

CITY OF CLAYTON, OHIO

RESOLUTIONS AND ORDINANCES

April 1, 2021

OLD BUSINESS

ORDINANCES (SECOND OF TWO READINGS AND ENACTMENT)

ORDINANCE NO. O – ZC – 21 – 01

**AN ORDINANCE ADOPTING THE PLANNING COMMISSION'S
RECOMMENDATION TO APPROVE THE APPLICATION OF WILLIAM AND
MARY LAUER FOR A CHANGE IN ZONING FROM R-3 (SUBURBAN
RESIDENTIAL) TO I (GENERAL INDUSTRIAL) FOR PROPERTY LOCATED AT
6892 SALEM AVENUE (PARCEL I.D. NUMBER M60 03207 0015) AND CONTAINING
6.12 ACRES WITHIN THE CITY OF CLAYTON, OHIO**

WHEREAS, on January 11, 2021, an application was filed by property owners William and Mary Lauer for the property located at 6892 Salem Avenue and bearing Parcel I.D. Number M60 03207 0015 and containing 6.12 acres within the City of Clayton, Ohio and requesting a zoning change for same from R-3 (Suburban Residential) to I (General Industrial); and

WHEREAS, the Clayton Planning Commission held a public hearing on February 22, 2021, on said re-zoning request at which time any and all persons were given an opportunity to be heard thereon, and the Clayton Planning Commission, at said February 22, 2021 meeting, *voted to approve the re-zoning request as submitted*; and

WHEREAS, the Clayton City Council held a public hearing on March 18, 2021, on the aforesaid 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 Planning Commission's *recommendation of approval* of re-zoning from R-3 (Suburban Residential) to I (General Industrial) for the property located at 6892 Salem Avenue and bearing Parcel I.D. Number M60 03207 0015 and containing 6.12 acres within the City of Clayton, Ohio.
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 18, 2021 and April 1, 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.

NEW BUSINESS

RESOLUTIONS (SINGLE READING AND IMMEDIATE ENACTMENT)

RESOLUTION NO. R – 04 – 21 – 26

A RESOLUTION AUTHORIZING PARTICIPATION IN THE ODOT ROAD SALT CONTRACTS AWARDED IN 2021

WHEREAS, the City of Clayton, Ohio, located in Montgomery County, (hereinafter referred to as the “Political Subdivision”) hereby submits this written agreement to participate in the Ohio Department of Transportation’s (ODOT) annual road salt bid in accordance with Ohio Revised Code 5513.01(B) and hereby agrees to all of the following terms and conditions in its participation of the ODOT road salt contract:

- a. The Political Subdivision hereby agrees to be bound by all terms and conditions established by ODOT in the road salt contract and acknowledges that upon award of the contract by the Director of ODOT it shall be bound by all such terms and conditions included in the contract; and
- b. The Political Subdivision hereby acknowledges that upon the Director of ODOT’s signing of the road salt contract, it shall effectively form a contract between the awarded salt supplier and the Political Subdivision; and
- c. The Political Subdivision agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT road salt contract and agrees to hold the Department of Transportation harmless for any claims, actions, expenses, or other damages arising out of the Political Subdivision’s participation in the road salt contract; and
- d. *The Political Subdivision’s electronic order for Sodium Chloride (Road Salt) will be the amount the Political Subdivision agrees to purchase from its awarded salt supplier at the delivered bid price per ton awarded by the Director of ODOT; and*
- e. The Political Subdivision hereby agrees to purchase a minimum of 90% of its electronically **submitted** salt quantities from its awarded salt supplier during the contract’s effective period; and
- f. The Political Subdivision hereby agrees to place orders with and directly pay the awarded salt supplier on a net 30 basis for all road salt it receives pursuant to ODOT salt contract; and
- g. The Political Subdivision acknowledges that should it wish to rescind this participation agreement it will do so by written, emailed request by no later than Friday, April 30 **by 5:00 p.m.** The written, emailed request to rescind this participation agreement must be received by the ODOT Office of Contract Sales, Purchasing Section email: Contracts.Purchasing@dot.ohio.gov by the deadline. The Department, upon receipt, will respond that it has received the request and that it has effectively removed the Political Subdivision’s participation request. Furthermore, it is the sole responsibility of the Political Subdivision to ensure ODOT has received this participation agreement as well as the receipt of any request to rescind this participation agreement. The Department shall not be held responsible or liable for failure to receive a Political Subdivision’s participation agreement and/or a Political Subdivision’s request to rescind its participation agreement.

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

1. That this participation agreement for the ODOT road salt contract is hereby approved, funding has been authorized, and the Political Subdivision agrees to the above terms and conditions regarding participation on the ODOT sale contract.

ADOPTED BY COUNCIL ON APRIL 1, 2021
