

## **Minutes of August 6, 2020 Council**

Regular Meeting of the Clayton, Ohio City Council  
Clayton Government Center  
August 6, 2020

**Due to the Governor's orders on limited size of meetings and Montgomery County being under the level three alert for COVID-19, Clayton conducted its regularly scheduled City Council meeting on Thursday August 6, 2020 via the Zoom meeting format.**

### **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, Merkle, Kelly, and Lieberman.

### **SPECIAL PRESENTATIONS**

Jack Kuntz, Director of Development, introduced Seth Dorman, the new City Planner/Zoning Administrator for Clayton

### **CLERK'S REPORT**

Clerk Seim presented the minutes of the July 16, 2020 City Council Meeting. Motion by Gorman, second by Bachman to approve the minutes as presented. All yeas, motion passed.

### **OLD BUSINESS**

None

### **NEW BUSINESS**

Ordinance No. O – 08 – 20 – 12 An Ordinance to Impose Assessments Upon Owners of Real Property in Arrears for Payment of Fees for Waste Hauling and Disposal Services for 2020/2021. Kevin Schweitzer, Finance Director, advised these are trash assessments where residents have delinquent trash accounts. Residents received quarterly notices in addition to letters advising them of the delinquencies. Motion by Gorman to approve the Ordinance, second by Bachman. All yeas, motion carried.

Ordinance No. O – 08 – 20 – 13 An Ordinance Certifying Unpaid Charges for Nuisance Assessments for 2020/2021 to the Montgomery County Auditor for Collection with Real Estate Taxes. Schweitzer advised these are assessments for the city cleaning and hauling debris from properties, where the property owner has not paid the invoice. Motion by Gorman to approve the Ordinance, second by Merkle. All yeas, motion carried.

Ordinance No. O – 08 – 20 – 14 An Ordinance Authorizing the Submission of the 2020-2021 North Clayton Community Authority Charge Assessments to the Montgomery County Auditor. Schweitzer advised these are North Clayton Community Authority Charges not paid by the property owners. Motion by Gorman to approve the Ordinance, second by Merkle. All yeas, motion carried.

Ordinance No. O – 08 – 20 – 15 An Ordinance to Maintain Lighting Assessment. Schweitzer advised these are our street light assessments. Motion by Gorman to approve the Ordinance, second by Lieberman. All yeas, motion carried.

Ordinance No. O – 08 – 20 – 16 An Ordinance Certifying Unpaid Charges for Grass/Weed Cutting for 2020-2021 to the Montgomery County Auditor for Collection with Real Estate. Schweitzer advised these are grass mowing assessments not paid by the property owner. Motion by Gorman to approve the Ordinance, second by Merkle. All yeas, motion carried.

Ordinance No. O – 08 – 20 – 17 An Ordinance Adopting Estimated Assessments and Certifying Unpaid Charges for 2020/2021 Curb and Gutter Repair/Replacement Work to the Montgomery County Auditor for Collection with Real Estate Taxes (Five Annual Installments). Schweitzer advised these are curb and gutter repairs performed in 2019 that were less than \$2,500 and were not paid by the property owners and will be assessed to their 2020 property tax bill for five yearly installments. Motion by Gorman to approve the Ordinance, second by Henning. All yeas, motion carried.

Ordinance No. O – 08 – 20 – 18 An Ordinance Adopting Estimated Assessments and Certifying Unpaid Charges for 2020/2021 Curb and Gutter Repair/Replacement Work to the Montgomery County Auditor for Collection with Real Estate Taxes (Ten Annual Installments). Schweitzer advised these are curb and gutter repairs performed in 2019 that were more than \$2,500 and were not paid by the property owners and will be assessed to their 2020 property tax bill for ten yearly installments. Motion by Gorman to approve the Ordinance, second by Lieberman. All yeas, motion carried.

Resolution No. R – 08 – 20 – 37 A Resolution Authorizing the City Manager to Accept Proposal of and Enter into a Service Agreement with Englewood Truck Towing and Recovery. Matt Hamlin, Chief of Police, advised we advertised a Request for Proposals from local tow companies to provide single towing and recovery services for non-consent tows. We received two bids and Englewood Truck Towing and Recovery was chosen as the best provider. Staff feels this will make the department more efficient and effective with a sole towing company. Motion by Henning to approve the Resolution, second by Bachman. All yeas, motion carried.

Resolution No. R – 08 – 20 – 38 A Resolution to Authorize and Approve Purchase Order. Schweitzer advised we worked with Ritter Plumbing after the May 2019 tornado to dispose of tree debris at no charge but stated that payment could be made if/when FEMA monies were received. We did receive FEMA money, so Ritter has billed us for the disposal. Motion by Gorman to approve the Resolution, second by Lieberman. All yeas, motion carried.

Resolution No. R – 08 – 20 – 39 A Resolution Supporting the Davidson Flexibility for States and Localities Act. Amanda Zimmerlin, City Manager, advised the Ohio Municipal League has encouraged local governments to pass a resolution in support of HR 7094 which allows local governments to utilize CARES act funds for budget stabilization. Budget stabilization is a concern for Ohio's municipalities as we navigate the economic fallout from the coronavirus pandemic. While not all local governments have experienced the same amount of COVID-19 expenditures, municipalities are experiencing revenue loss because of the pandemic's impact on the municipal income tax. This negative impact is projected to be experienced for next several years. It is critical that municipalities be permitted to use current CARES Act funds, currently

accessible and distributed to Ohio's local governments, for revenue replacement. It would ensure Ohio's cities and villages can continue to keep residents safe, keep essential workers on the job and continue to support local economies. Motion by Gorman to approve the Resolution, second by Henning. All yeas, motion carried.

Resolution No. R – 08 – 20 – 40 A Resolution Directing CF Ohio Owner LLC, the Owner of Property Located at 101 Treeglen Way, Clayton, Ohio, and Known as Greenglen Apartments, to Drain Stagnant Water Pursuant to Clayton Codified Ordinance 531.28. Randy Sanders, Director of Development, advised late in 2019 the city was contacted by a resident at 15 Granite Drive on a flooding and stagnant water concern from the property to the west and north of him. The property owner, Greenglen Apartments, was contacted and asked to investigate the retention area as to why it was not draining properly, and it was determined the original sump pump installed was not functioning. The dry retention area was drained by the owner, and some work was performed to remove the stagnant water. The city was contacted again in March of this year about the same issue. Although we have provided the property owner with original construction drawings, and shared dozens of emails, at present nothing has been repaired to the retention area and the stagnant water is still an issue. Motion by Gorman to approve the Resolution, second by Merkle. All yeas, motion carried.

Resolution No. R – 08 – 20 – 41 A Resolution Authorizing the City Manager to Enter into Amendment Number 5 to the Agreement for Electric Generation Supply with a Competitive Retail Electric Service Provider. Zimmerlin advised we currently participate in the regional DPL Energy electric generation supply agreement which expires December 31, 2021. The group has been provided an opportunity to amend the agreement and authorizes us to extend the agreement with the lowest and best supplier, Interstate Gas Supply, Inc. and extends the agreement until May 2024. Motion by Bachman to approve the Resolution, second by Gorman. All yeas, motion carried.

#### **CITY MANAGER'S REPORT**

Zimmerlin advised we have been investigating the possibility of hosting a Covid-19 testing site. After much research we have been unable to find a suitable in-door facility to host a testing site in the Northmont area. The Census response for Clayton is good, we have a 76.4% response with 67.3% being done via the internet as of July 28<sup>th</sup>. This is above the County's response rate of 65.6%. We are continuing to push the notice out on our social media platforms. On the tornado cleanup project on Westbrook Road, we have received all the necessary documents from the homeowners and are proceeding with the project. The Government Academy scheduled for September, in light of Covid we have been investigating the option of hosting the academy online, but because many of the items within the classes deal with hand-on with vehicles, etc. we feel it is best to scrap the class this year and plan for next year. The AirBnB owner has appealed his violation and will have a hearing at the BZA September meeting, however we are still moving forward with the violation process.

#### **VISITOR'S COMMENTS**

December Sonderegger of Morrow Drive stated I know the family with the AirBnB. I have lived here four years with the AirBnB being there for a year or two and there has been no negative effects on the neighborhood. There may be a single car, but no issues with traffic and nothing bad is coming from the visitors.

### **COUNCIL MEMBER COMMENTS**

Henning stated I hope you all are staying healthy. I see where Northmont has decided to go online remote learning for the first quarter until October 21st. I know the school is doing their best to push out information and I only ask that the City continues to share the information Northmont and Kleptz YMCA are releasing so our families know what is going on especially as it relates to child care. Childcare has been the biggest issue I have been hearing from residents. Today the Governor tested positive for Covid, we wish him well. I hope everyone continues to stay healthy. Bachman welcomed Seth and thanked Calfee for their presentation tonight during the Workshop. With the new zoning code it looks like we are geared toward growth. I wish to echo Councilman Henning's well wishes to the Governor. I want to mention Paul Anzek passed away last week. Paul was an old village council member and helped with the merger that formed Clayton, he was also an Army vet and an Ohio National Guard member. Merkle stated it is unfortunate with Covid, you see it in the news and on videos, we've lost the ability to be civilized people. We need to be respectable and responsible. Stevens I also wish that Paul rests in peace, he was a character and I have known him since we were kids and will miss him. I wish to thank Randy and his crew for the great work on SR49. I wish to welcome Seth to the city, he sounds like another good hire. I also wish to comment on the Covid situation overall. Everyone is making tough decisions, the city and schools, and it is filtering down to all our local businesses and unemployment. Please support our local businesses.

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

Meeting adjourned at 8:39 PM.