

**XENIA CITY COUNCIL
REGULAR MEETING
AUGUST 11, 2022
6:00 P.M.**

Associate Pastor Tristan Ferry, New Community Church, provided the Invocation.

(1) **PLEDGE OF ALLEGIANCE:** All present stood and recited the Pledge of Allegiance led by President Wesley Smith.

(2) **CALL TO ORDER:** President Smith called the Regular Meeting to order at 6:04 p.m.

(3) **ROLL CALL:** Vice President Will Urschel, Councilman Thomas Scrivens, Councilwoman Rebekah Dean, Councilman Cody Brannum, Mayor Sarah Mays, and President Wesley Smith were present. Councilman Levi Dean was absent.

Motion by President Smith, seconded by Vice President Urschel, to excuse Councilman Levi Dean from the meeting due to a family obligation. He entertained comments or questions. Councilwoman Dean said apparently she was not invited. (Laughter followed.) The Roll on this was the following:

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

Nays: None motion carried.

(4) **APPROVAL OF MINUTES:** Motion by Councilwoman Dean, seconded by Councilman Brannum, to approve the July 28, 2022, minutes of the Regular Meeting as written. President Smith entertained comments or questions. None were presented. The Roll on this was the following:

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

Nays: None motion carried.

(5) **SPECIAL PRESENTATION(S):** None.

(6) **AUDIENCE COMMENTS:** President Smith explained the procedures for Audience Comments and invited those who wished to speak to come forward. Nobody came forward to speak. He read into the record emails received from City resident Peggy Lindsey, 227 E. Church Street:

- “I saw a news story this morning that City Council is considering a change to the livestock ordinance at tonight’s meeting. While I don’t oppose changing the number of animals from 4 to 6 to be in line with Ohio code, I would like to make the Council aware that even households with a few chickens can create a stench for their neighbors. My next door neighbors kept a few chickens for several years and in warm weather especially, we experienced many days when we could not enjoy sitting in our backyard because of the stench from their yard. They seemed to only clean the coops at the beginning of the week, which meant that it was at its worst by the weekend -- the time we were most likely to want to sit in the yard. Fortunately, my neighbors have gotten rid of the chickens, but I can’t imagine I’m the only homeowner who might experience this issue. If it’s possible to add something to the code establishing requirements for the frequency of cleaning up feces or some other way to ensure that one family’s desire to own backyard chickens doesn’t result in another family’s inability to enjoy their backyard, I believe it would be an improvement for all parties.”

- “Thank you to whomever is responsible for getting the sidewalk extended on Weaver Street at Shawnee Park. We walk our dogs there multiple times a day and especially in messy weather, it is an absolute joy not to have to choose to either walk in the wet grass or risk walking in the road. We've hoped for that for years and are so glad it finally happened!” President Smith noted that this email was forwarded to Public Service.

(7) OLD BUSINESS:

A. President Smith presented **ORDINANCE 2022-26 AMENDING SECTION 1062.10, TITLED “HUNTING AND FISHING,” OF THE XENIA CITY CODE**, introduced by Councilman Scrivens on July 28, 2022.

President Smith called for a motion to adopt Ordinance 2022-26.

Motion by Councilman Scrivens, seconded by Mayor Mays, to adopt Ordinance 2022-26 as presented.

President Smith opened the public hearing at 6:07 p.m. and asked those in favor or against amending Section 1062.10 of the Xenia City Code to come forward to speak. Hearing none, he closed the public hearing at 6:07 p.m. and entertained Council comments or questions. Hearing none, he noted that while this Ordinance did not go into effect until September 10th, using nets was already prohibited. Law Director Donnette Fisher said that was correct; signs have already been posted at the park as permitted at the City Manager’s discretion. President Smith then asked for the Roll Call.

The Roll on this was the following:

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

Nays: None motion carried.

(8) NEW BUSINESS:

A. **ORDINANCE 2022-27 AMENDING ORDINANCE 2022-17 TO PROVIDE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF XENIA, OHIO, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2022, AND DECLARING AN EMERGENCY.** Finance Director Ryan Duke said this appropriation ordinance was being presented to appropriate additional funds for street opening permit refunds. He explained that when contractors cut into a street to perform maintenance or replacement of infrastructure under the street, they must provide a deposit ensuring they will repair the street to an appropriate condition. The City budgeted those deposits as revenues and the refunds as expenses because the deposit was oftentimes refunded in a different year than when the deposit was received. This year, more street opening permits have been requested than was typical; therefore, it was necessary that additional funds in the amount of \$10,000 be appropriated to accommodate refunds as the streets are repaired.

President Smith entertained comments or questions. Hearing none, he called for a motion to adopt Ordinance 2022-27 as an emergency.

Motion by Councilman Brannum, seconded by Councilman Scrivens, to adopt Ordinance 2022-27 as presented. No discussion followed. The Roll on this was the following:

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

Nays: None motion carried.

B. Introduction of Ordinance 2022-28 Renumbering and Amending Chapters 234, 238 and 240, Amending Chapter 242, and Enacting Chapter 243 of the Administrative Code, as Contained in Part Two: City Government, Title Six – Administrative Code of the Xenia City Code. Ms. Fisher said as Council was aware, City administration had been reviewing Title Six of Part Two of the Xenia City Code, which contained the City’s Administrative Code. The Administrative Code set forth the City’s administrative organization, broken down by departments and divisions. The various chapters of the Administrative Code authorized the various City departments and divisions, authorized the department and division heads for each, and outlined the functions, duties, and authorities for each department and division, most of which had not been updated since the 1990s. The Administrative Code was in need of updating and streamlining, and as staff had told Council, it was the intent to present the rewrites to the Administrative Code in three parcels – Public Safety and Law Departments; City Manager’s Office and the departments under the City Manager; and the Finance Department. All proposed amendments to the Administrative Code would first be reviewed with Council’s Legislative Review & Government Affairs (LR&GA) Committee before formal presentation to Council. Ordinance 2022-28 represented the start of this process, and the remaining proposed amendments would be presented to Council after the LR&GA Committee’s review in September and October. Staff and the LR&GA Committee were presenting to Council the proposed amendments to the Public Safety Department and Law Department first. These amendments included the following:

Department of Public Safety

- Renumber from Chapter 238 to Chapter 240; renumber 238.01 – 238.03 as 240.01 – 240.03; enact Sections 240.04 – 240.08 (Chapter 240 is currently the Police Division chapter).
- Add an Emergency Communications Division to the Department.
- Clarify that in accordance with current Charter language, the City Manager is the appointing authority for employees with the Public Safety Department and its three divisions.
- Add language clarifying that the Public Safety Director is responsible for the security of all City facilities and the safety of the public and employees at such facilities.
- Create the position of Assistant Public Safety Director (there was no intent to fill this position at this time).
- Add section authorizing Public Safety Director to create any federal or state-required emergency preparedness plans, subject to Council appropriating funds for the creation of such plans.

Police Division

- Renumber from Chapter 240 to Chapter 241 and enact 241.01 – 241.11.
- Clarify that in accordance with current Charter language, the City Manager is the appointing authority for employees within the Public Safety Department and its three divisions.
- Authorize the powers and duties of the Police Chief as the head of the Police Division; recognize the Charter-authorized position of Assistant Police Chief (known as Major).
- Outline the functions, powers, and duties of the Police Division (241.03).

- Outline the requirements for original appointment to the position of police officer outlined in the ORC (241.04).
- Authorize a Police Cadet Program (241.05).
- Keep and clarify the Reserve Police Officer position (241.06).
- Outline the offenses that may affect employment as a police officer, as set forth in the ORC (241.07).
- Formally authorize Special Duty agreements (241.08).
- Add language setting forth the process for the state-required Volunteer Peace Officers' Dependents Fund Board and program (241.09). She explained that all of the City's volunteer [reserve] officers are retired officers. If they get to the point where reserve officers are not retired, the requirement for the Board may kick in. The City did not need this now; it was simply being put in place in case there was a need for it in the future.
- Set forth a schedule of court fees (amounts set by statute) that the Xenia Municipal Court must collect if any officer of the Police Division acts as a bailiff for the Court (241.10).
- Add language recognizing that if a Citizens' Reward Program is established by Greene County, 25% of the proceeds from any property disposed of by Police Division shall be paid into that program (241.11).

Fire & EMS Division

- Change title of Division from Fire Division to Fire & EMS Division.
- Recognize the Charter-authorized position of Assistant Fire & EMS Chief (known as Deputy Fire & EMS Chief).
- Delete Section 242.10 Police and Fire Fund (all funds will be moved to the Finance Department chapters).

Emergency Communications Division

- Enact Chapter 243 creating the Emergency Communications Division.
- Create the position of Emergency Communications Administrator (to be filled by current Communications Director) and an Assistant Emergency Communications Director, known as Public Safety Technical Administrator (to be filled by current Communications Technical Director).
- Outline the functions, powers, and duties of the Emergency Communications Division.
- Recognize that the Emergency Communications Division may also be known as the Xenia-Greene Central Communications Center.

Law Department

- Renumber from Chapter 234 to Chapter 245; no substantive changes.

Staff and the LR&GA Committee recommended an effective date of January 1, 2023; they would be recommending the same effective date for the rewrites to the remainder of the Administrative Code to allow all the rewrites and updates to go into effect at the same time and give the Administrative Steering Committee time to get job descriptions updated prior to the effective date. In addition, by having all the rewrites become effective at the same time, Council would only have to update the Charter-required Pay Plan and Organization Plan once. None of the changes would result in a budgetary impact. She asked City Manager (and Public Safety Director) Brent Merriman for his comments. Mr. Merriman said the rewrites were an attempt to bring contemporary provisions to the City's Code to align with the ORC and the current structure while more accurately reflecting service delivery. He expected logos, etc., to be updated with the name change. With regard to Communications, it has evolved from the early 1950s as a simple call-taking center to a distinct division of service delivery as services have exponentially expanded over the years with

the advent of 9-1-1, enhanced 9-1-1, and national and federal requirements. He believed it was time that Communications was its own distinct division to elevate the status of those operations. He reiterated that the changes were reviewed by the LR&GA Committee as well as the Public Safety Committee.

President Smith entertained comments or questions.

Vice President Urschel inquired about the Court fees and mileage charges, which were very specific in the code language. Ms. Fisher said under State law, all police officers were automatically Bailiffs for the Xenia Municipal Court. If the XMC would ever ask XPD officers to serve a summons, writ of eviction, etc., then those fees would apply. The fees were the exact same amounts as what the Greene County Sheriffs would receive—the City cannot set them higher than that. Vice President Urschel asked if the fees were a reflection of the Ohio Revised Code fees. Ms. Fisher said yes; the fees are set in the ORC. She did not believe any XPD officers had served as Bailiffs to date, but in the event they were ever needed in that capacity, the Code section was in place. Vice President Urschel said if the State legislature modified the fee structure, he asked if the City could in turn modify its fee structure accordingly. Ms. Fisher said yes. Mr. Merriman said in regard to fees, staff was usually solicited during the first part of each year to identify *any* fees for a range of services that were in need of adjustment. He anticipated coming back to Council later this year to discuss the utility fee structure because costs continued to change.

Councilman Brannum asked the names of the City's two reserve officers. Police Chief Chris Stutes said Fred Barker and Todd LeMaster served as reserve officers; both are retired XPD officers.

Councilman Scrivens asked about specifying an emergency operations center (EOC) as noted in Section 240.05 Emergency Preparedness. Mr. Merriman said under the provisions, he was charged with the authority and responsibility to promulgate plans pursuant to local standards and State requirements. The City's Emergency Operations Plan would stipulate the locations identified as EOCs, which are buildings identified as essential facilities that include pre-engineered communications capabilities. Those facilities were the City Administration Building, Fire Station 31 (Training Room), and the basement of the Justice Center (XPD roll call room).

Councilman Scrivens noted that an Assistant Law Director was not mentioned in the Law Department Chapter. Ms. Fisher said an Assistant Law Director was not authorized by the City Charter. If at any time she feels an Assistant was needed, she would present that request to City Council.

Vice President Urschel asked Ms. Fisher to share more details about the Citizens' Reward Program (241.11). Ms. Fisher said per ORC 2981.11, there was a statutory process they must follow for property that was in the control of the Police Division (property that was abandoned, found, confiscated, etc.) to dispose of that property. They must file a motion with the Court and get permission to dispose of it (sell it, destroy it, etc.). Currently, the County had not established Citizens' Reward Program; however, if they do, then every police department in Greene County would be required to pay 25% of the proceeds of the disposal of property into that fund. Vice President Urschel asked on average how much the City profited per year on the disposal of

property. Mr. Duke said the amount varied from year to year, but it was never a substantial amount from an operations standpoint. Mr. Merriman agreed.

Hearing nothing further, President Smith called for an introduction of Ordinance 2022-28 as presented.

Mayor Mays introduced ORDINANCE 2022-28 RENUMBERING AND AMENDING CHAPTERS 234, 238 AND 240, AMENDING CHAPTER 242, AND ENACTING CHAPTER 243 OF THE ADMINISTRATIVE CODE, AS CONTAINED IN PART TWO: CITY GOVERNMENT, TITLE SIX – ADMINISTRATIVE CODE OF THE XENIA CITY CODE.

C. Introduction of Ordinance 2022-29 Amending Sections 298.01(f) and 298.01(g) of the City’s Fee Schedule, and Sections 1220.01(b), 1220.01(c), 1224.01(b)(10), 1224.01(e)(9)B, 1224.01(e)(9)F, 1224.01(e)(19), 1226.02(c), 1236.06(k), 1236.09(e), and 1242.04 of the Land Development Code. City Manager Brent Merriman said originally approved in 2016 after a comprehensive, community-based development process, the Land Development Code was the portion of Xenia City Code intended to establish community standards for the development, use, and general care of real property and improvement thereon throughout the City. Over time and as community norms, consumer preferences, and economic conditions evolved, it was now necessary to consider updates to elements within the LDC so that the Code might continue to reflect expected standards within the community. Recently, the City Planner engaged with the Planning and Zoning Commission on possibilities for updates to the Land Development Code to address certain recurring issues or otherwise to improve how the Code was written for the benefit of Xenia citizens, both residential and corporate. The agenda report included descriptions of the recommended updates to the following provisions within the Land Development Code, and staff recommended introduction of the following LDC amendments to bring the various sections up to date and balance commonsense flexibility with maintenance of community standards as follows:

- Section 1220.01(b) and (c): Charter Updates: Amendments are necessary so the LDC would be consistent with the recent voter-approved amendments to the City Charter, most notably amending the necessary quorum for decision making.
- 1224.01(b)(10): Accessory Building Setback: Amendment would remove existing unnecessary language that requires accessory buildings less than 10’ from the principal building to be protected with a fire resistant material and follow the same yard requirements as the principal building.
- 1224.01(e)(9)B Fences in ROW: Amendment would provide an exemption that would allow fences in the right-of-way if they are part of an outdoor seating area authorized by the City via a right-of-way use agreement.
- 1224.01(e)(9)F. Fences on Corner Lots: Amendment addressed the most common variance request received by the City, which was constructing fences taller than 4’ on a corner lot, between a home and a street. These requests often involve fences in what the property owner views as a side yard but was technically considered by the LDC to be a second front yard. The amendment would allow fences to exceed 4’ if they are located in these “second” front yards, provided they comply with the required front yard setback.
- 1224.01(e)(19): Raising of Small Livestock: A recent appeal to the BZA revealed that the Ohio Revised Code (ORC) required retailers to sell young poultry in quantities no less than six. The existing LDC limits small livestock on properties less than five acres to a quantity of four or less, and this amendment would change the number to six to align with the ORC.

- 1226.02(c): Vision Clearance: This amendment would clarify language and standards related to vision clearance.
- 1234.02(b)(3)A: Temporary Parking for Recreational Vehicles and Trailers: Amendment would address a loophole in the current code language regarding temporary parking for recreational vehicles.
- 1236.06(k) LED Signs: Amendment would exempt digital signs from the proportional area limit; the current language did not anticipate the rapid transition of retail signage to electronic signs from large removal-type lettering; current code language was intended to limit the size of the latter of these, which was generally unattractive.
- 1236.09(e) Drive-Through Signs: Amendment would allow restaurants to install a secondary drive-through sign of up to 12 sq. ft. in a stacking lane; what are known as “pre-browse” menu boards are popular today for drive-thru services and allow additional menu and promotional information for customers and would help customers make ordering choices faster and reduce queueing without any adverse visual impacts.
- 1242.04: Re-Inspection Fee: If approved, this amendment would add a re-inspection fee authority for zoning matters such as what was currently allowed for in property maintenance code provisions. The re-inspection fees, currently set at \$150 for vegetation violations and \$100 for non-vegetation violations, are invoiced to a property owner who failed to comply with a Notice of Violation by the deadline in the notice. Repeated unaddressed notices can result in repeated fees. This tool had proven to be an effective alternative to the lengthy and at times unsuccessful court process. The re-inspection fee alone was used with violations that the City cannot abate on its own. All LDC violations currently fall under this category, as the LDC did not provide authority to the Code Enforcement Officer to abate violations and charge the costs to the property owner. Many LDC violations were also of a nature that precludes abatement by the City. Staff proposed setting the LDC re-inspection fee at \$150 and to increase the current non-vegetation Property Maintenance Code re-inspection fee to \$150 to match the vegetation re-inspection fee.

Mr. Merriman said the agenda report included more details, especially regarding the re-inspection fees; he noted it was very difficult to get violations adjudicated through the court process. The amendment would provide a means for staff to hopefully ensure more compliance. The other proposed amendments were intended to contemporize the standards and bring them more in line with what property owners want, provide more flexibility, and reduce repeated violations.

President Smith entertained comments or questions. Councilman Scrivens asked for more information on 1234.02(b)(3)A: Temporary Parking for Recreational Vehicles and Trailers. Mr. Merriman said a lengthy narrative was included in the agenda report as this was one of the recurring issues that Code Enforcement Officers dealt with on a regular basis. He then deferred to City Planner Brian Forschner. Mr. Forschner said the current code allowed such vehicles to be parked temporarily for up to one week. This effectively allowed parking of such vehicles for a much longer time period for two reasons: (1) Staff was unavailable on weekends to check whether vehicles are parked during that time, and (2) it allowed property owners to park their recreational vehicles at their homes during the week, take the vehicles offsite on a weekend, and return them to their homes the following week. The result was a loophole that undermined the intent of this requirement. Staff believed that 72 hours provided an adequate period of time for loading/unloading, while avoiding the above-mentioned “loophole” scenarios. The amendment would more effectively require property owners to find a compliant, permanent storage location, such as a side or rear yard, garage or an offsite storage facility. Councilman Scrivens inquired about vehicles parked in the grass (front and side yards). Mr. Forschner said the prohibition of parking

on the grass was already covered in the LDC, and the re-inspection fee would help enforce that provision.

Vice President Urschel asked if a re-inspection fee would be charged every time a Code Enforcement Officer checked into a violation. Mr. Forschner said theoretically yes, but if a Code Enforcement Officer checked to determine that a violation was corrected and found that it was, a re-inspection fee would not be charged. Vice President Urschel asked how the fees would be collected. Mr. Forschner said invoices would be sent to the property owner; they cannot assess these fees to the owner's property tax bill. If the violation was not corrected and the fees remained unpaid, they would have to take the violator to court.

President Smith asked the definition of a "trailer" because he felt that a tractor-trailer was very different from a trailer used to haul a lawn mower. Mr. Forschner said the word "trailer" applied to all types of trailers. He noted the LDC contained a separate set of regulations for commercial vehicles, which would include tractor-trailers.

Mr. Merriman noted that many of these subjects were discussed during the Council's walking tour earlier this year, and the amendments were an attempt to adjudicate many of these items without going through the court process while bringing accountability and eliminating repeat violations.

Councilman Scrivens asked how the re-inspection fee amount was determined. Mr. Forschner said the vegetation re-inspection fee was already set at \$150; therefore, he requested all re-inspection fees to be the same amount.

Hearing nothing further, President Smith called for an introduction of Ordinance 2022-29 as presented, noting the public hearing would be held at their next meeting on August 25th if introduced this evening.

Vice President Urschel introduced ORDINANCE 2022-29 AMENDING SECTIONS 298.01(f) AND 298.01(g) OF THE CITY'S FEE SCHEDULE, AND SECTIONS 1220.01(b), 1220.01(c), 1224.01(b)(10), 1224.01(e)(9)B, 1224.01(e)(9)F, 1224.01(e)(19), 1226.02(c), 1236.06(k), 1236.09(e), AND 1242.04 OF THE LAND DEVELOPMENT CODE.

D. ORDINANCE 2022-30 ESTABLISHING A SIX-MONTH MORATORIUM ON THE ESTABLISHMENT OR COMMENCEMENT OF INPATIENT AND/OR OUTPATIENT ADDICTION TREATMENT FACILITIES WITHIN THE CITY OF XENIA, AND DECLARING AN EMERGENCY. Mr. Merriman said the growing national drug addiction crisis had necessitated the expansion of treatment services in communities across this country. In Ohio, county seat communities were often viewed as ideal locations for such treatment facilities given that the concentration of social services often needed by individuals suffering from addictive behaviors lends to such individual residing in the county seat. This co-location had been their local experience in Xenia as they have seen increased interest from a range of drug rehab services looking to operate in this community. It was sadly necessary that they have these services conveniently located in Xenia, and presently, zoning for these types of treatment centers would categorize them the same as medical offices and nursing homes. The code simply did not distinguish between these vastly different service providers in terms of zoning and where such services were allowed to locate. Staff wanted to be responsive to the concerns that Council

members have raised regarding this, and there was consensus that changes to the LDC regarding this matter were necessary. Yet, staff suggested that the City be thoughtful and prudent, taking appropriate time in reviewing the situation and in developing options for changes. For these reasons, staff was recommending Council enact a six-month moratorium to pause the development of any new detoxification centers while staff worked to develop code provisions that addressed community concerns with the locating of such facilities. To accomplish the enactment of the moratorium for this term and commencing immediately, Council would need to undertake two actions this evening, the first being emergency ordinance 2022-30 approving a moratorium, which by current charter rules would be limited to 60 days of effectiveness. Subsequently with introduction and approval of the next item on the agenda, Ordinance 2022-31, and extension of the moratorium for an additional four months would be authorized.

President Smith entertained comments or questions. Councilman Scrivens asked Mr. Merriman what he proposed was the highest and best use of the existing vacant structures. Mr. Merriman said the building located at 1384 N. Monroe was likely best for some type of in-patient services; however, while some services were not economically valuable to the City, he recognized that they were necessary, such as elderly care and assisted living facilities. From his perspective, elderly care or assisted living facilities were very different from drug rehab treatment facilities. That said, some of the City's vacant buildings could be backfilled with services that would be viewed less negatively than drug rehab treatment services. Councilman Scrivens noted that Greenwood Manor was set to be demolished, which was owned by the County. He felt it was a senseless waste of a good building that was developed for a purpose. President Smith agreed.

Vice President Urschel said he was 100% in favor of establishing the moratorium because they needed to take a comprehensive look at what services were already available in Xenia and throughout the County. He suggested presenting the question to the Greene County Drug Free Coalition in an effort to get their feedback and noted their next meeting was scheduled for September 8th. Mr. Merriman agreed, noting that he and Mr. Forschner had already talked about the value of seeking input from community stakeholders. He also felt it was important to look Countywide at all options so there was a proper distribution of services.

Hearing nothing further, President Smith called for a motion to adopt Ordinance 2022-30 as an emergency.

Motion by Vice President Urschel, seconded by Mayor Mays, to adopt Ordinance 2022-30 as presented. The Roll on this was the following:

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

Nays: None motion carried.

E. Introduction of Ordinance 2022-31 Establishing a Six-month Moratorium on the Establishment or Commencement of Inpatient and/or Outpatient Addiction Treatment Facilities within the City of Xenia. President Smith said Council just enacted the six-month moratorium as an emergency measure, effective immediately, by Ordinance 2022-30. However, the moratorium also needed to be enacted as a regular ordinance to extend it beyond the 60 days. He entertained comments or questions.

Councilman Scrivens said the previous Ordinance established the moratorium for six-months, but it would expire on October 11th. He was concerned that there was an error in the legislation. President Smith explained that with the recent Charter amendments, emergency ordinances would automatically expire on the 61st day; therefore, it was necessary to go through the process of a “regular” ordinance with the exact same language as the emergency ordinance.

Hearing nothing further, President Smith called for an introduction of Ordinance 2022-31 as presented, noting the public hearing would be held at their next meeting on August 25th..

Vice President Urschel presented ORDINANCE 2022-31 ESTABLISHING A SIX-MONTH MORATORIUM ON THE ESTABLISHMENT OR COMMENCEMENT OF INPATIENT AND/OR OUTPATIENT ADDICTION TREATMENT FACILITIES WITHIN THE CITY OF XENIA.

(9) APPOINTED OFFICIALS REPORTS

President Smith asked Mr. Duke for his comments. Mr. Duke said the Schedule of Bills was not included on the agenda this evening. He explained that per the approved August 2nd Charter amendments, it was no longer required to present the Schedule of Bills to City Council for approval. He noted he would include the month’s payment of bills in his monthly financial reports so Councilmembers could continue to see expenditures. Further, the schedules of bills would be posted on the City’s website in the same format as they were previously presented, except it would cover an entire month. All expenditures would be uploaded to the Ohio Checkbook as well.

President Smith asked Ms. Fisher for her comments. Ms. Fisher asked the Legislative Review & Government Affairs Committee to plan on a meeting on August 25th at 4 p.m. They would be reviewing proposed amendments to the Finance Department Chapter. She also reminded President Smith that he needed to formally appoint the members of the newly created Economic Development Committee. President Smith said he emailed that information to the City Clerk. Ms. Fisher said he needed to make those appointments at a meeting per the Rules of Council. President Smith apologized for the oversight. He announced that he appointed Vice President Urschel as the Chair, Mayor Mays and himself as Committee members, and Councilman Scrivens as the alternate.

President Smith said at the most recent Planning and Zoning Commission (PZC) meeting, they barely had a quorum of three members. In fact, one member was late due to being detained at work, and they had to wait for him to arrive to start the meeting. He had mentioned “super alternates” in the past, and once again inquired about that option. Ms. Fisher said PZC was a Charter-created commission, which limited the number of members to five plus the Chair. The next time they review the Charter, she suggested adding the provision that voting members could participate via electronic technology, such as Zoom, because the Ohio Open Meetings Act required voting members to be present in person and unfortunately was not in line with today’s technology. A brief conversation was held as to whether or not the Chair counted towards the quorum. It was confirmed that three voting members constituted a quorum, and a majority of the members present could pass a motion (2-1 vote). Further, the Chair did not count towards the quorum but could vote to break a 2-2 vote or if the three members were present and the vote was 1 aye, 1 nay, and

1 abstention. Councilman Brannum said the recent Charter amendments also eliminated the requirement for a Councilmember to be named as the alternate Chair of PZC or BZA. Now, the Vice Chairs would run the meetings in the Chair's absence. President Smith said he appreciated the volunteers who served on the City's Boards and Commissions, noting most of them work full-time jobs, have family obligations, etc. However, when developers were present in the audience with items on the agenda that included them spending millions of dollars in this community, he was embarrassed when they had difficulty achieving a quorum or had to cancel due to lack of a quorum. Ms. Fisher said Council had the ability to declare a seat vacant and remove a member [after three consecutive unexcused absences]. Mr. Merriman said maintaining volunteers on the City's Boards and Commissions was a persistent issue and at times impeded the business of the City. Future Charter Review Commission members and City Council would need to consider this issue. President Smith said if PZC could not get a quorum, rather than cancel and reschedule the meeting to a later date, he asked if the items could move forward to City Council. Ms. Fisher said it would depend on this issue and may require some amendments to the Land Development Code.

Vice President Urschel extended congratulations on getting the August 2nd Charter amendments passed. He said the Charter Review Commission members and staff spent a lot of time on this effort, and they were passed with an 87% approval rating. The next (and final) round would appear on the November 8th ballot. Ms. Fisher said that was correct. The last round would conclude the proposed amendments, and if approved, the entire Charter, with the exception Article XI – Elections and Article XII – Initiative and Referendum, will have been amended.

President Smith asked Mr. Merriman for his comments. Mr. Merriman said local schools would soon be back in session and cautioned that morning and afternoon traffic patterns would be busy. Xenia Police Division staff would be out in full force to enforce school zones, ensure people are stopping for school buses, etc. President Smith asked if there would be traffic pattern changes at Warner due to the construction project. Mr. Merriman said yes; people can learn more on the Xenia Community Schools' website.

(10) COUNCIL COMMENTS & REPORTS:

Councilwoman Dean had nothing further to share.

Councilman Scrivens thanked everyone for their participation in the Greene County Fair, which was very successful. He commented on the weeds growing up through the sidewalks and streets at various locations in the City. He asked who was responsible to take care of this issue. If Public Service was not taking care of it, then perhaps he and Vice President Urschel and his crew could take care of it. Otherwise, he suggested the City hire a few summer interns to do miscellaneous yard work. He thanked the Xenia community for their resounding support of the Charter amendments. He would like the Police Chief to call a meeting within the next 30-60 days to discuss school security, and he would like the Public Safety Committee to be involved in that. Mr. Merriman reported that a Public Safety meeting was scheduled next week, and this subject was one of their agenda items.

Councilman Brannum extended his thoughts and prayers to Police Officer Seara Burton from the Richmond (Indiana) Police Department, who was shot in the line of duty. He expressed his exasperation that this was the third meeting in a row where he commented on a police officer being

shot in the line of duty. President Smith asked if anyone had an update on her condition. Mr. Merriman said she was still in critical condition.

Mayor Mays also thanked voters for supporting the Charter amendments and noted that a lot of work went into those recommendations. She said numerous people told her that they read through the amendments and thanked the City for making that information available. She then shared the following events that she recently attended and participated in:

- Friday, July 29th: She presented greetings at the Wilberforce University Alumni weekend.
- Thursday, August 4th: MVRPC Breakfast at Dayton Riverscape. On this date, Mr. Merriman, the Police and Fire Chiefs, and she had a meeting with Jonathan Duffy, Kettering Health Director of Mission and Ministry, who was working on Community Health Assessment/Plan. She appreciated that Mr. Duffy included City representatives on his initiative.
- Tuesday, August 9th: She attended the swearing-in of new XPD Officer Jeremiah Fernbaugh.
- Reminder: Sunday, August 14th, the Community Worship Service at Shawnee Park was scheduled for Sunday, August 14th, at 10:30 a.m. with 15 churches in Xenia participating.

Vice President Urschel said the Public Service & Utilities Committee met on Tuesday, August 8th. They had a very productive meeting, and he thanked staff for their time and preparation. They reviewed a number of items including the recent refuse collection bids, they discussed natural gas aggregation (the supplier recently declared bankruptcy), they discussed stormwater assessment methodology, and he learned that cracksealing would be done this fall. He thanked City Engineer Chris Berger for preparing and presenting information on the City's streetlight assessments, noting they intended to discontinue use of the ornamental streetlights and begin to use streetlights that were easier to maintain. To his knowledge, there had never been a community-wide worship service in Xenia, and with 15 churches and 10 different denominations, everybody was welcome! The event was endorsed by the Xenia Area Association of Churches and Ministries and the African American Ministerial Alliance. Dr. Thomas White from Cedarville University would be providing the service. He said there are numerous places to park and walk to Shawnee Park or shuttle service would be provided as well.

President Smith thanked Police Chief Stutes for his presence at the meeting to serve as the Sergeant at Arms and thanked him and his staff for the important work they do in this community. He reported that Planning and Zoning Commission met on Thursday, August 4th, on the following cases:

- PZC2022-17: Land Development Code Zoning Text Amendments, which were endorsed to Council and presented this evening.
- PZC2022-18: Final Plat for Edenbridge, Section 2, a 5.754-acre subdivision consisting of 10 single-family home lots, 6 duplex lots, and 2 open space lots, which was approved.
- PZC2022-19: Final Plat and PUD Final Development Plan for Wright Cycle Estates, Section 14, a 9.89-acre subdivision consisting of 26 single-family home lots and one common area lot, which was approved.

The above two projects served as a testimony that Xenia was an affordable and safe place to live. He felt that people got more for their money here in Xenia. He said staff requested a brief Executive Session this evening, and they would not be conducting any other business in Regular Session with the exception of adjournment. Therefore, the video would end after the roll call to go into Executive Session.

Motion by President Smith, seconded by Mayor Mays, to discuss the Purchase or Sale of Property per ORC §121.22(G). No discussion followed. The Roll on this was the following:

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

Nays: None motion carried.

(11) ADJOURNMENT: Motion by Mayor Mays, seconded by President Smith, to adjourn the Regular Meeting at 8:27 p.m. No discussion followed. The Roll on this was the following:

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

Nays: None motion carried.



Michelle D. Johnson
City Clerk



Wesley E. Smith, President
Xenia City Council