wonderful things in her role as Mayor. He welcomed and congratulated Councilman Dean to his new seat on Council. He thanked President Engle and Councilman Louderback for their service, and noted Councilman Louderback has served on Council longer than all other [current] Council members. He said he was pleased to serve, which is an honor to represent the City of Xenia. He encouraged the public to be careful during the winter storm.

Councilman Dean concurred with Councilman Louderback regarding the three candidates. Three great candidates applied for the vacant seat, but he would have supported Ms. Carrico because she was the only one who ran for City Council during the last election. The voters made their voice heard. However, he thinks Mr. Scrivens will do just fine, and he looks forward to working with him on Council. He thanked the voters for electing him, and his family for their support.

Mayor Mays thanked her family, church family, several pastors, and high school Bible-study kids for attending her swearing-in as Mayor. It means the world to her. She said she is humbled and privileged to be in the position of Mayor for the City of Xenia. She thanked the voters for allowing her to serve, and noted she is very excited about her new position.

Vice President Wallace thanked Council for electing him as Vice President and appreciates their unanimous support. He felt there were three excellent candidates for the vacancy on Council, but noted Mr. Scrivens has attended almost every Council meeting for several years. Mr. Scrivens has been the unappointed, unelected, unpaid, and unofficial building inspector, street inspector, etc., to relay information back to Council to aid in their ability to provide good service to the

community. He noted Mr. Scrivens' presentation was excellent in addition to his community service, which demonstrates his ability to perform as a good Council member for the City of Xenia. He noted it is a temporary appointment, and all three candidates will have the chance to run for a seat on Council at the next election at the end of this year. He invited the public to a service in honor of Martin Luther King Jr. on Monday, January 15<sup>th</sup> at Emmanuel Baptist Church, 1120 S. Detroit Street, at 7 p.m. The event is free and everyone is invited. Reverend Gary Chapman will lead the service. The choir is amazing, which is made up of members from several area churches. He and Mayor Mays participate in the choir, and Mayor Mays has a solo performance during the event. The service will be held rain, shine, snow, or ice.

President Engle thanked all three candidates who applied for the open seat on City Council, and noted all three candidates did a very good job. He again congratulated Mr. Scrivens on his appointment, and all his colleagues, both new and existing, for their service to the City of Xenia. Council does not serve for any other gain than the satisfaction of being a voice for the citizens and serving the community. It is not a glorious position; rather, it is one that is full of hard work and long hours. He thanked every Council member for their hard work and dedication.

**13. ADJOURNMENT:** Motion by Councilman Louderback, seconded by Councilman Smith, to adjourn the Regular Session at 7:47 p.m. No discussion followed. The Roll on this was the following:

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

Nays: None motion carried.

Michelle D. Johnson  
City Clerk

Michael D. Engle  
President, Xenia City Council