

## **Minutes of June 20, 2024 Council**

Meeting of the Clayton, Ohio City Council  
Clayton Government Center  
June 20, 2024

### **CALL TO ORDER**

The meeting was called to order by Vice-Mayor Gorman at 6:58 PM. Present were Vice-Mayor Gorman and Councilmembers Farmer, Henning, Merkle, Kelly, and Bachman. Motion by Henning to excuse Mayor Stevens this evening, motion was seconded by Kelly. All yeas, motion carried.

### **CLERK'S REPORT**

Clerk Seim presented the minutes of the May 16, 2024 Council Work Session. Motion by Kelly, second by Farmer to approve the minutes as presented. All yeas, motion carried. Seim then presented the minutes of the May 16, 2024 Council meeting. Motion by Henning, second by Farmer to approve the minutes as presented. All yeas, motion carried.

### **OLD BUSINESS**

None

### **NEW BUSINESS**

Law Director Martina Dillon advised Ordinance O-06-24-07 as well as Resolution R-06-24-34 are companion pieces of legislation that relate to placing the income tax on the November ballot. After looking into this we prepared a separate Ordinance and Resolution with the only difference being the old one currently on the agenda and the new one is the addition of language with respect to the income tax credit which says that the 100% tax credit restoration could only be reduced by a vote of the electors of Clayton. Therefore, does Council want to vote to replace the current Ordinance O-06-24-07 and Resolution R-06-24-34 with the new Ordinance O-06-24-09 and Resolution R-06-24-42. Motion by Gorman to replace Ordinance O-06-24-07 with Ordinance O-06-24-09 and replace Resolution R-06-24-34 with Resolution R-06-24-42. Motion was seconded by Henning. All yeas, motion carried.

Ordinance No. O – 06 – 24 – 06 An Ordinance Authorizing Amendments to Designation of Job Categories and Pay Schedules and Declaring an Emergency. Elaine Wittman, Assistant to the City Manager, advised when the initial 2024 Job Categories and Wage Scale was presented, the Maintenance Worker I was removed since the union contract covered this job category in the Service Department. An updated job description for the full-time Golf Technician, previously classified as Maintenance Worker I, was created to better encompass the position's job functions but was inadvertently left off the 2024 Job Categories and Wage Scales. Additionally, due to our Fire Inspector vacancy the pay scale was reevaluated for this position based on our job description. Based on the evaluation the pay scale needed to be increased to help ensure a comparable salary as well as to help ensure an adequate pool of candidates. Motion by Henning to approve the Ordinance as an Emergency, second by Merkle. All yeas, motion carried. Motion by Henning to approve the Ordinance, second by Kelly. All yeas, motion carried.

Ordinance No. O – 06 – 24 – 09 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, 2026 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 Bachman to approve the Ordinance as an emergency, second by Kelly. Voting: Farmer-no, Henning-yes, Gorman-yes, Merkle-yes, Kelly-yes, Bachman-yes. Motion passed 5-1. Motion by Merkle to approve the Ordinance, second by Kelly. Voting: Farmer-no, Henning-yes, Gorman-yes, Merkle-yes, Kelly-yes, Bachman-yes. Motion passed 5-1.

Ordinance No. O – 06 – 24 – 08 An Ordinance Authorizing the Submission, Acceptance, Acquisition, and Purchase of Specified Parcels from Montgomery County, Ohio for an Amount Not to Exceed \$15,000.00 and the Subsequent Disposition of Same in Connection with the Expedited Tax Foreclosure Program. Kevin Schweitzer, Finance Director, advised Montgomery County has a program that processes foreclosures through the Board of Revision, thus expediting the foreclosure process. For a property to qualify for participation in this program, two conditions must be met, at least six months of property taxes must be delinquent, and the property must be abandoned, vacant land or unoccupied structure. Once the foreclosure process is started, the only way to stop proceedings is for the delinquent taxes to be paid or a payment plan to be established to pay off the taxes owed. The normal amount of time for the entire process from beginning to end is eight months. Any outstanding mortgages, taxes or liens would be removed from the foreclosed property. The parcels that we are looking at are those that the city is consistently cutting the grass and/or maintaining the parcel. These parcels are all in neighborhoods where abutting parcels could take possession of and maintain them as their own property. This would reduce the workload of mowing crews and loss of monies spent to maintain the parcels as payments have not been made on the assessments on the parcels. The average cost of processing is around \$2,500 per parcel. Total estimated cost for processing is \$15,000. Motion by Henning to approve the Ordinance, second by Bachman. All yeas, motion carried.

Resolution No. R – 06 – 24 – 42 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 General Election to be Held on November 5, 2024 on the Question: Shall Ordinance No. O-06-24-09 Adopted by the Council of the City of Clayton, Ohio Providing on January 1, 2026 for an Additional One Percent (1%) Levy on Income to a Total Rate of Two and One Half Percent (2.50%) and Providing for the Restoration of the One Hundred Percent (100%) Income Tax Credit be Passed? Motion by Merkle to approve the Resolution, second by Kelly. Voting: Farmer-no, Henning-yes, Gorman-yes, Merkle-yes, Kelly-yes, Bachman-yes. Motion passed 5-1.

Resolution No. R – 06 – 24 – 35 A Resolution Authorizing the Use of ARPA, American Rescue Plan Act, Funds for Specified Projects. Motion by Henning to approve the Resolution, second by Merkle. All yeas, motion carried.

Resolution No. R – 06 – 24 – 36 A Resolution Re-Appointing Helen Senu-Oke as a Member of the Parks Advisory Commission. Motion by Henning to approve the Resolution, second by Kelly. All yeas, motion carried.

Resolution No. R – 06 – 24 – 37 A Resolution Re-Appointing Jackie McArdle as a Member of the Parks Advisory Commission. Motion by Kelly to approve the Resolution, second by Henning. All yeas, motion carried.

Resolution No. R – 06 – 24 – 38 A Resolution Authorizing the City Manager to Enter into an Independent Contractor Agreement for Professional Development Plan and Plat Review Services. Motion by Bachman to approve the Resolution, second by Kelly. Voting: Farmer-no, Henning-yes, Gorman-yes, Merkle-yes, Kelly-yes, Bachman-yes. Motion passed 5-1.

Resolution No. R – 06 – 24 – 39 A Resolution Authorizing the City Manager to Accept Proposal of and Enter Into an Agreement with Superior Dental Care for the Provision of Group Dental Insurance Benefits for the Period September 1, 2024 to August 31, 2025. Wittman stated we propose renewing the City’s current dental insurance plan with Superior Dental Care (SDC). The City has worked with our insurance broker to obtain quotes for our dental insurance rates, and our current carrier SDC settled on rates at a 5% increase to our current rate. Superior Dental has proven to provide an excellent level of coverage and network. Motion by Merkle to approve the Resolution, second by Kelly. All yeas, motion carried.

Resolution No. R – 06 – 24 – 40 A Resolution Authorizing the City Manager to Enter Into an Agreement with Stryker Medical Emergency Care for the Purchase of Two (2) Cardiac Heart Monitors at a Cost of \$112,403.04. Fire Chief Brian Garver stated our current heart monitors are 15 years old and need to be replaced. Heart monitors are expected to last 10-12 years and the department had them budgeted to be replaced 2-3 years ago, but due to the fact that a new model with the newest technology would soon be released, the purchase was moved until the monitors were available. The new monitors are now available, and the current monitors will no longer be supported under our service contract, so the monitors need to be replaced. Both monitors are being traded in to lower the cost, with the total cost being \$112,403.04. Motion by Farmer to approve the Resolution, second by Henning. All yeas, motion carried.

Resolution No. R – 06 – 24 – 41 A Resolution Authorizing the City Manager to Purchase One (1) Power Cot from Stryker Medical Emergency Care at a Total Cost of \$33,709.07. Garver stated the department’s power-cot is now 10 years old and needs to be replaced. The current power cot was purchased utilizing a grant, and it will be traded in to lower the cost of the new cot. Cots are utilized 4 times on every EMS call, so in 10 years our cot is utilized over 80,000 times. The department conducts annual preventive maintenance and testing to maintain the cot, which helps us to keep the cot for 10 years in a good and safe working condition. The cost for the new cost is \$33,709.07. Motion by Henning to approve the Resolution, second by Farmer. All yeas, motion carried.

#### **CITY MANAGER’S REPORT**

Amanda Zimmerlin, City Manager, advised that our current trash provider, Republic, has been woefully late on trash pickup and we have been fielding multiple calls per day from residents. I asked Law Director Dillon to send a letter to Republic so it’s public record about the lack of service our residents have been receiving. Additionally, Republic has incorrectly sent invoices

for the next quarter, residents should not pay and anyone that has paid will receive a refund. Rumpke totes are being delivered to our residents, and Republic will be picking up totes on resident's last service day. The dug out painting at Hardscrabble park has been rescheduled for Saturday, June 29<sup>th</sup> at 9:00 a.m. The Northview Park's all-inclusive playground will be closed so they can sealcoat the playground surface on June 24<sup>th</sup>, the playground will be closed June 24<sup>th</sup> - 26<sup>th</sup> so the coating has time to cure. The City of Cleveland experienced a cyber-attack on June 11<sup>th</sup>. CCA provides tax collection for Clayton, but CCA was not affected by the breach. We have the adult use recreational cannabis issue before us and what would Council like to do with that, our moratorium is in place until September. If you're look at retail, cultivation or processing that will have to go through the Planning Commission process, so I will need direction from Council on what you would like to do so we can begin that process and have something in place by September. The City of Union has been presented with a proposal from a developer to develop land on Phillipsburg Union Road. The conceptual plan provided shows 54 homes on 18 acres, bordered by Old Mill to the west and Phillipsburg Union to the south. There as been no request from Union or the developer for access to Phillipsburg Union Road for the right of way access that Clayton controls. Staff recommends that access to Phillipsburg Union Road not be withheld at this time. I'm looking for direction from Council and if you do not want them to have access, I can issue a letter to Union advising they cannot have access to the right of way. We currently have a good working relationship with Union. We don't have to do anything at this time, but it is something that may be coming in the future. In September 2022, Council held a work session and staff presented a proposal for the reduction of speed on several city of Clayton Roads. Choice One Engineering conducted speed studies and they were submitted to Ohio Department of Transportation for review. Staff will bring to Council at the July 20<sup>th</sup> meeting the required legislation. Westbrook Road is split between Trotwood and Clayton, and I have been in contact with Trotwood's City Manager, and he will present to his Council the proposal to reduce the speed on the Trotwood side as well.

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

Kent Speltz spoke on the proposed development and his concerns with water runoff and lot size. Gary Wallace who lives on Old Mill Road spoke on water run-off from Irongate, traffic and trash issues.

Rose Plummer questioned the lot sizes which are smaller than Hunter's Path and Union's development, her concerns with water issues, no ditches along Old Mill, and her concern about a second access to the proposed Union Road development on Old Mill.

Chad Cruset who owns property on Old Mill Road shared his concerns with water issues.

Joe Plummer shared that voters stressed no development north of SR40. Regarding the Union development we should not provide access on Phillipsburg Union

Gloria Von Fahenstock asked for clarification on the ARPA funds, what are the items being purchased. Access to the Union development, and for the development discussed earlier tonight will one of the developers be DR Horton. Lastly what are the conditions a person can ask for a public records request.

Jerry Black shared his concern with water issues and that the Irongate development made it worse. He also requested Clayton contact City Manager Applegate and advise Clayton has not approved access.

Earl Harlamert of the Parks Commission reminded everyone they will be painting the dugouts and concession stands at Hardscrabble Park on Saturday, June 29<sup>th</sup> beginning at 9 a.m.

Barb Franz questioned the size of lots, safety for the children playing on the current dead-end at Rankin, and the rental properties and who is going to be renting those properties.

Zach Bohn shared his concern with the proposed tax levy and questioned how it was decided who to tax and its fairness.

Nate Huges shared his concerns with the proposed development, storm water issues, and will the schools be able to handle the new children.

Mark Schnicke the developer of the proposed development shared his views on this project, and the need for more housing.

### **COUNCIL MEMBER COMMENTS**

Farmer stated we have a good turnout tonight and thanked the residents from Union for attending, we're all in this together. My concerns with Old Mill, I live on Old Mill and it's a chip and dust road, not built for traffic, I'm concerned with the edges, its unstable, barely 1 ½ car wide. I was a man on an island tonight, voting against the levy. I'm representing Ward 1, so my vote was to represent Ward 1. Voting against the levy going on the ballot was one of the more difficult decisions I've had to make. At first glance, who is going to vote against police and fire, especially when the voting language could come across as additional to what they get already. It won't be additional to what they get already it will be additional to the overall tax percentage. The percentage on what the expected revenues will be leads me to think that we're already providing that level to police and fire. There may a case where one may not require as much, so what is going to happen to that additional money that has to go to them under this obligation. The understanding of these numbers came after our work session, so lesson learned and I'll crunch numbers harder next time. We were presented numbers and options and asked to craft language in one session and then had to do it as an emergency. A month lead time with two shorter work sessions would have allowed us a better understanding of the meaning and implications of the proposed options. Staff and Council doing this working together would certainly result in the whole being greater than the sum of the parts. In the wake of two no votes, the levy approach seems to be how to make the request different without explicit explanation of what we will lose without the levy. Police and fire will get what they need. The question really is anything that is not police or fire will they get what they need. In my opinion we need a Plan B showing the city's plan if this does not pass. If we have it, I haven't seen it. Having such a plan would reduce the uncertainty of our city's future on ground lost without a tax increase and a path ahead for gains if it passes. I implore city staff to consider this approach as I believe it will give the city the greatest chance to gain the trust of our residents to approve a city tax increase. Without this Ward 1 does not really have an incentive to changes its position. Last November Ward 1 voted 63% no, in March it voted 57.8 no. I will respect those two election results, and that is why I voted not to put it on the ballot this time. Henning thanked Kevin (Schweitzer) and staff for their work to get rid of the vacant lots and the delinquent taxes. In regards to public records requests, I am always for transparency in government it is so important. We've recently been asked to search for public records that are of interest only to the requester. The requestor once said "This isn't how we're going to get things done, it's never how we get things done in Clayton. We should work well together, etc., etc. Let's stop the politics, let's get into some good government and let's figure out how to right a ship." I believe us as a body have righted a ship, we've made the ship go in the right direction the past couple of meetings. We've been working very well as a body. One individual continues to do public records requests only because they want information that they may try to do something with in regards to a whole

bunch of nothing. I can tell you on the text thread that we had amongst us said we had no records of what was asked. It was a personal vendetta to see what someone could get for no apparent reason. It is sad, the individual who stated they wanted good government said the city of Clayton was at risk of losing good employees. Would you want to work in an environment when you have an individual requesting ridiculous public records requests non-stop, I would probably say not. I would urge all of you tonight to ask yourselves, are you proud of what is up here, and if not do a public records request and see what you may be able to find. But, to do it in a way that makes us all not want to work well together is mind blowing. We have been working so well, and then to make us go backwards after you've asked for the ship to be corrected is very disappointing. Bachman stated in regards to the proposed development, moving forward adjustments will be made, so we will see in the future what is proposed. It has been five weeks since our last meeting and Councilman Merkle's Father passed away in that time. We all express our condolences; he was a man that lived a full life. Kelly addressed Councilman Merkle and stated your Father was a legend and shared her deepest condolences. Also, at Meadowbrook we celebrated it's 100 year anniversary and it was an amazing event. Lastly, I want to wish everyone a happy 4<sup>th</sup> of July holiday. Merkle stated as far as the development presentation that was given this evening, keep in mind it was a conceptional idea on what could be placed there with no definite plan. It's a conceptual idea as a starting point for discussion. As far as the property on Phillipsburg Union Road, let's see what happens and what the City of Union proposes. Yes, since our last meeting my Dad passed away May 19<sup>th</sup>, he was 95 years old. He had a good hard life, and I want to thank the City for your words of support and cards that were sent. People from the City stopped at the house and offered condolence, assistance and anything I might have needed. It was nice to know that City staff was there to help support me. I will fight to do whatever I can to support the City and the staff. Gorman wished everyone a Happy 4<sup>th</sup> of July holiday.

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

Meeting adjourned at 8:33 PM.