

Minutes of August 3, 2023 Council

Regular Meeting of the Clayton, Ohio City Council
Clayton Government Center
August 3, 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 Councilman Lieberman this evening, motion was seconded by Kelly. All yeas, motion carried.

SPECIAL PRESENTATION

Mayor Stevens presented Beth Creamer of Elru Drive with the Spring VIP Award.

CLERK'S REPORT

Clerk Seim presented the minutes of the July 20, 2023 Council meeting. Motion by Gorman, second by Henning to approve the minutes as presented. All yeas, motion carried.

Amanda Zimmerlin, City Manager, advised Council that before them tonight they have an Ordinance that establishes salaries for elected officials. February of 2023, we convened a Council Salary Commission to review Council salaries. They did make a recommendation for an increase for council members from \$4,800 a year to \$4,896 per year, and the Mayor from \$7,200 a year to \$7,344. They also recommended increasing the Clerks salary from \$7,500 a year to \$8,250 a year. The council and mayor salary has to be passed by Ordinance and is required to be done by September 1st of an odd year, so we would have to have it done by September 1, 2023 if that's what Council chooses to do. We can not pass that as an emergency, so we bring it tonight for two readings. The Clerk's salary is not governed by that, so if Council decides you do not want to increase Council's salary but still want to do a Clerk salary increase, you can just direct me at the beginning of the year when we do salaries. After discussion Mayor Stevens made a motion that was second by Henning to not raise the salaries of the Mayor or Council, but to approve the increase for the Clerk of Council. All yeas, motion carried.

OLD BUSINESS

None

NEW BUSINESS

Ordinance No. O – 08 – 23 – 13 An Ordinance Adopting Estimated Assessments and Certifying Unpaid Charges for 2023/2024 Curb and Gutter Repair/Replacement Work to the Montgomery County Auditor for Collection with Real Estate Taxes (Five Annual Installments). Kevin Schweitzer, Finance Director, advised these are curb and gutter repairs performed in 2022 that were less than \$2,500 and were not paid by the property owners and will be assessed to their 2024 property tax bill for five yearly installments. Motion by Gorman to approve the Ordinance, second by Kelly. All yeas, motion carried.

Ordinance No. O – 08 – 23 – 14 An Ordinance Adopting Estimated Assessments and Certifying Unpaid Charges for 2023/2024 Curb and Gutter Repair/Replacement Work to the Montgomery

County Auditor for Collection with Real Estate Taxes (Ten Annual Installments). Schweitzer advised these are curb and gutter repairs performed in 2022 that were more than \$2,500 and were not paid by the property owners and will be assessed to their 2024 property tax bill for ten yearly installments. Motion by Gorman to approve the Ordinance, second by Merkle. All yeas, motion carried.

Ordinance No. O – 08 – 23 – 15 An Ordinance Certifying Unpaid Charges for Grass/Weed Cutting for 2023/2024 to the Montgomery County Auditor for Collection with Real Estate Taxes. Schweitzer advised these are grass mowing charges not paid by the property owner. Motion by Henning to approve the Ordinance, second by Kelly. All yeas, motion carried.

Ordinance No. O – 08 – 23 – 16 An Ordinance to Maintain Lighting Assessment. Schweitzer advised these are our annual streetlight assessments. Motion by Henning to approve the Ordinance, second by Gorman. All yeas, motion carried.

Ordinance No. O – 08 – 23 – 17 An Ordinance Authorizing the Submission of the 2023/2024 North Clayton Community Authority Charge Assessments to the Montgomery County Auditor. Schweitzer advised these are North Clayton Community Authority Charges not paid by the property owners. Motion by Gorman to approve the Ordinance, second by Kelly. All yeas, motion carried.

Ordinance No. O – 08 – 23 – 18 An Ordinance Certifying Unpaid Charges for Nuisance Assessments for 2023/2024 to the Montgomery County Auditor for Collection with Real Estate Taxes. Schweitzer advised these are assessments for the city cleaning and hauling debris from properties, where the property owner has not paid the invoice. Motion by Gorman to approve the Ordinance, second by Henning. All yeas, motion carried.

Ordinance No. O – 08 – 23 – 19 An Ordinance to Impose Assessments Upon Owners of Real Property in Arrears for Payment of Fees for Waste Hauling and Disposal Services for 2023/2024. Schweitzer advised these are trash assessments where residents have delinquent trash accounts, residents had received quarterly notices in addition to letters advising them of the delinquencies. Motion by Henning to approve the Ordinance, second by Kelly. All yeas, motion carried.

CITY MANAGER'S REPORT

Amanda Zimmerlin, City Manager, advised we have some upcoming city events. We have Movie in the Park scheduled for August 18th at 8:30 p.m. at Meadowbrook at Clayton, it's free to all community members and popcorn is being provided by Englewood Cinema. Our Labor Day Fireworks and Festival will be held on Sunday, September 3rd. There will be free hot dogs, cotton candy, snow cones and popcorn, and entertainment by Northmont's music program. There will also be free face painting, bounce house and the fireworks will start at 9 p.m. Also, at Meadowbrook we have Couples Pizza and Par on Sunday, September 10th at 4 p.m. Couples will enjoy a nine-hole scramble, pizza dinner and drinks on the patio after golf. The cost is \$43 per person but everything is included in that. We had a request from a property owner in Englewood who wanted to annex into the city. He made the decision he didn't want to annex, then submitted plans to the Englewood Planning Board for a residential development. That meeting was this evening and I've been informed that the plan did not go through. We still have an open seat on the Parks Advisory Commission, if anyone would like to participate you can submit your email or letter of interest.

Councilman Henning stated we have residents here tonight and who are also watching; your comment on Elru requesting an extension is important to read so everyone will know where our staff stands. Staff denied the request to connect Elru in the City of Clayton to the City of Englewood. This would have essentially turned the Elru, Hillgrove and Savana into a through street to Main Street bringing additional traffic and maintenance to our residential streets.

VISITOR'S COMMENTS

Deb and Chris Pulos addressed Council on their concerns and issues with fireworks over the 4th of July holiday and requested Council look into banning them within the City of Clayton. Earl Harlamert, Parks Advisory Commission, updated Council on upcoming events being held at Meadowbrook at Clayton. The first is our Wine and Cheese Tasting, August 11th, tickets can be purchased at the Government Center. Our annual Movie in the Park is being held on August 18th we are showing "Super Mario Brothers", this event is free and Englewood Cinema is providing the popcorn this year. Labor Day Fireworks on September 3rd, there will be food, bounce houses, face painting, etc. and everything is free. Fireworks will begin at 9:30 p.m. Tod Cyester asked for clarification on Clayton's position to Englewood's proposed development project, and Clayton denying their request to tap into Elru, will this stop any future development. Zimmerlin replied whether or not it would stop that parcel from developing, the City of Clayton doesn't have any jurisdiction over that, that would be up to the City of Englewood and their Planning Board. I don't know how open they will be to development if they can't connect to Elru and make it a through street, but I don't know if they would never develop that parcel.

COUNCIL MEMBER COMMENTS

Kelly thanked Willie Williams and the Parks Commission for the Dance Party last weekend; it was a huge success. Everyone had fun and thank you Mr. Gorman and Dennis (Lieberman) for coming in and supporting as Council for the event. Congratulations to the Creamers for winning the Spring VIP Beautification award. I also want to piggyback on the Pulos' comments. I have the same thoughts and I agree with them 100 percent. There is a time and a place, and we need restrictions. Unfortunately, in this day and age it doesn't just last a certain number of days, it goes on forever. And the time restrictions too, it goes on in Ward 1 until two, three in the morning. We need to ask, how many animals went missing, how many calls were made regarding burns or accidents. Gorman stated our annual shredding event held in July was a great success. I would like to have everyone be careful, school starts the week after next and children will be out, be careful. Henning asked Ms. Zimmerlin to get Vandalia and Fairborn fireworks Ordinance, we would like to see what they have in place and maybe also Fairborn to see how we can replicate it. There are dozens of residents here tonight because they are against the development that is being proposed in Englewood that was planned to be connected through Elru. We've heard your concerns and as you've heard from our City Manager, we're against this development so we'll continue to be on your side and monitor what happens. I want to thank staff, especially Jack (Kuntz) and Darryl (Swafford) for yard maintenance enforcement. I also want to thank Ben (McCarroll) and your team that actually does the landscaping work, we appreciate your work. The Back to School tax free weekend starts Friday August 4th through the 6th. There is a special election on Tuesday for Issue 1, the polls will be open from 6:30 a.m. until 7:30 p.m. Stevens thanked everyone for coming this evening. I want to thank staff for the great job they do every day, they all wear many hats. I also want to thank Council for the great job they always do.

EXECUTIVE SESSION

Mayor Stevens advised an Executive Session is needed this evening. Law Director Martina Dillon advised the Executive Session is needed pursuant to Ohio Revised Code 121.22(G)(4) which is preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of employment. Henning made a motion to break for an Executive Session, motion was second by Kelly. Voting: Bachman-yes, Henning-yes, Gorman-yes, Merkle-yes, Kelly-yes and Stevens-yes. Motion carried 6-0. Council broke for Executive Session at 8:08 PM.

Council returned and Mayor Stevens re-opened the meeting. Henning made a motion to resume our regular session, motion was second by Henning. Voting: Bachman-yes, Henning-yes, Gorman-yes, Merkle-yes, Kelly-yes and Stevens-yes. Motion carried 6-0. The regular session resumed at 8:11 PM.

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

Meeting adjourned at 8:12 PM.