

Minutes of August 18, 2022 Council

Regular Meeting of the Clayton, Ohio City Council
Clayton Government Center
August 18, 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.

PUBLIC HEARING: Richard M. Douglass Requests to remove Parcel Nos. C04-0052-0020 and C04-00512-0019 from the Clay Township-City of Clayton Joint Economic Development District (“JEDD”)

Mayor Stevens administered the Oath to members of the public who wish to speak on this case tonight.

Amanda Zimmerlin, City Manager, stated in February 2020 this item was tabled. Recently staff received a request from Mr. Douglass requesting his property be removed from the JEDD.

Mayor Stevens advised Council was provided the documentation for this request and asked if they had any questions, none were heard.

Stevens asked the applicant if they, or their representative, wish to add any comments.

Ben Worsowicz, Attorney for Mr. Douglass, advised we are asking the City to agree to remove Mr. Douglass’ property from the JEDD. Last week Clay Township approved our request. Mr. Douglass’s property has been in the JEDD for quite some time. He has tried to have it marketed. The fact that it’s in the JEDD along with the zoning being different from the zoning of the surrounding properties; he has been advised the property needs to be out of the JEDD if he wanted to do anything with this property because it is not suitable for commercial construction. But that’s all you can currently do with this property. Basically, he’s been told it needs to be a residential or an urban-rural type parcel. There is one neighboring property that is residential, but the other parcels are farm fields. There is no loss of revenue to the JEDD because it’s not currently generating revenue because it’s not developed.

Kevin Schweitzer advised he is the City’s representative on the JEDD Board, as well as Mayor Stevens sits on the Board. Mr. Worsowicz has reiterated what we’ve discussed as a JEDD Board, the location of his property is on Wellbaum, and there are the only two parcels on that side of the road. As far as being developed, we don’t see that happening. Wellbaum is a small road and any truck traffic is not feasible. Also, of all the benefits that the businesses have had in the JEDD with helping with sewer tap-in fees and streetlights we put on Jacks Lane and Pleasant Plain, none of that has benefitted Mr. Douglass’s properties. There are no buildings constructed on his properties and no business operations. There’s no payroll or income taxes affecting the JEDD.

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 asked for a motion to close the public comments of this hearing. Motion by Gorman to close the public comments, motion was second by Bachman. All yeas, motion carried.

Stevens asked Council if they had any questions or comments, none were heard. Stevens then asked for a motion to close the public hearing. 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 August 4, 2022 Counsel Workshop session. Motion by Gorman, second by Henning to approve the minutes as presented. All yeas, motion carried.

Seim then presented the minutes of the August 4, 2022 City Council meeting. Motion by Gorman, second by Kelly to approve the minutes as presented. All yeas, motion carried.

OLD BUSINESS

None

NEW BUSINESS

Ordinance No. O – 08 – 22 – 21 An Ordinance Approving an Amendment to the Clay Township-City of Clayton Joint Economic Development District (JEDD) Contract to Remove Specified Parcels of Real Estate Therefrom. Motion by Henning to approve the Ordinance, motion was second by Gorman. Voting yeas were Bachman, Henning, Gorman, Merkle, Kelly and Lieberman. Stevens abstained. Motion passed.

Ordinance No. O – 08 – 22 – 22 An Ordinance to Maintain Lighting Assessment. Schweitzer advised these are our annual street light assessments. Motion by Gorman to approve the Ordinance, motion was second by Merkle. All yeas, motion carried.

Ordinance No. O – 08 – 22 – 23 An Ordinance Authorizing the Submission of the 2022/2023 North Clayton Community Authority Charge Assessments to the Montgomery County Auditor. Schweitzer advised these are North Clayton Community Authority Charges not paid by the property owners. Motion by Henning to approve the Ordinance, motion was second by Gorman. All yeas, motion carried.

Ordinance No. O – 08 – 22 – 24 An Ordinance Certifying Unpaid Charges for Nuisance Assessments for 2022/2023 to the Montgomery County Auditor for Collection with Real Estate Taxes. Schweitzer advised these are assessments for the city cleaning and hauling debris from properties, where the property owner has not paid the invoice. Motion by Henning to approve the Ordinance, motion was second by Gorman. All yeas, motion carried.

Ordinance No. O – 08 – 22 – 25 An Ordinance Certifying Unpaid Charges for Grass/Weed Cutting for 2022/2023 to the Montgomery County Auditor for Collection with Real Estate Taxes. Schweitzer advised these are grass mowing assessments not paid by the property owner. Motion by Gorman to approve the Ordinance, motion was second by Henning. All yeas, motion carried.

Ordinance No. O – 08 – 22 – 26 An Ordinance to Impose Assessments Upon Owners of Real Property in Arrears for Payment of Fees for Waste Hauling and Disposal Services for 2022/2023. Schweitzer advised these are trash assessments where residents have delinquent trash accounts, residents had received quarterly notices in addition to letters advising them of the delinquencies. Motion by Gorman to approve the Ordinance, motion was second by Bachman. All yeas, motion carried.

Ordinance No. O – 08 – 22 – 27 An Ordinance Adopting Estimated Assessments and Certifying Unpaid Charges for 2022/2023 Curb and Gutter Repair/Replacement Work to the Montgomery County Auditor for Collection with Real Estate Taxes (Ten Annual Installments) and Declaring an Emergency. Schweitzer advised these are curb and gutter repairs performed in 2021 that were more than \$2,500 and were not paid by the property owners and will be assessed to their 2023 property tax bill for ten yearly installments. Motion by Gorman to approve the Ordinance as an emergency, motion was second by Henning. All yeas, motion carried. Motion by Henning to approve the Ordinance, motion was second by Merkle. All yeas, motion carried.

Ordinance No. O – 08 – 22 – 28 An Ordinance Adopting Estimated Assessments and Certifying Unpaid Charges for 2022/2023 Curb and Gutter Repair/Replacement Work to the Montgomery County Auditor for Collection with Real Estate Taxes (Five Annual Installments) and Declaring an Emergency, Schweitzer advised these are curb and gutter repairs performed in 2021 that were less than \$2,500 and were not paid by the property owners and will be assessed to their 2023 property tax bill for five yearly installments. Motion by Gorman to approve the Ordinance as an emergency, motion was second by Kelly. All yeas, motion carried. Motion by Henning to approve the Ordinance, motion was second by Gorman. All yeas, motion carried.

Resolution No. R – 08 – 22 – 51 A Resolution Authorizing the City Manager to Enter Into an Agreement with Audio Etc. LLC dba Audio Etc. to Replace and Upgrade the Audio/Visual System at Meadowbrook at Clayton at a Cost Not to Exceed \$58,548.00. Motion by Gorman to approve the Resolution, second by Bachman. All yeas, motion carried.

Resolution No. R – 08 – 22 – 52 A Resolution Authorizing the City Manager to Enter Into an *Agreement for Delegation of Activities* with the Board of County Commissioners of Montgomery County, Ohio Relative to the City of Clayton Westbrook Park ADA Restroom Renovation (Grant No. B-20-UC-39-0004). Jack Kuntz, Director of Development, advised we previously applied to Montgomery County and were subsequently awarded CDBG funds to be used for two separate city projects: residential demolitions and the N. Main Street Exterior Façade Program. Both programs were successfully completed at the beginning of 2022, however there were remaining balances from both grants at the completion of those projects. We requested those balances be reallocated towards two new community projects within Clayton’s boundaries early this summer. Specifically, Montgomery County has reallocated \$48,570 towards the new ADA compliant restroom facilities at Westbrook Park. Motion by Gorman to approve the Resolution, second by Kelly. Voting yea were Bachman, Henning, Gorman, Merkle, Kelly and Stevens. Lieberman abstained. Motion passed.

Resolution No. R – 08 – 22 – 53 A Resolution Authorizing the City Manager to Enter Into an *Agreement for Delegation of Activities* with the Board of County Commissioners of Montgomery County, Ohio Relative to the City of Clayton Demolition Project (Grant No. B-20-UC-39-0004). Kuntz advised Montgomery County reallocated \$35,000 towards the demolition of the structures located at 8027 N. Main Street, and staff will begin working on the demolition project immediately. Motion by Gorman to approve the Resolution, second by Kelly. Voting yea were Bachman, Henning, Gorman, Merkle, Kelly and Stevens. Lieberman abstained. Motion passed.

Resolution No. R – 08 – 22 – 54 A Resolution Establishing the Transformational Economic Development Program and Authorizing the City Manager to Take Necessary and Proper Actions

to Implement Said Program. Motion by Kelly to approve the Resolution, second by Bachman. All yeas, motion carried.

Resolution No. R – 08 – 22 – 55 A Resolution Establishing the Transformational Economic Development Fund Upon Authorization of the Ohio Auditor of State. Motion by Henning to approve the Resolution, second by Kelly. All yeas, motion carried.

Resolution No. R – 08 – 22 – 56 A Resolution Designating the Main Street Corridor Project as Project Number 1 of the Transformational Economic Development (TED) Program. Motion by Gorman to approve the Resolution, second by Henning. All yeas, motion carried.

Resolution No. R – 08 – 22 – 57 A Resolution Authorizing the City of Clayton Business Payroll Tax Incentive Program. Kuntz advised we propose a payroll tax incentive program which could be used to incentivize future end users to locate in the city as well as current city businesses looking to expand. The incentive program would provide a forgivable “line of credit” to new or expanding businesses in Clayton, as long as they meet the criteria identified. This incentive would be used as another tool in the city’s toolbox to incentivize future economic development. Motion by Henning to approve the Resolution, second by Bachman. All yeas, motion carried.

Resolution No. R – 08 – 22 – 58 A Resolution Approving Amendment of 2022 Appropriations and Estimated Resources. Schweitzer advised we received a Nature Works grant for Northview Park improvements; a grant from Ohio Law Enforcement Body Armor program was obtained; lease proceeds and purchase of three dump trucks; Public Employee Retirement withholdings were erroneously not withheld for two employees and payments were made to be current; the second tranche of monies related to the American Rescue Plan Act was received; line items on the banquet and golf areas need additional appropriations and/or resources due to increased activity over what was budgeted; a check for advertising was assumed lost in the mail so we voided the check and reissued but both checks were cashed, we then received a refund from the vendor; monies have been received for the billboard rental on our property on Main; and a business is sponsoring a bench to be installed in front of their property on Main St. Motion by Gorman to approve the Resolution, second by Henning. All yeas, motion carried.

CITY MANAGER’S REPORT

Zimmerlin advised on my Manager Report I identified about 10 spots along Main Street where trees have buckled the sidewalk and they are a trip hazard. Typically, the repair cost would be assessed to the business or homeowner, however in this case it’s our street trees that have caused the issue. We will repair the sidewalks and those trees will be removed over the winter. Just a reminder that we have our Movie in the Park tomorrow. The movie is “Sing 2,” it will be at Meadowbrook on the driving range and will start at dusk. It’s open to the everyone. We do have our Labor Day Festival and Fireworks on September 4th at Meadowbrook. It starts at 7:00 p.m. and fireworks begin at 9:00 p.m. Mr. Bachman asked that we discuss trees and the code process. I believe that impetus was based on some residents calling, upset that our service department had trimmed some of their trees. In those instances, sometimes we receive calls from bus drivers, truck drivers, or from our trash hauler saying there are limbs that are very low and need to be trimmed, Or when we are getting ready for paving projects, we will look to see how low the trees are because when the beds come up on the asphalt trucks, they hit the trees. We do make an attempt to contact the homeowner before we trim. If we can contact them and they can get the work done themselves in a timely manner that’s fine. But in an emergency situation, where

it's blocking signage, it's blocking sight lines, we do try to contact the homeowner but if we're not able to contact them we take care of the problem so someone isn't getting injured because of the trees. Zimmerlin then asked Mr. Kuntz to outline the code enforcement process once the city receives a complaint from a resident.

VISITOR'S COMMENTS

Earl Harlamert of the Parks Commission stated he is looking forward to the Labor Day Festival and Fireworks on September 4th. I want to thank Kroger's for donating 700 hot dogs that we will serve. Everything is free and we're looking forward to everyone coming out and having a great time. I also want to mention our Dance Party. It was a great success and Willie said he would like to hold it once a month.

COUNCIL MEMBER COMMENTS

Bachman stated the Economic Development workshop we held earlier this evening shows we are heading in the right direction and shows the interest in this area. In 5-10 years, it will be interesting to see how things have changed. Henning thanked Jack for the presentation earlier and thank you for working on bettering our current neighborhoods that have been here since well before I was born, and I wish to thank Earl (Harlamert) for all your work with the Parks Commission. Gorman thanked Jack for the updates and reminded everyone that the kids are back to school so please watch out for them while driving. Merkle thanked Jack for his presentation, it was great information to work with moving forward. Kelly thanked Jack for the presentation, the one thing that stands out is the detail and graphing; some people don't like it but I love it. The projection for five years and the future, I think it's amazing and you do a great job along with staff. Lieberman stated I just want to thank you all for everything you've done. Stevens thanked Jack and the Development Department, I also want to thank Amanda and all the staff for the presentation tonight and all the other work that they do. It's just incredible the amount of work that gets done with a really limited number of staff but with great quality. I don't know any other city our size that has this much output. I also want to say I'm really proud of our Council's support of our citizens and staff, I think that's the synergy that keeps the city going forward, I think we're on a fantastic path.

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

Meeting adjourned at 8:30 PM.