

Minutes of September 18, 2025 Council

Meeting of the Clayton, Ohio City Council
Clayton Government Center
September 18, 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, Merkle, Kelly, and Bachman. Motion by Henning to excuse Councilman Gorman this evening, motion was seconded by Kelly. All yeas, motion carried.

PUBLIC HEARING

PC25-02 A request for a Preliminary and Final Subdivision Plan for the Northwood Estates Section 1 Subdivision, a proposed residential subdivision. The request was made by Northwood Estates, LLC - property owner.

Ellen Snyder, Zoning and GIS Manager advised this Preliminary and Final Subdivision application was received on July 8, 2025. This is a Proposed Preliminary and Final Development Plan for a Single-Family Residential Subdivision, Northwood Estates Section One. The applicant is Lance Oakes, on behalf of Northwood Estates LLC, the property owner is Northwood Estates LLC. The property contains 33.7313 acres and there are currently no structures present. A public notice was mailed to property owners within 300 feet of the subject property on August 11, 2025 and September 2, 2025 and a public notice was printed in the Eaton Register Herald on August 13, 2025 and September 3, 2025. The location of subject property is at the Northwest intersection of National Road and Haber Road. Ms. Snyder shared images of the general location, surrounding zoning, the specific location, the Preliminary Plan from 2022, and the Preliminary and Final Development Plan. She then shared a number of images of available elevations (home designs). The current zoning of the subject property is PDD, Planned Development District. The PDD zoning classification was unanimously approved by both the Planning Commission and City Council in July of 2022 with Ordinance O-06-22-17. The accompanying Preliminary Plan for the Development expired August of 2023 since the first section was not filed for final approval. Proposed zoning of the subject property is to remain PDD. The proposed subdivision is within the Clayton Improvement District #1 Overlay (CID-1), and the proposed subdivision is partially within the Special Area 1 Overlay. Northwood Estates Section One consists of a 17.135-acre residential subdivision, and proposes construction of 55 single-family homes. They are proposing one access point, and new road connection to existing Haber Road. They propose water and sewer service tie-ins from existing facilities. New infrastructure will include streets, sidewalks, lighting, and a multi-use path along Haber Road. Neighborhood amenities will include open space, retention pond, neighborhood park, street trees, and a pathway from the neighborhood park to the multi-use path along Haber Road. Northwood Estates Section One follows the previously approved Preliminary Plan for 52-foot-wide lots with the following setbacks: 25-foot front yard setback, 5-foot side yard setbacks, and 30-foot rear yard setback. A Traffic Study is underway, which could see a recommendation for a traffic signal or other improvements at the intersection of National Road and Haber Road. The City will continue to engage with the applicant to identify possible public-private funding collaborations for a possible traffic signal or other improvement. Clayton's Future Land Use Plan indicates the intent of this area to be "Clayton Commercial Center." After evaluating the applicant's request, and providing

an opportunity for public input, the Planning Commission unanimously passed a motion to recommend approval of the Preliminary and Final Development Plan for Northwood Estates Section One with the following conditions: any future plans for active open space amenities (e.g., playgrounds or trails) shall be coordinated with City Staff for review and approval; all outstanding engineering consultant comments shall be fully addressed prior to construction; all infrastructure shall be installed according to the approved plans and in coordination with the Montgomery County Environmental Services and other utility providers; and the developer, Northwood Estates LLC, shall be monetarily responsible for National Road and Haber Road intersection improvements at a percentage pro rata (equal) to the percentage of increased trips at said intersection as a result of the subdivision as indicated in the final, approved traffic study.

Mr. Farmer asked, what is the projected completion of the traffic study. Ms. Snyder replied, it would have to be finished before they start construction, they want to start construction in spring of next year.

Ms. Kelly asked, they want to do this in several phases, correct. Ms. Snyder advised, there are two phases for the overall plan, this is phase one and then phase two would be the northern half of that original plan.

Lance Oaks of Northwood Estates LLC stated, I appreciate being back before you again. A couple of years ago I was here with the Wenger Village subdivision and then this one as well at the same time. I want to put on the record I was a little taken back when I found out prior to the Planning Commission that my preliminary plan had expired because I had been working with previous staff before that, and that was never communicated to me. There were some code changes after I had approval, I just want to put that on the record. I thought I was going to be at Planning Commission for a final approval of my engineering drawings. I just wanted to go from my original approval back in 2022. The site plan was approved for 113 lots, it is now down to 109 after we got into the engineering. This first phase is for 55 lots. The traffic study was completed back in 2022, that was part of the requirement back then for the preliminary plan approval. My belief is the traffic study is completed and final, and was determined by your engineers at that time on what they wanted to see and what they were looking for. Since then, we've done a lot of engineering for phase one. We have a Geotech study. We do anticipate hitting about a foot and a half of rock on that first cul-de-sac, but we'll rip through it. If we can't rip through it, we'll get a rock wheel, but we will do it during work hours. We will try not to burden any of the surrounding residents in that area during construction or do our best to minimize it. Drainage is always a common issue, and I have my engineer here, and he can speak to that. If there are any flooding issues or concerns now that is because it is just an open farm field where it kind of sheets, the new streets and larger detention basin will definitely help, it will actually fix the problem. The detention basin along National, we will have a nice water feature, fountains to enhance that drive as you go up National. The price point for the homes to be somewhere in the mid 4's to low fives, for this area, for this market. Hopefully, you have seen the finished product at Wenger Village and are happy with that and the performance of those homes. The other thing I would like to mention is with our approval in 2022, we did meet with residents prior to that to get their support. At that meeting residents did get up and speak in support of that project that you approved. The last thing, I am asking for a TIF. I'm not asking for any funds from the city, all the costs would be barred by me, the developer. If the project is successful, then it is just a way to get paid back because costs these days are coming in outrageous.

Mayor Stevens asked Council if they have any questions for Mr. Oaks.

Ms. Kelly asked, can you clarify four to five. Mr. Oaks advised about \$450,000 to around \$500,000.

Mr. Merkle asked, if you have to work on bedrock, what methodology will you be using. Mr. Oaks replied, we have a Geotech report and the majority of our engineering is above the bedrock. It's just that first cul-de-sac right now based on our Geotech report that we're anticipating hitting at about a foot, foot and a half, but just for that first cul-de-sac. It's not an exact, I don't know what the rock is doing underneath, but we're pretty confident it's not going to be an issue.

Mayor Stevens stated, it looks like according to the report, you are anywhere from 8 feet to 13 feet or 14 feet to bedrock, is that right. Mr. Oaks replied, correct.

Mayor Stevens asked, how deep do you actually have to go to build the average house. Mr. Oaks replied, I don't think the rock is going to be an issue for any of the homes, where I think the rock will be an issue is for the sanitary. We don't anticipate hitting any rock with storm water and my engineer is here, he can speak to that with his design on the engineering questions.

Mr. Merkle stated, what type of excavation has to be done for putting in services. There has been conversation for Troy where they were blasting and other places where they're concerned about the type of disruption that might be taking place. Mr. Oaks stated, that is actually Tipp City. If I ran into a site like that I would shut it down and not move forward because of the economics alone and I can't believe that builder is going forward to be honest.

Mr. Merkle stated I would envision people that live in that area are very sensitive to the idea of someone blasting across the street from them. Mr. Oaks explained, I can't blast. If I were going to do any kind of blasting, I would have to get a State permit and I would have to get a City of Clayton permit. I don't anticipate either of you giving me that permit. And two, if I've got a site that I've got to blast, it's not a site that I'm going to do. I am very confident there will be no blasting and rock will not be a concern.

Mr. Merkle stated, a lot of people out there are on wells, will there be any impact to the wells. Mr. Oaks replied, there shouldn't be an impact to people's wells. I don't know how to guarantee such a thing. I don't know if anybody could, all we are doing is putting pipe in the ground, putting in some roads, and directing water to a detention basin that will discharge accordingly. We are not changing a water table or causing any issues to people's wells.

Mr. Merkle stated, there have been developments in other parts of the County, for example Menker Road, they put a water line in and it disrupted wells in the surrounding homes, this was years back. Mr. Oaks replied, I'm not being familiar with that.

Mr. Merkle stated, people I have talked to have a shallow well and what potential impact might there be for groundwater and how it might impact his well. Mr. Oaks replied, we're going to have to meet extensive EPA guidelines that probably didn't occur back then. I don't anticipate or expect any issues with people's wells because if we did and they can prove it then I'm going to be in big trouble and that's a no no. I would be shocked if anything like that occurred.

Mr. Merkle stated, I think that is part of the concern, if there were a problem, who is going to be accountable for it and how is it going to be handled. Mr. Oaks stated, ultimately, it's always me

as the developer, but as it relates to a water table and the well, I don't know how to answer that one. I don't know if anybody could to be quite honest.

Mr. Merkle stated, I think you don't know until you actually start digging and see what happens. Mr. Oaks replied, the excavation of the homes, they usually set their homes about 3 to 4 feet above grade.

Mr. Merkle asked, are most of those homes going to have basements. Mr. Oaks replied, some of these may be slab homes. I don't anticipate us digging down to a level that is going to affect people's wells or the groundwater table for that matter.

Mr. Merkle asked, how far do you have to go down for sanitary lines. Mr. Oaks replied, I would want to defer to my engineer. I want to say it's max about 13, 14 feet max, I don't even know if it's that deep. Nick Selhorst of Choice One Engineering advised the water main is about 4 and 1/2 feet deep, the storm is between two to five feet deep, sanitary for a stretch is 14-15 feet deep in the cul-de-sac that he mention since we're running it to the east off site and then it shallows up throughout the remainder of the site but it's still 9 to 10 feet deep. So it's deeper than everything else. Speaking to wells, if you're talking about the properties north of this property, this drains away from that. So there's nothing that would be going on here that would affect them upstream.

Mr. Merkle stated, I'm thinking of groundwater where groundwater and surface water don't necessarily flow the same direction. Mr. Selhorst stated, I don't see how that is an issue. We're directing the same water that falls and storing it in a pond, it's just in a different part of the site.

Mr. Farmer stated, I think Mr. Merkle's concern may be disrupting the bedrock and how it affects the wells along Haber Road and I've seen that happen, is that your concern. Mr. Merkle stated, that is what I'm getting at, the subterranean water flowing through the bedrock doesn't necessarily flow the same direction as surface water. When you start putting infrastructure in going down 13 feet, 10 feet, excavating, and digging, does that disrupt the direction of the subterranean water. If it's flowing towards someone's well, I don't know what direction the water flows. Mr. Oaks replied, just to reiterate on Nick's point, remember we are downstream from the direction the water is flowing. That water, even the wells below are still coming this direction. So the only rock we should be into is at the front of this site up along National. So it should not affect anyone's wells to the north.

Ms. Kelly asked, if you do have a problem with bedrock and you have to drill or dig down, it's between 8 to 13 feet, right. Mr. Oaks replied, no, I mean just in that front cul-de-sac, our sanitary lines are between 8 and 13 feet deep. When you look at the Geotech report from where our sanitary lines are coming in off of National, that front cul-de-sac we do anticipate being in rock for about a foot to foot and a half. After that we get out of it and we start bringing our sanitary up so we shouldn't be in any rock anywhere else on the site.

Ms. Kelly stated, you are telling me that doesn't affect the well situation. Mr. Oaks replied, I'm saying I don't see how it would. The water, remember the drainage is coming from north to south, it's not going the other way. I don't understand why it would be an issue for people up north if that occurred.

Mr. Farmer stated, my concern is for the houses to the east along Haber, there are a few homes along there and I'm sure they use well water. Mr. Oaks stated, we're putting in a water line,

couldn't they tie into city water. Mr. Selhorst stated that ground drains away and I don't see how a 10 foot excavation would affect a 75 to 100 foot deep well.

Mr. Merkle asked, if there were a problem what steps are you taking, do you have a contingency. Mr. Oaks replied, yes, absolutely, it's always important to me as a developer. I want to make sure I'm a good neighbor and I'm not trying to cause problems, I want to be helpful.

Mr. Merkle asked, as far as phase one, what is the time frame going from the start to finish. Mr. Oaks replied, the plan would be to start construction around the March, April time frame for phase one. There may be the opportunity to start construction over the winter if we can find an excavator, and they can start on some of that pipe work. The game plan is to have this site, first phase, paved around the July time frame of next year. If sales are staying strong, I would anticipate doing the second phase the following year.

Ms. Kelly asked, phase one, how many homes is anticipated in phase one. Mr. Oaks replied, 55. Ms. Kelly stated, and then you will come back and then phase two. Mr. Oaks replied, is 54, which is actually four lots less than the preliminary approval.

Mr. Merkle asked, you said there is another traffic study being done. Mr. Oaks replied, no, the traffic study has been completed. Mr. Merkle then asked, the traffic study from 2022 is the one that's going to stay. Mr. Oaks replied, correct.

Mr. Bachman asked, as far as purchasing these homes, is this going to be, someone comes in and orders it ahead of time, picks a lot, then picks what they want, and then you build it. It's not going to be spec homes. Mr. Oaks stated, I'm not the builder, I'm the developer. I don't have a builder under contract, but I am working with one and have worked with one for a while on this site. I would anticipate it being Ryan Homes. I would get the lots built and then they would come in and build the homes.

Ms. Kelly asked, you only want one builder. Mr. Oaks replied, yes that is my intention. Ms. Kelly then asked, and Ryan Holmes is that who you are anticipating. Mr. Oaks replied, right now I don't have a contract and we have to work out the economics once I can get it bid out and see where the final costs are coming. As of right now, that is who I'm anticipating working with on the site.

Mr. Merkle asked, does the City have any input in terms of allowing a particular builder to come in if there has been past issues or problems. Mr. Oaks stated, I would caution that. Mr. Merkle stated, if there were and we do an investigation and find out a particular builder has issues in terms of doing projects, completing them, causing problems, substandard, is there a way of interjecting them before things go too far. So we have some avenue for seeking a different builder to come in. Mr. Oaks replied, I'm going to leave that to your law director because I'm not an attorney, but I would caution that.

Mr. Merkle stated, it's just an open question from the standpoint if we had any input. Mr. Oaks replied, if you look at every one of the large builders, you are going to find something on a project somewhere where that didn't go well. But for the most part, there is a reason they sell tens of thousands of homes a year because people see the value and the want for them. They still have to meet all of the building requirements and they get inspected.

Ms. Kelly stated, there are reputations for builders, I would hope that would be looked at as well because certain builders don't have good reputations and that would maybe be one of them. Law Director Deitering advised, you can certainly let the developer know your concerns on certain builders that he has discussed. Mr. Oaks replied, the best way I could answer that, remember I want to work with the City of Clayton, and that is something we can discuss, but to hold the project up because of that, I don't feel would be right. I hope to do not just this one, I hope to do other projects like I have in the City. Mr. Bachman advised, I caution this not be off hearsay, but what is actual documented proof. I live in a Ryan home, it's not perfect. It was built in the 80's, but a lot of hearsay can happen. Mr. Merkle stated, I'm not trying to say Ryan is not quality, I'm just saying if there's an issue that comes forward and it becomes something that gets looked at and there's valid points for it, that if there's an opportunity to sit down and talk. Mr. Oaks stated, I get what you guys are saying. One of the frustrating things I'm seeing as a developer, as a builder, as just a consumer in the market is the way prices have increased.

Mr. Merkle stated, I'm constantly looking at homes that are built to accommodate persons to be able to age in place. So low threshold, not saying it has to be ADA compliant but low threshold type homes for making easy access or egress for persons as they get older. Mr. Oaks stated, I agree with you and this market desperately needs that. Unfortunately, those get denied and not approved. This site had a product for that exact thing you're looking for, that was denied before I came in and then it got approved for single family. Not just Clayton, but most markets when you look at the population aging they are desperately in need of it. I was trying to get approved in Washington Township, they threw out an attached four unit that was still going to be up there in price. I've had this discussion with the township residents, the older population has a lot of the dollars these days, and if they don't have a place to move into or downsize, they're leaving. They are going to take their money and they're going to go to a community that does offer that for them. It's a big issue, not just in Clayton, but everywhere. Unfortunately, that increases the density. That would make this even more dense and that is the dreaded word that most city councils don't want to hear, density.

Mr. Merkle stated, the homes that you're talking about, the homes elevations that are going to be constructed. A lot of those are examples of homes that could be built, not the ones that are going to be built necessarily. Mr. Oaks replied, correct. Mr. Merkle stated, home designs to be placed on these lots, they don't necessarily have to be built with step up thresholds. Mr. Oaks replied, the reason you see those home elevations is because when you look at this location across the street from the high school, this tends to be more of a family buyer location. This would be that first time home buyer that has a family, which when I say affordable, that's kind of the new affordable number these days. You can't find much lower than that.

Mr. Farmer stated, I'm a little confused, is there a completed traffic study or not, and if so, how long is it good for. Mark Nolt and I'm with the Kleingers Group. A traffic study was done back in 2022 analyzing the development at that time. CESO performed the traffic study and Brandstetter Carroll provided review on behalf of the City. When we were given the documents it looked like there were a couple of very minor outstanding items on the traffic study that needed to be addressed. We did a review and had a couple of minor questions, things that needed to be clarified. One was to provide an additional analysis to help justify the signal, and the other was to provide additional detail on how the calculations were done for the traffic signal warrant analysis. I think the traffic study is very close to being done, we just need to finish it up.

Mayor Stevens asked, does the study or recommendations from anyone involved here include the traffic light. Mr. Oaks replied, one of the conditions that was put on me by Planning Commission at the last meeting was that I would be responsible to contribute my portion of traffic out on to National and Haber towards that traffic signal. So much like 2022 to today, that intersection has a failing grade as it is now. If I didn't go forward with this development, the City is still responsible or should be to fix that. What I have agreed to was paying for my portion of the cars and the traffic that I'm adding to that intersection which I'm going to tell you it's not a large amount when you look at the amount of cars and trips going there on a daily basis. I apologize, this is the first I'm hearing that the study's almost done. It was part of my requirements when I got this approved in 2022, a completed traffic study that the City's engineer before said was complete and good. That was a little surprise to me as well.

Ms. Kelly asked, as the developer, are you going to uphold whoever you choose as a builder to produce good quality materials to build the home. Mr. Oakes replied, that is very subjective what you just asked for there, could you elaborate a little bit clearer. Ms. Kelly stated, I would just need to know and the residents need to know what type of building materials would you use. Mr. Oaks replied, the market dictates, stone, brick, vinyl, maybe some hardy board. I go by what the market demands.

Mayor Stevens asked for a motion to open the public comments for this hearing. Motion by Merkle to open the public comments, motion as second by Henning. All yeas, motion carried.

Mayor Stevens administered the Oath to members of the public who wish to speak on this case.

Todd Burkett shared his concern with development's impacts to our fire, police, and EMS services and what is the City's plan to deal with the additional population.

LeeAnn Bustos shared her concerns with the engineer's report and water/flooding issues.

Joe Plummer asked for Council to slow down, residents want wise development, and the City needs to do more commercial businesses.

Laura Gordnier spoke on the effect this development will have on the Red Fox Equestrian farm, which is the main property adjoining the back.

Jerry King spoke on flooding conditions at Fox and Haber Road.

Emily Hansen-Palmus shared her concerns about the flooding, and runoff being redirected onto my property (Red Fox Equestrian Farm).

Hearing no further comments, Mayor Stevens asked for a motion to close the public comments. Motion was made by Henning to close the public comments; motion was seconded by Kelly. All yeas, motion carried.

Mr. Oaks stated, I appreciate the comments, they were well asked and hopefully I can address them. One thing I would say on the increased population and the stress on the fire and police department, you can look at numerous studies. The best way to help combat that is with new rooftops because of the property taxes that goes towards paying the long-term pensions and the hiring of new added people. The new homes and the tax dollars that they bring are a huge benefit to help increase and paying for new infrastructure and personnel. As it relates to the TIF, it's not a 30-year TIF that we talked about. It's a 10 year 75%, and none of the burden is on the City, it's on me as the developer. If it goes well, great, if it goes bad, it's on me, I'm the one taking the risk.

It's not a 30-year being born by the City. As it relates to the adjacent property where they had concerns about drilling, I'm not drilling at all. I've had a phase one done and wetland study, there are no environmental concerns at all with this property. As it relates to Fox Road, when this was originally approved in 2022, I worked with the residents and the staff to remove an entrance that was shown on Fox Road to come back to Haber to help offset some of that burden that the residents may have been experiencing. As for the horse farm next door, when I bought this property Mr. Landis separated out 17 or 18 acres for the adjacent property owner and that was after I got approval because I obviously wouldn't close on a piece of property that I didn't get rezoned and approval for the subdivision. I'm not going to say they should have known, but they had to have known that there was a development that was going next door. As it relates to the engineering at that time when I came through there was no engineering done on the site. There was a preliminary approval and the reason I do that is it's very expensive to go to final engineering without actual approval. I closed on the property and went to final engineering based on that approval, I've spent a lot of money to date. With final engineering, we can now answer those questions the engineers had at that time. I can tell you as it relates to the drainage, it's a retention pond, which means it's going to hold water and we're going to have fountains in there to keep that water circulating and meet EPA standards and codes. The Geotech report shows there is no hitting of groundwater, the groundwater is below the 15 feet that we would disturb. So any impact to wells from an engineering perspective shouldn't occur. I'll let Mr. Selhorst answer the pre and post and other flooding issues as well. Mr. Selhorst stated a resident mentioned the drainage, that is why on the right you can see a big open space on the bottom, that's what the retention pond is for. All the water in section one gets corralled in the front yards, the backyards from the roofs to the storm sewer to that pond and it holds it back and releases it at no greater than it did pre-development and at worst it releases what it released before it was developed. Those ponds are designed with freeboard so there is a safety factor in them. I think people's concerns about being flooded may come from old developments from decades ago where detention retention was not a thing at the time. No one wants to hear this, but now when we put in a development like this, drainage problems are typically improved because it's controlled, where now the water just sheds directly off the site.

Mayor Stevens stated, I don't want to speak for anyone here, but in the past we've had flooding out in that area. I don't know about this particular property, but that northwest area up there and some of it was pretty bad when you get a big, huge rain. I always felt that it was the farm fields. I think these folks are looking at the worst case scenarios and we don't want to make it worse. Mr. Selhorst replied, we submitted plans a couple of months ago, got comments from staff and Kleingers, corrected the plans, sent a disposition back saying, here is how we fixed each comment. Sent the updated plans. If there was something that we still hadn't addressed, we never received a comment letter back. I don't know if there is confusion, but to us, we got the comments, fixed it, sent them back. So as far as I know, we had addressed them all. Mr. Oaks added, when they engineered this site for drainage, they looked at the overall watershed area, which is going to go well past the limits of just our property, and they take into account all of that water that's coming in the watershed area, which today, like Nick was saying, is just sheet flowing through the farm field, there is nothing stopping it. So, when you get a big rain, it is definitely going if that's the direction it's coming and it's heading out to Haber. Sure, if it's a large drainage area, it's going to do that. Well, they're taking into account in their design all of that water, it's going to get slowed down by the yards, it's going to get slowed down by the streets, by the street network, but more importantly, it's going to get controlled into our retention basin and

then leave our site at a controlled rate that the engineers are engineering. So if it does flood, you guys are going to come at me, rightfully so, and then I'm going to go back to my engineer and say, what did I pay you for. There is accountability. Today, you have a site that hasn't been engineered, that hasn't been looked at going to a site that has been looked at, that has been engineered. We are very confident that there is not going to be a flooding issue out on Haber or National because that would be a much bigger issue.

Mr. Merkle stated, the one comment that was made about the flooding situation shown on a picture for Fox and Haber. While this is outside the development area, do you have water from this project area flowing in a northward direction on Haber towards Fox Road. Mr. Selhorst replied, no, this section flows southwest and that northern section two area kind of flows south and then east.

Mr. Merkle asked, the drainage on the western boundary of those properties that butt up against the equestrian field or the hay field. The plan shows drainage along those back properties in terms of collecting water and flowing and essentially heading south through the development towards your retention basin. Do you have a guarantee that those properties will retain and maintain those drainage tiles at the drainage area, so it doesn't flow onto the other field. Mr. Oaks replied, the drainage is in easements, it will be the responsibility of the homeowner's association to maintain those. It won't be the responsibility of the individual homeowners.

A motion was then made by Merkle to close the public hearing; motion was second by Kelly. All yeas, motion carried.

CLERK'S REPORT

Clerk Seim presented the minutes of the September 4, 2025 Council meeting. Motion by Henning, second by Farmer to approve the minutes as presented. Voting: Farmer-yes, Henning-yes, Merkle-yes, Kelly-abstain, Bachman-yes, and Stevens-yes. Motion passed 5-0 with one abstention.

VISITOR'S COMMENTS

Bill Seiter shared his appreciation to the developer, Council and City staff for working with the residents from Mount Royal on the Hunter's Path Phase 3 project.

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 Kelly to table this Ordinance due to the fact that we do not have full representation of council this evening, motion was second by Farmer. Voting: Farmer-yes, Henning-no, Merkle-yes, Kelly-yes, Bachman-yes, and Stevens-no. Motion passed 4-2.

NEW BUSINESS

Ordinance No. O – 09 – 25 – 24 An Ordinance Authorizing Amendments to Designation of Job Categories and Pay Schedules and Declaring an Emergency. Motion by Henning to amend the

Ordinance to remove the car allowance, there was no second to this motion, this motion died. Motion by Merkle to enact the Ordinance as an emergency, motion was second by Kelly. Voting: Farmer-yes, Henning-no, Merkle-yes, Kelly-yes, Bachman-yes, and Stevens-yes. Motion passed 5-1. Motion by Merkle to approve the Ordinance, motion was second by Bachman. Voting: Farmer-yes, Henning-no, Merkle-yes, Kelly-yes, Bachman-yes, and Stevens-yes Motion passed 5-1

Ordinance No. O – 09 – 25 – 25 An Ordinance (*Adopting, Rejecting, Modifying*) the Planning Commission's Recommendation to Approve, with Specified Conditions, the 17.135 Acre Preliminary and Final Subdivision Plan of Northwood Estates Section One for Property Bearing Parcel I.D. Number M60 03012 0022 and Located at the Northwest Corner of National Road and Haber Road and Containing 33.733 Acres Located within the City of Clayton, Ohio. Motion by Kelly to table this Ordinance, motion was second by Merkle. Voting: Farmer-no, Henning-no, Merkle-yes, Kelly-yes, Bachman-yes, and Stevens-yes. Motion passed 4-2.

Resolution No. R – 09 – 25 – 71 A Resolution Re-Appointing Traci Barnes to the Parks Advisory Commission. Motion by Henning to approve the Resolution, second by Kelly. All yeas, motion carried.

Resolution No. R – 09 – 25 – 72 A Resolution Pursuant to Charter Sections 12.03 and 12.05 Authorizing the Acting City Manager to Perform the Duties of Director of Development. Motion by Merkle to approve the Resolution, second by Bachman. Voting: Farmer-yes, Henning-no, Merkle-yes, Kelly-yes, Bachman-yes, and Stevens-yes. Motion passed 5-1.

CITY MANAGER'S REPORT

Chief Hamlin advised the Fire, Police, and Service Community Open House is Tuesday, October 7th from 4:30 to 7 p.m. We encourage everybody to come out, it's a great event where the police, fire, and service departments get to interact with the community. We have our Costumes and Carving event at Meadowbrook on Sunday, October 26th from 2 to 4 p.m. I understand that's a great event, and lots of kids come out. Concerning the JEDD waterline, if you recall, Clayton and Clay Township have been working with the Montgomery County Transportation Improvement District (TID) and Quik Trip to extend a county water line from National Road to Brookville Salem Road within the Joint Economic Development District. The TID is currently working on a draft agreement between the parties to share the cost of the Quik Trip project development agreement. Clayton plays a supportive and cooperative role in facilitating the development of the Quik Trip gas station on a parcel of land located within Clay Township. While the project site is outside the city's boundaries, it is within the JEDD District. The extension of the water line will provide for two T's for future extension of the water lines into the old village of Clayton. Any financial contributions would be taken from the JEDD funds. Bella Sorella's ribbon cutting is Wednesday, September 24th at 3 p.m. If Council has questions regarding TIFs or CRAs, Price Finley, Partner at Bricker Graydon LLP, has agreed to present to Council and our residents a presentation concerning public finance options at a work session October 2nd at 6:30 p.m.

Interim Law Director Deitering asked, if you could just indulge me for a procedural issue, could we have a short recess. It'll take a motion and a second for a recess, but I need to check a procedural matter. Merkle made a motion for a short recess, motion was second by Kelly. Ms. Deitering advised, we made a procedural mistake, so we are going to go back to old business

before we go to Council Comments and we will have the Clerk re-read the Ordinance and we'll correct the procedure going forward.

Clerk Seim re-read 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 Bachman to untable this Ordinance, motion was second by Kelly. Voting: Farmer-yes, Henning-no, Merkle-yes, Kelly-yes, Bachman-yes, and Stevens-yes. Motion passed 5-1. Motion by Merkle to table this Ordinance, motion was second by Kelly. Voting: Farmer-yes, Henning-no, Merkle-yes, Kelly-yes, Bachman-yes, and Stevens-no. Motion passed 4-2.

COUNCIL MEMBER COMMENTS

Mr. Farmer thanked everyone for coming out tonight. I publicly wanted to express my sincere sympathies and condolences to the Kirk family and Turning Point USA for the loss of Charlie Kirk. Whether or not you agree with his politics, if you watch how he engaged our college students, he loved our college students. He gave them a safe space where those with opposing views could share them, and they could share ideas. We need more of that in this country, we don't need political violence. I just wanted to have my say on that. I do want to encourage everyone to come out for the Police, Fire, and Services Open House on October 7th, 4 to 7:30 p.m., it should be a good time, and you can see all the cool equipment we have and all the great people we have working for our city. Mr. Henning thanked Mr. Farmer for bringing up Mr. Kirk. I did not follow him closely while he was alive, but send my thoughts and prayers to his entire family. We have started to see a lot of his videos come up from when he was alive, and as I said I didn't follow him but his love for family was truly amazing and I have learned posthumously from him some ideas on how to be a better Dad, I appreciate that. I wanted to thank staff tonight for getting the carts to the homecoming parade, we enjoyed that. We were all there tonight and got to see a lot of the residents and more importantly the students celebrating a fun football season and fall sports. Todd Burkett, thank you tonight for your questions about public safety, and thank you Chief, for addressing those. I think a 5-5-5 police schedule for a city our size is more appropriate than three. I voted against the development tonight; I voted against tabling it tonight. As I've said many times, we've wasted so much time. There are some new people running for council, I highly encourage you to get to know them. Bella Sorella, welcome to Clayton, we're very excited for you. Continue to support our other restaurants such as Ray's, La Fiesta, Cafe Terra, Boston Stoker, and others. It's important to spend our money locally so we can continue to see others invest here in our own city. Mr. Merkle stated I wish to share my condolences to the Gorman family for Barbara's loss of her Mother this past week. It's always difficult to lose a parent regardless of your age. Unfortunately, this was Barbara's time to have to deal with the loss of a parent. In terms of the Ordinances that were tabled tonight, the one dealt with Hunter's Path and essentially we needed five votes in favor of its passing otherwise it would have failed, with four votes voting positive it would not have gone anywhere, it would have been a dead issue. The other one basically was tabled as there was a potential for a three to three split vote which would have killed it. So given an opportunity to have a true vote we need seven people. I take this job seriously; I have from the beginning. I have information and documentation at home that I look at, people I talk to, and information from the internet because it's always important to be informed, not just read what you read on social media. It's important

to get factual information to make decisions and that's where I come from. If you ever have any questions on where I stand, ask me. Don't ask me on social media because I'm not playing in that field. Call me, knock on my door, talk to me on my front porch, face to face. If you want to talk, give me a call. Kelly stated, without being repetitive, I feel the same way Greg feels. We can agree to disagree. I've said this many times in the past, true respect is something that is earned and I am just asking for true respect at this point. Like I said, we can agree to disagree, but come on, let's respect others, let's work together. That is our common goal and the reason we're here. We all take this job seriously or I wouldn't have been here. I would have never ran 12 years ago. I care about my community and will continue to care about my community. Tonight's homecoming parade, I've never seen a bigger homecoming parade. It was so exciting to see students, parents, teachers, and community members out. It was a great event. I wasn't here at the last meeting, so I want to congratulate Joyce Deitering and welcome her for the interim Law Director position. Mr. Bachman stated I wish to extend my condolences to the Harlamert family, she was a wonderful woman that is going to be missed, she also helped out at many community events. I also want to extend my condolences to the Gorman family as well. Tim isn't here tonight as he had to go to New York for the passing of his Mother-in-law. Both ladies lived long full lives, but it's never easy, so my condolences to both families. Thank you to Northmont Schools for the homecoming parade, it went off well as it always does, and it was great to see members of the community come out. Best of luck for a good and safe homecoming weekend. Bella Sorella's opening has had some challenges, bad laws on how long it takes to get things reversed. What's keeping them from serving certain alcohol is a law from the 1930s. But they've had a lot of support from the community. If they had been a big pizza chain things would have been easier, but they are a local family. I want to congratulate them for all their success so far and for the support they've had. I know they are going to be a success for a long time in this area. The buildup in that area, I was away at college in the mid 2000s, that area went from just a farm field to what it is now. It's had a lot of hiccups but obviously has built into a good part of the Northmont area and will continue to be in the near future. Stevens stated I spoke with a resident who lives near Haber Road and is an avid bicyclist. He was wondering if the City would consider putting up bike shared road signs. He said he likes to ride in the country, and most of the time it's not an issue but sometimes it is, and I told him that was a good idea. I want to welcome back Joyce (Deitering). I want to thank the Councilmembers for making the parade tonight, I think it's a good showing for us, and I am proud that we were all able to show up. There was a big crowd out there tonight, I think that's the biggest I've seen in all the parades I've done. I want to say thanks to the Council, thanks to our great staff, and the residents of Clayton. We have a small staff for a city our size and geography. We're very small, but what makes me so proud is we're super-efficient and everyone is high caliber. There aren't any weak spots and it's what keeps us running. I appreciate the good work from all of our staff. I want to thank all the residents who came out tonight. Everyone has concerns when there are changes, it brings up different concerns for different people. We want to do the right thing, and we want to see responsible growth in our community. I appreciate all your comments, and appreciate everyone coming out.

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

Meeting adjourned at 9:19 PM.