

**XENIA CITY COUNCIL
MEETING MINUTES
JULY 9, 2020**

1. CALL TO ORDER: President Smith called the July 9, 2020, Special Meeting to order at 5:30 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.

2. ROLL CALL: Councilman Thomas Scrivens (arrived at 5:45 p.m.), Councilwoman Rebekah Dean, Councilman Cody Brannum, Councilman Levi Dean, Mayor Sarah Mays, and President Wesley Smith were present. Vice President Edgar Wallace was absent.

3. EXECUTIVE SESSION: Motion by President Smith, seconded by Mayor Mays, to go into Executive Session at 5:31 p.m. to discuss the Purchase or Sale of Property per XCO §206.04(a)(2) and ORC §121.22(G)(2) and Pending Litigation per XCO §206.04(a)(3) and ORC §121.22(G)(3). No discussion followed. The Roll on this was the following:

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

Nays: None motion carried.

At 6:05 p.m., the Council reconvened the Special Meeting with all members present. President Smith entertained a motion to adjourn the Special Meeting.

4. ADJOURNMENT: Motion by Councilwoman Dean, seconded by Mayor Mays, to adjourn the Special Meeting at 6:06 p.m. in anticipation of the Regular (televised) Meeting immediately following. No discussion followed. The Roll on this was the following:

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

Nays: None motion carried.

1. CALL TO ORDER: President Smith called the Regular Meeting to order at 6:10 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: The Council observed a moment of silence in lieu of an Invocation.

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

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

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

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

Nays: None motion carried.

5. APPROVAL OF MINUTES: Motion by Mayor Mays, seconded by Councilman Brannum, to approve the June 25, 2020, minutes as written. No discussion followed. The Roll on this was the following:

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

6. SPECIAL PRESENTATION(S): None.

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. He reported that no correspondence was received.

8. OLD BUSINESS:

A. President Smith 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”**, originally introduced by Councilman Scrivens, and it was read for a second time.



Motion by Councilman Scrivens, seconded by Mayor Mays, to approve Resolution 2020-Q as presented. Brief comments followed. President Smith asked about adding the title of “Mayor” to the monument as suggested at the last meeting. Staff showed a rendering of the monument (shown above), which includes the title of “Mayor.” The Roll on this was the following:

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

9. PUBLIC HEARING(S): None.

10. NEW BUSINESS:

A. ORDINANCE 2020-16 AUTHORIZING THE ISSUANCE OF \$573,522 OF BONDS FOR THE PURPOSE OF PAYING PART OF THE COST OF CONSTRUCTING ROADWAY IMPROVEMENTS KNOWN AS “INNOVATION WAY,” AND MATTERS RELATED THERETO, AND DECLARING AN EMERGENCY. Finance Director Ryan Duke said the City awarded a contract for the construction of roadway improvements to extend Innovation Way on April 9, 2020, to Matrix 5, LLC, for a total of \$1,147,044. Since that time, he was very thankful that the County has agreed to pay and has compensated the City for half of the roadway project. After the County’s contribution, the City’s share of the project is \$573,522. Given some of the cash flow challenges in the City’s General Capital Improvement Fund and the low interest rate environment, it is prudent to debt service the City’s portion of the project over a five-year period. The City solicited proposals from lenders and received two responses. One proposal was from Security National Bank at a rate of 1.81% and the second from Public Sector Capital on behalf of Zions Bancorporation, N.A., at a rate of 1.44%. Both proposals were structured as a general obligation bond issue, and therefore, given the lower rate, the Public Sector Capital proposal was the most favorable. He respectfully requested passage of the ordinance as an emergency so the dollars can be placed in escrow as soon as possible and the dollars are available for payment as construction continues.

President Smith said he was also very grateful that Greene County agreed to pay for half of the project. Mr. Merriman said a letter was prepared on Council’s behalf to thank Greene County for their contribution, which is ready for their signatures. President Smith entertained passage of Ordinance 2020-16 as presented.

Motion by Mayor Mays, seconded by Councilman Dean, to adopt Ordinance 2020-16 as presented. Brief discussion followed. President Smith said the lowest rate provided was a good rate; he asked if Security National Bank was given an opportunity to provide a counter offer. Mr. Duke said no. He explained they send the information to all entities and each are given equal opportunity to respond. All entities have the same deadline in which to submit a quote, and they go with the best initial proposal. Mayor Mays also expressed her thanks to Greene County for their contribution to the project. The Roll on this was the following:

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

B. RESOLUTION 2020-R ADOPTING THE TAX BUDGET OF THE CITY OF XENIA, OHIO, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2021, AND AUTHORIZING THE FINANCE DIRECTOR TO SUBMIT IT TO THE GREENE COUNTY BUDGET COMMISSION, AND DECLARING AN EMERGENCY. City Manager Brent Merriman said as part of the City budget process, July is typically when staff submits the Tax Budget to Council to be approved and sent to the Greene County Budget Commission. This year, due to the uncertainty created by COVID-19, the Budget Commission waived the requirement to file a tax budget for calendar year 2021 pursuant to ORC 5705.281; however, as a matter of best practice and in the interest of full transparency, staff prepared the City’s tax budget for 2021 and requests it be adopted into the record. The tax budget does not authorize or allocate any funding, rather it is one step in a multi-step process of budget development to ensure expenses do not exceed revenues. Currently, all funds listed in the tax budget have a positive ending balance,

although there is still much uncertainty and unknown about current financial projections. The tax budget is a working budget and will remain so until the final budget is adopted, typically in December. The tax budget presented to City Council for 2021 has expenses totaling \$59,680,118.14, which is very large amount. However, he noted some dollars are “double counted” because monies are transferred from fund to fund and are counted more than once. He assured \$59 million will not be spent. Upon completion of the budget process, City staff will proceed with development of the final operating budget for 2021, which includes involvement by the Council Budget Committee along with updated and more accurate revenue projections and expense estimates as figures become clearer. City Charter requires an operating budget to be delivered to Council by the end of October. Although ORC 5705.281 gives the Budget Commission the authority to waive the requirement that the City file its 2021 tax budget with the County, this does not eliminate the requirements that the Budget Commission provides an Official Certificate of Estimated Resources and set the tax rates for 2021. Thus, in order for the County Budget Commission to meet these statutory requirements, the Budget Commission requests that Council approve the revenues to be certified to the Greene County Budget Commission as requested. He respectfully requested passage of Resolution 2020-R as an emergency.

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

Motion by Councilman Scrivens, seconded by Councilman Brannum, to adopt Resolution 2020-R as presented. Brief comment followed. President Smith said the Council Budget Committee recently met, and he appreciated Councilman Dean’s attendance. The Roll on this was the following:

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

Nays: None motion carried.

C. Introduction of Ordinance 2020-17 Amending Sections 1220.02(a), 1220.03(c), 1222.04 Table 1222-3, 1222.05(d)(19), 1224.01(e)(9)C., 1228.03(a), 1228.04(c)(3), (c)(7), and (c)(8), and 1244.02, and Repealing Section 1226.01(b)(3) of the City of Xenia Land Development Code. Mr. Merriman said Ordinance 2020-17 intends to make multiple updates to the Land Development Code (LDC) as indicated, and staff already provided an extensive review of the proposed changes two weeks ago. The updates are aimed at core objectives including keeping the LDC contemporary (such as addressing AirBnBs), streamlining the zoning process (to allow contractors to submit documentation on behalf of their clients/property owners), and promote flexibility (reduce architectural requirements for non-residential accessory buildings). These changes will ultimately promote practicality and user-friendliness of the LDC while still ensuring high standards. He respectfully requested introduction of the Ordinance as presented.

President Smith noted the Planning and Zoning Commission held a public hearing and endorsed the amendments to City Council on 3/5/2020. He entertained introduction of Ordinance 2020-17 as presented.

Councilman Brannum presented **ORDINANCE 2020-17 AMENDING SECTIONS 1220.02(A), 1220.03(C), 1222.04 TABLE 1222-3, 1222.05(D)(19), 1224.01(E)(9)C., 1228.03(A), 1228.04(C)(3), (C)(7), AND (C)(8), AND 1244.02, AND REPEALING SECTION 1226.01(B)(3) OF THE CITY OF XENIA LAND DEVELOPMENT CODE**, and it was read for the first time.

Councilman Scrivens asked City Planner Brian Forschner for his thoughts and comments on the proposed changes. Mr. Forschner said he wrote the changes and recommends approval.

D. Introduction of Resolution 2020-S Authorizing the City Manager to Execute a Use Agreement with JV Cedar Properties, LLC, for the Use of City-Owned Bike Trail Property Located Adjacent to 607 N. Detroit Street. Mr. Merriman said JV Cedar Properties, LLC, (property owner) has acquired the former Stan's Donuts property at 607 N. Detroit Street and wishes to expand it and re-establish it as a new donut shop. Due to the extremely small size of the lot on which 607 N. Detroit Street is located, the new owner wishes to encroach upon the adjacent City-owned bike path property to allow for the building expansion, outdoor seating, and bike trail parking and access. The property owner also wishes to continue using its parking lot, the majority of which already encroaches upon the bike path property and was already permitted under a lease agreement with the previous owner, Letcher J. Crowe. The new property owner is the legal assignee of Mr. Crowe. The City has established a precedent of allowing businesses to encroach upon bike trail property, subject to a use agreement or lease. A use agreement without a required lease payment was permitted for Nick's Restaurant, which has a portion of its building, patio and bike trail parking/access encroaching upon bike trail property. The proposed use agreement replaces and terminates the former lease agreement with Letcher Crowe. The use agreement is contingent upon the Property Owner complying with the applicable zoning, building and health codes. In particular, the location of its patio east of the building will require a variance from the Board of Zoning Appeals because it does not meet the Land Development Code's minimum 50-foot setback requirement from residential properties to the east. Based on the above information, staff respectfully recommends that Council authorize this use agreement via Resolution 2020-S. City staff supports this based on the opinion that the City should encourage businesses to take advantage of the bike paths and help the community to leverage its assets and increases the return on investment into the trails.

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

Councilman Dean presented **RESOLUTION 2020-S AUTHORIZING THE CITY MANAGER TO EXECUTE A USE AGREEMENT WITH JV CEDAR PROPERTIES, LLC, FOR THE USE OF CITY-OWNED BIKE TRAIL PROPERTY LOCATED ADJACENT TO 607 N. DETROIT STREET**, and it was read for the first time.

President Smith asked if the timeline of introducing the Resolution followed by a second reading in two weeks would be quick enough for this small business. Mr. Forschner thanked President Smith for his consideration, but the property owner has not indicated a need to move faster. Mr. Merriman also expressed his appreciation for President Smith's thoughtfulness in trying to accommodate this small business. President Smith said he wanted everyone to know that Xenia City Council is a friend to its local businesses.

E. Administrative Motion Exercising the Option to Extend the Current Contract and Authorizing the City Manager to Execute an Addendum with Rumpke of Ohio for Refuse Collection and Disposal. Mr. Merriman said as City Council is aware, the City's current contract with Rumpke expires at the end of 2020. The current contract was selected through an RFP process in 2016, and Rumpke was the only respondent. The 2016-2020 contract contains an option whereby the City may choose to extend the current contract with Rumpke for an additional two

years, at prices previously stated in the contract for residential trash and recycling, additional trash carts, additional bulk items, specially marked and overage bags. The current contract did not establish fees for Street Sweeping Debris or Special Pickup Fees for 2021 and 2022, so those fees will need to be agreed upon between the parties by an addendum. In the past few months, the communities of Jamestown, Fairborn and Kettering have bid out their refuse collection and disposal services and all three selected Rumpke, who was the lowest bid for each RFP. Fairborn and Jamestown are both switching from Waste Management to Rumpke for similar services as the City of Xenia. All three bids had base rates higher than Xenia's current option rates for similar services. He respectfully recommended the extension of the City's agreement with Rumpke of Ohio at the stated rates for an additional two years.

President Smith entertained a motion.

Motion by Councilman Scrivens, seconded by Mayor Mays, to exercise the option to renew the existing contract for an additional two-year term and authorize the City Manager to execute an addendum with Rumpke covering refuse collection and disposal services in 2021 and 2022. Discussion followed. Councilman Brannum said he believes that Rumpke's service has improved, but there are still certain issues that need to be improved. Mayor Mays agreed. Councilman Brannum encouraged citizens to visit the City's website for information on bulk pick-up and other Rumpke information, such as how to get additional recycle bins or trash cans. He said new renters and/or homeowners in the City should be provided with information about how the City's trash service works. Mr. Merriman said staff could certainly do some public relations outreach and provide materials to remind people of the proper trash pick-up procedure, including bulk pick-up of upholstered furniture, appliances, etc. He acknowledged that no service provider is perfect, but with all things considered, he considers it a success to receive only a few complaints a week out of upwards of 10,000 accounts. President Smith commended Rumpke for never halting their services during the COVID-19 crisis. Councilman Scrivens also commended Rumpke for the service they provide to the City of Xenia, noting the trash workers—both men and women—have been pleasant during his interactions with them. President Smith said the switch to trash and recycling carts have improved the aesthetics of this community. The Roll on this was the following:

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

F. Administrative Motion Authorizing the City Manager to Accept the Proposal from Lecal Equipment, Inc., to Rebuild Two (2) Leaf Vacs for the Public Service Department.

Mr. Merriman said the existing City fleet includes two (2) Leaf Vacs, Vehicles #1744 and #1745, that are essential during the fall months as the Maintenance Division begins its routine leaf collection activities. The 2020 Sanitation (Fund 666) CIP included \$60,000 for the rebuild of both Vacs as they are both 2003 models. Based upon a recent examination of both Leaf Vacs by Lecal Equipment, Inc., it was determined that the motors and tires for both machines were not in need of replacement; therefore, the overall cost to the City would be nearly half of the budgeted amount. Lecal Equipment, Inc.'s cost proposal was included in the agenda item report, along with the maintenance history of each Leaf Vac. According the sales representative for Lecal Equipment, Inc., the City can reasonably expect an extended life of 7 to 10 years for each machine after the rebuild. He respectfully requested approval of the price quotation of \$31,498 as the vendor has

estimated a 60- to 90-day turnaround for completion, noting the work should be completed before the leaves start falling.

President Smith entertained a motion.

Motion by Councilman Scrivens, seconded by Councilwoman Dean, to authorize the City Manager to accept the proposal from Lecal Equipment, Inc., to rebuild two (2) Leaf Vacs at a cost of \$31,498.00. Brief comments followed. Councilman Scrivens said he served on the (then) City Beautification and Environmental Commission when the City's leaf collection program was initiated. The Commission felt that removing the leaves from the streets and curbs and out of the catch basins would help reduce flash flooding. President Smith agreed and said some people may not realize the importance of the City's leaf collection services. The Roll on this was the following:

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

Nays: None motion carried.

G. Administrative Motion Authorizing the City Manager to Accept the Proposal from Altec Service Group to Repair the City Bucket Truck for the Public Service Department. Mr. Merriman said the Public Service Maintenance Division utilizes the City's Bucket Truck throughout the calendar year to hang things such as banners and holiday decorations as well as to make repairs to traffic signals and streetlights. Recently, the City's Equipment Mechanic took the Bucket Truck in for service to the Altec Service Group, the manufacturer of the vehicle, who subsequently discovered a handful of maladies, which in turn resulted in the vehicle being "tagged out." Of note, the following items are in need of repair/replacement: (1) all hydraulic hoses, (2) hydraulic clutch pump, (3) valves (circuit, stop, counterbalance), and (4) the rotation bearings to name a few. Altec Service Group provided a service estimate in the amount of \$29,206.75 to make the necessary repairs. The sales representative indicated that the Bucket Truck itself is not in bad shape, and with the necessary repairs, he believes its useful life could be extended another 5 to 7 years, noting a full replacement is estimated to be \$175,000-\$200,000. The maintenance history of the Bucket Truck was included in the agenda packet. He respectfully requested acceptance of the service estimate so that the truck can be immediately service and it will be returned within 2-3 weeks. In the meantime, the City Maintenance Division will continue to borrow Greene County's truck on an as-needed basis.

President Smith entertained a motion.

Motion by Mayor Mays, seconded by President Smith, to authorize the City Manager to accept the proposal from Altec Service Group to repair the City's Bucket Truck at a cost of \$29,206.75. Brief comment followed. President Smith said for the benefit of the public, this is a housekeeping item, noting the cost is only \$4,000 over the threshold of \$25,000 that staff can spend on an item that does not require Council approval. The Roll on this was the following:

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

Nays: None motion carried.

H. Administrative Motion Authorizing the City Manager to Execute a Contract with National Water Services, LLC, for the Cleaning and Redevelopment of Wells #3 and #8. Mr. Merriman said in the interest of best management practices, the Water Treatment Division

regularly cleans and redevelops the production water wells on a 5- or 6-year rotation so that lost (well) capacity is restored and any problems are revealed before they become significant and costly; most notably the corrosion of the well screens. Subsequent to the pump, motor and drop pipe being removed, the contractor will televise the interior of the well to reveal conditions that need to be addressed and identify any hazards that the contractor’s equipment may encounter. After the work is completed, a camera will be conveyed down the well to verify that the cleaning was successfully completed to job specifications. For 2020, the Water Treatment Division has opted to clean and redevelop production wells #3 and #8. In addition to seeking proposals to clean and redevelop the two wells (base item), prospective contractors were also asked to submit a cost proposal to replace the motors/pumps/parts (contingency item) for each well on an as-needed basis. The summary of the cost proposals received in response to the City’s Request for Proposals on June 23, 2020 is shown below:

Contractor	Base	Contingency	Total
National Water Services, LLC	\$41,820	\$27,136	\$68,956
Moody’s of Dayton, Inc.	\$49,650	\$21,850	\$71,500

National Water Services has completed similar work for many municipalities, including Cincinnati and Tipp City; therefore, staff is confident in its ability to successfully complete this work. City staff recommends a contract with this firm for both the base item and the contingency item at a not-to-exceed amount of \$68,956.

President Smith entertained a motion.

Motion by Councilman Scrivens, seconded by Councilman Dean, to authorize the City Manager to execute a contract with National Water Services, LLC, for the cleaning and redevelopment of Water Production Wells #3 and #8 and the replacement of motors/pumps/parts for these wells in a not-to-exceed amount of \$68,956.00. No discussion followed. The Roll on this was the following:

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

I. Administrative Motion Appointing a Member to the Civil Service Commission and Reappointing Two Members to BRACA. President Smith said there is currently one vacancy on the Civil Service Commission (CSC), which has been advertised via the City’s public relations outlets. Mr. Edgar Cardenas expressed his desire to fill the vacancy. His background check was satisfactorily completed, and the Chair of the CSC, Mr. David Jordan, respectfully recommends his appointment to fill the term expiring on December 31, 2022. Further, two members’ terms on the Board for Recreation, Arts, and Cultural Activities (BRACA) are due to expire on July 31, 2020. Both gentlemen, Mr. Todd Patterson and Mr. Will Urschel, have expressed their desire to be reappointed to four-year terms expiring on July 31, 2024. It should be noted that Mr. Patterson was originally appointed to BRACA in September 2008 and has consistently served since that time. Mr. Urschel was more recently appointed in December 2019 to fill a vacant term. All three gentlemen have been invited to the City Council meeting; however, they may opt out of attending due to group gathering restrictions and social distancing guidelines. He entertained a motion.

Motion by Mayor Mays, seconded by Councilwoman Dean, to appoint and reappoint the following, respectively:

- Appoint Mr. Edgar Cardenas to the Civil Service Commission for the unexpired term ending 12/31/2022;
- Reappoint Mr. Todd Patterson to the Board for Recreation, Arts, and Cultural Activities for a four-year term, expiring 07/31/2024; and
- Reappoint Mr. Will Urschel to the Board for Recreation, Arts, and Cultural Activities for a four-year term, expiring 07/31/2024.

Brief comments followed. Councilman Scrivens said he has not met two of the above-mentioned individuals, and he has been on record that he would not support the appointment of volunteers to City lay boards if they did not attend the meeting.¹ However, due to the COVID-19 situation, he would make an exception this time. President Smith said he knows all three individuals very well. He said Mr. Cardenas was the City's former IT Director, Mr. Patterson has served on BRACA for the last 12 years, and Mr. Urschel is a former Councilmember. As the Chair of BRACA, he recommends their appointments. The Roll on this was the following:

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

Nays: None motion carried.

J. Administrative Motion Authorizing the Acceptance of the Ohio 911 Local Subgrant for the NG911 Compatibility Project and Authorizing the City Manager to Execute the Ohio 911 Local Subgrant Program Agreement with the Ohio Department of Commerce.

Mr. Merriman said the Xenia Greene Central Communications Center (XGCCC) has been approved to receive a second grant award from the federal Next Generation 911 (NG911) Grant Program through the State of Ohio. The NG911 Grant Program provides grant funding for various activities including the implementation of Next Generation 911 and E-911 services; migration to an IP-enabled emergency network and adoption/operation of NG911 services and applications as well as the implementation of IP-enabled emergency services and applications enabled by Next Generation 911 services, and the training of public safety personnel, including call-takers, first responders, and other individuals and organizations who are part of the 911 emergency response chain. The XGCCC's NG911 Compatibility Project involves the purchase of a GP933-NG911 GPS Command Center, including a GPS Time Server/Master Clock System. The existing GPS Netclock will be moved to the backup Public Service Answering Point (PSAP) location. The project also involves the purchase of two Eventide NexLog Next Generation Recorders for the Primary and Backup PSAPs and fiber/networking extension, power, and power distribution in the primary PSAP NOC (network operations center). Project totals include design and installation services at an estimated cost of \$129,500.09. As a subrecipient, the XGCCC must provide no less than forty percent (40%) nonfederal funding matching funds (cash-match) toward the total eligible estimated project cost. The amount of federal funds obligated to the subrecipient based on the approved estimated costs, the subgrant shall not exceed \$77,700.05; therefore, Xenia's local match cost of the project is \$51,800.04. The grant operates on a reimbursement basis, and he respectfully recommended acceptance of the local subgrant and authorize him to execute the agreement so the project can proceed.

President Smith entertained a motion.

¹ Mr. Cardenas arrived after his appointment was approved. He thanked Council for their endorsement and his appointment to the Civil Service Commission.

Motion by Mayor Mays, seconded by Councilman Dean, to authorize the City Manager to accept the Ohio 911 Local Subgrant for the Xenia Greene Communications Center's NG911 Compatibility Project and execute the Ohio 911 Local Subgrant Program Agreement with the Ohio Department of Commerce. Discussion followed.

Councilman Scrivens asked for confirmation that the City's cost after reimbursement would only be \$51,800.04. Mr. Merriman concurred. He noted the primary grant was awarded and accepted by Council a few weeks ago, and the two grants are saving the 911 center, and ultimately the taxpayers, a lot of money and will allow the use of the 911 dollars for other operating and capital costs associated with the 911 Center. He congratulated Police Chief Randy Person and (911) Communications Director Mindy Lane who are responsible for applying for and acquiring the grants.

Mayor Mays asked if grants like this are something they have to look for or if staff receives notification that a grant opportunity exists. Mr. Merriman said staff receives a notice of funding for the federal grant, which is administered through the State of Ohio. In this particular instance, staff did their homework and realized additional monies were leftover, which is how this particular project was funded.

Mr. Duke noted the \$51,800.04 paid by the City of Xenia are not tax dollars—the project will be paid from current balances in the 251 and 911 funds. Mr. Merriman reminded those present that the GCCCC is a joint operation between the City of Xenia and the Greene County Commissioners/Greene County Sheriff, with services provided to the City of Xenia, Sugarcreek Township, City of Bellbrook, as well as most of the outlying jurisdictions in eastern and southern Greene County.

Mayor Mays asked Mr. Merriman to pass along to Chief Person and Ms. Lane their many thanks.

The Roll on this was the following:

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

Nays: None motion carried.

K. Administrative Motion Approving the Schedule of Bills in the amount of \$236,982.22.

Mr. Duke respectfully requested the payment of bills in the amount of \$236,982.22. He said the largest payment amount on this schedule was in regard to alcohol monitoring in the amount of \$50,000. As he explained to Mayor Mays earlier this week, alcohol monitoring is a State requirement that is paid for with court fine revenue in the 212 Indigent Driver fund, which is derived from those types of infractions. Mayor Mays thanked Mr. Duke for his time and explanation on that particular item.

President Smith entertained a motion.

Motion by Councilman Brannum, seconded by Mayor Mays, to approve the schedule of bills in the amount of \$236,982.22. No discussion followed. The Roll on this was the following:

Ayes: 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 offered an extended additional thanks to all sponsors of last weekend's fireworks, especially the Sonnycalb family as the primary donor and other major donors including Xenia Rotary and the friends and family of Roc McCollough, who provided the additional funding to extend this year's show. Everything went very well. He thanked the Strausburg family for their cooperation and partnership in allowing the fireworks to be set off from their property. He thanked area retail partners including Lowe's, Walmart, Kroger, and Rural King as well as Lighthouse Baptist Church for allowing people to park in their parking lots. He thanked the Xenia Fire and Police Division personnel and Public Service personnel for their assistance and support in making sure the event went off without a hitch. He noted the question has emerged with regard to whether this year's location should be a permanent change, which he cannot answer right now. The intent is for the fireworks to go back to Shawnee Park in partnership with the July First Fridays event. He noted unique circumstances due to COVID-19 facilitated the change in location for this year's fireworks event.

Mr. Duke said the City's income tax extended filing deadline is Wednesday, July 15th. He encouraged Xenia filers to file their taxes in a timely fashion. He said taxes can be filed online, mailed, dropped in the drop box outside the building, or in person. As always, staff is available to assist taxpayers in completing the paperwork. However, for those wishing to come into the City Administration Building, he said next week's forecast calls for very hot days. Due to social distancing requirements, only 15 people can be inside the lobby, and people may have to wait outside.

Ms. Fisher said over the past few months, she has been in talks with the Police Chief and Law Director at the City of Marietta because they have modified their parking regulations and parking tickets based on Xenia's recent changes. She has also heard from the City of Urbana, which is also looking to make similar changes. She commended Council for endorsing the changes and being on the forefront of legislation to make parking violations non-criminal. As stated, other Ohio jurisdictions are taking notice and looking to follow Xenia's example. President Smith thanked Ms. Fisher for stepping up and drafting the legislation for their consideration.

B. Mayor and City Council:

Councilwoman Dean and Councilman Dean had nothing further to share.

Councilman Scrivens thanked everyone who attended and/or watched the fireworks show last Friday night. The event was one of Xenia's signature events, and he has received only rave reviews. Whether it is at Shawnee Park or from this year's location, people love the fireworks event, and it provides a great opportunity for people to sit back, relax, and enjoy the show. He noted the splash pad at Xenia Station is open, and he was glad to see children enjoying it on a regular basis. He said Xenia really provides a good quality of life.

Councilman Brannum reminded everyone to pay their utility bills, noting the July shutoff date is approaching. He was certain City staff did not want to go out and turn their water off due to lack of payment. He cautioned that people should take the opportunity to verify information they see or read on social media, noting staff and Council members would be more than happy to talk with them to provide and/or verify information. Finally, he was very proud to announce that he has a

new title ... which is "Dad"! Last week, he and his wife, Emily, welcomed their son, Luke. He is quite the little bundle of joy. (Applause followed.)

Mayor Mays congratulated Councilman Brannum and his wife on the birth of their first child, noting she has enjoyed seeing the pictures and looks forward to many more. She said the last two weeks have been busy, which included a few ribbon cuttings at the Kroger reopening and the Legacy Village Apartments. She shared that several representatives spoke very highly of Xenia's staff noting how great it was to work with them, even with some hiccups due to COVID-19, et al. She also thanked everyone involved with the fireworks show, especially the Sonnycalb family, Xenia Rotary, and WBZI. As Councilman Scrivens stated, it was a much-needed community event where they could just sit back, smile, and enjoy it.

President Smith also extended his congratulations to Councilman Brannum and his wife, Emily, on the birth of their little boy, Luke. He said there are many local businesses that do a great job, and he had the opportunity to try one out for the first time, which was Xenia Radiator on N. Detroit Street. The gentleman who works there, Mark, didn't even ask for his last name or know he was a member of City Council, but he treated him well and did a great job in a timely fashion. He appreciated Mark and all the small businesses in the Xenia community. He reiterated that Xenia staff do their very best to work with and welcome small businesses in this community and continue to support existing businesses. He encouraged everyone to shop local as much as possible because they have all been struggling during the COVID-19 crisis. He said local dollars spent at local businesses stay in the community and help keep people employed. He thanked the Sonnycalb family for their annual contribution for the fireworks show and all other sponsors of the event. He and his family really enjoyed the show, noting Xenia is getting known for the fireworks show. Finally, he acknowledged an act of vandalism that occurred at Xenia Station, which resulted in the closure of the bathrooms until they are repaired. He said it was pathetic that the City cannot welcome visitors at Xenia Station and offer them restroom facilities due to this vandalism. He hopes the vandals are caught and penalized because the repairs are a waste of taxpayer dollars. He thanked those who are tuned in and watching the live broadcast. He entertained a motion to adjourn the Regular Meeting noting there was another Special (untelevised) Meeting to follow.

12. ADJOURNMENT: Motion by Mayor Mays, seconded by Councilwoman Dean, to adjourn the Regular Meeting at 7:12 p.m. in anticipation of another Special Meeting immediately following a short break. No discussion followed. The Roll on this was the following:

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

Nays: None motion carried.

CALL TO ORDER: President Smith called the Special Meeting to order at 7:22 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.

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

2. STUDY SESSION: Mr. Merriman said there are several topics to review during the Study Session:

A. CARES Act Funding: Mr. Merriman said the CARES Act Funding is from the Coronavirus Relief Act monies that have been provided to state governments to disburse to their respective communities. Xenia is set to receive about \$950,000, and staff has spent a number of hours in the past few weeks trying to decipher how to use those dollars. He said when the legislation was approved, the money was intended to be used for COVID-19 response and not intended to fill budget gaps due to a reduction in revenue as a result of COVID-19. Guidance provided by the Department of Treasury has increased from 2 to 10 pages during subsequent rounds. He and staff recommend using the dollars to supplement public safety and public service operations as much as possible. The guidance states, in part, that funding can be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating and responding to the COVID-19 public health emergency and to address unforeseen financial needs and risks created by COVID-19. Therefore, at minimum, CARES funding could be used for public safety related expenses (wages and benefits for Fire and Police employees from March to December), which would consume the entire amount of \$950,000. However, 100% of their time was not spent on the COVID-19 response. However, other staff, including himself and the other two Appointed Officials, the Human Resources Director, the IT Director, the janitorial staff, etc., also spent time responding to the COVID-19 public health emergency, and expenses related to the purchase of additional cleaning supplies, sanitizer, personal protective equipment (PPE), equipment to allow staff to work from home and conduct meetings remotely, etc., could also be considered reimbursable. He said the City's revenue is down \$800,000 to \$1,000,000, and this funding would ease that situation. He noted that Greene County is working to use a portion of their money (\$500,000) to provide grants to local businesses based on set criteria. Other communities are using their funds a bit differently including offsetting outstanding utility bills and purchasing delinquent properties where businesses went out of business due to the COVID-19 pandemic. He said Council has already authorized acceptance of the funding, but he and staff need guidance on how to proceed with spending the money. He recommends using the majority of the funding to offset personnel expenses and the purchase of supplies as noted above. If Council wishes to grant money to local businesses, a portion of the funds could be used for that purpose, and the City could pair with Greene County in providing some business relief.

President Smith said he has mixed feelings on granting funds to local businesses because those businesses have had opportunities to seek and receive other funding. Further, there is no guarantee that (another) grant will prevent them from closing their doors later down the road. Mayor Mays noted some businesses owners did not qualify for previous grant funds. President Smith agreed, but small business owners have the ability to lay off their staff, they can reach out to their local banks for financial assistance, they can seek payment deferments, etc. Mr. Duke noted both the Senate and the House are on board for an additional stimulus package. Mr. Merriman said the State of Ohio was allocated about \$1.3 billion in CARES Act funding, and they are still sitting on two-thirds of that money. He noted the State has said they will use that money to "fill budget gaps across the State." Mr. Duke agreed and noted the State has recognized that the CARES Act funding cannot be used to replace lost tax revenue.

Mayor Mays asked if any local businesses have contacted the City for help, and if so, what type of help were they seeking. Mr. Merriman yes, some local businesses have reached out, and in turn, the City has relaxed the local sign ordinance restrictions and deferred loan payments, among other things. He said Mr. Brodsky has referred businesses to other available resources. Mr. Merriman said small businesses are very important and are a huge part of the local economy, but there is an argument that those businesses must be able to stand on their own and not rely on government assistance. Mr. Duke said if Council wishes to establish deferred loans, then the Loan Trust Committee may need to convene to structure that program. Mr. Merriman noted the CARES Act funding must be spent by the end of the year, and there is no guidance on providing loans with the CARES Act funding. Mr. Duke agreed, which means they may not have time to develop and implement such a program. Mayor Mays said she understands; she just hates to see local/downtown businesses close because they don't qualify for other stimulus funds. Mr. Merriman noted the \$950,000 is all the funding the City of Xenia will receive, and with all the unknowns with regard to COVID-19, they may have other expenses in the future.

Mr. Duke said there is still be a good possibility that they won't meet the reserve requirement, even with the CARES Act funding. He said the Xenia Municipal Court has experienced a revenue loss also, and generally, they don't know how the second half of the year will play out. President Smith agreed and suggested they hang on to some of the CARES Act funding for a few more months until October and November when they can look at the numbers again. He believed most businesses were over the COVID-19 hump and have made adjustments and adapted to the situation. Councilman Brannum agreed; he said many businesses are making accommodations and creatively thinking of new ways to do business, including online sales and home delivery of goods. Councilman Dean agreed with President Smith; he would like to help local businesses, but if they are still open, then they will probably survive.

Mr. Merriman said based on the discussion and comments, he believed the consensus was to apply the funding toward offsetting materials and supplies expenses and personnel expenses, primarily public safety, related to the COVID-19 response. All agreed.

B. County Water Collaboration: Mr. Merriman said he was approached by the Greene County Sanitary Engineer and the Greene County Administrator regarding the County's plans to look at major changes in their water system. He recalled the County migrated away from the City's provision of water and installed their own water lines for customers in Greene County. In hindsight, they have had to add additional production and transmission capabilities to keep up with that demand. As they have looked at needed changes, they have encountered some water pressure and water capacity concerns in the Sugarcreek Township area and are looking at a master plan to increase capacity in their system. They are looking to eliminate some smaller treatment capacity and consolidating at their Northwest Regional Water Plant. They have already acquired some additional property not too far from the City's Ford Road Facility with the intention of establishing a number of additional production wells to give them the needed capacity over an extended period of time. That said, Greene County reached out to the Cities of Bellbrook and Xenia to solicit input on anything that could be done to improve water service delivery in the County and each respective community. They did offer an invitation to consider the design and engineering process because a larger scale project would be more cost effective in the long run. On the surface, he could not see a scenario where it makes sense to consolidate services with the County. Further, the City's water

service rates are much lower than the County's current rates, which will more than likely increase as they spend money to provide additional production wells.

Mr. Merriman noted that Greene County wishes to design their system to reduce the hardness of water and eliminate the need for customers to purchase water softeners, which he and Public Service staff have also discussed in recent years. The reason that is important to note is because there are cross connects to Bellbrook's water system and Greene County's water system, if that cross connect is used during an emergency, there would be two different water qualities that are licensed with two different standards with the Ohio EPA. He noted many like the water the way it is today, but many also prefer softer water and use water softeners. Some high water users, such as bottling manufacturers, won't come to Xenia due to the hardness of the water. In conclusion, he asked if Council saw any potential value to extend the conversation with Greene County, noting they would have to deal with the interconnect issue no matter what.

After a brief discussion, the Council did not wish to collaborate with Greene County on a regional water system at this time. Mr. Merriman said he appreciated that Greene County reached out in consideration of the "big picture." President Smith said he would be interested to see the cost to provide soft water.

C. Annexation: Mr. Merriman said the City was successful in litigation with regard to the annexation of 45± acres of mostly City-owned property in Xenia Township. The Greene County Board of Commissioners unanimously approved a resolution today to authorize the annexation. Ms. Fisher said once the certified record is received, the City must observe a 60-day waiting period; therefore, Council will not see any further legislative materials until September, and if endorsed by City Council, the annexation would not be effective until late October/early November. Mr. Merriman noted the Dayton Daily News and Dayton Business Journal both erroneously misstated facts about this annexation, specifically that this annexation would annex the entire Central State University (CSU) campus, and staff reached out to both entities to request a correction.

With that said, CSU has not waived from its desire for annexation. In fact, he was contacted immediately following the ruling for the bike path annexation and was asked how to proceed with the next phase. He said he and Ms. Fisher have a conference call scheduled with CSU's legal counsel and their leadership to discuss the next steps. He and Ms. Fisher briefly explained the different types of annexation, specifically a Type 2 vs. a Type 4. If the next phase of annexation is initiated, they suggested a Type 2 Expedited annexation. Ms. Fisher said with a Type 2 Expedited annexation, the Director of the Department of Administrative Services must sign the petition per State law.

Mr. Merriman distributed an updated impact analysis that includes both quantitative and qualitative factors, which was prepared by Mr. Forschner and Mr. Duke based on the most recent employment numbers at CSU. Mr. Duke said from a quantitative standpoint, he noted the following:

- A number of CSU employees are already paying City taxes, but he projected an additional \$517,500 in income tax revenue based on 2018 payroll numbers, noting they did not have the 2019 numbers yet. He did not anticipate a retrenchment in payroll from 2018 to 2019; if anything, he believed it would be higher.

- There would be a reduction in revenue due to expiration of the current fire and EMS contract with the annexation (\$156,000 annually).
- The 20% surcharge for water would be eliminated with the annexation, which equates to about \$45,000 per year.
- In his opinion, it was hard to imagine a scenario where this annexation would not be a positive thing for the City.

President Smith said CSU reached out to Xenia from the very beginning, and they need to follow through. Otherwise, it will look like a land grab by the City. He said there is a lot of miscommunication out there about this annexation, including the fact that Wilberforce thinks that the City wants to annex them, too. Mr. Merriman said if the next phase moves forward, staff can put together an FAQ. He noted the campus is owned by the State of Ohio; the City of Xenia would not be responsible to pave their streets, deal with the existing water and sewer systems that is buried on the campus, etc. However, they would need to make a decision about the existing water tower and pumping station. He explained that those assets may need to become City assets and become part of the City's system because they would be maintained under the City's licensure. Regarding police services, CSU does not want to eliminate their campus police force. They want to continue to deal with their own issues through their own judicial process versus the City's criminal process. The City is already providing water, sewer, fire, and EMS services, and it would not be a huge leap to provide additional limited services.

Councilman Scrivens asked if all Wilberforce residents are users of Central State water. Mr. Duke believed that most Wilberforce residents are being provided with water by Greene County.

Mr. Merriman said the existing water line to CSU is very old and in need of replacement and upsizing, and preliminary engineering has been done. However, there are outstanding issues with regard to easements, who will pay for it, etc.

President Smith asked if staff was seeking Council's support on the idea of annexing CSU. Mr. Merriman said yes. President Smith asked Council members to provide their tentative opinions.

Councilman Scrivens said he did not have any objections but felt that CSU has to make the move.

Councilwoman Dean said based on the information, she was not against the annexation.

Councilman Brannum said he was still on the fence, and some of the numbers do not add up. Specifically, the water line replacement will be very expensive, and the projected net annual fiscal impact of \$340,000 won't amount to much if the City has to replace the water line. Mr. Merriman said regardless of the annexation, there is no clear ownership of the water line and the City is providing the service under its licensure. He agreed the water line is a liability, but the City will probably have to pay for at least half of that project no matter what. There is no way around it. Mr. Duke offered to sit down with Councilman Brannum to talk through the numbers. Councilman Brannum said the impact analysis showed only \$3,000 for roadway maintenance, which wasn't much money. Mr. Forschner noted there is only 2,207 linear feet of roadway. Ms. Fisher suggested working out a deal with the Greene County Engineer to maintain that portion of the roadway. Councilman Brannum said the City cannot maintain the roads that are already in the City. Mr. Merriman said the City just installed a \$1.2 million roadway on Innovation Way all on the

predication that it will build the future tax base. If they evaluated the cost of that project and the return on investment on only the present value, it would take 20 years to see the benefit. However, they are looking at future numbers. In particular, the infusion of millions of dollars that CSU's land grant status will bring in. Councilman Brannum asked if Dr. Thomas was on board. Mr. Merriman said yes. Mayor Mays said when she talked to him last week, his first question to her was "when are we making this happen?"

Mr. Duke said when the City is trying to incentivize developers or any industry to come to Xenia, if they were looking at \$25 million in payroll, staff would be looking at numerous incentives to make that happen, such as an income tax rebate, which would be far more costly than anything associated with annexing CSU. Again, he offered to sit down with Councilman Brannum to discuss the financial impact. Mr. Merriman appreciated that Councilman Brannum wanted to go over all the details because this is a big decision.

President Smith said he knows there's a history with CSU with regard to delayed payments of bills but knows they are under better management. Mr. Duke agreed, but he has been with the City for 15 years, and there has not been a problem. There are no current payment issues with Central State University, which includes utility billing, the fire/EMS contract, etc.

Councilman Dean said when he ran for Council, he said he'd vote against it. Even though the economic impact numbers look good, he did not want to break his word. He hopes and thinks it will work out well for the City and CSU.

Mayor Mays said she was ready to pursue it.

President Smith said CSU students are already in this community and spending their money here. He did not see a problem with annexing the CSU campus. He believed it would be a "win" for everyone. He cannot speak for Vice President Wallace, but he thinks he supports the effort.

Mr. Merriman said it seems that based on the discussion, staff should extend the conversation with CSU, obtain their 2019 employment numbers, and put the ball in their court with regard to the petition.

Councilman Scrivens asked if Dr. Thomas could be invited to a Council meeting and possibly make a brief presentation. Mr. Merriman felt it would be appropriate to provide a meet-and-greet opportunity. President Smith said he would reach out to him.

D. Various Project and Program Updates: Mr. Merriman said due to the late hour, he only had one additional pressing item to bring to Council's attention. He said as they adjust to the evolving COVID-19 situation, they institutionally have to abide by and work with orders established by Greene County Public Health, the Governor's office, the Ohio Department of Health, etc. He said a Xenia Municipal Court employee recently tested positive for COVID-19, and this particular employee has contacts with many people. However, regarding the definition of exposure, only a handful of employees were exposed to this employee. He reported that a number of employees sought testing through Greene County Public Health, but the results take up to five days. Ms. Fisher reported that some results were just received, and the prosecutor and all three Victim advocates tested negative.

Mr. Merriman said with this situation, staff has had to evaluate some policies that were adopted earlier this spring. Guidelines on how to approach situations like this (positive tests, known exposure incidents, etc.) have evolved over the past few months, and staff has spent a considerable amount of time putting together additional policy language per the Families First Coronavirus Response Act (FFCRA) with regard to employee paid leave. He expressed his frustration with the “moving target,” noting that some doctors don’t even agree on when a test should be administered based on an exposure and whether or not the person is symptomatic or not. However, the City needs to have a policy in place that establishes procedures and protocol on how they will handle this issue with City employees, and he anticipates issuing an Administrative Directive very soon.

3. ADJOURNMENT: Motion by Mayor Mays, seconded by Councilman Scrivens, to adjourn the Special Meeting at 8:41 p.m. No discussion followed. The Roll on this was the following:

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

Nays: None motion carried.

Michelle D. Johnson
City Clerk

Wesley E. Smith
President, Xenia City Council