

Minutes of November 19, 2020 Council

Regular Meeting of the Clayton, Ohio City Council
Clayton Government Center
November 19, 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's City Council conducted its regularly scheduled City Council meeting on Thursday November 19, 2020 via the Zoom meeting format

CALL TO ORDER

The meeting was called to order by Mayor Stevens at 7:35 PM. Present were Mayor Stevens and Councilmembers Bachman, Henning, Gorman, Merkle, Kelly, and Lieberman.

CLERK'S REPORT

Clerk Seim presented the minutes of the November 5, 2020 City Council meeting. Motion by Gorman, second by Bachman to approve the minutes as presented. All yeas, motion carried.

OLD BUSINESS

Ordinance No. O – ZC – 20 – 01 An Ordinance Adopting the Planning Commission's Recommendation to Approve the Application of Tyler Donnelly for a Change in Zoning from PD-1: Planned Development Residential to A: Agriculture for Property Located at 6483 Kimmel Road and Bearing Parcel I.D. Numbers M60 03201 0138, M60 03201 0017 and M60 03201 0147 Within the City of Clayton, Ohio with Modification. Second reading, no further discussion. Motion by Gorman to approve the Ordinance, second by Lieberman. All yeas, motion carried.

NEW BUSINESS

Ordinance No. O – 11 – 20 – 20 An Ordinance Approving Amendments to the City's Personnel Practices Manual and Declaring an Emergency. Elaine Wittman, Assistant to the City Manager, advised the Personnel Manual was last updated in June 2019. It is best practice to review the Personnel Policy Manual every year or two to verify policy follows practice, laws have not changed that necessitate amendments and update policies to reflect new and emerging issues. The additions and amendments that are being proposed have been reviewed and approved by our Law Director and presented to staff. Motion by Gorman to approve the Ordinance as an Emergency, second by Henning. All yeas, motion carried. Motion by Kelly to approve the Ordinance, second by Merkle. All yeas, motion carried.

Ordinance No. O – 11 – 20 – 21 An Ordinance Approving and Authorizing the City Manager to Sign *Montgomery County Land Reutilization Corporation Land Banking Agreement* ("Agreement") Relative to Real Property Owned by the City of Clayton, Ohio and Bearing Parcel I.D. Number M60 00217 0010 and Further Authorizing the Transfer of Said Real Property to the Montgomery County Land Reutilization Corporation Consistent with the Terms and Conditions of the Attached Agreement and Declaring an Emergency. Jack Kuntz, Director of Development, advised the City received this property several years ago when Wal-Mart went in along Hoke Road, and has stood vacant since that time at the dead end of Clinton Street. We have been responsible for the property taxes, which total a little over \$2,000 annually. In an

attempt to reduce our tax liability at the site, we have reached out to the Montgomery County Land Bank and inquired about transferring the property to them to hold while we continue to formulate plans for the future of this property. We will see a financial benefit with transferring the land to the Land Bank by the end of year two of the agreement. Motion by Gorman to approve the Ordinance as an Emergency, second by Bachman. All yeas, motion carried. Motion by Bachman to approve the Ordinance, second by Lieberman. All yeas, motion carried.

Resolution No. R – 11 – 20 – 59 A Resolution Authorizing the City Manager to Enter Into an Agreement with the Ohio Benefits Cooperative, to Provide Medical, Dental and Life Benefits for its Employees. Wittman advised we have been exploring the option of entering to the Ohio Benefits Cooperative (OBC) with other area municipalities. This year, we were accepted and voted into the Cooperative. This year if we enter the OBC, we would see a 7.5% increase in premium rates and a 11% decrease in the deductible. After reviewing our options, it appears to be in the best interest of the City in the short-term and long-term. This move to the OBC's self-funded program would permit us to stay with our health insurance provider, Anthem Blue Cross Blue Shield, and keep our similar plan design of a high-deductible health savings account. Motion by Gorman to approve the Resolution, second by Kelly. All yeas, motion carried.

Resolution No. R – 11 – 20 – 60 A Resolution Authorizing the City of Clayton to Enter into a Contract with the Montgomery County Public Defender. Amanda Zimmerlin, City Manager, advised this is an annual agreement with the Montgomery County Public Defender's Office to provide legal counsel to indigent persons charged with any violation of a City ordinance for which the penalty or any possible adjudication includes the potential loss of liberty. The cost to the City will be \$156.46 per case for which the public defender's office provides counsel. There is no increase in fees for the 2021 contract, and there have been no costs to the City thus far this year. Motion by Gorman to approve the Resolution, second by Henning. All yeas, motion carried.

Resolution No. R – 11 – 20 – 61 A Resolution Urging the Governor DeWine and the Ohio Legislature to Extend the Deadline for Operating Public Meetings Electronically. Zimmerlin advised in March the Ohio Legislature passed House Bill 197 which includes a provision to allow government bodies to operate meetings electronically during the declared state of emergency, but not beyond December 1, 2020, so long as the public is aware and can participate electronically. On October 20, 2020 Gov. DeWine called the virus a "red tide going all the way across Ohio", with approximately 29 counties in Ohio currently at Level 3-Very High Risk of exposure. With the increase of the COVID-19 cases and the deadline of December 1, 2020 quickly approaching there is an immediate need to address the safety and security of Ohio communities by extending this deadline. Senator Fedor has introduced Senate Bill 365 to extend the deadline until the State of Emergency is terminated. Motion by Lieberman to approve the Resolution, second by Gorman. All yeas, motion carried.

Resolution No. R – 11 – 20 – 62 A Resolution to Authorize and Approve Participation in the Business First Intergovernmental Program for the Years 2021-2025 at an Annual Cost of \$1,500.00. Kuntz advised the Montgomery County BusinessFirst! program began in 2001 and is an economic development initiative that was designed to retain businesses in Montgomery County, and has grown throughout the region to include additional counties and jurisdictions. The Program is designed to assist participating jurisdictions in an integrated and systematic manner among economic development organizations to connect with the wealth generating companies which are already present in the community and determine what they need to grow

and be successful. Staff continues to work with Montgomery County's throughout the year and attends quarterly outreach specialist meetings for both information and training opportunities. Motion by Lieberman to approve the Resolution, second by Gorman. All yeas, motion carried.

Resolution No. R – 11 – 20 – 63 A Resolution Authorizing the City Manager to Purchase Two (2) Crew Leader F350 Pick Up Trucks from Reineke Ford at Cost Not to Exceed \$50,075.51 per Truck (\$100,151.02 total for both trucks) for Use by the Service Department. Randy Sanders, Public Service Director, advised the Service Department has two 2008 Ford F150 pickup trucks that our crew leaders use daily. These trucks are at the end of the service life and are getting costly to repair because of numerous mechanical issues. The new F350 4x4 trucks will be equipped with service beds, towing capacity for our heavier equipment trailers, and allow our crew leader to lock their equipment in the storage boxes. The state bid was used for the purchase pricing and Reineke Ford offered the chassis at \$1,000 dollars under state bid contract. Motion by Gorman to approve the Resolution, second by Kelly. All yeas, motion carried.

Resolution No. R – 11 – 20 – 64 A Resolution Authorizing the City Manager to Purchase an Epson Sure Color FC-9000 Sign Shop Printer for the Service Department from Trigon Imaging Solutions at a Cost Not to Exceed \$32,980.00. Sanders advised the Service Department has produced its own traffic control signs for several years. We also produce signs for other cities and townships if they provide the funds for the material. The current sign printer is very old and is only capable of printing one color at a time which allows quite a bit of wasted product. The new printer will allow multiple colors to be printed saving the city money in material alone. It also becomes a much faster process. Additionally, the printer is going to help carry out several of the PLAN Clayton Implementation items including creating new wayfinding signs, new park and public facility signage, improve community walkability and connectivity and assist in the implementing of new city branding initiatives. Motion by Gorman to approve the Resolution, second by Henning. All yeas, motion carried.

CITY MANAGER'S REPORT

Zimmerlin advised Council that the No Parking sign issue for Hill Top will be on our agenda for the December 3rd meeting. The Government Center offices will be closed to the public starting Monday, November 23rd until December 18th due to Governor's orders. Residents are encouraged to call the offices, contact us via e-mail, or if an in-person meeting is needed contact us so we can coordinate safe meeting protocols. The Golf course and simulators will remain open but will be following the State of Ohio guidelines. The Janice Ward Center and Meadowbrook banquet facilities will also remain open as long as the residents reserving the facilities follow the state's guidelines. We will be holding a workshop session on December 3rd at 6:30 p.m. to hear a presentation on Police body cameras. Due to the Covid epidemic we are not able to hold our annual Breakfast with Santa. Instead will be holding a Santa parade and we will be releasing his route in the near future. Lastly, the Government Center offices will be closed Thursday and Friday, November 26th and 27th for the Thanksgiving holiday.

VISITOR'S COMMENTS

Brigette Winchester stated this is her first Zoom meeting, it is very interesting and I'm just trying to be more informed. Tyler Donnelly advised he wished the city would be more attentive and correct the audio as I missed almost the entire meeting. Mayor Stevens apologized, this is our first meeting with our new audio/visual equipment and we are working out the bugs. We'll do better next meeting.

COUNCIL MEMBER COMMENTS

Council members each wished everyone a safe and healthy Thanksgiving holiday. Henning thanked the staff for everything they've done during this challenging year and thank you for sharing the information for Northmont FISH, they are in need of food and non-perishable goods. This Friday and Saturday the Trotwood Fire Department on SR49 and Little Richmond Road will be holding a food drive to assist residents in the northwest Montgomery County area, and they are in also in need of non-perishable goods. Lastly, I wish everyone a safe and healthy Thanksgiving holiday. Bachman stated the Montgomery County Board of Elections certified the ballots yesterday and I wish to congratulate Clayton resident and former Councilmember Debbie Lieberman for once again being voted in as County Commissioner. Preble County resident Rodney Creech was voted in as the State Representative for the 43rd District; Phil Plummer was voted in as State Representative in the 40th District, and Niraj Antani was voted in for State Senator in the 6th District. I also wish everyone a Happy and safe Thanksgiving holiday. Merkle wished everyone a happy and safe Thanksgiving holiday, with Covid going around let's be safe and smart. Stevens thanked Jack, Seth and also Jennifer who is no longer with the city for all the work they've done on the new zoning code and PLAN Clayton. The last 22 years not much has been done, we've done a great job with the day-to-day operations but did not have a long-term vision. That is happening now and big things will be happening.

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

Meeting adjourned at 8:25 PM.