

## **Minutes of January 18, 2024 Council**

Meeting of the Clayton, Ohio City Council  
Clayton Government Center  
January 18, 2024

### **CALL TO ORDER**

The meeting was called to order by Mayor Stevens at 7:30 PM. Present were Mayor Stevens and Councilmembers Farmer, Henning, Gorman, Merkle, Kelly, and Bachman.

### **CLERK'S REPORT**

Clerk Seim presented the minutes of the January 4, 2024 Council meeting. Motion by Gorman, second by Kelly to approve the minutes as presented. All yeas, motion carried.

### **EXECUTIVE SESSION**

Mayor Stevens advised an Executive Session is needed this evening. Law Director Martina Dillon stated the Executive Session is needed to discuss matters pertaining to the sale of real estate. Gorman made a motion to break for an Executive Session, motion was second by Merkle. Voting: Farmer-yes, Henning-yes, Gorman-yes, Merkle-yes, Kelly-yes, Bachman-yes and Stevens-yes. Motion carried 7-0. Council broke for Executive Session at 7:13 PM. Gorman made a motion to return from Executive Session, motion was second by Kelly. Voting: Farmer-yes, Henning-yes, Gorman-yes, Merkle-yes, Kelly-yes, Bachman-yes and Stevens-yes. Motion carried 7-0. Council returned from Executive Session at 7:32 PM.

### **OLD BUSINESS**

This Ordinance was Tabled at the January 4, 2024 Council meeting. Motion by Gorman to Table this Ordinance again tonight, motion was second by Kelly. All yeas, motion carried.

Ordinance No. O – 12 – 23 – 28 An Ordinance Authorizing the City Manager to Sell a 3.7884 Acre Parcel of Property Located at the Corner of National Road and Proaction Drive and Bearing Parcel I.D. No. M60 03102 0112 to Bella Sorella Pizza Company, LLC for a Price of Two Hundred Thousand Dollars (\$200,000.00) and Subject to the Provisions Concerning Forgiveness of the Loan for the Purchase Price in Return for Maintaining an Agreed Level of Employment and Other Conditions as Contained within a Certain Purchase and Sale Agreement with the Purchaser and Declaring an Emergency.

### **NEW BUSINESS**

Resolution No. R – 01 – 24 – 10 A Resolution Pursuant to Clayton Charter Section 12.12(D) Supporting the City of Clayton Income Tax Levy to be Placed on the March 19, 2024 Ballot. Amanda Zimmerlin, City Manager, advised this would allow the City to print flyers, yard signs and items of general support of the income tax levy we have on the March 19<sup>th</sup> ballot. Councilman Farmer stated I know we're voting to fund the marketing for the income tax, but while we're struggling with cuts, I'd like to offer up that while we can't cut ourselves to prosperity, we can't tax ourselves there either. There's a sweet spot we as a Council need to find. I would like to offer up my services having done budget prioritization in my professional life to have us come together and try to understand our priorities in spending in the city so we

can make a better case to the public on if we need an income tax increase. I think that would help instill some confidence in how we're looking at the budget, how we're trying to be good stewards with the people's money. Zimmerlin stated a good point to start would be looking at our 2024 budget, I know you were not on Council when that got passed, but we did do that, this Council and staff looked at what we had in the budget, what our priorities were and what services we could continue to provide. Your idea is very good and that is something we definitely need to communicate to our residents. Councilwomen Kelly stated I thought we had discussed having a committee to work on how to market this levy. Law Director Dillon advised I would suggest that if a councilmember, like Mr. Farmer, wants to make recommendations like he just described I would suggest you have a work session to discuss that, that's the most transparent, best legally conforming way to do that, and would be my recommendation. Motion by Gorman to approve the Resolution, second by Kelly. Voting: Farmer-no, Henning-no, Gorman-yes, Merkle-yes, Kelly-yes, Bachman-yes, and Stevens-yes. Motion passed 5-2.

Resolution No. R – 01 – 24 – 11 A Resolution Authorizing the City Manager to Accept the Proposal of and Enter into an Agreement with Choice One Engineering Corporation for Professional Engineering Services for the Main Street Sidewalk Project MOT-SR 48 20.61, PID 119822 and at a Cost Not to Exceed \$49,700.00. Randy Sanders, Public Service Director, advised Clayton was awarded a grant through ODOT's Safety Program for the first phase of the Main Street Sidewalk and Curb project. A request for qualifications in design engineering was advertised and five engineering firms were evaluated by our staff. Choice One Engineering was selected to design the project after looking at the qualifications, the project manager, and the experience of the staff. Motion by Gorman to approve the Resolution, second by Henning. All yeas, motion carried.

Resolution No. R – 01 – 24 – 12 A Resolution to Declare Surplus Equipment Available for Disposal through Sale or Auction. Sanders advised the service department purchased a Ford F-150 in 2008. This piece of equipment is showing signs of extreme corrosion and continued mechanical issues. Motion by Gorman to approve the Resolution, second by Kelly. All yeas, motion carried.

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

Zimmerlin advised in a previous meeting Mr. Gorman requested we have the County Auditor attend a future meeting to discuss the property evaluations in the city. He is available for a Work Session on February 15<sup>th</sup> at 7:00 p.m. The Laura's Loft buildings on Main Street are now down, and work should be completed by the end of the week. We received two trash bids, and we plan to have a recommendation to Council by our first meeting in February. Our current trash contract expires in June and we want to make sure we have plenty of time if there is a transition period to make sure residents know that that's going to happen. Our finance department has once again won the Government Finance Officers Association award. CCA will be providing taxpayer assistance at the City offices, assistance is by appointment only, and you can schedule an appointment by calling (216) 857-3174. This information is also available on the City's website. Appointments will be Friday, March 1<sup>st</sup>, Wednesday, March 13<sup>th</sup>, Monday, March 25<sup>th</sup> and Wednesday, April 10<sup>th</sup> from 9:00 am to 3:00 pm. The city was also awarded the Active Transportation Grant through ODOT. This is administered completely through ODOT, and will allow us to better understand intersections, help us get safety school grants, basic safety street grants, and this would be at no cost to the City.

Councilman Henning stated Council all received an e-mail from Deb Pulos about the incident over on Oakfield that happened New Year's Eve. I understand fireworks are hard to monitor, and we have a limited police staff, but I would like us to consider looking at what other municipalities have implemented. Chief Hamlin stated a number of communities have banned fireworks, but they don't issue citations, they work to get compliance from residents. Council can establish a ban, but it's a low priority call, and it's not going to stop people. We do have laws on the books for discharging firearms. The only thing I can say is, how do we stop that, I have to have a place of origin, where did it come from. I have to have a resident step up and say they're shooting the gun. We did have a shot fired call in the Valleybrook neighborhood, but the resident who called it in just said he heard the shot and did not know if it was a gunshot or fireworks. We don't have the technology to say where a gunshot originated. Councilman Henning asked Law Director Dillon to draft legislation similar to what Trotwood currently has on the books for our next meeting. We want residents to know that this is something that we are listening to them on. Zimmerlin stated if that is something this body wants to do, that's fine. We are not getting an overwhelming number of residents coming in telling us they don't want to be able to shoot off fireworks, we're not getting the complaints, we've had no calls for service this year, and something like 38 last year. If Council wishes to say you can not shoot off fireworks in Clayton, we can do that, but I don't think that is going to stop people. People were shooting them off even when they were banned in the State of Ohio. Fire Chief Garver stated we have always had fireworks going off in the City whether it's legal or not, it's going to happen. One thing I like about the law it actually put parameters on how you can do this and put out safety measures which were never out there before. That was a good thing to education the public with, it's actually written in the law how you have to do it to make it safer. The other things we look at are injuries, we look at fires in our City, but when you look at the last 25 years I've been here we have not had any firework injuries that I found or any fires caused by fireworks. Henning stated per the City Charter 4.031(A) being able to introduce legislation, I want to introduce at least what Trotwood has on the books for us to discuss at the next Council meeting, I want to see that on the agenda per my request.

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

Deb Pulos thanked Council and staff for the frank discussion on fireworks, I learned a few things. Just because you don't hear the complaints doesn't mean they are not out there; people don't want to call the Police. We don't live in the same world we lived in 20 or 10 years ago, we can't count on people to do the right thing. I think fireworks are the gateway, an opportunity for people to act foolish on a holiday, and when someone doesn't get the satisfaction they want from a firework, they might go to a firearm. Dana York advised Councilmembers had all received an e-mail from Dr. Bios, we are asking Council to repeal Ordinance O-05-23-08.

#### **COUNCIL MEMBER COMMENTS**

Kelly thanked staff for the demolition of Laura's Loft, it's great to see that eye sore is gone, and that land will now be available for possible development. I also ask that we recognize Kevin Schweitzer at a future meeting on his finance award. Henning stated I know Randy (Sanders) and his team will do a great job tonight dealing with the snow coming in. A reminder that the voter registration deadline for the March 19<sup>th</sup> primary is February 20<sup>th</sup>. I want to thank everyone for the discussion on fireworks, it is a major concern of mine that a bullet went through a roof of one of the residents in my ward, this is something that we should take very seriously. Farmer stated I will try to get something to Council this week regarding this value based plan versus just picking alternatives, sort of a different kind of approach but it can become a tool that generates consistency across different divisions. I know the Law Director and

each of you received the message today about the repeal. We received her opinion and advice; I will let you know I have sought other legal advice and I am comfortable voting on that. My plan right now, I would request that we have some legislation drawn up for the repeal of that Ordinance for the next meeting. Stevens congratulated Kevin (Schweitzer) on his award, I believe this is the 16<sup>th</sup> year in a row receiving this award, he really has done a fantastic job for the City. On the fireworks legislation, like I said, I'm neutral. If I thought it would help, I would be all for it. Our Thoroughfare Plan update we heard earlier this evening during our work session was great, it's interesting to see what planning can do.

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

Meeting adjourned at 8:23PM.