

Minutes of January 6, 2022 Council

Regular Meeting of the Clayton, Ohio City Council
Clayton Government Center
January 6, 2022

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

Montgomery County Commissioner Debbie Lieberman administered the Oath of Office of re-elected Councilmembers Kelly, Bachman and Merkle. Clerk Seim administered the Oath of Office for re-elected Mayor Stevens.

Mayor Stevens gave the annual State of City Address

CLERK'S REPORT

Clerk Seim presented the minutes of the December 16, 2021 City Council meeting. Motion by Gorman, second by Henning to approve the minutes as presented. All yeas, motion carried.

OLD BUSINESS

Ordinance No. O – PC – 21 – 06 An Ordinance Adopting the Planning Commission's Recommendation to Approve the Final Development Plan and Section 1 Plat (Hunter's Path) of DDC Management, LLC with Specified Condition(s) for Property Bearing Parcel I.D. Number M60 03207 0022 and Containing 39.47 Acres Located at the Northwest Corner of Westbrook and Union Roads within the City of Clayton, Ohio. Second reading, no further discussion. Motion by Gorman to approve the Ordinance, second by Kelly. Voting: Bachman-abstain, Henning-yes, Gorman-yes, Merkle-yes, Kelly-yes, Lieberman-yes, and Stevens-yes. Motion passed 6-0.

NEW BUSINESS

Resolution No. R – 01 – 22 – 01 A Resolution Amending and Re-Adopting Rules of Council. Motion by Henning to approve the Ordinance, second by Bachman. All yeas, motion carried.

Resolution No. R – 01 – 22 – 02 A Resolution to Elect a Vice Mayor and President Pro Tempore. Motion by Henning to re-appoint Mr. Gorman as Vice Mayor and President Pro Tempore, second by Kelly. All yeas, motion carried.

Resolution No. R – 01 – 22 – 03 A Resolution to Appoint a member to the Clayton Planning Commission. Motion by Stevens to appoint Dan Foley to the Clayton Planning Commission, motion was second by Bachman. All yeas, motion carried.

Resolution No. R – 01 – 22 – 04 A Resolution to Appoint a member to the Clayton Board of Zoning Appeals. Motion by Merkle to re-appoint Zach Goit to the Clayton Board of Zoning Appeals, motion was second by Henning. All yeas, motion carried.

Resolution No. R – 01 – 22 – 05 A Resolution to Appoint Clayton Representatives to the First Suburbs Consortium for the Year 2022. Motion by Kelly to re-appoint Gorman and Henning as our representatives, and Merkle as the alternate, motion was second by Lieberman. Voting: Bachman-yes, Henning-abstain, Gorman-abstain, Merkle-abstain, Kelly-yes, Lieberman-yes, and Stevens-yes. Motion passed 4-0.

Resolution No. R – 01 – 22 – 06 A Resolution Appointing Clayton Representatives to the Volunteer Fire Fighter's Dependents Fund Board for the Year 2022. Motion by Henning to appoint Lieberman and Kelly, motion was second by Gorman. Voting: Bachman-yes, Henning-yes, Gorman-yes, Merkle-yes, Kelly-abstain, Lieberman-abstain, and Stevens-yes. Motion passed 5-0.

Resolution No. R – 01 – 22 – 07 A Resolution Approving Appointment of Two Members to the Volunteer Peace Officer's Dependents Fund Board for the Year 2022. Stevens advised that the Clayton Police Department no longer has part-time police officers so we no longer need to appoint members to this board. Motion by Henning to remove this agenda item, motion was second by Gorman. All yeas, motion carried.

Resolution No. R – 01 – 22 – 08 A Resolution to Appoint a Clayton Representative and an Alternate to the Miami Valley Regional Planning Commission and Transportation Committee for the Year 2022. Motion by Bachman to appoint Gorman as the member and Stevens as the alternate, motion was second by Henning. Voting: Bachman-yes, Henning-yes, Gorman-abstain, Merkle-yes, Kelly-yes, Lieberman-yes, and Stevens-abstain. Motion passed 5-0.

Resolution No. R – 01 – 22 – 09 A Resolution Appointing Member to the Cost Recovery / Impact Fee Appeals Board. Motion by Gorman to re-appoint Henning, motion was second by Merkle. Voting: Bachman-abstain, Henning-abstain, Gorman-yes, Merkle-yes, Kelly-yes, Lieberman-abstain, and Stevens-yes. Motion passed 4-0.

Resolution No. R – 01 – 22 – 10 A Resolution Authorizing the City Manager to Enter Into an Agreement with the John R. Jurgensen Company for Paving of Westbrook Road Between Salem Avenue and Cheri Lynne Drive at a Total Project Cost of \$488,425.38 and a Total Cost to the City of Clayton, Ohio not to exceed \$90,358.70. Randy Sanders, Public Service Director, advised John R. Jurgensen was the lowest bid we received. This is a joint project with the City of Trotwood and will be partially funded with an STP grant through the MVRPC. The grant will cover 63% of the cost with Clayton and Trotwood splitting the balance. This will be a local let project administered by Clayton saving both cities the cost of the construction engineering fee. Motion by Henning to approve the Resolution, second by Kelly. All yeas, motion carried.

Resolution No. R – 01 – 22 – 11 A Resolution Authorizing the City Manager to Enter Into an Agreement with Outdoor Enterprises, LLC for the Westbrook Salem Safety Project 2022 at a Total Project Cost of \$611,174.00 and a Total Cost to the City of Clayton, Ohio not to exceed \$111,174.00. Sanders advised Outdoor Enterprises was the lowest bid and was selected for this project. This project was originally brought to the city for a possible improvement by ODOT as a road safety audit. The city applied and was awarded an abbreviated safety grant for the project. The construction and engineering will be 100% paid by ODOT up to \$500,000 and the city will be responsible for the decorative poles and mast arms. The project sold for \$611,174.00 and will be a local let project administered by Clayton saving the city the cost of the construction

engineering fee. Motion by Gorman to approve the Resolution, second by Henning. All yeas, motion carried.

Resolution No. R – 01 – 22 – 12 A Resolution Approving and Implementing an Equal Employment Opportunity and Affirmative Action Program Policy Statement and Authorizing Verification Filing of Same with the Ohio Department of Administrative Services. Elaine Wittman, Assistant to the City Manager, advised we received the NatureWorks Grant from the Ohio Department of Natural Resources (ODNR). The NatureWorks Agreement requires the grantee to have “a written affirmative action program for the employment and effective utilization of economically disadvantaged persons pursuant to R.C. 125.111(B) and has filed an Affirmative Action Program Verification form with the Equal Employment Opportunity and Affirmative Action Unit of the Department of Administrative Services.” Motion by Henning to approve the Resolution, second by Kelly. All yeas, motion carried.

Resolution No. R – 01 – 22 – 13 A Resolution Authorizing the City Manager and Law Director to Sign NatureWorks Grant Agreement with the Ohio Department of Natural Resources for a Total Grant Amount of \$36,575.00 to Install ADA Compliant Parking and to Widen and Resurface Existing Paths at Northview Park. Jack Kuntz, Director of Development, advised last year staff submitted a grant application to the ODNR’s NatureWorks grant program for a new parking lot and to widen and resurface the existing paths at Northview Park. The grant was seen as an opportunity to accomplish one of the goals and action items found in the PLAN Clayton Implementation Plan. Motion by Henning to approve the Resolution, second by Kelly. All yeas, motion carried.

CITY MANAGER’S REPORT

Amanda Zimmerlin, City Manager, advised the Government Center offices will be closed Monday, January 17th in observance of Martin Luther King, Jr. day. We will be holding a work session on January 20th at 6:30 p.m. concerning Haber and National Roads and a potential single-family residential development there. We are also holding a work session on February 3rd prior to the regular meeting to discuss council compensation. The Wenger Village Section III platting has been submitted to the Planning Commission for their January meeting. The Planning Commission’s recommendation will be before Council at our February 17th council meeting, and there will be a public hearing on that. A resident on Taywood Road is selling their property and have agreed to sell the city a right-of-way. As part of the 2022 budget the city has engineering plans for Taywood Road for a multi-use path down the west side of Taywood, that would require the right-of way. We had it appraised and it came in at \$3,440, if Council agrees we will have legislation for this at our next meeting. Last year we discussed getting someone to ride along with our Police Officers to deal with a crisis or mental health issues. The County shifted away from this program and instead opened a Crisis hotline effective January 1st. The Crisis Now hotline number is 833-580-CALL, or 833-580-2255, and is monitored 24 hours a day, 7 days a week. The Charter Review Commission will hold their first meeting next Monday, January 10th, this will basically be an organizational meeting. Jeff Rezabek, Director of the Montgomery County Board of Elections asked to speak to council, he will make a presentation at our February 17th meeting.

VISITOR'S COMMENTS

Howard Hartley of Westbrook Road asked for guidance on a flooding issue in Wolf Creek along Westbrook Road caused by the 2019 tornados. It's going on three years and the problem is getting worse. Randy Sanders, Public Service Director, advised that we have been working with the USDA to have the debris removed, but they have asked for an extension of the project four times now. David Roe addressed Council on his request for an update to the city's zoning code for short term rentals.

COUNCIL MEMBER COMMENTS

Bachman wished everyone a Happy New Year. He then thanked DDC for their continued interest in Clayton, they are a good partner for the city. I wish to thank my parents for coming this evening for the swearing-in ceremony, and also thank Commissioner Debbie Lieberman for administering the Oath of Office. I want to thank the citizens of Clayton for allowing me to continue to serve the community. Henning wished everyone a Happy New Year. I wish to congratulate Mayor Stevens and my fellow council members who were sworn in this evening. It's good working with each of you and we're moving the city forward. I want to extend prayers and pass on my support to the Roll family who had a passing in their family. Also, the city's flags are flying half-mast for the Cleveland Police Officer Shane Bartek who was fatally shot in a carjacking, I send my prayers. In regard to the developments going on in the city, I think it's exciting with what's going on, this is smart and strategic growth. Regarding the event planner that we will be hiring for Meadowbrook, I believe this is a good investment and will bring in many events in 2022. Gorman wished everyone a Happy New Year and I also want to thank Mike; your State of the City address was great and shows the city is heading in the right direction for 2022. Merkle stated this is a new year, new beginnings, new challenges, and I wish to thank staff for everything you do. Kelly advised she appreciates the Mayor who is moving us forward. I wish to thank my family, friends, and the citizens of Clayton for my third term, and to thank Commissioner Lieberman for the swearing-in ceremony earlier this evening. I also want to pass on my condolences to Kris Roll on the passing of her son. Lieberman thanked Mayor Steven for his State of the City, and I hope that we will continue to work together on our goals. I also want to mention Kris, and the tragedy that hit the Roll family. No one should lose a child. On a good note, I just want to say that I believe we are where we are because of the City Manager and staff, they are good and they make us look good. I consider it an honor to work with all of you in 2022 and look forward to achieving more things here in Clayton. Stevens passed on his condolences to Kris and her family, and condolences to the Henning family on the passing of his Aunt Loretta, she was 103 years old. We've been working on year-end and new year items. We are only twenty years old and are still evolving. However, I believe we have the right people in the right places, let's keep building on what we've been doing.

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

Meeting adjourned at 9:11PM.