City Council Meeting Minutes  
January 10, 2013  
Special Session  
6:00 p.m.

The Xenia City Council met in a Special Session on January 10, 2013, at 6:02 p.m., in the City Council Chambers, City Hall, with the following members present: Jeanne Mills, John Caupp, Dale Louderback, Joshua Long, Wesley Smith, Marsha J. Bayless, and Michael D. Engle.

2013 Street Program. Mr. Percival noted Council asked for a report on the 2013 Street Program. He spoke with the Greene County Engineer who said he would probably be ready to solicit bids sometime toward the end of February. He then invited Mr. Berger to address Council.

Mr. Berger presented the following PowerPoint entitled City of Xenia 2013 Street Program.

Background Information:
- Annual Street Program was developed in response to Community Survey completed in 2010 and passage of 0.5% Income Tax Increase in November 2010.
- Plan developed on the assumption of $500,000 available annually in 361 Fund.
- Only local streets will be rehabilitated in 2013 because of the need for “Bankrolling” 229 Permissive Tax Funds to resurface US 42 in 2014.
- Other funds available in 228 (Municipal License Tax) and 229 (Greene County Permissive Tax) to rehabilitate streets. The 229 Funds can only be used on thoroughfare streets, such as last year when they did Main Street and W. Ankeney Mill. PERMISSIVE TAX (229) FUNDS WILL NOT BE USED IN 2013!
- Only local streets will be done in 2013 because they need to bankroll those 229 funds so they will be ready to resurface US 42 in 2014. To clarify, ODOT has a Rural Resurfacing Program that is a cyclical process for all communities on their state routes. US 42 has come up in the rotation for 2014 and ODOT pledges 80/20 percentages for milling off and putting 2” of asphalt back. The catch is ODOT is using federal funds and the City of Xenia is 100% responsible for the cost of ADA ramps. Therefore, when looking at the total cost of the project, it ends up being more like a 60/40 or 55/45 match. In preparation for tonight’s meeting, he looked on ODOT’s website today and ODOT’s estimate for US 42 is $1.8 million; ODOT’s share estimate is $997,000 and the city’s estimate is $816,000. Unfortunately, in 2014 they will be unable to repave any local streets. In the X-Plan the importance of economic development was highlighted, and there are a number of businesses located along US 42. Therefore, it is important to get US 42 resurfaced.

Councilman Louderback asked Mr. Berger which areas of US 42 would be improved. Mr. Berger said the project would go from Industrial Boulevard to Church Street (by United Dairy Farmers), down Main Street, up Columbus Street, and to the north corporation line by Black’s Furniture (but it does not include the area by Ledbetter Road since that was recently paved).

Mayor Bayless asked if it included intersection improvements. Mr. Percival said no – just paving.
Mr. Berger continued with his PowerPoint presentation.

- $650,000 on resurfacing streets ($500K in 361, $150K in 228) available for street rehabilitation in 2013. Given what is going to happen next year, they will pave as many local streets as they can.
  - No crack sealing work planned for 2013 ONLY because of the need to rehabilitate as many streets as possible. Last year they devoted $100,000 to do some crack sealing on streets that were not as bad in order to extend their life.
  - 667 Stormwater Funds to be used for catch basin replacement and repair. He only heard compliments on what they did this year, so that was a good move, and as far as he is concerned, they will do that every year.
  - In order to better achieve economies of scale, the City of Xenia will partner with the Greene County Engineer’s Office for completion of its 2013 Street Program.

The list of streets will be posted on the city’s website and Facebook page. If a neighborhood is not listed, it does not mean the streets are in great shape. As they discussed, some of the streets need to be completely rebuilt and will be done in future years. He noted Mr. Merriman asked him to start doing lists for three years out because that will involve a bond issue.

Proposed Street Listing for 2013 using 361 and 228 Funded Streets

- Hollywood Blvd. (N. Detroit St. to Purcell Ave.)
- Purcell Ave. (Hollywood Blvd. to Corp. Limit)
- Richard Dr. (End-to-End, Dayton Ave.) & “Stubs”
- Simon Kenton School Dr. (W. Second St. to End)
- High Street (N. Detroit St. to S. Miami Ave.)
- California St. (Bellbrook Ave. to Cincinnati Ave.)
- Charles St. (Bellbrook Ave. to Cincinnati Ave.)
- Wisconsin Dr. (Vermont Dr. to Nebraska Dr.)
- Connecticut Dr. (Wisconsin Dr. to Montana Dr.)
- Florida Dr. (Wisconsin Dr. to Montana Dr.)
- Pennsylvania Dr. (Colorado Dr. to Montana Dr.)
- S. Stadium Dr. & Stadium Cr. (All)
- Redbud Ln. (Louise Dr. to Marshall Dr.)
- E. Ankeny Mill Rd. (N. Detroit St. to Sutton Dr.)
- Sutton Dr. (E. Ankeny Mill Rd. to Wilson Dr.)
- E. Harbine Ave. (Sutton Dr. to Dead End)
- Frederick Dr. (Wilson Dr. to Office Park Dr.)
- Jefferson St. (E. Church St. to Lexington Ave.)
- Evans St. (E. Church St. to Market St.)
- Taylor St. (E. Church St. to Lexington Ave.)

Referencing the map, Mr. Percival noted Sutton Drive, Harbine Avenue, and E. Ankeny Mill Road were not done when they did the rest of Sutton Drive because of the heavy equipment used for the Shawnee Elementary School project, but they will do those in 2013 so they are completely done. In 2012, they did Antrim and Emmet Drives, and this year they will do E. and W. Richard Drive, which are in bad shape and are the longest streets, and then they will work their way out. Last year, they did a patch of Second Street, and he would love to finish Second Street on out, but since they cannot use the 229 monies this year, that will not happen. As they begin to look at how the puzzle is coming together, they can see that some areas will be finished soon. After they get through the large ODOT US 42 project in 2014, then they can complete more and more pieces of the puzzle.

Mr. Percival said he talked with Mr. Berger about areas in 2014 that may be eligible for micro surfacing rather than mill and fill. He is really proud of what they have been able to accomplish since 2011. They have accomplished more since 2011 than in the ten or more years prior to that combined. He is extremely proud of what they have been able to accomplish in 2011 and 2012 and what they will accomplish in 2013, and they need to keep moving forward with it. No, they are not done and yes, they have a lot of work to do, but they have made significant progress.

Mr. Berger agreed with Mr. Percival. As the City Engineer, although they all wish they had $3 million annually to do street repairs, he thought staff did a good job with the $500,000 they had and did as many street repairs as possible. If they had more money, they would spend it all on street repairs. He is proud of the program, the Engineering and Public Service employees, and the help Mr. Merriman and Mr. Percival provided. This is a good as it gets in his opinion.

Councilman Caupp asked for an explanation on the Simon Kenton School driveway. Mr. Berger said because of the proposed project, their intent is to have that driveway repaved because it is in bad shape. Councilman Caupp asked for further clarification. Mr. Berger said they plan to repave the drive off Second Street to the parking lot, but not the parking lot. Councilman Caupp said he was confused about why they would be doing that now since the school is empty. Mr. Berger said the school should be empty. Councilman Caupp asked for the logic behind paving that driveway. Mr. Berger said their intent is that the city would occupy Simon Kenton by spring
2014. Councilman Caupp noted Council has not given the “green light” on that project yet. Mr. Berger noted staff was given the green light to do the RFQ for the architectural work. Councilman Caupp agreed, but he asked when the driveway is supposed to be done. Mr. Berger said from what Mr. Percival was told by the Greene County Engineer’s Office, the RFQ should go out in February. Mr. Percival thought the driveway was scheduled for repaving in August or September 2013. Obviously, if something were to come up in between, they could replace that driveway with something else.

Councilman Caupp wondered why the cost to repave the driveway would not be included in the upgrades to Simon Kenton. Mr. Berger said they could. Councilman Caupp asked how much it would cost to do the driveway. Mr. Berger estimated the parking lot would cost about $75,000 and the driveway would cost at least $50,000. Councilman Caupp asked why they would improve the driveway and then allow heavy equipment on it if major construction work on the building is needed. Mr. Berger said they envision Simon Kenton mostly needing interior work, which would not involve using heavy equipment. Councilman Caupp said he did not know about that. Mr. Berger said he did not foresee needing a lot of heavy equipment for the exterior work.

Mr. Berger said they could keep the driveway on the list, but from a timing standpoint on when it is done, or if an issue comes up with Simon Kenton, they could remove it from the list and do another street or two. Councilman Caupp thought whatever the cost to pave that driveway should be included in the costs for Simon Kenton. If they pave that driveway and have not yet touched Simon Kenton, people are going to wonder why in the world they are paving that driveway.

Mayor Bayless agreed with Councilman Caupp. She thought it was misleading to the public to see that driveway listed because they will not understand it. Mr. Berger said they also intend to connect Industrial Boulevard through that site.

Mr. Percival suggested Mr. Berger pick another street to improve. Councilman Caupp thought they should include the cost of the driveway in with the costs to do Simon Kenton. Mayor Bayless wondered if the road could be taken off the visual aid/map, but the money still set aside. Vice President Mills said if they repave two other streets and the driveway cost is not included in the Simon Kenton remodeling project, then the driveway would not be done. She thought Mayor Bayless was suggesting they keep the money set aside for the Simon Kenton driveway, but to remove it from the list. If they choose to do the driveway later, then they can follow Plan A, but if they choose to bundle it into the Simon Kenton project, then pick two other streets during that time period and use the driveway money at that time. Mayor Bayless agreed. Mr. Percival thought they could look at repaving June Drive and Rockwell Drive.

Councilman Caupp thought the cost to pave the driveway (if it was done at the same time as the parking lot) would be minimal in the big picture, and they should just bundle the driveway with the Simon Kenton package, which would allow them to repave two other streets. Mr. Berger clarified Council was suggesting staff just pick two other streets to repave rather than repaving the driveway back to Simon Kenton. Vice President Mills said that was Councilman Caupp’s opinion.

President Engle wondered if the math works in terms of 2014 in regard to the $500,000 that would be available and the $150,000 plus (or whatever amount will be bankrolled). Mr. Berger clarified President Engle was suggesting they save the $50,000 for next year.
said that was correct. Mr. Berger thought they were okay. President Engle said he was fine with spending the money now, but wanted to make sure the math worked out. Mr. Berger said he appreciated the comment. They have spent over $800,000, but that includes the 229 Funds and the $500,000 available annually in the 361 Fund. If their local share [for the US 42 project] ends up being around $816,000 like they anticipate, he thinks they will be okay.

For clarification, Mr. Berger asked if Council wanted the Simon Kenton driveway removed and to play it by ear, or if they wanted staff to add two other streets.

Councilman Long agreed with Councilman Caupp. They should only pave that driveway if they are going to do something with Simon Kenton, so he thought they should look at it at that time, and pave some other roads with that money this year.

Vice President Mills agreed with Councilman Caupp’s recommendation to bundle the driveway in with the rest of the Simon Kenton project. It would be a positive thing for our citizens to see that they are repaving streets they use every day. Mayor Bayless agreed.

As a point of clarification in response to questions she had had from residents in the east end, Mayor Bayless asked if the work Vectren is doing on E. Market and E. Church Streets will affect paving those streets. Mr. Percival said they would not do anything with E. Market Street until Vectren is done with their work. Mr. Berger said he was told that Vectren’s contractor would be gone before street paving commences. Mayor Bayless said the question she had was about Market and Church Streets. Mr. Percival said those are 229 Fund streets. They repaved Second Street, but they cannot do all the major streets at the same time. The opinion was that Second Street was the worst street, which is why they started there, and they will continue to work on it. If they did Market and Church Streets, they would probably use all the 229 Funds. Mayor Bayless said she would be happy if at least one of the streets was done. Mr. Percival said Second Street was done last year because they were able to use 229 Funds, but they cannot use those 229 monies for another year. He assumed they would do Church Street next and then Market Street.

Councilman Smith thanked Mr. Berger for the list of streets to be done. He asked if the list of streets should be posted on the City’s website now or if they should wait until bids have been received. Mr. Berger said Councilman Smith’s point was well taken. He wanted to make sure he did a conservative estimate and understood that people would be angrier if they had to remove a street from the list that they thought was going to be repaved, versus adding a street to the list. If something like that happens, he has an alternate plan.

Councilman Smith thought many streets would benefit from the repaving. He asked why Harbine Avenue was chosen since there are only three houses on it and one is vacant. Mr. Berger said they picked Harbine Avenue because they are doing E. Ankeney Mill and Sutton Drive, and since the contractor will already be there, they added it. If they were not already doing other work in the area, they probably would not have picked Harbine Avenue. Councilman Smith said he was sure that worked out better financially doing it that way.

Vice President Mills noted 65 streets would be completed by the end of 2013, which is wonderful. She thanked staff for taking the tax dollars and using them equally throughout the community because it is important that no one feels left out.
Mr. Berger said he would work with Mr. Merriman and Mr. Percival to replace the Simon Kenton driveway work with two other streets. Once they have done that, the 2013 Street Improvement List will be posted on the City’s website and Facebook page. Based upon tonight’s conversation, the list provided tonight is not completely accurate since the Simon Kenton driveway will be removed and included as part of the Simon Kenton reconstruction package. Council agreed.

Councilman Louderback agreed the list was a good cross-section of the city. He asked the life expectancy of the streets after they are done. Mr. Berger said since they are local streets that do not have a lot of traffic, they could easily last 25 years, but it depends on many factors. Mr. Percival noted maintenance adds to the life expectancy of streets, which is why they repair/replace catch basins ahead of time. Due to a water main break, the service lateral on West Street had to be dug up, but he thought they could patch and seal the crack and it should be okay. Mr. Berger said that happens everywhere.

Councilman Louderback asked if E. Church and E. Market Streets (that Mayor Bayless mentioned) would be resurfaced. Mr. Berger said part will be mill and fill and part will need to be rebuilt. Mr. Percival thought E. Church Street was done with CDBG funds in 1990 or 1991, so a mill and fill will be okay there; but there are sections that have never been done. Mr. Berger said without doing a couple of boring holes or having a contractor look at it, he assumed those streets will probably need to be rebuilt.

Councilman Caupp noted the line that broke on N. West Street was the one that goes back into the houses. Mr. Berger said the break was where the line connects to the water main. Councilman Caupp asked if that was the homeowner’s or the city’s responsibility. Mr. Berger said city staff repaired the leak because they did not want a plumber messing with the water main. Mr. Percival said they could probably argue the point, but it makes a lot more sense for the city to do the repair so they know it is done right. City staff can do a lot without shutting down the water mains, but he would not allow a private contractor to do it without shutting down the whole water main. Councilman Caupp said he was not arguing about the city doing it; he was just asking for his own knowledge. If the break were closer to the homeowner’s line, then it would be the homeowner’s responsibility to repair, correct? Mr. Percival said that was correct.

Review Traffic Study for West Park Square. Mr. Percival said when Rural King applied to move into the old Wal-Mart building, they were required to do a traffic study based on the traffic volume, etc. They completed that traffic study, which Mr. Berger, Mr. Forschner, the XTC, and he have reviewed. They went back and forth on a couple of items, which he will let Mr. Berger discuss. Rural King would like to get their zoning permit; their goal is to be open prior to March 2013. He then turned it over to Mr. Berger. As he did with the XTC, Mr. Berger provided Council with a copy of the Executive Summary, and his PowerPoint presentation will discuss the conclusions of the traffic study and summarize the Executive Summary.

Traffic Study for Proposed Rural King, West Park Square

Assumptions:
- TEC Engineering, Inc. was commissioned by Rural King, Inc. to study the traffic effects, if any, on their new store at the old Wal-Mart (West Park Square). He required the traffic study because no one at the city knew anything about Rural King, but they assumed it must be a large company since they needed the large space formerly occupied by Wal-Mart. Since there have been
problems over the years with egress at the south access drive behind Chipotle, they recommended that TEC Engineering do the traffic study.

- TEC Engineering used data from previous studies completed in 2010 (safety study for the city) and in 2011 (traffic study for Preferred Equity Group that owns everything in West Park Square with the exception of the old Wal-Mart building). Since a new RI/RO access point on West Main Street from West Park Square will be constructed in 2013, he told Rural King that TEC Engineering had all the data and what they would have to pay would be a lot less than hiring a company that would have to start from scratch, so Rural King hired TEC.

- Assumed new RI/RO access point to West Main Street from West Park Square will be constructed in 2013.

- Additional traffic generated for model input done by TEC was based upon customer data provided by Rural King, Inc. Based on Rural King’s information, the maximum at PM Peak is 142 vehicle trips entering and exiting on Thursdays and Fridays (71 vehicles in and 71 out). The majority of their customers come in on Saturdays, but from a traffic standpoint, that is not significant. Short of not having actual data, which is not the case here, Traffic Engineers get out their large ITE (Institute Transportation Engineers) manual and base their data on what is collected throughout the county.

- A lot of the traffic study focuses on the south access drive where there are constantly backups for people wanting to turn left to go southbound on N. Progress Drive.

**Site Plan**

Results/Recommendations:

- Rural King’s additional traffic will have minor impacts on existing operations at W. Park Square driveways.

- Rural King adds approximately 12% to left turning traffic at the south access drive during PM Peak hours. The south access drive is already the problem and that will add about 12% more left turning traffic, so whatever traffic added there is insignificant.

\[1\] RI/RO = Right in / Right out
• There were no concerns about the intersection at Greene Way Boulevard or problems about the additional traffic at Progress Drive and Main Street or with the RI/RO along Main Street.
• South access drive is the current concern, but all access points are a concern in the long run during PM Peak hrs.
• Right turn lane (traffic going northbound on Progress Drive and making a right at the south access drive to go to Kroger, etc.) warrants met from storage length analysis, but not from capacity analysis; NOT NEEDED in 2013! The reason warrants are met is because the traffic study analyzes counts on the number of through traffic (not turning into West Park Square going northbound toward Dayton Avenue) relative to the amount of traffic actually turning right into West Park Square. If you take those into account in proportion, a right turn lane was warranted. However, from a capacity standpoint at that un-signalized intersection, it is not warranted, which is why the recommendation states that is not needed in 2013.

Mr. Berger said after discussing the right turn lane with TEC, they said a bad problem already existed and that a right turn lane was already warranted before Rural King decided to locate at West Park Square. Secondly, in a follow up conversation he and Mr. Forschner had with TEC, they also said if a driver were at the south access point wanting to turn left to go southbound on Progress Drive, and if that right turn lane were constructed, then that would introduce a sight problem for traffic wanting to go northbound. Ultimately, a right turn lane would help, but it will not help much. The City Planner clarified that even if they put in the right turn lane, it would not be money well spent and will still not remedy the situation, and TEC said that was exactly right.

Mr. Berger said that even though TEC was working for Rural King, he asked them to run the following analysis:
• Shifting all left turning movements from West Park Square to Greene Way/N. Progress intersection. TEC’s model showed that would not improve delay times experienced at the south access drive/N. Progress Intersection in 2013, and delay times would increase slightly, so that will not do anything for us.

Vice President Mills clarified the new main access point would be a RI/RO only on Main Street. Mr. Percival said that was correct. Vice President Mills said since drivers could go right on Main Street that would eliminate a lot of traffic turning left at the Greene Way Drive access. Mr. Berger said TEC’s model assumes that the RI/RO access point on West Main Street from West Park Square is in place [in 2013]. Because of the increased wait times for drivers at the south access point wanting to turn left to go southbound on Progress Drive, TEC anticipates an increase in traffic accidents because people will have to gun it to get out of there.

Councilman Long asked if the developer was going to do the RI/RO access point on West Main Street from West Park Square. Mr. Berger said yes, as far as they know. That project seems to be hot and cold. For a week or two, they will ask about their inspection fees so they can have a pre-construction meeting, but once they tell them, they do not hear from the developer for another month or so. Mr. Percival said the developer has not come forward with the easement yet and that is what they are waiting on. The easement on Main Street has been on the planning agenda to bring to Council for quite awhile, but the developer has not completed the information for Mr. Forschner. As soon as they get it, they are ready to bring the easement forward for approval.

Vice President Mills asked if that easement needed to be in place before the opening of Rural King. Mr. Percival said no because traffic will go to Progress Drive and turn into the parking lot closest to the old Wal-Mart building and not weave their way through the parking lot.
Councilman Louderback asked how long the old Wal-Mart building had been vacant. Mr. Berger said the building was already vacant when he became the City Engineer four years ago. Councilman Louderback did not think Rural King would generate half as much traffic as Wal-Mart. If he were the CEO for Rural King, he would wonder why they would have to pay for a traffic study. How much did the traffic study cost Rural King? Mr. Berger said he did not know; however, the answer is that when Wal-Mart was there, the south side of Main Street had not been developed and the Deer Creek Apartments were not there. Councilman Caupp noted the new Wal-Mart, Lowe’s, Circle K, and the other new developments were not there.

Mr. Berger said doing a traffic study is the normal course of action when a store the size of Rural King wants to locate in such a large building. Given the fact that they have a problem already, how are they to know the impacts it would have if a traffic study was not done.

Councilman Louderback asked if Wal-Mart was required to do a traffic study. Mr. Percival said no. Councilman Louderback noted the summary mentioned that TEC did a traffic study in 2010. Mr. Berger said that 2010 study was for a Traffic Safety Grant application that the city did when we were applying to do Hospitality Drive and Main Street. They had to have a safety study done before they applied to get the money. The city did not get the money from the Traffic Safety Grant at that time, but got it through MVRPC later. Councilman Caupp noted Rural King saved a lot of money because they used TEC Engineering. Mr. Berger said absolutely.

Councilman Louderback said he was all about being business friendly, and sometimes he thinks they make companies jump through hoops that they should not have to jump through. Mr. Berger said the company would have to do a traffic study in other cities. Councilman Louderback said he did not represent other cities. Mr. Berger said he knew that, but requiring a traffic study was not out of line. He has been working with developers enough to expect them to do a traffic study and they saved Rural King money by recommending the company use TEC’s data.

- Long Term (typically 20 years, or Year 2033) Traffic Predictions show serious concerns for West Park Square based upon traffic growth projections twenty years into the future. TEC said if by the year 2033 the conditions at West Park Square remain unchanged, the three (3) improvements below need to be made **concurrently**.
  1. South access drive/N. Progress to be converted to RI/RO.
  2. West Park Square parking lot to be re-configured to direct left-turning motorists to the Greene Way/N. Progress Intersection.
  3. Greene Way/N. Progress to be converted into a signalized intersection or a roundabout.
- Staff’s conclusion is that Rural King’s effects are minimal and negligible and that short-term (effective) solutions are not available. He was not sure the city could hold Rural King responsible given the fact that it needs to be done NOW regardless of whether Rural King locates in West Park Square or not.
- Staff will seek grant funds for the long-term solutions (2033) stated in the report, especially when talking about a signalized intersection or a roundabout because that will be costly to do.

Mr. Berger thought Mr. Forschner was taking this to the XPZC next week and it has been to the XTC. Mr. Forschner said the only thing he would be taking to the XPZC is a proposed modification by Rural King to the West Park Square PUD. Rural King would like to construct a permanent outdoor merchandise display/storage area and replace existing landscaping island
trees with shrubs, which is completely independent from their building permit. Rural King can go ahead and get their zoning permit to open the store and the other changes could be done after that. The parking lot needs to be redesigned because even if drivers use N. Progress Drive to Greene Way Drive as their access point, traffic is not currently funneled up to that entrance. There is a problem and he thought the property owner was trying to deal with it.

Mr. Percival said they expressed to Rural King that there are no improvements they need to make at this time, and that is why they want to move forward with this, but they wanted Council to hear their conclusions.

For the long-term, Mr. Percival said he was not a big fan of roundabouts; however, they seem to be catching on with many people and many places are using them. That location might be a good place to try one because of the traffic entering and exiting the county facilities, but he will be retired by the time that is done! He thought Mr. Berger said the roundabout compared to a signal was 15% or 20% better. Mr. Berger said if a traffic signal were erected at Greene Way/N. Progress, along with the other two recommendations, the level of service at that intersection would be a “C.” If a roundabout was installed (thus providing continual movement), the level of service would go to an “A” whether drivers are going through on Progress Drive or trying to get into the loop.

Vice President Mills mentioned there is a roundabout in the square in Urbana, but sometimes people do not know how to use them. Mr. Lewis said the roundabout in Troy works great and he has never had a problem using it. Mr. Berger said, as he told the XTC, the important thing to remember is that drivers must yield to anybody in the roundabout.

President Engle entertained further questions. Hearing none, the Special Session was adjourned at 6:52 p.m. to go into Regular Session.
The Xenia City Council met in a Regular Session on January 10, 2013, at 7:02 p.m., in the City Council Chambers, City Hall, with the following members present: Jeanne Mills, John Caupp, Dale Louderback, Joshua Long, Wesley Smith, Marsha J. Bayless, and Michael D. Engle.

INVOCATION: Sebert A. Guckian gave the invocation after which all joined in the Pledge of Allegiance.

REORGANIZATION OF COUNCIL: Vote for 2013 President and Vice President. President Engle noted the offices of President and Vice President of Council are elected by a majority vote of Council members at the first regularly scheduled meeting in January each year. He then turned the chair over to Mayor Bayless to assist the Law Director in City Council’s reorganization. Per the City Charter, Mayor Bayless said she is not permitted to serve as the President or Vice President of Council.

Councilman Louderback said he would not like to be considered for the offices of President or Vice President. This is the first year in the five years he has served on Council that nobody came to him about their desire to be President or Vice President, so at this time he would like to open the floor up to see who is really interested in being President or Vice President before he votes.

Vice President Mills said she was not interested in serving as President or Vice President of Council. President Engle said he was interested in continuing as President of Council. Councilman Caupp said he was interested in serving as President of Council. Councilman Smith said he was not interested in serving as President, but he would be willing to serve as Vice President if necessary. Councilman Long noted he is not eligible for either position.

Mayor Bayless invited Mr. Lewis to distribute ballots to all Council members to establish the Council President for 2013. Mr. Lewis distributed ballots to all Council members to establish the Council President for 2013. Council members cast their votes, and Mr. Lewis collected and reviewed the votes. By a majority of votes, he announced that Michael D. Engle would continue as Council President in 2013.

Mr. Lewis distributed ballots to all Council members to establish the Council Vice President for 2013. Council members cast their votes and Mr. Lewis collected and reviewed the votes. By a majority of votes, he announced that Wesley Smith would be Council Vice President for 2013.

Mayor Bayless congratulated President Engle and Vice President Smith. She requested that Council take a short recess at 7:11 p.m. to allow Council members to change their seating arrangements. President Engle reconvened the meeting at 7:14 p.m., with the same members present.

1 No Council member is qualified to hold the offices of President or Vice President unless he or she has served on the Council for two or more years.
APPROVAL OF MINUTES: Motion by Councilman Louderback, seconded by Mayor Bayless, to approve the December 27, 2012, Regular Session minutes as written. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Bayless, and Engle
Abstain: Mills
Nays: None motion carried.

AUDIENCE COMMENTS: President Engle explained the procedures for audience comments and invited anyone who wished to speak to come forward. No one came forward to speak.

REPORTS OF COMMITTEES:

Board for Recreation, Arts & Cultural Activities: Vice President Smith said the January BRACA meeting was cancelled because the regular meeting date fell on New Year’s Day. The next meeting will be Tuesday, February 5th at 7 p.m. He again thanked the committee members who made Hometown Christmas in Xenia a success. That group is planning to reorganize as early as March of this year and will be looking for everyone’s assistance at that time.

Traffic Commission: Councilman Caupp said the Traffic Commission met on Monday, January 7th and discussed the following items:

- Reviewed the Traffic Study for West Park Square presented by City Engineer Chris Berger.
- The crosswalk on the bike path by McDonald’s. The signs are in for that crosswalk, but they are waiting on electric. City staff has been working with DP&L and met with them last week, so that should be proceeding forward soon.
- There is one opening on the Traffic Commission. A few people indicated they were interested, but when contacted, they changed their minds. Anyone interested in volunteering on the XTC should send a letter of interest to the City Clerk and an interview will be scheduled.

Councilwoman Mills asked what type of signage would be installed at the W. Main Street crosswalk by McDonald’s. Councilman Caupp said it would be an LED sign that says “Slow Down” to alert people that there is a crosswalk there. Councilwoman Mills clarified motorists need to realize they are not to stop for pedestrians—just slow down. Pedestrians are supposed to stop, but many times people get confused. Councilman Caupp said that was correct – cars have the right-of-way, unlike the crosswalk in front of the City Building.

Board of Zoning Appeals. Mayor Bayless said BZA took two actions at a Special Session held on Wednesday, December 19th:

- Denied a variance request to allow the continued use of a 6-foot tall privacy fence in the front yard at 430 Beatty Drive, filed by property owner Thomas Keller.
- Approved a conditional use request to allow storage of fertilizers and chemicals at Team Green Landscaping, 1328 Burnett Drive, filed by Josh Anderson.
- There is a vacancy on BZA, and anyone interested in serving on BZA should send a letter of interest to the City Clerk.

President Engle noted there was a communication today that there is a vacancy on the Xenia Planning and Zoning Commission, so if anyone is interested in serving on any of those three Boards or Commissions, please send a letter of interest or e-mail it to the City Clerk.
ITEMS FROM CITY COUNCIL AND MAYOR: None.

REPORTS OF CITY OFFICES:

City Manager’s Office: No items.

Items for the City Manager: None.

Finance Director’s Office:

Schedule of Bills: Mr. Bazelak presented payment of bills totaling $213,265.30.

Motion by Councilman Louderback, seconded by Councilman Long, to approve payment of bills totaling $213,265.30. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

Items for the Finance Director: Councilman Caupp noted 80% of 2012 city income taxes are due by January 15th, and he wondered if Mr. Bazelak had anything else to share. Mr. Bazelak thought a press release would be forthcoming shortly. April 15th is the due date for filing city income taxes and their Tax Division Office will be open from 9 a.m. to 5 p.m. to provide help to citizens on filing their city income taxes. As Councilman Caupp mentioned, 80% of city income tax liability is due by January 15th, so for those who do not have everything withheld, they need to look at that particular issue. More information will be forthcoming as they get closer to the April 15th deadline.

Law Director’s Office:

Introduction of Ordinances and Resolutions: None.

Second Readings of Ordinances and Resolutions: Mr. Lewis presented a RESOLUTION AUTHORIZING THE ADVANCE PAYMENT OF TAXES FROM THE FEBRUARY AND AUGUST SETTLEMENTS FROM THE GREENE COUNTY AUDITOR FOR THE CALENDAR YEAR 2013, and it was read for a second time.

Motion by Councilman Louderback, seconded by Councilman Caupp, that Resolution Number 13-A be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

Items for the Law Director: None.

SUMMARY OF ACTION ITEMS: President Engle asked for an update on the following:

- A request for forecast of 2013 Street Improvement Program (completion by late summer/early fall) (Requested by President Engle//Assigned to Jim Percival/Brent Merriman/Chris Berger). President Engle noted staff presented this item to Council during tonight’s special session and he asked Mr. Percival to give a brief summary of the discussion.
Mr. Percival said they discussed the accomplishments over the last two years. In 2011 and 2012, the city has spent $1.5 million on its streets and they have done more in two years than in the ten years prior to that combined. He has received many very positive comments. They are evaluating streets in all areas of town and the list of streets to be completed in 2013 will be published in a press release and posted on the City’s website and Facebook page. A few highlights of this year’s street program include the following:

- E. Ankeney Mill Rd. (N. Detroit St. to Sutton Dr.) that was impacted by the construction vehicles at Shawnee Elementary School will be completed. A large portion of Sutton Drive was completed last year.
- Hollywood Blvd. (N. Detroit St. to Purcell Ave.). There are 18 streets to be done in that area.
- In 2014, ODOT will repave US 42, which includes Columbus Street, and portions of Main Street and Cincinnati Avenue. The city’s share of that project will be $816,000, so they are accumulating some funds for that project also.

As Council did at their last meeting in 2012, President Engle congratulated city staff for doing an excellent job on the street program that was really the courtesy of the taxpayers granting the increase in taxes a few years ago. In 2011 and 2012, 45 streets were paved and another 20 will be done in 2013, so in three years time, 65 local streets will be improved, which he thought was an excellent effort by our city staff.

- A request for a plan from City Staff in regard to the Broker Services Contract to include details of how the contract will be monitored (Requested by President Engle//Assigned to Jim Percival/Jackie Potter). President Engle said they continue to work very closely with the provider.
- Study on Reduction in Income Tax Rate (Study requested by President Engle; Reduction requested by Councilman Louderback//Assigned to Jim Percival and Mark Bazelak).

Councilman Louderback said after further studying the income tax reduction and looking at all the numbers, he did not feel it was prudent to go forward with a reduction of .25% in the income tax at this time without jeopardizing (a) city services and/or (b) our city employment. He guessed it was wishful thinking on his part and his intentions were well guided, but after looking at all the numbers, it is not feasible at this time. However, at some point down the road, he would like future Councils to look at an income tax reduction. As he has said before, Xenia has one of the highest income tax rates in the state and he personally thought that stunts this City’s growth.

President Engle noted the first item (street repair list) and the third item (study on reduced income tax rates) could be removed from future action items.

Councilman Louderback said he appreciated the extra time that staff spent on studying the income tax reduction, and it did not go unnoticed.

- Update on Proposed Recreation Venues (Requested by Councilman Louderback//Assigned to Jim Percival). Mr. Percival said there were no updates at this time.

President Engle asked if there were any issues Council would like added to the next Council meeting under “Summary of Actions Items.” There was no response from Council.
READING OF COMMUNICATIONS AND DISCUSSION: Councilman Louderback wished everyone a “Happy New Year.” He looks forward to working with staff and Council for another year.

Councilman Caupp said he wanted to alert the public that DPL Energy employees wearing blue jackets with credentials are going door to door in neighborhoods consulting with people about their energy bills. He took the time to speak with the gentlemen and will see a $400 savings per year on his energy bill. He suggested that people take five minutes of their time to listen to them because you may be surprised how much they can save in a year.

Mr. Lewis noted former Municipal Court Judge Susan Goldie died unexpectedly last week. Ms. Goldie served the city and citizens very well and she was a good friend. When she left city employment, she worked at the Greene County Prosecutor’s Office again, was doing great work there, and will be missed. President Engle completely agreed. He attended Ms. Goldie’s visitation and it was quite a sad situation, but she left quite a legacy.

Councilman Long reminded citizens about the openings on the various Boards and Commissions. If citizens would like to get involved, it does not take that much time to sit on the Traffic Commission, Board of Zoning Appeals, or the Planning and Zoning Commission, and more information can be found on the city’s website.

Councilwoman Mills wished everyone a “Happy New Year.” There is a new business in Xenia called Rusty N'Chippy’s Vintage Boutique at 66 S. Detroit Street. It is an intimate antique and vintage shop specializing in painted furniture, vintage and hand-made jewelry, seashells, French milled soaps, and many other vintage and recycled items. They are on Facebook and have a website. They are very excited to have the new business and she encouraged everyone to welcome them to the community. She is very excited that the new schools are open and the students seem thrilled. Congratulations on a job well done!

Mayor Bayless wished everyone a “Happy New Year.” She was able to spend a quiet day at home and took care of some things for a change, so that was nice.

Vice President Smith said he and others on Council attended the Business after Hours event at Greene Memorial Hospital. It was a very nice event with good food. Referencing what Councilman Long stated, several things are needed to get things accomplished—one is money and the other is people. Resources are tight and the city has done the best it could with the funds available. The city also tries to get things accomplished through volunteers. Many people serve on the various Board and Commissions and there are currently some openings. Even if you cannot serve but have free time and would like to volunteer, BRACA accomplishes several things throughout the year with volunteers, such as the Easter Egg Hunt, the Youth Fishing Derby, and Music in the Park. If anyone is interested in volunteering, they can steer them in the right direction. Xenia Community Days and the Hometown Christmas Committee can always use more volunteers. If anyone has a few hours that they can donate to the city, that would be appreciated. Volunteer Day in May is a day where volunteers work with Bloom with Xenia volunteers to plant flowers in flowerpots and clean up the flower beds in the city to get it looking as good as they can. Please volunteer if you have time.
Vice President Smith said this is his fourth year on City Council. He has enjoyed the last three years and feels they are trying to move forward with the best they have. He appreciates city staff and everything they do. It is easy to be a critic and it is always hard to be a champion or a cheerleader when things are limited. He had no idea three years ago how difficult it was to get things through the process, but that is just what bureaucracy has become. Staff does the best they can and there is not a dime that is unaccounted for. He really appreciates the Finance Director and City Manager for keeping tight control on City funds. He wished everyone a “Happy New Year” and a good year on Council.

President Engle wished everyone a “Happy New Year” and to please be safe. He attended the Business after Hours event at Greene Memorial Hospital tonight. One of the things he took away from the hospital Director’s speech was that the flu outbreak this year is particularly bad and widespread throughout 44 of our 50 states. The Director discussed the number of emergency room visits they average daily and that the number has increased due to the flu. For those people who have not done it, the Director encouraged everyone to get a flu shot, and he concurred, because it will help to stem the tide of the flu spreading through Ohio and your families. He also welcomed Rusty NChippy’s to town. He and his daughter visited the new store and his daughter purchased a very nice chest to help outfit her new room now that her brother has moved out. They were very pleased with what they saw at the store, and he encouraged everyone in Xenia and surrounding communities to visit the new business. The owners are very kind and polite, great to talk with, and they live in Xenia, so please visit them.

**ADJOURNMENT:** Motion by Councilman Louderback, seconded by Councilwoman Mills, to adjourn the Regular Session at 7:36 p.m. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None 

Motion carried.

Michelle D. Johnson, Clerk
Xenia City Council

Michael D. Engle, President
Xenia City Council
The Xenia City Council met in an Executive Session on January 24, 2013, at 6:30 p.m. in the First Floor Conference Room, City Hall, with the following members present: Wesley Smith, John Caupp, Dale Louderback, Joshua Long, Jeanne Mills, Marsha J. Bayless, and Michael D. Engle.

Motion by Councilwoman Mills, seconded by Councilman Louderback, to go into an Executive Session to discuss Personnel Matters – Labor Negotiations. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle  
Nays: None  motion carried.

The City Council convened in Executive Session in the First Floor Conference Room, City Hall, with the same members present to discuss Personnel Matters – Labor Negotiations.

Regular Session  
7:00 p.m.

At 7:05 p.m., the Xenia City Council adjourned their Executive Session and met in a Regular Session in the City Council Chambers, City Hall, with the following members present: Wesley Smith, John Caupp, Dale Louderback, Joshua Long, Jeanne Mills, Marsha J. Bayless, and Michael D. Engle.

INVOCATION: Charlie Huff gave the invocation after which all joined in the Pledge of Allegiance.

APPROVAL OF MINUTES: Motion by Councilman Louderback, seconded by Vice President Smith, to approve the January 10, 2013, Special Session minutes as written. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle  
Nays: None  motion carried.

Motion by Councilman Long, seconded by Councilwoman Mills, to approve the January 10, 2013, Regular Session minutes as written. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle  
Nays: None  motion carried.

Councilman Louderback said he would like to explain why he was wearing a Wayne Warriors sweatshirt. Huber Height’s Councilman Tyler Starline and he had a gentleman’s agreement. Xenia High School and Wayne High School had a foundation basketball game a month ago, and they agreed that if Wayne won, he would wear that school’s sweatshirt and if Xenia won, Mr. Starline would wear a Xenia High School sweatshirt. As you can see by his sweatshirt, Xenia did not win. He still loves Xenia; he was just living up to his end of the bargain.
AUDIENCE COMMENTS: President Engle explained the procedures for audience comments and invited anyone who wished to speak to come forward.

Charles Huff, 1136 N. Detroit Street, said words and friendship mean so much. He will be 75 on his next birthday and some of the older people say he is nothing but a kid, and he feels like one. He is one happy camper. He is who he is. All of them are, but some don’t like him and that is okay, but he has relationship with every member of Council and he could tell it by their eyes and by their smiles. When he came in tonight, everybody smiled, shook his hand, and hugged him. He likes his life and loves his friends. God Bless you all.

Marty Heide said she is the Greene County Outreach for Congressman Michael Turner. It is her pleasure to be here. She is the eyes and ears for Congressman Turner and it is her honor to serve him in that capacity. She will periodically attend Council meetings to share information. She announced that Congressman Turner is hosting the 2013 United States Service Academy Day for young men and women who might be considering attending a service academy. It will be held at Centerville High School on Saturday, April 13 from 9 to 10:30 a.m., and representatives from all five service academies will be there. Last year 150 people attended, so it is a pretty important event, somewhat like a college fair, to give students an opportunity to talk to somebody from a service academy. Congressman Turner is also hosting the 2013 Congressional Art Competition. This year they are proud to say they are challenging Greene County to send as many pieces of art as possible. They accept one piece of art per student. The competition is limited to juniors and seniors, and the reason they do that is because they were receiving 500 pieces of art. They collect the art and deliver it to the Dayton Art Institute where they hang for three weeks among other well-known pieces of art. Congressman Turner hosts a reception for all the students and teachers on Sunday, May 5th, at the Dayton Art Institute. The winner and their guest get a trip to Washington D.C. and the winner’s artwork is hung in the Capitol tunnel with artwork from other Congressional districts. The competition began in 1967, and they have had over 600,000 participants to date. She then shared pictures of last year’s first, second, and third place winners chosen from 180 exhibitors. She can be reached at 937-225-2843.

Councilman Louderback asked Ms. Heide to tell Congressman Turner that he is welcome to attend any City Council meetings.

Councilman Caupp thought Congressman Turner voted “no” on raising the debt ceiling. Ms. Heide said he did.

President Engle seconded the invitation to Congressman Turner and extended his welcome to him. He has seen him on a number of occasions in his primary business as an analyst at Wright-Patterson Air Force Base and has been in front of his committee, so he would love Congressman Turner to come and join them at a Council meeting. Ms. Heide said she would pass that along.

REPORTS OF COMMITTEES:

Planning & Zoning Commission: Councilman Long said XPZC met on January 15th and had three items on the agenda:
- Elected Sarah Amend as Vice Chair for 2013. He thanked Ms. Amend for her service and volunteering her time.
• Approved Rural King’s site plan modification to the West Park Square PUD (the former Wal-Mart location) for the parking lot with the following conditions:
  1. Accept the alternative site plan as proposed by City staff to add a permanent fenced in outdoor area to display items, such as cattle fences and large items that cannot be kept indoors. The applicant will be allowed to install black rubberized chain link fence and be required to stripe the pavement.
  2. The applicant will be allowed to remove 14 trees closest to the front façade of the building and replace them with low profile shrubs to help to allow their security cameras to see into the parking lot.
  3. That all replacement trees on site are at least 2” in caliper.
  4. The applicant obtain approval from City staff for the species of new trees and shrubs to be used on the site prior to obtaining zoning permit approval for the site plan modifications.

• Approved (already constructed) modifications to the Progress Center PUD for property at 193 S. Progress Drive (former Kline Engineering building). The building will now house a medical practice, but the doctor’s name has not yet been announced. Improvements included:
  1. Addition of five new parking spaces on the east side of the building, increasing total off-street parking to 20 spaces.
  2. New walkways with stone borders along the new parking spaces and from the existing driveway to the Prouty Drive sidewalk.
  3. Enclosure of an existing covered porch at the northeast entrance with floor-to-ceiling windows and doors in order to create a vestibule.
  4. Modification of walkways near the northeast entrance to create new accessible ramps.

Councilman Caupp noted there are ordinances on the books, and it concerned him that many new businesses are being allowed to change them. Once a change is approved for one person, then the next person will want a change, and so on. They have done things to enhance our city, such as plant trees that take numerous years to grow. He thought the trees at West Park Square needed to be manicured and trimmed, but not replaced with shrubs. He believed they were going backwards on some things. The use of chain link fence was approved even though it was not allowed. Allowing chain link fence in a development like West Park Square is sending the wrong signal. In his opinion, he believed it would be harder and harder to enforce our ordinances and harder and harder on our Code Enforcement Officers if they continually keep changing the rules as they go along, so he was not happy about it.

Councilman Louderback respectfully disagreed. They are talking about a tractor supply company, and if you go to any tractor supply store, they have to have fenced in areas and there is no way of avoiding that. As far as trees, he thinks they have too many trees sometimes and it is hard to maintain them. Councilman Caupp did not think trees were hard to maintain if the property owner is held accountable. The problem is they are not holding these people to our own standards to maintain their properties. That property owner has let that whole property deteriorate for seven years, whether it be the parking lot, the trees, or the weeds coming up through the asphalt; it should have never deteriorated that bad. Councilman Louderback said he would talk about a vacant building ordinance later. He agreed with Councilman Caupp about the vacant buildings.

Councilman Louderback said as far as new business coming to town, believe it or not, Xenia has a reputation as being anti-business, and people hate to hear him say that. Rural King wants to
locate in Xenia and bring employees to Xenia, and he was sure they would do everything they
could to enhance their building. As far as the chain link fence, he had no problem with it.

Councilman Long said he could see both Councilmen’s points of view on the matter. In fact, the
XPZC had very divided and similar points of view. He challenged every member of Council to
read the XPZC minutes from the January 15th meeting because it is a great case study of zoning.
Rural King drew some lines in regard to some of the guidelines. For example, they stated they
would choose to not carry certain products that are typically sold in the fenced in area if chain
link fence was not allowed. For those at home watching, it is not that Commissioners did not
follow an ordinance. A Planned Unit Development (PUD) allows the city and the developer to
agree to different terms, and it is supposed to be a give and take. Councilman Caupp is right –
many times, it is more of a take than a give, but that is part of the process and he hopes they can
continue to welcome changes to those ordinances. He thought everyone could learn a lot about
zoning by reviewing this particular case.

Councilman Caupp said 12 years ago he starting standing at the Council podium arguing about
PUDs in this city. Wright Cycle Estates alone has probably had a dozen changes over the years.
Once a PUD is established, it is there for a reason, which is to protect the other property owners
and businesses within that PUD who expect things to stay the way it was when they built their
business or home. PUDs are put in place to protect property owners and should not be changed
on every whim.

President Engle said he looked forward to reading the minutes and asked Councilman Long to
provide a summary of the last XPZC meeting. Was it a good example of a good give and take
discussion amongst the Commissioners since Councilman Long stated they were quite divided?
Did the new tenant come in and make some or a number of concessions?

Councilman Long thought that was a good point. Rural King did make concessions, such as on
the location and size of the fenced in area. Rural King initially wanted a 22,000 sq. ft fenced in
area in the parking lot, which is huge. The new Rural King in Huber Heights has a fenced in area
that is fairly large. Rural King compromised on the size and location of the fenced in area and
also compromised on the material. City staff recommended utilizing decorative aluminum
fencing, which would be consistent with what was done along Progress Drive, but Rural King
did not like the maintenance costs associated with these fence types because of the frequency of
forklifts and cars impacting it, so they compromised on utilizing a black rubber coated chain
link fence to make it look better. President Engle said it sounded like city staff, XPZC and the
developer considered points. Councilman Long agreed.

Vice President Smith asked where the fenced in area would be located. Councilman Long said
the outdoor display area will be in the southeastern corner of the site. The applicant wanted the
outdoor merchandise display area at the southwest corner of the site that is parallel to North
Progress Drive, which is where Wal-Mart used to have their lawn and garden department, but
that would have taken up a considerable number of parking spaces. The applicant agreed to a
13,572 sq. ft. fenced in area that is closer to the Kroger parking lot. The goal was to reduce the
size to not impact the traffic that typically uses the former Wal-Mart parking lot and avoid the
intersection of Progress Drive and the parking lot. The other reason City staff recommended that
was due to the weird intersection inside the parking lot of that development by Kroger, Wal-Mart
and other stores. The main goal was to reduce the amount of traffic going through that intersection. The applicant was completely okay with changing the location, but he did not like reducing the size, but they compromised; however, they stated it would stop them from selling some products. The applicant was okay with the change in materials, but drew a hard line at using aluminum ornamental fencing.

Vice President Smith said he stopped at the Rural King in Huber Heights, which is located in a former K-Mart. However, it is a farm store that looks like it is located in an old K-Mart, and it will not have the aesthetics of Fairfield or Easton Malls, so he did not want people to be disappointed. He was sure Rural King would do a nice job, but it is what it is. He personally felt Xenia should be thankful that there is going to be something in that big box store. He agreed with Councilman Louderback that sometimes they have to say it is okay to extend that arm out just a little bit. He understood there are reasons why things are in place and why PUDs are in place, but this is a global economy now and they have to fight tooth and nail for what they have and be thankful for what they have.

Councilman Caupp challenged Council to read some studies on when businesses decide to locate in a community. For national businesses like Rural King, once they have already made the decision to locate in your community, that decision is made, and the little things that go along with locating in that community are not going to stop them. They have already done so much prep work and made so much investment that they will come no matter what. He asked Mr. Merriman if he could get a copy of the staff report on Rural King. Mr. Merriman said absolutely.

Mayors & Managers: Mayor Bayless said Mayors & Managers met on January 16th at Cassel Hills in Vandalia, and it was really an organizational meeting since it was their first meeting of the year. John Weithofer, Executive Director of the Miami Valley Communications Council, replaced Mike Ratcliff as the new facilitator. His first duty was to coordinate activities for the Mayors & Managers, which he did.

Miami Valley Regional Planning Commission: Councilman Louderback said unfortunately he had the flu and was unable to attend the meeting.

ITEMS FROM CITY COUNCIL AND MAYOR: Board and Commission Assignments for 2013. President Engle noted he prepared the Board and Commission Assignments for 2013, which was included in their agenda packets. By Charter, he requested that Council make a motion to approve the Chair assignments to the Board for Recreation, Arts and Cultural Activities; Board of Zoning Appeals; Loan Trust Fund Committee; Planning and Zoning Commission; Traffic Commission; and JEDD-1 Board of Directors, and Economic Development Advisory Board for 2013.

Motion by Councilman Louderback, seconded by Mayor Bayless, to approve the Chair assignments to the Board for Recreation, Arts and Cultural Activities; Board of Zoning Appeals; Loan Trust Fund Committee; Planning and Zoning Commission; Traffic Commission; and JEDD-1 Board of Directors, and Economic Development Advisory Board for 2013. Discussion followed.

Councilman Caupp said there was some communication that went through all of Council about the appointment of a City Council member to the Chamber Board of Directors. He asked if they
knew the story behind that. He noted Councilman Long had mentioned that Steve Brodsky had been put into that position. If a Council member is supposed to be on the Chamber Board of Directors, which he personally felt they should have, how did Mr. Brodsky get into that position? Mr. Bazelon thought that probably happened through XEGC. Mr. Merriman said he knew that Mr. Brodsky served on the Chamber Board of Directors through some capacity, but he did not know exactly how he was assigned to that position.

Councilwoman Mills said she was assigned to that position in the past, and if she was unable to attend the Chamber Board meeting then a staff member would take her place and Mr. Percival took her place. She knew that a member of Council was assigned to that position, but she did not know if Mr. Brodsky was the staff representative if the appointed Councilmember could not attend.

Councilman Caupp asked President Engle if he attended meetings of the Chamber Board of Directors last year. President Engle said no; he assigned Councilwoman Mills as the member from Council. Councilman Caupp thought he saw President Engle’s name on the roster last year. President Engle said he did not recall that. Councilman Long asked when was the last time Councilwoman Mills had attended a Chamber Board of Directors meeting. Councilwoman Mills said it had been awhile because the meetings fell on a workday for her, so most of the time she asked Mr. Percival to attend in her place. President Engle said he did not recall ever receiving any notice or invitation to any of the events.

Councilman Long said he met with the Xenia Area Chamber of Council President [Alan Liming] about other things, but since he was curious, he asked him about this issue. Mr. Liming shared some history that the Mayor used to sit on the Board, but they actually moved away from having any elected officials on the Board itself. There were reasons that led up to that decision. Steve Brodsky was an advisor to that Board because of his role through XEGC, and last year he was elected as a seated member of the Board. Councilman Caupp clarified that Mr. Brodsky was elected as a member but not a representative from the city. Councilman Long said that was correct. Councilman Caupp asked Mr. Merriman to get some clarification. Mr. Merriman said he would do that. With respect to when Mr. Brodsky was with XEGC, he thought it was an ex-officio position, but he will get clarification.

Councilman Long said his main point for that clarification was that his name showed up on some of the Boards and Committees last year, but they either don’t exist or are “as needed.” As a matter of housekeeping, perhaps they should identify those Committees or Boards so that future Council Presidents do not have to worry about assigning people to Boards and Committees that are unnecessary. President Engle said last year after making assignments, he heard that very few of the Boards were meeting, so he will look into it further. He discussed this with staff, but in the short time between their e-mail conversation and tonight, he did not get complete clarification.

President Engle noted there was a motion on the floor. He asked if Council would like the motion to stand or amend it. Councilman Caupp asked for clarification. President Engle noted Councilman Caupp was seeking clarification on the Chamber Board of Directors.

Councilman Caupp asked Mr. Lewis if he knew anything about it. Mr. Lewis said no, but he would see what he could find out. He thought Council could go ahead and approve the motion on the floor, which includes appointing a member of Council serving on the Chamber Board of
Directors. If XACC does not want a member of Council on their Board, that is their prerogative. As far as the list of appointees on the list, President Engle makes those appointments. They just need to figure out what XACC wants as far as the City’s representation on the Chamber Board of Directors.

President Engle noted the motion on the floor is to approve his Chair assignments to the Board for Recreation, Arts and Cultural Activities; Board of Zoning Appeals; Loan Trust Fund Committee; Planning and Zoning Commission; Traffic Commission; and JEDD-I Board of Directors, and Economic Development Advisory Board for 2013. He appoints people to serve on the other Boards and Committees, but those are not part of the motion on the floor. He then entertained further questions. Hearing none, he asked for the roll call.

The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

REPORTS OF CITY OFFICES:

City Manager’s Office:

Emergency Ordinance for Additional Appropriations for FY2013. Mr. Merriman said most of the requested expenditures were omitted from the original version of the final budget and missed during budget reviews. In a few cases, they are seeking additional resources to cover expenses that increased from what they originally anticipated, specifically related to some per capita fees for various services. As noted in the agenda report, the funding request related to LGIF loan distribution is also included for redistribution of those dollars if they are awarded the LGIF loan. Based on some questions raised earlier among Council, they provided separately more detail on the capital expenditures with respect to the 665 sewer capital and 666 sanitation capital, so hopefully their questions were answered. For the most part, the appropriations ordinance request is merely to add items that were omitted from the final budget and they factored those into their projections.

Mr. Merriman respectfully requested that Council pass an emergency Ordinance approving the requested additional appropriations to be effective at the earliest possible date.

Councilman Caupp presented an ORDINANCE AMENDING ORDINANCE 12-53 TO MAKE ADJUSTMENTS IN APPROPRIATIONS FOR CURRENT EXPENDITURES OF THE CITY OF XENIA, OHIO DURING THE FISCAL YEAR ENDING DECEMBER 31, 2013, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Councilman Caupp, seconded by Councilman Long, that the rules requiring the reading of an ordinance at two consecutive meetings be dispensed with and this ordinance be placed at once upon its passage. Discussion followed.

Councilman Long thanked the Assistant City Manager and City Engineer for getting the requested information to Council today. For the sake of those at home, there are a couple of large line items for hundreds of thousands of dollars, but those were not missed. They are part of the
Five-Year Capital Improvement Plan and Council approves both; it was merely an oversight getting them into the budget.

Mr. Merriman apologized for not including some more reference to those CIP items because there were a number of them that were fairly pricey. They knew what they were, but Council would not necessarily have connected the dots, so they will do a better job in the future. As stated in the agenda report, this year was new for them with the more aggressive completion date of the 2013 final budget and with many staff members completing budgets for the first time due to personnel turnover. They are looking at a more advanced checklist for our final budget review to ensure that these types of oversights do not occur next year.

President Engle noted staff mentioned that although they are appropriating more monies, they are taking that into account in terms of their spending throughout the year so that they do not go any more excessively into the red.

Vice President Smith asked if approval of these appropriations would change the projected end of year deficit total. Mr. Merriman said not substantially. On a budget basis, there would be a minor impact for those items that are Key Operating Fund related, but for the most part. The larger expenditures were related to the capital items, which are Enterprise Funds. Again, the $300,000 in the 270 Fund would be proceeds from the loan if the city is granted that through the LGIF, and the revenues would offset that expense.

The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

Motion by Councilman Caupp, seconded by Councilman Long, that Ordinance Number 13-01 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

**Introduction of an Ordinance to amend XCO Chapters 298: Fee Schedule and 1042: Water to eliminate a Backflow Prevention Program Fee.** Mr. Merriman said as part of the City’s backflow prevention program, an annual $20.00 fee is assessed on consumers who participate in the program. Upon staff review, they determined the anticipated revenues are inconsequential; therefore, the assessed fee is unnecessary. Consequently, Mr. Merriman respectfully requested that Council take two actions:

**Action 1.** Waive City Council’s requirement to hold a public hearing to amend the Fee Schedule.

**Action 2:** Introduce an Ordinance Amending Part Two - Administrative Code, Title Twelve: Fees, Chapter 298: Fee Schedule and Part Ten – Streets, Utilities and Public Services Code, Title Four: Utilities, Chapter 1042: Water of the Codified Ordinances of the City of Xenia to eliminate a Backflow Prevention Program Fee.

Motion by Councilman Louderback, seconded by Councilwoman Mills, to waive City Council’s requirement to hold a public hearing to amend the Fee Schedule. Discussion followed.
Councilman Louderback asked if this is concentrated in certain neighborhoods or if it is widespread. Mr. Merriman said residents may be impacted if they have an irrigation meter, but it primarily affects businesses. The program is EPA mandated as part of the City’s Water Protection Program, but it is designed to ensure that backflow prevention systems are installed at businesses where there is a risk that contaminated water could flow back into the system. They are required to have those meters and provide an oversight program, and some years ago, the $20 administrative fee was instituted to cover that cost. However, it is really not necessary and would have a fairly limited financial consequence, which is why staff recommends removing the fee. Councilman Louderback clarified it affects residents and businesses. Mr. Merriman said that was correct.

Councilman Caupp clarified the City is still requiring residents and businesses to have those backflow prevention systems checked annually. Mr. Merriman said the backflow prevention requirements are still in place as mandated by the EPA, so they still have to go through that process, but staff is recommending that the fee be removed. Councilman Caupp asked how often the systems need to be checked. Mr. Merriman believed they are checked annually. Councilman Caupp said that was correct. He was the person who brought this up to the City Manager and City Engineer. Businesses and residents are already paying more than the average water user and water is a profit center for this city, so they more than get our $20 back from any of the residents or businesses using the backflow prevention systems. There is already an expense to the residents and businesses to have a certified plumber come out to check the backflow prevention meters.

The Roll on this was the following:
Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

Councilman Caupp introduced an ORDINANCE AMENDING PART TWO – ADMINISTRATION CODE, TITLE TWELVE: FEES, CHAPTER 298: FEE SCHEDULE AND PART TEN – STREETS, UTILITIES AND PUBLIC SERVICES CODE, TITLE FOUR: UTILITIES, CHAPTER 1042: WATER OF THE CODIFIED ORDINANCES OF THE CITY OF XENIA TO ELIMINATE A BACKFLOW PREVENTION PROGRAM FEE, and it was read for the first time.

**Emergency Ordinance to Amend XCO §260.03 Pay Sources.** Mr. Merriman noted in the fall of 2011, City Council authorized legislation that integrated XEGC into City operations. At that time, revenue from the long-standing Tax Increment Financing (TIF) was utilized to cover the personnel costs of the Development Director and the secretary to the Development Department. However, with the expiration of the TIF agreements, staff informed Council that at a future date the personnel costs would need to be transitioned from the 234 Fund. As of the beginning of FY 2013, revenue coming into the 234 Fund is no longer sufficient to cover those personnel costs. It is necessary to amend XCO §260.03, Pay Sources for the Development Director and Secretary to the Development Department. Staff recommends transitioning these costs to the General Fund as originally recommended in 2011.

Mr. Merriman respectfully requested that Council pass an emergency Ordinance amending §260.03 Pay Sources as detailed herein retroactive to January 1, 2013.
Councilwoman Mills presented an ORDINANCE AMENDING PART TWO -- ADMINISTRATIVE CODE, TITLE SIX: ADMINISTRATION, CHAPTER 260: EMPLOYEES GENERALLY, §260.03 PAY SOURCES OF THE CODIFIED ORDINANCES OF THE CITY OF XENIA TO INCORPORATE CHANGES TO PAY SOURCES OF DEVELOPMENT DEPARTMENT POSITIONS RESULTING FROM THE ELIMINATION OF TIF FUNDING, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Councilwoman Mills, seconded by Councilman Louderback, that the rules requiring the reading of an ordinance at two consecutive meetings be dispensed with and this ordinance be placed at once upon its passage. Discussion followed.

Councilman Long noted he was not on Council in 2011 when Council authorized legislation that integrated XEGC into City operations. Although he supports many services that the Development Director provides, he will not support the motion at this time, and frankly would not have supported integrating both positions into the City. Although he is encouraged to see what our Development Director and the new Economic Development Advisory Board under Councilman Caupp’s leadership can do this year, he will vote “nay” out of principal because he does not think that they should be funding both positions under the City’s General Fund.

The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Mills, Bayless, and Engle
Nays: Long motion carried.

Motion by Councilwoman Mills, seconded by Councilman Louderback, that Ordinance Number 13-02 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Mills, Bayless, and Engle
Nays: Long motion carried.

**Emergency Resolution authorizing the application for a Recreational Trails Program Grant through the Ohio Department of Natural Resources (ODNR) for the relocation of 2,125 feet of the Creekside Trail due to erosion.** Mr. Merriman said erosion from the nearby waterway is increasing the instability of the trail and requires them to look at some alternate arrangements for that portion of the trail system in order to keep it safe to users. The engineer’s estimate for relocation of 2,125 feet of the Creekside Trail is $150,000; as such, City Staff, in conjunction with the Greene County Parks, will seek Recreational Trails Program (RTP) Funds through ODNR. The amount of funds furnished from the RTP will be up to 80% of the total approved project cost; therefore, City staff will apply for a grant for $120,000 (80% of $150,000). If awarded these state funds, the City’s local share commitment would be 20% of the total project cost amounting to $30,000 (20% of $150,000). If awarded the project, it is slated for implementation in 2014, but the grant application is due on February 1, 2013, thus the request for emergency passage.

Mr. Merriman respectfully requested that Council pass an emergency Resolution to authorize the City Manager to apply for Recreational Trails Program Funds through the Ohio Department of Natural Resources for the relocation of 2,125 feet of the Creekside Trail.
Councilman Louderback presented a RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION FOR RECREATIONAL TRAILS PROGRAM FUNDING THROUGH THE OHIO DEPARTMENT OF NATURAL RESOURCES FOR THE RELOCATION OF 2,125 FEET OF THE CREEKSIDE TRAIL DUE TO EROSION, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Councilman Louderback, seconded by Mayor Bayless, that the rules requiring the reading of a resolution at two consecutive meetings be dispensed with and this resolution be placed at once upon its passage. Discussion followed.

Councilman Louderback asked where Creekside Trail starts and ends. Mr. Merriman said he could not speak to the exact start and terminus, but the portion of Creekside Trail they are discussing is adjacent to Sol Arnovitz Park off Towler Road. There is an elevated portion of the trail that has significant erosion that will eventually take out the entire trail. Closing 4,000 feet of the affected bike way and relocating 2,125 feet of the path to the City owned property to the northwest of the Public Service Center offers the most affordable and long-term solution to the problem. They looked at a number of alternatives of how they might install pylons to shore it up, but that was cost prohibitive and the problem will continue to get worse.

Vice President Smith said he was still unclear where Creekside Trail is located. Mr. Merriman said Creekside Trail is adjacent to Sol Arnovitz Park off Towler Road and runs behind the Public Service Center property. The section is just beyond Towler Road back to northwest of the Public Service Center. Councilman Caupp said the trail runs parallel with Fairgrounds Road on the other side of the creek. Vice President Smith said he was not aware that section of the trail was that bad. Mr. Merriman said there is no impact currently to the trailway itself and the trail is still open. They first noticed the rate of the erosion two years ago following some significant rain. They want to get some funding lined up to pay for the repairs in 2014. Vice President Smith clarified the work would be done after all the bikepaths are repaved this year. Mr. Merriman said nothing would be repaved this year that would be replaced.

President Engle congratulated staff on identifying the problem and seeking grant funding. Mr. Merriman thanked Amanda Zimmerlin, Assistant to the City Manager, for doing a fantastic job on putting the grant application together.

The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

Motion by Councilman Louderback, seconded by Mayor Bayless, that Resolution Number 13-B be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

Approve the proposed AFSCME contract contingent upon ratification from the Union on January 31st. Mr. Merriman respectfully requested approval of the AFSCME contract.
Motion by Councilman Louderback, seconded by Councilman Long, to approve the AFSCME contract contingent upon ratification by the union on January 31st. No discussion followed. The Roll on this was the following:

Ayes: Smith, Louderback, Long, Mills, and Bayless
Abstain: Caupp and Engle
Nays: None motion carried.

Vice President Smith recognized Amanda Zimmerlin, Assistant to the City Manager, who was in the audience and often attends Council meetings. Since she lives in Brookville, it is quite a drive for her and a long day, but it was great that she attends the meetings and shows interest in them.

**Items for the City Manager:** None.

**Finance Director’s Office:**

**Schedule of Bills:** Mr. Bazelak presented payment of bills totaling $450,167.79.

Motion by Mayor Bayless, seconded by Councilman Louderback, to approve payment of bills totaling $450,167.79. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

**Items for the Finance Director:** None.

**Law Director’s Office:**

**Introduction of an Ordinance accepting Two (2) Parcels.** Mr. Lewis said on January 7, 2013, the Greene County Common Pleas Court ordered two parcels to be forfeited to the City, as they have done in the past. Both parcels are the result of foreclosures filed on behalf of the Greene County Treasurer for delinquent taxes. In order for the taxing agencies to waive those taxes, the City must accept them by Ordinance. The City is responsible for paying any associated court costs on those parcels. One parcel is located on Taylor Street and the other is located on S. Detroit Street, and they would be listed with the other properties the City has acquired for sale.

Councilman Louderback introduced an ORDINANCE ACCEPTING PARCEL NUMBERS M40000200080012600 (TAYLOR STREET) AND M40000100100000900 (492 S. DETROIT ST.) LOCATED IN THE CITY OF XENIA, and it was read for the first time.

**Emergency Ordinance approving the Supplemental Pages prepared by American Legal Publishing for the Yearly Update of the Codified Ordinances.** Mr. Lewis noted a supplemental five-year contract with American Legal Publishing was approved on August 23, 2012. The new contract calls for two updates of our Codified Ordinances each year [one hard copy/electronic update and another electronic update approximately six months later]. This Emergency Ordinance will approve the first hard copy update of our code under this new contract.

Mr. Lewis respectfully requested that Council pass an emergency Ordinance to approve the editing and inclusion of certain Ordinances and Resolutions as parts of the various component
codes, providing for the adoption and publication of new matter in the updated and revised Codified Ordinances, and repealing Ordinances and/or Resolutions in conflict therewith.

Vice President Smith presented an ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; PROVIDING FOR THE ADOPTION AND PUBLICATION OF NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; REPEALING ORDINANCES IN CONFLICT THEREWITH; AND DECLARING IT TO BE AN EMERGENCY.

Motion by Vice President Smith, seconded by Councilman Long, that the rules requiring the reading of an ordinance at two consecutive meetings be dispensed with and this ordinance be placed at once upon its passage. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle  
Nays: None  motion carried.

Motion by Vice President Smith, seconded by Councilman Long, that Ordinance Number 13-03 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle  
Nays: None  motion carried.

**Second Readings of Ordinances and Resolutions:** None.

**Items for the Law Director:** None.

**SUMMARY OF ACTION ITEMS:**

- A request for a plan from City Staff in regard to the Broker Services Contract to include details of how the contract will be monitored (Requested by President Engle//Assigned to Jim Percival/Jackie Potter). Mr. Merriman said he had no communication with the City Manager on it, but he would pass along the need for a report.
- Update on Proposed Recreation Venues (Requested by Councilman Louderback//Assigned to Jim Percival). Mr. Merriman said he had no report on this item either.

President Engle asked if there were any issues Council would like added to the next Council meeting under “Summary of Actions Items.”

Councilman Louderback asked if anyone on Council serves on the Downtown Revitalization Committee. Councilman Caupp said he had attended several meetings. President Engle said he has also participated in several meetings. Councilman Louderback said several months ago, Mr. Merriman, Mr. Bazelak, and he discussed a vacant building ordinance. He understood the Downtown Revitalization Committee is patterning a Sandusky, Ohio ordinance. He would like to see the City pursue a vacant building ordinance for the entire city to make our business owners accountable if they are not taking care of their businesses. As he has mentioned before, the Oasis building downtown and the Eavey building south of town are eyesores. He thought they should be getting tough on the business owners that will not fix their buildings. President Engle clarified
Councilman Louderback was asking for staff to provide a report on the feasibility and advisability of a vacant buildings ordinance. Councilman Louderback said that was correct.

Councilman Louderback asked Mr. Lewis if Ms. Fackler or he had done any investigation. Mr. Lewis said they looked at it once or twice before, and he would be happy to put something together. Mr. Merriman said they have had several initial conversations looking at some legislation. Councilman Louderback said supposedly Sandusky has an ordinance on which other cities can pattern an ordinance. Mr. Lewis said he always tries to not reinvent the wheel, so they will certainly look to see what other cities around the country are doing.

President Engle asked if they had a projection on when that might be feasible for Council’s review. Mr. Merriman said tentatively by the first meeting in March. Mr. Lewis said that would be fine.

**READING OF COMMUNICATIONS AND DISCUSSION:** Councilman Long extended his thanks to Mr. Dan Walters, a native Xenian who recently moved back and is considering opening some sort of family entertainment venue inside the city limits. Several months ago, he met with him, and Mr. Walters was originally looking at miniature golf and laser tag. Mr. Walters came to town last weekend and brought some laser tag equipment with him to try out. They went to Xenia Station and Shawnee Park and allowed 50 to 60 kids a day to play free laser tag. Even though it was 20 degrees outside, Mr. Walters stayed with the kids all day Sunday until the last kid had a chance to play laser tag. Mr. Walters has some very positive things to say so far about opening a business in Xenia, but he has not yet gotten into the building code requirements portion. He just wanted to thank and encourage Mr. Walters on his effort there. He wished good luck to XKAR (Xenia Kids and Robots) that his brother helps coach. Their robot team, the Techno Creepers, is competing at Cedarville University this Saturday. The kids used to build things with Legos, but now that they are 13, they are no longer interested in doing that, so they are now creating robots from scratch for competitions. The five or six young men and women between 12 and 13 years old are competing for the first time in the league at this level at Cedarville this weekend, so he wished them well and hopes they do very well.

Regarding Councilman Long’s comments on laser tag, Councilman Louderback said he thought everyone on Council would love to see more recreation in Xenia, such as a movie theatre or bowling alley, and he understood laser tag was very popular in other cities. He thought the closest laser tag facility was located in Centerville or Kettering. That is a perfect example of the type of things they would like to see for recreation for youth and adults in town. President Engle said he knew some adults who enjoy laser tag. He has played laser tag with his daughter’s youth group. Councilman Louderback asked if laser tag was anything like paint ball. President Engle said it’s less painful. (Laughter followed.) He said people wear vests that have laser detectors on them and everyone runs around and tries to hit other people’s detectors.

Councilman Long noted they often hear that there is nothing to do in Xenia, but it takes someone like Mr. Walters, a private individual, to put his own capital on the line and is willing to make the investment. Mr. Walters went to school here, left, but has now moved back, and he is pretty passionate about it. Mr. Walters was not sure in the beginning how laser tag would be received, but he bought the equipment and brought it to the park. He is very conscious about fitting into Xenia’s economic structure and what kids can afford. He also investigated new technology to see
what his competition did and did not have. Mayor Bayless thought Mr. Walters was her classmate. Councilman Long said he was interested in seeing how the process goes. Mr. Walters is trying to find property.

Councilman Louderback asked how many square feet Mr. Walters needs. Councilman Long thought he needed 5,000 to 6,000 sq. ft, but that was months ago, so he was not sure if he changed his criteria.

President Engle asked how the City could help Mr. Walters in a non-monetary way. Councilman Long said currently Mr. Walters is networking and trying to find the right people to find some property. He will send Council Mr. Walters’ e-mail address tonight. He noted he just recently moved back to Xenia and is still settling in.

Councilman Louderback thought that was a very good point. He thought everyone on Council is willing to work with anybody and take the extra step to bring business to Xenia. Councilman Long said at the end of the day it is about money – who’s got it and who is willing to invest it.

Councilman Louderback said the Xenia Area Community Theatre (X*ACT) is presenting "The Sunshine Boys" sponsored by Hagler Orthodontics. Show times are January 25-26 and February 1-2 at 7:30 p.m. and Sunday matinees on January 27 and February 3 at 3 p.m. “Love Letters” will be presented on February 9th at 7:30 p.m. sponsored by Alan Besco. X*ACT turned their thrift shop into an Arts Center, which he thought would be very good for the community.

Councilman Caupp said he and Mayor Bayless attended a Xenia Board of Education meeting this morning. Several people have continually asked him to get an answer about open enrollment of students to the new elementary schools. The Superintendent is taking a plan to the Board at their February meeting that would grandfather in families that had historically open enrolled at different elementary schools. For instance, if a family had a 4th grader that they historically opened enrolled at Tecumseh Elementary, that child could go to 5th grade there, along with their sibling who is going into kindergarten, who could also open enroll at Tecumseh because that family had a history of open enrollment. He knew that was a major concern of many open enrollment families in the community. Obviously, the plan will have to be approved by the Board of Education. He would highly recommend that if this affects any families in the community that they pick up their phone and call the Board of Education members and show up at the meeting to share their opinion on the open enrollment procedure that the Superintendent is going to recommend.

Councilman Caupp noted that tonight Council discussed businesses wanting to locate in Xenia. He thought it was a misnomer that Xenia has a reputation of being unfriendly to business, and he does not even like it when people say that. He is a firm believer that developers, builders, and people wanting to locate in different communities will complain about anything and everything no matter what. Most cities in the United States have guidelines, procedures, and regulations, but they just don’t like them and want to do things their way. At the end of the day, he thought they do things in this city to work with people coming into the city; they do not prohibit people from wanting to locate here. At the end of day, businesses look at the number of rooftops and median income. Right now, Xenia has an aging population and a median income that is lower than many surrounding cities. Xenia is competing against surrounding cities to attract business, and those
are the parameters that most businesses look at. He did not believe they are unfriendly to
to business in this city. He believes our Planning and Zoning Department, Mr. Brodsky, and
Mr. Forschner will work with anyone who shows up at their door and will probably bend over
backwards if they want to locate a business in this city.

Councilwoman Mills said she attended her first Easter Egg Hunt meeting with Vice President
Smith today, so it is just around the corner. The event will be held at Shawnee Park on March
30th, so mark your calendar. She will provide updates as the time nears. Tomorrow night at 7
p.m., Faith Community United Methodist Church on Country Club Drive will show Madagascar
III free of charge. Students should have received flyers in their backpacks this week. There will
be activities before the movie and free popcorn and drinks. They will use the outdoor screen they
use at Shawnee Park for the Movies in the Park series, so it will be a really cool event. This is
just one of the things they can give back to our community, so please come and join them. She
invited everyone to support our city, our youth, and our citizens and to be positive. If you see
something that needs to be done, just do it, and don’t wait to be asked or invited. It is so
important for us to be respectable and responsible.

Mayor Bayless said she attended the communitywide Martin Luther King service held at United
Christian Church. She wanted to thank all those in the community who were able to come out
that evening. It was a great evening with good music, and it is always good when the community
can together for an event. She serves on the committee for the inauguration of the eighth Central
State University President Dr. Hammond. Those activities will take place the week of March 4th,
so if you are able to come to any of those activities, they will be very nice. This Saturday will be
the grand opening for the renovation of the National Afro-American Museum in Wilberforce
from noon to 4 p.m. with a groundbreaking ceremony at noon. The Museum has been closed for
almost two years, and they are glad to see it reopen and excited to see what is to come.

Vice President Smith said he also attended the Martin Luther King service on January 13th that
was sponsored by the Xenia Area Association of Churches and Ministries. His pastor from Xenia
Church of Christ, Dr. Andrew Spencer, was the keynote speaker. Mayor Bayless sang in the
community choir and has a great voice. Today he and Councilwoman Mills met with Sarah Mays
regarding the Community Easter Egg hunt. As the former chair of BRACA, it is nice to hand the
torch back to Councilwoman Mills, because chairing that Board takes a lot of time. As a city
without a Recreation Department, BRACA has become the Recreation Department. It takes
many volunteers to do the activities, so there will be many opportunities for volunteers. The
Easter Egg Hunt was not held at Shawnee Park last year because of the renovations, so he was
excited that it would be brought back to Shawnee Park this year. There will be opportunities for
people to donate baskets to be given away. As a parent, he attended game night at Tecumseh
Elementary School on Tuesday. It was nice to see that some staff members attended. He knows
people comment that teachers are overpaid and only work nine months a year, etc., but the
teachers there that evening did not have to be there. They were there representing themselves,
along with PTO members. It was nice to see people use the beautiful buildings that our tax
dollars help fund. He noted Tecumseh Elementary has better security, because there is only one
entrance that is always monitored, so it is a great start. He wished his wife of 21 years, Shelley, a
“Happy 29th Birthday” (give or take a few years) this weekend.
President Engle extended his congratulations to his colleagues for their assignments this year on the various Boards and Commissions. All of them do an exceptional job of leading citizen volunteers and organizing various needed services, recreational activities, and finding activities that really enable them to make this a citizen-led city, in addition to the Elected Officials. It appears some snow is expected over the next 24 hours, so please take great care while on the roadways and have a very safe weekend.

Councilman Louderback said as a realtor, he gets a lot of input from other cities. A downtown business owner talked to him this morning about how it took him two years to get approval to install an awning and lettering on his businesses. To him, that was unacceptable. He hears stories like that every day, which is why he thinks they still have a long way to go as far as attracting business. Anti-business might be a little harsh, but when he hears stories like that, they have to do much better. It should not take a businessman that invests in our community two years to put up an awning and a sign.

Councilman Caupp said he did not disagree with that at all, but he chaired the Xenia Planning and Zoning Commission last year and Councilman Long was the chair in 2012. He knew which business Councilman Louderback was talking about, and he could ensure him that nothing like that came before XPZC in 2011. When it was presented to XPZC in 2012, it was approved that night. He would love to talk to that business owner and ask him how it took him two years because if it really did take him two years, our system is broken. Councilman Louderback said he would be glad to let Councilman Caupp talk to the business owner. He is a reputable man in the community who would not tell him a lie. Councilman Caupp said he would rather the business owner talk to the City Manager and the Assistant City Manager, because if it took him two years to get that done, they have problems with our staff.

**ADJOURNMENT:** Motion by Councilman Louderback, seconded by Councilwoman Mills, to adjourn the Regular Session at 8:20 p.m. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.
The Xenia City Council met in an Executive Session on February 14, 2013, at 5:00 p.m. in the First Floor Conference Room, City Hall, with the following members present: Wesley Smith, John Caupp, Dale Louderback, Joshua Long, Jeanne Mills, and Michael D. Engle.

Marsha J. Bayless was absent.

Motion by Councilman Caupp, seconded by Vice President Smith, to go into an Executive Session to discuss Personnel Matters and Purchase or Sale of Real Estate. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, and Engle
Nays: None motion carried.

The City Council convened in Executive Session in the First Floor Conference Room, City Hall, with the same members present to discuss Personnel Matters and Purchase or Sale of Real Estate.

**Special Session 6:00 p.m.**

At 6:20 p.m., the Xenia City Council adjourned their Executive Session and met in a Special Session in the City Council Chambers, City Hall, with the following members present: Wesley Smith, John Caupp, Dale Louderback, Joshua Long, Jeanne Mills, and Michael D. Engle.

Marsha J. Bayless was absent.

President Engle acknowledged Stefin Wright in the audience. Stefin is a Boy Scout from Troop 362 working on his Citizenship in the Community badge. He invited him to step to the podium and tell Council a little about himself. Councilwoman Mills asked Stefin how old he is, what grade he is in, and what school he attends.

Stefin Wright, 920 Oakdale Drive, said he is 12 years old and in the sixth grade at Central Middle School. President Engle asked Stefin how long he had been in Boy Scouts and his rank. Stefin said he has been in Boy Scouts for two years and he is a Tenderfoot. President Engle clarified Stefin is working on merit badges to advance to second class Scout. Stefin said that was correct. Councilwoman Mills thanked Stefin for coming tonight. President Engle said he was sorry Stefin could only stay for the Special Session.

**Economic Impact Analysis.** Mr. Percival said the purpose of the Special Session tonight is to discuss a concept they introduced last spring, which is an Economic Impact Analysis to help provide guidelines as they look at future major developments within the city. Mr. Bazelak has prepared a presentation to look at what this Economic Impact Analysis would provide to the city.

Mr. Bazelak noted as Mr. Percival mentioned, they looked at the Economic Impact Analysis Policy last year during a March work session as part of a broad package of financial policies,
some of which were passed last year, such as the revision to the investment policy and the debt policy. After they originally drafted this policy, the City Planner, Economic Development Director, City Manager, Assistant City Manager, and he looked at it more in depth and refined it a bit. The city currently has no formal Economic Impact Analysis Policy, and there has been no formal requirement to scrutinize the financial impacts of that particular economic initiative; for a long time, he has felt this was very much needed and very important. He then proceeded with a PowerPoint presentation titled, “Economic Impact Analysis Overview.”

**Economic Impact Analysis Policy (New)**

**Purpose:** This policy will establish guidelines to look at the impacts of a particular initiative (annexation, JEDD, major subdivision, significant rezoning, incentives, major modification to a PUD, or similar economic initiative) on a quantitative and qualitative basis. After looking at the impact of those things based on the input they get from the applicant and some of the things they know, they will present the information back to Council for consideration.

**Quantitative Analysis:** The net present value of the revenue and expenditure streams should be calculated over a 20-year period to determine whether the proposed initiative is positive or negative from a quantitative standpoint.

- Additional Revenues from an annexation, a JEDD, or a major subdivision approval:
  - A. Income Taxes
  - B. Property taxes
  - C. Motor vehicle license registration and taxes
  - D. Any other applicable revenue stream

The Revenue Analysis should include revenues generated for any other entity (schools, township, businesses, etc.)

- Additional Expenditures:
  - A. Added personnel costs
  - B. Added operating costs
  - C. Added capital/debt service costs

Any Expenditure Analysis should include expenditures incurred by schools and could include expenditures incurred by other entities, so they would want information from the schools, as well as how that particular endeavor would affect them. They would get information regarding what revenue enhancements it would create for them and what expenditures they would incur from the particular development.

All this would come back to whether or not a particular initiative benefits the city financially. Keep in mind that obviously there are other reasons to move forward with an initiative other than just the financial point of view, so they would want to look at it from a qualitative point of view as well.

**Qualitative Analysis:** The qualitative analysis should include:

- A. Quality of life impact of an annexation, JEDD, major subdivision approval, significant rezoning, incentives, or major modification to a PUD
- B. Impact on service delivery (positive or negative)
C. Extent to which initiative fills a market void or niche in the community
D. Compliance with X-Plan/Vision Plan/Economic Development Plan
E. Discussion on any incentives, zoning exceptions, financing associated with this particular initiative

The **Qualitative Analysis** should also include:

- A. A statement from the developer/zoning applicant on the benefit of the initiative to the community.
- B. A recommendation on the initiative from Xenia Community Schools on whether they think the initiative would be a good idea.
- C. A recommendation from the City’s Economic Development Advisory Board and Planning and Zoning Commission to City Council, since those boards would probably see those initiatives before City Council is presented with them.

The discussion of the above qualitative issues and any other pertinent information should be utilized to form a conclusion as to the benefit of the initiative.

**Conclusion/Recommendation:** A recommendation from City staff, the Planning and Zoning Commission, the Economic Development Advisory Board, and Xenia Community Schools on the initiative should be presented to City Council based on the results of the **quantitative** and **qualitative** analyses regarding the particular initiative. It would provide another tool for City Council to use to determine whether to move forward with an initiative.

**Key Questions:**

- **Does Council want to enact a formal Economic Impact Analysis Policy?**

The Economic Impact Analysis Policy is just one tool. Obviously, there may be other factors that City Council, the Boards, and Commissions might want to consider when determining whether to move forward with the particular initiative. However, this provides some information and accountability in moving forward with some of these initiatives so there is something there that says “Yes, this is a good idea for the City of Xenia.” As they hopefully move forward and get economic development, they want to do it in a smart way. They do not want a development just for development’s sake, and he thought this tool would be a key component in making that happen. There may be times when they do not want to do such a comprehensive analysis. For example, if there is a major subdivision approval for three or four lots, they may not want to go through the process of doing a formal analysis on something that would not have a significant impact either way; this was one of the changes made since the last time this item was presented to City Council in March.

- **Does Council want to give discretion to the City Manager and Finance Director to not do the analysis, or any part of the analysis?** The default position would be to do the analysis. For example, if he determines they do not need the analysis, but the City Manager feels it is important, if it conforms to the policy to do the analysis, then the decision would be to move forward with it. That gives a little bit of discretion to the Appointed Officials to not have to put this formal presentation together, which could involve a lot of work when they are talking about something that is not significantly impactful.
President Engle entertained questions or comments from Council.

When they request that an Economic Impact Analysis be done, Vice President Smith asked how much staff time it takes and how much it would cost if there were a fee.

Mr. Bazelak said the petitioner/developer should provide a lot of the information. There will be some staff time involved in asking for more information than what they probably get now. These are projections, so if they are going to annex a property, the petitioner for the annexation hopefully has a plan for that land. The petitioner would have to give them some indication of what is going to be on that particular property to be annexed, which would allow them to go forward and determine what the numbers would be to generate the information both on the revenue and expenditures sides. He thought Vice President Smith made a good point because this will require some additional staff time to do it, which is why he decided to go back and include a caveat to waive the requirement for an analysis when the City Manager and he agree that it is not warranted.

However, Mr. Bazelak said when they get to something like Gerdes, which was discussed five, six, or seven years ago, they did not have a formal policy then to determine whether or not to annex those parcels. At that time, they asked the developer what would be on the parcels, but they really did not have any tool to determine if it was a good thing to annex that land. Based on what they heard would be on those parcels and the fact that the City would have to service that area, and he did the calculations on the revenue streams and additional expenditures. The annexation moved forward as it went through the steps of getting staff’s, XPZC’s, and Council’s approval. They approved that annexation based on what they believed would end up out there and the discussions they had at that time, and decided it would be a good thing for the city to do financially and qualitatively speaking. However, he reiterated there was no formal mechanism to do that.

Mr. Bazelak said staff time would be involved; however, he felt it would be well worth staff’s time on significant developments like Gerdes. When they look at smaller things, like the example he gave, the analysis may not be warranted. They have not contemplated any fee to the developer or petitioner at this point in order to do the analysis.

Councilman Long noted Mr. Bazelak mentioned examples that would be very worthy for projects of a certain size. He said having the school’s input is one thing he wanted to make sure was in there. He is cautious to delay the process. He wondered overall if this is something the Appointed Officials envision will be done parallel to an application, or is it something they will ask the applicant to do before they apply so they would have that information beforehand. He did not know if they were talking about 30 or 60 days to the process.

Mr. Percival said it would be parallel with the application process, such as the Gerdes property Mr. Bazelak mentioned. Another great example [where an analysis would have been beneficial] would have been Wright Cycle Estates. When Wright Cycle Estates came up, there were so many different aspects of that, and it would have been nice to have been able to pull it all together. One thing he thought was just as important as the quantitative analysis (the numbers) is the qualitative analysis (what does the project bring to the community). For example, if the Downtown Façade Loan Program was looked at on a cash basis only, you would never get as
much cash back as what is put into that, but that program is critical for our community. There are
times when the qualitative analysis is just as or more important than the quantitative analysis.

Mr. Forschner thought some of the approvals from XPZC and Council would be required
anyway when doing a rezoning or annexation. Councilman Long said that was his point. This is
just another step in that process. It would be included in the normal packet that XPZC would be
reviewing anyway.

Mr. Lewis thought it also helps when they ask the developer to make changes, because they
would have a solid basis for why they are requesting those changes. They could show the
developer that the city did a thorough analysis, and why they do not like what is proposed. For
example, the original plan the developer suggested for the Gerdes property was vacation homes
surrounding a par 3 golf course.

Councilman Louderback said he was a little confused as to why the city would need buy-in from
Xenia Community Schools in regard to economic development. The public is confused enough;
they are two separate entities. Xenia City Council and Xenia Community Schools have two
different budgets, but the City has managed to balance our budget while the XCS has not. He
was not saying good schools are not very important to the community. City Council has nothing
to do with XCS’s budget and XCS has nothing to do with Council’s budget.

Mr. Bazelak said he understood what Councilman Louderback was saying. He thought
sometimes when they look at economic development, the schools seem to be unaware that
economic development is also very important to them. It is a way to basically say the city has
done this and looked at the financial benefits the schools get from a particular development. For
example, if a company wants to move to the SuperValu Warehouse, they will do the economic
impact analysis and estimate it will generate “X” number of dollars in property taxes for the
schools. They then will ask XCS for their input while feeding information back to them to show
them how it benefits the schools just as much, if not more in certain cases, as it does the city. It is
a way to ensure this economic development function is multi-jurisdictional. It will affect Xenia
Township, Greene County, the city, and the schools.

Councilman Louderback said the schools do not share any of the city’s cost. Mr. Bazelak said
XCS has their own costs associated with residential development. Councilman Louderback said
his point was that XCS has mismanaged their money and now they cannot get a levy passed
because they are taxed up to their eyeballs. The schools will not help the city with economic
development. He assumed the city just wants to put out an olive branch to let XCS know what is
being done by the City, but XCS does not let them know what they are doing as far as when they
put levies on the ballot.

Mr. Percival said if the City gives certain tax incentives, such as an Enterprise Zone (tax
abatement), the way the law is currently written, the City is statutorily required to make the
school whole unless they come up with a separate agreement.

Councilman Louderback asked what Mr. Percival meant by "making the schools whole." Mr. Percival said the majority of property taxes go to the schools and not the city. If the city does
an Enterprise Zone agreement with a 50% tax abatement on the property taxes for ten years, it
reduces the amount of property tax revenue the schools will receive. Councilman Louderback
noted 66% of property taxes go to the schools. Mr. Percival said unless they come up with a separate agreement ahead of time that says the schools will receive “X” dollars off the top, and they still want to go forward with that, then state law says they have to take from the income tax revenue the city is getting and make the schools whole as to what they would be losing on property tax because that is a statutory requirement.

Councilman Louderback said it drives him crazy that the schools get 66% of the real estate taxes and the city gets 8%. The city has to balance its budget, and it is about time XCS balances its budget.

Councilman Caupp said the minimum structure size for a new house in the R-1B One-Family Residential Districts is 1,400 sq. ft. because that is what the city needed to generate enough tax revenue for the XCS. Many things the city does go back to the schools to get enough income to support the development. Councilman Louderback asked why the XCS needs all the school levies. Councilman Caupp said the city and schools have unfunded mandates from the state and federal government, and they both receive less money from the state and federal government than in the past. The schools have more unfunded mandates than the city for special needs, etc. He will not get into a debate about the school’s finances, because Council is not the School Board. On the flipside, if they want to allow a 300-house development in the city, then the schools will need to be on the same page as the city because a 300-house development is going to generate students from those 300 homes. Everything the city does affects the schools. As he discussed with Mr. Merriman, they need a more educated work force in our community. Therefore, they need to partner with all the local schools and universities to see what can be done to make sure they have an educated work force.

Councilman Louderback asked if that included raising people’s taxes. Mr. Lewis said the city would not raise people’s taxes, but the School Board may. On something like a JEDD agreement or an annexation where they are asking XCS to waive tax dollars that they would have received, it would be beneficial to lay it out for them as to why that would be a good thing for them as well. They need to look at it from a proactive standpoint and share what the City has to offer, why the City wants the development, and how it affects XCS. From his standpoint, that is the main reason they need to include analysis from XCS since they often have to ask them to waive tax revenue.

As Councilman Caupp pointed out, Councilman Long said it is not just revenue; the enrollment numbers are very important. The XCS just went from having seven to five elementary schools this year because there was no planning when those original schools were built. He said everything the City does impacts the schools. They may not work well together and they need to improve that, but they all work for the same people and the money is coming out of the same pocketbooks.

Councilman Louderback said that was correct and the same people vote on the levies. At the time when XCS asked citizens to vote on a 38-year tax levy, all the people on the School Board knew that they did not have money to operate the new schools. It is not fair to put a 38-year levy on the ballot and not tell the citizens that they do not have the money to operate the new schools. Eventually, that money will come from the taxpayers. Councilman Long thought if they work
with the XCS, they will take one more excuse off the plate as something that was not considered before.

President Engle said as it relates to the XCS, as stated in the agenda report and from what he heard from the Finance Director, they are creating information that will be useful to the city and to XCS as well. What XCS chooses to do with that information is their business. He did not dispute what Councilman Louderback was suggesting that there have been difficulties, but he suggested in establishing a process like this, they take a step forward and provide XCS with the information, which becomes that olive branch discussed. It may in future iterations of the School Boards, etc., provoke more discussion, partnership, and potentially cooperation, but it may not. Certainly, the information is still primarily for the city’s use and purposes.

Mr. Bazela said ultimately staff would make the recommendation based on the input and they would get recommendations from the Planning and Zoning Commission as well. Ultimately, in most cases, the final decision would reside with City Council. Staff is mainly seeking information and accountability across the spectrum so that nobody can say they did not know if or how would it affect them. Obviously, they will do the best they can, but since it is just projections, they do not know exactly what it will entail, but they would at least have some information to present to City Council.

Councilman Louderback said he is not anti-school because you cannot have a good community without good schools, but the city has managed its money a lot better than XCS.

President Engle entertained further comments. Hearing none, he asked Council to address the key questions on the final slide.

- **Does Council want to enact a formal Economic Impact Analysis Policy?**

  President Engle said he was in favor of having an Economic Impact Analysis Policy. It is good business. It will grow as they run through the process each time and they will learn from it.

- **Does Council want to give discretion to the City Manager and Finance Director to not do the analysis, or any part of the analysis, with the default position as doing the analysis?**

  Councilman Caupp said he was okay with moving forward.

  Councilwoman Mills believes it is very important to have policies in place, but City Council appointed the City Manager and Finance Director. City Council does not run the city. They set policies and put them in place and it is the Appointed Officials’ job to run this city. If she cannot trust them, then they should not be working for the city.

  Councilman Long and Councilman Louderback said they would support giving the City Manager and Finance Director the discretion requested.

  Mr. Bazela noted the Economic Impact Analysis Policy and Analysis is on the agenda for the Regular Session this evening. He just wanted to have the work session to refresh Council on the topic because they do not go in depth on topics during the Regular Session. If no changes were
going to be required, he would move forward, and if not, he would have withdrawn the request. It appears Council wants to move forward so it will remain on tonight’s Regular Session agenda.

The Special Session was adjourned at 6:50 p.m. to go into Regular Session.

Michelle D. Johnson, Clerk
Xenia City Council

Michael D. Engle, President
Xenia City Council
The Xenia City Council met in a Regular Session on February 14, 2013, at 7:04 p.m., in the City Council Chambers, City Hall, with the following members present: Wesley Smith, John Caupp, Dale Louderback, Joshua Long, Jeanne Mills, and Michael D. Engle.

Marsha J. Bayless was absent.

**INVOCATION:** Brent McNelly, Gideons International, gave the invocation after which all joined in the Pledge of Allegiance.

Motion by Councilman Louderback, seconded by Vice President Smith, to excuse Mayor Bayless from the meeting because she is recovering from surgery. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, and Engle
Nays: None

motion carried.

**APPROVAL OF MINUTES:** Motion by Councilwoman Mills, seconded by Councilman Long, to approve the January 24, 2013, Executive/Regular Session minutes as written. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, and Engle
Nays: None

motion carried.

**AUDIENCE COMMENTS:** President Engle explained the procedures for audience comments and invited anyone who wished to speak to come forward.

Samuel Johnson, 1014 Omard Drive, said he is a Boy Scout in Troop 165, and he was here tonight working on his Citizenship in the Community merit badge.

Jarrod Robinson, 846 Buckskin Trail, said he is a Boy Scout in Troop 165, and he is also working on his Citizenship in the Community merit badge.

Eric Holtvogt, 1386 Jasper Road, said he was here this evening on behalf of the Young Professionals Group for Xenia for which he is the Chair this year. They are trying to get some additional member participation in the Young Professionals Group. They have a meeting tomorrow evening at 4 p.m. at Roosters to informally discuss activities they do within the community, which is their main focus. They have been involved in the Community Festival and the bike rodeo. Many people think you have to be the CEO of a company in order to participate in their group, but that is certainly not true; they enjoy anybody’s participation. People can contact him at [eric.holtvogt@dplinc.com](mailto:eric.holtvogt@dplinc.com) if they have questions or would like information.

Councilman Louderback thought there was an age limit of 40 years old to be a part of the Young Professional Group. Mr. Holtvogt did not think there was a hard limit on that, so he deferred to Councilman Long. Councilman Long said there is no age limit.
REPORTS OF COMMITTEES:

Board for Recreation, Arts & Cultural Activities: Councilwoman Mills said BRACA has a great season planned for 2013.
- Annual Easter Egg Hunt 2013 ~ Saturday, March 30th at 11 a.m. at Shawnee Park in association with the Xenia Area Association of Churches and Ministries. Registration begins at 10 a.m. and the egg hunt begins at 11, and she hopes families will come and enjoy a great day. If anyone would like to donate an Easter basket, please contact her or Sarah Mays. They usually give away 40 to 70 baskets, depending on the donations, so that would be wonderful way to give back to your community.
- Arbor Day ~ April 27th at Xenia Community Library from 10:30 a.m. to 2:30 p.m.
- First Fridays ~ BRACA will host a booth on May 3rd.
- Volunteer Day ~ May 4th at 9 a.m. This is also the kick off for Bloom with Xenia … Adopt-A-Spot
- Fishing Derby is Saturday, June 1st. Registration begins at 8 a.m. and the derby begins at 9 a.m., so please bring your children to this free event. Door prizes and trophies will be awarded.
- Movies in the Park ~ June 7, July 5, and August 2
- Music in the Park ~ June 2, July 7, August 4, August 18
- Community Garden Plots
- Hometown Christmas ~ December 14th
- Youth Recreation Basketball. There are three boys’ teams and three girls’ teams. After they have played ten games, tournament games will begin March 23rd. The games are held at Warner Middle School on Saturdays, so if you would like to see some good youth basketball, please come out and participate.
- Heritage Tree Program. The Tree Committee is looking for trees to be designated as a Heritage Tree for its age, character, or the location and the Committee is accepting nominations. Six nominations have been received for a total of nine trees. If anyone would like to nominate a tree, more information on the program and a nomination form can be found on the city’s website or contact City Clerk Michelle Johnson.

Councilwoman Mills said Xenia offers many things to our community, and the best way to become a part of it is to participate either by coming and having a great time or by volunteering.

President Engle noted all the city’s Committees and Boards are composed of volunteers, plus the Council member that leads them. He thought everyone would agree that BRACA does an excellent job of making a wide variety of activities available all through the efforts of volunteers.

Traffic Commission: Councilman Smith said XTC met on February 4th with three members present and discussed the following:
- S. Detroit Street Signal Study that is currently underway. Both signals are on flash mode and staff hopes to have a recommendation to XTC in April to decide what needs to be done.
- XTC gave approval for city staff to remove school signage, pavement markings, and modification of the traffic signal on W. Second Street at Simon Kenton School. Since Simon Kenton is now closed, there is no longer a need for those. Staff was to begin that process immediately and he thought it had been done. Mr. Berger said staff just needs to remove the pavement markings.
- Sgt. Stutes of the Xenia Police Division briefly discussed the Accident Report for CY 2012.

Vice President Smith said there has been a vacancy on the Xenia Traffic Commission for over a year in spite of the City Clerk’s efforts to advertise the vacancy on the City’s website, the
Government Channel, in a press release, on Facebook, and it was announced repeatedly at Council meetings. On January 24, 2013, the City Clerk received an email from Sarah Mays expressing her interest in being appointed to the Xenia Traffic Commission. Ms. Mays works as a Ministry Assistant at Emmanuel Baptist Church and is the lead activities coordinator for the Xenia Area Association of Churches and Ministries. She has worked with Councilwoman Jeanne Mills and him on BRACA’s Easter Egg Hunt and she is the point person for the City’s Annual Community Thanksgiving Dinner and Community Picnic at Shawnee Park. She has demonstrated her willingness to serve through her work with the Xenia Area Association of Churches and Ministries and as an advocate for the city, so he felt she would continue to be an asset to this community through her service on the Xenia Traffic Commission. Her background check done by the Law Department was satisfactory.

Motion by Vice President Smith, seconded by Councilwoman Mills, to appoint Ms. Sarah Mays to fill a vacancy on the Xenia Traffic Commission with a term expiring on October 12, 2014. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, and Engle
Nays: None  motion carried.

Board of Zoning Appeals: Due to Mayor Bayless’ absence, President Engle said the BZA report would be postponed.

ITEMS FROM CITY COUNCIL AND MAYOR: Councilman Long said he would like to recommend that Ms. Annie Shell fill a vacancy on the Xenia Planning and Zoning Commission, per the information provided in the agenda report. Ms. Shell has volunteered a lot in our community through different charities and organizations, including her involvement in First Fridays. In 2009, she started her own business, Gloss Salon, in downtown Xenia, which has grown into one of the leading salons in the area. He feels her small downtown business experience would be an asset to the Commission.

Motion by Councilman Long, seconded by Councilman Caupp, to appoint Ms. Annie Shell to fill a vacancy on the Xenia Planning and Zoning Commission with a term expiring on December 31, 2016. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, and Engle
Nays: None  motion carried.

Councilman Long said that last Thursday evening, the Xenia Planning and Zoning Commission (XPZC) held a public hearing and voted to deny a request for a variance on a rear setback at 2220 Schwinn Avenue. The applicant was BEAMCO, a builder at Wright Cycle Estates. BEAMCO wants to build a home on that lot that requires a variance on the rear setback. He provided information to the rest of Council last Friday on this matter to include the staff report. The particular home requires a 7-foot variance because a bedroom protrudes into the rear yard. The Wright Cycle Estates PUD requires a 35-foot rear setback and the rear setback would be 28 feet. He noted it was staff’s recommendation to deny the request, which was also the Planning and Zoning Commission’s recommendation.1 Unfortunately, only three members were present during the discussion because one Commissioner was ill that evening [Dr. James left the meeting

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1 Ayes: Amend and Hall; Abstain: James; Nays: Bennett
for a short time, but returned just before the vote and abstained], one Commissioner was on vacation, and the fifth seat is vacant.

Councilman Long thought the Commission made a mistake, but he does not come before Council lightly tonight going against the Commission he chairs. Building at Wright Cycle Estates has been slow due to the economy like many other developments in our community. There is a homeowner at WCE ready to build a beautiful home that fits very well with the character of the neighborhood, and it fits the scale and size—it is just 7 feet longer (which cannot be seen from the street). He would respectfully like to make a motion tonight to repeal the Planning and Zoning Commission’s prior decision to deny the setback variance and approve the application. The home is a hot model right now and could be an asset to that neighborhood. The builder has been going through this process since the beginning of this year and he saw no reason to delay this two more weeks. The homeowner would like a decision made so they can proceed.

Motion by Councilman Long, seconded by Councilman Louderback, to approve a Modification to the Wright Cycle Estates Residential Planned Unit Development for a variance of 6.22’ for construction of a single-family home 28.78 feet from the rear (south) property line at 2220 Schwinn Avenue. Discussion followed.

Councilman Louderback agreed with Councilman Long. For full disclosure, he knows the family that wants to build out there. It is a retirement home and is basically their dream home. This is no reflection on the XPZC; they are all volunteers who make their decisions according to what they feel, but occasionally Council has to make their own decisions because the people elect them. The way it stands now, the consequences are that the homeowner has an unbuildable lot. However, after saying that, the homeowner could come up with a new floor plan to build on that lot. It is a corner lot and after considering all things, he felt they should let the homeowner build his home on that lot.

Councilman Caupp said the way that lot is designed, the front of the house would face toward Schwinn Avenue. The next lot is on Tandem Drive where the street is a stub street now, and the next lot is not even developable at this time. If that lot is ever developed, the other house will face Tandem Drive and there would be more feet between that house and the side of the next house than there is between all those patio homes. He did not think the house would change the characteristic of that neighborhood whatsoever, so he is in favor of approving the project.

President Engle entertained further comments. Hearing none, he asked for the Roll Call.

The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, and Engle
Nays: None motion carried.

Councilman Caupp asked the City Planner to call the applicant, Mike Dorsten from BEAMCO, tomorrow to let him know the motion was passed.

Councilman Louderback said this was no reflection on Planning and Zoning Commission or on city staff either. They do a good job and have tough decisions to make, as does Council. Volunteers put a lot of time and effort into serving on the Commission.
Councilman Caupp said he fully agreed with Councilman Louderback. He commended our City Planner who was adhering to our ordinances, which is what they ask him to do. With that being said, and he believed Councilman Long agreed, perhaps they need to go back and look at that 35 foot rear setback to determine if that needs to be changed.

Councilman Long said later in that XPZC meeting, the Commission asked the City Planner to bring back a report on reducing that setback. The XPZC and City Planner were being responsible by enforcing our ordinances, but sometimes those things have to come to Council to be corrected. XPZC and city staff will look at the setbacks in Wright Cycle Estates. This is the second home of this size sold in that subdivision. It is a hot model right now. The first model sold before the groundbreaking, and he wishes them luck with filling those remaining lots. It is a beautiful subdivision and an asset to our community.

President Engle agreed with all his colleagues that this is the best example of how government should work for you. They have city staff who enforces codes, etc., and a group of citizens who reviews it, and then they have a final reviewing body that can take input from the citizens, and when necessary, correct it.

President Engle invited another Boy Scout (who arrived late to the meeting) to address City Council this evening.

Zack Livingcock, 338 Tranquil Drive, said he is a Boy Scout in Troop 165 and is here tonight working on his Citizenship in the Community badge.

REPORTS OF CITY OFFICES:

City Manager’s Office:

Emergency Ordinance waiving competitive bidding to provide professional services for evaluating methane gas migration at Area F of the City of Xenia’s Closed Landfill. Mr. Percival said over the last 5+ years, the City of Xenia working with AMEC (formerly MACTEC), have observed the migration of methane gas from the closed Landfill in the southern portion of the site (aka Area F), the portion of the site that borders Dave Thompson’s property. The EPA has told them they need to begin to address that, and they requested a proposal from AMEC to further investigate the methane migration that includes: (1) determining the depth of trash, (2) determining the depth of groundwater, (3) concentration of methane, (4) an estimation of the air volume that needs to be removed, and (5) determining the vertical migration of methane to the south. The City of Xenia has a long and successful history working with AMEC. Probably more than anybody on our staff, AMEC understands our landfill. Because of the relationship and their inherent knowledge of the landfill, he respectfully requested that Council pass an emergency Ordinance to waive competitive bidding for AMEC to evaluate methane gas migration at Area F of the City of Xenia’s Closed Landfill at a not-to-exceed amount of $65,000.

Councilman Louderback presented an ORDINANCE WAIVING COMPETITIVE BIDDING FOR AMEC TO EVALUATE METHANE GAS MIGRATION AT AREA F OF THE CITY OF XENIA’S CLOSED LANDFILL AT A NOT-TO-EXCEED AMOUNT OF $65,000, AND DECLARING IT TO BE AN EMERGENCY.
Motion by Councilman Louderback, seconded by Councilwoman Mills, that the rules requiring the reading of an ordinance at two consecutive meetings be dispensed with and this ordinance be placed at once upon its passage. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, and Engle
Nays: None motion carried.

Motion by Councilman Louderback, seconded by Councilwoman Mills, that Ordinance Number 13-04 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, and Engle
Nays: None motion carried.

**Introduction of an Ordinance to grant a 0.210-acre public access easement on the 0.83-acre tract located off Burnett Drive.** Mr. Percival said Michael and Catherine Wolf Family Limited Partnership, owner of Lot 27 of Arnovitz Industrial Park Plat, have constructed a communications tower to be used for public safety and other commercial radio purposes. In order to ensure access to the tower, a drive needs to be constructed through the .83 acre tract owned by the City of Xenia. The new driveway will bisect the westernmost portion of the lot. The intent of the driveway is to improve access to Lot 27 from Burnett Drive to access the new communications tower. He requested that Council introduce an Ordinance to grant a 0.210-acre public access easement on the .83 acre tract located off Burnett Drive in Xenia, Ohio.

Councilman Louderback introduced an ORDINANCE GRANTING AN EASEMENT OF 0.210 ACRE PUBLIC ACCESS EASEMENT ON A CITY-OWNED .83 ACRE TRACK IN ARNOVITZ INDUSTRIAL PARK PLAT, and it was read for the first time.

**Approve Lease Agreement with Xenia Adult Recreation and Services Center.** Mr. Percival noted the City of Xenia has owned the property where the Xenia Adult Recreation and Services Center (XARSC) is located since 1979 and has leased the building to them for years. XARSC has provided quality services to the senior citizens of our community. The senior center has grown in both memberships and services offered to the community. In order to continue to grow their services, they need to expand the footprint of their building to accommodate their members. Judy Baker, the Executive Director of the Center, has approached the City about expanding the Center. During the Under-One-Roof conversations, there was a discussion about relocating the Center with other agencies; however, that concept never materialized. Most of the members of XARSC want to remain at the downtown location and want to remain there. In order for them to expand the facility to the east and west, they have requested that the City approve a 25-year lease with them rather than the current 5-year lease they have with the City.

Mr. Percival respectfully requested that City Council approve the lease agreement with the Xenia Adult Recreation and Services Center for 25 years.

Motion by Councilman Long, seconded by Councilwoman Mills, to lease agreement with the Xenia Adult Recreation and Services Center (XARSC) for the period of 25 years. Discussion followed.
Councilman Louderback asked how many square feet would be added to the building. Mr. Percival thought XARSC was adding 7,000 sq. ft. on the side of the building by the city parking lot. The city already works with XARSC to provide additional parking there.

Councilman Louderback said he was in favor of the 25-year lease, but he was against the Under One Roof concept from the beginning because he thought our Senior Citizens Center needs to be located in a central location, as does the YMCA. He asked Mr. Percival if he knew when XARSC would break ground. Mr. Percival said no. XARSC has to have a capital campaign to raise money, etc., but they do have some conceptual plans. They would need to have architectural and engineering drawings completed, so he estimated it would be two to three years before the project is actually complete.

Since the Beavercreek YMCA will be closing soon, Councilman Louderback said he heard rumors that there was discussion about building a new YMCA in Xenia that would include XARSC, but he did not know the validity of that rumor. He spoke with the Xenia YMCA Director to validate that the closing of the Beavercreek YMCA would not affect Xenia whatsoever. Mr. Percival said the Xenia YMCA definitely needs a new building and city would like to work with them to see if there is a way to partner as a community to make sure they have adequate space.

Councilman Louderback said his point was whether the city should go forward with such a project if they knew there was a possibility that XARSC might be relocating. Mr. Percival said that would be a decision the XARSC would have to make since it is all their money. If additional options become available, he was sure XARSC would explore all their options before they would make a decision. Councilman Louderback wondered if Mr. Percival could look into that. Mr. Percival said absolutely. Councilman Louderback said he hated to talk about rumors, but it would have a direct affect on what they want to do. Mr. Percival said with this lease, if XARSC would vacate the building, the building would come back to the city, and there would be no repercussions to the city.

Councilman Caupp noted there is a six-month termination clause in the lease with the city. Mr. Lewis said that was correct.

Vice President Smith felt this was a good thing for the XARSC, because they serve a good purpose. There is limited space and seating for some events, but since parking is already an issue, he would hate to lose more spaces, but since they can use the city’s lot next door, it should not be a problem. Mr. Percival said they are working with XARSC to identify additional parking.

Vice President Smith wondered if there were any plans in the works for using the old Xenia Library across the street from XARSC. Mr. Percival said he had no idea; Vice President Smith would need to talk with the Greene County Commissioners. Vice President Smith said he was in favor of the lease agreement.

The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, and Engle
Nays: None motion carried.
Items for the City Manager: Mr. Percival wished his wife a “Happy Valentine’s Day.”

Finance Director’s Office:

Introduction of an Ordinance amending XCO Chapter 236: Department of Finance to create §236.08 Economic Impact Analysis and approval of an Economic Impact Analysis Policy. Mr. Bazelak respectfully requested that Council take two actions tonight:

**Action 1.** Introduce the ordinance amending XCO Part Two – Administration Code, Title Six: Administration, Chapter 236: Department of Finance by creating Section 236.08: Economic Impact Analysis.

**Action 2.** By motion, approve the Economic Impact Analysis Policy for the City of Xenia to become effective with the effective date of the above ordinance.

The City of Xenia currently has no formal written Economic Impact Analysis Policy, so when they look at annexations, Joint Economic Development Districts (JEDDs), and/or major subdivision approvals, there is no formal policy on how to address the positives and negatives of a particular development. This policy would give them a formal way to look at that. The quantitative portion of the analysis addresses the financial ramifications of a particular initiative. It estimates whether the revenue streams generated exceed the expenditure streams for the various jurisdictions affected by the economic initiative. The qualitative portion of the analysis looks at factors such as whether the initiative improves the quality of life of our citizens, fills a market void or a market niche, or impacts service delivery. They would put all that information together and it would be submitted by staff in the form of a recommendation first to the Planning and Zoning Commission, maybe our Economic Development Advisory Board, and then to City Council. The Economic Impact Analysis is just one tool for City Council to use to evaluate the benefits of a particular economic initiative. He then entertained questions from Council.

President Engle entertained questions from Council. Hearing none, he entertained two actions requested by Mr. Bazelak.

Councilman Caupp introduced an ORDINANCE AMENDING PART TWO – ADMINISTRATION CODE, TITLE SIX: ADMINISTRATION, CHAPTER 236: DEPARTMENT OF FINANCE OF THE CODIFIED ORDINANCES OF THE CITY OF XENIA, TO CREATE AN ECONOMIC IMPACT ANALYSIS POLICY, and it was read for the first time.

Motion by Councilwoman Mills, seconded by Vice President Smith, to approve the Economic Impact Analysis Policy for the City of Xenia to become effective with the effective date of the above ordinance. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, and Engle
Nays: None motion carried.

**Award of Bid for Phone System upgrade to MVD Communications.** Mr. Bazelak respectfully requested that Council award the bid for a phone system upgrade to MVD Communications from Cincinnati, Ohio for $53,045, and authorizing the City Manager to sign a system purchase agreement. The city upgraded its phone system and went to a Voiceover IP
(VOIP) phone system in 2007. At the time they did the analysis, the changeovers were expected to save the city in the neighborhood of $270,000 over a ten-year window, as well as enhance some of the capabilities including an expanded voicemail system. Staff is currently requesting an upgrade to that software and the IT Director is here tonight to answer any questions Council may have on this issue.

Motion by Councilman Louderback, seconded by Councilman Long, to award the bid for phone system upgrade to MVD Communications from Cincinnati, Ohio for $53,045, authorize the City Manager to sign a system purchase agreement in an amount not to exceed of $53,045, and issue a Purchase Order in the amount of $53,045 to MVD Communications. Discussion followed.

Councilman Long said it is always good to come in under budget. He has personally purchased these phone systems and they are very expensive; he acknowledged the option to reuse as much existing infrastructure as possible has saved quite a bit of money.

Councilman Caupp clarified the new system would be compatible with all the current phones/hardware and they would not be replacing all the phones. Mr. Cardenas said that was correct, except for those phones that are defective. Some of the phones are over five years old so they suffer from wear and tear. They can install different models and are not limited to the phones they have. They can get Mitel, which is a similar phone but not quite the same, but it will work because it uses the same phone equipment and switches.

President Engle congratulated the Finance and IT Departments for taking a very complex project, bringing it in under budget, and clearly working towards saving nontrivial amounts of money over a ten-year period.

The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, and Engle
Nays: None motion carried.

Schedule of Bills: Mr. Bazelak presented payment of bills totaling $375,598.07.

Motion by Councilman Louderback, seconded by Vice President Smith, to approve payment of bills totaling $375,598.07. Discussion followed.

Page 13 – Sutphen Corporation at $19,992.85 for Engine 32 upgrades. Councilman Caupp said he emailed the Fire Chief to find out what that upgrade entailed, but he has not heard back from him. Mr. Percival said Chief Riggsby had surgery, which is probably why he has not responded. The expenditure was to upgrade Engine 32 so they don’t have to replace it. It was to replace the cabinetry, etc., so as they get rid of the rescue equipment, Engine 32 will be used on the front line. Councilman Caupp asked for further clarification. Mr. Percival said the yellow engine was replaced, and this allows them to also dispose of the rescue vehicle. Councilman Caupp thought that was what the new truck did. Mr. Percival said now both of the engines are that way; they have an engine at each Fire Station.

The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, and Engle
Nays: None motion carried.
Items for the Finance Director: Mr. Bazelak announced that for the 29th consecutive year, the City of Xenia received the “Certificate of Achievement for Excellence in Financial Reporting” from the National Government Finance Officers Association for our 2011 annual financial report. He thanked his staff, particularly Assistant Finance Director Ryan Duke, for putting that report together. He also thanked all city staff, the City Manager’s Office, Law Director’s Office, and the Municipal Court for the input they give the Finance Office in putting that report together. He also thanked Council for their support of the program over the years. President Engle thanked staff for their excellent work.

Councilman Louderback congratulated Mr. Bazelak for the award. Although nothing has been finalized yet, he wondered if Mr. Bazelak knew how the Governor’s new budget would impact the City of Xenia. Mr. Bazelak said nothing has been finalized, but they looked at the budget a little bit. He thought that contrary to two years ago when they saw major cuts to our local government with regard to the Estate Tax and to the Local Government Fund, with what they have been able to determine, he believed the Local Government Fund would be increased by 4% per year over the next two years. The good thing is that they are not looking at any cuts. The downside is that they are not looking at any restoration of the major cuts that took place a few years ago. Although nothing has been approved, they still have the challenge of the Uniformity Bill. They plan to bring something back to Council shortly on opposing that House Bill. Even though there have been some minor changes to it, he still felt it was something they would not want to support. They are still evaluating some of the things on the sales tax as to how that would affect them in terms of whether they have to do any collecting of that on some of the services they provide.

Mr. Percival said contrary to what people read in the newspaper, the listing that Mr. Bazelak and he were provided by Representative Hackett, residential water use should not require a 5% sales tax. When it first came out in the newspaper, it said your water bill is going to increase by 5% for the sales tax. When they received information from Representative Hackett, that is not in the final bill, supposedly.

Mr. Bazelak said the concept would be that some lower taxes have been proposed and the belief and hope is that will generate some economic development across the state and hopefully, the City of Xenia will be part of that growth. Obviously, as businesses come and payrolls grow, then the City would have additional revenue to fund services from that. That is the concept and people can choose to believe some of the economic philosophy there. As far as directly affecting the city, there is nothing significant either way.

Councilman Louderback noted our city offices provide services that many offices do not. He asked Mr. Bazelak if staff was available to help citizens prepare their City of Xenia income tax returns. Mr. Bazelak said yes. As always staff will be available to provide help with city income tax forms. Assistance for taxpayers is available at the Income Tax Office from 9 a.m. to 5 p.m., so taxpayers should bring their paperwork, W-2s, or whatever forms they have to show their income and staff will be able to assist them.

Councilman Louderback asked who is exempt from filing. Mr. Bazelak said people 65 and over with no taxable income (just SS and retirement income) can notify the Income Tax Office and their account would be inactivated and they would not be required to file. If the person is under 65 and has no income, they would still be required to file. Councilman Louderback clarified the
public has to let the Income Tax Office know that they are over 65 [with no taxable income]. Mr. Bazelak said that generally would happen. The person would be sent an income tax form and there is a box for them to check saying they are 65 or older and they would inactivate the account so that they would not receive a return to file, unless they acquire rental property or go back into the workforce. As long as the person is 65 or over and has no taxable income, then they would not be required to file.

**Law Director’s Office:**

**Introduction of an Ordinance for the sale of 729 E. Church Street.** Mr. Lewis said on July 9, 2007, the City acquired 729 E. Church St. through drug forfeiture. The City advertised for sealed bids for the sale of the property, and the minimum bid of $7,500 to cover any costs the city may currently have with that property. He respectfully requested that Council introduce an ordinance to sell 729 E. Church Street to Michael Siwo for $7,500 plus the cost of recording and transfer fees of $28.50.

Councilman Louderback introduced an ORDINANCE AUTHORIZING THE SALE OF 729 E. CHURCH STREET (PARCEL NUMBER M40000200080027200) TO MICHAEL SIWO, and it was read for the first time.

**Second Readings of Ordinances and Resolutions:** Mr. Lewis presented an ORDINANCE AMENDING PART TWO – ADMINISTRATION CODE, TITLE TWELVE: FEES, CHAPTER 298: FEE SCHEDULE AND PART TEN – STREETS, UTILITIES AND PUBLIC SERVICES CODE, TITLE FOUR: UTILITIES, CHAPTER 1042: WATER OF THE CODIFIED ORDINANCES OF THE CITY OF XENIA TO ELIMINATE A BACKFLOW PREVENTION PROGRAM FEE, and it was read for a second time.

Motion by Councilman Caupp, seconded by Councilwoman Mills, that Ordinance Number 13-05 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, and Engle  
Nays: None  motion carried.

Mr. Lewis presented an ORDINANCE ACCEPTING PARCEL NUMBERS M40000200080012600 (TAYLOR STREET) AND M40000100100000900 (492 S. DETROIT ST.) LOCATED IN THE CITY OF XENIA, and it was read for a second time.

Motion by Councilman Louderback, seconded by Councilman Long, that Ordinance Number 13-06 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, and Engle  
Nays: None  motion carried.

**Items for the Law Director:** None.

**SUMMARY OF ACTION ITEMS:**

- A request for a plan from City Staff in regard to the Broker Services Contract to include details of how the contract will be monitored (Requested by President Engle/Assigned to Jim Percival/Jackie Potter). Mr. Percival said Ms. Potter, Mr. Duke, and
he met this week and he has a lunch scheduled with Mr. Sanger next week to talk about some of the things that are happening with the insurance.

- Update on Proposed Recreation Venues (Requested by Councilman Louderback//Assigned to Jim Percival). Mr. Percival noted Councilman Louderback brought up the YMCA situation. He thought one thing they would have to explore in the next few months is what partnerships can be created to provide more recreational opportunities.

- A report on the feasibility of a Vacant Building Ordinance by March 14, 2013 Council Meeting (Requested by Councilman Louderback//Assigned to City Manager’s Office and Law Director). Mr. Percival knew Mr. Lewis was working on that and the rest of the staff has been providing input.

Mr. Lewis said he did not know if he would be able to have something to Council by March because it will be more entailed than everybody originally thought. Councilman Louderback said he had been talking with staff, so it was no problem. He was not necessarily saying the city should pattern its ordinance after Sandusky, but he thought they needed to get stricter on enforcement. Mr. Lewis said their goal is not to do exactly what Sandusky is doing. Regardless of how they go about doing it, they will need to update the City’s Property Maintenance and Fire Codes to come into compliance so the codes can be enforced. Councilman Louderback noted this originated from the Downtown Revitalization Committee who was looking into the Sandusky ordinance, but Xenia’s ordinance does not necessarily have to be patterned after Sandusky’s. Mr. Lewis said there are a few ordinances out there, but they are all very similar.

President Engle asked if there were any issues Council would like added to the next Council meeting under “Summary of Actions Items.”

Councilman Louderback said he discussed an item with the City Manager earlier today. They all get questions from the community about companies/restaurants coming to Xenia. He thought it would be nice for Mr. Brodsky to give Council quarterly updates as to what is developing in the city. For example, is Dollar Tree a done deal? Mr. Percival said yes. The Dollar Tree store came to XPZC and received approval to build a new store on Harner Drive next to Sonic. Mr. Forschner did a great job on coming up with a building that he thought everyone would find extremely attractive. Dollar Tree will be relocating from their current location to Harner Drive. In the last month since Rural King started remodeling the old Wal-Mart building, there have been several inquiries about those available storefronts at West Park Square. He would happy to have Mr. Brodsky give Council quarterly reports.

Councilman Louderback clarified if something goes to XPZC, it is basically a done deal. Mr. Percival said Dollar Tree was done because XPZC approved the plans for the developer to get a zoning permit so they could start construction. Councilman Louderback thought it was very important to the community to know what is going on with economic development. All Council members get questions every day as to what is going on, and it would be nice if Mr. Brodsky could give Council updates on economic development. Mr. Percival said there are certain things that are confidential until done, so they would be unable to talk about those. Councilman Louderback said they all understood that and would not want to jeopardize those discussions, but it would be nice if the public knew about anything that is a done deal. Mr. Percival said he would be happy to have Mr. Brodsky do that.
President Engle said they would ask Mr. Brodsky to provide a report to Council on a quarterly basis beginning with the first meeting in April. Councilman Louderback said that would be fine.

**READING OF COMMUNICATIONS AND DISCUSSION:** Councilwoman Mills encouraged everyone to make Xenia a better place to live, to continue to work and play here, to volunteer, make a difference, and to give a happy smile every once in awhile. You would be surprised how little things can make a huge difference.

Councilman Long said he is working with a great group of volunteers to host a Youth Expo on March 9th from 10 a.m. to 2 p.m. at the Xenia Community Center. The concept is like a trade fair or health fair where people set up tables and hand information to the public. This event will allow youth groups and businesses that offer products and services to youths to set up a table while students and parents come out for a day to learn about all the organizations. Xenia is definitely lacking some commercial entertainment venues that other communities have, but there are many activities for our youth. Many times, they are non-profit groups that do not have a budget to advertise. The event on March 9th is free and open to the public. They have not heard from any Scout Masters, but any youth group that would like to come is invited to set up a free table. They are able to do the event free due to the generosity of a few people. In particular, Better Images Portrait Studio, so he wanted to thank Vice President Smith for his sponsorship to cover the cost of the facility rental. There will be a DJ and maybe some laser tag, but they need to figure out the insurance on that. The Citywide Cheer and Dance Team and Doug Yates Karate School will be there, and hopefully the Dance Loft. They will perform every 30 minutes. If any groups are interested in setting up a table, please go to www.Xeniayouth.com to register, which is free to all non-profit organizations, and they will be provided with a space at the event. If anyone has questions, they can contact him or go to the Xenia Youth website for more information.

Councilman Long said Doug Yates Karate is hosting a tournament for the Miami Valley Tournament Association on Saturday, February 16th at the First Church of Christ on Ledbetter Road beginning at noon. People from the age of five to adults will participate. If anyone is interested in seeing what martial arts offers for youth and adults, come out to the tournament, see what they do, and watch the kids and adults compete. Although he takes classes from Master Yates, he will not be competing. He thanked Master Yates for his years of dedication to our community in martial arts.

Councilman Caupp noted Councilman Louderback mentioned Dollar Tree. He attended the XPZC meeting last week with concerns about what was originally proposed on Harner Drive. To his pleasure, Thomas Latham from Mobile, Alabama representing Dollar Tree was there and he had worked with the City Planner. The design and concept of the building has come a full 180 degrees, will fit very nicely with the Progress Center PUD with all brick design, and will fit into the neighborhood quite nicely. Mr. Latham mentioned that he is part of their design team. The real estate people look at Wal-Mart and Lowe’s buildings, and the design they bring to the city is based on the characteristics of those buildings. He thought the City Planner would agree that Dollar Tree presented their basic design when they first met with Mr. Forschner. From what Dollar Tree originally presented to where they ended up are two totally different building styles. Dollar Tree had already decided it was a good thing to relocate into a 10,000 sq. ft. store in our city. Obviously, they are doing a tremendous business across the street or they would not make that kind of investment into the Progress Center PUD. He noted Wal-Mart and Lowe’s are zoned
B-2 Central Business District, so there are totally different requirements there. In order to maintain the appearance of the PUD, Dollar Tree had to change their design and was willing to do that.

Councilman Caupp noted the question was posed to the developer if it would have been simpler for him if the city had some Design Guidelines or standards prior to him ever coming here with a design, and his answer to the XPZC was “absolutely!” A few years ago, he chaired a Design Guidelines Committee, but those guidelines were shelved. As he stated to the XPZC, he thought it was time to address some of the things in the Design Guidelines and to address some of the zoning in general in the city. Councilman Long, Mr. Forschner, and he will meet to see what they can do about addressing some of the aspects of that in sections, which he thought would be a good thing. In the future, he hopes they can work together and come up with some kind of ordinances or zoning that makes sense to everybody, makes it easier for development in the city, and makes it easier for people to want to bring a business to our city to know what is expected of them. He thought that would benefit the developer and the city.

Councilman Caupp said he has been trying to do as much as he can in Xenia. Chris’ Auto Repair at 1302 Burnett Drive in the Industrial Park does not get a lot of drive-by traffic and does not get a bunch of walk-in traffic because of where he is located, but he is listed in the yellow pages and is on Facebook. A super nice gentleman owns that business. He consulted with him on his own vehicle. The owner took his time, put some effort into his issue, and gave him a recommendation. Unfortunately, he could not take his car to him, but he will definitely seek out his services the next time he needs a repair. He just wanted to make people aware of the business. Another new business called Shotz Bar and Grill opened this week in Xenia Towne Square at the former LA’s location. He wished everyone a “Happy Valentine’s Day.”

Councilman Louderback said earlier this week he had to call the emergency squad for his 89-year old father-in-law, and they had to transport him to the hospital. He is very thankful to live in a city that has such good EMS, Fire, and Police personnel. They are all very professional and they have the awards to prove it. Sometimes you never know until you have to use them, but the two firefighter/paramedics that came were very professional and he wanted to give them a shout out.

Councilman Louderback noted the City Planner was in the audience tonight. His dad told him a long time ago that God gave you two big ears and one mouth and said he needed to listen more and talk less. He made a statement at the last meeting that Xenia has a reputation of being anti-business, which was a strong statement. It was not a reflection on our current City Planner or Community Development staff. He has lived in Xenia his entire life, and in the past, there were certain businessmen who said they did not want to locate in Xenia because of some of our ordinances. After saying that, the City Planner, via the X-Plan, is going through many of our antiquated, outdated ordinances, which was long overdue. He wanted to apologize to the City Planner personally and publically. He thought some of our former City Planners and staff were less than business friendly. He wished everybody in the City of Xenia a “Happy Valentine’s Day.”

Vice President Smith said on February 4th he attended a planning meeting for Hometown Christmas, which is scheduled for December 14th, and later that evening attended the Traffic Commission meeting. The next day he attended the BRACA meeting. Donated baskets are very much needed for the Easter Egg Hunt on March 30th at Shawnee Park. Those who wish to make a donation can contact him or Councilwoman Mills. He thanked Elmcroft for hosting Business after
Hours tonight. He explained that the Sweets Boutique cupcake he was holding was served at the event. Sweets Boutique, 28 E. Second Street does a phenomenal job. On February 23rd, the Xenia Area Chamber of Commerce is hosting its 64th Annual Awards dinner at the Greene County Fairgrounds Assembly Hall. Social hour is from 5:30 to 7 p.m., followed by a dinner. The event is open to the public and tickets can be purchased by contacting XACC. He thanked Councilman Long for bringing up the XPZC issue even though he had some reservations about making that motion. It is not typical for Council to make a motion to overrule a decision made by XPZC, but as Councilman Long stated, sometimes decisions have to be made by those elected to office. He appreciated Councilman Long’s compassion and concern for both the city and the property owner.

President Engle seconded Vice President Smith’s advocacy for Sweets Boutique. His family and he usually visit that bakery once a week and it is truly exceptional. The business owners are very friendly and will do anything they can to help you better enjoy the treats you get from them. He wished everyone in Xenia a “Happy Valentine’s Day,” but especially to his wife of 26 years, Lynn, who has been his special valentine, so he wanted to say a special thank you and I love you to her.

**ADJOURNMENT:** Motion by Councilman Louderback, seconded by Councilman Caupp, to adjourn the Regular Session at 8:14 p.m. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, and Engle
Nays: None motion carried.

Michelle D. Johnson, Clerk  
Xenia City Council

Michael D. Engle, President  
Xenia City Council
City Council Meeting Minutes  
February 28, 2013  
Executive Session  
6:00 p.m.

The Xenia City Council met in an Executive Session on February 28, 2013, at 6:00 p.m. in the First Floor Conference Room, City Hall, with the following members present: Wesley Smith, John Caupp, Dale Louderback, Joshua Long, Jeanne Mills, and Michael D. Engle.

Marsha J. Bayless was absent.

Motion by Vice President Smith, seconded by Councilman Long, to go into an Executive Session to discuss Personnel Matters. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, and Engle  
Nays: None  
Motion carried.

The City Council convened in Executive Session in the First Floor Conference Room, City Hall, with the same members present to discuss Personnel Matters.

Regular Session  
7:00 p.m.

At 7:03 p.m., the Xenia City Council adjourned their Executive Session and met in a Regular Session in the City Council Chambers, City Hall, with the following members present: Wesley Smith, John Caupp, Dale Louderback, Joshua Long, Jeanne Mills, and Michael D. Engle.

Marsha J. Bayless was absent.

INVOCATION: Assistant Pastor Eric Woodworth, Lighthouse Baptist Church, gave the invocation after which all joined in the Pledge of Allegiance.

Motion by Vice President Smith, seconded by Councilman Louderback, to excuse Mayor Bayless from the meeting due to a health issue. Brief comment followed. Councilman Louderback wished Mayor Bayless a speedy recovery. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, and Engle  
Nays: None  
Motion carried.

APPROVAL OF MINUTES: Motion by Councilman Louderback, seconded by Councilman Long, to approve the February 14, 2013, Executive/Special Session minutes as written. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, and Engle  
Nays: None  
Motion carried.

Motion by Vice President Smith, seconded by Councilwoman Mills, to approve the February 14, 2013, Regular Session minutes as written. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, and Engle  
Nays: None  
Motion carried.
SPECIAL PRESENTATION: Xenia Community Center, Nathan Chrisman/Mark Atherton. President Engle invited Mr. Chrisman and Mr. Atherton to address Council. Pastor Atherton thanked Council for giving them the opportunity to be here tonight. He arrived as pastor of Xenia Nazarene Church in August 2010 and one of the first things he had to deal with was some financial difficulties with the Nazarene Christian School. For the previous six years, the school had not turned a profit, which was a serious issue. To sustain that school, they would have had to dig pretty deep into church funds, which would possibly affect their church ministries. After strategizing for six months and through prayer, they decided to close the school in June. They immediately began strategizing on what they would do with the 24,000 sq. ft. building across the street. After a few months, the Board decided to repurpose and rededicate what was the Nazarene Christian School and renamed it the Xenia Community Center in October 2012. The mission statement for the Xenia Community Center is to be able to meet the spiritual, physical, intellectual, and emotional needs of the people of Greene County and beyond.

Pastor Atherton said the Xenia Community Center allows the APEX Church to use the building; they have Zumba classes; the Greene County Council on Aging offers many classes regularly; and they offer GED/ESL classes. He and his wife have a special burden for foster parenting and have given Children Services use of one of the rooms for foster care visits and to offer independent living classes for kids that are aging out of the foster care system. They were pleased to host the Xenia High School After Prom last year and will do so again this year. As of May 2012, they are the home of The Cleft, a para-church ministry that has been going for a while that meets the needs of many kids on Friday night.

Pastor Atherton said tonight they would like to plant a seed in Council’s mind; they want them to see the Xenia Community Center (an outreach of Xenia Nazarene Church) as a resource. As Council thinks and strategizes on the future of Xenia and the day-to-day needs of Xenia, there is a building there with eight 25’ by 25’ classrooms with a gym that is sitting on 30 acres that they want the people of this community to truly be able to see as a community center. They do not really know what that means or how to run a community center, so they will figure it out as they go. They have not really marketed it; all the people who use the center now heard about it through word of mouth. In conversations he had with some Councilmembers, they suggested that he come tonight to formally tell them that the building is available and that in whatever way they can collaborate with the city to be able to better this community, they would very much appreciate doing that. It is their belief that any community cannot reach its full potential without the help of the churches in the area, and they feel this is one way they are able to do that. This is not a money-making endeavor for them. They could have rented the entire building out to one group and it would have been a money-making endeavor for them, but that is not the purpose of the building. They want to get as many Xenia folks through that building and want a wide, diverse array of offerings there. The fees they charge are minimal and are used to help them with the maintenance, upkeep, and utilities, but they do not use any of those fees for ministries of their church and they do not budget the income at all. It is all set aside, because they do not want to ever be dependent on the income from the Community Center because that would take away from their purpose.

Pastor Atherton said in May 2012, Nathan Chrisman and The Cleft elected to use their building on Friday nights. As of February, Mr. Chrisman became Xenia Nazarene Church’s Youth Pastor, and he was pleased to welcome him in that position. He would also like Pastor Chrisman to share
a little bit of his heart as he works with the young people of this community and what role he thinks the Community Center could possibly play in their lives.

Pastor Chrisman thanked Councilman Louderback for inviting them to speak to Council tonight. He thought most people knew him from The Cleft and through his work with middle and high school students in our community. Because of that, they have a lot of interaction with the families as a whole and see many of the student’s younger siblings and parents. That puts them in a unique position to see firsthand many of the real needs of our community. A few days ago, he met with the City Manager, Councilman Louderback, and Councilwoman Mills and asked them what the needs of the city are as they see them. He understood Wright State University did a community survey that mentioned roads, recreational programs, etc. However, they would like to focus on the needs of the families since he encounters 125 to 150 students a week through The Cleft, in addition to those families who attend their church. Regarding the Community Center, they are open to whatever anyone would like to bring to the table and to brainstorm ideas to see where it takes them. They really want the building to be a blessing to the community, and to somehow strengthen the families in particular. They want the community to recognize that the building is a community center for them and something that is also helpful. He then entertained questions regarding the Community Center.

Councilman Louderback said he appreciated them coming and their testimony to the community. APEX Church has 500 members, which is a great testimony for Nazarene Christian Church to open their doors to another church. They also reach out to the community by inviting the Greene County Council on Aging, Children’s Services, the Cleft, and Xenia High School to use their building. He really appreciates that and supports doing anything they can to help them.

Councilwoman Mills thanked them for opening up their doors to the community. She asked how people or organizations could contact them about doing a partnership. Pastor Atherton said for more information about the use of the Xenia Community Center, people can go to their website at www.xenianaz.org or they can call (937) 372-0708 to speak with either Rita Glaser or Karen Cummings, who can answer all their questions.

Pastor Atherton said they intentionally invited APEX Church to use their building because they do not want the Community Center to be a ‘Nazarene’ thing. They want to do what they can for the betterment of the community. They are open to whatever suggestions the city may have in the future. They may be able to accommodate some of those requests and may not be able to accommodate others, but they still want those requests. As Pastor Chrisman said, there are no bad ideas. They just wanted to plant a seed in hopes that will foster further conversations.

Councilman Louderback noted the Xenia Nazarene Church owns the doctor’s facility on W. Second Street. He was involved in the Dayton Avenue Baptist Church’s opening of a health clinic and he understood that Xenia Nazarene offered the use of that facility to them. Pastor Atherton said they have been in conversation with the Dayton Avenue Baptist Church, which is such a wonderful ministry. If that building can help them in any way, they know of that offer and are processing it, as well as some other locations they have. They would like that whole area to be a real community center and for people to not see it as a Nazarene campus, but as a true community center. They look forward to hearing from people. His email is markatherton@xenianaz.org. He looks forward to having meetings on how they can collaborate with the city.
Councilman Long said he would be using the Xenia Community Center next weekend for the Youth Expo that he and some friends are hosting. When they came up with that idea a year ago, there were zero places in Xenia that could hold an event that size, other than the Xenia Community Schools, which is a lengthy process to go through to use. He and his wife have been working with Karen Cummings, which has been great. He appreciates the use of that space to be able to host the Youth Expo, which he will discuss in more detail later in the meeting. When they contacted the Xenia Nazarene Church, they were tremendously helpful with the upcoming event, which he appreciated. Pastor Atherton said that is exactly the kind of event they want at the Community Center.

President Engle thanked Pastors Atherton and Chrisman. They are grateful for their ministry in the Xenia area and for the facility they are making available to the entire community. They think that is very much in keeping with the City of Hospitality, and they are happy to do whatever they can do. He asked Mr. Percival if there was anything Council could do to help advertise the Xenia Community Center further. Mr. Percival said they discussed that with Pastors Atherton and Chrisman. When they have specific programs, etc., they will work with them to make sure people know what is going on. President Engle thought that would be super, and the city will bring its resources to get the word out.

**AUDIENCE COMMENTS:** President Engle explained the procedures for audience comments and invited anyone who wished to speak to come forward.

Brian Markland, 1708 Montgomery Avenue, Fairborn, introduced his son, Jared Markland, who is a Boy Scout in Troop 165 and is here tonight working on his Citizenship in the Community badge during the merit badge drive they are having this month. His son is here to study the procedures and processes involved in the leadership of the community. Councilwoman Mills thanked the Markland family for coming tonight. President Engle thanked them for coming and hopes that Jared enjoys seeing how our city works.

**REPORTS OF COMMITTEES:**

**Planning & Zoning Commission:** Councilman Long said XPZC met on February 7th and had two items on the agenda:

1. A Modification to the Wright Cycle Estates PUD Section 9, which Council voted on at the last meeting. It was for a modification to the PUD to allow a rear setback to be smaller than current ordinances. As they know from the last meeting, XPZC voted to deny that request, but Council approved that request at the last meeting

2. A PUD Major Modification to the Progress Center PUD and Final Development Plan for a new Dollar Tree retail store on the south side of Harner Drive next to Sonic, which was also discussed at the last Council meeting. XPZC approved a new site plan for a new construction building. It took a lot of hard work on behalf of City Staff going back and forth with the developer to produce a building that would match the quality and characteristics of what is currently being built on Progress Drive. He thanked City Staff and the developer for working together and XPZC for approving that.

**Mayors & Managers:** Mr. Percival said they discussed House Bill 5 at the last meeting, which is on tonight’s agenda.

**Miami Valley Regional Planning Commission:** Councilman Louderback said MVRPC met on February 7th at 1100 W. Third Street in Dayton. Brian Martin was introduced as the new
Executive Director. They adopted an amendment to MVRPC’s Transportation Improvement Program (TIP) for 2012 thru 2015 and endorsed a 2010 Federal Aid Urbanized Area Boundary.

ITEMS FROM CITY COUNCIL AND MAYOR: None.

REPORTS OF CITY OFFICES:

City Manager’s Office:

Emergency Ordinance to Waive Competitive Bids per Chapter 208 Local Preference to purchase two police cruisers and Authorization for Annual Police Vehicle Replacements utilizing the State of Ohio’s Cooperative Purchasing Program to purchase two police SUVs. Mr. Percival said they are replacing three 2009 and one 2000 Crown Victorias. This year Key Chrysler did not get the state bid, but offered to meet that same price, so they have to waive competitive bidding to purchase two 2013 Dodge Charger Police Special Vehicles from Key Chrysler, which is the purpose of the emergency ordinance. The second action to purchase two 2013 Ford Police Interceptor SUVs will be off the state bid list, so a simple motion will suffice. Finally, they are requesting permission to use the remaining amount budgeted in the line to purchase the light bar packages from K E Rose Inc. of Huber Heights.

President Engle entertained the following actions, as requested by the City Manager:

Action 1. Waive the reading of an Ordinance at two consecutive meetings and pass an emergency Ordinance to waive competitive bids to purchase two 2013 Dodge Chargers for marked vehicles, and authorize the City Manager to execute a purchase order to Key Chrysler, Xenia, in the amount of $44,464.00.

Councilman Caupp presented an ORDINANCE WAIVING COMPETITIVE BIDDING AND AUTHORIZING THE PURCHASE OF TWO (2) 2013 DODGE CHARGER POLICE SPECIAL VEHICLES FROM KEY CHRYSLER, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Councilman Caupp, seconded by Councilman Louderback, that the rules requiring the reading of an ordinance at two consecutive meetings be dispensed with and this ordinance be placed at once upon its passage. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, and Engle
Nays: None motion carried.

Motion by Councilman Caupp, seconded by Councilman Louderback, that Ordinance Number 13-07 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, and Engle
Nays: None motion carried.

Action 2. Authorize the City’s participation in the State of Ohio Department of Administrative Services Cooperative Purchasing Program for the purchase of two (2) 2013 Ford Police Interceptor SUVs and authorize the City Manager to execute a purchase order to Germain Ford, Columbus, Ohio, in the amount of $50,776.00.
Motion by Councilwoman Mills, seconded by Vice President Smith, to authorize the City’s participation in the State of Ohio Department of Administrative Services Cooperative Purchasing Program for the purchase of two (2) 2013 Ford Police Interceptor SUVs and authorize the City Manager to execute a purchase order to Germain Ford, Columbus, Ohio, in the amount of $50,776.00. Discussion followed.

Councilman Caupp asked if this purchase would eliminate all the Crown Vics in the XPD’s fleet. Chief Person said no; they would still have three Crown Vics in the fleet for at least three more years. Councilman Caupp asked how many SUVs were purchased for the XPD last year. Chief Person said one SUV was purchased last year and they will purchase two this year. One SUV will go to the patrol fleet and one will go to the Detective Section to replace the 13-year old unmarked car. Councilman Caupp said he assumed that. He personally likes the SUVs. Chief Person said half of his staff really likes the SUVs and half like the Dodge Chargers. The SUV gives them much more storage capacity, and they like the all-wheel drive in the winter. He may consider transitioning a third to half of his fleet to SUVs. Councilman Caupp said he would love to see about 50% of the fleet as SUVs in the future. Chief Person said they are on the same page.

The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, and Engle
Nays: None motion carried.

Action 3. Authorize the use of the remaining $7,760.00 in the 270-1221-55401 line to purchase the three Federal Light Bar packages from K E Rose Inc of Huber Heights, OH per the attached quote.

Motion by Councilman Louderback, seconded by Councilman Caupp, to authorize the use of the remaining funds ($7,760.00) in the 270-1221-55401 line to purchase three (3) Federal Light Bar packages from K E Rose Inc of Huber Heights, Ohio, per the quote in the amount of $7,655.00. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, and Engle
Nays: None motion carried.

Emergency Ordinance appropriating funds for demolition of fire-damaged property and local match for Moving Ohio Forward demolition grant. Mr. Percival respectfully requested that Council pass an emergency Ordinance to appropriate funds in the amount of $82,000 for the demolition of a fire damaged property and for a local match for the Moving Ohio Forward demolition grants. On August 8, 2012, a fire on an adjacent property caused heavy damage to a vacant home at 362 E. Second Street. One property was demolished right away. There was discussion on the second property (as shown in the picture), and it was determined that it could not be saved. He noted if there is insurance on a property, the City receives a portion of the insurance proceeds to make sure that the demolition occurs. Even though no City funds will be used for the demolition, a special appropriation is required.
because there are no funds budgeted in Account 901-1225-53208. The funds are held in a trust fund until after the demolition and any remaining funds are returned to the insured.

The second part of this request is in regard to the Moving Ohio Forward grant program, which was established by the Ohio Attorney General’s (OAG) office in 2012. He invited City Planner Brian Forschner to make his presentation.

Mr. Forschner said in addition to explaining what the Moving Ohio Forward grant program is all about, he wanted to give Council a quick update on how the City is using the grant. As noted in the agenda report, the grant is funded by proceeds of a settlement between OAG and five of the nation’s largest mortgage servicers over foreclosure abuses, fraud, and unfair/deceptive mortgage practices. A portion of the grant is to provide local communities with funding to demolish vacant, blighted housing. The Greene County Department of Development (GCDOD) is administering the grant on behalf of the City through a Memorandum of Understanding. Through the City’s Code Enforcement process, City staff identified the properties and then GCDOD processes the demolitions on the City’s behalf. Thus far, they have identified eight properties in Xenia that Greene County will advertise for bids tomorrow. The City is entitled to an initial phase of grant dollars without having to provide a local match, which he will go into more detail later. The City’s needs are quickly adding up and are going beyond the initial allocation. The local match before Council tonight is essentially an insurance policy to guarantee there will be enough money to meet all the City’s needs as they go through this process. He will first show how they identified the properties; he will then go into more details regarding the money.
As of May 2012, about 162 vacant homes have been identified based on utility billing information. Many of the properties are concentrated in the east end where the highest vacancy percentages and tax delinquencies are found.

The red dots identify the first eight properties slated for demolition in the first bid using the grant and have been vacant for three or more years; green rectangles identify vacant lots. In some cases, properties have been unoccupied for eight years and in many cases, they have racked up thousands of dollars in delinquent taxes. The owners have essentially walked away, moved to other states or communities, and have stopped maintaining the properties. The first eight properties have histories of violations/citations from the Greene County Building Department as well as from the City. There is a public nuisance process by which the City can declare a property to be a public nuisance, and if the owner does not respond, the City has the legal authority to demolish the properties regardless of whether the owner consents. In all these cases, they are trying to get consent from the owners, and they have been successful in doing that in a few cases. In many cases, the owners are happy to have the problem taken off their hands and this grant allows the City to take care of the problem at no expense to the owner, which is an incentive. The buildings shown in some of the pictures are blighting influences on the surrounding neighborhoods. Long-term vacant properties are potential havens for crime, squatters, and drug dealers, and they bring down the value of surrounding homes. In many cases, they are beyond repair so the first step of revitalizing the area is demolishing those dilapidated, vacant homes.

He then showed pictures of the homes that are slated for demolition in the first bid (see Exhibit A of the minutes).
Greene County was eligible to receive a total of $727,000 in grant funding, but only the first $500,000 of that could be received without a local match, so they went ahead and applied for the $500,000. The pie chart shows how the money was allocated. The City of Xenia was allocated $152,550; $146,900 was allocated to the City of Fairborn; and the remaining $200,550 will be used countywide on a first come/first served basis. Preliminary estimates for the first eight demolitions will cost approximately $162,000 to $167,000, so the City will already exceed its initial allocation and will already need to dip into that countywide fund. City staff have preliminarily identified at least 18 additional properties as potential demolition candidates due to their long-term vacancy and blighted condition. If the owners do not respond, then those properties will be demolition candidates as well, which is why the local match is before Council tonight. The State is asking municipalities for a commitment as to whether they will provide the local match. If that is not done, they will allocate the funds to another community.

Mr. Forschner said the request before Council tonight is a $70,000 appropriation in local match funding that will leverage an additional $70,000 in grant funding. There is a strong possibility they will use the funds; however, there is also the possibility they won’t, in which case it will be returned back to the General Fund. The reason for the uncertainty about the $200,550 is that the funding is available to the entire county on a first come/first served basis, so it is just a question of who gets there first. No one has requested that money yet. Many of the outlying areas do not seem to have a need for it or have not presented viable properties. Fairborn is just starting now with their first five properties and they may have a need for it, but they are not far enough along to dip into it right away like the City of Xenia. There is a strong possibility that the countywide money will be enough to satisfy Xenia’s needs. The reason the local match request is in front of Council tonight is just in case it does not.

Councilman Louderback asked if the grant pertained to residential properties only. Mr. Forschner said yes. Councilman Louderback asked if the property owner would still own the lot after the home is demolished. Mr. Forschner said yes. Councilman Louderback asked if that was where the Land Bank would come into play. Mr. Forschner said currently there is the tax delinquency foreclosure process, and many of those properties are tax delinquent. Potentially, if nobody buys the lots, they could be forfeited to the City; however, that is a lengthy process and the Land Bank would speed up that process.

Councilman Louderback said he did not realize there were 162 vacant properties in the City. Mr. Forschner said not all of them are blighted properties, but they have been vacant for two or more years.

Councilman Long asked if the 162 vacant properties just meant that the owners were no longer paying properties taxes. Mr. Forschner said no; it is based on utility billing information. The property owner essentially reports to the Utility Billing Department that nobody is living there, which is how they arrived at that number. In many cases, there were also water disconnections to the properties for that same period.

Councilman Caupp asked if City Staff would do any of the demolitions. Mr. Forschner said no. Councilman Caupp thought with a good backhoe, some of the houses could be gone; City Staff has done some demolitions in the past. Mr. Forschner said these demolitions will be done
Councilman Louderback asked if the Xenia Fire Division could use the vacant properties for training and burn down some of those houses. Mr. Forschner said he discussed that with them. They will try to make arrangements as soon as they identify some dates when the demolitions will actually happen and he will coordinate with the Xenia Police and Fire Divisions to discuss some training possibilities.

Councilman Louderback presented an ORDINANCE AMENDING ORDINANCE 12-53 TO MAKE ADJUSTMENTS IN APPROPRIATIONS FOR CURRENT EXPENDITURES OF THE CITY OF XENIA, OHIO DURING THE FISCAL YEAR ENDING DECEMBER 31, 2013, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Councilman Louderback, seconded by Councilwoman Mills, that the rules requiring the reading of an ordinance at two consecutive meetings be dispensed with and this ordinance be placed at once upon its passage. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, and Engle  
Nays: None  
motion carried.

Motion by Councilman Louderback, seconded by Councilwoman Mills, that Ordinance Number 13-08 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, and Engle  
Nays: None  
motion carried.

Introduction of an Ordinance to vacate a portion of an existing 20-foot-wide sanitary sewer easement on Lots 5 and 8 and accepting a relocated 20-foot-wide sanitary sewer easement on proposed Lot 8A in the Legacy Center subdivision. Mr. Percival said representatives from the Legacy Center intend to add a new skilled nursing care wing to their Assisted Living facility. In order to do that, they are encroaching on the City’s sanitary sewer easement. The City will maintain the ability to access and take care of the sewer line.

Councilman Caupp introduced an ORDINANCE VACATING A PORTION OF AN EXISTING 20-FOOT-WIDE SANITARY SEWER EASEMENT ON LOTS 5 AND 8 AND ACCEPTING A RELOCATED 20 FOOT WIDE SANITARY SEWER EASEMENT ON PROPOSED LOT 8A IN THE LEGACY CENTER SUBDIVISION, and it was read for the first time.

Emergency Ordinance appropriating funds to offset loan proceeds in the General Construction contingency line for the Contract B-Phase I Project. Mr. Percival noted the Wastewater Treatment Plant project has been underway for about 18 months, and they are preparing to close out this project with Danis Industrial Construction and Kastle Electric Company. At the end of a sizeable project like this, change orders are brought forward and worked through. The requested emergency ordinance will provide the funding to allow for the payment of two Then and Now Statements as follows: One to Danis for $19,663, and one for Kastle Electric for $835. The total amount for both Then and Now Statements will not exceed $20,498. The City secured funding through the Ohio EPA Division of Environmental Financing Assistance (DEFA), which is where the money will come from. This will be money that is
passed through from the State to the City and onto the contractors. One additional change order is anticipated, and then this project will be closed out.

Mr. Percival respectfully requested that Council take two actions:

**Action 1:** Waive the second reading of an ordinance at two consecutive meetings and pass an emergency Ordinance to appropriate $20,498.00 into account 665-6451-55599 for the Contract B-Phase I Project Contingency Line to offset loan proceeds.

**Action 2:** Waive the second reading of a resolution at two consecutive meetings and pass an emergency Resolution to authorize the payment in excess of the amount allowable on a “Then and Now Statement” to Danis Industrial Construction in the amount of $19,663.00 to close out their portion of the Contract B Project.

Councilman Louderback presented an ORDINANCE AMENDING ORDINANCE 12-53 TO MAKE ADJUSTMENTS IN APPROPRIATIONS FOR CURRENT EXPENDITURES OF THE CITY OF XENIA, OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2013, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Councilman Louderback, seconded by Vice President Smith, that the rules requiring the reading of an ordinance at two consecutive meetings be dispensed with and this ordinance be placed at once upon its passage. Brief discussion followed. Councilman Long noted in the staff report it states the project is about 7% above the original contract amount. Mr. Percival said that was correct. Councilman Long asked if the third change order would be close to the amount allocated. Mr. Percival said yes. He believed the third change order was under $15,000, and it would not change the percentage.

The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, and Engle  
Nays: None  motion carried.

Motion by Councilman Louderback, seconded by Vice President Smith, that Ordinance Number 13-09 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, and Engle  
Nays: None  motion carried.

Councilman Louderback presented a RESOLUTION AUTHORIZING THE PAYMENT OF $19,663.00 TO DANIS INDUSTRIAL CONSTRUCTION FOR CONSTRUCTION SERVICES ASSOCIATED WITH THE CONTRACT B, PHASE 1 PROJECT LOCATED AT THE GLADY RUN WWTP, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Councilman Louderback, seconded by Vice President Smith, that the rules requiring the reading of a resolution at two consecutive meetings be dispensed with and this resolution be placed at once upon its passage. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, and Engle  
Nays: None  motion carried.
Motion by Councilman Louderback, seconded by Vice President Smith, that Resolution Number 13-C be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, and Engle
Nays: None motion carried.

Mr. Percival encouraged Council to visit the Glady Run WWTP to see the improvements made there. The Contract B improvements really added to that complex. Secondly, the solar arrays are up and running, so he encouraged everyone to also look at those. Overall, there are big improvements over what was at the facility before. Councilman Caupp said he took a tour of the Glady Run WWTP about a month ago, and as the City Manager noted, compared to the building, testing facility, etc., that were there, it is a much improved and very nice complex. He also encouraged everyone to check it out.

**Items for the City Manager:** None.

**Finance Director’s Office:**

**Award of bid for Timekeeping, Scheduling, and Leave Management Software.**

Mr. Bazelak respectfully requested that Council award the bid to OSL Solutions in the amount of $70,500 for the implementation and maintenance of their Timekeeping, Scheduling, and Leave Management software product. As Council may recall, this purchase was a topic of conversation at both the Budget Committee level and at the Council level when discussing the 2013 budget, and they have been considering this purchase for a number of years. The City currently has a fairly antiquated system on how payroll is processed. City employees fill out paper time sheets or administrators fill them out and then they are manually submitted to the Finance Office to process the payroll. In years past, it has been cost prohibitive for the City to put a new timekeeping system into effect, but when a few companies demonstrated their electronic timekeeping software, staff determined it was something that should go out for competitive bid. He gave the Assistant Finance Director credit for taking it upon himself to talk to other communities to see how they process their payroll and what companies they had considered. A Request for Proposals was initiated and four bids were received. After review of all bids, staff determined that the OSL Solutions software will meet the City’s needs for timekeeping, scheduling (one component accommodates even the most complicated public safety schedules) and leave management. He and Assistant Finance Director Ryan Duke are available for any questions Council may have.

President Engle noted Council is asked to take two actions:

**Action 1.** Motion to waive the reading of an ordinance at two consecutive meetings and pass an emergency Ordinance to approve an additional appropriation in the amount of $8,268.00.

Councilwoman Mills presented an ORDINANCE AMENDING ORDINANCE 12-53 TO MAKE ADJUSTMENTS IN APPROPRIATIONS FOR CURRENT EXPENDITURES OF THE CITY OF XENIA, OHIO DURING THE FISCAL YEAR ENDING DECEMBER 31, 2013, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Councilwoman Mills, seconded by Councilman Long, that the rules requiring the reading of an ordinance at two consecutive meetings be dispensed with and this ordinance be placed at once upon its passage. Discussion followed.
Councilman Long said it seems like this is definitely a process that needs to be improved. He prayed for their patience through this process because he has done this before, and he knew IT, the Finance Department, and supervisors would be making many changes [tweaking the system]. They have his sympathy, but it will be better in the long run. Mr. Bazelak agreed it will be challenging, to say the least.

Vice President Smith clarified employees are just handwriting their time sheets and handing them in on paper. He asked if the software allows employees to clock in using a badge or a card. Mr. Duke said the software allows a variety of things. They are looking at a “hand punch” that actually reads the whole hand for certain areas like Public Service, and it also allows clocking in on a PC, so an actual time clock would not be needed. He noted time clocks are fairly expensive.

Councilwoman Mills noted the agenda report states, “In a study conducted by the City Manager’s Office, it was determined that City departments were spending approximately 28 hours each week to prepare time sheets so that time will be greatly reduced therefore freeing up time for employees to be productive in other areas.” It is a great saving to the City, so thank you to Staff for doing such hard work to be able to provide that savings.

President Engle thanked Staff for finding a very competitive bid for the system.

Motion by Councilwoman Mills, seconded by Councilman Long, that Ordinance Number 13-10 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, and Engle
Nays: None motion carried.

**Action 2. Motion to award the bid to OSL Solutions in the amount of $70,500.00 for the implementation and maintenance of their Timekeeping, Scheduling, and Leave Management software product.**

Motion by Councilman Caupp, seconded by Councilman Long, to award the bid to OSL Solutions in the amount of $70,500.00 for the implementation and maintenance of their Timekeeping, Scheduling, and Leave Management software product. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, and Engle
Nays: None motion carried.

**Emergency Resolution opposing the passage of House Bill 5 by the Ohio General Assembly.** Mr. Bazelak noted Council passed a resolution at the end of last year in opposition to House Bill 601, which was the municipal tax uniformity legislation. House Bill 601 did not make it through the Ohio House/Senate in 2012 and it expired, but it has been reintroduced as House Bill 5. As he understands it, House Bill 601 and House Bill 5 are not exactly the same; however, the major issues that almost all, if not all, municipalities had with the legislation are still in Houses Bill 5, so they recommend that Council again adopt a resolution in opposition to this particular municipal tax uniformity measure.
Councilman Louderback presented a RESOLUTION DECLARING THE INTENT AND RESOLVE OF THE XENIA CITY COUNCIL TO STRONGLY OPPOSE THE PASSAGE OF HOUSE BILL 5 BY THE OHIO GENERAL ASSEMBLY WHICH PROPOSES UNIFORMITY MEASURES FOR MUNICIPAL INCOME TAX IN THE FORM OF UNFUNDED MANDATES, SUBSTANTIAL LOSS OF REVENUE AND INCREASED EXPENSES, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Councilman Louderback, seconded by Councilwoman Mills, that the rules requiring the reading of a resolution at two consecutive meetings be dispensed with and this resolution be placed at once upon its passage. Discussion followed.

Councilman Louderback said they just candy-coated House Bill 601 into House Bill 5 with not many changes. He opposes House Bill 5.

For public awareness, Councilman Caupp noted Staff estimates a combined loss of revenue and increased expenses to the City of $477,000+ (which is low since there are so many unknowns). Once again, the State is taking more money and putting more of the burden on the City.

If people would like more information, Councilwoman Mills highly encouraged them to call their State Representatives to express their concerns. This is how they have the freedom to express concerns to our government, and when citizens don’t use these freedoms, then they are really missing an opportunity. Please look for your Representatives and let them know that you do not approve [of House Bill 5] due to the cost implications for your community. When you take $477,000 in revenue out of a community, you will see the pinch.

Mr. Percival said contrary to what was in the newspaper, Mr. Bazelak and he do not disagree with having a uniform way to collect the taxes. However, they want whatever they do to be revenue neutral so that revenue is not lost in the process. It appears from what is being put forward by Representative Henne and others in this case, it is not even close to revenue neutral.

Councilman Long asked if House Bill 5 limits the City’s ability to offer incentives on the taxes. Mr. Bazelak did not believe so.

President Engle agreed with the comments of all his colleagues, and he appreciated the City Manager’s observations as well. In putting it bluntly, as was stated, the State will be keeping more of your tax dollars and to the best of his knowledge, the State is not claiming that they will be providing any service to the City to make up for that lost revenue. As Councilwoman Mills stated, call and write to your State Representative and express your point of view on this issue because it is very important to the City of Xenia.

Councilman Louderback noted Bob Hackett is our State Representative and Mike Turner is our Congressman.

The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, and Engle
Nays: None  motion carried.

Motion by Councilman Louderback, seconded by Councilwoman Mills, that Resolution Number 13-D be now passed. No discussion followed.
The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, and Engle
Nays: None motion carried.

**Schedule of Bills:** Mr. Bazelak presented payment of bills totaling $172,649.87.

Motion by Councilman Caupp, seconded by Vice President Smith, to approve payment of bills totaling $172,649.87. Discussion followed.

- Councilman Louderback said he would be voting “nay.” On page 9, there is a City employee who has a HVAC company [Seiter Services LLC for furnace repair/thermostat at 847 Ford Road for $218.95] and he did some work at a City facility. To him, it does not look right. He was not saying it was illegal, but to him it is not ethical. He would like the Law Department to look into the Ohio Revised Code to see if there are any problems with it. He has nothing against the employee and has used him personally for work. He has brought this issue up in the past and thought it was taken care of, but evidently it was not, so he would like to go on record as opposing this.

The Roll on this was the following:

Ayes: Smith, Caupp, Long, Mills, and Engle
Nays: Louderback motion carried.

**Items for the Finance Director:** Councilman Louderback said although this was mentioned at their last meeting, he commended the Finance Department for receiving its 29th consecutive “Certificate of Achievement for Excellence in Financial Reporting” from the National Government Finance Officers Association for its 2011 annual financial report. It speaks highly of our Finance Department and the employees there, so hats off to them.

**Law Director’s Office:**

**Introduction of Ordinances and Resolutions:** None.

**Second Readings of Ordinances and Resolutions:** Mr. Lewis presented an ORDINANCE GRANTING AND EASEMENT OF 0.210 ACRE PUBLIC ACCESS EASEMENT ON A CITY-OWNED .83 ACRE TRACK IN ARNOVITZ INDUSTRIAL PARK PLAT, and it was read for a second time.

Motion by Councilman Louderback, seconded by Vice President Smith, that Ordinance Number 13-11 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, and Engle
Nays: None motion carried.

Mr. Lewis presented an ORDINANCE AMENDING PART TWO – ADMINISTRATION CODE, TITLE SIX: ADMINISTRATION, CHAPTER 236: DEPARTMENT OF FINANCE OF THE CODIFIED ORDINANCES OF THE CITY OF XENIA, TO CREATE AN ECONOMIC IMPACT ANALYSIS POLICY, and it was read for a second time.
Motion by Councilman Caupp, seconded by Councilwoman Mills, that Ordinance Number 13-12 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, and Engle
Nays: None motion carried.

Mr. Lewis presented an ORDINANCE AUTHORIZING THE SALE OF 729 E. CHURCH STREET (PARCEL NUMBER M40000200080027200) TO MICHAEL SIWO, and it was read for a second time.

Motion by Councilman Louderback, seconded by Councilman Caupp, that Ordinance Number 13-13 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, and Engle
Nays: None motion carried.

**Items for the Law Director:** None.

**SUMMARY OF ACTION ITEMS:**
- A request for a plan from City Staff in regard to the Broker Services Contract to include details of how the contract will be monitored (Requested by President Engle//Assigned to Jim Percival/Jackie Potter). Mr. Percival did not have any updates.
- Update on Proposed Recreation Venues (Requested by Councilman Louderback//Assigned to Jim Percival). Mr. Percival noted recreational opportunities were discussed this evening.
- A report on the feasibility of a Vacant Building Ordinance – due date to be determined (Requested by Councilman Louderback//Assigned to City Manager’s Office and Law Director). Mr. Percival did not have any updates.
- Quarterly Updates on Economic Development at Council meetings on 04/11/13, 07/11/13, 10/10/13, 01/09/14 (Requested by Councilman Louderback//Assigned to Steve Brodsky/Jim Percival). Mr. Percival said the requested update from the Economic Development Director is scheduled for the first meeting in April.

Regarding the Vacant Building Ordinance, Councilman Long noted the Downtown Xenia Now committee and the Chamber of Commerce may also join in that conversation. Mr. Lewis said it would take a while to put together the Vacant Building Ordinance because there are many things that need to be changed in our Code. The Housing Code the city uses was last updated in 1996 and Management Analyst Sandy Fackler has been trying to update that for ten years. According to the Fire Chief, the Fire Code also needs to be updated, so it will take a bit longer to put that ordinance together. Hopefully, everybody can work together to keep that going. Councilman Long said other than just City Council, downtown business owners and the Chamber of Commerce and others who will be directly impacted by this are very interested in this, but they want to do it right.

Councilman Louderback said the first time he heard about such an ordinance was when he heard about the Sandusky Vacant Building Ordinance, so he piggybacked on what came out of that meeting. Even though it was not his idea, he felt it was a good idea.

Vice President Smith asked if the gentleman who was considering having a laser tag business in Xenia was still interested. Councilman Long said Mr. Walters is still working on it and has proceeded with his plans to rent out facilities for parties. It is his understanding that as of a week
ago, Mr. Walters is still looking for a facility in town that will fit his budget constraints. Mr. Walters would like to open his business to rent laser tag and bounce houses, and he will be at the Youth Expo next weekend.

President Engle asked if there were any issues Council would like added to the next Council meeting under “Summary of Actions Items.” There was no response from Council.

**READING OF COMMUNICATIONS AND DISCUSSION:** Councilman Long said the Youth Expo would be March 9th from 10 a.m. to 2 p.m. at Xenia Community Center. This event is designed to showcase the activities that Xenia offers to the children in our community. Thirty organizations are participating and will have booths to hand out information to families, teachers, students, and the event is open to the public. There will be performances every hour by many of our talented youth. City Wide Cheerleading & Dance, Dance Loft Plus Performance, and Doug Yates Karate School will have performances. There will be many give-a-ways and raffles. Mr. Walters (Family Fun Center) has graciously donated a bounce house or two so kids can enjoy that while their parents talk to the organizations about finding ways to engage their kids.

To give everyone an idea about who is coming, organizations include: BRACA; many church youth groups, such as Xenia Nazarene, AHOP, and Faith Community United Methodist; Club X Soccer; The Cleft; Xenia Area Community Theater; Xenia Township Fire Department Explorer Post 29; DeMolay International (a division of the Masonic Order); Xenia Kids and Robots (X.K.A.R.); Doug Yates Karate School; 4-H of Greene County; Xenia YMCA; two Boy/Cub Scout groups; Greene County Combined Health District; Greene County Library; Greene County Parks & Trails; Xenia Community Schools; Youth Recreation Club of Xenia; and Girls Rule! He encouraged everyone to come to the free event to see what Xenia has to offer and to focus less on what Xenia does not have. Attendees will have an opportunity to meet many of the non-profit organizations that are providing many activities for our kids.

Councilman Caupp said he could think of several people who are not on the list of participants. He asked if it was too late for people to set up a booth. Councilman Long said no; registration was closed today, but they can still get a few organizations in if they call him at 475-2963. He does not want to turn anyone away. When they first started organizing the event, they were afraid they would not have enough people to fill the space, but they filled almost all the space at the Community Center; however, they can definitely fit a few more people in.

Councilwoman Mills reminded everyone spring is coming and they will be setting our clocks forward soon. She wanted to remind everybody that children and adults have spring fever. Once the weather starts to change a little bit, please watch out those playing outside and having a good time. On March 22nd Faith Community United Methodist Church will be hosting a free family movie called “Wreck-It Ralph” that begins at 6:30 p.m. She will share more information about the event at the next Council meeting.

Councilman Caupp noted tonight the City vacated an easement for Legacy Center. He encouraged people who have not visited that campus to do so. Once the trees bloom and everything starts getting green, as you go down Home Avenue, take a drive through there. Legacy Village has really done a phenomenal job with the old buildings on that property. The new developments include patio homes for Senior Citizens, they are building an assisted living facility, and with AIA and the sports complex, that facility has really blossomed. It is a really nice property that people drive by every day, but he did not think they drive up through there to take a look and they should. Great things are happening there. Tomorrow, March 1st, is his
parent’s anniversary, so he wished them a “Happy 49\textsuperscript{th} Wedding Anniversary.” His parents are two people who actually watch Council meetings.

Councilman Louderback wished Councilwoman Jeanne Mills as happy belated “Happy 29\textsuperscript{th} Birthday.” Sparkle Car Wash is under new ownership. It is called Wash it Dean, and Josiah and Jessica Dean own it. He went through there the other day and they have completely revamped all the equipment and they do a great job, so he welcomed them to Xenia. He received several questions in the last month about police officers in our schools, and he talked to the City Manager about that. It was his understanding that the City provides police officers to the middle schools and high school and a DARE Officer to the elementary schools. Mr. Percival said that was correct; the city pays for that. The City got a grant to pay for part of the DARE Officer’s salary, but the City pays for all the other officers. Councilman Louderback knew some parents are concerned about some of the recent tragedies, and although the City does not have anything to do with the schools directly, the City does provide the schools with a lot of services.

Since he forgot his paper, Councilman Louderback asked Council to share information about the upcoming event at X*ACT. President Engle said \textit{The Old Time Radio Show} tickets for the Friday Opening Night Gala on March 8\textsuperscript{th} can be purchased at X*ACT. The other performances are Saturday, March 9\textsuperscript{th} at 7:30 p.m. and Sunday, March 10\textsuperscript{th} at 3 p.m. Councilman Louderback understood some Council members would be in the show. President Engle said he would be playing Dagwood Bumstead and Councilman Long said he had a few parts. Councilman Louderback thought it would be worth the admission price just to see President Engle and Councilman Long. President Engle noted Mayor Bayless would be playing the female part of Bickering Bickersons; she will do a duet with William Spahr of the Xenia Board of Education. The play was excellent last year, and he was sure they would do the same this year. Councilman Louderback agreed.

Councilman Louderback gave a “shout out” to the City’s maintenance workers. There was a water main break on Country Club Drive that affected about 200 people. The workers were out in the ice and snow, and he wanted them to know he appreciates everything they do for the City.

Vice President Smith reminded people that the Community Easter Egg Hunt would be on Saturday, March 30\textsuperscript{th}. If people would like to donate an Easter basket, it would be appreciated. The children register their names and tickets are drawn for the baskets. He thought the goal was to have 40 to 50 baskets this year. There are two baskets in Council Office, but they still need more. If anyone would like to make a donation, please contact Councilwoman Mills or him for more details. This weekend Xenia High School is presenting \textit{Anything Goes}. Performances are Friday, Saturday, and a Sunday matinee this year and tickets are on sale before the show. He thanked the citizens who are watching tonight. There are many choices of programs to watch on television and he really appreciated it when people in the community recognize him for being on television. He lets people know they are welcome to attend any of the Council meetings to share their comments during Audience Comments. He received a yellow card in the door at this house that indicated he had a delivery. The card had a name and cell phone number to call but did not give the name of the delivery company. After doing some investigation, he discovered it was an insurance scam about how to protect your mortgage in the event of your death, and this was just a way to get you to call them. When he called the number, he made sure the person knew he was going to bring it up tonight.
President Engle congratulated the Finance Department for receiving the “Certificate of Achievement for Excellence in Financial Reporting” from the National Government Finance Officers Association for the City’s 2011 comprehensive annual financial report for the 29th consecutive year. The Finance Department does a superb job and that award is given to only a small percentage of Finance Departments across the State. The citizens of Xenia can be very proud that all City Departments are using their tax dollars wisely, the Finance Department is watching (and counting) every penny, and they are viewed as one of the best of the best within the State. He offered his congratulations to the Finance Department and all City Staff.

**ADJOURNMENT:** Motion by Councilwoman Mills, seconded by Councilman Louderback, to adjourn the Regular Session at 8:18 p.m. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, and Engle
Nays: None motion carried.

Michelle D. Johnson, Clerk
Xenia City Council

Michael D. Engle, President
Xenia City Council
City Council Meeting Minutes  
March 14, 2013  
Executive Session  
6:00 p.m.

The Xenia City Council met in an Executive Session on March 14, 2013, at 6:00 p.m. in the First Floor Conference Room, City Hall, with the following members present: Wesley Smith, Dale Louderback, Joshua Long, Jeanne Mills, Marsha J. Bayless, and Michael D. Engle.

John Caupp was absent.

Motion by Mayor Bayless, seconded by Councilman Louderback, to go into an Executive Session to discuss Personnel Matters. No discussion followed. The Roll on this was the following:

Ayes:  Smith, Louderback, Long, Mills, Bayless, and Engle  
Nays:  None  
motion carried.

The City Council convened in Executive Session in the First Floor Conference Room, City Hall, with the same members present to discuss Personnel Matters.

Regular Session  
7:00 p.m.

At 7:08 p.m., the Xenia City Council adjourned their Executive Session and met in a Regular Session in the City Council Chambers, City Hall, with the following members present: Wesley Smith, Dale Louderback, Joshua Long, Jeanne Mills, Marsha J. Bayless, and Michael D. Engle.

John Caupp was absent

INVOCATION: JoAnn Tarver gave the invocation after which all joined in the Pledge of Allegiance.

Motion by Councilman Louderback, seconded by Councilman Long, to excuse Councilman Caupp since he is on vacation. No discussion followed. The Roll on this was the following:

Ayes:  Smith, Louderback, Long, Mills, Bayless, and Engle  
Nays:  None  
motion carried.

APPROVAL OF MINUTES: Motion by Councilwoman Mills, seconded by Vice President Smith, to approve the February 28, 2013, Executive/Regular Session minutes as written. No discussion followed. The Roll on this was the following:

Ayes:  Smith, Louderback, Long, Mills, Bayless, and Engle  
Abstain:  Bayless  
Nays:  None  
motion carried.

SPECIAL PRESENTATION: Proclamation to declare March 2013 as DeMolay Month. Mayor Bayless said she was very honored to present the following proclamation: “DeMolay is a character-building organization of young men aged 12-21. These young men are seeking to prepare themselves to become better citizens and leaders for tomorrow. DeMolay helps develop
those traits and characteristics, which has strengthened good men of all ages. The organization has carried out the aforementioned goals for over ninety years through programs of athletic competitions, social activities, civic service, and charitable projects. The young men of the Ralph H. McMillan Chapter donated their time at the Beavercreek Senior Center at the “Day of Caring” event. They hosted all of Ohio DeMolay on Saturday, March 9th for the “Tournament of Champions.” The young men of the Ralph H. McMillan Chapter will observe 2013 as the 94th Anniversary of DeMolay.

Mayor Bayless proclaimed March 2013 as “DeMolay Month.” She called upon all our citizens to join in saluting the young men of DeMolay in expressing our grateful appreciation for the fine example set by them in contributing to the welfare of our community. (Applause followed.)

DeMolay Master Counselor Sam Crawford presented a pin to Mayor Bayless on behalf of the Ralph H. McMillan Chapter and Ohio DeMolay. Mayor Bayless thanked him and asked if he would introduce the other members from his Chapter. Mr. Crawford introduced the following members: Junior Counselor John Chaney; Orator Eric Lovingshimer; Junior Stewart Brandon Chaney; Second Receptor Alec Grice; and Senior Counselor Ryan Cope. (Applause followed.)

PUBLIC HEARING: Small Cities Community Development Block Grant (CDBG) Programs for 2013. President Engle opened the public hearing and asked for the staff report. Mr. Percival said in compliance with Federal Citizen Participation Requirements, grantees, such as Xenia, must hold one (1) general public hearing to cover the Community Development Block Grant Program; a second application-specific public hearing will be held in June before submittal of the City’s program to the State of Ohio. This evening they will mostly be discussing the Community Development Program (formerly the Formula Allocation Program). Those funds have been reduced the last few years. At one point, the City of Xenia received approximately $135,000 or $140,000, but this year the funding is estimated to be $115,000. Other programs are available on a competitive basis, such as:

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<th>PROGRAMS</th>
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<tr>
<td>Community Development Program</td>
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<tr>
<td>Community Housing Improvement Program</td>
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<tr>
<td>Residential Public Infrastructure Grant Program</td>
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<td>Economic Development Loan and Infrastructure Grant</td>
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<td>Neighborhood Revitalization Program</td>
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<td>Critical Infrastructure Grant Program</td>
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<td>Downtown Revitalization Grant</td>
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<td>CDBG Discretionary Fund</td>
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<td>Micro-enterprise Business Dev. Program</td>
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Mr. Percival said he wanted to let everyone know that the city has the $115,000 for the Community Development Program. Applications are available at the Public Service Center in the Community Development Department on Towler Road for anyone who would like to apply for funding. These programs have to meet the CDBG requirements, i.e., benefit low- to moderate-income people, be for economic development, or for elimination of slum and blight. It is good if all three can be done. The application deadline is April 26, 2013. If anyone has specific questions, he encouraged them to call the City’s Community Development or Economic
Development Departments and staff will assist them with completing the application. He then entertained questions.

President Engle explained the procedures for audience comments, and invited those in favor of the CDBG Programs for 2013 to step forward to speak. No one came forward to speak. President Engle invited those against the CDBG Programs for 2013 to step forward to speak. No one came forward to speak. President Engle invited those neither for nor against the CDBG Programs for 2013 to step forward to speak. No one came forward to speak.

President Engle closed the public hearing at 7:18 p.m. and entertained questions or comments from Council.

Mr. Percival reiterated that applications are available at the City’s Community Development or Economic Development Departments; staff is available to assist with completion of the application for anyone who has ideas on funding. The application deadline is April 26, 2013.

Councilman Long asked if there had been a press release about the availability of CDBG funds. Mr. Percival said he knew the public hearing was advertised. Councilman Long asked if there was a press release about the CDBG funds being available and the application process. Mr. Percival said he did not know, but there definitely will be a press release since they encourage participation.

Councilman Louderback asked if this was similar to the Façade Loan Program last year. Mr. Percival said the Façade Loan Program was a different program, but a downtown business might be able to apply for funds from a slum and blight point of view. Councilman Louderback said he was thinking about a local business that recently had a water main break that caused extensive damage to the building. He asked if that business would qualify for any funds under the CDBG program. Mr. Percival said they would not qualify under this specific program, but there are [other] monies that may be available. He understood that the individual that owns the business did not have insurance, which has created some other issues. He spoke with the Greene County Building Inspector today who stated they are going to require an engineer’s certification prior to anyone occupying that building. Their real concern is the water damaged ceilings and plaster; they do not want people going into that building and having a plaster ceiling fall on them. It was his understanding that an engineer has been contacted, but the county did not have a timeframe on when they would get a full report back from the building owner.

Deferring to the Law Director, Councilman Louderback asked how this would apply to the city’s empty building ordinance. He knew staff was working on a stricter empty building ordinance. He asked if the Fire Chief had done an inspection. He heard the building is in deplorable condition and possibly has mold like other buildings in town. Mr. Lewis said even without the proposed vacant building ordinance, the city has done administrative warrants. In fact, he just did one this week that would allow the Fire Chief and Zoning Inspector to enter the premises if they have reason to believe there are problems with that building. They did the same thing with a former downtown pharmacy when there were concerns that the amount of materials being stored in the pharmacy could cause a fire hazard, so clearly the Fire Chief had the ability to inspect that property. To get into a piece of private property to inspect it, there has to be some reasonable suspicion and belief that there are major safety/health risks.
AUDIENCE COMMENTS: President Engle explained the procedures for audience comments and invited anyone who wished to speak to come forward. No one came forward to speak.

REPORTS OF COMMITTEES:

Board for Recreation, Arts & Cultural Activities: Councilwoman Mills said BRACA has many things on its calendar, is moving forward, and is very excited about this season. The following events are forthcoming:

- **Free Movie.** On Friday, March 22nd, Faith Community United Methodist Church, 100 Country Club Drive near Groceryland, will host a free family movie called *Wreck It Ralph* that begins at 6:30 p.m. The huge blowup screen that is used at Shawnee Park is also used there. She encouraged everyone to come out and enjoy the free popcorn and various fun activities.

- **Annual Easter Egg Hunt 2013 ~ Saturday, March 30th at 11 a.m. at Shawnee Park** (in association with the Xenia Area Association of Churches and Ministries). Registration begins at 10 a.m. (rain or shine) and the egg hunt begins at 11 a.m., so she hopes families will come and enjoy a great day. Over 12,000 eggs will be distributed. If anyone would like to donate an Easter basket, please contact her or Sarah Mays. They usually give away 50 to 70 baskets each year, so they would really appreciate any basket donations.

- **Heritage Tree Program.** The Heritage Trees have been chosen, which she will bring to Council soon so the stories of some of those trees can be told. For example, one tree on E. Second Street was planted 133 years ago when the house was built. She is very proud of the Tree Committee volunteers. If anyone is interested in being on the Tree Committee, please contact City Clerk Michelle Johnson.

- **Youth Expo was March 8th.** She thanked Councilman Long for hosting the event. BRACA had a table at the event to share information on the Board’s various activities. Between 800 and 1,000 people attended the Youth Expo and visited the 35 booths that had activities for children and youth. Many people said they were just visitors (not booth owners) but would come next year.

- **Arbor Day Event ~ April 27th at Xenia Community Library from 10:30 a.m. to 2:30 p.m.**

Councilwoman Mills said she would continue to update Council and the community on upcoming BRACA events and encouraged everyone to attend them.

Councilman Louderback asked where someone should bring a donated basket. Councilwoman Mills said baskets could be brought to City Hall and they will pick them up from the Council Office. The person’s name who donated the basket will be announced at the Easter Egg Hunt because they appreciate everyone who volunteers or makes donations. People can also drop off baskets to Sarah Mays at Emmanuel Baptist Church, or she personally works at Faith Community United Methodist Church and baskets can be dropped off there also. Either way, they will make sure they are taken to Shawnee Park on March 30th.

Councilman Louderback noted at the last meeting, there was a presentation by the Nazarene Church on the Xenia Community Center. The church basically opened up their doors to the community. Councilwoman Mills agreed. The ministers from the Nazarene Christian Church said they wanted to partner with people and asked what they could do to support the community. There are currently Zumba and GED classes at the Center and they wondered about the possibility of the Center being a satellite location for a local community college. They are wide open to different opportunities on how the Xenia Community Center can be used. She would like to see the community hold a teen dance or host an elementary school festival. Although the city no longer has a Parks and Recreation Department, BRACA has tried very hard to find partners to
help them continue to have great programming in Xenia, and those are some examples of co-sponsoring opportunities at the Center. If anyone is interested in more information, contact the Xenia Nazarene Church’s secretary, who schedules activities at the Xenia Community Center.

Councilman Louderback said he was really impressed that the Xenia Nazarene Church opens up their gym on Sundays to APEX Church of Kettering. Between 500 and 600 people attend those Sunday services, and he thought it was a neat idea for one church to offer their facility to another church. The church is also considering opening a food bank or a free health clinic. They have many good ideas and wanted the city to know they would like to collaborate with them one way or another. Councilwoman Mills said absolutely.

Vice President Smith asked if BRACA had heard about sponsorship for “Music in the Park.” Councilwoman Mills said no, but she plans to discuss that later in the meeting.

**Traffic Commission:** Councilman Smith said the March Traffic Commission meeting was cancelled due to lack of agenda items.

**Board of Zoning Appeals:** President Engle welcomed back Mayor Bayless. Mayor Bayless said it was good to be back. There has been a vacancy on the Board of Zoning Appeals since long-time member, Ms. Cindy Elliott, resigned in May 2012 due to her moving out of the city limits. Letters of interest were received. She recommended the appointment of Ms. Tara Hosta to fill a vacancy on the Board of Zoning Appeals with a term expiration date of April 11, 2015. Ms. Hosta’s letter of interest was shared with Council and her background check has been processed by the Law Department and is satisfactory.

Motion by Mayor Bayless, seconded by Councilman Louderback, to appoint Ms. Tara Hosta to fill a vacancy on the Xenia Board of Zoning Appeals with a term expiration date of April 11, 2015. No discussion followed. The Roll on this was the following:

Ayes: Smith, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

**ITEMS FROM CITY COUNCIL AND MAYOR:** **Emergency Appropriation Ordinance for BRACA Activities.** Councilwoman Mills noted the City’s Recreation Department was eliminated in 2009, and there was the possibility of there being no recreational opportunities in the City of Xenia. Since that time, the Board for Recreation, Arts, and Cultural Activities (BRACA) has taken over the responsibility of managing, participating in, and/or overseeing many programs and entertainment/recreational opportunities, in collaboration with other organizations, for our community’s benefit and enjoyment, such as the following:

- Easter Egg Hunt (in partnership with the Xenia Association of Churches and Ministries who provides all the Easter eggs while the city provides staff for the park)
- Tree Committee’s Arbor Day Event
- Bloom with Xenia … Adopt-a-Spot/Volunteer Day
- Fishing Derby
- Music in the Park (sponsored by Nationwide Bi-Weekly Administration)
- Movies in the Park
- Hometown Christmas Event
- Youth Recreation Basketball Program
Since the elimination of the Recreation Department, BRACA and its volunteers have managed all programs with clerical assistance by the City Clerk and the Assistant to the City Manager. Office supplies, such as colored paper for flyers, have been purchased by the City Clerk from her department budget. With the exception of the custodian fees for the basketball program and $1,500 for the Music in the Park program (pending receipt of a sponsor), there is no money budgeted to support the other activities managed by BRACA. Each year, the Chair of BRACA solicits a sponsor for the Music in the Park program. Since it’s rebirth in 2010 and the transition from events every Sunday to only three to four events per summer, a sponsor (Nationwide Bi-Weekly Administration) has been secured for the program, and their support is appreciated. However, the economy remains uncertain, and last year their sponsorship was not confirmed until May with the first concert scheduled for the first Sunday in June. Currently, bands are recruited and contracts are executed with the caveat that payment is not guaranteed and bands must agree to play for free if a sponsor is not secured. It is becoming increasingly difficult to secure reputable bands with no promise of payment. They have been lucky to secure that funding in years past, but it is always a gamble.

Further, in the past, there have been situations where additional door prizes are needed for the Fishing Derby, professional printing of a pamphlet is desired, display boards and materials are needed for BRACA’s First Fridays hosting event, etc. In the past, these expenses have been absorbed by various department budgets. On behalf of the Board and its support staff, she would like the peace of mind to know that monies are budgeted for BRACA’s needs so they can continue our work in offering existing and future entertainment and recreational opportunities to our citizenry. This will also facilitate a better accounting of BRACA’s actual expenses.

The emergency Appropriation Ordinance would transfer $3,000.00 from the General Fund and provide the funding needed to support BRACA’s activities and enable them to confirm that this year’s bands will be paid. There is already $1,500.00 budgeted in the Recreation Special Fund for Music in the Park. She is respectfully requesting an additional appropriation in the amount of $1,500.00. The entire amount of $3,000.00 will be distributed as follows:

- Shawnee Park Events - $1,500 (Music in the Park)
- Other Contractual Services - $500 (such as a DJ for a teen dance or a magician for a family event)
- Printing - $300 (providing flyers to the School Board for distribution to Pre-K – 6th grade students requires approximately 3,000 copies per event)
- Rentals/Other - $500 (such as a bounce house or Karaoke machine)
- Miscellaneous Materials and Supplies - $200 (such as card stock paper and certificate holders for Beautification Certificates and Heritage Tree Nominations)

There is a cash balance of $2,943.55 in the Recreation Special Fund. However, the transfer from the General Fund to the Recreation Fund would keep the $2,943.55 in place for future use. Further, any donated monies in 2013 would be receipted into the Recreation Special Fund and will be used for programming. Any donated monies would result in a reduction in the transfer amount from the General Fund. BRACA’s goal is to match or exceed the transfer from the General Fund with donations and sponsorships received throughout the year.
Councilwoman Mills said if the ordinance is passed, BRACA might be able to add a teen dance or a community festival. They will continue to seek sponsorships, but they will have the peace of mind and know that the expenses are covered.

Councilwoman Mills referred any questions on the finances to Finance Director Mark Bazelak. Mr. Bazelak thought Councilwoman Mills did an excellent job of explaining the appropriation requested.

Councilwoman Mills presented an ORDINANCE AMENDING ORDINANCE 12-53 TO MAKE ADJUSTMENTS IN APPROPRIATIONS FOR CURRENT EXPENDITURES OF THE CITY OF XENIA, OHIO DURING THE FISCAL YEAR ENDING DECEMBER 31, 2013, AND DECLAREING IT TO BE AN EMERGENCY.

Motion by Councilwoman Mills, seconded by Vice President Smith, that the rules requiring the reading of an ordinance at two consecutive meetings be dispensed with and this ordinance be placed at once upon its passage. Discussion followed.

Councilman Louderback said he would have agreed to allocate more money for BRACA’s activities. He noted the City of Xenia sponsors the Youth Recreation Basketball Program. He recalled Councilwoman Mills asking if that program could use the Xenia Community Center, but he could not recall the answer. Councilwoman Mills said she was told to speak to the Nazarene Church’s secretary who schedules all the activities. Councilman Louderback asked if that is a possibility for next year. Councilwoman Mills said it is a possibility, but she had not yet contacted the secretary to ask that question. She knew the Church also has a basketball program and Zumba classes, so she would need to see if there were any times available for the City’s Youth Recreation Basketball Program.

Councilman Louderback asked how much money the city provided for the Youth Recreation Basketball Program. Mr. Percival thought the city provided $3,500 last year, but one year it was $8,000. Lowell Williams has done a very good job of making sure he gets things balanced out. Councilman Louderback thought the majority of the expenses were to pay for janitorial services provided by the Xenia Community Schools, but he did not think they would have that issue at the Xenia Community Center. Councilwoman Mills said that was correct. Councilman Louderback said it was just a thought. Councilwoman Mills said BRACA volunteer Todd Patterson puts together the Youth Recreation Basketball Program, lines up all the coaches, set the schedules, etc. There is no pay involved, but they collect a small ticket price at the games to pay the referees, but other than that, the program is completely sponsored by the community.

The Roll on this was the following:

Ayes: Smith, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

Motion by Councilwoman Mills, seconded by Vice President Smith, that Ordinance Number 13-14 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.
REPORTS OF CITY OFFICES:

City Manager’s Office:

Authorize the Purchase of three (3) Ford 550 Cab & Chassis via the Ohio Department of Transportation Purchasing Program. Mr. Percival said the Public Service Department has three vehicles that are in need of replacement: two 1-ton dump trucks and a service truck used by the Sewer Department. Vehicle #1202, a small Chevy dump truck, has 58,817 miles and Vehicle #1939, a 1999 Chevy, has 78,828 miles. He then invited PS Director/City Engineer Chris Berger to do his PowerPoint presentation. In the past, Council had questions about why vehicles were being replaced, and he thought a picture says a thousand words.

Mr. Berger agreed a picture does say a thousand words, especially for Vehicles #1202 and #1939. In the staff report, they highlighted the issues with the vehicles. The bodies and beds are rusting out and the floorboards are going or already gone. In addition, there are mileage issues. Vehicle #1202 has a total of 58,817 plus miles. You may say that is not a whole lot of miles, but when it comes to these vehicles, you have to look more at the hours used versus the mileage. The vehicles go from job site to job site, so logically they will not have that many miles, per se, but when they are on the job site, they are running constantly, so the engine hours more truly tell the condition of these vehicles.

In preparation of the staff report, he worked with the Equipment Mechanic Supervisor who was in total concurrence, and is looking forward to getting the vehicles replaced. Vehicle #1939 has 78,828 plus miles and 8,418 plus hours. The dump body, floorboards, the exterior body are rusted out, and the doors and hinges need replaced. According to the Equipment Mechanic Supervisor, the key issue is that the hydraulic equipment is so noisy that you need earplugs to stand next to it. This is a 1999 vehicle, so it is an issue of throwing good money after bad trying to rehab it. In the interior, the floorboard is staring to rust out and the seat is duck taped.

Vehicle #1202 is a similar vehicle that has 58,817 plus miles, but it has over 6,000 estimated engine hours, which is due to the idle time. The dump body is rusted out, the door hinges are worn and need to be replaced, the hydraulic system that operates the dump body when they put snow equipment on it needs to be replaced, but the real key with this vehicle is that it is constantly burning oil. Any time they try to put a Band-Aid on it, they still have not addressed
the burning oil. A conservative estimate from the Equipment Mechanic Supervisor to deal with the constantly burning oil is $5,000 to $7,000 for a new motor. This is a 2001 vehicle and the interior appearance is bad.

The last vehicle they are asking to be replaced is Vehicle #1418, which is a 1999 Chevy that is currently used primarily downtown by the Streetscape Department. It has 127,401 plus miles on it and an estimated 14,000 hours. The appearance of the vehicle is horrible. Today he looked at it with the Equipment Mechanic Supervisor. When he jumped in the bed, the Supervisor dared him to put his full weight in it. The service body floor is completely corroded, as shown in the picture. On the interior, the seat has been rehabbed several times and the floorboard underneath the steering wheel is also rusted out. It is staff’s intention to replace that vehicle with the Sewer Maintenance vehicle, which would then require them to take Vehicle #1422, which is currently a Sewer Department service truck, and move it to the Streetscape Department.

All three cab and chassis are available through state bid at Valley Ford Truck, Inc. The prices for the cab and chassis are as follows:

<table>
<thead>
<tr>
<th>Model Description</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ford 550 One-Ton Dump Cab &amp; Chassis #1</td>
<td>$38,316.50</td>
</tr>
<tr>
<td>Ford 550 One-Ton Dump Cab &amp; Chassis #2</td>
<td>$37,556.50</td>
</tr>
<tr>
<td>Ford 550 Service Truck Cab and Chassis</td>
<td>$34,844.50</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$110,717.50</td>
</tr>
</tbody>
</table>
The price difference between vehicle #1 and #2 is because the owners’ manual only needs to be purchased once because the trucks are identical. Staff confirmed that no local vendors cover the Ford 550 series. Staff would like to purchase the three (3) cab and chassis through the Ohio Department of Transportation Purchasing Program. If approved, staff will prepare specifications to solicit competitive bids for the dump truck beds and the service truck body. He expects delivery of the cab and chassis in six to eight weeks, which would give them time to award the bid for the bodies later this spring. He then entertained comments.

President Engle entertained a motion.

Motion by Vice President Smith, seconded by Mayor Bayless, to authorize the purchase of three (3) F550 cab and chassis using the Ohio Department of Transportation Purchasing Program and authorize the City Manager to issue a purchase order to Valley Ford Truck in the amount of $110,717.50. Discussion followed.

Councilman Louderback said he was glad that Mr. Berger provided pictures so the public can see the deplorable condition of these vehicles. He is in full support of replacing them.

Councilman Long said any time a new vehicle hits the road, Council hears comments about the city buying new cars. The City runs a multi-million dollar business here, and as a city, they plan for vehicle replacements in the Five-Year Capital Improvement budget. The expenses have to be justified years in advance and those things are planned for in the budget. He is looking forward to the new trucks; they present a better image for our staff and our city when attracting new businesses when they see a quality vehicle and not a rusted out white truck.

The Roll on this was the following:

Ayes: Smith, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

**Tax Incentive Review Council – 2012 Annual Review.** Mr. Percival noted the City of Xenia has five (5) active OEZ Agreements that were reviewed by the TIRC at their annual meeting on February 22, 2013. The TIRC recommended the acceptance of staff recommendations for each project as based on the information provided. The following summarizes the recommendations made by the TIRC:

1. **CIL Isotope Separation, Inc. (Agreement #3)** – Continue the 65% abatement of applicable real and personal property taxes that may be eligible in the current tax year. This (2013, pay 2014) will be the last year for their abatement.
2. **Lowe’s Home Centers, Inc.** – Continue 50% abatement of applicable real property taxes.
3. **Ohta Press US, Inc. (Agreement #2)** – This agreement expired (2012, pay in 2013 [this is the last year]).
4. **SAS Automation, LLC. (Agreement #1)** – Continue the 36% abatement of applicable real property taxes.
5. **Kotobuki (formerly Yoder Die Cast)** – Continue the 75% abatement of applicable real property taxes.
Motion by Councilman Louderback, seconded by Councilwoman Mills, to approve all the actions recommended by the Greene County Tax Incentive Review Council, as presented, and direct the OEZ Annual Report to be forwarded to the Greene County Commissioners for their consideration. Discussion followed.

Councilwoman Mills said she remembered when staff and Council established the Ohio Enterprise Zone Agreements and TIRC. It is a way they can say ‘thank you’ to our local businesses, to keep local people working, be able to grow, and help them so they can continue to grow. The business has to meet specific criteria to even ask to be reviewed, so she wanted to say thank you to those businesses.

The Roll on this was the following:

Ayes: Smith, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

Approval of the Revised Lease Agreement with the Xenia Adult Recreation and Services Center. Mr. Percival noted at the February 14, 2013 Council meeting, City Council approved a lease agreement with the Xenia Adult Recreation and Services Center for the City owned property located at 130 E. Church Street. After that approval, two issues arose that require City Council to re-approve the lease agreement. The first issue was that the lease period was listed for 35 years instead of 25 years. The lease will run until 2038 not 2048. The second issue was the requirement for the XARSC to maintain insurance for the protection of the City, which was listed as $600,000. While this amount is appropriate for now, a specific dollar amount should not be in the lease because that amount may not be appropriate in the future. The language was changed to require insurance and a certificate of insurance to be presented to the City on a yearly basis by the XARSC. He respectfully requested that Council approve, by motion, a (revised) lease agreement with the XARSC for the period of 25 years.

Motion by Councilman Long, seconded by Vice President Smith, to approve a lease agreement with the Xenia Adult Recreation and Services Center for the period of 25 years. Discussion followed. President Engle said he concurred with all the changes made to the lease. Obviously, property values change, and he asked if the city has any kind of understanding for the city’s indemnification purposes when XARSC will look at the property appraisal. Mr. Percival said the City of Xenia carries the property insurance for the building. For example, the city’s insurance company paid for replacing the building’s roof following the huge hailstorm a few years ago. The Roll on this was the following:

Ayes: Smith, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

Items for the City Manager: None.

Finance Director’s Office:

Schedule of Bills: Mr. Bazelak presented payment of bills totaling $315,321.94.
Motion by Councilman Louderback, seconded by Mayor Bayless, to approve payment of bills totaling $315,321.94. No discussion followed. The Roll on this was the following:

Ayes: Smith, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

**Items for the Finance Director:** None.

**Law Director’s Office:**

**Introduction of Ordinances and Resolutions:** None.

**Second Readings of Ordinances and Resolutions:** Mr. Lewis presented an ORDINANCE VACATING A PORTION OF AN EXISTING 20-FOOT-WIDE SANITARY SEWER EASEMENT ON LOTS 5 AND 8 AND ACCEPTING A RELOCATED 20 FOOT WIDE SANITARY SEWER EASEMENT ON PROPOSED LOT 8A IN THE LEGACY CENTER SUBDIVISION, and it was read for a second time.

Motion by Councilwoman Mills, seconded by Vice President Smith, that Ordinance Number 13-15 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

**Items for the Law Director:** None.

**SUMMARY OF ACTION ITEMS:** Mr. Percival said there were no updates to the current list at this time.

- A request for a plan from City Staff in regard to the Broker Services Contract to include details of how the contract will be monitored. (Requested by President Engle//Assigned to Jim Percival/Jackie Potter).
- Update on Proposed Recreation Venues (Requested by Councilman Louderback//Assigned to Jim Percival)
- A report on the feasibility of a Vacant Building Ordinance – due date to be determined (Requested by Councilman Louderback//Assigned to City Manager’s Office and Law Director)
- Quarterly Updates on Economic Development at Council meetings on 04/11/13, 07/11/13, 10/10/13, 01/09/14) (Requested by Councilman Louderback//Assigned to Steve Brodsky/Jim Percival)

President Engle asked if there were any issues Council would like added to the next Council meeting under “Summary of Actions Items.” There was no response from Council.

**READING OF COMMUNICATIONS AND DISCUSSION:** Councilman Louderback said he visited the new Rural King. It is a great store, so if you have not been there, it is located in the old Wal-Mart, and it fills up the whole building. They have everything from Carhartts to small engine repairs, and they will do well in Xenia. He also attended the Old Time Radio production at X*ACT. Councilman Long, Mayor Bayless, and President Engle participated and did a great job and it was well attended. He attended the Youth Expo, which is a perfect example of how our youth are hungry for activities. He, like other Council members, gets upset when they hear
people say there is nothing to do in our city. Granted, he would like to see more as would others, but there are a lot activities going on for the youth in our city. As Councilwoman Mills said, about 1,000 people attended, and it was packed when he went. He wanted to commend Councilman Long for heading that up.

Councilman Long reminded citizens that the First Fridays Committee is eager to get vendors signed up for the first event in May. If anyone watching at home is a vendor, please do not wait until the last minute. Go ahead, sign up now, and let those volunteers know you are coming so they can get you on the list. As volunteers, when they wait until the last minute, they have to push many things aside at the last minute to accommodate you. He applauded the group for keeping First Fridays going; he and his family enjoy the activities every month. He thanked the citizens of Xenia for the great Youth Expo. Between 800 and 1,000 people attended; they had 36 exhibitors; three different dance schools with numerous teams performed; and Doug Yates Karate School gave a demonstration. Three 7 year olds performing in front of 500 people broke boards that day for the first time. He did not know if they were nervous or excited, but one of the little girls was shaking when she was done. Many people do not know that we have national champions in our city who have won gold medals in hip-hop dance and karate. He thanked everyone who made the event successful; it exceeded his expectations for a first time event. He was proud to say thank you to the Xenia Nazarene Church and the Xenia Community Center. They will come back next year and probably do something bigger and better. They plan to use more space next year at the Center even though the event maxed out their parking lot. However, they have limited funds and Xenia has limited facilities large enough to handle a crowd that size.

Councilwoman Mills said she visited Rural King, and since she is the only female member of her family, they are not allowed to go unsupervised because they would buy too much. Speaking of First Fridays, now is the time to start looking at what Xenia has to offer. As Councilman Louderback mentioned, Xenia has many activities. A pamphlet entitled “Who says there is nothing to do in Xenia?” lists all the activities, organizations, contact information, parks and their amenities is available at City Hall and at the city’s booth during First Fridays. There is a lot to do in Xenia, but sometimes people just do not realize what is right in our own backyard. Following First Fridays, there will be free movies during June, July, and August at Shawnee Park. The three movies are (1) The Lorax; (2) Hook; and (3) The Pirates/Band of Misfits. Popcorn and free drinks will be provided, so people just need to bring a chair or something to sit on. They are nothing without a community, and they really need to work together. Small things make a huge difference and each of them has the ability to make a difference every day.

Mayor Bayless said she was really happy to be back and wanted to thank everyone for their well wishes, cards, prayers, food, and any support they gave. She had extensive foot surgery and is still in the healing process. She was able to attend some activities on a short-term basis. She was one of the speakers during Black History Month at Xenia High School in February. Xenia High School student Taylor Winn put the entire program together with some help from a few teachers, but the idea was hers and she went through the whole process of setting it up and inviting the speakers. The other speakers were Michael Colbert, the Director of the Ohio Department of Job and Family Services, which is a $20 billion agency with nearly 4,000 employees, and Curtis Symonds, a cable television sales and marketing pioneer and Executive Vice President of BET Holdings. All three of them are graduates of Xenia High School. For a short time, she was able to attend a historical black history program to capture the history and recognize the old East High School and Lincoln
Building (home of the current Board of Education). The event was sponsored by Zion Baptist Church and they honored everyone who attended either school, which was quite nice. During the week of March 4th, she gave readings on behalf of the City of Xenia during the inauguration of Central State University’s first female President, Dr. Cynthia Jackson-Hammond. She participated in the Old Time Radio Show and thanked Councilman Louderback for being the sponsor. Councilman Louderback said it was his pleasure. Mayor Bayless said on Tuesday she attended a reception at the old Chew Mansion to welcome two new physicians, Dr. Denise Kennedy and Dr. Mohammad Taha. Both are located at 50 N. Progress Drive with three other doctors.

Vice President Smith congratulated Councilman Long for all the work he did on the Youth Expo. It was quite an accomplishment and he was very proud of that. He also visited Rural King and welcomed them to the City of Xenia. He went into K-Mart the other day and noticed that they are having some great sales on clothing, so shop Xenia as much as you can. He attended the Xenia High School musical and the students did a great job with that production. He thanked Councilwoman Mills for all the work she is doing with BRACA and appreciates what the Board does for our community. There are people already working on putting together the December Hometown Christmas event. This Saturday, March 16th at 9 a.m., the Greene County Combined Health District is sponsoring a Healthy Families “Spring has Sprung” 5K Run/Walk. Registration begins at 7:45 a.m. There will be hundreds of runners and it is a great way for them to raise a little extra money.

President Engle said he was pleased to stand in for Mayor Bayless and address a Masonic Quarterly Conference. They were invited to speak for 5 to 10 minutes as a welcome to Xenia and to provide some city history. He also called their attention to House Bill 5, on which Council has passed resolutions on many occasions. Given that all the Masonic members were from Ohio, he asked them to talk with their local elected officials and others to gain a full perspective on House Bill 5. He had a grand time for the second consecutive year performing at X*ACT and thanked Councilman Louderback for sponsoring the gala event. People who have not attended an X*ACT performance are truly missing something; they are exceptional, well done, and just a gracious bunch of people. X*ACT discontinued the Second Act consignment store, and have gone to an arts center. The pieces of art they have in there are truly exceptional. As you walk in and look at the overhang by the reception desk, you will see a very large portrait of Shawnee Park that was done by a Greene County resident. He attended the Youth Expo and congratulated Councilman Long on an exceptional event. It truly exceeded all his expectations. He wished Councilman Long much luck on the second annual Youth Expo next year. The Youth Expo reinforces what Councilman Louderback and others have been saying, which is there is a lot to do in Xenia and there are many organizations who are interested in helping our children and youth develop. Please take advantage of them and please support them.

**ADJOURNMENT:** Motion by Councilman Louderback, seconded by Mayor Bayless, to adjourn the Regular Session at 8:08 p.m. No discussion followed. The Roll on this was the following:

Ayes: Smith, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

Michelle D. Johnson  Michael D. Engle, President
City Clerk  Xenia City Council
City Council Meeting Minutes  
March 28, 2013  
Executive Session  
6:00 p.m.

The Xenia City Council met in an Executive Session on March 28, 2013, at 6:00 p.m. in the First Floor Conference Room, City Hall, with the following members present: Wesley Smith, John Caupp, Dale Louderback, Joshua Long, Jeanne Mills, and Michael D. Engle.

Marsha J. Bayless was absent.

Motion by Councilman Caupp, seconded by Councilman Louderback, to go into an Executive Session to discuss Personnel Matters. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, and Engle  
Nays: None  motion carried.

The City Council convened in Executive Session in the First Floor Conference Room, City Hall, with the same members present to discuss Personnel Matters.

Regular Session  
7:00 p.m.

At 7:08 p.m., the Xenia City Council adjourned their Executive Session and met in a Regular Session in the City Council Chambers, City Hall, with the following members present: Wesley Smith, John Caupp, Dale Louderback, Joshua Long, Jeanne Mills, and Michael D. Engle.

Marsha J. Bayless was absent.

INVOCATION: Pastor Larry Cole gave the invocation after which all joined in the Pledge of Allegiance.

Motion by Councilman Louderback, seconded by Vice President Smith, to excuse Mayor Bayless from the meeting tonight because she is being honored by the National Association of Social Workers in the Dayton Region as Public Official of the Year. Congratulations go out to her. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, and Engle  
Nays: None  motion carried.

APPROVAL OF MINUTES: Motion by Councilman Louderback, seconded by Councilwoman Mills, to approve the March 14, 2013, Executive/Regular Session minutes as written. No discussion followed. The Roll on this was the following:

Ayes: Smith, Louderback, Long, Mills, and Engle  
Abstain: Caupp  
Nays: None  motion carried.
SPECIAL PRESENTATIONS:

Don Robinson, Ohio River Road Runners Club. Mr. Robinson said this will be the 46th Annual ORRRC Marathon, and the sixth year they have used the Xenia YMCA as the start of the course, which will be the same course as last year. As of today, 1,300 runners are pre-registered with still a week to go; last year they had 1,050 runners on race day. The event has tripled in size since it began in Xenia six years ago. Twenty-four states are represented and three registrations are from Canada. The Marathon will begin on Edison Boulevard on Sunday, April 7th at 8:30 a.m. and last until 3:30 p.m. As of March 1st, 20 people from Xenia are registered, including two Xenia Police Officers – Becky Green and Steve Lane. Xenians Phil Noble and Jack Simpson, Nimfa Simpson’s husband, are also registered as half-marathoners. Terry Maze, one of the best ambassadors for Xenia and is their key person at the YMCA, has two daughters running. He did not think they had any Xenians running the full marathon this year.

Mr. Robinson said new this year, they will have a shadow marathon in Afghanistan. An Air Force Colonel and eight Australian army folks are running. Usually shadow marathons are done in war zones in conjunction with really big marathons. Last year the Air Force Colonel ran a half marathon and when she was reassigned to Afghanistan, she decided she wanted to do a shadow marathon and picked this ORRRC marathon as the best one she ever did. Of course, they went along with it, so they will have nine more runners in Afghanistan. Also new this year are on-site paramedics from the Xenia Fire Division. In the past, they used paramedics from Kettering, and last year they used Box 21. In the past, the XFD did not want to have to be on site since they were only three blocks away, but this year they said they wanted to do it. One Xenia merchant expressed interest in being a sponsor this year, but it was a little too late, so they will bring him on next year. They have never had a sponsor so they need to figure out how to incorporate that to benefit both parties. Councilman Louderback will start the race again this year. They would like everyone who is interested to register and he distributed cards with his information.

Vice President Smith asked Mr. Robinson if he needed volunteers. Mr. Robinson said no – they are in great shape. They would like to have the marathon in Xenia next year because the YMCA along with the Xenia Police Division and Cedarville Police Department offer great support. The bulk of their volunteers are from the Miamisburg Lions Club since the race used to take place in Miamisburg. He noted some YMCA employees are members of the ORRRC and are running and volunteering.

Councilman Louderback said it was great to have Mr. Robinson back this year. It is nice to hear that the XPD has been helpful and he is pleased the XFD is assisting this year. The race brings many people to Xenia, which is very good for our local economy. Mr. Robinson agreed; people from 24 states are going to be staying somewhere. The big draw is the Air Force Museum and many people stay in that area, but some people will stay in Xenia.

Proclamation: Megan Woolf, Girl Scout Gold Award Recipient. In the absence of Mayor Bayless, Councilwoman Mills said she was honored to present this proclamation. She has been involved with some Girl Scouts who were working for the Gold Award and knows the hours they spend in achieving it. It is the highest award a Girl Scout can earn; this is like an Eagles Badge for the Girl Scouts and they are very proud to have Megan here tonight. The proclamation read: “The Girl Scouts of the United States of America was begun in 1912, when
Savannah, Georgia native Juliette ‘Daisy’ Gordon Low gathered 18 girls to provide them the opportunity to develop physically, mentally, and spiritually. Beginning in 1916, the best and the brightest of the Girl Scouts began to undertake projects to improve their communities and the world. The Girl Scout Gold Award became the highest award in Girl Scouting in 1980 and has inspired girls to find the greatness inside themselves and share their ideas and passions with their communities. Megan Woolf, a resident of Xenia, has achieved the Girl Scout Gold Award through her community service project entitled ‘50 for 50: Alumni Assists.’ Ms. Woolf solicited donations of business attire from Carroll High School Alumni to donate to the organization Clothes That Work where she volunteers. Through her efforts, she has helped to ensure that people who need business attire for job interviews will be able to obtain them.”

Councilwoman Mills congratulated Megan Woolf on being a “Girl Scout Gold Award Recipient” and encouraged the citizens of Xenia to join her in applauding Ms. Woolf for her hard work and dedication. (Applause followed.)

Ms. Woolf said she did her project her senior year in high school when her school celebrated their 50th anniversary by doing 50 service projects; hers was one of them. She got the alumni involved and they donated clothes for Clothes That Work, which is a Dayton organization that helps people who are underprivileged have business attire to wear to interviews, etc. She loved having the opportunity, putting it on her resume, and being able to know that she helped. She is currently a freshman at the University of Dayton. (Applause followed.)

AUDIENCE COMMENTS: President Engle explained the procedures for audience comments and invited anyone who wished to speak to come forward. No one came forward to speak.

REPORTS OF COMMITTEES:

Planning & Zoning Commission: Councilman Long said XPZC met on March 7th and had two items on the agenda:

1. Commissioners approved a PUD Concept Plan Modification for Xenia Towne Square filed by Genesis Development Partners, who are interested in building a mixed restaurant/retail building in front of K-Mart in the parking lot off Main Street. The developer must submit a Final Development Plan for XPZC approval before the development can go further.

2. Although the second agenda item required no action, there was a lengthy discussion regarding the Wright Cycle Estates Small Lot minimum rear setback. Council may recall that they approved a waiver a few weeks ago to allow a home to sit closer to the rear property line. At that time, XPZC indicated they would like to review that rear setback, so there was discussion, but no action was taken. They decided they would schedule a public hearing to entertain comments on that change.

Councilman Caupp said he would like to discuss Rural King. He had conversations over the last two weeks with the City Planner regarding the conditions in front of the store. XPZC approved a fenced in area for the sale of merchandise, and he understood that area could contain mulch and seasonal items, such as flowers, trees, and shrubs. However, he thought they had gone beyond the scope of being a good citizen to our community. Last week there were 188 skids sitting in their parking lot and this week it is even worse—to the point where they had empty skids stacked up with shrink wrap stored in the parking lot. According to the District Manager, that is how they do business. Between the two buildings, the pile of garbage and busted up wood was tremendous. They had a huge dumpster out there today and cleaned up some of it, but the
dumpster was already overflowing. They have salt piled up by the docks and next to the building by Progress Drive. It is difficult to navigate through the parking lot, and he did not think the business followed through with what was presented to XPZC. He had a conversation about it with a member of the XPZC. It is just a mess. Rural King was concerned about trees hiding the front of their store, but 10-foot tall skids are obstructing that view. He hopes that as a city they continue to address it. As he stated to the City Engineer, the City Planner, and the Zoning Inspector, he did not think they would put up with it if that same mess was sitting in Xenia Towne Square. He wanted his comments on the record, because it needs to be addressed. He knew the City Planner and Zoning Inspector have contacted Rural King, and the stores in Huber Heights, Lebanon, and Circleville are having some of the same challenges and are not real happy either, so Xenia is not the only city having issues. He is happy to have a new business in that location, and he has been in the store and will probably shop there, but they have to think about Equity Investments, who owns the rest of that shopping center. They are trying to fill that shopping center, which will be difficult to do when potential tenants are looking at the mess next door.

Councilman Long agreed with Councilman Caupp; he also had a difficult time getting around the parking lot. XPZC approved a caged, fenced in outdoor sales area. At no time was it discussed at those meetings about the addition of other merchandise in the parking lot. For example, Rural King has a greenhouse out there. It is now up to the Code Enforcement Officer to take action, not XPZC. Mr. Percival said the Code Enforcement Officer has been in contact with Rural King. Mr. Ziegler had pictures of the violations and Rural King said the property would be cleaned up by April 5th. City staff will look at it then and keep working on it.

Mayors & Managers: Mr. Percival said at the last Mayors & Managers meeting, they had a presentation from the new Director of MVRPC who talked about the next phase of “Going Places.”

Miami Valley Regional Planning Commission: Councilman Louderback said due to an illness, he was unable to attend the meeting.

ITEMS FROM CITY COUNCIL AND MAYOR: Approval of 2013 Heritage Tree Nominations. Councilwoman Mills noted in 2011, the Board for Recreation, Arts, and Cultural Activities formed a subcommittee known as the Tree Committee in an effort to bring like-minded volunteers together (from the Ohio State University Extension Office and the Greene Soil and Water Conservation District, as well as area residents with a vested interest and extensive knowledge of trees) to create and facilitate a plan for development, conservation, and care of Xenia’s urban forest resources and to promote and raise awareness about the importance of trees in our community. They meet monthly and have worked collaboratively with BRACA and City Staff toward achieving the following goals:
- Holding Arbor Day events each year;
- Participating in community events;
- Establishing and maintaining a Tree Inventory; and
- Having Xenia designated as a “Tree City USA.”

The Tree Committee also developed the Heritage Tree Program, which was approved by City Council on December 8, 2011. The program was developed to recognize, honor, and foster appreciation of trees on public or private property for their unique history, shape, size, beauty
and specie that have cultural, historical, and aesthetic value. The program was launched at last year’s Arbor Day event, the Committee is excited to announce that twelve (12) trees have been nominated to be designated as Heritage Trees: 708 S. Detroit St.; 209 E. Second Street; 161 W. Second St.; by 206 Corwin Ave. and rear of 68 E. Church St.; by 1180 Wesley Ave. in the Campus Crusade For Christ Campus; 374 Omalee Dr.; Franklin Park; and one behind Nick’s Restaurant at 1443 N. Detroit St. on the bike path right-of-way. The tree that always sticks out in her mind is the one that was planted at the same time the house was built in 1881 by John Allen, a banker and Ohio legislative representative. The house is located in the East Second Historic District, which is on the National Registry of Historic Places. She will ask that information about the trees be posted on the City’s website so people can learn more about the nominated trees.

Councilwoman Mills said the owners of the Heritage Trees will be invited to the Arbor Day event on Saturday, April 27th at the Greene County Library/Xenia Branch and will be presented with certificates. The Tree Committee plans to offer a Heritage Tree Walking Tour in the future to celebrate these trees.

Motion by Councilwoman Mills, seconded by Councilman Louderback, to approve the 2013 Heritage Tree nominations as presented. Brief comment followed. Councilman Louderback noted when he was in high school, they had to do a biology leaf collection project, and he knew a wide variety of trees could be found at Shawnee Park at that time. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, and Engle  
Nays: None  motion carried.

Councilwoman Mills thanked the Tree Committee for their hard work to move the city forward in acknowledging these great trees and also their efforts to get the city recognized as a Tree City USA. President Engle asked whom people should contact if they are interested in being a member of the Tree Committee. Councilwoman Mills said people could attend a BRACA meeting on the first Tuesday of the month at 7 p.m. in the Council Chambers, or they can call City Clerk Michelle Johnson and she will get messages to the subcommittee. She noted three BRACA members are part of the Tree Committee.

REPORTS OF CITY OFFICES:

City Manager’s Office:

Award of Bid for Water Distribution and Sewer Collection Supplies for 2013.  
Mr. Percival said on March 12, 2013, bids were opened from five (5) vendors for water and sewer supplies. All vendors supplied very competitive bids. Due to the large quantity and availability of various items, staff recommends the bid be awarded to all five (5) vendors, with the stipulation that the low bidder who meets all specifications supply the individual items on an as-needed basis. He respectfully requested that Council award the bid for Water Distribution and Sewer Collection Supplies for 2013 to Ferguson Waterworks, EJ Prescott, Utility Sales Agency, Neenah Foundry, and Utility Service & Supply for their lowest bids on individual items as requested, provided City specifications are met.
Motion by Councilman Louderback, seconded by Councilman Long, to award the bid for Water Distribution and Sewer Collection Supplies for 2013 to Ferguson Waterworks, EJ Prescott, Utility Sales Agency, Neenah Foundry, and Utility Service & Supply for their lowest bids on individual items as requested, provided City specifications are met. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, and Engle
Nays: None motion carried.

Award of Bid for Water Wells 2 & 3 Redevelopment Project. Mr. Percival said each year the Water Treatment Division regularly redevelops two and three wells on a five- to six-year schedule. This particular bid included mobilization, labor, equipment, and replacement of motors, pumps, piping, and pitless adapters, and the installation of flow meters for Wells 2 & 3. Bids for the project were opened on February 27, 2013 from five different vendors. The lowest and best bid was from Moody’s of Dayton in the amount of $133,086. They budgeted $130,000 for the project, and there are enough residual funds so they do not need an appropriation ordinance. He respectfully requested that Council award the bid for the Water Wells 2 & 3 Redevelopment project and authorize him to enter into a contract with Moody’s of Dayton, Inc. in an amount not to exceed the bid amount.

Motion by Councilman Caupp, seconded by Councilman Long, to award the bid for the Water Wells 2 & 3 Redevelopment project and authorize the City Manager to enter into a contract with Moody’s of Dayton, Inc. for an amount not to exceed $133,086.00. Brief discussion followed. Councilman Caupp thought the City used Moody’s for the last few years. Mr. Percival said last year they used a different vendor, but they have used Moody’s the last four or five years and they do a really nice job. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, and Engle
Nays: None motion carried.

Two (2) Emergency Ordinances to appropriate funds and waive competitive bidding and authorize the City Manager to enter into an agreement with SimplexGrinnell to provide security services to City facilities for a five-year period. Mr. Percival said they installed new security cameras at Shawnee Park, the Xenia Service Center, and at Xenia Station. With those changes, SimplexGrinnell said they could not support the whole system for the same contract price. Gary Johnson from the Xenia Police Division and Chris Berger from the Public Service Division sat down with SimplexGrinnell and negotiated a new five-year contract. In order to bring the contract forward, they need to appropriate the funds to support the new cameras in the system as well as all the components of the old security system. He respectfully requested that Council take two actions:

Action 1. Pass an emergency Ordinance appropriating funds in the amount of $16,301.00 to be effective at the earliest date allowed by law.

Action 2. Pass an emergency Ordinance to waive competitive bidding for SimplexGrinnell to provide security services to City facilities for a five-year period at an annual not-to-exceed amount of $32,693.83 and authorize him to execute the contract and purchase order for the same.
Councilwoman Mills presented an ORDINANCE AMENDING ORDINANCE 12-53 TO MAKE ADJUSTMENTS IN APPROPRIATIONS FOR CURRENT EXPENDITURES OF THE CITY OF XENIA, OHIO DURING THE FISCAL YEAR ENDING DECEMBER 31, 2013, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Councilwoman Mills, seconded by Councilman Caupp, that the rules requiring the reading of an ordinance at two consecutive meetings be dispensed with and this ordinance be placed at once upon its passage. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, and Engle
Nays: None  motion carried.

Motion by Councilwoman Mills, seconded by Councilman Caupp, that Ordinance Number 13-16 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, and Engle
Nays: None  motion carried.

Councilman Caupp presented an ORDINANCE WAIVING COMPETITIVE BIDDING FOR SIMPLEXGRINNELL TO PROVIDE SECURITY SERVICES TO CITY FACILITIES FOR A FIVE (5) YEAR PERIOD AT AN ANNUAL NOT-TO-EXCEED AMOUNT OF $32,693.83 AND DECLARING IT TO BE AN EMERGENCY.

Motion by Councilman Caupp, seconded by Councilman Louderback, that the rules requiring the reading of an ordinance at two consecutive meetings be dispensed with and this ordinance be placed at once upon its passage. Brief comment followed. Councilman Long clarified competitive bidding would be waived because this is a proprietary system. Mr. Percival agreed; it is a SimplexGrinnell system. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, and Engle
Nays: None  motion carried.

Motion by Councilman Caupp, seconded by Councilman Louderback, that Ordinance Number 13-17 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, and Engle
Nays: None  motion carried.

Emergency Ordinance appropriating funds to offset loan proceeds in the Construction Management contingency line and Emergency Resolution to pay Then and Now Contract B-Phase I Project Close-Out. Mr. Percival noted that about a month ago, they did the final construction change order for Contract B. At that time, he mentioned they would be bringing back one more item, and this is that final item. This is to award a change order for the final payment to Hazen & Sawyer (H&S), who were the construction managers and engineering firm on that project. The City Engineer and Wastewater Treatment Plant Supervisor have both reviewed this. The actual work done was $34,437.42, but H&S agreed to $12,564.21 as the final change order and this will close out the Contract B project.

Mr. Percival respectfully requested that Council take two actions:
**Action 1:** Pass an emergency Ordinance to appropriate $12,565 into account 665-6451-53121 for the Contract B-Phase I Project Contingency Line to offset loan proceeds.

**Action 2:** Pass an emergency Resolution to authorize the payment in excess of the amount allowable on a “Then and Now Statement” to Hazen & Sawyer in the amount of $12,564.21 to close out their portion of the Contract B-Phase I Project.

Councilwoman Mills presented an ORDINANCE AMENDING ORDINANCE 12-53 TO MAKE ADJUSTMENTS IN APPROPRIATIONS FOR CURRENT EXPENDITURES OF THE CITY OF XENIA, OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2013, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Councilwoman Mills, seconded by Councilman Louderback, that the rules requiring the reading of an ordinance at two consecutive meetings be dispensed with and this ordinance be placed at once upon its passage. Discussion followed.

Councilman Long thanked the City Engineer and his staff. Any large construction project like this will have changes. Staff did their due diligence to ensure that the city is only paying for the portion they should be responsible to pay and not just because the contractor forgot to quote something, so he appreciated staff’s effort in that regard.

President Engle also offered kudos to our contract team. They obviously have excellent skills since the final bid payment is only one-third of the actual work done.

The Roll on this was the following:

- **Ayes:** Smith, Caupp, Louderback, Long, Mills, and Engle
- **Nays:** None  motion carried.

Motion by Councilwoman Mills, seconded by Councilman Louderback, that Ordinance Number 13-18 be now passed. No discussion followed. The Roll on this was the following:

- **Ayes:** Smith, Caupp, Louderback, Long, Mills, and Engle
- **Nays:** None  motion carried.

Councilwoman Mills presented a RESOLUTION AUTHORIZING THE PAYMENT OF $12,564.21 TO HAZEN & SAWYER FOR CONSTRUCTION MANAGEMENT SERVICES ASSOCIATED WITH THE CONTRACT B, PHASE 1 PROJECT LOCATED AT THE GLADY RUN WWTP, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Councilwoman Mills, seconded by Vice President Smith, that the rules requiring the reading of resolution at two consecutive meetings be dispensed with and this resolution be placed at once upon its passage. No discussion followed. The Roll on this was the following:

- **Ayes:** Smith, Caupp, Louderback, Long, Mills, and Engle
- **Nays:** None  motion carried.

Motion by Councilwoman Mills, seconded by Vice President Smith, that Resolution Number 13-E be now passed. No discussion followed. The Roll on this was the following:
Ayes: Smith, Caupp, Louderback, Long, Mills, and Engle
Nays: None  motion carried.

Agreement to Participate with Greene County to resurface the Little Miami Scenic Trail. Mr. Percival said this trail was constructed in the early 1990’s and the City of Xenia owns 7.21 miles or 45% of the Little Miami Scenic Trail (LMST). Two years ago, Greene County, through MVRPC, applied for and received a grant to rehabilitate the LMST. The local share for 45% of the grant that applies to the City of Xenia’s portion of the trail is $167,609, which will be used for resurfacing and rehabbing parts of the trail that require it. He respectfully requested that Council approve a payment to Greene County Parks and Trails in an amount not to exceed $167,609 and authorize the Finance Director to make the payment of the City of Xenia’s local share of the grant to resurface the LMST. He noted $175,000 was budgeted.

Motion by Councilman Louderback, seconded by Councilman Long, to authorize the payment of $167,609 to Greene County Parks and Trails for the City of Xenia’s local share of the grant to resurface the Little Miami Scenic Trail and authorize the Finance Director to disburse the funds. Discussion followed.

Councilman Louderback said it was no secret that bike trails are very important to him, Xenia, and Greene County, although he did not think they are promoted enough. All you have to do is go to the bike hub on Saturday or Sunday and there is a full parking lot. People come from Cincinnati, Bellefontaine, and other cities to use our bike trails, so they are very important to our city.

Councilman Caupp said a citizen asked him why the city was spending money to have the bike trails paved when there are roads that need to be paved. As Councilman Louderback alluded to, the bike trails bring people into our city and they are used heavily. There will be over 1,300 runners using those bike trails on April 7th, so there is an economic impact on the community. It is not that they would not love to spend another $167,000 on a couple of roads, but it is part of the whole infrastructure impact of the city and they cannot let other things go without maintenance to constantly feed money into only one project.

Vice President Smith asked when the work would begin. Mr. Percival said he did not know. It was originally scheduled for sometime in May, but as soon as he gets the schedule, he will let Council know. Vice President Smith noted there is a big bike event in July. Mr. Percival said he would rather the County wait to pave the bike trails until October or November, but he thought the work would be done as soon as possible in an effort to obtain the best price.

The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, and Engle
Nays: None  motion carried.

Items for the City Manager: None.

Finance Director’s Office:

Emergency Ordinance appropriating funds and authorization for 2013 CIP Computer Equipment purchase utilizing the State of Ohio’s Cooperative Purchasing Program. Mr. Bazelak respectfully requested that Council take three actions:
**Action 1.** Pass an emergency Ordinance appropriating an additional $62,500.00 in account 270-1221-55304.

**Action 2.** Authorize the City’s participation in the State of Ohio Department of Administrative Services Cooperative Purchasing Program for the purchase of various server equipment and software and authorize the City Manager to execute a purchase order to Dell Inc, Austin, TX, in the amount of $115,618.78 per the attached quotes.

**Action 3.** Authorize the City’s participation in the State of Ohio Department of Administrative Services Cooperative Purchasing Program for the purchase of various server equipment and software and authorize the City Manager to execute a purchase order to OARNET, Columbus, Ohio, in the amount of $20,049.88 per the attached quote.

Mr. Bazelak said he believed that initially the Police Division planned to purchase their computers next year or sometime within the 5-Year CIP, but after discussing it with the IT Department, and in order to take advantage of a discount, IT Manager Edgar Cardenas was able to negotiate even more from State Bid pricing. This purchase will facilitate some redundancy and both those new arrays will be able to support each other, so they determined it would be best to make this purchase this year, which is why they are asking for the Emergency Appropriation Ordinance to facilitate that purchase as well as the regular computer purchases out of the IT Budget. He noted IT Manager Edgar Cardenas was available for questions.

Councilman Louderback presented an ORDINANCE AMENDING ORDINANCE 12-53 TO MAKE ADJUSTMENTS IN APPROPRIATIONS FOR CURRENT EXPENDITURES OF THE CITY OF XENIA, OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2013, ASSOCIATED WITH THE ALLOCATION OF FUNDS TO PAY FOR THE EXPANSION OF VMWARE HOST SYSTEM FOR THE POLICE DIVISION, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Councilman Louderback, seconded by Councilman Caupp, that the rules requiring the reading of an ordinance at two consecutive meetings be dispensed with and this ordinance be placed at once upon its passage. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, and Engle
Nays: None  motion carried.

Motion by Councilman Louderback, seconded by Councilman Caupp, that Ordinance Number 13-19 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, and Engle
Nays: None  motion carried.

Motion by Councilman Caupp, seconded by Councilman Louderback, to authorize the City’s participation in the State of Ohio Department of Administrative Services Cooperative Purchasing Program for the purchase of various server equipment and software and authorize the City Manager to execute a purchase order to Dell Inc, Austin, TX, in the amount of $115,618.78. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, and Engle
Motion by Councilman Louderback, seconded by Councilman Caupp, to authorize the City’s participation in the State of Ohio Department of Administrative Services Cooperative Purchasing Program for the purchase of various server equipment and software and authorize the City Manager to execute a purchase order to OARNET, Columbus, Ohio, in the amount of $20,049.88. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, and Engle  
Nays: None  motion carried.

Schedule of Bills: Mr. Bazelak presented payment of bills totaling $515,645.64. He noted the majority of the cost (over $300,000) for two different vendors is covered by grants.

Motion by Councilman Louderback, seconded by Vice President Smith, to approve payment of bills totaling $515,645.64. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, and Engle  
Nays: None  motion carried.

Items for the Finance Director: Mr. Bazelak reminded citizens the filing deadline for the City of Xenia Income Tax is Monday, April 15th. There will be additional help available to assist citizens with preparing their City of Xenia income tax returns. Additional office hours on April 15th are from 8 a.m. until 6 p.m.

Vice President Smith said he saw where the State of Ohio picked up $21 million recently in amnesty funds that businesses had not paid. He asked if an amnesty program would benefit the city. Mr. Bazelak said probably not that much because the City of Xenia has mandatory filing. Some of the communities that are exploring an amnesty program and have had some success in getting those dollars do not have mandatory filing. The City of Xenia has pretty good compliance.

Law Director’s Office:

Introduction of Ordinances and Resolutions: None.

Second Readings of Ordinances and Resolutions: None.

Items for the Law Director: None.

SUMMARY OF ACTION ITEMS: Mr. Percival said he had no changes at this time, but there would be a change coming.

- A request for a plan from City Staff in regard to the Broker Services Contract to include details of how the contract will be monitored (Requested by President Engle//Assigned to Jim Percival/Jackie Potter)
- Update on Proposed Recreation Venues (Requested by Councilman Louderback//Assigned to Jim Percival)
- A report on the feasibility of a Vacant Building Ordinance – due date to be determined (Requested by Councilman Louderback//Assigned to City Manager’s Office and Law Director)
President Engle asked if there were any issues Council would like added to the next Council meeting under “Summary of Actions Items.” There was no response from Council.

**READING OF COMMUNICATIONS AND DISCUSSION:** Councilman Long congratulated Mayor Bayless on the award she received tonight and wished everyone a blessed Easter.

Councilwoman Mills reminded everyone that there is a free breakfast this Saturday at the Xenia Adult Recreation and Service Center (formerly Golden Age) from 8 to 10 a.m. The Annual Easter Egg Hunt with 12,000 eggs will be held at Shawnee Park following the breakfast. Registration begins at 10 a.m. with the egg hunt beginning at 11 a.m. There are five different age brackets so any children aged 0 to 12 years of age are welcome to come. Children should bring their own bag or basket. She noted there will be a designated section for children with special needs. She encouraged everyone to have a blessed Easter and to check Facebook, church websites, or to even call churches to learn about special Easter Sunday services.

Councilman Louderback congratulated Mayor Bayless on her award. Our local theater, X*ACT, is presenting *Ravenscroft* on April 5, 6, 12, and 13 at 7:30 p.m. and April 7 and 14 at 3 p.m. He encouraged people to attend our local theater.

Councilman Caupp reminded citizens that Wednesday, April 3rd, is the annual Xenia Rotary Pancake Day at the Greene County Fairgrounds. All their funds go to good causes for children, so he encouraged folks to go out and support the Xenia Rotary. He wished everyone a Happy Easter.

Vice President Smith reminded citizens about the Easter Egg Hunt this Saturday at Shawnee Park. He thanked city staff and the Xenia Area Community Churches and Ministries for helping with that event. He thanked Faith Community United Methodist Church for the free movies for citizens. He attended the last movie, which was *Wreck It Ralph*. He recognized Councilman Long, Mayor Bayless, and Councilman Louderback for being judges at the Science Fair at Xenia High School.

President Engle congratulated Mayor Bayless on her award. It is a super honor and a great reflection on her as a representative of this city. He wished everyone a Happy Easter.

**ADJOURNMENT:** Motion by Councilwoman Mills, seconded by Councilman Louderback, to adjourn the Regular Session at 8:00 p.m. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, and Engle
Nays: None motion carried.
The Xenia City Council met in an Executive Session on April 11, 2013, at 6:00 p.m. in the First Floor Conference Room, City Hall, with the following members present: Wesley Smith, John Caupp, Dale Louderback, Joshua Long, Jeanne Mills, Marsha J. Bayless, and Michael D. Engle.

Motion by Councilman Louderback, seconded by Mayor Bayless, to go into an Executive Session to discuss Personnel Matters. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

The City Council convened in Executive Session in the First Floor Conference Room, City Hall, with the same members present to discuss Personnel Matters.

Special Session 6:30 p.m.

At 6:40 p.m., the Xenia City Council adjourned their Executive Session and met in a Special Session in the City Council Chambers, City Hall, with the following members present: Wesley Smith, John Caupp, Dale Louderback, Joshua Long, Jeanne Mills, Marsha J. Bayless, and Michael D. Engle.

Q & A/Discussion with Appointed Officials regarding Professional Services Contract for Simon Kenton/City Hall Modification Project. Mr. Percival said a special session was requested to address some questions about the professional services contract for Simon Kenton. They have been working on this project for a long time. They just solicited competitive bids for a professional services contract for the architectural and engineering services, which is on the regular session agenda tonight. He thought one of the biggest questions he heard from several individuals is in regard to what the total cost of the project will be. They really cannot answer that question until the architects complete their work. He can say from a staff perspective that he would like to have a lot more information than he has right now, but the issue now, which is what they said 18 months ago, is “If not this, then what?”

Mr. Percival said they realize there are several concerns with that building, such as the façade that needs to be redone. Strictly from a usability perspective, that building is set up with a pod system with wide-open spaces, which makes it a very usable space. He emphasized since the building has a gymnasium, that would create an opportunity for the City to do some other programming, such as allowing the youth basketball program to practice in the gym so they do not have to rely on other people/locations. Another thing mentioned was a place for the backpack program. He thought everyone was aware that they have had discussions with the YMCA about how the city could partner with them, because everyone knows a new YMCA is needed. By accepting Simon Kenton, the City will have land. By partnering with the Nazarene Church and
their Community Center, it would create the ability to have an entire campus/complex there for the community.

Mr. Percival entertained questions for him, Mr. Berger, Mr. Merriman, or Mr. Bazelak.

Since Councilman Louderback requested the special session, President Engle entertained his questions first.

Councilman Louderback said he would like to see an estimate on new construction versus a rehabbed building, which Councilman Caupp will discuss in a minute. In previous sessions, Council was told it costs $300 a sq. ft. for a new build, but he discovered it would cost $120 to $150 a sq. ft., and $150 X 20,000 sq. ft. would be $3 million for a new building. Therefore, he looks at this project as costing about $4 million plus. They would have a brand new building, and although he realized there would be demolition costs, he would much rather have a brand new building for the same costs as a rehabbed building.

Councilman Louderback noted Mr. Merriman shared something with him from the Xenia Community Schools when they were going after passage of the levy, and they contradict themselves all through the material. The question was asked, “Why did you decide to tear down buildings and renovate others?” The answer from the School Board was, “All 10 of the Xenia Schools were rated above the 67% or two-thirds rule. In other words, it would cost more than two-thirds of the cost of a new school to renovate the existing buildings.” Further back they say, “McKinley and Simon Kenton were deemed rehabable.” On the front page, it says, “This would be a 28-year tax,” but it is actually a 38-year tax. All through the document, they contradict themselves. His big concern is whether to rehab the building and “put perfume on a pig” or to go forward with new construction. He would like to see some quotes for new construction and go from there.

Councilman Louderback asked if a 41,000 sq. ft. building was needed. He asked about the square footage of City Hall. Mr. Percival thought City Hall was about 27,000 sq. ft. or 9,000 sq. ft. per floor. Councilman Louderback said since they are operating in a 27,000 sq. ft. building, he asked why they need 41,000 sq. ft. Mr. Percival said Simon Kenton has a gymnasium. If they build a 20,000 sq. ft. building, they would not have the gymnasium. Councilman Louderback said they could do without a gymnasium.

Mr. Percival said the 40,000 sq. ft. allows for a new, much bigger Council Chambers that would accommodate more people. He did not think all the 40,000 sq. ft. would be used on day one, but when they moved into this current building, it was already too small. He thought everyone realizes they do not have room for what they need to do, for storage, and for other things. He would rather have more space than he needs as opposed to not enough space.

Councilman Louderback asked the total cost of the project inside and out. Mr. Percival said he did not know the exact cost, but the current estimate is $3.2 million, which includes the architectural fees.

Councilman Louderback said there are so many unknowns, and Council is expected to vote on a $255,000 Professional Services Contract, which is taxpayers’ money. How can they enter into an agreement when they do not know the costs?
Mr. Percival said the reason to hire an architect is to provide an estimate of the costs. You do not know the cost to build a house until you have an architect and all the plans drawn. Councilman Louderback agreed. Mr. Percival said they do not know what it would cost do to the complete rehab until the architect comes in and says how he is laying out the building, identifies the costs, draws up the plans, and provides the final cost estimate. They currently have an estimate of $3.2 million. Councilman Louderback said it could be $5 million. Mr. Percival said he did think so. Councilman Louderback asked Mr. Percival on what he based his answer. Mr. Percival said the $3.2 million estimate was from Horne & King Architects, which has done projects similar to the Simon Kenton project, and their estimates are usually high.

Councilman Louderback asked who from management told him it would cost $300 per sq. ft. for new construction when he previously asked that question. Mr. Percival thought the $300 per sq. ft. number was the number it would cost for a new Public Safety Building and for all the things that are required. Mr. Berger said there are additional costs to build a new “essential facilities” building. Mr. Percival said he has been using $150 to $200 per sq. ft. on new commercial construction, but he did not know who said it was $120 to $150 sq. ft. for new construction.

President Engle noted in their first budget meeting, Council discussed current bond rates, an amount of money needed for various projects, etc. If Councilman Louderback is right, Council authorized the architect’s contract for $255,000, and the estimate came in at $5 or $5.5 million, he asked if the architectural design could still be fruitful even if they elected to go with new construction.

Councilman Louderback and Councilman Caupp said no. Mr. Percival asked Mr. Berger to answer that question. Mr. Berger said that is hard to say, because they are retrofitting Simon Kenton versus starting from scratch, which is kind of an open checkbook, staff can be more specific in their wants and needs, and it is designed from “scratch.” The personal services contract for $255,000 will cover what it would take to retrofit the current space.

President Engle said he understood that; he was just suggesting that a design will be developed based on their wants and needs, whether it is retrofitted or brand new, so that design money is still put to good use.

Mr. Merriman said there are three components to that contract: (1) Space needs analysis; (2) the design of the facility; and (3) construction management. The space needs analysis would give them information that is relational to even a new project. It would talk about the needs, give them professional standards and building code requirements for different departments given the operations they assume would be in a facility, so that portion would certainly be relevant to other projects.

President Engle felt the second portion was relevant as well, because it would still be a design for an administrative headquarters for the city.

Assuming Council enters into the personal services contract tonight, Mr. Bazalak asked if it was possible to request a change order to do a needs analysis for new construction in addition to rehab construction.
Mr. Berger agreed that would be a change of scope for the project. To clarify, the architect was going to do a needs assessment anyway as part of the scope of the project. Mr. Bazelak is suggesting doing the needs assessment for a retrofit, but to also do a cost analysis to construct a new building. Mr. Bazelak said that was correct. Mr. Berger said they could certainly do that, as long as Council agrees, and he did not think it would cost that much more to do that.

Councilman Caupp said he spoke to Mr. Berger yesterday and Chief Person last night. He did not know how many Council members actually went out to Simon Kenton and literally walked around that whole building, but that building is in horrible condition. There are cracks in the bricks, the windows feel like Plexiglas, and some are lose. Chief Person told him there is break film on the windows for tornado safety [installed as part of Project Impact, so all the windows will not shatter or crack]. Every window in the place needs to be addressed, and the façade on the top is all rusted.

Councilman Caupp said after talking to Mr. Berger and Chief Person and looking at the building, he spoke to a good friend who is a Project Manager at Miller Valentine. He asked his friend what new construction costs. His friend said there are a hundred different variables, such as if the building is one, two, or three stories, but his rough estimate was $120 to $150 per sq. ft. At 20,000 sq. ft. times $150 per sq. ft., it would cost $3 million. At 150 per sq. ft., they could level the current building and build a 20,000 sq. ft. office building. He talked to Chief Person and then did more research online on several websites that gives you estimates on the costs for new office buildings on everything from prevailing wage jobs to non-prevailing wage jobs. He entered the cost anywhere from the $120 to $160 per sq. ft. range from what he found.

Councilman Caupp said common sense got him thinking about trying to retrofit the City Building for a Police Station. He wondered what it would entail to retrofit the first floor of City Hall for a Police Station, and in all reality, if that even made sense. He was not so sure it does. To him, it probably makes more sense to move the Police Division and Dispatch Center out of the basement and to use the City Building basement for all the administrative offices, which would keep the administrative offices downtown and the Police Division would get a new facility. The Simon Kenton property is probably a decent location for a Police facility. They know they need a new Fire Station closer to the west side of town and there is plenty of land there if they wanted to build a Fire Station there in the future. They could even consider building a new Safety Services Complex with a Police Station and Fire Station together, although the City probably cannot afford that right now. He noted Mr. Berger gave him a number of anywhere from $2.5 to $3 million just for the interior renovations at Simon Kenton. That figure does not include the façade, which has major deficiencies. He thought the parking lot would cost $400,000. Mr. Berger said he estimated it would cost $70,000 to resurface the entire parking lot.

Councilman Caupp said if they spend $3 million for the interior renovations at Simon Kenton and the façade takes another $1 million, they would be at $4 million, and that does not include any retrofitting of City Hall for a Police Station [Justice Center]. When he asked Chief Person what it would cost to retrofit City Hall for a Police Station, he did not know. He thought they should spend $15,000 to $20,000 to do a needs analysis study on City Hall first to find out what it would cost us to retrofit this building for a Police Station before they spend $255,000 on Simon Kenton.
Mr. Percival thought a needs assessment for modifying the first floor of the City Hall to accommodate the Police Division was part of the Professional Services Contract with APP Architecture. Mr. Berger said yes, it is.

Mr. Percival thought the $150 a sq. ft. was a good number if prevailing wages are not required because prevailing wages add 35% to the contract. Councilman Caupp said there are different websites, but the numbers he got were $120 to $160 per sq. ft. One website broke it down to the City of Dayton using prevailing wage jobs and non-prevailing wage jobs per square foot, which obviously are just rough estimates. The more he thinks about the Simon Kenton project, the more he thinks it will be a money pit that will continue to drain money because of the condition of that building. They should consider spending a little bit more to get a brand new building; otherwise, they will just be throwing good money after bad money.

President Engle noted they were almost out of time for the work session. Councilman Long said in the 30-minute work session, only two Council members had a chance to speak, so he wants to finish the discussion at another work session.

President Engle suggested they table this particular aspect of the upcoming meeting in terms of this proposal and then hold a one-hour work session before the next XCC meeting. Clearly, they are not going to solve this within the next five minutes.

Councilman Caupp noted taking possession of the Simon Kenton land was on tonight’s agenda as an emergency action. Mr. Berger said since Council has questions about hiring the architect, they might as well table the emergency ordinance to accept the land. Mr. Lewis thought they should take possession of the building/land regardless of what they decide to do with it.

Councilman Caupp asked Mr. Berger if he had any idea what it would cost the city to demolish that building. Mr. Berger said XCS estimated it would cost $400,000 to demolish Simon Kenton. Mr. Percival did not think it would cost that much.

Vice President Smith asked how much land came with the building. Mr. Percival said there are 11 acres, and the city needs that land regardless. Councilman Louderback agreed. Councilman Caupp said he was fine with the land; he was just saying the building is in horrible condition.

Councilman Long said he had many questions. He agreed with one assessment that it would be a lot cheaper to get the Simon Kenton building inspected since he does not know the condition of the roof, etc. Councilman Caupp said the roof is new.

Councilman Louderback said he would leave Council members a copy of the XCS report in their mailboxes.

Councilman Caupp asked if they were tabling both Simon Kenton agenda items. President Engle said that would be up to the majority of Council to decide. Mr. Berger said the reason he asked for emergency passage for the city to accept the parcel of land was only because they wanted to get the architect started immediately. President Engle said that both agenda items would be tabled.
President Engle asked if Council felt an hour was sufficient time to continue this discussion. Several Council members said no. President Engle said the special session on April 25th would begin at 5 p.m.¹

The Special Session was adjourned at 7:03 p.m. to go into regular session.

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

Michelle D. Johnson, City Clerk
Xenia City Council

Michael D. Engle, President
Xenia City Council

¹ The Special Session was later scheduled for April 18, 2013, to include a tour of Simon Kenton at 4 p.m. and a Special Session at City Hall at 5 p.m.
City Council Meeting Minutes
April 11, 2013
Regular Session
7:00 p.m.

The Xenia City Council met in a Regular Session on April 11, 2013, at 7:08 p.m., in the City Council Chambers, City Hall, with the following members present: Wesley Smith, John Caupp, Dale Louderback, Joshua Long, Jeanne Mills, Marsha J. Bayless, and Michael D. Engle.

INVOCATION: Pastor Brad Olson gave the invocation after which all joined in the Pledge of Allegiance.

APPROVAL OF MINUTES: Motion by Vice President Smith, seconded by Councilman Long, to approve the March 28, 2013, Executive/Regular Session minutes as written. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, and Engle
Abstain: Bayless
Nays: None motion carried.

SPECIAL PRESENTATIONS: Dr. Cynthia Jackson Hammond, President, Central State University. President Engle invited Dr. Hammond to come to the podium. Dr. Hammond thanked Council for giving her an opportunity to speak to them. She wanted to thank them, especially Mayor Bayless, for the warm and gracious welcome that she and her husband received as they transitioned to Ohio. It has been a very quick year. She noted Marsha Bayless gave her a tour of Xenia and it was a warm and engaging opportunity for her to really see the community and engage with many people. She also wanted to give a warm and gracious thank you to City Manager Jim Percival. They met Jim the first month they were in Xenia and he is indeed an ambassador and a supporter of Xenia, as well as a real conduit for Central State University (CSU), which is what she would like to talk about.

Dr. Hammond said CSU stands ready, willing, and able to support Xenia, not only economically and not only by just being in the parades, but to be a real partner. CSU is about 3.4 miles down the road and she thought that road could be shortened quite a bit. They believe in this wonderful community and they want the community to believe in them, so any opportunity they have to partner in sustainable ways with the City of Xenia, she wants to open their doors to the city and wants to be able to say that they are partners in a multitude of ways. CSU students can benefit from the support that Xenia has given over the years. Xenia can benefit from the support that CSU can provide. They have a beautiful campus. They ask that Council look at their facilities at any time and hold meetings in their wonderful historic Emery Hall. As Council knows, Secretary of the Interior Ken Salazar was here last week and commissioned the Colonel Young House as a national historic site. The area has the Colonel Young House, Wilberforce University (which is also a historic landmark), the National Afro-American Museum and Cultural Art Center, and Central State University. All of those sites would be a real corridor for tourism that would certainly be a benefit to Xenia and they want to be a part of that partnership. She did not think they could have survived 126 years without Xenia, and they look forward to another 126 years of sustainable relationships.
Dr. Hammond noted she is new to this area and is new to CSU. She had some things in her head and in her heart about the improvement of the University. Part of that improvement comes with mindset that they are rebuilding their mission, their vision, and their curriculum around service, protocol, and civility, which will govern and guide the way they prepare students to be world leaders. Because this is a new process, they have to really work with our communities to understand what they mean by protocol and stability. She is all about structure, doing the right things for the right reasons to get the right results, and she is also about civility, respect for each other, and respect for the University to develop a very collaborative and cohesive community. She hopes the city will help to embrace this mindset as they prepare students from all over who come to Central State, including the neighborhoods of Xenia.

Dr. Hammond also complimented Carole Braun who constantly and consistently provides information about what is going on in the city. She has spent a few dollars at Willie’s Bar and Grill across the street and has spent a lot of money at Xenia Shoe and Leather. It is very nice to have a community that has adopted her personally, and she hopes the community will adopt Central State University as well. She thanked Council for their time and she looks forward to continuing to build a relationship with the City of Xenia.

**Special Presentation, Michael Engle.** Vice President Smith invited President Engle and Mayor Bayless to come to the podium. President Engle noted that many of them know Mayor Bayless was not with them at their last meeting, which was a rare circumstance. He noted Mayor Bayless was given a very substantial award from the National Association of Social Workers where she was named the Public Official of the Year for the Dayton Region. As he understood it and from what he heard from Mayor Bayless, she was the only nominee from Greene County that was considered, which he thought was spectacular. He arranged for preparation of a Proclamation to give to the Mayor on behalf of all her colleagues because she is a treasure to them, a treasure for Xenia, and they wanted to make sure everyone realized that. The Proclamation read, “The National Association of Social Workers is the recognized voice for social workers in Ohio. It is an organization that ensures excellence in local and national social work standards, practice, education, and licensing, and is a powerful force in the political process. The mission of the National Association of Social Workers Ohio Chapter is to strengthen, support, and unify the social work profession, to promote the development of social work standards and practice, and to advocate for social policies that advance social justice and diversity. The National Association of Social Workers Region 7 will hold its annual awards banquet on March 28, 2013 at Miami Valley Hospital, Magnolia Room, and the Honorable Mayor of Xenia, Marsha Bayless, will be recognized as the ‘Public Official of the Year.’ As President of the Xenia City Council, he proclaimed April 11, 2013 as The Honorable Mayor Marsha Bayless Day.” (Applause followed.)

Mayor Bayless thanked Council for the recognition; they are all really sneaky! She was quite honored to receive the Proclamation and thanked them so much. She loves representing Xenia. (Applause followed.)

**Quarterly Economic Development Update, Steve Brodsky.** Mr. Brodsky thanked Council for allowing him to speak after two such remarkable women. Tonight, he would like to briefly update Council, give them a small overview of the economy of Xenia and some of the trends they are seeing, and then go into some specifics on on-going and completed projects that have impacted this community. Generally, when people look at the economy, they look at statistics, and the information he will present comes from the US Bureau of Labor Statistics. For the year
2012, he will look at yearly figures because monthly figures can be rather volatile and he thought that yearly statistics will give Council a better idea of the trends. Our unemployment rate in Xenia was 8.1%, compared to just under 7% for Greene County, 7.5% for the Dayton Metro area, and 7.2% for the state. To put that into perspective, over the last ten years, the city’s lowest unemployment rate was in 2007 which was 6.2%, but that only tells part of the story. That same year, the city’s total employment stood at 10,664. For 2012, the city’s total employment averaged monthly is 10,855. In other words, there are more people employed in the city today than there were in 2007 when there was a much lower rate. Part of that is because in 2007, the City’s labor force was 11,364. For 2012, it was 11,816, meaning the City’s labor force has expanded by some 500 people. There are more people in the labor force and more people working. Unfortunately, more people are unemployed (700 in 2007 vs. 960 in 2012), but they are seeing an improvement. From two years ago at the height of the recession, they were at 12% unemployment, so there has been a steady drop in unemployment, which is not due to one major project. Rather, they are seeing that steady improvement because of small businesses (either new or expansion of), which are truly the backbone of this community.

Regarding the City’s industrial businesses, he highlighted the following, which occurred in the last year:

- W.A. Hammond Drierite Company on Dayton Avenue is completing an expansion of their building, which will probably be one of the most beautiful industrial buildings in the area.
- CIL Isotope Separations in our Industrial Park is in the process of adding new wells and a new building that will allow them to greatly increase their capacity.
- OHTA Press in our Industrial Park recently added a 10,000 sq. ft. warehouse to help them fulfill their needs.
- B5 Systems on Bellbrook Avenue added some tooling and some additional equipment for a new product line and have been in a hiring mode.
- Additionally, they are working on some joint projects with TJAR Innovations, which is another Xenia company based in the Industrial Park.
- Reptiles by Mack, a wholesale provider of reptiles located on S. Detroit Street in downtown Xenia, has purchased a building in the Industrial Park in order to expand their retail business, but not to replace their downtown business.

On a retail level, Mr. Brodsky highlighted the following:

- Rural King has taken over the old 91,000 sq. ft. Wal-Mart building, which caused a major drop in our retail vacancy, which also allowed for additional development in West Park Square.
- Recently, Mercy Xenia Family Practice is in the process of opening at West Park Square.
- Xtown Performance, which is an online performance diesel distributor, is planning to open up in that shopping center.
- Dollar Tree, which is located in that shopping center, will be moving and building a much larger, newer building off Harner Drive. Based on the elevations submitted to the Planning and Zoning Commission, he thought it would be a very attractive building.
- Harvest Moon Creations, a vegan bakery, plans to open in the former Oasis Building downtown. They have been making some small steps at improving the building, both inside and out, and they hope that will continue once they get open and have a stronger business.
- Greene Wireless is also opening downtown at 68 E. Main Street. They are also in the process of doing a major façade renovation to their building, which is not part of the façade renovation program the city was administering. Most of those building are done, so hopefully everyone has seen quite a transformation in the downtown landscape with those buildings that were done. He wanted to stress that it was a partnership between the city and those property owners. While the
city did provide grant and loan monies to make that happen, the property owners also had to put up quite a bit of their own money to make those projects happen.

- Rusty NChippy's Vintage Boutique, a very eclectic store with a wonderful mix, is another new downtown retailer. The store has been attracting people from the region and other states.
- Studio Move, a new fitness business, plans to move into the former Daum’s Furniture Building downtown.
- Hartley-Wright Photography is a new studio that is moving into 31 E. Main Street.
- Kroger submitted an application this week that will go to the XPZC next month for a new fuel center on the first outlot in front of their store in West Park Square. Kroger is also going to be making some infrastructure improvements. After speaking with the manager, it was his understanding that there are plans for the shopping center owner to redo the parking later this spring or summer, which everyone will be very happy about.

While they concentrate a lot on business retention and helping them expand, and statistics have shown that 80% of new employment will come from existing employers, they also work to attract new employers. Since January, they have received 12 leads from the State of Ohio or Jobs Ohio West/Dayton Development Coalition, and those are typically regional leads rather than statewide leads. Six of them were looking for particular buildings that the City does not have in its inventory. One had a site requirement that could not be met. They responded to five site requests and one building request. After they respond, it could be several months before they know whether Xenia is on their short list. At this point, he could not say where they stand in the process, but they are working very closely with the Greene County Department of Development on these leads, and typically, the county has to be the ones to submit. They work together to provide all the information that is requested in the Requests for Information (RFIs) that are submitted.

Mr. Brodsky entertained questions. There are other projects in the works, but as Mr. Percival mentioned, often they cannot discuss them in a public venue, so he may have to decline to answer some of Council’s questions at this time.

Councilman Louderback thanked Mr. Brodsky for coming. He thought it is very important for Council and the public to know what is going on in the city. He is very glad Kroger is staying where they are since there was talk about putting a Kroger Marketplace on Progress Drive, which would have been another empty anchor store at that site after they just filled the Wal-Mart building.

Councilman Louderback asked what was going in the former Daum’s Building. Mr. Brodsky said a fitness studio would be moving in there. He believed it would be same young lady that does the Zumba classes at Xenia Nazarene’s Community Center. Councilman Louderback asked if they had plans to fix the façade. Mr. Brodsky said he knew they requested zoning permits, but he had not seen any building elevations. Obviously, some façade renovations would be required, but at this point, he did not know all the details. Councilman Louderback felt the building was definitely an eyesore.

Councilman Louderback said he noticed the new tenant at the Oasis building is at least attempting to take care of the front façade, which is currently not too attractive. Mr. Brodsky said the tenant is taking small steps, but they are steps, and they hope that the community will definitely support his business and allow him to make additional improvements.
Councilman Louderback agreed that retention and expansion is very important. The city lost 125 jobs when the SuperValu Warehouse closed, but in the meantime, several businesses have expanded. Everybody wants to hit the home run and get a 100- to 300-job facility, but it is very important to him that they take care of the City’s current businesses so they can expand. Mr. Brodsky agreed.

Councilman Long said when it comes to the inquiries outside our county region, what were some of the limitations, particularly in manufacturing and commercial. Mr. Brodsky said some are looking for rail or a particular building size. Some businesses are looking for buildings with 70,000 to 100,000 sq. ft. A few were looking at bringing in a call center and they only wanted to look at buildings that were former call centers. Sometimes they identify what they prefer, but they will entertain other options. Call centers especially will only look at buildings that were former call centers, which Xenia does not have. There was one site they were unable to respond to because the business had very specific requirements on what the soil compaction needed to be. They had to provide them with the test data, and it simply was not available on any Xenia sites. Part of that is because the type of data they want is very expensive to obtain, and the property owners are not willing to spend a lot of money for something that typically is not requested.

Councilman Long said it sounded like a lot of businesses were not interested because the buildings were not rehabbed. He asked if there has been any action at the two Industrial Parks. Mr. Brodsky said they try to market those as much as possible. They have been discussing doing a joint event with Greene County at the OVCH Park to help attract and build some momentum so people realize what is available. They hope to have an announcement in the next few weeks on that initiative. The whole idea is to bring in site selectors, developers, and people that actually put these projects together so they understand there is some excellent land available in Xenia at very reasonable prices, especially when compared regionally. Land along I-675 can go for $400,000 or more an acre. Land in Xenia is $40,000 an acre or less, but most of the City’s industrial property is being advertised for $25,000 and $30,000 an acre. Companies have to have an extremely compelling reason to be located right on I-675 or one of the other interstates in order to pay ten times as much for land.

Councilman Caupp asked for an update on the Hooven & Allison property. Mr. Brodsky said they have been working with the previous owner with the developer and there is a conference call with his attorney tomorrow.

Vice President Smith said he does not usually like to throw a commercial out there. However, he shops downtown Xenia as much as he can and the biggest store downtown is K-Mart. He and Mayor Bayless spoke with a K-Mart employee two weeks ago at the Easter Egg Hunt. It is really important for our community to support K-Mart because they are struggling, which is not a secret to their employees. When people shop at K-Mart, use your rewards because their success is measured by how many of their customers are on their rewards program. If they do not have a certain percentage, they do not meet their quota, and it does not matter the amount of the sales. He was not knocking Wal-Mart, but if people can buy things in the Xenia Towne Square Shopping Center, he would encourage them to do that. He would hate to lose K-Mart as an anchor store in Xenia. Some people say you pay more at K-Mart, but he disagreed. You can get items there on sale or with your points, which makes it very competitive.
Mr. Brodsky agreed it was important to shop in Xenia, especially at our locally owned stores, but also at the franchises. Many times after a store closes, people say ‘what a shame’ and ‘wonder why the store closed.’ Stores do not close because they are making too much money in a community. Retailers will close because not enough people supported them, so whenever possible, please shop Xenia and shop local, which is critically important in keeping the proper retail mix. The stronger the City’s existing businesses are, the easier it is to attract new ones.

Councilwoman Mills thanked Mr. Brodsky for sharing the information. Along with Councilman Louderback, it is so important for them to share great news. Many times Xenia is compared to other communities in this area, but “we are Xenia and need to be proud of who we are.” The unemployment rate has dropped and more people are working now than before. When the City loses a large business like SuperValu, it truly affects the entire community, whereas when they have multiple small businesses and one closes, it does not affect this community as severely. She is very excited to have multiple, smaller businesses in Xenia, and if they can be the City of Business, that would be wonderful and a great opportunity.

Mayor Bayless said that while they are discussing shopping locally, the same is true with Greene Memorial Hospital. Greene Memorial renovated their emergency room, so if you are going to be sick, be sick in Xenia! (Laughter followed.)

President Engle thanked Mr. Brodsky for all the work he did to bring the information to Council’s and the public’s attention. Please continue to work with all our businesses. It is truly making a difference in our community and making a difference for the future of Xenia.

AUDIENCE COMMENTS: President Engle explained the procedures for audience comments and invited anyone who wished to speak to come forward.

Eric Holtvogt, 1386 Jasper Road, said he was present this evening to make everybody aware that the American Red Cross has their annual fundraiser Putting on the Glitz event at the Hope Hotel on Saturday, April 27th at 6:00 p.m. He was asked to be a model at their event and he is trying to raise money for the Red Cross. Proceeds from the event go to disaster relief and preparedness and all the money raised stays in the Miami Valley. Obviously, they have a local tie to the Red Cross here in Xenia. The website is american.redcross.org and his web address is american.redcross.org/goto/holtvogt. He asked that people vote to help him reach his goal of $1,000 to earn the title of 2013 American Red Cross Top Model.

REPORTS OF COMMITTEES:

Board for Recreation, Arts & Cultural Activities: Councilwoman Mills said BRACA met on April 2nd and discussed the following:

- Annual Easter Egg Hunt. Approximately 2,000 people attended the beautiful Easter Egg Hunt at Shawnee Park where they gave away over 50 baskets. She thanked everyone who donated.
- Bloom with Xenia...Adopt-A-Spot – Kickoff and Volunteer Day, May 4 in downtown Xenia. Meet at City Hall at 9 a.m. to help them clean up the flowerbeds downtown.
- Fishing Derby – Saturday, June 1 at Shawnee Park. The event is free to children ages 3 to 15. Kids have to reel in their fish. She will have information regarding donations and the contact person at the next Council meeting.
- Movies in the Park - June 7, July 5, and August 2 following First Fridays. The three movies are The Lorax, Hook, and The Pirates! Band of Misfits.
Music in the Park. The following bands have been booked from 7 to 8:30 p.m. at Shawnee Park:
- June 2: The Ohio Valley British Brass Band (40 piece band)
- July 7: The Sauerkraut German Band (polkas)
- July 21: The Xenia Hospitality Chorus
- August 4: Retrobution Band (plays music from the 1980’s)
- August 18: Greene County Adult Band

Flyers on all upcoming events will be distributed soon and information will be on the City’s website and Facebook. The support of the Xenia Gazette would be wonderful to get the word out.

Traffic Commission: Councilman Smith said the April XTC meeting was cancelled due to lack of a quorum. The next XTC meeting will be Monday, May 6th at 7 p.m.

Councilman Caupp noted the new signs are up on Main Street coming through town by McDonald’s for the bike path. The signs say “Slow Down” in LED lights, which means that cars are to slow down but NOT to stop to allow bicyclists and pedestrians to cross at that bike path. There have been traffic accidents there in the past when drivers do stop. With the new signs, he hopes people will recognize that they only need to slow down at that section of town, especially now with warm weather and more people using the bike path. Just use caution through there.

Board of Zoning Appeals: Mayor Bayless said BZA met on March 25th and approved a Conditional Use to allow Red Wagon Art to be located in a B-2 District at 31 E. Main Street, Suite B. The Board also welcomed Tara Hosta to her first meeting and said a sad good bye to a 10-year Board member, Richard Sutton. BZA greatly appreciates his years of volunteer service.

ITEMS FROM CITY COUNCIL AND MAYOR: Emergency Ordinance amending XCO Section 220.11 Salary of City Council members. President Engle said Xenia City Council has not received an increase in salary since 2006. They have been attempting to conserve money, along with the remainder of the city, but at this time as they had authorized raises within the city for the exceptional work that city staff has been doing, members of Council will each receive an annual salary increase of $200. He then entertained a motion.

Councilman Louderback presented an ORDINANCE AMENDING SECTION 220.11 - SALARY OF CITY COUNCIL MEMBERS OF CHAPTER 220 OF TITLE FOUR, ADMINISTRATIVE CODE OF THE CODIFIED ORDINANCES OF THE CITY OF XENIA, OHIO, BY ADJUSTING THE SALARY OF MEMBERS OF THE XENIA CITY COUNCIL, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Councilman Louderback, seconded by Councilman Caupp, that the rules requiring the reading of an ordinance at two consecutive meetings be dispensed with and this ordinance be placed at once upon its passage. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

Motion by Councilman Louderback, seconded by Councilman Caupp, that Ordinance Number 13-20 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.
REPORTS OF CITY OFFICES:

City Manager’s Office:

Award of Bid for Fabrication and Installation of Aerator Unit at WTP. Mr. Percival said part of the water treatment process is to aerate the raw water as it goes through the slow sand filters. Aeration provides the dissolved oxygen needed to convert the iron and manganese, and without that process, the iron and manganese would collect in the pipes at the WTP and also in pipes in people’s houses. He respectfully requested that Council award the bid for the Fabrication and Installation of an Aerator Unit at the Water Treatment Plant and authorize him to enter into a contract and execute a purchase order with Hilltop Custom Fabricators, Inc. in Dayton, Ohio in an amount not to exceed $45,600.00.

Motion by Councilwoman Mills, seconded by Vice President Smith, to award the bid for the Fabrication and Installation of an Aerator Unit at the Water Treatment Plant and authorize the City Manager to enter into a contract and execute a purchase order with Hilltop Custom Fabricators, Inc. in an amount not to exceed $45,600.00. Discussion followed.

For a point of clarification, Mayor Bayless asked the age of the current aerator. Mr. Percival said the current aerator is over 30 years old and was installed when the WTP was built. They are not taking an aerator out of service; they are adding one to it so they can continue with the operations as they are doing service to those aerators. The goal would be to have this aerator last for 30 or more years likes the ones they already have. The cost to install the aerator in 1982 was $40,000, so the actual cost of this aerator 31 years later is still in line with what the costs were then.

Councilman Caupp said so the public knows, as people see their water rates increase, the city has made a lot of improvements at the Water Plant and the Wastewater Treatment Plants on Ford Road and Lower Bellbrook Road. In the five years he has been on Council, the City has invested a ton of money into those three facilities that are now state of the art. People who live around the Water Treatment Plants do not smell sewage like the ones he has noticed at WTPs in other communities. He wanted citizens to know that the funds they spend on their water bill are being used wisely. The City’s WTP has the water capacity to provide many more gallons of water than what it currently produces, so it is money well spent.

The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

Emergency Resolution to approve an expenditure in excess of allowable Then and Now amount for Garage Lights. Mr. Percival said when they have an expenditure prior to approval of a Purchase Order, they have to do a Then and Now statement. If the amount is in excess of $3,000, it must be brought to Council. In February, the Equipment Mechanic Supervisor began to research the best approach in replacing the faulty lighting in the city garage bays. He found that City Electric could supply the lights and corresponding supplies for $3,156.13. Because the Supervisor was new to the City’s Purchasing Procedures, he mistakenly thought that a Purchase Order request for the lights could be done at the same time as the purchase, but Purchase Orders have to be done prior to that.
Mr. Percival respectfully requested that Council waive the second reading of a resolution at two consecutive meetings and pass as an emergency a Resolution to authorize the payment in excess of the amount allowable on a Then and Now Statement to City Electric Supply in the amount of $3,156.13.

Councilwoman Mills presented a RESOLUTION AUTHORIZING THE PAYMENT OF $3,156.13 TO CITY ELECTRIC FOR GARAGE LIGHTING AND SUPPLIES, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Councilwoman Mills, seconded by Councilman Louderback, that the rules requiring the reading of a resolution at two consecutive meetings be dispensed with and this resolution be placed at once upon its passage. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

Motion by Councilwoman Mills, seconded by Councilman Louderback, that Resolution Number 13-F be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

Emergency Ordinance to Appropriate funds and an Emergency Resolution authorizing the City Manager to enter into an Agreement with the Greene County Engineer’s Office to complete the 2013 Street Program. Mr. Percival said they had initially thought about doing $150,000 worth of crack sealing and a little bit less paving this year because in 2014 the major paving project to be done is the US 42/US 68 paving project. They will be unable to do a lot in the neighborhoods because of that major project, and decided to put all the money into the paving. In order to do that, there are two requests with this agenda item:

Action 1: Pass an Emergency Ordinance to transfer $150,000 from account 53290 (Other Contractual Services) in the General Capital Improvement Fund to account 55508 (Street Improvements) in the General Capital Improvement Fund to allow them to use that money for the actual paving.

Action 2: Pass an Emergency Resolution authorizing him to enter into an Agreement with the Greene County Engineer’s Office to complete the 2013 Street Program. Once again, the city is working in a partnership with the Greene County Engineer’s Office to get a better price on the asphalt and the work being done. Last year, they did that and it worked out very well because they were able to get more than originally thought.

Councilman Caupp presented an ORDINANCE AMENDING ORDINANCE 12-53 TO MAKE ADJUSTMENTS IN APPROPRIATIONS FOR CURRENT EXPENDITURES OF THE CITY OF XENIA, OHIO DURING THE FISCAL YEAR ENDING DECEMBER 31, 2013, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Councilman Caupp, seconded by Councilman Long, that the rules requiring the reading of an ordinance at two consecutive meetings be dispensed with and this ordinance be placed at once upon its passage. No discussion followed. The Roll on this was the following:
Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

Motion by Councilman Caupp, seconded by Councilman Long, that Ordinance Number 13-21 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

Councilman Caupp presented a RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE GREENE COUNTY ENGINEER’S OFFICE TO COMPLETE THE 2013 STREET PROGRAM AND TO EXECUTE ALL NECESSARY DOCUMENTS AND DECLARING IT TO BE AN EMERGENCY.

Motion by Councilman Caupp, seconded by Councilman Long, that the rules requiring the reading of a resolution at two consecutive meetings be dispensed with and this resolution be placed at once upon its passage. Discussion followed.

Councilman Long reminded those watching at home that the list of streets to be repaved is on the city’s website and in the city’s newsletter. There are 21 streets scheduled to be repaved.

Councilman Caupp asked if they are doing any catch basins and curbs with any of the streets. Mr. Percival invited Mr. Berger to answer the question. Mr. Berger said they are doing the catch basins, which is why there is money allocated in the 667 Stormwater Funds. The only curbing will be the curbing that ties in the catch basins, but no curbing will be done on the streets listed.

Councilman Caupp recalled that last year after they did the catch basins at South Hill, several residents asked him why it took months to replace the curbing. Since it is up to the County Engineer’s Office to schedule the curbing, they will be in the same boat again. Mr. Berger said the County Engineer’s Office is the project administrator. During the preconstruction meeting all the jurisdictions will attend, the contractor will provide the game plan. Councilman Caupp is right. The City of Xenia might have been last to get the curbing replaced, but it is possible the city may be in the front or in the middle this year. They will not know that until after the preconstruction meeting.

Councilman Louderback pointed out to the taxpayers that this is their tax dollars at work. For years, the city only had a $150,000 budget for streets. After Xenia voters passed the 0.5% income tax increase in November 2010, staff developed an Annual Street Program and at least $500,000 is budgeted each year for street improvements.

President Engle thought 60 plus streets had been paved. Mr. Percival said that was correct. This year the city is spending $825,000 on street improvements, so since the income tax increase was passed three years ago, the total spent is over $2.3 million. President Engle thought that is clearly representative for all of Xenia to know that they are living up to their promises and then some by finding ways to economize and to get even more done on critical pieces of infrastructure.
Mayor Bayless asked Mr. Berger to explain to citizens how the streets to be paved are selected. She knew streets are being improved in every area of Xenia, but some people do not understand how those decisions are made.

Mr. Berger said there are several variables: (1) When they first implemented the Annual Street Program, it was the pleasure of Council (which staff wholeheartedly supported) that they would do street improvements throughout the city because everybody is paying the income tax. (2) They analyze how much traffic a particular street gets versus another one; how much truck traffic it is carrying, which has a lot to do with pavement deterioration; and utilities (water and sewer). It would make no sense to pave a street that they know has a bad sewer or water main, so they take care of that kind of thing before they pave the street. (3) They do a PCI (Pavement Condition Index) rating that goes from zero to 100, which he will do again in 2014. The PCI rating takes some of the discrepancy out of the selection process, but that is only one variable of many that plays into that selection process.

Mr. Percival noted staff promised that once Shawnee School was built, they would finish Sutton Drive and E. Ankeney Mill Road, so those streets are on the list this year.

Councilman Louderback said years ago, previous Council members seemed to concentrate on the north end of Xenia, but street improvements will now be made in all areas of Xenia, which is how it should be. He commended staff and knew they take that into consideration. It is important to Council that all citizens of Xenia in all areas of town get equal treatment.

The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

Motion by Councilman Caupp, seconded by Councilman Long, that Resolution Number 13-G be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

**Liability and Property Insurance 2013-2015.** Mr. Percival noted for more than twenty years the City of Xenia purchased its liability and property insurance from the Ohio Plan, first through Swartzel Affiliated Insurance and then through the Hylant Group and have had an excellent relationship with them. On March 18th, the city received two bids for the City’s comprehensive insurance program. The proposals received were from the Ohio Plan for $215,244 and the Public Entities Pool of Ohio for $164,640. When looking at these different insurance products, you have to compare apples to apples. The Ohio Plan writes an occurrence-based form of insurance. Public Entities Pool of Ohio (PEP) writes a claims-made form of insurance, which means that if you are in PEP, you are going to have to buy tail coverage if you ever leave because you have to make sure that any claims that may have occurred but went unreported are still covered. The City is required to remain in the pool for at least three years to be eligible for this coverage, and both products have a three-year rate guarantee, which means your insurance may go up or down based on if you add things to the policy or take things away. For example, if the city buys a new fire truck or something like that, the costs will increase, but the rate paid for the insurance will stay the same.
The maximum cost for the tail coverage for that three-year period is $137,536 or $45,845 per year, which has to be added to the $164,640 to be able to compare apples to apples. Even with adding that, it was still a lower cost than the Ohio Plan. If the City decides to get into the PEP pool and decides to never get out, they are saving the $45,000 to $50,000 a year. However, he wanted to make sure that Council knows that there is a cost to purchase that tail coverage if the city decides to exit the PEP pool.

Mr. Percival said staff’s recommendation is to purchase the comprehensive liability and property insurance from the Public Entities Pool of Ohio in an amount not to exceed $164,640 per policy year, which is from May 1, 2013 through April 30, 2014 with the three-year rate guarantee. He knows they will be saving that $50,000, but if they chose to leave at some point, they will need to purchase the tail coverage.

Mr. Percival respectfully requested that Council award the proposal for comprehensive insurance services from May 1, 2013 through April 30, 2014 to the Public Entities Pool of Ohio in an amount not to exceed $164,640 with a three-year rate guarantee. The Public Entities Pool of Ohio has a local representative to work through, which is Montgomery Insurance and Investment Service.

Motion by Councilman Caupp, seconded by Mayor Bayless, to award the proposal for comprehensive insurance services from May 1, 2013 through April 30, 2014 to the Public Entities Pool of Ohio in an amount not to exceed $164,640 with a three-year rate guarantee. Discussion followed.

Councilman Louderback said he is pleased that Montgomery Insurance and Investments is the local representative here in Xenia.

Councilman Caupp said he spoke to Brad Montgomery about the proposal. Montgomery provides the PEP pool for Jamestown, Cedarville, Silvercreek Township, and several other municipalities in Greene County. Montgomery Insurance felt very comfortable with the PEP pool and he felt they were making the right decision in switching.

Councilwoman Mills noted the city had stayed with one company for over 20 years; she asked if a bid was never received before from PEP. Mr. Percival said they received bids from the PEP pool a long time ago, but they never provided the tail coverage. It was not possible to purchase tail coverage in the past, which changed in the last three years. Now with the tail coverage, it is possible to get out of the PEP pool if desired without any liability. In the past, whatever was left was yours, but there was also a lot of liability.

President Engle said since they are talking about potentially a buy-out per year of roughly $45,000, he asked if the city was putting any monies back into a fund that they would carry over should they decide to get out of the PEP pool in three years or if they are going to forward fund themselves. Mr. Percival thought they could cover that expense with the monies available with their reserve requirement. He is very comfortable with the coverage of the PEP pool and hopes there is a long-term relationship. Greene County has been a member of the PEP pool since its inception and has always had a very good relationship, so he is not concerned about that. President Engle said he was also not concerned, but wanted to let the audience and viewing
audience know that they do have a plan should they elect to get out of the PEP pool. He thought it was a very positive move and is pleased they have a worked out solution should they change their minds in two to three years.

Vice President Smith asked what a reason would be to get out of the PEP pool. Mr. Percival said another company might come back with a much lower bid. Vice President Smith asked if that would be due to claims and if the premium would increase. Mr. Percival said no, which is why they got the three-year rate guarantee. Part of the city’s advantage credit with the Ohio Plan has been to keep that rate lower, but this bid from PEP is extremely attractive.

The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

Mr. Percival noted Council requested tabling the next two agenda items this evening. There will be a work session on those two items prior to the next Council meeting.

**Items for the City Manager:** Councilman Caupp asked when the building at Ford Road was scheduled to be completed. Mr. Percival said staff is using the building now. He knew staff was doing something with insulation to the building, but he would have to check with Chief Person when that is to be completed. Councilman Caupp said he was referring to the Ford Road WWTP; it looks like there is a building under construction out there. Mr. Percival said there is a three sided area where they store the sludge, but that was completed two years ago. Councilman Caupp said it looked like there was a fence around the building that sits next to the blue building like they were doing construction. Mr. Berger said staff might have been doing routine maintenance.

**Finance Director’s Office:**

**Schedule of Bills:** Mr. Bazelak presented payment of bills totaling $301,728.75.

Motion by Councilman Louderback, seconded by Councilwoman Mills, to approve payment of bills totaling $301,728.75. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

**Items for the Finance Director:** Mr. Bazelak reminded citizens that the income tax filing deadline is Monday, April 15th. The Tax Office will be open to assist citizens with their City income tax preparation tomorrow from 9 a.m. to 5 p.m. and Monday from 8 a.m. to 6 p.m.

Sadly, Mr. Bazelak announced that former Finance Department Administrator Margaret O’Brien died this week. Margaret was a fantastic person. She helped him immensely. Margaret and the staff that was there when he began working for the city is the primary reason he is here before you today in terms of longevity. When you meet people that are great to work with, you make friends for life. Margaret will be missed by everybody.
**Law Director’s Office:**

**Introduction of Ordinances and Resolutions:** None.

**Second Readings of Ordinances and Resolutions:** None.

**Items for the Law Director:** None.

**SUMMARY OF ACTION ITEMS:** Mr. Percival said he had only one update.

- Quarterly Updates on Economic Development at Council meetings on 04/11/13, 07/11/13, 10/10/13, 01/09/14) (Requested by Councilman Louderback//Assigned to Steve Brodsky/Jim Percival).

  Mr. Percival noted Mr. Brodsky did a presentation this evening.

- A request for a plan from City Staff in regard to the Broker Services Contract to include details of how the contract will be monitored (Requested by President Engle//Assigned to Jim Percival/Jackie Potter). No update.

- Update on Proposed Recreation Venues (Requested by Councilman Louderback//Assigned to Jim Percival). No update.

- A report on the feasibility of a Vacant Building Ordinance – due date to be determined (Requested by Councilman Louderback//Assigned to City Manager’s Office and Law Director). No update.

President Engle asked if there were any issues Council would like added to the next Council meeting under “Summary of Actions Items.” There was no response from Council.

**READING OF COMMUNICATIONS AND DISCUSSION:** Councilman Louderback said Xenia Area Community Theater (X*ACT) is still presenting Ravenscroft. Shows are on April 13th at 7:30 p.m., and April 14th at 3 p.m. If you have not been to our local theatre, he recommended you go. Ohio’s Thrill of the Hunt Antiques and Collectibles Show will be Saturday, April 13 from 8 a.m. to 4 p.m. at the Greene County Fairgrounds Assembly Building and Dining Hall. Penny at Fox Antiques is sponsoring the event.

Councilman Long congratulated the Ohio River Road Runners Club that were here at their last meeting for a great marathon event last weekend. Over 1,500 runners participated. This is the first year that both the Xenia Police and Fire Divisions handled everything. Unfortunately, last year someone died during that marathon, but this year there were no incidents. He thanked the Fire Division for providing first-class service for that event. Central State University's Department of Fine and Performing Arts is presenting a free concert Friday, April 12th at 7 p.m. entitled the *Percussion in World Music Concert & Art Exhibit.* Mayor Bayless noted the concert would be held in the Paul Robeson Cultural and Performing Arts Center on the main campus. Councilman Long encouraged the public to embrace that university and all the services they offer.

Councilwoman Mills announced that Athletes in Action is offering a sports camp this year to community children ages 8 to 14 from June 10th through June 13th from 9 a.m. to 5 p.m. Lunch and a snack will be provided and the cost is $65. She thought XCS students would receive flyers. If interested, please register. For information about being a sponsor, please contact Kevin Geiss at Kevin.Geiss@athletesinaction.org or call AIA at 937-352-1000 and ask for him. She encouraged parents to allow their children to attend. It will cost about $2 an hour for children to get quality time with the athletes and instructors at AIA. Boys can participate in baseball, soccer, and football. Girls can participate in softball, soccer, and volleyball.
Councilman Caupp said Xenia YRC is looking for four more business sponsors for the local baseball teams that play at Bob Evans Field. Sponsorship is $325 per team. If interested, contact Ron Clark at 270-8904. Kil-Kare Raceway is open for the spring and summer on Thursday, Friday, and Saturday nights. Kids are admitted free, so it is cheap entertainment.

Mayor Bayless said she was part of the dedication at Liberty Worship Center on Upper Bellbrook Road where a huge new addition was constructed to their church. On March 19th she was honored to be the convocation speaker at Wilberforce University. She participated in the Greene County Child Abuse Prevention Awareness ceremony held yesterday on the grounds of the Courthouse. This morning she was asked to be part of a radio interview on family violence and prevention. On May 17th the Greene County Family Violence and Prevention Center is having a fundraiser to support the many good things they do with intervention and prevention of child abuse. Business After Hours was hosted at McKinley Elementary School this evening. It was very nice and they demonstrated some of the new technology. She thanked Council members for the proclamation she received this evening. She still does not know who nominated her for Public Official of the Year, but she guessed it really did not matter. There were eight recipients and she was the only Greene County recipient. She supports this community and the people are fantastic, so it was an honor to receive such an award.

Vice President Smith thanked Councilwoman Mills, President Engle, Mayor Bayless for helping at the Easter Egg Hunt, which is a huge project undertaken by many different people. He also thanked Sarah Mays for helping and coordinating the event and the City of Xenia Maintenance Department for cleaning Shawnee Park. Shawnee Park is a great asset to this community and it was really nice to see many people enjoying our wonderful park. He encouraged citizens to send Councilwoman Mills or him an email if they can volunteer on May 4th for Volunteer Day even it is just for an hour or two to plant some flowers or to help spread some mulch. Last Saturday night he had the privilege of serving ice cream for Athletes in Action at the Schindler Center. They had a fundraiser to support the Anthony Munoz Foundation and many kids really appreciated the ice cream. The First Church of Christ donated the ice cream. He wished YRC good success this year; it is a great organization that is totally run by volunteers, but they sometimes struggle with getting enough help and coaches. As Councilman Caupp mentioned, YRC needs team sponsors.

President Engle felt the city was blessed to have Central State University President Dr. Cynthia Jackson Hammond speak tonight. He believes there truly is a great future in a partnership between Central State and Xenia. Last week as Mayor Bayless alluded to, the Mayor, the City Manager, and he were at the Colonel Young and Buffalo Soldiers National Monument Dedication Ceremony. He realized that was the 401st national monument in the country and the last one of this particular administration’s additions. It was a wonderful ceremony and it was great to meet our Parks Managers. Mayor Bayless, Mr. Percival, and he invited the newly assigned Superintendent to speak to Council at some point because it truly is exceptional to have a national monument so close to Xenia. It will be great for them and will be beneficial and great for the City as well.

Councilman Louderback thought Councilwoman Mills forgot to mention one thing. Councilwoman Mills and he met with Athletes in Action. As many know, there are many poor kids in Xenia who cannot afford the $65. AIA is looking for ten scholarships, and since the other five members of Council were not there, they committed that the seven members of Council and
the three Appointed Officials to pay the $65. Some Council members have elections coming up and the Appointed Officials have evaluations coming up, so they expect to receive the $65 for a good cause to support ten kids that cannot afford it. President Engle said they could count on him. Councilman Louderback thanked President Engle.

**ADJOURNMENT:** Motion by Councilman Louderback, seconded by Councilman Caupp, to adjourn the Regular Session at 8:30 p.m. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle  
Nays: None  motion carried.

Michelle D. Johnson, City Clerk  
Xenia City Council  
Michael D. Engle, President  
Xenia City Council
After touring Simon Kenton Elementary School at 4 p.m., the Xenia City Council met in a Special Session on April 18, 2013, at 5:23 p.m., in the City Council Chambers, City Hall, with the following members present: Wesley Smith, John Caupp, Dale Louderback, Joshua Long, Jeanne Mills, Marsha J. Bayless, and Michael D. Engle.

Continuation of Q & A/Discussion: Professional Services Contract for Simon Kenton/City Hall Modification Project. Mr. Percival said Council is still considering the proposed contract to hire an architect for $255,000 to do the plans for the building, the needs assessment study, and the plans for the needs assessment for the Police Division (if they stay at City Hall).

President Engle thanked all his colleagues for going on the tour. He found it very insightful since he not been inside Simon Kenton for years. He then opened the floor for comments or questions.

Councilman Long said this property has been before this Council, they have learned a little about it from the Xenia Community School (XCS), and they have an extensive study on the building that Horne & King Architects did in 2011. The study gives estimated costs on rehabbing the building for a police station, but a lot of the information can be applied to any purpose. In Option #2, the estimate to convert the building for use as a police station without doing major renovations was around $2 million. Estimates on new construction are $185 per square foot. On a 20,000 sq. ft. building, the estimates were $3 million to $4 million. To renovate the majority of a 40,000 sq. ft. building (with the exception of the gym), he estimated it would cost $3.5 million, which may be a high. It will not be an easy decision. He personally has seen enough information to move to the next step and invest the money to hire the architects to further review the City’s needs with the Simon Kenton building and get some renderings done. He noted that does not mean they will go forward with it, because they still have other doors to get through and have others checks and balances. In his opinion, they have a lot of information in front of them and he is okay with going to the next level and talking to the architects further. The voters he spoke to on social media and face-to-face are 50/50 or 40/60 on this, so the community is split on this decision.

Councilman Louderback noted he stated his position earlier. He does not want to spend a dime of the taxpayers’ money. He did his own research, went door-to-door, and spoke to many people, and people are up to their eyeballs in taxes. They are looking at $4 to $5 million, which is a lot of money at the taxpayers’ expense. He does not see a need. They have survived in the City Building for years. He is the only member of Council that suggested an income tax decrease and he was told there was no way to do that due to revenue cuts from the federal and state governments. He will not agree to add a $5 million project to our taxpayers’ backs. Plain and simple, he does not want to invest the $255,000. They have a report from the XCS, which says that all ten schools could not be rehabbed. He is not only against the rehab, he is also against new construction because he is a steward of the taxpayers’ money.
Mayor Bayless said at this point, she is definitely not for any new building. She understands that renovations could be costly and thought the [architect’s] report was the only thing that would give them a clear view on what the renovation would entail. She could not support demolishing the Simon Kenton building and erecting a new building.

Councilman Caupp said the $255,000 would address the needs for administrative offices at Simon Kenton. Mr. Berger said it would also include assessments for the City Building for use by the Police Division. Councilman Caupp said he understood there are needs and would not argue that. He has seen how the XPD employees work on a Saturday night. The XPD’s current space downstairs by no means is an adequate facility. Literally, there are supplies and stuff stacked up all over the place. He would be embarrassed if the schools asked to tour the XPD. Before he would commit to spending the $255,000, he would like to see the Englewood Civic Center and the Montgomery County CTC building that were rehabbed by the architects. He knows the prior CTC Superintendent from years back. He would like to look at those buildings and see what they did there because he has so many concerns with rehabbing Simon Kenton. He could make a decision at next week’s Council meeting, but he personally would like a week to be able to see the building in Englewood and the CTC building.

President Engle asked Mr. Percival if it was imperative that Council make a decision next week, other than to simply move the budgetary process along and allow enough time between now and the end of this fiscal year to make other decisions. Mr. Percival said no. If they want to wait and take the time for Council to see those buildings, they can do that. He has been in both the Miami Valley CTC and the Englewood Civic Center and both are very nice facilities. It was amazing what the architects were able to do with the CTC building.

Councilman Caupp asked if Ms. Zimmerlin could get them a contact. Mr. Percival said Eric Smith is the Englewood City Manager and Dr. John Bogus is the Superintendent at the CTC, so he could talk to either one of them about getting something set up.

President Engle said he assumed the architects did some before and after photography and wondered if the architects could send Council a few photographs. Mr. Berger said the architects told him they had plenty of before and after photographs of their projects, so he would be happy to ask them. Councilman Caupp said it would be great if they could email the photos to Council.

Councilwoman Mills said there are so many variables when they look at this project. Everything they do is with the taxpayers’ money from the Police Division down to paying the secretarial staff at City Hall. So it all comes down to taxpayers’ money, but they need to let them know that this will not become a new tax, there will not be a new tax levy on the ballot, and the project is budgeted into the Capital Improvement Program (CIP) for the future of Xenia.

Mr. Percival said Mr. Bazalak has been looking at different financing alternatives and options. The project is in the 5-year CIP and money for the Professional Services Contract for Simon Kenton is budgeted. Obviously, on a project of this magnitude, they will look at bond financing and determining the best alternative using the resources they have to finance the project. As he discussed at the last meeting, if something else came about where they were able to put together a campus out there, then at that point, they would have to look at other financing alternatives. But for this particular project, they are looking at how to finance it using the resources they have.
Mr. Bazelak said, as Council knows, when they asked the citizens for the 0.5% income tax increase, they divided it up and dedicated .25% to the General Capital Improvement Fund and stated they would spend $500,000 of that revenue on streets. With that, they designated the remaining $750,000 in revenue for other CIP projects. Council has already undertaken one of those, which was the Shawnee Park project. Obviously, Council prioritizes those dollars and makes decisions on capital improvements, and if approved, part of that additional funding of $750,000 going forward would be reserved for this particular project. One of the rationales for moving the City Hall facilities rather than the Police facilities was the ability to spread the cost out with water, sewer, and sanitation, which would be incorporated into what the rates need to be to cover those costs. The Administrative offices include utility billing, which is directly associated with water, sewer and sanitation; our accounting office deals with all funds including water, sewer and sanitation; and the City Manager’s Office and Human Resources Department are partially funded by the Public Service Funds, which are water, sewer and sanitation. Whereas, the Police Division is funded from the Key Operating Fund’s Police and Fire Fund.

Councilwoman Mills felt it was very important to have a vision and plan for Xenia’s future in 5 to 15 years down the line and make Xenia very business friendly. For example, the Community Development office that is located at the Service Center could possibly move to the Simon Kenton building so citizens would only have to make one stop to get whatever they need in one location. They need to look at the pros and cons in regard to the costs for demolition and new construction versus a rehabbed building. In addition, there may be added costs if there is asbestos or other hazardous materials in the building, which they may not foresee until the project gets started. In regard to the land, those 11 acres could be crucial to the future of the city, such as having a complex that includes a new YMCA. They do not know what the future holds, which is why they need to start planning for it. It is very important to look at all of those variables when considering this one project.

Councilwoman Mills said she feels the taxpayers have already invested a large amount of money throughout the years in the current school building. She would not be doing justice if she did not have a report from an architect whose business is to know if the building could be rehabbed, so she would be able to make her best decision with the most knowledge. She does not take spending the money of this city or taxpayers lightly, which is why she needs the information to make a wise decision. She felt it would be an insult to the community to demolish the building because it is a landmark, like many other buildings and establishments in the community, which the citizens of Xenia appreciate. Many citizens would appreciate the city being able to reuse that building. Currently, they are paying for records storage, but those items could be stored at Simon Kenton. They need a gym for many of the youth activities in our community, which would be available. She really needs more information from the architects to know for certain in which direction she wants to go with the building. She would like to go to the next step and hear from the architects.

Vice President Smith said he was in Sabina today, a small town of a few thousand people, and they have an emergency shelter in their community, but Xenia does not offer that. The Simon Kenton building would give them that opportunity. Mr. Lewis noted Xenia has two emergency shelters. Vice President Smith said the shelter in Sabina has showers that could accommodate people for a long time. As Councilwoman Mills said, this building creates an opportunity for a community center, a recreation center, and a gym.
When Mr. Berger requests the photographs from the architects, Councilman Caupp asked if he could get a ballpark figure from the architects on what the City of Englewood spent per square foot on rehabbing that building. He knew every building is different and has different needs, but he would be interested in knowing those figures. Mr. Berger said he was sure the architects have that information since they did the plans for it and were probably the Project Managers on the construction.

Councilman Louderback asked if the Englewood building housed the Police Department, Fire Department, and city offices. Mr. Berger said yes. Councilman Louderback asked Mr. Berger the square footage of the building. Mr. Berger said he did not know. Councilman Louderback said he would like to look at the building.

President Engle said he wants to make sure the figures are recalculated to reflect what it would cost in today’s dollars. Mr. Berger said he understood that.

In the original report when they discussed moving the Police Division to Simon Kenton, Councilman Caupp asked if the estimates included putting the road through at that time. Mr. Berger said no; they singled that out because he applied for a grant through MVRPC, which the City did not get. Hopefully, they will move forward with this project. The next thing they need that is high on the list is to talk to the property owner to the south. If the city has control of Simon Kenton and that property to the south, they have just escalated their ability to get funds to build that road, not necessarily through MVRPC, but through the Ohio Department of Development. A hang-up to get grants is having control of the property; they will not award a grant if there is just speculation.

Councilman Louderback said he wanted to make one thing clear. He is all for the City getting the property and did not want anyone to think that the City does not need the property. He asked Mr. Lewis if it was possible to put this on the ballot and let the taxpayers decide. Mr. Lewis asked Councilman Louderback if he was referring to a separate levy. Councilman Louderback said this is a $5 million project, and he wanted to know if they could put it on a ballot and let the taxpayers decide. Mr. Lewis said they could put a bond issue on the ballot. President Engle thought Councilman Louderback was asking for a decisional issue; a truly democratic form of government where a majority vote would decide whether they move forward on the project or not. Councilman Louderback said that was correct. Mr. Lewis did not think that was possible.

Councilman Caupp said he personally did not think it needed to go on the ballot because that is why the citizens elected them to Council. President Engle said he was not suggesting they do that; he was just clarifying Councilman Louderback’s request. Mr. Lewis said if they did that, they would have to attach a levy to it.

Councilman Louderback said he knew the citizens elected them, but this is $5 million out of our taxpayers’ pockets, so why not let them make the decision instead of Council making the decision. Nine out of ten people he spoke to said no more new taxes. Maybe other members of Council need to also talk to some people because that is what the taxpayers are telling him. Councilman Caupp said he spoke to a gentleman today who said he could not agree more – it is throwing good money after bad after he read about the project in the newspaper.
Councilman Caupp asked what a rough estimate would be on the cost per year on the bond. Mr. Bazelak clarified he was asking about the debt service. Councilman Caupp said yes. Mr. Bazelak thought the figure they had was $235,000, split between the General CAP and the Utility Funds based on $3.2 million. Mr. Merriman said $110,000 was out of the General CAP. Mr. Bazelak thought an equal amount, maybe a little more, would come from the Utility Funds.

Councilman Caupp said he understood Councilman Louderback’s point; it is $5 million at the end of the day, but as a portion of the yearly budget, it is a much smaller number.

Councilman Long noted the expense would be divided over multiple departments and funds. The biggest one is being able to access Water and Sewer Funds for the improvements since that revenue cannot be used for anything that is not associated with water and sewer.

Councilman Long said he wanted to reiterate that no one here to date said they are raising taxes or adding a new tax to pay for the facility. The Xenia Community Schools are reinvesting in these buildings and did not toss out Simon Kenton and McKinley. In fact, they are investing in the old McKinley School building. In the early stages, the XCS preferred to invest in Simon Kenton, but the City talked them out of that for good reasons. When City Hall was built and staff moved in, it was too small then, and they have added on once. Many residents say that city services need to stay downtown, but many city services are not located in City Hall. For example, the Fire Division, Planning and Zoning Department, Engineering Department, Economic and Community Development Department, and Public Service Department are currently not located downtown. They are talking about moving one floor that houses our Administrative offices [City Manager’s Office, Finance Division to include Income Tax/Utility Billing, and Human Resources]. Regarding the statement about not throwing good money after bad, he pointed out that the taxpayers were willing to invest in the old McKinley School building to house the Xenia Board of Education. Simon Kenton is almost an identical building.

President Engle said a Board of Education building would be a use akin to what they are considering with Simon Kenton.

Councilman Long said it is a great space, but it is not an ideal. It would not be ideal for a Police Division, but that was an option. Expanding the Police Division in City Hall is not ideal, but it is a better option than what they are currently suffering through. It is a compromise as opportunities are presented to them. The taxpayers already trust them with way more than $5 million to make these decisions. It is up to each member of Council to talk to citizens, listen to them, and come back and make a decision. He is not willing to make a decision tonight and would much rather make the decision in a more public setting.

Mayor Bayless thought citizens may say “no” initially, but unless they actually tour the Police Division and go through the process they are going through, they do not get a real picture of what they are asking. Mr. Lewis agreed.

Mr. Berger received a text message from the architects about the Englewood facility. The answer to Councilman Caupp’s question is that three areas were renovated at 18,000 sq. ft. plus a 4,000 sq. ft. renovation for a total of 22,000 sq. ft., but the message did not have the dollar amount, which he will get. Mr. Percival thought the fire bays were not included.
Councilman Caupp asked if the $3 or $4 million estimate included new furnishings. Mr. Percival said there was some money included for furnishings in the $3.2 million estimate. Councilman Long noted the Horne and King engineering study from 2011 for the Police Division included furnishings and IT costs. Mr. Berger agreed.

President Engle said in summation, he offered all of them a thought, which they already know. Their job on City Council is to be the citizen’s voice of a vision for this city. It is their sacred trust to be able to look at projects like this and discern them to the best of their ability as to whether or not to move forward or direct that other alternatives be pursued. Based on what he has heard, they are still somewhat uncertain. He is in complete concurrence with many of his colleagues who have said they need more detailed information before they could make that long-term commitment, which includes paying a bond issue, to move forward with a renovation or potentially some type of new development. He believes they have a very unique opportunity in front of them that is not likely to present itself again in the near future. He concurs with Councilman Long in that while he feels this way at the present time, he believed this issue is of great importance to the citizens of Xenia and would propose that they discuss it at the next Council meeting or a following Council meeting, depending on their collective desire to see other facilities, and resolve this decision in the near term so city staff will have an optimum amount of time in this fiscal year to make progress on it.

President Engle thanked all his colleagues for all the time they have given this afternoon. He thought each of them has a unique perspective on the issue and believes that all of them are deeply considered and thoughtful positions, and would ask that they all continue in that vein.

Mr. Percival said for the record, he would be disappointed if they were not having this discussion about a $5 million project and thought the rest of staff would agree. This is a critical decision for the community. Somehow it was construed that this was a confrontational issue, and it is not. For the record, he appreciated the discussion, thought it was great they are having the discussion, and would be disappointed if they were not having a discussion on something that is this important. President Engle said he completely agreed.

President Engle asked when they could see the other structures. Mr. Percival said he would try to make some phone calls tomorrow to set up a date to take a quick look at them, and Mr. Berger can get the before and after pictures. They will have something set up by next week. Councilman Caupp said if nobody else wants to go, he could go by himself. Councilman Louderback said he definitely wanted to go.

President Engle asked Council members to let him know their available dates next week to tour the other facilities so he could let Mr. Percival know as soon as possible. As they have all expressed, he would like to make as qualified a decision as possible based on as much information as possible so they can move forward in one manner or the other.

The Special Session was adjourned at 5:56 p.m.
The Xenia City Council met in a Special Session on April 25, 2013, at 5:14 p.m., in the City Council Chambers, City Hall, with the following members present: Wesley Smith, John Caupp, Dale Louderback, Joshua Long, Jeanne Mills, Marsha J. Bayless, and Michael D. Engle.

**X-Plan: Presentation of Final Draft.** Mr. Percival said Mr. Forschner would present the final draft of the X-Plan, which includes recommendations for implementation. Mr. Forschner thought it would be most beneficial to present the Action Plan, the Land Use and Thoroughfare Plans, and then allow time for questions and discussion. There may still be a small number of issues they want to spend a lot of their time on, but at least they will get through everything before they get to that discussion. Staff met with three members of Council, but they still need to meet with the other four, which they will do next week.

The X-Plan is the update to the City’s Comprehensive Plan. While developing it over the last 18 months, they have had a lot of community dialogue, extensive public participation, surveyed about 400 people, had people participate in online and virtual meetings, and a Xenia High School class participated. They had a lot of community involvement because it is a very citizen-driven plan, which is what drove the priorities and goals they came up with for this.

The chart shows the high priority items (in order of importance) that the public indicated were the critical issues to this community. They boiled those down to what the community vision should be, i.e., what they want to be 20 years down the road, and broke them into four elements: (1) **Be a Community of Choice**, (2) **Grow Our Economy**, (3) **Make Our Neighborhoods Great**, and (4) **Strengthen Our Core**. Many of the suggestions also informed the specific objectives and strategies as well because there were many good ideas expressed throughout the whole process.

**How do we implement the vision?** Through this meeting and the individual meetings, his ultimate goal tonight is to make sure Council understands what is in the plan and are on board with it. If they are not on board, now is the time to let them know if they need to change anything.
to get it into a format that Council will accept. There has been a lot of support amongst staff in putting this plan together, and overall, staff intends to use the X-Plan as they plan their budgets, develop their work plans, and determine how they will be spending their time and resources on a year-to-year basis.

**What’s in the X-Plan?**

Chapters are organized into three elements.

* **Policy Element.** Five chapters lay out policies that will guide decision-making and actions that they take. Four policy chapters correspond to the four vision elements they discussed earlier (Be a Community of Choice, Grow Our Economy, Make Our Neighborhoods Great, and Strengthen Our Core.). There is also the Regulatory Framework, which is the Land Use Plan and Thoroughfare Plan that will guide zoning, development decision-making, and infrastructure investments.

* **Implementation Element.** This element identifies a proposed process for Council to consider for integrating X-Plan into the management of the city (yearly budget planning, department work plans, grants to pursue, etc.) so that it is not just a plan that sits on a shelf, but is actually integrated into the management of the city.

* The **Action Plan** takes the high priorities they heard from the public and lays out specific tasks that they will work on over the next three years, identifies timeframes, and who is responsible for those. It is very specific for a Comprehensive Plan, which typically does not get into this level of detail, but that is something Council stated they wanted to see when this process began. Council did not just want to see another broad, conceptual plan that sits on a shelf, but really wanted to see something more measurable, more specific, and this is Staff’s best effort at achieving that. It does not figure out every detail. There are initiatives identified in the Action Plan that are going to require additional work to figure out what specific steps are going to be needed to accomplish that. Some of those initiatives might lead to additional projects, but the point is that they have to start somewhere, and they have to have a guiding compass that can tell them on what they should be spending their time. Ideally, Staff and Council should be on the same page of what those priorities are and that is what this is all about.

There are many recommendations in X-Plan, and it would be impossible to cover all of them today, so he will focus just on what is in the Action Plan. The Action Plan takes just the highest priorities and the most achievable projects. There are other things this plan recommends as well, but this Action Plan will be updated yearly. As they achieve things and as things change, they can either take things off the list or add other things to the list from the larger X-Plan. He then explained how the actions relate to the goals.

**BE A COMMUNITY OF CHOICE 3-Year Action Plan (Page 8.3)**

**CC1 Develop a Community Recreation Center.** People asked for a multi-faceted Community Center with a potential new YMCA being the driver for that.

  o CC.a. Launch an exploratory committee (within the first year). Seek partners; analyze feasibility, community needs/support, alternative locations, and funding strategies; start proceeding with marketing and funding drive.
**CC2 Improve City Entrances and Corridors.** The top priorities are Code Enforcement and maintenance.

- CC.b. Implement a proactive, systematic code enforcement program. Concentrate proactive code enforcement efforts on key corridors, particularly where gateway and streetscape enhancements are completed. Notify the public in advance and coordinate with cleanup/enhancement efforts.
- CC.c. Assign high priority to lawn, landscaping, and pavement maintenance resources. Ensure that maintenance of public right-of-way on major arterials takes precedence over other roadways in annual work plans. In one of their smaller group meetings, it was suggested that they develop a strategy on how to handle all the landscape maintenance that was put in over the years. There were discussions about using private contractors.

**CC3 Create a community-oriented bike and pedestrian path system.** There were no strategies from the Be a Community of Choice chapter that were top priorities, but related actions are in the Strengthen Our Core chapter dealing with improving the downtown bikepath access and attracting trail related events, which he will discuss when he gets to that section. (Refer to Actions SC.h., SC.i., SC.j.)

**CC4 Create an Inter-Connected Network of Greenspace.** Refer to Actions SC.m., SC.n. in the Strengthen Our Core chapter.

Many inter-related strategies are shown in the “Associated Strategies” columns to the far right on pages 8.3 through 8.6, which shows how one thing can accomplish many goals.

**CC5 Attract additional retail and commercial recreation uses to Xenia.**

- CC.d. Maintain market data and share with developers, brokers, and existing businesses: Identify specific business opportunities and advertise information. Broader economic development strategies are shown in the Grow our Economy chapter.

**CC6 Enhance our Park System.** Many of the urgent needs are in some of our neighborhood parks that have outdated equipment. When dealing with parks in Laynewood and the east end that are hidden behind homes or not well located, there are some other neighborhood disinvestment trends going on, which will require a more comprehensive, neighborhood-level approach rather than just investing in new park equipment. He will discuss that more later. Refer to Actions CC.a., CC.i (Be a Community of Choice chapter) and SC.a., SC.d (Strengthen our Core chapter).

**CC7 Maintain and improve quality of existing City infrastructure and services.** They must get this right in order to be a Community of Choice.

- CC.e. Develop a fiscal impact analysis model and zoning/subdivision code change recommendations. Develop reusable model to facilitate analysis. Identify code changes to require fiscal impact analysis for significant development projects. These are things to explore/consider if they really want to ensure that sort of analysis is done when the City grows so that they have the resources to serve those developments.
- CC.f. Establish a Pavement Condition Index. Rate conditions of all streets and input into a GIS database; prioritize maintenance based on condition.
- CC.g. Replace/line aging sewer mains while resurfacing streets. Time sewer repair with street repair; integrate sewer condition into street maintenance prioritization.
- CC.h. Expand Joint Service Agreements with other jurisdictions to reduce costs/increase revenues/improve the quality of service for the City and our neighbors. Examples include a
merger of Public Safety Dispatch/Communications and joint radio systems. A longer term example might be a joint Fire District.

- CC.i. Renovate former Simon Kenton School/City Hall. Engage architect to develop renovation/space utilization plans; identify community uses for excess space at Simon Kenton.
- CC.j. Develop/update part-time staffing policies, particularly for the Fire Division. Improve ability to be nimble and cost-effective in maintaining adequate staff capacity when faced with fluctuating/increasing workload demands.
- CC.k. Develop a standardized project management system. Streamline project planning and budget decisions while improving access to information by staff, Council members, and the public.
- CC.l. Review and update the management/financial structure for the City Service Center facility. In conjunction with either CC.i. [Simon Kenton] or a facility master plan, evaluate funding and management approaches to improve efficiency, effectiveness and customer service of all those operations.

**CC8 Improve Community Relations and Communication.**

- CC.m. Prepare a community marketing and public relations strategy. Promote Xenia’s image as a place to live/work/play; formalize an annual schedule and policy for public relations activities.
- CC.n. Arrange quarterly meetings between City/Schools leadership. Arrange presentations at City Council/School Board meetings; improve communication and identify collaborative tasks. It is often an issue in cities because they are two different governmental entities, so they are not required to have that dialogue, but it is certainly something that helps everyone.
- CC.o. Arrange community stakeholder partnership meetings. Ensure continued communication and identify collaborative tasks associated with X-Plan.

**GROW OUR ECONOMY 3-Year Action Plan (Page 8.4)**

**GE1 Market Xenia to attract jobs and industry.**

- GE.a. Complete an update to the Development components of the City’s webpage. Create a 24/7 marketing portal with rich and current content including information on taxes, utility rates, location, available land and building space data, workforce demographics, market data, etc. Include a user-friendly interface for development applicants.
- GE.b. Create and maintain a site selection request database. Place comprehensive data inventories of all business parks in a database to enable faster and more customizable responses. Link to the City’s website.

**GE2 Implement a focused recruitment effort.**

- GE.c. Prepare an updated economic development marketing plan. Identify target industries, determine effective marketing tactics, and gain support from regional economic development partners. Potential target industries include aerospace, agriculture, and logistics.

**GE3 Preserve land for long-term economic growth.**

- GE.d. Pursue economic development opportunities and partnerships in the Central State University/Wilberforce area. Harness the long-term economic growth potential of the area around the two universities and increase town-gown opportunities.
- GE.e. Pursue economic development opportunities and partnerships at the Greene County Airport and vicinity. Leverage potential airport-related development and position Xenia for economic growth along the US-35.

**GE4 Reposition older business parks.**

- GE.f. Redevelop the former Hooven and Allison plant. Secure local match funding for cleanup/redevelopment grant and identify end users for the site. The older business parks they are
referring to are those along Cincinnati Avenue and Lower Bellbrook areas; Hooven and Allison is the bookend of one of those corridors.

**GE5 Take a "grow your own" approach to economic development.**
- GE.g. Develop and maintain database for vacant industrial, commercial and downtown mixed-use building space. Identify square footage, use, and occupancy status by floor and make available on the City’s website.
- GE.h. Expand business retention and expansion efforts. Partner with other City departments and the County Department of Development to expand City/business relationships.

**GE6 Turn City government into a business advocacy organization.**
- GE.i. Complete a comprehensive re-write of the City’s Zoning and Subdivision regulations. Involve business, development, and community interests. Eliminate unnecessary and outdated regulations and improve readability. Streamline internal review processes. Incentivize consistently high-quality development. Reflect X-Plan Future Land Use plan and related policies. This does not necessarily mean lowering standards. It might mean applying standards more consistently and in a more straightforward predictable manner.
- GE.j. Create a virtual “one stop shop.” Create an enterprise asset management (EAM) system to be shared by all City/County agencies involved in the development review process. Staff is already looking into some software platforms that might improve the way that City and County agencies work together with permitting and inspections. Such a system would create a virtual “one-stop shop” that improves customer service and staff efficiency. Since so much activity is done online these days, that might be a way to get there.
- GE.k. Develop a customer service initiative. Provide customer service/message training for City employees and County permitting agencies. Reinforce messaging developed in GE.c. Appoint staff member(s) or a third party organization to assist applicants through permit processes.
- GE.l. Create an Economic Development Advisory Board (EDAB). The EDAB will increase communication, raise awareness, and elevate pressing economic development issues to City leadership. The idea is to use that to inform our policy and drive other X-Plan initiatives.

**GE7 Foster Town and Gown and Healthy Community partnerships.**
- GE.m. Establish a Town and Gown task force (subcommittee of EDAB). Include representatives of XCSD and higher education providers. Identify partnership opportunities that further X-Plan objectives, such as locating branch campus/offices in Xenia, workforce development, and downtown/neighborhood revitalization. For instance, since the Colonel Young House was designated a historic landmark, there might be a partnership with universities in creating some historic-related tourism connected with the bikepaths to let people know that national monument is there and how to get to it. This could be an early partnership that could work for both of them.

**MAKE OUR NEIGHBORHOOD GREAT 3-Year Action Plan (Page 8.5)**
(The first objective applies citywide; the other three apply to specific sets of neighborhoods.)

**NG1 Create and maintain the building blocks for successful neighborhoods citywide.**
- NG.a. Develop and maintain a neighborhood indicator database. Track and monitor code violations, housing values, vacancy rates, single-family rental conversions, foreclosures, crime, etc., using a GIS-based property database. To some degree, Staff did that in X-Plan already. There is a table in that chapter that lists vacancies, tax delinquencies, and other things. The idea is to track that along with code enforcement trends to inform any kind of housing-related policy, whether it is code enforcement efforts where they focus their efforts year-to-year; if they get grant dollars for any kind of rehab assistance, or any kind of housing-related work, they are to target
those; and to also inform zoning for specific areas. Use analysis to inform code enforcement and other housing policies.

- NG.b. Develop annual code enforcement work plans and obtain leadership support. Identify neighborhoods for proactive enforcement as well as a public relations strategy.
- NG.c. Update the Property Maintenance Code and related ordinances. Replace the City’s current 1996 BOCA code with the most recent International Code Council (ICC) Property Maintenance Code, making adjustments for local conditions where necessary. Continue to incorporate updates to the code as ICC issues them. Staff has started looking at the neighborhoods that are most distressed or the ones that are in a transitional state where they could be on decline. They will focus their proactive code enforcement in those areas where on a weekly basis they are going through and targeting some of the minor violations, like inoperable vehicles, grass, etc. Perhaps on a bi-annual basis, they could look at the bigger issues like structural deterioration, etc. The idea is to get proactive, to do sweeps in an area, bring some more public relations into it, and over time, they will get on top of the problem, manage it, and send a message that people need to maintain their property.
- NG.d. Establish a Land Bank to facilitate acquisition and reuse of vacant properties. Work with other Greene County jurisdictions to present a case for a land bank to Greene County Commissioners. Develop protocols and policies governing eligible properties, maintenance, and end users.

**NG2 Sustain vital neighborhoods.** This objective deals with neighborhoods that have the highest sales prices and lowest vacancies. (Refer to Actions NG.b., NG.c.)

**NG3 Stop neighborhood decline** (in our transitional neighborhoods, such as Laynewood, Arrowhead, or some of the near south end neighborhoods.)

- NG.e. Implement a proactive, systematic code enforcement program. Annually assess neighborhoods for violations, block by block, where “stop neighborhood decline” or “restore distressed neighborhoods” is the X-Plan objective. Notify the public in advance and partner with residents/community-based organizations. Match owners with any available grants, incentives, or community service providers where applicable.
- NG.f. Launch a housing rehabilitation incentive program. Consider utilizing CDBG funding, home energy audits/financing, first-time homebuyer assistance, and Community Reinvestment Area tax abatements. Target usage of funds in confined areas, where possible, to create a lasting impact rather than a scattershot approach.

**NG4 Restore distressed neighborhoods.**

- NG.g. Prepare and initiate implementation of an East End revitalization master plan. Involve residents, churches, and partners such as CSU’s Tawawa CDC. Comprehensively address neighborhood needs. Identify property-specific reuse and redevelopment strategies for vacant land/buildings, including the Old East High School. Explore a more centralized location for Lexington Park as an anchor for revitalization. Work with partners to identify funding and phasing. Staff will work with the neighborhood to explore how to deal with the issues and the best way to spend the available resources. It really addresses the comprehensive disinvestment issues that area faces.

**STRENGTHEN OUR CORE 3-Year Action Plan (Page 8.6)**

**SC1 Create Vibrant Downtown-Adjacent Neighborhoods.**

- SC.a. Increase utilization of Xenia Station: Recruit a permanent tenant and increase programming. Issue and regionally advertise an RFP for a permanent tenant. Consider allowing food/drink vendors. Add events through Action SC.i.
Mr. Forschner then skipped to sections of SC6 because they relate to the “Hub District,” which is the area around Xenia Station and where potential brownfields are located.

**SC6 Reposition Vacant Properties**
- SC.m. Prepare "Hub District" properties for redevelopment: Environmental assessments, redevelopment concepts, and site control. Secure site control through development agreements with proactive owners or acquisition. Apply for assessment grants and prepare concept plans. Priorities include redevelopment/rehabilitation of the Eavey Building and creation of public greenway behind Xenia Station, which could be an amenity for downtown and the adjacent neighborhoods.
- SC.n. Seek funding and end-users for cleanup and redevelopment of the "Hub District." Issue RFPs and seek grants/financing for cleanup/redevelopment/rehabilitation. Focus on properties on S. Detroit and adjacent to Xenia Station first.

**SC2 Change Downtown’s Role. Revitalizing downtown and changing its role so it is no longer the central business district, but is a neighborhood where people live, shop, work, and play; a central entertainment neighborhood.**
- SC.b. Amend zoning and parking policies to encourage upper-floor residential and a broader range of retail/entertainment/arts uses. Allow building owners to lease public parking spaces. Change upper-floor residential and more retail/entertainment/arts uses to permitted uses.
- SC.c. Develop promotional and networking resources to attract and grow downtown retail/entertainment uses. Work through Downtown Xenia Now to creatively promote available space (e.g. window stickers) and create business networking opportunities. Those businesses do not have site selectors working for them. They are just starting out or are small, so they are using their relationships to grow their business.
- SC.d. Identify space and resources to make downtown a community event hub. Form an interdisciplinary committee to study event needs and identify the short-term/long-term locations and resources needed. It is important for downtown to have events; some events already draw people downtown.
- SC.e. Market downtown to development professionals. Meet proactively with developers, brokers, and bankers that have expertise in urban infill, adaptive reuse, and redevelopment, and ideally identifying a project out of that process.

**SC3 Redevelop Xenia Towne Square**
- SC.f. Prepare phased redevelopment concept alternatives for Xenia Towne Square. Build on concepts developed in the 2008 Downtown Strategic Plan and create alternatives with rough cost estimates and phasing.
- SC.g. Form a coalition of interested partners and resources for the redevelopment of Xenia Towne Square. Meet with Xenia Towne Square leaseholders, outside developers, area institutions, and potential financial assistance providers to build support.

**SC4 Create a Welcoming and Comfortable Pedestrian Environment and SC5 Make Downtown the Bicycle Hub of the Midwest**
- SC.h. Develop and administer an annual bikepath user survey. Measure usage, determine where users live, and ask users what can be done to enhance their experience while visiting Xenia. Work with partners like Greene County Parks and Trails and MVRPC on surveys.
- SC.i. Add and promote annual trail-related events. Examples include bike races, running races, triathlons, “X-games”-style bike rallies, bike-based treasure hunts or obstacle courses, bike art festivals, etc.
o SC.j. Evaluate and construct improvements to improve north/south bike access to and through the heart of downtown. Evaluate impact of and alternatives to replacing a travel lane with a bike path on Detroit St. between Church and Third.

**SC6 Reposition Vacant Properties**
- SC.k. Evaluate and adopt a vacant property registration ordinance for downtown area commercial/mixed-use buildings. Track owner contact information and consider penalties for long-term vacancy. An update to the Property Maintenance Code would be needed first.
- SC.l. Implement a proactive, systematic code enforcement program. Annually assess downtown for Building/Fire/Property Maintenance Code violations. Advertise in advance and match owners with incentives, if applicable. This objective would be different that residential code enforcement because the issues they would deal with would be structural, interior, integrity, water damage, and other related issues. Perhaps twice a year they would do a comprehensive sweep of the area.

**SC7 Leverage Downtown’s Historic Assets**
- SC.o. Achieve Historic District status for downtown. Prepare property inventory and submit necessary application materials to the Ohio Historic Preservation Office.
- SC.p. Restore and promote the City's Façade Loan program. Apply for CDBG funding to reinstate this program that assists building owners with façade rehabilitation.
- SC.q. Seek and promote incentives to rehabilitate building upper floors and interiors. Identify City/grant funding to help property owners with the costs of performing structural analysis, preparing designs and/or performing the work. The cost is a barrier that some owners have not yet overcome. However, with some modest funding, that might bridge the gap for some building owners between where they are now and what they want to achieve in rehabbing their building.

**Thoroughfare Plan and Land Use Plan**

**Thoroughfare Plan.** The Thoroughfare Plan guides rights-of-way widths for subdivisions, future improvement projects, classifies roads, which determines how much right-of-way is required and how the lanes are designed.

Mr. Forschner said he assumed Council was familiar with the improvement projects shown on the map. Some proposed long-term projects are extensions of Innovation Dr. to US 68/US 42 and the Northwest Connector. One of the more near-term projects is the West Main Street/Hospitality Drive intersection. The only change from the previous version of the Thoroughfare Plan that Council last saw is they added an extension of Colorado Drive to the east into undeveloped property by Wright Cycle Estates. That is not a short-term/near-term project that the City would proactively fund, but it is just something to plan for. If development of that area increases, that will be a need. If development
happens, it is a matter of making sure it is in the Plan and that the City makes sure land is set aside for that road.

Councilman Caupp noted Mr. Forschner said the City needs to make sure land is set aside for that road, but it is currently all private property. Mr. Forschner said that was right. Typically with a Thoroughfare Plan, when a subdivision is developed, if there is a planned thoroughfare in an area, they need to make sure that thoroughfare is planned as part of that subdivision. Councilman Caupp thought it would cost a fortune to put a road in there. Mr. Percival said the cost would be the bridge and not the road. Mr. Forschner said that is why it is something the City would not proactively go after funds for right now; it is more development driven.

The Land Use Plan will guide zoning and will be used as a guide if they rewrite the City’s Zoning Codes. Each of the color codes lays out a set of general design guidelines showing the type of character they would envision for that section of town and what the preferred, recommended land uses would be in those areas. Rather than strictly delineating uses between various districts, the Land Use Plan takes a mixed-use approach in which some uses are emphasized and encouraged (Primary Uses) while other uses are permitted on more of a
conditional basis (Secondary Uses). For example, the downtown area would obviously have retail and office. Along the business corridors and neighborhood mixed-use areas, those would likely be locations for retail as well, but there might be other uses that could make sense there if they were designed properly, such as residential. A single-family home may not be the best use in those areas, but perhaps multi-family or housing on top of a store might be appropriate, so those would be secondary uses (uses that are appropriate given a certain set of conditions). When they get to the point of a Zoning Code, those might be conditional uses or they might have design guidelines attached to them.

- **Downtown Core.** The Plan looks at that as a very dense part of town with buildings close to the sidewalk, maintaining that fabric, and even extending it west along Main Street in front of Xenia Towne Square. The recent restaurant proposal in front of K-Mart is a good example of moving in that direction since that is being proposed closer to the street and re-establishing the street grid.

- **Neighborhood Mixed-Use.** Those areas are already mixed-use to a certain degree, but they are not necessarily integrated well. Buildings face away from the streets in some cases and there is not always a consistent appearance for the area. The idea is that over time to keep that mix of uses, but allow some flexibility. For example, if someone wants to convert a home to an office on N. Detroit Street, increase that flexibility out there, and for future redevelopment have some design guidelines that make sure what goes in respects what is around it so it is not built out of scale. In a predominately residential area, there could be an office building that has a similar roof pitch or similar building scale to the homes (for instance, break it up into sections) so it does not overwhelm the adjacent homes.
• **Midtown.** The idea is to make that a little more urban over time, improve the pedestrian links, put buildings closer to the street, and parking to the side or rear. Kennedy Korners is a good example of a shopping center with a lot of parking, but one end of it is close to the street with outdoor seating. It is a hybrid type of development because it is pedestrian-oriented but also allows enough parking so you can drive to it. The Plan suggests building on that and bringing some other uses into the mix also.

• **Core Neighborhoods.** As future infill happens, preserving the historic character and the pedestrian character with homes closer to the street, parking in the rear, and front porches. In those areas you can walk to a store or restaurant, so it really makes sense to make those more pedestrian oriented.

• **Suburban Neighborhoods.** The goal is to maintain the convenience of those neighborhoods for automobiles, but to enhance the pedestrian environment as well. That means better connections to the bikepaths and nearby parks that are visible and not surrounded by houses; designing future homes with front porches; and recessing the garage a little bit.

• **Regional Mixed Use.** Those areas are concentrated at major interchanges like US 42, US 35, and West Main Street/US 35. There will be retail development that is more community wide and even regional that attracts people in Xenia and outside the city to shop. Those retail opportunities will be the Progress Drive area and the Cincinnati Avenue section closer to US 35 because of the highway access. Although retail is the primary use there, incorporating a mix of uses, such as an upper floor residential or office that complements those retail uses, might help to make that development more successful. For instance, West Park Square has Deer Creek Apartments behind it, which may not be the best example, but it is an example of a mixed-use development.

• **Institutional Campus.** That is aimed at preserving and supporting our institutions like county government, Greene Memorial Hospital, Xenia Community Schools, and Athletes in Action. It also looks at land by Nazarene Church’s Community Center as a potential location for a civic campus, such as a recreation center.

• **Business Parks.** These are the City’s economic engines where they reserve land for income tax revenue growth and jobs. They want to create an attractive, inviting business environment with design while still allowing flexibility for business to grow.

• **Preservation.** Those are the hardest areas to develop because of flood plains, parks, and areas that are inaccessible, like behind the Service Center. There are some existing industrial type uses, and where they have that with any of these designations, the idea is to allow those to continue, but they are not encouraging additional development of that type. For example, a business (File Sharpening) is located in a core neighborhood. They are not saying they want that to be redeveloped into housing; rather, long-term if they were planning additional industrial development, that would not be the ideal location for it because it is surrounded by housing and is not accessible to shipping routes, but they want the industry that is there to continue and thrive.

Mr. Forschner said he completed his overview of the X-Plan. He would like to know if there is anything in the X-Plan that Council disagrees with or if they have any questions.

Councilwoman Mills noted on page 8.6, Mr. Forschner mentioned amending zoning policies to encourage upper-floor residential and implementing a proactive, systematic code enforcement program to assess downtown for Building/Fire/Property Maintenance Code violations. She asked if there was any way that can be enforced; if it can, she asked why it had not been done.

Mr. Forschner said he could not speak to what happened before his employment with the City, but he will explain how the process works. The Fire Division does annual inspections and he needs to better understand how that process works, which he plans to do. An example of what they could do is what they did with the Hernandez building on S. Detroit Street, which has been condemned now because it does not meet code. The owner is required to address those issues
before they are allowed to have anybody in there. That does not necessarily say the owner has to repair the building; it just says no tenants are allowed until the building is repaired. That is a partial solution for an owner who is interested in fixing their building and getting some revenue, but that is not a solution if that is not what the owner plans to do. Something like a Vacant Property Registration Ordinance would be an additional tool that has a fee to discourage that type of activity. Councilwoman Mills asked if the owner would be grandfathered in. Mr. Forschner said no, not for the Vacant Property Registration fee.

Mr. Percival said the Allen Building does not meet code to allow people to live in the second or third floors, which does not necessarily mean it does not meet the Ohio Basic Building Code and that it could be condemned. There is a dichotomy there; they cannot condemn the building because it does not meet code to allow people to live in the second or third floors. Mr. Forschner said there might be cases where the building meets code for some uses and not for others.

Councilwoman Mills said in some downtown buildings, the third floor rain leaks into the second floor and it rains inside. Mr. Forschner said to the extent where that is a hazard to surrounding buildings, then that can be addressed.

Mayor Bayless thought charging a fee was addressed at one point and she wondered how that went. Mr. Percival said the Law Department is working on the Vacant Building Ordinance now. There are some other things they discussed that probably should be done in conjunction with that. One is to update the Fire Code and he thought that was coming to Council at their next meeting or on May 23rd so they can move all those things forward at the same time. He agreed with Mr. Forschner that if the cost is high enough in that Vacant Building Ordinance, then it might be an incentive for owners to fix up their building. The problem he could see is a few building owners may just walk away because they do not want to deal with it anymore and tell the City to take it. At that point, they would need to determine if they should just demolish the building.

Mr. Forschner said they have a Public Nuisance Code that basically says they can order demolition of the building, but he personally would rather order rehab of the building. In that case, they have to look at taking people to Court to force some sort of action. They need to do further research as to how they can do that, and if Code changes are needed to force people to rehab their building versus demolition.

Councilman Louderback asked if Ad Leaps was on the second or third floor of the Hernandez building. Mr. Percival said no, that was 50 S. Detroit Street and Blue Jacket Books was in 60 S. Detroit Street; however, the building at 50 S. Detroit Street is also a mess. Councilman Louderback said Ad Leaps put in $50,000 of their own money to rehab that building, but then the landlord let the place fall into disrepair.

Mr. Forschner said the Greene County Building Department is limited to the condemnation he mentioned earlier. The Fire Code allows them to do a little bit more. Getting the Property Maintenance Code updated might also give them some leverage to address those vacant properties that are condemned, but if they are causing a public nuisance, that might be an avenue as well for some action.
Councilwoman Mills said if rain is leaking from the third floor into the second floor, the building will become unstable over time. If that is allowed to continue and nothing is done, then that building would not only be unsuitable for any kind of business, and definitely unsuitable for living space, but it will crumble to the ground, which is a hazard to the citizens.

Mr. Forschner said this is also a conversation where they need some input from the Law Director, because they will not get voluntary compliance on those things, so they need to know the legal tools they have. Mr. Percival said they can tell owners that they cannot rent their building, so they leave it vacant, but that does not solve the problem. Councilwoman Mills said no, because it will still become/remain a hazard.

Mr. Forschner agreed, but he does not have the solution right now. He thought through Code updates and through the Vacant Building Ordinance, they will hold some meetings internally between the Fire Division, Building Inspection, and Planning and Zoning Department to develop an effective strategy for that.

Councilwoman Mills said it seemed like the city has more leverage to make homeowners repair their properties than they do with downtown building owners. It seems like every time they try to do something with the downtown buildings, their hands are tied.

Mr. Percival said if the house is condemned, the resident has to vacate the property, and that is usually incentive enough for the homeowner to do what they are supposed to do, whereas some of the downtown property owners will just leave the building vacant. The Donges Building has been vacant since 1991 or 1992.

Councilman Louderback said the city has known about the downtown slumlords for years, but no one seems to want to step up to the plate to force those owners to do anything.

Councilman Long said the public could have an opinion of what they would like the downtown to be, but they may not have an understanding of what cost comes with using government authority to intervene. What would the taxpayers do with the building if the city takes it?

Mr. Percival said if all the downtown building owners were like Matt Arnovitz, the city would be in great shape. Look at the tremendous job that Tom and Barb Zajbel and the Phillips did on that corner, or look at what the Montgomery’s have done. Councilwoman Mills said absolutely.

Mr. Merriman said some of the recommendations in the X-Plan provide a diversity of tools and mechanisms—it is clear there is no magic bullet. In some cases, it might be incentivization assistance and in other cases, it’s bringing a hammer down and holding people accountable. They looked at it as having the carrot and stick options and maybe wielding both at the same time in some cases if that is necessary. At the end of the day, they are trying to create productive interest in those locations in a safe way.

Councilwoman Mills agreed some of the repairs might be a financial burden to some downtown property owners, so if they were able to offer financial incentives, maybe some of the properties
would be taken care of. Some of the other landlords mentioned do not have a financial burden. They just take a tax write-off and don’t really care. She knew they were able to get the downtown buildings painted and a few people had their feet held to the fire to make it happen, but it did happen. She just wanted to know what Council’s and staff’s options are so they can keep moving forward. She noted if they do not stay on top of things, it only takes a few buildings to be demolished to change the entire downtown landscape. The city does not want to become the property owner because the city does not have the money to rehab them either, so they need to work with the property owners and push them a little bit to get some results.

Mr. Percival thought Mr. Forschner, Mr. Merriman and others were saying it is an incremental process or it would have already been done. He said Councilwoman Mills is exactly right – they have to keep moving forward; however, it is incremental and is not absolute.

Mr. Forschner agreed they were on the same page, which is the intent behind what is seen in the X-Plan. It does not spell out everything they will do, but it does say that Code Enforcement is part of it, holding people’s feet to the fire is part of it, and the ‘stick and carrot’ is another part of it. They do not have all those tools in place right now or incentives either, but there are some recommendations to refocus that.

President Engle congratulated Mr. Forschner on the X-Plan. He was almost dubious when they started, because he has seen all sorts of plans from the federal level on down. This plan is well done, structured, and concrete enough that they have discreet steps to take. He applauded Mr. Forschner and the team that brought it together, including every citizen that took part in it as well. He agreed with all his colleagues’ comments and comments others have offered. This is obviously well thought out and incremental by nature. The thought he would leave with his colleagues is no matter what they do in this plan (pleasant or not so pleasant), especially as they discuss the vacant buildings and other aspects, it will be anywhere from uncomfortable to painful for them on all ends of the spectrum at one time. It will be politically painful in that they will have to hold prominent individuals to account if they want to make real and concrete changes. On the other end of the spectrum, Council as a body will have to recommend, appropriate, and commit monies to doing it as well. There is no one magic bullet or one easy way to get it done. He challenged all of them that for some of the more difficult situations, it will not be pleasant. It will require real commitment and resolution on their part to make this an incremental change to the downtown over the long term.

Councilman Long said when Councilman Caupp and he met with Mr. Forschner yesterday they got off topic. Last night he thought about how to summarize what they discussed. In the Action Plan, various departments were assigned to be responsible for various steps. The questions that came up were twofold. (1) Do we have the talent in-house to handle some of those steps? The Development Department was assigned a large section of the X-Plan, but is there talent in-house to do those various steps or do they need to hire external help? (2) From a resource standpoint, do the departments have the resources, particularly the manpower, to really effectively implement everything they just covered in a two- to three-year period?

Mr. Percival said the City does not have the resources internally to do it. They will have to find help to assist them in accomplishing some of those tasks. He thought Councilman Long made a very good point and was glad it was brought up, because it ties back to some of the other things
they have been saying. If they identify “X” as the #1 priority, then they have to make sure that as the group that brings the budget to Council who approves the budget, there is agreement to dedicate the resources to that because it is the priority.

Mr. Forschner agreed some of the recommendations would transfer to budget requests for consulting assistance. One example is rewriting the Zoning Code, which is a big effort that they could potentially do in-house, but it would take a long time, and they might not get the same level of expertise and resources going into it as they would if they got some outside assistance.

As far as accountability, Councilman Long asked how the X-Plan’s progress would be tracked. Mr. Percival said they could use three things to track the progress. They can look at the list and ask the following:

1. Did they create a partnership with “X” that yielded some benefit for the community?
2. Council could hold the Appointed Officials and staff accountable by comparing priorities to the budget. They could ask how they are going to do something if there are no funds allocated or there is nothing in the budget that says those dollars are allocated to a particular task.
3. After a year or two, they can determine if progress had been made downtown. Are people now living downtown who were not there before? Are some of the second and third floors occupied that were not occupied before? What did I see before and what do I see today?

Mr. Forschner said the Implementation Process in Chapter 7 lays out the methodology for how they would do that on an annual basis. The idea is there would be an annual report to include a report on the progress of different actions in the X-Plan that were identified. There would be an annual update of the Action Plan. As they achieve things, they would cross them off the list. If they need to adjust the priorities, timeframes, or add things to the list that would be done before the tax budget process so Council would have a full idea of what their needs are going to be and what their initiatives are. It would also feed into the Departmental Performance Plans that hold Department Heads accountable for accomplishing certain goals.

Councilman Louderback agreed with Councilman Long. He also agreed with President Engle that this plan is well done. Not to be the devil’s advocate, but he has seen many plans and the key to the plan is implementation. Over the years, he has seen good plans but nothing was done with them. Mr. Forschner’s idea of an annual update is a good idea—Council wants to see results.

Regarding Economic Development, Councilman Louderback said Councilman Caupp introduced him to a company called GAIN, an independent economic development company, and they had a few meetings with them. At some time in the future, the company will do a presentation for Council. He was very impressed with them. This is no slam on anybody in the city, but they do not have the staff to do what needs to be done. GAIN is an independent consulting company that he thought would bring a lot of value to the city, which is why he thought it would be worthwhile to listen to their presentation.

Mr. Percival said Mr. Merriman and he also met with GAIN several times to get a feel for what is possible. He liked that they are a local company with local resources. They are willing to come to Council, do an Economic Development Forum, and talk to anyone in the community about
where they are at, where they want to be, and how they can get there. The company is willing to do that for the community. He thought they identified May 23rd at 5 p.m. as a Special Session to try to do that. Those gentlemen are very well versed in economic development. Mr. Brodsky sat in on some of those meetings. He reiterated one of the things he found really great is that they are local, they understand the local economy, and they are willing to use that expertise for the benefit of the City of Xenia.

Mr. Merriman added that two of the things on which the company focuses are (1) the importance of marketing, having a brand for the community, and focused marketing efforts; and (2) Based on empirical data and analytics, creating an approach to economic development empirically and then aligning resources, programs, and initiatives effectively that can be results driven.

Back to Councilman Long’s point, Mr. Merriman said they have identified many things in the X-Plan related to economic development, but given current resources, there is no way they can do any of those things, both financially and with staff resources. Getting that kind of external assistance would be necessary to help them create a more comprehensive strategic Economic Development Plan and then employ many of the strategies that have been outlined. Aligning those resources and making sure they have the manpower to effectuate those different initiatives is critical if they want to truly follow through.

Councilman Caupp said GAIN has reviewed all the studies and surveys the City has done in the last five years and pointed out many different things that he either never saw or understood. They opened up his eyes to many things. GAIN spent a lot of time, hours, and resources on their own to get to this point, and what they have is pretty extensive already. He would not be opposed to having GAIN do a presentation before the May 9th meeting before they discuss the X-Plan on May 23rd. In the past, the City has spent $200,000 a year on economic development, and most of it is for payroll and personnel. They are spending only $50,000 a year on economic development out of the City’s $50 million budget, so is economic development really a priority? In his opinion, Council needs to make much more of a commitment to economic development. When a 100-person manufacturing firm is looking for a site for their business, they go to Greene County or the Dayton Development Coalition. They are competing against their neighbors, such as Fairborn, Jamestown, Bellbrook, Sugarcreek, and Beavercreek, so they have to do something to market Xenia.

Councilman Caupp said yesterday when Councilman Long and he met with Mr. Merriman and Mr. Forschner, he asked them to explain what BusinessFirst! [page 3.10 of the X-Plan] actually did for the City of Xenia, but neither of them could really tell him. He asked them what the city is spending with the BusinessFirst! and neither of them knew. However, if you go to the BusinessFirst! website, Greene County is not mentioned anywhere on their website. Everything on that website is Montgomery County, but yet in our own X-Plan there is a BusinessFirst! page that is one of the tools they are using to drive economic development in the City of Xenia. From what he gathered from the BusinessFirst! website, they are focused on large employers. He would love to have a 200- to 300-person employer, but they need to be realistic. He’ll take four 50-person companies over one 200-person company, and it is much easier to attract a 50-person employer than a 200-person employer.
Councilman Long said what prompted him to bring that up was then they discussed getting the annual report updates to the X-Plan. By the time they get to the budget cycle, it is so in-depth that he did not know if they would really have time to have dialogue about the departments that have the biggest share of the load. He did not know if Council could brainstorm ways over the next year about how to use this Plan and look at it from a Department level. He would like the Department Heads and the Appointed Officials to let Council know where they see the weaknesses with that approach. If they do not see an annual report for a year, other than in the budget, they would not see the details. He did not know how Department Heads would be able to sell increasing payrolls or consulting fees. He did not have the answer, but he would like to see Council and Staff brainstorm ideas. He thought a great place to start is with the Development Department and Planning and Zoning Department on their key pieces of this and where those departments are missing talent.

Vice President Smith thanked Mr. Forschner for all the work he did on the X-Plan. He thought many of the projects were great, but they take a lot of money. From his experience on Council, it appears that many of the projects were done through grants. He asked if the City has enough grant writers or if they need to look at hiring a fulltime grant writer.

Mr. Merriman said they have discussed grant writers in the past. Many grants are very discipline driven. For example, many of the grants Mr. Berger writes are engineering heavy because of the depth of information that scores points in the assessment process. He thought a way to look at increasing that capacity is to free up as much time as possible for the City’s local experts, such as Mr. Berger and Mr. Forschner, so they can engage in those activities. Through many of the cuts made in recent years, unfortunately, Mr. Berger and Mr. Forschner are relegated to a lot more administrative work than they used to do. It was a necessary evil and something the City had to do to make ends meet, but they spend a lot of time on direct customer service, answering phone calls, and redirecting those phone calls. Mr. Percival and he also spend a lot of time doing those sorts of things. He recommended focusing less on hiring someone specifically to do that, and figuring out a way to free up time for people that have the expertise in grant writing so they can focus their time on that because securing grant dollars is important.

Councilman Louderback asked how they would do that. Councilman Caupp suggesting hiring people under them so they are not answering or forwarding those calls. Mr. Percival thought another way would be to develop our internal capacity. He noted Ms. Zimmerlin recently wrote two grants for the City.

Councilman Caupp suggested using voice mail. Mr. Percival noted Mr. Bazelak discussed the new phone system technology also. Instead of him answering ten phone calls for Municipal Court every afternoon, there should be a phone system that says, “If you want Municipal Court, press one.”

Mayor Bayless asked why that was happening. Mr. Percival said they do not have the capability to do that now. Mr. Percival said people call the City Manager’s phone because it is the most convenient number they know. Mr. Lewis said if anyone has a problem with the law, his number is listed to call. He has asked 1,000 times that his phone number be removed from the phone book, but it is still listed. People call the Law Department because it is one easy number for them to call, and his office also gets numerous calls for Xenia Municipal Court.
Mr. Percival thought they should take advantage of the technology that is available with a new phone system. Mayor Bayless asked what it would cost for something like that. Mr. Bazelak said they are investigating that. When they had discussions on the IT study, that is one of the initiatives they are looking at. They have already done a little of that with Utility Billing in order to handle the call volume there. As far as the issue about why this has not occurred before is because some members of Council at the time said they wanted to talk to a person. They understand that, but many of the calls are not for the City of Xenia. Callers are looking for a county number, etc., and staff is answering many calls that really do not need a particular person.

Mr. Forschner said another example is the One Stop Shop idea they discussed. If they could have a system that the Greene County Building Department, the Health District, and the City share, they could have easy access to inspection and permit data that would also take up less time. In the grand scheme of things that may not be a huge investment if the City partners with Greene County. That is a use of technology where the goal may be economic development, being more customer friendly, and having a One Stop Shop, but it could also free up staff time by making the way they do business more efficient. They already started doing some of that with their code enforcement tracking, and operationally how they cite people, so they are working more efficiently.

Councilman Louderback asked if the reason the City farmed out Building Inspection to Greene County was purely economics. Mr. Percival said yes. Councilman Louderback asked how many Building Inspectors the city had. Mr. Percival said they had two Building Inspectors, a full-time secretary, and one part-time employee. At the time, the city was losing $150,000 to $200,000 a year doing that. Eight to ten years ago, they used to get numerous complaints about Greene County Building Inspection, but that is no longer the case. The folks at Greene County are very good at working with City Staff and making sure that is an integrated process. Mr. Lewis noted there are wait cycles for inspections, but they are not nearly as long as they used to be.

Mr. Forschner felt the virtual One Stop Shop idea would help compensate for the fact that they have two agencies doing inspections. Ultimately, they could create a website that has a single interface when people are looking for a permit and one spot where they can find everything. Granted the agencies are housed in two buildings, but at least with the virtual on-line One Stop Shop, they have one stop, and the agencies are talking to one another more efficiently. While realizing the cost savings with Greene County, they could also improve customer service.

Councilman Louderback asked Mr. Forschner to clarify what he meant by One Stop Shop. Mr. Forschner said it would include Planning and Zoning, Engineering, and Health permits all tied together that are connected to one common database. Councilman Louderback asked if they now have to go from A to B to C. Mr. Forschner said yes. Even the Greene County Health Department and Building Inspection Department are on a different system. Mr. Percival said to get a plumbing permit, people have to go to the Greene County Health Department, but if they need an electrical building permit, they have to go Greene County, and if they need a zoning permit, they have to get that from the City before they can deal with the rest of that. Councilman Caupp asked why someone would have to get a plumbing permit from the Health Department. Mr. Percival said because the Health Department is the plumbing inspector for Greene County.

Mr. Lewis agreed, which is also true for septic tank inspections. At one point, they had a four or five week wait before an inspector would come out, so if you are a builder, you really have to
plan ahead or they will fall behind. He feels the One Stop Shop would be ideal, because it would help out business and it is something that Greene County might be willing to do. They could also easily integrate Beavercreek, Fairborn, and anyone else into that system.

Mr. Forschner said the Greene County Building Department is already looking into that and has discussed it with Greene County Commissioner Tom Koogler. City Staff is also looking into a platform to accomplish that.

Councilman Louderback asked if the community center Mr. Forschner mentioned included a bowling alley and movie theatre or what specifically does the public want? Mr. Forschner said the bowling alley would fall under CC-5, commercial recreation usage. Ideally, they could integrate something like that with a recreation center as a mixed-use type of development, but category CC-1 Community Center is focusing on a YMCA combined with an adult recreation center, meeting space and other uses like a civic campus. Councilman Louderback said at least once a week he hears people say they would like to have a bowling alley and/or movie theatre. Mr. Percival said that is in the X-Plan, but it is under CC-5, commercial recreation usage.

Mr. Merriman said nothing says that the city could not have a more diverse campus environment that includes those types of amenities. Councilman Louderback assumed that meant it would be a joint venture with the YMCA and perhaps private industry that could potentially be co-located on the Simon Kenton property. Mr. Forschner said the YMCA could be the anchor, but a bowling alley is a business and CC-5 addresses attracting businesses that provide those types of services.

Councilman Louderback asked how many acres are at Lexington Park. Mayor Bayless said it has 8 acres. Councilman Louderback asked Mr. Forschner if the X-Plan recommendation is to move Lexington Park to Main Street. Mr. Forschner noted Lexington Park is the City’s most isolated park. Nobody watches over it since it faces the backs of houses on one or two sides and a farm field on one side. Mr. Lewis said the Police Division is having problems there now, because some of the residents are having huge parties with 300 people that park their cars in Lexington Park. Councilman Caupp suggested they could put a gate on the entrance. Mr. Lewis said the Police Division is going to do a few different things, like erect better signage so they can enforce the laws, but people keep removing the signs.

To answer Councilman Louderback’s question, Mr. Forschner thought a solution for Lexington Park needs to also come from the neighborhood, because they need to have a community-based process to figure out the best solution. The concept he was referring to was relocating that park to a more central spot in the neighborhood and using some of the vacant City-owned lots or vacant lots they are creating through demolitions. Mr. Lewis thought that was a great idea. Councilman Louderback said he visualized a park on Main Street, but there is no spot with seven acres. Mr. Forschner agreed; it might require additional land. Councilman Caupp suggested demolishing the Board of Education building, planting grass, and moving Lexington Park there.

Councilman Louderback asked for an update on Hooven and Allison. He thought the property owner had his second/last chance Wednesday or Thursday. Mr. Percival said he was waiting to hear from the owner’s attorney. Today he told Mr. Brodsky to finish the specs, and they will come to Council and figure out how to move forward. Regardless, they have to move forward and get it cleaned up.
President Engle said nothing would happen at that site without a cleanup. Councilman Louderback agreed, but no one knows how much the cleanup will cost. Mr. Percival said the grant is for $2,000,000 and the local share would be less than $800,000. They have also had meetings with other people that might be interested in the property.

Regarding the loft apartments, Councilman Louderback said he heard that Matt Arnovitz was going to have a 1,600 sq. ft. loft apartment or two 800 sq. ft. loft apartments. He asked if anyone had seen that. Mr. Forschner said he had not seen any plans on it. Mr. Merriman agreed, but they have had discussions with Mr. Arnovitz, and one of his issues was parking. He has to provide parking for his tenant(s), and they discussed making some low cost parking available for his tenants by making an amendment to the current parking policy to encourage that downtown residential. In the big picture, if other owners convert their downtown buildings to accommodate residential living quarters, they want to make sure they can provide that same type of consideration to other property owners.

Mr. Forschner said there are multiple residential units downtown. One recent success story is an office area that was converted into a very nice loft apartment above Greene Wireless at 68 E. Main Street. Councilman Louderback said he did not know about that. Mr. Forschner said the owner came before BZA last year to get permission to do that, and the owner had tenants lined up to rent the loft space. Councilman Long said he talked to the tenant who said she loved the apartment. Mr. Forschner said he spoke to the owner and other downtown owners, like Ray Burnett. Mr. Burnett has an issue because he would have to spend a lot of money for fire protection between the floors, so he is waiting until spring.

Councilman Louderback asked if the owners have to jump through extra hoops to convert the space into loft apartments. He noted Mr. Forschner mentioned fire protection. In a building Mr. Arnovitz owns, there is a CPA firm downstairs. If he wanted to have a tenant upstairs, what would that entail? Mr. Forschner said for zoning, the applicant would have to get approval for a conditional use from BZA, which he would like to change to a permitted use. The Building Code says there must be a firebreak between the first and second floors. The Historic District designation can give the Building Inspector more flexibility when applying the code.

Councilman Louderback asked if they got the 20 signatures. Mr. Brodsky said they anticipate getting those signatures within the next few weeks. Councilman Louderback clarified if it becomes a Historic District, the Zoning Code would be relaxed. Mr. Forschner said to some degree. Mr. Brodsky said they can be; it is a matter of the Building Inspector applying the alternative Building Code. Mr. Percival said it is called Section 34.

Mr. Forschner said if they have a larger project, they would use the historic tax credit. In those cases, they could get the State Fire Marshal involved to provide some additional expertise to determine the building codes that apply to historic buildings.

Councilman Louderback asked what a firewall between the two floors would cost. Mr. Percival said it would require two-hour fire suppression, so he estimated it would cost $8 to $10 sq. foot to install the fire suppression system between the first and second floors.

Mr. Brodsky said just because a building is within a historic district, it does not make that particular building eligible to be on the National Register, so that Section 34 may or may not
Councilman Louderback asked who makes that determination. Mr. Brodsky said the State Historic Preservation Office makes the determination. When that office makes the determination of a Historic District, they will specify which are and are not contributing structures. Councilman Louderback asked if any of the buildings currently had that designation. Mr. Forschner said the building owned by John Davenport at the corner of Second and S. Detroit Streets has that designation on the Historic Register. If the Maggie McKnight Apartments were in the Historic District, that structure would not be considered a historic structure.

Mayor Bayless thanked Mr. Forschner and Mr. Merriman for spending two hours with her and most of her questions and concerns were answered. Mr. Percival thought they were trying to set up meetings with all members of Council. Mr. Forschner said they still need to meet with Councilwoman Mills, President Engle, Vice President Smith, and Councilman Louderback. Mayor Bayless thought Mr. Forschner did an outstanding job.

Councilman Caupp asked if any members of Council could meet with GAIN before the May 9th meeting. Mr. Percival said they need to discuss the MARCS radios on May 9th, but they could try to schedule a special session. Councilman Caupp asked if the discussion on the radios would take two hours. Mr. Merriman said they also need to discuss budget priorities on May 9th. Mr. Percival agreed. He will ask Ms. Zimmerlin to contact everyone to see if there is a night everyone could meet. Councilman Louderback thought that presentation was important.

Mr. Forschner said the intent is to bring the X-Plan to Council for adoption on May 23rd by way of an ordinance or resolution. Obviously, if Council is not comfortable with that, it could be changed. He is also organizing a public open house on Wednesday, May 8th, to present the final draft of the X-Plan to the public.

Mayor Bayless asked if this was the final document. Mr. Forschner said yes, unless Council wants to make changes. Mayor Bayless noted she had some minor changes. Mr. Forschner said he could make those changes to the X-Plan to include any minor changes Council asked to be made. He recalled that Mayor Bayless suggested the Colonel Young House be included in the Foster Town and Gown portion. He has not heard of any changes from other Council members. Mayor Bayless noted she also requested adding the Payne Theological Seminary. Mr. Forschner agreed the Mayor suggested adding that under Healthy Community Partnerships.

Councilman Long noted XPZC suggested having an Executive Summary to share with the local media. Mr. Forschner said he is working on creating an 8-page, glossy publication for that purpose.

The Special Session was adjourned at 6:56 p.m. to go into Regular Session.
The Xenia City Council met in a Regular Session on April 25, 2013, at 7:02 p.m., in the City Council Chambers, City Hall, with the following members present: Wesley Smith, John Caupp, Dale Louderback, Joshua Long, Jeanne Mills, Marsha J. Bayless, and Michael D. Engle.

INVOCATION: Pastor Gary Chapman gave the invocation after which all joined in the Pledge of Allegiance.

APPROVAL OF MINUTES: Motion by Councilman Louderback, seconded by Councilman Long, to approve the April 11, 2013, Executive/Special Session minutes as written. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

Motion by Vice President Smith, seconded by Councilman Caupp, to approve the April 11, 2013, Regular Session minutes as written. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

Motion by Councilwoman Mills, seconded by Mayor Bayless, to approve the April 18, 2013, Special Session minutes as written. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

SPECIAL PRESENTATIONS: Proclamation for Athletes In Action’s “Night of Champions”. Mayor Bayless said she was happy to present the proclamation and invited Greg Felder from AIA to join her at the podium. Unfortunately, this year’s “Night of Champions” will be held on the same night that Council meets, so she will be unable to attend. She then read the following proclamation: “Athletes in Action is celebrating their eighth annual ‘Night of Champions’ event. The mission of Athletes in Action is building spiritual movements everywhere in the World through the platform of sports so that everyone knows someone who truly follows Jesus. ‘Night of Champions’ is held annually at the Athletes in Action World Training and Resource Center in Xenia, Ohio, and provides business executives and community members the opportunity to hear college and professional coaches and players share their successes, failures, families, and faith. The ‘Night of Champions’ honors athletes and coaches for more than just their athletic ability. It lifts up important personal values such as character, integrity, and belief while honoring heroes that are true role models in the world of sports. This event provides the opportunity to get up close and personal with some of the greatest sports legends. We are proud that Athletes in Action chose our area to hold this impressive event.”
Mayor Bayless proclaimed May 9, 2013, as “Night of Champions Day” in appreciation of the hard work and dedication of Athletes in Action. (Applause followed.)

Mr. Felder thanked Mayor Bayless and Council members. Their “Night of Champions” event will be held on Thursday, May 9th at 7 p.m. at the Schindler Banquet Center. They would like to have had it on a Saturday, but they just could not; however, they hope to keep it on Saturdays in the future. The two 2013 “Hall of Faith” outstanding inductees are Jerry Colangelo, an owner, General Manager and Chairman of USA Olympic Basketball, so they are very excited to have him come to Xenia. The other inductee is Sue Ramsey, former University of Dayton Women’s Basketball Coach and now the Head Women’s Basketball Coach at Ashland University. After her second year at Ashland, the team won the National Championship in Division II. The 2013 Emcees are Anthony Munoz, Michael Redd (former Ohio State and Milwaukee Bucks player), and Aaron Craft, who is currently a Junior at Ohio State University will also make a guest appearance. It will be a really great and fun evening, and they hope all of them will come out. He left flyers about the event. The website is www.aianightofchampions.com.

City Planner Brian Forschner, Greene County Land Bank Initiative. Mr. Forschner said he wanted to bring Council up to speed on some discussions and work sessions he has been attending with the Greene County Commission on their deliberations of creating a County Land Bank. Greene County Treasurer Dick Gould is leading this initiative, and he wanted to give Council an overview and give them an opportunity to ask questions. If City Council agrees, staff would like to present a letter or resolution of support for a vote at a future meeting.

**What is a Land Bank?**
- The official name of a Land Bank is a Land Reutilization Corporation. It is a quasi-governmental entity with a public purpose.
- The main intent of a Land Bank is to expedite the process of turning tax delinquent properties into tax generating properties/turning vacant properties into actual use properties.
- It has some legal mechanisms that allow it to foreclose upon tax delinquent, abandoned properties in a much quicker fashion than the traditional tax foreclosure process that the County follows. A traditional tax foreclosure can take six months or several years in some cases, but according to the Greene County Treasurer, a Land Bank can accomplish that in three months or less. A Land Bank really speeds up that process, and by doing that, it facilitates reclamation, rehabilitation, and reutilization of vacant property.
- A fully funded Land Bank can also hold and maintain vacant property, and in some cases, even assist with demolition or rehabilitation.

**Who runs a Land Bank?**
- Approved by County Commissioners and incorporated by County Treasurer.
- Once it is in place, it works with municipalities in identifying properties to bring into the Land Bank.

**Who else has a Land Bank?**
- A total of 15 Ohio counties have Land Banks (including Montgomery County) with six additional Counties working towards such development. Montgomery County has had one for a few years and just recently decided to fund it.

**How can a Land Bank benefit Xenia (and Greene County)?**
- Expedites the process of converting abandoned properties to productive use:
Can accept tax-delinquent property, clear the title and sell it within 45-90 days.
Traditional tax foreclosure process can take anywhere from six months to several years.

- Provides a valuable tool in addressing the problems of vacant properties:
  - A study in Austin, Texas found that blocks with unsecured [vacant] buildings had 3.2 times as many drug calls to police, 1.8 times as many theft calls, and twice the number of violent calls as blocks without vacant buildings.
  - More than 12,000 fires break out in vacant structures each year in the US, resulting in $73 million in property damage annually. Most are the result of arson.
  - 2008 studies by ReBuild Ohio and Cleveland State University found that values of properties located on the same block or otherwise within close proximity to an abandoned property are generally reduced between $4,411 to $8,750, which erodes the tax base for the City, County, and School District (which depends heavily on property taxes).
  - Vacant properties signal that a neighborhood is on the decline and discourage further investment.
  - This trend of disinvestment and tax base erosion often spreads across neighborhoods and eventually to other communities if left unchecked.

- Actively maintained, tax-paying properties benefit everyone.
  - Increased values of surrounding properties.
  - Increased property tax revenue for City, County, and (especially) School District.

- Speeds up the process of dealing with those vacant properties. If the property were acquired as a side yard and the adjacent homeowner were willing to maintain it, it would turn a non-maintained property into a maintained one thus increasing the value of the surrounding neighborhood. On a larger scale, it could have a significant impact.

What properties do Land Banks acquire?
- Primarily tax-delinquent properties.
- Properties “donated” by governmental and private entities, such as Fannie Mae, Freddie Mac, HUD, Mortgage Holders or banks, or through individuals or other organizations in the form of a Deed in Lieu of Foreclosure or a Gift.

Who can receive properties from a Land Bank?
- Local governments or private individuals.

How is a Land Bank funded?
- Can operate with minimal County funding and act as a “clearing house” that merely accepts properties, clears the title, and turns them over to the City or a private entity. Under this scenario, the municipality would need to cover costs of maintenance, rehabilitation, and/or demolition. In a typical tax foreclosure process, you do not always end up with a clear title when it goes to Sheriff’s sale, which attracts speculators who may have no problem with liens on the title and are content with acquiring the property and not doing anything with it. The clear title ensures you are not scaring away buyers who are interested in actually doing something with the property that benefits the neighborhood.
- Greater funding would allow the Land Bank to assist with maintenance, rehabilitation, and demolition costs.
- If greater funding is supported, it can occur in a number of ways. The primary funding source is derived through Delinquent Tax and Assessment Collections (DTAC), which is a funding stream that is allocated to local governments in the same way as standard property tax collections. The State of Ohio permits counties to authorize up to 5% of these collections to fund Land Bank operations. If the full 5% were authorized, Xenia’s annual allocation of these funds would be reduced by an estimated $3,417.94. The table below is a sampling of Greene County jurisdictions
with their estimated contributions to a fully funded Land Bank. It shows that Xenia is one of the lower contributors to that.

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>5% of Annual Estimated DTAC</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Xenia</td>
<td>$3,417.94</td>
</tr>
<tr>
<td>Xenia Township</td>
<td>$2,183.66</td>
</tr>
<tr>
<td>Xenia Community School District</td>
<td>$41,623.01</td>
</tr>
<tr>
<td>City of Beavercreek</td>
<td>$13,567.90</td>
</tr>
<tr>
<td>Beavercreek Township</td>
<td>$14,938.43</td>
</tr>
<tr>
<td>Beavercreek City School District</td>
<td>$74,692.69</td>
</tr>
<tr>
<td>City of Fairborn</td>
<td>$5,595.20</td>
</tr>
<tr>
<td>Bath Township</td>
<td>$1,720.70</td>
</tr>
<tr>
<td>Fairborn City School District</td>
<td>$36,470.73</td>
</tr>
<tr>
<td>Greene County</td>
<td>$72,232.24</td>
</tr>
<tr>
<td>Greene County JVS</td>
<td>$15,949.21</td>
</tr>
<tr>
<td>Total of all political subdivisions (includes jurisdictions not listed in this table)</td>
<td>$363,851.04</td>
</tr>
</tbody>
</table>

The City of Xenia would appear to benefit significantly from the creation of a Land Bank with a relatively minimal financial contribution (compared to other jurisdictions). A Land Bank’s ability to assemble property, while cleaning and clearing the titles would accelerate the process of revitalization, and if fully funded, supplement the City’s resources in maintaining, holding, and redeveloping vacant buildings and lots.

It is the recommendation of staff that the City of Xenia endorse the Greene County proposal to develop a Land Reutilization Corporation, or Land Bank. Staff would like to present a non-binding resolution of support to let Greene County Commissioners know that the City of Xenia supports this initiative. He recommended they add a condition that the City of Xenia has representation on its Land Bank Governing Board, which is not legally required, but is certainly something he felt they should request. He then entertained questions.

Councilman Long said he spoke with the City Planner before the meeting. He thought it was crucial for not only Xenia, but also for Fairborn, to have a seat on that Governing Board. The law only requires two County Commissioners, one representative from the largest city, which is Beavercreek, and one township representative on the Land Bank Governing Board. Funding aside, he did not think that gave fair representation to the communities who are likely to be impacted by this. Xenia and Fairborn stand to benefit the most, so he would support any resolution that has that stipulation. Councilman Louderback said he could not agree any more.

Councilman Louderback asked how many vacant lots are currently in the city. Mr. Forschner said he did not have the exact number of vacant lots with him, but staff counted about 160 long-term, vacant residential properties/buildings.

**AUDIENCE COMMENTS:** President Engle explained the procedures for audience comments and invited anyone who wished to speak to come forward.

Alan King, 1075 Jasper Road, Xenia Township, said he was here tonight representing the Xenia Area Community Theater (X*A*CT) and the Xenia Arts Center, which is their new, upcoming
venture in the city. X*ACT has always been an arts oriented organization and they are moving into their second phase. X*ACT announces the Grand Opening of their new Arts Center during the May 3rd First Friday in Xenia. The Grand Opening ribbon cutting will be done by Mayor Bayless. It will be a cooperative with up to 20 artists, artisans, and fine crafters. They currently have six artists in the Co-Op that plan to put in hours working there for a small commission on their sales to benefit X*ACT. There is room for artists who are not part of the Co-Op but who want to consign art for a slightly higher commission. He shared examples of some of artists’ work, which included an oil painting by Karen King, a photo by Bobby Miles, and a former local photographer, Gary Blevins. All the art shown is for sale at the Xenia Arts Center. Caesar Creek Vineyards will be sponsoring a wine tasting with hors d’oeuvres and Sweets Boutique will provide chocolate items.

Councilman Louderback noted that Gary Blevins also does many sports prints, so if anyone is a sports nut, they should go to the Xenia Arts Center and look at some of this work. Mr. King said Mr. Blevins auctions his work at the NFL Hall of Fame. Councilman Louderback said Mr. Blevins is well known throughout the country.

President Engle congratulated X*ACT for the conversion. The difference in the air as you walk into X*ACT is significant. It is an exceptional venue with all those artists and it is really something the community should go see if they have not yet been there.

Councilman Louderback said the change was controversial because the Thrift Store made money for X*ACT. He agreed with President Engle; it looks more like an Arts Center now than a thrift store. Mr. King said The Arts Center would be open noon to 6 p.m. on Thursdays, Fridays, and Saturdays.

Sue Hunt, 1373 Gultice Road, Xenia, said she counts it as a privilege and is very passionate about downtown Xenia as many of them may know. She serves fairly actively on the Downtown Xenia Now Committee, as do some members of Council, and she invited them to have more participation if possible. She is here tonight because she read an article in the newspaper about the possibility of moving our city administrative offices to the Simon Kenton campus on W. Second Street, which was very disturbing. Speaking for other members of the committee and for herself, they have worked extremely hard serving the community, as have many members of Council. They found out about the possible move yesterday, so she did not have a prepared statement. She wanted to voice citizens’ and constituents’ concerns about moving our city offices out of downtown. She understood that the city needs more room in the City Building, but there are so many other places downtown that could serve that purpose. She implored Council to explore more possibilities and have many more discussions. Hopefully, Downtown Xenia Now would be included in those discussions. As she shared with Mayor Bayless today, the City needs a new YMCA, which is right behind City Hall, let the School Board donate the Simon Kenton campus to the YMCA and make a recreational center with the multi-use building next door. Put the city offices where the current YMCA is located within walking distance of City Hall so that they can keep strengthening our core downtown, which is in the main thrust of the X-Plan. She understood they originally discussed moving the Police Division to Simon Kenton, but she learned that could not happen. She was disturbed that the Simon Kenton discussion was not posted on the agenda on the City’s website that she looked at last night. She implored Council to please hold more discussion on the move, and table their idea to spend $255,000 on a study. She
was just voicing her concern. Some of the other members of Downtown Xenia Now are very concerned as well, but they were unable to be here tonight. Their Chair, John Finlay, sent his regret that he could not be here tonight to voice his concern as well on behalf of the Committee. She hopes all of Council knows how much they appreciate them. They want to keep the positive partnership they have with the City of Xenia because it is positive now. Please do not take the city offices out of downtown and move them to W. Second Street.

Matthew Arnovitz, Arnovitz Associates, said he is lucky enough to be a fourth generation working in Xenia and Greene County and doing many projects in this community. He is also a commercial real estate agent who works in three states with 30 years of experience and does projects in all three states. He is very concerned about the thought or implication of the City’s desire to move. He understood the pressure of needing more space, but the city’s desire to move sets a tone and an image that cannot be undone in the future. They are at a critical crossroads today and he thought it was imperative that they work together and find other solutions or alternatives before money is spent on a single plan that has not been well vetted. He has been very active in this community for years, and he did not know until a few days ago that the City even needed more space. He thought there were other alternatives that needed to be explored and he would like to help in some way. This is not a financial thing for them—it is a community issue because they need the core central business district of this community to be the strength. There are many areas around our various communities that do not have a downtown core. If they continue to let that evaporate and move elsewhere, he thought it would be a problem long-term that cannot be redone. He appreciated Council’s time and hopes they can work together.

REPORTS OF COMMITTEES:

Planning & Zoning Commission: Councilman Long said XPZC met in a Regular Session on April 4, 2013. There was one item on the agenda, which was a public hearing on a modification to Wright Cycle Estates PUD to reduce the required minimum rear setback for the Small Lots section in the PUD from 35 to 30 feet. No one attended that public hearing and the Commission approved that change. XPZC then met in a Special Session on April 18, 2013, to review the X-Plan, which Council heard prior to tonight’s regular session. No action was taken, but they plan to continue that review of the X-Plan in May.

Greene County Regional Planning Commission: Councilman Long said the Greene County Regional Planning Commission met on Tuesday, April 23rd on two agenda items:
1. A presentation by the Manager of the Greene County Environmental Services about available recycling services to the public. It is too much information to share, but he will make sure the City Clerk gets their 2013 Annual Brochure about their recycling services. They also discussed the Department’s budget. One interesting fact is that in our County, each household spends $16 of our taxes on these recycling programs, so they should take advantage of them and use them. If they do not use them, they may find them not there one day.
2. The second item did not really affect the City of Xenia because it concerned agritourism. It mainly affects townships where agricultural lots, who chose to have things like a haunted trail or a wedding venue or something that is secondary to their primary agricultural use. The townships are really struggling now to redefine zoning for those types of businesses, because by statute, they are not allowed to restrict agriculture use at all, but with agritourism, there is some room. It was interesting to learn what our township partners have to go through.

He noted the Commission will not meet again until July.
Mayors & Managers: Mr. Percival said the Mayors and Managers met on April 10th and had a presentation from Wright State University’s Leadership Institute, which was very informative.

Miami Valley Regional Planning Commission: Councilman Louderback said the MVRPC Board of Directors met April 4th at 1100 W. Third Street, Dayton. There were two items on the agenda:
1. They adopted the 2012 – 2015 Transportation Improvement Program (TIP).
2. There were appointees to the Going Places Steering Committee, which included Rick Coleman and Denise Percival, and the Planning Advisory Committee, which included Brian Forschner.

ITEMS FROM CITY COUNCIL AND MAYOR: Vice President Smith asked if there was information on when the grand opening for the Jamestown Connector would be. Mr. Percival said they would have to talk with the folks at MVRPC and schedule it. The Jamestown Connector is open, but he did not know when they were planning to have the ribbon cutting.

Councilman Caupp said there is some misinformation out there about the City’s Fire Services Contract with Central State University. Some people on Council were told information that is incorrect about that contract, so he called the Fire Chief today. According to Chief Riggsby, the City’s call volume with CSU is 20% below the estimated call volume when the contract was put in place and has fewer EMS calls than anticipated; therefore, the City is not getting the EMS billing anticipated. However, since the majority are fire calls, the City still has the $13,000 monthly fee coming in from CSU, so the City is getting paid more per run even though there are fewer calls for the term of the contract. It has also been said that the City’s mutual aid with Xenia Township has increased and that while the Xenia Fire Division is taking calls at CSU, Xenia Township is actually coming into the City of Xenia to take calls, but that is incorrect. According to Chief Riggsby, the Fire Division’s mutual aid calls are at the lowest point and they are staffing a third and fourth medic with employees who are cross-trained on other pieces of equipment, so our mutual aid calls are actually down, which is a good thing, but that is not what the public is being told. Overall, the contract with CSU has been a good thing. Even though the call volume is less than anticipated, the City is still making money on the contract, and he wanted to make sure the factual information was shared.

Mr. Percival said it is true that the City gets $13,000 a month for the CSU Fire and EMS service contract. The contract has been a very positive benefit for both the City and Central State University. Mr. Bazelak and he met with folks from CSU last Friday. Regarding mutual aid runs, when the City has a major fire, they bring in mutual aid to help or to back staff our Fire Stations. He did not know of any instances where the Xenia Fire Division has been on a call in a different jurisdiction and had to call in someone else for mutual aid.

REPORTS OF CITY OFFICES:

City Manager’s Office:

Award of Bid and Authorization to enter into a Contract with Brilliant Electric Sign Co. for the CDBG Gateway and Wayfinding Signage Fabrication Project. Mr. Percival said the bid for Phase Two in Northwest Xenia came in nearly $5,000 over the budgeted amount, but they were able to move funds from the CDBG Formula 2012 grant. The bid for Phase Three in
Downtown and the East End came in nearly $3,600 under budget, so they were able to move the funds around. He thought everyone had been extremely pleased with the initial phases of the Wayfinding Signage Project and they look forward to getting the next phase underway. He respectfully requested that Council award the bid and authorize him to enter into a Fixed Price Contract for the fabrication and delivery of Gateway and Wayfinding Signage with Brilliant Electric Sign Co., LTD of Brooklyn Heights, Ohio at a not-to-exceed cost of $59,641.

Motion by Councilman Louderback, seconded by Councilman Caupp, to award the bid and authorize the City Manager to enter into a Fixed Price Contract for the fabrication and delivery of Gateway and Wayfinding Signage with Brilliant Electric Sign Co., LTD of Brooklyn Heights, Ohio at a not-to-exceed cost of $59,641.00. Discussion followed.

Councilman Caupp asked if Brilliant Electric Sign Co was the same company they used for all the other signs. Mr. Percival said it is the same design, but a different fabricator. Councilman Caupp thought the signs look great and he has been 100% behind this project since the beginning. Shawnee Park has a new sign that looks very nice. He would love to find the money somewhere to install signage at the other three major intersections/gateways that come into Xenia to include Home Avenue, St. Rt. 68 North, and U.S. 42. He would love those gateways to have some sort of sign, even if they were similar to the sign at Shawnee Park with some landscaping. The west side of Xenia was taken care of with the new sign there. These signs look great and it would be nice if they could address those three other gateways to the community.

Councilman Louderback asked what the new Shawnee Park sign cost. Mr. Percival said he would ask Mr. Berger and get the figure to him. Councilman Louderback asked Mr. Percival if he had an estimate of the cost. Mr. Percival said he knew city staff installed the sign, but he did not know how much the fabrication cost. Councilman Louderback thought the sign looked very nice. Mr. Percival agreed; staff did a great job.

Councilman Long noted the bid includes a pedestrian kiosk at Xenia Station, which will allow all bike and foot traffic to see what is available in Xenia and how to get there. The intent of all the Wayfinding signage is to guide those who might come from the bike trail, Athletes in Action, Central State, or for those who regularly come to Xenia. He supports the project.

The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

**Award of bids for two (2) dump truck bodies and one (1) service truck body.**

Mr. Percival noted on March 14th, staff brought before Council an agenda item for the purchase of three (3) truck cab and chassis and Council approved the request. This evening they are purchasing the bodies to go on those cabs and chassis. Three (3) bidders responded for the Dump Body Package as follows:

<table>
<thead>
<tr>
<th></th>
<th>Each</th>
<th>Total (2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kaffensbarger Truck, Dayton, OH</td>
<td>$24,181.00</td>
<td>$48,362.00</td>
</tr>
<tr>
<td>JW Devers, Trotwood, OH</td>
<td>$28,000.00</td>
<td>$56,000.00</td>
</tr>
<tr>
<td>Cenweld Corp., Cuyahoga Falls, OH</td>
<td>$35,130.00</td>
<td>$70,260.00</td>
</tr>
</tbody>
</table>
Two (2) bidders responded for the Utility Service Body Package, including the above listed options, as follows:

<table>
<thead>
<tr>
<th>Company</th>
<th>Each</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kaffenbarger Truck, Dayton, OH</td>
<td>$31,816.00</td>
</tr>
<tr>
<td>JW Devers, Trotwood, OH</td>
<td>$35,485.00</td>
</tr>
</tbody>
</table>

Mr. Percival respectfully requested that Council award the bids for two dump truck body packages and one utility service body package to Kaffenbarger Truck in an amount not to exceed $80,178.00.

Motion by Mayor Bayless, seconded by Councilman Louderback, to award the bids for two dump truck body packages and one utility service body package to Kaffenbarger Truck in an amount not to exceed $80,178.00. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

**Emergency Ordinance waiving competitive bidding to provide professional services for the design for the High Service Pump VFD at the Water Treatment Plant.** Mr. Percival said they have discussed Variable Frequency Drives (VFDs) for a long time. The VFDs will allow them to reduce the City’s energy costs and make the Water Treatment Plant much more efficient. Currently, they can only run one of the VFDs at a time even when they need more water. If they kicked that other service pump on, it would put such a charge into the system that they would have dirty water for a month. They did that once and they never want to do that again. By bringing those VFDs online, it would allow them to operate that system much more efficiently and would allow them to bring a second pump online if they need to, but not have it slam the system and create a lot of dirty water. He respectfully requested that Council adopt an emergency Ordinance waiving competitive bidding for Burgess & Niple to perform the design work for the High Service Pump VFD at the Water Treatment Plant at a not-to-exceed amount of $60,000 and authorize him to execute a purchase order for the same.

Councilman Louderback presented an ORDINANCE WAIVING COMPETITIVE BIDDING FOR BURGESS & NIPLE TO DESIGN THE HIGH SERVICE PUMP VFD AT THE CITY OF XENIA’S WATER TREATMENT PLANT AT A NOT-TO-EXCEED AMOUNT OF $60,000, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Councilman Louderback, seconded by Vice President Smith, that the rules requiring the reading of an ordinance at two consecutive meetings be dispensed with and this ordinance be placed at once upon its passage. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

Motion by Councilman Louderback, seconded by Vice President Smith, that Ordinance Number 13-22 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.
Emergency Resolution authorizing two (2) highway easements to the Greene County Board of Commissioners for constructing the Jasper Road Culvert #0.02 on property owned by the City of Xenia. Mr. Percival noted the City’s Engineering Division was recently contacted by the Greene County Engineer’s Office about an imminent construction project to replace a large culvert crossing Jasper Road, immediately east of the bikeway crossing. A recent search of property records revealed minor encroachments on both sides of Jasper Road onto property owned by the City of Xenia. The Greene County Engineer is requesting a 0.01-acre highway easement on the south side of Jasper Road and a 0.017-acre highway easement on the north side of Jasper Road. Because the Greene County Engineer’s Office is planning to have this work started in May 2013, he requested that the easements be approved on an emergency basis.

Councilman Long presented a RESOLUTION AUTHORIZING THE CITY MANAGER TO GRANT TWO (2) HIGHWAY EASEMENTS TO THE GREENE COUNTY BOARD OF COUNTY COMMISSIONERS TO CONSTRUCT THE JASPER ROAD CULVERT #0.02 ON PROPERTY OWNED BY THE CITY OF XENIA, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Councilman Long, seconded by Councilwoman Mills, that the rules requiring the reading of a resolution at two consecutive meetings be dispensed with and this resolution be placed at once upon its passage. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

Motion by Councilman Long, seconded by Councilwoman Mills, that Resolution Number 13-H be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

Emergency Appropriation Ordinance and an Emergency Resolution authorizing the City Manager to enter into a contract with Coldwater Consulting LLC (Coldwater) Columbus, OH in the amount of $81,900 for professional services related to the Federal Emergency Management Agency Pre-Disaster Mitigation grant to acquire properties adjacent to the Water Treatment Plant on Massie’s Creek. Mr. Percival noted they have been looking forward to this project for a long time. This will allow the City to remove those properties, get them out of the floodway, and to secure the Water Treatment Plant. The City has a $600,000 grant to complete this project, and this agenda item is for the consulting services for that project.

Mayor Bayless presented an ORDINANCE AMENDING ORDINANCE 12-53 TO MAKE ADJUSTMENTS IN APPROPRIATIONS FOR CURRENT EXPENDITURES OF THE CITY OF XENIA, OHIO DURING THE FISCAL YEAR ENDING DECEMBER 31, 2013, FOR THE PURPOSE OF ADDING FUNDS RELATIVE TO THE AWARD OF A FEDERAL EMERGENCY MANAGEMENT AGENCY-PREDISASTER MITIGATION GRANT AND DECLARING IT TO BE AN EMERGENCY.
Motion by Mayor Bayless, seconded by Councilman Louderback, that the rules requiring the reading of an ordinance at two consecutive meetings be dispensed with and this ordinance be placed at once upon its passage. Discussion followed.

Councilman Long asked if the consulting firm would do the negotiations for the purchase of the properties. Mr. Percival said the consulting firm would be working with staff. There are two property owners and four houses. Councilman Long noted that not only are the houses in the flood plain, but it limits how the City can protect the Water Treatment Plant. They can discuss many things, but without water, they are not a city, so it is money well spent, and he appreciated staff going after the grant to get the project completed.

Mayor Bayless agreed. They have waited for the grant for quite a long time, so she was glad to see the project come to fruition. She noted the agenda report mentioned asbestos removal and inquired as to the ages of the homes. Mr. Percival said asbestos removal would be part of the demolition contract. From listening to people talk, those homes were there in the 1960’s. Mayor Bayless said it was interesting that residents had canoes at their doors to use when it floods.

Councilman Caupp asked if the City has had preliminarily discussions with the property owners and if they were aware of what was happening. Mr. Percival said yes. One of the owners actually helped vet the grant application for them. He was quite confident they would be able to come to an agreement on the homes.

President Engle gave kudos to the City Manager and City Staff. This has been a long haul and is a substantial movement forward for the City in its ability to ensure its resources.

The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

Motion by Mayor Bayless, seconded by Councilman Louderback, that Ordinance Number 13-23 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

**Emergency Ordinance to authorize execution of an Electric Generation and Transmission Supply Agreement.** Mr. Percival noted Xenia is one of 25 cities and municipal organizations that participate in a regional purchasing group for electric generation and transmission supply services that is coordinated and handled by the Miami Valley Communications Council (MVCC). The current agreement with DPL Energy (DPLER) has a fixed rate of $0.04925 cents per kWh, and during the 35-month term of the contract, the participating cities will save over $3.5 million dollars. They last time MVCC negotiated for the City, the rate was 16% less than the rate it paid earlier. The proposed Ordinance allows the City to continue that relationship and allows MVCC to begin the negotiating process so that on January 1, 2014, the City will still be able to participate in this program. Hopefully, MVCC will get a better rate, but he did not know how much less because it is already a good rate.
Mr. Percival respectfully requested that Council pass an emergency ordinance to authorize MVCC and its consultants to act as procuring agents for the City of Xenia to identify a competitive retail electric service provider for electric generation and transmission supplier services, and authorize the City Manager to execute an agreement for electric generation and transmission supply service with competitive retail electric service provider.

Councilman Louderback presented an ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR ELECTRIC GENERATION SUPPLY WITH A COMPETITIVE RETAIL ELECTRIC SERVICE PROVIDER, AND DECLARING AN EMERGENCY.

Motion by Councilman Louderback, seconded by Councilman Caupp, that the rules requiring the reading of an ordinance at two consecutive meetings be dispensed with and this ordinance be placed at once upon its passage. Discussion followed.

Councilman Louderback asked what the City pays to be a member of the MVCC. Mr. Percival said the City is an affiliate member and pays $1,800 a year. Councilman Louderback asked what the advantage would be to be a gold member versus an affiliate member. Mr. Percival said he did not know, but the gold members give MVCC their entire cable fees, which for the City would be approximately $440,000. Mr. Bazelak said it would cost about $260,000. Mr. Percival said it is the difference between $2,000 and $260,000, so they always thought being an affiliate member was a really good idea.

The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

Motion by Councilman Louderback, seconded by Councilman Caupp, that Ordinance Number 13-24 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

Appointments to Economic Development Advisory Board. Mr. Percival said when they brought XEGC in-house, they established an Economic Development Advisory Board. They went through some iteration about what the Board could and could not be and who could and could not serve on it. Working with staff, they tried to identify people who are eligible to serve. One of the requirements is that folks have to live inside the City limits. They tried to identify people in different segments of the community who had different areas of expertise as it related to economic development. The Economic Development Review Committee came up with five people they thought would be really good, but due to business commitments and other things, one of the individuals was unable to serve.

Mr. Percival respectfully recommended that the one-year term be established and remain vacant, and the two- and four-year terms be filled as follows:

- Blair Davis – appoint to a four-year term expiring on 04/25/17
- Joe Kennedy – appoint to a four-year term expiring on 04/25/17
- David Thompson – appoint to a two-year term expiring on 04/25/15
- Michael P. Ronayne – appoint to a two-year term expiring on 04/25/15
- Vacant term is established and will expire on 04/25/14

Each person was contacted and agreed to serve. They are working to fill that fifth position, so if anyone is interested, they could contact him, the City Clerk, or the Finance Director. They are now getting the Board established so they can begin to meet regularly and help the City with its economic development initiative.

President Engle entertained four motions.

Motion by Councilman Long, seconded by Councilman Caupp, to appoint Ms. Blair Davis to the Economic Development Advisory Board with a term expiration date of 04/25/17. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

Motion by Councilman Louderback, seconded by Councilman Caupp, to appoint Mr. Joe Kennedy to the Economic Development Advisory Board with a term expiration date of 04/25/17. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

Motion by Councilman Caupp, seconded by Councilman Long, to appoint Mr. David Thompson to the Economic Development Advisory Board with a term expiration date of 04/25/15. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

Motion by Councilman Louderback, seconded by Councilman Long, to appoint Mr. Michael P. Ronayne to the Economic Development Advisory Board with a term expiration date of 04/25/15. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

Councilman Caupp said all four candidates are outstanding individuals to serve on the first Economic Development Advisory Board. All four bring business ownership or business expertise with them. He is happy to be chairing the Board and looks forward to it. As the City Manager alluded to, there is one vacancy, so they are looking for an active participant. If anyone is interested, please contact City Clerk Michelle Johnson.

Councilman Long thought they had a great mix of people. When they bring future appointments before Council, he would like to have more details about the person’s background so they can make an informed decision. He strongly encouraged people who live in the city limits who have manufacturing or industrial backgrounds and would like to sit on this Board, to step up. The
Board is represented by individuals with retail, insurance, non-profit, and a military background, and he would love to see someone step up to serve who has a manufacturing background.

Councilwoman Mills said she was very excited. Prior to XEGC moving to the Service Center, she and others were part of a Board. It was wonderful to serve and to be able to watch the City grow. It is so important that the City plans for its future, looks for growth, and continues to move forward. She wished Councilman Caupp and the four individuals the best of luck. She hopes they keep Xenia’s best interest at heart and they get some great results from this.

Emergency Ordinance accepting Parcel IDs M40000100190000600 (5.60 Ac.) and M40000100190000500 (7.14 Ac.) at 1087 W. Second Street from the Xenia Board of Education. Mr. Percival said the Xenia Board of Education has authorized that the parcels be transferred to the City, and this would be the City’s official acceptance of the parcels.

Councilman Louderback presented an ORDINANCE AUTHORIZING THE ACCEPTANCE OF PARCELS M40000100190000600 (5.60 Ac.) AND M40000100190000500 (7.14 Ac.) AT 1087 WEST SECOND STREET FROM THE XENIA BOARD OF EDUCATION, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Councilman Louderback, seconded by Councilman Long, that the rules requiring the reading of an ordinance at two consecutive meetings be dispensed with and this ordinance be placed at once upon its passage. Discussion followed.

Councilman Caupp said no matter what the City does with the Simon Kenton property (either remodel or demolish it), that land is a desirable piece of property for the City of Xenia to take under ownership for many reasons. He wanted the public to know that acquisition of the land has many benefits to the City of Xenia besides the proposed use as an administrative building.

Councilman Louderback said he is confused; are they discussing Simon Kenton now? Mr. Lewis said the motion was made to accept the real estate. Councilman Louderback said he was in agreement with the City accepting the property, but was in total disagreement with moving City facilities from downtown Xenia and spending $255,000 on a study. This project will cost the City $3 million to $5 million. As he talked to the citizens of Xenia, they would much rather see that money spent on streets, etc. The last survey the City did was in 2012 and the number one priority of the people who elected Council was to see streets repaved. Nowhere in that survey was it mentioned that citizens wanted to see a new Municipal Building. He would love to see City employees have a new facility, but this is not the time to spend the taxpayers’ money or to move the Police Division from its centralized location to an offsite location. He would vote “Nay” on spending $255,000 for a professional services contract; he has been against the project since day one, regardless of what the newspapers have printed.

As a point of information, President Engle said Councilman Louderback made the point of moving the Police Division. In the current calculus they have, he did not believe the Police Division is proposed to move; only City Administrative Offices were proposed for relocation. Councilman Louderback said he understood that, but the original plan was to move the Police Division. Citizens do not realize it will cost $725,000 to $1 million to upgrade City Hall for the Police Division, plus $3 to $5 million to relocate city offices. Anytime he makes a decision, he
talks to the taxpayers and nine out of ten of them said “Absolutely not” and that is who he listens to, which is why he is totally against the project.

The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

Motion by Councilman Louderback, seconded by Councilman Long, that Ordinance Number 13-25 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

**Authorize the City Manager to enter into a Professional Services Contract with APP Architecture of Englewood, Ohio for the administrative office relocation to the old Simon Kenton Elementary School and City Hall modification at a not-to-exceed cost of $255,149.00 pending contract approval by the City Law Director.** Mr. Percival respectfully requested that Council authorize him to enter into a Professional Services Contract with APP Architecture of Englewood, Ohio for the Administrative Office Relocation to the Old Simon Kenton Elementary School and City Hall Modification at a not-to-exceed cost of $255,149.00 pending approval of the contract by the City Law Director.

Motion by Councilman Long, seconded by Vice President Smith, to authorize the City Manager to enter into a Professional Services Contract with APP Architecture of Englewood, Ohio for the Administrative Office Relocation to the Old Simon Kenton Elementary School and City Hall Modification at a not-to-exceed cost of $255,149.00 pending approval of the contract by the City Law Director. Discussion followed.

Councilman Caupp said Mayor Bayless, President Engle, the Assistant City Manager, City Manager, and he had the opportunity to tour the City of Englewood’s Civic Center that was built in 1974. They took that Administrative Building and added a 16,000 sq. ft. Police Station on the east end, and an 8,000 sq. ft. Fire Station on the west end. Basically, the renovation was in the middle and the two ends were new. APP Architecture did a nice job of making that building look like it was all new construction. The remodel was beautiful, and the Police Department had all the needs of a fully functional Police Department. He had no doubt that APP Architecture could put something nice together for the City of Xenia at the Simon Kenton property. His concern from day one (which he discussed with City Staff) is that they have had several proposals for Simon Kenton that do not do the project in its entirety. He has mentioned numerous times that the only way he would ever vote for a remodel of that building is if it was done 100% upfront and was done right the first time. He has always said that he could see that building becoming a money pit. Part of the HVAC is good and it has life left in it, but he still has major concerns. There are major HVAC and generator issues at City Hall. In the last five to ten years, XCS did not keep up with proper maintenance. He knew reports said there is still useful life on that equipment, and that is all well and good, but a boiler may need to be replaced in two years – that is just the way it goes.
Councilman Caupp said while speaking with the Englewood City Manager, he said, “Stay away from flat roofs because all they are is trouble” but Simon Kenton has a flat roof. If they had a choice of whether they would rather build a new building or remodel the existing building, of course, he would rather build new. The Englewood Civic Center has 54,000 sq. ft.; 30,000 sq. ft. were remodeled for Administrative offices. It has gorgeous Council Chambers, a nice City Manager’s office, nice Utility Billing/Permits/Tax Division offices that are all customer friendly, and they did a nice job with space planning. The Police Department has 16,000 sq. ft. on one end that includes underground parking for their cars and it is a nice setup for a Police Department. Without the underground parking the Police Department has 16,000 sq. ft, which is about what the Xenia Police Division would have at City Hall if they expanded onto the first floor. Our Police Division currently works in about 6,000 sq. ft. Anyone who would ever tour the area where they work and really see them in action on a Friday or Saturday night would realize that the Police Division needs more space. The Fire Department on the west end of the Englewood Civic Center is 8,000 sq. ft., has plenty of garage space and office space. At the end of the day, Englewood spent $6 million on that 54,000 sq. ft. building in 2006, which is $1.11 a sq. ft. for remodeling and new construction.

Councilman Caupp said they did a survey of local municipal buildings in surrounding communities and there were 20 to 25 buildings on that survey that were built recently. They adjusted the numbers for today’s rates and came up with an average of $181 a sq. ft. to build a new building, and $181 times 20,000 sq. ft. is just under $4 million.

Councilman Caupp said the more he thought about the project, as Sue Hunt said tonight, he also has concerns about moving the city’s Administrative offices from downtown. He has even said it made more sense to remodel City Hall for administrative purposes. They should move the Police Department out of City Hall and let City Administration have the basement because the basement could be converted much easier for those purposes than they can convert the first floor for the Police Division. So that the public knows, the problem is they cannot use Water and Sewer Funds. They can only use Water and Sewer Funds for administrative offices. If the building is used as a Police or Fire Station, they cannot use Water and Sewer Funds, which limits the money available to use for the building.

Councilman Caupp said he did not know how they could do it, but he believes they need a new Police Station. He felt City Hall could be better served as Administrative offices. City Hall absolutely needs to be renovated. There are deficiencies in this building that need to be addressed, and the taxpayers gave the City a tax increase a few years ago and part of that tax increase was for capital improvements. A new City Building or Police Station falls under capital improvements, so he was fine with using a portion of that money for some type of new facility because the taxpayers approved it for those purposes. They need to think 10 to 15 years down the road because what they are doing today is not going to be functional 10 to 15 years down the road partly because of changing federal government mandates on what a Police or Firehouse has to have. There are deficiencies at the Fire Station on W. Second Street and the City no doubt needs a new Fire Station on the west end of town. He did not know how to do it or how to fund

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1It is illegal to use revenue from Enterprise Funds (Water, Sewer, Sanitation, Stormwater Revenue) that is generated from the payment of utility bills for any other purpose other than items directly related to water, sewer, sanitation, and stormwater, such as salaries for persons working in those areas, operating expenses, capital improvements, etc.
it. There is plenty of room at the Simon Kenton property to build a Police Station or maybe a combination Police Station and Firehouse.

Councilman Caupp said he has serious concerns about the Simon Kenton building. They could spend the $255,000 and decide it will not work. He is as curious as anybody about how the architects would redesign the inside of that school. He felt they need to have more discussions on this and he did not want to spend $255,000 without the XPD talking to him about their needs. He knows they could make City Hall work for Administrative offices, but he did not know for sure how efficient City Hall would be as a Police station.

Councilman Louderback said he did not know how much the School Board spent, but they did a study when they were trying to get their levy passed. The result of their study was that all ten of their schools, including Xenia High School and the two Middle Schools, could not be rehabbed. If Simon Kenton could not be rehabbed for Xenia Community Schools, why would the City consider it for a Municipal Building? Like Councilman Caupp said, the building has a flat roof, antiquated HVAC, and windows that look like Plexiglas. It is the ugliest building he has ever been in. He is fine with the current Council Chambers. Of the 30 chairs in the audience, only ten are filled. If they have a special meeting, they could rent a place. Sometimes you have to play with the hand you are dealt, and he will not support this project.

Councilman Long noted this is a not to exceed contract and there are a few deliverables in it. Beyond the study, one of the deliverables on the contract are the architectural renderings that would have to be done on any building they renovate. He asked if this was an all or nothing contract. Mr. Percival said the first phase is a needs analysis. Councilman Long asked if there was language in the contract that allows them to stop there and not go further. Mr. Percival said they would need to negotiate what that cost would be [to only do the needs analysis] with APP Architecture. Councilman Long said he understood that, but as the contract is written today, he asked if that was an option. Mr. Lewis did not think they could terminate the contract after Phase 1 because that is not in the contract right now, so the contract would have to be changed. Mr. Percival said they would have to renegotiate that with APP Architecture. The current contract does not allow them to terminate it after the firm does the needs analysis. They would have to renegotiate that cost with APP Architecture.

Councilman Long said he has lost a lot of sleep thinking about this project, because it is a lot of money. It is not only a lot of money and stressful, it is very emotional and very political. The Simon Kenton property could be a great asset to our community. How they use it is the question. It has great community space and land. Moving one floor of city offices out of downtown to Simon Kenton allows them to spread the cost of operating that facility over several funds. Without that, it is very unlikely, in his opinion, that they will be able to build a Police station or any other department based on the City’s current budget. It feels like there is an immediate need, which will allow the Police station to expand at City Hall. Police Chief Person has been involved in conversations with City Staff about this property and he personally spoke with him. It is not an ideal solution, but it is better than what XPD has now. They could make it work.

Councilman Long thought the land is a blank slate. The X-Plan mentions forming a committee to discuss partnerships with the YMCA and others about recreation facilities. This land could be the icing on the cake for that partnership, but that does not change the fact that taxpayers still have to
pay for Simon Kenton whether it is empty or not. It is very emotional because people think that moving the City Manager and Council out of downtown signifies that they are moving their priority away from downtown. He would like to reiterate that the current single largest investors in our downtown are Xenia residents/taxpayers because our largest employer downtown is our government. By moving one floor out of downtown, that does not change. The taxpayers will continue to be the largest investors in downtown through our government facilities and payroll. They will not leave a floor empty; they are going to expand a department. Realistically, the City’s budget can only afford about $3 to $5 million in debt services. They do not have cash. They have to take out a loan and stretch the payments over multiple departments to afford this project. What is leading his decision tonight is that those other facilities do not come with almost an immediate asset to this community, which is community space. He hosts many events in this community and he cannot find space to host events. The City’s Youth Recreational Basketball program has to rent space to hold their basketball games. This project provides an opportunity. If he has to sacrifice a little bit by moving some City offices out to Simon Kenton to cover that cost and to realize a future, he is willing to do that because they have other priorities than just downtown. The X-Plan talks a lot about recreation and a recreation facility, and long-term that could be a YMCA partnership. It could immediately be used for recreation and as a meeting space for Council. Our community can start using that facility on day one. He asked City Staff to explore almost immediately more recreational uses for that facility as part of the City moving forward so the community can realize a benefit to that. They are not raising taxes to realize this opportunity and they will not pave fewer roads. It is not changing the priority in downtown, but he admitted it could change the public relations perception. He spoke with Sue Hunt about that last night. What leads him to make his decision tonight is not that alone. It is what this property brings to the table down the road. He thanked the Xenia School Board for gifting the property to the City of Xenia. He knew there was some trading of land, but the City government definitely got the better end of that arrangement and he does not take it lightly.

Councilwoman Mills said she would try to not repeat what her fellow Council members have said. One thing they need to consider is that Xenia taxpayers already paid for the school building, and they need to respect that. They need to enhance it and use it to increase the City’s ability for growth. As previously mentioned, expenses for the Police Division cannot be paid from Water and Sewer Funds. If the Police Division remains in City Hall, they would be closer to the Greene County Jail. When Walter Sellers Apartments burned, it was devastating to our community, and it was very hard to find places that had showers or where cots could be set up for people to use long-term. The Red Cross is wonderful, but to house someone for weeks was very hard to do. Simon Kenton could be another resource because it has the gym and showers on site, and it is already handicap accessible. One lady in the community shared that she disliked elevators and could not walk up stairs to get to Utility Billing to pay her bill. She thought it would be very nice to have a place she could drive and park like she does at a shopping center to do her business. They also have to look at the cost of demolition when they consider a new building. They do not yet know what those costs will be because they do not know if there are hazardous materials in there, which would increase the demolition costs. The Simon Kenton building has a lot of growth potential that could handle their changing needs. They rent space for records storage for the Probation Department and Municipal Court and all of those records could be stored at Simon Kenton, which would save the City money. A part of City offices would be moved out of downtown, but some would remain and be more functional than they are now.
Mayor Bayless said she was prepared to make a decision tonight, but she was considering what Sue Hunt said to her this afternoon. They need to do something and change will take place whether they want it or not. They can choose to stay in a building, but the building is going to age, so change will occur by itself if they do nothing. Our Police Division is in a substandard space. As technology improves throughout our city and country, modifications must be made. The Englewood Civic Center was a great building that met their needs, but was not extravagant, and the City of Xenia certainly has those needs. She does believe in downtown. Since this subject first came up about two years ago, her feeling has always been to stay downtown. She always strongly supports one stop shopping. She would like a person to be able to go from one office to the other to take care of their needs, which is not possible in the City Building. Ideally, it would be great for the Police Division to move, but because of regulations, it would be cost prohibitive. It would be less expensive for City administrative offices to move. She spoke with the YMCA Director today about square footage, and because she serves on their Board, she knows that building is not in good condition, and it would cost the City even more money to renovate that building. When you think about things like that, you wonder if there is a building downtown that is large enough to be renovated, and they do not know of any place at this time. She agreed with what Councilman Caupp said this evening. She was not ready to make a decision to invest in the professional services contract at this time.

Vice President Smith noted last spring, this Council approved $50,000 for a consultant for the X-Plan. He voted against it because he thought spending $50,000 for a consultant was a waste of money that could pave a road or two. A year later, they now have a wonderful X-Plan and tool for our City. It was a $50,000 investment, but it also opened up a clean slate and bright future. Tonight they are asked to give APP Architecture that same opportunity to present the City with viable use of the Simon Kenton property. He is in agreement with awarding the contract tonight, because he was looking at the big picture. He noted many people in town do not know where City Hall is located because they pay their water bill online or mail it. Some people who do come to City Hall are physically challenged by the facility here and he thought they owed it to them to ease that burden, to provide better parking, and a more accessible building.

Councilwoman Mills said all members of Council have struggled with this decision, but on April 11th and April 18th, Council spent hours discussing this issue. They also took field trips to look at other buildings. She wanted everyone to know that they have spent a lot of time on this. It is an important issue, and they want to make the right decisions for all involved.

Councilman Caupp said in his conversations with City Staff, he was told the public could not stomach demolishing Simon Kenton and building a new facility in that same location. As Councilman Long alluded to, they lay in bed and think about these decisions. He wondered why the public could not stomach bulldozing Simon Kenton. The public approved the demolition of Cox, Shawnee, Tecumseh, and Spring Hill Elementary Schools. He did not think they could find one parent in those new schools who is not thrilled to death that they are in a new location now. Those parents will still have their memories of the former school buildings, but the building is gone. At the end of the day, those people are glad to have that new building full of technology and set up the way a modern school should be set up. Our administrative staff currently works in 9,000 sq. ft. If they started with a clean slate at Simon Kenton, they would not run into the “what ifs” a year from now and have different things breaking or things that need to be improved. If they start with a new building, it can be designed to meet the needs now and into the future.
building with 25,000 sq. ft. almost triples the floor space they currently have to work in at City Hall. The debt service would be approximately $360,000 a year. Whether the Administrative Offices stays here or moves, he still thought they have to look at new architecture/construction versus a remodel of the Simon Kenton building. He thought it would be a better long-term solution for Administrative Staff if the building were built to the City’s specific needs.

Councilman Long said his position on Simon Kenton has not changed, but he would like to rescind his motion and make a motion to table this item. He asked City Staff to go back and look at the contract with APP Architecture to allow the City to have an out after the needs study is done to give Council an opportunity to review the study, pay for only that portion of the contract, and time to consider the City’s fiscal circumstances before proceeding with the contract.

Motion by Councilman Long, seconded by Councilwoman Mills, to table discussion on the agenda item to enter into a Professional Services Contract with APP Architecture. Discussion followed.

President Engle said he personally believed that Council has studied this for some time, and they all have solid feelings on it for a variety of reasons. He has come to a conclusion that is pretty firm. For the record, he values the entirety of this City—every square inch of it north, south, east or west. He believed that locating any city function anywhere in this city is of great value to the citizens everywhere and not just in the downtown. Do not misunderstand him – he loves our downtown and what it is becoming, but he is not as attached to that point as some others. The bottom line is that a needs assessment is absolutely mandatory or they will be wasting every dime of the taxpayers’ money that is spent. The needs study will drive them forward in one direction or the other. In his observation, the difference between going with new construction of roughly 20,000 sq. ft., which would be within the value they have of construction costs and what they could potentially afford, they could have a 20,000 sq. ft. building. On the other hand, and having seen what took place in Englewood, which is where he lived when he moved to the area 27 years ago, what has become of that structure through the wise investment of taxpayer money, is nothing short of phenomenal. They gained a 56,000 sq. ft. facility out of it. In this case, the City has the opportunity of gaining a 40,000+ sq. ft. facility, which is twice what is possible with new construction. As many of his colleagues have pointed out, the land and the opportunity created by that, in addition to double the space, are significant and are a weighing factor and a driving factor for him in his calculation.

President Engle said he would like to make some points that specifically relate to the costs:

- **Rehabilitation.** If he recalled correctly from their consultation with the architects, if they attempted to move the Police Division and Dispatch Center, which would be the logical mesh, they were looking at a significantly higher cost than the $181 per sq. ft. they were quoted for the Administrative space because that building would need to be able to withstand natural disasters. Mr. Percival said it has to be an “essential facility.” Councilman Caupp said some of the costs in other communities have not been much more than that. President Engle recalled the architect stated that was the case.

- **Demolition.** The architect stated there was a significantly different standard to rehab a school versus rehab of an Administrative area. He reminded citizens that the XCS are rehabbing McKinley Elementary for Administrative offices, much like the City is proposing to do at Simon Kenton. While not optimal, the Ohio School Facilities Commission survey did find that those two
buildings could be rehabbed, particularly for an administrative function, such as what they are suggesting.

- **Bottom Line.** As he stated in the April 18th special session, Council’s pure objective and task for the City is to think to the future. He believes they need to move forward with what brings the most value to this City long-term. It is clear to him that a renovation of the Simon Kenton facility is where he would prefer to go and that is how he will be voting.

Councilman Louderback said he was ready to vote right now and did not know why they should table the agenda item. Council has been discussing this issue for a long time. Someone mentioned a new tax, but he did not think anybody on Council said it is a new tax. It will come out of the taxpayers’ pockets, bottom line. He even suggested taking it to the ballot and letting the citizens vote, but that is not possible. He would feel much better if the citizens voted on this issue because nine out of ten citizens he spoke to said “No Way,” but maybe other members of Council are talking to different people.

Mr. Lewis said there was a motion and a second on the floor, which really needs to be addressed and a roll call taken. President Engle clarified there was a motion and a second to table discussion on the agenda item to enter into a Professional Services Contract with APP Architecture so they could do additional study and a re-scope of the contract to do a needs only or a needs plus follow-up portion. Mr. Lewis thought Councilman Long wanted someone to look at the contract and get a cost figure on what it would cost to terminate it after the needs assessments is done.

Councilman Long said he is asking for that because since 2011, they have had various conversations regarding the building following the Police study and some internal studies. Council had the opportunity to digest each of those positions and give a consensus about proceeding. They are going to take a big leap here from $10,000 to $255,000 no matter what. He personally would like to see the needs study, but his opinion has probably not changed. He would like to only pay for the needs assessment in case something changes his view after that.

Councilman Louderback asked for clarification on the motion. Mr. Lewis said the motion is to table the agenda item dealing with the Professional Services Contract with APP Architecture.

Vice President Smith asked if there would be any disadvantage to waiting. He asked how long it would be before they would get word from APP Architecture that they accept the change to the contract. Mr. Percival said they would have to sit down with the firm and negotiate what the out would be after the needs assessment, but he assumed that could be done rather quickly.

The Roll on this was the following:

Ayes: Long, Mills, and Bayless  
Nays: Caupp, Louderback, Engle, and Smith  

**motion failed.**

Since Councilman Long rescinded the initial motion to approve the contract, Councilman Caupp made a motion, seconded by Vice President Smith, to authorize the City Manager to enter into a Professional Services Contract with APP Architecture of Englewood, Ohio for the Administrative Office Relocation to the Old Simon Kenton Elementary School and City Hall
Modification at a not-to-exceed cost of $255,149.00 pending approval of the contract by the City Law Director. Discussion followed.

Councilman Long said he would vote “Nay” because of the language in the contract.

Addressing the City Manager and Law Director, President Engle said given Councilman Long’s commentary, is it not out of the question for them to discuss entering into a contract should they determine that the needs assessment is out of kilter with what they were proposing to do with the Simon Kenton property for them to prematurely conclude that contract. Mr. Lewis said there is absolutely no guarantee that the architects would renegotiate that contract to do what is being suggested. They could ask the architects, and hope that they would comply, but Council is approving the contract tonight as submitted by them, which does not allow for that.

Vice President Smith said they have discussed this project for two years and $400,000 was budgeted; this contract is for $255,000. He knew there were some reservations because it is a lot of money to spend, but he was ready to move forward with it.

The Roll on this was the following:

Ayes: Smith and Engle
Nays: Caupp, Louderback, Bayless, Long, and Mills

motion failed.

Councilman Caupp said his “Nay” vote on the Simon Kenton property does not mean that he wants to stop the conversation on a Police station or an Administrative building. He would support new construction of either facility because he believes they have deficiencies. His “Nay” vote is on that building. He is still open to discussing the project.

Councilwoman Mills said she was sad the motion failed and that now they would have to start from the beginning. She would like to be able to pay for only the needs assessment instead of committing $255,000 for the entire contract. She still supports accepting the building and moving the Administrative offices, but she wants to be very cautious with the taxpayers’ money. She thought Councilman Long raised a strong point on that. The only reason she voted “Nay” was so Council could have more information from the needs assessment before she says “Aye”.

Mayor Bayless thought the initial information [from the needs assessment] was very much needed. They have to do something, and she is in favor of that, but she is not ready to commit to the current plan.

**Items for the City Manager:** Mr. Percival said so Council can plan for his replacement, he officially announced that he would retire around February 1, 2014. Councilman Louderback said Mr. Percival would be sorely missed. Anytime he ever had a problem, Mr. Percival was always there for him. They have not always agreed on everything over the years, but at the end of the day, they respected each other’s opinion and he could always count on him to follow-up on any concerns citizens had, which was very important to him. Mr. Percival has been a great asset to the community and will be missed.

**Finance Director’s Office:** As a point of order, Mr. Bazelak clarified there was an Emergency Appropriation Ordinance and an Emergency Resolution authorizing the City
Manager to enter into a contract with Coldwater Consulting LLC (related to the Federal Emergency Management Agency Pre-Disaster Mitigation grant), but only the ordinance was approved. In order for them to be in compliance, they need to vote on the emergency resolution for the consulting services.

President Engle said Mr. Bazelak was correct. He then entertained a motion.

Vice President Smith presented a RESOLUTION AUTHORIZING THE CITY OF XENIA TO ENTER INTO A CONTRACT FOR PROFESSIONAL SERVICES WITH COLDWATER CONSULTING LLC, ASSOCIATED WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY PRE-DISASTER MITIGATION (FEMA-PDM) GRANT ALONG MASSIE’S CREEK, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Vice President Smith, seconded by Councilman Caupp, that the rules requiring the reading of a resolution at two consecutive meetings be dispensed with and this resolution be placed at once upon its passage. Discussion followed.

Councilman Louderback said he was confused about what Council was voting on now. President Engle explained it was the item regarding moving forward with the process at the Water Treatment Plant on Massie’s Creek and the consulting services for that project. Mr. Percival apologized for missing the resolution.

The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

Motion by Vice President Smith, seconded by Councilman Caupp, that Resolution Number 13-I be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

Schedule of Bills: Mr. Bazelak presented payment of bills totaling $483,085.68.

Motion by Vice President Smith, seconded by Councilman Long, to approve payment of bills totaling $483,085.68. Brief comment followed. Mayor Bayless asked for an explanation of Wal-Mart Community. Mr. Percival said that is Wal-Mart’s discount program. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

Items for the Finance Director: None.

Law Director’s Office:

Emergency Ordinance to sell parcel M40000100100000900 known as 492 S. Detroit Street to Brentwood Builders, Inc. Mr. Lewis said, as many of them know, the City has acquired several properties over the past few years from the Greene County Common Pleas
Court through forfeitures. The property before Council tonight is one such property at 492 S. Detroit Street. The City has the opportunity to sell the property to Brentwood Builders, Inc., of Cedarville, Ohio. Brentwood’s offer for this property of $2,900 will cover the City’s costs. Brentwood has been building homes in the Miami Valley since 1979 and is extremely well respected. Brentwood is looking at a number of other properties in town, which is a very positive step for the City. Brentwood Builders has done many nice projects in Greene County and the Miami Valley. He respectfully requested that Council pass an emergency Ordinance to sell parcel M40000100100000900 to Brentwood Builders, Inc. for $2,900.00.

Councilman Louderback said Brentwood Builders has a great reputation and he knew they would do a great job.

Councilman Louderback presented an ORDINANCE TO AUTHORIZE THE SALE OF PARCEL M40000100100000900 TO BRENTWOOD BUILDERS, INC., AND DECLARING IT TO BE AN EMERGENCY.

Motion by Councilman Louderback, seconded by Councilman Long, that the rules requiring the reading of an ordinance at two consecutive meetings be dispensed with and this ordinance be placed at once upon its passage. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

Motion by Councilman Louderback, seconded by Councilman Long, that Ordinance Number 13-26 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

**Introduction of Ordinances and Resolutions:** None.

**Second Readings of Ordinances and Resolutions:** None.

**Items for the Law Director:** None.

**SUMMARY OF ACTION ITEMS:** Mr. Percival had no updates on any of the action items.

- A request for a plan from City Staff in regard to the Broker Services Contract to include details of how the contract will be monitored (Requested by President Engle//Assigned to Jim Percival/Jackie Potter)
- Update on Proposed Recreation Venues (Requested by Councilman Louderback//Assigned to Jim Percival)
- A report on the feasibility of a Vacant Building Ordinance – due date to be determined (Requested by Councilman Louderback//Assigned to City Manager’s Office and Law Director)
- Quarterly Updates on Economic Development at Council meetings on 04/11/13 completed, 07/11/13, 10/10/13, 01/09/14) (Requested by Councilman Louderback//Assigned to Steve Brodsky/Jim Percival)

President Engle asked if there were any issues Council would like added to the next Council meeting under “Summary of Actions Items.” There was no response from Council.
READING OF COMMUNICATIONS AND DISCUSSION: Councilman Long encouraged everyone to go to First Fridays next Friday from 5 to 9 p.m. The list of events includes a corn hole tournament on the patio at Willie’s Sports Bar; Laser Tag and a bounce house in the Montgomery Insurance lot; visitors can pick up a delicious meal of grilled chicken, pork chops, hot dogs, and other fair food; and X*ACT will host its Grand Opening Ribbon Cutting of the new Xenia Arts Center. He thanked Mr. Percival for his service. Councilman Louderback asked where Laser Tag would be held. Councilman Long said the Family Fun Center is hosting the outdoor event in Montgomery Insurance parking lot and there is a small fee.

Councilman Louderback said he was invited to an AIA Community Committee meeting today. Their new mission statement is, “Knowing and serving Xenia, Greene County, and the Greater Dayton Communities through partnerships, resources, and discipleship.” He asked if it was possible for the City’s website to have a link to AIA’s website. Mr. Percival said he would ask since it is a community organization.

Councilman Caupp said Xenia WeeBucs Football and Cheerleading registrations start Saturday, May 4th, and runs thru Saturday, June 1st. Registration on May 4th is from 9 a.m. to noon, and Wednesday, May 15th from 6 to 8 p.m. at St. Brigid Church. The exciting new thing with the football program is that they are bringing the cheerleaders in-house. Over the last five or six years, cheerleading has become quite expensive with the WeeBucs organization and the expense drove many people away. Cheerleaders will pay the same registration fee as the football players, which is $110 each to include their full cheerleading uniform and a warm-up suit that they can keep. They only need to provide their own shoes. They will cheer at all home, away, and playoff games, whereas last year they only cheered at home games. They highly encourage parents with elementary school aged daughters to consider getting them involved in their cheerleading program. It will be a much different program than they had the last four or five years that drove people away, and he thought they would be very pleased with the changes. There are 18 teams in the league, and they have one of the best organizations in the Miami Valley. He is on the WOJFC Board now, and they really do have something of which to be proud. The cheerleading program is open to children in kindergarten through sixth grade.

Councilwoman Mills invited everyone to First Fridays to see her and the BRACA volunteers. People will get to see all the events BRACA does for the City of Xenia. There are six “Music in the Park” concerts, three “Movies in the Park” and many other activities. After First Fridays, there is always Volunteer Cleanup Day to clean-up the downtown areas on Saturday, May 4th beginning at 9 a.m. in front of City Hall. If people go to the city’s website, they will see that AIA is having a Total Athletes Sports Camp from June 10th thru June 13th. The cost is $65 for four days from 9 a.m. to 5 p.m., which includes lunch and a snack, so please support that. Mayor Bayless will present a proclamation at the Arbor Day Educational Day on Saturday April 27th at Xenia Community Library from 10:30 a.m. to 2:30 p.m. Xenia is wonderful place to live!

Mayor Bayless said even though this was a lengthy Council meeting, the Simon Kenton project is a big thing for them to consider. She wished former Mayor Phyllis Pennewitt a speedy recovery. She was hospitalized but is now home. She had a chance to visit the updated Emergency Room at Greene Memorial Hospital. It is very nice, has new computers, and a room where Fire and Police personnel can get snacks and take a break while they are there. She had an all expense paid trip (neither she nor the City paid a penny) to Washington D.C. sponsored by
the National Monument Coalition and the Wilderness Society to represent the newly designated monument, the Colonel Young Home, and its impact on the Xenia community, our economy, and local jobs. Tourism leaders and Elected Officials from communities across the country, namely Virginia, New Mexico, Colorado, Washington, California, and Xenia, Ohio, recently celebrated new monument designations and they all came to Washington D.C. on April 15th and 16th. They had meetings with White House staff, reporters, and Capitol Hill to press upon policy makers the importance of monument designations and that protecting our Nation’s natural, cultural, and historic resources is good for local communities and local economies.

Vice President Smith thanked Mr. Percival and his wife, Denise, for all they contribute to this community. Having run a few 5-K marathons, he sent his condolences to the people of Boston for what happened to them. He prays that nothing like that ever happens again, especially in this great city or in this local area.

President Engle thanked Vice President Smith for remembering the citizens of Boston that suffered greatly over this past few weeks. He also thanked Mr. Percival; it has been his pleasure to work with him over the last 18 months. Through his tenure as City Manager, Mr. Percival has been and continues to be an exceptional resource to this city and he is greatly in his debt, as he knows the entire Council and citizens are as well.

**ADJOURNMENT:** Motion by Councilwoman Mills, seconded by Councilman Long, to adjourn the Regular Session at 9:08 p.m. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

Michelle D. Johnson, City Clerk               Michael D. Engle, President
Xenia City Council                            Xenia City Council
The Xenia City Council met in a Special Session on May 7, 2013, at 5:15 p.m., in the City Council Chambers, City Hall, with the following members present: John Caupp, Dale Louderback, Joshua Long (arrived at 6:10 p.m.), Jeanne Mills, Marsha J. Bayless, and Michael D. Engle.

Wesley Smith was absent.

**Presentation: GAiN - Economic Development Strategies.** Mr. Percival said he would let the gentlemen from GAiN introduce themselves. They would like to discuss priorities and goals to accomplish in regard to economic development. Over the past three months, Mr. Brodsky, Mr. Merriman, some members of Council, and he have met with the gentlemen from GAiN, Greg Fullington and Fred Burkhardt, and they have some interesting alternatives that may work well for the city. He then invited Mr. Fullington to introduce himself and begin their presentation.

Mr. Fullington said he and Mr. Burkhardt would like to run through the presentation, but he invited questions during the presentation.

Mr. Fullington thanked Council for the opportunity to conduct the session. It is an honor and a privilege to talk with them and the Appointed Officials about what they think will be a very bright future. The city has done a lot of great work and they would like to help bring it to fruition.

Mr. Fullington said they did a lot of research before they became totally committed to this service, and they found small communities that did not have the resources and expertise to do economic development at a high level were really left wanting and were pretty much ignored by the big national firms. After some consideration, the light went on, and they thought that was a pretty good business opportunity that fit their skill set. Their expertise is economic development and the related strategic planning and marketing, much more on the marketing end as opposed to the strategic planning Xenia has been through to create the X-Plan. They both have almost 35 years of experience in their respective fields.

He shared a sampling of companies where they have played an array of roles ranging from comprehensive strategic planning through execution to individual project work. Mr. Fullington said he has a lot of experience in consumer package goods, business-to-business, and Mr. Burkhardt has experience in the area of economic development.

Today’s objectives are focused on:
- Maximizing the return on the good work the city has completed to this point.
- Review best practices related to economic development and marketing.
- Helping data (knowledge) and process (to keep organized) will drive the overall success of the city’s program.
- Managing the City’s Action Plan with prioritization and tactical planning.
- Hedging the City’s future investments into the X-Plan to help Council make more informed decisions as a result of their approach.
Mr. Fullington said this best characterizes the essence of GAiN’s business strategy/how they approach things: The statement “If you can imagine it, then you can plan for it” is the polar opposite of “Build it and they will come.” There is nothing hopeful about how they try to quantify it, corner it, and control it until it has served its purpose. The truth is that X-Plan is the 10% inspiration, and the next two decades will be the 90% perspiration. Everything they do is designed to deliver optimal outcomes for economic development. Economic development is the king of their business and marketing is the engine that gets them there. For example, X-Plan is a grand plan, but it’s hard to get your head around. They are really good at taking complex issues and simplifying them. Everything they do starts with a study. They get data, and they study it. They take what they think is important, simplify it, and boil it down to its basic essence. The next step is to prioritize, which in many business settings is forgotten, and then they act/take the steps for implementation. Basically, they they subscribe to the idea of putting one foot in front of the other.

The X-Plan is excellent work:
- Over 100 pages of discovery, vision creation, strategy … and it is still growing because there is more work to do.
- The real bottom line of the Action Plan
  - It’s a leadership document. It takes Xenia two decades into the future.
  - It provides the vision and the strategic rationale to achieve that vision.
  - Most importantly, it tells them what is going to drive success. To quote from the Action Plan, “The X-Plan’s success depends on execution.” He would take that a step further and say that success of the X-Plan is wholly dependent on execution. All the great ideas are there; now they have to make it happen.

The X-Plan focuses on four major outcomes…
- Be A Community Of Choice
- Grow Our Economy
- Make Our Neighborhoods Great
- Strengthen Our Core

The four major outcomes are both independent outcomes and interdependent outcomes because they depend on each other, but they feel economic development must be in the lead. A strong economy improves local incomes, enhances neighborhoods, and provides discretionary income for purchases at the city’s core. Establishing a growing economy, growing existing companies, supporting entrepreneurship, and recruiting new companies will drive all the above.

The most important element is Executing the X-Plan Vision:
- Funding is the variable that most influences the City’s chance of success. This comment/notion is repeated throughout the Action Plan: “These ideas are dependent on funding in order to be achieved, and without the goals and vision, we may have to cut back if we do not have the funding.” Not only does the City need to fund at a current level, but they also need to drive that incrementally up.
- Increases will come from expanding/diversifying the City’s tax revenue base.
- Economic development naturally becomes the number one priority.
- Economic development is the driver of the increases that will help fund the entire program and bring everything to fruition faster.
- Executing economic development has to be the first order of business going forward.
Mr. Burkhardt continued with the presentation. He said Xenia, like most cities, relies on two primary sources of revenue – income tax and property tax. There are also dedicated funds, such as CDBG that is earmarked for specific purposes, but generally speaking, those are the two primary sources. When looking at the City’s overall economic base, clearly the value of neighborhoods and the revenue stream derived from better quality housing and improved quality of sale prices are critical. However, stepping beyond the neighborhood, one must conclude that in order to make repairs on a house, one must have a job, and the job must pay a wage that is comparable in order to make the economy work.

Mr. Burkhardt said there are three types of economic development that work, which are tools with the potential to expand and diversify the community’s revenue sources and maximize real estate usage and drive improved property values:

- Retention / Expansion
- Economic Gardening
- Recruitment/Attraction

Mr. Burkhardt said the perception of the local business community of itself and the community in which it is located is absolutely critical for keeping a company around. The relationship between local government and the business community is absolutely critical. He spent from 1962 to 2005 in California, and there were communities there where business was a four-letter word. “We don’t want it; we don’t like it; and we don’t want any more of it!” Business has a tendency to grow where it is wanted and stay where it is appreciated. The relationship between retention programs and city services available to business are absolutely critical items.

Mr. Burkhardt said a few weeks ago, the President of Central State spoke at a Council meeting. Developing and expanding that relationship is absolutely critical, not only for retaining existing businesses, but for entrepreneurship development and new business development as well. If you are not going to school to learn new trade techniques, or going back for advanced technology training, your job is at an end. If you cannot run computers or cannot communicate, the jobs that began several years ago will go somewhere else if they have not already left. Workforce training and continuing education are items that have to be looked at, not just because they are education, but through a partnership with local governments. You cannot delegate a relationship to somebody else. You have to have that relationship and it has to work.

When looking at entrepreneurial development, identifying and supporting existing businesses is absolutely critical. The Kaufmann Foundation, located in Kansas City, Missouri, is the largest entrepreneurial foundation in the country and is the font of practically all serious entrepreneurial research in terms of reports and reliability. The Kaufmann Foundation says that young firms (1-5 years old) create up to 80% of the new jobs. “Growing your own” is the most cost effective way to start new businesses and fill up space.

**Business Retention and Expansion:**

- **Why**
  - It is extremely cost effective
  - It maximizes current equipment, workforce and infrastructure
  - It grows direct, indirect and induced jobs and the tax base
  - Local government has far more control with this approach

- **How**
* Staff understands the local business mix, trends and opportunities
* Staff needs to be focused on rigorous business retention practices
* Consider outsourcing where you don’t possess the expertise
* Utilize “industry councils/roundtables, cluster-based marketing, etc.
* Identify and budget for community infrastructure improvements

Mr. Burkhardt said he did not know anybody that does not love a golden shovel moment when Honda, Toyota, Mercedes, and Boeing breaks ground for 1500 jobs on 1500 acres and life is good! The fact of the matter is for every single company that announces an expansion or that they are going to move their headquarters, there are roughly 2,000 cities chasing them. Getting into a marketing competition is really taking your life in your own hands. You really have to know what you are doing and be ready to do it. You can do it with partners, and the City of Xenia has good partners with the Dayton Development Coalition and the State of Ohio, but bear in mind that when they send out those leads, they do not send them out to one city – they send them out to everybody in the state.

In regard to business retention and expansion, he asked Council to think about how a company like National Cash Register (NCR) has expanded. He asked if anyone had gone down to UD and gone through what used to be NCR’s headquarters. Companies grow, and finding them, getting them, and keeping them are extremely cost effective. For a community to be healthy, it absolutely must have a strong healthy business base, but there are exceptions. In San Marino, California they do not allow liquor stores. They only allow stores that sell spirits, they only have a few retail stores, and it is entirely property tax based. The competition between communities to get business is fierce. Businesses are at risk for two reasons: (1) something may be happening in their industry that makes it really difficult for them to stay viable; (2) the company has been extremely successful, which gets them way up on the radar of other people looking to recruit them. Therefore, retention is absolutely critical, and a city must develop a solid working relationship with its businesses, which involves field visits. Not to sound punitive, but showing up on a field visit to ask how many employees they have is the wrong way to do it. That needs to be done before you show up. You need to know what is happening in the trade. For example, the hot thing in plastics is the fact that more plastic is being used in cars, so more and more plastics companies are looking for automotive contracts than they did in the past. Knowing that provides the base for the question, “Are you involved in the auto industry?” The bottom line is that you must have a deep knowledge of the companies you visit. It involves a significant amount of fieldwork, and you cannot do it from an office. It is similar to leaving five voice mails for someone. You have to be persistent if you are going to get in to see the CEO, and it is absolutely essential to get to the decision maker. They have a clock, and candidly, you are sucking up their time, so you had better be good when you get there, know what to ask, and make it relevant.

Mr. Burkhardt said he would like to introduce a concept called cluster-based marketing that he thinks would work well for the city. It says that if you have a group of companies that are doing similar things or making a similar product, such as a company that is doing great research and development in plastics, pooling marketing dollars to increase the number of shifts by capturing new contracts really has a positive effect. As long as the machines are well maintained, they do not care. The incremental cost for running 24/7 is incidental compared to having to recruit a new company and build from scratch. He would introduce cluster-based marketing in the area of retention and expansion as a concept the city might want to consider.
Entrepreneurial Development:

- Why
  * Entrepreneurial activity is a leading indicator of health
  * National studies on pro-active local entrepreneurial policies
- How
  * Establish one-stop shops, streamline permitting/zoning processes
  * Providing avenues for local small businesses to engage and be heard
  * The appropriate resources, management and industry expertise
  * Engage strategic partners and have political support
  * Respond to unique needs of the small businesses in the community

Mr. Burkhardt said the Wright Brothers, Charles F. Kettering, John D. Patterson, Emal Fraze (the inventor of the pop top can) are names of people who started small in little shops or in their garages. Xenia could do very well to identify, attract, and support entrepreneurs because they have a tendency to grow. He reiterated two-thirds of young firms (1-5 yrs) generate 80% of new jobs.

Key benchmarks for evaluating an “economic gardening” program include the city’s database showing:
  * Number of new business startups should be added to a database (per business license or occupancy permit)
  * Number of entrepreneurs assisted
  * Business failure ratio
  * Number of jobs created
  * Cost per job

Mr. Burkhardt asked Mr. Percival if the city issues business licenses. Mr. Percival said no¹. Mr. Burkhardt asked about occupancy permits. Mr. Percival said yes². Mr. Burkhardt said those should be checked for accuracy. When he worked for the City of Fresno, they had a business license that cost $10, but he found that once they issued an occupancy permit, they never took it off the records, so they just had a database that kept growing and growing, and after five years, your business name was removed. Having a quality database is critical. Collecting information such as SIC and NAICS Codes when the business opens is absolutely essential. It is the detail that tells you who is doing what and when they are doing it.

Economic gardening, or growing your own, involves carefully selecting entrepreneurs. It is not just “mom and pop” businesses. There is absolutely no reason that Xenia could not recruit entrepreneurs the same way that cities recruit new businesses. GAiN has a system that does that.

Recruitment and Attraction.

- Why
  * The attraction of new businesses: tax base, jobs and diversification
  * Business attraction is the most publicized and visible tool
- How
  * The site selection process is a dynamic balancing act
  * You do not want to split your pool of skilled workers – Target complementary industries

¹ Vendor’s licenses are issued by the Greene County Auditor’s Office or the Ohio Business Gateway.
² Occupancy permits are issued by the Greene County Department of Building Regulations.
* Financial incentives need to be used prudently
* Use cluster analysis to focus your marketing and recruitment
* Coordinate industry workforce demands with available education

Retention and attraction is singularly the most expensive form of economic development. Recruiting a company that competes in the workforce or with local companies for work splits the product. If the workforce is in demand, it becomes a real hazard. Business attraction programs use marketing and business intelligence, like CIA intelligence. In that regard, GAiN utilizes a proprietary software tool called “Drill Down” to sift thousands of pieces of industry information through government actions, trade journal articles and social media to identify companies that demonstrate quantifiable indicators for being a candidate to relocate or expand their operations. It tracks statutory and regulatory changes. If a catalyst is found to be carcinogenetic by an agency and can no longer be used, which companies in your city would be impacted by it? It tracks publically filed documents. An example of this process was when they knew that the Robbins & Myers’s headquarters was leaving Dayton and moving to Texas roughly six months before the announcement, and not because somebody leaked it, but because the company filed an FCC document purchasing a bigger company in Texas that just happened to have a new headquarters. This was discovered through the regulatory documents and trade journals. Another component that tells everybody’s secrets is the Internet and social media. He does not know a salesman that does not report nailing a big contract on the Internet. Looking for new contracts under Bing, Google, etc., makes it very easy to filter through. Drill Down sifts through thousands of pieces of data daily from trade journal articles, social media, and regulatory agencies. Some reports come out monthly and others quarterly, but basically, it tells them which companies are at risk (not only of failing), but which companies are at risk of moving.

Councilman Louderback asked how large a company has to be to file with the FCC. Mr. Burkhardt said it has to be a publically traded company.

**The Problem with Recruitment/Attraction**

- Communities often think too big at the outset
  * Sizing the businesses you target is pivotal
- The Site Selection process
  * It’s a dynamic balancing act
- Your sweet spot for recruitment
  * Businesses with under 50 employees
  * To be effective, you need to know your targeting based on demographics, workforce or, more importantly, the company’s criteria for a location.

They are looking at the problems with recruitment and attraction in terms of economics. In one of their conversations, Mr. Brodsky made the comment that the best companies to target are companies that have between 25 and 50 employees. Mr. Brodsky said that was correct. Mr. Burkhardt said that is absolutely critical because when you look at who is making the decisions, it is much easier for Mr. Brodsky to talk to a company with 25 employees, because they cannot afford a CFO, COO, or site selector. The corporate CFO and COO make most of the
decisions for large companies, and occasionally they will use an outside real estate company. He noted when he worked for the State of Wisconsin, Harley-Davidson announced that they were going to move, and at the time, Bellefontaine had a Honda factory that generated Gold Wings, so there was a trained population there. The problem was Harley-Davidson was never going to move – they were playing the system. Nonetheless, when those kinds of things come up, you have to chase them, and they used a site selector to handle all the commerce. It was like “Here, talk to the hand because that is as far as you are going to go.”

Effective marketing relies on clear, well-defined parameters in terms of who you are looking for. He was working with a city in Texas and he gave a zero in a city evaluation because they did not have a deep-water port, and they were really offended. The Gulf of Mexico was 250 miles away, so they could not have had a deep-water port if they had wanted one. In other words, you have to know the assets you have and maximize those usages. Xenia is located within an eight-hour drive of two-thirds of the country’s population and businesses. Xenia is an eight-hour drive to Chicago; four hours to Cleveland; an hour to Columbus or Cincinnati; 90 minutes to Louisville; and six or seven hours to St. Louis. Xenia has access to a deep-water port in Cincinnati, and with the expansion of the Panama Canal, there are companies that are looking for places to locate that have close proximity. Ninety minutes is not a long drive. Those are opportunities you have to look at, know what you have, and know what you can go get.

The Importance of Readiness:
- Successful readiness is the ability to respond in hours, not days.
- It is both a pro-active and reactive tool.

It requires:
- Information and data maintained in its most accurate form
  * To generate and deliver a high quality, customized proposal overnight
  * Maintaining and distributing the current data to strategic partners
- A constant state of program updating and forward planning
  * Responding with quality, speed and expertise
- Remember, even your strategic partners are your competitors.

Mr. Burkhardt said in a former life, he flew F-4 airplanes. Readiness is not calling a meeting to decide you are going to take off. Readiness is hearing a loud announcement that says, “Scramble, this is not a drill!” and you have three minutes to get in the air. The plane has to be ready to go now. The City’s Economic Development Department has to be equipped to handle that kind of a drill right now. Xenia has good partners with the Dayton Development Coalition, Greene County, and the State of Ohio, but you cannot defer your life to a partner. Eventually, you have to look at it yourself. The responsibility for a state of “readiness” begins and ends at “home.” Regional and State assets may, and if available, come into play, but it is the local economic development organization that is ultimately responsible for knowing and having the right data available, being able to assemble the package professionally, and delivering it as soon as possible. If Xenia is a community that does not have staff with an analytically, economic-based background, you are behind the eight ball. Staff really has to understand analytics. When Mr. Fullington and he formed their company, they called it GAiN because GA stands for Geneva Analytics (which used to be his company), and analytics is what he does.

What is “Responsible” Readiness?
- Thoroughness in information gathering and analysis
Have you considered everything that can make a difference?

- Thoroughness in program planning
- Are your strategic priorities clearly established and aligned?
- Unparalleled implementation
  - Is your marketing focused on achieving your priorities?
- Measurable program metrics
  - Are the analytics in place to measure/improve your program?

Plans change, but you have to have a plan, and have a concept about where you are going. If you don’t know where you are going, you cannot get there. The city is doing some things as it is transitioning between where you were and the X-Plan. The City’s website and some of the marketing materials are the things that will act as a bridge. That sums up the three most important components of the X-Plan:

- **Business Retention and Expansion** – keep them, stop the bleeding, and help them grow.
- **Grow Your Own** – identify a type of entrepreneur that really makes sense to you and go get them. If they are not local, would you say steal them or recruit them? Mr. Brodsky said they do not steal companies; they recruit them. Mr. Burkhardt said they would show the company the errors of their ways and help them make the right decision.
- **Attraction.** You cannot turn down the opportunity. He has chased big companies, such as Boeing, Air Bus, Toyota, and the Chicago 2016 Summer Olympics. You have to be prepared to go after the big companies, but it is the day-to-day companies with 25 to 50 employees that score.

Mr. Fullington continued the presentation.

**Best Practices in Marketing Implementation**

- Some basic concepts about marketing:
  - Marketing drives economic development implementation
  - Every purchase decision is based on some level of emotion
  - Conversely, emotion is not good for your decision making
  - Solid, rigorous “process” informs decision makers more thoroughly, while also reducing the influence of emotion on their decisions.

**Execution:** Execution is the key to economic development success and marketing is the engine that fuels economic development and gets it up and running. Marketing is what brings strategies, priorities, planning, and tactical execution to the table – *it is the rubber meeting the road.*

**Emotions:** Emotional engagement is really important. When you are marketing, your main goal is to emotionally engage your customers over time. You want them to become favorites of your brand. You want them to prefer you over some competitive brand. We all make emotional decisions, whether it is getting a great deal on a used car or a brand new Mercedes or it is something you unexpectedly found at a garage sale. Most of our decisions are emotionally based because emotional decisions feel good and that is why people continue to make them.

**Methodology:** On the other side of emotion are the things Council and the Appointed Officials are doing in leading this community. You do not want emotion to affect your decisions – you want the opposite. You want to manipulate the situation so the customer is reacting to emotion, but as you make the decision to spend money on programs, you want to use process because process wrings the emotion out of decision-making. Methodology is what makes this work.
Data: The more data you have, the wiser the decision you will likely make.

What is the Best Process for Marketing Xenia?
- Marketing has four distinct, interrelated phases:
  * Prepare, Develop, Implement & Measure.
  * All phases are equally important over time if you do them all, but Phase One is the most critical (it is where you get your ducks in a row).
  * It’s your research, your targeting, and your alignment phase.
  * If Phase One is off, everything that follows is also going to be off.

What you are seeing is GAiN’s proprietary blend of classic marketing methodology. They work in phases that are logical and interrelated, but they always emphasize simplicity. They cannot emphasize enough the importance of nailing Phase One, which is where you perform the required due diligence to know and understand your challenges. When doing strategic planning, either you do it correctly or you compromise your investment in your program.

Going from left to right, each phase is methodical in the order in which items are accomplished. Then, once Phase One is completed, it feeds into the next one, and so on. The complete process is very balanced, very orderly, and very logical. You measure where you are and then you go right back to the beginning, you make your adjustments, and move forward with your marketing. They are very collaborative in their orientation. All their clients are “in the water with them” as soon as possible, and they stay there. If not, then they are not your decisions, and they have to be your decisions. They embrace their customers and get everything correct with their client.

Looking at the Process in Detail
- Phase 1: Strategic Fundamentals
  * Audience Segmentation (Targeting)
  * Market Research (To Date)
  * Data Analysis (Actionable Information)
  * Xenia Marketing Platform (Strategic Planning)
  * Metrics for Success (Measurement)
  * Phase Review (Additional Rigor)

Audience segmentation: The City of Xenia has two audiences: an internal audience, which is your community, and the external audience, which are the prospects that you want to entice into making Xenia their place of business, home, etc. He noted a lot has been done in this area in terms of research already.
Market Research: The market research to date is very good, which tells you about their psyche, habits, etc., and it allows you to make determinations about how to best market to them.

Data Analysis: This is the scientific backup for the market research. It is where the market research comes down and becomes defensible due to the way it is cross-tabulated and analyzed. The best researchers come to you with recommendations. They tell you what your audience said and what it means, but they also recommend to you what they think you should do about it.

Xenia’s Marketing Platform: The marketing/brand platform is the character of every business. They are like the four piers that hold up a foundation.

- **Brand Strategy:** It is critical and is one of the next steps to take.
- **Brand Identity:** It is the visual embodiment of your business strategy.
- **Brand Management:** The things you do to achieve that strategy.
- **Customer Experience:** If it is bad, it is shattering. If it is good, it is a home run. The people in this community need to be told they are great and need to be brought to the table and thanked for being Xenia people. He did not know if that is done, but they heard things and talked to all members of Council and City Leaders, but he did not know if there was a confused persona, an inferiority complex, or what it is. People have said they have not gotten over the 1974 tornado, and they need to figure that out, straighten it out, and make people proud of being from Xenia. The marketing platform will allow the city to do that.
- **Metrics for Success:** If you do not have an agreed upon goal, everything starts to shift and slide. What constitutes success for this program? It could be leads, deals, jobs, revenue growth, leases, property values, or whatever you decide as a group.
- **Phase Review:** He and Mr. Burkhardt will make sure they have left no stone unturned. They go through the process again and run it by as many people as possible.

Mr. Fullington said hopefully they have given everyone a sense of how this should work. If GAiN ends up working for the City of Xenia, they will look at the presentation again and explain how everything works in more detail.

Xenia Today: The next idea for Council and Staff is to compare where Xenia stands now compared to the master process, which is based on best practices. Some things have happened, but there is work left to do. Mr. Brodsky had a website that was not functioning in terms of an economic development sense, and his materials that are PDF based that other people can get if they are interested in the community, were also very out of date. He noted Mr. Brodsky is working with a great company and old friend of his, the Hafenbrack Marketing Company, to update the website. If GAiN ends up working for the City, the chances are they will come up with a cosmetic look in Phase Two that is different than what the website or the collateral material will look like, and they may have to change that, but they are talking about hundreds, not tens of thousands of dollars; it is a minor template change, basically.

Mr. Fullington said they need to embrace the idea that gaps need to be addressed. In Phase One, there could be more research and analysis. There is some cutting edge research that is a very scientific process. The information that the city has been getting is very normal. If you think about the things you have learned from all the surveys Wright State did about the citizens’ views, it is in the rearview mirror. It is “How did you like this service, and what do you think about the way we did this or that,” it is in retrospect and very indirect. With indirect questions, you do not
feel the burden to please the person who is asking the question. Further, surveyors ask a question three different ways that leads them to the same conclusion.

**In Summary:**
- The relationship of Economic Development to the X-Plan
- Specific priorities to focus your Economic Development program
- The role of Readiness in driving your Outcomes
- How Emotion can be used to your advantage in Decision Making
- The application Best Practices in Marketing
- Strategic fundamentals: Prepare, Develop, Implement and Measure
- We reflected your efforts in the context of our proven process
- A sense of how we work and what we can bring to your challenges

(Councilman Long arrived at 6:10 p.m.)

If a proposal is presented, GAiN would address the following **Challenges/Opportunities:**
- Business Retention and Expansion
- Economic Gardening
- Targeted Recruitment and Attraction
- All Related Strategic / Tactical Marketing

Mr. Fullington then entertained questions.

President Engle thanked Mr. Fullington and Mr. Burkhardt for their presentation.

Mr. Brodsky said since Xenia is a smaller community, the city cannot be everything to everyone, and they rely a lot on marketers. Xenia Area Chamber of Commerce President Alan Liming is here tonight and they work very closely with him. Primary education and higher education are things they cannot control so they have to work with their partners. He would like suggestions on how to work with their partners more effectively, and what they need to do to ensure they are reaching out to the same goal of making Xenia a better place. Obviously, they have different audiences and different priorities, but at the end of the day, they all want the same thing, which is a better community.

Mr. Burkhardt said the way the X-Plan was aggregated was really sound because it talked to your internal audience. There is a role for everybody. The city’s role traditionally is not to run it but to facilitate it. He shopped Xenia and he was not directed to Mr. Brodsky’s office or Mr. Liming’s office; he was referred to Wright State University. He stated that he owned his own
Mr. Burkhardt asked Mr. Liming how many members make up the XACC. Mr. Liming said they have 450 members. Mr. Burkhardt said in the Xenia zip code there are over 2,300 businesses and he is certain the XACC would love to have 50% of them as members. What it takes to get to 50% membership are the relationships they are discussing. The classes that Central State offers, the role of the Chamber of Commerce and why it is there, and how the city ‘moves rocks out of the middle of the road to success.’ In the X-Plan and budget, there is talk about streamlining and a “One Stop Shop.” One Stop Shop and implementation are critical. He worked for a city that used to take 18 months for a subdivision to be processed, which means 18 months of the developer paying interest on dirt that they cannot build on. They started empowering people at the front desk to make decisions on things like moving a trash enclosure from one place to another, circling and initializing it so it could be done. It shortened up the hearing process and they finally got it down to about seven months, depending on the size of the subdivision. It is a will to coordinate and make things happen.

Mr. Fullington said there is no question that also involves a cultural change. Mr. Burkhardt said absolutely! Mr. Fullington reiterated they have to figure out the issues that are holding Xenia back and then retrain/fix it. Mr. Burkhardt said that is not a Xenia based-problem. He worked for the City of Fresno and the issues and challenges that Council faces here are essentially the same challenges that Councils face everywhere. The question becomes what are you going to do about it?

Council members paid good money to run for office to get to be here. Council has this glorious opportunity to fundamentally change and make things work. Half of him says “Gosh I’d love to be there to help the city make the decisions;” but he found out he is far more valuable moving obstacles out of the way and helping get structures that work. To answer Mr. Brodsky’s question, the city needs to work on getting stuff out of the way and making sure that when somebody calls, they are directed to Mr. Brodsky or Mr. Liming. Somebody has to know how to operate a business in this town and the portal has to work, which is the bottom line. He noted he has also run Chambers of Commerce and you cannot look at it any other way.

In response to Mr. Brodsky question, Mr. Fullington said Mr. Brodsky has to go out and approach the city’s partners, reach out to them, sit down with them, and sell them his ideas. Tell them they can be valuable to you, and then let it happen. They will try to work with and be loyal to those strategic partners. However, the first step is to get your story together and then put on a session. He did not know if Mr. Brodsky had done that five times and nobody came, but there are
ways to make it work. Talking to people in the community and trying to see if they can build a
win/win relationship is critical, but talking is the first step. Mr. Burkhardt said the next step is
listening. Mr. Fullington said absolutely! Mr. Burkhardt said he often reminds himself to do
more listening than talking.

Councilman Louderback said he had met with Mr. Burkhardt and Mr. Fullington several times
and he was thoroughly impressed. Number one, they are a local company. Number two, they
have done their homework inside and out. They asked him questions, and although he has been
on Council five years, he did not know the answers. They know the city’s budget, etc., and the
first time he met with Mr. Burkhardt he asked what the City of Xenia’s budget was for economic
development, and he did not know that answer, but Mr. Burkhardt let him know it was $200,000,
which basically pays the salaries for that department. That is just mind-boggling and they have to
make some changes because that is not enough money. Mr. Burkhardt said there may be some
money buried that he did not make the association to, but $200,000-$250,000 is the number.

Councilman Louderback said like he told Mr. Brodsky and Mr. Forschner, it was not a reflection
on staff, but staff only has so many hours in a day, and they just don’t have the time to do
economic development, which is why he thinks they need outside help. Councilman Caupp
introduced him to the gentlemen from GAiN, and he has been thoroughly impressed with their
knowledge of marketing and economic development expertise.

Councilman Louderback asked Mr. Burkhardt what he would call Buxton if he had to describe
the company. Mr. Burkhardt said he would say “database.” Councilman Louderback noted the
city hired Buxton a few years ago. Mr. Burkhardt said Buxton is good. Councilman Louderback
said Buxton was not good to the city. As far as he was concerned, they got zero out of Buxton,
but if somebody knows something he does not, speak up now. Mr. Burkhardt said Buxton is a
data aggregator that sells services to communities to assist them in business recruitment,
primarily retail. They do not represent *Mom and Pop* companies, which is not wrong, but the
types of companies that Buxton represents will not populate Main Street. Councilman
Louderback thought Mr. Burkhardt hit the nail on the head when he said Buxton represents
retail. Mr. Burkhardt said Buxton’s primary forte is retail. The big two are Buxton and Retail
Coach. If he were recruiting retail, he would recruit through Buxton.

Mr. Percival said the city used Buxton’s analytics to get Rural King and Chipotle. Councilman
Louderback said his impression was that Buxton would actually bring companies to Xenia.
Mr. Percival said Buxton identifies companies. Mr. Brodsky said based on Buxton’s data
analytics, they indicated what companies the city should be going after that would be good for
the city’s typical consumer and would fit well in our community. Councilman Louderback said
they don’t have the time to go after those companies, which is his whole point. Again, it is no
reflection on anybody in the city, but they just need outside help.

Councilman Louderback said he hates when the city misses homeruns such as when the City of
Clayton got the new Caterpillar Logistics Services, Brookville got the Payless Shoe Warehouse,
and Washington Court House got the new WalMart Distribution Center. It seems like everybody
is getting the big homeruns. Xenia is probably not going to get the homeruns, but GAiN
concentrates on retention and expansion, which is what the City of Xenia needs.
Councilman Louderback asked Mr. Brodsky who Xenia's top three employers were (excluding the City of Xenia). Mr. Brodsky said probably Twist, Bob Evans, and Mr. Percival said Greene Memorial Hospital. Councilman Louderback said they need to be concentrating on the retention and expansion of Twist. Do they have three shifts going? He does not know. Mr. Brodsky said Twist runs two shifts. Councilman Louderback asked how the other industrial companies were doing. Mr. Brodsky said most of the companies are running at least two shifts and a few companies run three shifts, but that would be unusual.

Mr. Brodsky said Xenia might hit a homerun once in twenty years. As Mr. Burkhardt pointed out, there are so many people going after those big companies that just the sheer numbers tell you the outcome. Councilman Louderback said look at what happened to General Motors, DHL, and NCR. Sometimes the smaller manufacturers are the key. Mr. Burkhardt said businesses with 25 to 50 employers do not desert you quite as quickly, and if they do have to move, losing 25 employees is not like losing the Moraine Assembly Plant and everything around it.

Mr. Burkhardt said they tried to recruit Honda to assemble in southeastern Wisconsin. Honda wanted 1,500 acres and they needed to fill 2,000 jobs, so everybody was hungry. One township donated the land, but the bottom line was that Honda does not put an assembly plant more than an eight-hour drive time from their engine plant, period. If your town was eight and a half hours away, you are never on the list. Regarding Caterpillar, Xenia does not have much in terms of rail, which is absolutely critical for really heavy industry. Councilman Louderback agreed they have to concentrate on what Xenia does have. Mr. Burkhardt said the city needs to help companies figure out what they need.

Mr. Fullington said they need to go out and recruit people to come to Xenia. They have ideas about incentivizing people to come to Xenia with some breaks on their living expenses, and their workshops or offices.

Mr. Burkhardt said when he lived in Fresno they were short of nurses to staff their hospitals. They found they could recruit fully qualified RNs from the Philippines that all spoke English. They worked out an arrangement with a few large landlords who subsidize housing. If those nurses agreed to come to Fresno for two years, they would subsidize a $650 a month apartment to $300. If they were an entrepreneur, they would subsidize their space. The objective is “We Want You!” They did not go after every entrepreneur. They only went after entrepreneurs that served a very narrow band of SIC codes that they wanted, which worked. They had to work with landlords and the State of California to cut some interesting deals, but they also reduced the unemployment rate from 16% to 12% in that three and a half year period. Mr. Fullington said it was a bit outside the box, but it was not crazy. It made sense and there is no reason that kind of thinking cannot be employed in Xenia.

For a community the size of Xenia, Mayor Bayless asked Mr. Burkhardt for a prediction on the timeline before they would see progress and improvement. Mr. Burkhardt said it would not be a quick turnaround in 12 months. To be fairly operational and to get through the development curve, they are probably looking at 24 to 36 months on the short side. If continued, they will start to see consistent results after that because Xenia would become a known commodity. Mr. Fullington agreed—success breeds success. Mr. Burkhardt said a lot of the work that needs to be done by communities in terms of getting into the marketplace is not a full page color ad, but it is actually going to a trade show where people you have researched and want and
introducing yourself. After that, you call them up, do your due diligence, and make sure you are at the next trade show. There is a lot of work that is done consistently. It took them 18 months to recruit Evergreen International Airlines, a cargo aircraft company. Every time a 747 R400 plane lands at Fresno International Airport, it is $10,000 to land and $10,000 to take off, plus taxes on fuel. Because they had assessed the area, they knew the airline needed cold storage because they were flying stuff out of California and into Asia and flying commodities that were degradable from Asia into California. Fresno is in the middle of agriculture. If you have a storage building that is eight feet high, you have hundreds of thousands of cubic feet of cold storage available. The thing about cold storage is that once you turn it on, you cannot turn it off because the system does not allow that. So, you grow corn for three months and it sits empty for nine months. You have to know what you’ve got, look at it in terms of assets, cross polarize it, and align it so that what you have is attractive to who you want.

Mr. Fullington said he came from a world that if he told a client that what he wanted would take two or three years, he would say “Next.” He thought the entrepreneurial sessions they discussed would not move the needle much right away, and it might be three or four years before they see that needle point up completely, but those would be new businesses. The nurses that Mr. Burkhardt mentioned are just a model for any kind of business for recruiting entrepreneurs.

Mr. Burkhardt said Xenia’s tax base offers a building with an empty second or third story with 25,000 to 30,000 sq. ft.. Suddenly when that building becomes occupied or renovated, it is a reassessment and a revenue generator. The business next door might say, “If John is doing that, I ought to be able to do this” and it catches on. To clarify, that two- to three-year timeframe he mentioned depends on the program. Recruiting entrepreneurs could be off the ground in six to eight months, but to have it fully operational would take a longer period of time, but certain things can move very quickly. The city seriously needs an inventory of the available business properties, which does not mean the names and addresses of the owners. It means somebody going through the building thoroughly and checking out the electrical panel, the roof condition, how much asbestos is there and can it be encapsulated, what kind of HVAC does it have and what is its capacity, etc. He carried a general contractor’s license and was a building inspector for five years, so he can go through an industrial building and assess it pretty quickly.

Councilman Caupp said he met with the two gentlemen numerous times and today’s presentation was on a pretty high level. They went into much more detail about many subjects and they opened his eyes to many different things in the city. He thought they often go in three different directions on the same concept, and they need one cohesive direction to get to the end goal. The two gentleman pointed out to him that the Finance Subcommittee’s Proposed Concepts for Budget Priorities for 2014 listed many things that are the exact same things he has already had conversations about with Mr. Burkhardt and Mr. Fullington. At the end of the day, they have all said they want to make economic development a priority, and they did the Buxton thing. He will be the first one to say that Councilman Louderback and he probably pushed to hire Buxton more than anybody did, and win/lose/draw, maybe it was a loss, but you live and learn. It is time for Council to step up and say if economic development is truly a priority for them, and if so, what are they going to do about it and how are they going to fund it? He did not think it is something where they can sit on their hands and worry about next year. If they are going to do it, they need to do it immediately and not lose six more months this year. They need to start addressing these
issues now. If that means contracting with GAI N and starting to implement some of these things and put some of these Action Plans in the process, then that is what they need to do.

Councilman Caupp did not know how many Council members had met with Mr. Forschner on the Action Plan for the X-Plan, but there are many things there. He asked Mr. Merriman how they were going to implement things in the Action Plan, and he did not have an answer for all of them because at the end of the day, the City does not have the staff to implement half of those things. They need to find somebody to help implement the X-Plan that Council is going to vote on, and he does not want to vote on something that Council cannot implement. A lot of work was done on the X-Plan and they spent $50,000 to get a good product, and now they need to see it through. There have been so many studies and surveys done in this city and they do not need another one. They just need to start implementing things. He thought GAI N could set the city apart. Council has been beating their heads against the wall for the five years he has been on Council; however, on the contrary, quite a few things have also happened in the city in the last five years. He thought it was time for them to make that financial commitment to economic development. After deducting the salaries [and benefits] in the Development Department, the city is currently spending about $50,000; they are not going to get much for $50,000.

Councilman Caupp said TJAR Innovations is a client of his and he was there a few times last week and once this week. TJAR is currently doing injection molding for a part that goes in an airplane, and due to that, they have added seven or eight employees and will be moving to a new building off US 42. Luckily, the building will be in the city limits, but he did not know if anybody worked with TJAR to make sure the company stayed in the city limits. Mr. Brodsky said they did. Councilman Caupp said those are the kinds of things that are important as far as expansion and finding out who the company is making those parts for. They have had conversations about attracting companies like TJAR, BARCO, or whoever does a lot of business with those companies, which are who they need to target to try to bring them to here. There are a lot of good things happening, but he felt it was up to Council to step up to the plate, make a commitment, and move in a direction that is going to help the city financially long-term because they all realize there is no easy, short-term fix. There are just a lot of gaps in what they are doing.

Councilman Caupp said when he met with Mr. Merriman and Mr. Forschner he asked them to explain BusinessFirst! on page 3.10 of the X-Plan it says, “The BusinessFirst! Program gives economic development professionals the opportunity to meet with local businesses and learn about their needs and plans. The BusinessFirst! Program links businesses with needed resources to help them stay and grow in Xenia.” He asked Mr. Merriman what BusinessFirst! has been doing for the City of Xenia, but Mr. Merriman could not answer his question. He asked Mr. Merriman and Mr. Forschner if they had been on the website for BusinessFirst! and they said no. Mr. Brodsky said BusinessFirst! does not have a website. Councilman Caupp said they do have a website. Mr. Brodsky said BusinessFirst! has a page on Montgomery County’s website. Councilman Caupp said BusinessFirst! is in the X-Plan with featured bullet points. After doing some research, he discovered that BusinessFirst! goes after huge companies.

Mr. Brodsky said that was incorrect. Business First! does not go after any companies. Business First! is a multi-jurisdictional program and the City of Xenia has belonged to it for several years, and Fairborn just rejoined it. Business First! is strictly retention and expansion, but they do not do recruitment. It is a tool a community uses the way the communities want. The City of Xenia is part of Business First! and he thought it was a very valuable program. There are more than 100
resource partners that are part of that program. It is impossible for him as one person to know who the right contact person would be if a company has an issue with a certain company. He might know some, but not for 100 different agencies. Through the city’s membership, he can get that information from BusinessFirst!, which is information that is not available to the public. He can instantly find out what agency he needs to go to and who the right person is that he needs to contact. By their participation, that agency has committed that they will get back with that business within 24 hours, which is really valuable when you are trying to help businesses and he has used Business First! for that reason.

President Engle said he did not want to stifle conversation, but he would like to give other Council members a chance to ask questions before the meeting ends in 12 minutes. Councilman Caupp said if they have something they need to discuss, then they need to talk about it, and he did not think their meetings necessarily had to end at a certain time. President Engle said some of them have commitments and Councilwoman Mills has a [BRACA] meeting that follows this meeting.

Councilwoman Mills thanked Mr. Burkhardt and Mr. Fullington for coming and speaking with Council. She really appreciated the information, the presentation was well done, and it was very interesting. She has two or three questions she would like to ask that GAiN might be able to group together. The two gentlemen mentioned “prepare, development, implement, and measure” and that is the strategic plan that Xenia has already taken with the X-Plan. They are starting that first phase of where they want to go from here.

1. How is GAiN going to enhance the City of Xenia’s Development Department? She understands many of things that Mr. Burkhardt and Mr. Fullington said, and maybe they don’t have the manpower to implement it, but in the last six to eight months, they have been moving in that direction.

2. Who/what would be the target areas on where they want to go with economic development?

3. How long would GAiN be with the city if it takes two or three years to see the turnaround they mentioned.

Mr. Burkhardt said he would handle the enhancement side. GAiN works through the city and its structure. If the city contracted with GAiN to do the structural inspections of the properties, they would work directly with the Development Department and report to Council on a regular basis. Everything they do has a built in measuring metric. If they say they are going to be seeing “X” number of people, they will do that, and Council will not only see it verbally, but also see it on a chart with at least one sheet of paper that goes with it that indicates what was done, what they found, and what they recommend. They are outcome oriented versus output.

Mr. Fullington thought Mr. Brodsky’s department is too understaffed to implement the X-Plan. With some muscle, experience, and expertise, they can supplement and enhance things. For example, Mr. Burkhardt has a lot of experience doing marketing plans. They will build upon what Xenia has by partnering with the Development Department and the City Manager’s Office, and they all grow from there. They would put a “walk before you run” proposal before Council that can build their confidence. They will get some wins, such as the entire database for downtown. They may find two law firms that are looking for 4,000 sq. ft. downtown. It is about process—they have to prioritize economic development upfront and then what is most important
about that. If there are ten things, what is the most important? There is number one, and after that, what is most important? Mr. Burkhardt said the bottom line is to get it done.

Mr. Fullington asked Councilwoman Mills if they answered her questions. Councilwoman Mills said yes, but how long would the city contract with GAiN? Mr. Fullington thought Mr. Percival and Mr. Brodsky would agree that over time when this becomes successful, it might be self-run and GAiN might be in an oversight position of looking over things, but the city is doing it by itself. He would argue that might happen years down the road. Mr. Burkhardt said some short-term goals could be identified very quickly that could prove their concepts work. The quick answer to Councilwoman Mills’ question is that the time is decided project by project because some projects have a longer lifespan than others.

Councilman Long apologized for being late, but he had an emergency with his company’s operations in China. He would like to talk with Mr. Brodsky, Mr. Fullington, and Mr. Burkhardt later about what they plan to do. A lot of Xenia’s success is homegrown. If they set retail and services aside, because he believes those to be byproducts of an economy but they do not grow an economy, Xenia’s success is homegrown. TJAR and Twist are local companies that are homegrown. He has done business on three continents and in three industrial industries and whatever plan that comes before him, he will want to see a lot of emphasis placed on how they build upon their success, not only homegrown, but to attract those larger companies. Mr. Fullington said they need to talk to Xenia businesses to find out what makes them want to stay, they do the research, and they find likeminded people to visit. Councilman Long said he was anxious to see how the gentlemen from GAiN can grow that strength to being homegrown. He knew things come down to three basic things: location, what utilities and infrastructure are already present or can be built quickly, and what incentives are offered.

Mr. Fullington said he and Mr. Burkhardt would make themselves available to Councilman Long to sit down with him to discuss that. Even though Councilman Long was not present during their presentation, he made several comments about entrepreneurship. They are very large believers in economic gardening, because it works.

Councilman Long agreed with Councilman Caupp’s assessment in that the talent [staff’s abilities] is not in-house. They need to look out-of-house.

President Engle said Council greatly appreciated what GAiN is bringing to the city. He asked if GAiN had a written proposal to leave with the City Manager. Mr. Fullington said no, but they have a copy of their presentation for each of them. Mr. Burkhardt said he would draft what he will call some priorities. President Engle said they would love to see a proposal from GAiN on what they think are tactically a couple of things they need to focus on right now. Mr. Burkhardt said he and Mr. Fullington will sit down with every member of Council.

The Special Session was adjourned at 7:05 p.m.
The Xenia City Council met in a Special Session on May 9, 2013, at 5:12 p.m., in the City Council Chambers, City Hall, with the following members present: Wesley Smith, John Caupp, Dale Louderback, Joshua Long, Jeanne Mills, Marsha J. Bayless, and Michael D. Engle.

**MARCS Subscriber Radio and Radio Console Project.** Mr. Percival said Mr. Merriman and Police Chief Person have been working on this, and the different partners may be ready to move forward, so they wanted to provide an update on the status of this project.

Updates on Radio Transition, Consolidation Discussions, and Service Alternatives. Mr. Merriman said Chief Person and he would tag-team the presentation. He also gave credit to Fire Chief Riggsby, who has also been involved. They would like to cover three things as part of tonight’s presentation: provide an update on the radio transition with the MARCS; some consolidations that have been occurring; and some specific recommendations to Council in terms of service alternatives as they apply more immediately to Xenia/Greene Dispatch.

Recent Developments Impacting Dispatch Operations:
- **2012 Public Safety Study Recommended (which have been done or are in progress):**
  - Maintain Staffing
  - Add “Communications Technical Director”
  - Revisit Countywide Dispatch
  - Explore Relocation of Communications
- **Greene County Initiated Transition to MARCS Service**
  - Requires Radio and Console Replacement for all the Dispatch Centers and Public Safety Departments in the County
  - LGIF Loan approved to cover part of the cost

Status of MARCS Radio Transition:
- **Radio/Console RFP Posted and 2 Bids Received (from Motorola and Harris)**
  - Staff is currently assessing options with our partners for an “apples to apples” comparison
  - Radio Award of Bid to Council on May 23
  - Console Award of Bid to Council on June 13
- **County Infrastructure Build-out Underway as part of that transition**
  - Xenia/Greene Central changeover to start later this summer after the consoles have been purchased and are in-house
- **MARCS Service Changeover Set for 12/31**
  - Current EDACS will be disabled at same time. They are generally on schedule with that now. If they encounter any problems, it would be up to the County, but maintaining the EDACS would certainly be an option. A lot of what they are representing is built around the concept that by the end of the year, they need to be in a position to transition to the MARCS so they can have adequate time for installation, testing, etc.

Current 911/Dispatch Operations in Greene County
- **Five Local Public Safety Answer Points (PSAP’s) in Greene County**
  - Five centers provide 911 call answering and dispatch services for law enforcement, fire/EMS (and in some cases, public services) and they are located in Fairborn, Beavercreek, Bellbrook, Sugarcreek Township, and the City of Xenia.
Yellow Springs is a secondary answering point for Police services only. Calls are initially called through the City and relayed on to Yellow Springs for their Police Force.

**State Will Ultimately Limit to 3 PSAP’s**
- 911 funding will only be available for up to 3 PSAP’s per county effective 2016. Of the five PSAP’s in existence now, some will have to be eliminated or they will not be funded.

Councilman Caupp asked who would make the determination on which communities get the PSAP’s. Mr. Merriman said ultimately the County would have the jurisdiction. Councilman Caupp asked if that meant the Greene County Commissioners. Chief Person said the way the legislation is set up, the three largest PSAP’s will get 911 funding. They can have more than three PSAP’s, but they are only going to fund the top three. So it is based on service areas and the per capita in that service area. Mr. Merriman said that is why the City is trying to negotiate through the process so they are not faced with the “pick and choose” type of scenario. Councilman Caupp said obviously Xenia is the largest one followed by Fairborn and Beavercreek. Chief Person said Beavercreek is larger than Fairborn.

Mr. Merriman said the light green area is the coverage area in terms of the geographic area, and services are provided for the jurisdictions noted below:

![Diagram of coverage area and services provided](image)

Mr. Merriman said as noted above, Xenia/Greene Central provides 911 Call Answering for Bath and Beavercreek Townships. Law enforcement calls fall under the Greene County Sheriff and are processed accordingly; Fire/EMS calls are forwarded to Fairborn or Beavercreek, respectively.

Chief Person continued with the presentation. He said when they became aware that the new law would reduce the number of PSAP’s to receive 911 funding, they started looking at how to reach that goal or those numbers.

**Activities Leading to Renewed Consolidation Discussions**
- **Xenia Pursuing Cost Savings Opportunity Thru Expansion**
  - In conjunction with our radio partnership, an idea was formed to approach Bellbrook and Sugarcreek, and later Yellow Springs, to explore consolidation.
- **State Will Ultimately Limit Funding to three PSAP’s Per County**
  - Funding allocation limited to 4 per county effective in 2015
  - Funding allocation limited to 3 per county effective in 2016

- **Amidst Radio Transition, Countywide Consolidation Has Become a Point of Emphasis Among Some County Leaders**
  - MARCS consolidation requires purchase of radio consoles, and a greater economy of scale could be achieved if the system is consolidated. If they maintain the current five PSAP’s, they would have to purchase radio consoles for each of those to meet their needs, so now is the time to look at consolidation. Bellbrook and Sugarcreek Township would have to had to buy three consoles at about $70,000 each, but through consolidation with someone else, combined they could save $210,000 in capital expenditures.

**Assessing Options for Countywide Consolidation**

- **Greene County Commissioner Tom Koogler Convened Municipal Leaders to Discuss Interest in Countywide Consolidation.**
  - They discussed Countywide consolidation in 2000, 2003, and 2007, and each time, they ended up at the same roadblock because Beavercreek and Fairborn could not reach a consensus on how they would consolidate. The other partners came up with a path that would work, but one of those two always opted out.

- **Two Subcommittees Tasked with Exploring Options**
  - Financial Subcommittee developed financial models;
  - Bylaws Subcommittee drafted operating bylaws
  - They have been meeting on a weekly basis for a few months. He has been tasked as the technical expert for 911 Centers and has been doing most of the financial analysis to determine how to do splits if they were to implement one of the options that looked at a Countywide consolidation.

- **Among the Consolidation Models Considered:**
  1. **Three Sites, Independently Operated.** (Xenia, Fairborn, Beavercreek, and assumes that Yellow Springs, Sugarcreek Township, and Bellbrook would come to one of those three sites.)
  2. **Two Sites, Independently Operated.** (Xenia and Fairborn/Beavercreek combined)
  3. **Two Sites, Sheriff Operated.** (Xenia and Fairborn/Beavercreek combined, but they would move under a single authority managing all of those sites. They would realize some additional cost savings if they do that because instead of two Directors and two Technical Directors they could share a single Director and a single Technical Director to run both facilities.)
  4. **One Site, Sheriff Operated.** He has a problem going with a single site for the entire County. As a County, it behooves them to maintain a level of redundancy. Those who argue for a single site would say they should maintain Xenia as a dormant backup site. His argument is that if you have a site that is based on computers, routers, etc., if you turn them off and not look at or operate them for a period of time, you cannot expect to walk in and turn them on and expect everything to work correctly during an emergency. Those sites need to be exercised on a daily basis. Again, they have had many discussions about this issue, but Chief Riggby agrees with him that they need a redundant site. An argument could be made that there could be redundant sites in another County, but he thinks they would be spreading themselves too thin by doing that. That would mean that the other site would have to increase their capacity by 50%, and you have to increase your capacity by 50% so you have the capability of covering each other. If there are two redundant sites in the County, you do not need that much redundancy to still be able to cover for each other.
Councilwoman Mills noted #3 is **Two Sites, Sheriff Operated**. She asked if that meant the City’s Dispatchers would become employees of the Greene County Sheriff’s Office. Chief Person said that was correct. Under #1 and #2, Xenia has the management contract, but under #3 and #4, the Sheriff’s Office would have the management contract.

Chief Person took a moment to introduce Mindy North [who had just joined the meeting]. He said Ms. North is the City’s new Communications Director who started two weeks ago, and they are glad to have her aboard. Ms. North comes from Champaign County where she ran a multi-jurisdictional Dispatch Center. They are excited about her expertise and hope that she does a great job for the City.

**Service Consolidation Models:**

<table>
<thead>
<tr>
<th>Service Alternative</th>
<th>City</th>
<th>County</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Current Operation</td>
<td>$675,000</td>
<td>$588,836</td>
<td>County share is $675,000 minus $86,104 in revenue from small jurisdictions</td>
</tr>
<tr>
<td>2. Add Bellbrook, Sugarcreek, &amp; Yellow Springs</td>
<td>$547,000</td>
<td>$469,444</td>
<td>County share is $547,000 minus $77,156 in revenue from small jurisdictions with Yellow Springs receiving a $90,000 credit</td>
</tr>
<tr>
<td>3. Option2 plus share small Jurisdiction Revenue</td>
<td>$500,922</td>
<td>$500,922</td>
<td>Would require new City/County Contract. Management could move to County as an option</td>
</tr>
<tr>
<td>4. Xenia Stand-alone Dispatch Center</td>
<td>$1,175,000</td>
<td>0.00</td>
<td>Xenia Police &amp; Fire only. 12 Dispatchers/1 Director</td>
</tr>
<tr>
<td>5. Countywide Option #1</td>
<td>$543,843</td>
<td>$587,880</td>
<td>Assume 31% share to Beavercreek, 26.5% share to Fairborn, 22% share to Greene County, &amp; 20.5% share to Xenia</td>
</tr>
<tr>
<td>Beavercreek - Fairborn</td>
<td>$852,104</td>
<td>$719,992</td>
<td>Beavercreek’s total includes $114,000 from Beavercreek Twp.</td>
</tr>
<tr>
<td>6. Countywide Option #2</td>
<td>$448,212</td>
<td>$648,212</td>
<td>Assumes 25% share each to Xenia, Beavercreek, Fairborn, and the County</td>
</tr>
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</table>

Chief Person said the City’s current contract with Greene County says they would split the cost of the Dispatch Center in half; however, the one caveat is the addition of Central State in which the City charges $35,000 a year for Dispatch Services, so that comes off the top. Once that $35,000 comes off the top, they split the remaining cost evenly. There were certain Townships and Villages that the County dispatched for when the City and County combined operations. The original agreement allowed the County to charge the small jurisdictions to offset their half of the costs, which was probably okay because at that time the City was using about 55% of the resources and the County was using about 45% of the resources. Within the last five years, that started to switch and the County is up to 54% and the City is down to 46%.

Chief Person said he met with Greene County Administrator Howard Poston yesterday, and he advised him that they had done very in-depth looks at all the different scenarios. They looked at what would happen if they adjusted based on the calls, based on per capita, or a combination of
Chief Person compared Service Alternative #1 to Service Alternative #2:

<table>
<thead>
<tr>
<th>Service Alternative #1:</th>
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<tbody>
<tr>
<td>Current Operations:</td>
</tr>
<tr>
<td>The City spent about $675,000 for its half of the dispatching and the County’s cost was $588,836 (County’s share is $675,000 minus $86,164 in revenue from small jurisdictions).</td>
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</tbody>
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<tr>
<th>Service Alternative #4:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Xenia Stand-alone Dispatch Center:</td>
</tr>
<tr>
<td>$1,175,000, so the City is saving about $500,000 a year with the current consolidation. They do not want to burn that bridge or give that up. It is good for the City and they want to continue that in one form or another.</td>
</tr>
</tbody>
</table>

**Service Alternative #2:** Add Bellbrook, Sugarcreek, and Yellow Springs. The City’s cost would be reduced to $547,000 and the County’s goes down to $469,444. Earlier this week, Bellbrook and Sugarcreek Township had a joint work session and there was consensus among the Trustees and Council members to authorize their City Manager and Township Administrator to contact the City of Xenia to start negotiating contracts for them to come into conjunction with the City. Yellow Springs has tabled theirs indefinitely. He thought they are concerned about what is going to happen long term and they are waiting to see what happens. He thought there was a good chance that Yellow Springs may come back to the City in late fall. If Xenia were able to add Bellbrook, Sugarcreek, and Yellow Springs, the City’s cost would drop to $547,000. If Yellow Springs does not join, the City’s cost jumps about $40,000 so it is about $580,000, but that is still a savings of about $100,000 over what the City is doing now.

Councilman Caupp asked what would prevent Yellow Springs from joining. Chief Person said it is just the culture of Yellow Springs. He thinks they just want to take care of their own and not use an outsider. Councilman Caupp said Yellow Springs would not be able to be a standalone center by 2016. Chief Person said Yellow Springs is not getting any 911 money now, and that would not change. They would however have some expenses, because they would have to put in some kind of radio capability, which may be the deciding factor to get them to come on board. Mr. Percival noted Xenia already dispatches Yellow Springs’s Fire and EMS calls. Chief Person said he attended one of Yellow Springs’ Council meetings and was grilled for about two and a half hours. Unlike here, for every item on their agenda, they allow the public to speak and ask each presenter any questions they may have. They [audience members] were surprised to learn that Xenia Central has been dispatching for their Fire and EMS for 20 years.

**Service Alternative #3:** Combines Option #2 [Countywide Service Alternative] plus share small Jurisdiction Revenue. If the County agrees to share those revenues, the City’s cost drops to $500,922.

**Service Alternatives #5 & #6:** Countywide Options #1 and #2. The goal with those financial shares was to make sure that everybody was realizing similar savings which vary from $95,000 to $150,000 a year for their services. The County collected $86,164 in 2012 for those services. Since they split that cost 50/50, it means the City and County are splitting the liabilities 50/50, so both of them are paying $75,000 for those Townships and Villages. The County is getting $86,164 in return to cover their costs, so for 20 years Xenia has been subsidizing the Townships and Villages. Nobody was aware of that, so it is nobody’s fault. During the discussion yesterday, Mr. Poston agreed that did not seem fair on the surface, so they are supposed to have additional meetings to determine if there is something they can do to remedy that.
to about $125,000. Fairborn would save $95,000; Xenia City would save $125,000; and the County asked to be revenue neutral, so their cost remained the same.

If they did a joint operation with the County, whether it was one or two facilities and it was based on an equitable share that reduces everybody’s costs, the City’s cost would be $543,843, and Greene County’s would be $587,880, which is very similar to their current operations [$588,836] since they want to be revenue neutral. The costs to Beavercreek and Fairborn drop to $852,104 and County’s would be $719,992, which equates to about $95,000 for Fairborn and about $115,000 for Beavercreek.

Service Alternative #6: Countywide Options #2 was if they shared the cost equally (25% share each to Xenia, Beavercreek, Fairborn, and the County). That did not work for the City because it did not show any substantial savings, so they came up with the other formulas. Obviously, they want to do Option #2 or more.

Xenia/Greene Central Expansion

- **Option 2+: Expansion to include Bellbrook, Sugarcreek Township**
  - Adds one additional console/dispatcher-per-shift, which means the City would go from 16 to 20 dispatchers that would be fully funded by the contract the City has with Bellbrook and Sugarcreek Township. Plus, they each save about $200,000 and Xenia/Greene saves about $200,000, but they split that with the County.
  - Requires some minor space modifications to expand physical area of Dispatch Center. The estimate they received was about $6,000 to remove the restrooms, break room, and open it up so dispatchers can get into the back part easier without having to go through an unsecured area. As part of that, they would like to replace the consoles that have been in there since 1989. When they remodeled seven years ago, they said the remodel would be for three to five years and they are seven years into that, so they would like to replace the furniture with ergonomic furniture that OSHA recommends.

Councilman Louderback asked how many square feet there are in the Dispatch area. Chief Person said the room is 20’ x 22’ or about 420 sq. ft. Councilman Louderback asked if the space was maxed out. Chief Person said definitely. They moved to five consoles and had three different dispatch furniture companies come in. Only one company was able to give them a design to accommodate five consoles. Councilman Louderback clarified there were 16 Dispatchers. Chief Person said they have 16 dispatchers, but only four dispatchers work per shift now, but if they go with Option #2, there would be five Dispatchers working per shift.

Mayor Bayless clarified Chief Person said he wanted to remove a restroom. Chief Person said there is a restroom in the corner of the room (which he never thought was that great of an idea anyway) so the Dispatchers will use the restrooms that are only 30 to 40 feet away. They will create a door in one of the Captain’s offices so the Dispatchers can pass through there and they will move the Captain over to the other side near the assembly room and temporarily put the Communications Director in the Captain’s office.

Chief Person continued with Xenia/Greene Central Expansion - Option 2+: Expansion to Include Bellbrook, Sugarcreek Township
  - ROI estimated for the expansions is about 15 to 18 months, and then they will be in a profit mode for consolidation.
  - Getting Yellow Springs to come on board will not require additional staff.
Consolidation: What’s Best for Xenia Right Now?

- **Staff Recommendation Is to Pursue a Phased Approach**
  - Initial consolidation through Xenia/Greene Central expansion.
  - Encourage Beavercreek-Fairborn to do their own consolidation because that is what gets them down to the best model.
  - Evaluate system-wide consolidation under Sheriff over a 2 to 5 year period.

**Take time to consider:**

- **One site vs. two sites.** He gave Council his argument as to why they should maintain two sites.
- **Best financial model to do this.** The model they are looking at is probably the best scenario and he probably has 300 hours in putting that together; at one time he was up to 42 spreadsheets looking at different options.
- **Appropriate transition timing.** If they can add Bellbrook and Sugar Creek Township this summer, they plan to do the remodel in August/September, and take on those employees September 1st if everything is in place. All the Dispatchers will be working out of the Police Division conference room while they finish the remodel. They hope that MARCS will be ready a few months ahead of time so that when they re-occupy the remodeled space, they will be on the new system.

Moving Forward…

- **Recommendations for Next Steps:**
  - Maintain Current Xenia/Greene Central arrangement
  - Pursue Consolidation with:
    - Bellbrook & Sugar Creek Township
    - Yellow Springs
  - Update dispatch service contract with Greene County—ensure equal distribution of all dispatch revenue

Chief Person entertained questions. Mr. Merriman felt the important thing is to make sure there was a consensus in terms of the recommendations so if they move forward with discussions Bellbrook, Sugar Creek, and potentially Yellow Springs, that Council supports those discussions. There has been a lot of recent discussion at the County level in terms of Countywide consolidation, and their recommendation is to continue to look at that, but to take their time with it. When Montgomery County talked to Greene County, they said consolidation is a good thing, but do not rush into it because there are many complex moving parts, so that is the position they are advocating. If they are going to do the local consolidation and the expansion to cover Bellbrook and Sugar Creek, they want to make sure that Council is okay with them moving forward with undertaking those expenses and that minor remodeling.

Councilwoman Mills asked if Beavercreek and Fairborn like the idea of having two sites or if they are in favor of having one site. Mr. Merriman said the Central Dispatch Center could be done tomorrow if everyone would agree to just go to Beavercreek. He then deferred to Chief Person.

Chief Person said Mr. Merriman just answered Councilwoman Mills’ question. Councilman Caupp felt that Beavercreek does not want to do anything with anybody. Chief Riggsby said during their last few meetings, it came out that if the Dispatch Center stays in Beavercreek, Beavercreek is onboard, but the City basically told them the same thing. Xenia is not giving up everything just to go to Beavercreek. There are some territorial things involved. Councilwoman
Mills said Beavercreek could be the Top Dog in Beavercreek and Fairborn, and the City would be the Top Dog in Xenia.

Mr. Merriman said another thing to keep in mind is that Beavercreek’s operating cost is much higher (salaries, benefits, etc.). Xenia is running a much leaner and much more efficient operation. The prospect of not only giving up the ability to control those costs, but then to have to pay more right off the bat, does not make a lot of sense for the City.

Councilman Caupp asked how negotiations were going between Beavercreek and Fairborn. To him, the option of a Xenia Dispatch Center and Beavercreek and Fairborn combining in either city makes sense. Mr. Merriman agreed. Councilman Caupp noted he had conversations with a Beavercreek City Councilman about that.

Chief Person said both Commissioner Tom Koogler and Sheriff Gene Fischer would like to have a single Dispatch Center. From Sheriff Fischer’s standpoint, it would be easier to manage a single Dispatch Center, and Commissioner Koogler's standpoint is that Beavercreek Township has offered the basement of Beavercreek Township Fire Station 61 to house the Dispatch Center that would require minimal renovation and is large enough to accommodate a complete Countywide Dispatch Center. The problem is with the costing. The City’s model with Bellbrook and Sugarcreek versus a Countywide Center is very similar in that $550,000 range. If the City moves the Dispatch Center to Beavercreek, they have to consider what they would do at the City Building in terms of 24-hour security with the presence of the Police Division and having somebody just walk in the door. They could install speakers so people could talk directly to the Dispatcher, but it is a consideration. Further, the City has a $1.2 million payroll that generates $30,000 in income tax, which also has to be considered in terms of lost revenue.

Chief Person said his main argument is still the redundancy. He still thinks they need two centers, even if the second center was not in Xenia. If they have a facility with all the wiring, antennas, networks, etc., already in place, the City would not need to make that reinvestment.

Mr. Merriman said they have continued to make the statement that Xenia supports the concept of centralized dispatch because there is value in that, with the caveat of course, that there are two sites. However, they have to look at whether they are just consolidating to consolidate or if there is a real financial and/or incentive. In terms of services, there is not really going to be any change; it will not be a better service. In terms of financial, it is pretty close. So, they need to determine what is driving the decision and ask why the City would give up that immediate control for no real guarantee of savings. They are not suggesting not to do it; rather, they just need to take their time to get the right combination, in the right place, with the right staffing, and the right control.

Chief Person said there are economies of scale that come with going to one authority and one manager, but those intangibles will eventually be lost as they incur capital expenses. Suddenly Xenia is not paying for those capital expenses as a single entity, and additional savings could be realized down the road if they “break even” to begin with. There are many intangibles to consider on both sides.

Councilman Caupp asked if Beavercreek had made any kind of offer to Bellbrook and Sugarcreek. Obviously, their costs would probably be higher. Mr. Merriman said Beavercreek reached out to Bellbrook and Sugarcreek, and there were some initial conversations, but Beavercreek unilaterally withdrew from that conversation.
As Mr. Merriman and Chief Person stated earlier, Mr. Percival noted they sat through a presentation with Montgomery County. They will tell you that 70% of the problems they are still having today happened because they tried to consolidate too quickly. If they said it once, they said it ten times... “If you are going to look at consolidation to a single Dispatch Center, take your time.” Councilman Caupp said Montgomery County had some people bail out. Mr. Percival and Mr. Merriman agreed. Chief Riggsby said that was because of the way Montgomery County funded the Center—they did not have it set up properly from the start.

Mr. Merriman said some Greene County representatives are suggesting that this consolidation should coincide with the transition on the radios, which he thinks could be a nightmare. It is enough of a hassle from a technical standpoint to make the transition to the new MARCS. There would be political, financial, and operational issues that would come with completely changing the leadership and structure of the operational side. There is no way that could be done this year.

Chief Person said one of the big arguments they make about a single authority if the person is independent is that you create an atmosphere of competition if you have independent centers. The independent center might say, “We’re tired of the way Xenia does things, so we’ll go see what Beavercreek Dispatching will do for us.” As you change those partnerships, the economies change and it might not be as lucrative anymore. If a single authority is the only game in town, then it is harder for that to happen; they would have to go out of the county to do that sort of thing. Again, he is a proponent of two Dispatch Centers because of redundancy, but he is trying to be fair and hear both sides. On May 31st at 2 p.m., Commissioner Koogler will host an informational meeting for all public officials to give an update on what the two Committees have been doing. You will get a bit of a different perspective from them since they are going to present two sites, one authority with a possible migration to a single site in three to five years. Currently, they all agree they should start out with two sites.

Councilman Long said even if they go with two sites and one authority, that risk never goes away because the County now controls that decision. Therefore, even if the County agrees with the short-term, a new Sheriff could change that; even the current Sheriff could change that.

In terms of the bylaws, Chief Person said they are setting up an Executive Committee, which is almost a Council of Government (COG), to give the Executive Committee the authority to help choose the Director and be part of the financial decisions, etc.

Councilman Long asked what their recommendation is for backup if there is a single site. Chief Person said their recommendation of major issue right now is that Xenia’s site is dormant. The City would maintain its site as a backup Dispatch Center since it is already setup that way as they go through the next two years of remodeling. The problem is the ones advocating that have never run a site so they don’t know what happens when you take a highly technical facility with lots of critical infrastructure and shut it down or leave it dormant for a period.

Mr. Merriman said everyone who has a personal computer knows that you get weekly Windows updates. Imagine that times ten with all the technology and equipment that it takes to run a Dispatch Center. If you are not constantly maintaining that equipment very aggressively, then the minute you need it and turn it on, you will have to wait 30 minutes for everything to update and reboot.
Councilwoman Mills said given that Greene County has a history of natural disasters, having a second site has to be seriously considered. Chief Person said they can work around natural disasters, but he is more concerned with what he calls “Legionnaire’s Scenario” where the Health Department says there is a problem and they have to shut down everything for three days. Where would they go for three days? Councilwoman Mills wondered if Montgomery County could help, and if so, could they handle 911 calls for Greene County? Chief Person said theoretically they could, but they have a different CAD and 911 systems, etc. At least if there are two sites, they are agreeing that they will try to maintain the same equipment, consoles, etc. The City will have five consoles and a backup console in the adjoining room, so they could actually have six Dispatchers in the area. Theoretically, they could move all of their staff to one center and temporarily operate out of that one center.

Mr. Merriman said a key take-away point is they are advocating to continue down that path. They are recommending the consolidation with Xenia/Greene and the consolidation between Beavercreek and Fairborn. If those two things are done, the financial incentive has basically been exhausted, and there is no service value to rush into the consolidation. While they endorse that centralization, they need to take their time and do it in a very thoughtful way that addresses all the issues.

Chief Riggsby said another problem tied to this is they have to order consoles very soon because they need a four-month leeway to get the consoles in place and ready to go with the MARCS. If they continue their talks with Bellbrook, Sugarcreek Township, and Yellow Springs, if Beavercreek and Fairborn continue their talks, and if they all work together and buy the same style of consoles, then in the future they can begin consolidating and moving things around one umbrella, and they have the equipment already purchased that they can move around. To them the best way to function right now is to move forward the way they have been.

Councilman Caupp said he was in support of continuing to talk with Bellbrook, Sugarcreek, and Yellow Springs, because he thinks they can get that done. He would love for Beavercreek and Fairborn to do their thing. He has always been in support of having two Dispatch Centers. If they need to order consoles, then they should go ahead and order them.

Mayor Bayless asked what would happen if Fairborn says no. Chief Person said functionally if Bellbrook and Sugarcreek Township come here, they are at three centers. They can function as Xenia/Greene, Beavercreek, and Fairborn, which would meet the 2016 law once it is in effect. His goal from the beginning was to protect the $350,000 that comes into the County each year, and the City gets a big chunk of that, and he has done that through what they think is coming with Sugarcreek Township and Bellbrook.

Mr. Merriman said there have been discussions at the State level that the funding might cycle down to two or even one funded PSAP per County in the future, but that has not been approved yet. There may come a point in the future that would necessitate further discussions. Chief Person said the exception to that law is if your city has a population over 100,000 then you are exempt (Dayton/Cleveland/Columbus areas).

Councilman Caupp did not see a reason why Bellbrook and Sugarcreek would not sign on the dotted line at this stage. Chief Person agreed. Mr. Merriman said they have worked closely with them to address how their operations might look. For example, Bellbrook and Sugarcreek had some concerns about making sure that their fire protocol is met, so they worked closely with
them to address those issues, which would be included in any final contract. As Chief Person said, he thought they were pretty close to reaching an agreement, but it is a matter of getting the legislative authorities in the same place.

Chief Person said in discussions with Commissioner Koogler and Sheriff Fischer, he thought the City would be amenable to signing a letter of intent to state they would move to one authority, assuming there were certain benchmarks. The first big benchmark was that Beavercreek and Fairborn enter into a written consolidation because that has been the problem to date.

Councilwoman Mills asked if the City has three to four people who say “let’s keep Xenia operating,” then how can the City be maneuvered into something different. She asked if the County Commissioners have the final say. Chief Person said the problem is $675,000 versus $1,175,000. If the County moves out, the City’s cost is $1,175,000. If Bellbrook and Sugarcreek stay, they can deduct $400,000 off that and the City is back at $775,000, which is still $100,000 more than the City is paying today. Again, it is an economy of scale. Which is more important: saving money or maintaining control? Councilwoman Mills clarified the Greene County Commissioners have the financial pull, but they do not have the authority. Chief Person said that was correct.

Mr. Merriman said there is some debate at the County whether it is the Commissioners or Sheriff’s decision and who has the authority to do what, and that is a long-standing political fight. Mr. Percival said it has been that way since the initial meeting. Somebody said the Sheriff abdicated his responsibility when Greene Central Dispatch was formed. One of the Majors stood up and said that was absolutely not the case and the Sheriff had never abdicated his authority on dispatch.

Chief Riggsby said between 2003 and 2006 when discussions about the Regional Dispatch Center resurfaced, the County pulled what was being paid to the City out of the Sheriff’s budget and put it into the County’s budget. The Sheriff never relinquished that and they did a pretty in-depth brief on that whole situation that basically said it could fall under either one of them.

Mr. Bazelak said theoretically the cost goes up for the City and the County if the County pulls out of the Xenia/Greene Dispatch Center. Chief Person assumed if Greene County pulled away from the City, they would go to the Beavercreek/Fairborn Dispatch Center, so the County’s costs would probably remain relatively stable because they have multiple large partners. The City just has two large partners, and if they lost one of them, then the City is suddenly carrying the bulk of the load.

Councilman Caupp thought theoretically the County’s cost would go up if they went with Beavercreek and Fairborn because they have higher operating costs. Mr. Merriman said it would depend on who ends up running that Beavercreek/Fairborn operation.

Councilman Louderback asked where Commissioners Glaser and Anderson stand on all this. All he has heard is what Commissioner Koogler thinks. Chief Person said Commissioner Koogler is standing alone on this, along with Sheriff Fischer. Commissioner Glaser expressed concern that the committee is moving too quickly, and that it might be better to wait two or three years to make a decision after the MARCS is completely up and running so that those problems are ironed out. About a week later, Commissioner Anderson said he believed centralized dispatch was a great idea, and thought two centers independently operated was the way to go in the future.
He thought Beavercreek and Fairborn should continue to look at consolidation and that Xenia should continue to looking at Bellbrook, Sugarcreek, and Yellow Springs for consolidation. Councilman Louderback thanked Chief Person for the explanation.

President Engle agreed with Chief Person on his approach at the present time. Barring some kind of technological advance he could not conceive, he would never support having a single Dispatch Center for a County the size of Greene with its geographic expanse and the fact that the eastern part of our County (other than Xenia City) is pretty open. He completely supports Chief Person, and if asked, he would give the same opinion to the County. Councilwoman Mills and Mayor Bayless agreed.

Mr. Merriman reiterated they would come to Council for the radio award of bid on May 23rd and the console award of bid on June 13th. They may have some other things before that as things develop depending on what continues to advance in the next few weeks.

Councilman Caupp asked if Beavercreek and Fairborn were actively talking. Chief Person said they had not been doing that, but he believed that is changing now. Commissioner Koogler met with Beavercreek City Manager Mike Cornell and Beavercreek Police Chief Dennis Evers on Monday and had a meeting later this week to try to move forward with Fairborn. One of the things they are looking at Countywide with two centers is 12 consoles. They were not happy with the quotes they got from Motorola because they did not give them much of a discount on their RFP from the budgetary quote they provided 90 days earlier. One of the options they are looking at is if one entity bought all 12 consoles and then others would sublease the consoles from that one entity. They are going back to see if there is a way to get better pricing as they look at comparisons.

Mr. Percival thought Fairborn used their dispatchers as jailers also. Chief Person said Fairborn did that until they shut down their jail. Mr. Percival said the jail is reopened. Chief Person said when Fairborn reopened the jail they hired independent jailers. The only thing they use dispatchers for now is when they admit a female prisoner and they use a female dispatcher to do that. Mr. Lewis said Fairborn uses their jail as holding cells until they can transfer the prisoners to the County. Mr. Percival agreed.

Council took a break at 5:55 p.m. and reconvened at 6:06 p.m. with the same members present.

**Budget Priorities.** Mr. Percival invited Mr. Merriman to address Council.

Finance Subcommittee’s Proposed Concepts for Budget Priorities: FY 2014. Mr. Merriman said the Charter requires Council to submit its budget priorities to the Administration by July 1st every year. They have had some stops and starts with that, so as part of the process of trying to make the Tax Budget more meaningful and to advance their budget philosophy, they are introducing this conversation earlier this year in an attempt to incorporate Council’s budget priorities into the Tax Budget. They thought the best mechanism was to first have a conversation with the Finance and Budget Subcommittee. Two meetings ago, they had some open discussion for a few hours, took the results of that conversation and filtered it down to a series of categories that met more specific staff priorities. That document was recently provided to Council, which included the following:

**Expand Economic Development Programming Efforts:**
- Investigate ways to increase economic development service capacity.
- Roll out advanced marketing initiatives and establish a more focused “brand” for the community.
- Intensify industrial development marketing.
- Explore ways to better connect developers, realtors and site selectors with local development opportunities.

**Pursue Advanced Town-n-Gown Strategies**
- Grow our relationship with Central State University, seeking out opportunities to meet regularly to coordinate on issues of strategic mutual interest
- Work with local university partners to investigate ways to lift up eastern and northeastern areas of Xenia through measures including neighborhood development, transportation enhancements, and increased service offerings.
- Seek out cross marketing opportunities with Central State and other Wilberforce area institutions.

**Continue to Focus on Downtown Revitalization Strategies**
- Develop initiatives to promote downtown residential environment
- Expand Façade Loan Program to include assistance with code compliance assessment
- Explore ways to encourage a bicycle and pedestrian-friendly downtown

**Sustain Our Commitment to Reliable Infrastructure and Preventative System Maintenance**
- Advance concepts for a long-term street replacement program
- Ensure adequate maintenance of transportation routes, (i.e. right-of-way maintenance, striping, cross walk painting, etc.)

**Explore Ways to Provide New Recreation Opportunities**
- Look to incorporate additional recreation amenities at the new administrative services facility

Mr. Merriman said he was open to whatever Council wants to do in terms of reviewing what the Subcommittee is proposing, but if Council prefers to discuss it item-by-item, they certainly can. He thought the priorities mirror the X-Plan objectives very closely so there is continuity between the X-Plan and the budget, which was one of their goals. He then asked President Engle how he would like to proceed with the discussion.

President Engle said he would be interested in what his colleagues think of it as an overall package. He noted Mr. Merriman provided some excellent moderation through that above-mentioned discussion in terms of identifying budget priorities and closely relating them to an X-Plan item to give them direction for research, development, and expenditure through next and subsequent years’ programs. He is very comfortable with the budget priorities as presented and is very pleased with the work City Staff has done to develop them. He then entertained general comments from Council.

Councilman Louderback noticed a lot of this coincides with the presentation GAIN did Tuesday night in regard to economic development, which was ironic. Mr. Merriman said GAIN did not collaborate with him.

Mr. Percival thought that brought up a really good point. They have to focus on ways to implement the things they discussed with GAIN. He thinks it is a real positive when they know what they want and they can direct staff to figure out how to make it happen, which is the mode they are in now. However, they have to make sure that as they develop the budget, Council is in the same mode that staff is in, so they can put the dollars forward to make things happen. President Engle said that is why he is comfortable with it.
Councilman Caupp said he was fine with it, but there are some other things that should also be priorities. Mr. Merriman suggested if there are other items that are not included on the above list, then Council members should present them for discussion. These are not exhaustive; these are the things that came up in the Subcommittee discussions. President Engle said these are general focus areas as opposed to specific suggestions, such as purchasing five more streetlights, five more police cruisers, etc.

Councilman Long said he was in general support of all of it. One of the leading things in the X-Plan was a comprehensive review of the city’s Zoning Codes, and these priorities do not really line up to that for next year. Admittedly, the X-Plan says that might take two to three years, so he did not know if that was going to be something they will put more resources toward the second year. Mr. Percival thought they would look at that in the second, third, or fourth quarter of 2014 just to get it started, and it would probably still be ongoing in 2015. Per Mr. Forschner, a comprehensive rewrite of the Zoning Code would take 18 months and would require just about as much work to get done as the three year X-Plan did, and it would require outside help. Mr. Merriman agreed. Mr. Percival thought they were looking at starting the rewrite in the second or third quarter of 2014 with a completion in the late third quarter or fourth quarter of 2015 based on the last comprehensive rewrite that was done. Councilman Long said he was okay with that, but he just wanted to keep that in the foresight because XPZC will ask. Mr. Percival agreed it was something that needs to be done. Mr. Merriman said some of the strategies would be enhanced by doing that rewrite.

Mr. Bazelak advised that they add the rewrite to the budget priorities, because if they are going to begin in 2014 and will require outside help, it will need to be budgeted in 2014. Mr. Merriman imagined it would cost $30,000 to $50,000. Mr. Percival estimated it would cost $75,000 to $100,000. Mr. Merriman agreed, particularly if Council wants the rewrite done in a shorter timeframe. Mr. Percival said his estimate was for the 18-month timeframe. They would not need to budget all the money upfront. The money would have to be appropriated and a purchase order written for that amount.

Councilman Louderback asked what kind of outside help they were talking about. Mr. Merriman said they would probably issue an RFP because there are a number of different firms that could potentially do the rewrite. Mr. Percival thought there were four firms that are well known for doing that. In the last 40 years, there have been so many changes in the Ohio Revised Code that it almost has to be a joint project between a law firm and planning firm.

Councilman Long said he could understand the rewrite being a late 2014 priority, but he personally would like to see it budgeted so Mr. Forschner can get started. It is a priority that will intermix with other portions of the X-Plan, especially when they discuss the Make Our Neighborhoods Great and Grow our Economy sections.

During the Subcommittee’s discussions, Councilman Louderback asked if there was any increase in the budget for economic development. Mr. Percival said yes and because it is a priority, they are going to budget more dollars for economic development. Councilman Louderback asked how much more was budgeted. Mr. Merriman said they do not yet have a dollar figure, but he had a meeting scheduled the next day at the Service Center and part of it will focus on practical costs to implement some of the strategies that are identified in the X-Plan. They have not had further discussions with GAIN as to the cost.
From the conversation Tuesday night, Mr. Percival thought GAIN owed Council a proposal, which should give them a number they can work with. Councilman Louderback thought GAIN was a little unclear on what type of proposal Council was seeking. President Engle said at that meeting, he mentioned that since GAIN described that their work would be a multi-year process, he thought Council would like to see a proposal from them on a couple of tactical things they need to focus on right now. Mr. Percival said he would call Mr. Burkhardt to make sure they are all on the same page.

Mayor Bayless said she was all for the budget priorities since they are in conjunction with the X-Plan recommendations. She is satisfied, but like Councilman Long, she is anxious to get into those zoning amendments because it is important, but it will take some time to get there.

Councilwoman Mills said she was ready to move forward as long as they are taking steps to make plans to enhance our City and our community. They have to have a plan with timeframes on when things will be done.

President Engle suggested Councilman Long and Mr. Merriman work together to include the additional item to rewrite the Zoning Code and then email a copy to Council. It sounds like all members of Council are in general agreement with moving forward as written.

**ROUNDTABLE:** President Engle said he received an email from Josh Mandel trying to persuade him that all cities need a simpler Municipal Tax system. Mr. Percival said he would send President Engle a response he got from the Mayor of Oakwood, which he thought was dead on! President Engle said perfect; he would like to respond and anyone else is invited to sign it alongside his signature. He did not want to let the matter go unanswered, because he would like our local newspapers to see their response since Mr. Mandel wrote a Letter to the Editor to make his thoughts more public.

Councilman Louderback agreed.

Mr. Merriman said there was an excellent presentation at the Mayors & Managers meeting last night that Mayor Bayless can probably share. There are a number of efforts underway to galvanize some support from communities to come out as one on the issue.

President Engle asked how well the city is engaged with our local or State Representatives. Mr. Percival said the City is extremely engaged with Representative Hackett and Senator Widener; they know exactly where the City stands on that issue. President Engle asked if there was a sense the Representatives agree with the City or if there a sense they are still sitting on the fence. Mr. Percival thought Representative Hackett was sitting on the fence a little, but was more on the municipal side because he is a former County Commissioner. He had the sense that Senator Widener was not even going to think about it until it gets to the Senate.

Mr. Merriman got the sense at the meeting last night that House Bill 5 will not move forward for a vote the way it is currently written. It most likely will go back to be rewritten so that it focuses more on uniformity.

Mr. Bazelak said he would advise Council to take every opportunity to share their views on HB 5 when asked. Mr. Percival also encouraged Council to speak with our State Representatives and Senators. President Engle said he takes an opportunity to discuss HB 5 with every citizen he
meets. On behalf of Mayor Bayless, he spoke at a statewide Masonic meeting and spoke for a few minutes about HB 5 at the end. He asked citizens to please be aware of HB 5 since they live in Ohio communities, and they should be concerned. He shared the impact HB 5 would have on smaller cities and asked them to go back to their hometowns, research it, and to make sure HB 5 is good for them as well.

Vice President Smith apologized for not attending the GAIN presentation Tuesday night due to a work commitment. He thanked a few of his colleagues for filling him in and thought it sounded really good. Mr. Percival noted the gentlemen from GAIN said they would be more than willing to meet with folks individually, and he would be glad to set up that meeting. He thought Councilman Long was also going to take advantage of that opportunity. He would encourage Council to do that because GAIN has a program to help the City implement many of the things they have been saying.

The Special Session was adjourned at 6:22 p.m.

Michelle D. Johnson, City Clerk
Xenia City Council

Michael D. Engle, President
Xenia City Council
The Xenia City Council met in a Regular Session on May 9, 2013, at 7:00 p.m., in the City Council Chambers, City Hall, with the following members present: Wesley Smith, John Caupp, Dale Louderback, Joshua Long, Jeanne Mills, Marsha J. Bayless, and Michael D. Engle.

INVOCATION: Pastor David Myles, Emmanuel Baptist Church, gave the invocation after which all joined in the Pledge of Allegiance.

APPROVAL OF MINUTES: Motion by Councilman Louderback, seconded by Councilman Long, to approve the April 25, 2013, Special Session minutes as written. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

Motion by Councilwoman Mills, seconded by Vice President Smith, to approve the April 25, 2013, Regular Session minutes as written. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

AUDIENCE COMMENTS: President Engle explained the procedures for audience comments and invited anyone who wished to speak to come forward.

Carrie Buzzelli, 378 Hill Street, said she has been a Xenia resident since 1996. The reason they decided to make Xenia their home was because of its appeal, the commerce, and the schools, although not great, they were adequate for what they needed at the time. They also wanted to supply their family with a secure home and a secure community. She represents a large percentage of the voters and taxpayers of Xenia. She has talked to and knows many people and they are not happy the way that Xenia has been going. It has been deteriorating over the last 17 years. They told her that Xenia is the capital of the county. How can Xenia be the capital of the county when there is nothing here? Xenia has a jail, but where is all the commerce and all the jobs? Xenia has five drug stores, three pizza joints, three Subways, and two McDonald’s. You cannot tell her that people in Xenia live on subs, McDonald’s and pizza, but there is no other place to go. Xenia lost their best family restaurant, the pool, bowling alley, dry cleaners, smoke shops, and boutiques. Those were all places she frequented so now she takes all her money to Beavercreek because the stores in Xenia do not meet her needs. She was forced to find work somewhere else so her income tax goes over there instead of to Xenia. Xenia acquired this eyesore of an office complex, which has remained 50% empty since it was built, and it is owned by one of the greediest investment firms. Their rent is so high that the businesses that come in cannot thrive so they leave.

Ms. Buzzelli remembered the city spending $2,000 for a pair of swans from a company in Kentucky. They replaced the wiring to the traffic lights, and that money went to a Cincinnati company. There are five two-story elementary schools, which blew people away. They do not understand why the Xenia Community Schools invested in all those buildings. There is not
enough personnel now to fill those buildings. What about the landscaping on US 35? What an atrocious job that was. She was sure there were businesses in Xenia that would have done a better job because they would have taken pride since it is their city. The money for the Enhancement Project went to a company in Springfield. They took the trees going east and sliced them right down the middle, so there are half trees on one side and nothing on the other side. Nobody cares about the new sign, because there is nothing here for them; further, Dodd’s Monument could have done that sign.

Ms. Buzzelli said the negative out there right now is the Simon Kenton complex. She suggested that Council split the funds in half, move the cops to Simon Kenton, expand the City Building, and use the funds to update both of them. The City Building needs to stay in the City. People walk to the City Building, because they do not have transportation and it is too far for them to walk to Simon Kenton. She suggested moving Xenia Municipal Court to the Greene County Courthouse and use that vacated space in the City Building for office space; she further suggested moving the jail and prisoners to Simon Kenton. She watched the video from the last Council meeting and heard that they wanted to move city offices because someone was uncomfortable using the elevator. She has a handicapped daughter that could not get a handicapped parking space\(^1\) because ‘they do not do special favors in Xenia’, so she could not see moving the Municipal Building for one person. If the city wants One Stop Shopping, the City Building is the perfect building for that. It does not do any good to enhance our city if the roads need to be repaved. They need to use the resources in our city, leave the money in the city, let the city people build our city, and start with our roads.

**REPORTS OF COMMITTEES:**

**Board for Recreation, Arts & Cultural Activities:** Councilwoman Mills said BRACA met on Tuesday, May 5\(^{th}\) and discussed many of the following upcoming events:

- **Movies in the Parks.** Movies are shown the same days as First Fridays: June 7, July 5, and August 2. The three movies are *The Lorax*, *Hook*, and *The Pirates! Band of Misfits*. Thanks to Faith Community United Methodist Church for their partnership.

- **Music in the Park concerts.** Thanks to Nationwide Bi-Weekly Administration for sponsoring all the concerts again this year! The following bands have been booked from 7 to 8:30 p.m. at Shawnee Park:
  - June 2: The Ohio Valley British Brass Band (40 piece band)
  - June 16: Ralph Kettering and the Impossibles
  - July 7: The Sauerkraut German Band (polkas)
  - July 21: The Xenia Hospitality Chorus
  - August 4: Retrobution Band (plays music from the 1980’s)
  - August 18: Greene County Adult Band

- **Fishing Derby.** Saturday, June 1\(^{st}\) at Shawnee Park from 9 a.m. to noon. The event is free to children aged 4 to 15. To donate fishing items for door prizes that all children will receive, please contact Todd Patterson at 937-603-2834.

- **Community Gardens Plots.** The plots are now available for rent at $20 for the year. The contact person is Ed Quinlan at 376-7261.

- **Beautification Certificates** (June through October). Anyone can nominate a home they feel makes a difference in their neighborhood. Currently she has 17 nominations for June. If anyone would like to make a nomination, please contact City Clerk Michelle Johnson at 376-7235.

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\(^1\) Xenia Traffic Commission minutes of 07/07/08
Traffic Commission: Councilman Smith said the Traffic Commission met on Monday, May 6th and were happy to welcome its newest member, Ms. Sarah Mays. They discussed the S. Detroit Street Signal Study. After talking with neighbors and following various studies that were done, the XTC unanimously voted in favor of staff’s recommendations to continue to bag the Thornhill Street signal and to fully actuate the signal at Rogers Street, which will allow one functional crosswalk in that neighborhood. Staff will evaluate the signals for the next 60 days. He thanked City Engineer Chris Berger for already taking action on what was recommended.

Board of Zoning Appeals: Mayor Bayless said BZA met on Monday, April 22nd and had two items on the agenda:

(1) Request to allow expansion of a non-conforming use was approved to allow two commercial storage buildings for the property located at 1441 Upper Bellbrook Road filed by Michael P. McNamee for the property owner Tom Gerdes with the following conditions:
   o Future expansion of the self-service storage use will require application to the BZA.
   o Expansions of permitted uses will require a zoning permit and, in some cases, a building permit.
   o All commercial self-service storage on the site must occur indoors.
   o Strategically placed fencing and/or gates are required to secure the self-service storage area from public vehicular access. This will require submittal of a site plan for staff review/approval after the BZA decision.

(2) Conditional use request was also approved to allow use of a barbed wire fence at the City of Xenia Service Center, 966 Towler Road.

ITEMS FROM CITY COUNCIL AND MAYOR: Motion to rescind action taken on the Professional Services Contract with APP Architecture of Englewood, Ohio for the Administrative Office Relocation to the Old Simon Kenton Elementary School and City Hall Modification. Councilman Long said he would reserve his comments and the reason why he was making the motion during the debate on the item.

Motion by Councilman Long, seconded by Councilwoman Mills, to rescind the action taken on the Professional Services Contract with APP Architecture of Englewood, Ohio for the Administrative Office Relocation to the Old Simon Kenton Elementary School and City Hall Modification. Discussion followed.

Councilman Long said the reason he voted “Nay” on the professional services contract at the last meeting was not because of the project, but because during the discussion, he had a question about the language of the contract and he was a bit unhappy that the scope of work was not better stated to the public. Since then he met with City Staff and City Staff has met with APP Architecture. This contract is much larger than just the study. It is basically three parts. One of the first deliverables, which includes the study, is to present to the city some draft layouts and outside renderings on how the building would look, and more importantly the construction estimates and hard numbers on what that project would cost the city. This contract also is for detailed designs, prints, and architectural renderings that a contractor would require to do this project, plus the construction management if or when they choose to do the renovations. His concern at the time was that he would hate to get this study, all the renderings, and a construction budget and then decide not go forward with the renovation but still be obligated to pay for the other services on the contract. His hope is that this motion will pass. He will then be able to
make a second motion to accept the contract with the stipulation that says once the City receives
the renderings and construction estimates that the city be able to then evaluate that information,
and if they chose to not proceed with the contract, the city will just pay for services rendered
with no further obligations. Because of Robert’s Rules of Order and some discussion with City
Staff and the Law Department, the action Council took last week must be rescinded, and if
approved, he can make a new motion to add that stipulation.

Councilman Louderback said he has been on Council for five years and to his knowledge, this is
the first time this has ever happened. It is like somebody did not get their way and now they are
going to have a “do over” and a new vote. They voted two weeks ago and everybody had their
opportunity to speak. He was concerned this would set a precedent on how things are handled in
the future when someone doesn’t like the outcome of a vote. He thought they made a decision
two weeks ago, and he is very much against this whole idea.

Councilman Caupp agreed with Councilman Louderback. Nothing has changed in the last two
weeks. The contract is still the same contract that it was two weeks ago. None of them have been
presented with anything different from what they had two weeks ago. He personally does not like
the idea [of rescinding the motion]. If something changed in the scope of the contract over the
last two weeks, maybe he could see it, but nothing whatsoever has changed. They made a
decision two weeks ago. Sometimes you win and sometimes you lose, but you have to make a
decision and hindsight can always be 20/20. He does not like the idea that if he votes on
something tonight, but then if he does not like the decision, so next week he will just rescind it
and change his vote. It looks bad for the public and seems as if Council cannot make a decision
because they did not study the issue prior to last week’s meeting. He reiterated nothing has
changed since two weeks ago.

Councilman Long said he would like to protect his reputation. Rescinding a motion is very legal
and it happens on bodies and boards all the time; it is just one option that is available. This may be
the first time Council has rescinded a motion, but it is not the first time this body had voted and
voted again on multiple items. He reminded Council of the Pit Bull Ordinance not too long ago
that they voted on several times and those who were in favor of that fought for every new vote they
had. If it were not for Council members changing their vote and listening to the public, that
Ordinance would still be on the books today. He had the right to change his mind, and he learned
something new this week thanks to our City Staff. The contract itself has not changed, but if this
motion passes, he is allowed to make a motion to put a new stipulation on the contract to change
the verbiage, which is what he plans to do.

Councilman Louderback asked Councilman Long if he learned something new why he did not
share it with the rest of Council. President Engle said he was asking if Council members who
have not yet spoken to please do so.

Mayor Bayless said she loves what is happening in our downtown, and her reluctance two weeks
ago to approve the contract was because she not ready to vote to move forward with it. There
were citizens who came to the meeting that she spoke with that same day who talked about city
offices leaving downtown, which really gave her some things to think about. Since that time,
they talked about the YMCA, but they know that building is not in good condition and would
cost the city a lot of money to fix it up to move city offices there. Their first choice was to move
the Police Division, but they know that the Police Division cannot move to Simon Kenton
because of what is required to make that an “essential” facility. There is no other place downtown that would meet the city’s needs and still be affordable. She is a less concerned now about the city offices moving. It is not a retail business that will be moving. She noted Council voted to accept the Simon Kenton property. As she pondered the options, she concluded that she is in favor of proceeding with the study and was glad to hear that they can identify costs incrementally in the contract. The study is the only way to determine the condition and the potential for future use of Simon Kenton.

Councilwoman Mills noted on May 8th, Council members and Appointed Officials received an email explaining the difference between a motion to rescind vs. a motion to reconsider per Robert’s Rules of Order. A motion to **rescind** will undo a motion and the vote. A motion to **reconsider** will undo only a vote and leave the original motion intact. A new motion can contain stipulations for the contract, so this gives them the opportunity to change the contract. She voted “Nay” the first time because she needed more time. After having more time and realizing they could add stipulations to the contract with a new motion, she is ready to move forward. The City now has a building they have to secure, mow, maintain, and hope that vandalism does not happen. They accepted that building, and now it is time to move forward and look to the future.

Vice President Smith said he would vote in favor of rescinding the motion.

Councilman Louderback asked what Councilman Long learned in the last two weeks that he did not share with the rest of Council.

Councilman Long said he learned that he could make a motion to put the stipulation in the contract, which he discussed at the last meeting. He politely asked Council at the last meeting to table the motion so he could ask those questions, but that was denied, so this is the avenue he is taking. He likes to do his business in front of the public, and he read the statement why he was asking to rescind the motion. If this is a matter for public debate, that is why they are here tonight, but the motion is on the floor.

Councilman Caupp said to clarify to the public, three Council members stated they needed more time. They needed 14 more days to make a decision on this, and now they are ready to revote. They have been discussing Simon Kenton for two years since the school levy passed. He did not feel anybody needed any more time to talk about Simon Kenton. They beat it to death and there is nothing new that anybody learned. In his opinion, those Council members did not like the result of the vote, so now they want to change it.

Councilwoman Mills asked Councilman Caupp to not speak for her. She did feel that she needed more time. As the 04-25-13 minutes state, it was very clear that she would like to see the Simon Kenton project go further. It is not that her mind has changed; she needed more information before she could put taxpayers’ dollars on the table. She was going to vote “Aye” until Councilman Long asked if it was feasible to break down the contract, which is why she seconded the motion to table the discussion so it could be determined if the contract could be awarded and paid based on the services provided and not lock the City into paying for the entire contract no matter what. She has not changed her position—she still feels it is a good move for the city to go forward with this project, which is why she seconded tonight’s motion to rescind the action taken on 04-25-13.
Mayor Bayless stated she does not have to explain [her position] because it is her prerogative to do as she chooses. As she stated at the last meeting, it was the first time Council heard publically from a citizen about concerns with the city offices leaving downtown. These last two weeks have given her the time she needed to think.

President Engle stated he had voted “for” the item before and would be voting “for” rescission of the motion and “for” the anticipated motion to approve the contract. He agreed with Councilman Long and Councilwoman Mills that it is not simply a matter of changing one’s mind. Their concerns were documented, and he respects that and is pleased they have had this time for contemplation. The manner in which cities conduct business under Robert’s Rules of Order provides for the opportunity for relooking at important issues. He agreed with Councilman Caupp in that they have been looking at this issue for one to two years. This was the endgame of the decision to move forward; he applauded his colleagues for looking at the issues, speaking and stating their case, voting their conscience, and then having the courage of conviction to continue their investigation and looking for opportunities to move the city forward.

President Engle entertained further comments. Hearing none, he asked for the Roll Call.

The Roll on this was the following:

Ayes: Smith, Long, Mills, Bayless, and Engle
Nays: Caupp and Louderback  motion carried.

Motion by Councilman Long, seconded by Councilwoman Mills, to authorize the City Manager to enter into a Professional Services Contract with APP Architecture of Englewood, Ohio for the Administrative Office Relocation to the Old Simon Kenton Elementary School and City Hall Modification at a not-to-exceed cost of $255,149.00 with the stipulation that after architectural renderings and construction estimates are delivered that the city be able to evaluate that information, pay for services rendered, and have the ability to not proceed any further with the remainder of contract if they do not wish to move forward with the project. Discussion followed.

Councilman Louderback said once again, he was not going to commit to $255,000 of taxpayers’ money to this project. Furthermore, in politics sometimes they call this flipflopping.

Councilman Caupp said he personally believes the City Administration building needs to stay downtown. In his opinion, the City Building will not make an adequate Police Station. For an hour tonight in special session, they heard about a dispatch center and the new state and federal laws about dispatch centers and the new requirements that will soon be in place. He believed a dispatch center will stay in the City of Xenia, so he believes the city will be an integral part of dispatch centers into the future. He does not believe the City Building would be adequate for that or for the expansion of the dispatch center. The basement where the current Police Station is located could be remodeled for administrative purposes very easily, but to go the other way and take administrative offices out to make it adequate for the Police Division will not work. He toured the City of Englewood’s and the City of Vandalia’s Police Departments and he did not believe the city’s Police Division is adequate for today’s police needs. The City needs a Police Station. He believes the land at Simon Kenton is valuable to the City of Xenia. He had a good idea presented to him tonight, which was to work out a plan with the YMCA, give them the land at Simon Kenton, bulldoze the YMCA building, and put a Police Station where the YMCA sits today. The City cannot build a 30,000 sq. ft. Police Station, but he believes the best solution for
the city 20 years from now is a new Police Station and Dispatch Center, not rehabbing the Simon Kenton building for administrative purposes. The City Building could be adequately rehabbed for the purpose it serves today, which is administrative. For the record, he believes they need a new Police Station and they need to figure out how to do that. Maybe 20 years from now, he can look back and say, “I told you so.” He believes the Simon Kenton building is going to be the money pit and he will stand by that. There is a reason McDonald’s bulldozes stores and builds new ones – it is cheaper.

Councilman Long said tonight in that same conversation that Councilman Caupp referenced, they were discussing the expansion of dispatch services. To do that, they have to tear out a bathroom and use the conference room for some time to be able to expand those services in this current facility. He agrees they need a new Dispatch Center and a new Police Station. The YMCA is a private entity, and he was sure the Mayor (who sits on their Board) knows they would love to have a new facility. After talking with the YMCA, he knows they have to raise capital, but they do not know if they can do that, so moving offices to Simon Kenton provides a solution. For him to be fully committed to the Simon Kenton project, he needs to see how it will look and how much it will cost, which the needs assessment in the personal services contract will provide. He is certain Council will review that information with City Staff to make informed decisions.

President Engle invited further comments. Seeing none, he asked for a Roll Call.

The Roll on this was the following:

Ayes: Smith, Long, Mills, Bayless, and Engle
Nays: Caupp and Louderback motion carried.

REPORTS OF CITY OFFICES: Vice President Smith thanked our Safety Services, especially Xenia Police Sgt. Steve Lane. On Tuesday, May 7th, he attended the mock accident at Xenia High School where students portrayed the disastrous effects of drinking and driving. Since it is prom weekend, the mock crash brought home to students the ugly reality of drinking or using drugs and getting behind the wheel. Firefighters and Paramedics from Xenia and Xenia Township, Xenia Police, the Greene County Sheriff’s Office, the Ohio State Highway Patrol, and Careflight participated. Safety Services did an excellent presentation and many students left with a new sense of how important it is to remain sober.

Councilman Caupp said he has been in contact with the Assistant City Manager and City Engineer on the West Main Street Enhancement Project, and it looks horrible to say the least. The City has a maintenance contract with Evans Landscaping to maintain part of that landscape through this summer. This Council spent $750,000 of federal grant money on that project that could only be used for enhancement purposes, but they still committed that project money to enhance the highest traffic entrance to our city. When that project was done, the landscaper cut beds out, planted trees, put in the wall and shrubs, and it needs to be maintained. Now the city is doing the Bikeway Enhancement project and it needs to be maintained. He started those conversations with Mr. Merriman and Mr. Berger before the West Main Street Enhancement project started, and asked what the game plan was to ensure that the city’s investment is protected, and so far, nothing has been done. The shrubs need to be trimmed, 92 trees were replaced because they died, when the grass is mowed, they throw the grass into the flowerbeds, which will cause grass to grow in the flowerbeds. A professional landscape company should
know not to do that. They need to have a game plan and commit funds to maintain the enhancements being done in the city, otherwise they should just skip it. He knew Mr. Berger and Mr. Merriman committed to having a game plan to present before the next Council meeting, and he looks forward to receiving that information. It’s spring already, so whatever is getting done needs to get done now.

Councilman Long agreed with Councilman Caupp. Before the cameras came on tonight, Council had a work session about the 2014 budget priorities. One of the requirements of City Council is to provide Council’s priorities for the budget to city staff. Under Sustain Our Commitment to Reliable Infrastructure and Preventative System Maintenance, the two priorities are (1) advance concepts for a long-term street replacement program, which the community knows is desperately needed; and (2) ensure adequate maintenance of transportation routes, (i.e. right-of-way maintenance, striping, crosswalk painting, etc.), which has to be a priority this year. They made that investment as a city, and people can disagree as to whether or not they should have done those projects, but they did and it is now the City’s responsibility.

Mr. Percival said the City Engineer contacted one of the landscape maintenance companies today, who ensured him they would be out early next week. He did not think Mr. Berger had made contact with the other landscape company yet, even though he tried several times.

Councilwoman Mills agreed with Councilman Caupp. She recalled that Councilman Caupp had previously mentioned landscape maintenance and that it needed to be included in their annual budgets. In the past, the Greene County Sheriff’s Department provided inmates to help, which was a lot of manpower, but that is no longer available. They need to continue to find ways to keep all of those enhancements looking nice, because it makes no sense to invest that kind of money and then not maintain it.

City Manager’s Office:

Introduction of a Resolution to Amend Employee Benefits Manual Policies EBM – 3.01 Vacation and EBM – 3.37 Overtime/Compensatory Time. Mr. Percival said after significant discussions with the Appointed Officials, et al., non-union employees were allowed a maximum accumulation of 360 vacation hours, but only allowing them to cash out 240 hours when they left. Basically, that allowed people to be unproductive the last month or six weeks they were here. The recommendation is to allow a maximum vacation accumulation payment not to exceed 360 hours for employees separating service with more than 10 years of service so they will continue to be productive until their retirement date.

EBM – 3.37 Overtime/Compensatory Time. There were about three different ways people could accumulate compensatory time. This standardizes and makes it the same for all non-union/non-exempt employees so that same rules apply to everybody.

Mr. Percival respectfully requested that Council introduce the Resolution this evening.

Councilman Long introduced a RESOLUTION AMENDING THE XENIA EMPLOYEE BENEFITS POLICY EBM-3.01 – VACATION AND EBM 3.37 – OVERTIME/COMPENSATORY TIME, and it was read for the first time.
Introduction of Resolution Supporting the Establishment of a Land Reutilization Corporation in Greene County, Ohio. Mr. Percival noted at Council’s April 25, 2013, meeting, staff provided a memo and summary presentation describing 1) the discussions underway among Greene County Commissioners to establish a Land Reutilization Corporation (“Land Bank”) in Greene County; and 2) the function of a land bank and its value to the City and County as a tool in sustaining community investment. He said this is a non-binding Resolution, but he respectfully requested that Council introduce a Resolution supporting the establishment of a Land Reutilization Corporation in Greene County, Ohio. Hopefully, this will enable the City to get some of those non-productive properties back into productivity or into the hands of people that will make them tax producing properties rather than a drain on city services.

Councilman Caupp introduced a RESOLUTION SUPPORTING THE ESTABLISHMENT OF A LAND REUTILIZATION CORPORATION [“LAND BANK”] IN GREENE COUNTY, OHIO, and it was read for the first time.

Purchase of Fire Turnout gear through the Ohio Department of Administrative Service’s Cooperative Purchasing Program. Mr. Percival noted that the Fire Division replaces firefighter protective clothing (Turnout Gear) on an annual basis in keeping with industry best practices. Mandatory replacement is required after ten years of service, and it is recommended to utilize protective gear for no more than five years. He respectfully requested that Council authorizing the purchase of turnout gear per State Term Schedule Number 8002008, and authorize him to execute a purchase order with Phoenix Safety Outfitters for the purchase of ten (10) sets of firefighter turnout gear in the amount of $2,581.00 each for a total of $25,810.00.

Motion by Councilman Louderback, seconded by Vice President Smith, to authorize the purchase of turnout gear per State Term Schedule Number 8002008, and authorize the City Manager to execute a purchase order with Phoenix Safety Outfitters for the purchase of ten (10) sets of firefighter turnout gear in the amount of $2,581.00 each for a total of $25,810.00 through the Ohio Department of Administrative Service’s Cooperative Purchasing Program. Discussion followed.

Councilman Louderback said he fully supports the purchase of turnout gear to keep our firefighters safe. The last time he talked about turnout gear he ended up on YouTube!

Vice President Smith asked what is done with the old turnout gear. Chief Riggsby said if the old turnout gear has any serviceable life left in it, they allow it to be used for training, etc. After ten years, the standard describes that it should be destroyed.

Councilman Caupp said he would discuss this later in the meeting, but last weekend he had the opportunity to physically try out some turnout gear when he entered a burning building, and it works! He is in favor of the motion.

The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

Authorize Replacement of Street Department Backhoe through the Ohio Department of Administrative Services State Bid process. Mr. Percival said the current backhoe they would like to replace is 10 years old with 5,448 hours equating to 136,000 miles.
The Equipment Maintenance Supervisor attached the maintenance record for this backhoe to the agenda item report, and there are some things that need to be replaced regardless. He respectfully requested that Council approve the purchase of a new backhoe and accessories through the Ohio Department of Administrative Services State Bid process in the amount of $66,373.00 and issue a purchase order to Franklin Equipment Sales in that amount. Included in the $66,373.00 is $1,765.00 for an auxiliary hydraulic kit to operate hydraulic hand tools off the backhoe.

Motion by Councilwoman Mills, seconded by Mayor Bayless, to approve the purchase of a new backhoe and accessories through the Ohio Department of Administrative Services State Bid process in the amount of $66,373.00 and authorize the City Manager to execute a purchase order to Franklin Equipment Sales in that amount. Brief comment followed.

Councilman Caupp asked if the city was going to keep the current backhoe. Mr. Percival said it would be traded in. Councilman Caupp asked if they knew the trade in value. Mr. Berger said the city would receive a credit of $28,000.00, which was noted in the agenda report.

Mayor Bayless noted the original price for the backhoe was $127,532.00, minus the State Bid discount of $33,159.00, plus a deduction for the trade in of $28,000.00, so the final price is $66,373.00. Mr. Berger said that was correct.

The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

Emergency Resolution adopting final legislation and authorizing an agreement with the Director of Transportation of the State of Ohio, execution of all necessary documents for the construction of improvements to the intersection of U.S. 42 and Ledbetter Road, and disbursement of the funds. Mr. Percival said in essence, this project will create a left turn lane so that traffic does not back up. He noted this project has been on the books for two or three years and ODOT is starting to put the barrels out now. He believed ODOT was selling the project on May 24th so this is the last required action before commencement of the project. The Finance Director and he must be authorized to sign the required documents from ODOT so the construction improvements may proceed. The city’s local share of the $423,000.00 project is $25,300.00.

Councilwoman Mills presented a RESOLUTION ADOPTING FINAL LEGISLATION AND AUTHORIZING THE CITY MANAGER AND FINANCE DIRECTOR TO ENTER INTO AN AGREEMENT WITH THE DIRECTOR OF TRANSPORTATION OF THE STATE OF OHIO AND EXECUTE ALL NECESSARY DOCUMENTS FOR THE CONSTRUCTION OF IMPROVEMENTS TO THE INTERSECTION OF US 42 AND LEDBETTER ROAD, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Councilwoman Mills, seconded by Councilman Long, that the rules requiring the reading of a resolution at two consecutive meetings be dispensed with and this resolution be placed at once upon its passage. Discussion followed.

Councilman Caupp thought ODOT was not doing any paving of U.S. 42 until 2014, but there is paving going on now. Mr. Percival said ODOT is paving the area of U.S. 42 located in Xenia
Township, but that is not the city’s project. The city’s project is from Industrial Boulevard north. Councilman Caupp said he understood that and asked if ODOT was paving U.S. 42 south this year. Mr. Percival said he did not know how far south ODOT was paving this year. Mr. Berger said he talked with ODOT’s Field Engineer late this afternoon. The current paving project on U.S. 42 will go all the way to Spring Valley, but as far north as the interchange at U.S. 35 and U.S. 42, so there will be a gap in there between the interchange. The city picks up the paving from Industrial Boulevard and goes north. Councilman Caupp said he would love to see ODOT pave U.S. 42 all the way to Ledbetter Road. Mr. Berger said he would like to see that as well. Councilman Caupp said it just make sense to pave U.S. 42 all the way to Ledbetter Road. Mr. Berger said he and the City Manager had that very discussion, but unfortunately it looks like there may be a gap. Mr. Percival said there would be a 150-yard gap.

The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

Motion by Councilwoman Mills, seconded by Councilman Long, that Resolution Number 13-J be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

Emergency Ordinance to appropriate funds and authorize the City Manager to enter into a contract with John R. Jurgensen Company of Springfield, Ohio to complete the 2013 Street Program. Mr. Percival respectfully requested that Council pass an Emergency Ordinance to appropriate funds and authorize him to enter into a contract with John R. Jurgensen Company of Springfield, Ohio to complete the 2013 Street Program at a cost not-to-exceed $825,615.00.

President Engle noted two actions are needed:

Action 1: Adopt an emergency Ordinance to appropriate $9,211.00 into account 361-1441-55508 to complete the rehabilitation of local streets with the 2013 Street Program.

Councilman Long presented an ORDINANCE AMENDING ORDINANCE 12-53 TO MAKE ADJUSTMENTS IN APPROPRIATIONS FOR CURRENT EXPENDITURES OF THE CITY OF XENIA, OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2013, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Councilman Long, seconded by Mayor Bayless, that the rules requiring the reading of an ordinance at two consecutive meetings be dispensed with and this ordinance be placed at once upon its passage. Discussion followed.

Councilwoman Mills noted on all items that Council votes on, a competitive bid process is used and anyone from any area, including Xenia, can submit a bid. It was mentioned that the John R. Jurgensen Company is from Springfield. Mr. Percival noted there is no paving company in Xenia. Councilwoman Mills agreed. Many times Council is told to shop at home and do business in Xenia, and this Council is very much in favor of always ‘buying Xenia’ whenever possible.
The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

Motion by Councilman Long, seconded by Mayor Bayless, that Ordinance Number 13-27 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

**Action 2:** Authorize the City Manager to enter into a contract with John R. Jurgensen Company of Springfield, Ohio, to complete the 2013 Street Program at a not-to-exceed cost of $825,615.00.

Motion by Councilman Long, seconded by Vice President Smith, to authorize the City Manager to enter into a contract with John R. Jurgensen Company of Springfield, Ohio, to complete the 2013 Street Program at a not-to-exceed cost of $825,615.00. Discussion followed.

Vice President Smith asked if they had an estimated time when the company would start the project. Mr. Percival said the company is going to start with the catch basins, which takes some time to work through. Once that is complete, the company will come back and do the street milling, and then finally the paving.

The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

**Emergency Ordinance to waive competitive bidding and authorize issuance of a purchase order to Evans Landscaping, Inc. in the amount of $49,414 for a rapid response clean-up of a portion of the Hooven and Allison facility.** Mr. Percival noted a few weeks ago, he sent a memo to Council regarding vandalism at the Hooven and Allison property that involved three large transformers and theft of copper wire. Working with the EPA and several other agencies, a cleanup of that portion of the property where the vandalism occurred is required. There were no PCBs\(^2\) in the transformers, but they still have to clean it up as if there were. This is a rapid response cleanup and tonight he is requesting an Emergency Ordinance to waive competitive bidding. They contacted two firms with the proper qualifications to perform the work, but they did not have time to go through the full competitive bidding process. He respectfully requested that Council pass an emergency Ordinance to waive competitive bidding, and authorize him to execute a purchase order to Evans Landscaping, Inc. Cincinnati, OH in the amount of $49,414 for a rapid response cleanup of a portion of the Hooven and Allison facility. This expenditure will be eligible as part of the city’s local match for the CORF grant dollars when the whole cleanup is done.

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\(^2\) Polychlorinated Biphenyls (PCBs) were used in electrical transformers because of their useful quality as being a fire retardant. These transformers were manufactured between 1929 and 1977. The majority of these PCB Transformers were installed in apartments, residential and commercial buildings, industrial facilities, campuses, and shopping centers constructed before 1978. (per [www.epa.gov](http://www.epa.gov))
Councilman Long presented an ORDINANCE AUTHORIZING THE CITY OF XENIA TO WAIVE COMPETITIVE BIDDING AND ENTER INTO A CONTRACT WITH EVANS LANDSCAPING INC. FOR THE RAPID RESPONSE REMEDIATION OF A PORTION OF THE FORMER HOOVEN AND ALLISON CORDAGE COMPANY PROPERTY, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Councilman Long, seconded by Vice President Smith, that the rules requiring the reading of an ordinance at two consecutive meetings be dispensed with and this ordinance be placed at once upon its passage. Discussion followed.

Councilman Louderback said he did not know how much Mr. Percival could comment on this, so he may have to defer to the Law Director, but he asked the status of the Hooven and Allison project. It galls him that they have an owner that is supposed to step up to the plate and take this project over, but that has not happened. Mr. Lewis said this needed to be discussed in Executive Session because negotiations are going on right now. They will know a lot more in the next couple of days, but right now, it is a tentative situation. Councilman Louderback said the public is looking at this. Mr. Lewis said the public can look at it, but he is not going to jeopardize the negotiations for that purpose. Councilman Louderback said he was not saying they should jeopardize anything. Mr. Lewis said he would discuss it in Executive Session and once they get something worked out, they can express that to the public. Councilman Louderback asked when they would have an Executive Session. Mr. Lewis said if Council would like to have an Executive Session tonight, they could. Councilman Louderback said he was available. They have been dragging their feet on this Hooven and Allison project for years. The owners will not step up to the plate and the public is watching that Hooven and Allison project. Mr. Lewis totally agreed.

President Engle asked if members of Council were available to meet in Executive Session following tonight’s Regular Session. Councilman Louderback said he was available all night. Mr. Lewis said his last phone call was at 5:15 p.m. tonight, which is why he left the Special Session to take a phone call from Mr. Petroff, the attorney for the owner. He did not think it was wise to discuss this in a public forum until they know a little bit more.

Councilman Caupp noted he brought up the West Main Street Enhancement project tonight. One of the emails he received from the City Engineer stated that he called the Supervisor at Evans Landscaping three times, but received no return phone calls. Mr. Berger said Evans Landscaping has several branches and this is a completely different branch. Councilman Caupp said he was just going to say that Evans Landscaping is bidding on more jobs, but they cannot get them to return phone calls. Councilman Caupp asked if this was a different division of Evans Landscaping, but still out of Cincinnati. Mr. Berger said it is a different division. Councilman Caupp clarified it was still the same company. Mr. Berger said it is the same umbrella. Councilman Caupp said he would be voting “Nay.”

Vice President Smith wondered if the other company who bid [Environmental Management Services of Groveport, OH] would do a better job. Mr. Percival said he did not know the other company, so he could not answer that.
Councilman Long noted hazardous material (asbestos) was disturbed, and it could have been much worse, but luckily, it turned out to be something different. He agreed with Councilman Louderback that they need to take care of the property in its entirety. However, they need to move forward with this cleanup and not make this situation worse.

President Engle asked the City Manager if it was true that this is a linchpin to moving forward at this point. Mr. Percival said the cleanup is not an option. President Engle clarified he was saying they would not wish to delay this and must move this forward. Mr. Percival said that was correct. President Engle said that while the City Manager aptly pointed out that the costs for this cleanup would likely be recouped through grant money, this is just a public safety moment for the community. Through the greed of some, this city could have incurred about $50,000 in monetary damages paid from taxpayer dollars. If citizens see criminal activity going on, please pick up your phone, call 911, and report it to save yourself tax money and keep our city safe.

The Roll on this was the following:

Ayes: Smith, Long, Mills, Bayless, and Engle
Nays: Caupp and Louderback motion carried.

Motion by Councilman Long, seconded by Vice President Smith, that Ordinance Number 13-28 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Long, Mills, Bayless, and Engle
Nays: Caupp and Louderback motion carried.

Items for the City Manager: None.

Finance Director’s Office:

Schedule of Bills: Mr. Bazelak presented payment of bills totaling $430,170.55.

Motion by Councilman Long, seconded by Vice President Smith, to approve payment of bills totaling $430,170.55. Discussion followed.

- Page 2 - ASCAP – Music License Fees at $327. Councilman Long noted he asked why the city has to pay a music license to hold “Music in the Park” events, and he was told the city has to pay royalties. Mr. Percival said it is legal blackmail. Councilman Long said he was tired of being nickel and dimed to death, but even city government gets nickel and dimed on things. Mr. Percival said the money does not go to the people who wrote the music – it goes to the company. Mr. Lewis said the money goes to whoever has the contract. Councilman Caupp asked how they could catch the city. Mr. Percival said the company knows when the city holds a concert. Mr. Lewis agreed.

The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

Councilwoman Mills added that a similar fee has to be paid for the movies shown at “Movies in the Park.”
Items for the Finance Director: None.

Law Director’s Office:

Introduction of Ordinances and Resolutions: None.

Second Readings of Ordinances and Resolutions: None.

Items for the Law Director: Mr. Lewis said he did not think anyone was more frustrated with what is going on with the Hooven and Allison property than the City Manager, Finance Director and him. This has been a nonstop ordeal for the last three weeks with trying to get it resolved. Councilman Louderback is absolutely correct. Their experience with the owner has not been positive and it would not appear that everything that needs to be done is being done. They are trying to remediate the situation, but he does not know whether they will be successful, but that is where they are right now.

President Engle added a note of thanks to the Appointed Officials and his colleagues for keeping the issue in the forefront of their minds. Even though they will go into Executive Session to discuss the latest status, staff is doing an excellent job staying on this particular topic for the interest of the citizens. He asked citizens to be a bit more patient as they work through the issue.

SUMMARY OF ACTION ITEMS: Mr. Percival said he had no updates this evening.

- A request for a plan from City Staff in regard to the Broker Services Contract to include details of how the contract will be monitored (Requested by President Engle//Assigned to Jim Percival/Jackie Potter)
- Update on Proposed Recreation Venues (Requested by Councilman Louderback//Assigned to Jim Percival)
- A report on the feasibility of a Vacant Building Ordinance – due date to be determined (Requested by Councilman Louderback//Assigned to City Manager’s Office and Law Director)
- Quarterly Updates on Economic Development at Council meetings on 04/11/13 (completed), 07/11/13, 10/10/13, 01/09/14) (Requested by Councilman Louderback//Assigned to Steve Brodsky/Jim Percival)

President Engle asked if there were any issues Council would like added to the next Council meeting under “Summary of Actions Items.” There was no response from Council.

READING OF COMMUNICATIONS AND DISCUSSION: Councilman Louderback had nothing further to share this evening.

Councilman Caupp wanted to publically thank Deputy Fire Chief Joe Mullikin and Firefighter David Mills for taking the majority of their day to take him to the Ohio Fire Academy for the “Feel the Heat” program in Columbus. It is a great program, and if any Council members have a chance to go next year, he highly recommends that they go. It was cool putting on the turnout gear and air packs, climbing ladders, cutting cars apart, playing with some fire hoses, and putting out flames in a burning building. You may think being on a 75 feet ladder is not that high, but when you are on the third expansion of a ladder at a 70-degree angle with an air pack on, it is scary. He thoroughly enjoyed the program. He wished all mothers in this city a “Happy Mother’s Day” this Sunday.
Councilman Long said he was not going to address everything the speaker said during audience comments because there was a lot of misinformation. He did want to remind everyone that this city has a local preference ordinance in place that Council approved last year. They try very hard to get capable local companies to bid on projects. The City Engineer and other staff have taken the time to meet with local companies to let them know about upcoming work. The ordinance allows for a graduated local preference [based on project cost and is limited to $10,000, and qualified City of Xenia businesses are given first preference]. The city purchased the last police cruisers from Key Chrysler, and this Council really does want local companies to bid on every contract that comes up. He wanted to personally thank four individuals. They are Heidi Hildebrandt, Joelle Ralston, and Blair Davis. Those three ladies make up the committee that put on First Fridays and do 99.9% of the work that went into First Fridays last week. It takes a lot of hard work and he could not imagine doing that every four weeks this summer. He also thanked Johnna Marshall, the First Fridays volunteer who put on the car show. She put in a lot of her time and effort into that event and they actually had to turn cars away. He and his son loved the car show. Those First Fridays volunteers go above and beyond to make our city what it is.

Councilwoman Mills agreed with what Councilman Long said about the local preference ordinance and how Council encourages local companies to bid on projects. It is our job as citizens to be proactive, to think about our community, and to make it the best it can be. She spoke with former Council President Pat Felton today, and she said to tell everyone “Hi” and to keep the grass clippings out of the streets because they clog up the storm sewers.

Mayor Bayless thought First Fridays was excellent and she thanked the citizens for their support, and businesses and everyone who pulled that event together. Our city is growing, it has new businesses, and it is not going downhill; it is exciting that our city is going up. Some activities in which she participated included the Greene Giving Luncheon. The prestigious E.J. Nutter Award was bestowed upon Wilberforce resident Dr. Thomas J. Craft Sr., and she congratulated him. City Council gave Dr. Craft a Proclamation last year and he is very deserving of that award. They also recognized three karate students: Brittany Lawson, Arison Boswell, and Mason Bolton. The Arbor Day event held at the Greene County Library was great. They shared a lot of education about trees, had many activities, and gave away small pine trees. She represented Xenia at the Day of Prayer at Beavercreek’s 9/11 Monument, which was very nice. The Greene County Legislative Breakfast was also very informative. Congressman Turner was to be there, but he sent his representative and they had their state officials there to give them updates. The ribbon cutting at X*ACT’s new Xenia Arts Center on First Fridays was very nice. It is just an indication of what the citizens of Xenia had in mind, they set goals, and they reach those goals, and it is very beautiful, so she encouraged everyone to please go and see the beautiful paintings if you have not done so yet. She congratulated Central State University for this graduation on Saturday. It was her class reunion so they had some activities there and at Wilberforce University. On May 17th the Payne Theological Seminary will hold their graduation.

Vice President Smith also congratulated the First Fridays Committee. It brought a lot of people downtown last Friday; the next event is June 7th from 5 to 9 p.m. He also congratulated X*ACT on the opening of their Arts Center. It is very nice and a definite improvement from what they had there. He congratulated Athletes in Action on the Night of Champions that is going on tonight. He thanked Nationwide Bi-Weekly Administration for their continued sponsorship again this year for “Music in the Park.” In Nationwide’s newsletter, he saw that they made a very generous donation
to Interfaith Hospitality Network (IHN). Nationwide Bi-Weekly is a great asset in the community. Opening day for YRC is Saturday, May 11\textsuperscript{th} so come out and support the kids.

With all due respect to tonight’s speaker, President Engle echoed what the Mayor said regarding her points of view on the city and its state. First Fridays was exceptional and he felt a real energy in the city and in the citizens who were out at First Fridays. This is a city that is on an upward trend, and the investment by the business community and the citizens making events like that happen is a clear indication that our best days are ahead of us, not behind us. Next weekend X*ACT is presenting Bob Ford and the Ragamuffins on Saturday, May 18\textsuperscript{th} at 7:30 p.m., so please come and join them. For more information, please contact them at 372-0516 or www.xeniaact.org. Tickets are $12 and there are still a few seats available. A brief shout out to his oldest son, Tim, who is turning 26 tomorrow. He is very proud of Tim and wished him a “Happy Birthday.” He thanked all the mothers in Xenia and asked everyone to please take time to remember them on Mother’s Day. The Xenia Mayor's Prayer Breakfast will be on Friday, May 24\textsuperscript{th} at the Schindler Banquet Center from 7:30 a.m. to 9:00 a.m. It will be great fellowship with family and friends, so please call and get tickets.

ADJOURNMENT: Motion by Councilman Louderback, seconded by Councilman Long, to adjourn the Regular Session at 8:21 p.m. to go into Executive Session to discuss the Hooven and Allison property. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

Michelle D. Johnson, City Clerk
Xenia City Council

Michael D. Engle, President
Xenia City Council
The Xenia City Council met in a Regular Session on May 23, 2013, at 7:00 p.m., in the City Council Chambers, City Hall, with the following members present: Wesley Smith, John Caupp, Dale Louderback, Joshua Long, Jeanne Mills, Marsha J. Bayless, and Michael D. Engle.

INVOCATION: Will Urschel, Emmanuel Baptist Church, gave the invocation after which all joined in the Pledge of Allegiance.

APPROVAL OF MINUTES: Motion by Councilman Louderback, seconded by Mayor Bayless, to approve the May 7, 2013, Special Session minutes as written. No discussion followed. The Roll on this was the following:

Ayes: Caupp, Louderback, Mills, Bayless, and Engle
Abstain: Smith and Long
Nays: None motion carried.

Motion by Councilman Caupp, seconded by Councilman Long, to approve the May 9, 2013, Special Session minutes as written. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

Motion by Councilwoman Mills, seconded by Vice President Smith, to approve the May 9, 2013, Regular Session minutes as written. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

SPECIAL PRESENTATION: Proclamation for Lowell Williams. Mayor Bayless invited Mr. Williams to come to the podium. She was very honored to present the Proclamation. She and Mr. Williams go way back to her days at McKinley Elementary. She read the following Proclamation: “Lowell Williams was born in Clinton County, Ohio, and came to Xenia to make his home. He has lived in Xenia for 53 years with his wife, Bonnie. He began his coaching career in the early 1970’s and has consistently coached basketball, football, and baseball for 40 years. He gave of his time freely. He also worked as the Safety Patrol Volunteer Coordinator for many years at both Simon Kenton and Arrowood Elementary Schools. He has donated thousands of hours to help kids in Xenia. His love for the Xenia Community spurred him to donate his time with his reward being the joy of children he coached. He has been instrumental in giving countless elementary school children a positive outlet and his guidance and dedication has kept many students out of trouble. He is a vigilant and dedicated public servant, and the City of Xenia is privileged to have him in our community.” Mayor Bayless proclaimed May 23, 2013, as ‘Lowell Williams Day’ in appreciation of forty years of dedication to the Xenia Community. (Applause followed.)

Mr. Williams said he appreciated everything the City has done and enjoyed everything he did. He just hopes more people in Xenia would help run the youth recreation programs. When he
looks for coaches, he is often told “No”. He gets the same answer every time—coaches do not want to deal with parents. He has gotten too old, and he no longer enjoyed it because he hated to have to chew out parents. He hopes the basketball program keeps going. It does not seem like they had the same number of kids as before. He thanked Council and the City for the Proclamation, which was a surprise. He appreciated everything Scott Anger did for the program and asked him to stand up to be recognized.

Xenia Police Captain Scott Anger presented a Certificate of Appreciation to Mr. Williams on behalf of the Xenia Police Division. The XPD really appreciates Mr. Williams because he has had his own Neighborhood Watch program for years. (Applause followed.)

Mr. Williams said the Police Division had been a big help to him and the basketball program this year. He said people say there’s nothing in Xenia for the kids, but the problem is they just do not take the time to check on what they could do. He said the City has been very good to him and he is proud of that. (Applause followed.)

President Engle thanked Mr. Williams for his support and efforts for Xenia all these years.

PUBLIC HEARINGS:

Joint Economic Development District (JEDD) and a contract for the district between Xenia Township and the City of Xenia involving parcels located in the proximity of Central State University. President Engle opened the public hearing and asked for the staff report. Mr. Percival noted in November 2011, the Appointed Officials made a presentation to the Xenia Township Trustees to consider developing a Joint Economic Development District (JEDD) that would include Central State University and potentially Wilberforce University and Payne Theological Seminary. They have had many hours of discussions with Xenia Township. At this point, it does not appear the creation of the JEDD will be completed in the near future. However, by holding the Public Hearing, they are taking a step to elevate the discussions to hopefully move the process forward. The areas to be included in the JEDD have been somewhat formulated and would include Central State and Wilberforce Universities, Payne Theological Seminary, and potentially the small commercial area on U.S. 42 and Brush Row Road. Obviously, because of the state law requirements, there can be no electors in the JEDD, so no residential units would be considered at this time. The Public Hearing is being held this evening to meet the statutory requirement for the creation of a JEDD, but no further action is requested.

President Engle explained the procedures for audience comments, and invited those in favor of the JEDD to step forward to speak. No one came forward to speak. President Engle invited those against the JEDD to step forward to speak. No one came forward to speak. President Engle invited those neither for nor against the JEDD to step forward to speak. No one came forward to speak. President Engle closed the public hearing at 7:16 p.m.

X-Plan, the update of Xenia’s Comprehensive Plan. President Engle opened the public hearing and asked for the staff report. Mr. Percival said in August 2011, Xenia City Council commissioned a Comprehensive Plan update, which has not been updated since 1997. The 18-month process of analysis and dialogue included numerous meetings with the Steering Committee, the public, online “virtual public meetings” where ideas were introduced and people could vote on ideas they liked or suggest new ideas. He believes this process resulted in a very good Comprehensive Plan. He noted City Planner Brian Forschner had a work session with
Council on the X-Plan a few weeks ago and detailed the four major X-Plan components: (1) to become a community of choice; (2) to grow our economy; (3) to make our neighborhoods great; and (4) to strengthen our core. Following the Public Hearing, he respectfully requested that Council introduce a Resolution adopting the 2013 X-Plan.

President Engle invited those in favor of adoption of the X-Plan to step forward to speak. No one came forward to speak. President Engle invited those against the adoption of the X-Plan to step forward to speak. No one came forward to speak. President Engle invited those neither for nor against the adoption of the X-Plan to step forward to speak. No one came forward to speak.

President Engle closed the public hearing at 7:18 p.m. and entertained an introduction of the Resolution.

Councilman Long introduced a RESOLUTION ADOPTING THE 2013 X-PLAN, THE CITY’S COMPREHENSIVE PLAN, AS A SHARED, COMMUNITY-BASED VISION AND GUIDE FOR LAND USE AND DEVELOPMENT POLICY, BUDGETING DECISIONS, WORK PLANS AND CIVIC PARTNERSHIPS, and it was read for the first time.

AUDIENCE COMMENTS: President Engle explained the procedures for audience comments and invited anyone who wished to speak to come forward.

Matthew Arnovitz, 1440 Passport Lane, Dayton, read the following statement: “Dear Council members and members of the Xenia Community: My name is Matthew Arnovitz and I am fortunate to be the fourth generation of my family to be able to work in this great community. My Great Grandfather owned a furniture store and my Grandparents created Sol’s Store, which operated for 66 years in the heart of downtown. Since the 1940’s, we have been involved in commercial real estate in several states, but especially in Greene County and Xenia, which has a special place in our hearts and family history. Not counting my time as a youth, I have been working professionally for 31 years in Xenia. We have been an integral part of many aspects of this community and my Grandmother was a recipient of the Greene County Women’s Hall of Fame for her dedication and long-term service to the community. Our family has been involved in so many boards, commissions, and programs in this community, it is almost impossible to list them all. I am deeply concerned about your recent decision to rescind a vote and proceed toward the possible relocation of our City Administrative and Utility Offices to Simon Kenton. I have engaged legal counsel to review this process to make certain that you have followed all the appropriate practices, and because of timing, I can’t speak toward that at this time. In order to have a complete review, we may need to submit a public records request for all documents and emails relating to this issue. I will tell you that it feels to me like this issue has been intentionally kept muted for a desire to limit discussion and input. I am not here to fight or argue. Although you may have met the technical legal requirements for this process, I don’t believe that you have met the spirit of the law.

If the City is in need of additional space, a complete review and master plan should be established for each and every department. A task force should be created that looks at every possible solution on an apples to apples basis. Although I know in the past you have looked at the potential of a few building options, until the needs assessment is completed, there is no basis for measurement or comparison. I have spoken with Jim Percival, and although he assures me they will provide the results of the needs assessment, I don’t think that is enough. I believe the task force should have the opportunity and responsibility to discuss and make a complete recommendation to this Council of the options available and their respective costs.

As a commercial realtor that works in multiple states, I am forced to stay very current with leading trends and best practices in commercial development. Over the last couple of years, the latest emerging thoughts in this area are for what is known as smart growth. This concept stresses the critical importance of having a mixed urban core at the center of every viable community. The trends of a
walking and biking core business district are the center point of this process. I envision a return to a community where people mingle on the street and stroll through a true downtown market area. Where residents get to rub shoulders and develop a fellowship with each other. Where a real sense of community is established, not just by where you pay tax, but because you belong. Where we connect our bike paths and parks to a real viable business area with shops, offices, and residences.

After many years of work, we have just completed one of the most successful façade programs in the State of Ohio. In fact, many communities are reaching out to us to help explain how we did it and to help them achieve similar successes. Once some of these groups hear that the City is considering this move, they are flabbergasted. We are on the leading edge of so many positive things that this current move is almost an insult. Xenia is the county seat of Greene County and needs to be a leader. We should be engaging the County, Greene County Public Library, the YMCA, and have open discussions with what their space needs and future requirements are. The City has some great staff that can help lead this process. We should make certain that Mary Crockett, Brian Forschner, Chris Berger, and Steve Brodsky are part of this task force.

The downtown is the heart and soul of our community. This does not show up on any balance sheet or cost comparison. I don’t think all of you really understand the true implication that this potential move has. It is essential for all our citizens and visitors to be able to easily identify our city government and business core. We should not have to have people shuffle from every part of the city to conduct business here. The Service Center has already been problematic, and this additional move will make matters worse. If in the future, the County decides to look at other places in the County to move various offices and departments, how will we be able to defend our downtown? Our actions speak in mega volumes when our key city offices have abandoned the core. There are too many options that require consideration; to railroad this process toward an antiquated school building that doesn’t even have the right zoning for the intended use is wrong. Although I am certain there are more, here are just a few of the properties and buildings that warrant a review and full comparison:

- Former J.C. Penney’s building
- Both former Xenia Gazette buildings
- A new building on the land at Main and Whiteman Streets or building a new parking garage on land that the County owns.
- Relocating the Library to a new location and using that building, which is adjacent to the current City Building.
- Have a discussion with the YMCA about their facility and space needs.
- Eavey Building
- Xenia Towne Square
- Raylee Building
- Montgomery Insurance’s parking lot at the corner of W. Second and Detroit Streets
- Should the Police Division relocate to the Service Center and then those departments come back downtown where the rest of City Staff is located? If this is being done to accommodate a Police requirement, then that should be a different project.
- Should an office condominium project be created that provides offices to the City, County, and other businesses that provide great leadership in this role?
- The task force should have the opportunity to flush out all options. Perhaps there should be a public request for proposals to solicit meaningful submissions to meet the needs and requirements.

We are at a time in this country where interest rates are at an all time low. What is our borrowing and bonding ability to pay for these structures and future operating costs? We are talking about building structures that will be serving this community for the next 50 years or more. Does the school building provide too much space that will create a creep in services and expenses? The unintended consequences of a short-sighted decision. We need to make certain we are looking at not just the short-term, but also the medium- to long-term views of these projects. If the City needs recreation space, that is a completely
different discussion. Maybe it can happen in tandem, or if it is that essential, it should be part of the needs assessment/requirements.

Based on the request for qualifications that was put out by the City of Xenia for the Simon Kenton project, there were four bidders. It seems like the preliminary work necessary under this proposal are tasks one thru three, which include the executive summary, planning basis, and a complete needs analysis.

The cost comparisons for just the first three phases have huge discrepancies. Although I recognize that these costs are not designed to be taken out of context, they are insightful. They range from $50,300 to $14,140 just for the first phase.

Before this goes any farther, I would ask that the City stop and reevaluate this process. I think it is time for complete disclosure and a joining of forces to make certain we invite all of the interested parties and people of this community to the table. There should be open meetings and focus groups that look at the needs and requirements that we have. Where is the [Downtown] Xenia Now and Chamber of Commerce inclusion in this process? If you are not willing to have an open process now, perhaps you should take the final decision to a vote of the entire community.

I beg of you to create a task force that will help develop sound and positive strategies for our community. We are at a critical crossroad. You have in your hands the power to truly fulfill your roles as public servants and to provide the proper leadership for this incredibly important decision. The heart and soul of our community is in your hands and I ask you to take a step back and regroup so that we can all work together. I believe we all want the same thing – a city that is a fantastic community with a vivid history and vibrant future!” (Applause followed.)

Earl Land, 3083 Wyoming Drive, Xenia, said he has lived there since December 1969. He would like to think that he takes really good care of his property. He received a letter from the Planning and Zoning Department on April 18, 2013 and it said, “Recently the Inspector visited your property at 3083 Wyoming Drive in response to a complaint received by this office. During this inspection of your property, the following items were observed...” He has a box trailer that he uses for his work. He has been retired for 14 years and has always had trailers of various kinds, and several other residents have box trailers as part of their business. He does all kinds of lawn and maintenance work and keeps his tools and lawn equipment in his box trailer so he does not have a mess anywhere. Years ago, he had a 100-foot cement driveway poured on his property along with a garage 40 feet behind his house so he does not have to park his vehicles on the street and be a hindrance to anyone. He talked with all his surrounding neighbors and found out that no one complained about the trailer on his property. He personally spoke to [Code Enforcement Officer] Keith Koch who suggested he put his box trailer behind his house. He told Mr. Koch it was 40 feet behind his house. He has shrubbery on the side of this driveway between his driveway and his neighbor’s house and he usually has his trailer hooked up to his truck because he pulls it a lot to take his tools with him. Mr. Koch suggested he park his trailer where it cannot be seen. He asked Mr. Koch if he wanted him to pour more cement because if he moves his trailer off the driveway, it will be on grass. He put in the 100 foot cement driveway so he would have a cement slab on which to park his trailer and vehicles so it would not cause problems for anyone. Mr. Koch suggested he put shrubbery in front of his trailer as a screening. You cannot put shrubbery on cement! Then Mr. Koch suggested he put up a 6 foot high privacy fence/gate across his driveway. He told Mr. Koch that he did not like the looks of a gate across his driveway and it would create more problems than it would be worth.

Mr. Land said he talked to other Arrowhead residents that have box trailers and quite a few people are upset about Mr. Koch’s letter. There was no complaint filed by his neighbors. Mr. Koch admitted he drove around looking for violations and had already found about 2,000
violations in the City of Xenia. He does not believe it is Mr. Koch’s job to go around looking for violations. It might be to enforce violations, but if there are no complaints, in his opinion Mr. Koch has no right going around looking for violations.

Mr. Percival said he would contact Mr. Land tomorrow. He and the City Planner have been working on this issue all week.

Councilman Louderback said Mr. Land was 100% correct. As he has said in the past, our City is sometimes anti-business and he received several complaints from citizens just like Mr. Land. He used to work with Mr. Land and knew that he keeps his property in tiptop shape. He disagreed with the selection [employment] of Mr. Koch because they had people in the City that could have done that same job. It upsets him to no end that the Code Enforcement Officer is driving around looking for violations. He appreciated Mr. Land coming to this meeting because this has to stop. This anti-business atmosphere has to stop or this City is never going to grow. People like Mr. Land are going to move out of the City and he would not blame him. They need to look at the slumlords in town. If the Code Enforcement Officer wants to drive around with him, he would show him some things on which they should be concentrating. They need to use some common sense.

Tim Sontag, 1047 Hyde Road, Yellow Springs, said he is a downtown business owner and building owner. He would like to say a few words in support of Matt Arnovitz on the comments he expressed to Council this evening. He appreciates daily all the support from the City that all business owners have received for the downtown events, including the people who take care of the gardens and flowers and all the things the City does for the downtown businesses. He knew it seems like self-interest to say they want to protect the downtown, but as a business owner, he feels he has the wisdom to know that if the City of Xenia has good government that is efficient, has a good financial footing, is transparent, has good schools, then all of those things helps him as a business. It does not all have to be focused on downtown because anything that helps the City of Xenia grow is good for him. If the City needs more space, and if after really careful consideration they really feel that the very best option is moving to Simon Kenton, then he would support that. At the same time, it flabbergasts him to think the City would do that without considering other available options, especially on an evening when the X-Plan talks about strengthening our core. He thought moving the Administrative Office out of downtown would definitely weaken our core, symbolically and tangibly in many ways. He would like Council to give that very careful consideration. (Applause followed.)

William Kerry, 2996 Wyoming Drive, said he got the same letter that Mr. Land got from the City. He is a member of a model train club. His cargo trailer holds his excess modules for his model trains and it is not often moved. His trailer is covered by his homeowner’s insurance policy [when parked] or [by his automobile insurance] when it is hooked up to his vehicle. The trailer has been there for 17 years with no problems and the nose of it is even with the front of his house. He feels the same way as Mr. Land. He has a two-car concrete driveway that runs along the backside of his house and the trailer sits on that driveway, but Mr. Koch told him to erect a 6 foot tall gate across his driveway. His driveway is within 1¾” of his property line and he has no place to put a post on which to attach the gate unless he puts it on his neighbor’s property. He thought a gate in front of the house would look a lot worse than the front of the trailer. As Mr. Land said, the City may lose a lot of people. Many guys have racecars, and if they are kept in storage lots, their insurance does not cover them even though they are stored in a
fenced, secured area. He noted one guy had his trailer and racecar broken into and the guy that owns the storage lot said he did not cover that.

Thomas Scrivens, 725 Lexington Avenue, Xenia, asked who was making the evaluation on road repairs. It seemed to him that the main arteries to the city, especially E. Main Street, is in need of repairs because people are dodging potholes while trying to stay in their lane. That is the main artery from the eastern section of the city. Sutton Drive between E. Ankeney Mill Road and N. Monroe Drive has to be fixed first on the list. Also, E. Second Street is a monstrosity where the city stopped repairing roads at the demarcation of the old segregation line all the way up to the top of the hill where the City owns the property and the wind blows trash in all the time, but no one ever seems to get around to picking it up. E. Church Street is a giant sinkhole, which is ridiculous. He noticed N. Fair St. (between E. Main St. to E. Second St.) is on the list where one or two families live. Evans St. (between E. Church St. to E. Main St.) has one family living there. Jefferson St. (between E. Church St. to Lexington Ave.) has two families, and there are a couple of other similar streets on the list of streets to be repaired. The problem is that Ray Charles could see that those streets would be subordinate to the other streets. He wants to know why they are not getting new streets.

Regarding Mr. Arnovitz’s comments and those of the other gentlemen who spoke, Mr. Scrivens said when you select people to administer the Ohio Revised Code and the Ohio Administrative Code, categorically you want somebody who has common sense, like Councilman Louderback stated. You do not want to bring someone in who is not familiar with our way of doing business and getting things done. The question is how to get there. His suggestion is that they should first look to Xenia High School graduates and to the local universities and find someone who has a sympathetic approach to getting things done. They cannot make Xenia like Centerville, Oakwood, or Huber Heights no matter how hard they try. Xenia is going to be Xenia, and they might as well get used to it. What they need to do in the interim is to make Xenia the best that it can be. They need to start at the Courthouse and use the prisoners to paint whatever needs to be painted. Paint is cheap. He voted for the majority of Council, so he knows they are good public servants, but now they have to impress upon the policy makers from the people you service and the people you make the policies for to get the job done. City Staff is receiving salaries and pension benefits and the job is left lacking.

REPORTS OF COMMITTEES:

Planning & Zoning Commission: Councilman Long said XPZC met in a Regular Session on May 2\textsuperscript{nd} and took the following actions:

- Commissioners unanimously approved a Modification to the West Park Square PUD to allow construction of a Kroger fuel center and modification to the alignment of a previously approved entrance and drive into that property. Previously Commissioners approved a drive and new entryway off Main Street into that parking lot, and as part of this plan that will proceed, although the alignment has changed slightly. There were several conditions on that action:
  1. The applicant would have to submit a public access easement that meets City approval within one (1) month of zoning permit approval.
  2. Installation of required landscaping and painting of the rear dumpster enclosure on the westernmost outparcel where the Chipotle and AT&T stores are located. When that development was redeveloped there were some promises made to mask the back of that
building with some paint and landscape fencing, but that has not yet been done. A condition of that continued improvement is to make sure the applicant follows through with their commitment.

3. Submittal of a sign plan/permit application that would be approved later.
   - There was also some open dialogue on the X-Plan.

Councilman Long said since he and Vice Chair Sarah Amend were unable to attend the May 16th XPZC Special Session, he wanted to thank President Engle for chairing that meeting. There were four agenda items:
   - Commissioners approved a West Park Square PUD Modification to allow a larger outdoor merchandise display area than previously approved by XPZC for Rural King. After a lengthy discussion, Commissioners approved the PUD Modification subject to the following stipulations:
     1. Consolidate the seasonal display into a single area so that the temporary outdoor display area is moved away from being directly in front of the front door and that the permanent outdoor display area be moved to the western most part of the parking lot without impinging on the drive aisle.
     2. The seasonal garden center shall be limited in duration to 90 days (April 1 to July 1).
     3. Commissioners approved another motion to not allow Rural King to use wooden pallets as fencing because that was being done.
     4. City Staff is to work with Rural King to continue to improve and enforce Code Enforcement violations on that property.
   - Wright Cycle Estates PUD Modification to allow a deviation from the approved site plan for properties at 2140 and 2147 Schwinn Avenue. The request was unanimously approved to allow the developer to combine the two lots in order to build a larger home with a three-car garage.
   - Commissioners unanimously approved the Certificate of Appropriateness for the West Main Streetscape Project between King Street and Church Street.
   - Commissioners formally endorsed the X-Plan, which City Council also did tonight.

Councilman Long said if Council had any questions regarding the May 16th meeting they should be directed to President Engle since he was not in attendance.

Councilman Louderback said he was glad Rural King has come to an empty building, filled it up, brought jobs, and here they are once again nitpicking Rural King. It is a tractor supply store and he expressed to the manager how happy he is to have them in the City. This is a perfect example from the Planning and Zoning Commission of nitpicking again! Once again folks, they need to make some changes or they are going to anti-business themselves right off the map.

President Engle said since he chaired the XPZC meeting, he presented one observation—Rural King actually left that particular meeting with a larger outdoor area than they had previously been authorized. The Commission’s view that was held by the totality of members was that the seasonal displays should be sequestered into one area rather than spread out through multiple areas. He does not dispute what Councilman Louderback says; that is simply his opinion. However, it was the view of the group that the request from the City was reasonable and that the offer back from the City of actually more space than Rural King presently had was also reasonable. Councilman Louderback asked what Rural King’s view was. President Engle believed Rural King was most disinterested in another part of staff’s recommendation to move the permanent display area, which was not adopted by the Commission. In his opinion, he
believed the Rural King representative left satisfied with the end result. Councilman Louderback said his opinion, “They need to quit listening to management and these Committees and start listening to our business owners.”

Councilman Caupp said he also attended that meeting. It is no secret that he is on record of being displeased with some of the things that are happening at Rural King. As he told the Rural King manager that was at the meeting, the permanent outdoor display area that is already there is a done deal since the City [XPZC] already approved it and they were wasting their breath even discussing it. He had more issues with the things that Rural King was supposed to do. There was a considerable amount of trash piled up by their docks that looked horrible. All the skids in front of their door were taking away from the view of the store that Rural King said they wanted. He had a long conversation with the Rural King’s Manager Colin Rickelman after the meeting. He is a very nice gentleman. As Mr. Rickelman put it to him, he had a “come to Jesus” meeting with the local manager twice and was displeased with the local Rural King management at that store. He was at Rural King this week and they removed almost 250 skids that were in the parking lot along Progress Drive. Everything is in the permanent outdoor display area where it is supposed to be. The local management has cleaned up around the dock area and it looks 110% better than it has looked since they moved in. Mr. Rickelman assured him they wanted to be a good partner with the City of Xenia and he was unhappy with some of the things the local management had not taken care of at that location. He said that was not how they wanted to run their business either. Mr. Rickelman also gave him the regional manager’s number and assured him that if they ever have any problems to call the regional manager and they would take care of it for the City. He was very pleased with the conversation he had with Mr. Rickelman. If they had not raised some of issues out there, he did not know if Mr. Rickelman would have been aware them, but he took care of everything 100%. He praised Mr. Rickelman for getting done what needed to get done and nothing they did this week cost Rural King any money. It was literally maintenance issues that the management took care of out there. He is very happy that Rural King is here and is happy there are now two anchor stores there that will help them draw other businesses to fill that shopping center. He thought there was nothing in the shopping center that would be a detriment to Equity Investments trying to rent that property.

Councilman Long said ordinances are on the book, and they may or may not agree with some of them. Unfortunately, it was not just a Board or Commission receiving complaints about Rural King. He received 10 or 15 complaints from citizens about the condition of their parking lot, and Council received 10 or 15 complaints about the condition of the parking lot before Rural King even owned it. It is the responsibility of City government to enforce our ordinances. He thought any of the downtown business owners in the audience tonight could agree that they invest a lot into their properties and they want their neighbor held to the same standards. He noted they discussed the trailers, which is an ordinance that needs to be changed. As part of the X-Plan, Council agreed at the last meeting that they need a comprehensive review and rewrite of the City’s Zoning ordinances and that it is a priority, but it is a long process. It took him two years to change an ordinance for amateur radio towers, not because of Council alone, but because the state and federal government was involved. When they start the process of rewriting the Zoning ordinances, he was sure they would use similar tools that were used for the X-Plan and get business and public buy in. However, the City has to enforce the ordinances it has on the books and cannot just selectively choose what those are. He has a camper that he parked in front of his house two days last week and a neighbor complained, but according to the ordinance, he is
permitted seven days to unload his camper, so he was within the law. However, neighbors complained, but they will not tell you to your face that they complained; they will use the government to intervene. He is looking forward to the comprehensive rewrite [of the Zoning ordinances] and wants to be sure that is part of the budget priorities so it gets done sooner rather than later.

Mayors & Managers: Mayor Bayless said she attended the Mayors & Managers meeting on May 8th. They had an interesting presentation by the Vice President/Director of Athletics at the University of Dayton, Tim Wabler. His topic was “First Four Impact to the Community,” which were the playoffs hosted by the University of Dayton. He discussed the economic impact to the community. UD Arena is an attraction mainly because of the physical arrangement. He said most people appreciate it because it is actually a gym rather than a multi-functional arena as many of the others are (there is no ice underneath), which makes it a great playing area with great financial benefits to the area.

Miami Valley Regional Planning Commission: Councilman Louderback said MVRPC met on May 2nd at 1100 W. Third Street. They adopted MVRPC’s FY2014 budget; the final TIP (Transportation Improvement Program), and had an update from Martin Kim on “Going Places.”

ITEMS FROM CITY COUNCIL AND MAYOR: Reappointment to Board of Zoning Appeals. Mayor Bayless said Mr. C. Cameron Streutker’s term on the Board of Zoning Appeals expired on April 11, 2013, and he has expressed a desire to be reappointed to the Board for another four-year term that will expire on April 11, 2017. Mr. Streutker was originally appointed to fill a vacancy on the Board on March 8, 2007; this reappointment will be his second consecutive full four-year term. He has proven to be a valuable asset to the Board of Zoning Appeals, and she appreciates his volunteer service.

Motion by Mayor Bayless, seconded by Councilwoman Mills, to reappoint Mr. C. Cameron Streutker to the Board of Zoning Appeals for a four-year term expiring on April 11, 2017. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

REPORTS OF CITY OFFICES: Councilman Louderback said his thoughts and prayers go out to all the citizens who were affected by the tornado in Oklahoma. He received several calls regarding the number and locations of Xenia’s emergency shelters. He also received a call from Dr. Sanders at Xenia Nazarene Church and he offered the church’s basement [as a shelter]. It seems like there is a lack of shelters in Laynewood and Arrowhead. He asked Mr. Percival to let the public know where the shelters are located, the hours they are open, etc.

Mr. Percival said the Xenia Service Center [966 Towler Road] has a safe room that was built after the 2000 tornado. When there is a chance of inclement weather, they make sure that building is open for residents. They encourage people to go there if it is safe, but if it is not safe, do not get out into the area. There is also a shelter at Xenia Adult Recreation and Services Center [on Church St.] that was also built after the 2000 tornado. That shelter has a little more limited availability. It is open during their normal business hours, but they are working with them to make sure that shelter is available after business hours. They are also working with the folks at Xenia Nazarene Church since there is a basement in that church. He also spoke with Dr. Sanders
and they are trying to work out the logistics of making sure that would be available to residents, especially those folks living on the south side of U.S. 35 in Laynewood.

Councilman Louderback thought the East End was lacking shelters. He asked Mr. Urschel from Emmanuel Baptist Church if his church would consider opening a shelter for those living in the south end of town. He assumed the church had a basement. Mr. Urschel said his church does not have a basement. Councilman Louderback asked if anyone ever contacted the YMCA. Mr. Percival said he did not know if anyone had contacted the YMCA, but there is a basement area that would probably be available. They can check with YMCA Director Tiffany Foxx. Councilman Louderback wondered if there were churches or other buildings in the East End that could provide a shelter. If anyone in the City could offer a shelter to the citizens, it would be greatly appreciated.

Councilman Louderback said he received an email from the Finance Director, which he thought all members of Council also received. He was a little bit confused by the email and was hoping that Mr. Bazelak could answer some of his questions. First of all, he wanted to remind everybody, but especially the citizens and management, that the City of Xenia is a Council-Management form of government. Council hires and/or fires the City Manager, the Law Director, and the Finance Director. Each of the seven members of Council has one vote. Management answers to Council, which is the way it is supposed to work. Since the email is a matter of public record, he read part of it: “I applaud the effort to Council to be more proactive on looking at ways to enhance economic development services for the City. As a start, we need to know what economic development services are currently being provided. As of today, there are only two people in management that have a good handle on what is being done and one of them, the City Manager, is leaving in February.” Mr. Bazelak went on to ask several questions, which he feels Mr. Bazelak should know the answers to all those questions since he has been with the City for many years. Continuing with the email, Mr. Bazelak said, “Do we currently have a data base on this for commercial structures? How would this part of the proposal dovetail with the code enforcement we have talked about with X-Plan? How is the change in leadership next year going to affect this effort? How would these services affect the current services being provided? I do believe they need to commit additional dollars to that effort. The problem is Jim [Percival] is leaving, and if Steve Brodsky thought a new direction was necessary, he would or should have brought it up and Brent [Merriman the Assistant City Manager] has a number of projects on his plate.” He asked Mr. Bazelak to expound on what he was trying to say.

Mr. Bazelak thought Councilman Louderback read his email clearly. Councilman Louderback said he did not read the entire email. Mr. Bazelak asked Councilman Louderback what his questions were. Councilman Louderback noted Council had a work session and the City Manager and Assistant City Manager made a directive that they could proceed with the GAI\N project, so why did Mr. Bazelak not say something before this? After reading the email, he is confused about what direction Mr. Bazelak wants Council to go.

Mr. Bazelak said he was not aware specifically until late that Council was being directed to actually commit to the proposal [from GAI\N]. His personal and professional opinion is that there was a jumping of the gun. Normally when they do something along those lines, they do a Request for Proposals and build the specifications for something this important. They then review those Request for Proposals and make a recommendation to this Council. In his opinion, the proposal that was offered may be well within what City Council would like to move forward with, but maybe not. He is one that believes in competition. He believes the gentlemen that
provided the proposal did an excellent job and may be very qualified to help this City move forward with economic development, but there may be other options out there. He thought it was up to this Council to make that determination whether or not they want to just hold that one proposal and move forward with it. His personal and professional opinion would be that they step back, the City would build a Request for Proposals on services they would like to see in the future, and then take a look at all those potential proposals, and evaluate them. Staff would bring a recommendation back to the Council, and Council would take a look at those and make a decision. If Council would like to move forward, then that would be up to City Council.

Councilman Louderback said once again, this City Council hires or fires Mr. Bazelak, the City Manager, and the Law Director. City Council runs this city. Mr. Bazelak said that was correct. Councilman Louderback said they got a directive from the City Manager to move forward and now all of the sudden is Mr. Bazelak unhappy because he was not involved in the meetings like the email says. It says two members of management were involved in the process and that is it. Mr. Bazelak said that is not what he said in the email.

President Engle invited other Council members to also comment, but he did not recall a directive to move forward with the proposal; in other words, to accept it and fund it. He believed Council asked for a proposal based on what was presented. The material provided in the proposal was very good, but general, in terms of what GAiN might do for the City. The proposal was very specifically a dollars and cents in regard to what projects GAiN would focus on. He did not recall any direction from this Council or management that they were going to immediately move forward [with the proposal], accept it, and fund it.

Councilman Louderback felt President Engle was twisting his words about directing GAiN to do a proposal. He stated President Engle was the one that said he wanted a proposal from GAiN. President Engle said he asked what GAiN’s proposal was. Councilman Louderback said President Engle asked GAiN to give Council a proposal, right or wrong? President Engle said he did that, yes. Councilman Louderback said President Engle’s answer was yes, correct? President Engle said he did not know where Councilman Louderback was going. Councilman Louderback said he knew where he was going and President Engle knew where he was going. President Engle said he did not and asked Councilman Louderback to please proceed with his comments. Councilman Louderback said Council asked for a proposal from GAiN. Would President Engle agree with that? President Engle said Council had a general presentation from GAiN and he was interested in knowing what specifically they would propose to do. Councilman Louderback said they could go back and look at the minutes; evidently, President Engle forgot what he did.

Councilman Louderback said he was very upset that Council got an email after all the legwork they did. Somebody or some bodies are unhappy. They need jobs in this community and when a Council wants to go forward with economic development and people want to drag their feet, it is not what people put them there to do.

Councilman Long apologized to the audience present and those viewing at home since they are at a disadvantage because they do not know what they are talking about because Special Sessions are not televised. To update the audience, Council had a special session on May 7th, and an organization called GAiN (who were present in the audience tonight) made a presentation about what services they could provide to the City for economic development. The effort was in line with the X-Plan that says the City needs to grow its economy and expand some of those services.
It was at the request of several Council members that GAiN be permitted to make a presentation to Council at the public meeting in regard to what their company could do for the City. This approach was rather odd because Council does not normally do that. Quite frankly, when they are looking for services, they normally go through a Request for Proposals (RFP) process, so it was different. They can still go through the RFP process, but it was within Council’s legal right to allow GAiN to do the presentation.

Regarding the email Council received earlier from Mr. Bazelak, Councilman Long said Mr. Bazelak is an employee of this Council and part of that responsibility as the Chief Financial Officer for our City is to advise this Council on these matters, and Mr. Bazelak was giving Council his advice. The questions that were asked when he read the email were how he would address his boss; he would ask his boss if they had considered other things and other people. He met with the gentlemen from GAiN earlier this week and told them he thought it was odd that they were awarded that time. He was glad Council got to learn about GAiN, but that does not mean Council is proceeding with anything. GAiN presented some options for the City, and Council has a lot to discuss. Since he missed the first hour of the presentation, he took his own time to meet with gentlemen from GAiN to get caught up. GAiN has some services and Council has some questions. He thanked Mr. Bazelak for his good questions and he thought it was well within his job duties to do that service.

Councilman Caupp said he listened to the gentlemen from GAiN, heard their presentation, and thought it was commendable that they took the amount of time and effort to learn about our city. From their presentation, they are all well aware of the fact that GAiN went back through every study, report, and budget that was done in the last five to ten years to try to figure out where the City’s gaping holes are in the process. GAiN has pointed out to him numerous places where the city has substantial holes. He would question where the City would start to come up with what they want in an RFP. He noted that today Mr. Percival said Mr. Brodsky was on board with GAiN and he thinks they can help the City with its economic development. To this point, the City is doing nothing, but spending 80% of the Economic Development Department’s budget for salaries and benefits. They have two people running an Economic Development Department that are drawing a salary and benefits that don’t have any money to do anything, so how much is the City getting in economic development. After Council’s discussions, they decided they were willing to commit more money to economic development. When the City competes for businesses, they are competing against Bellbrook, Beavercreek, Sugarcreek, and Yellow Springs and they have to do something different than everybody else is doing. They have to find somebody that will truly become a partner with them and an extension of our Economic Development Department that will work with them, have the flexibility to work with them, to change as they need to change, and sometimes to change quickly. Sure, there are other firms that do economic development type things. They used Buxton, and hindsight being 20/20, that was not the right fit for our City, and they should never have done it, so live and learn. That was a $72,000 mistake. The gentlemen from GAiN have done a lot of pro bono work just to get to where they are. They know more about this City than anybody else. The City can go out for an RFP, but will those other companies take time to learn what our gaping holes are before they send a proposal back, or are they going to just submit a proposal not really knowing the true extent of our Economic Development Department? It could be an RFP for the Simon Kenton project or whatever, but he personally believes many big firms come in with great dog and pony shows, and they promise you the world, and everything

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1 The contract awarded to Buxton on 03/26/09 was in an amount not to exceed $55,000.
looks good, but they may not be the right fit for this community. Sometimes they need to find that right partner and that unique fit that is going to fit with the City.

Councilman Caupp said he personally met with the gentlemen with GAiN more than anyone else on Council. They educated him on different things and pointed out things to him that he did not know after serving on Council for five years. They have some major holes in Economic Development, and they urgently needed to determine how to fill those holes. They can go out for an RFP, but that will tack on another 120 days before they could even get started. The City Manager gave Council a memo Friday stating he would like to review the proposal and bring to Council an agenda item in June that would allow them to begin using GAiN to provide some of the services outlined. Mr. Merriman and Mr. Percival have looked at the proposal, they talked to Mr. Brodsky, and they obviously think there are potential things in the proposal that they can start doing immediately. They have to take some baby steps before they can even get to where they really want to be. They have to put some things in place and he thought GAiN did a thorough job on that presentation with the metrics to gauge where they are. GAiN wants to be methodical in putting everything in place in the proper sequence, and he believed GAiN had all that lined up. He knew five Council members responded to Mr. Bazelak’s email stating they agreed to have a work session on it. His question to the five Council members would be what will be the scope of that work session? Are they going to once again discuss economic development or are they going to put an RFP together? If they are going to have a work session, he personally wants to have it immediately and not waste 120 days. They need to have some serious discussion on economic development. Council said it is a priority, so it is time that they fund it and make it a priority instead of just talking about it being a priority.

Mayor Bayless thought GAiN’s presentation was excellent and she appreciated all the research and input that was given. She also really appreciated the fact that the Finance Director, Mr. Bazelak, would present a different side so they could get a clear picture on where they want to go. She thought they knew the positives, but they need to know the other as well so they can make sound decisions. Hopefully, that is what the work session might do. They can actually do some brainstorming, get input, and see if this is the direction they actually want to go.

Councilman Long said that email spurred him to ask Mr. Bazelak a question. He wanted to thank Mr. Bazelak and [Assistant Finance Director] Ryan Duke for giving him the information. He asked what they had spent in the Economic Development Department over the last 15 to 16 months from the time XEGC transitioned into being a City department. Payroll and benefits are around $160,000 a year. The total spent with memberships and consulting services in that Department was $250,000. At the anticipated work session, he would ask that Council be ready to ask questions about how they have been spending that money before they commit more. He met with the gentlemen from GAiN and they are proposing very real items, like doing an inventory of all buildings in Xenia or polling current businesses on what makes them successful and what puts them at risk. Those are things that businesses can really use, and there is much more than just that – GAiN has actually done their homework. However, in good conscience, they need to know how they are spending the money on economic development now, what those employees are doing, what those service fees are going to, and how organizations like GAiN or others like them fit into that and not just in addition to. He looks forward to the work session and asking those questions.

Councilman Caupp said so the public is aware, one of the big things that GAiN is proposing is retention and expansion of the City’s current businesses and how to bring in businesses that
support what is already here. Instead of going out and getting just another machine shop, they consider what is already here and find out what other businesses would support them. It is a win/win for the business and a win/win for the City. Hopefully, new businesses will be brought in that not only bring tax revenue to the City, but also help our current business base expand and become successful. It is a way of thinking that he has not heard from others he talked to about economic development. GAiN’s proposal also talks about marketing the City, the image of the City, and how to “sell” our City. The gentlemen from GAiN said when somebody goes to look at a city, the first thing they do is go to a website. When they went to the City’s Economic Development Department website, there were several broken links that went nowhere. If somebody is looking to come to a city, if they click on a broken link and they don’t know who Xenia, Ohio is anyway, they will probably just cross Xenia off the list and go to the next one in their search. He understood that everyone wants a work session, and he is okay with continuing the conversation, but he wants the work session scheduled tonight so they can move forward.

Councilwoman Mills agreed with Councilman Caupp that delaying a work session is not fair to our city or to the members of GAiN who gave a very wonderful presentation. If people have questions, they will not vote to move forward. Sometimes they do not all agree, but all of them have a heart for this city or they would not be here, and all of them want to see the city move forward and be better. Once those questions are answered in the work session, they will be able to move forward, which is what is truly important at this time.

Councilwoman Mills also thanked Mr. Bazelak for his comments and the information he shared. City Council does hire/fire the three Appointed Officials, but the Appointed Officials are in charge of doing their jobs, so she appreciated Mr. Bazelak doing his job by sharing his opinion and point of view as the Finance Director. Council appointed Mr. Bazelak to do his job and they trust that he is doing just that. She suggested that the City Manager, Assistant City Manager, Finance Director, Assistant Finance Director, and the employees of the Economic Development Department be at the work session, and maybe the City Planner. Anyone who can give Council input and answers needs to be there, because there is no sense in having a work session if there is no one to answer Council’s questions.

President Engle said he continues to have tremendous confidence in Mr. Bazelak. He applauded him on the email he sent to Council because he believes that is in the highest character of the role he plays in this city. He greatly appreciated Mr. Bazelak’s willingness to step out and cause Council to think deeply about issues that are of incredible importance to them in this city.

Councilman Caupp asked President Engle if they could schedule the work session. President Engle said they would schedule the work session at the close of the meeting.

(Councilman Caupp left the meeting.)

**City Manager’s Office:**

Emergency Appropriations Ordinance and Emergency Resolution Authorizing the City Manager to execute a Change Order with SRW Environmental, Inc. for the OVCH Clean Ohio Revitalization Fund (CORF) grant and establish a new Not-to-Exceed contract amount. Mr. Percival said during the Phase II Environmental Site Assessment, a total of 18
groundwater monitoring wells were installed. The owners have requested that those groundwater monitoring wells be removed and the company will look at that.

Mr. Percival respectfully requested that Council take two actions:

**Action 1.** Pass an emergency Ordinance to appropriate funds within the 361-Fund from Capital Improvements to Operating in the amount of $48,850.00.

**Action 2.** Pass an emergency Resolution authorizing him to enter into a Change Order with SRW Environmental Inc. for the OVCH CORF project and establish a new Not-to-Exceed amount of $306,160.00. None of these are City funds. This is all State of Ohio CORF grant money and the City acts as the pass through to Athletes in Action.

Councilman Long presented an **ORDINANCE AMENDING ORDINANCE 12-53 TO MAKE ADJUSTMENTS IN APPROPRIATIONS FOR CURRENT EXPENDITURES OF THE CITY OF XENIA, OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2013, AND DECLARING IT TO BE AN EMERGENCY.**

Motion by Councilman Long, seconded by Mayor Bayless, that the rules requiring the reading of an ordinance at two consecutive meetings be dispensed with and this ordinance be placed at once upon its passage. Discussion followed. Councilman Long clarified Council is approving the ordinance as an emergency because the contractor has equipment on site and delays will lead to increased costs of equipment rental. Grant funds will cover the cost, which the city will pass on to the contractor. Mr. Percival said that was correct. The Roll on this was the following:

Ayes: Smith, Louderback, Long, Mills, Bayless, and Engle  
Nays: None  motion carried.

Motion by Councilman Long, seconded by Mayor Bayless, that Ordinance Number 13-29 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Louderback, Long, Mills, Bayless, and Engle  
Nays: None  motion carried.

(Councilman Caupp returned to the meeting.)

Councilman Long presented a **RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CHANGE ORDER WITH SRW ENVIRONMENTAL INC. FOR THE OVCH CORF PROJECT AND ESTABLISH A NEW NOT-TO-EXCEED AMOUNT OF $306,160.00, AND DECLARING IT TO BE AN EMERGENCY.**

Motion by Councilman Long, seconded by Vice President Smith, that the rules requiring the reading of a resolution at two consecutive meetings be dispensed with and this resolution be placed at once upon its passage. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle  
Nays: None  motion carried.

Motion by Councilman Long, seconded by Vice President Smith, that Resolution Number 13-K be now passed. No discussion followed. The Roll on this was the following:
Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

**Items for the City Manager:** None.

**Finance Director’s Office:**

Amend the Utility Billing Rules and Regulations to allow customers to initiate new service without appearing in person. Mr. Bazelak said currently when a new resident or utility customer wants to sign up for service, they are required to actually come to the Utility Billing office with their proof of ownership or a copy of their lease and present a photo ID. The office has received many complaints about this process because people work during the same times as the Utility Billing Office’s business hours, and they would like the ability to not have to actually come into the office to sign up for service. With that, the Accounts Receivable Manager looked at some possibilities, and one of the things she came up with was the ability to sign in online electronically. The property owner would be required to fill out a form and provide their Social Security number if they are getting service for themselves or the Social Security numbers from tenants and they could submit that form electronically. The individual would then not be required to sign up for service in person because staff would be able to use Lexis/Nexis Accurint® to verify their identity. They think this offers some flexibility to our customers and would he would like Council to consider amending the Utility Billing Rules and Regulations to accomplish these changes.

Motion by Councilman Louderback, seconded by Councilman Long, to amend the Utility Billing Rules and Regulations as presented by staff effective July 1, 2013. Discussion followed.

Councilman Louderback said in his opinion this has been a long time coming, because they need to be more customer friendly in the area of Utility Billing. He then read some notes from the agenda report.

- It is perceived as not being customer friendly since customers must come to our office during our business hours.
- We are requesting changes to make these processes more customer friendly and efficient for the Utility Billing Division.

Councilman Caupp said he was all for trying to streamline the process and utilizing more electronic avenues. When they dealt with this two years ago, he thought one of the biggest problems they had was people signing up for water through other identities, and the Council Chambers was filled with property owners that were upset about getting stuck with paying their tenants’ unpaid utility bills. If they go online and people do not have to show identification, he wanted to make sure they have talked to property owners who own many rental properties to see if they are in favor of the changes.

Mr. Bazelak said Utility Billing would continue to get the same information from the property owners (the tenants’ names and Social Security numbers). Staff will keep that database to check to see if the property owner or tenant will have continued service. The only thing they are doing is requiring some potential additional responsibility from the property owner. If the service is going to be provided in a tenant’s name, the property owner could complete the form on the city’s website giving their permission for the service to be placed in their tenant’s name, and would provide the tenant’s Social Security number to the Utility Billing Department (which they should have if they did a background check on their tenant), so those property owners would be
in favor of the option. Those property owners who may not be in favor of the changes are those who may not be getting the information now and may look at that as an additional item for them to do. Hopefully, they will not meet that resistance and the ability to sign up for service on line electronically will be a positive rather than a negative thing. If the applicant would prefer to not use the electronic process, they could fill out the application and fax it, attach it to a secure email, put it in the 24-hour drop box, mail it, or drop it off at Utility Billing.

Councilman Louderback said this brings back memories. He was not sure if other members of Council remembered, but he was the only one on Council that was for the property owners’ rights and voted “nay” while everyone else voted “aye”. He thought it was unfair to hold a property owner responsible for their tenant’s unpaid water bill. He used to be a landlord and once he got a $1,500 water bill for a deadbeat tenant that did not pay and he was responsible to pay it. It is a property rights issue, and DP&L and Vectren will not hold a property owner responsible for any unpaid bills, so why should the City of Xenia.

Councilman Long noted he was not on Council when that happened, so not everyone on this Council voted for that. Kudos to whoever came up with the idea. At his place of employment, they make sure those who come up with great ideas get rewarded for it, so thank you to whoever came up with the idea. It costs the city about $750 a year to do the identity checks, so in the grand scheme of things, it is probably less expensive for the city to do that than to require four or five property owners to take their day off to come to City Hall to take care of signing up for utility services. Customers who do not trust [or are not comfortable with] the on-line process can still print the form and drop it off. Mr. Bazelak said customers could drop off the form or fax it. They will require that customers use the new form, but if there seems to be an issue, they will obviously address that. A lease and a photo ID could still be required to sign-in for service in person, but they want to drive people to the new electronic process.

Councilman Long clarified there are two options: Option 1 is the property owners keep the utility bills in their name and collect the money and Option 2 is the tenants are allowed to put the utilities in their name and pay the bill directly. Mr. Bazelak said yes, they allow that. Councilman Long said with the electronic process, the property owner is still required to do something electronically acknowledging the fact that the tenant is allowed to have water service on that property. Mr. Bazelak said the property owner does not necessarily have to do it electronically. They can fill out the form, sign off on it, and drop it off or have their tenant drop it off, but the property owner is responsible for having the form filled out. Councilman Long clarified somebody could not just put water service on a property and the property owner not know about it. Mr. Bazelak said that was correct.

Councilwoman Mills noted the staff report states, “Copies of the new resident packet will be made available for property owners to give to their tenants and will also be posted on our website.” She noted included in the packet is a lot of information that someone new to the community would need, including a description on how water meters are read and a list of frequently called numbers, such as the Post Office, Time Warner Cable, etc. She thought the new resident packet was a great idea, which will help newcomers feel more comfortable.

The Roll on this was the following:

Ayes: Smith, Caupp, Long, Mills, Bayless, and Engle
Nays: Louderback motion carried.
Introduction of an Appropriations Ordinance for Supplemental 2013 Expenditures and Transfer of Funds from Personnel budget lines to Contractual Service budget lines.

Mr. Bazelak said the city’s most experienced employee in the Income Tax Office has been dealing with a serious health issue. Because it is tax time, they would like the ability to contractually hire an employee to address the needs over the next month so they can begin the compliance process in the Income Tax Office. He respectfully requested that Council introduce an ordinance to appropriate $3,010.00 to account 101-1007-51101; transfer $1,069.00 from account 611-1008-51151 to account 708-1008-53290; transfer $1,066.00 from account 612-1008-51151 to account 708-1008-53290 and transfer $1,065.00 from account 613-1008-51151 to account 708-1008-53290 to cover additional personnel/contractual services costs related to the absence of an employee in the Tax Division due to a serious illness.

Councilman Long introduced an ORDINANCE AMENDING ORDINANCE 12-53 TO MAKE ADJUSTMENTS IN APPROPRIATIONS FOR CURRENT EXPENDITURES OF THE CITY OF XENIA, OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2013, and it was read for the first time.

Schedule of Bills: Mr. Bazelak presented payment of bills totaling $519,484.33.

Motion by Vice President Smith, seconded by Councilman Caupp, to approve payment of bills totaling $519,484.33. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

Items for the Finance Director: None.

Law Director’s Office:

Introduction of an Ordinance amending Part Six – General Offenses, Chapter 604: Definitions and Chapter 648: Peace Disturbances. Mr. Lewis said in response to the Xenia Police Division and Councilman Louderback’s requests, the Law Department adapted an ordinance used by Beavercreek and Fairborn for panhandling. While the Police Division does not track the number of incidents of panhandling in the city, but merely groups them together as incident reports, officers report they have noticed an increase in panhandlers since Dayton, Beavercreek and Fairborn have cracked down on panhandlers in their cities. If this ordinance is passed, panhandling will be a fourth degree misdemeanor and if one violates the ordinance three or more times within one year, it will be a third degree misdemeanor. He noted there were a number of complaints from local businesses on individuals panhandling and harassing their customers outside of their businesses. Although this ordinance mirrors what they did in Beavercreek and Fairborn, there are a few minor changes. This ordinance was reviewed extensively by the Police Division for quite some time before he brought it to Council, and they have signed off on it and thinks it is enforceable.

Mr. Lewis respectfully requested that Council introduce an Ordinance amending Part Six – General Offenses Chapter 604: Definitions and Chapter 648: Peace Disturbances regarding panhandling.
Councilman Louderback introduced an ORDINANCE AMENDING PART SIX – GENERAL OFFENSES CHAPTER 604: DEFINITIONS AND CHAPTER 648: PEACE DISTURBANCES OF THE CITY OF XENIA CODIFIED ORDINANCES, and it was read for the first time.

**Second Readings of Ordinances and Resolutions:** Mr. Lewis presented a RESOLUTION AMENDING THE XENIA EMPLOYEE BENEFITS POLICY EBM-3.01 – VACATION AND EBM 3.37 – OVERTIME/COMPENSATORY TIME, and it was read for a second time.

Motion by Councilman Long, seconded by Councilwoman Mills, that Resolution Number 13-L be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

Mr. Lewis presented a RESOLUTION SUPPORTING THE ESTABLISHMENT OF A LAND REUTILIZATION CORPORATION IN GREENE COUNTY, OHIO, and it was read for a second time.

Motion by Councilman Caupp, seconded by Councilman Louderback, that Resolution Number 13-M be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

**Items for the Law Director:** None.

**SUMMARY OF ACTION ITEMS:**

- A request for a plan from City Staff in regard to the Broker Services Contract to include details of how the contract will be monitored (Requested by President Engle//Assigned to Jim Percival/Jackie Potter).
- Update on Proposed Recreation Venues (Requested by Councilman Louderback//Assigned to Jim Percival). Mr. Percival noted the Finance Director sent a memo earlier this week to begin to put together the recreation subcommittee, so they hope to have that done in the next month.
- A report on the feasibility of a Vacant Building Ordinance – due date to be determined (Requested by Councilman Louderback//Assigned to City Manager’s Office and Law Director). Mr. Lewis said the ordinance has been drafted but they cannot do more until the Property Code and Fire Code are updated by those departments, respectively. President Engle thought that would be a long-term completion item. Mr. Lewis said possibly. It will take longer to update the Property Code than the Fire Code.
- Quarterly Updates on Economic Development at Council meetings on 04/11/13, 07/11/13, 10/10/13, 01/09/14) (Requested by Councilman Louderback//Assigned to Steve Brodsky/Jim Percival).

President Engle asked if there were any issues Council would like added to the next Council meeting under “Summary of Actions Items.” Councilman Long asked to add to the list a timeline from the Engineering Department for deliverables on the first phase of the contract for the Simon Kenton project, particularly the renderings and cost estimates.
READING OF COMMUNICATIONS AND DISCUSSION: Councilman Long said he was pleased that he was asked to update Council on some of the efforts of the Friends of Xenia Station (FOXS). They have been working very hard at Xenia Station since the group formed last year. They weeded, planted perennials, and mulched beds around Xenia Station. They recently removed, painted, and repositioned four bike racks next to the flagpole plaza. They painted all the front doors that were sun faded and are redoing the signs. This is an all volunteer effort from FOXS, with help from city staff. In the past, FOXS also helped to remove graffiti that was on the back of the building. On June 1st from 9:00 a.m. to 3:00 p.m., they are hosting their Second Annual Block Party in celebration of "National Trails Day." The Railroad Museum and the B&O caboose will be open to the public during the event. Additional activities and vendors will be present, including food by Craig's Pesto Hot Dogs, Bicycle Revival Mobile Parts and Repair Shop, a display by the Greene County Parks & Trails Naturalists, as well as ongoing musical entertainment. At noon, there will be a ribbon cutting for Xenia Station’s fiX-it-Station. It is a public bicycle repair station consisting of a heavy-duty, permanently installed bike stand and dual-valve, gauged air pump. The intent is to aid bicyclists with emergency, on-the-go repairs such as broken chains and flat tires. Xenia Station’s fiX-it-Station is the first public repair station in the Miami Valley and the first of its kind in the State of Ohio, so it will be an amenity to our visitors. He thanked Cathy, Matt, Jim and all members of FOXS for their hard work and their service. At the beginning of his term on City Council, he helped form FOXS and he has been absolutely amazed by the hours and dedication those volunteers have to Xenia Station, the park there, and their dreams for it. He wanted to thank FOXS and city staff for making it a reality.

Councilman Louderback said he received calls from citizens about potholes. He asked that they call 376-7265 for pothole repairs. X*ACT is presenting Morning’s at Seven sponsored by Security National Bank and WBZI Radio. Show times are June 7, 8, 14, 15 at 7:30 p.m. and matinees are at 3:00 p.m. on June 9 and 16. He strongly encouraged anyone who had not attended one of X*ACT’s plays, to please attend. He reminded everyone about First Fridays on June 7th. It is a great event, and the downtown businesses really appreciate the support.

Councilwoman Mills reminded citizens about the following upcoming events: Youth Fishing Derby on Saturday, June 1st at Shawnee Park from 9 a.m. to noon. The event is free to children ages 4 to 15. The pond will be restocked prior to the event. They are accepting donations of fishing items for door prizes for the children, so please come out and enjoy the event. The first Music in the Park concert will be on Sunday, June 2nd at 7 p.m. and will feature the 40-piece Ohio Valley British Brass Band. Movies in the Park are shown at dusk on the same days as First Fridays and the first movie will be on June 7th where they will show The Lorax. She congratulated and gave her best wishes to the 2013 Xenia High School graduates. She asked everyone to remember the meaning of Memorial Day. She also asked everyone to remember Oklahoma. The city’s Facebook page has information on how people can donate to the American Red Cross to help those victims of the recent tornado.

Councilman Caupp said this morning he spoke with two prominent, long-time, downtown business owners. He encouraged his fellow Council members to start talking to the business owners all over our city to get their opinions about moving the Administrative Offices to Simon Kenton. He is on record as stating that he believes the Administrative Offices should stay in City Hall because he believes the building would serve that purpose better than any other building. He could not agree more with one of the business owners who talked about how they fight to keep County Offices downtown, and if they move City Administrative Offices out of downtown, don’t
go screaming to the County when they start moving offices out of downtown or possibly out of the city. He was happy to see that the landscaping was being cleaned up on W. Main Street. The Mayor and he were at a meeting at the schools this morning and so often they hear negative things about the City’s schools. Our schools have some financial problems, but they have been proactive on making necessary cuts. Six other school districts from the Miami Valley reached out to Xenia Community Schools on how they were able to cut $7 million from their budget. It is not just Xenia Community Schools that are making these cuts – all schools in the Miami Valley are being forced to make cuts. Take a look at the Xenia High School graduates, where they will be attending colleges, and the academic and sports scholarships they received. They have great graduates from Xenia Community Schools. People want to argue that you cannot get a good education in Xenia, but you absolutely can get a good education in this city. They send scholars to MIT, the military academies, Purdue, Notre Dame, Ohio State, the University of Michigan, and many great universities. He congratulated all the graduates and all those going onto higher education that received a good, quality education from our school system.

Mayor Bayless agreed with Councilman Caupp. When she attended the meeting this morning, it was very enlightening and amazing what XCS has done with the funds available. She attended Xenia High School’s Honor Awards Ceremony and she could not believe the number of students who had really excelled. As Councilman Caupp said, they have a lot to be proud of right here in Xenia. Our students do well, and when they look at our school system there are behavior problems, just like at every other school. When you look at the entire scope, they are doing exceptionally well here and she hopes the community’s support continues. She also attended the Xenia Police Division’s 22nd Annual Awards Ceremony on May 15th. The city has a great Police Division. She loves going to those ceremonies because they talk about the different incidents that happened in the past year, and how they were resolved. Individual Police Officers are awarded for their heroics, but she wished the ceremony could be televised because those are some good stories that everyone needs to hear about. Last week Councilman Louderback, Mr. Percival, Mr. Brodsky, and she attended BARCO’s open house. The simulation of being in an airplane was amazing. The potential for that business is just amazing. She saw a clip on the news that said due to the cuts at WPAFB’s, they would use BARCO’s facility more to do training. The simulators allow you to choose the location where you were flying. They chose Alaska, pushed buttons, and the sun would be rising in that part of the world at that time of day, which was part of the real life experience. The city is very fortunate to have BARCO, which is a growing business that will be employing more people. She also attended the Relay for Life at the Greene County Fairgrounds honoring cancer survivors and remembering those lost. During the march, those who have survived cancer the longest were in the back and the cancer survivors in the front were asked to look back to see that they could also be long time survivors. Her heart goes out to the victims of the Oklahoma tornados and their families. It is very real to people in Xenia and even though 1974 was a long time ago, they can feel some of their pain. Hopefully, people in the community or churches will do something to help in that effort, so she will share more about that when everything is cleared with the permits. Although she has a pass to park in front of the City Hall free, a woman put a quarter in her meter when she saw her time on the meter had expired and that the Parking Enforcement Officer was coming. She wished she knew the woman’s name so she could thank her publically for her act of kindness and return her quarter. The Mayor's Prayer Breakfast that is sponsored by the Christian Men’s Fellowship will be tomorrow at the Schindler Banquet Center at 7:30 a.m. and tickets are still available at the door.
Vice President Smith reminded everyone that Interfaith Hospitality Network’s 5K Run is on June 1st at Xenia Station beginning at 9 a.m. The proceeds will support IHN’s mission. He thanked the Xenia Police Division for responding to the bomb threat at Xenia High School. Schools were on a two-hour delay this morning because the threat was specific to Thursday, May 23rd. He wished a “Happy 10th Birthday” to his twin daughters Lizzie and Mattie. He wished everyone a Happy Memorial Day, especially to our military families. Kings Island has free admission to active and retired military personnel this weekend and reduced admission prices for their families. He also wanted to thank FOXS for all their hard work; he noted they are working tonight at Xenia Station. He thanked everyone watching for their interest in our city.

President Engle echoed his colleagues’ observations about the tragedy in Oklahoma City. Xenians obviously have very direct knowledge of what they are experiencing and everyone’s thoughts and prayers go out to them. Please be very careful while traveling this Memorial Day weekend. He wished his daughter Caroline a very special “Sweet 16th Birthday” tomorrow and wanted her to know that her dad loves her, appreciates her, and is very proud of her. He has not yet decided when she would get her license! (Laughter followed.)

Vice President Smith said in light of some information tonight, he would like to make a motion for Council to have a brief Executive Session.

**ADJOURNMENT:** Motion by Vice President Smith, seconded by Mayor Bayless, to adjourn the Regular Session at 9:04 p.m. to go into Executive Session. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

Michelle D. Johnson, City Clerk
Michael D. Engle, President
Xenia City Council
Xenia City Council
City Council Meeting Minutes  
June 13, 2013  
Special Session  
5:00 p.m.

The Xenia City Council met in a Special Session on June 13, 2013, at 5:19 p.m., in the City Council Chambers, City Hall, with the following members present: Wesley Smith, John Caupp, Dale Louderback, Joshua Long, Jeanne Mills, Marsha J. Bayless, and Michael D. Engle.

**Economic Development Strategies.** Mr. Merriman noted Council was forwarded a brief statement and summary yesterday as a basis of conversation for tonight on what staff’s consensus was in regard to their options. He spoke with Mr. Percival about it on Tuesday morning while getting an update on his wife. From what Mr. Percival detailed to him, his position was that he was comfortable in moving forward with GAiN and recommended a ‘walk before you run approach’ to include some incremental steps with emphasis on developing a broader, overall plan in that process.

President Engle entertained comments or questions.

Councilman Long said he was not sure what the overall goal was tonight. In general, he looked at the GAiN proposal and felt there were two actions items that are very useful for the city, but he had questions about the specifics as he reviewed it. Overall, his hesitation only comes from an uneasiness about how to put the X-Plan in place, what roles the City’s current city resources handle, and how GAiN’s expertise and additional resources match up with all that. Many of GAiN’s goals line up with the X-Plan, and they may have some additional ideas. He was encouraged and wants to go with some of GAiN’s services, but he did not know if he agreed that those two items were the best places to start. He thought they needed to get a group together to set the expectations. For example, GAiN proposed to interview the businesses to get a feel for their strengths and weaknesses. Although he felt GAiN was capable of doing that, he wondered if that was something they should explore more in house through Mr. Brodsky’s experience with our local businesses and maybe even with Xenia Area Chamber of Commerce President Alan Liming and his experience with local business so there’s a local face on it. The other item was the building inspections, which he wholeheartedly agrees with. He was unable to catch up with Mr. Burkhardt over the last few weeks, but one question he had was he said the assessments would not be engineering assessments of these buildings. Therefore, should they look at what it would cost to get a more detailed engineering assessment on some of the buildings and compare that to what GAiN offers. It might be too expensive for buildings owners to do that, but before they take that step, he thought those were details they need to work out.

Councilman Long said in general he would like to see Council put some expectations on what they want the Economic Development Department to do. He knew Mr. Brodsky’s job description was sent out, but he would like to know what kind of metrics they will be held to and how GAiN plugs into that. He thought they could do that rather quickly because he felt most of Council knows what they expect. No offense to Mr. Brodsky and his projects, but he does not have a clear understanding of how much time those tasks take versus if someone else with less expertise could handle that so Mr. Brodsky’s expertise could be used someplace else. Those are questions he is ready to ask of Mr. Brodsky, Mr. Merriman, and Mr. Percival if need be, which they could
do parallel to anything they start with GAiN. Overall, he is ready to have a more detailed conversation on metrics and what they expect of our economic development efforts internally.

Mayor Bayless said she liked the suggestion Councilman Caupp made before the meeting. Councilman Caupp explained he talked to Mr. Burkhardt today and with Mr. Merriman at length today. Regarding a local face when they are interviewing the businesses, that is part of GAiN’s drill down technique with growing our businesses they already have instead of going out and looking for new ones. He thought their intention was to take Mr. Brodsky (or whoever they designate) to be the face of the community. Since GAiN will not be around forever, they could build on their relationships and have somebody in place that is the face of the city. If GAiN just walks in off the street, then many businesses would not even give them the time of day unless there is someone from the city giving GAiN credibility to what they are doing. He asked Mr. Burkhardt if he was correct. Mr. Burkhardt said that was a fair statement.

Councilman Caupp said earlier they discussed the three options listed in Mr. Merriman’s email. They talked about taking some sort of action to commit to working with GAiN with the understanding that in the very short term, they would establish a Subcommittee with a few staff members and a few Council members. In his opinion, this is a marketing tool to grow economic development so Council has to take even more ownership than staff. It has to be a joint venture with staff and Council to agree upon the proposal and make sure that staff is in place to get things done. It was his understanding after reading the proposal that it does not even require much staff in the first phase or two. Once they agree upon some things, GAiN could write the proposal to meet their needs and they could bring it back to Council for a vote and move forward at that time. Mr. Merriman and he agreed that would be a fair place to start.

Vice President Smith said he could not agree more that they need to market Xenia. As a business owner for 20 years, he spent tons of money the first 5 to 10 years on marketing and advertising to grow his business. If they do not do that, business will never grow. Council is in the business of running a city and the only way to grow it is to market it, improve it, and advertise it. He thought the city needed GAiN’s assistance. The only issue he would ever have is that it is hard to determine what standard of measure determines success. In two to three years, how do they determine if this effort was successful? He had no doubt this effort would help. They definitely need to market the city because it is a different world now than it was 5 to 10 years ago with localization and the economy.

Councilman Caupp said he asked Mr. Burkhardt how GAiN would report back to Council, and he relayed to him that they would have detailed reports. He invited Mr. Burkhardt to discuss the quarterly reports.

Mr. Burkhardt said the short answer is they do not put any program together without metrics to measure it. To be specific, there are many scorecards available. They would look at getting together with staff and/or the subgroup and develop a scorecard that everyone agrees on so they would be able to say, “this action took place, these are the results, and this is the outcome [not output].” If they contact 20 businesses and three of them visit, that is one metric. There are things that are under control of those that do the marketing and there are things that are not under their control. In summary, GAiN builds metrics into everything.
Councilman Caupp noted Mr. Burkhardt mentioned to him about supplying quarterly reports to Council. Mr. Burkhardt agreed. Vice President Smith apologized if GAiN mentioned that at the previous meeting and thanked Mr. Burkhardt for the information.

Councilman Long asked Mr. Merriman and Mr. Brodsky how they currently measure the Economic Development Department’s performance and programs without the assistance of GAiN. Mr. Merriman said he would make a statement and then defer to Mr. Brodsky. He did not think there was an established performance measurement system, which is true in many of the city’s operations. There is a formal process where they can establish metrics to measure operations, and many times, they are applied to budget conversations, etc., but there is no formal structure in place right now to do that for Mr. Brodsky’s department. He noted Mr. Brodsky maintains an inventory of activities they have done, etc. However, to the extent that they are moving forward, performance measurement should be an objective that Council insists upon and that they look at establishing metrics. You have to be careful with economic development because people want to know how many jobs were created or how many businesses they landed, but many economic development activities are not necessarily geared toward those specific outcomes. Of course, that might be what they are trying to achieve, but the metrics might be how many visits they had and how many marketing activities they did. They will have to be careful in how they select those metrics, but it is absolutely something they should do. He then deferred to Mr. Brodsky.

Mr. Brodsky said they do not necessarily have a table that identifies the metrics. They do track the number of leads they get and how many they respond to; the number of business visits they make; when they are able to provide direct assistance to a business; and when they make referrals to some of the businesses’ resource partners. Many times, he does not necessarily provide direct assistance; he simply acts as the liaison to put them in contact with people who can help them. Obviously, that is a benefit to our businesses. To Mr. Merriman’s point, it can get somewhat nebulous because you cannot always just look at the number of new businesses or the number of jobs, but certainly they do look at that. They have learned over the past five years that regardless of how much effort they put in, there is not a lot they can do to control what happens. SuperValu is an excellent example. They had regular communication with SuperValu and even went to Eaton Prairie, Minnesota in February and met with their corporate leadership. Despite all their efforts to retain SuperValu, the corporation still decided to consolidate. As shared in today’s email about their development activities, they spend a lot of time dealing with a developer and a property owner to develop an outparcel in the downtown area, met their needs, worked with our Planning Department, and did everything they could, but it got down to one last decision maker who said no, which gets to Mr. Burkhardt’s point that sometimes it does not matter how much effort you make, they still may say no.

Mr. Bazelak said they used to do performance measurement within the budgeting process. It was called “Service Efforts and Accomplishments” and they provided output/inputs/outcomes/goals/ and performance benchmarks. It was a lot of voluminous information that needed to be gathered, disseminated, and reviewed during budget sessions. For whatever reason, they got away from that. Now individual departments have different ways that they measure how well they are doing or the Appointed Officials measure how well their department is doing.

Mr. Merriman thought Council would see that they tried to start incorporating more of that thinking. In the budget packets produced last year, performance outcomes, etc. were included for
each department, they wanted to look more proactively at what each department was trying to accomplish operationally. After talking with Mr. Duke, Mr. Bazelak, and Mr. Percival, re-engaging that was the first step in getting back on that track where they can establish some budgetary goals for operations. By doing so, they can work toward performance measures so that when they come around to budget season next year, Council has a point of reference to determine if they are achieving some of the things they have discussed. With economic development activities, if they are going to sit down and develop a strategy, that should be a key point to consider.

Councilman Long said they still have to draw a line somewhere, whether it is with tax revenue, how much product is being produced, or something else. He agreed they need to do a better job of marketing our city, but how would you know the payoff? The City has tax incentives with seven or eight businesses, and he wished they could do more. He does not know if it is successful or not … he would really like to see that data parallel to this marketing effort. It is hard for him to put his business hat on and sit here. If this was his business and he had an Economic Development Department, he would have to have some way to draw a line in the sand to say how they were doing.

Mayor Bayless said it also makes you wonder why some businesses stayed a little while and left. She agreed a marketing effort is very much needed, but her concern is they have a lot on their plates right now, especially financially with Hooven & Allison, the MARCS radios, and Simon Kenton, so how do they make this work?

Councilman Louderback read an excerpt from the Finance Subcommittee’s Proposed Concepts for Budget Priorities for 2014. The first four bullet points under Expand Economic Development Programming Efforts are as follows:

1. Investigate ways to increase economic development service capacity.
2. Roll out advanced marketing initiatives and establish a more focused brand for the community.
3. Intensify industrial development marketing.
4. Explore ways to better connect developers, realtors, and site selectors with local development opportunities.

To be quite honest, Councilman Louderback said he was tired of beating this dead horse and did not know why they were meeting tonight. Since day one, his position has been that they go with GAiN. It is obvious our Economic Development Department needs some kind of assistance. Everywhere in the X-Plan and the Finance Subcommittee’s concepts, economic development is at the top of the list. They can have all the meetings they want, go out and talk to other people, but at the end of the day, they are not making any progress in economic development, so the sooner they do something, the better off they will be.

Councilman Long thought Councilman Louderback made a very good point. Those expectations are there in front of them. They have been spending money every year for quite some time (even if it was grant money) for economic development with Mr. Brodsky now and with the former Xenia Economic Growth Corporation. He did not mean any offense to anyone in those positions, but to now go from spending $200,000 to $280,000 (depending on where they end up with GAiN’s proposal), when he sees metrics on how they will spend the $80,000, but he does not have metrics on how they are spending the first $200,000, it makes him very uncomfortable.
That could be a great place to start, and Councilman Louderback is exactly right that Council stated economic development was a priority.

Councilman Louderback thought Councilman Long made a very good point and was glad he said it. They are in a tough position, and he agreed with Councilman Long. He had nothing against anybody, but they need to see some kind of metrics to see where they have been and where they are going. In his opinion, there is not much accountability in the Economic Development Department, and it is time to start right now. Does that mean going with another outside agency, interviewing other people, hiring someone in Economic Development, or something else? Councilman Long is right – they need to step up to the plate and see.

Councilman Long said it could go back to the Subcommittee that Councilman Caupp suggested setting up with a few staff members (including the Economic Development Department), a few members of Council, and GAiN if they go with that company. They need to figure out how they will measure the success of economic development as a whole, and everything they need could be in that contract. He just wants to see how they set the priorities and measure the success.

Councilman Louderback thought retention and expansion should be the way they are going. The city has missed out on so many opportunities. For example, Bob Evans recently opened in Springfield; Brookville got the Payless Shoe Warehouse; Washington Court House got the new WalMart Distribution Center; and the City of Clayton got the new Caterpillar Logistics Services. He knew some of that had to do with rail and other things. He could go on and on, but at the end of the day, he was thinking – why not Xenia? Somebody needs to explain to him why not Xenia.

Councilwoman Mills said she spoke with Mr. Fullington on the phone the other day and she appreciated GAiN’s outreach. One thing they discussed is that GAiN is a new business and Xenia would be their second customer, so they sought Xenia out. She thinks GAiN is making a statement that there is promise in Xenia and they could see things changing and moving in a forward direction. A brand new business does not want their second job to fail. She sees it as a compliment to the city that they think there is a lot of promise here, and she wants to see the city grow in terms of economic development. As Mr. Brodsky and Mr. Merriman pointed out, there are many different forms of economic development, and it is not just counting heads and what jobs are or are not here. She agreed with Councilman Louderback that they see many neighboring communities receiving those larger businesses and they do ask “Why not us?” Xenia has many good things going for it and there are many good opportunities here to grow. One concern she had when she spoke with Mr. Fullington was having enough resources to support what GAiN brings to the city. It was her understanding that GAiN does much of the paperwork in setting up goals, but then it came back to City Staff to implement them, and she wondered if the city has enough staff to do that. Mr. Fullington said the city does not have enough staff right now. Phase One is getting the ball rolling and moving in a forward direction including training staff members. She could see Mr. Brodsky and GAiN working as a team.

Councilwoman Mills said another concern is that sometimes your plate is so full that you cannot do anything well—you are trying to keep everything afloat. GAiN might be able to plug that hole to see where they are dropping the ball so they can move forward in a promising direction. She is very interested in hearing what City staff has to say about what they are for or against because the seven members of Council are only here temporarily, but staff was hired to do a job for the long term.
Referencing what Councilwoman Mills said about not having enough staff to perform the economic development duties, Councilman Caupp said he requested Mr. Brodsky’s job description. Under essential functions of the position, the top two sentences state, “Directly oversees all functions of the Economic Development Division including, but not limited to, coordinates and implements business attraction, expansion, and retention programs and initiatives specifically including efforts to expand industrial and retail commercial presence and investment in the City of Xenia. Facilitates initiatives on behalf of the Xenia Community aimed at job training and employment creation and enhancement; oversees site development and revolving loan programs and funds, and insures program effectiveness and financial accountability, etc.” It then mentions brownfield development, JEDDs, etc.

Councilman Caupp said when you compare that to the other list of things that Mr. Brodsky has been working on, it does not match the job description. He did not know who needed to work on that stuff, but it should not be the Development Director, in his opinion. Since the city has brought Mr. Brodsky’s position in-house, he has been pulled away to do some things that are not necessarily what he should be doing. If he was Mr. Brodsky and Council was looking at hiring a firm like GAiN to finally give him some tools to be successful in his position, he would be excited about working with them and excited about the fact that maybe he would get away from doing some of the things he really should not be doing. It is up to Council to direct the City Manager’s Office to refocus priorities where Council wants the priorities to be. There will absolutely be some situations or some things that need to be redirected and may end up on Mr. Forschner’s plate or Ms. Crockett’s plate or somewhere else. He and Councilman Louderback have been on the same page for four years now about hiring a grant writer. They talked about partnering with Fairborn and the city lost that opportunity to hire a part-time grant writer because Fairborn hired the person full time. He thought it was up to Council to give the Development Department priorities so they know where they should be focused.

Mr. Lewis said much of what Mr. Brodsky does is unable to be quantified. A lot of what Mr. Brodsky does is maintaining relationships with local businesses, which takes a lot of time and effort. If you take a normal business with a budget and assume that is an income stream, the amount of money the city spends on marketing is way below what they should be spending. The $200,000 the city spends is primarily overhead (staff salaries) and not marketing. Our marketing budget is a pittance of what it should be. He thought they were still operating under the assumption that people will come to Xenia and want to locate here because Xenia is the county seat. With almost $200,000 going mainly to cover staff salaries, that is never going to do anything. That is not to discredit anybody; it just has never been budgeted that way. If someone asked to be sent a very professional video on what Xenia has to offer, he was not sure they have what they need to market the city correctly because that department is underfunded to a large degree. Yes, $200,000 is a lot of money, but not in the grand scheme of things. As far as a matrix for that department, much of that is hard to put on a matrix unless they survey local businesses and ask if they are happy with the services they are being provided by the city.

Councilman Louderback thought Mr. Lewis raised a very good point; he never looked at it that way. He asked the amount of the city’s total budget. Mr. Merriman said the total budget is around $37 to $38 million. Councilman Louderback asked Mr. Fullington how much money a $38 million corporation would spend on marketing.
Mr. Fullington said the corporation would spend roughly 10% for all forms of promotion, which is a model figure. It used to be 4% or 5%, and some businesses still try to get away with spending 4% or 5%, but 10% is the gold standard; however, he was not saying the city should do that. Councilman Louderback did not think the city could afford to spend $3.8 million on marketing! He admitted he did not know what the city’s budget was for economic development until Mr. Burkhardt told him. Once he discovered it was $200,000, he realized most of that was for salaries, and he thought they needed to do something else on marketing the city through that department. Mr. Brodsky said in the last few years, the department’s budget for direct marketing was $10,000 to $15,000.

Councilman Long noted he sent Mr. Merriman and Mr. Brodsky an email earlier in the week about how they do not market well to our own residents. Mr. Brodsky agreed. Councilman Long said one thing that really holds Xenia back is Xenia’s impression of Xenia, and they do not do enough in our city and our region to market our assets to help change that impression. They discussed the “town and gown” approach, but unless there is something to keep that college student here after he/she graduates, he/she is going to move on. If someone builds a business here, they want them to live here too. He would like to take those budget priorities that Councilman Louderback read earlier for the Economic Development Department, and if GAiN is hired, to set very clean actionable items. He thought GAiN’s proposal had two action items. He would like them related to one of the budget priorities, and then he would be fine going forward.

President Engle said he was very much in favor of some kind of expanded version of economic development and marketing activity, and everything he has heard today is absolutely true. He talked to Mr. Percival a few minutes the other day before his wife’s accident about the idea of crawl, walk, run where it is important that they get the crawl part correct. What he took from the conversation was that Mr. Percival’s feeling was that GAiN’s proposal as delivered to them was much more than crawling. Obviously, he has not had the opportunity to get back with him to see what his view of crawling was within that overall proposal. He thought it would be most important for Council to establish some concrete metrics and expectations (more than just what is in a job description) for our existing economic development activities. Then very carefully and very judiciously fund a startup initiative that they might call discovery and analysis, which would not require a great deal of staff commitment at that point. They would truly just be getting augmentation to do that. Based on the results of that discovery and analysis, Council would then have some very difficult decisions to make regarding whether they have the right amount and right mix of specialty to take on some of that and begin implementing it into a strategy that actually starts to turn some corners on various aspects of the city’s economic development. He would like to personally hear from staff what their recommendations are about what that first ‘crawl’ step should be. He was very willing to put faith and capital behind that, but he needs to hear from staff very clearly what they believe based on their existing capability and what their highest priority is to drop several thousand dollars into to get that started.

Councilman Long said he had a specific question on marketing in general. He was sure every member of Council has heard that they do not do anything to market our bike trails. They put a lot of investment into it, and people know it is here through word of mouth. He asked if the city did a marketing effort in the past for the trails, even regionally. For example, Piqua sponsored the Minds on Cycling Summit and Springfield was picked, but Xenia was not. Councilman Louderback said he brought that up at MVRPC. He agreed they have not concentrated on the bike trails as our neighboring cities have done. Councilman Long said they keep hearing the bike
trails are a great thing for the region and other cities seem to be marketing their trails, so is it worth the effort to do that in Xenia? He thought it was.

Councilman Caupp thought it was ironic that Councilman Long brought that up. Mr. Burkhardt reached out to him based on a quote he made that was in the Dayton Daily News about the bike trails, which he did not even realize was in there. Mr. Burkhardt read that quote, picked up the phone, and called him about the bike trails.

Councilman Long asked if part of marketing a community could include two or three marketing efforts to go after different demographics. He was embarrassed to say that he did not know the city’s slogan/tag line. Councilman Caupp said in one of the initial meetings he and Councilman Louderback had with Mr. Fullington, he said the city had four tag lines.

Councilman Long said if there are four tag lines and if they are targeted at different segments of the city’s population, then that makes sense, but their overreaching theme does not do a good job of combining those. He hated when the city moved away from using the blue “X” because most residents identified with that “X”. As part of marketing the city, he would like to know how to close that gap. He was at Xenia Station when FOXS had the ribbon cutting for the fiX-it-Station. People came from all over the state and Indiana, but they heard about it through word of mouth.

Mr. Merriman said when he saw the job posting for his position seven years ago, the first thing he did was go to the City’s website. He literally told his wife if he were hired the first thing he would do is fix the website, because it was very antiquated and not representative of the kind of city he would necessarily want to work for. At that point, many folks on Council did not know what “branding” as a concept even meant. They did not even have formal graphics of the seal that they could effectively use. While they are far deficient, in perspective in looking at where they have come from over the last few years, they have made some pretty decent strides. In reference to the trails, he would agree. Since he began working for the city, they have not had any formalized effort to market the trails as a resource and a value added niche, yet they have consistently reinforced their commitment to the trail system. They are spending $175,000 this year alone in repaving one of the trails in the city. On an annual basis, the city puts a significant investment in the trail system and at Xenia Station. In terms of financial resources, the city is putting in the investment, but they are doing very little to get anything out of it.

Councilwoman Mills noted Kathleen Lewis of Friends of Xenia Station (FOXS) shared with BRACA that 6,000 to 7,000 riders come through Xenia Station, which did not include any of the large rides, like PAN Ohio. There were people visiting from California, Florida, New York, Minnesota, Kentucky, Maine, and all over the United States. Xenia is the only location in the United States that has five different bike trails that connect at Xenia Station that will take riders to Cincinnati, Columbus, and larger cities, which she learned from a person who helped start FOXS and not from her seven years on Council. Xenia used to be called “The Bicycle Capital of the Midwest,” but they no longer get any acknowledgment for the bicycling system—they are definitely dropping the ball. June 1st was National Trail Day, but they missed that one this year. She asked what they could do to advertise our trails statewide and in the Tri-State area to get people to come to Xenia. FOXS has sponsored block parties, and they sell bicycle stickers to show that riders went through Xenia, Ohio. FOXS is doing a wonderful job, so if they just encourage and help them, they in turn will help the City tremendously. Kathleen Lewis and her husband moved to Xenia because of the bike trails. They wanted to live in Xenia to be able to
jump on a bike trail whenever they wanted rather than loading their bikes to come to Xenia to use the trails. She agreed with Mr. Merriman and Councilman Long that the city is missing a great opportunity by not advertising the bike trails.

Councilwoman Mills said there is nothing wrong with being a bedroom community where people live here and go elsewhere to work. They need to have businesses and economic development, but bedroom communities have small events, like Music in the Park, and a community atmosphere where everyone is welcome and acknowledged. Those are the things that she sees where Xenia has a lot of promise, but they just need to grow it. If you talk to someone who has lived in Xenia all their life, they can often be very negative, and they need to change that, but she does not know how to do that. She moved to Xenia 14 years ago and can tell anyone about all the great things about Xenia.

Councilman Long said it is as simple as branding. He would love to be able to buy a City of Xenia shirt to wear. He has WeeBucs shirts and the sports programs do a great job of getting their branding out there, but it is a matter of building that pride. He often wears Steelers merchandise, and they do a great job of branding, which is how they keep their fan base. He can buy a Downtown Xenia Now shirt that has the “X” on it, but he cannot buy a City of Xenia shirt. When they go back to those budget priorities and the marketing plan, he would like them to think not only outside but also inside about how to market our region and our city and how they brand themselves to the residents to make them proud again to wear that shirt, that hat, or that sticker.

Mr. Merriman said staff is suggesting the city change its branding. They are ready to take the next step forward to encapsulate many of staff’s thoughts in terms of lack of marketing and lack of resources that go into that. He and Mr. Fullington discussed the negative self-image of the community, which is unfortunate because you cannot encourage others to be part of a good community if the folks who are living here disparage the community. They definitely have to work on that, and that starts with all the leaders of the community being positive and setting a positive expectation for the rest of the community. Councilman Louderback noted the last survey that Wright State University did for the city showed that Xenia has a 65% image problem.

Mr. Fullington said a way to dig into that is in their proposal, which is to find out the heart of it, then to take measures with promotion, etc. He would like to do that more often in the beginning because it is a dynamic process, and you adjust. They are planning the same thing for businesses. They would like to ask them to take a survey, but not ask predictive questions like “What do you think of this?” People will want to give you the answer that pleases you, but they need to discover what is underneath all the negativity. They may find out that going back to the blue “X” is important.

Mr. Bazelak said it was an interesting Council meeting when they rebranded the city, as Mr. Merriman mentioned. They asked people to look at different charts and pictures and they ended up with the current logo. Councilman Long thought the community might buy into the logo if they had the option to buy a hat or a shirt with the logo on it.

Mr. Merriman said he would like to use that as an example to illustrate a larger point. There was significant resistance from the Council at that time about putting any money toward developing a brand. It was like dragging people kicking and screaming into the now. They only had the seal, which represented the city in every capacity. He thought the current Council recognized that they
have to make an investment. They are willing to make some changes and will hold staff accountable for that. They also have willing partners in staff because many of the concerns Council is raising have been concerns staff has felt for a long time. They have all been reluctant to throw money at issues, but he felt they all were ready to make the investment.

Mr. Lewis said Cincinnati has been doing an “I ❤️ Cincinnati” pride campaign for two years to market the city to its citizens to let people know what is available to do in Cincinnati. Although Xenia is not Cincinnati, it might be something to look at.

Vice President Smith said he was somewhat optimistic. He did not think any of the seven members of Council are ever satisfied with where they are at as a city; they can always move forward and improve things. He has seen improvements in community image just in the few years he has been involved with the city. Although the bike trails run through the city, the Greene County Parks and Trails are also managing and promoting the bike trails. He agreed the city should do a little more by maintaining those areas where people come through Xenia. There are bike trails all over Ohio, and Xenia is not unique, but the trails are a huge asset. To be honest, until he started riding his bike on the trails about 18 months ago, he could have cared less about them, so 90% of Xenia residents do not look at them as an asset. He knew the X-Plan shows a link from the bike trails into residential areas, which he thought was important and would be a link to connect more people to the bike trails and may help people realize that Xenia is a great community. People have to get off their couch and do something in the community, too. Mayor Bayless thought it was easier to sit on the couch and criticize.

Vice President Smith said for example, three or four years ago when the city had to make cuts and they used a marketing campaign to help promote the levies, there were a number of Facebook junkies and people really hit the city hard. However, he did not think that same attitude was still out there because many of those people are volunteers with FOXS. He thought Councilman Long bridged the gap with many of those people to let them know they are not a good ole’ boy organization, but they are actually looking out for the community. He is proud to serve with all members of Council.

Mayor Bayless wondered what the next step would be and where to go from here.

Motion by Councilman Caupp, seconded by Councilman Louderback, to work with GAiN, establish a few staff and Council members to meet with GAiN in the immediate future to make sure the proposal meets staff’s and Council’s needs and our priorities as a City and that the proposal is brought back to the next Council meeting. Discussion followed.

Councilman Long said he would like to see the proposal related directly back to their four budget priorities that Councilman Louderback mentioned. Staff does a very good job of staying on the same priorities, and he does not expect anything less from GAiN. He is in favor of moving forward and considering a firm proposal.

Regarding what Vice President Smith said, Councilman Louderback thought it was important for the City to collaborate with the County. He felt since the Xenia Area Chamber of Commerce’s leadership changed, XACC has not promoted the City as they should and are more interested in memberships. They need to get the Chamber on board because it is the Xenia Area Chamber of
Commerce and they have as much at stake as the city does. He agreed the city needs to collaborate with as many people as it can to go forward.

President Engle said his only concern was what financial commitment they incur with the motion. Councilman Caupp noted Council saw the original proposal. If the motion is approved, they can establish which Council members and staff will work with GAiN. He thought that between staff and the Council members, they can come up with a proposal that is mutually agreeable to bring back to Council, which is what he and Mr. Merriman discussed today. President Engle said he did not want anyone to misunderstand. He was not looking to pinch pennies, but he was looking to be fair to Mr. Fullington and Mr. Burkhardt as well since they are now asking them to do something more formal with the city.

Mr. Merriman thought he was hearing that by establishing the Ad Hoc Committee, they could work with GAiN to discuss vision and process and work on negotiating the terms of the contract. As Councilman Caupp stated, the next step would be to bring it back to Council, at which point, hopefully, it would be a direct contract that would include those financial terms and how that applies moving forward. Mayor Bayless agreed. President Engle said he was perfectly fine with that.

Mayor Bayless asked Councilman Caupp if the comments went along with the motion he made. Councilman Caupp said yes. If they get the meeting set up, he asked GAiN if they could have the contract prepared by the next Council meeting. Mr. Fullington and Mr. Burkhardt said yes.

President Engle entertained further questions on the motion.

Mr. Merriman noted Councilman Caupp’s motion is somewhat general and asked if there were any specific instructions from Council in regard to make up of the subcommittee. In other words, if there are multiple Council members interested in serving on the subcommittee, he did not know how President Engle wanted to constitute that. They would obviously have suggestions for staff to serve on the Subcommittee.

President Engle thought no more than three Council members should serve unless they approach the Sunshine Law in a negative fashion. In terms of the city staff recommendation, he would leave that to Mr. Merriman and the City Manager.

Councilman Caupp requested that he be involved in the process. He has worked with the gentlemen from GAiN since the beginning, and would like to see the project through. President Engle said that could easily be done with a letter of interest via email, but he did not think Council designations needed to be a part of the motion. He appreciated Councilman Caupp’s perspective and would concur based on the position he occupies on the new Economic Development Committee that was established this year.

Councilman Louderback said although he has also been involved with GAiN, he would like to see two other Council members be more involved in the process and would like to take his name out of the hat. President Engle said he was planning to solicit the remainder of his colleagues off line and ask who was interested and who has the time to serve. The time during the day is prohibitive for him. Councilman Louderback said if no other Council members could commit the time to serve, he would be glad to retract his statement, but he would rather see other members of
Council serve. President Engle asked Council members to send him an email by Sunday evening (06-16-13) so he could get something back to city staff with the three Council members who will sit on the Subcommittee. Councilman Caupp asked if he needed to send President Engle an email. President Engle said no – he was already on the record.

President Engle entertained further questions. Hearing none, he asked for the Roll Call.

The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

President Engle asked if Council would like to adjourn to Executive Session. Mr. Merriman recommended that Council go into Executive Session to discuss one additional item. The Special Session was adjourned at 6:20 p.m. to go into Executive Session.

Motion by Mayor Bayless, seconded by Councilman Louderback, to go into an Executive Session to discuss the Purchase or Sale of Real Estate. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

The City Council convened in Executive Session in the First Floor Conference Room, City Hall, with the same members present to discuss the Purchase or Sale of Real Estate.
City Council Meeting Minutes  
June 13, 2013  
Regular Session  
7:00 p.m.

The Xenia City Council met in a Regular Session on June 13, 2013, at 7:00 p.m., in the City Council Chambers, City Hall, with the following members present: Wesley Smith, John Caupp, Dale Louderback, Joshua Long, Jeanne Mills, Marsha J. Bayless, and Michael D. Engle.

INVOCATION: Pastor Bill Vine, Cornerstone Bible Church, gave the invocation after which all joined in the Pledge of Allegiance.

APPROVAL OF MINUTES: Motion by Councilman Louderback, seconded by Councilman Long, to approve the May 23, 2013, Regular Session minutes as written. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle  
Nays: None  
motion carried.

AUDIENCE COMMENTS: President Engle explained the procedures for audience comments and invited anyone who wished to speak to come forward.

Catherine Wilson, Executive Director of the Greene County Historical Society, said she was speaking today as a long-time Xenian. As the Design Subcommittee co-chair for Downtown Xenia Now (DXN), she supports the CDBG application for another grant covering façade and building code items in the downtown historic districts as well as a level of services study to better connect bicyclists and pedestrians with downtown merchants and restaurants primarily along Detroit Street. An architectural analysis or study, similar to a design assistance program, of some of the buildings is also in the works. She invited everyone to the upcoming public hearing on the CDBG application, which will be held at 4 p.m. on Tuesday, June 18, 2013 at Toward Independence, 81 E. Main Street. At the hearing, they will discuss possible projects should the grant be received. She noted Downtown Xenia Now has already received the very first Ohio Historic Preservation Tax Credit (OHPTC) Pipeline Initiative grant in the amount of $8,000. This along with $10,000 from local contributions will enable DXN to nominate downtown Xenia as a District on the National Register of Historic Places. This designation is vital to any building owner who wishes to use state or federal tax credits to improve or renovate a downtown building. DXN’s mission is to be a public and private collaboration to advance the social and economic vitality of Xenia by strengthening its core. As an example, the Design Subcommittee is partnering with the architectural design students at the Greene County Career Center to develop concept drawings for the 30 S. Detroit Street property, which entails utilizing the second floor for residential and commercial uses. She mentioned the Benjamin Moore “Paint What Matters” contest in which the City of Xenia is a candidate. Everyone can vote once per day at [www.paintwhatmatters.com](http://www.paintwhatmatters.com) through the end of June. If Xenia is selected, the company will help paint Xenia’s downtown. She appreciated the City’s involvement with various aspects of DXN, such as strategic planning and allowing them to be heavily involved in the X-Plan process. She invited both Council and community members to join them in DXN, noting they have four subcommittees and they would love to have their input. For more information, their website address is [www.xenianow.org](http://www.xenianow.org). They also have a Facebook page. She said the excitement is
building for our downtown, and she asked Council to join them in their excitement and support the CDBG application.

Marty Heide said she was Greene County Outreach for Congressman Mike Turner and wished to share some of the District Office’s services that his office provides to constituents. She is presenting them to City Council so that as they are out and about in the community and talk to people who need help from a federal agency, they can share that Congressman Turner’s office is their number one resource and can help. She distributed a handout that includes contact information and describes what services are offered, etc. They currently have about 350 open cases and get an average of 20 to 30 cases per week and close about that same number per week. She also provided a contact list for some of the federal agencies to include addresses, phone numbers, website addresses, etc. She noted any website address that ended in .gov indicated that it was the official government website. Every time someone asks for constituent services through her office because of the 1974 privacy act, they ask them to complete a consent form so her office can receive information from the agency they are working with, so that form is included in the handout. Finally, they have flags that come with a certificate that indicates they have been flown over the U.S. Capitol, which are available for sale and she included that form also. She concluded their office is a premier service office, which means they have a case worker to handle social security, veterans, Medicare, immigration, Department of Education, and IRS issues. She entertained questions. Hearing none, President Engle thanked her for coming this evening.

Rev. Dr. John Freeman, United AME Church, thanked Council for the opportunity to speak to them as a representative of “Xenia for Moore, OK.” He represents a group of concerned citizens who have come together to help families affected by the recent Moore, Oklahoma tornado. They are under the umbrella of the highly respected non-profit Greene County Community Foundation, and all funds/donations received will be submitted and distributed through the foundation. One of their goals is to select and adopt seven families in Moore, Oklahoma for 12 months. Often times at holidays, you see how thousands of people come together to eat dinner together, but then the next week, they don’t have anything to eat. Many organizations and people are banding together to help the people of Moore, Oklahoma, and they want to take it a step further. Xenia understands the needs of these families, and they have already carefully selected three families. Their first meeting was held the Tuesday after Mayor Bayless’ prayer breakfast, which generated great support from churches and individuals. Their official kick off was this past Friday at Xenia’s First Fridays event. They had a booth, displayed information, and sold bracelets to connect Xenia’s past to Moore, Oklahoma’s present. They were amazed at how deeply touched this community was to see photos from Xenia’s 1974 tornado. Even after 39 years, they are all connected and the people in Xenia know the heartbreak and financial difficulties of losing all they have. Their motto is “sharing the journey” and they need help. He invited Council, the community, businesses, etc., to join them in their effort. They are located at United AME Church, 286 E. Church Street, Xenia or visit them on Facebook (search for Xenia 4 Moore Oklahoma~Sharing the Journey).

Debby Stephens said one of their first initiatives was to sell the silicon bracelets. On one side they say “adopt a family” and on the other side, they say “pray for Moore, Oklahoma.” They have two families whose stories are listed on their Facebook page. As Dr. Freeman said, they felt very strongly that having a story with a face goes a lot farther than a community. So, they are being very methodical about how they go about this mission. They are hoping to have all the
families selected within the next several weeks. The two families they have selected have very
different needs. One is still living in their home, but they did not have any renter’s insurance.
They do not have any windows or a kitchen. The other family was able to rent a house, but it is
double their mortgage. They feel compelled to do something because Xenia has been there. She
was not in Xenia in 1974 but she drove through the area on her way to visit Cedarville
University. Even though U.S. 42 was closed, the policeman let them use U.S. 42 to get to the
university because none of them knew any other way to get there. She will never forget what she
saw as they drove through. Everything that everybody owned was scattered in fields, in trees,
etc. Back then, she had no idea Xenia would eventually become her home. The Committee is
their heartbeat and they want to get as many people involved as possible. She can be emailed at
stephensdebby@yahoo.com.

REPORTS OF COMMITTEES:

Board for Recreation, Arts & Cultural Activities: Councilwoman Mills said BRACA
met on June 4th and discussed the following:

- **Music in the Park.** On June 2nd, the Ohio Valley British Brass Band, an impressive 45-piece
  brass band founded in 1992 performed. The band has agreed to open the Music in the Park series
  again next year. On June 16th, Ralph Kettering and the Impossibles will perform. July 7th will
  feature The Sauerkraut German Band.

- **Fishing Derby** ~ Saturday, June 1st was a huge success with 147 children attending. All the kids
  received prizes which included sleeping bags, fishing poles, tackle boxes, etc. There was a DJ,
  and sponsors included Farmer’s Insurance, Trophy Sports, F & S Bait, BetterImages, PuroClean
  Emergency Services, Alan Besco, and Maple Corner Farm who helped to make this fishing derby
  a success by providing bait, trophies, and free hot dogs and water for the children.

- **Movies in the Park.** Shown at dusk on the same days as First Fridays. On June 7th The Lorax was
  shown. The next movies are on July 5th (Hook) and August 2nd (Pirates! Band of Misfits).

- **Beautification Certificates** (June through October) and Mayor Bayless hand delivers them.

- **Friends of Xenia Station (FOXS) Presentation.** Kathleen Lewis, the secretary for FOXS,
  shared some of the activities the volunteer group has been doing. They have been working very
  hard since the group formed last year. They weeded, planted perennials, and mulched beds
  around Xenia Station; removed, painted, and repositioned full bike racks next to the flagpole
  plaza; painted all the front doors that were sun faded; removed graffiti on the back of the
  building; installed a pipe safe to accept donations; and they are currently redoing the signs. They
  hosted a Block Party in celebration of "National Trails Day." The Railroad Museum and the B&O
  caboose were open to the public. There was food by Craig's Pesto Hot Dogs, Bicycle Revival
  Mobile Parts and Repair Shop, a display by the Greene County Parks & Trails Naturalists, and
  musical entertainment. At this event, there was a ribbon cutting for Xenia Station’s fix-it-Station,
  which is the first public repair station in the Miami Valley and the first of its kind in the State of
  Ohio. At all First Fridays, FOXS will be selling stickers and pins. If anyone is interested in
  joining FOXS, they have two websites: [www.xeniastation.org](http://www.xeniastation.org) and [www.xeniastation.com](http://www.xeniastation.com).

Councilwoman Mills said Ms. Carol Atzbach was originally appointed to BRACA in 2011 to fill a
vacancy. Her term is due to expire on July 31, 2013, and she has expressed a desire to be
reappointed for a full four-year term. Ms. Atzbach continues to be an asset to the City. She serves
on BRACA, represents the Board’s subcommittee, known as the Tree Committee, and continues to
be the point person for the very successful “Bloom with Xenia … Adopt-A-Spot” program. She is
a Greene County Master Gardener and remains involved with the City’s Community Garden Plot
program. Her knowledge, skills, ability, and her volunteer spirit are invaluable.
Motion by Councilwoman Mills, seconded by Mayor Bayless, to reappoint Ms. Carol Atzbach to the Board for Recreation, Arts, and Cultural Activities with a term expiring on July 31, 2017. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

Traffic Commission: Councilman Smith said the Traffic Commission meeting was cancelled due to lack of agenda items. The next XTC is scheduled for Monday, July 1st.

Board of Zoning Appeals: Mayor Bayless said BZA met on May 28th and took action on three agenda items:

1. Approved a variance of 3’6” from the rear property line and a variance of 4’6” from the south side lot line so the applicant at 1176 Arkansas Drive could build an in-ground swimming pool with a concrete deck.
2. Approved a variance of 29.6 sq. ft. for Key Chrysler Jeep Dodge to replace an existing 11.25 sq. ft. “Service” wall sign with a 50.6 sq. ft. service sign with the new corporate identity that is more energy efficient and will provide clearer directions to the different types of service bays.
3. BZA was to hear a variance request to allow construction of a two-story, handicap accessible home that did not meet the rear yard setback requirement, filed by Gerald W. Matthews Contractor for a property on Weaver Street owned by Raymond Kline, Jr. However, Mrs. Kline made changes to the site plan at the last minute and staff and BZA only learned about those changes at the meeting. Because the changes made were not disclosed in the public hearing notice, another public hearing will be scheduled.

ITEMS FROM CITY COUNCIL AND MAYOR: None.

REPORTS OF CITY OFFICES:

City Manager’s Office: Mr. Merriman said on behalf of City Council and staff, they are keeping City Manager Jim Percival and his wife, Denise Percival, in their prayers. She was involved in a very serious accident this past weekend.

Emergency Resolution for the FY 2013 Small Cities Community Development Block Grant (CDBG) Allocation Program and the FY 2013 Downtown Revitalization Grant competitive program. Mr. Merriman said City Council is being asked to approve an Emergency Resolution to submit applications, and if awarded, receive funding for the 2013 Community Development Allocation and Downtown Revitalization Grants, to fund matching amounts as required by the grant, to re-adopt the Anti-Displacement and Relocation Assistance Plan of 2005 as required by CDBG funding. Emergency passage is being requested so the applications can be delivered to the State before the deadline of June 21, 2013. As detailed in the agenda item report, staff has conducted an extensive review process and discussion on how best to utilize the newly named and reduced allocation resources from CDBG. They have also taken a very close look how best to approach these funding opportunities in the context of X-Plan and its goals and objectives. They believe utilizing the allocation funds as leveraged toward securing the competitive grant for downtown revitalization takes some significant steps toward rehab of some landmarks in our downtown corridor and will take positive steps toward achieving goals.
prescribed in the X-Plan. He noted during Audience Comments, some excellent points were made and this is the follow up action to those comments.

Councilman Louderback presented a RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION AND ACCEPT FUNDS FOR BOTH THE FISCAL YEAR 2013 COMMUNITY DEVELOPMENT ALLOCATION PROGRAM AND THE FISCAL YEAR 2013 DOWNTOWN REVITALIZATION GRANT FUNDS AS ADMINISTERED BY THE STATE OF OHIO DEVELOPMENT SERVICES AGENCY, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Councilman Louderback, seconded by Vice President Smith, that the rules requiring the reading of a resolution at two consecutive meetings be dispensed with and this resolution be placed at once upon its passage. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

Motion by Councilman Louderback, seconded by Vice President Smith, that Resolution Number 13-N be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

Emergency Resolution to accept the award of the 2013 Assistance to Firefighters Grant for the purchase of Power Lift Cots. Mr. Merriman respectfully requested emergency passage of a Resolution authorizing the City Manager to accept the grant from the United States Fire Administration, Federal Emergency Management Agency for the 2013 Assistance to Firefighters Grant Program for the amount of $60,000 with a 10% match from the City of Xenia. This grant will be used for the purchase of hydraulic assisted power cots, which improves the safety of Fire Division personnel as well as the patients they are serving. He asked that Fire Chief Riggsby provide additional commentary.

Chief Riggsby said they have looked at these cots for several years, but they are very expensive and due to budget constraints, they have held off. In the past there have been grants through the Bureau of Worker’s Compensation, but they have never been successful in securing one of those grants. This particular grant opportunity presented itself last year as a good option for them to purchase the cots. The Fire Division is currently using four medic units each day, and a power lift device will be outfitted in each medic unit to assist our personnel. He feels this is an outstanding program, and he is happy they received the full grant.

Councilman Caupp presented a RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT THE UNITED STATES FIRE ADMINISTRATION, FEDERAL EMERGENCY MANAGEMENT AGENCY GRANT FUNDS AS ADMINISTERED BY THE SAME, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Councilman Caupp, seconded by Councilman Long, that the rules requiring the reading of a resolution at two consecutive meetings be dispensed with and this resolution be placed at once upon its passage. Discussion followed.
Councilman Louderback thought the new cots would prevent back injuries. Chief Riggsby agreed that the new cots will help reduce the number of back injuries. He will have to institute a few policy changes, because they will still have to take cots up flights of stairs, etc., and these new cots are a bit heavier. So, they may have to keep the power lift cots downstairs and use other devices to bring the patient downstairs.

Councilman Long asked if the grant included the retrofit for the medic units so the cots charge while in the medic unit. Chief Riggsby said yes, a charging system is included in the price and will be docked in the medic unit. They will also have a back up battery charger and will be able to switch the batteries out if needed. If all else fails, there is a manual override option. Councilman Long said he appreciated their effort in going after the grant.

Mayor Bayless asked how much weight the cots hold. Chief Riggsby said the cots hold up to 700 pounds, which is significantly more than their current cots hold.

For future consideration, Chief Riggsby said there is also a power lift system that works in conjunction with the power cots that literally lifts the entire cot without assistance from personnel. There are some fairly large residents that they deal with on a regular basis, and they recently needed seven personnel to move one patient. They ended up using a bed from the hospital to wheel a patient from the nursing home to Greene Memorial Hospital due to the size of the patient.

The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle  
Nays: None  

motion carried.

Motion by Councilman Caupp, seconded by Councilman Long, that Resolution Number 13-O be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle  
Nays: None  

motion carried.

Chief Riggsby invited the Mayor and Council to an event on June 20th where two XFD Firefighter/Paramedics will be honored. He said on May 24, 2013, 95-year-old Margaret McCreery was in her Xenia home with her five-year-old great-grandson when she fell, severely cutting her head. Unable to reach the emergency pendant around her neck, Margaret told her great-grandson, George, to push the button on the base unit of her ADT Home Health Services system. That alerted ADT team member Deborah Kirkland who immediately came on the line from an ADT monitoring center in Knoxville. When asked if everything was okay, George told Deborah that his great grandma was bleeding and to send help. Within minutes two City of Xenia Paramedics, Jason Rodriguez and Cameron Stegall, arrived on scene and transported Margaret to the hospital where she received 30 stitches to her head. Without help from George, ADT and the City of Xenia Paramedics, Margaret believes she could have died. She is looking forward to meeting those who helped save her. A reunion between Mrs. McCreery, Paramedics Jason Rodriguez and Cameron Stegall, and ADT team member Deborah Kirkland from Tennessee is scheduled for June 20, 2013, at 11:00 am at the McCreery Home at 542 N. Galloway Street, Xenia, Ohio 45385. At this reunion Cameron Stegall and Jason Rodriguez will be presented with awards and the City of Xenia Fire Division will receive $5,000 from ADT.
Councilman Louderback said this was in today’s paper. He said Xenia’s Fire Division is recognized in the State of Ohio for being great. He offered congratulations to Firefighters Stegall and Rodriguez.

Introduction of an Ordinance to amend the current traffic signage at the Intersection of Ankeney Mill Road and N. Detroit Street. Mr. Merriman said introduction of this Ordinance will allow for the elimination of three existing “No Turn on Red during school hours” signs at the intersection of Ankeney Mill Road and N. Detroit Street and the installation of a “No Turn on Red” sign for those traveling from westbound E. Ankeney Mill Road to northbound N. Detroit Street as recommended by the Xenia Police Division, reviewed and concurred with by the City Engineer, and approved by the Traffic Commission on May 6, 2013.

President Engle entertained an introduction of the Ordinance.

Councilwoman Mills introduced an ORDINANCE TO AMEND THE CURRENT TRAFFIC SIGNAGE AT THE INTERSECTION OF ANKENEY MILL ROAD AND NORTH DETROIT STREET, and it was read for the first time.

Authorization to Negotiate a Contract with Motorola for the purchase of Public Safety Radios and Consoles. Mr. Merriman respectfully requested that City Council authorize the City Manager to negotiate a final contract with Motorola for the purchase and installation of consoles and public safety radios at a price not to exceed $926,875.50. Staff has communicated the importance and significance of this capital purchase given the critical nature of the equipment’s use. This purchase is the result of Greene County’s decision to migrate to the MARCS platform. Leadership from the City Manager’s Office, the Xenia Police and Fire Divisions, the Communications Division, as well as other partner agencies have constructed and administered an open, fair, and competitive process to ensure that the City has been afforded the best possible options for this significant purchase. Further, they have conducted an exhaustive process to provide an objective and comprehensive analysis of their options. At the conclusion of this complex and lengthy effort, staff believes their recommendations provide the best choice at a competitive price given all the issues that play into the decision. He noted he and both the Police and Fire Chiefs are available to answer any questions Council may have.

President Engle entertained comments or questions or a motion.

Motion by Councilman Long, seconded by Councilman Louderback, to authorize the City Manager to negotiate a final contract with Motorola for the purchase and installation of consoles and radios at a price not to exceed $926,875.50. Discussion followed.

Councilman Long said for the sake of the public, he recognized this is a lot of money and it is done in conjunction with the County to join the MARCS to enable the different agencies to communicate during emergencies. He recognized city staff and the amount of work they did over the last year. He said Council has had several work sessions on this item and the process has not been easy. It’s a lot of money and a lot of technology to replace the current system and involves the radios that people see every police officer and firefighter carry and includes the consoles used by the dispatchers. He noted the City’s Communications Center (9-1-1 dispatchers) serves Xenia as well as the County and possibly Sugarcreek Township and Bellbrook in the very near
future. He thanked staff for their work on this project. They are not necessarily going with the cheapest bid; this purchase is highly technical and they must go with the best bid.

Councilman Caupp said he spoke at length today with the Fire Chief and the Assistant City Manager, as well as Mr. Wolf from W.S. Electronics. Honestly, he was probably more confused after his conversations than he was before. There is a ton of technical data for Council to weed through and thoroughly understand. With that being said, he had to respect and support the recommendations of the Police Chief and Fire Chief.

Mayor Bayless said she also spoke with the Assistant City Manager, and she agreed it is very technical. The one thing that stuck with her was that the Motorola system had guarantees, which was the deciding factor when thinking about the cost of the purchase and the safety of the individuals they serve.

President Engle agreed with his colleagues. He appreciated and congratulated City Staff on this monumental issue. As noted earlier, Council has had several work sessions on this, and the complexity of the final proposal is significant.

The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

Motion by Councilwoman Mills, seconded by Councilman Long, to authorize the City Manager to enter into a 7-year agreement with the City of Bellbrook and Sugarcreek Township to provide 911/dispatch services at prices set forth in the contract effective September 15, 2013. He noted he has personally spent countless hours with Police Chief Person discussing dispatching issues, and this agreement is the culmination of a very, very long process and is the stepping stone that has launched a broader conversation on Countywide consolidation. As identified in this agreement and publicly by City Council and staff, they endorse and support that concept in a phased approach. He feels this is the first phase in that consolidation process. He then entertained questions on the agreement, service consolidation, or any related matters resulting from this agreement.

Councilman Long noted this is a seven-year agreement, and they should have a positive cash flow within 1.5 to 2 years because an investment must be made to reconfigure the current dispatch center. Each agency has six months to back out of the contract, and given that fact, there is a risk. Mr. Merriman said yes, with any contract there is a risk. The reality is once Bellbrook and Sugarcreek dismantle their systems and terminate their staff, they will be relying on the City of Xenia, which is why they wanted a seven-year guaranteed contract so they had the ability to lock-in those services. Both entities explored other options in Greene County in terms of providing these services for them, but no legitimate options really came forward. Basically this is their best and only option. They have acknowledged that their operations are revenue draining
and this contract presents a significant savings for them. Councilman Long noted they are saving even more money, because they do not have to purchase the new MARCS consoles.

Councilman Caupp applauded Police Chief Person, Fire Chief Riggsby, and Mr. Merriman for bringing this contract to fruition. He has advocated for consolidation of safety services within the County from the start and this is a step in the right direction. He thinks everyone on this Council advocates the idea of having redundancy with two dispatch centers in the County and not going to one centralized dispatch center. This sends a message to others in the County that the City does not plan to disband the Xenia/Greene Central Dispatch Center.

The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

**Items for the City Manager:** None.

**Finance Director’s Office:**

**Authorization for IT Staffing Services to Robert Half Technology.** Mr. Bazelak respectfully requested that Council waive the requirement to obtain additional quotes and authorize the issuance of a purchase order in the amount of $29,500 to Robert Half Technology (services provided through the Dayton, Ohio Branch) for 2013. Council approved the contract with Robert Half last year, and they completed the Information Technology Strategic Plan with the outside consultant last year. However, they determined that an internal process was also needed to interview each division/department regarding their IT needs in the future. They also surveyed other cities to see how they handle their own IT services. He plans to bring that study and the recommendations to Council next month, which includes initiatives and recommendations for personnel changes. In the meantime, it is necessary to continue to use Robert Half IT staffing services for a Help Desk Technician (Brandon Board) for the remainder of the year.

Motion by Councilman Louderback, seconded by Councilwoman Mills, to waive the requirement to obtain additional quotes and authorize the issuance of a purchase order in the amount of $29,500 to Robert Half Technology (services provided through the Dayton, Ohio Branch) for 2013. Discussion followed.

Councilman Caupp said he understood that one IT position was eliminated, but he questioned whether using a part-time employee through a temporary agency was still a financially sound decision or if it should be brought back in house. It is obviously a needed position. Mr. Bazelak said he could assure Councilman Caupp they are addressing that in the recommendation that will be brought forward, which will deal with efficiencies for the IT Department. They have looked at the needs of all the Departments in conjunction with the Safety Study, etc., involved all the department heads, the City Manager’s Office, and the outside consultant, and they think they will be presenting to Council a good product that will move the city forward. He said Councilman Caupp’s point is well taken.

Vice President Smith said he had never dealt with a temporary agency/employee before, but he feels the city would be better served by a city employee. He clarified they were only talking about one employee. Mr. Bazelak said yes. Vice President Smith asked what guarantee the City
had with the contract for the temporary employee. Mr. Bazelak said the individual has been with the city since 2011; obviously, he has been with the City for awhile and understands their needs.

Councilman Long noted Robert Half specializes in IT, and he feels they do a much better job than a typical temp service. He asked how many users were on the City’s system. Mr. Bazelak estimated several hundred when considering servers, cell phones, etc. The numbers have increased over the last 10 years while the number of employees has decreased. He noted the IT Study will provide all that data. The need is exponentially greater.

The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle  
Nays: None  motion carried.

**Award of Bond Counsel Services for potential Various Purpose General Obligation Bond Issue.** Mr. Bazelak respectfully requested that Council award the contract for Bond Counsel services to Peck Shaffer in a not-to-exceed amount of $26,490. The City of Xenia requested proposals for bond counsel services for a potential bond issue encompassing various projects as noted in the agenda item report. In order to do the bond issue, the City needs to contract with Bond Counsel to prepare the legal documents, official statement, assist with selection of an Underwriter to market, and sell the bonds. Proposals were received from the three leading bond counsel firms in Ohio as follows:

- **Peck Shaffer** $26,490  
- **Bricker and Eckler** $27,500  
- **Squire Sanders** $42,500

Peck Shaffer has provided excellent Bond Counsel services to the City in the past and was Bond Counsel for the 2000 bond issue and the 2010 refinancing of that bond issue. Peck Shaffer, including attorney Dennis Schwallie, has provided service to the City for over 30 years going back to the tax increment financing legislation for the Xenia Towne Square in the 1970s. Given the level of service over the years that Peck Shaffer has provided, combined with the fact that Peck Shaffer was the lowest cost proposal, he respectfully recommend the City contract with Peck Shaffer for bond counsel services. The contract will be structured on a services rendered basis similar to the engineering contract awarded to APP Architecture for the Simon Kenton and City Hall project. Thus if Council decides not to move forward with the bond issue, the City will only pay for services rendered to that point.

Motion by Councilman Long, seconded by Mayor Bayless, to award the contract for Bond Counsel services to Peck Shaffer in a not-to-exceed amount of $26,490.00. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle  
Nays: None  motion carried.

**Schedule of Bills:** Mr. Bazelak presented payment of bills totaling $708,058.94.

Motion by Councilwoman Mills, seconded by Councilman Louderback, to approve payment of bills totaling $708,058.94. No discussion followed.
The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

**Items for the Finance Director:** Vice President Smith asked about the new formatting of the Schedule of Bills. Mr. Bazelak explained they are currently upgrading their accounting system, and he would appreciate any comments Council may have in regard to formatting issues and will ensure the appropriate changes are made.

**Law Director’s Office:**

**Introduction of Ordinances and Resolutions:** Introduction of an Ordinance amending Part Six—General Offenses, Chapter 640: Definitions and Chapter 648: Peace Disturbances to include Nuisance Party regulations. Mr. Lewis said in the past several months, the Xenia Police Division responded to several complaints about large parties in town. The most recent complaints were about a party in which there were approximately 250 people at a 432 square foot residence in the south end of town. The party had spilled over into the streets and neighborhood. The vehicles of the partygoers had blocked the streets, and there was a strong odor of marijuana coming from the residence. Officers from Beavercreek, Fairborn, Bellbrook, Yellow Springs, and Cedarville Police Departments, the Greene County Sheriff’s Office, the Ohio State Highway Patrol, and Central State University Police were called to assist the seven officers from the Xenia Police Division in clearing out the party. It took officers approximately one hour to clear out the party. He said research indicates the cities of Athens, Bowling Green, Fairborn, Kent, Columbus, and Oxford, all of which are college towns, have almost identical nuisance party ordinances, the only difference being the penalty. This ordinance allows not only the tenant or owner of the property to be charged, but also any person who does not leave the premises immediately upon the order of the police. Mr. Lewis respectfully requested that Council introduce an Ordinance amending Part Six—General Offenses, Chapter 640: Definitions and Chapter 648: Peace Disturbances to include Nuisance Party regulations.

Councilman Louderback introduced an ORDINANCE AMENDING PART SIX--GENERAL OFFENSES, CHAPTER 648: PEACE DISTURBANCES OF THE CODIFIED ORDINANCES OF THE CITY OF XENIA TO INCLUDE NUISANCE PARTY REGULATIONS, and it was read for the first time.

**Second Readings of Ordinances and Resolutions:** Mr. Lewis presented a RESOLUTION ADOPTING THE 2013 X-PLAN, THE CITY’S COMPREHENSIVE PLAN, AS A SHARED, COMMUNITY-BASED VISION AND GUIDE FOR LAND USE AND DEVELOPMENT POLICY, BUDGETING DECISIONS, WORK PLANS AND CIVIC PARTNERSHIPS, and it was read for a second time.

Motion by Councilman Long, seconded by Councilwoman Mills, that Resolution Number 13-P now be passed. Brief comment followed. Councilman Long thanked city staff, especially City Planner Brian Forschner for all his hard work. It has been a long process. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.
Mr. Lewis presented an ORDINANCE AMENDING ORDINANCE 12-53 TO MAKE ADJUSTMENTS IN APPROPRIATIONS FOR CURRENT EXPENDITURES OF THE CITY OF XENIA, OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2013, and it was read for a second time.

Motion by Councilman Long, seconded by Councilman Louderback, that Ordinance Number 13-30 now be passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

Mr. Lewis presented an ORDINANCE AMENDING PART SIX – GENERAL OFFENSES CHAPTER 604: DEFINITIONS AND CHAPTER 648: PEACE DISTURBANCES OF THE CITY OF XENIA CODIFIED ORDINANCES, and it was read for a second time.

Motion by Councilman Louderback, seconded by Councilman Caupp, that Ordinance Number 13-31 now be passed. Brief comment followed. Councilman Long clarified this ordinance dealt with panhandling. Mr. Lewis said that was correct. Councilman Long thanked Councilman Louderback, the Law Department, and the Police Division for working on this Ordinance. Being needy or homeless is not an excuse to misbehave. He has had residents contact him about being harassed at ATMs, and he has seen people panhandling from children in the parking lot of the karate school he attends, which is inexcusable.

The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

**Items for the Law Director:** None.

**SUMMARY OF ACTION ITEMS:** Mr. Merriman did not have any updates.

- A request for a plan from City Staff in regard to the Broker Services Contract to include details of how the contract will be monitored (Requested by President Engle//Assigned to Jim Percival/Jackie Potter)
- Update on Proposed Recreation Venues (Requested by Councilman Louderback//Assigned to Jim Percival)
- A report on the feasibility of a Vacant Building Ordinance – due date to be determined (Requested by Councilman Louderback//Assigned to City Manager’s Office and Law Director)
- Quarterly Updates on Economic Development at Council meetings on 04/11/13 (completed), 07/11/13, 10/10/13, 01/09/14) (Requested by Councilman Louderback//Assigned to Steve Brodsky/Jim Percival)
- Timeline for completion and delivery of cost estimates, renderings, etc., for Simon Kenton Project (Requested by Councilman Long//Assigned to Jim Percival/Chris Berger)

President Engle asked if there were any issues Council would like added to the next Council meeting under “Summary of Actions Items.” There was no response from Council.

**READING OF COMMUNICATIONS AND DISCUSSION:** Councilman Louderback had nothing further to share.
Councilman Caupp sent “Get Well” wishes to the City Manager’s wife, Denise Percival. She is a strong lady and he is certain she will be up and kicking very soon. He reminded citizens that Wee Bucs has taken over cheerleading this year. Additional registrations for cheerleading will be accepted for K-6 in the amount of $110, which includes the uniform and warm up gear. They will cheer at home and away games. If interested, please call him and he can put them in touch with the ladies in charge of the cheerleaders.

Councilwoman Mills offered prayers for Jim and Denise Percival and their family. She noted there are numerous vacation bible schools in this community. There are many churches in Xenia, and she encouraged residents to get their kids involved. It doesn’t cost anything to attend, but there are many rewards. This community is only as good as what they all put into it; she encouraged everyone to invest in this community. She noted the next three events at Shawnee Park include Music in the Park on June 16 with Ralph Kettering and the Impossibles, a Movie in the Park after First Fridays on July 5 with the showing of Hook, and another Music in the Park on July 7 with The Sauerkraut German Band. Please join them!

Councilman Long offered continued prayers for Denise Percival. She is not only the City Manager’s wife, she is also a dedicated volunteer in this community. He said Friends of Xenia Station (FOXS) invites everyone to Xenia Station on Sundays, June 16, July 21, and August 18 for Cycling Sundays. Xenia Station and the museum will be open for tours, there will be a unique food vendor at each event, and various yard games.

Mayor Bayless said many people commented to her on how much nicer the median landscaping looks when driving into the City, and she thanked those responsible for that. Councilman Louderback said city staff did that. Mayor Bayless talked about the Benjamin Moore paint contest. Learn more and vote daily through June 30 at www.paintwhatmatters.com. She thanked everyone who was able to come out and support the Mayor’s Prayer Breakfast. It is nice that the Men’s Christian Fellowship group puts that on each year, and all she has to do is show up. The money raised is always donated to a group that really needs it. The June 7th First Fridays event was fantastic. The weather cooperated and the events just get better and better. Tonight, she only got to spend 10 minutes at Jamie’s Tire Service who sponsored “Business after Hours.” She encouraged everyone to patronize his business. As her pastor stated tonight, many people approached him about supporting the Oklahoma Tornado survivors. They appreciate the efforts of the Red Cross, etc., but Xenians have a heart for those in need and they really wanted to provide a personal touch. Again, she solicited help from the community to join them in this cause. She expressed her sympathy and prayers to Denise Percival. Her church, as well as many people, have been praying for her.

Vice President Smith said he would like to lift up Jim and Denise Percival in prayer. He thanked everyone who attended the meeting or were watching from home. He took his girls to Skyborn Drive-in Theatre and there were only 12 cars there. You have to spend your money to keep a business open. He invited everyone to attend a free movie on June 14th at 8 p.m. at the Nazarene Community Center. They also have many other events for the community listed on their website at www.xenianaz.org. Greene County Parks and Trails has many, many things listed on their website for kids to do this summer. There is a small fee for some items. Learn more at www.gcparkstrails.com. Finally, from June 16-20, there is a vacation bible school from 6 to 8 p.m. at Northside Christian Church. Also, Faith Community United Methodist Church is holding a
vacation bible school from June 23-27 from 6 to 8:30 p.m. The Xenia YMCA also has activities and X*ACT has a drama camp for kids. There are many things available to keep your kids busy this summer! Speaking of X*ACT, he noted President Engle is involved in the current production.

President Engle also encouraged everyone to vote daily for the “Paint What Matters” contest. He invited everyone to visit X*ACT, not just because he is in this production, but because it is a wonderful organization here in Xenia and a great group of folks are on the Board of Directors. They are all about promoting this community, and they have a wonderful art gallery where the thrift store used to be. The prices for a show are very reasonable. “Mornings at Seven” takes place this Friday and Saturday at 7:30 p.m. and Sunday at 3 p.m. He expressed his concerns and prayers for Denise Percival for a complete and fast recovery. He wished his wife, Lynn, an early 27th anniversary on June 21st.

ADJOURNMENT: Motion by Councilwoman Mills, seconded by Councilman Long, to adjourn the Regular Session at 8:18 p.m. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

Michelle D. Johnson, City Clerk
Xenia City Council

Michael D. Engle, President
Xenia City Council
City Council Meeting Minutes  
June 27, 2013  
Regular Session  
7:00 p.m.

The Xenia City Council met in a Regular Session on June 27, 2013, at 7:00 p.m., in the City Council Chambers, City Hall, with the following members present: Wesley Smith, John Caupp, Dale Louderback, Joshua Long, Marsha J. Bayless, and Michael D. Engle.

Jeanne Mills was absent.

INVOCATION: John Longland, Xenia Christian Men’s Fellowship, gave the invocation after which all joined in the Pledge of Allegiance.

Motion by Mayor Bayless, seconded by Councilman Long, to excuse Councilwoman Mills from the meeting. Brief comment followed. President Engle believed Councilwoman Mills was leading a community event this evening. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Bayless, and Engle
Nays: None motion carried.

APPROVAL OF MINUTES: Motion by Councilman Louderback, seconded by Councilman Long, to approve the June 13, 2013, Special/Executive Session minutes as written. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Bayless, and Engle
Nays: None motion carried.

Motion by Vice President Smith, seconded by Councilman Caupp, to approve the June 13, 2013, Regular Session minutes as written. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Bayless, and Engle
Nays: None motion carried.

PUBLIC HEARING: 2014 Tax Budget. President Engle opened the public hearing to solicit input on the 2014 Tax Budget and asked for the staff report. Mr. Merriman said on behalf of the City Manager’s Office and the Finance Department, they present to Council and the Xenia Community the 2014 Tax Budget. He reminded everyone that the Tax Budget is a planning tool they utilize as a blueprint for the annual Operating Budget. Submittal of the Tax Budget to Greene County is a statutory requirement. Tax Budgets are used in part for purposes including allocation of State Local Government Funds and establishing rates for inside millage. He noted the 2014 Tax Budget is a work in progress. They are presently engaged in a lot of new initiatives, activities, and projects that will have a significant impact on not only this year’s finances, but ultimately on the 2014 budget as well. Over the remaining months of this year, they will be working through discussions on major concerns like economic development services, municipal facilities, brownfield restoration, and items on this evening’s agenda, all of which will have material impacts on the 2014 budget but are critical issues in planning for this city’s future. The Tax Budget currently reflects a negative cash flow, but all funds are positive and there are adequate reserves as estimated, which is quite similar to the scenario they faced a year ago. Through the summer and fall, staff will work with Council’s Budget and Finance Subcommittee
to further refine the budget and make adjustments as necessary to minimize the negative cash flow implications. As always, the Tax Budget is basically a draft. The final budget, conducting the public hearing, and approving submittal of the Tax Budget to the county does not obligate the city to any specific expenses. The Finance Director and he are open to any questions as part of the Tax Budget public hearing tonight.

President Engle explained the procedures for audience comments, and invited those in favor of the 2014 Tax Budget to step forward to speak. No one came forward to speak. President Engle invited those against the 2014 Tax Budget to step forward to speak. No one came forward to speak. President Engle invited those neither for nor against the 2014 Tax Budget to step forward to speak. No one came forward to speak.

President Engle closed the public hearing at 7:12 p.m. and entertained comments from Council. Hearing none, he entertained two motions.

Motion by Councilman Louderback, seconded by Councilman Long, to approve the 2014 Tax Budget for submittal to the Greene County Budget Commission. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Bayless, and Engle
Nays: None  motion carried.

Motion by Mayor Bayless, seconded by Councilman Caupp, to approve the 2014 Budget Priorities as recommended by the Budget and Finance Subcommittee. Discussion followed.

Councilman Caupp said he wanted to let the public know that the Finance Subcommittee’s proposed concepts for budget priorities for 2014 are as follows:

1. Expand economic development programming efforts;
2. Pursue advanced Town and Gown strategies with Central State and Wilberforce Universities;
3. Continue to focus on downtown revitalization strategies;
4. Sustain a commitment to reliable infrastructure and preventative system maintenance; and
5. Explore ways to provide new recreation opportunities.

Councilman Caupp noted all these things will be priorities in 2014 by Council and staff. He believed at the next meeting, Council would be moving forward on some of the economic development programming efforts yet this year. He thought they were good priorities and was pleased to see that they have something like that this year.

President Engle concurred that Councilman Caupp’s comments on priorities were well in-line with the community-provided study [input] on our X-Plan. He believed the city was leaning forward in a very positive direction consistent with our public’s desires and the practicalities and things that they must prepare to fund out of the monies that they have this year.

The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Bayless, and Engle
Nays: None  motion carried.

AUDIENCE COMMENTS: President Engle explained the procedures for audience comments and invited anyone who wished to speak to come forward. No one came forward to speak.
REPORTS OF COMMITTEES:

Planning & Zoning Commission: Councilman Long said XPZC met in a Regular Session on June 6th and had three agenda items:

1. Major Modification to the Villas at Kinsey Meadows PUD, which is a 26.4-acre tract located off Stevenson Road. The Commission approved the Concept Plan modification that reduced the total number of lots to 26 to allow for much larger lots. Commissioners also approved a revised layout to accommodate those larger lots.

2. Minor Modification to the Villas at Kinsey Meadows PUD to allow for construction of a closed rear sunroom that encroached on the rear yard setback requirement. Commissioners approved the modification to construct a 12’ deep by 14’ wide rear sunroom addition on that home.

3. Urban Renewal Area PUD Minor Modification to allow replacement of a sign face on an existing nonconforming freestanding sign at 120 N. Detroit Street at Key Bank (the pole-mounted sign that is across the street from City Hall). The Commission voted to allow that face to be modified, but with the condition that the sign height be lowered from 16 feet to 9 feet, which would bring the existing nonconforming sign closer to conforming with downtown regulations.

Mayors & Managers: Mayor Bayless said Mayors & Managers are on vacation.

Miami Valley Regional Planning Commission: Councilman Louderback said MVRPC had a brief meeting earlier this month, but nothing really related to Xenia or Greene County, and they will not be meeting again until September.

ITEMS FROM CITY COUNCIL AND MAYOR: None.

REPORTS OF CITY OFFICES:

City Manager’s Office:

Emergency Ordinance to waive competitive bidding and authorize the City Manager to enter into an agreement with the M-E/IBI Group to provide project management services for the construction of the Towler Road Trunk Sewer. Mr. Merriman respectfully requested that Council pass an emergency Ordinance to waive competitive bidding for the M-E/IBI Group to provide project management services for the construction of the Towler Road Trunk Sewer at a not-to-exceed amount of $45,000. Because the M-E/IBI Group was the original designer for the Ford Road Trunk Sewer replacement project, continuing their service for this project should provide for a seamless transition and a more efficient outcome.

Councilman Louderback presented an ORDINANCE WAIVING COMPETITIVE BIDDING FOR THE M-E/IBI GROUP TO PROVIDE CONSTRUCTION MANAGEMENT SERVICES FOR THE CONSTRUCTION OF THE TOWLER ROAD TRUNK SEWER AT A NOT-TO-EXCEED AMOUNT OF $45,000, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Councilman Louderback, seconded by Vice President Smith, that the rules requiring the reading of an ordinance at two consecutive meetings be dispensed with and this ordinance be placed at once upon its passage. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Bayless, and Engle
Nays: None motion carried.
Motion by Councilman Louderback, seconded by Vice President Smith, that Ordinance Number 13-32 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Bayless, and Engle
Nays: None motion carried.

Resolution authorizing the City Manager to Award and Enter into a Contract with Brackney, Inc. of Brookville, Indiana to construct the Towler Road Trunk Sewer at a Not-to-Exceed Amount of $575,825 pending written authorization from the Ohio Public Works Commission (OPWC) to proceed. Mr. Merriman said authorization and release of the monies would not occur until July 1, 2013, after which the City Manager can sign the contract and initiate the project. Because the city does not have direct experience with the recommended contractor, Brackney, Inc., the City’s Engineering Division, in conjunction with our consultant, checked references for the firm and received only positive feedback. The project will have an impact on the adjacent bike trail and will require temporary rerouting of the trail and traffic during the construction period for obvious safety purposes. They have worked with Greene County and the state to set an alternate route for that portion of the trail. The Towler Road Trunk Sewer replacement is an important initial step toward ensuring the continued viability and increasing capacity of this line. They have had a lot of discussion over the last few years leading up to this point, and they are finally ready to begin construction of Phase I of this replacement.

Councilman Long presented a RESOLUTION AUTHORIZING THE CITY MANAGER TO AWARD AND ENTER INTO A CONTRACT WITH BRACKNEY, INC. OF BROOKVILLE, INDIANA TO CONSTRUCT THE TOWLER ROAD TRUNK SEWER AT A NOT-TO-EXCEED AMOUNT OF $575,825 PENDING WRITTEN AUTHORIZATION FROM THE OHIO PUBLIC WORKS COMMISSION (OPWC), AND DECLARING IT TO BE AN EMERGENCY.

Motion by Councilman Long, seconded by Councilman Louderback, that the rules requiring the reading of a resolution at two consecutive meetings be dispensed with and this resolution be placed at once upon its passage. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Bayless, and Engle
Nays: None motion carried.

Motion by Councilman Long, seconded by Councilman Louderback, that Resolution Number 13-Q be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Bayless, and Engle
Nays: None motion carried.

Emergency Appropriation Ordinance for Grant Match and Property Purchase Funding and Emergency Ordinance to Purchase the Property Commonly Known as the Former Hooven and Allison Cordage Company. Mr. Merriman respectfully requested that Council take two actions related to the cleanup of the former Hooven and Allison Cordage Complex on Cincinnati Avenue, a goal long pursued by this Council and City Staff. As detailed in the agenda report provided to Council, the city’s efforts to secure funding for cleanup of the site was successful through competitive applications for program funding. However, in order to receive that funding, National Land Developers LLC (NLD), who has been the primary owner of the complex for a number of years, had to contribute a matching share of the remediation costs.
Despite having an extended period of time to achieve that, NLD has been unable to secure the match funding, thus jeopardizing the grant monies and the site cleanup. In staff’s discussions with Council over the past months, they collectively agreed that cleaning up the H&A site is one of the city’s highest priorities, and they must fully commit to seeing this process through. Staff believes the only way to lock in the grant money and ensure remediation is for the city to step in, gain site control, and carry out the remediation project. With Council’s approval, staff engaged in negotiations with representatives from NLD and has come to terms on a final contract for purchase of the property.

Mr. Merriman respectfully requested that Council take the following actions:

**Motion #1:** Pass an emergency ordinance to appropriate $3,475,000 into the 101 General and 361 General Capital Funds for the purchase of property at 677 Cincinnati Avenue, for the local match to grant funds for Phase II Environmental Remediation at the same property, and the interfund loan.

**Motion #2:** Pass an emergency ordinance to purchase property at 677 Cincinnati Avenue in the amount of $230,820.87 and authorize the City Manager to execute the agreement and Finance Director to disburse the funds.

Councilman Louderback presented an ORDINANCE AMENDING ORDINANCE 12-53 TO MAKE ADJUSTMENTS IN APPROPRIATIONS FOR CURRENT EXPENDITURES OF THE CITY OF XENIA, OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2013, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Councilman Louderback, seconded by Mayor Bayless, that the rules requiring the reading of an ordinance at two consecutive meetings be dispensed with and this ordinance be placed at once upon its passage. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Bayless, and Engle
Nays: None  motion carried.

Motion by Councilman Caupp, seconded by Mayor Bayless, that Ordinance Number 13-33 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Bayless, and Engle
Nays: None  motion carried.

Vice President Smith presented an ORDINANCE TO PURCHASE PROPERTY AT 677 CINCINNATI AVENUE, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Vice President Smith, seconded by Councilman Long, that the rules requiring the reading of an ordinance at two consecutive meetings be dispensed with and this ordinance be placed at once upon its passage. Discussion followed.

Councilman Long thanked City Staff, Steve Brodsky, and the City Manager. Many of them have lived in Xenia for a long time and have had to stare at the site for a long time. It is unfortunate that the private sector could not step in and make a go of it, but there are many hazards there. Not to be self-serving, but he applauded Council for being proactive, stepping in, taking the property, and finally moving forward, albeit at a great expense to our taxpayers of $1.475 million by the
time they are done, but it will be cleaned up and will be a usable property that they hopefully can sell to a developer.

Councilman Caupp said that as Councilman Long alluded to, this was not how it was supposed to happen by any means. However, once you get three-fourths or 90% into a project and all of a sudden run into an issue with a developer, they could not just toss that grant money aside and walk away from the project. It was up to them to pick up the ball and see it through for the best interest of the city. He also thought it was important to the public since several people mentioned to him about uses for that property. One thing stated in the agenda item tonight was that the property would have to be used for light industrial type of activities, because even after the cleanup, that property will be never be able to be used for residential or recreation.

President Engle also added his kudos to staff. This has been a long process that this Council and staff have been actively engaged in on behalf of the citizens of Xenia. As was mentioned, this was not the city’s first desired outcome, but he believed and believed his colleagues shared the same view that it is absolutely critical that they move forward on this even though they will be investing very significant amounts of taxpayer money, but he believes it will pay dividends long-term for this city that would not be realized otherwise.

Mayor Bayless concurred. Another part of that is safety for our citizens, which was also a big part of this decision. President Engle thought Mayor Bayless made an excellent point.

The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Bayless, and Engle
Nays: None  motion carried.

Motion by Vice President Smith, seconded by Councilman Long, that Ordinance Number 13-34 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Bayless, and Engle
Nays: None  motion carried.

Emergency Ordinance to place Electric Aggregation on the November Ballot. Mr. Merriman noted in 2003 and 2005, Council made efforts to place electric aggregation on the ballot, but both efforts failed (the margin was much closer in 2005). Because of that and increasing competition among electric providers to close aggregation deals (a number of them have contacted the city), the environment to pursue this arrangement seems to be quite opportune. If our citizens approve a ballot measure, the city would be authorized to negotiate on behalf of the entire community rates for the generation portion of electric services. This could likely see a valuable reduction in electric costs for our private citizens and the city. Under this arrangement, residents would still have the ability to opt out of the aggregate agreement and choose their own firm for electric generation. Approval of the emergency ordinance would allow the city to place the issue on the November 5, 2013, general election ballot and would set in motion a broader dialogue with the community about the arrangement and benefits the community could eventually realize as a result.

Councilman Louderback presented an ORDINANCE TO FACILITATE COMPETITIVE RETAIL ELECTRIC SERVICE TO PROMOTE ELECTRICAL SAVINGS, LOWER COST
ELECTRICITY SUPPLIES AND OTHER BENEFITS FOR certain ELECTRICITY CONSUMERS, AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT AN ELECTRIC AGGREGATION PROGRAM PURSUANT TO SECTION 4928.20 OF THE OHIO REVISED CODE AND ARTICLE XVIII SECTION 4 OF THE OHIO CONSTITUTION; DIRECTING THE GREENE COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS; AND AUTHORIZING AN AGREEMENT WITH AN AGENT FOR SUCH PURPOSES; AND DECLARING IT TO BE AN EMERGENCY.

Motion by Councilman Louderback, seconded by Vice President Smith, that the rules requiring the reading of an ordinance at two consecutive meetings be dispensed with and this ordinance be placed at once upon its passage. Discussion followed.

Councilman Caupp noted many citizens have already entered into contracts with companies. If electric aggregation passed on the ballot, and now the city is negotiating [rates for the electric generation services] on behalf of the city, and if better rates are negotiated, does that allow our citizens to jump on board with the city or would they still have to pay those termination fees.

Mr. Lewis said it would not terminate the citizens’ other contracts; it would depend on the individual contracts the citizens entered into. If this is a much better deal, citizens would have to pay the termination fees.

Mayor Bayless said she did not understand why in 2003 and 2005 the ordinance to place electric aggregation on the ballot failed and asked if it was different now. Mr. Merriman did not think it was any different, but there was significantly less discussion about it at that time. Although he was not working for the city at that time, he did not think there was any public discussion about it or advertising of what the measure would do.

Mr. Lewis said there was no logical reason why it failed because the citizens passed an ordinance for gas aggregation by a fairly large margin, and at the same time, they turned down electric aggregation. He did not think people understood on what they were voting due to a lack of education. There has been much more publicity lately from the power companies alone, and people are much more aware about electric aggregation, the contracts, and what that means.

Councilman Long definitely agreed that the electric industry has gotten somewhat complicated with people knocking on doors and calling people on the phone. He still did not know how he felt overall about these programs since he is still learning, but he will vote to put it on the ballot because it is a decision that people need to make. He hopes that some of the local DP&L representatives help with some education in the industry about it, but it will ultimately be up to the voters. He encouraged residents to call DP&L and ask questions.

Mr. Merriman said as the process continues, the city would try to provide some baseline information through the city’s public outreach processes. President Engle thought that would be outstanding.

The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Bayless, and Engle
Nays: None motion carried.
Motion by Councilman Louderback, seconded by Vice President Smith, that Ordinance Number 13-35 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Bayless, and Engle
Nays: None motion carried.

Mr. Merriman recognized that almost everything that came before Council tonight came as an emergency and he and the City Manager discussed that. Some of the issues that came up recently really were time sensitive, but in other cases, there were some things that were just not as timely. He wanted Council to know they are addressing that issue to make sure they are putting information before Council in a way that is appropriate to allow them adequate review time.

Mr. Merriman said before Council tonight are third-year wage agreements with the FOP for Captains, Sergeants, Officers, and Communication Operators. With approval of the last contract, Council approved a condition in the contract that allowed the third year wages to be reopened for all four of those Bargaining Units. As per SERB regulations, they initiated those discussions with the Bargaining Units last week based on the timeline established by SERB. Council met in Executive Session to discuss some parameters that Council had, which he thought had been met. The negotiations were fairly quick, and he thought the City and Bargaining Units recognize the City’s overall financial condition. Certainly they want to do something for these employees, but they have to make any particular increases limited to stay within the constraints that the City and Council has to work with in terms of available resources. He respectfully requested that Council approve the conditions of the re-openers for the four Bargaining Units.

Motion by Councilman Caupp, seconded by Vice President Smith, to approve the terms and conditions of the third-year wage agreements with the Fraternal Order of Police, Ohio Labor Council Greene County Lodge #37 for Captains, Sergeants, Officers, and Communication Operators. Discussion followed.

Vice President Smith asked how this would affect the Communication Operators the city is acquiring through the merger contract [with Bellbrook and Sugarcreek Township]. Mr. Merriman said for any of the Communication Operators that would be hired as part of that administrative transfer process, this wage increase would take affect before they transfer. Per the contractual arrangement that Council approved with the other communities, they would honor them at their current wage. If they are topped out with their community, they would come in at the highest wage, including this increase. For our current Communication Operators, a one-time additional payment was designed as some incentive for them since they will have to undertake training those new staff during that transitional process.

President Engle congratulated city staff, our Police Division, and the four Bargaining Units. He was very pleased with how quickly and amicably this was resolved. He thought City Staff showed great responsibility for our citizens in terms of managing their money and great respect for the city and the state of the city’s financial situation by the four Bargaining Units.

The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Bayless, and Engle
Nays: None motion carried.
Items for the City Manager: Mr. Merriman noted during the 06-13-13 Special Session, they were charged with forming an Ad Hoc Committee related to Economic Development. Councilmen Long, Caupp, and Louderback along with several staff met with the gentlemen from GAiN earlier this week. They had a good discussion and thought they had a way forward in terms of looking at contract options. The original motion would have directed staff to bring something back to Council tonight for its review, but staff and the three Councilmen concurred that the timeline was too tight. He anticipated something will be presented at the next Council meeting.

Finance Director’s Office:

Emergency Resolution to Submit to County Auditor for tax valuation and dollar amount generated by 3.5 Mill Operating Levy Renewal. Mr. Bazelak said this is first step in the process of placing the 3.5 Mill Operating Levy Renewal on the November ballot. He emphasized that this renewal levy does not increase taxes for residents, and is something the citizens have renewed since its initial passage in 1959. The levy generates about $418,000 a year in revenue for the General Fund, which makes funding available for a number of departments including General Administrative Services, Municipal Court, Economic Development, and Public Safety through a transfer from the General Fund into the Police and Fire Fund.

Councilman Louderback presented a RESOLUTION TO SUBMIT TO THE COUNTY AUDITOR FOR A DETERMINATION OF TOTAL CURRENT TAX VALUATION AND OF A DOLLAR AMOUNT THAT WOULD BE GENERATED BY EACH MILL OR FRACTION THEREOF FOR A 3.5 MILL OPERATING RENEWAL LEVY, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Councilman Louderback, seconded by Mayor Bayless, that the rules requiring the reading of a resolution at two consecutive meetings be dispensed with and this resolution be placed at once upon its passage. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Bayless, and Engle
Nays: None motion carried.

Motion by Councilman Louderback, seconded by Mayor Bayless, that Resolution Number 13-R be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Bayless, and Engle
Nays: None motion carried.

Introduction of Reimbursement Ordinance to allow engineering services to be reimbursed from Subsequent Borrowings. Mr. Bazelak said should they issue bonds for the Simon Kenton and City Hall rehabilitation project (or related projects), this ordinance would allow the engineering costs that Council has already encumbered through APP Architecture to be rolled into the bond issue. This ordinance is necessary because those engineering costs will be paid prior to the issuance of the bonds. Passage of this ordinance does not commit City Council to go forward with a bond issue; it only allows the engineering costs to be included in the bond issue.

Councilman Long introduced an ORDINANCE DECLARING OFFICIAL INTENT WITH RESPECT TO REIMBURSEMENT OF TEMPORARY ADVANCES MADE FOR CAPITAL EXPENDITURES TO BE MADE FROM SUBSEQUENT BORROWINGS, and it was read for the first time.
Schedule of Bills: Mr. Bazelak presented payment of bills totaling $759,941.47.

Motion by Vice President Smith, seconded by Councilman Louderback, to approve payment of bills totaling $759,941.47. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Bayless, and Engle
Nays: None    motion carried.

Items for the Finance Director: None.

Law Director’s Office:

Introduction of Ordinances and Resolutions: None.

Second Readings of Ordinances and Resolutions: Mr. Lewis presented an ORDINANCE TO AMEND THE CURRENT TRAFFIC SIGNAGE AT THE INTERSECTION OF ANKENEY MILL ROAD AND NORTH DETROIT STREET, and it was read for a second time.

Motion by Vice President Smith, seconded by Mayor Bayless, that Ordinance Number 13-36 be now passed. Brief comment followed. Vice President Smith noted there was misinformation in the Xenia Gazette that stated all four corners would have “No Turn on Red” signs, which is not accurate. One “No Turn on Red” will be added for drivers coming westbound on Ankeney Mill Road to turn northbound onto Detroit Street. The existing signs will be removed, so actually traffic should flow much faster.

The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Bayless, and Engle
Nays: None    motion carried.

Mr. Lewis presented an ORDINANCE AMENDING PART SIX--GENERAL OFFENSES, CHAPTER 648: PEACE DISTURBANCES OF THE CODIFIED ORDINANCES OF THE CITY OF XENIA TO INCLUDE NUISANCE PARTY REGULATIONS, and it was read for a second time.

Motion by Councilman Louderback, seconded by Councilman Caupp, that Ordinance Number 13-37 be now passed. Brief comment followed. Mr. Lewis clarified people could have a house party, but they cannot have a party with 500 people in a 200 sq. ft. house. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Bayless, and Engle
Nays: None    motion carried.

Items for the Law Director: None.

SUMMARY OF ACTION ITEMS: Mr. Merriman said he had no updates.

- A request for a plan from City Staff in regard to the Broker Services Contract to include details of how the contract will be monitored (Requested by President Engle//Assigned to Jim Percival/Jackie Potter)
- Update on Proposed Recreation Venues (Requested by Councilman Louderback//Assigned to Jim Percival)
- A report on the feasibility of a Vacant Building Ordinance – due date to be determined (Requested by Councilman Louderback//Assigned to City Manager’s Office and Law Director)
- Quarterly Updates on Economic Development at Council meetings on 04/11/13 completed, 07/11/13, 10/10/13, 01/09/14) (Requested by Councilman Louderback//Assigned to Steve Brodsky/Jim Percival)
- Timeline for completion and delivery of cost estimates, renderings, etc., for Simon Kenton Project (Requested by Councilman Long//Assigned to Jim Percival/Chris Berger)

**READING OF COMMUNICATIONS AND DISCUSSION:** Councilman Louderback said Honor Ride Ohio is a four-day bicycle ride across the State of Ohio on the Ohio to Erie Trail to raise funds for various veteran related organizations. Those organizations are Honor Flight Columbus, Ohio Warriors Scholarship Fund, Goodwill Columbus’s Project Go, Canine Companions for Independence’s Wounded Veterans Initiative, Ohio Combat Veterans, and the Gary Sinise Foundation. They will be coming from Columbus to Xenia, but they could not pinpoint a time. They will be here on July 7th at Xenia Station around 5:30 p.m. or 6 p.m. He thought it would be nice if some of them could greet the bicyclists. He will let everyone know if he gets a more accurate time. This is a perfect example of how they need to promote the City of Xenia and our bike trails. This is a great, worthwhile cause and he is glad they are stopping in Xenia. President Engle asked if information could be posted on the City’s website and if there could be a press release. Mr. Merriman said absolutely.

Councilman Caupp noted Denise Percival, the City Manager’s spouse, came home from the hospital Tuesday, so she is on her way to a speedy recovery. They wish her all the best and are happy to hear that she is back home. For any girls in sixth grade and under looking to cheer, the last signup for WeeBucs Cheerleading will be Tuesday, July 2nd from 6 p.m. to 8 p.m. at St. Brigid School. The $100 fee includes uniforms and warm up gear. With execution of the contract, the Xenia WeeBucs will be playing their home football games at Central State University. The Athletic Director, the Central State University President, and everyone at the university have been phenomenal to work with and negotiate with in that process. He has been involved in that process and from the very first meeting, they have welcomed them with open arms. The CSU President is holding true to the fact that she wants more community outreach. It is a very exciting thing for our local program. They have 18 other cities in the league and they will be bringing them to Xenia and showcasing Central State University when they play their games, and in the process, they have also ramped the WeeBucs program up a notch. They are very happy about that and cannot say thank you enough to the people of Central State University.

Councilman Long had nothing further to share.

Mayor Bayless said due to technical difficulties, she would have to give most of her report at the next meeting. She congratulated the Xenia High School track team’s 4 x 100 relay team for placing third at State. She attended that event and congratulated those students. It included one freshman and three juniors, so they will be a powerhouse next year. She personally delivered the June Beautification Awards, which anyone can nominate, but most of the nominations came from BRACA members who drive around and look for homes that make our city look great. The June certificates were the first ones presented this year and she visited 17 different homes. She was pleased to see that City Hall received a certificate. Mr. Lewis noted Judge Goldie used to take care of those flowerbeds herself for a number of years.
Councilman Louderback congratulated Mayor Bayless. Former mayors never delivered the Beautification Awards door-to-door and citizens are very excited about receiving those awards and seeing the Mayor. Kudos to the Mayor for all the time she spends on that, which she did not have to do. Mayor Bayless thanked Councilman Louderback for his comment.

Vice President Smith wished everyone a Happy 4th of July. He reminded everyone about First Fridays on July 5th from 5 to 9 p.m. The movie *Hook* will be shown at Shawnee Park following First Fridays, which will include free popcorn and drinks in fellowship with Faith Community United Methodist Church.

On behalf of Council and him, President Engle echoed sentiments that they were glad Denise Percival is now home. They wish her the best and a speedy recovery. In concert with Athletes in Action, they are inviting citizens to come meet and hear from Matt and Kara Spitz of AIA on their report on their football mission trip to Turkey where east meets west on Tuesday, July 9th at 6 p.m., which will be held at Faith Community United Methodist Church beginning with the carry-in meal followed by AIA’s presentation of their football ministry in Turkey at 7 p.m. Councilwoman Mills asked him to share that there would be another Movie in the Park on August 2nd that also includes free popcorn and drinks. There will be activities throughout the summer, especially after First Fridays, for citizens to come out and enjoy some free entertainment and fellowship with your fellow citizens of Xenia. He reminded everyone to please thank a veteran on July 4th for the great freedoms they enjoy in this country.

**ADJOURNMENT:** Motion by Councilman Louderback, seconded by Mayor Bayless, to adjourn the Regular Session at 7:48 p.m. No discussion followed. The Roll on this was the following:

- Ayes: Smith, Caupp, Louderback, Long, Bayless, and Engle
- Nays: None

motion carried.

Michelle D. Johnson, City Clerk
Xenia City Council

Michael D. Engle, President
Xenia City Council
The Xenia City Council met in a Regular Session on July 11, 2013, at 7:05 p.m., in the City Council Chambers, City Hall, with the following members present: John Caupp, Joshua Long, Jeanne Mills, Marsha J. Bayless, and Michael D. Engle.

Wesley Smith and Dale Louderback were absent.

**INVOCATION:** Bishop Richard Warr, The Church of Jesus Christ of Latter-Day Saints, gave the invocation after which all joined in the Pledge of Allegiance.

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

Ayes: Caupp, Long, Mills, Bayless, and Engle
Nays: None motion carried.

**APPROVAL OF MINUTES:** Motion by Councilman Long, seconded by Mayor Bayless, to approve the June 27, 2013, Regular Session minutes as written. No discussion followed. The Roll on this was the following:

Ayes: Caupp, Long, Bayless, and Engle
Abstain: Mills
Nays: None motion carried.

**SPECIAL PRESENTATION:** Quarterly Economic Development Update, Steve Brodsky. Mr. Brodsky said he would provide an overview of the general economy of the city and then go into some specifics. The average unemployment rate for 2012 was 8.2%; for March, April, and May 2013 (June figures are not yet released on a citywide basis), it was 8%, which is a small decrease. He noted the overall County unemployment rate is 6.8%. Xenia’s total unemployment has dipped as well. They were at 970 annualized in 2012, but for the last three months, it has been at 948. Total employment is also unfortunately down slightly from 10,810 to 10,768; total labor force is also down, which went from 11,780 to 11,716. However, for the most part, they have been holding pretty steady even with some ups and downs over the last few months.

Some new businesses opened and others expanded in the last quarter:
- Several Council members attended Harworth Tire and Service Center’s ribbon cutting on W. Second Street a few weeks ago.
- Yesterday there was a ribbon cutting for Mercy Xenia Family Practice in the West Park Square Shopping Center. Dr. Hogan and her group relocated there, and they are very pleased to have them.
- There have been several significant investments, most notably BARCO, a long-time Xenia business that started in Xenia as Electronic Imaging Systems and was eventually purchased by BARCO, a Dutch company. A few years ago when BARCO was considering making some investment in the community, they approached the city. BARCO was deciding whether to make
investment in Xenia or moving their operations to the Atlanta area. He was very pleased that the decision was made to locate in Xenia. BARCO has invested more than $1 million and Xenia is now their international display center. BARCO makes projection equipment used in flight simulators and other kinds of immersive environments. Their former offices are now a black room where they use different configurations to sell their products. During an open house a month ago, the city was pleased to find out that BARCO was greatly exceeding their estimates for equipment sales. BARCO has been bringing many folks throughout the world into Xenia and are continuing their investment.

- Last week they learned that TJAR Innovations, another success story, has a contract on a building on Bellbrook Avenue. TJAR started in a garage in Silvercreek Township, eventually built a pole barn, and a few years ago when they needed to expand, they purchased their first building in the Xenia Industrial Park that was about 5,000 sq. ft. In the last year or so, TJAR has been subletting another 5,000 sq. ft. building from B5 Systems that is also located on Bellbrook Avenue. Purchase of the 27,000 sq. ft. building will allow them to not only continue to build in Xenia. TJAR very much appreciated the support they got from the city and community, which played a major role in their decision to stay here. The other nice thing is that once they leave their sublet space, B5 Systems plans to expand into that space, so the city is actually getting two business expansions under one transaction, which is outstanding. While he cannot say publically who it is, another Xenia company plans to backfill their space in the Xenia Industrial Park, so there are actually three businesses that will be expanding because of that.

- A few weeks ago, several Council members were at the former OVCH property when the city and county hosted an event to promote the property between Union Road and St. Rt. 380 as a spot for Unmanned Aerial Systems, primarily for non-military uses. There was an outstanding panel of experts there to discuss those uses, such as surveying, precision agriculture, and several other uses, and he has done a follow up with the people who were there. There is some interest, including from a Columbus company. Obviously, the current federal situation is causing many defense contractors and government related contractors to delay their decisions. They have asked for additional information on that property and they are very excited about the possibility of coming to the Dayton region. He thought Xenia would stack up very well with that site.

- They have also been working with St. Mary Development on a project, which they have been working on closely with Mayor Bayless. The business is looking at redeveloping the old East High School on Market Street. The Xenia Board of Education was housed in that building for many years, but they chose to backfill the old McKinley Elementary School building for their offices, and most of those functions have been moved to McKinley. St. Mary Development is looking at adding an addition and converting that building into senior housing. The proposal has received a very good reception on a state level. Further, Mayor Bayless has been discussing it in her neighborhood, and he thought there was very good reception from the neighborhood as well. Hopefully by next year they will be able to move forward with some tax credits to make that project happen.

Much of his time over the last three months has been spent on the Hooven & Allison project. He applauded Council on taking a positive step at their last meeting to purchase that property and commit the necessary funds to do the cleanup. The bid opening is next Tuesday, and there were 15 companies at the pre-bid meeting. Not all those companies are necessarily bidders; many of them will be working in concert with one another. Subsequent to that, at least six companies have asked to revisit the site to get a better look at it before putting their proposals together. He anticipates presenting a contract for that project to Council at their July 25th meeting and remediation and demolition work will start by the end of August or early September. They have
been working on this project for more than five years, and he thought the community would be very happy that they are finally moving forward.

Mr. Brodsky said they are also getting to the finish line on the former Ohio Veterans Children’s Home (OVCH) project and select demolition on the Legacy Campus. Most of the buildings have been demolished and are seeded and strawed. The former steam plant on Home Avenue has been gutted and cleaned, and they are awaiting approval from the Regional Air Pollution Control Agency (RAPCA) on the asbestos abatement. Once they say that everything has been done to their satisfaction, that building will be demolished, which they anticipate will happen in the next few weeks.

Since April 1st, they have received six leads from JobsOhio or JobsOhio West (their regional partner). All six were for existing buildings and four of them had requirements the city could not meet. One required rail and the other three needed a building size that Xenia does not have. They did submit proposals for the two other building requests, and this past week they received a proposal from a private site consultant on a rather large project. They are currently working on that RFP which is due next week. Today he spoke again to the site selection consultant and they anticipate that Xenia will be one of 15 communities across the nation to be considered for this particular project. Much of it will depend on water and utilities. He noted the city is very competitive when it comes to the cost of utilities (especially water) in this area, so he is very hopeful that the city gets on the short list for this Chinese company.

President Engle entertained comments or questions from Council.

Councilman Caupp asked if Mercy Family Practice added any jobs when they moved or if it was just a relocation. Mr. Brodsky believed they hired a few new employees.

Councilman Caupp said he knew TJAR was looking at a property on Cincinnati Avenue, and he asked which building they will occupy on Bellbrook Avenue. Mr. Brodsky said TJAR would be moving to 1253 Bellbrook Avenue, the former CMS Plant #2. TJAR had been looking at both of those buildings for a year, and the decision was that the building on Bellbrook Avenue gave them a better opportunity for expansion.

AUDIENCE COMMENTS: President Engle explained the procedures for audience comments and invited anyone who wished to speak to come forward. No one came forward to speak.

REPORTS OF COMMITTEES:

Board for Recreation, Arts & Cultural Activities: Councilwoman Mills said BRACA has had a very busy summer. They have had Music in the Park, Movies in the Park, First Fridays, garden plots, Beautification Awards, and the downtown Adopt-a-Spot program. They recently held a Movie in the Park that had great attendance. She believed it was beneficial that the movie follows First Fridays since many people come to Shawnee Park after that event. On that same weekend at Music in the Park, the Sauerkraut German Band performed on Sunday, July 7th. It was well attended, people seemed to enjoy it, and it was the first time the band played in Xenia. The band said they would like to come back and play again so that is always a nice compliment.

On September 1st, the U.S. Air Force Band of Flight will perform, which will finish the concert year. On Sunday, July 21st, the Xenia Hospitality Chorus will perform at Shawnee Park. BRACA
would like to see if that concert could be incorporated into Xenia Community Festival’s Balloon Glow activity. BRACA is also planning activities for the Hometown Christmas event, including a very small parade to welcome Santa to town.

Councilwoman Mills said she would like to nominate two BRACA members for reappointment. Ms. Sarah Young will be a Senior at Xenia High School and served on BRACA last year. Ms. Young provides the Board with the benefit of a student’s perspective, vision, and what activities the school is doing.

Motion by Councilwoman Mills, seconded by Councilman Long, to reappoint Ms. Sarah Young as an ex-officio member of BRACA with a term beginning on July 15, 2013, and expiring on July 15, 2014. No discussion followed. The Roll on this was the following:

Ayes: Caupp, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

Councilwoman Mills said Ms. Audrae Broyles was originally appointed to BRACA on September 9, 2010, to fill a vacancy and has proven to be a valuable asset to the Board. Her boundless energy and volunteer spirit keeps her busy as she assists the Board with Bloom with Xenia, Music in the Park, Hometown Christmas, and First Friday events. She is also on BRACA’s Tree Committee and is a ball of energy. BRACA is a very diverse Board, and it is such a pleasure to have all that energy and knowledge to bring forth.

Motion by Councilwoman Mills, seconded by Councilman Caupp, to reappoint Ms. Audrae Broyles to BRACA with a term expiring on July 31, 2017. No discussion followed. The Roll on this was the following:

Ayes: Caupp, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

Traffic Commission: President Engle said since Councilman Smith knew he would be unable to attend the meeting, he asked Councilman Long to give his report. Councilman Long said XTC met on July 1st on one agenda item. Per staff’s recommendation, Commissioners unanimously voted to permanently remove the traffic signal at Thornhill Street and S. Detroit Street as part of an ongoing study. Their next meeting is August 5th at 7 p.m.

Board of Zoning Appeals: Mayor Bayless said BZA met on June 24th and took the following actions:

1. Approved a Conditional Use for a dance studio for children and adults at 1228 North Monroe Drive, Suite A, filed by Darci Guy for property owner Catherine LeSourd.
2. Denied a variance request to allow replacement of a manually changeable copy signboard with a full-color electronic sign on an existing ground-mounted sign at Faith Community United Methodist Church. It was denied because it did not meet the conditions of the variance; full-color electronic signs have never been permitted in any residential districts, and the site already has two existing signs that are highly visible.
3. Approved a Conditional Use to allow the interior expansion of Lighthouse Baptist Church at 2040 W. Second Street. Pastor John Bevan shared that they started the church with eight people three years ago, and now have 340 members who are involved in many community activities. The
ITEMS FROM CITY COUNCIL AND MAYOR: None.

REPORTS OF CITY OFFICES:

City Manager’s Office: Mr. Percival thanked everyone for all their thoughts, prayers, wishes, cards, flowers, and everything they have done for Denise and him. Neither he nor Denise has words to express their feelings. They are truly overwhelmed by everyone’s support. People ask what makes Xenia a great community and he can tell them right now that people have come out and supported them in ways that he cannot even imagine. Denise is home and doing well, but it is still going to be a long haul. She is getting therapy at home, and they are making numerous doctor visits each week. Usually when folks first hear what happened, they say they cannot believe how great Denise looks for what she has been through. He just wanted to take a minute and say thank you to everyone, especially to the folks on Council and in this organization for everything they have done for them. He will try to continue to update folks, but just know that Denise is doing great. He can say that prayers have been answered.

Introduction of an Ordinance to amending Part Sixteen: Fire Prevention Code, Chapter 1600, Section 1600.01 Definitions and Chapter 1610: Ohio Fire Code. Mr. Percival noted over the past few months they have discussed what to do with vacant buildings and vacant structures. One of the things discussed as part of that overall plan was an update to the City’s Fire Code. Deputy Chief Joe Mullikin, Chief Riggsby, and the Xenia Fire Division have worked extremely hard to make sure that this update to the Code will allow them to make some of those other changes, especially to the vacant structures, so they can take a bit more of an assertive role to eliminate them from the community or bring those vacant structures up to code and get them reoccupied. He noted Deputy Chief Joe Mullikin and Chief Riggsby are present to answer any questions.

President Engle entertained questions from Council.

Councilman Caupp said Mr. Arnovitz has been trying to put some apartments on the second floor of a downtown building. He noted Council has discussed downtown second floor residential apartments for five years now. Mr. Arnovitz mentioned there are one- and two-hour fire barriers. He asked if the fire barrier was a state, local, or county code requirement. Deputy Chief Joe Mullikin said they met with Mr. Arnovitz to discuss his projects and looked at his plans, and they are currently doing some research to see what they can do to help in that area. If there is a residential apartment complex above a business, the building is required to have a certain amount of fire separation between the first and second floors. If you do not have that fire separation, then those residential areas are required to have a sprinkler system. The sprinkler system they installed at Fire Station #1 was very expensive. In doing the research, they reached out to some communities that are currently doing some downtown upgrades, one of which is Wooster, Ohio. He spoke to the Wooster Fire Chief, and they will schedule a meeting with our local building official. As soon as they get some concrete answers, he will report back to Council. He noted the requirement is part of the State Code.
Councilman Caupp said he thought it probably was a state code requirement, but he was happy the city is working with the property owner. Chief Riggsby said they told Mr. Arnovitz that if the city plans to move forward with second floor residential units in the downtown, they need to make sure they address the fire prevention requirements in the Ohio Fire Code. If there are ways to do that, they will.

Councilman Long introduced an ORDINANCE AMENDING PART SIXTEEN: FIRE PREVENTION CODE, CHAPTER 1600: DEFINITIONS AND CHAPTER 1610: OHIO FIRE CODE, and it was read for the first time.

**Introduction of a Resolution for 3.5 Mill Operating Levy Renewal.** Mr. Percival respectfully requested that Council introduce a Resolution to place a 3.5 mill operating levy renewal on the November 5, 2013, general election ballot. The existing 3.5 mill operating levy was first approved in 1959, and it generates approximately $415,000 a year for the city. One would think it should generate a lot more than that since it is 3.5 mills, but in the 1970s, the State of Ohio changed the way levies are calculated so they do not inflate with time. Essentially, [unless the levy is replaced] this levy will only ever generate what it generated back in the 70s when the law was passed. Schools face the same thing. The current effective voted tax millage of the 3.5 mill operating levy for residential property in the City of Xenia is now only .94 mills. The current annual cost of the levy for someone with a $100,000 home is $28.79 a year, so it is very minimal. The revenue generated from this levy goes directly to the city General Fund to help offset the cost of services for the city.

Mr. Percival respectfully requested that Council introduce a Resolution to place a 3.5 mill renewal operating levy on the November 5, 2013, general election ballot.

President Engle entertained comments from Council. Hearing none, he entertained an introduction of the resolution.

Councilman Long introduced a RESOLUTION DECLARING IT NECESSARY TO LEVY A TAX IN EXCESS OF THE TEN MILL LIMITATION, and it was read for the first time.

**Items for the City Manager:** None.

**Finance Director’s Office:**

**Schedule of Bills:** Mr. Bazelak presented payment of bills totaling $229,572.94.

Motion by Councilman Caupp, seconded by Mayor Bayless, to approve payment of bills totaling $229,572.94. No discussion followed. The Roll on this was the following:

Ayes: Caupp, Long, Mills, Bayless, and Engle
Nays: None motion carried.

**Items for the Finance Director:** None.

**Law Director’s Office:**

**Introduction of Ordinances and Resolutions:** None.
Second Readings of Ordinances and Resolutions: Mr. Lewis presented an ORDINANCE DECLARING OFFICIAL INTENT WITH RESPECT TO REIMBURSEMENT OF TEMPORARY ADVANCES MADE FOR CAPITAL EXPENDITURES TO BE MADE FROM SUBSEQUENT BORROWINGS, and it was read for a second time.

Motion by Councilman Long, seconded by Councilman Caupp, that Ordinance Number 13-38 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Caupp, Long, Mills, Bayless, and Engle
Nays: None motion carried.

Items for the Law Director: None.

SUMMARY OF ACTION ITEMS:
- A request for a plan from City Staff in regard to the Broker Services Contract to include details of how the contract will be monitored (Requested by President Engle//Assigned to Jim Percival/Jackie Potter)
- Update on Proposed Recreation Venues (Requested by Councilman Louderback//Assigned to Jim Percival)
- A report on the feasibility of a Vacant Building Ordinance – due date to be determined (Requested by Councilman Louderback//Assigned to City Manager’s Office and Law Director). Mr. Percival noted introduction of an Ordinance to amend the City’s Fire Prevention Code is one more step toward getting the vacant building ordinance approved.
- Quarterly Updates on Economic Development at Council meetings on 04/11/13, 07/11/13[completed], 10/10/13, 01/09/14) (Requested by Councilman Louderback//Assigned to Steve Brodsky/Jim Percival)
- Timeline for completion and delivery of cost estimates, renderings, etc., for Simon Kenton Project (Requested by Councilman Long//Assigned to Jim Percival/Chris Berger)

President Engle asked if there were any issues Council would like added to the next Council meeting under “Summary of Actions Items.”

Regarding the timeline for completion and delivery of cost estimates, renderings, etc., for the Simon Kenton Project, Councilman Caupp asked when Council was supposed to receive the first report. Mr. Percival said he could not recall, but knew the consultant was completing the first report, which was the review of the existing buildings. That review has been completed on the asbestos, etc., and that report should be available prior to the next Council meeting. As far as the other, he knew they were going to begin having discussions with the Department Heads, etc., on the space needs analysis next. There was nothing in the survey or no “show stoppers,” but they should have that report so everyone is on the same page.

READING OF COMMUNICATIONS AND DISCUSSION: Councilwoman Mills wished everyone a joyful summer and encouraged them to enjoy the community they live in. She noted Mayor Bayless will talk about the Paint What Matters contest. Xenia is a great community with opportunities to make differences in where they live and how they choose to treat people and those around them. She encouraged everyone to make good choices and to encourage each other. As Mr. Percival said, Xenia is a very caring community and they can grow and improve on that.
Councilman Caupp had nothing further to share.

Councilman Long reminded everyone about the Xenia Community Festival on September 20th and 21st. If anyone in the community is interested in being a vendor or to be in the parade, they can get applications on line at www.xeniacommunityfestival.com or at www.XACC.com. The parade route will be a little longer this year, so there will be publicity out soon about that. They will also have the balloon glow. The Ohio State Mobile Buckeye Tour will be here Friday evening and will bring some OSU blowups and other things for just that evening. He wished the Doug Yates Karate Team from Xenia good luck at the national tournament they are competing in. They took nine young athletes (most under the age of 16) to compete in South Carolina. These are the nationals and the Olympic Team trials that are taking place. He heard they won four or five bronze medals today and one gold medal, and they will be competing for the next three days. He wished the team much luck and will share the results at the next meeting.

Mayor Bayless said since she had technical difficulties at the last meeting, she would like to share that information tonight. She congratulated the Xenia High School track team. She was able to attend the finals in Columbus, Ohio, and the team took third place in the State in the 4 x 100 relays. The team includes one freshman and three juniors, so she was sure they would hear more about them in the future. She attended the YMCA’s Prayer Breakfast, which was very good and Pete Creamer (Xenia Municipal Court’s Clerk of Courts) did a great job as the speaker. She congratulated the Xenia Fire Division on being awarded $5,000 in response to their rescue efforts of Margaret McCreery. Ms. McCreery is 95 years old, fell in her home, and her five-year-old great-grandson, George, pushed the alert button on the base unit of her ADT Home Health Services system. ADT alerted the XFD and paramedics responded immediately, which saved Ms. McCreery’s life. She thanked the XFD and Ms. McCreery’s five-year-old great-grandson. Last week she attended the ribbon cutting at Harworth Tire and Auto, 1717 W. Second Street, which is owned by long-time Xenia businessman Jim Harworth. She congratulated Greene County Combined Health Commissioner Mark McDonnell on his recent retirement. First Fridays on July 5th was another success. She thought people were leery about the weather since rain was predicted, but it was another beautiful evening. Last Sunday she attended the performance of the Sauerkraut German Band who did an excellent job. The attendance always starts low, but as it goes on, people catch on to the idea to come to Shawnee Park on the first Sunday of the month. She congratulated Dr. Hogan and Mercy Xenia Family Medicine located near Kroger. The Pinecrest Swim Club sponsored Business After Hours this evening.

Mayor Bayless held up a paint can provided by Benjamin Moore Paints and congratulated downtown merchants and the citizens of Xenia for being selected for the Paint What Matters competition, now referred to as Xenia’s Main Street Matters. Xenia was selected as one of 20 communities from over 100 communities across the country. The project will cover two and a half blocks, so some businesses will receive a wonderful facelift with the paint.

Councilwoman Mills said the reason the city won was that Xenia citizens cared enough to vote online daily. Xenia beat Centerville! Councilman Caupp asked if the Benjamin Moore Company would provide the labor and paint. Mr. Brodsky said yes, and they will use local paint contractors. Mayor Bayless said that is another plus.
Councilman Long said the Benjamin Moore Company sent the paint can and inside of it was a camera. They asked people to take some pictures and video. Community Development Coordinator Mary Crockett, her intern, Sue Hunt, and others have been running around non-stop this week taking pictures and videos of downtown Xenia. They arranged a spontaneous group picture on the Courthouse lawn this morning and got 50 to 75 people to give Benjamin Moore the marketing materials they need, so he wanted to thank everyone involved in that effort. Mayor Bayless noted they only had three days to get all that together, and they did an excellent job.

President Engle echoed comments from Mayor Bayless on the excellence of First Fridays. He hears complaints all the time that there is nothing to do in Xenia for youth or adults. There are great, free programs available, such as Movies in the Park and Music in the Park, which are exceptional programs run by volunteers and donations (or sponsorships). They are bringing excellent music to Shawnee Park and the movie nights are great family events that are a pleasant memory from the past. He thanked everyone who has been involved in bringing those activities to Xenia and he encouraged citizens to try them next month after First Friday. Following a storm that came through Xenia yesterday, his neighbor had a tree fall on her house and he and a neighbor spent several hours to remove it. He offered special thanks to city staff who were out today collecting limbs, brush, and other storm debris for free. He congratulated staff and others who were out there helping citizens clean up and to keep Xenia looking great.

**ADJOURNMENT:** Motion by Councilwoman Mills, seconded by Councilman Long, to adjourn the Regular Session at 7:49 p.m. No discussion followed. The Roll on this was the following:

Ayes: Caupp, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

Michelle D. Johnson  Michael D. Engle, President
City Clerk  Xenia City Council
The Xenia City Council met in a Regular Session on July 25, 2013, at 7:02 p.m., in the City Council Chambers, City Hall, with the following members present: Wesley Smith, John Caupp, Dale Louderback, Joshua Long, Jeanne Mills, Marsha J. Bayless, and Michael D. Engle.

INVOCATION: Kenton Hill, Xenia Christian Men’s Fellowship, gave the invocation after which all joined in the Pledge of Allegiance.

APPROVAL OF MINUTES: Motion by Councilman Long, seconded by Mayor Bayless, to approve the July 11, 2013, Regular Session minutes as written. No discussion followed. The Roll on this was the following:

Ayes: Caupp, Long, Mills, Bayless, and Engle
Abstain: Smith and Louderback
Nays: None  motion carried.

AUDIENCE COMMENTS: President Engle explained the procedures for audience comments and invited anyone who wished to speak to come forward. No one came forward to speak.

REPORTS OF COMMITTEES:

Planning & Zoning Commission: Councilman Long said XPZC met on July 3rd on two very similar items. The first was an Administrative Appeal to approve a new flush mounted sign on a downtown building at 53 W. Main Street filed by Wead, Anderson, Phipps, and Aultman LLC, which was approved. The second was also an Administrative Appeal to approve a new flush mounted sign on a downtown building at 28 E. Second Street filed by Bridget Walker of Sweets Boutique. The reason for the Administrative Appeal process was that the Urban Design Overlay District downtown does not allow aluminum to be used as a primary material for signs. Ideally, the downtown district would like wood to be used, but Commissioners felt the visual appeal of the signs met the intent of the Sign Code.

Councilman Louderback noted the $300 sign at Sweets Boutique was a gift from the owner’s father who had no clue there would be a problem, so he was glad that XPZC approved that.

Mr. Percival added Mr. Forschner is working on an update to the Sign Code that he will bring to XPZC and ultimately to Council that deals with downtown signage and the materials to be used. The amendment should be coming to Council in October and should reduce requests for appeals.

Greene County Regional Planning Commission: Councilman Long said the Greene County Regional Planning Commission met Tuesday, July 23rd, and there were two items on the agenda. The first was a presentation from the Miami Valley Conservancy District to explain what that district does for the flood of the rivers and the overall protection of the rivers in that district. Xenia is not in that district, but a portion of Greene County is. The Commission voted to approve and endorse the Greene County Regional Planning Commission’s 2014 budget, which was actually $200,000 less than last year. There were no changes in the fees for the municipalities, and the budget will go to the County Commissioners for their approval soon.
Mayors & Managers: Mr. Percival said there was no meeting in July nor would there be a meeting in August. Mayors & Managers will reconvene in September, but there have been several updates coming from that group relative to House Bill 5, which they will continue to share with Council as they are received.

Miami Valley Regional Planning Commission: Councilman Louderback said there was no meeting in July, but MVRPC will be meeting in August.

ITEMS FROM CITY COUNCIL AND MAYOR: None.

REPORTS OF CITY OFFICES:

City Manager’s Office:

Authorize the City Manager to enter into an agreement to participate in an Energy Curtailment program during times of emergency power demands. Mr. Percival said the City has participated in an Energy Curtailment program with Dayton Power and Light in the past with the two Sewer Plants. He noted EnerNOC, Inc. has purchased the ability to reduce the power load when Dayton Power and Light wants the power load reduced. By participating in the program, the city will receive $45,367.00 in net payments over the next five (5) years, which is an average of $9,000 per year, and a one-time $796 bonus payment. In essence if they ask the Water Treatment Plant to go on generator power when it is 105 degrees outside, they will kick on the generator, it takes the plant off line, and they run on generator power for up to 10 hours. He respectfully requested that Council waive the City’s purchasing procedure requiring multiple quotations and authorize him to enter into an agreement with EnerNOC, Inc. to participate in the Energy Curtailment program at the Water Treatment Plant.

Motion by Councilman Louderback, seconded by Councilwoman Mills, to waive the City’s purchasing procedure requiring multiple quotations and authorize the City Manager to enter into an agreement with EnerNOC, Inc. to participate in an Energy Curtailment program at the Water Treatment Plant during times of emergency power demands. Discussion followed.

President Engle noted Mr. Percival said the time off the grid would be approximately up to 10 hours. He asked what was the city’s capacity to go on generator power. Mr. Percival said the capacity is 24 hours with that generator. President Engle noted they are well in excess of two times that capacity. Mr. Percival said they keep the generator full, but if necessary, they can refill it with diesel fuel during that time. President Engle said he just wanted to make sure that the generator’s capacity was not at 12 to 14 hours.

Mayor Bayless thought it was nice that the city would get the one-time bonus.

The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

Mr. Percival said the reason they are not able to do this at the Sewer Plants anymore is because they have reduced their power intake significantly by having the solar panels, so the electric load
is not large enough for them to request that. When they participated in this program in the past, they never once were asked to go off line, but the City was paid, which is the important thing.

Authorize the Purchase of a Portable Sewer Easement Machine through the State of Ohio Department of Administrative Services Cooperative Purchasing Program. Mr. Percival said this machine would allow Public Service Workers to get into areas that run between and behind houses or through farm fields and wooded areas where they cannot get the trailer-mounted sewer cleaner, but where they still need to do sewer maintenance. He noted approximately 10-15% of the 250 miles of sewer pipe (sanitary and storm) is located outside the pavement of City’s streets. Utilizing the State of Ohio Department of Administrative Services Cooperative Purchasing Program, a unit is available at a not to exceed cost of $61,995.50.

Motion by Mayor Bayless, seconded by Councilman Louderback, to authorize the purchase of a Portable Sewer Easement Machine through the State of Ohio Department of Administrative Services Cooperative Purchasing Program State Term Schedule Number 800229 and issue a purchase order to Jack Doheny Companies in the amount of $61,995.50. Discussion followed.

Mayor Bayless noted the agenda report stated the machine could get into most areas, so she asked Mr. Percival which areas it would not access. Mr. Percival said there are very few areas they will still be unable to reach, such as where two houses are very close together or where houses were built on top of the sewer line.

The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

Award of bid and authorization to Negotiate a Contract for the remediation and select demolition of the former Hooven and Allison Cordage Company complex at 677 Cincinnati Avenue. Mr. Percival noted they received three bids last week with the lowest and best bid from Environmental Management Specialists, Inc. in the amount of $2,746,076. The city’s share of that will be about $1,016,000 or 37%. This project has been underway for five years with Phase I. This is a project that has needed to be done for a long time with the burned out buildings, etc., and this will get it cleaned up and get the site usable again. The Economic Development Director had a tour last week with a company that is interested in purchasing or leasing part of the facility once it is cleaned up. He knew there would be some interest and he hopes there is a lot of interest in those facilities once they are done. He respectfully requested that Council award the bid and authorize him to negotiate a final contract with Environmental Management Specialists, Inc. (EMS) for the remediation and demolition of the former Hooven & Allison site at 677 Cincinnati Avenue at a price not to exceed $2,746,076.

Motion by Councilman Louderback, seconded by Councilman Caupp, to award the bid and authorize the City Manager to negotiate a final contract with Environmental Management Specialists, Inc. (EMS) for the remediation and demolition of the former Hooven & Allison site at 677 Cincinnati Avenue at a price not to exceed $2,746,076. Discussion followed.

Councilman Louderback said he was glad they were moving forward on this project.
Councilman Long asked how long the project would take. Mr. Brodsky believed in the bid package, the timeline was designated as a 200-day project. They expect to start mobilizing on site by the end of August, because there are some notices that must be given after the contract is signed. A good deal of the work that will happen initially is interior work and will not be readily apparent when driving by, but by late October, they expect that some larger equipment will be moved onto the site.

Councilman Long thanked Mr. Brodsky; this will be a lot of work with many reports and accountability back to the State.

President Engle gave kudos to city staff for pushing through. As the City Manager observed, this has been a long time coming, and it is well received by all of Council and all our citizens as that property is moved along to a more productive use.

The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

Introduction of an ordinance amending Chapter 298: Fee Schedule for fees from Part Four: Traffic Code and Part Twelve: Planning and Zoning Code. Mr. Percival said as everybody knows, they go through all of the fees once a year and the only ones that need adjusted at this time were those within the Parking and Planning and Zoning areas.

- Parking Fee Updates. The proposed fee revisions are intended to help encourage residential usage of downtown building upper floors, so part of these changes deal with that. As some of those downtown buildings transition, they will probably take another look at that.
- Planning and Zoning Fee Updates. The restructuring and consolidation will make the fees associated with downtown parking and Planning and Zoning easier to understand and user friendly to internal and external customers. This is an early step in the Planning and Zoning Department’s effort to streamline zoning regulations and to complete a comprehensive rewrite of the City’s Zoning and Subdivision regulations. Hopefully, when they are done with the entire process, it will be easier to follow and understand and they will be able to move forward.

Mr. Percival respectfully requested that Council make two motions:

Motion 1. Waive Council’s policy to hold a Public Hearing when fees are added or amended.

Motion 2. Introduction of an ordinance amending XCO Section 298.01.

Motion by Councilman Caupp, seconded by Vice President Smith, to waive Council’s policy to hold a public hearing when fees are added or amended. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

Councilman Long introduced an ORDINANCE AMENDING PART TWO - ADMINISTRATION CODE, TITLE TWELVE: FEES, CHAPTER 298: FEE SCHEDULE OF THE CODIFIED ORDINANCES OF THE CITY OF XENIA, and it was read for the first time.
Councilwoman Mills said she wanted to make sure that citizens knew there is a guide to municipal parking lots. So many times people do not know exactly where they can park when they come into the City, but the signage has been increased tremendously. She asked Mr. Percival if there was a place for people who are interested where they could get a parking map. Mr. Percival said yes. He thought that was already part of the Planning and Zoning website, but if it is not, he will make sure it is. Councilwoman Mills said if people are uncertain, there is a wonderful map available to let them know where they can park, and there are quite a few places to park that people do not realize. President Engle thought it might be nice to have a direct link from the city’s homepage. Mr. Percival said he would definitely take a look at that.

Emergency Ordinance for Additional Appropriations for FY2013. Mr. Percival said as they prepared for the year, one of the things they did and discussed with Council was to tighten all the budgets down significantly so that everybody knew exactly what the numbers were. However, as part of that process, there was the potential need to come back for additional appropriations. Some of the appropriations are self-explanatory:

- Additional appropriation [$10,000] to cover expenses related to animal control. The number of animal control and wild animal calls is up exponentially over what it was a year ago, so they had to add some money there.
- Additional appropriation [$17,000] to cover expenses related to the levy renewal because they will have several items on the ballot in the fall.
- Contingency resources [$13,000] for City Hall HVAC; all budgeted funds have been exhausted with work conducted year-to-date.
- Additional appropriation [$90,000] to cover expenses related to economic development contractual services.

Mr. Percival respectfully requested that Council pass an emergency Ordinance approving the requested supplemental appropriations to be effective at the earliest possible date.

Councilman Louderback presented an ORDINANCE AMENDING ORDINANCE 12-53 TO MAKE ADJUSTMENTS IN APPROPRIATIONS FOR CURRENT EXPENDITURES OF THE CITY OF XENIA, OHIO DURING THE FISCAL YEAR ENDING DECEMBER 31, 2013, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Councilman Louderback, seconded by Councilwoman Mills, that the rules requiring the reading of an ordinance at two consecutive meetings be dispensed with and this ordinance be placed at once upon its passage. Discussion followed.

Councilman Louderback thought the city subcontracted animal control. Mr. Lewis and Mr. Percival said that was correct. Mr. Percival said the amount budgeted is still $20,000 less than what the city paid in the past for animal control even with the additional $10,000 appropriation.

Councilman Caupp thought a lot of work was done about two or three years ago to the HVAC at City Hall. Mr. Merriman said that work was done five years ago. The additional appropriation is to address typical systematic maintenance issues that have arisen, to replace components, or to do upgrades, but it is not to cover major system failures. Mr. Percival said there was one major electric issue. Councilman Caupp asked how that fell under the City’s HVAC maintenance contract. Mr. Merriman said the company provides regular, routine maintenance and there is a
fee system in place for calls, etc., but if it falls under systems that need to be replaced, they have that direct cost. President Engle said it is much like the limited warranty one has with their car.

Councilwoman Mills said she wanted to make sure people realize the additional appropriations are not coming out of the Reserve Fund. Mr. Percival said the additional appropriation is cash they have on hand in essence.

Councilman Long noted the city is spending $15,300 a year to mow people’s yards. He gets questions all the time asking if the city is doing anything about that and he wanted people to know that they are spending money to mow yards that are out of control. The city has spent as much as $37,000 in past years to mow those properties. Mr. Percival said that was correct. They bill people to try to recoup that money, and ultimately it ends up on property taxes if the owner does not pay. Several of the properties have tax delinquencies, which is why the “Mow to Own” program they established on some of the properties has been very successful, because it has reduced some of the city’s costs.

The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

Motion by Councilman Louderback, seconded by Councilwoman Mills, that Ordinance Number 13-39 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

Economic Development Professional Services Agreements. Addressing the City Manager, Vice President Smith said in light of this agenda item, there are a few Council members who have some questions on it, and he would like to know if they could table it. Mr. Percival said that was up to Council, not him.

Motion by Vice President Smith to table discussion on the Economic Development Professional Services Agreements until August 8, 2013. Councilman Caupp said he talked to a few Council members who want to move forward. President Engle noted there was a motion on the floor to table the agenda item and asked if there was a second to the motion. Councilman Long seconded the motion. President Engle entertained discussion or questions on the motion.

Councilman Long said the only reason he was asking that the agenda item be tabled tonight is because the contract they will be voting on was handed to him at 6:50 p.m. tonight. Although he sat on the Committee along with Councilman Caupp and he agrees with many of the points on this, they are not voting on principles. They are voting on a contract, and he needs more than 10 minutes to review it.

Councilman Caupp said they have worked on this for months, and it is getting tabled because they got an email today at 5:20 p.m. from the Council President to the rest of Council in response to an email that came to the Council President that suggested the agenda item should possibly be tabled, and the Finance Director was copied on that email. He noted the City Manager had not seen the emails today. Does anyone else think that is a little odd that the Finance Director never
walked down the hallway to talk to the City Manager today and say, “Hey, I think you guys should table this item.”

Mr. Percival said in fairness, Mr. Merriman did talk to him this morning, but this afternoon he was at two doctor appointments with his wife. Councilman Caupp said he understood that. His point to this Council is that if this was an important item, why didn’t the Finance Director personally call each one of them and why did the Council President not call each one of them this afternoon instead of getting an email at 5:20 p.m. Is this how we operate in the City – the 11th hour on everything?

Vice President Smith said he was just asking to delay discussion for two weeks. Councilman Caupp asked what would change in two weeks – nothing will change in two weeks. Vice President Smith said he has sat on Council for three and a half years, and this is the first time they have even considered voting on a contract that they got 10 minutes ago. Councilman Caupp said Council should have had that contract a few days ago, and there is no reason why they did not have it a few days ago. Vice President Smith agreed, which is why he would like to look over the contract and vote on it at the August 8th meeting.

Mr. Lewis noted he was in Columbus all day today. He said the contract was not done until today; it was not as if it was a delay. The reason the contract was given to Council at the late hour was because it has gone back and forth between the parties for numerous revisions. He is satisfied with the agreement, but that is why it was given to Council at such a late hour.

Councilman Louderback said he has been satisfied with the agreement from day one. It is obvious this is a witch-hunt by our Finance Director, but he did not know why. That is why Council got all this stuff at the 11th hour, so maybe the Finance Director can explain so the public can know what the Finance Director has against these people.

Mr. Bazelak said he has absolutely nothing against these people. Councilman Louderback asked why Mr. Bazelak did a background search. Mr. Bazelak commended staff because after Council made it evident at the last work session that they wanted to work forward with this particular group, a group of them sat down (the City Manager was absent for a good reason for part of that time) and they tried to work through the proposal that was given to them, and tried to identify needs in detail to try to protect the city’s interest. Although Council has stated the contract was last minute, he feels they were able to protect the city’s interest and address some of the needs (not all the needs) going forward with economic development, and as such, it took some time to do that. Obviously, they were exchanging proposals back and forth with these contracts with this group to try to get an acceptable contract for the city. It did take some time to do that because that process takes a while. As they may recall, his suggestion and recommendation to Council was to do a Request for Proposals (RFP). As he has said, it is certainly within Council’s rights to go forward if they wish to do so, and he would expect that is what they are going to do in the future, but his recommendation was for a RFP, and that is his only issue.

Councilman Louderback asked who initiated the background check on one of the gentleman. Mr. Percival said he did not know. Councilman Louderback said somebody in the city has to know who initiated the background check. Mr. Bazelak said they are trying to protect the city’s interest. Councilman Louderback again asked who initiated the background check on one of the individuals here.
President Engle asked if anyone contracted through our agency to do a background check or was the email he received and passed on what would appear to be a search of the Internet. Mr. Percival said he could not answer that because he did not know. Councilman Louderback said Mr. Bazelak needs to answer that. He was not asking the City Manager, he was asking Mr. Bazelak who is responsible for this witch-hunt and who initiated the background check. Mr. Bazelak said they were trying to do reference checks. Councilman Louderback said so Mr. Bazelak admitted he did the reference check. Mr. Percival said he did a reference check because that is part of his job. Councilman Louderback asked who did the background check then. Mr. Percival said he did not know, but he did a reference check.

Councilman Louderback asked Mr. Percival if he received the email that Council got. Mr. Percival said he did not get the email at 5:20 p.m. Councilman Caupp noted Mr. Percival was not copied on the email. Councilman Louderback said it is amazing that the City Manager did not get a very important email from the Finance Director. He asked who was running this city – the City Manager or the Finance Director?

Mr. Bazelak said, as he understood it, he is a separate Appointed Official. Councilman Louderback said yes; Mr. Bazelak is appointed – this is exactly right! Mr. Bazelak said he understood that. Councilman Louderback said it amazes him. He cannot believe it! Adults are sitting up here. He said, “Why don’t they spend the taxpayers’ money for a better advantage and not do background checks!”

Councilman Louderback said it is public record that they did not want to talk about the witch-hunt. He would like to talk to the news about the witch-hunt. Mr. Bazelak said Councilman Louderback could characterize it however he wants. Councilman Louderback said he would characterize it with the facts!

Councilman Caupp said he would like to clear up the record. The email had a highlighted portion to Council with an arrow for them to read. One of the principals of GAiN had a failed business venture—a restaurant. In fact, he told Councilman Louderback and him about the restaurant months ago in general conversations. The gentleman and his wife opened up a restaurant and it failed like eighty percent of restaurants that fail. This is not groundbreaking news. His question back to staff would be that with every contract they enter into with someone in this city, his guess is there are many business owners out there that at one time or another had a failed business venture. Are they going to start checking every single owner of every single company that they contract with, and if they had a failed business venture, then they are not going to do business with them anymore?

Councilman Caupp said his question to the Council President would be if he received the email at noon, why did Council get it at 5:20 tonight and why did Council not get phone calls.

President Engle said he would be happy to answer Councilman Caupp’s question. When he received the original email, he was at work at Wright-Patterson Air Force Base, and he is not permitted to have his personal communication devices with him. He put that email out to all members of Council the moment he got home.

Regarding the email, Councilman Long said the article in question was about the gentleman being the Executive Vice President for a private economic development entity, and there were
questions about that private entity’s debt and being behind in taxes. The gentleman stepped down and moved on from that entity, but that entity is still there and still doing good things for that community, so there is a direct connection with the services they would like to provide here.

Councilman Long said he did not disagree with Councilman Caupp on the fact that the text was highlighted to bring Council’s attention to it. He would like more time to review the contract and is not prepared to make a decision today. They have to understand how this process started. They have sped up this process quite a bit because they did not do a Request for Proposal. GAiN did their presentation to Council, they formed a subcommittee that met one time, they drafted the proposals, asked for contracts, and the contracts went back and forth. That particular process began in June, so it is moving along, but not quick enough.

Councilman Long said he was not as upset about getting the email when he got it. He was upset about getting this contract when he got it when they knew last Friday that this would be on the agenda. They knew it was an expectation handed down from this Council that this be taken care of this month. It was to be discussed earlier this month, but Council agreed to move it to tonight but now he needs time to review the contract. Once he got the email right before tonight’s meeting, he was going through his phone and found that it was really not a background check. You can Google information on this individual and find that information, but you can also find countless other very positive reviews about this gentleman’s background by googling his name. This was not a military or FBI background check; this was a Google search provided to Council, and a motion has been made to table the contract.

Councilman Louderback said he is very passionate about his job, this city, and economic development. He thinks it is long overdue that they go forward with economic development, but he is scared to death right now. Of all the work they have done and all the work GAiN has done, because the Finance Director has a vendetta against them, there is a possibility that Council may not go forward with this. He would have to go along with tabling further discussion. He hopes they all do their homework, do some gut searches, and do not listen to some of our staff, but do their own research. He thinks this city needs some serious economic development.

Mayor Bayless said she wanted time to read the contract. She really feels the process has gone along pretty quickly because many things take a lot longer than this. Because she wants a little more time, she will be voting “Aye” to table this.

Councilwoman Mills thought all of them on Council made a commitment that they want to see economic development move forward. She agreed with Councilman Louderback; she hopes this does not end up falling flat since it is a passion of all of them to see Xenia grow and prosper. She agreed with many Council members about needing a little more time, and she highly encouraged everyone to do their homework, ask their questions, and talk to the Appointed Officials. There are three Appointed Officials, which is what makes Xenia different. The city does not have a governing City Manager or Mayor—they have three individuals with three different points of view. As Councilman Louderback said, she also wanted to encourage Council to do their homework.

Councilman Caupp noted the two gentlemen from GAiN reached out to everyone on Council to meet with them, but he wondered how many people on Council actually took the time to sit down and meet with them about economic development. It is extremely important to this city and
he did not think everyone on Council took the time to actually meet with the gentlemen to hear what they had to say. To him this is not a project that staff is taking on. This is a project that Council is taking on, and they need to take ownership of it, but he did not know if everyone else felt the same way.

President Engle agreed with many of his colleagues that they are all quite passionate about economic development in the city. He would disagree with some on Council in that while he would always desire to receive information in a more timely fashion, he appreciates the guidance, counsel, and candor of our Appointed Officials sending the information whenever they receive it … be it two years before an event or two hours before an event. He stands up and applauds them for their courage of conviction to continue to search and continue to evaluate and provide Council with what they believe to be their best assessment of the situation.

The Roll on this was the following:

Ayes: Smith, Long, Mills, Bayless, and Engle
Nays: Caupp and Louderback  motion carried.

**Items for the City Manager:** None.

**Finance Director’s Office:**

**Introduction of a Resolution to enter into a Capital Lease to finance the purchase of a rescue engine, radios, and radio consoles.** Mr. Bazelak respectfully requested that Council introduce a Resolution authorizing the City Manager to enter into an agreement with US Bank for an amount not to exceed $1,371,415.23 to finance the purchase of a rescue engine, radios, and radio consoles at a rate of 1.892% over a 7-year period. As Council may recall, on October 25, 2012, City Council approved the purchase of a new rescue engine and on June 13, 2013, Council approved the purchase of radios and radio consoles. This Resolution would put the financing in place for that equipment.

President Engle entertained questions from Council. Hearing none, he entertained an introduction of the Resolution.

Vice President Smith introduced a RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT WITH US BANK FOR THE PURPOSE OF FINANCING A FIRE RESCUE ENGINE, RADIOS, AND RADIO CONSOLES, and it was read for the first time.

**Schedule of Bills:** Mr. Bazelak presented payment of bills totaling $664,262.65.

Motion by Councilman Long, seconded by Vice President Smith, to approve payment of bills totaling $664,262.65. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

**Items for the Finance Director:** Councilman Louderback said he got a complaint from a citizen today. The woman bought a house and was trying to have her water turned on. She called at 1 p.m., but was put on hold for one hour, which is unacceptable. He asked if there was system
that would let the caller know how many minutes it would take for someone to return a call. Mr. Bazelak believed there was a recording when the phone lines are busy that tells the caller how long it might take. Councilman Louderback said the first time the woman called, she waited on the line for 16 minutes; the second time, she waited on the line for 20 minutes; and the third time, she waited on the line for 20 minutes. To him, that is unacceptable. Mr. Bazelak said he would check into that tomorrow to see exactly what the issue might have been.

**Law Director’s Office:**

**Introduction of Ordinances and Resolutions:** None.

**Second Readings of Ordinances and Resolutions:** Mr. Lewis presented an ORDINANCE AMENDING PART SIXTEEN: FIRE PREVENTION CODE, CHAPTER 1600: DEFINITIONS AND CHAPTER 1610: OHIO FIRE CODE, and it was read for a second time.

Motion by Councilman Long, seconded by Mayor Bayless, that Ordinance Number 13-40 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

Mr. Lewis presented a RESOLUTION DECLARING IT NECESSARY TO LEVY A TAX IN EXCESS OF THE TEN MILL LIMITATION, and it was read for a second time.

Motion by Councilman Long, seconded by Vice President Smith, that Resolution Number 13-S be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

**Items for the Law Director:** None.

**SUMMARY OF ACTION ITEMS:** Mr. Percival said he had no updates.

- A request for a plan from City Staff in regard to the Broker Services Contract to include details of how the contract will be monitored (Requested by President Engle/Assigned to Jim Percival/Jackie Potter)
- Update on Proposed Recreation Venues (Requested by Councilman Louderback/Assigned to Jim Percival)
- A report on the feasibility of a Vacant Building Ordinance – due date to be determined (Requested by Councilman Louderback/Assigned to City Manager’s Office and Law Director).
- Quarterly Updates on Economic Development at Council meetings on 04/11/13 and 07/11/13 (completed), 10/10/13, 01/09/14) (Requested by Councilman Louderback/Assigned to Steve Brodsky/Jim Percival)
- Timeline for completion and delivery of cost estimates, renderings, etc., for Simon Kenton Project (Requested by Councilman Long/Assigned to Jim Percival/Chris Berger)

President Engle asked if there were any issues Council would like added to the next Council meeting under “Summary of Actions Items.”

Councilman Louderback said he talked to the Law Director about the Vacant Building Ordinance. He thought Mr. Lewis told him it was delayed because of fire inspections, but he
could not recall what else. Mr. Lewis said part of the component was something Council approved tonight, which was updating the Fire Codes. They have to update the Fire Codes and the Building Codes, so they are working on both of those. Councilman Louderback asked if there was a timeline. Mr. Lewis thought it would be fairly soon, because the Fire Code updating is extensive and staff has spent a lot of time going through that to get it updated. Councilman Louderback said some of our slumlords have mold in the top of their buildings and every time it rains, it will do nothing but compound the problem. To him, this should be put on the front burner. They need to have people go into these buildings and check them out because they are unsafe, they have mold, and some slumlords need to be slapped on the hand.

**READING OF COMMUNICATIONS AND DISCUSSION:** Councilman Louderback said there would be a grand opening/open house for the Doug Yates Karate National Champion Training Center on August 3rd from 10 a.m. to 4 p.m. at 117 N. Allison Avenue in Xenia. Doug Yates has been in town for years, so he would like Council to go out and support him. X*ACT’s “Scenes of Xenia” has a juried Multi-Media Art Show. Entries will be accepted on Saturday, August 31st, from noon to 5 p.m. and Wednesday, September 4th from 4 to 7 p.m. Winners will be announced on September 13th.

Councilwoman Mills said she is very excited about the upcoming activities in Xenia. The next First Fridays is August 2nd from 5 to 9 p.m. A favorite thing she and her son do is to purchase four cupcakes from Sweets Boutique and then they take turns tasting them. There are some great places to go and see, so please come down to First Fridays. After First Fridays, come to Shawnee Park to see a spectacular movie called *The Pirates! Band of Misfits* that begins around 8:30 p.m. Free popcorn and drinks are provided, so she wanted to encourage people to come. On August 4th from 7 to 8:30 p.m., Music in the Park will feature Retrobution … a five-member 80’s tribute band, so if you like music from the 80’s, please come and have a great time. This is the first time the band has performed in Xenia, so come and support them. Although many people pay their water bills online, a flyer was included in the water bills that listed information about upcoming events. Another forum to share information with the community is *The Xenia Communicator*. One thing left out was the Sunday, September 1st performance of The U.S. Air Force Band of Flight that was recently scheduled, so she encouraged everyone to come out to hear them play. She wanted to again congratulate the citizens of Xenia for their help in getting Xenia selected for the *Paint What Matters* competition sponsored by Benjamin Moore Paints. The reason the city won was because Xenia citizens cared enough to vote online daily. It will be great for downtown and will bring many changes. Xenia was in the top 20 cities nationwide. Painting experts and historic contractors will work with building owners to paint the downtown.

Councilman Long noted his colleagues already discussed a few things he was going to mention, so he will not reiterate those. He personally wanted to congratulate Doug Yates for expanding his Dojo on Allison Avenue. Mr. Yates has been teaching karate in Xenia for about 40 years now, so that is hundreds and hundreds of students. He also wanted to congratulate Live Graciously Dance Studio, a new dance studio that will open in August. There are many businesses coming to Xenia that will cater to the youth and adults, and he wanted to thank them for their participation in our community. On Saturday night, July 27th, X*ACT is hosting an “Evening of Improv” beginning with a family-friendly show at 6:30 p.m. followed by a more adult-oriented show at 8:30 p.m., so go out and check out that improv act.
Councilman Caupp said for those who have not been to Kil-Kare Raceway lately, they have made numerous improvements. They just redid the entire drag strip and will have all Harley drags this weekend and top fuel and funny bikes, so for those who are into racing or motorcycles, it will be quite a show. It is as cheap of entertainment for your family as any place you will ever go in Xenia, so he encouraged everyone to go there Saturday or Sunday this weekend and enjoy the racing.

As mentioned by Councilman Louderback, Mayor Bayless said the ribbon cutting for the Doug Yates Karate Studio will be on August 8th at 11:30 a.m., and she would encourage everyone to come out for that. She really appreciates the contributions that Doug Yates has made to Xenia, especially to the youth. Today she drove around to all the addresses that were listed for demolition thanks to funding the city received. The city looks so much better and it does a lot for the neighborhood. She really likes the fact that what they are doing is in keeping with our X-Plan to make our city presentable. She thanked city staff for making Shawnee Park look great. They have been down there pulling weeds, putting down mulch, and it looks so nice. Yesterday she met with a Benjamin Moore team that came to Xenia. One team member was from New York and she was so excited and said she has never heard of a community that got so involved and be so excited about doing things for their community, so it is a real plus for the city. They also appreciated the video that was made in Xenia. They will select a block or two in downtown for façade painting. They will paint the first level of the building, and they will provide free paint to businesses to paint the other stories, but it will be up to the owners to get the painting done. They are also seeking qualified contractors and plan to hire a few general contractors. They anticipate some national press and are planning a huge celebration upon completion, which they will try to schedule around the Community Festival or on the first Friday in October. They will be looking for sponsors for that celebration to provide goods, discounts, etc. Please call Mary Crockett at 372-6389 because Xenia Main Street matters!

Vice President Smith apologized for missing the last meeting, but he took his family to New York City to see the sights, some Broadway shows, and to visit the Statue of Liberty and they really enjoyed that. He reminded everyone that the Greene County Fair starts Sunday, July 28th and runs through August 3rd and there is a lot of entertainment. Last weekend he participated in the Greene County Parks and Trails cycling event that was hosted in Xenia. They had 215 cyclists representing 13 different states, and many of the cyclists camped out at the Greene County Fairgrounds. They rode between 50 to 60 miles per day. Friday was their Century Ride so many cyclists rode between 62 and 100 miles, but some rode 110 miles. He noted the City’s Community Development Coordinator Mary Crockett participated in the ride.

Councilman Louderback said he stopped at the Harvest Moon Bakery and talked to the new tenants. They have done a super job inside and are doing all the work themselves. The tenant’s dream would be to remove all the metal on the outside façade, but he understood that some of that façade was damaged. He would be willing to invest some city money to restore that façade because it is a very important corner to the city. The building owner said they do not have the money, but the tenants are doing a super job with the renovations. He encouraged everyone to go inside and see what they have done if they get a chance. If they do as good a job on the outside as they have done on the inside, it will be very nice. As the tenant said, paint is not going to help; they need to do a renovation.
President Engle said despite the pleasant weather the last few days, they are entering the hottest time of summer. As the temperature rises again and the humidity returns, he asked citizens to please be on the lookout for your neighbors, especially those who might be elderly or have a health condition where the heat could affect them. If you see something that concerns you, please do not hesitate to call our safety services, because they want to make sure all our citizens are taken care of.

**ADJOURNMENT:** Motion by Councilman Long, seconded by Councilwoman Mills, to adjourn the Regular Session at 8:08 p.m. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None

motion carried.

Michelle D. Johnson, City Clerk
Xenia City Council

Michael D. Engle, President
Xenia City Council
The Xenia City Council met in a Special Session on August 5, 2013, at 4:05 p.m., in the City Council Chambers, City Hall, with the following members present: Wesley Smith, John Caupp, Joshua Long, Jeanne Mills, Marsha J. Bayless, and Michael D. Engle.

Dale Louderback was absent.

**Motion to amend previously approved Resolution No. 13-S.** President Engle entertained a motion to amend previously approved Resolution No. 13-S as described in the agenda item report.

Motion by Councilwoman Mills, seconded by Mayor Bayless, to amend previously approved Resolution 13-S to change the title to RESOLUTION DETERMINING TO PROCEED TO LEVY A TAX IN EXCESS OF THE TEN-MILL LIMITATION, to include the actual ballot language, and to amend the formatting. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

**Distribution of correspondence from City Manager.** President Engle believed all Council members had received a memorandum in their meeting packets from the City Manager addressing Councilman Long’s questions on the Economic Development Contracts that were tabled at the July 27th Council meeting. Distribution of the correspondence is listed on the agenda and they can discuss it now if desired or they can postpone it to a later time, such as at the upcoming Council meeting. President Engle entertained Council’s desires on the matter.

Councilman Long said he had a desire to discuss it, but since they agreed tonight’s special session would last five minutes and that is the amount of time he allotted to be away from his job, he did not have enough time. In general, some of the information he asked for is addressed in the memorandum and some is not. Mr. Percival said that is why he stated in his memorandum that if people had questions, they should call him.

Vice President Smith thought Councilman Caupp had a meeting at 4 p.m. tomorrow. Councilman Caupp said he was going to bring that up. He noted Councilman Long had a valid point that the agreements had not gone to the Economic Development Advisory Board for review, and they have a Special Session scheduled tomorrow at 4 p.m. Three of the four members were present at a recent Council work session, so they have seen the proposal, but tomorrow they will look at the actual contract. Hopefully, they will have a recommendation from them one way or the other just like Council’s other Boards and Commissions.

Vice President Smith asked if the meeting would be held in the Council Chambers. Councilman Caupp said yes. Vice President Smith said he would like to attend if Councilman Caupp did not care. Councilman Caupp said that would be fine.
ADJOURNMENT: Motion by Vice President Smith, seconded by Councilwoman Mills, to adjourn the Special Session at 4:11 p.m. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Long, Mills, Bayless, and Engle
Nays: None motion carried.

Michelle D. Johnson, City Clerk
Xenia City Council

Michael D. Engle, President
Xenia City Council
The Xenia City Council met in a Special Session on August 8, 2013, at 6:08 p.m., in the City Council Chambers, City Hall, with the following members present: Wesley Smith, John Caupp, Dale Louderback, Joshua Long, Marsha J. Bayless, and Michael D. Engle.

Jeanne Mills was absent.

**Code Enforcement Work Plan.** Mr. Percival said they have been working on several different items, including the Vacant Building Ordinance. One of the things they had to do before they could do the Vacant Building Ordinance was get some code enforcement things coalesced. Mr. Forschner has worked through many different issues to streamline and improve some code enforcement things. He then invited Mr. Forschner to address Council. After his presentation, they will address questions.

Mr. Forschner said during the X-Plan process, code enforcement and general maintenance of private property came up as a high priority. Part of the whole theme was “let’s maintain what we have, get that up to an acceptable level, encourage reinvestment in our existing neighborhoods, maintain our property values, and have safe and healthy neighborhoods.” There are some sections of the city, though not to the degree of a place like Dayton, there are some areas where there has been some abandonment, disinvestment, foreclosures, tax delinquency, and vacancies that have taken a toll in some locations. Sometimes just one vacant property on a block can have a significant impact on the property values in that area. Code enforcement’s role is to try to circumvent and stop the downward cycle in transitional areas where people are starting to withdraw and not investing as much as they used to in their homes or businesses. Code enforcement is a way to establish a common standard for maintaining a property and making sure that standard is being met over time.

Mr. Forschner said what he just stated was just an overview of why they are doing this. It was a high priority; not just by continuing to enforce the Codes, but improving the way they enforce the Codes. He would like to share with Council what his department is doing to implement that strategy that is laid out in X-Plan, propose to Council how they define success in code enforcement, and how to achieve it. Before he does that, he would like to discuss what code enforcement means, specifically concentrating on Property Maintenance Code Enforcement. He knew one of the more controversial issues that came up this year was the ordinance on RVs, boats, and campers. He would like to reserve the last 15 minutes of the work session to discuss that providing they are done with the first discussion. If Council has questions about that, they will save those until the end. They are working on some things to propose some ordinance updates that he thought would hopefully address some concerns people have.

Mr. Forschner said his goal is to familiarize Council with the way staff is doing things and ways they think they can do them better to make sure everyone is on the same page. Code enforcement is only as effective as City Council allows it to be. He was not putting all that on Council. He was saying as part of that, they want to make sure that what they are doing on a day-to-day basis
is consistent with what Council expects from them, because ultimately and indirectly, they work for Council and want to do what Council wants them to be doing. At the same time, he wants to propose some things to Council tonight to show Council how code enforcement has to be done consistently. It is challenging and can be a controversial thing to implement at times, and sometimes it is an unpopular exercise. He wants to show Council how they can best do code enforcement and get through some of those short-term difficulties and ultimately end up with a better maintained community.

What are Property Maintenance Codes? Property Maintenance Codes are minimum standards that ensure maintenance of private property in a clean, safe, and sanitary condition, so as not to cause a blighting influence or health/safety hazard for a property’s occupants or the surrounding neighborhood. What residents do with their properties not only affects them but it also affects their neighbors’ rights to enjoy their properties.

Examples of Property Maintenance Code standards include building and sites.

Buildings

- **Exterior painting/siding/weatherproofing**
- **Structural integrity** (spouting is in place and eaves, roof, and porch are in sound condition). The structure shows a number of outwardly visual violations (peeling paint, lack of gutters, rotting wood on the edge, tall grass, and the structure also has some serious internal issues). The picture to the right is an example of some of the violations you can see.

- **Sanitary interior surfaces.** The next picture is one of the nicer pictures inside some of the homes staff deals with. Clean and sanitary interior surfaces are a Housing Code issue. Councilman Caupp asked if the picture was taken at a home in Xenia. Mr. Forschner said yes. Mayor Bayless asked if the home was occupied. Mr. Forschner said no; it is a structure they condemned.

- **Presence of basic utilities** (such as water). If water is disconnected for a long time then that structure is not habitable. People often try to live in homes that do not have a running water connection. That is something they can easily identify with the City’s Utility Billing system. When they go after that, they frequently discover other conditions on the inside of the property.

- **Light/ventilation/plumbing/electrical**

Mr. Forschner noted this house shown on the right was demolished. When a building is unsafe and not structurally sound, they have authority to not only condemn it and order it to be repaired, but they can
also demolish it if they believe it is beyond repair and that it is a general public nuisance.

Sites
- **Tall grass/weeds**
- **Garbage accumulation**
- **Grading/drainage**
- **Inoperable vehicles** (vehicles with expired tags is the common definition of an inoperable vehicle, but they deteriorate to junk vehicles.)
- **Parking in the grass**

Mr. Percival thought everyone on Council remembered the property on Columbus Street where they had to remove 48+ vehicles.

Mr. Forschner shared the activity chart. He noted they include these numbers in their monthly reports, but he wanted to show Council the year-to-date totals. They have been addressing a number of different types of violations and have broadened out beyond what they did in the past. They are also doing more code enforcement in general than they have done in the past in terms of numbers of violations. As shown on the chart, vegetation and tall grass take up a lot of staff’s workload; however, they are not ignoring other areas. They are also addressing general property maintenance, parking, junk vehicles, and housing standards (such as the condemned home). They are expanding what they are doing and have expanded their capacity with the new Code Enforcement Officer and some of the technology they have brought onboard. The new staff person brings some improved expertise, and they hope to continue to improve.

When somebody does not mow their grass and their grass is 12” or taller, they post the property for a violation. If they do not mow the grass within five to seven days, they order the City’s contractor to cut it. If they have to do that, the City is entitled to invoice the cost to the property owner. The invoice includes the mowing cost plus the $75 surcharge to cover the labor. That cost is recovered largely due to that surcharge and through assessments and property taxes when
people do not pay the invoice, and in general, the City ends up making money in the process. While it does not directly fund the department’s operations, it does partially fund the operations.

Mr. Percival said he spoke to Code Enforcement Officer Keith Koch today. Mr. Jenkins is the contractor that does the City’s weed mowing who said he simply could not keep up with mowing this year because of the rain. Probably all of them have received complaints asking why a property is not mowed. Mr. Jenkins is doing everything he can to get the properties mowed as quickly as he can. Mr. Forschner agreed they have had a lot more rain later in the season. He has to mow his own lawn every five days, and that has never happened. Mr. Percival thought they had no weed complaints last year after July 15th because the grass did not grow. Mr. Forschner said the grass began growing earlier last year, but there was very little rain later in the summer.

President Engle asked if they received several bids for mowing yards, weeds, etc., and if so, if there was a possibility and if it is appropriate to hire an additional contractor to mow three properties a week. Mr. Forschner said there is no additional money in the budget for mowing. President Engle said it appeared that the City got that money back, plus some.

Mr. Forschner asked if President Engle was suggesting they hire an additional contractor to speed up the work. President Engle said he was suggesting they hire an additional contractor to catch the overage, which was just a thought and not a direction. If they are tending to see that plus additional revenue come back, our citizens are complaining to Council, and the contractor cannot keep up with the mowing, he asked if it is worth considering a supplemental appropriation to hire somebody else to keep up with the demand. Mr. Forschner said the contract is up for renewal next year. They have only hired one contractor for a number of years, but if it is an issue and they decide the mowing is not going fast enough, they could look at that when the next contract goes out for bid. They can make sure the contractor has a certain number of workers and that they have the capacity to work more responsibly and quickly.

President Engle said he was not dissatisfied; he was just trying to find a solution. Mr. Percival said Mr. Jenkins does a great job, but they might want to also have a backup plan. President Engle said he did not know if that was feasible to try this late in the year or if they should wait until next year. Mr. Percival thought that it would be more appropriate to do that next year.
Mr. Forschner said part of the reason they are using the contractor more and spending more money is because they have increased the amount of code enforcement they are doing. It is also partially due to weather, so that might be something to think about.

Mr. Forschner continued with his presentation.

**How are these codes enforced?** The City currently has two Code Enforcement Officers, Jeff Ziegler and Keith Koch. Mr. Koch focuses primarily on Property Maintenance, while Mr. Ziegler focuses on Zoning permits/enforcement and assists Mr. Koch with Property Maintenance, as needed. Mr. Ziegler and Mr. Koch encounter violations through their own observations, reports from other City staff or elected officials, or complaints from residents. Once a violation is discovered, Mr. Ziegler and Mr. Koch work with the property owner to achieve compliance.

**Define Success - How Can We Improve Code Enforcement?** Success in code enforcement can be defined as *compliance*. Achieving compliance is not simply a matter of issuing citations and fines, being harsher, taking people to Court, etc. *That is not the goal.* The goal is compliance and have people maintain their property up to the standard they use in this community. So, how do they get there? They do not like to take people to Court because it is a long process that takes a lot of staff time. The property is potentially sitting in limbo for months, which draws the process out. They would much rather go the voluntary compliance route, which involves a mix of community relations, proactive and targeted enforcement, and improved regulatory tools.

Mr. Forschner showed pictures of voluntary compliance. The pictures on the left were a trash cleanup situation. The pictures on the right show a home that was damaged in a fire and the property owner agreed to have it demolished using City appropriated money.

Below are the strategies the Department proposes on how they can achieve success in code enforcement. Most of these initiatives are already underway.

- **Prompt complaint response**: Code Enforcement Officers have a goal of responding and inspecting a complaint within 24 hours of receiving it.
- **Voluntary compliance/good customer service**: Code Enforcement Officers almost have to be salesmen. Sending violation letters is never the first choice. Code Enforcement Officers
prefer to resolve violations informally through personal interaction – this is less adversarial and more successful. When a violation exists, City staff makes personal contact and negotiates a plan/schedule for correcting the violation or leaves a business card for the owner to call them. An exception is tall grass/weed violations – officers limit notification to newspaper publication and posting on the property due to ordinance requirements, volume of violations and the speed at which grass grows. Staff also suggests solutions and available resources to help owners comply.

Mayor Bayless asked if the new Code Enforcement Officer is using a more friendly approach than before. Mr. Forschner said yes. He observes his work daily since his office is next to Mr. Koch’s office. When they were looking for a new Code Enforcement Officer, one of their priorities was to develop a user-friendly approach and find somebody who works well with people. One thing they liked about Mr. Koch was that he is very outgoing, very personable, and not afraid to knock on somebody’s door and talk to them. It is critical to have people skills and be willing to work with people. Councilman Louderback said that was something they lacked in the past.

Mr. Forschner said that was his opinion of Mr. Koch, but if anyone has heard anything different, they should not hesitate to let him know. In general, he feels Mr. Koch accomplishes that well and it is something he is always reinforcing with him. Mr. Koch also has several years of experience doing code enforcement (on a seasonal basis), so he is very familiar with this type of work and the type of personality one needs to deal with certain situations.

Mr. Forschner continued with his presentation.

- **Community involvement:** Over time, staff will build relationships with residents and community organizations (e.g. churches) in order to more quickly identify and address violations, and connect disadvantaged property owners with assistance resources such as volunteers. They have been putting articles in *The Xenia Communicator* and would like to expand that and possibly send mailers to residents with information about their neighborhood and Property Maintenance Codes. Many people do not know there are regulations that deal with that sort of thing, so if they get that information, they will not be as surprised when they hear from staff. They also want to find additional resources to help people comply because they often run into people that due to health issues or financial reasons, they have trouble complying with the standard. Sometimes there are groups, like churches, who might have volunteers willing to help somebody. It may be neighbors helping each other (mowing your neighbor’s grass) so they want to cultivate relationships to get that going. As they send information to neighborhoods, they will encourage people to look out for the neighbors and help each other out if somebody is having trouble maintaining their property.

- **Proactive, systematic enforcement:** This can be a little controversial. They sometimes hear from citizens asking why they are spending time doing something because it is a waste of time, but it is really the best way to do it. Relying on citizen complaints alone leads to inconsistent and inefficient enforcement. For example, the Code Enforcement Officer might be addressing a violation about which somebody complained and there might be four others of the same violation on the street that staff is not addressing, which results in staff being accused of being inconsistent and selective in their enforcement. It is also not efficient from a work standpoint if staff is completely in triage mode. Code Enforcement Officers can be more effective, fair, and consistent by conducting periodic neighborhood walks and drive-throughs, addressing all violations before they persist and become a blighting influence.
These activities occur on a weekly basis to track easily resolved violations such as tall grass, inoperable vehicles, and garbage accumulation. More comprehensive assessments of neighborhoods will occur twice a year (late summer/ fall and mid-winter) and address more complex violations, such as structural deterioration.

- **Targeted efforts:** It is not possible to identify all violations in the City at any given time. Therefore, Code Enforcement Officers will focus their efforts on neighborhoods that experience the highest degree of violations, disinvestment, and abandonment. Officers will visit other areas less frequently or on a complaint-driven basis. Sometimes the mentality is “since nobody is complaining about it, why should I address it?”, but at times there are serious violations that nobody complains about. If they are not addressed and left to fester, they can become blighting influences and can drag down property values of the neighborhood. If you are trying to sell your house next to a property with trash strewn about their property, peeling paint, or a junk vehicle in the driveway, you may have trouble selling your house. This effort is aimed at identifying the issues before they become serious problems. They have been starting with the minor violations on a weekly basis in targeted neighborhoods, such as grass, abandoned vehicles and trash (things that are relatively easy to address and do not require a lot of money or time to address). As they do that, they will still get complaint calls, but they will be able to tell people they are already working on that and by what date it will be cleaned up, so they are able to be more responsive that way.

- **Electronic tracking:** New databases track code enforcement work electronically, allowing for increased accountability, efficiency and mapping of violations to identify patterns and trends year-to-year, which is also helpful if they have to go to Court. It also makes it easier for them to find out what happened when a complaint comes up.

- **Updated codes:** As noted in the X-Plan, the City will update its Property Maintenance Code that dates back to 1996. He is in the process of reviewing the 2012 International Property Maintenance Code and tailoring it to meet our local needs. It will provide more clarity and better tools for us to enforce our Codes. They hope to schedule public meetings and work sessions with Council to provide education on how the new Code differs from the old Code and seek feedback. Staff hopes to complete this process, along with a subsequent vacant building registration ordinance, before the end of 2013.

- **Inter-departmental coordination:** Other agencies such as the Fire Division, Greene County Combined Health District, and Department of Building Regulation are involved in enforcement as well because they have expertise that Staff does not have. The Planning and Zoning Department is increasing coordination with these entities in order to share expertise and reduce duplication of efforts.

Regarding Inter-departmental coordination, Councilman Caupp asked if they could use the Fire Division for the building they recently discussed downtown that has a leaky roof that allowed water to come through the floors. Could they use the Fire Division to cite the property owner on any kind of Fire Code violation to speed up the process? Mr. Forschner said the Fire Division can be useful in helping to gain entry to the building since they have to do their annual fire inspections. The idea is that staff would go with them and document the fire code violations and Property Maintenance Code violations. They have processes in the Property Maintenance Code that allows staff to cite the owner, and if necessary, order repairs, or take them to Court if necessary. They have additional tools that could complement what the Fire Division can do.

Mayor Bayless asked when annual fire inspections are scheduled again. Mr. Forschner said the Fire Division’s annual inspections happen as they have time to do it. Their schedule is chaotic since staff can be called away at any time, but they can speak more to how that works.
Mr. Forschner said as far as Property Maintenance enforcement goes, since they do not have the resources, and it may not be cost-effective for them to do all that comprehensive, proactive code enforcement everywhere in the city, they need to be more selective. The neighborhood analysis in X-Plan used various housing market data, combined with qualitative observations, to identify neighborhoods where targeted code enforcement is needed to prevent or reverse decline and disinvestment. That data, along with code enforcement data, will be monitored annually to determine whether targeted efforts need to shift to different neighborhoods. Current targeted areas include Laynewood, Arrowhead, Spring Hill, Bullskin Trace, Hooven and Allison/Cincinnati Avenue neighborhoods, Orient Hill, Waterstreet/Carnegie/E. 2nd Historic Districts, the East End, downtown and the City’s major thoroughfares. The idea is that in those areas, staff would conduct layered code enforcement activities on a weekly basis, and twice a year they will do a comprehensive, systematic assessment and look at every Code violation. They will deal with the more serious Code violations, like structural violations, that take a lot more time and resources to fix. Given the spike in workload that happens with grass, they would do that in late summer or early fall and again in late winter when staff has more time to focus on those systematic assessments. They hope to get that effort underway by late August or early September, which would include downtown and the neighborhoods he mentioned.

Councilman Louderback said the obvious place to start is downtown. They would get everybody’s attention in the City if they address some of the problems that have been dragging on by people who do not repair their buildings and have mold growing in them. If they start downtown, they will get the message out that they are serious about it.

Mr. Percival said he talked to the Fire Chief about one of the downtown buildings that has been a problem because the owner wanted to get their electric turned back on. He thought the Fire Chief had a walk-through scheduled with the Greene County Building Regulations and the Planning and Zoning Department in the near future. The owner cannot get their electric turned back on until they get it approved. He thought the owner wanted to make some improvements to the building, so that gives the City an opportunity to push for other improvements for this particular building, which has been a problem.

Mr. Forschner said downtown specifically would require a lot of coordination with the Fire Division and the Greene County Building Regulations. The Fire Division has already been in several buildings, so he thought just the information they have gathered to date can help them gain access to the buildings.

Councilman Caupp said he has had numerous conversations with Fire Chief Riggsby and Deputy Fire Chief Mullikin on building inspections, but the City does not really have the manpower to keep up the inspections that need to be done with any of the businesses in the city. There are issues at Central State University. The City has the fire contract, but Xenia Township is still supposed to do the inspections out there. He is just one person, but he would like to see them at least investigate getting a part-time Fire Inspector. They could hire a retired firefighter that just wants to work part-time to do inspections.

Councilman Louderback thought Fire Division personnel on light duty were going to do some of the inspections, per the last contract. Mr. Percival said those employees were doing plan examinations/review, etc., but they have not had anybody on light duty in the last four to five
months. Councilman Louderback thought using those light-duty employees was a great idea instead of them sitting at home.

Councilman Caupp thought the Central State issue could be another conversation with Council adding building inspection into the City’s fire contract with Xenia Township. He was sure there were plenty of retired firefighters who would be more than willing to work part-time as an inspector. Mr. Percival said a meeting is scheduled Tuesday with Chief Riggsby, Deputy Chief Mullikin, Central State representatives, and Xenia Township to discuss the fire inspection issue.

Councilman Louderback asked if anyone from Council attended the open house at Arnovitz and Associates. Several members of Council said they attended the open house. Councilman Louderback said that is a perfect example of how the entire downtown could look if they had responsible business owners. Mayor Bayless said she thought about that. Councilman Louderback said unfortunately, some of those business owners are from out of the area and do not have any skin in the game in Xenia, so he is very much in favor of stepping up code enforcement in the downtown area.

Mr. Forschner asked Council if they had any concerns about code enforcement. This is not easy stuff – people do not like to see Code Enforcement Officers even when they are being nice to them.

Councilman Long said there are issues on the residential side with both owner-occupied and rental properties. He asked Mr. Forschner if he had any data that indicated there was a larger problem with rentals versus owner-occupied properties. Mr. Forschner said they did some of that comparison in the X-Plan. He found they are not as bad as he thought. They have a lower owner-occupancy rate compared to Greene County as a whole, but compared to the Dayton area and the State, Xenia is fairly typical. Fairborn has a much greater rental percentage than Xenia. Xenia is a diverse city with a diverse population, which is a big part of it. However, in terms of rentals, they focused on single-family rentals in the X-Plan because just having rentals is not necessarily a problem in itself. The trend they want to watch is when they start seeing many single-family homes being converted from owner-occupied to rentals, which is one of the factors they looked at in determining which areas to focus code enforcement.

Councilman Long said there is the perception in town that Xenia has a number of slumlords. Mr. Percival said the rental properties are not necessarily the issue. Some of the individual landlords are an issue, which he thought was one of the things that Mr. Forschner focused on and something that he tries to focus on with certain individuals. It is not necessarily the fact that the house is a rental, but there are particular homes that you know are owned by particular landlords. Councilman Caupp said maybe instead of doing targeted neighborhood code enforcement, they should focus on specific property owners.

Councilman Long said other communities have Rental Registries and Rental Inspection Programs, but he did not know how effective they were. Mr. Forschner said the ultimate solution is a Rental Registry Inspection Program, which is a long-range item to look at in the X-Plan because that has proven to be an effective tool. It requires a lot more resources. Theoretically, the registration fees can help cover the cost of that.
Mr. Percival said he meets with the folks from the Greene Metropolitan Housing Authority. He gets a list of all of their properties, and 97% of them are not an issue, even though people will say they do not want a Greene Met house next to them. Councilman Long clarified Mr. Percival was talking about the properties actually owned by Greene Met and not property owners who rent to their clients who receive rental assistance. Mr. Percival said they get the list of both. Councilman Long said he noticed the comparison of homes actually owned by Greene Met versus privately owned homes where people are receiving assistance through the program, and he would take a Greene Met apartment next to him over some of the privately owned homes.

Mr. Percival thought Mr. Forschner used a pretty good term—there is a diversity of housing in this community. Mr. Bazelak and he have discussed for years that they were trying to get to the point where the city did have a diversity of houses. The city had Wright Cycle, Timber Ridge, Summer Brooke, and Kinsey Meadows, but the city lacked that diversity of housing.

Mr. Percival thought Mr. Forschner hit on an important point when he said they have to look at these neighborhoods, and the neighborhoods that are showing the indicators of being neighborhoods in decline. The X-Plan and other things have done a really good job of showing what those indicators are, and they need to start putting some efforts there or those neighborhoods are not going to be in decline – they are going to be declined. They need to continue to work to create and add more diversity to their housing stock, but they really have to be vigilant in some of these neighborhoods because there are some indicators that say they need to do something or 20 years from now, they are going to have a real problem.

Councilman Long said that is why he liked the idea of putting some money toward some mailings and getting information to people in the Arrowhead and Laynewood subdivisions. The people who live there can fix their neighborhoods, but they are going to have to take ownership of it because they cannot just depend on the city to show up.

Mr. Percival thought a perfect example was Laynewood where many people bought those houses in the 1950’s and 1960’s, but those people are no longer living there. The home can either go to a first-time homebuyer or be bought by a company and turned into a rental property. That is where they have to make sure they are doing everything in their power to keep those homes as viable, homeowner-occupied structures.

Mr. Forschner asked Council what they were hearing from their constituents – good, bad, or indifferent. Councilman Caupp asked if they wanted to discuss RVs and trailers yet. Councilman Long said he did not because he had other questions unrelated to that issue.

Mr. Percival thought they need to cover everything else first. Councilman Long said he would like to discuss trailers if there is time because he had questions about which Codes were being enforced and how they were being enforced.

First, Councilman Long asked how the Foreclosure Registry Program at the banks was working. He asked if it was helping them hold the banks accountable.

Mr. Forschner said the program provides a useful source of information that is occasionally useful and it does bring in revenue. In his opinion, that program needs to evolve into the Vacant Building Ordinance that they discussed, which he thought would be a more effective tool than
the Foreclosure Registry Program because they need to get at vacancies. Mr. Percival said just because a property is vacant does not mean it is foreclosed. They need to take a two-pronged approach.

Mr. Forschner said they have mixed luck with banks. Some banks have property maintenance people that are very responsive and take care of things, but other banks are not. He would not say that universally banks are the problem. It is just like any other owner – it is hit and miss.

Councilman Long said he gets many comments, emails, and phone calls on what is being enforced. Unfortunately, when a person is cited because their house is falling down, no one will complain that staff cited him and it will not make headlines. It is the Codes, like the camper issue, that is bad for public relations. He thought it was up to Council on how those are handled and if that is a priority.

Mr. Forschner said putting the camper issue aside, he asked if there were other Codes that fit in that category where people complained that staff is spending too much time on because they are minor issues.

Councilman Caupp said he probably hears more about trailers, campers, and cars parked on streets. Mayor Bayless said she hears complaints about cars parked in yards. Mr. Forschner asked if people feel staff is focusing too much on those things, or if those are just things people complained about. Mayor Bayless said she just received complaints about the cars, but it has gotten better.

Councilman Caupp noted there is a situation on Harris Lane. Mr. Percival said that is not an issue for Mr. Forschner. If they want to fix Harris Lane, it is about a $1.3 million project to remove that median. Councilman Caupp said three residents consistently complain about people parking cars on the sidewalks. Mr. Percival said staff did not recommend Harris Lane to be built the way it was built. Councilman Caupp thought Harris Lane was supposed to be private originally. Mr. Percival said he did not think Harris Lane was supposed to be private. The developer put in that rolled curb and sidewalk and made it a very narrow street. The developer was told from the beginning that there would be a problem for those who have more than two cars. Councilman Caupp said obviously somebody approved that.

Since there were only a few minutes left before the Regular Session begins, Mr. Forschner asked if there was anything that he presented to Council that concerns them in regard to staff’s approach on being more proactive.

Councilman Caupp said the trailer issue concerns him. One resident did not have screening in the front but the trailer was parked beside his house on a concrete pad and the trailer was not beyond the front of the house. A neighbor complained that lived four houses down the street on the corner that had a side entry garage that came out on that other guy’s street. The person had a trailer in their driveway and they asked Mr. Ziegler and Mr. Koch about the other trailer, and he was told the other trailer was not in violation because technically the trailer was parked in his side yard even though it stuck out on the main street. It is things like that do not make sense, so they somehow need to fix an issue like that.
Mr. Forschner said he did some research on the RV/camper issue, and he informally talked to XPZC about it because it is really a Zoning issue and is not typically dealt with in Property Maintenance Codes. Currently, that is regulated in our Traffic Code, which is odd, yet it makes the Property Maintenance Department responsible for enforcing it. It belongs in the Zoning Code. He noted Councilman Long proposed some ideas at the last XPZC meeting, and he also did some research. He thought there was an agreement to remove the screening requirement and the requirement that the trailer has an ingress and egress driveway (a driveway connecting the hard surface to the street).

Councilman Long thought they agreed the trailer still had to be stored on a hard surface. Mr. Forschner said that was correct. XPZC also recommended that trailers/RVs/boats not be stored in the front yard/driveway, but could only be stored in the side yard or rear yard on a hard surface. Councilman Caupp agreed with that. Mr. Forschner said that is a consistent requirement of other communities. His staff is happy to make any changes to the ordinance, because they want to be on the same page as Council.

Councilman Caupp said another thing that comes up a lot that is in the Property Maintenance Code is allowing people seven days for loading and unloading campers. Technically someone could have their camper sitting out there all week, go camping on the weekend, come back, and then it is sitting out there the whole next week for unloading purposes. More of his neighbors complain about four or five of the neighbors for that reason alone. He thought that time should be shortened to 48 hours; Miami Township’s limit is 48 hours.

Mr. Forschner thought the city was more generous than many other communities with that timeframe. There have been situations where people want to keep their camper at their home a little longer in order to save money. He was not sure about that because they might get some resistance if they change that, but that decision will be up to Council and what they feel comfortable with. Councilman Caupp asked who would resist the change. Mr. Percival said residents would resist. Councilman Caupp said it is just the opposite for him. When those three campers are parked in his neighborhood, he gets five or six phone calls.

Mr. Percival thought staff proposed 72 hours for loading and unloading campers, but Council objected and said to make it one week. Councilman Caupp thought most communities allow 48 hours for loading and unloading campers.

Mr. Forschner said in the past, the full ordinance was not enforced. They started enforcing the ordinance more thoroughly this year, which is where they ran into some problems. They would like to get to the point where the Code is enforced, as written, as approved and agreed to by Council.

Councilman Long said he thought Mr. Forschner brought up a good point. Besides the camper/RV issue, most of the things he brought up from a code enforcement standpoint were parking violations (such as parking a car on the grass). Most complaints he heard probably had more to do with the Zoning Code in general and not enforcement. Someone with grass 12” tall might still be surprised when they get a note from the Code Enforcement Officer, so where does the compassion end? Some people have campers parked in the back of their house all year that block their neighbors’ view, which is different from somebody parking a popup camper beside
their house. He thought the Planning and Zoning Department and Mr. Forschner were moving in the right direction with looking at possible changes to the Code.

President Engle thought the overall plan was sound and structured. With something as complex as the Property Maintenance Code, the devil will be in the details and will require everyone to stay engaged when discussing a particular issue that then raises a great deal of concern with the citizens and Council. They will just have to direct that to the appropriate committee to look at it and make recommendations to Council. Council will then give Mr. Forschner a clear vector on where they want to go with that particular instance. He did not think there was a “buy all, end all, fix all” that they can do even if they looked at every line of the Property Code. Mr. Percival agreed. President Engle applauded Mr. Forschner and his staff for doing a good job and asked him and his staff to bear with Council as they work through the process. Mr. Forschner said absolutely.

Mayor Bayless thought it was nice that the community can actually see things happening (demolitions, etc.). She thought Mr. Forschner and his staff have done an excellent job.

Mr. Forschner said as they update the Code, Council will learn more about the Property Maintenance Code than they ever thought possible.

The Special Session was adjourned at 7:05 p.m. to go into Regular Session.
The Xenia City Council met in a Regular Session on August 8, 2013, at 7:11 p.m., in the City Council Chambers, City Hall, with the following members present: Wesley Smith, John Caupp, Dale Louderback, Joshua Long, Marsha J. Bayless, and Michael D. Engle.

Jeanne Mills was absent.

**INVOCATION:** Dr. Jim Usher, The Open Door Community Christian Prayer Place, gave the invocation after which all joined in the Pledge of Allegiance.

Motion by Vice President Smith, seconded by Councilman Long, to excuse Councilwoman Mills from the meeting due to illness. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Bayless, and Engle
Nays: None  motion carried.

**APPROVAL OF MINUTES:** Motion by Vice President Smith, seconded by Councilman Louderback, to approve the July 25, 2013, Regular Session minutes as written. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Bayless, and Engle
Nays: None  motion carried.

**SPECIAL PRESENTATIONS:** Proclamation for the Arnovitz Family. Mayor Bayless said it gave her great pleasure to present the proclamation this evening, especially after having attended the Business after Hours where there was an open house at the properties on Main Street. She thanked the Arnovitz family for what they are doing for this city, have done, and continue to do.

She then read the proclamation:

“The Arnovitz family has invested in downtown Xenia and the greater community since 1902. Sam and Minnie Engilman, parents of Sara Lee (Engilman) Arnovitz operated a Dry Goods Store on W. Main Street (now the Engilman walkway just east of Eichman’s). Sara met Sol Arnovitz while working at her parents’ store on W. Main Street. The young couple married and opened Sol’s Store (1932) and started a family real estate company that later acquired many properties including 37-41 E. Main Street in 1944, then 75 E. Main Street in 1957 and 25-29 S. Detroit Street in 1963. Sol and Sara Arnovitz were pillars of the Xenia community and contributed much to the greater community including a behest of the land to Greene County Career Center.

Sol and Sara Arnovitz’s two children, Theodore Arnovitz and Beverly Saeks, continued to support the legacy of philanthropy and revitalization of their Engilman and Arnovitz roots. They donated the land for Sol Arnovitz Park on Towler Road and the Sara Lee Arnovitz Nature Preserve on Kinsey Road. Theodore and Beverly jointly operated a real estate business and after Ted’s death, Beverly continues to be an enthusiastic supporter of the Xenia Community. Her children Jennifer Schoenfeld, Sumner Saeks, and Carrie Goldhoff join her in their commitment to the community.

Today we celebrate the grand opening of three downtown buildings that the Arnovitz/Saeks families recently renovated through the Xenia Downtown Façade Loan Program made available through the City of Xenia’s Downtown CDBG program and through the families’ private investment. The three buildings are now known as the
Mayor Bayless proclaimed August 8, 2013, as “Engilman, Arnovitz, and Saeks Day” in appreciation of 111 years of service to the Xenia Community. Applause followed.

Mr. Arnovitz thanked Mayor Bayless for the proclamation. They are very honored to be part of this community and have received more than they have ever given. This community has a special place in their hearts and hopes it always will.

Kerri Brammer, Neighborhood Housing Partnership. President Engle invited Ms. Brammer to address Council. Ms. Brammer said she appreciated the opportunity to make another presentation to share some updates on some of their programs. They are all about homeownership. It has been a little over a year since Councilman Louderback invited her to speak with Council. Their partnership has been around for 11 years and they have done so much. She hopes they are still here in 100 years. She is the Home Ownership Center Manager for the Neighborhood Housing Partnership (NHP) in Springfield that not only serves Clark County but also serves the contiguous six counties of which Greene County is included. She noted she left some information for their perusal and to share with others. She then proceeded with the following presentation.

… The Way Home. When NHP started in 2002, it was all about creating homeownership, credit repair, down payment assistance, rehabilitating properties, etc. Unfortunately, in the last five or six years, it has become about preservation with the economic downturn. Now, about 80% of their efforts are now focused on keeping people in their homes, which is where they have the partnership with Greene County. In the last years, through Councilman Louderback’s help, she made a contact with the Greene County Clerk of Courts, and they are getting a list every month of all the new foreclosure complaints, and all of those people are being contacted by NHP. They are starting to see more involvement because people are becoming more aware that NHP is here.

NHP wants to help people understand the foreclosure process so when they get that Court document, they do not immediately pack up and leave, which people have done because they thought there was nothing they could do. It is far from over at that point; there are many remedies. Much of it is education on the process and being aware of scams. When people are in distress, predators arise and reach out to offer assistance at a cost ($1,500), which is actually free.
in the community through a service like NHP. That $1,500 to $2,000 could have gone a long way toward making a house payment.

**The NHP Toolbox**

**PRE-SALE:**
- Credit Counseling
- Financial Fitness
- Homebuyer Education

**SALE:**
- Down Payment Assistance
- USDA 502 Loan Packaging

**POST-SALE:**
- Home Repair Programs
- Construction Oversight
- Foreclosure Prevention
- Housing Development

**Worried About Losing Your Home?**

- FREE assistance for distressed homeowners
  - Understand the foreclosure process;
  - Recognize mortgage rescue scams;
  - Discover available options, including lender workouts and rescue funds
  - Counties served: Clark, Champaign, Logan, Greene, Allen, Auglaize, and Putnam

"1442 households counseled through 12/31/12"

*Hardship due to unemployment or other involuntary loss of income? Ohio's Save the Dream Program may get you back on track!*

Save the Dream was launched at the end of 2010, and Ohio was considered a hardest-hit fund state. The TARP (federal money) is provided to help homeowners get back on track with their payments. This program has gone through multiple revisions in three years to increase eligibility and give more assistance. As of last month, she was told that the program has assisted almost 11,000 homeowners in the State of Ohio and has provided $25 million a month in assistance. The $25,000 assistance per family last year was increased to $35,000 this year.

*Save the Dream* … Ohio’s newest Resource for Struggling Homeowners: $570 million from the U.S. Dept. of Treasury’s hardest-hit fund offers the following four programs to help homeowners with up to $35,000 in assistance:

1. **Rescue Payment Assistance:** Provides a payment to a participating homeowner's mortgage servicer to help bring the homeowner current on his or her delinquent mortgage.

2. **Mortgage Payment Assistance:** Provides partial mortgage payments (for up to 18 months) while unemployed or underemployed homeowners search for a job or participate in job training.

3. **Mortgage Modification with Contribution Assistance:** Provides a payment incentive ($20,000 to $25,000) to mortgage servicers to reduce a participating homeowner's mortgage principal to the level necessary to achieve a loan modification and affordable monthly mortgage payments. Perhaps there was the death of a spouse and now one person is trying to make a house payment on what they used to do with two incomes.

4. **Transitional Assistance:** Provides homeowners who cannot sustain homeownership with an alternative to foreclosure by offering an incentive to mortgage servicers to complete short sales and deed-in-lieu agreements. Transitional Assistance allows homeowners to exit their homes gracefully. Up to $5,000 is available for a security deposit or moving expenses if they can help them negotiate a short sale or deed-in-lieu with their current servicer.

Ms. Brammer said the negative side to the Save the Dream program is that they may be out of money by the end of 2014. The program was designed to go through 2017, but at the rate of spending, it is going to be gone. There was an article in the Springfield News-Sun a few weeks ago that said this area of the country/state is probably 10 years from recovery. They are afraid of
what will happen at the end of 2014 when none of the programs will exist to help people, and they can only hope other things will emerge.

Ms. Brammer asked if Greene County has an established Land Bank. Mr. Percival said they are working on that right now. Ms. Brammer said the State is looking at launching some programs for demolition, and it will be available to communities that have Land Banks; Clark County does not have a Land Bank.

Ms. Brammer shared a story of a 63 year old woman who lost her job after 16 years. She received their services over an 18-month period, and she is now making her mortgage payments on schedule and is back on track.

Lastly, Ms. Brammer shared that NHP is now a certified loan packager for the USDA Rural Development’s Section 502 Direct Loan Program out of Hillsboro, Ohio and they are now the loan packager for that program. They had a woman recently that qualified through a bank for a $50,000 mortgage through the USDA Subsidized Program, and she bought a $100,000 home. Her payment is the same, but she bought a home that did not need any renovations so she could just move in. Because of federal budget cuts, their Rural Development office does not have many staff, but they meet those customers every day, so they are packaging and providing that information to someone who is interested in the program. It has been a great partnership and something they could even do in Greene County.

Ms. Brammer shared NHP’s contact information. Neighborhood Housing Partnership is located at 527 E. Home Road, Springfield. The toll-free number is 877-647-9311 and website is www.springfieldnhp.org.

Vice President Smith thought divorce and separation was a leading cause of many people losing their homes, and he asked if this program helps in situations like that. Ms. Brammer said yes. Applicants need to prove that one spouse is out of the home and there was more income together than apart. If the spouse that left never worked, then it may not really be a hardship where you can prove the loss of income. The key is if there was an involuntary loss of income. They help divorced couples every day.

Councilman Louderback commended Ms. Brammer and her organization for the compassion they have for helping people. Greene County has lost General Motors jobs to the west and to the east, DHL jobs, and Xenia just lost 120 jobs at the SuperValu Warehouse. Since he is in the real estate industry, he gets calls from so many people who are discouraged and want to give up. Most of them are too embarrassed to ask for help, but there is nothing wrong with asking for help. Sooner or later this economy is going to turn around. If people need help now, they should contact NHP.

Ms. Brammer agreed NHP is seeing a different demographic in the last year than they ever have from people who have never had to reach out for assistance and do not know how to navigate the process. Councilman Louderback said the biggest thing he sees is the underemployed. General
Motors employees were making $25 an hour, DHL employees were making $20 an hour, and now they have to take a job making $10 an hour. They have to swallow their pride, but as they are swallowing their pride, they cannot make their mortgage payment. There is nothing wrong with seeking temporary help. Ms. Brammer said the assistance is recorded as a mortgage, but as long as they are in the house for five years, every dime is forgiven and they will not have to worry about paying it back either.

**AUDIENCE COMMENTS:** President Engle explained the procedures for audience comments and invited anyone who wished to speak to come forward. No one came forward to speak.

**REPORTS OF COMMITTEES:**

**Board for Recreation, Arts & Cultural Activities:** President Engle said he would ask Councilwoman Mills to give her report at the next meeting since she was unable to attend the meeting tonight.

**Traffic Commission:** Councilman Smith said the August XTC meeting was cancelled due to lack of agenda items. Normally, they meet on the first Monday of every month, but their September meeting date falls on Labor Day so their next meeting is Wednesday, September 4th at 7 p.m.

**Board of Zoning Appeals:** Mayor Bayless said she did not have her report tonight, but she would give it at the next meeting. President Engle said that would be fine.

**ITEMS FROM CITY COUNCIL AND MAYOR:** None.

**REPORTS OF CITY OFFICES:**

**City Manager’s Office:**

**Award of Bid for Road Salt per Southwest Ohio Purchaser’s for Government.**

Mr. Percival said this year they were fortunate to receive a bid from Cargill Inc., which was the low bid this year for $54.78 per ton and reflects a decrease of $8.67 per ton from last year’s low bid price of $63.45 per ton. He respectfully requested that Council award the bid for Road Salt to Cargill Inc. in the amount of $54.78 per ton for the 2013-2014 winter storm season per the Southwest Ohio Purchaser’s for Government (SWOP4G) program.

Motion by Councilman Caupp, seconded by Councilman Long, to award the bid for Road Salt to Cargill Inc. in the amount of $54.78 per ton for the 2013-2014 winter storm season per the Southwest Ohio Purchaser’s for Government (SWOP4G) program. Brief comment followed.

Councilman Caupp noted very little salt was used last year, and he wondered if there was an abundant supply of salt left over for this year. Mr. Percival said there is a bin full of salt, but they did use significantly more salt in 2012 – 2013 due to a number of small snow events.

The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Bayless, and Engle
Nays: None motion carried.
Emergency Ordinance authorizing a utility easement to Dayton Power & Light for the construction of electric service to the Jamestown Connector Tunnel. Mr. Percival said the folks at DP&L were looking to take a different route and could not reach an easement agreement with the private property owners. Mr. Holtvogt sent an email last week asking for the easement to get electric to the tunnel so DP&L could get the project moving forward and it could finally be completed. He respectfully requested that Council pass an emergency ordinance authorizing a utility easement to Dayton Power & Light for the construction of electric service to the new Jamestown Connector Tunnel.

Vice President Smith presented an ORDINANCE AUTHORIZING THE CITY MANAGER TO GRANT AN EASEMENT TO DAYTON POWER & LIGHT FOR THE CONSTRUCTION OF ELECTRIC SERVICE TO THE NEW JAMESTOWN CONNECTOR TUNNEL, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Vice President Smith, seconded by Mayor Bayless, that the rules requiring the reading of an ordinance at two consecutive meetings be dispensed with and this ordinance be placed at once upon its passage. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Bayless, and Engle
Nays: None  motion carried.

Motion by Vice President Smith, seconded by Mayor Bayless, that Ordinance Number 13-41 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Bayless, and Engle
Nays: None  motion carried.

Items for the City Manager: Councilman Louderback said he would like to untable an item that Vice President Smith tabled at the last Council meeting concerning a vote on the GAiN Economic Development contracts.

Motion by Councilman Louderback, seconded by Councilman Long, to remove from the table discussion on the Economic Development Professional Services Agreements with Imagine Nation and Geneva Analytics, LTD, aka Community GAiN. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Bayless, and Engle
Nays: None  motion carried.

Motion by Councilman Caupp, seconded by Councilman Louderback, to waive the requirement to obtain competitive quotes for professional services and authorize the City Manager to enter into a contract with Imagine Nation in an amount not to exceed $14,700.00. Discussion followed.

Councilman Caupp said a few members of Council asked that they take this item back to the Economic Development Advisory Board, which was done this week. The gentlemen from GAiN presented to three members of the Board that were present. Those three members were also present at Council’s work session on the contract, so they were familiar with GAiN. Mr. Brodsky gave a staff presentation to the Board in favor of the contracts and after a lengthy discussion the Board voted unanimously in favor of moving forward with the GAiN proposal.
Councilman Long noted at the conclusion of the last Council meeting, he sent an email to the City Manager about some questions pertaining to the contract, and he wanted to thank Mr. Percival for providing that information to Council at the last Special Session. One question was if they could take the contracts to the Economic Development Advisory Board, so he appreciated those members making time in their schedules to meet on that. His question about this contract has never been about the content of what they plan to do; it is around making sure the internal politics are sorted out and that they all buy into moving forward in this direction. He appreciated the letter from the City Manager and the input from the Development Director and for their time in getting those questions answered.

President Engle said he had a recent conversation with Councilwoman Mills on the margins. Councilwoman Mills is unable to be here tonight, but he promised to carry forward a particular motion to amend a part of this contract that he would offer to his colleagues for consideration. The amendment is under III - **Term and Termination**. Councilwoman Mills had expressed an interest, and he concurred with her, that for a personal services contract that a ninety (90) days termination notice is a bit long. He would like to make the following motion on behalf of himself and Councilwoman Mills.

Motion by President Engle, seconded by Vice President Smith, to amend the Section III - Term and Termination of the Economic Development Professional Services Agreement with Imagine Nation to read, “Xenia may terminate this Agreement at any time by giving Service Provider **thirty (30)** days advance written notice.” Discussion followed.

Vice President Smith asked if the amendment would apply to both contracts. President Engle said yes. Procedurally he would have to make the same motion again since they are separate contracts.

Councilman Caupp said he appreciated Councilwoman Mills’ concern for the ninety (90) day termination clause in the contract. However, since the Law Department and City Staff both concurred that the contract is favorable with the current terms, he would be supporting the contract as written. Staff worked diligently with GAI on the terms of the contract, and he believed staff was comfortable with the current contract.

Mr. Percival said he was also comfortable with the current contract as presented. He could not speak for the Law Director, but he knew that he was very concerned that there was a termination clause included, but he could not speak to the number of days. He knew the Law Director wanted to ensure there was a termination clause included, which was included at his request.

President Engle thanked Mr. Percival for mentioning that. He spoke to the Law Director, and his opinion to Councilwoman Mills and himself was that thirty (30) days advance written notice of termination was more appropriate for a personal services contract.

Councilman Long said he was fine with the termination clause either way. He did not know if it was appropriate and did not want to put the two gentlemen from GAI on the spot, but if they could provide any input as to whether that puts a burden on their contract, he was fine with discussing that and then proceeding with the vote tonight. He knew that GAI was entering into contracts themselves with other people as part of this, so he did not know what arrangements they have.
Councilman Louderback said he was a little bit confused. In his opinion, Council is starting to micromanage now. For the public’s information, Council does not negotiate contracts. They vote on the contracts, but to start going into the interior functions of a contract is micromanagement. Along with Councilman Long, as long as the GAiN people are fine with it, he doesn’t care if the termination clause is for 30, 60, or 90 days.

Vice President Smith said the Xenia Gazette was incorrect when it stated that Councilman Long made the motion to table the discussion on the contracts. He was the one that made that motion, and he will go on record that he is not against economic development and he does not want to be accused of that. What he is against is voting on an $80,000 contract with 10 minutes to read it before a Council meeting. They asked for two weeks to review the contract and to make some minor changes. He noted that Council also tabled the Simon Kenton project; that came back and was approved. He did not see any problem with the contract going through, but he thought thirty (30) days was not a lot to ask when you want to terminate something with a party that you cannot work with. Three months (90 days) is a long time if you do not want to work with somebody. As a business owner, if he had to terminate an employee, he did not know that he would want to work with them for three months. Thirty-days was more acceptable. In the private sector, two weeks is the norm, so he did not think thirty days was asking for a whole lot.

Mayor Bayless clarified the City Manager thought the ninety (90) days termination clause in the contract was acceptable. Mr. Percival said that is standard language the City has used in other contracts, but it does not make a difference to them; they will implement the contract. The critical thing for them is that there is a termination clause in the contract from staff’s perspective in case there were issues that arise that cause them to have to terminate the contract for nonperformance, etc., and that termination language has to be in the contract. It does not make a lot of difference to him if the termination clause is 30, 60, or 90 days. Councilman Louderback clarified 90 days has been past practice. Mr. Percival said 90 days is what they use in many of the City’s construction contracts.

President Engle said a construction contract is different from a personal services contract. Mr. Percival said he did not discuss that with Mr. Lewis; this is something that is more for the Law Director to address than it is for the City Manager.

Mayor Bayless clarified the Law Director was now saying that the contract termination clause should be changed to thirty (30) days. Mr. Percival said he did not know. President Engle said in a conversation between the Law Director, himself, and Councilwoman Mills on the margins of another event, he had proffered to him that thirty (30) days was the preferable option for a personal services contract. Mayor Bayless said she did not feel comfortable choosing 30, 60, or 90 days; she just wants to proceed.

Councilman Caupp said the Law Director was on the record at the last meeting stating that he was totally fine with the contract as written. While speaking with the City Manager, he asked him if anyone from Council had spoken to him this week on the contract, and if there were any issues on anything. He indicated that no one had spoken with him, so he was a little surprised to hear that somebody had an issue with the contract this evening. Since the Law Director stated at the last meeting that he was fine with the contract after he reviewed it, he did not see why they needed to amend the contract at this point.
Mr. Percival noted there was a motion and a second on the floor to amend the contract.

President Engle tried to find Mr. Lewis’s statement from the 07-25-13 minutes since Councilman Caupp stated that Mr. Lewis stated that he had no problem with the contract as to form, which is how he usually signs contracts, which is clearly a legal term. He was unable to find it.

President Engle entertained further discussion on the point. Hearing none, he asked for the Roll Call on the amendment.

The Roll Call on the motion to amend Section III - Term and Termination of the Imagine Nation contract was the following:

Ayes: Smith, Long, and Engle
Abstain: Bayless
Nays: Caupp and Louderback motion carried.

President Engle entertained further discussion on the original motion to approve the contract with Imagine Nation as amended. Hearing none, he asked for the Roll Call.

Ayes: Smith, Caupp, Louderback, Long, Bayless, and Engle
Nays: None motion carried.

Motion by Councilman Caupp, seconded by Councilman Louderback, to waive the requirement to obtain competitive quotes for professional services and authorize the City Manager to enter into a contract with Geneva Analytics, LTD in an amount not to exceed $69,318.00. Discussion followed.

Motion by President Engle, seconded by Vice President Smith, to amend the Section III - Term and Termination of the Economic Development Professional Services Agreement with Geneva Analytics, LTD to read, “Xenia may terminate this Agreement at any time by giving Service Provider thirty (30) days advance written notice”. No discussion followed.

The Roll Call on this was the following:

Ayes: Smith, Long, and Engle
Abstain: Bayless
Nays: Caupp and Louderback motion carried.

President Engle entertained further discussion on the original motion to approve the contract with Geneva Analytics, LTD as amended. Hearing none, he asked for the Roll Call.

Ayes: Smith, Caupp, Louderback, Long, Bayless, and Engle
Nays: None motion carried.

Councilman Louderback said he agreed with Mayor Bayless. He is really happy they are going to move forward with economic development. He thought everyone’s goal on Council is for jobs and economic development in the City. He is looking forward to working with the people from GAiN, but he will be the first to tell anybody they do business with, if they do not produce, they will look at something else. He looks forward to working with GAiN and thinks the City will be better off for this.
President Engle said in closure, he completely agreed with Councilman Louderback that he is pleased they are moving forward. From his point of view, they have done a very good job in working through this particular issue. As they approach Phase II of an economic development contract, he suggested they do a selection process that is more normalized to their usual selection process for contracts of this size, which would include a Request for Proposals (RFP) process, such that they would obtain competitive bids, which makes no positive or negative reference to the people from GAiN. He makes that particular observation purely to provide the City with as much flexibility as possible and to ensure our citizens that they are getting absolutely the best value for their dollars for economic development in the future. Mr. Percival said so noted.

**Finance Director’s Office:**

**Schedule of Bills:** Mr. Bazelak presented payment of bills totaling $437,010.44.

Motion by Councilman Louderback, seconded by Mayor Bayless, to approve payment of bills totaling $437,010.44.

- Page 1, APP Architecture at $16,621.16. Councilman Caupp asked when they could expect an update. Mr. Percival said there is a work session scheduled for the next Council meeting on August 22nd. Councilman Louderback said for the benefit of the public, that is the Simon Kenton evaluation.

The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Bayless, and Engle
Nays: None motion carried.

**Items for the Finance Director:** None.

**Law Director’s Office:**

**Introduction of Ordinances and Resolutions:** None.

**Second Readings of Ordinances and Resolutions:** In the absence of the Law Director, Mr. Percival presented an ORDINANCE AMENDING PART TWO - ADMINISTRATION CODE, TITLE TWELVE: FEES, CHAPTER 298: FEE SCHEDULE OF THE CODIFIED ORDINANCES OF THE CITY OF XENIA, and it was read for a second time.

Motion by Councilman Long, seconded by Councilman Louderback, that Ordinance Number 13-42 be now passed. Brief comment followed. Councilman Long thanked the City Planner and City Manager for working on this ordinance, which will go a long way in simplifying the City’s Fee Schedule in collecting the necessary fees for a lot of Zoning issues.

The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Bayless, and Engle
Nays: None motion carried.

Mr. Percival presented a RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT WITH US BANK FOR THE PURPOSE OF FINANCING A
FIRE RESCUE ENGINE, RADIOS, AND RADIO CONSOLES, and it was read for a second time.

Motion by Vice President Smith, seconded by Councilman Caupp, that Resolution Number 13-T be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Bayless, and Engle
Nays: None  motion carried.

**Items for the Law Director:** None.

**SUMMARY OF ACTION ITEMS: Mr. Percival said he had no updates.**
- A request for a plan from City Staff in regard to the Broker Services Contract to include details of how the contract will be monitored (Requested by President Engle//Assigned to Jim Percival/Jackie Potter)
- Update on Proposed Recreation Venues (Requested by Councilman Louderback//Assigned to Jim Percival)
- A report on the feasibility of a Vacant Building Ordinance – due date to be determined (Requested by Councilman Louderback//Assigned to City Manager’s Office and Law Director)
- Quarterly Updates on Economic Development at Council meetings on 04/11/13, 07/11/13, (completed), 10/10/13, 01/09/14 (Requested by Councilman Louderback//Assigned to Steve Brodsky/Jim Percival)
- Timeline for completion and delivery of cost estimates, renderings, etc., for Simon Kenton Project (Requested by Councilman Long//Assigned to Jim Percival/Chris Berger)

President Engle asked if there were any issues Council would like added to the next Council meeting under “Summary of Actions Items.” There was no response from Council.

**READING OF COMMUNICATIONS AND DISCUSSION:** Councilman Long congratulated his friend, Doug Yates, who was given a proclamation from Mayor Bayless earlier today at the Chamber of Commerce’s ribbon cutting for his 40 years of teaching martial arts in our community. They saw some amazing kids do amazing things with weapons, such as an 8-year old with double nunchucks, which is a scary thing to think about! He contacted Drew Brads’ parents and is hoping that he will be able to come to a Council meeting. Drew Brads is a 13-year old from Xenia who was just in the Dayton Daily News. He won a competition in Las Vegas setting a world record in solving a Rubik's Cube in less than 10 seconds and he set a world record in solving a Pyraminx in 3 seconds. He heard Drew likes to demonstrate his skills, so he is hoping he will be able to come to a Council meeting so they can recognize that young man’s achievements. Drew has been all over the country competing. The Dayton Daily News had a great video on their website, and Drew has his own YouTube channel called XTowncuber where you can see all his videos. He thought Drew had been doing that for just over a year.

Councilman Louderback said he did not want to put anybody on the spot, but he thought today was the deadline for filing for Council and Mayor. President Engle believed the deadline was yesterday. Councilman Louderback asked the reporters in the audience if they knew if anybody filed petitions. The reporter from the Dayton Daily News said four people filed petitions to run for Council. Councilman Louderback asked if anyone filed a petition for Mayor. The reporter said he did not recall, but none of the petitions have been certified, which he thought would happen Tuesday. Councilman Louderback said he was just curious and was going to congratulate...
Mayor Bayless, but he may be a little bit premature. He asked how many seats would be vacant. President Engle said there are two seats on Council, plus the Mayor’s seat. Vice President Smith thought all the “action” would be the Xenia School Board race, because he thought six or seven people were running for that.

Councilman Caupp said he received an email from Stephanie Johnston from Strong Kids Alive who volunteers a lot at Xenia Community Schools. The School District is promoting a “Stuff the Bus” party on Monday, August 12th from 4 to 7 p.m. in the new Central Office parking lot, 819 Colorado Drive (the former McKinley Elementary School building). They will be discussing bus safety and bus schedules will be available for parents. They are asking people to donate school supplies for children who cannot afford them. It is a nice event sponsored by the bussing company that the Xenia Schools contracted with last year. Maybe they can all talk to Ron Geyer from Geyer’s Office Supply and try to get him to take a box or two of school supplies to the event. Mayor Bayless noted the school supplies would be divided among all school buildings.

Mayor Bayless congratulated Judge O’Diam, who was sworn in last week as Greene County’s new Probate Judge. First Fridays was pretty well attended even though there was a little competition with the Greene County Fair. She thanked everyone who was able to come. On Sunday, she went to Shawnee Park to hear the band Retrobution, which was great. You had to be the right age to enjoy the music from the 80’s, and she happened to fit into that group! She attended the ribbon cutting today at the Doug Yates Karate Studio, which was very nice. She really appreciates what Doug Yates has done for our community. She did not think they all realize what a great person Mr. Yates is and how many hundreds of children’s lives he has touched in Xenia. Keep in mind that karate goes beyond the physical part and develops confident and self-assured individuals. She heard many testimonies today from parents about how their very shy children or those lacking confidence changed once they became involved in karate. She attended the Business after Hours hosted by Arnovitz and Associates. It is uplifting to see that our community is on an upward move. She asked Mr. Arnovitz how soon the building would be ready and he said when somebody is ready to move in, they would proceed with getting things ready. While she was at that event, she saw the woman from the Bike Hub who shared some statistics. She knew Councilman Long is a big part of promoting the Bike Hub. On Sunday, August 4th, from 6:30 a.m. through 9:00 p.m., 1,253 people came through the Bike Hub, and yesterday [Wednesday] there were 498 people. This shows that the Bike Hub is a real attraction for our community and she and Council certainly support that. She distributed 25 Beautification Certificates yesterday for the month of July. Although most people were not home, she got to tour some beautiful backyards, which is something they often do not see. Some of them are just outstanding and she told one family they should have weddings in their backyard. When residents are not home, the certificates are mailed with a letter from her letting them know that she came by.

Councilman Louderback asked if he heard the figure right. Did Mayor Bayless say there were 1,253 using the Bike Hub on Sunday? Mayor Bayless said that was correct. Councilman Louderback said he knew it was well attended, but he never realized how much. Many of those people were from out of the area. Mayor Bayless said that is what the woman said. Councilman Louderback thought it would be nice if organizations had an ice cream, fruit or water stand at Xenia Station. He asked if there was a drive-thru window in the back of the building. Mr. Percival said Xenia Station was designed to have a drive-thru window, but he did not know if it was still there. Councilman Louderback thought somebody was missing a great opportunity
to capitalize there. Mayor Bayless said the woman commented how much money our city could
generate if some businesses were open on Sundays.

Councilman Long said what Mayor Bayless shared was part of a countywide study, and the
results should be released soon. The County set up at several locations to track trail usage, and he
is very interested to see the numbers, not just for Xenia, but also for our region as a whole.

Vice President Smith thanked the members of GAiN for being here tonight. He knew that
Councilman Caupp and Councilman Louderback have been really passionate about this project.
He is glad that Council is moving forward with economic development. When they all came on
Council four years ago, it was tough times for the city. They laid off firefighters, police officers,
closed a fire station, and there was no street program. He thought the city is really moving
forward and the economic development contracts are just a piece of the puzzle with moving
forward. As Elected Officials, they are watchdogs for every dollar that is spent and their only
motive is to protect the interests of the city. He attended the Greene County Fair and because of
the nice weather, their attendance increased. He wanted to let people know about a wonderful
program in Xenia called X*ACT (Xenia Area Community Theatre) and they put on productions
all the time. He knew that Councilman Louderback has sponsored some of their performances.
Last week and this week, they had a Children’s Theatre Camp, and there is a performance
tomorrow night, which was moved to Faith Community United Methodist Church due to the
number of kids involved and the number of people in attendance. Alan King and that group from
X*ACT are doing a phenomenal job about getting the word out through a billboard along U.S.
35. If you have not had a chance to attend one of their programs, they do amazing things with the
limited resources they have. Many members of Council performed at X*ACT during The Old
Time Radio Show. He noted there have been a few major events recently, and he appreciates the
job the Police Division does every day to keep our citizens safe. President Engle said he would
add that the Fire Division’s response this afternoon to a significant motor vehicle accident was
excellent, along with our Police Force.

President Engle said he would like to mention a program that he would like an expert to discuss
in the future, but it is called *X-Out Hunger Backpack Cuisine*. There are homeless adults and
children in Xenia and children who come to our schools whose families are struggling to make
ends meet. Through the work of a growing number of people, a federal grant has been awarded
to Xenia that will provide backpacks full of nutritious food to go home with identified children
this year. Those federal funds will cover 100 children in the backpack program for the year. The
group he will ask to speak before Council is seeking to substantially increase the ability of such a
program to meet a much wider need than just 100 children in the Xenia area. He and his wife
think that number may easily be double, if not triple, that. The group has been doing some work
and will continue to organize in the near future to get the program up and running. At some
point, they will be approaching businesses to ask for sponsorships for that program. For $20 a
month, you can send a backpack home every weekend with a child who is in need of food over
the weekend, or a child can be sponsored for as little as $170 a year. He and his wife will be
working in the program and sponsoring a child. He would encourage everyone at the meeting
tonight and those listening to think carefully about the blessings they all have, and if it is
possible, please consider helping *X-Out Hunger Backpack Cuisine*. 
ADJOURNMENT: Motion by Councilman Louderback, seconded by Mayor Bayless, to adjourn the Regular Session at 8:13 p.m. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Bayless, and Engle
Nays: None motion carried.

Michelle D. Johnson, City Clerk
Xenia City Council

Michael D. Engle, President
Xenia City Council
City Council Meeting Minutes  
August 22, 2013  
Regular Session  
7:00 p.m.

The Xenia City Council met in a Regular Session on August 22, 2013, at 7:00 p.m., in the City Council Chambers, City Hall, with the following members present: Wesley Smith, John Caupp, Dale Louderback, Joshua Long, Jeanne Mills, Marsha J. Bayless, and Michael D. Engle.

INVOCATION: Roger Shambaugh, Xenia Christian Men’s Fellowship, gave the invocation after which all joined in the Pledge of Allegiance.

APPROVAL OF MINUTES: Motion by Councilwoman Mills, seconded by Vice President Smith, to approve the August 5, 2013, Special Session minutes as written. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle  
Nays: None  motion carried.

Motion by Councilman Caupp, seconded by Vice President Smith, to approve the August 8, 2013, Special Session minutes as written. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Bayless, and Engle  
Abstain: Mills  
Nays: None  motion carried.

Motion by Councilman Long, seconded by Vice President Smith, to approve the August 8, 2013, Regular Session minutes as written. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Bayless, and Engle  
Abstain: Mills  
Nays: None  motion carried.

SPECIAL PRESENTATIONS: Drew Brads, Rubik’s Cube Extraordinaire. President Engle introduced Drew Brads, who he understood has extraordinary talent with the Rubik’s Cube. He asked Drew to come to the podium, tell a little bit about himself, and to demonstrate his talent. Drew said he got interested in the Rubik’s Cube about three and a half years ago. He picked one up in a store and learned to solve it about a month later. He discovered there is a community of people trying to get faster at it and they time themselves to see how fast they can solve it. There are competitions and many different puzzles you can solve. This summer he had the opportunity to attend the Rubik’s Cube World Championships. His family was already taking a vacation out west and the World Championships were in Las Vegas, so they just made that a stop along the way. At the World Championships, he won the speed solve for the Pyraminx, his favorite puzzle. He likes it because it is a really nice challenge, easier than the standard Rubik’s Cube, and takes more logical thinking as opposed to memorizing many moves. He explained that in a competition contestants have 15 seconds to look at the puzzles before they start. He then
demonstrated his talent by solving the Rubik’s Cube in less than 10 seconds. (Applause followed.) He then entertained questions.

Councilman Long asked Drew what his fastest time was on solving the Pyraminx. Drew said that at the World Championships his best time was 2.61 seconds. The fastest he has ever solved it in a competition is 2.33 seconds. President Engle said he was really envious. He remembered getting a Pyraminx as a child years ago and he never could solve it, so hats off to Drew! That is truly exceptional and he was glad Drew represented the City of Xenia in Las Vegas. Congratulations on your victory!


Councilman Caupp asked Drew if he could mix up the Pyraminx and then give it back to Drew to solve it. Drew said sure. Councilman Caupp took about 30 seconds to mix up the Pyraminx and returned it to Drew, who solved the puzzle in 2 seconds! (Applause followed.)

President Engle asked Drew where he attends school and his age. Drew said he is home schooled and he just turned 14.

Councilman Long asked if Drew would return to the World Championships to defend his title. Drew said that would depend on if he has the money for the trip.

Mayor Bayless asked Drew how old he was when he started doing Rubik’s Cube and Pyraminx puzzles. Drew said he was ten. Councilman Louderback asked Drew if his two younger brothers in the audience could solve the puzzles. Drew said no; they are not very interested in learning the skill.

Councilman Caupp asked Drew if he won cash prizes. Drew said he won $250 in $2.00 bills. Council thanked Drew for demonstrating his amazing talent and the excellent presentation. (Applause followed.)

Xenia High School Band – Zavaan Johnson, Director and Greg Sell, Assistant Marching Band Director. President Engle invited Mr. Johnson and Mr. Sell to come to the podium and address Council. He attended parents’ night on the last day of band camp and watched the band perform, so he decided to invite them to tonight’s meeting. He did not think the Xenia High School Band was exceptionally widely known throughout the community, so he wanted to give them an opportunity to speak about the band, their upcoming schedule of events, and the types of shows they would be performing.

Mr. Johnson said he was in his second year as the Xenia High School (XHS) Band Director. He learned early on that this is not a one-person job, so he is very fortunate to have Greg Sell (a person he has known for a number of years) come on board as the Assistant Marching Band Director. Between them, he thought they kept the band members pretty busy. The program did not begin at XHS. The kids began their band experience in sixth grade under Tammy Savard at Central Middle School who does a wonderful job of giving the kids a good foundation. Students continue their experience in the seventh and eighth grade band at Warner Middle School under
Jeff Taylor, and Mr. Taylor does a great job with the kids there as well. If anyone has attended Warner Middle School’s concerts, they know that he is speaking only the truth when talking about what a great feeder program they have for their high school band program.

Mr. Johnson said there are five bands at Xenia High School, which include the Concert/Symphonic Band that meets during the day; the Pep Band that performs during the basketball season; and the Jazz Band that Mr. Sell directs. The Jazz Band did a great job last year and they are looking forward to them doing the same thing this year. Their current most active band is the Marching Band, which is what President Engle referenced. They just completed two weeks of band camp. The Marching Band will premier for the public at tomorrow night’s football scrimmage when Xenia High School’s football team plays Fairmont High School. The band will not do their complete show, but will do a little teaser during the pre-game and halftime since many activities will be happening during the halftime, such as recognizing some of the athletes citywide. The Marching Band’s real premiere will be the following Friday evening (August 30th) where the band will premiere their first major show at the varsity football game with James Bond themed music. Everyone is invited to see their show that evening.

Mr. Johnson noted there was an article in the Xenia Gazette about the Xenia Alumni Marching Band that will be performing on September 13th. Mr. Bill Schumacher, a former XHS Band Director, has been very instrumental in organizing that group. He urged all XHS Band Alumni to please register for that night online by going to www.xeniaband.org. There is also an Alumni Band Facebook page where they can register. Between those two places, he would like people to register by September 1st so they will know whom to expect. Ray Foster, a former XHS Band Director, will be there to direct. Mr. Ian Polster (XHS Band Director from 1961 to 1966) and John Harner (another former Band Director) will be there to help. The rehearsal for that performance will be the evening of September 12th, and the Xenia Alumni Band and the current Marching Band will perform on September 13th. After participating in the Xenia Community Festival, the band will travel to Jackson, Ohio to participate in a festival there. The Jackson High School Band, which is directed by Mr. Aaron Rex (former XHS Band Director), is sponsoring that festival.

Mr. Johnson noted they would have an active season beginning in September. Then in October, all eighth grade band members will be invited to perform with the XHS Marching Band on October 11th. On Saturday evening, October 19th, the band will be at Kenton Ridge High School to perform in their festival. They will conclude their season with the senior show on November 1st. On November 2nd, the band has once again been invited to perform a halftime presentation at Wittenberg University, which was a popular stop they made last year, and band members are very excited about it. On Thursday evening, November 7th, they will invite the community to attend a special performance where all the bands will perform and they will conclude with a special presentation by the Marching Band who will perform the music they played during the season. On Saturday, November 9th, they will have their annual tag day once again where band members will go out and solicit donations and support from our community.

Councilwoman Mills shared that she was a member of Graham High School’s Marching Band. Many times people do not consider the time, energy, and commitment that band members make. They have ‘two-a-day’ practices just like the football and soccer teams. She is so glad that Xenia
Schools did not make cuts in their band programs because it is very important for those kids to have that opportunity. She thanked Mr. Johnson and Mr. Sell.

AUDIENCE COMMENTS: President Engle explained the procedures for audience comments and invited anyone who wished to speak to come forward. No one came forward to speak.

REPORTS OF COMMITTEES:

Board for Recreation, Arts & Cultural Activities: Councilwoman Mills said BRACA is having a wonderful season. She provided updates on the following:

- **Movies in the Park.** Three great movies were shown this year, they were well attended, and they are looking forward to next year.
- **Beautification Certificates.** It is so nice that Mayor Bayless hand-delivers the Certificates. Anyone is welcome to nominate a house that stands out in the community; the forms are available online. It is important to acknowledge people when they go out of their way to make a difference in their neighborhood.
- **First Fridays/Carriage Rides on Sweetest Day.** BRACA will continue to support First Fridays. There will be a fundraiser for Hometown Christmas at the next First Fridays, which will be carriage rides on Sweetest Day. BRACA will help in any way they can.
- **Hometown Christmas – December 14th from 4 to 8 p.m.** Santa will be coming to town and there will be a variety of great activities downtown. More information is coming soon!
- **Music in the Park.** The last performance will be September 1st, featuring the U.S. Air Force Band of Flight beginning at 7 p.m. They are very excited about that, so please come to the Shawnee Park pavilion to listen to some great music.
- **Tree Committee.** The Tree Committee has been doing many great things and is working to make Xenia a Tree City USA.

Councilwoman Mills said later in the meeting, she will share what Sarah Young is doing. She noted Ms. Young is a BRACA member and senior at Xenia High School.

Vice President Smith thought there was an opening on the Tree Committee. Councilwoman Mills said there is one opening, which is posted on the city’s website. If anyone is interested, they must live within the city limits, and BRACA would love to have their input.

Board of Zoning Appeals. Mayor Bayless said BZA met on July 22nd on two agenda items:

1. **Variance request to allow an already constructed deck around an above-ground swimming pool at 200 Montana Drive that did not meet the required 10’ setback.** The applicant’s former contractors began construction on the above-ground swimming pool and surrounding deck without seeking permits. Although the swimming pool met the required 10’ setback, the deck required a variance of 2’2” from the required south side yard setback requirement, and a variance of 8’ from the rear yard setback requirement. The Board denied the variance, but the City Planner offered suggestions to the new contractor and homeowner on changing the deck design to meet the setback requirements.

2. **Variance request to allow a second ground-mounted sign at 600 Bellbrook Avenue filed by Electronic Image Systems/BARCO.** The need for the variance was discovered when BARCO made a $1.2 million investment last year to add an Administration and Training Center. At the time, they had two entrances and they needed to make sure the Training Center was properly marked. They already had an approved sign directing traffic into their second entrance for employees and visitors. The sign that now says “Demonstration Center” used to say BARCO, and the applicant was granted a permit to place that sign there; however, notes in the 2002 permit files
indicated that the granite sign had to be removed. Staff is not really sure what transpired between 2002 and today as to whether that sign was moved or if was reinstalled at some point, but it was done without a permit, and city staff did not realize it until BARCO applied for a permit to cover it up by placing another sign over it this year. BARCO has an obligation called C-TPAT, which has to do with military security clearances, and they MUST be very careful to get the right people into the right entrances to check ID’s, have them scanned through terrorists databases, etc. BZA approved the variance.

Planning & Zoning Commission: Councilman Long said XPZC met on August 1st, and had one formal item on the agenda:
- **H-1 District Site Plan Review for a Brilliant Smiles building addition at 1289 N. Monroe Street.** Commissioners approved the Site Plan for the addition to accommodate their growing business, and approved major improvements to the landscaping and parking lot. It is actually a beautiful addition.
- **Zoning Text Amendments Work Session.** City Planner Brian Forschner discussed the comprehensive rewrite of the City’s Zoning with an eye toward streamlining, updating, and looking for opportunities to improve standards. After Commissioners discuss the amendments and make recommendations, they will be presented to Council for formal adoption. The changes pertain to amendments that will help with enforcement or possible changes in verbiage. The public may want to pay attention to the changes to the trailer parking ordinances and the downtown sign ordinances. He will share details of those discussions following the public hearing on those matters.

Mayors & Managers: Mr. Percival said there was no meeting in August; the next meeting is in September.

Miami Valley Regional Planning Commission: Councilman Louderback said MVRPC had a short meeting on August 1st. They adopted the 2014-2017 Transportation Improvement Program (TIP). They had a Going Places update by Mr. Harner because Martin Kim was on vacation. They discussed several policy changes, which he will report on in the future.

**ITEMS FROM CITY COUNCIL AND MAYOR:** Vice President Smith asked Mr. Percival when street improvements would begin. Mr. Percival said work on the catch basins is underway, and per City Engineer Chris Berger, they would start milling the streets in about two weeks.

Vice President Smith noted Council voted to approve the city’s share of the bike path improvement and he wondered when that would happen. Mr. Percival said he did not know. That program is being run through MVRPC and Greene County, but he could check with them to find out.

Vice President Smith said people have asked him when Beggar’s Night was scheduled in Xenia. Mr. Percival said Beggar’s Night would be on Halloween night, Thursday, October 31st. He noted the information is posted on the city’s website and Facebook page.

**REPORTS OF CITY OFFICES:**

City Manager’s Office:

**Award of Bid for Replacement of Water Treatment Plant Roofing.** Mr. Percival said five companies submitted bids for replacing four of the five roof sections at the Water Treatment
Plant Facility. The low bid was from Tecta America Zero Co. in an amount of $59,775. He respectfully requested that Council award the bid for the replacement of four sections of the Water Treatment Plant roofing to Tecta America Zero Co. and authorize him to sign a contract in a not-to-exceed amount of $59,775. He noted one section of the roof was replaced when they replaced the generator a few years ago.

Motion by Councilman Caupp, seconded by Mayor Bayless, to award the bid for the replacement of the Water Treatment Plant roofing to Tecta America Zero Co. and authorize the City Manager to sign a contract in a not-to-exceed amount of $59,775.00. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

Emergency Ordinance for Additional Appropriations for FY2013. Mr. Percival noted the appropriations are in the 250 and 270 Funds, which are for the Dispatch Center and Police Operations. The approaching consolidation of Bellbrook and Sugarcreek 911 centers into the Xenia 911 Center (additional staff will be added), and the switch to the MARCS Trunking radio system requires remodeling the current center and replacement of the hardware, furnishings, and equipment. In order to accomplish this project, additional appropriations are required as follows:

<table>
<thead>
<tr>
<th>Account #</th>
<th>Budget</th>
<th>Additional Amount Requested</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>250-1226-54251</td>
<td>$20,000</td>
<td>$15,000</td>
<td>Computer monitors, video cards for five positions.</td>
</tr>
<tr>
<td>250-1226-55304</td>
<td>$0</td>
<td>$65,000</td>
<td>Upgrade of the Zetron 911 phone system and adding a fifth full 911 console.</td>
</tr>
<tr>
<td>270-1222-54505</td>
<td>$3,700</td>
<td>$24,000</td>
<td>Refurbish flooring, Sound deadening Wall panels, dispatch chairs</td>
</tr>
<tr>
<td>270-122-55252</td>
<td>$0</td>
<td>$50,000</td>
<td>Remodel Construction, Build Temporary Center in Conference Room, Move Fire Panel.</td>
</tr>
<tr>
<td>270-1222-55304</td>
<td>$0</td>
<td>$110,000</td>
<td>Radio Console Furniture</td>
</tr>
<tr>
<td>270-1222-51000</td>
<td>$1,137,135</td>
<td>$77,376</td>
<td>Add four dispatch positions for the consolidation with Bellbrook and Sugarcreek</td>
</tr>
</tbody>
</table>

Mr. Percival respectfully requested that Council adopt an emergency Ordinance approving the requested supplemental appropriations.

Councilwoman Mills presented an ORDINANCE AMENDING ORDINANCE 12-53 TO MAKE ADJUSTMENTS IN APPROPRIATIONS FOR CURRENT EXPENDITURES OF THE CITY OF XENIA, OHIO DURING THE FISCAL YEAR ENDING DECEMBER 31, 2013, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Councilwoman Mills, seconded by Councilman Louderback, that the rules requiring the reading of an ordinance at two consecutive meetings be dispensed with and this ordinance be placed at once upon its passage. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.
Motion by Councilwoman Mills, seconded by Councilman Louderback, that Ordinance Number 13-43 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

Emergency Ordinance waiving competitive bidding and authorizing the City Manager to execute two purchase orders for Zetron 911 phone system upgrade/replacement and moving the EDACS consoles. Mr. Percival said in order to consolidate the Bellbrook and Sugarcreek 911 centers into the Xenia 911 Center, it requires the expansion and remodel of the current center. In order to accomplish this, it is necessary to set up a temporary center in the police conference room so dispatchers can continue to work during the construction. This requires the relocation of both the EDACS radio console system and ancillary equipment and the Zetron 911 phone system. They will also be adding an additional 911 answering position and upgrading the Zetron 911 software. The previous agenda item was the appropriation of funds for these items. He noted Chief Person was present to answer questions.

Mr. Percival respectfully requested that Council pass an emergency Ordinance to waive competitive bidding and authorize him to execute two purchase orders with WS Electronics for (1) Zetron 911 System upgrade in the amount of $62,078.75 and (2) for the relocation of the EDACS Radio consoles and other equipment in an amount not to exceed $32,000.00.

Councilman Louderback presented an ORDINANCE AUTHORIZING THE CITY MANAGER TO ISSUE PURCHASE ORDERS WITHOUT FORMAL COMPETITIVE BIDDING WITH WS ELECTRONICS LLC, FOR THE PURPOSE OF (1) UPGRADING SOFTWARE AND HARDWARE TO ADD AN ADDITIONAL 911 ANSWERING POSITION TO THE ZETRON 911 PHONE SYSTEM AND (2) TRANSITIONING THE COMMUNICATIONS CENTER FROM ITS CURRENT SPACE TO A TEMPORARY LOCATION SO THAT THE CURRENT SPACE CAN BE REMODELED AND ENLARGED, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Councilman Louderback, seconded by Vice President Smith, that the rules requiring the reading of an ordinance at two consecutive meetings be dispensed with and this ordinance be placed at once upon its passage. Discussion followed.

Councilman Caupp asked if WS Electronics would install the new equipment. Chief Person said no. The current EDACS 800 MHz system they operate is located in the Dispatch Center. They need to temporarily move that back to the conference room to set up a temporary center while they are remodeling the current Communications Center. Since that is Mike’s (Michael Wolf, WS Electronics owner) equipment and he installed it, it did not make sense to have somebody else who is not familiar with it to move it, which is why he asked for WS Electronics to be a sole source vendor. In terms of EDACS radio console system, this will conclude the use of WS Electronics’ equipment, but they will still have Mike do the Zetron 911 phone system and some other Zetron system from here on out. While they are operating on their current 800 MHz system, they will rebuild the new center, move in the MARCS equipment, and get it set up to do training. When they move staff back, they will be on the new system in the new Communications Center, which will then be P & R Communications and Ohio MARCS. Councilman Caupp said that clarified it. He was just wondering if WS Electronics was going to install the new Motorola equipment. Chief Person said no; P & R Communications would install the Motorola equipment.
Mayor Bayless clarified the conference room would be used temporarily as the Communications Center. Chief Person said that was correct. They will lose their conference space, so they will use the Council Chambers and the City Manager’s conference room. It is the conference room off his office, so they will have to make some accommodations for that Emergency Operations Center (EOC). Construction will begin September 2nd, and they intend to go live with the new system on November 19th, so it is just a couple months that they will be without a conference room.

Councilman Louderback asked if there was any special equipment in the EOC room. Chief Person said it is mainly a conference room now, so it has tables, chairs, and cabinets. Councilman Louderback thought the conference room was used as an EOC headquarters during an emergency. Chief Person said that was correct, but they have the ability to go across the street to Greene County’s EOC, which they have discussed with them if something comes up. Mr. Percival said Fire Station No. 1 is also set up with all the EOC equipment for redundancy.

Councilman Caupp said he understood that the city has to get the new equipment. However, since they do not know what they are doing at Simon Kenton, what would happen if they decide to move the Communications Center out of City Hall to Simon Kenton? He did not think installation of the new equipment could be delayed. Chief Person said that was correct. In terms of the console furniture, the MARCS radio consoles and all the equipment that is going into the Communications Center could physically be moved to Simon Kenton if they made that decision. There is nothing going in there that cannot be reused. The room will be upgraded so it could become a network operating center for City Hall if that is what is decided. Even though they are spending money to refurbish the Communications Center, that is something they would want to do as part of the refurbishment of City Hall too, so it works either way.

The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

Motion by Councilman Louderback, seconded by Vice President Smith, that Ordinance Number 13-44 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

**Items for the City Manager:** None.

**Finance Director’s Office:**

**Emergency Resolution Authorizing the Certification of Assessments to the County Auditor.** Mr. Bazalak respectfully requested that Council pass an emergency Resolution certifying assessments to the County Auditor for both unpaid utility bills and weed mowing invoices. The City will certify the following amounts, which are in-line with last year’s amounts:

- Weeds............................................................... $25,969.00
- Utility Bills ...................................................... $37,765.06
Councilwoman Mills presented a RESOLUTION PROVIDING FOR ASSESSMENTS TO BE LEVIED AND AUTHORIZING THE FINANCE DIRECTOR TO CERTIFY THOSE ASSESSMENTS TO THE COUNTY AUDITOR, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Councilwoman Mills, seconded by Councilman Long, that the rules requiring the reading of a resolution at two consecutive meetings be dispensed with and this resolution be placed at once upon its passage. Discussion followed.

Mayor Bayless noted the Resolution is being passed as an emergency to meet the September 9th deadline for assessing properties. Mr. Bazelak said that was correct, and there are three weeks between Council meetings.

To clarify to those watching the meeting at home, Councilman Long said when people have unpaid utility bills or the city has to pay a contractor to mow someone’s grass and the property owner fails to pay those invoices, the city assesses the property taxes to recover those fees. Mr. Bazelak said that was correct.

The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

Motion by Councilwoman Mills, seconded by Councilman Long, that Resolution Number 13-U be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

Schedule of Bills: Mr. Bazelak presented payment of bills totaling $1,217,278.25 and noted there were two major expenditures. One is a grant related item for the work being done at Athletes in Action, and the second item is the fire pumper. As Council will recall, they approved the financing for the fire pumper at the last meeting.

Motion by Councilman Louderback, seconded by Mayor Bayless, to approve payment of bills totaling $1,217,278.25. Discussion followed.

Councilman Long said that since the city is making the payment on the fire pumper, he wondered when they would take possession of it. Mr. Percival said the pumper came in and they sent it back out for detailing. He estimated the pumper would be in service within the next week to ten days. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

Items for the Finance Director: None.

Law Director’s Office:

Introduction of Ordinances and Resolutions: None.
Second Readings of Ordinances and Resolutions: None.

Items for the Law Director: None.

SUMMARY OF ACTION ITEMS: Mr. Percival said he had no updates.
- A request for a plan from City Staff in regard to the Broker Services Contract to include details of how the contract will be monitored (Requested by President Engle//Assigned to Jim Percival/Jackie Potter)
- Update on Proposed Recreation Venues (Requested by Councilman Louderback//Assigned to Jim Percival)
- A report on the feasibility of a Vacant Building Ordinance – due date to be determined (Requested by Councilman Louderback//Assigned to City Manager’s Office and Law Director)
- Quarterly Updates on Economic Development at Council meetings on 04/11/13, 07/11/13 [completed], 10/10/13, 01/09/14) (Requested by Councilman Louderback//Assigned to Steve Brodsky/Jim Percival)
- Timeline for completion and delivery of cost estimates, renderings, etc., for Simon Kenton Project (Requested by Councilman Long//Assigned to Jim Percival/Chris Berger)

President Engle asked if there were any issues Council would like added to the next Council meeting under “Summary of Actions Items.” There was no response from Council.

READING OF COMMUNICATIONS AND DISCUSSION: Councilwoman Mills said they live in a great community. School has started, the kids are getting back into the swing of things, and football and soccer seasons are beginning. There are so many great things happening that there is no reason for people to say there is nothing to do in Xenia. Sarah Young, the Student Representative on BRACA, worked last year on trying to get a Spirit Rock placed in front of Xenia High School. At a recent BRACA meeting, Ms. Young commented about her struggles with trying to find a rock, so she mentioned that the City’s Public Service Department could probably help her out. Within a week’s time, Ms. Young worked with Public Service Staff and the XHS Principal to get a Spirit Rock (the size of a Volkswagen) installed at Xenia High School, which is painted for the class of 2014 in Xenia blue. She thanked City Staff, XHS Principal Ted Holop, and everyone who worked very hard to get the Spirit Rock, which all the students are very excited about.

Councilman Louderback noted in Sunday’s Dayton Daily News, there was an article about the US Youth Soccer Midwest Regional Tournament in 2014 in Beavercreek. The tournament brings in $7.5 million to the region, 12,000 visitors, 3,500 soccer players, and 212 teams. As a city, Xenia needs to be thinking ahead on how they can capitalize on that and how to get the word out. Restaurants in Xenia are closer to those tournament soccer fields than the Fairfield Mall area.

Councilman Louderback said there is not a week that goes by that he does not get questions (mainly from senior citizens) about having a downtown grocery store. He was recently on a trip to Alabama, and Dollar General is now getting into the grocery business and has standalone groceries. There is a Dollar General right next door to the former Fulmer’s grocery store. He thought this might be a Steve Brodsky assignment, but someone should contact Dollar General to see if they might be interested in putting a grocery store there, which would be a great fix.
Mr. Percival said he spoke to a representative from Dollar General two years ago about that concept. They need 12,000 sq. ft. (6,000 sq. ft. for groceries and 6,000 sq. ft. for general merchandise). Councilman Louderback asked how many square feet are in the former Fulmer’s building. Mr. Percival said it has 27,000 sq. ft, which is much too big for Dollar General, but there are other options that they have approached them about. Councilman Louderback said he noticed that K-Mart expanded some of their groceries, but it is not like a grocery store. They need a downtown grocery, in his opinion.

In regard to Councilman Louderback’s comment about thinking ahead, President Engle thought a few meetings ago that AIA acknowledged they had put their name in the ring for a softball tournament. Mr. Percival said it was for the NCCAA [National Christian College Athletics Association] National Championships, but he has not heard if AIA was selected. The City of Xenia sent a letter of support for AIA and encouraged the county to participate because those are National Championships. With AIA’s facilities being so good, he could see that happening. President Engle said hats off to AIA again for doing that and he thanked Councilman Louderback for bringing that up. If more organizations like AIA would jump out, who knows what could transpire. Councilman Louderback said soccer moms like to shop, everybody likes to eat, and they need a place to stay, so why not Xenia, which is why he thought they need to better promote things like that. President Engle thought that was an excellent idea.

Councilman Long reminded everyone that the Xenia Community Festival is quickly approaching on September 20th and 21st. If groups are interested in participating in the parade, they need to get their applications in soon since there are only a few spots left in the parade or to have a booth at the Festival. Application information can be obtained from the Xenia Area Chamber of Commerce’s website at www.xacc.com. He, several members of the community, and city staff have been working since the beginning of the year to bring Frisbee/disc golf to Xenia. Thanks to the generosity of the Xenia Rotary (of which Mr. Lewis is a member) a $5,000 donation was made, which is half of the $10,000 needed to install that course. The City of Xenia will be issuing a press release in a few days to officially announce that. Above the $5,000, Xenia Rotary also committed an additional $2,000 if the Committee can raise the remaining $3,000. They will be working hard on a fundraising event to get some hole sponsorships to raise $3,000 over the next few months so they can make that goal a reality. The plan is to locate the Frisbee/disc golf at Sol Arnovitz Park. They have already spoken with the Arnovitz family who are very supportive of the idea. He cannot thank the Xenia Rotary enough for their generosity with their funds and contributions to our community as a whole.

Councilman Caupp congratulated Bob Coy who celebrated his 40th year of working for the City on July 30th. Mr. Coy started as a Police Officer and is now the Xenia Municipal Court Bailiff.

Mayor Bayless congratulated Hospitality Home. She presented a Proclamation in celebration of their 50-year anniversary. She attended a ladies’ tea hosted by the Central State University President. The President welcomed all freshmen ladies and those ladies who were new to the university. Testimonials were given by the upperclassmen, and group discussions took place at the tables. She served as a facilitator at her table. It was an excellent event with many good ideas generated. The young men had a similar program taking place simultaneously in a different spot. She attended the Ribbon Cutting at Live Gracefully Dance Studio on August 20th. The studio is located at 1228 N. Monroe Drive, Suite A
across from Greene Memorial Hospital. Darcy Guy is the owner and operator. Ms. Guy shared a very encouraging story of how she always dreamed of having her own dance studio. It is really nice for young girls to hear those kinds of testimonials as motivation to make their dreams come true as well.

Vice President Smith said he just noticed the improvements made at Cox/Veterans Stadium, which makes our community look much better, so hats off to the people who got that going. Councilman Caupp said the funds for those improvements have been there for quite a while, and Coach DeLong really pushed to have those improvements done this year. Mr. Lewis added that Bob Geyer chaired that Committee and put a lot of time into that project. Vice President Smith said Friday night would be “Meet the Teams” night at the stadium. Councilman Caupp said all the sports teams would be introduced, including youth sports. Vice President Smith congratulated BRACA and the Chair, Councilwoman Mills, for all the Music in the Park concerts this summer and the many hours she puts into BRACA activities. As Councilman Long mentioned, please mark your calendars for the Community Festival on September 20th and 21st.

President Engle said Xenia Community Schools opened today, and since the days will be getting darker earlier, please be aware of children as they come and go from the bus stops, crossing streets, etc. as they head to school. He attended all Music in the Park concerts this year, and they were truly exceptional. He was pleased to have the Air Force Band of Flight close out the season on September 1st because they are always exceptional. Hopefully, they will have some good weather, so please join everyone at the Shawnee Park pavilion to listen to some excellent music to round out the summer season in Xenia.

**ADJOURNMENT:** Motion by Councilman Louderback, seconded by Councilman Long, to adjourn the Regular Session at 7:47 p.m. No discussion followed. The Roll on this was the following:

**Ayes:** Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle

**Nays:** None

**motion carried.**
City Council Meeting Minutes
September 9, 2013
Special Session
5:00 p.m.

The Xenia City Council met in a Special Session on September 9, 2013, at 5:00 p.m., in the City Council Chambers, City Hall, with the following members present: Wesley Smith, John Caupp, Dale Louderback, Joshua Long, Jeanne Mills, Marsha J. Bayless, and Michael D. Engle.

Motion by Councilman Caupp, seconded by Councilman Louderback, to adjourn to Executive Session at 5:01 p.m. to discuss the purchase or sale of property. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

Council reconvened the Special Session at 5:46 p.m. with the same members present.

Simon Kenton/City Hall Project. City Engineer/Public Service Director Chris Berger said over the last few weeks, staff is proud to have provided Council with a lot of information about this project. The facility assessments for both City Hall and Simon Kenton were done first, in addition to the needs assessment for space, which were completed by APP Architecture and their subcontractor, KLH Engineering. Before they get into the financing aspect, he invited Rick Willis and Todd Gindelberger from APP Architecture and Jack Putman from KLH Engineering to give Council an overview summary of the facility assessment and the space needs assessment and answer any questions they may have. He invited them to address Council.

SIMON KENTON: Mr. Gindelberger said they appreciated the opportunity and trust the city has placed in their firm to help Council make its decision. He then proceeded with the presentation. Their first step was to go into the facility, look at everything they could readily see, look above the ceiling, etc. The general findings are as follows:

- From a structural standpoint, the facility’s physical structure was reasonably weather-tight (they did not see any notable leaks) and found it to be structurally sound in its current condition. With the current Building Code they might need to do a little bit of reinforcing, but for the most part, it is a good, sound building.
- Aesthetically, there are some things they would want to address, but with some of their programming exercises, the 40,000 sq. ft. building as it sits appeared to be plenty large enough for the space needs they were looking at, as well as future growth, and maybe even for some future community space.
- Some code upgrades might be needed because they are changing a use group and doing a significant renovation—one of which may include installation of a sprinkler system. If the building were built today for the proposed use, it would be too large with assembly and business uses, so they would have to sprinkler it to allow for it to stay that large, or they would subdivide it, which would give them the ability to not have to rate corridors. There are no rated corridors in the building now; everything stops a bit above the ceiling or just short of the structure system.
- As they went around the outside of the building, they looked at the masonry in general. It looked to be in pretty decent condition, but there were a few routine maintenance items that need to be done. It was notable that most of the caulking in the building would need to be redone.
- The windows are at the end of their life and probably should have been replaced a while back.
• Most of the exterior walls do not have much insulation in them from what they could readily see and glean from the drawings, so they would want to address that with any renovated spaces.
• The roof has some life left in it, and they can do it now during the renovation or later since it is something that could easily be done with the building occupied.
• The exterior metal panels around the building would obviously need to be addressed. One of the best solutions would be to replace them or cover them with another material. There has been a notable amount of weathering on the west side of the building. With any upgrades to the facility to change it from a 1970’s school to a more up-to-date facility, they need to address those.

**Mechanical Systems:**

• Mr. Gindelberger said the mechanical systems are all currently in functional condition, but many are nearing the end of their functional life span and maybe a little beyond, but they have been fairly well maintained in a workable condition.
• They discussed replacing the boilers with some newer, high-efficiency boilers for energy efficiency. Mr. Putman said the systems are working today, but everything is 38 years old, and he could not say if it would work for another ten years or quit working tomorrow. They would not want to put a lot of money in it today and then have to replace something next year.
• Mr. Gindelberger said they would be upgrading some interior mechanical systems, thus they will have to modify the controls within the building. Mr. Putman said the current system is pneumatics that uses compressed air, which is antiquated for today and does not give you the advantage to really control the building as efficiently as you probably could if you went with electronic controls. It wastes energy the way it operates now. Further, even though it is working today, it is 38-years old and would be hard to replace later in an occupied building.
• Mr. Gindelberger said they would look at replacing VAV terminals that are located in any new spaces, which are like individual units that serve smaller groups of spaces that feed off of that, because it is good practice to do that.

**Electrical:**

• Mr. Gindelberger said some of the switchboards are at the end of their life span; however, they are in functional condition. It would just be a matter of shutting down to replace them later, but if they are going to be rewiring into those panels it may be something they should consider at this point. Mr. Putman said the bigger issue with switchgears/ electrical components of that nature that are 38-years old is if a breaker or switch went bad, they do not know the availability of those parts. It is like everything else when you look at things that old.

**Fire Protection:**

• Mr. Gindelberger said they would be subdividing the space into many more smaller spaces, so they would need to upgrade the fire alarm as well.

**Plumbing:**

• Mr. Gindelberger said other than some small routine maintenance items, such as ADA compliance and handicap accessible restrooms that they would be addressing with the renovations anyway, there was not a whole lot there. They added this cost to the renovation side because it is not something they would do if they were leaving the building empty.
• Mr. Putman noted there is a 300- to 500-gallon hot water storage tank in there, which is nice to have when many people are taking showers, but it has not been used in years even when it was a school, which is an upgrade they would like to make at this point.

**Structural Needs:**

• Mr. Gindelberger said they looked at the existing drawings and did structural calculations. If the building were constructed today, the outside walls would probably not meet some wind loading
requirements. They could do tests to see if the walls met those requirements. However, if they are adding some insulation to the outside walls anyway, they could add furring strips to the inside face of the wall, which would give them the reinforcement they need to stiffen the walls a bit. This way, they would address the insulation need and solve the structural issue.

- A few bar joists might benefit from some additional reinforcing for some snow loading off the top of the gym, but that is an incidental cost by comparison to some of the other needs.

Asbestos Containing Materials for both facilities:

- Mr. Gindelberger said the only significant thing they saw was the glue that holds down the floor tile in the gym and a few adjacent spaces (a classroom with some 12” x 12” tiles). The company that did the asbestos evaluation provided a quote of $25,000 to do the abatement. He noted the asbestos found was not free-floating asbestos one would find in pipe insulation, etc. There were a few other small areas that contained asbestos, such as insulation underneath a sink bowl and caulk joints around louvers, but the contractor doing the work could remove those as part of the construction project with little effort.

With the upgrades, Mr. Gindelberger said they looked at getting the facility to the point where they had a good shell of a building to start with for renovation [minimum condition]. As they went through those costs, including the roof replacement, they came up with roughly $1 million to get the building to the minimum condition. The city would get a good, solid building to begin renovations with, that is in reasonable condition and has reasonable longevity for the future.

Mr. Gindelberger said this concluded their review of the building. He then entertained questions.

Councilman Louderback referenced the summary sheet below. He asked if the total renovations were estimated to cost $5,353,200. Mr. Gindelberger said that was correct, which included the $1 million to get the building to the minimum condition. Once you have the building in minimum condition, it would be another $4.5 million for 24,300 sq. ft. of new space renovation, which is about what they thought they need after going through their programming exercises. That included the departments currently on the main floor of City Hall, Council Chambers, and bringing over a few additional departments from a customer service perspective that are currently located in other facilities. Councilman Louderback did not think that cost included a new roof. Mr. Gindelberger said the cost included the new roof.*

A Statement of Probable Construction Costs for City Hall staff to Simon Kenton

Base Building Updates
Architectural (*includes $300,000 for roof) .......................................................... $475,000
Mechanical ........................................................................................................... $240,000
Electrical ........................................................................................................... $167,500
Plumbing ............................................................................................................. $18,000
Fire Protection (system throughout and new water service) ....................... $135,000
Structural ............................................................................................................. $18,000
Asbestos Containing ....................................................................................... $25,000

Base Building Upgrade Subtotal ................................................................. $1,078,500

Square Foot Cost = 40,000 s.f. Total .................................................. $27
Building Improvements

Interior Renovations for City Hall Spaces..... 24,300 ............... $80 ............ $1,944,000
Community Center Renovation (Gym)........ 4,000 ................ $40 ............... $160,000
Unassigned Space Upgrades....................... 11,700 ............... $20 ............... $234,000
Entry Additions................................................. 1,000 ............... $200 .............. $200,000
Building Exterior Upgrades ............................ 20,000 ............... $15 ............... $300,000
IT Upgrades (numbers provided by City) ............... 1 ............... $300,000 .......... $300,000
Site Upgrades (numbers provided by City) ............ 1 ............... $250,000 ........ $250,000
Furnishings (numbers provided by City) ................ 1 ............... $400,000 .......... $400,000

Building Improvements Subtotal ...............................................................$3,788,000

Square Foot Cost = 40,000 s.f. Total ......................... $95

Subtotal: ................................................................... $4,866,500
Design Contingency 10%: ........................................... $486,700
Total: ......................................................................... $5,353,200
Square Foot Cost = 40,000 s.f. ........................................... $134

Note: Statement of Probable cost does not reflect permits and Architectural/Engineering fees.

Councilman Louderback clarified the construction costs were just for Simon Kenton. Mr. Gindelberger said that was correct. Councilman Louderback said if he understood it right, it would cost $1.595 million to renovate City Hall. Mr. Gindelberger said that was correct. Councilman Louderback asked what the total cost would be to renovate both buildings. Mr. Gindelberger said the total is estimated at $6.8 to $6.9 million. Councilman Louderback stated once you get into rehabbing, you always encounter more expensive repairs, and he asked if that was included in these costs. Mr. Gindelberger said they included a 10 percent contingency for unforeseen items (as noted above ‘Design Contingency 10% - $486,700). They did not open up walls to see what was in them, but for the most part, at Simon Kenton they could see most items they thought they would encounter.

Councilman Louderback clarified the estimate was $7 million. Mr. Gindelberger said that was their estimate at this point. Councilman Louderback said it could be more. Mr. Gindelberger said it could be more or a little less.

Councilman Caupp said he had questions about the mechanicals shown on the summary sheets. Councilwoman Mills asked where those summary sheets were located in Council’s packets. Councilman Caupp said it was a separate email from Mr. Berger with seven attachments. Councilwoman Mills did not think those were printed. Mr. Berger said he would be glad to make a copy of the summary sheets. Councilwoman Mills thought it would be nice to have them.

Referencing the mechanicals, Councilman Caupp said he was a little confused because APP said the Simon Kenton building could get them by at a certain point, or they could replace the mechanicals. Do all those numbers [shown in the summary sheet] get everything up to where they need to be, or are they totally redoing all the mechanicals? Mr. Gindelberger said the Executive Summary shows all the items they recommended the city consider doing to bring the building up to a good condition. Councilman Caupp said he was confused because Mr. Gindelberger and Mr. Putman were kind of seesawing back and forth. He asked if the recommendation was for a completely new HVAC system or was it getting it up to what they think would get us by.
Mr. Putman said the figure included new boilers, pumps, controls, and VAV boxes. Mr. Gindelberger said that is two-thirds to three-quarters of the system. The outside chillers are in reasonably good condition. Mr. Putman said air-handling units (the large units that blow the air out in the space) would remain.

Councilman Caupp asked if the cost was to replace all electrical. Mr. Gindelberger said the cost includes replacing the main switchgear in the mechanical room and a handful of panel boards.

Councilman Caupp said he read through the summary and wanted to make sure he was clear on if it was replacement or if it was getting them to where they get by. Mr. Gindelberger said it would get the city a good facility. Mr. Putman agreed.

Mr. Putman said when they interviewed for the project they asked at what level the city wanted the end product to be. They were told they wanted to do it right and did not want to spend millions of dollars and a year later come back and tell the public they have to replace the boilers. Councilman Caupp noted he was already on record for calling the Simon Kenton project the “money pit.” Mr. Gindelberger said they did not want it to be a long, drawn out project by replacing one component at a time, because then it would certainly take on that persona. Mr. Putman agreed.

Councilman Louderback asked how many boilers it would take to heat Simon Kenton. Mr. Putman said there are two boilers there now, but with today’s technology with high efficiency boilers, they would probably use three smaller boilers. He would like each boiler to give them one-third of the capacity of the total requirement. If one boiler goes out, there would be two-thirds left. Unless they have a very long stretch of bad weather, they could probably get by with two boilers, but when you have just two boilers and one goes out, it is a little bit tougher.

Councilman Louderback asked if city staff had done a utilities study on probable costs for utilities for 41,000 sq. ft. versus the 20,000 sq. ft. building they currently have. Half of the 41,000 sq. ft. building would be vacant. Mr. Merriman said when the issue was first brought to the city, they did an analysis to look at potential operating costs of an additional facility, and the gas and electric costs were included in the operating cost estimate they provided to Council. To determine those numbers, they looked at the school’s historic utility usage and factored that into Mr. Bazelak’s assumptions in regard to additional operating expenses. Of course, that cost was based on the facility’s historic usage and does not factor in any energy efficient changes or additions.

Mr. Bazelak said the estimate for the additional operating costs was $145,000. Additional savings could be realized if the Probation Department moves into City Hall and rental payments for storage areas are eliminated. Councilman Louderback asked if Mr. Bazelak was saying it would cost an additional $145,000 for utilities at Simon Kenton. Mr. Bazelak said yes, on the operating side. Mr. Percival said that is based on the total upgrade. Mr. Bazelak reiterated there could be some savings associated with moving the Probation Department to City Hall.

Mayor Bayless said she read in the report that there were no fiber optics, but there was some wiring in a closet that could be used, so she wondered how that would be resolved. Mr. Berger said in the summary, the bottom three number estimates include IT upgrades, which includes fiber optic accessibility for that facility.

Councilman Long clarified they were not talking about fiber optics inside the building; rather, they were talking about connecting the fiber optics to the city’s network. Mr. Berger and
Mr. Bazelak said that was correct. Councilman Long said currently the fiber optics connect Fire Station 1, City Hall, and one or two other facilities. Mr. Berger said that was correct.

**Interior Renovations for City Hall Spaces at 24,300 sq. ft.:**
- Mr. Gindelberger noted they came up with 24,300 sq. ft., which is a little larger than they were originally thinking, but they added some departments.
- They also looked at some efficiencies of bringing over some other departments that might be better suited to be located at Simon Kenton than scattered about.

**Community Center Renovation (Gym) at 4,000 sq. ft.:**
- Mr. Gindelberger said they also looked at using part of the building as community space, such as turning the gymnasium into a community room. This would be a smaller cost factor since they would be refinishing the space and not reconstructing it.

**Unassigned Space Upgrades at 11,700 sq. ft.:**
- Mr. Gindelberger said 11,700 sq. ft. would be the vacant space that Council was just asking about. There are still a few upgrades that need to be done in this space in regard to reinforcing the exterior walls, adding insulation, and temporary lighting. Otherwise, they would do minimal demo and upgrades and then leave it as vacant shell space.

Councilman Louderback asked if Mr. Gindelberger was referring to the classrooms when he spoke of the vacant space. Mr. Gindelberger said yes. He did not know if they would leave the carpet or remove it, but it would just be a matter of how much is still there and its condition. For the most part, they would strip it down to where they needed to be to get that wall reinforcing in. Most of the walls in those classrooms are demountable partitions, so it would not take much effort to remove them. It is just a matter of how open the city wants the building or if they want to leave some partitions in place to create some divided space in case they want to turn something into a temporary small storage space.
Entry Additions at 1,000 sq. ft.:

- Mr. Gindelberger said from the standpoint of trying to upgrade the facility for a city image as opposed to an old elementary school, they looked at possibly adding a few entry vestibules slightly higher than the rest of the building to update those entrances and make them friendlier. Referencing one of the site drawings (see above), they thought if they oriented the building more toward the side as opposed to toward W. Second Street that might offer them an opportunity to get more parking in the front of the facility and upgrade the elevation a bit. They could get two good strong entry points (one for City Hall and a separate entrance for a community center if there was one), and they could also zone the building off. Most of the city public service oriented kinds of departments, such as the Income Tax and Utility Billing and the Zoning and Development Department offices that have more public traffic, could be kept more up toward the new entryway. The entrances are identified by two yellow squares on the site plan above. They added the cost of $200 a sq. ft. for roughly 1,000 sq. ft. of space.

Building Exterior Upgrades at 20,000 sq. ft.:

- Mr. Gindelberger said this item was under consideration but is primarily the metal banding around the outside of the building, and maybe even some treatment around the windows to give them a different feel. He noted the windows replacements were included in the Base Building Upgrade summary.

Mr. Gindelberger said the above-described improvements were estimated at $3,788,000, which added to the Base Building Updates estimated at $1,078,500, totals roughly $5 million. Adding in the 10% Design Contingency of $486,700, brings them to the final estimate of $5,353,200. Generally with assessments, they are looking for the negatives on the building (things that need to be upgraded), but they also saw a lot of positives at Simon Kenton. It looks to be a good, solid building for the function identified or for something else.

Mayor Bayless thought she read that APP architects were not sure which walls were load-bearing walls. Mr. Gindelberger said that statement referred to City Hall. They generally know which walls are load-bearing, but they have to dig a little deeper because there are some load-bearing walls running down the middle of the facility that they do not know if they are load-bearing for the full length or for sections. They do not have a lot of good drawings on the 1938 portion of City Hall, so they will be digging a little bit deeper. Some of the programmatic things they have been looking at indicate that some of the spaces in City Hall might be able to be reutilized more in their existing shape (a little less renovation on one side of the wall and a little more on the other side where it is a little more forgiving).

Councilman Long asked what service departments were proposed to be located at Simon Kenton. Mr. Berger said they are planning to move the first floor offices at City Hall (all the Finance Department functions), the City Manager’s Office (which includes Human Resources), and Council Chambers. From the Service Center, they included the Engineering, Planning, and Development Departments.

Mr. Berger said when they were going through the needs assessment, there was lots of internal discussion about the necessity for the Planning and Zoning Department to be at Simon Kenton since people are always coming in to see Mr. Forschner and Mr. Ziegler to get a permit. From a customer-service standpoint, they are trying to avoid making people come to the Service Center and then go to City Hall or vice versa, which aggravates people, so they thought of the “one stop shop” concept. Mr. Forschner was absolutely right when he stated that he relied on the
Engineering Department, and he relies on the Planning and Zoning Department, so they had a lot of discussion on that. The Planning and Engineering Departments work a lot together on a routine basis. To answer Councilman Long’s question, it was a “one stop shop” type of thing so internally and logistically they could provide the best customer service. How much in theory his day would be at City Hall versus the Service Center (since he is also the Service Center Director) is still up for discussion down the road, but they have not figured that out yet.

Councilman Long asked how they would use the vacated square footage at the Service Center. Mr. Berger said they have not gone into depth with that although they have had that discussion as well. If in theory the Planning and Development Departments were gone tomorrow, he thinks it would make more sense to bring the Maintenance Supervisor and Superintendent back on the side where his office is located. They would have some of those available offices on the other side of the building once they get everything located on one side of the building from a logistical standpoint. Admittedly, they have not thought that far ahead.

Mr. Gindelberger said the Human Resources Department talked about using Service Center space for training rooms that they currently rent offsite. If they looked at a community component to this plan now or in the future, they could double up that space as those community training spaces. He thought they were renting two or three offsite storage facilities that could easily be brought in, which would save the city some rentals costs. Mr. Berger thought not having to pay for storage space was a good point.

Councilman Louderback asked what the city’s next step would be if Council decides to move forward. Would it be a Request for Qualifications to determine who would do the work?

Mr. Berger said after the presentation tonight, Council would need to take a few days to digest all the information before the next Council meeting on Thursday in order to give staff some direction. The next step would be to allow APP Architecture to proceed and start with the design and develop the construction plans for the project. Mr. Percival noted APP already gave them a price in the original RFQ, but based on how the contract was awarded, they stopped them short of doing the actual design. They are executing phases of the contract so Council can make decisions at certain points. The next step would be to tell APP to start the design phase.

(Councilwoman Mills left the meeting.)

Mr. Gindelberger said in each phase, they would continue to do estimates as well and will come back after each step and provide updates.

Councilman Louderback asked how much money had been spent to date with APP Architecture. Mr. Berger said when Council approves the Schedule of Bills this Thursday, they will be at about $37,500. If APP Architecture executed all components of the contract, Councilman Louderback asked if the total cost would be $255,000. Mr. Gindelberger said there would also be some exterior upgrade costs that were not part of the original scope of the project. Mr. Berger noted in May, Council approved the contract with APP Architecture, which was the $255,000 to which Councilman Louderback referred. At that time, staff promised to break the project up and come back to Council with jumping off points, and they consider this to be the first jumping off point. Councilman Louderback noted he voted against that motion, but the majority of Council approved it.
Councilman Louderback asked the Finance Director how the city would finance the Simon Kenton project. Mr. Bazelak said the project would be financed through a bond issue and paid for through our Capital Improvement Fund and water, sewer, and sanitation funds, depending on what Council decided to do.

Councilman Louderback said he would like to defer to the Law Director. He would like to put this on the ballot and let the citizens decide. If it were partly a bond issue, he asked if it could be a ballot issue. Mr. Lewis said they could put a bond on the ballot. Mr. Bazelak said generally they put a bond issue on the ballot if citizens are being asked to pay for it with new money. What they are talking about here is using the income tax dollars that are already being generated with the recent income tax increase. Councilman Louderback said he did not want to see a new tax.

Councilman Louderback noted it is no secret that he has been against this project since day one. He appreciated APP Architecture’s time, but he is still against it. They could do a lot with $7 million. Following a survey, citizens indicated how they would like the city to spend their money in the future. The three top priorities were:

1. Condition of streets. $7 million would pave a lot of streets.
2. Downtown revitalization. His opinion is if they move city offices from downtown, it will be disastrous for downtown businesses. There are fewer city employees now than they have had for a long time. Our employees shop in our city and eat in our restaurants for breakfast and lunch. He noted the school system wanted to do the “Under One Roof” concept and move the YMCA, XARSC, and the library from downtown to a facility on US 42. There was an outcry from citizens and it got killed on the ballot. He would love to see the citizens have an opportunity to vote on this project, but he has talked to the citizens because he has 25,000 bosses that elected him to Council, and the vast majority of them do not want to see this project happen. He hopes the rest of Council has been talking to the citizens. Citizens do not want to see our downtown offices move. He thought some members of Council would like to see a new police station built, but he does not want to see one dime of the taxpayers’ money spent, which includes not building a new police station.
3. Bowling alley and a movie theatre. How about some tax abatements, some incentives, and some land leases to get a bowling alley and a movie theatre in our city?

Councilman Louderback said he strongly disagrees with staff’s recommendation and thought it would be the worst mistake they have made since the 1974 tornado (he was not on Council then).

Councilman Long said the vast majority of people he talked to were open minded, so he did not agree that the ‘vast majority of citizens were against the project’. He has a decision to make and they have more to get into since they still have the City Hall presentation to hear tonight. He was not making any decision tonight, but he would like the architects to discuss the City Hall portion.

Councilman Caupp asked what it would cost to demolish Simon Kenton. Mr. Gindelberger said they did not look at that particular cost. Mr. Percival said the estimate was $350,000, which was the amount the School District had determined. Mr. Bazelak said they used $300,000 in their calculations. Mr. Berger said they used the estimate of $300,000 for cost comparison purposes in all the scenarios the Finance Director presented.

President Engle entertained further questions before they move on. None were presented.

**CITY HALL:** Mr. Gindelberger said when looking at City Hall, they did the same assessment process for it. General findings are as follows:
The building is structurally sound; however, they have to bring the building up to what is considered essential facility standards, which means reinforcing some structural components of the building on all floors and not just the floor occupied by the Police Division. There are two ways to do that. They could reinforce the walls with another wall to the interior, which would help with additional insulation if they wanted to add that. On the second floor where they are not doing a lot of renovation, they could reinforce the columns and any horizontal reinforcing above the ceiling. They could also do a combination of both based on what is most efficient for the space, which would strengthen the building. From a seismic standpoint, hurricane force winds, or a tornado where the building takes a direct hit, the improvements would give them a building where they know the Dispatch Center and the bulk of the essential life safety services would remain intact during and after an emergency. These standards generally apply to police stations, fire stations, and hospitals. City Hall is more of an office building and they could reopen fairly quickly somewhere else in an emergency situation if necessary.

Due to the location of some load-bearing walls and some of the stairways that would be very difficult to move, they are limited on what kind of layouts they could do at City Hall. However, they went back in with some of the programming from the Police Division, and they believe there are spaces in generally the right location that could be repurposed in place by moving one door or one wall of a room and the bulk of the space would remain the same, which would minimize the overall renovations.

They looked at the asbestos in the building and there was a little bit of glue used to hold up some drywall above the ceiling downstairs, which was very minimal. They might encounter things like that as they tear away things, but it is something the contractors could remove themselves and would not require an abatement contractor.

The reinforcing would be a little disruptive since they would be in every space, so they would want to try to minimize that in spaces that are currently occupied as much as possible. They included a budget of $150,000 just for that one item, and any kind of rework of finishes would be part of their architectural number (cost is included in a different line item).

Mr. Gindelberger noted in the Executive Summary under the Renovations’ structural note, they talked about base building recommendations and reinforcing exterior walls as the first item, but reinforcing of the bar joists and the roof slopes was inadvertently included when copying the template over from the Simon Kenton report and should be deleted.

Mechanical/Electrical Systems: Mr. Gindelberger said they recommend replacing the boilers in City Hall, but there are two air handlers that he asked Mr. Putman to discuss.

- Mr. Putman said as he looked at the mechanical systems, he could not put a date on the boilers. Mr. Percival said the boilers were installed in 1990. Mr. Putman said the 30-year old air-handling units and everything is really crammed together in the basement. If a significant event happened to one of those air-handling units, he did not know how they would replace it without almost knocking everything else out down there; it is really crammed in there. He thinks if a big portion of the building is down during a period of time, they should take the opportunity to replace the air handling equipment and maybe even try to find better locations for them so they are more accessible and easier to maintain. One thing they do not have to do at City Hall is replace the controls because the city just spent good money on replacing them all. A lot of the ductwork and control terminals could be reused. His main concern is the main central equipment, which is why he added that cost.

- Mr. Gindelberger said the other line item under electrical included some seismic upgrades that need to be done. He thought there were some agreements with the Building Inspector when the emergency generator was installed that there would be some additional redundancies built into the system at some point. This would be the time to address that, because even getting approval might not allow them to move forward without making some of those upgrades. Because of the
essential facilities component, they want to make sure that even the power systems are in working order if they have an event.

**Plumbing:**
- Most of the plumbing issues deal with ADA compliance in regard to some restrooms, which they would deal with during the renovation where feasible. Otherwise, the building was in reasonable condition and could be used for the proposed use if they can address the seismic issues.

Mr. Gindelberger said programmatically, they were looking at continuing to use the bulk of the basement area and two-thirds to three-quarters of the first floor for the Police Division expansion. They were also looking at potentially bringing over the Probation Department from their satellite facility and putting that on the first floor as well, which would get that department into the same building as Municipal Court. With those changes, the renovation has grown from 8,000 or 9,000 sq. ft. to 12,000 sq. ft. The Dispatch Center would already be expanded as part of an on-going project that is under a separate contract.

Mr. Gindelberger said the base building upgrades, of which 90 percent were seismic related, would cost $486,000. Renovations for building improvements, IT upgrades, and site upgrades around the immediate area of City Hall would cost around $960,000 more, bringing the total project cost to $1.595 million.

**A Statement of Probable Construction Costs for City Hall Renovation**

**Base Building Updates**
- Architectural ........................................................ $25,000
- Mechanical .......................................................... $205,000
- Electrical (inc. $100,000 allowance for seismic upgrades TBD) .................$106,000
- Plumbing (part of renovation costs) ........................................ $0
- Fire Protection (part of renovation costs) ...................................... $0
- Structural ...................................................................... $150,000
- Asbestos Containing (part of renovation if encountered) ................. $0

**Base Building Upgrade Subtotal** .................................................. $486,000

**Building Improvements**
- Fully Renovated Spaces (inc. demo) .......... 5,500 ................ $70 ............... $385,000
- Moderately Renovated Spaces .................. 4,600 .............. $40 ............... $184,000
- Finishes Only (not including Dispatch Areas) .... 3,200 .............. $25 ................. $80,000
- Site/Civil (numbers provided by City) ........... 1 ............... $40,000 ............. $40,000
- IT Upgrades (numbers provided by City) .......... 1 ............... $100,000 .......... $100,000
- Furnishings (numbers provided by City) ........... 1 ............... $175,000 .......... $175,000

**Building Improvements Subtotal** .................................................. $964,000

**Subtotal** .................................................. $1,450,000

- Design Contingency 10% ............................................. $145,000

**Total** .................................................. $1,595,000

*Note:* Statement of Probable cost does not reflect permits and Architectural/Engineering fees.

Councilman Caupp noted it would take $1.595 million to make City Hall an essential facility for a police station. Council agreed that City Hall needs some updating and remodeling. He asked...
what the costs would be if they decide to leave City Hall as strictly an Administrative building. Mr. Gindelberger clarified that Councilman Caupp was asking what it would cost to renovate the first two floors for Administrative offices. Councilman Caupp said they could expand Administrative offices into the basement. Depending on how many existing walls they retained, Mr. Gindelberger estimated it would cost $70 to $80 a sq. ft. Councilman Caupp did not think they would be moving a lot of walls.

Mr. Merriman said the problem is that under almost any scenario, the Communications Center would remain in this building, and therefore, this building would still need to be identified as an essential operation. Councilman Caupp noted the Communications Center is in this building now and everything was okay. Mr. Merriman said they would still have to do major upgrades to City Hall. Councilman Caupp asked what the difference was between major upgrades versus remodeling. Mr. Merriman deferred to the architects.

Mr. Gindelberger said because they are coming in and touching two-thirds of the building for various renovations, he thought they would tip that scale enough that they would be into an essential facility category. Councilman Caupp said if they are not moving walls and keeping City Hall for Administrative offices, what tips that scale? There is a Police Station and Dispatch Center in City Hall right now.

Chief Person said the item that tipped the scale has already occurred, which was when they replaced the generator, which put the County Building Inspector on notice that they were not up to grade. At that time, the Building Inspector told them that once that decision was made about what the city was going to do with Simon Kenton, if either the Police Division or Communications Center remained at City Hall, he would require the Police Division or the 911 Dispatch to do certain upgrades. The Inspector knows the Police Division and Dispatch Center are here, so there are certain things they will have to do. Whether they have to do the seismic upgrades or just the electric upgrades, they are going to have to do some of it no matter what.

Mr. Percival suggested that the electrical upgrades are necessary anyway, as are the air-handlers.

Councilman Long noted on the debt service side, one of the options was the “Do Nothing” option. Mr. Berger said that was correct. Councilman Long asked what the “Do Nothing” option includes – what did staff plan to do to City Hall in that option?

Mr. Berger said Mr. Bazelak ran that scenario, and the Construction Cost Estimate was $1,338,500 as a “Do Nothing” alternative, which primarily included upgrading the HVAC, electric, and IT issues. Mr. Bazelak said the base building update costs were estimated at the range of $500,000, and they included another $125,000. If they do not do the Simon Kenton option, they discussed combining the Utility Billing and Income Tax Offices so they included those costs. They are looking at $625,000 in renovation costs, which they are calling the base cost to get City Hall into some level of compliance. They are calling it a “Do Nothing” option [which really means “do nothing with Simon Kenton”] but there are costs to achieve compliance.

Councilman Long said they were basically at $1.5 million if they accommodate the Police Station and move the Administrative offices out, but even if everything stays they are at $1.338 million. Councilman Caupp thought Mr. Bazelak just stated the “No Nothing” alternative cost was $625,000 to do the renovations.
Mr. Bazelak said that was right, but the $1.338 million includes a number of costs, such as IT upgrades (issues in the computer room), site upgrades, a contingency, and the engineering design. They tried to come up with an “all in” cost on every scenario, which drives up the costs and is the reason they are looking at a $7 million project at Simon Kenton. They wanted Council to be aware of all the costs associated with any scenario. When looking at those debt service numbers, it includes the contingencies, renovation costs, base building improvements, but it also includes site upgrades. Generally, APP Architecture does not look at IT upgrades; however, staff talked to the IT Manager to get an idea of what those costs would be. In summary, the debt service numbers include everything—the engineering costs (which already includes the full cost for APP Architecture and potential change orders), what would need to be done at each facility [base building improvements], contingencies, IT upgrades, the furnishings cost, site upgrades, and the bond issuance costs. All those costs add up, which is why they show that $7 million figure when looking at renovating both City Hall and Simon Kenton.

Mr. Bazelak noted he looked at some of those other options that Councilman Caupp mentioned. In those estimates, the only thing that has been through what he would say is a true construction cost estimate is the option for Simon Kenton with the city’s Administrative Office moving and the Police Division expanding at City Hall. He explored the space needs analysis based on what APP came up with through their meetings with staff, and looked at the city services office expanding at City Hall, and the Police Division, Municipal Court, and Law Department moving to the Simon Kenton facility. To come up with that estimate, he had to come up with just a formula figure. If that is the decision that Council makes, APP would have to do a change order to their contract to do a true construction cost estimate. For that other example, he used 17,000 sq. ft. that they would renovate for city offices at City Hall because they already have the Dispatch Center and some of the other offices may remain here. He also looked at expanding the Council Chambers here, and at a potential scenario where they would move some of the city offices into the lobby that the Municipal Court uses now to see if that was a possibility. The square footage to do that option seemed to match up; however, APP has not taken a look at that scenario to determine if it is doable. He was really just looking to get an idea on the costs, and even though that option is only about $60,000 more, it becomes a little more expensive when you cannot spread the costs out and use water, sewer, and sanitation funds. Again, that is all predicated on really rough estimates, which makes it difficult to compare apples to apples in an effort to give Council some idea of costs for all scenarios.

Councilman Long noted APP’s estimates were based off the square footage recommendations. Mr. Gindelberger said that was correct, because that is the best way to do it at this stage.

Councilman Long agreed the total dollar figure is large, but when they look at this from city operations, they have to look at our debt service and what they will have to pay each year going forward. They know what the Simon Kenton project would cost. One of the options on that list of debt services was to renovate Simon Kenton for only the Police Division. Do they just toss that option out completely at this point? Mr. Percival said they discussed making Simon Kenton more of a safety building for the Police Division and Municipal Court.

Mr. Bazelak asked if Councilman Long was referring to the second debt service option in the amount of $390,000. Councilman Long said yes. Mr. Bazelak said Councilman Caupp asked what it would cost to build a new police facility. He talked to the Police Chief and they arrived at 16,000 sq. ft. for a new police facility at the Whiteman Street lot or at Simon Kenton. He assumed the
Police Chief would prefer Simon Kenton due to the nature of the space. There is an option to do the 16,000 sq. ft. at the higher per square footage cost of $189 per sq. ft. that the Public Service Director discussed because it would be an essential facility, and to minimally expand at City Hall. If only the Police Division moves out, they might move the Probation Department here. Some minor adjustments would need to be made at City Hall, but they would not be addressing any of the space needs that were developed for city administrative offices. They would be dealing with only the needs of the Police Division, which is something that Council needs to address. It also does not address any of the community space needs if Council believes community space is an important feature, which is why they could use the 40,000 sq. ft. at Simon Kenton. The majority of that debt service would be spent from the General Capital Improvement Fund, because they would be unable to use any water, sewer, and sanitation operating dollars.

Councilman Caupp said at $7 million, what portion would be paid from the sewer/water/sanitation funds. Mr. Bazelak said it was about 50/50 split overall—50% from General Capital Improvement Fund and 50% from water/sewer/sanitation funds. Councilman Caupp said if they could cut that cost in half, they are still talking about the same amount of money coming out of the General Capital Improvement Fund. Mr. Bazelak said it is a little higher. When looking at operating and capital, the difference between those two options is about $116,000 a year more in General Cap and Key Operating to do the police only option. Mr. Berger agreed. Mr. Bazelak said when looking at the Key Operating Funds costs and if you look at the Simon Kenton project and moving the city offices, they are looking at about $357,000 in the General Capital Improvement Fund and Key Operating Fund costs. When they look at Whiteman Street or Simon Kenton for police only and doing minor upgrades to City Hall, they are looking at about $473,000 in General Cap and Key Operating dollars. Although the overall debt service is lower for the police only option, the difference is the ability to use water/sewer/sanitation funds for the administrative offices option at Simon Kenton.

Councilman Louderback thought the city would eventually need a fire station in the west end of town, and he assumed Fire Station 2 would move to the west end. He asked what the square footage was at Fire Station 2. Mr. Berger said he did not know off hand, but he could certainly look that up. Mr. Percival said they would move Fire Station 2 further west, but he did not know the square footage. Councilman Louderback asked if anyone discussed a combination Police and Fire Division facility in the west end. Mr. Berger said he did not want to answer for Mr. Bazelak, but it would be a Key Operating Fund issue. Mr. Bazelak agreed that would be the same kind of concept.

Chief Person said that combination would cost over $7 million. Councilman Louderback asked why. Chief Person said because if they bring in the Fire Division, the square footage needed would increase from 16,000 sq. ft. to 32,000 sq. ft., it would still have to be an essential facility, and the prices for doing both at the same time would probably be higher than what they are looking at now, especially with the need for big bays for the engines. If they are going to build a new facility, it should include a new administrative facility also. The advantage of combining the Police and Fire Divisions is that they could share training facilities, so there is some synergy in terms of sharing common space, and they have discussed that over the years.

Councilman Caupp said if a new Police Division was built, they could build it with the anticipation of expanding out on one side so they could have the Police Division on one side, the Administrative Offices in the middle, and the Fire Division on the other end.
President Engle noted if they did that, the Simon Kenton building would have to be demolished, which would eliminate the critical community space option. Mr. Percival thought Mr. Bazelak did a good job of outlining that and what Council feels is the relative value of that community space area. President Engle said he wanted to make sure they were all tossing around a variety of options.

Councilman Caupp noted the Nazarene Church has a community center right by Simon Kenton. He has attended some meetings there, and half the time they are the only ones in the entire building. The church will let anybody use that building. Councilman Long said there a lot of limitations on the usage. Councilman Caupp said there would be limitations on a city-owned building for community use. Councilman Long said he uses that space, and they have to be out by 3 p.m. on Saturdays because the church leases it to another church on Sunday and they start moving that church in on Saturday. They would not have those limitations with a city-owned community space. The church that leases the building might not be there long-term. Councilman Caupp assumed the church that is leasing that building now would only be there temporarily until they can raise the funds to build or find a home for their church.

Mr. Lewis said if the YMCA decided to do something, that would make the community space a lot less necessary, but that is a big “if”.

Mayor Bayless asked if there were any other communities that do joint ventures between the city and YMCA. Mr. Percival said yes. Mayor Bayless asked if that included the Police doing a joint venture with YMCA. Mr. Percival said he had never seen that, but West Carrollton, Huber Heights, and Kettering did a joint city/YMCA venture, and Englewood was a joint city/YMCA/Sinclair Community College venture.

Councilman Long asked how many of those operations required passage of a levy to fund them. Mr. Percival said Huber Heights did their project with TIF dollars. Englewood did it with cash after the Clutch family gave them $3 million. He believed that West Carrollton did have a bond issue, but West Carrollton citizens get a 20% or 30% discount on YMCA fees.

Vice President Smith noted he and his wife watch a television show called “Love it or list it” or shows where people flip houses. All those people go into a building, assess it, and decide if the building is structurally sound or it has ‘good bones.’ They expect to spend some money, but when they are done, they have a wonderful project. He has faith that the numbers that were presented for the Simon Kenton project will hold up, and he would have been surprised if the numbers were a lot less. From his business experience, it costs money to have nicer things. He does not purchase the cheapest camera to produce a nice product. He has to spend more money to get something better, so the figures do not surprise him. If they just painted the building, they would not be doing justice to the community. He feels the Simon Kenton location serves a large portion of our population that lives in that area, which is why Arrowood and McKinley Elementary Schools and Warner Middle School are located there. Due to the dense population of residents in that section of town, he thought it served a great purpose to have offices located there. The numbers do not surprise him and our staff has worked out a way to pay for this project.

Councilman Long said one thing that led them down this path with Simon Kenton was the initial partnership with the Xenia Community Schools to take over that property for the Police Division, which led to the study they have had for a few years now. There was an initial dollar figure of how much they thought it would cost to convert Simon Kenton into a Police Division
and still use it for community space. Councilman Caupp thought the figure was $3.4 million. Chief Person said the figure was $3.2 million. Mr. Berger said that was correct. Councilman Long said they were talking in ballpark figures of it costing $750,000 to renovate City Hall, which led into the figure of $4 million to $5 million, and now they are toward the upper end of $5 million for the Simon Kenton renovations and $1.5 million to renovate City Hall.

Councilman Long said he needed time to think about this because he was not sure if they were back to exploring the Police Division option [at Simon Kenton]. The public may not understand that they need to focus on the debt service too and whether they can afford to pay that debt year to year. Further, the Police and Fire Funds do not have a lot of excess in them.

Councilman Caupp said he still stood firm that the true need and what generated all of this conversation from day one was the need for a police station. Anyone who has been downstairs will not argue that they need a police station. Anybody that has been through a new Police Station would see the things they need to really function nowadays that our Police Division does not have. If 14,847 sq. ft. was rounded up to 16,000 sq. ft., at $189 a sq. ft. they would be at $3,024,000 for a brand new building that is energy efficient and everything would be new and ready to go for years of use. It would cost $300,000 to demolish the building. To upgrade City Hall, they are at $625,000 for Administrative upgrades to City Hall. APP’s cost estimates without architecture total over $7 million in renovations for Simon Kenton and City Hall. They could build a new 16,000 sq. ft. police station, bulldoze Simon Kenton, and renovate City Hall and he was only at $3,949,000, which is $3.2 million cheaper than the option of doing both those buildings the way it is being presented to Council. To him, it is a no brainer to renovate City Hall to keep the Administrative offices here, bulldoze that money pit out there, and build a new 20,000 sq. ft. building and still keep the debt service somewhere where they can afford it, and meet their true needs. Unless somebody can present the numbers differently, his scenario would save the City over $3 million.

Councilman Louderback said his scenario would save the city $7 million. He thinks they should keep things exactly as they are. They have operated this way for years and there is no reason why they cannot continue this way. The taxpayers are paying for this.

Councilman Caupp said he did not disagree with Councilman Louderback, and they have operated this way for many years, but as times change, they need to be realistic. They need a police station and nobody can argue with that. Councilman Louderback said he would argue with that, because he did not think they needed a police station.

Councilman Long said he and Councilman Caupp, and possibly others, have had the privilege of riding along with the police officers to see how they operated in that square footage. He would not put his employees in there long term and was not sure how Chief Person has put up with it for so long. No matter which way they decide to go, there is a need for a police station. Councilman Louderback asked if a police officer is in an office or out on the street. President Engle said both. Councilman Louderback said the majority of our police officers are in their cars and do not have an office downstairs. The Captains and Police Chief have offices.

Mr. Berger asked if anyone had any more questions for the men from APP Architecture or KLH Engineering before they leave. President Engle entertained questions from Council. Councilman Long said no, but noted he spent hours going through the tons of information, which he
appreciated it. Mr. Gindelberger said they appreciated the opportunity to speak at the meeting and hopefully the information will help Council make a decision.

President Engle entertained further questions from Council.

Councilman Caupp said he does not support the plan the way it is today. His position has not changed from when they started talking about this months ago, and especially now after getting the real numbers of over $7 million when the figures were originally $3.4 million. He understood the issue with General Capital Improvement Funds vs. Water/Sewer/Sanitation Funds. If they can afford $7 million, and staff is trying to tell them they can afford it, and they cut that number in half (using all General Funds since it is a Police Division thing) and the funding was a 50/50 split, it really should not change the amount paid for from the General Fund that much.

Mr. Bazelak said some of that $116,000 figure would be operating and some of it would be the debt service portion. They would be spending a little more in the General Capital Improvement Fund. Councilman Caupp thought the overall operating funds would decrease once City Hall is renovated, plus the overall operating funds projected for Simon Kenton would drop, because they are going from 40,000 sq. ft. to 16,000 sq. ft., plus it is brand new highly efficient building.

Mr. Percival thought the operating costs would come down, but again Council needs to decide on the community space. The previous discussion entailed using the gymnasium for community space for elementary school basketball, etc., so they took it in a different direction. Councilman Caupp said community space is not an issue for him – he was not concerned about that.

Vice President Smith said it was an issue for BRACA. If Music in the Park is cancelled due to inclement weather, they do not have a place to have a concert. They rely on a church to serve as a backup for that and other events, and the City is not independent. The community space with this plan is needed.

Councilman Long thought the only disagreement Councilman Caupp had was in regard to building a new building versus using the existing space. He believed the numbers were at a point where he would like to explore the option again more closely about moving the Police Division being at Simon Kenton and the possibility of moving Fire Station 2 there in the future. If they renovate a portion of the building for the Police Division, then they would have community space they were mostly going to leave as it is now with a few improvements. He believes the community space is extremely important and that land is very valuable to the city. Outside of this meeting, he will meet with city staff that put together this recommendation and try to get some questions answered one on one. He will probably spend some time with the Police Chief to discuss how ideal it is to renovate the basement.

Mayor Bayless said the $7.2 million cost bothered her and it was too much for her at this point. She was to the point where she would rather see the Police Division move and just deal with that. If it is feasible to renovate Simon Kenton, she would support whatever the lowest cost would be, but she cannot support the $7.2 million option.

Vice President Smith said he was open to options.

President Engle said it seemed the conversation was strategically turning to what they are planning for in the city. According to space needs, the options they heard from Councilman Caupp, in
consultation with our police force, address near-term and perhaps mid-term needs. Whereas, demolishing Simon Kenton and going to a new facility addresses their current need. What he wishes to continue to explore, as Councilman Long stated, is thinking this was an opportunity for the city to not just address their current needs but to also vision for the future. Even if they do not know what they will do with that space, maybe they should preserve it for future investment. He loathed just taking down a building to put up a new one when the old one is generally larger and more expansive and can be repurposed. He was leaning towards options that would preserve Simon Kenton for future potential for the city and can be made available for our citizens to use. He will be looking forward to having some conversations with city staff and the Police Division, perhaps in concert with Councilman Long, before he can be fully vested in a final opinion.

**ADJOURNMENT:** Motion by Councilman Long, seconded by Mayor Bayless, to adjourn the Special Session at 7:08 p.m. No discussion followed. The Roll on this was the following:

Ayes:  Smith, Louderback, Long, Mills, Bayless, and Engle
Nays:  None motion carried.

Michelle D. Johnson                 Michael D. Engle, President
City Clerk                             Xenia City Council
The Xenia City Council met in a Regular Session on September 12, 2013, at 7:00 p.m., in the City Council Chambers, City Hall, with the following members present: John Caupp, Dale Louderback, Joshua Long, Jeanne Mills, Marsha J. Bayless, and Michael D. Engle.

Wesley Smith was absent.

**INVOCATION:** JoAnn Tarver, Greater Grace Church, Springfield, gave the invocation after which all joined in the Pledge of Allegiance.

Motion by Mayor Bayless, seconded by Councilwoman Mills, to excuse Vice President Smith from the meeting. No discussion followed. The Roll on this was the following:

Ayes: Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

**APPROVAL OF MINUTES:** Motion by Councilman Louderback, seconded by Councilman Long, to approve the August 22, 2013, Regular Session minutes as written. No discussion followed. The Roll on this was the following:

Ayes: Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

**SPECIAL PRESENTATION:** X-Out Hunger Backpack Cuisine. Councilwoman Mills said she appreciated being given the time to speak about something that is very important to our community. Recently a group of them got together and started a committee for the X-Out Hunger Backpack Cuisine. They want to help stop childhood hunger in the Xenia community. Every day 57 percent of Xenia Elementary School children receive reduced or free lunches. What do those children eat on the weekends? Some of them have very little and some of them have nothing. X-Out Hunger wants to make a difference one student at a time. The students who are identified as being at risk are children who ask for more food, steal food, or hoard food in their pockets or anywhere else they can store it to take home. Those same children are the ones who eat off other children’s plates even if they have already eaten the same portion of food.

Xenia Community Schools receive assistance from the federal government through a grant that is currently in place to supply less than 20 students at each of the five elementary schools with food to take home on the weekends. Each school has identified a need to supply at least 30 to 40 more students with food. They are launching X-Out Hunger to respond to the needs of those children. Those children are hungry, and they want to change that one student at a time. Most Monday mornings a few students come to the high school clinic and ask for peanut butter and crackers because they are hungry. They did not come Tuesday through Friday—only on Mondays. On Tuesday through Friday, they are able to eat lunch, and for some, even breakfast. It was only after the weekends that those children showed up. A few small elementary children were given their weekend food, and shortly after receiving it, they went outside to enjoy a picnic-type lunch with the food they just received. A teacher asked them why they were eating the food at that
moment and told them they should take it home. Their response was that their older brothers and sisters were hungry too and if they did not eat it now, they would not get any.

What can you do to help feed Xenia Community School children?

- Make a monetary donation/sponsor a child each month. A monthly commitment of $25 will feed one child for a month. A $200 donation will feed one child for an entire school year.
- The brochure she shared listed the food that would go home in each weekly bag and local food donation sites. Donations can be made at Faith Community United Methodist Church (100 Country Club Drive), Xenia City Hall (101 North Detroit Street), and Xenia Fire Station 1 (225 E. Main Street) and Station 2 (849 W. Second Street), and the Xenia Board of Education Office located in the former McKinley School Building on Colorado Drive. All donations are tax deductible.
- YOU can make the difference to end childhood hunger on the weekends for children in the Xenia community.
- For more information, please call (937) 372-7601, ext. 14, on Mondays through Thursdays from 11 a.m. to 3 p.m.

Councilman Louderback thought this was a very worthwhile program. He did not realize that 57 percent of our students qualify for free or reduced lunches; it used to be around 49 percent. The City of Xenia is a diversified community with a lot of poverty and single parents. He thanked Councilwoman Mills for undertaking this initiative.

President Engle thanked Councilwoman Mills, his wife, Lynn, and a number of others for working on this particular committee. He agreed with Councilman Louderback that this program is incredibly needed in our community, and he encouraged everyone in the audience and the viewing members of the audience to take advantage of the opportunity to give through this program. Their gifts will be incredibly appreciated and are needed at this time.

AUDIENCE COMMENTS: President Engle explained the procedures for audience comments and invited anyone who wished to speak to come forward. No one came forward to speak.

REPORTS OF COMMITTEES:

**Board for Recreation, Arts & Cultural Activities:** Councilwoman Mills said BRACA met on September 3rd to mostly discuss the successes they had this year with Bloom with Xenia, Music in the Park, Movies in the Park, and the community garden plots. An upcoming activity includes Sweetest Day Carriage rides on October 19th from 3 to 7 p.m., which is an opportunity to support your town and take your loved one on a wonderful trip in a horse drawn carriage. The rides costs $50 a couple, and tickets were available by contacting Sue Hunt at sue@xenianow.org. She noted there are only a few tickets left, so if anyone is interested, they should hurry and get them. Another event they are planning is Hometown Christmas which will be held on Saturday, December 14th from 4 to 8 p.m. Santa will be coming in, many shops will be open, and there are many groups, such as Xenia High School, who are participating. She encouraged everyone to come.

**Traffic Commission:** President Engle said he would ask Vice President Smith to give the Traffic Commission report at the next Council meeting since he is absent this evening.

**Board of Zoning Appeals:** Mayor Bayless said BZA did not meet in August due to the lack of agenda items.
ITEMS FROM CITY COUNCIL AND MAYOR: Councilman Caupp said he would like to talk about the Simon Kenton project, which they discussed at length during their Special Session on Monday. Simon Kenton was given to the City of Xenia by Xenia Community Schools. The architectural and design assessments on the building have been received, and the project costs are estimated to be about $5.8 million for the Simon Kenton building and about $1.6 million to rehab City Hall for a police station. There were a lot of ideas thrown around that night. Since that time, one Councilman has come up with an alternative idea, and he copied four other Council members on the idea, which is fine. But what concerns him is when the Council President asked for thoughts from the remaining four Council members and did not include the two other Council members in that process. The Council President should ask for comments from all Council members, especially when they are talking about long-term proposals, which in the email states could cost even more than $7 million. He hopes in the future that the Council President would ask for the input of all of Council and not just four other members.

Councilman Louderback said he was one of those Council members who was not included on the email, which was very disappointing. There are seven members elected by the people, and to exclude two Council members because they may not agree with their ideas is very unprofessional. He thought the public needs to know what is going on; they will get into this much deeper. If the other members of Council want to exclude Councilman Caupp and him, go ahead, but he reminded them they are elected by the people just like the other Council members.

Councilman Long apologized to Council. He did send an email yesterday evening, which he typically sends to a list. He was not sure what happened, and he apologized for that. Typically he goes above and beyond to make sure he copies all of Council on his emails. He was not asking for any ideas or proposals. He was asking for Council to consider what he suggested at the public meeting [Monday night], which was to again explore that Simon Kenton property for the Police Division and Municipal Court option. The only thing he was asking for support on was for the consultant to develop those numbers. He was not trying to build support for the idea because after he met with City Staff yesterday, those are just estimates. He apologized for that mistake; it was absolutely unacceptable on his part. Just so the public is aware, he was just asking for that information and numbers.

President Engle said he was disappointed in Councilman Caupp’s and Councilman Louderback’s attempts to embarrass him on email etiquette this evening; they will not be able to do so. As they probably saw from the email, he was simply clicking “reply all” on his email reply, as they well know he does on any number of occasions when emails go out to the entirety of Council and the entirety of Council and City Staff, or otherwise.

Councilman Caupp said his comments had nothing to do with embarrassing anyone. They have a City Council and a Mayor email group that was not used. President Engle may have clicked “reply all” but at the bottom of his email, it says, “In the interest of completeness, I agree. Marsha, Jeanne, Wes – other thoughts. Mike.” President Engle said yes; that was a reply to all. He asked Councilman Caupp to read the email addresses to the original note. Councilman Caupp said the email was addressed to Mike Engle, Wes Smith, Jeanne Mills, and Marsha Bayless. President Engle asked Councilman Caupp what “reply all” would be? Councilman Caupp said President Engle may have clicked “reply all”, but would he not have seen that two other Council members were not included so maybe he should forward the email on to them? President Engle replied that he was responding to Councilman Long. Councilman Caupp said that was fine.
Councilman Louderback reminded President Engle that Councilman Caupp and he are part of this Council too. President Engle said he was well aware of that and he has included Councilman Louderback and called him personally many items. Councilman Louderback said he understood that, but that was not done on this email. He hopes it does not continue to happen.

REPORTS OF CITY OFFICES:

City Manager’s Office: Mr. Percival announced they are following up on the X-Plan. The Economic Development Department is posting a residents’ survey online that is designed to gain better understanding about why our citizens feel the way they do about Xenia. The data will be used to help them create future policies and programs. In order to get the greatest benefit from the survey, they need as many residents as possible to join and make their voices heard. Residents can access a link that will be posted on the city’s website. It is totally anonymous, and takes about six to eight minutes to complete. If residents do not have internet access at home, they can drop by the Greene County Library for online access for the residents’ survey. This is being done in conjunction with Greg Fullington [CEO of Imagine Nation, Inc.] as part of the GAiN contract that the city signed in August for Economic Development. He encouraged everyone to go to the city’s website and complete the survey.

Emergency Ordinance to waive competitive bidding and authorization to enter into a contract for the purchase of Dispatch Console Furniture. Mr. Percival noted with the consolidation of Bellbrook and Sugarcreek 911 centers into the Xenia/Greene Central Communications Center and the switch to the MARCS trunking radio system, they previously discussed having to make some changes to the current Dispatch Center. A request for proposals for the furniture and consoles was sent to nine vendors and two proposals were received for the project; however, one proposal did not meet the specifications. They are requesting that Council reject the current bid proposals and allow them to negotiate with Evans Consoles through RDT Concepts in an amount not to exceed $94,772.15. He noted $110,000 was budgeted for this project. Since only one proposal met the specifications, it made sense to go back to that bidder and negotiate the specifics of their proposal to achieve the best price.

Mr. Percival respectfully requested that Council make two motions to reject the current bid proposals and then pass an emergency Ordinance to waive competitive bidding and authorize him to enter into a contract with Evans Consoles through RDT Concepts in an amount not to exceed $94,772.15.

Motion by Mayor Bayless, seconded by Councilwoman Mills, to reject the bid proposals for Dispatch Center console furniture. No discussion followed. The Roll on this was the following:

Ayes: Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

Councilwoman Mills presented an ORDINANCE AUTHORIZING THE CITY MANAGER TO ISSUE PURCHASE ORDERS WITHOUT FORMAL COMPETITIVE BIDDING WITH RDT CONCEPTS FOR THE PURPOSE OF REPLACING THE DISPATCH CONSOLE FURNITURE ADDING A FIFTH POSITION, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Councilwoman Mills, seconded by Councilman Caupp, that the rules requiring the reading of an ordinance at two consecutive meetings be dispensed with and this ordinance be placed at once upon its passage. Discussion followed.
Mayor Bayless asked if all the new Dispatch Center furniture would fit within the space allocated. Chief Person referred to the concept pictures provide by Evans Consoles that were included in the agenda packets. The furniture is designed to fit within the defined and designated space, and the rendering is what it will look like within that defined space. Mayor Bayless thought the design looked really good, and she just hoped the furniture would fit.

Chief Person noted he asked for the bids to be rejected due to huge disparity between the two bids, which gave him the ability to negotiate the price with the other bidder. With the original bids, the bidder’s price that did not meet specifications was over $50,000 less than the other bidder that did meet the specifications [$107,141.15]. After price concessions and removing items not absolutely necessary, RDT Concepts reduced their price to $94,772.15.

The Roll on this was the following:

Ayes: Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

Motion by Councilwoman Mills, seconded by Councilman Caupp, that Ordinance Number 13-45 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

**Emergency Ordinance for Additional Appropriations for FY2013.** Mr. Percival noted there are various items they are requesting additional appropriations for to allow them to have appropriations to get through the year. He respectfully requested that Council pass an emergency Ordinance approving the requested supplemental appropriations to be effective at the earliest possible date.¹

Councilwoman Mills presented an ORDINANCE AMENDING ORDINANCE 12-53 TO MAKE ADJUSTMENTS FOR CURRENT EXPENDITURES OF THE CITY OF XENIA, OHIO DURING THE FISCAL YEAR ENDING DECEMBER 31, 2013, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Councilwoman Mills, seconded by Councilman Long, that the rules requiring the reading of an ordinance at two consecutive meetings be dispensed with and this ordinance be placed at once upon its passage. No discussion followed. The Roll on this was the following:

Ayes: Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

Motion by Councilwoman Mills, seconded by Councilman Long, that Ordinance Number 13-46 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

**Items for the City Manager:** None.

¹ This Ordinance includes the appropriation of a $178,130.58 refund from the Ohio Bureau of Workers’ Compensation.
Finance Director’s Office:

Emergency Resolution providing for the “pick up” of statutorily required contributions to the Ohio Police and Fire Fund. Mr. Bazelak respectfully requested that Council pass an emergency Resolution providing for the “pick up” of statutorily required contributions to the Ohio Police and Fire Fund. The Ohio Police and Fire Fund changed the contribution rates of the police officers and firefighters beginning in July from 10 percent to 10.75 percent and they are ramping up 0.75 percent for the next two years as well. With that, the City is required to pass a Resolution that picks up those contributions at the new rates. He noted “picking up” basically means that the contribution will be tax-deferred for those employees.

Mayor Bayless presented a RESOLUTION PROVIDING FOR THE “PICK UP” OF STATUTORILY REQUIRED CONTRIBUTIONS TO THE OHIO POLICE & FIRE FUND, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Mayor Bayless, seconded by Councilman Long, that the rules requiring the reading of a resolution at two consecutive meetings be dispensed with and this resolution be placed at once upon its passage. No discussion followed. The Roll on this was the following:

Ayes: Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

Motion by Mayor Bayless, seconded by Councilman Long, that Resolution Number 13-V be now passed. No discussion followed. The Roll on this was the following:

Ayes: Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

Introduction of a Resolution accepting the Amounts and Rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor. Mr. Bazelak respectfully requested that Council introduce a Resolution accepting the Amounts and Rates as determined by the Greene County Budget Commission and authorizing the necessary tax levies, and certifying them to the County Auditor. The City Manager and he attended the Greene County Budget Commission hearing a few weeks ago and presented the tax budget. The Commission has returned the information, and they are indicating that our property taxes will be approximately the same or a little less than what they certified last year. The Local Government Allocation for 2014 is $689,826, which is about what it was projected to be this year with a little bit of an increase.

Councilman Long introduced a RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR, and it was read for the first time.

Award of Bid to outsource the printing and mailing of monthly utility bills and disconnect/delinquent notices and online services. Mr. Bazelak respectfully requested that Council award the bid for outsourcing of the printing and mailing of monthly utility bills to SmartBill. Over the last few years SmartBill has handled the printing and mailing of the city’s utility bills and final bills and has done an excellent job over the last number of years. The contract would be for a three-year period in the amount of $56,444.09, plus applicable postage.
Motion by Councilwoman Mills, seconded by Mayor Bayless, to award the bid for outsourcing of the printing and mailing of monthly utility bills to SmartBill for a three-year period in the amount of $56,444.09 (plus applicable postage) and authorize the City Manager to enter into the agreement. No discussion followed. The Roll on this was the following:

Ayes: Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

Schedule of Bills: Mr. Bazelnak presented payment of bills totaling $442,602.75.

Motion by Councilwoman Mills, seconded by Mayor Bayless, to approve payment of bills totaling $442,602.75. Brief comment followed. Councilman Long said he would abstain from the vote because there is a payment to a non-profit organization on whose Board he serves. The Roll on this was the following:

Ayes: Caupp, Louderback, Mills, Bayless, and Engle
Abstain: Long
Nays: None motion carried.

Items for the Finance Director: Councilman Louderback asked for an update on collecting casino revenue from Greene County. Mr. Percival said he could answer the question. They sent the letters, but they were summarily rejected by the former County Commission. When the new County Commission came on board, they approached them, especially since one of the new County Commissioners had signed a letter when he was a Beavercreek Township Trustee requesting disbursement of those funds. The Commissioners basically said they were brand new and would wait and see. The other City Managers in the county and he got together and sent another letter to the current County Commissioners requesting the same thing they requested before, which was that the city receive its share of the casino revenues. One of the things the Commissioners keep saying (and Chief Person can probably address that even better than he can) is that all that money is going to be used to pay for the MARCS system radios. He could not see them using all that money to help offset the costs of the new radios.

Councilman Louderback said he wanted the public to know what was going on with the Greene County Commissioners. Xenia deserves to collect some of those casino revenues, which could be a substantial amount for the city budget, so if you see a County Commissioner, ask them why the city is not receiving any of that money.

Law Director’s Office:

Introduction of Ordinances and Resolutions: None.

Second Readings of Ordinances and Resolutions: None.

Items for the Law Director: None.

SUMMARY OF ACTION ITEMS:

- Update on Proposed Recreation Venues (Requested by Councilman Louderback//Assigned to Jim Percival). No updates.
- A report on the feasibility of a Vacant Building Ordinance (Requested by Councilman Louderback//Assigned to City Manager’s Office and Law Director). Mr. Percival said the City
Planner and he discussed this the other day. Mr. Forschner is working on updates to the Zoning Code. Once those are completed, they will move forward with the Vacant Building Ordinance and hope to have something to present to Council in November.

- Quarterly Updates on Economic Development at Council meetings on 04/11/13, 07/11/13, (completed), 10/10/13, 01/09/14 (Requested by Councilman Louderback//Assigned to Steve Brodsky/Jim Percival). **No updates.**
- Timeline for completion and delivery of cost estimates, renderings, etc., for Simon Kenton Project (Requested by Councilman Long//Assigned to Jim Percival/Chris Berger). **No updates.**

President Engle asked if there were any issues Council would like added to the next Council meeting under “Summary of Actions Items.” There was no response from Council.

**READING OF COMMUNICATIONS AND DISCUSSION:** Councilman Louderback commended City Staff for the job they are doing on the paving of our city streets. He has not had a chance to see all of them, but the ones he has seen look fabulous. He wanted to let the taxpayers know that is their tax dollars at work. They have put a lot of money and effort into repaving our streets. They have a long way to go, but they are starting to put a dent in it.

Councilman Caupp said he and the Mayor attended Central State University’s opening football game last week at McPherson Field. For those who do not know, Central State is now in Division II of the NCAA. They have four home games (one was last week) and they play this Saturday at 1:30 p.m. He thought people sometimes forget there is NCAA college football right here. Another large event going on will be at Kil-Kare this Sunday, which is an Automobile Racing Club of America (ARCA) national touring stock car race at 4 p.m. with gates opening at noon.

Councilman Long reminded the public that next weekend, September 20th and 21st, is the Xenia Community Festival that begins Friday evening at 4 p.m. The Ohio State Buckeye Mobile Tour will be there Friday evening and will be engaging fans through interactive games, activities, blowups, and the OSU mascot, Brutus. On Saturday morning at 9 a.m., the annual Festival Parade will be held. The parade will start at the corner of Weaver and North Detroit Streets, near the Armory, continue south on Detroit Street, make a turn onto West Main Street, and proceed until it reaches Dayton Avenue near Alan Besco Cars & Trucks. People should feel free to lineup in front of all those businesses to watch the parade this year. He congratulated Tori Lane of T. Lane Designs, Limited, 75 W. Main Street, for adding a wonderful business to our downtown. She will have her store’s grand opening next Saturday with a ribbon cutting ceremony at 1 p.m.

Councilwoman Mills invited everyone to participate in our community. There are great things going on and many activities with high school and college sports and festivals coming up. There are so many great things to do, so check out Xenia before you pack your bags and go. She is not comfortable with public speaking and when she was speaking about X-Out Hunger, she forgot to mention that more information is available on the City’s and Xenia Community Schools’ website, Facebook page, and the City’s and School’s Government Channels. You can make a difference in these children. When they look at the children in our community, they can put shoes on their feet and clothes on their backs, but if they hungry, they will be unable to learn and function.

Mayor Bayless said she attended a luncheon at Wright State University welcoming four new college Presidents in the area, which included her alma mater, Central State University,
Cedarville University, Clark State Community College, and Wittenberg University. Along with Councilman Long and Vice President Smith, she attended the grand reopening at Wal-Mart. They have done work outside and inside making the self-checkout much quicker. She attended a UNCF [United Negro College Fund] luncheon at Sinclair Community College that provides scholarships to area university students. She congratulated Harvest Moon Creations at the corner of Main and Detroit Streets. The business had a ribbon cutting ceremony during the last First Fridays. Please ignore the outside of the building and go inside because it is really great. She judged an art contest at X*ACT. There is beautiful artwork on display at X*ACT and it was really hard for her to judge it. A few days ago she attended a customer appreciation day for the opening of the River Metals Recycling Center, on Jasper Road, which is under new management. It is an amazing place, so if you have not been there, the new director (Louis) would be glad to show you around. She attended Business after Hours this evening hosted by Tiffany Jewelers, which was very nice. She thanked the city for the bike path paving and she wondered how far that went. Mr. Percival said the paving went from Hedges Road on the south all the way to Yellow Springs on the north. Mayor Bayless reminded everyone that Xenia has outstanding bike trails with five different ways where you can go from one location. Mr. Percival did not think there was another community the size of Xenia that has five bike trails that intersect at one location. Mayor Bayless thought Xenia was a blessed little town, and she likes it.

President Engle announced this weekend that X*ACT has *The Lion in Winter* opening, which will be their inaugural play for the 2013/2014 season. The opening night gala is Friday, September 13 at 6:30 p.m., with performances at 7:30 p.m. on September 13, 14, 20, and 21 and matinees at 3 p.m. on September 15 and 22. It should be an exceptional play, as they all are, so please come out and join your fellow Xenians in watching some excellent theatre.

**ADJOURNMENT:** Motion by Councilman Long, seconded by Councilwoman Mills, to adjourn the Regular Session at 7:35 p.m. No discussion followed. The Roll on this was the following:

Ayes: Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None    motion carried.

Michelle D. Johnson     Michael D. Engle, President
City Clerk      Xenia City Council
The Xenia City Council met in a Regular Session on September 26, 2013, at 7:00 p.m., in the City Council Chambers, City Hall, with the following members present: Wesley Smith, John Caupp, Dale Louderback, Joshua Long, Jeanne Mills, Marsha J. Bayless, and Michael D. Engle.

INVOCATION: Charlie Huff, Xenia’s John the Baptist, gave the invocation after which all joined in the Pledge of Allegiance.

APPROVAL OF MINUTES: Motion by Councilman Louderback, seconded by Mayor Bayless, to approve the September 9, 2013, Executive/Special Session minutes as written. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Bayless, and Engle
Abstain: Mills
Nays: None  motion carried.

Motion by Councilman Long, seconded by Councilwoman Mills, to approve the September 12, 2013, Regular Session minutes as written. No discussion followed. The Roll on this was the following:

Ayes: Caupp, Louderback, Long, Mills, Bayless, and Engle
Abstain: Smith
Nays: None   motion carried.

SPECIAL PRESENTATION: Former Fairborn Mayor Jack Wilson, 2nd Annual “Stand Up for Kidz” Adult Comedy Benefit for Michael’s House Child Advocacy Center. Karen Combs, 654 Sartell Drive, Fairborn, and Cheri McGee, 7 Lockwood Court, Fairborn addressed Council. Ms. Combs said they are Co-Chairs of the “Stand Up For Kidz” adult comedy benefit for Michael’s House Child Advocacy Center. Former Fairborn Mayor and stand-up comic Jack Wilson had originally planned to be here this evening to discuss the event. Sadly, Jack had a death in his family Tuesday evening and was unable to attend, so they are grateful that Council allowed them to take his place. Jack started Stand Up For Kidz in 2012 as an alternative to a traditional political fundraiser when he was running for the Greene County Commission. Obviously he lost that election, but everyone had such a great time with the show that they decided to make it an annual event! There also could not be a better cause than Michael’s House. It is located in Fairborn, but serves children throughout Greene County. It is a warm and welcoming place for children suffering from all forms of abuse. They hope the show grows each year and raises more money for Michael’s House. Last year they had just three weeks to plan the event! They got about 16 sponsors, about 20 door prizes, and raised about $1,500. This year, they are proud to say they have more than 60 local and national sponsors, about 80 door prizes, and before they even sold a single ticket, they have already raised more money in direct sponsor contributions to Michael’s House!
Ms. Combs said they are here today because show tickets are now on sale. The show is Tuesday, October 15th at the beautiful Beavercreek Golf Club. Doors open at 6 p.m. and the show starts at 7 p.m. Their emcee is WHIO-Radio host and “Voice of the UD Flyers” Larry Hansgen. Their musical guests include saxophonist Gary Finton and Captain Leslie Battle of the Army National Guard who will sing the National Anthem as she has done at various venues including a Cincinnati Bengals game. Ten comics are scheduled to appear with their headliner, Rob Haney, who writes for the Bob and Tom radio show, has appeared on HBO and Showtime, and owns Wiley’s, the oldest comedy club in Ohio. The best place to get information about the show is from their website www.standupforkidz.com. Before turning the presentation over to Ms. McGee to talk about ticket details, she wanted to note that all performers and event staff for Stand Up For Kidz donate their time and talents, so every cent of both show and door prize ticket sales goes to Michael’s House.

Ms. McGee said show tickets are $20 each or a table of six for $100. Each ticket includes reserved seating, light snacks during the show, one door prize entry, a “swag bag” of goodies and special offers for each guest. They have a bit of a “Hollywood” theme this year, so you can walk the “red carpet” and have your photo taken at the end. There is a cash bar for all beverages, so you must be 21 years old or in the company of a parent or guardian. They ask the comics to keep it as “clean” as possible and they had no complaints about that last year. As Ms. Combs said, they have about 80 door prizes that are simply amazing! There is a flyer listing the door prizes that was provided to Council tonight. She then highlighted a few: there is a private Chef’s dinner for eight from Brio at the Greene and TJ Chump’s in Fairborn donated a catered lunch for 20. They also have tickets to many places including the Victoria Theatre, Kings Island, Dollywood, the Pro Football Hall of Fame, the Newport Aquarium, UD Flyer basketball games, and the Boonshoft Museum. They have gift certificates for everything from movies and auto detailing to restaurants. In keeping it “Hollywood”, they also have a few autographed items – including an autographed picture from singer Martina McBride, comic Paula Poundstone, and various athletes. Door prize tickets are $3 each or four for $10 and you need not be present to win. Tickets can be purchased at Skyway Cleaners, 1174 Kauffman Avenue, Fairborn or they can call her at 318-8146.

In closing, Ms. McGee said they hope everyone will make it this year on Tuesday, October 15th at the Beavercreek Golf Club to have a few laughs and maybe win a great prize and provide a little to support the Michael’s House Child Advocacy Center!

PUBLIC HEARINGS:

Zoning Map Amendment to rezone 207 Dayton Avenue from R-1C to B-3 filed by 4 Paws for Ability. President Engle opened the public hearing and asked for the staff report. Mr. Percival said 4 Paws for Ability is a nonprofit organization here in town that provides service dogs to children with disabilities and veterans who have lost use of limbs or hearing. The Xenia facility includes offices, kennels, and training areas. The training areas include an outdoor, fenced-in component and the complex is spread across 12 parcels under common ownership; however, all the parcels are not zoned the same. 4 Paws for Ability has requested to bring all their parcels under one zoning. Staff recommended approval of the Zoning Map Amendment to replat all B-3-zoned parcels under its ownership to a single parcel. He noted City Planner Brian Forschner was present to answer any further questions on this particular item.
President Engle entertained questions or comments from Council. None were presented.

President Engle invited those in favor of the rezoning to come forward to speak.

Eric Hammons, 8246 Waynesboro Way, Waynesville, Ohio, said he is with Schaeffer Engineering. They helped prepare the zoning application for 4 Paws for Ability. They feel this is just a minor modification, is something that really fits the neighborhood that is already there, is something that will benefit the community, and he supports what the business does. He thanked Council for hearing their application this evening.

President Engle invited those against the rezoning to come forward to speak. No one came forward to speak. President Engle invited neither for nor against the rezoning to come forward to speak. No one came forward to speak.

President Engle closed the public hearing at 7:13 p.m. and entertained an introduction of the ordinance.

Councilman Louderback introduced an ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF XENIA BY REZONING A 0.475-ACRE AREA OF LAND LOCATED AT 207 DAYTON AVENUE FROM R-1C ONE-FAMILY RESIDENTIAL DISTRICT TO B-3 HIGHWAY ORIENTED BUSINESS DISTRICT, and it was read for the first time.

Various Amendments to the City of Xenia Zoning Code in regard to requirements for Fences, Conditional Use/Rezoning Applications, Yards, Off-Street Parking, Signage, and B-2 District Permitted Uses. President Engle opened the public hearing and asked for the staff report. Mr. Percival said this public hearing is for introduction of an ordinance to make various amendments to Part Twelve – Planning and Zoning Code, Title Six: Zoning of the Xenia Codified Ordinances to accomplish strategies adopted by the X-Plan. This particular part of the Zoning Code was addressed in Section GE.i. that directs the City to conduct a comprehensive rewrite of the City’s Zoning and Subdivision regulations. He invited City Planner Brian Forschner to address Council. He noted these amendments do not address campers, trailers, recreational vehicles, and boats, which was tabled by the Xenia Planning and Zoning Commission [at their September 5, 2013 meeting] to be heard at a later date.

Mr. Forschner said this is a collection of amendments that are intended to address several objectives in X-Plan:

- Streamlining and updating our regulations to remove unnecessary steps in regulations that are ambiguous or conflicting to make it easier on businesses and residents to go through the permitting process and make it easier for staff to enforce more efficiently.
- There are also amendments that get at their goal to change the role of downtown and revitalize it into a mix of uses. [Amend zoning and parking policies to encourage residential uses on (downtown) upper floors and create a positive business culture (downtown) that attracts a diverse range of retail and entertainment uses (permit a broader range of beneficial uses in downtown)].
- Partially clear a backlog of previously discussed amendments.
- Address a number of staff-identified problems related to code coherence and process streamlining.
Mr. Forschner said this is ‘Phase 1’ of what will hopefully be a broader rewrite of the Zoning Code next year. These are a number of relatively easily addressed items that staff wanted to get going without delay. He then proceeded with his PowerPoint presentation:

1. **Fence Requirements** (Section 1294.19)
   - *Eliminate requirement for fences to be uniform in color and material because it is not an effective way of controlling the appearance of a fence.* The fence on the left meets the standard because it is uniform in color and material, but the fences on the right do not meet the standard because they are not uniform in color and material.
   
   - *Amend requirement for fences to have the finished side facing outward (toward surrounding properties).* Staff would like to clean up the ambiguous language. The proposed amendment would require structural members of the fence to be located on the interior side only when the opposite side faces a street (i.e. requiring the finished side to face the street). They are talking about standard wooden privacy fences; it does not apply to any other fence. Staff felt it was a broadly written requirement that needed to be tweaked a bit to reduce the amount of time staff is spending to enforce it. Staff did not feel the benefit to the community was enough to justify continuing to enforce it as currently written.

Councilman Caupp asked if Council could ask questions during the presentation. Mr. Forschner said yes. Councilman Caupp said if he was reading what was proposed correctly, the picture of the finished side of the fence facing outward would be legal. Mr. Forschner said yes. Councilman Caupp asked Mr. Forschner if he was the person’s neighbor if he would want to look at the unfinished side of a fence? He did not understand the logic. They have worked hard on some of these codes, so what kind of logic is being used to put the unfinished side of a fence facing outward. He did not care if the fence faces some woods. Mr. Forschner said they are not requiring that the unfinished side of the fence face a neighbor. They are just allowing flexibility to put it on either side. Councilman Caupp said staff’s recommendation is to allow the unfinished side to face a neighbor. Mr. Forschner said that was correct. Councilman Caupp asked Mr. Forschner to tell him one community that allows that. Mr. Forschner said he could find some, but did not know that off the top of his head.

Mr. Forschner said when staff looked at this and the amount of time they were spending enforcing it, they did not think the effort to enforce it was justified by the benefit to the community. In this case, they are trying to balance between something that benefits one property owner versus something that benefits another property owner. The benefit of putting the finished side on the outside of that fence is not really benefitting the overall community; it is just
benefiting that neighbor who sees it. That is why they kept the requirement that says the finished side should face the street, so that the side that is more visible to the community should be the finished side.

Councilman Caupp asked Mr. Forschner if there were a neighborhood of $200,000 houses and the unfinished side of the fence faces outward, if he felt that would be a negative thing for this community as a whole when trying to sell houses. Mr. Forschner said he was not saying it was not negative. He was just saying that staff has to make decisions on what they do and do not put in our Zoning Code.

Councilman Caupp asked Mr. Forschner if people have to have a permit before they could erect a fence. Mr. Forschner said yes. Councilman Caupp asked if the fence has to be inspected. Mr. Forschner said yes. Councilman Caupp said if they are going through the inspection process then that would be addressed at inspection so it would be erected correctly from the start. Why would they change the rules to allow somebody to erect a fence backwards? Mr. Forschner said because staff did not feel it was a high enough priority to keep in the Code. If Councilman Caupp feels differently, then they can certainly discuss that. Councilman Caupp said he absolutely feels differently.

President Engle noted that according to the agenda report it states, “XPZC held a work session on August 1, 2013, to discuss these amendments, and at their public hearing on September 5, 2013, they voted to endorse the attached ordinance.” Mr. Forschner said that was correct.

Councilman Louderback said a person on a corner lot wanted to erect a privacy fence. He asked if the standard fence height was 42”. Mr. Forschner said 42” is the maximum height allowed for a fence in the front yard. Councilman Louderback said the fence was in their rear yard. Mr. Forschner said the maximum height of a fence in a rear yard is 6’. Councilman Louderback noted the wood boards come in standard 48” lengths and the gentleman cut 6” off each board because evidently he may not have understood. The fence is in the rear yard of a corner lot in Sterling Green. Mr. Forschner said homes on corner lots have essentially two front yards, so anything between the building and the street is considered a front yard. Councilman Louderback asked what the requirement was for front yard fences. Mr. Forschner said front yard fences can be no higher than 42”, but he does not know the specifics of the property to which Councilman Louderback is referring. Councilman Louderback thought it was kind of redundant to make somebody cut off 6” from the board. He reiterated it was a home on a corner lot on Greystoke Court in Sterling Green. Mr. Forschner said without knowing the specifics on that particular property, it is hard to say what staff did or did not tell the property owner.

Councilman Louderback wondered if they could change the height from 42” to 48” for a wooden fence in a front yard; there might be a different standard for chain-link fences. The cedar wood boards come in 48” lengths. The gentleman said he was told that since his home was situated on a corner lot it had to be no higher than 42” due to visibility issues. Mr. Forschner said part of the reason for the fence height requirement is due to traffic visibility and an aesthetic consideration. Fences in front yards should be lower than in back yards so the fence is not blocking the view of the house and creating a stockade effect. Councilman Louderback said he was sure it does not come up that often. Mr. Forschner said he had not seen a case like this come up, but he would certainly be willing to discuss it with the property owner.
President Engle noted the fence height is not addressed in the amendments they are discussing. Mr. Forschner agreed. President Engle said they could certainly look at that during future discussions on rewriting the Zoning Code. Mr. Forschner agreed.

Mr. Forschner continued with his presentation.

- *Allow wire mesh, chicken wire and welded wire as a backing material for split-rail fences.* The requirement limits people with split-rail fences who want to add some woven wire to it to keep pets inside their yard, which is commonly allowed in other communities.

Councilman Caupp said from the way he read the amendment and if they go to the extreme, someone would be allowed to install orange snow fence with the split-rail fence. Mr. Forschner said if it was metal wire, or if they wanted to paint their split-rail fence orange, they could do that too. Mr. Percival noted they are discussing metal wiring, but Councilman Caupp is talking about the plastic orange fence material, which he did not think would be allowed. Mr. Forschner said they are talking about metal wire. Mr. Percival agreed; they are talking about metal wiring to keep people’s pets within their yards.

Mr. Forschner said the idea is that a split-rail fence is an attractive type of fence that many people like, but the downfall is that pets can jump right through those split rails, so a common remedy for that is to install some metal wire as a backing material. As shown in the photo, it does not typically stand out. Yes, if it were orange, it would stand out just as an orange painted wood fence would stand out as well.

Submittals:

2. **Conditional Use/Zoning Amendment Application Requirements** (Sections 1244.08, 1244.09 and 1246.03)
   - Simplify submittal requirements for conditional use permits
   - Eliminate requirement to submit lists of property owners for public hearing notices (No longer necessary since staff can easily retrieve that information using GIS software).

3. **Yard Requirements** (Section 1294.12)
   - Eliminate requirement for all yard space to be kept open and unimproved unless otherwise specified in the Zoning Code. The existing standard is unenforceable and conflicts with other sections of the code that regulate this via setback and yard coverage requirements, such as for patios, driveways, etc.

4. **Off-Street Parking Requirements** (Sections 1250.07, 1252.07, 1254.07, 1258.06, 1260.06, 1288.02, 1288.05 and App. B of Chapter 1288)
   - Eliminate text in Zoning District chapters that conflicts with off-street parking requirements in Section 1288.02. Existing standards in the R-1, R-2, R-3, R-O, and O-1 Districts list separate parking requirements, which either duplicate or conflict with requirements in 1288.02.
• **Reduce minimum number of parking spaces required for offices, professional buildings, retail stores, medical offices, and clinics.** Office and retail parking requirements are excessive based on staff’s research of other communities and practical experience.

Mr. Forschner said they are reducing parking requirements to be more in line with other communities for retail and office uses, because what the city is requiring is much higher than other communities. Requiring adequate parking is important, but at the same time, having too much parking increases stormwater runoff and does not help the community at all. They can plan for the worst-case scenario, which might happen once a year, but when doing that, they also increase the amount of stormwater runoff. These standards are not only more in line with what other communities require, but also with what is actually needed for these uses.

When figuring parking spots, Councilman Caupp asked what the difference was between net and gross land mass. Mr. Forschner said gross refers to the entire square footage of the building and net square footage excludes hallways and storage areas.

• **Eliminate Appendix B Recommended Tree Species and the requirement that parking lot landscaping adheres to it.** The current tree species list is outdated (includes a recommendation for ash trees). They do not want to have a static, mandatory list of tree species since there are always new diseases that are cropping up and new species of trees being developed. A separate, updated document with recommended tree species is being prepared with the assistance of the Xenia Tree Committee that the Committee would maintain over time and provide their expertise on the best types of trees to plant in this area. The list would not be a part of the code but would be an advisory list that could be updated at any time, so there would be more flexibility and staff would have the expertise of the Tree Committee formulating that list as time goes on.

5. **Signage Requirements** (Sections 1240.05, 1281.10, 1290.10, 1290.12 through 1290.16, and 1290.19)

- **Urban Design Overlay District:**
  - Eliminate requirements that duplicate requirements in Section 1290. Existing regulations only allow individually mounted letters/symbols or wooden boards. This prevents usage of modern materials that are more durable yet can provide an equally attractive and context-sensitive sign.
  - Replace wall sign materials restrictions with a suggestion that wall signs contain individually mounted or painted letters and symbols.
  - Change the requirement to place wall signs in the sign band above the storefront to a guideline. That will become a more advisory requirement and staff will have more room to work with individual businesses on finding appropriate locations for their wall sign.

- **Electronic Signs:**
  - Eliminate single-color restriction in the A-1, R-1, R-2, R-3, R-4, R-O, O-1, H-1, and B-1 Districts. They came to the conclusion that the color of the sign does not necessarily affect the intensity and impact it has on the surrounding neighborhood. It
is more the flashing and animation on the sign that has more of an impact, which is already controlled in the code.

- **Wall Signs in All Districts (excluding R-1 through R-4):** Remove limitations on number and location of wall signage, while maintaining the same general square footage limitations. This is something they frequently ran into when dealing with businesses. Current regulations have frustrated the businesses and staff because it excluded a lot of good projects from happening. These amendments will provide more flexibility as to where the sign can be located and the number of signs allowed, but they are still keeping the maximum square footage the same. If somebody has an end cap location where they want a wall sign on the side facing traffic, they would have the flexibility to do that, but overall square footage would be limited [1 sq. ft. per 1 sq. ft. of building frontage].

- **Nonconforming signs:**
  - Eliminate the provision that requires those replacing the face or copy of a nonconforming single-tenant sign (without changing the business name or occupancy) to bring the entire sign into conformity. Tenants in a multi-tenant shopping center are already allowed to switch out individual panels on a multi-tenant sign, but this amendment would expand to single-tenant building signs, such as if a company wants to simply rebrand itself and there is no change in occupancy or use, such as the YMCA.

6. **Permitted Uses in the B-2 District (Downtown)** (Section 1266.07 and 1294.21). X-Plan and the 2008 Downtown Strategic Plan have encouraged upper-floor residential and a range of retail, arts, and cultural uses in downtown Xenia. The proposed changes making those permitted uses rather than conditional uses include:

- **Add upper-floor dwellings as a permitted use in the B-1 Convenience Shopping Business District and B-2 Central Business District.**
- **Change fast food restaurants, commercial sport/recreation facilities, dance and art studios, museums, art galleries, and civic centers from Conditional Use status to Permitted Use status in the B-2 Central Business District.** These are all uses they want to encourage in our downtown, but currently requires BZA approval. When they have taken those uses to BZA, there were no concerns identified in the staff reports, so the idea is to fast track those uses and create one less obstacle for them to help revitalize our downtown.

Mr. Forschner said that summarized all the proposed changes. He then entertained questions.

Councilman Long thanked Mr. Forschner because he was able to attend a Chamber of Commerce event to present the changes to a new committee there who will start advocating for business interest in the community. He was able to present all the changes to those in attendance and he received very favorable responses from the business community. He thanked Mr. Forschner for taking time out of his day to speak with them.
Councilman Louderback commended Mr. Forschner because there are a lot of positive changes that have been needed for a while. One perfect example is Fastenal, who tried for years to get approval for a second sign on the end of their building, but in the meantime they put up a mural. Regarding the wood signage, he knew there were several businesses that would like to use other materials for their signs. He knew they would not all agree on everything, but he thought this was a positive step toward making the city more business friendly.

Councilman Caupp said he fully understood what they were trying to do here, but at the end of the day, they have worked hard to make some positive steps in this community to make aesthetic improvements. He still did not understand the thought process behind allowing residents to put up a fence backwards—who on staff thought that was a good idea? There is nothing that benefits the community by allowing that. He will not support that change on the fences. He would not want to live next to someone who put up his fence backwards. Fences are inspected at the time they are put up and it should be easy to enforce. If a fence is put up backwards and did not have a permit, then it is easy to enforce then also, so he did not see where the enforcement issue comes in. He noted Mr. Forschner stated several communities allowed that, and he would like Mr. Forschner to supply him with a list of those communities. He could assure them that the communities that are growing, getting the better developments, and getting the higher income wage earners to move to their communities are not allowing fences to be put up backwards.

President Engle thanked Mr. Forschner. He supports both the Planning and Zoning Commission and the Planning Department’s well done work on putting this together; his hat is off to them.

President Engle invited those in favor of the Zoning Code amendments to come forward to speak.

Matthew Funk, 622 S. Detroit Street, Xenia, noted he serves on the Xenia Board of Zoning Appeals, but was there to speak as an individual. While he is in favor of the majority of the ordinance changes to the Zoning Code and appreciates the efforts staff has made, he does not support the fence changes. He agreed they should allow for more flexibility in the types of fences they have, the different materials, etc., but his concern is making it too lax. He shared pictures of fences with Council. The first four pictures show fences with the finished side on the inside. The bottom two pictures were taken from the road where the front of the fence shows the finished side, but the rest of the fence shows the unfinished side facing the outside. His concern is in regard to aesthetics. He commended staff for becoming more aggressive on property maintenance/code enforcement, which he does every day as his job. The second page showed pictures of alternatives for solid wood board fences. Panels could be installed between the 4” by 4” posts instead of in front of them. There are alternatives to maintaining an aesthetic appeal for the community, but at the same time, allowing some flexibility in the code to allow for a mix of brick and iron fences, etc. They are a benefit and obviously they do not want to lock themselves down to one style of wood board fence since there is some creativity out there. His concern is if they allow people to flip their fences inside out. In neighborhoods where houses back up against each other, like in Arrowhead, the one guy in the middle that flips his fence inside out is seen by all the neighbors. Some of the pictures he took showed fences on interior lots, but he took the pictures from the street, so even from a distance from the street you can see some of those things. His concern is with the aesthetics, particularly when it comes to the horizontal supports. He does not have an opposition to vertical structures. He takes issue with flipping a fence inside out. He
is in favor of the ordinance, but would ask Council to consider modifying the language to prohibit somebody from flipping their fence inside out. He appreciates staff, thinks they do an excellent job, and feels they are making some good changes because flexibility is helpful to our community.

Councilman Caupp asked Mr. Funk if that [having the unfinished side of a fence facing the outside] was allowed in the City of Beavercreek? Mr. Funk said no.

President Engle invited those against the Zoning Code amendments to come forward to speak. No one came forward to speak. President Engle invited neither for nor against the Zoning Code amendments to come forward to speak. No one came forward to speak.

President Engle closed the public hearing at 7:39 p.m. and entertained an introduction of the ordinance.

Councilman Louderback agreed with some of the comments made by Councilman Caupp and Mr. Funk and wondered if they could amend the proposed ordinance dealing with fences. President Engle asked the Law Director if this was an appropriate time to amend the ordinance or if it should be introduced and then debated when Council is going to take a motion to pass it. Mr. Lewis said somebody on Council could introduce it and then a motion could be made to amend it or Council could ask staff to bring the ordinance back with the change. Mayor Bayless asked if they could remove that section of the proposed ordinance [dealing with fences] and introduce the rest. Mr. Lewis said yes. Council could make an amendment to strike that section of the ordinance and then vote on the rest.

Councilwoman Mills introduced an ORDINANCE AMENDING PART TWELVE – PLANNING AND ZONING CODE, TITLE SIX: ZONING OF THE XENIA CODIFIED ORDINANCES TO ACCOMPLISH STRATEGIES OF THE ADOPTED COMPREHENSIVE PLAN KNOWN AS X-PLAN, and it was read for the first time.

Councilwoman Mills said she would also like to make a motion to amend the ordinance. Many neighborhoods in the City have covenants that prohibit this [unfinished side of the fence facing outward], which is only for that neighborhood. She wants the requirement for the finished side of the fence to be facing outward for our whole city.

Motion by Councilwoman Mills, seconded by Councilman Caupp, to amend the ordinance under (Section 1294.19) Fence Requirements to state the finished side of the fence must face outward [toward the adjoining property or the street and public view]. Discussion followed.

President Engle said he would not be supporting the ordinance [as amended] because he supports our staff and what they have done. While he agrees with several of his colleagues that neighbors would like to see that finished side of the fence, they must not forget that it is the owner of the property who is putting up the fence and the owner of the property should have some rights to see the finished side of the fence.

Mr. Forschner asked exactly what change was being made in the amended motion? Councilwoman Mills noted the change staff recommended stated, “Amend requirement for fences to have the finished side facing outward – the proposed amendment would require
structural members of the fence to be located on the interior side only when the opposite side faces a street (i.e. requiring the finished side to face the street).” She would like the ordinance to state that the finished side of the fence must face outward. Mr. Forschner clarified that Section 1294.19(h)(5) states, “Structural supporting members of a fence shall be located on the interior side of the fence when the opposite side of the fence faces a public street or bike path” and that Councilwoman Mills wanted to eliminate “…when the opposite side of the fence faces a public street or bike path.” Mr. Lewis agreed.

Councilman Caupp said [his interpretation] is that the finished side would be required to face outward on all four sides.

Mr. Percival noted Councilwoman Mills made a motion to amend the ordinance, so she would have to change her amendment to read that way. Councilwoman Mills said she wanted to change the language as suggested by Mr. Forschner.

Councilwoman Mills asked if existing fences that have the unfinished side facing outwards would be grandfathered in or if they have to be torn down and redone. Mr. Forschner said any fence that was built before the current Zoning Code went into effect is grandfathered, but any effort to redo it would have to conform to the new code.

With this change, Vice President Smith asked if staff was able to enforce it or if they are setting themselves up to fail. Could this be enforced through the permit process? Mr. Percival said it could be enforced through the inspection process, but not through the permit process. Through the inspection process, the finished side of the fence has to face outward.

Mr. Forschner said staff could enforce it, but he suggested they change the language so that instead of referring to the “finished” side, have it refer to the structural supporting members of the fence because that is easier to enforce than trying to define what the “finished side” means because that term is not defined in the code.

Councilman Caupp asked Mr. Funk if he agreed since he is a Zoning Inspector [in Beavercreek]. Mr. Funk said his personal opinion would be to possibly allow vertical structures but not horizontal structures [on the outside]. As shown in his pictures, some of those posts are vertical structures, which are supporting structures, so it really depends on the way the fence is built and what they want. If they want all supporting structures to be located inside the fence, then that would include the posts. They could state that all horizontal structures must be located on the inside of the fence to allow them to construct fences like those shown here (which he previously shared with Council). Councilman Caupp clarified the fence could be in between the posts, etc., so it looks decorative. Mr. Funk said that was correct.

Mr. Lewis suggested that Council strike the fence issue from the proposed Ordinance and have staff come back with the suggested changes to Section 1294.19 Fence Requirements based on tonight’s discussion. President Engle said that would require a withdrawal of the motion.
Mr. Lewis said that was correct. If somebody feels compels to do so, another motion could be made to strike Section 1294.19 dealing with fence requirements.

Councilwoman Mills removed her motion from the floor.

Motion by Councilwoman Mills, seconded by Mayor Bayless, to strike Section 1294.19 Fence Requirements from the ordinance. Discussion followed. Mr. Percival said for clarification purposes, they are striking proposed changes to Section 1294.19 Fence Requirements from tonight’s ordinance but they are not striking it from the code. Mr. Lewis said that was correct; the current law will still be in effect. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle  
Nays: None  
motion carried.

For the record, President Engle noted he does support the last motion, but he would not support the amendments as they are proposed to come forward.

Mr. Percival said someone needed to re-introduce the rest of the ordinance. President Engle noted Councilwoman Mills originally introduced the ordinance, so he asked her if she would like to reintroduce it.

Councilwoman Mills re-introduced an ORDINANCE AMENDING PART TWELVE – PLANNING AND ZONING CODE, TITLE SIX: ZONING OF THE XENIA CODIFIED ORDINANCES TO ACCOMPLISH STRATEGIES OF THE ADOPTED COMPREHENSIVE PLAN KNOWN AS X-PLAN, as amended, and it was read for a first time.

AUDIENCE COMMENTS: President Engle explained the procedures for audience comments and invited anyone who wished to speak to come forward.

Sue Hunt, 1373 Gultice Road, Xenia, said she was born and raised in Xenia, was proud to be here, and was pleased to call Council and staff her friends. She got to know many of them through the process that she has been in and active with in downtown Xenia for over the last three years. She thanked Council and appreciates all the time they have spent discussing the Simon Kenton project. As Council knows she spoke about that before and she appreciates the alternatives they have given. Obviously, most members of the Downtown Xenia Now (DXN) would like to keep city offices downtown, so that is still their desire. She appreciated letting DXN have representatives on the Committee along with staff and Council. Regarding the changes to the Zoning ordinances, as co-chair of the Design Subcommittee, they have talked about many of the Zoning ordinances. Mr. Forschner is on their Subcommittee and they are very positive changes for our entire city, especially downtown. The changes will help many of our businesses, especially with the sign ordinances and the other things that Mr. Forschner discussed tonight.

Ms. Hunt said she would like to bring to the public’s and Council’s attention some DXN upcoming events:

- **Building Doctor Clinic.** The Design Subcommittee of XDRC will host a Building Doctor Clinic in Xenia, as one of the many Building Doctor Clinics across the State of Ohio. The public is invited to come to Toward Independence [81-87 E. Main Street] on October 17th
from 7 to 9:30 p.m. They needed to have at least ten buildings and they have ten, but they would still like to have more. If they could have 20 buildings to choose 10 from that would be great, but their maximum number of buildings is 10.

  o **Sweetest Day Carriage Rides**. On Saturday, October 19th, they are hosting Sweetest Day Carriage Rides as a fundraiser for DXN. The donation is $50 per couple; to surprise and wow your sweetheart, tickets can be purchased by contacting the co-chair of the event at rhouston@xenianow.org. The event will be held from 3 to 7 p.m. and the rain date is October 20th.

  o **Third Window Decorating Contest and Hometown Christmas Event**. This year’s theme is Christmas Movies, with merchants registering now at www.xenianow.org for their favorite Christmas Movie and decorating in the theme of that movie. They would like all downtown businesses to be lit up and bigger, brighter and better every year for the Hometown Christmas event in downtown Xenia on Saturday, December 14th from 4 to 8 p.m. This year’s activities will include carriage rides (purchase your tickets the day of the event at one of three boarding areas so you don’t have to stand in line since the ticket reserves a time for you). They are updating their website on a regular basis, so for more information, visit their website www.xenianow.org.

**REPORTS OF COMMITTEES:**

**Traffic Commission**: Vice President Smith said due to the Labor Day holiday on their regular meeting day, XTC met on Wednesday, September 4th with three members present. Commissioner Mike Lerch has had some medical issues so he sent him get well wishes. They have received one resignation, so there is now a vacancy. If someone would like to serve on the XTC, please contact him at 620-5931 or Michelle Johnson at 376-7235 or email her at mjohnson@ci.xenia.oh.us. At the meeting they discussed the following:

  o **Bicycle Pavement Markings for S. Detroit Street Bike Crossings**. FOXS (Friends of Xenia Station) raised some specific concerns about the safety at two S. Detroit Street crossings. He noted that is a scary area in which to ride bicycles, and they hope to create awareness for the bicyclists going through there. Ultimately, they approved five bicycles markings, based on the recommendations of City Engineer Chris Berger:
    1. Between Second and Third Streets within the southbound lane of S. Detroit Street.
    2. Between Leaman Street and Third Street within the northbound lane of S. Detroit Street.
    3. Within the northbound lane of Home Avenue, approximately 100 feet south of the intersection with S. Detroit Street.
    4. Within the northbound lane of S. Detroit Street, approximately 100 feet south of the intersection with S. Miami Avenue.
    5. Between Hill Street and S. Miami Avenue within the southbound lane of S. Detroit Street.

  o **Proposed No Parking on Mulberry Street between Lexington Avenue and E. Church Street**. The Engineering Staff was alerted by the XPD that there were vehicles routinely parked on a portion of the sidewalk along Mulberry Street, and they are looking at way to improve that, which will come to Council at a later date.

  o **Commissioners also voted to remove Section 452.14(d) from the Traffic Code**. Since it is already referenced in the Zoning Code (Section 1294.09) and is really more of a Zoning issue than a Traffic issue because it deals with parking on private property, not public right-of-way.
Planning and Zoning Commission: Councilman Long said XPZC met on September 5th and had three public hearings.

- The first public hearing was on the Zoning Text Amendment Requirements for Fences, Conditional Use/Rezoning Applications, Yards, Off-Street Parking, Signage, and B-2 District Permitted, which Council just held a public hearing on so he will not go through those in detail. Commissioners voted to endorse those recommendations to Council.
- The second public hearing was held on the Zoning Map Amendment for the 4 Paws for Ability property, which Council also just discussed during a public hearing, and Commissioners endorsed those changes.
- The third public hearing was on the Zoning Text Amendments Requirements for Parking Recreational Vehicles, Motor Homes, Boats, and Trailers on Private Property in Residential Districts. Following that public hearing, Commissioners tabled that item until a future meeting to allow for further dialogue.
- The fourth item of business was a PUD Modification – Wright Cycle Estates PUD Section 12 filed by BEAMCO. The applicant intends to combine 21 single lots in the patio home section of Wright Cycle Estates into 11 doublewide lots in Section 12, and Commissioners approved that modification.

Regarding the PUD Modification to Wright Cycle Estates, Councilman Caupp said several neighbors contacted him about that after the fact. They wanted to know why they were not contacted by a letter that that change was happening. He checked with city staff because residents have received letters [public hearing notices] in the past about an antenna at a resident’s home and other different things. Staff said there is no requirement to send out notifications. Staff stated the previous notifications were sent out as a courtesy. In the future, they have residents who now expect that and he would like some consistency one way or the other. He had to go back and tell them that they were not notified because the other letters were sent as a courtesy.

Mr. Forschner said he would like to provide some clarification. The other reason notices were sent out for the other items was because those other proposals violated components of the Zoning Code or the PUD, so they were like variances, which is why notifications were mailed to residents. In this case there was no violation of any provision of the PUD associated with what the individual was doing. Certainly they could send out more notices, but he wanted to make sure their rationale was understood and why they did not send out notices for that modification. President Engle thanked Mr. Forschner for the explanation.

Councilman Long felt they needed to be consistent in our practices as long as city staff has an internal policy. He did not want to be inconsistent when they selectively send out courtesy notifications, which is what he thought was Councilman Caupp’s point. Councilman Caupp said that was correct.

Mr. Percival noted anything that goes to BZA requires that public hearing notices be mailed. He will work with Mr. Forschner to see if there is anything else they can do, perhaps during the next rewrite of the Zoning Code, to establish a set rule.

Mayors & Managers: Mr. Percival said the big item of discussion at the last meeting was a presentation from one of the Montgomery County Commissioners regarding regional governments and combining political subdivisions, so it was an interesting discussion. They will
see where that goes although it does not have much of an effect on Greene County. There was another ten-minute discussion on House Bill 5 and the income tax modifications.

**Miami Valley Regional Planning Commission:** Councilman Louderback said he was unable to attend the meeting due to a conflict in his work schedule.

**ITEMS FROM CITY COUNCIL AND MAYOR:** Change Order for APP Architecture to provide additional cost estimates on various options for Simon Kenton. President Engle noted all members of Council received the information electronically and in hard copy. He then invited the City Manager to address Council. Mr. Percival said with Council’s previous discussion, they instructed staff to go back and get pricing on the three different scenarios Council brought forward. One would be to move the Police Division and Courts; one would be to move the Administration and Police Division; and one is to tear down Simon Kenton and build a new police station. Those are the three scenarios and the pricing structure they got back on each one of those. APP Architecture was very responsive to the wishes of Council and this was the information they received.

President Engle said the decision before Council tonight is to consider and either approve or reject this change order and to divide or subdivide whether they would like to see costing for scenario #1, scenario #2, or scenario #3 or any combination therein. He then invited comments or recommendation from his colleagues before making a motion.

Councilman Long said out of the three options, the two he knew this Council has discussed are scenario #2, which is moving the Police Division, Courts, Law Offices and Probation Department to the school site, and scenario #3, which is to demolish the school and build a new police station at the school site. He was not sure what scenario #1 is, which is to move City Hall Offices and the Police Division to the school site. He did not recall this Council talking about that option, but he was okay with scenarios #2 and #3. He did not know if someone else asked for scenario #1.

Mr. Bazelak said scenario #1 is something staff came up with. Obviously with the discussion, it was evident they were down to those two or three options and one of the issues that came up was whether to move the Administrative Offices out to Simon Kenton or to move the Police Division out to Simon Kenton and what the best option was overall for the city. As he was looking at it, one of the things became evident to him was scenario #1. They had discussions at a staff level as to whether or not it was possible to move multiple departments to the Simon Kenton facility. At the time, they decided against having APP Architecture take a look at that. As they got the space needs analysis back, they realized the Police Division needed about 11,632 sq. ft. When they looked at the unassigned space, which would be the community space, it was about 11,700 sq. ft. With just the math, it would seem that it would be possible to move both the Administrative Offices and the Police Division. As they considered it, they decided to ask APP Architecture to look at it and give them a cost so Council would have another option to consider, that is if Council was interested in taking a look at that. If not, that is fine as well.

Besides what Mr. Bazelak described, President Engle understood that particular option would be desirable due to the ability to use multiple funding streams. Mr. Bazelak said that goes back to the recommendation of staff, i.e., if the Administrative Offices move, multiple funds can be used.
Councilman Louderback said since funding was mentioned, he would like the taxpayers to know (since they are the one funding this) how this would be paid for. Mr. Bazelak asked which option Councilman Louderback was asking about. Councilman Louderback said scenario #2 is completely off the charts because that would cost $10 to $11 million. What would the additional costs be to move the Police Division to Simon Kenton? Would it be $2 or $3 million?

Mr. Bazelak said that is what they need to take a look at it. Obviously, the biggest cost will be making it an essential facility just like if they were to move the Police Division and Courts. There will be additional costs, because instead of doing community space, they would be moving the Police Division, so Councilman Louderback is correct in that it would be an additional cost. Councilman Louderback clarified there would be additional costs over the $7 million. Mr. Bazelak said they believe there would be additional costs over $7 million if the Police Division and Courts move to Simon Kenton, if Council wants to look at that scenario.

Councilman Louderback said he would give his colleagues a chance to think about it. The public has no idea what is going on. He proposed that all of Council’s work sessions from this day forward be televised, because they need to be more transparent to the public. He asked if this would be financed with water and sewer funds.

Assuming Council went with their initial recommendation, Mr. Bazelak said the project would be financed with water and sewer funds and the General Capital Improvement Fund, which would be the .25% income tax that goes directly into the General Capital Improvement Fund, as Council will recall with the last levy. That generated about $1.3 million. They asked the citizens, and they approved that levy where $500,000 a year would go toward street improvements, which leaves $750,000 a year for ‘other capital improvements.’ The project they discussed at that time that Council will recall was the Shawnee Park project, which they gave as an example on how those additional dollars could be spent. At this point, they are saying this would be a project they would consider as part of those other general capital improvements.

Councilman Louderback asked if that would increase water and sewer rates. Mr. Bazelak said as they said previously, the potential cost allocation would be about $30 a year for an average consumer. Councilman Louderback did not remember that discussion. Mr. Bazelak said when they sent out the memo to Council and discussed what they were recommending, there was a statement in there that said it would be about an additional $30 a year. Councilman Louderback confirmed funding this project would result in an increase in water and sewer rates for our taxpayers.

Councilman Louderback said our citizens passed a levy. The City promised that six police officers and six firefighters would be brought back, which they did. They promised to renovate Shawnee Park to the tune of approximately $1 million, which they did. They increased their annual budget from $150,000 for street paving to $500,000 or $600,000. At no time during all this when they were trying to get a levy passed did they say, “By the way, we want to move our city offices or Police Division from downtown Xenia or we want to build a new Police Division”. They said none of that, so it frustrates him because the public needs to know what is going on since they are paying for this! He said Mr. Bazelak just said that to pay for it, the city would have to increase water and sewer rates. Xenia has one of the highest income tax rates in the State of
Ohio. If they want to attract new business and families, they have to lower our income tax rate, which is his goal, and not put the burden on the taxpayers.

Councilman Louderback said scenario #2 is to move the Police Division, Courts, Law Offices, and Probation Department to the school site and Councilman Long mentioned it would cost $10 to $11 million. That does not make any sense! He wants the taxpayers to know what is going on, and they need to be more transparent. Any public meeting/work session needs to be televised so the public knows what is going on. They do not know why the City is spending $7 to $10 million - they are just lost. He will not support any more money to APP Architecture. He has been against this project from day one.

Councilman Long said he wanted to clarify one thing that Councilman Louderback mentioned. He at no time implied that they should move all city offices to Simon Kenton, which is why he questioned how scenario #1 got in there to begin with. Councilman Louderback said it was in a previous email. Maybe Councilman Long needs to go back and look at that email. Councilman Long noted he actually posted that email on line for public viewing.

Councilman Long said he had asked for Council to consider moving the Police Division, Courts, and Law Department to Simon Kenton and to see the differences in leaving the Dispatch Center at City Hall or at Simon Kenton, because a lot of the cost scenarios can greatly increase depending on whether it is an essential facility or not. Leaving the Dispatch Center at City Hall and moving the Police Division to Simon Kenton results in both facilities needing to be essential facilities. He was not asking to raise this budget by $7 million. The estimate from APP Architecture to move Administrative Offices to Simon Kenton is $7 million, and as he stated at the last meeting, he does not like that number. His goal from the beginning was to get the Police Division needs resolved. He was not on Council when the levy was put on the ballot, but he remembered voting for it and that the city spoke about Shawnee Park being a priority. However, it was also sold as Capital Improvement Funds beyond that. There was an open house where he took a tour through the Police Division during the campaigning where he saw those needs. That was his only goal. If this Police Division move comes back to be anywhere close to $10 to $11 million, he would not support it. The estimate when he met with city staff was around $7 million.

Mr. Bazelak asked if Councilman Long was referring to scenario #2 to move the Police Division, Courts, Law Offices, and Probation Department to Simon Kenton. Councilman Long said yes. Mr. Bazelak said he calculated a figure closer to $8 million. Subsequent to that, they have had a discussion with APP Architecture who said the essential facility could be more than just the office space that was about 24,300 sq. ft., which Mr. Berger can speak more about. When they discussed that with APP Architecture, their thought was that probably the entire 40,000 sq. ft. would need to be an essential facility, which would increase that cost beyond what he had calculated. However, other costs may be reduced.

Councilman Long said he wants to get true estimates from the architects relative to staff’s fairly inexperienced guesses. He might consider the option of demolishing Simon Kenton depending on where the costs come back. He wanted the public to understand what they are asking for with this particular item, which is to allow the experts (architects) to explore those avenues. He is afraid they will expand the Police Division at City Hall and give them more square footage that does not necessarily function the way they want, and then 15 years from now they have another
Councilman Long said that is where he is at, that was what that email was about, and that is what this particular item is about. Unfortunately, to do due diligence on any scenario, they have to spend money on an architect. He is doing it right now on a facility in his private job where he has to pay engineers and architects to rule in and out items. Although he will leave it up to the majority of Council to decide, he personally could care less about scenario #1 about moving City Hall offices and the Police Division to Simon Kenton. He would like to get the numbers on scenarios #2 and #3 to close out those ideas.

Councilman Caupp said like Councilman Louderback, he did not vote for the original $250,000 to be spent [with APP Architecture] and he was having a tough time just throwing more money at this project. Scenario #1 (move City Hall offices and the Police Division to Simon Kenton) obviously would be the most expensive of the three options. Scenario #2 (move the Police Division, Courts, Law Offices and Probation Department to the school site) would require that building to be an essential facility, so that would jack the price up even higher than the $5.8 million for the same building. His concerns really are not whether it is used for Administrative Offices or the Police Division. Obviously, he is in favor of Administrative Offices staying at City Hall. That would jack the price up well beyond the numbers the City can afford. Obviously, the Communications Center has to remain here. In his discussion with staff, they would either have to run fiber or move the tower, which would be $1 million plus to do that portion to move the Communications Center, so that is off the table in his book.

Councilman Caupp said hindsight being 20/20 and after talking with many citizens about this, he questioned why he even voted to take the building in the first place. Now they are probably going to end up bulldozing it. He knows that land is valuable, but after talking to staff, they only need a small portion of the land and not the remainder of the land. He could not support scenarios #1 or #2 because they already know the price will be higher, so the best option is scenario #3.

Councilman Caupp agreed with staff and Councilman Long that a portion of those tax dollars from the tax levy was set aside for future improvements to the city. Councilman Long mentioned that they have to think 15 to 20 years down the road. During his conversation with Assistant City Manager Brent Merriman, he stated that moving the Administrative Offices to Simon Kenton was a 15- to 20-year stopgap.

Councilman Caupp said their true need is a Police Division, because the basement is dysfunctional. The City Engineer looked at 25 structures that have been built in the Miami Valley and the average cost for a police station was $189 per square foot to build. The XPD needs 12,437 sq. ft. for a police station. He could even support going to 15,000 sq. ft., so that potentially down the road they could get that Communications Center moved out there when they can afford it. The $189/sq. ft. is the price to make it an essential facility built to police standards. To have a new 15,000 sq. ft. police station that is efficient that would not nickel and dime you to death is $2.835 million for a 15,000 sq. ft. building that they could design to meet the needs of the Police Division. He envisions the police station and the Administrative Offices there, and then down the road they could build a fire station on the other side and so the
Administrative Offices would be in the middle and all those offices would be housed in a Safety Services Complex.

Councilman Caupp said that according to staff at the work session, if the Police Division moves out and City Hall is remodeled for Administrative Offices only would cost $625,000, which is $1 million less than remodeling City Hall for a police station. It would cost $300,000 to demolish Simon Kenton. He is coming up with a total price tag of $3.760 million, which is easier for him to accept than $7.2 million. They would be getting a brand new complex that the community can be proud of and one that meets the needs of the Police Division. He understands they could not use water and sewer funds, but if they are building a building that cost two times more than that number and the funds are 50/50, then for a project half the price using only General Cap funds, the dollars coming out of the General Fund will be about the same. That is how he sees it, but maybe the Finance Director can point him in a different direction and tell him where he was wrong. He could not see where the numbers would be that great of a difference. He can only support scenario #3 because scenarios #1 and #2 would take that $7.2 million cost higher, and he could not support that.

President Engle entertained comments from the Finance Director.

Referencing Councilman Caupp’s point, Mr. Bazelak said he is correct in terms of the cost to the General Capital Improvement Fund and Key Operating Funds. It would be a similar cost under what they recommended for the police only option, but if Council approves App Architecture to do that construction estimate, they will finalize that. He talked to the Police Chief and they used 16,000 sq. ft. as if they build a new facility at Simon Kenton. The $625,000 that Councilman Caupp quoted is basically to do the minimum improvements to City Hall and to combine the Utility Billing and Income Tax Offices. There are other costs rolled into that, such as site improvements, the bond issuance cost, and engineering costs, so when they total that together they are looking at a little over $5 million vs. $7 million. However, it is a little more cost in the General Capital Improvement Fund and less overall because they do not have the cost to the water and sewer funds since they are only doing a minimum amount to City Hall. Therefore, they would be unable to charge those costs to the water and sewer funds, but it is a lower amount, so you save the dollars there, but you are going to spend a similar amount of money in terms of what he estimated in the General Capital Improvement Fund.

Mr. Bazelak noted the other issue is the community space which they would not be getting. The other issues shown with the space needs analysis would not be addressed. They talked about freeing up the basement and moving the Probation Department there and have a work area for the IT Department, and the Dispatch Center. It does not necessarily address the space needs of the other departments, but that is a decision Council will make, and as was stated, that was not the initial priority.

Vice President Smith noted scenario #3 was to demolish the school and build a new police station at the school site. They have a need for a community space; there are kids who cannot play basketball because there is no gym space. Since the City does not have a community center, why do they have to tear Simon Kenton down to build a new police station when they have that whole property there? When he was on Council three years ago, they were presented this as an option and they jumped on it because it was a free building as a land swap. Now they are crying
because they may have to tear it down. If they don’t use it and tear it down that is one thing, but
they took that building because it was free. The taxpayers have already paid for that building
through their school tax dollars, so it is not like it is a waste if it is torn down, but it also a
functional building where they can save tax dollars in the long term if they can utilize it. He
thought it was a unanimous vote by Council to take that property. He will check the minutes. The
overall plan three years ago was to put the Police Division at Simon Kenton because of the lack
of space at City Hall. Somehow that has changed and gotten diluted, because it was not
affordable to put the police station out there alone. So now, they are right back there where they
know they really cannot afford to make it just a police station. He is at a loss on what to do, but
he would hate to see them demolish the building because the city got it for free.

Councilwoman Mills agreed $7 million is a lot of money to redo Simon Kenton, and she was not
making light of that. However, when you spread it out over a 20-year loan then it is a little bit
easier to do. When she and her husband bought their house, they did not write a check and pay
cash for it. They had to make payments over a period of time, and that is one of the things staff is
looking at. She noted the $7 million was with all the bells and whistles to include completing a
street, all the landscaping, and all the parking lot improvements, which are things that can be put
in step by step and do not have to be done all at once, so that is something else to consider. The
city pays $1,500 or more a year to Xenia Community Schools to be able to use their gym space,
so in 20 years the city would save $30,000 if they could use the gym at Simon Kenton. When the
residents at Walter Sellers Apartments were displaced after the fire, the city did not have a place
for them to go. They were very fortunate that a church was able to handle the situation, but the
church also struggled. It would be nice to have that community space for situations like that. She
thanked staff, because like Council, they must be pulling their hair out. They look at every angle
in every way and do not take their jobs lightly and are trying to the very best they can. The make
decisions based on the information they have, so the more information they have before they
vote, the better decision they can make. They are all individuals and they all see things
differently, but she would not want it any other way. As Vice President Smith said, it is a lot to
take in and sometimes she feels like they are right back to where they started.

Mayor Bayless said she was still of the opinion that she would like to see the Police Division
move to Simon Kenton. She would still like to maintain the building as much as possible because
she did not think they could recover that area that could be used for the community, and she is
still concerned about the cost, which is still a big factor for her. Like several others, she is still
baffled as to where they go from here.

Councilman Caupp said hindsight being 20/20 and talking to the citizens now, he probably
would have never voted to accept the building. Xenia Community Schools did not just give the
city that building. They were told the building had no marketable value, so they gave it to the
city so they did not have to pay $300,000 to demolish it. If they could have sold that building and
it had marketable value, XCS would have sold it for profit.

Councilman Louderback said he had reports if anybody wanted to see them. When XCS passed
their school levy, they said none of their schools were able to be rehabbed. The taxpayers did not
have a problem tearing down Tecumseh, Shawnee, Cox, Arrowood, or Spring Hill Schools. As
Councilman Caupp stated, the building had no marketable value. In response to Vice President
Smith, yes, he voted to acquire that land because it is a valuable piece of property. Not to muddy
the waters, but the City needs a fire station in the west end before anything else. Why would they not utilize the property at Simon Kenton and build a fire station if they are going to build anything? He has said since day one that it is a valuable piece of property, but it would be more valuable if they bulldoze the building. Then, they will have land that can be used for future development. The schools did not want the building, so why should the City want it?

President Engle entertained further comments. Hearing none, he entertained a motion on what scenarios City Council wishes to fund, if any.

Motion by Councilman Long, seconded by Mayor Bayless, to execute a Change Order with APP Architecture to provide additional cost estimates on Scenario #2 [Move the Police Division, Courts, Law Offices and Probation Department to Simon Kenton] and Scenario #3 [Demolish the school building and build a new police station at Simon Kenton] as provided in staff’s email. President Engle asked the Finance Director to specify what the total cost would be. Mr. Bazelak said the cost for Scenario #2 is $8,500 and the cost for Scenario #3 is $4,000, which would be a not to exceed cost of $12,500. No further discussion followed. The Roll on this was the following:

Ayes: Smith, Long, Mills, Bayless, and Engle
Nays: Caupp and Louderback  motion carried.

Vice President Smith asked whom an organization should contact for a permit or to find out the schedule in regard to putting a banner across Main Street. Mr. Percival said they should contact his assistant, Amanda Zimmerlin.

REPORTS OF CITY OFFICES:

City Manager’s Office:

Introduction of an Ordinance to declare a 1988 Fire Engine as surplus and authorizing the sale via GovDeals. Mr. Percival respectfully requested that Council introduce the ordinance. President Engle noted the 1988 FMC Pumper has an estimated value of $8,000 - $10,000 and staff is proposing to sell it via an internet auction service. He asked if they intend to have that as a flat internet auction or if there will be a reserve. Mr. Percival said there would be a reserve.

Vice President Smith introduced an ORDINANCE DECLARING CERTAIN CITY PERSONAL PROPERTY TO BE SURPLUS AND AUTHORIZING THE SALE VIA GOVDEALS, and it was read for a first time.

Emergency Ordinance to waive competitive bidding and purchase four Power Lift Cots. Mr. Percival asked Chief Riggsby to address Council. Chief Riggsby noted in May the Fire Division told Council that they received a Department of Homeland Security (DHS) grant for $60,000 to purchase Power Lift Cots. They considered doing this in 2003, but they did not due to the cost of the Power Lift Cots. The cots will be very beneficial to staff, because it will reduce the amount of lifting that they have to do. This evening they are asking Council to waive competitive bidding, because the cots they are purchasing are going to be used in conjunction with the Power Lift that lifts the Cots into the medic, and the Power Load System is only available with the Stryker Power Cots. They received a BWC reimbursement, and they will use
that refunded money to purchase those. The cost to purchase four Power Cots from Stryker EMS is $59,408.08 ($53,467.27 Fire Act Grant, $5,940.81 City portion).

Councilman Louderback presented an ORDINANCE WAIVING COMPETITIVE BIDDING AND AUTHORIZING THE CITY MANAGER TO PURCHASE FOUR POWER COTS FROM STRYKER FOR THE FIRE DIVISION, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Councilman Louderback, seconded by Councilman Caupp, that the rules requiring the reading of an ordinance at two consecutive meetings be dispensed with and this ordinance be placed at once upon its passage. Discussion followed.

Mayor Bayless asked what accessories were included. Chief Riggsby said he had the list of accessories if Mayor Bayless would like to see them. Basically, it is the equipment hook for IV supplies, an XPS (Expandable Patient Service) to accommodate larger patients, and a charger mounting bracket.

Councilman Caupp asked if any modifications needed to be made to the interior of the boxes. Chief Riggsby said no, not for the cots. However, the Power Lifts will have to be installed into the medic, but it just bolts through the floor to the frame. They can be moved from medic to medic, which is the main goal.

Councilwoman Mills said since the power lifts are not installed yet, she asked if the cots are a lot heavier. Chief Riggsby said they are about 10 pounds heavier than their current cots, but some of their policies will change in regard to how they maneuver with those cots. They also carry stair chairs to bring people down the stairs to bring them outside. They may say that the Power Lift Cots cannot be taken upstairs, etc., but they will work those things out in their policies.

Councilman Louderback remembered two incidents a few years ago while talking with firefighters. One gentleman weighed 400 pounds and another weighed over 500 pounds. He thought one of those calls resulted in a back injury to a firefighter. Chief Riggsby said that was correct. Councilman Louderback said he was very much in favor of this, because firefighters do not know what they are going to run into when they go on a call.

Councilman Louderback asked who wrote the grant. Chief Riggsby said Captain Jason Kinley wrote the grant. Councilman Louderback asked Chief Riggsby to tell Captain Kinley congratulations.

Chief Riggsby said this year they were able to acquire about $160,000 in grants, pending receipt of the BWC grant. They secured grants to pay for the Power Lifts that cost around $88,000, the Power Lifts Cots are $59,000, and they acquired some other funds through their seat belt money this year. They are trying to do their due diligence to get things they would like to have to help them in their job. Councilman Louderback said the Fire Division had some good grant writers. Chief Riggsby said yes they do.

President Engle noted the city’s contribution to this purchase is $5,940.81.

The Roll on this was the following:
Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

Motion by Councilman Louderback, seconded by Councilman Caupp, that Ordinance Number 13-47 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

Emergency Resolution authorizing the submission of a Surface Transportation Program (STP) application to MVRPC for safety improvements to the intersection of E. Church Street and N. Columbus Avenue. Mr. Percival said this intersection is one of the oddest intersections in the City, because it does not line up. He respectfully requested that Council pass an emergency Resolution authorizing him to submit an application to MVRPC for Surface Transportation Program (STP) funds for safety enhancements to the intersection of E. Church Street and N. Columbus Avenue. This will be a 2018 project, but they have to submit the application this far in advance to get the projects on the list at MVRPC.

Mayor Bayless presented a RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION THROUGH THE MIAMI VALLEY REGIONAL PLANNING COMMISSION FOR SURFACE TRANSPORTATION PROGRAM FUNDING FOR THE CONSTRUCTION OF SAFETY IMPROVEMENTS TO THE INTERSECTION OF EAST CHURCH STREET AND NORTH COLUMBUS AVENUE, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Mayor Bayless, seconded by Councilman Louderback, that the rules requiring the reading of a resolution at two consecutive meetings be dispensed with and this resolution be placed at once upon its passage. Discussion followed.

Councilman Louderback commended the City Engineer for his due diligence in staying on top of all the MVRPC projects.

Mayor Bayless said she was glad to see this coming. She has been fortunate because she was only involved in one accident there in all her years, but it is a very dangerous passage.

Councilman Louderback noted the traffic light at Main and Fair Streets is always green, so he wondered why it was still there. Mayor Bayless said the light is triggered if a car is on Fair Street, but otherwise it stays green.

The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

Motion by Mayor Bayless, seconded by Councilman Louderback, that Resolution Number 13-W be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.
Emergency Ordinance to waive competitive bidding and authorize the purchase of two 63” x 98” Electronic Message Boards from A & A Safety. Mr. Percival respectfully requested that Council pass an emergency Ordinance to waive competitive bidding and authorize him to purchase two (2) electronic message boards from A & A Safety at a cost not-to-exceed $28,900. These are the big message boards to use for festivals, First Fridays, construction sites to alert motorists that City crews are ahead, and during other emergency operations. They have talked about purchasing these for a long time, and Mr. Berger felt it was appropriate to use a portion of the BWC refund to purchase these items.

Vice President Smith presented an ORDINANCE AUTHORIZING THE CITY MANAGER TO PURCHASE TWO (2) ELECTRONIC MESSAGE BOARDS WITHOUT FORMAL COMPETITIVE BIDDING FROM A & A SAFETY AT A COST NOT TO EXCEED $28,900 AND DECLARING IT TO BE AN EMERGENCY.

Motion by Vice President Smith, seconded by Councilman Louderback, that the rules requiring the reading of an ordinance at two consecutive meetings be dispensed with and this ordinance be placed at once upon its passage. Brief discussion followed. Councilman Caupp asked if they are trailer signs with hydraulic lifts. Mr. Berger said the signs are on a trailer. Mr. Percival said the signs are hard-mounted to the trailer and are lowered for storage. The hydraulic lift is used to raise them up. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

Motion by Vice President Smith, seconded by Councilman Louderback, that Ordinance Number 13-48 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

Emergency Ordinance for Additional Appropriations for FY2013 to purchase a Condensing Unit for the City Hall Radio Room. Mr. Percival noted that over the last week the compressor that controls the room temperature in the City Hall Radio Room failed and temperatures reached over 90 degrees. All the equipment in the room produces a tremendous amount of heat. Reaching such temperatures makes the equipment susceptible to damage and/or failure. Waibel Energy Systems was able to get the compressor restarted but warned that because of the age and condition of the unit that it could fail again at any time. Given the price quotation of $10,712, the City’s normal purchasing procedures require two additional written quotations, but due to the emergency nature of the replacement and because Waibel Energy Systems has been the City’s contract maintenance vendor for many years, staff only obtained one quote in this case and is requesting that Council appropriate the money. He respectfully requested that Council pass an emergency Ordinance approving the requested supplemental appropriation in the amount of $10,712 so that the condensing unit can be replaced as soon as possible.

Councilman Louderback presented an ORDINANCE AMENDING ORDINANCE 12-53 TO MAKE ADJUSTMENTS IN APPROPRIATIONS FOR CURRENT EXPENDITURES OF THE CITY OF XENIA, OHIO DURING THE FISCAL YEAR ENDING DECEMBER 31, 2013, AND DECLARING IT TO BE AN EMERGENCY.
Motion by Councilman Louderback, seconded by Mayor Bayless, that the rules requiring the reading of an ordinance at two consecutive meetings be dispensed with and this ordinance be placed at once upon its passage. Discussion followed.

Councilman Louderback said he appreciated staff bringing this to Council, but he noted Council gave staff the authority to purchase anything under $25,000. Mr. Percival said this is being presented for Council approval, because they had to appropriate the money for the purchase. President Engle thought another reason was because staff wished to use a sole source vendor. Mr. Percival agreed.

The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

Motion by Councilman Louderback, seconded by Mayor Bayless, that Ordinance Number 13-49 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

**Items for the City Manager:** None.

**Finance Director’s Office:**

Mr. Bazelak presented payment of bills totaling $277,450.81.

Motion by Councilman Louderback, seconded by Councilman Caupp, to approve payment of bills totaling $277,450.81. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

**Items for the Finance Director:** None.

**Law Director’s Office:**

**Introduction of Ordinances and Resolutions:** None.

**Second Readings of Ordinances and Resolutions:** Mr. Lewis presented a RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR, and it was read for a second time.

Motion by Councilman Long, seconded by Councilman Louderback, that Resolution Number 13-X be now passed. Vice President Smith said he would abstain because he was absent at the last meeting and was not familiar with the resolution. The Roll on this was the following:

Ayes: Caupp, Louderback, Long, Mills, Bayless, and Engle
Abstain: Smith
Nays: None motion carried.
Items for the Law Director: Mr. Lewis said at the last meeting, he meant to send condolences to the family of Shirley Ellis. When her health permitted, she was very involved with the community, particularly with arts and kids, and she will be missed. He congratulated his wife who ran in the Air Force Marathon and finished in 3.33 hours, which was not her personal best, but she won her “new” age group. She has won her age group five times in three different age groups, so he is very proud of her.

President Engle congratulated Mr. Lewis on his nomination to the Chamber of Commerce Board. Mr. Lewis said the nominations are not yet closed, so vote often and vote early. Councilman Louderback noted there was only three openings and three candidates, so he was assuming Mr. Lewis was running unopposed. Mr. Lewis said at this point, yes. (Laughter followed.)

SUMMARY OF ACTION ITEMS: Mr. Percival said there were no updates.

- Update on Proposed Recreation Venues (Requested by Councilman Louderback//Assigned to Jim Percival)
- A report on the feasibility of a Vacant Building Ordinance (Requested by Councilman Louderback//Assigned to City Manager’s Office and Law Director)
- Quarterly Updates on Economic Development at Council meetings on 04/11/13, 07/11/13 [completed], 10/10/13, 01/09/14) (Requested by Councilman Louderback//Assigned to Steve Brodsky/Jim Percival)
- Timeline for completion and delivery of cost estimates, renderings, etc., for Simon Kenton Project (Requested by Councilman Long//Assigned to Jim Percival/Chris Berger)

President Engle asked if there were any issues Council would like added to the next Council meeting under “Summary of Actions Items”. There was no response from Council.

READING OF COMMUNICATIONS AND DISCUSSION: Councilman Long thought Councilman Louderback brought up a good point about televising Council’s work sessions. He asked Mr. Percival to check on the cost to have an employee televise those sessions and get back to Council. This is not the first time he has been asked to televise them. Mr. Percival said he would do that. Councilman Long thanked the community for supporting the Xenia Community Festival. He gave a big thank you to our Police Division and our Public Service Department. Many people do not know that city staff starts working very early on Friday mornings on all the community events and they come back to clean up as he leaves the Festival at 11 p.m. so that streets can be ready for traffic. He cannot thank them enough for all the hard work they do at First Fridays, the Xenia Community Festival, etc.

Councilwoman Mills said at the Community Festival, she attended a ribbon cutting at T. Lane Designs Limited. It was a very special ribbon cutting because the owner’s boyfriend proposed to her! She offered her congratulations to Tori and Jeremy and wished them the best of luck.

Councilman Louderback and Councilman Caupp had nothing further to share.

Mayor Bayless said she delivered 45 Beautification Awards to residents this month, which took her six hours and she traveled 52 miles in Xenia. She appreciated the help and company of two of her fellow church members who like to ride along and see all the beautiful homes. She congratulated her pastor, Rev. Dr. John E. Freeman for writing his first book, which is called “I don’t feel at home in this world anymore”. The book is based on his near death experience nearly three years ago. She attended a book signing on September 14th and the book is available
at United AME Church, 286 E. Church Street; it is also available on Amazon and YouTube. She performed two ribbon-cutting ceremonies. The first was on September 18th at the Wead, Anderson, Phipps, and Aultman Law Office, 53 E. Main Street. They have a beautiful new sign above their building. The second ribbon-cutting was at T. Lane Designs, a beautiful building with home décor, photography, and design brand store. The owner, Tori Lane, is the daughter of Xenia Police Sergeant Steve Lane and her fiancé, Jeremy King, is the son of retired city employee Bobby King. It was a very nice activity and surprise. They thought she was a part of it because when they cut the ribbon, she took the bouquet and said, "I now pronounce you man and wife!" Tori looked at Jeremy and said she did not have a ring, and Jeremy said he could take care of that, pulled a ring out of his pocket, and proposed! Regarding our Community Festival, she thanked everyone involved and those who supported the event. It rained during the parade this year, but those hardcore people still came out and supported it and she really thanked them for that. Tomorrow there is a tailgate party at Cox Field for Xenia Community Schools prior to the Homecoming game. The tailgate will be from 5 p.m. to 6:30 p.m. at the Cox Elementary School playground where there will be hot dogs, chips, cookies, and water. There will also be cornhole competitions and music along with giveaways and raffle drawings. It is a free event for the community hosted by all the schools and the Central Office.

Vice President Smith thanked the Xenia Community Festival Committee and Councilman Long who all work many long hours on that event. He also thanked Councilman Long for attending the Bengals/Steelers game with him.

President Engle also extended his thanks to the Xenia Community Festival Committee, and especially Councilman Long. They did a marvelous job this year of pulling the event off in spite of the rain. Council approved a consolidation of properties for 4 Paws for Ability. Many in the community might not know that the founder of 4 Paws for Ability, Ms. Karen Shirk, was honored on September 20th at the Free to Soar Gala at Morgan’s Wonderland in San Antonio, Texas, for her exceptional work with special needs individuals to provide service animals for them. This is another great example of an organization in our community that is contributing widely to our community and communities in and around us for people with special needs. He commends Ms. Shirk and would like the citizens to share in that as well. Mr. Lewis said Ms. Shirk also aggressively hires people on felony probation and works with them trying to give them a fresh start. President Engle said he was not aware of that.

**ADJOURNMENT:** Motion by Councilman Long, seconded by Councilman Louderback, to adjourn the Regular Session at 8:56 p.m. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

Michelle D. Johnson, City Clerk
Xenia City Council

Michael D. Engle, President
Xenia City Council
The Xenia City Council met in an Executive Session on October 10, 2013, at 5:15 p.m. in the City Council Chambers, City Hall, with the following members present: Wesley Smith, John Caupp, Dale Louderback, Joshua Long, Jeanne Mills, Marsha J. Bayless (arrived at 5:50 p.m.), and Michael D. Engle.

Motion by Vice President Smith, seconded by Councilman Louderback, to go into an Executive Session to discuss Personnel Matters. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, and Engle  
Nays: None  motion carried.

The City Council convened in Executive Session in the City Council Chambers, City Hall, with the same members present to discuss Personnel Matters.

At 6:19 p.m., the Xenia City Council adjourned their Executive Session and met in a Special Session with the following members present: Wesley Smith, John Caupp, Dale Louderback, Joshua Long, Jeanne Mills, Marsha J. Bayless, and Michael D. Engle.

**Five-Year Capital Improvement Plan (CIP).** Mr. Percival noted everyone received a copy of the Five-Year CIP. He then invited Mr. Merriman to begin his presentation.

Mr. Merriman said following the brief presentation, the floor would be open for discussion. They did not go into a lot of detail with the presentation, because Council has those details in the CIP. He noted there is a different format in the CIP this year. They have been working with the Finance Department on the next sequential step in trying to integrate the city’s Five-Year CIP into the budget, and they created a database that will remove several redundant steps in terms of importing the information. That database will feed into the budget system so in the spring when they start making additions to the Five-Year CIP for the new year, it will automatically feed into the budget. The formatting is a little different because they have some limitations with respect to what they can do with the database, and there is a little bit more information in the tables than Council is used to seeing. There are probably some glitches as they are still working on how to present the information, so it is a work in progress this year, but they will work on improving the presentation format.

As a reminder before they begin, Mr. Merriman noted the Five-Year CIP is a plan and does not commit Council to any specific actions, activities, or purchases. It seeks Council’s approval of a direction with regard to various improvement areas. Council will have opportunities later in the budget review process/awarding bids to have some input on purchases related to individual projects that have been listed. This is a snapshot in time. The Five-Year CIP is constantly
evolving as conditions change and things happen. It is reflective of the general direction of where they are and where they recommend going, but things could happen that would change things.

Mr. Merriman said he put together a brief presentation that highlights some of the key things within each of the different improvement programs. He then proceeded with the following Powerpoint presentation.

**GENERAL CAPITAL IMPROVEMENT PROGRAMS**

**Downtown Improvement Program Highlights**
- Shifts focus toward strategic improvements rather than aesthetics
- Specific initiatives outlined in X-Plan include looking into the future of Xenia Towne Square and studying the bike trail to improve flow and related amenities

Mr. Merriman said they are trying to target and gear the efforts in terms of any physical improvements downtown so they feed into what they are trying to do with downtown from an economic development perspective.

**Facilities Improvement Program Highlights**
- Requires direction for Simon Kenton facility and City Hall
  * The discussion on what to do with Simon Kenton really drives discussions not only with facilities, but also with many of the other areas due to its relationship with the funding sources and city operations. The Simon Kenton decision is critical and once that decision is made, it will likely have significant impacts to the breadth and depth of this Five-Year CIP.
- Service Center will need various improvements such as security expansion and roof repair

**IT Improvement Program Highlights**
- Fiber optic and wireless system expansion to improve network reliability and cut operating costs
  * Mr. Merriman noted the City used to get many network services free and actually made money from the deal, but that is no longer the case with the change in that structure when franchise agreements were all standardized at the State level. Now the city pays Time Warner Cable a hefty monthly fee to have internet access services. They feel there is a better way to do that long-term that would have a better return on the investment and provide more security and reliability for our network, so that is an area they feel they need to pursue expansion in the next five years.
- Virtualization
  * The concept is that instead of individualizing computers and programs on computers, it is all virtualized over the network and “ghosted” in on computers. That could have tremendous implications for reducing our labor costs and labor efforts in IT, so that is an area where they are taking a very hard look and feel there are some real possibilities.
- Standard network, hardware and software maintenance/replacement
  * They do about a five- to seven-year rotation on computers/cell phones, etc., that are related to technology and communication expenses that are charged back to various departments.

**Parks & Trails Improvement Program Highlights**
- Recommend conducting two-phase study, starting with recreation and parks needs assessment then extending to individualized park improvement plans
Based on the findings of the study, the next step would be to look at individual parks and given the demographics of that area asking what works best in that park in terms of amenities based on where they are going with parks and recreation in the community broadly. In conjunction with that analysis, start looking seriously from an economic development standpoint how to expand our entertainment offerings locally as well. They think the study will be the first step before committing any large amounts of money to individual park plans. They need to look at it globally as to what the needs are in the community, how to provide more entertainment services through private groups, and what is left for the city to do through the parks system.

Lexington Park would be addressed through separate neighborhood revitalization effort

* Given the location of Lexington Park, there are many neighborhood issues. They feel that neighborhood revitalization is the best first step and might result in the recommendation to move that park because its current location creates many complexities. It is the most isolated park in the city with poor visibility and accessibility from the street, so they think there is a different path to address Lexington Park long-term and that it should be part of their broader effort looking at the east end and how to revitalize that entire area.

**Streets & Transportation Improvement Program Highlights**

* Maintains a general capital commitment of at least $500,000 annually plus 228 and 229 funds
  * The City receives about $150,000 a year in our 228 fund that can only be spent on local streets; 229 funds can be spent on thoroughfares and larger state routes. They usually spend in excess of $650,000 annually on streets. With the utilization of grant dollars, they have spent quite a bit more than that in a five-year period.
* Several major projects leveraging grant funds are slated for the five-year period
* Since no local streets are scheduled for rehab next year with the US 42/68 project, staff recommends conducting a “PCI” study to be used in developing intermediate to long-term strategies
  * After talking with Public Service Director/City Engineer Chris Berger and other staff, they felt it would be a good opportunity to spend a little bit of money and have a Pavement Condition Index (PCI) rating redone. The PCI does a street-by-street assessment of the condition of the pavement and curbing, rates them from zero to 100 across the city, which takes some of the discrepancy out of the selection process. It would be a tremendous tool for two reasons: (1) It would help them prioritize streets with some objective information; (2) It would give them a better understanding of the total scope of the problem they face and allow staff to have discussions with Council on an intermediate basis about what to do, such as looking at a $2 million bond issue to complete large sections of road. They feel the PCI would give them a lot of that foundational information to allow staff to give Council better recommendations over that intermediate period.

Mr. Merriman said various fleet replacements and other equipment and materials related to street maintenance were included in the CIP. With any fleet replacements in any departments, anything beyond next year is a projected replacement date, which are estimations and not guaranteed. Depending on actual mileage, hours used, maintenance costs, etc., those might come earlier or later, but they will not know until they get a little bit closer.
The recommendations provided are relative to Simon Kenton and City Hall (includes grants and General Capital Fund dollars). The largest expenditure is on streets and transportation, but they are trying to maintain at least minimal commitments in other areas as well.

Councilman Caupp asked for more details on the ‘development downtown’ in 2015. Mr. Bazelak said it is the $85,000 a year for five years for the bike path construction they discussed. They projected approximately $390,000 in improvements to do whatever the study shows they need to do to get the bike path through downtown.

Public Safety Capital Improvement Programs

Law Enforcement Improvement Program Highlights
- Program maintains cruiser replacements
- Stepped up replacement of unmarked vehicles
  * The costs for maintaining the unmarked vehicles are increasing significantly, so Mr. Percival and he felt it was time to start making some replacements there.
- Equipment replacement remains a priority (bulletproof vests, guns, etc.)
- Facility issue requires direction, which is tied to the Simon Kenton discussion/decision

Fire/Rescue Improvement Program Highlights
- Staff recommends a new direction for fleet replacement; specifically medic replacement with smaller, less expensive chassis
  * They have pumped a lot of money into repairs for the medic fleet in part because one of them is just a lemon. In general, our medic fleet is aging and they need to take a more aggressive approach on replacement. They are recommending a commitment to a two-year replacement cycle so a medic would last about eight years, but they would replace one medic every two years. Mr. Percival said actually it would go ten years because the medic would go into reserve status the last year or two. Mr. Merriman said that was correct. They have four that
they consider front line medics and they would keep one in reserve. With that rotation, they feel they could get the vehicles to last for that period, but once you get to that eighth, ninth, or tenth year and beyond, the maintenance costs start to increase significantly. At the recommendation of the Fire Chief and Deputy Fire Chief, they looked at going with a smaller size chassis, which would save the city about $30,000. They feel the heavier duty chassis does not afford them any additional wear and tear on the vehicle; it is usually the hours on the vehicle that puts it into disrepair and starts to contribute to the maintenance expenses. Their recommendation is to commit to that cycle and in a few years, they should start to see reduced maintenance costs.

* Mr. Percival said it is not usually the medic box that wears out; it is everything underneath. With that new cycle, they would be able to put the box on a new chassis, which would result in significant savings if they do not have to replace the box every time they replace the cab and chassis. Mr. Merriman noted Dodge offers a much better warranty program versus other vehicle warranties on heavier-duty chassis. Mr. Lewis asked if they were heavy-duty trucks or freightliners. Mr. Percival said it would be the Dodge 5500, which is equivalent to the Ford F550. Councilman Caupp thought Fairborn uses Dodge vehicles. Mr. Percival said Fairborn just went to Dodge, which is why they evaluated how they did there and it looks like they are holding up and are less expensive, so there are some possibilities there.

* Mr. Merriman said the other concern is a qualitative issue. It is imperative that the medic unit is reliable and functions properly. They have had too many cases this year where there was an issue with the medic unit and they had to re-route another medic unit, which is not acceptable from a service delivery standpoint, so they have to do something to address that.

Committed to Station 31 for at least another 10 years; projected improvements reflect this commitment

* Mr. Merriman said the other big issue with the Fire Division is the plumbing issue that resulted in extensive damage. The upside is they were able to fix many things that were on the list to be fixed. Their recommendation is to commit to improvements for at least the next ten years to that facility since it is the primary administrative facility for our Fire Division. There are additional dollars in the Five-Year CIP to address windows and a few other things. With what they have done over the last few years, they feel they can get at least another ten years out of that facility.

Mr. Merriman said over the next few years, they need to discuss with Council how to fund the Public Safety facilities. Station 32 has some roof issues now that need to be addressed and they are trying to figure out the best way to do that. At some point, they will probably need to build a new fire station, but the questions are where, how big, will they just replace Station 32, or is it relocating the Fire Division’s headquarters. Those decisions will need to be made, but they feel they can get a little more time out of Station 31 at the current location by addressing some of the improvement needs with some incremental investment.

Councilman Louderback asked what the timeframe is on Station 32. Mr. Percival said if they have a plan within the next two years, they are looking at seven to eight years out for construction. Councilman Louderback thought the Simon Kenton area would be an ideal location. Mr. Merriman thought any land they own in that area would be a good location. If they develop a plan with a build out in a seven-year period, they would need to find a funding source. Whether that is a separate source or they find a way to cut operating costs to free up more dollars for capital, they will have to find the money somewhere.
Councilman Louderback thought the population growth was in the west end. Mr. Percival said the growth is in the southwest end of town.

**Dispatch/Communications Improvement Program Highlights**
- General maintenance and scheduled replacements
- Anticipate dispatch remaining in-house for another 5-7 years (at minimum)

Mr. Merriman said they are currently undertaking the space modifications and upgrades for the dispatch consolidation/expansion and have upgraded the consoles and radios for the MARCS. The Dispatch Center should be in a general maintenance mode for the next five to seven years during which time they feel there will be some finality on conversation to consolidate countywide. They feel these investments will last at least that long and it will probably take that long for any kind of consolidation discussion to be made for implementation.

**WATER CAPITAL IMPROVEMENT PROGRAMS**

**Water Treatment Improvement Program Highlights**
- VFDs
  - They are finishing the variable frequency drives (VFDs) designs, which is one of the big things Mr. Percival wanted done before his tenure is over. This will allow them to cycle up and down instead of just on and off with their pumping capacity. This is a big thing that has been on the “to do” list for a while that they will finally see through to fruition.
- Systems maintenance and contingencies
- Storage tanks: rehab/repainting
  - The other big issue is storage tanks. They are due or overdue for rehab of those tanks, which means internal cleaning and/or recoating and external painting. It is an expensive proposition, but they were able to stagger some of those costs out over a number of years. It is something they absolutely have to do for safety purposes and for the durability and longevity of the tanks.

**Water Distribution Improvement Program Highlights**
- Several major projects, connected together that impact storage, fire flow, and pressurization and water quality
  - The Patton Street tanks are a concern because they are old. They are a liability issue and need to be rehbabed. There is lead paint on the exterior of one of the tanks, so they are looking at what the true needs are for those tanks and what alternatives there are. A water quality study was done a few years ago that allowed us to use some water modeling software to look at alternatives. Their initial recommendation will probably be to take those tanks offline. Their plans are to install a valve to close them off, and then rerun the numbers to see what the impact to the system would be before they [permanently] take them out of service. If what they think will happen actually happens, they will have to make some other adjustments in the systems that will improve the pressure and water quality in that area of town. It is a series of projects they have discussed over the last few years that should begin next year.
- In general, distribution system is in fair shape
- Maintains fleet and equipment replacement schedule—as always dates are projected and not determinate
If they shut off the water tanks on Patton Street, Councilman Louderback asked if Spring Hill would pick that up. Mr. Percival said yes. Councilman Louderback asked how many water towers there are in the city. Mr. Percival said there are four tanks (Patton Street, W. Second Street, Spring Hill, and the Industrial Park), but the Industrial Park tank is specifically a high pressure system and does not support the rest of the system; it only supports that area of the Industrial Park and the new Industrial Park. The tanks that support the rest of the system are at Spring Hill, the two tanks at Patton Street (one of those tanks is already off line), and W. Second Street. If they tied that into the rest of the system, it would blow lines out of the ground. Mr. Merriman said the water quality in the Patton Street tank tends to be impacted because they get some stagnation and not the churning in other tanks.

Councilman Louderback thought that historically the water pressure has always been great in the north end of Xenia; he asked if that was what they are talking about. Mr. Percival said no. The high water pressure in the north end of Xenia actually comes from the Water Plant. The pressure in the south end of town is what is supported through the tank system.

Mr. Merriman said if they take the Patton Street tanks permanently out of service, it will reduce the city’s total storage capacity, so they have to keep that in mind when considering the long-term needs of the City. If demand increases, there may be the need for an additional tank on the south side of town related to the Industrial Parks.

Councilman Louderback asked about the capacity of the storage tanks. Mr. Merriman said they are at 8 million gallons per day. Councilman Louderback asked how much water is pumped each day now. Mr. Merriman said they pump a little under 4 million gallons of water per day now.

Mayor Bayless said when she read the CIP, it sounded like at least three tanks were substandard [Patton Street, W. Second Street, and the Industrial Park]. Mr. Merriman said that language was referencing the internal coatings that have to be redone and the external painting, which is something they definitely have to do. It is truly a safety issue that needs to be addressed and is also good practice to do as part of their regular maintenance schedule.

Mr. Percival said the smallest tank on Patton Street is already out of service and should have been torn down because it is not functional. He recalled that George Henry thought it was one of the oldest tanks in the United States and it was the oldest water tank of its kind in the United States. Mr. Henry got an award for the tank, so they didn’t tear it down but they could not fill it anymore either, so that is why the one tank is there. Mayor Bayless asked if the tank was empty. Mr. Percival said yes.

Mr. Merriman said beyond what they mentioned, the distribution system is in fair shape and will require regular maintenance of the system. He noted fleet and equipment replacements are projected but not necessarily set in stone.

**SEWER CAPITAL IMPROVEMENT PROGRAMS**

**Sewer Treatment Improvement Program Highlights**
- Moving toward “maintenance mode” at sewer treatment plants
- Project installation of press system at Glady Plant to avoid transporting sludge
- Concrete rehab at both plants is needed
Mr. Merriman said both WWTP facilities have had significant investments in recent years, so they are moving more toward maintenance mode. One thing they are looking at is alternatives to their current practice of treating biosolids to a certain point at Glady Run and shipping the sludge to Ford Road, because there is a lot of extra expense involved in that process. Within the next few years they will have to look at alternatives. They have projected the possibility of some type of press system at Glady Run as well and part of that will be contingent on EPA requirements for the sludge. There will also be operating costs to maintain that system as they are currently doing.

**Sewer Collection Improvement Program Highlights**

- Continued attention to high-priority mini-systems
- Sliplining program must be maintained
- Ford Road Trunk main replacement Phase I will be completed in 2014; plans and funding sources for phases II and III will need to be explored

Mr. Merriman said the Five-Year CIP proposals reflect the need for maintenance equipment and necessary repairs/upgrades in order to sustain the aging sanitary sewer collection system. Mini system 6 is deemed as the most important area to address. The optimal solution for Xenia’s deteriorating sewer system is to slipline the mains, replace defective manholes, and utilize smoke testing to locate laterals that are in need of replacement.

Mr. Merriman said there are significant monies planned for the completion of the rehabilitation of the Ford Road Trunk Sewer. In 2013-2014, Phase I (W. Church St. to 1000 ft. beyond Towler Rd.) of this project will be constructed utilizing State of Ohio and local funds. Phases II and III, which include a realignment and replacement of portions of the existing trunk sewer up to the Ford Road WWTP, will also need to be completed. City staff will seek supplemental funds from the State of Ohio as early as 2014.

Mr. Percival said frankly, when they evaluated that system, Phase III is really not critical at this point and is probably 15 years out. Phase II, which would take it from where the project currently ends to the old WWTP, will need to be done because some of those lines are starting to erode.

**STORMWATER CAPITAL IMPROVEMENT PROGRAMS**

**Stormwater Improvement Program Highlights**

- Re-assessment of rate structure is seriously needed
- Catch basin replacement program cannot be maintained as needed
- Addressing retaining walls of run-off waterways is becoming more urgent

Mr. Merriman recognized that no one likes to pay for rainwater, but without a reassessment of the current stormwater rate structure, there is little else that can be accomplished over the next five years and the continued collapse and failure of critical stormwater infrastructure is likely. The need for funds to address drainage structures within the public streets has resulted in general neglect of any of the drainage ways (ditches, creeks, channels, etc.). One relatively costly project for which the City will be applying for OPWC grants is the E. Third Street retaining wall where portions of it are either leaning and/or falling into the adjacent creek. They want to make sure
they are repairing catch basins before they repair streets, but they need additional revenue to stay ahead of that.

SANITATION CAPITAL IMPROVEMENT PROGRAMS

Sanitation Improvement Program Highlights

- Former landfill will require attention to be EPA compliant; extent of needs is not currently known
- Methane gas migration and containment of ground water contaminants are key issues

Mr. Merriman said they have been working with the EPA to try to mitigate the issues. It appears that sometime within the next couple of years, they will likely have to do some additional work to stay in front of those things and address them to meet EPA requirements that could be costly projects to undertake. They do not have specifics as they are still trying to determine exactly what course of action will be necessary. They included some rough estimates based on what they think might need to be done, but they hope to have a better sense by early next year of what needs to be done and over what time period.

Mr. Merriman said in the Five-Year CIP, they included expenses that would be related to the Simon Kenton project based on what staff recommended. Per the expenses for the projects staff has laid out, most—but not all—of the projects could be maintained with undertaking that project. If they do another project, they might have to delay some things, such as fleet purchases, so they can maintain an appropriate reserve balance in our 361 General Capital Fund. If they pursue an option that is more expensive, they will undoubtedly have to eliminate some of these projects or delay them in order to facilitate those additional expenses. It is important to note that they can move forward with some of the projects that the discussed relative to facilities, etc.

Mr. Merriman asked Mr. Percival and Mr. Bazelak if they wished to add additional comments. They did not have any further comments.

President Engle entertained questions or comments from Council.

Mayor Bayless said under the Downtown CIP, Mr. Merriman talked about two primary initiatives and one option was improving the flow of the bike trail, but she could not really follow that and asked about the second option. Mr. Merriman said the second option is to explore redevelopment opportunities for Xenia Towne Square and start a community discussion and perhaps do a study as well.

Mayor Bayless said she had questions about the standpipes and the Water Fund, but they had already been answered. Mr. Percival noted if those standpipes were taken out of service, there would definitely have to be a study done as to whether another elevated water storage tank will be necessary, and if so, where would be the appropriate place to site that tank to give the greatest benefit to the entire community. An elevated water storage tank offers greater benefits than standpipes because the water is up higher in the air, which creates pressures for the rest of the system. Mr. Merriman added the movement in the storage tanks also improves the water quality, whereas there is not much movement in the standpipes.
Mayor Bayless asked if any green issues for sustainability would be addressed. At the Mayors & Managers meeting last night, they discussed trying to get everybody on board with having green facilities. Mr. Percival said they have taken some steps toward that at City Hall with the lighting changes, the solar arrays at the two WWTPs, and the change to the ultraviolet disinfection system versus using chemicals in the WWTPs. Incrementally, they have done quite a bit. They have to continue to look at ways to increase the sustainability as long as it makes financial sense. Some of the things people think will work are possible with enough time and money, but they are not financially feasible, so they have to balance that.

Vice President Smith asked about the Detroit Street/Kinsey Road intersection improvements. Mr. Percival said the Detroit Street/Kinsey Road intersection improvements will add a right turn lane from going west on Kinsey Road to be able to go north, which will improve the traffic flow since there will be three full lanes. The project is scheduled to be sold in April/May of next year and completed next year. Mr. Merriman said they also hope to include mast arms at that intersection, but that is still up in the air. Vice President Smith asked if the improvements would add a sidewalk. Mr. Merriman thought that was part of the scope of the project. Mr. Percival said the sidewalk would be replaced, but the project did not add a sidewalk on the north side. Vice President Smith said he meant to ask if the improvements added a sidewalk along Hollywood Boulevard. Mr. Percival said no; the project did not add a sidewalk on Hollywood Boulevard from the Shell Station to Purcell Drive. Mr. Merriman confirmed any sidewalk that is dug up would be replaced, but no new sidewalks would be added.

Councilman Long said last year they discussed specific park developments, specifically at Sterling Green in the X-Plan; however, the Five-Year CIP specifically talks about studies. Mr. Merriman said they have had a lot of discussion on this issue. The consensus of staff was that before they would recommend that Council commit significant dollars to a park, they need to get a better handle on not only the parks situation but also the recreation situation pertaining to how they can best provide services and the community’s needs. Rather than doing that piecemeal with different parks, they need to look at it holistically so they are truly addressing the community’s needs. He recognized it is kind of a step-back in order to recalibrate.

Councilman Long felt they will let some citizens down if they do not start meeting some of the obligations they have discussed. He knew having a Parks Master Plan and funding were important, but overall the City committed to these parks, especially Sterling Green or Lexington Park (which is more complicated if they decide to move it), but citizens will be disappointed if something does not happen.

Councilman Caupp remembered the conversation they had when they finished Spring Hill Park. Originally, he thought the game plan was to move on to Sterling Green Park. Councilwoman Mills agreed. Mr. Merriman said that was projected in the previous Five-Year CIP. With discussions about needs for a recreational facility and the YMCA issue and the potential for replacement there, they see it as not just being a park issue, but a parks and recreation issue. However, Council has the authority to redirect that focus and share ideas on specific build out, that is certainly something they can look at.

Mr. Percival thought they definitely need to have a Parks Master Plan. There was a short-term plan for Sterling Green, but there was never a long-term plan for that park. Even if they were to
move in that direction, he still thought there would need to be a more detailed development plan. He has heard a lot of ideas about what to do at that park, such as a BMX track. If in fact that would be Council’s goal, they would need to pull a group of folks together, to include neighborhood residents and some planning folks, to actually sit down and come up with a Comprehensive Development Plan for that area, much like they did with Spring Hill Park. Then they could commit $50,000 the first year, $50,000 the next year, and $150,000 the year after that. He agreed 100 percent with Mr. Merriman that they need more of a Comprehensive Plan so they can move forward.

Councilman Long said his fear is that over the next two years, there is over $80,000 budgeted for planning. Mr. Forschner thought by ‘planning’, they did not mean Concept Plans; rather, they meant Development Plans that would feed directly into the CIP. For example, it would show in detail specific costs (for a playground for example) for a specific park. It would include the size of the playground, certain features/designs, and all the costs associated with those improvements.

Councilman Long agreed with that to a point. However, they made a gorgeous park at Spring Hill and they did not have a Master Plan. He thought they could make some improvements at some of the bigger parks like Sterling Green and Shawnee Park without a Master Plan. Mr. Forschner said there was a Master Plan done for Spring Hill Park. Councilman Long understood there was also a Master Plan for Sterling Green. Mr. Forschner said that was more of a Concept Plan done by a college class.

Mr. Forschner thought for a while they were focusing on Sterling Green as the direction to go. There are many needs there and it is a good place to invest money, but there are many needs elsewhere in the city too that are more dire needs in some cases for parks and recreation.

Mr. Merriman said the other big challenge they face with parks is that many neighborhood parks are underutilized, in disrepair, and situated in such a way that there is not an easy alternative use or way to expand the park to make it more usable. That is a big problem and a long-term problem and they do not currently have a suggestion on how to address that. They feel that just improving the equipment in those parks is doing a disservice and throwing good money after bad, which is why they feel they need some guidance and feedback from the community to see what they think the City should do with those parks.

Councilman Louderback thought West Side Park was on the radar a few years ago and he wondered if it still was. Mr. Merriman said they feel there is a really good opportunity there for potentially a larger scale community park, but that needs to be part of the parks and recreation conversation to get a sense of what the community would like to see.

Mr. Forschner noted X-Plan discussed a potential community park at the Simon Kenton site.

Councilman Louderback said this is his fifth year on Council and every year he has talked about the fact that citizens want a movie theatre and a bowling alley. Those are home runs as far as recreation. Mr. Merriman said when they discussed the recreation issue, those sorts of things were included. When he looks at parks and recreation opportunities for the community, he thinks about how they can create a community of choice that has amenities (even paid amenities) for recreation, so that is a conversation that needs to be pursued as well.
President Engle entertained further comments and noted the Regular Session needed to begin. Hearing none, he asked Council to take a five-minute break.

The Special Session was adjourned at 7:00 p.m. to go into Regular Session.

Michelle D. Johnson     Michael D. Engle, President
City Clerk              Xenia City Council
The Xenia City Council met in a Regular Session on October 10, 2013, at 7:07 p.m., in the City Council Chambers, City Hall, with the following members present: Wesley Smith, John Caupp, Dale Louderback, Joshua Long, Jeanne Mills, Marsha J. Bayless, and Michael D. Engle.

INVOCATION: Dr. Andrew “Andy” Spencer, Senior Minister, First Church of Christ, gave the invocation after which all joined in the Pledge of Allegiance.

APPROVAL OF MINUTES: Motion by Councilman Louderback, seconded by Councilman Long, to approve the September 26, 2013, Regular Session minutes as written. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

SPECIAL PRESENTATIONS:

2013 Award for X-Plan, the City’s Comprehensive Plan from APA Ohio (American Planning Association) for Comprehensive Planning in a Small Jurisdiction. Mr. Percival said this community came together and worked extremely hard to develop a Comprehensive Plan that is going to lead this community forward over the next 20 years. He is extremely proud of the work that City Planner Brian Forschner and city staff did on this, but he is even more proud of the work that this Council and staff did in working with the community and bringing people together to work on the plan. No plan is perfect, but they now have a guide on how to move this community forward and how to create opportunities for our citizens. He offered thanks to Council and a big thank you to Mr. Forschner for all his work. They would not have been able to get the X-Plan done without his leadership.

Mr. Forschner said X-Plan received the Annual 2013 Award for Best Comprehensive Plan in a Small Jurisdiction from the American Planning Association’s Ohio Chapter. There were seven award categories and they received 29 applications this year. Receiving this award is a big credit to Council and the citizens of this community. Members of the awards review panel specifically referenced the “organic” public participation process, which is something that Council pushed for and they had a lot of enthusiastic support from the Steering Committee and the community overall. He thought the award is a real credit to Council and the City and is something about which the citizens should be proud. (Applause followed.)

President Engle felt it was an excellent effort all around by staff and citizens, and he was so pleased to see their effort recognized.

Mayor Bayless said the award was presented in Cleveland, and she was fortunate enough to join Mr. Forschner who was already there for the conference, so she drove up there that morning to receive the award with him. She was really glad that she did that, because other communities that received different awards had pretty big congregations following them. It was something of
which to be very proud. At least 1,000 people attended the event. It is nice when our community and city can be recognized for its outstanding work, and she thanked Mr. Forschner.

Greene County Career Center, Superintendent Dan Schroer1 ~ Proclamation for Cole Fallis, Vice President for Region 3 of SkillsUSA. Greene County Career Center, Superintendent Dan Schroer ~ Proclamation for Cole Fallis, Vice President for Region 3 of SkillsUSA. Mayor Bayless said she was very happy to present this award this evening, especially because as a former educator, she is always promoting our young people. They have so many young people who do outstanding things, and she feels this is the right place to recognize Cole for the things he has done. She then presented the following Proclamation to Cole:

“Cole Fallis is a senior in the Welding and Metal Fabrication program at Greene County Career Center; and served as Treasurer of Ohio’s Southwest District for SkillsUSA during the 2012-2013 school year. As a state officer, he was exposed to a variety of opportunities to gain experience in public speaking, leadership, and organizational management. Cole combined a year’s worth of leadership training and a fresh sense of self-confidence to gain election to a national office in SkillsUSA, a career-technical student organization. The Welding and Metal Fabrication student is now SkillsUSA’s Region 3 Vice President and will represent the states of Ohio, Wisconsin, Michigan, Illinois, Indiana, West Virginia, and Kentucky as their national officer. Cole will travel throughout his assigned area making public speaking appearances, meeting with SkillsUSA members to discuss their goals for the year, and meeting with representatives in business and industry to forge stronger partnerships.”

Mayor Bayless proclaimed October 10, 2013, as “Cole Fallis Day” and congratulated him on his newly elected office. (Applause followed.) She invited Cole’s mother and grandmother to join him at the podium. She knew they must be very proud.

Cole thanked Council for allowing him to be here tonight. It is an amazing opportunity and an amazing experience for him. His freshman and sophomore years of high school were hard for him. He was the kid who sat in the back of class and was bullied because he was a bigger kid. He did not like school and really thought he was going to drop out because he was failing. He joined the Career Center as a welder, and through SkillsUSA, he has become a better person and he believes in himself more. He went from getting failing grades to now having straight “A’s” which is amazing. He is now able to stand up and really believe in himself. He could not have talked in front of anyone during his first two years of high school. Through SkillsUSA and the Career Center, his life has changed tremendously. He now wishes to attend The Ohio State University to get a Bachelor’s Degree in Political Science and for a Master’s Degree in Law, so the number of goals he has set for himself has greatly increased. To succeed throughout this year, he gave himself three goals to hopefully help him become successful. First, he would like to continue to advance academically and to be the best student he can be. Second, he would like to represent the Greene County Career Center, the City of Xenia, and the State of Ohio in the best way he can. Third, their motto in SkillsUSA is “Champions at Work” and he wants to make each and every student he meets to feel like a champion, which is how he feels now. (Applause followed.)

1 Mr. Schroer was unable to attend the meeting.
Greene Memorial Hospital ~ Terry Burns, President of GMH and Soin Medical Center, and Jeff Brock, GMH Foundation Team President. Mr. Burns took a moment to acknowledge and congratulate Mr. Fallis. The Greene County Career Center is a fabulous organization for young people such as Cole and many others who find fulfillment in a facility that helps to meet the broad needs of education within our county. He thanked Cole for his encouraging words.

Mr. Burns said he is the President of Greene Memorial Hospital (GMH) and Soin Medical Center in Greene County. Although he and his wife live in Beavercreek Township, he has the privilege and honor of working in Xenia. He is honored to have been in Xenia for three years, and he has fallen in love with the county and with this community in particular. He thanked Council for allowing them the opportunity to share information with them about GMH. Their mission is to improve the health of the communities they serve. They are a mission driven organization and he works with mission driven people every day. Between GMH and Soin, they employ nearly 1,000 people in Greene County, and about half of them are at GMH. GMH has nearly 50 beds; they have transitioned to private rooms; they have high quality care; and their average daily census is in the 25 to 33 range. They see about 65 patients a day in their Emergency Department. They served over 43,000 people in 2012 and they will see about that same number in 2013. Over the last four or five years, Kettering Health Networks has invested over $17 million into GMH to include a $250,000 renovation at the Ruth McMullin Cancer Center and the addition of two new physicians so they can serve even more cancer patients. Not all, but a portion of the funds were underwritten by the Greene Medical Foundation. In 2012, digital mammography was added to better serve women; complementing the Breast Gamma Specific Imaging System, a heightened imaging service for those most susceptible to breast cancer, and the only one of its kind in the region. This year Kettering Health Networks is investing $5 million more in technology and electronic medical records, which are keynotes of health care’s future and includes replacement of an MRI machine.

Mr. Burns said Issue 4 is a renewal of the existing 0.5 mill levy. This levy is one of two levies initiated for GMH; the original levy has been in place for more than 50 years. Sixty percent of the voters of Greene County renewed the other levy, also a 0.5 mill for a five-year term, in 2011. The purpose of the levy this November is for current operating expenses of Greene Memorial Hospital, Inc. (GMH), and for the purchase of equipment serving Emergency Services, Nursing Services, Cancer Services, Women’s Health Services and other departments of the hospital. GMH and Soin operate as a system under the Kettering Health Network to serve all our county residents, but the levy funds can only be used at GMH in Xenia as stipulated in the ballot language. In 2012 alone, GMH served 40,000 residents through its emergency, in-patient and outpatient services and will do that again in 2013. While the addition of Soin is helping meet the healthcare demands of Greene County, GMH’s scope of patients is beyond Soin’s ability to serve the entire county. It takes both facilities working together, but particularly for residents of Xenia and neighboring communities and anyone in an emergency. GMH is vital for maintaining quality healthcare for eastern Greene County and is as important to the county as it has always been. The Network is committed to serving Greene County through GMH in Xenia, because it recognizes that without it, a significant population would be underserved with quality healthcare and services.

Mr. Burns said the monthly cost of this levy is approximately $0.05 per $100 of home value and does not increase taxes. The Greene County Commissioners and Xenia Area Chamber of
Commerce have already endorsed the levy. He asked for community support and extended an invitation to tour GMH to see how the hospital is growing, the improvements that have been made, and to see hundreds of skilled and dedicated employees putting to good use the equipment that tax payers continue to help make available to keep GMH’s services vital. He thanked Council for their consideration of supporting Issue 4 and for their vote on or before November 5th. He also thanked Levy Chairman John Finley and Campaign Treasurer Perk Reichley because without them, this would not be possible. He has the privilege of working in a fabulous location at a wonderful hospital – Greene Memorial.

President Engle entertained questions or comments from Council.

Councilman Louderback said he appreciated all the work GMH does in our community. Many people do not know how active GMH is, especially in their support of X*ACT, which is near and dear to many of their hearts. He appreciates the service GMH provides to our community. He supports the levy renewal 100 percent, and wished Mr. Burns the best of luck. Mr. Burns thanked Councilman Louderback for his support.

Quarterly Economic Development Update, Steve Brodsky. Development Director Steve Brodsky said this is the second time he has had to give his quarterly report after some truly amazing people. It serves as a very vivid reminder of what makes this community great, which is the strong institutions and talented people they have and certainly the very talented young people they have who ensure the future of Xenia is very bright.

Mr. Brodsky said he would begin with a snapshot of our economy:

- According to the Bureau of Labor Statistics in July, the unemployment rate was 8.4 percent compared to Greene County at 7.2 percent, the Dayton Metro Area at 7.8 percent, the State at 6.9 percent, and the national unemployment rate was 7.3 percent. Typically, by now he has August data, but unfortunately, the government shutdown has delayed the release of a lot of data, so it was a bit out of date. To put that 8.4 percent in perspective, going back ten years, the lowest unemployment rate in Xenia was in 2007 when we were at 6.2 percent. Even though they are now 2 percentage points higher than that now, in 2007 total employment in the city averaged 10,664. For July with the 8.4 percent, total employment is 10,768. In 2007, the labor force was 11,364 and is now 11,756. While unemployment is indeed higher, there are more people working in the city today and there is a higher labor force today.

Economic Development Updates:

- They have seen a good pickup in State leads. For the entire 2012 year, about a dozen leads came to the city from the State. In the last three months, the city received 17 leads from JobsOhio or through the Dayton Development Coalition/JobsOhio West. They were able to respond to six of those inquiries. Two of them were for building requests and four were for land requests for which they met the requirements. Unfortunately, the other 11 leads had requirements they could not meet. In one case, they were specifically looking at being located west of I-75 and most of the others had building requirements that were of a size or nature desired.

- The Bob Evans Plant in the Industrial Park is investing several million dollars to upgrade their production facilities. They talked with BEF Foods President Mike Townsley six weeks ago who indicated there would be investment in the plants, although they cannot say what kind of impact that is going to have as far as jobs. When you look at the fact that they have closed one facility and are shifting production to others, like Xenia, speaks to the talent of our workforce. Further,
the fact that they are making that kind of investment speaks well to the future of that plant in Xenia.

* Mr. Percival and he met with a potential buyer for the SuperValu building six to eight weeks ago and were in contact with him last week. They have extended their contract to do some further due diligence by thirty days, so hopefully by the end of October or the first of November, there will be a new owner for that building.

* They have been meeting with some regional partners on our Unmanned Aerial Vehicles (UAV) attraction. Over the summer, they had a very good event at the OVCH Park to discuss UAVs and how that piece of property would fit well. They are meeting with regional partners to talk about regional attraction. One of the things he is excited about is that the people who are leading that discussion on a regional level (primarily from the Dayton Development Coalition) are taking every opportunity to specifically mention the OVCH property and the opportunities that are there for UAV development.

* Montgomery County recently brought in a consultant to look at logistics, distribution, and the ability and obstacles they have to overcome to attract those types of businesses to the Dayton Region. Greene County and Xenia were included in that study and they looked at the Industrial Park and the OVCH property. The Dayton region is positioned extremely well to attract large distribution operations because of our transportation network and our proximity to most of the population of the U.S. For Xenia, when he looked at the map they showed of the various locations, 18 of them were located within one-half mile of either I-70 or I-75, and then there was Valley Greene North, Xenia, and a few other locations that were outliers. Although Xenia is not located right on the interstate, the land in Xenia is far less expensive than land along the Interstate, so he thought Xenia would still be able to compete for those types of businesses.

* Our Greene County counterparts and he met with Mr. McMahan’s realtor, who is the owner of the property east of OVCH. He spoke with them yesterday and provided some utility information because they have someone who has expressed some very strong interest in that property. Certainly, they cannot say whom or whether that will come to fruition, but they have been trying to get them the information they need.

* They have been working with several small businesses in Xenia that are looking at opportunities to expand, and they anticipate having at least two or three applications in the next few months for our Revolving Loan Fund to help those projects move forward. In all cases, it would be either purchasing a building or expanding where they are at and adding employees and production capability.

* Much time has been taken up with our Clean Ohio projects. The OVCH project on campus is wrapping up, and they anticipate being done within the month or so. There are a few bits of old steam tunnel that are still being cleared, but that project is finishing up.

* The Hooven & Allison site cleanup began a month ago, and demolition is moving quickly. Building 1 (the large building that sat just to the right of the main gate along Cincinnati Avenue) has been completely demolished and they are in the process of removing the last bit of debris. Today they started on Building 5 (the large building in the back that had already partially collapsed) and most of that should be down within the next 10 days. Building 3 (the old office) is almost down. All of the windows and siding have been removed, which was part of the asbestos abatement. While cleaning up the ground around that office, they were finally able to access a crawlspace underneath it. Unfortunately, they found a lot of steam pipes that were running throughout that crawlspace that had asbestos that was falling off and laying in the dirt, which was unanticipated. Therefore, there will be some additional costs, but our contractor and consultant have been working very closely trying to find the best way to do it at the lowest cost. Once that is done, that building will come down. Building 2 (the main building that is to remain) has had asbestos removed and they are in the process of removing anything that is not structurally important to that building. If it is not a roof, drain or holding the building up, it is coming out. As
he reported the last time, one company has expressed interest. Once that work is done, they have a second company that has asked to do a walk through and look at it for their operations. Certainly, there is nothing concrete, but they are hopeful there are people that recognize there could be some value to that building for their operations. Per the update he was given last week, they expect to be completed and demobilized by the middle of February.

He shared with Council a report from Community GAiN. Mr. Burkhardt and Mr. Fullington have been working very aggressively over the last month or so fulfilling their contract, filling up his inbox with many emails, providing a lot of information, and trying to coordinate many things. They have received a lot of information already. He reminded folks that if they go to the city’s website www.ci.xenia.oh.us, there is a citizen’s survey on there that will allow them to present their feelings about Xenia and where they are heading. That will be very important as they move forward with putting together some of their marketing plans. He noted Mr. Burkhardt and Mr. Fullington were present to answer questions and said he would be glad to answer any questions about projects that he did not discuss.

Councilman Long asked if they had made a determination about the smoke stack. Mr. Brodsky said they are still awaiting the final report from the structural engineer. They have been through it, which is not an enviable task. The engineers literally climbed up through the smoke stack and repelled down. The report on the status of that smoke stack is expected in a few weeks.

Councilman Long noted Mr. Brodsky is a public employee and deals with private entities about which he cannot give a lot of details that the public wants on those projects, but they appreciate it.

Councilman Long asked if there was a timetable for GAiN on when the first round of deliverables were due. Mr. Brodsky believed the first round was due two weeks ago, and they received that from Mr. Burkhardt, which was a lot of data concerning the community. They are in the process of setting up training for staff and volunteers to start doing some business retention visits, so they have been communicating this week in trying to get those set up.

Mr. Percival said the deliverables on the community survey are going to be dependent on when they get the appropriate number of responses, which is why they want to encourage everybody to please go to the website and complete that community survey. They have a little more than half of the number of responses needed. Mr. Brodsky said the survey takes 10 minutes at the most to complete, and it will give them a lot of good data that they can use moving forward.

Councilman Long said he knew that Mr. Burkhardt and Mr. Fullington would answer questions if they individually call and ask, but he did not know if there was a plan for when Council could expect updates or insight into those initiatives. Mr. Brodsky said some of that would be through his report. They will also work through the Economic Development Advisory Board (EDAB) and they are scheduled to meet on November 19th at 6 p.m. Once that report is given to EDAB, he will assume Councilman Caupp will report that to the rest of Council.

Councilman Louderback said 8.4 percent unemployment seems high, but there is a reason for that. Since 2007, he calls it the Great Depression they have been in. It is not a recession—it is a depression. They lost General Motors and NCR jobs to the west, they lost DHL jobs to the east, and they lost 120 jobs at SuperValu, all of which have been a big blow on our local economy. Retention and expansion is very important to him. The good news is there are many small companies in this area that are growing. He has high hopes for SuperValu and Hooven & Allison. He knew they cannot mention the companies, but they would be good paying jobs for
the city. He was not talking about minimum wage jobs, because you cannot raise a family on a minimum wage job. He was talking about a good paying wage on which people can raise a family. He sees some light at the end of the tunnel, and this Council has put its priority this year on economic development, which is why they got Mr. Brodsky help from the people at Community GAiN and Council is looking forward to some big things for Xenia. He knew the 8.4 percent unemployment is high, but he feels they are going to see some big improvements in the city in the next couple of years.

Mr. Brodsky added the 8.4 unemployment rate is a preliminary number. In about two months, they will come out with the new numbers, and he believes the unemployment rate will drop to 8.2. or 8.1 percent.

Mr. Brodsky said Councilman Louderback and he have been trying to set up a meeting with a few different folks that are interested in doing different types of retail in the downtown area and throughout the city. He thought it was wonderful that there are local people who have started businesses and are looking to grow and make them successful. He looks forward to working with Councilman Louderback on those.

President Engle entertained further comments. None were presented.

AUDIENCE COMMENTS: President Engle explained the procedures for audience comments and invited anyone who wished to speak to come forward.

Joaquin Elizalde from Boy Scout Troop 14 said they are here tonight working on their Citizenship in the Community Merit Badge and their First Class Rank. Their troop has taken a hike through the bike trail and admired it – it is very beautiful. Boy Scout Andrew Hammond from Troop 14 was also in the audience but chose not to speak.

REPORTS OF COMMITTEES:

Board for Recreation, Arts & Cultural Activities: Councilwoman Mills said she was unable to attend the October 1st BRACA meeting due to a medical procedure, but she spoke to those members who did attend. There was a light discussion on the gardening plots at Towler Road, but the most important discussion they had was about Hometown Christmas to be held on Saturday, December 14th from 4 to 8 p.m. in downtown Xenia. Santa Claus will be escorted into Toward Independence and will have all kinds of treats and goodies for the children. There will also be carriage rides, businesses will be open, caroling, llamas, and many great things. She will share a little more at each meeting leading up to the event, but she highly encouraged everyone to attend one of the great things Xenia has to offer for kids and families.

Mayor Bayless said she attended a meeting a few days ago and learned there were just a few Sweetest Day carriage ride tickets left, so if you are interested, it is not too late. President Engle said he had already paid for his carriage ride.

Traffic Commission: Councilman Smith said the October XTC meeting was cancelled due to lack of agenda items. The next meeting is Monday, November 4th at 7 p.m. in the Council Chambers. There is a vacancy on the XTC, so if anyone is interested, please contact City Clerk Michelle Johnson. He wished Mike Lerch, who serves on XTC, a speedy recovery.
Board of Zoning Appeals: Mayor Bayless said BZA met on September 23rd and heard three variance requests:

1. Variance request to construct a 6’ tall concrete wall/privacy fence in the front yard as well as an in-ground swimming pool in the front yard at 569 S. Columbus Street filed by property owner Doug Bales. BZA approved a variance of two and one half feet from Section 1294.19(e)(1) to allow construction of a six foot fence at 569 S. Columbus Street in the front yards facing Washington Street and S. Columbus Street.
   o The applicant’s lot is very unique because 86% of his property is considered a front yard when typically less than one-half of properties are taken up by front yards. In addition, one of the front yards abuts Washington Street, which physically is an alley and does not meet the city’s public street standards. The precedent established by granting the front yard fence height variance would be limited in scope because it is such a unique property. If somebody else requested the same thing, they would be hard pressed to find that same situation that would justify granting a variance again.
   o BZA denied an eight foot variance from Section 1294.15(h) and required the applicant to locate the proposed swimming pool and patio at least 10 feet from rear and side yard setbacks.

2. Variance request to allow a business to occupy 354 W. Church Street without meeting the requirement for a paved parking lot filed by Adam L. Geis, Jr., 281 S. West Street, Xenia. The three-way shared access easement and lack of road frontage is unique for this property and creates unique challenges in maintaining the driveway and parking areas.
   o Given the scale of the project and the fact that maintenance of the driveway is shared and used by multiple entities who are not contributing financially, BZA granted the variance to allow an auto repair business to occupy an existing building and continue to utilize the existing gravel driveway and parking lot without meeting the requirement for a paved parking lot with two conditions:
     – Staff and the applicant (and any other responsible entities) agree upon a plan and schedule to pave the driveway and parking area for this property within six months.
     – At a minimum, the paving plan should address the common driveway utilized by the applicant’s property, Xenia Foundry and File Sharpening. Paving of these areas shall occur by the end of 2014. Requests to extend or otherwise modify this deadline must be submitted to the BZA.

3. Variance request to allow a proposed 720 sq. ft. detached garage to exceed the maximum 38% required rear yard coverage at 95 Omalee Drive filed by Larry D. Jordan. The size of the applicant’s detached garage would consume nearly half of the required rear yard and affect views of open space from some neighboring properties to the south. The orientation of the structure on the rear lot is what forced the applicant to request a variance. Granting the variance would create a precedent that could justify a significant number of other similar variances in the City and undermine the intent of the Zoning Code; therefore, BZA denied the variance.

ITEMS FROM CITY COUNCIL AND MAYOR: Councilman Caupp congratulated Cole Fallis on his award. He brought up something before and Mr. Burns also alluded to it. The Greene County Career Center became one of his clients a year ago and he had the privilege of taking a tour. It is a phenomenal facility and he never realized what was out there until he took the tour. He knew that Councilman Long attended the Career Center, but he was sure it had changed since he was there. He did not think the facility gets its due in the community that it should.

Councilman Long said he is a graduate of the Career Center and sits on their Advisory Board. There are programs not only for high school students but they also have outstanding Adult Education programs. They are starting a Pharmacy Technician program to fill the need within the region and nation and may be preparing a welding program soon for adults. Adults should take a
hard look at that facility for the HVAC training and other trades as they may find themselves in midlife changing careers.

Councilwoman Mills said her son attends Xenia High School, but he is taking a class at the Career Center, so not only is the Career Center in the Township, but they are also teaching classes in our high school.

Mr. Percival noted the Career Center has an amazing facility on Brush Row Road for their Equine and Veterinary Tech program. They are also now doing a pre-veterinary program for any high school seniors that are interested in going to college to become veterinarians. There are two veterinarians on staff doing the pre-vet programs at the Brush Row facility, and it is absolutely one of the best programs he has ever seen. The Career Center has grown and done a tremendous job.

REPORTS OF CITY OFFICES:

   City Manager’s Office:

Introduction of an Ordinance to amend XCO Section 1294.19 Fences and Walls; Purpose; Permit Required; Application and Inspection to accomplish strategies of the adopted Comprehensive Plan known as X-Plan. Mr. Percival noted at the September 26, 2013 meeting, City Council held a public hearing and introduced an ordinance amending various sections of the Zoning Code in accordance with X-Plan recommendations. Council voted to exclude from the ordinance several amendments to Section 1294.19 that would change regulations for fences and asked that staff take it back for further consideration in regard to the finished side of fences to face adjacent properties and streets. The language Mr. Forschner has proposed to Council states, “Structural support posts and braces shall be located on the interior side of the fence.” Mr. Forschner included in the agenda item report some examples of types of fences that will be exempt and subject to the revised standards for the finished and unfinished sides. He thought Mr. Forschner did a really nice job of turning this item around in a short time. He noted Mr. Forschner was available for questions.

Mr. Percival respectfully requested that Council introduce an Ordinance to make various amendments to Section 1294.19 Fences and Walls; Purpose; Permit Required; Application and Inspection of Part Twelve – Planning and Zoning Code, Title Six: Zoning of the Xenia Codified Ordinances to accomplish strategies of the adopted Comprehensive Plan known as X-Plan.

President Engle entertained comments from Council. Councilwoman Mills thanked Mr. Forschner. She appreciated the changes and felt it was very important for our community.

Councilman Caupp introduced an ORDINANCE AMENDING PART TWELVE – PLANNING AND ZONING CODE, TITLE SIX: ZONING, SECTION 1294.19 OF THE XENIA CODIFIED ORDINANCES TO CLARIFY DESIGN STANDARDS FOR FENCES, and it was read for the first time.

Emergency Ordinance waiving competitive bidding to upgrade the Variable Frequency Drives and Pump Control Programs at the Glady Run WWTP. Mr. Percival said they are asking to waive competitive bidding because the Variable Frequency Drives (VFDs) are proprietary to the rest of their equipment at the plant. Kemper Controls has the proprietary software and components currently in use at both Wastewater Treatment Facilities and the
company that upgraded the Ford Road Plant in 2008. He respectfully requested that Council pass an emergency Ordinance waiving competitive bidding for Kemper Controls to upgrade the Variable Frequency Drives and Pump Control Programs at the Glady Run WWTP at a not-to-exceed amount of $38,650 and authorize him to execute a purchase order for the same.

Councilman Long presented an ORDINANCE WAIVING COMPETITIVE BIDDING FOR KEMPER CONTROLS TO UPGRADE THE VARIABLE FREQUENCY DRIVES AND PUMP CONTROLS AT THE GLADY RUN WASTEWATER TREATMENT PLANT AT A NOT-TO-EXCEED COST OF $38,650.00, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Councilman Long, seconded by Vice President Smith, that the rules requiring the reading of an ordinance at two consecutive meetings be dispensed with and this ordinance be placed at once upon its passage. Brief comment followed. President Engle took a moment to explain the emergency passage of the ordinance to the Boy Scouts in the audience. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

Motion by Councilman Long, seconded by Vice President Smith, that Ordinance Number 13-50 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

Emergency Resolution authorizing the City Manager to give consent and cooperate with the Director of Transportation of the State of Ohio to Crack Seal U.S. 35 within the Xenia Corporation Limits. Mr. Percival said this is to crack seal the U.S. 35 Bypass. ODOT officials alerted the City Engineer a week ago that it would be crack sealing many miles of U.S. 35 during spring 2014, including the portion within the Xenia Corporation Limits. In order for the work to proceed, the City of Xenia must pass a resolution consenting to the work. There is no local match for this project. He noted it is a completely 100 percent ODOT funded project.

Councilman Caupp presented a RESOLUTION AUTHORIZING THE CITY MANAGER TO GIVE CONSENT AND COOPERATE WITH THE DIRECTOR OF TRANSPORTATION OF THE STATE OF OHIO TO CRACK SEAL U.S. 35 WITHIN THE XENIA CORPORATION LIMITS, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Councilman Caupp, seconded by Councilwoman Mills, that the rules requiring the reading of a resolution at two consecutive meetings be dispensed with and this resolution be placed at once upon its passage. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

Motion by Councilman Caupp, seconded by Councilwoman Mills, that Resolution Number 13-Y be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.
Items for the City Manager: Mr. Percival noted City Engineer Chris Berger is not here tonight because he is running in the Chicago Marathon this weekend, which he does every year. He wished him the best of luck.

Mr. Percival said there would be a presentation at their next Council meeting about the levy, but he knew some people vote early. Issue 7 is an Operating Renewal Levy for the City and there are no tax increases with it. It goes to support all of the City’s General Fund and Key Operating Fund services (Police, Fire, Courts, Engineering, etc.). It is a 3.5 mill levy, but because it was passed in 1959, the effective millage is less than 1 mill. It generates about $415,000 a year for the City. When thinking about the grand scheme of things, it is less than 1 mill for the services the City provides. There will be a more in-depth presentation on the Operating Renewal Levy (Issue 7) and Electrical Aggregation (Issue 8) at the next meeting.

Finance Director’s Office:

Schedule of Bills: Mr. Bazelak presented payment of bills totaling $714,055.98

Motion by Councilman Louderback, seconded by Vice President Smith, to approve payment of bills totaling $714,055.98. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

Items for the Finance Director: None.

Law Director’s Office:

Introduction of Ordinances and Resolutions: None.

Second Readings of Ordinances and Resolutions: Mr. Lewis presented ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF XENIA BY REZONING A 0.475-ACRE AREA OF LAND LOCATED AT 207 DAYTON AVENUE FROM R-1C ONE-FAMILY RESIDENTIAL DISTRICT TO B-3 HIGHWAY ORIENTED BUSINESS DISTRICT, and it was read for a second time.

Motion by Councilman Louderback, seconded by Councilman Caupp, that Ordinance Number 13-51 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

Mr. Lewis presented an ORDINANCE AMENDING PART TWELVE – PLANNING AND ZONING CODE, TITLE SIX: ZONING OF THE XENIA CODIFIED ORDINANCES TO ACCOMPLISH STRATEGIES OF THE ADOPTED COMPREHENSIVE PLAN KNOWN AS X-PLAN, as amended, and it was read for a second time.

Motion by Councilwoman Mills, seconded by Mayor Bayless, that Ordinance Number 13-52 be now passed as amended. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.
Mr. Percival said the third item [second reading of an ORDINANCE DECLARING CERTAIN CITY PERSONAL PROPERTY TO BE SURPLUS AND AUTHORIZING THE SALE VIA GOVDEALS] was no longer needed, because someone offered them a higher price for that piece of equipment than the established reserve price. He requested that Vice President Smith withdraw his introduction. Vice President Smith withdrew his introduction of the ordinance.

**Items for the Law Director:** Mr. Lewis congratulated Mayor Bayless on becoming Xenia Rotary’s newest member.

**SUMMARY OF ACTION ITEMS:** Mr. Percival said there were no updates other than the Quarterly Update on Economic Development that Mr. Brodsky presented tonight.

- Update on Proposed Recreation Venues (Requested by Councilman Louderback//Assigned to Jim Percival)
- A report on the feasibility of a Vacant Building Ordinance (Requested by Councilman Louderback//Assigned to City Manager’s Office and Law Director)
- Quarterly Updates on Economic Development at Council meetings on 04/11/13, 07/11/13, 10/10/13, (completed), 01/09/14 (Requested by Councilman Louderback//Assigned to Steve Brodsky/Jim Percival)
- Timeline for completion and delivery of cost estimates, renderings, etc., for Simon Kenton Project (Requested by Councilman Long//Assigned to Jim Percival/Chris Berger)

President Engle asked if there were any issues Council would like added to the next Council meeting under “Summary of Actions Items.” There was no response from Council.

**READING OF COMMUNICATIONS AND DISCUSSION:** Councilman Caupp said he would like to speak in support of the Greene Memorial Hospital levy. He also believes that without a community hospital, it would weaken our community and they would not be a complete community without a hospital. On Saturday, October 12th at 1:30 p.m. is Central State University’s Homecoming. They usually get a very large crowd for the game, so anyone who wants to watch college football should come out.

Councilman Long invited the public and Council to a Trunk-or-Treat on Thursday evening, October 24th hosted by the Xenia Community Schools and McKinley Elementary PTO. There will also be hayrides, raffles, and other festivities for the kids. Unfortunately, it falls on the same night as their Council meeting.

Councilman Louderback had nothing further to share.

Councilwoman Mills said she was very excited about all the things going on in our community; she had four other things to add to it. She invited everyone to attend the following events:

* The Circle of Victory 5k Cancer Awareness Walk is on Sunday, October 13th from 2 to 4 p.m. at Greene Memorial Hospital. Registrations are accepted the day of the event. Every dollar raised is put to good use to financially assist patients primarily undergoing treatment at the Ruth McMillan Cancer Center at GMH. One statement they say is “Cancer does not care, but we do” and as a community, they need to care, so please come.

* The Greene Community Health Foundation’s Fifth Annual Fashion Swap ‘N Shop is from 11 a.m. to 2 p.m. on Saturday, October 19th at the Greene County Career Center. Women are invited to bring up to five gently used items, such as clothing, jewelry, and shoes and tickets are given to the person for each item donated. There will be a luncheon, massages, basket raffles, entertainment, and an opportunity to look at nearly 30 home-based businesses, such as
Pampered Chef, Mary Kay Cosmetics, Scentsy, and many others. After that, everyone with tickets will be allowed to shop from the donated items, so it is a little crazy fun! All items must be consignment-worthy. Proceeds from this event will benefit the Clinic Cupboard housed at the Greene County Combined Health District in Xenia. This cupboard contains basic over-the-counter medical supplies, baby necessities, and personal products for GCCHD clients in need throughout Greene County. Reservations are due by Friday, Oct. 11 and are $30 per person or $25 per person if reserving four or more women together. For more information or to make a reservation, please contact Laurie Fox at 937-374-5669 or email her at lfox@gcchd.org. A brochure with a reservation form is available at tonight’s meeting and will be available at the front desk of City Hall. It is a wonderful opportunity to support your community.

* Trick or Treat in the city will be on October 31st from 6 to 8 p.m.
* Dining by Rail, sponsored by the Greene County Historical Society, will be held on Saturday, November 9th at 6 p.m. They tell you to enjoy the food prepared from the recipes of the railroad with live entertainment. Tickets are $25 a person and can be picked up at the Greene County Historical Society’s office.
* X-Out Hunger Backpack Cuisine. If interested in the program, the City has information on its Facebook page and website, and it is also on the Xenia Community School’s website. Children cannot learn if they are hungry so let us help one child at a time.

Mayor Bayless said after the wonderful presentation in Cleveland, she returned to Xenia to attend the tailgate party sponsored by Xenia Community Schools. It was their Homecoming game and she congratulated her former McKinley Elementary School student, Anna Helmig, who was crowned Homecoming Queen. Last week she traveled to Columbus to join the celebration for Mr. Anison Colbert, who was one of seven inducted into the Ohio Civil Rights Hall of Fame to acknowledge citizens who have made great strides in their communities in furthering civil and human rights. She asked his family to arrange a time to attend one of our Council meetings where Mr. Colbert will be presented with a proclamation. It was extremely nice and they got a tour of the State House. They had a reception in his son’s office, Michael Colbert, who is Director of the Ohio Department of Job and Family Services. She attended a Ribbon Cutting on Saturday at Xtown Performance in West Park Square. It was very nice and people need to stay tuned for a big event that is going to be on Sunday, October 20th. It is called Dyno Day and Cruise-In for their official grand opening and extravaganza where there will be lots of big diesel trucks. She attended part of the Roast for Joe Mullins at XARSC on Saturday, October 5th at 6 p.m. It was a fun-filled evening with a great crowd, but she had to leave early because she had something else on her calendar. The funds that were raised will go toward raising awareness for the aging and disabled in our community. She supports the Greene Memorial Hospital renewal levy. When she first came on Council, there was a question of whether the hospital would remain in our community and Terry Burns said he would do everything he could to keep it here and it is still here. Improvements have been made and they are thankful for that. She noted GMH is a sponsor of many activities around the community so they are really a part of this community and doing what they can to keep us healthy and thriving.

Vice President Smith wished Chris Berger well with his marathon. He has never run a marathon, but he did run a 5K on September 28th as part of a benefit for the Greene County Parks and Trails Scott Burnell Dog Park. He came in second, but that was after somebody who was walking their dog on a leash, so he did not know how good that was! He reminded citizens who are voting early to support Issue 7, which is really vital to support our city. He wanted to lift up Gary Robinson, the North Side Christian Church Pastor and an actor for many of the X*ACT
performances. He has some health issue right now, so he wanted to let Pastor Robinson know that they are keeping him in their thoughts and prayers. He is excited about his 30th Dixie High School class reunion this weekend and looks forward to seeing some of his classmates. He wanted to say “Who Dey!” The Bengals are doing good and won their third game.

President Engle said no new taxes are being sought by either Greene Memorial Hospital or the City of Xenia’s levies in November, so please consider supporting them. The funds are really appreciated, much needed, and will not cost citizens more than what they are currently paying in taxes. This evening Council members were provided with complimentary tickets to a dinner. The Christ Episcopal Church is hosting a spaghetti dinner fundraiser from 4 to 7 p.m. on Friday, October 18th at the church, 63 E. Church Street, to benefit their homeless shelter. This Council and members of this Council have supported that particular ministry from Christ Episcopal, and he would encourage people to please come and purchase a great spaghetti dinner and support that important ministry.

ADJOURNMENT: Motion by Councilman Louderback, seconded by Councilman Caupp, to adjourn the Regular Session at 8:20 p.m. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

Michelle D. Johnson, City Clerk
Xenia City Council

Michael D. Engle, President
Xenia City Council
City Council Meeting Minutes  
October 24, 2013  
Special Session  
6:45 p.m.

The Xenia City Council met in a Special Session on October 24, 2013, at 6:51 p.m., in the City Council Chambers, City Hall, with the following members present: Wesley Smith, Dale Louderback, Joshua Long (arrived at 6:58 p.m.), Jeanne Mills, and Michael D. Engle. John Caupp and Marsha J. Bayless were absent.

Xenia Township (CSU/Wilberforce) JEDD-2. Mr. Percival said the Appointed Officials made a presentation to Central State University’s faculty and students about a Joint Economic Development District (JEDD), and they are all on board. At this point, the decision is up to Xenia Township.

Councilman Louderback asked about a House Bill regarding JEDDs. Mr. Lewis said there is a House Bill [289\(^1\)], and Xenia Township is aware of it. Time is of the essence for them more than the City; however, one of the Trustees has a different feeling about it. They really need to make contact with the Xenia Township Trustees as soon as possible so they could make a decision even before the November 5\(^{th}\) election. Mr. Percival did not think the Trustees had a meeting before the election. Mr. Lewis said they could hold a Special Session.

Mr. Bazelak said there had been a number of changes, so they would need to get new petitions signed, hold another public hearing, etc. Mr. Lewis agreed, but they could get Xenia Township on the record.

Councilman Louderback said if that House Bill is approved, all the property owners would have to agree and not just the majority. Mr. Lewis said that was correct. Councilman Louderback said in addition, all the monies would go to the JEDD Board instead of the Township or City, so that is a major change. Mr. Lewis said that was correct.

Mr. Percival did not think all the money went to the JEDD Board. Mr. Lewis said he was told that all the money is supposed to go to the JEDD Board now and the City would not get anything. Councilman Louderback said that is in the HB.

Mr. Bazelak said if that’s the case, then why would the City provide services? That does not make sense. Mr. Lewis said they are saying in many circumstances, a City is not providing any services. Mr. Bazelak said that would make sense, which is why they want an Economic Development Plan. Mr. Lewis said the law already requires an Economic Development Plan. The problem is some City’s want half the money for doing very little, which is a statewide problem and what they are trying to correct.

Mr. Percival said he thought the HB said they had to implement the Economic Development Plan prior to the distribution of funds. Mr. Lewis said the JEDD Board makes the decision on the Plan—not the Township or the City—since they control the money. Councilman Louderback thought

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\(^1\) HB 289, as introduced: http://www.legislature.state.oh.us/bills.cfm?ID=130_HB_289
Canton Representative Kirk Schuring sponsored the HB. Mr. Percival said he would have to look at the House Bill again.

Councilman Louderback said the way he read it, Representative Schuring’s whole premise was that cities and townships are gouging the taxpayers. Mr. Lewis said either he or somebody in his district got mad. The alternative to all this is annexation. Mr. Percival said Central State would be happy to be annexed into the City. Mr. Lewis agreed, which is why he thought the City was in a good bargaining position right now.

Councilman Louderback asked Mr. Lewis if he thought the JEDD could be done quickly. Mr. Lewis said he did not know.

Mr. Bazelak said it seemed like a major bureaucracy to have the JEDD Board collect those funds, but he would need to read the legislation.

The Special Session was adjourned at 6:59 p.m. to go into Regular Session.

Regular Session
7:00 p.m.

The Xenia City Council met in a Regular Session on October 24, 2013, at 7:00 p.m., in the City Council Chambers, City Hall, with the following members present: Wesley Smith, Dale Louderback, Joshua Long, Jeanne Mills, and Michael D. Engle.

John Caupp and Marsha J. Bayless were absent.

INVOCATION: Dr. Andrew “Andy” Spencer, Senior Minister, First Church of Christ, gave the invocation after which all joined in the Pledge of Allegiance.

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

Ayes: Smith, Louderback, Long, Mills, and Engle
Nays: None motion carried.

APPROVAL OF MINUTES: Motion by Vice President Smith, seconded by Councilman Long, to approve the October 10, 2013, Executive/Special Session minutes as written. No discussion followed. The Roll on this was the following:

Ayes: Smith, Louderback, Long, Mills, and Engle
Nays: None motion carried.

Motion by Councilman Long, seconded by Councilman Louderback, to approve the October 10, 2013, Regular Session minutes as written. No discussion followed. The Roll on this was the following:

Ayes: Smith, Louderback, Long, Mills, and Engle
Nays: None motion carried.
SPECIAL PRESENTATIONS:

Beth Rubin, Director of Greene County Department of Job & Family Services and Amy Amburn, Greene County Children Services Administrator. President Engle invited Ms. Rubin and Ms. Amburn to address Council. Ms. Rubin said she is the Director of Greene County Department of Job & Family Services and her colleague is Amy Amburn, Greene County Children Services Administrator. They are here to discuss the Children Services levy, which is Issue 2, but first she wanted to mention that the Department of Job & Family Services covers a wide variety of programs and services in Greene County, which includes public assistance, child support, Work Force Development, Adult Protective Services, and Protective Children Services. One in four Ohioans is connected in some way with their office in Ohio over a year’s time, whether they are looking for work, navigating nursing home care for a loved one, or calling because they are concerned about a neighbor who might be in need. The agency’s work impacts families, businesses, the local economy, and the community as a whole.

Ms. Rubin said she is here to specifically talk about their largest division, which is Children Services, and their levy, which is Issue 2 on the November 5th ballot. Children Services is designated by law to provide for the care, protection, and placement of abused, neglected, and dependent children in Greene County. They work to protect children from abuse and neglect through safety assessments and programs, such as foster care, adoption, independent living programs, and a group home program in Greene County. They recently received re-accreditation, which recognizes that they are meeting the highest standards in their field, so they are very proud of that fact. She shared statistics on the services they provide in Greene County for Protective Children Services. Last year the agency served over 2,000 children and 1,400 families through prevention, protection, permanency, and placement programs. In 2012, 174 children received placement services, 99 children were reunified subsequent to placement, and 9 adoptions were completed. Currently they have 98 children in the agency’s custody with 27 of those in permanent rather than temporary custody. Six are in adoptive placements awaiting finalization and 19 are currently available for adoption. While Job & Family Services on the whole relies on federal and state funds to run the majority of its programs, their Children Services Division is specific and different. Local levy funds make up 58% of their operating budget. In addition, those local levy dollars are needed in order to access the limited state and federal dollars that they receive for Children Services through matching funds and reimbursements.

Ms. Rubin said they are seeking a renewal of an existing 1.5 mill levy for five years. Issue 2 will not increase taxes. Its sole purpose is to support Children Services; those funds are not spent on anything but Children Services in Greene County. A homeowner whose house is valued at $100,000 will pay $52.50 per year in support of the levy, even less if you live in that home, so it is a dollar or less a week or the cost of a cup of coffee to assist in protecting children. They believe that child abuse and neglect affects everyone in the community, and they need to act now to maintain their current programs to help our most vulnerable citizens – our children. They ask that Council continue its support of Greene County children on November 5th. A ‘yes’ vote for Issue 2 is a vote for children in Greene County. It takes a community to protect a child and with Council’s and the community’s help, they can do that. She then entertained questions.

Vice President Smith asked what services would be impacted the most if Issue 2 fails. Ms. Rubin said all the services would be very heavily impacted, but their basic core legal obligation would
be to investigate allegations of abuse, neglect, and dependency. Beyond that, all the things they
do to not only prevent those issues, but to also treat would be affected. Finding placement for
children and helping to reunify them with their families would no longer be possible. [If Issue 2
fails], it would absolutely be devastating to lose 58% of their budget. Vice President Smith said
he appreciated Ms. Rubin speaking tonight. He fully supports Issue 2. He buys two cups of
coffee a day, so he spends about $2.50 a day or around $800 a year for coffee, so he could
certainly invest $50 in kids.

Councilman Louderback said he 100 percent supports Issue 2.

President Engle thanked Ms. Rubin and Ms. Amburn for all they do. Council certainly supports
their funding issue.

City of Xenia November 5th Ballot Issues: Issue 7 – 3.5 Mill Operating Levy Renewal and
Issue 8 – Electrical Aggregation. Mr. Percival said the City of Xenia has two issues on the
November 5th ballot.

- **Issue 7** is a renewal of a 3.5 mill operating levy that was first passed in 1959. The current
  operating levy will expire at the end of 2014. Based upon the Greene County Auditor’s
  Certificate of Estimated Property Tax Revenue, the renewal levy currently generates
  about $415,000 per year. Due to state legislation passed in the 1970s, voted tax millage
  can never exceed the collected tax amount generated when it was first levied. Therefore,
  this 3.5 mill renewal levy actually generates .94 mills. The levy renewal will cost the
  owner of a $100,000 home $28.79 per year. This levy supports all of the city’s critical
  and general fund services, including Police, Fire, and Court services. This levy would not
  cost taxpayers additional dollars. It is simply a renewal of the 3.5 mill operating levy.

Mr. Percival entertained questions from Council. None were presented.

- **Issue 8.** The City is choosing to begin the aggregation of electrical power by the voter
  approval method. It is somewhat easier to discuss what the aggregation does not do.
  People have said the City is forcing people to buy their electric from Company “X”,
  which is not true. If voters approve Issue 8, a procedure is set into motion whereby the
  city will be able to combine the electrical demand of eligible residential and small
  business customers and use that to obtain a better price for electricity than individuals can
  find on their own.

Many things would need to happen if Issue 8 is approved by our citizens:

- Two (2) public hearings would be held.
- An Aggregation Plan is filed with the Public Utilities Commission of Ohio (PUCO) that needs to
  be certified within a 30- to 60-day period.
- Once a provider is selected, customers who are eligible for the program would be contacted by
  mail. After they receive that letter, they would have 21 days to ‘Opt-Out’, which means citizens
  would rather make their own decisions on electric and do not want the City to find an electric
  provider for them.
- After the 21-day period, the supplier would eliminate all of those ‘Opt-Outs’, and the City would
  go out for bid to get the best price for electric.
- There is currently a “price to compare” on residents’ DP&L utility bills, which is now 8.8 cents
  per KWH for the current cost of electric generation.
Last year, Wilmington and Clinton County aggregated and their price was 5.29 cents per KWH, which resulted in a significant savings for them.

If the aggregation amount was not positive, the City could simply say that it was not the right way to go and they could walk away from it.

Mr. Percival said they are asking the citizens to approve Issue 8, which gives the City the ability to aggregate (combine) the electrical demand of eligible residential and small business customers in order to save everyone money on their electric bills.

President Engle entertained questions from Council.

Councilman Louderback asked if they would be dealing with DP&L and other competitors or if they would be trying to get a rate decrease from DP&L. Mr. Percival said they would be dealing with DP&L and competitors. Seven or eight companies are able to bid on power in this area, so they would go out to bid like they do for road salt. Each individual customer would still receive only one bill from DP&L, and DP&L would continue to maintain and repair utility poles and wires, read meters, and respond to power outages regardless of whether or not a customer opts out of or accepts the City’s choice for a generation supplier. Issue 8 is simply about electric generation, which is about 50% of the bill. Councilman Louderback asked if Duke Energy was one of the electric suppliers. Mr. Percival said it could be Duke Energy, AEP, First Energy, etc.

Councilman Louderback asked what would happen if he chose to contract with Duke Energy instead of DP&L. Mr. Percival said DP&L would still be the distributor and would still take care of the lines, read the meters, etc. Duke Energy would be the company supplying the power to DP&L, that in turn would sell it to him.

Mr. Lewis said it is the same right now. Individuals have the ability to contract for their electric provider. Electrical aggregation allows the City to buy electric as a big group to get a better discount. Councilman Louderback said that makes sense. Mr. Lewis thought the City already did that with gas since the voters approved that. Mr. Percival said the City does not do that yet with gas, but they have the ability to do that. The problem with gas generation is that the price tanked, so it did not make any sense to aggregate at that point.

Councilman Louderback clarified that passage of Issue 8 would give the City more bargaining power. Mr. Percival said that was correct.

Councilman Long said Issue 8 is just asking the voters for the ability to do this – it is not a foregone conclusion that the city would be doing this. Mr. Percival said that was correct; no one is forced to do this, which is why it is called ‘Opt-Out’. If down the line someone says they do not want to participate, there are two opportunities for them to say they do not want to participate.

In summation, President Engle said what is before Council is a ballot item that is a no lose proposition for the citizens. The City has an opportunity to lower our collective electric rates. Even if Issue 8 is passed, citizens have the opportunity to “opt out” and the City will carefully monitor the rates to make sure there is a good deal to be had as they go through the bidding process with a variety of providers. Mr. Percival said exactly. President Engle encouraged all our citizens to faithfully consider this, because he believes it is in the best interest of all in the City. Mr. Percival said people could call him with any questions they have and he would be happy to answer them.
PUBLIC HEARING:

Zoning Map Amendment to rezone two parcels located at 320 N. West Street from I-2 to R-1C filed by property owner David W. Smith. President Engle opened the public hearing and asked for the staff report. Mr. Percival deferred to City Planner Brian Forschner. Mr. Forschner said before Council tonight is a request to rezone two parcels on which half of a single-family house is located. The current zoning of these two parcels is I-2 Heavy Industrial District. The other half of the house (that sits on another parcel) is zoned R-1C One-Family Residential District. Staff did some research and discovered that the dual zoning is due to an error on the City’s zoning map in 1976. An ordinance to rezone the applicant’s parcels to a residential classification was enacted in the late 1970s but the Zoning Map was never updated to reflect that change. The property owner discovered the dual zoning of his property while attempting to refinance his mortgage. The bank denied the refinancing because a portion of his home was zoned industrial.

Staff believes this rezoning [from I-2 Heavy Industrial District to R-1C One-Family Residential District] should be approved since it is appropriate for the property and neighborhood and resolves an error that was made. The Planning and Zoning Commission approved it and there were no negative comments made at the public hearing.

President Engle explained the procedures for audience comments, and invited those in favor of the rezoning of two parcels to step forward to speak. No one came forward to speak. He invited those against the rezoning of two parcels to step forward to speak. No one came forward to speak. He invited those neither for nor against the rezoning of two parcels to step forward to speak. No one came forward to speak. He closed the public hearing at 7:21 p.m. and requested an introduction of an ordinance to rezone two parcels at 320 N. West Street from I-2 to R-1C.

Councilman Louderback introduced an ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF XENIA BY REZONING TWO PARCELS LOCATED AT 320 NORTH WEST STREET FROM I-2 HEAVY INDUSTRIAL DISTRICT TO R-1C ONE-FAMILY RESIDENTIAL DISTRICT, and it was read for the first time.

Mr. Percival said Mr. Forschner has run into several things that were done after the 1974 tornado where the zoning was changed but for some reason was never filed and the zoning map was not updated. As they go through the changes to the Zoning Code over the next year or so, there may be several more of these types of items that will need to be taken care of at that time.

Councilman Louderback said this was a common sense issue to him. He asked if they needed to go through the second reading process or if Mr. Forschner could just make the zoning change. Mr. Percival said a zoning change has to be approved by Council. Mr. Lewis said Mr. Forschner could correct the Zoning Map, but the issue with this rezoning is that it happened such a long
time ago. To make it relevant and so that there is no mistake and no problems with the banks, Mr. Forschner rightfully brought the rezoning before Council.

Councilman Louderback said he was not saying anything against Mr. Forschner. He just wondered if Council could give Mr. Forschner the flexibility to correct some of these issues without coming before Council. Mr. Lewis thought Mr. Forschner already had that flexibility, but since this error was made such a long time ago, he recommended passage of an ordinance to clear up the rezoning with the bank. There are other more recent errors that he felt Mr. Forschner could just correct on the Zoning Map. He noted Council already passed legislation for the rezoning in 1976.

Vice President Smith recognized that Councilman Louderback introduced the ordinance, but he wondered if the ordinance could be voted on tonight for the sake of the homeowner. Mr. Percival said even if the Ordinance is approved as an emergency, the rezoning is subject to a 30-day referendum period. Mr. Lewis agreed. Mr. Percival thought Council could approve the ordinance tonight, but it would not be effective for 30 days. Mr. Bazelak noted emergency passage would make the ordinance effective two weeks earlier than originally planned. Mr. Lewis said Council could make a motion to waive the second reading of an ordinance at two consecutive meetings and pass it as an emergency. Mr. Percival said it would still take 30 days to become effective. Mr. Lewis agreed, but Council would not have to wait another two weeks for a second reading of the ordinance.

Motion by Vice President Smith, seconded by Councilman Louderback, that the rules requiring the reading of an ordinance at two consecutive meetings be dispensed with and this ordinance be placed at once upon its passage. No discussion followed. The Roll on this was the following:

Ayes: Smith, Louderback, Long, Mills, and Engle
Nays: None motion carried.

Motion by Vice President Smith, seconded by Councilman Louderback, that Ordinance Number 13-53 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Louderback, Long, Mills, and Engle
Nays: None motion carried.

Amendments to XCO Sections 452.14(d) and 1294.09 in regard to requirements for Parking Recreational Vehicles, Motor Homes, Boats, and Trailers in Residential Districts. President Engle opened the public hearing and asked for the staff report. Mr. Percival said they held discussions relative to these amendments, which went to the Planning and Zoning Commission, who tabled it, reheard it, and eventually endorsed it for City Council consideration. He then deferred to Mr. Forschner.

Mr. Forschner noted the pictures below show what are considered violations of the ordinance. The parking of recreational vehicles, motor homes, boats, and trailers on private residential lots is currently regulated in both Section 1294.09 of the Zoning Code and Section 452.14(d) of the Traffic Code. Even though a good portion of the regulations is largely in the Traffic Code, the Planning and Zoning Department and the former Community Development Department have historically enforced them. This is a logical enforcement strategy because these regulations are private-property issues, not right-of-way traffic issues that the Traffic Code typically contains.
and the Police Division would typically enforce. Parking of these vehicles is a zoning issue rather than a traffic issue and zoning issues should be regulated through the Zoning Code rather than the Traffic Code. One of the changes staff is proposing is to move the regulation of parking of recreational and motor homes, boats, and trailers on private property from the Traffic Code to the Zoning Code because that is where the authority to enforce those regulations resides.

Mr. Forschner said full enforcement of this chapter has historically been intermittent, so there are a number of violations throughout the City. Any effort to fully enforce this Code under the current ordinance will involve Code Enforcement Officers citing a large number of property owners and asking them to move their RV’s/motor homes/boats/ trailers from the front driveway to a side or rear yard, install new hard surface parking spaces and driveways and screening, or to rent a self-storage unit, which is in the existing standard and in the ones they are proposing. This is not a permit driven enforcement process; it is dealing with conditions that exist right now. An example of the potential difficulty with this occurred earlier this year when staff began systematic code enforcement efforts citywide under the current ordinance. There was a significant public outcry when staff started to enforce these regulations to the full extent, because they had not been enforced consistently in the past. In reaction to that, staff was directed to cease the full enforcement of the chapter until they could review the standards and present changes.

Mr. Forschner said staff surveyed other communities to see how they regulate these types of vehicles. They looked at a cross section of communities socio-economically, because Xenia is very diverse and they felt that approach was the way to go. They received some input from the Chair of the Planning and Zoning Commission as well. Staff prepared the proposed amendments after going through that and presented them to the XPZC and the Traffic Commission for their review. Both bodies unanimously approved the changes.

Mr. Forschner said this ordinance primarily deals with the value of the neighborhood. If a person is trying to sell their home and one of these vehicles is parked on the property next door, they
asked what kind of impact would that have on someone’s property value or the perception of the neighborhood when you have a lot of them parked in front yards that are very visible. Many communities regulate them for aesthetics, and to some degree, it has been argued that is also done for safety. When a large box trailer is parked near the sidewalk, it makes it difficult to see around it, but realistically, one could argue the same thing about a large SUV.

Mr. Forschner said in response to the direction staff received, feedback from the community, and talking with our Code Enforcement Officers who deal with this and interact with residents on a daily basis, they prepared some amendments, as shown in the table below:

<table>
<thead>
<tr>
<th>Amendment</th>
<th>Rationale</th>
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<tbody>
<tr>
<td>Move regulation of parking of recreational and motor homes, boats and trailers on private property from the Traffic Code (§452.14(d)) to the Zoning Code (§1294.09)</td>
<td>Parking of these vehicles is a zoning issue rather than a traffic issue. Zoning issues should be regulated through the Zoning Code rather than the Traffic Code.</td>
</tr>
<tr>
<td>Eliminate requirement that the parking area be equipped with an ingress/egress driveway leading from the street to the parking space (currently §452.14(d)(2)A.5.).</td>
<td>This standard creates practical difficulties for many homeowners due to insufficient side/rear yard space. The requirement also requires a sizable investment from property owners. Removing this requirement will prevent a significant number of variance requests to BZA. Xenia is somewhat unique among communities in having this requirement, which is intended to prevent yard damage caused by vehicles being moved from a parking space to a driveway/street.</td>
</tr>
<tr>
<td>Eliminate requirement that parking areas for these vehicles be screened from surrounding properties (currently §452.14(d)(2)B).</td>
<td>Xenia is unique in having this requirement, which is intended to block the view of potentially unattractive vehicles from surrounding property owners. Owners who park such vehicles on a side driveway would be required to install an operable, opaque gate. Like the driveway standard, this requirement may require a significant investment from a property owner.</td>
</tr>
<tr>
<td>Eliminate requirement that no goods shall be stored within the vehicle (currently § 452.14(d)(2)D).</td>
<td>It is likely that most RV’s, motor homes, boats and trailers will have some amount of “goods” stored inside. This section is nearly impossible to enforce consistently.</td>
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Mr. Forschner said they felt that eliminating the two requirements noted above would help to achieve some consensus within the community on how best to regulate these vehicles.

Mr. Forschner said when these changes were brought to a public hearing, two individuals spoke in favor of the changes; one person was against the changes because he felt they were being too lax; two people were against the entire existing ordinance and any regulation of these vehicles whatsoever; and one person did not quite understand the changes and had questions. Staff spoke to him afterwards and figured out he was actually in compliance. Initially, XPZC tabled the changes, but then at their next meeting, they voted unanimously to endorse the changes and forward them to City Council.

President Engle explained the procedures for audience comments, and invited those in favor of the ordinance amendments to step forward to speak. No one came forward to speak. He invited those against the ordinance amendments to step forward to speak.
Thomas Scrivens, 725 Lexington Avenue, said his relatives have been living on Lexington Avenue since March 23, 1923. He presumed Mr. Forschner was the City Planning Director but he was not introduced. Councilman Louderback noted Mr. Forschner is the City Planner. Mr. Scrivens said he would like to speak against this particular issue because this is the City of Xenia, Ohio. This is not Centerville, Massillon, or Columbus – this is Xenia. When they talk about the man who owns this particular property and who pays his taxes and mortgage, he is supposed to have private property rights. The only problem he saw in the photo was the condition of the street, curbs, and sidewalks, which the City owns. There are weeds and grass coming out of the sidewalks, and they should be more concerned about the aesthetics of what the City owns as opposed to what somebody else owns. He is firmly opposed to this ordinance and he was sure many other owners of boats, RVs, etc., are also against it. Xenia has 65’ and 100’ frontage lots and most of them do not provide enough side setback space to have a gate on the side or even enough room to move the vehicle on the side. He did not think this was a workable ordinance and thought they need to find something else to do with their time. He thanked Council for their time and for hearing his opinion.

President Engle invited those neither for nor against the ordinance amendments to step forward to speak. No one came forward to speak. He closed the public hearing at 7:36 p.m. and entertained an introduction of the ordinance from Council.

Councilman Long introduced an ORDINANCE AMENDING PART FOUR – TRAFFIC CODE, TITLE EIGHT: PARKING, SECTION 452.14 AND PART TWELVE – PLANNING AND ZONING CODE, TITLE SIX: ZONING, SECTION 1294.09 OF THE XENIA CODIFIED ORDINANCES TO CONSOLIDATE AND UPDATE STANDARDS FOR THE PARKING OF RECREATIONAL VEHICLES, MOTOR HOMES, BOATS AND TRAILERS ON RESIDENTIAL PROPERTIES, and it was read for the first time.

2014 Five-Year Capital Improvement Plan. President Engle opened the public hearing and asked for the staff report. Mr. Percival noted Council had an extensive work session relative to the Capital Improvement Plan (CIP) at the last Council meeting. Pursuant to Xenia City Charter §9.12, the Xenia City Council must conduct a public hearing and adopt a Five-Year CIP no later than November 1st of each year. This final review process has resulted in material changes to our recommended CIP from the original version presented to Council on October 10th. Most notable is the removal of the Simon Kenton and City Hall renovation projects. Council has not made a decision relative to those projects and they are still awaiting additional information on other options from the architect. At such time in the future that Council revisits that issue, staff can then put those projects and costs back into the CIP, but they felt at this time it was prudent to remove them until a final decision was made.

Following the public hearing, Mr. Percival respectfully requested that Council pass an emergency resolution approving the 2014-2018 Five-Year Capital Improvement Plan for the City of Xenia pursuant to Section 9.12 of the Xenia City Charter.

President Engle explained the procedures for audience comments and invited those in favor of the Five-Year CIP to step forward to speak. No one came forward to speak. He invited those against the Five-Year CIP to step forward to speak. No one came forward to speak. He invited those neither for nor against the Five-Year CIP to step forward to speak. No one came forward to speak. He closed the public hearing at 7:38 p.m. and entertained a motion.
Vice President Smith presented a RESOLUTION ADOPTING A 2014-2018 FIVE-YEAR CAPITAL IMPROVEMENT PLAN FOR THE CITY OF XENIA, OHIO, PURSUANT TO SECTION 9.12 OF THE XENIA CITY CHARTER, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Vice President Smith, seconded by Councilman Louderback, that the rules requiring the reading of a resolution at two consecutive meetings be dispensed with and this resolution be placed at once upon its passage. Discussion followed.

Councilman Long thanked City staff for removing the Simon Kenton project from the CIP since they have not made a decision on how to move forward. He noted the public can request a copy of the 2014 Five-Year CIP from the City Clerk’s Office. Mr. Percival said absolutely. Councilman Long said the CIP continues the promises made when the levy passed, which was for road repairs and public safety. It is well worth a read even if people just read the summary about the investments the City will make over the next five years.

Councilman Long noted that since Councilwoman Mills has laryngitis tonight, she asked him to read her comments. Councilwoman Mills wanted to emphasize that the CIP is only a plan and does not allocate any funding, authorize any specific project, or obligate Council to implement any portion of the plan. The funding and approval of specific projects and purchases will still come before Council for approval. President Engle concurred.

The Roll on this was the following:

Ayes: Smith, Louderback, Long, Mills, and Engle
Nays: None  motion carried.

Motion by Vice President Smith, seconded by Councilman Louderback, that Resolution Number 13-Z be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Louderback, Long, Mills, and Engle
Nays: None  motion carried.

**Proposed changes to 2012 CDBG Allocation Grant.** President Engle opened the public hearing and asked for the staff report. Mr. Percival said the public hearing is to solicit input on rejection of bids for the Xenia Station Shelter and Xenia Station repairs; the proposed changes to the 2012 CDBG Allocation Grant; and an Emergency Resolution to authorize submission of an amendment request to the State of Ohio for the 2012 CDBG Grant. He noted the City solicited competitive bids in September for the removal and repair of Xenia Station façade for certain repairs on Xenia Station and for the purchase of materials for an open air shelter. Two separate bid books were prepared for the two activities. Both bids were advertised on August 16, 2013, and one vendor submitted some paperwork for the open air shelter, but the paperwork was incomplete and therefore deemed non-responsive. He respectfully requested that Council formally reject the bids as nonresponsive and authorize staff to revise the specifications and solicit competitive bids again at the soonest date reasonable to meet the deadline requirements of the grant. Given that the bids were non-responsive, the Development Review Committee (Planning, Development, Engineering/Public Service, and City Manager’s Office) met to determine next steps for this grant, which has a deadline of December 30, 2013.
1. The CDBG requirements including the requirement to pay prevailing wages made the $30,000 budget unappealing to potential bidders for the repairs to Xenia Station;
2. The number of alternate bids likely raised the costs above the $30,000 limit;
3. The damage to the building continues to escalate since the grant was first written and estimated in early 2012; and
4. The rehabilitation to be undertaken was uncertain because the cause of the needed repair work and water damage is not visible.

Mr. Percival respectfully requested that Council take three actions:

**Action 1.** Reject all bids as nonresponsive for the Activity 1 repair of Xenia Station and Activity 2 Purchase of Materials for an Open Air Shelter at Xenia Station using the FY 2012 CDBG Formula Allocation grant, and authorize staff to revise the project specifications and solicit competitive bids again at the earliest feasible date.

**Action 2.** Conduct a Public Hearing discussing the proposed change to the grant and the City’s request for an amendment.

**Action 3.** Waive the second reading of a resolution at two consecutive meetings and pass as an emergency a resolution authorizing the City Manager to submit an Amendment request to the FY 2012 CDBG Formula Allocation Program grant to the State of Ohio as soon as feasibly possible to meet the deadlines of the CDBG Allocation.

Motion by Councilman Long, seconded by Councilman Louderback, to reject all bids as nonresponsive for the Activity 1 - Repair of Xenia Station and Activity 2 - Purchase of Materials for an Open Air Shelter at Xenia Station using the FY 2012 CDBG Formula Allocation grant, and authorize staff to revise the project specifications and solicit competitive bids again at the earliest feasible date. No discussion followed. The Roll on this was the following:

Ayes: Smith, Louderback, Long, Mills, and Engle
Nays: None  motion carried.

President Engle explained the procedures for audience comments, and invited those in favor of the proposed changes to 2012 CDBG Allocation Grant to step forward to speak. No one came forward to speak. President Engle invited those against proposed changes to 2012 CDBG Allocation Grant to step forward to speak. No one came forward to speak. He invited those neither for nor against the proposed changes to 2012 CDBG Allocation Grant to step forward to speak. No one came forward to speak. He closed the public hearing at 7:44 p.m. and entertained a motion as an emergency.

Vice President Smith presented a RESOLUTION AMENDING THE 2012 CDBG FORMULA ALLOCATION, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Vice President Smith, seconded by Councilman Louderback, that the rules requiring the reading of a resolution at two consecutive meetings be dispensed with and this resolution be placed at once upon its passage. Discussion followed.
Councilman Long inquired about the specific changes to the grant request. He asked if they are omitting the open air shelter. Mr. Percival said yes, they would not build the open air shelter and would be putting all the money into repairing the building. Councilman Long noted there is already an open air shelter at the other end of the park. Mr. Percival agreed, and hopefully, they will be able to build another open air shelter in the future. Right now, it seemed practical to invest all the dollars toward repairing the building. Councilman Long said he was in full support. Anyone who has spent some time really examining that beautiful building can tell that the wood and windows are aging, and they need to maintain that investment.

Councilman Louderback asked what caused the façade water damage. Mr. Percival said the building was built as a perfect replica of the original train station to include a wood façade, which is now weathered, has shrunk, and is water damaged. It would probably have made more sense to use metal or other things. As the wood shrinks, water gets in behind it. The question is what the damage is behind some of that weathered wood.

Councilman Louderback asked Councilman Long if Friends of Xenia Station (FOXS) raised money to do repairs at Xenia Station. Councilman Long said FOXS has raised money to do repairs and spent some for landscaping improvements. They did not raise money for this particular purpose of renovating the building itself; it was more for maintenance. Councilman Louderback thought FOXS raised $10,000. Mr. Percival noted FOXS installed the public bicycle repair station. Councilman Long said that was how part of the money was spent. Councilman Louderback thought the FOXS group does great work. Councilman Long said one of FOXS’ lofty goals is trying to secure some of the land behind Xenia Station to help improve that area around the creek. Some of those funds are allocated for long-term support of their programs.

The Roll on this was the following:

Ayes: Smith, Louderback, Long, Mills, and Engle
Nays: None motion carried.

Motion by Vice President Smith, seconded by Councilman Louderback, that Resolution Number 13-AA be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Louderback, Long, Mills, and Engle
Nays: None motion carried.

AUDIENCE COMMENTS: President Engle explained the procedures for audience comments and invited anyone who wished to speak to come forward.

Thomas Scrivens, 725 Lexington Avenue, Xenia said he would like to thank the Public Service Director for a fine job that was done on N. Fair St. (between E. Main St. to E. Second St.) where two families reside; on Evans St. (between E. Church St. to E. Main St.) where two families reside; on Taylor Street (between E. Church St. and Lexington Ave.) where seven families reside; and on Jefferson St. (between E. Church St. and Lexington Ave.) where two families reside. That is a grand total of 13 families, so thank you for repaving their streets. However, the residents on E. Third St. (between N. Columbus Ave. and N. Patton St.), the residents on E. Second St. (between N. Columbus Ave. and N. Patton St.), and the residents on E. Church St. (between N. Columbus Ave. and N. Patton St.) wonder what the criterion is for a street repair. They know there must be some type of ambiguity that must exist, because those streets are in
horrible condition. As a representative for that part of the community, they would like to sit down with the Public Service Director so those streets would get a higher priority on the next round of road resurfacing and improvements. If any members of Council reside within those affected areas, he was sure they would also be up in arms. The aesthetics could be very well improved on those streets; the sidewalks need to be kept clear and not broken up, and the weeds and grass need to be removed from growing through the cracks in the sidewalks and curbs, which could also be true for downtown Xenia. No curbs were painted yellow all spring, summer, or fall and none of the curbs that were damaged by snow blades or people pulling up on them were repaired. They just wonder where the priorities lay in this particular allocation of public service funds. In the future, the following people would make themselves available: Mr. Archie McPherson on E. Second St.; Mrs. Mary Gavin on E. Third St.; Mrs. Phelps on E. Church St., and a few others would like to meet with the Public Service Director when his schedule permits. He thanked Council for their time and for their response to his comments. He would like to hear individually what each member of Council has to say.

Councilman Louderback said it may be out of place, but he would like to respond to Mr. Scrivens. This Council represents all of Xenia – east, west, north, and south. Mr. Scrivens said no problem. Councilman Louderback said they are not going to necessarily make the east end a priority, because the streets are bad everywhere in the city. Mr. Scrivens noted the city fixed N. Sutton Drive. Councilman Louderback asked Mr. Scrivens to allow him to speak. Mr. Scrivens said he thought this was a colloquy and they would go back and forth.

Mr. Lewis said that is not the case with audience comments. Typically, Council does not respond to audience comments or have debates. Speakers have a chance to speak and then they go on. Councilman Louderback is choosing to address Mr. Scrivens, but Council does not generally have a response to audience comments. Mr. Scrivens said that was his mistake.

Councilman Louderback said this Council decided they were going to spread the wealth north, south, east and west, and for Mr. Scrivens to come up here and say they are not taking care of the east end of Xenia appalls him. Mr. Scrivens said he was glad Councilman Louderback was appalled—maybe that will result in getting something done. Councilman Louderback said he was not going to make Mr. Scrivens’ east end the only priority in the city. Mr. Scrivens thanked Councilman Louderback for his non-vote – he appreciated that. It is obvious that it is not a priority because it speaks for itself. He then asked if anyone else on Council cared to respond. Mr. Lewis said Mr. Scrivens’ time was up.

REPORTS OF COMMITTEES:

Planning & Zoning Commission: Councilman Long said XPZC met on October 3rd and held two public hearings and reviewed several other items. He was unable to attend the meeting since he was on vacation, but Vice Chair Sarah Amend chaired the meeting in his absence.

- Public Hearing to request to rezone two (2) parcels located at 2380 Bellbrook Avenue from O-1 Office District to B-3 Highway Oriented Business District filed by Dan Wilson. There was a lengthy conversation and many citizens spoke at the meeting to share their concerns about that rezoning. There was a motion to rezone the parcels, which died because it was a 2-2 vote. That item will most likely come back before the XPZC at their November meeting.

- Public Hearing to request to rezone two parcels located at 320 N. West Street from I-2 Heavy Industrial District to R-1C One-Family Residential District filed by property owner David W.
Smith, which was the same item about which Council held a public hearing tonight, so he would not go into detail. XPZC voted to endorse the rezoning request.

- Request for a Certificate of Appropriateness to allow construction of an 8’ x 8’ shed at 135 E. Church Street filed by the YMCA of Xenia, which was approved.
- Request for a Modification of the Legacy Center PUD to allow construction of a 130’ radio tower at 1205 Wesley Avenue filed by P&R Communications on behalf of Strong Tower Christian Media, which was approved. He believed this was part of the effort to move that radio station into our city, so he welcomed them.
- Commissioners also discussed Zoning Text Amendments: Requirements for Parking Recreational Vehicles, Motor Homes, Boats, and Trailers on Private Property in Residential Districts. This was also an item on which a public hearing was held tonight, so he would not go into details, but XPZC endorsed those amendments.

If anyone has questions, Councilman Long asked that they be addressed to Mr. Forschner since he did not attend the meeting.

**Greene County Regional Planning Commission:** Councilman Long said GCRPC met on Tuesday, October 22nd. There were no actionable items on the agenda, but City Planner Brian Forschner did a presentation on the X-Plan to update our county and townships on that effort, which was very well received and he heard positive comments on that initiative and effort.

**Mayors & Managers:** Mr. Percival said the meeting was held, but the presentation that was supposed to be done on the expansion of the Air Force Museum was not done, which may have been related to the government shutdown that was going on at that time.

**Miami Valley Regional Planning Commission:** Councilman Louderback said he attended the meeting earlier this month, but nothing directly or indirectly affected the City of Xenia or Greene County; it was all about Miami and Montgomery counties.

**ITEMS FROM CITY COUNCIL AND MAYOR:** Vice President Smith said his thoughts and prayers were going out to the family of Gary Robinson, who passed away this morning. He was the minister of North Side Christian Church on Country Club Drive. He will be missed. Gary was also an actor and very active in X*ACT. Gary and his wife moved to Xenia around 2004 or 2005. Councilman Louderback and President Engle agreed that Pastor Robinson was a great man and fine individual who will be missed.

**REPORTS OF CITY OFFICES:**

**City Manager’s Office:** Mr. Percival said former Greene County Commissioner Reed Madden passed away this weekend and he wanted to send his condolences to his wife, Judy, and their family. If anyone had ever dealt with Reed much, you would never forget him. He truly was a County Commissioner for all of Greene County and cared about the future of the county and its history.

**Emergency Resolution to approve an Expenditure in Excess of Allowable Then and Now Amount.** Mr. Percival said a Purchase Order was originated in 2012 in the amount of $60,000.00 for Façade Renovations at 75 E. Main Street. At the end of 2012, there was a $6,000.00 balance; however, the Purchase Order was closed out in error. The renovations have been completed and the final payment is now due. Because the payment amount is in excess of
the $3,000.00 amount allowable on a Then and Now Statement, Council must pass a Resolution before funds can be released to the vendor. He respectfully requested that Council pass an emergency resolution to authorize the payment of $6,000.00 to Steve Miller Construction.

Councilman Louderback presented a RESOLUTION AUTHORIZING THE PAYMENT OF $6,000.00 TO STEVE MILLER CONSTRUCTION, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Councilman Louderback, seconded by Councilman Long, that the rules requiring the reading of a resolution at two consecutive meetings be dispensed with and this resolution be placed at once upon its passage. No discussion followed. The Roll on this was the following:

Ayes: Smith, Louderback, Long, Mills, and Engle
Nays: None motion carried.

Motion by Councilman Louderback, seconded by Councilman Long, that Resolution Number 13-BB be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Louderback, Long, Mills, and Engle
Nays: None motion carried.

Emergency Ordinance for Additional Appropriations for FY2013. Mr. Percival requested an additional appropriation in the amount of $8,500.00 to cover the expense for phone lines at the Sanitary Sewer Lift Stations. The alarm system was upgraded from using an unreliable analog landline based phone system to using a cell signal, but additional dollars are needed for the cell signals. When there is a heavy rain, the Lift Stations definitely need to be communicating with the Treatment plants. He respectfully requested that Council pass an emergency Ordinance approving the requested supplemental appropriation for $8,500.00 to be effective at the earliest possible date.

Councilman Louderback presented an ORDINANCE AMENDING ORDINANCE NUMBER 12-53 TO MAKE ADJUSTMENT IN APPROPRIATIONS FOR CURRENT EXPENDITURES OF THE CITY OF XENIA, OHIO DURING THE FISCAL YEAR ENDING DECEMBER 31, 2013, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Councilman Louderback, seconded by Vice President Smith, that the rules requiring the reading of an ordinance at two consecutive meetings be dispensed with and this ordinance be placed at once upon its passage. No discussion followed. The Roll on this was the following:

Ayes: Smith, Louderback, Long, Mills, and Engle
Nays: None motion carried.

Motion by Councilman Louderback, seconded by Vice President Smith, that Ordinance Number 13-54 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Louderback, Long, Mills, and Engle
Nays: None motion carried.

Items for the City Manager: Mr. Percival encouraged all the citizens to go out and vote. The City of Xenia has two issues on the November 5th ballot. Citizens should be receiving their
Xenia Communicator soon, which includes articles on both ballot issues. If folks have questions, they should feel free to call his office, and he would be more than happy to answer them.

Councilman Long noted Councilwoman Mills wanted him to point out that a brochure with information on both issues was included in the Utility Bills.

Mr. Percival announced that his last day would be January 31, 2014.

**Finance Director’s Office:**

**Schedule of Bills:** Mr. Bazelak presented payment of bills totaling $729,112.07. He mentioned that most of expense is grant related through the Athletes in Action project.

Motion by Councilman Louderback, seconded by Vice President Smith, to approve payment of bills totaling $729,112.07. No discussion followed. The Roll on this was the following:

Ayes: Smith, Louderback, Long, Mills, and Engle
Nays: None motion carried.

**Law Director’s Office:**

**Introduction of an Ordinance to amend XCO Chapter 206: Public Meetings.**

Mr. Lewis said all of the city’s meetings currently conducted by our committees are considered public meetings except the Tax Appeals Committee and Loan Trust Fund Committee. Amended substitute House Bill 59, which became effective June 30, 2013, amended ORC 121.22 Public Meetings to consider specific confidential information related to economic development to be in executive session. The City of Xenia Codified Ordinances Chapter 206 mirrors ORC 121.22. While he believes deliberations about incentives should be as transparent and open as possible, he also recognizes that details of a proprietary nature could be an issue, such as when a company is expanding due to a new but unannounced contract or a new product. He respectfully requested that Council introduce an ordinance to amend XCO, Chapter 206: Public Meetings, Section 206.04 Executive Sessions of Public Bodies to permit public bodies to hold an executive session to consider specific confidential information for economic development assistance.

Councilman Louderback introduced an ORDINANCE AMENDING CHAPTER 206 PUBLIC MEETINGS OF TITLE TWO: GENERAL PROVISIONS OF THE CITY OF XENIA CODIFIED ORDINANCES TO ALLOW PUBLIC BODIES TO HOLD AN EXECUTIVE SESSION FOR ECONOMIC DEVELOPMENT, and it was read for the first time.

**Second Readings of Ordinances and Resolutions:** Mr. Lewis presented an ORDINANCE AMENDING PART TWELVE – PLANNING AND ZONING CODE, TITLE SIX: ZONING, SECTION 1294.19 OF THE XENIA CODIFIED ORDINANCES TO CLARIFY DESIGN STANDARDS FOR FENCES, and it was read for a second time.

Motion by Councilman Long, seconded by Councilman Louderback, that Ordinance Number 13-55 be now passed. Discussion followed.
President Engle said he would be voting ‘Nay’ on this particular matter, not because he particularly cares for fences turned “right side out” or “inside out” but it is more of a matter of procedure why he is voting ‘Nay’. He called attention to XPZC’s September 5, 2013, meeting where this particular issue was brought before that body and considered. Staff recommended that the fences be allowed to be posted “inside out.” In the minutes of that meeting, no citizen came forward to speak against this particular issue. At the last Council meeting, they discussed it and it was moved and amended, which is why it is now in front of Council in this manner. At the XPZC meeting, a motion was made and unanimously approved by a vote of 3-0 to endorse the text of the ordinance to Council to allow property owners to erect their fence however they choose. Again, he has no particular desire to have fences one way or the other necessarily. His concern and ‘Nay’ vote will be essentially supporting the process by which these Commissions take place. They are citizen-run, and as Councilman Long noted before, only the citizens vote in those particular groups and he is devoting his ‘Nay’ vote on this particular issue to them in that he believes they have spoken for the balance of Xenia citizens.

The Roll on this was the following:

Ayes: Smith, Louderback, Long, and Mills
Nays: Engle    motion carried.

**Items for the Law Director:** None.

**SUMMARY OF ACTION ITEMS:** Mr. Percival said he had no updates.

- Update on Proposed Recreation Venues (Requested by Councilman Louderback/Assigned to Jim Percival)
- A report on the feasibility of a Vacant Building Ordinance (Requested by Councilman Louderback/Assigned to City Manager’s Office and Law Director)
- Quarterly Updates on Economic Development at Council meetings on 04/11/13, 07/11/13, 10/10/13 [completed], 01/09/14) (Requested by Councilman Louderback/Assigned to Steve Brodsky/Jim Percival)
- Timeline for completion and delivery of cost estimates, renderings, etc., for Simon Kenton Project (Requested by Councilman Long/Assigned to Jim Percival/Chris Berger)

President Engle asked if there were any issues Council would like added to the next Council meeting under “Summary of Actions Items.” There was no response from Council.

**READING OF COMMUNICATIONS AND DISCUSSION:** Councilman Long said he wanted to bring to the public’s attention a Press Release from earlier this week from *Xenia Eats!*, which is a social media based Facebook group who talk about eating locally in and around Xenia. They are hosting a restaurant week from November 3 through 9, 2013, and they are inviting the public to visit and dine at our local, independently owned restaurants. Those taking part are Caesar Creek Vineyards, The Dairy Station, Harvest Moon Bakery, Miami Trail Tavern, Nick’s Restaurant, Rubio’s Tex-Mex Taqueria, Sweets Boutique, Willie’s Sports Bar & Grille, and Xenia China Inn. They will have all specials during the dates of November 3rd through 9th. There is a Press Release posted on the City’s website where people can download the flyer to see what kinds of specials they are having. He particularly wanted to thank Mr. Scott Calhoun who is an active volunteer in our community. Mr. Calhoun started this group, and it was his idea to host
restaurant week. He got many volunteers to help chase down restaurant owners who are very busy, so he thanked them for all their efforts.

Councilman Long said earlier tonight, he and President Engle attended a “Trunk or Treat” at McKinley Elementary School/Central Office hosted by Xenia Community Schools. He has never seen so many kids at one location! There were 1,000 to 2,000 kids waiting to get through that “Trunk or Treat” line to go inside and get candy from the organization handing it out. Big thanks to Stephanie Johnson with XCS, and his wife, who is the PTO President, for all their hard work.

Councilman Louderback believes that Xenia Eats! was a great idea. He asked Councilman Long if he knew when Miami Trail Tavern would open. Councilman Long said he did not know, but the last thing they posted on Facebook said they were trying to be open by restaurant week. Councilman Louderback said he met with the owners and they have a great business concept. He thought everyone was going to be pleasantly surprised. It will be run as a restaurant versus a bar and they have many great ideas. He noted one of the owners presently has a restaurant in Centerville. He wished them the best of luck. He asked when Trick or Treat was in the City. Mr. Percival said it would be on Thursday, October 31st from 6 to 8 p.m.

Councilman Long said Councilwoman Mills wanted to remind citizens about the following:

- Dining by Rail, sponsored by the Greene County Historical Society, will be held on Saturday, November 9th at 6 p.m. People can enjoy food prepared from the recipes of the railroad with live entertainment. Tickets are $25 a person at the Greene County Historical Society’s office.
- X-Out Hunger Backpack Cuisine. She would like to thank citizens for their continued support. They have 20 students with a full year sponsorship for that program and many more are waiting. For $20 a month, you can feed one child and for $170 a year, you can feed that child for the nine months they are in school. If interested in the program, information can be found on the City of Xenia’s and Xenia Community School’s websites, and there is a Facebook page for the X-Out Hunger Backpack Cuisine, or people can contact the Xenia Area Chamber of Commerce.
- The popular Movies in the Park Series continues through November. Faith Community United Methodist Church has generously donated their space to continue this free event for the months of October and November. October's movie is "Hotel Transylvania" and will be shown on Friday, October 25th at 6:30 p.m. Kids are encouraged to wear their Halloween costumes and trick-or-treat throughout the church prior to the movie. Free popcorn and drinks will also be served.

President Engle added that X-Out Hunger Backpack Cuisine was accepting monetary donations as well as nonperishable food donations. Councilwoman Mills noted the program flyer lists the types of food accepted. President Engle said it is a very worthwhile program for the community that is reaching a number of our students.

Vice President Smith invited citizens to attend the next Traffic Commission meeting on November 4th at 7 p.m. November 5th is Election Day, so he encouraged everyone to vote on that day or to vote early. On behalf of Mayor Bayless, Councilwoman Mills, and himself, he thanked citizens for their support. Their names are on the ballot for the election of Council and Mayor, but they are running unopposed. They are happy to serve the citizens of this community and really appreciate their support. Please drive carefully on Beggars’ Night on October 31st. He wanted to say "Who Dey!" because the Bengals are on NFL television that night playing the Miami Dolphins beginning at 8:30, and he is a big Bengals fan.
President Engle added that he would like people to be careful and safe on Halloween as they are driving since the children will be out from 6 to 8 p.m. He added his condolences and prayers for the Madden and Robinson families for their losses this past week. X*Act’s opening gala is this Friday at 6:30 p.m. for Agatha Christie’s “The Mousetrap,” which is the world’s longest running play in history. He was not sure if tickets were still available, but people can call X*Act if they would like to come. There are lots of things to do in Xenia in the coming weeks as they approach the holiday season, and he encouraged citizens to go out and enjoy your community.

Councilman Louderback said people do not realize that the X*ACT actors are volunteers and X*ACT is a non-profit organization. However, they have to pay royalties for most of their productions and sometimes those royalties can be very expensive. X*ACT is a great organization and they need financial support. Many people think the price they pay for tickets goes straight to the organization, but they have overhead expenses and they are in a building with high utility costs. He encouraged anybody who could donate to X*ACT to do so, and it would be greatly appreciated.

**ADJOURNMENT:** Motion by Councilman Long, seconded by Councilman Louderback, to adjourn the Regular Session at 8:16 p.m. No discussion followed. The Roll on this was the following:

Ayes: Smith, Louderback, Long, Mills, and Engle
Nays: None motion carried.

Michelle D. Johnson
City Clerk

Michael D. Engle, President
Xenia City Council
The Xenia City Council met in a Special Session on October 29, 2013, at 4:00 p.m., in the City Council Chambers, City Hall, with the following members present: Wesley Smith (arrived at 4:32 p.m.), John Caupp, Dale Louderback, Jeanne Mills, Marsha J. Bayless, and Michael D. Engle.

Joshua Long was absent.

Motion by Councilman Caupp, seconded by Councilman Louderback, to go into an Executive Session to discuss Personnel Matters—Health Insurance. No discussion followed. The Roll on this was the following:

Ayes: Caupp, Louderback, Mills, Bayless, and Engle
Nays: None motion carried.

The City Council convened in Executive Session in the City Council Chambers, City Hall, with the same members present to discuss Personnel Matters—Health Insurance.

At 5:18 p.m., the Xenia City Council adjourned their Executive Session and met in a Special Session with the same members present.

**Health, Dental, and Life Insurance Program for 2014:** Mr. Percival said there are five actions requested in regard to the Health, Dental, and Life Insurance Program for 2014:

**Action 1.** Authorize the City Manager to accept the rates (not to exceed amount stated above) and benefit changes as presented for the HSA health insurance coverage for the 2014 calendar year with UnitedHealthCare beginning January 1, 2014. Authorize the City to maintain its yearly contribution rates for the HSAs at $1,500.00 for the single option and $3,500.00 for all other tier options.

**Action 2.** Authorize the City Manager to accept the rates as presented for group life insurance coverage for the 2014 calendar year with UnitedHealthCare beginning January 1, 2014.

**Action 3.** Authorize the City Manager to accept the rates as presented for dental coverage for the 2014 calendar year with Superior Dental beginning January 1, 2014.

**Action 4.** By motion waive the requirement to obtain competitive quotes for professional services and authorize the City Manager to enter into a contract with Enrollment Management Services in the amount of $70,000.

**Action 5.** Introduce a Resolution to amend the Xenia Employee Benefits Manual Policy EBM-3.10 – HEALTH AND DENTAL INSURANCE.

Motion by Councilman Caupp, seconded by Councilman Louderback, to authorize the City Manager to accept the rates (not to exceed amount stated above) and benefit changes as
presented for the HSA health insurance coverage for the 2014 calendar year with UnitedHealthCare beginning January 1, 2014, and to authorize the City to maintain its yearly contribution rates for the HSAs at $1,500.00 for the single option and $3,500.00 for all other tier options. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Bayless, and Engle
Abstain: Mills
Nays: None  motion carried.

Motion by Councilman Louderback, seconded by Mayor Bayless, to authorize the City Manager to accept the rates as presented for group life insurance coverage for the 2014 calendar year with UnitedHealthCare beginning January 1, 2014. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Bayless, and Engle
Abstain: Mills
Nays: None  motion carried.

Motion by Councilman Louderback, seconded by Councilman Caupp, to authorize the City Manager to accept the rates as presented for dental coverage for the 2014 calendar year with Superior Dental beginning January 1, 2014. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Bayless, and Engle
Abstain: Mills
Nays: None  motion carried.

Motion by Councilwoman Mills, seconded by Mayor Bayless, to waive the requirement to obtain competitive quotes for professional services and authorize the City Manager to enter into a contract with Enrollment Management Services in an amount not to exceed $70,000. Discussion followed.

Councilman Caupp said for the record, he has discussed this proposal with four different brokers, and none of them spoke in favor of it and thought too many people will get off the City’s plan. He hopes Mr. Blackwelder proves him wrong. The majority of City employees are paying either 15% or 20% of their premiums with a $3,000/$6,000 deductible. For those enrolled in the HSA program, the City pays $1,500/$3,500 to bring those deductibles down to $1,500/$2,500. He believes employees would be crazy to leave the current plan. He will vote no on this contract.

Councilman Louderback said he met with Human Resources Director Jackie Potter, Mr. Blackwelder from EMS, et al, and he had a lot of questions. He noted $70,000 is a lot of money. He was happy there was a 30-day "opt out" clause in the contract, and they should know something by December. His biggest concern is taking care of City employees. They will have the option to stay in the current program since participation is not mandatory. He will support the contract.

President Engle thanked staff, Mr. Blackwelder, and Ms. Walker for the presentation [during the Executive Session]. He said this is an opportunity for the city to potentially better the City’s position, marketability, claims, etc. He will support the contract.
Mayor Bayless said she felt comfortable with the research staff has done and will support the contract. President Engle concurred.

Vice President Smith said he did not want to vote on this contract tonight. When he became a City Council member four years ago, the City was laying people off, there were no funds for street improvements, etc. He worked for two months on the levy effort, which the citizens eventually passed, so they have some breathing room right now. The contract is a lot of money, but he supports their focus to try to save the City some money. He will vote for the contract, but he wants to see a return on this investment.

Councilman Caupp noted this contract is double what the City is paying for the health insurance broker contract.

The Roll on this was the following:

Ayes: Smith, Louderback, Mills, Bayless, and Engle
Nays: Caupp motion carried.

Mr. Percival said the final action requested was an introduction of a Resolution to amend the Employee Benefits Manual.

Councilman Louderback introduced a RESOLUTION TO AMEND EMPLOYEE BENEFITS MANUAL POLICY 3.10 – HEALTH AND DENTAL INSURANCE, and it was read for the first time.

ADJOURNMENT: Motion by Councilman Louderback, seconded by Vice President Smith, to adjourn the Special Session at 5:26 p.m. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Mills, Bayless, and Engle
Nays: None motion carried.

Michelle D. Johnson, Clerk
Xenia City Council

Michael D. Engle, President
Xenia City Council
City Council Meeting Minutes  
November 12, 2013  
Special Session  
4:00 p.m.

The Xenia City Council met in a Special Session on November 12, 2013, at 4:00 p.m., in the First Floor Conference Room, City Hall, with the following members present: John Caupp, Dale Louderback, Joshua Long, Jeanne Mills, Marsha J. Bayless, and Michael D. Engle.

Vice President Wesley Smith was absent.

Motion by Councilman Caupp, seconded by Councilman Louderback, to adjourn to Executive Session at 4:00 p.m. to discuss Personnel Matters. No discussion followed. The Roll on this was the following:

Ayes: Caupp, Louderback, Long, Mills, Bayless, and Engle  
Nays: None  
motion carried.

The City Council convened in Executive Session in the First Floor Conference Room, City Hall, with the same members present to discuss Personnel Matters.

Michelle D. Johnson  
City Clerk  

Michael D. Engle, President  
Xenia City Council
The Xenia City Council met in an Executive Session on November 14, 2013, at 5:45 p.m. in the First Floor Conference Room, City Hall, with the following members present: Wesley Smith, Dale Louderback, Joshua Long, Jeanne Mills, Marsha J. Bayless, and Michael D. Engle.

John Caupp was absent.

Motion by Vice President Smith, seconded by Mayor Bayless, to go into an Executive Session to discuss Personnel Matters. No discussion followed. The Roll on this was the following:

Ayes: Smith, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

The City Council convened in Executive Session in the First Floor Conference Room, City Hall, with the same members present to discuss Personnel Matters.

### Special Session
6:00 p.m.

At 6:07 p.m., the Xenia City Council adjourned their Executive Session and met in a Special Session with the following members present: Wesley Smith, Dale Louderback, Joshua Long, Jeanne Mills, Marsha J. Bayless, and Michael D. Engle.

John Caupp was absent.

Also present were Public Service Director/City Engineer Chris Berger, Asst. City Manager Brent Merriman, and Police Chief Randy Person.

**Simon Kenton Project.** Mr. Percival said this evening’s work session is to discuss the city’s facility project. He then turned the meeting over to the Mr. Berger, Mr. Bazelak, and Mr. Merriman. The focus of this has changed significantly, so he will let Mr. Berger walk Council through where they are at today.

Mr. Berger said the talking points summarizes everything Council read in the memo, so there is nothing in there that is different or new, but they thought it would easier to hit on the high points as they go through the presentation. He will not go over each bullet point because most of the material is self-explanatory. After his part of the presentation, he will turn the meeting over to Mr. Bazelak so he can discuss the financing, which played a large role in their recommendation to Council. He asked that Council hold their questions until staff is done with their presentation. He mentioned that because at the last presentation in September, Mr. Bazelak did not have an opportunity to go over the financing. They understood that Council would have questions after tonight’s meeting and over the next several weeks, which is certainly understandable. If anyone needed clarification on something immediately, he encouraged them to feel free to interrupt him.
At the work session of September 9, City Council directed Staff to expand the scope of services with APP Architecture to look at two more scenarios: (1) Relocating XPD/Municipal Court/Law Department/Probation to the Simon Kenton property, and (2) Demolishing the Simon Kenton structure and constructing an XPD (only) facility. They did all the interviews with those pertinent staff, and the space needs assessments and cost estimates were included in Council’s packet, which is where Mr. Bazelak will explain the differences from APP Architecture’s estimates versus what he has done.

### Comparison of all City Facility Options

<table>
<thead>
<tr>
<th>Option #1</th>
<th>Positives</th>
<th>Negatives</th>
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</thead>
<tbody>
<tr>
<td>Relocate XPD/Municipal Court/Law/ Probation to Simon Kenton</td>
<td>Makes logistical sense to put those functions together.</td>
<td>*Highest Total Project Cost ($8.6 million) of all the options. (Total project cost refers to the last line in Mr. Bazelak’s spreadsheets.)</td>
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<tr>
<td></td>
<td>Leaves unassigned space (14K sq. ft) for future uses just like their original recommendation for Administrative Offices.</td>
<td>Greatest impact on 361 Funds ($446 K).</td>
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<tr>
<td></td>
<td>Preserves building already paid by taxpayers through property taxes.</td>
<td>Minimum use of 664, 665, 666 Funds (14%)</td>
</tr>
<tr>
<td></td>
<td>Preserves Administrative Offices in downtown, which they have all heard over the last few months.</td>
<td>*Is it appropriate to use 361 Funds (General Capital) to supplement shortfalls in 270 Funds (Public Safety) &amp; 363 Funds (Court)?</td>
</tr>
<tr>
<td></td>
<td>Administrative Office space needs met at City Hall</td>
<td></td>
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</table>

*For example, Mr. Berger said he equates that to using the annual $500,000 budgeted for streets to pave N. Detroit Street even though the decision made was to work on local streets because the city did not have other funding sources. He said that is something for Council to consider as they move forward.

**Staff does not recommend pursuing Facility Option #1 any further.**

<table>
<thead>
<tr>
<th>Option #2</th>
<th>Positives</th>
<th>Negatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>Demolish Simon Kenton Structure and build new XPD on site</td>
<td>Lowest cost option with exception of Updating City Hall (“Do Nothing” alternative) at $5.55 Million, which is the lowest cost alternative</td>
<td>Accomplishes XPD space needs (only)</td>
</tr>
<tr>
<td></td>
<td>New building</td>
<td>Demolishes Simon Kenton</td>
</tr>
<tr>
<td></td>
<td>Smaller structure results in a &quot;freeing up&quot; of more land for future projects</td>
<td>Large impact on 361 Funds ($287K) used to supplement shortfall in 270 Funds and still only $30K/year less than Staff original recommendation of 9/5/13, which brings up the question again if that is an appropriate use of funds.</td>
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<tr>
<td></td>
<td></td>
<td>Only &quot;frees up&quot; limited space (i.e. portion of basement) at City Hall for other Depts. to occupy, but the Dispatch Center occupies some of</td>
</tr>
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</table>
Staff does not recommend pursuing Facility Option #2 because it only addresses the XPD space needs (which they clearly have), but it does not do any other departments any good and it still has a large impact on the General Capital Fund.

<table>
<thead>
<tr>
<th>Option #3</th>
<th>Positives</th>
<th>Negatives</th>
</tr>
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<tbody>
<tr>
<td>Update City Hall Only (aka &quot;Do Nothing&quot; alternative)</td>
<td>Addresses a portion of customer (UN)friendliness at Utility Billing &amp; Tax Area. For some time, Mr. Bazelak has wanted to open up that area between both departments so there is some cross training and there would be two windows as people first walk in. Currently the lobby is very small, especially at Income Tax time, and the worst part about that area is that it leaves no space for people to discuss private matters.</td>
<td>Still does not address customer 'flow' and privacy at Utility Billing /Tax Area</td>
</tr>
<tr>
<td></td>
<td>Will address many Ohio Basic Building Code deficiencies</td>
<td>High project cost ($3 million) to not address any space needs, which is not money well spent, but they have to do something with this building! This is not a “do nothing” proposition. When APP Architecture did a facility assessment of City Hall, they noted there are certain minimum standards that MUST be made per the Building Code (electric, HVAC, structural, plumbing, etc.).</td>
</tr>
<tr>
<td>Lowest Cost Option and lowest hit to 361 Fund ($111K)</td>
<td>Building security &amp; accessibility are not addressed, especially in Courts, but security is an issue on all floors. If people do not know where to go, and there is no receptionist, they start wandering the halls on both floors and in XPD’s area in the basement.</td>
<td></td>
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<tr>
<td>Leaves options open for Simon Kenton structure (demo vs. no demo) and adjoining land</td>
<td>Current limited availability of parking not addressed.</td>
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Staff does not recommend pursuing Facility Option #3. If Council is not interested in any of the other options, as a default recommendation, they have to do something at City Hall at the very least.

Option #4 below was City Staff’s original recommendation to City Council on September 5, 2013. The recommendation was based upon the fact that a portion of Enterprise Funds could be used for the construction and that there would be a residual amount of unassigned space for
future uses and community events. Option #4 would free up the first floor of City Hall for XPD/Courts/Law/Probation.

However, subsequent to that recommendation and as Staff has completed an extensive review of its Five-Year CIP, this option does not appear to be as palatable as once believed. The estimated $316,360 impact to the 361 Fund is concerning to staff as it severely inhibits future opportunities (such as buying a dump truck for the Service Center or something that XPD may need). Logic says the more you spend in the 361 Fund, the more you are going to have to sacrifice as part of your CIP, which frankly made Staff a little nervous. **Staff no longer recommends Facility Option #4.**

<table>
<thead>
<tr>
<th>Option #4</th>
<th>Positives</th>
<th>Negatives</th>
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</thead>
<tbody>
<tr>
<td>Move City Administrative Offices to Simon Kenton (9/5/13 Staff Recommendation)</td>
<td>Customer Service Enhancements (Drive Thru, Parking, Re-Work UB/Tax Area)</td>
<td>Large hit to 361 Fund ($316K even with use of 664, 665, 666 Funds)</td>
</tr>
<tr>
<td></td>
<td>Frees up approx. 10k sq. ft. of space for other depts.</td>
<td>Takes Administration out of Downtown</td>
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<tr>
<td></td>
<td>Residual unassigned space for future uses</td>
<td></td>
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<tr>
<td></td>
<td>Consolidation of City Services into one building</td>
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Since none of the four (4) alternatives noted above were attractive to staff, whether it is for space and/or financial reasons, it became necessary to seek other alternatives for examination. Staff believes that **Option #5** below is a favorable and attractive solution and is something **Staff would like Council to consider after the meeting tonight.**

After many discussions with APP Architecture and a thorough review of the financial impacts, especially to the General Capital Fund, Staff has concluded that it would be nearly impossible to address all space needs and still meet financial obligations without sacrificing many other City endeavors in the future. Staff believes that while Option #5 does not address all space needs to all departments, it is a great improvement to each department, and it is affordable. In APP Architecture’s space needs assessment for City Hall Offices, they included the Planning, Economic Development, and Engineering Departments. From a customer service standpoint, that would be ideal if all those departments were located in the same building for someone who needed to pick up a Zoning Permit and make a payment at the Utility Billing or Tax Offices.

<table>
<thead>
<tr>
<th>Option #5</th>
<th>Positives</th>
<th>Negatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>Build New Administration Office Building on Whiteman Lot, and leave XPD/Courts/Law/Probation at City Hall</td>
<td>Leaves options open for Simon Kenton structure (demo vs. no demo) and adjoining land</td>
<td>Potential to expend an additional $300K to demolish Simon Kenton or continue to pay maintenance costs for upkeep</td>
</tr>
<tr>
<td></td>
<td>All City Depts. remain downtown</td>
<td>No additional unassigned space for community/civic events</td>
</tr>
<tr>
<td></td>
<td>Improves space needs of XPD/Courts/Law/Probation at City Hall Building</td>
<td>Doesn't address all space needs for XPD/Courts/Law/Probation</td>
</tr>
<tr>
<td></td>
<td>No anticipated water &amp; sewer rate increases, which Mr. Bazelak will discuss.</td>
<td>Eliminates Whiteman St. Parking Lot (57 parking spaces of which 30 are reserved for Toward Independence). Lot 4 on the</td>
</tr>
</tbody>
</table>
Based upon the cost estimates prepared by APP Architecture, it appears that up to a 20,000 sq. ft. City Hall could be constructed for $4.4 million (w/o admin costs) on the Whiteman Lot, which would meet Administrative Office space needs, but not the needs of everybody; however, it is affordable. It would not result in any unassigned space for community and civic events. It does keeps City Hall downtown, which many members of the local business community and members of City Council would prefer. By moving City Hall Administrative Offices and City Council Chambers, approximately 10,000 sq. ft. of space would become available for XPD/Courts /Law/Probation to occupy.

Mr. Berger said to explain this option, when they had the Special Session on September 9, 2013, and Staff recommended moving Administrative Offices to Simon Kenton, they talked about the analysis of downtown options and why they did not support those. The obvious question is “Why Whiteman Street now? What was wrong with it before?” He reviewed the September 5th memo to City Council and the reason was that it would have to be a two-story building on that lot. (1) The solution is not perfect, but it is good; (2) Most importantly, the question is could they still provide that drive-thru for Utility Billing and Tax? If Council gives Staff direction to look at Option #5, they could ask APP Architecture to look at the potential of doing that. However, if that is not possible due to the space, they discussed having a drop box/kiosk type of thing, so there are other options, but he wanted to clarify that for the record.

Further, in making this recommendation to City Council and upon the vacation of the first floor of City Hall, it would appear that a good portion of the space needs for XPD/Courts/ Law/Probation would be met. If it would become necessary in the future to acquire additional space for any of these functions, APP Architecture is currently investigating the feasibility of extending existing City Hall to the east (toward the Library) to get an additional 4,000 sq. ft. per floor added to City Hall and has agreed to do a feasibility study at no cost to the City. They just discussed that possibility with them about a week ago so they do not have those figures yet.

Also, for a number of years Chief Person has discussed putting in a Sally port. Mayor Bayless asked what a Sally port is. Mr. Lewis said cruisers could pull in to unload prisoners in a protected, controlled entrance, which is much safer. Mr. Berger noted currently when someone is brought into City Hall to be booked they are handcuffed and walked down the stairs. Mr. Lewis said occasionally some of the people arrested are drunk.
Mr. Berger said if City Council concurs with City Staff that Option #5 is the best option, then the question would be, “What are we doing with Simon Kenton?” because under this scenario, nobody is going to Simon Kenton. Staff recommends that City Council place a six month to one-year moratorium on demolishing the structure so they can seek other public or private end users for the building. Staff has feelers out there and hears things. Some are probably stronger than others and some are just rumors. If no suitors for the building emerge after one year, Staff recommends that Simon Kenton be demolished because of the costs associated with maintaining a vacant structure (utilities, exterior, etc.). It is estimated that demolition of the building would be an additional $35,169 expense in annual debt service to the 361 Fund.

Mr. Berger then turned the meeting over to Mr. Bazelak.

Referencing spreadsheet #1, Mr. Bazelak said they put together five options for Council; they received cost estimates from APP Architecture for three of them, and staff came up with the recommendation on the Whiteman lot and updates to City Hall, which are other options to consider.

<table>
<thead>
<tr>
<th>SPREADSHEET 1</th>
<th>Grand Total</th>
<th>Yearly Debt Service</th>
</tr>
</thead>
<tbody>
<tr>
<td>Simon Kenton – 1st floor Administrative Offices Remaining at City Hall – Police/Court (Staff’s former recommendation)</td>
<td>$7,425,950.00</td>
<td>$524,340.00</td>
</tr>
<tr>
<td>Simon Kenton – Police/Court Remaining at City Hall – 1st and 2nd floor Administrative Offices</td>
<td>$8,611,256.00</td>
<td>$611,557.00</td>
</tr>
<tr>
<td>Whiteman St.– New Building – 1st floor Administrative Offices – the option Staff recommends Remaining at City Hall – XPD/Courts/Law/Probation</td>
<td>$6,472,750.00</td>
<td>$397,046.00</td>
</tr>
<tr>
<td>Update City Hall, aka “Do Nothing” option</td>
<td>$3,000,000.00</td>
<td>$220,745.00</td>
</tr>
</tbody>
</table>

After they received the estimates back from APP Architecture, as Mr. Merriman, Mr. Berger, and he met to review them, they thought it was important to do an “apples-to-apples” cost comparison with the Administrative Office at Simon Kenton because APP had not allotted any dollars for the community space. It would basically be 14,000+ sq. ft. of shelled space and not really available for use, but they would be paying for operating costs in terms of it being there. App Architecture did not have the same level of costs in there as they did with the Administration Building. Staff added costs back in for the exterior enhancements/entryway for Police/Court at Simon Kenton for this option. When they added that back into APP’s cost estimate, Council will see an increase to the $5.1 estimate from APP. They added those costs back because the intent was if they were going to have community space, if that is Council’s desire, it should be able to be used, at least minimally. There is the possibility of reducing that cost from the estimate, although it would not be an “apples-to-apples” comparison anymore. Even with that cost estimate, it is still a higher cost to the General Capital Fund as compared to the Administrative Building, even with taking all those costs out, so it is still not an option Staff would recommend. He just wanted Council to be aware that there are some things that could be done if Council is interested in reducing the costs shown; however, that option is still not something staff would recommend.
As Council reviews the spreadsheets over the next week or two, they can see where their thought process was on these types of spreadsheets. If Council has any questions, feel free to call him.

**General Capital Costs portion of the Debt Service.** Due to the City’s limited resources, they have been concerned about the cost to the General Capital Improvement Fund, which Mr. Berger alluded to in his memo. The cost under *General Capital Improvement Fund* is the debt service cost to that particular fund. The cost for new buildings was for a 30-year period and the cost for renovations of structures was for a 20-year period.

<table>
<thead>
<tr>
<th><strong>SPREADSHEET 2</strong></th>
<th><strong>General Capital Improvement Fund</strong></th>
<th><strong>Key Operating Fund Costs</strong></th>
<th><strong>Total Cost</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Whiteman Lot – City Offices City Hall - Police &amp; Court</td>
<td>$254,333.00</td>
<td>$20,420.00</td>
<td>$274,753.00</td>
</tr>
<tr>
<td>Simon Kenton – City offices City Hall – Police &amp; Court (staff’s former recommendation)</td>
<td>$316,360.00</td>
<td>$43,109.00</td>
<td>$359,469.00</td>
</tr>
<tr>
<td>Simon Kenton – Police &amp; Court City Hall-City Offices</td>
<td>*$445,957.00</td>
<td>$94,382.00</td>
<td>$540,339.00</td>
</tr>
<tr>
<td>Simon Kenton – Police only City Hall – City Offices and Court</td>
<td>$286,691.00</td>
<td>$42,500.00</td>
<td>$329,191.00</td>
</tr>
<tr>
<td>City Hall – Minimum Improvements</td>
<td>$111,300.00</td>
<td>$0.00</td>
<td>$111,300.00</td>
</tr>
<tr>
<td>Demo cost – if needed under Whiteman option or Minimum Improvements ($300,000 - 10 yr. period)</td>
<td>$35,169.00</td>
<td></td>
<td>$35,169.00</td>
</tr>
<tr>
<td>City Hall Addition (Sally port &amp; potential 2nd floor to address needs in the Court/Law Dept.)</td>
<td>*$127,164.00 (over a 20 yr. period)</td>
<td>$20,000.00</td>
<td>$147,164.00</td>
</tr>
</tbody>
</table>

*To address Capital Needs in their Municipal Court Capital Improvement Fund, the Court has increased Court costs. At this time, the Clerk felt they could only contribute $20,000 to any type of debt service associated with the Court, whether it is at Simon Kenton or elsewhere, so the majority will have to come from the City’s General Capital Funds. As Mr. Berger put in his memo, they could look at a City Hall addition at some point in the future to address that need as funding became available.

Mr. Bazelak said the next portion of the spreadsheet was his attempt to look at where they are. A few weeks ago, Mr. Merriman presented the Five-Year Capital Improvement Plan to Council, and as they may recall, they took the Simon Kenton project out at that time because they did not believe what they had recommended was feasible. After the five-year period, that left them with a balance in the General Capital Improvement Fund of $1,787,797.20, as shown below.

<table>
<thead>
<tr>
<th><strong>SPREADSHEET 2 (continued)</strong></th>
<th><strong>General Capital Improvement Fund</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Current Projected balance at the end of 2018 without facility project</td>
<td>$1,787,797.20</td>
</tr>
<tr>
<td>Assume 5 years of debt service for Whiteman St. Project</td>
<td>$1,271,665.00</td>
</tr>
<tr>
<td>New balance (after 5 years)</td>
<td>$516,132.20</td>
</tr>
</tbody>
</table>
They looked at some of the projects in the General Capital Improvement portion of the Five-Year Plan, which included a project to deal with trail erosion and they were recently informed that the City would not be getting that grant. The City’s portion of that project was $30,000. Mr. Percival said they reapplied for the grant for next year. Mr. Bazelak said depending upon what happens with that project, the $30,000 could be added back to the balance.

<table>
<thead>
<tr>
<th>SPREADSHEET 2 (continued)</th>
<th>General Capital Improvement Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delete trail erosion project-city share</td>
<td>$30,000</td>
</tr>
<tr>
<td>Delete wireless project-move to Enterprise Funds</td>
<td>$85,000.00</td>
</tr>
<tr>
<td>Delete array for cloud services-deferred to later years</td>
<td>$50,000.00</td>
</tr>
<tr>
<td>Downtown bikeway-grant or paid through transfer from general fund</td>
<td>$340,000.00</td>
</tr>
<tr>
<td>New balance-2018-City Hall addition and demo not done in this 5 year period</td>
<td>$1,021,132.20</td>
</tr>
</tbody>
</table>

Mr. Bazelak said a wireless mesh project was also in the budget, with some funds going into the General Capital Improvement Fund to pay for that. Upon further review and discussion with the IT Manager, they believe a good portion of that project could be paid for out of Enterprise Funds, which would have the affect of adding back about $85,000 over the five-year period. The same thing would apply in regard to deferring the Hard Disk Array for Cloud Services project.

Mr. Bazelak said the downtown bikeway was in the Five-Year Plan with debt service for four years of about $340,000. They recommend pursuing a grant for that particular project. However, they feel that project is important enough to be considered, so if they are not fortunate enough to get a grant, they could look at transferring funds from the General Fund into the General Capital Improvement Fund to pay for that project. With those things added back, the projected balance at the end of 2018 is over $1 million, which they feel is sufficient to move forward.

Below are some of the other options shown at the bottom of the spreadsheet:

<table>
<thead>
<tr>
<th>Other Options</th>
<th>General Capital Improvement Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Hall addition &amp; demo if done in 2014</td>
<td>$811,665.00</td>
</tr>
<tr>
<td>City Hall addition in 2016 &amp; demo done in 2015</td>
<td>$522,168.00</td>
</tr>
<tr>
<td>City Hall addition in 2016 &amp; demo not needed</td>
<td>$381,492.00</td>
</tr>
<tr>
<td>New Balance – 2018</td>
<td>$209,467.20</td>
</tr>
</tbody>
</table>

Depending on when they take on those projects, they would have those other balances based upon when they are done or whether or not they have to do the demo.

The other spreadsheets are formatted the same way, but they look at what the debt service cost would be under each particular option on the various projects.
Each particular option has the same scenario built into it to show Council what they would need to either defer over the five-year period or take out to end up with what they believe is an acceptable balance at the end of the five-year period.

Mr. Bazelač said he has attempted to show Council what they are looking at for each option and what choices and sacrifices Council would need to make under each scenario. They are looking at a balance in 2018 of $363,012.20, but if they were to pull back on some improvements to the community space as they discussed, they could add an extra $300,000 or $400,000 to that balance.

Mr. Bazelač then opened the floor to questions.

As he discussed with Mr. Merriman today, Mr. Percival said they have had requests from the Youth Recreation Basketball Program about using Simon Kenton’s gym now. He would not suggest that they heat the building to 70 degrees, but if they could leave it at a minimal effort, Captain Pazynski said the XPD would be willing to open it up and lock it after the kids use it. With Council’s consent, he will work on that so the Youth Recreation Basketball Program can use the gym for practices. They are having the same issues they have had for years with gym space, and this will help. Chief Person said the building is designed in a way so the rest of it can be secured.

Councilman Louderback stated from day one he has been against any project. He does not want to spend the taxpayers’ money at this time, and he does not want to take City offices out of the downtown. As he has stated in the past, he would like to see the voters make the decision. He asked Mr. Bazelač if any of the finances can be arranged that would require them to put something on the ballot.

Mr. Bazelač said certainly. If Councilman Louderback desires to put this on the ballot as a bond issue, that is something that Council can do. With whatever option Council chooses, they can have a bond issue on the ballot and ask the citizens to pay for it. The rationale is it is something that the residents already pay for, and in this particular case in terms of what they are recommending, the citizens have already approved the .25% Income Tax increase. As part of that revenue stream from that, they would use some of those dollars for streets and some of those dollars for facilities and Council can make that choice. As part of that .25% Income Tax increase, staff recommends that Council take the step of addressing the facility needs, which are there as well as some of the other needs. In their minds, the citizens have already adopted that .25% Income Tax increase for that, so there would be nothing additional. Also in terms of the Water/Sewer/Sanitation Fund that would be needed to cover the project, staff’s looked at the balances and believe the balances could be transferred into the Water/Sewer/Sanitation Capital Fund. If Council desires to do that, they would look at paying for that upfront, so the citizens have already paid for it through the rate increases that have been in effect over the years and the balances that are currently in there. In answer to Councilman Louderback’s question, that is certainly something Council can determine, but again, as he also pointed out, that is another tax increase for the citizens. Speaking for the three of them that have worked on this project, they feel at this point if they have come up with a recommendation that does not require another tax increase for the citizens at this time, then that is where they would go rather than saying “Let’s have another tax increase in order to fund the project.”

Councilman Louderback asked Mr. Bazelač to not perceive him as a being tax and spender because he is not. When they asked the citizens to raise the City’s Income Tax from 1.75% to
2.25%, they said they were going to bring back six police officers, six firefighters, put $1 million into Shawnee Park renovation, and increase the street improvement budget. At no time did they tell the taxpayers they were going to spend $8.5 million on a Simon Kenton project. He did not want to be perceived as a tax increaser because he wants the voters to have a say in this decision.

Councilman Louderback asked if there would be an increase in the water and sewer rates. Mr. Bazelak said no, which he just said. Councilman Louderback noted that is not what Mr. Bazelak said the last time. Mr. Percival said they presented a different option last time.

Councilman Louderback said they have so many options, and he was sick of all the options. He has been against this project since day one. He does not want to see City offices moved from downtown Xenia, and he is not going to ask the taxpayers to spend $8 million on a project that they do not need. As far as upgrading City Hall, unlike the Xenia Community Schools, they have maintained City offices over the years. He is for upgrading the City offices, but to him, this whole thing is a scam to the taxpayers!

Mr. Bazelak said one thing he pointed out that they discussed briefly at the last meeting is that they were clear about other capital improvements. They talked about Shawnee Park improvements since that was a specific project they were aware of at that time. They knew the tax increase would generate about $1.3 million each year, and therefore, as other Capital Improvement Projects came up, they would be eligible for that type of funding, and this would be that particular case. Obviously, they looked at the issue and understand that moving the City offices from the downtown was an issue for a number of folks in the community, which they considered. The option that staff is now recommending invests in the downtown and does not move offices from the downtown. Staff also looked at the concerns with regard to a $7 million project and asked what they could do to make something work for the citizens and for the future of the community. Staff came up with this recommendation, and they certainly hope that Council would look at that over the next few weeks, and come back to them with a decision. If Council wants to put something on the ballot, then that is what they will do with whatever option Council chooses. With just having passed the Income Tax increase in 2010, and with some of the other things that could potentially be on the ballot next year and in future years, staff does not recommend that at this point. However, it is ultimately Council’s decision.

Councilman Louderback said he knew how the vote would be, because he has talked to citizens. They do not want to see the City spend this money. He noted there was a reporter in the audience, and he has brought this up before that XCS did a study before they passed their levy. People do not like to hear him talk about this, but it is a matter of public record. XCS said none of the schools in the City of Xenia, including the high school and middle schools, were able to be rehabbed. If that is the case and Simon Kenton was not good enough for the schools, why would the City want it?

Mr. Berger said staff’s recommendation is that no City offices would be located at Simon Kenton. Councilman Louderback said he understood that. Mr. Berger asked Councilman Louderback if he was talking about the 6-month to 1-year moratorium on demolishing the structure. Councilman Louderback said his position since day one has been to demolish Simon Kenton. Mr. Berger said he heard Councilman Louderback say that, but other Council members did not want Simon Kenton demolished, at least not initially.
Councilman Louderback asked where the majority of police officers spend their time. Chief Person said one-third of their time is spent in a 20’ by 20’ area downstairs booking in prisoners, doing reports, and paperwork. Councilman Louderback asked if police officers are in their cars. Chief Person said no they are not in their cars [all the time], because they have to do their paperwork at the computers in the booking area. They talked about the space being inadequate for staff to be able to move anybody else downstairs. Since 1938, they have had 50 officers that work out of that space that is inadequate to bring other offices into. They have a real problem that was just exacerbated by expanding our Dispatch Center. To say that there is not an issue with space in the Police Division is totally wrong and irresponsible! Councilman Louderback said he was saying it. Chief Person said he understood that. Councilman Louderback reiterated he represents the taxpayers and not Chief Person! Chief Person said he is a taxpayer and has been a citizen of this community for years.

President Engle said he would like to simplify. He agreed with Councilman Louderback that with the levy they made promises to the citizens in regard to what they would do with that revenue. They brought back firefighters and police offices, they put another $500,000 of that additional money towards street improvements, and the remaining $1 million was initially set aside for the Shawnee Park project. The levy will continue to generate monies through its lifetime, and it is this Council’s responsibility to give strategic direction on what major capital projects to pursue with those additional dollars. For the record and for simplification, he personally did not believe they are misleading citizens if they were to vote on any one of the particular options to improve our services for Police, Administration, and Courts. He asked if he erred in any way. Mr. Berger said in his opinion, he did not.

Mayor Bayless thanked the Administration for coming up with another option. She did not feel comfortable leaving downtown. She likes the moratorium [on demolishing the Simon Kenton structure] because it gives them and other people time to think about the Simon Kenton Building. She does not just look at now – she likes to look at the future. They are already out of space, so it will become an even greater problem in the future. At this point, she is in favor of the Whiteman Street plan. She thanked the Administration for taking into consideration the citizens.

Councilman Long clarified staff’s recommendation is a $6.4 million project that will not raise taxes; it will be funded on the current tax revenue. Mr. Berger said that was correct. Councilman Long clarified it will not affect the City’s commitment to spend $500,000+ per year for road maintenance. Mr. Berger said they recognize that was a promise made to the citizens, which they intend to keep. Councilman Long said this plan would not raise water and sewer rates. Mr. Percival and Mr. Bazetak said no, not for this purpose. Councilman Long said it keeps services downtown, including moving offices from the Service Center to the Administration Building. Mr. Berger said the plan includes moving the Engineering, Planning, and Development Departments. Councilman Long asked Chief Person how many more square feet of space the plan would give the XPD. Chief Person said it would give them approximately 8,000 sq. ft. Councilman Long noted the plan does not address the community space. Mr. Berger said that was correct. Councilman Long said it does allow them to go out and solicit input from the community on how to use the Simon Kenton facility. Mr. Berger said that was correct, which was the basis for the moratorium recommendation. Councilman Long said whatever partner wants to come to the table, they would be willing to listen to any ideas they have for the land or building. Mr. Berger said that was correct.
Councilman Louderback said he wanted to make a point that has evidently been lost somewhere. The bottom line is the taxpayers of the City of Xenia will be paying for this project – is that not a true statement. Mr. Percival said yes. Councilman Louderback said he wanted to make that known for the record. Everybody says it is not a new tax, but at the end of the day, taxpayers are paying for this project—whatever Council decides. Mr. Percival said all City services come out of the taxpayer’s pocket. Councilman Louderback said that is true – he understood that. Council has an obligation to the taxpayers to make these important decisions, and he is not taking an $8 million decision lightly.

As he stated in his memo, Mr. Berger said if Council has follow-up questions or want to meet with the three of them, please call and they would be happy to set something up. Councilman Caupp has already scheduled some time.

The Special Session was adjourned at 7:02 p.m. to go into Regular Session.

Michelle D. Johnson               Michael D. Engle, President
City Clerk                         Xenia City Council
The Xenia City Council met in a Regular Session on November 14, 2013, at 7:11 p.m., in the City Council Chambers, City Hall, with the following members present: Wesley Smith, Dale Louderback, Joshua Long, Jeanne Mills, Marsha J. Bayless, and Michael D. Engle. John Caupp was absent.

**INVOCATION:** Charlie Huff, Xenia’s John the Baptist, gave the invocation after which all joined in the Pledge of Allegiance.

Motion by Councilman Louderback, seconded by Vice President Smith, to excuse Councilman Caupp from the meeting as he is representing the City at the National League of Cities. No discussion followed. The Roll on this was the following:

Ayes: Smith, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

**APPROVAL OF MINUTES:** Motion by Councilman Louderback, seconded by Vice President Smith, to approve the October 24, 2013, Special/Regular Session minutes as written. No discussion followed. The Roll on this was the following:

Ayes: Smith, Louderback, Long, Mills, and Engle
Abstain: Bayless
Nays: None  motion carried.

Motion by Councilman Louderback, seconded by Councilwoman Mills, to approve the October 29, 2013, Executive/Special Session minutes as written. No discussion followed. The Roll on this was the following:

Ayes: Louderback, Mills, Bayless, and Engle
Abstain: Smith and Long
Nays: None  motion carried.

**SPECIAL RECOGNITION:** President Engle invited Mr. Anison Colbert to join Mayor Bayless at the podium. Mayor Bayless invited Mrs. Colbert to also join them. Mayor Bayless said she was very honored to stand with Mr. Colbert this evening. She had the pleasure of going to Columbus on October 2nd where Mr. Colbert was inducted into the Ohio Civil Rights Hall of Fame at the Ohio Statehouse. They are happy to have members of his congregation here tonight. Mr. Colbert was very deserving of this very special award and they wanted to recognize him at a Council meeting. She then invited Rev. Chapman and Mr. Colbert to speak.

Rev. Chapman congratulated Mr. Colbert on receiving the award. They are so very honored and proud of Brother Colbert for his community and civic efforts over the years. Although they live in a world where they know there are still injustice and inequality issues to be faced, their prayer was that his continued leadership and mentorship in our community will raise up another
generation of young men and young women that will continue the cause. They thank Brother Colbert for his example and continue to pray for him, Mrs. Colbert, and their family. (Applause followed).

Mayor Bayless noted Mr. Colbert was one of seven people recognized all over the State of Ohio.

Mr. Colbert shared that when he served on the Xenia Civil Rights Commission, they used to meet in another room. He recognized President Engle, fellow Council members, and Mayor Marsha Bayless. It was indeed a pleasure to be here. He feels good to be recognized at home and it felt good to be recognized in Columbus, along with some of his other colleagues who served on the Civil Rights Commission. He enjoyed serving on the Commission, because they saw a lot of injustice. With God’s help, they were able to resolve some of them, but there are still some that exist. He feels good because he has had so many people all over the State call him and send him telegrams and cards. Some of them were his mentors and some of them were young people he had mentored. He felt especially proud when some of the young people told him that if it had not been for him, they never would have been able to pursue their professions. He is extremely honored when young people like that call him on trips. When he and his wife were in Chicago someone told him that he did not have to pay for his hotel room, because “they remember him when …” He just returned from Washington D.C. and the same thing happened there. He is always seeing people that remember him, but he does not sometimes remember them until they bring his memory to the forefront. What is more rewarding than that?

Mr. Colbert shared a story of when a young man who was over in France called him on the phone and said, “You don’t remember me.” I asked him his name and it rang a bell somewhere. The young man said, “I understand that you are going to be inducted into the Hall of Fame in Columbus. I just came off a tour. Do you remember me when I was small and you used to cut my hair and how you used to sit me in the chair, take your hand, put it on my head, and tell me to be still so that you could finish?” He did remember him. The young man said, “Do you remember my mother who did not have money to pay you for cutting me and my brother’s hair? Well, I’m the little one with the curly hair and I’m calling you all the way from France to let you know that I will be there with you in Columbus!” Now if that does not make you feel good, he did not know what could! The young man is a famous musician now, and he was in Columbus and he greeted him. That little boy couldn’t sit still, and he had a problem learning in school. The young man said, “I’m singing now for a living and traveling all over the country. You made me sit still and you made me sing.” When he hears stories like that it makes him feel good. When a youngsters can remember something like that, it is impressive. He gets those stories from many people who paid attention who he did not think were paying attention, so you have to be very careful what you do, what you say, and where you go because somebody is always watching you. You can be so instrumental in so many people’s lives and not know it.

Mr. Colbert said he is here tonight to say “thank you.” He is pleased to have sat in this chair with a total accumulation of 20 years serving on the Civil Rights Commission where he learned a lot, and his service to the community paid off. Many nights at 7 p.m. he was too tired to come to City Hall, but his wife would remind him that he had a meeting that night, and it paid off just to listen to somebody else’s problem. They are not able to solve all the problems, because there is so much greed, racism, and hatred in this world today that they cannot find time for love. He found the time for love right here in his town. He is not a native of Xenia, but he came here and saw the
need of trying to spread the little love that he had, and it kept growing and growing. He is pleased and happy to know that somebody remembers something that he did, and he thanked Mayor Bayless. He appreciated all that Mayor Bayless does for the City of Xenia. After all, he considers Xenia his home, and to be recognized in your own home is quite an honor. (Applause followed.)

President Engle thanked Mayor Bayless and thanked Mr. Colbert for his support and dedication to the City and its citizens.

AUDIENCE COMMENTS: President Engle explained the procedures for audience comments and invited anyone who wished to speak to come forward.

Charles Huff, 1136 N. Detroit Street, said he wanted to thank Council for the prayer they have been able to give and continue to give at the Council meetings. The baton has been handed over to him to arrange for someone to give the prayer, and he has been working on that. He thought this started in 2000 and has been going on for 13 years. He was told to say thank you for that and will do the best job he can. They are going to pray, because that is the key to the kingdom. He thanked Council for what they are doing and for letting him speak. God bless you; they are always lifted up in prayer. He is praying for everyone within the sound of his voice.

Thomas Scrivens, 725 Lexington Avenue, said Xenia is the City of Hospitality that he hopes will stay hospitable, especially to the owners of recreational vehicles, motor homes, boats, and cargo trailers who have been deprived of parking their vehicles on their property that they purchased. He implored Council to vote “No” on the consolidation of Traffic Code Ordinance Section 452.14(d) and the Planning and Zoning Code Section 1294.09. He asked Council to remember that this is Xenia; this is a unique place and they want to keep it that way. They ask Council to remember that it is “Of the people, by the people, and most importantly, for the people.”

REPORTS OF COMMITTEES:

**Board for Recreation, Arts & Cultural Activities:** Councilwoman Mills said BRACA did not meet this month due to lack of a quorum, but she shared information on upcoming events:
- **Hometown Christmas.** Hometown Christmas will be on Saturday, December 14th from 4 to 8 p.m. in downtown Xenia. Santa Claus will be escorted into town and will be at Toward Independence. All downtown merchants will be open and have specials and sales. Many high school ensembles and bands will be at different locations performing, and almost every store has something extra to offer. She encouraged everyone to come, be part of the downtown, and to enjoy the Christmas season and holiday.
- **Youth Recreation Basketball Program.** Xenia City has continued to offer this program, but some children need sponsors. If anyone is able to sponsor a child, the cost is $50 and information is posted on the City’s website. Sponsoring a child is a great opportunity and many of those children grow up and say that the program made such a huge difference in their lives.

Councilman Louderback asked Mr. Percival how much the City contributes to the Youth Recreation Basketball Program. Mr. Percival said it depends on the costs. The City contributes the cost of gym rental, and some years it has been $4,500. Because of the way they were able to consolidate things last year, it was $2,000. Councilman Louderback said his whole point was that Mr. Percival mentioned earlier that there is the possibility of having the program at Simon Kenton this year. Mr. Percival said they could use the gym for practices, but the gentleman who
used to run the program, Lowell Williams, said there was not enough seating space for the parents and fans for the games to be played at Simon Kenton. Councilman Louderback said that made sense. Part of the cost was to pay overtime for the janitors, so he assumed that cost would be eliminated at the practices. Mr. Percival said yes, so hopefully, the City’s costs will come down this year.

**Traffic Commission:** Councilman Smith said the November 4th XTC meeting was cancelled this month due to lack of agenda items. However, tonight he had a recommendation to appoint a volunteer to the Commission. On September 8, 2013, the City Clerk’s Office received a resignation letter from Terry Barlow who served on XTC for several years. On October 16, 2013, City Clerk Michelle Johnson received an email from Dennis J. Lewis expressing his interest in being appointed to the Traffic Commission. Mr. Lewis is a professional engineer who has lived in Xenia for nearly 10 years. He spoke with Mr. Lewis regarding his interest.

Motion by Vice President Smith, seconded by Councilman Louderback, to appoint Mr. Dennis J. Lewis to fill a vacancy on the Xenia Traffic Commission with a term expiration date of January 8, 2017. No discussion followed. The Roll on this was the following:

Ayes: Smith, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

**Board of Zoning Appeals:** Mayor Bayless said BZA met on October 28, 2013, and the following requests and actions were taken:

- **Variance request to construct a 4’ tall chain link fence and a 6’ tall wood privacy fence in the front yard at 941 N. Detroit Street** filed by property owner Brian Hughes. The Board made four motions:
  1. They approved a variance of 2.5 feet to allow a 6-foot tall wood privacy fence in a rear yard, a portion of which will extend into the front yard at 941 N. Detroit Street.
  2. They denied a variance to allow chain link material to be used as a front-yard fence.
  3. The third motion was made for the record since the fence has to be 10 feet back from the sidewalk, so they denied the variance that the fence be a minimum of 3 feet setback from the sidewalk in the front yard.
  4. The final motion passed was for clarification of the first motion to allow a 4-foot tall fence in the front yard instead of the required 3.5-foot tall fence.

- **Request for an administrative appeal of a City-issued Notice of Violation for Property Maintenance Code Violations at 940 E. Church Street** filed by property owner Calvin D. Blunt, 1088 Wilberforce Clifton Road. The notice ordered demolition or repair of the existing home by October 14, 2013, due to inadequate maintenance, security, and questionable structural stability. The request was denied.

- **Request for an administrative appeal of a City-issued Notice of Violation for Property Maintenance Code Violations at 528 E. Main Street** filed by property owner Calvin D. Blunt. The notice ordered demolition or repair of the existing home by October 14, 2013, due to inadequate maintenance, security, and questionable structural stability. The request was denied.

- **Request for an administrative appeal and variance to allow a pawnshop at 483 W. Main Street, which is less than the required 5,000 feet from another similar establishment or operation,** filed by Select Management Resources, for property owner Triple R. Associates LTD, 6300 N. E. First Avenue, Ft. Lauderdale, FL. The applicant also requested a variance from Section 1294.21(a), which states that pawnshops are permitted in a B-3 District on the condition that they maintain a 5,000 foot radius separation from another similar establishment or
operation. The proposed building location is approximately 2,500 feet away from another similar establishment or operation, requiring a variance of approximately 2,500 feet. The request for the Administrative Appeal to allow a pawnshop (Loan Max) at 483 W. Main Street was denied. The request for a variance of 2,500 feet from Section 1244.11(a) of the Zoning Code to allow a pawnshop to locate at 483 W. Main Street less than the required 5,000 feet from another similar establishment or operation was also denied.

- **Request to allow a nonconforming restaurant use to continue at 434 Cincinnati Avenue filed by Ayman Idrees for property owner Ashraf Idrees, 159 Cincinnati Avenue, formerly known as the Corner Restaurant.** The request to allow a nonconforming restaurant use to continue at 434 Cincinnati Avenue was approved.

**ITEMS FROM CITY COUNCIL AND MAYOR:**

**Appointment to fill vacancy on Economic Development Advisory Board.** Mr. Percival said when they established the Economic Development Advisory Board (EDAB), they established it with four members. Earlier this year, Mr. Richard Montgomery moved inside the City limits and has expressed an interest in serving on the EDAB. Councilman Caupp has spoken with Mr. Montgomery, the Police Division did the required background check, and everything was satisfactory. On behalf of Councilman Caupp, he respectfully requested that Council appoint Mr. Richard Montgomery to fill a vacancy on the Economic Development Advisory Board with a term expiration date of April 25, 2014.

Motion by Councilman Louderback, seconded by Mayor Bayless, to appoint Mr. Richard Montgomery to fill a vacancy on the Economic Development Advisory Board with a term expiration date of April 25, 2014. No discussion followed. The Roll on this was the following:

Ayes: Smith, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

**Motion to change upcoming City Council meeting dates.** Mr. Percival respectfully requested that Council make a motion to change the following meeting dates:

- Thurs., November 28th to Tues., November 26th due to the Thanksgiving Holiday.
- Thurs., December 26th to Mon., December 30th to accommodate the end of the fiscal year closeout.

Motion by Vice President Smith, seconded by Councilman Long, to change the Council meeting dates from Thursday, November 28th to Tuesday, November 26th and from Thursday, December 26th to Monday, December 30th. No discussion followed. The Roll on this was the following:

Ayes: Smith, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

**REPORTS OF CITY OFFICES:**

**City Manager’s Office:** None.

**Items for the City Manager:** None.

**Finance Director’s Office:**

**Introduction of four (4) Resolutions for the Suspension of Uncollectible Utilities Receivables, Uncollectible Loans/Grants Receivables, Uncollectible City Income Tax**
Receivables and Uncollectible Parking Citations. Mr. Bazelak said most of the write-offs are a very small percentage of the collections in all those areas. He respectfully requested that Council introduce four Resolutions:

**Action 1.** Introduction of a Resolution Authorizing Suspension of Uncollectible Utilities Receivables in the amount of $1,389.39 from the active records of the utility funds.

**Action 2.** Introduction of a Resolution Authorizing Suspension of Uncollectible Loans/Grants Receivables in the amount of $16,380.00 from the active records of the loan/grant funds.

**Action 3.** Introduction of a Resolution Authorizing Suspension of Uncollectible City Income Tax Receivables in the amount of $20,516.48 from the active records of the income tax funds.

**Action 4.** Introduction of a Resolution Authorizing Suspension of Uncollectible Parking Citation Receivables in the amount of $9,525.00 from the active records of the parking citation funds.

Vice President Smith introduced the following four Resolutions: RESOLUTION AUTHORIZING SUSPENSION OF UNCOLLECTIBLE UTILITIES RECEIVABLES; RESOLUTION AUTHORIZING SUSPENSION OF UNCOLLECTIBLE LOANS/GRANTS RECEIVABLES; RESOLUTION AUTHORIZING SUSPENSION OF UNCOLLECTIBLE INCOME TAXES RECEIVABLES; and RESOLUTION AUTHORIZING SUSPENSION OF UNCOLLECTIBLE PARKING CITATION RECEIVABLES, that were read for the first time.

Councilman Louderback said if he was looking at the history of utility write-offs chart correctly, in 2010 the City had write-offs in the amount of $17,284.52. Mr. Bazelak said that was correct, and in 2013, the amount is $1,389.39. Councilman Louderback noted that is a big decrease. Mr. Bazelak agreed. Most of those write-offs are relative to bankruptcies.

Mayor Bayless clarified there are still attempts made to collect those write-off amounts. Mr. Bazelak said yes. In those particular instances they are bankruptcies, so most are not collectible, but attempts are made to collect those fees beforehand.

**Schedule of Bills:** Mr. Bazelak presented payment of bills totaling $1,556,976.73.

Motion by Mayor Bayless, seconded by Councilman Louderback, to approve payment of bills totaling $1,556,976.73. The majority of that cost is related to the City’s street program. No discussion followed. The Roll on this was the following:

Ayes: Smith, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

**Items for the Finance Director:** None.

**Law Director’s Office:**

**Introduction of Ordinances and Resolutions:** None.

**Second Readings of Ordinances and Resolutions:** Mr. Lewis presented an ORDINANCE AMENDING PART FOUR – TRAFFIC CODE, TITLE EIGHT: PARKING, SECTION 452.14 AND PART TWELVE – PLANNING AND ZONING CODE, TITLE SIX:
ZONING, SECTION 1294.09 OF THE XENIA CODIFIED ORDINANCES TO CONSOLIDATE AND UPDATE STANDARDS FOR THE PARKING OF RECREATIONAL VEHICLES, MOTOR HOMES, BOATS AND TRAILERS ON RESIDENTIAL PROPERTIES, and it was read for a second time.

Motion by Councilman Long, seconded by Councilman Louderback, that Ordinance Number 13-56 be now passed. Brief comment followed. Councilman Long said this is the Ordinance pertaining to parking trailers. To vote “Nay” on this Ordinance would mean that they would be voting to keep things as restrictive as they are today. Voting “Aye” on this Ordinance would at least allow people to start parking their RVs more reasonably. It does not open it up completely to parking RVs anywhere on your property, and he wanted to clarify that for the record. The Roll on this was the following:

Ayes: Smith, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

Mr. Lewis presented an ORDINANCE AMENDING CHAPTER 206 PUBLIC MEETINGS OF TITLE TWO: GENERAL PROVISIONS OF THE CITY OF XENIA CODIFIED ORDINANCES TO ALLOW PUBLIC BODIES TO HOLD AN EXECUTIVE SESSION FOR ECONOMIC DEVELOPMENT, and it was read for a second time.

Motion by Councilman Louderback, seconded by Councilwoman Mills, that Ordinance Number 13-57 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

Mr. Lewis presented a RESOLUTION AMENDING THE XENIA EMPLOYEE BENEFITS POLICY EBM-3.10 – HEALTH AND DENTAL INSURANCE, and it was read for a second time.

Motion by Councilman Louderback, seconded by Councilman Long, that Resolution Number 13-CC be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Louderback, Long, Bayless, and Engle
Abstain: Mills
Nays: None motion carried.

Items for the Law Director: None.

SUMMARY OF ACTION ITEMS:
- Update on Proposed Recreation Venues (Requested by Councilman Louderback//Assigned to Jim Percival)
- A report on the feasibility of a Vacant Building Ordinance (Requested by Councilman Louderback//Assigned to City Manager’s Office and Law Director). Mr. Percival said the feasibility report for the Vacant Building Ordinance is scheduled for a Council Work Session on December 30, 2013.
- Quarterly Updates on Economic Development at Council meetings on 04/11/13, 07/11/13, 10/10/13 (completed), 01/09/14 (Requested by Councilman Louderback//Assigned to Steve Brodsky/Jim Percival)
- Timeline for completion and delivery of cost estimates, renderings, etc., for Simon Kenton Project (Requested by Councilman Long/Assigned to Jim Percival/Chris Berger).
  
  Mr. Percival noted they had quite a bit of discussion [at the Special Session] about the facilities this evening.

President Engle asked if there were any issues Council would like added to the next Council meeting under “Summary of Actions Items.” There was no response from Council.

**READING OF COMMUNICATIONS AND DISCUSSION:** Councilman Louderback congratulated Vice President Smith, Mayor Bayless, and Councilwoman Mills on their re-elections and he looks forward to working with them for two more years. The downtown *Paint What Matters* project is going beautifully, especially the Harvest Moon Creations Building (formerly Oasis). They did a complete turnaround on the front façade of that building, and it looks 100 percent better. He would like to see it eventually returned to its originality, but it is a big improvement. All the storefronts are getting a facelift. In today’s Xenia Gazette, there was an article about the Second Annual City of Xenia Winter Olympics that was held for Public Service employees. First place went to Robert Hughes, second place went to Charles Reeves, and third place went to Ryan Baker. He cannot say enough about the great job done by our City crews.

Councilman Louderback asked Mr. Percival if he and his wife, Denise, were having the Annual Thanksgiving Dinner this year. Mr. Percival said yes. The dinner will be held on Thursday, November 28th from 11:30 a.m. to 1:30 p.m. at the Xenia Adult Recreation and Services Center. Last year they served between 600 and 700 folks. The dinner is open to anyone in the community that would like to come and enjoy a meal with somebody else. Someone asked him the other day how long they had been doing the dinner and he thought it began in 1990 or 1991 at Cricket’s Restaurant. When that restaurant was being changed over, the folks at the Adult Recreation and Services Center were kind enough to allow them to move the dinner over there. They have been blessed by this community, and it is truly a blessing to be able to help. Councilman Louderback said “hats off” to Mr. Percival and his wife. There are so many disadvantaged people in our community, and this is just another service that is well received.

President Engle asked if they were seeking pie and other donations this year. Mr. Percival said yes. City Clerk Michelle Johnson is coordinating the pie donations this year, so anybody that would like to donate pies should contact her. President Engle asked if information was posted on the City’s website. Mr. Percival believed it had been posted. President Engle said he attended the dinner last year. It was well attended, people were very grateful and gracious, and it was an excellent community event.

Councilwoman Mills noted that this week the City of Xenia was featured on WDTN, Channel 2’s *Living Dayton* segment. Rubio’s Tex-Mex, 131 Cincinnati Avenue, and T. Lane Designs LTD, 75 W. Main Street, were featured. Rubio’s serves a combination of Texas BBQ and traditional Mexican food. The food is excellent, so stop by and try it for yourself. T. Lane Designs is your Christmas shopping place. They have all kinds of one-of-a-kind, homemade gifts, and they also carry Country Joe’s Coffee and many other items. On November 30th from 10 a.m. to 3 p.m. come in and experience Nonnie Waller’s Trunk Show featuring cakes, chocolates, flowers, and designer boxes. Nonnie Waller’s was one of Oprah’s favorite things. Please come and support downtown and check out the great things they have there. She invited everyone to come to Faith Community United Methodist Church, 100 Country Club Drive.
tomorrow night at 6:30 p.m. to see the movie *The Polar Express*. The event includes cookie decorating, a model train display, popcorn, and drinks. Everything is free, so please bring your children and have a wonderful time. Come downtown and see the newly painted storefronts by Benjamin Moore’s *Paint What Matters*. Please mark your calendars for Hometown Christmas in downtown Xenia on Saturday, December 14th from 4 to 8 p.m.

Councilman Long said for several months he and City Staff have been working on the Disc Golf Course. He is pleased to report that this community has supported them with private funds to go towards that course, in large part due to the Xenia Rotary who donated $7,000. With donations from Xenia businesses of $3,000, they reached their $10,000 goal. The donations will allow them to move forward with the design, work with City Staff on how that course will look, and make it a reality in 2014.

Mayor Bayless said since she was unable to attend the last meeting, her report would be longer than usual.

- She was a participant in Central State University’s Homecoming Parade. She got to ride in a car and enjoyed that day. It was her Homecoming Alumni Anniversary Day.
- Last week she was asked to address the veterans at the high school’s last home football game. Veterans were honored and she was also asked to be a part of the coin toss at the beginning of the game, along with one of the surviving Tuskegee Airmen, so it was quite an event.
- Met with Benjamin Moore Representatives for input from businesses. On October 30th, she participated in a dedication ceremony in front of City Hall and then walked to T. Lane Designs for the first swipe of paint for *Paint What Matters*. That was an exciting day and a really big event. As Councilman Louderback said, the City is looking really good and you could not help but notice the Harvest Moon Creations building because it was a major improvement.
- Accompanied the City Manager, Assistant City Manager, and Finance Director in a Town Hall meeting with Central State Administration, staff, students and guests to discuss the possibility of a JEDD. The City Manager and she were invited last week to speak to their Board of Trustees and they were very receptive to the idea, so they look forward to finalizing that.
- Attended and brought greetings at the Open House at the Cancer Center at Greene Memorial Hospital. It is a beautiful newly renovated facility with very comfortable accommodations for patients and families. They have the very latest in technology and she was glad they were finally able to squash the rumor that GMH was doing away with any cancer treatments.
- Greeted the Walking Tour Group. This was a group of 30 members from 17 states and 8 from Canada. The American Volkssport Association gathered in Xenia to fulfill an obligation to get a stamp in their special program book. They needed an “X” in order to have every letter in the alphabet. The group is vying to walk a 6-mile trek in a U.S. city representing each letter of the alphabet. They said that Xenia is the only city in the country beginning with the letter ‘X’ that has a year-round designated 6-mile walking trail. People flew in from everywhere just to walk here. She was pinned as a *Tater* of the group by their President from California.
- Attended the School Board Candidates Speak Night at the Nazarene Church. It was very informative and she congratulated the newly elected Board members.
- At the school’s Key Communicators meeting, she learned that two significant awards were given to Xenia employees. Although she did not win, she congratulated Charlene Landis on her nomination to the Foundation for School Business Management 2013 Award for Outstanding Food & Nutrition Director of the Year. She congratulated Christy Fielding on being selected as Outstanding Business Operation Manager of the year.
- Several receptions were held for President Pat Hardaway of Wilberforce University for her retirement effective in December of this year. She attended one reception at Payne Seminary where President Hardaway was issued an honorary degree, one at Central State University by President Cynthia Jackson Hammond, where she was speaker at a Prayer Breakfast by the students in her honor, which was followed by a reception and program that evening by the university. That day she had breakfast, lunch at the Rotary Club, and an evening meal!
This evening she attended Business After Hours at Geyer’s Office Supply. She congratulated them on celebrating 90 years in business.

She checked with former City Planner Nimfa Simpson to see if her family was affected by the recent typhoon in the Philippines, but luckily, her family was not affected. Today she checked with Josie Garcia and her family was not a part of that. They certainly lift up prayers to families who are affected. It was a very devastating typhoon, and there is a long way to go toward recovery, so please keep them within your prayers.

Councilman Louderback commended Mayor Bayless for how well she represents the City. People do not realize how many meetings and functions she attends for nominal pay. Hats off to her for representing the City of Xenia. Mayor Bayless thanked him for the comment.

Vice President Smith said the City of Xenia is very blessed to have a very friendly, very active, and vocal Mayor who represents Xenia with the best of heart. He did vote for her (even though she ran unopposed). There are times when people are disappointed with the decisions Council has to make, but he did not think they would find seven people that are not on this Council who do not have the best interest of Xenia at heart. At all times they really work well with Staff to do as much as they can with as little funds as they have, and he thought things were improving. He looks forward to serving on Council for the next four years. He wanted to let the City Manager know that a citizen thanked him for the leaf collection program; they were very happy with that. Another citizen asked him if Xenia participates in a Sister Cities Program. Mr. Percival said yes. Xenia’s Sister City is the City of Angeles in the Philippines.

President Engle wished all our veterans a Happy Veterans Day. Although Council did not meet when they normally extend their appreciation to veterans, certainly he and the rest of Council extend their sincere appreciation to all past, present, and future veterans. Our country has a wealth of dedicated people who are willing to give that type of sacrifice. As his colleagues have mentioned, the downtown is looking wonderful. The painting and sprucing up is lifting up the downtown and he looks forward to joining everyone at Downtown Christmas, which he thinks will be a spectacular day. He congratulated Dr. Dillaplain for his reelection and Cheryl Marcus and Arch Grieve on their elections to the Xenia School Board. Those three individuals, along with the other two Board members, are going to take the schools to new places, and he looks forward to collaborating with them and making the entire community more integrated and cooperative.

**ADJOURNMENT:** Motion by Councilman Louderback, seconded by Mayor Bayless, to adjourn the Regular Session at 8:02 p.m. No discussion followed. The Roll on this was the following:

Ayes: Smith, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

Michelle D. Johnson, Michael D. Engle, President
City Clerk, Xenia City Council
City Council Meeting Minutes  
November 26, 2013  
Executive Session  
5:00 p.m.

The Xenia City Council met in an Executive Session on November 26, 2013, at 5:00 p.m. in the First Floor Conference Room, City Hall, with the following members present: Wesley Smith, John Caupp, Dale Louderback, Joshua Long, Jeanne Mills, Marsha J. Bayless, and Michael D. Engle.

Motion by Mayor Bayless, seconded by Councilman Caupp, to go into an Executive Session to discuss Personnel Matters. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

The City Council convened in Executive Session in the First Floor Conference Room, City Hall, with the same members present to discuss Personnel Matters.

Regular Session  
7:00 p.m.

At 7:03 p.m., the Xenia City Council adjourned their Executive Session and met in a Regular Session in the City Council Chambers, Second Floor, City Hall, with the following members present: Wesley Smith, John Caupp, Dale Louderback, Joshua Long, Jeanne Mills, Marsha J. Bayless, and Michael D. Engle.

INVOCATION: Matt Porter, Youth Pastor, North Side Christian Church, gave the invocation after which all joined in the Pledge of Allegiance.

APPROVAL OF MINUTES: Motion by Councilman Louderback, seconded by Councilman Caupp, to approve the November 12, 2013, Special/Executive Session minutes as written. No discussion followed. The Roll on this was the following:

Ayes: Caupp, Louderback, Long, Mills, Bayless, and Engle
Abstain: Smith
Nays: None  motion carried.

Motion by Vice President Smith, seconded by Councilwoman Mills, to approve the November 14, 2013, Executive/Special Session minutes as written. No discussion followed. The Roll on this was the following:

Ayes: Smith, Louderback, Long, Mills, Bayless, and Engle
Abstain: Caupp
Nays: None  motion carried.

Motion by Vice President Smith, seconded by Mayor Bayless, to approve the November 14, 2013, Regular Session minutes as written. No discussion followed. The Roll on this was the following:

Ayes: Smith, Louderback, Long, Mills, Bayless, and Engle
Abstain: Caupp
Nays: None  motion carried.
SPECIAL PRESENTATION: Carol Conway, Homeless Shelter at Christ Episcopal Church. President Engle invited Ms. Carol Conway to address Council. Ms. Conway thanked Council for having her and noted Councilman Louderback asked her to speak tonight. She has been involved with the shelter for about five or six years now and their church was doing that before she came aboard. She noted the first year she was doing it, if it was 32 degrees or colder they would open it, but she thought homeless people do not care what the temperature is so they decided to open it for the coldest months of the year. The year before last they ran the shelter for five months, which is a long time since they are a small church with 40 active and aging members. Because of their pastor and a few of them who believe in it, they are still there. They are all volunteers. People come in at 7 p.m., they fix them a meal, they take them over to the YMCA for showers between 9:00 and 9:30, and lights are usually out by 10:30 p.m. The people get up and leave in the morning when the volunteer has to leave. They give them information on CAP (Community Action Partnership) and Greene Met so they can get started with that process, but quite honestly, it is a very long wait to get into Greene Met. Currently, they have a family with a 10-year old child and Interfaith Hospitality Network (IHN) is full, has a six-week wait, and then they only take 24 people. The Red Cross Shelter only takes 13 people, but she does not know how long their waitlist is. The shelter just opened ten days ago, and they already have 13 people, which are the most people they have had this early. The case manager at CAP told her today that he was sending five more people over, which will put them at their maximum, so she does not know what they are going to do when that happens. They are trying, but it is a problem because there are just not enough facilities. She then entertained questions from Council.

Councilman Louderback commended Ms. Conway for the work she is doing. There are many homeless people in Xenia, but people do not realize that. There are people sleeping in their cars and under bridges. He again commended Ms. Conway for what she and her church are doing. If somebody wanted to make a donation, he asked if she needed monetary donations or if specific items were needed.

Ms. Conway said they could use monetary donations. One of the great things about the shelter this year is they have four volunteers who have been guests at the shelter and want to give back. When they are short on volunteers, they pay some of those really dependable people $50 a night to stay, which really helps because it is hard to get volunteers to spend the night. People are afraid of homeless people, but they are just like them except they might have addiction problems or mental health issues. They have also had people who are working a minimum wage job that have nowhere else to stay, and they are just trying to get money together to get a place. Donations would be great. She does not live in Xenia, but she knows a little bit about the homeless population in Dayton. There are abandoned buildings in downtown Dayton, so she wondered if someone could take an abandoned building, fix it up with volunteers and Habitat for Humanity, and staff it for a night. People do not want a shelter in their backyard, so she wondered if that could be done in Xenia.

Mr. Percival said the City does not own any abandoned building, so it would be up to the building owners. Ms. Conway asked if there were any abandoned buildings in Xenia. Councilman Louderback said there were several. Mr. Percival said there are vacant buildings. Mr. Lewis said vacant is different from abandoned, but he did not think the City had any abandoned buildings.
Ms. Conway said Greene Met was delayed in getting their funding because the federal
government was just not working for them right now. So it is going to be up to the state and each
City to do things. It would be awesome if Xenia was the city that took care of the homeless
problem. There is a book called “Shelter” that is about the Harvard Shelter that was started more
than 25 years ago and people were opposed to that. It was student run, had a pastor who really
pushed it, and now it is so successful. It is still student run, but they get their money from
endowments from Harvard, and everybody is on board with it because it works. That is a good
example of a way to run a community-based volunteer shelter.

Councilman Louderback asked what phone number someone should call if they want to make a
donation. Ms. Conway said she did not know the church’s phone number, but her phone number
is 305-0238. [Christ Episcopal Church’s phone number is 372-1594.] She thanked Council for
having her at the meeting. She has spoken to Council before, so she was hoping they could come
up with a solution.

Councilman Louderback said if he was not mistaken, Xenia has three shelters. Ms. Conway said
that was correct. Councilman Louderback said Xenia also has a Wellness Clinic that is one year
old where people can get free healthcare. Ms. Conway said that was correct. Councilman
Louderback agreed with Ms. Conway that Xenia has a homeless problem. Ms. Conway said
those three shelters are for all of Greene County, and they are all in Xenia, which she did not
realize until today. Maybe she should meet with the Greene County Commissioners. She is not a
social worker and does not know where the money comes from, and she knew it could be a
complicated problem, but it would be nice to at least try to work on a solution.

President Engle thanked Ms. Conway for all that she is doing for our community.

PUBLIC HEARING: Request to rezone two parcels at 2380 Bellbrook Avenue from O-1
Office District to B-1 Convenience Shopping Business District filed by property owner, Dan
Wilson, 1855 Bellbrook Avenue. President Engle opened the public hearing and asked for the
staff report. Mr. Percival said following tonight’s public hearing, Council would be asked to
introduce an ordinance to rezone two parcels at 2380 Bellbrook Avenue from O-1 Office District
to B-1 Convenience Shopping Business District. The subject parcels are located on the northeast
corner of the intersection of Bellbrook Avenue and Berkshire Drive, and both are currently
zoned O-1 Office District. One parcel has a 19,000 sq. ft. building on it, and the other parcel is
1.204 acres of vacant land. The parcels are surrounded by a mix of uses including vacant land,
single-family residential, and the wastewater treatment plant. Surrounding zoning includes a mix
of single-family, multi-family, and industrial. The Bellbrook Avenue corridor south of US 35
includes a mix of B-3, I-1, R-1C, and R-3 zoning districts.

The current request to rezone the parcels to B-1 meets the following criteria:
  o Consistency with the X-Plan.
  o Compatibility between the requested zoning district and the prevailing uses in the
surrounding area.
  o It does not result in arbitrary, “spot” zoning.
  o Adequacy of public services, facilities and infrastructure to serve those parcels.

The Xenia Planning and Zoning Commission held a public hearing on October 3, 2013 regarding
this piece of property, and on November 7, 2013, they voted to approve the rezoning from O-1
Office District to B-1 Convenience Shopping Business District and rejected the B-3 Highway Oriented Business District zoning.

Mr. Percival then asked Councilman Long, Chair of the Xenia Planning and Zoning Commission, if he missed anything.

Councilman Long said there were many conversations on the XPZC leading up to the recommendation. It was mainly just the unknown nature of what the property owner has in mind, who wants to expand his possibilities. Council will hear tonight from some people who are fearful of the unknown, so let the public hearing speak for itself.

Councilman Caupp asked if he read the Planning and Zoning Commission minutes correctly that staff was originally against the proposal. Mr. Percival said no. Staff was originally in favor of the B-3 zoning. The B-1 zoning is a compromise between the current O-1 zoning and the B-3 zoning. The B-1 zoning is more restrictive than the B-3 zoning, and staff supports the B-1 zoning.

Councilman Louderback said for the benefit of the citizens, he asked the difference between B-1 and B-3 zoning. Mr. Percival said B-1 zoning is much more restrictive and allows more local businesses. The B-3 zoning is more open, such as for auto parts/repair stores, which are not allowed in the B-1 zoning.

President Engle explained the procedures for audience comments, and invited those in favor of the proposed ordinance to step forward to speak.

Dan Wilson, 1855 Bellbrook Avenue, asked if he could distribute some information to Council. Mr. Lewis said yes. Mr. Wilson said he has been located at that address for over 25 years. He started a John Deere Dealership and then built some self-storage store and locks. In 2004, he moved the John Deere Dealership down to the old VII Building at the intersection of Colorado Drive and Bellbrook Avenue. There were some vacant buildings at 1855 Bellbrook Avenue so he leased those buildings out to the Community Action Partnership, United Way, and a small engineering firm, which totals about 50 employees. The parcel they are discussing tonight is at 2380 Bellbrook Avenue, which was the old skating rink. About ten years ago, Dayton Christian Schools moved in there, followed by the Ohio Holistic Health offices, and a fair amount of renovation was done inside the building. The building has been vacant for a couple of years. They have really been trying to do a lot on the outside to increase the curb appeal. The parking lot has over 100 parking spots on Bellbrook Avenue. His goal was to put similar types of businesses that he has been associated with for the last 25 years, which would create 20 to 50 jobs. Ms. Percival had made the comment that since the SuperValu Warehouse and Hooven & Allison are no longer in Xenia that small businesses are going to be the future to create a lot of jobs in this area. He personally has friends and employees living in that area and he would not do anything detrimental to the neighborhood businesswise. He talked to people at the Career Center and Wright-Patt, but it is going to be hard right now because budgets have been cut. Realistically he thought it was probably going to be three, four, or even five different companies leasing out 3,000, 4,000, 5,000 sq. ft. in order to occupy the building. He would appreciate Council’s consideration in this matter.

President Engle invited those against the proposed ordinance to step forward to speak.
Kirk Payne, 1372 Berkshire Drive, shared a handout of a map with Council. His home faces Mr. Wilson’s property. He had a nice conversation with Mr. Wilson before the meeting and believes that he does not want to do anything bad for the property; however, he is concerned about what happens later on. In the map he shared, if it were zoned business, he depicted how far away they are from existing business opportunities. About two miles from downtown and two and one-half miles from Progress Drive and US 35, there are areas already planned for shopping center type of activities on Second Street. The half circle shown is about half way to the rest of the Progress Drive area, so if there were something close, where would the people decide to go? The map shows how limited a space there is across from them to draw that many people anyway if there was something attractive. Businesses like to congregate near each other so he thought the draw for this piece of property from a business-sense is limited.

Mr. Payne said while talking with the City Planner last week, Mr. Forschner asked him what his objections were. He came up with two main objections to this property being zoned business. (1) A business works on a different schedule than the homeowners whereas office type zoning works on the same schedule as the homeowners. Homeowners will leave their homes to go to their own jobs while the office type businesses come to work and then about 5 to 6 p.m., the office workers go home and the homeowners return. They would not have to worry about lights shining in their bedroom windows, which face the property. Changing the zoning presents a problem, where keeping it zoned O-1 mitigates some of those dangers of having people there at 9 p.m. and later with cars moving around until the business hours are over. (2) He does not believe that Mr. Wilson wants to do anything that would harm the neighborhood. However, there may come a time when Mr. Wilson sells the building to somebody else. Once the property is zoned B-1, it opens a broad area of the types of businesses that could be there, some of which may become more incompatible with the neighborhood. His concern is what could happen long-term and not with what Mr. Wilson is going to do now. He feels that keeping the property zoned O-1 protects them in the near-term and long-term.

Mr. Payne said when he was talking with Mr. Forschner last week, he told him that Council was considering making changes to the Zoning Code. There are things in the B-3 Code, such as storage units like Mr. Wilson owns today, that he thought would be very compatible there. He would not mind seeing a properly developed business that limited access to Berkshire Drive and kept it all on Bellbrook Avenue that was property screened from the neighbors. He could support that, but thezonings today do not allow that. Broad categories of businesses are allowed and then the owner gets to decide what goes there. As Council looks at changing the Zoning Code, he would recommend that they work on a way to accommodate the residents and the owner of the property and come up with something that might not fit the specific code but would be limited for the duration of the property so they could work together. He appreciated Council’s time in listening to him.

Andrea Chaffin, 1380 Berkshire Drive, said her home is also located across from the building, and she agreed with Mr. Payne on the same issues. They developed a petition to stop the zoning and everyone she spoke to in their neighborhood was against the rezoning. She did not speak to anyone who was in favor of the change. They are worried about safety. They have a little girl who is legally blind, and she would worry about what kind of business was over there. Since Berkshire Drive was opened up, it is already a busy street and she worries about allowing her daughter to go outside. She expressed concern about seeing online that the building was listed for sale now, but she did not know if that was an error or if it was actually for sale right now.
Joe Chaffin, 1380 Berkshire Drive, said he lives across the street from Mr. Payne. He noted that he and his wife attended the first Planning and Zoning Commission meeting. At that time, they understood there was a tie vote so the Commission had to table the matter until the next meeting. At the next meeting, Commissioners recommended the B-1 zoning, because they could not make a decision on the B-3 zoning due to the wide uses allowed in that area. The 70 residents who signed the petition should show Council how strongly the voters in that area were strongly opposed to making any change. When most of them built their homes there, they knew there was an office area there but there was no concern because it had been an office through the years with very few problems. If the zoning is changed from O-1 to B-1 or B-3, they are concerned about what type of business might be there. As Mr. Payne stated, he spoke to Mr. Wilson about having a storage type business there, and they could support that. If he owned that building and was looking for tenants that might need to go before the BZA, he would say to go ahead and try your luck. The problem is that two or three small stores might be open during the hours that residents work or when offices are normally open, but there could be one business that is not and that is their concern. Although there may be a potential for some jobs, how strong of a potential is that? There are so many other vacant buildings in Xenia where businesses could locate, but they are not because there is not that call to come to Xenia. Xenia is a residential city, and it will never be a giant industrial city. He asked Council members to consider all those things when it comes to the residents of Xenia before they make a decision.

President Engle invited those neither for nor against the proposed ordinance to step forward to speak. No one came forward to speak.

President Engle closed the public hearing at 7:33 p.m. and entertained questions or comments from Council.

Councilman Long said this issue has been going on for some time now, and he thought the property owners would like a decision to be made. At this time, he would like to introduce the ordinance as an emergency to rezone the property from O-1 to B-1. Mr. Percival said zoning ordinances have to introduced, passed and then there is a 30-day period before it becomes effective. Councilman Long said he would introduce the ordinance and wanted to let people know that a vote would happen at another meeting. Mr. Percival said the vote would be taken at the next meeting.

Councilman Long introduced an ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF XENIA BY REZONING A 2.98-ACRE AREA OF LAND LOCATED AT 2380 BELLBROOK AVENUE FROM O-1 OFFICE DISTRICT TO B-1 CONVENIENCE SHOPPING BUSINESS DISTRICT, and it was read for the first time.

Vice President Smith asked Mr. Wilson how long the building had been vacant. Mr. Wilson said he purchased the building a year ago. Mr. Percival said Ohio Holistic Health offices finally vacated the building about two years ago. Vice President Smith clarified that when Mr. Wilson purchased the property a year ago, he knew the building was vacant at that time. Mr. Wilson said yes.

Vice President Smith asked for an example of what type of business would be allowed in a B-1 District. Mr. Percival said some examples of B-1 permitted uses would be: hardware store or garden supply stores; drug stores and pharmacies; health/nutrition clinics/gyms and fitness center; book store; camera shops; florists; gifts, novelties; jewelry stores; mail order/catalogue
Mr. Lewis said that was correct. Mr. Percival said businesses that are NOT allowed in a B-1 District (but allowed in a B-3 District) would be: mobile home sales; auto body shops; automotive parts/service center; automotive major repair service center; and body shops.

Mr. Payne asked if Council was done with the rezoning issue. President Engle said the rezoning issue was done for this evening. Council introduced the ordinance and there will be a 30-day waiting period. Mr. Percival said to clarify, the ordinance would be voted on at the next Council meeting, but it would not be effective until 30 days after that.

AUDIENCE COMMENTS: President Engle explained the procedures for audience comments and invited anyone who wished to speak to come forward.

Eric Holtvogt, 1386 Jasper Road, said he was here on behalf of the Xenia Area Young Professionals (XAYP). He noted the Xenia Area Chamber of Commerce’s Business After Hours Party holiday party is on December 12th from 4:30 to 7:30 p.m. This year, as always, the XAYP auctions unique gift baskets at the event during a silent auction and donates all the proceeds to a cause in the community. This year the group has chosen the X-Out Hunger Program, so he wanted to get the word out. Members of XAYP are putting the baskets together themselves, and this year they are having a friendly competition to see who raises the most money. The baskets will be at the Chamber office beginning December 9th so that people who are unable to attend the event can come there to bid on those baskets prior to the event. President Engle thanked Mr. Holtvogt for sharing the announcement.

REPORTS OF COMMITTEES:

Planning & Zoning Commission: Councilman Long said XPZC met on November 7, 2013, and had three agenda items:

- **Request to rezone two (2) parcels located at 2380 Bellbrook Avenue from O-1 Office District to B-3 Highway Oriented Business District – filed by Dan Wilson, 1855 Bellbrook Avenue.** A public hearing was held and Commissioners voted to endorse the B-1 Convenience Shopping Center District for that property.

- **Request for a Certificate of Appropriateness for a proposed façade renovation at 87 E. Main Street – filed by Toward Independence.** Toward Independence is redoing the façade of the side and rear of the building in a stucco paneling system very similar to what Montgomery Insurance recently used on the side of their building, which was approved.

- **Endorsement of Brownfield Action Plan.** Commissioners voted to endorse the Brownfield Action Plan presented by the City Planner. He was sure the Plan would be coming to Council. The Plan is a review all the brownfields in our community, an estimate of the state of their hazardous conditions, and the potential of what those brownfields could be in the future.

Mayors & Managers: Mr. Percival said Mayors & Manager had their annual meeting with the top officials at Wright-Patterson Air Force Base. They had an excellent meeting and got an update on some of the issues they are having with the sequestration, et.al. They had a good exchange with them and the Miami Valley Military Affairs Association (MVMAA).

Miami Valley Regional Planning Commission: Councilman Louderback said MVRPC met on November 7th and had a very short meeting. One of the highlights of the meeting was
when the Executive Director commended the City of Xenia for receiving an award from the American Planning Association of Ohio for the X-Plan. He was very pleased that Xenia got that recognition at the MVRPC meeting.

ITEMS FROM CITY COUNCIL AND MAYOR:

Authorization to proceed with the Design and Construction Drawings for a New City Administration Building on Whiteman Street Parking Lot and the relocation of XPD on the first floor of City Hall. President Engle asked Mr. Percival if he cared to make any comments. Mr. Percival said staff has done their due diligence, looked at all the options, and attempted to provide the information they feel is appropriate and necessary. He noted Mr. Bazelak went through the financials at the last meeting. He believes that Mr. Bazelak, Mr. Berger, and Mr. Merriman would agree that this was the best possible alternative, and it is now up to Council to make a decision on how to move the City forward.

President Engle noted there are three possible motions.

Motion by Councilman Long, seconded by Mayor Bayless, to authorize City Staff to proceed with the design and development of construction drawings for (1) a new 20,000+/- sq. ft. facility for Administrative Offices on the Whiteman Street parking lot; (2) a re-working of space on the vacated first floor of City Hall (and City Council Chambers) for XPD/Court/Law/Probation; and (3) to negotiate and execute an amendment to the scope of services with APP Architecture for the design and construction drawings. Discussion followed.

Councilman Caupp thanked Mr. Bazelak, Mr. Berger, and Mr. Merriman for meeting with him last week since he was unable to attend the last work session, so they updated him on the project. He has been on record from the beginning stating that he thought that new construction was the way to go and to not put any money into that Simon Kenton property. This is an alternative where they are getting a new building/new construction for the Administrative Building, roughly half the square footage of Simon Kenton. They will be able to refurbish City Hall for the Police Division. They discussed some of the things that could possibly be done to the north side of the City Hall building to better utilize the building as a Police Division. He supports moving forward with the project, because there are some serious space needs here at the city and this would address them and also keep city functions downtown. The one thing in the plan that he feels needs to be addressed right away, which he discussed with staff, is the blue print of Whiteman Street property. He thinks they should all be calling the Greene County Commissioners to discuss usage of the parking lot next to the Whiteman Street lot, which would square up the lot quite a bit more. If they took half of that parking lot that is next to Security Bank (which is three lots wide) and re-platted it, there would be parking on both sides, and there would still be more than enough parking for jurors. He requested that all members of Council call the Greene County Commissioners to begin that conversation quickly, because APP Architecture will need to know how much space they are working with as they design the building.

Councilman Louderback said he has been against this since from day one for two reasons, but one of them has been addressed. He did not want to see City offices move from downtown. His main reason is that he is not a tax and spender. He asked if this project would cost $5.5 or $6.5 million. Mr. Percival said $6.5 million. Councilman Louderback said the taxpayers are going to pay $6.5 million for this project. It is not a new tax, but it is coming out of their pockets. He would like to see the income tax reduced, and not spend their tax dollars. The City’s 2.25%
Income Tax is one of the highest in the State. It does not have to be a permanent tax; it can be reduced. Again, he has been against this project since day one, and he will be voting “Nay”.

The Roll on this was the following:

Ayes: Smith, Caupp, Long, Mills, Bayless, and Engle
Nays: Louderback motion carried.

President Engle entertained a second motion in regard to the moratorium on Simon Kenton.

Motion by Councilman Long, seconded by Councilwoman Mills, to place a six-month moratorium on demolition of the Simon Kenton facility with a possibility for an additional six-month renewal at the discretion of City Council. Discussion followed.

Councilman Long asked if they could do a press release to solicit some input from the community. Mr. Percival said yes. In fact, he had a discussion with Dick Montgomery today who also had an idea. They need to get as many different ideas as possible to see if there is an appropriate reuse for that facility, and if not, then they will move forward with the demolition.

Councilman Caupp said he would like to see the City market that building immediately and to eventually sell it. Mr. Percival said that is a possibility, but they want to maintain control of that land so they can put the road through, which would take some negotiation to make everything work there.

The Roll on this was the following:

Ayes: Smith, Caupp, Long, Mills, Bayless, and Engle
Nays: Louderback motion carried.

President Engle entertained a third motion.

Motion by Councilman Long, seconded by Vice President Smith, to authorize City Staff to request proposals from qualified underwriting firms to provide professional services to issue bond financing for the projects authorized by Motion 1. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Long, Mills, Bayless, and Engle
Nays: Louderback motion carried.

Appointment to fill a vacancy on the Xenia Civil Service Commission. President Engle said on September 23, 2013, the City Clerk’s Office received a letter from Mr. Donald Pennewitt, who resigned from the Civil Service Commission due to personal reasons effective immediately. The vacancy was advertised on the City’s website, government channel, and in The Xenia Communicator newsletter. On October 10, 2013, the City Clerk’s Office received a letter of interest from Mr. Jeremy Andricks, which was attached to the agenda report. In his letter, Mr. Andricks expressed an interest in serving the city in any capacity, with a special interest in the Traffic Commission; however, since an appointment to the Traffic Commission was pending at that time, the City Clerk contacted him about other volunteer opportunities.
Mr. Andricks expressed an interest in the Civil Service Commission. The Commission Chair, Ms. Ginger Streutker, contacted him and discussed his interest and the duties and responsibilities of the Commission. She is respectfully recommending that Mr. Andricks be appointed to the Commission with a term expiring on December 31, 2014. His background check has been processed and is satisfactory.

Motion by Councilman Louderback, seconded by Councilwoman Mills, to appoint Mr. Jeremy Andricks to fill a vacancy on the Xenia Civil Service Commission with a term expiration date of December 31, 2014. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

REPORTS OF CITY OFFICES:

City Manager’s Office: Mr. Percival noted prior to December 1st of every year, our City Charter requires the City Manager to provide a State of the City Address, which he then shared:

“Good evening, I would like to thank Councilman Long, Councilwoman Mills, Mayor Bayless, President Engle, Vice President Smith, Councilman Caupp, and Councilman Louderback for all their support this past year. This has been a unique and difficult year in many ways, but it has also provided us with opportunities that will hopefully, generate positive outcomes for our community in the near future and for years to come.

He was proud to say that we have been able to keep the promises we made to the Community in 2010. We have been able to maintain our Public Safety service levels and keep both fire stations open. We have also been able to fund over $2.2 million in street improvements over the past three years. While we would all agree that there is still plenty of work to be done on our streets, we are definitely making progress in this task. In 2014, major improvements are planned for both Route 42 and Route 68 in Xenia, which will be funded in part by the State of Ohio and by the City. The local share of the project is estimated to be over $850,000. Therefore, the lion share of our paving dollars will be dedicated to this new improvement next year.

Our water and wastewater utilities have both had a very successful year. We have been able to accomplish the replacement of part of the Ford Road Trunk Sewer. We were able to combine City of Xenia sewer funds with Issue two (2) funds and replace part of the 80 plus year old sewer system that was in dire need of replacement. The water plant is currently in the process of upgrading the pump system so that we will be able to efficiently utilize the capacity of our plant infrastructure. This is very important from an economic development standpoint because affordable, available water is one of the things that makes Xenia attractive to some of our industrial sectors.

The City’s Public Service Maintenance crews have done an excellent job this past year doing everything from plowing snow to repairing catch basins to responding to emergency water main breaks. Those folks rarely receive the accolades that they deserve and he would publicly like to thank them for all they do for our citizens. He would also like to take a moment to thank our City Engineer/Public Service Director Chris Berger. Chris’s leadership and knowledge are what keeps our Public Service Department flowing smoothly and he does a great job working to acquire grant funds when possible to help offset the costs for some of these major projects.

He would also like to acknowledge the work of our Police and Fire Divisions. Our Police Officers and Firefighter/Paramedics are as good as they come. These people work on a daily basis to insure that our community is safe 24 hours a day/365 days a year. All of our Officers and Firefighters need to be thanked for the service that they provide to our citizens. Police Chief Randy Person and Fire Chief Ken Riggsby also do an excellent job leading these divisions.
Without their leadership, major initiatives such as the radio system replacement and the provision of services to the Central State Campus would not have occurred. He thanked them for all that they do.

Our Planning and Zoning Department has had a stellar year. We have approved and are beginning to implement the X-Plan. This plan will help to guide the growth and improvement of our community for the next 10 to 15 years. This plan was recently recognized as the Top Comprehensive Plan for Small Cities in Ohio. Our staff also began an inspection and review of all of the structures in our downtown area. This comprehensive program will aid our staff with bringing in appropriate businesses to the downtown and will aid the business owners as they attempt to improve their structures. We have also had a major impact in other areas of the City by utilizing State dollars to remove vacant and abandoned structures. At last count, we will remove at least 26 blighted structures and we will continue to work to improve each neighborhood in the City. Brian Forschner has done a great job leading these initiatives and he thanked him for his leadership.

Our Human Resources Director has provided many new initiatives in the past years. She and her team were able to accomplish the interim bargaining sessions with the Police Unions to the satisfaction of all parties. Jackie Potter has been able to secure Bureau of Workers Compensation grants to help us provide new equipment to our employees to help them accomplish their daily tasks more safely.

Our Economic Development team has had a full year. The A.I.A. campus project is almost complete. This project involved the cleanup of several structures on the campus that will allow for the addition of jobs to the area. Most notably the radio station project should be complete prior to the end of the year. The cleanup at the former Hooven and Allison industrial complex is well underway. The City has been able to leverage over two million State dollars to remove the blighted structures on the property. This project when complete will provide more than 20 acres of clean industrial land available for development. This will provide opportunities to market our community as a great place to do business. We also have an opportunity that was created when the SuperValu Warehouse was closed. We will continue to work with the new owners and our partners at GAiN to fill this facility ASAP. Steve Brodsky does a great job leading our economic development efforts and we look forward to more great things to come.

Financially thanks to the Mayor and City Council, Mark Bazelak and his staff, the City is in good shape. We still have issues that we will face both in the short and long term, such as the loss of local government funds and the elimination of the estate and inheritance tax. We have been diligently working on ways to replace these revenue losses. Projects such as the Joint Economic Development District at Central State and new communication contracts with Bellbrook and Sugarcreek Township, will help offset some of these losses. However, the best way to overcome any revenue loss is to grow our economy and provide opportunities for our community. We will continue to work tirelessly to bring jobs to our community.

Finally, he would like to thank Brent Merriman and Amanda Zimmerlin. They have done a great job moving the City of Xenia forward. The team that we had in place, from the three Appointed Officials, Ron Lewis, Mark Bazelak, and him, and from our Mayor and Council to our Department Heads, to every single employee, is a good group. This is the best group that he has ever had the pleasure to work with and he thanked them for their help and support.”

President Engle thanked Mr. Percival.

**Authorize the Purchase of Salt Brine Mixer from Cargil, Inc. through the ODOT Cooperative Purchasing Program.** Mr. Percival requested authorization to purchase a brine mixer from Cargill through the ODOT Cooperative Purchasing Program in an amount not-to-exceed $25,558. The brine mixer will allow staff to mix enough brine to pre-treat all of the roads in the entire city in advance of heavy snowfalls and ice storms. The Public Service Maintenance
Division started using a brine mix a few years ago, and it has become very valuable to the city. If there is less than an inch of snow, this pre-treatment takes care of it.

Mr. Percival said Mayor Bayless asked him if any other communities wanted to go in with the City to purchase the brine mixer, which he did not know, but in the future, they may be able to sell the pretreatment, which is what they did when he worked in Clayton. They would mix up enough pretreatment brine and sell it to some of the surrounding jurisdictions.

Motion by Councilman Louderback, seconded by Vice President Smith, to authorize the City Manager to purchase a brine mixer through the ODOT Cooperative Purchasing Program from Cargill, Inc. at a cost not-to-exceed $25,558. Brief comment followed. Vice President Smith asked if Council needed to move on this quickly so they can purchase the mixer. Mr. Percival said Council’s action tonight would authorize him to purchase the mixer immediately. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

Passage of a Retroactive Emergency Ordinance to Amend XCO Chapter 298: Fee Schedule for Fees from Part Four: Traffic Code to Amend Municipal Parking Fees.

Mr. Percival noted when staff recently amended Chapter 298, they inadvertently omitted some monthly fees that need to be reinstated so they can continue to collect the monthly rent for those parking spaces.

President Engle entertained two motions:

Motion 1. Waive Council’s policy to hold a Public Hearing when fees are added or amended.

Motion 2. Motion to pass an emergency Ordinance retroactive to September 7, 2013, to amend Chapter 298: Fee Schedule for fees from Part Four: Traffic Code.

Motion by Councilman Caupp, seconded by Vice President Smith, to waive Council’s policy to hold a Public Hearing when fees are added or amended. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

Councilman Caupp presented an ORDINANCE AMENDING PART TWO - ADMINISTRATION CODE, TITLE TWELVE: FEES, CHAPTER 298: FEE SCHEDULE OF THE CODIFIED ORDINANCES OF THE CITY OF XENIA, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Councilman Caupp, seconded by Councilman Louderback, that the rules requiring the reading of an ordinance at two consecutive meetings be dispensed with and this ordinance be placed at once upon its passage. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.
Motion by Councilman Caupp, seconded by Councilman Louderback, that Ordinance Number 13-58 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

**Introduction of an Ordinance to amend XCO Part Four – Traffic Code, Title Eight: Parking, Chapter 452: Parking Generally to amend municipal parking enforcement policies.** Mr. Percival said this agenda item is part of the initiative to allow for residential use in some of the downtown buildings. As part of the initiative working with the property owners, they want to provide dedicated parking spots for residents who live in a downtown building. However, the City must be able to tow vehicles from those reserved spots. Since “Reserved” spaces involve creation of a sign that guarantees a specific spot to a specific vehicle, the sign could also include a warning that violators will be towed, along with the number/address of the towing company. Reserved permit holders who encounter an unauthorized vehicle parked in their space can contact the towing company to have the vehicle towed, rather than calling the Police Division. The ordinance would allow them to create those public tow-away zones so they can allow people living in the downtown area to have those dedicated parking spots.

President Engle respectfully requested that Council introduce an ordinance amending Part Four – Traffic Code, Title Eight: Parking, Chapter 452: Parking Generally.

Councilman Louderback introduced an ORDINANCE AMENDING PART FOUR – TRAFFIC CODE, TITLE EIGHT: PARKING, CHAPTER 452: PARKING GENERALLY OF THE CODIFIED ORDINANCES OF THE CITY OF XENIA, and it was read for the first time.

**Items for the City Manager:** Mr. Percival invited everyone to the Community Thanksgiving dinner on Thursday, November 28th from 11:30 a.m. to 1:30 p.m. at the Xenia Adult Recreation and Services Center. The dinner is open to anyone in the community who would like to come and enjoy a meal with somebody else. Last year they served about 600 people. President Engle said it is a wonderful event that is completely free.

**Finance Director’s Office:**

**Schedule of Bills:** Mr. Bazelak presented payment of bills totaling $386,073.64.

Motion by Vice President Smith, seconded by Mayor Bayless, to approve payment of bills totaling $386,073.64. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

**Items for the Finance Director:** None.

**Law Director’s Office:**

**Introduction of Ordinances and Resolutions:** None.
Second Readings of Ordinances and Resolutions: Mr. Lewis presented a RESOLUTION AUTHORIZING SUSPENSION OF UNCOLLECTIBLE UTILITIES RECEIVABLES, and it was read for a second time.

Motion by Vice President Smith, seconded by Councilman Long, that Resolution Number 13-DD be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle  
Nays: None motion carried.

Mr. Lewis presented a RESOLUTION AUTHORIZING SUSPENSION OF UNCOLLECTIBLE LOANS/GRANTS RECEIVABLES, and it was read for a second time.

Motion by Vice President Smith, seconded by Mayor Bayless, that Resolution Number 13-EE be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle  
Nays: None motion carried.

Mr. Lewis presented a RESOLUTION AUTHORIZING SUSPENSION OF UNCOLLECTIBLE INCOME TAXES RECEIVABLES, and it was read for a second time.

Motion by Vice President Smith, seconded by Councilwoman Mills, that Resolution Number 13-FF be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle  
Nays: None motion carried.

Mr. Lewis presented a RESOLUTION AUTHORIZING SUSPENSION OF UNCOLLECTIBLE PARKING CITATION RECEIVABLES, and it was read for a second time.

Motion by Vice President Smith, seconded by Councilman Caupp, that Resolution Number 13-GG be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle  
Nays: None motion carried.

Items for the Law Director: None.

SUMMARY OF ACTION ITEMS:

- Update on Proposed Recreation Venues (Requested by Councilman Louderback//Assigned to Jim Percival)
- Quarterly Updates on Economic Development at Council meetings on 04/11/13, 07/11/13, 10/10/13 [completed], 01/09/14) (Requested by Councilman Louderback//Assigned to Steve Brodsky/Jim Percival)
- A report on the feasibility of a Vacant Building Ordinance – scheduled for 12/30/13 Council Work Session. (Requested by Councilman Louderback//Assigned to City Manager’s Office and Law Director). Mr. Percival said he reported at the last meeting that the Vacant Building Ordinance would be coming to Council soon, and they have a staff meeting to discuss it next week. One of the things they discussed that will probably need to be done in
conjunction with that is to eliminate the foreclosure registration because the ordinance will give them much more leverage.

Regarding the Vacant Building Ordinance, Councilman Caupp said he met with a company at the National League of Cities that specializes in doing vacant building registrations. City staff and the company had a conference call. The registrations would become a revenue stream for the City. The company takes care of all the code enforcement notifications, etc., the registration of the buildings, etc., and there are absolutely no fees to the City whatsoever for those services, so it might be something they may be interested in looking at. Even though staff is already working on the ordinance, the company has extensive knowledge of writing the ordinances, etc., for vacant buildings and they can make sure the ordinance is adequate, so they will try to get that scheduled quickly.

President Engle asked if there were any issues Council would like added to the next Council meeting under “Summary of Actions Items.” There was no response from Council.

**READING OF COMMUNICATIONS AND DISCUSSION:** Councilman Long had nothing further to share.

Councilwoman Mills congratulated *Harvest Moon Bakery* for being featured on WDTN, Channel 2’s *Living Dayton* segment on Monday featuring their vegan desserts. If anyone wants some delicious desserts, bakery items, or a good cup of coffee, they are located at the corner of Main and Detroit Streets, so please check them out. She wished everyone a “Happy Thanksgiving” and encouraged everyone to count his or her blessings. Some have abundance and some have very few, but she guaranteed that everyone has at least one blessing to count.

Councilman Caupp noted *T. Lane Designs* was also featured on *Living Dayton*. Councilwoman Mills noted that was discussed at the last Council meeting. Councilman Caupp apologized to Council and the citizens for missing a few meetings. He has been out of town for work and to attend the National League of Cities, and he will miss the next meeting because he will be out of town for work again. The fourth quarter for him is the busiest time of year at work. He was able to attend the National League of Cities, and one of the cool things he thought they would be able to take advantage of is a project sponsored by the National League of Cities with *CGI Communications*. The first 25 cities that signed up got four free 1½- to 2-minute videos about the city and a free phone app for Smart phones. At the meeting, he had just talked to someone else about phone apps who said it would cost $5,000 to $6,000 a year for the phone apps. He just happened to run across *CGI Communications* and faxed a contract back to the City, so the city will get some free media and a free phone app. *CGI Communications* showed him many cool things that could be done with the app, such as reporting code violations and potholes, maps, and instant information people can download about Xenia. Hopefully, that pans out and they get something good out of it.

Councilman Louderback wished everybody a “Happy Thanksgiving.” They often take things for granted. They live in the greatest country on Earth, but they are not perfect; however, they can assemble without the fear of reprisal. God, Family, and Country are very important to him. They have so much to be thankful for, and he hopes that people consider all those things while they are praying before their Thanksgiving dinner.
Mayor Bayless said on October 21st she attended the Greene County Violence Prevention Center’s annual meeting and that same evening she was invited to the Country Club of the North. The Club has spent $4.6 million on renovating just their clubhouse, and it looked very nice. On Saturday, October 23rd (the coldest day of the year thus far), the Benjamin Moore “Paint What Matters” group was here for the celebration. She noted that Councilman Long was there for a good bit of the time, but it was SO cold and attendance was down due to the weather. There was music, a free photo booth, t-shirts, bags, hot cider, hot chocolate, and the most beautiful and delicious cake by Sweets Boutique. The cake was not only good, it was absolutely beautiful! It looked just like a picture of the downtown buildings. She thanked the First Church of God on E. Second Street for their annual Turkey Giveaway. Over 250 turkeys were given away. On the Sunday following that, the church served a delicious meal followed by a program to honor outstanding members in their church and one selected from the community. It is just the way that churches and our community is coming together. The church honored her pastor, and they are different denominations, but it does not matter – they are all one. It was really special. She wished everyone a “Happy and Peaceful Thanksgiving” and to remember the good things they have going for them as well as this community.

Vice President Smith challenged the other Council members. He sent in his application and $50 to sponsor a child for the Xenia Youth Recreation Basketball Program. He wished everyone a “Happy Thanksgiving.” He reminded everyone that X*ACT has December performances. The “Modern Christmas Carole” will be on December 6, 7, 8, 13, 14, and 15. Two of his children are in the production and President Engle’s wife and daughter are involved.

President Engle wished all the citizens a “Happy Thanksgiving” and would agree with all of his colleagues that this truly is the finest nation on the Earth and they are a very special, growing, and advancing city nestled in southwest Ohio. In light of all the blessings they have, he challenged all the citizens and fellow Council members to enjoy time with their family and friends and to carefully consider what they can do for someone else who is not nearly as fortunate as they are this holiday season. As they have heard this evening, there are many less fortunate in this community and he believes Xenia is a great community because they look out for all those people. He would ask them to put that on their heart and see if they can reach out and do something special for someone this year to help them out.

**ADJOURNMENT:** Motion by Councilwoman Mills, seconded by Councilman Louderback, to reconvene in Executive Session to discuss personnel matters. No discussion followed. The Roll on this was the following:

Ayes: Smith, Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

The Regular Session was adjourned at 8:20 p.m. to go into Executive Session.

Michelle D. Johnson  Michael D. Engle, President
City Clerk  Xenia City Council
The Xenia City Council met in an Executive Session on December 12, 2013, at 6:30 p.m. in the First Floor Conference Room, City Hall, with the following members present: Wesley Smith, Dale Louderback, Jeanne Mills, Marsha J. Bayless, and Michael D. Engle.

John Caupp and Joshua Long were absent.

Motion by Vice President Smith, seconded by Councilwoman Mills, to go into an Executive Session to discuss Personnel Matters. No discussion followed. The Roll on this was the following:

Ayes: Smith, Louderback, Mills, Bayless, and Engle
Nays: None motion carried.

The City Council convened in Executive Session in the First Floor Conference Room, City Hall, with the same members present to discuss Personnel Matters.

**Regular Session**

7:00 p.m.

At 7:03 p.m., the Xenia City Council adjourned their Executive Session and met in a Regular Session in the City Council Chambers, Second Floor, City Hall, with the following members present: Wesley Smith, Dale Louderback, Jeanne Mills, Marsha J. Bayless, and Michael D. Engle.

John Caupp and Joshua Long were absent.

INVOCATION: Pastor Van Holloway, Emmanuel Baptist Church, gave the invocation after which all joined in the Pledge of Allegiance.

Motion by Councilwoman Mills, seconded by Councilman Louderback, to excuse Councilman Caupp and Councilman Long from the meeting. No discussion followed. The Roll on this was the following:

Ayes: Smith, Louderback, Mills, Bayless, and Engle
Nays: None motion carried.

APPROVAL OF MINUTES: Motion by Councilman Louderback, seconded by Vice President Smith, to approve the November 26, 2013, Executive/Regular Session minutes as written. No discussion followed. The Roll on this was the following:

Ayes: Smith, Louderback, Mills, Bayless, and Engle
Nays: None motion carried.

SPECIAL PRESENTATION: Roni Luckenbill, CEO of Girl Scouts of Western Ohio, and Makayla Poplin, Girl Scout Troop 30039. President Engle invited Ms. Luckenbill and Ms. Poplin to come to the podium. Mayor Bayless said it was a privilege for her to present this
proclamation. She is a former educator and gets very excited when young people do such wonderful good things, so she is so proud to present the following proclamation to Makayla:

“The Bronze Cross, a lifesaving award, has been a part of the Girl Scout program since the beginning of the Girl Scout movement in the United States. It is given to registered Girl Scouts who have saved a human life or attempted to save it under circumstances that indicate heroism or risk to their own lives and who have performed heroic acts beyond the degree of maturity and training to be expected at their age.

Makayla Poplin is a Cadette Girl Scout and part of Troop 30039. On March 10, 2012 while swimming at a local hotel pool, Makayla noticed her friend, Ashlynn Quinn, who could not swim, slip to the deep end of the pool. Makayla and her friend Gillian, without hesitation, doggie paddled to the deep end of the pool and aided Ashlynn in reaching the side of the pool where they helped her parents pull her out of the water. Without the aid of Makayla and Gillian, Ashlynn could have been seriously injured or worse.

Mayor Bayless proclaimed December 12, 2013 as “Makayla Poplin Day” in appreciation of her heroic acts.” (Applause followed.)

Makayla thanked Council and Mayor Bayless for giving her the award. She also thanked her Troop Leader, Ms. Paula [Crow], because she taught her a lot, and this made her really happy. Along with her parents, Ms. Paula made her the person she is today. (Applause followed.)

Roni Luckenbill, CEO of Girl Scouts of Western Ohio, said it was such an honor to be here and she thanked Mayor Bayless for allowing them to do this. She is so proud of Makayla and is here on behalf of the Girl Scouts National CEO Anna Chávez. She presented Makayla with a framed letter from Ms. Chávez congratulating her on her honor. The letter talks about Makayla’s extraordinary actions that not only saved a life, but serve as a shining example for all Girl Scouts everywhere. She has shown outstanding judgment and incredible courage in safeguarding the life of your friend, and they commend her for her quick thinking. Makayla has truly made the world a better place, and she is so proud of her. The Bronze Cross is a very special award. Girl Scouts is 101 years old and the Bronze Cross has been around for 101 years, but she has never presented one before. In the United States last year, fewer than one dozen Bronze Crosses were presented, so this is a really special award. (Applause followed.)

President Engle thanked Mayor Bayless and Ms. Luckenbill and congratulated Makayla on an awesome job.

AUDIENCE COMMENTS: President Engle explained the procedures for audience comments and invited anyone who wished to speak to come forward.

Dan Wilson, 1855 Bellbrook Avenue, shared handouts with Council of an owner assessment report for a business center at 2380 Bellbrook Avenue. The building had been vacant a few years before he got involved when he purchased it one year ago. When looking at 2014, he has to do one of two things: (1) Sell the building; or (2) try to lease out two-thirds of the building. Presently it is 100 percent vacant. The odds are that he will probably not be able to get one tenant to lease the entire building. The option he was proposing would be a business center to include general office/office related companies; companies needing an office requiring minimum walk-in
traffic; companies utilizing technology to design and develop products and services; start-up firms; firms requiring business support and mentoring; and stage 2 type companies/firms that have been in business and are ready to move up to the next level of service. He thought the building has a lot of potential, but unfortunately, it is not paying any bills right now. He really feels a change in zoning to B-3 (similar to businesses on Bellbrook Avenue) would help a lot. They would be happy to meet with Council, City staff, and neighbors to further address this if necessary. He thanked Council for their time and wished them “Happy Holidays.”

Kirk Payne, 1372 Berkshire Drive, shared handouts with Council on his talking points. His home is across the street from Mr. Wilson’s property. He then discussed his handouts.

History
- 1979 – Roller rink built
- 1996 – Sterling Green began building homes there
  - His home was the first house to be occupied in that complex
  - Xenia Christian High School was in operation when he moved in - July 1996
  - At that time all the property was zoned R-1 – no zoning conflicts/compatible for everything, which is one of the reasons they were allowed to build their houses facing that piece of property rather than having screening put in place or having the property turned backwards so they would enter from a different direction.
- 1999 – Xenia Christian High School moved to its current location
- 2000 – Holistic School moved in
- 2005 – Holistic School requested a zoning change to O-1 to attract loans. He attended the meeting when the Xenia Planning and Zoning Commission approved that. In fact, he spoke in favor of the rezoning because he thought the O-1 zoning was still compatible with the uses of the building that existed at that time and was compatible with their neighborhood.

Why O-1 Zoning is Compatible with Their Neighborhood
- Most office hours are 8 a.m. to 6 p.m.
  - This is compatible with homeowners who are generally at work during those hours
- Generally not high traffic area
- Only security lighting needed in the evening hours
- Building is currently configured for an O-1 type business
- Page 5 of his handout showed two pictures. Picture one was the Social Security Administration Building (across from Kroger). O-1 zoning has a single entrance and office windows. The second picture was of the strip mall on W. Second Street across from Burger King. In retail business, each business has its own entrance and glass fronts that are inviting.
- Page 6 of his handout showed a picture of the building at 2380 Bellbrook Avenue, which to him looks like an office building the way it is configured today. It does not look inviting for a business-type environment. Although he is not an expert on the Zoning Code, he believes the uses that Mr. Wilson mentioned tonight are compatible with an office type zoning.

Issues with B-1 Zoning
- Building not designed for B-1 activities (retail business type environment)
- Where will Mr. Wilson’s potential business base come from? There is the Downtown Business District and businesses are located on Progress Drive, but many of the store fronts in the West Park Square Shopping Center are vacant. People tend to go to the closest area, but the area they are discussing is two miles from downtown and two miles to Progress Drive and U.S. 35. If you draw a half circle around 2380 Bellbrook Avenue to downtown, there is a narrow strip of
properties that may find the property inviting. He did not think that was enough to sustain Mr. Wilson’s businesses if that were what he was able to attract. If Council allows the property to be zoned business, he is concerned about Mr. Wilson being able to attract businesses to that area.

- Businesses typically operate to at least 9 p.m. and may require lighting into the evening. If a restaurant type business is attracted there, they might be open until 10 or 11 p.m. When the Holistic School was there, they put lights on the building that shined directly into their bedrooms at night, and he would prefer that not happen again.
- B-1 zoning generates higher traffic volumes
- If Mr. Wilson’s plans are not fully realized, and this is rezoned to B-1, what happens to the property? Will the current building be replaced and rebuilt for a business, where today it is suitable for office, or what will be attracted there?

**Conclusion:** They prefer that the zoning remain as O-1 because it is suitable for that zoning; he did not know if it was suitable for business. There are many uncertainties if it is allowed to be zoned to B-1. Even tonight Mr. Wilson asked that the property be zoned B-3, which has been taken off the table per the recommendation from the Planning and Zoning Commission. He does not know what Mr. Wilson’s long-term goals for this property are, which scares him. He prefers to keep it zoned O-1 and to let Mr. Wilson attract the office type businesses to which he referred, and to bring them peace. He thanked Council for allowing him the opportunity to address them once again.

Joe Chaffin, 1380 Berkshire Drive, said he could not agree more with what Mr. Payne said and all the points they have made. This is the fourth time they have addressed the City with their concerns about the rezoning. He thought it was important to note that although only a handful of residents have spoken to Council, he could assure Council that between 60 and 80 other individuals in his neighborhood feel the same way, which is reflected in the petition they signed, which he trusted Council had a copy of by now. He thought it was so important to note that they do not know what the future holds there and they are scared about that. As taxpayers and voting citizens, their voices should be heard. He and other citizens of the community appeal to Council to listen to their voices. He wished Council “Happy Holidays.”

Andrea Chaffin, 1380 Berkshire Drive, said their home is right across the street from Mr. Wilson’s property. They would like the zoning to remain as O-1, because they think it would be good to have offices in the building. There have been offices there in the past and that has worked well with their neighborhood. It is a residential area and they are trying to raise families there, so they really want to keep it safe for their kids. The exit onto Berkshire Drive is also a worry because it is already a very busy street. Having all that additional traffic would make it dangerous. She asked Council to please think about that and the families and kids that live there.

Peggy Payne, 1372 Berkshire Drive, said she has listened to Mr. Wilson and they visited with him after the last meeting. She knows that Mr. Wilson would really like to rent that building. If she owned the building, she would want to rent it too. It is a little scary though since Mr. Wilson brought up the B-3 zoning again. The more she thought about it over the last week as her husband put together his papers, she kept thinking that building does not look like a retail building. When you look at a retail building, it has glass fronts to draw patrons in or for the police to monitor after hours to make sure there is no one breaking into the buildings, etc. She thought bringing in retail business could also bring the possibility of somebody wanting to break into that building or their homes, which is a very big concern for her. Some of the things that
Mr. Wilson listed almost led her to wonder if he was going to put in a factory type business in there where they are building products to sell, and she wondered what kind of people that would bring into the area. She hopes that Council listens to them. If they want to do a spot zoning or whatever, she would be happy to sit with Mr. Wilson tomorrow if he could give them some ideas, then the uncertainty would not be there. However, right now and especially if the property is rezoned to B-3, almost anything could go in there.

Greg Hull, 831 Sutton Drive, Xenia, said he is a real estate broker with the Northern Light Group and is here to support Mr. Wilson in trying to get the zoning changed. The history of the building has not been good. The decision comes down to what is good for Xenia and its residents. They know based on what has been in that building that they do not want office. They have had the property available for lease for two years and they have had no interest at all. Now they are trying to find another market niche, and he thought there was a market niche for retail in that area. He grew up in Laynewood right beside Rink’s Department Store, and it was very nice to have some kind of retail establishment that was within walking distance to neighborhoods. He believes retail would be compatible with the neighborhood and thought retail would be good for Xenia. Two weeks ago, he had to drive to Beavercreek to buy a decent pair of tennis shoes since the shoes they sell at Dick’s Sporting Goods are not available in Xenia. If they open the doors to small retail business, make it attractive to the residents, and support the retail business, it would benefit the community. He knew there were many concerns from mostly Berkshire Drive residents, but not the entire neighborhood, and he understood that. As far as having a tenant, they have to market the property and attract a tenant, so there is no way that Mr. Wilson can actually say which business would be coming into the building. He did not really think the nature of the building and the area is something that would attract some of the businesses that the neighborhood residents are concerned about.

Richard Ruffner, 1388 Berkshire Drive, said he wanted to lend his support for the neighborhood, as the real estate agent called it. He noted Mr. Hull has been condescending in his last meetings with the Planning and Zoning Commission, but he is a little bit less condescending to Council maybe because Council is little higher up the food chain. Many people in the neighborhood (not just Berkshire Drive residents) have concerns.

REPORTS OF COMMITTEES:

Councilman Louderback said he would like to explain the reason he is wearing a Wayne Warriors sweatshirt tonight. Huber Height’s Councilman Tyler Starline and he had a gentleman’s agreement about the Xenia High School and Wayne High School football game. If Wayne won, he agreed to wear a Wayne Warriors sweatshirt and if Xenia won, Mr. Starline agreed to wear a Xenia Buccaneer sweatshirt. As everyone can see by his sweatshirt, he lost because Wayne beat Xenia this year, but he still bleeds Xenia blue.

Board for Recreation, Arts & Cultural Activities: Councilwoman Mills said BRACA met on December 3rd and discussed the following:

- **Hometown Christmas – Saturday, December 14th from 4 to 8 p.m.** Santa will come into town between 3:45 and 4 p.m. and will arrive at Toward Independence. The weather forecast is for a little snow, which will make the event even more festive. Xenia High School’s Ensemble and Jazz Band will perform and there will be many music and dance venues. She encouraged everyone to come to downtown Xenia and enjoy the atmosphere because it will be a great time.
• **Annual Easter Egg Hunt** – Shawnee Park on Saturday, April 19th. She noted the event hosts 2,000 children every year.

• **Annual Fishing Derby** – Saturday, June 7th where children have caught huge fish.

• **Movies in the Park 2014** (Same day as First Fridays: June 6, July 4, August 1)

• **Music in the Park 2014** (Sunday: June 1, June 15, July 6, July 20, August 3, August 17).

**Traffic Commission:** Councilman Smith said the Traffic Commission met on Monday, December 2nd at 7 p.m. with four Commissioners present. Sarah Mays was elected Vice Chair for 2014. Commissioners unanimously voted to recommend to City Council that parking be prohibited on both sides of a two-block section on Mulberry Street between Lexington Avenue and E. Church Street, which will be brought to City Council for a vote. The next Traffic Commission meeting will be Monday, January 6, 2014, if there are agenda items.

**Board of Zoning Appeals.** Mayor Bayless said BZA met on November 25th and had three agenda items:

1. Variance request to allow construction of an attached garage addition that did not meet side yard setbacks at 1604 Kylemore Drive filed by William Kingsolver, 1243 Omard Drive, Xenia. Decision: BZA approved a variance to Section 1294.13(a) of the Zoning Code to allow a 4’ side yard setback on the west side of the home and a 12’ total of both side yard setbacks, instead of the minimum required 6’ side yard setback and 15’ total of both side yard setbacks.

2. Request for an Administrative Appeal of a City-issued Notice of Violation for Property Maintenance Code Violations at 475 E. Church Street filed by Haydee Hernandez, 647 Doral Drive, Xenia. Decision: BZA denied the Administrative Appeal.

3. Variance and Conditional Use request to install a 6’ tall chain link fence with barbed wire at 1314 Burnett Drive filed by Tommy Lee Johnson, 749 Glenwood Drive, Jamestown. Decisions: BZA approved a Conditional Use to allow three strands of barbed wire on top of a fence at 1314 Burnett Drive, but denied a variance to Zoning Code Section 1272.02(ss)(1) to allow a 6’ tall chain link fence.

**ITEMS FROM CITY COUNCIL AND MAYOR:** President Engle said he had two agenda items.

Motion by President Engle, seconded by Mayor Bayless, to grant City employees the day off on December 24, 2013. Brief comment followed. President Engle said he believes our City employees have performed exemplary this year. He would encourage the Acting City Manager to work closely with the Police and Fire Divisions so they are afforded the appropriate and equivalent amount of time while keeping our city safe. The Roll on this was the following:

Ayes: Smith, Louderback, and Bayless
Abstain: Mills and Engle
Nays: None motion carried.

President Engle said it was his distinct pleasure to make the following motion:

Motion by President Engle, seconded by Vice President Smith, to appoint Mr. Brent Merriman, our current Assistant City Manager, as Xenia’s new City Manager effective February 1, 2014, and to approve and accept the contract that Council discussed in Executive Session this evening. No discussion followed. The Roll on this was the following:
President Engle congratulated Mr. Merriman. (Applause followed.) Mr. Merriman said he appreciated that. Mr. Merriman said he has big “boots” to fill! (Laughter followed.)

**REPORTS OF CITY OFFICES:**

**City Manager’s Office:**

Emergency Resolution to accept BWC Grant funds, Emergency Appropriation Ordinance to appropriate the funds, and Emergency Ordinance to Waive Competitive Bids and authorize the purchase of four (4) Power Load Systems for EMS Cots. Mr. Merriman noted on September 12, 2013, Council authorized the appropriation of funds toward the purchase of two initial Power Load Systems for EMS Cots using the refund received from the Ohio Bureau of Workers’ Compensation (BWC). In conjunction with that, Fire Division Staff submitted a grant application with BWC seeking additional funding to purchase two additional Power Load Systems for EMS Cots. The purchase of four Power Load Systems/Cots will allow them to have one on each medic.

Mr. Merriman respectfully requested that Council take three actions:

1. Pass an emergency Resolution authorizing the City Manager to accept the grant from the Ohio Bureau of Workers’ Compensation in the amount of $40,000.00 ($13,333.33 match from the City of Xenia).
2. Pass an emergency Ordinance approving the requested supplemental appropriations to be effective at the earliest possible date.
3. Pass an emergency Ordinance to waive competitive bidding and authorize the City Manager to purchase four (4) Power Load Systems for EMS Cots from Stryker Medical in a total amount of $82,952.88.

Mr. Merriman said they feel the Power Load Systems for EMS Cots should provide an additional level of safety for staff and the public. He noted BWC indicated that Xenia was the only community in the State that they are aware of who were actually investing reimbursement proceeds back into safety and risk reduction activities, and this was an example of how they are putting that money into projects and purchases that will improve employee safety and reduce the taxpayers’ potential liability.

Councilman Louderback presented a RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT THE GRANT FUNDS FROM THE OHIO BUREAU OF WORKERS' COMPENSATION, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Councilman Louderback, seconded by Vice President Smith, that the rules requiring the reading of a resolution at two consecutive meetings be dispensed with and this resolution be placed at once upon its passage. Brief discussion followed.
Councilman Louderback commented that over the years several firefighters have had back injuries because they had to lift 400 to 500 pound patients. He thought this was a great move on behalf of the City to provide these cots. Mr. Merriman added that just today he signed off on a back injury report from someone lifting a cot.

The Roll on this was the following:

Ayes: Smith, Louderback, Mills, Bayless, and Engle
Nays: None motion carried.

Motion by Councilman Louderback, seconded by Vice President Smith, that Resolution Number 13-HH be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Louderback, Mills, Bayless, and Engle
Nays: None motion carried.

Vice President Smith presented an ORDINANCE AMENDING ORDINANCE 12-53 TO MAKE ADJUSTMENTS IN APPROPRIATIONS FOR CURRENT EXPENDITURES OF THE CITY OF XENIA, OHIO DURING THE FISCAL YEAR ENDING DECEMBER 31, 2013, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Vice President Smith, seconded by Mayor Bayless, that the rules requiring the reading of an ordinance at two consecutive meetings be dispensed with and this ordinance be placed at once upon its passage. No discussion followed. The Roll on this was the following:

Ayes: Smith, Louderback, Mills, Bayless, and Engle
Nays: None motion carried.

Motion by Vice President Smith, seconded by Mayor Bayless, that Ordinance Number 13-59 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Louderback, Mills, Bayless, and Engle
Nays: None motion carried.

Councilman Louderback presented an ORDINANCE AUTHORIZING THE CITY MANAGER TO PURCHASE FOUR (4) POWER LOAD SYSTEMS FOR EMS COTS WITHOUT FORMAL COMPETITIVE BIDDING FROM STRYKER AT A COST NOT TO EXCEED $82,952.88, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Councilman Louderback, seconded by Vice President Smith, that the rules requiring the reading of an ordinance at two consecutive meetings be dispensed with and this ordinance be placed at once upon its passage. No discussion followed. The Roll on this was the following:

Ayes: Smith, Louderback, Mills, Bayless, and Engle
Nays: None motion carried.

Motion by Councilman Louderback, seconded by Vice President Smith, that Ordinance Number 13-60 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Louderback, Mills, Bayless, and Engle
Nays: None motion carried.

**Emergency Ordinance for Additional Appropriations for FY2013 and Emergency Resolution to approve an expenditure in excess of allowable Then and Now Amount to Thyssenkrupp Elevator for repairs to the City Hall Elevator.** Mr. Merriman respectfully requested that Council take two actions:

**Action 1:** Pass an Emergency Ordinance appropriating $10,000 into line item 101-1009-53739 to cover expenses related to the City Hall Elevator and HVAC System repairs.

**Action 2:** Pass an Emergency Resolution to authorize a payment in excess of the amount allowable on a Then and Now Statement to Thyssenkrupp Elevator at a not-to-exceed amount of $6,557.

Mr. Merriman noted the age and amount of use of the City Hall elevator and HVAC systems are beginning to take a greater toll on these really critical mechanical systems. The City Manager’s Office recognizes the inconvenience to the public that the elevator situation has created, and they are certainly working to get that corrected and to pay for that repair with this agenda item. Thyssenkrupp was doing work today but are not quite finished. They will be back and hope to have the elevator operating again tomorrow. The core issue is the electric source to the elevator car (traveling cable) is bad and must be replaced due to wear and tear, which is a pretty extensive process.

As he mentioned to Mayor Bayless at a function last night, they are looking at options over the intermediate period of what they can do to the elevator. They are spending a lot money incrementally in maintenance costs on an item that is 20 plus years old. One option they are exploring might provide an intermediate solution. As far as the HVAC, they hope to limp along until the rehab project at City Hall is approved. At that point, they hope to replace some major system components and get a lot longer life out of the HVAC system.

Councilwoman Mills presented an ORDINANCE AMENDING ORDINANCE 12-53 TO MAKE ADJUSTMENTS IN APPROPRIATIONS FOR CURRENT EXPENDITURES OF THE CITY OF XENIA, OHIO DURING THE FISCAL YEAR ENDING DECEMBER 31, 2013, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Councilwoman Mills, seconded by Councilman Louderback, that the rules requiring the reading of an ordinance at two consecutive meetings be dispensed with and this ordinance be placed at once upon its passage. No discussion followed. The Roll on this was the following:

Ayes: Smith, Louderback, Mills, Bayless, and Engle
Nays: None motion carried.

Motion by Councilwoman Mills, seconded by Councilman Louderback, that Ordinance Number 13-61 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Louderback, Mills, Bayless, and Engle
Nays: None motion carried.
Councilman Louderback presented a RESOLUTION AUTHORIZING THE PAYMENT AMOUNT NOT TO EXCEED $6,557.00 TO THYSSENKURP ELEVATOR FOR THE REPAIR OF THE CITY HALL ELEVATOR, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Councilman Louderback, seconded by Mayor Bayless, that the rules requiring the reading of a resolution at two consecutive meetings be dispensed with and this resolution be placed at once upon its passage. No discussion followed. The Roll on this was the following:

Ayes: Smith, Louderback, Mills, Bayless, and Engle
Nays: None  motion carried.

Motion by Councilman Louderback, seconded by Mayor Bayless, that Resolution Number 13-II be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Louderback, Mills, Bayless, and Engle
Nays: None  motion carried.

Mr. Merriman said they recognize there are a number of emergency items on the agenda tonight. He apologized for that, but due to timing issues, many of them did not give them much choice. They recognize that Council prefers not to have emergency items and they will certainly work to be more timely in the future.

**Emergency Resolution authorizing the City Manager to give consent and cooperate with the Director of Transportation of the State of Ohio to plane and resurface a portion of U.S. 42 and a portion of US 68 in the City of Xenia.** Mr. Merriman stated that during discussions on the Five-Year CIP, Council might recall that next year’s street program would largely consist of this particular project. This is a standard administrative requirement that is necessary to move forward with ODOT for the resurfacing project next year.

Mayor Bayless presented a RESOLUTION AUTHORIZING THE CITY MANAGER TO GIVE CONSENT AND COOPERATE WITH THE DIRECTOR OF TRANSPORTATION OF THE STATE OF OHIO TO PLANE AND RESURFACE A PORTION OF U.S. 42 AND A PORTION OF U.S. 68 IN THE CITY OF XENIA AND DECLARING IT TO BE AN EMERGENCY.

Motion by Mayor Bayless, seconded by Councilwoman Mills, that the rules requiring the reading of a resolution at two consecutive meetings be dispensed with and this resolution be placed at once upon its passage. Discussion followed.

Councilman Louderback asked for specifics in regard to where in town the paving would occur. Mr. Merriman said they plan to resurface a portion of U.S. 42 from corporation limit to corporation limit and a small portion of U.S. 68. Mr. Berger noted the paving would go from Industrial Boulevard to the north corporation limit on N. Columbus Street (on U.S. 42) and on U.S. 68, the paving will go from S. Detroit Street to S. Monroe Drive.

The Roll on this was the following:

Ayes: Smith, Louderback, Mills, Bayless, and Engle
Nays: None  motion carried.

Motion by Mayor Bayless, seconded by Councilwoman Mills, that Resolution Number 13-JJ be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Louderback, Mills, Bayless, and Engle
Nays: None  motion carried.

**Tower Lease Agreements with Twist and the Village of Jamestown.** Mr. Merriman apologized for the length of the agenda report on this particular item; it is a complicated matter and is somewhat new to services that they provide as a municipality. They are requesting Council approve four measures that would allow the City to initiate a limited scale internet access service initially for Twist, Inc.. Several actions are necessary to set this process in motion:

**Motion 1:** Pass an emergency Ordinance appropriating $21,748.00 into account 361-1010-55304, $8,925.00 into account 664-1010-55304, $8,925.00 into account 665-1010-55304, and $1,625.00 into account 666-1010-55304 for the purchase of microwave communication equipment.

**Motion 2:** Pass an emergency Ordinance to waive competitive bidding of microwave equipment and authorize the City Manager to execute a Purchase Order with WS Electronics for purchase of the same in an amount not to exceed $41,220.20.

**Motion 3:** Authorize the City Manager to enter into an agreement with Twist, Inc. to provide internet access services and for the leasing of space on the Industrial Park Water Tower pursuant to the terms and conditions as detailed in the attached contract.

**Motion 4:** Authorize the City Manager to execute a Memorandum of Understanding with the Village of Jamestown, Ohio for access to the Public Safety Information System Network (PSISN).

Mr. Merriman summarized what they are trying to do. As the agenda report states, the City was approached by representatives from Twist, Inc. and Time Warner Cable earlier in the year regarding the possibility of the City partially funding installation of fiber optic communication lines into the Industrial Park, which would allow for higher speed/higher capacity internet service, which is not currently provided at that level in the Industrial Park. They had reservation about an expenditure of that magnitude that would ultimately become an asset of Time Warner.

Staff from the City Manager’s Office, IT/Finance, and the Development Director began meeting with Twist representatives to assess alternatives. Through these discussions, plans evolved whereby the City could become a limited-scale provider of internet access services at a much cheaper rate than Time Warner was willing to offer to Twist and potentially other businesses in the Industrial Park. This could be accomplished by shooting a microwave signal from City Hall to the Industrial Park water tower where Twist would be able to connect directly to their sites in Xenia. Twist would also lease space on our water tower to install additional microwave transmission equipment to Jamestown’s water tower, thus enabling network access to their sites in Jamestown. Twist will have a separate agreement with Jamestown for this arrangement, but as part of the overall contract, they have negotiated to allow Jamestown access to the PSISN, which requires an MOU with Jamestown and is part of the action requested.
Staff feels this is a positive step in the right direction. They are trying to work much more closely with our businesses to provide solutions to make their operations more cost effective and more profitable, which really benefits the City. Investment in this equipment is consistent with our Five-Year CIP in regard to build out of our wireless and fiber infrastructure. The City will get some specific benefit out of this arrangement with the microwave as it will have capacity for our operations, but it will also have sufficient capacity to help four or five additional businesses in the Industrial Park if they choose to look at that service.

Councilman Louderback presented an ORDINANCE AMENDING ORDINANCE 12-53 TO MAKE ADJUSTMENTS IN APPROPRIATIONS FOR CURRENT EXPENDITURES OF THE CITY OF XENIA, OHIO DURING THE FISCAL YEAR ENDING DECEMBER 31, 2013, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Councilman Louderback, seconded by Mayor Bayless, that the rules requiring the reading of an ordinance at two consecutive meetings be dispensed with and this ordinance be placed at once upon its passage. No discussion followed. The Roll on this was the following:

Ayes: Smith, Louderback, Mills, Bayless, and Engle
Nays: None motion carried.

Motion by Councilman Louderback, seconded by Mayor Bayless, that Ordinance Number 13-62 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Louderback, Mills, Bayless, and Engle
Nays: None motion carried.

Vice President Smith presented an ORDINANCE WAIVING COMPETITIVE BIDDING FOR WS ELECTRONICS TO PROVIDE INSTALLATION AND MAINTENANCE SERVICE FOR THE ANTENNA EQUIPMENT, SPARES AND REDUNDANCY, AND FIRST YEAR SYSTEM MAINTENANCE AT A NOT-TO-EXCEED AMOUNT OF $41,220.20, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Vice President Smith, seconded by Councilwoman Mills, that the rules requiring the reading of an ordinance at two consecutive meetings be dispensed with and this ordinance be placed at once upon its passage. No discussion followed. The Roll on this was the following:

Ayes: Smith, Louderback, Mills, Bayless, and Engle
Nays: None motion carried.

Motion by Vice President Smith, seconded by Councilwoman Mills, that Ordinance Number 13-63 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Louderback, Mills, Bayless, and Engle
Nays: None motion carried.

Motion by Vice President Smith, seconded by Councilman Louderback, to authorize the City Manager to enter into an agreement with Twist, Inc. to provide internet access services and for
the leasing of space on the Industrial Park Water Tower pursuant to the terms and conditions as
detailed in the contract. No discussion followed. The Roll on this was the following:

Ayes: Smith, Louderback, Mills, Bayless, and Engle
Nays: None motion carried.

Motion by Vice President Smith, seconded by Mayor Bayless, to authorize the City Manager to
execute a Memorandum of Understanding with the Village of Jamestown, Ohio for access to the
Public Safety Information System Network (PSISN). No discussion followed. The Roll on this
was the following:

Ayes: Smith, Louderback, Mills, Bayless, and Engle
Nays: None motion carried.

Mayor Bayless said she really appreciated the excellent work that staff has done on this. They
not only were looking out for the City now but also for future activities for existing and potential
businesses. Mr. Merriman said he appreciated that. They will continue to do some outreach in the
Industrial Park to let other businesses know that these services are available on a limited scale.
Along with our partners from GAiN, they will be working to do more business outreach in 2014.

**Award of Bid for Uniforms & Walk Off Mat Service for the Public Service Department.** Mr. Merriman requested a motion from Council to award the Uniform and Walk Off Mat Service for the Public Service Departments for the period January 1, 2014, through December 31, 2018, to Cintas Corporation for the individual bid prices submitted, and authorize the City Manager to sign the agreement for this service.

Motion by Councilwoman Mills, seconded by Vice President Smith, to award the Uniform and Walk Off Mat Service for the Public Service Departments for the period January 1, 2014, through December 31, 2018, to Cintas Corporation for the individual bid prices submitted, and authorize the City Manager to sign an agreement for this service. No discussion followed. The Roll on this was the following:

Ayes: Smith, Louderback, Mills, Bayless, and Engle
Nays: None motion carried.

**Update on Health Insurance.** President Engle noted an update on health insurance was on
tonight’s agenda. Mr. Merriman said that item should be pulled. They have been in additional
negotiations with our prospective insurance carrier, but they did not get a response back from the
carrier in time to prepare a report today. Council will have a report potentially as soon as next
week, but absolutely no later than the December 30th Council meeting.

**Items for the City Manager:** Mr. Merriman noted four people lost their lives today in a
tragic house fire in Kettering. Early reports stated there were no working smoke detectors in the
home. It is that time of year when some people use space heaters, fireplaces, etc., which increase
the risk of fires. He encouraged folks to check their smoke detectors and take some basic
precautions this time of year. Our hearts and prayers go out to the folks in Kettering and we wish
them the best under these circumstances.
Finance Director’s Office: Mr. Bazelak thanked Council for the earlier action this evening to allow employees to have December 24th off. He knew employees appreciated it last year and he knew they would appreciate it again this year. He wholeheartedly agreed with Council on the work that staff has done over this past year. He congratulated Mr. Merriman on his selection as the new City Manager. Having worked with him over the last three or four years, he knew he was an excellent choice and would do a fantastic job for the City in the future.

Request to amend the Income Tax Rules and Regulations to remove the current requirement for non-resident individuals who provide services FOR the City of Xenia but not WITHIN the City of Xenia to file an annual return. Mr. Bazelak said currently the rules call for a sole proprietor/single owner business that does work for the City, but does not actually work inside the City or have a resident business, to file an income tax return. They think that is an over regulation because it does not even apply to corporate businesses or partnerships. They are requesting that Council eliminate that requirement for sole proprietorships.

Motion by Councilman Louderback, seconded by Vice President Smith, to amend the Income Tax Rules and Regulations as presented. Brief comments followed. Councilman Louderback thought this was a very good move. President Engle agreed. The Roll on this was the following:

Ayes: Smith, Louderback, Mills, Bayless, and Engle
Nays: None motion carried.

Schedule of Bills: Mr. Bazelak presented payment of bills totaling $435,444.44.

Motion by Councilman Louderback, seconded by Mayor Bayless, to approve payment of bills totaling $435,444.44. No discussion followed. The Roll on this was the following:

Ayes: Smith, Louderback, Mills, Bayless, and Engle
Nays: None motion carried.

Items for the Finance Director: Mr. Bazelak had a brief announcement for the residents dealing with estimated taxes, which are due on or before January 15, 2014. He then read the following: “Taxpayers are reminded that if their Xenia tax liability is not fully withheld by their employer, estimated payments equal to 80% of their 2013 tax liability or 100% of their 2012 tax liability are due on or before January 15, 2014 to avoid an underpayment of estimated taxes penalty. A credit for other city tax withheld up to 1.5% is permitted, but in general, to avoid underpayment of estimated taxes penalty, taxpayers working in other taxing cities are required to make estimated payments to avoid penalty. Taxpayers with questions related to estimated payments may use the tax year 2013 required estimated payment calculator on the City’s website or contact the Tax Division at 937-376-7248.”

Law Director’s Office:

Introduction of Ordinances and Resolutions: None.

Second Readings of Ordinances and Resolutions: Mr. Lewis presented an ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF XENIA BY REZONING A 2.98-ACRE AREA OF LAND LOCATED AT 2380 BELLBROOK AVENUE FROM O-1
OFFICE DISTRICT TO B-1 CONVENIENCE SHOPPING BUSINESS DISTRICT, and it was read for a second time.

Motion by Councilwoman Mills, seconded by Vice President Smith, that Ordinance Number 13-64 be now passed. Discussion followed.

Vice President Smith said he met with Mr. Wilson today, took a tour of his facility, and looked at the list of permitted and conditional uses in the B-1 and O-1 Zoning Districts. He understood that at one time the building was a skating rink, which he thought would have activity in the evening with cars coming and going. The B-1 zoning actually eliminated that as a choice and is a little bit restrictive. Tonight Council is voting on a B-1 zoning and not a B-3 zoning. To do the B-3, Mr. Wilson would have to reapply and go through this process again. As a Council, they respect all the opinions of all the citizens, but Council’s job is also to promote the City as a viable community with jobs. Empty buildings do not provide jobs and are actually a nightmare for the City. It is hard to enforce a Code when there is no business owner. He appreciated the tour and the money that Mr. Wilson has already invested in that facility. He thought it was an attractive location, but it does sit off the road. He was surprised when he pulled off U.S. 35 how long it took to get there. He really did not see where many clients would be coming down Berkshire Drive to shop there, because he did not see a lot of traffic going by in the time he was there. Some of the uses for B-1 are retail, grocery store, pharmacy, health store, maybe a fitness center, but it is not factory, body shops, or automotive services, which are the things Council has to take into account when they make their decision.

Councilman Louderback said he put several hours into researching this. He met with neighbors, Mr. Wilson at his facility, the City Planner, the Assistant City Manager, and the Law Director. Some of these are not easy decisions for Council. Council received an email from a citizen asking them to do the right thing and to not listen or give in to the wind of politics. That offended him because if anybody has followed his track record, he does what is good for the City of Xenia and not the wind of politics. If they were going to take the wind of politics into account, the neighbors had 60 to 80 signatures, which are 60 to 80 potential votes vs. one business owner. After reviewing all this for many hours, he will support rezoning the property from O-1 to B-1. If anybody wants to ask him more details, he promised to get back to them. He wanted the public to know that he does not make his decisions based on politics.

Councilwoman Mills said she would support the rezoning to B-1 also. She agreed with Vice President Smith and Councilman Louderback. She felt it is important for the community. She also did her homework and is very confident that the business opportunities that are going to be offered there are not going to be businesses that could potentially disrupt the neighborhood or bring in crime. She is very interested in seeing how this will unfold. She believes this is a positive move for our city and she supports it.

Mayor Bayless said she would be supporting the rezoning change. Although she is sensitive to the neighborhood and understands their fear, she realizes that B-1 zoning is nothing like B-3 zoning, and she would not support B-3. She will support the B-1 zoning for the same reasons that other members of Council have already mentioned.
President Engle agreed with all his colleagues. He thought what they have here is clear evidence that current zoning is not attracting business and not positively contributing to the overall Xenia community. The modest changes that are made that will accommodate a wider range of activities, which may have a future at that site, are worth the risk and investment at this point, so he supports the change as well.

The Roll on this was the following:

Ayes: Smith, Louderback, Mills, Bayless, and Engle
Nays: None  motion carried.

Mr. Lewis presented an ORDINANCE AMENDING PART FOUR – TRAFFIC CODE, TITLE EIGHT: PARKING, CHAPTER 452: PARKING GENERALLY OF THE CODIFIED ORDINANCES OF THE CITY OF XENIA, and it was read for a second time.

Motion by Councilman Louderback, seconded by Vice President Smith, that Ordinance Number 13-65 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Smith, Louderback, Mills, Bayless, and Engle
Nays: None  motion carried.

**Items for the Law Director:** Mr. Lewis thanked Council for giving employees Christmas Eve off so they can enjoy time with their families. He also congratulated Mr. Merriman. He looks forward to working with him and could not imagine a better choice. He commended Council on offering Mr. Merriman the opportunity and looks forward to good things in the future.

**SUMMARY OF ACTION ITEMS:**
- Update on Proposed Recreation Venues (Requested by Councilman Louderback//Assigned to Jim Percival)
- A report on the feasibility of a Vacant Building Ordinance (Requested by Councilman Louderback//Assigned to City Manager’s Office and Law Director). Mr. Merriman said staff is almost prepared for a discussion with Council on the Vacant Building Ordinance. He will be doing some follow up with the Law Department for their review from a policy perspective. They would be prepared to bring this back at the 12/30/13 Council meeting, but because it is not a regularly scheduled Council night and is a significant issue, they want to know if Council wanted to have that discussion this year or at the first meeting in January. Mr. Lewis recommended it be scheduled for the first meeting in January in case there are issues. Council agreed to have the discussion at the January 9, 2014, meeting.
- Quarterly Updates on Economic Development at Council meetings on 04/11/13, 07/11/13, 10/10/13 (completed), 01/09/14 (Requested by Councilman Louderback//Assigned to Steve Brodsky/Jim Percival)

President Engle asked if there were any issues Council would like added to the next Council meeting under “Summary of Actions Items.” There was no response from Council.

If alright with Council, Mr. Merriman said Chief Riggsby was present to provide a quick update on the new MARCS. As Council knows, there has been a lot of activity in the City Hall basement with the switch to MARCS and the changeover.
Chief Riggsby apologized for not being at the meeting earlier, but he was tied up with the radio system. They are up and running at 100% right now and are still working out a few bugs. They started at the Police Division at 8 this morning, went live about 10 a.m. with the Sheriff’s Office, at 3 p.m. with Sugarcreek and Bellbrook, and they are now finishing up the rest of the Fire Departments. The switchover went fairly well and it is sounding good. He wanted to give Council a quick update before they left and let them know that things look really positive.

Mr. Merriman said much work has gone into this by the Fire Chief, Police Chief, the Communications Director, and their staff. It has been a major project and it is a lot of money, but it looks great. He took Councilman Caupp on a tour about a week ago, and he would be glad to do that for other Council members. A lot of work has gone into this major undertaking that is a service that is absolutely essential to the community and he applauded staff’s efforts.

President Engle agreed it was a monumental effort that is now coming to a successful conclusion.

**READING OF COMMUNICATIONS AND DISCUSSION:** Councilwoman Mills knew many people were looking at making yearend donations and often donate to organizations and causes that get worldwide donations. She suggested that they support their city by selecting a project in Xenia that supports Xenians, such as X-Out Hunger, Interfaith Hospitality Network, and/or sponsoring a child in the Youth Recreation Basketball League. There will always be needs in the world, but there are needs in our own community. She reminded everyone to come to Hometown Christmas this Saturday from 4 to 8 p.m. She wished Councilman Louderback “Happy Birthday Wishes” since his birthday is Christmas Day. She thanked the Xenia Area Young Professionals. They had a silent auction and a 50/50 raffle tonight and the proceeds went to X-Out Hunger. Athletes in Action has adopted X-Out Hunger as their Christmas project. Those are two examples of Xenia people supporting Xenia. She wished everyone “A Very Blessed and Merry Christmas.”

Councilman Louderback said Hometown Christmas is this Saturday, and he challenged citizens to make a pledge to purchase at least one Christmas gift from our downtown merchants. Xenia has several gift shops, jewelry stores, a women’s clothing store, and a little bit of everything. Surely people can find one gift to buy to support our local businesses who have had a tough year. He commended the City road crews for the great job they do with keeping our streets clean during snowstorms. He wished everybody a “Merry Christmas.”

Mayor Bayless said she attended the Tree Lighting Ceremony at Greene Memorial Hospital and President Terry Burns asked her to offer greetings on behalf of the City. Mr. Burns then introduced her new family member, her little dog, Bruno, who is a Yorkipoo and weighs 4.8 pounds. They had activities for children, cookies, hot chocolate, organized carolers, and a live Nativity scene. She was invited to attend and speak at Central State University’s Annual Basketball Classic in memory of Xenia’s own Ben Waterman. Mr. Waterman was a coach and teacher and they continue to leave a seat vacant on the bench in his memory. The event was held on Friday and Saturday and Mr. Waterman’s family was there. It was a really nice event in honor of a really great man. He was also an avid golfer and she was his last student. On Sunday, she brought greetings at the installation service of Reverend LeRoy Anthony, the new Pastor at Middle Run Baptist Church, which is the oldest Baptist Church in the State of Ohio. They
welcome Pastor Anthony and his family to Xenia. She wished everyone a “Merry, Peaceful, and Safe Christmas.” Councilman Louderback asked Mayor Bayless to share the Christmas card she received from President Obama. Mayor Bayless shared the cards she received from President Obama and Vice President Biden. President Engle thanked Mayor Bayless for representing the City on behalf of her colleagues.

Vice President Smith noted as Councilman Louderback said earlier, Council has to make decisions and no matter how they vote, they disappoint people. He reminded citizens the next Council meeting will not be Thursday, December 26; it was moved to Monday, December 30th and he believed Mr. Percival would attend. The Xenia School System is in transition right now. It is always a tough situation when there is outgoing leadership and dissension. He reminded everyone that X*ACT’s performance of “The Modern Christmas Carole” is this weekend on December 13, 14, and 15. Friday night’s performance is sold out, but there is a matinee on Saturday and Sunday and a Saturday evening performance at 7:30 p.m. President Engle’s daughter is in the performance as are two of his daughters, Madison and Elizabeth. When he left work last Friday evening, the roads in the Township were terrible, but as soon as he got into the City of Xenia, they were better, so our road crews are working hard. He was disappointed that Councilman Long is not here tonight since he is a Pittsburgh fan. He wanted to say "Who Dey!" He has attended every Bengals home game this year and there are only two more home games. They have a big game Sunday night at 8:30 p.m. against Pittsburgh. He wished everybody and City staff a “Merry Christmas and Happy New Year” and thanked them for all they do.

Echoing what Vice President Smith said about X*ACT, President Engle noted there is a large cast of 34 or so of our young people from within Xenia and the surrounding area who have done a fantastic job on “The Modern Christmas Carole.” His daughter is playing Ebenezer Stone’s mother. X*ACT is doing great things, putting on exceptional productions, and seeing an uptick in their attendance, so please continue to come and support them. He joined all his colleagues in wishing everyone a “Merry Christmas” or whatever holiday you celebrate this season. Please be careful and watch out for one another. As he mentioned at a previous meeting and as Councilwoman Mills and others have said, please reach out and do something for someone in your community. It is truly the time of year to be especially grateful and generous if you can.

Councilman Louderback congratulated President Engle and his wife, Lynn, for being elected to the X*ACT Board of Directors. They are a great addition to that Board. President Engle thanked Councilman Louderback for his comment. He and his wife are honored to serve.

**ADJOURNMENT:** Motion by Councilman Louderback, seconded by Vice President Smith, to adjourn the Regular Session at 8:25 p.m. No discussion followed. The Roll on this was the following:

Ayes: Smith, Louderback, Mills, Bayless, and Engle
Nays: None motion carried.

Michelle D. Johnson, City Clerk
Xenia City Council

Michael D. Engle, President
Xenia City Council
The Xenia City Council met in a Regular Session on December 30, 2013, at 7:02 p.m., in the City Council Chambers, City Hall, with the following members present: John Caupp, Dale Louderback, Joshua Long, Jeanne Mills, Marsha J. Bayless, and Michael D. Engle.

Wesley Smith was absent.

INVOCATION: Reverend Kenneth Moore, Pleasant Grove Missionary Church, gave the invocation after which all joined in the Pledge of Allegiance.

Motion by Councilman Long, seconded by Councilwoman Mills, to excuse Vice President Smith from the meeting. No discussion followed. The Roll on this was the following:

Ayes: Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

SPECIAL PRESENTATION: Downtown Xenia Now ~ Winners of Xenia Hometown Christmas Window Decorating Contest to be Announced. President Engle invited Sue Hunt from the Downtown Xenia Now Committee to the podium. Ms. Hunt invited the winners of the Christmas Window Decorating Contest who were present to join her at the podium. Downtown Xenia Now held Hometown Christmas on December 14th. She noted next year’s event would be held on December 13, 2014. She said it took them about a week of deliberations to decide who won first place and they decided it would be a tie. She thanked Xenia Glass and Lock for their generous donations of cash prizes for the winners. The first place prize was to be $300; second place prize was to be $150; and third place prize was $75. Since there was tie for first place, they decided to split the first and second place prize money and give each of the two winners $225. The first place tie goes to T. Lane Designs, Ltd. and Tori Layne is present to accept that. (Applause followed.) The Dodds Monuments window, which was decorated in a Charlie Brown Christmas theme by the Xenia Library, also won first place. Neil Fogerty told her that Dodds Monuments was donating the money to the Friends of Xenia Library. (Applause followed.) Tiffany Jewelers won third place, and Jill Adkins is representing them tonight. (Applause followed.)

Ms. Hunt thanked Mayor Bayless for being one of their celebrity judges, along with Gabrielle Enright, Cedarville University Professor Scott Calhoun (former window decorating chair and manages the Xenia Eats Facebook group), and Xenia High School Arts teacher Rob Richards. She congratulated all the winners and hopes they participate in the event next year. She also hopes they encourage other downtown businesses to participate.

Mayor Bayless said the window judging was probably one of the hardest things she has had to do!

President Engle thanked everyone who participated in the event. It really was nice seeing all the windows decorated.
APPROVAL OF MINUTES: Motion by Councilman Louderback, seconded by Mayor Bayless, to approve the December 12, 2013, Executive/Regular Session minutes as written. No discussion followed. The Roll on this was the following:

Ayes: Louderback, Mills, Bayless, and Engle
Abstain: Caupp and Long
Nays: None  motion carried.

AUDIENCE COMMENTS: President Engle explained the procedures for audience comments and invited anyone who wished to speak to come forward. No one came forward to speak.

REPORTS OF COMMITTEES:

Planning & Zoning Commission: Councilman Long said their December meeting was cancelled due to lack of agenda items. The next meeting is Thursday, January 2nd, at 7 p.m.

Mayors & Managers: Mayor Bayless said they did not have a meeting; they had their Christmas party at the Kettering Towers in downtown Dayton.

Miami Valley Regional Planning Commission: Councilman Louderback said the MVRPC Board of Directors met on December 5th and one thing that stood out was something MVRPC has done before. They adopted a Resolution strongly opposing the passage of House Bill 5 by the Ohio General Assembly. He will not go through HB 5, but he will leave copies of highlights of the Memorandum. Again, they strongly oppose HB 5.

ITEMS FROM CITY COUNCIL AND MAYOR: None.

REPORTS OF CITY OFFICES:

City Manager’s Office: Mr. Percival respectfully requested that they handle the first item under the Finance Director’s Office as the first item under the City Manager’s Office.

Emergency Ordinance to adjust the 2013 Appropriation Ordinance. Mr. Percival noted that at the end of every year, Council is asked to pass an emergency appropriation ordinance to allow staff to make transfers to have funds available for the final personnel and operating costs in order to balance the books at the end of the year. He respectfully requested that Council pass an emergency Ordinance to make adjustments in appropriations for current expenditures of the City of Xenia, Ohio for the fiscal year ending December 31, 2013.

Councilman Louderback presented an ORDINANCE AMENDING ORDINANCE 12-53 TO MAKE ADJUSTMENTS IN APPROPRIATIONS FOR CURRENT EXPENDITURES OF THE CITY OF XENIA, OHIO DURING THE FISCAL YEAR ENDING DECEMBER 31, 2013, AND DECLARING AN EMERGENCY.

Motion by Councilman Louderback, seconded by Councilwoman Mills, that the rules requiring the reading of an ordinance at two consecutive meetings be dispensed with and this ordinance be placed at once upon its passage. No discussion followed. The Roll on this was the following:

Ayes: Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.
Motion by Councilman Louderback, seconded by Councilwoman Mills, that Ordinance Number 13-66 be now passed. No discussion followed. The Roll on this was the following:

Ayes: Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

**Rejection of Bid for Massie Wellfield and Remote SCADA Project.** Mr. Percival noted they received only one bid for this project on December 17, 2013, and unfortunately, it was well above the budgeted amount. Staff is currently reviewing the specifications and hope to re-bid the project in early 2014. He respectfully requested that Council reject the sole bid and authorize staff to rebid the project.

Motion by Councilman Caupp, seconded by Councilman Long, to reject the sole bid received on December 17, 2013, for the Massie Wellfield and Remote SCADA Project and authorize staff to rebid the project. No discussion followed. The Roll on this was the following:

Ayes: Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

**Award of Bid to Establish an Authorized Vendor List for Fuel Purchases.**
Mr. Percival noted the City must generate a list of approved vendors for wholesale gasoline and diesel fuels for its fleet. They requested proposals, and six vendors submitted requests and met City specifications as follows:

- Petroleum Traders of Fort Wayne, Indiana
- R.D. Holder Oil Company of Springfield, Ohio
- Hartley Oil Company of Jamestown, Ohio
- Earhart Petroleum of Troy, Ohio
- TruPointe Cooperative of Xenia, Ohio
- Heritage Petroleum, LLC of Albion, IN

Mr. Percival respectfully requested that Council authorize the establishment of the 2014 Authorized Fuel Vendor List.

Motion by Councilman Louderback, seconded by Mayor Bayless, to authorize the establishment of the 2014 Authorized Fuel Vendor List to include Petroleum Traders, RD Holder Oil, Hartley Oil, Earhart Petroleum, TruPointe Cooperative, and Heritage Petroleum. Brief comment followed.

President Engle said he was very pleased to see a Xenia vendor on the list as their audience always wants them to buy local, and this is an opportunity for them to do so. Mr. Percival noted that beginning a few years ago, the City began purchasing propane from TruPointe of Xenia, so the City [already] does a lot of business with them. President Engle said he was glad to hear that and was sure the rest of Council was as well.

The Roll on this was the following:

Ayes: Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.
Emergency Resolution authorizing the City Manager to execute a Change Order with SRW Environmental, Inc. for the OVCH Clean Ohio Revitalization Fund (CORF) grant and establish a new Not-to-Exceed contract amount. Mr. Percival noted in September 2012, the City contracted with SRW Environmental Services Inc. to complete bid specifications and conduct project oversight for the Clean Ohio Revitalization Fund (CORF) grant project at the former Ohio Veterans Children’s Home (OVCH) campus. He noted there is no money coming out of the City’s coffers for this project; this is simply a pass through from the State of Ohio, but they must account for the funds properly.

Mr. Percival respectfully requested that Council take two actions:

Action 1. Authorize him to execute a Change Order in the amount of $33,275.00 with SRW Environmental Inc. for the OVCH CORF project and establish a new Not-to-Exceed amount of $339,435.00.

Action 2. Pass an Emergency Resolution to authorize a payment in excess of the amount allowable on a Then and Now Statement to SRW Environmental Inc. in the amount of $37,296.08.

Motion by Councilman Long, seconded by Councilman Caupp, to authorize the City Manager to execute a Change Order in the amount of $33,275.00 with SRW Environmental Inc. for the OVCH CORF project and establish a new Not-to-Exceed amount of $339,435.00. No discussion followed. The Roll on this was the following:

Ayes: Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

Councilwoman Mills presented a RESOLUTION AUTHORIZING THE PAYMENT AMOUNT NOT TO EXCEED $37,296.08 TO SRW ENVIRONMENTAL INC. FOR PROFESSIONAL SERVICES RELATED TO THE OVCH CAMPUS CLEAN OHIO REVITALIZATION FUND GRANT, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Councilwoman Mills, seconded by Councilman Louderback, that the rules requiring the reading of a resolution at two consecutive meetings be dispensed with and this resolution be placed at once upon its passage. No discussion followed. The Roll on this was the following:

Ayes: Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

Motion by Councilwoman Mills, seconded by Councilman Louderback, that Resolution Number 13-KK be now passed. No discussion followed. The Roll on this was the following:

Ayes: Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None  motion carried.

Emergency Resolution authorizing the City Manager to execute a Change Order with Environmental Management Specialists, Inc (EMS) for the Hooven & Allison Cordage Company Clean Ohio Revitalization Fund (CORF) grant and establish a new Not-to-Exceed contract amount. Mr. Percival noted they discussed this previously, but there are a few
changes. The engineering firm evaluated the smokestack, and it will cost $244,000 to stabilize it in addition to ongoing maintenance costs. The cost of demolition is $44,000. Therefore, their recommendation is to demolish the smokestack due to the cost differential. Secondly, Building Two, which is the main building along Grove Avenue, was to be remediated and redeveloped, and Environmental Management Specialists (EMS) evaluated that building and determined that structural stabilization would be required including driving pilings into the ground to save the building. However, once EMS got into the building, they determined that those improvements would not be enough to stabilize the building. The cost to do the structural stabilization is exactly the same cost as it would be to demolish the building, so they recommend demolition which would result in a completely clean industrial site.

Mr. Percival respectfully requested that Council pass an emergency Resolution authorizing him to execute a Change Order in the amount of $44,650.00 with Environmental Management Specialists, Inc. for the H&A CORF project and establish a new Not-to-Exceed amount of $2,815,056.50.

Mayor Bayless presented a RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CHANGE ORDER WITH ENVIRONMENTAL MANAGEMENT SPECIALISTS, INC. FOR THE H&A CORF PROJECT AND ESTABLISH A NEW NOT-TO-EXCEED AMOUNT OF $2,815,056.50, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Mayor Bayless, seconded by Councilman Caupp, that the rules requiring the reading of a resolution at two consecutive meetings be dispensed with and this resolution be placed at once upon its passage. Discussion followed.

Regarding the tower, Councilman Louderback said there is a lot of history at Hooven & Allison, which is where his father worked, but the cost to save it is out of the question in these economic times. If there is anybody out there with $250,000, he would love to see it made into a monument, but that is just his “pie in the sky” theory. If they demolish the tower, he asked if the bricks could be saved for citizens, noting that he would like one himself. Mr. Percival said they have already planned to save some of those bricks.

Mr. Brodsky said on some of the buildings that have already been demolished, the contractor has set aside some of the clean bricks where they removed the asbestos, etc. They want to save some of the best bricks for the Greene County Historical Society, but there are other bricks available. Citizens will also be allowed to come onto the site within a few weeks and (1) get the bricks if they want to do that; and (2) take some pictures of the smokestack prior to its demolition.

Councilman Louderback said several artists have contacted him, and they are waiting to do that because Mr. Brodsky told him it was unsafe to go onto the site. Mr. Brodsky said there are many ongoing activities right now, including cleaning out the area that suffered the fire damage, so there is a lot of heavy equipment in and out of the site. They would like to set aside one day where folks can come to an area the contractor has identified as safe for them so they can take pictures, etc., rather than constantly having the work disrupted. They have been meeting with the contractor and the Fire Department to get various permits. Tentatively, the smokestack is scheduled to be demolished on January 25th. Part of what they are discussing is where to have a safe viewing area for the public so they can see the demolition without any obstruction.
Councilman Caupp asked what time frame they are looking at for cleanup of the site. It looks like the buildings are coming down, but that rubble has been laying out there and not being hauled off. Mr. Brodsky said the contaminated portion has been hauled off. What is left is going to be crushed on site and reused as aggravate for fill. They have to bring in a machine to do the crushing, and they wanted to wait until everything is down that has to be crushed because the machine is very expensive to rent. Once Building 2 (the main building) is demolished, which should be within the next two weeks, they will bring in the crusher, and those piles will go away.

Since all the buildings are being demolished, Councilman Caupp clarified when the contractor leaves the site there would be no fencing or nothing left on the site except an empty piece of ground. Mr. Brodsky said the one building they are not demolishing is Building 6, which is the blue steel building. They have discussed the possibility of dismantling and storing Building 6 since it is a pre-engineered building, but that is the only building that would remain. Other than that, it will be a clean 21-acre site. To refresh everyone’s memory, that is clean to commercial standards. They will not be able to build any residential housing on that land because of the restrictive covenants that will be in place as part of the grant.

Councilman Louderback noted the City of Xenia got in under the gun on Clean Ohio Revitalization Fund (CORF) Funds for H & A and for the OVCH properties because the State of Ohio has greatly reduced those funds. He appreciated staff’s due diligence on that. If they tried to get CORF this year, he was afraid they would not get them. Mr. Brodsky said they would not have been grants—they would have been loans. Councilman Louderback agreed.

Councilwoman Mills asked if there would be a Press Release to let people know when they can take pictures of H & A and get the bricks. Mr. Brodsky said they would do a media release through the normal channels (City’s Facebook page and Website, government channel, local media, etc.). The contractor will also post something near the front entrance. Again, due to safety concerns, their desire is that people are not wandering through the large site.

The Roll on this was the following:

Ayes: Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

Motion by Mayor Bayless, seconded by Councilman Caupp, that Resolution Number 13-LL be now passed. No discussion followed. The Roll on this was the following:

Ayes: Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.

Retroactive Emergency Appropriation Ordinance and Emergency Resolution to pay a Then and Now for Enrollment Management Services. Mr. Percival noted on October 29th Council engaged Enrollment Management Services and said they would come back to Council to let them know what they were able to accomplish. They were able to save about $100,000 for the City, so with their $70,000 contract fee, the net savings was $30,000. Regarding the potential risk reduction (reduction in claims dollars) compared to last year, they were able to potentially reduce claims risk by over $950,000. Fifty families or individuals were able to transition to other insurers. Forty-two (42) of the 50 people (mostly spouses) went to their employers’ plans. One of
the goals they hoped to accomplish was to spread out the risk a little bit rather than the City of Xenia taking all the risk. They still have some employees that they need to work with. The long-term goal was to come back hopefully next year with a self-insurance option, which would save the City significantly more dollars.

Mr. Bazela added they were also able to help many families and employees, which that alone made it worthwhile, aside from the financial benefit that they hope to see in the future.

Mr. Percival respectfully requested that Council take two actions:

**Action 1**: Pass an Emergency Ordinance approving the requested supplemental appropriation for contractual services retroactive to November 1, 2013, at a Not-to-Exceed amount of $17,508.

**Action 2**: Pass an Emergency Resolution to authorize the payment in excess of the amount allowable on a Then and Now Statement to *Enrollment Management Services* in an amount not to exceed $17,500.

Councilwoman Mills presented an ORDINANCE AMENDING ORDINANCE 12-53 TO MAKE ADJUSTMENTS IN APPROPRIATIONS FOR CURRENT EXPENDITURES OF THE CITY OF XENIA, OHIO DURING THE FISCAL YEAR ENDING DECEMBER 31, 2013, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Councilwoman Mills, seconded by Councilman Louderback, that the rules requiring the reading of an ordinance at two consecutive meetings be dispensed with and this ordinance be placed at once upon its passage. No discussion followed. The Roll on this was the following:

**Ayes**: Caupp, Louderback, Long, Mills, Bayless, and Engle  
**Nays**: None  
Motion carried.

Motion by Councilwoman Mills, seconded by Councilman Louderback, that Ordinance Number 13-67 be now passed. No discussion followed. The Roll on this was the following:

**Ayes**: Caupp, Louderback, Long, Mills, Bayless, and Engle  
**Nays**: None  
Motion carried.

Councilman Louderback presented a RESOLUTION AUTHORIZING A PAYMENT AMOUNT NOT TO EXCEED $17,500.00 TO *Enrollment Management Services* FOR CONSULTING SERVICES ON THE CITY’S HEALTH INSURANCE PROGRAM, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Councilman Louderback, seconded by Councilman Long, that the rules requiring the reading of a resolution at two consecutive meetings be dispensed with and this resolution be placed at once upon its passage. Brief discussion followed.

Councilman Caupp asked how many employees are still on the City’s health insurance. Mr. Percival said he did not have that information with him. He did know they were able to move 13 employees from family coverage to single coverage; four employees from family to employee with children; two employees from family to employee’s spouse; 20 employees
waived family coverage altogether; and two employees waived single coverage altogether. He offered to make a copy of the report for Councilman Caupp.

The Roll on this was the following:

Ayes:  Caupp, Louderback, Long, Mills, Bayless, and Engle  
Nays:  None  motion carried.

Motion by Councilman Louderback, seconded by Councilman Long, that Resolution Number 13-MM be now passed. No discussion followed. The Roll on this was the following:

Ayes:  Caupp, Louderback, Long, Mills, Bayless, and Engle  
Nays:  None  motion carried.

Emergency Ordinance to make Interim Appropriations for current expenses and other expenditures for the City of Xenia, Ohio, during the Fiscal Year beginning January 1, 2014. Mr. Percival said this is the Interim Appropriations Ordinance for 2014. They hope to bring back the final Appropriations Ordinance at the first meeting in January.

Mayor Bayless presented an ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF XENIA, OHIO, DURING THE FISCAL YEAR BEGINNING JANUARY 1, 2014, AND DECLARING IT TO BE AN EMERGENCY.

Motion by Mayor Bayless, seconded by Councilman Louderback, that the rules requiring the reading of an ordinance at two consecutive meetings be dispensed with and this ordinance be placed at once upon its passage. No discussion followed. The Roll on this was the following:

Ayes:  Caupp, Louderback, Long, Mills, Bayless, and Engle  
Nays:  None  motion carried.

Motion by Mayor Bayless, seconded by Councilman Louderback, that Ordinance Number 13-68 be now passed. No discussion followed. The Roll on this was the following:

Ayes:  Caupp, Louderback, Long, Mills, Bayless, and Engle  
Nays:  None  motion carried.

Items for the City Manager: Mr. Percival wished everyone a “Very Happy New Year” and to have fun and be safe.

Finance Director’s Office: Mr. Bazelak said the Final Appropriations Ordinance for the year was handled as the first item under the City Manager’s Office.

Introduction of a Resolution authorizing the Finance Director to procure from the County Auditor advance payment of taxes collected in 2014. Mr. Bazelak said that as taxes are paid to the Greene County Auditor, this Resolution will allow them to collect those funds in advance of our normal settlement. He respectfully requested introduction of the Resolution.
Councilman Louderback introduced a RESOLUTION AUTHORIZING THE ADVANCE PAYMENT OF TAXES FROM THE FEBRUARY AND AUGUST SETTLEMENTS FROM THE GREENE COUNTY AUDITOR FOR THE CALENDAR YEAR 2014, and it was read for the first time.

**Schedule of Bills:** Mr. Bazelak presented payment of bills totaling $819,633.22.

Motion by Councilman Louderback, seconded by Mayor Bayless, to approve payment of bills totaling $819,633.22.

- Page 11, Pollardwater.com for a freeze machine at $3,147.08. Mayor Bayless asked what a freeze machine is. Mr. Percival thought it was something to thaw out frozen water meters and lines.

No discussion followed. The Roll on this was the following:

Ayes: Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None   motion carried.

**Items for the Finance Director:** None.

**Law Director’s Office:**

**Introduction of Ordinances and Resolutions:** None.

**Second Readings of Ordinances and Resolutions:** None.

**Items for the Law Director:** None.

**SUMMARY OF ACTION ITEMS:** President Engle thought they were up to date on most of the items.

- Update on Proposed Recreation Venues (Requested by Councilman Louderback//Assigned to Jim Percival).
- A report on the feasibility of a Vacant Building Ordinance – scheduled for 01/09/14 Council Work Session. (Requested by Councilman Louderback//Assigned to City Manager’s Office and Law Director). **President Engle noted Council is expecting the Vacant Building Ordinance to be presented at the first meeting in January.**
- Quarterly Updates on Economic Development at Council meetings on 04/11/13, 07/11/13, 10/10/13 [completed], 01/09/14) (Requested by Councilman Louderback//Assigned to Steve Brodsky/Jim Percival). **Mr. Percival suggested they push this report back to January 23rd.** President Engle agreed to do that.

President Engle asked if there were any issues Council would like added to the next Council meeting under “Summary of Actions Items.” There was no response from Council.

**READING OF COMMUNICATIONS AND DISCUSSION:** Councilwoman Mills, Councilman Caupp, and Councilman Louderback wished everyone a “Happy New Year!”

Councilman Long said his family said they were going to watch tonight’s meeting, so he wished his wife and son “Happy Birthdays” and everyone a “Happy New Year!”
Mayor Bayless said she attended the annual Austria Christmas Party held at St. Brigid. The Xenia Adult Recreation and Services Center selected Linda McEachern as Senior Citizen of the Year for 2013. Ms. McEachern is a really faithful person and very involved in the community, and she congratulated her. She thanked everyone who helped make the Hometown Christmas event possible. Although the weather was not very favorable, it was really well organized and great fun. Four food vendors came and she had pumpkin soup for the first time, which was very good. Her little dog Bruno loved the festivities and he even got to sit on Santa’s lap! She was a door judge at the Walter Sellers Apartments. Many of the residents decorated their doors and some even had lights around their doors, and she really appreciated their Christmas spirit. As mentioned earlier, she was also a judge for the Window Decorating Contest for downtown businesses, which was very difficult. She appreciated those businesses for getting involved. She congratulated Sandy Fackler, Law Department Management Analyst, who celebrated her retirement today from the City of Xenia. Ms. Fackler was very knowledgeable and will be missed. She then wished everyone a “Happy New Year!”

Councilman Caupp said he forgot to wish Councilman Louderback a “Happy Birthday”; his birthday was on Christmas Day.

President Engle congratulated Sandy Fackler on her retirement after 17½ years of dedicated service to the City. He wished Councilman Smith a speedy recovery since he is not feeling well today. He encouraged everyone who may choose to partake in alcoholic beverages on New Year’s Eve to have a plan. For those who do not have plans for New Year’s Eve, he encouraged them to come to X*ACT for their first New Year’s Eve celebration starting at 9:30 p.m. where there will be music, games, dancing, wine tasting, beer, a midnight champagne toast, and heavy hors d'oeuvres sponsored by Caesar Creek Vineyards and Rooster's Wings. They are getting some excellent sponsorship from local businesses, and he believed X*ACT and the people participating tomorrow will have a great time. Tickets for this arts fundraising event are $25. He congratulated all of the City’s Appointed Officials, Department Heads, and every member of the City. He thought this has been an exceptional year, much has been accomplished, much hard work and planning has been done, and they have charted themselves a course for a very successful 2014 and beyond. His hat is off to all three Appointed Officials and all the people they lead. He wished everyone a very safe, happy, and prosperous 2014.

**ADJOURNMENT:** Motion by Councilman Louderback, seconded by Councilman Long, to adjourn the Regular Session at 7:39 p.m. No discussion followed. The Roll on this was the following:

Ayes: Caupp, Louderback, Long, Mills, Bayless, and Engle
Nays: None motion carried.