

CITY OF CLAYTON, OHIO

RESOLUTIONS AND ORDINANCES October 3, 2024

OLD BUSINESS

ORDINANCES (SECOND OF TWO READINGS AND ENACTMENT)

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.

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 (RURAL 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

NEW BUSINESS

RESOLUTIONS (SINGLE READING AND IMMEDIATE ENACTMENT)

RESOLUTION NO. R – 10 – 24 – 52

A RESOLUTION APPROVING AMENDMENT OF 2024 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 2024 Appropriations and Estimated Resources with respect to the Police Fund (201) and the Agency Fund (954).

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 or personnel expenses as noted below:*

<u>Fund</u>	<u>Estimated Resource Amount</u>	<u>Appropriation Amount</u>
Police (201)	\$5,984.00	\$5,984.00 (Operating)
Agency (954)	\$16,109.94	\$12,160.94 (Operating)

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 OCTOBER 3, 2024

RESOLUTION NO. R – 10 – 24 – 53

A RESOLUTION AUTHORIZING THE SUBMITTAL OF APPLICATION(S) TO THE MIAMI VALLEY REGIONAL PLANNING COMMISSION FOR CONGESTION MITIGATION/AIR QUALITY (CMAQ) FUNDS FOR PHASE 2 OF THE HOKE ROAD WIDENING PROJECT FROM WENGER ROAD TO NATIONAL ROAD

WHEREAS, the Public Service Director has recommended the submittal of application(s) to the Miami Valley Regional Planning Commission (MVRPC) for Congestion Mitigation/Air Quality (CMAQ) Funds for Phase 2 of the Hoke Road Widening Project from Wenger Road to National Road (“Project”); and

WHEREAS, the City of Clayton, Ohio has committed to a timely project development schedule; and

WHEREAS, the City of Clayton, Ohio will commit the necessary resources to support the estimated local cost portion of the Project (the local grant match for this grant application estimated to be 21% of the total construction cost) and the following list of projects will be submitted to MVRPC, shown in order of the City of Clayton, Ohio’s priority from number 1 to 1:

1. Phase 2 of the Hoke Road Widening Project from Wenger Road to National Road

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

SECTION I. This Resolution shall serve to authorize the transmittal and submittal of applications for the following Project to MVRPC for funding consideration via Congestion Mitigation/Air Quality (CMAQ) Funds:

1. Phase 2 of the Hoke Road Widening Project from Wenger Road to National Road

SECTION II. The City Manager is hereby authorized to sign on behalf of the City the application(s) for funds as referred to in Section I of this Resolution.

SECTION III. The City Manager is hereby directed and authorized to take or cause to be taken all other action necessary and proper to secure the funding sought by the applications referred to herein, and provide any additional information sought by reviewing agencies during the time the applications is/are under review. The City Manager is further directed and authorized to cause compliance with all reporting requirements required by the Miami Valley Regional Planning Commission (MVRPC) as required as part of the funding process.

SECTION IV. Upon application approval, the City hereby states its commitment to the local contribution for the Project as identified in these application(s), including local contribution of costs exceeding the current estimates or subsequent revised estimates as accepted by the MVRPC.

SECTION V. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

SECTION VI. This Resolution shall become effective immediately upon its passage.