

CITY OF CLAYTON, OHIO

RESOLUTIONS AND ORDINANCES

November 21, 2024

OLD BUSINESS - NONE

NEW BUSINESS

ORDINANCES (FIRST OF TWO READINGS)

ORDINANCE NO. O – 11 – 24 – 21

**AN ORDINANCE APPROVING THE RECOMMENDATION OF THE
PLANNING COMMISSION TO AMEND CLAYTON CODIFIED ORDINANCE
SECTION 1141.11(C)**

WHEREAS, the Clayton Planning Commission held a public hearing on October 28, 2024, to consider the recommendation of City staff that Clayton Codified Ordinance Section 1141.11(C) be revised as follows:

“It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain and/or use, any building or land in violation of any regulation in or any provisions of this Code or any amendment or supplement thereto adopted by City Council under Section 713.12 of the Ohio Revised Code. Any person, firm or corporation, violating any regulation in, or any provision of this Code, or any amendment or supplement thereto, shall be deemed guilty of a misdemeanor of the third degree. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, and/or maintenance if use continues, may shall be deemed a separate offense.”; and

WHEREAS, the Planning Commission *voted to recommend approval of the aforesaid amendment to CCO 1141.11(C); and*

WHEREAS, the Clayton City Council held a public hearing on November 21, 2024, to consider the recommendation of the Planning Commission that Clayton Codified Ordinance Section 1141.11(C) be revised as aforesaid.

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

1. That the Clayton City Council hereby **ADOPTS** the recommendation of the Planning Commission that Clayton Codified Ordinance Section 1141.11(C) be revised as follows:

“It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain and/or use, any building or land in violation of any regulation in or any provisions of this Code or any amendment or supplement thereto adopted by City Council under Section 713.12 of the Ohio Revised Code. Any person, firm or corporation, violating any regulation in, or any provision of this Code, or any amendment or supplement thereto, shall be deemed guilty of a misdemeanor of the third degree. Each and every day during which such illegal location, erection, construction,

reconstruction, enlargement, change, and/or maintenance if use continues, ~~may~~ **shall** be deemed a separate offense.”

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 November 21, 2024 and December 5, 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 DECEMBER 5, 2024

ORDINANCE NO. O – 11 – 24 – 22

AN ORDINANCE TO CONFIRM ACCEPTANCE OF SPECIFIED RIGHT OF WAY DEDICATION AT WENGER VILLAGE SECTION THREE/RECORDED PLAT 240-21/INSTRUMENT NUMBER 2023-00001100 WITH MONTGOMERY COUNTY RECORDER’S OFFICE

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 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 Corriander Trail, Parsley Place, Marjoram Place, and Cilantro Way as detailed in the attached plat map (**Exhibit A**) as dedicated to the public use forever.
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 November 21, 2024 and December 5, 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 DECEMBER 5, 2024

ORDINANCE NO. O – 11 – 24 – 23

**AN ORDINANCE APPROVING AND ADOPTING A THOROUGHFARE PLAN FOR
THE CITY OF CLAYTON, OHIO**

WHEREAS, via enactment of Resolution No. R-06-23-40, adopted by Council on June 15, 2023, the City engaged The Kleingers Group to provide a City-wide thoroughfare plan; and

WHEREAS, on November 7, 2024, The Kleingers Group presented its final City-wide thoroughfare plan to the City Council during an open meeting.

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

1. That the final City-wide thoroughfare plan provided to the City by The Kleingers Group and appended hereto as **Exhibit A** is hereby approved and adopted.
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 November 21, 2024 and December 5, 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 DECEMBER 5, 2024

RESOLUTIONS (SINGLE READING AND IMMEDIATE ENACTMENT)

RESOLUTION NO. R – 11 – 24 - 56

**APPROVING REVISIONS TO THE BYLAWS OF THE FIRST SUBURBS
CONSORTIUM OF DAYTON OHIO COUNCIL OF GOVERNMENTS**

WHEREAS; the Consortium known as the First Suburbs Consortium of Dayton, Ohio council of governments (cog) was formed in 2005 pursuant to Ohio revised code 167, and

WHEREAS; the Consortium’s current bylaws became effective on July 17, 2017, and

WHEREAS; the First Suburbs Consortium of Dayton, Ohio council of governments approved revisions to the bylaws on October 23, 2024, and

WHEREAS; the July 17, 2017 bylaws require the newly revised bylaws be approved by the member communities. (see Section XIII of the July 2017 bylaws), and

WHEREAS; it is the desire of the City to approve the proposed revisions attached hereto and made a part of this resolution.

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

SECTION 1: The proposed revisions to the bylaws of the First Suburbs Consortium of Dayton, Ohio council of governments are hereby approved.

SECTION 2: That this resolution shall be in full force and effect from and after its date of passage.

ADOPTED BY COUNCIL ON NOVEMBER 21, 2024

RESOLUTION NO. R – 11 – 24 – 57

A RESOLUTION AUTHORIZING THE FINANCE DIRECTOR TO REQUEST THE COUNTY AUDITOR TO MAKE ADVANCE PAYMENTS INTO THE CLAYTON ACCOUNT

WHEREAS, O.R.C. Section 321.34 provides for advance payments by the county auditor to municipal corporations whose funds are derived from taxes or other sources payable by law to the county treasury, any money that may be in the county treasury to the account of the municipality, respectively and lawfully applicable to the purpose of the current fiscal year in which the request is made; and

WHEREAS, consistent with O.R.C. Section 321.34(A)(2)(b) it is the intent of the Clayton City Council to use the money for the purposes of the fiscal year in which the request is made.

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

1. That on and after the first business day in January 2025, the Finance Director is hereby authorized to request the Montgomery County Auditor to make an advance payment of any moneys that may be in the Montgomery County Treasury to the account of Clayton, respectively and lawfully applicable to the purpose of the current fiscal year in which the request is made.
2. That, consistent with O.R.C. Section 321.34(A)(2)(b) it is the intent of the Clayton City Council to use the money for the purposes of the fiscal year in which the request is made.

ADOPTED BY COUNCIL ON NOVEMBER 21, 2024

RESOLUTION NO. R – 11 – 24 – 58

A RESOLUTION REPEALING RESOLUTION NO. R-10-24-53 ADOPTED OCTOBER 3, 2024 AND REPLACING SAME WITH THE PRESENT RESOLUTION NO. R- 11-24-58 AUTHORIZING THE SUBMITTAL OF APPLICATION(S) TO THE MIAMI VALLEY REGIONAL PLANNING COMMISSION FOR CONGESTION MITIGATION/AIR QUALITY (CMAQ) FUNDS FOR PHASE 2A OF THE HOKE ROAD WIDENING PROJECT FROM WENGER ROAD TO SPRINGVIEW LANE (AT GRAND VILLAS)

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 2A of the Hoke Road Widening Project from Wenger Road to Springview Lane (At Grand Villas) (“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 2A of the Hoke Road Widening Project from Wenger Road to Springview Lane (At Grand Villas)*

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 2A of the Hoke Road Widening Project from Wenger Road to Springview Lane (At Grand Villas)*

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.