

CITY OF CLAYTON, OHIO

RESOLUTIONS AND ORDINANCES

November 5, 2020

OLD BUSINESS - NONE

NEW BUSINESS

ORDINANCES (FIRST OF TWO READINGS)

ORDINANCE NO. O – ZC – 20 – 01

**AN ORDINANCE ADOPTING THE PLANNING COMMISSION'S
RECOMMENDATION TO APPROVE THE APPLICATION OF TYLER DONNELLY
FOR A CHANGE IN ZONING FROM PD-1: PLANNED DEVELOPMENT
RESIDENTIAL TO A: AGRICULTURE FOR PROPERTY LOCATED AT 6483
KIMMEL ROAD AND BEARING PARCEL I.D. NUMBERS M60 03201 0138, M60 03201
0017 AND M60 03201 0147 WITHIN THE CITY OF CLAYTON, OHIO WITH
MODIFICATION**

WHEREAS, an application has been filed by Tyler Donnelly for the property located at **6483 Kimmel Road (Parcel I.D. Numbers M60 03201 0138, M60 03201 0017 and M60 03201 0147)** within Clayton, Ohio and requesting a zoning change for same from PD-1: Planned Development Residential to A: Agriculture; and

WHEREAS, the Clayton Planning Commission held a public hearing on September 28, 2020, on said re-zoning request at which time any and all persons were given an opportunity to be heard thereon, and;

WHEREAS, the Clayton Planning Commission after public meeting on September 28, 2020 recommended approval of the subject zoning change request referenced herein **with two conditions**:

- A. That the applicant is not required to obtain a conditional use permit for the existing single-family residence per CCO 1159.10; and*
- B. The applicant has one (1) year in which to combine all three parcels involved in this zoning district change to one parcel.*

WHEREAS, the Clayton City Council held a public hearing on November 5, 2020, on said re-zoning request at which time any and all persons were given an opportunity to be heard thereon.

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

1. That the Council hereby adopts the recommendation of approval from the Clayton Planning Commission that the zoning for the property located at **6483 Kimmel**

Road (Parcel I.D. Numbers M60 03201 0138, M60 03201 0017 and M60 03201 0147) within Clayton, Ohio be re-zoned from PD-1: Planned Development Residential to A: Agriculture with the following modification:

Council determines that, with respect to the facts and circumstances presented in this re-zoning case, including that the single-family residence is already in existence on the subject property, CCO 1159.10 is inapplicable in this particular case and therefore modifies the condition of the Planning Commission waiving the requirement to obtain a conditional use permit for said single-family residence as Council finds CCO 1159.10 inapplicable to this case.

The Planning Commission condition requiring the applicant to combine all three (3) parcels involved in this re-zoning district change into one parcel within one (1) year is hereby adopted as a condition to re-zoning approval and shall remain in full force and effect. The applicant shall combine all three (3) parcels involved in this re-zoning district change into one parcel within one (1) year.

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 November 5, 2020 and November 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 NOVEMBER 19, 2020

RESOLUTIONS (SINGLE READING AND IMMEDIATE ENACTMENT)

RESOLUTION NO. R – 11 – 20 – 55

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH PHOENIX SAFETY OUTFITTERS, LLC FOR THE PURCHASE OF PERSONAL PROTECTIVE EQUIPMENT (PPE) AT A COST NOT TO EXCEED \$45,000.00

WHEREAS, via City Charter Section 8.02(C)(1) and enactment of Ordinance No. 08-18-17 on September 6, 2018, the current minimum competitive bid threshold is \$53,748.00; and

WHEREAS, the present expenditure is below the current minimum competitive bid threshold and therefore competitive bidding is not required; and

WHEREAS, Chief Garver has recommended replacement of the Fire Department's current PPE consistent with NFPA guidelines that said PPE be replaced every 10 years or sooner, depending on condition and cost to repair.

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 Phoenix Safety Outfitters, LLC for the purchase of Personal Protective Equipment (PPE) at a cost not to exceed \$45,000.00.

ADOPTED BY COUNCIL ON NOVEMBER 5, 2020

RESOLUTION NO. R – 11 – 20 – 56

A RESOLUTION APPROVING APPOINTMENTS TO THE PLAN CLAYTON IMPLEMENTATION COMMITTEE

WHEREAS, in order to better implement Plan Clayton, Council, via enactment of Resolution No. R-10-20-47 on October 1, 2020, created a special committee to review and recommend regarding suggested implementation methods for same; and

WHEREAS, Council now desires to appoint the following persons to the Plan Clayton Implementation Committee.

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

1. That the following persons are hereby appointed to the Plan Clayton Implementation Committee:
 - a. Two (2) Elected Officials: *Mayor Mike Stevens and Council Member Brendan Bachman.*
 - b. One (1) Planning Commission Member: *Seth Powless.*
 - c. One (1) Real Estate Professional: *Kim Williams.*
 - d. One (1) Clayton Resident Per Ward: Ward 1: *Mindy Craddick*, Ward 2: *Derek L. Muncy*, Ward 3: *Dan Foley.*
2. Said Special Committee shall comply with City Council Rule V – B concerning Special Committees, and shall comply with the Ohio Open Meeting Act.
3. Said Special Committee shall make findings and recommendations to Council per Council Rule V- B; and said Special Committee shall terminate upon presentation of its final report to Council.

ADOPTED BY COUNCIL ON NOVEMBER 5, 2020

RESOLUTION NO. R – 11 – 20 – 57

A RESOLUTION CONSENTING TO THE ASSIGNMENT OF CONTRACT WITH CALFEE ZONING TO ZONECO, LLC RELATED TO ZONING CODE UPDATE SERVICES

WHEREAS, via Resolution No. R-10-18-59 enacted on October 18, 2018, Council authorized the City Manager to enter into a contract with Calfee Zoning for the preparation and presentation of an updated zoning code for the City; and

WHEREAS, Calfee Zoning has requested authority to assign said contract to Zoneco, LLC wherein Zoneco, LLC will finalize and provide the updated zoning code to the City and present same to the Planning Commission and to Council and the final payment for said remaining services to be paid to Calfee Zoning and the City will not be responsible to make any further or additional payments to Zoneco, LLC.

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

1. That Clayton Council authorizes and consents to the assignment of the contract with Calfee Zoning to Zoneco, LLC wherein Zoneco, LLC will finalize and provide the updated zoning code to the City and present same to the Planning Commission and to Council and the final payment for said remaining services to be paid to Calfee Zoning and the City will not be responsible to make any further or additional payments to Zoneco, LLC.
2. That the City Manager is authorized to sign the attached consent to said assignment.

ADOPTED BY COUNCIL ON NOVEMBER 5, 2020

RESOLUTION NO. R – 11 – 20 – 58

A RESOLUTION APPROVING AMENDMENT OF 2020 APPROPRIATIONS AND ESTIMATED RESOURCES

WHEREAS, during the operation of the City of Clayton certain expenditures are required to provide required governmental services; and

WHEREAS, the expenditures must be in accordance with requirements provided by applicable state law and be applied against certain designated City funds; and

WHEREAS, certain transfers of moneys within and between specified City funds may be required to comply with accounting requirements established by the office of the State Auditor of Ohio; and

WHEREAS, certain appropriations are necessary to authorize payment from certain funds; and

WHEREAS, Council previously approved the Original Certificate of Estimated Resources and Appropriations; and

WHEREAS, the Finance Director has requested amendment of the 2020 Appropriations and Estimated Resources with respect to the General Fund (101), Law Enforcement Trust Fund (227), Fire Fund (301), EMS Fund (325), Local Coronavirus Relief Fund (707), and the Golf Fund (905).

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

1. That the following amendments are hereby approved as follows and the appropriation amendments are for *expenses (operational)(personnel) as indicated below*:

<u>Fund</u>	<u>Estimated Resource Amount</u>	<u>Appropriation Amount</u>
General (101)	\$7,569.28 Transfer in	
Law Enforcement Trust (227)		\$9,500 (operating)
Fire (301)	\$11,000	\$11,000 (personnel)
EMS (325)	\$9,869	\$9,869 (operating)
Local Coronavirus Relief (707)	\$476,464.61	\$453,464.41 (personnel) \$23,000 (operating)
Golf (905)		\$7,569.28 Transfer to General

2. That the Finance Director is hereby authorized, empowered and directed to take all action necessary to effect such amendments and appropriations and evidence same on the books and financial record of the City.

ADOPTED BY COUNCIL ON NOVEMBER 5, 2020
