

## **Minutes of December 7, 2023 Council**

Regular Meeting of the Clayton, Ohio City Council  
Clayton Government Center  
December 7, 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 tonight's meeting earlier this evening during the Work Session.

### **SPECIAL PRESENTATION**

Jack Kuntz introduced the Whalen family from Packingham Drive and awarded them the Fall VIP Award for 2023.

### **CLERK'S REPORT**

Clerk Seim presented the minutes of the November 16, 2023 Council work session. Motion by Gorman, second by Kelly to approve the minutes as presented. All yeas, motion carried. Seim then presented the minutes of the November 16, 2023 Council meeting. Motion by Gorman, second by Merkle to approve the minutes as presented. All yeas, motion carried.

### **OLD BUSINESS**

None

### **NEW BUSINESS**

Ordinance No. O – 12 – 23 – 26 An Ordinance Approving a Twenty Percent (20%) Increase of the Competitive Bid Threshold Pursuant to City Charter Sections 8.02(B) and 8.02(C)(1). Kevin Schweitzer, Finance Director, advised we are requesting the City exercise the option to increase the threshold by 20% or \$12,900, to \$77,398. This amount is just above the statutory limit and still well below the Charter limit of twice the statutory limit. This threshold also would only apply to the limited opportunities where capital assets cannot be purchased through the State bid, which does not require further competitive bidding. Motion by Gorman to approve the Ordinance, second by Bachman. All yeas, motion carried.

Resolution No. R – 12 – 23 – 67 A Resolution Approving a New Collective Bargaining Agreement with the Ohio Patrolmen's Benevolent Association Setting Forth the Wages, Benefits and Terms and Conditions of Employment for Patrol Officers Within the Clayton Police Department for the Period January 1, 2024 through December 31, 2027. Motion by Merkle to approve the Resolution, second by Kelly. All yeas, motion carried.

Resolution No. R – 12 – 23 – 68 A Resolution Authorizing the City Manager to Enter into a Memorandum of Understanding with Clay Township, the Montgomery County Transportation Improvement District, and QuickTrip Corporation Regarding a Proposed Public Water Line Extension. Amanda Zimmerlin, City Manager, advised if you recall, Steve Stanley discussed with Council at our August 17, 2023 meeting, the Transportation Improvement District (TID) has entered into an agreement with Clay Township to further development strategies to facilitate and encourage development of the area between Interstate 70, State Route 49, 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 will necessitate the running of water lines. The City has an opportunity to partner with the TID and the Township to further this project with the use of JEDD funds. The MOU before Council provides no financial commitment from any party, it only provides that the City, Township, and QuickTrip have a mutual understanding of the project. All financial factors will be outlined in the Final Development Plan. This project is entirely in the JEDD and JEDD funds will be utilized for the City's portion of the project. Motion by Gorman to approve the Resolution, second by Lieberman. All yeas, motion carried.

Resolution No. R – 12 – 23 – 69 A Resolution Authorizing the City Manager to Enter into an Amendment to the Agreement for Electric Generation Supply with Interstate Gas Supply, LLC. Zimmerlin advised the MVCC Municipal Facility Electric Aggregation Program has brokered a deal with IGS for an electric aggregation rate of approximately \$.05995/kWh to be effective June 2024 through December 2026. The rate from AES Ohio is \$.10811/kWh. This rate applies only to municipal facilities and has no relationship to the MVCC Residential and Small Business Aggregation Program through Energy Harbor. Motion by Gorman to approve the Resolution, second by Kelly. Voting: Bachman-yes, Gorman-yes, Merkle-yes, Kelly-yes, Lieberman-abstain, and Stevens-yes. Motion passed 5-0 with one abstention.

Resolution No. R – 12 – 23 – 70 A Resolution Authorizing the City Manager to Enter into a Three-Year Contract with Opti-Vise, LLC for Information Technology Services for an Amount Not to Exceed \$68,230.20 Annually. Brian Garver, Fire Chief, advised we have been doing business with Opti-Vise for eight years, they have done a really good job and have been very responsive. Motion by Gorman to approve the Resolution, second by Bachman. All yeas, motion carried.

Resolution No. R – 12 – 23 – 71 A Resolution Authorizing the City Manager to Enter into Public Works Mutual Aid Agreement. Zimmerlin advised communities that are part of the Mami Valley Communications Council have had multiple discussions concerning public works and mutual aid. There has been great support from communities to each other in times of crisis and just day to day aid. The MOU drafted is an attempt, prior to an occurrence or disaster, to facilitate recognition of emergency and non-emergency demands and make the response of participating communities more effective. The MOU does not place any liability on any party if they do wish to or cannot respond to an event. Motion by Merkle to approve the Resolution, second by Kelly. All yeas, motion carried.

### **CITY MANAGER'S REPORT**

Amanda Zimmerlin, City Manager, advised City offices will be closed Friday, December 22<sup>nd</sup> and Monday, December 25<sup>th</sup> for the Christmas holiday, in addition to being closed Friday, December 29<sup>th</sup> and Monday, January 1<sup>st</sup> for the New Year's holiday. The staff potluck luncheon is Wednesday, December 13<sup>th</sup> at 11:30 AM at Meadowbrook, we hope to see you there. Brookville's annual Chamber Prayer Breakfast, if you would like to attend, please let me know by January 4<sup>th</sup> so I can RSVP. There are several boards and commissions positions that will need to be renewed at the first of the year. For the Planning Commission Derek Muncy has agreed to another term. For the Board of Zoning Appeals we will have an open seat as Jennifer Weeks has decided not to renew her term. Mr. Ronald Johnson has expressed interest in serving on the board, but we will advertise to see if anyone else is interested in that position. There are several boards and commissions that Council members serve on that will need to be reappointed at the first meeting in 2024. I want to have a discussion on whether or not you want to institute a recreational marijuana moratorium. After discussion, it was decided we will bring legislation forth at our December 18<sup>th</sup> meeting for consideration. Our trash and recycling contract with Republic Services expires in June 2024. We will be going out to bid for this service before the end of the year. We would pursue a three-year

contract with 2 one year options. It should be noted that the market for trash collection is tough, and all cities have seen an increase in refuse collection costs. We do have an opportunity to potentially partner with the Center for Local Government at the end of the three year term, and join the Dayton Area Trash Consortium with Bellbrook, Brookville, and Miamisburg. The consortium would bid out joint services (residential trash and recycling collection) and any Clayton specific items would be in an addendum. The hope would be that an economy of scale would be able to reduce the cost of trash service.

#### **VISITOR'S COMMENTS**

Earl Harlamert of the Parks Advisory Commission reminded everyone our Breakfast with Santa will be held Saturday, December 16<sup>th</sup> from 9-11 a.m. at Meadowbrook at Clayton. Tickets are sold out, but everyone is welcomed to come and see Santa even if they don't have a ticket.

#### **COUNCIL MEMBER COMMENTS**

Bachman thanked Kevin (Schweitzer) and all the department heads for their work on the budget, a lot of time and effort goes into that. There were a lot of details that were presented tonight, and we have always been transparent. We have some lean times ahead, some hard decisions to make. Merkle thanked Kevin for the numbers representing the budget aspects going forward, but this is our new reality and we have to live with it and figure out how to move it all forward. Decisions have to be made as far as how we move forward. On a positive note, it is the holiday season. It's time to take a step back and rethink things in terms of what has happened in this world recently. Tonight is the first night of Hanukkah, we need to be kind to each other. We're all in this place once, we don't get a second chance, there is no redo's. We get judged on how we act now, not sometime in the future so let's make the best of it. Kelly stated Kevin you always do an outstanding job. When there is a will, there's a way because you are always very conservative, I thank you for that. Tonight, we have all the department heads here, I want to say thank you for all your work and your efforts throughout the year. Lieberman wished everyone Happy Hanukkah, especially all my Jewish friends. Tonight is the first night of Hanukkah where we light the first candle and give out gifts. Kevin, I agree, you did a great job, you always do. You have left us with a lot to think about and hopefully we'll be able to help you out in the future. Stevens wished everyone a Happy Hanukkah. Congratulations Jack (Kuntz), we are proud of what you've done while working here. Stevens then asked Police Chief Hamlin to speak on the award that Sergeant Schutte recently received. Chief Hamlin advised that Sergeant Schutte recently received the first Humanitarian Award from the 100 Club of Dayton for his work on the Shop with a Cop program. We also recently put him in for the Montgomery County Chief's of Police Association, and he did win the Humanitarian Award for that and that will be coming up in January 20<sup>th</sup>. Councilman Gorman asked if Chief Hamlin could provide an update on Officer Cecil. Chief Hamlin stated he is doing well, he's recovering nicely, but it's going to be a long road. Mayor Stevens thanked staff for the budget presentation during our work session earlier this evening, but we need to better communicate to the residents on the need for the levy. I also want to thank everyone, all of our staff, our Council, all the support folks that we have, all of our committees and mostly all our residents for everything that you do.

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

Meeting adjourned at 8:08 PM.