

**XENIA CITY COUNCIL  
REGULAR SESSION MEETING MINUTES  
APRIL 25, 2019  
6:00 P.M.**

**1. CALL TO ORDER:** Vice President Wallace called the April 25, 2019, Regular Session to order at 6:04 p.m. in the City Council Chambers, City Administration Building.

**2. INVOCATION:** Pastor Dr. John Freeman, United AME Church, provided the Invocation.

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

**4. ROLL CALL:** Vice President Edgar Wallace, Councilman Will Urschel, Councilman Dale Louderback, Councilman Wesley Smith, and Mayor Sarah Mays were present. Councilman Levi Dean and President Michael Engle were absent. Vice President Wallace said he understood that President Engle would be absent but Councilman Dean was expected and just running late. He then entertained a motion to excuse President Engle from the meeting.

Motion by Councilman Smith, seconded by Mayor Mays, to excuse President Engle from the meeting. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Urschel, Louderback, Smith, Mays  
Nays: None motion carried.

**5. APPROVAL OF MINUTES:** Motion by Councilman Louderback, seconded by Councilman Smith, to approve the April 11, 2019, Regular Session meeting minutes as written. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Urschel, Louderback, Smith, Mays  
Nays: None motion carried.

**6. SPECIAL PRESENTATION(S):**

**Marty Heidi, Outreach for Congressman Mike Turner.** Ms. Heidi thanked Council for the opportunity to speak about Ohio's new driver's license and identification card. She regularly attends Council meetings in various counties to share important information. She referenced the flyer she distributed about the enactment of compliant Ohio licenses in 2018. She explained the differences between a compliant vs. standard (non-compliant) driver's license with regard to air travel within the United States. A proof of citizenship, social security card, proof of residency, and current driver's license are required to obtain a compliant driver's license, which costs the same as a non-compliant driver's license. She also supports the use of



passports, but they are \$110 and are valid for ten years. She believed all states would eventually jump on board with this program. Councilman Louderback asked if people should get a new driver's license now even if their expiration date is a few years away. Ms. Heidi said she would wait until the fall of 2020 because the deadline is October 1, 2020. Councilman Urschel asked if he only needed his regular driver's license for a regular renewal. Ms. Heidi said that was correct. She said those getting a standard or compliant driver's license will not get it immediately—they will get a letter in the mail and the actual driver's license is mailed. Councilman Smith said he was concerned about the driver's license being mailed versus being prepared at local BMVs and receiving it on the spot. Ms. Heidi did not believe that would go back to that. Councilman Urschel said this is a state-run program and issued by the Ohio Bureau of Motor Vehicles even though the federal government is requiring compliant driver's licenses through the TSA. Ms. Heidi concurred. She noted she also distributed information about a social security scam. She encouraged those who receive a telephone call from someone claiming to be social security to call the Ohio Attorney General's Office.

**7. AUDIENCE COMMENTS:** Vice President Wallace explained the procedures for audience comments and invited anyone who wished to speak to come forward. Nobody came forward to speak.

**8. OLD BUSINESS:**

A. Vice President Wallace presented **RESOLUTION 2019-I PROVIDING FOR ASSESSMENTS TO BE LEVIED AND AUTHORIZING THE FINANCE DIRECTOR TO CERTIFY THOSE ASSESSMENTS TO THE GREENE COUNTY AUDITOR**, which he originally introduced, and it was read for a second time.

Motion by Vice President Wallace, seconded by Councilman Louderback, to approve Resolution 2019-I as read. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Urschel, Louderback, Smith, Mays

Nays: None motion carried.

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

**10. NEW BUSINESS:**

A. **RESOLUTION 2019-J AUTHORIZING THE CITY MANAGER TO EXECUTE A THREE-YEAR HOUSE REVOLVING LOAN FUND ADMINISTRATION AGREEMENT WITH THE OHIO DEVELOPMENT SERVICES AGENCY FOR THE USE OF CDBG AND/OR HOME FUNDS, AND DECLARING AN EMERGENCY.** City Manager Brent Merriman said as required by the State of Ohio, he respectfully recommends adoption of a Resolution authorizing the execution of a three-year House Revolving Loan Fund Administration Agreement with the Ohio Development Services Agency (ODSA). The City is required by the U.S. Department of Housing and Urban Development (HUD) and ODSA to enter into a House Revolving Loan Fund Administration Agreement on a three-year basis, and it is time for renewal. The purpose of the agreement is to maintain adequate program oversight and ensure that communities understand and adhere to its terms in conjunction with administering the Housing RLF program.

Vice President Wallace entertained a motion to pass Resolution 2019-J as an emergency.

Motion by Councilman Louderback, seconded by Councilman Smith, to adopt Resolution 2019-J as presented. Brief discussion followed. Councilman Urschel asked if this agreement was necessary so that CHIP funds are locally available. Mr. Merriman said to use any grant resources as well as existing funds (such as program income funds), the City has to be in compliance with all the provisions for administration, and this agreement stipulates that the City will comply with all state and federal requirements. An approved contract must be on record to utilize those funds. Councilman Urschel clarified the agreement did not commit the City to utilize the funds; rather, it provides the basis in which to do so. Mr. Merriman concurred. Ms. Fisher noted no dollar amounts are listed in the agreement. The Roll on this was the following:

Ayes: Wallace, Urschel, Louderback, Smith, Mays

Nays: None motion carried.

Vice President Wallace said there is an additional item for consideration this evening that was not included on the published agenda. He then presented **RESOLUTION 2019-K STRONGLY URGING THE OHIO GOVERNOR AND MEMBERS OF THE OHIO GENERAL ASSEMBLY TO RESTORE THE LOCAL GOVERNMENT FUND TO PRE-RECESSION LEVELS, AND DECLARING AN EMERGENCY** for consideration and entertained a motion to pass Resolution 2019-K as an emergency.

Motion by Mayor Mays, seconded by Councilman Louderback, to adopt Resolution 2019-K as presented. Discussion followed. Vice President Wallace said he was very happy that they are finally taking this action. He hoped the new governor was amenable to hearing their plea. He asked how many other jurisdictions are passing similar resolutions. Mr. Merriman said he did not have that number yet; however, he noted it has been the Ohio Municipal League's primary objective to pursue the restoration of these resources. There is broad, statewide support at the municipal, county, and township levels as it affects all local governments. He will work to attain information on the number of participating jurisdictions. He has been encouraged by Governor DeWine's desire to restore local government fund (LGF) resources to pre-recession numbers. Following the reduction of the LGF, the State of Ohio has balanced its budget and built up a hefty rainy day fund much to the detriment of communities across the state. During that same period of time, they have had to endure additional unfunded mandates including how income taxes are collected, among other things that have had a net adverse impact on local resources. He explained the history of the local government fund in which jurisdictions gave up resources decades ago in an exchange that the State of Ohio would utilize those resources and distribute them across the state and share the capacity of those resources. In the last decade, the state has undercut and set aside that agreement, which has had devastating effects on local communities. The loss of these funds in addition to other cuts total well over \$1 million per year for Xenia has been devastating and affects their ability to provide core services like fire, police, parks, and streets.

Councilman Louderback said Governor Kasich balanced his budget on the backs of cities like Xenia. He asked how much Xenia received before the recession. Mr. Duke said Xenia received about \$1.2 million in local government funds before the recession, which has dropped to about \$750,000 per year. Other revenues were cut including the elimination of estate tax, which generated \$300,000 to \$400,000 per year, and the elimination of the personal property tax

reimbursement, which was about \$200,000 per year. In total, that is over \$1,000,000 per year. Further, consolidating franchise fees and recent income tax changes at the State level have also had a negative impact. Councilman Louderback said there is \$3.1 billion in State's rainy day fund. If Xenia could get half of that back and also use the additional gas tax revenue, it would take care of the roads without the need to further tax citizens.

Mr. Merriman acknowledged that their former state leadership did not do a lot to help them out. However, current legislature are willing to hear their plea and understand the plight and challenges at the local level. Councilman Urschel said the local government fund agreements between local municipalities and the State of Ohio go back to the 1930s, and as the state did the collection, they would also reimburse municipalities, which was held up until the recession when the state froze the increases for a period of time and eventually began using those funds to address the state deficit. He said about 70 percent of Ohio municipalities have had to pass income or property tax levies to replace those funds, and the revenue from the City's income tax increase a few years ago did not totally make up for the loss of those funds. Governments are now simply asking the State Legislature to honor that agreement that goes back almost 90 years, and residents also need to make that same request. Mr. Merriman said the local government funds come from local tax dollars that all residents are paying, and they are simply asking for those dollars to be returned to this community. They have seen the significant rainy day fund that the State of Ohio has accumulated, and the State government's employment numbers are increasing while local government employment numbers are decreasing. He believed that all municipalities would rather have local control over those dollars in order to provide critical services.

Vice President Wallace asked if Councilman Urschel's point of urging citizens to advocate on the City's behalf for the return of these local government funds was included in the resolution. Ms. Fisher said that was not included in the resolution; however, it was very important that citizens understand that these are their tax dollars. She encouraged all citizens to request the return of those tax dollars. Councilman Urschel asked for Ms. Fisher to name Xenia's representatives. Ms. Fisher said as noted in the Resolution, Xenia's representatives include State Representative Bill Dean, State Senator Bob Hackett, Speaker of the House Larry Householder, Senate President Larry Obhof, and Governor Mike DeWine. Mr. Merriman said State Representative Rick Perales should also be included. Mayor Mays said she spoke with Representative Perales just yesterday and she has spoken with Senator Hackett on the telephone; she was very candid and spoke very strongly in both conversations. Senator Hackett was very receptive; he understood the importance of these funds and was open to her comments and passage of this resolution.

Councilman Smith asked if a press release could be prepared and published as soon as possible regarding passage of this resolution. Mayor Mays concurred and suggested that phone numbers and emails be included for state representatives. Mr. Merriman said yes. Councilman Urschel also agreed and encouraged citizens to contact local and state representatives to ask the same thing as this resolution. Vice President Wallace said they also need to urge other jurisdictions to pass a similar resolution. If the State of Ohio heard from all Ohio jurisdictions and their citizens, it could enhance the probability of the return of those funds. Ms. Fisher said she spoke with the Ohio Municipal Attorney's Association, and she believes many more municipalities will pass similar resolutions.

The Roll on this was the following:

Ayes: Wallace, Urschel, Louderback, Smith, Mays  
Nays: None motion carried.

**B. Introduction of Ordinance 2019-09 Determining to Proceed with the Improvement of City Streets and Public Ways by the Lighting Thereof within Street Lighting District #3 for the Years 2020-2022.** Mr. Merriman said it is the policy of the City of Xenia that a developer of a subdivision that is interested in including street lights within its subdivision must agree to a street light assessment for the benefitting lots within the subdivision. Accordingly, M One Development, LLC, the developer for the Sterling Green Crossing Subdivision, Section 3, received a cost to install nine (9) street lights, along with the monthly electricity fee per the City's contract with Miami Valley Lighting (MVL). He said the developer is responsible for the initial cost to install the lights, but the City of Xenia is responsible for paying the monthly electricity costs as it has been doing for many years on its other street lights. Council previously adopted the required Resolution of Necessity to establish Street Lighting District No. 3 on March 28, 2019. This was the second step in the street lighting assessment process, and after the third and final step, a streetlight assessment would be included on the individual lot owners' property tax duplicate from the Greene County Auditor. Based upon the City of Xenia's current contract with MVL and including the administrative fees associated with the continued assessment of each lot on a yearly basis, the owner of each of the forty-six (46) lots within Section 3 of the Sterling Green Crossing Subdivision would pay an annual fee of \$23.41. This street lighting assessment would be included on the individual lot owner's property taxes. He recommended a two-year period on the assessments, as the assessments for Street Lighting District #1 and District #2 would both also expire in 2022. This will allow them to renew the street lighting assessments for all three Districts at the same time.

Vice President Wallace entertained introduction of Ordinance 2019-09 as presented.

Councilman Smith presented ORDINANCE 2019-09 DETERMINING TO PROCEED WITH THE IMPROVEMENT OF CITY STREETS AND PUBLIC WAYS BY THE LIGHTING THEREOF WITHIN STREET LIGHTING DISTRICT #3 FOR THE YEARS 2020-2022, and it was read for the first time.

**C. Administrative Motion Authorizing the City Manager to Execute a Contract with Johnson, Mirmiran & Thompson, Inc. (JMT), at a Cost Not To Exceed \$122,423, for Inspection Services associated with the 2019 Water Tower Painting Project.** Mr. Merriman said Xenia's Public Service Department has scheduled in the Capital Improvement Plan for advanced maintenance of the Springhill Water Tower and the two older Patton Street Standpipes later this spring, which principally involves reconditioning and repainting functions. In anticipation of commencing this Water Tower Painting Project, the City first needs to contract for painting inspection with a qualified firm with experienced professionals who possess the requisite knowledge to provide inspection services during the painting of these three water appurtenances. The City sought bids for the service and on April 2 received two proposals from qualified firms with the necessary experience to inspect the painting of the water towers. The fee proposals that were submitted are from Johnson, Mirmiran & Thompson, Inc., in the amount of \$122,423 and World International Testing, Inc., in the amount of \$126,000. Johnson, Mirmiran & Thompson has

been vetted and demonstrated extensive experience in performing the needed function. Staff recommends a contract with this firm in a not-to-exceed amount of \$122,423 as submitted.

Vice President Wallace entertained a motion.

Motion by Councilman Louderback, seconded by Councilman Smith, to authorize the City Manager to execute a contract with Johnson, Mirmiran & Thompson, Inc., at a cost not to exceed \$122,423, for inspection services associated with the painting of three (3) City water towers in 2019. Brief discussion followed. Mr. Merriman reminded all that the project will be paid from the City's water capital funds, and this project was scheduled in Five-Year CIP. Vice President Wallace said the money could not be used for other purposes. Mr. Merriman concurred. The Roll on this was the following:

Ayes: Wallace, Urschel, Louderback, Smith, Mays

Nays: None motion carried.

**D. Administrative Motion Reappointing Two Members of the Economic Development Advisory Board.** Vice President Wallace said two (2) members on the Economic Development Advisory Board (EDAB) are due to expire on April 25, 2019. Both longtime member David Thompson and recently appointed member Forest Wilson have expressed their desire to be reappointed to EDAB for new four-year terms.

Motion by Vice President Wallace, seconded by Mayor Mays, to reappoint Mr. David Thompson and Mr. Forest Wilson to the Economic Development Advisory Board for four-year terms expiring on April 25, 2023. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Urschel, Louderback, Smith, Mays

Nays: None motion carried.

**E. Administration Motion Authorizing the City Manager to Execute the Partnership Agreement with Greene County for a FY 2019 Community Housing Impact & Preservation (CHIP) Program Grant.** Mr. Merriman said as previously mentioned during the first CDBG public hearing, staff respectfully recommends approval of a Partnership Agreement with Greene County that will subsequently authorize the County, jointly on the City's behalf, to apply for a FY 2019 Community Housing Impact & Preservation (CHIP) Program Grant. The Ohio Development Services Agency, Office of Community Development, has again provided an opportunity for cities and counties to jointly apply for and administer CHIP funding. The City successfully received and executed a FY 2014 CHIP grant in partnership with Greene County. They jointly applied but were unsuccessful in 2018. The joint County/City partnership would be eligible for up to \$400,000 in CHIP funding in 2019 through the Partnership Agreement. With the additional funding for Xenia residents through the partnership with the County, this arrangement will greatly reduce the burden placed on Xenia staff with the County taking on the managing partner duties under the Agreement. As part of the Agreement, the County will provide \$100,000 in HOME Program Income towards owner-occupied rehab, and the City will provide \$55,000 in HOME Program Income to that program, in addition to \$38,000 in CDBG Program Income for the owner-occupied repair program. These funds are already included in the 2019 budget, and as a reminder these funds are limited-use resources and can be only used for purposes related to housing and housing rehab.

Vice President Wallace entertained a motion.

Motion by Councilman Louderback, seconded by Councilman Smith, to authorize the City Manager to execute the Partnership Agreement with Greene County that will subsequently authorize the County to apply for a FY 2019 Community Housing Impact & Preservation (CHIP) Program Grant on behalf of the City and the County. Discussion followed.

Councilman Urschel said if the grant is awarded this year, he asked which City staff member would be the 'co-manager.' Mr. Merriman said the City's key contact is Community Development Coordinator Ryan Baker who works hand-in-hand with the County Development Department. He gave kudos to the County who have been very cooperative and willing to work with them for a much greater combined impact. Councilman Urschel said even though this would be managed by the County, he asked if Xenia residents could apply for funds. Mr. Merriman said yes, they would apply to the County or they could contact City offices and staff will connect them to the appropriate County office.

Councilman Urschel asked about the general criteria for applicants. Mr. Brodsky said it is based on household income requirements as defined by HUD. He noted since the County has partnered with Xenia, approximately 70% of funds received were spent in the City of Xenia. Councilman Urschel said if the grant is received, he asked how it was advertised so citizens are aware of the opportunity to apply. Mr. Brodsky said there is currently a waiting list, and those on the waiting list would be given priority. He did not believe there was a need to advertise due to ongoing sufficient demand. Mr. Merriman said advertising would include the City's typical means including the website, social media, etc. Mr. Brodsky said the City's Code Enforcement Officers and the County's building inspection staff would also let property owners know that assistance was available to help correct issues. Vice President Wallace said even if there is a waiting list, they should still provide the information to all citizens because if they don't know about it, they cannot even get on the list. Councilman Urschel asked if a message could be included on utility bills. Mr. Duke said yes.

The Roll on this was the following:

Ayes: Wallace, Urschel, Louderback, Smith, Mays

Nays: None motion carried.

**F. Administrative Motion Approving the Schedule of Bills in the amount of \$347,183.67.**  
Mr. Duke requested the payment of bills in the amount of \$347,183.67.

Vice President Wallace entertained a motion.

Motion by Councilman Louderback, seconded by Vice President Wallace, to approve the schedule of bills in the amount of \$347,183.67. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Urschel, Louderback, Smith, Mays

Nays: None motion carried.

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

**A. Mayors and Managers:** Mayor Mays said the City of Beavercreek hosted the event at the Beavercreek Golf Club. It was not a business meeting, but they received a presentation called MILO Range (Multiple Interactive Learning Objective), which is an interactive Firearms Training intended to determine when an officer should be drawing a weapon or a taser.

**B. Miami Valley Planning and Zoning Commission:** Councilman Louderback said the April meeting was cancelled.

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

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

Mr. Merriman reminded all that the *first* First Fridays event is next Friday, May 3, starting at 5 p.m., which will include many activities and food vendors with lots for families to do including supporting local businesses. First Fridays events will occur in May, June, and July, with the July event working in conjunction with the Kevin Sonnyalb Fireworks Festival. He then promoted several job opportunities noting the City of Xenia is accepting applications to establish eligibility lists for the positions of Laborer/Maintenance Worker and Water Treatment Plant Operator I. Additional information is listed on the City's website under Employment (or Job) Opportunities. They are also accepting applications for lateral transfers for firefighters. Councilman Urschel asked if the civil service examination dates were announced. Mr. Merriman said yes, and the results of those exams would determine the eligibility lists. He thanked his staff for helping him welcome Xenia Community Schools XTAR gifted students. He had a great time engaging with them and looked forward to additional opportunities to partner with Xenia Community Schools. Councilman Louderback said he has been getting a lot of questions about W. Second Street, and although what has been done is a huge improvement, he understands there is a lot more to be done. Mr. Merriman concurred; the base repairs and leveling course are complete. Later this summer, the final layer of asphalt will be completed along with curbing restoration and repair of ADA ramps and driveway aprons.

Mr. Duke thanked the City's Accounts Receivable department staff who received a lot of tax returns over the last few weeks. They did a terrific job of getting taxpayers through as quickly as possible, and he thanked the public for their patience. Staff is processing the returns at a very fast rate, and Council could expect an update in his April monthly finance report.

(Councilman Dean arrived at 6:56 p.m.)

Ms. Fisher said the Sixth Circuit Court of Appeals issued an opinion this week on "chalking tires." She provided some background of the Taylor vs. Saginaw case<sup>1</sup> from Saginaw, Michigan, which is based on Ms. Taylor's receipt of 15 parking citations between 2014 and 2017 for exceeding the parking limit in Saginaw. She said Michigan, Tennessee, Ohio, and Kentucky make up the Sixth Circuit Court. Ms. Taylor filed a lawsuit in 2017 against the City of Saginaw alleging that her fourth amendment rights were violated because chalking her tires was an illegal search. The City of Saginaw filed a motion to dismiss, and the district court granted that request. This past week, the appellate court issued an opinion this week, which did not rule that chalking tires was an illegal

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<sup>1</sup> United States Court of Appeals for the Sixth Circuit: Alison Patricia Taylor v. City of Saginaw; Tabitha Hoskins: Case No. 17-2126

search, but it reinstated Ms. Taylor's case and remanded it back to the district court level. In the 2012 United States v. Jones case, the U.S. Supreme Court introduced a new property-based standard in that the police cannot put a GPS tracker on a vehicle without a warrant. Under the Jones' case, if there is contact with the car, that was considered a search. Whether or not it is an illegal search depends on if there is a warrant and if a warrant is required—there are a number of exceptions to the warrant requirement. The Taylor case was remanded back to the district court to review those exceptions to see if any apply. She noted that an article appeared in today's local paper about the Police Division's switch to "E-chalk<sup>2</sup>." In the interim, signs will be installed in the downtown area that state "drivers who park here consent to the enforcement of time limits including chalking of tires or other enforcement measures." She noted all cities in four states in the Sixth District could be waiting a year or two for a final decision on this issue. She would provide more information as it is known and noted there has been a lot of misinformation. Councilman Louderback believed the Taylor v. Saginaw case was a very frivolous law suit. He asked how many times the court has won when they have appealed to the U.S. Supreme Court. Ms. Fisher said 24 of the last 25 decisions issued by the appellate court have been reversed by the U.S. Supreme Court.

**AUDIENCE COMMENTS:** Councilman Louderback noted that several residents arrived to the meeting, and he assumed they thought the meeting started at 7 p.m. He asked if it would be appropriate to allow them to speak. Vice President Wallace said yes and invited them to the podium.

Joel Betterly, 648 Cottage Grove Avenue, said there is an alley next to his home, which is very steep and very dangerous in the winter months. He said the neighborhood children like to take their bikes up and down the hill. A lot of cars travel along Cottage Grove Avenue up to 45 mph, and he was concerned that the children are going to get hit. He asked if it was possible to install a speed hump or another device to slow down cars on Cottage Grove Avenue by the alley egress. Also, the grade on the hill is so steep, and with about 100 cars per day traveling on it, they are digging out Cottage Grove Avenue. Therefore, the hill needs to be regraded and repaved. Vice President Wallace asked Mr. Merriman if Mr. Betterly's request would be an appropriate referral to the Engineering Division. Mr. Merriman said yes, in conjunction with the Traffic Commission. Vice President Wallace thanked Mr. Betterly for bringing this issue to their attention.

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

Mayor Mays shared the following:

- April 14: She and President Engle attended Jacob Fox's Eagle Scout ceremony.
- April 18: The city welcomed McKinley first graders to the City Administration Building. She enjoyed talking to them about being the Mayor. The children enjoyed sitting in their seats in the Council Chambers and being on the television.
- Also on April 18: She and several other Council and staff members took part in a town hall meeting that several Cedarville University social work students put together regarding Simon Kenton Bridges of Hope. They did a great job bringing folks together to have an honest conversation. They all walked away with some things to work on.

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<sup>2</sup> Handheld monitor that enables an officer to photograph a tire and use the air valve stem position to determine if a vehicle has been parked too long at a spot.

- April 20: She attended the community Easter Egg Hunt. She thanked the City's Public Service workers who did an incredible job. Not only did they have the park ready and beautiful, but they also donated about 15 to 20 Easter baskets. Xenia Firefighters were also there and donated several baskets. There was a great turnout despite the rain and cold. She also thanked Aean Nix from Huffy Bike and his donation of 10 bikes plus a Green Machine for the grand prize. She thanked the many volunteers who came out, the churches that participated, as well as the many, many businesses, individual Council members, and churches who donated baskets for the giveaways.
- April 23: She attended an event for a homeschool group put on by Amber Meyer where she and several other people from this community talked to kids about volunteering.
- April 24: She had a lovely time at the Greene County Children Services Blue Ribbon breakfast where they awarded advocates of the year in three different categories. In the law enforcement category, the Xenia Police Criminal Investigation Unit won the Advocate of the Year award. She congratulated them on the award, which made her very proud.
- Also on April 24: She had the privilege of being the guest speaker at the Greene County Council on Aging's senior citizen volunteer recognition luncheon. It was a great opportunity to have lunch with people who are deeply invested in this community by serving at their senior centers.
- Today, April 25: The final broadcast for the school year of "Coffee with the Mayor" on WCSU 88.9fm. Fire Chief Ken Riggsby was the guest on the show and did a great job talking about the Xenia Fire Division as well as Firefighter Dalton and his story of saving his neighbor's young daughter.
- This afternoon, she attended the Greene Giving annual luncheon. She said it was always fun to attend an event where money is being given away to very worthy causes.
- She reminded everyone that next Thursday, May 2, is the National Day of Prayer. She invited everyone to join one of the many events happening in the community including a prayer gathering at the Courthouse at 3:30 p.m.
- Finally, she wished to promote a lovely little store here in town called *Broken and Beloved*, which is located in midtown right behind Handyman. She visited the store last weekend and was pleasantly surprised with the different items Kristi Hutchison had for sale, including some great clothing options in a variety of different sizes. She encouraged everyone to stop in there because it is a great local gem.

Councilman Louderback had nothing further to share.

Councilman Smith concurred with Mayor Mays' comments on the annual Easter Egg Hunt. There were about 90 basket giveaways including some from President Engle and his wife and some donated by Walmart. He was very impressed with the gentleman who donated the Huffy bikes—they have never had prizes like that before. He thanked Alesha Dotson and XHS Student Council members and all others who volunteered at the event. He thanked Councilman Urschel for emceeding the event. Many churches participated including A House of Prayer, First Church of Christ, and Xenia Christian Center, and Xenia Nazarene Church donated hundreds of hot dogs and hamburgers. Also, on May 7, Xenia has a measure on the ballot to renew a 3.5 mill operating levy, which provides revenue for core services. A renewal levy is "no increase in taxes." Finally, he commented on a recent observation of Xenia's DARE Officer at a school handing out pencils and stickers to students, which was a positive police presence in this community.

Councilman Urschel said it was a privilege to be a part of Council's Budget Committee for the 2020 budget. The group has met four times, and it has been very educational. As they prepare the 2020 budget, he hopes to address some of the longer term infrastructure challenges, looking at pursuing a number of efficiencies for municipal services, looking at talent and quality of

employees and assessing current positions in the context of how they are providing the services. They are looking at ways to partner with county, state, and federal social services and communities of faith in Xenia to address some underlying systemic issues that result in significant financial expense on municipal services. They are also considering a number of exciting expansion plans within the City. He was looking forward to presenting the priorities at their next Council meeting. He offered kudos to Charlie Huff for leading them on the prayer walk on Good Friday; even with terrible weather, about 40 folks participated and it was a great day. He encouraged everyone in the community to participate in Revive Greene County as they worship together every evening next week as well as participating in the National Day of Prayer next Thursday, May 2, at 3:30 p.m. at the Greene County Courthouse. Small groups of four would also be making their way around town to offer opportunities to pray for people.

Councilman Dean had nothing further to share.

Vice President Wallace said the African American Ministerial Alliance sponsored a wonderful “Funeral for Jesus” on Good Friday, which was a theatrical musical affair. He was looking forward to Revive Greene County as Councilman Urschel mentioned. On a personal note, he and his family have gone through a considerable amount of pain this week. His granddaughter was found guilty of murder and was sentenced 15 years to life. While he and his family are still hurting, they still hurt for the Tarver family who lost a daughter. Nothing they can say or do will bring her back. As much pain as they are all in, he was very pleased with the Greene County Sheriff’s Deputies and all involved who were very respectful of the court and the process. He knew there was more pain to come, he would remain in prayer for his family and the Tarver family.

Vice President Wallace declared the Regular Session recessed at 7:21 p.m. He anticipated reconvening at 7:30 p.m.

The Council reconvened at 7:30 p.m. with the same members present.

**Building Inspection Services.** Mr. Merriman said in January 2019, City Council charged administrative staff with the task of looking into building inspection service delivery complaints and reviewing alternative options for the provision of these services. The memo distributed to Council last week was intended to report on their findings to serve as a conversation starter for City Council to then establish a policy direction moving forward for building inspection service delivery. He had an extended discussion today with the County Administrator Brandon Huddleson in anticipation of the meeting this evening, and County leaders have been very receptive to conversations on this issue and recognize that due to actual or perceived issues, the reputation of County Building Dept. is less than desirable. Mr. Huddleson identified a number of steps the County has taken to help address the problems including hiring an addition permit technician and increasing the pay range for that position in an effort to attract and retain employees. They recognize that one of the most critical issues is a minimum 30-day turnaround plans review; therefore, they have added additional plans review contractors. They are also encouraging applicants to seek advice from a number of resources provided through their office before applying for the permit so they know what to expect and what needs to be done. With that, Mr. Huddleson cannot guarantee that the perception of service will improve immediately—if at all—but they are very open to trying to find creative solutions for improvement. Mr. Huddleson also felt that one of their biggest challenges is the lack of labor force to fill these very specialized jobs, which require

specific qualifications, experience, and credentialing in skilled trades. He referenced the memorandum which described the pros and cons of each of the following service options:

- A. Enhancing/Revamping County-Provided Services
- B. In-House Services
- C. Private Contract Service
- D. Inter-Governmental Contract Service with the City of Fairborn

He then entertained Council's comments or questions.

Councilman Louderback said he liked the in-house option the best and asked how many employees would be needed. Mr. Duke said he estimated they could get by with two [additional] employees (Chief Building Official and an Inspector), contracting out plans review, and then utilizing existing administrative staff for clerical functions. Previously when the City had an in-house Building Inspection Department, there were at least three or four employees and one employee may have been both a building inspector and construction inspector. It is difficult to predict the financials involved to bring the service in-house, especially when the building environment is volatile with periods of little to no activity and periods of high activity. A recession could result in a lack of development and no permit fees being paid, but the City would still have personnel expenses. He explained that is why they are only considering a scenario with two new employees, contractors, and using existing administrative staff, which is the minimum required. Councilman Louderback recalled the cost that was previously provided to bring the services in-house was not much at all. Mr. Duke said that amount was about \$10,000, which was based on the revenue the County received in 2018 along with the assumption that there would be a slight increase in fees to bring them in line with what other communities are charging for those services. In a recession or during periods of no development, the cost would be much higher due to reduced revenues. Councilman Louderback said if they bring the services in-house, then the City has control.

Mayor Mays said if they choose the in-house option, she asked if the concern of attracting and retaining employees with the appropriate skill sets would carry over to Xenia. Mr. Merriman agreed, and they would have to pay very competitively to attract and retain qualified employees. He explained that these employees must have so many years and hold various types of certifications for electrical, residential, etc., before they can take the test to become a licensed inspector. He thinks the City would need to hire two full-time employees, the Chief Building Official and one Inspector, and as Mr. Duke stated, supplement with contractors and existing administrative employees. In talking with Fairborn, they are open to alternatives that include contractual assistance from some of their employees.

Councilman Louderback said they cannot put a value on the number of businesses that have been run out of town or those who decided to not locate here. Mr. Merriman agreed; some communities in Greene County are very desirable for a variety of reasons, such as Beavercreek. Xenia's margin is much lower, they have to work a little harder, and the perception of not being business friendly is not helping.

Councilman Smith said page 4 of the memo shows figures based on 2018 permit numbers. He likes the idea of bringing the services in-house, but he was concerned about affording those employees during "down" years. He asked if those employees could be assigned other duties. Mr. Merriman said yes, they could cross-purpose those employees and likewise distribute their compensation

among various funding sources. For example, the employees could assist with code enforcement or construction inspection. He noted staff has discussed how their job descriptions would be written, qualifications, etc. If Council so desired, he and staff could put together a more formal plan together and delve into those issues in more detail.

Vice President Wallace wondered how many folks have decided to not work at Greene County Building Inspection due to its reputation. He assumed employees would want to work in a community that served and welcomed people.

Mayor Mays said regarding the option to partner with the City of Fairborn, they would not be maintaining control, but their department is doing very well, has a good reputation, and Xenia would not need to start completely from scratch. She asked Mr. Merriman if he felt that was a good option. Mr. Merriman said there was purposely no firm recommendation in the memorandum he provided—it really depends on perspective. If they are looking for the greatest likelihood to self-control their destiny and improve the culture and reputation, then they bring the services in house. But, in-house services brings the greatest financial liability. A safe second option is a contractual arrangement with City of Fairborn. He noted Fairborn's community dynamics are very similar to Xenia's, and they share the same priorities of improving culture, customer service, timeliness, etc. Turnaround time is extremely important, especially for private businesses, and Fairborn has identified a 16-day turnaround time for plans review. The state standard is 30 days, but their goal is only 14 days. With Greene County, it is 30-45 days. He noted that Fairborn recently received a statewide award for their Building Inspection operation, so clearly things have drastically improved. However, he questioned whether Fairborn Inspectors would be principally concerned with plan/permits/inspections for Fairborn vs. Xenia. Mayor Mays said the biggest consideration for her was cost, and the Fairborn option would not cost Xenia anything. Mr. Duke said potentially there would not be any cost for the Fairborn option, but an agreement would have to be developed. However, it was safe to say there was less financial risk with the Fairborn option.

Mr. Merriman said Options B, C, and D would transition to some form of digital plans review; however, that option is currently not available with Greene County. The County has invested in the software but has unfortunately been reluctant to make the transition, which is frustrating because he believed it would improve customer service and their turnaround time. County staff could not identify a timeline as to when that transition to digital plans review would be complete.

Councilman Urschel asked if Xenia would have to adopt Fairborn's permit fee structure if they went with Option D and how it compared with Greene County's permit fee structure. Mr. Merriman said City Planner Brian Forschner did some research and looked at comparables, and he found that the current Greene County rate structure is very competitive and fairly low as compared to other communities. Fairborn's fees are a little higher than Greene County's fees. Mr. Duke said Mr. Forschner identified fees based on square footage (5,000 sq. ft. restaurant vs. 20,000 sq. ft. office building vs. 2,000 sq. ft. home). Each scenario is a little different, but on the average, Fairborn's permits are more expensive. He noted a few situations were identified where renovations of existing buildings would be less costly. Mr. Merriman said it was difficult to come up with an 'apples to apples' comparison due to flat rates under specific criteria. Mr. Duke said for example, a permit for a new 20,000 sq. ft. building would cost \$8,134 in Xenia, and in Fairborn, it ranges from \$8,234 to \$11,084. Mr. Merriman said for comparison's sake, it would cost \$10,200

in Kettering and \$7,100 in Lebanon. That said, stakeholders have consistently stated they are willing to pay higher fees for improved service. Mayor Mays concurred.

Mr. Merriman said he realizes the County is between a rock and a hard place and facing ongoing challenges. He applauded their receptiveness to the concerns and their openness to discuss solutions and ideas. However, if they continue with Greene County Building Inspection, he could not guarantee improvements. In fact, he could not guarantee that with any option, but they would have more control over that destiny with some other options. Vice President Wallace asked how the County responded when Mr. Merriman mentioned that they [Council] were considering “doing our own thing?” Mr. Merriman said he and Mayor Mays periodically meet with Commissioner Koogler and Mr. Huddleson, and they have had very candid conversations with a little bit of push back. They feel that the County is a scapegoat. They said some complaints have been vetted, and generally, they discover that the developer, the contractor, the architect, etc., failed to produce something, submit something, follow through on something, etc., and the County gets blamed. However, as he reminded Mr. Huddleson today, reputation is still reputation. Even if the onus is falling back on these other stakeholders, he asked if there were things the County could do proactively to improve their reputation because that affects the bottom line for everyone. Mayor Mays said when this issue originally came up, they talked to Mr. Huddleson and said City leaders would have to consider some option, and he seemed to understand that. She noted they have tried to hire another inspector and have been unsuccessful. The sentiment she took away from that conversation was, “we get it ... we understand that we are struggling to get things done.”

Mr. Merriman said in his discussion with Mr. Huddleson that day, he expressed his appreciation for the improving relationship with the County Commissioners and his office. He certainly did not want this issue to create a point of conflict or contention. Mayor Mays agreed. Mr. Merriman said Mr. Huddleson stated that he understands it is a business decision that City Council has to make. He noted when talking with other City Managers in the County as well as County leadership, he shared that he felt a Council of governance with one countywide joint operation would be the best approach to consolidate the labor capacity, but he did not believe the various governmental stakeholders could bring that to fruition for a variety of reasons.

Mr. Duke said as a part of this evaluation of options process, they looked at comparables with regard to what other municipalities are paying Building Inspection employees, and Greene County was well below others. He said workforce concerns are legitimate, and the County has made some recent changes to improve that situation. Currently, their inspectors are making between \$55,000 and \$69,000 per year. A lot of work goes into obtaining the credentials needed to obtain these skilled positions and the work force is slim, which makes them very competitive. Staff has done a considerable amount of research to determine what Xenia should consider paying these employees if they bring the service in-house.

Mr. Merriman suggested they discuss Option C, which is contracting with a private contractor. Staff met with representatives from National Inspection Corporation (NIC), which he felt was another legitimate and viable option. As noted in the memorandum, there are two perceived deficiencies with that arrangement are 1) no control and 2) the profit motive may compromise service standards. He said NIC would negotiate with them to adopt a fee structure, and under that scenario, 90% of that revenue would go to NIC and 10% would be retained by the City to offset some administrative responsibilities. Vice President Wallace said he was not a fan of not having

any control, which he felt was part of the current problem. Councilman Smith agreed. If they were considering going with a private company, they should just keep the services with Greene County.

Mayor Mays said if they go with Option D with the City of Fairborn, she asked if there would be any representation from Xenia to maintain equality with regard to priority. Mr. Merriman said he discussed this concern with Fairborn leaders, and a quarterly review could be conducted to determine if benchmarks are being met in terms of turnaround times, etc. Further, the City's Fire Inspector Mike Blakesly attends weekly meetings with Greene County Building Inspection for any projects related to Xenia, which could also be done with Fairborn. He took the opportunity to publicly commend Mr. Blakesly for being very instrumental in helping to problem solve and troubleshoot many issues with Xenia projects, even going above and beyond his forte as it relates to the Fire Code. Fairborn is open to continuing that type of an arrangement.

Councilman Louderback asked if Xenia was currently under contract with Greene County. Mr. Duke said yes. Councilman Louderback asked about the length of the contract. Mr. Merriman said the current contract is very simple, but it includes a 60-day exit clause for either party. He suggested giving them notice if Council intends to go in a different direction even though it would take more than 60 days to transition that process to ensure an uninterrupted flow of service. Councilman Louderback said if Council decides to abandon the County's services and pursue an in-house option, he asked if the City's Human Resources Director would begin looking for employees right away. Mr. Merriman said they would start to put together a comprehensive plan and consider everything involved in that process including a number of required legislative steps, civil service approval, and financials/budget adjustments, which would then be presented to Council for official action. He said even though the City used to have a Building Inspection Department, the information needs to be updated including job descriptions. He noted the Chief Building Official would need to be in place before any work could transition over. Councilman Louderback asked when a decision was needed from Council. Mr. Merriman said that is up to Council. They have all heard the complaints, and Council needed to determine the priority and urgency of the situation. He entertained additional questions or concerns and offered to pursue one or more options in more detail if they so desired.

Councilman Louderback said he wants to bring the service back in-house. He asked other Councilmembers their opinions.

Councilman Urschel said Option B really is not a pure "in-house" option; rather, it is more of a hybrid because they would be contracting out some plan review and inspection services with the Chief Building Inspector overseeing it all, which limits employee liability. Mr. Merriman agreed. Councilman Urschel expressed his concern about Option C because there would not be an in-house person with that level of experience to oversee private contractual services. The Fairborn option (Option D) may seem like less risk and services would probably improve, but if Xenia is having a down time, then Fairborn may be in the same situation. If they are losing dollars, then he believed both Fairborn and Xenia would be affected. Mr. Merriman agreed, and further noted that if Council decides to go with Option D, Fairborn officials have said they would hire an additional full-time employee to take on that additional work. Mr. Duke noted a downside to contracting with the City of Fairborn (Option D) is that City of Fairborn vehicles would be coming into the City of Xenia for inspections, which could probably be solved with some car magnets. However, Xenia residents and businesses probably understand calling Greene County for inspection services because they

are located in Greene County, but they may not understand why they would need to call the City of Fairborn. Councilman Urschel said he wants to make it as easy as possible for people to come here and do business, and as Councilman Louderback stated, they cannot put a price tag on businesses leaving or not even considering this community, which is way beyond the risk of any other option.

Councilman Smith asked who in the City of Xenia would be overseeing this new department and its employee(s) and contract workers. Mr. Merriman said there are a number of approaches, and after discussions with the City's Law Director and Human Resources Director, he would recommend establishing a stand-alone department with the CBO reporting directly to the City Manager. In terms of office space, he would want the department located in the City Administration Building. Public Service Department staff could do the work to transition space in the basement and existing office space and shuffle some employees around to make it work. Other upfront expenses include working with Greene County GIS and purchasing software for the digital platform.

Vice President Wallace said he was prepared to support the in-house option and suggested that staff develop a plan for Council's consideration. Mayor Mays said she was not sold just yet. She still had some reservations about the cost. Councilman Urschel asked Mayor Mays which option she preferred. Mayor Mays said she realizes the in-house option was the best choice, with Fairborn the best second option. She understands all concerns—they are all legitimate—and having the services in-house provides the best control, but she feels the risk was too great at this point. She was concerned with both long-term expenses and immediate upfront expenses as well as adding more employees and another department. Mr. Duke said staff has weighed all those concerns, which is why Council needs to determine if the financial commitment was worth the enhanced service to the community. Mayor Mays said she was also concerned with finding good candidates for those positions.

Councilman Dean asked if staff had contacted other municipalities that have engaged in private contracts to see how that was working for them as far as standard of service delivery. Mr. Merriman said staff followed up with several communities where NIC provides services, and those communities were generally satisfied with the services. However, he believed most of the communities that utilize NIC are better positioned from a marketing standpoint, i.e., he was not certain the timeliness and service delivery were as great of a concern for them as it would be for Xenia.

Councilman Smith said NIC recently made a presentation to the Xenia Business Network and asked the response from the business community. Mayor Mays said she attended that presentation, and they seemed impressed noting the current climate demands change. She has weekly conversations with people about this issue, which is why she was leaning toward an option that could be transitioned quickly, such as NIC (Option C) or a contract with Fairborn (Option D). Mr. Merriman noted in the near term when several projects get underway with active construction, including the Greene County Career Center, the issues with Greene County Building Inspection will likely continue or worsen.

Councilman Louderback said some people say Xenia is not growing, but he believes the City is and will continue to grow based on the number of pending projects, and all those projects will need inspections and will pay the associated fees. If they bring the services in-house, those fees will be

paid to Xenia. Councilman Smith asked how the transition would occur for projects already underway. Mr. Merriman said they would have to negotiate a date that indicates any new applications are for Xenia after that date and how current projects would be reconciled and/or transitioned.

Councilman Urschel asked Councilman Dean for his opinion. Councilman Dean said he has dealt with Greene County Building Inspection and something definitely needs to change. He said on some days everything is fine, but on other days, the inspectors are over scheduled, which results in them being rushed, unfriendly, and not as thorough as they should be. He felt they should consider Option D (Fairborn) or Option C (NIC) for a year or two and see how that goes before bringing the services in-house due to the startup costs. Mr. Merriman noted any option to transition from status quo would involve costs/transition expenses.

Councilman Smith said he definitely wants a change because the business community is demanding change. He was not opposed to using a private contractor for a while, but he also supports the in-house option.

Mr. Merriman asked Council for direction on staff's next steps.

Councilman Louderback asked about start-up costs. Mr. Duke said the software is about \$25,000 plus annual maintenance expenses. Most of the building improvements could be done in-house with City employees. Mr. Merriman said there would be some costs to purchase materials, and ironically, building permit fees.

Mr. Merriman said based on the feedback at the meeting, staff could explore the in-house option and contractual services option and provide a detailed analysis. He noted it would be quite an investment of time to thoroughly vet both options. Vice President Wallace entertained a motion to determine Council consensus.

Motion by Councilman Louderback, seconded by Councilman Urschel, to direct staff to develop an implementation plan for in-house service with some contractual components to complete staff needs. Councilman Urschel asked if they needed to make a declaration to Greene County per the 60-day notice requirement in the current contract. Mr. Merriman said not yet since a formal decision had not been made, but he would convey to them the discussion and action taken this evening. The Roll on this was the following:

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

Nays: None motion carried.

**13. ADJOURNMENT:** Motion by Mayor Mays, seconded by Vice President Wallace, to adjourn at 8:30 p.m. No discussion followed. The Roll on this was the following:

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

Nays: None motion carried.

Michelle D. Johnson  
City Clerk

Edgar Wallace  
Vice President, Xenia City Council