

## **Minutes of April 4, 2024 Council**

Meeting of the Clayton, Ohio City Council  
Clayton Government Center  
April 4, 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, Kelly, and Bachman.

### **CLERK'S REPORT**

Clerk Seim presented the minutes of the March 21, 2024 Council meeting. Motion by Gorman, second by Kelly to approve the minutes as presented. All yeas, motion carried.

Councilman Merkle joined the meeting at 7:32 PM.

### **EXECUTIVE SESSION**

Mayor Stevens advised an Executive Session is needed this evening. Law Director Dillon stated the Executive Session is needed for matters pertaining to ORC 121.22(G)(3) and (4) which is matters pertaining to bargaining unit sessions for terms and conditions of employment for public employees and matters pertaining to litigation. Gorman made a motion to break for an 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 broke for Executive Session at 7:33 PM. Council returned at 7:47 PM, and Merkle made a motion to return to regular session, motion was second by Bachman. Voting: Farmer-yes, Henning-yes, Gorman-yes, Merkle-yes, Kelly-yes, Bachman-yes and Stevens-yes. Motion carried 7-0.

### **OLD BUSINESS**

None

### **NEW BUSINESS**

Resolution No. R – 04 – 24 – 23 A Resolution Authorizing the City Manager to Enter Into a Three-Year Memorandum of Understanding with the Montgomery County Soil and Water Conservation District at an Annual Cost of \$9,000.00. Motion by Gorman to approve the Resolution, second by Kelly. All yeas, motion carried.

Resolution No. R – 04 – 24 – 24 A Resolution Approving or Rejecting the Fact-Finding Report and Recommendation Issued in Connection with the Labor Negotiations with Teamsters Local Union 957 Concerning a Collective Bargaining Agreement for Maintenance Worker I and Maintenance Worker II Employees in the Clayton Service Department. Motion by Henning to approve the Resolution, second by Gorman. Voting: Farmer-yes, Henning-yes, Gorman-yes, Merkle-yes, Kelly-yes, Bachman-yes, and Stevens-yes. Motion passed 7-0.

Resolution No. R – 04 – 24 – 25 A Resolution Authorizing the City Manager to Enter Into an Agreement with the Ohio Benefits Cooperative to Provide Medical, Dental, and Life Benefits for Employees. Elaine Wittman, Assistant to the City Manager, advised with the September 1, 2020, Council authorized the City to enter the Ohio Benefits Cooperative for a three-year term. We

will reach the third year with this year's renewal. The OBC by-laws state that a jurisdiction may withdraw from the Cooperative by providing written notice to the Board at least four months preceding the effective date of such withdrawal, which may only be the end of a plan year. We have been satisfied with the OBC pool and the broker McGohan and Brabender. Renewal rates have been predictable and consistently in the single digits. Motion by Gorman to approve the Resolution, second by Kelly. All yeas, motion carried.

Resolution No. R – 04 – 24 – 26 A Resolution Authorizing the City Manager to Enter Into Addendum #1 to Agreement with Mid-Ohio Golf Cart Inc. with Respect to Lease of Golf Carts and Related Equipment. Motion by Kelly to approve the Resolution, second by Gorman. Voting: Farmer-yes, Henning-no, Gorman-yes, Merkle-yes, Kelly-yes, Bachman-yes, and Stevens-yes. Motion passed 6-1.

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

Amanda Zimmerlin, City Manager, stated just a reminder Council approved a Work Session for the April 18<sup>th</sup> meeting at 6:30 PM to talk about the stage two plans for the Hoke and Wenger intersection widening project. There was a request to review the fee schedule, I did ask staff to look at the fee schedules for their departments and no one made any recommendations that we adjust them. Looking at the grass penalty fee, we're looking at 2% to reflect the increase in cost for staff, the fee would increase from \$200 to \$204. I'm asking if Council wants to bring legislation to increase it to \$204 or leave it at \$200. Councilman Henning asked that it be added to the next agenda. Council has been invited to the Safety Town Open House at the Early Learning Center it is on Monday, April 15<sup>th</sup> at 8:30 AM. The Soil and Water meeting regarding the Wenger Road project scheduled for April 16<sup>th</sup> has been moved to May 7<sup>th</sup> at the Janice Ward Center. Rich Taste Catering, who do catering projects at Meadowbrook, is offering a Mother's Day Brunch on May 12<sup>th</sup>. This isn't a City event, but it is being hosted at Meadowbrook and it is open to the public.

### **VISITOR'S COMMENTS**

Dennis Lieberman stated I listened to the meetings in March and I thought about not coming, but I felt I needed to say a couple of things. One of them is I personally don't like where Council is right now. We used to be able to get along, we used to be able to talk, and we used to be able to not throw each other under the bus during Council meetings or to the newspaper. That is relegating us to the type of Councils that we used to make fun of, the ones today that I am very familiar with since I'm an attorney for some of them in New Lebanon. That isn't how we get things done, it's never been how we get things done in Clayton, and it never will be. Going to the press and throwing your fellow Council members under the bus is frankly very disappointing. Talk, talk to each other, figure out what each other wants to do. Don't blame each other for certain things that might happen. This year, Issue 5 going down because of Issue 4, that's all nonsense. Just talk to each other, let's stop the politics, let's get into some good government, and let's figure out how to right a ship. Otherwise, all you're doing is fighting for rearranging the chairs on the Titanic, because you're taking us all down. One thing I wanted to mention, I know Issue 4 passed, but it did not pass with 78% of the residents. Actually, because of voter turnout it passed, I'm sorry it didn't pass, it went down to the tune of what amounted to 25% of the registered voters. What does that mean, it means that we just don't have enough people in Clayton that are interested in getting out and trying to figure out what's happening. I give the people all the credit in the world that came out against Issue 4, you did a great job in organizing.

I had trouble with some of the messaging, but it worked. I understand there was no organized effort against you, the City didn't come out in an organized effort against you. Nobody came out in an organized effort against you. So, what amounted to of the voters that actually voted in the City of Clayton is that 25%, I'm sorry, let me rephrase that. Of our total voter registration in the City of Clayton, 25% of them voted against Issue 4 and that was 75% of the people either didn't vote or voted for it. Let's just kind of bring things back to reality here, there's a lot more work that has to be done in Clayton than just Issue 4. Let me tell you this, and this I was particularly upset with, I listened to this again tonight before I came just to make sure I heard you correctly. Mr. Farmer when you say to Earl (Harlamert) that you can get all sorts of candy for these events for sure because you owned grocery stores. He didn't own grocery stores to begin with, he can't get candy and that's not how you get people who volunteer their time to continue to want to volunteer their time. I know from the comments you made at the meeting you think that we can just run by all volunteers. Well, we can't for a lot of reasons, legal reasons, our liquor license, among others. But it goes beyond that, I mean Earl Harlamert is one of the finest people I know, and he has been working for free for the City of Clayton for years. You ought to be thanking him, not calling him Candyman. I use that loosely, and I know I use it loosely that's not what you called him. But I did quote correctly what you did say to him. It's a matter of listening. I know you beat me, you beat me fair and square, but you don't have all the answers. I didn't have all the answers, nobody has all the answers, you need to listen. I know you're an analyst for the government but I can remember back in 2008 when the government was buying \$600 hammers. I guess actually they're only \$450 because I want to be accurate. We don't have \$450 hammers in Clayton. Clayton has some really good staff here, you need to listen to them, or you're going to lose them. I'm telling you that as sure as I'm standing here right now. If you don't listen to them and then talk after you listen, you're going to lose your staff and I don't want to see that happen. Some of the people that spoke, and I was really happy with a lot of the people that spoke, one of them said we are one community, one Clayton. Not just Ward 1, Ward 2, or Ward 3. She was right, and we need to be that way. I'm just asking you to do that in the future. And, please don't pick on Mr. Harlamert, he is a wonderful man, he's doing a great job and I thank you for everything that you have done Earl. Thank you.

Jade Little stated she is a student at Northmont High School and is here this evening for her American Government class.

#### **COUNCIL MEMBER COMMENTS**

Farmer stated to address Mr. Lieberman's comments, I was under the weather at our last meeting, I hate making excuses being a military guy, we don't make excuses. But I reflected back on that, I talked to Mr. Harlamert before the meeting, we had a nice discussion, I learned about how he has served commissaries at military bases, we need more Earl's in Clayton. I just want to say thank you so much for what you do for Clayton. There is another Soil and Water review that affects Clayton that happens during our April 18<sup>th</sup> meeting, it is a water drainage project is that will be meeting at the Salem Church of the Brethren dealing with the area around Diamond Mill and Phillipsburg Union Road. Henning stated, Earl I spoke to a group of Northmont High School students and they have to do service projects to get credit hours. One of ideas that I suggested to them was the park cleanup, because you were looking for volunteers, I will get their Teacher your contact information. I'm excited to see the Safety Town open house, I hope our Police and Fire personnel are able to attend in some capacity. When the students see the police or firefighters, they may be fearful just because it's intimidating for a student,

especially a four or five year old. The open house allows the kids to interact with them and see that police and fire individuals care about them. Merkle voiced his appreciation for the EMT's who assisted his Father on March 19<sup>th</sup> after a fall. I also want to say I appreciate the work that everyone on the staff here does on a daily basis. They've been most helpful when I've come to the office to ask for information. Kelly shared her condolences to Ron Nunnari whose Father recently passed away, he was a Clayton resident. Thank you to Dennis (Lieberman) for speaking to Council this evening and supporting her Father. We are not one Council, we're united as a Council body and we need to be moving forward from that point because we all work together. Bachman stated he saw on social media that Police Chief Hamlin is celebrating his 10 year anniversary of being Police Chief for Clayton. The safety records that we have come from the whole department, but you can't have it without a great leader. He's not here tonight, but I want to publicly recognize a decade of excellence. The Golf carts at Meadowbrook, these will be the first that have GPS trackers. That will be a great thing to market, as well as the 100<sup>th</sup> anniversary of Meadowbrook. In regards to Issue 5 the tax levy, I guess to compare it to sports, back in November it was a blowout. Then last month it was less than 1%. The close ones are what stings and what keeps you up at night. This affects a lot of things in the City, so moving forward we've got some discussions, we have a lot of smart dedicated people and we'll figure this out. In regards to Issue 4, the development out on Haber, I've stated this before after looking at everything, Planning Commission meetings, multiple presentations by the developers, and resident input here. I felt after the density was decreased that it was acceptable. Obviously when it got to the ballot the majority of the people who came out and voted felt different. I take this seat seriously, the decisions we make are extremely impactful to the community to different properties. When someone comes and asks to rezone their property, I take that seriously, they basically are asking the government's permission to do something to their property. In the end, this is America and property rights do matter of the property owner, and I think over the past year that's really been discounted. Stevens thanked staff, they are a very small group of people who wear many hats, and we've had many successes. I'm very thankful we have these folks here working with us and I'm very confident that going forward we will continue to have success. I also want to say thanks to the Council for the same thing. Sometimes we are going to have disagreements or see things differently. We need to accept each other's options and beliefs and vote with your own heart. You're elected to bring your own best up here and that's hopefully going to be the best for the City, and going forward we can continue to do that. Thank you to the residents who come out to these Council meetings, that's how you're informed. We can't come to everyone's door, knock and say hey this is an issue that we're voting on. We can't do that. We need people here, and we need people to be involved. I want to say thanks to everybody for making this a great place to live and to work, to raise our families.

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

Meeting adjourned at 8:24 PM.