

## **Minutes of April 17, 2025 Clayton City Council**

Meeting of the Clayton, Ohio City Council  
Clayton Government Center  
April 17, 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.

### **SPECIAL PRESENTATION**

Fire Chief Brian Garver introduced Clayton's new Battalion Chief, Eric Henry

### **PUBLIC HEARING**

Mayor Stevens announced that we are holding a Public Hearing this evening for PC25-01, a request for a Preliminary Subdivision Plan by DDC Management, LLC for the Hunter's Path Extension.

Ms. Snyder, Zoning and GIS Manager, advised application PC25-01 is a preliminary subdivision application that we received February 28, 2025. The proposed Preliminary Development Plan is for a single-family residential subdivision. The applicant is Ross Behnfeldt, on behalf of DDC Management LLC, and the property owner is Lagos Properties. The property contains 37.098 acres, and there are no structures present. A public notice was mailed to property owners within three hundred feet of the subject property on March 10<sup>th</sup> and March 31<sup>st</sup>, and a public notice was printed in the Eaton Register Herald on March 12<sup>th</sup> and April 2<sup>nd</sup>. The location of the subject property is near the intersection of Westbrook and Union Roads. Ms. Snyder shared images of the general location, surrounding zoning, the specific location, and multiple preliminary development plan overviews. The current zoning of the subject property is RSD, Residential Single Unit District. RSD Zoning District outright permits eleven certain uses and conditionally permits fourteen other certain uses. Hunter's Path extension proposes construction of ninety-seven single-family homes on 11.06 acres or 29.4% of open space, 2.61 units per acre. There will be two access points, an entrance on Westbrook Road and another off Falls Road. Water and sewer service tie-ins will be from existing facilities. New infrastructure includes streets, sidewalks, lighting, and a multi-use path along Westbrook Road. Neighborhood amenities will include open space and two basins that have passive open space around them. The Future Land Use Plan indicates the intent of this area to be single family homes. The Planning Commission unanimously passed a motion to recommend approval of the Preliminary Plan, with certain conditions, to City Council. If motioned and passed by City Council, the applicant will then be able to submit Final Development Plans. Each Final Development Plan requires public hearings with both Planning Commission and City Council. Final Development Plan and Plat submission requires certain additional information not included with the Preliminary Plan. A completed traffic study, will consider the impact of the proposed development on area roads and will make recommendations on road improvements to address such impacts. A Development Plan set will include details on utilities, grading, stormwater and drainage, building architecture and landscaping. After evaluating the applicant's request, staff recommended the Planning Commission approve the Preliminary Subdivision Plan with the following to be provided with

the Final Subdivision Plan in addition to all the requirements specified in the Planning and Zoning Code: all comments from Clayton staff, Clayton Planning Department, and Clayton Engineering Department are addressed to Clayton Planning Commission's satisfaction. After evaluating the applicant's request, and holding a public hearing, the Planning Commission unanimously passed a motion to recommend that City Council approve, with specified conditions, the Preliminary Subdivision Plan with specified conditions: adopt recommendations by Clayton staff for the Final Development Plan, all comments from Clayton Staff, Clayton Planning Department, and Clayton Engineering Department are addressed to Clayton Planning Commission's satisfaction. For the Final Development Plan, remove dead trees and replace them to the North, West, and East property lines shall be included.

John Bills, President of DDC Management, advised Hunter's Path Phase I was a success and we are here for an extension, it's a continuation of that, but these lots are a bit larger.

Mr. Gorman asked Fire Chief Garver about the cul-de-sac drive off Westbrook Road with only one access point. Chief Garver advised the street meets Ohio's fire code that we follow.

Mr. Farmer stated he looked at an old land use document and the core of that property was identified as a regional flood plain. Mr. Bills advised they had an environmental study done to confirm and to check that, and found it is not a flood plain, it is a stream. It's considered a blue line stream that is why we're trying not to cross it, to impact the stream, that is why the development is split in two to avoid those wet areas.

Mr. Farmer asked if the basins were going to be retention or detention? Mr. Bills advised the civil engineers' studies will advise where the outlets need to be, and they will be refined in the final development plan.

Mr. Farmer asked if they were planning to request a TIFF. Mr. Bills advised they would like to move forward with the same structure we had in the original Hunter's Path and continue that in this phase.

Mr. Merkle advised he watched the Planning Commission video for this case and heard the comments by residents in Hunter's Path and along Mount Royal in terms of drainage on their properties. The water from that detention pond comes onto this property so you have to be able to accommodate that extra flow of water. Mr. Bills advised that was accurate. We don't have the right, authority, or ability to fix the problem on Mount Royal, but we have taken into consideration in our design to allow for that. The water that comes out of their basin onto this property is accounted for in our storm water plan.

Mr. Merkle advised the other concern people had was with dead, falling, diseased and damaged trees, is there anything more affirmative than potentially just looking at it. Mr. Bills advised the process for this is we would remove anything dead or in danger of falling, but also we would need to remove trees to get proper drainage. Ms. Zimmerlin advised that a condition of the Planning Commission's final development plan is to remove dead trees and replace them to the north, west and east property lines shall be included. Mr. Bills stated he is committed to working with staff on this issue.

Ms. Kelly asked, due to the elevations of the homes, would they be raised to accommodate for the extra grading. Mr. Bills stated if built correctly houses are at least a couple of feet above the curb to allow for drainage.

Mr. Merkle asked will these be retention or detention basins. Mr. Bills advised when we go through the final development plan and final engineering staff will determine, but I believe they will all be retention. Mr. Merkle stated I believe the neighbors would prefer detention.

Mayor Stevens after hearing no further questions from Council, asked for a motion to open the floor for public comments. Motion by Merkle to open the floor for public comments, motion was second by Henning. Voting: Farmer-yes, Henning-yes, Gorman-yes, Merkle-yes, Kelly-yes, Bachman-yes, and Stevens-yes.

Mayor Stevens asked if anyone wished to speak on this case tonight.

Derek Muncy spoke in support of this project, but also shared his concerns with the master plan for the city. I understand resident concerns about keeping certain areas rural, but we also want to fill gaps and this is an obvious gap between multiple developments. One thing that has become increasingly frustrating as a member of the Planning Commission is if that is a position the city wants to take then we need to address the zoning code, address the land use plan, and provide the tools to the Planning Commission.

William Seiter shared his concerns with debris in the existing creek, would prefer detention ponds to retention ponds, and his street does not currently have street lights and prefers that in the new development.

Tonya Seitz stated she is not against the new development, just asked that they not use Arbor Homes as the builder.

Shawn Bryant spoke in opposition to this development. I live in the first phase of Hunter's Path and paid a premium for a lot that they were promised would not be built behind, but is now being developed. He also shared his concerns with the additional homes putting a burden on roads, utilities, and emergency response. There has been an increase in criminal activity and traffic in this area.

Jo Seiter shared images of the proposed site showing flooding issues after a recent heavy rain event, shared her concerns with traffic since phase I was developed, trees along her property line and would prefer detention ponds as they are safer for children.

Ralph Evans lives on Mount Royal and shared his concerns with this development, along with the development in Englewood causing flooding issues on his property.

Hearing no further comments, Stevens asked for a motion to close the floor for public comments. Motion by Gorman to close the floor for public comments, motion was second by Kelly. Voting: Farmer-yes, Henning-yes, Gorman-yes, Merkle-yes, Kelly-yes, Bachman-yes, and Stevens-yes. Motion passed 7-0.

Mr. Bills responded to residents' concerns about storm water and existing drainage problems, explaining how grading, storm sewers and catch basins will address those problems.

Stevens asked Council if they had any further questions, hearing none, Mayor Stevens asked for a motion to close this public hearing. Motion by Gorman to close this public hearing, motion was second by Merkle. Voting: Farmer-yes, Henning-yes, Gorman-yes, Merkle-yes, Kelly-yes, Bachman-yes, and Stevens-yes. Motion passed 7-0.

#### **CLERK'S REPORT**

Clerk Seim presented the minutes of the April 3, 2025, Council Work Session. Motion by Gorman, second by Kelly to approve the minutes as presented. Voting: Farmer-yes, Henning-

yes, Gorman-yes, Merkle-yes, Kelly-yes, Bachman-yes, and Stevens-abstain. Motion passed 6-0 with one abstention. Seim then presented the minutes of the April 3, 2025, Council meeting. Motion by Gorman, second by Kelly to approve the minutes as presented. Voting: Farmer-yes, Henning-yes, Gorman-yes, Merkle-yes, Kelly-yes, Bachman-yes, and Stevens-abstain. Motion passed 6-0 with one abstention.

## **OLD BUSINESS**

None

## **NEW BUSINESS**

Law Director Martina Dillon advised we have additional items that we need to add to tonight's agenda. The first item is a request to add Ordinance O-04-25-04 to the agenda which is an Ordinance expressing the city's intent to negotiate jointly with other cities in the region on a price schedule under which electric light services would be furnished to the residents of the city for the purposes of street lighting.

Henning made a motion to add Ordinance O-04-25-04 to tonight's agenda, Farmer seconded motion. All yeas, motion carried.

Dillon then advised the second item deals with the referendum petition which was submitted to the city on April 10<sup>th</sup>. There are two pieces of legislation which could be added to the agenda this evening if Council so votes. The first would be Ordinance number O-04-25-05 which would repeal Ordinance O-01-25-02 which adopted the Planning Commission's recommendation that was adopted on March 6<sup>th</sup> of this year. The second, if you do not add that to the agenda or if it is added but it does not pass, then the second would be Resolution R-04-25-39 which would direct the Board of Elections to place that referendum issue on the ballot.

Henning made a motion to add Resolution R-04-25-39 to tonight's agenda, Farmer seconded motion. Voting: Farmer-yes, Henning-yes, Gorman-yes, Merkle-yes, Kelly-yes, Bachman-yes, and Stevens-no. Motion passed 6-1.

Merkle made a motion to add Ordinance O-04-25-05 to tonight's agenda, Kelly seconded motion. Voting: Farmer-yes, Henning-yes, Gorman-yes, Merkle-yes, Kelly-yes, Bachman-yes, and Stevens-no. Motion passed 6-1.

Ordinance No. O – 04 – 25 – 03 An Ordinance \_\_\_\_ (*Adopting, Rejecting, Modifying*) the Planning Commission's Recommendation to Approve, with Specified Conditions, the Application of DDC Management, LLC to Approve the Preliminary Development Plan for 37.098 Acres Located at the Northwest Corner of Westbrook Road and Union Road and Bearing Parcel I.D. M60 03207 0023 within the City of Clayton, Ohio. Motion by Gorman to adopt the Ordinance, second by Kelly. Voting: Farmer-yes, Henning-no, Gorman-yes, Merkle-yes, Kelly-yes, Bachman-abstain, and Stevens-yes. Motion passed 5-1 with one abstention.

Resolution No. R – 04 – 25 – 37 A Resolution Approving the Solid Waste Management Plan of the Montgomery County Solid Waste Management District. Motion by Henning to approve the Resolution, second by Kelly. All yeas, motion carried.

Resolution No. R – 04 – 25 – 38 A Resolution Approving a Wage Agreement for the Years 2025 and 2026 with the Ohio Patrolmen's Benevolent Association for Sergeants within the

Clayton Police Department. Motion by Henning to approve the Resolution, second by Kelly. All yeas, motion carried.

Ordinance No. O – 04 – 25 – 04 An Ordinance Expressing the City’s Intent to Negotiate Jointly with Other Cities in the Region on a One Price Schedule Under Which Electric Light Services Shall be Furnished to the Residents of the City for the Purpose of Street Lighting. Motion by Gorman to approve the Ordinance, second by Kelly. All yeas, motion carried.

Ordinance No. O – 04 – 25 – 05 An Ordinance REPEALING Ordinance No. O-01-25-02 Which Adopted 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. Motion by Merkle to approve the Ordinance, second by Kelly. Voting: Farmer-No, Henning-No, Gorman-No, Merkle-Yes, Kelly-Yes, Bachman-No, and Stevens-Yes. This Ordinance did not receive a sufficient number of votes for a second reading and therefore failed.

Resolution No. R – 04 – 25 – 39 A Resolution Affirming Ordinance No. O-01-25-02 and Further Authorizing and Directing the Montgomery County, Ohio Board of Elections to Conduct an Election of the Electors of the City of Clayton, Ohio at the General Election to be held on November 4, 2025 on the Question: Shall Ordinance No. O-01-25-02 Which Adopted 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 Be Approved? Motion by Henning to approve the Resolution, second by Farmer. Voting: Farmer-yes, Henning-yes, Gorman-yes, Merkle-yes, Kelly-yes, Bachman-yes, and Stevens-yes. Motion passed 7-0.

#### **CITY MANAGER’S REPORT**

Amanda Zimmerlin, City Manager, advised our Sweep Clayton Clean is Saturday, May 17<sup>th</sup> from 8 a.m. to 12 p.m. at 200 Woolery Lane, dumpsters fill up fast, so get there early. We do have a Work Session scheduled for 6:30 p.m. on May 1<sup>st</sup> to discuss Council Rules. The city did receive the Ohio EPA H2 Ohio Chloride Reduction grant that is to replace our brine tanks. We are also looking at our copier lease that expires in July. Staff received quotes from four companies and ProSource provided the best quote. Mr. Henning had brought up the topic of Council Norms, after discussion Council agreed to add that conversation to the May 1<sup>st</sup> Work Session. The Northmont Golf Outing will be held Thursday, June 5<sup>th</sup> from 8 a.m. to 2 p.m. at Meadowbrook at Clayton, hosted by Northmont Chamber of Commerce. If you would like to participate, please let me know. Northmont’s art students plan to start painting the mural at Hardscrabble Park on May 1<sup>st</sup> after we tally the votes tomorrow.

#### **VISITOR’S COMMENTS**

Ralph Evans shared his concerns with water running off Clayton properties onto an Englewood parcel that will be developed at some point, but at this time is just holding the water and is concerned with mosquitoes until the property is developed.

Jo Seiter shared her concerns with traffic issues on Summersweet, Falls Gold and Redwood that have increased with the addition of the Hunter's Path development, and also concerns with overcrowding at the schools.

Tonya Seitz shared her concerns with developer's commitment to clearing trees and is not confident they will do that, stating they did not do that in their phase.

Debbie Cook stated she was a teacher for forty years and her concern is for the children, the overcrowding of the schools, and with everyone getting an equal education.

Paul Cook shared his concerns with the detention pond in their development, Bayberry Trails, and the failure of the developer, Ryan Homes, to maintain the pond, and ended up turning to Channel 2. What recourse do we have if this developer does not follow through on their promises.

Bonnie Kay shared her concern with the dead trees in the tree line and who is responsible for those trees as they are a safety hazard.

Lilly Fischer shared she is a student at Northmont High School, and wanted to attest to the overcrowding comment and unfair education. Her experience from sixth grade forward the classes have been on average 22 plus kids in each class, but that has not inhibited her education.

#### **COUNCIL MEMBER COMMENTS**

Farmer thanked the residents who attended this evening and for their comments. As I said, I'm very concerned with water runoff. I would suggest the residents on Mount Royal form a group and connect with the developer and be pro-active, walk the ground with him to see how he is going to do things. Mr. Muncy, I appreciate your comments about bringing back some zoning districts, creating a little more clarity on what we want. I also want to wish everyone a Happy Easter and enjoy your weekend. Henning thanked staff for all their work on the city's Easter Egg Hunt and thank you to Clayton's Esther Price for your Easter Egg event. I hope everyone has a nice Easter. In regard to what Mr. Farmer and Mr. Muncy said, I would love to revise PLAN Clayton. Thank you to the Citizens Committee that led the referendum petition. Thank you to the Police for patrolling the plats, and thank you to the Service Department for clearing drains during the last rain event. Gorman thanked staff for the city's Easter Egg event and wished everyone a Happy Easter. Kelly congratulated Battalion Chief Eric Henry, welcomed him to the city, and wished everyone a Happy Easter. Derek (Muncy) I believe it is a fabulous recommendation and I'm all for it as well. Bachman welcomed Battalion Chief Henry. I couldn't make it to the Easter Egg Hunt but heard it was great, thank you to the parks commission, and it's great to see all our events back on the calendar. I hope everyone has a great Easter weekend. Stevens welcomed and congratulated Battalion Chief Henry, he is going to be a great asset to the fire department. I want to thank the folks who spoke this evening, we appreciate you coming and for your input, even though we don't always agree. I want to wish everyone a Happy Easter.

#### **EXECUTIVE SESSION**

Law Director Dillon advised an Executive Session is needed this evening for matters pertaining to the employment of a public employee. Motion by Gorman to go into Executive Session,

Henning seconded motion. Voting: Farmer-yes, Henning-yes, Gorman-yes, Merkle-yes, Kelly-yes, Bachman-yes, and Stevens-yes. Motion passed 7-0. Council broke at 9:35 PM.

Council returned at 10:46 PM and Kelly moved to go back into regular session, motion was seconded by Merkle. Voting: Farmer-yes, Henning-yes, Gorman-yes, Merkle-yes, Kelly-yes, Bachman-yes, and Stevens-yes. Motion passed 7-0.

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

Meeting adjourned at 10:47 PM.