

CITY OF CLAYTON, OHIO

RESOLUTIONS AND ORDINANCES

March 3, 2022

OLD BUSINESS

ORDINANCES – SECOND OF TWO READINGS AND ENACTMENT

ORDINANCE NO. O – 02 – 22 – 03

**AN ORDINANCE ADOPTING THE PLANNING COMMISSION'S
RECOMMENDATION TO APPROVE THE APPLICATION FOR WENGER
VILLAGE SECTION 3 PLAT APPROVAL OF OAKES TREE DEVELOPMENT
WITH RESPECT TO 18.64 ACRES AND BEARING PARCEL ID NUMBERS
M60 03201 0007 AND M60 03201 0009**

WHEREAS, on January 6, 2022, Oakes Tree Development submitted application for approval of Wenger Village Section 3 Plat located on 18.64 acres and bearing Parcel ID Numbers M60 03201 0007 and M60 03201 0009 within Clayton, Ohio; and

WHEREAS, the Clayton Planning Commission held a public hearing on January 24, 2022, 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 January 24, 2022, recommended approval of the subject Wenger Village Section 3 Plat; and*

WHEREAS, the City Council held a public hearing on February 17, 2022 on said 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 recommendation of approval of the Clayton Planning Commission for the Wenger Village Section 3 Plat located on 18.64 acres and bearing Parcel ID Numbers M60 03201 0007 and M60 03201 0009 within Clayton, Ohio.
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 17, 2022 and March 3, 2022.
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 MARCH 3, 2022

ORDINANCE NO. O – 02 – 22 – 04

AN ORDINANCE ADOPTING THE RECOMMENDATION OF THE PLANNING COMMISSION TO APPROVE WITH SINGLE SPECIFIED MODIFICATION AMENDMENTS TO THE CITY OF CLAYTON PLANNING AND ZONING CODE

WHEREAS, via enactment of Ordinance No. O-05-21-02 on June 17, 2021, Council adopted a new updated *Part Eleven- Planning and Zoning Code* to the Clayton Codified Ordinances; and

WHEREAS, at a Planning Commission public hearing held January 24, 2022, the City Planner did recommend certain specified amendments (**Exhibit A**) to the *Part Eleven- Planning and Zoning Code*, and all persons were given an opportunity to be heard thereon; and

WHEREAS, *following the January 24, 2022 public hearing, the Planning Commission recommended approval of all of the City Planner recommended amendments (Exhibit A) to the Part Eleven- Planning and Zoning Code with the following modification:*

The Planning Commission recommended the language of CCO Section 1121.02(H)(1) be further revised to read as follows:

“The parking and storage of automobiles, trucks, trailers, recreational vehicles and equipment in all districts shall be subject to the following regulations, unless otherwise permitted by the specific zoning district standards.”

WHEREAS, on February 17, 2022, City Council conducted a public hearing on the aforementioned recommendation of the Planning Commission 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 aforementioned recommendation of the Clayton Planning Commission is hereby *ADOPTED* and the *Part Eleven- Planning and Zoning Code* shall be amended as delineated on the attached **Exhibit A** along with the recommended modification of the Planning Commission that CCO Section 1121.02(H)(1) be further revised to read as follows:

“The parking and storage of automobiles, trucks, trailers, recreational vehicles and equipment in all districts shall be subject to the following regulations, unless otherwise permitted by the specific zoning district standards.”

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 17, 2022 and March 3, 2022.
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 – 02 – 22 – 05

**AN ORDINANCE AMENDING CLAYTON CODIFIED ORDINANCE
CHAPTER 905 ENTITLED, “DRIVEWAYS”**

WHEREAS, City staff has reviewed Clayton Codified Ordinance Chapter 905 entitled, “Driveways” and has recommended amendments thereto as delineated on the attached **Exhibit A**; and

WHEREAS, Council desires to amend Clayton Codified Ordinance Chapter 905 entitled, “*Driveways*” as delineated on the attached **Exhibit A** to better protect the health, safety, and welfare of the citizens of Clayton.

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

1. That Clayton Codified Ordinance Chapter 905 entitled, “*Driveways*” is hereby amended as delineated on the attached **Exhibit A**. That any provisions of Chapter 905 not amended shall remain in effect as currently written.
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 17, 2022 and March 3, 2022.
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 MARCH 3, 2022

NEW BUSINESS

RESOLUTIONS – SINGLE READING AND IMMEDIATE ENACTMENT

RESOLUTION NO. R - 03 - 22 - 21

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT PROPOSAL
OF AND ENTER INTO AN AGREEMENT WITH THE IBI GROUP FOR
PROFESSIONAL DESIGN ENGINEERING SERVICES FOR THE HOKE ROAD
WIDENING PROJECT BEARING PID NUMBER 115202 IN AN AMOUNT NOT TO
EXCEED \$353,500.00**

WHEREAS, City staff advertised Requests for Qualifications for the Hoke Road Widening Project (PID Number 115202) and evaluated three engineering firms as a result thereof; and

WHEREAS, City Staff has recommended accepting the proposal submitted by The IBI Group as being the best, most favorable proposal and in the best interests of the City.

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

1. That the City Manager is hereby authorized to accept the proposal of The IBI Group as being the most favorable proposal and in the best interests of the City and enter into an agreement with The IBI Group for professional design engineering services for the Hoke Road Widening Project (PID Number 115202) in an amount not to exceed \$353,500.00.

ADOPTED BY COUNCIL ON MARCH 3, 2022

RESOLUTION NO. R – 03 – 22 – 22

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT PROPOSAL OF COATE CONSTRUCTION LLC AND ENTER INTO AN AGREEMENT WITH COATE CONSTRUCTION LLC FOR SPECIFIED 2022 CONCRETE CURB, GUTTER, CATCH BASIN, AND RELATED WORK IN AN AMOUNT NOT TO EXCEED \$108,450

WHEREAS, the City solicited and received proposals from companies for specified 2022 concrete curb, gutter, catch basin and related services said solicitation having been made in accordance with the provisions of Charter Section 8.02; and

WHEREAS, the City received proposals from companies and has reviewed same and determined that Coate Construction LLC submitted the lowest and best responsive bid submitted by a responsible bidder; and

WHEREAS, Council desires to engage Coate Construction LLC to provide the said 2022 concrete services.

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

1. That the City Manager is hereby authorized to accept the proposal of Coate Construction LLC and enter into an agreement with Coate Construction LLC for the provision of specified 2022 concrete curb, gutter, catch basin and related services in an amount not to exceed \$108,450.
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 Resolution or which imposes additional requirements for effectiveness or validity.

ADOPTED BY COUNCIL ON MARCH 3, 2022

RESOLUTION NO. R – 03 – 22 – 23

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENT FOR REBATE OF REHABILITATION COSTS WITH FIRST CARE PHARMACY FOR EXTERIOR FACADE IMPROVEMENTS AT A REIMBURSEMENT AMOUNT UP TO \$1,430.00

WHEREAS, in 2020, the City of Clayton submitted a \$50,000.00 CDBG application to Montgomery County to develop a small business incentive program to assist businesses along the N. Main Street corridor to accomplish exterior facade improvements; and

WHEREAS, said CDBG application was awarded to the City of Clayton; and

WHEREAS, First Care Pharmacy has applied to the City of Clayton for a grant pursuant to the aforementioned small business incentive program in order to complete exterior facade improvements and City staff recommends approval of said application.

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

1. That the City Manager is hereby authorized to execute an *Agreement For Rebate of Rehabilitation Costs* with First Care Pharmacy and all other documentation necessary to finalize the approval of the grant referenced herein such that First Care Pharmacy can complete exterior façade improvements and thereafter receive reimbursement in an amount up to \$1,430.00.

ADOPTED BY COUNCIL ON MARCH 3, 2022
