

CITY OF CLAYTON, OHIO

RESOLUTIONS AND ORDINANCES August 21, 2025

OLD BUSINESS

ORDINANCES (FIRST OF TWO READINGS)

ORDINANCE NO. O – 07 – 25 – 09

AN ORDINANCE ADOPTING AND 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 **the Planning Commission’s recommendation for approval of the Final Development Plan, with specified condition(s), of the Subject Property and modifies said recommendation to include the additional condition:**

Thirty Foot Tree Line Preservation Area Condition: Property Owner and DDC Management, LLC, shall create via Final Record Plat, which will be executed and recorded with the Office of the Montgomery County Recorder, a thirty (30) foot Preservation Easement to perpetually preserve an existing tree line located at the northeast corner of the subject property as identified on the attached Exhibit A. Prior to recording, copies of the aforesaid Final Record Plat shall be provided to the City of Clayton for review. Language shall be included to define this Preservation Easement’s purpose; to include no mass clearing, modification, or change in use

within the thirty (30) foot Preservation Easement without the prior written consent of the City of Clayton. Notwithstanding the foregoing, trees and vegetation located within the thirty (30) foot Preservation Easement which constitute a bona fide hazard may be trimmed or removed as necessary to address the hazard.

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 August 21, 2025 and September 4, 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 SEPTEMBER 4, 2025

ORDINANCES (SECOND OF TWO READINGS)

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

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

NEW BUSINESS

ORDINANCES (FIRST OF TWO READINGS)

ORDINANCE NO. O – 08 – 25 – 13

AN ORDINANCE ADOPTING ESTIMATED ASSESSMENTS AND CERTIFYING UNPAID CHARGES FOR 2025/2026 CURB AND GUTTER REPAIR/REPLACEMENT WORK TO THE MONTGOMERY COUNTY AUDITOR FOR COLLECTION WITH REAL ESTATE TAXES (FIVE ANNUAL INSTALLMENTS)

WHEREAS, the City Staff has heretofore studied the need to repair and/or remove and replace curbs and gutters within the areas identified on **Exhibit A** appended to the previously adopted Resolution of Necessity No. R-03-25-23 enacted on March 20, 2025; and

WHEREAS, the aforementioned Resolution of Necessity provided that in the event said curbs and gutters are not repaired and/or removed and replaced by the respective property owners after service of notice upon said property owners and prior to April 25, 2025 in accordance with the plans and specifications filed with the Clerk of Council, the municipal corporation will cause such repair and/or removal and replacement to occur and assess the cost thereof against the lots and lands abutting thereon; and

WHEREAS, consistent with the aforementioned Resolution of Necessity, the City has caused certain curbs and gutters to be repaired and/or removed and replaced and a List of Estimated Assessments relative to same was provided to the subject property owners via publication per CCO 904.04(e) and issued to Council on March 14, 2025; and

WHEREAS, the Clerk of Council has delivered to Council all objections to the Estimated Assessments received to date, if any, and Council has reviewed same and desires to adopt the present Ordinance in order to levy upon the lots and lands enumerated in the List of Estimated Assessments the amounts set forth on such List of Estimated Assessments and attached hereto as **Exhibit A**.

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

1. That Council hereby approves and adopts the attached List of Estimated Assessments and levies same and the Finance Director is hereby authorized and directed to certify to the Auditor of Montgomery County, Ohio, the attached List of Estimated Assessments for 2025/2026 curbs and gutters repair/replacement assessments within the City of Clayton, Ohio by the City of Clayton, Ohio. The List, which is attached hereto as **Exhibit A** and incorporated by reference herein, identifies the properties to be assessed by Parcel I.D. and specifies the unpaid charges for said work. The City requests that these charges be made a lien against the respective properties in accordance with Ohio Revised Code 729.01, et. seq.
2. *That the attached Assessments NOT in excess of \$2,500.00 shall be payable in annual installments not exceeding five.*

3. That Assessments may be payable in cash until Friday, August 29, 2025.
4. That no later than Monday, September 8, 2025, the Clerk is directed to forward a certified copy of this Ordinance to the Montgomery County Auditor.
5. 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.
6. 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 August 21, 2025 and September 4, 2025.

ADOPTED BY COUNCIL ON SEPTEMBER 4, 2025

ORDINANCE NO. O – 08 – 25 – 14

AN ORDINANCE ADOPTING ESTIMATED ASSESSMENTS AND CERTIFYING UNPAID CHARGES FOR 2025/2026 CURB AND GUTTER REPAIR/REPLACEMENT WORK TO THE MONTGOMERY COUNTY AUDITOR FOR COLLECTION WITH REAL ESTATE TAXES (TEN ANNUAL INSTALLMENTS)

WHEREAS, the City Staff has heretofore studied the need to repair and/or remove and replace curbs and gutters within the areas identified on **Exhibit A** appended to the previously adopted Resolution of Necessity No. R-03-25-23 enacted on March 20, 2025 and;

WHEREAS, the aforementioned Resolution of Necessity provided that in the event said curbs and gutters are not repaired and/or removed and replaced by the respective property owners after service of notice upon said property owners and prior to April 25, 2025 in accordance with the plans and specifications filed with the Clerk of Council, the municipal corporation will cause such repair and/or removal and replacement to occur and assess the cost thereof against the lots and lands abutting thereon; and

WHEREAS, consistent with the aforementioned Resolution of Necessity, the City has caused certain curbs and gutters to be repaired and/or removed and replaced and a List of Estimated Assessments relative to same was provided to the subject property owners via publication per CCO 904.04(e) and issued to Council on March 14, 2025; and

WHEREAS, the Clerk of Council has delivered to Council all objections to the Estimated Assessments received to date, if any, and Council has reviewed same and desires to adopt the present Ordinance in order to levy upon the lots and lands enumerated in the List of Estimated Assessments the amounts set forth on such List of Estimated Assessments and attached hereto as **Exhibit A**.

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

1. That Council hereby approves and adopts the attached List of Estimated Assessments and levies same and the Finance Director is hereby authorized and directed to certify to the

Auditor of Montgomery County, Ohio, the attached List of Estimated Assessments for 2025/2026 curbs and gutters repair/replacement assessments within the City of Clayton, Ohio by the City of Clayton, Ohio. The List, which is attached hereto as **Exhibit A** and incorporated by reference herein, identifies the properties to be assessed by Parcel I.D. and specifies the unpaid charges for said work. The City requests that these charges be made a lien against the respective properties in accordance with Ohio Revised Code 729.01, et. seq.

2. *That the attached Assessments in excess of \$2,500.00 shall be payable in annual installments not exceeding ten.*
3. That Assessments may be payable in cash until Friday, August 29, 2025.
4. That no later than Monday, September 8, 2025, the Clerk is directed to forward a certified copy of this Ordinance to the Montgomery County Auditor.
5. 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.
6. 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 August 21, 2025 and September 4, 2025.

ADOPTED BY COUNCIL ON SEPTEMBER 4, 2025

ORDINANCE NO. O – 08 – 25 – 15

AN ORDINANCE CERTIFYING UNPAID CHARGES FOR GRASS/WEED CUTTING FOR 2025/2026 TO THE MONTGOMERY COUNTY AUDITOR FOR COLLECTION WITH REAL ESTATE TAXES

WHEREAS, the Codified Ordinances of the City of Clayton, Ohio, require that the owners, occupants, or persons having care of any lot or land within the City of Clayton, Ohio shall cut down and remove offensive and noxious weeds; and

WHEREAS, Section 1313.05(d) of the Clayton Codified Ordinances and Sections 731.51 through 731.53, Ohio Revised Code, permit the City of Clayton to cause such offensive and noxious weeds to be cut and destroyed if the City has complied with the requirements of those sections; and

WHEREAS, Section 731.54, Ohio Revised Code, permits municipalities which have cut noxious weeds under the procedure outlined in Sections 731.51 through 731.53, Ohio Revised Code, to make a written return of its actions with a statement of the charges for this service to the County Auditor the amounts, when allowed, shall be entered upon the tax duplicate, which shall be a lien upon such lands from the date of the entry and shall be collected as other taxes and returned to the municipal corporation with the general fund; and

WHEREAS, the City of Clayton in conformity with the provisions of Section 1313.05(d) of the Clayton Codified Ordinances and Sections 731.51 through 731.53, Ohio Revised Code, did cut

down and destroy offensive and noxious weeds, grass and rank vegetation at various locations throughout the City of Clayton, and the charges for these services, in many instances, remain unpaid.

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

1. That the Finance Director is hereby authorized and directed to certify to the Auditor of Montgomery County, Ohio, the attached list of unpaid charges for cutting down offensive and noxious weeds at various locations throughout the City of Clayton, Ohio by the City of Clayton, Ohio. The list, which is attached hereto as **Exhibit A** and incorporated by reference herein, identifies the properties to be assessed by Parcel I.D. and specifies the unpaid charges for cutting down offensive and noxious weeds. The City requests that these charges be made a lien against the respective properties in accordance with Section 731.54, Ohio Revised Code.
2. That immediately upon becoming effective, the Clerk is directed to forward a copy of this Ordinance to the Montgomery County Auditor.
3. 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.
4. 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 August 21, 2025 and September 4, 2025.
5. 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 SEPTEMBER 4, 2025

ORDINANCE NO. O – 08 – 25 – 16

AN ORDINANCE TO MAINTAIN LIGHTING ASSESSMENT

WHEREAS, Charter Section 3.01 provides the legislative power to levy taxes and assessments; and

WHEREAS, Randolph Township as predecessor to the City of Clayton had enacted resolution(s) of necessity for artificial lighting assessments in accordance with R.C. 515.08 and utilizing the method whereby the assessments were in an equal amount against each benefited lot, the amount determined by dividing the total cost per annual installment by the number of benefited lots in the affected district; and

WHEREAS, the Village of Clayton, as predecessor to the City of Clayton had enacted legislation for artificial lighting assessments in a manner similar in nature to Randolph Township; and

WHEREAS, the City of Clayton by Resolutions enacted in March, July and November, 1998 authorized the City to enter into a successor street lighting agreement with The Dayton Power &

Light Company for a ten year period commencing January 1, 1998 through December 31, 2007 for defined areas of the municipality; and

WHEREAS, the City of Clayton by Resolution No. R-10-07-52, enacted on October 4, 2007, authorized the City to enter into a successor street lighting agreement with Miami Valley Lighting, LLC, a DPL Inc. subsidiary, dba DPL Energy, for a period of forty-eight (48) months commencing January 1, 2008 and expiring December 31, 2011; and

WHEREAS, the City of Clayton by Resolution No. R-09-10-57, enacted on September 2, 2010, authorized the City to enter into a successor street lighting agreement with Miami Valley Lighting, LLC and DPL Energy Resources, Inc., both subsidiaries of DPL, Inc., for a period through December, 2012; and

WHEREAS, the City of Clayton by Resolution No. R-11-12-72, enacted on November 1, 2012, authorized the City to enter into a successor street lighting agreement with Miami Valley Lighting, LLC and DPL Energy (DPLE) for a period of three years commencing January 1, 2013 and expiring on December 31, 2015; and

WHEREAS, the City of Clayton by Resolution No. R-12-15-85, enacted on December 17, 2015, authorized the City to enter into a successor street lighting agreement with Miami Valley Lighting (MVLt) for a period of ten years, commencing January 1, 2016 and expiring on December 31, 2025; and

WHEREAS, the City of Clayton by Ordinances continued the assessments for said lighting upon the abutting, adjacent, and contiguous lots and lands within the City of Clayton; and

WHEREAS, Council desires to continue the assessments for said lighting upon the abutting, adjacent, and contiguous lots and lands within the City of Clayton which benefit therefrom in a manner similar to what has been previously utilized; and

WHEREAS, Council has determined that the method of assessment provided under R.C. 727.01(B) whereby the assessment is levied "in proportion to the benefits that may result from the improvement" is satisfied by continuing to utilize the method previously utilized by Randolph Township, the Village of Clayton and the City of Clayton.

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

1. That to provide for the cost and expenses of furnishing and maintaining the lights for lighting the lighting district areas of the City known as:

- | | | | |
|----|-------------------|----|-------------------------------|
| A. | Allison | I. | Riverbend Phase II |
| B. | Ashbrook | J. | Riverbend Phase III |
| C. | Ashbrook II | K. | Wenger Village, Section One |
| D. | Hilltop | L. | Wenger Village, Section Two |
| E. | Oak Hill | M. | Village of North Clayton |
| F. | Portrait | N. | Wenger Village, Section Three |
| G. | Riverbend Estates | O. | Hunter's Path |
| H. | Old Village | P. | Hunter's Path Phase Two |

in accordance with the terms and rates set forth in the Street Lighting Agreement with Miami Valley Lighting (MVLt) as amended, that there is hereby levied and specially assessed in proportion to the benefits which result or may result from said improvement against the lots within the respective Lighting Districts and each of them within said Lighting Districts, bounding and abutting the streets and public ways to be lighted under said agreement, the amounts paid and to be paid by the City of Clayton to the Miami Valley Lighting (MVLt) in such amounts as are set forth on **Schedules A - P** attached hereto.

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 August 21, 2025 and September 4, 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 SEPTEMBER 4, 2025

ORDINANCE NO. O – 08 – 25 – 17

**AN ORDINANCE AUTHORIZING THE SUBMISSION OF THE 2025/2026
NORTH CLAYTON COMMUNITY AUTHORITY CHARGE ASSESSMENTS TO
THE MONTGOMERY COUNTY AUDITOR**

WHEREAS, the North Clayton Community Authority (the "Community Authority") is a new community authority established pursuant to Ohio Revised Code Chapter 349, by action of the Board of County Commissioners of Montgomery County, Ohio by Resolution No. 09-0510 adopted March 17, 2009 and Resolution No. 09-0555 adopted March 24, 2009; and

WHEREAS, the jurisdiction of the Community Authority extends to that area defined as the North Clayton Community Authority District (hereinafter the "Community Authority District") and consisting of approximately 101.455 acres of property; and

WHEREAS, the Community Authority either has imposed a community authority development charge pursuant to Ohio Revised Code Section 349.07 upon assessed valuation of property within the Community Authority District or such other methods as are permitted under Ohio Revised Code Section 349.01(L) and utilize funds generated from such charges to pay for, among other things, maintenance and replacement of said improvements either by contracting directly with third party contractors or by reimbursing Clayton for such expenses; and

WHEREAS, the City of Clayton Council, via passage of Resolution No. R-02-10-15, on February 18, 2010, approved a Maintenance Agreement between the City of Clayton and the North Clayton Community Authority which states, in relevant part, "To the extent that the Community Authority desires that said unpaid charges [Community Authority Development Charges] be certified to the Montgomery County Auditor for placement on the tax lists and duplicates of real property opposite the parcel against which it is charged, it shall provide a list to the Clayton Finance Director with

sufficient time to provide such certification and shall cooperate with all requirements necessary thereto.”; and

WHEREAS, the Community Authority has provided a list to the Clayton Finance Director identifying unpaid Community Authority Development Charges and requesting same be certified to the County Auditor consistent with the above referenced term of the Maintenance Agreement entered into between the City of Clayton and the North Clayton Community Authority; and

WHEREAS, Charter Section 3.01(B) grants to Council the power to adopt and provide for enforcement of local police, sanitary and other similar regulations as are not in conflict with the general laws of Ohio; and

WHEREAS, Charter Section 3.01(A) provides the legislative power to levy taxes and assessments.

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

1. That there is hereby levied and assessed against the parcels specifically identified on the appended list(s), those amounts set forth which represent unpaid North Clayton Community Authority Development Charges. The appended list(s) are incorporated herein and made a part hereof.
2. That immediately upon becoming effective, the Clerk is directed to forward a copy of this Ordinance to the Montgomery County Auditor.
3. 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.
4. 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 August 21, 2025 and September 4, 2025.
5. 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 SEPTEMBER 4, 2025

ORDINANCE NO. O – 08 – 25 – 18

AN ORDINANCE CERTIFYING UNPAID CHARGES FOR NUISANCE ASSESSMENTS FOR 2025/2026 TO THE MONTGOMERY COUNTY AUDITOR FOR COLLECTION WITH REAL ESTATE TAXES

WHEREAS, the Codified Ordinances of the City of Clayton, Ohio, require that the owners, occupants, or persons having care of any lot or land within the City of Clayton, Ohio shall keep same free of debris/litter and other materials; and

WHEREAS, Section 1313.04 of the Clayton Codified Ordinances and/or Sections 731.51 through 731.53, Ohio Revised Code, permit the City of Clayton to cause debris/litter to be removed; and

WHEREAS, Section 731.54, Ohio Revised Code, permits municipalities which have removed such debris/litter under the procedure outlined in Sections 731.51 through 731.53, Ohio Revised Code, to make a written return of its actions with a statement of the charges for this service to the County Auditor the amounts, when allowed, shall be entered upon the tax duplicate, which shall be a lien upon such lands from the date of the entry and shall be collected as other taxes and returned to the municipal corporation with the general fund; and

WHEREAS, the City of Clayton in conformity with the provisions of Section 1313.04 of the Clayton Codified Ordinances and Sections 731.51 through 731.53, Ohio Revised Code, did cause debris/litter at various locations to be removed throughout the City of Clayton, and the charges for these services, in many instances, remain unpaid.

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

1. That the Finance Director is hereby authorized and directed to certify to the Auditor of Montgomery County, Ohio, the attached list of unpaid charges for nuisance abatement at various locations throughout the City of Clayton, Ohio by the City of Clayton, Ohio. The list, which is attached hereto as **Exhibit A** and incorporated by reference herein, identifies the properties to be assessed by Parcel I.D. and specifies the unpaid charges for said nuisance abatement. The City requests that these charges be made a lien against the respective properties in accordance with Section 731.54, Ohio Revised Code.
2. That immediately upon becoming effective, the Clerk is directed to forward a copy of this Ordinance to the Montgomery County Auditor.
3. 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.
4. 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 August 21, 2025 and September 4, 2025.
5. That in accordance with Clayton Charter Section 4.031(H) this enactment shall become effective thirty days after its second reading and enactment.

ORDINANCE NO. O – 08 – 25 – 19

AN ORDINANCE TO IMPOSE ASSESSMENTS UPON OWNERS OF REAL PROPERTY IN ARREARS FOR PAYMENT OF FEES FOR WASTE HAULING AND DISPOSAL SERVICES FOR 2025/2026

WHEREAS, Charter Section 3.01(B) grants to Council the power to adopt and provide for enforcement of local police, sanitary and other similar regulations as are not in conflict with the general laws of Ohio; and

WHEREAS, Charter Section 3.01(A) provides the legislative power to levy taxes and assessments; and

WHEREAS, R.C. 715.43 provides that a municipality may provide for the collection and disposition of garbage and assess a reasonable fee for such services; and

WHEREAS, the appended list of Collection Assessments sets forth the Parcel ID numbers of the properties to whom service has been provided and the unpaid waste disposal fees attributable to each property; and

WHEREAS, the City desires to impose a lien upon the identified properties served and to refer said liens to the County Auditor to be collected in the same manner as other taxes.

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

1. That there is hereby levied and assessed against the parcels specifically identified on the appended list(s) those amounts set forth which represent unpaid charges for waste collection and disposal services. The appended list(s) are incorporated herein and made a part hereof.
2. That immediately upon becoming effective, the Clerk is directed to forward a copy of this Ordinance to the Montgomery County Auditor.
3. 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.
4. 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 August 21, 2025 and September 4, 2025.

ADOPTED BY COUNCIL ON SEPTEMBER 4, 2025

ORDINANCE NO. O – 08 – 25 – 20

AN ORDINANCE APPROVING AMENDMENTS TO THE CITY’S PERSONNEL PRACTICES MANUAL AS DELINEATED IN THE APPENDED EXHIBIT A

WHEREAS, pursuant to Charter Section 11.03, Council adopted Ordinance No. O-08-99-15 on October 7, 1999 adopting a Personnel Practices Manual; and

WHEREAS, City Staff has recommended amendment of and additions to the Personnel Practices Manual as shown on the appended **Exhibit A**.

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

1. That the City’s Personnel Practices Manual is hereby amended as delineated in the appended **Exhibit A**.
2. That the City Manager is authorized to revise those portions of the Personnel Practices Manual, if any, which are directly impacted by the above language revisions.
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 August 21, 2025 and September 4, 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 SEPTEMBER 4, 2025

ORDINANCE NO. O – 08 – 25 – 21

AN ORDINANCE AMENDING PART THIRTEEN-BUILDING CODE, TITLE ONE-PROPERTY MAINTENANCE CODE - OF THE CLAYTON CODIFIED ORDINANCES

WHEREAS, Council has determined it to be in the best interest of the health, safety, and welfare of the citizenry to amend Part Thirteen-Building Code, Title One-Property Maintenance Code- of the Clayton Codified Ordnances, in order to encourage greater compliance with the provisions of the Property Maintenance Code.

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

1. That the following Sections of Part Thirteen-Building Code, Title One-Property Maintenance Code-of the Clayton Codified Ordinances is hereby amended as indicated below. Additions are in **bold** and deletions are in ~~strike~~through.

1309.08 INSPECTIONS- AND REINSPECTION FEES.

The Enforcement Officer is authorized to make inspections of building exteriors and Premises for purposes of enforcing the provisions of this Exterior Property Maintenance Code. For the purpose of making such inspections, and upon showing appropriate identification, the Enforcement Officer is hereby authorized to examine and survey at any reasonable hour all residential, commercial, industrial and other premises.

Any person who neglects, fails, or refuses to correct a violation within the stated violation compliance deadline shall be assessed a re-inspection fee of fifty dollars (\$50.00) for each re-inspection. The owner of the property shall be billed for re-inspection fees and if not paid, such an amount shall be certified to the County Auditor for collection in the same manner as other taxes and assessments.

1309.12 PROSECUTION.

In case any violation is not promptly complied with, the Enforcement Officer may request the Law Director to institute an appropriate action or proceeding at law to exact the penalty provided in Section 1309.99 of this Code, and in addition thereto, may ask the City Attorney to proceed at law or in equity against the person responsible for the violation for the purpose of ordering him/her to abate such nuisance.

The imposition of penalties herein prescribed shall not preclude the City Attorney or Code Official of the City of Clayton from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of a building, structure or premises. Any costs incurred by the City shall be billed to the owner of the property plus the City's administrative cost of one hundred dollars (\$100.00). The owner of the property, building, structure or premises shall be billed for costs and if not paid, such amount shall be certified to the County Auditor for collection in the same manner as other taxes and assessments.

1309.13 ABATEMENT OF PUBLIC NUISANCE BY CITY AND COST RECOVERY.

...

(c) Authority of City to Enter and Abate Nuisance.

...

(1) The owner, occupant, or person having charge of the premises shall be required to pay for the entire cost of abatement, including, but not limited to, costs of removal and disposal **plus the City's administrative cost of one hundred dollars (\$100.00)** in the following manner:

...

(e) Penalty.

(1) Except as otherwise provided in this subsection, whoever violates subsection (b) hereof is guilty of a ~~minor misdemeanor~~ **misdemeanor of the fourth degree**. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to a violation of subsection (b), whoever violates subsection (b) hereof is guilty of a ~~misdemeanor of the fourth degree~~ **misdemeanor of the third degree**. If, within one year of the offense, the offender previously has been convicted of two or more violations of subsection (b), whoever violates subsection (b) hereof is guilty of a misdemeanor of the

~~third~~ **second** degree. A separate offense shall be deemed committed each day during or on which a violation of noncompliance occurs or continues beyond the fourteen (14) day compliance period or any extension thereof granted.

...

1309.99 VIOLATIONS AND PENALTIES.

(a) No person shall violate any provision of fail to conform to any of the requirements of this Exterior Property Maintenance Code or fail to comply with any order made thereunder.

(b) Whoever violates any section of this Code shall be guilty of a ~~minor misdemeanor~~. **misdemeanor of the fourth degree**. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(c) The application of the penalty provided in subsection (b) hereof shall not be held to prevent the enforced removal of prohibited conditions.

2. That the remaining provisions of Part Thirteen-Building Code, Title One-Property Maintenance Code-of the Clayton Codified Ordinances not amended herein remain unchanged and in full effect.

3. 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.

4. 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 August 21, 2025 and September 4, 2025.

5. 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 SEPTEMBER 4, 2025

NOTE: THE FOLLOWING ORDINANCE FAILED TO PASS FOR LACK OF A SECOND:

ORDINANCE NO. O – 08 – 25 – 22

AN ORDINANCE TO REPEAL ORDINANCE NO. O-04-18-08 ADOPTED MAY 3, 2018 WHICH APPROVED AND ADOPTED A COMPREHENSIVE LAND USE PLAN ENTITLED “PLAN CLAYTON” AND REFERRAL TO PLANNING COMMISSION

WHEREAS, in 1999, Council approved a Land Use Plan for the City of Clayton; and

WHEREAS, via enactment of Resolution No. R-11-16-90 adopted November 3, 2016, Council authorized the City Manager to enter into an agreement with Urban Collaborative, Inc. to prepare and present an updated land use plan to the City; and

WHEREAS, on March 26, 2018, the Clayton Planning Commission held a public hearing on the “Plan Clayton” updated land use plan and voted to recommend approval of said updated land use plan to Council; and

WHEREAS, on April 19, 2018, Council held a public hearing on the “Plan Clayton” updated land use plan; and

WHEREAS, on April 19, 2018 Council conducted a first reading of Ordinance O-04-18-08 adopting “Plan Clayton”, the updated land use plan, and on May 3, 2018, Council conducted a second reading and enacted Ordinance O-04-18-08; and

WHEREAS, Council Member Kenneth Henning, via Charter Section 4.07(A) and (B) hereby sponsors this Ordinance O-08-25-21 proposing to repeal “Plan Clayton”; and

WHEREAS, Charter Section 4.07(B) requires the present Ordinance be referred to the Planning Commission prior to a second reading hereof; and

WHEREAS, upon referral, the Planning Commission shall advertise and conduct a public hearing on this proposed Ordinance and within 15 days thereafter, the Planning Commission shall return to the Clerk of Council its written recommendations of a majority of the members of the Planning Commission thereon, and thereafter the Ordinance shall be given its second reading at the next regular meeting of Council unless an earlier special meeting is called for that purpose.

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

1. That this Ordinance is hereby referred to the Planning Commission and the Planning Commission shall advertise and conduct a public hearing on this proposed Ordinance and within 15 days thereafter, the Planning Commission shall return to the Clerk of Council its written recommendations of a majority of the members of the Planning Commission thereon; and thereafter this Ordinance shall be given its second reading at the next regular meeting of Council unless an earlier special meeting is called for that purpose.
2. That Council hereby repeals Ordinance No. 04-18-08 adopted May 3, 2018 which approved and authorized the land use plan known as “Plan Clayton” and any and all references to “Plan Clayton” and the comprehensive land use plan shall be removed from the Planning and Zoning Code.
3. 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.
4. 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 August 21, 2025 and _____, 2025.
5. That in accordance with Clayton Charter Section 4.031(H) this enactment shall become effective thirty days after its second reading and enactment.

ORDINANCE NO. O – 08 – 25 – 23

AUTHORIZING THE FOLLOWING IN CONNECTION WITH THE HUNTER’S PATH PHASE 3 RESIDENTIAL DEVELOPMENT: (A) DELINEATING AN OVERLAY IN RELATION TO THE PROPOSED HUNTER’S PATH INCENTIVE DISTRICTS NO. 3, 4 AND 5; (B) ADOPTING A WRITTEN ECONOMIC DEVELOPMENT PLAN AS TO SAME; AND (C) AUTHORIZING A TAX INCREMENT FINANCING AGREEMENT WITH RESPECT TO CERTAIN REAL PROPERTY LOCATED IN THE CITY OF CLAYTON, AND PROVIDING RELATED AUTHORIZATIONS PURSUANT TO OHIO REVISED CODE SECTIONS 5709.40(C), 5709.42, 5709.43, 5709.832 AND 5709.85, AND DECLARING AN EMERGENCY

WHEREAS, Hunters Path Project I, LLC, an Ohio limited liability company, or its designated affiliate (the “**Company**”) has or will acquire certain real property located within the jurisdiction of the City, consisting of 40 +/- acres known as Parcel Number M60-032-07-0023, as more fully described in **EXHIBIT A**, attached hereto and incorporated herein (the “**Project Site**”), with each parcel of real property within the Project Site referred to herein as a “**Parcel**” (whether as presently appearing on the county tax duplicate or as subdivided or combined and appearing on future tax duplicates), and as identified in the records of the Office of the Auditor of Montgomery County, Ohio (the “**County Auditor**”); and,

WHEREAS, in order to successfully develop the Parcels, it is necessary to construct or to cause to be constructed certain public infrastructure improvements as described in **Exhibit B** attached hereto (the “**Public Infrastructure Improvements**”), made, to be made, or in the process of being made benefit or serve, or, once made, will benefit or serve the Project Site; and,

WHEREAS, the Company proposes to develop the Project Site to allow a third-party homebuilder to construct approximately 97 single-family residential units, together with related site improvements (collectively, the “**Project**”); and,

WHEREAS, this Council (the “**Council**”) for the City of Clayton, Ohio (the “**City**”) is contemplating the creation of three incentive districts for parcels covering the Project Site, as authorized under Division (C) of Ohio Revised Code Section (“**R.C.**”) 5709.40; and,

WHEREAS, subject to passage of a subsequent ordinance (the “**TIF Ordinance**”), to be presented to this Council for approval following compliance with required notice and public hearing requirements, pursuant to Ohio Revised Code (“**R.C.**”) Section 5709.40(C), the City intends to (i) create three separate incentive districts with respect to the Project Site (the “**Hunter’s Path Incentive District No. 3**,” “**Hunter’s Path Incentive District No. 4**,” and “**Hunter’s Path Incentive District No. 5**,” and, collectively, the “**Hunter’s Path Incentive Districts**”), (ii) implement an exemption from real property taxes in the amount of 100% of the improvement within each incentive district, thereby granting to that improvement an exemption from real property taxation for a period of thirty (30) years, and (iii) designate specific public infrastructure improvements (the “**Public Infrastructure Improvements**”) made, to be made, or in the process of being made that directly benefitted, or that once made will directly benefit, each of the incentive districts (each, a “**TIF Exemption**” and, collectively, the “**TIF Exemptions**”); and

WHEREAS, the City intends, further, to enter into a compensation agreement (the “**Compensation Agreement**”) with Northmont City School District pursuant (“**Northmont**”) to R.C. Section

5709.40(D)(1) and the TIF Ordinance, which Compensation Agreement shall provide, (i) during years 1-10 of the TIF Exemptions, the City shall pay to Northmont an amount equal to twenty-five percent (25%) of the additional amount of Service Payments actually received by the City in such year, multiplied by a fraction, the numerator of which is Northmont's effective real property tax rate for the classification of the Parcels and the denominator of which is the aggregate effective real property tax rate for the classification of the Parcels for all taxing districts within which the Project Site is located, as calculated and certified in the manner specified in the Compensation Agreement, and (ii) in years 11-30, the City shall pay to Northmont an amount equal to one hundred percent (100%) of the additional amount of Service Payments actually received by the City in such year, multiplied by a fraction, the numerator of which is Northmont's effective real property tax rate for the classification of the Parcels and the denominator of which is the aggregate effective real property tax rate for the classification of the Parcels for all taxing districts within which the Project Site is located, as calculated and certified in the manner specified in the Compensation Agreement; and

WHEREAS, pursuant to R.C. Section 5709.82, the City is required to provide compensation to the joint vocational school district within the territory of which the exempted property is located, namely Miami Valley Career Technology Center, at the same rate and under the same terms as received by Northmont; and

WHEREAS, pursuant to Division (C)(2) of R.C. 5709.40, this Council must conduct a public hearing on the contemplated incentive districts, which public hearing must be preceded by sufficient notice to every real property owner whose property is located within the boundaries of each of the Hunter's Path Incentive Districts, which such notice must include a map of the Hunter's Path Incentive Districts on which this Council must have delineated an overlay; and,

WHEREAS, such an overlay must satisfy Division (A)(6) of R.C. 5709.40, namely an area of not more than three hundred acres that is a square, or that is a rectangle having two longer sides that are not more than twice the length of the two shorter sides; and,

WHEREAS, the overlay for the Hunter's Path Incentive Districts depicted in **EXHIBIT A** attached hereto and incorporated herein by reference (the "**Overlay**") is drawn in accordance with the respective statute; and,

WHEREAS, pursuant to Division (A)(5)(f) of R.C. 5709.40, the City Engineer is contemplating whether the adequacy of the existing public infrastructure serving the Hunter's Path Incentive Districts is sufficient to meet the residential, commercial or industrial development needs of said incentive districts; and,

WHEREAS, the City Engineer is required to consider a written economic development plan for the Hunter's Path Incentive Districts as has been adopted for such purposes by this Council; and, WHEREAS, this Council has determined that it is necessary and appropriate and in the best interests of the City to adopt the written economic development plan for the Hunter's Path Incentive Districts, a copy of which is provided in **EXHIBIT C** attached hereto and incorporated herein by reference (the "**Economic Development Plan**").

WHEREAS, in connection with the project, this Council has determined to provide for the execution and delivery of a Tax Increment Financing Agreement by and between the City and the Company, substantially in the form attached hereto as **EXHIBIT D** (the "**TIF Agreement**"); and

WHEREAS, an emergency exists in the usual daily operations of the City in that it is immediately necessary to approve this Ordinance for the preservation of the public peace, property, health, safety and welfare, that preservation being related to the need to proceed with the Public Infrastructure Improvements that directly benefit the Project Site immediately.

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

Section 1. Delineation of Overlay on a Map of the Proposed Incentive Districts. Pursuant to Division (A)(6) of R.C. 5709.40, this Council hereby delineates the Overlay as it relates to and serves to further describe the proposed Hunter's Path Incentive Districts.

Section 2. Adoption of Written Economic Development Plan for the Proposed Hunter's Path Incentive Districts. Under Division (A)(5)(f) of R.C. 5709.40, this Council hereby adopts the Economic Development Plan in furtherance of its contemplation of the Hunter's Path Incentive Districts.

Section 3. Authorization of TIF Agreement. This Council hereby approves the TIF Agreement and authorizes the City to execute, deliver, and perform the TIF Agreement. The City Manager is hereby authorized and directed, for and on behalf of the City, to execute and deliver the TIF Agreement, substantially in the form attached hereto as **EXHIBIT D**, together with such modifications to the form of the TIF Agreement as shall be approved by the City, shall not be materially adverse to the City, and shall be consistent with this Ordinance, all of which shall be conclusively evidenced by the City Manager's signature on the TIF Agreement.

Section 4. Further Agreements, Documents, Instruments or Certifications. The City Manager, Finance Director, Law Director, or Clerk of Council, as appropriate, are further hereby authorized to execute and deliver any additional agreements, documents, instruments or certificates as deemed necessary to carry out the purposes of this Ordinance and the TIF Agreement. The City Manager, Finance Director, Law Director, or Clerk of Council, as appropriate, are further hereby authorized to take such actions as are necessary or appropriate to consummate or implement the actions described herein or contemplated by this Ordinance, and the City is hereby authorized to perform its obligations under any of those agreements or instruments.

Section 5. Open Meetings. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any decision-making bodies of the City that resulted in such formal actions were in meetings open to the public and in compliance with all legal requirements.

Section 6. Effective Date. This ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the City and its inhabitants for the reason that this ordinance must be immediately effective so that the work on the project can begin as quickly as possible, thus providing economic benefit to the City and its residents; wherefore this ordinance shall take effect and be in force from and immediately after its adoption.

NEW BUSINESS

RESOLUTIONS (SINGLE READING AND IMMEDIATE ENACTMENT)

NOTE: THE FOLLOWING RESOLUTION FAILED TO PASS FOR LACK OF A SECOND:

RESOLUTION NO. R – 08 – 25 – 61

A RESOLUTION ESTABLISHING A TEMPORARY MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS AND ISSUANCE OF ZONING PERMITS AND APPROVALS FOR ANY NEW RESIDENTIAL HOUSING DEVELOPMENT WITHIN THE CITY OF CLAYTON, OHIO

WHEREAS, per Article XVIII, Section 3 of the Ohio Constitution and Ohio Revised Code 713, the City of Clayton, Ohio has the authority to regulate zoning and use of real property located within the territorial boundaries of the City for the purpose of promoting the public health, safety, convenience, comfort, prosperity, and general welfare; and

WHEREAS, Council has made the determination that a temporary moratorium expiring on January 1, 2026, on the acceptance of applications and the issuance of zoning permits and approvals for any new residential housing development within the City of Clayton, Ohio is essential to and in the best interests of the City and its citizens, and necessary to best fulfill the City’s objectives of promoting the health, safety, and general welfare of Clayton residents as well as fostering and promoting responsible economic development efforts, and will afford the City time to determine the land uses best suited for the City.

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

1. Council hereby suspends and places a moratorium on the City’s review and issuance of any and all zoning applications, permits, and approvals authorizing any new residential housing development within the territorial jurisdiction of the City of Clayton, Ohio. This moratorium shall expire on January 1, 2026 unless earlier terminated by further Resolution of Council.
2. During this moratorium, City staff shall not accept applications for zoning permits, including but not limited to, re-zoning applications, applications for subdivisions, site plans, and/or Zoning Map amendments which are in any way related to new residential housing development.
3. This moratorium shall not affect projects which have already received authorization and permits prior to the effective date of the adoption of the present moratorium or have a current application pending. Those applications pertaining to the provision of housing for a protected class, as defined by the Fair Housing Act or by state law, shall not be affected by this temporary moratorium.
4. This Resolution shall be effective as an exception to any ordinance, resolution or other legislation of the City of Clayton, Ohio, inconsistent with this Resolution or which imposes additional requirements for effectiveness or validity.

RESOLUTION NO. R – 08 – 25 – 62

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A RENEWAL AGREEMENT RELATIVE TO BODYWORN CAMERAS FOR USE BY THE CLAYTON POLICE DEPARTMENT WITH UTILITY ASSOCIATES, INC. FOR A TERM OF FIVE (5) YEARS AT A TOTAL COST OF \$217,780.00

WHEREAS, Charter Section 8.02(C)(3)(e) exempts from competitive bidding purchases where there exists only a sole source to supply the requirements of the City; and

WHEREAS, City staff recommends acceptance of the renewal agreement submitted by Utility Associates, Inc., as being most favorable to and in the best interests of the City.

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 enter into a renewal Agreement with Utility Associates, Inc. for a term of five (5) years relative to the provision of BodyWorn cameras and related services and training for use by the Police Department in the total amount of \$217,780.00

ADOPTED BY COUNCIL ON AUGUST 21, 2025

RESOLUTION NO. R – 08 – 25 – 63

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE NORTHMONT SCHOOL DISTRICT FOR THE PROVISION OF SCHOOL RESOURCE OFFICER FOR THE 2025-2026 SCHOOL YEAR

WHEREAS, the Clayton Police Department and the Northmont School District have worked cooperatively over the past several years for the provision of School Resource Officer(s); and

WHEREAS, the Northmont School District has approached the City regarding provision of a School Resource Officer for the 2025-2026 school year; and

WHEREAS, the Northmont School District has agreed to reimburse the City for expenses incurred at a cost not to exceed \$125,000.00.

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

1. That the City Manager is authorized to enter into an Agreement in substantially similar form as the Agreement appended hereto as **Exhibit A** with The Northmont School District for the provision of a School Resource Officer for the 2025-2026 school year, and including the provision that the City will be reimbursed by the Northmont School District for expenses incurred at a cost not to exceed \$125,000.00 for the 2025-2026 school year.

ADOPTED BY COUNCIL ON AUGUST 21, 2025

RESOLUTION NO. R – 08 – 25 – 64

A RESOLUTION APPROVING THE CITY MANAGER’S DESIGNATION OF QUALIFIED ADMINISTRATIVE OFFICERS OF THE CITY TO PERFORM THE POWERS, DUTIES, AND FUNCTIONS OF THE CITY MANAGER DURING THE CITY MANAGER’S TEMPORARY ABSENCE FROM THE CITY OR DURING DISABILITY

WHEREAS, Charter Section 5.03(A) provides that the City Manager may designate, by letter filed with the Clerk of Council, any qualified administrative officer of the City to perform her powers, duties and functions during her temporary absence from the City or during her disability; and

WHEREAS, Charter Section 5.03(A) provides that such designation by the City Manager shall not be effective until Council has approved it by a majority vote of the members of Council; and

WHEREAS, in accordance with Charter Section 5.03(A), the City Manager has filed with the Clerk of Council the letter appended hereto designating qualified administrative officers of the City to perform her powers, duties and functions during her temporary absence from the City or during disability.

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

1. That the letter appended hereto as **Exhibit A** and which the City Manager has caused to be filed with the Clerk of Council designating qualified administrative officers of the City to perform her powers, duties and functions during her temporary absence from the City or during disability is hereby approved. All prior such list(s) are hereby revoked.

ADOPTED BY COUNCIL ON AUGUST 21, 2025

RESOLUTION NO. R – 08 – 25 – 65

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENTS (INCLUDING EASEMENT(S) AND DEED(S)) WITH GOODWILL EASTER SEALS MIAMI VALLEY TO OBTAIN RIGHTS OF WAY AND PERMANENT AND/OR TEMPORARY EASEMENTS FOR THE MOT-HOKE ROAD WIDENING PHASE I PROJECT

WHEREAS, the City of Clayton is engaged in a transportation improvement project known as MOT-Hoke Road Widening Phase I; and

WHEREAS, the installation of said improvements requires the City to obtain road right of way and easements from certain property owners upon which said improvements are being constructed; and

WHEREAS, the City, through its representative, ORC, has negotiated Agreements to obtain Rights of Way and Permanent and Temporary Easements for the above Project with Goodwill Easter Seals Miami Valley; and

WHEREAS, Goodwill Easter Seals Miami Valley has graciously agreed to donate said Rights of Way and Easements to the City of Clayton as a contribution to the improvement of the City; and

WHEREAS, City Council desires to acknowledge and approve these contributions and to express appreciation for this donation for the betterment of the Clayton community.

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

1. That the appended Agreement(s), Easement(s), and Deed(s) (**Exhibit A**) with Goodwill Easter Seals Miami Valley to grant Rights of Way and Perpetual and/or Temporary Easements relative to the above identified Project are hereby approved and the City Manager and Finance Director are hereby authorized to execute said documentation and receive said donations to the City for public use and benefit.

ADOPTED BY COUNCIL ON AUGUST 21, 2025

RESOLUTION NO. R – 08 – 25 – 66

A RESOLUTION TO DECLARE SURPLUS EQUIPMENT AVAILABLE FOR DISPOSAL THROUGH SALE OR AUCTION

WHEREAS, R.C. 721.01 permits a municipal corporation to sell or lease property no longer needed for municipal purposes; and

WHEREAS, City staff and the City Manager have advised one (1) 2008 International 4300 Dump Truck with multiple attachments is no longer needed for municipal purposes.

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

1. That the specific property being one (1) 2008 International 4300 Dump Truck with multiple attachments is hereby declared to be surplus and available for disposition by the City Manager through sale or auction including: (a) internet auction including but not limited to Municibid and/or GovDeals; (b) public auction; and (c) pricing of said property and advertising for direct sale through trade publications.

ADOPTED BY COUNCIL ON AUGUST 21, 2025

RESOLUTION NO. R – 08 – 25 – 67

**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>
Capital Improvement Projects (150)		\$102,923.94
Law Enforcement Trust Fund (227)		\$4,500.00
Service (401)	\$6,000.00	\$6,000.00
Cemetery (601)		\$3,000.00
Agency (954)	\$1,867.08	\$1,867.08

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 AUGUST 21, 2025
