

CITY OF CLAYTON, OHIO

RESOLUTIONS AND ORDINANCES

May 16, 2024

OLD BUSINESS - NONE

NEW BUSINESS

RESOLUTIONS (SINGLE READING AND IMMEDIATE ENACTMENT)

RESOLUTION NO. R – PC – 24 – 01

A RESOLUTION ADOPTING THE RECOMMENDATION OF THE PLANNING COMMISSION TO APPROVE REQUEST FOR MODIFICATION OF THE PUD FINAL DEVELOPMENT PLAN FOR THE VILLAGES OF NORTH CLAYTON

WHEREAS, a request for a modification of the PUD Final Development Plan for the Villages of North Clayton was submitted on April 4, 2024, by Ferguson Construction Company to the Planning Commission via Case No. PC24-01, said request being to combine 1.0831 acres from Parcel Number M60 03102 0108 with Parcel Number M60 03102 0112 for a total of 4.8715 acres;

WHEREAS, the Clayton Planning Commission held a public hearing on April 22, 2024 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 April 22, 2024 has recommended approval of the request for a modification of the PUD Final Development Plan for the Villages of North Clayton as submitted by Ferguson Construction Company to combine 1.0831 acres from Parcel Number M60 03102 0108 with Parcel Number M60 03102 0112 for a total of 4.8715 acres.

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

1. That the recommendation of the Clayton Planning Commission to approve the aforementioned request for a modification of the PUD Final Development Plan for the Villages of North Clayton as submitted by Ferguson Construction Company to combine 1.0831 acres from Parcel Number M60 03102 0108 with Parcel Number M60 03102 0112 for a total of 4.8715 acres is hereby APPROVED.
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 MAY 16, 2024

RESOLUTION NO. R – 05 – 24 – 31

A RESOLUTION EXTENDING MORATORIUM ON THE ISSUING AND PROCESSING OF PERMITS ALLOWING RETAIL DISPENSERIES, CULTIVATORS, OR PROCESSORS OF ADULT USE MARIJUANA WITHIN THE CITY OF CLAYTON, OHIO

WHEREAS, Ohio voters approved State Issue 2 on November 7, 2023 adopting proposed legislation authorizing the cultivation, sale, and use of marijuana products for recreational purposes; and,

WHEREAS, pursuant to the operation of Article II, Section 1b of the Ohio Constitution, the proposed legislation approved by Ohio voters has been incorporated into the Ohio Revised Code as Sections 3780.01 through 3780.99; and

WHEREAS, Section 3780.03 of the Act provides that a newly created “Division of Cannabis” shall adopt rules establishing standards and procedures for the implementation of the adult use marijuana program, including licensing requirements for cultivators, processors, and retailers; and

WHEREAS, the Act, as currently constituted, provides the Division of Cannabis a period of nine months after December 7, 2023 to implement rules and regulations regarding the adult use marijuana program, and final rules and regulations have not yet been implemented; and

WHEREAS, pursuant to the Ohio Constitution and local ordinances, City Council possesses the inherent power to enact appropriate planning, zoning, and business regulation laws that further the health, safety, welfare, comfort and peace of its citizens, including restricting, prohibiting and/or regulating certain business uses; and

WHEREAS, via adoption of Resolution No. R-12-23-72, Council enacted an immediate moratorium on the issuing and processing of permits for retail dispensaries, cultivators, or processors of adult use marijuana to afford City staff time to make informed recommendations to Council regarding potential changes to the City’s Codified Ordinances based on Council’s determination whether to allow, limit, or prohibit adult use cannabis operators within the City of Clayton; and

WHEREAS, Resolution No. R-12-23-72 provides that the aforementioned moratorium “shall be in effect for a period beginning from the effective date of this Resolution through the earlier of June 15, 2024, until changes are enacted to amend the Codified Ordinances of the City of Clayton to address these issues, or until Council approves legislation explicitly revoking this moratorium, whichever occurs first”; and

WHEREAS, extending the aforementioned moratorium beyond June 15, 2024 on adult use cannabis as specified herein within the City will allow Council and staff additional time to accomplish the City’s goals stated herein and will help ensure the public peace, health, safety, and welfare.

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

Section 1: Council hereby extends and imposes an immediate moratorium on the issuance and processing of any permits for operators, cultivators, processors, and retail dispensaries of adult use marijuana as defined in Sections 3780.01 through 3780.99 of the Ohio Revised Code.

Section 2: The purpose of this moratorium is to allow additional time for the City Administration and Council to consider amendments to pertinent Codified Ordinances, including the Clayton Zoning Code, to prepare regulations which may be necessary, and to determine where and whether to allow, limit, or prohibit cultivators, processors, and retail dispensaries in the City.

Section 3. Council hereby directs and orders that no permits for cultivators, processors or retail dispensaries of adult use marijuana shall be issued or processed by the City during the moratorium.

Section 4. **The moratorium shall be in immediate effect and will expire on September 15, 2024.**

Section 5. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all such 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.

ADOPTED BY COUNCIL ON MAY 16, 2024

RESOLUTION NO. R – 05 – 24 – 32

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH ANTHEM BLUE CROSS BLUE SHIELD VIA THE OHIO BENEFITS COOPERATIVE FOR THE PROVISION OF GROUP HEALTH INSURANCE BENEFITS FROM SEPTEMBER 1, 2024 THROUGH AUGUST 31, 2025

WHEREAS, via enactment of Resolution No. R- 04-24-25 on April 4, 2024, Council authorized the City to renew its membership with the Ohio Benefits Cooperative (“OBC”) thereby permitting the City to purchase medical, dental, and life insurance through said Cooperative;

WHEREAS, working with OBC, health insurance quotes were received and reviewed; and

WHEREAS, acceptance of the Anthem Blue Cross Blue Shield (“Anthem”) policy via OBC permits continuation of the contract plan at the best and lowest price reasonably possible maintaining a consistent benefit level; and

WHEREAS, City Staff has reviewed the information provided and recommends acceptance of the Anthem proposal to offer to employees an Anthem HDHP medical insurance plan as well as a PPO plan as delineated on the attached *Exhibit A*, such that employees can choose either the HDHP plan or the PPO plan during open enrollment.

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 and enter into an agreement with Anthem Blue Cross Blue Shield for the provision of group health insurance benefits through the Ohio Benefits Cooperative from September 1, 2024 through August 31, 2025 as delineated on the attached *Exhibit A*.
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 MAY 16, 2024

RESOLUTION NO. R – 05 – 24 – 33

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH O.R. COLAN ASSOCIATES, LLC FOR THE PROVISION OF PROFESSIONAL RIGHT-OF-WAY ACQUISITION SERVICES FOR THE HOKE ROAD WIDENING PROJECT PID 115202

WHEREAS, the City of Clayton was awarded a CMAQ grant through the MVRPC for the first phase of the widening of Hoke Road from Smith Drive through the Wenger Road intersection (“Project PID 115202” or “Project”); and

WHEREAS, the City of Clayton is responsible for 100% of the right-of-way acquisition funding; and

WHEREAS, the City of Clayton followed the federal funding guidelines set forth in the ODOT Manual with respect to the selection process related to engaging a company to provide right-of-way acquisition services for the Project; and

WHEREAS, the City of Clayton received four (4) letters of interest from companies to provide right-of-way acquisition services for the above referenced Project; and

WHEREAS, City staff has recommended the City of Clayton engage O.R. Colan Associates, LLC to perform right-of-way acquisition services for the above referenced Project which will entail right-of-way purchases involving approximately 20 parcels.

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 enter into an agreement with O.R. Colan Associates, LLC to perform right-of-way acquisition services for the above referenced Project.
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 MAY 16, 2024
