

Minutes of February 6, 2025 Council

Meeting of the Clayton, Ohio City Council
Clayton Government Center
February 6, 2025

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.

SPECIAL PRESENTATION

Police Chief Matt Hamlin introduced Clayton's newest Police Officers Kyle Marlett and Joseph Pugh. Fire Chief Brian Garver then introduced Clayton's newest Fire Department Firefighter/EMT Samuel Graci.

CLERK'S REPORT

Clerk Seim presented the minutes of the January 16, 2025 Council meeting. Motion by Gorman, second by Henning to approve the minutes as presented. All yeas, motion carried.

OLD BUSINESS

None

NEW BUSINESS

Resolution No. R – 02 – 25 – 13 A Resolution Authorizing the City Manager and Finance Director to Engage Julian & Grube, Inc. to Audit the Basic Financial Statements of the City for the Year Ending December 31, 2024 and the Years Ending December 31, 2025 and 2026 at a Cost Not to Exceed \$14,100.00 Annually. Kevin Schweitzer, Finance Director, advised Julian & Grube, Inc. have performed these services for the last five years and have also worked well with those who perform the financial audit. Contracting with Julian & Grube costs significantly less than hiring additional staff. The current finance department will aid Julian & Grube in completing the CAFR in a timely manner to limit the total amount of expense incurred. Motion by Henning to approve the Resolution, second by Kelly. All yeas, motion carried.

Resolution No. R – 02 – 25 – 14 A Resolution Authorizing the City Manager to Accept Proposal of and Enter Into a Service Agreement with Englewood Truck and Towing and Recovery. Matt Hamlin, Police Chief, advised we advertised Request for Proposals from local tow companies to provide single towing and recovery services for non-consent tows, and Englewood Truck Towing and Recovery was chosen as the best provider. Motion by Gorman to approve the Resolution, second by Kelly. All yeas, motion carried.

Resolution No. R – 02 – 25 – 15 A Resolution Appointing Amanda Zimmerlin as the City Representative to the Board of Directors of the Joint Economic Development District (JEDD) Pursuant to Section 8(A)(1) of the JEDD Contract Between the City of Clayton and Clay Township. Motion by Henning to approve the Resolution, second by Kelly. All yeas, motion carried.

Resolution No. R – 02 – 25 – 16 A Resolution appointing Mike Stevens as Business Representative Member to the Board of Directors of the Joint Economic Development District (JEDD) Pursuant to Section 8(A)(3) of the JEDD Contract between Clay Township and the City of Clayton. Motion by Henning to approve the Resolution, second by Kelly. Voting: Farmer-yes, Henning-yes, Gorman-yes, Merkle-yes, Kelly-yes, Bachman-yes, Stevens-abstain. Motion passed 6-0 with one abstention.

Mayor Stevens asked if there was any other business.

Councilmember Kelly stated, yes, I would like to revisit Ordinance number 0-01-25-02.

Law Director Dillon stated for clarification that is a motion to reconsider. Kelly stated it is a motion to reconsider.

Mayor Stevens stated and which Ordinance is this. Dillon asked that the Ordinance be read into the record.

Clerk Seim read Ordinance O-01-25-02 into the record, An Ordinance Adopting, Rejecting or Modifying the Planning Commission's Recommendation to Approve with Specified Conditions the Application of SDG Warner Village LLC for a Change in Zoning from Residential Single Unit District (RSD) to Plan Development District (PDD) and to Further Approve the Preliminary Development Plan for 183.1044 Acres of Property Located Near the Intersection of Sweet Potato Ridge Road and Main Street Bearing Parcel ID Number M60 03010 0001 Within the City of Clayton Ohio.

Stevens asked, is there any discussion on this.

Dillon stated any of the other six members can second and that's according to Robert's Rules because our Council rules are silent on the second.

Mayor Stevens stated, I'll second the motion.

Bachman asked, we're voting, we're basically going back and voting on this Ordinance, it's not we're not having to first do like a procedural.

Dillon, sorry no, I'm sorry I didn't mean to interrupt you Brandon. So right now, what we have is a motion to reconsider and a second. So, what we would need to do is take a roll call vote on the motion to reconsider and it has to have four votes in order for the motion to reconsider to be approved, and then if it is approved then I can go on with the next step with respect to the Ordinance.

Stevens asked, one more clarification, this is preliminary; this is not the final, still preliminary.

Dillon stated yes.

Stevens, the preliminary plan. Okay, it's been properly motioned and second, is there any other discussion.

Henning stated my discussion is, I think this is shameful since we hadn't advertised this at all to the residents and doing it under the dark of night to do this is in my opinion is shameful and I think the residents are going to be extremely disappointed in this. It shows that sometimes we have no transparency at all.

Merkle, can I have Martina address this because I think this is a grounding concern that people have had or will have.

Dillon, so what do you specifically want me to address and I'll do the best I can.

Merkle, well normally as far as business items as a matter of 24-hour notification prior to and it's like in this case why not a 24-hour notification prior to being.

Dillon, so according to the Council Rules let me get the rule up here which addresses motions, so according to Council Rule 4, Section 7, motions to reconsider, an approved item which this is not, so this portion doesn't apply, must be made before adjournment of that session of council for those items of legislation that are effective immediately (see III.B of these Rules), this is the applicable provision of that rule. Motions to reconsider other legislation must be made prior to the close of the next following regular meeting of Council. A motion to reconsider may be made only by a member who voted with a prevailing side. A motion to reconsider, being laid on the table, may be taken up and acted upon at any time when the Council is engaged in the transaction of other business. No motion to reconsider may be made more than once on any matter and the same number of votes is required to reconsider the action of Council as was required to pass or adopt the matter.

Merkle, and the action on this has to be done tonight it cannot be pushed to another meeting.

Dillon stated correct, that's how I'm reading the rule it's because it says it has to be at the next regular meeting of Council, which this is.

Henning, which nothing had to be advertised to the residents at all.

Dillon, nothing in that Council rule that I just read requires it and then if you look at Robert's Rules, Robert's Rules defines a motion to reconsider as follows, a motion of American origin enables a majority in an assembly within a limited time and without notice to bring back further consideration a motion which has already been voted on.

Bachman asked, if this was, so if the vote on this was to change from the last meeting would it need a second reading at the next, so this would essentially be the first reading and then our next meeting it would come up again.

Dillon stated, right and then again according to Robert's Rules and because our rules are silent on this aspect of it. If the motion to reconsider were to pass and you were to move on to reconsider the Ordinance 0-01-25-02 the effect of that is to take it back in time to immediately before the last vote. So that the motion that was on the table at the last meeting was Mr. Bachman's motion to approve with a second so that's where we would start if you were to go back. So effectively there would be already be a motion to approve on the table according to the Roberts Rules.

Henning, so I don't know I once think without any advertisement to the residents I think we have one, two, three, are you residents, or I'm not sure if you are or not, you, no. So, we have three residents here tonight. We had a packed house at the last meeting so I think it's absolutely shameful and shows an extreme lack of transparency so I hope the public is paying attention.

Merkle, I take offense to the referencing this being non-transparent acting in accordance with Robert's Rules.

Henning stated, did the public know about this and if you would say the public knew about it then I would say it's transparent the public did not know about it since.

Merkle, I'm not a lawyer, I'm not going to argue that point and I leave it to the attorneys to decide that.

Henning, so in my view transparency is letting the public know about something in advance the public did not know about this therefore it's not being transparent.

Stevens, is there anything else, anything new. Okay, we have the motion and the second on the floor can we have a roll call please. Clerk Seim read the roll call. Farmer-no, Henning-no, Gorman-no, Merkel-yes, Kelly-yes, Bachman-yes, and Stevens-yes. Motion passed 4-3.

Stevens stated, so the vote is we will reconsider.

Dillon stated yes, you needed four votes to go back. So basically the procedure now is you would go back like I said to the point where Mr. Bachman had made a motion to approve this Ordinance and it was second so now what you need to do is you can engage in discussions as to whether or not you want to you know how you want to vote, etc. on this Ordinance. Basically, you're at the discussion point of the merits of this Ordinance.

Farmer asked, so Martina, at this point we are at a point where we're just voting, it isn't any other kind of motion or anything like that.

Dillon stated, like I said, you're at the point right now, I guess the easiest way and I'm trying to describe it without being too convoluted here, I guess the easiest way to describe it is just go back three weeks to the January 16th Council meeting and we're at the point where Mr. Bachman has made a motion to approve and I believe Mr. Merkel is the one who second that motion. Now you're at the discussion point, you want to discuss the merits of it and then you take another vote on the motion to approve.

Henning asked, Martina who asked you to put that email together to Council.

Dillon advised; nobody asked me to put it together. I was contacted by the attorney for the developer who asked about a motion to reconsider, so I felt it appropriate to advise Council.

Henning stated, so without Council asking you, you would feel that it's necessary to do this per the developers asking, who is not an elected official for the municipality.

City Manager Zimmerlin replied, no, so staff prepared that email to Council to prepare you in the event that the developer asked for that motion to reconsider, which we knew they were going to do. I didn't want you to come into this meeting not having any idea or being able to follow Robert's Rules.

Henning asked, who asked for the redeveloper who asked for reconsideration.

Zimmerlin advised, the developer had contacted staff and requested if Council would entertain a motion to reconsider.

Henning stated, and you just assume that we would do that then.

Zimmerlin replied, no, there is a possibility that you would and we wanted to make sure that you knew what the process would be should you decide to do that.

Henning, so he asked staff, should they not have asked Council.

Zimmerlin, they weren't going to contact Council, I mean they could have contacted Council if they wanted to, they could have contacted Council, but when they contacted staff, staff put together the email and then let Council know that this was potentially going to happen.

Henning stated, so this was a way for you to ask Martina to do this under the radar so it didn't have to go on the agenda.

Zimmerlin replied, that is absolutely not true.

Henning, it seems that way big time because you took it upon yourself to ask Martina to send us this email that said we couldn't talk to anybody about this agenda item.

Zimmerlin asked, who informed you that you couldn't talk to anyone about this agenda.

Henning replied, Martina did on the email.

Zimmerlin replied, no, she said that the email was confidential, that it is attorney client privilege if you wanted to talk to the public about a motion to reconsider you could have done that on your own volition.

Henning replied, why didn't you add that to the email then for us to know that, because we take very seriously what you put in this and it doesn't say anything in there that we can now be subjective with some of the parts of well we may do a motion to reconsider. None of you normally would have said in an email what we can talk about to the public and what we can't.

Dillon stated, I don't feel comfortable talking about in session an attorney client privilege communication.

Henning, so do sometimes they change, sometimes it's attorney client and sometimes we know but what Amanda just said is sometimes the emails we get from you are subjective and we can maybe talk about this paragraph but not the last paragraph.

Dillon stated, I don't recall putting in there telling you what you can and cannot talk about and again I just don't feel comfortable talking about an attorney client privilege communication on the record.

Henning, attorney client privilege to us and not to the public, the public had no clue of any of this that's going on, an absolute lack of transparency shameful. I think the individuals should have been here to ask Council for the reconsideration and if a member then would have wanted to do it, they could have done it but to do it this way is just disrespectful to residents and it's mind-blowing that this is the route that we're taking.

Stevens asked, any other discussion. I want to remind everyone this is preliminary this is a preliminary plan.

Bachman advised, this is a repeat of my question from the last meeting, Ms. Zimmerlin you have contacted Northmont schools regarding this development.

Zimmerlin, yes we have.

Bachman, and what was their opinion as far as the schools handling the potential increase of students.

Zimmerlin replied, they would be able to handle the increase in potential increase in students.

Bachman then asked since they're the Chiefs are here.

Fire Chief Garver replied, as far as the fire department goes yes, we can handle the influx. We are better prepared now than we were five years ago to handle something like this, since we're now a part of the Collaborative. Our staff has grown by four times and they're even better served by the closer Firehouse so our collaborative mindset and in our agreement the closest most appropriate piece or apparatus or station response. We're in a better position to handle the influx and when we looked at the you can never tell how many calls you're going to have in any type of neighborhood, but I think the last time we looked at a project specifically this project when it

came up last time it you know high numbers would probably be anywhere between 30 and 35 calls a year increase so it's not an increase that hits us very hard we increase by 250-300 calls a year right now and we don't have any of that and we would be able to handle that fine. If you look at our stats, our mutual aid is way down on how much people come into the collaborative and help us from outside agencies the only real time we have that is in our what we call AMAR areas we have particular sections and Interstate that we cover that because of where they are and the propensity of bad crashes and be able to get there as quickly we have automatic mutual aid responding and then if we have an actual working house fire or commercial fire we always have mutual aid coming in as well that's pretty much all you're seeing our mutual aid across our statistical data so from the fire department standpoint it's not going to be hampering our process or our ability to serve.

Henning stated, one more note for the record, the email from Martina does say attorney client privilege communication not for distribution so therefore when I get an email from Martina that includes attorney client privileged in communication not for distribution I take into belief that everything in that email from the first sentence until the end when she says thank you Martina is information that is only privileged for us on Council. But now, I know per Amanda we can talk about whatever we want in these emails because it's all subjective and we don't have to believe that any of it is attorney client privilege Amanda has said that we can talk about whatever we want in these emails even though it's regarded as attorney client privilege.

Zimmerlin stated, Mr. Henning, you know just because you say something doesn't make it true.

Henning stated, that's exactly what you said, but thank you.

Zimmerlin replied, no it is not exactly what I said. You are allowed to, no listen to me, you are allowed to talk about a motion to reconsider, there is nothing that says you cannot discuss a motion to reconsider.

Henning asked, where does it say that in this email.

Zimmerlin replied, you are allowed to talk about Roberts' Rules of Order if someone is going to make a motion to reconsider you are allowed to discuss that.

Henning, this is what the email states, Mayor and Council the purpose of my email is to advise you I've been contacted by Attorney Jerry McDonnald representing.

Dillon stated, Mr. Henning, I'm going to advise you not to read it because it's attorney client privileged.

Henning asked, so what is attorney client privilege and what is it in this email then, Amanda just said that it isn't attorney privilege, she just said that it's not so, now we're going to be secretive to the residents, am I hearing this correctly, does anybody else hearing it, should does somebody think that part of this email should be now kept a secret even though Amanda said we could talk about it but our legal council is saying it's a secret, I'm very confused right now.

Stevens stated, let's take the temperature down a little bit.

Henning asked, what are your thoughts.

Stevens stated, we're talking about a preliminary, I'm not going to get into that, our City attorney has advised that we not do that.

Henning stated, but our City Manager said we're allowed.

Steven, I want to remind you this is about a preliminary plan.

Henning stated, our City Manager said that we are allowed to talk about the emails but then our city.

Zimmerlin stated, that is not what I said, I said you are allowed to talk about a motion to reconsider. If you want to talk about a motion to reconsider and the Roberts Rules of Order you are permitted to do that there is nothing in that email that says that you are not.

Henning, but Martina just said I'm not allowed to read the email into the record, so make it make sense.

Bachman, did you strongly advised it.

Zimmerlin, I mean no, I am talking about the procedure, if you wanted to talk, if you wanted to go out on Keep it Rural and tell everyone there that there is the possibility of a motion to reconsider because Robert Rules of Order allows that, that would have been fine, releasing that email would not be fine.

Henning, very subjective.

Stevens asked if there was any other discussion, anything else new.

Bachman stated, I believe Chief Hamlin was going to prepare a statement.

Police Chief Hamlin, I'll just say as far as staffing once I get up to full staffing the additional houses isn't going to make that much of a difference, we're still waiting for one of our officers that is out on medical, once we get that clearance and he comes off the books we'll hire that position. We had an increase in housing on Westbrook. We've had very minimal calls for service out there, and as that expands I expect the same thing if this goes through on Sweet Potato and Main, will we get calls for service yes, is it going to be a big impact, no not really.

Stevens stated, thanks Chief, and I want to go back to, I just want to make sure I'm clear on as far as the preliminary part of this, so there's other studies that need to be done before this would you know would come back.

Zimmerlin replied yes, what's before City Council tonight for reconsideration is the preliminary plan. If this should pass this evening the developer would then have to go back to the Planning Commission with a final development plan which would then ultimately come back to City Council for final approval or disapproval or amendment.

Merkle stated, but this is still only the first reading.

Zimmerlin stated yes, and this is only the first reading so it would be on the agenda at the February 20th meeting if should it pass tonight.

Stevens asked, anything else.

Bachman asked, I guess just for clarification, there wouldn't be any kind of this happening, able to have it again a motion any reconsideration.

Zimmerlin stated not for this.

Bachman stated, okay no.

Farmer stated, I'll just add, may keep emphasizing this is preliminary but I will say to Council when it becomes final I think it makes it harder for this Council to turn it down because they can

come back and say well everything's good to go if we don't like it then I think lawsuits would be bigger than what we'd be looking at now.

Merkle stated, well this still has to go back through planning they have to come over the final plan, has to go through the planning board, the planning board then has to make their recommendation approval before it even gets here, so even staff's get involved is drafting out the final plan, so this is all preliminary I mean layout of the whole thing could change between now and that final layout.

Stevens asked, anything else anyone.

Merkle asked, well since there were a lot of objections last time, I'd like to know why there were objections so that I can get an idea as far as why there was no consideration being given the last time around.

Henning, objections from the residents who were here.

Merkle, no from the persons who cast the votes. I would like you know for instance you said no, why did you say no.

Henning stated, because I listen to residents we had residents here.

Merkle, Kenny I'm still talking, I would like to know why after we have a preliminary presentation being given back last early late last year, two open houses, Planning Commission meeting, and coming to the council meeting there was virtually no opposition being given by anybody here on Council but then when the vote's taken there's a resounding no vote, what happened. Why was it now rejected after nothing being said prior to why do we waste four months of these guys' time to present something and then all of a sudden shoot it down.

Henning stated, we don't ever have a conversation at Council meetings, that's the start.

Merkle replied, you had every opportunity to have some input as far as the open house sessions, the initial planning presentation they did even the planning board, everything, you had an opportunity for making some comments and I would like to know on the record why the no votes were cast, what was the problem.

Henning stated, I didn't go to any of those meetings because I was never for it because I listened to the residents and the residents said from the beginning they didn't want it.

Merkle stated, okay, one of your responsibilities is actually to hear what the facts are and not just listen to everybody else.

Henning, how many residents did we have here in favor of it I recall zero speaking in favor of it.

Merkle, well I remember a lot of the people that were here were from Englewood and that's definitely what was here.

Henning, yeah, I recall zero residents speaking in favor.

Merkle stated, you're sitting up here to make a decision based on the facts and I want to know why you voted no.

Henning stated, I just told you why because unlike you I listen to residents.

Merkle, okay, so you say you listen to.

Henning, so move on to Tim, Ryan.

Merkle, no that's fine, I asked you first, Ryan.

Henning, and I just told you, I'll say it for the third time I listen to residents unlike you so move on to the next Councilmember.

Merkle, Ryan, I'd like to know why you voted no.

Farmer, oh sure Greg go back and read the minutes you'll see all the questions I asked and yeah I live north of 40 and I figured the developer knew they weren't going to get my vote but I was actually quite thoughtful on this you know I'm a numbers guy I'm analytical if you go read all the questions I asked the answers I got were not to my satisfaction in terms of weighing the risk to the city and the long-term implications and I'll just leave my answer at that thanks.

Merkle, and now Tim.

Gorman replied yeah I had a lot of problems with the plat, the number of people, the road out in front, you're going to have to put a stop sign at Main Street, and you're going to have rock underneath the whole thing. We already have a problem with the water that's not going to go away, it's still there and apparently with retention basins as opposed to detention basins. There has been a history where we've sent people out to take care of the bug problem in the summertime with the water and standing water as we all know is not going to make that any better, it's only going to make it worse. Just like I said at the last meeting and I didn't get good answers on them, Randy wasn't here and he isn't here now to answer the questions as far as the city goes. I mean Amanda you're an expert too, but you're not an expert in this stuff like Randy is. That's the reason, there's a lot of questions that need to be answered in the last meeting, I didn't hear any answers to those questions that I thought were suitable.

Merkle, I mean now Ms. Kelly.

Kelly, so at the last meeting if you recall I did ask for modifications as written I didn't hear I mean, I was only told that we can do it per as written, I did have modifications that I wanted to add to the Ordinance but at that time we couldn't vote on it that way so then there was other things in that Ordinance like for example since this is the preliminary plan at the developers expense they have to do a traffic study, they have to do a water study, they have to do those particular studies and then Englewood too voted on this when the last Mayor was in office. It's a different story now with the new Mayor so can they revisit Englewood, can it be revisited for maybe an emergency exit from the roads, they could go back and do that, but this is just all preliminary and that's why.

Farmer, I want to add that we can express modifications and all that but I guess that's the flexibility of a PDD correct me if I'm wrong City Manager, however that requires some work on our part thinking about what modification do we want, what would we agree to, this isn't just something we come up with, something out of thin air at our meeting and some ways I sort of wish we had our old code because it was a bit more structured and laid out to where we didn't have to maybe put as much pressure on ourselves, so I will just throw that out with the PDD so I don't know Ms. Kelly do you have some modifications you want to make, but can you at this point with the reconsideration because we already had a motion and second.

Dillon, right because now you're at the point where you have the motion and the second so you can't you know.

Kelly, because we're ahead of ourselves with the modifications at this point.

Farmer, well we certainly could have made some before the vote could we not.

Dillon stated, well that's before the vote but the issue was after the vote is when Ms. Kelly asked about modifications.

Farmer stated, so the modifications issue to me is sort of moot, the modification issue is sort of moot, we can't make any now if we revote because we went back in time to that point where we're past that.

Dillon replied, if somebody wanted to make a motion to modify it you could make that because that motion would take precedent because we have not yet voted on again Mr. Bachman's motion to approve so if somebody wanted to make a motion to amend you could do that as I said before the reason when Ms. Kelly asked at the last meeting if amendments could be made the vote was already taken and so it couldn't be modified at that point it had already gone down in flames let me put it that way.

Stevens, just one more thing that kind of speaks to what Ryan was saying and also Tim, I think it's Council's role not to be the developer okay. In other words for me or any of us to bring the modifications and say hey, I want a bigger lot or I want four more exits or something like that. I'm a resident, we have a Planning Commission who vets this and we have professional city planners and professional managers that do this for living, that's their job, our job is to follow the Charter, to follow our business plan, to follow the Plan Clayton, and to make sure that we're following that. It's not to get into the weeds on the development, that's their job, they bought the property, we're going to hope they do the right thing, they're in business to do that. Tim had talked about the rock and I'm familiar with that I'm a real estate agent so I've dealt with that situation up there. I get it, but just like I think it was the gentleman from the I think it was the other gentleman, not these two that was from the developer or from the builder last Matt I think yeah and he had said that he had addressed what you had said to about being rock and all that he was well aware of that and he said you know 25 years ago it was an issue you had sticks, literally sticks of dynamite out blowing up rock trying to get and now they don't have to do that anymore and they're not building basements like they did in Iron Gate where a lot of stuff floods.

Gorman, so I dealt with the rock right down the street here, like I know what rock is and how hard it is to deal with.

Stevens, I get that.

Gorman, we had a lot of it down here, the whole city of Clayton is on bedrock, no question about that.

Stevens, I understand that but how long ago was that and what were you doing to mitigate that, probably blasting.

Gorman replied, they had to blast a little bit yeah, they had big hooks to tear it up with too.

Stevens, well I'm just saying

Gorman, (undistinguishable) the years I've been here and that's more than 25 years

Stevens, I understand but again it's not our role to say how they're going to build it.

Gorman, no but it is our role to take care of the citizens of the City of Clayton who put us in this seat, wait a minute now Kenny, that I agree with everything you said about following the Council and the staff and everything else but it's our duty to take care of the wishes of the citizens of Clayton.

Farmer, who else is going to assess the risk and look at the impacts on the City and that's the way I'm looking at it from a broad big picture, I'm not proposing getting the weeds out, things are going on but you know as I said at the last meeting in my comments, what's next then, what's okay, well this goes in, what are the implications to the City, what are the risks, what are the impacts on our residents and our budget.

Stevens stated, and again I mean I'm not I don't want to be argumentative because we can go round, we're going round and round now but you've already heard from our police chief and our fire chief and our City Manager and the Planning Commission and everyone else that has an input and again you say you don't want to get in the weeds but they're paid to assess the risks I think you're cutting them short if you're saying they haven't assessed the risks.

Farmer stated, I'm not talking about risks with them I got full confidence in their ability to do their job. My concern is the broad implications five to ten years out you know risk of failure risk of pulling out leaving things undone, dealing with the bedrock that's going to cost a fortune those kind of things, yeah those are the factors I'm weighing.

Kelly, Ryan, if you recall they have up to ten years to build right so during that process things can happen but this again is just a preliminary measure at this point.

Gorman, don't we have a motion on the table.

Stevens stated we do.

Gorman stated, I think we should call a question.

Stevens, can we have a voice roll call voting on the Ordinance.

Dillon stated we are now voting on the Ordinance, Stevens stated to approve.

Dillon stated, yes.

Clerk Seim called the rollcall on the motion for Ordinance O-01-25-02. Voting: Farmer-no, Henning-no, Gorman-no, Merkle-yes, Kelly-yes, Bachman-yes, and Stevens-yes. Motion passed 4-3. A second reading of this Ordinance will be made on February 20th.

CITY MANAGER'S REPORT

City Manager Zimmerlin advised the Northmont dance party will take place Friday February 21st at Meadowbrook at Clayton, the doors open at 6:30 p.m. There is a cash bar and the event runs from 7:00 p.m. to 9:00 p.m. It is a country and western theme; this time I think Earl is calling it Boots and Hats. The City of Union is proposing to run an eight inch water main west on Phillipsburg Union Road to the Village of Phillipsburg. This is not a City of Clayton project; this is between Union and Phillipsburg. Chief Garver, Randy Sanders and I met with Steve Wolf who is the Phillipsburg Administrator and the project engineering firm on Friday January 24th. We informed them that they would need to include hydrants every 750 feet within the City of Clayton and they are agreeable to that. Letters to Clayton residents concerning this project were mailed out on Friday January 31st. The meeting will be held Thursday, February 13th at 7:00 p.m. at the Salem Church of the Brethren at 6037 Phillipsburg Union Road, it is a public meeting, it is not a public hearing but is a public meeting for anyone who would be interested in learning about the project. Hoke Road widening phase 2A, the MVRPC has finished reviewing the applications for funding. The Hoke Road widening phase 2A scored well and is being recommended for the congestion mitigation and air quality funding, this is the same funding we received for phase one. The city attended the scope meeting for the Hoke and Westbrook

roundabout project. If you recall, when Clayton and Trotwood applied for this funding, it was 100% funded through ODOT. At the scoping meeting, we were informed that there will now be a 90/10 split between ODOT and the two jurisdictions. Trotwood and Clayton will now split 10% of the construction costs which will be \$283,938. The cost for the engineering is born 100% by the municipalities at \$198,757 and even though it is now a 90/10 split I still think that this is a very good opportunity for Clayton since this is one of those intersections that has come up multiple times just in my five years being here of needing to be addressed. The mural at Hardscrabble Park, so if you'll recall we had been working with the Northmont art department on doing murals around the city. They did one at Meadowbrook at Clayton for us and they have reached out and they are interested in doing one at Hardscrabble on the bathrooms. They have been given the guidance to produce murals that involve the history of Clayton, the history of the park, etc. The student designs will be submitted to the city in May and I'll bring them to Council for your review and you can make a selection. We now have the tax help scheduled, residents can schedule appointments by calling Eric Hine at 216-857-3174 or Michelle Jordan at 216-857-7382. The tax help is held here in Council Chambers from 9:00 a.m. to 3:00 p.m. and the dates are Thursday March 6th, Tuesday March 25th, and Thursday April 10th. Residents can also submit their taxpayer assistance form and necessary documents in the Dropbox outside our offices marked CCA at the exterior of the city building, they will come pick them up, complete the forms, and return them. The Taste of Northmont we've been informed has been canceled for this year, they are going to pivot to doing a summer restaurant tour so when I get more information about that I will push that out to council. The MVRPC annual dinner is April 24th at the Marriott at the University of Dayton. We have the patrol officer wage reopener for the fact finding we were supposed to do it on January 22nd but our Fact Finder fell ill so it has been moved to Monday February 10th so hopefully I'll have something for you at the February 20th meeting. Just a reminder, there is an open seat on the Board of Zoning Appeals, which we have advertised through the 14th of February. We have received three resumes, but as always, Council is able to bring whomever they would like.

VISITOR'S COMMENTS

None heard.

COUNCIL MEMBER COMMENTS

Farmer stated good evening, I'm not real happy about that vote tonight. I expect the next meeting we'll have a packed house for sure. I just want to point out that February is general heart defect month. My son David just turned 28 and he was born with hypoplastic left heart syndrome so anyone out there dealing with a kid with a heart defect I can empathize because I've lived it, feel free to reach out to me anytime. We'll see you at the next meeting. Henning stated I'm very disappointed in how we acted this evening, on how we operated in regards to the reconsideration. I believe that we should not hide behind bureaucracy and I believe that residents should not be kept in the dark on matters that are going on within the city which tonight we demonstrated we, not myself but others, here on Council like to keep taxpayers in the dark. True transparency means we share critical information that also did not happen, we did not share this critical information with the residents. We were told by Martina something and I'm disappointed the city manager did not proactively say we could talk about the reconsideration after getting Martina's email. The buck stops with the city manager for us and she never told us we could share anything. We received an email from Martina saying that it was attorney client

privilege and we respectfully followed our law director's guidance on the email only to be told tonight by the city manager, well we could have talked about the reconsideration in another form, so it was very disappointing. I hope the residents are paying attention and I hope and encourage them to be at the next meeting and I hope and ask that they speak out against this and ask for a council that is truly more transparent than what we demonstrated tonight. Gorman stated I would just like to wish all the ladies in the city a Happy Valentine's Day and we'll see you on the 20th. The one thing we should also mention is that the Corrado's (Bella Sorella) groundbreaking is the 20th at noon. Kelly stated that since my father's not here due to an illness he wanted me to be his voice tonight to remind everyone about the dance party Friday, February 21st at Meadowbrook. Willie is ready to go, this has been advertised on social media, and it's looking like a great time with western dance and line dancing. Bachman stated good evening, everyone just a welcome to our new officers Marlette and Pugh and firefighter Gracie. We have got two great Chiefs here and you have brought in a considerable number of great firefighters and police officers. Looking at their resumés they're going to be great for the city so thank you and best of luck to them. Stevens stated I'd like to echo that and say welcome to our new officers and also to Sam. I've always said you know for the size of our city we have really high performing first responders. The fire and the police are outstanding, they've done a great job and these guys look like they're going to add to that. I'm real proud to have them on board.

EXECUTIVE SESSION

Law Director Dillon advised an Executive Session is needed pursuant to Ohio Revised Code 121.22(G)(1) matters pertaining to employment of public employees. Motion by Farmer to go into Executive Session, motion was seconded by Henning. Voting: Farmer-yes, Henning-yes, Gorman-yes, Merkel-yes, Kelly-yes, Bachman-yes, and Stevens-yes. Motion passed 7-0. Council broke for Executive Session at 8:30 PM. Council returned to Regular Session at 8:41 PM.

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

Meeting adjourned at 8:42 PM.