

Minutes of March 18, 2021 Council

Regular Meeting of the Clayton, Ohio City Council
Clayton Government Center
March 18, 2021

Due to the Governor's orders on limited size of meetings Clayton's City Council conducted its regularly scheduled City Council meeting on Thursday March 18, 2021 via the Zoom meeting format

CALL TO ORDER

The meeting was called to order by Mayor Stevens at 7:33 PM. Present were Mayor Stevens and Councilmembers Bachman, Henning, Gorman, Merkle and Lieberman. Motion by Henning to excuse Councilmember Kelly this evening, motion was second by Merkle. All yeas, motion passed.

PUBLIC HEARING

Stevens announced the procedures for the public hearing and swore in staff and residents who wished to speak on the case this evening.

Clerk Seim read the zoning case for this evening, O-ZC-21-01 A Zoning District Change for the property at 6892 Salem Avenue from R-3, Suburban Residential, to I, General Industrial

Seth Dorman, City Planner, advised the request is for the parcel at 6892 Salem Avenue to be rezoned from R-3 to I, the property is comprised of one parcel with an area of 6.12 acres. The applicants indicated they are planning to market and sell the property as part of the 51+ acres that were rezoned to I (General Industrial District) in early 2020. On February 22, 2021, the Planning Commission conducted a public hearing and review of the application and afterwards unanimously passed a recommendation of approval for the proposed rezoning.

Mayor Stevens asked if any Councilmembers had any questions or comments for Mr. Dorman. Hearing none, he then asked if the applicant is present and do you have anything you would like to add.

William Lauer stated they have owned and resided at the property since 1977, and Mr. Dorman has given an excellent presentation and layout of the already zoned industrial land. The property line of the already zoned Industrial acreage would only shift over 223 feet of width to the east, which is the width of our land, and the size of the acreage would increase from 51.8 acres to approximately 58 acres. In order to have a strong and vibrant city you must have commerce and industry; businesses and industry generate revenue for the city and they bring jobs into the city.

Stevens asked if any Councilmembers had any questions for either staff or the applicant. None were heard.

Stevens asked for a motion to open the floor to public comments. Motion by Bachman to open the floor for public comments, motion was seconded by Gorman.

Stevens then asked if there were any proponents who wished to speak. Hearing none. Stevens then asked if there were any opponents who wished to speak. None heard. Motion by Gorman to close the public comments, motion was second by Bachman. All yeas, motion passed.

Resident Karen Kerns spoke up stating she did not understand the procedures and wished to speak in opposition to this request. Motion by Gorman, second by Henning to reopen Public Comments. Mayor Stevens then administered the Oath to Ms. Kerns.

Ms. Kerns stated this property backs up to her backyard and is concerned the new zoning designation would cause her property to lose value, stating you are forcing us to leave. What is the city going to do for the home owners that butt up to that property?

Dorman advised at this time there is no interest in the property, the 51 acres or the 6 acres. If a potential developer where to purchase the property they would have to follow all city zoning codes and would be required to create a large berm or buffers, this could be a fence, trees, bushes, etc. between the properties.

Stevens hearing no further residents who wish to speak on this case, I ask for a motion and a second to close the floor to public comment at this time. Motion by Gorman to close the public comment portion of this meeting, motion was second by Lieberman. All yeas, motion carried.

Stevens asked the Lauer's if they wished to respond. They had no comment.

Stevens asked Council if they had any questions for Mr. Dorman.

Merkle asked Dorman to clarify Ms. Kern's concerns. Dorman stated that all affected property owners would be notified once a potential buyer is identified and a plan was submitted. As long as the plan meets all the requirements it will be approved. The development plan would require setback requirements, buffer requirements, lighting, utilities, grading, storm water, landscaping, elevation for the building, etc. Residents would have the ability to comment at the both the Planning Commission and Council meetings.

Mayor Stevens hearing no further comments, I ask for a motion and a second to close the public hearing. Motion by Gorman to close the public hearing, motion was second by Lieberman. All yeas, motion carried.

CLERK'S REPORT

Clerk Seim presented the minutes of the March 4, 2021 City Council meeting. Motion by Gorman, second by Bachman to approve the minutes as presented. All yeas, motion carried.

OLD BUSINESS

None

NEW BUSINESS

Ordinance No. O – ZC – 21 – 01 An Ordinance Adopting, Rejecting, or Adopting with Modifications the Planning Commission's Recommendation to Approve the Application of William and Mary Lauer for a Change in Zoning from R-3 (Suburban Residential) to I (General Industrial) for Property Located at 6892 Salem Avenue (Parcel I.D. Number M60 03207 0015) and Containing 6.12 Acres Within the City of Clayton, Ohio. Motion by Gorman to approve the application changing the zoning designation at 6892 Salem Avenue from R-3 to I. Motion was

second by Lieberman. Voting yea were Bachman, Henning, Gorman, Merkle, Lieberman and Stevens. Motion passed.

Resolution No. R – 03 – 21 – 22 A Resolution Approving Expenditure of Law Enforcement Trust Funds and Treasury Funds and Authorizing Purchase of Three (3) GETAC Replacement Computers and Docking Stations for Use by the Police Department and at a Total Cost Not to Exceed \$9,486.00. Matt Hamlin, Police Chief, advised the current Fujitsu computers are nearing end of life usage and are no longer being manufactured. The three new Getac A140 computers will be used as replacement computers for the three new police vehicles coming into service later this summer. The monies used are from both funds that are forfeited and those received from felony cases the police department and the RANGE Task Force were involved in. Gorman asked if these computers will be compatible with the Police body cameras we are purchasing. Chief Hamlin stated yes. Motion by Henning to approve the Resolution, second by Merkle. All yeas, motion carried.

Resolution No. R – 03 – 21 – 23 A Resolution to Declare Surplus Equipment Available for Disposal through Sale or Auction. Kevin Schweitzer, Finance Director, advised we have assets that are no longer being used but have value and need to be disposed. The old street sign printer and council chamber audio/video equipment are two items that need Council approval to dispose of since they have been capitalized as an asset. With the approval of the resolution, these items as well as other non-capitalized items will be disposed of through a government sale site. Motion by Henning to approve the Resolution, second by Lieberman. All yeas, motion carried.

Resolution No. R – 03 – 21 – 24 A Resolution Approving Amendment of 2021 Appropriations and Estimated Resources. Schweitzer advised we have left over monies from the CAREs act distributions that total \$3,897.50. Appropriations are needed to spend these monies for single audit costs and other COVID related purchases that are allowed. Additionally, the Police want to utilize Law Enforcement Trust Funds to purchase equipment from their available fund balance. Motion by Henning to approve the Resolution, second by Bachman. All yeas, motion carried.

Resolution R – 03 – 21 – 25 A Resolution Approving an Additional Expenditure in the Amount of \$14,258.00 for the Planing and Resurfacing of Salem Avenue (S.R. 49) and Westbrook Road ODOT Project. Amanda Zimmerlin, City Manager, advised we passed Resolution R-02-21-14 in February for our portion of the State Route 49 repaving project. Due to an increase in the price of asphalt the project cost has increased. Motion by Gorman to approve the Resolution, second by Bachman. All yeas, motion carried.

CITY MANAGER'S REPORT

Zimmerlin advised our annual Easter Egg Hunt will held on Saturday, March 27th at 9:30 AM at Meadowbrook at Clayton. We are also hosting our Sweep Clayton Clean spring event on Saturday, May 22nd from 8:00 AM to Noon at 200 Woolery Lane. CCA will not be providing in person tax help this year. However, residents may fill out a form and attach their tax information and mail them to CCA who will then prepare their taxes and mail them back. If residents are not comfortable mailing the forms to CCA they can drop them at the City Building and a CCA representative will collect them on Thursdays through April 16th. We are looking for guidance on our summer meeting schedule. Council has traditionally adopted a summer schedule and we are looking to cancel the first meetings in June, July, and August. After discussion Council

delayed any action until our next meeting in April. DDC Development has requested to speak with Council concerning property at the corner of Westbrook and Union Roads, a workshop has been scheduled on April 1st meeting at 6:30 PM for this discussion. The zoning code draft that was to be presented to the Planning Commission at their March 22nd meeting has been postponed until April 26th. The preliminary development plan for single story apartment homes will be before Planning Commission at the March 22nd meeting.

VISITOR'S COMMENTS

None heard.

COUNCIL MEMBER COMMENTS

Henning advised today the Ohio State Auditor announced the Star Rating system, and Clayton received 4 stars for compliance, the highest rating you can get. I also wish to note that we are the only municipality in the area that received the highest ranking of 4 stars, I wish to thank the staff for the work you do and for receiving this honor. Gorman announced in last week's edition of the Brookville Star Clayton resident Pat Mathes was recognized for making his 200th blood donation. Not only that, but he had also contacted Covid in December which he had recovered from and is now making convalescent plasma donations. Please get your Covid shots when you can and wear your masks.

Bachman advised on our social media today we put out a new marketing video about our new sign printer. I also wish to acknowledge and thank Mr. Mathes for his blood donations, covid infections are going in the right direction. I wish to make the following statement which is not a criticism of my fellow elected officials. "Over the past 3 years, I have gotten to know each of them on a professional and personal level. While we have differing opinions at times, I do not question anyone's character and integrity. In 2018, our development plan, PLAN Clayton, was finalized and city council unanimously approved the document. Creating this required significant resources from the city. I was not a member of council during the major parts of developing this but was impressed when reviewing it for approval. Since then, we have moved forward beginning implementation and updating our city codes. Over the past few months, there has been work towards a possible residential apartment development in the city at National Road and Haber Road. This property needed to be rezoned to accommodate. At our prior meeting, that was not approved by council. Recently, a neighboring municipality also rejected a rezoning request for a vacant retail property to have a new business occupy it. While this was not in the City of Clayton, much of how the Northmont community markets itself is as a whole for the purpose of development. Both of these recent events, in my opinion, appear to be a growing community opposition to any new major development in the area. Regarding the Redwood proposal in Clayton, this was met with much heated discussion. I do not discourage public opinion on any city matters, but it is my belief that the group leading the opposition to this development put out a level of hysteria, misinformation, and made a reputable company out to be a villain. My message to Redwood is that I hope they do not discount Clayton or the Northmont community should another potential development arise in the future. My only criticism of our development department during this was the beginning of their presentation at the February 18 meeting began with a statement that what council was voting on was not the Redwood proposed development, but only the rezoning of the property. The remaining majority of the presentation was spent on Redwood and I feel this sent a mixed message to council and the public in

attendance. Other than that, I feel the development department's work throughout the process was at their usual high level. While it is our job as council to approve zoning that we feel is best suited for the city, the reality is that the vote was about the proposed Redwood development. Essentially the city government rejected the current landowner from selling their property since the buyer was not to our liking. This could cause issues in the future should a similar multiuse development show interest in that parcel and the rezoning is approved. Multiple city departments have recently presented our need for growth in the city. The finance department has laid out that our current numbers will not be sustainable in the near future. This will place an increasing tax burden on the existing residents, eventually requiring another adjustment to the resident income tax credit or an overall income tax percentage increase. Many residents of this community frequently ask why certain businesses are not in the area. The development department has laid out one of the main reasons, we do not have enough residential properties. My concern is not as much with these recent rejected developments, but future ones. This might sound like a doom and gloom perspective, but I worry that in 5-10 years this community will only have minimal residential growth and current vacant buildings along main areas will remain unoccupied and continue to deteriorate. This could also have a negative effect on Northmont schools in funding and enrollment, which is down approximately 500 students over the past decade. I hope our community and the elected officials continue to put the city on a path of growth that is ultimately needed.”

Stevens congratulated Mr. Mathes on making his 200th blood donation it has helped so many people, and the Covid numbers are starting to look good in Ohio. I also wish to announce this past week is City Manager Amanda Zimmerlin’s one year anniversary. She hit the ground running and has been going a great job.

Having no further business Mayor Stevens asked for a motion to adjourn the meeting. Motion by Gorman to adjourn the meeting, motion was seconded by Merkle. All yeas, motion passed.

Meeting adjourned at 8:35 PM.