

Minutes of August 17, 2023 Council

Regular Meeting of the Clayton, Ohio City Council
Clayton Government Center
August 17, 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

CLERK'S REPORT

Clerk Seim presented the minutes of the August 3, 2023 Council meeting. Motion by Gorman, second by Kelly to approve the minutes as presented. Voting: Bachman-yes, Henning-yes, Gorman-yes, Merkle-yes, Kelly-yes, Lieberman-abstain, and Stevens-yes. Motion passed 6-0 with one abstention.

VISITOR'S COMMENTS

Mary Ann Moore thanked the City and Council for the Pickleball Courts that were installed at Meadowbrook at Clayton, she and her friends use them almost daily. Ms. Moore also asked for assistance with property maintenance issues with rental properties in her neighborhood.

OLD BUSINESS

Ordinance No. O – 08 – 23 – 13 An Ordinance Adopting Estimate 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) and Declaring an Emergency. Second reading, no further discussion. Motion by Gorman to approve the Ordinance as an emergency, second by Henning. All yeas, motion carried. Motion by Merkle to approve the Ordinance, second by Kelly. All yeas, motion carried.

Ordinance No. O – 08 – 23 – 14 An Ordinance Adopting Estimate 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) and Declaring an Emergency. Second reading, no further discussion. Motion by Gorman to approve the Ordinance as an emergency, second by Henning. All yeas, motion carried. Motion by Gorman to approve the Ordinance, second by Bachman. 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 and Declaring an Emergency. Second reading, no further discussion. Motion by Gorman to approve the Ordinance as an emergency, second by Merkle. All yeas, motion carried. Motion by Gorman to approve the Ordinance, second by Kelly. All yeas, motion carried.

Ordinance No. O – 08 – 23 – 16 An Ordinance to Maintain Lighting Assessment and Declaring an Emergency. Second reading, no further discussion. Motion by Gorman to approve the Ordinance as an emergency, second by Henning. All yeas, motion carried. Motion by Henning to approve the Ordinance, second by Kelly. 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 and Declaring an Emergency. Second reading, no further discussion. Motion by Gorman to approve the Ordinance as an emergency, second by Merkle. All yeas, motion carried. Motion by Gorman to approve the Ordinance, second by Henning. 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 and Declaring an Emergency. Second reading, no further discussion. 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 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 and Declaring an Emergency. Second reading, no further discussion. Motion by Gorman to approve the Ordinance as an emergency, second by Henning. All yeas, motion carried. Motion by Merkle to approve the Ordinance, second by Kelly. All yeas, motion carried.

NEW BUSINESS

Resolution No. R – 08 – 23 – 51 A Resolution Approving Amendment of 2023 Appropriations and Estimated Resources. Kevin Schweitzer, Finance Director, advise we received additional monies from tax assessments, thus, an increase in auditor/treasurer fees was realized. The building permit revenues and expenses were not budgeted when the 2023 budget was passed in 2022. Council approved the second part of the golf equipment lease on July 20, 2023. The Law Enforcement Trust Fund received monies from court cases which in return, the prosecuting attorney receives a share. Several insurance proceeds were received in the Street fund as a result of accidents that damaged city property. New software for the cemeteries was purchased. Several insurance proceeds were received in the TIF fund as a result of accidents that damaged city property. The Agency fund received \$13,122.19 in North Clayton fees, which are paid to the Community Authority. Council approved the purchase of the adjacent property on Old Salem Road on May 18, 2023. Motion by Gorman to approve the Resolution, second by Kelly. All yeas, motion carried.

CITY MANAGER'S REPORT

Amanda Zimmerlin, City Manager, advised our annual Labor Day Fireworks at Meadowbrook at Clayton on Sunday, September 3rd at 7:00 p.m. and City offices will be closed Monday, September 4th for the Labor Day Holiday. Zimmerlin then welcome. Mr. Steve Stanley from the Montgomery Count Transportation Improvement District (TID). The TID has been working with Clay Township about a potential water line project along SR49 in the JEDD.

Mr. Stanley provided his background and information on past and current projects the TID has worked on. He then shared that the TID has entered into an agreement with the Clay Township Trustees to further development strategies to facilitate and encourage development in the area between Interstate 70, SR49, and Brookville Salem Road, this area is located in the JEDD. A developer owns lands within this area and wishes to construct a project that requires running water lines from Diamond Mill to Brookville Salem Road. The City has an opportunity to

partner with the TID and the Township to further this project with the use of JEDD funds. After discussion, Council is comfortable with the project, so staff will bring forth legislation at the September 7, 2023 meeting.

Zimmerlin stated we purchased the property next door for the potential of a new fire station. One of the first steps we need is a feasibility study. We have money left over from the purchase of the house, so if Council agrees, we can engage with an engineer to begin that process. Council was all in agreement with moving forward. We have a couple of requests for work sessions. An Economic Development update at the first meeting in November; a Meadowbrook update the first meeting in October; and then to review the recommendations from the Charter Commission at one meeting in October. Council was all in agreement with moving forward with the work sessions. At the last Council meeting, Councilman Henning requested legislation from neighboring communities dealing with fireworks. I've had continued discussions with the fire chief and police chief and our recommendation is to maintain what we currently do, which is to follow the state law and I would also recommend to Council that we maintain following the state law. Council agreed to see how the fireworks proceed through the New Year by tracking the number of calls and possibly explore legislation early next year. We still have an open seat on the Parks Advisory Commission, if anyone would like to volunteer, please submit a letter of interest. A few years ago, we looked into the potential for a lodging tax, I'll have Kevin (Schweitzer) speak to this. Schweitzer advised he brought this up around 2008, 2009. I've been in discussion with the County and they have a lodging tax. The City is allowed to have a 3% lodging tax. We don't have any hotels or motels, but if we go ahead and enact this then if one moves in, they know it's on the books. If they came in and we enacted it afterwards it would give the appearance that we're trying to hinder economic development. This would not cost the Clayton taxpayers anything, it's for people utilizing the hotel, motel. In 2020 the State expanded the language to include Airbnb's and Vrbo's. Council agreed to move forward, so legislation will be brought forth at the next Council meeting. The last thing I have tonight deals with speeding on Haber Road. Chief Hamlin did put the Stealth Stat on Haber to see if there was speeding there. It was put up on two separate occasions, over five days each time, and both times there were people going over the speed limit but it was under five miles per hour over the speed limit. Councilman Henning asked that the study be done again now that school is back in session, which Chief Hamlin stated he would.

COUNCIL MEMBER COMMENTS

Bachman stated this past weekend the Northmont graduating class of 2003 held our 20th reunion at Meadowbrook at Clayton. Friday some of us golfed and most there had never played the course because growing up it was a private Country Club. I received great feedback on the course, and then on Saturday at our banquet, we received many compliments on the facility and how well everything was run. Henning thanked Earl (Harlamert) of the Parks Advisory Commission for his work, and everyone who assisted with the Wine and Cheese event held at Meadowbrook at Clayton last Friday, it was a great event. I heard residents say what a fun time it was and a different experience. Northmont schools are back in session, I hope all the students and staff have a great school year. Thank you to the Police for posting the infographic on the correct process for passing a school bus on a two-lane road, three-lane road, and four-lane roads, it is extremely helpful. This morning was the Northmont Chamber Legislation Update. We heard from Representatives Plummer and Creech about their upcoming capital budget bill, and

how they are going to be accepting projects for the capital bill. Gorman advised Clayton lost a great citizen, Ned Sifferlen, past President of Sinclair Community College. Lieberman stated the Wine and Cheese event was a great job done by everyone. Tim, you and your wife seemed to enjoy it very much and you both worked very hard, so I wanted to thank you for the work that you and Barb did, and everyone involved. It was a great time. Stevens reminded everyone that our Movie in the Park will be held this Friday starting at 8:30 p.m., the event is free and the Northmont Cinema will be providing the popcorn. The Super Mario Brothers Movie will be shown. As always, I want to thank staff and Council for the great work you do every day and thank you to the citizens who attend our meeting tonight.

EXECUTIVE SESSION

Mayor Stevens advised an Executive Session is needed this evening. Law Director Martina Dillon stated the Executive Session is needed pursuant to ORC121.22(G)(1) to consider the compensation of public employees. Gorman made a motion to break for an Executive Session, motion was second by Henning. Voting: Bachman-yes, Henning-yes, Gorman-yes, Merkle-yes, Kelly-yes, Lieberman-yes and Stevens-yes. Motion carried 7-0. Council broke for Executive Session at 8:37 PM.

Council returned and Mayor Stevens re-opened the meeting. Gorman made a motion to resume our regular session, motion was second by Merkle. Voting: Bachman-yes, Henning-yes, Gorman-yes, Merkle-yes, Kelly-yes, Lieberman-yes and Stevens-yes. Motion carried 7-0. The regular session resumed at 8:51 PM.

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

Meeting adjourned at 8:52 PM.