

## **Minutes of February 2, 2023 Council**

Regular Meeting of the Clayton, Ohio City Council  
Clayton Government Center  
February 2, 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, and Kelly. Motion by Gorman to excuse Mr. Lieberman who is running a little late this evening, motion was seconded by Henning. All yeas, motion carried.

Mayor Stevens asked for a motion to appoint a special Clerk of Council this evening. Motion by Gorman to appoint Lindsey Dervali as Acting City Clerk, motion was second by Kelly. All yeas, motion carried.

Lieberman joined the meeting at 7:34 PM.

### **SPECIAL PRESENTATIONS**

Jack Kuntz recognized Kelley Greene and Rebecca Fultz on winning the 2022 Holiday VIP award.

Matt Hamlin, Police Chief, formally swore in newly hired Police Officers; Officer Roark and Officer Dennis. He also congratulated Lieutenant Paul Nabel on graduating from CLEE - Certified Law Enforcement Executive class through the Ohio Association of Chiefs of Police.

### **CLERK'S REPORT**

Clerk Dervali presented the minutes of the January 19, 2023 Council work session. Motion by Gorman, second by Henning to approve the minutes as presented. All yeas, motion carried. Dervali then presented the minutes of the January 19, 2023 Council meeting. Motion by Gorman, second by Kelly to approve the minutes as presented. All yeas, motion carried.

### **OLD BUSINESS**

None

### **NEW BUSINESS**

Resolution No. R – 02 – 23 – 15 A Resolution Authorizing the City Manager to Enter Into an Agreement with John R. Jurgensen for Paving of Phillipsburg-Union Road Between Haber Road and Shaw Road at a Total Project Cost of \$438,749.40 and a Total Cost to the City of Clayton, Ohio Not to Exceed \$201,922.40. Randy Sanders, Public Service Director, advised John R. Jurgensen was selected for the 2023 Phillipsburg-Union resurfacing project after competitive bids were received. This project is a grant awarded project from the MVRPC-CRSAA Funds. The project will begin in the spring and the city is responsible for the design engineering and will be performing the inspections. Motion by Gorman to approve the Resolution, motion was second by Lieberman. All yeas, motion carried.

Resolution No. R – 02 – 23 – 16 A Resolution Providing Consent to the Ohio Department of Transportation to Complete the Project Described as “Bridge Repairs on Various Bridges within the District Including SFN 5705479, MOT IR70 10.620 in the City of Clayton” and Bearing PID No. 108092. Sanders advised ODOT will be performing concrete surface patching on the Taywood Road bridge over I-70. The work requires consent legislation between the City and the Director of Transportation. The project is scheduled to sell in the first quarter of fiscal year 2024, which could begin as early as July of 2023. The road will remain open during construction. Motion by Merkle to approve the Resolution, second by Kelly. All yeas, motion carried.

Resolution No. R – 02 – 23 – 17 A Resolution Declaring the Necessity of Construction Street Lighting Improvements in and Assessing Annual Lighting Charges Upon Lots Located Within Hunter’s Path, Section One, in the City of Clayton, Ohio. Jack Kuntz, Development Director, advised Hunter’s Path is the new single family residential community located at the northwest corner of Union and Westbrook. They have recently completed the installation of new streets and infrastructure in the first phase. The approved plans for the build out requires the developer to install streetlights consistent with the approved plans. 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. To facilitate the assessment of the street light operations, approval of the Hunter’s Path, Phase I Street Lighting Resolution of Necessity gives city staff the authority to place the appropriate assessments on the property owners tax on an annual basis. Staff has approved the street light layout and design to ensure the new streetlights are consistent with the approved plans. Motion by Henning to approve the Resolution, second by Gorman. Voting: Bachman-yes, Henning-yes, Gorman-yes, Merkle-yes, Kelly-yes, Lieberman-abstain, and Stevens-yes. Motion passed 6-0.

Resolution No. R – 02 – 23 – 18 A Resolution Authorizing Mutual Waiver of 30-Day Notice of Termination Provision and Further Authorizing the City Manager to Provide Written Notice of Immediate Termination of Agreement with Brandstetter and Carroll, Inc. for Professional Engineering Consulting Services and to Take Such Further Actions Necessary to Terminate Said Agreement. Amanda Zimmerlin, City Manager, advised in 2021 we entered into this agreement with Brandstetter and Carroll to do reviews of the new developments that were coming into Clayton. Recently they have had some staffing changes and haven’t had the capacity to fulfill what we need. I spoke with the owner of the company and we came to a mutual agreement that at this time it was probably best for us to part ways. I don’t want to prejudice Council against them, it just they are not able to meet the needs we have right now. Motion by Henning to approve the Resolution, second by Kelly. All yeas, motion carried.

Resolution No. R – 02 – 23 – 19

Martina Dillon, Law Director, advised this Resolution is for Electrical Aggregation and we have two companies, MVCC and SOPEC, and two Resolutions R-02-23-19 drafted based on which company Council wish to add to tonight’s agenda. Zimmerlin advised the presentations from both groups are connected to the City Manager’s report and there is also supplemental information that was supplied by SOPEC at your seats this evening. After discussion Council members decided they need additional time to review the information. Gorman made a motion to table this Resolution, second by Merkle. Voting: Bachman-yes, Henning-yes, Gorman-yes, Merkle-yes, Kelly-yes, Lieberman-abstain, and Stevens-yes. Motion passed 6-0.

Resolution No. R – 02 – 23 – 20 A Resolution Authorizing the City Manager to Enter Into an Agreement with the Kleingers Group for Professional Engineering Consulting Service and at a Cost Not to Exceed \$150,000. Zimmerlin advised this is the companion legislation to Resolution R-02-23-18. This is the firm we are requesting to use to review plans for the city. Motion by Gorman to approve the Resolution, second by Bachman. All yeas, motion carried.

### **CITY MANAGER'S REPORT**

Amanda Zimmerlin, City Manager, advised I have a few items. First, just a reminder Council has their goal setting session this Sunday, February 5<sup>th</sup> at 10 a.m. and it goes to 2 p.m. at Meadowbrook. Since we didn't make a decision on Electrical Aggregation tonight, it will be on our next meeting's agenda, so if you could, please review the information you have so we can make a decision and move things along for our residents. On the Parks Commission, Chris Roll has decided that she no longer wants to serve. The Parks Board has been operating with eight members, and staff believes that it would be fine to operate with seven. Staff is going to talk to the Parks Board to make sure that's agreeable and we'll bring that back to Council; Council can then make the decision whether or not to bring the number of members down to seven. I do have a request for a work session on February 16<sup>th</sup> at 6:30 p.m. Enterprise Fleet Management approached the city about the possibility of doing a leasing program for vehicles. They have their own financing and it would really help the city with cash flow for the coming years. Finally, it is tax time and the deadline is April 17<sup>th</sup>. CCA is once again doing scheduled appointments here at the city building to assist our residents, and the appointment schedule will be posted on the city's social media and website.

### **VISITOR'S COMMENTS**

Earl Harlamert of the Parks Commission invited Council to Meadowbrook at Clayton on Thursday, February 23<sup>rd</sup>, we are having a line dancing party that starts at 6 p.m. with an open bar for liquid courage. The dancing starts at 7 p.m. and goes to 9 p.m.

### **COUNCIL MEMBER COMMENTS**

Bachman stated we started this meeting with the swearing in of our new officers and you look at their resumes and along with what Lieutenant Nabel is doing, it's not a surprise why we're one of the safest cities in Montgomery County and the State. Henning stated I also wanted to congratulate Paul (Nabel) on his graduation from CLEE, I want to note that Chief Hamlin also graduated from this program. I know that CLEE is very respected around the State. Also, congratulations to Officers Roark and Dennis. Gorman stated I just want to welcome the new police officers and wish them the best of luck and safety in their career ahead of them. Lieberman stated I want to make a brief explanation on why I had to recuse myself. My Wife was president of the Ohio Association of County Commissioners this past year, she's still an officer in the new organization. The organization has a loose relationship with Palmer and with MVCC on the issue of electrical aggregation. In my conversations with Martina (Dillon) we agreed the best thing was for me to abstain. Stevens said I also want to congratulate the new police officers and Paul (Nabel) also. Chief Hamlin I believe this explains why you have such a strong department. I also want to thank Mr. (Jack) Kuntz for sharing his Development Department's 2022 Annual Report which we each received a copy tonight, and it is also on the City's website for residents to review. I encourage everyone to please look at the document as there is a lot of good information that explains the back story to all the development we are

encountering. I also want to thank Jack for speaking at the First Suburbs meeting that Clayton hosted last night at Meadowbrook.

**EXECUTIVE SESSION**

Stevens advised we have a need for an Executive Session to discuss matters pertaining to the employment of a public employee. Motion by Gorman, seconded by Merkle to break for an Executive Session to discuss matters pertaining to the employment of a public employee. Voting: Bachman-yes, Henning-yes, Gorman-yes, Merkle-yes, Kelly-yes, Lieberman-yes, and Stevens-yes. Council broke at 8:12 p.m. Council returned to regular session at 8:24 p.m. Motion by Gorman, seconded by Henning to return to regular session. All yeas, motion carried.

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

Meeting adjourned at 8:25 PM.