

## **Minutes of November 3, 2022 Council**

Regular Meeting of the Clayton, Ohio City Council  
Clayton Government Center  
November 3, 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, and Kelly. Motion by Henning to excuse Mr. Lieberman this evening, motion was seconded by Kelly. All yeas, motion carried.

Mayor Stevens advised we request to add Resolution R-11-22-75, A Resolution Recognizing Northmont High School Art Club, to the top of the agenda this evening. Motion by Gorman to add Resolution R-11-22-75 to the top of the agenda, motion was second by Henning. All yeas, motion carried.

Mayor Stevens then recognized the students of Northmont High School Art Club and thanked them for the mural they created at Meadowbrook at Clayton. Motion by Merkle to approve the Resolution, motion was second by Gorman. All yeas, motion carried.

### **PUBLIC HEARING**

Obispe Street Vacation

Stevens advised it is the intention of the City to vacate a specified portion of a designated 50-foot section of public right-of-way on Obispe Street located to the east of Harrington Avenue and further located between Parcel ID M60 16311 0001 and Parcel ID M60 16310 0019 within the City of Clayton.

Mayor Stevens asked for a motion to open the public hearing. Motion by Gorman to open the public hearing, motion as second by Henning.

Mayor Stevens would normally administer the Oath to members of the public who wish to speak on this case, however there was no one in the audience to speak for or against this case tonight.

Mayor Stevens asked if Council had any questions. None heard.

Motion by Henning to close the public hearing, motion was second by Kelly. All yeas, motion carried.

### **CLERK'S REPORT**

Clerk Seim presented the minutes of the October 20, 2022 Council work session. Motion by Gorman, second by Bachman to approve the minutes as presented. All yeas, motion carried. Seim then presented the minutes of the October 20, 2022 Council meeting. Motion by Kelly, second by Gorman to approve the minutes as presented. All yeas, motion carried.

### **OLD BUSINESS**

Ordinance No. O – 10 – 22 – 32 An Ordinance to Adopt, Reject or Modify the Planning Commission's Recommendation to Approve the Application of Corinne Brion and Daniel Anoi for a Change in Zoning from Residential Single-Unit District (RSD) to Planned Development District (PDD) and to Further Approve the Final Development Plan for Property Located at 3510

Sweet Potato Ridge Bearing Parcel I.D. Number M60 03011 0030 and Containing 5.704 Acres with the City of Clayton, Ohio. Second reading, no further discussion. Motion by Henning to approve the Ordinance, second by Merkle. All yeas, motion carried.

Ordinance No. O – 10 – 22 – 33 An Ordinance Amending Section 351.06 of the Clayton Codified Ordinances Entitled, “Commercial and Heavy Vehicle Parking Regulated”. Second reading, no further discussion. Motion by Gorman to approve the Ordinance, second by Kelly. All yeas, motion carried.

#### **NEW BUSINESS**

Law Director Dillon advised at this time we request the addition of four Ordinances to the agenda this evening, Ordinances 35 through 38. Motion by Henning to amend the agenda to include the four additional Ordinances, motion was seconded by Bachman.

Ordinance No. O – 11 – 22 – 34 An Ordinance Vacating a Specified 50.00 Foot Section of an Existing Public Right of Way Located on Obispe Street within the City of Clayton, Ohio. Motion by Gorman to approve the Ordinance, second by Kelly. All yeas, motion carried.

Ordinance No. O – 11 – 22 – 35 An Ordinance to Establish Building Permit Fees and Authorize the City of Clayton to Enter Into an Agreement with National Inspection Corporation to Provide Related Services. Jack Kuntz, Director of Development, advised the next four Ordinances all pertain to the same topic which is the City of Clayton creating its own building department and moving forward with consulting with NIC to perform building permit reviews and inspections services for the city. As we discussed at the previous workshop as well as in my staff report, staff does believe that this is the best opportunity for us to be as proactive and responsive to the community at large as well as in terms of development long term for the city to transition away from Montgomery County to NIC for building department services. Motion by Henning to approve the Ordinance, second by Kelly. All yeas, motion carried.

Ordinance No. O – 11 – 22 – 36 An Ordinance to Establish Building Department. Motion by Gorman to approve the Ordinance, second by Merkle. All yeas, motion carried.

Ordinance No. O – 11 – 22 – 37 An Ordinance Requesting Certification to Enforce the Ohio State Building Codes within the City of Clayton, Ohio. Motion by Henning to approve the Ordinance, second by Kelly. All yeas, motion carried.

Ordinance No. O – 11 – 22 – 38 An Ordinance Authorizing a Request to the Ohio Board of Building Standards to Certifying the City of Clayton for Enforcement of the Residential Code of Ohio to Exercise Enforcement Authority and Accept and Approve Plans and Specifications and Make Inspections. Motion by Gorman to approve the Ordinance, second by Bachman. All yeas, motion carried.

Resolution No. R – 11 – 22 – 74 A Resolution Authorizing the City Manager to Enter Into an Agreement with Masterpiece Signs & Graphics, Inc. DBA Golf Graphics for the Provision of Tee Signs at Meadowbrook at Clayton. Elaine Wittman, Assistant to the City Manager, advised Meadowbrook at Clayton’s tee signs require considerable amount of repair and painting each offseason to confirm they are in adequate shape. Staff recommends the current tee signs be replaced with signs provided by Golf Graphics. To obtain these signs at no cost, Golf Graphics

will sell advertisements and place them on the signs. Motion by Gorman to approve the Resolution, second by Merkle. All yeas, motion carried.

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

Amanda Zimmerlin, City Manager, advised the Government Center offices will be closed next Friday, November 11<sup>th</sup> in observance of Veteran's Day. We are having our first Coffee with a Cop since 2019 on November 14<sup>th</sup> from 8:30 am to 9:30 am at Boston Stoker on Main Street. Breakfast with Santa is Saturday, December 10<sup>th</sup> from 9:00 am to 11:00 am. Tickets go on sale Monday, November 14<sup>th</sup> and there are only 200 tickets being sold and they sell out quickly. I just want to give Council a heads up that we did receive the resignation from one of our Board of Zoning Appeals member, she has work conflicts and wasn't able to make the meetings. Staff has begun to advertise that position.

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

John Hedke advised he lives in the Village of North Clayton and shared his concerns with the building plans being proposed by Windsor and maintenance on some of their current facilities.

John Lintz submitted an e-mail that was distributed to each Councilmember, and is on file with the Clerk of Council, discussing his issues and concerns with Windsor at the Village of North Clayton.

Earl Harlamert, of the Parks Commission, thanked Jack for setting up the Customs and Carvings event, we had a wonderful time. I also want to thank everyone on Council that worked so hard, you did an excellent job. The comments from kids were fantastic, and everyone had a great time. I also want to wish my Daughter (Tina Kelly) a Happy Birthday.

#### **COUNCIL MEMBER COMMENTS**

Kelly stated Council received copies of the Dayton Business Journal, where Clayton was the articles of the month and I just want to say it forecasted Clayton like I've never seen. I've been on Council for several years now, but I've never seen a forecast like that. Jack, congratulations to you and your staff. To be honest Jack, you just don't talk the talk, you walk the walk and you do try your very best to get tenants in and to get new businesses into Clayton. Keep it going. Merkle wished Councilmember Kelly a Happy Birthday, and congratulations Jack, great article, keep up the great work. That's the thing that puts the city at the forefront in terms of things we need to get accomplished. The questions and concerns about Windsor and the Village of North Clayton, we have not received any information in terms of what proposals are being presented because that has to go through Jack before it even comes to us. So, before we get involved in trying to have any impact on things it has to go through the proper channels. Gorman thanked Jack and Elaine for the Customs and Carvings event; it was very well done. The articles in the Dayton Business Journal were well done too. Lastly, a reminder Veteran's Day is next Friday. Henning stated I just want to thank and congratulations staff, they've been busy this fall. Sweep Clayton Clean was a huge success, was well attended and is very appreciated by our residents. The Customs and Carvings event was well attended. Halloween was a very nice time in my neighborhood, we saw a lot of kids out even with a little bit of rain it didn't stop them. Northmont FISH is in need of donations for the upcoming holidays. I want to thank the art students from Northmont for painting the mural at Meadowbrook, it looks fantastic. Election day is next Tuesday, November 8<sup>th</sup>, but you can do early voting now. Bachman stated I want to

echo what everyone else has said about the Dayton Business Journal article, and Jack, congratulations to you on your award it is very well deserved, also I want to wish Happy Birthday to my fellow Councilmembers Kelly and Lieberman. Stevens stated I also want to wish Happy Birthday to both our councilmembers, and thanks for the great event. Congratulations to our staff on the Dayton Business Journal article. I want to say a heartfelt thanks to all of our staff and council members, everybody that works for the city. I'm proud of the work we do every day, keeping the city moving forward. Sometimes its smooth, sometimes it's not, sometimes it's quick and sometimes it takes twenty years but we keep fighting. You have the folks in this room and many others that put the work in every day, I appreciate that and I'm proud of all of us.

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

Meeting adjourned at 8:13 PM.