

CITY OF CLAYTON, OHIO

RESOLUTIONS AND ORDINANCES

January 9, 2020

OLD BUSINESS

ORDINANCES (SECOND OF TWO READINGS AND ENACTMENT)

ORDINANCE NO. O – ZC – 19 – 03

**AN ORDINANCE APPROVING THE PLANNING COMMISSION'S
RECOMMENDATION TO APPROVE THE APPLICATION FOR A CHANGE IN
ZONING FROM R-3 SUBURBAN RESIDENTIAL TO I: GENERAL INDUSTRIAL
DISTRICT FOR THE PROPERTY LOCATED AT 6942 SALEM AVENUE AND
BEARING PARCEL I.D. NUMBERS M60 03207 0010, M60 03207 0009 AND M60 03207
0035 WITHIN THE CITY OF CLAYTON, OHIO**

WHEREAS, an application has been filed by Steve Weiss, the son of Melvin Weiss (a 1/3 owner of this property along with Natalie Cohen and Darlene Schuck)¹ on his behalf, for the property located at 6942 Salem Road (Parcel I.D. Numbers M60 03207 0010, M60 03207 0009 and M60 03207 0035) within Clayton, Ohio and requesting a zoning change for same from R-3 Suburban Residential to I: General Industrial District; and

WHEREAS, the Clayton Planning Commission held a public hearing on November 25, 2019, on said request at which time any and all persons were given an opportunity to be heard thereon, and;

WHEREAS, the Clayton Planning Commission after public meeting on November 25, 2019 recommended approval of the subject zoning change request referenced herein.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:

1. That the Council hereby approves the recommendation of approval from the Clayton Planning Commission that the zoning for the property located at 6942 Salem Road (Parcel I.D. Numbers M60 03207 0010, M60 03207 0009 and M60 03207 0035) within Clayton, Ohio be re-zoned from R-3 Suburban Residential to I: General Industrial District.
2. That this Ordinance shall be effective as an exception to any ordinance, resolution or other legislation of the City of Clayton, Ohio, inconsistent with this Ordinance or which imposes additional requirements for effectiveness or validity.
3. That in accordance with Clayton Charter Section 4.031 the requirement that this enactment be read on two (2) separate days is complied with by readings on December 19, 2019 and January 9, 2020.

¹ The Zoning Department has received written permission from the three owners for the re-zoning application.

4. That in accordance with Clayton Charter Section 4.031(H) this enactment shall become effective thirty days after its second reading and enactment.

ADOPTED BY COUNCIL ON JANUARY 9, 2020

ORDINANCE NO. O – ZC – 19 – 04

AN ORDINANCE APPROVING THE RECOMMENDATION OF THE PLANNING COMMISSION TO APPROVE SPECIFIED MODIFICATIONS TO THE NORTH CLAYTON DEVELOPMENT STANDARDS

WHEREAS, the North Clayton Master Owners Association initiated an application requesting approval of specified modifications to the North Clayton Development Standards; and

WHEREAS, the Clayton Planning Commission held a public hearing on November 25, 2019 and unanimously voted to recommend to Clayton City Council approval of the requested specified modifications to the North Clayton Development Standards as indicated on *Exhibit A* appended hereto and incorporated herein.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:

1. That the recommendation of the Clayton Planning Commission to approve the request for specified modifications to the North Clayton Development Standards as indicated on *Exhibit A* appended hereto and incorporated herein is hereby approved.
2. That this Ordinance shall be effective as an exception to any ordinance, resolution or other legislation of the City of Clayton, Ohio, inconsistent with this Ordinance or which imposes additional requirements for effectiveness or validity.
3. That in accordance with Clayton Charter Section 4.031 the requirement that this enactment be read on two (2) separate days is complied with by readings on December 19, 2019 and January 9, 2020.
4. That in accordance with Clayton Charter Section 4.031(H) this enactment shall become effective thirty days after its second reading and enactment.

ADOPTED BY COUNCIL ON JANUARY 9, 2020

NEW BUSINESS

ORDINANCES (FIRST OF TWO READINGS)

ORDINANCE NO. O – 01 – 20 – 01

**AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE
CLAYTON CODIFIED ORDINANCES**

WHEREAS, certain provisions within the Codified Ordinances should be amended to conform with current State law as required by the Ohio Constitution; and

WHEREAS, various ordinances of a general and permanent nature have been passed by Council which should be included in the Codified Ordinances; and

WHEREAS, the City has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish such revision which is before Council.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
CLAYTON, STATE OF OHIO:**

1. That the ordinances of the City of Clayton, Ohio, of a general and permanent nature, as revised, re-codified, rearranged and consolidated into component codes, titles, chapters and sections within the 2020 Replacement Pages to the Codified Ordinances, are hereby approved and adopted.
2. That the following sections and chapters are hereby added, amended or repealed as respectively indicated in order to comply with current State law.

Traffic Code

301.04 Bicycle, Motorized Bicycle, Moped, Electric Bicycle. (Amended)
301.20 Motor Vehicle. (Amended)
301.251 Predicate Motor Vehicle Offense. (Amended)
301.361 Shared-Use Path. (Amended)
301.51 Vehicle. (Amended)
303.06 Freeway Use Restricted. (Amended)
313.09 Driver's Duties Upon Approaching Ambiguous Traffic Signal. (Amended)
331.03 Overtaking, Passing to Left; Driver's Duties. (Amended)
331.14 Signals Before Changing Course, Turning or Stopping. (Amended)
331.15 Hand and Arm Signals. (Amended)
331.37 Driving Upon Sidewalks, Street Lawns or Curbs. (Amended)
333.03 Maximum Speed Limits. (Amended)

Traffic Code (Cont.)

- 337.27 Drivers and Passengers Required to Wear Seat Belts. (Amended)
- 341.03 Prerequisites to Operation of a Commercial Motor Vehicle. (Amended)
- 351.03 Prohibited Standing of Parking Places. (Amended)
- 373.01 Code Application to Bicycles. (Amended)
- 373.02 Riding Upon Seats. (Amended)
- 373.03 Attaching Bicycle to Vehicle. (Amended)
- 373.04 Riding Bicycles and Motorcycles Abreast. (Amended)
- 373.05 Signal Device on Bicycle. (Amended)
- 373.06 Lights and Reflector on Bicycle. (Amended)
- 373.07 Riding Bicycle on Right Side of Roadway. (Amended)
- 373.08 Reckless Operation. (Amended)
- 373.09 Parking of Bicycle. (Amended)
- 373.10 Motorized Bicycle Operation. (Amended)
- 373.12 Electric Bicycles. (Added)

General Offenses Code

- 509.03 Disorderly Conduct. (Amended)
- 513.01 Drug Abuse Control Definitions. (Amended)
- 513.03 Drug Abuse; Controlled Substance Use. (Amended)
- 529.07 Open Container Prohibited. (Amended)
- 533.04 Sexual Imposition. (Amended)
- 533.07 Public Indecency. (Amended)
- 533.16 Dissemination of Private Sexual Images. (Added)
- 537.16 Illegal Distribution of Cigarettes, Other Tobacco Products, or Alternate Nicotine Products. (Amended)
- 549.01 Weapons Definitions. (Amended)
- 549.06 Unlawful Transactions in Weapons. (Amended)

3. That the complete text of the sections listed above are set forth in full in the current replacement pages to the Codified Ordinances which are hereby attached to this ordinance as **Exhibit A**. Any summary publication of this ordinance shall include a complete listing of these sections. Notice of adoption of each new section by reference to its title shall constitute sufficient publication of new matter contained therein.
4. That in accordance with Clayton Charter Section 4.031 the requirement that this enactment be read on two (2) separate days is complied with by readings on January 9, 2020 and February 6, 2020.
5. That in accordance with Clayton Charter Section 4.031(H) this enactment shall become effective thirty days after its second reading and enactment.

NEW BUSINESS

RESOLUTIONS (SINGLE READING AND IMMEDIATE ENACTMENT)

RESOLUTION NO. R – 01 – 20 – 01

**A RESOLUTION APPOINTING JESSICA HUNTER TO THE
CLAYTON BOARD OF ZONING APPEALS FOR A FIVE (5) YEAR TERM**

WHEREAS, Charter Section 7.02 provides for the creation and appointment of members to the Clayton Board of Zoning Appeals; and

WHEREAS, Member Joel Shapiro’s current term expires January 14, 2020; and

WHEREAS, Council desires to appoint Jessica Hunter to a five (5) year term on the Clayton Board of Zoning Appeals.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:

1. That Jessica Hunter is hereby appointed to a five (5) year term with the Clayton Board of Zoning Appeals said term to commence January 15, 2020 through January 14, 2025.

ADOPTED BY COUNCIL ON JANUARY 9, 2020

RESOLUTION NO. R – 01 – 20 – 02

**A RESOLUTION APPOINTING SETH POWLESS AS MEMBER OF PLANNING
COMMISSION FOR FIVE (5) YEAR TERM**

WHEREAS, Charter Section 7.01 provides for the creation and appointment of members to the Clayton Planning Commission; and

WHEREAS, Michael Downing resigned from the Planning Commission resulting in a vacancy and via enactment of Resolution R-09-16-79 on September 15, 2016, Council appointed William DeFries to the Planning Commission to fill said vacancy and complete the remaining term of previous Member Michael Downing; and

WHEREAS, the above referenced term of William DeFries expires on January 14, 2020 and Council desires to appoint Seth Powless to a five (5) year term on the Clayton Board of Planning Commission to fill said expired term.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:

1. That Seth Powless is hereby appointed as a member of the Clayton Planning Commission for a new five (5) year term. Said term expires January 15, 2025.

ADOPTED BY COUNCIL ON JANUARY 9, 2020

RESOLUTION NO. R – 01 – 20 – 03

A RESOLUTION APPOINTING NAOMI THOMAS TO THE PARKS ADVISORY COMMISSION

WHEREAS, Clayton Codified Ordinance Chapter 159 created the Parks Advisory Commission; and

WHEREAS, Clayton Codified Ordinance Chapter 159 provides for the appointment of nine (9) members to the Parks Advisory Commission to be appointed by a majority vote of Council for overlapping terms of three years each; and

WHEREAS, there are currently two vacant seats on the Parks Advisory Commission and Council desires to appoint Naomi Thomas to fill one vacant seat.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:

1. That Naomi Thomas is hereby appointed to the Parks Advisory Commission for a three (3) year term commencing January 9, 2020.

ADOPTED BY COUNCIL ON JANUARY 9, 2020

RESOLUTION NO. R – 01 – 20 – 04

A RESOLUTION APPOINTING SABRINA PRITCHETT TO THE PARKS ADVISORY COMMISSION

WHEREAS, Clayton Codified Ordinance Chapter 159 created the Parks Advisory Commission; and

WHEREAS, Clayton Codified Ordinance Chapter 159 provides for the appointment of nine (9) members to the Parks Advisory Commission to be appointed by a majority vote of Council for overlapping terms of three years each; and

WHEREAS, there is currently one vacant seat on the Parks Advisory Commission and Council desires to appoint Sabrina Pritchett to fill said vacant seat.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:

1. That Sabrina Pritchett is hereby appointed to the Parks Advisory Commission for a three (3) year term commencing January 9, 2020.

ADOPTED BY COUNCIL ON JANUARY 9, 2020

RESOLUTION NO. R – 01 – 20 – 05

**A RESOLUTION APPOINTING CLAYTON REPRESENTATIVES TO THE
VOLUNTEER FIRE FIGHTERS' DEPENDENTS FUND BOARD
FOR THE YEAR 2020**

WHEREAS, the City of Clayton is required to appoint two persons to the Volunteer Fire Fighters' Dependents Fund Board on an annual basis; and

WHEREAS, the City desires to designate Tina Kelly and Dennis Lieberman to serve on the Volunteer Fire Fighters' Dependents Fund Board for the year 2020.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:

1. That the City of Clayton does hereby designate Tina Kelly and Dennis Lieberman to serve on the Volunteer Fire Fighters' Dependents Fund Board for the year 2020.

ADOPTED BY COUNCIL ON JANUARY 9, 2020

RESOLUTION NO. R – 01 – 20 – 06

**A RESOLUTION APPROVING APPOINTMENT OF TWO MEMBERS TO THE
VOLUNTEER PEACE OFFICER'S DEPENDENTS FUND BOARD
FOR THE YEAR 2020**

WHEREAS, Senate Bill 11 created the Volunteer Peace Officer's Dependents Fund which provides death benefits to survivors of volunteer, part time and reserve police officers killed in the line of duty and disability benefits to such disabled officers; and

WHEREAS, said Volunteer Peace Officer's Dependents Fund Board is comprised of two members elected by City Council, two members elected by the volunteer peace officers employed by the police department; and one registered voter/citizen from the City and elected by the other four members; and

WHEREAS, Council desires to elect Tina Kelly and Dennis Lieberman as members to the Volunteer Peace Officer's Dependents Fund Board for the year 2020.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:

1. That Tina Kelly and Dennis Lieberman are hereby elected and appointed as members of the Volunteer Peace Officer's Dependents Fund Board for the year 2020.

ADOPTED BY COUNCIL ON JANUARY 9, 2020

RESOLUTION NO. R – 01 – 20 – 07

**A RESOLUTION APPOINTING MEMBER TO THE COST RECOVERY/
IMPACT FEE APPEALS BOARD**

WHEREAS, by Ordinance No. O-05-05-07 adopted May 19, 2005, a process was adopted to impose a Cost Recovery/Impact Fee for development within Clayton Improvement District No. 1; and

WHEREAS, said ordinance provided for the creation of a Cost Recovery/Impact Fee Appeals Board to address and decide objections to the imposition and amount of said fees; and

WHEREAS, the 3-year term of member Dennis Lieberman expired 12/31/19 and Council desires to appoint Dennis Lieberman to fill said expired term;

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:

1. That the following elector of the City of Clayton is hereby appointed to the Cost Recovery/Impact Fee Appeals Board for the term set forth:

Dennis Lieberman Term ending 01/08/2023

ADOPTED BY COUNCIL ON JANUARY 9, 2020

RESOLUTION NO. R – 01 – 20 – 08

**A RESOLUTION TO APPOINT CLAYTON REPRESENTATIVES TO THE FIRST
SUBURBS CONSORTIUM FOR THE YEAR 2020**

WHEREAS, pursuant to the Bylaws of the First Suburbs Consortium, of which the City is a member, each member community is entitled to and should designate two representatives and one alternate thereto.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:

1. That the City of Clayton does hereby designate Tim Gorman and Greg Merkle as representatives and Kenneth Henning alternate to serve on the First Suburbs Consortium for the year 2020.

ADOPTED BY COUNCIL ON JANUARY 9, 2020

RESOLUTION NO. R – 01 – 20 – 09

**A RESOLUTION TO APPOINT A CLAYTON REPRESENTATIVE AND AN
ALTERNATE TO THE MIAMI VALLEY REGIONAL PLANNING COMMISSION
AND TRANSPORTATION COMMITTEE FOR THE YEAR 2020**

WHEREAS, the City of Clayton participates as a member of the Miami Valley Regional Planning Commission (sometimes referred to as the "MVRPC"); and

WHEREAS, the City desires to designate a representative to serve on the MVRPC and the Transportation Planning Committee of said Commission for 2020 and an alternate.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:

1. That the City of Clayton does hereby designate Tim Gorman as representative and Mike Stevens as alternate to serve on the Miami Valley Regional Planning Commission and its Transportation Committee for the year 2020.

ADOPTED BY COUNCIL ON JANUARY 9, 2020
