

Minutes of February 16, 2023 Council

Regular Meeting of the Clayton, Ohio City Council
Clayton Government Center
February 16, 2023

CALL TO ORDER

The meeting was called to order by Mayor Stevens at 7:11 PM. Present were Mayor Stevens and Councilmembers Bachman, Henning, Gorman, Merkle, Kelly, and Lieberman.

CLERK'S REPORT

Clerk Seim presented the minutes of the February 2, 2023 Council meeting. Motion by Gorman, second by Kelly to approve the minutes as presented. All yeas, motion carried.

OLD BUSINESS

Motion by Gorman to un-table Resolution No. R – 02 – 23 – 19 from the February 2, 2023 Council meeting. Motion was seconded by Merkle. All yeas, motion carried. Motion by Henning to moved forward with MVCC as the City's Electrical Aggregator provider, motion was seconded by Bachman. Voting: Bachman-yes, Henning-yes, Gorman-yes, Merkle-yes, Kelly-yes, Lieberman-abstain, and Stevens-yes.

Resolution No. R – 02 – 23 – 19 A Resolution Authorizing Miami Valley Communications Council to Act at the City of Clayton, Ohio's Governmental Aggregator for Electrical Aggregation. Motion by Henning to approve the Resolution, second by Bachman. Voting: Bachman-yes, Henning-yes, Gorman-yes, Merkle-yes, Kelly-yes, Lieberman-abstain, and Stevens-yes.

SPECIAL PRESENTATION

Phill Dysard of RTA gave a presentation to Council on the various services they provide the residents of Clayton.

NEW BUSINESS

Ordinance No. O – 02 – 23 – 02 An Ordinance Approving Amendment of Section 121.01 ("City Manager") of Chapter 121 of the Clayton Codified Ordinances. Kevin Schweitzer, Finance Director, advised we request the threshold be increased to \$35,000 to allow the City Manager to make and enter into contracts, purchase equipment, supplies and materials, and authorize the performance of work and labor where the total cost is equal or below this threshold in order to facilitate the expeditious operation of the City. This amount is still well below the Charter limit for competitive bidding, \$64,498, of which Council approval is still required. Motion by Gorman to approve the Ordinance, second by Henning. All yeas, motion carried.

Ordinance No. O – 02 – 23 – 03 An Ordinance Authorizing Removal of Specific Assessments for Trash Collection Previously Submitted in Error to Montgomery County Auditor and Declaring an Emergency. Schweitzer advised five parcels were assessed in error for trash delinquencies, and we are asking to have those assessments removed. Motion by Gorman to approve the Ordinance as an Emergency, second by Kelly. All yeas, motion carried. Motion by Gorman to approve the Ordinance, second by Kelly. All yeas, motion carried.

Resolution No. R – 02 – 23 – 21 A Resolution Re-Appointing Christine Bachman as a Member of the Local Board of Tax Review. Motion by Henning to approve the Resolution, second by Kelly. Voting: Bachman-abstain, Henning-yes, Gorman-yes, Merkle-yes, Kelly-yes, Lieberman-yes, and Stevens-yes.

Resolution No. R – 02 – 23 – 22 A Resolution Re-Appointing Tom Walker as a Member of the Local Board of Tax Review. Motion by Bachman to approve the Resolution, second by Kelly. All yeas, motion carried.

Resolution No. R – 02 – 23 – 23 A Resolution Authorizing the Negotiation, Execution, and Delivery of Governmental Lease Purchase Agreement No. 008-0883355-300 in Principal Amount Not to Exceed \$166,650.99 Between City of Clayton, Ohio, and the Huntington National Bank and Prescribing Other Details in Connection Herewith. Martina Dillon, Law Director, advise as a point of procedure on this Resolution, I would like to request that we have a motion because we did not receive sample legislation on this from Huntington until we had published this meeting. We need a motion to accept the amended version of this Resolution and part of that Resolution is also replacing Exhibit A and B in the original with Exhibit A which is the lease agreement. Exhibit A and B in the original Resolution were the quotes, Exhibit A in the revised Resolution is the actual lease agreement. Motion by Gorman to amend the Resolution R-02-23-23 as advised by Ms. Dillon and include Exhibit A, motion was second by Henning. All yeas, motion carried. Motion by Henning to approve Resolution R-02-23-23 as amended and with the new Exhibit A, motion was second by Bachman. All yeas, motion carried.

Resolution No. R – 02 – 23 – 24 A Resolution Authorizing the City Manager and Finance Director to Engage Plattenburg & Associates, Inc. to Audit the Basic Financial Statements of the City for the Years Ending December 31, 2022 through 2026 at a Cost Not to Exceed \$28,900.00 Annually. Schweitzer advised the Auditor of State of Ohio (AOS) performs the awarding of audit contracts. A new five year contract was awarded to Plattenburg & Associates, Inc. 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 Henning. All yeas, motion carried.

Resolution No. R – 02 – 23 – 25 A Resolution to Authorize and Approve Purchase Order. Schweitzer advised an invoice was received on February 2, 2023, from Kinard Lang for fire department grievance arbitration services. The total cost of the invoice is \$10,119.70. The City is responsible for half and the Fire Union is responsible for half. The total owed by each is \$5,059.85. Council approval is required since the expenditure exceeds the City's \$5,000 limit for Then and Now certificates. Motion by Gorman to approve the Resolution, second by Kelly. All yeas, motion carried.

CITY MANAGER'S REPORT

Amanda Zimmerlin, City Manager, advised our Northmont Dance Party is being held next Thursday, February 23rd from 6:30 to 9:00 p.m. and everyone's invited. The Easter Egg Hunt will be Saturday, April 1st at 9:30 a.m. at Meadowbrook at Clayton and our next Senior Lunch

and Learn that people can register for is Wednesday, March 15th at 12 p.m. and people do need to register for that the Wednesday prior to the 15th so we know who many people are going to be there for lunch. The Park Board did meet on 14th and Mr. Kuntz spoke to them about possibly reducing the number of people sitting on the board. Right now the bylaws say nine members. In their discussion they decided they would prefer to stay at nine. There are current members who have been on the board for a long time and they believe that new blood may be a good thing. So, as long as Council is fine with keeping nine members we will start advertising for those positions. We actually had someone submit a resume today who wants to serve on that board. Chief Garver did come to me this week and was talking about the swearing in of new employees. Since we are now in a collaborative, he and the other Chiefs had discussed the possibility of rather than each City swearing in the firefighters on their own, waiting until there was a group of them and then swearing them in all together. Clayton, Englewood, and Union would have one event and all would be sworn in at that one event. That would not be at our Council meeting, so it would be an additional meeting that you would be invited to.

VISITOR'S COMMENTS

Earl Harlamert of the Parks Commission reminded everyone to come out to the Northmont Dance Party, February 23rd at Meadowbrook.

COUNCIL MEMBER COMMENTS

Each council member wished Amanda Zimmerlin a Happy Birthday. Henning also thanked Amanda for all you do and thank you to all the staff we appreciate all you do. Stevens also thanked everyone, staff, and Council for keeping us running so smooth. And, thanks to all of our residents for making Clayton a great place to live.

EXECUTIVE SESSION

Ms. Dillon advised an executive session is required this evening to discuss the employment of a public employee. Motion by Henning to break for an executive session, motion was second by Gorman. Council broke at 8:17 PM. Council returned to their regular meeting at 8:38 PM.

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

Meeting adjourned at 8:39 PM.