

Minutes of October 3, 2019 Council

Regular Meeting of the Clayton, Ohio City Council
Clayton Government Center
October 3, 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, Gorman, Merkle, Kelly, and Lieberman.

SPECIAL PRESENTATIONS

Jack Kuntz, Director of Development, announced that the Burks family on Dominican Drive were nominated and won the Summer VIP award. They are Clayton's first two-time VIP winner, having also won the 2017 Fall/Halloween VIP award.

PUBLIC HEARING

Planning Commission Case 19-01: 1885 Westbrook Road; XBO Properties, LLC. Jennifer Barclay, City Planner, stated XBO Properties is proposing to split one portion of the corner lot. The split section will be combined with the lot containing the commercial building, and this will then allow for rezoning the resulting corner lot with a residential home as R-3 Suburban Residential. Stevens asked if there were any opponents who wished to speak. No opponents spoke. Mayor Stevens then asked if there were any proponents who wished to speak. Jeff Bowling of XBO Properties Inc. wished to speak. Attorney Dillon swore in Mr. Bowling. Mr. Bowling advised they have had no interest in the house for use as a business, only as a home rental which is the reason for the split. No other speakers, Mayor Stevens closed the public hearing.

CLERK'S REPORT

Clerk Seim presented the minutes of the September 5, 2019 Workshop Session. Motion by Gorman, second by Bachman to approve the minutes as presented. All yeas, motion passed.

Seim then presented the minutes of the September 5, 2019 City Council meeting. Motion by Gorman, second by Henning to approve the minutes as presented. All yeas, motion passed.

Seim lastly presented the minutes of the September 26, 2019 Special Meeting. Motion by Gorman, second by Henning to approve the minutes as presented. All yeas, motion passed.

OLD BUSINESS

None

NEW BUSINESS

Ordinance No. O – 10 – 19 – 14 An Ordinance Approving the Continued Appointment of Martina M. Dillon of the Law Office of Martina M. Dillon, Esq. as Law Director and Declaring an Emergency. Motion by Gorman 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 – 10 – 19 – 15 An Ordinance Amending Clayton Codified Ordinance Chapter 930 Entitled "Utility Structure Standards" and Declaring an Emergency. Rick Rose, City

Manager, advised this is similar to the COC 901 that we updated a few weeks ago, and we now recommend certain revisions to COC 930 with respect to utility structures placed on private property as well as the permitting process, screening standards and related items. Motion by Gorman to approve the Ordinance as an emergency, second by Kelly. All yeas, motion carried. Motion by Henning to approve the Ordinance, second by Bachman. All yeas, motion carried.

Resolution No. R – ZC – 19 – 01 A Resolution Approving the Recommendation of the Planning Commission to Approve Application Submitted by XBO Properties, LLC to Rezone the Property Located at 1885 Westbrook Road (Parcel ID Number M60-103209-0044) from GB: General Business to R-3: Suburban Residential. Motion by Gorman to approve the Resolution, second by Kelly. All yeas, motion carried.

Resolution No. R – 10 – 19 – 65 A Resolution Accepting the Amounts and Rates as Determined by the Montgomery County Budget Commission and Authorizing the Necessary Tax Levies and Certifying them to the County Auditor. Kevin Schweitzer, Finance Director, advised the Ohio Revised Code requires each taxing authority to pass a resolution to authorize the necessary tax levies. This is an annual process we must perform each year with the county and allows us to levy the property tax rates and then collect the associated revenues. Motion by Gorman to approve the Resolution, second by Henning. All yeas, motion carried.

Resolution No. R – 10 – 19 – 66 A Resolution Providing Consent to the Ohio Department of Transportation to Complete the Project Described as “Overlay of Interstate Route 70 from Straight Line Mile 6.71 to Straight Line Mile 10.79, More or Less, with a Portion in the City of Clayton” and Bearing PID No 100961. Randy Sanders, Public Service Director, advised ODOT will pave a section of I-70 within our corporation limits, and is scheduled to sell the project in the third quarter of fiscal year 2021. The work requires consent legislation between Clayton and the Director of Transportation, and the State will be responsible for 100% of the cost. Motion by Gorman to approve the Resolution, second by Merkle. All yeas, motion carried.

Resolution No. R – 10 – 19 – 67 A Resolution Authorizing the City Manager to Accept the Bid Submitted by Thrush & Son, LLC for Asphalt Shingle Roofing Replacement at Meadowbrook at Clayton at a Cost Not to Exceed \$102,818.82. Rick Rose, City Manager, advised the roof on the event center at Meadowbrook at Clayton suffered damages from the May Tornadoes. We advertised the project and accepted sealed bids. Although there were numerous inquiries, only one contractor submitted a bid due to the prevailing wage requirement. Motion by Merkle to approve the Resolution, second by Henning. All yeas, motion carried.

Resolution No. R – 10 – 19 – 68 A Resolution Authorizing the Submittal of Applications for Federal Fast Act Funds through the Miami Valley Regional Planning Commission. Kuntz advised staff has been working with ODOT and the MVRPC over the past two years, studying the possibility of widening Hoke Road, from Smith Road to National Road, as well as extending utilities along the same area. The widening project would incorporate walkability components found in the PLAN Clayton document and would make this corridor more attractive for future development. The MVRPC believes breaking the project into two phases, with the first phase being from Smith to Wenger and the second phase from Wenger to National makes the most sense from a funding probability standpoint. The first phase, from Smith to Wenger, would also address improving traffic congestion at the four way stop at the Hoke/Wenger intersection. If funded this project would most likely not occur until 2024 at the earliest. Also, Westbrook has been identified as a priority resurfacing project scheduled for 2021. This joint project with Trotwood will consist of almost 2.39 miles of resurfacing of Westbrook Road from Salem

Avenue to Main Street. Motion by Henning to approve the Resolution, second by Lieberman. All yeas, motion carried.

CITY MANAGER'S REPORT

Our next meeting will be Thursday, October 17th and we will also be holding a Workshop that evening beginning at 6:30 PM to discuss storm water issues and future needs within the city. We will hold a regular meeting on November 7th, and on the next meeting November 21st we are looking to hopefully have a budget workshop session at 6:30 PM. City Council meetings can be viewed on cable channel 6 on Saturday October 5th at 8:30 AM and repeated the following Monday, October 7th at 10:30 PM, and then again on Wednesday, October 9th at 9:00 AM. The Fire, Police and Service Departments held their annual Open House on Tuesday which was a great event and we had a large turnout. Kuntz gave an update on our Government Academy classes. Rose advised our last Sweep Clayton Clean event will be held Saturday, October 19th from 8:00 AM to Noon at Fire Station 83. The Dayton Area Mayors and Managers have announced Beggar's Night will be held on October 31st from 6-8 PM, and this will be the same for the next five years. Kuntz announced that our annual Costumes and Carvings event will be held on Sunday, October 27th from 1-3 PM at Meadowbrook at Clayton.

VISITOR'S COMMENTS

Carla Van Dyne of Old Salem Road spoke in support of her friend Judy Bell. They both share a love of animals and are upset due to a neighbor of Mrs. Bell's live trapping cats in the neighborhood and releasing them at the Englewood Dam. Mrs. Van Dyne and Mrs. Bell state these are pets and not feral cats. Mrs. Bell also spoke advising these are not feral, but pets that she has spent a lot of money on with feeding and vet bills.

COUNCIL MEMBER COMMENTS

Lieberman stated neighborhood problems are rare in Clayton. Dayton has a mediation program for neighbor disputes, this may be something we can look into. Kelly said there was a great turnout for the open house, everyone did an excellent job and thank you to everyone who worked to put on the event. The Pink Ribbon Girls will be at Kroger's on Saturday, October 12th from 10 am to 2 pm. They will be selling their T-shirts and socks in addition to taking collections in the firefighter's boot. Merkle stated he will be participating in the Alzheimer's walk this Saturday at 5/3 Field and will be walking in honor of his Mother. Gorman complemented everyone for the open house, it was quite a success. All the departments did a great job and the kids had a great time. Thank you to Northmont High School for the Homecoming Parade this evening, it was a lovely event and there was a lot of participation. Henning stated the open house was a great event that left the kids with a good impression of the police and firefighters. The Northmont Homecoming Parade this evening was a nice event. Remember, October 7th is the last day to register if you're wanting to vote in the November election. Bachman stated the open house was great and everyone had a good time, people were able to see everything we have going on in the city. The parade this evening was well attended, and I'm glad that the city officials and departments are participating in the Northmont area parades and events. Stevens stated the open house was a great event and a special thank you to everyone who came and also thank you to those that worked so hard to put the event together.

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

Meeting adjourned at 8:33 PM.