

CITY OF CLAYTON, OHIO

RESOLUTIONS AND ORDINANCES

March 19, 2026

ORDINANCES (SECOND OF TWO READINGS)

ORDINANCE NO. O – 03 – 26 – 04

AN ORDINANCE FINDING GOOD CAUSE FOR VACATING FLOWER STREET OR PART THEREOF IN THE CITY OF CLAYTON, AND THAT SUCH VACATION WILL NOT BE DETRIMENTAL TO THE GENERAL INTEREST; FINDING THAT THE VACATION WAS PROPERLY NOTICED AS REQUIRED BY R.C. 723.06 AND 723.07; AND REQUIRING THAT THE ORIGINAL ORDINANCE OR A CERTIFIED COPY THEREOF SHALL BE RECORDED IN THE OFFICIAL RECORDS OF THE COUNTY RECORDER

Section 1 Vacation or Narrowing Initiated by Council (R.C. 723.05 and 723.06)

1.1 Authority. When, in the opinion of the Council, there is good cause for vacating or narrowing a Street, or any part thereof, and such action will not be detrimental to the general interest, the Council may, by ordinance and without petition, vacate or narrow such Street or part thereof.

1.2 Findings. Any ordinance adopted under this Section shall include findings that:

- (a) Good cause exists for the vacation and
- (b) The vacation or narrowing will not be detrimental to the general interest.

1.3 Description. The ordinance shall identify the Street or the portion thereof to be vacated or narrowed and shall attach a map and/or legal description as Exhibit A sufficient for recordation.

1.4 Notice. Unless written consent to the vacation is filed with the Council by all Abutting Owners of the portion proposed to be vacated, notice of the City's intention to vacate shall be given as provided in R.C. 723.07 and Section 2 of this Ordinance.

1.5 Title; Reversion; Effect of Vacation. Upon vacation of a public right-of-way, fee title to the vacated area shall vest as provided by law, generally in the abutting property owner(s) to the centerline, subject to existing easements and encumbrances of record. Nothing herein shall be construed to impair access rights of abutting owners except as expressly determined by Council on the record.

Section 2. Statutory Notice Requirements (R.C. 723.06 and 723.07)

2.1 Method of Notice.

- (a) Publication. Notice of the City's intention to vacate under Section 1 when required, shall be given by publishing such notice in a newspaper of general circulation in the City once a week for six consecutive weeks preceding action on the Petition or proposed ordinance.
- (b) Alternative Publication. In the alternative, notice may be provided as permitted by R.C. 7.16 for the same six-week period preceding action.

- (c) Posting if No Newspaper. Where no newspaper is of general circulation in the City, notice shall be given by posting the notice in three public places in the City for six weeks preceding action.

2.2 Content. The notice shall substantially state: (i) the pendency and prayer of the Petition, or the City's intention to vacate; (ii) the Street or portion affected; (iii) the time and place of the meeting at which action will be considered; and (iv) where the map/legal description may be inspected.

Section 3. Recordation (R.C. 723.05)

3.1 The original ordinance adopted under Sections 3, 4, or 5, or a certified copy thereof, shall be recorded in the official records of the Montgomery County Recorder.

3.2 The Clerk of Council is authorized and directed to cause such recordation promptly after adoption and to maintain a copy of the recorded instrument in the City's records.

Section 4. Administration

4.1 The City Manager, Law Director, Clerk of Council, and such other officers and employees as appropriate are authorized to implement this Ordinance, prepare forms, and take administrative actions consistent with this Ordinance and R.C. 723.05–723.07.

4.2 Fees [If Applicable]. Any application or Petition fees shall be as established by separate resolution or ordinance of Council.

Section 5. Severability

If any provision of this Ordinance is held invalid or unenforceable by a court of competent jurisdiction, such invalidity shall not affect the remaining provisions, which shall remain in full force and effect, and to this end the provisions of this Ordinance are declared to be severable.

Section 6. Repeal of Inconsistent Provisions

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 7. Effective Date

This Ordinance shall take effect and be in force from

ADOPTED BY COUNCIL ON MARCH 19, 2026

ORDINANCES (FIRST OF TWO READINGS)

ORDINANCE NO. O – PC – 26 – 01

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CLAYTON, OHIO, TO REZONE APPROXIMATELY 2.925 ACRES OF PARCEL M60 03005 0009, LOCATED AT 5123 SWEET POTATO RIDGE ROAD, FROM RCD-2 RURAL CONSERVATION DISTRICT TO RCD-1 RURAL CONSERVATION DISTRICT, SUBJECT TO SUBDIVISION AS INDICATED IN THE APPLICATION AND SUPPORTING MATERIALS, AND DECLARING AN EFFECTIVE DATE

WHEREAS, an application was submitted on January 16, 2026, requesting a zoning map amendment for a portion of parcel M60 03005 0009, commonly known as 5123 Sweet Potato Ridge Road, Clayton, Ohio; and

WHEREAS, the application seeks to rezone approximately 2.925 acres of said parcel from **RCD-2 Rural Conservation District** to **RCD-1 Rural Conservation District** in order to facilitate the division of the property into two parcels, consisting of approximately 2.925 acres for a single-family residential parcel and approximately 36.416 acres to remain in agricultural use; and

WHEREAS, the applicant represented that no change in actual use is presently intended, and that the requested rezoning is sought for asset protection and to align the smaller residential parcel with its intended single-family residential use; and

WHEREAS, pursuant to the City of Clayton Planning and Zoning Code, including Section 1141.10 concerning zoning map amendments, the matter was referred to the Planning Commission for public hearing and recommendation; and

WHEREAS, the Planning Commission conducted a public hearing on February 23, 2026, at which all persons desiring to be heard were afforded an opportunity to appear and be heard; and

WHEREAS, following said public hearing, the Planning Commission recommended approval of the requested rezoning, subject to the condition that the property be subdivided as indicated in the application, Staff Report PC26-01, and the supporting materials submitted therewith; and

WHEREAS, City Council has reviewed Staff Report PC26-01, the related attachments, including Attachment PC26-01 / Planning Commission Resolution, and the applicable provisions of the City of Clayton Planning and Zoning Code; and

WHEREAS, City Council finds that the proposed rezoning is consistent with the **PLAN Clayton Comprehensive Land Use Plan**, adopted by Ordinance O-04-18-08, which designates the area as **Agricultural** and contemplates farming activities and single-family residential use; and

WHEREAS, City Council further finds that the requested rezoning from RCD-2 to RCD-1 for the 2.925-acre portion of the parcel is consistent with the public health, safety, and welfare of the City and with the City's long-term land use planning objectives.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Clayton, Montgomery County, Ohio:

Section 1. Approval of Zoning Map Amendment

The Official Zoning Map of the City of Clayton, Ohio, is hereby amended to rezone approximately **2.925 acres** of parcel **M60 03005 0009**, located at **5123 Sweet Potato Ridge Road**, from **RCD-2 Rural Conservation District** to **RCD-1 Rural Conservation District**.

The real property subject to this rezoning is more particularly depicted and/or described in **Exhibit A**, attached hereto and incorporated herein by reference.

Section 2. Condition of Approval

This rezoning approval is expressly conditioned upon the subject property being **subdivided as indicated in the application, Staff Report PC26-01, and the supporting documents reviewed by the Planning Commission and City Council**, such that:

1. approximately **2.925 acres** shall constitute the parcel subject to the **RCD-1** zoning classification; and
2. the remaining approximately **36.416 acres** shall remain as agricultural property unless otherwise lawfully modified in the future.

No zoning map change authorized by this Ordinance shall be construed to approve a subdivision that is materially inconsistent with the application and supporting materials reviewed in connection with this rezoning request.

Section 3. Findings

City Council hereby finds and determines as follows:

1. The rezoning request was processed in accordance with the applicable procedural requirements of the City of Clayton Planning and Zoning Code, including public hearing and Planning Commission review.
2. The requested amendment is consistent with the City's adopted comprehensive planning policies, including the **PLAN Clayton Comprehensive Land Use Plan** designation of the area as **Agricultural**.
3. The proposed **RCD-1** classification for the 2.925-acre residential parcel is compatible with the stated use of a single-family home and is more restrictive than the existing **RCD-2** classification.
4. The remaining lands are intended to continue in agricultural use.
5. The amendment promotes clarity in land use regulation and is consistent with the public interest.

Section 4. Applicability of City Code

All development and use of the rezoned property shall remain subject to all applicable provisions of the City of Clayton Codified Ordinances and Planning and Zoning Code, including, without limitation:

1. **Section 1111.06**, Residential Districts Use Summary Table;
2. **Section 1111.05**, including any generally applicable development standards and cross-referenced standards in Chapter 1121;
3. **Chapter 1121**, Generally Applicable Standards;
4. **Chapter 1181**, Use Glossary; and
5. any other applicable subdivision, access, lot, frontage, permitting, or development requirements.

Nothing in this Ordinance shall be construed to authorize any use except as permitted or conditionally permitted in the **RCD-1 Rural Conservation District**, subject to all applicable approval requirements.

Section 5. Amendment to Official Zoning Map

The appropriate City officials are hereby authorized and directed to update the Official Zoning Map and related municipal records to reflect the zoning change approved by this Ordinance upon its effective date and in accordance with the condition set forth herein.

Section 6. Incorporation of Record

For legislative and administrative reference, the following are acknowledged as part of the record considered by City Council in enacting this Ordinance:

1. the rezoning application submitted January 16, 2026;
2. **Staff Report PC26-01**;
3. **Attachment PC26-01 / Planning Commission Resolution**; and
4. the recommendation of the Planning Commission following the public hearing held February 23, 2026.

Section 7. Repeal of Inconsistent Ordinances

All ordinances and resolutions or parts thereof in conflict with this Ordinance are repealed to the extent of such conflict.

Section 8. Severability

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 9. Effective Date

This Ordinance shall take effect and be in force at the earliest time permitted by law.

ADOPTED BY COUNCIL ON APRIL 2, 2026

RESOLUTIONS: (SINGLE READING AND IMMEDIATE ENACTMENT)

RESOLUTION NO. R – 03 – 26 – 26

A RESOLUTION APPROVING THE CITY MANAGER’S REVISED DESIGNATION OF QUALIFIED ADMINISTRATIVE OFFICERS TO PERFORM THE DUTIES OF THE CITY MANAGER DURING A TEMPORARY ABSENCE, PURSUANT TO SECTION 5.03(A) OF THE CHARTER OF THE CITY OF CLAYTON, OHIO; INCORPORATING THE CITY MANAGER’S SUCCESSION LETTER; SUPERSEDING ANY PRIOR INCONSISTENT DESIGNATIONS; AND DECLARING AN EFFECTIVE DATE

WHEREAS, Section 5.03(A) of the Charter of the City of Clayton, Ohio, authorizes the City Manager to designate, by letter filed with the Clerk of Council and subject to approval by a majority of Council, one or more qualified administrative officers to perform the duties of the City Manager during the City Manager’s temporary absence or disability; and

WHEREAS, City Manager **Elaine K. Wittman** has submitted a revised designation letter dated **March 19, 2026** identifying the qualified administrative officers who are authorized to perform the duties of the City Manager during a temporary absence, in the order of succession set forth therein; and

WHEREAS, City Council finds it necessary and appropriate to approve and formalize that revised designation in order to ensure continuity of municipal administration and compliance with the Charter of the City of Clayton; and

WHEREAS, City Council further finds that the designation letter should be incorporated into the official records of the City together with this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Clayton, Ohio, as follows:

Section 1. Approval of Revised Designation

The revised designation of qualified administrative officers submitted by City Manager **Elaine K. Wittman**, dated **March 19, 2026**, is hereby approved pursuant to **Section 5.03(A) of the Charter of the City of Clayton, Ohio**.

Section 2. Order of Succession

During the temporary absence or disability of the City Manager, and subject to the Charter and applicable law, the following qualified administrative officers are authorized to perform the duties of the City Manager in the following order of succession:

1. **Kevin Schweitzer, Finance Director**
2. **Paul Nabel, Chief of Police**
3. **Brian Garver, Fire Chief**
4. **Randy Sanders, Public Service Director**

Section 3. Scope of Authority

Any officer acting under this Resolution shall be authorized to perform the duties of the City Manager during the City Manager's temporary absence or disability to the extent permitted by the Charter, City ordinances and resolutions, and other applicable law.

Section 4. Incorporation of Succession Letter

The City Manager's designation letter dated **March 19, 2026**, attached hereto as **Exhibit A** and incorporated herein by reference, shall be maintained with this Resolution as part of the official records of the City.

Section 5. Supersession of Prior Inconsistent Designations

Any prior designation, order of succession, resolution, motion, administrative directive, or other action inconsistent with this Resolution is hereby superseded to the extent of the inconsistency, unless later amended or replaced by subsequent Council approval in accordance with the Charter.

Section 6. Direction to Clerk of Council

The **Clerk of Council** is hereby directed to maintain this Resolution and the attached **Exhibit A** in the official records of the City.

Section 7. Severability

If any section, subsection, sentence, clause, or phrase of this Resolution is for any reason held invalid, such decision shall not affect the validity of the remaining portions of this Resolution.

Section 8. Effective Date

This Resolution shall take effect and be in force immediately upon its adoption.

RESOLUTION NO. R – 03 – 26 – 27

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH JOHN R. JURGENSEN COMPANY FOR THE 2026 PAVING PROGRAM; AUTHORIZING RELATED ADMINISTRATIVE ACTIONS; AND DECLARING AN EFFECTIVE DATE

WHEREAS, the City has determined that certain public streets require maintenance and improvement in order to preserve public infrastructure and promote the health, safety, and welfare of the City and its residents; and

WHEREAS, the 2026 paving program includes mill and fill asphalt improvements on Swan Road, Blue Teal Drive, Wood Duck Court, and Kimmel Road; and

WHEREAS, John R. Jurgensen Company has agreed to perform the work for the 2026 paving program at pricing acceptable to the City, with the total contract amount not to exceed **Six Hundred Thousand Dollars and No/100 (\$600,000.00)** unless otherwise set forth in the final approved staff report, bid tabulation, or appropriations measure adopted by Council; and

WHEREAS, the City has determined that entering into a contract for such improvements is in the best interests of the City and its residents; and

WHEREAS, all expenditures under the contract shall be paid only from funds duly appropriated and made available for the 2026 paving program in accordance with Ohio law and the City's budgetary procedures; and

WHEREAS, the contract and all actions taken pursuant to this Resolution must be administered in accordance with the Ohio Revised Code, the City Charter, the City's ordinances, and all applicable procurement, contracting, fiscal, planning, and zoning requirements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Clayton, Ohio, [majority or other required vote concurring], that:

Section 1. Authorization of Contract

The City Manager is hereby authorized to enter into a contract on behalf of the City with **John R. Jurgensen Company** for the 2026 paving program, including mill and fill asphalt improvements on **Swan Road, Blue Teal Drive, Wood Duck Court, and Kimmel Road**, in an amount **not to exceed \$600,000.00**, unless otherwise set by final approved staff report, bid tabulation, or appropriations measure adopted by Council.

Section 2. Renewal Option

If permitted by the final contract documents and applicable law, the City Manager is further authorized to include or exercise an option to renew for up to **two (2) additional years**, provided that pricing remains unchanged or otherwise acceptable to the City and all required appropriations and approvals are in place.

Section 3. Administrative Authority

The City Manager, Finance Director, Law Director, and such other appropriate City officials are hereby authorized to execute and deliver any contract, agreement, purchase order, certification, change documentation, and any other related documents necessary to carry out the intent of this Resolution, with such non-material modifications as may be approved by the City Manager and Law Director, provided such actions are consistent with this Resolution and applicable law.

Section 4. Compliance with Law

The contract authorized by this Resolution shall be administered in accordance with all applicable provisions of the **Ohio Revised Code**, the **City Charter**, the **City's ordinances**, and all applicable **procurement, contracting, fiscal, planning, and zoning requirements**.

Section 5. Appropriations and Funding

The expenditures authorized herein shall be paid solely from funds duly appropriated and made available for the 2026 paving program in accordance with Ohio law and the City's budgetary procedures. No obligation shall be incurred under the contract except as permitted by law and supported by available appropriations.

Section 6. Best Interests of the City

Council finds and determines that the work authorized herein is necessary for the maintenance and improvement of public infrastructure and is in the best interests of the City and its residents.

Section 7. Severability

If any provision of this Resolution is held invalid or unenforceable, such determination shall not affect the validity or enforceability of the remaining provisions, which shall remain in full force and effect.

Section 8. Effective Date

This Resolution shall take effect and be in force at the earliest time permitted by law.

ADOPTED BY COUNCIL ON MARCH 19, 2026

RESOLUTION NO. R – 03 – 26 – 28

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH DOUBLE JAY CONSTRUCTION, INC. TO PERFORM A ROAD CONSTRUCTION PROJECT KNOWN AS MOT—HOKE RD. WIDENING PHASE 1, PID 115202

WHEREAS, The City of Clayton, Montgomery County, Ohio, hereinafter known as the "Local Public Agency" (LPA) met with the following members present:

Mayor Ryan Farmer and Council Members Dana York, Kenneth Henning, Tim Gorman, Misty McDowell, Tina Kelly and LeeAnne Bustos; and

WHEREAS, Section 5501.03(C) of the Ohio Revised Code provides that the Director of the Ohio Department of Transportation (ODOT) may coordinate the activities of the Department with other appropriate public authorities and enter into contracts with such authorities as necessary to carry out its duties, powers and functions; and

WHEREAS, the road widening project known as MOT-Hoke Rd. Widening Phase 1, PID 115202 (herein after known as the "Project") is a transportation activity eligible to receive federal/state funding; and

WHEREAS, the LPA has received funding approval for the project listed above from the ODOT Program Manager having responsibility for the federal/state funds involved; and

WHEREAS, it is the mutual desire of both ODOT and the LPA to have the LPA serve as the responsible lead agency for the administration of the project; and

WHEREAS, the LPA authorizes the City Manager to enter into an agreement with ODOT for the above-mentioned improvements.

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

1. That the City Manager is authorized to enter into an Agreement with Double Jay Construction, Inc. to perform the road construction project known as MOT-Hoke Rd. Widening Phase 1, PID 115202.

2. Motion was made by _____, seconded by _____ to adopt the foregoing resolution.

ADOPTED BY COUNCIL ON MARCH 19, 2026
