

Minutes of December 17, 2020 Council

Regular Meeting of the Clayton, Ohio City Council
Clayton Government Center
December 17, 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 December 17, 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.

CLERK'S REPORT

Clerk Seim presented the minutes of the December 3, 2020 Council workshop. Motion by Gorman, second by Kelly to approve the minutes as presented. All yeas, motion carried.

Seim then presented the minutes of the December 3, 2020 City Council meeting. Motion by Gorman, second by Henning to approve the minutes as presented. All yeas, motion carried.

OLD BUSINESS

None

NEW BUSINESS

Ordinance No. O – 12 – 20 – 23 An Ordinance Approving Amendments to the City's Personnel Practices Manual and Declaring an Emergency. Elaine Wittman, Assistant to the City Manager, advised when revisions were made to the Personnel Manual in November the leave time accrual rates for Fire and Police Departments were removed from the accrual rates charts in Article 6 Section C and verbiage was added stating employees under a bargaining agreement should refer to their contracts for accrual rates. The Fire Department's accrual rates should not have been removed since Battalion Chiefs are not covered under contract and they have different accrual rates than those working eight-hour shifts. We are requesting the leave time accrual rate chart for those working 24-hours be added to Article 22 Section E. Motion by Gorman to approve the Ordinance as an emergency, second by Kelly. All yeas, motion carried. Motion by Bachman to approve the Ordinance, second by Merkle. All yeas, motion carried.

Ordinance No. O – 12 – 20 – 24 An Ordinance Authorizing Amendments to Designation of Job Categories and Pay Schedules and Declaring an Emergency. Amanda Zimmerlin, City Manager, advised included in the proposed wage scale is a 2% cost of living increase in wages for non-union employees, also the Assistant to the City Manager position has been moved from Class II-Exempt Employees Section 2 to Section 1. Motion by Gorman to approve the Ordinance as an emergency, second by Bachman. All yeas, motion carried. Motion by Gorman to approve the Ordinance, second by Merkle. All yeas, motion carried.

Ordinance No. O – 12 – 20 – 25 An Ordinance Authorizing Carry Over to 2021 of Covid-19 Related Emergency Paid Sick Leave for Administrative, Police, Fire and Public Works Employees and Declaring an Emergency. Zimmerlin advised the Family First Coronavirus

Response Act (FFCRA) is effective from April 1, 2020 to December 31, 2020. There has been no legislation at the Federal level to extend this leave past the expiration date of December 31, 2020. The FFCRA does three things: expands the Family Medical Leave Act (FMLA); establishes the Public Health Emergency Paid Sick Leave Act; and Coverage for COVID-19 testing. The act applied to both full time and part time employees. Emergency first responders were exempted from the leave components of this act. At the April 16, 2020 meeting, Council extended two weeks of COVID 19 Leave to employees in the Fire, Police, and Public Works departments. The Administration would like to allow both our part-time and full-time Administrative, Fire, Police, and Public Works personnel to carry over up to two weeks of paid emergency COVID-19 leave provided they are not being paid leave by another jurisdiction. Motion by Gorman to approve the Ordinance as an emergency, second by Merkle. All yeas, motion carried. Motion by Merkle to approve the Ordinance, second by Kelly. All yeas, motion carried.

Resolution No. R – 12 – 20 – 67 A Resolution Authorizing the City Manager to Enter Into a Service Agreement Relative to Bodyworn Cameras for Use by the Clayton Police Department with Utility Associates, Inc. DBA BodyWorn by Utility for a Term of Five (5) Years and Not to Exceed a Total Amount of \$130,460. Matt Hamlin, Police Chief, advised by entering into this contract with Utility BodyWorn Cameras, we will have the transparency, accountability, and safety the public is demanding, further reduce our risk liability, enhance our prosecution of criminal cases, and reduce Officer complaints. Motion by Henning to approve the Resolution, second by Merkle. All yeas, motion carried.

Resolution No. R – 12 – 20 – 68 A Resolution Authorizing the City Manager to Accept Proposal of and Enter Into an Agreement with Superior Dental Care for the Provision of Group Dental Insurance Benefits for the Period January 1, 2021 to August 31, 2021. Wittman advised we are proposing renewing the City's current dental insurance plan with Superior Dental. This option will increase dental premiums 6% with no changes to the plan benefit. If this plan is renewed, it would secure the rate for twenty months and align our dental insurance renewal with the new health insurance plan benefit year. Motion by Gorman to approve the Resolution, second by Henning. All yeas, motion carried.

Resolution No. R – 12 – 20 – 69 A Resolution to Authorize and Approve the 2021 Budget and Permanent Appropriations. Kevin Schweitzer, Finance Director, advised this is the annual adoption of our city budget. Motion by Gorman to approve the Resolution, second by Henning. All yeas, motion carried.

Resolution No. R – 12 – 20 – 70 A Resolution Approving Amendment of 2020 Appropriations and Estimated Resources. Schweitzer advised we received \$4,173.52 in the final round of Relief monies from State/County, as well as a little interest earned on the monies. Also, all supplies and equipment have been purchased so the remaining funds left in the Local Coronavirus Relief fund will be used for personnel cost, which requires moving operating appropriations to personnel. The Police department needs \$10,000 moved from operations to personnel to cover payroll for the end of the year. A deposit for the Fire Trust fund needs returned to the owner after repairs were made. \$15,000 more than budgeted was received in the JEDD Tax fund and needs to be paid to the JEDD entities. Assessments of \$4,389.10 were received by the city for North Clayton Community Authority in excess of the budgeted amount so another \$1,989.10 in

appropriations are needed. Motion by Gorman to approve the Resolution, second by Bachman. All yeas, motion carried.

CITY MANAGER'S REPORT

I would like to remind residents that Council meetings are being televised on public access TV, but they can also be viewed on the city's social media sites and on our website. We applied for and received two \$50,000 CDBG Grants from Montgomery County for a residential demolition project and for a N. Main Street business incentive program. The Government Center offices will be closed Thursday and Friday, December 24th and 25th for the Christmas holiday. The offices will also be closed Thursday and Friday, December 31st and January 1st for the New Year's holiday. The Government Center lobby will be reopening tomorrow, Friday, December 18th. We had been under the County stay at home order in addition to Montgomery County being purple, we have been lowered to red and will be reopening the lobby to residents. We still stress that if needing to meet with staff to call the office, schedule zoom calls, etc. to limit exposure to Covid-19.

VISITOR'S COMMENTS

Ben and Christina Crawford advised they are building a home on National Road across from the high school. It has come to our attention there is a proposal to rezone the property that backs up to ours to allow a construction company to come in and build an apartment complex. We've been told a couple of different things, we've been told it's a high-end project but then get sent information about the company, with pictures and details of what they are planning to do and that is not at all the type of neighbors that we would want to have. When I think high-end project, I'm thinking \$300,000 to \$400,000 condos being built next door. These are little small, called apartment homes, I believe that's what the proposal that I read. It's just not a nice thing for the area. Mrs. Crawford stated the location I'm not sure is able to handle 147 units or that many people. There's just a lot of concerns that we have and this has been brought to our attention in a short period of time so we haven't had a lot of time to think of everything that we would like to discuss. We will definitely be on the Planning Commission meeting Monday night.

Donna Herman stated I purchased the property Christina is talking about. I purchased that property and she is building on it, and then I will also be building on that property as well. When I became aware of this project I wasn't exactly sure what was going to take place, but after speaking with Christina and Seth, some things that come to mind is, this development is right across the street from the High School and there are a lot of kids that jog along National Road when they are doing their training and with the increase in cars running through that area what is that going to do to that area for those children or teens that are running. That's a concern, and then of course we are looking at over 140 proposed units going in, I'm not really sure how that is going to play out, but that is a concern.

COUNCIL MEMBER COMMENTS

Lieberman wished everyone happy holidays. 2020 is almost over and 2021 is right around the corner, but we need to remember to stay vigilant, wear our masks, social distancing, and stay safe. 2021 hopefully is going to be better than 2020. Kelly thanked Kevin (Schweitzer) on the

budget presentation, you always do a wonderful job, thank you. Bring on 2021, 2020 I think we're all done with it, but happy holidays. Gorman thanked Kevin on a fine presentation. I did speak with our two previous City Managers this week. Dave Rowlands is now a Grandfather and Rick wished everyone happy holidays and Merry Christmas. They wish everyone a happy holidays and Happy New Year. Henning thanked Kevin, Amanda and all the department heads for their hard work on the budget, we know 2020, in addition to 2019, have been back-to-back tough years for everyone. I wish everyone a Merry Christmas, Happy Hanukkah, and Happy New Year. I also wish to congratulate Judge Barbara Gorman on her retirement. Montgomery County will be losing a very fine Judge on the bench but will be an exciting new chapter for her. Bachman thanked Kevin on the budget, the next year or two we need to be smart and make some tough decisions. We have made some smart choices this year, for example the fire department collaborative which has made for faster response times to the Northmont community and cost savings for all the departments. I'm looking forward to 2021 and getting back to normal. I wish everyone a Merry Christmas and happy holidays. I also have a retirement announcement; my Mother is retiring from Sinclair tomorrow; she is one of the hardest working people I know. Merkle stated he appreciated everyone's hard work in this trying year but everyone pulled together and stayed positive. I wish everyone good will, best of health, take care of yourselves. Merry Christmas, happy holidays, Happy New Year, best wishes for next year. Lieberman added, I wish to say congratulations to Judge Barbara Gorman who is retiring. I can speak for all the attorney's in saying we will miss her and she has been a wonderful asset to Clayton and the community. Stevens thanked staff, for a city our size staff wears a lot of hats, they get a lot of work done with a very few people and it really showed through with this difficult year with Covid. Merry Christmas, Happy Hanukkah and Happy New Year.

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

Meeting adjourned at 8:03 PM.