

CITY OF CLAYTON, OHIO

RESOLUTIONS AND ORDINANCES

March 19, 2020

OLD BUSINESS

ORDINANCES (SECOND OF TWO READINGS AND ENACTMENT)

ORDINANCE NO. O – 03 – 20 – 05

AN ORDINANCE APPROVING AMENDMENT TO CLAYTON CODIFIED ORDINANCE PART NINE TITLED, “STREETS, UTILITIES, AND PUBLIC SERVICES CODE” TO ADD A NEW CHAPTER 907 TO TITLE ONE THEREOF AND ENTITLED “REPAIR AND MAINTENANCE OF DITCHES AND CULVERTS”

WHEREAS, City staff has reviewed Part Nine (“Streets, Utilities, and Public Services Code”) of the Clayton Codified Ordinances and has recommended amendment to Title One thereof in order to add a new Chapter 907 entitled, “Repair and Maintenance of Ditches and Culverts”; and

WHEREAS, it is the determination of Council that the addition of a new Chapter 907 entitled, “Repair and Maintenance of Ditches and Culverts” as recommended by City staff will promote the public health, safety and welfare of the City and its citizens.

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

1. That Title One of Clayton Codified Ordinance Part Nine (“Streets, Utilities, and Public Services Code”) is hereby amended to add a new Chapter 907 entitled, “Repair and Maintenance of Ditches and Culverts” as follows. (Additions in **bold** and deletions in ~~strikethrough~~):

CHAPTER 907

REPAIR AND MAINTENANCE OF DITCHES AND CULVERTS

907.01 OBSTRUCTIONS PROHIBITED.

No person shall place any obstruction in a storm water drainage ditch situated in the street right-of-way, or in any way change or affect the natural flow of water within such ditch, except as provided in this Chapter.

The City shall maintain ditches that are in the street right-of-way to keep them free from natural occurring obstructions such as silt and/or storm debris.

Ditching other than upon street right-of-way areas shall be the responsibility of the property owner, unless a recorded permanent easement exists as a matter of record granting the City the right of ingress and egress upon the easement.

All man-made obstructions to culverts or other drainage ditches abutting the property thereto, including those abutting driveway entrances and all other means of ingress and egress to the property are prohibited. Each owner, occupant or person having control or management of any lot or parcel of land situated within the City limits shall maintain such culverts and drainage ditches clear and unobstructed.

No person shall place any obstruction in a natural storm water drainage course that is situated on private property and that provides storm water drainage from other properties through such property, or in any way change or affect the natural flow of water within such water course as to cause the unnatural accumulation of water upon such other properties. Nothing herein shall prohibit the installation of storm sewers within, and as a replacement for, a natural drainage course, provide that such sewers are of sufficient size to accommodate storm water that would naturally flow through such drainage course, and provided that the plans for same have been approved by the Director and also received such other approvals as required, from government entities.

907.02 NOTICE TO REMOVE OBSTRUCTIONS.

The owner, occupant or person having control or management of any lot or parcel of land situated within the corporate limits, whether the same is improved or unimproved, vacant or occupied, within seven (7) days written notice to do so, served upon said owner, occupant or person having control or management, by the Public Service Director (“Director”), shall clear and remove or cause to be cleared or removed any obstruction in any culvert or other drainage ditch abutting such lot or parcel of land.

907.03 CONFORMANCE TO ESTABLISHED GRADE AND PLANS.

Any owner, occupant or person having control or management of any lot or parcel of land who, after receiving notice as provided for in Section 907.02, determines to perform the work ordered by the Director shall obtain from the Director written authorization prior to any excavation.

907.04 ENFORCEMENT.

In the event the owner, occupant or person having control or management does not remove such obstructions in accordance with the provisions of this Chapter, then the Director shall enforce the provisions of this Chapter and cause all culverts and drainage ditches to be rendered unobstructed.

Whenever any obstruction in culverts or drainage ditches placed or caused to be placed there by the property owner, occupant, or person having control or management thereof are removed by the City, the City shall give notice by certified mail, to the owner, occupant or person having control or management of such lot or parcel of land, at said person's last known address, to pay the cost of such removal, which notice shall be accompanied by a statement of the amount of cost incurred. In the event the same is not paid within thirty (30) days after the mailing of such notice, then such amount shall be certified to the County Auditor for collection the same as other taxes and assessments collected.

907.05 DRAINAGE PIPE FOR ALL NEW INSTALLATIONS.

No person shall install a culvert or storm sewer pipe within a drainage ditch situated in a street right-of-way abutting property without first obtaining a permit for such purpose from the Director. The fee for such permit shall be in accordance with the current City Fee Schedule. Such installation shall be made only in accordance with sizes, standards, and specifications of and subject to final inspection by the Director. Pursuant to the specifications on file with the Public Service Director, each property owner is required to purchase, install, and maintain drainage pipe within the street right-of-way and to purchase and install necessary pipe fittings for the proper installation of yard drains, downspouts, etc. All tie-ins must be inspected and approved by the Director prior to backfilling.

Any property owner, occupant, or person having control or management of a lot or parcel of land within the City who has enclosed or causes to become enclosed, a roadway ditch in contravention of any of the requirements herein shall remove and/or correct the enclosure as determined by the Director. Failure to comply shall constitute cause for removal of the enclosure by the City, at the property owner's expense. The amount of money so expended by the City shall be billed to the property owner by certified mail. If the property owner fails to reimburse the City within thirty (30) days of receipt of the bill, then such amount shall be certified to the County Auditor for collection the same as other taxes and assessments collected. If the City removes the enclosure, the City, in its sole discretion, may make the ditch and open ditch.

Each property owner is required to supply backfill material. The City may, but is not required, to supply backfill as determined by the Director. Each property owner is responsible for all landscaping, re-seeding, sodding, and restoration.

Whenever it is necessary to remove concrete or asphalt pavement over a culvert, or within a street right-of-way, for purposes of either removing obstructions or widening streets or alleys in the City, there shall be no requirement, on the part of the City, to restore such driveway with concrete or asphalt pavement.

907.06 EXISTING TILE DRAINAGE.

Where existing tile or drainage pipe must be repaired or replaced, the property owner is responsible for providing the materials and labor. However, the City may assist with installation as part of a City right-of-way ditch maintenance program. The City may, at the discretion of the Director, excavate an open ditch in lieu of tiles or drainage pipe in need of repair.

907.07 DRIVEWAY CULVERTS FOR ALL NEW INSTALLATIONS.

All new driveway construction will be the responsibility of the property owner. Driveway culvert size will be determined by the Director during the permit process and following inspection.

Minimum driveway culvert width shall be thirty (30) feet. Acceptable culvert material are ADS smooth wall interior plastic and SDR-35 plastic, with a minimum one and one-half feet of graded cover. Reinforced concrete and galvanized pipe may be acceptable with less grade cover and premium backfill, as may be determined by the Director.

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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 March 5, 2020 and March 19, 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 MARCH 19, 2020

NEW BUSINESS

ORDINANCES (SINGLE READING AND IMMEDIATE ENACTMENT AS EMERGENCY)

ORDINANCE NO. O – 03 – 20 – 06

AN ORDINANCE GRANTING AN ACCESS EASEMENT AND ACCEPTING AN ACCESS EASEMENT VIA AUTHORIZATION AND APPROVAL OF A *CROSS-ACCESS EASEMENT AGREEMENT* WITH RESPECT TO SPECIFIC REAL PROPERTY OWNED BY THE CITY OF CLAYTON, OHIO AND SPECIFIC REAL PROPERTY OWNED BY SLEMKER PROPERTIES, LLC AS INDICATED ON THE ATTACHED *EXHIBIT 1* AND DECLARING AN EMERGENCY

WHEREAS, the City of Clayton, Ohio has an ownership interest in real property located at 7651 N. Main Street, Parcel ID No. M60 03210 0145 and further described in the attached *Exhibit 1*; and

WHEREAS, Slemker Properties, LLC has an ownership interest in real property located at 7627 N. Main Street, Parcel ID No. M60 03210 0359 and further described in the attached *Exhibit 1* and located adjacent and contiguous to the real estate owned by the City of Clayton, Ohio at 7651 N. Main Street, Parcel ID No. M60 03210 0145; and

WHEREAS, R.C. § 723.121 authorizes a municipal corporation to convey an interest in real estate owned by the municipal corporation and acquired for the purpose of a public street or other similar public purpose where the legislative authority has determined that the property is not needed for the municipal corporation for a public street or any other similar public purpose; and

WHEREAS, the Clayton Council desires to grant an access easement for the real estate identified within *Exhibit 1* to the owners of the property contiguous and adjacent to such real estate, specifically, Slemker Properties, LLC and Slemker Properties, LLC has agreed to grant an access easement to the City of Clayton, Ohio for the real estate identified within *Exhibit 1*, which access easement the City of Clayton, Ohio desires to accept; and

WHEREAS, the conveyance of the aforementioned cross-access easements is conditioned upon approval of the attached *Cross-Access Easement Agreement*; and

WHEREAS, the Clayton Council has determined that the Grantees' use of the property owned by the City of Clayton, Ohio is consistent with the public purpose for which the property was acquired and that the property is no longer needed for the purpose of a public street or any similar public purpose; and

WHEREAS, because of the shape, dimensions and location of the real estate, the real estate has no legal value to anyone other than the Grantee and the City Council finds no benefit to subjecting this property to competitive bidding.

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

1. That the *Cross-Access Easement Agreement* appended hereto as *Exhibit 1* is hereby authorized and approved and the access easement from the City of Clayton, Ohio to Slemker Properties, LLC described in the attached *Cross-Access Easement Agreement* is granted on the real estate owned by the City of Clayton, Ohio and identified within *Exhibit 1* attached hereto and the access easement grant from Slemker Properties, LLC to the City of Clayton, Ohio identified within *Exhibit 1* attached hereto is hereby accepted.
2. That the City Manager shall have authority to execute the *Cross-Access Easement Agreement* attached hereto as *Exhibit 1* as well as any other documents reasonably necessary to effectuate the terms of the *Cross-Access Easement Agreement*.
3. That the granting of the easement is conditioned upon the fact that the real estate is to be used for purposes of ingress and egress.
4. 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.
5. 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.
6. That, unless prompt approval and implementation of the *Cross-Access Easement Agreement* can be achieved to ensure effective and efficient ingress and egress to the subject property as soon as possible, public health and safety and welfare will be detrimentally affected. Accordingly, in accordance with Charter Section 4.033(A) this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the City and shall therefore be in full force and effect from and immediately upon affirmative vote of at least five (5) of the members of Council.

ORDINANCE NO. O – 03 – 20 – 07

AN ORDINANCE AUTHORIZING REMOVAL OF SPECIFIC ASSESSMENT FOR GRASS/WEED CUTTING PREVIOUSLY SUBMITTED IN ERROR TO MONTGOMERY COUNTY AUDITOR AND DECLARING AN EMERGENCY

WHEREAS, via enactment of Ordinance No. O-08-19-06 on August 15, 2019, Council authorized and directed the Finance Director to certify to the Auditor of Montgomery County, Ohio, unpaid charges for grass/weed cutting on *Parcel M60 00216 0056, Code 31500, in the amount of \$567.00 for 2019*; and

WHEREAS, the above assessment was certified in error and Council therefore desires to remove said charges.

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

1. That Council hereby approves and authorizes removal of the grass/weed cutting charge on *Parcel M60 00216 0056, Code 31500, in the amount of \$567.00 for 2019* which was listed in error.
2. That immediately upon becoming effective, the Clerk is directed to forward a copy of this Ordinance to the Montgomery County Auditor.
3. That this Ordinance shall be effective as an exception to any ordinance, resolution or other legislation of the City of Clayton, Ohio, inconsistent with this Ordinance or which imposes additional requirements for effectiveness or validity.
4. That in accordance with Clayton Charter Section 4.031 the requirement that this enactment be read on two (2) separate days is dispensed with by affirmative vote of at least five (5) members of Council.
5. That unless these assessment placed in error is immediately removed from the Auditor records, the public peace, health, safety and welfare will be detrimentally affected because the removal thereof would be unnecessarily delayed as the charges were placed in error and should be removed as expeditiously as possible to reflect actual circumstances. Accordingly, pursuant to Charter Section 4.033(A) this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the City and shall therefore be in full force and effect from and immediately upon affirmative vote of at least five (5) of the members of Council.

ADOPTED BY COUNCIL ON MARCH 19, 2020

NEW BUSINESS

RESOLUTIONS (SINGLE READING AND IMMEDIATE ENACTMENT)

RESOLUTION NO. R – 03 – 20 – 16

A RESOLUTION TO AUTHORIZE AND APPROVE PURCHASE ORDERS

WHEREAS, for purposes of complying with State Auditor accounting methods confirmation is required that monies had been appropriated for certain expenditures at the time the following were approved.

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

1. That upon report and confirmation from the City of Clayton Finance Director, Council hereby certifies that funds had been appropriated and monies were available for payment of the following purchases at the time they were entered into and remain available as of the date of this enactment:

Order Date	Vendor	Amount	Item
10/26/2019	America Decorative Concrete	\$5,817.60	Sidewalk repair work.
3/9/2020	Woodyard Electric	\$3,077.00	HVAC electrical

2. That the Finance Director is hereby authorized, empowered and directed to take all action necessary to comply with the obligations reflected by said Orders and evidence same on the books and financial record of the City.

ADOPTED BY COUNCIL ON MARCH 19, 2020

RESOLUTION NO. R – 03 – 20 – 17

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A JOINT EMERGENCY SERVICES COLLABORATIVE MEMORANDUM OF UNDERSTANDING WITH THE CITY OF ENGLEWOOD, OHIO AND THE CITY OF UNION, OHIO

WHEREAS, the Cities of Clayton, Englewood, and Union each maintain and operate their own emergency services programs within their geographical borders, including fire and emergency medical services (“EMS”) programs, comprised of facilities, apparatuses, equipment, personnel, and all other assets necessary to provide full-service fire and EMS programs, to include ALS service, to their residents (collectively “Emergency Services”); and

WHEREAS, the cost of maintaining and operating such Emergency Services is substantial, and it has become increasingly difficult to hire and retain the appropriate personnel to staff the Emergency Services; and

WHEREAS, the Cities of Clayton, Englewood, and Union have agreed to collaborate with each other in an effort to more efficiently and effectively provide for Emergency Services within their respective borders, including providing for the most appropriate Emergency Services apparatus response regardless of municipal boundaries, through the terms set forth in the Joint Emergency Services Collaborative Memorandum of Understanding attached hereto as *Exhibit A*; and

WHEREAS, City Council desires to authorize the City Manager to sign the Joint Emergency Services Collaborative Memorandum of Understanding attached hereto as *Exhibit A*, on behalf of the City of Clayton, Ohio.

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 the Joint Emergency Services Collaborative Memorandum of Understanding, in substantially similar form as attached hereto as *Exhibit A*, with the cities of Englewood, Ohio and Union, Ohio. 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 MARCH 19, 2020

RESOLUTION NO. R – 03 – 20 – 18

A RESOLUTION APPROVING AND IMPLEMENTING A PUBLIC RECORDS REQUEST POLICY FOR THE CITY OF CLAYTON

WHEREAS, the City, in order to comply with Ohio Revised Code Section 149.43(E)(2) (“Ohio Public Records Act”), desires to update, adopt, and implement the Public Records Request Policy appended hereto as *Exhibit A*.

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

1. That the City hereby updates, approves, and adopts the Public Records Request Policy for the City of Clayton appended hereto as *Exhibit A*.
2. The Clerk of Council is hereby directed to carry out all steps necessary to implement the attached Policy, including compliance with all posting requirements.

ADOPTED BY COUNCIL ON MARCH 19, 2020

RESOLUTION NO. R – 03 – 20 – 19

**A RESOLUTION RATIFYING THE STATE OF EMERGENCY DECLARED BY THE
MAYOR AND CITY MANAGER FOR THE CITY OF CLAYTON, OHIO AND
ALLOWING CERTAIN EMERGENCY PROCEDURES NECESSARY FOR THE
CONTINUED GOVERNANCE OF THE CITY DURING THE STATE OF
EMERGENCY**

WHEREAS, a public health emergency has been created by the outbreak of the Coronavirus Disease 2019 (COVID-19), and there are now several confirmed cases of COVID-19 in Ohio creating a dangerous condition which may affect the health, safety and welfare of the citizens of Ohio; and

WHEREAS, on March 9, 2020, Governor DeWine issued Executive Order 2020-01D declaring a state of emergency; and

WHEREAS, on March 11, 2020, the World Health Organization officially declared COVID-19 to be a global “pandemic” requiring “urgent and aggressive action” to control the spread of the virus; and

WHEREAS, on March 13, 2020, President Trump issued a proclamation declaring a national emergency; and

WHEREAS, on March 17, 2020, The Director of the Ohio Department of Health issued an amended order to limit and/or prohibit mass gatherings and closure of venues in the State of Ohio; and

WHEREAS, the Constitution of the State of Ohio, Article XVIII, Section 3, grants municipalities the authority to exercise all powers of local self-government and to enforce local police, sanitary, and other similar regulations as are not in conflict with the general laws; and

WHEREAS, pursuant to this constitutional home rule authority, the people of the City of Clayton, Ohio have adopted a Charter and Codified Ordinances to exercise the powers of local self-government and to enforce the local police power regulations; and

WHEREAS, the Council of the City of Clayton, Ohio has substantial and legitimate interest in continuing governmental services to the fullest extent necessary and possible throughout the current state of emergency; and

WHEREAS, the Council of the City of Clayton, Ohio believes it to be in the best interest of the citizens to make available and utilize emergency procedures to transact business of the City of Clayton during the course of the state of emergency; and

WHEREAS, the Mayor and the City Manager of the City of Clayton, Ohio, in conjunction with Article 6, Section O of the City of Clayton, Ohio Personnel Manual, find it necessary to declare a State of Emergency in the City of Clayton, Ohio.

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

1. That the Declaration of State of Emergency for the City of Clayton, Ohio, appended hereto, is hereby ratified by the Council of the City of Clayton, Ohio. The City Council of the City of Clayton, Ohio hereby declares a state of emergency to exist in the City of Clayton, Ohio and hereby invokes and declares those portions of the Ohio Revised Code and all other laws, rules and regulations, which are applicable to the emergency and have caused the issuance of this declaration to be in full force and effect in the City of Clayton, Ohio for the exercise of all necessary emergency authority for protection of the lives and property of the people of Clayton and the continuation of local government with a minimum level of interruption.
2. All public offices and employees of the City of Clayton, Ohio are hereby directed to exercise the utmost care and diligence in the discharge of duties required of them for the duration of the state of emergency and in execution of emergency laws, regulations, and directives.
3. All citizens are called upon to comply with necessary emergency measures, to cooperate with public officials in executing emergency operational plans, and to obey and comply with the lawful direction of properly identified officers.
4. Pursuant to Clayton Charter, Article VIII, Section 8.02 (3)(a) emergency contracts for the duration of this state of emergency are exempt from competitive bidding.
5. The City Manager is hereby authorized and empowered to adopt administrative policies and procedures necessary with respect to non-union employee work hours, work week, work periods, shifts and work schedules, including, but not limited to, implementation of a Telework (Work from Home) Policy and implementation of an On-Call Policy in order to better protect City employees and the public from COVID-19 for the duration of this state of emergency.

ADOPTED BY COUNCIL ON MARCH 19, 2020

RESOLUTION NO. R – 03 – 20 – 20

**A RESOLUTION DECLARING CERTAIN EMERGENCY PROCEDURES
NECESSARY FOR THE CONTINUED GOVERNANCE OF THE CITY OF CLAYTON,
OHIO DURING THE CURRENT NATIONAL, STATE, AND CITY DECLARED
STATE(S) OF EMERGENCY**

WHEREAS, the Constitution of the State of Ohio, Article XVIII, Section 3, grants municipalities the authority to exercise all powers of local self-government and to enforce local police, sanitary, and other similar regulations as are not in conflict with the general laws; and

WHEREAS, pursuant to this constitutional home rule authority, the people of the City of Clayton, Ohio have adopted a Charter and Codified Ordinances to exercise the powers of local self-government and to enforce the local police power regulations; and

WHEREAS, a public health emergency has been created by the outbreak of the Coronavirus Disease 2019 (COVID-19), and there are now several confirmed cases of COVID-19 in Ohio; and

WHEREAS, on March 9, 2020, Governor Mike DeWine issued Executive Order 2020-01D declaring a state of emergency for the entire State of Ohio; and

WHEREAS, on March 11, 2020, the World Health Organization officially declared COVID-19 to be a global “pandemic” requiring “urgent and aggressive action” to control the spread of the virus; and

WHEREAS, on March 13, 2020, President Trump issued a proclamation declaring a national emergency; and

WHEREAS, on March 17, 2020, The Director of the Ohio Department of Health issued an amended order to limit and/or prohibit mass gatherings and closure of venues in the State of Ohio; and

WHEREAS, the City of Clayton, Ohio has substantial, legitimate interests in continuing governmental services to the fullest extent necessary and possible throughout the current state of emergency; and

WHEREAS, conducting City Council meetings and obtaining City Council approval for certain items is necessary for the furtherance of governmental services and functions; and

WHEREAS, in Ohio Attorney General Opinion No. 2009-034, the Attorney General opined the open meeting law requirements, including public access to open meetings, and the requirement that council members be physically present at a public meeting, apply even during a state of emergency; and

WHEREAS, in a letter dated and issued March 13, 2020, the Ohio Attorney General informally indicated as follows: “The Ohio Attorney General’s Office has received numerous questions regarding the applicability of Ohio’s Open Meetings Act (OMA) during this time of a COVID-19 declared emergency. Under this very limited fact pattern, there may be a basis for local public bodies to use electronic means to meet and comply with the law. You should discuss this matter with your legal counsel before making any decisions;” and

WHEREAS, the Ohio Attorney General further stated in the March 13, 2020 letter: “In this limited circumstance, where the Governor has declared a state of emergency and the Director of the Ohio Department of Health is limiting gatherings so as to prevent the spread of COVID-19, but the business of government must continue, it is reasonable to read the OMA’s “in person” requirement as permitting a member of a public body to appear at a public meeting via teleconference. This interpretation gives effect to both R.C. 121.22 and R.C. 3701.13. It is also consistent with the

United States Centers for Disease Control’s recent guidance, issued in response to the national COVID-19 epidemic, to use videoconferencing for meetings when possible;” and

WHEREAS, pursuant to the March 13, 2020 letter from the Ohio Attorney General and the City’s home rule authority, the City of Clayton, Ohio has the technology available to have any and/or all Council members take part in a meeting electronically whereby all members of Council and others that are signed into the meeting can be seen and heard and the meeting can be live broadcast to the public (“Remote Meeting”); and

WHEREAS, the Council of the City of Clayton, Ohio believes it to be in the best interest of the citizens to make available and utilize Remote Meetings to transact necessary business of the City during the course of the aforementioned state of emergency.

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

1. That until such time as the State of Emergency within the State of Ohio no longer exists under Executive Order 2020-01D, the City of Clayton, Ohio may, and is hereby authorized, to conduct its Council Meetings (including, Regular and/or Special Council Meetings) and Workshops without the physical presence of all Council members by utilizing the Remote Meeting process provided that:
 - a. Proper notice is provided as required for a public meeting; and
 - b. A quorum is present, whether in person or electronically through the Remote Meeting System; and
 - c. In the event a member appearing via the Remote Meeting process is disconnected, the City Council shall cease all discussions and deliberations until the member can be re-connected; and
 - d. The public can hear the discussions and deliberations of all of the members, even those who are present via electronic means; and
 - e. The public will have the ability to participate in the meeting at the appointed time on the meeting agenda by calling in or another established method of participation; and
 - f. All other requirements of the OMA will apply, including those which govern executive session and the taking of meeting minutes.

2. That at the first Council meeting at which a quorum of Council is physically present, the City Council shall ratify the past action taken during a Remote Meeting.