

## **Minutes of May 20, 2021, Council**

Regular Meeting of the Clayton, Ohio City Council  
Clayton Government Center  
May 20, 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 May 20, 2021, via the Zoom meeting format*

### **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.

### **PUBLIC HEARING**

Codified Ordinance: Part Eleven - Zoning Code Update

Seth Dorman, City Planner, stated the last completed update to the City's Planning and Zoning Code came in 1999. The current code update process began in 2019 in an effort to better align the Planning and Zoning Code with PLAN Clayton. This was a three prong process to diagnose the problems with the current code, calibrate the zoning standards to established development patterns or typologies, and to codify the changes into the Draft Planning and Zoning Code that you have before you tonight. A steering committee was formed and had a number of meetings throughout the process to help guide the changes. Throughout this process staff held two workshops with Council to keep you up to date with the process and some high-level changes being proposed, the first workshops were held in August and November of 2020. The updated code is more user friendly and is intended to help the development process become more efficient. We are maintaining our emphasis on rural conservation in the Northwest and Southwest areas of the city. Hundreds of acres are conserved in the proposed Rural Conservation Districts. RCD-1 are lots less than 10 acres and RCD-2 are lots more than 10 acres. Residential zones were consolidated into one district called Residential Single Use District (RSD). The updated code introduces RMX, a mixed-use residential zoning district. It also addresses appropriate location for Short Term Rentals, which is a conditional use in RCD-1 and 2. The code then allows staff to manage infill development within the existing subdivisions which are approximately 95% completed. Changes to the commercial zoning established the Main Street District that improves upon the existing Main Street Overlay; includes the new CMX, a mixed-use commercial zoning district; and updates the plan/design review process to be more efficient and better allow staff to respond to development. The new code creates two new unique districts, the original Village area called the Historic Clayton District, and a separate district for all of the properties along N. Main Street. Lastly, Dorman shared the new Zoning Map.

Mayor Stevens asked for a motion to open the Public Hearing. Motion by Bachman to open the public hearing, motion was second by Gorman. All yeas, motion carried.

Mayor Stevens then administered the Oath to anyone wishing to speak on this case tonight. He then asked if there were any proponents who wished to speak this evening.

Bob McGuinness, Chairman of the Board of Zoning Appeals, advised he has been involved with this process since the beginning. I believe this is a really nice way of consolidating and standardizing the things we had in the past with the new things that we've added over time. It's coordinated with the Clayton Land Use Plan; it's presenting standard language and format which makes it very easy to use. The Planning Commission will find this very useful. And, I myself, from the BZA point of view we will be looking at this document for conditional uses, variances, and administrative appeals.

Mayor Stevens then asked if there were any opponents who wished to speak, hearing none he then asked for a motion to close the public comment portion of the public hearing. Motion by Gorman to close the public comment portion of the public hearing, motion was second by Bachman. All yeas, motion carried.

Mayor Stevens asked each Council member if they had any final comments. Lieberman, no; Kelly, no; Merkle stated let's see how this plays out moving forward, we may have to look at making modifications as we go along. Dorman stated this is a living document and as things change and people evolve, we can be mindful and make changes as we go along. Bachman, I have nothing to add. Henning asked about Short Term Rentals being in RCD1 and 2, I believe it should only be in RCD-2. Dorman stated in either area you would still be required to get a conditional use.

Hearing no further comments, Steven asked for a motion to close the Public Hearing. Gorman made a motion to close the public hearing, motion was second by Kelly. All yeas, motion carried.

#### **CLERK'S REPORT**

Clerk Seim presented the minutes of the May 6, 2021, City Council meeting. Motion by Gorman, second by Henning to approve the minutes as presented. All yeas, motion carried.

#### **OLD BUSINESS**

None

#### **NEW BUSINESS**

Ordinance No. O – 05 – 21 – 02 An Ordinance Approving the Recommendation of the Planning Commission to Repeal the City of Clayton's Current *Part Eleven-Planning and Zoning Code* and Replace *Part Eleven-Planning and Zoning Code* of the Codified Ordinances of the City of Clayton with the Updated Planning and Zoning Code Prepared by Zoneco, LLC. Motion by Bachman to approve the Ordinance, second by Merkle. All yeas, motion carried.

Ordinance No. O – 05 – 21 – 03 An Ordinance Authorizing the City Manager to Enter Into a Purchase Agreement with Citizen Real Estate, LLC DBA Klutch Cannabis and Transfer at Closing Public Property Located at 7651 N. Main Street, Clayton, Ohio and Bearing Parcel I.D. Number M60 03210 0145 with Specified Contingency and Declaring an Emergency. Jack Kuntz, Director of Development, advised we have had this property listed for sale that was acquired via tax delinquency several years ago and has sat unused since then. Klutch Cannabis submitted a full asking price offer to the city to acquire the property, contingent on their ability to successfully obtain a license to process and/or dispense medical marijuana from the property

from the State. The proposed use is a legal and permitted use along the N. Main Street corridor and the buyer has agreed to build a new pharmacy type structure at the site in compliance with the standards found in the N. Main Street Overlay District. Motion by Gorman to approve the Ordinance as an emergency, second by Lieberman. All yeas, motion carried. Motion by Gorman to approve the Ordinance, second by Lieberman. All yeas, motion carried.

Resolution No. R – 05 – 21 – 30 A Resolution Establishing the Local Fiscal Recovery Fund and Authorizing the Finance Director to Maintain Required Books and Records to Evidence Payments Into and Withdrawals from Said Fund. Kevin Schweitzer, Finance Director, advised we anticipate receipt of money from the American Rescue Plan Act of 2021. The Federal Funding Accountability and Transparency Act requires separate accounting for direct recipients as well as subrecipients of federal awards greater than \$25,000. This transparency is usually accomplished through the use of separate funds, subfunds or Special Cost Centers within existing funds. Additionally, Ohio Revised Code requires subdivisions to establish separate funds for each class of revenue derived from a source other than the general property tax. Motion by Henning to approve the Resolution, second by Kelly. All yeas, motion carried.

Resolution No. R – 05 – 21 – 31 A Resolution Authorizing the City Manager to Enter Into an Agreement with Bradstetter Carroll, Inc. for Professional Engineering Consulting Services and at a Cost Not to Exceed \$150,000.00. Amanda Zimmerlin, City Manager, advised we do not have a certified engineer on staff but we do have the need for such services to review development plans on a sporadic but on-going basis. The cost enumerated in the contract will be passed along to the developer. Motion by Gorman to approve the Resolution, second by Merkle. All yeas, motion carried.

Resolution No. R – 05 – 21 – 32 A Resolution Removing the Procedures Providing for Remote Meetings Previously Adopted via Resolution Number R-03-20-20 and Resolution Number R-03-20-20 (A). Motion by Henning to approve the Resolution, second by Kelly. All yeas, motion carried.

#### **CITY MANAGER'S REPORT**

Zimmerlin advised our Sweep Clayton Clean event is this Saturday, May 22<sup>nd</sup> from 8 am until noon or until the dumpsters are full, and we will have staff on hand to assist with brush. The State Route 49 paving project is scheduled to begin June 21<sup>st</sup> with full depth repairs and then move to the mill and fill paving. The work will take place Monday-Friday from 7 a.m. to 9 p.m. The project is estimated to be completed by August 1<sup>st</sup>. Traffic will be maintained throughout the project. If a resident's property sustained damage due to the tornados that struck in 2019 and need help replanting trees, they can submit a request to have a tree planted through the RETREET program. Information for this program will be on the City's website and social media sites. Submitting a request does not guarantee that trees will be planted, however, they will do their best to facilitate every request that is received. The native trees they plant will be 6 to 9 feet tall, depending on the species. In the weeks leading up to planting, residents will be contacted to schedule time for a visit with one of their program representatives in order to determine the best planting locations on your property. OHIO811 will mark the utilities at your home and a team of trained RETREET volunteers will plant the trees for you. Councilman Henning asked if there were any updates on Redwood. Kuntz advised Redwood has been in

conversation with staff, but no new plans have been submitted and no application as been received.

#### **VISITOR'S COMMENTS**

None heard.

#### **COUNCIL MEMBER COMMENTS**

Merkle advised last Saturday Council attended a ribbon cutting ceremony at D&D Grill Rental located at SR49 and Westbrook, they appear very enthusiastic about their new business operation. Bachman stated he hopes everyone has a great Memorial Day weekend and please remember what the day means and the sacrifices people have made. Henning congratulated the Northmont Class of 2021, continue to make a difference out in the world and do something positive. I hope everyone reflects on Memorial Day on what it means, the VA always does a great job in recognizing those that gave everything, remember the significance of the day. I hope everyone has a safe start to the summer and I'm glad to see things are getting back to normal. Gorman wished everyone a happy Memorial Day and also remember school will be out soon so please watch for the kids that will be out, please drive carefully. Kelly stated she's heard from the parks commission and I wish to thank Jack for his motivation on the city's parks, from coordinating the clean-up, setting up events and getting them opened up, thank you. Lieberman wished everyone a happy Memorial Day weekend; I hope everyone has a great time. I want to remind everyone, COVID 19 is not dead, it is still around. The only way that we can make sure we don't fall back is for people to get vaccinated. So please get vaccinated if not for yourself do it for the rest of our community. Stevens also wished everyone a happy Memorial Day weekend and congratulations to the graduates at Northmont, Class of 2021. I also want to comment on how good the grass and curbs look on SR49 and once it's paved this summer it will look amazing. It is the best it has looked in a long time.

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

Meeting adjourned at 8:33 PM.