

**XENIA CITY COUNCIL
MEETING MINUTES
SEPTEMBER 9, 2021
6:00 P.M.**

Pastor Andy Wagner, Faith Community United Methodist Church, provided the Invocation before the Call to Order.

A. PLEDGE OF ALLEGIANCE: All present stood and recited the Pledge of Allegiance led by Councilman Cody Brannum.

B. CALL TO ORDER: President Wesley Smith called the Regular Meeting to order at 6:02 p.m.

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

Motion by President Smith, seconded by Councilman Brannum, to excuse from the meeting Councilwoman Dean due to illness and Councilman Urschel due to dealing with family issues out of state. No discussion followed. The Roll on this was the following:

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

Nays: None motion carried.

D. APPROVAL OF MINUTES: Motion by Councilman Scrivens, seconded by Mayor Mays, to approve the August 26, 2021, minutes of the Regular Meeting as written. No discussion followed. The Roll on this was the following:

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

Nays: None motion carried.

E. SPECIAL PRESENTATION(S): None.

F. AUDIENCE COMMENTS: President Smith invited audience members who wished to speak to come forward.

Keith Morris, 367 Hollywood Boulevard, thanked the City for looking into and addressing the problem he was having with his driveway. However, there was another problem, and he felt somebody lied to him. All of the power for his property comes from behind his home. From two houses on the left to the new house on the corner, the power lines run up his side yard. There are no power lines underneath his driveway. Two years ago when the water meter was raised, not one word was said about any power lines going underneath his driveway. He has spoken with two other gentlemen who came out and gave him estimates for his driveway, who stated they, along with two additional contractors, would not guarantee their work on his driveway because it keeps sinking. He asked what he was supposed to do and if he should just wait until someone gets hurt due to his driveway. He wanted someone to tell him the truth, and he would appreciate a call from someone at the City. He'd also like to be home when they come out to his property again. Regarding the new plat to be developed at the end of Hollywood Boulevard, he has had many people come to his door and ask him if he knew about it. They were all told the plat is a "done deal," and nothing could be

done about it. He asked how it was a “done deal” when nobody knew anything about it. He asked why a City representative was telling everybody that it was a “done deal” when it has not been before the City Council. If City Council did not know anything about it, then it should not be a “done deal.” He personally spoke with the Superintendent of Xenia Community Schools who said any new homes need to be at least 1,800 square feet to support the school system with property taxes. Somebody else said 1,600 square foot homes would work also. He said it sounds like somebody needs to talk with the Superintendent before the size of the homes was decided. He was very upset about both issues with regard to his driveway and now this new plat.

G. OLD BUSINESS:

1. President Smith presented **RESOLUTION 2021-GG ACCEPTING THE AMOUNTS AND TAX RATES AS CERTIFIED BY THE GREENE COUNTY BUDGET COMMISSION FOR 2022, AUTHORIZING THE NECESSARY TAX LEVIES, AND CERTIFYING THE TAX LEVIES TO THE GREENE COUNTY AUDITOR**, introduced by Mayor Mays on 08/26/2021, and it was read for a second time.

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

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

Nays: None motion carried.

H. PUBLIC HEARING(S): None.

I. NEW BUSINESS:

1. **RESOLUTION 2021-HH AUTHORIZING THE SUBMISSION OF APPLICATIONS FOR FUNDING THROUGH THE AMERICAN RESCUE PLAN ACT (ARPA) FOR THE GLADY RUN WASTEWATER TREATMENT PLANT IMPROVEMENT PROJECT AND THE WILBERFORCE SANITARY SEWER SLIPLINING PROJECT, AND DECLARING AN EMERGENCY.** City Manager Brent Merriman said the State of Ohio recently announced that \$250 million was available in grant funding for water and wastewater infrastructure projects through the American Rescue Plan Act (ARPA). This competitive grant program had a tight turnaround time for submittal of applications with initial applications due to the County Engineer’s Office by August 20, 2021. One criteria for grant funding included the ability to have projects completed within one year. While no matching funds are required, applications with matching funds will be considered more favorably. Public Service, Engineering, and City Manager’s Office staff considered various opportunities and needs, and the City opted to submit two projects as described in the agenda report: the Gladly Run WWTP Improvement (Aeration Tank Flow Distribution Chamber and Screening) Project and the Wilberforce Sanitary Sewer Sliplining Project. The total project cost for the Gladly Run WWTP Project was estimated to be \$3,109,128 and the Wilberforce Project was estimated to be \$750,000. The City pledged a 25% local match commitment for each project, amounting to \$777,282 and \$187,500, respectively. He did not believe it was likely that both projects would be awarded, which was why they submitted a larger project along with a smaller project. Because requests for funding of projects have already been received by the Greene County Engineer, City staff requests adoption of this emergency resolution to complete its application to the State for funding.

President Smith reminded everyone that approval of the Resolution only authorizes the application for grant funding and not the actual project(s). He then entertained a motion to pass Resolution 2021-HH as presented.

Motion by Mayor Mays, seconded by Vice President Dean, to pass Resolution 2021-HH. Brief comments followed. Councilman Scrivens said the total budgetary impact if both projects are awarded would be \$964,782. Mr. Merriman concurred, noting these projects were already planned and funds are available based on the Five-Year Capital Improvement Plan. The Roll on this was the following:

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

Nays: None motion carried.

2. RESOLUTION 2021-II AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH PROCESS PUMP & SEAL, INC., FOR THE REBUILD OF HIGH SERVICE PUMP NO. 3 AT THE WATER TREATMENT PLANT, AND DECLARING AN EMERGENCY.

Mr. Merriman said recently, Water Treatment Plant (WTP) staff noticed an unusual amount of leakage emanating from High Service Pump No. 3. The WTP has a total of three (3) such pumps, whose sole function is to put treated water out into the system for consumption. Staff contacted the WTP's normal service provider, Process Pump & Seal, Inc., it was determined that the pump's couplings and impeller needed to be rebuilt. According to the records on file at the WTP, the last time this particular pump was rebuilt was in 2001. In order to maintain (water) system integrity, it was imperative to have this pump rebuilt as quickly as possible. Over the last several years, Process Pump & Seal, Inc., has completed similar maintenance of pumps and appurtenances at both the water and wastewater plants, and staff was very confident and familiar with their work. Given the urgency for sufficient redundancy to provide a potable water supply at the Water Treatment Plant and in order to begin the rebuild of the high service pump as soon as possible, staff respectfully requested authorization of this purchase proposal without competitive bidding and passage of Resolution 2021-II as an emergency. Pursuant to City Charter Section 9.16, Council may authorize the expenditure of more than \$25,000 without bidding in cases of emergency or when necessary for the immediate protection of public safety.

President Smith entertained a motion to pass Resolution 2021-II as presented.

Motion by Councilman Brannum, seconded by Vice President Dean, to pass Resolution 2021-II. Brief comment followed. Councilman Scrivens reiterated that any expense over \$25,000 must be approved by City Council per Charter Section 9.16, and he would be voting to approve this expenditure in the amount of \$27,383.29. The Roll on this was the following:

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

Nays: None motion carried.

RESOLUTION 2021-JJ APPROVING THE FINAL PLAT AND AUTHORIZING A SUBDIVIDER'S AGREEMENT FOR THE SUMMER BROOKE SOUTH, SECTION FOUR, SUBDIVISION, AND DECLARING AN EMERGENCY.

Mr. Merriman said the Arnold Development Company has decided to resume development of the Summer Brooke subdivision. The developer now intends to construct Section Four, which includes the subdivision

of an 18.706-acre tract into 34 single-family home lots, the extension of Highlander Drive and associated utilities to Stevenson Road, a 7.296-acre section of the planned open space adjacent to Stevenson Road, and a section of the planned walkway. The extension of Highlander Drive in this initial phase was required by the Planning and Zoning Commission (PZC) because it will improve the City's emergency response times to this area. Pursuant to the Land Development Code, the applicant has submitted construction design drawings for planned streets and utilities. The Engineering Division has found these drawings to be acceptable. PZC approved the Section Four Final Plat on August 5 with conditions finding that it met the Land Development Code's approval criteria for Final Plats and PUD Final Development Plans. The developer has satisfied PZC's conditions of approval, with the exception that the developer is still finalizing plans for street lighting. The Land Development Code requires all final plats to receive PZC approval. City Council approval is additionally required if the required public improvements have not yet been installed. Because approval of a final plat is a legislative act, Council approval of a resolution is required. Emergency approval of a resolution is being requested for the purpose of expediting completion of a roadway that will improve emergency response times to existing and future portions of the City and to facilitate other required public improvements and the City inspections thereof.

Summer Brooke South Preliminary Plat/PUD Concept Plan Approved by PZC 6/3/2021



President Smith entertained a motion to pass Resolution 2021-JJ as presented.

Motion by Councilman Scrivens, seconded by Mayor Mays, to pass Resolution 2021-JJ. Brief comments followed. Mr. Merriman said the plan for Section Four included a fair amount of feedback from the residential community through the Planning and Zoning Commission process. He believed the outcome as presented this evening was very reasonable, which allowed for additional development and addressed most of the residents' concerns. He applauded all those who participated in that process. The Roll on this was the following:

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

3. Administrative Motion Approving the Schedule of Bills in the amount of \$147,468.37. Mr. Duke respectfully requested the payment of bills in the amount of \$147,468.37.

President Smith entertained questions or comments. Hearing none, he entertained a motion.

Motion by Mayor Mays, seconded by Councilman Brannum, to approve the schedule of bills in the amount of \$147,468.37. No discussion followed. The Roll on this was the following:

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

Nays: None motion carried.

J. APPOINTED OFFICIALS REPORTS

President Smith noted Law Director Donnette Fisher had been excused from the meeting and was not present.

President Smith asked Mr. Duke for his comments. Mr. Duke did not have anything further to share.

President Smith asked Mr. Merriman for his comments. Mr. Merriman said the second and final Neighborhood Night Out (NNO) event for 2021 was scheduled for Tuesday, September 28th, at Lexington Park from 5-7 p.m. A significant City staff presence was planned, including Police and Fire personnel. He believed the event would be a special opportunity to connect with East End residents, and he encouraged residents to attend to learn more about the City's public safety services and talk about the future of Lexington Park. President Smith asked Mr. Merriman if he would reach out to Mr. Morris regarding his audience comments this evening. Mr. Merriman said yes.

K. REPORTS OF BOARDS AND COMMISSIONS:

1. Property Management Committee: Councilman Scrivens said the Property Management Committee met just before the last Council meeting on August 26th. Those in attendance included the Committee members as well as the City Manager, Assistant City Manager, Finance Director, and Development Director. They went into to Executive Session to discuss the sale of property. They also discussed the Residential Transfer to Productive Use Process with regard to properties that do not sell at Sheriff's sales in an effort to get those properties back into private hands. They received other property updates including the Carnegie Library and the former Xenia Adult Recreation Services Center property, noting that entire block needs to be rejuvenated. They discussed a few items that may be passed on to the Xenia Community Improvement Corporation (CIC).

2. Economic Development Advisory Board: President Smith said the EDAB report would be postponed until their next meeting due to Councilman Urschel's absence.

3. Finance and Budget Review Committee: President Smith said the Finance and Budget Review Committee met on September 2nd. He serves as Chair; Vice President Dean and Councilman Brannum are Committee members. The City Manager, Assistant City Manager, Finance Director, and Assistant Finance Director were also present. The group received updates

on financial projections from the Finance Director, they discussed the parameters in which to spend the American Rescue Plan Act (ARPA) dollars, and they received an update on the timeline for Five-Year Capital Improvement Plan (CIP) and 2022 Operating Budget. He noted Xenia's ARPA allotment was originally estimated to be over \$5 million but was cut in half. Further, the Five-Year CIP will be presented to City Council for approval in October. Mr. Merriman added that staff was currently finalizing the Five-Year CIP and looked forward to distributing that to Council at the end of the month, noting that it must be distributed to Council by October 1st and approved by Council by November 1st per the Charter. He noted preparation of this year's CIP was particularly difficult due to the federal monies that have recently been made available, and many adjustments were necessary.

4. Planning and Zoning Commission: Councilman Brannum said as noted on the agenda, the September PZC meeting was canceled due to lack of agenda items. He said an update to the Fairmoor Heights plat was planned for the next Council meeting on September 23rd. He believed the City Planner would be available as well.

5. Board for Recreation, Arts, and Cultural Activities: President Smith said BRACA met this week on September 7th. He thanked all those who participated in the Bloom with Xenia ... Adopt-a-Spot program this year and helped beautify the downtown. The Community Garden programs at Lexington Park was also winding down, and he encouraged those with plots to remove tomato cages, etc., by October 31st. This year's Youth Fishing Derby was cancelled, but they are planning to hold the event next year on the first Saturday in June. He commended BRACA member Todd Patterson who has run the event for more than 20 years. They discussed the upcoming downtown Christmas event to be held on Friday, December 3rd; he shared some of the many fun activities and events that are planned. They discussed the Tree Committee's tree sale, which was underway. A variety of trees and shrubs are available. The deadline to order was September 24th, and the pickup date was October 16th. More information on the tree sale can be found on the City's website. He invited everyone to the Harvest on Main Street event also on October 16th from 2-7 p.m. that includes over 50 vendors. Mayor Mays shared additional details on the event. President Smith expected additional details to be shared at upcoming Council meetings, via the City's social media accounts, and on the website.

L. COUNCIL COMMENTS:

Councilman Brannum did not have anything further to share.

Councilman Scrivens said the 9/11 remembrance is in a few days, and they shall never forget the events of September 11, 2001. The Xenia High School football team is 3-0, and they travel to face the unbeaten Piqua team on Friday. He expressed condolences to the family of John Shoates and thanked him for all his contributions and for making a difference in his life. September is "Disaster Preparedness Month," and Xenia knows all too well about being prepared for disasters. Everyone needs to be prepared with a "to go" bag, be able to survive on their own for at least 72 hours, etc. It was best to be prepared and not need it than to not be prepared and need it. He asked City Planner Brian Forschner to provide an update on the James T. Henry monument being constructed at the roundabout. Mr. Forschner said the cement block base for the decorative walls are under construction; the next step would be installation of the decorative stone and lettering. Per the

contract, the signage should be completed by the end of the month. A ribbon-cutting ceremony will be planned in October to include members of Mr. Henry's family.

Mayor Mays said August 27th was the final night of the "Everybody Eats" week at One Bistro that included local celebrity servers. She participated in the Friday evening dinner, prepared by Executive Chef Greg Shaffer. It was a really great night that capped off a great week, and she congratulated Chef Greg and his wife, Shayne, on the work they are doing at One Bistro. She attended the City's Neighborhood Night Out event on September 1st at Sterling Green Park. She thanked City leadership, staff, including Police Division staff, and Council members for attending the event. It was a great night with perfect weather. Representatives from many of the City's partners were also present including Central State University, Ohio State Extension Office, Xenia Community Schools, Colonel Charles Young Buffalo Soldier's National Monument, Wilberforce University, Athletes in Action, the Greene County Library, etc. It was a great representation of this community. Her children had a blast and really enjoyed the Passport activity. Today, she stopped by the Xenia FISH Food Pantry for the "Business After Hours" Chamber event and congratulated Gail Matson, who expressed her thankfulness for the many partnerships and all those who have worked with her and made donations—they are feeding a lot of people in Greene County. She extended congratulations to Fire Lieutenant Travis Dill on his 20 years of service with the Xenia Fire Division. She was very thankful for his longevity and the consistent faithfulness of his work.

Vice President Dean did not have anything further to share.

President Smith thanked Mr. Morris for attending the meeting this evening. He said staff would reach out to him regarding his driveway issue. Regarding the plat that was referenced during Mr. Morris' audience comments, the plat is zoned as a Planned Unit Development (PUD). An updated concept plan for the existing PUD was reviewed and approved by the Planning and Zoning Commission (PZC), which is comprised of Xenia citizens and chaired by Councilman Brannum. Per the Land Development Code, the PUD was a "done deal," but the final plat has not yet been presented to City Council for approval. Citizens can always come to City Council meetings and present their concerns about the plat. Councilman Brannum agreed the final plat has not been submitted to PZC yet, but he did not know when that would occur. Once PZC reviews it, it would move on to City Council.

M. EXECUTIVE SESSION: None.

N. WORK SESSION: None.

O. ADJOURNMENT: Motion by Mayor Mays, seconded by Councilman Brannum, to adjourn the Regular Meeting at 6:42 p.m. No discussion followed. The Roll on this was the following:

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

Nays: None motion carried.

Michelle D. Johnson
City Clerk

Wesley E. Smith
President, Xenia City Council