

# CITY OF CLAYTON, OHIO

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## RESOLUTIONS AND ORDINANCES December 5, 2024

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### OLD BUSINESS

### ORDINANCES (SECOND 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

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**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

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**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

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**NEW BUSINESS**

**ORDINANCES (SINGLE READING AND IMMEDIATE ENACTMENT AS  
EMERGENCY)**

**ORDINANCE NO. O – 12 – 24 – 24**

**AN ORDINANCE AUTHORIZING AMENDMENTS TO DESIGNATION OF JOB  
CATEGORIES AND PAY SCHEDULES AND DECLARING AN EMERGENCY**

**WHEREAS**, Section 3.01(D) of the Clayton Charter provides that Council may authorize the creation of positions of employment and set their rates of compensation; and

**WHEREAS**, an Organization Chart and revised pay tables have been prepared by the City Manager, reviewed by the Finance Director and recommended for approval by the City Manager.

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

1. That the Organization Chart and Pay Table(s) appended hereto as Exhibit A be and hereby are authorized and approved with the Pay Tables to be effective the first full payroll period in January, 2025.
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(B) the requirement that this enactment be read on two (2) separate days is dispensed with by affirmative vote of at least five (5) of the members of Council.
4. That, unless prompt implementation of pay rates for personnel can be achieved so as to ensure continued provision of City services, public health and safety and welfare will be detrimentally affected. Accordingly, in accordance with Charter Section 4.033(A) this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the City and shall therefore be in full force and effect from and immediately upon affirmative vote of at least five (5) of the members of Council.

ADOPTED BY COUNCIL ON DECEMBER 5, 2024

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

### **RESOLUTION NO. R – 12 – 24 – 59**

#### **A RESOLUTION TO AUTHORIZE AND APPROVE THE 2025 BUDGET AND PERMANENT APPROPRIATIONS**

**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**, the City Manager and Finance Director have prepared and presented the 2025 Budget and Permanent Appropriations for the City of Clayton.

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

1. That the 2025 Budget appended hereto as Exhibit A and made a part hereof is hereby authorized and approved.
2. That the appropriations by fund and appended hereto and made a part hereof are hereby authorized and approved for 2025.

3. That the Finance Director is hereby authorized, empowered and directed to take all action necessary to affect such appropriations and evidence same on the books and financial record of the City.

ADOPTED BY COUNCIL ON DECEMBER 5, 2024

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**RESOLUTION NO. R – 12 – 24 – 60**

**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 below indicated funds.

**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 *all of the appropriation amendments are for operating expenses:*

<b><u>Fund</u></b>	<b><u>Estimated Resources</u></b>	<b><u>Appropriations</u></b>
General (101)		\$45,000
Law Enforcement Trust (227)		\$3,200
EMS (325)	\$13,000	\$13,000
Street Lights (501)		\$2,500
Local Fiscal Recovery (708)		\$42,133.36
Agency (954)		\$2,199
<b><u>TRANSFERS</u></b>		
EMS (325)	(\$80,441.48)	
Debt Service (933)	\$80,441.48	

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 DECEMBER 5, 2024

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**RESOLUTION NO. R – 12 – 24 – 61**

**A RESOLUTION AUTHORIZING A TENTATIVE AGREEMENT WITH RESPECT TO WAGE REOPENER FOR 2025 WITH THE TEAMSTERS LOCAL UNION NO. 957**

**WHEREAS**, the City of Clayton (City) and the Teamsters Local Union No. 957 (Union) entered into a Collective Bargaining Agreement (CBA) dated January 1, 2024 through December 31, 2026; and

**WHEREAS**, pursuant to agreement of the City and the Union in Article 13, Section 1 of the aforementioned CBA, the City and Union have entered into the attached Tentative Agreement with respect to the wage reopener for 2025 which Council desires to approve (*Exhibit A*).

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

1. That the Council of the City of Clayton, Ohio hereby approves the Tentative Agreement appended hereto as **Exhibit A**.

ADOPTED BY COUNCIL ON DECEMBER 5, 2024

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**RESOLUTION NO. R – 12 – 24 – 62**

**A RESOLUTION APPOINTING ROBERT PAHREN TO THE CLAYTON BOARD OF ZONING APPEALS FOR A FIVE (5) YEAR TERM**

**WHEREAS**, Charter Section 7.02 provides for the creation and appointment of members to the Clayton Board of Zoning Appeals; and

**WHEREAS**, Member Jessica Hunter’s current term expires January 14, 2025; and

**WHEREAS**, Council desires to appoint Robert Pahren to a five (5) year term on the Clayton Board of Zoning Appeals to fill the vacant seat of Jessica Hunter.

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

1. That Robert Pahren is hereby appointed to a five (5) year term with the Clayton Board of Zoning Appeals said term to commence January 15, 2025 through January 14, 2030.

ADOPTED BY COUNCIL ON DECEMBER 5, 2024

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**RESOLUTION NO. R – 12 – 24 – 63**

**A RESOLUTION APPROVING THE MONTGOMERY COUNTY  
NATURAL HAZARD MITIGATION PLAN**

**WHEREAS**, Council of the City of Clayton recognizes the vulnerability of its resources, property and operations to the impacts of disasters and emergencies; and

**WHEREAS**, Council also recognizes its role in the community and its importance to the welfare of the people and institutions therein; and

**WHEREAS**, the Stafford Act, as amended by Congress, mandates that local governments must have a disaster mitigation plan on file with the State to receive mitigation funding in the case of a disaster; and

**WHEREAS**, the City of Clayton may endorse the Montgomery County Natural Hazard Mitigation Plan to satisfy the filing requirements.

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

1. The City of Clayton endorses and adopts the Montgomery County Natural Hazard Mitigation Plan (**Exhibit A**) and agrees to participate in its efforts, to the extent feasible and in a manner consistent with the City of Clayton's needs, resources and responsibilities, to lessen the vulnerability of the community to the impacts of disasters, as established in The Montgomery County Natural Hazard Mitigation Plan.

ADOPTED BY COUNCIL ON DECEMBER 5, 2024

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