

Minutes of May 18, 2023 Council

Regular Meeting of the Clayton, Ohio City Council
Clayton Government Center
May 18, 2023

CALL TO ORDER

The meeting was called to order by Mayor Stevens at 7:38 PM. Present were Mayor Stevens and Councilmembers Bachman, Henning, Gorman, Merkle, Kelly, and Lieberman.

SPECIAL PRESENTATION

Representatives Creech and Plummer provided Council an update on House Bill 1 that has since been voted down, in addition to other initiatives being discussed at the State House.

CLERK'S REPORT

Clerk Seim presented the minutes of the May 4, 2023 Council work session. Motion by Gorman, second by Kelly to approve the minutes as presented. All yeas, motion carried. Seim then presented the minutes of the May 4, 2023 Council meeting. Motion by Gorman, second by Henning to approve the minutes as presented. All yeas, motion carried.

Mayor Stevens made a motion to change tonight's agenda, asking that Visitor's Comments be moved to the beginning of the meeting, motion was second by Henning. All yeas, motion carried.

VISITOR'S COMMENTS

The following residents spoke in opposition to the Salem Springs development being proposed at the corner of Phillipsburg-Union and Haber Roads:

Lori King, 10763 Haber Road
Mike Study, 4675 Phillipsburg Union Road
Dana York, 10635 Haber Road
Jeremy Blanford, 10801 Haber Road
Leanne Bustos, 9240 Haber Road
Larry Erbaugh, 10511 Haber Road
Kelly Clark, 4138 Phillipsburg Union
Jeff Eubanks, 4590 Phillipsburg Union
James Childers, 10735 Haber Road
Doug Bias, 10857 Haber Road

OLD BUSINESS

Ordinance No. O – 05 – 23 – 07 An Ordinance Approving Amendment of Section 1313.08 (“Placement of Receptacles”) of Chapter 1313 of the Clayton Codified Ordinances. Second reading, no further discussion. Motion by Gorman to approve the Ordinance, second by Henning. Voting: Bachman-yes, Henning-yes, Gorman-yes, Merkle-no, Kelly-yes, Lieberman-yes, and Stevens-yes. Motion passed 6-1.

NEW BUSINESS

Ordinance No. O – 05 – 23 – 08 An Ordinance (Adopting, Rejecting, Modifying) the Planning Commission’s Recommendation to Approve, with Specified Conditions, the Application of Clayton Properties Group, Inc. DBA Arbor Homes, for a Change in Zoning from Rural Conservation District-2 (RCD-2) to Planned Development District (PDD) and to Further Approve the Preliminary Development Plan for 42.99 Acres of Property Located Along Phillipsburg-Union Road and Haber Road and Bearing Parcel I.D. No. M60 03006 0009 (to be called “Salem Springs”) within the City of Clayton, Ohio. Motion by Lieberman to Table this Ordinance until our June 15th City Council meeting, motion was second by Merkle. Voting: Bachman-yes, Henning-no, Gorman-no, Merkle-yes, Kelly-no, Lieberman-yes, and Stevens-yes. Motion passed 4-3.

Mayor Stevens made a motion to change tonight’s agenda, asking that Ordinance O-05-23-10 be moved to the end of the meeting, after an Executive Session. Motion was second by Merkle. All yeas, motion carried.

Ordinance No. O – 05 – 23 – 11 An Ordinance Maintaining the Current Division of Wards Pursuant to City of Clayton Charter Section 3.03(A) in Order to Provide for Substantially Equal Population in Each Ward. Motion by Gorman to approve the Ordinance, second by Henning. All yeas, motion carried.

Resolution No. R – 05 – 23 – 37 A Resolution Authorizing the City Manager to Enter Into an Agreement with Anthem Blue Cross Blue Shield via the Ohio Benefits Cooperative for the Provision of Group Health Insurance Benefits from September 1, 2023 through August 31, 2024. Elaine Wittman, Assistant to the City Manager, advised we are proposing renewing the City’s current Anthem medical insurance plan through the Ohio Benefits Cooperative, this option keeps the deductible and coverage the same, and increase the premium rates by 4.30%. Motion by Henning to approve the Resolution, second by Kelly. All yeas, motion carried.

Resolution No. R – 05 – 23 – 38 A Resolution Authorizing the City Manager to Enter Into an Agreement with Medicount Management, Inc. for Emergency Medical Services Billing. Brian Garver, Fire Chief, advised we contract for emergency medical billing services with Medicount Management Inc. and that contract ends in June. The city has been satisfied with the services Medicount Management Inc. has provided since 2011, and the new contract is for four years. In the 2022 contract, the billing company received 5.65% of all monies collected, the new contract provides for a collection rate of 5.75%. Although the dollar amounts received vary from year to year, the percentage of collected fees paid to the EMS billing company will remain constant throughout the length of the contract. The increase is .1%, which is an increase of \$426 annually. Motion by Henning to approve the Resolution, second by Gorman. All yeas, motion carried.

CITY MANAGER’S REPORT

Amanda Zimmerlin, City Manager, advised Sweep Clayton Clean is this Saturday at 200 Woolery Lane. It will be held from 8 a.m. until noon, or until the dumpsters are full. Zimmerlin asked Chief’s Garver and Hamlin to speak on services and response times in the Phillipsburg-Union and Haber Road areas. Chief Garver advised three years ago we joined the fire collaborative with the cities of Englewood and Union, we run our three fire departments as one. The two closest fire stations to that area are Station 81 which is at Main and Martindale and the

one in Englewood which is across from the old Kmart, response times from both stations are 4-5 minutes which is very good. Garver also responded to a comment from the May 4th meeting where a resident claimed Clayton did not respond to an accident but a neighboring jurisdiction responded. He spoke with the resident after the meeting and they determined the accident did not occur in our jurisdiction. Chief Hamlin reviewed the stats for calls for service in that area and response times. Zimmerlin stated that Councilman Lieberman requested a discussion on possibly forming a committee between the cities of Clayton, Englewood, and Union to discuss other ways we can share services, is this something the Council would like to pursue. Council all agreed this is something we should pursue. We have had several discussions on revenue sources for the city, if Council is recommending that they want to put something on the ballot in November we are going to have to have legislation at our next meeting. Council agreed to have legislation at our June 15th meeting. A reminder there is a Memorial Day ceremony at the American Legion, the Randolph Post 707, will hold a Memorial Day at Northmont Veteran's Park at 12:00 PM on Saturday May 27th.

COUNCIL MEMBER COMMENTS

Bachman stated he participated in the Northmont Chamber golf outing earlier today; we were on the City of Clayton team defending our title of last place. We had a great time and want to thank the Chamber, this is a great fundraiser, and they do a good job for the community. Mr. Dorman, Seth, you're taking a job in the private sector, I just want to thank you for the time you have put in here and wish you the best of luck. Memorial Day is coming up and as the City Manager mentioned the ceremony going on at the football stadium is to honor those who sacrificed everything for this country. Henning congratulated the Northmont 2023 graduates, I hope they have a successful future and continue to make us proud. To the students and staff, have a safe and enjoyable summer. I want to thank the residents who came out tonight, we appreciate hearing your input. I also want to thank Representatives Creech and Plummer for coming tonight. I know the legislation that Representative Plummer said he's working on in regards to the social security withholding of two-thirds is something I would like to see us pass and support. Gorman wished Seth good luck in the private sector, and also wished everyone a happy Memorial Day. One thing to remember is kids will soon be out of school, so be careful so they can go back to school in the fall. Merkle congratulated Seth on his new position. I also want to thank everyone for coming tonight and offering your opinion and viewpoints on the proposed project on Haber Road. We don't take this lightly in terms of what the impact potentially could be. We have to look at this from the whole City's viewpoint. We've talked about growth; the City has not grown. In the 2000 census the population of Clayton was about 13,400, and in the 2020 census the number was 13,310. The City has not grown and now we have to make some serious decisions as far as what direction the city is going, as far as growth. Remember, Memorial Day is coming up, we honor those who served and paid the ultimate price. Kelly thanked the residents for coming tonight, your opinions matter. Thank you, Seth, for your time at Clayton and congratulations on your new position. I was privileged to be part of the Clayton Golf team today, not that I play but I did drive the car. It was the first time I've been through the whole course. Meadowbrook is an amazing facility, not just the golf but inside. I recently attended a baby shower and it was perfectly executed, everything ran smooth, the staff was amazing. Lieberman stated Seth we're all sorry to see you go, you will be missed, good luck. I want to make some comments to the citizens, you are all in my Ward. I may have been accused of some things, but I have never been accused of not caring. I care deeply about this, I have read

all your e-mails, I have gone out to the location, I have heard everything that you have said, I took notes, there were 29 of you that spoke at the last meeting. I make decisions based upon all of the evidence that is before me. I listen to everything and if there's a compromise that you are all interested in, I want to hear that. I want to hear what the developer has to say, I want to hear what compromises he has to offer, and then I want to do what's best not just for our Ward because we're part Clayton. I want to do what is best for the entire community. Stevens stated we will miss you Seth, I really hate to see you go, but we are happy for you. To the residents who attended tonight, we appreciate you coming out. We do understand this is a passion of yours, and everyone who spoke was respectful and that says a lot about our City and the people that live here. I want to make sure we have all the information; we have a number of questions that we will pose to our staff and the developer. We don't want to look back and say we made a bad call; it's needs to be a good call for the City. Lastly, I want to thank our staff, they do a really good job.

EXECUTIVE SESSION

Stevens advised an Executive Session is needed to consider real estate acquisition for public purposes. Henning made a motion to break for an Executive Session, motion was second by Gorman. Voting yea were Bachman, Henning, Gorman, Merkle, Kelly, Lieberman, and Stevens. Council broke for Executive Session at 9:25 PM. Council returned and Mayor Stevens re-opened the regular session at 9:29 PM.

Ordinance No. O – 05 – 23 – 10 An Ordinance Authorizing the City Manager to Execute Legal Documentation Necessary to Purchase Real Property Located at 3916 Old Salem Road, Clayton, Ohio and Bearing Parcel I.D. Numbers M60 03209 0063, M60 03209 0019, M60 03209 0116, and M60 03209 0062, for the Purchase Amount of \$180,000.00 Plus Closing Costs and Declaring an Emergency. Motion by Henning to approve the Ordinance as an Emergency, motion was second by Gorman. All yeas, motion carried. Motion by Gorman to approve the Ordinance, motion was second by Henning. All yeas, motion carried.

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

Meeting adjourned at 9:31 PM.