XENIA CITY COUNCIL
REGULAR MEETING
JUNE 25, 2026

SPECIAL SESSION

(1) CALL TO ORDER: President Smith called the Special Session to order at 5:00 p.m. at the City Administration Building, 107 E. Main Street, Xenia.

(2) ROLL CALL: Vice President James Crawford, Councilwoman Faith Sorice, Councilman JD Mackiewicz, Councilwoman Rachel Huffman, Councilman Jesse Rubio, Mayor Ethan Reynolds, and President Wesley Smith.

Staff Present: City Manager Brent Merriman, Finance Director Ryan Duke, Law Director Donnette Fisher, and City Clerk Amy Brown.

Charter Review Commission Members Present: Chair Nancy McPeak, Vice Chair Chelsey Garrett, Howard Horstman, Thomas Scrivens, and Councilwoman Faith Sorice.

President Smith stated the Charter Review Commission (CRC) members would be voting on the approval of the June 9, 2026, Charter Review Commission meeting minutes.

Motion by Mr. Horstman, seconded by Councilwoman Sorice, to approve the June 9, 2026, CRC meeting minutes as written. The Roll on this was the following:

Ayes: Garrett, Horstman, McPeak, Scrivens, Sorice
Nays: None motion carried.

(3) DISCUSSION: Review of 2026 Xenia Charter Review Commission Report

Ms. Fisher noted the CRC members divided up the amendments, so each of the members had been assigned a different amendment to present for discussion. They would be making their presentation to Councilmembers, and the goal was for the CRC members to answer any questions Councilmembers had about the recommendations they were making.

Recommended Amendment #1

Mr. Horstman reviewed Amendment #1 concerning real property. Right now, property acquisition sales regarding real estate required a City ordinance. Because of the timeline, which required public input and a 30-day waiting period, it took about two months to move on a piece of real estate. Normally, that should not be a big deal, but when it came to tax delinquencies, the goal was to try to get those properties back into private hands as soon as possible. To try and reduce that delay, the proposal would be to remove the ordinance requirement for actions dealing with real estate, and have a resolution instead. The CRC members thought it was important to maintain the public input aspect, so while it would shorten the timeline to get real estate into private hands in the case of tax delinquencies, it would still give the public an opportunity for input, which normally resolutions did not require.

Councilman Mackiewicz asked if this was for only tax delinquent properties. Ms. Fisher said it would be any property. Mr. Horstman noted the anticipation was if a good deal came up on a piece of property, that person might not want to wait 60 days to sell it. Mr. Merriman said there could also be situations where the City was involved in a land transaction as a pass-through to take advantage of certain liberties that the City had. Those types of transactions were sometimes delayed because of the legislative process that was required. The public hearing process would still be a part of this, and they were not discouraging public input. This was just truncating the approval process, mostly to eliminate that 30 days to allow for a more timely transaction process.

Recommended Amendment #2

Ms. Garrett said there were currently no provisions made in the charter as to when elections for offices were to occur. In the proposed revision, it would keep the terms for members of Council and Mayor at four years each; however, those terms would be staggered. The members believed this approach would create more stability and less turnover. The current pattern was 4-3, where there were two seats of Council and the Mayor in one cycle, and then four seats of Council in the next cycle. The proposed new pattern would be 3-2-2, and the goal was the next election year in 2027, two members would run for their typical four-year term, and two members would be on a three-year term. This would only be a one-time adjustment until everyone cycled through, and just a one-year break in between was suggested for less turnover and more consistency. Mr. Horstman said this was admittedly a big change, as current Councilmembers were all beneficiaries in the current system. However, one of the rationales was to try and avoid a large loss of members or experience in one election cycle. Not long ago, there was a majority turnover in one election cycle, so there was a period of time where there were only two people on Council with more than a couple years of experience. That was kind of concerning because with a City growing like Xenia was, there should be an experienced base of members in place. The current cycle gave citizens two chances for input on City Council, and under this proposal on a four-year cycle, citizens would get three chances. This could encourage more participation, and the idea was to try and avoid a large loss of members or experience in one election cycle. Mr. Scrivens noted it would also preserve institutional memory, because there would always be at least two people who had been there at least two or more years.

Councilman Mackiewicz asked if the candidates would either file for a three-year or four-year term for the 2027 election. Ms. Fisher stated the way the language was written would be the top two vote getters would get the four-year terms, and the third and fourth vote getters would be the two three-year terms. When the CRC first looked at this in 2021, they looked at every type of possible pattern that could be used for elections, and decided on this. But, it would just be that one election, and it would be the third and fourth vote getter who would lose one year each on their terms, and the next election it would be back to four years. Mayor Reynolds confirmed those candidates would lose one year of their term, and he was also concerned with tying it directly to a gubernatorial cycle. While the City had a non-partisan charter, tying this process directly into a partisan election, which would be the next gubernatorial election in 2030, it would be tied into the partisanship. Ms. Fisher did not think there was any discussion to tie this into the partisan elections. Mayor Reynolds said that might not have been discussed, but it ultimately would be that. Vice President Crawford commented that was an unintended effect. Mayor Reynolds concurred, and noted that everyone ran on a partisan label already, but this would even be more so. He did

not like that it would be more partisan that it already was. Mr. Scrivens said no one would care about the other names on the ballot, because this was a non-partisan election. Mayor Reynolds said it would become partisan by both political parties. There was a brief discussion about election cycles, partisanship, and unforeseen consequences. Mr. Scrivens noted that since the CRC was a non-partisan commission, they did not even consider partisanship in terms of the City's non-partisan election, and that did not control how they made their decision. Vice President Crawford understood, and noted the members came up with a resolvable piece for what they saw to be a problem. Mr. Horstman said they were looking at local government, and how to avoid a large loss of institutional knowledge in one election cycle. Mayor Reynolds noted Council would discuss it further. Councilman Mackiewicz agreed with Mayor Reynolds, but that could also mean the possibility of a majority of new people potentially with very different ideas. Mayor Reynolds stated that was what elections were for. If the voters voted everyone out, they were determining they wanted a change, and that was on the Councilmembers that had failed to convince voters to reelect them. Ms. Garrett noted the fear was it could cause the City to lose momentum because there was a learning curve for new Councilmembers. Mayor Reynolds understood, and it was a problem the members found a decent solution to. He was okay with the 4-3 as they had it now. As far as he could go back, which was 1993, it had been a 4-3 system, and he liked the way it was. Mr. Merriman noted one of the things discussed was a previous circumstance that concerned the current rule of the two years' experience required for eligibility for Council President and Vice President, and there were only two Councilmembers that met that provision. Councilmember Mackiewicz asked Mayor Reynolds if he would still be concerned if this were reworked to begin in odd years. Mayor Reynolds stated he liked the system they had currently.

Recommended Amendment #3

Ms. McPeak said this amendment concerned pay raises. She knew Councilmembers were not paid well, and this proposal would allow them to at least get some credit towards their Ohio Public Employees Retirement System (OPERS) account. Councilmembers would not be voting for their own pay raise, and she did not know how long it had been since they actually had to vote for a pay raise. Mr. Duke noted it was every four years. Ms. McPeak knew the public would love that Councilmembers would have no control over the pay raise because it would be set by OPERS. Mayor Reynolds agreed with Ms. McPeak. President Smith asked what the salary for Council would be compared to now. Ms. Fisher said she tried to look at what the salaries would be for the year, and she noted Councilmembers were not allowed to take an in-term increase on their salary because it was an ethics violation. Part of what this amendment would do was it would get Councilmembers on the same playing field as each other, because right now, they were making different salaries. Mr. Scrivens noted it was an embarrassing amount by any measure. Mr. Duke said the increase would be over a three-year period for all seven members, and it would cost about $100,000 total for that increase. It would be tied into the OPERS monthly minimum amount, and OPERS based that amount on what township trustees made. Ms. Fisher said in 2021, the CRC said Council salaries were something that needed to be addressed, but they chose not to address it at that time because there were so many other recommended changes. This time, the CRC members did look at a lot of different options, but they thought this was most fair. Since they were paying into OPERS and serving as public servants but not getting the credit with OPERS for serving, this would address that as well. Current Council pay in comparison to surrounding communities was almost at the very bottom. Mayor Reynolds thought Ms. McPeak was right, because voters would

love the idea, and the pay raises would be locked in. Mr. Scrivens noted that would depend on how well that message was communicated. Vice President Crawford stated after the pay raise, it would put Councilmembers in line with other communities. Mr. Scrivens concurred. There was a short discussion about surrounding communities and their Council pay.

President Smith asked if these amendments would be presented to the voters separately or together. Ms. Fisher said that would be up to Council. Mr. Horstman stated in his opinion, Council would still be vastly underpaid, but it was an improvement over the current system. Mr. Duke said the OPERS credit would be tied to the township schedule, which was in state law and evaluated on a regular basis, so it was an objective metric. Mr. Merriman said the biggest challenge would be explaining it to people. The Commission did a great job of looking at a lot of different options and trying to find something that could be politically acceptable with the populous. There was some independence created from the Council and how it tied to OPERS, but staff agreed this was the best approach that was sellable to people, if they understood.

Ms. Fisher said when Council had their discussion about which of these amendments they wanted to present, they would decide if it was best to present them together or separately. There was a brief discussion about how amendments were presented during the last Charter Review process. Mr. Horstman was concerned if this amendment was split for its own separate vote, he did not see it passing. If this was put as a packaged item with the other amendments, it made more sense. The CRC members wanted to focus on the fairness aspect, because what Councilmembers did was at least as important as what the township trustees did. Even more so. Councilmembers ought to at least get what the township trustees got.

Recommended Amendment #4

Councilwoman Sorice noted within 30 days of presentation of the operating budget and Capital Improvement Plan to Council, the Council may approve the proposed estimated operating budget and Capital Improvement Plan by procedural motion as opposed to an administrative motion. Ms. Fisher said this was basically just a correction of a typo from the charter amendments in 2022. That administrative language was missed. Mr. Merriman noted Council did procedural motions instead of administrative motions; it was the same thing, just properly titled.

Recommended Amendment #5

Mr. Scrivens said under Ohio law, the City had the authority to provide, by charter, the process for the nomination and election of officers. The Commission was recommending that the City establish its own process and methods for nomination to City office in order to help preserve the non-partisan nature of City elections. The Commission also recommended adding language to clarify the City's elections were conducted at-large rather than by ward or party. There had been language in this section that was struck, and any added language was underlined. The Commission recommended several amendments in the section to clarify the required form of nominating petitions to retain the 75 signature requirement. This would clarify that a sworn statement from the petitioner was circulated, and there were amendments to expand the charter's current provisions by adding petition requirements that largely mirrored state law. Most importantly, that section would make it clear that City Council, not the county Board of Elections (BOE), must approve the petition form. This section would also add a detailed statement of candidacy requirements for

candidates seeking office by nomination. Although the existing charter briefly referenced that statement in §11.02(6), the proposed amendments explained the requirement more fully and aligned with state law. Ms. Fisher noted most of what was in this amendment mirrored state law. The major changes were state law said 50 signatures, but the City had always required 75, so the Commission recommended keeping that at 75. State law currently said that nominating petitions were to be set by the Ohio Secretary of State, but City charter currently said the form was to be created by the BOE. The Commission was recommending that Council approve and set their own form, so there would actually be a nominating petition that said 75 signatures were required. The petition that was handed out at the BOE said 50, and there were some issues several years ago. Mr. Merriman noted the BOE misadvised candidates on the number of signatures required, because the charter was different from what the state required.

Ms. Fisher stated one of the things not currently addressed in the charter was recall. All the charter said about recall was that the provisions of Chapter 705 were fine. Recently, Fairborn had an election on their charter amendment because of a recent case that came out of the Ohio Supreme Court. The case was Maumee versus Lucas County, and the Ohio Supreme Court said the reference to Chapter 705, as what was in the City's charter, was not enough to create the right of recall for a municipality's citizens. If something was not put in the charter specifically as to recall, there was a very strong argument that residents did not have a right to recall. The suggestion was to follow the recall provision in state law with the exception that the person had to serve at least six months of their term before a recall petition could be filed against them. Mayor Reynolds said the state required a year. Ms. Fisher said there was no requirement in the state at all as to how long. The recall petition under state law said, there had to be a statement on the petition as to the number of words used as to why a person should be recalled, and state law said 200, but the Commission recommended 500. Also, if there was a recall petition, there was supposed to be nominating petitions for candidates to replace that person if they were recalled. State law said the filing deadline was 20 days, but the Commission recommended 30 days. For election results, some language was added that if no one filed as a candidate to replace that recalled person, Council would fill that vacancy. If the person was not removed, then no further recall petition could be filed against them for at least one year.

Mayor Reynolds asked to run for office, who the petitions would be filed with. Ms. Fisher said the BOE. Mayor Reynolds confirmed it did not go to the City Clerk, and then the BOE, because that was in the last one. Ms. Fisher concurred, but the Commission chose to take that out, and the only thing that would be filed with the City Clerk were initiative and referendum petitions. In state law, initiative and referendum petitions were to be filed with the City Auditor. Because under state law, they were to be filed with the City first. For those types of petitions, rather than the Finance Director, who was closest to City Auditor, the Commission chose the City Clerk. But, that was just on initiative and referendum. For nominating petitions for election, that would go right to the BOE, and would not go through the City. The Council set the requirements, the qualifications, and number of signatures required. It was also important for Council to approve the form, since the BOE was handing out the state form that said 50 signatures, which was not right.

Mayor Reynolds said there was an item regarding political activity that said no elected official, appointed official, or employee of the City shall engage in political activity and campaigns for candidates for City office. He noted the Ohio Supreme Court negated that recently with the ruling

that judges were now allowed to be partisan, active members; and historically, they had not been allowed to endorse, campaign, or support candidates. Since they were elected officials, that would be his concern with this section. Ms. Fisher noted the City charter did not apply to the judge. Mayor Reynolds said not to the judge, but to the Councilmembers. If the Ohio Supreme Court said judges had that right to political activities, it would allow elected officials at a City level, whether it be himself or anyone else here, to also be allowed to endorse, campaign, and actively support someone. That was his concern, but that ruling came out after Ms. Fisher had already submitted this report. Ms. Fisher noted the courts were completely controlled by the Ohio Revised Code. Mayor Reynolds stated the ruling said the court was inherent in their First Amendment rights, and he asked why those rights would not be inherent to Council. Councilwoman Huffman asked what the justification was for adding this section because this was all new. Ms. Fisher thought the Commission was more worried about, not so much elected officials, appointed officials or employees. It did not look good if an employee was circulating a Councilmember's nominating petition, or the petition for someone running against a Councilmember. Councilwoman Huffman confirmed this concerned City employees as well. Mr. Merriman concurred.

Vice President Crawford asked if there was currently a recall. Mr. Merriman said, no. Vice President Crawford asked why that language would even be included. Ms. Fisher said that was up to Council whether or not they wanted to present that to the voters. She thought the Commission felt the voters should have that right. If someone bad was elected, voters should have the right to remove that person from Council. Mr. Horstman thought there should be rules of recall for City Councilmembers. Mayor Reynolds said his concern about this amendment would be accepting the language for all of it, and he asked if they would have to accept the language regarding political activity. Ms. Fisher said they could not change the language, but they could choose which parts of the amendment they would like to present to voters. Mayor Reynolds said he needed to do some further reading on this. Ms. Garrett noted all of the members also served on the Commission five years ago, except for one. They had a fun group, and they had a history together. They were not just showing up; they were making sure every "i" was dotted and every "t" was crossed.

Recommended Amendment #6

Mr. Horstman reported the state constitution allowed initiative and referendums, but the City charter did not really address it, and it was basically left up to state law. The CRC wanted to put language in the charter to make it clear how to participate. Citizen initiatives would involve ordinances that the citizens wanted to put forward for a vote, and referendums would be actions concerning ordinances already established by City Council. This was language mostly based on state law, without a whole lot of difference, and it would put in the City charter procedures to follow. If a group of citizens wanted to propose an ordinance for a speed bump on a street somewhere, and they did not feel it was being adequately addressed by City Council, this would be an avenue for them to proceed. If they wanted to take action to overturn an established ordinance on the books, there would be a clear process to do that. Ms. Fisher noted there was not a process right now by which Council could refer an ordinance to the voters. This would implement a process to allow Council to submit an ordinance to the voters, if it chose, and the other changes were in initiative petitions. There was an extra step in the state law process which gave Council the chance to decide whether or not it wanted to pass an ordinance that was proposed by an initiative before

it got to the ballot. Because if Council was on board with the proposed ordinance, there was no reason to take it to the ballot. The only other big change for initiative and referendum petitions was the percentage required was 10% of the electorate who voted for governor in the last election. As far as referendum, the state upped that to 35% last year, and the Commission did not agree with that. The Commission recommended keeping that at 10% because based on the last election in 2022, it would be 793 signatures. At 35%, that would require 2,775 signatures based on the last election. Mr. Horstman noted those percentages for signatures were at a minimum, because the reality was they had to accumulate more because a lot of the signatures were likely to get thrown out by the BOE.

Recommended Amendment #7

Ms. Fisher said this was presented to the voters last time, and the City Council at that time chose to present everything except a certain section. The current language in the charter regarding employment discrimination and how an applicant or candidate could not be discriminated against based on race, color, religion, sex, military status, national origin, disability, age, ancestry, or political affiliation, was word for word out of state law. This did not create a right necessarily, because that right already existed to not be discriminated against under federal and state law. This would just change the language to make it match state law. Council did not pass this in 2021 because there was one Councilmember that had a problem with adding the word "sex". There was no definition in state code at that time of what male or female meant, and that was why it did not get presented. The other change concerned the way the language was currently written that said any person convicted of a violation of this section, but a charter in and of itself could not create a mechanism for its own violation. If this was going to be in the charter, with the ability to enforce it, it would read the person needed to be found guilty of a provision of the City's criminal code that Council would enact. Mayor Reynolds said state law now defined "sex". Ms. Fisher concurred, and added that language was word for word out of the ORC.

(4) RECESS

President Smith declared a recess of the Special Session at 5:54 p.m. in order to prepare for the Regular Council meeting at 6:00 p.m.

REGULAR SESSION

President Smith asked everyone to stand; Kevin Poole from Cornerstone Bible Church provided the Invocation.

(1) PLEDGE OF ALLEGIANCE: All present remained standing and recited the Pledge of Allegiance led by Vice President James Crawford.

(2) CALL TO ORDER: President Smith called the Regular Session to order at 6:02 p.m. in the City Administration Building, City Council Chambers, 107 E. Main Street, Xenia.

(3) ROLL CALL: Vice President James Crawford, Councilwoman Faith Sorice, Councilman JD Mackiewicz, Councilwoman Rachel Huffman, Councilman Jesse Rubio, Mayor Ethan Reynolds, and President Wesley Smith.

Staff Present: City Manager Brent Merriman, Finance Director Ryan Duke, Assistant Finance Director Jason Lake, Law Director Donnette Fisher, Public Service Director Chris Berger, City Planner Brian Forschner, City Clerk Amy Brown, Police Major Matt Miller, and Police Chief Chris Stutes.

(4) APPROVAL OF MINUTES: President Smith called for a motion on the minutes of the June 11, 2026, Regular Meeting.

Motion by Mayor Reynolds, seconded by Councilwoman Sorice, to approve the June 11, 2026, minutes of the Regular Meeting as written. President Smith entertained comments or questions. None were presented. The Roll on this was the following:

Ayes: Crawford, Sorice, Mackiewicz, Huffman, Rubio, Reynolds, Smith
Nays: None motion carried.

(5) SPECIAL PRESENTATION(S): President Smith noted there would be a quick report on the success of Saturday's Fishing Derby. There were several people in the audience tonight that were involved in the Fishing Derby, including sponsors and volunteers, and he invited those people to come forward. The gentleman that helped organize it this year, Austin Fouts, was unable to attend this evening, but he did a phenomenal job. There were 170 kids that fished; he thought that was a record, and it rivaled the amount of kids that participated in the annual Easter Egg Hunt. Mayor Reynolds said the highest number they had in the last five years was 75 kids. President Smith was very grateful, and he was thankful that the City was able to stock the pond. He appreciated everyone, especially Troy Copley, who generously donated a large amount of money that was used to buy fishing poles. He thanked Xenia Walmart management and staff that were not only at the event to help, but they also cooked the food, as well as donated the hot dogs, buns, chips, and water. There were probably close to 400 people in total that were able to eat. Mayor Reynolds stated without everyone's help, this event would not have happened. Budget cuts had been made last year, but luckily Mr. Fouts stepped up. He thanked Troy Copley, Nancy McPeak, Frank Trappanotto, Tom McCarthy, Shane Barker, the manager from Walmart, and staff members from Walmart. He also thanked sponsors Copley Construction, Speed Zone Carryout, and Council President Smith and his company, Better Images, for their donations. Without these volunteers, this event would not have happened. He said Mr. Fouts reported it was a great event, and he was happy to do it. He could not wait until next year and could not wait to do it with Mr. Fouts. President Smith and Mayor Reynolds presented the sponsors and volunteers that were present with commemorative coins.

Applause followed and pictures were taken for social media.

(6) AUDIENCE COMMENTS: President Smith explained the procedures for Audience Comments and invited those who wished to speak to come forward.

Clayton Brady, 370 Hollywood Boulevard, welcomed the new members of Council. He represented the Lexington Park group, and he thanked the Councilmembers for their Juneteenth participation at Lexington Park. Anything they could do for Lexington Park was deeply appreciated, it went a long way, and spoke volumes to the citizens. He had not attended a Council meeting in a while, but he had been busy organizing flag football and basketball summer leagues for 11-year-olds. He reiterated that what Council did for the park was deeply appreciated.

Krista Magaw, 993 S. High Street, Yellow Springs, thanked Council for the opportunity to speak. She was running for Ohio House District 71 seat, and she wanted to introduce herself. She needed to get to know Xenia, because it was the biggest City in House District 71 by a longshot. The District included all of Clinton County, eastern Greene County, and four southern townships in Clark County. She previously worked for the Tecumseh Land Trust, so she kind of knew some people in those rural areas, since she did some farmland preservation in that area. She appreciated hearing from anyone, and KristaMagawforohio.org was her website, and she wanted to be invited to places that she needed to go to learn about the City and its important work.

Kole Patterson, 645 Emerson Avenue, noted he had been in Xenia since he was born in the same home, which he had just purchased from his parents, and he was raising his family in that home. He wanted to talk about McKinley Logistics, which had bought the property behind his home. The company went through the proper process to have an eight-foot-tall fence with barbed wire at the top horizontally on the side of their building where the residences were. His home was on a dead-end street, and he had a three-year-old and one-year-old that played in a huge, open field next to his house, which concerned him because of the history of storms in Xenia. There were a couple of options the company had been given to move forward with, and one of them was to put up more greenery. They had previously taken down all of the trees and shrubs, which created open space. Recently, within the last two weeks, the company had planted four to six-foot tall spruce trees to try and solve the problem for him and his neighbor next door. But, there was only about eight of them about five to six feet apart, and it would take about five to 10 years to grow for them to have their privacy. He did not want to feel like they lived next to a prison, and he wanted to figure out what next steps could be. He wanted the company to do well, and this had nothing to do with the company. He had to put his family first, and he asked to help ensure that the growth of Xenia did not come at the expense of families who already called the neighborhood home. He did not want the curb appeal of his home to go from residential to industrial.

(7) OLD BUSINESS:

A. ORDINANCE 2026-21 AUTHORIZE SALE OF A PORTION OF PARNELL PARK, COMPRISING 0.02 ACRES, MORE OR LESS, TO THE OWNER OF 488 ACKERMAN PLACE, introduced by Councilman Mackiewicz on 06/11/2026. President Smith asked Mr. Merriman for a brief summary of this item. Mr. Merriman said this matter was concerning potential for a sale of a small portion of property adjacent to Parnell Park. Staff believed this was originally intended to be an entryway to the park, but there was no evidence there was any sidewalk or driveway as an entrance. The space was unused, and there was consideration from an adjoining neighbor to purchase it. The concept was discussed by the Property Management Committee, who endorsed the concept of putting it up for sale. The ordinance this evening would present the option for Council to consider authorizing the sale.

President Smith opened the public hearing at 6:18 p.m. and invited those who wished to speak for or against Ordinance 2026-21 to authorize the sale of a portion of Parnell Park to the owner of 488 Ackerman Place to come forward. No one came forward.

President Smith closed the public hearing at 6:18 p.m. and entertained a motion on Ordinance 2026-21.

Motion by Councilman Mackiewicz, seconded by Mayor Reynolds, to adopt Ordinance 2026-21 as presented. No comments followed. The Roll on this was the following:

Ayes: Crawford, Sorice, Mackiewicz, Huffman, Rubio, Reynolds, Smith
Nays: None motion carried.

B. ORDINANCE 2026-22 INSTITUTING A ONE-YEAR MORATORIUM ON THE ESTABLISHMENT OR COMMENCEMENT OF DATA CENTERS WITHIN THE CITY OF XENIA, introduced by Mayor Reynolds on June 11, 2026. President Smith asked Mr. Merriman for a brief summary of this item. Mr. Merriman said if approved, there would be a one-year moratorium on the advancement of a data center project in the City of Xenia. The intent of this was based on what was articulated by members of Council to give time to study the concept. The current zoning code did not specifically identify this use, so this would give an opportunity to do some research and identify what standards or regulations would be appropriate for the community to apply for this type of use. He reiterated, as they had said multiple times, there were no pending projects concerning a data center in the City of Xenia, either publicly or confidentially. Staff was not involved in any dialogue related to any firm for the purpose of a data center, and he thought it was important to understand that. This was a preventative step for the Council to take to study the matter and determine how best to proceed in terms of any regulations.

Ms. Fisher stated for anyone interested in this topic, the most important part of this process they could participate in was the Planning and Zoning Commission (PZC). Anything that was done would be done through the zoning code, which would start with PZC, and then come to Council. Council's decision tonight was not to allow or not allow data centers; all they were doing was putting a moratorium in place. As Mr. Merriman said, there had not been any applications, and there were limitations right now in the City. Staff did not believe a data center could come here even if they wanted to. But, those limitations could change. This started with the Mayor being proactive, and wanting to get out ahead of this. There was no threat of one coming, and this moratorium said no applications for a year. She encouraged anyone that had strong feelings for or against to attend PZC meetings.

President Smith entertained comments or questions.

Mayor Reynolds said this action would prevent data centers from being built in the City limits for one year, while the City looks at legal regulations to minimize or change code to potentially stop data centers. He had been clear from the beginning that he did not want a data center in Xenia. This step allowed them to develop zoning regulations to potentially prevent or keep something like this out of town. He thanked Ms. Fisher, Mr. Merriman, and Councilmembers for supporting this measure thus far, and added it was better to be proactive than reactive.

President Smith opened the public hearing at 6:22 p.m. and invited those who wished to speak for or against Ordinance 2026-22 to institute a one-year moratorium on the establishment or commencement of data centers within the City of Xenia to come forward. No one came forward.

President Smith closed the public hearing at 6:22 p.m. and entertained a motion on Ordinance 2026-22.

Motion by Mayor Reynolds, seconded by Vice President Crawford, to adopt Ordinance 2026-22 as presented. Councilwoman Huffman said it was wise to give it time. She was in Columbus about three weeks ago, and they were having hearings about all of this. It was such a hot topic right now, and until they had things sorted at the state level, it was a good idea to wait and see what happened. President Smith concurred. Councilman Mackiewicz appreciated Mayor Reynolds leading this initiative, because it was a vital step to protect the City. He worked in IT, and there were different sizes of data centers. There was a data center that came before the AI boom operating out of Springboro, just off the interstate in the industrial park. It was a normal warehouse, and had computers; those smaller buildings used about 1.4 megawatts of power and were smaller than most big box stores. Anyone that did business that had a website would need a data center. The hyper scale data center use started at 100 megawatts; there was one outside of Columbus in New Albany that used 192 megawatts, which was staggering. Huge data centers would consume as much power as a third of the state in the summer, when everyone was using air conditioning. He thought it was very important to help Council dial in where they were at, and he appreciated this. With no further comments, the Roll on this was the following:

Ayes: Crawford, Sorice, Mackiewicz, Huffman, Rubio, Reynolds, Smith
Nays: None motion carried.

(8) NEW BUSINESS:

A. Introduction of ORDINANCE 2026-23 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF XENIA, OHIO, TO REZONE THE PROPERTY AT 805 UPPER BELLBROOK ROAD AND A PORTION OF THE PROPERTY AT 817 UPPER BELLBROOK ROAD FROM A-1 AGRICULTURAL DISTRICT TO RB REGIONAL BUSINESS DISTRICT. President Smith asked Mr. Merriman for a brief summary of this item. Mr. Merriman said the proposed rezoning area included the 2.787-acre property at 805 Upper Bellbrook Road, and 1.444 acres of the 32.654-acre property at 817 Upper Bellbrook Road. The 1.444-acre portion of 817 Upper Bellbrook Road was the remainder of the property that was not rezoned by Ordinance 2026-09, which presumably would include a 31.21-acre PUD including 160 townhomes. Upon approval of this rezoning, the property boundaries would be resurveyed to match the rezoning boundary. The applicant had requested this rezoning in order to allow for development of a hotel and one or two commercial outlots. The staff report that was given to the Planning and Zoning Commission (PZC) and provided to Council contained additional details and analysis of this rezoning according to applicable criteria in the Land Development Code. The PZC voted to recommend approval of this rezoning after holding a public hearing at their June 10, 2026, meeting. The rezoning was also endorsed by City staff, and he recommended introduction of the ordinance as presented to allow for an opportunity for Council to have consideration of this item.

President Smith confirmed this was an introduction tonight, and there would be a public hearing at the next meeting on July 9th. Ms. Fisher concurred.

Hearing nothing further, he called for the introduction of Ordinance 2026-23.

Councilman Mackiewicz introduced ORDINANCE 2026-23 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF XENIA, OHIO, TO REZONE THE PROPERTY AT 805 UPPER BELLBROOK ROAD AND A PORTION OF THE PROPERTY AT 817 UPPER BELLBROOK ROAD FROM A-1 AGRICULTURAL DISTRICT TO RB REGIONAL BUSINESS DISTRICT.

(9) APPOINTED OFFICIALS' REPORTS

President Smith asked the Finance Director for his comments. Mr. Duke said he had no items this evening.

President Smith asked the Law Director for her comments. Ms. Fisher thanked Council and the Charter Review Commission (CRC) for meeting at 5:00 p.m. to go over the CRC's recommendations. She thanked the CRC volunteers for their time, and noted they spent the last six months going through the charter to make these recommendations. Council had a Work Session scheduled at the second meeting in July, which was July 23rd. If Council was amenable, she would like to take some time at the next meeting on July 9th to start the dialogue about which of the amendments presented to Council were amendments Council would want to present to the voters. There was a deadline, and Council would have to act by emergency to get any ordinance effective in time. The deadline was August 27th, so the ordinance would have to be introduced at the next meeting if Council wanted the regular process without an emergency. From the conversation she heard tonight, she did not think Council was ready for that. When the charter amendments were done in 2021, those were done by emergency. It was important to start the dialogue, so Council could direct staff which of the amendments they wanted to present. President Smith thanked the CRC members for their time and professionalism.

President Smith asked the City Manager for his comments. Mr. Merriman said a report was shared with him from Councilwoman Huffman concerning restroom conditions in Shawnee Park. He had the opportunity this week to view that himself, and there were some issues that were unacceptable. Staff would be working to make some adjustments and improvements there, but he could not promise those would be done immediately because there would be items that had to be ordered. However, there should be some improvements in the month of July. He encouraged the general public to help police these spaces. The taxpayers put resources toward improvements like these restrooms, and unfortunately, some unruly folks in the community vandalize these things. If someone witnessed unruly behavior or vandalism, he encouraged them to call 911. He and Councilmembers also received an email from a concerned citizen about some behavioral issues they had observed in the park. In response to that, he asked the Police Division to put together a report, which was provided to Council tonight. He had discussed the situation with Police Division leadership, and he would like to have a little more discussion with Council at their next meeting in two weeks. There would be an opportunity to entertain questions and talk about what staff could do to proactively try and improve the situation. There had been some decreases in terms of calls this year, and part of that was because there was a more consistent presence, but there was always

room for improvement. On CBS News this morning, there was a great piece featuring Xenia as part of their A to Z segment highlighting cities in the U.S. He often said one of the special things about Xenia was the resilience that it had shown over devastating events in its history. The video would be linked to the City's Facebook page. Finally, next Friday was the Red, White, and Blue Block Party and the fireworks festival as a joint effort between the City of Xenia and Xenia Rotary. There would be lots of exciting activities, and almost everything at the event, except for food, was free. He was proud of all the sponsors and volunteers that made the event possible. The activities started downtown at 4:00 p.m., followed by additional activities starting at 6:00 p.m. At Shawnee Park, fireworks would begin launching at 10:00 p.m. rain or shine unless there was severe, inclement weather. In general, even if it was raining, but not windy, the fireworks would still be launched. The extended forecast showed a 40% chance of rain next week, but things could change. He thanked all the people who had already committed to that event, and he was looking for that to be bigger and better than ever to celebrate the 250th birthday of the country.

(10) COUNCIL COMMENTS & REPORTS:

Councilman Mackiewicz attended the Juneteenth event at Lexington Park. He thought it was great event, and he met a lot of great people. He also received some feedback on Lexington Park, which he would address during the walking tour.

Councilwoman Sorice attended the Juneteenth celebration as well, and said it was very well-organized and well-attended, which she appreciated. She also attended the Flag Day ceremony, but it rained horribly that day, and she thought somehow it was not going to work. But, it cleared up and there were a record number of people there. It was a very moving, wonderful ceremony, and she was glad for that event to honor the flags.

Councilwoman Huffman appreciated those that showed up to the meeting this evening. It seemed like there had been some good activity on the community forums lately. There was attention needed at Shawnee Park. She had young children, as many others did; she had grown up in Xenia, and it could be hit or miss sometimes at the park. She had been there at times where there was vulgar language and profanity by some of the teenagers there. But, people did not want to call the police on something that might not be considered an emergency. She hoped to discuss how they could step up and creatively problem solve, and she thought there were some steps that could be taken. She also appreciated addressing the bathrooms.

Councilman Rubio said for all those who were in the audience and watching at home, the Councilmembers heard and saw them. This group was aware of the issues, and it was important to Council as a group to work for all. It was a privilege to serve, and he acknowledged Mayor Reynolds, who was very visible in the community.

Vice President Crawford attended the Fishing Derby, and he enjoyed that. He helped to measure fish with a new process implemented this year, which worked well. He was looking forward to next year's Fishing Derby. On Monday, there was a Board of Zoning Appeals meeting with two cases on the agenda. One case allowed a lot to be subdivided, one without frontage, that was located on a public street, and it was approved. He was excited for the businesses that were interested in coming to the City, and he thanked Mr. Forschner for all the work he did. For the

second case, someone wanted an extension to their driveway of an additional 20 ft. A compromise was made, which showed Xenia was willing to work with those that were willing to invest.

Mayor Reynolds read an email that he received into the record:
Good afternoon, Mayor Reynolds and Council, I apologize I will be missing the City Council meeting this Thursday, but I am requesting that the Council address the prevalent speeding occurring on E. Third in downtown Xenia. We have children playing close to the street and sometimes on the street, who are in danger of being hit. I am requesting that a camera or a device that can be used to slow down cars attempting to speed on residential streets to keep it safe for children, pets, and families. Best regards, Cameron Rattiford

Mayor Reynolds then shared the following:

- Juneteenth was a fabulous event, and it was great to see Councilwoman Sorice and Councilman Mackiewicz there.
- He reiterated that without Austin Fouts, and the other volunteers that were present this evening, the Fishing Derby would not have happened. He thanked them all, and said it was a great event.
- The flag retirement ceremony was awesome, and it was a moving thing to see.
- Xenia was on CBS, and it was declared as a comeback city by CBS. Additionally, the 1974 tornado was the most destructive tornado on record in the U.S.
- He thanked the Charter Review Commission for all the work they had done.
- With the Fourth of July coming up and the Red, White, and Blue Block Party, he thanked Xenia Community Schools, Copley Construction, and Altafiber for sponsoring the sand sculptures.
- On Friday, there had been an unveiling of the painted fire hydrants. There were 22 that had been painted in red, white, and blue themes across the downtown and Shawnee Park area. Rosie the Riveter, Frederick Douglass, the U.S. Constitution, and other patriotic items had been painted on them, and he heard a lot of great compliments. He thanked his mother, Kathy, along with other volunteers, Dan and Natalie, who had helped. It had been awesome to see that happen in their beautiful little downtown.

President Smith thanked Mr. Patterson for voicing his concerns tonight, and he thanked everyone in the audience for attending tonight. There were seven individuals on Council that were committed to the community, and they loved it when there was a full house and audience participation. Council really did care about what was said to them. He received an email on June 17th from Andrew Meineke regarding Shawnee Park, and he would like to set aside some time at the July 9th meeting to address some of those concerns. Mr. Merriman said Police Division staff would be at that meeting to help address and answer questions that Council might have. President Smith said he was looking forward to the July 3rd celebration, and he thanked Xenia Rotary and the other sponsors that had donated to the event.

(11) EXECUTIVE SESSION: President Smith said an Executive Session was not needed this evening.

President Smith said they would move into the Work Session, which was a walking tour. Council would be going to various sites tonight with City staff. Mr. Merriman noted the public was welcome to attend those sites, but the City could not provide transportation; however, there would be transportation for Council. They would be going to Lexington Park first, the second stop would be on Monroe Drive, roughly behind the preschool, and time permitting, they would go out to the

Public Service Center to discuss the closed landfill. President Smith called for a short recess at 6:44 p.m., and said Councilmembers should be on the bus in less than five minutes.

WORK SESSION

(12) WORK SESSION: Offsite Walking/Bus Tour to Various Locations

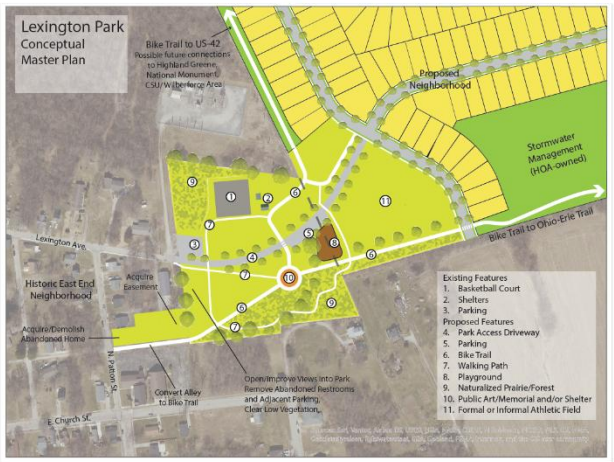
The Work Session began at 7:00 p.m. at Lexington Park with the same Councilmembers present.

Staff present: City Manager Brent Merriman, Finance Director Ryan Duke, Assistant Finance Director Jason Lake, Public Service Director Chris Berger, and City Clerk Amy Brown.

Council visited the following sites on the tour:

1. Lexington Park: Mr. Merriman said there would be a discussion about proposed changes at Lexington Park. There had been developer discussions with Mr. Forschner, pursuant to City code, to have a dedication of land for park space for the neighborhood. This dedicated land would be adjacent to Lexington Park and expand it, and Mr. Forschner had a concept plan. Also, there was an existing restroom at Lexington Park that had been out of service since at least 2000, and there had been multiple conversations about rehabbing it. But, the building was in an advanced state of disrepair, and staff had done their best to keep it sealed up. There was a small crack in the fascia, and bats were in the building, which was an environmental concern. Because the City once received federal grant money for the restrooms, they were periodically audited for compliance. That audit identified that the City must fix the restrooms and open them or raze the building to take it out of service. Mr. Berger gave a brief description of the issues in the building, and expressed it was not safe to go into. Two thirds of the structure was not usable. Mr. Merriman understood it was not an easy decision for Council to make, but this issue was on the state's radar. The cost to raze it would really be nothing because the City's public service crews could demolish it. They would have to look at how much bat guano was in there, and depending on how bad that was, they might have to look at what steps to take from a biohazard standpoint.

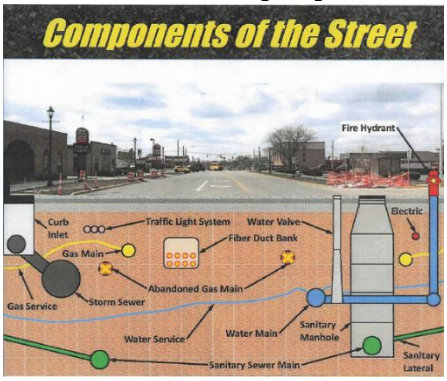
Mr. Forschner distributed handouts regarding Lexington Park. He understood this park generated strong opinions, and it should be a park to be proud of and something that enhanced the neighborhood around it. There was an opportunity to make that happen, because there was a future neighborhood being proposed on the other side of that park, and it was currently going through the annexation process. The developer conceptually agreed to dedicate some additional land to expand the park, with a proposed bike trail that would connect to the Ohio-Erie Trail by old US 35 and would run all the way up to US 42 right through this park. He reviewed the Conceptual Master Plan of what could be done with the park, shown at right. The developer had to have an extra access



point, so a driveway would be extended through the park to Lexington Avenue to intersect with that neighborhood. President Smith asked if the road would be open all the time or only open for emergency vehicle access. Mr. Forschner said it would be open all the time or at least during park hours. Mr. Merriman said it would not be a dedicated road, but it would be accessible most of the time. Mr. Forschner reviewed the proposed updated amenities along with the amenities that would remain and be improved. The new neighborhood would require improvements to the water infrastructure, and the developer would be required to put in a water booster station. Lexington Park would be a good spot to put that on land north of the parking lot, which was the highest spot in the park. As they continued to grow, there might be a need for a water tower, and that would also be a good spot. There was a brief discussion about financing and fundraising efforts. Mr. Merriman said in the Capital Improvement Plan, there was a placeholder in 2028 in the $300,000 to $400,000 range for playground equipment replacement. Also, anytime additional amenities and park acreage was added, maintenance obligations also increased. There was a short discussion about the safety issues surrounding the playground equipment, and difficulty in maintaining the aging equipment. Councilman Mackiewicz said it was brought to his attention at the Juneteenth event that there was no easy access to the shelters for ambulances or emergency vehicles because of the fence. He asked if it was possible to get a couple of railings removed. Mr. Merriman said, yes. Councilman Mackiewicz asked if there could be lights at the basketball court. Mr. Merriman did not think there was electric service or a meter to there anymore. There would probably have to be a new line installed with a new meter; however, by City code, all parks closed at dusk, and were only open basically from dawn to dusk.

Mr. Merriman said he was not asking Council to make any decisions on the restroom tonight, but direction was needed because this issued had been lingering a long time.

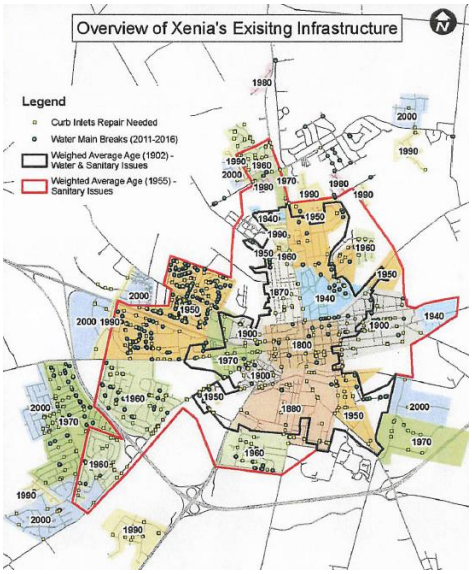
2. Monroe Drive: Mr. Merriman said this discussion concerned what Council wanted to do with investments, primarily in the water system, but also in the sewer and storm sewer as well, from a rate increase perspective. He explained a good portion of Monroe Drive was repaved about 15 to 20 years ago, and this stretch of road showed a good demonstration of multiple conditions associated with street degradation and utilities. Mr. Berger distributed handouts to Councilmembers. The first handout showed a cross section of what the road looked like under the surface. He discussed the issues on the streets, including patching, pavement settling, gravel repair, and water main breaks. Mr. Merriman reviewed the second handout below, showing water main breaks, and he explained that each one of the red dots represented a different water main break. There were entire neighborhoods that needed comprehensive water main replacement, and the price point for replacement on King Street right now just for water was $1.7 million. The Laynewood neighborhood bordered on a crisis, and it was not just about





having enough money for road replacement in neighborhoods like Laynewood. Every side street was going to need water main replacement and probably storm sewer, and the price for those utilities was two to three times more than the road. There needed to be some detailed discussions this year on the direction Council wanted to go with rates. There were still roads that qualified for mill and fill where the utilities were still in pretty good shape. Unfortunately, those roads happened to be in newer neighborhoods that were not as bad as some of the older neighborhoods. There was a brief discussion about the costs of water main breaks, crews, materials, labor, service interruptions, boil orders, and at-risk areas in the City. Mr. Merriman said there was a classification of roadway based on age and condition, and with the ones that had utility issues, there was a risk of putting new asphalt down that had to be dug up to address those utility issues. Mr. Duke said the age of a road was obviously a factor, and a camera could be used on some of the storm and sanitation systems to get a better idea of the condition. There were a variety of tools depending on the infrastructure, and he thought the Public Service Department had a good idea of where the significant risks were.

Mr. Merriman reviewed the next map, which showed the neighborhoods color-coded by area. This gave a rough timeline on when a particular neighborhood was built out. Anything in the 1960s or before probably would require comprehensive water main and storm sewer replacement. Probably



60% of the City required comprehensive water and storm sewer replacement. Mayor Reynolds asked what the cost would be. Mr. Merriman knew the road issues were estimated in the $40 million range, and if water and storm sewer were included, it would be at least $100 million. Mr. Merriman said it would take a couple of decades of consistent spending to get caught up. Mr. Duke noted they had previously looked at assessments, but if it was spread across the City, it would probably be $60 to $70 a month. It would be a significant amount of money to replace all this infrastructure. He knew nobody wanted to raise rates, and he was not advocating that Council make huge increases right now. But, the City's rate payers had been paying some of the lowest rates in the region for 60 or 70 years. At some point, they would have to pay some of the highest rates in the region because they had not been reinvesting in that infrastructure. Mayor Reynolds stated they raised rates two years ago, and now staff was saying it needed to be done again. Mr. Merriman said if Council wanted to begin fixing the water issue over the next decade, they were probably talking about a 15% increase next year, and then significant annual increases year over year moving beyond. There had to be enough cash flow coming in to cover operations so that the remaining balance could be used to afford these seven figure projects every year. Rates had been so affordable in Xenia, and Xenia had been such an affordable community for so long that it had become a legacy of deferred maintenance.

Vice President Crawford noted this messaging was not getting to the public, and this tour should have been recorded because the education had to happen. Mr. Merriman concurred, and said he would be willing to go to door-to-door in neighborhoods with Councilmembers to talk to people. Mayor Reynolds stated they needed to be upfront with people about the increases. Mr. Merriman

concurred, and said when rate increases were talked about a couple of years ago, that was to build out the existing Capital Improvement Plan and complete the projects that were in the queue at that time. Mayor Reynolds said he would like to be deficit neutral where water rates were increased, but sewer rates were decreased, so people were not seeing a massive spike. Mr. Duke said in trying to make this cost neutral, they wanted to make sure to include the Consumer Price Index and inflationary factors. Trying to decrease sanitary sewer rates and increase water rates would be a one-year fix, and he thought that should be the approach for this year. Councilwoman Sorice noted that would also allow time to inform and educate the public. Councilman Rubio asked how they would ensure the funding went where it was supposed to go. Mr. Merriman said that water money had to go toward water-oriented projects, so any increase in water rates had to go toward mains, the plant, or water tower, etc. There was a brief discussion about the issues and costs to completely repair Monroe Drive. Mr. Merriman noted there were major Americans with Disabilities Act (ADA) accessibility issues that needed to be addressed. Mr. Berger said because of the costs, it would have to be broken up in three or four phases. Mr. Merriman added it would probably be in the multi-millions for each phase.

3. **Public Service Center:** Mr. Merriman reviewed the areas surrounding the Public Service Center. He noted there were additional storage facilities to the side of the building, but they were out of covered storage for the equipment. A lot of items that needed to be undercover were not because a building project would take a long time and would be very costly. He was not sure they would be able to do it without a lot of engineering. The whole complex to the back of the service center, all way to the elevated area of the landfill, was all decade-by-decade sections of municipal landfill. In the newest section, there was a cap, and the landfill officially closed in 1995. By federal legislation, there was a 30-year monitoring period on all landfills. Staff had been monitoring gas ventilation pipes surrounding the area, and they were also monitoring wells off Richard Drive, as well as some of the ventilation infrastructure. There had abundant issues with gas migration there, but the groundwater issues had been less of a concern. The City had now reached the end of that 30-year post-closure monitoring period, and should be absolved of any responsibilities moving forward. However, because there were existing known gas migration issues that had been encountered over the years, the City received notification of a draft called “findings and orders” from the director of the Ohio Environmental Protection Agency (EPA). That stipulated a set of enduring conditions for monitoring of this site ad infinitum, and staff was not going to accept that on face value; there was a process to negotiate with them. He said Mr. Berger had been working with his staff and Ms. Fisher to try and minimize the obligations that the City would have with those orders moving forward. Mr. Berger noted when that 30-year window had ended, the City would have had to have a perfect slate of monitoring for three years minimum. Otherwise, it started back over again. He was working with Ms. Fisher, and staff would continue monitoring. Once a month, a staff member took samples and submitted them to the Ohio EPA. Mr. Duke reported the sanitation fund structure was good because increases automatically commiserated with the contract increase, and that contract increase was typically higher than what was needed to do things like landfill monitoring. Mr. Berger pointed out the passive vents that were sticking up out of ground, which were wind turbines that created upward drafts to get the methane out. There was also a flare system near the back of the service center that vacuumed out methane and burned it off. There was a short discussion about the surrounding houses and occupied structures, and the need to provide gas alarms for structures within 200 feet, and notifications to surrounding houses within 1,000 feet of the landfill. Mr. Merriman mentioned earlier about the problem with storage out there, and the

need to erect a pole barn or two. The problem was they could not just erect a building. Because it would be considered an occupied structure, they had to go through a process, including environmental review, engineering controls, and monitoring systems. There had not been many landfill conversations with the new Councilmembers because the City had mostly been in compliance. This issue had come up in the last few months, and staff would probably bring back an agreement for Council to authorize these orders later this summer.

As this was the final stop, they returned to the City Administration Building.

(13) ADJOURNMENT: Motion by Mayor Reynolds, seconded by Vice President Crawford, to adjourn the Regular Meeting at 8:46 p.m. No discussion followed. The Roll on this was the following:

Ayes: Sorice, Mackiewicz, Huffman, Rubio, Reynolds, Smith
Nays: None motion carried.

Amy E. Brown
City Clerk

Wesley E. Smith
President, Xenia City Council