

Minutes of September 4, 2025 Council

Meeting of the Clayton, Ohio City Council
Clayton Government Center
September 4, 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, and Bachman. Motion by Henning to excuse Councilmember Kelly this evening, motion was seconded by Merkle. All yeas, motion carried.

SPECIAL PRESENTATION

Mary McDonald, Montgomery County Commissioner, stated she brings greetings from the Montgomery County Commission and specifically her office. It is an honor to be able to go out and meet and talk to everyone in Montgomery County, to share what we are doing in our office, and how we plan to serve. Having been a Mayor, we see things in a different way and I'm able to share those understandings. We've taken our first year to go out and visit various meetings and say hello, and anyway we can help and support what you are doing we are here to do so. I consider Clayton our family because of the relationship we've had over time with the City of Trotwood, how you helped us and how we hoped we were there to help you and how much we appreciated that. If there is anything specific you need from us, I will work very hard at making sure those needs are met.

EXECUTIVE SESSION

Law Director Dillon advised an Executive Session is needed this evening for matters pertaining to employment of public employees and officials. Motion by Henning to go into Executive Session, motion was seconded by Merkle. Voting: Farmer-yes, Henning-yes, Gorman-yes, Merkle-yes, Bachman-yes, and Stevens-yes. Motion passed 6-0. Council broke at 7:35 PM. Council returned at 8:10 PM and Gorman moved to go back into regular session, Henning seconded motion. All yeas, motion carried.

CLERK'S REPORT

Clerk Seim presented the minutes of the August 21, 2025 Council meeting. Motion by Gorman, second by Farmer to approve the minutes as presented. All yeas, motion carried.

VISITOR'S COMMENTS

Bill Seiter stated I want to comment on Hunter's Path Phase Three. The developer has come back with a plan that gives a spacing of 30 feet between our property line and the new residents property line. He has indicated his willingness to plant trees at the end of the cul-de-sac to provide privacy for new homeowners and the Mount Royal people, he said he would somehow indicate on the plans that was going to happen. I would like to thank all the council members who visited us on Mount Royal, Mr. Merkel, Tina Kelly, and Ryan Farmer. I want to thank Mr. Gorman for his suggestion of a covenant, I think that will be helpful in protecting both us and new residents, and I would like to thank city staff for hammering out the language for this

covenant and working with the developer. I also want to thank DDC in particular, Mr. Benfeldt who came out and visited us and listened to our concerns and was very cooperative.

Dennis Lieberman stated I want to share my condolences to Councilmember Kelly and to her entire family. I also want to thank Amanda Zimmerlin and Martina Dillon for their service to the City; I'm going to miss you both and it's Clayton's loss.

OLD BUSINESS

Ordinance No. O – 07 – 25 – 09 An Ordinance Adopting and Modifying 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 Stevens to table this Ordinance until our next meeting when we have a full Council, motion was second by Merkle. All yeas, motion carried.

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) and Declaring an Emergency. Second reading, no further discussion. Motion by Gorman to approve the Ordinance as an emergency, Henning second the motion. All yeas, motion carried. Motion by Gorman to approve the Ordinance, second by Henning. 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) and Declaring an Emergency. Second reading, no further discussion. Motion by Henning to approve the Ordinance as an emergency, Merkle second the motion. All yeas, motion carried. Motion by Henning to approve the Ordinance, second by Farmer. 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. Second reading, no further discussion and Declaring an Emergency. Motion by Henning to approve the Ordinance as an emergency, Farmer second the motion. All yeas, motion carried. Motion by Henning to approve the Ordinance, second by Farmer. All yeas, motion carried.

Ordinance No. O –08 – 25 – 16 An Ordinance to Maintain Lighting Assessments. Second reading, no further discussion and Declaring an Emergency. Motion by Henning to approve the Ordinance as an emergency, Farmer second the motion. All yeas, motion carried. Motion by Henning to approve the Ordinance, second by Farmer. 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. Second reading, no further discussion and Declaring an Emergency. Motion by Henning to approve the Ordinance as an emergency, Gorman second the motion. All yeas, motion carried. Motion by Henning to approve the Ordinance, second by Farmer. 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 and Declaring an Emergency. Second reading, no further discussion. Motion by Henning to approve the Ordinance as an emergency, Farmer second the motion. All yeas, motion carried. Motion by Henning to approve the Ordinance, second by Farmer. 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 and Declaring an Emergency. Second reading, no further discussion. Motion by Henning to approve the Ordinance as an emergency, Farmer second the motion. All yeas, motion carried. Motion by Henning to approve the Ordinance, second by Farmer. 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. Second reading, no further discussion. Motion by Henning to approve the Ordinance, second by Henning. All yeas, motion carried.

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

NEW BUSINESS

Resolution No. R – 09 – 25 – 68 A Resolution to Authorize and Approve an Agreement with Montgomery County to Provide Emergency Preparedness, Homeland Security and Emergency Management Services for the City of Clayton, Ohio. Motion by Gorman to approve the Resolution, second by Henning. All yeas, motion carried.

Resolution No. R – 09 – 25 – 69 A Resolution Appointing Elaine Wittman as Acting City Manager Effective September 17, 2025. Motion by Gorman to approve Elaine Wittman as Acting City Manager, motion was second by Merkle. All yeas, motion carried.

Resolution No. R – 09 – 25 – 70 A Resolution Appointing Joyce M. Deitering as Acting Law Director Effective September 15, 2025. Motion by Henning to appoint Joyce Deitering as the Acting Law Director, motions was second by Merkle. Voting: Farmer-yeas. Henning-yes, Gorman-no, Merkle-yes, Bachman-no, and Stevens-yes. Motion passed 4-2.

CITY MANAGER’S REPORT

Amanda Zimmerlin, City Manager, advised for several years the police department has included a request for the purchase of flock cameras as part of their annual budget process, but it has been taken out because of budget constraints. This year the Police Chief has again asked for flock cameras, and they are offering us an opportunity to place five flock cameras at intersections on a trial basis for two months before our budget is completed. It would be November and December and if Council decides not to include that in the budget, they will pull them in January. It is a good opportunity for the police department to be able to continue to have access to those and be able to navigate the system before it's purchased if Council decides to do that. The camera system is about \$16,000 a year. 6942 Salem Avenue, which is 51 acres off of Salem, someone is interested in building on that site. It is zoned CMI, and they are interested in what types of funding or tax abatements the city would be willing to do if they were to come here. We had a group meeting with the Dayton Development Coalition and the developer, and during

preliminary discussions it is a 175,000 foot building, 32 feet high, similar to what was just built on Lau Drive in Englewood. The Ohio Auditor of State's office has released a bulletin which requires us to have a cyber security policy. Kevin (Schweitzer) has taken the lead and will have it before Council before the deadline. Staff has reviewed the Development Director position, the goal is to begin advertising the position in October of 2025 and have a new Development Director on board by January 2026.

COUNCIL MEMBER COMMENTS

Mr. Farmer wished everyone good evening. I want to express my sincere condolences to Councilmember Kelly and her family, our thoughts and prayers are with Tina and Earl and their families as they go through this difficult time. On a lighter note, Sunday was a fun time with the fireworks and festivities. I had a good time shoveling out 200 snow cones, it was a great time and everyone had fun. I want to express thanks along with the Seiter's to DDC on working to get the evergreens put along the back of that cul-de-sac providing some security and privacy for both the Mount Royal owners as well as the new property owners. Final note, Amanda and Martina thank you for serving our community, you will be missed. Elaine (Wittman), I look forward to seeing what great work you provide the city and Joyce (Deitering), congratulations to you as well. Mr. Henning thanked Commissioner McDonald for coming tonight and I look forward to reviewing the annual report you left with us. The homecoming parade is September 18th, and we hope the T-Bolts have a great football season this year, and all the kids have fun playing sports. I have been driving by the football field off Main Street and it is great to see all the kids out there playing. Martina and Amanda, we wish you nothing but success in your next chapters and as previously stated, we send prayers to the entire Harlamert family for the loss of Mrs. Harlamert, our condolences to Tina and Earl both who do so much for the city. Mr. Gorman stated I would also like to offer my condolences to Tina and her family who we spent the last couple of days with. I would like to congratulate Elaine and welcome Joyce back to the city. I would like to wish Amanda and Martina the best in their new adventures. Mr. Merkel stated I have known Tina and her family for over 40 years and it's hard to lose a parent. My condolences to Tina, to her family, and Earl, it's a hard road to take. We eventually get there, but you don't know how hard it is until you are actually facing it yourself. Amanda when you announced you were making this choice, I said I'm happy for you because of the opportunity it provides, but I'm sad to see you go. Martina, I appreciate the legal representation you provided and the information I've asked on my off-the-cuff questions that sometimes seems kind of odd. I appreciate your patience, thank you and I wish you well going forward. Bachman stated Councilwoman Kelly sent me a statement that she asked me to read for her tonight. "I'd like to express my sincere gratitude to Martina Dillon Law Director and City Manager Amanda Zimmerlin for the years of service and loyalty to the staff, council, and citizens of Clayton. Both of you have shown exuberant strength and perseverance, never letting us down, in which I will be forever grateful. Congratulations, Amanda. Battle Creek, Michigan is gaining a wonderful city manager. And congratulations, Martina, on your retirement. With bittersweet feelings, both of you will be greatly missed." Bachman stated I was there for the setup for the fireworks, but had to leave a little early, it looked like a fantastic event. Martina during my time here on Council you have been the lead, a very steady and smart hand guiding the City. I always took your advice knowing you are a smart lawyer. Personally, just getting to know you has been very nice and I hope that continues. Amanda we had a lot of very qualified candidates apply for the City Manager position, and at the time we knew it was going to be a difficult decision. I think the phrase that we hit a grand slam

bringing you on is an understatement. You came on when Covid had just hit, it was a test for all of us but especially you and you exceeded. I wish you all the best. At times you were treated in ways you did not deserve, and I will forever apologize for not defending you publicly, that is something I will always regret. I wish you and your family nothing but the best. Battle Creek is in great hands even though it is the state up north. Mayor Stevens stated the fireworks festival turned out great, and it was great to have Willie there being the DJ. I think it was the first test for Elaine, but I'll never forget the look on her face when the bounce house started deflating, that was priceless. I appreciate all the help from the council members, volunteers, and the parks commission people. Earl Harlemert drew it all together, even after the death of his wife, and my deepest condolences to the Harlamert family. Stevens shared a thank you card from Joe Bachmann, he just wanted to show his appreciation as we gave him a proclamation at our last meeting. Joe has worked for the City of Clayton and Randolph Township for 50 years. Martina, it's not bittersweet that you're leaving, it's actually just bitter. I hate to see you go and you have done a fantastic job. Amanda same you, it's bittersweet because I hate to see you go because I think you've done a fantastic job. From day one you took the reins, and I think you've moved the city forward. That is important to me and it's important to the residents if we want to keep our community growing. The City of Battle Creek is a big jump for your career, but when the opportunity came, I think you did the right thing. I'm happy for you and your family. Congratulations to Elaine and Joyce, we look forward to working with both of you. I want to say thanks to our Council for the work that you do, thanks to our excellent staff for all the work that you do, and thanks to the residents for everything that you do. We're getting a lot of support at our meetings now. Again it doesn't always go the way that you want it to or the way that I want it to, but it's important that we all take part in the process.

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

Meeting adjourned at 8:47 PM.