

## **Minutes of February 5, 2026 Council**

Meeting of the Clayton, Ohio City Council  
Clayton Government Center  
February 5, 2026

### **CALL TO ORDER**

The meeting was called to order by Mayor Farmer at 7:38 PM. Present were Mayor Farmer and Councilmembers Henning, Gorman, McDowell, Kelly, and York.

### **CLERK'S REPORT**

Clerk Seim presented the minutes of the January 15, 2026 Council meeting. Motion by Gorman, second by Kelly to approve the minutes as presented. All yeas, motion carried.

### **APPOINTMENT BY THE MAYOR OF WARD 1 COUNCIL MEMBER**

Mayor Farmer advised the next item on the agenda is the appointment of the Ward 1 Councilmember. He asked Interim Law Director Deitering to advise on the legal requirements in this situation. Deitering stated the applicable law is Clayton Charter Section 3.09A which states a vacancy in Council shall be filled by a majority vote of the remaining members of Council. Clayton Charter section 3.09B states if Council shall fail to elect a person to fill a vacancy in Council under division A that I just cited of this section within 30 days after the occurrence of the vacancy its power to do so shall lapse and the Mayor shall appoint a person to serve. Farmer stated Council knows what was discussed in our executive session. Since there was no consensus, I was not surprised that no one on Council made a motion to appoint a new Councilmember. However, in an effort to be transparent to the community and to let all Councilmembers express their preference, I offer Council the opportunity to make a nomination to fill the seat, is there a motion. Gorman made a motion to nominate Dennis Lieberman, motion was seconded by Kelly. Farmer stated we have a motion from Mr. Gorman to nominate Mr. Lieberman for the Ward 1 Council seat with a second by Ms. Kelly. Voting: Henning-no, Gorman-yes, McDowell-yes, Kelly-yes, York-no, and Farmer-no. Motion failed 3-3. There is not a consensus or a majority, and it would have been the same most likely before February 1st. It is now in the public record for the sake of transparency for the community. Given that, I would like to make the selection of Ms. Leanne Bustos as the Ward 1 Councilmember for the remainder of the term. Gorman asked the Law Director, I thought we had to wait 30 days. Deitering advised, no, it was 30 days from the vacancy. Thirty days have expired and there was a vote as requested and now it is appropriate to make the appointment. Henning stated technically we did the vote, but the vote was not following the law, he asked the Law Director, we did it out of transparency to the citizens, correct. Deitering stated that is what the Mayor stated, he wanted to offer members of Council the opportunity to state their preference and have the opportunity to make their option and to vote. Kelly stated in all due respect, I don't feel it was explained well enough. We've never had this situation before, and I feel it wasn't explained well enough. Whose fault is it, I don't know, but in the future, I think it needs to be explained in better detail if this ever happens again. Henning stated I think the Charter read pretty clear and it was very easy to read.

### **SWEARING IN OF WARD 1 COUNCIL MEMBER**

Mayor Farmer performed the Oath of Office to Ward 1 Councilmember LeeAnne Bustos.

## **NEW BUSINESS**

Resolution No. R – 02 – 26 – 14 A Resolution approving the employment of Elaine Wittman as City Manager and further authorizing the City to enter into an employment agreement with Elaine Wittman. Motion by Gorman to approve the Resolution, Kelly seconded the motion. All yeas, motion carried.

Resolution No. R – 02 – 26 – 15 A Resolution approving the employment of Joyce M. Deitering as Law Director and further authorizing the City to enter into an employment agreement with Joyce M. Deitering. Motion by Kelly to approve the Resolution, Henning seconded the motion. All yeas, motion carried.

Resolution No. R – 02 – 26 – 16 A Resolution approving a wage agreement for the period of January 1, 2026 to December 31, 2026 with the Teamsters for the Maintenance Workers. Motion by Gorman to approve the Resolution, Henning seconded the motion. All yeas, motion carried.

Resolution No. R – 02 – 26 – 17 A Resolution proving consent to the Ohio Department of Transportation to complete project described as “Resurface US 40 SLM 06.22 to 08.22 (Diamond Mill Road to Hoke Road) in the City of Clayton” and bearing PID No 120190. Randy Sanders, Public Service Director, advised during fiscal year 2027, ODOT will perform a 2-inch mill and fill paving on National Road from Diamond Mill Road to just east of Hoke Road. This is an 80/20 split, with ODOT paying 80 percent and Clayton paying 20 percent. Motion by Henning to approve the Resolution, Kelly seconded the motion. All yeas, motion carried.

Resolution No. R – 02 – 26 – 18 A Resolution providing consent to the Ohio Department of Transportation to complete the project described as “Bridge Repairs on SR48 to include structure file numbers (MOT-IR-5703751) in the City of Clayton” and bearing PID No 120788. Sanders advised ODOT will perform lining or field paving of this large arch culvert under SR48. The project will be completed under traffic with just individual lanes closed and is scheduled to sell in April 2027. This project is 100 percent funded by ODOT. Motion by Kelly to approve the Resolution, Henning seconded the motion. All yeas, motion carried.

Resolution No. R – 02 – 26 – 19 A Resolution authorizing the City Manager to enter into an agreement with the American Structurepoint Inc. for Professional Construction Inspection of MOT-SR 48 20.61 Pedestrian Improvements Project PID 119822. Sanders advised Clayton was awarded a \$2-million-dollar safety grant from ODOT’s safety program for the construction of sidewalks, curb and storm sewer for Main Street. This first phase of the project will start at Meijer and run to Heathcliff Road. The project includes traffic signal upgrades at Garber Road. The city was also rewarded with an additional \$1.5 million dollars as additional funding which may be used for this inspection. Clayton is responsible for 100% of the construction engineering/inspection currently estimated at \$190,000 for this first phase of the widening project. The fee is part of the city’s yearly construction budget. Motion by Henning to approve the Resolution, Kelly seconded the motion. All yeas, motion carried.

Resolution No. R – 02 – 26 – 20 A Resolution authorizing the City Manager to renew an agreement with Kleingers Group for professional engineering services and at a cost not to exceed \$150,000.00. Motion by Gorman to approve the Resolution, Henning seconded the motion. All yeas, motion carried.

## **OLD BUSINESS**

Resolution No. R – 01 – 26 – 10 A Resolution to Elect a Vice Mayor and President Pro Tempore. Motion by Henning to un-Table this Resolution from our January 15, 2026 Council meeting, McDowell seconded the motion. All yeas, motion carried. Motion by York to appoint Kenneth Henning as Vice Mayor and President Pro Tempore, Bustos seconded the motion. Voting: Bustos-yes, Henning-yes, Gorman-no, McDowell-no, Kelly-no, York-yes, Farmer-yes. Motion passed 4-3.

## **VISITOR'S COMMENTS**

Norman Scarce introduced himself and announced he is a candidate for Montgomery County Commissioner.

Doug Bias stated, going back to the workshop tonight there was a lot of great discussion from every Council member and the Planning Commission members. I appreciate everyone being open to see what we can do as a community to solve these issues.

Earl Harlamert of the Parks Commission announced our annual Dance Party is scheduled on February 20<sup>th</sup>, the doors open at 6:30 pm, dancing starts at 7 pm till 9 pm. This year we're teaching wedding line dances; we're getting people ready for the wedding season.

## **CITY MANAGER'S REPORT**

Elaine Wittman, Interim City Manager, stated I would like to thank you all for the appointment, it means a lot to me filling in this role since September. I couldn't do it without an amazing staff and look forward to moving forward as City Manager. I would like to introduce our new Development Director, Colin Carville, who joined us a week and a half ago and has been hitting the ground running. He has experience through Tipp City and the City of Beavercreek in planning, zoning, and code enforcement. We are very fortunate to have him and he's really done well. Wittman asked Randy Sanders to speak on the temporary stoplight at National and Haber. Sanders advised we've had issues and obviously a lot of complaints and I understand it. At school time they cancel the light to get the buses through quicker. Unfortunately, that doesn't get all the cars through quicker. I've asked them to extend those timings when the westbound people are going to school so they can get through there faster. We're working on the timing on the lights itself. I wouldn't have torn the road up right before a major snowstorm because I was sure the concrete wasn't going to set very fast and it didn't, it came apart on one side. I had them pull the plates tonight because they are calling for snow again tomorrow. They are scheduled next Tuesday to repour the concrete and put blankets on it so it sets up and then SR40 should be okay. I don't think the single lane traffic will stop as long as they're still putting the sewer line over to the development, they will still have equipment right next to the road. I just ask everybody to be very patient. Wittman stated speaking on the service department with snow operations, we did have a snow emergency the other weekend. Crews worked 12 hours rotating shifts from Saturday January 24<sup>th</sup> through Monday January 26<sup>th</sup> and did amazing work getting the roads cleared. We did ask residents not to park on the roads, especially in the neighborhoods as it hinders plow operations. The police talked with residents especially the ones who had cars on the street asking them to move their vehicles. We made proactive efforts before the snow got here to alert people. Unfortunately due to tow truck availability during the storm, they were worried about pulling people out in real emergencies, so we did not do a lot of towing. We did tow a few that the snowplows could not get through. We issued 53 violations on street parking, and out of those 53 violations, 45 came into compliance. The others we did tow. I am proposing an amendment to

our Codified Ordinances regarding parking during snow emergencies, similar to Englewood and Union. Putting a minor misdemeanor into our code to be able to have a little more teeth to our snow operations. I plan to bring legislation to our next meeting and have Chief Nabel here to answer any questions. At our next meeting I would also like to bring information and legislation regarding an age-friendly community designation for Clayton. ThriveWise 360 has been providing free monthly healthy aging programs at Meadowbrook, and it's been a fabulous effort to build upon this momentum. We're looking at pursuing the AARP age friendly community designation. Many neighboring communities including Beaver Creek, Brookville, Huber Heights, Trotwood, and Vandelia hold this designation and, we would like to be part of that as well. With this designation we would be able to get age-friendly grants through the Dayton Foundation. There is no cost to us to apply, but we do need Council support.

Joyce Deitering stated I just want to thank everyone for appointing me Law Director. It's nice to be back in service to the city. I've enjoyed this temporary time and I'm looking forward to being the permanent Law Director.

#### **COUNCIL MEMBER COMMENTS**

York congratulated and welcomed the new members of staff, Elaine, Joyce, Colin, and LeeAnne. Kelly congratulated Joyce and Elaine, they have worked so hard and will continue to work hard for us, having known them both for a long time. I was honored to be a Councilmember when Joyce was the Mayor, and she did a wonderful job. Elaine, I never see you stop working, you do so many jobs at once, it's amazing to see you work. Now that you are the City Manager you can delegate jobs to other people instead of doing them all yourself. LeeAnne, congratulations and welcome to Council. I also want to congratulate Tim Gorman. He's been our Vice Mayor for over 16 years, and has done a fabulous job. He should be proud and Clayton should be proud of all his accomplishments. He's been around since Randolph Township times. McDowell thanked the Clayton Police for their quick response to a recent issue at Hunter's Glenn, I was there. They took quick action and did what was necessary to help that community, they did an outstanding job. I would like to thank the maintenance department for the snow removal, that was an overwhelming amount of snow. The surrounding communities streets were not as clean as ours and we thank you for that. I would like to congratulate LeeAnne and welcome you to Council. Congratulations to Elaine, on being our City Manager and Joyce for being our Law Director. I would like to say we had a lot of discussion on PLAN Clayton, and I would like the residents to reach out to our Mayor, to our Council, and to attend meetings and let's hear your concerns. Stay warm and help your neighbor. Gorman asked Ms. Wittman if any of our firemen were hurt at the fire on Heathcliff. Ms. Wittman advised no one was hurt, no firemen nor anyone in the building. Three units were displaced but have found homes. It started near a storage area on the ground and went up the side of the building. Gorman thanked Randy and his crew for the snow removal last weekend and keep up the good work. I would like to welcome Elaine and Joyce as City Manager and Law Director. I hope everybody stays warm and can get through the snow tomorrow. Ms. Bustos, welcome as our new Councilmember and we look forward to working with you. Henning also thanked Randy and his team. Mayor, I saw you were out in the snowplow for a few hours. I've done that myself and its adrenaline rushing to be in the plows, especially with the amount we just received. Elaine, thank you for working with them as they worked out their staffing, working such long hours. They put in tremendous hours of overtime to get our streets clean. Mr. Poppaw, thank you for your email regarding Rumpke. That is something that we will continue to look into. Regarding the Planning Commission session

earlier, thank you to all the members who were present and to McBride Dale Clarion whose team was also here. I think it was a good starting point for a conversation that we need to have. Ms. McDowell said it best earlier about growth, we need growth that this current administration can agree on. Moving forward, we have to define what growth is and we have to do it in collaboration with residents but also businesses. I don't take for granted that the residents are our boss, we do appreciate that. Regarding Mr. Gorman, thank you for your many years of service as Vice Mayor, we appreciate it and I appreciate your friendship. I attended the funeral and viewing this week for Martin Mahoney who was a former Councilmember and Mayor from the City of Springfield. Even though we never agreed on politics, he was an awesome guy. Sometimes you do have to put politics to the side especially during tough times. Regarding Elaine, Joyce, Colin, and LeeAnne, thank you so much for your service. We appreciate it and welcome to the team. Finally, on becoming Vice Mayor, I have to thank God first, and my family. We do love the community, and I can't thank my family and friends enough for all the support you've given me over the years. Bustos congratulated Ms. Wittman and Ms. Deitering, well deserved. I've been to a lot of meetings and listened to you as Interim and I'm sure you're going to do a great job. I also want to say congratulations to Mr. Henning on Vice Mayor, it's a big job and I know you're up to it, and I look forward to working with everyone on the Council on various issues that come up. I appreciate all the people that come out to the meetings and give us their opinions. I started out the same way, and it really does make a big difference. Thank you very much. Farmer welcomed Elaine, Joyce, LeeAnne, and Colin to the team. Colin I didn't realize you had worked for Tipp City as well as Beavercreek. Sometimes after looking at what other municipalities are doing, I saw some things that I liked and look forward to having a discussion with you and Elaine on how we might do some of those things for Clayton. As Mr. Henning mentioned, I took the opportunity to ride in the snowplow with Kenny Phelps. He did a fantastic job, and I was really impressed with the equipment we have. Randy, given your ODOT background, I think that was a key factor in how Clayton has the snowplows we do, and I thank you for that. It was a great experience, and I would encourage any resident who would like to do that, I think you have to sign a waiver with the City, but you're certainly welcome. On a personal note, I want to say happy birthday to my son David. He is 29 today and next week is Congenital Heart Defect (CHD) Awareness Week. One out of every 110 live births has a congenital heart defect. I went back to when my son was born with hypoplastic left heart syndrome, it is pretty rare, one in every 10,000 births. Reach out to your neighbors who might have a child with a heart defect, it is a challenge. Medical technology has come a long way, 30 years ago it might have been a big deal, but today we have the technology and knowledge so it's not such a big deal. On a final note, just to reiterate what Earl said, February 20th, come out for some dancing at Meadowbrook. Meadowbrook's a great facility. I think the more we use it, the more activities we will have. It will showcase its capabilities and certainly promote increased business and revenue which the City always likes.

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

Meeting adjourned at 8:28 PM.