

# CITY OF CLAYTON, OHIO

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## RESOLUTIONS AND ORDINANCES September 19, 2024

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**OLD BUSINESS –**

**ORDINANCES (SECOND OF TWO READINGS AND ENACTMENT)**

**ORDINANCE NO. O – 09 – 24 – 16**

**AN ORDINANCE TO CONFIRM ACCEPTANCE OF SPECIFIED RIGHT OF WAY  
DEDICATION AT SWEET POTATO RIDGE ROAD**

**WHEREAS**, municipal corporations generally have the special power to regulate the use of streets within their municipal boundaries and the care, supervision and control of said public streets pursuant to R.C. § 723.01; and

**WHEREAS**, a municipal corporation has no duty to maintain streets or alleys dedicated to public use unless the dedication of such street or alleys is accepted and confirmed by the legislative authority of such municipal corporation pursuant to R.C. § 723.03; and

**WHEREAS**, the Office of the Montgomery County Engineer has advised the Dedication Plat Record Plan is suitable for acceptance.

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

1. That the City accepts the dedication of the specified right of way at Sweet Potato Ridge Road as detailed in the attached plat map (**Exhibit A**) as dedicated for the public use.
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 September 5, 2024 and September 19, 2024.
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 19, 2024

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**ORDINANCE NO. O – 09 – 24 – 17**

**AN ORDINANCE TO CONFIRM ACCEPTANCE OF SPECIFIED RIGHT OF WAY DEDICATION AT SALEM AVENUE AND UNION ROAD**

**WHEREAS**, municipal corporations generally have the special power to regulate the use of streets within their municipal boundaries and the care, supervision and control of said public streets pursuant to R.C. § 723.01; and

**WHEREAS**, a municipal corporation has no duty to maintain streets or alleys dedicated to public use unless the dedication of such street or alleys is accepted and confirmed by the legislative authority of such municipal corporation pursuant to R.C. § 723.03; and

**WHEREAS**, the Office of the Montgomery County Engineer has advised the Dedication Plat Record Plan is suitable for acceptance.

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

1. That the City accepts the dedication of the specified right of way at Salem Avenue and Union Road as detailed in the attached plat map (**Exhibit A**) as dedicated for the public use.
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 September 5, 2024 and September 19, 2024.
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 19, 2024

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**NEW BUSINESS –**

**ORDINANCES (FIRST OF TWO READINGS)**

**ORDINANCE NO. O – 09 – 24 – 18**

**AN ORDINANCE ADOPTING THE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE THE APPLICATION FOR A CHANGE IN ZONING FROM RSD (RESIDENTIAL SINGLE UNIT DISTRICT) TO CMX (COMMERCIAL MIXED USE) FOR 5.0753 ACRES OF PROPERTY LOCATED AT WENGER ROAD AND HOKE ROAD AND BEARING PARCEL I.D. NO.s M60 03109 0030, M60 03109 0060, AND M60 03109 0034 WITHIN THE CITY OF CLAYTON, OHIO**

**WHEREAS**, on June 10, 2024, an application was filed by Attorney Gerald L. McDonald, on behalf of and with the consent of the property owners, for property located at Wenger Road and Hoke Road consisting of: (a) Parcel I.D. Number M60 03109 0030, owned by BLK Holdings LLC and containing 2.044 acres (4970 Wenger Road); (b) Parcel I.D. Number M60 03109 0060, owned by Terry and Bonita Kipling (7970 Hoke Road); and (c) Parcel I.D. Number M60 03109 0034, owned by Terry and Bonita Kipling (4940 Wenger Road) (properties (b) and (c) contain 3.03133 acres), all located within the City of Clayton, Ohio (“Subject Property”) and requesting a zoning change for same from RSD (Residential Single Unit District) to CMX (Commercial Mixed Use); and

**WHEREAS**, the Clayton Planning Commission held a public hearing on August 26, 2024, on said re-zoning 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 request*; and

**WHEREAS**, the Clayton City Council held a public hearing on September 19, 2024, on the aforesaid re-zoning 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 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 September 19, 2024 and October 3, 2024.
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 OCTOBER 3, 2024

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**ORDINANCE NO. O – 09 – 24 – 19**

**AN ORDINANCE REJECTING THE PLANNING COMMISSION’S  
RECOMMENDATION TO DENY THE APPLICATION FOR A CHANGE IN ZONING  
FROM RCD-2 (RURUAL CONSERVATION DISTRICT) TO RSD (RESIDENTIAL  
SINGLE UNIT DISTRICT) FOR 10 ACRES OF PROPERTY LOCATED AT HOKE  
ROAD AND WESTBROOK ROAD BEARING PARCEL I.D. NO. M60 03206 0020  
WITHIN THE CITY OF CLAYTON, OHIO**

**WHEREAS**, on July 2, 2024, an application was filed by Bill Parker, member of and on behalf of the property owner, Clayton Land Holding, LLC, for property located at Hoke Road and Wenger Road consisting of 10 acres, bearing Parcel I.D. No. M60 03206 0020 located within the City of

Clayton, Ohio (“Subject Property”) and requesting a zoning change for same from RCD-2 (Rural Conservation District) to RSD (Residential Single Unit District); and

**WHEREAS**, the Clayton Planning Commission held a public hearing on August 26, 2024, on said re-zoning 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 deny the re-zoning request*; and

**WHEREAS**, the Clayton City Council held a public hearing on September 19, 2024, on the aforesaid re-zoning 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 denial of the re-zoning request for the Subject Property*. **Therefore, the re-zoning request is approved as submitted.**
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 September 19, 2024 and October 3, 2024.
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 OCTOBER 3, 2024

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

**RESOLUTION NO. R - 09 - 24 - 50**

**A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE MONTGOMERY COUNTY BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR**

Council Member Kenneth Henning moved the adoption of the following Resolution.

**WHEREAS**, the Council of the City of Clayton, Montgomery County, Ohio met in Regular session on the 19th day of September, 2024, at the office of the City of Clayton with the following Council members present: Mayor Mike Stevens, Council Members Ryan Farmer, Kenneth Henning, Tina Kelly, Brendan Bachman, James T. Gorman, and Greg Merkle; and

**WHEREAS**, The Budget Commission of Montgomery County, Ohio has certified its action thereon to this Board, together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part within, the ten mill tax limitation;

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

1. That the amounts and rates, as determined by the Budget Commission in its certification, are hereby accepted.
2. That there be and is hereby levied on the tax duplicate of said City of Clayton the rate of each tax necessary to be levied within and without the ten-mill limitation as set forth on **Schedules A and B** appended hereto and made a part hereof.
3. **That the Clerk of Council be and is hereby directed to certify a copy of this Resolution to the Montgomery County Auditor.**

Council Member Tina Kelly seconded the adoption of the following Resolution and the roll being called upon its adoption the vote resulted as follows:

Mayor Mike Stevens	Yes
Council Member Ryan Farmer	Yes
Council Member Kenneth Henning	Yes
Council Member James T. Gorman	Yes
Council Member Tina Kelly	Yes
Council Member Brendan Bachman	Yes
Council Member Greg Merkle	Yes

ADOPTED BY COUNCIL ON SEPTEMBER 19, 2024

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**RESOLUTION NO. R – 09 – 24 – 51**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENT(S) AND EXECUTE NEEDED DOCUMENTATION WITH MEDICOUNT MANAGEMENT, INC., PUBLIC CONSULTING GROUP, AND/OR THE STATE OF OHIO AND MEDICAID TO PARTICIPATE IN THE GROUND EMERGENCY MEDICAL TRANSPORT SUPPLEMENTAL PAYMENT PROGRAM**

**WHEREAS**, the State of Ohio has enacted Ohio Revised Code Section 5164.96, codifying the Ground Emergency Medical Transport Supplemental Payment Program which provides, *inter alia*, “The medicaid director shall submit a medicaid state plan amendment to the United States centers for medicare and medicaid services seeking authorization to establish and administer a supplemental payment program to provide supplemental medicaid payments to eligible ground emergency medical transportation service providers. If approved, the medicaid director shall establish and administer the program.”; and

**WHEREAS**, the Fire Chief has recommended participation in the Ground Emergency Medical Transport Supplemental Payment Program in order to obtain a greater percentage of the actual cost of the ambulance transport of Medicaid recipients.

**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 MOU's, and/or contracts among and between Medicount Management, Inc., Public Consulting Group, and/or the State of Ohio and Medicaid and to further execute such documentation as may be needed in order for the City and its Fire Department to participate in the Ground Emergency Medical Transport Supplemental Payment Program.
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 SEPTEMBER 19, 2024

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