

CITY OF CLAYTON, OHIO

RESOLUTIONS AND ORDINANCES May 1, 2025

OLD BUSINESS

ORDINANCES (SECOND OF TWO READINGS AND ENACTMENT)

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

OLD BUSINESS

RESOLUTIONS (SINGLE READING AND IMMEDIATE ENACTMENT)

RESOLUTION NO. R – 04 – 25 – 35

**A RESOLUTION APPROVING THE CITY OF CLAYTON ACTIVE
TRANSPORTATION PLAN**

WHEREAS, City staff applied for and received a fully funded grant through the Ohio Department of Transportation (ODOT) for the creation of an Active Transportation Plan; and

WHEREAS, ODOT awarded the contract for creation of the Active Transportation Plan to TOOLE Design; and

WHEREAS, at a work session of Council on March 20, 2025, the final Active Transportation Plan was presented and Council now desires to approve same.

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 hereby accepts and approves the City of Clayton Active Transportation Plan presented at the March 20, 2025 Council work session.

ADOPTED BY COUNCIL ON MAY 1, 2025

NEW BUSINESS

RESOLUTIONS (SINGLE READING AND IMMEDIATE ENACTMENT)

RESOLUTION NO. R – 05 – 25 – 40

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO LEASE FROM
CINCINNATI COPIERS, INC. DBA PROSOURCE A COPIER/PRINTER/SCANNER
FOR THE CITY ADMINISTRATION OFFICE AT A TOTAL COST OF \$28,980.00**

WHEREAS, City staff has recommended the lease of a copier/printer/scanner for the City administration office from Cincinnati Copiers, Inc. dba Prosource at a total cost of \$28,980.00.

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

1. That the City Manager is authorized to lease a copier/printer/scanner for the City administration office from Cincinnati Copiers, Inc. dba Prosource at a total cost of \$28,980.00.

ADOPTED BY COUNCIL ON MAY 1, 2025

RESOLUTION NO. R – 05 – 25 – 41

A RESOLUTION TO AUTHORIZE AND APPROVE PURCHASE ORDER

WHEREAS, for purposes of complying with State Auditor accounting methods confirmation is required that monies had been appropriated for certain expenditures at the time the following were approved.

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

1. That upon report and confirmation from the City of Clayton Finance Director, Council hereby certifies that funds had been appropriated and monies were available for payment of the following purchases at the time they were entered into and remain available as of the date of this enactment:

Order Date	Vendor	Amount	Item
4/14/25	Jared Simmer, Esq., MLIR	\$5,101.14	Police Officer Wage Reopener mediation and fact finding services

2. That the Finance Director is hereby authorized, empowered and directed to take all action necessary to comply with the obligations reflected by said Orders and evidence same on the books and financial record of the City.

ADOPTED BY COUNCIL ON MAY 1, 2025

RESOLUTION NO. R – 05 – 25 – 42

A RESOLUTION APPROVING AMENDMENT OF 2025 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 2025 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:*

<u>Fund</u>	<u>Estimated Resources</u>	<u>Appropriations</u>
GENERAL (101)		\$ 4,200
WENGER VILLAGE TIF (710)	\$ 70,000	\$ 67,900
GRAND TRADITIONS TIF (711)	\$415,000	\$409,500
HUNTERS PATH TIF (712)	\$ 50,000	\$ 48,500

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 MAY 1, 2025

RESOLUTION NO. R – 05 – 25 – 43

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH CHOICE ONE ENGINEERING CORPORATION FOR PROFESSIONAL ENGINEERING AND DESIGN SERVICES FOR THE WESTBROOK/HOKE INTERSECTION ROUND-A-BOUT AND AT A COST TO THE CITY OF CLAYTON OF \$18,850.00

WHEREAS, Charter Section 8.02(C)(3)(g) exempts professional services not to exceed \$150,000.00 from competitive bidding; and

WHEREAS, the City of Clayton was awarded a grant through ODOT’s Safety Program for the design and construction of a Round-A-Bout at the intersection of Hoke and Westbrook Roads; and

WHEREAS, this Project is a joint safety project with the City of Trotwood and the total award from ODOT was \$3,222,504 and the City of Clayton and the City of Trotwood are responsible for \$358,056 of the total Project cost; and

WHEREAS, the design engineering costs is estimated to be \$377,000 and the City of Clayton and the City of Trotwood are responsible for \$37,700 of that engineering cost (\$18,850.00 each);

WHEREAS, after reviewing 3 letters of interest, Choice One Engineering Corporation was selected for the project design.

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

1. That the City Manager is authorized to enter into an agreement with Choice One Engineering Corporation for professional design and engineering services for the Westbrook/Hoke Intersection Round-A-Bout at a total cost to the City of Clayton of \$18,850.00.

ADOPTED BY COUNCIL ON MAY 1, 2025

RESOLUTION NO. R – 05 – 25 – 44

A RESOLUTION AUTHORIZING AMOUNTS FOR THE PURCHASE OF RIGHTS-OF-WAY FOR THE HOKE ROAD WIDENING PROJECT PID 115202

WHEREAS, the City of Clayton was awarded a CMAQ grant through the MVRPC for the first phase of the widening of Hoke Road from Smith Drive through the Wenger Road intersection (“Project PID 115202” or “Project”); and

WHEREAS, the City of Clayton is responsible for 100% of the right-of-way acquisition funding; and

WHEREAS, the City of Clayton followed the federal funding guidelines set forth in the ODOT Manual with respect to the selection process related to engaging a company to provide right-of-way acquisition services for the Project; and

WHEREAS, via adoption of Resolution No. R-05-24-33 on May 16, 2024, Council authorized an agreement with O.R. Colan Associates, LLC for the provision of professional right-of-way acquisition services, including purchases involving approximately 20 parcels, for the aforementioned Project; and

WHEREAS, O.R. Colan Associates, LLC has obtained fair market value estimates for all of the affected parcels and has negotiated and continues to negotiate with property owners for right-of-way acquisitions.

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

1. The City Manager is authorized to consummate agreements with the property owners of the affected parcels for right-of-way purchases up to a total amount for all purchases not to exceed \$588,328.00

ADOPTED BY COUNCIL ON MAY 1, 2025

RESOLUTION NO. R – 05 – 25 – 45

A RESOLUTION CONFIRMING THE APPOINTMENT OF SAM COX TO THE JEDD BOARD OF DIRECTORS BY THE CLAY TOWNSHIP TRUSTEES PER SECTION 8 OF THE JEDD CONTRACT BETWEEN THE CITY OF CLAYTON AND CLAY TOWNSHIP

WHEREAS, via passage of Ordinance No. O-09-07-20, Council approved the Clay Township-City of Clayton Joint Economic Development District and Contract; and

WHEREAS, Section 8 (A)(4) of the JEDD contract requires the Clay Township Trustees to appoint a member to the Board of Directors to represent the persons working within the subject territory with the concurrence of the Clayton Council; and

WHEREAS, the Clay Township Trustees, via enactment of Resolution No. 2025-025, appointed Sam Cox to the JEDD Board of Directors pursuant to Section 8 (A)(4) of the JEDD contract and Clayton Council, in accordance with Section 8 (A)(4) of the JEDD contract, concurs with said appointment.

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

1. That the City of Clayton hereby concurs with the appointment by the Clay Township Trustees of Sam Cox to the JEDD Board of Directors pursuant to Section 8(A)(4) of the JEDD contract to serve as representative of the persons working within the subject territory for a new four (4) year term expiring April 1, 2029.

ADOPTED BY COUNCIL ON MAY 1, 2025
