XENIA CITY COUNCIL
MEETING AGENDA
JUNE 11, 2026
REVISED 06/10/2026

LOCATION:
City Administration Building
City Council Chambers
107 E. Main Street
Xenia, OH 45385

NOTE: Regular and Special Meetings are open to the public. Executive Sessions are closed to the public. Only Regular Sessions are live streamed on the City's YouTube channel (eXplore Xenia). There is an opportunity for Audience Comments during Regular Sessions only and during Public Hearings. Please see the note under Audience Comments below.

REGULAR MEETING

- **INVOCATION** **(**or moment of silence)

(1) PLEDGE OF ALLEGIANCE Councilwoman Rachel Huffman

(2) CALL TO ORDER 6:00 p.m.

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

(4) APPROVAL OF MINUTES May 28, 2026 Regular Meeting

(5) SPECIAL PRESENTATION(S) None

(6) AUDIENCE COMMENTS The public may also submit comments and/or questions for Council consideration by emailing the City Clerk's Office at xeniacityclerk@cityofxenia.org by 3 p.m. on 06/11/2026.

(7) OLD BUSINESS

A. ORDINANCE 2026-19 (Public Hearing) DETERMINING TO PROCEED WITH THE IMPROVEMENT OF CITY STREETS AND PUBLIC WAYS BY THE LIGHTING THEREOF FOR THE YEAR 2026, *introduced by Councilwoman Huffman on 05/28/2026.*

B. ORDINANCE 2026-20 (Public Hearing) AUTHORIZING THE ANNEXATION OF 327.06 +/- ACRES OF LAND OWNED BY THE STATE OF OHIO TO THE CITY OF XENIA, OHIO TO BE MADE, AND DIRECTING THE CITY DIRECTOR OF LAW TO PROSECUTE THE PROCEEDINGS NECESSARY TO EFFECT SAID ANNEXATION, *introduced by Vice President Crawford on 05/28/2026.*

(8) NEW BUSINESS

A. ORDINANCE 2026-21 (Introduction) AUTHORIZE SALE OF A PORTION OF PARNELL PARK, COMPRISING 0.02 ACRES, MORE OR LESS, TO THE OWNER OF 488 ACKERMAN PLACE *(City Manager)*

B. ORDINANCE 2026-22 (Introduction) INSTITUTING A SIX-MONTH MORATORIUM ON THE ESTABLISHMENT OR COMMENCEMENT OF DATA CENTERS WITHIN THE CITY OF XENIA *(City Manager)*

C. RESOLUTION 2026-038	AWARDING THE BID AND AUTHORIZING THE EXECUTION OF A CONTRACT WITH MILCON CONCRETE, INC. FOR THE N. KING ST. WATER MAIN REPLACEMENT & STORM SEWER REPAIRS PROJECT *(City Manager)*
D. Procedural Motion	Two Appointments to the Civil Service Commission *(Council President)*
E. Procedural Motion	Accepting Report from the Charter Review Commission *(Law Director)*

(9) APPOINTED OFFICIALS' REPORTS

(10) COUNCIL COMMENTS & REPORTS

(11) EXECUTIVE SESSION

(12) ADJOURNMENT

Published upon approval of the Council President by: Amy E. Brown, City Clerk

XENIA CITY COUNCIL
REGULAR MEETING
MAY 28, 2026

REGULAR MEETING

President Smith asked everyone to stand while he led the Invocation.

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

(2) CALL TO ORDER: President Smith called the Regular Session to order at 6:00 p.m. in the City Administration Building, City Council Chambers, 107 E. Main Street, Xenia.

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

Motion by Mayor Reynolds, seconded by Vice President Crawford, to excuse Councilwoman Sorice and from tonight's meeting. No discussion followed. The Roll on this was the following:

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

Staff Present: City Manager Brent Merriman, Assistant Finance Director Jason Lake, Law Director Donnette Fisher, City Planner Brian Forschner, Public Relations Coordinator Lydia Henry, Deputy City Clerk Nichole Haulman, Fire and EMS Chief Mike Bogan, and Police Chief Chris Stutes.

(4) APPROVAL OF MINUTES: President Smith called for a motion on the minutes of the May 14, 2026, Regular Meeting.

Motion by Mayor Reynolds, seconded by Councilwoman Huffman, to approve the May 14, 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, Mackiewicz, Huffman, Rubio, Reynolds, Smith
Nays: None motion carried.

(5) SPECIAL PRESENTATION(S): Kettering Health Network and Xenia Fire Division

Mr. Merriman invited Chief Bogan to the podium to begin the night's special presentation. Chief Bogan said the reason for tonight's special presentation was to recognize the citizens and first responders who, through a significant chain of events, were able to save the life of Mr. Scott Barnett. The American Heart Association referred to this order of events as the Chain of Survival. Importantly, nationwide the chance of resuscitation or a successful outcome of a pre-hospital cardiac arrest was around 10%. The key tenants to a successful resuscitation were recognition and activation, early CPR, rapid defibrillation, advanced resuscitation, post-cardiac arrest care, recovery, and survivorship. Fortunately for Mr. Barnett, the combined actions of those in the

audience tonight proved that the Chain of Survival concept was attainable. On March 23, 2026, at 10:04 a.m., Greene Central Communications received a report of a patient in cardiac arrest at Twist, Inc., located at 1430 Lavelle Drive. While units were en route, Twist, Inc. employees Christy Barnett and Diana Molano immediately initiated bystander CPR, which provided the patient with the best possible chance of recovery. Simultaneously, Safety Manager Ted Gillespie coordinated with emergency dispatch and staged himself in the parking lot, which ensured first responders could reach the patient without hesitation. Xenia police officers Cole Hamilton, Jarrod Cecil, and Ezekiel Smith arrived within four minutes of the dispatch, transitioned to high-quality CPR, and successfully deployed an Automatic External Defibrillator (AED), which delivered a critical shock. Xenia Fire units arrived at 10:10 a.m., provided advanced life support, and stabilized Mr. Barnett for transport. During transport, Mr. Barnett went back into cardiac arrest, but he was successfully defibrillated and a pulse was regained. At 10:29 a.m. upon arrival at Kettering Health Network Greene Memorial, Mr. Barnett was showing signs of life. For the extraordinary efforts of all parties involved – citizens, police officers, and paramedics – which demonstrated the power of early notification, immediate CPR, and rapid defibrillation, through their selfless and decisive actions, a life was saved. He invited Kristi Bradford, the EMS Coordinator from Kettering Health Network, to say a few words.

Ms. Bradford introduced herself and said on behalf of Kettering Health, she wanted to recognize the members of the Xenia City Police Division and the Xenia City Fire Division for their outstanding team work, heroic actions, and life-saving care they provided during this critical medical emergency. She continued, because of those early life-saving efforts, quick actions, and continued advanced care, Mr. Barnett was able to walk out of the hospital and return home to his loved ones. She concluded it was her honor to present the Lifesaver Award in recognition of exceptional service and commitment to the community. Chief Bogan added the awards would be presented in the order of actions taken. He then called up Christy Barnett, Diana Milano, and Ted Gillespie from Twist, Inc. to receive their certificates. He called up Police Cadet Cole Hamilton, Officer Jarrod Cecil, and Officer Ezekiel Smith from the Xenia Police Division. From the Xenia Fire and EMS Division, he called up Captain Cameron Stegall, Acting Lieutenant Connor Reichert, Firefighter Justin Cason, Firefighter Derek Dennehy, Firefighter Ian Hanks, and Firefighter Kyler Polen. Everyone came forward, received their certificates, and were presented a Challenge Coin by President Smith. Chief Bogan also recognized Mr. Barnett, who stood from his seat in the audience, and the room applauded. Then all of the award recipients, including Mr. Barnett, came forward for photographs with the Council and Mayor.

(6) AUDIENCE COMMENTS: President Smith explained the procedures for Audience Comments and invited those who wished to speak to come forward. No one came forward to speak.

(7) OLD BUSINESS: None

(8) NEW BUSINESS:

A. ORDINANCE 2026-18 AMENDING ORDINANCE 2026-15 TO PROVIDE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF XENIA, OHIO, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2026, AND DECLARING AN EMERGENCY. President Smith asked Mr. Lake for a brief summary of this item. Mr. Lake said staff was requesting additional appropriations as the cost of

commodities and supplies continued to rise, including quicklime, which the City used for sanitary sewer operations. Staff submitted proposals for this product this year knowing the price was going to exceed the limits allowed by the budget, and there was one response to that solicitation. With that price point, staff was requesting $50,000 in additional funds to meet that quote. President Smith clarified this was listed as an emergency to eliminate the second reading so the purchase could be done quicker. Ms. Fisher confirmed that was correct. President Smith said sometimes emergency was just a term for moving paperwork through quicker.

President Smith entertained comments or questions. Hearing none, he called for a motion to adopt Ordinance 2026-18.

Motion by Councilman Mackiewicz, seconded by Mayor Reynolds, to adopt Ordinance 2026-18 as presented. No comments followed. The Roll on this was the following:

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

B. ORDINANCE 2026-19 DETERMINING TO PROCEED WITH THE IMPROVEMENT OF CITY STREETS AND PUBLIC WAYS BY THE LIGHTING THEROF FOR THE YEAR 2026. President Smith asked Mr. Merriman for a brief summary of this item. Mr. Merriman said City Council previously implemented a policy for a Citywide street lighting assessment. The current assessment term was set for one year, as new rates were still being negotiated as part of a new contract expected with Miami Valley Lighting. To maintain the assessment for an extended term moving forward with the new rates applied, three legislative actions were required as prescribed by the Ohio Revised Code (ORC). The first step required passage of a Resolution of Necessity declaring why the street lighting assessment was necessary and set forth the estimated assessment for each parcel within the City, and that Resolution of Necessity was approved on February 23rd. The required notice process was completed thereafter, and no objections were received. This evening, Council was presented with legislation for the second required step, which was adoption of the ordinance to proceed. The ordinance declared Council's intent to proceed with the project as the City had executed a new seven-year street lighting contract with Miami Valley Lighting through the Miami Valley Communications Council. New rates had been established, and it was estimated the City would spend $279,591 on street lighting in 2026. Pursuant to ORC Section 727.12, the City was responsible for 2% of the lighting costs, thereby resulting in a Citywide street light assessment of approximately $274,000. That amount would be proportionally divided amongst all lots and parcels in the City based on the percentage of tax value for each parcel. Staff was recommending introduction of this ordinance to advance this effort this evening.

President Smith entertained comments or questions. President Smith asked, approximately, how many parcels there were. He wanted to know if staff knew how this averaged out in case there was a question. Ms. Fisher said in her conversations with the Public Service Director, the average cost would be about $35 a year. President Smith added that averaged out to $3 a month.

Councilwoman Huffman introduced ORDINANCE 2026-19 DETERMINING TO PROCEED WITH THE IMPROVEMENT OF CITY STREETS AND PUBLIC WAYS BY THE LIGHTING THEREOF FOR THE YEAR 2026.

C. ORDINANCE 2026-20 AUTHORIZING THE ANNEXATION OF 327.016 +/- ACRES OF LAND OWNED BY THE STATE OF OHIO TO THE CITY OF XENIA, OHIO TO BE MADE, AND DIRECTING THE CITY DIRECTOR OF LAW TO PROSECUTE THE PROCEEDINGS NECESSARY TO EFFECT SAID ANNEXATION. President Smith asked Mr. Merriman for a brief summary of this item. Mr. Merriman said as Council was aware, at very long last, the pre-annexation agreement with Central State University (CSU) was approved and had since been executed by the parties. To advance this process, an ordinance was necessary to direct the initiation of proceedings to annex the University's campus consisting of approximately 327.016 acres, more or less. Under the ORC, a municipality may annex land that was contiguous to that community when the subject land was owned by the state, county, or municipality itself. Here, it would be the City's intent to file to annex the state-owned land that constituted the campus pursuant to the statutory process set forth in ORC sections 709.13 through 709.16. With this, a Letter of Consent to the annexation on behalf of the State of Ohio signed by the Ohio Director of Administrative Services had been received. Mr. Merriman provided a copy of the Letter of Consent to Council because it was received this week after the agenda was published. Staff had executed the necessary steps to move forward and was recommending introduction of the ordinance this evening as presented. Adoption of the ordinance constituted the first step in the statutory annexation process. Approval authorized the annexation and directed the Law Director to prepare and submit the necessary annexation petition to the Greene County Commissioners, who would then have to make that decision at a later date. Ms. Fisher added she would remind Council, which was noted in their cover memo, that the approval requirements were pursuant to state statute rather than Xenia's Charter. In order to pass, this required an affirmative vote of five Councilmembers.

President Smith entertained comments or questions. Vice President Crawford asked if the City would be putting new signs out that said Xenia City limits began at CSU. Mr. Merriman said staff would, along major routes, be identifying where the corporate limit began and ended. That was an adjustment that would be made in the transition process. Vice President Crawford also wondered if the City would be mowing that property and taking care of snow removal. Mr. Merriman said any roadways that would be impacted where the City would have property on both sides, the roadway maintenance would become the City's responsibility. He provided a memo to Council this evening, and one of the topics covered was the CSU annexation. Among the steps for transition in anticipation of Council's approval, staff started discussions with the Ohio Department of Transportation (ODOT) District 7. District 7 was responsible for maintenance of U.S. 42, but there was a small portion of U.S. 42 that, after the annexation, would be in the City. Xenia would negotiate with ODOT to continue to provide snow plowing and mowing for that section of road. There would be a section of U.S. 42, S.R. 380, and some other state/federal routes that ODOT covered closer to the City that would be exchanged mile for mile, which was much more efficient for both parties. Ms. Fisher said she would anticipate if Council introduced this ordinance and then adopted it, the petition could be filed as early as July 13th. President Smith confirmed all Council was doing was making an introduction, and this would come back for a second reading at the first meeting in June.

Vice President Crawford introduced ORDINANCE 2026-20 AUTHORIZING THE ANNEXATION OF 327.016+/- ACRES OF LAND OWNED BY THE STATE OF OHIO TO THE CITY OF XENIA, OHIO TO BE MADE, AND DIRECTING THE CITY DIRECTOR OF

LAW TO PROSECUTE THE PROCEEDINGS NECESSARY TO EFFECT SAID ANNEXATION.

D. RESOLUTION 2026-034 AUTHORIZING THE CITY MANAGER TO PURCHASE FORFEITED PROPERTIES LOCATED WITHIN THE CITY OF XENIA AT THE GREENE COUNTY AUDITOR'S FORFEITED LAND SALE, WHEN SUCH PURCHASES ARE MADE WITHIN THE LIMITS OF THE APPROPRIATIONS SET BY THE CITY COUNCIL FOR SUCH PURPOSES. President Smith asked Mr. Merriman for a brief summary of this item. Mr. Merriman said all properties for which tax foreclosures had been filed were advertised and offered by Sheriff's sale. These properties proceeded to forfeiture if they were unsold after two attempts. If the City did not take these properties by forfeiture, they were forfeited to the State of Ohio. Once forfeited to the state, the City continued to bear the burden of maintaining the properties, especially mowing and the upkeep of yards during warm months. Because the properties were now owned by the state, the City was unable to recoup any maintenance costs for that obligation. The ORC required the County Auditor at least once yearly to hold a forfeited land sale offering properties not previously sold during the attempts with a Sheriff's sale that were now owned by the State of Ohio to make them available for public purchase. Staff anticipated a sale would occur again this year, and an Auditor's Sale would offer the City a chance to purchase properties within the City if no one from the general public wanted them. This could be done at a lower cost than going through the forfeiture process. Thus, the resolution presented this evening would authorize staff to attend the Auditor's Sale and make bids on such properties when there were no other bidders from the public. This way, the City would have the opportunity to acquire those properties and could divest of them more efficiently than what the state process would afford through the Auditor's sales. Any such purchases would be limited to the amounts appropriated by Council for such purposes. This resolution initiated the process, but there would be steps for checks and balances with Council moving forward.

President Smith entertained comments or questions. Vice President Crawford wanted to make sure the City was just a backup buyer and wondered if this process eliminated legal fees and back taxes associated with those properties. Mr. Merriman concurred, and noted the City was just a backup buyer. When the properties went to the Auditor's sale, they were made available free and clear of any liens. There were also no court filing fees associated with the forfeiture process, and if a property was sold through the Sheriff's sale, that was good because it was a responsible buyer. When the properties ended up in the hands of the state, the City had a maintenance obligation and no ability to afford any movement on the property. This was a nice backup plan so those properties did not get locked up with the state for another year, and this approach minimized any cost the City would have in that acquisition process. Vice President Crawford asked if that meant the City could sell those properties at a later date. Mr. Merriman said staff would come back through the Property Management Committee to have a discussion on how best to go about with divestment of any properties acquired, but Council would have to take up additional legislation to authorize the final sale. Mayor Reynolds added he thought this was an excellent idea. He lived on E. Third Street, and on E. Second Street, there were two properties that had been vacant and overgrown for years. One property now had a house, and the other just started breaking ground because of this program. Mr. Merriman said at the last Auditor's sale, there were seven or eight properties in the City of Xenia that went up for bid from the Auditor. Every one sold, and every one had multiple bids. From the City's perspective, it was a good market right now. This may not be necessary, but

it was a nice backstop in the event the City needed it. He and the City Planner went to the Sheriff's sale today. There were two owners and a couple of properties, and those were not bid on and did not sell today. That was the second of the Sheriff's sales for those properties, so staff knew there would be some properties lining up for a potential Auditor's sale in the near future

Hearing nothing further, President Smith called for a motion to pass Resolution 2026-034.

Motion by Mayor Reynolds, seconded by Councilman Mackiewicz, to pass Resolution 2026-034 as presented. No comments followed. The Roll on this was the following:

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

E. RESOLUTION 2026-035 ACCEPTING THE PROPOSAL OF CARMEUSE LIME FOR THE PROVISION AND DELIVERY OF QUICKLIME SUPPLY TO THE PUBLIC SERVICE DEPARTMENT. President Smith asked Mr. Merriman for a brief summary of this item. Mr. Merriman said this was related to the prior appropriation item. The City used an agent called quicklime as part of Xenia's wastewater treatment process. It was an approved chemical compound routinely used in wastewater treatment, and it was used to increase pH to neutralize acidic water to precipitate out impurities such as heavy metals, phosphorous, and other suspended solids in the material that was being treated. It was a cost-effective option to stabilize sludge, and also helped to reduce odors and destroy pathogens that might remain in the material. Anticipating this year's purchase of quicklime would exceed the bidding threshold, which would require a formal bidding process, the City's public service staff put out a competitive request for proposals on procurement of quicklime. On May 5th, the City received only one proposal from an experienced supplier, Carmeuse Lime, for the provision and delivery of the necessary quantity of quicklime for 2026. Though the amount of quicklime that was needed for each year varied, staff did opt to look at what was used in 2025, which was 229 tons. Because the cost per ton of quicklime had increased around 45% year over year, there were not sufficient funds in the budget, hence the appropriation ordinance this evening.

President Smith entertained comments or questions. Vice President Crawford asked if there was a way to advance purchase the quicklime, looking ahead to the next couple of years. Mr. Merriman said from time to time there were materials the City could buy in quantity to get the benefit of pricing today and the economy of scale. Unfortunately, due to the lack of storage capacity at Xenia's Ford Road Wastewater Treatment Plant, there was not enough physical dry storage space to keep that material. Enough was being ordered to get through 2026, plus a little bit of excess based on last year's amount. But when the time came that the City did have the ability to store additional material, he thought stocking up was a great idea. Vice President Crawford asked who at the City could test a product like quicklime to make sure it was exactly what staff thought they were buying. Mr. Merriman said there were lab technicians that were employees of the City's Wastewater Treatment Division who monitored the material coming in at various stages of treatment, as well as the material going out. The output product at the backend of the wastewater treatment process was far cleaner than the river/stream it was spilling into. The City had lab techs who monitored and tested that at various phases of the process.

Hearing nothing further, President Smith called for a motion to pass Resolution 2026-035.

Motion by Councilwoman Huffman, seconded by Councilman Rubio, to pass Resolution 2026-035 as presented. No comments followed. The Roll on this was the following:

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

F. RESOLUTION 2026-036 DECLARING THAT A PORTION OF THE CITY-OWNED PARNELL PARK PROPERTY, COMPRISING 0.02 ACRES, MORE OR LESS, IS NOT NEEDED FOR ANY MUNICIPAL PURPOSE AND AUTHORIZING THE CITY MANAGER TO USE NEGOTIATIONS OR INFORMATION COMPETITION FOR THE SALE OF SAID PROPERTY. President Smith asked Mr. Merriman for a brief summary of this item. Mr. Merriman said the City has been approached by the owner of a property adjacent to Parnell Park who wished to acquire a small strip of property owned by the City that connected to the park space. Council authorized the transition of Parnell Park to a passive park, so all of the playground equipment had been removed, and that transition was presently being made. The subject space was a City-owned parcel 10 feet wide, approximately .02 acres located between 488 and 474 Ackerman Place. Staff believed this strip of land was originally intended to be an access point for the park. However, no one in the City had any recollection of there ever being a pathway/sidewalk there. There were two other 25-foot wide access points which would remain in existence as the primary means of ingress and egress to the park presently and moving forward. The Property Management Committee met on April 16th, and this parcel was amongst the topics discussed. The Committee agreed that property was not serving a meaningful public purpose and was not likely to do so in the future. The Committee endorsed the idea of making this available to the adjacent property owner.

President Smith entertained comments or questions. President Smith asked if there would be any surveyor fees attached to selling this property. Mr. Merriman clarified there might be a minor fee, but the property itself did not have much value. President Smith agreed the value was probably in getting rid of it and not having to mow it. Mr. Merriman agreed that it was a little less maintenance for the City and improved the salability of the house for the homeowner.

Hearing nothing further, President Smith called for a motion to pass Resolution 2026-036.

Motion by Vice President Crawford, seconded by Mayor Reynolds, to pass Resolution 2026-036 as presented. No comments followed. The Roll on this was the following:

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

RESOLUTION 2026-037 DECLARING THE CITY OF XENIA'S SUPPORT FOR H.R. 8193 OF THE 119TH CONGRESS-SECOND SESSION, TO DESIGNATE THE U.S. POSTAL SERVICE FACILITY IN XENIA AS THE "GILMAN 'GIL' WHITNEY POST OFFICE BUILDING." President Smith asked Mayor Reynolds for a brief summary of this item. Mayor Reynolds said as Council was aware, he met with Congressman Mike Turner at the Dayton Development Coalition D.C. Fly-In. During that discussion, it came up that lawmakers were trying to rename the Post Office in Xenia in honor of Gil Whitney. He was a WHIO meteorologist who gave Xenia's citizens critical advance notice of the approaching tornado in 1974 when he was live

on air, especially residents in the Arrowhead Neighborhood. His warning saved many lives, giving people a chance to seek shelter before the storm hit. Resolution 2026-037 was to send to Congressman Turner to say Xenia was in support of House Resolution 8193 for the Post Office name change. A copy of House Resolution 8193 that had been submitted for the federal members of Congress to vote on had been provided to Council this evening. Mr. Merriman added they were expecting a congressional vote on this in the near term, which was why staff wanted to hand carry this to Council tonight.

President Smith said this was a great idea, and it was a great honor to name the Post Office after Gil Whitney, as he was a well-respected meteorologist. He added hopefully, this would bring more attention to Xenia.

Motion by Mayor Reynolds, seconded by Vice President Crawford, to pass Resolution 2026-037 as presented. No comments followed. The Roll on this was the following:

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

(9) APPOINTED OFFICIALS' REPORTS

President Smith asked the Assistant Finance Director for his comments. Mr. Lake said Council had asked a couple questions earlier in the meeting about the street lighting project. He did some research, and there were about 12,400-ish parcels, averaging $13.50 per $100,000 of appraised value.

President Smith asked the Law Director for her comments. Ms. Fisher said the Charter Review Commission met on Tuesday, May 26th, and they were pretty much done with their review. The final step was for them to approve a report to be submitted to Council, and she anticipated the Commission finalizing that report on June 9th. If Council decided it wanted to present any of the amendments the Commission recommended on the November ballot, the deadline for that was September 4th, and to be able to do that without emergency legislation would require action by Council in July. She added the Commission would like to present their report to Council on June 11th. At which time Council would just accept the report, and no other action would be taken at that time, other than acknowledging that the report had been filed. Council's walking tour was on June 25th, and staff was requesting that Council come that evening at 5:00 p.m. so the Charter Review Commission could discuss their report and answer any questions Council might have, so that would give Council a chance to discuss how to present the report to voters.

President Smith asked the City Manager for his comments. Mr. Merriman said he would piggyback on Ms. Fisher's comments. He had spoken with the Council President about a walking tour on June 25th. He asked if Council would be available for a Work Session at 5:00 p.m. to do the Charter Review with Commission members, and then the Regular Session at 6:00 p.m. Staff was working to keep the agenda for the 25th as light as possible, and were anticipating up to three second actions, which were ordinances that would potentially need a second reading. After the Regular Session, there would be a Work Session that would allow for the walking tour while minimizing the impact on Council. He provided to Council this evening a report on some of the City's really big projects that were in the process of successfully coming to a conclusion, in lieu of doing a Work Session

tonight. He added there was a lot of construction going on in town, and he apologized for any inconvenience that was causing the residents. Between work being done by AES Ohio, CenterPoint Energy, AT&T, the Market District project, the jail demolition, along with a host of other things, there were a lot of orange barrels and cones on the roads. The jail project should be wrapped up in the next couple of weeks, and the Market District project, in terms of public infrastructure, should be done by the end of June. He asked citizens to be patient and careful with the various crews in the area to ensure their safety with vehicular traffic. He added there had been some frustration this week around the signal at the intersection of Main Street and Detroit Street, which he had sent Council a message about. The system manufacturer as well as the City contractor came out and identified the problem. Since no one could figure out how to fix the problem, a wire was split to disable certain functions, which seemed to have addressed the issue. Staff documented what was done in case there were any problems in the future. The signal was either activating improperly or drivers would sit for an incredibly long sequence of lights. He apologized for any inconvenience this caused. Staff was pretty sure the problem stemmed from a short in the wire caused by a lightning strike.

President Smith said he wanted to commend staff for their work in relieving the City's burden with the 911 Cost Sharing Project. Mr. Merriman added the County 911 Committee adopted the new cost-sharing model, and staff had been in negotiations with the County Commission. Xenia would begin to see some savings in 2027 with the full application of the new Cost Sharing Agreement in 2028. As indicated in the report he provided, to give the Council context, in 2025, the City's expenditure for dispatch was a little over $1.2 million. Under the new arrangement in 2027, based on projections for the budget, the cost would be between $650,000 to $700,000, which would almost cut that expense in half. It was a big project and it had been a politicized issue, but he appreciated Council sticking with staff and directing them to go after the cost sharing because it would provide for a sustainable model for funding dispatch that would not be on the backs of Xenia taxpayers anymore. President Smith asked if that had been presented to the township yet. Mr. Merriman confirmed that it had, much to their chagrin. President Smith added he had been getting a lot of static from Xenia Township on this issue, and he wondered what the chances were that this proposal got rejected. Mr. Merriman said there really was no recourse for the township because there were new statutory provisions that governed these County 911 Committees. They had the legal authority to do two things. They determined what public safety answering points would receive which 911 calls, and they determined the Cost Sharing Model for those particular public safety answering points. The 911 Committee, in a unanimous vote, adopted an amendment to the City's plan, which would be filed with the State of Ohio. It was compulsory in terms of any agency that was benefitting from the services in the 911 Call Center, which meant those jurisdictions would have to pay their fair share. It was based on a per-capita formula, which after a lot of evaluation and research, was determined the most equitable way to approach cost sharing. Xenia could see some increases in the future if the City's population grew, and that was probably a decent trade-off given the City was previously eating half the 911 Call Center costs. Mayor Reynolds said he had just been elected to Council three years ago when these 911 discussions first started, and it was great to see the City's bill be potentially 47-48% lower than it was previously. He congratulated Mr. Merriman and Xenia's Fire Chief and Police Chief and all those who had been involved in those discussions. He added President Smith had been a big proponent for this Cost Sharing Model and had led that charge from the beginning.

President Smith said his advice to the jurisdictions who could not afford costs associated with 911 dispatch was to seek help from their County Commissioners. He added that County Commissioners rolled back $3 million last year, and they had the funds to take care of their citizens. He said he would ask them to put their money where their mouth was on this project. Mr. Merriman said one of the challenges with the system now was there were older portions of statute which purported unique authorities to County Commissions to fund 911 services. Those Commissions had a couple of unique mechanisms at their disposal, such as implementing an assessment or a 911-specific property tax. When the state implemented the new legislation, that created these authorities with the 911 Committee, and essentially required these local jurisdictions to pay their fair share of 911 services. The Committee did not grant local jurisdictions the same types of authorities the Commission had, but the Commission had a unique ability to implement an alternative revenue source that local jurisdictions did not have. Local jurisdictions would have to do a fire levy or general levy, and there had been a lot of pushback on his. As President Smith mentioned, Xenia Township was not happy. He reminded the Xenia Township Administrator and a couple of Township Trustees at their last meeting that no one was saying thank you to the County or the City for footing that bill for the last 30 years. It was only complaints about how much the Township had to pay moving forward. The City was not asking to be reimbursed for carrying the balance for all those years; the City was just asking for a fair distribution of the cost moving forward. President Smith reiterated that the City's portion was going from $1.2 million to $700,000. Half-a-million-dollar savings over eight years would have been an additional $4 million toward City streets. Previous Councils had chosen public safety over convenience. Mr. Merriman added that at Council's direction, staff had pursued every option available. Everywhere where the City was upside down, or there was an inequity, or the City was funding something externally where staff could put pressure to make a change, that was being done. This project was a good example and had taken three years to accomplish. This would free up Xenia taxpayer resources for streets, public safety, and other critical priorities moving forward. However, the full value would not kick in until 2028. Xenia's amount next year was capped at $800,000, and that would come down even more moving forward. President Smith congratulated Mr. Merriman's son who graduated from the Greene County Career Center as well as Xenia High School. Mr. Merriman said his son was planning on going to Sinclair Community College as well as Marine Boot Camp in a few weeks. President Smith said he also wanted to mention that Xenia High School's Commencement Ceremony had around 300 graduates last week, and Legacy Christian Academy had their graduation the next day for around 36 students.

(10) COUNCIL COMMENTS & REPORTS:

Councilman Mackiewicz said he was out riding his bike on Memorial Day, and it was neat to interact with the different people riding around in the community. He ran into two brothers from Washington, D.C. who came through, and he directed them to Xenia's local businesses to enjoy some good food while they rested and continued on their trip to Cleveland. He concluded Xenia had a really great asset with the City's trails, and they did bring in some tourism dollars.

Councilwoman Huffman had nothing to share with Council.

Councilman Rubio had nothing to share with Council.

Before moving to Vice President Crawford's comments, President Smith asked when the taco place near Xenia Station was opening up. Mr. Merriman said he thought they were supposed to be opening before the end of the month, and Mr. Forschner confirmed the owner had all the necessary permits.

Vice President Crawford said he attended the Finance and Budget Committee meeting on May 18th. Without getting into the weeds, he wanted to say the citizens of Xenia were in an unprecedented time – to pay attention and recognize the growth happening in the City. The work that was being done was a direct result of Mayor Reynolds, President Smith, his fellow Councilmembers, as well as Xenia's City Manager, Law Director, and Finance Director. He also recognized the support from Xenia's Fire & EMS Division and Police Division. He said he had never seen anything like it, and he had been a Xenia resident for a long time. He thanked his fellow Councilmembers and touted Mayor Reynolds as being the youngest Mayor in the State of Ohio.

Mayor Reynolds stated he officiated the CSU Commencement Ceremony. Since it rained so hard, the ceremony went from an hour-and-a-half long to 46 minutes, so the graduate's names were listed quickly. He then shared the following:

- He reported that Andy Lewis was a popular runner who was running across all 50 states to raise awareness for mental health. Mr. Lewis ran from Cincinnati to Columbus, and ran through Xenia on Sunday. Mayor Reynolds got to run with Mr. Lewis and his crew of about 50. Those people stayed in Yellow Springs and Xenia the night before and loved the town. That group ran 38 miles one day, stopped in Xenia, had dinner, some went into Yellow Springs, and others ran Xenia's Downtown Area and loved it. The group ran from Xenia to London, then London to Columbus. Mayor Reynolds did the two-mile stretch from Xenia Station to the edge of town and back to his car.
- He attended the SOS Ministries Polar Plunge, which was held on the first real hot day of the summer where he got dunked in ice-cold water.
- As a reminder, the Xenia Recreation and Events Commission (X-REC) meeting would be held on June 2nd in the City Administration Building.
- Earlier this month, he was blessed to go to the D.C. Fly-In for the Dayton Development Coalition where he was able to directly advocate for the future of Xenia. He had several meetings there, one of which was with Congressman Mike Turner, where he secured federal support for the redevelopment of the Market District. Xenia was included in the fiscal year 2027 for transportation, housing, urban development, and related agencies for $500,000. This was the first time the City of Xenia had been included in a federal budget that was not disaster or storm related. He could only go back to 1970 in the Congressional Records without looking further back at the Library of Congress. He was proud that Congressman Turner, through a lot of discussions, had stepped up and fought for Xenia. He said to even get that federal money was a testament to the project itself and what Council had done.
- He expressed his gratitude that he got to work with each of his fellow Councilmembers, especially President Smith over the last three years.

President Smith thanked Mayor Reynolds for working with Congressman Turner and fighting for federal dollars for Xenia. Mayor Reynolds added that money was on top of the $150,000 the City secured two years ago in the Capital Budget. That would total $650,000 once the federal budget passed, which had never happened before. President Smith said Councilmembers were getting a lot of questions from citizens about the Market District. He asked if there would be an announcement on that in June. Mr. Merriman said as the City got closer to the completion of the public infrastructure, staff would make an announcement. He added that there was a robust section

of the report he gave Council that would give them some good answers to give citizens when asked about various elements of the Market District Project.

President Smith thanked everyone for attending tonight's meeting. He said Xenia had a lot of new businesses opening up, and he was pleased to share that a new privately owned business named Buckeye Equipment had opened up across from the Dairy Station. The owner of Buckeye Equipment was a resident of Xenia and lived close to his shop. President Smith had already had a few things fixed there, and the owner did great work. He was really glad to have a business there to make use of that empty lot. Also, there were new restaurants possibly coming to Xenia as well. Also, the City would be very popular in July with the Red, White, & Blue Block party that included the fireworks on July 3rd at 10:00 p.m.

(12) EXECUTIVE SESSION: President Smith said an Executive Session was needed this evening to discuss personnel matters to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee per ORC § 121.22(G) and asked for a motion.

Motion by President Smith, seconded by Mayor Reynolds, to go into Executive Session at 7:01 p.m. to discuss personnel matters to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee per ORC § 121.22(G) with no business to follow. The Roll on this was the following:

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

The Council convened in Executive Session with the same members present. At 7:41 p.m., President Smith reconvened the Regular Session.

(13) ADJOURNMENT: Motion by Mayor Reynolds, seconded by Councilman Rubio, to adjourn the Regular Meeting at 7:42 p.m. No discussion followed. The Roll on this was the following:

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

Nichole Haulman
Deputy City Clerk

Wesley E. Smith
President, Xenia City Council

XENIA CITY COUNCIL
LEGISLATIVE COVER MEMO

Procedural History & Timeline:

Resolution of Necessity:	Passed February 26, 2026
Objection Deadline:	March 16, 2026
Introduction:	May 28, 2026, by Councilwoman Rachel Huffman
Public Hearing & Vote:	June 11, 2026
Effective Date:	July 11, 2026

Agenda Item: **ORDINANCE 2026 –19**
DETERMINING TO PROCEED WITH THE IMPROVEMENT OF CITY STREETS AND PUBLIC WAYS BY THE LIGHTING THEREOF FOR THE YEAR 2026

Submitted by: Chris Berger, Public Service Director
Presented by: Brent Merriman, City Manager

Summary: Under the statutory process set forth in the Ohio Revised Code to assess the costs of street lighting, three legislative actions are required. First, is the passage of a resolution of necessity, declaring why street lighting is necessary and setting forth the estimated assessments for each parcel of land within the City. Second, is the adoption of an Ordinance to Proceed, which declares City Council's intent to proceed with the project. The third and final step is the adoption of an Assessment Ordinance, which places the street lighting assessments on the tax duplicate for the coming year.

On February 26, 2026, City Council passed the required resolution of necessity (Resolution 2026-012). As required by law, the notice of the passage of the Resolution of Necessity was published and certified letters were sent to any property owner whose assessment was estimated to exceed $500. The period for filing objections has now passed, and no objections were received. This Ordinance to Proceed thus represents the second step of the assessment process and declares the City's intent to proceed with lighting the streets and public ways within the City for 2026.

As the City executed a new seven-year street lighting contract with Miami Valley Lighting (MVLt), new monthly rates for Citywide street lighting will begin in 2026. Thus, it is estimated that the City will expend $279,591 on street lighting in 2026. Pursuant to ORC § 727.12, the City is responsible for 1/50 or 2% of the project costs, thereby resulting in a Citywide streetlight assessment of approximately $274,000 in total. This amount will be proportionately divided amongst all lots and parcel within the City based upon the percentage of tax value for each parcel.

Cover Memo Attachments: N/A

Budgetary Impact: $279,591 is the total project cost with the City's share being $5,591, thereby leaving a total of $274,000 to be assessed across all properties within the City based upon a percentage of tax value for each parcel.

Vote Required for Adoption: The affirmative vote of a majority of the members of Council present at the meeting, per Charter § 5.02(E).

Recommendation: Adopt Ordinance 2026-19 to proceed with the improvement of City streets and public ways by the lighting thereof for 2026.

CITY OF XENIA, OHIO
ORDINANCE 2026 – 19

DETERMINING TO PROCEED WITH THE IMPROVEMENT OF CITY STREETS AND PUBLIC WAYS BY THE LIGHTING THEREOF FOR THE YEAR 2026

WHEREAS, Ohio Revised Code (ORC) § 727.23 requires the legislative authority of a municipal corporation that has passed a Resolution of Necessity, pursuant to ORC § 727.12, to determine whether it will proceed with the proposed improvement;

WHEREAS, this Council passed such Resolution of Necessity, by Resolution 2026-012, on February 26, 2026, and the passage of such Resolution has been advertised as required by law;

WHEREAS, the Finance Director, in accordance with Resolution 2026-012, prepared the estimated assessments, which are on file with the City Clerk, showing the amount of the special assessment against each lot to be assessed;

WHEREAS, in accordance with ORC §§ 727.15, 727.18 and 727.23, the time for filing claims for damages and objections has passed, and no claims for damages nor any objections were filed; and

WHEREAS, this Council finds it to be in the best interests of the health, safety and welfare of the City of Xenia, Ohio and its residents to proceed with the proposed improvement,

NOW, THEREFORE, THE CITY OF XENIA HEREBY ORDAINS, a majority of the members of City Council present concurring, that:

Section 1. It is determined to proceed with improving the streets and other public ways within the corporate limits of the City by the lighting thereof for the year 2026, said lighting to be provided by electrical lighting, in accordance with the provisions of Resolution 2026-012, passed by this Council on February 26, 2026.

Section 2. The estimated special assessments, prepared and filed in accordance with Resolution 2026-012, are hereby adopted.

Section 3. All claims for damages resulting from the improvement that were filed in accordance with law shall be judicially inquired into before commencement of the improvement.

Section 4. In accordance with ORC § 319.61, the City Clerk is hereby directed to file a certified copy of this Ordinance with the County Auditor within fifteen (15) days of its adoption.

Section 5. It is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including ORC § 121.22.

Section 6. This Ordinance shall become effective on July 11, 2026.

Introduced: May 28, 2026
Adopted: June 11, 2026

Wesley E. Smith
Xenia City Council President

Attest:

Amy E. Brown
City Clerk

XENIA CITY COUNCIL
LEGISLATIVE COVER MEMO

Procedural History & Timeline:
Introduction: May 28, 2026, by Vice President James Crawford
Public Hearing & Vote: June 11, 2026
Effective Date: July 11, 2026

Agenda Item: **ORDINANCE 2026 – 20**
AUTHORIZING THE ANNEXATION OF 327.016 +/- ACRES OF LAND OWNED BY THE STATE OF OHIO TO THE CITY OF XENIA, OHIO TO BE MADE, AND DIRECTING THE CITY DIRECTOR OF LAW TO PROSECUTE THE PROCEEDINGS NECESSARY TO EFFECT SAID ANNEXATION

Submitted by: Donnette Fisher, Law Director & Brent Merriman, City Manager
Presented by: Brent Merriman, City Manager

Summary: As the preannexation agreement with Central State University was approved and executed by the parties, this Ordinance begins the City's commitment under that agreement to annex the University's campus, consisting of 327.016 acres, more or less. Under the Ohio Revised Code, a municipality may annex land that is contiguous to that municipality when such land is owned by the state, county, or the municipality itself. In this case, the City may file to annex this state-owned land pursuant to the statutory process set forth in ORC §§ 709.13 – 709.16, and a letter of consent to the annexation on behalf of the State of Ohio, signed by the Ohio Director of Administrative Services, will be filed with the petition. The first step in this statutory annexation process is for this Council to adopt the attached preliminary legislation to authorize the annexation and to direct the Law Director to prepare and submit the necessary annexation petition to the Greene County Board of Commissioners.

While no statement of services is required with this form of annexation, it is anticipated that the City will provide the territory with all services that are routinely provided to municipal territory, except as agreed upon in the preannexation agreement. Provided services will include continuation of water and sanitary sewer utility services (but at resident customer rates, without surcharges) and fire/EMS services, as well as various administrative services. As to roadway maintenance obligations created by the proposed annexation, Public Service staff has already initiated conversation with leadership at ODOT's District 7 office regarding a maintenance exchange arrangement for a portion of U.S. 42 and, likewise, may seek an arrangement with the Greene County Engineer regarding maintenance for Wilberforce-Clifton Road.

Cover Memo Attachments: None.

Budgetary Impact: The proposed annexation will subject CSU campus residents and individuals employed by or at the University to the City's 2.25% income tax. It is estimated that after all current service fees are discounted (including elimination of the fire/EMS service contract revenue and water and sanitary sewer surcharge revenue) and any new service costs are applied, that the net financial impact to the City will be more than $200,000/yr. Impact onthe Key Operating Funds is estimated at $435,000/yr.

Vote Required for Adoption:	The affirmative vote of a majority of the members of Council (5 votes), per Ohio Revised Code § 709.14.
Recommendation:	Adopt Ordinance 2026-20 to begin the process of annexation for the CSU campus, as agreed to between the University and the City in the Preannexation Agreement.

CITY OF XENIA, OHIO
ORDINANCE 2026 – 20

AUTHORIZING THE ANNEXATION OF 327.016 +/- ACRES OF LAND OWNED BY THE STATE OF OHIO TO THE CITY OF XENIA, OHIO TO BE MADE, AND DIRECTING THE CITY DIRECTOR OF LAW TO PROSECUTE THE PROCEEDINGS NECESSARY TO EFFECT SAID ANNEXATION

WHEREAS, Central State University is the sole owner of 327.016 +/- acres of property currently located in Xenia Township, Ohio, which property is contiguous with the City of Xenia municipal boundary;

WHEREAS, Ohio Revised Code (ORC) §§ 709.13 – 709.16 provide the manner and method by which the City may petition the Greene County Board of Commissioners to annex contiguous territory owned only the State;

WHEREAS, ORC § 709.14 requires this Council, as a preliminary action, to adopt an ordinance authorizing the annexation to be made and directing the City Director of Law to prosecute the proceedings necessary to effect the annexation; and

WHEREAS, this Council finds it to be in the best interests of the health, safety and welfare of the City of Xenia, Ohio and its residents to proceed with the annexation,

NOW, THEREFORE, THE CITY OF XENIA HEREBY ORDAINS, a majority of the members of City Council concurring, that:

Section 1. In accordance with ORC § 709.14, this Council authorizes the annexation to the City of Xenia, Ohio, of 327.016 +/- acres of property located in Xenia Township, solely owned by Central State University/the State of Ohio, as shown on the attached Exhibit A (annexation plat and legal description), which property is contiguous with the City of Xenia municipal boundary.

Section 2. The Law Director is hereby appointed as agent for the City, and is directed to prepare and submit, on behalf of the City, a petition for annexation of the contiguous, 327.016 +/- acres of state-owned property to the Greene County Board of Commissioners, pursuant to ORC §§ 709.13 – 709.16. The Law Director is further authorized to perform all acts as may be necessary to effect the annexation herein authorized.

Section 3. It is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including ORC § 121.22.

Section 4. This Ordinance shall take effect July 11, 2026.

Introduced: May 28, 2026
Adopted: June 11, 2026

Wesley E. Smith
Xenia City Council President

Attest:

Amy E. Brown
City Clerk

ANNEXATION
TO THE CITY OF XENIA, OHIO

327.016 ACRES

LOCATED IN

PART OF MILITARY SURVEY 929 AND 2265

TOWNSHIP OF XENIA, GREENE COUNTY, OHIO

OCTOBER 19, 2023

SHEET INDEX

0' 600' 1200' 1800'

GRAPHIC SCALE IN FEET
1" = 600'

SHEET 6/7

SHEET 7/7

SHEET 5/7

SHEET 4/7

PROPOSED CORPORATION LINE (TYP.)

WILBERFORCE-CLIFTON ROAD

MASSIES CREEK

V.M.S. 929
V.M.S. 2272

V.M.S. 2272
V.M.S. 2265

HICKMAN ROAD

SPRING ST.

HICKMAN ROAD

SHORTER AVE.

BRUSH ROW ROAD

U.S.-42 (COLUMBUS PIKE)

V.M.S. 929
V.M.S. 2265

V.M.S. 929
V.M.S. 4340 & 4422

V.M.S. 4340 & 4422
V.M.S. 2265

WILBERFORCE-SWITCH ROAD

XENIA TOWNSHIP
CITY OF XENIA

T.P.O.B.

OHIO TO ERIE TRAIL BIKEPATH

N
W E
S

NOTE:

THIS ANNEXATION DOES NOT CREATE AN ISLAND OF UNINCORPORATED AREAS WITHIN THE LIMITS OF THE AREA TO BE ANNEXED.

CONTIGUITY NOTE:

TOTAL PERIMETER OF ANNEXATION AREA IS 25649 FEET, OF WHICH 1532 FEET IS CONTIGUOUS WITH THE CITY OF XENIA GIVING 6% PERIMETER CONTIGUITY.

BASIS OF BEARING:

BASIS OF BEARING IS THE OHIO STATE PLANE COORDINATE SYSTEM, OHIO SOUTH ZONE, NAD83 (2011) THE CENTERLINE OF U.S. ROUTE 42 BEING N 57°51'12" E.

CERTIFICATION:

TO THE BEST OF MY KNOWLEDGE AND UNDERSTANDING, I HEREBY CERTIFY THIS PLAT AND ALL MEASUREMENTS TO BE CORRECT. CURVED DISTANCES ARE MEASURED ALONG THE ARC. IRON PINS ARE TO BE SET AT ALL LOT CORNERS, LOT POINT OF TANGENCY, AND ALL POINTS OF CURVATURE UNLESS NOTED OTHERWISE.

THIS SURVEY WAS CONDUCTED UNDER MY DIRECT SUPERVISION, BASED ON FIELDWORK PERFORMED THROUGH JULY, 2023. ALL MEASUREMENT ARE CORRECT AND MONUMENTS ARE TO BE SET AS SHOWN.

BERNARD D. KIENOW JR.
OHIO REGISTERED
PROFESSIONAL SURVEYOR #7456

PREPARED BY:

BRUMBAUGH ENGINEERING & SURVEYING, LLC
2270 SOUTH MIAMI STREET
WEST MILTON, OHIO 45383
PHONE (937) 698-3000
FAX (937) 698-3928
EMAIL: John@BES-Engineer.com

SHEET 1 OF 7

BES JOB #233.23 DRAWN BY: SES CHECKED BY: JJB

T:\BES_2023\233.23_Central State University Annexation Survey_Wilberforce\Survey\233.23-Annexation-Survey-Phase-1.dwg

Ordinance 2026-20 Exhibit A

PROPERTY OWNER DATA:

(1)

M36-0002-0039-0-0049-00
CENTRAL STATE COLLEGE
DB 360 PG 497
1.00 ACRES

(2)

M36-0002-0027-0-0038-00
CENTRAL STATE UNIVERSITY
OR 3653 PG 768
87.37 ACRES
SURV VOL 18 PG 248

(3)

M36-0002-0027-0-0041-00
CENTRAL STATE COLLEGE
DB 85 PG 216
REM 131.27 ACRES
SURV VOL 7 PG 514

(4)

M36-0002-0039-1-0034-00
STATE OF OHIO/ CENTRAL STATE COLLEGE
DB 130 PG 289
REM 112.20 ACRES

(5)

M36-0002-0039-0-0032-00
STATE OF OHIO/ CENTRAL STATE COLLEGE
DB 144 PG 538
6 ACRES

(6)

M36-0002-0039-0-0033-00
STATE OF OHIO/ CENTRAL STATE COLLEGE
DB 144 PG 538
4.03 ACRES

[7]

M36-0002-0039-1-0014-00
CENTRAL STATE UNIVERSITY
OR 3572 PG 732
1 ACRES
SURV VOL 8 PG 412

[8]

M36-0002-0039-1-0029-00
CENTRAL STATE UNIVERSITY
IR 2020005324
0.73 ACRES
SURV VOL 39 PG 30

[9]

M36-0002-0027-0-0121-00
CENTRAL STATE UNIVERSITY
OR 3617 PG 109
1.018 ACRES
PT. LOTS 5 & 6
LAUMAN AND RUST ADDITION
PCV 31 PG 17B
SURV VOL 44 PG 44

[10]

M36-0002-0027-0-0119-00
CENTRAL STATE UNIVERSITY
IR 2019005791
4.3826 ACRES
PT. LOT 4
LAUMAN AND RUST ADDITION
PCV 31 PG 17B
SURV VOL 26 PG 349

[11]

M36-0002-0027-0-0118-00
CENTRAL STATE UNIVERSITY
IR 2019006802
0.138 ACRES
PT. LOT 4
LAUMAN AND RUST ADDITION
PCV 31 PG 17B

[12]

M36-0002-0027-0-0117-00
STATE OF OHIO/ CENTRAL STATE UNIVERSITY
DB 400 PG 261
0.370 ACRES
PT. LOT 4
LAUMAN AND RUST ADDITION
PCV 31 PG 17B

[13]

M36-0002-0027-0-0116-00
STATE OF OHIO
DB 146 PG 528
6.6 ACRES
LOT 3
LAUMAN AND RUST ADDITION
PCV 31 PG 17B

[14]

M36-0002-0027-0-0114-00
STATE OF OHIO
DB 232 PG 593
6 ACRES
PT. LOT 2
LAUMAN AND RUST ADDITION
PCV 31 PG 17B

15, 16, 17 NOT USED

[18]

M36-0002-0027-0-0103-00
CENTRAL STATE UNIVERSITY
IR 2022005668
1.766 ACRES
SURV VOL 48 PG 139

[19]

M36-0002-0039-1-0015-00
CENTRAL STATE UNIVERSITY FOUNDATION
OR 2771 PG 340
1.984 ACRES
SURV VOL 32 PG 84

[20]

M36-0002-0039-1-0008-00
CENTRAL STATE UNIVERSITY FOUNDATION
OR 3072 PG 234
0.75 ACRES

[21]

M36-0002-0039-0-0046-00
CENTRAL STATE UNIVERSITY FOUNDATION
DB 433 PG 518
REM 33.465 ACRES

[22]

M36-0002-0027-0-0169-00
TAWAWA COMMUNITY DEVELOPMENT CORPORATION
OR 2967 PG 94
0.714 ACRES
LOT 6A
LAUMAN AND RUST ADDITION REPLAT
PCV 36 PG 313B-314A

[23]

M55-0001-0001-0-0002-00
STATE OF OHIO/ CENTRAL STATE COLLEGE
P.O. BOX 1004
WILBERFORCE, OH 45384-1004
DB 144 PG 538
4.516 ACRES

[24]

M36-0002-0039-1-0006-00
GWENDOLYN M. MEANS
AND EVELYN M MOBLEY
OR 1452 PG 137
1 ACRE
SURV VOL 8 PG 412

[25]

M36-0002-0039-1-0010-00
GWENDOLYN M. MEANS
AND EVELYN M MOBLEY
OR 1452 PG 137
0.625 ACRES

[101]

M36-0002-0039-0-0034-00
JOHN L. HOKE AND VIRGINIA L. HOKE
2314 JASPER RD
XENIA OH 45385
IR 2022020609
40.215 ACRES
SURV VOL 36 PG 217

[102]

M36-0002-0039-0-0035-00
JOHN L. HOKE AND VIRGINIA L. HOKE
2314 JASPER RD
XENIA OH 45385
IR 2022020611
36.317 ACRES
SURV VOL 36 PG 251

[103]

M36-0002-0039-0-0042-00
ISAIAH T. CAMPBELL
2981 SR 72 N
CEDARVILLE OH 45314
OR 2424 PG 141
1.082 ACRES
SURV VOL 36 PG 284

[104]

M36-0002-0039-0-0043-00
MARK W. BASSETT
1700 US 42 E
XENIA OH 45385-7361
OR 2306 PG 404
4.408 ACRES
SURV VOL 36 PG 79

[105]

M36-0002-0039-0-0045-00
NICHOLAS S. KOVACH
AND ALISON L. KOVACH
4205 STONE BRIDGE DR
SPRINGFIELD OH 45504
OR 3368 PG 446
18.486 ACRES
SURV VOL 37 PG 159

[106]

M36-0002-0040-0-0007-00
GREGORY F. JOHNSON
1840 US ROUTE 42 E
XENIA OH 45385
OR 2354 PG 836
50.305 ACRES
SURV VOL 24 PG 172

[107]

M36-0002-0040-0-0003-00
SANDRA O. TAYLOR
1620 CHARLETON MILL RD
XENIA OH 45385
IR 2021005848
68.262 ACRES
SURV VOL 47 PG 123

[108]

M36-0002-0039-0-0048-00
JOSETTA JACKSON ROLAND
6120 DAYTON LIBERTY RD
DAYTON OH 45417
OR 3660 PG 811
REM 24.00 ACRES

[109]

M36-0002-0039-0-0071-00 (1.000 ACRES)
M36-0002-0039-0-0051-00 (REM 24.00 ACRES)
SHIRLEY I. MCGEE
1457 HICKMAN RD
XENIA OH 45385
IR 2022017220

[110]

M36-0002-0039-0-0086-00
DAVID A. PADILLA
1409 HICKMAN RD
XENIA OH 45385
IR 2020001685
1.556 ACRES
SURV VOL 14 PG 493

[111]

M36-0002-0039-0-0104-00
RONALD COX AND LINDA M. COX
1405 HICKMAN RD
XENIA OH 45385
OR 2026 PG 835
8.00 ACRES
SURV VOL 20 PG 93

[112]

M36-0002-0039-0-0050-00
HAROLD BROWN
700 NW GILMAN BV #354
ISSAQUAH WA 98027
(NO DEED REFERENCE)
10.00 ACRES

[113]

M36-0002-0027-1-0017-00
(85.4122 ACRES)
M36-0002-0027-1-0034-00
(7.612 ACRES)
HOWARD L. MORRIS, JR.
AND JILL N. MORRIS
1700 WILBERFORCE CLIFTON RD
P O BOX 63
WILBERFORCE OH 45384
IR 2020022475
SURV VOL 40 PG 178 (85.4122 ACRES)
SURV VOL 18 PG 103 (7.612 ACRES)

[114]

M36-0002-0027-1-0025-00
YOU CHIEN CHIANG, TRUSTEE
950 MASSACHUSETTS AVE APT. 501
CAMBRIDGE MA 02139
IR 2019001576
10.00 ACRES

[115]

M36-0002-0027-1-0024-00
EDWARD L. WINGARD
1579 WILBERFORCE CLIFTON RD
XENIA OH 45385
OR 800 PG 840
36.4629 ACRES

[116]

M36-0002-0027-0-0021-00
SHARON S. WYLIE
966 BRUSH ROW RD
XENIA OH 45385
IR 2020002586
52.969 ACRES
SURV VOL 29 PG 320

[117]

M36-0002-0027-0-0035-00
KEVIN L. THOMPSON
AND LANA K. THOMPSON
1421 WILBERFORCE CLIFTON RD
XENIA OH 45385
OR 3474 PG 133
15.466 ACRES
SURV VOL 39 PG 135

[118]

M36-0002-0027-0-0162-00
THE BISHOP RVERDY C. AND EMMA S.
RANSOM FOUNDATION, INC.
9106 LA STRADA CT
DALLAS TX 75220
IR 2022014030
5.733 ACRES
SURV VOL 22 PG 201

[119]

M36-0002-0027-0-0036-00
FRANCES L. COATES
1202 BRUSH ROW RD
WILBERFORCE OH 45384
IR 2020026867
2.677 ACRES
SURV VOL 27 PG 260

[120]

M36-0002-0027-0-0044-00
TIFFANY FREEMAN
AND CHRISTOPHER SINENO
1220 BRUSH ROW RD
WILBERFORCE OH 45384
IR 2023006439
1.25 ACRES
SURV VOL 10 PG 380

[121]

M36-0002-0027-0-0155-00
JARED RICHARD BARNES
1230 BRUSH ROW RD
WILBERFORCE OH 45384
IR 2022012884
1.242 ACRES
SURV VOL 10 PG 382

[122]

M36-0002-0027-0-0062-00
WILBERFORCE UNIVERSITY
PO BOX 1001
WILBERFORCE OH 45384
(NO DEED REFERENCE)
0.260 ACRES (AUDITORS)

[123]

M36-0002-0027-0-0063-00
OHIO HISTORICAL SOCIETY FOR
NATIONAL AFRO AMERICAN MUSEUM
1985 VELMA AV
COLUMBUS OH 43211
OR 318 PG 549
0.220 ACRES

[124]

NO DATA, IN ROAD

[125]

M36-0002-0027-0-0072-00
BRANDON M. GREENE
1275 BRUSH ROW RD
WILBERFORCE OH 45384
IR 2020023935
0.626 ACRES
SURV VOL 38 PG 96

[126]

M36-0002-0027-0-0071-00
PROJECT ONE GLOBE LLC
3901 ACCENT DR 1633
DALLAS TX 75287
IR 2022019634
0.5314 ACRES
SURV VOL 44 PG 1

[127]

M36-0002-0027-0-0068-00
WILBERFORCE UNIVERSITY
PO BOX 1001
WILBERFORCE OH 45384
(NO DEED REFERENCE)
REM 7.66 ACRES
SURV VOL 8 PG 140

[128]

M36-0002-0027-0-0111-00
WILBERFORCE UNIVERSITY
PO BOX 1001
WILBERFORCE OH 45384
(NO DEED REFERENCE)
1.40 ACRES

ANNEXATION
TO THE CITY OF XENIA, OHIO

327.016 ACRES

LOCATED IN

PART OF MILITARY SURVEY 929 AND 2265
TOWNSHIP OF XENIA, GREENE COUNTY, OHIO
OCTOBER 19, 2023

LEGEND:

- ○ *30" X 5/8" OD IRON PIN (SET) WITH YELLOW PLASTIC CAP STAMPED "BRUMBAUGH E&S"*
- ● *5/8" IRON PIN FOUND*
- ◑ *CAPPED IRON PIN FOUND*
- ✖ *RAILROAD SPIKE FOUND*
- ◸ *MAG NAIL SET*
- ◸ *MAG NAIL FOUND*
- ◉ *IRON PIPE FOUND*
- ⊡ *MONUMENT BOX FOUND*
- ^ *ANGLE IRON POST FOUND*
- ▲ *STONE FOUND*
- ■ *POST FOUND*
- × *CALCULATED POINT, NOT MONUMENTED*
- (25) *PROPERTIES INCLUDED IN ANNEXATION*
- [101] *ADJACENT PROPERTY OWNERS DATA (SEE SHEET 2 AND 3/7)*
- ( ) *REFERENCED DISTANCE OF RECORD*

NOTE:

MAILING ADDRESSES SHOWN ARE FROM GREENE COUNTY RECORDS.

CENTRAL STATE UNIVERSITY FOUNDATION
1400 BRUSH ROW ROAD
WILBERFORCE, OH 45384

CENTRAL STATE UNIVERSITY
P.O. BOX 1004
WILBERFORCE, OH 45384-1004

PREPARED BY:

BRUMBAUGH ENGINEERING & SURVEYING, LLC
2270 SOUTH MIAMI STREET
WEST MILTON, OHIO 45383
PHONE (937) 698-3000
FAX (937) 698-3928
EMAIL: John@BES-Engineer.com

BES JOB #233.23 *DRAWN BY: SES* *CHECKED BY: JJB*

PROPERTY OWNER DATA (CONTINUED):

129

M36-0002-0027-0-0112-00
WILBERFORCE UNIVERSITY
PO BOX 1001
WILBERFORCE OH 45384
(NO DEED REFERENCE)
0.400 ACRES

130

M36-0002-0027-0-0113-00
K SQUARED HOLDINGS, LLC
PO BOX 1865
KAILUA, HI 96734
IR 2023011115
0.651 ACRES
SURV VOL 30 PG 276

131

M36-0002-0027-0-0109-00
DOROTHY J. GARDNER
AND HENRY E. HOLLIDAY
125 LYMAN HALL RD
SAVANNAH GA 31410
OR 2779 PG 486
0.717 ACRES
SURV VOL 39 PG 44

132

M36-0002-0027-0-0108-00
DOROTHY J. GARDNER
AND HENRY E. HOLLIDAY
125 LYMAN HALL RD
SAVANNAH GA 31410
OR 2779 PG 488
0.186 ACRES
SURV VOL 39 PG 44

133

M36-0002-0027-0-0107-00
FREDERICK C. PATTERSON, ET AL
5203 S VERDUN AVE
LOS ANGELES CA 90043
OR 505 PG 198 (DEED NOT ACCESSIBLE)
0.240 ACRES (AUDITORS)

134

M36-0002-0027-0-0102-00
TANYA MARIE THOMPSON AND
TYRONE CHARLES THOMPSON
1188 SHORTER AVE
WILBERFORCE OH 45384
IR 2023012819
0.4200 ACRES (AUDITORS)

135

M36-0002-0027-0-0115-00
(2 ACRES) PT LOT 2
M36-0002-0027-0-0098-00
(REM 4.800 ACRES) PT LOT 7
REM 4.800 ACRES
HENRY ROSS, JR.
1525 GIBSON STREET
SAN DIEGO CA 92114-2108
OR 397 PG 744
PCV 31 PG 17B
LAUMAN AND RUST ADDITION

136

M36-0002-0027-0-0120-00
LAWRENCE J. ABRAMS, JR.
& ANDREA M. TURNER & MARTIN A. ABRAMS
99 CORRINE DR
MADISON AL 35758
OR 1162 PG 47
3.769 ACRES
PT LOTS 5 & 6
SURV VOL 21 PG 234
PCV 31 PG 17B
LAUMAN AND RUST ADDITION

137

M36-0002-0027-0-0122-00
JOHNSLYN SCOTT
AND STEVEN SCOTT, SR.
635 PAXSON DR
YELLOW SPRINGS OH 45387
IR 2022015559
0.98 ACRES
PT. LOT 6
LAUMAN AND RUST ADDITION
PCV 31 PG 17B

138

M36-0002-0028-0-0003-00
WILBERFORCE UNIVERSITY
PO BOX 1001
WILBERFORCE OH 45384
(NO DEED REFERENCE)
5.094 ACRES (AUDITORS)

139

M36-0002-0028-0-0147-00
WILBERFORCE UNIVERSITY
PO BOX 1001
WILBERFORCE OH 45384
OR 807 PG 150
1.031 ACRES

140

M36-0002-0027-0-0123-00
CURTIS E. WINGARD
1785 WILBERFORCE CLIFTON RD
XENIA OH 45385
OR 3680 PG 419
REM 3.14 ACRES
PT LOT 6
PCV 31 PG 17B
LAUMAN AND RUST ADDITION

141

M36-0002-0039-1-0004-00
(REM 1.00 ACRES)
M36-0002-0039-1-0041-00
(0.045 ACRES)
DUSTIN EDWARD DURST
AND BROOKE ROGERS
1435 US 42 E
XENIA OH 45385
IR 2022007312
SURV VOL 8 PG 412

142

M36-0002-0039-1-0005-00
TONI D. PILLOW
AND LOUIS D. PILLOW
1441 US 42 E PO BOX 25
WILBERFORCE OH 45384
OR 2550 PG 558
REM 1.00 ACRES
SURV VOL 8 PG 412

143

M36-0002-0039-1-0046-00
WILBERFORCE UNIVERSITY
PO BOX 1001
WILBERFORCE OH 45384
IR 2023009225
SURV VOL 49 PG 71
49.0128 ACRES

144

M36-0002-0039-1-0007-00
CLYDE SIDBERRY
43 W SECOND ST
XENIA OH 45385
IR 2021021931
0.75 ACRES

145

M36-0002-0039-1-0012-00
TRICIA BUTLER
1473 US RT 42 E
WILBERFORCE OH 45384
OR 1447 PG 531
OR 1579 PG 474
0.625 ACRES

146

M36-0002-0039-1-0013-00
PAUL C. ORCHARD
PO BOX 62
CEDARVILLE OH 45314
OR 3396 PG 974
0.5 ACRES

147

M36-0002-0039-1-0026-00
WAYNE A. NEWSOM
AND MELVA E. NEWSOM
1530 WILBERFORCE SWITCH RD
XENIA OH 45385
IR 2023009250
0.9 ACRES

148

M36-0002-0039-1-0027-00
RAYMOND H. DIETRICH
AND LORA L. DIETRICH
712 DUNBRACK CIR
COVINGTON VA 24426
OR 218 PG 427
1.06 ACRES

149

M36-0002-0039-1-0028-00
ABAYOMI J. AJAYI MAJEBI
1513 US ROUTE 42 E
WILBERFORCE OH 45384
OR 571 PG 595
0.934 ACRES

150

M36-0002-0039-1-0030-00
ALICE ELAINE JENKINS, ET AL
% RUSSELL BROWN
8348 S VERNON AVE
CHICAGO IL 60619
(NO DEED REFERENCE)
0.539 ACRES (AUDITORS)

151

M36-0002-0039-1-0025-00
ABAYOMI J. AJAYI MAJEBI
1513 US ROUTE 42 E
WILBERFORCE OH 45384
OR 571 PG 595
1.519 ACRES

152

M36-0002-0039-1-0021-00
DEMETRIUS TAYLOR
1531 WILBERFORCE SWITCH RD
XENIA OH 45385
IR 2020019857
0.807 ACRES
SURV VOL 12 PG 619

153

M36-0002-0039-1-0024-00
STATE OF OHIO
WILBERFORCE-SWITCH RD
WILBERFORCE OH 45384
IR 2023011779
0.317 ACRES
SURV VOL 48 PG 185

154

M36-0002-0039-1-0023-00
WINONA STEWARD POWELL
222 N 21ST ST
COLUMBUS OH 43202
(NO DEED REFERENCE)
0.330 ACRES (AUDITORS)

155

M36-0002-0039-1-0022-00
HILDA S. TINNER, ET AL
2818 TOPAZ WAY
TALLAHASSEE FL 32309
(NO DEED REFERENCE)
0.330 ACRES (AUDITORS)

156

M36-0002-0039-1-0044-00
DEMETRIUS TAYLOR
1531 WILBERFORCE SWITCH RD
XENIA OH 45385
IR 2020019857
0.93 ACRES
SURV VOL 12 PG 619

157

M36-0002-0039-0-0130-00
(6.572 ACRES)
M36-0002-0039-0-0129-00
(5.153 ACRES)
M36-0002-0039-0-0128-00
(5.153 ACRES)
M36-0002-0039-0-0127-00
(5.153 ACRES)
M36-0002-0039-0-0126-00
(5.153 ACRES)
ROY POFFENBARGER, JR.
1960 CHARLETON MILL RD
XENIA OH 45385
OR 3009 PG 182
SURV VOL 35 PG 229
SURV VOL 35 PG 228 (-0126-00 ONLY)

158

M36-0002-0039-0-0030-00
ERIC J. WELSH
AND THERESA WHITE
1835 WILBERFORCE SWITCH RD
XENIA OH 45385
OR 3586 PG 673
11.439 ACRES

159

M36-0002-0039-0-0125-00
ERIC J. WELSH
AND THERESA WHITE
1835 WILBERFORCE SWITCH RD
XENIA OH 45385
IR 2020010410
6.738 ACRES
SURV VOL 35 PG 228

160

M36-0002-0039-0-0122-00
GREENE COUNTY BOARD OF
COMMISSIONERS
35 GREENE ST
XENIA OH 45385
OR 1469 PG 540
1.070 ACRES
SURV VOL 32 PG 77

161

M36-0002-0039-0-0022-00
ANKENEY RANCH 2, LLC
2520 FEDERAL RD
XENIA OH 45385
OR 3687 PG 230
36.10 ACRES
SURV VOL 7 PG 347

162

M36-0002-0039-0-0075-00
WAYNE G. DUVALL
AND AMANDA VENTERS DUVALL
1350 HICKMAN RD
XENIA OH 45385
IR 2022003435
0.886 ACRES
CENTRAL ESTATES ALL
LOT 3
PCV 33 PG 63A-B

163

M36-0002-0039-0-0074-00
WAYNE G. DUVALL
AND AMANDA VENTERS DUVALL
1350 HICKMAN RD
XENIA OH 45385
IR 2022003435
0.930 ACRES
CENTRAL ESTATES ALL
LOT 2
PCV 33 PG 63A-B

164

M36-0002-0039-0-0073-00
WAYNE G. DUVALL
AND AMANDA VENTERS DUVALL
1350 HICKMAN RD
XENIA OH 45385
IR 2022003435
1.107 ACRES
CENTRAL ESTATES ALL
LOT 1
PCV 33 PG 63A-B

165

M36-0002-0039-0-0029-00
OH REAL SOLUTIONS LLC
5268 G NICKOLSON LN 178
KENSINGTON MD 20895
OR 3724 PG 606
3.168 ACRES
SURV VOL 11 PG 279

166

M36-0002-0039-1-0017-00
DEMETRIUS TAYLOR
1531 WILBERFORCE SWITCH RD
XENIA OH 45385
OR 1815 PG 73
1 ACRE
SURV VOL 8 PG 412

167

M55-0001-0001-0-0001-00
CITY OF XENIA
101 N DETROIT ST
XENIA OH 45385
OR 874 PG 337
41.121 ACRES (AUDITORS)

168

M36-0002-0041-0-0083-00
GREENE COUNTY PARK DISTRICT
575 LEDBETTER RD
XENIA OH 45385
OR 874 PG 337
13.972 ACRES
SURV VOL 27 PG 41

ANNEXATION TO THE CITY OF XENIA, OHIO

327.016 ACRES

LOCATED IN

PART OF MILITARY SURVEY 929 AND 2265

TOWNSHIP OF XENIA, GREENE COUNTY, OHIO

OCTOBER 19, 2023

PREPARED BY:

BRUMBAUGH ENGINEERING & SURVEYING, LLC

2270 SOUTH MIAMI STREET
WEST MILTON, OHIO 45383
PHONE (937) 698-3000
FAX (937) 698-3928
EMAIL: John@BES-Engineer.com

BES JOB #233.23 DRAWN BY: SES CHECKED BY: JJB

ANNEXATION
TO THE CITY OF XENIA, OHIO

327.016 ACRES

LOCATED IN

PART OF MILITARY SURVEY 929 AND 2265

TOWNSHIP OF XENIA, GREENE COUNTY, OHIO

OCTOBER 19, 2023

MATCH LINE: SEE SHEET 7/7

MATCH LINE: SEE SHEET 5/7

US-42 (AKA COLUMBUS PIKE) (60' R/W)

EX. R/W

EX. R/W

N 06°58'56" W 1481.40'

PROPOSED CORPORATION LINE

WILBERFORCE-SWITCH ROAD (30' R/W)

N 83°19'31" W 1890.27'

EX. R/W

EX. R/W

EX. R/W

EX. R/W

"SUTTON"

"SUTTON"

S 11°02'54" W 1294.49'

"COEC"

PROPOSED CORPORATION LINE

S 82°58'26" E 518.89'

S 11°44'28" W 1024.59'

S 11°46'46" W 317.45'

XENIA TOWNSHIP

CITY OF XENIA

N 77°34'15" W 1215.38'

WILBERFORCE-SWITCH ROAD (30' R/W)

CITY OF XENIA

XENIA TOWNSHIP

EX. R/W

EX. R/W

"COSLER"

PROPOSED CORPORATION LINE

S 77°58'39" E 838.13'

"SUTTON"

S 80°34'45" E 704.86'

"COEC"

"COEC"

S 56°13'31" W 480.44'

T.P.O.B.

"COSLER"

SEE DETAIL

N 77°29'54" W 2515.33'

P.O.C.

℄ WILBERFORCE-SWITCH ROAD (30' R/W)

INTERSECTION OF WILBERFORCE-SWITCH ROAD AND NASH ROAD

℄ NASH ROAD (40' R/W)

XENIA TOWNSHIP

CITY OF XENIA

XENIA TOWNSHIP

102

101

161

157

158

159

160

167

168

23

3

4

5

6

N

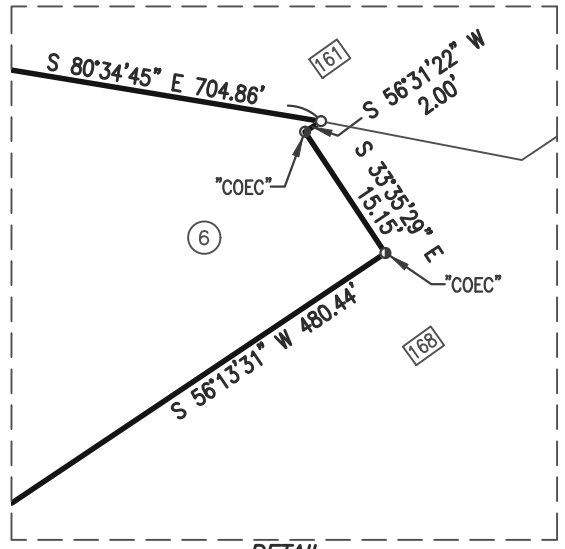
W

E

S

0' 300' 600' 900'

GRAPHIC SCALE IN FEET
1" = 300'



DETAIL
(NTS)

PREPARED BY:

BRUMBAUGH ENGINEERING & SURVEYING, LLC

2270 SOUTH MIAMI STREET
WEST MILTON, OHIO 45383
PHONE (937) 698-3000
FAX (937) 698-3928
EMAIL: John@BES-Engineer.com

NOTES:

FOR OWNERSHIP INFORMATION SEE SHEETS 2 AND 3 OF 7.
FOR LEGEND SEE SHEET 2 OF 7.

BES JOB #233.23 DRAWN BY: SES CHECKED BY: JJB

MATCH LINE: SEE SHEET 6/7

ANNEXATION
TO THE CITY OF XENIA, OHIO

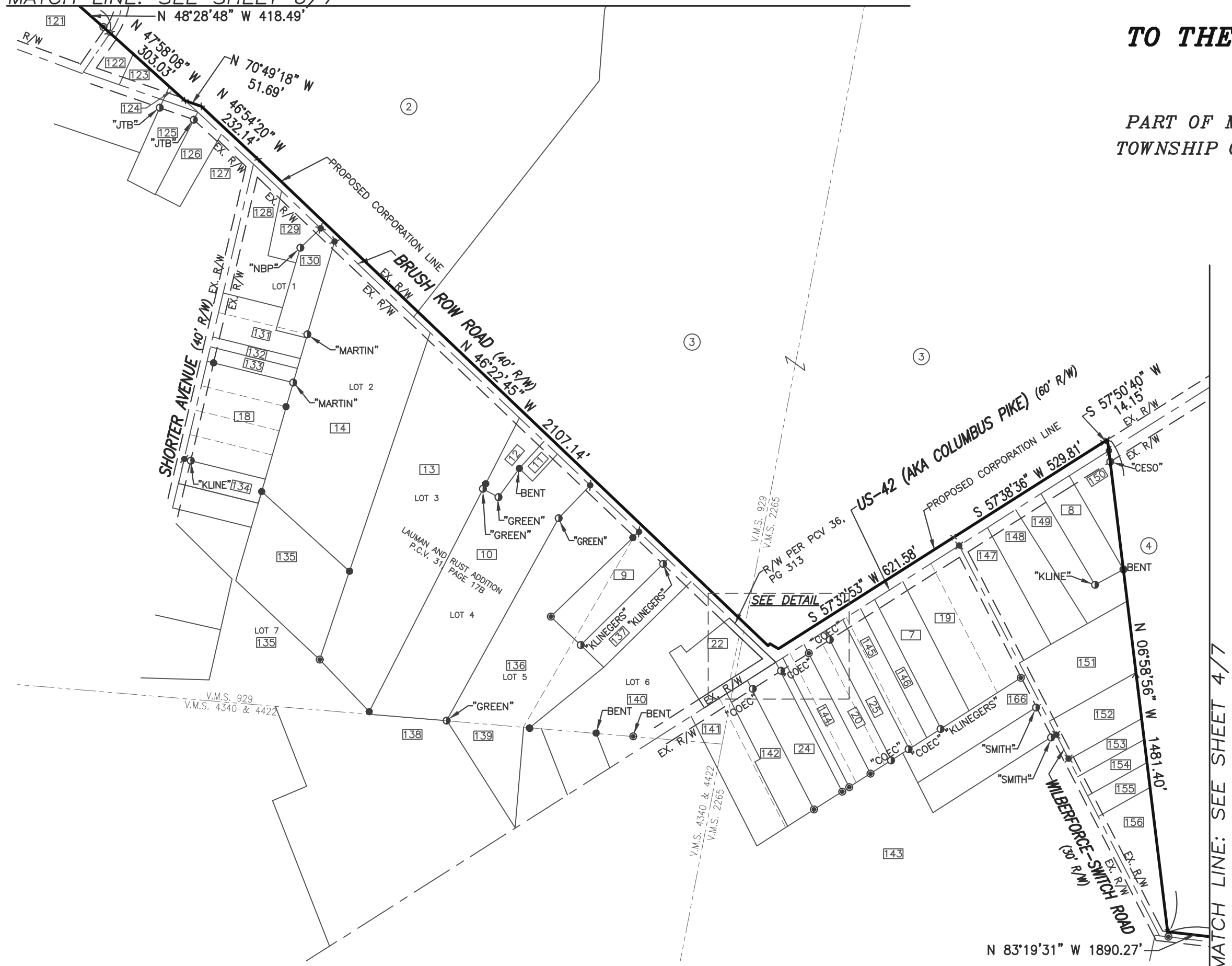
327.016 ACRES

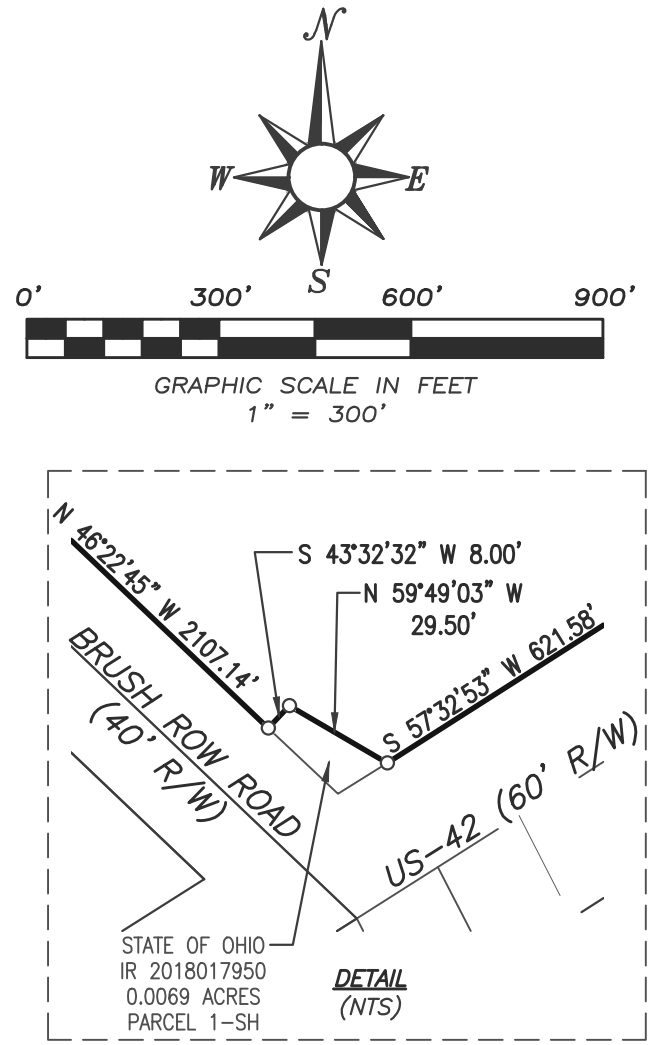
LOCATED IN

PART OF MILITARY SURVEY 929 AND 2265

TOWNSHIP OF XENIA, GREENE COUNTY, OHIO

OCTOBER 19, 2023





PREPARED BY:

BRUMBAUGH ENGINEERING & SURVEYING, LLC

2270 SOUTH MIAMI STREET
WEST MILTON, OHIO 45383
PHONE (937) 698-3000
FAX (937) 698-3928
EMAIL: John@BES-Engineer.com

BES JOB #233.23 DRAWN BY: SES CHECKED BY: JJB

ANNEXATION
TO THE CITY OF XENIA, OHIO

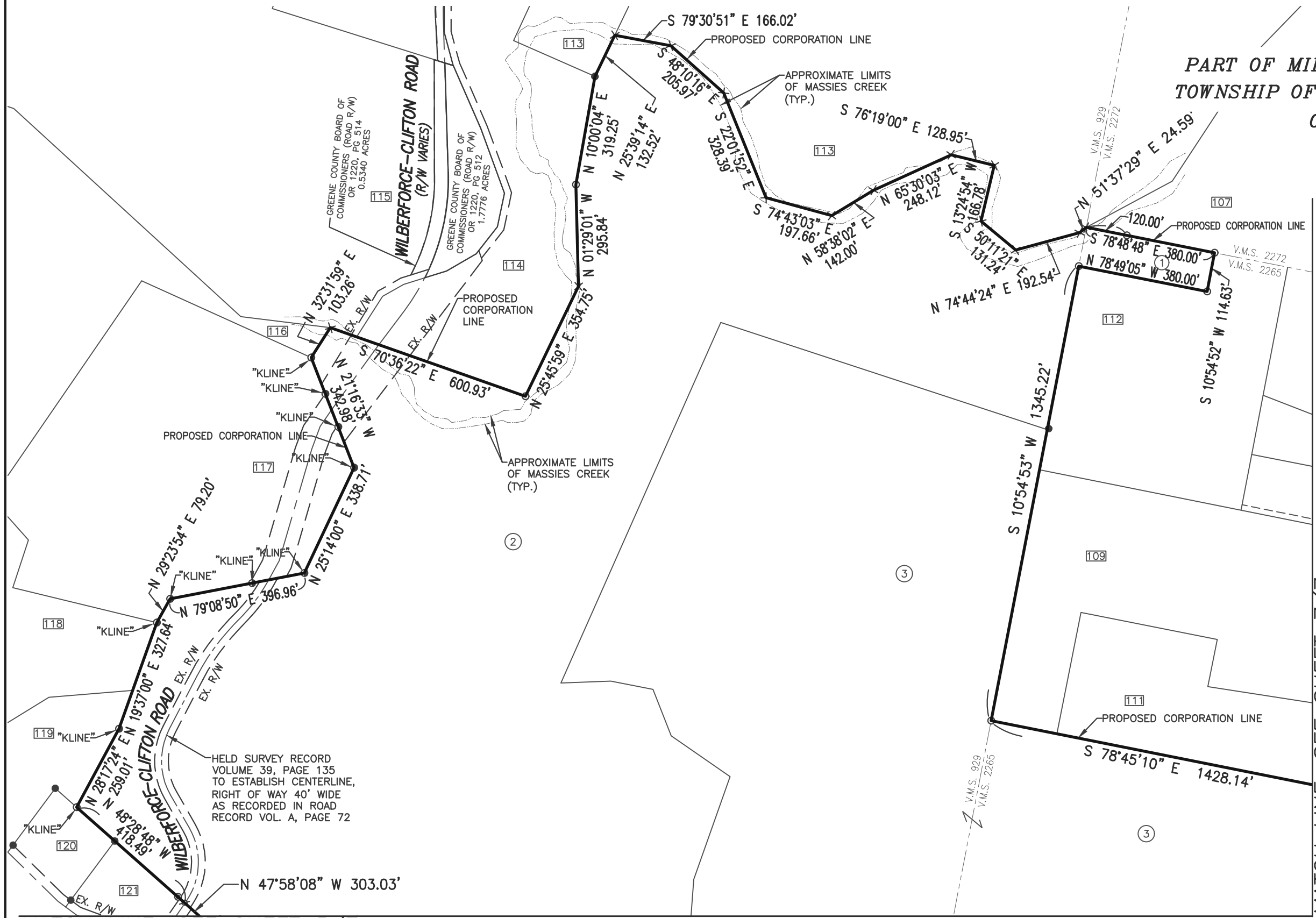
327.016 ACRES

LOCATED IN

PART OF MILITARY SURVEY 929 AND 2265

TOWNSHIP OF XENIA, GREENE COUNTY, OHIO

OCTOBER 19, 2023



MATCH LINE: SEE SHEET 5/7

MATCH LINE: SEE SHEET 7/7

PREPARED BY:

BRUMBAUGH ENGINEERING & SURVEYING, LLC

2270 SOUTH MIAMI STREET
WEST MILTON, OHIO 45383
PHONE (937) 698-3000
FAX (937) 698-3928
EMAIL: John@BES-Engineer.com

BES JOB #233.23 DRAWN BY: SES CHECKED BY: JJB

ANNEXATION
TO THE CITY OF XENIA, OHIO

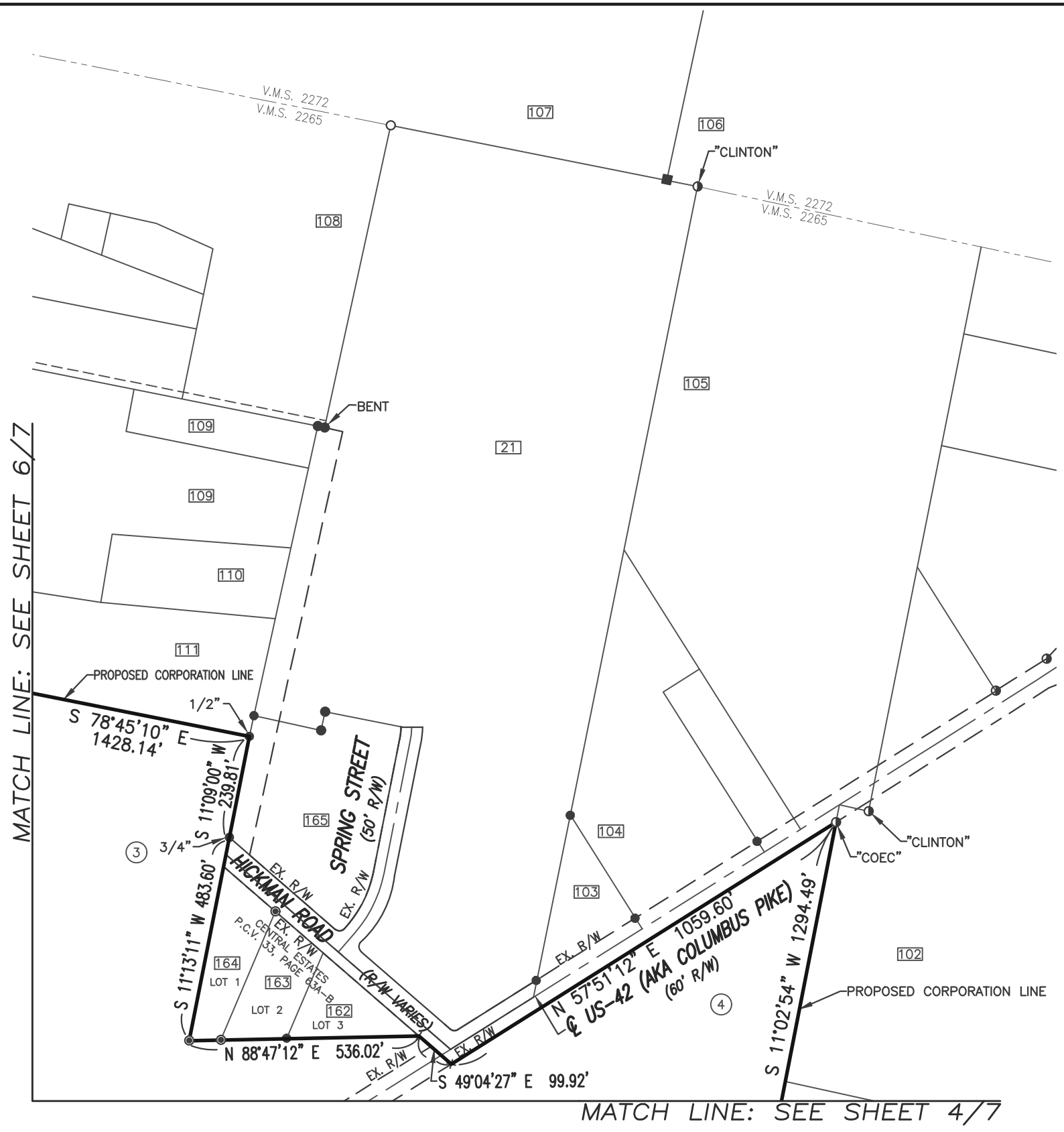
327.016 ACRES

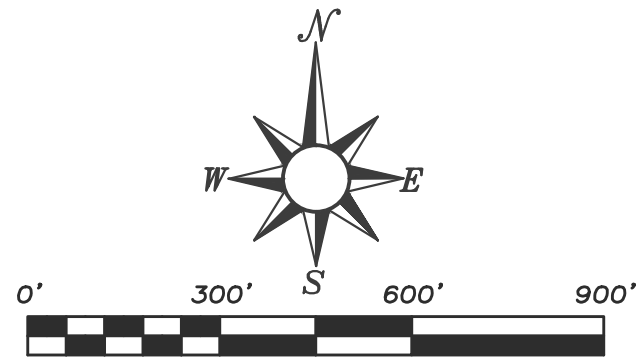
LOCATED IN

PART OF MILITARY SURVEY 929 AND 2265

TOWNSHIP OF XENIA, GREENE COUNTY, OHIO

OCTOBER 19, 2023





GRAPHIC SCALE IN FEET
1" = 300'

PREPARED BY:

BRUMBAUGH ENGINEERING & SURVEYING, LLC
2270 SOUTH MIAMI STREET
WEST MILTON, OHIO 45383
PHONE (937) 698-3000
FAX (937) 698-3928
EMAIL: John@BES-Engineer.com

BES JOB #233.23 DRAWN BY: SES CHECKED BY: JJB

BRUMBAUGH ENGINEERING & SURVEYING, LLC
2270 South Miami St.
West Milton, Ohio 45383
937-698-3000

October 19, 2023

Description for Central State University
Annexation of a 327.016 Acres

Situate in the State of Ohio, County of Greene, Township of Xenia, and being part of V.M.S. 929 and part of V.M.S. 2265, and being more specifically described as follows:

Commencing at a railroad spike at the intersection of Wilberforce-Switch Road (30' right of way) and Nash Road (40' right of way).

Thence along the centerline of said Wilberforce-Switch Road N 77°29'54" W a distance of 2515.33 feet to an iron pin found at the southeast corner of a 4.03 acre tract as described to State Of Ohio/Central State College in Deed Book 144, page 538 (all references to Deed Books, Official Records, Document Numbers and Recorded Plats refer to Greene County Recorder's Office, Greene County, Ohio) and being at the intersection of the northwesterly corner of a 41.121 acre tract of land conveyed to the city of Xenia in Official Record 874, page 337 and also being the southwesterly corner of a 13.972 acre tract of land conveyed to the Greene County Park District in Official Record 874, page 337 and on the existing corporation line of the City of Xenia, said point marking the **TRUE POINT OF BEGINNING** for this description;

Thence with the existing corporation line of the City of Xenia, the south line of said 4.03 acre tract and continuing onto the south line of a 6 acre tract as described to State of Ohio/Central State College in Deed Book 144, page 538, also being the north line of a 4.516 acre tract as described to State Of Ohio/ Central State College in Deed Book 144, page 538 N 77°34'15" W a distance of 1215.38 feet to an iron pin set (All iron pins set are 5/8" x 30" rebar with a yellow plastic cap stamped "BRUMBAUGH E & S") on the east line of a Remaining 112.20 acre tract as described to State of Ohio/Central State College in Deed Book 130, page 289;

Thence continuing along the existing corporation line of the City of Xenia and west line of said 4.516 acre tract and the east line of said Remaining 112.20 acre tract S 11°46'46" W a distance of 317.45 feet to a point on the north right of way line of said Wilberforce-Switch Road;

Thence along the north right of way line of said Wilberforce-Switch Road N 83°19'31" W a distance of 1890.27 feet to a point at an intersection of the north right of way line of said Wilberforce-Switch Road and a boundary line of said Remaining 112.20 acre tract;

Thence along the west line of said Remaining 112.20 acre tract and then continuing through U.S. Route 42 (aka Columbus Pike) (60' right of way) and into a Remaining 131.27 acre tract as described to Central State College in Deed Book 85, page 216, N 06°58'56" W a distance of 1481.40 feet to a point on the north right of way line of said U.S. Route 42 and within said Remaining 131.27 acre tract;

Thence through said Remaining 131.27 acre tract and along the north right of way line of said U.S. Route 42 for the next 5 calls,

1. S 57°50'40" W a distance of 14.15 feet to a point;
2. S 57°38'36" W a distance of 529.81 feet to a point;
3. S 57°32'53" W a distance of 621.58 feet to an iron pin set at the northeast corner of a 0.0069 acre tract of Perpetual Easement For Highway Purposes as described to the State of Ohio in I.R. 2018017950;
4. Thence with said 0.0069 acre tract N 59°49'03" W a distance of 29.50 feet to an iron pin set at the northwest corner of said 0.0069 acre tract;

5. Thence with said 0.0069 acre tract S 43°32'32" W a distance of 8.00 feet to an iron pin set on the north right of way line of Brush Row Road (40’ right of way);

Thence along the north right of way line of said Brush Row Road and through said Remaining 131.27 acre tract and continuing through a 87.37 acre tract as described to Central State University in Official Record 3653, page 768, N 46°22'45" W a distance of 2107.14 feet to a point on the north right of way line of said Brush Row Road;

Thence along the north right of way line of said Brush Row Road and through said 87.37 acre tract for the next two calls:

1. N 46°54'20" W a distance of 232.14 feet to a point;
2. N 70°49'18" W a distance of 51.69 feet to a point;

Thence along the north right of way line of said Brush Row Road and continuing onto the north line of a 0.220 acre tract as described to Ohio Historical Society for National Afro American Museum in Official Record 318, page 549 and continuing onto the north line of a 0.26 acre tract as described to Wilberforce University (no deed reference) N 47°58'08" W a distance of 303.03 feet to a mag nail set on the centerline of Wilberforce-Clifton Road (right of way undetermined);

Thence crossing said Wilberforce-Clifton Road and continuing along the north line of a 1.242 acre tract as described to Jared Richard Barnes in I.R. 2022012884 and continuing onto the north line of a 1.25 acre tract as described to Tiffany Freeman and Christopher Sineno in I.R. 2023006439, N 48°28'48" W a distance of 418.49 feet to a capped iron pin found (“Kline”) on the corner of said 87.37 acre tract and a corner of a 2.677 acre tract as described to Frances L. Coates in I.R. 2020026867;

Thence along the east line of said 2.677 acre tract N 28°17'24" E a distance of 259.01 feet to a capped iron pin found (“Kline”) at an angle in the east line of said 2.677 acre tract;

Thence continuing along the east line of said 2.677 acre tract and continuing along the east line of a 5.733 acre tract as described to The Bishop Rverdy C. and Emma S. Ransom Foundation, Inc., in I.R. 2022014030, N 19°37'00" E a distance of 327.64 feet to a capped iron pin found (“Kline”) at the northeast corner of said 5.733 acre tract and a southeast corner of a 15.466 acre tract as described to Kevin L. Thompson and Lana K. Thompson in Official Record 3474, page 133;

Thence continuing along the western line of said 87.37 acre tract and along the eastern lines of said 15.466 acre tract for the next 4 calls:

1. N 29°23'54" E a distance of 79.20 feet to a capped iron pin found (“Kline”);
2. Crossing said Wilberforce-Clifton Road N 79°08'50" E a distance of 396.96 feet to a capped iron pin found (“Kline”);
3. N 25°14'00" E a distance of 338.71 feet to a capped iron pin found (“Kline”);
4. N 21°16'33" W a distance of 342.98 feet to a capped iron pin found (“Kline”) at the southeast corner of a 52.969 acre tract as described to Sharon S. Wylie in I.R. 2020002586;

Thence continuing along the western line of said 87.37 acre tract and along the east line of said 52.969 acre tract N 32°31'59" E a distance of 103.26 feet to a point in Massies Creek at the northeast corner of said 52.969 acre tract and an angle point in the south line of a 36.4629 acre tract as described to Edward L. Wingard in Official Record 800, page 840;

Thence continuing along the boundary of said 87.37 acre tract and along the south line of said 36.4629 acre tract and crossing said Wilberforce-Clifton Road and continuing along a south line of a 10.00 acre tract as described to You Chien Chiang, Trustee in I.R. 2019001576, S 70°36'22" E a distance of 600.93 feet to an iron pin set;

Thence continuing along a western line of said 87.37 acre tract and along the eastern lines of said 10.00 acre tract for the next 3 calls:

1. N 25°45'59" E a distance of 354.75 feet to a point in Massies Creek;
2. N 01°29'01" W a distance of 295.84 feet to an iron pin set;

3. N 10°00'04" E a distance of 319.25 feet to an iron pin found on the southeast corner of a 7.612 acre tract as described to Howard L. Morris, Jr. and Jill N. Morris in I.R. 2020022475;

Thence along the east line of said 7.612 acre tract N 25°39'14" E a distance of 132.52 feet to a point in Massies Creek on the east line of said 7.612 acre tract and at the southwest corner of a 85.4122 acre tract as described to said Howard L. Morris, Jr. and Jill N. Morris in I.R. 2020022475, said point also being generally with Massie Creek;

Thence generally with the meanders of Massies Creek and along the southern lines of said 85.4122 acre tract for the next 11 calls:

1. S 79°30'51" E a distance of 166.02 feet to a point;
2. S 48°10'16" E a distance of 205.97 feet to a point;
3. S 22°01'52" E a distance of 328.39 feet to a point;
4. S 74°43'03" E a distance of 197.66 feet to a point;
5. N 58°38'02" E a distance of 142.00 feet to a point;
6. N 65°30'03" E a distance of 248.12 feet to a point;
7. S 76°19'00" E a distance of 128.95 feet to a point;
8. S 13°24'54" W a distance of 166.78 feet to a point;
9. S 50°11'21" E a distance of 131.24 feet to a point;
10. N 74°44'24" E a distance of 192.54 feet to a point;
11. N 51°37'29" E a distance of 24.59 feet to a point on the southern line of said 85.4122 acre tract and the southwest corner of a 68.262 acre tract as described to Sandra O. Taylor in I.R. 2021005848, said point also being on the eastern line of V.M.S. 929 and the northwest corner of a 1.00 acre tract as described to Central State College in Deed Book 360, page 497;

Thence along the south line of said 68.262 acre tract and north line of said 1.00 acre tract S 78°48'48" E passing an iron pin set at 120.00 feet for a total distance of 380.00 feet to an iron pin set at the northeast corner of said 1.00 acre tract;

Thence along the east line of said 1.00 acre tract S 10°54'52" W a distance of 114.63 feet to an iron pin set at the southeast corner of said 1.00 acre tract;

Thence along the south line of said 1.00 acre tract N 78°49'05" W a distance of 380.00 feet to an iron pin set at the southwest corner of said 1.00 acre tract said point also being on the eastern line of V.M.S. 929;

Thence along the eastern line of V.M.S. 929 and east line of said 87.37 acre tract and continuing along the east line of said Remaining 131.27 acre tract S 10°54'53" W a distance of 1345.22 feet to an iron pin set at a corner of said Remaining 131.27 acre tract;

Thence along a northern line of said Remaining 131.27 acre tract and also along a south line of a Remaining 24.000 acre tract as described to Shirley I. McGee in I.R. 2022017220 and continuing on the south line of a 8.00 acre tract as described to Ronald Cox and Linda M. Cox in Official Record 2026, page 835, S 78°45'10" E a distance of 1428.14 feet to an iron pin found at a corner of said Remaining 131.27 acre tract and also being at the southeast corner of said 8.00 acre tract;

Thence along the east line of said Remaining 131.27 acre tract S 11°09'00" W a distance of 239.81 feet to an iron pin found at the southwest corner of a 3.168 acre tract as described to OH Real Solutions, LLC in Official Record 3724, page 606;

Thence along the east line of said Remaining 131.27 acre tract S 11°13'11" W a distance of 483.60 feet to an iron pipe found at the southwest corner of Lot 1 of Central Estates as recorded in Plat Cabinet Volume 33, page 63A-63B;

Thence along the south line of said Lot 1 and continuing along the south lines of Lot 2 and Lot 3 of said Central Estates N 88°47'12" E a distance of 536.02 feet to a point on the south right of way line of Hickman Road per said Central Estates Plat and being on the south line of the Hickman Road street dedication Plat Cabinet Volume 33, page 113A;

Thence along the south right of way line of said Hickman Road and continuing across said U.S. Route 42 S 49°04'27" E a distance of 99.92 feet to a point on the south right of way line of said U.S. Route 42 and being within said Remaining 112.20 acre tract;

Thence along the south right of way line of said U.S. Route 42 and through said Remaining 112.20 acre tract, N 57°51'12" E a distance of 1059.60 feet to a capped iron pin found ("COEC") on the south right of way line of said U.S. Route 42 and a west line of a 36.317 acre tract as described to John L. Hoke and Virginia L. Hoke in I.R. 2022020611;

Thence along the west line of said 36.317 acre tract and continuing along a west line of a 40.215 acre tract as described to John L. Hoke and Virginia L. Hoke in I.R. 2022020609, S 11°02'54" W a distance of 1294.49 feet to a capped iron pin found ("COEC") at a corner of said 40.215 acre tract;

Thence along a line of said 40.215 acre tract S 82°58'26" E a distance of 518.89 feet to an angle iron found at a corner of said 40.215 acre tract;

Thence along a west line of said 40.215 acre tract S 11°44'28" W a distance of 1024.59 feet to an angle iron found at the southwest corner of said 40.215 acre tract;

Thence along the south line of said 40.215 acre tract and the north line of said 6 acre tract S 77°58'39" E a distance of 838.13 feet to a capped iron pin found ("Sutton") at the southeast corner of said 40.215 acre tract and southwest corner of a 36.10 acre tract as described to Ankeney Ranch 2, LLC in Official Record 3687, page 230;

Thence along the south line of said 36.10 acre tract S 80°34'45" E a distance of 704.86 feet to an iron pin set on the south line of said 36.10 acre tract and a north right of way line of said 13.972 acre Park District tract;

Thence along the boundary of said 4.03 acre tract and along the northern lines of said 13.972 acre Park District tract for the next 3 calls:

1. S 56°31'22" W a distance of 2.00 feet to a capped iron pin found ("COEC");
2. S 33°35'29" E a distance of 15.15 feet to a capped iron pin found ("COEC");
3. S 56°13'31" W a distance of 480.44 feet to the **TRUE POINT OF BEGINNING,** containing a total of 327.016 acres more or less and being subject to all restrictions, easements, conditions and covenants and legal highways of record.

The basis of bearing of the above description is the Ohio State Plane Coordinate System, Ohio South Zone, NAD83, the centerline of said U.S. Route 42 being N 57°51'12" E.

The foregoing description prepared according to survey drawing by Bernard D. Kienow, Jr., filed in Survey Record Book _____ Page_____ of Greene County Engineer's Record of Land Surveys.

_____

Bernard D. Kienow, Jr.
Ohio Reg. #7456

XENIA CITY COUNCIL
LEGISLATIVE COVER MEMO

Procedural History & Timeline:

Property Management Comm.:	April 16, 2026
Introduction:	June 11, 2026
Public Hearing & Vote:	June 25, 2026
Effective Date:	July 25, 2026

Agenda Item: **ORDINANCE 2026 – 21**
AUTHORIZING THE SALE OF A PORTION OF PARNELL PARK, COMPRISING 0.02 ACRES, MORE OR LESS, TO THE OWNER OF 488 ACKERMAN PLACE

Submitted by: Brian Forschner, City Planner
Presented by: Brent Merriman, City Manager

Summary: Parnell Park is a City-owned public park of roughly three acres located in the Laynewood Neighborhood. The Park is surrounded by single-family residences, except for two 25'-wide sections that connect the park to Parnell Drive and Omard Drive, and a separate 10'-wide, 0.02-acre strip that connects the park to Ackerman Place between 488 and 474 Ackerman Place. The two 25'-wide access points contain pedestrian walkways, while the 10'-wide strip does not. There is no indication that the 10'-wide section ever included a walkway or other park features. Nearby residents appear to have informally incorporated and maintained the area as part of their private yards, and there are no signs or visible markers identifying the strip as public parkland.

Historically, Parnell Park has seen limited use, and its playground equipment outlived its safe and functional life. West Side Park, located less than a quarter mile away, provides a wider range of recreational amenities. Given these factors and limited parks and recreation funding, the equipment was removed and the site is being converted into a low-maintenance nature preserve featuring native wildflowers and prairie grasses.

The owner of 488 Ackerman Place has requested to purchase this narrow strip to expand their yard area. City staff presented the purchase request for the 10-foot-wide strip to the Property Management Committee on April 16, 2026. Both staff and the Committee agreed that the area has not served a meaningful public purpose and is unlikely to do so in the future due to its narrow width and the availability of other nearby park entrances. As a result, they recommend selling the tract for $500, an amount that generally aligns with recent per-acre prices for comparable vacant land within the City.

Cover Memo Attachments: N/A

Budgetary Impact: 361-0700-40712: $500 (revenue)

Vote Required for Adoption: The affirmative vote of at least four (4) members of Council per Charter § 4.01(G).

Recommendation: It is the recommendation of the Property Management Committee that Council adopt Ordinance 2026-21, authorizing the sale of a portion of Parnell Park, comprising 0.02 acres, more or less, to the current owner of 488 Ackerman Place.

CITY OF XENIA, OHIO
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

WHEREAS, Parnell Park, a public park owned by and within the City of Xenia, contains an approximately 10-foot-wide tract of land, comprising 0.02 acres, more or less, located between Lots 176 and 177 of the Layne Section 1 Subdivision, Xenia, Ohio, and between the remainder of Parnell Park and Ackerman Place (the "Park Sale Tract");

WHEREAS, the owner of 488 Ackerman Place, Layne Section 1 Subdivision Lot 176, Greene County Parcel ID M40000100250017600, Xenia, Ohio, (the "Buyer's Tract") wishes to acquire the Park Sale Tract and use for private purposes; and

WHEREAS, the City of Xenia Property Management Committee met on April 16, 2026, and agreed to sell the Park Sale Tract to the owner of the Buyer's Tract,

NOW, THEREFORE, THE CITY OF XENIA HEREBY ORDAINS, at least four (4) members of the City Council concurring, that:

Section 1. The sale of the City-owned Park Sale Tract, as depicted in Exhibit A, to the owner of the Buyer's Tract, in the amount of Five Hundred Dollars ($500), is hereby approved.

Section 2. The owner of the Buyer's Tract shall be responsible for procuring all survey work necessary to split the Park Sale Tract from the Parnell Park property, in a manner consistent with Exhibit A, and consolidate the Park Sale Tract with the Buyer's Tract.

Section 3. The City Manager is authorized to execute the deed for the approved conveyance and any other documents necessary for the sale and transfer of the Park Sale Tract.

Section 4. It is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including ORC § 121.22.

Section 5. This Ordinance shall take effect July 25, 2026.

Introduced: June 11, 2026
Adopted:

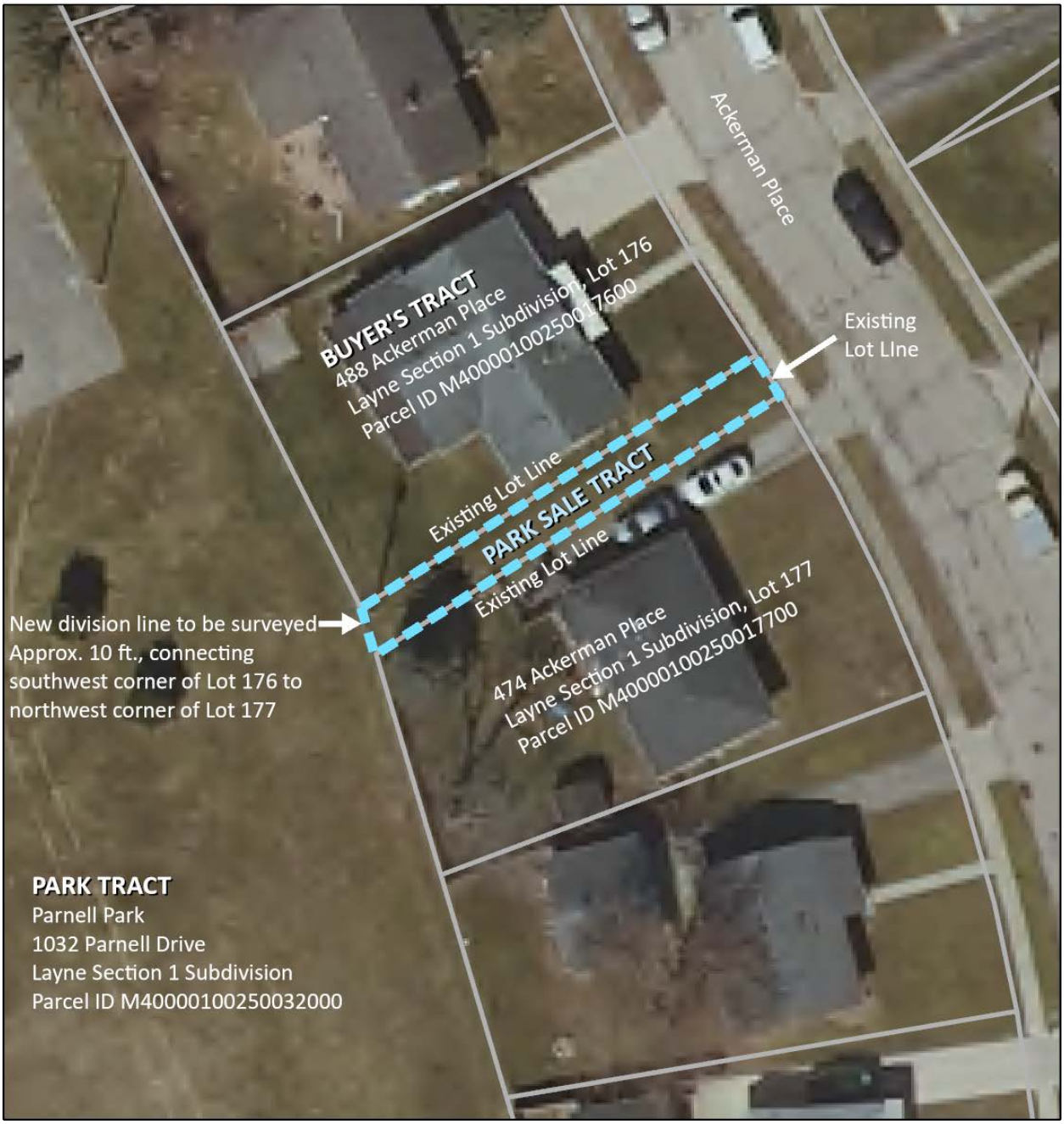
Wesley E. Smith
Xenia City Council President

Attest:

Amy E. Brown
City Clerk

Exhibit A: Park Sale Tract

Outlined in Light Blue



XENIA CITY COUNCIL
LEGISLATIVE COVER MEMO

Procedural History & Timeline:

Introduction:	June 11, 2026
Public Hearing & Vote:	June 25, 2026
Effective Date:	July 25, 2026

Agenda Item: **ORDINANCE 2026 – 22**
INSTITUTING A SIX-MONTH MORATORIUM ON THE ESTABLISHMENT OR COMMENCEMENT OF DATA CENTERS WITHIN THE CITY OF XENIA

Submitted by: Brian Forschner, City Planner
Presented by: Brent Merriman, City Manager

Summary: Data centers are the core physical infrastructure behind the internet, housing interconnected computer systems that store, manage, and process data. Because large data centers contain dense computing power, they require substantial cooling, backup power, fire suppression, and security systems. As a result, large data centers require significant amounts of electricity and water, can create significant aesthetic impacts, and generate noise from their cooling systems. While they provide essential infrastructure and can generate substantial property tax revenue, they are highly automated and employ relatively few workers per square foot, limiting income tax benefits.

Data centers are expanding across the country, particularly in areas with abundant power and water, with Ohio experiencing notable growth in these facilities. While the City currently has excess capacity to deal with wastewater from these types of facilities, water distribution and sewer collection may be an issue depending on location. In addition, available electrical transmission capacity is limited and not conducive to the placement of a large data center in the City. Over the past few years, the City has been approached by data center developers but none of these conversations yielded a project due to these limitations.

While the limitations on electrical supply and utilities currently discourage the location of any data centers in the City, these limitations could change in the future; thus, it is important the City begin to think about and address the issue. Currently the Land Development Code (LDC) does not address data centers. The closest existing use classification is warehouses, which are permitted only in Industrial Districts. The LDC should be updated to define data centers and, if the City decides to allow data centers as a use in the City, then specific development standards for data centers should also be established. Those standards should reflect the potential community impacts and benefits of these facilities, along with any applicable state or federal regulations.

A temporary moratorium would pause development of data centers while the City takes the necessary time to review the issue and draft the appropriate regulations. Several other southwest Ohio communities have enacted similar moratoria, including Vandalia, Dayton, Fairborn and Washington Township. Planning & Zoning Division staff believes that a six-month moratorium would provide sufficient time.

Vote Required for Adoption: The affirmative vote of a majority of the members of Council present at the meeting, per Charter § 5.02(E).

Recommendation: Adopt Ordinance 2026-22, to institute a six-month moratorium on the establishment or commencement of data centers within the City of Xenia.

CITY OF XENIA, OHIO
ORDINANCE 2026 – 22

INSTITUTING A SIX-MONTH MORATORIUM ON THE ESTABLISHMENT OR COMMENCEMENT OF DATA CENTERS WITHIN THE CITY OF XENIA

WHEREAS, a "Data Center" is herein defined as a facility used primarily for the storage, management, processing and transmission of digital data, which houses computer or network equipment, systems, servers, appliances, and other associated components related to digital data storage and operations;

WHEREAS, such uses are not currently addressed in the City's Land Development Code and there is a need to review such uses to determine whether the City should prohibit or limit the number of Data Centers permitted in the City and, if permitted, a need to establish proper zoning regulations to mitigate the potential harmful impacts they can have on residential and commercial areas;

WHEREAS, the City needs time to study and determine the impact Data Centers will have on the City to enact proper zoning regulations, and this Council desires to maintain the status quo while doing so; and

WHEREAS, this Council finds it to be in the best interest of the health, safety, and general welfare of the citizens of Xenia to institute a six-month moratorium on the establishment or commencement of Data Centers within the City to allow ample time to determine appropriate zoning regulations,

NOW, THEREFORE, THE CITY OF XENIA HEREBY ORDAINS, a majority of the members of City Council present concurring, that:

Section 1. It is the legislative intent of this Ordinance to establish a temporary moratorium on the establishment or commencement of Data Centers within the City of Xenia. The purpose of this moratorium is to maintain the status quo while the City reviews and studies Data Centers to determine the appropriate zoning for the purpose of protecting residential and commercial neighborhoods from negative secondary effects created by such facilities.

Section 2. A temporary moratorium is hereby imposed on the establishment or commencement of Data Centers or similar uses with the City of Xenia for a period of six-months from the effective date of this Ordinance, unless ended earlier by action of the City Council. Said moratorium may be reasonably extended by the Council, if necessary, by ordinance. As used herein, "establishment or commencement" shall include the submission, consideration, or approval of any new or existing applications to establish, develop and/or construct, use any existing building, or change the use of an existing structure, any one of which would enable the establishment or commencement of Data Centers within the City.

Section 3. As zoning regulations for Data Centers do not currently exist in the City's Land Development Code, during the period of the established moratorium, no Data Centers or similar uses, as determined by the City Planner, shall apply for, nor existing applications be considered for or be granted, zoning approval, building code approval, nor shall any Data Centers be established or commence operations within the City of Xenia during the period of the moratorium. This moratorium suspends and tolls any time periods prescribed by law within which the Planning & Zoning Commission or any other official or official body of the City of Xenia is required to take action upon an application for a zoning permit, building permit, site plan approval or the like for the development of land within the City as a Data Center, and no application shall be deemed approved by the failure of the Planning & Zoning Commission, or any other public official or official body to approve or deny said application during the time when this moratorium is in effect.

Section 4. The City Manager and City Planner are hereby directed to study these types of uses and to recommend to the Planning and Zoning Commission, as soon as is practicable, whether such Data Centers or similar uses should be permitted in the City, and if permitted or limited, the appropriate zoning and regulations for such uses.

Section 5. It is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including ORC § 121.22.

Section 6. This Ordinance shall become effective on July 25, 2026.

Introduced: June 11, 2026
Adopted:

Wesley E. Smith
Xenia City Council President

Attest:

Amy E. Brown
City Clerk

XENIA CITY COUNCIL
LEGISLATIVE COVER MEMO

Procedural History & Timeline:

Bid Opening:	May 19, 2026
Presentation & Vote:	June 11, 2026
Effective Date:	June 11, 2026

Agenda Item: **RESOLUTION 2026 – 038**
AWARDING THE BID AND AUTHORIZING THE EXECUTION OF A CONTRACT WITH MILCON CONCRETE INC. FOR THE N. KING ST. WATER MAIN REPLACEMENT & STORM SEWER REPAIRS PROJECT

Submitted By: Chris Berger, Public Service Director
Presented By: Brent Merriman, City Manager

Summary: Last year, Council directed staff to begin the process of rehabilitating N. King Street, from W. Church St. to W. Ankeney Mill Rd., due to its rapidly deteriorating condition. Before the street rehabilitation can begin, however, there are utility mains, namely water mains and storm sewers, that must be repaired or replaced in advance of the street rehabilitation. The design of this water main and storm sewer replacement/repair Project was completed early this year, with the intent that the Project will be completed by the end of 2026, followed by the rehabilitation of the street itself in 2027. The Engineer's estimate for this Project is $2,056,180.00.

On Tuesday, May 19, 2026, the City received three (3) bids from qualified contractors to complete the Project, as follows:

Contractor	Bid Total
Milcon Concrete Inc.	$2,229,807.00
Majors Enterprises Inc.	$2,457,820.00
Fillmore Construction LLC	$2,467,181.25

As the apparent low bidder, Milcon Concrete, Inc. has yet to complete any work for the City. The City Engineer checked references on its ability to successfully complete the specified work, and received favorable reviews from Lebanon and Dayton, as well as from Montgomery County Environmental Services and Warren County Water & Sewer. Thus, Public Service staff is confident in Milcon's ability to complete this Project on-time and within budget.

In order to award the contract to Milcon Concrete, Inc. it will be necessary for a transfer of $66,230.83 from another line item to the line item for this Project within the Water Fund (664). Consequently, Public Service staff has elected to transfer $100,000 from the Fairgrounds water main installation project line item, as it does not appear that project will move forward in 2026. Staff is transferring $100,000, rather than just the needed $66,230.83 to allow for any unanticipated circumstances that may arise during construction. The Finance Director will complete the transfer, as he is authorized to do by Xenia City Code, pending the award of the construction contract by Council. Also note that the lowest and best bid exceeded the engineer's estimate by $173,627 or 8.4%. ORC § 153.12(A) authorizes the award of contracts that exceed engineer's estimates up to a maximum of twenty percent (20%), so long as adequate funds have been appropriated. Thus, the City can move forward with this project as planned.

Cover Memo Attachment(s): Bid Summary.

Budgetary Impact:

Account	Budgeted	Actual
664-1338-55599-111192	$1,400,000.00	$1,466,230.83 (w/transfer)
667-1338-55599-111192	$ 600,000.00	$ 563,576.17
668-1338-55599-111192	$ 200,000.00	$ 200,000.00
TOTAL	**$2,200,000.00**	**$2,229,807.00**

Vote Required for Passage: The affirmative vote of a majority of the members of City Council present at the meeting, per City Charter § 5.05(A).

Recommendation: Pass Resolution 2026-038 to award the bid to, and authorize the execution of a contract with, Milcon Concrete, Inc. for the N. King St. Water Main Replacement & Storm Sewer Repairs Project.

CITY OF XENIA, OHIO
RESOLUTION 2026 – 038

AWARDING THE BID AND AUTHORIZING THE EXECUTION OF A CONTRACT WITH MILCON CONCRETE, INC. FOR THE N. KING ST. WATER MAIN REPLACEMENT & STORM SEWER REPAIRS PROJECT

WHEREAS, in accordance with City Charter § 9.08(A), the City advertised and solicited bids for the N. King St. Water Main Replacement & Storm Sewer Repairs Project ("Project");

WHEREAS, the bids for the Project were opened on May 19, 2026, in accordance with the Notice to Bidders;

WHEREAS, staff has recommended to this Council that it find the bid submitted by Milcon Concrete, Inc. as the lowest and best bid submitted for the Project; and

WHEREAS, this Council has authorized the expenditure of funds for said contract through the appropriation of funds in the City's 2026 Annual Appropriation Ordinance,

NOW, THEREFORE, THE CITY OF XENIA HEREBY RESOLVES, a majority of the members of City Council present concurring, that:

Section 1. It is hereby determined by Council that the bid submitted by Milcon Concrete, Inc. is the lowest and best bid submitted for the N. King St. Water Main Replacement & Storm Sewer Repairs Project.

Section 2. The contract for the Project is hereby awarded to Milcon Concrete Inc., 1360 S. Co. Rd. 25A, Troy, Ohio 45373, in the total bid amount of Two Million Two Hundred Twenty-Nine Thousand Eight Hundred and Seven Dollars ($2,229,807.00), subject to any modifications made in accordance with City Charter § 9.08(D).

Section 3. The City Manager is hereby directed to execute a contract with Milcon Concrete Inc., in accordance with Notice to Bidders, Instructions to Bidders, General Conditions, Specifications, Plans/Drawings, Prevailing Wage Rates, and other documents contained in the bid packet upon which the bid was received. The costs of the contract shall be paid out of the funds appropriated for it in the City's 2026 Annual Appropriation Ordinance.

Section 4. It is hereby found that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including ORC § 121.22.

Section 5. This Resolution shall become effective immediately upon its passage.

Passed: June 11, 2026

Wesley E. Smith
Xenia City Council President

Attest:

Amy E. Brown
City Clerk

2026 N. KING STREET WATER & STORM MAIN REPLACEMENT

Bid Opening - May 19, 2026

BID TAB ITEMS AMENDED 5-13-26 PER Addendum #1

ITEM NO.	ODOT NO.	DESCRIPTION	UNIT OF MEASURE	APPROX. QTY.	Milcon Concrete Inc. UNIT PRICE	Milcon Concrete Inc. TOTAL	Fillmore Construction UNIT PRICE	Fillmore Construction TOTAL	Majors Enterprises UNIT PRICE	Majors Enterprises TOTAL
1	201	CLEARING AND GRUBBING, AS PER PLAN	LUMP	1	$45,566.00	$45,566.00	$35,000.00	$35,000.00	$15,000.00	$15,000.00
2	202	REMOVED, AS PER PLAN	LUMP	1	$23,000.00	$23,000.00	$10,000.00	$10,000.00	$5,000.00	$5,000.00
3	202	WALK REMOVED	SF	7420	$1.00	$7,420.00	$5.00	$37,100.00	$4.00	$29,680.00
4	202	CURB REMOVED	FT	3820	$3.00	$11,460.00	$5.00	$19,100.00	$6.00	$22,920.00
5	202	CURB AND GUTTER REMOVED	FT	330	$7.25	$2,392.50	$10.00	$3,300.00	$6.00	$1,980.00
6	202	PIPE REMOVED, 24" AND UNDER	FT	46	$23.50	$1,081.00	$10.00	$460.00	$40.00	$1,840.00
7	202	CATCH BASIN REMOVED	EACH	4	$552.50	$2,210.00	$1,500.00	$6,000.00	$750.00	$3,000.00
8	202	VALVE BOX REMOVED, AS PER PLAN	EACH	18	$322.00	$5,796.00	$1,000.00	$18,000.00	$500.00	$9,000.00
9	202	PORTION OF STRUCTURE REMOVED, AS PER PLAN	LUMP	1	$13,420.00	$13,420.00	$5,000.00	$5,000.00	$20,000.00	$20,000.00
10	254	1-1/2" PAVEMENT PLANING, ASPHALT CONCRETE	S.Y.	210	$23.85	$5,008.50	$10.00	$2,100.00	$15.00	$3,150.00
11	301	ASPHALT CONCRETE BASE, (449), PG64-22	CY	240	$339.00	$81,360.00	$260.00	$62,400.00	$495.00	$118,800.00
12	304	AGGREGATE BASE, AS PER PLAN	CY	181	$96.00	$17,376.00	$100.00	$18,100.00	$75.00	$13,575.00
13	407	NON-TRACKING TACK COAT	GAL	15	$29.00	$435.00	$3.00	$45.00	$15.00	$225.00
14	441	ASPHALT CONCRETE SURFACE COURSE, TYPE 1, (449), PG64-22	CY	11	$828.00	$9,108.00	$400.00	$4,400.00	$525.00	$5,775.00
15	441	ASPHALT CONCRETE INTERMEDIATE COURSE, TYPE 2, (449)	CY	2	$828.00	$1,656.00	$500.00	$1,000.00	$495.00	$990.00
16	452	6" NON-REINFORCED CONCRETE PAVEMENT, CLASS QC 1P	SY	224	$140.00	$31,360.00	$58.00	$12,992.00	$130.00	$29,120.00
17	509	EPOXY COATED STEEL REINFORCEMENT, AS PER PLAN	LBS.	320	$23.00	$7,360.00	$3.00	$960.00	$3.00	$960.00
18	510	DOWEL HOLES WITH NONSHRINK, NON METALLIC GROUT	EACH	118	$22.00	$2,596.00	$50.00	$5,900.00	$25.00	$2,950.00
19	511	CLASS QC1 CONCRETE (CULVERT TRANSITION JOINT), AS PER PLAN	CY	1	$18,900.00	$18,900.00	$2,500.00	$2,500.00	$2,000.00	$2,000.00
20	512	TYPE 2 WATERPROOFING, AS PER PLAN	SY	136	$31.25	$4,250.00	$10.00	$1,360.00	$25.00	$3,400.00
21	608	4" CONCRETE WALK	SF	5520	$15.35	$84,732.00	$15.00	$82,800.00	$15.00	$82,800.00
22	608	CURB RAMP, AS PER PLAN	SF	2700	$31.00	$83,700.00	$30.00	$81,000.00	$25.00	$67,500.00
23	608	CONCRETE STEPS, TYPE A	FT.	9	$432.00	$3,888.00	$300.00	$2,700.00	$1,000.00	$9,000.00
24	609	BARRIER CURB (XENIA STD. TYPE B)	FT	3820	$45.25	$172,855.00	$30.00	$114,600.00	$35.00	$133,700.00
25	609	CURB AND GUTTER REPLACED, IN KIND	FT	330	$76.80	$25,344.00	$40.00	$13,200.00	$55.00	$18,150.00
26	611	4" CONDUIT, TYPE B, (707.45), STORM REPAIR	FT	50	$10.21	$510.50	$20.00	$1,000.00	$1.00	$50.00
27	611	6" CONDUIT, TYPE B, (707.45), STORM REPAIR	FT	50	$14.02	$701.00	$30.00	$1,500.00	$1.00	$50.00
28	611	8" CONDUIT, TYPE B, (707.45), STORM REPAIR	FT	50	$19.12	$956.00	$40.00	$2,000.00	$1.00	$50.00
29	611	12" CONDUIT, TYPE B, (706.02), STORM REPAIR	FT	25	$61.00	$1,525.00	$100.00	$2,500.00	$1.00	$25.00
30	611	12" CONDUIT, TYPE B, (706.02), STORM REPAIR	FT	25	$61.00	$1,525.00	$120.00	$3,000.00	$1.00	$25.00
31	611	15" CONDUIT, TYPE B, (706.02), STORM REPAIR	FT	25	$67.60	$1,690.00	$140.00	$3,500.00	$1.00	$25.00
32	611	12" RCP STORM SEWER (706.02), AS PER PLAN	FT	15	$157.50	$2,362.50	$160.00	$2,400.00	$135.00	$2,025.00
33	611	12" CPSLP STORM SEWER (707.33), AS PER PLAN	FT	5	$93.00	$465.00	$100.00	$500.00	$135.00	$675.00
34	611	15" RCP STORM SEWER (706.02), AS PER PLAN	FT	11	$188.00	$2,068.00	$200.00	$2,200.00	$145.00	$1,595.00
35	611	15" CPSLP STORM SEWER (707.33), AS PER PLAN	FT	20	$72.25	$1,445.00	$120.00	$2,400.00	$145.00	$2,900.00
36	611	5'X4' PRECAST CONCRETE BOX CULVERT, AS PER PLAN	FT	60	$1,415.75	$84,945.00	$1,200.00	$72,000.00	$1,250.00	$75,000.00
37	611	TYPE 2 CATCH BASIN, AS PER PLAN	EACH	2	$2,281.00	$4,562.00	$3,500.00	$7,000.00	$5,500.00	$11,000.00
38	611	TYPE 3 CATCH BASIN, AS PER PLAN	EACH	1	$6,930.00	$6,930.00	$7,500.00	$7,500.00	$15,500.00	$15,500.00
39	611	TYPE 3 CATCH BASIN - (MODIFIED), AS PER PLAN	EACH	1	$8,630.00	$8,630.00	$10,000.00	$10,000.00	$17,000.00	$17,000.00
40	611	4" SANITARY LATERAL REPLACEMENT, AS PER PLAN	FT	50	$22.00	$1,100.00	$27.50	$1,375.00	$10.00	$500.00
41	611	6" SANITARY LATERAL REPLACEMENT, AS PER PLAN	FT	50	$27.25	$1,362.50	$30.50	$1,525.00	$10.00	$500.00
42	611	8" PVC C-900 DR-18 SANITARY SEWER, AS PER PLAN	FT	20	$85.50	$1,710.00	$43.50	$870.00	$10.00	$200.00
43	613	LOW STRENGTH MORTAR BACKFILL (TYPE 2)	CY	213	$158.75	$33,813.75	$250.00	$53,250.00	$100.00	$21,300.00
44	614	MAINTAINING TRAFFIC	LUMP	1	$22,225.00	$22,225.00	$50,000.00	$50,000.00	$20,000.00	$20,000.00
45	623	CONSTRUCTION LAYOUT STAKES AND SURVEYING, AS PER PLAN	LUMP	1	$10,090.00	$10,090.00	$12,000.00	$12,000.00	$20,000.00	$20,000.00
46	624	MOBILIZATION	LUMP	1	$37,565.00	$37,565.00	$20,500.00	$20,500.00	$30,000.00	$30,000.00
47	638	4" WATER MAIN, AS PER PLAN (C900, DR18)	FT	12	$141.80	$1,701.60	$156.25	$1,875.00	$175.00	$2,100.00
48	638	6" WATER MAIN, AS PER PLAN (C900, DR18)	FT	64	$130.60	$8,358.40	$99.50	$6,368.00	$180.00	$11,520.00
49	638	8" WATER MAIN, AS PER PLAN (C900, DR18)	FT	5108	$117.00	$597,636.00	$195.75	$999,891.00	$155.00	$791,740.00
50	638	3/4" WATER SERVICE BRANCH, AS PER PLAN	FT	3255	$75.25	$244,938.75	$69.25	$225,408.75	$95.00	$309,225.00
51	638	1" WATER SERVICE BRANCH, AS PER PLAN	FT	25	$82.40	$2,060.00	$69.75	$1,743.75	$120.00	$3,000.00
52	638	1" INSULATED WATER SERVICE BRANCH, AS PER PLAN	FT	316	$112.50	$35,550.00	$69.75	$22,041.00	$120.00	$37,920.00
53	638	TEMPORARY WATER SERVICE	LUMP	1	$16,378.00	$16,378.00	$4,187.00	$4,187.00	$2,500.00	$2,500.00
54	638	4" GATE VALVE, AS PER PLAN	EACH	1	$1,318.00	$1,318.00	$1,418.50	$1,418.50	$2,000.00	$2,000.00
55	638	8" GATE VALVE, AS PER PLAN	EACH	26	$2,746.00	$71,396.00	$2,514.50	$65,377.00	$2,500.00	$65,000.00
56	638	6" FIRE HYDRANT ASSEMBLY, AS PER PLAN	EACH	12	$9,070.00	$108,840.00	$9,263.75	$111,165.00	$10,000.00	$120,000.00
57	638	FIRE HYDRANT REMOVED	EACH	9	$576.00	$5,184.00	$50.00	$450.00	$750.00	$6,750.00
58	638	METER PIT, INCLUDING METER SETTING AND VALVES, AS PER PLAN	EACH	119	$952.00	$113,288.00	$1,059.00	$126,021.00	$1,450.00	$172,550.00
59	638	6" INSERTION VALVE, AS PER PLAN	EACH	5	$10,985.00	$54,925.00	$12,764.50	$63,822.50	$15,000.00	$75,000.00
60	638	8"X8" TAPPING SLEEVE AND VALVE	EACH	1	$7,683.00	$7,683.00	$7,633.50	$7,633.50	$6,000.00	$6,000.00
61	638	REMOVE PLUG AND CONNECT TO EX. 8" WATER MAIN, AS PER PLAN	EACH	1	$2,683.00	$2,683.00	$3,556.25	$3,556.25	$5,500.00	$5,500.00
62	638	2" CUT AND PLUG, AS PER PLAN	EACH	1	$2,734.00	$2,734.00	$1,968.00	$1,968.00	$3,500.00	$3,500.00
63	638	6" CUT AND PLUG, AS PER PLAN	EACH	1	$4,678.00	$4,678.00	$1,968.00	$1,968.00	$5,000.00	$5,000.00
64	644	CROSSWALK LINE, 12"	FT	12	$55.50	$666.00	$45.00	$540.00	$125.00	$1,500.00
65	644	STOP LINE, 24"	FT	8	$105.00	$840.00	$90.00	$720.00	$125.00	$1,000.00
66	644	CHANNELIZING LINE, 12"	FT	6	$94.00	$564.00	$45.00	$270.00	$55.00	$330.00
67	659	SEEDING AND MULCHING, CLASS 1, AS PER PLAN	SY	3000	$16.38	$49,140.00	$4.50	$13,500.00	$1.00	$3,000.00
68	832	EROSION CONTROL	EACH	8000	$1.00	$8,000.00	$1.00	$8,000.00	$1.00	$8,000.00
69	SPEC	INSULATED 8" WATER MAIN (C900, DR18), AS PER PLAN	FT	10	$279.00	$2,790.00	$222.00	$2,220.00	$575.00	$5,750.00
		TOTAL BASE BID				**$2,229,807.00**		**$2,467,181.25**		**$2,457,820.00**

	Milcon	Fillmore	Majors	Eng. Estimate	Budget
Curb	$200,000.00	$177,700.00	$200,000.00	$207,213.33	$200,000.00
Storm	$563,576.16	$450,272.00	$432,586.66	$416,343.33	$600,000.00
Water	$1,466,230.83	$1,839,209.25	$1,825,233.33	$1,430,003.33	$1,400,000.00
	$2,229,807.00	$2,467,181.25	$2,457,820.00	$2,053,560.00	$2,200,000.00

No Color indicates combination of funds

XENIA CITY COUNCIL
AGENDA ITEM REPORT

Meeting Date: June 11, 2026

Title: **Procedural Motion –** Two Appointments to the Civil Service Commission

Charter/Code Ref.: Charter Article VIII (specifically §8.05) and Xenia City Code Chapter 282

Submitted By: Amy E. Brown, City Clerk
Presented By: Wesley Smith, Council President

Summary: There are two existing vacancies on the Civil Service Commission. One term was vacated when a member resigned due to being elected to the Xenia Community School Board. The other term was vacated when a member was appointed to the Xenia Charter Review Commission. One term expires on December 31, 2028, and the other term expires on December 31, 2029.

Letters of interest and/or applications were received and CSC Chair, Mr. David Jordan contacted Mr. Cary Shaw and Mr. Michael Eckles to discuss their interest in serving. Mr. Jordan respectfully requests that Mr. Shaw and Mr. Eckles be appointed to the Civil Service Commission with Mr. Shaw's term expiring on December 31, 2028 and Mr. Eckles' term expiring on December 31, 2029.

Item Report Attachments: N/A

Budgetary Impact: N/A

Vote Required for Adoption: The affirmative vote of a majority of the members of Council present at the meeting (Charter § 5.06).

Recommendations: ***Motion 1:** Appoint Mr. Cary Shaw to the Civil Service Commission with a term expiration date of December 31, 2028.

***Motion 2:** Appoint Mr. Michael Eckles to the Civil Service Commission with a term expiration date of December 31, 2029.

*Motions 1 and 2 may be made together as a single motion since both appointments are to the same Commission.

XENIA CITY COUNCIL
AGENDA ITEM REPORT

Meeting Date: June 11, 2026

Title: **Procedural Motion** – Accepting the City of Xenia Charter Review Commission's Report to Council on Recommended Charter Amendments for Placement on November 3, 2026, Ballot

Submitted & Presented By: Donnette Fisher, Law Director

Summary: City Charter § 8.06 requires City Council to appoint a Charter Review Commission, at least every five years, to review the City's Charter and recommend to Council such amendments to the Charter as the Commission deems necessary or desirable. On November 25, 2025, this Council appointed a Charter Review Commission as required. Per Resolution 2026-061, which appointed the Commission, also requires the Commission to file its report on any recommended amendments, revisions, alterations or additions to the Xenia City Charter that the Commission believes are advisable to this Council on or before July 31, 2026.

The Commission has completed its review of the City's Charter and is submitting its Report to Council on its recommended amendments to the Charter for placement upon the November 3, 2026, ballot. This procedural motion is simply to accept and receive this report – it is not an approval of the report itself or its recommended amendments. By accepting this report, Council can begin the process of reviewing the amendments proposed and then decide whether to present those proposed amendments to the voters in November. If Council decides to present these amendments to the voters, Council must pass an ordinance requiring the submission of the amendments to the voters no more than one hundred twenty days nor less than sixty days before the November election. (This means the required ordinance would need to be adopted after July 6, 2026, and before September 4, 2026).

Item Report Attachment(s): Charter Review Commission Report to Council on Recommended Charter Amendments for Placement on November 3, 2026, Ballot

Budgetary Impact: None

Recommendation: It is the recommendation of City staff that Council accept the Report submitted to it by the Charter Review Commission so that Council may begin the process of reviewing the proposed amendments for possible placement on the November 3, 2026, ballot.

XENIA CHARTER REVIEW COMMISSION

REPORT TO XENIA CITY COUNCIL ON RECOMMENDED CHARTER AMENDMENTS FOR PLACEMENT ON NOVEMBER 3, 2026, BALLOT

Adopted and Approved by the Charter Review Commission
June 9, 2026

Nancy McPeak, Chair
Chelsey Garrett, Vice Chair
Faith Sorice, Councilmember
Thomas Scrivens
Howard Horstman
James Crawford, Alternate

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INTRODUCTION

Unlike cities in many other states, cities in Ohio are unique in that they are granted the powers of local self-government, or "home rule," by the Ohio Constitution. As understood by the members of Ohio's 1912 Constitutional Convention, the purpose of the home-rule amendment was to grant to the citizens of Ohio's cities "the right to control their own affairs." The home-rule amendment to the Ohio Constitution, adopted in 1912, grants to Ohio's cities the "authority to exercise all powers of local self-government," including the power to "frame, adopt or amend a charter for its government." By adopting – and when necessary, amending – a Charter, city residents determine for themselves the form of their municipal government and how that government will exercise its powers.

The City of Xenia Charter is, in effect, the constitution of the City of Xenia. The Charter establishes the framework of the City's governmental organization. The Charter then assigns legislative and administrative functions and powers to the appropriate elected officials or City officers. The Charter also sets the parameters for the exercise of those assigned functions and powers by the City of Xenia government. Thus, our Charter serves as both a grant of – and a limitation on – the exercise of home-rule powers by the City government.

Like all cities, it is necessary for Xenia to amend its Charter from time to time to ensure that our municipal government operates efficiently. Most Ohio cities review their charters every five to ten years to ensure they meet current operational needs and comply with relevant case law. In November 2018, City voters adopted an amendment to the City's Charter, requiring Council to appoint a Charter Review Commission at least every five years to review the Charter and recommend updates. Prior to this, the City's Charter had not been comprehensively reviewed or updated since 1998.

On June 13, 2019, Council appointed a Charter Review Commission to review the City's Charter and "recommend to the City Council such alterations, revisions and amendments, if any, to the Charter as in the Commission's judgment are advisable." That Charter Review Commission conducted a thorough, two-year review and presented its recommended amendments to City Council in April 2021. City Council choose to submit most – but not all – of those amendments to the voters over the course of three elections in 2022, the May 3rd primary, the August 2nd special election, and the November 8th general election. The voters of Xenia passed all Charter amendments as presented.

This Report is the first review of the Charter as amended by the citizens of Xenia in 2022. The Charter does not authorize City Council to revise the language of the proposed amendments; Council may only decide whether to submit any or all of them to the voters. If City Council chooses to submit any or all of the proposed amendments to the voters it must adopt an ordinance, which is then certified to the Greene County Board of Elections for placement on the ballot. The Commission is recommending that the proposed amendments in this Report be presented to the voters at the November 3, 2026, general election. However, Council retains the discretion to decide at which election any proposed amendments will be submitted to the voters.

CHARTER AMENDMENT PROCESS

For Placement on November 3, 2026, ballot:

- Charter Review Commission presents report to Council.
  June 11, 2026, and June 25, 2026

- Council may submit proposed amendments to the voters by adopting an ordinance upon the affirmative vote of five (5) members [Ohio Const. Article XVIII § 9].

- Ordinance requiring the submission of proposed Charter amendments to the voters must be sent to the Board of Elections no more than one hundred twenty days (Monday, July 6, 2026) nor less than sixty days (Friday, September 4, 2026) before the general election (November 3, 2026) [Ohio Const. Article XVIII § 8].
  If Council desires to present any of the proposed amendments to the voters in November, action must be taken between July 6 – September 4, 2026. To follow the "regular" process for ordinances (introduction, public hearing and vote, 30 days before effective), Council would have to introduce an ordinance on July 9th to have the ordinance be effective by the September 4th deadline. Alternatively, Council may act by emergency ordinance at the July 23rd, August 13th, or August 27th meeting.

- Notice of the proposed Charter amendments must be made in one of the following ways:
  - Copies of the proposed amendments are mailed to electors whose names appear upon the voter rolls of the last general election no less than thirty days (Sunday, October 4, 2026) prior to the election [Ohio Const. Article XVIII § 8 and ORC § 731.211]; **or**
  - The full text of the proposed amendments is published once a week for not less than two consecutive weeks in a newspaper of general circulation in the City, with the first publication being at least fifteen days (Monday, October 19, 2026) prior to the election [ORC § 731.211]. The first publication must be made in its entirety (may be a preprinted insert), but the second publication may be made in an abbreviated form (title and summary paragraph) in the same newspaper if the second publication is posted by the newspaper on its official public notice website, and the second notice otherwise complies with ORC § 7.16. (Newspaper publication was used in 2022)

- If approved by the voters, the approved amendments must be certified to the Ohio Secretary of State within thirty (30) days [Ohio Const. Article XVIII § 9]. Amendments become effective upon the certification of the vote, unless Council specifies a later effective date in the ordinance.
  Any voter approved amendments will be effective as of December 3, 2026, unless Council specifies January 1, 2027, as the effective date.

EXECUTIVE SUMMARY

The Charter Review Commission ("Commission") is recommending to City Council that seven (7) amendments be presented to the voters in November. As the City Charter was comprehensively amended in 2022, most of the recommendations being made in this Report are on those Articles and sections upon which the Commission made recommendations in 2021, but which Articles and sections were not presented to the voters by City Council. These revisited amendments include Article XI [Elections] and Article XII [Initiative and Referendum], as well as § 4.02(C) [Election and Terms of Council Members] and § 13.01(A) [Prohibited Activities]. This Report also includes recommendations on § 4.05(A) [Council Salaries], a section that the 2022 Charter Review Report recommended be addressed as a part of this Charter review, as well as recommendations on § 4.01(G)(2) and § 5.01(B) [regarding Council approval of the sale of City-owned property]. Finally, this Report recommends a "housekeeping" amendment to § 9.04(C)(3).

What follows is an executive summary of the Charter amendments the Commission is recommending:

§ 4.01(G) - Real Property, and § 5.01(B) - Action Requiring an Ordinance.

In 2022, the voters approved § 4.01(G) of the Charter, which established the process governing the acquisition or sale of City-owned property. For the sale of City-owned real property, a process was established whereby the sale, conveyance, lease, or grant of use of real property requires approval by City Council, by ordinance, upon the affirmative vote of at least four (4) members of City Council. At the time this recommended amendment was made and then approved by the voters, the County was not naming the City as a party in tax delinquencies foreclosure cases.

That changed in 2023, when County Prosecutor's Office began handling tax foreclosures in house, and began including the City as a party in those cases. Since then, the City has taken many tax-foreclosed properties through forfeiture and then sold them through the Home Preservation Program to bring those properties back into productive use. This led to the discovery that having Council approve the sale of property by ordinance was not the most efficient or effective method, as it takes at least 60 days between the time of introduction of an ordinance and the effective date of an ordinance.

Thus, the Commission is recommending that § 4.01(G) be amended to allow Council to approve the sale of City owned property by resolution, rather than ordinance, as resolutions have an immediate effective date. The Commission is recommending that an affirmative vote of at least (4) members of Council be kept as a requirement to approve the resolution authorizing the sale, and that a public hearing continued to be required on the potential sale of City-owned land. With the proposed amendment to § 4.01(G), an amendment will also be needed to § 5.01(B) [Action Requiring an Ordinance] to remove subdivision (7) and then renumber the three subdivision that follow.

§ 4.02(C) - Council Election and Terms.

There is currently no provision made in the City's Charter for the election of the members of Council (including the Mayor); that is, there is no provision made as to when the elections for these offices are to occur. Current § 4.02(C) only states that the Council members' terms (including the Mayor) shall be four (4) years, but it does not indicate when elections should be held. In 2021, the Charter Review Commission recommended amendments to this section to address this deficiency, but as Council declined to present Article XI [Elections] to the voters, Council chose to withhold the presentation of the amendments to this section as well.

Thus, the Commission is again recommending the addition of language to § 4.02(C) to establish when Council elections are to be held and is again further recommending that the terms of the members of Council be further staggered. The current practice is a two-year election cycle, with four Council seats chosen in one election and the Mayor and two Council seats chosen two years later. Rather than the current 4:3 cycle, the Commission is recommending a 3:2:2 cycle (2 members + the Mayor: 2 members: 2 members). Under this process, elections would be held every year for three years, then a year would be skipped, then the cycle would repeat.

§ 4.05(A) - Council Members (Compensation).

In 2021, the Charter Review Commission did not recommend any changes to the provisions regarding Council members' salaries but did recommend that the issue be revisited during the 2025-2026 Charter review. The current Commission has taken up this task and is recommending that this section of the Charter be amended to tie the salaries of the members of Council (including the Mayor) to OPERS requirements regarding minimum earnable monthly salary necessary to receive a month's service credit. Historically, that minimum earnable monthly salary has been tied to the statutorily set salaries of township trustees.

§ 9.04(C)(3) - Action by City Council.

The amendment being proposed to this section is "housekeeping" only. The Commission is recommending that the phrase "administrative motion" in this section be changed to "procedural motion," as with the passage of the voter-approved amendments to Article V in 2022, there are no longer administrative motions, only procedural ones.

ARTICLE XI - ELECTIONS FOR CITY OFFICE.

Under Article XVIII of the Ohio Constitution, municipalities can adopt charters and govern their own local affairs, including setting procedures for municipal elections (so long as such provisions do not conflict with general laws of the State). Therefore, as allowed under the Ohio Constitution, the Commission is recommending that the City establish, by Charter, its own processes and procedures for elections to City office. Under the Commission's proposed amendments, the process for having your name placed on the ballot as a candidate for Councilmember or Mayor will be controlled by the Charter, while the actual election and tallying of votes will continue to be controlled by the Board of Elections. The Commission is recommending the following amendments:

- Add language further clarifying that City elections are all at-large (not wards), a matter upon which the current Charter is silent. Keep the requirement that all City elections be nonpartisan and clarify no primaries shall be held for any City office.
- Expand the language regarding nominating petitions and keep the number of required signatures at 75. Most importantly, amend Charter language to require that nominating petitions be on forms approved by City Council, not the Board of Elections. (This should address the problems seen in past elections with the Board of Elections giving out erroneous information.)
- Incorporate the State process to allow any Xenia citizen to file a protest against a nominating petition.
- Add a section clarifying when the general election laws of the state apply, and when City Charter supersedes state law.
- Add a section regarding eligibility requirements and restrictions on eligibility for all candidates for City office. Add language to restrict political activity of City employees only in reference to City elections. It is the Commission's belief that having City employees involved in the

campaigns of candidates for City office has the potential to create conflicts of interest and bears the appearance of impropriety.

- Add language specifically outlining the citizens' right to recall a sitting member of Council (including the Mayor). In the recent Ohio Supreme Court case of *Maumee v. Lucas County Board of Elections*, the Court held that the recall provisions set forth in the Ohio Revised Code do not automatically apply to charter cities. The Court's holding means that if a city's charter does not include a recall mechanism, the citizens of that city have no right of recall. The Commission believes the right to recall an elected official is a right of every citizen and therefore recommends adding a section to this Article to outline the process for citizens to exercise this right. Without this amendment, under *Maumee v. Lucas County Board of Elections*, Xenia citizens may not currently have the right of recall.

ARTICLE XII – INITIATIVE AND REFERENDUM.

The Ohio Constitution grants our citizens the power to propose ordinances by initiative petition or to repeal ordinances already passed by referendum. Therefore, the Commission is recommending the addition of this Article XII to outline the processes for our citizens to exercise both these rights. The Commission is also recommending the addition of language to allow Council to refer any proposed ordinance before it to the electors for vote. This proposed new language will replace the current Article XII language regarding utility franchises, which is obsolete.

§ 13.01(A) - Prohibited Activities.

The amendments proposed to § 13.01 of the Charter in 2021 were presented to, and approved by, the voters in 2022. Council at that time declined to present to the voters the recommended amendments to division (A) of this section. As this division prohibits discriminatory employment practices which are already in place under federal and state law, the Commission is recommending amending this section to mirror the language in the Ohio Revised Code, specifically § 4112.02, while also keeping the current prohibition against employment discrimination based on political affiliation.

RECOMMENDED AMENDMENTS

The Commission's recommendations for amendment to the City Charter are outlined by using the current Charter formatting and language as the starting point. New proposed language is indicated in bold/underline, language to be deleted is indicated by strikeouts. An explanation of the proposed amendments follows each section.

AMENDMENT #1: § 4.01(G) and § 5.01(B) – Regarding the Sale of Real Property.

§ 4.01 POWERS OF COUNCIL.

(G) Real Property.

(1) The power to acquire title to, or interests in, real property, whether such property is acquired by the exercise of the power of eminent domain, purchase, gift, lease, devise, bequest, in trust or otherwise.

(2) The power to sell, convey, lease, or grant the use of real property owned by the City, or any rights therein, shall also be vested in the Council. Such sale, conveyance, lease or grant of use shall be made only upon a determination by Council, by resolution, that such property is not needed for any municipal purpose or, in those cases in which real estate is offered only for lease or use for a term, that it will not be needed for municipal purposes during the term of the proposed lease or use or that such proposed lease or use will not interfere with the property's use for municipal purposes. Any sale, conveyance, or lease shall be made only by negotiation, informal competition, or formal bidding, as prescribed by Council in the resolution authorizing the method of sale, conveyance, lease, or grant. The sale, conveyance, lease or grant of use of real property owned by the City, or any rights therein, shall be effective only upon the **passage of a resolution** ~~adoption of an ordinance~~ by Council, approved by the affirmative vote of at least four (4) members of the Council. **Said resolution shall be subject to a public hearing, which shall be held not earlier than seven (7) days following publication of the notice of such hearing.**

§ 5.01 ORDINANCES, RESOLUTIONS, AND MOTIONS.

(B) Action Requiring an Ordinance. The following legislative actions of the City Council shall be by ordinance:

(1) Adopting or amending ~~of~~ an administrative code to establish, alter, or abolish any City department, office, board, commission, or other agency;
(2) Establishing any offense and the imposition or provision of imposition of any penalty for such offense;
(3) Levying of taxes, except when such action may be taken by resolution under the Ohio Revised Code;
(4) Granting, renewing, or extending a franchise;
(5) Regulating the rate charged for its services by a public utility;
(6) Authorizing the borrowing of money or appropriations for the expenditure of public funds;
(7) ~~Authorizing the purchase, conveyance or lease of real property or any title or interest therein;~~
~~(8)~~ Regulating land use and development;
(8) ~~(9)~~ Exercise the police powers granted the City by Article XVIII of the Constitution of the State of Ohio; or
(9) ~~(10)~~ Amending or repealing any ordinance previously adopted.

RATIONALE: The proposed revisions to these two sections are intended to streamline the sale of City-owned properties while preserving important safeguards. Because these properties are held in the public trust, the process proposed in 2022 requires City Council to approve all sales, leases, and use agreements by ordinance. The affirmative vote of at least four members of Council is required and, because an ordinance is used, a public hearing is required for each proposed sale. However, because an ordinance does not take effect for sixty days, buyers must wait at least that long after Council approval before a sale can move forward.

Although this delay was not a concern when voters approved the process in 2022, it has become more problematic as the City has acquired more properties through tax foreclosure/forfeiture. Many of these properties are resold through the City's Home Preservation Program, and the sixty-day waiting period has become unnecessarily burdensome. Therefore, the Commission is recommending that the Charter be amended to allow Council to use resolutions to approve the sale of City-owned property, as resolutions become effective immediately upon passage. To keep the guardrails in place on the sale process, the Committee is recommending that a public hearing be required for each resolution proposing to sell City-owned land, and that the affirmative vote of at least four members of Council be required to approve the sale.

AMENDMENT #2: § 4.02(C) – Regarding Council Elections and Terms.

§ 4.02 COMPOSITION, QUALIFICATIONS, ELECTION, AND TERMS.

(C) **Election and** Terms.

(1) At the regular municipal election held in 2027, two (2) members of the Council shall be elected from the City at-large for terms of office of four (4) years, and two (2) members of Council shall be elected from the City at-large for a term of three (3) years, commencing at one minute after midnight on the first day of January following their election. The two (2) elected candidates receiving the first and second highest number of votes shall serve the four (4) year terms, and the two (2) elected candidates receiving the third and fourth highest number of votes shall serve the three (3) year terms.

(2) At the regular municipal election held in 2029, and every four (4) years thereafter, two (2) members of the Council shall be elected from the City at-large for terms of office of four (4) years, and the office of Mayor shall be elected from the City at-large for a term of office of four (4) years, commencing at one minute after midnight on the first day of January following their election.

(3) At the regular municipal election held in 2030, and every four (4) years thereafter, two (2) members of the Council shall be elected from the City at-large for terms of office of four (4) years, commencing at one minute after midnight on the first day of January following their election.

(4) At the regular municipal election held in 2031, and every four (4) years thereafter, two (2) members of the Council shall be elected from the City at-large for a term of four (4) years, commencing at one minute after midnight on the first day of January following their election.

~~All elected members of the Council shall hold office for a term of four (4) years, except as herein provided, and successors shall be elected at the next general Municipal election before the expiration of their term of office, which term of office shall be subject to recall, as hereinafter provided.~~

RATIONALE: The proposed revisions to this section would keep the terms for members of Council and the Mayor at four years each, while further staggering those terms. The City Charter currently does not specify how Council terms are to be staggered – the Charter is completely silent! Past practice has been to follow a 4-3 pattern (although this does **not** appear in the Charter), with two Council seats and the Mayor seat in one election, and the remaining four Council seats elected two years later. The Commission recommends formally addressing the method for how the terms of the Council members are staggered to the Charter and recommends changing the staggering of terms to a 3-2-2 pattern.

The Commission believes this approach would create more stability and a more orderly transition when Council membership changes. Under the proposed 3-2-2 pattern, a municipal election would occur for three consecutive years, followed by a year without a municipal election for Council, then the pattern would repeat. The transition to the 3-2-2 pattern would require a one-time adjustment in 2027 affecting only two Council seats. Those two seats would be elected to three-year terms in 2027, then return to regular four-year terms when those seats are next on the ballot in 2030.

What this will look like:

Election 2027
- 2 members for 4-year terms (2028-2031)
- 2 members for **3-year** terms (2028-2030)

Election 2029
- 2 members for 4-year terms (2030-2033)
- Mayor for 4-year term (2030 -2033)

Election 2030
- 2 members for 4-year terms (2031-2034)

Election 2031
- 2 members for 4-year terms (2032-2035)

Next elections would be 2033 (2 members + Mayor), 2034 (2 members), 2035 (2 members), 2037 (2 members + Mayor), 2038 (2 members), 2039 (2 members)

This recommendation, exactly as presented, was also presented in the 2021 Charter Review Commission Report to Council. At that time, City Council chose not to present this recommendation to the voters as Council also chose not to present the proposed amendments to Article XI (Elections) to the voters, as Council felt those two amendments were intertwined.

AMENDMENT #3: § 4.05(A) – Regarding Council Salaries.

§ 4.05 COMPENSATION AND EXPENSES.

(A) Council **Salaries** ~~members~~.

(1) **Beginning January 1, 2027, the members of City Council, including the Mayor, shall receive monthly compensation equal to the minimum earnable salary required under the Ohio Public Employees Retirement System to qualify for a full month's service credit** ~~The Council may determine the salaries of its members by ordinance, but no ordinance adjusting such salaries shall become effective until the date of the commencement of the terms of the members of Council, including the Mayor, elected at the next regular municipal election. Any ordinance adjusting the salaries of Council members, including the Mayor, shall be adopted by June 1. Such ordinance may set the salaries for Council, including the Mayor, per year of each year of the Council members' and Mayor's terms, but no salary adjustment shall exceed three percent (3%) per year~~.

(2) **Thereafter, the monthly compensation payable to the members of City Council, including the Mayor, shall automatically adjust as of January 1st of each year to equal the then yearly minimum earnable monthly salary required under the Ohio Public Employees Retirement System to qualify for a full month's service credit.**

(3) **The compensation provided under this division (A) shall be paid by the Finance Director on the same schedule as City employees are paid.**

RATIONALE: Council salaries were not addressed in the 2021 Charter Review Commission Report, although the report recommended revisiting the issue during the next Charter Review. The Commission did so and devoted significant attention to the topic. It found that Xenia City Council members are paid less than their counterparts in many nearby communities, despite the substantial time commitment the position requires. Council members currently earn less than $500 per month.

Surrounding Communities: Yearly Council Salaries

	Yearly Salary	Population	Median Income
Centerville	$13,441	27,375	$85,492
Kettering	$12,000	56,631	$57,822
Miamisburg	$10,640	20,423	$82,900
Beavercreek	$10,800	48,712	$110,088
Urbana	$9,500	11,224	$68,003
Springboro	$9,100	19,900	$119,659
Lebanon	$9,000	22,553	$83,685
Fairborn	$8,808.84	35,370	$61,751
Yellow Springs	$8,800	3,782	$85,982
Franklin	$8,000	11,793	$58,587
Huber Heights	$8,100	43,663	$79,131
West Carrollton	$6,000	12,816	$61,619
Xenia	**$5,256.02 and $4,954.30**	**26,372**	**$56,029**
Bellbrook	$4,500	7,640	$111,513

Under the current Charter, Council may set its own salaries by ordinance, but annual increases are capped at 3%. Because Council sets its own pay, Ohio ethics law also prevents any approved increase from taking effect during a member's current term. As a result, Council members are paid different salaries depending on when they were elected. In practice, this creates a two-tier salary structure, with four members earning one amount and three earning another.

After reviewing other city charters and the statutory process used to set township trustees' salaries, the Commission concluded that Council raises should no longer depend on Council's discretion. Instead, raises should occur automatically under a fixed, objective standard. The Commission therefore recommends amending the Charter to tie Council salaries to the Ohio Public Employees Retirement System (OPERS) minimum monthly salary required to earn a full month of service credit. This change would remove Council's discretion over its own pay, place all Council members on the same salary schedule, and allow them to earn OPERS service credit in a system they already pay into – but earn no benefit from.

Historically, increases in the OPERS minimum monthly salary have tracked pay increases approved by the Ohio General Assembly for township trustees. The monthly minimum is set at the level needed for township trustees to receive a full month of service credit. The Commission believes Xenia City Council members should be able to qualify for that same credit. In 2027, the OPERS minimum monthly salary is projected to be $809.31, or $9,711.72 annually. The following estimates show what that approval of the proposed amendment would mean, financially, over the next three years:

- 2027 – Monthly salary $809.31 ($9,711.72 yearly)
  $9,711.72 - $5,413.70 = $4,298.02 x 3 = + $12,894.06
  $9,711.72 - $5,102.93 = $4,608.79 x 4 = + $18,435.16
  + $31,329.22 increase for 2027

- 2028 – Monthly salary $849.78 ($10,197.36 yearly)
  $10,197.36 - $5,576.11 = $4,621.25 x 3 = + $13,863.75
  $10,197.36 - $5,256.02 = $4,941.34 x 4 = + $19,765.36
  + $33,629.11 increase for 2028

- 2029 – Monthly salary $892.27 ($10,707.23 yearly)
  $10,707.23 - $5,743.39 = $4,963.84 x 3 = + $14,891.52
  $10,707.23 - $5,413.70 = $5,293.53 x 4 = + $21,174.12
  + 36,065.64 increase in 2029

- Total 3-year increase over current salaries: $101,023.97

AMENDMENT #4: § 9.04(C) – Correction.

§ 9.04 OPERATING BUDGET AND CAPITAL IMPROVEMENT PLAN.

(C) Action by City Council.

(1) On or before November 1st, the City Manager shall either publish the estimated Operating Budget and Capital Improvement Plan on the City's website or shall publish, in one or more newspapers of general circulation within the City, that said documents are available for public inspection.

(2) At its first regular meeting in November, Council shall schedule and hold a time for public comment on the estimated Operating Budget and Capital Improvement Plan as presented.

(3) Within thirty (30) days of presentation of the Operating Budget and the Capital Improvement Plan to Council, the Council may approve the proposed estimated Operating Budget and Capital Improvement Plan, by **procedural** ~~administrative~~ motion, or may amend the proposed Operating Budget and/or the Capital Improvement Plan by adding or increasing programs or amounts or by deleting or decreasing any programs or amounts, except expenditures required by law for debt service, provided that no amendment shall increase the authorized expenditures to an amount greater than total estimated income. If the Council takes no action within thirty (30) days, the proposed Operating Budget and the Capital Improvement Plan shall be deemed approved as presented.

RATIONALE: This amendment is a simple correction. In 2022, the voters approved § 5.06, which established "procedural motions." The phrase "administrative motion" in this section needs to be amended to reflect that voter-approved amendment made in 2022.

AMENDMENT #5: ARTICLE XI – Regarding Elections for City Office.

ARTICLE XI – ELECTIONS **FOR CITY OFFICE.**

§ 11.01 RULES FOR ELECTIONS.

(A) Time and Submission. Regular Municipal elections shall be held on the first Tuesday after the first Monday in November**, as provided in § 4.02(C) of this Charter** ~~in each odd-numbered year~~**. All candidates for the office(s) of City Council, including the Mayor, shall be nominated by petition, and all petitions and ballots shall be without party mark or designation. No primary election shall be held for the office of City Council member, including the Mayor**~~, except as hereinafter provided. Any matter which by the terms of this Charter may be submitted to the electors of the City at any special election may be submitted at any regular Municipal election~~.

(B) **Election of City Council Members. All elections for the office(s) of City Council Member, including the Mayor, shall be at-large elections.**

(C) Nonpartisan Ballots. All officers to be elected under this Charter shall be elected upon one (1) ballot without any party designation of any kind.

(D) ~~C.~~ Determinations. The Council shall be the judge of the qualification**s** and election of its own members, subject to the requirements and limits of this Charter.

RATIONALE: Under Ohio law, a city has the authority to provide, by Charter, a process for the nomination and election of its officers. The Commission is recommending that the City of Xenia establish its own process and methods for nomination to City office to help preserve the nonpartisan nature of City elections. The Commission also recommends adding language to clarify that City elections are conducted at large rather than by ward.

§ 11.02 **PROCEDURES FOR PLACEMENT** ~~PETITION FOR PLACE~~ ON BALLOT.

(A) Nominating Petitions. Candidates for **the office(s) of City** Council and Mayor shall be nominated **exclusively** ~~only~~ by petition **in the manner provided by this Charter**. **Nominating petitions shall be governed by the following rules:** ~~The name of any elector of the City shall be printed and signed upon a petition which is to be filed with the Greene County Board of Elections.~~

(1) **Each nominating petition** ~~Such petitions~~ shall state the name **of the candidate, the office for which the candidate is nominated, whether such nomination is for a full term or an unexpired term and the ending date of such unexpired term, and a statement that the signers of such petition certify that, in their opinion, the candidate is well qualified to perform the duties of the office to which the candidate is nominated** ~~and place of residence of each person whose name is presented for a place upon the ballot, and that he or she is a candidate for Council or Mayor for the City of Xenia~~.

(2) **Each nominating petition shall contain a statement, made under penalty of election falsification, that the circulator of the petition witnessed the affixing of every signature, that all signers were to the best of the circulator's knowledge and belief qualified to sign, and that every signature is to the best of the circulators knowledge and belief the signature of the person whose signature it purports to be or of an attorney in fact signing for a disabled voter, in accordance with § 11.02(B)(5) of this Charter.**

(3) Each nominating petition shall contain at the top of each page of the petition, the following words, which shall be printed in red: *Whoever knowingly signs this petition more than once, signs a name other than his own, or signs when not a legal voter is liable to prosecution.*

(4) ~~Signatures of all the petitioners~~ **All nominating petitions** shall be on forms approved by **City Council** ~~the Greene County Board of Elections~~.

(5) A nominating petition may consist of one or more separate petition papers, each of which shall be in the form prescribed by this section and on the form approved by City Council. All petition papers shall be assembled as one instrument for filing, and all papers of the petition shall be uniform in size and style.

(B) Signatures.

(1) ~~(2)~~ **A nominating petition** ~~Such petitions~~ shall be signed by **at least** seventy-five (75) **qualified electors of the City. Only electors qualified to vote on the candidacy which is the subject of the petition shall sign the petition, and each signer shall be a registered elector of the City. The facts of qualification shall be determined as of the date the petition is filed.**

(2) ~~(3)~~ **Signatures shall be affixed in ink, and each signer shall also print the signer's name and** ~~An elector signing a petition shall add to his or her signature his or her~~ place of residence, with the street number, and the date of signing. **The address given upon the**

petition shall be the address that appears in the registration records of the Board of Elections. ~~An elector may subscribe to one (1) nominating petition for each of the offices to be filled, and no more. All signatures shall be made in ink.~~

(3) If a petition contains the signature of an elector two or more times, only the first signature shall be counted.

(4) ~~(5)~~ No petition shall be signed by any elector more than one hundred twenty (120) **calendar** days prior to the day of the election, and such petition shall be filed with the Board of Elections not less than ninety (90) **calendar** days previous to the date of such election, except as hereinafter provided.

(5) No person shall sign a name other than the person's own on any petition, and no person may authorize another to sign for the person, except when such person is a registered voter who, by reason of disability is unable to physically sign the person's name and the other person signing on the voter's behalf is doing so pursuant to a valid power of attorney for disabled voters on file with the Board of Elections.

(C) Circulator's Sworn Statement. The circulator of a nominating petition shall, within five (5) calendar days of filing the petition with the Board of Elections, also file with the Board of Elections a notarized, itemized statement, made under penalty of election falsification, showing in detail:

(1) All moneys or things of value paid, given or promised for circulating the petition;

(2) Full names and addresses of all persons to whom such payments or promises were made;

(3) Full names and addresses of all persons who contributed anything of value to be used in circulating the petition; and

(4) Time spent and salaries earned while circulating or soliciting signatures by persons who were soliciting signatures or circulating the petition as a part of their regular job duties.

Such Statement shall remain open to public inspection for one (1) year.

(D) Statement of Candidacy.

(1) ~~(6)~~ Any person whose name has been submitted for nomination by ~~any such~~ petition shall **indicate** ~~file~~ **the person's** ~~his or her~~ acceptance of such nomination **by signing the statement of candidacy on the nominating petition before the nominating petition is circulated. No nominating petition shall be filed** with or **accepted by** the Board of Elections **if the statement of candidacy is unsigned** ~~at the time of filing of his or her petition, except as hereinafter provided; otherwise, his or her name shall not appear upon the ballot~~.

(2) Such statement shall be signed in ink by the candidate, and shall contain a declaration made under penalty of election falsification that the candidate desires to be a candidate for the office named and that the candidate is an elector qualified to vote for the office the candidate seeks, and that the candidate otherwise meets all qualifications for the office the candidate seeks.

(3) If the petition consists of more than one separate petition paper, the statement of candidacy needs to be signed by the named candidate on only one such separate

petition, but all petition papers shall be filed together, as required under division A. of this section.

~~(7) Write-in candidates shall be permitted for the office of Council member in accordance with Ohio election laws.~~

(E) Filing the Petition with the Board of Elections. The nominating petition and statement of candidacy shall be filed with the Board of Elections for placement of the person's name on the ballot as a candidate for office at the next regular municipal election. The Board of Elections shall process the nominating petition in accordance with Ohio Revised Code § 3513.263, as it may be amended from time to time, or any successor provision thereto.

RATIONALE: The Commission recommends several amendments to this section to clarify the required form of nominating petitions, retain the 75-signature requirement, and clarify that a sworn statement from each petition circulator is required. These amendments expand on the Charter's current provisions by adding petition requirements that largely mirror state law. Most importantly, the section now makes clear that City Council – not the Board of Elections – must approve the petition form. It also adds a detailed statement-of-candidacy requirement for candidates seeking office by nomination. Although the existing Charter briefly references that statement in § 11.02(6), the proposed amendments explain the requirement more fully and align it with state law.

§ 11.03 PROTESTS.

(A) Protests. Written protests against nominating petitions that filed in accordance with this Article may be filed with the Board of Elections by any qualified elector eligible to vote for the candidate whose nominating petition the elector objects to.

(B) Deadline. Such protest shall be filed no later than seventy-four (74) calendar days before the election at which the candidate's name would otherwise appear in the ballot.

(C) Action by the Board of Elections. The Board of Elections shall process the written protest in accordance with Ohio Revised Code § 3513.263, as it may be amended from time to time, or any successor provision thereto.

RATIONALE: Protests against a person's candidacy are permitted under State law, and the Commission believes such protests must be allowed and should be addressed in the City's Charter. This section mirrors the requirements of State law, and any such protests would continue to be filed with, and decided by, the Board of Elections.

§ 11.04 **SUBMISSION TO THE ELECTORS.** ~~GENERAL INITIATIVE AND REFERENDUM LAWS TO APPLY.~~

(A) Placement on Ballot. The Board of Elections shall place the names of all candidates that are certified by it on the ballot for the municipal office for which the candidate(s) seek election. Ballots used by the Board of Elections shall comply with the relevant provisions of the Ohio Revised Code. ~~The Constitution and the general laws of Ohio shall govern the procedure for initiative and referendum.~~

(B) Elections. The office of Mayor and the office of City Council member shall appear separately on the ballot. The candidate receiving the highest number of votes for Mayor shall be declared elected to the office of Mayor. The candidate(s) receiving the highest number of votes for

Council member for the number of office(s) up for election shall be declared elected to the office(s) of Council member.

~~No ordinance or resolution adopted by an electoral vote can be repealed or amended within one (1) year after its adoption except by an electoral vote; however, an ordinance or resolution to repeal or amend any such ordinance or resolution may be submitted to an electoral vote at any regular election, or at any special Municipal election called for some other purpose, provided that notice of the intention to do so be published by the Council not more than sixty (60) days nor less than thirty (30) days prior to such election, in the manner required for the publication of ordinances and resolutions. If an amendment is so proposed, such notice shall contain the proposed amendment in full. Such submission shall be in the same manner, and the notice shall have the same effect, as in cases of ordinances or resolutions submitted to an election by popular petition.~~

RATIONALE: The Charter does not currently address how candidates for City offices are to be presented to the voters. The amendments proposed by this section address that deficiency, requiring the Board of Elections to place all certified candidates on the ballot, with such ballots to meet the requirements of state law. This section also clarifies that the office of Mayor and the office of Council member are to appear separately on the ballot, and states how the elected candidates are to be determined.

§ 11.05 ~~11.03~~ **APPLICATION OF** GENERAL ELECTION LAWS ~~TO APPLY~~.

(A) Nominating Process and Selection of Municipal Officials. The processes and methods for the nomination of candidates for the offices of Mayor and City Council, and the method of electing such municipal officials, shall be as provided in this Charter. Should this Charter be silent as to any such matter, the provisions of election laws of the State of Ohio shall apply.

(B) Administration of Elections. All municipal elections for the offices of Mayor and City Council shall be conducted, and the results canvassed and certified, by the Board of Elections in accordance with the laws of the State of Ohio, as amended from time to time and including any successor provisions thereto, except where this Charter provides otherwise.

~~All elections shall be conducted and the results canvassed and certified by the election authorities prescribed by the general election laws, except as otherwise provided by this Charter, or by ordinance or resolution of the Council hereafter elected.~~

RATIONALE: It is a proper exercise of a City's home rule powers to provide by Charter as to the methods and processes for nomination and election to a City office. The Commission believes the citizens of Xenia should exercise our home rule power to do so. In the event, however, that the Charter is silent as to a particular matter, this subsection clarifies that State election laws should be followed in such instances. Further, as the Greene County Board of Elections must follow State law regarding how an election is conducted, canvassed and certified, this Section acknowledges those requirements.

§ 11.06 CANDIDACY FOR CITY OFFICE.

(A) Requirements. No person shall be eligible for the office of member of City Council or Mayor unless the person meets the eligibility requirements of § 4.02(B) of this Charter. Eligibility shall be determined at the time the person files their nominating petition.

(B) Restrictions. No official (other than the Mayor and members of Council) or employee of the City shall continue in the person's appointment or employment after being certified as a candidate for election to any City office. Except for the Mayor and members of City Council, no official or employee of the City shall engage in the political campaigns of any candidates for any City office.

(C) Political Activity. No elected official, appointed official, or employee of the City shall engage in the political campaigns of any candidates for any City office by:

(1) Circulating official nominating petitions for any candidate for City office;

(2) Campaigning by writing for publications, by distributing political materials, or by writing or making speeches on behalf of a candidate for City office;

(3) Soliciting, either directly or indirectly, any assessment, contribution or subscription, either monetary or in-kind, for any candidate for City office;

(4) Engaging in activity at the election polls on behalf of any candidate for City office (this does not prohibit serving as a precinct election official);

(5) Participating as an official or holding an office in the campaign of any candidate for City office; or

(6) Using the official's or employee's position of public employment for the benefit of any candidate for City office.

RATIONALE: Division (A) refers to the eligibility requirements for Council member, including the Mayor, contained in § 4.02 and adds that eligibility shall be determined at the time the candidate files a nominating petition. The Charter does not currently specify when eligibility must be established, which could lead to uncertainty. For example, if a candidate might not meet the residency requirement until the election day or after. Under § 4.02, this would make the candidate eligible to fill the seat as of January 1, but is it proper to have candidates on the ballot that do not meet eligibility requirements before the election? This amendment makes it clear that candidates must be eligible at the time they file their nominating petitions, ensuring all candidates qualify for office before running.

The Commission also recommends adding division (B) to prohibit any appointed official or employee, other than the members of Council, from remaining in that position after being certified to run for City office. The Commission believes that allowing employees to remain in their positions while also campaigning for City office creates potential conflicts of interest and may distract the employees from their duties as City employees.

Finally, the Commission recommends adding division (C), to limit City employees' political activity, but only in reference to the political campaigns of candidates for City office. The Commission believes City employee involvement in the campaigns for candidates for City office could create conflicts of interest or the appearance of impropriety. Ohio Revised Code § 124.57 will continue to restrict the political activity of classified employees in political campaigns and in any campaign for an office other than a City office, and Ohio Revised Code § 3517.02 will continue to prohibit employees from soliciting campaign contributions while on duty.

§ 11.07 ~~11.05 GENERAL~~ **RECALL** ~~**LAWS TO APPLY**~~**.**

(A) Right of Recall. The qualified electors of the City shall have the power to remove from office by a recall election, in the manner herein provided, any elected or appointed member of City Council or the Mayor if that person has served at least six (6) months of the person's term.

(B) Recall Petition.

(1) A recall petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument. Each part shall contain the name and

office of the person whose removal is sought and a statement not to exceed five hundred (500) words of the grounds for the removal. No petition shall name more than one person to be recalled.

(2) A recall petition shall be signed by at least that number of electors from the City which equals fifteen percent (15%) of the number of the electors voting at the last preceding regular municipal election for Council Members and/or Mayor within the City.

(3) No petition shall be valid after ninety (90) calendar days from the date of the first signature.

(C) Filing the Recall Petition. The recall petition, demanding the removal of the person named in the petition from the office named in the petition, and demanding an election for a successor to the person sought to be removed, shall be filed with the Board of Elections. The Board shall examine all the signatures on the petition to determine whether the petition contains the required number of valid signatures.

(D) Recall Election.

(1) If the elective officer named in the recall petition does not resign his or her office within five (5) calendar days of the Board of Elections determining that the petition is sufficient, the Board of Elections shall schedule a recall election at the next primary or general election occurring more than ninety (90) calendar days from the date of the Board's finding that the petition is sufficient.

(2) The nomination of candidates to succeed the elective officer sought to be removed shall be made by filing with the Board of Elections, at least thirty (30) calendar days before the scheduled election, a petition that meets the requirements of § 11.02 of this Charter.

(3) The Board of Elections shall publish notice and make all arrangements for holding the election, which shall be conducted and the result thereof returned and declared in the same manner as are the results of regular municipal elections.

(E) Ballots.

(1) At the recall election, with respect to each elective officer whose removal is sought, the ballots shall submit the question in the following form: "Shall [naming the officer] be allowed to continue as [naming the office]?" and with the provision on the ballot for voting affirmatively or negatively ("For the recall of [name of person]" or "Against the recall of [name of person]"), with a square placed immediately to the left of each proposition in which the electors may vote for either proposition.

(2) Under each question shall be placed the names of the candidates to fill the vacancy. The name of the elective officer whose removal is sought shall not appear on the ballot as a candidate to succeed the officer's self.

(F) Election Results.

(1) In the event that a majority of the votes cast for the recall of the named person are affirmative, such officer shall be considered as removed. The elected successor shall hold office during the unexpired term of the recalled person.

(2) If there were no candidates named to replace the recalled officer, the vacant office shall be filled as provided in § 4.06 of this Charter; provided, however, that a person removed by recall shall not be eligible for appointment to any vacancy created thereby.

(3) If the officer is not removed at such recall election, no further recall petitions shall be filed against the person for a period of one (1) year.

~~The provisions of Chapter 705. of the Revised Code of Ohio, and any subsequent version of that statute, shall govern the procedure for recall of elected officials of the City.~~

RATIONALE: In July 2025, the Ohio Supreme Court decided *State ex rel. Maumee v. Lucas County Board of Elections*. The issue was whether a home-rule charter city such as Maumee could use Ohio's municipal recall statute, Ohio Revised Code § 705.92, without expressly adopting that procedure in its charter. The Court held that the statute does not automatically apply to charter municipalities and is available only if the charter specifically adopts or otherwise provides a recall process.

Maumee's charter stated only that any elective officer could be removed "in such manner as is now or may hereafter be provided by the Constitution or laws of Ohio." Similarly, Xenia's Charter now states only that Chapter 705 of the Ohio Revised Code, and any later version of that chapter, governs recall procedures for elected City officials. As a result, under the Supreme Court's decision in *Maumee*, Xenia residents likely do not currently have a charter-based right to recall elected officials. Fairborn recently addressed this same issue by amending its charter to establish recall procedures for petitions, signature requirements, certification, elections, and vacancies.

The Commission believes the right to recall an elected official is a right of the City's residents that should not be abridged. Thus, the Commission is recommending adding a recall process to the City's Charter. The proposed amendment largely follows Ohio Revised Code § 705.92, with the following exceptions:

- State law allows a recall petition may be filed at any time, even if the official has served only one day. The Commission recommends requiring an official to serve at least six (6) months before a recall petition may be filed. It also recommends extending recall to Council members, including the Mayor, who are appointed by Council to fill a vacancy.
- Under State law, the general statement required on the recall petition setting for the reasons for recall is limited to 200 words. The Commission recommends expanding this to allow a 500-word statement.
- State law does not address what happens if no candidate files to appear on the recall ballot to replace the official who is subject to recall. The Commission therefore recommends providing that, if no candidate files to appear on the ballot to fill the vacancy created by a successful recall, Council will fill the vacancy in accordance with City Charter. The Commission also recommends adding language that in no case may Council reappoint the recalled official.
- Lastly, the Commission recommends adding a limitation that if a recall election is held and the official is not recalled, no new recall petition may be filed against that same official for one (1) year.

AMENDMENT #6: ARTICLE XII – Regarding Initiative & Referendum Petitions.

ARTICLE XII – **INITIATIVE AND REFERENDUM.**
~~UTILITY REGULATION; FRANCHISES~~

§ 12.01 **GENERAL AUTHORITY; INITIATIVE AND REFERENDUM.** ~~UTILITY REGULATION~~

(A) Initiative. The qualified voters of the City shall have the power to propose ordinances providing for the exercise of any powers of government granted by the State Constitution or delegated to the City by the Ohio General Assembly to the Council and, if the Council fails to adopt an ordinance so proposed without any change in substance, to proceed to present such ordinance to the qualified voters of the City by initiative petition for adoption or rejection.

(B) Referendum. The qualified electors of the City shall have power to require reconsideration by the Council of any adopted ordinance or legislative measure and, if the Council fails to repeal an ordinance so reconsidered, to approve or reject it at an election.

~~All grants shall be subject to the right of the City, whether in terms reserved or not, to control, regulate, in, over, under or across all streets, alleys or public places occupied by any such public utility, and the Council may cause to be reconstructed, relocated or discontinued any such structure or fixture, and the Council may pass all regulatory ordinances effecting such utilities which may be required in the interests of public health, safety, or accommodation.~~

RATIONALE: The power of the citizens to propose legislation by initiative petition or to repeal legislation already passed by referendum is granted by the Ohio Constitution, and the Commission feels the process for both initiative petitions and referendums needs to be addressed in the City's Charter. As the State of Ohio took away the right of the City to grant franchises in 2007, the Commission is recommending this Article XII be repurposed to address initiative and referendums.

§ 12.02 **INITIATIVE PETITIONS.** ~~FRANCHISES~~

(A) Commencement of Proceedings; Petitioners' Committee. Any five (5) qualified electors may commence initiative proceedings by filing with the City Clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and by filing with the Clerk a certified copy of the proposed ordinance. The copy shall be considered certified if there is attached thereto a written statement attesting that it is a true and exact reproduction of the original proposed ordinance, setting out in full the text of the proposed ordinance, including its title.

~~Restrictions. No grant to exercise a franchise in the City of Xenia shall be exclusive and no such grant shall be renewed earlier than two (2) years prior to its expiration. No franchise or public utility shall be assignable without the consent of the Council by ordinance or resolution first advertised, and any attempted assignment without such ordinance or resolution shall be void and of no effect.~~

(B) Referral to Council. Within fourteen (14) calendar days after the affidavit of the petitioners' committee and the proposed initiative ordinance is filed, if the City Clerk finds the subject matter of the proposed initiative ordinance is a proper exercise of legislative action by ordinance, the City Clerk shall refer the proposed ordinance to City Council. Within thirty (30) calendar days of presentation of the proposed ordinance to Council by the City Clerk for

consideration, the Council may adopt such proposed ordinance, or may amend such proposed ordinance, provided that such amendment has been approved by a majority of the members of the petitioners' committee. Upon adoption of the proposed ordinance as submitted or as amended, no further action shall be taken by the petitioners' committee.

~~Extension to Annexed Property. In the grant of any franchise or right to exercise any public utility within the City, the extension of the same to any territory annexed to the City shall, without being expressed therein, be a part of the right which may be enforced by appropriate proceedings.~~

(C) Initiative Petition. If the Council fails to adopt the proposed ordinance, the petitioners' committee may proceed with an initiative petition on the proposed ordinance. The petitioners' committee shall notify the City Clerk, in writing, of its intent to proceed with an initiative petition within ten (10) calendar days of Council's refusal to adopt the proposed ordinance. All initiative petitions shall be subject to the requirements set forth in § 12.04 of this Charter.

~~Right of Purchase. All grants of the right to exercise a franchise made by the Council shall reserve to the City the right to purchase or lease all property of the utility used, for the operation of the utility at a price either fixed in the ordinance or resolution making the grant, or to be fixed in the manner provided by such ordinance or resolution, which price shall in no event include any value for the grant. Nothing in such ordinance or resolution shall prevent the City from acquiring such property by condemnation proceedings or in any other lawful mode, which rights shall be in addition to those reserved in the ordinance making such grant. Upon the acquisition of such property by purchase, condemnation, or otherwise, all grants shall at once terminate.~~

(D) Filing the Petition with the Clerk; Affidavit of Circulator. The initiative petition on the proposed ordinance shall be filed with the City Clerk within sixty (60) calendar days of the date the petitioners' committee filed notice with the Clerk of its intent to proceed with an initiative petition. The petition shall be filed with the City Clerk and shall have attached to it when filed, an affidavit executed by the circulator thereof stating that he or she personally circulated the paper; the number of signatures thereon; that all the signatures were affixed in his or her presence; that he or she believes them to be the genuine signatures of the persons whose names they purport to be; and that each signer had an opportunity before signing to read the full text of the ordinance proposed for initiative.

~~Extension, Connection and Utilization of City Utilities. The extension, connection and utilization of City utilities to tributary areas shall be permitted and the City Council shall establish a schedule of fees for use of and connection to City utilities. The extension, connection and use of City utilities shall only apply to utilities with sufficient capacity.~~

(E) Signatures. Within ten (10) calendar days of the filing of the petition with the City Clerk, the Clerk shall transmit the petition to the Board of Elections. The Board shall examine all the signatures on the petition to determine the number of electors of the City who signed the petition. The Board shall return the petition to the City Clerk within ten (10) calendar days after receiving it, together with a statement attesting to the number of such electors who signed the petition.

(F) Clerk's Determination of Validity and Sufficiency. Within ten (10) calendar days of receiving the statement from the Board of Elections as to the number of signatures on the petition, the City Clerk shall determine the sufficiency and validity of the petition and whether it meets the requirements of this Charter, and whether the subject matter of the proposed initiative ordinance falls within the scope of the City's authority to act by ordinance. If the Clerk finds the petition or proposed ordinance to be invalid or insufficient, the Clerk shall prepare a written statement of the

deficiencies or invalidity of the initiative petition and shall submit the written statement to the Board of Elections and shall send a copy of such statement to the petitioner's committee. No further action shall be taken on an invalid or insufficient initiative petition.

(G) Filing the Petition with the Board of Elections. If the City Clerk determines the initiative petition is sufficient and valid, the Clerk shall transmit the Clerk's certification and a certified copy of the text of the proposed ordinance to the Board of Elections, who shall submit the proposed ordinance for the approval or rejection by the electors of the City in accordance with this Charter.

RATIONALE: Under Ohio law, municipal ordinances may be proposed by the citizens of the municipality by initiative petition. State law requires the petition be signed by at least "10% of the number of electors who voted for governor" in the last gubernatorial election. The petition is then filed with the City Auditor, who sends it to the Board of Elections for verification of the signatures and review of whether the petition is a proper subject for initiative. The petition must be filed at least ninety (90) days before the next election.

Under the process proposed by the Commission, any five qualified City electors may form a petitioners' committee by filing an affidavit of the committee's creation with the City Clerk, along with a copy of the ordinance the committee proposes for initiative. The Clerk then refers the proposed ordinance to City Council and, within thirty (30) days, City Council may adopt the ordinance as submitted or adopt it with amendments, if a majority of the petitioner's committee has agreed to those amendments. This process would allow the petitioners' committee to present legislation directly to Council, which could result in the adoption of the requested ordinance without the committee having to first obtain all the required signatures.

If City Council does not adopt the proposed ordinance, the petitioners' committee may then notify the Clerk it intends to proceed by initiative petition. The committee has 60 days to complete and file the petition with the City Clerk who, upon receipt. sends the petition to the Board of Elections for validation of the signatures. Within twenty-one (21) days of receiving the petition, the Clerk must determine whether the petition complies with the Charter and is valid. If it does, the petition is then sent to the Board of Elections for further review of its sufficiency.

§ 12.03 REFERENDUM PETITIONS.

(A) Matters Subject to Referendum. Any ordinance or other measure of legislative action passed by Council is subject to referendum, except for the following:

(1) When Council is required to pass more than one ordinance or other measure to complete the legislation necessary to pay for a public improvement, only the first ordinance or other measure required to be passed is subject to referendum and not any subsequent ordinances or other measures relating thereto;

(2) Ordinances or other measures to provide for appropriations for the City's current expenses or for the borrowing of money or incurring debt;

(3) Ordinances or other measures regarding improvements that have been petitioned for, in accordance with the procedures set forth in Ohio Revised Code § 727.06 by owners of a majority of the feet frontage of the property benefited and to be specially assessed for the cost thereof; and

(4) Emergency ordinances passed in accordance with § 5.03 or § 5.04 of this Charter.

(B) Commencement of Proceedings; Petitioners' Committee. Any five (5) qualified electors may commence referendum proceedings by filing with the City Clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and by filing with the Clerk a certified copy of the ordinance proposed for referral to the electors. The copy shall be considered certified if there is attached thereto a written statement attesting that it is a true and exact reproduction of the original ordinance, setting out in full the text of the cited ordinance, including its title. The petitioners' committee affidavit shall be filed with the City Clerk within ten (10) calendar days of publication of the ordinance upon which referendum is sought. Failure to file said affidavit within the required ten (10) calendar days shall render invalid any further steps taken with respect to a referendum.

(C) Referendum Petition. All referendum petitions shall be subject to the requirements set forth in § 12.04 of this Charter.

(D) Filing the Petition with the Clerk, Affidavit of Circulator. The referendum petition shall be filed with the City Clerk within thirty (30) calendar days of the date the ordinance that is the subject of the petition was adopted by City Council. The petition shall be filed with the City Clerk and shall have attached to it when filed, an affidavit executed by the circulator thereof stating that he or she personally circulated the paper; the number of signatures thereon; that all the signatures were affixed in his or her presence; that he or she believes them to be the genuine signatures of the persons whose names they purport to be; and that each signer had an opportunity before signing to read the full text of the ordinance or issue sought to be reconsidered by referendum.

(E) Signatures. Within ten (10) calendar days of the filing of the petition with the City Clerk, the Clerk shall transmit the petition to the Board of Elections. The Board shall examine all the signatures on the petition to determine the number of electors of the City who signed the petition. The Board shall return the petition to the City Clerk within ten (10) calendar days after receiving it, together with a statement attesting to the number of such electors who signed the petition.

(F) Clerk's Determination of Validity and Sufficiency. Within twenty-one (21) calendar days of receiving the statement from the Board of Elections as to the number of signatures on the petition, the City Clerk shall determine the sufficiency and validity of the referendum petition and whether it meets the requirements of this Charter. If the Clerk finds the petition to be invalid or insufficient, the Clerk shall prepare a written statement of the deficiencies or invalidity of the petition and shall submit the written statement to the Board of Elections and shall send a copy of such statement to the petitioners' committee. No further action shall be taken on an invalid or insufficient referendum petition.

(G) Filing the Petition with the Board of Elections. If the City Clerk determines the referendum petition is sufficient and valid, the Clerk shall transmit the Clerk's certification as to the sufficiency and validity of the petition and a certified copy of the ordinance to the Board of Elections.

(H) Subsequent Action by Council. At any time after a referendum petition is filed with the City Clerk but at least sixty (60) calendar days prior to the date of the election scheduled on the petition, Council may repeal the ordinance proposed for referendum. In such event, the City Clerk shall notify the Board of Elections and such ordinance or measure shall not be submitted to a vote of the electors.

(I) Effect of Referendum; Suspension of Effect of Ordinance. When an affidavit by persons constituting the petitioners' committee is filed pursuant to § 12.03(B) of this Charter, upon the filing of a proper referendum petition with the City Clerk, the ordinance or other measure sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate upon a final determination by the Board of Elections that the referendum petition is insufficient or invalid, upon Council's repeal of the ordinance or measure proposed for referendum, or upon the petitioners' committee withdrawing the petition.

RATIONALE: Under State law, most ordinances adopted by City Council are subject to referendum petition, except appropriation ordinances, emergency ordinances, public project ordinances, and assessment ordinances (the exceptions listed here are the same as State law). Referendum is a process by which the voters can overturn an ordinance adopted by Council. State law A referendum petition must be signed by at least 10% of the electors who voted for governor in the last gubernatorial election and filed with the Finance Director. The Finance Director then sends the petition to the Board of Elections to verify the signatures and determine whether the ordinance is a proper subject for referendum. The petition must be filed at least 90 days before the next election.

Under the process proposed by the Commission, any five qualified electors may, within ten (10) days of the adoption of an ordinance, form a petitioners' committee by filing an affidavit of the committee's creation with the City Clerk, along with a copy of the ordinance the committee proposes for referral to the electors. The committee then has thirty (30) days to file the completed petition with the Clerk. The Clerk forwards the petition to the Board of Elections for verification of the signatures on the petition and, within twenty-one (21) days of receipt, determines whether the petition complies with the requirements of the Charter. If so, the Clerk shall certify the petition to the Board of Elections for placement on the ballot. This section also clarifies that once the referendum petition is filed with the City Clerk, the ordinance proposed for referendum is suspended and shall not take effect until either a) the Board of Elections finds the petition invalid; or b) upon Council's repeal of the ordinance (which must happen at least sixty (60) days before the election); or c) upon a withdrawal of the petition by the petitioners' committee.

§ 12.04 PROCEDURES APPLICABLE TO INITIATIVE AND REFERENDUM PETITIONS.

(A) Petitions.

(1) The initiative or referendum petition circulated by the petitioners' committee shall contain at the top of each page of the petition, the following words, which shall be printed in red: *Whoever knowingly signs this petition more than once, signs a name other than his own, or signs when not a legal voter is liable to prosecution*.

(2) The initiative or referendum petition may be in separate parts, but shall be assembled as one instrument for filing, and all papers of the petition shall be uniform in size and style. Initiative petitions shall contain or have attached to it, throughout its circulation, the full text of the ordinance, including its title, that is proposed for adoption by initiative. Referendum petitions shall contain the number and a full and correct copy of the title and text of the ordinance proposed for approval by referendum.

(3) Initiative and referendum petitions must be signed by at least ten percent (10%) of the number of electors who voted for governor at the most recent general election in the City for the office of governor.

(4) Except as otherwise provided in this Article, the initiative or referendum petition shall meet the requirements of Ohio Revised Code § 3501.38. The circulator's statement required on the petition shall be notarized.

(5) No alterations, corrections or additions may be made to a petition after it has been filed with the City Clerk.

(B) Signatures.

(1) Only electors qualified to vote on the issue which is the subject of the petition shall sign a petition. Each signer must be a registered elector of the City. The fact of qualification of each elector who signed the petition shall be determined as of the date the petition is filed with the City Clerk.

(2) In determining the validity of any petition, all signatures which are found to be irregular shall be rejected, but no petition shall be declared invalid in its entirety when one or more signatures are found to be invalid except when the number of valid signatures is found to be less than the total number of signatures required under this Charter.

(C) Circulator's Sworn Statement. The circulator of an initiative or referendum petition shall, within five (5) calendar days of filing the petition with the City Clerk, also file with the City Clerk a notarized, itemized statement, made under penalty of election falsification, showing in detail:

(1) All moneys or things of value paid, given or promised for circulating the petition;

(2) Full names and addresses of all persons to whom such payments or promises were made;

(3) Full names and addresses of all persons who contributed anything of value to be used in circulating the petition; and

(4) Time spent and salaries earned while circulating or soliciting signatures by persons who were soliciting signatures or circulating the petition as a part of their regular job duties.

Such Statement shall remain open to public inspection for one (1) year.

(D) Withdrawal of Petitions. An initiative or referendum petition may be withdrawn by the petitioners' committee at any time prior to sixty (60) calendar days before the scheduled election, by filing with the Board of Elections a written request for withdrawal signed by a majority of the members of the petitioners' committee. Upon the filing of such request, the petition shall have no further force or effect, all proceedings thereon shall be terminated. The Board of Elections shall notify the City Clerk of the withdraw of the petition within ten (10) calendar days.

RATIONALE: This section sets forth the procedural requirements for all petitions, whether initiative or referendum. The requirements as to the form of the petitions mirror State law, with the exception that the Commission is recommending that the required number of signatures for referendum petitions be set at 10% of the number of electors who voted for governor at the most recent general election for the office of governor. This was the required percentage for referendum petitions under State law until September 2025, when the Ohio General Assembly increased the percentage to 35%. The Commission reviewed the polling numbers from the last two elections for governor and believes 35% is excessive.

This section also grants the petitioners' committee the right to withdraw any petition at any time prior to sixty (60) days before the election (to allow time for its removal from the ballot) and requires a sworn statement from the circulator of any petition, the same as is required under State law.

§ 12.05 SUBMISSION TO ELECTORS.

(A) Initiative Petition.

(1) If the City Clerk has certified the sufficiency and validity of the initiative petition to the Board of Elections, then the Board of Elections shall submit the proposed ordinance for the approval or rejection by the electors at the next primary or general election occurring at least ninety (90) calendar days after the City Clerk submits the petition to the Board.

(2) At such primary or general election, this question shall be placed upon the ballot: "Shall an ordinance providing [a brief summary of the proposed ordinance shall be inserted here] be adopted?", with the provision on the ballot for voting affirmatively or negatively.

(B) Referendum Petition.

(1) If the City Clerk has certified the sufficiency and validity of the referendum petition to the Board of Elections, then the Board of Elections shall submit the ordinance for the approval or rejection of the electors at the next subsequent election, whether general or primary, occurring at least ninety (90) calendar days after the City Clerk submits the petition to the Board.

(2) At such primary or general election, the question shall be placed upon the ballot: "Shall Ordinance [number] be approved?", with the provision on the ballot for voting affirmatively or negatively.

(C) Submission to Electors. The vote of the electors on a proposed or referred ordinance or measure shall be held not less than ninety (90) calendar days and not later than one (1) year from the date of the certification of the initiative or referendum petition to the Board of Elections. If no regular or primary election is to be held within the period prescribed in this subsection, the Council may provide for a special election; otherwise, the vote shall be held at the same time as such regular election.

(D) Conduct of Elections. Elections on ordinances or legislative measures referred to the electors under the initiative and referendum procedures set forth in this Charter shall be conducted, and the results canvassed and certified, by the Board of Elections of Greene County in accordance with the election laws of the State of Ohio.

RATIONALE: This section sets forth the ballot language the Board of Elections is to use for initiative petitions and referendum petitions.

§ 12.06 RESULTS OF ELECTION; EFFECTIVE DATE.

(A) Initiative. If a majority of the votes cast on an ordinance proposed by initiative petition are in the affirmative, the ordinance shall be considered adopted five (5) calendar days after the Board of Elections certifies the official vote thereon. Such ordinances shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Council. If conflicting ordinances are

approved at the same election, whether submitted by initiative petition or by Council pursuant to § 12.07 of this Charter, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

(B) Referendum. If a majority of the votes cast on an ordinance submitted by referendum petition vote are in the affirmative, the ordinance shall be deemed approved and shall be effective in accordance with § 5.02 of this Charter. If a majority of the votes cast are in the negative, the ordinance shall be deemed repealed and shall not take effect. If a majority of the qualified electors voting on a referred ordinance or other measure vote for it, it shall become effective five (5) calendar days after the Board of Elections certifies the official vote thereon, and no publication of such ordinance or resolution shall be required.

RATIONALE: The Commission is recommending that the effective date for initiative petitions be five (5) days after the election is certified, which mirrors state law. For referendum petitions, the Commission is recommending that the effective date for an ordinance that the voters approve be "in accordance with § 5.02 of the Charter," meaning that upon the certification of the election, the ordinance will be effective retroactively, as of thirty (30) days after its adoption by Council.

§ 12.07 SUBMITTAL OF ORDINANCE TO THE ELECTORS BY COUNCIL.

(A) Submittal to Electorate. By a vote of five (5) members of the Council, any pending ordinance may be submitted to the electors of the City at a general, primary or special election. The action of submittal provided for in this section shall be taken by resolution and shall go into immediate effect. Such resolution shall be passed not less than seventy-five (75) calendar days prior to the date of the primary or general election at which such ordinance is to be submitted. In the event that such ordinance is to be submitted for approval at a special election, the Council shall, in the resolution for submittal, fix a date for such special election at a date not less than seventy-five (75) calendar days after the date of passage of the resolution, and the City Clerk shall cause notice of the special election to be published once a week for two (2) consecutive weeks in a newspaper determined by Council to be of general circulation in the City.

(B) Certification to Board of Elections. The City Clerk shall certify to the appropriate Board of Elections that an election is to be held submitting such ordinance to a vote of the electors at the date fixed by Council as hereinbefore provided. The City Clerk shall also certify a copy of the ordinance to be voted upon to the appropriate Board of Elections.

(C) Form of Ballot. At such primary, general or special election, this question shall be placed upon the ballot: "Shall an ordinance providing [a brief summary of the proposed ordinance shall be inserted here] be adopted?", with the provision on the ballot for voting affirmatively or negatively. If a majority of the votes cast are in the affirmative, the ordinance shall be considered adopted five (5) calendar days after the Board of Elections certifies the official vote thereon. Such ordinances shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Council.

(D) Conflicting Ordinances. If conflicting ordinances are approved at the same election, whether submitted by initiative petition or by Council pursuant to this section, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

RATIONALE: There is currently no process set forth in the City's Charter whereby City Council can refer ordinances to the electors of the City – a "Council initiative petition" if you will. The Commission believes such a process is important and should be set forth in the Charter. Under this section, upon the vote of five members of the Council, any pending ordinance may be referred to the voters of the City. This process will allow the voters to decide whether any referred ordinance should be adopted and allows Council to put matters that may be decided best by the voters, to the voters.

§ 12.08 APPLICATION OF STATE LAW.

In accordance with Ohio Revised Code § 731.41, as it may be amended from time to time or any successor provision, the processes and methods for the submittal of initiative petitions and referendum petitions to the City electorate shall be as provided in this Charter, to the exclusion of Ohio Revised Code Sections 731.28 – 731.41. Should this Charter be silent on any such matter, the applicable provisions of Ohio Revised Code Chapter 731 shall apply.

RATIONALE: The section provides that should the Charter be silent as to any matter related to the processes for submittal of an initiative petition or referendum petition, then – and only then – the provisions of state law will apply.

AMENDMENT #7:§ 13.01(A) – Regarding Prohibited Employment Practices.

§ 13.01 **PROHIBITED** ACTIVITIES ~~PROHIBITED~~; PENALTIES.

(A) **Prohibited** Activities ~~Prohibited~~. **The City Council shall provide, by ordinance, for the enforcement of the following provisions:**

(1) No person shall ~~be~~ appoint~~ed to~~ or remove~~d from~~, or in any way favor~~ed~~ or discriminate~~d~~ against, **any applicant or candidate for** ~~with respect to~~ any City position or appointive City administrative office because of race, **color, religion, sex, military status, national origin, disability,** ~~gender,~~ age, ~~handicap, religion, country of origin,~~ **ancestry,** or political affiliation.

(2) No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment under the provisions of this Charter or the rules and regulations made thereunder, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.

(3) No person who seeks appointment or promotion with respect to any City position or appointive City administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his or her test, appointment, proposed appointment or proposed promotion.

(4) No person shall knowingly or willfully solicit or assist in soliciting any assessment, subscription or contribution for any political party or political purpose to be used in conjunction with any City election from any City employee.

(5) No City employee shall knowingly or willfully make, solicit or receive any contribution to the campaign fund of any political party or committee to be used in a City election or to campaign funds to be used in support of or opposition to any candidate for election to City office. This section shall not be construed to limit any person's right to exercise rights as a citizen to

express opinions or to cast a vote, nor shall it be construed to prohibit any person from active participation in political campaigns at any other level of government.

(B) Penalties. Any person **found guilty** ~~convicted~~ of a violation of **any provision of the City's Criminal Code enacted by Council to enforce** this section shall be ineligible for a period of five (5) years following such **finding of guilt** ~~conviction~~ to hold any City office or **employment** ~~position~~ and, if an officer or employee of the City **at the time of such violation**, shall immediately forfeit his or her office or **employment upon such finding of guilt** ~~position~~. The City Council **may also** ~~shall~~ establish, by **criminal code** ~~ordinance~~, such further penalties as it **deems** ~~may deem~~ appropriate.

RATIONALE: The Commission believes the current prohibitions listed in this section of the Charter should remain; however, subdivision (1) should be updated to mirror the language contained in Ohio Revised Code § 4112.02, which prohibits unlawful discrimination in employment practices.

Regarding division (B), it is not possible for a person to be convicted of a violation of this section of the Charter unless an enforcement mechanism is provided. Therefore, the Commission recommends language be added to require Council, by ordinance, to provide for enforcement. Lastly, the Commission recommends adding language that if found guilty of any provision of the City's Criminal Code that Council adopts for the enforcement of this section, a person is ineligible to hold City office or employment for a period of five years following such a guilty finding and such person shall immediately forfeit his or her office or employment.