

Minutes of September 2, 2021 Council

Regular Meeting of the Clayton, Ohio City Council
Clayton Government Center
September 2, 2021

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 and Kelly. Mr. Lieberman was excused from this meeting during the Workshop held earlier this evening.

CLERK'S REPORT

Clerk Seim presented the minutes of the August 19, 2021 Council workshop session. Motion by Gorman, second by Kelly to approve the minutes as presented. All yeas, motion passed.

Seim then presented the minutes of the August 19, 2021 City Council meeting. Motion by Henning, second by Kelly to approve the minutes as presented. All yeas, motion passed.

OLD BUSINESS

Ordinance No. O – ZC – 21 – 04 An Ordinance Adopting the Planning Commission's Recommendation to Approve the Application of DDC Management, LLC for a Change in Zoning from Residential-Single Unit (RSD) (Formerly R-3 – Suburban Residential) to Planned Development (PDD) (Formerly PD-1 (Planned Development-Residential) and to Approve the Preliminary Subdivision Plan, with Specified Conditions, Submitted for Property Located at the Northwest Corner of Westbrook Road and Union Road and Bearing Parcel I.D. Number M60 03207 0022 Comprised of 39.47 Acres within the City of Clayton, Ohio. Second reading, no further discussion. Motion by Gorman to Approve the Ordinance, second by Henning. Voting: Bachman-abstained, Henning-yes, Gorman-yes, Merkle-yes, Kelly-yes, and Stevens-yes. Motion passed 5-0.

Ordinance No. O – ZC – 21 – 05 An Ordinance Adopting the Planning Commission's Recommendation to Approve the Final Development Plan of Grand Tradition, LLC with Specified Conditions for Property Bearing Parcel I.D. Number M60 03102 0016 and Containing 25.29 Acres within the City of Clayton, Ohio. Second reading, no further discussion. Motion by Gorman to approve the Ordinance, second by Kelly. Voting: Bachman-yes, Henning-yes, Gorman-yes, Merkle-yes, Kelly-yes, and Stevens-yes. Motion passed 6-0.

Ordinance No. O – 08 – 21 – 14 An Ordinance to Impose Assessments Upon Owners of Real Property in Arrears for Payment of Fees for Waste Hauling and Disposal Services for 2021/2022 and Declaring an Emergency. Second reading, no further discussion. Motion by Henning to approve the Ordinance as an emergency, second by Merkle. All yeas, motion carried. Motion by Gorman to approve the Ordinance, second by Henning. All yeas, motion carried.

Ordinance No. O – 08 – 21 – 15 An Ordinance to Maintain Lighting Assessment and Declaring an Emergency. Second reading, no further discussion. Motion by Bachman to approve the

Ordinance as an emergency, second by Henning. All yeas, motion carried. Motion by Gorman to approve the Ordinance, second by Henning. All yeas, motion carried.

Ordinance No. O – 08 – 21 – 16 An Ordinance Certifying Unpaid Charges for Nuisance Assessments for 2021/2022 to the Montgomery County Auditor for Collection with Real Estate Taxes and Declaring an Emergency. Second reading, no further discussion. Motion by Merkle to approve the Ordinance as an emergency, second by Gorman. All yeas, motion carried. Motion by Gorman to approve the Ordinance, second by Merkle. All yeas, motion carried.

Ordinance No. O – 08 – 21 – 17 An Ordinance Certifying Unpaid Charges for Grass/Weed Cutting for 2021/2022 to the Montgomery County Auditor for Collection with Real Estate Taxes and Declaring an Emergency. Second reading, no further discussion. Motion by Henning to approve the Ordinance as an emergency, second by Kelly. All yeas, motion carried. Motion by Henning to approve the Ordinance, second by Kelly. All yeas, motion carried.

Ordinance No. O – 08 – 21 – 18 An Ordinance Authorizing the Submission of the 2021/2022 North Clayton Community Authority Charge Assessments to the Montgomery County Auditor and Declaring an Emergency. Second reading, no further discussion. Motion by Bachman to approve the Ordinance as an emergency, second by Gorman. All yeas, motion carried. Motion by Gorman to approve the Ordinance, second by Henning. All yeas, motion carried.

Resolution No. R – 08 – 21 – 48 A Resolution to Appoint a Member of the Planning Commission. Motion by Bachman to move this Resolution until after Executive Session, motion was second by Henning. All yeas, motion passed.

NEW BUSINESS

Ordinance No. O – 09 – 21 – 19 An Ordinance to Approve Current Replacement Pages to the Clayton Codified Ordinances. Amanda Zimmerlin, City Manager, advised these are ordinances that were enacted by the City last year and any changes that were adopted by the Ohio Legislature that impacted the City. This is an annual housekeeping process we perform. Motion by Gorman to approve the Ordinance, second by Kelly. All yeas, motion carried.

Ordinance No. O – 09 – 21 – 20 An Ordinance Authorizing the City Manager to Execute Legal Documentation to Purchase Real Property Located at 8049 N. Main Street, Clayton, Ohio and Bearing Parcel I.D. Number M60 16312 0002 for the Purchase Amount of \$71,000 and Declaring an Emergency. Jack Kuntz, Director of Development, advised we wish to enter into and sign any and all pertinent legal documents to acquire the property located at 8049 N. Main Street for the purposes of community and economic development. Motion by Gorman to approve the Ordinance as an emergency, second by Kelly. All yeas, motion carried. Motion by Kelly to approve the Ordinance, second by Gorman. All yeas, motion carried.

Resolution No. R – 09 – 21 – 49 A Resolution to Appoint Members to the Charter Review Commission. Motion by Gorman to table this Resolution until after we advertise the need for residents to apply for the Commission, second by Henning. All yeas, motion carried.

CITY MANAGER'S REPORT

Zimmerlin advised our annual Labor Day festival is this Sunday, September 5th. The festival will begin at 7:00 p.m. with fireworks set for 9:00 p.m. A reminder, the Government Center

offices will be closed Monday, September 6th for the Labor Day holiday. The SR49 and Union project has been delayed as they are awaiting material. We are looking at the October timeframe for completion. Kevin (Schweitzer) and I have been working with CCA on issues with income tax collection and have a meeting scheduled with them on September 7th. Lastly, our next Birdies and BBQ is scheduled for Friday, September 17th at Meadowbrook, and there are still room for reservations.

VISITOR'S COMMENTS

Aaron Primm, Mediation Specialist, with the City of Dayton introduced himself and his office, the Dayton Mediation Center. They mediate issues between tenants and landlords. If anyone is needing assistance, they can contact him at 937-333-2349 or aaron.primm@daytonohio.gov or daytonmediationcenter.org. Earl Harlamert, Chairman of the Parks Commission, invited Council to the Labor Day Festival and Fireworks this Sunday at Meadowbrook. The festival will begin at 7:00 p.m. and the fireworks are scheduled to begin at 9:00 p.m. There will be food and music, and everything is free. Chris Roll introduced herself, advising she is the newest member of the Parks Commission, stating Meadowbrook is Clayton's best kept secret and sees good opportunities for growth for the facility.

COUNCIL MEMBER COMMENTS

Council each thanked Elaine (Wittman) and staff for the presentation earlier during our workshop on the operations at Meadowbrook. Kelly stated as Chris said, Meadowbrook is a best kept secret. Gorman wished everyone a happy Labor Day holiday and hoped everyone stays free from Covid, get your shot, and remain healthy. Bachman stated Meadowbrook is a great facility; we are looking forward to Grand Traditions breaking ground; and DDC will be coming soon with their final development plan and we look forward to them also. Stevens thanked staff, Council, and members of our boards for the great work everyone does.

EXECUTIVE SESSION

Stevens advised an Executive Session is needed to consider compensation and review of an employee and discuss the appointment to a board. Bachman made a motion to break for an Executive Session, second by Kelly. Voting yea were Bachman, Henning, Gorman, Merkle, Kelly, and Stevens. Council broke for Executive Session at 8:18 PM.

Council returned and Mayor Stevens re-opened the regular session at 8:44PM.

Resolution No. R – 08 – 21 – 48 A Resolution to Appoint a Member of the Planning Commission. Motion by Henning to un-table this Resolution from our August 19, 2021 City Council meeting, motion was second by Kelly. All yeas, motion passed. Motion by Henning to appoint Derek Muncy as a member of the Planning Commission, motion was second by Merkle. All yeas, motion carried.

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

Meeting adjourned at 8:44 PM.