

Minutes of July 15, 2021 Council

Regular Meeting of the Clayton, Ohio City Council
Clayton Government Center
July 15, 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, Gorman, Kelly, and Lieberman.

SPECIAL PRESENTATIONS

Members of the Department of Ohio Military Order of the Purple Heart held a formal flag presentation and lead the audience in the pledge of allegiance. Mayor Stevens then read and presented them with a Proclamation designating Clayton a Purple Heart City.

Jack Kuntz, Director of Development, presented Mario Sarno with Spring VIP Award.

Fire Chief Garver performed an official swearing in for our newest fire fighter/paramedic Jared Pleiman. Chief Garver then issued EMS awards for crews who performed a surgical cricothyrotomy in the field; and, outstanding and efficient EMS care. Without these crews performing to the high standards of EMS care the outcomes would have not been as positive. The following individuals received awards: FF/Paramedic John Stevens, FF/Paramedic Jordan Jefferies, Lieutenant JC Birr, FF/Paramedic Jared Pleiman, FF/Paramedic Jim Ake, FF/Paramedic Jacob Becker and FF/Paramedic Ryan Hope.

PUBLIC HEARING

Mayor Stevens announced to the audience that due to not having quorum this evening, the public hearing for case ZC-21-04: Zoning District Change and Preliminary Subdivision Plan – Northwest Corner of Westbrook and Union Road (Hunter's Path), DDC Management, LLC will need to be tabled this evening. Councilman Henning made a motion to table this hearing and Ordinance O-ZC-21-04 until our first meeting in August, motion was second by Gorman. Voting: Bachman-yes, Henning-yes, Gorman-yes, Kelly-yes, Lieberman-yes, and Stevens-yes. Motion passed 6-0.

Amanda Zimmerlin, City Manager, reminded Council that we previously passed our summer schedule and had cancelled our first meeting in August, the 5th. After discussion it was decided to hold our August 5th meeting to hear the DDC case. Motion by Henning to re-instate our August 5th City Council meeting, motion was second by Gorman. All yeas, motion passed.

CLERK'S REPORT

Clerk Seim presented the minutes of the June 17, 2021 City Council meeting. Motion by Henning, second by Bachman to approve the minutes as presented. Voting yea were Bachman, Henning, Lieberman, and Stevens. Gorman and Kelly abstained. Motion passed 4-0.

OLD BUSINESS

None

NEW BUSINESS

Resolution No. R – 07 – 21 – 40 A Resolution Authorizing the City Manager to Enter Into an Agreement with the Northmont School District for the Provision of School Resource Officers for the 2021-2022 School Year. Motion by Gorman to approve the Resolution, second by Henning. All yeas, motion passed.

Resolution No. R – 07 – 21 – 41 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 September 1, 2021 to August 31, 2022. Elaine Wittman, Assistant to the City Manager, advised we propose renewing the City's current dental insurance plan with Superior Dental. This option keeps our dental premiums stationary with no changes to the plan benefit. Motion by Gorman to approve the Resolution, second by Kelly. All yeas, motion passed.

Resolution No. R – 07 – 21 – 42 A Resolution Authorizing the City Manager to Enter Into a Contract with ESO Solutions, Inc. for a Records Management System for the Fire Department in Order to Effectuate the Purposes of the Joint Emergency Services Collaborative Memorandum of Understanding in a Total Contract Amount Not to Exceed \$26,387.82, Said Amount to be Shared Among the Cities of Clayton, Englewood, and Union. Chief Garver advised this software is for our records management system that we share with Englewood and Union. They can only bill one department so we are always that individual, and this is the second year we are doing this. It is a shared cost based on run volume and staff for each department, with our portion being 30%. Motion by Bachman to approve the Resolution, second by Henning. All yeas, motion passed.

Resolution No. R – 07 – 21 – 43 A Resolution to Authorize and Approve Purchase Order. Kevin Schweitzer, Finance Director, advised we are needing a Then and Now Certificate for an invoice to ESO Solutions, Inc. We received an invoice on June 11th from ESO Solutions, Inc. for the fire collaborative records system for a total of \$26,387.82, with \$18,471.47 being reimbursed by the cities of Englewood and Union. Motion by Henning to approve the Resolution, second by Kelly. All yeas, motion passed.

Resolution No. R – 07 – 21 – 44 A Resolution Approving Transfer of Funds. Schweitzer advised during the audit of the 2020 financial reports, it was determined that a receipt for State Gas Tax was posted to the Permissive Motor Vehicle License Tax fund in error. The gas tax is legally only allowed to be deposited into the Street Department and State Highway funds. To correct this, the monies must be transferred to the legally required funds. Motion by Gorman to approve the Resolution, second by Henning. All yeas, motion passed.

Resolution No. R – 07 – 21 – 45 A Resolution Authorizing and Ratifying Submissions of the City of Clayton, Ohio as a Claimant in the Bankruptcy Case Styled *IN RE: Purdue Pharma, L.P. ET. AL.*, Case No 19-23649 (RDD) in the United States Bankruptcy Court, Southern District of New York. Martina Dillon, Law Director, advised she had requested this be added to the agenda. Although the Charter does provide the authority to the City Manager to direct me in matters such as this, which she did, there was a very short turn around time for this last submission that we had to file, we did file on time. In order to avoid that in the future I would propose enacting this so that I have it if I need it in the future. Again, it's me being precautionary even though the Charter says what it says. I still think this is a good measure to

have going forward, so I'm asking for approval. Motion by Henning to approve the Resolution, second by Kelly. All yeas, motion passed.

CITY MANAGER'S REPORT

Zimmerlin advised Council that the request from Redwood, at National and Haber, will be on the Planning Commission July 26th meeting agenda. You can find the application on the city's website and notices were mailed out to all the adjacent residents, and the notice was also put in the paper. Just a heads up, there is a new event being held at Meadowbrook it's called Birdies & BBQ. It is a couple's event, or any two people can participate. It's a golf scramble, nine holes, \$36 per person, You play nine holes and then get a BBQ dinner and a drink afterwards. The first event is tomorrow, and I believe we're all booked for that event. August 20th and September 17th are the other dates. We are bringing back our Movie in the Park, it will be at Meadowbrook on Friday, August 6th starting at 8:30 p.m. and we will be showing the movie "The Croods: A New Age". It is free and everyone is welcome. We are holding our annual Government Academy, and it will be starting on September 8th and runs through October 13th. Any resident interested we ask they contact Jack Kuntz. Lastly, we are holding our annual shredding event this Saturday from 9-11 am at the Government Center.

VISITOR'S COMMENTS

Robin Mobley addressed Council regarding concerns for her daughter who is working to open a boutique within Randolph Plaza. There is another store within the Plaza that has a non-compete contract that is preventing her Daughter from opening her boutique. Mayor Stevens asked Jack Kuntz, Director of Development, does the city look at leases, is that our business. Kuntz stated we do not have the authorization or the legal authority to be looking at lease agreements between the property owner and tenant space. They did come in, they applied for a Zoning Certificate, and the city has issued a Zoning Certificate. We did say that is an approved use, they are allowed to operate there. From the city's perspective they're more than welcome. They met all the regulations. We would like your Daughter to operate her business in the city. They've met all our standards, that is the reason we did issue the permit. It is a civil issue between the property owner and the tenants.

COUNCIL MEMBER COMMENTS

Bachman stated it was great to be a part of the PLAN Clayton Implementation Committee, the group was fantastic. We quickly saw how important this project was going to be. We had a very diverse group with so many backgrounds and talents that added so much to the group. The Purple Heart City designation is a great source of pride for our city. All the awards that were presented tonight for our Fire and EMS personnel, that is your tax dollars at work and they are truly quality people. We have a lot coming up, especially in the next couple of meetings. Full disclosure, I have an adjacent property to the location of the proposed DDC's development so I will have to abstain from that vote. If you look at all the potential developments, this could be a potential 10-15% increase of residential development in the city. Any one of these projects, four I believe are potential right now, is going to be the largest in the history of this city. In the past ten years, we've had I estimated 10-20 new residential units. None of these developments are under 100, and they are all quality from what I've seen, it's a mixture of things. The big question I keep getting is why do we have so many apartments that are interested in coming in. Well, the answer is, it's an underserved community. If you look at the larger communities in the

Dayton area that are great communities, great school systems, a lot of them do have a fair amount of apartment units, and it doesn't affect their communities negatively. I know the big controversial one is Redwood and I encourage my fellow Councilmembers to maybe go to some of those facilities. I've drive around four of them so far and plan to check on one or two more if I'm close by in the next month. What I've seen are nice, clean, and quiet communities. I ask that we each do our own research. We know what's coming up next month, and I just hope that we overall respect what's right for the community, and respect property rights over mob mentality. Henning stated I wish to thank Elaine, Eric, and Amanda for obtaining the Purple Heart City designation. I know you've been working on this for over a year but were delayed with Covid. This city is very veteran friendly, we have great activities at the VFW, we've designated Main Street as a Veteran's Memorial Way, and now this. So, thank you for getting this completed. To the Fire Department and EMS members tonight who were recognized, it gives me anxiety that I don't want to leave Clayton after hearing all these great stories we heard tonight. So, thank you all for the hard work you provide our residents. And having my Father who had a massive heart attack and had literally minutes to get to the hospital and then had to be careflighted to OSU, seconds count. I hope the students and staff of the schools enjoy their last few weeks of summer. Gorman stated I would also like to thank the Purple Heart group that was here tonight for their recognition, also to the EMS and Fire Department personnel, and lastly to the couple who won the Spring VIP Award. Kelly stated it is an honor to live and be a part of the City of Clayton. Chief Garver, I know I've expressed many times my appreciation to you and your staff. I've had personal experiences with visits from you to my house, and you've saved my life and others in my family so I appreciate you and everything you and your guys have done. It's great to see the many things coming about, the Movie in the Park, the fireworks, and the shredding event. All these things are opening up again, and it's such a pleasure to see things happening again. Lieberman stated to the PLAN Clayton Implementation Committee, kudos to them. This is a really good report that I hope we can do some work with it, so good job to that. To Brook's Mom, I'm a lawyer and I have to be careful what I say, but you need to speak to a lawyer, a real estate lawyer. They can do more for you in this area that we can. All we can offer is another site, we can't control contracts between two parties. So please talk to a real estate lawyer. Stevens stated the PLAN Clayton Implementation Committee was a great experience. It brought in residents that might not have been involved with the city. We had a very smart, engaged group. It was fun and some really good work came out of that group. To the Fire Department and EMS guys that were here tonight, it's really amazing in the things they do every day, they are our local heroes. There were several different uniforms here tonight, and that is due to our fire collaborative we have with Englewood and Union, and we are proud of all of them. I'm especially proud of Lieutenant Matt Maurer who is a member of Ohio Task Force One, this is an elite position and I appreciate him in doing that. As always, I want to say thank you to the staff and council, but also the residents for the work that you do keeping up your properties, to opening businesses, to partaking in your city government. That's what makes this such a good place to live.

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

Meeting adjourned at 8:45 PM.