

## **Minutes of February 20, 2025 Council**

Meeting of the Clayton, Ohio City Council  
Clayton Government Center  
February 20, 2025

### **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 February 6, 2025 Council meeting. Motion by Gorman, second by Henning to approve the minutes as presented. All yeas, motion carried.

### **VISITOR'S COMMENTS**

Earl Harlamert, Clayton Parks Commission, spoke on the Line Dance Party at Meadowbrook at Clayton Friday evening, February 21<sup>st</sup> and announced the Parks cleanup day will be March 15<sup>th</sup>.

Dana York stated he is not against development but does not care for the density of this project and was upset about the lack of notification process at the last meeting.

Derek Muncy, who sits on the Clayton Planning Commission, spoke in support of the project.

Lauren Kincer stated people will always remember how you treated them, how you made them feel, were you honest, upfront and caring.

Dan Foley, who sits on the Clayton Planning Commission, spoke in support of the project.

Mike Stollings spoke against the project, does not want to be Huber Heights. They have created a four member petitioners committee which has already been assembled, and they will file a petition to repeal the Ordinance should it pass.

Tammy Blevins spoke against the project.

Kendra Orrill did not agree with Council's motion to reconsider vote at the last meeting.

Bruce Routson spoke on issues with traffic on Sweet Potato Ridge Road, he also asked who vetted D.R. Horton as they put \$400 million a year up for litigation for defects and illegal practices, I have the documentation you've been sued multiple times.

Dennis Lieberman spoke on the recent income tax levy and how it's a band-aid, it's not going to last forever, if we don't grow and if we don't have more people in the City to spread the income tax burden. He also spoke on the motion to reconsider and commended Mr. Farmer for bringing forth legislation even though he did not agree with his reasoning.

Aaron Horn of D.R. Horton asked to address one of the citizens' comments. We have a development here in Clayton and anyone is welcome to come see our model. We're a \$40 billion company so inevitably it creates a target on our back for different lawsuits, to my knowledge there are no lawsuits that we and our Cincinnati division have. A lot of the national lawsuits that our company gets are actually failures of subcontractors. I was just at Wenger Village here in Clayton which has about 50 Google reviews and it has a five star rating, so the residents that are there speak very highly of the development.

Mark Schnicke stated I am the developer for his project and explained how we worked with the City to make sure we followed the city's zoning requirements for this project.

Anna Ernst spoke against the project saying no one is speaking against growth for Clayton every city has to grow, the issue is this particular location and the massive number of units being proposed.

DeDe Goodwin spoke against the project with concerns for the water and bedrock issues.

Buss Goodwin stated I'm not going to get into rock or sump pumps I'm going to get into leverage you're the city you have the leverage, tell them what you want them to build.

Gloria Von Fahnestock spoke on her concerns with developments on the north end of Clayton and residents not understanding how TIFFs work with developments.

Tim Philpot questioned the city's current tax rate and his concern with how the city is being run.

Misty McDowell stated I've listened to everyone speak their voice and I trust you to do the right thing for my community

#### **OLD BUSINESS**

Ordinance No. O – 02 – 25 – 02 An Ordinance Adopting the Planning Commission's Recommendation to Approve, with Specified Conditions, the Application of SDG Warner Village LLC for a Change in Zoning from Residential Single Unit District (RSD) to Planned Development District (PDD) and to Further Approve the Preliminary Development Plan for 183.1044 Acres of Property Located near the Intersection of Sweet Potato Ridge Road and Main Street Bearing Parcel I.D. No. M60 03010 0001 Within the City of Clayton, Ohio.

Mr. Henning asked to be recognized by the Chair to provide remarks. Mayor Stevens stated, proceed. Mr. Henning, my statements this evening, first off for the record I just would note that the crowd was not booing me, they were booing Dennis. Second, I'm going to say I'm going to be speaking very calm tonight because last time Dennis put in an email that I was erupting and speaking hatefully, etc. Dennis, to say that I hate anything is also a lie if you needed a blood transfusion and I had the same type of blood as you, I would give you some of my blood, I don't hate people. And finally, I'd say Dennis this is government.

Mr. Gorman stated, Kenny, we're talking about the Ordinance not about Dennis.

Mr. Henning, no this is getting to it, thank you.

Mr. Gorman stated, let's get to the Ordinance.

Mr. Henning, I've asked to speak, thank you. This is government we don't have to agree. So, I know many of you are confused about how we got to this point, especially after feeling confident the development was voted down last time we met. Unfortunately, as I've said before, sometimes government operates in ways that are not transparent. When individuals speak out against the lack of transparency, they become targets of personal attacks. I will share more on that shortly. However, I firmly stand by my previous statements, statements that residents have overwhelmingly supported, that the City Manager and some Council Members do not prioritize the desires of our community. Furthermore, the Council Members who voted for this development, without public notice or input, should be held accountable by the voters. Timeline of events, January 16<sup>th</sup>, Council voted against the housing development in a 4 to 3 decision.

During that meeting, the City Manager made an inappropriate comment suggesting that the developer could sue the city. That is not something the City Manager in my opinion had ever should mention or had ever mentioned previously with Redwood, etc. The statement was reckless and unnecessary, potentially jeopardizing the well-being of Clayton. Before February 4<sup>th</sup> the Mayor and I learned this last night, Law Director Martina Dillon had asked the developer or their attorney not to speak to Council Members and asked for prohibition until she briefed Council February 4<sup>th</sup>. Council was briefed; we received an email from the Law Director and we were instructed not to share the contents of that email. However, I'll just say imagine an email outlining steps for reconsideration, that's what was in the email including a pre-written script of maybe how reconsideration could happen with how the Council Members could do it if they wanted. February 6<sup>th</sup> Councilwoman Tina Kelly motioned for reconsideration of the development, and just as you might expect she followed the prepared script that I said could have been prepared for Council to read. The development was reconsidered and passed by a 4 to 3 vote with Tina Kelly flipping her vote. No discussions occurred about potential concessions or improvements to the plan. No discussions of concessions and I'll get to that in a minute. There was no evidence that Tina Kelly had negotiated with a developer or that any modifications had been made to the development that had already been voted down. Everything that was voted on February 6<sup>th</sup> remained the same as the January meeting, no concessions, no public notice was given to residents, nothing was listed on the agenda. This was not a transparent process. Instead, it was orchestrated behind closed doors. It's worth noting that the developer never requested a reconsideration to council. There are no emails, public records or meeting discussions showing that Council Members collectively considered or requested a reconsideration hearing. Why was potential reconsideration not listed on the agenda by the City Manager. In my opinion leadership did not want the residents to know about this. Let me remind everyone Council employs the City Manager. The City Manager is not in charge, we are but we report to you, you are our bosses so we have to listen to the residents in my opinion. Coordinated political attacks regarding the development. At 5:39 p.m. on February 12<sup>th</sup> former Councilmember and local defense attorney Dennis Lieberman who represents some of the County's most violent offenders sent out an email titled, Call to Action, to approximately 40 people. This email was written with the tone of a courtroom closing argument trying to get the public, the jury, to believe him, filled with misleading statements and personal attacks against me. He also did not expect many on that email thread to forward the email to me even though we know so many of the same people. You should have just cc'd me on it, Dennis. The email included personal email addresses for Council Members, city staff, city commission members as an obvious attempt to avoid a public records request because usually when we get a public records request it's for city emails not personal. Let's not forget Dennis Liberman's public service history, he was fired from the Montgomery County Board of Elections by Jon Husted, he was involved in a document leak scandal at the Montgomery County Board of Elections in 2024, Montgomery County Board of Election Member Barbara Gorman said he.

Mayor Stevens stated that's inappropriate, that's unnecessary.

Mr. Henning so okay, so I'm going back to this, he falsely claimed that non-residents spoke for hours at our meetings opposing the development, that's not true. He falsely stated that Clayton was at risk of a state takeover if our levy had failed. Martina is that true, have we ever discussed a state takeover.

Kevin Schweitzer, Finance Director, advised the state financial health indicators that the state's auditors office puts out every year, our last three years we've spent more in expenses than we had revenues come in so we received a red warning which is a critical. If we keep that up then we would go into fiscal watch, fiscal emergency the state would take us over. I talked about that in my budget workshop.

Mr. Henning, so that was not what he said though, his side of the story he falsely asserted that Tina Kelly had negotiated concessions with the developer I asked today what the concessions were that only Tina knows about. It was in the email that I sent to everybody, only Dennis and Tina know about the concessions that she negotiated with the developer. I have asked Tina and Martina. Martina have we discussed any concession with the developer.

Ms. Dillon asked, during a council meeting.

Mr. Henning, yes.

Ms. Dillon, not that I recall.

Mr. Henning, thank you. So only Martina, or only Tina and Dennis per his email know of these concessions. I would love to know about what these concessions are because maybe I would have considered voting for it too. Dennis' email was not about facts, it was carefully crafted to design influence and lead, he accused me of erupting about transparency, he mocked my belief that residents should have been notified, he claimed I was acting this way because I had something to gain which the only thing I have to gain from these meetings is heart problems like you have. I have everything I need a beautiful Wife, family, etc. You've jeopardized my family's safety by the emails that you sent out so that's all I have tonight. Thank you.

Mayor Stevens asked are there any other shorter discussions.

Mr. Bachman advised mine's maybe a little less intense so this is kind of repetitive from the last couple of meetings, but I know there's probably some new people in here so I'll start off with Randy since you haven't been at the last couple of meetings could take the stand. I'm sure you've gone over the review of this as far water and things like that, what is your opinion on the impact to the surrounding area.

Randy Sanders, Public Service Director, I looked at the plan when it came to me from Ellen. The only thing that I was slightly concerned with obviously is the traffic at Main Street and Sweet Potato. I actually spoke to him I believe it was the developer; he probably has my statements on that as well. On the drainage I have worked with residents of Englewood over on Rankin and one of them for drainage issues that had occurred. The drainage issues if you go check with Soil and Water were made because of the plowing of the field over and over, basically a big mud wall and it was sending it right through these poor people's backyard. It looked like a river back there and it was on a major rainfall. Pretty much every time they got a lot of water it would be a river going through there. Mr. Speltz and family members took the initiative to get with attorneys and a lot of other people to purchase a strip of land to get that water back where it was supposed to go. Soil and Water told me at that time that was where the water was supposed to go originally but because of obviously a lot of plowing and stuff in the farm field it had gone a different direction, basically through their backyard.

Mr. Bachman asked so what is the impact of this development on the land.

Mr. Sanders, well again I'm not going to pretend I'm a drainage engineer because I am not, okay. Approximately 25 acres of that back corner drain to that corner right there and it originally was designed to go straight down to the bottom between the old farmhouse and straight out towards 48 that's where the water was supposed to go. Actually, working with Mr. Lock at the time they were able to get that water to go where it needed to go. Without seeing the actual drainage stuff and talking to the engineers, that's really not in my swing house.

Mr. Bachman, okay, I just want to get your feel on it. Kevin, the question about the TIFFF came up tonight, can we get an explanation.

Schweitzer advised a TIFFF is basically you outline the area that you're going to have the improvements. So, it's basically the property taxes have to be spent within that area. We have TIFFFs in the city now so when we collect those TIFFF monies, the one development we had that we had a developer's agreement with, we started paying them back for putting the roads and the curbs, water lines, sewer lines, etc. Right now we have North Clayton and it's just building up because there's no developer out there, but the monies have to stay within that District and be used for that development of that district. It's not an additional tax, we get all of the county, the school, library, all that we get all their taxes but usually with the TIFFFs we have the school it gets made whole. We pay the school what they should be getting so they're made whole, but then we have the rest that has to be used within those districts or in that area to pay back for any infrastructure improvements.

Mr. Bachman asked so, it's just property tax from property tax from that area.

Mr. Schweitzer replied, yes, it's just the same rates you're paying but they're directed to only be used in that area.

Mr. Bachman asked so it wouldn't be the overall property tax of the city, it would just be from that area.

Mr. Schweitzer, correct, within that development.

Mr. Farmer asked, but Mr. Schweitzer, the people who live in that TIFFF are the ones who pay into the TIFFF fund correct.

Mr. Schweitzer replied, yes all their property taxes will be going into the TIFFF fund that live in that TIFFF District, yes.

Mr. Farmer stated, as you aptly point out with the Village of North Clayton, you can only improve infrastructure so many times that eventually that becomes an accumulating fund. If I remember right there's probably what, about \$900k sitting in the right now.

Mr. Schweitzer replied, \$856,000 right now.

Mr. Farmer asked, the length of the TIFFF can be a big problem I know we have like a 30-year TIFFF.

Mr. Schweitzer stated it's a 30 year.

Mr. Farmer replied, and like I said it's been sitting there, my calculation tells me there could be well over a million dollars sitting in that after 30 years because like I said you can only pave roads so many times, change light bulbs so many times.

*(Inaudible question from the audience)* Mr. Schweitzer replied, real estate is regular tax it's the improvements, that's a tax improvement financing increment financing. *(Inaudible question from the audience)*. Schweitzer replied, North Clayton is a 30-year development and then some of the newer ones we did a 10 year.

Mr. Bachman, so both Chiefs, both of you. Same question, have you reviewed this and what is your opinion of the impact of this development, the negative or anything the fire department, police department, can you handle the increase.

Fire Chief Garver, I'll speak for the fire department obviously and I spoke at the last council meeting the same way. We are in a better position to handle the volume there now than we were five years ago and that is because we are a collaborative, just not one city now. When we look at it now that we used to only have two stations, now we have four that run this whole entire area. Actually, the two fire departments or two stations that were primary runs to that area, are the two slowest firehouses. On top of that we don't expect large call volumes out of there as well. I said this the last time, it's hard to say how much call volume will come out of a certain neighborhood, there's a lot of mitigating factors that go into it; their age, is it rental, how many people, the whole nine yards. If we just go by population which isn't the most accurate, it's going to give you an over inflated number, so this is the worst case scenario, if you just go by population, what's expected to go in there we will increase our runs by about 35 a year. Based on that, that's just based on developments we have based on our population divide, our calls by the number of population, how much population is going to be in there, that's what the call volume should be so that's how we look at it.

Ms. Kelly asked, Brian haven't you had your response times cut in half due our Collaborative.

Chief Garver, our response time now right now through the collaborative is right around four minutes. So, when you look at the two stations that would respond its Station 98, which is the second due house to that which is in Englewood and then also Union which is on Martindale. Now, when I talk about the Collaborative as we hear, well that's Englewood, that's Union. We respond to about 500 times into Englewood a year and actually if you look at the balance of the calls and you know obviously when Randolph Township was developed they set the stations in the right place, it's actually almost even what we give Englewood we get back from Englewood. It is a collaborative, a give and take, and it does work very well. We talk about saving money and the budgets and all that, we're up over \$3 million in savings over the last five years just for the fire department. I will add, if anyone has questions, please call us and ask, we would love to have conversations with people so you can get the facts and we can answer your questions. We're not trying to hide anything from the police for fire side, we're an open book. We'll be happy to answer questions and give you the facts. But to date, yes, we have had some records requests for call volume, that was just recently, two in the last week. Other than that, we don't get any calls about response time services or anything like that. We've actually had questions about or people saying can we actually serve the population out there. That question has never been asked to me.

Police Chief Hamlin stated, I'd like to say I'll stand by what I said last time, calls are minimal at Hunter Path. I share with Council every month stats, we do anywhere from 250, 275, 300 traffic stops a month we're right around 2,500 to 2,700 tickets a year, we're everywhere. Our priority calls are minimal. As I said, and I share my stats with you, our main priority calls are down, our response times are anywhere from 3 minutes to 5 minutes depending on where the call is, and

let's remind everybody we're 18 square miles so the officers get there fairly quickly on priority calls. That's what you want, we are a safe City, in fact I even have Brookville's police chief that has moved into the City. I'm going to stand by what I said last time, we're out there, calls are minimal and again like Brian, said we're transparent if you have a question, you have a complaint come see me.

Bachman, I have one more question for staff and then something I'll address to council, so Ms. Zimmerlin, I know the discussion of the schools has come up multiple times. I guess the question wouldn't be for the schools to say they support this or not, but obviously they have to say okay, can the schools handle this, what has been the response from Northmont Schools on this.

Ms. Zimmerlin advised they have told us that they can absorb the students, the superintendent has told me that they can absorb the students.

Bachman, I think it was said earlier here the school is supporting it which like I said there's a difference between supporting it and saying we can so what you're saying is, they're saying that they can handle the increase of population.

Zimmerlin stated, yes, they said they have the capacity to absorb the students.

Bachman, the last thing I have here and feel free to any more discussion from Council, I will propose on this and kind of going back to the last meeting everything I believe we did in the proper and legal manner. There were only a few residents here to speak, obviously correct, you're all here now. This meeting was announced, everyone's here now, so for that I'll recommend if we want to discuss anything else tabling this vote which would be still technically the second vote to the next meeting with the condition running it like this meeting where visitors comments are allowed for this topic before we discuss it again and potentially vote. I think it just gives another time for people to do this again, to do some fact finding. I'm not making the official motion to do that now if anyone wants to have further discussions on this, but I think that would be a proper thing to do in this situation. If I go back to the last meeting, and correct me if to my understanding how that would have worked, so the reconsideration passed and it technically went back to the motion to approve the Ordinance which I made, at that point I believe I could have said I withdraw my original motion and table this for the next meeting would that have been able to be been done. So essentially to allow this would have been that, would have moved that to this one as the first reading, so if you get what I'm saying basically we're just pushing this back to another time here, we wouldn't be voting today, but it would give more time if anyone wants to come out and speak, get more information, I think that would be an appropriate thing to do. So tonight, would be technically the second vote on this, last meeting was technically the first vote obviously, it was a reconsideration and it passed. We would table this vote to the next meeting. So, we would not vote on this Ordinance tonight, we would table it for the next meeting, it would allow this to happen again, people to come in, give feedback, ask any questions, transparency has been a big word here. This is just allowing things to be more transparent.

*(Inaudible question from the Bench)*

Ms. Zimmerlin replied, so no, the letters would not go out again, we do not send out the 300 foot letters for a second reading.

Mr. Bachman, that's really all I have on that. I'm happy to make that motion but I open it up to anyone. I guess to go back from the first vote, I know I made the motion to approve if there's ever a time and I'm just speaking this personally, if there's a time that people are like someone makes a motion like hold on I've got something to say or something to ask on that, do it. I wasn't doing like a quick move for approval here just to ram rod it in. If it seemed that way to anyone, I apologize that wasn't my intention. I obviously was moving to approve it and was voting that way, but if there's ever a time I think that would be appropriate for any of us if a motion was made, but to be like, okay, hey I've got some questions, or I've got something to input here, I think it's fair to do that. That's all I have; sorry it was long.

Mayor Stevens, any other discussion,

Mr. Henning asked, do you mind letting the developer finish whatever statement he was going to finish when he was up speaking.

Mr. Schnicke, just a couple of clarifications. I think one of the things that I think is different from the previous one that got referendum, I believe we were aware of that, that one was zoned agriculture and were trying to change a zone to density. We had our zoning in place, our overlay, and our future planned use was all medium density and that's kind of what we're asking for and that's what we designed, and that's kind of what we did. Also, clarification, my Dad was not a developer, she probably just thought I was the Dad I am now but that's really kind of the gist of it. I mean the bottom line is we think it's a great development, we think it's the right place at the right time, and we're following what we thought Clayton asked us to follow and it's kind of that simple really.

Mr. Henning asked would you know of any concessions that were discussed with the Council Members.

Mr. Schnicke replied, there were none, we would never do that.

Mr. Henning asked, there were never any much needed concessions to discuss ever.

Mr. Schnicke, replied, no, because well the only concessions that were made was when the Planning Commission said we want to make these 60 foot lots it just was referenced like I said we made that concession and that's the only concession we ever made and I pride myself in doing this honestly and appropriately and being very professional with what we do that's why we have all these open houses that's why we have all this input that's why we meet with everybody we don't play games we don't try to do something that can't really be done and I think that's a little bit of the frustration right now quite honestly.

Mr. Merkle asked, the comment was made about who would be the builders, besides Fisher who else is going.

Mr. Schnicke advised, the majority of the homes are going to be Fisher homes. D.R. is going to be a small portion of the overall development and I think what I love about this project, and we're doing it down in Cincinnati in the area of Batavia, we are providing multiple different housing types. I'm confident that every product type that we have fits a need in your City. My specific one that I love the most is the paired patio one. I'm older, I need to be on one floor and there's not a lot of housing like that, I'm going to be willing to guess that Clayton doesn't have a ton of single floor living housing because most everywhere else in the greater Cincinnati and Dayton area does not. We also are creating attainable housing for the young kids. This housing crisis is not just a media thing, this is real. When I think of my children who are 33, 31 and 28

trying to find something that they can buy, unfortunately they don't live anywhere near us. It's a whole other story. For them to find something affordable to buy is nearly impossible. The average first time buyer now, I heard this statistic today, the average first-time home buyer is now 38 years old, I was 20 when I bought my first house. My kids, two of the three have bought a house, but it was a monumental struggle and they paid way more money than they really should have ever had to pay. If we have enough housing the housing can become more affordable, it's that simple, pure economics.

Mr. Merkle asked when I asked the City Manager about this before the meetings a while back you are doing another project somewhere close by, I think it was in Butler Township.

Mr. Schnicke replied yes. it's basically an extension of a very old development it was started in 2006. They did phase one and two and then it just sat. Now we are just starting phase 4 and we just visited the site today. We're very excited about it, it's going to do very well, but there's also a desperate need for housing as well.

Mr. Merkle asked, I'm just saying you're familiar then basically with this area in terms of what the needs are, not just doing all your work down in the Cincinnati area.

Mr. Schnicke replied, we rely heavily on our builders for that, I mean these guys are in this market every day. D.R. and Fisher, they drive us, telling us what they need and then we go back and study what they're studying to create the right product at the right place. In my mind I look at this project as a project that is going to help keep the rural part of Clayton rural. Where this is in my mind, this isn't really the rural part of Clayton and obviously what your zoning guys put there many years ago said the same thing, and that's kind of what we're following.

Mr. Merkle, I was going to say as far as doing development, since this is your forte basically, you build something or project building something move it into the future is 20 years down the line per se projecting what might be needed because developments just don't happen overnight so you basically have to plan.

Mr. Schnicke replied, no. Yeah, I think what you're saying is, do we make a very long-term plan, is that what you're asking me.

Mr. Merkle stated, I mean developers, builders, the city all have to make long-term plans to get things in place so when these things come available, they start moving, they're just not sitting on a shelf waiting.

Mr. Schnicke replied, right I mean if you're not prepared for it, it's not going to happen. Just like I know some people talk about here, about how they don't want development, well chances are that if there's no sewer there then you're safe, you're not going to have high density development. I mean and I do feel that if a city's not growing it's shrinking. I think again, I think this is the right project at the right at the right location. I would really like to not table this.

Mr. Merkle stated, and the one thing that came up earlier in terms of this whole thing as a developer you have this set obligation to put all the infrastructure into before this can even happen, you have to put the storm water drainage, you're doing the traffic study, you're looking at traffic flow, all these things are going to be totally part of this project if it goes forward.

Mr. Schnicke replied, absolutely and we actually do those proactively. A lot of guys will not do that. I would say majority of developers would not have done a traffic study already, we've already done a preliminary traffic study. We don't want to have surprises, it's too big of a

project, it's too big of a commitment to not to have any surprises. We get all of our ducks in a row and I think I was going to get to that before I ran out of time last time. We do have a traffic study that we know we're going to have to act on to make this traffic through Sweet Potato Ridge work properly. Your planning people, your county, everyone's going to also work together to do that. Even if we weren't the best actors, it would still probably get done, not as well as we're going to get it done, but it would get done. It's too much of a financial commitment for us to go about it half-hazard, we need this to be more successful than Clayton needs it to be more successful and that's because my Wife would kill me.

Ms. Kelly asked, so can I ask about rentals how many rental units are you proposing in this particular plan.

Mr. Schnicke advised, I believe we will have it for 100.

Ms. Kelly then asked, okay so the rentals are doubles and not apartments.

Mr. Schnicke advised, no these are single family.

Ms. Kelly stated that just needed to be clarified.

Mr. Schnicke, yes, single family two-car garage, this is all owned by very large private equity firms and this is an asset class that if you look around the country this is a really big. The young generation and I use my kids all the time in this case, a lot of them don't want to own a home but they also want to have a yard, they may not want a kid but they want a dog, so they want a yard they want a place for their car. There's a serious need and I think in this particular region it's also important because I think you have a bunch of military who are a little bit more transient and maybe don't want to put down solid roots because they're going to get stationed somewhere else three years from now. (*Inaudible questions from the audience.*) I'll answer that question, these are three, four-bedroom houses, these are garden style apartments, so this is \$2,300 to \$3,000 a month in rent, two-car garage very nice you'll see this everywhere across the country and it's growing at a rapid pace.

Ms. Kelly stated, and they are single family homes, correct.

Mr. Schnicke replied, yes on their own lot.

Ms. Kelly asked how many different models are going to be built.

Mr. Schnicke, different models as far as in the overall project, we're going to have D.R. Homes have their rental homes and they're going to have three, four bedrooms, probably multiple different styles but then within those styles have multiple different elevations to give differentiation. Fisher is going to be building their designer homes which is their \$450,000 to \$600,000. Their Maple Street which is going to be in the low \$300's and then the paired patio which is the attached product fully maintained yards, fully maintained driveways, snow removal and those will be in the low threes.

Ms. Kelly asked, are the low threes to what probably.

Mr. Schnicke replied, I mean you never know where someone's going to take it but I would say probably up to \$650's and in what I'm looking at projects and I keep using the same project over and over again, we're doing one in Batavia that's been very successful for the community you could certainly reach out to the Village of Batavia they're very excited about it because it's really given so many different opportunities for different types of home buyers and users so thank you.

Mayor Stevens stated thank you, anything else from anyone.

Mr. Farmer, Mike I want to pipe in on the reference to our Wright Patt employees. I want to say if you're a resident of Clayton and work at Wright Patt I'm right there with you and I appreciate you choosing our community. But I can tell you knowing a lot of folks out there and making the 30-minute commute one way every day. I think it's a real stretch to say folks that come to Wright Patt are looking here. Now I will say this well how did I end up here well I didn't know I was going to meet the love of my life and she lives in North Clayton I lived in Riverside at the time as an avid student I put 22,000 miles in my car going back and forth between here and there but it's been worth it and we certainly came back here and the draw we came back for, it was family, we have family here. I also think the other draw is the rural feel of our city and I just want to say I think we have to be very careful as we go forward to not lose that, how we go forward in development. We need to be very smart about that so we can preserve that because that is a unique draw that we have in our area. I just want to put that to rest, if you talk to some folks at Wright Patt I think they want you come out to Clayton they're probably going to give you a second look particularly those in uniform that are here just here from two to four years so that's my take on it just wanted to share that thanks.

Stevens, alright the Ordinance has been read is there any action, are there any motions.

Bachman made a motion to table the vote to the next meeting with the condition, correct me if I can't do this here, the condition that visitors' comments on this Ordinance be allowed before the Ordinance is read, Kelly second the motion. Voting: Farmer-no, Henning-yes, Gorman-yes, Merkle-no, Kelly-yes, Bachman-yes, and Stevens-no. Motion passed 4-3 to Table the motion to the March 6<sup>th</sup> Council meeting.

#### **NEW BUSINESS**

Resolution No. R – 02 – 25 – 17 A Resolution Re-Appointing Tom Walker as a Member of the Local Board of Tax Review. Law Director Dillon advised Mr. Walker contacted the City and indicated he did not wish to be reappointed. Motion by Henning to Table this Resolution, motion was second by Farmer. All yeas, motion carried.

Resolution No. R – 02 – 25 – 18 A Resolution Re-Appointing Christine Bachman as a Member of the Local Board of Tax Review. Motion by Henning to re-appoint Ms. Bachman, motion was second by Kelly. Voting: Farmer-yes, Henning-yes, Gorman-yes, Merkle-yes, Kelly-yes, Bachman-abstain, and Stevens-yes. Motion passed 6-0 with one abstention.

Resolution No. R – 02 – 25 – 19 A Resolution Extending, up to and including March 3, 2026, the Previously Approved 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 Gorman to approve the Resolution, second by Henning. All yeas, motion carried.

Resolution No. R – 02 – 25 – 20 A Resolution Amending Council Rule IV (7) Pertaining to Motions to Reconsider. Motion by Merkle to Table the Resolution for further discussion, second by Bachman. Voting: Farmer-no, Henning-yes, Gorman-yes, Merkle-yes, Kelly-yes, Bachman-yes, and Stevens-yes. Motion passed 6-1.

## **CITY MANAGER'S REPORT**

Amanda Zimmerlin, City Manager, advised the Meadowbrook at Clayton financial report showing the year 2024 was attached to your City Manager's report. Mr. Henning had requested information on the cost of a flashing speed sign along Hoke Road to the entrance to the Kleptz facility, it would cost the City about \$5,630 to have that built and another \$2,500 for the engineering. We finally received our fire department vehicle ordered back in 2023 and we also received a police cruiser that we ordered in March of 2024, it went into service last week. We will be requesting a second police vehicle at our next meeting. Fire Chief Garver earned the Ohio Fire Chief Credentials from the Ohio Fire Chiefs Association. Chief Garver has demonstrated through his education experience Community leadership and fire service management skills that he possesses the required skills, knowledge and abilities required for the fire service leader in the State of Ohio and we're all very proud of Brian. Mr. Henning also requested the capital projects for 2025, those will be crack sealing on Seville and Savina, striping at various locations in the city, paving will take place on Clinton from Crestway to Salem Street and then on Haber from National to Sweet Potato. Paving with curb work will be on Hilltop, Summersweet, Mount Royal, Fall Gold, Sterling Oaks, Sterling Woods and Sterling Maple, basically the streets that were canceled in 2024. On the Hoke Road widening project, we are working with O.R. Colan Associates which is the company that Council agreed to contract with in June of 2024 to appraise the right-of-way that we would need to acquire for the project. We are getting those numbers and once we have those, we will bring them to Council for approval so we can begin negotiations with those property owners. Just as an FYI, tax help is scheduled here at the city building, the dates are Thursday March 6<sup>th</sup> from 9:00 a.m. to 3:00 p.m., Tuesday March 25<sup>th</sup> from 9:00 a.m. to 3:00 p.m., and then again Thursday April 10<sup>th</sup> from 9:00 a.m. to 3:00 p.m. You can call Eric Hine at 216-857-3174 or Michelle Jordan at 216-857-7382 to schedule an appointment for tax help. Residents can also submit their taxpayer assistance forms and the necessary documents in the Dropbox right outside the Government Center Building door and someone from CCA will pick them up and then return them to you. The Windsor Companies, owner of property in the Village of North Clayton, has reached out to staff to discuss development plans. Nothing has been submitted to the City yet, but we did have a meeting yesterday with them and discussed high level what they were looking at doing and their plan is to hopefully have something submitted to staff for a basic review and then submit to the Planning Commission later in the year. Hunters Path Phase 1 and II have a total of 125 lots. They anticipate having all the lots sold by summer. Arbor Homes is the Builder and they have informed us that 105 homes in the development have sold, one is a market home, one is a model home lot, five lots are on hold, and there are 13 lots currently available. Hunter Path has also proposed an expansion, DDC management has submitted for staff review their plans for an expansion of Hunter's Path. The plans submitted to staff are an extension to the West, the overall acreage for the site is 37.6 Acres with a proposed lot count of 97 lots that meet the RSD requirements. The land is zoned RSD single family currently and the developer is not requesting any zoning change. If the developer responds to staff comments and submits an application and required fees by March 3<sup>rd</sup> the item will be on the March 24<sup>th</sup> Planning Commission agenda and the earliest it will come before Council will be the April 17<sup>th</sup> meeting. Staff at the Grand Villas of Clayton, which is the apartment complex on Hoke Road, have informed Clayton staff that the occupancy rate there is 96.23% as of Friday February 7<sup>th</sup>. The MVRPC annual dinner is April 24<sup>th</sup> and it will be at the Marriott at the University of Dayton. If you are interested let me know and I can RSVP for the group. A couple of Clayton Community events, just as a reminder

Sweep Clayton Clean is a little way out but it is Saturday, May 17<sup>th</sup> at 8 a.m. to noon at 200 Woolery Lane at Fire Station 83 and the dumpsters do fill up fast so if you're going, bring your stuff early. Just as a FYI, the Patrol Officer wage reopener, the Fact Finder had to cancel our January 22<sup>nd</sup> wage reopener as he was ill. The Fact Finder met with the parties on the afternoon of February 10<sup>th</sup> before the Fact Finder he wanted to attempt to mediate the situation. The City put forth proposals that were ultimately rejected by the union. The City did present the Fact Finder the documentation and the actual fact finding hearing is on March 17<sup>th</sup>. Clayton's Board of Zoning Appeals, we do have an open seat on the Board of Appeals. We did not include it on this agenda because of the five applicants, we assumed Council would want to have a discussion before selecting an applicant. Clerk Seim did reach out to the five applicants and they all indicated if they were not selected for the BZA they would be interested in sitting on the Board of Tax Review.

### **COUNCIL MEMBER COMMENTS**

Farmer stated thank you for coming out tonight. I called it right for once, I said at the last meeting we'd have a full house. What a surprise I do thank you for coming out and expressing your concerns. You know in my professional life I've done analysis, weighing risks, prioritizing and I'll say this is one of the more challenging jobs I've had because I'm having to consider the interest of the residents and that's who I answer to and I have to balance your interest against the interest of property holders and those tradeoffs so that's what we're all doing up here. It's a tough job. Earl, March 15<sup>th</sup> I'll be out there picking up sticks with you so like I can't get that enough at my own place but you know we've got some great parks and we have to take care of them and the more we can do just on our own with our own volunteer labor that less against the bill of the city so I look forward to seeing you all at the next meeting, thank you. Henning first off, I'd like to say thank you to everyone who came even if you had a different opinion of myself, thank you for sharing it, luckily here in America we can do that and agree to disagree so thank. I want to thank everybody for being here if you want to come back to the next meeting, that would be wonderful. I would like to end with the Northmont Education Foundation's Auction is March 7<sup>th</sup> at Meadowbrook. Every year they raise funds for graduating seniors from Northmont to the tune of over \$30,000 averaging or more than that so if you're able to go to the Education Foundation Auction on March 7<sup>th</sup> at Meadowbrook here in Clayton the Foundation and more importantly students applying for scholarships who need them would appreciate the support, thank you. Gorman stated I would like to thank everyone for coming also and I'd also like to thank Bella Sorella for having their groundbreaking today and they had most of the Council up there and I wish them luck and hope they do very well there for themselves and for the City of Clayton. I'd also like to remind everyone; Earl spoke earlier today about the line dancing at Meadowbrook at Clayton tomorrow night at 7:00 pm. Merkel stated I also want to say congratulations to Bella Sorella and their groundbreaking today, we're looking forward to that coming to fruition after a long delay and hopefully it starts something else happening in North Clayton and making it a viable function area, and I'm just going to end with that tonight, we've been here long enough. Kelly stated, I'd like to congratulate Bella Sorella too for their groundbreaking, they're going to be a huge asset to our community, a great restaurant. They were a food truck business for a long time now they're going to have a brick and mortar, and they already have an expansion with a patio. I think it's just going to be a great restaurant. And since we're tabling to the next meeting, I will explain my situation and why I voted the way I voted next time, thank you. Bachman evening everyone, I won't add much, I'll echo the sentiments to

Bella Sorella coming in that's really big for a small local company. They are Clayton residents and it's nice to see a place like that with brick and mortar plans, and I got excited when they said something about a wall of beer which I mean, there's no better wall than that. That's all I have, thank you. Stevens stated, I actually have a few things I would like to address. I'm glad everyone stayed because I think it's important as there were a lot of things that were said on social media over the past couple of weeks. I follow social media, I try not to comment too much other than my own personal issues so I did quite frankly I didn't look at a lot of the negative stuff that was out there. I'm blocked from some sites and other things like that which that's fine, but I do want to say that I try to keep my worlds separate. I'm involved in a bunch of stuff and I do what I can to try to keep my Mayor stuff separate from my real estate stuff for example, I'm a realtor, I work at caterpillar. I try to keep all my different worlds separate. I have to address a couple of things that were just not true that were said about me and also about my Wife. First of all, I know most of you don't know her, she's not politically oriented, when I go home tonight, she'll say, how did it go, that's basically about her interest level. She's just not interested in that and I'm fine with that. I'm just going to read a couple of things here and I'm saying this as straight forward as I can because well, let me just read through them. She did make a comment on one post and her comment, she showed it to me and I'm kind of paraphrasing because I wrote some notes, a lot of untruths here, she wrote that statement that somehow got twisted into she reads all the Mayor's emails and I mean it's just bizarre how the social media stuff just took on a life of its own. I get it, people don't like the decision, I'm 100% comfortable with that, anybody who has paid attention knows I'm all about development and I'm pushing for that for the same reasons that we've heard from some of these folks tonight. I think our city needs it but how it got to that, I'm just here to say it up front she's never read any of my Gmail which is my personal email and she's never read any email from the city all right, I'm just saying that upfront. Now if someone says that I'm not telling the truth then I'm going to expect that to be proven, I'm not going to let these things fly by that are not true. Like I said, you have to watch social media because it becomes your news source and it's just ridiculous. One of the things said was that we make money off of real estate, that's why I like development. Well, I can't tell you how far from the truth that is in fact. My real estate business is much less than it could be because I am the Mayor. I've been a realtor for 13 years, and I've never had a single person say, hey call the Mayor, he's a realtor, no one says that. People say unfortunately, they say I'm going to call someone else because he is a realtor it's not an asset to be a Mayor and it's not in this realm and it's not an asset to be a City Council member or a City Manager okay. People don't say I'm going to call the City Manager and ask; they would rather go on social media to perpetuate something out there that their neighbor told them and think that's the truth. It's just not the way it is. I've never had any contact with any developer or any builder okay. I didn't even get his name right, come on that he's never contacted me, no developer has ever contacted me and said hey you're a realtor, you're the Mayor how can we get this thing done. They don't do that and I don't accept the calls. 95% of our real estate business, we sell about 12 homes a year, we're low production, we're not big wheels in real estate. 95% of our work over those 13 years has come from our family, our friends and our co-workers at Cox Media. Both Diane and I worked there and we have a large network of friends there. No developer has ever approached me about real estate. It was also said on there that they wanted to see emails from Diane about commercial real estate, well we don't sell commercial real estate. I've sold two or three commercial buildings in 12 years and that was for my friend who was the business owner. We are 100% residential, this took on a life of its own let's see about accepting money from

people for different things for different favors or votes or things like that. I've never accepted one penny from anyone. I've run three political campaigns, I ran for City Council, I ran for Mayor and I ran for the re-election for Mayor. 100% came out of my personal bank account, zero came from anyone else. If this developer came over here and asked, just said, hey we can slip you money I would say no because from the very beginning that was my promise to myself, I'm not going to be beholden to him or anyone else. When I ran for Mayor it cost me \$10 grand, I mean, I'm not a rich person folks, it took a lot out of our savings account but it was 100% ours, 0% from anyone else. That's actually one of the reasons I would never run for a higher office because it's difficult unless you're a millionaire. It's difficult to go out and spend \$5 or \$10 million on a campaign, I could never do that, and I will not accept money from people to run for office. I don't care if it's a political party, developer, rich friend, dead uncle, whatever I'm not accepting it. So, I'm switching gears, I'm going to go through this pretty quick but I want to say something else that again it took on a life of its own. I have full confidence in our Planning Commission, in our staff, and in our City Manager. I'm telling you when we hired Amanda, how long has it been four or five, five years, we hit a home run folks. You may not agree with the things that she does. It's just like at your work, you think well that general manager he doesn't know what he's doing, well they do know what they're doing or they wouldn't be in that position. We have excelled under Amanda's leadership and I'll go to my grave saying that. If there's something that she's done that is illegal or that's against the Ohio Revised Code or our Council Rules or Roberts Rules or sneaky or colluded all those things, then bring it, you have got to bring it up but you cannot go on social media and just say she's a bum because she's not. She has a family, she's young, she's in the middle of her career and it's unfair and improper to do that. So please, you don't like her and her decisions, that's fine, but you can't chastise someone on social media. I mean we're not in seventh grade; you've got to look back and say what are we actually saying, who's believing this stuff, who's perpetuating because people pile on. We're all giving kudos to Bella Sorella, which I'm super proud, super happy of them coming, but when it was posted on social media probably about 80% of the people are all happy and proud but 20% are pissed because we got a pizza place coming in and I'm thinking who does that. These people spend a couple of million dollars building a business that's going to be a hit on day one and we're saying, well yeah we don't want that, we already got two Dominoes. Well, this is different and it's better and how we get to this is just beyond me. Here's what I want to do, what I want to say to finish this up, there's been a lot of public records requests made by different people. Kenny and Martina and I had a meeting on a few of them last night and I want to put some kind of whatever you want to call it, deadline or whatever, I'd like to know the results of those public records requests. I'm talking overview here, but if there is collusion, if we've done something wrong, if we've done something improper, then hey it's up to us to own up to it. But if it's not, I'm asking the people that perpetuated it to please stop because it's making us all look really bad and it's improper and it's just not where we should be as a City. Just like Kenny said, we can agree to disagree folks. That would be like me going out and picking one of you folks out here and just go on social media and say hey this guy stole a bunch of money, guess what people pile on that stuff especially when you're a public figure and we don't want that. One more thing then I'm going to cut it off, so again if we find those things that were improper, illegal, those things then I think it is up to us to take responsibility and I am as the Mayor and I am going to speak for the rest of our Council and for our staff that we will get to the bottom of that if it's not. If it comes back that if all the hours of work that our Attorney puts in and that the rest of our staff put in collecting these volumes of public records, they spent a lot of time doing this I think we need

to discuss as a group what do. Do we just say, hey there was nothing wrong we couldn't find anything, we just spent all this money and upset a lot of people, upset a lot of residents, some justly, some unjustly, so what do we do now. I think if I'm going to look at Martina she said it's going to probably take her about two weeks to go through all her stuff so I'm going to give her that time. If anyone else is showing someone something you have outside advice, show it and I'm telling you to either put up or shut up. But if it's shut up and you know and don't bring some kind of evidence or reason for this then I'm going to expect a public response from the people involved. I've actually looked into some other issues further and I promise you if there's an Ethics case, I'm going to pursue it and if it's a legal case I will pursue, if it's against the Ohio Revised Code and of course I'll work with the resources that we have to make this determination. I'm not a lawyer but I'm not going to stand for people saying untruths wildly on social media.

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

Meeting adjourned at 10:00 PM.