

Minutes of September 21, 2023 Council

Regular Meeting of the Clayton, Ohio City Council
Clayton Government Center
September 21, 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 September 7, 2023 Council meeting. Motion by Gorman, second by Henning to approve the minutes as presented.

VISITOR'S COMMENTS

Warren Gardner had a comment about the Crescent Communities development south of I-70 (Englewood). At the last meeting there was strong support to not have that development, if it goes through, to gain access onto Elru. There are now dead-end signs which I take as your statement of support. My understanding is Crescent Communities will litigate to gain access, is Clayton prepared to handle a lawsuit to be able to gain access onto Elru. Law Director Martina Dillon stated she would take direction from Council as to what they want to do with respect to litigation. We have not been served at this time.

Gloria Van Fahnestock first I want to thank Council for getting residents a reduced rate on energy costs. Second, I will make one last stab to put this whole rezoning to an end by asking you to say no. Third, we're getting to know each other, we're learning more, but there is a lot more with what the community wants. Can we survey the residents to see what they want.

Jeremy Blandford asked for clarification on the income tax levy on the upcoming election in November. Also, about 10 days ago I saw about five different traffic counters out. Two or three on Haber, at least one on Sweet Potato. Do we have any idea what that was for, can anyone shed any light on that. Amanda Zimmerlin, City Manager, advised every year we do counts for MVRPC (Miami Valley Regional Planning Commission), and this year they asked for traffic counts for roads north of 40.

Kevin Schweitzer, Finance Director, addressed the tax levy question. We will have a lot of information coming out in our Newsletter. Basically, we're at 1 ½ percent now with a 50% credit. With a 50% credit you only get 0.75 credit. If you work in Dayton, you're paying 2 ½%. You pay 2 ½% to Dayton then you still owe us 0.75; because you only get a 50% credit, you're paying 3.25%. What we're putting on the ballot is to raise it to 2 ½% for Clayton but 100% credit. So, if you work in Dayton and are paying 2 ½% you get 100% credit, you owe Clayton nothing.

OLD BUSINESS

Ordinance No. O – 09 – 23 – 21 An Ordinance Affirming Ordinance O-05-23-08 and Further Authorizing and Directing the Montgomery County, Ohio Board of Elections to Conduct an Election of the Electors of the City of Clayton, Ohio at the Primary Election to be held on March

19, 2024 on the question: Shall Ordinance O-05-23-08 Which Adopted 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 Harbor Road and Bearing Parcel I.D. No. M60 03006 0009 (to be called "Salem Springs") Within the City of Clayton, Ohio be Approved? Second reading, no further discussion. Motion by Merkle to approve the Ordinance, second by Kelly. Voting: Bachman-yes, Henning-no, Gorman-no, Merkle-yes, Kelly-yes, Lieberman-yes, and Stevens-yes. Motion passed 5-2.

NEW BUSINESS

Ordinance No. O – 09 – 23 – 22 An Ordinance to Approve Current Replacement Pages to the Clayton Codified Ordinances. Motion by Merkle to approve the Ordinance, second by Gorman. All yeas, motion carried.

Resolution No. R – 09 – 23 – 57 A Resolution Authorizing the City Manager to Enter Into a Renewal Agreement with the Public Entities Pool of Ohio (PEP) and Burnham and Flower Insurance Group for the Provision of Property, Casualty and Liability Insurance Coverage for November 1, 2023 – October 31, 2024 with an Annual Premium Not to Exceed \$128,600.50. Motion by Gorman to approve the Resolution, second by Henning. All yeas, motion carried.

Resolution No. R – 09 – 23 – 58 A Resolution Accepting the Amounts and Rates as Determined by the Montgomery County Budget Commission and Authorizing the Necessary Tax Levies and Certifying them to the County Auditor. Schweitzer advised we do this annually, it allows the City to levy the property tax rates, both voted and unvoted, and subsequently collect the associated revenues. Motion by Gorman to approve the Resolution, second by Kelly. All yeas, motion carried.

Resolution No. R – 09 – 23 – 59 A Resolution Supporting Northmont City School District Levy. Motion by Gorman to approve the Resolution, second by Henning. All yeas, motion carried. Mayor Stevens stated I just want to reiterate that although we do support Northmont schools in many ways, they are a completely different entity than us, we do not share funds. However, we support the school system as a Council.

CITY MANAGER'S REPORT

Amanda Zimmerlin, City Manager, advised first this evening Chief Garver would like to introduce new firefighter personnel. Chief Garver introduced John McGuirk and Brett Schumpert, giving a brief background on each. Zimmerlin stated at our last meeting we discussed the feasibility study for the new fire station that we hopefully will be able to eventually build. I am asking Council to authorize me to spend \$26,000 for the study. Council all agreed to allow Zimmerlin to proceed with the study. A reminder we have our Open House here at the city building on Tuesday, October 3rd from 4:30-7:00 p.m. That includes the fire, police and service departments. They will have all the trucks out for everyone to see. We will have our Fall Sweep Clayton Clean event Saturday, October 21st from 8:00 am until noon at Woolery Lane. Last Thursday, Elaine (Wittman) and I attended the Center for Local Government's annual meeting, where Elaine graduated from the Leadership Academy. The Northmont Homecoming is

Thursday, October 5th, I believe everyone on Council has decided to participate in the parade. We have multiple applicants for the Parks Advisory Commission, you have all the resumes in your packets and we will bring legislation at our next meeting with a blank space so you can decide who you'd like to see on that board. Hunter's Path will hold an open house on September 29th. I do have a request to be excused from our October 5th meeting, it's my Daughter's Senior night for Soccer and I would like to attend that. Elaine Wittman will be covering that meeting.

Mayor Stevens stated you have also taken on a new role, can you please advise Council. Zimmerlin stated she was elected the President for the Center for Local Government Board. It's voted on by the other member cities within the Center for Local Government.

COUNCIL MEMBER COMMENTS

Bachman wished the Northmont Football Team good luck on tonight's game, Go Bolts! Henning stated Northmont was recognized for receiving a 5 Star rating on the Ohio Department of Education State report card, I want to congratulate the district on that. Superintendent Thomas and the staff work really hard on behalf of the students. JD Custer's last day for the season is October 1st for anyone that's interested in supporting a local business. I want to add that I believe public engagement from the community is important and is something that we should continue to do. Stevens stated I just want to say thank you to the staff and welcome to our new firefighters, and thanks to everyone for coming out tonight and for your interest in the city.

Earl Harlamert of the Parks Advisory Commission asked everyone to please go and check out our parks, a number of projects have been completed this year. Westbrook Park has had new bathrooms installed and the tennis courts will be resurfaced for both tennis and pickleball play. Northview Parks is having an all-inclusive playground installed, and new sidewalks have been installed. Hardscrabble's parking lots have been paved, in addition to the walking paths. The Parks Commission will have a table at the Open House on October 3rd with videos of all the parks.

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

Meeting adjourned at 8:08 PM.