

CITY OF CLAYTON, OHIO

RESOLUTIONS AND ORDINANCES

July 17, 2025

OLD BUSINESS

NONE

NEW BUSINESS

ORDINANCES (FIRST OF TWO READINGS)

NOTE: COUNCIL VOTED TO TABLE THE FOLLOWING ORDINANCE TO THE AUGUST 21, 2025 REGULAR COUNCIL MEETING

ORDINANCE NO. O- 07-25-09

AN ORDINANCE _____ (ADOPTING, REJECTING, MODIFYING) THE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE THE FINAL DEVELOPMENT PLAN OF DDC MANAGEMENT, LLC WITH SPECIFIED CONDITIONS, SUBMITTED FOR PROPERTY LOCATED NEAR THE INTERSECTION OF WESTBROOK ROAD AND UNION ROAD AND BEARING PARCEL I.D. NUMBER M60 03207 0023 COMPRISED OF 37.098 ACRES WITHIN THE CITY OF CLAYTON, OHIO

WHEREAS, on June 10, 2025, an application was filed by DDC Management, LLC for the property located near the intersection of Westbrook Road and Union Road and bearing Parcel I.D. Number M60 03207 0023, containing 37.098 acres within the City of Clayton, Ohio ("Subject Property") requesting approval of its submitted 17.09 acre Final Development Plan; and

WHEREAS, the Clayton Planning Commission held a public hearing on June 23, 2025, on said Final Development Plan approval request at which time any and all persons were given an opportunity to be heard thereon, and the Clayton Planning Commission, at said June 23, 2025 meeting, *voted to recommend approval of the Final Subdivision Plan with specified conditions appended hereto as Exhibit A*; and

WHEREAS, the Clayton City Council held a public hearing on July 17, 2025, on the aforesaid Final 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, rejects, modifies*) the Planning Commission’s *recommendation for approval of the Final Development Plan, with specified condition(s), of 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 July 17, 2025 and August 21, 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 AUGUST 21, 2025.

ORDINANCE NO. O- 07-25-10

AN ORDINANCE REJECTING THE PLANNING COMMISSION’S RECOMMENDATION TO APPROVE THE APPLICATION OF SHANGHI ENTERPRISES FOR A CHANGE IN ZONING FROM RESIDENTIAL – SINGLE UNIT (RSD) TO PLANNED DEVELOPMENT (PDD) AND TO APPROVE THE PRELIMINARY SUBDIVISION PLAN, WITH SPECIFIED CONDITIONS, SUBMITTED FOR PROPERTY LOCATED NEAR THE INTERSECTION OF WESTBROOK ROAD AND TAYWOOD ROAD AND BEARING PARCEL I.D. NUMBER M60103209 0025 COMPRISED OF 30.4242 ACRES WITHIN THE CITY OF CLAYTON, OHIO

WHEREAS, on June 2, 2025, an application was filed by Shanghi Enterprises, the property owner, for the property located near the intersection of Westbrook Road and Taywood Road and bearing Parcel I.D. Number M60103209 0025, containing 30.4242 acres within the City of Clayton, Ohio (“Subject Property”) requesting a zoning change for same from Residential-Single Unit (RSD) to Planned Development (PDD) and further requesting approval of its submitted Preliminary Subdivision Plan; and

WHEREAS, the Clayton Planning Commission held a public hearing on June 23, 2025, on said re-zoning and Preliminary Subdivision Plan approval request at which time any and all persons were given an opportunity to be heard thereon, and the Clayton Planning Commission, at said June 23, 2025 meeting, *voted to recommend approval of the re-zoning request and to further recommend approval of the Preliminary Subdivision Plan with specified conditions appended hereto as Exhibit A*; and

WHEREAS, the Clayton City Council held a public hearing on July 17, 2025, on the aforesaid re-zoning request and request for approval of the Preliminary Subdivision Plan, 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 for approval of the re-zoning request and recommendation of approval of the Preliminary Subdivision Plan, with specified conditions, of 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 July 17, 2025 and August 21, 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 AUGUST 21, 2025.

NOTE: THE FOLLOWING ORDINANCE FAILED TO RECEIVE A SECOND AND THEREFORE WILL NOT BE MOVED FORWARD FOR A SECOND READING

ORDINANCE NO. O – 07– 25 - 11

AN ORDINANCE TO REPEAL CURRENT CLAYTON CODIFIED ORDINANCE CHAPTER 1519 (“FIREWORKS”) AND REPLACE WITH UPDATED VERSION OF CLAYTON CODIFIED ORDINANCE CHAPTER 1519 (“FIREWORKS”) APPENDED HERETO AS EXHIBIT A

WHEREAS, with the passage of Ohio House Bill 172, as of July 1, 2022, Ohioans can legally discharge 1.4G consumer fireworks in Ohio on specified dates and at specified times unless a political subdivision chooses to ban their use; and

WHEREAS, the Council of the City of Clayton, Ohio has considered the matter and determined it to be in the best interests of the health, safety, and welfare of the citizens of Clayton to ban the use of consumer fireworks in specified Zoning Districts as further delineated in the attached **Exhibit A**.

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

1. That current Clayton Codified Ordinance Chapter 1519 (“Fireworks”) is hereby repealed and replaced with the updated version of Clayton Codified Ordinance Chapter 1519 (“Fireworks”) attached hereto as **Exhibit A** and incorporated by reference.

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 July 17, 2025 and August 21, 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 AUGUST 21, 2025.

ORDINANCE NO. O - 07 - 25 – 12

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.
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 July 17, 2025 and August 21, 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 AUGUST 21, 2025.

RESOLUTIONS (SINGLE READING AND IMMEDIATE ENACTMENT)

RESOLUTION NO. R - 07 - 25 – 51

**A RESOLUTION APPROVING AN AMENDMENT TO CLAYTON CHARTER
SECTION 3.04 (MAYOR AND VICE MAYOR)**

WHEREAS, the Clayton Charter Review Commission has submitted the following rationale for the below listed amendment to the Clayton City Charter:

Rationale: “The Commission feels the Charter should be more reflective of the fact that we have a City Manager form of government and the Mayor has no more power than any other council member.”

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

1. That the following amendment to the Clayton City Charter is hereby approved for submission to the voters of the City of Clayton at the November 4, 2025 General Election:



ARTICLE III COUNCIL

3.04 Mayor and Vice Mayor

- (A) The Mayor shall exercise the following powers, duties and functions:

...

(6) To serve as the primary spokesperson for the City. ~~and primary contact person for Economic and Community Development;~~ and

...



2. *That the Clerk of Council be and is hereby authorized and directed to forward a certified copy of this Resolution, no later than August 6, 2025, to the Montgomery County Board of Elections for placement on the November 4, 2025 Ballot.*
3. That this Resolution shall take effect from and after the date of its passage.

ADOPTED BY COUNCIL ON JULY 17, 2025.



RESOLUTION NO. R - 07 - 25 – 52

**A RESOLUTION APPROVING AN AMENDMENT TO CLAYTON CHARTER
SECTION 3.08 (SALARIES OF ELECTED OFFICIALS)**

WHEREAS, the Clayton Charter at Section 12.16 – *Amendment of Charter* – provides, “Amendments to this Charter may be submitted to the electors of the City at any election by two-thirds vote of the City Council or by initiative petition or as otherwise provided under Ohio law.”; and

WHEREAS, City staff is presenting to Council the below Charter amendment regarding mid-term salary adjustment language in Section 3.08 of the Charter per the following rationale:

Rationale: Although mid-term salary adjustments for Council members have not occurred, City staff recommends removing the language in Section 3.08 which permits mid-term salary adjustments. Ohio Revised Code Section 731.07 states: “The salary of any officer of a city shall not be increased or diminished during the term for which he was elected or appointed. This section does not prohibit the payment of any increased costs of continuing to provide the identical benefits provided to an officer at the commencement of is term of office. ...”

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

1. That the following amendment to the Clayton City Charter is hereby approved for submission to the voters of the City of Clayton at the November 4, 2025 General Election:



ARTICLE III COUNCIL

3.08 Salaries of Elected Officials

The salaries of elected officials of the City shall be established by Council by ordinance to be adopted no later than September 1, of each odd numbered year commencing in the year 2001. The salaries so established shall be effective for a two year period beginning January 1 of the year immediately following the adoption of the ordinance establishing them, **provided that the salary of elected officials shall not be increased or diminished during the term for which said official was elected or appointed.** ~~and shall apply to all elected officials whether they are beginning their terms or are in mid-term.~~ In the event Council shall fail to establish salaries as required in this Section, the salaries in effect for the prior two year period shall remain in effect until changed in accordance with this Section. The initial salary of elected officials under this Charter shall be that salary established for each office in effect on January 1, 1999, and if none have been established, the Council first serving under this Charter shall establish such salaries within ninety days.

...

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2. *That the Clerk of Council be and is hereby authorized and directed to forward a certified copy of this Resolution, no later than August 6, 2025, to the Montgomery County Board of Elections for placement on the November 4, 2025 Ballot.*
 3. That this Resolution shall take effect from and after the date of its passage.

ADOPTED BY COUNCIL ON JULY 17, 2025.

RESOLUTION NO. R - 07 - 25 – 53

A RESOLUTION APPROVING AN AMENDMENT TO CLAYTON CHARTER SECTIONS 5.02 (CITY MANAGER QUALIFICATIONS) AND 11.03 (PERSONNEL PRACTICES MANUAL)

WHEREAS, the Clayton Charter Review Commission has submitted the following rationale for the below listed amendments to the Clayton City Charter:

Rationale: Sections 5.02 and 11.03 of the Clayton Charter require certain employees to become residents of the City of Clayton. However, Ohio Revised Code Section 9.481 provides at division (B)(1) thereof, “Except as otherwise provided in division (B)(2) of this section, no political subdivision shall require any of its employees, as a condition of employment, to reside in any specific area of the state.” Ohio Revised Code division (B)(2) provides, “To ensure adequate response times by certain employees of political subdivisions to emergencies or disasters while ensuring that those employees generally are free to reside throughout the state, the electors of any political subdivision may file an initiative petition to submit a local law to the electorate, or the legislative authority of the political subdivision may adopt an ordinance or resolution, that requires any individual employed by that political subdivision, as a condition of employment, to reside either in the county where the political subdivision is located or in any adjacent county in this state.”

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

1. That the following amendments to the Clayton City Charter are hereby approved for submission to the voters of the City of Clayton *as a single ballot issue* at the November 4, 2025 General Election:
-
-

ARTICLE V CITY MANAGER

5.02 Qualifications

The City Manager shall be appointed solely on the basis of his executive and administrative qualifications, and need not be a resident of the City at the time of his appointment, but shall become a resident of the City within six months after his appointment, unless residence outside the City is approved by a majority vote of the members of Council.

ARTICLE XI PERSONNEL ADMINISTRATION AND MERIT SYSTEM

11.03 Personnel Practices Manual

...

~~(D)(1) Council shall require the following part time or full time officers or employees (including volunteers) hired after January 1, 2000, to live in the City or attain City residency within six months after completion of their probationary period or date of hire whichever is later:~~

~~(a) City Manager;~~

~~(b) Assistant Managers;~~

~~(c) Department Directors;~~

~~(d) Assistant Fire Chiefs; and~~

~~(e) All other officers and employees having twenty-four emergency response assignment, including paid on call (volunteer) fire personnel and emergency medical service personnel, and other positions designated as necessary by the City Manager.~~

~~(2) The City Manager, with Council approval, may waive residency requirements as to particular employees if he determines, on balance, the best interests of the City are served by the waiver.~~

~~(3) Council may require by ordinance that all employees newly hired after the effective date of this ordinance must live within the City or attain City residency within six months after completion of their probationary period or date of hire whichever is later.~~

2. *That the Clerk of Council be and is hereby authorized and directed to forward a certified copy of this Resolution, no later than August 6, 2025, to the Montgomery County Board of Elections for placement on the November 4, 2025 Ballot.*

3. That this Resolution shall take effect from and after the date of its passage.

ADOPTED BY COUNCIL ON JULY 17, 2025.

RESOLUTION NO. R - 07 - 25 – 54

A RESOLUTION APPROVING AMENDMENTS TO CLAYTON CHARTER SECTIONS 3.03 (WARDS AND BOUNDARIES) AND 9.01 (NOMINATIONS AND ELECTIONS)

WHEREAS, the Clayton Charter at Section 12.16 – *Amendment of Charter* – provides, “Amendments to this Charter may be submitted to the electors of the City at any election by two-thirds vote of the City Council or by initiative petition or as otherwise provided under Ohio law.”; and

WHEREAS, City staff is presenting to Council the below Charter amendments regarding ward boundaries and nominations per the following rationale:

Rationale: City staff is recommending amendments to Section 3.03(C) and Section 9.01(C) of the Charter to address a potential issue which could result in a present Ward Council Member or a citizen who wishes to run for a Ward Council Member seat to be prevented from doing so when redistricting of a Ward occurs such that said present or prospective Ward Council Member becomes a citizen of a different Ward.

Section 3.03 (A) of the Charter provides that not later than the first day of July, 2003, and every ten years thereafter, Council shall, by ordinance, divide or redivide the City into three wards for the purpose of electing three ward Council members at the next regular municipal election.

Section 3.03(C) of the Charter provides that “redivision of the City into wards shall not terminate or otherwise affect the unexpired terms of Ward Council Members; however, at such succeeding elections Ward Council members shall be elected from the wards as reapportioned or reestablished under this Section.”

But, Section 9.01(C) of the Charter provides, “Only those persons who reside within a City ward and have continuously resided within said ward or in areas annexed to the City ward by merger or otherwise for twelve months prior to the filing of their nominating petitions shall be eligible to hold elective office representing that ward.”

Reading the above Charter sections together, it appears a situation could arise in which a citizen would be prevented from running for a Ward Council Seat if a redistricting occurs in July such that the citizen is moved from one ward to another ward. In November, if that citizen wanted to

run for a Ward Council Seat, the language of Section 9.01(C) of the Charter would appear to prevent that person from running because they have not resided in their new ward for at least 12 months.

City staff is recommending the below amendments to the Charter to address this situation such that if a ward citizen is moved to another ward in July due to redistricting, then they still have the ability to run for a Ward Council Seat in their new ward at the next election.

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

1. That the following amendments to the Clayton City Charter are hereby approved for submission to the voters of the City of Clayton *as a single ballot issue* at the November 4, 2025 General Election:



ARTICLE III COUNCIL

3.03 Wards and Boundaries

...

(C) All wards shall be bounded, as far as practical, by county lines, streets, alleys, avenues, public grounds, canals, watercourses, municipal boundary lines, center lines of platted streets or railroads, or lot lines of platted subdivisions. Redivision of the City into wards shall not terminate or otherwise affect the unexpired terms of Ward Council members; however, at succeeding elections Ward Council members shall be elected from the wards as reapportioned or reestablished under this Section **in accordance with Charter Section 9.01(C)**.

...

ARTICLE IX NOMINATIONS AND ELECTIONS

9.01 Nominations

...

(C) Only those persons who reside within a City ward and have continuously resided within said ward or in areas annexed to the City ward by merger or otherwise for twelve months prior to the filing of their nominating petition shall be eligible to hold elective office representing that ward. **However, if a person's residency in a ward is changed in accordance with a Charter Section 3.03 ward redivision, then the person shall be eligible to hold elective office representing their new ward provided the person had continuously resided within their prior ward or in areas annexed to their prior City ward by merger or otherwise for twelve months prior to the filing of their nominating petition.**

...

2. *That the Clerk of Council be and is hereby authorized and directed to forward a certified copy of this Resolution, no later than August 6, 2025, to the Montgomery County Board of Elections for placement on the November 4, 2025 Ballot.*
3. That this Resolution shall take effect from and after the date of its passage.

ADOPTED BY COUNCIL ON JULY 17, 2025.

RESOLUTION NO. R – 07- 25- 55

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT PROPOSAL OF AND ENTER INTO AN AGREEMENT WITH SUPERIOR DENTAL CARE FOR THE PROVISION OF GROUP DENTAL INSURANCE BENEFITS FOR THE PERIOD SEPTEMBER 1, 2025 TO AUGUST 31, 2026

WHEREAS, Superior Dental Care, via the City's broker, has proposed renewal of the City's plan which would remain in effect through August 31, 2026; and

WHEREAS, renewal of the current Superior Dental Care policy permits continuation of the contract plan on terms deemed most favorable to the City and its employees and in the best interests thereof; and

WHEREAS, City Staff and the City Manager recommends for acceptance as most beneficial, and favorable to the City, and in the best interest of the City, the proposal submitted by Superior Dental Care for the period September 1, 2025 to August 31, 2026.

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

1. That the renewal proposal with Superior Dental Care for the provision of group dental insurance benefits from September 1, 2025 to August 31, 2026 as delineated in the attached *Exhibit A* is hereby approved and accepted and the City Manager and Finance Director are hereby authorized to enter into the proposed Insurance Agreement to effect said coverage.

ADOPTED BY COUNCIL ON JULY 17, 2025.

RESOLUTION NO. R - 07 - 25 - 56

A RESOLUTION AUTHORIZING THE CITY OF CLAYTON, OHIO TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND / OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED

WHEREAS, the State Capital Improvement Program and the Local Transportation Improvement Program both provide financial assistance to political subdivisions for capital improvements to public infrastructure, and

WHEREAS, the City of Clayton, Ohio is planning to make capital improvements with respect to *Project MOT SR 48 20.61 Sidewalk, PID 119822*; and

WHEREAS, the infrastructure improvement herein above described is considered to be a priority need for the community and is a qualified project under the OPWC programs.

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

Section 1: The City Manager is hereby authorized to apply to the OPWC for funds as described above.

Section 2: The City Manager is authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance.

Section 3: That this Resolution shall take effect from and after the date of its passage.

ADOPTED BY COUNCIL ON JULY 17, 2025.

RESOLUTION NO. R – 07 – 25 - 57

A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE FROM HENDERSON PRODUCTS, INC. A BRINE MAKING SYSTEM IN THE TOTAL AMOUNT OF \$102, 923.94 WITH THE TOTAL AMOUNT PAID BY THE CITY NOT TO EXCEED \$38,216.33, AFTER APPLICATION OF GRANT FUNDS

WHEREAS, the Public Service Director has recommended purchase of a brine making system with the use of \$75,000.00 in reimbursable grant funding through the H2Ohio grant program.

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

1. That the City Manager is authorized to purchase a brine making system from Henderson Products, Inc. at a total cost of \$102,923.94, with the total amount paid by the City not to exceed \$38,216.33, after application of \$75,000.00 in reimbursable grant funding through the H2Ohio grant program.

ADOPTED BY COUNCIL ON JULY 17, 2025.

RESOLUTION NO. R - 07 – 25 - 58

A RESOLUTION AUTHORIZING ALL ACTIONS NECESSARY TO AFFECT A GOVERNMENTAL NATURAL GAS AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4929.26 OF THE OHIO REVISED CODE, DIRECTING THE MONTGOMERY COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS

WHEREAS, the Ohio legislature has enacted natural gas deregulation legislation which authorizes the legislative authorities of cities and villages to aggregate the retail natural gas loads located within the respective jurisdictions and to enter into service agreements to facilitate for those loads the purchase and sale of natural gas; and

WHEREAS, governmental aggregations provides an opportunity for residential and small business consumers to participate collectively in the potential benefits of natural gas deregulation through lower natural gas rates which would not otherwise be available to those natural gas customers individually, and

WHEREAS, the City of Clayton seeks to establish a governmental aggregation program with opt-out provisions pursuant to Section 4929.26 of the Ohio Revised Code for the residents, businesses and other natural gas consumers in the City.

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

Section 1. BEST INTERESTS OF THE CITY

The City Council of Clayton has concluded that it is in the best interest of the City, its residents and businesses located within the corporate limits of the City to establish this aggregation program in the City.

Section 2. APPROVAL BY THE ELECTORATE

The aggregation program must be approved by the electors of the City pursuant to Section 3 of this Resolution. Upon approval by the electorate the City is hereby authorized to automatically aggregate, in accord with Section 4929.26 of the Ohio Revised Code, the retail natural gas loads (customers) located within the City, and enter into service agreements to facilitate for those loads the purchase and sale of natural gas. The City may exercise such authority jointly with any other municipal corporation, township, or county or other political subdivision of the State of Ohio.

Section 3. BALLOT LANGUAGE

The Board of Elections of Montgomery County is hereby directed to submit the following question to the electors of at the general election on November 4, 2025:

Shall the City Council of Clayton have the authority to aggregate the retail natural gas customers located in the City, and for that purpose, enter into services agreements to facilitate for those customers the sale and purchase of natural gas, conversion to the aggregation program will occur automatically unless the customers choose to opt out of the program.

The Clerk of Council of the City of Clayton is instructed to immediately file a certified copy of this resolution and the proposed form of the ballot question with the Montgomery County Board of Elections not less than ninety days prior to the general election. The aggregation program shall not take effect unless approved by a majority of the electors voting upon this resolution and the aggregation program provided for herein at the election held pursuant to this Section 2 of this resolution and Section 4929.26 of the Ohio Revised Code.

Section 4. PROCEDURE AFTER AN AFFIRMATIVE VOTE; HEARINGS AND NOTICE OF HEARINGS; OPT-OUT RIGHTS.

Upon approval of a majority of the electors voting at the general election provided for in Section 3 of this Resolution, the City Council of Clayton, individually or jointly with any other political subdivision, may develop a plan of operation for the aggregation program. Before adopting this plan, the City Council of Clayton shall hold at least two public hearings on the plan.

Notice of the hearings shall be published once a week for two consecutive weeks in a newspaper of general circulation in the City prior to the first hearing. The notice will summarize the plan and state the date, time and place of each hearing. No plan adopted by this City Council shall aggregate the natural gas load of any natural gas load center within the City unless it, in advance, clearly discloses to the person owning, occupying, controlling or using the load center that the person will be enrolled automatically in the Aggregation Program and will remain so enrolled unless the person affirmatively elects, by a stated procedure, not to be enrolled. The disclosure shall state prominently the rates, charges, and other terms and conditions of enrollment. The stated procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt-out of the program at least once every two years without paying a switching fee. Any person that opts out of the Aggregation Program pursuant to the state procedure shall default to the standard service offer provided under division (a) of Section 4929.26 of the Ohio Revised Code until the person choose an alternative supplier.

Section 5. It is hereby found and determined that all formal actions of this City Council of Clayton concerning and relating to the passage of this resolution were adopted in an open meeting of this City Council of Clayton and that the deliberations of this City Council of Clayton and any of its committees that resulted in such formal actions were in meetings open

to the public in compliance with the law.

ADOPTED BY COUNCIL ON JULY 17, 2025.

RESOLUTION NO. R – 07-25-59

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A COOPERATIVE AGREEMENT WITH THE CITY OF BROOKVILLE TO USE THE CITY OF CLAYTON STREET SWEEPER AT SPECIFIED TIMES DURING 2025 AND 2026

WHEREAS, Clayton Charter Section 2.04 provides the City of Clayton, by majority vote of Council, may enter into cooperative agreements with other political subdivisions; and

WHEREAS, the Cities of Clayton and Brookville desire to enter into the Cooperative Agreement appended hereto as **Exhibit A** whereby the City of Clayton agrees to allow the City of Brookville to use Clayton’s Street Sweeper at specified times during 2025 and 2026 at the costs and under the terms specified in the attached **Exhibit A**.

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

1. That the City Manager is hereby authorized to execute the Cooperative Agreement in substantially similar form as appended hereto as **Exhibit A** with the City of Brookville.
2. It is hereby determined that all formal actions of this Council concerning and relating to the passage of this Resolution were taken in an open meeting of this Council, and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

ADOPTED BY COUNCIL ON JULY 17, 2025.

RESOLUTION NO. R - 07 - 25 – 60

A RESOLUTION APPROVING AMENDMENTS TO CLAYTON CHARTER SECTIONS 4.031 (PROCEDURE FOR PASSAGE OF ORDINANCES), 4.032 (PROCEDURE FOR PASSAGE OF RESOLUTIONS), 4.04 (CODIFICATION OF ORDINANCES), AND 8.02 (CONTRACTING POWERS AND PROCEDURES)

WHEREAS, the Clayton Charter Review Commission has submitted the following rationale for the below listed amendments to the Clayton City Charter:

Rationale: The Commission believes that while it is certainly of primary importance that the City be transparent and that issues of importance be presented to the public, most citizens no longer read the newspaper and instead look to the internet as their primary source of information. The cost of the newspaper advertisement was viewed as a way to cut costs.

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

1. That the following amendments to the Clayton City Charter are hereby approved for submission to the voters of the City of Clayton *as a single ballot issue* at the November 4, 2025 General Election:

ARTICLE IV LEGISLATIVE PROCEDURES

4.031 Procedure for Passage of Ordinances.

- (J) (1) Every ordinance, in full or summary form, shall be published at least once within thirty days after its final passage or adoption. The ordinance in the form it was adopted shall be made available for public inspection in the office of the municipality. Publication shall be **on the web site and social media account of the City of Clayton.** ~~in a newspaper of general circulation in the City of Clayton.~~ A summary of every ordinance shall also be posted in three places of public access as designated by Council.

(2) A failure to publish or an omission, delay or error in the publication on the part **of the City of Clayton,** ~~a newspaper,~~ its officers, employees, or agents, shall not cause such ordinance to be declared invalid or otherwise affect the validity of such ordinance and in such events the Clerk of Council shall authorize re-publication.

(3) Emergency measures shall also be published as aforesaid, but said requirements shall not postpone the immediate taking effect thereof.

4.032 Procedure for Passage of Resolutions.

(G) (1) Every resolution in full or summary form, shall be published at least once within thirty days after its final passage or adoption. The resolution in the form it was adopted shall be made available for public inspection in the office of the municipality. Publication shall be **on the web site and social media account of the City of Clayton.** ~~in a newspaper of general circulation in the City of Clayton.~~ A summary of every resolution shall also be posted in three places of public access as designated by Council.

(2) A failure to publish or an omission, delay or error in the publication on the part **of the City of Clayton,** ~~a newspaper,~~ its officers, employees, or agents, shall not cause such resolution to be declared invalid or otherwise affect the validity of such resolution, and in such events the Clerk of Council shall authorize re-publication.

4.04 Codification of Ordinances.

By a majority vote of the members elected to Council, the Council may cause the ordinances and resolutions of the City to be revised, codified, recodified, rearranged or published in book form. Such revision, codification, recodification, rearrangement or publication of ordinances and resolutions in book form shall be immediately effective upon approval by a majority vote of the members elected to Council and may contain new matter therein. Council shall cause a notice of such proposed revision, codification, rearrangement or publication in book form to be published one time **on the web site and social media account of the City of Clayton** ~~in a newspaper of general circulation within the City~~ at least seven days prior to the final approval thereof by Council, and no further publication shall be necessary. A current service supplementing such revision, codification, recodification, rearrangement or publication of ordinances and resolutions in book form shall be maintained in the manner prescribed by Council.

ARTICLE VIII FINANCE, TAXATION AND DEBT

8.02 Contracting Powers And Procedures.

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(B) When any expenditure or contract is required to be competitively bid under the provisions of this Charter or ordinance or resolution of Council, the City Manager may solicit competitive bids without the prior approval of Council. All solicitations for submittal of bids shall be advertised once a week for at least two weeks **on the web site and social media account of the City of Clayton** ~~in a newspaper of general circulation in the City.~~ **While additional notice of solicitations for submittal of bids using newspapers of general circulation in the City may be utilized when deemed appropriate by the City Manager, the lack of such additional newspaper notice shall not constitute a defect in the bidding process.** The award shall be made by the City Manager after approval by majority vote of Council to the lowest and best, responsive bid submitted by a responsible bidder. The City shall have the right to waive defects in a bid and to reject any and all bids.

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2. *That the Clerk of Council be and is hereby authorized and directed to forward a certified copy of this Resolution, no later than August 6, 2025, to the Montgomery County Board of Elections for placement on the November 4, 2025 Ballot.*

3. That this Resolution shall take effect from and after the date of its passage.

ADOPTED BY COUNCIL ON JULY 17, 2025.
