

## **Minutes of June 17, 2021 Council**

Regular Meeting of the Clayton, Ohio City Council  
Clayton Government Center  
June 17, 2021

### **CALL TO ORDER**

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

### **SPECIAL PRESENTATIONS**

Police Chief Matt Hamlin introduced and performed an official Swearing in Ceremony for our three newest Police Officers; Officer Kris Godwin, Officer Matt Deskins, and Officer Joseph LeVangie.

Fire Chief Brian Garver performed an official Swearing in Ceremony for the department's new Lieutenants; Matt Maurer, Matt Bakan, and JC Birr.

Chief Garver then presented awards to the crews involved in the rescue made in March for their actions, and everyone was able to meet the young man they pulled from the fire. Lieutenant Matt Bakan, Battalion Chief (Harrison Township) Darrin Wiseman and Firefighter Zac Garver all received Gallantry Awards. Lieutenant Matt Fahnce and Firefighter Jason Lawler received a Unit Citation. Teresa Clark, the Montgomery County dispatcher who took the call, was in attendance and received a Letter of Accommodation.

### **CLERK'S REPORT**

Clerk Seim presented the minutes of the May 20, 2021 City Council meeting. Councilman Henning asked that the minutes to be amended to include comments under the City Managers Report that Redwood is in talks with the city. Motion by Henning to accept the minutes as amended, motion was second by Bachman. All yeas, motion carried.

### **OLD BUSINESS**

Ordinance No. O – 05 – 21 – 02 An Ordinance Approving the Recommendation of the Planning Commission to Repeal the City of Clayton's Current *Part Eleven-Planning and Zoning Code* and Replace *Part Eleven-Planning and Zoning Code* of the Codified Ordinances of the City of Clayton with the Updated Planning and Zoning Code Prepared by Zoneco, LLC. Second reading, no further discussion. Motion by Lieberman to approve the Ordinance, second by Bachman. All yeas, motion carried.

### **NEW BUSINESS**

Resolution No. R – 06 – 21 – 33 A Resolution Re-appointing Helen Senu-Oku as a Member of the Parks Advisory Commission. Jack Kuntz, Director of Development, advised Helen has been a valuable member of this committee and we would like her to continue her appointment for another three years. Motion by Henning to approve the Resolution, second by Merkle. All yeas, motion carried.

Resolution No. R – 06 – 21 – 34 A Resolution Re-appointing Jackie McArdle as a Member of the Parks Advisory Commission. Kuntz advised Jackie has also been a great asset and also asked that she be re-appointed for another three year term. Motion by Bachman to approve the Resolution, second by Lieberman. All yeas, motion carried.

Resolution No. R – 06 – 21 – 35 A Resolution Authorizing the City Manager to Enter Into an *Agreement for Delegation of Activities* with the Board of Commissioners of Montgomery County, Ohio Relative to a CDBG Award of \$50,000.00 to the City of Clayton for Demolition Project (Grant No. B-20-UC-39-0004). Kuntz advised we applied to Montgomery County in 2020 for a project to demolish two blighted residential structures within Clayton. The County awarded us \$50,000 for the project with the City committing \$5,000 towards the demolition project. Motion by Henning to approve the Resolution, second by Lieberman. All yeas, motion carried.

Resolution No. R – 06 – 21 – 36 A Resolution Authorizing the City Manager to Enter Into an *Agreement for Delegation of Activities* with the Board of Commissioners of Montgomery County, Ohio Relative to a CDBG Award of \$50,000.00 to the City of Clayton for Business Incentive Program (Grant No. B-20-UC-39-0004). Kuntz advised we also applied to the County for a second project to create a business incentive program, specifically along the N. Main Street corridor. The business incentive program would assist existing and new business owners to perform exterior improvements to their properties to bring them closer to compliance with the N. Main Street Overlay standards as well as to make the corridor more aesthetically appealing. Montgomery County awarded us \$50,000, and we have committed \$50,000 as a match for the business incentive program. We are working with Montgomery County Community Development to make sure that we are following all the guidelines for women and minority owned businesses. Motion by Henning to approve the Resolution, second by Bachman. All yeas, motion carried.

Resolution No. R – 06 – 21 – 37 A Resolution of Authorization: Authorizing the City Manager and/or Her Designee to Prepare and Submit a Grant Application to the Ohio Department of Natural Resources' NatureWorks Grant Program in the Amount of \$36,575.00 for the Installation of an ADA Complaint Parking Lot and Widening and Resurfacing of Paths at Northview Park and Agreeing to Obligate Funds Required to Satisfactorily Complete the Project. Kuntz advised we are looking to apply to the Ohio Department of Natural Resources (ODNR) for a NatureWorks grant in the amount of \$36,575 to install an ADA compliant parking lot and to widen and resurface existing paths in Northview Park. Motion by Bachman to approve the Resolution, second by Merkle. All yeas, motion carried.

Resolution No. R – 06 – 21 – 38 A Resolution Authorizing the City Manager to Enter Into a Renewal Agreement with Anthem Blue Cross Blue Shield for the Provision of Group Health Insurance Benefits from September 1, 2021 through August 31, 2022. Motion by Henning to approve the Resolution, second by Merkle. All yeas, motion carried.

Resolution No. R – 06 – 21 – 39 A Resolution Authorizing the Submittal of Three Applications to Montgomery County for Community Development Block Grant (CDBG) Funds. Kuntz advised staff would like to submit three CDBG applications to Montgomery County; the first application will request \$80,000 for a new all-inclusive playground at Northview Park so children of all abilities would be able to use and benefit recreationally from the outdoor space, the second application would be for \$92,500 to completely update the restroom facilities at

Westbrook Park to make them ADA compliant and third application would be for \$66,900 to install a new 5' wide sidewalk along Union Rd., specifically from the Hunter's Glen residential development to Salem Avenue. Motion by Lieberman to approve the Resolution, second by Merkle. All yeas, motion carried.

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

Amanda Zimmerlin, City Manager, advised city offices will be closed Monday, July 5<sup>th</sup> for the observance of Independence Day. A reminder that the State Route 49 paving project is slated to begin on June 21<sup>st</sup> and is scheduled to run through August 1<sup>st</sup>. The work will take place Monday through Friday from 7 am to 9 pm, and traffic will be maintained throughout the project. Also, a reminder that the Union and 49 Safety Project is slated to begin June 21<sup>st</sup> at the last council meeting we thought that it was going to be sooner, but the contractor was having issues with receiving materials for the project due to supply shortages. Just so you know, and residents know, the city has a "Report a Concern" button at the bottom of the City's website home page and also on the zoning page. There residents can report property maintenance, fire hydrant, and pothole concerns. If the resident has a complaint or concern that is not related to those items listed, they can email staff directly by accessing the staff directory. If they would prefer to call, they can call during working hours or they can leave a message, and someone will return their call the next business day. There will be a Purple Heart City Designation presentation at our July 15<sup>th</sup> meeting. If you recall back on the November 19<sup>th</sup> Council meeting, I informed you that I met with members of the Purple Heart organization and they asked that Clayton become a Purple Heart City. Council agreed with this, however, decided to postpone any action until health orders were lifted allowing more than 10 people to gather. We will present the local chapter of The Military Order of the Purple Heart with a Proclamation designating Clayton as a Purple Hart City. We have two developments that are coming before the Planning Commission at their June 28<sup>th</sup> meeting. We have the Union and Westbrook Development Request from DDC. This is 39.5 acres of land that they want to re-zone from R-3 to PD-1 and put in single family homes. The second is at National and Haber, which is Redwood. Redwood has submitted an application to change the zoning from R-1 to PD-3 that is 33.73 acres of land at National and Haber. That will be before the Planning Commission on June 28<sup>th</sup>. Letters are going out to the residents today. There has been talk about Pickle Ball courts in Clayton and interest in that. We have talked and believe Westbrook Park would be a good place for that by redoing the tennis courts there. However, we didn't want to do that until we do a cursory survey of the residents to see how much they are actually used. The plan is to put a survey out on social media sites, to make it available to the people so they can tell us if they are interested in a pickle-ball court at Westbrook Park. The next item, work sessions for upcoming meetings. The Plan Clayton Implementation Committee had their final meeting last night and they would like to bring their ideas and actionable items from the PLAN Clayton document to Council to have a discussion, and they would like to do that on July 15<sup>th</sup> at 6:30 pm during a work session. Then on August 19<sup>th</sup> at 6:30 pm Jack put together a very nice Economic Development Update that we would like to discuss at a work session. Finally, on September 2<sup>nd</sup> at 6:30 pm we would like to have work session on the operations at Meadowbrook in anticipation that our contract with the caterer is up next year, we want to make sure we're all on the same page on what we want to do going forward, and how we want to move forward with Meadowbrook. I was part of the Center for Local Government when I was in Springdale. I believe it would be good for Clayton to join, it's roughly \$2,000 a year and comes with a number of great opportunities; they will do spot surveys

for us, we would be able to get into their trash consortium, health insurance consortium, they have a public works mutual aid pact to name a few. But what really brought me to want to join is the Leadership Academy which fosters leadership skills in lower or mid-level managers, or non-managers who wish to enhance their skill set to potentially move into leadership positions. I do have an update on the Crisis Intervention Co-Responder. I told you at the April 15<sup>th</sup> meeting that we would have our own, things changed. The county shifted how they will be running the program. They are now looking at late summer to have their centralized plan put together, where you can call #988 which is a multiple countywide 24/7 mobile crisis teams, and a centrally located crisis intervention center. Once that program is up, we will push that information out to the residents. On that note, Police Body cameras, we are just waiting on the vests at this time. Chief Hamlin advise at this time we have all the equipment except for the outer vests. Once we receive those and they are modified we will have training on the cameras and software and they will be put into operation. Zimmerlin advised I attached to the manager's report our Financial Health Indicator Preliminary Report for 2020. The only area that was highlighted in yellow, which every other municipality also experienced, is revenue for 2020. That was not surprising, everyone knew that it was going to be lower in 2020 than previous years. Kevin is keeping an eye on that and hopefully we'll rebound. Other than that, the city is doing well. The next item is the American Rescue Plan and the city is slated to get \$2.65 million. The city is not an entitlement city so we will not be receiving our money from the federal government, it will go to the State first and they are still trying to figure out how they are going to distribute the funds to the cities. There are a couple of areas where this money can be spent, it has to be spent on responding to health emergency or the negative impacts of COVID on the community; provide premium pay to front line workers in the organization; revenue replacement; and/or to make necessary improvements to water, sewer, or broad band infrastructure. Once we received the guidance we sat down and staff discussed projects that would meet those guidelines. To further drill down on that we focused on six areas. Neighborhoods: Projects and investments that reduce blight, improve the physical appearance, and increase the quality-of-life experience of residents in the neighborhood. Community Recovery: Projects and investments in recovery areas including those ravaged by the Memorial Day tornadoes, as well as areas of severe disinvestment. Also included are funding for projects and investments that promote the value of diversity, equity, and inclusion in the City of Clayton. Amenities Projects and investments that provide recreational and lifestyle assets to the community including playgrounds and parks. Major Catalytic Projects: Projects and investments that incent additional development, economic activity, and quality of life improvements. City Projects: Projects and investments that improve City Service delivery, reduce future operating/legacy costs, and promote sustainable environmental practices. External Awards: Funding to support vulnerable economic sectors that might otherwise not survive the pandemic. Staff looked at the requirements to see what projects would meet those requirements and would also meet Council's, we are sharing a list of projects that we believe fall under the guidelines which are Fire Department wages, Westbrook Park bathrooms to make them ADA compliant. HVAC system at Meadowbrook, gas tax replacement, LifePak heart monitors, and an audit that will be required for using the funds. Funds that would become available due to freeing up funds would include debt payments, Wenger Road and Talmadge Road storm sewer projects, Clayton Park parking lot paving, all-inclusive playground equipment at Northview Park, and paving of park paths in all city parks.

### **VISITOR'S COMMENTS**

Don Hill, owner of D & D Grill Rental, wished to thank those Councilmembers who attended his ribbon cutting ceremony. I've been working closely with Seth in the development department on setting up my commercial kitchen and he has been very helpful. I would also like to thank the city for the Business Highlight video they produced highlighting my business. I am proud to announce that I am now an official member of the Northmont Chamber of Commerce and plan on working with and supporting them.

Warren Wysong Jr. stated he lives on Hacker Road and wished to advise Council of a complaint he has with the Service Department cutting brush in front of his property. He stated he has always maintained the property from the creek to the street and asked that city not cut the brush. He was also upset that the City was going to send him a letter dealing with the brush along his road frontage. Zimmerlin responded, wanting to clarify the issue. The city was not going to send a letter citing him for the brush, rather it was a letter stating that Mr. Wysong requests the brush not be mowed and he would maintain the vegetation going forward.

### **COUNCIL MEMBER COMMENTS**

Bachman stated it's good to be back, it feels normal. How tonight's meeting started was fantastic with the re-cap of why we are a safest city with the awards presentations and recognizing our new Police Officers and Fire Department Lieutenants. The City Manager's report indicates we have a lot going on, especially on the development side. We have many major projects coming up that could bring in a lot of new business and residents. Before we meet again the 4th of July will have passed, let us remember what that holiday means; life, liberty, and the pursuit of happiness. Henning asked Mr. Kuntz to address a list of complaints he received; first trash cans being left out at the road. Kuntz advised that trash cans can only be put out 24 hours before their service date and must be moved behind the front line of the house within 24 hours of being serviced. Henning asked about garage doors that don't close completely. Kuntz stated there are no restrictions on garage doors as long as they are not physically broken, there are no restrictions if a resident wishes to keep them open. Henning asked about fences. Kuntz stated fences are tricky and are hard to defend in court, I believe the specific property you are talking about has a citation right now. Henning questioned gutters falling off the house. Kuntz advised there are no requirements that a property have gutters. Henning stated I want thank staff for the work on diversity on the grant applications. I want to thank the Police Officers and Fire Department employees who were honored tonight, they do a fantastic job. I also want to wish everyone a Happy 4<sup>th</sup> of July, it's important to remember we want to leave it better than we found it. Merkle reminded everyone Sunday is Father's Day and wished Councilman Henning Happy 1<sup>st</sup> Father's Day. Also, best of luck to Mr. Hill, you have a very successful business. Stevens stated to the folks that were sworn in today, we're real proud to have them. We have good staff, good leadership, a good city, excellent departments. They are doing a good job. Congratulations to all the folks that we recognized tonight. To the Economic Development folks, we have so much going on right now, there is a lot of interest in our city right now. This is a time of opportunity, and I hope we take advantage of this opportunity not just for us but for the residents and the region. I think our time is here.

### **EXECUTIVE SESSION**

Stevens advised an Executive Session is needed to consider the purchase of property for public purposes, the sale of property by competitive bid, or the sale or other disposition of unneeded, obsolete, or unfit-for-use property in accordance with section 505.10 of the Revised Code and also to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official. Henning made a motion to break for an Executive Session, motion was second by Bachman. Voting yea were Bachman, Henning, Merkle, Lieberman, and Stevens. Council broke for Executive Session at 9:02 PM.

Council returned and Mayor Stevens re-opened the regular session at 9:52 PM.

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

Meeting adjourned at 9:53 PM.