

**XENIA CITY COUNCIL
MEETING MINUTES
JULY 8, 2021
6:00 P.M.**

Elder Kyle Kettering, Church of the Messiah, provided the Invocation before the Call to Order.

A. PLEDGE OF ALLEGIANCE: All present stood and recited the Pledge of Allegiance led by Mayor Sarah Mays.

B. CALL TO ORDER: President Wesley Smith called the Regular Meeting to order at 6:00 p.m.

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

D. APPROVAL OF MINUTES: Motion by Councilman Scrivens, seconded by Councilman Brannum, to approve the June 24, 2021, minutes of the Regular Meeting as written. President Smith entertained comments. Mayor Mays thanked Councilman Urschel for the motion to excuse her from the meeting. She did not like to miss Council meetings; however, she was asked to serve as a camp counselor where her children were attending. The Roll on this was the following:

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

Abstain: Mays

Nays: None motion carried.

E. SPECIAL PRESENTATION(S): President Smith noted there were no special presentations listed on the agenda. However, he invited Marty Heidi, Greene County Outreach for Congressman Mike Turner's Office, to come to the podium for a brief presentation.

Ms. Heidi said it was great to be out and about once again. She shared information on FEMA's Coronavirus Funeral Assistance Program, which is a nationwide federal program and part of the American Rescue Plan that provides up to \$9,000 of reimbursement for funeral expenses incurred after January 20, 2020. Those requesting assistance can apply by calling 1-844-684-6333 to begin the application process. She noted if the death certificate does not specifically say Covid-19, it can be amended. She asked everyone to share this information, noting a mass mailing was sent out to churches and funeral homes, but people really don't know about this program. So far in Ohio, 7,500 applications have been received with 2,000 approved, totaling \$13 million in assistance. She then entertained any questions they may have.

Councilman Scrivens asked how difficult it would be to amend a death certificate. Ms. Heidi said those seeking to amend a death certificate should appeal to the medical examiner who issued the certificate. She assured it can be done, but she did not know how long the process would take.

Councilman Urschel said they also need to get the word out to nursing homes and assisted living facilities. Ms. Heidi said absolutely; she would work to provide them with copies of the flyer.

F. AUDIENCE COMMENTS: President Smith said since numerous people were present in the audience, he asked the City Clerk to call people up to the podium one at a time according to the sign in sheet. Any others who wish to speak who are not on the sign in sheet will be invited to speak afterward. He reminded those present that Xenia is the City of Hospitality, and Council members are elected to represent Xenia citizens, to listen to them, and to act. However, Council does not engage in back and forth banter during Audience Comments. Council and/or the Appointed Officials may elect to respond to questions or comments later in the meeting under Council Comments and/or Appointed Officials Reports. City Clerk Michelle Johnson then called the audience members to the podium as follows:

Thomas Sizemore, 943 E. Church Street, said he has lived by Lexington Park for the last 10 years, and he thinks the park is a nice place, although some people don't think so. There is a lot of history at the park—they used to play baseball and softball there, there used to be a bathroom, there used to be places to sit, and it was really nice. The restrooms are no longer open, there are no places to sit, etc. He and some friends have seven garden spots [in the Community Gardens located at the park], and most of the food they grow goes back to the community (food banks, elderly, etc.). He did not understand why the restrooms are not open. It seems like the City is letting it go. He noted a lot of money has been spent at Shawnee Park for repairs, etc., which was not a bad thing noting he uses that park to go fishing. However, the City needs to invest money in other parks as well, including installing benches and opening up the restrooms at Lexington Park. He said the children who visit the park have nowhere to use the restroom.

Roderick Smith, 159 E. Market Street, said he is a business man here in Xenia. He owns Roddy's Construction LLC, and he was recently racially profiled while visiting Lexington Park. He agreed with Mr. Sizemore that the park needs restrooms—men, women, and children are forced to use the bathroom outside by trees. He visits the park to conduct bible studies, and there is no place of shelter that is near the parking lot. Some people who attend cannot make it all the way down to the shelter. The park needs bleachers, new playground equipment, and restrooms—immediately. He saw the new play equipment at other parks, but the neighborhood children should not have to go to other parks to use new equipment. As a child, both white and black children would play ball together at Lexington Park. Regarding the policing of the park, the officers should not profile people. He is a prominent business owner who pays his taxes, and there was no reason for them to assume that he was a drug dealer just because he was at the park. He asked City Council to take action and hold local law enforcement accountable for the profiling.

Marcelle Hawkins, 914 E. Second Street, said she also wished to speak about Lexington Park. Her children do not want to go to the park because they don't have anything to do there. She lives on Second Street, and the children have to go back and forth and cross Main Street so they can come back home to use the bathroom or because they are thirsty. She said there is no water fountain and the only spigot is for the garden plots. She personally likes to go to the park to read and meditate. She said when the City wants and expects different outcomes from people, then they must work *with* them. If they [police officers] just sit back and watch them or they come at them and treat them a certain way, people will get defensive—especially when they are not doing anything [wrong] or causing any trouble. She was simply asking for the same respect that they give. The children do not play at the park because they barely have any equipment to play on, and the community has to come together to install the nets for the basketball courts. They even had to ask for trash cans because there is no dumpster. The residents in the area are trying to make a change, but the City has to change

along with them. The City needs to hold people accountable, including some police officers. Some police officers are out there trying to make a difference, but Council needs to see the ones who aren't [trying to make a difference], and hold them accountable.

Mario Cochran said he owns a business, Cochran Auto Sales, LLC, located at 320 Dayton Avenue in Xenia. He is also a real estate agent for the Northern Light Group in Xenia, and he has a degree in criminal justice. What he witnessed at Lexington Park was not fair and he was really upset, noting police officers broke into two vehicles that day without any permission to do so. When people began to call the City and the Greene County Sheriff's Office to complain about what happened, they said they weren't there. He feels someone was trying to hide something. Roderick Smith is a very upstanding person in this community. He personally did not live in the East End anymore; he recently moved his family to Washington Township. He used to live by Shawnee Park at 129 Park Drive. He said Shawnee Park has many amenities that children can enjoy every day, and people regularly visit that park, himself included, but he was not doing anything illegal. A group of black people gathered at the park are not doing anything wrong. He was not saying nothing illegal ever happens at the park, but at that time, nothing illegal was taking place. As Mr. Smith stated, he holds bible studies at the park. If the police show up to do community policing and they see a group of people gathered there, the police should have the courtesy to ask what they are doing instead of assuming they are drug dealers and bring drug dogs to their vehicles—he feels that was a gross abuse of power. He asked how much money went into the event—he read the police transcripts from one day's events and heard that the police used airplanes and conducted 52 traffic stops, but they seized less than \$1,000 of street drugs. He guessed 80 percent of the stops were in the East End. He asked if those results warranted that much policing, and what would be done about using taxpayer dollars in that nature.

Ms. Johnson said there were no more names on the sign in sheet. President Smith invited anyone else in the audience who wished to speak to come forward.

Donald Dominique, 1035 Superior Avenue, Dayton, said he is one of the leaders of the Black Panther Party in Dayton, and he was present to support Mr. Smith and to help him in seeking solutions. He has participated in police reform in Dayton over the last six months, and they have had a very productive last six months including the use of body cameras, etc. He did not know what Xenia and Greene County were doing with regard to police reform, but he encouraged the Xenia community to go that direction as well. Even though he resides in Dayton, he comes into Xenia and Wilberforce often, and this has always been a diverse community. They must continue to be sensitive to these things especially with the current climate in America. If Mr. Smith and his family were willing, maybe they could all get together with City leaders to be proactive, maybe at Lexington Park.

Carlos Buford said he was the founder of Black Lives Matter/Dayton. He was also speaking in support of the Smith family as well as the Mayor and City Council. He would definitely like to see some things done on everyone's behalf in terms of bringing about equity, especially in an attempt to upgrade the "less than" parks, noting nobody wants "used" park equipment from another City park. It was only right that the East End children get the same treatment as other children in the City. They have to look at what they are doing as a community, and the atmosphere is thick with racism and discrimination. He said they all need to ask the question, "Where do we go from here?" They all need to sit down at the table, be honest with one another, and acknowledge what is wrong. The City is receiving millions of dollars from the American Rescue Plan Act, and the City needs to give some money back to Lexington Park, which is located in a predominately black neighborhood. That park

needs a total overhaul, and those who reside in that neighborhood want something to call their own. All they want is equity and to do right by everybody.

Ida Hawkins, 674 Smith Avenue, said Roderick Smith is her son. She was concerned that local law enforcement broke the law. Her family has been in this area for generations, and she has raised three sons here—and they love Xenia. She finds it difficult that local children have to go through this, and there is nowhere for them to play. She didn't grow up like that. They were friends with the police, and they didn't accuse them of things that they did not do. The police had enough information to make it right and give them chances. People have been accused of doing things that they did not do, and it's not fair. They must think of the children. They need to stop illegally putting these children's parents in jail and making things up because it is not right.

Hearing no further comments, President Smith closed the Audience Comments portion. He appreciated their attendance at the meeting and their comments. He encouraged them to continue attending meetings, noting most of the time, they do not have any audience comments. Regarding Lexington Park, the Council and staff have discussed the park several times, even visiting the park on April 29, 2021. Lexington Park has been discussed as a budget priority, even possibly using CARES Act funds to improve the park. Speaking on behalf of Council and staff, he understands their concerns. Regarding the recent policing event at Lexington Park, he shared that Captain Steve Lane has an open door policy, and he invited anyone with concerns to contact him. He shared that Operation Blue Light was a statewide anti-narcotics initiative that local law enforcement, including the Xenia PD, Beavercreek PD, Greene County Sheriff's Office, and the ACE Task Force, chose to participate in enforcement details on June 22 and 23 to address local drug trafficking. As Council members, they are constantly receiving emails and complaints about the rise in drug use in the community, which has been brought to the City Manager's attention numerous times. They are trying to handle it the best way they can with the resources they have. The enforcement was done all over Xenia in possible (known) drug trafficking areas. During the initiative, law enforcement conducted 52 traffic stops, seven of which occurred in the East End. Overall, felony charges were filed against two people, six people were arrested on warrants, and 1.8 grams of cocaine, 12.3 grams of crack, 33.1 grams of marijuana, 8 THC vape cartridges, and two illegally possessed handguns were seized. The City's leadership was sensitive to residents' concerns who may feel that law enforcement operations were misapplied, and they encourage a community dialogue on tough issues to promote a strong hometown environment. Again, this is the City of Hospitality, and they are all neighbors. A fundamental value they hold are the civil liberties of individuals in this community, which should not be infringed upon, and personal privacy should be respected. It is the City's responsibility to respond to citizens' demands for safety and residential wellbeing while proactively addressing drug trafficking and drug use. They will strive to strike a proper balance and will continue to remain open to further conversation. Again, he encouraged those with questions or concerns to contact Captain Lane; City Council and the City Manager's Office were available to listen to their concerns as well.

G. OLD BUSINESS:

1. President Smith presented **ORDINANCE 2021-16 ACCEPTING THE ANNEXATION OF 2.2946 ACRES OF LAND AT 800 HEDGES ROAD IN XENIA TOWNSHIP TO THE CITY OF XENIA, OHIO**, originally introduced by Councilman Scrivens on 06/24/2021, and it was read for a second time.

Motion by Councilman Scrivens, seconded by Councilwoman Dean, to adopt Ordinance 2021-16. President Smith entertained comments. Brief comments followed. Councilman Scrivens said he wants to see Xenia continue to grow.

The Roll on this was the following:

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

Nays: None motion carried.

2. President Smith presented **RESOLUTION 2021-Z APPROVING THE ESTATE OF CHARLES W. STRAUSBURG'S RENEWAL APPLICATION FOR PLACEMENT OF 32.654 ACRES OF LAND, LOCATED AT 817 UPPER BELLBROOK ROAD, IN A CAUV AGRICULTURAL DISTRICT**, originally introduced by Councilman Brannum on 06/24/2021, and it was read for a second time.

Motion by Councilman Brannum, seconded by Councilman Urschel, to pass Resolution 2021-Z. President Smith entertained comments. Brief comments followed. For the benefit of the audience, Councilman Scrivens said CAUV stands for Current Agricultural Use Valuation. The 32.654 acres of land noted above is used for agricultural purposes, and the CAUV designation allows it to be taxed at a different [lower] rate. The Roll on this was the following:

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

Nays: None motion carried.

H. PUBLIC HEARING(S):

1. President Smith presented **RESOLUTION 2021-BB ADOPTING THE 2022 TAX BUDGET OF THE CITY OF XENIA, OHIO, AND AUTHORIZING THE FINANCE DIRECTOR TO SUBMIT IT TO THE GREENE COUNTY AUDITOR**, originally introduced by Vice President Dean on 06/24/2021, and it was read for a second time.

Motion by Vice President Dean, seconded by Mayor Mays, to pass Resolution 2021-BB.

President Smith opened the public hearing at 6:39 p.m. and invited those in favor of the 2022 Tax Budget to come forward to speak. No one came forward to speak. He then invited those opposed to the 2022 Tax Budget to come forward to speak. No one came forward to speak. He closed the public hearing at 6:40 p.m. and entertained additional comments or questions. Councilman Scrivens noted that the Tax Budget does not authorize funding; rather, it is the first step in developing the operating budget. Hearing no further comments, President Smith asked for the Roll Call.

The Roll on this was the following:

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

Nays: None motion carried.

I. NEW BUSINESS:

1. **RESOLUTION 2021-CC SUPPORTING THE CONNECT GREENE INITIATIVE AND AUTHORIZING THE CITY OF XENIA'S PARTICIPATION IN A JOINT FEDERAL RAISE GRANT APPLICATION, AND DECLARING AN EMERGENCY.** City

Manager Brent Merriman said staff presents Council with a recommendation to approve an emergency resolution supporting a countywide initiative to expand the area's world-class trail system and simultaneously improve some transportation concerns associated with one of the busiest commercial areas in the City. City staff has been collaborating with representatives from around the County to develop the Greene Master Trials Plan—a collaborative plan seeking to sustain existing trail system infrastructure and expand the system in ways that promote quality of life and economic growth. One initiative that has taken root from the effort is the Connect GREENE initiative. This initiative would promote and seek funding for three (3) trail connection projects in Greene County. The agenda report details these projects, but of particular importance is the REACH Xenia Trail project component. This project would seek to link two (2) segments of this community divided by the US 35 expressway, specifically connecting the Progress Drive bike path with Colorado Drive via a new roadside path and ultimately connect to the heavily used Little Miami Scenic Trail. This would be facilitated via proposed trails and on-street bike facilities through the Arrowhead and Sterling Green neighborhoods. The project would include widening the existing Upper Bellbrook Road overpass over US 35 to accommodate a roadside trail and a third travel lane, improving safety for all vehicular, bicycle, and pedestrian users and accommodating future commercial growth in this fast-developing area of Xenia. Such a needed solution was identified in X-Plan as a priority concern for safety and multi-use accessibility. The estimated cost for this comprehensive fix is just over \$4.9M, according to a feasibility study completed by the engineering firm LJB. Clearly, this is not in the City's budget at this time. However, the proposed GREENE Initiative partners, including various smaller jurisdictions impacted by the proposed projects and the Greene County Engineer, are recommending a joint application for grant funding through a new program known as the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant. The grant program provides a funding option for a 100% grant that would cover the entire cost of the GREENE initiative projects. Staff, inclusive of planning and engineering, have worked with County counterparts to develop the project scope in the hopes that this aggressive project might be awarded funding. He respectfully recommended Council adopt emergency Resolution 2021-CC in support of these initiatives and to authorize the grant application, which has a deadline of July 12, 2021.

President Smith entertained comments or questions.

Councilman Scrivens asked if Yellow Springs, Clifton, Bellbrook, Spring Valley—everyone—were on board for this initiative. Mr. Merriman said yes; all participating jurisdictions have approved resolutions of support with the hope that the joint application will be awarded so they can accomplish all the various projects. Councilman Scrivens said he is a big proponent of pedestrian safety, and he supports this excellent initiative. Mr. Merriman noted the southwestern portion of this community is growing rapidly, and from a pedestrian standpoint, the area is isolated. This need was identified many years ago, especially now with the growing commercial interest along Progress Drive. They have known that they needed to widen the bridge, but it is not financially feasible without grant dollars. This initiative is an advantageous opportunity to address both vehicular traffic issues as well as bike/pedestrian issues. Councilman Scrivens asked if there would be a cage around the new lane. Mr. Merriman said there are some ODOT standards that must be met, and one of the things that would be done is replacing the entire deck to widen it. ODOT's new standards require a taller bridge deck to accommodate taller vehicles underneath.

Councilman Brannum asked if the roadside path would take away from the existing berm. Mr. Merriman said vehicles would be sharing the roadway with the bike trail, but new space would be added, especially over the bridge.

Councilman Urschel asked about the connection to the existing bike path. Mr. Merriman shared a copy of the map that shows the trail system connection, noting traffic will get worse there as commercial development occurs in the Second Street and Progress Drive area. They are trying to stay ahead of the issue and address problems before the traffic situation gets worse.

Mayor Mays thanked City Planner Brian Forschner for all the work he put into this process; she said there were a lot of moving pieces and knows a lot of effort went into it.

Hearing no further comments, President Smith entertained a motion to approve Resolution 2021-CC as presented.

Motion by Mayor Mays, seconded by Councilman Scrivens, to pass Resolution 2021-CC. No comments followed. The Roll on this was the following:

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

2. RESOLUTION 2021-DD AUTHORIZING THE SALE OF CITY-OWNED PROPERTY LOCATED AT 896 LOUISE DRIVE TO SHRINER BUILDING COMPANY, LLC, AND DECLARING AN EMERGENCY. Mr. Merriman said in response to City Council's expectation that unused, City-owned property be made available for private purchase, staff has been marketing a buildable parcel located at 896 Louise Drive. The City acquired the property as a result of a tax foreclosure in 2014 and have been maintaining the property since that time. With the hot residential market in Xenia, there has been renewed interest in in-fill, vacant properties to build new homes. As a result, the City received several offers for the 896 Louise Drive parcel. The highest and best offer was submitted by David Shriner with Shriner Building Company, LLC, with a bid of \$22,505. Their intent is to build a single-family home on this site pending Council's approval of sale. Staff is recommending Council approve Resolution 2021-DD as an emergency noting the purchaser is requesting the sale be expedited to allow construction crews currently working on a project nearby to transition over to work on this site as soon as is practical.

President Smith entertained comments or questions. Hearing none, he entertained a motion to pass Resolution 2021-DD as presented.

Motion by Councilman Scrivens, seconded by Councilwoman Dean, to pass Resolution 2021-DD. President Smith entertained comments. Councilman Scrivens said as Chair of the Property Management Committee, he was pleased that the City will be receiving \$22,505 for this vacant lot. The Roll on this was the following:

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

3. Administrative Motion Reappointing Two Members of the Board for Recreation, Arts, and Cultural Activities. President Smith said two members' terms on the Board for

Recreation, Arts, and Cultural Activities (BRACA) are due to expire on July 31, 2021. Both gentlemen, Mr. Nelson King and Mr. Tom McCarthy, have expressed their desire to be reappointed to four-year terms expiring on July 31, 2025. It should be noted that Mr. King was originally appointed in November 2016 and Mr. McCarthy was originally appointed in January 2018, and both have consistently served since that time. Mr. King currently manages the “Bloom with Xenia Adopt-a-Spot” program every year and serves as the BRACA representative on the Tree Committee where he is actively involved in Arbor Day and fundraising activities. Mr. McCarthy is currently serving as the Board’s Vice Chair. He then entertained comments or questions. Hearing none, he thanked Mr. King and Mr. McCarthy for continuing to serve this community. He made the following motion and asked for a second.

Motion by President Smith, seconded by Mayor Mays, to reappoint Mr. Nelson King and Mr. Tom McCarthy to the Board for Recreation, Arts, and Cultural Activities for four-year terms, expiring on July 31, 2025. No comments followed. The Roll on this was the following:

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

4. Administrative Motion Approving the Schedule of Bills in the amount of \$385,194.64.

Finance Director Ryan Duke respectfully requested the payment of bills in the amount of \$385,194.64.

President Smith entertained a motion.

Motion by Councilman Scrivens, seconded by Councilman Brannum, to approve the schedule of bills in the amount of \$385,194.64. President Smith entertained comments or questions.

Councilman Scrivens inquired about a payment to Jones Fish Hatchery in the amount of \$3,250. Mr. Merriman said the Shawnee Park lagoon is not a naturally fed body of water, and the City stocks the pond every year with blue gill and perch. However, many people are regularly abusing this stocked body of water. He reported that the lagoon is “catch and release” but people are netting and catching smaller fish and removing them to use as bait at larger bodies of water. Councilman Scrivens asked if ODNR or Xenia PD would enforce that. Mr. Merriman said it is in the City’s criminal code; however, he recently discussed this with the Law Director. They are working on changes to the code as it applies to the City’s parks to bring to City Council. However, stopping the poaching of fish at Shawnee Park is not at the top of the Xenia PD’s priority list. If people witness this activity, please continue to call and report it so it can be addressed. He really doesn’t want to get people in trouble—he just wants them to stop taking the fish.

Councilman Scrivens asked about a payment for June port-a-john services and asked where those port-a-johns are located. Mr. Merriman believed one was located at Xenia Station to be used after hours when the building is locked; he believed another one was supposed to be located at Lexington Park. Assistant City Manager Jared Holloway said the purchase order has been opened, but he did not know if the port-a-john had been delivered to Lexington Park yet. [An audience members spoke from his seat to say there was no port-a-john at Lexington Park.] Regarding City parks, Mr. Merriman said there are 14 City parks, and only two of them have restrooms, which are Shawnee Park and Xenia Station, because they are community parks [not neighborhood parks]

with larger crowds. At Council's request and because the Community Gardens are located at Lexington Park, a port-a-john will be located there.

The Roll on this was the following:

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

Nays: None motion carried.

J. APPOINTED OFFICIALS REPORTS

President Smith asked Mr. Duke for his comments. Mr. Duke did not have anything further to share. Councilman Scrivens welcomed Mr. Duke back to the meeting following his recent surgery. Mr. Duke thanked him for his comments.

President Smith asked Ms. Fisher for her comments. Ms. Fisher said she emailed Council yesterday. As they know, Council has received the Charter Review Commission's report, and the window is rapidly closing for Council to take action to place any of the proposed Charter amendments before the voters in November. Any ordinance directing placement on the ballot of any of the amendments would have to be effective by Friday, September 3rd. She said unless an emergency ordinance is approved, any ordinance to follow the normal two readings (and thirty-day effective date) would need to be introduced this evening. If no special meetings are held in July or August, the ordinance would be introduced today, second reading and vote on July 22, and the effective date would be August 21. Otherwise, the ordinance would have to be approved as an emergency. Any ordinance to place amendments to the Charter before the electors requires an affirmative vote of five members of Council regardless. She did not believe there is agreement among Council on the proposed amendments to Article XI – Elections. Thus, she respectfully presented Ordinance 2021-17 for introduction, which she provided to Council this evening, noting she removed the proposed amendments to Article XI – Elections, Article XII – Initiative and Referendum (because of the language in existing Charter Section 11.04), and the last sentence of the proposed amendment to Section 5.08 (which referred to the proposed new Article XII). She prepared the Ordinance to show how the language would appear on the ballot (in Section 2), noting all the changes would not be included on the actual ballot; rather, she prepared Exhibit A to serve as a complete copy of all the changes to be posted at every polling location. Council can either take action or decide to push the question of presenting amendments to a later election. There are no regular municipals elections in 2022 (as defined by ORC 3505.01—an election that occurs on the first Tuesday of November in odd years), so any election on Charter amendments next year would have to be by special election (which the City must pay for) or the amendments would have to wait until the 2023 general election.

President Smith entertained Council comments or questions.

Mayor Mays said she was still processing everything and did not wish to make any comments (or motions) at this time.

Councilman Scrivens complimented Ms. Fisher on the work she has put in to produce the Ordinance and associated exhibit. He feels the amendments will get community support, but perhaps not at the upcoming November election. He suggested tabling it until 2023. Ms. Fisher said it doesn't need to be formally tabled because it is not formally on the agenda. As long as the Ordinance does not get introduced, they do not need to table it. Councilman Scrivens said he did not believe Council has

had enough time to deliberate on the proposed amendments and determine as a group how they should proceed. He did not want the Charter Review Commission's work to go down in flames on the ballot when four Council terms are on the ballot. He did not want the Charter amendments to become a political document when it is the City's operating document.

Councilman Urschel said this was disheartening news that they cannot put the Charter amendments on the ballot except for in November of odd years. Ms. Fisher said they can, but the City would have to pay for a special election, and she did not know how much that would cost. Mr. Duke said it was about \$25,000 to \$30,000 to conduct a special election. However, if there are other items on the ballot, the cost would be shared between/among them. He offered to check with the Greene County Board of Elections and Greene County Auditor to determine an estimated cost. Councilman Urschel confirmed there is an opportunity to hold an election in May and June of 2022, which may include national items from the House of Representatives, etc. Ms. Fisher concurred; however, the Ohio Constitution states that Charter amendments are to be put on the ballot at regular municipal elections. Mayor Mays said if they wait until November 2023, they will experience the same situation with Council seats on the ballot. Ms. Fisher said if Council wishes to shorten what appears on the ballot even more, on behalf of staff, she would like to see Article V on the ballot. She noted the City of Xenia was the only City in Ohio that requires two readings of Resolutions, and as far as staff is concerned, that needs to be changed as soon as possible. Resolutions are not matters of a permanent nature, and two readings should not be required.

President Smith said just as the United States has a constitution, so does the State of Ohio, and the City of Xenia has a Charter, which can only be changed by a vote of the people. The current Charter was adopted in its entirety in 1998, with very few changes since that time. Unfortunately, not all members of Council are in concurrence with the Charter Review Commission's proposed changes. He reviewed the timeline again with Ms. Fisher; he said they would further discuss this at their next meeting.

Councilman Urschel asked for clarification in regard to Council's acceptance of the Charter Review Commission's proposal for amendments without the ability to make any modifications. Ms. Fisher said per the Charter, when the voters enacted Section 8.05 that created the Charter Review Commission, it states that Council can decide which amendments to present to the voters but Council cannot change or modify the Charter Review Commission's recommendations. Councilman Urschel asked if the Council could reorganize the Charter. Ms. Fisher said yes; reorganization and housekeeping items can be done by a vote of the people. She said anyone with questions between now and the next meeting should not hesitate to contact her.

President Smith asked Mr. Merriman for his comments. Mr. Merriman presented an additional administrative motion to approve a price change to the Brush Truck bed, brine, and anti-icing system unit from Henderson Products, Inc., which was approved by Council at their last meeting on June 24th. He said as staff worked to move forward with the purchase, they were made aware that the original competitive bid quote referenced earlier in the year has in fact recently been updated. The Council-approved price quotation was \$64,476 while the revised, competitive bid purchase price is \$68,495. This amounts to an additional \$4,019 being necessary for the purchase. Monies are available for this additional cost, but Council action to increase the not-to-exceed amount is appropriate for the purchase to move forward. Staff has been told the price increase has come in direct response to rapidly increasing costs associated with materials in the current market

conditions. This purchase is still urgent; therefore, he respectfully requested approval of a motion to amend the not-to-exceed amount to allow for the added cost.

President Smith entertained a motion.

Motion by Councilman Scrivens, seconded by Vice President Dean, to approve a price change for the purchase of the Brush Truck's bed, brine & anti-icing system unit from Henderson Products, Inc., through the Sourcewell Purchasing Program from a not to exceed price of \$64,476 to a not to exceed price of \$68,495. No comments followed. The Roll on this was the following:

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

Nays: None motion carried.

Mr. Merriman went on to share the following updates:

- **Downtown Block Party and Sonnycalb Fireworks Festival:** He extended many thanks to all individuals, organizations, churches, and businesses who helped fund and put on the July 2nd events; they are already looking forward to next year's event. Rotary is accepting donations for next year's event, and the City has already made a three-year commitment with Rozzi's for the fireworks. He complimented City staff who worked a very long day and evening, including Councilman Brannum, on Friday. He believes they wrapped everything up at about 11:30 p.m.
- **Neighborhood Night Out Schedule:** He asked, and strongly encouraged, Councilmembers to attend the events on August 31 and September 28. He said NNOs are a fantastic opportunity to connect directly with their constituents. He noted they are working with One Bistro this year who is donating items to provide a healthier food option, which will be presented as a boxed meal. Public Safety staff will also be present at the events, which is very important given the audience comments this evening. He said Xenia police and fire staff are compassionate and care about this community, and they strongly encourage that dialogue. As always, other partners will be present at the events.
- **Xenia Towne Square Redevelopment:** He said almost 1,500 surveys have been completed to date, and the number is climbing, with a 77% completion rate, which is nearly unheard of. In addition to the digital efforts, there have been four community meetings at the Senior Center, Rotary, Historic Center, and the Library with about a dozen or so people at each meeting. About 1,000 survey participants provided their email addresses and were open to receiving additional information. Therefore, they will reach out and invite them to in-person meetings on July 20th and 28th. Development Staff is working on setting up a meeting for next Monday exclusively with the downtown businesses, and they are also holding meetings with the tenants including Sherwin Williams, Barr's Pharmacy and Family Dollar today.
- **ARPA Funding:** The State of Ohio has finally approved legislation related to the American Rescue Plan Act. Unfortunately, the Governor and State Legislature have signed off on a plan to take half of the monies allotted for non-entitlement cities and villages and give it to the townships. The City of Xenia was told they would be receiving \$5.3 million, and now he expects the City to receive about \$2.8 million. While that is still a lot of money, it was disappointing and drastically changes the conversation on how the City will use those funds. He noted the State of Ohio will get \$5.6 billion, which is exclusive of direct entitlements of large cities (Cleveland, Columbus, Cincinnati, Fairborn, etc.). He expects Xenia to receive the first tranche very soon with half this year and half next year. Staff has participated in several webinars and done research to get a better understanding of how the money can be spent.
- **Public Service and Utilities Committee:** The first meeting of this committee is planned for July 15th. An agenda will be published soon.
- **Gas Aggregation Update:** A contract has not been locked in yet. They have until November to lock in a new agreement, so there's no rush. The market has not reached an opportune time, and

they may possibly get a better deal if they wait a bit longer. He will let Council know if/when a rate is locked in.

President Smith also commended staff and all the volunteers who worked tirelessly to put on the Downtown Red, White, and Blue Block Party and Fireworks Festival held last Friday. That was the most people he has seen downtown in ages. Everybody seemed very appreciative of the events, and he really enjoyed it.

K. REPORTS OF BOARDS AND COMMISSIONS:

1. Board of Zoning Appeals: Mayor Mays said BZA met on June 28th to hear an administrative appeal to overturn the Planning and Zoning Commission's approval of a conditional use to allow Community STEAM Academy, a public K-5 charter school, to rehabilitate/expand/occupy a vacant former Board of Education and school building located at 578 E. Market Street. The administrative appeal was denied, which means the conditional use approval was upheld.

2. Planning and Zoning Commission: Councilman Brannum said PZC met on July 1st to consider a conditional use to allow a campground consisting of two yurts and a camping trailer, available to guests and the property owner/occupant for recreational and vacation purposes, upon annexation of the property into the City of Xenia, filed by Robert Adamson, for the property located at 800 Hedges Road, which was approved. He noted a second item was on the agenda but the applicant requested that the item be delayed until August. President Smith asked if there was a vacancy on the Commission. Councilman Brannum said yes, noting Matthew Bennett resigned at the end of the meeting on July 1st. He appreciated his years of service and dedication on PZC for many years. President Smith said PZC is one of the more active Commissions. He encouraged those interested in serving to contact the City Clerk.

3. Board for Recreation, Arts, and Cultural Activities: As noted on the agenda, the July meeting was canceled due to lack of agenda items.

L. COUNCIL COMMENTS:

Councilman Brannum thanked City staff for the event on July 2nd. There was a great turnout, and the event was awesome. He thanked Public Service, Police and Fire, and City Administration Building staff. Regarding comments made this evening, they hear everyone's concerns about the parks loud and clear. He reminded them there are 13 other parks in the City of Xenia. He encouraged them to explore the other City parks, and they will quickly realize that the park in their neighborhood is not as bad as they think. There are definitely some City parks that have been neglected simply because there is just not enough money in the budget. He recognized that the County has recently invested money in their parks, and he wished the City would have a large influx of money to invest in City parks. He looks forward to working with the community to come up with a solution.

Councilman Urschel extended kudos to everyone for the Block Party and Fireworks Festival. He thanked the Xenia High School football team for coming out to help clean up Shawnee Park on Saturday morning. It was great that they had two groups of volunteers, the other being the group from Bridges of Hope. The Bridges of Hope group ended up going over to Xenia Towne Square to clean up that area. He was sorry the group that spoke earlier had already left the meeting because

he wanted them to hear their comments. They heard from Charles Green Jr. and Robert Moore a few months ago about Lexington Park, and he has had multiple contacts with them since that time. The City has prepared a draft proposal for some improvements for the park, and they are also pursuing grant dollars. He would like to hold a meeting at the park in July and invite the neighborhood to attend so they can discuss how to proceed. In terms of community policing, there are two sides. Out of the 52 traffic stops, 10% of those stopped had outstanding warrants, and it's not okay to ignore the courts. Further, 10% had illegal drugs in their possession, and he did not care how many grams of drugs or the street value—as they are participating in purchasing and using illegal drugs, they are sustaining the drug trafficking in this City. People are using drugs and their families are going without things, their electric is getting shut off, getting evicted, etc. People are dying from drug overdoses, and they should all be concerned about that. Another 5% possessed illegal weapons—he wondered what people are planning on doing with an illegal weapon ... probably nothing good. Yes, there are risks to law enforcement personnel, but the primary risk is for the rest of the citizens of the City. There were stops all over the City—they were not targeting the East End. Law enforcement has been asked to start cracking down on drug trade and illegal things going on in this City, and that needs to continue. However, if law enforcement are being inappropriate, they will not allow that to continue. He said if people talk to Captain Lane and do not feel they are getting anywhere, he encouraged them to come back to City Council.

Councilman Urschel said there was recently a power outage on E. Market Street, and several families lost all of their items in the refrigerator. He asked the DP&L/AES representative in the audience if he could assist them in getting the proper paperwork necessary to submit a petition to Job and Family Services for reimbursement. Eric Holtvogt offered to check into it. Finally, Councilman Urschel said the right of petition is a fundamental right as Americans. There is an election this fall with four Council seats on the ballot. There will be a signing party at the Coffee Hub next Monday, Tuesday, and Wednesday from 5 to 7 p.m. All are welcome, including those who are planning to run alongside them.

Councilwoman Dean thanked staff for all they did to put on the July 2nd events, which were a lot of fun.

Councilman Scrivens also thanked everyone who put on the Block Party and Fireworks Festival. It was good to all be together again. He acknowledged an email received from former Councilman Dennis Propes, which talked about the homeless problem in Xenia. He said that problem is not new, and there is a homeless problem across America. He wished there was a way to get the homeless people off the streets and into the vacant units and homes in Xenia. He was looking forward to getting the light at the intersection of E. Main and Whiteman Streets back up and running. It was a very dangerous situation. Regarding streets and curbs throughout the City, he hears from people all over the City. They must all endure the process and wait. He asked them to hang in there. Regarding Juneteenth, it has been celebrated in the black community for many years. It will now be celebrated by everyone because everyone is free in America! He recognized the minorities who have served on the City Council including James T. Henry, Moon Mullins, Fred Hall III, Vernon Dillon, Dr. Lee Esprit, Dr. Eric Winston, Dr. Edgar Wallace, and Marsha Bayless. He thanked them for their service and recognized them as being pioneers in Xenia City government. Finally, he extended condolences to Ms. Elizabeth Scrivens and her daughter, Morgan, on the passing of his cousin, Dan Scrivens.

Vice President Dean said he enjoyed the July 2nd festivities, and thanked all who participated. Councilwoman Dean noted the events occurred on his birthday.

President Smith thanked all those present in the audience and those watching online. He was aware of community issues, and there are many needs in Xenia and all across America. Funding is always an issue, and they have to do the best they can with what they have. They are always looking for ways to grow revenue without raising taxes. The City was aware that the parks have needs, but as Councilman Brannum stated, there are many City parks as well as County parks. He encouraged people to visit other neighborhood parks and the bike trails. People come from all over to enjoy the bike trails and the community parks. He thanked everyone who participated in putting on the July 2nd events. Everything was wonderful, and the freedom they have to celebrate was an honor. He reminded his fellow Councilmembers to submit the paperwork for the Appointed Officials' evaluations.

Mayor Mays said on June 26th, she welcomed people to Greene County Commissioner Rick Perales' vintage baseball game to bring awareness for food security for veterans. It was a great event this year that was held at the Athletes in Action (AIA) campus. As all have mentioned, the events on July 2nd were amazing, and she personally recognized Public Relations Coordinator Christina Schaefer and Community Development Coordinator Ryan Baker for all the work they did to plan and execute these events. The downtown decorations and the lights at the park were outstanding. She was happy to have representatives from the Colonel Charles Young home at the event as well as AIA, the YMCA, Friends of Xenia Station (FOXS), and many churches—some of which provided games for the children. She also thanked local businesses including Route 68 Vintage Toys, Becky Hawkes with The Lunch Box and the FLOUR Bake Shop, and everyone who did extra things to make the day so special. She acknowledged two National Honor Society students, Xavier and Audrey, who walked around in costume, greeted people, posed with children for pictures, etc. She was honored to host the Mayors of Beaver Creek and Riverside for the fireworks, who were very excited and very impressed with the show. Public Safety and Public Service employees did an incredible job. She thanked the City of Xenia and staff for everything. On July 3rd, she spoke at the annual reunion of the Association of Ex-Pupils (AXP), which are students from the Ohio Veterans and Children's Home (formerly the Ohio Soldiers and Sailors Orphans Home). She noted the AXP also had a booth at the July 2nd event to present some of the history of the home, which was established in 1869, and talk about the museum. She enjoyed being the keynote speaker for their event on Saturday evening, and she enjoyed meeting some people who grew up there and some teachers who taught there. It is really a unique piece of Xenia's history, and she encourage people to visit the museum if they have not been there. On July 4th, the Mayor of Fairborn invited her to be part of their parade, which she enjoyed participating in and spending time with WPAFB 88th Air Base Wing Commander Colonel Patrick. Miller. Today, she participated in an outstanding meeting with Wilberforce University in an effort to partner with them and grow that relationship and see each other succeed. She congratulated Becky Hawkes on the opening of The Lunch Box; she encouraged everyone to check them out. She extended congratulations to Ms. Donna Saraga, who is the new President for the Xenia Area Chamber of Commerce. Finally, she thanked all those who spoke this evening—whether they are on the same page or not—open dialogue is how they grow. Mr. Smith is one of her neighbors living a few houses a part, and they want to continue to have good dialogue. She is proud of the Xenia police force and the work they do; she is also very proud that they encourage an open door conversation. She is thankful for their willingness to talk and lay that groundwork.

M. EXECUTIVE SESSION: None.

N. WORK SESSION: None.

O. ADJOURNMENT: Motion by Councilwoman Dean, seconded by Councilman Brannum, to adjourn the Regular Meeting at 7:52 p.m. No discussion followed. The Roll on this was the following:

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

Nays: None motion carried.

Michelle D. Johnson
City Clerk

Wesley E. Smith
President, Xenia City Council