

# CITY OF CLAYTON, OHIO

---

## RESOLUTIONS AND ORDINANCES

April 2, 2020

---

**OLD BUSINESS - NONE**

**NEW BUSINESS**

**RESOLUTIONS (SINGLE READING AND IMMEDIATE ENACTMENT)**

**RESOLUTION NO. R – 04 – 20 – 21**

**A RESOLUTION AUTHORIZING PARTICIPATION IN ODOT COOPERATIVE  
PURCHASING PROGRAM IN 2020/2021 FOR ROAD SALT**

**WHEREAS**, Section 5513.01(B) provides the opportunity for Counties, Townships, Municipal Corporations, Conservancy Districts, Township Park Districts, Park Districts created under Chapter 1545 of the Revised Code, Port Authorities, Regional Transit Authorities, Regional Airport Authorities, Regional Water and Sewer Districts, County Transit Boards, State Universities or Colleges to participate in contracts of the Ohio Department of Transportation for the purchase of machinery, material, supplies or other articles; and

**WHEREAS**, City Council desires to provide the City Manager with authority, on behalf of the City of Clayton, to participate in the ODOT road salt purchasing program for 2020/2021 and execute necessary documents and contracts to accomplish same.

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

1. That the City Manager is hereby authorized in the name of the City of Clayton to participate in the Ohio Department of Transportation contracts for the purchase of road salt or other articles for 2020/2021 which the Department has entered into pursuant to Ohio Revised 5513.01 (B).
2. That the City Manager is hereby authorized to agree in the name of the City of Clayton to be bound by all terms and conditions as the Director of Transportation prescribes and the City Manager is authorized to sign all documents and contracts necessary for the City of Clayton to participate in the ODOT road salt purchasing program for 2020/2021.

ADOPTED BY COUNCIL ON APRIL 2, 2020

---

**RESOLUTION NO. R – 04 – 20 – 22**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LISTING AGREEMENT WITH HENKLE SCHUELER & ASSOCIATES, INC.-CORFAC INTERNATIONAL RELATIVE TO SPECIFIC CITY OWNED REAL PROPERTY**

**WHEREAS**, pursuant to Charter Section 8.02(C)(3)(g), City staff has recommended the City enter into a Listing Contract with Henkle Schueler & Associates, Inc.- CORFAC International in substantially the same form as appended hereto as *Exhibit A* with such modifications as recommended by the Law Director, to market City owned real property and bearing *Parcel I.D. Numbers M60-03210-0145, M60-03210-0035, and M60-03102-0112* and no longer needed for municipal purposes; and

**WHEREAS**, *pursuant to Charter Section 4.02(A)(8) any sale or transfer of said real estate must be authorized and approved by additional legislation via Ordinance enacted by Council.*

**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 a Listing Contract with Henkle Schueler & Associates, Inc.-CORFAC International in substantially the same form as appended hereto as *Exhibit A* with such modifications as recommended by the Law Director, to market City owned real property and bearing *Parcel I.D. Numbers M60-03210-0145, M60-03210-0035, and M60-03102-0112* and no longer needed for municipal purposes with the understanding and upon the further condition that *pursuant to Charter Section 4.02(A)(8), any sale or transfer of said real estate must be authorized and approved by additional legislation via Ordinance enacted by Council.*

ADOPTED BY COUNCIL ON APRIL 2, 2020

---

**RESOLUTION NO. R – 03 – 20 – 19 (A)**

**A RESOLUTION CONTINUING AND CLARIFYING THE STATE OF EMERGENCY DECLARED BY THE MAYOR AND CITY MANAGER AND RATIFIED VIA RESOLUTION NO. R-03-20-19**

**WHEREAS**, via enactment of City of Clayton, Ohio Resolution No. R-03-20-19 on March 19, 2020, the Clayton City Council ratified the declaration of emergency issued by the Mayor and City Manager in response to the COVID-19 virus; and

**WHEREAS**, City of Clayton, Ohio Resolution No. R-03-20-19 remains and continues in full force and effect and will remain in full force and effect during the period of time Governor DeWine's Executive Order 2020-01D is in effect; and

**WHEREAS**, on March 25, 2020, both chambers of the Ohio Legislature passed emergency COVID-19 response legislation via House Bill 197; and

**WHEREAS**, House Bill 197 was sent to Governor DeWine and signed into law by the Governor on March 27, 2020; and

**WHEREAS**, Clayton City Council finds it necessary to further clarify the state of emergency ratified by enactment of City of Clayton, Ohio Resolution No. R-03-20-19 on March 19, 2020.

**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, ratified via enactment of City of Clayton, Ohio Resolution No. R-03-20-19 on March 19, 2020 remains and continues in full force and effect and will remain in full force and effect during the period of time Governor DeWine’s Executive Order 2020-01D is in effect.
2. This legislation hereby preserves the right and eligibility of the City of Clayton, Ohio to take all actions necessary to apply for and/or receive any Federal and/or State funding and/or reimbursement related to the COVID-19 pandemic and/or the states of emergency applicable to the State of Ohio, County Of Montgomery, City of Clayton.

ADOPTED BY COUNCIL ON APRIL 2, 2020

---

**RESOLUTION NO. R – 03 – 20 – 20 (A)**

**A RESOLUTION CONTINUING AND CLARIFYING 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**, via enactment of City of Clayton, Ohio Resolution No. R-03-20-20 on March 19, 2020, the Clayton City Council authorized “Remote Meetings” as a result of the State(s) of Emergency declared in response to the COVID-19 pandemic; and

**WHEREAS**, on March 25, 2020, both chambers of the Ohio Legislature passed emergency COVID-19 response legislation via House Bill 197; and

**WHEREAS**, House Bill 197 was sent to Governor DeWine and signed into law by the Governor on March 27, 2020; and

**WHEREAS**, House Bill 197 contains amended language with respect to Ohio Revised Code 121.22 (the “Open Meeting Act”) governing public bodies and meetings and hearings of public bodies; and

**WHEREAS**, the amendments to Ohio Revised Code 121.22 (the “Open Meeting Act”) contained within House Bill 197 provide the following: (A) During the period of emergency declared by Executive Order 2020-01D, but not beyond December 1, 2020, members of a public body may hold and attend meetings and may conduct and attend hearings by means of “teleconference, video conference, or any other similar electronic technology” provided that all of the following apply:

(1) Any resolution, rule, or formal action taken by way of a Remote Meeting will have the same effect as if it had occurred during an open meeting or hearing of the public body; and (2) Public body members who attend meetings or hearings via teleconference, video conference, or any other similar electronic technology are considered to be present as if in person at the meeting or hearing and will be permitted to vote, and will be counted for purposes of determining a quorum; and (3) Public bodies must provide notice of meetings and hearings to the public and to the media who have requested notice and to the parties required to be notified of a hearing, at least twenty-four hours in advance of the meeting or hearing by reasonable methods by which any person may determine the time, location, and the manner by which the meeting or hearing will be conducted, except in the event of an emergency requiring immediate official action. In the event of an emergency, the public body shall immediately notify the media which have requested notice or the parties required to be notified of a hearing of the time, place, and purpose of the meeting or hearing; and (4) The public body shall provide the public access to a meeting held and to any hearing held that the public would otherwise be required to attend, “commensurate with the method in which the meeting or hearing is being conducted”, including, but not limited to, live-streaming by means of the internet, local radio, television, cable, or public access channels, call in information for a teleconference, or by means of any other similar electronic technology; and (5) The public body shall ensure that the public can observe and hear the discussions and deliberations of all the members of the public body, whether the member is participating in person or electronically; and (6) When a public body conducts a hearing by means of teleconference, video conference, or other similar technology, the public body must establish a means via electronic equipment which is widely available to the general public to converse with witnesses, and to receive documentary testimony and physical evidence.

**WHEREAS**, pursuant to emergency House Bill 197, 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”) or conducted via teleconference or other similar electronic technology; 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 and hereby clarifies the procedures for conducting Remote Meetings per House Bill 197.

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

1. That during the period of time the State of Emergency within the State of Ohio exists under Executive Order 2020-01D or until December 1, 2020 if the period of the emergency continues beyond that date, 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 a Remote Meeting via teleconference, video conference, or any other similar electronic technology provided that:

- a. Proper notice is provided as required for a public meeting or hearing as enumerated in House Bill 197; 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 observe and 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 consistent with House Bill 197; and
  - f. All other requirements of the OMA will apply, including those which govern executive session and the taking of meeting minutes.
2. That any resolution, ordinance, rule, or formal action of any kind taken during a Remote Meeting shall have the same effect as if it had occurred during an open meeting or hearing of the public body.

ADOPTED BY COUNCIL ON APRIL 2, 2020

---