

Minutes of October 2, 2025 Council

Meeting of the Clayton, Ohio City Council
Clayton Government Center
October 2, 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

Kate Baker, Program Coordinator for the Montgomery County Recorder's Office gave a presentation on the Montgomery County Recorder's office programs, specifically Free FAN Enrollment (Fraud Alert Notification), Transfer on Death designation for your property upon your death, and the Veteran's Identification Card program listing the discounts and programs available for veterans.

CLERK'S REPORT

Clerk Seim presented the minutes of the September 18, 2025 Council meeting. Mr. Henning identified a few spelling mistakes which he shared with the Clerk. Motion by Farmer to approve the minutes with the spelling amendments, motion second by Merkle to approve the minutes as presented. Voting: Farmer-yes, Henning-yes, Gorman-abstain, Merkle-yes, Kelly-yes, Bachman-yes, and Stevens-yes. Motion passed 6-0 with one abstention.

OLD BUSINESS

None

NEW 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 Merkle to un-table this Ordinance, motion was second by Farmer. Voting: Farmer-yes, Henning-no, Gorman-yes, Merkle-yes Kelly-yes Bachman-abstain, and Stevens-yes. Motion passed 5-1 with one abstention. Motion by Gorman to adopt this Ordinance, motion was second by Merkle. Voting: Farmer-yes, Henning-no, Gorman-yes, Merkle-yes, Kelly-yes, Bachman-abstain, and Stevens-yes. Motion passed 5-1 with one abstention.

Ordinance O - 09 - 25 - 25 A Resolution Adopting 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 Gorman to un-table this Ordinance, motion was second by Merkle. Voting: Farmer-yes, Henning-no, Gorman-yes, Merkle-yes, Kelly-yes, Bachman-yes, and Stevens-yes. Motion passed 6-1.

Mr. Farmer stated I have a few questions for the developer. Mr. Oaks has your engineer had a chance to review the August 18th letter from the Kleinger's Group about the grading plan where it said grading creates large areas of ponding in the rear yards between Stillwater Way and Bolt Court during a large storm event. There is concern for ponding at the entrance of the plat and Haber Road. Mr. Oaks replied my apologies, I haven't seen that, but I did speak with my engineer regarding drainage. We're very confident that the grading, and the area that they take it from, today it sheet flows off of the farm fields and that is the low spot, it's definitely going there and collecting there. Our detention basin, which I believe the engineer from the city has looked at and said it's very conservative. We have actually oversized that to pick up more water. We have to put what they call footboard, it's a safety factor to cover even more. We are very confident that we are going to make the situation that is there today much better, if not fix it.

Mr. Farmer stated my concern is with wells in the surrounding area. A resident checked for me on the depth, and the depth isn't 75 to 100 feet, it's about 40 to 60. I didn't know if your engineer worked with the city's engineer about potential impacts to those wells from messing with the bedrock. Mr. Oaks stated, it's a good question but tough question. We are going down at our deepest about 15 feet. The majority of our sites are in the 10 to 12 foot range, the deepest is sanitary. Our building foundations are going to be much higher than that. I can't tell you that something couldn't happen, but if something happens and they prove that I negatively affected their water well, I'm opening myself up for liability and will have to address that. There are about a dozen properties that butt up to this development, they will have the opportunity to tie into city water, they don't have to, it's just an option.

Mr. Farmer stated country folk like their well water. Mr. Oaks replied I don't want them to go away from their well water. Those wells pull from the aquifer, about 45 to 60 feet down. I'm not going near that depth. I don't anticipate having any impact on what they are experiencing today.

Mr. Farmer stated there are surrounding businesses that use well water that could be affected by this. Even if the hookup was free, my experience living in North Clayton we had an opportunity to get city water and our council rep talked to every single person on that street and every single person said no thanks. Mr. Oaks replied, your point is very well taken, and I want to be a good neighbor. The last thing I want to do is negatively impact anyone.

Mr. Merkle asked about the depth of the high-pressure gas line. Mr. Oaks stated, I want to say it is about three to four feet. We did extensive potholeing and survey shots and worked with the gas company.

Mr. Merkle stated, a concern is if you need to run water lines, sewer and everything else through that area underneath that gas line. Mr. Oaks replied, we are looking to only cross it in one area because it is very expensive, and they are very touchy about their gas lines. They will have a representative on site while we are out there, and we will have the city inspector and our team of contractors.

Mr. Merkle stated, if you need to excavate if you have to get into the bedrock, you said you were not going to do blasting. Mr. Oaks replied correct. Mr. Merkle continued, but I believe the Geotech description defined hydraulic equipment being used to dig and excavate those areas where it's tough, that would be the highest level or most severe type of apparatus you would bring to do excavation. Mr. Oaks replied, if we do encounter rock which we're expecting on that one front cul-de-sac to be in it about a foot to a foot and a half worst case but then we get out of

it. If we do, hopefully the rock is soft enough, it's what they call shale that we are able to just rip it up and dig it with the backhoe. If not the most extensive thing that we would bring in is called a rock wheel. I don't anticipate that, we ran into some rock over at Wenger Village, I'm assuming it's similar to that. We were able to rip it with the bucket. Your point is well taken, zero blasting. We won't be, and we couldn't do that without city approval, which we know you are not going to give, nor do we want. We are confident that we'll be able to get out of it as quickly as possible and minimize any impact.

Mr. Henning asked, none of those homes will have basements, right. Mr. Oaks replied, most of them could have a basement, it will be an option. Typically the house will have eight to nine foot basements and it will sit out of the ground about three feet. They will be going into the ground worst case six feet and none of those boring shows rock at that depth.

Mr. Merkle asked, your service lines have to be below the basement level. Mr. Oaks replied, the sanitary is the deepest. That is the only portion we anticipate hitting rock at this time.

Mr. Farmer asked about the traffic light, going back to the traffic study of 22. I know COVID was going on and there was less traffic. What was used to account for the increased traffic because I know traffic has increased on that road and in that intersection since this was done. Mr. Oaks replied, I may defer to the city's engineer on what they requested and required. Unfortunately, he's not here tonight, but I will get you an answer for that.

Hearing no further questions Mayor Stevens asked for a motion. Motion by Gorman to adopt this Ordinance, motion was second by Bachman. Voting: Farmer-no, Henning-no, Gorman-yes, Merkle-yes, Kelly-yes, Bachman-yes, and Stevens-yes. Motion passed 5-2.

Resolution No. R – 10 – 25 – 73 A Resolution Authorizing the City Manager to Accept the Renewal Policy from the Public Entities Pool of Ohio (PEP) and Burnham & Flower Insurance Group for Property, Casualty, and Liability Insurance Coverage. Motion by Henning to approve the Resolution, second by Gorman. All yeas, motion carried.

Resolution No. R – 10 – 25 – 74 A Resolution Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying them to the County Auditor for Tax Year 2025, Fiscal Year 2026. Schweitzer advised this is an annual function that each taxing authority passes their necessary tax levies, and certify the levies to the county auditor. This allows the City to levy the property tax rates, both voted and unvoted, and subsequently collect the associated revenues. Motion by Henning to approve the Resolution, second by Gorman. All yeas, motion carried.

CITY MANAGER'S REPORT

Elaine Wittman, Interim City Manager, advised we have the Fire, Police, and Service Community Open House this coming Tuesday from 4:30 to 7:00 pm here at the Government Center. Our next event will be Sweep Clayton Clean which is Saturday, October 18th at 8 am at the old Fire Station at 200 Woolery Lane. We will wrap up the month with Costumes and Carving on Sunday, October 26th from 2 to 4 pm. You have at your seats this evening our Clayton Living newsletter that was mailed out early, so it should be arriving in resident's mailboxes early next week. I'm requesting guidance on the City Manager position as well as the Law Director search to see if there is anything that you would like me to do with that. The last

time there was a city manager search, it took about six months. Council advised her to hold off for a couple of months. I want to bring to Council's attention the repeal of the Warner Village referendum. Our previous Law Director was in contact with the Board of Elections, but I don't believe anything was solidified on whether that was being taken off the ballot or not, and I believe the ballots have been printed. I have reached out to see if there is something that can be put on the ballot stating that this was repealed therefore the votes won't be counted. Councilman Henning advised, usually if a candidate were to withdraw before the election and after the ballots are prepared, they place a sign at the polling location saying any votes cast for that measure will not move forward towards tabulation. I assume that is what would happen since military ballots did go out on September 19th. Ms. Wittman continued, we had the TIF presentation this evening, but we do have some developers who are looking for TIFs that will be on Council's upcoming agenda, I just want to give you a heads up on that. I would like to bring up Service Director Randy Sanders, he has some great news. Sanders stated I have good news for a change, I was contacted about four months ago by ODOT that said there were additional benefits that we could apply, they call it the Alternative Special Solicitation Funds. Both the Hoke Road and State Route 48 projects are coming up next year and they are both very important to us. We started this process back in 2019, and costs went crazy after that. The Hoke project was sitting at \$3.72 million, we were only given \$2.1 million in the grant and we were going to be on the hook for a lot more than that because not only did we have the additional \$1.62 for the local cost, we also had water and sewers estimated at \$400,000, 100% our cost. Right now our real estate we're at \$700,000 just to purchase the real estate, we're getting commercial values out there. There is one property owner that's not happy, that one will probably go to court at some point in time. We applied for both, and I thought we would be lucky to get one. We actually received both of those. We will receive \$1.6 million for Main Street and an additional \$1.5 million for Hoke Road. That is a big deal to the City. Also, the last meeting, I am kind of a boring person that sits at home and listen to the meetings. Mr. Stevens mentioned sharrods, that is the word for what the bicycle people want to put bike markings on Haber and Sweet Potato. I did call our engineer about that, and that is possible even though they are very narrow roads. You can put those on any road, so it would be up to you if you want to pursue that. Ms. Wittman then asked Fire Chief Garver to come up. Chief Garver stated, at your last meeting, I wasn't here, but I did watch it as well. Mr. Burkett had concerns about fire and EMS coverage to new developments, what that looks like. I contacted Mr. Burkett and had a conversation with him to explain how we operate. It's hard to sit there and say how much call volume increases with development. You just can't say so many houses because there are a lot of factors. We have plenty of resources and mutual aid in this area that we can cover it. Development in the last three years, we have about 274 residential units that we've added. Year to date, out of those developments, we've had 36 calls. That is less than 1% of our total call volume that has created. It's not something that taxes us. Even if you have 1500 new homes go into the City of Clayton, that is about 250 calls. That's not one call per day increase. I'm just saying from a fire department standpoint that is not an issue for us. I just want to make sure you have accurate and correct information.

VISITOR'S COMMENTS

Earl Harlamert, Clayton's Parks Director, stated our parks are beautiful right now, well maintained, trash is picked up, everything is gorgeous, and the leaves are starting to turn. If you're going to enjoy our parks now is the time to get out, do your walking, and go through our parks. The Parks Commission will have a table at the Open House next week and we will have

information on our parks. Our Costumes and Carvings will be at Meadowbrook on October 26th. We have our annual donation of pumpkins, we will have all the tools, carve your pumpkin and then they will be judged.

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

LeeAnn Bustos shared her concerns with water and flooding from the proposed Northwood Estates development.

Lance Oaks stated, I just want to say thank you to Council, staff, and also the residents. The last lady that spoke, your comments are well taken. I'm happy to give her my card after the meeting or any resident that wants it and have them come and sit down. I'm happy to call a meeting with my engineers and go over everything that we're doing so they can hear it directly from me. I'll be available after this meeting to give them my card.

Dana York asked about the flashing light on Old Salem for Northmoor Elementary and shared his concerns that we do not disturb the aquifer.

Randy Sanders, Public Service Director, advised we applied for a safety grant through ODOT for all three schools, and all three will be getting flashing lights. Also Northmont High School, we're going to be doing something so their line of sight will be better. There is going to be a lot of painting and stuff going on with that. Again, that is an abbreviated safety study, but we are batting 100% on those. I think we will probably get that grant.

COUNCIL MEMBER COMMENTS

Bachman gave his condolences to Councilman Gorman on the loss of his Mother-in-Law. He thanked Ms. Lewis from Bricker Graydon for her presentation this evening. I want to disclose my abstention vote on the DDC development, I live close to the Hunter's Path area and was advised by our prior Law Director that I should abstain. Thank you to my neighbors in the Summersweet plat for your reasonable concerns and working with us, and Mr. Oaks I hope things move forward in a positive way for your project. Kelly stated I want to formally congratulate Elaine (Wittman) for her first meeting at Interim City Manager, and thank Ms. Lewis for the economic development incentive briefing, we learned a lot, and it was very descriptive. The costume and carvings will have costumes judged as well as the carving. My condolences to you, Tim and Barb; and happy birthday to Brendan Bachman whose birthday was yesterday. Merkle shared the Ohio Attorney General's office put out an email directing persons who are proposing to run for office or those currently in office to sign up and take part in their Mount Vernon Project: School of Public Service. It is a website that the attorney general's office set up to provide information given by professionals dealing with city government operations. Tim, I also want to offer my condolences to you and Barbara for your Mother-in-Law and as I have said before, losing a family member is always tough. Gorman stated I would like to thank our two speakers this evening, and I would like to thank everyone for their condolences for Barbara's Mother, she was a fine lady, she was 100 years old, and she had a good visit here. Henning stated we were sending prayers to both you and Barb, our condolences. I also want to thank Ms. Lewis for the workshop presentation, and also thank Ms. Baker for coming. I would encourage residents to sign up for the County's FAN notification system, the fraud alert notification system, deed fraud is a thing. We're excited for the Fire open house next Tuesday. It

wasn't in the meeting minutes from last week, it was stated in the minutes that a council member knew how others were going to vote. So, I would once again say there is some type of caucusing that goes on prior to a meeting because I wasn't asked how I was going to vote and this individual stated on the record he knew how everybody was going to vote. Farmer stated I also want to acknowledge the loss of your Mother-in-Law, my sincere condolences.

Mr. Farmer then provided information to Council on TIFs that he has researched. I want to add to Ms. Lewis's presentation, particularly the TIF's, she left it with two questions. How will the TIF impact the school district, and how will the TIF impact other taxing entities, I did a little research. We had some actual numbers for our TIFs and I used that to extrapolate with a baseline, some modest growth, and made some assumptions. This is let you know if things continue to go the way they go, this is where we could end up in 10 to 30 years. The impact on the schools, is there an impact on our police, fire, and EMS. And, what is the accumulated amount of funds you could see in the TIF at the end of their term. I did ask Ms. Lewis about what is redirected to TIFs, those are all the things in our property taxes that go to the TIF fund. Anything that is a bond or debt is not authorized to go into that TIF and is paid off with the regular property taxes. When I looked at the school impacts, what I did was look at that difference that is lost from populating that TIF fund on behalf of the schools that 75% that Ms. Lewis talked about. So during that first 10 years in Hunter's path, it's using that 75/25 proportion that in the end of that the school will have lost \$1.2 to \$1.4 million to the TIF because of how it was funded. Wenger Village is a little less about \$890K approaching a million during that time. When you add those up the total it's two to two and a half million over 10 years that the school loses to these TIFs. Grand Traditions has a non-school TIF, the schools aren't affected by how they are funded through that one. Police, fire, and EMS impacts, I also mentioned this with Ms. Lewis that the baseline property that pays normal property taxes like everything else. So you have the improvement, everything you build on that property is taxed, goes to the TIF fund, but then the baseline, think of this that open land you built on, that is where you would get your police and fire because the police and fire levies get redirected to the TIF fund. That improvement is not paying on police and fire but you are paying on it on the baseline. An example, Northwood Estates land right now pays \$1,355 in property tax for the entire land. Once it's developed, that is how much will continue to be paid over each year. Imagine all those houses, but they're paying that amount towards police and fire. Bottom line is police, fire and EMS will receive much less because of the residential TIF. If things continue to go over the 30 years, the infrastructure cost is capped. There is a certain amount that gets paid once that is paid off. What I found is it gets paid off in 10 to 12 years. Beyond that, think about these 30-year ones, years 13 to 30, you are populating that fund, it keeps accumulating. So with Grand Traditions, if that happens, you could see anywhere from two and a half to four and a half million sitting there at the end of that TIF period. That is money that can only be used on that property, the city can't use that. Same thing with Hunter's Path. Wenger Village I found interesting, at the end of their 10-year term that the infrastructure cost still isn't completely paid off, its TIF balance is zero. You could have across those two TIFs \$10 million accumulating. I'm just sharing, we are Clayton, we're not a big city with a lot of business and tying up money like that leaves me concerned about the financial viability for the city.

Stevens stated I want to thank everyone that spoke tonight, including our special presenters, thank the developers for coming in, and thank our residents. The message I would like to leave with everyone is it's the 1st of October so we're about a month away from the election and we

have candidates up here, we have candidates in our audience, we have candidates hopefully on TV watching us, and out in our community. So far everything has been civil and correct. There are right ways and wrong ways to run campaigns. You can run clean or you can run dirty. I hope none of our folks run dirty campaigns, we just don't need it. It's going to be hard to come back together after November or December. You are all running because you feel you can contribute to the City, and I hope that everyone's heads and hearts are in the right place. I wish everybody luck. When I decided to first get into this I didn't know much about it. You learn quickly and it's very important to me that our City appears united to the outside world. It's been shaky over the last couple of months but it's up to everyone in this room and beyond to pull ourselves back together because it's a great place to live. We have tons of potential out there, and everyone has their own idea about what that potential means. Let's not waste it and let's not make ourselves look bad. Let's try to hold our heads up and run the best campaign.

EXECUTIVE SESSION

Acting Law Director Turner advised an Executive Session is needed this evening for matters pertaining to employment and/or compensation of personnel. Motion by Henning to go into Executive Session, motion was seconded by Gorman. Voting: Farmer-yes, Henning-yes, Gorman-yes, Merkle-yes, Kelly-yes, Bachman-yes, and Stevens. Motion passed 7-0.

Acting Law Director Turner advised an Executive Session is also needed this evening for matters pertaining to pending litigation. Motion by Henning to go into Executive Session, motion was seconded by Kelly. Voting: Farmer-yes, Henning-yes, Gorman-yes, Merkle-yes, Kelly-yes, Bachman-yes, and Stevens-yes. Motion passed 7-0. Council broke at 8:39 PM. Council returned at 9:07 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 9:08 PM.

Exploring Future Impacts of Clayton's Residential TIFs

Ryan Farmer
Councilmember
October 2, 2025

1

Questions of Concern

- What is the financial impact on schools?
- Is there a financial impact on police, fire, EMS, etc.?
- What is the accumulated amount of funds in each TIF when they are complete?

2

What property taxes are redirected to TIFs?

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| <ul style="list-style-type: none"> • Montgomery County <ul style="list-style-type: none"> • General Fund • Human Services • MRDD • Library • Five Rivers Metropark • Sinclair – General Fund | <ul style="list-style-type: none"> • City of Clayton <ul style="list-style-type: none"> • General Fund • Police Levies • Fire District • EMS services • Northmont • Miami Valley CTC |
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Bonds/Debt is the only authority/levy that cannot be redirected to TIFs

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School Impacts *(Northmont and MVCTC)*

- Grand Traditions TIF is non-school
- Hunter's Path I/II TIF redirects approximately \$1.2-\$1.4 million from schools during first 10 years of 30-year term
- Wenger Village TIF redirects approximately \$800-\$900 Thousand from schools during total 10 years term

Total from schools to TIF is approximately \$2M to \$2.5M over 10 years

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Police/Fire/EMS Impacts

- Police/Fire/EMS property taxes are paid on the baseline property only, not on the Improved (developed) part
- Example: Property proposed to be Northwoods Estates currently pays \$1,355.40 in property taxes...

Once developed, the property will pay the same amount in tax for police/fire/EMS as it does now (\$137.51)^a

Police/Fire/EMS receive much less from residential TIF properties

^a - Derek Neidigher, County Auditor

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Accumulated TIF Funds

- Once Infrastructure costs are paid off, funds will accumulate until the end of the TIF term (10 or 30 years)
- Grand Traditions TIF at the end of its 30-year term will have approximately \$2.5 to \$4.5 Million accumulated
- Hunter's Path I/II TIF at the end of its 30-year term will have approximately \$2.3 to \$4.3 Million accumulated
- Wenger Village TIF at the end of its 10-year term will have zero

Across all Clayton residential TIFs, up to \$10M+ could accumulate

6