

Minutes of April 6, 2023 Council

Regular Meeting of the Clayton, Ohio City Council
Clayton Government Center
April 6, 2023

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

Mayor Stevens announced that we are holding a Public Hearing this evening for Hunter's Path Section 2, Ordinance O-04-23-06. Stevens administered the Oath to members of the public who wish to speak on this case tonight.

Seth Dorman, City Planner, advised application PC23-02 was received on February 8, 2023, for Hunter's Path Section 2 Plat. The applicant is DDC Management, LLC, and the property owner is Hunters Path Project I, LLC (DDC Management, LLC), who signed the application affidavit stating they are aware of and consent to the application. The Planning Commission held a public hearing on this application on February 27, 2023, after which they unanimously passed a motion to recommend that City Council approve the request with one condition. Public notice for this hearing was printed in the Eaton Register Herald on March 25, 2023, and letters to property owners within 300' of the site were postmarked and mailed on March 23, 2023. Hunter's Path is located at the northwest corner of Westbrook and Union Roads. Section 2 is part of the parent property parcel M60 03207 0022 and has an overall area of 39.46 acres. Current zoning of the property is PDD (Planned Development District) that was approved per Ordinance O-ZC-21-04 on September 2, 2021. Staff reviewed and provided to each Council member the following documents: Application, Section 2 Plat plan, and the Planning Commission Resolution for Case PC23-02. Dorman then shared an image of the proposed location. The original Final Development Plan for Hunter's Path that was approved by City Council on January 6, 2022 showed a total of 125 single-family lots, open spaces for retention ponds, new roads to serve the subdivision, including the extension of Falls Gold Drive (from Bayberry Trail), Willow Road, Redwood Road, Falls Road, Ivy Road, and Summit Court. The initial construction on Hunter's Path, Section 1 is largely complete and the builder, Arbor Homes, has begun submitting for Zoning Certificates and Building Permits to begin building homes on the lots in Section 1. Hunter's Path, Section 2 Plat includes: 59 single-family lots, road construction that consists of an extension and completion of Willow Road, extension and completion of Ivy Road, construction of Summit Court, extension and completion of Falls Road. Dealing with stormwater retention, the developer will build an additional 3 retention ponds. 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 Hunter's Path Section 2 Plat with the following condition: The applicant must address the comment resulting from the Staff review dated February 25, 2023 and emailed to the applicant the same day. The comment must be addressed for the submission of the plat for signatures.

Henning asked this development is a HOA plat, correct. Dorman confirmed yes.

Mayor Stevens after hearing no further questions from Council, asked for a motion to open the floor for this public hearing. Motion by Henning to open the floor for this public hearing, motion as second by Bachman. All yeas, motion carried.

Mayor Stevens asked if anyone wished to speak on this case tonight. None were heard. Stevens asked Council if they had any further questions. Hearing none, Stevens asked for a motion to close the floor for this public hearing. Motion by Henning to close the floor for this public hearing, motion was second by Kelley. All yeas, motion carried.

Mayor Stevens asked for a motion to close this public hearing. Motion by Henning to close this public hearing, motion was second by Kelley. All yeas, motion carried.

CLERK'S REPORT

Clerk Seim presented the minutes of the March 16, 2023 Council meeting. Motion by Gorman, second by Henning to approve the minutes as presented. All yeas, motion carried.

OLD BUSINESS

None

NEW BUSINESS

Ordinance No. O – 04 – 23 – 06 An Ordinance (*Adopting, Rejecting, Modifying*) the Planning Commission's Recommendation to Approve, with Specified Condition, the Application for Hunter's Path Section 2 Plat Approval in the Hunter's Path Subdivision with Respect to 39.46 Acres and Bearing Parcel ID Number M60 03207 0022. Gorman asked, the plat we're approving is 19 acres, the Resolution says 39 acres, that includes Section One correct. Martina Dillon, Law Director, advised that to clarify this what is needed is a motion to remove the reference to the 39.46 acres in Ordinance O-04-23-06. Motion by Gorman to remove the verbiage with Respect to 39.46 Acres from Ordinance O-04-23-06, motion was second by Henning. Voting: Bachman-abstain, Henning-yes, Gorman-yes, Merkle-yes, Kelly-yes, Lieberman-yes, and Stevens-yes. Motion passed 6-0. Motion by Henning to adopt the recommendation of the Planning Commission per the amended Ordinance, motion was second by Gorman. Voting: Bachman-abstain, Henning-yes, Gorman-yes, Merkle-yes, Kelly-yes, Lieberman-yes, and Stevens-yes. Motion passed 6-0.

Resolution No. R – 04 – 23 – 32 A Resolution Authorizing Participation in the ODOT Road Salt Contracts Awarded in 2023. Randy Sanders, Public Service Director, advised the ODOT winter and summer purchasing contract will provide multiple salt vendors and hopefully provide better pricing along with the security of availability. An approved resolution is required to participate in this year's ODOT salt purchasing contract. Motion by Gorman to approve the Resolution, second by Kelly. All yeas, motion carried.

CITY MANAGER'S REPORT

Amanda Zimmerlin, City Manager, advised she was contacted by the Kleptz Early Learning Center about Safety Town. They're making requests to different organizations and municipalities for donations to Safety Town. They want to bring it back and will be doing it during school hours this year so it is more accessible to all students before it was done during the summer when some students did not have transportation. After discussion, Henning made a motion to approve a \$500 donation from the Community Grant line item for Safety Town.

Motion was second by Gorman. All yeas, motion carried. Zimmerlin advised a few meetings ago we decided to go with MVCC for electrical aggregation, we held two public hearings, and Council voted on the plan of governance, so on April 12th at 6 pm here in the Council Chambers we are holding an information meeting. It will also be available via Zoom if residents can't actually make it. It is just for information, to talk about the process. For the Parks Advisory Commission, we had two individuals submit for those position. You have their resumes in your packet, and we will bring forth legislation to our April 20th meeting. Our Parks Clean-up day is scheduled for April 29th from 10 am to noon. An update on our Wards study, we will have that probably by the end of April. We do have our Charter Commission recommendations; they are attached to the City Manager's report in addition to three recommendations from staff. If we want it on the November ballot, we have to have it submitted by August 9th, so we would need to start this process in June. The Salary Commission met in February and their recommendation is attached. They were recommending an increase for both Council and the Mayor, and also an increase for the Clerk of Council. They were recommending, Council currently received \$4,800 a year and they recommended \$4,896. The Mayor currently receives \$7,200 a year and they are recommending \$7,344. Clerk of Council they are recommending \$7,500 to \$8,250. Should Council want to increase the salary it would have to be done by September of this year to go into effect in January. The only one that would not have to happen is for the Clerk of Council, that is not tied to an Ordinance, Council can just make a decision to increase the Clerk's salary. Gorman asked if the voters would have to approve this, Zimmerlin replied, no they would not have to approve. Lieberman made a motion to table this issue until May, motion was second by Gorman. All yeas, motion carried. Zimmerlin stated I would like to make a note for Council, one of the staff suggestions we discussed in the Charter Commission, the Charter Commission did not want to make this recommendation but I do think it's very important that we do this. Salary increases are basically illegal in the State of Ohio. That is something that we should definitely look at as a Charter change for going forward to do that because I don't want to get the city into trouble or Council in trouble by voting yourself the pay increase midterm. Dillon advised the language in the Charter specifically allows in term increases, but when this came up in the last year, I contacted the Ohio Ethics Commission and received some opinions from them which are pretty clear that that's a no-do. Lieberman asked so are you also suggesting we change the Charter. Dillon stated, we need change the Charter to strike that. Zimmerlin stated the next item, Council met on February 5th to discuss goals for Council, those are also attached to your City Manager's report. We have a lot coming up and I would like to give Council an update on Meadowbrook, it was scheduled for tonight but that got moved for our revenue discussion. I will look at the calendar, but it may be sometime in August after our summer schedule. Lastly, for CCA tax assistance, the last day that Eric will be here is Wednesday, April 12th from 9 am to 3 pm.

VISITOR'S COMMENTS

Mahesh Saxena addressed Council on having received a violation letter from the City dealing with his trash cans. He stressed that he and his wife both have health conditions that prohibit them from taking the trash totes to the curb and currently have carry-out service with Republic. Republic has agreed to set the totes on the side of the garage, but that still causes issues for the Saxena's. They were asking for an exception from this zoning code. Gorman suggested giving the City Manager the authority to make exceptions on this rule. Zimmerlin advised she does not have the authority per code to make those changes, Council also does not have the authority per

code as it stands not to make any exceptions. The remedy right now would be for the resident to file a claim with the BZA. The BZA could hear the case and if they were to decide that staff erred in our interpretation of the code then they could say, fine you can leave your trash cans there, it's not really in the front yard. My recommendation would be, and I'll work with Martina (Dillon) to do if that, is something the Council wants to do, to give the City Manager the authority to make those exceptions. We could tailor it very narrowly, I know they have carry-out service, so maybe we narrow it down to if a resident has carry-out service, so there's a documented medical need for those items to be there, maybe we can do that.

Earl Harlamert, Parks Commission, thanked Jack (Kuntz) and Elaine (Wittman) for the Easter Egg Hunt at Meadowbrook, they did a great job. Also, on April 29th we are holding our annual cleaning of the parks. This event assists the Service Department by cleaning limbs, brush and trash so the city crews can mow the parks without tearing up the equipment.

Zimmerlin stated I do have one thing to add. With this being Clayton's 25th anniversary, we did ask the students at Northmont to put together banners for the poles along Main Street. I sent those to Council and I've heard from a couple of Council members, does anyone else have a preference. We can hang at least 27 banners. Are you fine with staff putting up the banners, everyone agreed. Zimmerlin stated we will also put the images on our social media so everyone can see them.

COUNCIL MEMBER COMMENTS

Bachman stated I just want to wish everyone who's celebrating Easter this weekend, have a good holiday weekend. Henning stated it is Easter weekend and I hope everyone also has a nice Easter weekend. I want to thank staff for the Easter Egg Hunt, lots of kids were very happy, and it was a great time. Also, for those celebrating Ramadan and Passover, we hope your holiday season is awesome also. Gorman wished everyone a Happy Easter and Passover during this season. Lieberman asked, for events like the Easter Egg Hunt, we were thinking if we were able to take more pictures or videos of our events we have out at Meadowbrook and put them on social media, maybe you do that because I'm not a big social media person. I want to wish everyone a happy Ramadan, Passover and Easter. Stevens stated I just want to wish everyone a happy holiday for whichever holiday you celebrate. Also, to follow up on what Dennis (Lieberman) said about social media, I know we put up pictures and videos, but I believe it would be very beneficial to us to try to capture some attendance numbers at our events at Meadowbrook. Thanks to Council and Staff for the great work you do, we have a lot of good stuff going on, we have good development coming and we hope to continue to work well with our residents and all of our partners.

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

Meeting adjourned at 8:08 PM.