

Minutes of May 19, 2022 Council

Regular Meeting of the Clayton, Ohio City Council
Clayton Government Center
May 19, 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. In accordance with Ohio H.B. 51, members of a public body may hold and attend meetings and hearings by means of teleconference, video conference, or similar electronic technology through June 30, 2022. Clayton held its regularly scheduled City Council meeting on Thursday, May 19, 2022 via Zoom with Councilmember Lieberman attending via Zoom.

SPECIAL PRESENTATIONS

Police Chief Hamlin swore in newly hired Police Officer Paige Ghrist.

Fire Chief Garver officially swore in Fire Safety Inspector Erin Johnson.

Jack Kuntz, Director of Development; Randy Sanders, Public Service Director; and Mike Murray, City Engineer with IBI, proposed project alternatives for the Hoke and Wenger Roads Intersection for Council's consideration.

CLERK'S REPORT

Clerk Seim presented the minutes of the May 5, 2022 City Council meeting. Motion by Henning, second by Kelly to approve the minutes as presented. Voting: Bachman-yes, Henning-yes, Gorman-abstain, Merkle-yes, Kelly-yes, Lieberman-yes, and Stevens-yes. Motion passed 6-0.

OLD BUSINESS

Ordinance No. O – 05 – 22 – 10 An Ordinance Approving Amendments to Articles 3 and 22 of the City's Personnel Practices Manual. Second reading, no further discussion. Motion by Henning to approve the Ordinance, second by Gorman. All yeas, motion carried.

NEW BUSINESS

Ordinance No. O – 05 – 22 – 11 An Ordinance to Approve Current Replacement Pages to the Clayton Codified Ordinances. Motion by Gorman to approve the Ordinance, second by Kelly. All yeas, motion carried.

Ordinance No. O – 05 – 22 – 12 An Ordinance Delineating an Overlay in Relation to the Proposed Wenger Village Incentive District Within the City of Clayton, Ohio; Adopting a Written Economic Development Plan as to Same, all as Pursuant to Ohio Revised Code Section 5709.40(C), and Declaring an Emergency. Jack Kuntz, Director of Development, advised prior to the adoption of a new tax incentive district within municipal boundaries Council must adopt an economic development plan that details the area for the future Tax Incremental Finance (TIF) District. Staff and legal counsel have been working with Oakes Tree Development over the last several months to propose a new TIF District for the Wenger Village, Section 3 project. This

new TIF district will assist the developer install necessary infrastructure including the extension of sanitary sewer to the site, new roads, and other public utilities. Prior to the approval of a future incentive district and TIF legislation, Council must adopt the development plans which details the importance of this project to the future growth and health of the city. The second requirement prior to adoption of future TIF legislation is for Council to approve the boundaries of the future TIF districts, via an overlay on the city map. Staff has prepared the boundary map for the overlay adoption. Motion by Bachman 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 – 05 – 22 – 13 An Ordinance Authorizing the Creation of the Wenger Village Incentive District within the City of Clayton, Ohio; Declaring Improvements to Certain Real Property Within Such Incentive District to be Public Purpose; Describing the Public Infrastructure Improvements to be Made to Benefit or Serve the Real Property within such Incentive District; Declaring such Property to be Exempt from Real Property Taxation; Requiring Annual Service Payments in Lieu of Taxes; Establishing a Municipal Public Improvement Tax Increment Equivalent Fund; and Providing Related Authorizations Pursuant to Ohio Revised Code Sections 5709.40(C), 5709.42, 5709.43, 5709.832 and 5709.85. Kuntz advised to appropriately assist new developers in the installation of future infrastructure to spur economic development, staff believes it's necessary to create TIF districts where appropriate and in coordination with approved project sites. Staff has worked with Oakes Tree Development, the developer for Wenger Village, Section 3 and our TIF counsel Bricker & Eckler to create the TIF District legislation, specific to the Wenger Village, Section 3 project for the last several months. Earlier tonight, Council was presented a new economic development plan and district overlay map specific to the proposed Wenger Village TIF District. The proposed TIF is a 10-year, 75% abatement on the improved value of the land, to be reimbursed to the developer for the infrastructure improvements. Clayton, Montgomery County, and the Northmont City Schools will be reimbursed 25% of the newly created tax revenue over the course of the 10-year agreement. Per ORC statues, the local school districts have been notified of the proposed TIF. Motion by Merkle to approve the Ordinance, second by Kelly. All yeas, motion carried.

Ordinance No. O – 05 – 22 – 14 An Ordinance Delineating an Overlay in Relation to the Proposed Wenger Village Incentive District Within the City of Clayton, Ohio; Adopting a Written Economic Development Plan as to Same, all as Pursuant to Ohio Revised Code Section 5709.40(C), and Declaring an Emergency. Mayor Stevens stated at this time we wish to Table this Ordinance. Motion by Bachman to Table Ordinance O-05-22-14, motion was second by Gorman. All yeas, motion carried.

Ordinance No. O – 05 – 22 – 15 An Ordinance Authorizing the Creation of the National and Haber Incentive District within the City of Clayton, Ohio; Declaring Improvements to Certain Real Property Within Such Incentive District to be Public Purpose; Describing the Public Infrastructure Improvements to be Made to Benefit or Serve the Real Property within such Incentive District; Declaring such Property to be Exempt from Real Property Taxation; Requiring Annual Service Payments in Lieu of Taxes; Establishing a Municipal Public Improvement Tax Increment Equivalent Fund; and Providing Related Authorizations Pursuant to Ohio Revised Code Sections 5709.40(C), 5709.42, 5709.43, 5709.832 and 5709.85. Mayor

Stevens stated at this time we also wish to Table this Ordinance. Motion by Kelly to Table Ordinance O-05-22-15, motion was second by Gorman. All yeas, motion carried.

Resolution No. R – 05 – 22 – 41 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 \$26,552.33, said Amount to be Shared Among the Cities of Clayton, Englewood, and Union. Chief Garver advised all three fire departments within the collaborative utilize the same software for EMS reporting, fire reporting, training records, etc. All three departments need to utilize the same software to be efficient and effective in daily operations as well as long term information gathering. The cost of the software is divided proportionally based on emergency call volume and number of personnel for each department, but only one department can be invoiced. Motion by Gorman to approve the Resolution, second by Kelly. All yeas, motion carried.

Resolution No. R – 05 – 22 – 42 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, 2022 through August 31, 2023. Elaine Wittman, Assistant to the City Manager, advised we propose renewing the City's current Anthem medical insurance plan that will keep the deductible and coverage the same and increase the premium rates by 4.85%. Motion by Gorman to approve the Resolution, second by Henning. All yeas, motion carried.

CITY MANAGER'S REPORT

Amanda Zimmerlin, City Manager, advised I want to share some good news. A goal of the Public Service Department for this year is to get everyone to a Class A CDL. Most everyone has completed their Class A CDL, and Ben McCarroll, Ben Nass and Ron Calvert obtaining their Class A CDL just this month. At our last meeting we discussed the Financial Indicator Report I had previously sent to Council. Councilman Merkle had some questions on indicator #7 which is the income tax, and I have asked Mr. Schweitzer to discuss that report. Schweitzer stated the main issue was the pandemic, we saw an eight percent decrease. Residents weren't working so they were not making estimated payments, businesses were closed and when they re-opened, they had limited staff so there was less withholdings. If you look at what we collected in 2021 versus 2020 there was a 12 ½ percent increase. Schweitzer also shared a letter from CCA in their defense of their tax collection, and their desire to continue the service. At a previous meeting, representatives from Huber Heights shared a proposal where they would take over income tax collection for Clayton. Schweitzer stated there are pros and cons with both options and Council will need to determine which entity they want to use going forward. After discussion it was determined that legislation will be drawn up to cancel the contract with CCA for the June 16th meeting. Council will need to determine at that time if they want to move forward with canceling our contract with CCA or continue with their service. Zimmerlin provided an update on the USDA tornado cleanup project. We had a meeting on Monday, May 2nd with USDA, going out and marking the parameters of the cleanup area. On May 3rd we met with the bidders, I believe there were 11 bidders. At this time, we don't know who the winning bidder is, but should know by the end of the month. Once the contract is awarded, they have 15 days to complete the cleanup, and the work should be completed by the end June. On a previous City Manager's Report, I shared the State of Ohio signed into law the fireworks bill which

allows, starting July 1st, residents in the state to set off fireworks on certain days of the year within certain parameters. In talking with both chiefs, they recommend that we do not take any steps to ban them within the city, and just see how things go. There is nothing prohibiting us in the state law that says after July 1st if we don't want to allow fireworks that we can come back and prohibit them. The way the law is written now, you're not allowed to set fireworks off after sunset anyway. If people do and we get complaints we do have noise and nuisance ordinances the police would be able to utilize. Another item for discussion is electrical aggregation due to AES's electrical price increase. At your seats you will see where Law Director Dillon documented the steps the city would need to take should Council decide to go forward with an electrical aggregation program. This is not a quick process and should we decide to move forward, it will be next Spring or Summer before it could be implemented. Dillon suggested having a consultant come to a future meeting to discuss the process so Council can make a decision moving forward. A quick update on our EDGE grant. We entered into a joint application with Vandalia for an EDGE grant to incentivize a potential business on a parcel on SR49. We did receive notice that the city was awarded the grant. Right now, we do not know if the development is coming to Clayton, but the fact that the EDGE grant was approved is a good sign. Lastly, our Spring Sweep Clayton Clean is this weekend from 8 am until noon at Fire Station 83 located at 200 Woolery Lane. We'll take brush to refrigerators.

VISITOR'S COMMENTS

Elaine Herrick of Kimmel Road shared her interest in the electrical aggregate and encouraged Council to pursue this for the city. Ms. Herrick also shared her issue with stray dogs in the community and concern with the lack of help from the Animal Resource Center and the impact it is having on the community. Chief Hamlin addressed her concerns with stray dogs, stating we do have program with the Clayton Animal Hospital, to temporarily hold animals for a three-day hold until the ARC would then pick them up. However, their charge is \$130 a night. It comes down to who is going to pay the daily fee if we use them. We do not have the facility or the manpower to handle stray dogs. The Animal Resource Center has the facility, they have the dog catcher, we pay into it, it is who should handle stray dogs.

COUNCIL MEMBER COMMENTS

Lieberman thanked staff and council for allowing him to participate in tonight's meeting via Zoom, and congratulated Officer Ghrist and Fire Inspector Johnson. Gorman thanked and congratulated Officer Ghrist and Fire Inspector Johnson on their new positions and wished them good luck. Henning announced this is Police and EMS appreciation week, whether it's police, EMS, etc. we know in our community when we call 9-1-1, we get an amazing level of care. I attended an event last night in Clermont County for public safety appreciation. Their Chamber of Commerce held a banquet, recognizing their public service employees and their years of service milestones. I would like to see something like this next year for the community. Henning then welcomed Officer Ghrist and Fire Inspector Johnson to the Clayton family, and thanked Elaine (Herrick) for coming tonight to discuss the electrical aggregation. Bachman welcomed Officer Ghrist and Fire Inspector Johnson. We shared a lot of information tonight; I want to thank staff for always being on top of everything and answering all our questions. Memorial Day will be held before our next meeting, can we find out if there will be a program at the High School the Saturday before and share that information with residents. Everyday is a good day to thank Veterans, but Memorial Day is the one particular day where we thank those

who gave the ultimate sacrifice. Stevens also welcomed Officer Ghrist and Fire Inspector Johnson to the Clayton family. I want to share that Schweitzer passed another audit for our JEDD (Joint Economic Development District) we have with Clay Township; the audit came back flawless. As always, I want to thank Council and staff for a fantastic job, and I want to thank the residents for caring and who come to our meetings, we appreciate that. We'll take all your comments in consideration and you're welcome back anytime.

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

Meeting adjourned at 9:29 PM.