

# CITY OF CLAYTON, OHIO

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## RESOLUTIONS AND ORDINANCES

October 16, 2025

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### OLD BUSINESS

### ORDINANCES (SECOND 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 and 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 OCTOBER 16, 2025

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**ORDINANCE NO. O – 09 – 25 - 25**

**AN ORDINANCE ADOPTING THE PLANNING COMMISSION’S  
RECOMMENDATION TO APPROVE, WITH SPECIFIED CONDITIONS, THE  
17.135 ACRE PRELIMINARY AND FINAL SUBDIVISION PLAN OF  
NORTHWOOD ESTATES SECTION ONE FOR PROPERTY BEARING PARCEL  
I.D. NUMBER M60 03012 0022 AND LOCATED AT THE NORTHWEST CORNER  
OF NATIONAL ROAD AND HABER ROAD AND CONTAINING 33.7313 ACRES  
LOCATED WITHIN THE CITY OF CLAYTON, OHIO**

**WHEREAS**, on July 8, 2025, an application was filed by Northwood Estates, LLC for approval of a 17.135 acre Preliminary and Final Subdivision Plan for the property located at the Northwest corner of National Road and Haber Road and bearing Parcel I.D. Number M60 03012 0022, and containing 33.7313 acres within the City of Clayton, Ohio (“Subject Property”);

**WHEREAS**, the Clayton Planning Commission held a public hearing on August 25, 2025, on said 17.135 acre Preliminary and Final Subdivision 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 condition(s) (Exhibit A), the 17.135 acre Preliminary and Final Subdivision Plan;* and

**WHEREAS**, the Clayton City Council held a public hearing on September 18, 2025, on the aforesaid 17.135 acre Preliminary and Final Subdivision Plan request at which time any and all persons were given an opportunity to be heard thereon.

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

1. That the Council hereby adopts the Planning Commission’s *recommendation of approval, with specified conditions, of the 17.135 acre Preliminary and Final Subdivision Plan for 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 October 2, 2025 and October 16, 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 OCTOBER 16, 2025

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**NEW BUSINESS**

**ORDINANCES (FIRST READING AND ENACTMENT AS AN EMERGENCY)**

**ORDINANCE NO. O – 10 – 25 – 26**

**AN ORDINANCE AUTHORIZING THE FOLLOWING IN CONNECTION WITH THE NORTHWOODS ESTATES DEVELOPMENT: (a) DELINEATING AN OVERLAY IN RELATION TO THE PROPOSED NATIONAL AND HABER INCENTIVE DISTRICTS NO. 1 AND 2 WITHIN THE CITY OF CLAYTON, OHIO; AND (b) ADOPTING A WRITTEN ECONOMIC DEVELOPMENT PLAN AS TO SAME, ALL AS PURSUANT TO OHIO REVISED CODE SECTION 5709.40(C), AND DECLARING AN EMERGENCY**

WHEREAS, this Council (the “**Council**”) for the City of Clayton, Ohio (the “**City**”) is contemplating the creation of two incentive districts for a parcel in the City, as authorized under Division (C) of Ohio Revised Code Section (“**R.C.**”) 5709.40; 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 such public hearing must be preceded by sufficient notice to every real property owner whose property is located within the boundaries of each of the incentive districts, here the “National and Haber Incentive District No. 1,” and “National and Haber Incentive District No. 2” (together, the “National and Haber Incentive Districts”), and which such notice must include a map of the National and Haber 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 each of the National and Haber Incentive Districts depicted in **EXHIBIT A** attached hereto and incorporated herein by reference (together, 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 National and Haber 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 National and Haber 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 National and Haber Incentive Districts, a copy of which is provided in **EXHIBIT B** attached hereto and incorporated herein by reference (the “**Economic Development Plan**”); 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 immediately proceed with the delineation of the Overlay and adoption of the Economic Development Plan in relation to the proposed National and Haber Incentive Districts.

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 National and Haber 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 National and Haber Incentive Districts.

Section 2. Adoption of Written Economic Development Plan for the Proposed National and Haber 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 National and Haber Incentive Districts.

Section 3. 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 Ohio's Sunshine Laws, including R.C. 121.22.

Section 4. 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 public infrastructure improvements 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.

ADOPTED BY COUNCIL ON OCTOBER 16, 2025

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## **ORDINANCES (FIRST OF TWO READINGS)**

### **ORDINANCE NO. O – 10 – 25 – 27**

#### **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ACCEPT THE DEDICATION OF THE SPECIFIED RIGHTS-OF-WAY AT HUNTERS PATH PHASE 1**

**WHEREAS**, municipal corporations generally have the special power to regulate the use of streets within their municipal boundaries and the care, supervision and control of said public streets pursuant to R.C. § 723.01; and

**WHEREAS**, a municipal corporation has no duty to maintain streets or alleys dedicated to public use unless the dedication of such street or alleys is accepted and confirmed by the legislative authority of such municipal corporation pursuant to R.C. § 723.03; and

**WHEREAS**, the Office of the Montgomery County Engineer has advised that the Record Plat Hunter's Path Phase 1 is suitable for acceptance; and

**WHEREAS**, the City Council of the City of Clayton deems it to be in the best interest of the City and its residents to accept the dedication of said rights-of-way;

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

1. The City of Clayton hereby accepts the dedication of the specified rights-of-way as depicted and described on the attached Record Plat of Hunters Path Phase 1 ("Exhibit A"), including the extension of Fallgold Drive, along with Willow Road, Redwood Road and Falls Road, as dedicated to the public use forever.
2. The City Manager is hereby authorized and directed to take all necessary actions, including but not limited to, executing any and all documents, instruments, and certifications required to formally accept the dedication of the aforementioned rights-of-way on behalf of the City.
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 October 16, 2025 and November 6, 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 NOVEMBER 6, 2025

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

### **RESOLUTION NO. R – 10 – 25 – 75**

#### **A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH WAGNER PAVING INC. FOR FULL-DEPTH ASPHALT REPAIR ON WENGER AND HOKE ROADS IN THE CITY OF CLAYTON FOR THE 2025 FISCAL YEAR**

**WHEREAS**, the City of Clayton requires full-depth asphalt repair services within its jurisdiction for Wenger and Hoke Roads; and

**WHEREAS**, the City of Clayton initiated a competitive bidding process for said asphalt repair project, receiving two bids; and

**WHEREAS**, Wagner Paving Inc. submitted the lowest responsible bid for the full-depth asphalt repair project; and

**WHEREAS**, the City Manager has recommended that the City of Clayton enter into a contract with Wagner Paving Inc. for the aforementioned services, with the total cost not to exceed Forty-

Three Thousand Dollars (\$43,000.00), to be funded from the approved 2025 City of Clayton budget; and

**WHEREAS**, the City Council deems it necessary and in the best interest of the City of Clayton to authorize the City Manager to execute a contract with Wagner Paving Inc. for these essential infrastructure repairs.

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

Section 1. Authorization to Contract.

The City Manager is hereby authorized and directed to enter into a contract with Wagner Paving Inc. for full-depth asphalt repair services on Wenger and Hoke Roads in the City of Clayton for the 2025 fiscal year. The terms and conditions of said contract shall be consistent with the competitive bidding process and the recommendation presented to Council, with the total project cost not to exceed Forty-Three Thousand Dollars (\$43,000.00).

Section 2. Project Scope and Compliance.

The contract shall encompass full-depth asphalt repair on Wenger and Hoke Roads. Wagner Paving Inc. shall be required to obtain all necessary permits from the City of Clayton for work within the public right-of-way and shall comply with all applicable City of Clayton Codified Ordinances, including zoning regulations, as well as all relevant Ohio Environmental Protection Agency (EPA) requirements and coordination with the Montgomery County Soil and Water Conservation District, where necessary.

Section 3. Funding.

The expenditure for this contract, not to exceed Forty-Three Thousand Dollars (\$43,000.00), shall be appropriated from the duly approved 2025 City of Clayton budget.

ADOPTED BY COUNCIL ON OCTOBER 16, 2025

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