

**XENIA CITY COUNCIL  
REGULAR SESSION MEETING MINUTES  
APRIL 26, 2018  
7:00 P.M.**

**1. CALL TO ORDER:** President Michael Engle called the April 26, 2018, Regular Session to order at 7:09 p.m. in the City Council Chambers, City Administration Building.

**2. INVOCATION:** Pastor John Krumm, St. Brigid Parish, provided the Invocation.

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

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

Councilman Dale Louderback was absent. Motion by Councilman Dean, seconded by Mayor Mays, to excuse Councilman Louderback from the meeting. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Scrivens, Smith, Dean, Mays, Engle  
Nays: None motion carried.

**5. APPROVAL OF MINUTES:** Motion by Councilman Smith, seconded by Councilman Dean, to approve the April 5, 2018, Special Session meeting minutes as written. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Scrivens, Smith, Dean, Mays, Engle  
Nays: None motion carried.

Motion by Mayor Mays, seconded by Councilman Smith, to approve the April 12, 2018, Special Session meeting minutes as written. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Scrivens, Smith, Dean, Mays, Engle  
Nays: None motion carried.

Motion by Vice President Wallace, seconded by Councilman Scrivens, to approve the April 12, 2018, Regular Session meeting minutes as written. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Scrivens, Smith, Dean, Mays, Engle  
Nays: None motion carried.

**6. SPECIAL PRESENTATION(S):** 2018 Heritage Tree, Xenia Tree Committee. President Engle invited the chair of the Xenia Tree Committee, Karl Ransome, to make the presentation. Karl Ransome said every year, the Tree Committee celebrates Arbor Day, and tomorrow third graders will help plant a tree at Shawnee Elementary School. He noted the children would receive tree seedlings to take home and plant. Every year, the Tree Committee also nominates and accepts

nominations for Heritage Trees. This year, only one nomination was received for a tree located at 300 Country Club Drive on the property owned by Mr. and Mrs. Martin. Chuck Poore, a Xenia Tree Committee consultant who is an Arborist, checked out the tree and determined the tree was 240 years old (1778), which was quite a feat considering the area's devastating tornados, development, etc. He noted Xenia was wilderness in 1778 and this tree was part of unbroken forest until the City was developed after 1803. He presented the plaque to be installed near the tree and a certificate about the designation of this Heritage Tree, both of which stated the tree is 80 feet tall, has a canopy spread of 65 feet, and a trunk diameter of 48 inches. He thanked all who supported the designation. Mr. and Mrs. Martin accepted the certificate, and Mr. Martin thanked the Tree Committee member Debby Haines for the nomination and Council and staff for the support. He noted they love the tree and when they built their house 20 years ago, they reversed the plans so they could keep the tree and drive by it every day as they enter their garage.

**7. AUDIENCE COMMENTS:** President Engle explained the procedures for audience comments and invited anyone who wished to speak to come forward. No one came forward to speak.

**8. OLD BUSINESS:**

**A.** President Engle presented ORDINANCE 2018-11 DETERMINING TO PROCEED WITH THE IMPROVEMENT OF CITY STREETS AND PUBLIC WAYS BY THE LIGHTING THEREOF WITHIN STREET LIGHTING DISTRICT #2 FOR THE YEARS 2019-2022, originally introduced by Vice President Wallace on April 12, 2018, and it was read for a second time.

Motion by Vice President Wallace, seconded by Councilman Dean, to adopt Ordinance 2018-11 as read. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Scrivens, Smith, Dean, Mays, Engle  
Nays: None motion carried.

**B.** President Engle presented ORDINANCE 2018-12 REPEALING IN ITS ENTIRETY CHAPTER 642 OF THE CITY'S GENERAL OFFENSES CODE AND ENACTING A NEW CHAPTER 642 TITLED "PROPERTY OFFENSES," originally introduced by Councilman Scrivens on April 12, 2018, and it was read for a second time.

Motion by Councilman Scrivens, seconded by Vice President Wallace, to adopt Ordinance 2018-12 as read. Brief discussion followed. Councilman Scrivens thanked Law Director Donnette Fisher for her quick action on this item. President Engle agreed. He noted this was a long time coming and very well done. The Roll on this was the following:

Ayes: Wallace, Scrivens, Smith, Dean, Mays, Engle  
Nays: None motion carried.

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

**10. NEW BUSINESS:**

**A. Emergency Ordinance 2018-13 Amending Ordinance 2018-10 to Provide Appropriations for Current Expenses and Other Expenditures for the City of Xenia, Ohio, for the Fiscal Year ending December 31, 2018.** Finance Director Ryan Duke said as noted in the agenda report, this Ordinance makes additional appropriations that require amendment of the Annual Appropriations Ordinance, including an interfund loan for additional street improvements as previously discussed, downtown strategic planning, job development loans, and the Victim Advocate program.

President Engle entertained a motion to approve Ordinance 2018-13 as an emergency.

Motion by Councilman Scrivens, seconded by Mayor Mays, to adopt ORDINANCE 2018-13 AMENDING ORDINANCE 2018-10 TO PROVIDE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF XENIA, OHIO, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2018, AND DECLARING AN EMERGENCY. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Scrivens, Smith, Dean, Mays, Engle  
Nays: None motion carried.

**B. Emergency Resolution 2018-K Authorizing the City Manager to Execute Agreements for the Purchase of Services and Products from Verizon under the GSA Federal Supply Schedule.** Mr. Duke said the City has used Verizon to provide services and products for years. The services used to be decentralized but with the creation of the IT fund, it was apparent once they combined all the costs associated with Verizon services and products that they needed to take this action. Verizon cell services and products are used for a variety of reasons, including services for Police cruisers and Fire apparatus, lift stations, staff uses cell phones, etc. He noted cellular options are much cheaper than analog lines and are a much more efficient way to do business. The Resolution will authorize spending up to \$75,000; they are currently spending about \$50,000 per year for Verizon services and products.

President Engle entertained a motion to approve Resolution 2018-K as an emergency.

Motion by Vice President Wallace, seconded by Councilman Scrivens, to adopt RESOLUTION 2018-K AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS FOR THE PURCHASE OF SERVICES AND PRODUCTS FROM VERIZON UNDER THE GSA FEDERAL SUPPLY SCHEDULE, AND DECLARING AN EMERGENCY. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Scrivens, Smith, Dean, Mays, Engle  
Nays: None motion carried.

**C. Introduction of Resolution 2018-L Authorizing the City Manager to Execute a Use Agreement with Devil Wind Brewing for the Use of City Property Located adjacent to 130 S. Detroit Street.** City Manager Brent Merriman respectfully requested that Council introduce and eventually approve a resolution intended to authorize the execution of an agreement with Devil Wind Brewing, a Xenia business located at 130 S. Detroit Street. The agreement would authorize the business to utilize a portion of City-owned right-of-way—essentially sidewalk area in front of their business—for outdoor seating. The Land Development Code allowed for this,

including the utilization of a public sidewalk if at least 5 feet of public sidewalk width remained unimpeded. The City Planner worked closely with the brewery to facilitate this step, which would add to their service delivery capacity on-site through additional seasonal seating. The proposal submitted met all City code requirements but in order to move forward, City Council needed to give authorization because the use of the City right-of-way required formal action. Staff recommended approval of the Resolution to promote the expanding success of this downtown business.

President Engle entertained introduction of Resolution 2018-L as read.

Councilman Scrivens introduced RESOLUTION 2018-L AUTHORIZING THE CITY MANAGER TO EXECUTE A USE AGREEMENT WITH DEVIL WIND BREWING FOR THE USE OF CITY PROPERTY LOCATED ADJACENT TO 130 S. DETROIT STREET, and it was read for the first time.

**D. Administrative Motion Authorizing the City Manager to Execute a Contract for the Renewal of Property and Liability Insurance through Montgomery Insurance and the Public Entities Pool of Ohio, for One Year, effective 05/01/18.** Mr. Merriman respectfully recommended authorization to execute an agreement with PEP and Montgomery Insurance for the provision of property and liability insurance for coverage year 2018. As Council was aware, staff initially considered posting a request for proposals for these services in order to test the marketplace given that the current service delivery arrangement had been in place for the past six years. However, after further evaluation, it was determined that the best course of action this year was to remain under the current coverage arrangement with Public Entities Pool of Ohio. PEP's renewal quote was competitive and within the budgeted estimate for the year at \$205,852. Staff indicated to the current service providers that they reserve the right to evaluate and may pursue other providers through a competitive process early next year for 2019 coverage. For this year, however, it appeared to be in the City's best interest to remain with PEP, which of course would bring value to a local business at Montgomery Insurance.

President Engle entertained a motion.

Motion by Mayor Mays, seconded by Vice President Wallace, authorizing the City Manager to execute a contract for the renewal of Property and Liability Insurance through Montgomery Insurance and the Public Entities Pool of Ohio, for One Year, effective May 1, 2018, in an amount totaling \$205,582.00. Brief discussion followed. Councilman Scrivens asked what this coverage included. Mr. Merriman said it covered all City assets (facilities, parks, fleet, etc.) and all agents of the City (Council members, employees, etc.)—basically everything they do and everything the City owned. The Roll on this was the following:

Ayes: Wallace, Scrivens, Smith, Dean, Mays, Engle

Nays: None motion carried.

**E. Administrative Motion Authorizing the City Manager to Execute Change Order #1 with John R. Jurgensen Company for the 2018 Street Paving Program, and Establishing a New Not-to-Exceed Cost of \$690,209.92.** Mr. Merriman said Change Order #1 with John R. Jurgensen Company would facilitate the new not-to-exceed project cost for the 2018 street program at \$690,209.92, which included the additional cost for inclusion of resurfacing a portion

of Galloway Street per Council's direction. He respectfully requested authorization to execute Change Order #1 to facilitate the added road work as directed.

President Engle entertained a motion.

Motion by Vice President Wallace, seconded by Mayor Mays, authorizing the City Manager to execute Change Order #1 with John R. Jurgensen Company for the 2018 Street Paving Program, and establishing a new not-to-exceed cost of \$690,209.92. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Scrivens, Smith, Dean, Mays, Engle  
Nays: None motion carried.

Councilman Smith acknowledged the City of Xenia was partnering in good faith with the Greene County Engineer and committing to almost \$700,000 in street improvements this year.

**F. Administrative Motion Awarding the Bid and Authorizing the City Manager to Execute a Contract with Insituform Technologies, LLC, for the 2018 Sewer Pipelines Rehabilitation Project.** Mr. Merriman respectfully requested award of bid for the 2018 Sewer Pipelines Rehabilitation Project and authorize a contract with Insituform Technologies, LLC at a cost not-to-exceed \$310,601.65. This project, informally referred to as the annual sliplining program, helps to restore structural integrity to buried sewer lines and was a critical, proactive capital maintenance function. The City had prior experience with Insituform and they have demonstrated acceptable work product previously. This bid award recommendation comes after an initial rejection of bids and a subsequent rebid process due to technical irregularities that could have impacted a fair process. Upon rebid, Insituform presented as the lowest and best bidder, and there was no reason not to award the project to the firm.

President Engle entertained a motion.

Motion by Councilman Smith, seconded by Vice President Wallace, to award both the base bid and the alternate bid and authorizing the City Manager to execute a contract with Insituform Technologies, LLC, as the lowest and best bid, for the 2018 Sewer Pipelines Rehabilitation Project at a not-to-exceed cost of \$310,601.65. Brief discussion followed. Councilman Smith inquired about the alternate price noted in the agenda report. Mr. Merriman explained that occasionally they include an alternate for additional work that could be done under the contract if the base bids are competitive and under the budgeted amount or if additional resources are available. President Engle said the "sliplining" process was much more financially feasible versus a complete replacement of sewer pipelines. The Roll on this was the following:

Ayes: Wallace, Scrivens, Smith, Dean, Mays, Engle  
Nays: None motion carried.

**G. Administrative Motion Approving the Schedule of Bills in the amount of \$669,066.66.** Mr. Duke requested the payment of bills as presented.

President Engle entertained a motion.

Motion by Councilman Scrivens, seconded by Councilman Smith, to approve payment of bills totaling \$669,066.66. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Scrivens, Smith, Dean, Mays, Engle

Nays: None motion carried.

## 11. REPORTS OF COMMITTEES:

**A. Mayors and Managers:** Mr. Merriman said the April meeting was hosted in Piqua. They received a report on pending issues that included an update on the small cell legislation that resulted from the successful litigation that the City of Xenia participated in with regard to challenging the state's initial small cell bill attachment. New legislation, which OML participated in drafting, would go forward for final approval imminently, and the consensus among all parties was that it was something they could all live with. Also provided at the April meeting was a presentation on a program Piqua has implemented with a private healthcare provider partner to make available a municipal employee clinic as part of a broader wellness program aimed at reducing health insurance costs. Xenia staff looked at this concept a few years ago, but this new approach with this particular health service provider seemed to be worth looking into a bit more, so they plan to take a fresh look at the possibility of such a program here in Xenia.

**B. Miami Valley Regional Planning Commission:** This report was postponed due to Councilman Louderback's absence.

## 12. APPOINTED OFFICIALS REPORTS AND COUNCIL COMMENTS:

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

Mr. Merriman provided the following updates:

- **May First Friday**—May 4 starting at 5 p.m.; the City booth will be in front of Flower Stop's new location.
- **Streets Panel Next Steps**—The panel completed its review and developed recommendations. Staff will work to set up a follow-up discussion with Council during which two representatives from the panel would present their recommendations.
- **Community Garden Launch at Lexington Park**—Saturday, April 28<sup>th</sup> at the park. They are working with CSU and Greene County Public Health Department to establish "Community Roots," which includes community gardens.
- **NNO**—The 2018 Neighborhood Night Out Program begins on May 15 at Shawnee Elementary School starting at 5 p.m. Returning partners include Xenia Community Schools, Kettering Health Network and GMH, Kroger, and Ohio Means Jobs Greene County.
- **Franchise Workshop**—The City of Xenia, in partnership with the Xenia Area Chamber of Commerce and The Retail Coach, will co-sponsor a franchise opportunities workshop on Tuesday, May 1, from 6 to 7:30 p.m., at the Xenia Area Chamber of Commerce, 334 W. Market Street. The event will be open to the public.
- **Water Tower Art with XSC**—Staff has talked with Xenia Community Schools about a partnership program with their graphic arts department. Conceptually, they would like students to come up with a branded design for the water towers set for repainting this summer to promote this community in a very positive way. Stay tuned for more information.
- **Key Chrysler, Jeep, Dodge**—Thanks to Key Chrysler Jeep Dodge for the donation of a new Dodge truck for the Police Division's DARE vehicle replacement.

Vice President Wallace inquired about the key for Lexington Park bathrooms. Mr. Merriman thanked Vice President Wallace for the reminder; he will provide that. Also, he respectfully requested that Council go into Executive Session following the Regular Session.

Mr. Duke said the City of Oakwood conducted a water and sewer survey every year, and this year's survey was just released. The City of Xenia's rates are very competitive in the region, and only the City of Fairborn had cheaper water and sewer rates in Greene County. More broadly, he annually prepared a comparison of rates, taxes, etc., and Xenia was no less than 4<sup>th</sup> lowest. Xenia remained very competitive regardless of average income and home value as compared to other communities—only City of Dayton residents paid less than Xenia residents did for the same services. Xenia's income demographic and housing values are not where staff wanted them to be, but Xenia continued to do an excellent job of providing services with fewer resources. All information was available on the City's website at [www.explorexenia.com](http://www.explorexenia.com). He planned to continue to add items to the website in an effort to provide as much information as possible to Xenia residents.

Ms. Fisher had nothing further to share.

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

Mayor Mays shared the following:

- Sunday, April 15: She, along with Councilman Scrivens, attended the Greene Memorial Health Fair where there was lots to do. They did a great job and there was a great crowd. It was a fun event for adults and kids.
- Friday, April 20: She and several City staff members participated in providing a Greene County report on economic growth. It was good to see upward trends.
- Saturday, April 21: She attended the National Afro-American Museum's 30<sup>th</sup> anniversary celebration with the opening of a new exhibit called "Color Outside the Lines."
- Saturday, April 21: She attended the Xenia Adult Recreation and Services Center's annual roast for Cliff Johnson. The money raised at the event will be used for home meal delivery noting that the center had 20 vehicles that provided transportation and meals to senior citizens.
- Sunday, April 22: She spoke at the Interfaith Hospitality Network volunteer meeting. IHN was another local organization that did incredible work in Xenia by providing temporary housing to families with young children.
- Thursday, April 26: She spoke to students in grades 7 through 12 at Legacy Christian Academy. She shared that LCA has "The King and I" for one more weekend on Friday and Saturday at 7 p.m.

Councilman Smith said this was the last Council meeting before the next primary election on May 8. He encouraged everyone to educate themselves and vote. He expressed his appreciation for all in attendance and those watching. He asked everyone to shop Xenia whenever possible to keep local dollars in this community.

Councilman Scrivens said spring was coming, and even though there are two bulk pick-up weeks per month, he would like to see dumpsters temporary placed around the city for residents to use while spring cleaning. He hoped the dumpsters would deter residents from dumping trash elsewhere. He commented on tires that were dumped on Cincinnati Avenue across from the car wash, which needed to be picked up as soon as possible. The alley that runs parallel to Stelton Road by the Meadows Apartments was strewn with litter, which also needed to be addressed as

soon as possible. He noted grass-cutting season was upon them, and he discouraged residents from putting grass clippings in the street so they do not end up in catch basins. He noted he would be attending his first Greene County Career Center's Science Advisory Board meeting as City Council's representative on Friday, April 27. Finally, he said they all needed to be patient and take care of things one step at a time. There was no need to be negative. He was serving on Council only to support Xenia and its citizens, and he would like to continue to serve for four more years.

Councilman Dean had nothing further to share.

Vice President Wallace said he received an invitation to the Wright-Patt Credit Union grand opening on June 6; however, he experienced a glitch in registering his RSVP and had to call and talk with a representative. He noted they are closing their other location. He was looking forward to great things for them at the new location.

President Engle said the new Wright-Patt Credit Union was a beautiful building, and he was grateful for such a nice structure that will certainly add to the scenic and architectural landmarks in the City.

At 7:55 p.m., President Engle made a motion, seconded by Vice President Wallace, to go into Executive Session to conference with legal counsel to discuss potential court action and to discuss confidential business information related to a request for economic development assistance, the Executive Session being necessary to protect the possible investment of public funds. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Scrivens, Smith, Dean, Mays, and Engle  
Nays: None motion carried.

At 8:45 p.m., the Council reconvened in Regular Session with the same members present.

**13. ADJOURNMENT:** Motion by Councilman Scrivens, seconded by Mayor Mays, to adjourn the Regular Session at 8:46 p.m. No discussion followed. The Roll on this was the following:

Ayes: Wallace, Scrivens, Smith, Dean, Mays, and Engle  
Nays: None motion carried.

Michelle D. Johnson  
City Clerk

Michael D. Engle  
President, Xenia City Council