

**XENIA CITY COUNCIL  
REGULAR SESSION  
MEETING MINUTES  
NOVEMBER 14, 2019  
6:00 P.M.**

**1. CALL TO ORDER:** Vice President Wallace called the November 14, 2019, Regular Session to order at 6:00 p.m. in the City Council Chambers, City Administration Building.

**2. INVOCATION:** Mayor Mays provided the Invocation.

**3. PLEDGE OF ALLEGIANCE:** Councilman Wesley Smith led those present in the Pledge of Allegiance.

**4. ROLL CALL:** Vice President Edgar Wallace, Councilman Dale Louderback, Councilman Wesley Smith, Councilman Levi Dean, and Mayor Sarah Mays were present. Councilman Will Urschel and President Michael Engle were absent.

Motion by Councilman Smith, seconded Councilman Louderback, to excuse President Engle and Councilman Urschel from the meeting. No discussion followed. The Roll on this was the following:

Ayes: Louderback, Smith, Dean, Mays, Wallace

Nays: None motion carried.

Vice President Wallace acknowledged and welcomed Councilwoman-Elect Rebekah Dean to the meeting, who was in the audience.

**5. APPROVAL OF MINUTES:** Motion by Councilman Smith, seconded by Councilman Louderback, to approve the October 24, 2019, Regular Session meeting minutes as written. No discussion followed. The Roll on this was the following:

Ayes: Louderback, Smith, Dean, Mays, Wallace

Nays: None motion carried.

Vice President Wallace noted the November 5, 2019, Special Session minutes will be held in abeyance until their next meeting.

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

**7. AUDIENCE COMMENTS:** Vice President Wallace explained the procedures for audience comments and invited anyone who wished to speak to come forward. Nobody came forward to speak.

**8. OLD BUSINESS:** None.

**9. PUBLIC HEARING(S):**





governmental entities have until December 28, 2019, to remove any potentially conflicting regulations from their books in order to avoid liability. The City of Columbus filed a challenge to HB 228 in March of this year, but that case was not scheduled to be resolved until mid-2020. Thus, it was important that the City modify a few of its ordinances to comply with the requirements of HB 228. In reviewing the City's codified ordinances to identify any potentially conflicting regulations, it is important to note that the language of ORC 9.68 does not prohibit local governmental entities from regulating the use or discharge of a firearm – only the “ownership, possession, purchase or other acquisition, transport, storage, carrying, sale or other transfer, manufacture, taxation, keeping, and reporting of loss of theft.” Thus, any regulations in the City's Codified Ordinances regulating the discharge or use of firearms will remain. She noted the agenda report included a thorough summary of those sections of the Codified Ordinances that deal with firearms, and whether those sections need to be amended, changed or repealed. She noted if something is removed from the City's Codified Ordinances, someone can still be charged under State law.

Vice President Wallace entertained introduction of Ordinance 2019-22 as presented.

Councilman Dean presented ORDINANCE 2019-22 AMENDING CHAPTER 678 AND SECTIONS 448.03, 618.11, AND 1062.03, AND REPEALING CHAPTER 604, AND RELATED PROVISIONS, OF THE CITY OF XENIA CODIFIED ORDINANCES TO COMPLY WITH OHIO REVISED CODE SECTION 9.68, and it was read for the first time.

**C. Administrative Motion Authorizing the City Manager to Execute Agreements with the OAPFF (Ohio Association of Professional Fire Fighters) for Establishment and Administration of a Section 457(b) Deferred Compensation Plan for Eligible Employees.** Finance Director Ryan Duke said for many years, the City has allowed employees to contribute to a 457(b) plan through Ohio Deferred Compensation, which is a tax-advantaged, employee retirement plan that allows state, local government, and some nonprofit employees to make salary deferral contributions. A few years ago, a second 457(b) Plan, administered by the OAPFF, was brought to the City for consideration to be offered alongside the current Ohio Deferred Comp Plan, which did not make sense at the time due to much higher fees. Staff was recently asked to look at the OAPFF plan again, which now allowed employees to expand their investment options. The plan offer different funds to invest in, as well as some slightly different plan options including a Roth option that allows employees to make their contributions post-tax and then the money can be withdrawn later, tax-free. He noted that Ohio Deferred Comp Plan is working on offering a Roth option as well, but it was not currently available. Although this new plan is administered by the OAPFF, it will be offered to all eligible employees and not just firefighters, just like the Ohio Deferred Comp Plan. The agreements provide for the establishment and administration of the plan with the OAPFF. The City does not make any contributions to 457(b) plans, so there will not be any cost to the City to offer the additional option to employees.

Vice President Wallace entertained a motion.

Motion by Councilman Louderback, seconded by Councilman Smith, to authorize the City Manager to execute a 457(b) Plan Administrative Agreement and an Adoption Agreement with the Ohio Association of Professional Fire Fighters upon such terms and conditions as are approved by the Law Director. Brief discussion followed. Councilman Louderback said it is no secret that City employees are some of the lowest paid in this area, including new employees who have to

pay 70% of their insurance premiums, and he was all for offering them another benefit option. The Roll on this was the following:

Ayes: Louderback, Smith, Dean, Mays, Wallace

Nays: None motion carried.

**D. Administrative Motion Awarding the Bid and Authorizing the City Manager to Execute a Contract with Phillips Companies for the Charles Young Buffalo Soldiers National Monument Sanitary Sewer Project.** Mr. Merriman said in 2017, the City was approached by officials from the National Park Service seeking assistance with a new sewer service lateral to serve the Charles Young Buffalo Soldiers National Monument at 1120 US 42 just northeast of the City limits. The Park Service was willing to cover all costs associated with the project; therefore, no City funds will be expended. Financing will be provided on a reimbursement basis. Because the nearest City sewer is on the other side of US 42 and would result in a sewer lateral of over 500 feet, it was most prudent instead to extend the main sewer so it is on the same side of the street as the National Monument, which would then result in a much shorter lateral. City Engineering staff supported this proposal as there would now be a main sewer that could be extended along the west side of US 42 for future economic development opportunities. Most importantly, and as indicated, all costs for the design, construction, and contract administration of the proposed sewer extension would be borne by the National Park Service. On October 16, 2019, five (5) bids were received from qualified contractors to complete this work. The bidding documents requested an alternate bid to jack and bore under US 42 if rock (vs. gravel) were to be encountered during excavation activities. The lowest bid received for both the base project and the alternate was from Phillips Companies as follows: Base (Gravel) - \$101,971.25 and Alternate (Rock) \$108,162.05. In order to insure that adequate funds are available to complete the installation of the sanitary sewer if rock is encountered during excavation under US 42, he respectfully requested authorization to award the alternate bid in the amount of \$108,162.05 and authorize him to execute the contract.

Vice President Wallace entertained a motion.

Motion by Councilman Louderback, seconded by Councilman Dean, to award the bid and authorize the City Manager to execute a contract with Phillips Companies for the Charles Young Buffalo Soldiers National Monument Sanitary Sewer Project at a not-to-exceed cost of \$108,162.05. Brief discussion followed.

Councilman Smith asked who would reimburse the City for the project. Mr. Merriman said the federal government, through the National Park Service, would provide the reimbursement. He noted the infrastructure being installed would become the City's asset. Councilman Smith said the recommendation is to award to the lowest bidder but asked if it was the best bid. Mr. Merriman said yes; Phillips Companies has completed numerous similar projects over many years and is more than capable of successfully completing this project.

Vice President said the monument is owned by the National Park Service, which is a local asset that attracts some tourism. He was glad the City was able to comply with their request, especially when it is at no cost to the City.

The Roll on this was the following:

Ayes: Louderback, Smith, Dean, Mays, Wallace  
Nays: None motion carried.

**E. Administrative Motion Approving an Infrastructure Development Agreement with the Greene County Career Center Board of Education for development of the site bordered by Union Road, US 35, and US 68.** Mr. Merriman said the Greene County Career Center's construction of a new campus is well underway on a site located adjacent to the US 68/US 35 interchange. As authorized by ORC 715.02 and per City policy, an Infrastructure Development Agreement (IDA) between the City and the GCCC is appropriate and necessary to articulate specific roles and responsibilities relative to site buildout of infrastructure. After an arduous negotiation process, the City and the GCCC have arrived at mutually acceptable language for an IDA. Pursuant to the IDA, the Career Center must convey to the City the necessary right-of-way for utilities and roadway infrastructure installation. This conveyance was initiated through the platting process with the City's Planning and Zoning Department and Planning and Zoning Commission. As stipulated in the IDA, the City will install all the necessary water, sanitary sewer and roadway improvements at the site. The IDA was approved by the Career Center's Board of Education at their meeting the previous evening, and he respectfully recommended City Council's approval this evening.

Vice President Wallace entertained a motion.

Motion by Mayor Mays, seconded by Councilman Dean, to approve an Infrastructure Development Agreement with the Greene County Career Center Board of Education for development of the site bordered by Union Road, U.S. 35, and U.S. 68. Discussion followed.

Councilman Louderback agreed the process has been arduous, and he did not understand why it has been such a long, drawn out process and a big hassle. The voters of Greene County agreed to a new career center, and he felt the upper echelon of the Greene County Career Center acted in bad bargaining faith. He was thankful that City staff hung in there and did a good job to bring this agreement to fruition.

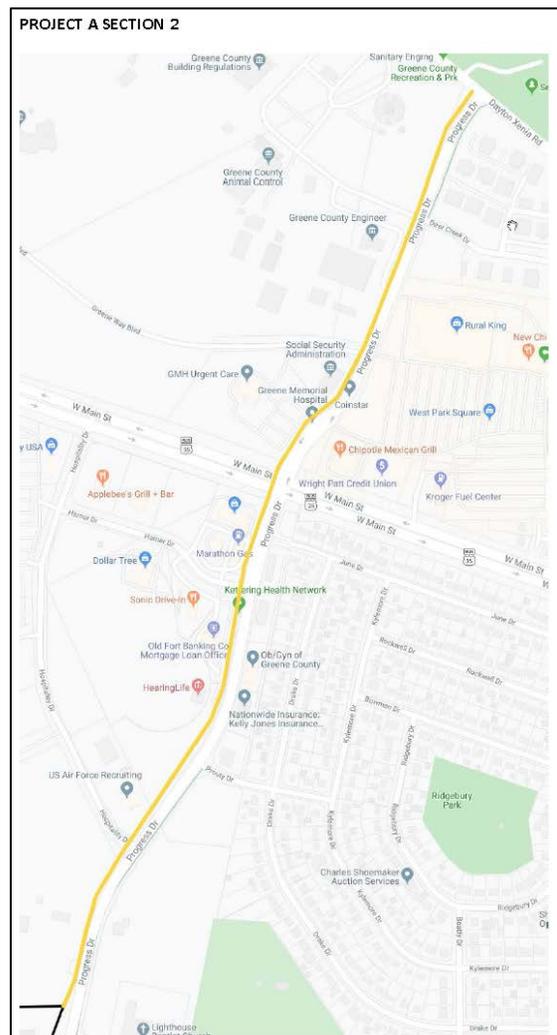
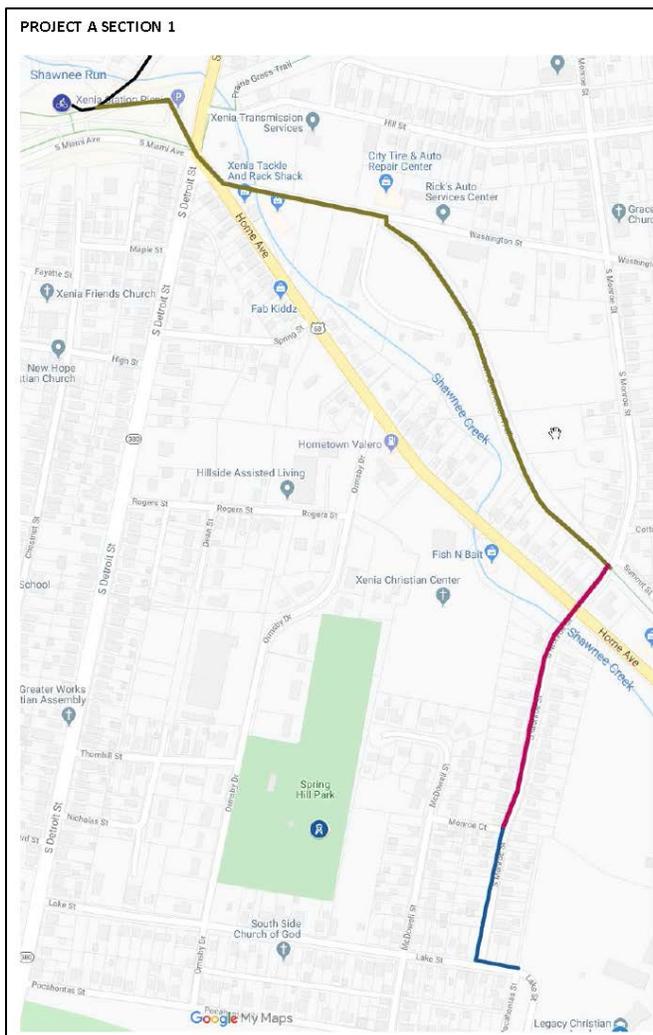
Mr. Merriman acknowledged Councilman Louderback's comments; it has been a very difficult process. He thanked Law Director Donnette Fisher and City Engineer Chris Berger who were instrumental throughout the process in dealing with all the nuances associated with the project. He noted the biggest issue was associated with the dedication of the right-of-way, which was needed before the installation of water mains and sewer lines in the roadway. The roadway is important to the school as well as the community because it provides a necessary access point between SR 380 and US 68, which will improve the marketability of the Greene Regional Business Park. He also thanked the Career Center's leadership for also sticking it out. He recognized they need to work on rebuilding the relationships of all involved parties in the near future because it is important that the City's educational partners are successful. He was thrilled with the service they are providing and with the fact that they are building their new facility here in the City of Xenia.

The Roll on this was the following:

Ayes: Louderback, Smith, Dean, Mays, Wallace  
Nays: None motion carried.



Motion by Councilman Louderback, seconded by Councilman Dean, to authorize the City Manager to execute Work Order No. 2019-01 with Quantum Network Integrators, LLC, for Fiber Installation Services under the Existing Master Services Agreement in the amount of \$141,777.09. Discussion followed. Councilman Smith asked for clarification of the specific project area according to the maps included in the agenda report. Mr. Duke said the project to be built with approval of Work Order 2019-01 will be the brown run down the bike path from Xenia Station, the red run down S. Monroe, and the blue run that ends at Lake Street across from Athletics in Action and the Legacy Christian campus (Project A, Section 1 as shown below) as well as the yellow run down Progress Drive (Project A, Section 2 as shown below). Councilman Smith said this is an ambitious project to get complete by February 2020. Mr. Duke said per the work order, Project A, Section 1 has a completion date of February 14, 2020, and Project A, Section 2 has a completion date of June 12, 2020, which he felt was possible, especially if the weather cooperates.



Vice President Wallace asked about the estimated monthly savings. Mr. Duke estimated a savings of about \$1,000 per month when considering the elimination of monthly payments to the City's current internet service provider, and other smaller savings could be realized. In addition, services could be contracted out, such as AIA, where they would pay the City a fee to provide the service. The fiber would be running right by their data center, and it would not cost much to make that

connection while also providing them with additional bandwidth that the City purchases but does not use. As the fiber is built out, other partnerships could be established that will only enhance additional revenue opportunities.

The Roll on this was the following:

Ayes: Louderback, Smith, Dean, Mays, Wallace

Nays: None motion carried.

**H. Administrative Motion Approving the Schedule of Bills in the amount of \$1,063,725.41.** Mr. Duke requested the payment of bills in the amount of \$1,063,725.41. He noted the large amount was due in part to two bond payments for the Garcia/OVCH Lift Station project (\$382,761.91) and the City facilities project (\$393,550.00).

Vice President Wallace entertained a motion.

Motion by Mayor Mays, seconded by Councilman Smith, to approve the schedule of bills in the amount of \$1,063,725.41. No discussion followed. The Roll on this was the following:

Ayes: Louderback, Smith, Dean, Mays, Wallace

Nays: None motion carried.

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

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

Mr. Merriman shared the following:

- Hometown Christmas will be held on Saturday, November 23, from 1 to 5 p.m. Santa will be at the Santa Cottage in front of the City Administration Building, live Christmas music will be performed by the Xenia High School Ensemble, horse and carriage rides will be available, food trucks with holiday-themed menus, a station for crafts, a downtown scavenger hunt and coloring contest, and an area to write letters to U.S. Air Force Airmen. Downtown businesses are also participating in the annual 'Winter Window Wonderland' competition, which will allow visitors to vote on their favorite festive window decorations. The fun will culminate at 5:30 p.m. with the lighting of the City's 18-foot Christmas tree. He encouraged everyone to participate and to support downtown businesses.
- Leaf Collection is underway with two rounds of leaf collection scheduled as follows: Zone 1 (all areas north of Main Street including all Main Street addresses) will be picked up the week of November 18<sup>th</sup> and again the week of December 2<sup>nd</sup>, and Zone 2 (all areas south of Main Street) will be picked up the week of November 25<sup>th</sup> and again the week of December 9<sup>th</sup>. Crews have already been out doing some spot pickups to test the equipment. He encouraged residents to rake their leaves to the curb and have them ready for pickup before their designated pick up week.
- He congratulated the Xenia High School football team on their excellent season. He and Mayor Mays have discussed ways to recognize them for their accomplishments.
- Council's next regular session will be held on Tuesday, November 26<sup>th</sup>, due to the Thanksgiving holiday.

Mr. Duke did not have anything further to share.

Ms. Fisher said she was recently at an event in Greenville and spoke with a man whose father was in Xenia in 1974 after the tornado event. The gentleman offered to send pictures that his father had

taken during that time, which she just received in the mail. She thanked Mr. Clark for taking the time to send those pictures for use in the City archives. She said the current City Prosecutor will become the new Municipal Court Judge on January 1, 2020; therefore, she will be filling that vacancy. After negotiation with other political subdivisions in Greene County, she will be filling that as a full-time position so she and her staff can continue to provide a better level of service. The job posting will be advertised starting tomorrow.

Councilman Louderback asked Ms. Fisher when the Alan Besco car dealership could start displaying their inflatable. Ms. Fisher said the ordinance will be effective in 30 days.

**B. Mayor and City Council:**

Councilman Louderback and Councilman Dean had nothing further to share.

Councilman Smith said in his absence, President Engle asked him to share information about Hometown Christmas, which Mr. Merriman already mentioned. He noted there will be a small \$1 per person charge for the horse and carriage rides. The Christmas tree topper was built by Greene County Career Center students. He reiterated the Santa house will be located in the parking lot of the City Administration Building. There will not be a parade for this year's event. He also offered congratulations to the Xenia Varsity Football Team on their excellent season. He shared that he received an invitation to attend a program for Mr. Carey's third grade robotics team at McKinley Elementary School. This will be their "trial run," and he extended the invitation to all other Councilmembers if their schedules permit. He welcomed Council-Elect Thomas Scrivens, who was also in the audience this evening. Finally, as the holidays and winter weather approaches, he asked everyone to pay attention to weather conditions and to look after their neighbors.

Mayor Mays said Xenia High School is putting on a production of Robin Hood, which opened that evening and will run through Sunday. She congratulated Toward Independence on their ribbon-cutting event last Friday to celebrate the completion of their renovation project that includes a new elevator. She was very excited for them and the ways they are contributing to this community.

Vice President Wallace shared information about a ribbon cutting ceremony for Benner Field on Thursday, November 21. He explained that he is growing his beard for "No-Shave November" to bring awareness to prostate cancer and to encourage men to get prostate screenings, noting that African American men have the highest mortality rate. He then entertained a motion to adjourn.

**12. ADJOURNMENT:** Motion by Councilman Louderback, seconded by Councilman Smith, to adjourn the meeting at 6:56 p.m. No discussion followed. The Roll on this was the following:

Ayes: Louderback, Smith, Dean, Mays, Wallace  
Nays: None motion carried.

Michelle D. Johnson  
City Clerk

Dr. Edgar Wallace  
Vice President, Xenia City Council