

Minutes of November 21, 2024 Council

Meeting of the Clayton, Ohio City Council
Clayton Government Center
November 21, 2024

CALL TO ORDER

The meeting was called to order by Mayor Stevens at 7:27 PM. Present were Mayor Stevens and Councilmembers Farmer, Henning, Gorman, Merkle, Kelly, and Bachman.

CLERK'S REPORT

Clerk Seim presented the minutes of the November 7, 2024 Council work session. Motion by Gorman, second by Kelly to approve the minutes as presented. All yeas, motion carried. Seim then presented the minutes of the November 7, 2024 Council meeting. Motion by Gorman, second by Bachman to approve the minutes as presented. All yeas, motion carried.

PUBLIC HEARING

Revisions to the City of Clayton's Planning and Zoning Code, Specifically section "1141.11 Violations; remedies"

Ellen Snyder, GIS and Zoning Manager, advised the current text of Clayton's Codified Ordinance (CCO) 1141.11 (C) reads: It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain and/or use, any building or land in violation of any regulation in or any provisions of this Code or any amendment or supplement thereto adopted by City Council under Section 713.12 of the Ohio Revised Code. Any person, firm or corporation, violating any regulation in, or any provision of this Code, or any amendment or supplement thereto, shall be deemed guilty of a misdemeanor of the third degree. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, and/or maintenance if use continues, may be deemed a separate offense. Our recommendation is to change "May" to "Shall". The reasons being, the City has received complaints of continued violations of our zoning code, this would then strengthen the penalties to achieve compliance with our zoning code that would encourage prompt correction of violations. The language change in 1141.11 (C) from "may" to "shall" allows each day a violation continues after the day the violation is cited to be counted as a separate, third-degree misdemeanor offense rather than a single, third-degree misdemeanor offense, and this would enhance the public health, safety, and welfare. This would be a third degree penalty with the maximum penalties being up to 60 days jail and/or up to \$500.00 fine. Staff recommended this revision to the Planning Commission at the October 28, 2024 Planning Commission Meeting, the Planning Commission then recommend the revision to Council. If Council agrees, it will have two readings of an Ordinance to make the recommended revision to CCO 1141.11 (C).

Stevens stated I agree with these changes, but if we have someone that is in violation but are actively working on it, is that something we take into consideration. Amanda Zimmerlin, City Manager, advised if there is a violation and the person is in contact with the City we work with them.

Henning stressed his concerns with the current code in that someone will state they are working on it, but then do nothing and we have no recourse. Zimmerlin stated in conversations with the prosecutor, they stated this change would help with enforcement.

Mayor Stevens asked for a motion to open the floor for public comments for this hearing. Motion was made by Gorman to open the floor for public comments, motion was second by Henning. All yeas, motion carried.

Mayor Stevens asked there were any opponents or proponents who wished to speak. Hearing none, 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 Kelly. All yeas, motion carried. A motion was then made by Merkle to close the public hearing, motion was second by Bachman. All yeas, motion carried.

OLD BUSINESS

None

NEW BUSINESS

Law Director Dillon advised we do have one Resolution that we request be added to tonight's agenda. Resolution R-11-24-58 which is a Resolution repealing a prior Resolution that was adopted in October and replacing it with this current Resolution in order to submit applications to the MVRPC for CMAQ funds. The change is related to the Hoke Road widening project on Wenger Road. The previous Resolution said from Wenger Road to National Road, this new Resolution is from Wenger Road to Springview Lane at Grande Villas. Zimmerlin advised when we looked at this project originally it did go from Wenger Road to National Road. After talking with the MVRPC and ODOT we are now looking at doing it in phases. When we submitted the application, we submitted the entire application from Wenger to National. We are now being told it is better for us to parse this out and a logical split is at Springview Lane at the Grande Villas. We need to modify our application, which we have done, but now we need the Resolution to match the modified application. Motion by Henning to add Resolution R-11-24-58 to tonight's agenda, motion was seconded by Merkle. All yeas, motion carried.

Ordinance No. O – 11 – 24 – 21 An Ordinance ___ (*Approving, Rejecting, Modifying*) the Recommendation of the Planning Commission to Amend Clayton Codified Ordinance Section 1141.11(C). Motion by Henning to approve the recommendation of the Planning Commission, second by Merkle. All yeas, motion carried.

Ordinance No. O – 11 – 24 – 22 An Ordinance to Confirm Acceptance of Specified Right of Way Dedication at Wenger Village Section Three/Recorded Plat 240-21/Instrument Number 2023-00001100 with Montgomery County Recorder's Office. Motion by Henning to approve the Ordinance, second by Farmer. All yeas, motion carried.

Ordinance No. O – 11 – 24 – 23 An Ordinance Approving and Adopting a Thoroughfare Plan for the City of Clayton, Ohio. Motion by Gorman to approve the Ordinance, second by Kelly. All yeas, motion carried.

Resolution No. R – 11 – 24 – 56 A Resolution Approving Revisions to the Bylaws of the First Suburbs Consortium of Dayton Ohio Council of Governments. Motion by Gorman to approve the Resolution, second by Merkle. All yeas, motion carried.

Resolution No. R – 11 – 24 – 57 A Resolution Authorizing the Finance Director to Request the County Auditor to make Advance Payments into the Clayton Account. Kevin Schweitzer, Finance Director, advised in order to receive the tax revenues as they are collected, the County Auditor requires a written request for advances. This request must be passed by the council through a resolution. This enables the City to collect monies earlier than property tax settlement dates and utilize the monies for operational purposes. Motion by Kelly to approve the Resolution, second by Henning. All yeas, motion carried.

Resolution No. R – 11 – 24 – 58 A Resolution Repealing Resolution No. R-10-24-53 Adopted October 3, 2024 and Replacing Same with the Present Resolution No. R-11-24-58 Authorizing the Submittal of Applications to the Miami Valley Regional Planning Commission for Congestion Mitigation / Air Quality (CMAQ) Funds for Phase 2A of the Hoke Road Widening Project from Wenger Road to Springview Lane at Grand Villas. Motion by Henning to approve the Resolution, second by Merkle. All yeas, motion carried.

CITY MANAGER'S REPORT

Amanda Zimmerlin, City Manager, advised we have an opportunity to change our credit card vendor and realize a large savings. This year we spent about \$37,000 in credit card fees with our current vendor, the new vendor would charge us a flat rate each month with a total of \$284 next year. The Government Center offices will be closed next Thursday and Friday for the Thanksgiving holiday. You will recall when the levy did not pass last spring we moved to hard billing in September for medic calls. After talking with Chief Garver, we recommend that we no longer continue hard billing after December 31st. However, any billing through this year is still valid. I have for you a draft Ordinance concerning tree stumps after a request was brought forth. After discussion, Council decided to table this issue at this time but will bring it forth if it becomes a concern. The Miami Valley Communication Council's electrical aggregation program has been in effect since September of 2023. At the November 13th MVCC meeting they discussed the program and advised the program saved our residents an estimated \$1 million dollars on their electrical bills from September 2023 to September 2024. The program as a whole saved residents and small businesses in the member communities \$21 million dollars. Zimmerlin advised there is an opportunity for gas aggregation in the City, and after discussion Council agreed to put that on the May ballot for residents to vote on. We have an open seat on our Board of Zoning Appeals board. We currently have two applicants and we will accept additional applications until November 30th. We will bring the applications to the December 5th Council meeting for your consideration. Our first Active Transportation Plan open house was held November 14th, and we had 12 residents attend. Our second open house will be held December 3rd at Meadowbrook at Clayton. For the Planning Commission, I had informed Council that we would have the Warner Village application before you on December 19th meeting. The Planning Commission's meeting has been moved to December 16th, so that will not be before Council until our January 16th meeting.

VISITOR'S COMMENTS

Earl Harlamert of the City's Parks Commission advised they are meeting to plan their goals for 2025. If the city's budget passes, they are looking to bring back the programs that were cancelled this year.

COUNCIL MEMBER COMMENTS

Farmer stated I'm glad the Planning Commission meeting was moved to December 16th, no one wants to start your Thanksgiving week at a Planning Commission meeting, it's still going on and what they're talking about is important, and I do appreciate the efforts that they put in on that. On the Active Transportation Plan meeting at Meadowbrook on December 3rd it's an interesting exercise and I encourage residents to participate on what's going on in the City. I want to wish everyone a Happy Thanksgiving. Henning stated we had a water main break on Skylark, the County did patch it and asked Randy Sanders if it was finalized. Sanders advised the repair patch will be completed this year. I did discuss at the last meeting the Windfall provision that I do hope is repealed at some point during the next congress or administration, over 1.7 million Ohioans are affected by this. I want to thank the City Manager for the aggregation savings, and I'm excited that we're able to get the gas aggregation also done. I want to wish everyone a Happy Thanksgiving. In regards to Northmont FISH, they need extra assistance. If anyone is able to contribute, please reach out to Northmont FISH, they have an increase of over 200 families who have asked for assistance. Gorman wished everyone a Happy Thanksgiving. Merkle stated I want to congratulate the new employees in the Fire Collaborative, they had their swearing in ceremony the other night. There were representatives from each of the communities involved, and we are being well served. Thank you for the efforts they put forward in terms of making that all work. Happy Thanksgiving everyone. Kelly stated I just want to thank Kevin and everyone for the 2025 budget, every department head, Amanda, everyone did a great job. Kevin, you do a phenomenal job every year, it's proven by the awards you get, and Happy Thanksgiving to everyone. Bachman thanked Mr. Schweitzer and the staff for the 2025 budget, with the levy it made a condensed time period for working on the budget. Looking to the future, it is much more stable. It was a nice ceremony for the Fire Collaborative, seeing how the three departments function well together and speaking with people from the other communities and their concerns on our levy, it shows how valued our fire department is not just to the City but to the Northmont Community as a whole. And, Happy Thanksgiving. Stevens also thanked Kevin and staff on the 2025 budget, all the department heads and everyone who contributed, I appreciate all their work. On the levy, I appreciate everyone's support, we had a lot of work done by our employees, and we appreciate everyone one of them. I like the new pump cover at Meadowbrook, which students from MVCTC built. On leaf pickup, I was neutral but we agreed on one pass through the City, it was no win situation. And as always, thank you to the city's staff, Council and residents for everything you do.

EXECUTIVE SESSION

Law Director Dillon advised an Executive Session is needed this evening for matters pertaining to litigation and matters pertaining to negotiations with bargaining unit members related to terms and conditions of employment and also compensation. Motion by Bachman to go into Executive Session, motion was seconded by Merkle. Council broke at 8:21 PM. Council returned at 8:33 PM and Gorman moved to go back into regular session, motion was seconded by Bachman.

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

Meeting adjourned at 8:34 PM.