

**XENIA CITY COUNCIL  
MEETING MINUTES  
AUGUST 27, 2020**

**1. CALL TO ORDER:** President Smith called the Regular Meeting to order at 6:00 p.m. in the City Council Chambers, City Administration Building. The meeting was open to the public. Due to COVID-19 and group gathering restrictions, audience members were asked to practice social distancing.

**2. INVOCATION:** President Wesley Smith provided the Invocation.

**3. PLEDGE OF ALLEGIANCE:** Vice President Edgar Wallace led those present in the Pledge of Allegiance.

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

**5. APPROVAL OF MINUTES:** Motion by Mayor Mays, seconded by Councilman Scrivens, to approve the August 13, 2020, minutes as written. No discussion followed. The Roll on this was the following:

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

Nays: None                      motion carried.

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

**7. AUDIENCE COMMENTS:** President Smith invited those present to come forward to speak.

Everett Rasnic, 545 N. Columbus Street, said he lives at the corner of Lexington Avenue and U.S. 42. He noted Councilman Scrivens lives in his neighborhood. He was present to complain about people speeding on Lexington Avenue all day long. He said kids ride their bikes and walk up and down the street, and he was concerned for their safety. He asked what could be done about the speeding. He called the Xenia Police Division on Monday to report the speeding, but he has not heard back from anyone and they did not show up. He said the last time he yelled at a speeder, he got cussed out and threatened. President Smith said Mr. Rasnic's complaint will be dealt with by the Appointed Officials and/or Police Chief. He encouraged Mr. Rasnic and others to continue to call the Xenia Police Division and Dispatch to make a report.

John Caupp, 936 Orville Way, said there is enough water in Xenia to supply the City twice, especially since the City lost its water contract with Greene County. He said all water meters in the City are in the process of being replaced with new meters. He actually has two meters (a regular meter and an irrigation meter) and both meters were replaced. Then, he received a letter from the City stating that he needs to pay \$250 for the new irrigation meter. He already paid for the original irrigation meter, and he did not feel that he should pay for it twice because he did not choose to change the meters out. The new meters are for the City's benefit for efficiency—they are not beneficial to him. He noted he was not charged for his regular water meter because that cost is built into the water rates. Water is profitable and is the City's enterprise fund. The City makes money off the water. Now, while the City is making money off the water that he uses, he is now being charged another tax for the new irrigation meter. He said Xenia is already one of the highest

taxed cities in Ohio, and they want people to move here and maintain their properties, etc., but someone who has already paid for the meter is being charged for its replacement for water that the City makes money on. Council can arbitrarily change the water rates whenever they want to and the rates have increased since the City lost the Greene County water contract. He expected to hear a response tonight during their roundtable comments from all seven Council members because they work for the taxpayers of this City. Further, his water bills are usually around \$160-\$180, and this month's bill was \$313. He has heard that many people received larger than normal water bills this month. He again stated that the City makes money off water bills every month, but he is going to be charged \$250 for an irrigation meter that he did not want replaced.

**8. OLD BUSINESS:**

**A. President Smith presented 2020-20 AMENDING SECTIONS 1044.06 AND 1044.07, ADOPTING CHAPTER 1048, AND REPEALING IN ITS ENTIRETY EXISTING CHAPTER 1048 OF THE CITY OF XENIA'S STREETS, UTILITIES, AND PUBLIC SERVICES CODE AS CONTAINED IN THE CODIFIED ORDINANCES,** originally introduced by Vice President Wallace, and it was read for a second time.

Motion by Vice President Wallace, seconded by Mayor Mays, to approve Ordinance 2020-20 as presented. No discussion followed. The Roll on this was the following:

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

**B. President Smith presented RESOLUTION 2020-V PROVIDING FOR ASSESSMENTS TO BE LEVIED AND AUTHORIZING THE FINANCE DIRECTOR TO CERTIFY THOSE ASSESSMENTS TO THE GREENE COUNTY AUDITOR,** originally introduced by Mayor Mays, and it was read for a second time.

Motion by Mayor Mays, seconded by Councilman Brannum, to approve Resolution 2020-V as presented. No discussion followed. The Roll on this was the following:

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

**C. President Smith presented RESOLUTION 2020-W AUTHORIZING THE SALE OF CITY-OWNED PROPERTY LOCATED AT 135 EAST CHURCH STREET (FORMER XENIA YMCA) TO FORMER Y XENIA, LLC,** originally introduced by Councilwoman Dean, and it was read for a second time.

Motion by Councilwoman Dean, seconded by Mayor Mays, to approve Resolution 2020-W as presented. Brief comments followed. Councilman Brannum said this is a good opportunity to get additional educational options in Xenia. He said he was a part of the STEM school in Dayton on Woodman Drive when he was student teaching in college, and he feels this STEAM Academy will be a good addition for this community. The Roll on this was the following:

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

**D. President Smith presented RESOLUTION 2020-X SUPPORTING THE FLEXIBILITY FOR STATES AND LOCALITIES ACT (H.R. 7094) AND URGING THE U.S. CONGRESS TO ENACT SAID LEGISLATION**, originally introduced by Mayor Mays, and it was read for a second time.

Motion by Mayor Mays, seconded by Councilman Scrivens, to approve Resolution 2020-X as presented. Brief comments followed. Councilman Scrivens said the House of Representatives passed the bill back in March, and it has been pigeonholed in the Senate since that time. Regardless, he will support this action. The Roll on this was the following:

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

Nays: None motion carried.

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

**10. NEW BUSINESS:**

**A. ORDINANCE 2020-21 AMENDING ORDINANCE 2020-18 TO PROVIDE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF XENIA, OHIO, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2020, AND DECLARING AN EMERGENCY.** Finance Director Ryan Duke said from time to time it is necessary to amend appropriations from that which was originally approved as a part of the budget. Staff is requesting an amendment to appropriations for five purposes:

1. The purchase of prosecutor case management and eDiscovery software. Additional information and detail is available in the agenda item requesting Council award the contract for this purchase.
2. The City will transition its tax collection responsibilities to RITA in September, and it is necessary to reposition dollars originally budgeted as personnel expenses and move them into a line for contractual services (operating expenses). This is not a new expenditure; rather, it is an adjustment moving the expense from one category to another.
3. Thanks to the incredible generosity of the community, the Police Division has been receiving donations from local businesses and the public, and the Division plans to use the donations to replace outdated equipment. Additional appropriations are required in order to spend the donated funds.
4. Due to the increase in activity and costs related to selling City-owned surplus real property, additional funds are needed to cover survey costs, recording fees and real estate fees for these transactions.
5. The final amendment is being requested in order to facilitate the sale of the former YMCA property. The City plans to lend dollars to the buyer for the purchase of the property from the City. In plain words, the City will lend the money to the purchaser, who will turn around and pay the money back to the City for the property. The loan will then be forgiven/repaid through certain requirements for income tax generation at the property. The loan was not budgeted originally; therefore, staff requests an appropriation to facilitate the sale.

President Smith entertained passage of Ordinance 2020-21 as presented.

Motion by Councilman Scrivens, seconded by Councilman Dean, to adopt Ordinance 2020-21 as presented. Brief discussion followed. Councilman Scrivens asked how long the loan would be out and if it was self-amortized. Mr. Duke said it is a five-year loan with \$10,000 due each year. Each year, the income tax dollars received will be evaluated as a result of new employees, and the loan will be forgiven in accordance with certain standards. Ms. Fisher said the \$50,000 is being loaned to the entity to purchase the property, and they will then in turn literally pay it right back to the

City. Mr. Duke was referring to the payment of the \$50,000 (the generation of \$10,000 in income taxes per year for five years). The Roll on this was the following:

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

**B. Introduction of Ordinance 2020-22 Levying Assessments for the Improvement of City Streets and Public Ways by the Lighting Thereof within Lighting District #4 for the years 2021-2022.** City Manager Brent Merriman said this Ordinance represents the last step of actions by Council to implement street lighting assessments within Street Lighting District #4 for the years 2021-2022. With the adoption of the Land Development Code by City Council in 2016, a new requirement was established whereby a developer of a subdivision that is interested in including street lights within its subdivision must agree to street light assessments for the benefit of lots within the subdivision. Accordingly, the developer (BSM Greene Way, LLC) of the Greene Way Subdivision Section 2, Replat, has received a cost to install two (2) street lights, along with the monthly electricity fee, per the City's contract with Miami Valley Lighting (MVL). The developer is responsible for the installation costs of the street lights, but the City is responsible for paying the monthly electricity costs of those lights, as it has been doing for many years on its other street lights. Council passed the required Resolution of Necessity to establish Street Lighting District #4 on March 12, 2020 (Step One). Council also adopted the required Ordinance to Proceed with street lighting in this District on May 14, 2020 (Step Two). This is the third and final step in the street lighting assessment process, and after this Ordinance becomes effective, a streetlight assessment will be included on the individual lot owners' property tax duplicates from the Greene County Auditor. Based upon the City's current contract with MVL, and including the administrative fees associated with the continued assessment of each lot on a yearly basis, the owner of each of the two lots within the Greene Way Subdivision Section 2, Replat (Street Lighting District #4) would pay an annual fee of \$238.80. Staff recommends a two-year period on the assessments, as the assessments for Street Lighting Districts #1 - #3, inclusive, will also expire in 2022 and will allow renewal for all Street Lighting Districts at the same time.

President Smith entertained introduction of Ordinance 2020-22 as presented.

Councilman Brannum presented ORDINANCE 2020-22 LEVYING ASSESSMENTS FOR THE IMPROVEMENT OF CITY STREETS AND PUBLIC WAYS BY THE LIGHTING THEREOF WITHIN LIGHTING DISTRICT #4 FOR THE YEARS 2021-2022, and it was read for the first time.

**C. Introduction of Ordinance 2020-23 Levying Assessments for the Improvement of City Streets and Public Ways by the Lighting Thereof within Lighting District #5 for the years 2021-2022.** Mr. Merriman said as with the previous agenda item, Ordinance 2020-23 is similar in nature, except this one is for Street Lighting District #5 for the years 2021-2022. Accordingly, the developer (M One Development, LLC) of the Sterling Green Crossing Phase 4 Subdivision, has received a cost to install ten (10) street lights, along with the monthly electricity fee, per the City's contract with Miami Valley Lighting (MVL). The developer is responsible for the installation costs of the street lights, but the City is responsible for paying the monthly electricity costs of those lights, as it has been doing for many years on its other street lights. Council passed the required Resolution of Necessity to establish Street Lighting District #5 on March 26, 2020 (Step One). Council also adopted the required Ordinance to Proceed with street lighting in this District on June 25, 2020 (Step Two). This is the third and final step in the street lighting assessment process, and

after this Ordinance becomes effective, a streetlight assessment will be included on the individual lot owners' property tax duplicates from the Greene County Auditor. Based upon the City's current contract with MVL, and including the administrative fees associated with the continued assessment of each lot on a yearly basis, the owner of each of the forty lots within Phase 4 of the Sterling Green Crossing Subdivision (Street Lighting District #5) would pay an annual fee of \$33.53. Staff recommends a two-year period on the assessments, as the assessments for Street Lighting Districts #1 - #4, inclusive, will also expire in 2022 and will allow renewal of all street lighting assessments for all Street Lighting Districts at the same time.

President Smith entertained introduction of Ordinance 2020-23 as presented.

Councilman Dean presented ORDINANCE 2020-23 LEVYING ASSESSMENTS FOR THE IMPROVEMENT OF CITY STREETS AND PUBLIC WAYS BY THE LIGHTING THEREOF WITHIN LIGHTING DISTRICT #5 FOR THE YEARS 2021-2022, and it was read for the first time.

**D. Introduction of Ordinance 2020-24 Enacting Chapter 1061, Titled "Illicit Discharge and Illegal Connection Control," of the City of Xenia's Streets, Utilities, and Public Services Code, as contained in the Codified Ordinances.** Mr. Merriman said on July 16, 2020, numerous local jurisdictions were notified by the Ohio EPA that a draft general permit to discharge (stormwater) was ready for review and public comment. Comments on the draft plan are being accepted through September 8, 2020. Once enacted by the State of Ohio, each jurisdiction has up to one hundred and eighty (180) days to submit an application for the renewal of its existing permit and to submit an updated stormwater management plan. The Engineering staff is currently in the process of soliciting proposals from qualified engineering firms to update its plan. A key component of any Ohio EPA-approved stormwater management plan for all jurisdictions is the adoption of an Illicit Discharge and Illegal Connection Control ordinance. Illicit discharges, in its simplest form, are defined as any "non-stormwater" discharge into a waterway and/or receiving stream. Chapter 1049 of Xenia Codified Ordinances alludes to illicit discharges and the authority of the City of Xenia to enforce those regulations but is not as specific as required by the Ohio EPA. Consequently, the Engineering staff reviewed similar ordinances of other local jurisdictions and is seeking adoption of the proposed (new) Chapter 1061 to meet the EPA's minimum requirements for renewal of the City's general permit to discharge.

President Smith entertained introduction of Ordinance 2020-24 as presented.

Councilman Scrivens presented ORDINANCE 2020-24 ENACTING CHAPTER 1061, TITLED "ILLICIT DISCHARGE AND ILLEGAL CONNECTION CONTROL," OF THE CITY OF XENIA'S STREETS, UTILITIES, AND PUBLIC SERVICES CODE, AS CONTAINED IN THE CODIFIED ORDINANCES, and it was read for the first time.

**E. Introduction of Resolution 2020-Y Authorizing the Sale of 0.606 Acres of City-Owned Property Located at 450 Home Avenue (known as Home Avenue Park) to Home Church.** Mr. Merriman said for the past few years, City Council has made a priority of divesting of unneeded and underutilized City-owned properties in order to relieve the City of liability costs and maintenance obligations, and in order to return the property to productive, private, tax-paying hands. Over the past few weeks, the pastor of Home Church at 356 Home Avenue has discussed with City staff the possibility of purchasing City park land abutting the church's property. On August 4<sup>th</sup>, he submitted a formal offer to purchase the park property in the amount of \$1,000 on

behalf of the church, which was included in the agenda packet. The church's intention is to continue to allow public access to this park. The church would like to reinvest in updated equipment at the park and continue to allow the land to be open to the community. Staff is supportive of this for several reasons:

- The park was identified in the Play Xenia strategic plan as underutilized having outdated, deteriorating amenities. Spring Hill Park on the other hand is a much larger park, with much better amenities near Home Avenue Park.
- The park is not large enough (a little over half an acre) to support significant development and is located almost entirely in the floodplain.
- The Play Xenia strategic plan's recommendation for this park was divestment to adjacent property owners or a removal of equipment allowing it to remain as greenspace.
- The sale of the park property relieves the City of ongoing maintenance and liability costs and allows us to utilize park resources in more utilized areas.

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

Councilwoman Dean presented RESOLUTION 2020-Y AUTHORIZING THE SALE OF 0.606 ACRES OF CITY-OWNED PROPERTY LOCATED AT 450 HOME AVENUE (KNOWN AS HOME AVENUE PARK) TO HOME CHURCH, and it was read for the first time.

**F. Introduction of Resolution 2020-Z Authorizing the Sale of 23.4373 Acres of City-Owned Property located at Tremont Road and North Columbus Street to Isaac and Samantha Jack and Jacob and Cynthia Strehle.** Mr. Merriman said as previously stated, City Council has made a priority of divesting of unneeded and underutilized City-owned properties in order to relieve the City of liability costs and maintenance obligations, and in order to return the property to productive, private, tax-paying hands. These 23.4373 acres, almost entirely wooded, was obtained by the City through a tax foreclosure in 2019, at a cost of \$3,733.68 in court fees and a \$68 recording fee. Recently this property, located at Tremont Road and N. Columbus Street, has been listed with local realtor Joe Kennedy and has entertained many offers over the past few months. Several of these offers were significantly lower than our listed price and did not merit Council's consideration. However, after several back and forth offers, a final offer of \$175,000 was submitted for purchase of the property from Isaac & Samantha Jack and Jacob & Cynthia Strehle. The buyers intend to parcel out the property and utilize it for at least two residential homes. Staff was satisfied with the proposed offer and the intended use and recommends approval of this resolution.

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

Councilman Scrivens presented RESOLUTION 2020-Z AUTHORIZING THE SALE OF 23.4373 ACRES OF CITY-OWNED PROPERTY LOCATED AT TREMONT ROAD AND NORTH COLUMBUS STREET TO ISAAC AND SAMANTHA JACK AND JACOB AND CYNTHIA STREHLE, and it was read for the first time.

Councilman Scrivens said he and Mr. Merriman had an opportunity to visit the property, and he believed it was good to sell it for development of a housing project.

**G. Administrative Motion Authorizing the City Manager to Execute an Economic Development Loan Agreement with Former Y Xenia, LLC.** Mr. Merriman said with Council's approval of Resolution 2020-W, the sale of the vacant former YMCA at 135 E. Church Street to

Former Y Xenia, LLC, an entity that will lease the building to a nonprofit tuition-free charter school known as Community STEAM Academy, has been formally authorized. The agreed upon sale price is \$52,500; \$2,500 of which will be paid to Colliers International as a realtor commission fee. The remaining \$50,000 will be subject to an Economic Development Loan Agreement (EDLA) and will be lent by the City to the Former Y Xenia, LLC, who will use the money to purchase the building from the City. The EDLA requires Former Y Xenia, LLC, to lease the former YMCA to the STEAM Academy and generate, through the lessee, at least \$10,000 in City income taxes annually for five years starting in calendar year 2021. If this amount of income taxes is not generated on an annual basis, the Former Y Xenia, LLC, is required to submit cash payments to the City to cover any shortfall. At the end of the five-year period, the \$50,000 loan will have been repaid. The EDLA is the result of negotiation between City staff and Former Y Xenia, LLC, on purchase terms, and accomplishes the following:

- Provides revenue that exceeds the City's costs expended to date for acquisition and maintenance of the former YMCA;
- Relieves the City of a maintenance liability that would have resulted in continued maintenance costs for an indefinite period of time;
- Allows Former Y Xenia, LLC, and Community STEAM Academy to obtain the financing it needs to undertake considerable building rehabilitation costs; and
- Results in the establishment of an institution that, if successful, will enhance and complement Xenia's educational offerings, bring visitors to Xenia, and yield income tax revenues that, on an annual basis, exceed the sales price.

Staff respectfully requests that Council authorize this agreement in conjunction with the approvals of Resolution 2020-W, authorizing sale of the former YMCA, and Ordinance 2020-21, appropriating necessary funds to facilitate the sale and EDLA.

President Smith entertained a motion.

Motion by Mayor Mays, seconded by Vice President Wallace, to authorize the City Manager to execute the Economic Development Loan Agreement with Former Y Xenia, LLC. Brief discussion followed. Councilman Scrivens asked if the sale included the parking lot to the rear of the building. Mr. Merriman said the sale includes multiple parcels including the parking lot. Councilman Scrivens asked if the City was currently generating any parking revenue from that parking lot. Mr. Merriman said no; he explained that the City has allowed some overflow parking for County employees; however, he has advised the County of this potential sale. The Roll on this was the following:

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

Abstain: Smith

Nays: None motion carried.

**H. Administrative Motion Approving the Recommendations of the Greene County Tax Incentive Review Council, as presented, and Directing the OEZ Annual Report to be forwarded to the Greene County Commissioners for Consideration.** Mr. Merriman said in accordance with ORC 5709.85, a Tax Incentive Review Council (TIRC) was created to annually review all active Ohio Enterprise Zone (OEZ) Agreements and Community Reinvestment Area (CRA) Agreements to determine whether the companies that are parties thereto are in compliance with the conditions and terms of their respective agreements. After such review, the TIRC is required to make recommendations to City Council regarding whether or not the companies' are

in compliance with their agreements. The recommendations of the TIRC and any actions thereon by City Council must then be submitted to the local Enterprise Zone Manager for Greene County and the Greene County Commissioners, who must review and forward the approved recommendations to the Ohio Department of Taxation and the Ohio Development Services Agency. The City of Xenia has one active OEZ Agreement (CIL Isotope) and one active CRA Agreement (Tashi Hospitality). These two Agreements were reviewed by the TIRC at their annual meeting on August 7, 2020. The TIRC has recommended the acceptance of staff's recommendations for each project, based on information submitted. The following summarizes the recommendations made by the TIRC:

- Tashi Hospitality Inc. (Hampton Inn) – Continue 90% abatement of applicable real property taxes.
- CIL Isotope Separations – Continue 70% abatement of applicable property tax.

Explanations of the recommendations and detailed information on each company's performance are available from the Department of Development upon request. The 2020 OEZ Annual Report continues to show the benefit of the City's approach to this incentive program, available to assist with industrial expansions, as well as the community's diversified industrial base.

President Smith asked if two motions should be considered. Ms. Fisher said there is one recommendation; therefore, there should be one motion. President Smith entertained a motion.

Motion by Councilman Scrivens, seconded by Mayor Mays, to accept the TIRC's recommendations to continue the two agreements as noted above and direct the OEZ Annual Report to be forwarded to the Greene County Commissioners for their consideration. Brief discussion followed.

Mr. Merriman said CIL Isotope is a little known industrial treasure in this community that does world class work providing very rare materials for the medical military applications. Recently, the company made some significant investments in their site and have plans for additional expansion and investment. He noted some people say there is no industry in Xenia, which couldn't be further from the truth. Xenia is blessed to have them. President Smith concurred; CIL Isotope and the Hampton Inn are both assets in this community.

President Smith asked who serves on the TIRC from the City. Mr. Duke said he and Development Director Steve Brodsky serve as Xenia's representatives. Councilman Scrivens asked how many members are on the TIRC. Mr. Duke said in addition to Xenia's two representatives, there are Greene County officials as well as representatives from other jurisdictions in Greene County—it is a significant number of people.

Mr. Brannum asked who recommends the percentage of abatement. Mr. Duke said a business makes an application before the project begins, and in that application, they stipulate the percentage of abatement. Mr. Merriman added that statutory language that facilitates the OEZ CRA program stipulates the percentages, terms, etc.

The Roll on this was the following:

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

Nays: None                      motion carried.



**I. Administrative Motion Authorizing the Purchase of PROSECUTORbyKarpel Case Management and eDiscovery Software for the Department of Law.** Ms. Fisher said the agenda report was very detailed, which explains the need for this purchase. She summarized that they wish to work smarter and not harder. Right now, the Law Department handles all police reports, videos, etc., in physical form; all paper documents have to be copied, as well as copies made of all CDs. This process requires an officer to come off the streets or in on overtime to bring them that evidence so they can make a physical copy to turn over to the defense counsel for discovery purposes. With the COVID-19 pandemic, the Court has ordered that all pre-trials are done by phone/videoconferencing. In the past, they used to turn over all discovery items at that time when the pre-trials were done in person. Now, they have to mail the information and try to get it there in a timely fashion. Xenia Municipal Court Judge Lewis said pre-trials will continue to be held via phone/videoconference for some time into the future. The Law Department is tasked by the Ohio Revised Code to provide prosecution services on all State law misdemeanors filed in the Xenia Municipal Court, which includes misdemeanors filed by the Xenia Police Division, the City of Bellbrook, and any other law enforcement agency in Greene County, which results in an average caseload of about 11,000 cases per year. All those cases generate a lot of paperwork. This case management software will allow them to go completely digital. A case management software program would allow the Law Department to switch to an all-digital format. Through an External Agency Portal, all law enforcement agencies would be able to upload needed reports, statements, and videos directly to the system. All cases would automatically be organized, and the digital documents retained in a cloud-based system specifically for governments, which will allow them to be much more efficient. After exploring several options and talking to other Ohio jurisdictions, PROSECUTORbyKarpel (PbK) was the most popular, and the Law Department believes it would meet the needs of the Department in the most cost-effective manner. She noted the initial cost of the software, including licensing fees, installation services, project management, training, document template set up, and creation of a case management system specific to their needs is higher than some of the others (at \$37,000), but the annual maintenance costs are not (at \$5,050 per year). This company has not raised its annual maintenance fees in 10 years because their business model is to grow by adding more clients, not increase costs for existing clients. In conversations with Mr. Duke and Assistant City Manager Jared Holloway, she believes the initial purchase could be covered by CARES Act funding.

President Smith entertained a motion.

Motion by Councilman Scrivens, seconded by Vice President Wallace, to approve the purchase of PROSECUTORbyKarpel Case Management and eDiscovery Software in the amount of \$37,000 to allow the Department of Law to function more efficiently. Brief comments followed. President Smith thanked Ms. Fisher for striving for efficiency. The Roll on this was the following:

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

**J. Administrative Motion Approving the Schedule of Bills in the amount of \$994,027.06.** Mr. Duke respectfully requested the payment of bills in the amount of \$994,027.06, noting a large payment for the Innovation Way extension project in the amount of \$654,575.61.

President Smith entertained a motion.

Motion by Councilman Dean, seconded by Councilman Brannum, to approve the schedule of bills in the amount of \$994,027.06. No discussion followed.

The Roll on this was the following:

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

Nays: None motion carried.

## **11. APPOINTED OFFICIALS REPORTS AND COUNCIL COMMENTS:**

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

President Smith reminded Councilmembers that Reports of Committees will be added back to the agenda starting in September, so Councilmembers can report on the activities of their respective Boards, Commissions, and Committees on which they serve. He then entertained reports from the Appointed Officials.

Ms. Fisher thanked Council for their support of the software purchase. She was certain her staff will be happy with the software. Councilman Scrivens said Ms. Fisher is an asset to this City, and he thanked her for all the work she does behind the scenes.

Mr. Duke shared the following:

- Regarding audience comments about the installation of the new meters, he said Council may recall the discussion about a month ago with regard to the irrigation meters, which he recognized could be a point of contention. They evaluated the different options and ultimately decided to bill any customers who had an irrigation meter that was older than 10 years old and bill the customers for the cost of the replacement meter. While those customers paid for the original meter, the cost was much less. Up until about 2011, the cost for irrigation meters was only \$40. The fee schedule was amended in 2011 to increase to \$250 because the \$40 fee did not even come close to covering the City's expense (cost of meter, installation, etc.). He realized that \$250 was a significant cost for the new irrigation meter, but like any other appliance in a home, there is a life to that piece of equipment and replacement is inevitable. The irrigation meters that were over 10 years old have reached the end of their useful life. Residents have a choice to continue to utilize an irrigation meter. If so, they need to purchase it. If not, the irrigation will be removed. He recognized there was some miscommunication with the contractor and some irrigation meters were automatically swapped out before the letters were mailed. He said they looked at the consumption numbers, and most residents benefited from having the irrigation meters and not paying the sewer portion for the water used to water the lawn/garden, etc. A payment plan has been established to allow customers to spread the \$250 cost over many months. Regarding the comments about the "City making money on the water," he said the City does not make money on the water system. The water system is self-sustaining. The water revenue is not used for any other purpose. The water fees support the City's water system. He agreed the City could have replaced all existing irrigation meters at the City's cost, but in return, all customers would have paid for that expense through the rate structure. In his opinion, it makes more sense to put that cost on the customer that is benefiting from that irrigation meter, and Council coalesced to that solution.
- Regarding the meter change out, there have been some issues with pulling readings off the meters. He believed the problem has been resolved, but customers who received fairly large bills two billing cycles ago and this most recent cycle should have received minimum bills, which is a much smaller amount. He explained they had to estimate the usage without having actual readings. Unfortunately, there will be some fluctuation due to when the meter was swapped out. Overall, he was confident that nobody will be negatively impacted throughout the period of time, and they will not pay for

more water than they actually used. The contractor is almost done with the outside meters, and then they will start working on the inside meters. He noted there are very few City projects that impact every single resident, and he and his staff are diligently working to resolve all issues as they arise.

- Finally, the City's transition to RITA is well underway. The office has been repositioned this week with the installation of new furniture. He commended the Information Technology and Public Service staff for their assistance with running a lot of new lines to connect RITA to the City's IT infrastructure and moving and reconfiguring the furniture. RITA will begin City income tax collections on September 1<sup>st</sup>.

President Smith asked when water rates were increased. Mr. Duke said the last increase was January 1, 2018. There was not an increase in 2019 and one has not been requested, nor forecasted, for 2020. He believed the 2018 was approved in conjunction with the 2017 increase and approved in 2016. President Smith asked about residents' options with regard to replacement irrigation meters. Mr. Duke said if they want an irrigation meter, then they need to pay for a new one with monthly installment payments or in one lump sum payment. If the meter has already been changed out and they do not wish to keep it, the City will remove it. If there is no irrigation meter in place, all water used would run through the primary meter and they would pay sewer charges based on all of that usage.

Mr. Brannum asked how the City or the contractor is notifying the residents and businesses with inside meters. Mr. Duke said the contractor will knock on doors, leave door hangers, etc., to set up an appointment. The City also has email addresses and/or phone numbers for a small number of customers. Mr. Merriman said indoor meters in businesses are not really a problem, but they are looking to correct some issues with regard to indoor meters for residents. Mayor Mays suggested publishing information on the City's website, social media, etc., with regard to the process and what to expect, noting some residents are very hesitate to open their door to a stranger. Mr. Merriman said the contractor's representatives will present their credentials. Mr. Duke agreed, but they could also work with the City's Public Relations Coordinator to get that message out.

Mr. Merriman provided the following updates:

- There was a lightning strike at the Justice Center about a month ago, and the elevator has been out of service since that time. Over the past few weeks, the maintenance contractor and staff have been systematically going through all the components (technology related items) that may have incurred damaged, and the list is quite long. To date, they have been unsuccessful in getting the elevator back into operation. They have now brought in the engineering firm, Otis Elevator, that designed and fabricated the elevator and believe they now have a solution. In the meantime, there remains some public access limitations at the building. He thanked Judge Lewis and all Justice Center employees for their patience as they work to get the elevator back in service. If the repair is not successful, they are looking at options to hold upcoming jury trials. From the storm that produced the lightning strike, the overall Citywide damage claim is nearing \$100,000, with most costs involving the 911/Dispatch systems.
- Earlier this week, the Ohio Controlling Board voted to authorize the release of additional CARES Act funding. The State of Ohio was granted an additional \$175 million, which will be disbursed in the same manner as the initial \$350 million to all Ohio jurisdictions. The City's initial available portion was \$950,000 to be used to offset expenses due to COVID-19, and he expects to see the availability of additional funding. Unfortunately, they are very limited in how the funds can be used and has to be COVID-19 related. At this time, they cannot use the funds to fill budget gaps.
- The concrete work has already started on Colorado Drive, which is the City's large roadway project this year. He expects the resurfacing to begin in October. Yearly cracksealing all over the City will start on Monday.

- He and staff are still working to determine what to do about fall and winter holiday events including Trick-or-Treat and Hometown Christmas. They will work with the Greene County Combined Health District, as well as surrounding jurisdictions with regard to Trick-or-Treat. They will try to do as much as they can while keeping everyone as safe as possible. He will attend the BRACA meeting next week to begin talking about Hometown Christmas.
- Regarding audience comments this evening about speeding on Lexington Avenue, he has already made contact with the Police Division's patrol captain, who will be looking into the issue.

**B. Mayor and City Council:**

Councilwoman Dean had nothing further to share.

Councilman Scrivens said he was happy that Council's board and commission reports will be added back to their agendas because the people need to know what their government is doing. He talked with a disgruntled citizen about street paving who wanted to know how many streets were paved this year, and the answer is Colorado Drive. The Engineering Department worked with a vendor to do a pavement condition index (PCI), which involves a process to go over every street in the City. Every street is rated according to a formula or metric, and color codes were assigned. Red is very bad, yellow is deteriorating, and green is good. Most Xenia streets fall into the red category, very few fall into the yellow category, and even fewer fall into the green category. As he previously stated, he and Mr. Merriman drove around the City and talked about how the streets decline. He said streets fail from the curb ... if curbs are not taken care of and weeds and grass are allowed to grow out of the curbs, eventually the seal between the curb and street is cracked and rainwater infiltrates the rock layer and washes it out and the street deteriorates from there. All citizens should help to maintain their curbs to keep them free from grass and weeds to help save the streets and also keep catch basins and gutters free from debris. Regarding neighborhood speeding, they have recently received complaints about Tennessee Drive, Stelton Road, Lexington Avenue/N. Columbus Avenue, among others. It is 25 mph in all neighborhoods. Further, a lot of people walk on N. Columbus, and there are no sidewalks, shoulders, or aprons from the roundabout all the way out to the City limits. Those who live on the west side of N. Columbus must walk in residents' yards or walk in the street. Finally, he expressed his condolences to the family of Mary Ann Faulkner.

Councilman Brannum thanked the Ohio Task Force for responding to the hurricane area, which includes members from the Xenia Police and Fire Divisions. He also thanked all public safety officers who responded to the incident at Shawnee Park yesterday. Speeding is becoming a big issue. In some other jurisdictions, people know not to speed, simply because they know they will get a ticket. Xenia needs to get back to the basics and start pulling people over and issuing citations for speeding. Once streets get new pavement, people will just drive faster. Regarding the water meters, he agreed there are frustrations with that project to include receiving higher than normal water bills and the cost of the additional irrigation meter. He personally received a utility bill that was double the amount of his normal bill, but the following month, he received a minimum bill. He asked if there was any way to waive additional penalties/late fees to those who are on fixed incomes and cannot pay the larger than normal bill. Regarding the cost of the replacement irrigation meter, he completely agrees that residents should pay for that replacement meter. Every home appliance and every vehicle requires maintenance. Eventually, things need to be replaced. That's just part of life.

Councilman Dean had nothing further to share.

Vice President Wallace regarding former Councilman Caupp's issue, he said without the irrigation meter, he would pay sewer charges on that water consumption all year long. He understands his frustration, but it was necessary for the City to change out all the meters so the whole system was upgraded.

Mayor Mays thanked those who have already addressed the water meter and irrigation meter issue. She agreed that Council discussed this issue at a previous meeting. She spoke with Jared Keresoma yesterday; Greene Memorial Hospital had their triannual accreditation survey, and she congratulated them on the good remarks they received. She also reached out to Xenia school superintendents and spoke to the Greene County Career Center's superintendent who shared that they've had a good start to the year and students are excited to be there. Regarding the speeding issue, she agreed it is a community wide issue, they really need to hold themselves and each other accountable. She said a speed limit sign was installed on King Street and then relocated based on complaints of its initial location. She said the Xenia Police Division is doing their best to respond to complaints and requests.

President Smith thanked all in attendance and those watching at home. He thanked former Councilman Caupp for attending the meeting this evening. As he knows, Council has to make some tough decisions and some of those decisions are not popular, but that is what they are elected to do. Regarding some of his statements during audience comments, he said the Greene County water contract was the County's choice—not the City's—and that decision impacted the City's water rates. Also, the statement about "making money on the water" was a bit confusing. That statement sends a message to voters that the City is stockpiling enterprise funds and are unwilling to spend those funds on streets. Since Mr. Caupp served on Council for eight years, he should know that by law, the City cannot spend enterprise funds on anything other than water system expenses, noting 90% of the City's expenses are public safety expenses. Water is a service, which is why there is no charge for the first (primary) meter. The second (irrigation) meter is the customer's choice. If they don't want it, they won't get it. But if they do want it and the existing meter is over 10 years old, then they have to pay for it. If that cost creates a financial hardship, the payment can be spread over a number of months. As stated, water is a service just like trash collection is a service. Fees are charged for those services ... it is not a "tax." Equipment is equipment ... not a tax. He said Council members appreciate this community and each of them is more than willing to field their comments, receive their emails, etc. He encouraged those with concerns, questions, etc., to reach out to them. Also, their meetings are now open to the public with social distancing in place. He also encouraged those with concerns or questions to reach out directly to the Appointed Officials and/or department heads.

**12. ADJOURNMENT:** Motion by Councilwoman Dean, seconded by Councilman Brannum, to adjourn the Regular Meeting at 7:28 p.m. No discussion followed. The Roll on this was the following:

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

Michelle D. Johnson  
City Clerk

Wesley E. Smith  
President, Xenia City Council