

# CITY OF CLAYTON, OHIO

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## RESOLUTIONS AND ORDINANCES

February 6, 2020

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### OLD BUSINESS

### ORDINANCES (SECOND OF TWO READINGS AND ENACTMENT)

#### 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 That the following sections and chapters are hereby added, amended or repealed as respectively indicated in order to comply with current State law.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)  
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**

**ORDINANCES (FIRST OF TWO READINGS)**

**ORDINANCE NO. O – 02 – 20 – 02**

**AN ORDINANCE AUTHORIZING THE CITY OF CLAYTON TO DESIGNATE FIRST FINANCIAL BANK AS DEPOSITORY BANK FOR THE CITY FOR A PERIOD NOT TO EXCEED FIVE (5) YEARS**

**WHEREAS**, Chapter 135 of the Ohio Revised Code (the Ohio Uniform Depository Act) sets forth requirements under which public monies are to be deposited with authorized financial institutions; and

**WHEREAS**, R.C. 135.12 provides for the designation of financial institutions as public depositories by municipal corporations for periods of five (5) years; and

**WHEREAS**, R.C. 135.14 sets forth those investments in which political subdivisions may invest interim monies; and

**WHEREAS**, R.C. 135.01(L) permits municipal corporations by Charter or ordinance to enact special provisions respecting the deposit or investment of its public monies; and

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

1. That the City of Clayton may enter into a depository agreement with First Financial Bank for a term not to exceed five (5) years.
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 February 6, 2020 and February 20, 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 FEBRUARY 20, 2020

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**RESOLUTIONS (SINGLE READING AND IMMEDIATE ENACTMENT)**

**RESOLUTION NO. R – ZC – 19 – 05**

**A RESOLUTION APPROVING A MINOR SUBDIVISION ALONG OLD MILL ROAD  
AT PARCEL NUMBER M60 03002 0041 FOR A LOT SPLIT**

**WHEREAS**, an application for a Minor Subdivision was filed by David Perlow, the owner of property located along Old Mill Road and bearing Parcel Number M60 03002 0041 requesting approval to split 9 acres from said 29 acre lot in order to combine the 9 acres with an existing 3 acre parcel; and

**WHEREAS**, the Clayton Planning Commission held a public hearing on December 23, 2019 and unanimously voted to recommend to Clayton City Council approval of the requested Minor Subdivision – lot split – with the condition that the two parcels (the split 9 acre parcel and the existing 3 acre parcel) be combined into one parcel approximately 12 acres in size.

**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 application for a Minor Subdivision lot split whereby 9 acres is split from the existing 29 acre parcel owned by David Perlow and referenced herein and combined with an existing 3 acre parcel at 11960 Old Mill Road to create one parcel of approximately 12 acres in size is hereby approved. If approved, approval is subject to the condition that the split 9 acre parcel is combined with the aforementioned existing 3 acre parcel to form a single parcel of approximately 12 acres in size.
2. That this Resolution 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.

**ADOPTED BY COUNCIL ON FEBRUARY 6, 2020**

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**RESOLUTION NO. R – 02 – 20 – 10**

**A RESOLUTION TO DECLARE SURPLUS EQUIPMENT AVAILABLE FOR  
DISPOSAL THROUGH SALE OR AUCTION**

**WHEREAS**, R.C. 721.01 permits a municipal corporation to sell or lease property no longer needed for municipal purposes; and

**WHEREAS**, City staff and the City Manager have advised the items identified on the attached **Exhibit A** are no longer needed for municipal purposes.

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

1. That the specific property referenced on the attached **Exhibit A** are hereby declared to be surplus and available for disposition by the City Manager through sale or auction including: (a) internet auction including but not limited to Municibid and/or GovDeals; (b) public auction; and (c) pricing of said property and advertising for direct sale through trade publications.

ADOPTED BY COUNCIL ON FEBRUARY 6, 2020

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**RESOLUTION NO. R – 02 – 20 – 11**

**A RESOLUTION AFFIRMING APPOINTMENT OF MEMBERS TO THE  
CLAYTON RECORDS COMMISSION**

**WHEREAS**, in order to ensure the City is in compliance with Ohio law relative to public records retention and destruction procedures, it is recommended the City affirm the membership of its Records Commission.

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

1. That, pursuant to Ohio Revised Code 149.39, the following persons are affirmed as members of the City’s Records Commission: the City Manager’s Designee which is Elaine Wittman, Assistant to the City Manager, the Finance Director, the Law Director, and citizen member Catherine Springer. The Clerk of Council shall serve as Secretary of the Commission.

ADOPTED BY COUNCIL ON FEBRUARY 6, 2020

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**RESOLUTION NO. R – 02 – 20 – 12**

**A RESOLUTION APPROVING THE EMPLOYMENT OF AMANDA ZIMMERLIN AS  
CITY MANAGER AND FURTHER AUTHORIZING THE CITY TO ENTER INTO AN  
EMPLOYMENT AGREEMENT WITH AMANDA ZIMMERLIN**

**WHEREAS**, after several years of service to the City, Richard C. Rose is retiring as City Manager of the City of Clayton, Ohio; and

**WHEREAS**, Council desires to confirm the appointment of Amanda Zimmerlin as the new City Manager of the City of Clayton, Ohio with associated duties pursuant to Charter Section 5.04.

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

1. That the Council approves the Employment Agreement appended hereto as **Exhibit A** setting forth the terms and conditions of the employment of Amanda Zimmerlin as City Manager and authorizes the Mayor to execute same on behalf of the City.

ADOPTED BY COUNCIL ON FEBRUARY 6, 2020

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