

**XENIA CITY COUNCIL
MEETING MINUTES
FEBRUARY 24, 2022
6:00 P.M.**

Senior Pastor Todd Martin, Liberty Worship Center, provided the Invocation.

A. PLEDGE OF ALLEGIANCE: All present stood and recited the Pledge of Allegiance led by Councilman Levi Dean.

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 Councilwoman Dean, to approve the February 10, 2022, minutes of the Regular Meeting as written. President Smith entertained comments or questions. None were presented. The Roll on this was the following:

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

Nays: None motion carried.

Motion by Councilwoman Dean, seconded by Vice President Urschel, to approve the February 12, 2022, minutes of the Special Meeting as written. President Smith thanked the City Clerk for reducing over seven (7) hours of discussion into only eight (8) pages of minutes. He then entertained comments or questions. Mayor Mays noted the correction of the time of the meeting, which was at 9 a.m. (The official record had already been corrected following publication of the draft minutes.) The Roll on this was the following:

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

Abstain: L. Dean

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. No one came forward to speak.

G. OLD BUSINESS:

1. President Smith 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**, introduced by Councilwoman Dean on 02/10/2022, and it was read for a second time.

Motion by Councilwoman Dean, seconded by Mayor Mays, to pass Resolution 2022-H as presented. Brief comments followed. Councilwoman Dean said she was very excited for this project because she loves food and business. Mayor Mays concurred. President Smith recognized

Ms. Bridget Walker of O’Neal’s Catering in the audience. He thanked staff for expediting this process. He was always excited to see the expansion of existing businesses as well as new businesses in the community. 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 **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**, introduced by Councilman Dean on 02/10/2022, and it was read for a second time.

Motion by Councilman Dean, seconded by Councilman Brannum, to pass Resolution 2022-I as presented. Brief comment followed. President Smith said the completion date listed for this project was June 30, 2022. City Engineer Chris Berger confirmed that date. 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 2022-04 AMENDING SECTIONS 1220.01(e), 1220.10(b), 1220.11, 1226.06 AND 1244.02, AND REPEALING SECTION 1220.10(d)(2), OF THE CITY OF XENIA’S LAND DEVELOPMENT CODE, AND ADOPTING THE REVISED FEMA FLOOD INSURANCE RATE MAPS EFFECTIVE MARCH 8, 2022, AND DECLARING AN EMERGENCY.** Law Director Donnette Fisher said on September 8, 2021, the City of Xenia was notified that officials at the Federal Emergency Management Agency (FEMA) prepared and accepted the latest Flood Insurance Study for the City of Xenia and the rest of Greene County. The results of the study establish the 100-year floodplain, which also provides for the development of the Flood Insurance Rate Maps. These maps are revised/updated as necessary for each county and its respective jurisdictions every ten (10) years. No significant changes have been made to the flood hazard data for Greene County, but for the City of Xenia to continue to be a part of the National Flood Insurance Program (NFIP) when the new flood insurance rate maps become effective on March 8, 2022, City Council must (1) adopt the new Flood Insurance Rate Maps and (2) make certain flood plain regulation amendments to the City’s Land Development Code per the Ohio Department of Natural Resources’ (ODNR) model. The amendments were sent to ODNR back in 2021, but due to their delayed response, this Ordinance is being presented as an emergency due to the March 8th deadline. The City’s Planning and Zoning Commission (PZC) reviewed the proposed amendments to the LDC at their meeting on February 17, 2022. The staff report summarized the reasonings for each of the proposed amendments.

President Smith entertained comments or questions. Councilman Scrivens thanked Ms. Fisher for her due diligence and work on these important amendments. Councilman Brannum thanked Mr. Berger for providing the timeline of events in an email to Council, which helped to explain the need for the emergency Ordinance.

President Smith opened the public hearing at 6:09 p.m. and asked for those wishing to speak in favor of the amendments to the City's Land Development Code to come forward. No one came forward to speak. He then asked for those wishing to speak against the amendments to the City's Land Development Code to come forward. No one came forward to speak. He closed the public hearing at 6:10 p.m. and entertained a motion to adopt Ordinance 2022-04 as an emergency.

Motion by Mayor Mays, seconded by Councilman Scrivens, to adopt Ordinance 2022-04 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. Introduction of Ordinance 2022-05 Amending Section 260.04, titled "Holidays," of the City's Administrative Code, as contained in Part Two of the Xenia City Code. Assistant City Manager Jared Holloway said he was presenting this on behalf of the City's Administrative Steering Committee (ASC), which was the three Appointed Officials and the Xenia Municipal Court Clerk of Courts. He explained that on June 17, 2021, President Biden signed legislation making June 19th, known as Juneteenth, a nationally recognized holiday effective June 19, 2021. The ASC was recommending to City Council that the existing policy on holidays be amended to include Juneteenth as a recognized holiday for nonunion staff and authorize the City Manager to negotiate with the bargaining units for recognition of the same. The adoption of this amendment would memorialize in the Administrative Code the addition of Juneteenth (June 19th – all day) as an observed City holiday. He noted that the federal government, the State of Ohio, and Greene County have already recognized this holiday, and this action would follow suit to celebrate the end of slavery.

President Smith entertained questions or comments. Vice President Urschel asked if the negotiations with the bargaining units would occur before observance of the holiday this year. Mr. Holloway said yes, that was the intent. Hearing nothing further, President Smith entertained introduction of Ordinance 2022-05 as presented.

Councilman Scrivens presented ORDINANCE 2022-05 AMENDING SECTION 260.04, TITLED "HOLIDAYS," OF THE CITY'S ADMINISTRATIVE CODE, AS CONTAINED IN PART TWO OF THE XENIA CITY CODE, and it was read for the first time.

3. Introduction of Resolution 2022-J Amending Appendix 2 of the Employees' Benefits Manual (Nonunion Wage Ranges) for the Year 2022. Mr. Holloway said as Council was aware, City staff concluded negotiations with all seven (7) bargaining units that included three-year adjustments of a 2.5% increase in year one, a 2.25% increase in year two, and a 2.25% increase in year three. The Administrative Steering Committee (ASC) met to discuss wage adjustment options for nonunion staff. The Committee considered the City's financial position and the comparison data of similarly sized cities as the key factors before coming to a consensus to recommend Council increase the nonunion pay scale by 3% for year 2022. He noted this action would only amend the pay scale; increases would not be automatic and would be based on their annual evaluations to be approved by their immediate supervisor and Appointed Official. The ASC was also recommending an amendment to the Compensation Plan Structure and Procedures to allow an annual lump sum payment to employees not to exceed \$5,000 at the discretion of the appointed officials or the Judge,

which would be used in circumstances to bring equity between positions where subordinates' pay was outpacing that of their supervisor (i.e., Deputy Fire Chief) or in circumstances where the labor market was demanding higher wages for specific disciplines (e.g., Civil Engineering).

President Smith entertained questions or comments. Vice President Urschel asked if the \$5,000 lump sum payment was a one-time payment or if the base wage would be increased. Also, he asked if the purpose was to put the employee above the maximum pay range. Mr. Holloway said it was a one-time payment, and yes, it would put the employee over the maximum pay range. Vice President Urschel said he understood that they want to increase the maximum pay range to give staff flexibility in hiring and pay based on qualifications; however, he asked why the minimum pay range needed to be increased. He said once the minimum was increased, there was no going back unless they come back and change it again. He did not see a downside to leaving the minimum "as is" and recalculating the midpoint. Mr. Holloway believed there was a concern with the maximum ranges overlapping the next range's minimum if only the maximum was increased. Overall, the compensation study was approved in 2008, and while modifications had been made, they need to update it and look at other models. It was difficult to have set ranges, especially with market changes. He noted union employees' wages are negotiated and set by contract. Mr. Duke said if Council did not wish to increase the minimum range, they may as well set it a \$0.00 and do away with the midpoint. However, he felt the minimum and midpoint were important and valuable when extending an offer of an employment to an individual because it shows what the City believes what the market dictates for each position. Mr. Holloway agreed that the minimum and maximum of a pay range was included in the postings when recruiting for jobs. If the minimum number was really low, a potential candidate may think that was where he or she would start, and then probably would not even apply for the job. Ms. Fisher added that most nonunion employees are managerial positions (Division/Department Heads), with the exception of Municipal Court employees (Deputy Clerks). If a union employee wished to apply for a Supervisor job, they need to ensure there was a proper gap between the highest union wage and the lowest minimum pay range for that particular supervisor position.

Hearing nothing further, President Smith entertained introduction of Resolution 2022-J as presented.

Mayor Mays presented RESOLUTION 2022-J AMENDING APPENDIX 2 OF THE EMPLOYEES' BENEFITS MANUAL (NONUNION WAGE RANGES) FOR THE YEAR 2022, and it was read for the first time.

4. Administrative Motion Approving the Schedule of Bills in the amount of \$392,733.16.

Mr. Duke respectfully requested the payment of bills in the amount of \$392,733.16.

President Smith entertained questions or comments. Councilman Scrivens noted the payment for a traffic study shown on page 9 and asked where the study was conducted. Mr. Holloway said the traffic study was part of the redevelopment of Xenia Towne Square project. Hearing nothing further, President Smith entertained a motion.

Motion by Councilman Scrivens, seconded by Councilman Brannum, to approve the schedule of bills in the amount of \$392,733.16. 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 said the software transition had begun, with yesterday being the last day operating with the old Utility Billing software. The new software includes numerous modules for accounts payable, payroll, human resources, utility billing, asset management, cash receipting, etc. There would be some downtime and some changes with regard to how people are paying their utility bills online. The previous online bill pay option was no longer available, and the new bill pay option would be launched on March 1st and would include many new options such as Apple Pay, Google Pay, Venmo, etc. There would not be any transaction fees to use the new online bill pay option for utility bills; it was still undetermined if there would be transaction fees associated with paying parking tickets, an outstanding weed mowing violation, etc. He encouraged users to pay electronically/digitally, which was most efficient method for the City to process payments. He appreciated customers' patience as they move to the new system. Until the new system was online, customers can continue to pay in person or drop off a payment at the City Administration or use the PSN option. He anticipated a few hours on March 1st when they would not be able to accept payments at the window. Updated information can be found on the City's website, and customers can reach out to Utility Billing or the Finance Department with any questions they may have. He anticipated the new bill pay system would be up and running before the March 4th payment due date. He also anticipated rolling out new options and enhanced features to allow customers to view their water consumption in real time.

Vice President Urschel asked if the transition to the new bill pay system would interfere with a shut off week. Mr. Duke said they just completed a shut off week; the normal monthly bills are due on March 4th. He was certain they would be busy helping people through the process of getting switched over and there would be a learning curve, but he believed it would be a much better option for residents.

President Smith asked Ms. Fisher for her comments. Ms. Fisher said per her recent email to City Council, the Greene County Board of Elections had advised that the proposed ballot language as presented in the adopted ordinance for the proposed Charter amendments on the May 3rd ballot was not approved by the Ohio Secretary of State's office due to its length. She appreciated that the Board of Elections allowed her to modify the language with the requirement that it would fit on half of a ballot page. She would let Council know as soon as she heard back if the revised language was approved. She noted that the exhibit to the ordinance would be posted at all polling locations to show all the proposed amendments.

President Smith asked Mr. Holloway for his comments. Mr. Holloway announced that the City of Xenia was conducting another public auction to include bikes and other miscellaneous items. There was a need to schedule several Council Standing Committee meetings, and he would be reaching out to the committee members accordingly. Finally, he said freezing weather was expected overnight, and he encouraged everyone to drive safe tonight and tomorrow morning.

J. REPORTS OF BOARDS, COMMISSIONS, AND COMMITTEES:

1. Planning and Zoning Commission: President Smith said the PZC meeting was rescheduled from February 3rd to February 17th due to the ice and snow event that first week of

February. They welcomed new member Mary Haller and elected Faith Sorice to serve as the Vice Chair of PZC for 2022. They also reviewed the following cases:

- Case PZC2022-01: Zoning Text Amendment to the Land Development Code to update the City of Xenia's floodplain development regulations to comply with current FEMA requirements and the Ohio Department of Natural Resources' model regulations, while also adopting FEMA's updated 2022 flood maps, in order to allow the City to continue to be a part of the National Flood Insurance Program, which was endorsed to City Council and acted on earlier this evening.
- Case PZC2022-02: Alternative Equivalent Review to modify a climate-controlled storage building façade that was not built per plans previously approved by PZC in an Alternative Equivalent Review, filed by Mt. Holly Farms, 1967 Bellbrook Avenue, which was approved.
- Case PZC2022-03: Xenia Towne Square Redevelopment Plan, which was endorsed to City Council. He reported that Council would hold a special meeting on March 1st at 7 p.m. to hear and discuss the plan.

K. COUNCIL COMMENTS:

Councilwoman Dean said she was praying for Ukraine, noting the situation was 100% preventable.

Councilman Scrivens said there was fighting in Ukraine and in other places around the world, and freedom was not free. He asked how they would defend their freedom.

Councilman Brannum congratulated Public Service worker Rick “Rowdy” Templeton, who recently retired from the City of Xenia. He wished him good luck in his retirement.

Councilman Dean had nothing further to share.

Mayor Mays said she met with the Executive Director Kent Scarrett of the Ohio Municipal League (OML), and they had a good conversation about how to be involved with OML and shared their concerns with some recent House Bills. She also met and had a good conversation with Greene County Commissioner Rick Perales this week as she continued to build her relationship with the County. Yesterday, she met with Ohio Senator Matt Dolan, who serves as the chair of the Finance Committee, and they also discussed concerns with some House Bills. She feels that he understands local government. She thanked staff for their efforts with the recent Council Retreat held on February 12th; she recognized that a lot of effort went into the event. She appreciated the all-day event where they held many important discussions. She noted there was a residential fire on her street earlier in the day, and she appreciated all the calls and texts of concern. She reported that everyone was safe, and she appreciated the excellent work of the Xenia Fire Division, Cedarville Fire Department, Beavercreek Township Fire, and Xenia Township Fire Department. Finally, she wished her mother a very “Happy Birthday ... Love you!”

Vice President Urschel said he had been working with a City of Fairborn Councilmember regarding how municipal courts are funded in the State of Ohio. They also met with Montgomery County Common Pleas Court and Municipal Court Administrator Steven Hollon, who was very helpful in providing insight in how the courts are structured and their funding process. He noted Mr. Hollon previously worked as the Court Administrator for the Ohio Supreme Court and gave them good input on how some proposed changes would be received by the Ohio Supreme Court. He explained that the City of Xenia was currently underwriting the Xenia Municipal Court in the amount of about \$600,000 per year, and the City of Fairborn was underwriting the Fairborn Municipal Court in the

amount of about \$1.2 million per year. The next step would include meeting with the two City Managers in March. They may also include the City Law Directors.

President Smith thanked everyone for watching the meeting and those in attendance. He reminded everyone that it did not cost anything to be kind and smile. Kindness was free. He thanked his colleagues for the time they have committed to City Council. They had a long meeting last Saturday and will have plenty of meetings in the future.

L. EXECUTIVE SESSION: None.

M. WORK SESSION: None.

N. ADJOURNMENT: Motion by Councilwoman Dean, seconded by Councilman Brannum, to adjourn the Regular Meeting at 6:39 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 E. Smith, President
Xenia City Council