

Minutes of February 17, 2022 Council

Regular Meeting of the Clayton, Ohio City Council
Clayton Government Center
February 17, 2022

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

Jeff Rezabek, Director of the Montgomery County Board of Elections, shared with Council updates to precincts and polling locations within Clayton after the 2020 census.

PUBLIC HEARING

Mayor Stevens asked for a motion to open the Public Hearing. Motion by Gorman to open the Public Hearing, motion was seconded by Henning. Voting: Bachman-yes, Henning-yes, Gorman-yes, Merkle-yes, Kelly-yes, Lieberman-yes, and Stevens-yes. Vote was 7-0.

Mayor Stevens administered the Oath for anyone wishing to speak on these cases tonight.

Public Hearing: PC22-01: A request for approval of the Wenger Village, Section 3 Plat. The request is made by Oakes Tree Development (applicant)

Seth Dorman, City Planner/Zoning Administrator, stated on December 14, 2021, staff received initial plans from Oakes Tree Development for the Section 3 Plat of Wenger Village. Staff provided comments back to the applicant on December 22, 2021. On January 6, 2022, staff received the formal application for the Section 3 Plat along with revised plans that addressed the comments received from the city during the initial review. Staff reviewed the revised plans and had a couple comments which were minor in nature and will be addressed by the applicant prior to submitting the plat for signatures.

The Wenger Village subdivision has a long history, and so far, just the first two sections have been substantially completed, but the original developer, Midlife Development, and the homebuilder, Inverness, are no longer involved in the project. Oakes Tree Development is in contract to purchase the property and complete the remaining section of the subdivision. The original rezoning for the property from R-2 to Planned Development-1 (Residential) was approved by City Council on May 4, 2006 on Ordinance O-ZC-06-02.

The current zoning district for the subject property is PDD (Planned Development District). The subject property is comprised of one main parcel, M60 03201 0007, with an area of 15.01 acres. An additional 3.63 acres is coming from another parcel, M60 03201 0009, for a total project acreage of 18.64 acres. Both properties are currently owned by Albert and Virginia Wetzel, who signed an affidavit as part of the Planning Commission application, indicating that they are aware of and consent to Oakes Tree Development's request.

The original Final Development Plan, approved for Wenger Village, included a total of 110 single-family lots, open spaces for stormwater retention, and new roads to serve the subdivision including Parsley Place, Marjoram Place, Dill Boulevard, Cilantro Way, and Coriander Trail. Another

neighborhood amenity shown on the Final Development Plan is a four-foot walk extending around the southern portion of the development.

Section 3, as proposed, will contain 59 single-family lots, and will include the extension of Parsley Place, Marjoram Place and Cilantro Way. It will also include the permanent construction of Coriander Trail; however, the geometry of Coriander Trail will be a straight linear road instead of the center oval that was indicated in the Final Development Plan. Like Sections 1 and 2, the roads will include sidewalks and street lighting consistent with the existing developed Sections. The developer will also be constructing the four-foot wide walk around the southern portion of the development and will be building an additional stormwater retention pond.

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 Wenger Village Section 3 Plat at the January 24, 2022 Planning Commission meeting. The Commission unanimously recommended by a vote of 4-0 that the request be Approved.

Mayor Stevens asked if any Council members had any questions.

Gorman stated I believe the eight acres to the south of this area, it says in our documentation that it's Montgomery County Reutilization Corporation, is that the same eight acres that was on our agenda last week that we removed from the agenda, and is that eight acres going to be landlocked.

Dorman advised the eight acres is owned by the City of Clayton and has access from Clinton Street.

Lance Oakes of Oakes Tree Development stated he is very excited to get this project going and finish off the community for the residents.

Henning stated I am appreciative that you're working on these developments in the city and I'm only asking bandwidth wise, are you good on taking on three different developments.

Oaks stated yes.

Hearing no further comments, Mayor Stevens asked for a motion to open the floor for public comment. Motion by Bachman to open the floor to public comment, motion was second by Henning. All yeas, motion carried.

Dianne Herman of Cilantro Way stated she loves Wenger Village and asked who will be the builder.

Oakes advised he is working with D.R. Horton but does not have a contract at this time. However, I'm expecting bids back this week to finalize the contract with them in the next two weeks.

Hearing no further comments, Mayor Stevens asked for a motion to close the public hearing. Henning made a motion to close the public hearing, motion was second by Merkle. All yeas, motion carried.

Public Hearing: Annual Revisions to the City of Clayton's Planning and Zoning Code

Mayor Stevens asked for a motion to open the Public Hearing. Motion by Gorman to open the Public Hearing, motion was seconded by Kelly. Voting: Bachman-yes, Henning-yes, Gorman-yes, Merkle-yes, Kelly-yes, Lieberman-yes, and Stevens-yes. Vote was 7-0. Note that Mr. Dorman stated he is still under oath.

Dorman stated the current Planning and Zoning Code was approved by Council on May 20, 2021 and became effective July 17, 2021. On January 24, 2022, the Planning Commission conducted a public hearing on the Annual Revisions to the Clayton Planning and Zoning Code, after which they unanimously passed a motion to recommend that City Council approve the request as amended. In the months since approval, and as Staff has had an opportunity to apply the Planning and Zoning Code to real situations, several revisions, corrections, and edits were identified. Much of what is proposed are minor edits or corrections; however, there were a few substantive changes that he outlined.

Mayor Stevens asked if any Council members had any questions. Hearing none, Mayor Stevens asked for any public comments, none heard. Stevens then asked for a motion to close the public hearing. Gorman made a motion to close the public hearing, motion was second by Bachman. All yeas, motion carried.

CLERK'S REPORT

Clerk Seim presented the minutes of the February 7, 2022 Council Workshop. Motion by Gorman, second by Kelly to approve the minutes as presented. Voting: Bachman-yes, Henning-abstain, Gorman-yes, Merkle-yes, Kelly-yes, Lieberman-yes, and Stevens-yes. Motion passed 6-0.

Seim then presented the minutes of the February 7, 2022 City Council meeting. Motion by Gorman, second by Merkle to approve the minutes as presented. Voting: Bachman-yes, Henning-abstain, Gorman-yes, Merkle-yes, Kelly-yes, Lieberman-yes, and Stevens-yes. Motion passed 6-0.

OLD BUSINESS

None

NEW BUSINESS

Ordinance No. O – 02 – 22 – 03 An Ordinance Adopting the Planning Commission's Recommendation to Approve the Application for Wenger Village Section 3 Plat Approval of Oakes Tree Development with Respect to 18.64 Acres and Bearing Parcel ID Numbers M60 03201 0007 and M60 03201 0009. Motion by Gorman to approve the Ordinance, second by Merkle. All yeas, motion carried.

Ordinance No. O – 02 – 22 – 04 An Ordinance Adopting the Recommendation of the Planning Commission to Approve with Single Specified Modification Amendments to the City of Clayton Planning and Zoning Code. Motion by Gorman to approve the Ordinance, second by Lieberman. All yeas, motion carried.

Ordinance No. O – 02 – 22 – 05 An Ordinance Amending Clayton Codified Ordinance Chapter 905 Entitled, "Driveways". Seth Dorman, City Planner, advised staff discussed updating Chapter 905 in conjunction with the subsection that is proposed for the Planning and Zoning Code concerning Residential Driveways and the use of gravel in between a house and a detached accessory structure of properties that are three acres or larger. Staff further reviewed Chapter 905 and determined that an update to the entire Chapter was in order. Motion by Bachman to approve the Ordinance, second by Gorman. All yeas, motion carried.

Ordinance No. O – 02 – 22 – 06 An Ordinance Delineating an Overlay Relation to the Proposed Hunter's Path Incentive District Within the City of Clayton, Ohio; Adopting a Written Economic

Development Plan as to Same, all as Pursuant to Ohio Revised Code Section 5709.04(C), and Declaring an Emergency. Jack Kuntz, Director of Development, advised the developers for Hunter's Path DDC are interested in establishing a TIF district at Hunter's Path in order to extend the sanitation line down Westbrook Road as well as install the other infrastructure needed for that development. We've been working with Council as well as DDC and the school district. We're moving that TIF forward, but because there is not an existing incentive district at that location, by state statute we need to adopt two things. First, we're setting the boundaries for what the incentive district looks like, that's the overlay map we need to adopt. The other thing is that we need to adopt the development plan for that particular area. Both of these are required by state statute to move the TIF process forward. Motion by Kelly to declare the Ordinance be passed as an emergency, second by Bachman. All yeas, motion carried. Motion by Henning to approve the Ordinance, second by Merkle. All yeas, motion carried.

Ordinance No. O – 02 – 22 – 07 An Ordinance Amending Ordinance No. 06-05-10 to Remove a Parcel from Such Prior Ordinance, Declaring Improvements to Such Parcel to be a Public Purpose; Declaring Such Property to be Exempt from Real Property Taxation; Designating Specific Public Infrastructure Improvements that Directly Benefit the Parcels for which Improvements are Declared to be a Public Purpose; Requiring Annual Service Payments in Lieu of Taxes; Establishing a Municipal Public Improvement Tax Increment Equivalent Fund; and Providing Related Authorization Pursuant to Ohio Revised Code Sections 5709.40(B), 5709.42, 5709.43, 5709.832 and 5709.85 and Declaring an Emergency. Motion by Gorman to declare the Ordinance be passed as an emergency, second by Henning. All yeas, motion carried. Kuntz advised we are basically amending the existing TIF at North Clayton so we can give the property for Grand Traditions the resources to help assist on paying for the public infrastructure that needs to be put in the original TIF that was done 16 years ago. By state statute once one inch of development occurs within the TIF the 30 years kicks in. So even though this particular parcel had no development done 16 years ago, it only has 14 years left in the TIF. So, in order to give the developer the most opportunity to receive resources to put the infrastructure in we're removing the parcel from the original TIF district and creating a new one specific for this parcel, we're just giving them an actual 30 years. I also want to make a comment that we've been working with the school board which passed legislation for this agreement on Monday. Motion by Henning to approve the Ordinance, second by Bachman. All yeas, motion carried.

Law Director Dillon advised one item needs to be added to tonight's agenda, Resolution No. R – 02 – 22 – 20 authorizing the City Manager to Enter Into a Blight Abatement/Demolition 2.0 Program Community Agreement with the Montgomery County Land Reutilization Corporation and Further Appointing the City Manager as the Community Representative for Said Agreement. Motion by Henning to add this Resolution to our agenda tonight, motion was second by Gorman. Voting: Bachman-yes, Henning-yes, Gorman-yes, Merkle-yes, Kelly-yes, Lieberman-yes, and Stevens-yes. Motion passed 7-0.

Resolution No. R – 02 – 22 – 19 A Resolution Authorizing the City Manager to Purchase Two (2) 2022 Ford Interceptor Utility SUVs from Beau Townsend Ford Via State Bid and at a Cost Not to Exceed \$69,100.00. Amanda Zimmerlin, City Manager, advised these vehicles are in the 2022 budget. The upfitting of the vehicles will be around \$23,000 and that's in the budget as well. Motion by Henning to approve the Resolution, second by Kelly. All yeas, motion carried.

Resolution No. R – 02 – 22- 20 A Resolution Authorizing the City Manager to Enter Into a Blight Abatement/Demolition 2.0 Program Community Agreement with the Montgomery County Land Reutilization Corporation and Further Appointing the City Manager as the Community Representative for Said Agreement. Kuntz advised the Montgomery County Land Bank has recently been designated as the local entity to administer the state’s Demolition Project. This new program has several tight deadlines the Land Bank is navigating, including having the region’s full application for the project submitted to the state by the end of February. In the interest in taking full advantage of the state’s recent project funding, the Land Bank has been authorized to transition their Demo 2.0 project from 2020 into the state’s Demolition Project for 2022. Clayton was not a participating jurisdiction in the 2020 program; therefore, the city didn’t have an agreement with the Land Bank in place for that specific program. To be eligible for the state program, we need to enter into an agreement with the Land Bank for the demolition activity. The state has authorized the Land Bank to use agreements with jurisdictions from their original Demo 2.0 Project, thus the reason for the language found in the agreement and the references to 2020. By signing this agreement, Clayton is agreeing to be responsible for 12.5% of the demolition costs associated with demolition services at 8049 and 8051 N. Main Street. Clayton will also be able to re-allocate previously awarded CDBG funds that have not been used for other completed projects for the city’s local 12.5% match. Motion by Gorman to approve the Resolution, second by Henning. All yeas, motion carried.

CITY MANAGER’S REPORT

Zimmerlin advised we are looking to purchase three dump trucks in our 2023 budget. However, we’ve been advised that due to the supply chain issues even if we order the trucks now, it’s going to be hard to get them in 2023. We have been told that we can put an order in now and then take delivery whenever they have them built. My only hesitation is it’s a very large order, and two if we do that without creating a PO, I would have to bring a very large Then and Now PO to Council, so I just wanted to make you aware that’s on the horizon. We are also looking to see if something should happen and we couldn’t accept the trucks they would be able to sell them to someone else so we’re not obligated to purchase them. Our concern is, if we don’t place the order, we may not get the trucks next year due to supply issues and not having the equipment for our people to do their jobs. This basically puts us in a queue to get the equipment. We’re excited to announce that we took possession of our new street sweeper yesterday. At our last council meeting we held a work session to talk about possibly moving our tax collection to the City of Huber Heights and to see when we could hold a work session with them. We are looking at April 21st at 7:00 p.m. with Kevin Schweitzer, Finance Director, and a representative of Huber Heights. Just a reminder, we do have an open Planning Commission seat that we did advertise until Monday, March 14th at 12 p.m.

VISITOR’S COMMENTS

None heard.

COUNCIL MEMBER COMMENTS

Bachman stated we’re two months into the new year and every meeting we’ve had some major discussions on development, especially residential. It shows the work that was done the last couple of years and it’s coming to fruition now. Thank you to Director Rezabek for coming and presenting tonight, Montgomery County and the State of Ohio have done very well in handling the elections. In 2020 a lot of people asked me how I thought the election was going to go and I told them the

results I didn't know, can't really predict, but I told them with absolute certainty two things. I know there won't be any issues in Montgomery County, and I know there won't be any issues in the State of Ohio because I know a lot of people who are running them. Keep up the good work and thank you. Henning thanked staff for working on the removal of the structures on Main Street, I know that is something residents have asked for and have been concerned about over the years. I wish to congratulate and welcome Amanda (Fritz) to the team. Amanda is our new Marketing Manager for Meadowbrook. We're excited to see what happens with that as we revamp how its run. I also want to thank Jeff for coming this evening, it's a pleasure working with you in my other official capacity. Montgomery County and Ohio do run fair, accurate and secure elections. Gorman thanked Jeff for his presentation. We also need to congratulate the Chief Financial Officer for Northmont Schools, Ann Ferraro, who was awarded the Jesse Haines Award by the County Auditor for being the top financial officer in Montgomery County. Kelly wished Amanda (Zimmerlin) a Happy Birthday. Lieberman thanked Jeff for coming out tonight. I appreciate what you're doing on the precincts and trying to get them balanced, especially when it comes to wait times within those precincts, so thank you. Stevens lastly thanked Jeff for the presentation and it's good to know we're safe and secure in the election process.

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

Meeting adjourned at 8:41PM.