

**XENIA CITY COUNCIL  
MEETING MINUTES  
MARCH 25, 2021  
REGULAR MEETING**

Those present observed a moment of silence before the Call to Order.

**A. CALL TO ORDER:** President Wesley Smith called the Regular Meeting to order at 6:00 p.m.<sup>1</sup>

**B. PLEDGE OF ALLEGIANCE:** President Smith changed the order of the agenda and asked all participants to recite the Pledge of Allegiance led by Mayor Sarah Mays before the Roll call.

**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 Scrivens, seconded by Councilwoman Dean, to approve the March 11, 2021, minutes of the Regular Meeting as written. No comments followed. The Roll on this was the following:

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

Nays: None                      motion carried.

**E. SPECIAL PRESENTATION(S):** None.

**F. AUDIENCE COMMENTS:** President Smith said the meeting was open to the public. He invited anyone wishing to speak to come to the podium, noting there was a public hearing on the agenda as well, and they will have an opportunity to speak at that time as well. Nobody came forward to speak.

**G. OLD BUSINESS:**

1. President Smith presented **RESOLUTION 2021-Q AMENDING POLICY EBM-3.10, TITLED "HEALTH & DENTAL INSURANCE," OF THE CITY OF XENIA EMPLOYEES' BENEFITS MANUAL**, originally introduced by Councilman Urschel on 03/11/2021, and it was read for a second time.

Motion by Councilman Urschel, seconded by Mayor Mays, to pass Resolution 2021-Q as written. Brief comments followed. President Smith said this Resolution is presented upon the recommendation of the Administrative Steering Committee. 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):**

1. President Smith presented **RESOLUTION 2021-P APPROVING THE APPLICATION SUBMITTED BY THE CITY MANAGER FOR THE ESTABLISHMENT**

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<sup>1</sup> Due to COVID-19, the meeting was open to the public with limited capacity and social distancing; one staff member joined via Zoom videoconferencing

**OF A DESIGNATED OUTDOOR REFRESHMENT AREA (DORA) IN THE CITY’S HISTORIC DOWNTOWN DISTRICT**, originally introduced by Councilwoman Dean on 03/11/2021, and it was read for a second time. He asked Law Director Donnette Fisher a procedural question about when to conduct the public hearing. Ms. Fisher said President Smith should entertain a motion and a second on Resolution 2021-P and then open the public hearing. President Smith entertained a motion.

Motion by Councilwoman Dean, seconded by Councilman Brannum, to pass Resolution 2021-P as written. President Smith then opened the public hearing at 6:10 p.m. and asked those wishing to speak in favor of Resolution 2021-P to approve the DORA application to come forward to speak.

Doug Lane, owner of Devil Wind Brewing, 130 S. Detroit Street, said he is in favor of the Designated Outdoor Refreshment Area for many reasons. He wished to address one of the main concerns he has heard about regarding alcohol in public. He said people are concerned about public drunkenness and/or disorderly conduct. He said there is already a heavy police presence in Xenia with the City of Xenia Police Division, Greene County Sheriff, and Ohio State Patrol, which he believed would help stem any issues of any kind for those participating in the DORA. The jurisdictions that have approved DORAs and have started implementing them have stated that there is an increase of those coming into and visiting their downtown areas, which has effectively decreased the amount of negative issues. He believed the increased volume of people actually discourages people from causing trouble, although those who wish to cause problems will cause problems with or without a DORA. The cities of Middletown, Chillicothe, and Wilmington have a negative reputation, which is similar to Xenia’s reputation, and the implementation of DORAs in those cities has actually helped and their downtowns are thriving with more businesses and more patrons and visitors. Xenia is similar ... there is a lot of potential in this community to continue to grow and expand and get rid of the City’s bad reputation. The more people who visit the downtown will only make things better for everyone, especially with the new development that will be going in at Xenia Towne Square. The DORA will bring more people to the downtown area for community events and will allow people to see all the good that Xenia has to offer.

President Smith entertained additional comments in favor of Resolution 2021-P. Hearing none, he noted the City Clerk received a total of 44 emails in support of the DORA, 41 emails opposed to the DORA, and two emails from those with general questions and concerns as follows:

Those who sent emails ***IN FAVOR OF*** the DORA:

<b>Name</b>	<b>Home or Business (if provided)</b>
Blair Davis	Montgomery Insurance & Investments
Chad Curtis	“lifelong resident of Xenia”
Tyler McCormick	President, Collett Propane Inc.
Becky Hawkes	FLOUR Bake Shop and Gift Box Shop
Billy Lampiasi	Xenia Smoke Shop, 37 E. Main Street
Nelson King	754 N. West Street
Jennifer Dunn	Eavey Exchange, 17 W. Third Street
Chamber of Commerce	*Signed by Alan Liming (President/CEO) and Matthew Bennett (Chairman of the Board)
Heidi Hilderbrandt	The Flower Stop (owner/designer)
Chad Galliger	1984 Sierra Trail
Melissa Galliger	1984 Sierra Trail
Todd Hiney	Hiney Companies, 1101 S. Columbus Street
Marc Perkins	Nick’s Restaurant , 1443 N. Detroit Street

Matt Radel	Lives in Hamilton in their DORA
Melissa Rinehart	54 Kinsey Road
Jane and Brian Newton	Collett Services
Scott and Shandah Brannen	Home: 41 Hardacre Drive Business: SB III Fire Protection Company, 249 Bellbrook Avenue
Sean and Kiann Phillips	370 Woodcrest Way
Dave Walton	20205 Hancock Court
Jen Saunders	640 Waynesville Jamestown Road
Amber Lawson	Hiney Companies
Brian Abner	General Manager, Hiney Companies 1101 S. Columbus Street
Angela Hinkle	239 Omalee Drive
Kristie Dotson Boyer	349 Country Club Drive
Tom Swigart	Tiffanys Jewelers, 179 W. Main Street
Brianna Hyslope	887 N. Columbus Street
Tammy and Tim Clark	843 Blackfoot Trail, Jamestown
Andy Lewis	Gladiator Training Center, E. Second Street
Missy Krause	Not provided
Shannon Huff, Owner	Halo Salon, 29 S. Detroit Street
Timothy Blackburn	Owns home in Xenia, practices law in Xenia
Andy McConaughy	Lives in Xenia
Cathy Winter Brown	983 Mound Court
Doug and Leslie Johnson	1717 Stone Road
Sean and Searsa Brannen	Home: 1144 Woodland Drive Business: SB III Fire Protection Company, 249 Bellbrook Avenue
Justin and Brook Lodge	1119 Woodland Drive
Michael and Lisa Anderson	269 N. King Street
Greg Bernitt	“business and property owner”
Donna Templeton	701 Mt. Vernon Drive
Chrissy Roundtree	904 Louise Drive
John Zeller	Zeller Insurance, 508 N. Detroit Street
Melanie Thomas	Gypsy Alley Boutique
Elaine Hughes and Robert Dillaplain	1293 Gultice Road
Davin Carson	Carson’s Treasures

Those who sent emails ***OPPOSED TO*** the DORA:

<b>Name</b>	<b>Home or Business Address (if provided)</b>
Barb Colaner	784 S. Detroit Street
Mary Amlin	Omalee Drive
Marty Larson	2228 Sierra Trail
John Sherer	Not provided
Kay Bond	Not provided
Denver and Betty Griffitts	Wright Cycle Estates
Sharleen Venters	1431 Foust Road
Desney Burrick	Not provided
Janda Bicknell	Not provided
Barry Skelly	Not provided
Michael Parks	Pastor, Ledbetter Road Church of God
Cindy McKinney	Not provided
Karan Puttin	Not provided
Harold (no last name provided)	Not provided
Mary Pence	Not provided
Patricia Carey	Not provided
John Terrell	Not provided

Paul and Susan Jero	251 Mount Vernon Drive
Tim and Cindy Anderson	1530 Pavey Place
Susan Crumbacher	774 S. Detroit Street
Pam Jordan	91 Tackett Drive
Darren and Cheryl Sabo	“Concerned Citizens of Xenia Township”
Mark Atherton	Not provided
Donna Thomas	348 Omalee Drive
Edythe Baker	1352 Jasper Road
Karen Cummings	Not provided
Debbie Frye	Not provided
David Dameron	572 Jodee Drive
Denise Davis	976 Orville Way
Dana Cline	583 Nevada Drive
Kyle Thompson	One Bistro
Sarah Kinnison	Not provided
Diane Dixon	976 Orville Way
Hannah Lutz	895 Murray Hill Drive
Greg Couser	Not provided
Jeanne Adelsberger	Not provided
David and Debbie Beam	“concerned citizens of Xenia Township”
Barbara Jean Powell	637 Nevada Drive
Melissa Kay Sanders	Not provided
Mike Burtnett, Pastor	Mount Zion Church, 428 Shepherd Road
M. David Chrisman	380 N. West Street

John Saraga did not voice his opinion for or against but presented several questions, and William Schwochow, Pastor, First Evangelical Lutheran Church, voiced concerns, presented questions, and encouraged cooperation so the project is mutually beneficial. For the sake of time, President Smith did not read each email into the record. He then invited those wishing to speak in opposition to Resolution 2021-P to come forward.

Denise Davis, 976 Orville Way, said she submitted an email, but she wished to read her comments into the record. She then read her email in its entirety as follows: “I am not against alcohol or responsible drinking for those of a legal age; however, using alcohol as a means to lure foot traffic to our downtown shops and bait to attract business owners to set up shop in Xenia seems preposterous and quite frankly, is concerning about what we may be fishing for and our measurements of success. Some of the reasons I am opposed to DORA for Xenia are as follows:

- The area proposed is too large and it doesn’t make sense especially with little existing shopping/restaurants.
- Our downtown area is nothing like Lebanon or the Oregon District with bars, restaurants and small shops being in one, compact area.
- Two of the five establishments mentioned in the DORA proposed area already have an outdoor dining area where folks can sit and enjoy a cold alcoholic beverage – Devil Wind and The Buck N Ear.
- I do not think this is going to encourage a lot of ‘drunks stumbling around our streets’ but I am very concerned about DORA cups being passed off to under-age individuals and folks taking advantage of the younger citizens of Xenia.
- We are also a city known for its immense efforts in caring for the homeless, the elderly, the addicted, the poor, the food insecure, and those in recovery, through a large number of non-profits. For the City of Xenia to endorse and support DORA seems counterproductive to the good works so many have done and continue to do.
- Xenia also has a large community of adults and young adults with disabilities and mental illness. This is a very vulnerable group of citizens and I question how DORA would impact or benefit them.
- Xenia and especially our downtown area, already has a ‘trash’ problem and DORA would compound the problem. Additionally, plastic DORA cups are not good for our environment!

- If folks want something like DORA for a few celebratory events per year in the city they can purchase permits to allow for alcohol in a designated area – this should not be at the expense of the entire community or the City of Xenia.
- When I think about all the wonderful things the City of Xenia has done, currently does and plans to do for our community, DORA is not one of them. Paying for a DORA plan which includes a public safety officer to monitor the plan, the cost of communicating and educating businesses & the public, a sanitation plan/person, production & expense of signage, business stickers, plastic DORA cups...it just all doesn't add up to something I believe the City of Xenia should be paying for or endorsing.
- I do applaud those who are interested in doing their part to revitalize the downtown area and who are trying to think creatively about attracting businesses to our community. I, too, am interested; however, I challenge the thinking that DORA is the answer. As I look at the crafty presentations, clever wording and shiny fliers with a seemingly innocent picture of a young couple strolling the streets with a baby in carriage and an alcoholic beverage in hand, it seems like rhetoric under the auspicious of being a boon to our downtown and economic development. I sincerely and most respectfully, urge you to think again and vote NO for the proposed DORA for Xenia.”

Kristy Kettering, 1764 Irvin Road, Jamestown, said even though she currently lives in Jamestown, she was raised in Xenia. She just heard about the proposed DORA, and she asked who stands to benefit from the DORA and who could be harmed by the DORA. She asked City Council to consider those questions.

Hearing no further comments, President Smith closed the public hearing at 6:22 p.m. and asked City Manager Brent Merriman for his staff report.

Mr. Merriman said this process has a very specific timeline as established by statute, and one concern that has been raised is the lack of time to consider the public's feedback before voting on the resolution. He said staff's role is to present to Council the policy options that Council will decide upon—either to approve or disapprove. The DORA is Council's decision, and while staff has put a lot of time into this because they believe the DORA presents an opportunity as a tool to help the downtown (not THE tool that fixes all the problems), he said Council should not feel rushed to make a decision. If they wished to table the decision for further deliberation, he encouraged them to do so. He explained that this particular effort will cease due to failure to act, but it could be brought back and reintroduced at a later date for consideration. Ms. Fisher agreed; however, she encouraged Council to render a vote versus not taking any action at all. This is not a Division of Liquor Control decision—this is a local decision. If approved, the DORA can be amended (such as reducing the size of the DORA) or repealed at any time.

President Smith asked how the DORA cups would be handled; specifically, he asked if the cups are reusable/refillable. Mr. Merriman said a new cup would be provided with every purchase. Community Development Director Ryan Baker agreed, noting it would be an inexpensive plastic disposable cup. President Smith asked what businesses are open past 5 or 6 p.m. that would benefit from the DORA other than the liquor establishments. Mr. Merriman said he could shift the question and say perhaps the reason they are not open is because there is no traffic. Mayor Mays said one business that is open beyond 5 or 6 p.m. is Route 68 Vintage Toys, and the owners have expressed that they are not necessarily in favor of the DORA.

Councilwoman Dean said she would support the DORA because she believes it would be good for the downtown and will go hand-in-hand with the Xenia Towne Square redevelopment project. However, if there are issues, she would support amending or repealing it. She understands why some do not support it, but they have the power to change it or repeal it if necessary. They have got to do something different for the downtown area.

Councilman Scrivens said he has received more phone calls and emails in the last week than he has in the last year combined. He did not have an opportunity to respond to all of them. He is still undecided at this time.

Councilman Brannum said staff came to City Council beforehand to discuss this “hot button” issue, and Council, with the exception of Mayor Mays and Councilman Urschel (who wasn’t on Council at that time), asked staff to proceed. He personally supports the DORA. Xenia was hit with the tornado in 1974, and it took a toll on this community. The downtown has been sluggish for quite a while. The west side of town is doing good, but the downtown is lacking. Every business owner can decide whether they want to participate in the DORA or not. If they don’t accept it and don’t want to participate, they can put the appropriate sticker on their doors and windows. If people want to put liquor in a cup and walk around, they could if they really wanted to. He feels it is worth a shot. If there are problems, they can amend or rescind it.

Councilman Urschel said he was not on the Council when the DORA was presented for Council discussion. However, since that time, things have changed with the purchase of the leasehold interests at Xenia Towne Square. At this point, the City of Xenia is the predominant owner of the land area and the largest participant of the DORA. As they look at the future development of that land, they have expressed that they want public input. The DORA will change the flavor of the downtown area, and the residents need to weigh in. He has spent time over the last two Saturdays at the Xenia Station, the dog park, the Coffee Hub, etc., talking with people and most did not know anything about the DORA. Staff did a good job working with and communicating with the businesses in the downtown area, but they have to have a conversation with the general public. He recognized they have received almost 100 emails, but the population of the City is over 25,000 people. He believes they should table the motion until they have that input from the public. He asked Ms. Fisher if he could make a motion to table. Ms. Fisher said yes, a motion to table would be a subsidiary motion. However, she reiterated that she did not recommend a motion because Ohio Revised Code Section 4301.82) states the “legislative authority shall approve or disapprove” the DORA. If disapproved, Mr. Merriman could resubmit the application at a later date with or without changes.

Motion by Councilman Urschel to table Resolution 2021-P pending discussion of the Xenia Towne Square development project. Brief discussion followed. Mr. Merriman said if Resolution 2021-P is voted down, he would not bring it back to Council in 2021. Mayor Mays asked what would happen if the action is tabled. Mr. Merriman said it would essentially “kill” it due to the statutory timeline. Mayor Mays seconded the motion. Discussion followed.

Mayor Mays said she has been on City Council for 6 or 7 years, and if she combined all the emails she has received during that time, it still would not equal the amount of emails she has received on the DORA. It seems the public is split down the middle with the citizens against it and the businesses in favor of it. She is a huge proponent of Xenia’s businesses, and she frequents them all and supports them all. She has talked with Xenia’s former Mayor John Saraga as well as Fairborn’s Mayor. It was not a consumption of alcohol issue for her—she just did not want to see measures of success based on alcohol. She also wants to hear the public’s opinion on the Xenia Towne Square project. Once they have a set direction on that project, she would be happy to revisit the DORA again. She knows staff has done a ton of work on this, and she appreciates that because it shows they take their jobs seriously, particular Mr. Baker who is out there trying to figure out

ways to better the City's downtown. If the DORA passes tonight, she is on board but she is interested in tabling the vote this evening.

Ms. Fisher said a motion to table will essentially kill Resolution 2021-P, and it will be hanging out there forever.

Vice President Dean said regarding public input, most people are just apathetic and/or not interested with regard to government and what is going on in their cities, but 85 emails is a lot of public input. Regarding some concerns about litter issues, crime, public drunkenness, etc., he did not believe the DORA would evolve into a "Mardi Gras" party atmosphere. He believed the only time they would ever really see people walking around with beverages would be during special community events. It will not be an everyday thing, and Council has the power to impose time limits. He did not think it would affect life in Xenia—even those out and about with their children. He did not believe other communities with DORAs have experienced anything negative with the exception of a little more trash clean up. He supports the DORA, and it really comes down to personal responsibility. Those who go into an establishment to purchase a DORA cup/beverage and follow all the rules are not the ones who will probably cause any problems.

President Smith expressed his concerns about people reusing and refilling their own cups with liquor from their vehicles. He cannot control public behavior, and he did not believe that law enforcement had enough time to take on this issue. Therefore, he was not in favor of the DORA. He agreed he was originally in favor of the DORA, but that was before the Xenia Towne Square issue was presented to Council. The DORA is the entire Xenia Business District, except for midtown. He thinks they need more input on the Xenia Towne Square redevelopment, and now was not the time to implement the DORA.

Councilwoman Dean said they are elected to make decisions, and she believed they should take a vote on Resolution 2021-P. Councilman Urschel said they have to vote on the motion to table. Councilman Scrivens suggested they end the discussion and take a Roll Call on the subsidiary motion at hand. Councilman Brannum said there are no businesses in the largest part of the DORA, which is the Xenia Towne Square property—but who knows when development will actually occur at that site. Councilman Urschel reiterated with the Xenia Towne Square property, they have the ability to define a strategy to set the tone and flavor of that development.

President Smith entertained the Roll Call on the motion to table Resolution 2021-P, noting an aye vote is a vote to table. The Roll on the subsidiary motion was as follows:

Ayes: Urschel, Mays, Smith

Nays: L. Dean, Scrivens, R. Dean, Brannum                      motion failed.

President Smith entertained the Roll Call on the original motion to pass Resolution 2021-P, noting an aye vote is a vote to pass. The Roll on the main motion was as follows:

Ayes: L. Dean, R. Dean, Brannum

Nays: Scrivens, Urschel, Mays, Smith                      motion failed.

## **I. NEW BUSINESS:**

### **1. ORDINANCE 2021-07 AMENDING ORDINANCE 2021-02 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 said this ordinance makes two amendments to the City's Annual Appropriations. First, the City recently petitioned the Greene County Court of Common Pleas to approve a transfer of funds from the General Obligation Bond Payable Fund, which is no longer needed, to the City's General Fund. Staff is pleased to report that the Court granted the City's petition. Second, several water main breaks throughout the City have caused damage to a few streets that were recently paved. Staff would like to use water funds to properly repair these streets, as it was the water main breaks that caused the damage. To do so, however, money needs to be appropriated for these repairs. Therefore, an appropriation of the transfer to the General Fund is needed to move the money.

President Smith entertained a motion to adopt Ordinance 2021-07 as presented.

Motion by Mayor Mays, seconded by Councilwoman Dean, to pass Ordinance 2021-07 as written. No comments followed. The Roll on this was the following:

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

**2. RESOLUTION 2021-R AUTHORIZING A THEN AND NOW PAYMENT OF \$4,492.49 TO CARMEUSE AMERICAS FOR THE SUPPLYING OF LIME TO THE FORD ROAD WASTEWATER TREATMENT PLANT, AND DECLARING AN EMERGENCY.** Mr. Merriman said this Resolution is a housekeeping item required because an invoice for the lime product used at the Ford Road Wastewater Treatment Plant was received after the 2020 blanket purchase order was already closed out. Therefore, payment of an invoice in this amount requires acknowledgement by Council; therefore, he respectfully requested passage of this emergency resolution to complete a then and now payment as close to the invoice date as possible.

President Smith entertained a motion to pass Resolution 2021-R as presented.

Motion by Councilman Brannum, seconded by Councilman Urschel, to pass Resolution 2021-R as written. No comments followed. The Roll on this was the following:

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

**3. RESOLUTION 2021-S ADOPTING A STATEMENT OF THE MUNICIPAL SERVICES TO BE PROVIDED TO THE PROPERTY AT 800 HEDGES ROAD, WHICH IS PROPOSED FOR ANNEXATION FROM XENIA TOWNSHIP TO THE CITY OF XENIA, OHIO, AND DECLARING AN EMERGENCY.** Mr. Merriman said the City received notice that an Annexation Petition was filed with the Greene County Board of Commissioners for 800 Hedges Road. Pursuant to ORC Section 709.023(C), within twenty (20) days of the filing of the petition, Council must adopt a statement of services that the City will provide to the property if the County approves and the City accepts the annexation. This statement of services resolution is required by statute and outlines both the City services that will be provided to the property as well as an approximate date when such services would begin. In this case, the services that will be provided are the same as those given to any other incorporated area. Staff is recommending approval of this emergency resolution to expedite the filing in order to meet the state-mandated deadline.



President Smith entertained a motion to pass Resolution 2021-S as presented.

Motion by Councilman Scrivens, seconded by Vice President Dean, to pass Resolution 2021-S as written. 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-T ADOPTING A STATEMENT REGARDING ZONING BUFFER FOR THE PROPOSED ANNEXATION OF THE PROPERTY AT 800 HEDGES ROAD FROM XENIA TOWNSHIP TO THE CITY OF XENIA, OHIO, AND DECLARING AN EMERGENCY.** Mr. Merriman said this resolution is also related to the requested annexation of 800 Hedges Road and, in this case, establishes a policy statement regarding possible incompatible land uses and zoning buffers, which is a requirement under the ORC for a Type 2 Expedited Annexation as requested for the property. The resolution states that, in the event that the property is annexed and City zoning permits uses on the annexed property that are incompatible with uses permitted by township zoning in adjacent unincorporated areas, the City will require the property owner to provide a buffer between the annexed territory and adjacent unincorporated land. Council is reminded that approval of the resolution does not acknowledge the existence of incompatibilities, and City staff does not believe there will be any issue with incompatibilities based on the current use of the property. As with the prior agenda item, he reminded Council that passage of this resolution does not obligate the City to accept the annexation. Staff is recommending approval of this emergency resolution to meet the state-mandated filing deadline.

President Smith entertained a motion to pass Resolution 2021-T as presented.

Motion by Councilman Scrivens, seconded by Vice President Dean, to pass Resolution 2021-T as written. Discussion followed.

Councilman Urschel noted the City is only responding to the County's notification of the filing of the petition for annexation at this time. If the County accepts the petition, he asked if it would eventually come back to City Council to accept or reject the annexation. Mr. Merriman said yes, the Council would have to adopt an ordinance to accept the annexation. Ms. Fisher said if the County approves the annexation, there is a 60-day waiting period before the City can take action. Councilman Urschel asked if this was an attached annexation. Mr. Merriman said under a Type 2 Expedited Annexation, which is what this is, it would be attached. Councilman Urschel said in the spirit of collaboration with Xenia Township, he assumed the County notified the Township as well but asked what the City's process is to reach out to the Township. Mr. Merriman said the Township was served notice of the petition for annexation, and there is not any additional specific procedure that they follow in terms of outreach and communication. He noted the County has not received any commentary or feedback from Xenia Township or any other interested parties. Councilman Urschel requested that the City provide a "grace" notice to Xenia Township on this and all future annexation petitions, which he feels would help with the City's collaboration with the Township. Mr. Merriman said if Councilman Urschel wished to make that a standing expectation, he suggested that Council adopt a policy to provide that direction. In the meantime, he would reach out to Xenia Township to establish that communication and express the City's intent to consider this annexation.

The Roll on this was the following:

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

Nays: None motion carried.

**5. Administrative Motion Authorizing the Purchase of a Tandem Dump Truck Chassis from Stoops Freightliner-Dayton through the ODOT Cooperative Purchasing Program and a Bed, Salt Spreader, and Snowplow Unit from Henderson Products, Inc., through the Sourcewell Purchasing Program.** Mr. Merriman said as planned in the Five-Year CIP and included in the approved budget for 2021, he respectfully requested authorization to move forward with the purchase of a replacement tandem axle dump truck for the Water Maintenance Division. As detailed in the agenda report, staff has worked to extend the life of this front-line unit as much as possible, but they have reached a point of diminishing return with the current truck needing extensive and costly work to remain road safe. Staff is recommending replacement through the purchase of a Freightliner 114SD chassis from Stoops Freightliner-Dayton in the amount of \$92,714 and a dump bed, salt spreader, and snowplow unit purchase from Henderson Products Inc. in the amount of \$99,942. The combined total falls within the allotted budget in the Water Fund. The chassis would be procured through the ODOT Purchasing Program and the accessory components purchase would be made through the Sourcewell Purchasing Program (formerly NJPA). Pursuant to State law, competitive bidding is not required for purchases made through these programs. The purchase is requested at this time as he anticipates the lead time necessary for delivery and prep to be 6-7 months, meaning that by completing the purchase now, the unit could be available for the next winter season when it would be heavily relied upon.

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

Motion by Mayor Mays, seconded by Vice President Dean, to approve the purchase of a dump truck chassis from Stoops Freightliner-Dayton through the ODOT Cooperative Purchasing Program, at a not-to-exceed cost of \$92,714, and the purchase of a bed, salt spreader, and snowplow unit from Henderson Products Inc. through the Sourcewell Purchasing Program, at a not-to-exceed cost of \$99,942. No comments followed. The Roll on this was the following:

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

Nays: None motion carried.

**6. Administrative Motion Awarding the Bid and Authorizing the City Manager to Execute a Contract with Custom Landscape Contractors for the James T. Henry, Sr. Circle Roundabout Landscaping Project.** Mr. Merriman respectfully requested the award of a bid and authority to execute a contract with Custom Landscape Contractors for the James T. Henry, Sr. Circle Roundabout Landscaping Project. This project is the last phase of the roundabout installation and includes stone hardscape features with lettering denoting the roundabout's name, landscaping, and a central obelisk containing Xenia welcome signage. Custom Landscape Contractors was the lone bidder after a second bid attempt; staff has completed a reference check on the firm and the respondents offered positive appraisals.

President Smith entertained a motion.

Motion by Councilman Scrivens, seconded by Mayor Mays, to award the bid and authorize the City Manager to execute a contract with Custom Landscape Contractors for the James T. Henry,

Sr. Circle Roundabout Landscaping Project at a cost not-to-exceed \$54,852.27. Brief comments followed. Councilman Scrivens thanked City Planner Brian Forschner for his work on this project. He looks forward to the improved gateway, noting they should consider improving all of the waymarkers at the City's gateways. The Roll on this was the following:

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

**7. Administrative Motion Authorize the City Manager to Execute Change Order #1 with Insituform Technologies, Inc., for an Additional 1,666 Linear Feet of Sewer Sliplining as a Part of the 2020 Sewer Pipeline Rehabilitation Project.** Mr. Merriman said City staff recently became aware of a major sanitary sewer line concern in the area of Cincinnati Avenue that requires immediate attention to ensure regulatory compliance. Council previously approved the 2020 sanitary sewer Pipeline Rehabilitation Project with Insituform Technologies, Inc. To the City's benefit, the firm is still on site and nearing completion of the initial project. Insituform is willing to extend its scope of work to include rehabbing the identified section of sanitary sewer main along Cincinnati Avenue totaling 1,666 linear feet. Staff is recommending Council approve an administrative motion authorizing Change Order #1 for an additional \$90,135.80 with Insituform Technologies to provide for this urgent repair.

President Smith entertained a motion.

Motion by Councilman Urschel, seconded by Councilman Brannum, to authorize the City Manager to execute Change Order #1 in the amount of \$90,135.80 with Insituform Technologies, Inc., for the 2020 Sewer Pipeline Rehabilitation Project for additional sliplining along Cincinnati Avenue totaling 1,666 linear feet. No comments 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 Approving the Schedule of Bills in the amount of \$419,573.50.** Mr. Duke respectfully requested the payment of bills in the amount of \$419,573.50.

President Smith entertained a motion.

Motion by Vice President Dean, seconded by Councilwoman Dean, to approve the schedule of bills in the amount of \$419,573.50. No comments 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 Mr. Duke for his comments. Mr. Duke did not have anything further to share. President Smith asked if the City's income tax filing deadline would be extended to May 17<sup>th</sup>, which is this year's deadline for federal filing. Mr. Duke said the State of Ohio has also voted to extend its filing deadline to May 17<sup>th</sup> to mirror the federal deadline, and since the City is subject to the State's deadline, the City's deadline is automatically extended to May 17<sup>th</sup>. President Smith said if a taxpayer owes money, he asked if they have to pay by April 15<sup>th</sup> or by May 17<sup>th</sup>. Mr. Duke said the extension applies to filing and payments of taxes due; however, he noted estimated

payments are still due on the regular due dates. Councilman Urschel said Council has had a lot of discussion on RITA's presence in the building, and he congratulated Mr. Duke on his work to get RITA back into the building. He has referred several people to RITA, and they have provided positive feedback in terms of the service they received. Mr. Duke said that is good to hear; he was excited that they are back in the office. However, while in person service is an option, he encouraged tax payers to take advantage of the online filing or drop-box filing options as more expedient methods of filing.

President Smith asked Ms. Fisher for her comments. Ms. Fisher updated Council on the Purdue Pharma opiate litigation case, noting she filed a claim on the City's behalf in July 2020. She received a notice of distribution/notice of directive, and Purdue Pharma has filed a Chapter 11 reorganization plan. Therefore, she followed up and submitted additional paperwork. When she receives the ballots, she will share that information with Council so she knows what type of vote to submit. She believes this litigation will be drawn out for a long period of time. She hopes the City will eventually receive some funds. She wished everyone a Happy Easter.

President Smith asked Mr. Merriman for his comments. Mr. Merriman said he recently participated, as Xenia's Chief Executive Officer, in a Greene County Public Health District Advisory meeting. It was a long meeting, and they received an update on services, they reviewed the budget, etc. He praised Health Commissioner Melissa Howell and her staff. While they may not all agree with State mandates, Ms. Howell and her staff have been very reasonable and very good to work with during the pandemic. There are no outstanding issues from a financial or service delivery standpoint. He said the City has been notified that they will be receiving a sum of money estimated at over \$5 million as part of the American Rescue Plan Act. He plans to engage Council on how to utilize those funds, starting with the Budget and Finance Standing Committee, noting he has not received guidance from the federal or state government yet in terms of restrictions on the use of those dollars. The City will receive some money this year and the remainder next year. He said the forecast for the area indicates the threat of severe weather this evening. He reminded everyone to stay alert, including using a weather app on their smart phones as well as signing up for HyperReach alerts following severe weather events. Finally, he asked Council to consider an additional Administration Motion this evening with regard to property and liability insurance. He explained that he just received communication that day from Montgomery Insurance, the City's local insurance broker, that the City's property and liability insurance through PEP is up for renewal on May 1. He typically would bring an agenda item forward in April; however, there is an expedited process that could save the City some money, but he needs Council's permission to proceed. He noted he would still bring the renewal back to Council for final approval.

Motion by Vice President Dean, seconded by Mayor Mays, to authorize the City Manager to verbally commit to the renewal with Montgomery Insurance for property and liability insurance through an expedited renewal process. Brief comment followed. President Smith thanked Mr. Merriman for bringing this to their attention to take advantage of the potential savings. The Roll on this was the following:

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

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

**1. Board of Zoning Appeals:** Mayor Mays said BZA met on March 22<sup>nd</sup> to consider a variance request to allow a drive-through restaurant with ordering station and loudspeaker to be located 166 ft. from a residential unit instead of the required 250 ft., filed by Stephen Butler on behalf of the Wendy's restaurant located at 363 W. Main Street, which was approved. Per the staff report, a new restaurant will be built next to the existing restaurant, and then the existing restaurant will be demolished.

**L. COUNCIL COMMENTS:**

President Smith said this year's Easter Egg Hunt would be a drive-thru event at Shawnee Park on Saturday, April 3<sup>rd</sup>, at 10 a.m. Bags of eggs will be provided to the children to take home and have safe egg hunts there. The event is limited to the first 500 participants. The Easter Bunny will be present to wave at the children as they drive by. Participants should not exit their vehicles to pick up the eggs or visit with the Easter Bunny. He thanked the Xenia Area Association of Churches and Ministries (XAACM) and the City's Board for Recreation, Arts, and Cultural Activities for purchasing the filled eggs and bags for the event and all those who have volunteered for the event. He thanked Xenia Community Schools for distributing the flyers last week.

Councilwoman Dean thanked all who submitted feedback, both for or against, regarding the DORA. It was good to hear from everyone, and it's the most feedback she's ever seen on any subject. She encouraged citizens to send emails or letters if they wish to convey information to any Council member or wished to set up a meeting with any of them.

Councilman Brannum agreed with Councilwoman Dean; he hopes this opens the door for continued communication and discussion on other matters, including the budget, capital improvement plans, etc. He congratulated Xenia Fire Captain Brian Brennaman on his retirement after 29 years of service. He also expressed condolences to the family, friends, and co-workers of Xenia Firefighter/Paramedic Steve Helling. Mr. Merriman said he was remiss in addressing the loss of Xenia Firefighter/Paramedic Steve Helling, noting he was distracted by the public hearing and other matters. He acknowledged the loss of Firefighter Helling, who was a member of the Xenia family, and the third member of the Xenia family they have lost in the last six months. It's been a hard year for City staff. To acknowledge Firefighter Helling's 13 years of service to this community, there will be a very special event on Monday, March 29<sup>th</sup>. The Public Relations Coordinator will announce those details tomorrow. The public should expect some traffic delays during the procession, which will include all the City's fire apparatus among apparatus from surrounding jurisdictions. He encouraged the public to come outside and observe as they make their way through the City, past both Fire Stations, on the way to his final resting place.

Councilman Urschel said he has participated in a number of discussions with the United Way of Greene County, which is looking to establish a program for those at risk of homelessness. They will provide case managers and funds to come alongside up to 50 families with school age children and help them for a period of one year. He noted Montgomery County has already established this program. Assistance may include help with utilities, rent, transportation, etc. He noted he participated through his affiliation with XAACM. However, he would advocate for families and children here in Xenia.

Mayor Mays said she had several good meetings these last two weeks including a meeting with Athletes in Action and Payne Theological Seminary. She is working with City staff, Ryan Baker and Christina Schaefer, on the July Fireworks Festival event scheduled for July 2<sup>nd</sup>. She thanked

local merchant Xenia Shoe and Leather, specifically Matt Jopson, who spent time working with her 10-year-old son on a project. Mr. Jobson showed her son the workshop, let him use some tools, etc., and she really appreciated it. She thanked the Public Service staff member who recently helped a girl catch her dog that was on the loose. Finally, someone from her church wished to thank Xenia Police Sergeant Matt Foubert who recently checked in on some college students to make sure they were okay. She congratulated Billie Carrico on the opening of 51 East Salon at 51 E. Main Street. They both love Xenia and she was excited that she established her business here in downtown Xenia. Route 68's Vintage Toy Show is Saturday from 9 a.m. to 4 p.m. at the Greene County Fairgrounds. They will be using five buildings for the show. Easter weekend is coming up, and she hoped people participate in the Egg Hunt Drive Thru event as well as Easter services at one of the area's local churches. Finally, she extended her condolences to the friends and family of Firefighter Helling. She had an opportunity to talk with Fire Chief Kenneth Riggsby, and a few days ago she ran into some Fire Division employees at the emergency room. There is a lot of hurt and sadness. The Fire Division is truly a family. She assured them that many people are praying for them.

Vice President Dean did not have anything further to share.

Councilman Scrivens extended his condolences to the friends and family, especially his wife and children, of Firefighter Helling. He congratulated Captain Brennaman on his retirement and thanked him for his service. He also congratulated Mr. Duke whose alma mater, Oral Roberts University, beat Ohio State in the first round of the NCAA basketball tournament. He wished everyone a Happy Easter. He encouraged everyone who is eligible to get the Covid vaccination, noting it is free. He expressed his desire to tour the Xenia Municipal Court and asked if that could be arranged. He asked Mayor Mays if they were still planning on meeting on Saturday for a clean-up event. Mayor Mays said she would be at the City Administration Building at 9 a.m., and she encouraged anyone interested to join her and her family. Mr. Merriman noted that Public Service will provide gloves, trash cans, etc. Councilman Scrivens said for those who cannot assist them on Saturday, he encouraged them to clean up around their own properties.

The Council took a five-minute recess to prepare for the Executive Session immediately following. The Council was in recess from 7:45 to 7:50 p.m.

**M. EXECUTIVE SESSION:** At 7:50 p.m., President Smith entertained a motion to go into Executive Session, noting they would not be conducting any additional business other than adjourning the Regular Meeting; therefore, the video portion of the meeting would end at this time.

Motion by Vice President Dean, seconded by Councilman Brannum, to go into Executive Session to discuss Pending Litigation per XCO §206.04(a)(3) and ORC §121.22(G)(3). No comments followed. The Roll on this was the following:

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

The Council convened in Executive Session with the same members present.

**N. WORK SESSION:** None.

**O. ADJOURNMENT:** Motion by Councilwoman Dean, seconded by Mayor Mays, to adjourn the Regular Meeting at 8:31 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 E. Smith  
President, Xenia City Council