

**XENIA CITY COUNCIL
MEETING MINUTES
FEBRUARY 10, 2022
6:00 P.M.**

President Smith noted that John Scherer from Faith Community United Methodist Church and Men's Christian Fellowship was not present; therefore, Vice President Urschel provided the Invocation.

A. PLEDGE OF ALLEGIANCE: All present stood and recited the Pledge of Allegiance led by Mayor Sarah Mays.

B. CALL TO ORDER: President Smith called the Regular Meeting to order at 6:02 p.m.

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

D. APPROVAL OF MINUTES: Motion by Mayor Mays, seconded by Vice President Urschel, to approve the January 27, 2022, meeting minutes as written. President Smith entertained comments or questions. None were presented. The Roll on this was the following:

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

Abstain: R. Dean, Smith

Nays: None motion carried.

E. SPECIAL PRESENTATION(S): None.

F. AUDIENCE COMMENTS: President Smith explained the procedures for Audience Comments and invited those who wished to speak to come forward.

Clayton Brady, Xenia, said he was present to speak about Lexington Park. He and three friends recently met with the City Manager; he noted two of those friends were also present in the audience this evening. He heard the City was budgeting some funds for Lexington Park; if so, he offered his thanks. Lexington Park was near and dear to his heart. He was born in 1956 and began visiting the park in 1962. He loves sports, and during his youth, he spent 12 hours a day there. Now, it has gone by the wayside. He and his friends were trying to revitalize the park and that side of town. He offered to do anything he could to help with awareness and getting community support. He has coached junior varsity volleyball at the high school and 7th grade girls' basketball and softball at the middle school for the last 16 years. He thanked them for their time as they continue their good work for the City of Xenia.

President Smith said the Council and Appointed Officials have been discussing future plans for Lexington Park since last year; they toured the park in addition to holding a Neighborhood Night Out there. They plan to discuss Lexington Park at the Council Retreat on Saturday, February 12th. They intend to engage the community on the future of the park, and he believed there would be a project they could all look forward to in 2022.

President Smith thanked the citizens who expressed concerns on social media during the winter weather event last week. He said City Manager Brent Merriman planned to provide an update during his City Manager's report.

G. OLD BUSINESS:

1. President Smith presented **ORDINANCE 2022-01 REPEALING CHAPTER 1492, TITLED REGISTRATION OF VACANT COMMERCIAL AND INDUSTRIAL BUILDINGS, OF THE XENIA CITY CODE**, introduced by Councilman Dean on 01/27/2022, and it was read for a second time.

Motion by Councilman Dean, seconded by Councilwoman Dean, to adopt Ordinance 2022-01 as presented. No discussion followed. The Roll on this was the following:

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

Nays: None motion carried.

2. President Smith presented **ORDINANCE 2022-02 AMENDING SECTION 452.11 OF THE CITY OF XENIA TRAFFIC CODE**, introduced by Mayor Mays on 01/27/2022, and it was read for a second time.

Motion by Mayor Mays, seconded by Councilman Brannum, to adopt Ordinance 2022-02 as presented. No discussion followed. The Roll on this was the following:

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

Nays: None motion carried.

3. President Smith presented **RESOLUTION 2022-F ACCEPTING AMERICAN RESCUE PLAN ACT WATER & WASTEWATER INFRASTRUCTURE PROGRAM GRANT FUNDING FOR THE WILBERFORCE SANITARY SEWER SLIPLINING PROJECT**, introduced by Councilman Scrivens on 01/27/2022, and it was read for a second time.

Motion by Councilman Scrivens, seconded by Vice President Urschel, to pass Resolution 2022-F as presented. Brief comment followed. Councilman Scrivens said the City was receiving a grant in the amount of \$562,500, and the local match was \$187,500, which he felt was a pretty good deal. The Roll on this was the following:

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

Nays: None motion carried.

H. NEW BUSINESS:

1. **ORDINANCE 2022-03 PROVIDING APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF XENIA, OHIO, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2022, AND DECLARING AN EMERGENCY (2022 ANNUAL APPROPRIATION ORDINANCE)**. City Manager Brent Merriman said this Ordinance constituted the final budget approval for fiscal year 2022. The City is required by Charter and the Ohio Revised Code to develop, hold a public hearing for, and approve a spending plan that outlined the suggested expenditures for the fiscal year.

Appropriations as presented total \$78,850,452.73, which was for all funds including general services, utilities, internal service functions, etc. He reminded everyone that the \$78 million was not the total amount that would be spent “in cash.” Rather, \$78 million was the budgeted total the reflected transfers, interfund loans, etc., which resulted in an inflated number based on required accounting principles. He estimated the more realistic “cash” amount was less than \$60 million. Council previously authorized the 2022 temporary budget, which sustained operations to date. The appropriations presented in Ordinance 2022-03 differed slightly in what was previously given to Council in the estimated budget in October 2021. The updates and changes were reviewed by the Council Budget & Finance Committee and included updated health insurance rates, funding for 2022 community events, the additional Information Technology Management Analyst position, et al. The budget as presented maintained all services at current levels and provided for all capital improvement program items for this year. All budget funds were anticipated to have positive balances, and the City was projected to exceed its reserve fund policy requirement. Following the public hearing, he requested emergency passage of Ordinance 2022-03.

President Smith opened the public hearing at 6:14 p.m. and asked for those wishing to speak in favor of the 2022 Annual Appropriation Ordinance to come forward. No one came forward to speak. He then asked for those wishing to speak against the 2022 Annual Appropriation Ordinance to come forward. No one came forward to speak. He closed the public hearing at 6:15 p.m. and entertained a motion to adopt Ordinance 2022-03 as an emergency.

Motion by Mayor Mays, seconded by Vice President Urschel, to adopt Ordinance 2022-03 as presented. President Smith entertained comments or questions. None followed. The Roll on this was the following:

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

2. RESOLUTION 2022-G AUTHORIZING THE SALE OF THE CITY-OWNED PROPERTIES AT 825 AND 843 N. DETROIT STREET TO CARL W. AND KIMBERLY RAE WILLIAMS, AND DECLARING AN EMERGENCY. Mr. Merriman said at the direction of City Council, staff continued to make it a priority of divesting of unneeded and underutilized City-owned properties in order to relieve the City of liability costs and maintenance obligations and return the property to private ownership, productive use and into tax-paying status. Resolution 2022-G, if approved, would authorize the sale of the two City-owned properties at 825 N. Detroit Street and 843 N. Detroit Street—a vacant lot on a high visibility, mixed-use corridor. The subject lots were offered for sale to adjacent property owners and were listed with a local realtor, who recently entertained a competitive purchase offer in the amount of \$14,000 from Carl and Kimberly Williams. They intend to build a single-family residence, to be used as an Airbnb, on the property with a goal to cater to users of the Bike Path. Both staff and the Property Management Committee are satisfied with the proposed offer and the intended use, and recommend approval of this resolution, as an emergency, in order to meet the buyers’ deadlines for closing on the property.

President Smith entertained questions or comments. Councilman Scrivens said the Property Management Committee recommended that the City divest of these properties. Hearing no further comments, President Smith entertained a motion to pass Resolution 2022-G as an emergency.

Motion by Councilwoman Dean, seconded by Councilman Scrivens, to pass Resolution 2022-G as presented. No discussion followed. The Roll on this was the following:

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

3. Introduction of Resolution 2022-H Authorizing the Sale of Real Property at 194 E. Church Street (former Carnegie Library) to O’Neal’s Catering, LLC, and Repealing Resolution 2021-WW. Mr. Merriman said on November 23, 2021, Council approved the sale of this property (historic Carnegie Library) to CLX, LLC, made up of a local business and a development firm. After that action, however, the partnership between the parties to CLX fell through when they were unable to come to a final partnership agreement. As a result, Council’s Property Management Committee entertained revised proposals from both the local business (under its new limited liability company, O’Neal’s Catering, LLC) and the development firm (still doing business as CLX) and was recommending that the property be transferred to the local business, rather than the development firm. Thus, in addition to authorizing the sale of this property to O’Neal’s Catering, it was also necessary to repeal Resolution 2021-WW, which authorized the sale to CLX.

President Smith entertained questions or comments. Councilman Scrivens commended all involved who worked out all the details, noting it was a complicated matter. Mr. Merriman said he had a good follow up conversation with CLX, who was still looking for opportunities in Xenia for their project. He felt it was positive that two firms wish to make an investment in Xenia and feel they can turn a profit, especially when dealing with a historic building. President Smith asked how long the property had been in the City’s possession. Mr. Merriman said the property was acquired by Greene County through a tax foreclosure many years ago; it was deeded over by Greene County to the City in November 2021, which was unfortunately before the partners’ development agreement was fully vetted. President Smith noted it was not the City’s policy to take on vacant buildings. Mr. Merriman agreed. He briefly explained why it was easier for the County to deed the property over to the City. Hearing no further comments, President Smith he entertained introduction of Resolution 2022-H as presented.

Councilwoman Dean presented RESOLUTION 2022-H AUTHORIZING THE SALE OF REAL PROPERTY AT 194 E. CHURCH STREET (FORMER CARNEGIE LIBRARY) TO O’NEAL’S CATERING, LLC, AND REPEALING RESOLUTION 2021-WW, and it was read for the first time.

4. Introduction of Resolution 2022-I Awarding the Bid and Authorizing the City Manager to Execute a Contract with Barrett Paving Materials, Inc., for the Bellbrook Avenue (Peacepipe Trail to Allison Avenue) Resurfacing Project. Mr. Merriman said in October 2020, the City’s engineering staff applied for grant funding through the Ohio Public Works Commission (OPWC) to rehabilitate a portion of Bellbrook Avenue. The project involved the full width resurfacing of Bellbrook Avenue from Peacepipe Trail to Allison Avenue along with the replacement of select sections of curbing and sidewalk. The total project estimate as submitted for grant funding was \$607,300. The approved grant funding for the project from the State was up to \$449,300 (74%), with the City’s local match being up to \$158,000 (26%). On January 27, 2022, the City received three (3) bids from qualified contractors to complete the project, which came in

significantly lower than the project estimate, with the lowest and best bid received from Barrett Paving Materials, Inc., in the amount of \$492,311.41. Barrett Paving has successfully completed similar projects for the City and for regional jurisdictions for many years; therefore, City staff recommended moving forward with this contractor.

President Smith entertained questions or comments. Vice President Urschel asked when this project would commence. Mr. Merriman said it would be completed in 2022. Law Director Donnette Fisher noted the contract documents specified a completion date of June 30th. Councilman Scrivens asked how this project area was selected. City Engineer/Public Service Director Chris Berger said over the last four years, it was staff's mission to resurface all of Bellbrook Avenue, which had been completed in sections. This section still needed to be done. Mr. Merriman noted that the criteria for the grant funding available fit this area/project. Councilman Brannum asked Mr. Berger to check into the valve at Industrial and Bellbrook; he feared it was in need of replacement, which should be done before the paving began. Mr. Berger noted his suggestion. Councilman Scrivens asked if all the infrastructure had been improved (water and sewer). Mr. Merriman said he would check to be certain. Hearing no further comments, President Smith entertained introduction of Resolution 2022-I as presented.

Councilman Dean presented RESOLUTION 2022-I AWARDED THE BID AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH BARRETT PAVING MATERIALS, INC., FOR THE BELLBROOK AVENUE (PEACEPIPE TRAIL TO ALLISON AVENUE) RESURFACING PROJECT, and it was read for the first time.

5. Administrative Motion Approving the Schedule of Bills in the amount of \$244,389.19. Mr. Duke respectfully requested the payment of bills in the amount of \$244,389.19.

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

Motion by Councilman Brannum, seconded by Councilwoman Dean, to approve the schedule of bills in the amount of \$244,389.19. No discussion followed. The Roll on this was the following:

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

I. APPOINTED OFFICIALS REPORTS

President Smith asked Mr. Duke for his comments. Mr. Duke had nothing further to share.

President Smith asked Ms. Fisher for her comments. Ms. Fisher said she participated in a OneOhio webinar on Friday, February 4th. She explained that as part of the settlement, the State of Ohio was divided into 8 metropolitan regions and include big cities, such as Franklin County [Columbus], Cuyahoga County [Cleveland], etc.; the remaining regions were all non-metropolitan regions made up of multiple counties. Xenia was assigned to Region 14, which consists of 7 counties. There was no set government structure on how OneOhio would work, and each region had to set up its own structure on how to govern itself. She suggested, and was seeking Council's blessing, that she get in touch with Greene County Prosecutor David Hayes, who represents all 12 Greene County Townships and the County itself, and together they can try to come up with a structure for Greene County and hopefully get the other Counties in Region 14 to do the same. She noted each Region

would get one representative on the State Foundation Board. The Regions themselves would not be in charge of the money, and the State Foundation would authorize the funding for various projects. They have to start somewhere for this 18-year agreement, and perhaps Greene County could lead the charge. Mayor Mays said this subject was a hot topic at the recent Mayors and Managers meeting; everybody was very confused and had many questions. Vice President Urschel asked if Xenia would receive a settlement separate from this one. Ms. Fisher said yes; each political subdivision would receive a direct payment. Then, every region gets a seat on the Board to determine which specific projects would be funded from the remaining settlement dollars. Vice President Urschel asked how many regions were in Ohio. Ms. Fisher said there are 19 in total.

Motion by Councilman Scrivens, seconded by Vice President Urschel, to appoint Law Director Donnette Fisher as the interim person to reach out to Greene County in an attempt to formulate the OneOhio Planning Committee for Region 14 and to work with Finance Director Ryan Duke on this initiative. No discussion followed. The Roll on this was the following:

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

Nays: None motion carried.

President Smith asked Mr. Merriman for his comments. Mr. Merriman said the weather event from February 2nd through February 4th was the most significant in over a decade. The City saw rain, then freezing rain resulting in ice, sleet, and then 6” to 8” of snow. Public Service workers could not pretreat the roads with all the rain. He expected some people in the community to not be entirely satisfied with the City’s response and service delivery, and he acknowledged there was always room for improvement. That said, he noted Public Service personnel worked around the clock in 12-hour shifts from 10 p.m. on Wednesday through Saturday evening, including their supervisors who are salaried employees. An 8-man crew also went out on Sunday, to include dealing with a water main break. It was a significant effort. Everyone owes them a “thank you” and some pats on their backs. The City cannot get to every road exactly when citizens want it. He personally drove around the City for two hours on Friday and again on Saturday. He agreed that some streets still looked bad—particularly Whisper Lane and Kathy’s Way. After some discussion with staff, he extended a commitment to evaluate the snow routes with the intent to make some changes, acknowledging that some streets are always done last. The community has grown, and they need to make some adjustments. Further, technology could be used to help track which streets were plowed and treated to result in a much more efficient operation. During the winter storm event, they were also dealing with fuel issues, noting a delivery was not able to be made and then the motherboard failed at the City’s pumps. Snow plowing services was a very expensive endeavor—for staff, equipment, and materials/supplies—but it was essential. There were many unique circumstances that they had to deal with during this storm. While there were some complaints, there were also many comments of gratitude, which were appreciated. Finally, he reported that City offices would be closed in observance of Presidents Day on Monday, February 21st.

President Smith agreed that Public Service workers did a very nice job. Vice President Urschel agreed, noting there was 18 million square feet of roadway in the City of Xenia—the equivalent of a two-lane road from Xenia to Cleveland. The cul-de-sacs, vehicles parked on the roadways, and other obstacles, including people driving on the roads, all make the job much harder. Regarding driveways, it was impossible for plow drivers to avoid putting snow in front of the thousands of driveways in the City. Further, with the ice, they could not pretreat the roads, and the ice under the

snow made the job even harder. He reminded everyone that the plow drivers do not remove the snow from the City—they just push it out of the way and clear the roadways. By Saturday, roads were very passable ... he was amazed. They did a great job.

J. REPORTS OF BOARDS, COMMISSIONS, AND COMMITTEES:

1. Board for Recreation, Arts, and Cultural Activities: Mayor Mays said the February 1st meeting was canceled; the next meeting will be March 1st, at which time they will start planning the annual Easter Egg Hunt to be held at Shawnee Park on Saturday, April 16th.

2. Economic Development Advisory Board: Vice President Urschel said the February 8th quarterly meeting was canceled. The next regularly scheduled meeting is May 10th. He said it was important for Council to discuss economic priorities at the Council Retreat on Saturday and determine strategies for X-Plan, which was scheduled to be refreshed/updated. The Council and staff have work to do first before engaging the Board members for advice.

President Smith noted the February 3rd Planning and Zoning Commission meeting was rescheduled to February 17th due to the winter storm.

K. COUNCIL COMMENTS:

Councilwoman Dean said “Who Dey!”

Councilman Scrivens congratulated everyone in Xenia for making it through the recent winter storm. It was nice to see neighbors helping each other. He commented on the number of recent water main breaks, noting the Public Service workers were overwhelmed with the winter storm and water main breaks. As Vice President Urschel stated, the City has enough roadway to go all the way to Cleveland, and everybody’s street cannot be done first. He thanked the workers for doing an excellent job removing the snow. He commented on the lack of a pedestrian walkway on N. Columbus Avenue. Residents in that area don’t have anywhere to walk with or without snow piles on the side of the roadway. He believed State funding was available and asked Mr. Berger to check into it. He was glad to see Coach Brady in the audience this evening. Coach Brady and his friends had a park structure that supported them, and they benefited from that. He was glad to see their interest in revitalizing the park structure in the East End. Today’s children need to grow up playing in the dirt, and he was glad that Lexington Park was a part of Council’s conversation with regard to budget priorities. He would like some of the ARPA dollars designated for the park.

Councilman Brannum said of course there were some complaints on Facebook, but he felt the Public Service workers did a phenomenal job. The workers who drive the snow plows are the same workers who take a freezing cold bath to fix water main breaks. They do it all.

Councilman Dean echoed others’ comments—Public Service did a great job. He noted he was recently on a job and a water meter was buried under the snow. He thanked the Public Service worker (he did not get his name) who came and located it, saving him a lot of time.

Vice President Urschel thanked Mr. Brady for attending the meeting to talk about Lexington Park. The City did not have the resources to manage activities at the park, but many organizations would bring activities to the park, including Wilberforce, Central State, and Cedarville Universities,

Athletes in Action, etc., if they could get kids there. He noted the City's Park Department only had 1 to 2 employees. At one point, people thought the City would organize activities, but that was just not going to happen. Those interested are now stepping forward to partner with the City. They have taken the first step forward, and involvement equals hope.

Mayor Mays said over the last two weeks, she attended the Wendy's grand opening, noting they invested a lot of money to tear down and rebuild the restaurant. On February 2nd, she and Development Director Steve Brodsky attended the annual Dayton Development Day Coalition luncheon. On February 5th, she attended Doug Yates' Miami Valley Tournament Association event where eight Hall of Fame recipients were named and 118 received awards. It was a fun evening at the Schindler Banquet Center. On February 9th, she attended a Friends of Scouting breakfast, and that evening, she attended Mayors and Managers. She also thanked Public Service for their efforts. She recognized that negative comments take a toll after a while. They just need to say thank you and be supportive. She thanked Public Service for all their hours of hard work. She congratulated Xenia Fire Captain Greg Beegle on 20 years with the City. He was a great guy, and it was not just a job to him. He truly enjoyed serving this community. She planned to attend the "Made to Thrive" conference on April 1st and 2nd at the Xenia Community Center, which would feature one of her favorite authors, Dr. Tammy Smith. Tickets are on sale now for those interested.

President Smith wished everyone a "Happy Valentine's Day" on February 14th and "Happy Presidents' Day" on February 21st. He announced the Ohio River Road Runners Club would host a half marathon and a full marathon in the City on April 3rd, which was a Boston Marathon qualifier. He noted the Cincinnati Bengals decorations in the City Council Chambers, noting City funds did not pay for them. He purchased them because he has been a season ticket holder since 2013. Over the years, there have been some dismal seasons; needless to say, he was very excited. Congratulations to the Bengals for making it to Superbowl LVI. Who Dey! He noted Pastor Sherer arrived after the start of the meeting and was in the audience. He asked Pastor Sherer if he would like to close out the meeting with a prayer. Pastor Sherer was happy to oblige. He came to the podium and led those present in prayer.

L. EXECUTIVE SESSION: None.

M. WORK SESSION: None.

N. ADJOURNMENT: Motion by Councilwoman Dean, seconded by Mayor Mays, to adjourn the Regular Meeting at 7:17 p.m. No discussion followed. The Roll on this was the following:

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

Nays: None motion carried.

Michelle D. Johnson
City Clerk

Wesley Smith, President
Xenia City Council