

CITY OF CLAYTON, OHIO

RESOLUTIONS AND ORDINANCES

February 20, 2020

OLD BUSINESS

ORDINANCES (SECOND OF TWO READINGS AND ENACTMENT)

ORDINANCE NO. O – 02 – 20 – 02

AN ORDINANCE AUTHORIZING THE CITY OF CLAYTON TO DESIGNATE FIRST FINANCIAL BANK AS DEPOSITORY BANK FOR THE CITY FOR A PERIOD NOT TO EXCEED FIVE (5) YEARS

WHEREAS, Chapter 135 of the Ohio Revised Code (the Ohio Uniform Depository Act) sets forth requirements under which public monies are to be deposited with authorized financial institutions; and

WHEREAS, R.C. 135.12 provides for the designation of financial institutions as public depositories by municipal corporations for periods of five (5) years; and

WHEREAS, R.C. 135.14 sets forth those investments in which political subdivisions may invest interim monies; and

WHEREAS, R.C. 135.01(L) permits municipal corporations by Charter or ordinance to enact special provisions respecting the deposit or investment of its public monies; and

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

1. That the City of Clayton may enter into a depository agreement with First Financial Bank for a term not to exceed five (5) years.
2. That this Ordinance shall be effective as an exception to any ordinance, resolution or other legislation of the City of Clayton, Ohio, inconsistent with this Ordinance or which imposes additional requirements for effectiveness or validity.
3. That in accordance with Clayton Charter Section 4.031 the requirement that this enactment be read on two (2) separate days is complied with by readings on February 6, 2020 and February 20, 2020.
4. That in accordance with Clayton Charter Section 4.031(H) this enactment shall become effective thirty days after its second reading and enactment.

ADOPTED BY COUNCIL ON FEBRUARY 20, 2020

NEW BUSINESS

ORDINANCES (SINGLE READING AND IMMEDIATE ENACTMENT VIA EMERGENCY)

ORDINANCE NO. O – 02 – 20 – 03

AN ORDINANCE AUTHORIZING AMENDMENT TO THE DESIGNATION OF JOB CATEGORIES AND PAY SCHEDULES AND DECLARING AN EMERGENCY

WHEREAS, Section 3.01(D) of the Clayton Charter provides that Council may authorize the creation of positions of employment and set their rates of compensation; and

WHEREAS, an Organization Chart and revised pay tables have been prepared by the City Manager, reviewed by the Finance Director and recommended for amendment as specified herein.

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

1. That the Organization Chart and Pay Table(s) appended hereto as **Exhibit A** be and is hereby modified as follows:
 - a. That the temporary position of Special Advisor to the City Manager shall be added to the Organization Chart and Pay Table(s) appended hereto with an approved pay rate and benefits equal to that paid to current City Manager Richard Rose.
 - b. That such position shall be effective as of March 9, 2020 and shall remain in effect within the Organization Chart and Pay Table(s) appended hereto until action is taken by Council to terminate such position, or March 31, 2020, whichever occurs first.
 - c. That Richard Rose shall be appointed to the position of Special Advisor to the City Manager.
2. That this Ordinance shall be effective as an exception to any ordinance, resolution or other legislation of the City of Clayton, Ohio, inconsistent with this Ordinance or which imposes additional requirements for effectiveness or validity.
3. That in accordance with Clayton Charter Section 4.031(B) the requirement that this enactment be read on two (2) separate days is dispensed with by affirmative vote of at least five (5) of the members of Council.
4. That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, and safety of the City and its inhabitants for the reason that it is necessary that this amended Organization Chart and Pay Table(s) be immediately effective for payroll purposes, thereby ensuring that all employees will timely receive the appropriate pay rates and that the provision of City services remain uninterrupted.

ORDINANCES (TABLED)

ORDINANCE NO. O – 02 – 20 – 04

**AN ORDINANCE _____ (APPROVING/REJECTING) AN AMENDMENT
TO THE CLAY TOWNSHIP-CITY OF CLAYTON JOINT ECONOMIC
DEVELOPMENT DISTRICT (JEDD) CONTRACT TO REMOVE SPECIFIED
PARCELS OF REAL ESTATE THEREFROM**

WHEREAS, Clay Township and the City of Clayton entered into a Joint Economic Development District (JEDD) Contract on September 1, 2007 and said Contract expires on December 31, 2037; and

WHEREAS, Ohio Revised Code Section 715.72 contains the procedural mechanism regarding removal of a property from a JEDD which process entails a public hearing conducted by the City and a public hearing conducted by the Township and a vote by both to either approve or reject the request to amend the JEDD Contract to remove a parcel therefrom; and

WHEREAS, Richard Douglass, being the owner of the following parcels contained within the Clay Township-City of Clayton JEDD: C04 00512 0019, 0100 and C04 00512 0020, requested the JEDD Contract be amended to remove said parcels from the JEDD; and

WHEREAS, in accordance with Ohio Revised Code Section 715.72, the City of Clayton conducted a public hearing on February 20, 2020 to consider the request of Mr. Douglass to amend the JEDD Contract to remove the parcels specified herein from the JEDD.

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

1. That, having advertised and conducted a public hearing on February 20, 2020 on the request of Mr. Richard Douglass to amend the JEDD Contract to remove Parcels C04 00512 0019, 0100 and C04 00512 0020 from the JEDD, Council hereby _____ (approves/rejects) the request of Mr. Richard Douglass to amend the JEDD Contract to remove Parcels C04 00512 0019, 0100 and C04 00512 0020 from the JEDD.
2. That this Ordinance shall be effective as an exception to any ordinance, resolution or other legislation of the City of Clayton, Ohio, inconsistent with this Ordinance or which imposes additional requirements for effectiveness or validity.
3. That in accordance with Clayton Charter Section 4.031 the requirement that this enactment be read on two (2) separate days is complied with by readings on February 20, 2020 and March 5, 2020.
4. That in accordance with Clayton Charter Section 4.031(H) this enactment shall become effective thirty days after its second reading and enactment.

NEW BUSINESS

RESOLUTIONS (SINGLE READING AND IMMEDIATE ENACTMENT)

RESOLUTION NO. R – 02 – 20 – 13

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT BID AND ENTER INTO AN AGREEMENT WITH ADLETA, INC. FOR 2020 CURB, CATCH BASIN AND CONCRETE WORK ON SALEM AVENUE IN AN AMOUNT NOT TO EXCEED \$832,508.57

WHEREAS, the City solicited bids for concrete work relative to the 2020 Curb, Catch Basin and Concrete Work on Salem Avenue, said solicitation having been made in accordance with the provisions of Charter Section 8.02; and

WHEREAS, said bids have been received and reviewed by the City Manager and staff and the bid submitted by Adleta, Inc. is recommended for acceptance as being the lowest and best, responsive bid submitted by a responsible bidder as to the 2020 Curb, Catch Basin and Concrete Work on Salem Avenue in an amount not to exceed \$832,508.57.

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

1. That the City Manager is authorized to accept the bid and to enter into an agreement with Adleta, Inc. for 2020 Curb, Catch Basin and Concrete Work on Salem Avenue in an amount not to exceed \$832,508.57.
2. That this Resolution shall be effective as an exception to any ordinance, resolution or other legislation of the City of Clayton, Ohio, inconsistent with this Ordinance or which imposes additional requirements for effectiveness or validity.

ADOPTED BY COUNCIL ON FEBRUARY 20, 2020

RESOLUTION NO. R – 02 – 20 – 14

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH MONTGOMERY COUNTY REGARDING ACQUISITION AND MARKETING OF REAL PROPERTY LOCATED ON MAIN STREET

WHEREAS, the City of Clayton desires to enter into a Memorandum of Understanding in substantially the same form as appended hereto as *Exhibit A* with Montgomery County regarding acquisition and marketing of real property located on Main Street.

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

1. That the City Manager is hereby authorized to enter into a Memorandum of Understanding in substantially the same form as appended hereto as **Exhibit A** with Montgomery County regarding acquisition and marketing of real property located on Main Street. The appended Memorandum of Understanding is incorporated herein and made a part hereof.
2. That this Resolution shall be effective as an exception to any ordinance, resolution or other legislation of the City of Clayton, Ohio, inconsistent with this Resolution or which imposes additional requirements for effectiveness or validity.

ADOPTED BY COUNCIL ON FEBRUARY 20, 2020

RESOLUTION NO. R – 02 – 20 – 15

A RESOLUTION AUTHORIZING THE CITY MANAGER TO TERMINATE EXCLUSIVE RIGHT TO SELL LISTING CONTRACTS WITH EQUITY INC.

WHEREAS, Council previously authorized the City Manager enter into Exclusive Right to Sell Listing Contracts with Equity, Inc. to market City owned property located at the Village of North Clayton and bearing Parcel I.D. Number M60-03102-0108 and property located on N. Main Street and bearing Parcel I.D. Numbers M60-03210-145 and M60-03210-0035 and no longer needed for municipal purposes; and

WHEREAS, City staff has requested authority to allow the City Manager to terminate said Exclusive Right to Sell Listing Contracts.

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

1. That the City Manager is authorized to terminate the previously authorized Exclusive Right to Sell Listing Contracts with Equity, Inc. relative to City owned property bearing Parcel I.D. Numbers M60-03102-0108, M60-03210-14 and M60-03210-0035 pursuant to the termination clauses contained therein.
2. That this Resolution shall be effective as an exception to any ordinance, resolution or other legislation of the City of Clayton, Ohio, inconsistent with this Ordinance or which imposes additional requirements for effectiveness or validity.

ADOPTED BY COUNCIL ON FEBRUARY 20, 2020
