

Minutes of August 15, 2019 Council

Regular Meeting of the Clayton, Ohio City Council
Clayton Government Center
August 15, 2019

CALL TO ORDER

The meeting was called to order by Mayor Stevens at 7:30 PM. Present were Mayor Stevens and Councilmembers Bachman, Henning, Merkle, Kelly, and Lieberman. Motion by Henning to excuse Gorman who is out of town this evening, motion second by Bachman. All yeas, motion passed.

SPECIAL PRESENTATIONS

Karl Keith, Montgomery County Auditor gave a presentation on the county's Property Tax Relief program especially considering the recent tornadoes. Residents have until the end of August to sign up. Resident can call 937-225-4326 or the information is on their website.

Jon Bills of DDC Management gave a presentation on their company's conceptional plan to develop a 183-acre parcel of land off Sweet Potato Ridge Road.

CLERK'S REPORT

Clerk Seim presented the minutes of the August 1, 2019 City Council Meeting. Motion by Bachman, second by Henning to approve the minutes as presented. Voting yeas were Bachman, Henning, Merkle, Kelly and Stevens. Lieberman abstained. Motion passed.

OLD BUSINESS

Ordinance No. O – 08 – 19 – 04 An Ordinance Adopting Estimated Assessments and Certifying Unpaid Charges for 2019/2020 Curb and Gutter Repair/Replacement Work to the Montgomery County Auditor for Collection with Real Estate Taxes (Five Annual Installments) and Declaring an Emergency. Kevin Schweitzer, Finance Director, advised these are the few residents from the 2018 curb and gutter project who had their work delayed while Montgomery County installed new water lines. The invoices were for less than \$2,500, and the homeowners did not pay so they will be assessed to their property taxes over five years. Motion by Henning to approve the Ordinance as an Emergency, second by Kelly. All yeas, motion carried. Motion by Merkle to approve the Ordinance, second by Henning. All yeas, motion carried.

Ordinance No. O – 08 – 19 – 05 An Ordinance Adopting Estimated Assessments and Certifying Unpaid Charges for 2019/2020 Curb and Gutter Repair/Replacement Work to the Montgomery County Auditor for Collection with Real Estate Taxes (Ten Annual Installments) and Declaring an Emergency. Schweitzer advised these are the few residents from the 2018 curb and gutter project who had their work delayed while Montgomery County installed new water lines. These invoices were more than \$2,500 and the homeowners did not pay, so they will be assessed to their property taxes over ten years. Motion by Merkle to approve the Ordinance as an Emergency, second by Bachman. All yeas, motion carried. Motion by Bachman to approve the Ordinance, second by Henning. All yeas, motion carried.

Ordinance No. O – 08 – 19 – 06 An Ordinance Certifying Unpaid Charges for Grass/Weed Cutting for 2019/2020 to the Montgomery County Auditor for Collection with Real Estate Taxes and Declaring an Emergency. Schweitzer advised these are charges for grass mowing where the homeowner did not maintain their property requiring the city to mow their grass. The homeowner then did not pay the mowing charges. Motion by Bachman to approve the Ordinance as an Emergency, second by Kelly. All yeas, motion carried. Motion by Merkle to approve the Ordinance, second by Henning. All yeas, motion carried.

Ordinance No. O – 08 – 19 – 07 An Ordinance to Impose Assessments Upon Owners of Real Property in Arrears for Payment of Fees for Waste Hauling and Disposal Services for 2019/2020 and Declaring an Emergency. Schweitzer advised these are trash fees not paid by the residents in excess of \$100.00 or three quarters of nonpayment. Schweitzer also advised the original list will be modified as since this was originally submitted the State passed a new Senate bill stating cities cannot assess delinquent trash fees less than \$250.00. Motion by Henning to approve the Ordinance as an Emergency, second by Merkle. All yeas, motion carried. Motion by Bachman to approve the Ordinance, second by Merkle. All yeas, motion carried.

Ordinance No. O – 08 – 19 – 08 An Ordinance to Maintain Lighting Assessments and Declaring an Emergency. Schweitzer advised these are our annual street lighting assessments for the maintenance and electrical usage. Motion by Henning to approve the Ordinance as an Emergency, second by Kelly. All yeas, motion carried. Motion by Henning to approve the Ordinance, second by Kelly. All yeas, motion carried.

Ordinance No. O – 08 – 19 – 09 An Ordinance Authorizing the Submission of the 2019/2020 North Clayton Community Authority Charge Assessments to the Montgomery County Auditor and Declaring an Emergency. Schweitzer advised there are only a few parcels that have not paid the annual charge, even after numerous contacts, so these charges will be assessed to the property taxes. Motion by Bachman to approve the Ordinance as an Emergency, second by Merkle. All yeas, motion carried. Motion by Merkle to approve the Ordinance, second by Bachman. All yeas, motion carried.

Ordinance No. O – 08 – 19 – 10 An Ordinance Certifying Unpaid Charges for Nuisance Assessments for 2019/2020 to the Montgomery County Auditor for Collection with Real Estate Taxes and Declaring an Emergency. Schweitzer advised these assessments are for work completed by the city to clean up a property or remove dead trees and the property owner then failed to pay for the cleanup. Motion by Lieberman to approve the Ordinance as an Emergency, second by Bachman. All yeas, motion carried. Motion by Henning to approve the Ordinance, second by Bachman. All yeas, motion carried.

NEW BUSINESS

Ordinance No. O – 08 – 19 – 11 An Ordinance Approving Amendments to Clayton Codified Ordinance Chapter 1313 of the Building Code to Add a New Section 1313.10 Entitled “Placement of Portable Toilets in Residential Areas” and to Revise Section 1313.99 Entitled “Penalty”. Jack Kuntz, Director of Development, advised there have been issues where portable toilets are placed on residential lots when properties are under construction, renovation or another form of work that requires a portable toilet on the property. Realizing the need for these facilities at construction sites while also being conscientious of neighbors we propose new

language to be added to the Clayton Codified Ordinance. This language defines what a portable toilet is, where they can be located, length of time being in a construction area, the permitting of such structures, securing and maintenance of the facilities as well as a penalty for being in violation of the new ordinance. Staff believes the proposed language gives the city considerably more control of these facilities and assists in the health and welfare of our residential areas while residential units are under construction/reconstruction. Motion by Henning to approve the Ordinance, second by Kelly. All yeas, motion carried.

Ordinance No. O – 08 – 19 – 12 An Ordinance Authorizing Removal of Specific Assessments for Grass/Weed Cutting and Specific Assessments for Curb and Gutter Repair/Replacement Work Previously Submitted in Error to Montgomery County and Declaring an Emergency. Kevin Schweitzer, Finance Director, advised a resident had the curb and gutter work assessment erroneously duplicated in the original assessment ordinance, and a resident with grass cuttings performed by the City had the amounts waived by the City Manager since it was the last cutting from a previous year before the residents purchased the parcels. Motion by Lieberman to approve the Ordinance as an Emergency, second by Kelly. All yeas, motion carried. Motion by Merkle to approve the Ordinance, second by Bachman. All yeas, motion carried.

Resolution No. R – 08 – 19 – 60 A Resolution Accepting the Proposal of and Authorizing the City Manager to Enter Into a Contract with Management Partners for Performance of Executive Recruitment Search for a New City Manager at a Cost of \$17,990.00. Rick Rose, City Manager, advised he plans to retire early next year. To provide a seamless transition and to select a new city manager recruitment effort should begin around six months prior to the retirement date. We utilized the services of Management Partners in a different capacity in 2014 and was very pleased with the results. Motion by Henning to approve the Resolution, second by Merkle. All yeas, motion carried.

Resolution No. R – 08 – 19 – 61 A Resolution Approving Amendment of 2019 Appropriations and Estimated Resources. Schweitzer advised adjustments are needed in the Fire Trust fund. Additionally, the City had to call a bond on a construction company and have work completed for a resident, with the total amount being paid by the resident and insurance company. Repairs were made to Engine 85, and the Sewer Construction fund needs a minor adjustment of (\$.26) to be in compliance with ORC. Insurance proceeds for tornado damage at the golf course will be utilized for repairs. Motion by Kelly to approve the Resolution, second by Lieberman. All yeas, motion carried.

CITY MANAGER'S REPORT

Our next meeting will be held September 5th and we will also be holding a Workshop that evening beginning at 6:30 PM. There is a conflict with our September 19th meeting date and need to cancel the meeting that evening. Our next meeting will then be October 3rd and we will hold a Workshop session that evening beginning at 6:30 PM. We are hosting our annual Movie in the Park on Friday, August 23rd beginning at dusk, approximately 9 PM, the Park Commission will be showing "Small Foot". Our annual Labor Day Fireworks will be held Sunday, September 1st from 7 – 9 PM, with the Fireworks starting at 9 PM and there will be numerous activities for the kids. City Council meetings can be viewed on cable channel 6 on Saturday August 17th at 8:30 AM and repeated the following Monday, August 19th at 10:30 PM, and then again on Wednesday, August 21st at 9:00 AM. We are pleased to announce that Hoke Road has been completely

repaved from National to Westbrook Roads, and we're happy to say the work was completed prior to the school year starting. CCA will be in the City offices this coming Monday, August 23rd from 9 – 11 AM to assist residents with any tax issues.

VISITOR'S COMMENTS

Charles Jackson of Par Drive thanked the City Manager for reaching out and responding to his request to have the city investigate taking over maintenance of Par Drive (currently a private road). Rose advised he and Randy Sanders, Public Service Director, are currently gathering measurements and getting quotes. Once we've compiled the information, we will reach out to the HOA.

Michael Davis of Sydenham asked for assistance in dealing with a feral cat problem in his neighborhood. Chief Hamlin stated there is currently no legislation dealing with feral cats. He has reached out to Vandalia Court to see if they have any information or suggestions and will contact Mr. Davis when he has more information.

COUNCIL MEMBER COMMENTS

Bachman wished to thank the two presenters who spoke earlier this evening. Karl Keith's office helping with tax relief is greatly appreciated. The information shared by the developer is exciting and it's great to see new development possibly coming to the area. The Oregon District shooting has affected the whole area, but we're proud to recognize responding police officers Vince Carter of the Dayton Police Department and Bellbrook Police Chief Doug Doherty as both are Northmont grads and we're proud how they stepped up to the situation. Henning agreed, Carter and Doherty, both Northmont grads, make our community proud. Henning stated that now that the tornado damaged is behind us I would like to request city staff investigate adding additional signage at Taywood and Westbrook Roads. The traffic on Westbrook is traveling very fast, and residents pulling off Taywood and Salem Bend may not realize Westbrook Road does not stop. School has started and buses are out, so please be careful and I hope the staff and students at Northmont and CTC have a great school year. Merkle thanked DDC Management for their presentation but let us not forget a lesson learned from the past. However, this would be a good opportunity for growth in the area, we just want to see it done in the right way. Regarding the Oregon District shooting we need to know what happened, why it happened and what can be done to prevent it the future. Intelligent minds need to prevail to come up with the right answers. If there was an easy answer it would have been done long ago. Now is not the time to be political, now is the time to act and think smart. Kelly stated Hoke Road looks amazing and getting it done before the school year was great. Lieberman stated I wasn't at the last meeting, I was at the Auschwitz concentration camp at the time of the Dayton shooting. What struck me is human beings just never seem to learn. We will continue down this path of self-destruction until somebody eventually just says enough, hopefully we're there. I know we received world attention as I saw the reports in Poland. I get more proud every day, being part of Clayton when I see everything that's going on around us, when I see our great Police staff and what we do here. Thank you for that and for everything Clayton is. Stevens stated it was great the Hoke Road project was completed before school started, and stated he received a call from Superintendent Thomas thanking the city for getting it completed before school started. I also wish to thank Council, staff and family members for coming out for the Englewood Arts Festival parade. It was great having the City represented and it was fun having everyone on the peddle car. I also

wish to thank the Park's Commission for putting together the upcoming Movie in the Park and the Labor Day fireworks. Lastly, I don't share the same concerns with the potential new development on Sweet Potato Ridge Road, I see it as very positive. All of the issues we have in bringing in development is roof tops, we don't have enough roof tops. Developers, restaurants and retail stores look at roof tops, so this would be a huge shot in the arm for us. If we want these things, one to two houses a year won't do it. I wish to thank everyone who came out this evening, there were a lot of great questions.

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

Meeting adjourned at 9:08 PM.