

Minutes of May 16, 2024 Council

Meeting of the Clayton, Ohio City Council
Clayton Government Center
May 16, 2024

CALL TO ORDER

The meeting was called to order by Mayor Stevens at 7:21 PM. Present were Mayor Stevens and Councilmembers Farmer, Henning, Gorman, Merkle, Kelly, and Bachman.

SPECIAL PRESENTATION

Paula Givens, Marijuana Attorney. Mayor Stevens advised Ms. Givens was ill this evening and was not able to attend.

CLERK'S REPORT

Clerk Seim presented the minutes of the May 2, 2024 Council meeting. Motion by Gorman, second by Kelly to approve the minutes as presented. All yeas, motion carried.

OLD BUSINESS

None

NEW BUSINESS

Resolution No. R – 05 – 24 – 31 A Resolution Extending Moratorium on the Issuing and Processing of Permits Allowing Retail Dispensaries, Cultivators, or Processing of Adult Use Marijuana within the City of Clayton, Ohio. Motion by Henning to approve the Resolution, second by Farmer. All yeas, motion carried.

Resolution No. R – 05 – 24 – 32 A Resolution Authorizing the City Manager to Enter Into an Agreement with Anthem Blue Cross Blue Sheild via the Ohio Benefits Cooperative for the Provision of Group Health Insurance Benefits from September 1, 2024 through August 31, 2025. Elaine Wittman, Assistant to the City Manager, advised we propose renewing the City's current Anthem High Deductible (HDHP) medical insurance plan through the Ohio Benefits Cooperative. This option will keep the deductible and coverage the same and increase the premium rates by 6.7%. The City would continue the current contribution program to employee's Health Savings Accounts. After surveying employees, we found a handful would be interested in a Preferred Provider Organization (PPO) plan rather than the current HDHP plan. We are proposing to add this plan as an option for employees. Employees would have the ability to choose between the PPO or HDHP during open enrollment. Our insurance broker, McGohan & Brabender, reports the market trend of medical insurance renewals is at about a 12% increase for groups with 51-99 employees. Motion by Gorman to approve the Resolution, second by Kelly. All yeas, motion carried.

Resolution No. R – 05 – 24 – 33 A Resolution of Professional Right-of-Way Acquisition Services for the Hoke Road Widening Project Authorizing the City Manager to Enter into an Agreement with O.R. Colan Associates, LLC for the Provision PID 115202. Randy Sanders, Public Service Director, advised Clayton was awarded a grant through the MVRPC for the first phase of the widening of Hoke Road from Smith Drive through the Wenger Road intersection.

With this funding source, the city is responsible for 100% of the right-of-way funding. The City did follow the same federal funding guidelines set forth in the ODOT manual for the selection process. Four letters of interest were received for the right-of-way acquisition and examined by city staff. O.R. Colan was selected by the three city members to perform the right-of-way purchases on approximately 20 parcels. Clayton is responsible for 100% of the right-of-way acquisition including purchasing and the right-of-way fee is part of the City's yearly budget. Motion by Gorman to approve the Resolution, second by Henning. Voting: Farmer-yes, Henning-yes, Gorman-yes, Merkle-yes, Kelly-abstain as this impacts my family's property, Bachmann-yes, and Stevens-yes. Motion passed 6-0 with one abstention.

PUBLIC HEARING

Planning Commission Case PC24-01 A request for a Plan Modification to a previously approved Final Development Plan, specifically Phase II of the Village of North Clayton.

Mayor Stevens asked for a motion to open the public hearing this evening. Motion by Gorman to open the public hearing, motion as second by Henning. All yeas, motion carried. Mayor Stevens then administered the Oath to members of the public who wish to speak on this case.

Ellen Snyder, GIS and Zoning Manager, advised the application for PC24-01 is for Plan Modification to a previously approved Final Development Plan, specifically Phase II of the Village of North Clayton, received April 4, 2024. The applicant is Ferguson Construction, on behalf of Kate's Pizza Place LLC (Bella Sorella). The property owners are Kate's Pizza Place, LLC and Ohio SPV LLC, the parcel to the South. A public notice was printed in the Eaton Register Herald on April 10, 2024, and letters to property owners within 300' of the subject property were postmarked and mailed on April 8, 2024. The property is located at 1405 Esther Price Way in the Village of North Clayton, parcel numbers M60 03102 0112 and a to be determined parcel number with a total acreage of 4.8715. Current zoning of this project is PDD, Planned Development District. The applicant desires to purchase 1.0831 acres from M60 03102 0108 and then combine it with M60 03102 0112 for a total of 4.8715 acres. The applicant is working with Kate's Pizza LLC to build a restaurant which is in the originally approved Phase II portion of the Village of North Clayton Planned Development District. Phase II portion of the Village of North Clayton Planned Development District was approved by Clayton City Council November 17, 2005. Ms. Snyder shared images of the surrounding area and the specific area being discussed. The most recent modification to the Final Development Plan for Phase II, PC 23-04, saw an approved restaurant use instead of a SportsPlex use at the location. The applicant will still be required to address all comments provided by City staff and the City's contracted Engineering Department provided in PC23-04. The new restaurant, Bella Sorella, plan to use this area to expand their business in the future, and are now moving forward with purchasing this extra acreage to have the ability to expand in the future. Clayton staff reviewed the application and have no comments. Clayton's contracted Engineering Department, the Kleingers Group, has reviewed the plans and have no comments on the property line change. The Kleingers Group will still review the project as whole as part of PC23-04 before building begins. The modification request will have no negative impact on the community in terms of traffic, storm water, or life safety factors. If the property were located outside of a Planned Development District, staff would be able to approve the application administratively. The request meets all the requirements of a minor subdivision. The newly configured parcel will continue to meet all the required development standards of the zoning district. Since the property is located within a PDD, and the proposed parcel configuration differs from what was originally approved by

Clayton City Council, it must come before the Planning Commission and City Council for approval. Ms. Snyder then shared images of the Approved Final Development Plan, the Project Plan with the properties being split, and the Project Plan with the properties combined. Section 1111.21.P details the steps and process for a plan modification for a PDD. Subsection 1 states: “Because of the difficulty in being able to supply precise data at the time of approval of the Final Development Plan, it may be necessary to make certain modifications to the Final Development Plan at a later date.” Subsection 2 states: “Modification to the Final Development Plan shall not deter from the general intent and purpose as originally approved by the City Council. No modifications, unless approved by the City Council, shall be approved that will increase density or intensity, decrease parking and loading areas, and reduce useable open space or reduce distance between structures and the perimeter property lines.” Based on this, the proposed request meets all the requirements of a Planned Development Modification, found in Section 1111.21.P.2, specifically: the proposed use will not increase density or intensity of the community when compared to the originally approved plan; in comparison to the originally approved plan, the proposed use will decrease the density and intensity of the land as a result of the request; the proposed use will not decrease parking and/or loading areas of the overall development; and in comparison to the originally approved plan, the proposed parking and loading areas will neither increase nor decrease as a result of the request. The applicant will be required to submit storm water plans, which will be reviewed and approved by the City’s contracted Engineering Department. The applicant has already submitted a first round of storm water plans and received comments from the City’s contracted Engineering Department, and the applicant is continuing to work with the Engineering Department on the storm water plans. The applicant will be required to conform with all applicable landscape requirements found in the Village of North Clayton’s Development Standards notebook. Therefore, Staff recommends the plan modification application be approved as submitted. The proposed Plan Modification of the Village of North Clayton Planned Development District included with Ferguson Construction’s application will have no impact on the most recent Modification Approval, and has no impact on the overall safety, traffic, and storm water functions of the neighborhood. Amanda Zimmerlin advised the Planning Commission did unanimously recommend approval.

Councilman Merkle asked if staff received comments from any residents. Ms. Snyder stated only one question was received and they were just inquiring as to what was the project.

Mayor Stevens asked there were any opponents or proponents who wished to speak.

Councilman Henning asked what is the timeframe for construction. Jeff King of Ferguson Construction advised when they were working on the plans it was determined that in order for them to expand it would be in their best interest, and the most cost-effective way to do it, would be for us to acquire more land. Ferguson is purchasing the land and donating it to them. Hopefully, the loan closing will happen next week and we’ll be starting in the next few weeks, and it will be about five months to completion. Ms. Zimmerlin asked if you have a date for groundbreaking. Mr. King stated June 12th.

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

Resolution No. R – PC – 24 – 01 A Resolution Adopting the Recommendation of the Planning Commission to Approve Request for Modification of the PUD Final Development Plan for the

Villages of North Clayton. Motion by Gorman to approve the Resolution, second by Kelly. All yeas, motion carried.

CITY MANAGER'S REPORT

Amanda Zimmerlin, City Manager, advised Council had voted to operate on a summer schedule so our next meeting will be Thursday, June 20th and then again on July 18th. City offices will be closed Monday, May 27th for the Memorial Day holiday and also on Wednesday, June 19th for Juneteenth. We do have a request for additional ARPA funds, we have about \$128,000 left to encumber. We would like to use some of these funds to pay for the water assessment fees for the water projects we have going on in the city through Montgomery County Soil and Water; replace several ADA ramps; replace a guardrail on Rinehart Road; and a Power Cot for the Fire Department. Meadowbrook is celebrating its 100th year anniversary, and will hold a golf scramble on Saturday, June 1st. The PGA will present Meadowbrook with a plaque sometime between 12 pm and 1 pm. We have had a request from a developer, Schnicke Development Group has contacted the city about potentially developing the 183.1 acres near Main Street. This land is zoned Residential Single Unit District with the Clayton Improvement District (CID) overlay. The CID requires that any development of land over five acres or creating more than five lots be developed as part of a planned development under the zoning code. Schnicke Development would like to request a work session with Council to discuss at a high level their plans for that acreage. They are requesting a work session at the June 20th meeting at 6:30 p.m. We currently have several projects through Montgomery County Soil and Water going on in the city, and they have sent over a timeline for the projects which Council received in their packets. I also attached the new resident packet for your review, please advise if you have any changes so we can have that document updated on our website and available for new residents. I also have updates on County bridge work that's currently going on in the area. Montgomery County will be working on the Heathcliff Road bridge beginning June 3rd, this will be a brief total closure. The Taywood Road bridge over I-70 is scheduled for June and they anticipate the work to be completed in September, traffic will be maintained. And, the Wenger Road bridge is scheduled to be completed by May 31st.

VISITOR'S COMMENTS

Earl Harlamert of the Parks Commission reminded everyone that the Baseball dugout painting project is scheduled this Saturday at 9:00 a.m. at Hardscrabble Park. If it rains, the City will send out a social media post and the event will be rescheduled. Otherwise, if the rain holds out come out Saturday morning to help paint.

COUNCIL MEMBER COMMENTS

Farmer welcomed everyone who came out this evening. One thing I want to address, we brought up Meadowbrook earlier, it serves us as a golf course and event center, a place for community. Feedback I've received from residents is they don't have a vested interest in it and I keep coming back to a discussion a couple of meetings ago, the breakdown of costs that goes to those community events. The fireworks take about two-thirds of that budget. The rest of the events don't really burn a big hole in our budget and I know we're trying to save. I think the benefit of bringing those events back would be a great benefit to the City, then the cost of trying to save a handful of dollars. So, I would like to ask that at the next meeting we could vote on perhaps restoring those events except for fireworks. I do think that it's something the residents would appreciate, bring back a sense of community to Meadowbrook. Henning stated he recently

attended the ribbon cutting at the new CTC facility, it's a beautiful facility and they currently have over 50 programs available. It is truly a state of the art facility that we are so lucky to have in the Northmont community. Spring sports coaches, I want to acknowledge them. We have a lot of volunteers in our Northmont community that are working very hard to keep youth busy on weeknights and weekend, so thank you to the coaches that are doing that and thank you to the Northmont SAY Association. To the graduates of Northmont and CTC the class of 2024, congratulations. Father's Day will have happened before our next meeting, so to all the Fathers of the community, I want to wish you a happy Father Day. And finally, Bella Sorella, I've had a number of inquiries and people are so excited to have someplace new that will be quick and different. Gorman stated the graduations are coming up very shortly or have already happened, but at the same time all the other students are getting out of school soon, and that means they will be out in their yards playing so please be careful driving and be watching for the kids out playing. I want to wish everyone a happy Memorial Day and happy Father's Day. Merkle at the last meeting I mentioned the fact that 25 years ago the City of Clayton voted on its Charter and I mentioned the persons that had served on the Charter Commission. However, there were additional persons that had run for the Charter Commission but were not elected. I think it's important to recognize those people. I went back and found the names, they were Steve Gross, Donna Audette, Ernst Collier, Trisha Marks, Joseph McIntyre, Michael Means, Chris Pulos, Shirley and Wilbur Sussman, Luanne Evans, and Tim Winchester. They were not elected to the Charter Commission but were still part of the community. I do want to say thank you to the City staff for all the work you've done. It was mentioned during the work session earlier, in terms of a proposed income tax increase, the staff has to know that the Council is behind them in terms of trying to do the best to ensure that we have a sound City and we support the staff. Kelly stated I too support the staff, and we will do anything to help keep Clayton a sound city. I also want to say happy Father's Day to my Father since he is here. He donates his time to this community and has for the last 40 years to the Northmont community, thank you. Bella Sorella, it's so nice to finally see you going into a freestanding location with a restaurant, I've been excited for this for a long time, and this is going to be great for Clayton. Bachman thanked Kevin (Schweitzer) and staff members for the presentation at our work session earlier this evening. There is big support behind the staff and thank you for putting forth something that you think is reasonable and has a good chance of passing. This is National Police Week and I saw a post where staff was wearing blue in recognition. We have one of the safest communities because of our great safety services and the leadership that comes with it. Memorial Day is next weekend, obviously that holiday is designated for those who gave the ultimate sacrifice. Stevens congratulated Bella Sorella and thanked Ferguson Construction for what you're doing for the project, this is a big thing for our city. It is a Clayton based business and the first brick and mortar restaurant, and a good jump start for North Clayton. I also want to say I support our city, our staff 100%. It is important that we do whatever we can to get the levy passed. I think the people in our city want good services, they want to be in a safe community, they want good roads and all the things that we provide. Thanks to everyone for the continued good work, thank you to the Council, to our staff, and thanks to all our residents.

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

Meeting adjourned at 8:09 PM.