

Minutes of April 21, 2022 Council

Regular Meeting of the Clayton, Ohio City Council
Clayton Government Center
April 21, 2022

CALL TO ORDER

The meeting was called to order by Mayor Stevens at 7:30 PM. Present were Mayor Stevens and Councilmembers Bachman, Gorman, Merkle, Kelly, and Lieberman. Gorman made a motion to excuse Councilman Henning who had a work conflict this evening, motion was second by Merkle. All yeas, motion carried.

SPECIAL PRESENTATIONS

Mayor Stevens presented Eric Wagner and the students of the Northmont High School DECA Teams with a Proclamation recognizing their accomplishments at the State level and wished them luck at the International Career Development Conference in Atlanta, Georgia April 23rd - 27th.

Fire Chief Brian Garver presented awards to Lieutenant Maurer and Firefighter Wilson for recognition of their heroic actions in removing a victim from a structure fire in January. Firefighter/Paramedic Willoughby received an EMS citation for quickly capturing the airway of the victim in the medic unit, and successfully delivering the Cyanokit medication which led to a successful patient outcome. Also recognized was Dispatcher Whiteman, who was able to gather critical information of the victim's location prior to crews' arrival, assisting with victim removal. Crews were also recognized for another incident involving a very critical traumatic injury. Due to the severity of the incident Lieutenant Bakan, Firefighter Stevens, and Firefighter Moss performed a surgical cricothyrotomy to capture the patient's airway before the patient deteriorated any further.

CLERK'S REPORT

Clerk Seim presented the minutes of the April 7, 2022 City Council meeting. Motion by Gorman, second by Kelly to approve the minutes as presented. All yeas, motion carried.

EXECUTIVE SESSION

Mayor Stevens advised an Executive Session is needed to consider the appointment of a public official. Gorman made a motion to break for an Executive Session to consider the appointment of a public official, motion was second by Merkle. Voting: Bachman-yes, Henning-yes, Gorman-yes, Merkle-yes, Kelly-yes, Lieberman-yes, and Stevens-yes. Council broke for Executive Session at 7:50 PM.

Council returned and Mayor Stevens asked for a motion to re-open the regular session. Motion by Gorman to return to regular session, motion was seconded by Bachman. Council returned to regular session at 7:59 PM.

OLD BUSINESS

None

NEW BUSINESS

Ordinance No. O – 04 – 22 – 09 An Ordinance Certifying Unpaid Charges for Nuisance Assessments for 2021/2022 to the Montgomery County Auditor for Collection with Real Estate Taxes and Declaring an Emergency. Kevin Schweitzer, Finance Director, advised these assessments are for demolition charges on three properties. Motion by Gorman to approve the Ordinance as an emergency, second by Bachman. All yeas, motion carried. Motion by Merkle to approve the Ordinance, second by Kelly. All yeas, motion carried.

Law Director Martina Dillon asked that the agenda tonight be amended to include Resolution 04-22-39. A Resolution to Appoint a member to the Clayton Board of Zoning Appeals to fill the Unexpired Term of Zachary Goit. Bachman made a motion to add Resolution 04-22-39 to tonight's agenda. Motion was seconded by Gorman. All yeas, motion carried.

Resolution No. R – 04 – 22 – 31 A Resolution Approving a Contract with the Clayton Professional Firefighters Association, IAFF Local 4379 for the Period April 1, 2022 through March 31, 2025. Chief Garver advised the current contract ended March 31, 2022. Staff and the IAFF have agreed to a new contract. This contract remains competitive with other fire contracts in the area, which is vital for recruitment and retention of staff. Motion by Gorman to approve the Resolution, second by Kelly. All yeas, motion carried.

Resolution No. R – 04 – 22 – 32 A Resolution Authorizing the City Manager to Accept the Bid of and Enter into a Contract with Wagner Paving, Inc. for Paving of Northview Park Path and Parking Lot at a Cost to the City of Clayton, Ohio Not to Exceed \$3,309.00. Randy Sanders, Public Service Director, advised Wagner Paving was selected after competitive bids were received for re-paving and widening of the asphalt paths at the Northview Park. The work will include a new parking lot at the south end of the park along Lavon Court. The city was awarded a \$36,575.00 Natureworks Grant for the project. The lowest bid for the project was \$39,884.00, and the remaining balance will be paid by the city from the park budget. Additionally, city staff will be prepping both the paths and the parking lot to cover the city share of the in kind work. Motion by Merkle to approve the Resolution, second by Kelly. All yeas, motion carried.

Resolution No. R – 04 – 22 – 33 A Resolution Authorizing the City Manager to Enter Into a Listing Agreement with Henkle Schueler & Associates, Inc.-CORFAC International Relative to Specific City Owned Real Property. Jack Kuntz, Director of Development, advised over the last few years city property has been marketed with Mark Langdon from Henkle, Schueler & Associates. During that time, two city properties have been put under options and the city is currently engaged with another end user for the property at North Clayton. The city also acquired two additional parcels of land along N. Main Street which Mr. Langdon assisted with. Motion by Gorman to approve the Resolution, second by Bachman. All yeas, motion carried.

Resolution No. R – 04 – 22 – 34 A Resolution to Authorize and Approve Certain Proposed Revisions to the City Fee Schedule Relative to Certain Zoning Fees. Seth Dorman, City Planner, advised we are needing to sort and move the Code Enforcement Fees to their own section; add a Construction Plan Review fee under Zoning Certificate for the initial infrastructure construction for new developments; change the fee structure for Minor Subdivisions; establish hierarchy of fees for various projects requiring a Zoning Certificate; slight increases to the cost for applying to the Board of Zoning Appeals and Planning Commission; and adding clarification that the applicant will be responsible to pay any fees accrued by the City's Consulting Engineer for plan review and inspections; and the same for the City's TIF Counsel when TIF agreements are being

negotiated. Motion by Gorman to approve the Resolution, second by Lieberman. All yeas, motion carried.

Resolution No. R – 04 – 22 – 35 A Resolution Approving the Participation in Region 8 Governance Structure Under the One Ohio Memorandum of Understanding. Amanda Zimmerlin, City Manager, advised in December of 2021 Council passed Resolution R-12-21-60 accepting the terms of the One Ohio Subdivision Settlement. The Memorandum established the mechanism to distribute settlement proceeds from opioid litigation into Ohio's Communities. The Memorandum also established Regions; with the City of Clayton being in Region 8. The Memorandum required each region to create its own governance structure to ensure that all the Local Governments have input and equal representation. Motion by Bachman to approve the Resolution, second by Merkle. Voting: Bachman-yes, Gorman-yes, Merkle-yes, Kelly-yes, Lieberman-abstain, and Stevens-yes. Motion passed 5-0.

Resolution No. R – 04 – 22 – 36 A Resolution Verifying the City of Clayton, Ohio's LG Share of the One Ohio Opioid Settlement Funds will be used only for Approved Purposes in Accordance with the One Ohio Memorandum of Understanding and Further Establishing the One Ohio Fund (709). Schweitzer advised we anticipate receipt of monies associated with the settlement with the three largest distributors of opioids. Motion by Bachman to approve the Resolution, second by Gorman. All yeas, motion carried.

Resolution No. R – 04 – 22 – 37 A Resolution Authorizing the City Manager to Enter Into an Agreement with the Auditor of State to Audit the Basic Financial Statements of the City for the Year Ending December 31, 2021 and at a Cost Not to Exceed \$30,012. Schweitzer advised Clark Schaffer Hackett & Co. performed our audits for the last 10 years and the State requires that the Auditor of State perform the audit once every 10 years. An annual audit is required by Ohio Revised Code and is necessary to add credibility to the implied assertion by an organization's management that its financial statements fairly represent the organization's position and performance. The audit is also designed to reduce the possibility of a material misstatement and/or fraud. The audit also aids in the City maintaining its' Moody's Aa2 credit rating. Motion by Gorman to approve the Resolution, second by Kelly. All yeas, motion carried.

Resolution No. R – 04 – 22 – 38 A Resolution Approving Amendment of 2022 Appropriations and Estimated Resources. Schweitzer advised we need to increase appropriations for Meadowbrook due to acquiring a liquor license, equipment purchases, payment system, cleaning of equipment and personnel costs associated with repairs and painting of offices and banquet rooms. The city also received an additional \$2,764.65 from the American Rescue Plan Act. Motion by Gorman to approve the Resolution, second by Kelly. All yeas, motion carried.

Resolution No. R – 04 – 22 – 39 A Resolution to Appoint a member to the Clayton Board of Zoning Appeals to Fill Unexpired Term of Zachary Goit. Motion by Gorman to appoint Bob Madewell to the Board of Zoning Appeals, motion was seconded by Merkle. All yeas, motion carried.

CITY MANAGER'S REPORT

Amanda Zimmerlin, City Manager, advised our park cleanup day is this Saturday, April 23rd beginning at 10 AM. You can go to any of the parks, there will be park board members there to hand out materials to help you clean up the parks. Sweep Clayton Clean is coming up on Saturday, May 21st from 8 AM to Noon at Fire Station 83 at 200 Woolery Lane. A reminder the

dumpsters fill up fast so get there early. We are back to pre-pandemic operations where staff will help you load your items into the dumpsters and the woodchipper will be there. About a year ago Councilman Henning asked about the possibility of starting a veteran's banner program. Jack Kuntz, Development Director, worked with Angie Clifford at the Northmont Chamber of Commerce since she works across all three jurisdictions. The banners will be displayed between Memorial Day and Veterans Day long Main Street through Clayton, Englewood, and Union. Our sign shop will be producing the banners, and the banners will be on display for four years at which time they can be offered back to the families. Each banner costs \$200 and this program is being done through the Chamber. We were awarded two road grant programs. Phillipsburg Union will be resurfaced with a grant through the Corona Virus Response and Relief Supplemental Appropriations Act, in addition to Salem Street being resurfaced with a grant through the Surface Transportation Program. These projects are slated to be engineered in 2022 and completed in 2023. The Retreat planting event is scheduled for April 30th. They will be planting trees damaged or destroyed during the May 2019 tornadoes. With our new operations at Meadowbrook and having an event planner, Elaine and Amanda looked at the rates we currently charge and have suggested making some changes. The suggested rates are included to your packets, and we plan to have them before Council at the May 5th meeting for your approval. Just a note, Oakes Tree Development has submitted a preliminary plan for the corner of Haber and National Roads. It is currently under staff review and is slated for the Planning Commission for their May meeting.

VISITOR'S COMMENTS

Dennis Marlow who lives on Phillipsburg Union Road shared his frustration with his trash service with Republic. Earl Harlamert advised the Parks Commission is holding a park cleanup day this Saturday at all three parks. Two members of the Parks Commission will be at each park, with clean up starting at 10:00 AM and will be over by Noon. Bags, gloves, and bottled water will be supplied. The cleanup of tree limbs will help the city's mowing crews.

COUNCIL MEMBER COMMENTS

Bachman stated looking at the recognition of the Fire Department earlier this evening, those individual incidents, they obviously went above and beyond. Not that there were any doubts, but the collaborative is working, so keep up the good work. Gorman stated I would like to compliment the DECA students for a job well done. I'd also like to thank the firefighters and EMS for their excellent work. Lastly, Clayton recently lost a long-time businessman and resident, Joe Schmidt. Merkle congratulated the DECA students and fire department for jobs well done. You don't realize what you have until you actually need it. When it's there and offered to you, you're grateful for it. I also lost a neighbor last week, a neighbor for 45 years. With Covid neighbors didn't get out and see each other, so I didn't know she was that seriously ill. My condolences to my neighbor and from the standpoint of the loss of a wife, Mother, and community member. Kelly thanked Chief Garver and his crews for their service, and for the great job your department does and from a personal level in the past, thank you so much. I don't know what we would do without such a great department. Thank you. Lieberman stated I would just repeat everything everybody else said, the DECA kids did a great job, the fire department collaborative is doing a great job. Keep up the great work. Stevens congratulated the DECA students. I've worked with those kids, they're really smart and I'm proud of all their work. The fire department, to the Chief and the rest of those guys they are heroes, and I'm very proud of all

of them. I want to comment on something that people take for granted. I live near the Intersection of Union and SR49 and the difference there is unbelievable, at night especially. With the new lighting, turn lanes and signals it's just so much different and better. As always, I want to thank Council and staff for their great work, makes me proud.

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

Meeting adjourned at 8:43 PM.