

# CITY OF CLAYTON, OHIO

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## RESOLUTIONS AND ORDINANCES

November 20, 2025

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### OLD BUSINESS

### ORDINANCES (SECOND OF TWO READINGS)

#### ORDINANCE NO. O – 11 – 25 – 28

#### AN ORDINANCE INCREASING THE COMPETITIVE BID ALLOWANCE BY TWENTY PERCENT (20%), AMENDING THE CITY OF CLAYTON CODIFIED ORDINANCES ACCORDINGLY

**WHEREAS,** The purpose of this Ordinance is to increase the City of Clayton’s competitive bid allowance by twenty percent (20%) and to amend the applicable section(s) of the Codified Ordinances to reflect the new dollar threshold at which competitive bidding is required; and

**WHEREAS,** This action is taken pursuant to the authority granted to Council under the Charter of the City of Clayton, including without limitation Charter Sections 3.01(D), 4.02(A)(9), 5.01, and 6.08. Council finds and determines that:

- a. The current competitive bid threshold should be adjusted to account for increased costs and efficiencies in procurement;
- b. A twenty percent (20%) increase is consistent with standard annual adjustments and prudent fiscal management; and
- c. All modifications to procurement thresholds must be adopted by Council and incorporated into the Codified Ordinances, and

**WHEREAS,** The relevant section(s) of the City of Clayton Codified Ordinances governing competitive bidding for contracts, purchases, and expenditures are hereby amended to increase the competitive bid allowance by twenty percent (20%).

Wherever the prior dollar threshold for requiring competitive bidding appears in the Codified Ordinances, that amount is amended to reflect a twenty percent (20%) higher threshold.

The competitive bidding requirement shall apply to any contract, purchase, or expenditure the cost of which equals or exceeds \$92,877.60, which represents a twenty percent (20%) increase from the prior threshold of \$77,398.

The Director of Finance, Purchasing Agent, or other designated official shall update internal procurement policies, forms, and guidance to conform to this Ordinance; and

**WHEREAS,** The City Manager, Director of Finance, and Law Director are authorized and directed to take all actions necessary to implement the amendment set forth herein, including preparation of revised policy documents and notification to affected departments.

The Law Director shall ensure that the textual amendments are incorporated into the published Codified Ordinances and that all references to the previous threshold are replaced with the increased figure; and

**WHEREAS**, Nothing in this Ordinance shall be construed to alter, waive, or supersede any requirements imposed by the Ohio Revised Code or the City Charter concerning competitive bidding, public contracts, or procurement procedures. In the event of a conflict, the Charter and applicable state law shall control; and

**WHEREAS**, This Ordinance supersedes any prior ordinances, resolutions, policies, or parts thereof that are inconsistent with the provisions herein, including any prior competitive bidding thresholds to the extent of such inconsistency. For avoidance of doubt, this Ordinance does not alter previously adopted terms of engagement or compensation for legal services except as may be separately approved by Council pursuant to the Charter and governing ordinances; and

**WHEREAS**, If any provision of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions, which shall remain in full force and effect; and

**WHEREAS**, This Ordinance shall be read on two separate days as required by the Charter unless this requirement is dispensed with by the affirmative vote of at least five (5) members of Council; and

**WHEREAS**, The full text or a summary of this Ordinance shall be posted in three (3) public access locations as designated by Council. Following adoption, this Ordinance shall be authenticated by the signatures of the Mayor and Clerk of Council and approved as to form by the Law Director.

**ADOPTED BY COUNCIL ON NOVEMBER 20, 2025**

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## **ORDINANCE NO. O – 11 – 25 – 29**

### **AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE CLAYTON CODIFIED ORDINANCES**

**WHEREAS**, certain provisions within the Codified Ordinances should be amended to conform with current State law as required by the Ohio Constitution; and

**WHEREAS**, various ordinances of a general and permanent nature have been passed by Council which should be included in the Codified Ordinances; and

**WHEREAS**, the City has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish such revision which is before Council;

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

1. That the ordinances of the City of Clayton, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the 2025 Replacement Pages to the Codified Ordinances, are hereby approved and adopted.

2. That the following sections and chapters are hereby added, amended or repealed as respectively indicated in order to comply with current State law.

### **Traffic Code**

- 301.02 Agricultural tractor and traction engine. (Added)
- 301.03 Alley. (Added)
- 301.04 Arterial street or highway. (Added)
- 301.05 Autocycle. (Added)
- 301.06 Beacon. (Added)
- 301.07 Bicycle. (Added)
- 301.08 Bicycle box. (Added)
- 301.09 Bicycle lane. (Added)
- 301.10 Bicycle signal face. (Added)
- 301.11 Bicycle signal sign. (Added)
- 301.12 Bikeway. (Added)
- 301.13 Bus. (Added)
- 301.14 Business district. (Added)
- 301.15 Busway. (Added)
- 301.16 Cab-enclosed motorcycle. (Added)
- 301.17 Chauffeured limousine. (Added)
- 301.18 Childcare center. (Added)
- 301.19 Commercial tractor. (Added)
- 301.20 Controlled-access highway. (Added)
- 301.21 Crosswalk. (Added)
- 301.22 Driver or operator. (Added)
- 301.23 Driveway. (Added)
- 301.24 Electric bicycle. (Added)
- 301.25 Electronic. (Added)
- 301.26 Emergency vehicle. (Added)
- 301.27 Explosives. (Added)
- 301.28 Expressway. (Added)
- 301.29 Farm machinery. (Added)
- 301.30 Flammable liquid. (Added)
- 301.31 Freeway. (Added)
- 301.32 Funeral escort vehicle. (Added)
- 301.33 Gross weight. (Added)
- 301.34 Highway maintenance vehicle. (Added)
- 301.35 Highway traffic signal. (Added)
- 301.36 Hybrid beacon. (Added)
- 301.37 In-road warning light. (Added)
- 301.38 Intersection. (Added)
- 301.39 Lane-use control signal. (Added)
- 301.40 Laned highway. (Added)
- 301.41 Limited driving privileges. (Added)
- 301.42 Local authorities. (Added)
- 301.43 Low-speed micromobility device. (Added)
- 301.44 Median. (Added)
- 301.45 Motor-driven cycle or motor scooter. (Added)
- 301.46 Motor vehicle. (Added)
- 301.47 Motorcycle. (Added)
- 301.48 Motorized bicycle or moped. (Added)

301.49 Motorized wheelchair. (Added)  
301.50 Multi-wheel agricultural tractor. (Added)  
301.51 Natural resources officer. (Added)  
301.52 Operate. (Added)  
301.53 Parked or parking. (Added)  
301.54 Pedestrian. (Added)  
301.55 Person. (Added)  
301.56 Pole trailer. (Added)  
301.57 Police officer. (Added)  
301.58 Predicate motor vehicle or traffic offense. (Added)  
301.59 Private road. (Added)  
301.60 Public safety vehicle. (Added)  
301.61 Railroad. (Added)  
301.62 Railroad sign or signal. (Added)  
301.63 Residence district. (Added)  
301.64 Ridesharing arrangement. (Added)  
301.65 Right-of-way. (Added)  
301.66 Road service vehicle. (Added)  
301.67 Roadway. (Added)  
301.68 Roundabout. (Added)  
301.69 Rural mail delivery vehicle. (Added)  
301.70 Safety zone. (Added)  
301.71 School bus. (Added)  
301.72 Semitrailer. (Added)  
301.73 Shared-use path. (Added)  
301.74 Shoulder. (Added)  
301.75 Sidewalk. (Added)  
301.76 Site roadway open to public travel. (Added)  
301.77 Standing. (Added)  
301.78 State. (Added)  
301.79 State highway. (Added)  
301.80 State route. (Added)  
301.81 Stop. (Added)  
301.82 Stop intersection. (Added)  
301.83 Stopping. (Added)  
301.84 Street or highway. (Added)  
301.85 Through highway. (Added)  
301.86 Thruway. (Added)  
301.87 Traffic. (Added)  
301.88 Traffic control device. (Added)  
301.89 Traffic control signal. (Added)  
301.90 Trailer. (Added)  
301.91 Train. (Added)  
301.92 Truck. (Added)  
301.93 Two-stage bicycle turn box. (Added)  
301.94 Type A family childcare home. (Added)  
301.95 Urban district. (Added)  
301.96 Vehicle. (Added)  
301.97 Waste collection vehicle. (Added)  
301.98 Wildlife officer. (Added)  
303.01 Compliance with Lawful Order of Police Officer; Fleeing. (Amended)  
303.083 Impounding Vehicles on Public Property. (Amended)  
303.10 Leaving Junk Vehicles on Private Property with Permission of Owner. (Amended)  
305.03 Permit Required for Traffic Signal on State Route. (Amended)

- 313.02 Through Highways; Stop and Yield Right-of-Way Signs. (Amended)
- 313.03 Traffic Signal Indications. (Amended)
- 313.04 Lane-Use Control Signal Indications. (Amended)
- 313.09 Driver's Duties Upon Approaching Ambiguous or Non-Working Traffic Signal. (Amended)
- 313.10 Unlawful Purchase, Possession or Sale. (Amended)
- 313.11 Portable Signal Preemption Devices Prohibited. (Amended)
- 313.12 Bicycle Symbol Signal Indications. (Added)
- 331.33 Obstructing Intersection, Crosswalk or Grade Crossing. (Amended)
- 331.35 Occupying Travel Trailer, Fifth Wheel Vehicle, or Manufactured or Mobile Home While in Motion. (Amended)
- 331.382 Stopping for School Bus; Discharging Children. (Amended)
- 333.01 Driving or Physical Control While Under the Influence. (Amended)
- 333.03 Maximum Speed Limits; Assured Clear Distance Ahead. (Amended)
- 333.07 Street Racing, Stunt Driving and Street Takeovers Prohibited. (Amended)
- 333.11 Electronic Wireless Communication Device Use Prohibited While Driving. (Amended)
- 335.04 Certain Acts Prohibited. (Amended)
- 335.072 Driving Under Financial Responsibility Law Suspension or Cancellation; Driving Under a Nonpayment of Judgment Suspension. (Amended)
- 335.074 Driving Under License Forfeiture or Child Support Suspension. (Amended)
- 335.09 Display of License Plates or Validation Stickers; Registration. (Amended)
- 337.24 Motor Vehicle Stop Lights. (Amended)
- 337.26 Child Restraint System Usage. (Amended)
- 341.01 Commercial Drivers Definitions. (Amended)
- 351.03 Prohibited Standing or Parking Places. (Amended)
- 371.01 Right of Way in Crosswalk. (Amended)
- 371.03 Crossing Roadway Outside Crosswalk; Diagonal Crossings at Intersections. (Amended)
- 371.11 Persons Operating Motorized Wheelchairs. (Deleted)
- 371.12 Electric Personal Assistive Mobility Devices. (Amended)

### **General Offenses Code**

- 513.01 Drug Abuse Control Definitions. (Amended)
- 513.02 Gift of Marihuana. (Amended)
- 513.03 Drug Abuse; Controlled Substance Possession or Use. (Amended)
- 513.04 Possessing Drug Abuse Instruments. (Amended)
- 513.05 Permitting Drug Abuse. (Amended)
- 513.07 Possessing or Using Harmful Intoxicants. (Amended)
- 513.08 Illegally Dispensing Drug Samples. (Amended)
- 513.12 Drug Paraphernalia. (Amended)
- 513.16 Pseudoephedrine Sales. (Added)
- 525.05 Failure to Report a Crime, Injury or Knowledge of Death. (Amended)
- 533.01 Obscenity and Sex Offenses Definitions. (Amended)
- 533.03 Unlawful Sexual Conduct with a Minor. (Amended)
- 533.04 Sexual Imposition. (Amended)
- 533.17 Grooming. (Added)
- 537.02 Vehicular Homicide and Manslaughter. (Amended)
- 537.021 Vehicular Assault in a Construction Zone. (Amended)
- 537.14 Domestic Violence. (Amended)
- 537.16 Illegal Distribution of Cigarettes, Other Tobacco Products, or Alternative Nicotine Products; Transaction Scans. (Amended)
- 537.20 Illegal Use of a Tracking Device or Application. (Added)

- 545.01 Theft and Fraud Definitions. (Amended)
- 545.05 Misdemeanor Theft. (Amended)
- 549.13 Concealed Handgun Licenses; Possession of Revoked or Suspended License; Additional Restrictions; Posting Signs Prohibiting Possession. (Amended)

3. That the complete text of the sections listed above are set forth in full in the current replacement pages to the Codified Ordinances which are hereby attached to this ordinance as Exhibit A. Any summary publication of this ordinance shall include a complete listing of these sections. Notice of adoption of each new section by reference to its title shall constitute sufficient publication of new matter contained therein.

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 November 6, 2025 and November 20, 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 20, 2025**

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**ORDINANCES (SECOND OF TWO READINGS AND ENACTMENT AS AN EMERGENCY)**

**ORDINANCE NO. O – 11 – 25 – 30**

**AN ORDINANCE DECLARING THE NECESSITY AND APPROPRIATING CERTAIN INTERESTS IN REAL PROPERTY FOR THE HOKE ROAD WIDENING PHASE 1 PROJECT; AUTHORIZING THE LAW DIRECTOR TO FILE PETITIONS FOR APPROPRIATION AND TO DEPOSIT THE VALUE OF THE TAKINGS AND DAMAGES; AND DECLARING AN EMERGENCY**

**WHEREAS:**

- 1.1. City Council finds that the public convenience and necessity require the construction of roadway improvements known as the Hoke Road Widening Phase 1 project within the City of Clayton, Montgomery County, Ohio.
- 1.2. The project necessitates the acquisition of permanent right-of-way interests and temporary construction easements over and across certain parcels located along Hoke Road, as more particularly described in the exhibits attached hereto.
- 1.3. Negotiations were undertaken in good faith with affected owners, but agreements could not be reached with all owners; and

**WHEREAS:**

- 2.1. It is hereby declared necessary and is ordered that the City appropriate the following interests:
  - (a) Permanent right-of-way in fee simple over the lands described in Exhibit A thru I; and
  - (b) Temporary construction easements for grading, seeding, driveway construction, and related work over the lands described in Exhibit A thru I, ending when the proposed work has been completed and accepted.
- 2.2. The interests appropriated are taken for public use and for the purpose of constructing, operating, and maintaining public roadway improvements.

2.3. Access Reservation. Grantors and their successors shall retain all existing rights of ingress and egress to and from any residue not taken, except as may be reasonably restricted during active construction for safety; and

**WHEREAS:**

3.1. The parcels are situated in the City of Clayton, Montgomery County, Ohio, identified by permanent parcel numbers and legal descriptions set forth in the attached exhibits:

- Exhibit A-[Parcel No. 03WD] (Permanent Right-of-Way) – Daniel G. Kamin Clayton LLC, a Delaware Limited Liability Company
- Exhibit B-[Parcel No. 011WD] (Permanent Right-of-Way) – Bradley A. Long
- Exhibit C-[Parcel No. 011T] (Temporary Easement) – Bradley A. Long
- Exhibit D-[Parcel No. 012WD] (Permanent Right-of-Way) – Russell D. Gebhart
- Exhibit E-[Parcel No. 012T] (Temporary Easement) – Russell D. Gebhart
- Exhibit F-[Parcel No. 016WD] (Permanent Right-of-Way) – Karen G. Balsbaugh
- Exhibit G-[Parcel No. 016T] (Temporary Easement) – Karen G. Balsbaugh
- Exhibit H-[Parcel No. 011WD] (Permanent Right-of-Way) – Jerry W. Seymour
- Exhibit I -[Parcel No. 011T] (Temporary Easement) – Jerry W. Seymour

3.2. The legal descriptions and drawings attached as Exhibits A through I are incorporated by reference and made a part of this Ordinance; and

**WHEREAS:**

4.1. The City has obtained appraisals and/or appraisal reviews of the interests to be acquired and the resulting damages, if any, to the residue.

4.2. The Law Director is authorized and directed to tender just compensation to affected owners consistent with the approved appraisals and to continue good-faith negotiations.

4.3. If agreement cannot be reached, the Law Director is authorized to file petitions for appropriation in the appropriate court and to deposit with the court the amount of the City's valuation of the property taken and any damages to the residue, all in accordance with Ohio law; and

**WHEREAS:**

5.1. The Law Director is authorized to prepare and file petitions for appropriation, to prosecute such actions to judgment, to make any necessary applications or motions, and to take such further actions as are reasonably necessary to acquire the interests described herein; and

**WHEREAS:**

6.1. Upon deposit or as otherwise provided by law, the City and its contractors may enter upon the areas to be appropriated for purposes of construction, subject to any court orders and statutory requirements; and

**WHEREAS:**

7.1. This Ordinance is adopted pursuant to the City of Clayton Charter and the laws of the State of Ohio governing municipal appropriations of property for public purposes; and

**WHEREAS:**

8.1. This Ordinance shall operate as an exception to any ordinance, resolution, or legislation of the City of Clayton that is inconsistent herewith or imposes additional requirements for effectiveness or validity, and such prior enactments are superseded to the extent of conflict; and

**WHEREAS;**

9.1. Readings. This Ordinance shall be read on two different days in accordance with Charter Section 4.031 unless duly dispensed with by the requisite vote; and

**WHEREAS;**

10.1. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare, in order to timely commence and complete the Hoke Road Widening Phase 1 project and to avoid increased costs and risks to the traveling public.

10.2. This Ordinance shall take effect immediately upon its adoption by the affirmative vote of at least five Council members.

ADOPTED BY COUNCIL ON NOVEMBER 20, 2025.

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**NEW BUSINESS**

**ORDINANCES (FIRST OF TWO READINGS)**

**ORDINANCE NO. O – 11 – 25 – 31**

**AN ORDINANCE AUTHORIZING THE CREATION OF THREE INCENTIVE DISTRICTS IN CONNECTION WITH THE HUNTER’S PATH DEVELOPMENT WITHIN THE CITY OF CLAYTON, OHIO; DECLARING IMPROVEMENTS TO CERTAIN REAL PROPERTY WITHIN SUCH INCENTIVE DISTRICTS TO BE A PUBLIC PURPOSE; DESCRIBING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE TO BENEFIT OR SERVE THE REAL PROPERTY WITHIN SUCH INCENTIVE DISTRICTS; DECLARING SUCH PROPERTY TO BE EXEMPT FROM REAL PROPERTY TAXATION; REQUIRING ANNUAL SERVICE PAYMENTS IN LIEU OF TAXES; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND; AND PROVIDING RELATED AUTHORIZATIONS PURSUANT TO OHIO REVISED CODE SECTIONS 5709.40(C), 5709.42, 5709.43, 5709.832 AND 5709.85**

WHEREAS, Division (C) of Ohio Revised Code Section (“**R.C.**”) 5709.40 provides that this Council (the “**Council**”) for the City of Clayton, Ohio (the “**City**”) may, under certain circumstances, (i) create one or more incentive districts for parcels of real property located in the City, (ii) declare as “improvements,” which term is defined in Division (A)(4) of R.C. 5709.40, to such parcels of real property located in such incentive districts to be a public purpose, thereby granting to those improvements an exemption from real property taxation, (iii) designate the public infrastructure improvements made, to be made, or in the process of being made that benefit or serve, or, once made, will benefit or serve parcels in such incentive districts, and (iv) require annual

service payments in lieu of taxes to be used to finance the designated public infrastructure improvements within such incentive districts; and,

WHEREAS, pursuant to Division (C)(4) of R.C. 5709.40, such exemption may be for up to ten (10) years and up to seventy-five percent (75%) of the increase in the assessed value of any real property in such incentive district that would first appear on the tax list and duplicate of real and public utility property after the effective date of an ordinance adopted under R.C. 5709.40 were it not for the exemption granted by that ordinance (an “**Improvement**”); and,

WHEREAS, the real property described in **EXHIBIT A** attached hereto and incorporated herein by reference (the “**Property**”) is located in the City, with each parcel of the Property referred to herein as a “**Parcel**” (whether as presently appearing on Montgomery County tax duplicates or as subdivided or combined and appearing on future tax duplicates); and,

WHEREAS, in connection with the construction of the Project, Council has, pursuant to Ordinance No. O-08-25-23, duly passed on August 21, 2025, authorized the execution of a tax increment financing agreement (the “**TIF Agreement**”) between the City and the Developer (as such term is defined herein) providing for the construction, and for the financing, of the Project, as defined herein and in the TIF Agreement, subject to the passage of this ordinance; and,

WHEREAS, the TIF Agreement contemplates that, pursuant to Division (C) of R.C. 5709.40, this Council would authorize the creation of three incentive districts comprised of the Property (the “**Hunter’s Path Incentive District No. 3**”, “**Hunter’s Path Incentive District No. 4**” and “**Hunter’s Path Incentive District No. 5**”); and,

WHEREAS, as required by Division (A)(5)(f) of R.C. 5709.40, the City Engineer has certified to this Council that (i) the acreage of each of the three incentive districts is less than 300 acres in size, (ii) each incentive district is enclosed by a continuous boundary, and (iii) the existing public infrastructure is inadequate to meet the residential, commercial or industrial development needs of the incentive districts, as evidenced by the City’s written economic development plan, which is on file with the Clerk of the Council; and,

WHEREAS, pursuant to Division (C)(4) of R.C. 5709.40, this Council has determined to grant the TIF Exemption (as defined herein) from real estate taxation for all Improvements to the Property within the Hunter’s Path Incentive District No. 3, Hunter’s Path Incentive District No. 4 and Hunter’s Path Incentive District No. 5 for seventy-five percent (75%) of such Improvements for ten (10) years; and,

WHEREAS, this Council (i) has determined that it is necessary and appropriate and in the best interests of the City to provide for annual service payments in lieu of real property taxes with respect to the Property pursuant to R.C. 5709.42 and (ii) desires to facilitate the construction of the public infrastructure improvements described in **EXHIBIT B** attached hereto and incorporated herein by reference (the “**Public Infrastructure Improvements**”), which said Public Infrastructure Improvements, once made, will benefit or serve the Project; and,

WHEREAS, Hunters Path Project I, LLC or its designee (the “**Company**” or “**Developer**”) proposes to develop the Property by constructing or causing to be constructed via a third-party home builder, within Hunter’s Path Incentive District No. 3, Hunter’s Path Incentive District No. 4 and Hunter’s Path Incentive District No. 5, aggregating approximately 97 single-family residential units (the “**Project**”), which Project places additional demand on the Public Infrastructure Improvements; and,

WHEREAS, as authorized by R.C. 5709.91 and as provided in the TIF Agreement, the City intends to require the owner or owners of each Parcel to make minimum service payments on or before the final dates for payment of real property taxes, in accordance with the TIF Agreement; and,

WHEREAS, notice of this proposed ordinance has been delivered to the Boards of Education of the Northmont City School District (“**Northmont City Schools**”) and the Miami Valley Career Technology Center (“**Miami Valley Career Tech**,” and together with Northmont City Schools, the “**School Districts**”) pursuant to R.C. 5709.40(D) and R.C. 5709.83; and,

WHEREAS, this Council acknowledges that it has received an affirmative statement from the owners of all the Parcels (i.e., 100% of the Property) located within the Hunter’s Path Incentive District No. 3, Hunter’s Path Incentive District No. 4 and Hunter’s Path Incentive District No. 5 (i) agreeing to apply for their own exemptions from taxation under R.C. 5709.911, (ii) otherwise waiving the notice and public hearing requirements set forth in Division (C)(2)(a) of R.C. 5709.40 with respect to all of the Property, (iii) affirming that the owners thereof have no intention of excluding any of the Property from the Hunter’s Path Incentive District No. 3, Hunter’s Path Incentive District No. 4 and Hunter’s Path Incentive District No. 5, and (iv) requesting that this Council proceed with the enactment of this ordinance; and,

NOW, THEREFORE, be it ordained by the legislative authority of the Municipality of Clayton, Montgomery County, Ohio, that:

Section 1. Creation of Hunter’s Path Incentive District No. 3, Hunter’s Path Incentive District No. 4 and Hunter’s Path Incentive District No. 5. Pursuant to Division (C) of R.C. 5709.40, this Council hereby creates the Hunter’s Path Incentive District No. 3, Hunter’s Path Incentive District No. 4 and Hunter’s Path Incentive District No. 5, which consist of the Parcel specifically identified and depicted in Exhibit A attached hereto, and further declares that the Improvements to the Property located in the incentive districts are a public purpose.

Section 2. Authorization of TIF Exemption. Under Division (C) of R.C. 5709.40, this Council hereby exempts from taxation seventy-five percent (75%) of the Improvement as a public purpose for a period of ten (10) years (the “**TIF Exemption**”). The TIF Exemption with respect to all Property in the incentive districts shall commence on separate dates for each incentive district with the first day of the tax year following the effective date of this ordinance and for which an Improvement on any Parcel in each respective incentive district would have first appeared on the tax list and duplicate of real and public utility property were it not for the exemption granted by this ordinance (the “**Commencement Date**”), and in all cases, the incentive districts and the TIF Exemption for the Property and Improvements located within each incentive district shall end with respect to all Property in such incentive district on the date that is the earlier of (a) ten years after the Commencement Date for such incentive district or (b) the date on which the City can no longer require service payments in lieu of taxes, either by law, or because the costs of all Public Infrastructure Improvements are paid for, all in accordance with the requirements of R.C. 5709.40, R.C. 5709.42, and R.C. 5709.43.

Section 3. Service Payments and Property Tax Rollback Payments. As provided in R.C. 5709.42, this Council hereby directs and requires each owner of a Parcel within the respective incentive districts (each, an “**Owner**”) to make annual service payments in lieu of taxes with respect to the Improvement allocable to each such Owner’s Parcel to the County Treasurer of Montgomery County, Ohio (the “**County Treasurer**”) on or before the final dates for payment of

real property taxes. Each service payment in lieu of taxes, including any penalties and interest at the then-current rate established under R.C. 323.121 and R.C. 5703.47, will be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and payable against the Improvement if it were not subject to the TIF Exemption. Such service payments in lieu of taxes, penalties and interest, and any other payments with respect to each Improvement that are received by the County Treasurer in connection with the reduction required by R.C. 319.302, R.C. 321.24, R.C. 323.152 and R.C. 323.156, as the same may be amended from time-to-time, or any successor provisions, as the same may be amended from time-to-time (the “**Property Tax Rollback Payments**,” and together with the annual service payments in lieu of taxes and penalties and interest described above, the “**Service Payments**”), will be allocated and distributed in accordance with Section 5 of this ordinance.

Section 4. Creation of TIF Fund. This Council hereby establishes, pursuant to and in accordance with the provisions of R.C. 5709.43, the Hunter’s Path II Municipal Public Improvement Tax Increment Equivalent Fund (the “**TIF Fund**”), into which shall be deposited all of the Service Payments distributed to the City with respect to the Improvements to Parcels of the Property by or on behalf of the County Treasurer, as provided in R.C. 5709.42. The City may use amounts deposited into the TIF Fund to pay any costs associated with the Public Infrastructure Improvements approved by the City, including, but not limited to, the “**costs of permanent improvements**” described in Division (B) of R.C. 133.15. The TIF Fund will be maintained in the custody of the City and will exist so long as such Service Payments and minimum service payments are collected and used for the purposes described in this Section 4. Then the TIF Fund is to be dissolved and any surplus funds remaining in the TIF Fund will be transferred to the City’s general fund, all as set forth under Division (D) of R.C. Section 5709.43.

Section 5. Distribution of Funds. At the same time and in the same manner as real property tax distributions, the County Treasurer shall distribute the Service Payments to the City to be deposited in the TIF Fund, and the City shall then distribute the Service Payments as follows:

FIRST, unless so distributed by the County Treasurer or the County Auditor of Montgomery County, Ohio (the “**County Auditor**”), to compensate each appropriate taxing authority, in an amount equal to the amount of taxes each such authority would have received had this ordinance not been adopted, as to renewal levies with an increase, replacement levies, or additional levies, as appropriate, all as are described under Division (F) of R.C. 5709.40; and,; and

SECOND, to be deposited into the TIF Fund and then distributed according to the terms and conditions of this Section 5 and the TIF Agreement.

The City shall then distribute Service Payments on deposit in the TIF Fund in accordance with the TIF Agreement to pay or reimburse the Developer or its designee for the costs of the Public Infrastructure Improvements constructed or caused by the Developer or its designee to be constructed, according to the terms and conditions of the TIF Agreement. The Service Payments are hereby directed one hundred percent (100%) to general public infrastructure improvements, as they comprise the Public Infrastructure Improvements set forth herein. The TIF Fund is to remain in existence so long as such Service Payments and Property Tax Rollback Payments are collected and used for the aforesaid purposes, after which time the TIF Fund is to be dissolved and any

surplus funds remaining therein are to be transferred to the City's General Fund, all in accordance with R.C. 5709.43.

Section 6. Further Authorizations. This Council hereby authorizes and directs the Interim City Manager, City Manager, as applicable, Finance Director, City Attorney, and other appropriate officers of the City to take all actions, including the execution of all documents or amendments, to provide such information and certifications and execute and deliver or accept delivery of such instruments, as are necessary to establish the TIF Exemption and to implement this ordinance and the TIF Agreement and administer the TIF Fund, as not substantially inconsistent with this ordinance.

Section 7. Tax Incentive Review Council. This Council hereby designates the Montgomery County Tax Incentive Review Council (the "TIRC") as the tax incentive review council that shall review annually all exemptions from taxation resulting from this ordinance and any other matters as may properly come before the TIRC, in accordance with R.C. 5709.85.

Section 8. Nondiscriminatory Hiring Practices. In accordance with R.C. 5709.832, this Council hereby determines that no employer located within the incentive districts is to deny any individual employment based on considerations of race, religion, sex, disability, color, national origin, or ancestry.

Section 9. Ohio Department of Development. Pursuant to Division (I) of R.C. 5709.40, the Interim City Manager or City Manager, as applicable, is hereby directed to deliver a copy of this ordinance to the Director of the Ohio Department of Development ("ODOD") within fifteen (15) days after its passage. On or before March 31 of each year that the TIF Exemption remains in effect, the Interim City Manager or City Manager, as applicable, or other authorized officer of this City shall prepare and submit, or cause to be prepared and submitted, to the Director of ODOD the status report required under Division (I) of R.C. 5709.40.

Section 10. 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 11. Effective Date. This ordinance shall take effect and be in full force from and after the earliest period allowed by law.

**ADOPTED BY COUNCIL ON DECEMBER 4, 2025**

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**ORDINANCE NO. O – 11 – 25 – 32**

**AN ORDINANCE AUTHORIZING THE CREATION OF TWO INCENTIVE DISTRICTS IN CONNECTION WITH THE NORTHWOODS ESTATES DEVELOPMENT WITHIN THE CITY OF CLAYTON, OHIO; DECLARING IMPROVEMENTS TO CERTAIN REAL PROPERTY WITHIN SUCH INCENTIVE DISTRICTS TO BE A PUBLIC PURPOSE; DESCRIBING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE TO BENEFIT OR SERVE THE REAL PROPERTY WITHIN SUCH INCENTIVE DISTRICTS; DECLARING SUCH PROPERTY TO BE EXEMPT FROM REAL PROPERTY TAXATION; REQUIRING ANNUAL SERVICE PAYMENTS IN LIEU OF TAXES; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND; AND PROVIDING RELATED AUTHORIZATIONS PURSUANT TO OHIO REVISED CODE SECTIONS 5709.40(C), 5709.42, 5709.43, 5709.832 AND 5709.85**

WHEREAS, Division (C) of Ohio Revised Code Section (“**R.C.**”) 5709.40 provides that this Council (the “**Council**”) for the City of Clayton, Ohio (the “**City**”) may, under certain circumstances, (i) create one or more incentive districts for parcels of real property located in the City, (ii) declare as “improvements,” which term is defined in Division (A)(4) of R.C. 5709.40, to such parcels of real property located in such incentive districts to be a public purpose, thereby granting to those improvements an exemption from real property taxation, (iii) designate the public infrastructure improvements made, to be made, or in the process of being made that benefit or serve, or, once made, will benefit or serve parcels in such incentive districts, and (iv) require annual service payments in lieu of taxes to be used to finance the designated public infrastructure improvements within such incentive districts; and,

WHEREAS, pursuant to Division (C)(4) of R.C. 5709.40, such exemption may be for up to ten (10) years and up to seventy-five percent (75%) of the increase in the assessed value of any real property in such incentive district that would first appear on the tax list and duplicate of real and public utility property after the effective date of an ordinance adopted under R.C. 5709.40 were it not for the exemption granted by that ordinance (an “**Improvement**”); and,

WHEREAS, the real property described in **EXHIBIT A** attached hereto and incorporated herein by reference (the “**Property**”) is located in the City, with each parcel of the Property referred to herein as a “**Parcel**” (whether as presently appearing on Montgomery County tax duplicates or as subdivided or combined and appearing on future tax duplicates); and,

WHEREAS, Oakes Tree Development, LLC, an Ohio limited liability company, or its designated affiliate (the “**Company**” or “**Developer**”) proposes to develop the Property by constructing approximately 58 single family residential units, together with related site improvements (the “**Project**”), which Project places additional demand on the Public Infrastructure Improvements, defined below; and,

WHEREAS, pursuant to Division (C) of R.C. 5709.40, this Council desires to create two incentive districts on the Parcel comprising the Project (the “**National and Haber Incentive District No. 1**” and “**National and Haber Incentive District No. 2**”); and,

WHEREAS, as required by Division (A)(5)(f) of R.C. 5709.40, the City Engineer has certified to this Council that (i) the acreage of each of the two incentive districts is less than 300 acres in size, (ii) each incentive district is enclosed by a continuous boundary, and (iii) the existing public infrastructure is inadequate to meet the residential, commercial or industrial development needs of the incentive districts, as evidenced by the City's written economic development plan, which is on file with the Clerk of the Council; and,

WHEREAS, pursuant to Division (C)(4) of R.C. 5709.40, this Council has determined to grant the TIF Exemption (as defined herein) from real estate taxation for all Improvements to the Property within the National and Haber Incentive District No. 1 and National and Haber Incentive District No. 2 for seventy-five percent (75%) of such Improvements for ten (10) years; and,

WHEREAS, this Council (i) has determined that it is necessary and appropriate and in the best interests of the City to provide for annual service payments in lieu of real property taxes with respect to the Property pursuant to R.C. 5709.42 and (ii) desires to facilitate the construction of the public infrastructure improvements described in **EXHIBIT B** attached hereto and incorporated herein by reference (the "**Public Infrastructure Improvements**"); and,

WHEREAS, in connection with the construction of the Project, the City and the Developer desire to execute a tax increment financing agreement substantially in the form attached hereto and incorporated herein as **EXHIBIT C** (the "**TIF Agreement**"), which TIF Agreement provides for the construction of the Project and for the financing of the Public Infrastructure Improvements, as defined herein and in the TIF Agreement; and,

WHEREAS, notice of this proposed ordinance has been delivered to the Boards of Education of the Northmont City School District ("**Northmont City Schools**") and the Miami Valley Career Technology Center ("**Miami Valley Career Tech**," and together with Northmont City Schools, the "**School Districts**") pursuant to R.C. 5709.40(D) and R.C. 5709.83; and,

WHEREAS, this Council acknowledges that it has received an affirmative statement from the owners of all the Parcels (i.e., 100% of the Property) located within the National and Haber Incentive District No. 1 and National and Haber Incentive District No. 2 (i) agreeing to apply for their own exemptions from taxation under R.C. 5709.911, (ii) otherwise waiving the notice and public hearing requirements set forth in Division (C)(2)(a) of R.C. 5709.40 with respect to all of the Property, (iii) affirming that the owners thereof have no intention of excluding any of the Property from the National and Haber Incentive District No. 1 and National and Haber Incentive District No. 2, and (iv) requesting that this Council proceed with the enactment of this ordinance.

NOW, THEREFORE, be it ordained by the legislative authority of the Municipality of Clayton, Montgomery County, Ohio, that:

Section 1. Creation of Incentive District. Pursuant to Division (C) of R.C. 5709.40, this Council hereby creates the National and Haber Incentive District No. 1 and National and Haber Incentive District No. 2, which consists of the Parcel specifically identified and depicted in Exhibit A attached hereto, and further declares that the Improvements to the Property located in the incentive districts are a public purpose.

Section 2. Authorization of TIF Exemption. Under Division (C) of R.C. 5709.40, this Council hereby exempts from taxation seventy-five percent (75%) of the Improvement as a public purpose for a period of ten (10) years (the "**TIF Exemption**"). The TIF Exemption with respect to all Property in the incentive districts shall commence on separate dates for each incentive district

with the first day of the tax year following the effective date of this ordinance and for which an Improvement on any Parcel in each respective incentive district would have first appeared on the tax list and duplicate of real and public utility property were it not for the exemption granted by this ordinance (the “**Commencement Date**”), and in all cases, the incentive districts and the TIF Exemption for the Property and Improvements located within each incentive district shall end with respect to all Property in such incentive district on the date that is the earlier of (a) ten years after the Commencement Date for such incentive district or (b) the date on which the City can no longer require service payments in lieu of taxes, either by law, or because the costs of all Public Infrastructure Improvements are paid for, all in accordance with the requirements of R.C. 5709.40, R.C. 5709.42, and R.C. 5709.43.

Section 3. Service Payments and Property Tax Rollback Payments. As provided in R.C. 5709.42, this Council hereby directs and requires each owner of a Parcel within the respective incentive districts (each, an “**Owner**”) to make annual service payments in lieu of taxes with respect to the Improvement allocable to each such Owner’s Parcel to the County Treasurer of Montgomery County, Ohio (the “**County Treasurer**”) on or before the final dates for payment of real property taxes. Each service payment in lieu of taxes, including any penalties and interest at the then-current rate established under R.C. 323.121 and R.C. 5703.47, will be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and payable against the Improvement if it were not subject to the TIF Exemption. Such service payments in lieu of taxes, penalties and interest, and any other payments with respect to each Improvement that are received by the County Treasurer in connection with the reduction required by R.C. 319.302, R.C. 321.24, R.C. 323.152 and R.C. 323.156, as the same may be amended from time-to-time, or any successor provisions, as the same may be amended from time-to-time (the “**Property Tax Rollback Payments**,” and together with the annual service payments in lieu of taxes and penalties and interest described above, the “**Service Payments**”), will be allocated and distributed in accordance with Section 5 of this ordinance.

Section 4. Creation of TIF Fund. This Council hereby establishes, pursuant to and in accordance with the provisions of R.C. 5709.43, the National and Haber Municipal Public Improvement Tax Increment Equivalent Fund (the “**TIF Fund**”), into which shall be deposited all of the Service Payments distributed to the City with respect to the Improvements to Parcels of the Property by or on behalf of the County Treasurer, as provided in R.C. 5709.42. The City may use amounts deposited into the TIF Fund to pay any costs associated with the Public Infrastructure Improvements approved by the City, including, but not limited to, the “**costs of permanent improvements**” described in Division (B) of R.C. 133.15. The TIF Fund will be maintained in the custody of the City and will exist so long as such Service Payments are collected and used for the purposes described in this Section 4. Then the TIF Fund is to be dissolved and any surplus funds remaining in the TIF Fund will be transferred to the City’s general fund, all as set forth under Division (D) of R.C. Section 5709.43.

Section 5. Distribution of Funds. At the same time and in the same manner as real property tax distributions, the County Treasurer shall distribute the Service Payments to the City to be deposited in the TIF Fund, and the City shall then distribute the Service Payments as follows:

FIRST, unless so distributed by the County Treasurer or the County Auditor of Montgomery County, Ohio (the “**County Auditor**”), to compensate each appropriate taxing authority, in an amount equal to the amount of taxes each such authority would have

received had this ordinance not been adopted, as to renewal levies with an increase, replacement levies, or additional levies, as appropriate, all as are described under Division (F) of R.C. 5709.40; and,

SECOND, to be deposited into the TIF Fund and then distributed according to the terms and conditions of this Section 5 and the TIF Agreement.

The City shall then distribute Service Payments on deposit in the TIF Fund in accordance with the TIF Agreement to pay or reimburse the Developer or its designee for the costs of the Public Infrastructure Improvements constructed or caused by the Developer or its designee to be constructed, according to the terms and conditions of the TIF Agreement. The Service Payments are hereby directed one hundred percent (100%) to general public infrastructure improvements, as they comprise the Public Infrastructure Improvements set forth herein. The TIF Fund is to remain in existence so long as such Service Payments and Property Tax Rollback Payments are collected and used for the aforesaid purposes, after which time the TIF Fund is to be dissolved and any surplus funds remaining therein are to be transferred to the City's General Fund, all in accordance with R.C. 5709.43.

Section 6. TIF Agreement and Further Authorizations. This Council hereby approves the TIF Agreement, with any changes that are not inconsistent with this ordinance and not substantially adverse to the City and which shall be conclusively evidenced by the signing of the TIF Agreement by the Interim City Manager or City Manager, as applicable, to which this Council further hereby authorizes execution on behalf of the City. The City Manager, Finance Director, the City Attorney, and other appropriate officers of the City are hereby authorized and directed to take all actions, including the execution of all documents or amendments, to provide such information and certifications and execute and deliver or accept delivery of such instruments, as are necessary to establish the TIF Exemption and to implement this ordinance and the TIF Agreement and administer the TIF Fund, and not substantially inconsistent with this ordinance.

Section 7. Tax Incentive Review Council. This Council hereby designates the Montgomery County Tax Incentive Review Council (the "TIRC") as the tax incentive review council that shall review annually all exemptions from taxation resulting from this ordinance and any other matters as may properly come before the TIRC, in accordance with R.C. 5709.85.

Section 8. Nondiscriminatory Hiring Practices. In accordance with R.C. 5709.832, this Council hereby determines that no employer located within the incentive districts is to deny any individual employment based on considerations of race, religion, sex, disability, color, national origin, or ancestry.

Section 9. Ohio Department of Development. Pursuant to Division (I) of R.C. 5709.40, the City Manager is hereby directed to deliver a copy of this ordinance to the Director of the Ohio Department of Development ("ODOD") within fifteen (15) days after its passage. On or before March 31 of each year that the TIF Exemption remains in effect, the City Manager or other authorized officer of this City shall prepare and submit, or cause to be prepared and submitted, to the Director of ODOD the status report required under Division (I) of R.C. 5709.40.

Section 10. 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 11. Effective Date. This ordinance shall take effect and be in full force from and after the earliest period allowed by law.

**ADOPTED BY COUNCIL ON DECEMBER 4, 2025**

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## **ORDINANCE NO. O – 11 – 25 – 33**

### **AN ORDINANCE ADOPTING AND IMPLEMENTING THE CITY OF CLAYTON CYBER SECURITY POLICY; AUTHORIZING RELATED ADMINISTRATIVE PROCEDURES; PROVIDING FOR PUBLICATION AND POSTING; AND SUPERSEDING PRIOR INCONSISTENT ORDINANCES, RESOLUTIONS, AND POLICIES**

1. Title and Authority
  - 1.1. This Ordinance is adopted pursuant to the Charter of the City of Clayton, Ohio (the Charter), which empowers Council to define duties and set terms for positions by ordinance, to adopt administrative policies governing the operation of the City, and to provide for emergency measures and publication.
  - 1.2. Council finds it necessary to formally adopt a comprehensive Cyber Security Policy to safeguard the City's information systems, protect sensitive data, ensure continuity of public services, and mitigate operational, financial, and legal risk.
2. Adoption of Cyber Security Policy
  - 2.1. Council hereby adopts the City of Clayton Cyber Security Policy (the Policy) as set forth in the document titled "City of Clayton Cyber Security Policy," attached hereto as Exhibit A and incorporated herein by reference.
3. Applicability; Compliance
  - 3.1. The Policy applies to all City departments, officers, employees, contract personnel, volunteers, and third parties with authorized access to City information systems, networks, devices, applications, or data.
  - 3.2. The City Manager, or designee, shall ensure organizational compliance with the Policy and shall promulgate administrative procedures, standards, and guidelines necessary to implement the Policy, including user access controls, incident response protocols, business continuity and disaster recovery procedures, vendor and third-party risk management, data classification and retention standards, acceptable use, and training.
  - 3.3. All personnel and third parties within scope shall comply with the Policy and related procedures as a condition of access to City systems and data.
4. Incident Response; Notification
  - 4.1. The City shall maintain an Incident Response Plan (IRP) aligned with the Policy, defining detection, escalation, containment, eradication, recovery, and post-incident review.

5. Data Governance; Records; Privacy
  - 5.1. The Policy shall align with applicable public records, records retention schedules, and privacy obligations.
6. Superseding Clause
  - 6.1. This Ordinance and the Policy supersede any prior ordinances, resolutions, rules, or policies of the City to the extent they are inconsistent with the provisions herein or in the Policy.
7. Readings; Effective Date
  - 7.1. Readings. This Ordinance shall be read on two different days in accordance with Charter Section 4.031 unless duly dispensed with by the requisite vote.
  - 7.2. Effective Date. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and the Charter of the City of Clayton.
8. Administrative Authority; Non-Substantive Updates
  - 8.1. The City Manager, in consultation with the Law Director and IT, is authorized to issue and update administrative procedures and standards to implement the Policy. Non-substantive updates that do not materially alter the rights or obligations established by the Policy may be approved administratively. Material amendments to the Policy shall be submitted to Council for approval.
9. Severability
  - 9.1. If any provision of this Ordinance or the Policy is held invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining provisions, which shall continue in full force and effect, and to this end the provisions are declared severable.
10. Authentication; Approval as to Form
  - 10.1. This Ordinance shall be authenticated by the signatures of the Mayor and Clerk of Council.
  - 10.2. The Law Director shall approve this Ordinance and Exhibit A as to form.