

CITY OF CLAYTON, OHIO

RESOLUTIONS AND ORDINANCES

April 17, 2025

OLD BUSINESS - NONE

NEW BUSINESS

ORDINANCES (FIRST OF TWO READINGS)

ORDINANCE NO. O – 04 – 25 – 03

AN ORDINANCE ADOPTING THE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE, WITH SPECIFIED CONDITIONS, THE APPLICATION OF DDC MANAGEMENT, LLC TO APPROVE THE PRELIMINARY DEVELOPMENT PLAN FOR 37.098 ACRES LOCATED AT THE NORTHWEST CORNER OF WESTBROOK ROAD AND UNION ROAD AND BEARING PARCEL I.D. NO. M60 03207 0023 WITHIN THE CITY OF CLAYTON, OHIO

WHEREAS, on or about February 28, 2025, an application was filed by DDC Management, LLC, with the approval of the property owner, Lagos Properties, Inc., for property located at the Northwest corner of Westbrook Road and Union Road and consisting of 37.098 acres and bearing Parcel I.D. Number M60 03207 0023 within the City of Clayton, Ohio (“Subject Property”) and requesting approval of the proposed Preliminary Development Plan for said Subject Property; and

WHEREAS, the Clayton Planning Commission held a public hearing on March 24, 2025, on said Preliminary Development Plan 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, with specified conditions (Exhibit A), the Preliminary Development Plan request*; and

WHEREAS, the Clayton City Council held a public hearing on April 17, 2025, on the aforesaid Preliminary Development Plan 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 Preliminary Development Plan with respect to the Subject Property, with specified conditions (Exhibit A)*.
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 April 17, 2025 and May 1, 2025.

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 MAY 1, 2025

ORDINANCE NO. O – 04 – 25 – 04

AN ORDINANCE EXPRESSING THE CITY’S INTENT TO NEGOTIATE JOINTLY WITH OTHER CITIES IN THE REGION ON A ONE PRICE SCHEDULE UNDER WHICH ELECTRIC LIGHT SERVICES SHALL BE FURNISHED TO THE RESIDENTS OF THE CITY FOR THE PURPOSE OF STREET LIGHTING

WHEREAS, the City is currently under contract with Miami Valley Lighting, LLC (“MVL”) and DPL Energy Resources, Inc. (nka “AES Ohio”) for the provision of street lighting; and

WHEREAS, the current contract expires on December 31, 2025; and

WHEREAS, Ohio Revised Code Section 74.28(B) allows two or more municipal corporations to negotiate one price schedule under which an electric light company shall furnish its services to the residents of the municipal corporations; and

WHEREAS, the City Council has determined that it would be in the best interests of the City to negotiate jointly with other cities in the region on one price schedule for the provision of electric light services to the residents of the City for the purpose of street lighting; and

WHEREAS, the City is authorized as a charter municipality to exercise all powers of local self-government.

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

1. Pursuant to Ohio Revised Code Section 743.28(B), the City of Clayton, Ohio hereby expresses its intent to negotiate and authorize the City Manager to participate as a member of the negotiation committee jointly with other cities in the region on one price schedule under which electric light services shall be furnished to the residents of the City for the purpose of street lighting.

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 April 17, 2025 and May 1, 2025.

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 MAY 1, 2025

THE FOLLOWING ORDINANCE DID NOT RECEIVE A SUFFICIENT NUMBER OF VOTES FOR A SECOND READING AND THEREFOR FAILED:

ORDINANCE NO. O - 04 - 25 – 05

AN ORDINANCE REPEALING ORDINANCE NO. O-01-25-02 WHICH ADOPTED THE PLANNING COMMISSION’S RECOMMENDATION TO APPROVE, WITH SPECIFIED CONDITIONS, THE APPLICATION OF SDG WARNER VILLAGE LLC FOR A CHANGE IN ZONING FROM RESIDENTIAL SINGLE UNIT DISTRICT (RSD) TO PLANNED DEVELOPMENT DISTRICT (PDD) AND TO FURTHER APPROVE THE PRELIMINARY DEVELOPMENT PLAN FOR 183.1044 ACRES OF PROPERTY LOCATED NEAR THE INTERSECTION OF SWEET POTATO RIDGE ROAD AND MAIN STREET BEARING PARCEL I.D. NO. M60 03010 00001 WITHIN THE CITY OF CLAYTON, OHIO

WHEREAS, on or about November 6, 2024, an application was filed by the property owner, SDG Warner Village LLC, for property located near the intersection of Sweet Potato Ridge Road and Main Street consisting of Parcel I.D. Number M60 03010 0001 and containing 183.1044 acres within the City of Clayton, Ohio (“Subject Property”) and requesting a zoning change for same from Residential Single Unit District (RSD) to Planned Development District (PDD) and further requesting approval of the proposed Preliminary Development Plan for said subject property; and

WHEREAS, the Clayton Planning Commission held a public hearing on December 16, 2024, on said re-zoning and Preliminary Development Plan 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, with specified conditions, the re-zoning and Preliminary Development Plan request;* and

WHEREAS, the Clayton City Council held a public hearing on January 16, 2025, on the aforesaid re-zoning and Preliminary Development Plan request at which time any and all persons were given an opportunity to be heard thereon; and

WHEREAS, on March 6, 2025, Council adopted Ordinance No. O-01-25-02 (*Exhibit A*) adopting the Planning Commission’s *recommendation of approval of the re-zoning and Preliminary Development Plan request for the Subject Property with specified conditions.*

WHEREAS, a Petitioner’s Committee was formed per Clayton Charter Section 10.02 seeking the referendum of Ordinance No. O-01-25-02 and on April 10, 2025, the Montgomery County Board of Elections provided the attached Certification Form (*Exhibit B*) certifying the referendum petition contained a sufficient number of valid signatures to be placed on the ballot; and

WHEREAS, Clayton Charter Section 10.04(A)(2) provides, “Council, at any time, may consider the proposed initiative ordinance *or may reconsider the referred ordinance by voting its repeal. If Council passes the proposed ordinance without any changes in substance unless agreed to by a majority of the Petitioner’s Committee, or repeals the referred ordinance within twenty one days after the City’s receipt of the notice from the Board of Elections as provided in Section 10.02, the City Law Director and the Petitioner’s Committee shall file an agreed Notice of Withdrawal with the Board of Elections.*”

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

1. That, in accordance with Charter Section 10.04(A)(2), the City Council hereby REPEALS Ordinance No. 01-25-02 adopted on March 6, 2025. The City Law Director and the Petitioner’s Committee shall file an agreed Notice of Withdrawal with the Board of Elections.
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 April 17, 2025 and May 1, 2025.
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 MAY 1, 2025

RESOLUTIONS (SINGLE READING AND IMMEDIATE ENACTMENT)

RESOLUTION NO. R – 04 – 25 – 37

A RESOLUTION APPROVING THE SOLID WASTE MANAGEMENT PLAN OF THE MONTGOMERY COUNTY SOLID WASTE MANAGEMENT DISTRICT

WHEREAS, The City of Clayton is a member of the Montgomery County Solid Waste Management District (“District”); and

WHEREAS, the District completed the draft amended Solid Waste Management Plan (“Plan”) and submitted it to the Ohio Environmental Protection Agency (“OEPA”) for review and comment on February 19, 2024, and the OEPA provided comments in a non-binding advisory opinion on June 3, 2024; and

WHEREAS, the Solid Waste Management District Policy Committee (“SWMDPC”) has reviewed the nonbinding advisory opinion received from the Ohio Environmental Protection Agency and taken into consideration these comments, incorporating some changes into the amended Plan where necessary; and

WHEREAS, the Solid Waste Management District (“District”) conducted a 30-day public comment period from December 9 – January 9, 2025, and held a public hearing January 21, 2025, to provide the public an opportunity to have input in this Plan, and;

WHEREAS, the District staff made recommendations to the SWMDPC to incorporate changes from the OEPA and changes read into the record at the Public Hearing and read into the record at the SWMDPC meeting held on February 5, 2025; and

WHEREAS, the Montgomery County Solid Waste Management District, by its Solid Waste Management Policy Committee, has adopted a Solid Waste Management Plan for the District incorporating the staff changes and the new solid waste management generation fee increases from \$3.00 per ton to \$3.65 beginning in January 1, 2026 and increasing 6% each year thereafter or until the next Plan Update in five (5) years; and

WHEREAS, pursuant to Ohio Revised Code Section 3734.55(B), the Board of County Commissioners and the legislative authority of each municipal corporation or township under the jurisdiction of the District, must approve or disapprove the Plan by ordinance or resolution; and

WHEREAS, the City of Clayton, Montgomery County, Ohio has reviewed the Plan and considered it at a duly called meeting; and

WHEREAS, the Plan furthers the public interest.

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

1. That the Solid Waste Management Plan of the Montgomery County Solid Management District, adopted by the Solid Waste Management Policy Committee on February 5, 2025, is hereby approved.
2. That a copy of this Resolution of Approval shall promptly be delivered, or caused to be delivered, to the Solid Waste Management Policy Committee of the Montgomery County Solid Waste Management District.

ADOPTED BY COUNCIL ON APRIL 17, 2025

RESOLUTION NO. R – 04 – 25 – 38

A RESOLUTION APPROVING A WAGE AGREEMENT FOR THE YEARS 2025 AND 2026 WITH THE OHIO PATROLMEN’S BENEVOLENT ASSOCIATION FOR SERGEANTS WITHIN THE CLAYTON POLICE DEPARTMENT

WHEREAS, representatives of the City and Union have tentatively agreed upon a Wage Agreement for the years 2025 and 2026 for the Sergeants within the Clayton Police Department and staff has recommended it for approval; and

WHEREAS, said Agreement provides for a 3% wage increase for the year 2025, effective January 1, 2025, and further provides for a 3% wage increase for the year 2026 plus a market adjustment of \$1.75, effective January 1, 2026; and

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

1. That the 2025 and 2026 wage agreement with the OPBA for the Sergeants for a 3% wage increase for the year 2025, effective January 1, 2025, and for a 3% wage increase for the year 2026 plus a market adjustment of \$1.75, effective January 1, 2026, (Exhibit A) is approved and the City Manager is authorized to execute said Agreement on behalf of the City.

ADOPTED BY COUNCIL ON APRIL 17, 2025

RESOLUTION NO. R – 04 – 25 – 39

A RESOLUTION AFFIRMING ORDINANCE NO. O-01-25-02 AND FURTHER AUTHORIZING AND DIRECTING THE MONTGOMERY COUNTY, OHIO BOARD OF ELECTIONS TO CONDUCT AN ELECTION OF THE ELECTORS OF THE CITY OF CLAYTON, OHIO AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 4, 2025 ON THE QUESTION: SHALL ORDINANCE NO. O-01-25-02 WHICH ADOPTED THE PLANNING COMMISSION’S RECOMMENDATION TO APPROVE, WITH SPECIFIED CONDITIONS, THE APPLICATION OF SDG WARNER VILLAGE LLC FOR A CHANGE IN ZONING FROM RESIDENTIAL SINGLE UNIT DISTRICT (RSD) TO PLANNED DEVELOPMENT DISTRICT (PDD) AND TO FURTHER APPROVE THE PRELIMINARY DEVELOPMENT PLAN FOR 183.1044 ACRES OF PROPERTY LOCATED NEAR THE INTERSECTION OF SWEET POTATO RIDGE ROAD AND MAIN STREET BEARING PARCEL I.D. NO. M60 03010 00001 WITHIN THE CITY OF CLAYTON, OHIO BE APPROVED?

WHEREAS, per City of Clayton Charter Section 10.04(A)(4), a Notice of Acknowledgment may be approved by Council via Resolution; and

WHEREAS, on or about November 6, 2024, an application was filed by the property owner, SDG Warner Village LLC, for property located near the intersection of Sweet Potato Ridge Road and Main Street consisting of Parcel I.D. Number M60 03010 0001 and containing 183.1044 acres within the City of Clayton, Ohio (“Subject Property”) and requesting a zoning change for same from Residential Single Unit District (RSD) to Planned Development District (PDD) and further requesting approval of the proposed Preliminary Development Plan for said subject property; and

WHEREAS, the Clayton Planning Commission held a public hearing on December 16, 2024, on said re-zoning and Preliminary Development Plan 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, with specified conditions, the re-zoning and Preliminary Development Plan request*; and

WHEREAS, the Clayton City Council held a public hearing on January 16, 2025, on the aforesaid re-zoning and Preliminary Development Plan request at which time any and all persons were given an opportunity to be heard thereon; and

WHEREAS, on March 6, 2025, Council adopted Ordinance No. O-01-25-02 (*Exhibit A*) adopting the Planning Commission’s *recommendation of approval of the re-zoning and Preliminary Development Plan request for the Subject Property with specified conditions*; and

WHEREAS, a Petitioner’s Committee was formed per Clayton Charter Section 10.02 seeking the referendum of Ordinance No. O-01-25-02 and on April 10, 2025, the Montgomery County Board of Elections provided the attached Certification Form (*Exhibit B*) certifying the referendum petition contained a sufficient number of valid signatures to be placed on the ballot; and

WHEREAS, in accordance with Clayton Charter Section 10.04(A), Council hereby determines the aforementioned referendum petition meets all other requirements of Ohio law and the Charter and acknowledges the substantive validity of said referendum petition.

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

1. That City Council hereby affirms Ordinance No. O-01-25-02 and, in accordance with Clayton Charter Section 10.04(A), City Council hereby determines the aforementioned referendum petition meets all other requirements of Ohio law and the Charter of Clayton and acknowledges the substantive validity of said referendum petition.
2. It is the legislative determination and order of this Council that an election shall be held within the City of Clayton, Ohio on November 4, 2025, at which election the Board of Elections of Montgomery County, Ohio, is directed and ordered to conduct an election within the City of Clayton, Ohio on the question set forth in Section 3 of this Resolution. The election shall be conducted by the Board of Elections during the regular hours of voting on such date as prescribed by the laws of Ohio. The purpose of such election shall be to submit to the electors of the City of Clayton, Ohio for their approval or rejection, the question of whether Ordinance No. O-01-25-02 proposing the approval, with specified conditions, of the application of SDG Warner Village LLC, for a change in zoning from Residential Single Unit District (RSD) to Planned Development District (PDD) and to further approve the Preliminary Development Plan for 183.1044 acres of property located near the intersection of Sweet Potato Ridge Road and Main Street bearing Parcel I.D. No. M60 03010 00001 within the City of Clayton, Ohio, be approved?

3. The ballot shall be in the following form:

“Shall Ordinance No. O-01-25-02 proposing the approval, with specified conditions, of the application of SDG Warner Village LLC, for a change in zoning from Residential Single Unit District (RSD) to Planned Development District (PDD) and to further approve the Preliminary Development Plan for 183.1044 acres of property located near the intersection of Sweet Potato Ridge Road and Main Street bearing Parcel I.D. No. M60 03010 00001 within the City of Clayton, Ohio, be approved?”

A majority affirmative vote is necessary for passage.

_____ **YES**

_____ **NO**

4. The Board of Elections of Montgomery County, Ohio, the Clerk of Council, the City Manager and the Law Director are hereby directed and authorized to take all actions necessary to submit the above question to the electors of the City of Clayton, Ohio at the general election required by this Resolution to be held on November 4, 2025.
5. *Upon adoption by Council of this Resolution, the Clerk of Council is hereby directed forthwith to certify a true copy of this Resolution to the Board of Elections of Montgomery County, Ohio, immediately upon its passage.*
6. That this enactment shall become effective immediately upon its adoption by Council.