

# CITY OF CLAYTON, OHIO

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## RESOLUTIONS AND ORDINANCES

August 19, 2021

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### OLD BUSINESS

### ORDINANCES (FIRST OF TWO READINGS)

#### ORDINANCE NO. O – ZC – 21 – 04

**AN ORDINANCE ADOPTING THE PLANNING COMMISSION’S RECOMMENDATION TO APPROVE THE APPLICATION OF DDC MANAGEMENT, LLC FOR A CHANGE IN ZONING FROM RESIDENTIAL – SINGLE UNIT (RSD) (FORMERLY R-3 - SUBURBAN RESIDENTIAL) TO PLANNED DEVELOPMENT (PDD) (FORMERLY 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 Residential-Single Unit (RSD) (Formerly R-3 (Suburban Residential) to Planned Development (PDD) (Formerly 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 19, 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 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 19, 2021 and September 2, 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 SEPTEMBER 2, 2021

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## **NEW BUSINESS**

### **ORDINANCES (THIS ORDINANCE RECEIVED AN INSUFFICIENT NUMBER OF VOTES TO ADVANCE PER CLAYTON CODIFIED ORDINANCE SECTION 1126.01)**

#### **ORDINANCE NO. O – ZC – 21 – 03**

**AN ORDINANCE REJECTING THE PLANNING COMMISSION’S RECOMMENDATION TO APPROVE THE APPLICATION OF REDWOOD USA, LLC FOR A CHANGE IN ZONING FROM RESIDENTIAL SINGLE-UNIT DISTRICT (RSD) (FORMERLY R-1 OPEN SPACE RESIDENTIAL) TO PLANNED DEVELOPMENT DISTRICT (PDD) (FORMERLY PD-3 PLANNED DEVELOPMENT- BUSINESS) AND TO APPROVE THE PRELIMINARY DEVELOPMENT PLAN FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF NATIONAL ROAD AND HABER ROAD CONSISTING OF A SPECIFIED PORTION OF PARCEL I.D. NUMBER M60 03012 0022, A SPECIFIED PORTION OF PARCEL I.D. NUMBER M60 03102 0002, AND ALL OF PARCEL I.D. NUMBER M60 03102 0105 AND CONTAINING 33.73 ACRES WITHIN THE CITY OF CLAYTON, OHIO**

**WHEREAS**, an application has been filed by Redwood USA, LLC, with consent of the property owner, for the property located at the Northwest Corner of National Road and Haber Road consisting of a specified portion of Parcel I.D. Number M60 03012 0022, a specified portion of Parcel I.D. Number M60 03102 0002, and all of Parcel I.D. Number M60 03102 0105, and containing 33.73 acres within the City of Clayton, Ohio (“Subject Property”) and requesting a zoning change for same from Residential Single-Unit District (RSD) (formerly R-1 Open Space Residential) to Planned Development District (PDD) (formerly PD-3 Planned Development – Business); and

**WHEREAS**, the Clayton Planning Commission held a public hearing on July 26, 2021 on said re-zoning and Preliminary Development Plan request at which time any and all persons were given an opportunity to be heard thereon, and the Clayton Planning Commission, at said July 26, 2021 meeting, *voted to approve as submitted the re-zoning and Preliminary Development Plan request*; and

**WHEREAS**, the Clayton City Council held a public hearing on August 19, 2021, on the aforesaid re-zoning and Preliminary Development Plan request 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 rejects the Planning Commission's *recommendation of approval of the re-zoning and Preliminary Development Plan request for 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 19, 2021 and September 2, 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 SEPTEMBER 2, 2021

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**ORDINANCES (THIS ORDINANCE RECEIVED AN INSUFFICIENT NUMBER OF VOTES TO ADVANCE PER CLAYTON CODIFIED ORDINANCE SECTION 1126.01)**

**ORDINANCE NO. O – ZC – 21 – 03**

**AN ORDINANCE ADOPTING THE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE THE APPLICATION OF REDWOOD USA, LLC FOR A CHANGE IN ZONING FROM RESIDENTIAL SINGLE-UNIT DISTRICT (RSD) (FORMERLY R-1 OPEN SPACE RESIDENTIAL) TO PLANNED DEVELOPMENT DISTRICT (PDD) (FORMERLY PD-3 PLANNED DEVELOPMENT- BUSINESS) AND TO APPROVE THE PRELIMINARY DEVELOPMENT PLAN FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF NATIONAL ROAD AND HABER ROAD CONSISTING OF A SPECIFIED PORTION OF PARCEL I.D. NUMBER M60 03012 0022, A SPECIFIED PORTION OF PARCEL I.D. NUMBER M60 03102 0002, AND ALL OF PARCEL I.D. NUMBER M60 03102 0105 AND CONTAINING 33.73 ACRES WITHIN THE CITY OF CLAYTON, OHIO**

**WHEREAS**, an application has been filed by Redwood USA, LLC, with consent of the property owner, for the property located at the Northwest Corner of National Road and Haber Road consisting of a specified portion of Parcel I.D. Number M60 03012 0022, a specified portion of Parcel I.D. Number M60 03102 0002, and all of Parcel I.D. Number M60 03102 0105, and containing 33.73 acres within the City of Clayton, Ohio ("Subject Property") and requesting a zoning change for same from Residential Single-Unit District (RSD) (formerly R-1 Open Space Residential) to Planned Development District (PDD) (formerly PD-3 Planned Development – Business); and

**WHEREAS**, the Clayton Planning Commission held a public hearing on July 26, 2021 on said re-zoning and Preliminary Development Plan request at which time any and all persons were given an opportunity to be heard thereon, and the Clayton Planning Commission, at said July 26, 2021

meeting, *voted to approve as submitted the re-zoning and Preliminary Development Plan request*; and

**WHEREAS**, the Clayton City Council held a public hearing on August 19, 2021, on the aforesaid re-zoning and Preliminary Development Plan request 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 the Planning Commission's *recommendation of approval of the re-zoning and Preliminary Development Plan request for 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 19, 2021 and September 2, 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 SEPTEMBER 2, 2021

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**(FIRST OF TWO READINGS)**

**ORDINANCE NO. O – PC – 21 – 05**

**AN ORDINANCE ADOPTING THE PLANNING COMMISSION'S  
RECOMMENDATION TO APPROVE THE FINAL DEVELOPMENT PLAN OF  
GRAND TRADITION, LLC WITH SPECIFIED CONDITIONS FOR PROPERTY  
BEARING PARCEL I.D. NUMBER M60 03102 0016 AND CONTAINING 25.29 ACRES  
WITHIN THE CITY OF CLAYTON, OHIO**

**WHEREAS**, an application has been filed by Grand Tradition, LLC with consent of the property owner, for approval of a Final Development Plan for the property located off Hoke Road and to the south of National Road and bearing Parcel I.D. Number M60 03102 0016, and containing 25.29 acres within the City of Clayton, Ohio ("Subject Property");

**WHEREAS**, the Clayton Planning Commission held a public hearing on July 26, 2021 on said Final Development Plan request at which time any and all persons were given an opportunity to be heard thereon, and the Clayton Planning Commission, at said July 26, 2021 meeting, *voted to approve with specified conditions (Exhibit A), the Final Development Plan*; and

**WHEREAS**, the Clayton City Council held a public hearing on August 19, 2021, on the aforesaid Final Development Plan request 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 the Planning Commission's *recommendation of approval of the Final Development Plan, with specified conditions, for 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 19, 2021 and September 2, 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 SEPTEMBER 2, 2021

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**ORDINANCE NO. O – 08 – 21 – 14**

**AN ORDINANCE TO IMPOSE ASSESSMENTS UPON OWNERS OF REAL PROPERTY IN ARREARS FOR PAYMENT OF FEES FOR WASTE HAULING AND DISPOSAL SERVICES FOR 2021/2022**

**WHEREAS**, via enactment of legislation on April 4, 2019, Council authorized the City Manager to accept the bid of and award contract for residential solid waste collection to Dempsey Waste Systems II, Inc. dba Republic Services of Dayton through June 30, 2024; and

**WHEREAS**, Charter Section 3.01(B) grants to Council the power to adopt and provide for enforcement of local police, sanitary and other similar regulations as are not in conflict with the general laws of Ohio; and

**WHEREAS**, Charter Section 3.01(A) provides the legislative power to levy taxes and assessments; and

**WHEREAS**, R.C. 715.43 provides that a municipality may provide for the collection and disposition of garbage and assess a reasonable fee for such services; and

**WHEREAS**, the appended list of Collection Assessments sets forth the Parcel ID numbers of the properties to whom service has been provided and the unpaid waste disposal fees attributable to each property; and

**WHEREAS**, the City desires to impose a lien upon the identified properties served and to refer said liens to the County Auditor to be collected in the same manner as other taxes.

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

1. That there is hereby levied and assessed against the parcels specifically identified on the appended list(s) those amounts set forth which represent unpaid charges for waste collection and disposal services. The appended list(s) are incorporated herein and made a part hereof.

2. That immediately upon becoming effective, the Clerk is directed to forward a copy of this Ordinance to the Montgomery County Auditor.
3. 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.
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 August 19, 2021 and September 2, 2021.
5. 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 SEPTEMBER 2, 2021

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## **ORDINANCE NO. O – 08 – 21 – 15**

### **AN ORDINANCE TO MAINTAIN LIGHTING ASSESSMENT**

**WHEREAS**, Charter Section 3.01 provides the legislative power to levy taxes and assessments; and

**WHEREAS**, Randolph Township as predecessor to the City of Clayton had enacted resolution(s) of necessity for artificial lighting assessments in accordance with R.C. 515.08 and utilizing the method whereby the assessments were in an equal amount against each benefited lot, the amount determined by dividing the total cost per annual installment by the number of benefited lots in the affected district; and

**WHEREAS**, the Village of Clayton, as predecessor to the City of Clayton had enacted legislation for artificial lighting assessments in a manner similar in nature to Randolph Township; and

**WHEREAS**, the City of Clayton by Resolutions enacted in March, July and November, 1998 authorized the City to enter into a successor street lighting agreement with The Dayton Power & Light Company for a ten year period commencing January 1, 1998 through December 31, 2007 for defined areas of the municipality; and

**WHEREAS**, the City of Clayton by Resolution No. R-10-07-52, enacted on October 4, 2007, authorized the City to enter into a successor street lighting agreement with Miami Valley Lighting, LLC, a DPL Inc. subsidiary, dba DPL Energy, for a period of forty-eight (48) months commencing January 1, 2008 and expiring December 31, 2011; and

**WHEREAS**, the City of Clayton by Resolution No. R-09-10-57, enacted on September 2, 2010, authorized the City to enter into a successor street lighting agreement with Miami Valley Lighting, LLC and DPL Energy Resources, Inc., both subsidiaries of DPL, Inc., for a period through December, 2012; and

**WHEREAS**, the City of Clayton by Resolution No. R-11-12-72, enacted on November 1, 2012, authorized the City to enter into a successor street lighting agreement with Miami Valley Lighting, LLC and DPL Energy (DPLE) for a period of three years commencing January 1, 2013 and expiring on December 31, 2015; and

**WHEREAS**, the City of Clayton by Resolution No. R-12-15-85, enacted on December 17, 2015, authorized the City to enter into a successor street lighting agreement with Miami Valley Lighting (MVLt) for a period of ten years, commencing January 1, 2016 and expiring on December 31, 2025; and

**WHEREAS**, the City of Clayton by Ordinances continued the assessments for said lighting upon the abutting, adjacent, and contiguous lots and lands within the City of Clayton; and

**WHEREAS**, Council desires to continue the assessments for said lighting upon the abutting, adjacent, and contiguous lots and lands within the City of Clayton which benefit therefrom in a manner similar to what has been previously utilized; and

**WHEREAS**, Council has determined that the method of assessment provided under R.C. 727.01(B) whereby the assessment is levied "in proportion to the benefits that may result from the improvement" is satisfied by continuing to utilize the method previously utilized by Randolph Township, the Village of Clayton and the City of Clayton.

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

1. That to provide for the cost and expenses of furnishing and maintaining the lights for lighting the lighting district areas of the City known as:

- |    |             |    |                             |
|----|-------------|----|-----------------------------|
| A. | Allison     | G. | Riverbend Estates           |
| B. | Ashbrook    | H. | Old Village                 |
| C. | Ashbrook II | I. | Riverbend Phase II          |
| D. | Hilltop     | J. | Riverbend Phase III         |
| E. | Oak Hill    | K. | Wenger Village, Section One |
| F. | Portrait    | L. | Wenger Village, Section Two |
|    |             | M. | Village of North Clayton    |

in accordance with the terms and rates set forth in the Street Lighting Agreement with Miami Valley Lighting (MVLt) as amended, that there is hereby levied and specially assessed in proportion to the benefits which result or may result from said improvement against the lots within the respective Lighting Districts and each of them within said Lighting Districts, bounding and abutting the streets and public ways to be lighted under said agreement, the amounts paid and to be paid by the City of Clayton to the Miami Valley Lighting (MVLt) in such amounts as are set forth on **Schedules A - M attached** hereto.

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 19, 2021 and September 2, 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.

**ORDINANCE NO. O – 08 – 21 – 16**

**AN ORDINANCE CERTIFYING UNPAID CHARGES FOR NUISANCE ASSESSMENTS FOR 2021/2022 TO THE MONTGOMERY COUNTY AUDITOR FOR COLLECTION WITH REAL ESTATE TAXES**

**WHEREAS**, the Codified Ordinances of the City of Clayton, Ohio, require that the owners, occupants, or persons having care of any lot or land within the City of Clayton, Ohio shall keep same free of debris/litter and other materials; and

**WHEREAS**, Section 1313.04 of the Clayton Codified Ordinances and/or Sections 731.51 through 731.53, Ohio Revised Code, permit the City of Clayton to cause debris/litter to be removed; and

**WHEREAS**, Section 731.54, Ohio Revised Code, permits municipalities which have removed such debris/litter under the procedure outlined in Sections 731.51 through 731.53, Ohio Revised Code, to make a written return of its actions with a statement of the charges for this service to the County Auditor the amounts, when allowed, shall be entered upon the tax duplicate, which shall be a lien upon such lands from the date of the entry and shall be collected as other taxes and returned to the municipal corporation with the general fund; and

**WHEREAS**, the City of Clayton in conformity with the provisions of Section 1313.04 of the Clayton Codified Ordinances and Sections 731.51 through 731.53, Ohio Revised Code, did cause debris/litter at various locations to be removed throughout the City of Clayton, and the charges for these services, in many instances, remain unpaid.

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

1. That the Finance Director is hereby authorized and directed to certify to the Auditor of Montgomery County, Ohio, the attached list of unpaid charges for nuisance abatement at various locations throughout the City of Clayton, Ohio by the City of Clayton, Ohio. The list, which is attached hereto as **Exhibit A** and incorporated by reference herein, identifies the properties to be assessed by Parcel I.D. and specifies the unpaid charges for said nuisance abatement. The City requests that these charges be made a lien against the respective properties in accordance with Section 731.54, Ohio Revised Code.
2. That immediately upon becoming effective, the Clerk is directed to forward a copy of this Ordinance to the Montgomery County Auditor.
3. 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.
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 August 19, 2021 and September 2, 2021.
5. That in accordance with Clayton Charter Section 4.031(H) this enactment shall become effective thirty days after its second reading and enactment.



**ORDINANCE NO. O – 08 – 21 – 17**

**AN ORDINANCE CERTIFYING UNPAID CHARGES FOR GRASS/WEED CUTTING FOR 2021/2022 TO THE MONTGOMERY COUNTY AUDITOR FOR COLLECTION WITH REAL ESTATE TAXES**

**WHEREAS**, the Codified Ordinances of the City of Clayton, Ohio, require that the owners, occupants, or persons having care of any lot or land within the City of Clayton, Ohio shall cut down and remove offensive and noxious weeds; and

**WHEREAS**, Section 1313.05(d) of the Clayton Codified Ordinances and Sections 731.51 through 731.53, Ohio Revised Code, permit the City of Clayton to cause such offensive and noxious weeds to be cut and destroyed if the City has complied with the requirements of those sections; and

**WHEREAS**, Section 731.54, Ohio Revised Code, permits municipalities which have cut noxious weeds under the procedure outlined in Sections 731.51 through 731.53, Ohio Revised Code, to make a written return of its actions with a statement of the charges for this service to the County Auditor the amounts, when allowed, shall be entered upon the tax duplicate, which shall be a lien upon such lands from the date of the entry and shall be collected as other taxes and returned to the municipal corporation with the general fund; and

**WHEREAS**, the City of Clayton in conformity with the provisions of Section 1313.05(d) of the Clayton Codified Ordinances and Sections 731.51 through 731.53, Ohio Revised Code, did cut down and destroy offensive and noxious weeds, grass and rank vegetation at various locations throughout the City of Clayton, and the charges for these services, in many instances, remain unpaid.

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

1. That the Finance Director is hereby authorized and directed to certify to the Auditor of Montgomery County, Ohio, the attached list of unpaid charges for cutting down offensive and noxious weeds at various locations throughout the City of Clayton, Ohio by the City of Clayton, Ohio. The list, which is attached hereto as **Exhibit A** and incorporated by reference herein, identifies the properties to be assessed by Parcel I.D. and specifies the unpaid charges for cutting down offensive and noxious weeds. The City requests that these charges be made a lien against the respective properties in accordance with Section 731.54, Ohio Revised Code.
2. That immediately upon becoming effective, the Clerk is directed to forward a copy of this Ordinance to the Montgomery County Auditor.
3. 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.
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 August 19, 2021 and September 2, 2021.
5. That in accordance with Clayton Charter Section 4.031(H) this enactment shall become effective thirty days after its second reading and enactment.

**ORDINANCE NO. O – 08 – 21 – 18**

**AN ORDINANCE AUTHORIZING THE SUBMISSION OF THE 2021/2022  
NORTH CLAYTON COMMUNITY AUTHORITY CHARGE ASSESSMENTS  
TO THE MONTGOMERY COUNTY AUDITOR**

**WHEREAS**, the North Clayton Community Authority (the "Community Authority") is a new community authority established pursuant to Ohio Revised Code Chapter 349, by action of the Board of County Commissioners of Montgomery County, Ohio by Resolution No. 09-0510 adopted March 17, 2009 and Resolution No. 09-0555 adopted March 24, 2009; and

**WHEREAS**, the jurisdiction of the Community Authority extends to that area defined as the North Clayton Community Authority District (hereinafter the "Community Authority District") and consisting of approximately 101.455 acres of property; and

**WHEREAS**, the Community Authority either has imposed a community authority development charge pursuant to Ohio Revised Code Section 349.07 upon assessed valuation of property within the Community Authority District or such other methods as are permitted under Ohio Revised Code Section 349.01(L) and utilize funds generated from such charges to pay for, among other things, maintenance and replacement of said improvements either by contracting directly with third party contractors or by reimbursing Clayton for such expenses; and

**WHEREAS**, the City of Clayton Council, via passage of Resolution No. R-02-10-15, on February 18, 2010, approved a Maintenance Agreement between the City of Clayton and the North Clayton Community Authority which states, in relevant part, "To the extent that the Community Authority desires that said unpaid charges [Community Authority Development Charges] be certified to the Montgomery County Auditor for placement on the tax lists and duplicates of real property opposite the parcel against which it is charged, it shall provide a list to the Clayton Finance Director with sufficient time to provide such certification and shall cooperate with all requirements necessary thereto."; and

**WHEREAS**, the Community Authority has provided a list to the Clayton Finance Director identifying unpaid Community Authority Development Charges and requesting same be certified to the County Auditor consistent with the above referenced term of the Maintenance Agreement entered into between the City of Clayton and the North Clayton Community Authority; and

**WHEREAS**, Charter Section 3.01(B) grants to Council the power to adopt and provide for enforcement of local police, sanitary and other similar regulations as are not in conflict with the general laws of Ohio; and

**WHEREAS**, Charter Section 3.01(A) provides the legislative power to levy taxes and assessments.

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

1. That there is hereby levied and assessed against the parcels specifically identified on the appended list(s), those amounts set forth which represent unpaid North Clayton Community Authority Development Charges. The appended list(s) are incorporated herein and made a part hereof.

2. That immediately upon becoming effective, the Clerk is directed to forward a copy of this Ordinance to the Montgomery County Auditor.
3. 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.
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 August 19, 2021 and September 2, 2021.
5. 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 SEPTEMBER 2, 2021

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## **NEW BUSINESS**

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

#### **RESOLUTION NO. R – 08 – 21 – 47**

##### **A RESOLUTION APPROVING AMENDMENT OF 2021 APPROPRIATIONS AND ESTIMATED RESOURCES**

**WHEREAS**, during the operation of the City of Clayton certain expenditures are required to provide required governmental services; and

**WHEREAS**, the expenditures must be in accordance with requirements provided by applicable state law and be applied against certain designated City funds; and

**WHEREAS**, certain transfers of moneys within and between specified City funds may be required to comply with accounting requirements established by the office of the State Auditor of Ohio; and

**WHEREAS**, certain appropriations are necessary to authorize payment from certain funds; and

**WHEREAS**, Council previously approved the Original Certificate of Estimated Resources and Appropriations; and

**WHEREAS**, the Finance Director has requested amendment of the 2021 Appropriations and Estimated Resources with respect to the Police Fund (201), the Fire Fund (301), and the Local Fiscal Recovery Fund (708).

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

1. That the following amendments are hereby approved as follows and the appropriation amendments are for operating expenses except where noted otherwise:

<u>Fund</u>	<u>Estimated Resource Amount</u>	<u>Appropriation Amount</u>
Police (201)	\$11,235.27	\$11,235.27 (personnel)
Fire (301)	\$18,757.45	\$17,646.45 (personnel)
		\$1,111.18
Local Fiscal Recovery (708)	\$692,509.26	\$692,509.26

2. That the Finance Director is hereby authorized, empowered and directed to take all action necessary to effect such amendments and appropriations and evidence same on the books and financial record of the City.

ADOPTED BY COUNCIL ON AUGUST 19, 2021

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**(THIS RESOLUTION WAS TABLED UNTIL THE SEPTEMBER 2, 2021 REGULAR MEETING OF COUNCIL.)**

**RESOLUTION NO. R – 08 – 21 – 48**

**A RESOLUTION TO APPOINT \_\_\_\_\_ AS A MEMBER OF THE PLANNING COMMISSION**

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

**WHEREAS**, the resignation of Vance Garner has created a vacancy of his seat on the Planning Commission; and

**WHEREAS**, Council desires to fill said vacancy by appointing \_\_\_\_\_ to the Planning Commission to serve the remainder of the unexpired term of Vance Garner.

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

1. That \_\_\_\_\_ is hereby appointed to the Clayton Planning Commission to complete the remaining unexpired term of Vance Garner, said term expiring on January 14, 2024.

ADOPTED BY COUNCIL ON AUGUST 19, 2021

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