

**XENIA CITY COUNCIL
REGULAR MEETING
SEPTEMBER 8, 2022
6:00 P.M.**

Ms. Carolyn Byrd, SOS Ministries, provided the Invocation.

(1) **PLEDGE OF ALLEGIANCE:** All present stood and recited the Pledge of Allegiance led by Mayor Sarah Mays.

(2) **CALL TO ORDER:** President Smith called the Regular Meeting to order at 6:01 p.m.

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

Staff Present: City Manager Brent Merriman, Finance Director Ryan Duke, Law Director Donnette Fisher, City Engineer/Public Service Director Chris Berger, City Planner Brian Forscher, Development Director Steve Brodsky, and Police Chief Chris Stutes.

(4) **APPROVAL OF MINUTES:** Motion by Councilwoman Dean, seconded by Councilman Dean, to approve the August 25, 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, L. Dean, 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.

Angela Wilson said she had been in Xenia since 1978, and she supported the proposed renovations at Lexington Park—they were a long time coming and definitely needed. She recalled that Chrissy Everage started a Boys and Girls Club in Xenia, and they held meetings at the park three times per week. Ms. Everage funded other activities that were held there, which brought in many kids, and the park was vibrant. Later, Ms. Everage and she formed another group that was supported by 4-H, and about seven students were on payroll during the summer months who were hired to provide leadership for the kids' activities, sports, and gardening. All of these things and the kids made her relationship with Lexington Park very heartwarming. The X-Town Steppers, the drill team and drum line, and Diamonds & Pearls performed at the park many times, and there were back-to-school bashes with school supply giveaways. She said Lexington Park had a good history of helping the kids in the community. Families still use the park for cookouts, birthday parties, etc. As a (retired) trained playground safety inspector, she visited the park and took pictures of the playground equipment, and she felt there were many violations. She understood why the parking lot was reduced, but she hoped that was just a temporary thing. She said many locals were upset by the parking lot reduction because they felt like the City was trying to put them out of their park. She did not agree with the use of chains and fencing around the park. She felt that if the park was revitalized and there was activity at the park—possibly even a bigger splash pad—they would take care of the park.

Steve Bayless said he had spent the last 16 years in Seattle, but he graduated from Xenia High School in 1974 and recently moved back to Xenia. The first thing his friends wanted to talk about upon his return was Lexington Park. Lexington Park was sacred ground and was always one of the first stops he made when he came back home. He and many others were products of Lexington Park, which was a sanctuary for them, noting some of them came from dysfunctional homes. He discovered basketball there, and many older kids were at the park who provided positive encouragement, affirmation, and influence, including Ben Waterman. Lexington Park was extremely vital for youth's dreams—especially for this community. He had a dream to play in the NBA, and even though he didn't make it there, at least he had that refuge that he needed, people he could trust, and a place where he could dream. He worked with a lot of youth, and they needed arenas in which to dream. He did not see kids out playing outside anymore because they are inside playing video games; he urged Council to consider the vitality of Lexington Park for the City's youth. He felt that once the park was improved, people would flock there and provide their services to make the park vital again.

Mitchell Waterman said he lived in Washington Township but he grew up in Xenia. Just like Mr. Bayless shared, Lexington Park was his home away from home. His parents put Lexington Park together in the late 1950s when he was seven years old. They installed the first basketball hoop, and that was where he and many others learned to play basketball. That was where Ted Day learned to play basketball—the greatest basketball player to ever come from Xenia. His mother worked at East High School in the 1950s and started arts and crafts at the park using her own money. The park was important to him for many reasons, but mostly because he taught school here about 10 years ago and worked with troubled youth. They all had one thing in common: Lexington Park. That community helped them to develop into professional men and women. He reiterated that two educators built that park, the right ingredients went into that park, and he did not want it to waste away. He recently took his two daughters to visit the park—both of whom grew up playing basketball and earned scholarships to college—and they couldn't believe that what they saw was the park that he talked so fondly about. He offered his continued support for the improvement efforts for Lexington Park.

(7) OLD BUSINESS:

A. President Smith presented **ORDINANCE 2022-32 APPROVING AND AUTHORIZING THE CONVEYANCE OF THE CITY-OWNED PROPERTY AT 403 E. MAIN STREET IN ACCORDANCE WITH THE PURCHASE AND SALE AGREEMENT WITH ANTHONY W. COLLIER AND WALTER D. CRUM II**, introduced by Councilwoman Dean on August 25, 2022.

Motion by Councilwoman Dean, seconded by Councilman Scrivens, to adopt Ordinance 2022-32.

President Smith opened the public hearing at 6:17 p.m. and asked those in favor of the conveyance of 403 E. Main Street to come forward to speak. Hearing none, he asked those who were against the conveyance of 403 E. Main Street to come forward to speak. Hearing none, he closed the public hearing at 6:18 p.m. and entertained Council comments or questions.

Vice President Urschel asked if fully executed grant paperwork had been received. Mr. Merriman said a fully executed agreement had not been received to date, but he was not aware of any reason to believe that the grant funding would not be provided. Ms. Fisher noted that the purchase and

sale agreement contained language that the deal was contingent upon the receipt of the grant funding. If for some reason the City did not receive the grant funding, the purchase and sale agreement could be canceled.

Hearing nothing further, President Smith asked for the Roll Call.

The Roll on this was the following:

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

Nays: Brannum motion carried.

(8) NEW BUSINESS:

A. ORDINANCE 2022-33 AMENDING ORDINANCE 2022-27 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. Mr. Duke said this appropriation ordinance was being presented to adjust the 2022 appropriations for several reasons. The first was related to an update of the City Civil Service Rules following the approval of the Charter updates to Article X. Staff would like to contract with a law firm who had expertise in this arena to assist in the rewrite. Additional funds in the amount of \$10,000 were needed to facilitate a contract for those services. The second was related to the rise in costs to replace City fleet and equipment. Since the original 2022 budget was approved, the estimated costs for equipment had continued to increase. Staff was requesting an additional \$32,700 for the replacement of a street sweeper. Finally, while the City's new credit card processing system provided more ways for customers to pay their bills electronically, it had also increased the number of customers who were doing business digitally. Because of this, fees related to credit card processing system had been higher than expected. Therefore, staff requested that \$24,000 be appropriated to cover the cost of these additional fees. He noted the costs would be built into the rate model moving forward.

President Smith entertained comments or questions on Ordinance 2022-33.

Vice President Urschel asked if the fees could be passed off to those using the services versus the City paying them. Mr. Duke said yes; however, he did not want to discourage the payment of bills via a method that was more secure and convenient. He noted that people could pay their bills with credit cards both online and in person. He did not believe it would be in the City's best interest to pass along the user fees to the public, but if that was Council's desire, they could do that. Vice President asked the percentage being paid per transaction. Mr. Duke said the fees vary based on the different types of transactions as well as the credit card provider. For example, Discover may charge a different rate than Master Card. He could provide exact numbers at a later date, but he guessed it was about 2% per transaction, or there may even be a flat rate per transaction regardless of the transaction amount. Between Venmo, PayPal, and all the different credit card options, there were probably no less than eight different payment structures. Vice President Urschel said Council could consider making those fees part of the customers' bills in the future. Mr. Duke said absolutely.

President Smith asked if the fees were being paid out of the Water Fund. Mr. Duke said yes; they were built into the rate model, which he felt was the better arrangement. They have encouraged customers to use the electronic payment methods, and while there was a slight impact on the utility rates, the impact was fairly minimal.

Mayor Mays asked if more users were using the credit card bill pay services and if the City was making up the \$24,000 somewhere else, such as with more people actually paying their bills. Mr. Duke believed that more people were paying using the credit card bill pay services; he did not believe the City was making up the \$24,000 somewhere else. The costs for the online payment services with the new vendor were more costly than the previous vendor, but the previous system was antiquated and did not meet certain security standards. Therefore, they had no choice but to move away from that vendor. The new vendor was more expensive, but they were the predominant provider for local governments. There were not a lot of options in this arena.

President Smith asked Ms. Fisher if four or five affirmative votes were needed for passage. Ms. Fisher said appropriation ordinances could be passed with four affirmative votes under the new Charter. An emergency ordinance for anything else would require five affirmative votes.

Councilman Scrivens said with the purchase of the new street sweeper, he asked if the old street sweeper would be retired or used as a backup. Mr. Merriman said there are two units in use today, and the oldest one (1999) would be retired and surplus.

Hearing nothing further, President Smith called for a motion to adopt Ordinance 2022-33.

Motion by Councilman Scrivens, seconded by Councilman Dean, to pass Ordinance 2022-33 as presented. No discussion followed. The Roll on this was the following:

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

B. Introduction of Ordinance 2022-34 Determining to Proceed With the Improvement of City Streets and Public Ways by the Lighting Thereof Within Street Lighting District #3 (Summer Brooke South Subdivision) for the Years 2023-2027. Mr. Merriman said the Arnold Development Company, the developer of record for the Summer Brooke South Subdivision, petitioned the City to install streetlights and create a special assessment district to pay the monthly electricity fee per the City's contract with Miami Valley Lighting. On June 23rd, City Council adopted the required Resolution of Necessity to establish Street Lighting District #3 for this purpose. The final step in the street lighting assessment process was this ordinance determining to proceed. Upon approval, a streetlight assessment would appear on the individual lot owners' property tax duplicate from the Greene County Auditor with an annual fee of \$31.06 and would be continued for tax years 2023 – 2027.

President Smith entertained comments or questions. Hearing none, he called for introduction of Ordinance 2022-34 as presented.

Councilman Brannum introduced ORDINANCE 2022-34 DETERMINING TO PROCEED WITH THE IMPROVEMENT OF CITY STREETS AND PUBLIC WAYS BY THE LIGHTING

THEREOF WITHIN STREET LIGHTING DISTRICT #3 (SUMMER BROOKE SOUTH SUBDIVISION) FOR THE YEARS 2023-2027.

C. Introduction of Ordinance 2022-35 Amending and Retitling Chapters 250, 252 and 254 and Enacting Chapters 253, 255 and 256 of the Administrative Code, as Contained in Part Two: City Government, Title Six – Administrative Code of the Xenia City Code. Ms. Fisher said this Ordinance represented the second part of the rewrite of the City's Administrative Code. These proposed amendments and enactments of the Finance chapters were written to create the different divisions within the Finance Department. Said amendments were reviewed by the Legislative Review & Government Affairs (LR&GA) Committee, who recommended presentation to City Council. She briefly reviewed the proposed amendments, which were detailed in the agenda report as follows:

Department of Finance (formerly Chapter 236)

- Move Department of Finance to Chapter 250, amend 250.01 and 250.02, enact 250.03 to 250.06 (Chapter 250 was currently the Department of Development).
- Add Accounting Division (252); retitle Accounts Receivable Division to Accounts Receivable & Billing Division (253); add Tax Division (254); add Payroll & Benefits Division (255); add City Clerk's Office (256).
- Add section (250.02) outlining the Finance Director's powers and duties; add language clarifying Assistant Finance Director was appointed by the Finance Director; add language clarifying both the Finance Director and Assistant Finance Director positions were unclassified.
- Add section (250.03) outlining required Finance Department policies, including the Charter-required Deposit and Investment Policy (current City Code language only requires an Investment Policy); currently required Debt Administration Policy; a Purchasing Manual (the City currently had one but it was not addressed in the City Code); and the federally-required Sensitive Information Policy and Identity Theft Prevention Program (the City currently had one but it was not addressed in the City Code).
- Add section (250.04) outlining the Finance Director's authority to send assessments to the County Auditor for unpaid utility bills and unpaid property maintenance and abatement costs. This section authorized the Finance Director to send assessments to the County without separate Council approval to allow the City to place unpaid assessments more frequently and in a more timely manner, which greatly increased the ability to collect.
- Add section (250.05) addressing debt collection, bad checks, and uncollectible charges. Authorize the Finance Director to use any debt collection agency to collect unpaid amounts due to the City; keep the language that the Finance Department may impose a service charge for any bad check it receives, but allow the Finance Director to set the service charge by administrative directive; keep language allowing the Finance Director to present uncollectible charges to Council for waiver by Council, by Resolution, but remove the current language that limited this to the first meeting in November.
- Add section (250.06) to authorize the Finance Director to create a Loan Advisory Committee. The purpose of this Committee would be to review loan applications – from a financial standpoint – under any loan program created and authorized by City Council.

Accounting Division

- Amend Sections 252.01 and 252.02. Chapter 252 was currently the Department of Human Resources.
- Establish the Accounting Division (250.01).
- Not creating a division head position at this time.

- Outline the functions of the Accounting Division (250.02) to include processing purchase orders; managing credit cards; propane procurement; gas and electrical aggregation; managing the fleet program; overseeing financial reporting and audits; budget preparation, including financial projections and forecasts; investment, debt, and asset management; and overseeing supply inventory.

Accounts Receivable & Billing Division

- Enact Chapter 253, Sections 253.01 to 253.03, to establish the Accounts Receivable & Billing Division. (There was currently an Accounts Receivable Division in 236.02).
- Establish a division head position (253.02) to be known as the Accounts Receivable Manager. Outline powers and duties of the Manager and clarify that the position is unclassified.
- Outline the functions of the Division (253.03) to include utility billing; EMS billing; collection of parking fines; managing and collecting amounts due to the City under any loan; and collect and manage amounts due to the City for any services provided pursuant to a contract, such as the SRO contracts, Fire & EMS contract with CSU, Police Special Duty contracts, etc.

Tax Division

- Amend Sections 254.01 and 254.02. Chapter 254 was currently Health Services.
- Establish the Tax Division (254.01).
- Establish the position of Tax Administrator (254.02) for the purpose of administering and enforcing the City's Income Tax Code; clarify that the Finance Director may appoint someone directly to this position (in house) or that Council may contract out for the services of Tax Administrator.
- Outline the functions of the Tax Division (254.03) to include the administration and collection of the City's income tax, which was currently being done through a regional council of governments, and the administration and collection of the City's hotel/motel tax, which would be done in house under the direction of the Finance Director.

Payroll & Benefits Division

- Enact Chapter 255, Sections 255.01 and 255.02. to establish the Payroll & Benefits Division.
- Not creating a division head position at this time.
- Outline the functions of the Division (255.02) to include timekeeping, payroll processing, employee file management, health insurance enrollment management, pension reporting, labor negotiations, taxation reporting, and overseeing the employee apparel program.

City Clerk's Office

- Enact Chapter 256, Sections 256.01 to 256.03, to formally establish the City Clerk's Office.
- Add language recognizing the City Clerk was appointed by Council but under the direction of the Finance Director (256.02), outline the powers and duties of the City Clerk (as set forth in the City's Charter and the City Code), and add language clarifying that the position was unclassified.
- Create the position of Deputy Clerk (256.02), who would serve as an assistant to the City Clerk. It was not anticipated to fill the position at this time.
- Add language recognizing the recent Charter amendment that an Acting Clerk may be appointed when the City Clerk was to be absent for less than thirty (30) days, and that any absence thirty (30) days or more, or if there was a vacancy in the position, required City Council to appoint an Acting City Clerk.

Staff and the LR&GA Committee recommended an effective date for this Ordinance of January 1, 2023, which was the same effective date that Council recently set for the rewrites to the Public Safety Department, and it was recommended to have the same effective date for the rewrites to the remainder of the Administrative Code. This would 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. She then asked Mr. Duke for his comments.

Mr. Duke thanked Ms. Fisher for her work on this re-write, which he felt would greatly benefit the City to bring more structure to the Finance Department and its Divisions. Some of the recommended amendments would be beneficial from an operational standpoint to clarify and streamline some things, such as the assessment process. The changes to the assessment process would allow him to send assessments to the County Auditor on a more regular basis throughout the year, such as monthly or quarterly, to allow for a quicker turnaround so that it was less likely that the property had changed hands. Another issue was in regard to uncollectibles needing to be presented to Council at a specific meeting; the proposed amendment would give him some flexibility as to when to present that to Council for consideration. He anticipated that the chapter on funds would be presented at a later date; in addition, he anticipated a rewrite of Chapter 1040: Utility Billing.

President Smith entertained comments or questions. Councilman Scrivens thanked Ms. Fisher for her due diligence and Mayor Mays for her work as Chair of LR&GA. These rewrites were difficult, but they did the hard work to update the City's approach on policy management. He supported the amendments.

Hearing nothing further, President Smith called for introduction of Ordinance 2022-35 as presented.

Councilwoman Dean introduced ORDINANCE 2022-35 AMENDING AND RETITLING CHAPTERS 250, 252 AND 254 AND ENACTING CHAPTERS 253, 255 AND 256 OF THE ADMINISTRATIVE CODE, AS CONTAINED IN PART TWO: CITY GOVERNMENT, TITLE SIX – ADMINISTRATIVE CODE OF THE XENIA CITY CODE.

D. RESOLUTION 2022-AAA DETERMINING THAT A 0.349-ACRE TRACT ON BURNETT DRIVE IS NOT NEEDED FOR ANY MUNICIPAL PURPOSE. Mr. Merriman said as detailed in the agenda report, staff respectfully recommended that Council approve a resolution determining that a subject parcel was not needed for any municipal purpose. When the replat of Lot 23 in the Arnovitz Industrial Park Section 3 was completed in 2000, the 0.349-acre tract of land between Lots 25 and 27 was dedicated to the City for a future extension of Burnett Drive for right-of-way as the original buildout plan for the Xenia Industrial Park envisioned a roadway connection between Burnett Drive and Enterprise Lane. However, this had never occurred, and recently, the City of Xenia was notified by officials at CIL Isotope Separations that the company had purchased four lots within the Arnovitz Industrial Park Section 3 for a future expansion of their facility at 1689 Burnett Drive. With this purchase by CIL, the 0.349-acre tract had become inconsequential to the City, and staff believes that it made sense in order for CIL to enhance its ability to further expand its facility, which they were in the process of doing. The potential conveyance of land was discussed with the Property Management Committee on July 5th, and the Committee endorsed the conveyance to CIL in exchange for CIL giving the City the needed public utility easements in the 0.349-acre tract. Staff recommended Council make the required determination via resolution tonight that this 0.349-acre tract was not needed for any municipal purpose. Upon doing so, also on Council's agenda for introduction this evening was Ordinance 2022-36, which would authorize the conveyance of said tract to CIL.

President Smith entertained comments or questions. Hearing none, he called for a motion to pass Resolution 2022-AAA.

Motion by Councilman Brannum, seconded by Mayor Mays, to pass Resolution 2022-AAA as presented. No discussion followed. The Roll on this was the following:

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

E. Introduction of Ordinance 2022-36 Approving the Conveyance of a 0.349-acre Tract on Burnett Drive and Authorizing a Purchase and Sale Agreement With CIL Isotope Separations, LLC, for Said Conveyance. Mr. Merriman said per the previous agenda item, this proposed Ordinance would authorize the conveyance of said tract to CIL. The purchase and sale agreement associated with this item included a stipulation that upon execution, CIL may begin construction on a concrete driveway to replace the existing gravel driveway. This would allow CIL to start construction while the easement descriptions were being prepared for incorporation into the deed and complete the construction before winter. He respectfully recommended introduction of this ordinance in support of this valuable local business.

President Smith entertained comments or questions. Hearing none, he called for introduction of Ordinance 2022-36 as presented.

Councilman Brannum introduced ORDINANCE 2022-36 APPROVING THE CONVEYANCE OF A 0.349-ACRE TRACT ON BURNETT DRIVE AND AUTHORIZING A PURCHASE AND SALE AGREEMENT WITH CIL ISOTOPE SEPARATIONS, LLC, FOR SAID CONVEYANCE.

F. RESOLUTION 2022-BBB AUTHORIZING THE PURCHASE OF A STREET SWEEPER FOR THE PUBLIC SERVICE DEPARTMENT FROM BEST EQUIPMENT COMPANY, INC., THROUGH THE OHIO DAS COOPERATIVE PURCHASING PROGRAM. Mr. Merriman said over the past several years, Council had directly articulated its expectation that the City would refocus efforts on maintenance of roadways, both their core condition and aesthetics. To that end, the Public Service Department had significantly increased—indeed doubled—the annual street sweeping program effort. In fact, as of August 31st, they had already completed three rounds in the City and should have time to do a fourth round. This in turn had placed significant additional wear and tear on the City’s unique fleet assets available for this service. As a result, they were in need of moving forward with replacement of one of the two street sweepers, a purchase that had been planned in the CIP for several years, but one which they have put off to avoid the expenditure as long as possible. The unit proposed for replacement was a 1999 vehicle that had accumulated over 6,800 hours of use. Comparatively, the second unit, which would remain in service, was a 2012 model with less than 5,000 in service. As detailed in the agenda report, the growing maintenance expenses and unreliability of the 1999 unit no longer justify keeping it in the fleet rotation. Public Service had proposed to purchase a new street sweeper chassis through the Ohio DAS Cooperative Purchasing Program from Best Equipment Company, Inc., under Contract STS235 at a cost not-to-exceed \$302,698.50. As noted in the prior agenda item for the Ordinance to amend appropriations, the 2022 Sanitation budget included \$270,000 for the replacement of this vehicle, but supplemental monies were required to fund the purchase.

Despite delays with the purchase of other fleet, this vehicle was available for purchase and could be put into service next spring.

President Smith asked if the street sweeping schedule could be posted so residents would know when to move their cars off of the road. Mr. Merriman said he and staff would look into that because he believed that would be helpful. President Smith entertained other comments or questions. Hearing none, he called for a motion to pass Resolution 2022-BBB.

Motion by Councilman Dean, seconded by Mayor Mays, to pass Resolution 2022-BBB as presented. No discussion followed. The Roll on this was the following:

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

Nays: None motion carried.

G. RESOLUTION 2022-CCC AWARDING THE BID AND AUTHORIZING THE PURCHASE OF DE-ICING SALT FOR 2022 – 2024 FROM AMERICAN ROCK SALT COMPANY, LLC, THROUGH THE SWOP4G COOPERATIVE PURCHASING PROGRAM. Mr. Merriman said for many years, the City had participated with Southwest Ohio Purchasers for Government Cooperative Purchasing Program (SWOP4G) to buy its road de-icing salt. This consolidated purchasing program allowed the City to bid collectively with the hope to achieve better unit prices with the larger bid quantity. On July 14th, competitive bids from road salt suppliers were received through SWOP4G's competitive process. The City requested bids for the supply of up to 1,500 tons of de-icing salt for the 2022-2023 and 2023-2024 winter seasons. The City received two full bids and one partial bid, with the lowest full bid coming from American Rock Salt, LLC, for \$85.98/ton for 2022-2023 and \$93.80/ton for 2023-2024. Staff respectfully recommended the award of the bid and authorization to enter into an agreement for these materials as detailed above. De-icing salt had displayed significant price volatility over the last seven years as described in the agenda report. He noted they purchased as much salt as the barn could hold last year under last year's lower per ton price. As de-icing salt was ordered on an as-needed basis, if it was later determined that the entire estimated tonnage of 1,500 was needed for both years, the cost would be \$128,970 and \$140,700, respectively.

President Smith entertained comments or questions.

Councilman Scrivens commented on the timing of the bid process and asked if it was typical to bid these materials at this time of the year. Mr. Merriman said yes; the process usually got started in late spring/early summer with results provided in mid-summer. Councilman Scrivens noted the disparity of salt prices over the years, noting it was almost double the price per ton from just a few years ago. Mr. Merriman agreed, noting that clearing the City's streets of snow and ice was easily the City's most expensive service delivery when considering material costs, vehicle costs, fuel costs, and staffing/overtime costs. Councilman Scrivens asked if the expense noted above included the brine and/or beet juice. Mr. Merriman said no, noting that the effectiveness of the brine pretreatment was diminished when temperatures dropped below 28-29°F. Therefore, beet juice was used as an additive during extremely cold temperatures to help the salt be more effective.

Hearing nothing further, President Smith called for a motion to pass Resolution 2022-CCC.

Motion by Councilman Scrivens, seconded by Councilwoman Dean, to pass Resolution 2022-CCC as presented. No discussion followed. The Roll on this was the following:

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

Nays: None motion carried.

H. Introduction of Ordinance 2022-37 Amending the Official Zoning Map of the City of Xenia, Ohio, to Rezone the Property at 312 Fairground Road, Totaling 11.99 Acres, More or Less, From R-1A One-Family Residential District to P-1 Public and Institutional District.

Mr. Merriman said the subject property was the home of St. Brigid church and school and was situated adjacent to existing single family homes in the township to the south and east, a new single-family residential subdivision poised for build out to the north, and undeveloped property to the west situated in the township, which was zoned for R-1 residential. Just beyond Purcell Avenue to the east was institutional property owned by Greene County used for park space and was adjacent to the Greene County Fairgrounds. St. Brigid initially approached the City with interest in installing a sign that contained an electronic message board. Internally illuminated signs were not permitted in the subject property's current zoning, which was an R-1A District, but they were permitted in the P-1 District. The applicant wanted to rezone the property in order to have the ability to install such a sign and to facilitate future growth and usage of their property. Religious institutions and schools were permitted by right in the P-1 District but were only permitted as Conditional Uses in the R-1A District. Rezoning would enable future expansions of St. Brigid without the need for a public hearing process. Upon review, staff found the request to meet five of the seven rezoning approval criteria pursuant to the Land Development Code. Given all factors, staff was supportive of the measure and presented the request to the Planning and Zoning Commission on September 1st. The Commission endorsed the rezoning request as presented, and staff respectfully recommended that Council introduce an ordinance this evening so that the matter could be fully considered for approval at their next meeting.

President Smith entertained comments or questions. Hearing none, he called for introduction of Ordinance 2022-37 as presented.

Councilwoman Dean introduced ORDINANCE 2022-37 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF XENIA, OHIO, TO REZONE THE PROPERTY AT 312 FAIRGROUND ROAD, TOTALING 11.99 ACRES, MORE OR LESS, FROM R-1A ONE-FAMILY RESIDENTIAL DISTRICT TO P-1 PUBLIC AND INSTITUTIONAL DISTRICT.

(9) APPOINTED OFFICIALS REPORTS

President Smith asked Mr. Duke for his comments. Mr. Duke did not have anything further to share. President Smith thanked Mr. Duke for the report he provided at the Finance & Budget meeting earlier that day.

President Smith asked Ms. Fisher for her comments. Ms. Fisher did not have anything further to share. Vice President Urschel asked if the City had received any update on the hearing requests regarding liquor permit renewals for three Xenia businesses. Ms. Fisher did not believe anything had been received from the Ohio Division of Liquor Control. She updated the Council that one case involving the sale of drug paraphernalia had made it through Xenia Municipal Court and

resulted in a conviction; she would provide an update to Council once the other two cases were resolved.

President Smith asked Mr. Merriman for his comments. Mr. Merriman announced that the Splash Pad would remain open while the weather stayed warm. He would evaluate it from week to week, and once it was closed for good for the season, staff would publicly share that information. As they shifted from summer to fall, citizens should start thinking about leafing season and asked them to prepare for leaf collection services in October, November, and December. Information on leaf collection would be shared online. He announced the last Neighborhood Night Out event this year would be held on Tuesday, September 13th, from 5-7 p.m. at Shawnee Elementary. Everyone was invited—not just those who live in area of the school. Free meals would be provided in partnership with One Bistro, and the event would feature the City’s Police and Fire Division, Xenia Community Schools, Central State University, Charles Young Buffalo Soldiers National Monument, and many other local service providers. There would be activities for kids and giveaways. Another upcoming event was the City’s Harvest on Main to be held on Saturday, October 8th from 12-5 p.m. with expanded events to include a straw maze, a pie eating contest, a craft show, live music, etc., in conjunction with the Oktoberfest event sponsored by the Xenia Area Chamber of Commerce that would run until 7 p.m.

(10) COUNCIL COMMENTS & REPORTS:

Councilman Brannum, Councilman Dean, and Councilwoman Dean had nothing further to share.

Councilman Scrivens thanked all who spoke this evening during Audience Comments. He said Lexington Park was more than just real estate—its value was intrinsic to the community, and they needed to support the effort to revitalize it. He noted that it was sad day in the United Kingdom with the passing of Queen Elizabeth II; King Charles III would now reign. He expressed condolences to the family of Cyndamarie Gunn. He attended the groundbreaking today for the new Warner Middle School, and he thanked all involved from the voters who approved the funding to the architects who designed the building—he cannot wait to see the completed building. He extended a belated happy birthday to Xenia Community Schools Superintendent Dr. Gabe Lofton. He announced the XHS Varsity Football Team would play at home tomorrow at 7 p.m., and those interested in attending the game needed to purchase their tickets online. He commented on the new downtown parking meters, noting they could accept coins or credit cards. He thanked City staff for their leadership on that initiative. Finally, he encouraged residents, business owners, churches, organizations, etc., to purchase a street pole banner.

Mayor Mays said due to family obligations, she was not able to attend numerous events these last two weeks, and thanked Mr. Forschner for attending the MVRPC meeting on September 1st. She reported on her attendance at the following events:

- August 26th: Met with representatives from the cycling community to talk through their various ideas and suggestions.
- August 27th: Attended the ribbon-cutting for the reopening of the Xenia Harley Davidson store.
- Today: Attended the groundbreaking for the new Warner Middle School.

Vice President Urschel said he attended the Greene County Drug Free Coalition meeting that morning following Council’s passage of the six-month moratorium on the establishment of

additional inpatient or outpatient drug treatment facilities in the City of Xenia pending review of the City's current zoning regulations. He was encouraged by the broad spectrum of people who were participating in the Coalition, which had been active for the last two years. He noted a number of Xenia organizations were represented. He asked the Coalition for their feedback on new treatment facilities that may want to come into the City and proposed zoning amendments for those facilities; they nominated a representative to provide that feedback. He toured the Emerge Recovery and Trade Center (the former Career Center), noting they recently received approval of their plans from Greene County Building Inspection and will start modifying the building very soon. They plan to open the men's recovery center in the first quarter of 2023, then the women's recovery center in the second quarter, and then the center for youth transitioning out of the foster care system in the third quarter. They were also planning to provide training for five different trades. He appreciated all who spoke this evening with regard to Lexington Park, noting the community dialogue started last May. Over the last 18 months, Lexington Park had been the most discussed item from the community over any other item. The Lexington Park Community Group wanted to help the City, including the collection of funds, noting some improvements had already been accomplished at the park. He worked with some fellow Councilmembers to develop a list of improvements they would like Council to consider. He then made the following motion:

Motion by Vice President Urschel to declare the intent of Council to pursue Lexington Park improvements this fall and to direct staff to prepare and present a status update/report at the next Council meeting on September 22, 2022, on the accomplished projects, planned or in-progress projects with current funding, and improvements that would require additional funding at Lexington Park to include actual project costs and/or cost estimates on the following items to be accomplished this fall:

- Transition existing basketball courts to two high school regulation courts with new poles, backboards, and hoops
- Resurface and line the basketball courts to include community names at courtside as provided by the Lexington Park group
- Install fencing around the basketball courts
- Complete asphalt surface and parking lot lining at the north parking lot area
- Erect a park sign with park rules
- Erect a parking lot barrier that may be used as needed at the close of park operating hours between dusk and dawn
- Install grills at each of the two shelters
- Install benches at the playground area
- Install a walkway from the parking lot to the playground area
- Install a drinking fountain at the park
- Install split rail fencing around the parking lot area

Discussion followed. Councilwoman Dean asked how much all of that would cost. Vice President Urschel said the purpose of the motion was to get a cost estimate. He noted some funds were already allocated, but he would like to know which ones were currently funded and the estimate to accomplish the remaining items. Councilwoman Dean asked if the purpose of the motion was just to get an estimate of costs. Vice President Urschel said yes, along with a status update of projects already underway. Councilman Brannum noted some items listed above were already underway or completed including the fence, the basketball courts were sealed, and a portion of the parking lot was removed. However, he thought they were going to do these improvements and then see if the

bad activity ceased before deciding on the next round of improvements. Vice President Urschel said the motion was intended to get a status update and/or cost estimates on the above-mentioned items from City staff. Once they heard back from staff, Council could move forward.

Mr. Merriman said the request to delineate the status of projects in motion could be accommodated, and staff could provide estimates for the remaining items. However, he expressed concern that there was clearly not a consensus of Councilmembers with regard to an overall vision and direction for Lexington Park. Staff would benefit from knowing the desire of the majority of Councilmembers. It was already late in the season, and some things may not be able to be accomplished this year. Therefore, as they prepare the budget and work program for 2023, they could budget items accordingly. He knew that Council wanted to provide the best possible recreation amenities in this community, and a lot of the improvements that were needed at Lexington Park were also needed at most of the City's other neighborhood parks including the replacement of playground equipment. The last playground equipment replaced cost \$250,000, which would probably be even more at today's prices. He expressed the need for a vision for all of the City's neighborhood parks. He noted the process for the neXtPlan update had already started, and there should be some very intentional conversations with community members and stakeholders with regard to the direction for all neighborhood parks, including Lexington Park.

President Smith said for the last two years, Council had heard comments on a regular basis from those who were concerned about Lexington Park. Council has also talked about Lexington Park on a regular basis. Vice President Urschel, Councilman Scrivens, and he would like some definitive benchmarks. Vice President Urschel agreed, noting the project list was fairly modest—they were not asking for new playground equipment that cost \$250,000. If other members of the community wished to address Council with regard to their neighborhood parks, they were certainly welcome to do so. President Smith said some of the improvements at Lexington Park were delayed because they were waiting to hear back about the Lowe's grant. Unfortunately, the grant was not awarded for the basketball courts; however, he felt the City should use some ARPA money for the improvements. They needed to determine a tangible timeline and estimate for improvements so Council could take a vote so it was on record as to which Councilmembers supported Lexington Park.

Councilman Scrivens said he was in full support of the 'resolution' because people needed to see their tax dollars at work. He asked Police Chief Stutes to speak on the security issues at Lexington Park. Chief Stutes asked which security issues he should specifically address. Councilman Scrivens suggested he asked Councilman Brannum that question since he seemed to be worried about it. Councilman Brannum said he saw videos of some people's very reckless behavior on the basketball court, a huge party with hundreds of people, people in vehicles doing donuts in the parking lot with children running around, etc., which really kicked off the discussion on the need for security improvements. Chief Stutes said he did not have any reports with him that evening, but in general terms, there had been some reckless behavior at the park to include people doing donuts and spinouts in the parking lot with people standing around. He agreed they needed to do some security improvements to keep people safe. Councilwoman Dean said that was why the City just spent \$50,000 on fencing. Chief Stutes agreed, which was installed to keep vehicles off of the grass, off of the basketball courts, and out of the community gardens. Vice President Urschel said a lot of the problems occurred in the spring and asked if there had been any bad activity there recently. Chief Stutes said he did not believe so (but he did not have any reports with him). He noted that he and

other City and Police Division leadership met with Central State University representatives regarding the large parties being held at the park. Councilman Scrivens asked if there had been any recent vandalism. Chief Stutes said nothing came to mind. Councilman Scrivens asked if there had been any crimes at the park. Chief Stutes said there was drug activity at the park. Councilman Scrivens said he was not asking about drug activity—he was talking about crimes and mayhem ... he felt drugs were a personal issue. Chief Stutes said he would have to look at the reports from Lexington Park to answer his question. Councilwoman Dean felt the conversation was inappropriate and suggested they consider tabling the motion for discussion at a later date.

President Smith said there was a motion on the floor; he asked for a second to the motion. Councilman Scrivens seconded the motion. President Smith asked for any amendments to the motion or additional comments or questions. Mayor Mays confirmed the intent of the motion was just to get a report from staff. Vice President Urschel said that was correct. Ms. Fisher said from a legal standpoint, the motion on the floor was simply a motion of direction for City staff—it could not be a resolution. Any ordinance or resolution had to be presented in writing. Procedurally, Council had the right to give direction to City staff. Further, some cost estimates may result in the need to competitively bid an item, and Council would have to vote on whether to make those purchases.

Mayor Mays agreed with Councilwoman Dean; however, she was comfortable voting on the motion because money had been allocated for improvements at the park, and she would like a status update. She would absolutely like to have further discussion at a later time. Councilman Brannum said he did not understand why this had to be brought up at a Council meeting and why the City Manager just couldn't be asked for that information via an email. Vice President Urschel said they [other members of Council, the Lexington Park group, and he] have been working on this initiative for the last 18 months, and they could probably work on it for another 18 months. While he realized some improvements were in motion, some things were not in motion. He said every Councilmember represented the entire City—not a political party or a portion or subdivision of the City—and many people had come to Council and asked them about improvements at Lexington Park. He felt they owed it to the people who elected them and the people who had come forward to speak to them directly to provide a response to their questions. Perhaps the answer could have been obtained via an email, but the motion was on the floor with expected feedback in two weeks. He said if Councilman Brannum did not want any feedback, he could vote no. He reiterated that Council had received more community requests on Lexington Park over the last two years over any other item.

Councilman Scrivens called for the question. President Smith asked the Clerk to call the roll.

The Roll on this was the following:

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

President Smith said in addition to chairing the Planning and Zoning Commission, he also chaired the Finance & Budget Commission, which met prior to the Council meeting this evening. He thanked everyone, including Vice President Urschel, Councilman Dean, Mr. Merriman, Mr. Duke, and Assistant City Manager Jared Holloway, for their time noting some items should be coming forward to Council at their next meetings in September or October. He reported on the September 1st Planning and Zoning Commission meeting as follows:

- Case PZC2022-20: Public Hearing to consider a request to rezone the property located at 312 Fairground Road from R-1A One-Family Residential District to P-1 Public and Institutional District, which was endorsed for Council consideration earlier this evening.
- Case PZC2022-21: PUD Final Development Plan to allow construction of a 63,744 sq. ft. indoor court sports facility and a bubble-enclosed 99,065 sq. ft. soccer/track facility at the property located at 651 Taylor Drive, filed by Amy Benetti, MSA Design, which was on property operated by Athletes in Action and was approved by the Commission.

He was very thankful for the interest in this community. Xenia was a great community, and a lot of people wanted to live here, noting some housing developments were ready to take off. He thanked everyone in the audience for attending the meeting and for their comments and all those watching from home. He encouraged everyone to live here, buy here, and spend their money in Xenia. Local merchants really appreciated their support.

(11) EXECUTIVE SESSION: President Smith said there was not a need for an Executive Session this evening.

(12) ADJOURNMENT: Motion by Mayor Mays, seconded by Councilman Dean, to adjourn the Regular Meeting at 7:26 p.m. No discussion followed. The Roll on this was the following:

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

Nays: None motion carried.


Michelle D. Johnson
City Clerk


Wesley E. Smith, President
Xenia City Council