

Minutes of February 7, 2022 Council

Regular Meeting of the Clayton, Ohio City Council
Clayton Government Center
February 7, 2022

Due to the inclement weather on Thursday, February 3rd Clayton City Council rescheduled its regularly scheduled City Council meeting to Monday, February 7th immediately following their Council Workshop.

CALL TO ORDER

The meeting was called to order by Mayor Stevens at 6:52 PM. Present were Mayor Stevens and Councilmembers Bachman, Gorman, Merkle, Kelly, and Lieberman. Councilman Henning was excused from this meeting during the Council Workshop held earlier this evening.

CLERK'S REPORT

Clerk Seim presented the minutes of the January 20, 2022 Council Workshop session. Motion by Kelly, second by Merkle to approve the minutes as presented. All yeas, motion carried.

Seim then presented the minutes of the January 20, 2022 City Council meeting. Motion by Gorman, second by Bachman to approve the minutes as presented. All yeas, motion carried.

OLD BUSINESS

This Ordinance was Tabled on December 2, 2021

Ordinance No. O – 12 – 21 – 22 An Ordinance Authorizing the City Manager to Execute Legal Documentation Necessary to Purchase Real Property Located at 8051 N. Main Street Clayton, Ohio, and Bearing Parcel I.D. Number M60 16312 0001 for the Purchase Amount of \$136,000.00 Plus Closing Costs and Declaring an Emergency. Motion by Gorman to un-table this Ordinance from December 2021, motion was second by Merkle. All yeas, motion carried. Jack Kuntz, Director of Development, advised staff engaged Ordesign Environmental Services to conduct a Phase I Environmental Assessment Study of the property. After receiving the results of the Phase I, staff requested Ordesign do additional assessments at the property including a Phase II Environmental Assessment, which included soil borings around the discovered underground storage tanks. The results of those studies indicate the soil at the site is clean and the material that was able to be studied in the tanks was not hazardous. It's the opinion of Ordesign that the tanks will be able to be simply removed with no further remediation efforts were needed. Staff submitted this property, including the environmental reports, to the Montgomery County Land Bank for review for its possible inclusion in their State Demo Project. The Land Bank told staff this property can be included with the demo project if we submit it to them by the February 15th deadline. The demolition of the structures can occur without the tanks being removed. Motion by Gorman to approve the Ordinance as an Emergency, second by Kelly. All yeas, motion carried. Law Director Dillon advised since this Ordinance was first brought forth in December of 2021, we now need to amend the emergency section clause, paragraph four to include the following line, "Additionally, in order for the subject property to be submitted to the State demolition project before February 15, 2022, this Ordinance must be immediately effective." Motion by Lieberman to amend the Ordinance consistent with Ms. Dillon's recommendation, motion was second by Merkle. All yeas, motion carried. Motion by

Gorman to approve the Ordinance as amended, motion second by Kelly. All yeas, motion carried.

Ordinance No. O – 01 – 22 – 01 An Ordinance Approving Amendment of the City’s Personnel Practices Manual to Add a New Article 10, Section F, Entitled, “Retire-Rehire”. Second reading, no further discussion. Motion by Gorman to approve the Ordinance, second by Bachman. All yeas, motion carried.

NEW BUSINESS

Ordinance No. O – 02 – 22 – 02 An Ordinance Authorizing the City Manager to Enter Into a Purchase Agreement with Oakes Tree Development, LLC, and Further Authorizing Transfer at Closing for the Purchase Price of \$90,000.00 Plus Closing Costs and 3% Broker Fee of the Public Property Bearing Parcel ID Number M60 00217 0010 Located at Clinton Street Within the City of Clayton, Ohio, and Containing 8.0792 Acres. Motion by Gorman to remove this Ordinance from the agenda, motion was second by Merkle. All yeas, motion carried.

Law Director Dillon advised one item needs to be added to tonight’s agenda, Resolution No. R – 02 – 22 – 18 authorizing the City Manager to execute asset purchase agreement with the Grill by Heritage, LLC with respect to Meadowbrook at Clayton at a purchase price of \$20,000.00 and related closing costs. Motion by Bachman to add this item to the agenda, motion was second by Merkle. All yeas, motion carried.

Resolution No. R – 02 – 22 – 16 A Resolution Approving a Lease Purchase Agreement with Real Lease for the Lease and Purchase of a Street Sweeper and Approving Five Annual Lease Payments of \$62,034.41 Each and a Purchase Price of \$1.00. Randy Sander, Public Service Director, advised over the last few years, the City of Clayton Service department has borrowed the City of Brooksville’s street sweeper to accomplish our curb and street cleaning. Prior to that the city hired a contractor to sweep our streets three times a year at a cost of \$20,000 per year. In 2021 the service department rented a vac-all truck at a cost of \$12,500 a month to clean out our catch basins as part of our EPA agreement. The RAVO Street Sweeper can accomplish both jobs since it is a dual performance machine, street sweeper and vacuum jet in one. The lease program allows the city to purchase the sweeper after the five-year lease for a cost of one dollar. Motion by Gorman to approve the Resolution, second by Kelly. All yeas, motion carried.

Resolution No. R – 02 – 22 – 17 A Resolution Approving Amendment of 2022 Appropriations. Kevin Schweitzer, Finance Director, advised we need to increase refunds for Meadowbrook due to contract changes that is causing some cancellations. There was an error on one formula for Permissive Motor Vehicle License on the original budget. And, only a small amount of the American Rescue Plan Act monies was spent in 2021 so appropriations are needed to expend monies in 2022. Motion by Bachman to approve the Resolution, second by Gorman. All yeas, motion carried.

Resolution No. R – 02 – 22 – 18 A Resolution Authorizing the City Manager to Execute Asset Purchase Agreement with the Grill by Heritage, LLC with Respect to Meadowbrook at Clayton at a Purchase Price of \$20,000.00 and Related Closing Costs. Amanda Zimmerlin, City Manager, advised this separates us from Heritage. This will be the purchase of the liquor license and specific catering items. Motion by Gorman to approve the Resolution, motion was second by Kelly. All yeas, motion carried.

CITY MANAGER'S REPORT

Amanda Zimmerlin, City Manager, first had Sanders give an update on last week's snowstorm. Sanders advised after a storm we review to have an idea of what we went through in this one event. We started at 11 p.m. on Wednesday and ran for 43 straight hours, we were off the road by 7 p.m. on Friday. During that event we used 300 total man hours, 160 hours of regular time and 140 hours of overtime. We used 488 tons of salt for the event in addition to beet heat and brine combined and drove 3,907 miles. This breaks down to \$33,184 dollars' worth of salt, the liquids were \$2,287, and about \$1,200 in fuel. So that storm total was about \$41,851 to the city. Zimmerlin advised we recently had a member of the Planning Commission resign. Based on previous conversations with Council, we will advertise the opening and submit applications to Council in early March. We had reached out to Huber Heights for a proposal for income tax collection. Schweitzer stated there were some citizen concerns with some of the services we receive from CCA. I reached out to Englewood to see if they would be interested in collecting for us and received a response that they were not ready to collect for anyone else. We previously talked with Huber Heights before we went with CCA, so I called their finance director. One item he did say was the estimate of the percentage they charge for the collection. There's been talk about maybe getting rid of the 50 percent credit, but if we do that our dollar amounts they collect will go down so they would need to renegotiate because it's not going to cover their costs. Also, with Huber I would not have access to their system as I currently do with CCA to assist our residents.

SPECIAL PRESENTATIONS

Jack Kuntz presented the Schmaus family on Summersweet Drive with the 2021 Holiday VIP Award. They were recognized by Mayor Stevens and the City Council for winning the holiday light display.

VISITOR'S COMMENTS

None heard.

COUNCIL MEMBER COMMENTS

Kelly advised it's been 33 long years since the Bengals have been in a Super Bowl, Who Dey! Merkle stated I just want to add my thanks for the snow removal. I know it's hard work and very little praise for a job well done. Gorman thanked Randy and his crew for the good job on the recent snow removal last week. Clayton looks as good as any community around us, thanks for a great job. Stevens stated I also want to thank the service department for the great job on the snow removal. I also want to say to Jack, good job. There is a lot of behind the scenes work that goes on with grants, demolitions, using the money wisely and looking for other resources to help us make our city better. Those properties on Main Street have been a torn in our side for a long time and this is just another good step forward. This is not as sexy as bringing in a big new business, but this is a definite improvement and a step forward for the city.

Having no further business, motion by Gorman to adjourn the meeting, motion was second by Merkle. All yeas, motion carried.

Meeting adjourned at 7:37 PM.