

# CITY OF CLAYTON, OHIO

## RESOLUTIONS AND ORDINANCES

August 5, 2021

### OLD BUSINESS

### ORDINANCES (TABLED UNTIL AUGUST 19, 2021 REGULAR COUNCIL MEETING)

#### ORDINANCE NO. O- ZC-21-04

**AN ORDINANCE \_\_\_\_\_ (ADOPTING, REJECTING, MODIFYING) THE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE THE APPLICATION OF DDC MANAGEMENT, LLC FOR A CHANGE IN ZONING FROM R-3 (SUBURBAN RESIDENTIAL) TO PD-1 (PLANNED DEVELOPMENT-RESIDENTIAL) AND TO APPROVE THE PRELIMINARY SUBDIVISION PLAN, WITH SPECIFIED CONDITIONS, SUBMITTED FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF WESTBROOK ROAD AND UNION ROAD AND BEARING PARCEL I.D. NUMBER M60 03207 0022 COMPRISED OF 39.47 ACRES WITHIN THE CITY OF CLAYTON, OHIO**

**WHEREAS**, on June 9, 2021, an application was filed by DDC Management, LLC, with written approval of the property owner, Clayton Land Company, for the property located at the Northwest corner of Westbrook and Union Roads and bearing Parcel I.D. Number M60 03207 0022, containing 39.47 acres within the City of Clayton, Ohio ("Subject Property") requesting a zoning change for same from R-3 (Suburban Residential) to PD-1 (Planned Development-Residential) and further requesting approval of its submitted Preliminary Subdivision Plan; and

**WHEREAS**, the Clayton Planning Commission held a public hearing on June 28, 2021, on said re-zoning and Preliminary Subdivision Plan approval request at which time any and all persons were given an opportunity to be heard thereon, and the Clayton Planning Commission, at said June 28, 2021 meeting, *voted to approve the re-zoning request and to further approve the Preliminary Subdivision Plan with specified conditions*; and

**WHEREAS**, the Clayton City Council held a public hearing on August 5, 2021, on the aforesaid re-zoning request and request for approval of the Preliminary Subdivision Plan, at which time any and all persons were given an opportunity to be heard thereon.

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

1. That the Council hereby \_\_\_\_\_ (*Adopts, Rejects, Modifies*) the Planning Commission's *approval of the re-zoning request and approval of the Preliminary Subdivision Plan with specified conditions* of the Subject Property.

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 August 5, 2021 and August 19, 2021.
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 AUGUST 19, 2021.

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## **NEW BUSINESS**

### **ORDINANCES – EMERGENCY (SINGLE READING AND IMMEDIATE ENACTMENT VIA EMERGENCY)**

#### **ORDINANCE NO. O - 08 - 21 – 13**

#### **AN EMERGENCY ORDINANCE TO ACCEPT THE MATERIAL TERMS OF THE ONE OHIO SUBDIVISION SETTLEMENT PURSUANT TO THE ONE OHIO MEMORANDUM OF UNDERSTANDING AND CONSISTENT WITH THE TERMS OF THE JULY 21, 2021 NATIONAL OPIOID SETTLEMENT AGREEMENT AND DECLARING AN EMERGENCY**

AN EMERGENCY ORDINANCE AUTHORIZING the City Manager to execute the Participation Agreement for the OneOhio Subdivision Settlement with McKesson Corporation, Cardinal Health, Inc., and AmerisourceBergen Corporation (“Settling Distributors”) pursuant to the OneOhio Memorandum of Understanding regarding the pursuit and use of potential opioid litigation settlement funds and consistent with the material terms of the July 21, 2021 proposed National Opioid Distributor Settlement Agreement available at <https://nationalopioidsettlement.com/>.

WHEREAS, the City of Clayton, Ohio (herein “Municipality”) is a municipal entity formed and organized pursuant to the Constitution and laws of the State of Ohio; and

WHEREAS, the people of the State of Ohio and its communities have been harmed by misfeasance, nonfeasance and malfeasance committed by certain entities within the Opioid Pharmaceutical Supply Chain; and

WHEREAS, the State of Ohio, through its Attorney General, and certain Local Governments, through their elected representatives and counsel, are separately engaged in litigation seeking to hold Opioid Pharmaceutical Supply Chain Participants accountable for the damage caused by their misfeasance, nonfeasance and malfeasance; and

WHEREAS, the State of Ohio, through its Governor and Attorney General, and its Local Governments share a common desire to abate and alleviate the impacts of that misfeasance, nonfeasance and malfeasance throughout the State of Ohio; and

WHEREAS, the State and its Local Governments, subject to completing formal documents effectuating the Parties Agreements, have drafted and the City of Clayton, Ohio has adopted, and hereby reaffirms its adoption of, a OneOhio Memorandum of Understanding (“MOU”) relating to the allocation and the use of the proceeds of any potential settlements described; and

WHEREAS, the MOU has been collaboratively drafted to maintain all individual claims while allowing the State and Local Governments to cooperate in exploring all possible means of resolution; and

WHEREAS, the Council understands that an additional purpose of the MOU is to create an effective means of distributing any potential settlement funds obtained under the MOU between the State of Ohio and Local Governments in a manner and means that would promote an effective and meaningful use of the funds in abating the opioid epidemic throughout Ohio, as well as to permit collaboration and explore potentially effectuation earlier resolution of the Opioid Litigation against Opioid Pharmaceutical Supply Chain Participants; and

WHEREAS, nothing in the MOU binds any party to a specific outcome, but rather, any resolution under the MOU requires acceptance by the State of Ohio and the Local Governments; and

WHEREAS a settlement proposal is being presented to the State of Ohio and Local Governments by distributors AmerisourceBergen, Cardinal, and McKesson (collectively the “Settling Distributors”) to resolve governmental entity claims in the State of Ohio using the structure of the OneOhio MOU and consistent with the material terms of the July 21, 2021 proposed National Opioid Distributor Settlement Agreement; and

WHEREAS, Council wishes to agree to the material terms of the proposed National Opioid Distributor Settlement Agreement with the Settling Distributors (the “Proposed Settlement”):

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

Section 1. That the Council of the City of Clayton, Ohio hereby accepts the Proposed Settlement on behalf of the City of Clayton, Ohio, pursuant to the terms of the OneOhio MOU.

Section 2. That it is found and determined that all formal actions of the Council relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and

that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

Section 3. This Ordinance is hereby declared to be an emergency measure, necessary for the preservation of the public peace, health, welfare and safety of the City of Clayton, Ohio. The reason for the emergency is to ensure prompt pursuit of funds to assist in abating the opioid epidemic throughout Ohio.

Section 4. That in accordance with Clayton Charter Section 4.031(B) the requirement that this enactment be read on two (2) separate days is dispensed with by affirmative vote of at least five (5) of the members of Council.

	Yea	Nay
Mayor Mike Stevens	X	_____
Vice Mayor Tim Gorman	_____	Absent
Council Member Greg Merkle	X	_____
Council Member Brendan Bachman	X	_____
Council Member Kenneth Henning	X	_____
Council Member Tina Kelly	_____	Absent
Council Member Dennis Lieberman	X	_____

Passed Aug. 5, 2021

Attest:

Mike Stevens  
President of Council

Judy Li  
Clerk-Treasurer

ADOPTED BY COUNCIL ON AUGUST 5, 2021.

**NEW BUSINESS**

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

**RESOLUTION NO. R - 08 - 21 - 46**

**A RESOLUTION APPROVING SPECIAL COUNSEL IN CONNECTION WITH LEGAL SERVICES RELATIVE TO TAX INCREMENT FINANCING (TIF) MATTERS**

**WHEREAS**, from time to time the City of Clayton, Ohio (the "City") receives requests from developers related to Tax Increment Financing (TIF) and associated matters; and

**WHEREAS**, the law firm of Bricker & Eckler LLP, of Columbus, Ohio, is experienced in serving as legal counsel relative to financings of this type.

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

1. That the law firm of Bricker & Eckler LLP, Columbus, Ohio, is hereby approved to serve as special counsel to the City in connection with Tax Increment Financing (TIF) matters. The City Manager is authorized and directed to execute on behalf of the City an engagement letter setting forth the terms of Bricker & Eckler LLP's engagement and any additional items as may be appropriate or necessary in her opinion to evidence such special counsel relationship.
2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were taken in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

ADOPTED BY COUNCIL ON AUGUST 5, 2021.

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