

Minutes of September 5, 2024 Council

Meeting of the Clayton, Ohio City Council
Clayton Government Center
September 5, 2024

CALL TO ORDER

The meeting was called to order by Mayor Stevens at 7:30 PM. Present were Mayor Stevens and Councilmembers Farmer, Henning, Gorman, Merkle, Kelly, and Bachman.

CLERK'S REPORT

Clerk Seim presented the minutes of the August 15, 2024 Council meeting. Motion by Gorman, second by Henning to approve the minutes as presented. All yeas, motion carried.

VISITOR'S COMMENTS

Tom Jones stressed his concerns with no leaf pickup this year.

Eric Brown stated his concerns with the lot at Taywood and Westbrook Roads being cleared, with water runoff and possible mud slides.

John Clayburn addressed Council on his concerns with no leaf pickup this year.

Stephanie Benton shared her concerns with the Plum Tree Alley in the Old Village area not being accessible and issues with deliveries, trash pickup, and emergency services access.

Earl Harlamert advised the Parks Commission, and anyone wishing to volunteer, will be painting the baseball dugouts and concession stand at Hardscrabble Park on Saturday, September 28th at 8:30 a.m.

Robert Fea addressed Council on his concerns with a new property owner in the Old Village area.

Debbie Whisler stressed her concerns with the Plum Tree Alley in the Old Village area, and the new property owner.

OLD BUSINESS

Ordinance No. O – 08 – 24 – 11 An Ordinance Certifying Unpaid Charges for Nuisance Assessments for 2024/2025 to the Montgomery County Auditor for Collection with Real Estate Taxes and Declaring an Emergency. Second reading, no further discussion. Motion by Gorman to approve the Ordinance as an emergency, second by Henning. All yeas, motion carried. Motion by Henning to approve the Ordinance, second by Gorman. All yeas, motion carried.

Ordinance No. O – 08 – 24 – 12 An Ordinance to Maintain Lighting Assessment and Declaring an Emergency. Second reading, no further discussion. Motion by Henning to approve the Ordinance as an emergency, second by Kelly. All yeas, motion carried. Motion by Gorman to approve the Ordinance, second by Merkle. All yeas, motion carried.

Ordinance No. O – 08 – 24 – 13 An Ordinance Certifying Unpaid Charges for Grass/Weed Cutting for 2024/2025 to the Montgomery County Auditor for Collection with Real Estate Taxes and Declaring an Emergency. Second reading, no further discussion. Motion by Henning to

approve the Ordinance as an emergency, second by Kelly. All yeas, motion carried. Motion by Gorman to approve the Ordinance, second by Bachman. All yeas, motion carried.

Ordinance No. O – 08 – 24 – 14 An Ordinance Authorizing the Submission of the 2024/2025 North Clayton Community Authority Charge Assessments to the Montgomery County Auditor and Declaring an Emergency. Second reading, no further discussion. Motion by Henning to approve the Ordinance as an emergency, second by Gorman. All yeas, motion carried. Motion by Merkle to approve the Ordinance, second by Kelly. All yeas, motion carried.

Ordinance No. O – 08 – 24 – 15 An Ordinance to Impose Assessments Upon Owners of Real Property in Arrears for Payment of Fees for Waste Hauling and Disposal Services for 2024/2025 and Declaring an Emergency. Second reading, no further discussion. Motion by Kelly to approve the Ordinance as an emergency, second by Gorman. All yeas, motion carried. Motion by Henning to approve the Ordinance, second by Gorman. All yeas, motion carried.

NEW BUSINESS

Ordinance No. O – 09 – 24 – 16 An Ordinance to Confirm Acceptance of Specified Right of Way Dedication at Sweet Potato Ridge Road. Amanda Zimmerlin, City Manager, advised the Dedication of Right-of-Way is being proposed at 4250 Sweet Potato Ridge Road. The proposed Right-of-Way dedication is within the portion of Sweet Potato Ridge Road that is already utilized as public roadway today and would not involve any further paving or maintenance by the City. The proposed Right-of-Way dedication area is already maintained and paid for by the City. The Right-of-Way dedication officially dedicates the Right-of-Way to public use forever since this process was not done previously. Motion by Gorman to approve the Ordinance, second by Bachman. All yeas, motion carried.

Ordinance No. O – 09 – 24 – 16 An Ordinance to Confirm Acceptance of Specified Right of Way Dedication at Salem Avenue and Union Road. Motion by Gorman to approve the Ordinance, second by Kelly. Voting: Farmer-yes, Henning-no, Gorman-yes, Merkle-yes, Kelly-yes, Bachman-yes, Stevens-yes. Motion passed 6-1.

Resolution No. R – 09 – 24 – 48 A Resolution Extending Moratorium on the Issuing and Processing of Permits Allowing Retail Dispensaries, Cultivators, or Processors of Adult Use Marijuana Within the City of Clayton, Ohio. Motion by Gorman to approve the Resolution, second by Merkle. All yeas, motion carried.

Resolution No. R – 09 – 24 – 49 A Resolution Enacting an Immediate Temporary 180 Day Moratorium on the Acceptance and Processing of Applications for Zoning, Occupancy, Conditional Use, and/or Building Permit Approvals for Residential Care Facilities and Congregate Residential Facilities within the City of Clayton, Ohio. Motion by Henning to approve the Resolution, second by Merkle. All yeas, motion carried.

CITY MANAGER'S REPORT

Amanda Zimmerlin, City Manager, advised City Staff is scheduling and will soon be advertising informational meetings about Issue 6 which is the police and fire income tax levy. It is not a vote yes, vote no campaign. It is strictly information about the issue and what the tax is for. It is going to be held on Monday, September 30th and then again on Tuesday, October 15th, both at 6:30 p.m. and will be held here in Chambers. We will stream live and hopefully will be able to

have two-way interaction residents so they can ask questions. Councilman Henning had asked about zoning code and property code violations, and whether or not we could strengthen the penalties. Currently, as it stands, someone has a violation, they remedy the violation, we start over. Or, someone has a violation and they are not remedying the violation, it takes us a very long time to get it to court, and when we get it to court it doesn't really go anywhere and we're back to square one. Law Director Dillon has worked with Vandalia Municipal Court, and more specifically the penalty provision for the zoning code. As a result, we will be changing some of the language in that penalty phase. This language will be presented to the Planning Commission, and then to Council for approval. The Homecoming Parade for Northmont is October 3rd, I need to know by September 23rd if you wish to participate. On the Active Transportation Plan, the website link to the interactive map for residents to go out and show where they think that there are points of interest or they think there can be better transportation for biking and walking is available. It's been pushed out on the City's website and social media and will be in our newsletter going out in a few weeks. Our reason for pursuing this was so that we can pursue grants mainly for safe routes to schools.

COUNCIL MEMBER COMMENTS

Bachman stated earlier comments about our intentions of things that were done, especially this year after the levy failed, was not to punish residents. Our decisions were based on the information that was given to us on our current fiscal situation and where it's going to potentially be in the next couple of years. A lot of those cuts were hard to make, it was what we had to do for this year. We'll see how things go in November, and then we'll have to look at things from a longer standpoint.

Kelly stated I want to talk a little bit about code enforcement and the strictness needed for residents. Most Clayton residents take care of their properties, the problem is with repeat offenders. Not to mention people that offend other residents including the signage on Talmadge Road. First of all, it was a Church, some people don't know it's now a residence. Kids go down the road, it's just poor judgement for that property owner. Safety is a concern I've been told by a number of residents their concerns with the shed and the curtains on the shed. One thing on Meadowbrook, we opened up catering. We had a caterer, it failed as they didn't do anything. We terminated their contract and opened it up for open catering. Since then, there has been an increase in parties, graduations, etc. We also need to get the message out that Meadowbrook is an event center, its not just golf. We need to expand our marketing so residents know what we actually do there.

Merkle stated we may not have agreed on issues in the past, but those issues in the past are done. We now have to address the issues that are currently before us and move forward. If you think I'm adversarial towards you or I'm hiding some agenda issue, or I'm going to make some position based on the fact that maybe you didn't agree with me, no. If you wish to talk to me, come up and talk to me. I'm more than willing to talk to you at any time. One thing I will say is, I don't use social media. If you wish to talk to me, give me a call.

Henning stated I want to thank the residents for being here tonight. We obviously have to carefully consider everything that you're saying and listen, I think it's very important for us to listen and consider everything you say. In regards to leaf pickup, I still think it was a mistake to

cancel it and think it will be a problem. In regards to the moratorium on halfway houses, I want to thank council for moving forward with that, the City of Dayton also has a moratorium. The Dayton Daily News article from July 7th, was very concerning and we have to ask ourselves what do we want in the city moving forward. Dayton police had over 3,000 calls in 2023 to their group homes, that is a hit to city resources. I want to thank Mr. Pulos and the Northmont School board for implementing new rules for high school football games and other sporting events. The first game got off to a rocky start, but Clayton PD and others did a great job of working the game and keeping everyone safe. We have to be strict and stay on top of this because we want the best out of our community. Amanda (Zimmerlin), Martina (Dillon) and Vandalia Court, thank you for moving forward with the zoning code changes.

Farmer welcomed the residents who came out tonight. I attended the Board of Zoning of Appeals meeting Tuesday evening, it was a good educational experience. I want to thank the members of the BZA for what they do, they had some tough decisions to make that night and they were thoughtful. They had criteria they all followed, and I was really impressed with how they conducted their business. In regards to leaf pickup, it was decided with the budget last year but we're getting ready to talk about next year's budget. We're going to have to do some prioritizing and tradeoffs with limited funds. We heard tonight that Meadowbrook was running in the black with the golf course, and just to echo Ms. Kelly's concerns, we need to do more to communicate to our residents that Meadowbrook is more than a golf course. It is an asset to the community and I do hope that in next year's budget we find those community events can come back.

Stevens thanked everyone for coming out tonight, I do appreciate your input, good, bad or ugly, that's why we're here. We want to hear those things, and I can tell you Council does listen. Decisions don't always go the way you want them to, but as we've said, we make tough decisions and it's not as easy as it seems at times. What one person says, another says the opposite, please be aware of that. As always, I want to thank City Staff, Council and our Residents for all you do.

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

Meeting adjourned at 9:01 PM.