

CITY OF CLAYTON, OHIO

RESOLUTIONS AND ORDINANCES

July 20, 2023

OLD BUSINESS

ORDINANCES (SECOND OF TWO READINGS)

ORDINANCE NO. O – 05 – 23 – 08

AN ORDINANCE ADOPTING THE PLANNING COMMISSION’S RECOMMENDATION TO APPROVE, WITH SPECIFIED CONDITIONS, THE APPLICATION OF CLAYTON PROPERTIES GROUP, INC. DBA ARBOR HOMES, FOR A CHANGE IN ZONING FROM RURAL CONSERVATION DISTRICT- 2 (RCD-2) TO PLANNED DEVELOPMENT DISTRICT (PDD) AND TO FURTHER APPROVE THE PRELIMINARY DEVELOPMENT PLAN FOR 42.99 ACRES OF PROPERTY LOCATED ALONG PHILLIPSBURG-UNION ROAD AND HABER ROAD AND BEARING PARCEL I.D. NO. M60 03006 0009 (TO BE CALLED “SALEM SPRINGS”) WITHIN THE CITY OF CLAYTON, OHIO

WHEREAS, on or about March 6, 2023, an application was filed by Clayton Properties Group, Inc. dba Arbor Homes, with consent of the property owner, for property located along Phillipsburg-Union Road and Haber Road consisting of Parcel I.D. Number M60 03006 0009 and containing 42.99 acres within the City of Clayton, Ohio (“Subject Property”)(to be called “Salem Springs”) and requesting a zoning change for same from Rural Conservation District-2 (RCD-2) to Planned Development District (PDD) and further requesting approval of the proposed Preliminary Development Plan for said subject property; and

WHEREAS, the Clayton Planning Commission held a public hearing on March 27, 2023 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 meeting, *voted to approve as submitted the re-zoning and Preliminary Development Plan request with the following conditions: “(1) That the proposed development has a minimum lot width of 60’; and (2) That the applicant addresses the comments provided in the plan review letter from Planning Staff sent to the applicant on Mach 24, 2023”*; and

WHEREAS, the Clayton City Council held a public hearing on May 4, 2023, 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 with the following conditions: “(1) That the proposed development has a*

minimum lot width of 60'; and (2) That the applicant addresses the comments provided in the plan review letter from Planning Staff sent to the applicant on Mach 24, 2023." A copy of the Staff Review comments dated March 24, 2023, is appended hereto as Exhibit A.

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 June 15, 2023 and July 20, 2023.

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 JULY 20, 2023

NEW BUSINESS

RESOLUTIONS (SINGLE READING AND IMMEDIATE ENACTMENT)

RESOLUTION NO. R – 07 – 23 – 45

A RESOLUTION RE-APPOINTING EARL HARLAMERT TO THE PARKS ADVISORY COMMISSION

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

WHEREAS, Earl Harlamert was previously appointed to the Parks Advisory Commission and his appointed term is expiring and Mr. Harlamert has expressed a desire to be re-appointed.

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.

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

1. Earl Harlamert is hereby re-appointed to the Parks Advisory Commission for a new three-year term ending on July 20, 2026.

ADOPTED BY COUNCIL ON JULY 20, 2023

RESOLUTION NO. R – 07 – 23 – 46

**A RESOLUTION RE-APPOINTING ROBIN SPILLER TO THE
PARKS ADVISORY COMMISSION**

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

WHEREAS, Robin Spiller was previously appointed to the Parks Advisory Commission and her
appointed term is expiring and Ms. Spiller has expressed a desire to be re-appointed.

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.

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

1. Robin Spiller is hereby re-appointed to the Parks Advisory Commission for a new three-
year term ending on July 20, 2026.

ADOPTED BY COUNCIL ON JULY 20, 2023

RESOLUTION NO. R – 07 – 23 – 47

**A RESOLUTION RE-APPOINTING LISA MENKER TO THE
PARKS ADVISORY COMMISSION**

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

WHEREAS, Lisa Menker was previously appointed to the Parks Advisory Commission and her
appointed term is expiring and Ms. Menker has expressed a desire to be re-appointed.

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.

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

1. Lisa Menker is hereby re-appointed to the Parks Advisory Commission for a new three-
year term ending on July 20, 2026.

ADOPTED BY COUNCIL ON JULY 20, 2023

RESOLUTION NO. R – 07 – 23 – 48

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE NORTHMONT SCHOOL DISTRICT FOR THE PROVISION OF SCHOOL RESOURCE OFFICERS FOR THE 2023-2024 SCHOOL YEAR

WHEREAS, the Clayton Police Department and the Northmont School District have worked cooperatively over the past several years for the provision of School Resource Officers; and

WHEREAS, the Northmont School District has approached the City regarding provision of School Resource Officers for the 2023-2024 school year; and

WHEREAS, the Northmont School District has agreed to reimburse the City for expenses incurred at a cost not to exceed \$130,000.00.

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

1. That the City Manager is authorized to enter into an Agreement in substantially similar form as the Agreement appended hereto with The Northmont School District for the provision of School Resource Officers for the 2023-2024 school year, and including the provision that the City will be reimbursed by the Northmont School District for expenses incurred at a cost not to exceed \$130,000.00 for the 2023-2024 school year.

ADOPTED BY COUNCIL ON JULY 20, 2023

RESOLUTION NO. R – 07 – 23 – 49

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT PROPOSAL OF AND ENTER INTO AN AGREEMENT WITH SUPERIOR DENTAL CARE FOR THE PROVISION OF GROUP DENTAL INSURANCE BENEFITS FOR THE PERIOD SEPTEMBER 1, 2023 TO AUGUST 31, 2024

WHEREAS, the City has worked with its broker, McGohan and Brabender to obtain quotes for dental insurance; and

WHEREAS, Superior Dental Care, via the City's broker, has proposed renewal of the City's plan which would remain in effect through August 31, 2024; and

WHEREAS, renewal of the current Superior Dental Care policy permits continuation of the contract plan at the best and lowest price, coverage, and services reasonably possible; and

WHEREAS, City Staff and the City Manager recommends for acceptance as most beneficial, and favorable to the City, and in the best interest of the City, the proposal submitted by Superior Dental Care for the period September 1, 2023 to August 31, 2024.

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

1. That the renewal proposal with Superior Dental Care for the provision of group dental

insurance benefits from September 1, 2023 to August 31, 2024 with monthly premium cost not to exceed \$25.46 per employee plan and \$78.18 per multi-enrollee plan is hereby approved and accepted and the City Manager and Finance Director are hereby authorized to enter into the proposed Insurance Agreement to effect said coverage.

ADOPTED BY COUNCIL ON JULY 20, 2023

RESOLUTION NO. R – 07 – 23 – 50

A RESOLUTION AUTHORIZING THE NEGOTIATION, EXECUTION, AND DELIVERY OF GOVERNMENTAL LEASE-PURCHASE AGREEMENT NO. 008-0883355-301 IN PRINCIPAL AMOUNT NOT TO EXCEED \$44,907.90 BETWEEN CITY OF CLAYTON, OHIO AND THE HUNTINGTON NATIONAL BANK AND PRESCRIBING OTHER DETAILS IN CONNECTION THEREWITH

WHEREAS, the City of Clayton, Ohio (the “Lessee”) is a political subdivision duly organized and existing pursuant to the Constitution and laws of the State of Ohio; and

WHEREAS, Lessee is duly authorized by applicable law to acquire such items of personal property as are needed to carry out its governmental functions and to acquire such personal property by entering into lease-purchase agreements; and

WHEREAS, Lessee hereby finds and determines that the execution of a Lease for the purpose of leasing with the option to purchase the property designated and set forth in Attachment 2 to the Lease is appropriate and necessary to the function and operations of the Lessee; and

WHEREAS, The Huntington National Bank, (the “Lessor”) shall act as Lessor under said Lease; and

WHEREAS, the Lease shall not constitute a general obligation indebtedness of the Lessee within the meaning of the Constitution and laws of the State.

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

Section 1. The Lease-Purchase Agreement, in substantially the form as presently before the governing body of the Lessee, is hereby approved, and the City Manager of the Lessee is hereby authorized to negotiate, enter into, execute, and deliver the Lease and related documents in substantially the form as presently before the governing body of the Lessee (*Exhibit A*) with such changes therein as shall be approved by such officer, and which Lease will be available for public inspection at the offices of Lessee.

Section 2. The Lessee shall, and the officers, agents and employees of the Lessee are hereby authorized and directed to take such further action and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution, and to carry out, comply with and perform the duties of the Lessee with respect to the Lease.

Section 3. The Lessee's obligations under the Lease shall be expressly subject to annual appropriation by Lessee; and such obligations under the Lease shall not constitute a general obligation of Lessee or indebtedness of Lessee within the meaning of the Constitution and laws of the State of Ohio.

Section 4. All other related contracts and agreements necessary and incidental to the Lease are hereby authorized, ratified, and approved.

Section 5. As to said Lease, the Municipality reserves the right to consider for approval at a future date the issuance of not more than \$10,000,000 of tax-exempt obligations (other than "private activity bonds" which are not "qualified 501(c)(3) bonds") during the fiscal year in which each such Lease is issued and hereby designates each Lease as a qualified tax-exempt obligation for purposes of Section 265(b) of the Internal Revenue Code of 1986, as amended.

Section 6. This resolution shall take effect immediately upon its adoption and approval.

ADOPTED BY COUNCIL ON JULY 20, 2023
