

## **Minutes of November 16, 2023 Council**

Regular Meeting of the Clayton, Ohio City Council  
Clayton Government Center  
November 16, 2023

### **CALL TO ORDER**

The meeting was called to order by Mayor Stevens at 7:19 PM. Present were Mayor Stevens and Councilmembers Bachman, Henning, Gorman, Merkle, Kelly, and Lieberman.

### **SPECIAL PRESENTATION**

Jack Kuntz, Director of Development, introduced Ellen Snyder, our newly hired Zoning and GIS Manager. Ms. Snyder provided Council with her background and stated she is looking forward to working in Clayton.

### **CLERK'S REPORT**

Clerk Seim presented the minutes of the November 2, 2023 Council work session. Motion by Gorman, second by Bachman to approve the minutes as presented. Voting: Bachman-yes, Henning-Abstain, Gorman-yes, Merkle-yes, Kelly-yes, Lieberman-yes, and Stevens-yes. Motion passed 6-0 with one abstention. Seim then presented the minutes of the November 2, 2023 Council meeting. Motion by Gorman, second by Kelly to approve the minutes as presented. Voting: Bachman-yes, Henning-Abstain, Gorman-yes, Merkle-yes, Kelly-yes, Lieberman-yes, and Stevens-yes. Motion passed 6-0 with one abstention.

### **VISITOR'S COMMENTS**

Alisha York stated the tax levy that might go on the March ballot, I've heard the school may put their levy back on the ballot also. A community is based on their school, and if we put both levies on the ballot in March, we may not be successful. Maybe the City can discuss this with the school board as it didn't work the first time, it's probably not going to work again.

### **OLD 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". Second reading, no further discussion. 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. Second reading, no further discussion. Motion by Gorman to approve the Ordinance, second by Merkle. All yeas, motion carried.

Martina Dillon, Law Director, advised Resolution No. R – 10 – 23 – 60 was Tabled at the November 2, 2023 Council Meeting and motion to un-table this Resolution is required tonight. Motion by Gorman to un-table this Resolution, motion was seconded by Merkle. All yeas, motion carried.

Resolution No. R – 10 – 23 – 60 A Resolution Appointing \_\_\_ to the Parks Advisory Commission. Motion by Gorman to Appoint Malia Jimenez to the Parks Advisory Commission, motion was seconded by Henning. Voting: Bachman-yes, Henning-yes, Gorman-yes, Merkle-yes, Kelly-abstain, Lieberman-yes, and Stevens-yes. Motion passed 6-0 with one abstention.

#### **NEW BUSINESS**

Ordinance No. O – 11 – 23 – 26 An Ordinance Approving Amendments to Chapter 183, Income Tax Sections 183.012, 183.013, and 183.081 of the Administrative Code of the City of Clayton, Ohio to Provide for Imposition of Annual Income Tax Rate of Two and One Half Percent (2.50%) per year on Income and Restoring a One Hundred Percent (100%) Credit for Taxes Paid by Residents to Other Municipalities on Such Income on or After January 1, 2025, When the City's Income Tax Rate is Increased to Two and One Half Percent (2.50%) for the Purposes Specified Herein and Declaring an Emergency. Motion by Gorman to approve the Ordinance as an emergency, motion was seconded by Bachman. Voting: Bachman-yes, Henning-no, Gorman-yes, Merkle-no, Kelly-yes, Lieberman-yes, and Stevens-yes. Motion passed 5-2. Motion by Bachman to approve the Ordinance, second by Gorman. Voting: Bachman-yes, Henning-no, Gorman-yes, Merkle-no, Kelly-yes, Lieberman-yes, and Stevens-yes. Motion passed 5-2.

Resolution No. R – 11 – 23 – 63 A Resolution Authorizing the City of Clayton to Enter Into a Contract with the Montgomery County Public Defender Office and Montgomery County Public Defender Commission. Motion by Henning to approve the Resolution, second by Kelly. All yeas, motion carried.

Resolution No. R – 11 – 23 – 64 A Resolution Authorizing and Directing the Board of Elections of Montgomery County, Ohio, to Conduct an Election of the Electors in the City of Clayton, Ohio at the Primary Election to be Held on March 19, 2024 on the Question: Shall Ordinance No. O-11-23-26 Adopted by the Council of the City of Clayton, Ohio Providing on January 1, 2025, for an Additional One Percent (1%) Levy on Income to a Total Rate of Two and One Half Percent (2.50%) with Funds Generated by the 2.50% Income Tax to be Appropriated Solely for the Purpose of General Municipal Operations and Functions and Providing for the Restoration of the One Hundred Percent (100%) Income Tax Credit be Passed? Motion by Gorman to approve the Resolution, second by Bachman. Voting: Bachman-yes, Henning-no, Gorman-yes, Merkle-no, Kelly-yes, Lieberman-yes, and Stevens-yes. Motion passed 5-2.

Resolution No. R – 11 – 23 – 65 A Resolution Authorizing the Finance Director to Request the County Auditor to Make Advance Payments into the Clayton Account. Kevin Schweitzer, Finance Director, advised in order to receive the tax revenues as they are collected, the County Auditor requires a written request for advances, and this request must be passed by council through a Resolution. This enables the City to collect monies earlier than property tax settlement dates and utilize the monies for operational purposes. Motion by Gorman to approve the Resolution, second by Merkle. All yeas, motion carried.

Resolution No. R – 11 – 23 – 66 A Resolution Appointing \_\_\_\_\_ to the Parks Advisory Commission. Motion by Lieberman to Appoint Shelby Spain to the Parks Advisory Commission, motion was seconded by Henning. Voting: Bachman-yes, Henning-yes, Gorman-yes, Merkle-yes, Kelly-abstain, Lieberman-yes, and Stevens-yes. Motion passed 6-0 with one abstention.

## **CITY MANAGER'S REPORT**

Amanda Zimmerlin, City Manager, asked Council our last meeting in December is the 21<sup>st</sup> and is so close to the Christmas holiday, would Council be agreeable moving that meeting to Monday, December 18<sup>th</sup>. Gorman made a motion that we move our December 21<sup>st</sup> meeting to Monday, December 18<sup>th</sup>, motion was seconded by Kelly. Voting: Bachman-yes, Henning-yes, Gorman-yes, Merkle-yes, Kelly-yes, Lieberman-yes, and Stevens-yes. Motion passed 7-0. City offices will be closed Thursday and Friday, November 23<sup>rd</sup> and 24<sup>th</sup> for the Thanksgiving holiday. Breakfast with Santa is Saturday, December 16<sup>th</sup> from 9 – 11 am at Meadowbrook at Clayton. City offices will also be closed Friday, December 22<sup>nd</sup> and Monday, December 25<sup>th</sup> for the Christmas holiday. Zimmerlin then discussed the income tax issue and the items that we are looking at removing from the budget, stating we will go into more depth on this at our next meeting on December 7<sup>th</sup> when we have the actual budget presentation.

## **COUNCIL MEMBER COMMENTS**

Bachman welcomed Ellen Snyder to City, we're looking forward to using your skill set here in the City. A majority of this meeting has been doom and gloom, and that's the reality of things we've been discussing for years. Maybe some of those things have a pause, but it's a testament to our whole staff and Council. Jack (Kuntz) has spearheaded so much of the development, it shows your skill set and your commitment here has definitely paid off. The changes we're seeing now is because of the work you've been doing; it takes a long time. I would like to announce that my family will be celebrating my Grandfather's 100<sup>th</sup> birthday this weekend. Henning wished everyone a great Thanksgiving, we all have so much to be thankful for, spend time with your family. A reminder, please give to Northmont FISH if you are able, in addition to Trotwood Fire House on Little Richmond Road, Friday through Sunday, they support Northwestern Montgomery County. Henning also asked staff to post on the City's social media about Shopping Local on November 25<sup>th</sup>. Gorman welcomed Ellen and wished her good luck. He also wished Mr. Bachman's Grandfather a Happy Birthday. A reminder that Friday, November 17<sup>th</sup> is the fundraiser for Officer Cody Cecil, and I want to wish everyone a Happy Thanksgiving. Merkle welcomed Ellen to the City. I don't want people to get the misconception as far as not supporting the City in terms of the income tax ballot issue. I want what's best for the City and I want things to be successful. I want to thank Jack for the information, we were fortunate that we were able to get you from Harrison Township, we're glad you're here. I want to thank the staff for the work that is done each and every day. Kelly welcomed Ellen, and stated we all work well together as a team, I want to thank each and everyone. Happy Turkey day. Lieberman welcomed Ellen, you will enjoy working here, we have a great staff. A lot of issues were discussed tonight. If only the State of Ohio would decide that local government is worthy of attention, some of these issues would go away. I've spent my lifetime trying to encourage people to get out to vote, and in this last election I was successful in one of the largest voter turnouts in Precinct 1A at 66% which I think was the largest in the County. Of course, they turned out to vote against me, but at least I got them out. With that, I want to say congratulations to Ryan (Farmer) I wish you the best of luck. I'm going to tell you this, you have a lot of really good people here, please listen to what they have to say. Stevens welcomed Ellen, I hope you have a great tenure here, I'm sure you will, you've joined a great team here. Congratulations to Lily Zimmerlin for being Penn Station Student Athlete of the Month. Thank you to Jack (Kuntz) for the great economic development presentation this evening. Congratulations to Shelby

(Spain) and Malia (Jimenez) and welcome to the Parks Advisory Commission. Lastly, congratulations to Mr. Farmer, you ran a good campaign, you won the election, we look forward to your input and working with you.

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)(4) which is to discuss labor negotiations with respect to terms and conditions and 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 7:50 PM. Council returned to regular session at 8:45 PM.

Mayor Stevens reminded everyone our Breakfast with Santa tickets will go on sale Monday morning, November 20<sup>th</sup> and they will be gone within a few hours.

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

Meeting adjourned at 8:56 PM.