

CITY OF CLAYTON, OHIO

RESOLUTIONS AND ORDINANCES

February 4, 2021

NEW BUSINESS

ORDINANCES (FIRST OF TWO READINGS)

ORDINANCE NO. O – 02 – 21 – 01

AN ORDINANCE APPROVING A TWENTY PERCENT (20%) INCREASE OF THE COMPETITIVE BID THRESHOLD PURSUANT TO CITY CHARTER SECTIONS 8.02(B) AND 8.02(C)(1)

WHEREAS, Section 8.02(B) of the City of Clayton Charter states, “When any expenditure or contract is required to be competitively bid under the provisions of this Charter or ordinance or resolution of Council, the City Manager may solicit competitive bids without the prior approval of Council. All solicitations for submittal of bids shall be advertised once a week for at least two weeks in a newspaper of general circulation in the City. The award shall be made by the City Manager after approval by majority vote of Council to the lowest and best, responsive bid submitted by a responsible bidder. The City shall have the right to waive defects in a bid and to reject any and all bids.”; and

WHEREAS, Section 8.02(C)(1) of the City of Clayton Charter states, “In the fiscal year this Charter is in effect, the amount of an expenditure or contract which shall require bidding under Division (B) shall be fifteen thousand dollars or more. Thereafter Council may by ordinance increase the amount by twenty percent once each year, but the amount fixed by council shall not exceed twice the statutory amount for which general Ohio statutory plan cities are required to engage in competitive bidding;” and

WHEREAS, City staff has recommended and Council desires to approve a twenty percent increase in the competitive bidding threshold from \$53,748.00 (approved by Council via Ordinance No. O-08-18-17 on September 6, 2018) to \$64,498.00 in accordance with Charter Sections 8.02(B) and 8.02(C)(1).

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

1. That, pursuant to City of Clayton Charter Sections 8.02(B) and 8.02(C)(1), the competitive bid threshold is hereby increased by twenty percent from \$53,748.00 to \$64,498.00.
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 4, 2021 and February 18, 2021.

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 18, 2021

RESOLUTIONS (SINGLE READING AND IMMEDIATE ENACTMENT)

RESOLUTION NO. R – 02 – 21 – 11

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT PROPOSAL OF AND ENTER INTO A CONTRACT WITH COATE CONSTRUCTION, LLC FOR INSTALLATION OF A LARGE BOX CULVERT AT A COST NOT TO EXCEED \$52,500.00

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, the Public Service Director has requested authority to enter into a contract with Coate Construction, LLC for installation of a 6' x 4' large box culvert just west of Union Road replacing the current box at that location which is in poor condition.

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 proposal of and enter into a contract with Coate Construction, LLC for installation of a 6' x 4' large box culvert just west of Union Road in an amount not to exceed \$52,500.00 and replacing the current box at that location which is in poor condition.

ADOPTED BY COUNCIL ON FEBRUARY 4, 2021

RESOLUTION NO. R – 02 – 21 – 12

A RESOLUTION DECLARING THE NECESSITY OF REPAIRING AND/OR REMOVING AND REPLACING CURBS, GUTTERS, SIDEWALKS, AND DRIVEWAY APPROACHES WITHIN THE CITY OF CLAYTON, OHIO RELATIVE TO THE PROPERTIES IDENTIFIED ON THE ATTACHED EXHIBIT A

WHEREAS, the City staff has heretofore studied the need to repair and/or remove and replace curbs, gutters, sidewalks, and driveway approaches within the areas identified on the attached **Exhibit A**; and

WHEREAS, a list of properties requiring repair and/or removal and replacement of curbs, gutters, sidewalks, and driveway approaches is appended hereto as **Exhibit A** and was filed with the Clerk of Council; and

WHEREAS, this Council with and upon recommendation of staff has reviewed and hereby approves the general plans, specifications and estimate of cost to repair and/or remove and replace the above referenced curbs, gutters, sidewalks, and driveway approaches which plans, specifications and estimate of cost were filed with the Clerk of Council; and

WHEREAS, such curbs, gutters, sidewalks, and driveway approaches as are identified on the list of properties appended hereto as **Exhibit A** and filed with the Clerk of Council shall be repaired and/or removed and replaced by the respective property owners after service of notice upon said property owners in accordance with the law and in accordance with the plans and specifications filed with the Clerk of Council; and

WHEREAS, in the event said curbs, gutters, sidewalks, and driveway approaches are not repaired and/or removed and replaced by the respective property owners after service of notice upon said property owners by **April 12, 2021** and in accordance with the plans and specifications filed with the Clerk of Council, the municipal corporation will cause such repair and/or removal and replacement to occur and assess the cost thereof against the lots and lands abutting thereon.

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

1. That this Council hereby declares it necessary for the preservation and promotion of the public health and welfare, for the reasons set forth in the preambles hereof, for the property owners identified on the attached listing to repair and/or remove and replace the curbs, gutters, sidewalks, and driveway approaches abutting their properties in accordance with the plans and specifications filed with the Clerk of Council.

2. The listing of properties subject to this Resolution of Necessity are appended hereto as **Exhibit A** and are described and set out in the plans, specifications, and estimate of cost, which are on file in the Clayton Government Center, 6996 Taywood Road, Englewood, Ohio, 45322 where they may be examined and which plans, specifications, and estimate of cost, are hereby approved.

3. That the total cost of repair and/or removal and replacement of all of the curbs, gutters, sidewalks, and driveway approaches on the appended list is estimated to be 3,703 linear feet not to exceed \$40.00 per linear foot. And \$12.00 a square foot for approach repair.

4. That Notice of the passage of this Resolution of Necessity and the filing of the plans, specifications and cost estimate shall be served upon the owners of the lots or parcels of land identified on the list appended hereto by certified mail addressed to such owner at his/her last known address or to the address to which tax bills are sent.

5. That in the event said curbs, gutters, sidewalks, and driveway approaches are not repaired and/or removed and replaced by the respective property owners after service of notice upon said property owners and prior to **April 12, 2021** in accordance with the plans and specifications filed with the Clerk of Council, the municipal corporation will cause such repair and/or removal and replacement to occur and assess the cost thereof against the lots and lands abutting thereon.

6. That this Council hereby finds and determines that all formal actions relative to the adoption of this resolution were taken in an open meeting of this Council, and that all deliberations of this Council, which resulted in formal action, were taken in meetings open to the public, in full

compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

ADOPTED BY COUNCIL ON FEBRUARY 4, 2021

RESOLUTION NO. R – 02 – 21 – 13

**A RESOLUTION APPROVING AMENDMENT OF 2021
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 2021 Appropriations and Estimated Resources with respect to the General Fund (101), the Fire Fund (301), the EMS Fund (325), the Sewer Construction Fund (904), and the Bond Retirement Fund.

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 *operating expenses*:

<u>Fund</u>	<u>Estimated Resource Amount</u>	<u>Appropriation Amount</u>
General (101)		\$11,358
Fire (301)		\$19,000
EMS (325)		\$9,869
Sewer Construction (904)		\$25,729.88
Bond Retirement	\$11,358*	

*Requires a transfer from the General Fund

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 FEBRUARY 4, 2021

RESOLUTION NO. R – 02 – 21 – 14

A FINAL RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) TO RESURFACE SPECIFIED PORTIONS OF SR49 WITHIN THE CITY OF CLAYTON, OHIO AND AT A TOTAL ESTIMATED COST TO THE CITY OF CLAYTON, OHIO NOT TO EXCEED \$250,880.00

WHEREAS, the following Final Resolution enacted by the City of Clayton, Ohio, hereinafter referred to as the Legislative Authority/Local Public Agency or “LPA”, in the matter of the stated described project; and

WHEREAS, on the 16th day of May, 2019 the City of Clayton, Ohio (“Local Public Agency” or “LPA”) enacted legislation (**Resolution No. R-05-19-37**) proposing cooperation with the Director of Transportation for the described project:

The project consists of planing and resurfacing Salem Avenue (S.R. 49) between Westbrook Road and SLM 7.87 and between SLM 8.16 and Southway Road, including pavement markings, lying within the City of Clayton; and

WHEREAS, the LPA shall cooperate with the Director of Transportation in the above described project as follows:

The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement within city limits, less the amount of Federal-Aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation.

The share of the cost of the LPA is now estimated in the amount of Two Hundred Fifty Thousand Eight Hundred Eighty and ---00/100 Dollars (\$250,880.00), but said estimated amount is to be adjusted in order that the LPA’s ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined; and

WHEREAS, the Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway and has transmitted copies of the same to this legislative authority; and

WHEREAS, the LPA desires the Director of Transportation to proceed with the aforesaid highway improvement.

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

1. That the estimated sum of *Two Hundred Fifty Thousand Eight Hundred Eighty and ---00/100 Dollars (\$250,880.00)*, is hereby appropriated for the improvement described above and the fiscal

officer is hereby authorized and directed to issue an order on the treasurer for said sum upon the requisition of the Director of Transportation to pay the cost and expense of said improvement. We hereby agree to assume in the first instance, the share of the cost and expense over and above the amount to be paid from **Federal** funds.

2. That the LPA hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.

3. That the LPA enter into a contract with the State, and that the **City Manager** be, and is hereby authorized to execute said contract, providing for the payment of the LPA the sum of money set forth herein above for improving the described project.

4. That the LPA transmit to the Director of Transportation a fully executed copy of this Resolution.

5. This Final Resolution shall take effect and be in force from and after the date of its passage.

ADOPTED BY COUNCIL ON FEBRUARY 4, 2021
