

Minutes of September 1, 2022 Council

Regular Meeting of the Clayton, Ohio City Council
Clayton Government Center
September 1, 2022

CALL TO ORDER

The meeting was called to order by Mayor Stevens at 7:17 PM. Present were Mayor Stevens and Councilmembers Bachman, Henning, Gorman, Merkle, Kelly, and Lieberman.

SPECIAL PRESENTATIONS

Mayor Stevens presented a Proclamation to the members of Clayton's Park Commission, designating the Sunday before Labor Day as *Parks Advisory Commission Day*.

Mark Gavin Sr. of Power Clean Future Ohio gave a presentation on Aggregation and Green Energy.

CLERK'S REPORT

Clerk Seim presented the minutes of the August 18, 2022 Council Workshop. Motion by Gorman, second by Kelly to approve the minutes as presented. All yeas, motion carried.

Seim then presented the minutes of the August 18, 2022 City Council meeting. Motion by Gorman, second by Merkle to approve the minutes as presented. All yeas, motion carried.

Law Director Martina Dillion requested a Resolution be added to the agenda this evening, Resolution R-09-22-61. The purpose of that is to correct a previous Resolution R-08-22-58 adopted on August 18, 2022. There was a line item with respect to the general appropriation amount for operating expenses that had a typing error. Motion by Gorman to add Resolution R-09-22-61 to tonight's agenda, motion was seconded by Bachman. All yeas, motion carried.

Dillon also advised that Ordinances 29, 30, and 31 and two Resolutions 59 and 60 that were included in your packets had the month as August but should have been September. We need a voice vote to correct the 08 designation on each of those to a 09 designation. Motion by Gorman to change the designation to 09 for the three Ordinances and two Resolutions, motion was seconded by Kelly. All yeas, motion carried.

OLD BUSINESS

Ordinance No. O – 08 – 22 – 21 An Ordinance Approving an Amendment to the Clay Township-City of Clayton Joint Economic Development District (JEDD) Contract to Remove Specified Parcels of Real Estate Therefrom and Declaring an Emergency. Second reading, no further discussion. Motion by Gorman to approve the Ordinance as an emergency, motion was second by Merkle. All yeas, motion carried. Motion by Lieberman to approve the Ordinance, motion was second by Bachman. All yeas, motion carried.

Ordinance No. O – 08 – 22 – 22 An Ordinance to Maintain Lighting Assessment and Declaring an Emergency. Second reading, no further discussion. Motion by Merkle to approve the Ordinance as an emergency, motion was second by Henning. All yeas, motion carried. Motion by Gorman to approve the Ordinance, motion was second by Henning. All yeas, motion carried.

Ordinance No. O – 08 – 22 – 23 An Ordinance Authorizing the Submission of the 2022/2023 North Clayton Community Authority Charge Assessments to the Montgomery County Auditor and Declaring an Emergency. Second reading, no further discussion. Motion by Gorman to approve the Ordinance as an emergency, motion was second by Henning. All yeas, motion carried. Motion by Lieberman to approve the Ordinance, motion was second by Kelly. All yeas, motion carried.

Ordinance No. O – 08 – 22 – 24 An Ordinance Certifying Unpaid Charges for Nuisance Assessments for 2022/2023 to the Montgomery County Auditor for Collection with Real Estate Taxes and Declaring an Emergency. Second reading, no further discussion. Motion by Gorman to approve the Ordinance as an emergency, motion was second by Henning. All yeas, motion carried. Motion by Henning to approve the Ordinance, motion was second by Gorman. All yeas, motion carried.

Ordinance No. O – 08 – 22 – 25 An Ordinance Certifying Unpaid Charges for Grass/Weed Cutting for 2022/2023 to the Montgomery County Auditor for Collection with Real Estate Taxes and Declaring an Emergency. Second reading, no further discussion. Motion by Kelly to approve the Ordinance as an emergency, motion was second by Henning. All yeas, motion carried. Motion by Gorman to approve the Ordinance, motion was second by Lieberman. All yeas, motion carried.

Ordinance No. O – 08 – 22 – 26 An Ordinance to Impose Assessments Upon Owners of Real Property in Arrears for Payment of Fees for Waste Hauling and Disposal Services for 2022/2023 and Declaring an Emergency. Second reading, no further discussion. Motion by Gorman to approve the Ordinance as an emergency, motion was second by Merkle. All yeas, motion carried. Motion by Gorman to approve the Ordinance, motion was second by Henning. All yeas, motion carried.

NEW BUSINESS

Ordinance No. O – 09 – 22 – 29 An Ordinance Amending Section 311.01 of the Clayton Codified Ordinances Entitled, “Placing Injurious Material or Obstruction in Street”, Matt Hamlin, Police Chief, advised the Public Service Director advised when snow plowing operations are completed, additional plowing is sometimes required due to residents placing plowed snow from driveways, back on the roadways, therefore requiring additional work and safety concerns. Motion by Gorman to approve the Ordinance, second by Kelly. All yeas, motion carried.

Ordinance No. O – 09 – 22 – 30 An Ordinance Amending Section 351.011 of the Clayton Codified Ordinances Entitled, “Prohibiting Parking on City Streets with Snow Accumulation of Three Inches or More”. Hamlin advised the Public Service Director advised when snow accumulates more than two inches, snowplows begin to operate, and the change of language allows the Police Department to remove vehicles parked on city streets to assist with snow plowing operation. Motion by Kelly to approve the Ordinance, second by Bachman. All yeas, motion carried.

Ordinance No. O – 09 – 22 – 31 An Ordinance Amending Clayton Codified Ordinance Section 531.50 Entitled, “Trimming and Removal of Trees, Plants and Shrubbery to Prevent Obstruction and Protect Public Safety”. Randy Sanders, Public Service Director, advised we are asking the

height in this legislation be increased from 12 feet to 14 feet to reflect the larger height of trash trucks and other taller trucks that operate within the city. Specifically, the trash trucks are now thirteen feet tall and the proposed clear height gives an additional foot of space in between the top of the trash truck and the tree limbs or branches. Motion by Gorman to approve the Ordinance, second by Henning. All yeas, motion carried.

Resolution No. R – 09 – 22 – 59 A Resolution Authorizing the City Manager to Purchase a Tension Fabric Salt Building Through Sourcewell Cooperative Purchasing at a Price Not to Exceed \$81,415.00. Sanders advised with the current poor condition of our older salt structure on Woolery Lane, the city is requesting the purchase of a new tension fabric structure to be constructed in the same location. The 52'x 96' structure will store gravel and other material to keep dry as per the EPA requirements and give the department an area to keep our loader out of the weather. Motion by Henning to approve the Resolution, second by Kelly. All yeas, motion carried.

Resolution No. R – 09 – 22 – 60 A Resolution to Declare Surplus Equipment Available for Disposal through Sale or Auction. Hamlin advised a 2016 Ford Police Interceptor that was formerly part of the police fleet, needs a transmission replacement, and is no longer cost effective to maintain. We are requesting it to be deemed surplus and disposed of it on GovDeals. Motion by Gorman to approve the Resolution, second by Henning. All yeas, motion carried.

Resolution No. R – 09 – 22 – 61 A Resolution Approving Specified Revision to Resolution No. R-08-22-58 Adopted on August 18, 2022 Relative to Amendment of 2022 Appropriations and Estimated Resources. Motion by Merkle to approve the Resolution, second by Gorman. All yeas, motion carried.

CITY MANAGER'S REPORT

Amanda Zimmerlin, City Manager, advised the Labor Day Fireworks and Festival is this Sunday, September 4th beginning at 7:00 p.m. The Homecoming Parade is Thursday, September 29th starting at 6:00 p.m., if Council could let me know by September 16th who wants to be involved so I can RSVP for the group. I would like to request a Work Session on October 20th at 6:30 p.m. to discuss building inspections. With all the new building coming online, the new subdivisions that are being built, we want to discuss the other options we have outside of the County for building inspections. We will be bringing the park paving bid for Clayton Park at the next meeting. Just a reminder, it's our 25th Anniversary next year and staff is starting to think of ideas and how we can celebrate. We have a requirement to do a redistricting study for our wards that needs to be done by July of 2023, staff has begun work on this. Mr. Kuntz is working with the Dayton Daily News; we are going to be featured in the "In Our Cities" section of the newspaper on the first Fridays of the month of September. The Clayton Government Academy starts September 7th and there is still room to sign up, if anyone is interested, they can call Jack Kuntz at 937-836-3500.

VISITOR'S COMMENTS

None heard

COUNCIL MEMBER COMMENTS

Lieberman congratulated the Parks Commission; you guys are wonderful and a big part of Clayton and I want to thank you for what you do. Kelly stated I also want to thank the Parks Commission on the improvements of the parks and helping our community grow with all of the family events and highlighting Meadowbrook with activities and events. The members of the Parks Commission work very hard and it's very appreciated. Merkle stated I do want to thank the Parks Commission for what you've done. When Jack has given presentations on economic development, he mentions the amenities that the community has to offer is one of things that people are looking for when coming into the area. I also want to thank Mr. Gavin for the information earlier this evening. Gorman stated I would like to thank the Parks Commission also and wish everyone a Happy Labor Day weekend, and I hope to see you all Sunday evening at Meadowbrook. Henning advised I want to commend all the Parks Commission members. We have a strong Police and Fire departments, service department and staff, but the parks commission provides something that I know so many residents enjoy. We are now to the point where so many kids in our community look forward to the events each year, it's what sets our community apart. Schools are back in session, buses are out, please watch for kids. Once again, I want to thank the Police for being out in the plats. Bachman stated I just want to echo what everyone else has said and I'm looking forward to our, it's kind of referred to as our Super Bowl, our biggest event of year, so I'm looking forward to Sunday and hope everyone has a wonderful holiday weekend. Stevens stated I also want to commend the Parks Advisory Commission on the great work you do. Everything that they've done is fantastic and we appreciate their leadership. It's a great group of people and you have a lot of fun, that's the best part of it. I'm so proud of our Council and our staff, and our residents too. We all work together to make this a great city.

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

Meeting adjourned at 8:39 PM.