

Minutes of April 3, 2025 Council – Draft Not Approved by Council

Meeting of the Clayton, Ohio City Council
Clayton Government Center
April 3, 2025

CALL TO ORDER

The meeting was called to order by Vice-Mayor Gorman at 7:30 PM. Present were Vice-Mayor Gorman and Councilmembers Farmer, Henning, Merkle, Kelly, and Bachman. Motion by Henning to excuse Mayor Stevens this evening, Kelly seconded the motion. All yeas, motion carried.

SPECIAL PRESENTATION

John Minear of Montgomery County Environment Services provided Council with an update of their 2024 Montgomery County Solid Waste Management Plan.

CLERK'S REPORT

Clerk Seim presented the minutes of the March 20, 2025, Council Work Session. Motion by Kelly, second by Farmer to approve the minutes as presented. Voting: Farmer-yes, Henning-abstain, Merkle-yes, Kelly-yes, Bachman-yes, and Gorman-yes. Motion passed 5-0 with one abstention. Seim then presented the minutes of the March 20, 2025, Council meeting. Motion by Henning, second by Kelly to approve the minutes as presented. All yeas, motion carried.

OLD BUSINESS

None

NEW BUSINESS

Law Director Dillon advised we need to amend our agenda tonight to add Resolution No. R – 04 – 25 – 36, a Resolution approving an agreement with the OPBA for 2025 and 2026 wages for the patrol officers. Motion by Henning to add Resolution R-04-25-36 to tonight's agenda, motion was second by Merkle. All yeas, motion carried.

Resolution No. R – 04 – 25 – 32 A Resolution Approving Amendments to the Public Records Request Policy for the City of Clayton Relative to Costs Associated with Law Enforcement Dashboard Camera Videos and/or Body Camera Videos. Elaine Wittman, Assistant to the City Manager, advised House Bill 315, which goes into effect on April 3, 2025, permits jurisdictions to charge up to \$750 for the time it takes to review, blur or otherwise obscure, redact, upload, and/or produce the video records. The proposed revised records policy includes language that permits the City to charge a fee for producing video records in accordance with House Bill 315. The proposed policy was approved by the Records Commission on January 16, 2025. Motion by Henning to approve the Resolution, second by Merkle. All yeas, motion carried.

Resolution No. R – 04 – 25 – 33 A Resolution Authorizing the City Manager to Accept the Bid of and Enter into an Agreement with the John R. Jurgensen Company for the 2025 Mill and Fill Asphalt Paving Project at a Total Cost Not to Exceed \$570,000.00. Randy Sanders, Public Service Director, advised John R. Jurgensen Company was the low bidder and was selected for

the 2025 paving projects after two competitive bids were received. There are currently nine roads on the annual paving schedule for this year. Motion by Henning to approve the Resolution, second by Kelly. Voting: Farmer-yes, Henning-yes, Merkle-yes, Kelly-yes, Bachman-abstain, and Gorman-yes. Motion passed 5-0 with one abstention.

Resolution No. R – 04 – 25 – 34 A Resolution Authorizing the City Manager to purchase from Buckeye Power Sales a new generator to be used in the City Maintenance Garage at a cost not to exceed \$41,289.00. Sanders advised the maintenance garage is the only building that does not have a generator that activates during power outages. Unfortunately, we have had too many incidents in the last few years where the city daily functions were disrupted because our fuel tanks were not available. If there is a prolonged period of no electricity in the city, all work inside the maintenance garage is put on hold including working on our first responder equipment. Motion by Henning to approve the Resolution, second by Kelly. All yeas, motion carried.

Resolution No. R – 04 – 25 – 35 A Resolution Approving the City of Clayton Active Transportation Plan. Farmer made a motion to Table this Resolution until our May 1st Council meeting so the steering group can meet to review the prioritized list, Kelly seconded the motion. All yeas, motion carried.

CITY MANAGER'S REPORT

Amanda Zimmerlin, City Manager, advised that we have our annual Easter Egg Hunt on Saturday, April 12th starting promptly at 9:30 a.m. so show up a little early as it goes quickly. We have a contract with Miami Valley Lighting through the MVCC, we have a meeting on April 10th to discuss legislation that would allow MVCC to negotiate the contract for our lighting contracts throughout the city. The Northmont golf outing is Thursday, June 5th from 8:00 a.m. to 2:00 p.m. at Meadowbrook at Clayton, please let staff know if you plan to attend. Mr. Farmer has discussed council rule changes and after looking at potential dates we can schedule a work session starting at 6:30 p.m. for May 1st. Also in your packets are the murals for Hardscrabble Park that the Northmont Art Department put together. Please provide your top five picks by April 9th and we will put those on our social media sites for residents to vote on. The top vote getter will be what we place on the restrooms at Hardscrabble. Finally, the last available tax help date here in the city is Thursday, April 10th from 9:00 a.m. to 3:00 p.m. If you need an appointment, you can call Eric Hine at 216-857-3174 or Michelle Jordan at 216-857-7382 to schedule.

VISITOR'S COMMENTS

Sam Cox questioned why the city is paving Kimmel Road up to Diamond Mill and there are two houses to the west of Diamond Mill, and we are not getting paved. Randy Sanders advised that Kimmel Road was originally scheduled for this year, but because last year's paving projects were delayed Kimmel Road is now scheduled for next year, 2026.

Patrick Ernst advised Ordinance number O-01-25-02 was approved by Council on March 6th in a 4 to 3 vote. Immediately after the meeting the petitioners committee provided a letter of referendum seeking repeal of the Ordinance to the Law Director in accordance with the City Charter Article 10. We received the packet of partition forms and instructions on the 13th of March, a full week after the Ordinance was passed giving the committee only 23 days to collect the necessary number of 595 signatures from the electors. Today is day twenty-nine and this

morning the petitioners committee filed 37-part petitions totaling 1,043 signatures with the Montgomery County Board of Elections. I stand here with two packets of copies of the partitions to be hand delivered to the City Manager and Law Director in accordance with Charter Section 10.02. Once certified by the board it will be up to this council to reconsider in accordance with City Charter Section 10.04.

Anna Ernst advised she worked with her Husband to collect signatures and was surprised to find most residents were against development.

Courtney Hart shared her concerns with so many development proposals, and residents speaking against these developments not being heard.

David Woods spoke about an issue his family had with Kettering Hospital with his father.

COUNCIL MEMBER COMMENTS

Bachman stated I saw on our local social media this week that the police department for the fifth year in a row received the Lexipol Connect Gold-level Agency award, they received this based off five metrics of performance for the department. This is well deserved and keep up the great work.

Kelly I saw the forecast for next Saturday and it looks like it may rain. Just so you know the Easter Egg Hunt is rain or shine, they will move inside if it rains.

Merkle stated at our last meeting there was a discussion from a visitor about dangerous dogs in their neighborhood and I've asked what is the city's position on how we handle dangerous dogs. There is a countywide nuisance dog committee that is being formed, and I've communicated with members of the committee, not to be participant, but just be an added voice to some of the information or a voice in terms of what people might be thinking of animal control. There have been numerous stories in the news about dangerous animals being loose and people being attacked and or killed by dogs allowed to run loose. There was one that was listed on Prospect, but there have been others around the Dayton area. Ten plus years ago there was an effort to make stronger dangerous dog ordinances in the State, but it lost steam at the state house and never came back to be an item for serious consideration. The state house said it's not considered to be an item of major importance at the moment. Unfortunately, I think it is and it's not important until it happens to some of your own family. The city is going to be looking into how to better enforce and make something better than just a \$25 fine for someone who has a dog that gets loose and bites someone. At the First Tier Consortium meeting that was held last week, Montgomery County Human Services levy was being discussed as far as what is coming up this fall. This is the second of their two levies that they normally put on the ballot. It's the lesser valued levy of the two but in light of the fact that different county service agencies are looking at needing to get more money it's anticipated that they may be asking for more money this fall.

Henning stated we have some students here tonight, I hope you have a safe spring, and I hope you have a safe prom season, thank you for coming. I would like to continue the conversations with the work that Amanda did for us regarding dustless surface definitions. I would be in favor of having something similar to Englewood that doesn't allow the definition of suitable material capable of withstanding 1,000 lbs. per square inch, a very subjective term, I would be more in favor of doing a hard dust-free surface like they have defined. We should have a conversation about it being in residential districts and not rural conservation. I wanted to thank the referendum

committee for your work on getting those signatures, any group that gets over 1,000 signatures should be taken very seriously because that is a lot of work.

Farmer stated to the petitioners of the referendum petitioners committee, I just want to say well done, that is quite a job you did, and I want to congratulate you. We will see if the Board of Elections comes back on how many are valid, but I think with that many it's safe to say it will probably go to the ballot in November. Come out on the 12th for the Easter Egg Hunt, it starts at 9:30 a.m. and it will be done at 9:40 a.m., so a 10-minute exercise, come out and support our children and have a good time. The last point I want to make is stay dry out there.

Gorman thanked everyone for coming this evening.

EXECUTIVE SESSION

Law Director Dillon advised an Executive Session is needed to discuss pursuant to Ohio Revised Code 121.22 (G)(4) matters pertaining to negotiations with public employees related to compensation. Motion by Henning to go into Executive Session, Kelly seconded motion. Council broke at 8:03 p.m. Council returned at 8:10 p.m. and returned to their regular session.

Resolution No. R – 04 – 25 – 36 A Resolution Approving a Wage Agreement for the Years 2025 and 2026 with the Ohio Patrolmen's Benevolent Association for Patrol Officers within the Clayton Police Department. Motion by Kelly to approve the Resolution, second by Merkle. All yeas, motion carried.

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

Meeting adjourned at 8:12 PM.