

**XENIA CITY COUNCIL
MEETING MINUTES
JUNE 25, 2020
6:00 P.M.**

1. CALL TO ORDER: President Smith called the Regular Meeting to order at 6:00 p.m. in the City Council Chambers, City Administration Building. Due to COVID-19 and group gathering restrictions, the meeting was closed to the public and live streamed on the City’s government channel (Spectrum/Ch 5 or ATT U-Verse/Ch 99) and YouTube channel (eXplore Xenia).

2. INVOCATION: President Smith provided the Invocation.

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

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

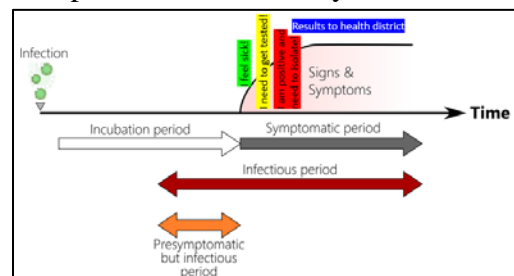
5. APPROVAL OF MINUTES: Motion by Mayor Mays, seconded by Councilman Scrivens, to approve the minutes from the June 11, 2020, Special/Regular Meetings as written. No discussion followed. The Roll on this was the following:

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

Nays: None motion carried.

6. SPECIAL PRESENTATION(S): President Smith invited Greene County Health Commissioner Melissa Howell to the podium to provide an update on the COVID-19 pandemic. Ms. Howell thanked President Smith for the invitation to address Council and provide an update on the COVID-19 Pandemic as it pertains to Greene County and the City of Xenia. They learned about the outbreak in China and the Greene County Health Department (GCHD) has been actively involved in COVID-19 response since January 2020. One of the first things they do is alert their partners, which include area hospitals, the Emergency Management Agency, first responders, etc. They very quickly went from just an incident command to area command that involved all Greene County jurisdictions and agencies. GCHD separated the county by sectors and every sector had a public health employee assigned to it. From January to now, she shared a presentation noting the stats are as of June 21, 2020: Number of cases of COVID-19 in Greene County = 190 (139 confirmed [have had the actual COVID-19 antiviral test], 51 probable [most likely have had the antibody test], 31 hospitalized, 8 died).

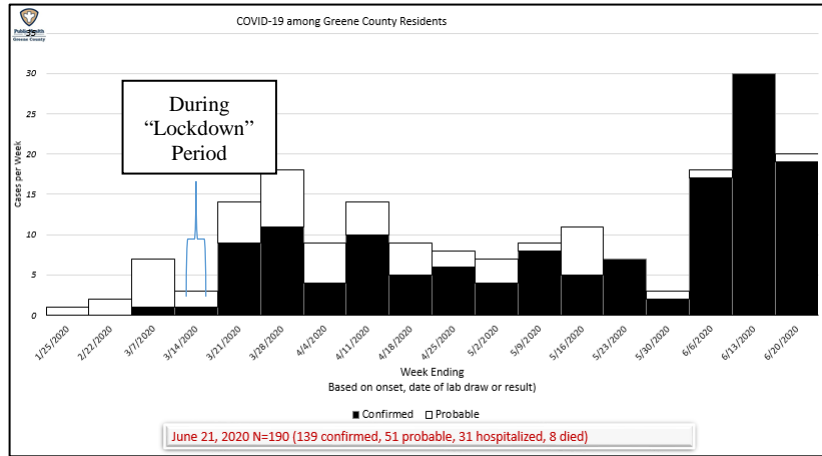
Ms. Howell described how the virus works, how public health works, and how the public receives the information. She explained that public health was really the *last* step in the process, but a lot can be done to mitigate the spread of the virus. She reviewed the chart on the right, noting the incubation period could be anywhere from 2 to 14 days. Signs of the virus (fever, cough, shortness of breath) are revealed during the symptomatic period. The infectious period spans part of the incubation period and all



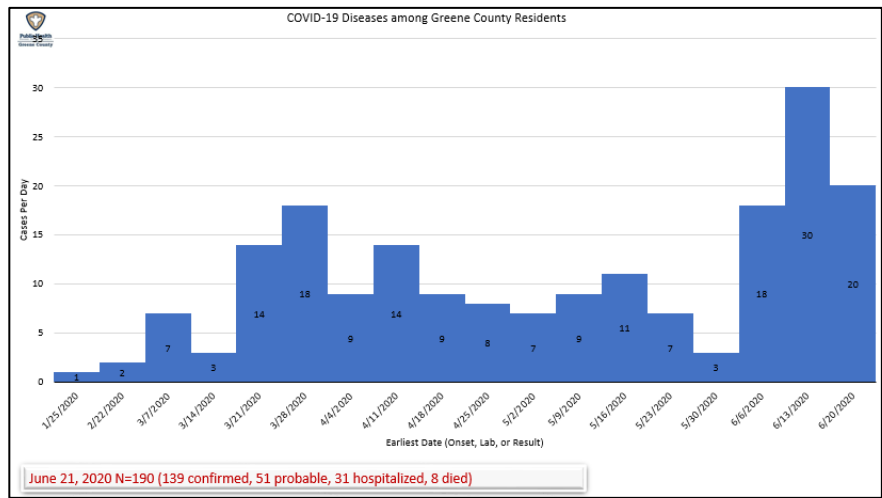
of the symptomatic period; however, she noted some individuals do not show *any* symptoms at all during the entire course of the virus. Those who feel sick may or may not go to the doctor to get the prescription to get tested for the virus. The positive results are reported to the Health District. As shown above, the time to mitigate the spread of the virus is during the infectious period because once people test positive, they are required to self isolate. The time period before that positive test result is the time to take precautions and mitigate the spread of the virus.

Ms. Howell shared the numbers of confirmed (in black) and probable (in white) cases among Greene County residents, noting they just recently received the first antigen test (a rapid test similar to a pregnancy test or strep test):

She noted the total of 190 cases in Greene County out of 165,000 residents.

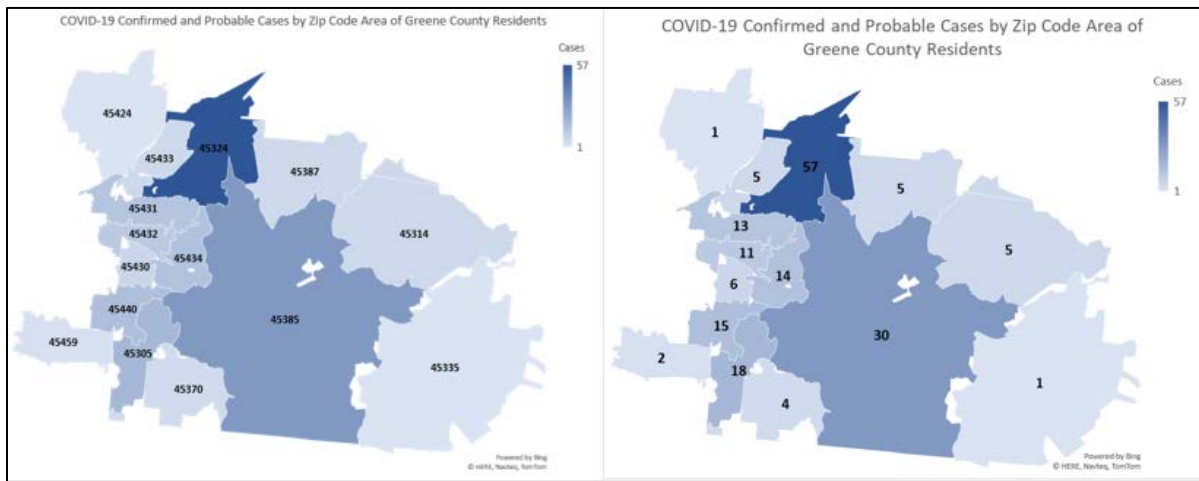
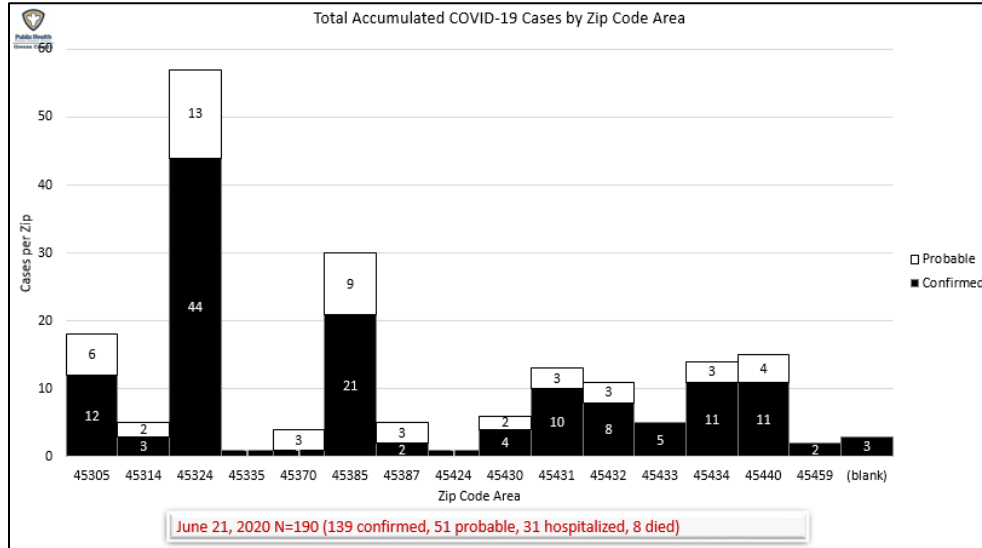


Regarding testing in Greene County, there were initially only two local locations that were conducting testing, which were Hometown Urgent Care in Xenia and the drive through site at the University of Dayton arena. Because testing was not widely available, there were restrictions on who could be tested (individuals who were symptomatic, health care workers, etc.).

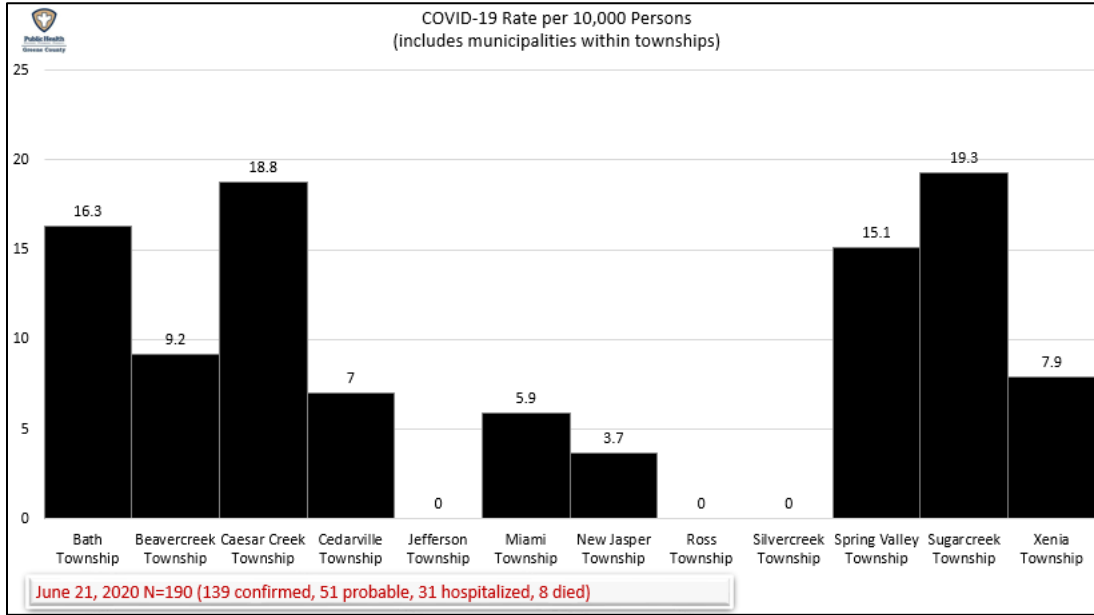


Towards the end of May, the testing opened up and anyone could get tested. She noted widespread testing was just conducted this week in Xenia, and cases are classified by a few different dates, which could be the date of onset of symptoms, the date the nasal swab was conducted, or the date of the lab results.

Regarding zip code numbers (see chart and maps on the next page), the numbers could depend on several factors. The numbers could mean that more people have the virus in that zip code, or it could also mean that residents in that zip code had more access to testing. It is not clear how those numbers are determined. The 45385 zip code represents all residents in the City of Xenia as well as Xenia Township. Further, the City of Beavercreek has four different zip codes, so if you add the number of cases for all four zip codes, then the City of Beavercreek's numbers are similar (or even higher) than Xenia's numbers.

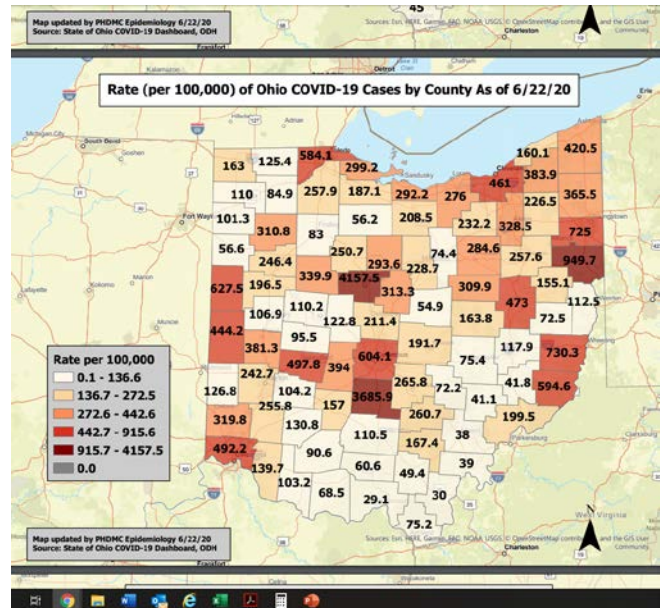


Ms. Howell said to “level the playing field,” they do something called case rates (see chart on next page), and Greene County has one of the lowest case rates in this region. A case rate is a numerator, denominator, and a multiplier. Greene County has 110 cases for every 100,000 population. She explained the equation: $190 \text{ cases} \div \text{Greene County's total population is } 165,000 \times 100,000 = 115.15$. For each individual jurisdiction, they broke it down by 10,000s. Per the chart above, the case rate for Xenia Township is between 7 and 8 cases per 10,000 people. Sugarcreek Township has 18 cases per 10,000 people. A total of only 190 people out of the 165,000 people in Greene County is a very low number. She reiterated that those who have tested positive are self-isolating at home, they are not a risk to the public, and Greene County Health Department staff check in with them at least once or twice per day. The check-ins include contact tracing, which is something the Health Department has done for decades (she’s been with Public Health since 2001, and they’ve been doing contact tracing since that time). Contact tracing helps interrupt the transmission of a virus or disease, noting just last year there were several cases of Hepatitis A in Greene County among I.V. drug users. Through contact tracing, they determined who those I.V. drug users were, who they were sharing needles with, and the disease transmission was interrupted and stopped.



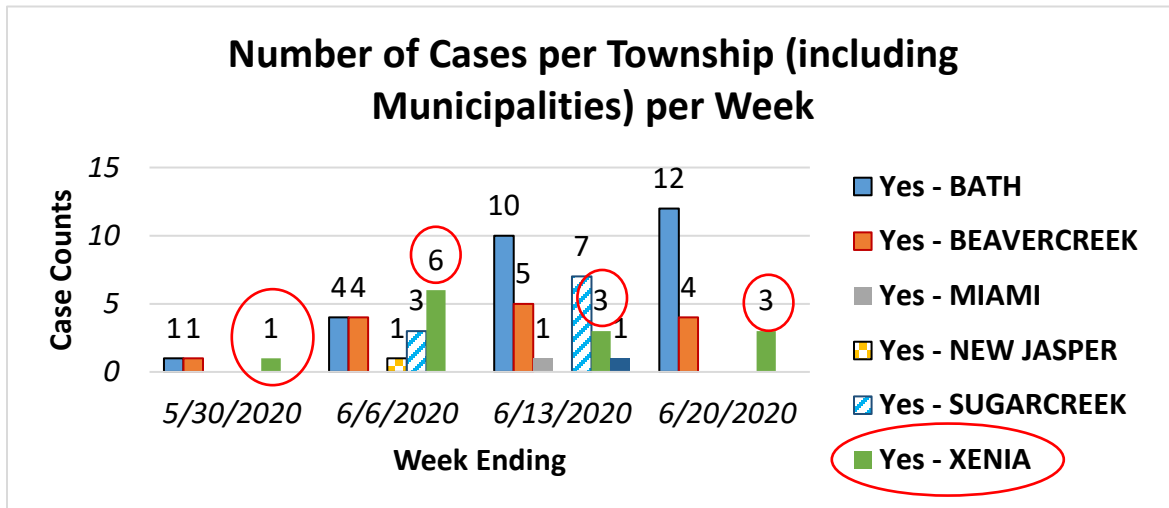
Ms. Howell said she (and others) were a bit surprised, and frankly disappointed, by the announcement on June 18th that the 45385 zip code was a “hot spot” for COVID-19 cases because it was a bit misleading. She immediately emailed the Director of the Ohio Department of Health and explained how she interpreted the numbers. Per the chart below, Bath Township (66) and Beavercreek Township (50) had more cases than Xenia Township (26).

Township	COVID-19 Rate per 10,000	Population	COVID-19 Cases
Bath Towns	16.3	40,363	66
Beavercreek	9.2	53,818	50
Caesar Cree	18.8	1,059	2
Cedarville T	7	5,687	4
Jefferson To	0	1,244	0
Miami Town	5.9	5,043	3
New Jasper	3.7	2,640	1
Ross Towns	0	798	0
Silvercreek	0	3,843	0
Spring Valle	15.1	2,649	4
Sugarcreek	19.3	15,477	30
Xenia Town	7.9	32,603	26
	186	165,224	11.257444



Per the chart below, Xenia Township (not just inside the city limits) only had one new case for the week ending on May 30th. For the week ending on June 6th, there were six new cases. For the week ending on June 13th, there were three more new cases. And by the week ending on June 20th, there were three additional new cases, for a total of 13 new cases during the four-week period. With that information, she had to study the information with regard to whether there was a true increase

(spike in cases) or just an increase in testing. At the beginning of May, only two sites were doing testing in this area, and by the end of June, approximately 10 sites were doing testing in this area—including a total of 975 tests administered in Xenia just the day before. Out of those 975 tests, she would expect no more than 5% of them to come back as positive. She did not feel there was a sudden spike in the virus in this area, and the increase in cases is based on the increase in testing. Overall, she feels Greene County has done very well with managing the virus due to early planning and notification, early testing, and ongoing intervention in addition to people being very compliant.



Ms. Howell said she and her staff base their decisions on local data noting there is a difference in those testing positive who are not hospitalized, those who are hospitalized, and those who are in ICU who are critically ill (including those on ventilators). The current issues surrounding the data include the following:

- Greene County’s disease recording system was upgraded in 2002/2003, but it needs to be updated again because it does not geocode¹ very well.
- They need to continue to increase/promote awareness, share information, and communicate the risk.
- They need *meaningful* key metrics (not more data and graphs) including the following:
 - Number of Hospitalizations
 - Rate of new infections per 100,000 in population
- Continue to educate the community on general public health issues and terminology.

Mr. Merriman complimented and thanked Ms. Howell and her staff, who have been fantastic in dealing with this situation and have been in constant communication with local public safety agencies. As he has personally made policy decisions, including opening the Splash Pad and holding the upcoming fireworks show, he has consulted with her and received good advice.

President Smith thanked Ms. Howell for accommodating his last-minute request to attend the meeting and make a presentation. He knows many people were concerned when they heard that Xenia was a potential “hot spot.” He appreciated her explanation of the numbers and what they mean.

¹ A **geocode** is a code that represents a geographic entity (location or object). It is a unique identifier of the entity, to distinguish it from others in a finite set of geographic entities.

Mayor Mays said she found the presentation very helpful and asked if the information Ms. Howell shared this evening could be made available to the public. Mr. Merriman said absolutely.

Mr. Merriman asked if there was a lookback period with regard to the antibody test to determine if the virus was actually here before March (December-January timeframe). Ms. Howell said the antibody testing tests the immune response (IgM) and looks back about 10 days from the date of infection. The antigen testing (IgG) tests for longer term immunity, and because it is such a new virus, they are uncertain if it looks back two months, six months, etc.²

Councilman Scrivens thanked Ms. Howell for her expertise and time; he was sure many people benefitted from the information.

7. AUDIENCE COMMENTS: President Smith said the meeting was closed to the public and per the agenda, the public was given the opportunity to present comments or questions via email before 3 p.m. today. One email was received from Crystal Wilkinson, 44 Thornhill Avenue, who expressed her concern about neighboring Yellow Springs' recent ordinance to require the wearing of masks noting the Greene County Health Commissioner advises all jurisdictions in Greene County. She does not want Xenia to adopt the same legislation. He said both he and Mayor Mays responded via email to Ms. Wilkinson. He did not foresee such an ordinance coming forward at this time. Ms. Howell noted that Yellow Springs has not had a positive COVID-19 case since May 9, which could be because of their extensive public education campaign, requirement to wear masks, etc.

8. OLD BUSINESS:

A. President Smith presented **ORDINANCE 2020-15 DETERMINING TO PROCEED WITH THE IMPROVEMENT OF CITY STREETS AND PUBLIC WAYS BY THE LIGHTING THEREOF WITHIN STREET LIGHTING DISTRICT #5 FOR THE YEARS 2021-2022**, originally introduced by Vice President Wallace, and it was read for a second time.

Motion by Vice President Wallace, seconded by Councilman Dean, to approve Ordinance 2020-15 as presented. No discussion followed. The Roll on this was the following:

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

Nays: None motion carried.

B. President Smith presented **RESOLUTION 2020-O AUTHORIZING THE SALE OF CITY-OWNED PROPERTY LOCATED AT 895 LOUISE DRIVE TO PHILLIP STEVENS**, originally introduced by Mayor Mays, and it was read for a second time.

Motion by Mayor Mays, seconded by Councilman Brannum, to approve Resolution 2020-O as presented. Brief comments followed. Councilman Brannum said it is good that the City is getting

² Per the FDA website (www.fda.gov): This test measures human SARS-CoV-2 antibodies, IgM and IgG that are generated as part of the human immune response to the virus and is to be performed only using serum, plasma, or venipuncture whole blood specimens collected from individuals suspected of COVID-19 by a healthcare provider. What does it mean if the specimen tests positive for IgM and/or IgG antibodies against virus that causes COVID-19? A positive test result with the qSARS-CoV-2 IgG/IgM Rapid Test indicates that antibodies to SARS-CoV-2 were detected, and the patient has potentially been exposed to COVID-19.

rid of some of its vacant lots. He noted there is another vacant parcel across the street from this one, and the City has been mowing both lots for many years. The Roll on this was the following:

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

9. PUBLIC HEARING(S): None.

10. NEW BUSINESS:

A. RESOLUTION 2020-P REQUESTING FUNDS FROM THE GREENE COUNTY CORONAVIRUS RELIEF DISTRIBUTION FUND AND AFFIRMING THAT FUNDS RECEIVED THEREFROM WILL BE EXPENDED ONLY TO COVER COSTS OF THE CITY OF XENIA, OHIO, CONSISTENT WITH THE REQUIREMENTS OF SECTION 5001 OF THE CARES ACT AND ANY APPLICABLE REGULATIONS AS IS NECESSARY, PURSUANT TO STATE HOUSE BILL 481, BEFORE RECEIVING SUCH FUNDS, AND DECLARING AN EMERGENCY. City Manager Brent Merriman said the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) was enacted by the U.S. government to provide broad-ranging national assistance in response to the COVID-19 health crisis. As a component of this legislation, direct financial aid was provided to states with the intent of advancing resources to local jurisdictions to help offset the increased expenditures related to COVID-19 response. Recently, the State of Ohio approved legislation which specifically allocated CARES Act resources for all local jurisdictions and established a distribution methodology. In essence, the funds will be distributed similarly to local government funding (LGF) methodology: the State is sending funds to County Auditors' offices and the funds will then be distributed to local governments. CARES Act funding must be used for COVID-19-related expenditures only, pursuant to federal requirements. State and federal guidance on use of funds is being evaluated by the appointing authorities to ensure use of the funds in a compliant manner. As required by state and federal legislation, in order to be eligible for the CARES Act funding, local jurisdictions must authorize a resolution requesting and accepting funding and confirming that funds will be used in a manner consistent with CARES Act requirements, which is the purpose of the emergency legislation presented herein. Upon acceptance, the City will have to establish a new budgetary fund, a "Local Coronavirus Relief Fund," for accountancy of grant resources. With Council's approval of this emergency resolution and acceptance of funds, they will need to have some policy guidance on use of these funds, which will necessitate some additional discussion with Council in the near future. The amount that the City of Xenia could receive is \$945,000.

President Smith entertained passage of Resolution 2020-P as presented.

Motion by Mayor Mays, seconded by Vice President Wallace, to adopt Resolution 2020-P as presented. Brief comments followed. Finance Director Ryan Duke said an appropriation ordinance would also be required to appropriate the dollars. The Roll on this was the following:

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

B. Introduction of Resolution 2020-Q Designating the Roundabout at the Intersection of E. Church Street and N. Columbus Street as the "James T. Henry, Sr., Circle." Mr. Merriman

said the core construction of the new roundabout is complete, but in addition to this, there are plans to install some aesthetic features to the central space within the roundabout to serve as a gateway feature to motorists traversing U.S. 42 entering the City. Staff has been in discussion with current and former members of Council for some time considering the opportunity to name it in recognition of a community leader who has made significant contributions in the pursuit of an enhanced quality of life to Xenia residents and businesses alike. Through these talks, they believe there is no person that exhibited those pursuits better than Mr. James T. Henry, Sr. the first African American to be elected as Mayor of Xenia back in January 1969. Staff recommends introduction of a resolution naming the new roundabout at the intersection of E. Church Street and N. Columbus Street as the “James T. Henry, Sr., Circle.” With Council’s concurrence, staff will work to finalize the design of the new entry feature within the confines of the roundabout that will clearly identify it as being named in Mayor Henry’s honor.

Councilman Scrivens clarified that Mayor Henry was selected among the Commission membership to serve as Mayor [from 1969-1972] during his multiple terms [seven consecutive four-year terms spanning over 28 years] serving on the City Commission. Mr. Henry was brilliant and was a well-respected member of this community. He and Mr. Henry’s family are very happy that he will be honored in this way. He noted Mr. Henry was the Chair of the Earth Sciences Department at Central State University, and he felt privileged to have taken classes under his leadership. He would be happy to introduce the resolution as opposed to an ordinance. Ms. Fisher noted a resolution was prepared because a resolution is effective immediately upon passage, whereas an ordinance is not effective until 30 days after passage.

Vice President Wallace asked why the title “Mayor” was omitted from the title of the roundabout. Mr. Merriman said they could accommodate adding that title.

Councilman Scrivens noted that the signage designating the commemorative Martin Luther King Jr. Way along U.S. 42 from the intersection of E. Main and N. Columbus northbound toward Central State University needs to be reestablished.

President Smith said he was recently approached by a citizen about the traffic backups on Columbus going into town. He asked if a modification to the traffic lights could be made. Mr. Merriman said he had already spoken to City Engineer Chris Berger about this issue, and the traffic light timing will be tweaked to allow for a longer green light on Columbus at E. Main Street. The problem was created because traffic can continually make its way through the new roundabout, which causes cars to stack at the traffic light at E. Main and Columbus.

President Smith entertained introduction of Resolution 2020-Q as presented.

Councilman Scrivens presented RESOLUTION 2020-Q DESIGNATING THE ROUNDABOUT AT THE INTERSECTION OF E. CHURCH STREET AND N. COLUMBUS STREET AS THE “JAMES T. HENRY, SR. CIRCLE,” and it was read for the first time.

C. Administrative Motion Waiving Competitive Bidding for Professional Services and Authorizing the City Manager to Accept and Proceed with the Price Quotation from American Suncraft Co., Inc., to Paint Two City Logos on the W. Second Street Water Tower. Mr. Merriman said the W. Second Street Water Tower was rehabilitated in the past year or so and

repainted in order to protect the appurtenance for many years to come. At the time, it was City staff's recommendation to wait before adding any logos to the painting of the exterior surface of the Tower in the hopes of securing some private sector financial participation. Unfortunately with all that has happened recently, it does not appear that they will be able to pursue such a partnership. As a result, staff is recommending the City proceed with the addition of two City of Xenia logos on the Tower as shown here. American Suncraft Co., Inc., is the firm that completed the exterior painting and rehabilitation of the Tower in 2018-19. The firm quoted a price of \$49,870 for the addition of the two City logos on the Tower. As this work is a carry-over project from American Suncraft Company's prior painting, he respectfully recommended Council authorize the expenditure of funds without formal bidding for this professional service as is allowed by and in accordance with Section 9.16 C. of the City's Charter and authorize the acceptance of the quoted price from American Suncraft Co., Inc. in the amount of \$49,870 to proceed with this project. It should be noted that the 2020 budget included \$75,000 for this work, and that the funds that would pay for this are Water Fund resources which can only be used for water-related assets and operations.



President Smith entertained a motion.

Motion by Councilman Scrivens, seconded by Vice President Wallace, to waive competitive bidding and authorize the City Manager to accept and proceed with the price quotation submitted by American Suncraft Co., Inc., in an amount of \$49,870, to paint two City logos on the W. Second Street Water Tower. Discussion followed.

Councilman Scrivens asked about the saying, "Bicycle Capital of the Midwest." Mr. Merriman said he would agree that Xenia still is the "Bicycle Capital of the Midwest." However, for this tower, he and staff wanted a more clean and traditional look, which is why they chose not to put the City's new logo on there. Councilman Scrivens said other communities acknowledge the local school mascots on their towers. Mr. Merriman agreed and noted that all the incorporation signs on major roadways into the City are being updated and will state "Home of the Buccaneers." Vice President Wallace said he liked the design and the use of "The City of Hospitality." President Smith noted there are other schools in the City of Xenia (with different mascots); using "The City of Hospitality" is always a good choice.

Councilman Brannum said there is a payment for water tower painting/lease on the schedule of bills and asked if that was from the painting of a previous tower. Mr. Duke said that payment was for the Spring Hill / Patton Street standpipe project, noting the cost was debt serviced. Mr. Merriman said two towers were painted last year, which included interior and exterior inspection and paint. The painting of the logo was just for aesthetic purposes. The Roll on this was the following:

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

D. Administrative Motion Authorizing the City Manager to execute the Contract with Motorola Solutions Emergency Call Works System for the Replacement of the Xenia Greene

Central Communications Center 911 System. Mr. Merriman said the Xenia Greene Central Communications Center currently utilizes a phone system that went into service in 2005 and has now reached its end of life. The current system is not redundant and does not provide a back-up for 911 call answering in the event of an outage or emergency at the primary 911 center. It is clearly time to address these concerns and potential liabilities. For a replacement system, staff recommends a Motorola Solutions Emergency Call Works Next Generation 911 Call Taking, Mapping & IP-based Telecommunications System with integration services. This proprietary system would work in conjunction with other Motorola network components which are part and parcel to the Dispatch operation currently. The replacement of the 911 phone system is planned in the 2020 budget, and the purchase would be funded through grant monies and 911 fund dollars, which can only be used for 911/dispatch-related expenses. Staff recommends authorization to purchase the Motorola System through Motorola Solutions at the cost of \$336,782.86, with recurring yearly support and maintenance costs as detailed in the provided proposal. Pursuant to ORC 128.03(F), the purchase, acquisition, installation and maintenance of a 911 system and customer premise equipment at a public safety answering point (the Dispatch center), including customer premise equipment used to provide wireless enhanced 911, is exempt from any competitive bidding requirements. Staff requests authorization to execute a Communications System and Services Agreement with Motorola Solutions for the purchase as indicated. He added that staff is currently working on evaluating redundancy in the Dispatch center, noting several factors including the contract with the City of Bellbrook/Sugarcreek Township, which expires this year. They also plan to talk to Greene County and other jurisdictions in the County that provide 9-1-1 services about the long-term future of the service. He believes there may be opportunities to continue partnerships, reduce costs, and provide a high level of service.

President Smith entertained a motion.

Motion by Mayor Mays, seconded by Councilman Dean, to authorize the City Manager to execute a Communications System and Services Agreement with Motorola Solutions for the purchase of the Emergency Call Works Next Generation 911 Call Taking, Back-up 911 Call Taking, Mapping, IP based Telecommunications System in the amount of \$336,782.86, per the quote. Brief discussion followed. Councilman Scrivens said the last 911 phone system lasted about 15 years and asked the life expectancy of this new one. Mr. Merriman said with rapidly changing technology, it would be difficult to anticipate the new system's lifespan; however, he assumed it would last at least 10 years. Vice President Wallace asked if the City would be receiving any financial help with this purchase from the agencies who share the Dispatch center. Mr. Merriman said the grant would cover half the cost and the remaining half would be paid from proceeds from the 9-1-1 fund, which is derived from fees paid to Greene County answering points. The Roll on this was the following:

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

E. Administrative Motion Approving the Schedule of Bills in the amount of \$2,040,261.11. Mr. Duke respectfully requested the payment of bills in the amount of \$2,040,261.11. He noted the significant total was due to several larger payments including the generator replacement project (\$201,666), a debt payment for the water tower painting project as previously noted (\$57,851.51), Innovation Drive extension project (\$58,738.89), water meter

purchase (\$1,000,000), and sewer plant upgrade debt payment (\$362,726.50). He said the meter installation project is going well; even with a few minor hiccups, NECO completed about 800 water meter installs this week.

President Smith entertained a motion.

Motion by Councilman Scrivens, seconded by Vice President Wallace, to approve the schedule of bills in the amount of \$2,040,261.11. No discussion followed. The Roll on this was the following:

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

Nays: None motion carried.

11. APPOINTED OFFICIALS REPORTS AND COUNCIL COMMENTS:

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

Mr. Merriman shared final details and comments for the July 3rd Kevin Sonnycalb Memorial Fireworks show:

- He thanked Mr. Charles Strausburg and his family for hosting the fireworks on their property off of Second Street at Progress Drive.
- He thanked the Sonnycalb family for the majority of the funds for the annual event as well as additional sponsors for this year's event including the Xenia Rotary.
- He thanked area businesses and churches, including Lowe's, Kroger, Rural King, Walmart, the YMCA, and Lighthouse Baptist Church, for allowing people to park and congregate in their parking lots to enjoy the show. He asked those utilizing those private parking lots to be kind consumers. He asked everyone to properly dispose of any trash they may generate during the event with carry out food, etc. Those in adjacent neighborhoods should be able to see the fireworks from their own homes.
- Rumpke will deliver port-a-johns to the site.
- This year's show includes larger shells that will travel higher in the air. The show will be approximately 20 minutes long.
- In the event of inclement weather, the show will be held on Saturday, July 4th.
- Greene County Health Commissioner Melissa Howell has asked that everyone abide by some commonsense guidelines as they celebrate as a community.

President Smith also extended his thanks to everyone, including the area businesses, who cooperated and collaborated to hold this event.

Mr. Duke said the Ohio EPA Director has lifted the ban on utility disconnections as of July 10th. He said the City will continue disconnects on its regular schedule, which is July 29th. He said this is a tough situation, and a significant number of accounts are delinquent. He and his staff will do their best to inform the public and manage the situation.

President Smith asked if a schedule could be developed to show where and when NECO would be working on meter replacements. Mr. Duke said yes, noting that was one of the hiccups they had to work out. He and his staff are working with NECO to develop a schedule, and they are notifying residents via HyperReach, social media posts, and emails to customers. Vice President Wallace said his meter was replaced last week, and although he did not know they were coming, they were

done in less than 10 minutes. Mr. Duke said they realized last week that they needed to be more proactive with notifying residents. Mr. Merriman said most meter change outs are quick. They schedule 30 to 60 minutes for each one, but a few have taken a little longer than that.

Ms. Fisher reported that this morning the Ohio Supreme Court ruled in the City's favor on the bike path annexation determining that the annexation met all the state's requirements, and Greene County has been ordered to pass a resolution approving the annexation. However, the Dayton Daily News misrepresented the annexation. The article stated that the City would be able to collect income tax for all Central State University employees, which is not correct. The bike path to be annexed consists of 41 acres and the 4.5 acres of Central State University property does not have any buildings located on it. President Smith asked if someone could reach out to the Dayton Daily News with the correct information. Mr. Merriman said yes.

B. Mayor and City Council:

Councilwoman Dean said she was looking forward to the fireworks on July 3rd. She was glad everything worked out for the event.

Councilman Scrivens expressed his condolences to the families of Bob Swigart, former President and Owner of Tiffany's Jewelers in Xenia, and Barbara Pitts Coffey, his family physician. He also expressed his delight that the fireworks show would be held because Xenians needed something to be proud and happy about. Regarding the James T. Henry roundabout, he said lights need to be installed at the intersection and traffic needs to slow down before entering the roundabout. He suggested installing stop signs versus yield signs. He congratulated Ms. Fisher on prevailing with the annexation case noting the CSU Trustees initiated the annexation paperwork.

Councilman Brannum thanked Ms. Wilkinson for her email (noted under Audience Comments). He applauded her input and correspondence.

Councilman Dean had nothing further to share.

Mayor Mays said she participated in a flag retirement ceremony on June 14th, which was hosted by Greene County Sheriff Gene Fischer. It was very moving and educational. She thanked the Xenia Police Division, specifically Captain Gary Johnson, for coordinating her ride along with Officers Moore and Margioras. She thanked them for their time and for answering all her questions. She appreciates the job they do every day, and they deserve to be supported. She encouraged others to take advantage of a ride-along opportunity—it was educational and exciting at times!

Vice President Wallace said he was also excited for the fireworks show. He was ecstatic about the outcome of the annexation litigation. He was thankful that the Ohio Supreme Court agreed with the City of Xenia, and they can now pursue that partnership. He thanked Ms. Fisher for her efforts.

President Smith said he was also excited for the fireworks show on Friday, July 3rd. He wished everyone a "Happy July 4th" but encouraged people to be smart and safe. Stay with your own family, wear masks if desired, and follow other safety protocol. In anticipation of the following Special Session, he declared them recessed from 7:32 p.m. until 7:40 p.m.

12. SPECIAL SESSION:

Land Development Code – Proposed Amendments: Mr. Merriman turned the presentation over to City Planner Brian Forschner. Mr. Forschner said land use regulations require periodic updates to keep pace with changes in economic conditions, technology, and community preferences. As City staff members enforce the City’s Land Development Code (LDC), they listen to community feedback and observe how the regulations are impacting real-world decisions, the local economy, and quality of life. Regular maintenance and updates are necessary to keep the code focused on its purposes and community expectations. Staff has identified the need for several updates of administrative, accessory structure, architectural, and permitted use regulations. He said the LDC requires PZC or Council to initiate code updates. PZC initiated the following LDC amendments on 2/6/2020, held a public hearing on 3/5/2020, and endorsed the amendments on 3/5/2020. The next step is review by City Council, which includes another public hearing. The proposed amendments are as follows:

1. Authority to File Applications

The proposed amendment will streamline application submittal by codifying an existing process of allowing tenants or design professionals to sign applications on behalf of owners, instead of requiring the property owner to sign every application.

Amendment Text

SECTION 1220.02 COMMON REVIEW REQUIREMENTS

(a) Authority to File Applications.

- (1) Unless otherwise specified in this code, development review applications defined in this code may be initiated by:
 - A. At least one owner of the property that is subject of the application; or
 - B. An agent authorized by the owner, which may include a lessee of the property.
- (2) **Applicants shall certify that (1) they are the owner of the lot(s) subject to the development review application or (2) have permission from such owner to submit the application.** ~~Property owners of all the lots subject to the review or submittal shall be required to sign the application.~~
- (3) The PZC or City Council may initiate code text and map amendments under this code with or without written authorization or application from the property owner who may be affected.

2. Initiation of Text Amendments

The existing LDC language requires PZC or Council to initiate LDC text amendments. The Law Department advised that the LDC must also provide individuals with the right to apply for such amendments directly, rather than by petitioning to the PZC or Council. The proposed amendment accomplishes this.

Amendment Text

SECTION 1220.03 CODE TEXT AND MAP AMENDMENTS

(c) Initiation.

- (1) ~~For a A zoning map amendment or code text amendment of a specific property, may be initiated by any person who has authority to file an application (See Section 1220.02(a): Authority to File Applications.) for a property affected by the amendment or proposed to be rezoned by the amendment such property may initiate an amendment by filing an application with the City Planner.~~
- (2) ~~Only City Council or the PZC may initiate code text amendments.~~
- (3) ~~City Council may initiate a code text or map amendment by adopting a motion to make such amendment and referring the motion a recommendation on an amendment to the PZC.~~
- (3) (4) The PZC may initiate a code text or map amendment by adopting a motion to make such amendment.

3. Transient Guest Lodging

The City has observed or been approached by individuals using or seeking to use single-family homes for transient guest lodging. Examples of this include AirBnB and VRBO, which are international platforms for individuals renting out their homes to transient (i.e., less than 30 days) lodgers. This business model has become a common alternative to traditional hotels or bed-and-breakfast establishments. Another potential user of transient guest lodging is Four Paws for Ability. The director of Four Paws for Ability expressed an interest in using single-family homes as lodging for service animal recipient families during their training process. Many of these families include individuals with developmental disabilities and often prefer a private, detached home over a traditional hotel. Transient guest lodging is currently not permitted in residential districts unless the owner lives at the establishment. In such cases, the LDC refers to it as a “bed and breakfast” and requires Conditional Use approval. This is problematic for AirBnB and VRBO operators, many of whom do not live at their business locations. The same is true for Four Paws for Ability. Some communities have expressed concern about the growth in transient guest lodging, due to its potential to overwhelm established neighborhoods with transient populations. Tourist destinations such as New York City, New Orleans, San Francisco, and Durango, Colorado have regulated and restricted transient guest lodging to varying degrees. Locally, Oakwood bans them while Yellow Springs allows them with few restrictions.

Staff believes that Xenia is positioned to benefit from transient guest lodging while potentially avoiding its pitfalls. The City and its surroundings have significant, but not overwhelming, visitor attractions such as small universities, Athletes in Action, Hamvention, and the bike paths; however, even with the addition of the Hampton Inn, Xenia has limited high-quality hotel rooms and many visitors end up staying in nearby communities. This deprives Xenia of visitor spending on local businesses such as restaurants and retail. Furthermore, Xenia has several neighborhoods that have experienced disinvestment and vacancy and would benefit from added investment from transient dwellings. Staff has proposed a text amendment that replaces the “bed and breakfast” use with a “transient guest lodging” use, while permitting it by right with standards, subject to receiving a zoning permit. Transient guest lodging would be permitted wherever dwellings are permitted. The owner would not be required to occupy the structure, and parking requirements would be the same as dwelling units. The limit of five (5) guestrooms per unit would remain in place, as a measure to control parking demand and other neighborhood impacts. This mirrors the Ohio Building Code’s limit of five (5) guestrooms per dwelling for owner-occupied lodging houses.

It is important to note that transient guest lodging is regulated under the Ohio Building Code, whereas one-, two- and three-family dwellings are regulated by the Residential Code of Ohio. Transient guest lodging faces additional building code requirements that do not apply to one-, two- and three-family dwellings. This is partially due to the notion that transient guests lack the same situational awareness of permanent residents. This can lead to challenges in evacuating the building in the event of a fire. Furthermore, transient guest lodging operators may be tempted to allow a higher-than-normal number of occupants for the purpose of boosting revenue. This can further complicate fire safety. Requiring a zoning permit for these businesses will help to keep them on the radar of local building and fire officials, and serve as a contact point to remind owners to seek the necessary approvals and guidance from Greene County Department of Building Regulation.

Amendment Text

SECTION 1220.04 PRINCIPALLY PERMITTED USES

TABLE 1222-3: PERMITTED PRINCIPAL USES

Use Category and Use Type P = Permitted Use PS = Permitted Use with Standards C = Conditional Use --- = Prohibited Use		Base Zoning Districts											Use-Specific Standards in Section:	
		A-1	R-1A, R-1B, R-1C, or R-1D	R-2	R-3	O-1	B-1	B-2	B-3	I-1	I-2	P-1		PUD
Use Category	Use Type													
Tourism	Banquet Halls or Conference Centers	---	---	---	---	---	---	P	P	---	---	P	P	
	Bed & Breakfast Establishments	€	€	€	€	€	---	---	---	---	---	PS	1222.05(d)(19)	
	Campgrounds	C	---	---	---	---	---	---	---	---	C	---		
	Hotels or Motels	---	---	---	---	---	C	P	---	---	---	P		
	Transient Guest Lodging	PS	PS	PS	PS	PS	PS	PS	PS	---	---	PS	PS	1222.05(d)(19)

SECTION 1222.05 USE-SPECIFIC STANDARDS

(d) Commercial and Office Uses.

(19) ~~Bed and Breakfast Establishments~~ **Transient Guest Lodging.**

~~Bed and breakfast establishments~~ **Transient Guest Lodging is** are subject to the following standards:

- A. **Transient Guest Lodging is permitted only in dwellings, accessory dwellings, or as a dwelling unit in a Mixed Use Building (With Residential Uses).** ~~The building utilized for the bed and breakfast establishment shall have been originally designed as a single-family dwelling structure.~~
- B. ~~The owner shall reside on the property.~~
- C. **Transient Guest Lodging in the O-1, B-1, B-2, B-3 and P-1 Districts shall be regulated in the same manner as Mixed Use Buildings (With Residential Uses) in addition to following the standards in this Section.** ~~Only overnight guests shall be served meals unless otherwise authorized as part of the conditional use approval.~~
- C. ~~D.~~ **Transient Guest Lodging in accessory dwelling units shall meet the same requirements as all accessory dwelling units as regulated in Chapter 1224: Accessory**

and Temporary Use Restrictions, in addition to following the standards in this Section.

~~All activities related to the establishment shall take place within the principal dwelling and not within a garage or accessory building. Furthermore, all access to rooms shall be from within the principal building.~~

- ~~D.~~ E. The facility shall be limited to no more than five guestrooms with a maximum guest capacity as determined by fire and building regulations.
- ~~E.~~ F. There shall be no exterior evidence of **a Transient Guest Lodging use in a residential district** ~~the use~~ except that the operator may provide **signage** ~~one wall-mounted sign with a maximum sign area of one square foot in addition to any other signs allowed for single-family dwellings in Chapter 1236: Signage.~~
- ~~G.~~ ~~No building additions or alterations may be undertaken for the sole purpose of expanding the bed and breakfast use unless approved as part of the conditional use review.~~
- ~~F.~~ H. **Minimum off-street parking for each principal dwelling unit used for Transient Guest Lodging shall conform to the same requirements as dwelling units** ~~A minimum of one off-street parking space for each guestroom and two off-street parking spaces for the resident owner-manager shall be required. All parking areas for five or more vehicles shall meet the applicable standards of in Chapter 1234: Parking, Access, and Mobility.~~

SECTION 1244.02 GENERAL DEFINITIONS

Bed & Breakfast Establishments

~~A resident-managed and resident-occupied residential structure used as a lodging establishment where up to five rooms are rented on a nightly basis and in which breakfast is the only meal and is included as part of the basic compensation.~~

Transient Guest: Person occupying a Transient Guest Lodging unit or room.

Transient Guest Lodging: A dwelling unit, a room or rooms within a dwelling unit, or an accessory dwelling unit where sleeping accommodations are offered for consideration to Transient Guests for less than 30 consecutive days.

4. Front Yard Fence Materials

The City has long prohibited chain link fencing in front yards in all districts except the A-1 Agricultural District, for aesthetic reasons; however, the LDC language addressing this is relatively vague. It specifies an outdated list of permitted styles. Given the evolving nature of available building materials, staff believes that it would be more effective and clearer to specify materials that are NOT permitted rather than attempting to maintain a list of all acceptable materials. Chain link is the only type of fence that is prohibited in the front yard but permitted in side/rear yards.

Amendment Text

SECTION 1224.01 ACCESSORY USES AND STRUCTURES

- (e) Standards for Specific Accessory Uses and Structures.
 - (9) Fences, Walls, and Hedges.
 - C. Materials.

- i. No fence shall be composed of scrap materials, tires, canvas, cardboard, asphalt-style shingles, or corrugated metal, welded rolled wire, chicken wire, or sheet metal, with the following exceptions:
 - a. Metal, welded and woven wire shall be allowed in the A-1 District to fence in farm animals and protect crops.
 - b. Wire mesh, chicken wire, and welded wire shall be allowed as a backing material for split-rail fences.
- ii. Fencing that is electrically charged shall only be permitted for the containment of livestock on lots used for agricultural purposes. Such fencing shall be set back a minimum of 50 feet from all adjacent residential lots.
- iii. Fencing that includes barbed wire or other sharp-pointed material shall be prohibited except in the I-1 or I-2 Districts where they may be considered with a conditional use approval, for security purposes. Such fencing shall:
 - a. Only be allowed in the side and rear yards;
 - b. Shall be mounted on the opposite side of the fence from any adjacent public right-of-way or sidewalk;
 - c. Be located a minimum of seven feet off the finished grade; and
 - d. Contain no more than 18 inches of razor wire or barbed wire.
- iv. With the exception of ~~front yards in~~ the A-1 Agricultural District, **chain link fencing shall not be permitted in a front yard.** ~~the style or type of fences permitted in the front yard include: picket, split rail, wrought iron, solid vinyl, painted aluminum, welded steel and hedges.~~
- v. All latches, hinges and hardware shall be made of non-rusting materials.

5. Architectural Requirements

The proposed amendments resolve a conflict in the LDC regarding which direction new buildings must face. Additionally, the amendments simplify and reduce the architectural standards that apply to nonresidential accessory (secondary) structures, such as secondary storage buildings, maintenance buildings, sheds, gazebos, etc. The current standards have resulted in multiple Alternative Equivalent Review requests. Staff feels the current regulations impose an unreasonable burden without corresponding community benefits. The proposed amendments also include the elimination of some window and cornice design standards that, in staff's opinion, impede some modern architectural styles that may be acceptable to the Xenia community.

Amendment Text

SECTION 1226.01 SITE DEVELOPMENT STANDARDS

(b) General Site Development Standards.

~~(3) Building Orientation.~~

~~The main entrance of any building shall be oriented toward a public street. For corner lots in residential zoning districts, a dwelling unit may be oriented toward the intersection of the two streets.~~

SECTION 1228.03 ARCHITECTURAL STANDARDS FOR RESIDENTIAL BUILDINGS

(a) Architectural Standards for New Construction of Principal Dwellings.

The following applies to all new construction of any new principal residential dwelling:

- (1) Vinyl or metal siding shall be limited to no more than 50 percent of the area of a front façade

as measured from a flat scale drawing of the façade elevation. Vinyl- or metal-clad pedestrian and garage doors shall not be considered as part of the vinyl or metal siding on a front facade.

- (2) The front façade of each dwelling shall contain at least one of the following features:
 - A. One or more dormer windows or cupolas;
 - B. Wall offsets in the form of projections and/or recesses in the façade plane; Wall offsets shall have a minimum depth of two feet;
 - C. A recessed entrance;
 - D. A covered porch or balcony;
 - E. Pillars, posts, or pilasters; or
 - F. One or more bay windows with a minimum of 12 inch projection from the façade plane.
- (3) All siding shall be either horizontal or vertical in placement.
- (4) All potential below grade living areas shall be constructed with poured concrete walls.
- (5) The following additional standards shall apply to the construction of new dwellings within a block where more than 50 percent of the lots within the block are occupied by residential dwellings:
 - A. If the new construction is on a lot where 75 percent of the block face is comprised of dwellings that do not comply with the requirements of this section, a new dwelling may be constructed of building materials similar to a majority of the other dwellings along the same block face. If the existing, individual buildings along the same block face contain a mixture of building materials, the new construction should contain materials that reflect the predominant materials or better materials along the same block face as determined by the City Planner.
 - B. Where the majority of buildings along the same block face have front porches, the building subject to this subsection shall also include a front porch that has a width and depth generally similar to the average width and depth of porches along the same block face.
 - C. No principal dwelling shall be constructed which is more than 20 percent shorter than the average height of principal dwellings along the block face.
 - D. No principal dwelling shall be constructed where the front facade is more than 20 percent wider or 20 percent narrower than the average width of principal dwellings along the block face.
 - E. The main entrance of a principal building shall be oriented toward a public street. If the principal building is on a corner lot, its main entrance may be oriented toward either public street or the intersection of the two public streets.**

SECTION 1228.04 ARCHITECTURAL DESIGN REQUIREMENTS FOR NONRESIDENTIAL DISTRICTS AND NONRESIDENTIAL DEVELOPMENT IN RESIDENTIAL DISTRICTS

(c) Requirements for New Construction.

- (3) Building Materials.
 - A. A combination of materials, textures, colors, and finishes shall be utilized to create visual interest **on principal buildings**.
 - B. Vinyl siding **on principal buildings** shall not comprise more than 25 percent of any single façade.
 - C. New **principal** buildings in the B-2 District shall utilize brick or stone as the primary siding material.
 - D. Exposed metal panels (such as corrugated metal) shall be prohibited **on principal**

buildings. This subsection shall not be construed to prohibit metal roofs, flashing, aluminum storefront associated with windows, or high-quality metal siding such as copper, bronze, or other decorative metal as determined by the City Planner.

- E. **New accessory buildings with a footprint greater than 400 square feet and/or a height greater than 14 feet shall be constructed of materials similar to the materials used on the principal dwelling or comply with building material requirements for new construction in Section.**

(7) Wall Openings (Doors and Windows).

- A. Blank walls, those devoid of openings such as windows and transparent doors, shall be prohibited on the front facade of any **principal** building. In no case shall a **principal** building have blank walls parallel to a public street or to its tangent, if the street is curved.
- B. **Principal** building facades that face a public street shall contain windows that occupy at least 65 percent of the total wall surface area of the first floor and at least 35 percent of each upper floor in the B-2 District, and 25 percent of the total wall surface area in other zoning districts. The bottom edge of the windows shall not be higher than three feet above grade on the ground floor.
- C. A maximum of 20 percent of ~~the~~ **principal building** windows that can be seen from all public rights-of-way, excluding alleys, may be opaque, including spandrel glass.
- ~~D. All doors and windows shall be articulated through the use of lintels, sills, and thresholds. Windows larger than 20 square feet that are not used for display purposes shall be divided into panes through the use of mullions and/or sashes.~~

(8) Roof Design.

- A. New buildings located in the B-2 District shall utilize a flat roof design in order to complement the predominant roof design of historic downtown Xenia buildings.
- B. The height of any pitched roof shall not exceed one-half of the overall building height.
- C. Roof Line Changes.
- i. Roofline changes shall include changes in roof planes or changes in the top of a parapet wall, such as extending the top of pilasters above the top of the parapet wall.
 - ii. When roofline changes are included on a façade that incorporates wall offsets or material or color changes, roof line changes shall be vertically aligned with the corresponding wall offset or material or color changes.
- D. Flat Roofs.
- i. When flat roofs are used, parapet walls with three-dimensional cornice treatments shall conceal them. ~~The cornice shall include a perpendicular projection a minimum of eight inches from the parapet façade plane.~~
 - ii. Thin parapets that extend more than two feet above the roof and have a depth of less than two feet from the façade surface, are prohibited.

Mr. Merriman said no action was needed this evening, but he and Mr. Forschner wanted to present the changes prior to asking Council to introduce legislation. Councilman Brannum commended the work of the Planning and Zoning Commission. President Smith concurred.

Mr. Merriman commented on the need for a work/study session after the next regularly scheduled meeting on July 9th, noting some issues cannot wait until the end of July including the CARES Act

and the annexation. President Smith agreed to the work/study session on July 9th to handle the more pressing issues.

13. ADJOURNMENT: Motion by Councilwoman Dean, seconded by Councilman Dean, to adjourn the Regular Meeting at 8:05 p.m. No discussion followed. The Roll on this was the following:

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

Michelle D. Johnson
City Clerk

Wesley E. Smith
President, Xenia City Council