

Minutes of December 16, 2021 Council

Regular Meeting of the Clayton, Ohio City Council
Clayton Government Center
December 16, 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, Kelly, and Lieberman.

SPECIAL PRESENTATIONS

Fire Chief Brian Garver announced the retirement of Firefighter Chuck Kammer, presenting him with his helmet and badge.

PUBLIC HEARING

O-PC-21-06: Hunter's Path Final Development Plan and Section 1 Plat.

Mayor Stevens administered the Oath to members of the public who wish to speak on this agenda item this evening

Seth Dorman, City Planner, advised we received the Final Development Plan and Section I Plat for a new subdivision to be called Hunter's Path at the northwest corner of Westbrook and Union Roads. The applicant is DDC Management, LLC. The property owner is Clayton Land Company who signed the application affidavit stating they are aware of and consent to the application. The Planning Commission hearing for this application was held on November 22nd at which time the Planning Commission unanimously approved a motion to recommend approval of the final development plan and section 1 plat with specified conditions. A public notice was printed in the Dayton Daily News on November 10, 2021 and letters were mailed on November 9, 2021 to property owners within 300 feet of the site. The location of the proposed subdivision is at the northwest corner of Westbrook and Union Roads. The parcel ID is M60 03207 0022 and has an overall area of 39.47 acres. The current zoning is PDD (Planned Development District) which was approved per Ordinance O-ZC-21-04. Staff has provided copies to members of City Council the following documents: application, final development plan (engineering plans), landscape and hardscape plan for entry to the development, Section 1 plat plan, renderings of proposed home styles (Arbor Homes will be the builder), traffic impact study, drainage report, and geotechnical exploration report. Dorman then showed aerial images of the site. After analysis the plan is substantially like the previously approved Preliminary Development Plan. There will be 125 single-family lots. There will be five retention ponds for stormwater management. The main pond along Westbrook Road will have a fountain feature. The remaining retention ponds will have aerators to prevent stagnation. There will be five new roads and the extension of Fallgold Drive from the Bayberry Trail subdivision. The plan shows approximately 1,350 lineal feet of a ten foot wide multi-use path along Westbrook Road. The plan also shows a 0.9 acre centrally located neighborhood park. After hearing from the residents of Bayberry Trail during the Preliminary Development Plan, the Planning Commission included a condition of approval for the applicant to preserve some of the existing trees along the northern property line. The trees that are identified to be saved are shown on the Tree Preservation Exhibit. Site access to the new subdivision will come from two locations. There will be a new access point on Westbrook Road, and a connection to Bayberry Trail/Sterling Woods subdivision via extension of Fallgold Drive. Landscaping and hardscaping are proposed at the main entrance

off Westbrook Road, including an entry sign that is incorporated into a large stone and brick base, a section of wood rail fencing, and extensive landscaping. As part of the applicant's planning and design for Hunter's Path, three engineering studies were completed to determine the viability of the site for residential development and the impact of the development on the surrounding roadways. A geotechnical study showed that this site is viable for the proposed residential development. A drainage study was used to determine how many retention ponds were needed, their location, size, and volume. It also determined what outlet structure types are required for each pond so that stormwater runoff is being released in a manner that is not detrimental to the system or surrounding properties. And, a traffic study which concluded that no roadway improvements are warranted or feasible. Section 1 Plat includes approximately half of the total land area and will utilize 66 of the 125 lots. There will be two retention ponds and the 0.9 acre neighborhood park. The extension of Fallgold Drive will be built, along with construction of new roads including parts of Willow Road and Falls Road and all of Redwood Road. After evaluating the applicant's request, and providing an opportunity for public input, the Planning Commission unanimously passed a motion to recommend approval of the Final Development Plan and Section 1 Plat with the following condition: The applicant must address all the comments resulting from the staff review dated November 18, 2021 and emailed to the applicant on November 19, 2021. Those comments must be addressed for the submission of the construction plans that will accompany the Zoning Certificate application prior to construction starting. The Planning Commission further recommends that the applicant work with an adjacent property owner who resides at 5770 Summersweet Drive on a landscape or hardscape separation between his south property line and the retention pond that is proposed immediately adjacent to his parcel.

Mayor Stevens asked if there were any questions.

Gorman asked if there will be a drop lane on Westbrook.

Dorman advised the engineer stated it was unfeasible for a left turn lane on Westbrook or Union Roads as it's a split intersection and they are very close together. The engineer determined and our engineer concurred there was not enough space to properly design turn lanes.

Gorman asked if the lots were 57 feet wide.

Ryan Reed of DDC advised the lots are 51 feet wide with 10' between the homes.

Gorman asked if there is a HOA.

Reed advised they will manage the property until the last property is development, at which time the HOA will be turned over to the homeowners.

Kelly asked what is the minimum square feet of the proposed homes.

Reed advised the minimum is 1,260 and they go up to 3,200 square feet. There are 12 products ranging from ranch to two-story, with the average square footage being 1,800 square feet.

Henning asked what is the price range of the homes.

Reed advised they range in the mid to upper 200's.

Kelly asked if basements are an option.

Reed advised yes; basements are an option.

Lieberman asked if Mr. Humble's concerns have been addressed.

Reed advised yes; we have agreed to additional trees for a screening.

Lieberman stated the other condition was staff comments, have those been addressed.

Reed stated yes, we have no issue those conditions and we'll have those addressed.

Merkle how deep are the retention basins.

Clayton Sears of DDC advised the retention basins are typically eight feet and they will have a safety ledge.

Merkle asked about the lighting being used, I believe you are using sodium vapor halogen lights.

Sears advised they will use whatever the city's standards state.

Mayor Stevens asked for a motion to open the floor for public comment. Motion by Merkle to open the floor for public comments, motion as second by Gorman. Stevens asked if there were any proponents who wished to speak, none heard. Stevens then asked if there were any opponents who wished to speak, none were heard. Stevens then asked for a motion to close the public comments. Motion by Gorman to close the public comments, motion was second by Merkle. All yeas, motion carried. Motion by Gorman to close the public hearing, motion was second by Kelly. All yeas, motion carried.

CLERK'S REPORT

Clerk Seim presented the minutes of the December 2, 2021 City Council meeting. Motion by Gorman, second by Henning to approve the minutes as written. All yeas, motion carried.

Mayor Stevens announced that we need to amend the agenda to conduct the Executive Session now rather than at the end of the meeting for the purpose of discussing matters pertaining to the purchase of real estate. Motion by Henning to amend tonight's agenda, motion was second by Gorman. All yeas, motion carried.

EXECUTIVE SESSION

Stevens advised an Executive Session is needed for matters pertaining to the purchase of real estate. Gorman made a motion to break for an Executive Session, second by Bachman. Voting yea were Bachman, Henning, Gorman, Merkle, Kelly, Lieberman, and Stevens. Council broke for Executive Session at 8:10 PM.

Council returned at 8:29 PM with Mr. Gorman making a motion to resume the regular meeting. Motion was second by Merkle. All yeas, motion carried.

OLD BUSINESS

Ordinance No. O – 12 – 21 – 22 An Ordinance Authorizing the City Manager to Execute Legal Documentation Necessary to Purchase Real Property Located at 8051 N. Main Street Clayton, Ohio, and Bearing Parcel I.D. Number M60 16312 0001 for the Purchase Amount of \$136,000.00 Plus Closing Costs and Declaring an Emergency. Motion to keep this Ordinance on the table was made by Merkle, motion was second by Gorman. All yeas, motion carried

NEW BUSINESS

Ordinance No. O – PC – 21 – 06 An Ordinance Adopting the Planning Commission's Recommendation to Approve the Final Development Plan and Section 1 Plat (Hunter's Path) of DDC Management, LLC with Specified Condition(s) for Property Bearing Parcel I.D. Number M60 03207 0022 and Containing 39.47 Acres Located at the Northwest Corner of Westbrook and Union Roads within the City of Clayton, Ohio. Motion by Gorman to approve the

recommendation of the Planning Commission to approve the Final Development Plan and Section 1 Plat of DDC Management, LLC with specified conditions, motion second by Henning. Voting yea were Henning, Gorman, Merkle, Kelly, Lieberman, and Stevens. Bachman abstained. Motion passed 6-0.

Resolution No. R – 01 – 21 – 63 A Resolution Authorizing the City of Clayton to Enter into a Contract with the Montgomery County Public Defender Office and Montgomery County Public Defender Commission. Motion by Henning to approve the Resolution, second by Kelly. All yeas, motion carried.

Resolution No. R – 01 – 21 – 64 A Resolution Approving Amendment of 2021 Appropriations and Estimated Resources. Kevin Schweitzer, Finance Director, advised we are at the end of the year and going through our budget. I'm needing to move monies around to work within our budget and there are some adjustments that need to be done before the end of the year. Motion by Gorman to approve the Resolution, second by Henning. All yeas, motion carried.

Resolution No. R – 01 – 21 – 65 A Resolution Authorizing the City Manager to Accept Bid Submitted by and enter into an Agreement with Steve Rauch, Inc. for the Clayton CDBG Demolition Project at a Cost Not to Exceed \$15,000.00. Jack Kuntz, Director of Development, advised as part of the CDBG demolition project staff reached out to a list of contractors which have submitted estimates for similar CDBG demolition projects across the county region and requested they provide estimates for the demolition of two residential properties. We received and reviewed four submitted estimates for this project. After reviewing the submitted estimates, staff forwarded the results to Montgomery County for their review and recommendation. Montgomery County also submitted the attached estimates to their legal department for review. Montgomery County concurred with staff that the lowest and best estimate came from Steve Rauch Inc. for the total price of \$15,000 for both property demolitions. Motion by Gorman to approve the Resolution, second by Henning. Voting yea were Henning, Gorman, Merkle, Kelly and Stevens. Bachman and Lieberman abstained. Motion passed 5-0.

CITY MANAGER'S REPORT

Amanda Zimmerlin, City Manager, advised City offices will be closed Thursday and Friday, December 23rd and 24th for the Christmas holiday. Offices will also be closed Thursday and Friday, December 30th and 31st for the New Year's holiday. At our January 6th meeting we will need to vote on the Vice Mayor/President Pro-Tempore position. We will also hold a swearing in ceremony for those who were recently re-elected, and we will have a State of the City report from the Mayor. Oakes Tree Development has requested a work session on January 20th at 6:30 p.m. to discuss the potential development of 33.73 acres at the corner of National and Haber Roads. They are looking to do a single family development at that location. The developer has not yet submitted plans to the Planning Commission and their approval process has not begun. They want to come in talk to Council before they decide to do anything with that property. We will also hold a work session at our February 3rd meeting to discuss council salaries. A reminder there are numerous board and commission appointments that will be expiring so we need to start thinking about replacing those people or reinstating them

VISITOR'S COMMENTS

None heard.

COUNCIL MEMBER COMMENTS

Bachman congratulated Chuck Kammer's on his retirement and thanked him for his service to the community, he is a great public servant and is going to be missed. We held our Breakfast with Santa last weekend and received a lot of good feedback from the community, the event only gets better each year. Tonight, is the last meeting of my first term, and it's been an honor and pleasure to serve. A lot has happened in four years. We started with developing a development plan, then the tornado came along the edge of the city, we then had a major change with the retirement of our City Manager and a change in leadership, and then the pandemic hit. I believe we've weathered the storms quite well. I want to thank the staff and Council, and I hope everyone has a great holiday. Henning stated I also want to congratulate Firefighter Kammer on his retirement, and also Councilmember Merkle for his retirement from Wright State at the end of the year. 2021 was a busy year with Covid. I just want to say our City staff stepped up and worked really hard. We wanted to do something to thank them so we will host a staff luncheon tomorrow. I did want to say the vacation house watch program that the police department has is great, I just used it and it was really nice to know that there was an extra police presence in my neighborhood. If you're traveling this holiday season it's very easy to find the Vacation House Watch information on the City's website. I want to thank you all for 2021 and we're looking forward to next year. I hope everyone has a nice Christmas and Happy New Year. Gorman thanked Firefighter Kammer for his 33 years of service, and best of luck in his retirement. I also want to thank the Parks Commission for the Breakfast with Santa. I'd like to wish everyone a happy holiday season, a Merry Christmas and Happy 2022. Merkle announced that he is indeed retiring from Wright State after just shy of 38 years. My priorities are shifting to assisting my Dad. I do look forward to continue working for the city and helping the city move forward. Let's keep the people down in Kentucky that were affected by the tornados last weekend in mind, in terms of what you can do to reach out and help those that are in desperate need this time of year. Some people lost their homes, others lost loved ones. We should be thankful for what we have and keep those people in mind. Kelly said I just want to thank Jack, Elaine, and the Parks Commission members for another great event for the Breakfast with Santa, it was tremendous. I also want to wish everyone happy holidays. Lieberman congratulated Mr. Merkle on his upcoming retirement. I hope everyone has a great holiday and I'll see you next year. Stevens stated he wished to recognize Jack and Amanda on the grants we've been awarded for Northview Park and Hoke Road widening. I also wish to congratulate Firefighter Kammer. When my Son came into the fire service here in Clayton Chuck took him under his wing. I want to say happy holidays to everyone. Thanks to our staff for the work that you do every day, we all know you do 95 percent of the work so we do appreciate that. Also, thank you to Council, I think we had a good year. We've really done a fantastic job as a group and as a city, and hopefully 2022 will be even better.

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

Meeting adjourned at 8:56 PM.