

CITY OF CLAYTON, OHIO

RESOLUTIONS AND ORDINANCES

December 4, 2025

OLD BUSINESS

ORDINANCES (SECOND 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

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

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.

NEW BUSINESS

ORDINANCES (FIRST OF TWO READINGS)

ORDINANCE NO. O – 12 – 25 – 34

AN ORDINANCE ADOPTING THE 2026 JOB CATEGORIES AND WAGE SCALE FOR THE CITY OF CLAYTON, OHIO; ESTABLISHING CLASSIFICATIONS, PAY GRADES, AND COMPENSATION ADMINISTRATION

WHEREAS, The purpose of this Ordinance is to adopt and implement the 2026 Job Categories and Wage Scale for City of Clayton employees, to ensure competitive and equitable compensation, to align classifications with operational needs, and to provide for uniform administration consistent with applicable provisions of the Ohio Revised Code and the Clayton Codified Ordinances; and

WHEREAS, This Ordinance is enacted pursuant to the municipal home rule authority conferred by Article XVIII, Section 3 of the Ohio Constitution, applicable provisions of the Ohio Revised Code, and the Clayton Codified Ordinances authorizing Council to establish and fund positions, classifications; and compensation for municipal employees; and

WHEREAS, Council finds that:

- A staff report titled “Staff Report 2026 Job Categories and Wage Scale” was prepared and presented to Council and forms the basis for this action.
- The City has reviewed market conditions, internal equity, legal compliance, budgetary impacts, and operational requirements.
- Adoption of the 2026 scale promotes continuity of operations, recruitment and retention, fiscal responsibility, and compliance with applicable wage and hour requirements; and

WHEREAS, For purposes of this Ordinance:

3.1 “Job Category” means a grouping of related positions based on function, responsibility, and required qualifications (e.g., Administrative, Public Safety, Public Works, Professional/Technical, Seasonal/Temporary).

3.2 “Classification” means a distinct position title within a Job Category reflecting a defined scope of duties, minimum qualifications, and pay grade assignment (e.g., Finance Director, City Planner, Police Officer).

3.3 “Pay Grade” means a numeric or alphanumeric level in the compensation structure associated with a salary or hourly wage range, including minimum, midpoint, and maximum rates.

3.4 “Wage Scale” means the 2026 schedule of pay grades and corresponding rates adopted by this Ordinance, including rules for placement and movement within ranges.

3.5 “Exempt/Non-Exempt” refers to Fair Labor Standards Act (FLSA) exemption status.

3.6 “Step” means a defined progression point within a pay range, if steps are utilized.

3.7 “COLA” means cost-of-living adjustment; and

WHEREAS, The document entitled “Staff Report 2026 Job Categories and Wage Scale on file with the Clerk of Council, is adopted by reference as the City’s 2026 Job Categories and Wage Scale (the “2026 Wage Scale”), including:

- Job Categories and Classifications (titles and FLSA status);
- Pay Grade structure and the salary/hourly ranges for each grade;
- Step structure (if applicable), progression methodology, and effective rates;
- Position control and authorized headcount by department; and

4.2 Attachment. A copy of the 2026 Wage Scale, labeled “Exhibit A – 2026 Job Categories and Wage Scale,” is attached hereto and incorporated herein by reference.

4.3 Authority to Publish. The Clerk of Council is authorized to publish Exhibit A in summary form and to maintain the full exhibit for public inspection; and

WHEREAS, Implementation of the 2026 Wage Scale is contingent upon lawful appropriations adopted by Council. Department directors shall manage salary obligations within approved budgets.

5.2 Mid-Year Adjustments. The City Manager may recommend mid-year adjustments to address recruitment/retention, market shifts, or internal equity, subject to Council approval where required.

5.3 No Vested Rights. Placement within a range does not create a property interest in a particular rate or future increase. Prior tolerance of deviations does not create vested rights; and

WHEREAS, The City Manager is authorized to interpret and administer this Ordinance and Exhibit A, to issue implementing procedures consistent herewith, and to resolve ambiguities in a manner consistent with law and Council intent.

6.2 Recordkeeping. Human Resources shall maintain official classification specifications, pay ranges, FLSA determinations, and individual placement records, and shall provide reports to Council upon request.

6.3 Audit. The City reserves the right to audit compensation administration for compliance and equity and to take corrective action as necessary; and

WHEREAS, This Ordinance and the 2026 Wage Scale shall take effect on the first payroll period beginning on or after January 1, 2026, unless otherwise stated in Exhibit A.

7.2 Retroactivity. If Council determines retroactive effect is necessary to ensure continuity of pay, adjustments may be applied retroactively to January 1, 2026, as authorized in Exhibit A or a subsequent Council action; and

WHEREAS, If any provision of this Ordinance is held invalid or unenforceable, such invalidity shall not affect other provisions that can be given effect without the invalid provision, and to this end the provisions are severable; and

WHEREAS, All prior ordinances or resolutions, or parts thereof, that are inconsistent with this Ordinance or Exhibit A are hereby repealed or superseded to the extent of such inconsistency, effective as of the earliest period allowed by law following adoption and authentication.

Clerk's

Certification

The Clerk of Council is directed to certify the adoption of this Resolution, attest to its accuracy, and maintain it in the City's legislative records. The Clerk shall further provide copies to the Finance Director and all affected departments.

RESOLUTIONS (SINGLE READING AND IMMEDIATE ENACTMENT)

RESOLUTION NO. R – 12 – 25 – 79

**A RESOLUTION ADOPTING ANNUAL APPROPRIATIONS FOR
FISCAL YEAR 2026**

WHEREAS, This is a Resolution of the City Council of the City of Clayton, Ohio, adopting the Annual Appropriations for the fiscal year commencing January 1, 2026 and ending December 31, 2026, pursuant to applicable provisions of Ohio law, including Ohio Revised Code Chapters 5705 et seq., the City Charter, and the City of Clayton Codified Ordinances; and

WHEREAS, The Finance Director has prepared and submitted to Council the Staff Report – Annual Appropriations 2026 (the “Staff Report”), which sets forth recommended appropriations for all funds of the City for Fiscal Year 2026 in compliance with the Ohio Revised Code and applicable budgetary procedures.

2.2. Council has reviewed the Staff Report and finds it to be in the best interests of the City and consistent with the City's fiscal policies and legal requirements; and

WHEREAS, The Annual Appropriations for Fiscal Year 2026, by fund and program category as set forth in the Staff Report – Annual Appropriations 2026, are hereby adopted and incorporated by reference as if fully rewritten herein.

3.2. The Finance Director is authorized and directed to file the appropriations with the Montgomery County Budget Commission and to take all steps necessary to implement the appropriations in accordance with Ohio Revised Code Chapter 5705 and the City Charter.

3.3. Inter-fund transfers, advances, and reimbursements identified in the Staff Report are approved subject to compliance with applicable law and accounting standards, and may be effectuated by the Finance Director consistent with Council's intent herein; and

WHEREAS, The Finance Director shall administer these appropriations, monitor compliance, and maintain records demonstrating adherence to conditions stated herein.

4.2. The Finance Director shall provide periodic reports to Council regarding budget execution and any material variances, including any withholding of expenditures for noncompliance with zoning or code requirements.

4.3. Departments shall promptly notify the Finance Director of any suspected noncompliance that could affect appropriated expenditures; and

WHEREAS, Council may amend or supplement these appropriations as permitted by law to address changes in revenue, grants, operational needs, or legal requirements.

5.2. The Finance Director may process intra-fund or intra-departmental transfers within statutory and Charter limits, subject to subsequent Council ratification where required; and

WHEREAS, Nothing in this Resolution shall be interpreted to conflict with the Ohio Revised Code, the City Charter, or the City of Clayton Codified Ordinances.

6.2. If any provision of this Resolution is determined to be invalid or unenforceable, the remaining provisions shall continue in full force and effect.

Effective Date

This Resolution shall take effect and be in force at the earliest period allowed by law following adoption and authentication.

Clerk's Certification

The Clerk of Council is directed to certify the adoption of this Resolution, attest to its accuracy, and maintain it in the City's legislative records. The Clerk shall further provide copies to the Finance Director and all affected departments.

ADOPTED BY COUNCIL ON DECEMBER 4, 2025

RESOLUTION NO. R – 12 – 25 – 80

**A RESOLUTION AUTHORIZING THE FINANCE DIRECTOR TO REQUEST
THE COUNTY AUDITOR TO MAKE ADVANCE PAYMENTS INTO THE
CLAYTON ACCOUNT**

WHEREAS, O.R.C. Section 321.34 provides for advance payments by the county auditor to municipal corporations whose funds are derived from taxes or other sources payable by law to the county treasury, any money that may be in the county treasury to the account of the municipality, respectively and lawfully applicable to the purpose of the current fiscal year in which the request is made; and

WHEREAS, consistent with O.R.C. Section 321.34(A)(2)(b) it is the intent of the Clayton City Council to use the money for the purposes of the fiscal year in which the request is made.

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

1. That on and after the first business day in January 2026, the Finance Director is hereby authorized to request the Montgomery County Auditor to make an advance payment of any

moneys that may be in the Montgomery County Treasury to the account of Clayton, respectively and lawfully applicable to the purpose of the current fiscal year in which the request is made.

2. That, consistent with O.R.C. Section 321.34(A)(2)(b) it is the intent of the Clayton City Council to use the money for the purposes of the fiscal year in which the request is made.

ADOPTED BY COUNCIL ON DECEMBER 4, 2025
