

## **Minutes of November 2, 2023 Clayton City Council**

Regular Meeting of the Clayton, Ohio City Council  
Clayton Government Center  
November 2, 2023

### **CALL TO ORDER**

The meeting was called to order by Mayor Stevens at 7:30 PM. Present were Mayor Stevens and Councilmembers Bachman, Gorman, Merkle, Kelly, and Lieberman. Councilman Henning was excused from this meeting during the Work Session earlier this evening.

### **CLERK'S REPORT**

Clerk Seim presented the minutes of the October 19, 2023 Council work session. Motion by Gorman, second by Kelly to approve the minutes as presented. Voting: Bachman-yes, Gorman-yes, Merkle-yes, Kelly-yes, Lieberman-yes, and Stevens-Abstain. Motion passed 5-0 with one abstention. Seim then presented the minutes of the October 19, 2023 Council meeting. Motion by Gorman, second by Merkle to approve the minutes as presented. Voting: Bachman-yes, Gorman-yes, Merkle-yes, Kelly-yes, Lieberman-yes, and Stevens-Abstain. Motion passed 5-0 with one abstention.

Mayor Stevens advised we need to amend tonight's Agenda to include Ordinance O-11-23-25 and Resolution R-11-23-62. Motion by Gorman to amend tonight's agenda, motion was seconded by Merkle. All yeas, motion carried.

### **NEW BUSINESS**

Ordinance No. O – 11 – 23 – 24 An Ordinance Approving Amendment of the Clayton Codified Ordinances in Order to Add a New Chapter 185 Entitled, "Hotel Lodging Excise Tax". Kevin Schweitzer, Finance Director, advised currently no hotels or motels exist in the City, implementing this tax now would allow the City to give the appearance of not being a hindrance to economic development and waiting until a hotel or motel is planned to assess a tax. The tax would be in place and understood by potential hotel/motel developers as an established cost of doing business. The tax would also be coming from individuals that are not Clayton residents. The tax would be paid by those utilizing the hotels and motels, therefore, not adding additional expense to residents or hotel/motel owners. Motion by Gorman to approve the Ordinance, second by Kelly. All yeas, motion carried.

Ordinance No. O – 11 – 23 – 25 An Ordinance Amending the City Income Tax Code at Chapter 183 of the Clayton Codified Ordinances to Adopt Revisions Mandated by Ohio House Bill 33. Schweitzer advised this is State mandated legislation that we worked with CCA to make sure we had everything correct. These are not huge revisions they are more procedural matters. Motion by Merkle to approve the Ordinance, second by Bachman. All yeas, motion carried.

### **OLD BUSINESS**

Resolution No. R – 10 – 23 – 60 A Resolution Appointing \_\_\_\_\_ to the Parks Advisory Commission. This Resolution was tabled at the October 19<sup>th</sup> Council meeting. Gorman made a motion to keep this Resolution on the table until all Councilmembers are present. Motion was second by Kelly. All yeas, motion carried.

## **NEW BUSINESS**

Resolution No. R – 11 – 23 – 61 A Resolution to Authorize and Approve Five-Year Capital Improvement Budget. Schweitzer advised our City's Charter requires us to prepare a five-year capital improvement budget. It consists of proposed planned purchases as well as the debt service requirements. Motion by Gorman to approve the Resolution, second by Kelly. All yeas, motion carried.

Resolution No. R – 11 – 23 – 62 A Resolution of Encouragement for Officer Cody Cecil and in Support of the Clayton Police Department. Motion by Gorman to approve the Resolution, second by Merkle. All yeas, motion carried.

## **CITY MANAGER'S REPORT**

Amanda Zimmerlin, City Manager, advised City offices will be closed next Friday, November 10<sup>th</sup> in observance of Veteran's Day. Offices will also be closed Thursday and Friday, November 23<sup>rd</sup> and 24<sup>th</sup> for the Thanksgiving Holiday. Our annual Breakfast with Santa is Saturday, December 16<sup>th</sup> at 9:00 a.m., tickets go on sale November 20<sup>th</sup>. The Meadowbrook pool house mural, at a previous Council meeting staff presented Council with some ideas. After the discussion with Council, and then a discussion with the Art Club at Northmont they asked that we postpone the project to give them an opportunity to revise some of the plans they presented and to also have another group of students an opportunity to design something for that space. Staff agrees with them, and I'm assuming Council is fine with that if we just put a hold on that project. Just an update, Laura's Loft on Main Street is scheduled for demolition in early 2024. Lastly, a benefit for Officer Cecil is scheduled for Friday, November 17<sup>th</sup> from 5-10 p.m. at the Irish Club of Dayton located at 6555 Dog Leg Road.

## **VISITOR'S COMMENTS**

Earl Harlamert of the Parks Commission thanked everyone who participated in the Costumes and Carvings last Saturday at Meadowbrook. Everyone had a great time, and we would like to thank Wetzel Farms for the donation of the pumpkins and Meijer's for the donation of the carving tools, candy and refreshments. I also want to thank everyone that came out for our ribbon cutting of our all inclusive playground at Northview Park.

## **COUNCIL MEMBER COMMENTS**

Bachman stated we had two great events last weekend, the Costumes and Carvings and the playground ribbon cutting which was very nice. The playground is a great asset to the community and being ADA compliant, also this is the only inclusive playground in Northwest Montgomery County. A lot has been said about Officer Cecil and the police department. What is comes down to is you can put a price tag on the equipment, the body armor, but you can't put a price on the men and women who put on that gear every day. We can't be more appreciative of the Police and Fire Fighters. Gorman thanked everyone who worked at the Costumes and Carvings and the ribbon cutting at Northview Park. I would also like to thank the members who worked on the Charter Review Commission, they put in a lot of hours reviewing the Charter and thank you for your work on this project. Merkle stated I wish to acknowledge Office Cecil in light of the events this past week. You don't know what an officer goes through until something like this happens. It's hard to understand the stresses that an officer goes through on a daily basis. We should not forget the family that was also affected by the loss of a person though

mental health, my sympathies also go out to them. I also wish to say Happy Birthday to my Dad who turned 95 this month. Kelly reminded everyone next Tuesday is election day, please get out and exercise your right to vote. I also want to wish Council Lieberman a Happy Birthday, as today is his birthday. Lieberman stated I also want to wish Ms. Kelly a Happy Birthday as her birthday is tomorrow. Office Cecil has been on my mind and I want him, and all of you to know, that I couldn't be prouder of our Police and Fire departments. Please know, we have your backs. Stevens stated the playground is excellent, the crews did a great job and everyone is really impressed, and the park looks fantastic. And, of course, the incident with Officer Cecil, I am so proud of him and all our Officers.

Mayor Stevens advised an Executive Session is needed this evening. Law Director Martina Dillon stated the Executive Session is needed pursuant to ORC 121.22(G)(8) with respect to Economic Development. Gorman made a motion to break for an Executive Session, motion was second by Kelly. Voting: Bachman-yes, Gorman-yes, Merkle-yes, Kelly-yes, Lieberman-yes and Stevens-yes. Motion carried 6-0. Council broke for Executive Session at 7:50 PM. Council returned to regular session at 8:07 PM.

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

Meeting adjourned at 8:08 PM.