

Minutes of August 21, 2025 Council

Meeting of the Clayton, Ohio City Council
Clayton Government Center
August 21, 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

Mayor Stevens recognized Joe Bachman for 50 years of service to Randolph Township and the City of Clayton.

Elaine Wittman, Assistant City Manager, introduced Cassy Babcock, Meadowbrook's new Event Manager.

Police Lieutenant Paul Nabel introduced two new Police Officers Dan Bishp and Dorothy Stringer. Mayor Stevens then administered the Oath of Office to both Officers.

CLERK'S REPORT

Clerk Seim presented the minutes of the July 17, 2025 Council meeting. Motion by Gorman, second by Henning to approve the minutes as presented. All yeas, motion carried.

Earl Harlamert of the Parks Commission announced the city is hosting its annual Labor Day Festival and Fireworks on Sunday August 31st. The festival begins at 7:00 pm with fireworks at 9:00 pm at Meadowbrook at Clayton.

VISITOR'S COMMENTS

Bill Seiter shared his concern that his backyard runs into the back of the very end of the cul-de-sac and without a house at the end of the cul-de-sac there's only side yards that wouldn't keep people from coming through our yard. We ask that the developer put some sort of natural barrier in there, perhaps plant some trees as a barrier.

Jo Seiter I want to address the issue of the proposal tonight for the easement and basically that we're not to touch it and the other neighbors are not to touch it. Basically that open space is going to be there indefinitely because none of us could remove anything or put anything there. That makes it even more important that we could get some natural barrier there because it would be years before seedlings will become a tree.

Patrick Ernst shared his concerns of Ordinance O-01-25-02 and his opposition to this proposed development, and his frustration with the members of this council. More than a thousand signatures were collected for the referendum, and this council is attempting to silence its electorate again by removing the ability of Clayton residents to decide what's best for our community.

Deborah Retman stated we signed a petition; we have a right to our voice. I'm not sure how these few people have the right to take away our voice, our constitutional right to make a decision about our city. I've lived here 40 years, and I think I have a right and people worked hard to get it on the ballot and then for a few people to make a decision to take it off the ballot is unconstitutional.

Doug Bias discussed his understanding on TIFFs and shared that we should not be doing this for residential developments. I personally am for it for businesses and commercial development, but I really don't think we should be doing it for residential development. I don't think there's a need personally for it.

OLD BUSINESS

Ordinance No. O – 07 – 25 – 09 An Ordinance Adopting the Planning Commission's Recommendation to Approve the Final Development Plan of DDC Management, LLC with Specified Conditions, Submitted for Property Located near the Intersection of Westbrook Road and Union Road and Bearing Parcel I.D. Number M60 03207 0023 Comprised of 37.098 Acres within the City of Clayton, Ohio. Motion by Farmer to un-table this Ordinance from our July 17th meeting, motion was second by Merkle. Voting: Farmer-yes, Henning-yes, Gorman-yes, Merkle-yes, Kelly-yes, Bachman-abstain, and Stevens-yes. Motion passed 6-1 with one abstention. Law Director Dillon advised, if Council wished to incorporate the tree line preservation language that the developer has proposed, in paragraph one of this Ordinance, at the end of that add: Council hereby adopts and modifies the Planning Commission's recommendation for approval of the final development plan with specified conditions of the subject property and with the following additional tree preservation condition being as follows: 30 foot tree line preservation area condition. "Property Owner and DDC Management, LLC, shall create via Final Record Plat, which will be executed and recorded with the Office of the Montgomery County Recorder, a thirty (30) foot Preservation Easement to perpetually preserve an existing tree line located at the northeast corner of the subject property as identified on the attached Exhibit A. Prior to recording, copies of the aforesaid Final Record Plat shall be provided to the City of Clayton for review. Language shall be included to define this Preservation Easement's purpose; to include no mass clearing, modification, or change in use within the thirty (30) foot Preservation Easement without the prior written consent of the City of Clayton. Notwithstanding the foregoing, trees and vegetation located within the thirty (30) foot Preservation Easement which constitute a bona fide hazard may be trimmed or removed as necessary to address the hazard." Motion by Gorman to adopt the Ordinance as amended, 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.

O – 07 – 25 – 10 An Ordinance Rejecting the Planning Commission's Recommendation to Approve the Application of Shanghi Enterprises for a Change in Zoning from Residential-Single Unit (RSD) to Planned Development (PDD) and to Approve the Preliminary Subdivision Plan, with Specified Conditions, Submitted for Property Located near the Intersection of Westbrook Road and Taywood Road and Bearing Parcel I.D. Number M60103209 0025 Comprised of 30.4242 Acres within the City of Clayton, Ohio. Motion by Merkle to approve the Ordinance, second by Henning. Voting: Farmer-yes, Henning-yes, Gorman-yes, Merkle-yes, Kelly-yes, Bachman-no, and Stevens-yes. Motion passed 6-1.

Ordinance No. O – 07 – 25 – 12 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. Second reading, no further discussion. Motion by Merkle to approve the

Ordinance, second by Bachman. Voting: Farmer-yes, Henning-no, Gorman-yes, Merkle-yes, Kelly-yes, Bachman-yes, and Stevens-yes. Motion passed 6-1.

NEW BUSINESS

Ordinance No. O –08 – 25 – 13 An Ordinance Adopting Estimated Assessments and Certifying Unpaid Charges for 2025/2026 Curb and Gutter Repair/Replacement Work to the Montgomery County Auditor for Collection with Real Estate Taxes (Five Annual Installments). Motion by Henning to approve the Ordinance, second by Kelly. All yeas, motion carried.

Ordinance No. O –08 – 25 – 14 An Ordinance Adopting Estimated Assessments and Certifying Unpaid Charges for 2025/2026 Curb and Gutter Repair/Replacement Work to the Montgomery County Auditor for Collection with Real Estate Taxes (Ten Annual Installments). Motion by Henning to approve the Ordinance, second by Kelly. All yeas, motion carried.

Ordinance No. O –08 – 25 – 15 An Ordinance Certifying Charges for Grass/Weed Cutting for 2025/2026 to the Montgomery County Auditor for Collection with Real Estate Taxes. Motion by Henning to approve the Ordinance, second by Kelly. All yeas, motion carried.

Ordinance No. O –08 – 25 – 16 An Ordinance to Maintain Lighting Assessments. Motion by Kelly to approve the Ordinance, second by Henning. All yeas, motion carried.

Ordinance No. O –08 – 25 – 17 An Ordinance Authorizing the Submission of the 2025/2026 North Clayton Community Authority Charge Assessments to the Montgomery County Auditor. Motion by Gorman to approve the Ordinance, second by Henning. All yeas, motion carried.

Ordinance No. O –08 – 25 – 18 An Ordinance Certifying Unpaid Charges for Nuisance Assessments for 2025/2026 to the Montgomery County Auditor for Collection with Real Estate Taxes. Motion by Gorman to approve the Ordinance, second by Merkle. All yeas, motion carried.

Ordinance No. O –08 – 25 – 19 An Ordinance to Impose Assessments upon Owners of Real Property in Arrears for Payment of Fees for Waste Hauling and Disposal Services for 2025/2026. Motion by Henning to approve the Ordinance, second by Kelly. All yeas, motion carried.

Ordinance No. O –08 – 25 – 20 An Ordinance Approving Amendments to the City’s Personnel Practices Manual as Delineated in the Appended Exhibit A. Elaine Wittman, Assistant City Manager, advised we propose updates to the Personnel Manual, the proposed revisions were distributed to all employees for review and feedback. Henning asked to amend Section M-Pole Workers to allow employees to keep sole worker pay and not use personal time for absence. Henning made a motion to approve the amendment; Farmer seconded the motion. Voting: Farmer-yes, Henning-yes, Gorman-no, Merkle-yes, Kelly-yes, Bachman-no, and Stevens-no. Motion passed 4-3. Motion by Henning to approve the Ordinance as amended, motion was second by Farmer. All yeas, motion passed.

Ordinance No. O –08 – 25 – 21 An Ordinance Amending Part Thirteen-Building Code, Title One-Property Maintenance Code – of the Clayton Codified Ordinances. Motion by Gorman to approve the Ordinance, second by Henning. All yeas, motion carried.

Ordinance No. O –08 – 25 – 22 An Ordinance to Repeal Ordinance O-04-18-08 Adopted May 3, 2018 which Approved and Adopted a Comprehensive Land Use Plan Entitled “Plan Clayton” and Referral to Planning Commission. Motion by Gorman to reject the Ordinance, motion was second by Kelly. Law Director Dillon clarified that the way this Ordinance is written is to repeal the prior Ordinance, so if you vote yes you are voting to repeal the prior Ordinance. If you vote no,

you are voting to not repeal the prior Ordinance. Based on this Gorman withdrew his motion. Henning made a motion to approve the Ordinance as written, the Ordinance failed to pass for lack of a second.

Ordinance No. O – 08 – 25 – 23 An Ordinance Authorizing the Following Connection with the Hunter’s Path Phase 3 Residential Development: (A) Delineating an Overlay in Relation to the Proposed Hunter’s Path Incentive Districts No. 3, 4 and 5; (B) Adopting a Written Economic Development Plan as to Same; and (C) Authorizing a Tax Increment Financing Agreement with Respect to Certain Real Property located in the City of Clayton, and Providing Related Authorizations Pursuant to Ohio Revised Code Sections 5709.40(C), 5709.42, 5709.43, 5709.832, and 5709.85, and Declaring an Emergency. Motion by Gorman to pass this Ordinance as an emergency, Kelly seconded motion. Voting: Farmer-no, Henning-no, Gorman-yes, Merkle-yes, Kelly-yes, Bachman-yes, and Stevens-yes. Motion passed 5-2. Motion by Gorman to pass this Ordinance, motion was seconded by Merkle. Voting: Farmer-no, Henning-no, Gorman-yes, Merkle-yes, Kelly-yes, Bachman-yes, and Stevens-yes. Motion passed 5-2.

Resolution No. R – 08 – 25 – 61 A Resolution Establishing a Temporary Moratorium on the Acceptance of Applications and Issuance of Zoning Permits and Approvals for Any New Residential Housing Development Within the City of Clayton, Ohio. Motion by Mr. Henning to approve the resolution as written, this Resolution failed to pass for lack of a second.

Farmer offered an alternative; residents want to be listened to and want us to take action appropriately. Before we do something like a moratorium, I would like to offer a compromise that might be a more appropriate solution. Planning Commissioner Derek Muncy addressed Council and one thing he mentioned was a suggestion that was made to possibly restore some of the residential zoning districts that were eliminated. He said we need to figure out how we can begin to resolve the situation, so we don’t have a referendum every six months. I think this would be a good first step in that direction. Instead of halting everything, can we ask the Planning Commission to review and consider restoring those districts? That would be a constructive step forward that balances growth with community needs. Motion by Farmer to amend or to send back to make a referral to the Planning Commission to consider the restoration of residential zoning districts and make a report back to Council, Henning seconded the motion. All yeas, motion carried.

Resolution No. R – 08 – 25 – 62 A Resolution Authorizing the City Manager to Enter Into a Renewal Agreement Relative to Bodyworn Cameras for Use by the Clayton Police Department with Utility Associates, Inc. for a Term of Five (5) Years at a Total Cost of \$217,780.00. Police Lieutenant Paul Nabel advised staff requests we enter into a renewal 5-year contract with Utility BodyWorn Cameras to provide BodyWorn Cameras for Clayton Police Officers, which includes 7 in-car camera systems that will upgrade the current obsolete in-car cameras, and includes all necessary software and training. Motion by Gorman to approve the Resolution, second by Henning. All yeas, motion carried.

Resolution No. R – 08 – 25 – 63 A Resolution Authorizing the City Manager to Enter Into an Agreement with the Northmont School District for the Provision of School Resource Officer for the 2025-2026 School Year. Motion by Henning to approve the Resolution, second by Kelly. All yeas, motion carried.

Resolution No. R – 08 – 25 – 64 A Resolution Approving the City Manager’s Designation of Qualified Administrative Officers of the City to Perform the Powers, Duties, and Functions of the City Manager During the City Manager’s Temporary Absence from the City or During

Disability. Motion by Henning to approve the Resolution, second by Kelly. All yeas, motion carried.

Resolution No. R – 08 – 25 – 65 A Resolution Authorizing the City Manager to Enter Into Agreements (Including Easement(s) and Deed(s)) with Goodwill Easter Seals Miami Valley to Obtain Rights of Way and Permanent and/or Temporary Easements for the MOT-Hoke Road Widening Phase I Project. Motion by Henning to approve the Resolution, second by Kelly. All yeas, motion carried.

Resolution No. R – 08 – 25 – 66 A Resolution to Declare Surplus Equipment Available for Disposal Through Sale or Auction. Motion by Gorman to approve the Resolution, second by Kelly. All yeas, motion carried.

Resolution No. R – 08 – 25 – 67 A Resolution Approving Amendment of 2025 Appropriations and Estimated Resources. Motion by Gorman to approve the Resolution, second by Kelly. All yeas, motion carried.

CITY MANAGER'S REPORT

Amanda Zimmerlin, City Manager, advised the Montgomery County Board of Commissioners will host their Tuesday, September 16, 2025 meeting at the City of Clayton City Council Chambers at 6:00 pm. Northwoods Estates, LLC has submitted an application for a preliminary and final subdivision plan for Northwood Estates Section 1 Subdivision. The application can be found on our website. The parcels in the Old Village, Council at their July meeting requested that Staff look at future meetings to determine when there was a lighter meeting to invite the residents in to discuss the 29 parcels that are both in Clayton and Clay Township. We have September 18th and October 2nd available, Council stated either date would work.

COUNCIL MEMBER COMMENTS

Farmer welcomed everyone and thanked them for sticking it out tonight. Come out for the Labor Day festivities that will be at Meadowbrook, it should be a good time. Regarding the vote on the referendum I respect everyone that got out there and gathered signatures but in the end I think the remedy for the referendum was a repeal and if it's offered to you, you take it and that is why I voted the way I did. I will say the way we flip-flopped, maybe the voters should vote on it, but I'll stand by my vote and my reasons why. I want to wish all of you a happy Labor Day. Henning stated, I want to welcome the new officers and Cassy to the team, and congratulations to Joe on hitting fifty years. The police officers, we pray for your safety, and our community appreciates you. The body camera legislation tonight to update body cameras and cruiser cams shows that we are unanimously in support of always having your backs. Bella Sorella is getting closer to opening, love seeing their progress. I did fully support the moratorium on new housing developments, we'll see how the votes go moving forward, but I would rather not waste time entertaining housing developments if they're not going to be passed by us. Regarding the amendment of the building codes, thank you to Martina for working on that. I know you worked with Centerville to get that done, it's an improvement that was needed. Gorman welcomed the new police officers and thanked Mr. Bachmann for 50 years. I'd like to welcome our new manager at Meadowbrook and wish her all the luck in the world because we're going to need it. Merkle stated Tim (Gorman) and I were at the ribbon cutting for Stillwater Hospital's interactive playground area, it is a fully interactive playground for the residents. Kelly welcomed our new Police Officers and Cassy our new Meadowbrook Event Manager. I also want to thank Elaine (Wittman) for all her work covering Meadowbrook events while we were without an Event

Manager in addition to her normal workload. Bachman stated I would like to recognize Joe Bachmann and Cassy. I met Cassy when she started at the Chamber golf outing, she's very energetic and hit the ground running. Elaine spoke very highly of her right when she started and obviously she is living up to it. Welcome to our new police officers, Bishop and Stringer. I would like to thank our neighbors in Englewood for their festival over the prior weekend. It is always a great time and a great time to see the community. It's great that our special events are back this year, but our Labor Day event is fantastic, and I refer to it as our Super Bowl. School is back in session and best of luck to the students and the first football game is tomorrow, best of luck to the new head football coach, and best of luck to the recent graduates of Northmont starting college. Stevens welcomed our new employees. It's good that we have these people coming as Clayton is a great employer and a great place to work. I want to remind everyone about the Labor Day fireworks again, please come out. It's one of those fun events, no pressure, enjoy the fireworks, it's a great environment and great location for that event. I want to touch on the fact that it is election season and if you don't know who's running and who's not running, you can go on the Board of Election site. We're getting more and more people coming to the meetings as people become informed and it's not just a passing whim that you should be informed about your own city. I'm proud to see that we have candidates running this fall. That sounds ridiculous, but there are many times where cities our size and even larger do not have interested candidates or qualified candidates running. I'm proud to say that we do have that. The election is November 4th, after that we need to come together as a city because this can't work, we cannot sustain our city. I won't be the mayor anymore, but no matter what, I'm still a resident of this city, a lifelong resident, and I have a deep love for the city and deep concern right now for what's going on. Vote the way you want, I respect that, I encourage that, I expect that. But after these elections, we need to come together. Until then, I just hope we can be civil. One of the things that you do when you're the mayor is go to a lot of events and I speak to a lot of other elected officials. We're on the radar, and it's not good. People ask me what's going on. I take my responsibility as Mayor of the city to say, "We have some issues, we have some challenges, but those can also be opportunities." We have to make this an opportunity; it can't divide us any further. We have neighbors against neighbors, friends against friends, relatives against relatives, and it's just not right. It's no way to live, and no one wants to live in a town like that. Please be civil, be professional, and let's put on a good face. If we have to fight, we can do it behind closed doors, but let's not make the division any worse. Please, let's do what we can to bring everyone together on this. I want to say thanks for everyone coming tonight, we had a long boring meeting for the most part, sorry about that. I want to thank our Council members for the good work that they do every day and also especially our city staff, we have a fantastic staff. The city is in great shape, and it's due to that day-to-day work that these folks do.

EXECUTIVE SESSION

Law Director Dillon advised an Executive Session is needed this evening for matters pertaining to public employment of public employees. Motion by Merkle to go into Executive Session, Kelly seconded motion. Council broke at 9:07 PM. Council returned at 9:20 PM and Gorman moved to go back into regular session; motion was seconded by Merkle. All yeas, motion carried.

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

Meeting adjourned at 9:21 PM.