

Minutes of March 19, 2020 Council

Regular Meeting of the Clayton, Ohio City Council
Clayton Government Center
March 19, 2020

CALL TO ORDER

The meeting was called to order by Mayor Stevens at 7:30 PM. Present were Mayor Stevens and Councilmembers Bachman, Henning, Gorman, and Merkle. Gorman made a motion to excuse Mr. Lieberman this evening as he is out of town. Motion was second by Henning. All yeas, motion carried. Henning made a motion to excuse Ms. Kelly this evening, motion was second by Merkle. All yeas, motion carried.

SPECIAL PRESENTATIONS

Mayor Stevens administered the Oath of Office to the city's new City Manager, Amanda Zimmerlin.

CLERK'S REPORT

Clerk Seim presented the minutes of the March 5, 2020 Council workshop. Motion by Gorman, second by Henning to approve the minutes as presented. Voting yeas were Bachman, Henning, Gorman, Merkle and Stevens. Motion passed.

Seim then presented the minutes of the March 5, 2020 City Council meeting. Motion by Gorman, second by Bachman to approve the minutes as presented. Voting yeas were Bachman, Henning, Gorman, Merkle and Stevens. Motion passed.

OLD BUSINESS

Ordinance No. O – 03 – 20 – 05 An Ordinance Approving Amendment to Clayton Codified Ordinance Part Nine Titled, “Streets, Utilities, and Public Services Code” to Add a New Chapter 907 to Title One Thereof and Entitled “Repair and Maintenance of Ditches and Culverts”. Second reading, no further discussion. Motion by Merkle to approve the Ordinance, second by Gorman. All yeas, motion carried.

NEW BUSINESS

Ordinance No. O – 03 – 20 – 06 An Ordinance Granting an Access Easement and Accepting an Access Easement via Authorization and Approval of a Cross-Access Easement Agreement with Respect to Specific Real Property Owned by the City of Clayton, Ohio and Specific Real Property Owned by Slemker Properties, LLC as Indicated on the Attached Exhibit 1 and Declaring an Emergency. Gorman had a concern that with the egress onto the city owned property there would not be enough footage to build upon and would be difficult for the city to market. Brian Garver, Fire Chief, advised that with the new Main Street Overlay standards, parking would be in the rear of the property and this is where the easement would be, in the back parking lots. Motion by Gorman to approve the Ordinance as an Emergency, second by Henning. Voting Yeas were Bachman, Henning, Gorman, Merkle and Stevens. Motion passed. Motion by Gorman to approve the Ordinance, second by Merkle. All yeas, motion carried.

Ordinance No. O – 03 – 20 – 07 An Ordinance Authorizing Removal of Specific Assessments for Grass/Weed Cutting Previously Submitted in Error to Montgomery County Auditor and

Declaring an Emergency. Kevin Schweitzer, Finance Director, advised an assessment was added to a resident's tax bill in error. Motion by Henning to approve the Ordinance as an Emergency, second by Gorman. Voting yeas were Bachman, Henning, Gorman, Merkle and Stevens. Motion passed. Motion by Merkle to approve the Ordinance, second by Gorman. All yeas, motion carried.

Resolution No. R – 03 – 20 – 16 A Resolution to Authorize and Approve Purchase Orders. Schweitzer advised an invoice was received October 2019 from America Decorative Concrete for repair work to sidewalks that AT&T caused during line installations. The City has been in discussion with AT&T as to who is responsible for the costs, and they have committed to sending \$3,000 of the \$5,817.60 total due. Additionally, a quote for work was requested by the former City Manager during the HVAC replacement at Meadowbrook. The contractor mistakenly completed the work without a quote being given so no purchase order was obtained. Motion by Gorman to approve the Resolution, second by Henning. All yeas, motion carried.

Resolution No. R – 03 – 20 – 17 A Resolution Authorizing the City Manager to Enter Into a Joint Emergency Services Collaborative Memorandum of Understanding with the City of Englewood, Ohio and the City of Union, Ohio. Brian Garver, Fire Chief, advised the fire departments of Clayton, Englewood and Union are recommending collaborating in an effort to more efficiently and effectively provide for Emergency Services within our respective borders, including providing for the most appropriate Emergency Services apparatus response regardless of municipal boundaries. This is in response to challenges we face with staffing, large response areas, duplication of large capital expenditures and duplication of services. The collaborative will improve our ability to manage these challenges and provide a high level of service to the cities of Clayton, Englewood and Union. Motion by Gorman to approve the Resolution, second by Henning. All yeas, motion carried.

Resolution No. R – 03 – 20 – 18 A Resolution Approving and Implementing a Public Records Policy for the City of Clayton. Schweitzer advised our current Public Records Policy, adopted by City Council in September 2007, is outdated. The proposed revised Public Records Policy was modeled from the template that was released by the Ohio Attorney General. The proposed policy was approved by the Records Commission on March 5, 2020. Motion by Bachman to approve the Resolution, second by Merkle. All yeas, motion carried.

Resolution No. R – 03 – 20 – 19 A Resolution Ratifying the State of Emergency Declared by the Mayor and City Manager for the City of Clayton, Ohio and Allowing Certain Emergency Procedures Necessary for the Continued Governance of the City During the State of Emergency. Amanda Zimmerlin, City Manager, advised this legislation is preemptive and there are no cases of the virus in Clayton, and other communities have passed similar legislation. This legislation would allow us to make certain purchases if needed with no approval and dispense with some contractual obligations we may have without having to hold a special meeting. We hope we don't need to use this, but it's good to have it in place. Stevens asked if there is a timeframe on this legislation. Dillon stated the Resolution is worded to match the State's emergency legislation. When that expires, this Resolution will expire. Motion by Merkle to approve the Resolution, second by Gorman. All yeas, motion carried.

Resolution No. R – 03 – 20 – 20 A Resolution Declaring Certain Emergency Procedures Necessary for the Continued Governance of the City of Clayton, Ohio During the Current National, State, and City Declared State(s) of Emergency. Zimmerlin advised on March 13th the state's Attorney General declared municipalities could dispense with open public meetings,

giving them the option of teleconferencing or live stream public meeting during the pandemic. Our IT people are investigating our options to live stream meetings. Zimmerlin advised this would also expire with the end of the state of emergency. Motion by Henning to approve the Resolution, second by Merkle. All yeas, motion carried.

CITY MANAGER'S REPORT

Ms. Zimmerlin asked Council for their opinion on holding two meetings per month in light of the pandemic. Our next meeting is scheduled for April 2nd and we were looking to hold a workshop session that evening beginning at 6 p.m. to hear an update on the city's new zoning code. After discussion Council advised that the current quarantine deadline ends March 30th, so let's continue with two meetings as usual, and we can re-elevate later if needed. Zimmerlin also advise with the Covid 19 virus we are recommending canceling the Easter Egg hunt. After discussion, Council agreed in light of the current situation we should cancel the Easter Egg Hunt. Lastly, I need to advise you that the final Winter Market of the year has been cancelled.

VISITOR'S COMMENTS

None heard.

COUNCIL MEMBER COMMENTS

Bachman stated, Amanda it's good to hear you're taking your first two weeks in stride, welcome aboard. I know a lot is going to be said on the current situation, but we will get through this. Henning stated I ask that the citizens of Clayton take this seriously, and please listen to the health officials. We're thinking of the small businesses, restaurants and salons; and I want to thank Amanda and staff for the social media blasts supporting them. I recommend our small businesses reach out to the USSBA (US Small Business Administration) for assistance. Please take care of the elderly and your neighbors. As everyone knows, the election was cancelled, but you can order absentee ballots for the election now scheduled for June 2nd, go to VoteOhio.gov. Gorman welcomed Amanda; and hopefully everyone will stay safe and abide by the guidelines, this will be over shortly. Merkle welcomed Amanda, your first few weeks have been Baptism by fire. I'm asking everyone to think smart, be safe, take this seriously, and limit contact with people. Stevens welcomed Amanda, and I ask you to be careful, take care of yourself and please follow the guidelines.

EXECUTIVE SESSION

Stevens advised an Executive Session is needed to consider the employment compensation of public employees. Gorman made a motion to break for an Executive Session to consider the employment compensation of public employees, second by Bachman. Voting yea were Bachman, Henning, Gorman, Merkle, and Stevens. Council broke for Executive Session at 8:13 PM.

Council returned and Mayor Stevens re-opened the regular session at 8:17 PM.

Motion by Gorman, second by Merkle to adjourn. All yeas, motion carried.

Meeting adjourned at 8:18 PM.