

Minutes of December 19, 2019 Council

Regular Meeting of the Clayton, Ohio City Council
Clayton Government Center
December 19, 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 PRESENTATION: Swearing-In of Elected Officials

Oaths of Office were administered by the Honorable Judge Barbara Gorman for re-elected Councilmembers Lieberman, Henning and Gorman.

PUBLIC HEARING

Mayor Stevens opened the public hearings. Law Director, Martina Dillon, swore in those residents who planned to speak during the public hearings.

Planning Commission Case PC19-03 6942 Salem Avenue (Parcels M60 03207 0010, M60 03207 0009, and M60 03207 0035). Jennifer Barclay, City Planner, advised this is a rezoning request for three properties along Salem Avenue. They are currently zoned R3: Suburban Residential and the request is to rezone them I: General Industrial District. The applicants plan to put the property up for sale, and at this time there is no buyer or current end user for the properties. Barclay identified the properties on a map and shared the Future Land Use Plan has the area identified as Industrial, and the surrounding land uses includes single-family, commercial and industrial. Barclay then listed the permitted uses within our current Industrial zone code. When the properties sale, the end user will need to go through an approval process. They will need to hold two separate public hearings with the Planning Commission and City Council to have their plans reviewed for design of the structures, stormwater, parking, lighting, landscaping, buffering of the property and signage. On November 25th the Planning Commission held a public meeting and voted to recommended approval to the City Council. Mayor Stevens listed several Industrial uses and asked why some of these are in there, for example junk yard, truck terminal, airport landing strips. Is there a reason these are in there? None of these would fit within our green initiatives Jack Kuntz, Director of Development, explained that per Ohio's code we can not exempt these uses. However, the end user would have to get approval from the Planning Commission and City Council on any plans they submit. Merkle questioned the drainage issue and buffering from the residential properties. Bachman advised he would like to see the natural buffer maintained. Gorman reiterated that any proposed development would have to go before the Planning Commission and City Council. Mike Smith of Sterling Woods Drive advised there have been flooding issues in his neighborhood from the woods on this property. I built my home 18 years ago as an investment, it is already loud as I hear the noise coming from CTC and Caterpillar. Stevens stated it would be good to keep the buffering and if the drainage could be addressed. Brian Muncy of Old Salem Road advised he purchased his property three years ago as his retirement home, and I previously spoke out on the Future Land Use Plan. I don't want this nor do my neighbors. My neighbors and I do not want to hear the noise from industrial uses. Steve Weiss representing the owners of the parcels addressed Council advising

the owners purchased the property 50 years ago as an investment. Based on the Future Land Use plan this property is identified as Industrial so we are simply rezoning the property to match that. We have no realtor and no end user at this time. Hearing no further discussion, Mayor Stevens closed this public hearing.

Planning Commission Case PC19-04 Planned Development Modifications to the “North Clayton Development Standards”. Ms. Barclay advised the Village of North Clayton is proposing to modify their development standards, sharing a summary of their proposed changes. The Architectural Review Committee reviewed the lot standards based on lot width; materials, colors; definitions; and street trees. The Planning Commission held a public hearing on November 25th and recommended approval of the changes. Gorman asked if these changes were made by the staff or the HOA? Barclay advised they were submitted by the Master Owners Association, they feel they had issues because some items were not clear. Stevens asked was the fitness center scrapped. Barclay advised the initial plan was conceptual, I see area as commercial or business area. Merkle questioned the lot sizes and the notice, thou shall plant trees, with Maple being one of the species. Maples spread 30-40 feet wide, it will get very crowded. Ms. Barclay the plan did require street trees and the tree species choice, they do have maple listed as an option, but I do not believe Maples are the best choice. They would consider other choices/species. Henning asked if a developer is interested in building there, who do they contact first, the city or the HOA? Barclay advised they should contact the city first. No opponents were heard. Scott Frasier of Steineman advised he is part of the Architectural Review Committee and their goal was to clear up the development standards, and the trees were a good conversation. Majority of the people say no to maples and we are looking at them and are open to discussion. We are just looking at the design standards to make it easier to build at North Clayton. Hearing no further discussion Mayor Stevens closed the public hearing.

CLERK’S REPORT

Clerk Seim presented the minutes of the December 5, 2019 Council Workshop Meeting. Motion by Gorman, second by Henning to approve the minutes as presented. All yeas, motion passed.

Seim then presented the minutes of the December 5, 2019 City Council Meeting. Motion by Gorman, second by Kelly to approve the minutes as presented. All yeas, motion passed.

OLD BUSINESS

Ordinance No. O – 12 – 19 – 19 An Ordinance Authorizing Amendments to Designation of Job Categories and Pay Schedules and Declaring an Emergency. Second reading, no further discussion. 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 Henning. All yeas, motion carried.

NEW BUSINESS

Ordinance No. O – ZC – 19 – 03 An Ordinance Accepting the Planning Commission Recommendation to Approve the Application for a Change in Zoning from R-3 Suburban Residential to I: General Industrial District for the Property Located at 6942 Salem Avenue and Bearing Parcel I.D. M60 03207 0010, M60 03207 0009, and M60 03207 0035 Within the City of Clayton, Ohio. Motion by Gorman to accept the recommendation of the Planning Commission, second by Lieberman. All yeas, motion carried.

Ordinance No. O – ZC – 19 – 04 An Ordinance Accepting the Recommendation of the Planning Commission to Approve Specified Modifications to the North Clayton Development Standards. Motion by Henning to accept the recommendation of the Planning Commission, second by Kelly. All yeas, motion carried.

Mayor Stevens requested a motion for nomination(s) for the appointment of Vice Mayor. Henning made a motion to nominate Gorman as Vice Mayor, second by Kelly. No further nominations were heard. Stevens asked for a motion to close the nominations. Motion by Gorman to close the nominations, second by Merkle. All yeas, motion carried. Mayor Stevens closed the nominations.

Resolution No. R – 12 – 19 – 79 A Resolution to Elect a Vice Mayor and President Pro Tempore. Motion by Henning to appoint Gorman as Vice Mayor, second by Kelly. Voting yeas were Bachman, Henning, Merkle, Kelly, Lieberman and Stevens. Gorman abstained. Motion passed.

Gorman was administered the Oath of Office for Vice Mayor and President Pro Tempore by the Honorable Judge Barbara Gorman to fulfill the position of Vice Mayor.

Resolution No. R – 12 – 19 – 80 A Resolution to Authorize and Approve the 2020 Budget and Permanent Appropriations. Kevin Schweitzer, Finance Director, advised this is the budget we discussed at our workshop session held December 5. Motion by Henning to approve the Resolution, second by Gorman. All yeas, motion carried.

Resolution No. R – 12 – 19 – 81 A Resolution Authorizing the Finance Director to Request the County Auditor to Make Advance Payments into the Clayton Account. Schweitzer advised in order to receive the tax revenues as they are collected, the County Auditor requires a written request for advances, and must be passed by council through a resolution. This enables the City to collect monies earlier than property tax settlement dates and utilize the monies for operational purposes. Motion by Gorman to approve the Resolution, second by Henning. All yeas, motion carried.

Resolution No. R – 12 – 19 – 82 A Resolution Approving Amendment of 2019 Appropriations and Estimated Resources. Schweitzer advised more assessments and fees were received for the North Clayton Community Authority in 2019. Treasurer/Auditor fees increased and pay-out to the Authority did as well, therefore additional appropriations and increase in estimated resources is needed in the Agency fund. Also, we had several deposits into the Fire Trust fund due to house fires and estimated resources need increased due to this. Motion by Merkle to approve the Resolution, second by Bachman. All yeas, motion carried.

CITY MANAGER'S REPORT

We will hold two Special Meetings on Monday and Tuesday, January 6th and 7th to consider the employment of city personnel. Our first regular meeting in 2020 will be Thursday January 9th. Our meetings in February will be held on the 6th and 20th. Northmont Community Market is holding a Winter Market at Meadowbrook this Sunday from noon to 4 p.m. There will be vendors, crafts for kids, the golf simulators will be available, food and big screen tv's to watch the big game. The Winter Market will run one Sunday each month through March. The Taste of

Northmont will be held at Meadowbrook on Thursday, January 16th from 5:00-7:30 p.m. Tickets are available at the Government Center. The Government Center offices will be closed Tuesday and Wednesday, December 24th and 25th for the Christmas Holiday, and on Tuesday December 31st and Wednesday January 1st for the New Year's holiday. City Council meetings can be viewed on cable channel 6 on Saturday December 21st at 8:30 AM and repeated the following Monday, December 23rd at 10:30 PM, and then again on Wednesday, December 25th 9:00 AM. Breakfast with Santa was very successful. I wish to thank the Parks Commission, Council Members, city staff, and especially Jack for coordinating the event, it gets better each year.

VISITOR'S COMMENTS

None heard.

COUNCIL MEMBER COMMENTS

Lieberman thanked the Parks Commission and Jack for the great job on the Breakfast with Santa. Meadowbrook was packed with a lot of happy kids, it was a great event. I wish everyone Happy Holidays. Kelly thanked the Parks Commission, Santa, Mrs. Clause and everyone who worked the event. I also wish to thank the Principal of Kleptz Early Learning Center and her husband who helped with the event. Lastly, I wish everyone Happy Holidays. Merkle stated the rezoning of the parcels on Salem Avenue are sensitive to the nearby homeowners, and asked Ms. Barclay to keep Council updated if/when we are approached by an end-user. Gorman stated the Breakfast with Santa and Mrs. Clause was great, both the kids and adults had a great time. I would like to thank Barbara Gorman for the swearing in ceremony this evening. I wish everyone Happy Holidays, Merry Christmas and Happy New Year. Henning thanked Earl Harlamert and the Parks Commission for the Breakfast with Santa. I would also like to thank the voters of Ward 2 for re-electing me, I look forward to another four years to serve the community. Bachman also stated the Breakfast with Santa was a great event, and our events get better each year. This year Dayton and our community were hit hard by the May tornadoes, but we saw the strength of our community. It got me out to meet more of my neighbors. This has been a positive year for the community and we are on a very progressive path. Merry Christmas and Happy Holidays. Stevens congratulated Lieberman, Gorman and Henning for being re-elected, they all have a long history of serving our community. Breakfast with Santa was fantastic and Jack you did a great job. Chief Hamlin you do a great job as Santa, and the event gets better every year. I wish to thank Judge Gorman for coming this evening and administering the Oath of Office. I also wish to thank County Commissioner Debbie Lieberman for coming this evening to support us, she was also a former Clayton Council member. I wish everyone Happy Holidays and 2020 is just around the corner.

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

Meeting adjourned at 8:40 PM.