

Minutes of January 5, 2023 Council

Regular Meeting of the Clayton, Ohio City Council
Clayton Government Center
January 5, 2023

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

- Swearing in Ceremony – Fire Department, postponed until February 2, 2023
- Swearing in Ceremony – Police Department, postponed until February 2, 2023
- State of the City Annual Address – Mayor Stevens

CLERK'S REPORT

Clerk Seim presented the minutes of the December 15, 2022 Council meeting. Motion by Gorman, second by Bachman to approve the minutes as presented. Voting: Bachman-yes, Henning-abstain, Gorman-yes, Merkle-yes, Kelly-yes, Lieberman-yes, and Stevens-yes. Motion passed 6-0.

OLD BUSINESS

None

NEW BUSINESS

Ordinance No. O – 01 – 23 – 01 An Ordinance Approving Construction of Street Lighting Improvements In and to Adopt Assessments for Annual Lighting Charges Upon Lots Located Within Wenger Village, Section Three in the City of Clayton, Ohio. Jack Kuntz, Director of Development, advised Council previously approved the required Wenger Village, Section 3 Resolution of Necessity for the new street lighting district. This document has been sent to the developer and the county auditor's office, and was the first step to establishing the new street light district in Section 3. The next step is the actual creation of the Wenger Village, Section 3 Street Lighting District. As previously stated during the passing of the Wenger Village, Section 3 Resolution of Necessity, Oakes Tree Development is the developer and current owner of all the lots included with this section. As part of the approved plans for the build out, the developer is responsible for installing streetlights consistent with the previously developed sections. The developer assumes all costs for the installation of the streetlights and the future homeowners will be responsible for the operations of the lights via an annual assessment. Motion by Gorman to approve the Ordinance, second by Kelly. All yeas, motion carried.

Resolution No. R – 01 – 23 – 01 A Resolution to Re-appoint Dave Bills to the Clayton Planning Commission. Motion by Henning to re-appoint Dave Bills to the Clayton Planning Commission, motion was second by Gorman. All yeas, motion carried.

Resolution No. R – 01 – 23 – 02 A Resolution to Re-appoint Robert McGuinness to the Clayton Board of Zoning Appeals. Motion by Henning to re-appoint Robert McGuinness to the Clayton Board of Zoning Appeals, motion was second by Gorman. All yeas, motion carried.

Resolution No. R – 01 – 23 – 03 A Resolution Appointing ___ to the Parks Advisory Commission. Mayor Stevens advised the Parks Advisory Commission member recently had some health issues and asked that we table this Resolution at this time. Motion by Henning to table Resolution R-01-23-03, motion was second by Kelly. All yeas, motion carried.

Resolution No. R – 01 – 23 – 04 A Resolution Appointing Members to the *Council Salary Review Commission*. Motion by Henning to appoint Reginald Greathouse, Duane Martin and Tony Napier to the *Council Salary Review Commission*, motion was second by Bachman. All yeas, motion carried.

Resolution No. R – 01 – 23 – 05 A Resolution to Appoint Clayton Representatives to the First Suburbs Consortium for the Year 2023. Motion by Henning to re-appoint Gorman and Henning as our representatives, and Merkle as the alternate, motion was second by Bachman. All yeas, motion carried.

Resolution No. R – 01 – 23 – 06 A Resolution Appointing Clayton Representatives to the Volunteer Fire Fighters' Dependents Fund Board for the Year 2023. Motion by Bachman to re-appoint Lieberman and Kelly, motion was second by Henning. All yeas, motion carried.

Resolution No. R – 01 – 23 – 07 A Resolution to Appoint a Clayton Representative and an Alternate to the Miami Valley Regional Planning Commission and Transportation Committee for the Year 2023. Motion by Henning to re-appoint Gorman as the member and Stevens as the alternate, motion was second by Merkle. All yeas, motion carried.

Resolution No. R – 01 – 23 – 08 A Resolution Appointing Member to the Cost Recovery/Impact Fee Appeals Board. Motion by Henning to re-appoint Lieberman, motion was second by Bachman. All yeas, motion carried.

Resolution No. R – 01 – 23 – 09 A Resolution Authorizing the City Manager to Enter Into an Agreement with the John R. Jurgensen Company for the 2023 Salem Street Resurfacing Project PID 116866 at a Total Project Cost of \$409,542.43 and a Total Cost to the City of Clayton, Ohio Not to Exceed \$81,906.49. Randy Sanders, Public Service Director, advised John R. Jurgensen Company was selected for the 2023 Salem Street resurfacing project after competitive bids were received. This project is a grant awarded project from the MVRPC. Two bids were received and John R. Jurgensen was the lowest and best bid. The project will begin in the spring of 2023. The city was responsible for the design engineering and staff will be performing the inspection which saves the city \$36,000 in construction engineering fees. This project is part of the 2023 budget. Motion by Gorman to approve the Resolution, second by Henning. All yeas, motion carried.

Resolution No. R – 01 – 23 – 10 A Resolution Authorizing a Memorandum of Understanding with the International Association of Fire Fighters Local 4379. Fire Chief Brian Garver advised three items are on the MOU. The first item clarifies holiday time that can be counted towards work period overtime they receive for an attendance bonus. The next item, we had a residency requirement where you had to live in a contiguous County, that has been removed. And, third to change the language for the rate of EMT. We're not changing the actual rate, we just putting

those rates in the contract. Motion by Henning to approve the Resolution, second by Kelly. All yeas, motion carried.

Resolution No. R – 01 – 23 – 11 A Resolution Authorizing the City Manager to Provide Written Notice to the Board of Commissioners of Montgomery County, Ohio of Termination of a Certain September 2, 1997 Agreement Between the then Village of Clayton, Ohio (Now City of Clayton, Ohio) and Board of Commissioners of Montgomery County, Ohio Relative to Building Inspection and Related Duties (Excepting Plumbing Inspections and Related Duties) and Further Requesting Waiver of the Notice of Termination Provision in Said Agreement Such that Said Termination May Become Immediately Effective. Kuntz advised during the second week of December, the state of Ohio's Boarding of Building Standards approved Clayton's application to become its own residential and commercial building department. This certification permits Clayton to provide building department services to the community for both residential and commercial applicants. Per previous legislation and the authorized agreement with NIC, building department services will be transitioned from Montgomery County to NIC on January 1st. Per our original agreement with Montgomery County, Clayton City Council must provide notice of separation in writing and request the county to waive the time specified in the agreement for separation. The city's law director has been working with the county's legal counsel on this requested separation and providing this letter will permit the County Commissioners to move forward in passing the required legislation stipulating they will no longer provide those building services to Clayton. Law Director Dillon advised she sent an updated version of this Resolution earlier today because I did change the language at paragraph three due to conversations with the attorney for the County. Clarification language was added to indicate that upon termination of the agreement the County is released from any further obligation under that agreement except for the plumbing inspections and we added a copy of the letter from Public Health indicating they were going to continue those plumbing inspections. Motion by Henning to amend Resolution R-01-23-11 to include the specific language change in Paragraph 3 as outlined by Ms. Dillion, motion was second by Gorman. Voting: Bachman-yes, Henning-yes, Gorman-yes, Merkle-yes, Kelly-yes, Lieberman-abstain, and Stevens-yes. Motion passed 6-0. Gorman then made a motion to approve the Resolution as amended, motion was second by Henning. Voting: Bachman-yes, Henning-yes, Gorman-yes, Merkle-yes, Kelly-yes, Lieberman-abstain, and Stevens-yes. Motion passed 6-0.

CITY MANAGER'S REPORT

Amanda Zimmerlin, City Manager, advised City offices will be closed Monday, January 16th in observance of Martin Luther King, Jr. day. Zimmerlin shared that the recent snow event over the Christmas holiday cost a total of \$35,170 for labor, salt, and brine. It's amazing that our service department can do so much with so few people is absolutely amazing, they did a great job. We have our City Council goal setting session for Sunday, February 5th from 10 am to 2 pm. The Village of North Clayton developer has submitted their plans and they will be before the Planning Commission at their February meeting. They should be coming before Council on March 16th and there will be a public hearing. On my last City Manager report I shared the savings with our Fire Department since moving to the Collaborative. Fire Chief Brian Garver explained how the Collaborative is saving money due to not needing to purchase new equipment and also sharing employees between the cities. Zimmerlin advised Council we will have a Work Session prior to our next meeting, January 19th to hear from the MVCC on Electrical Aggregation.

VISITOR'S COMMENTS

Earl Harlamert of the Parks Commission advised we have a new event coming up at Meadowbrook and asked Mr. Kuntz to explain. Kuntz advised the city is hosting the Northmont Family Movie Night at Meadowbrook on Friday, January 20th. Doors open at 6:00 p.m. and pizza from Dominos will be available to purchase. The movie starts at 6:30 p.m. and we will be showing "The Bad Guys."

COUNCIL MEMBER COMMENTS

Lieberman stated Mayor Stevens during your State of the City address there was one thing you didn't mention, it was probably the first time in about 25 years the Dayton Daily News actually called us a City, and they are running stories about what we're doing up here. Kelly thanked Mayor Stevens on his State of the City presentation, and thank you for our work session earlier this evening on electrical aggregation, it was very informative. Merkle thanked Stevens for his State of the City presentation and the representatives from SOPEC on their presentation on electrical aggregation. Looking forward to a new year and better things. Gorman thanked the representatives from SOPEC for coming this evening, and Stevens on his State of the City presentation. Lastly, I want to wish everyone a Happy New Year. Henning thanked the representatives from SOPEC for coming this evening to talk about their aggregation program. Residents have been inquiring since the election and our electric bills are very high, let's get this going. The service department did a fantastic job on the recent snow event, and I also want to remind everyone that with the colder weather remember to check in on you neighbors. I also want to thank everyone for the best wishes for my Wife, Natalie, and our growing family. Bachman thanked Mayor Stevens for the State of the City address that outlined our successes and projects that are moving forward. I want to thank SOPEC for coming this evening, we all learned a lot tonight. I also want to thank Chief Garver on the update on the Fire Collaborative. Lastly, remember this is tax season, and last year we voted to stay with CCA. I think it was the right choice. Stevens also thanked the representatives from SOPEC for coming this evening, it was an informative presentation, and I want to thank the residents who came in this evening. I want to comment on the recent snowstorm, our crews did a great job our streets were cleared quickly. I'm so happy for the last year, we're always going to be facing those curve balls, the economy, things that are out of control, but I have confidence in our leadership at all levels. We will continue to make the right decisions and keep everything moving forward. I'm really happy to see some of those things come to fruition in 2023. Happy New Year everyone.

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

Meeting adjourned at 8:42 PM.