

CITY OF CLAYTON, OHIO

RESOLUTIONS AND ORDINANCES

July 15, 2021

OLD BUSINESS - NONE

NEW BUSINESS

ORDINANCES (*TABLED UNTIL AUGUST 5, 2021 REGULAR COUNCIL MEETING*)

ORDINANCE NO. O – ZC – 21 – 04

AN ORDINANCE _____ (*ADOPTING, REJECTING, MODIFYING*) THE PLANNING COMMISSION’S RECOMMENDATION TO APPROVE THE APPLICATION OF DDC MANAGEMENT, LLC FOR A CHANGE IN ZONING FROM R-3 (SUBURBAN RESIDENTIAL) TO PD-1 (PLANNED DEVELOPMENT-RESIDENTIAL) AND TO APPROVE THE PRELIMINARY SUBDIVISION PLAN, WITH SPECIFIED CONDITIONS, SUBMITTED FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF WESTBROOK ROAD AND UNION ROAD AND BEARING PARCEL I.D. NUMBER M60 03207 0022 COMPRISED OF 39.47 ACRES WITHIN THE CITY OF CLAYTON, OHIO

WHEREAS, on June 9, 2021, an application was filed by DDC Management, LLC, with written approval of the property owner, Clayton Land Company, for the property located at the Northwest corner of Westbrook and Union Roads and bearing Parcel I.D. Number M60 03207 0022, containing 39.47 acres within the City of Clayton, Ohio (“Subject Property”) requesting a zoning change for same from R-3 (Suburban Residential) to PD-1 (Planned Development-Residential) and further requesting approval of its submitted Preliminary Subdivision Plan; and

WHEREAS, the Clayton Planning Commission held a public hearing on June 28, 2021, on said re-zoning and Preliminary Subdivision Plan approval request at which time any and all persons were given an opportunity to be heard thereon, and the Clayton Planning Commission, at said June 28, 2021 meeting, *voted to approve the re-zoning request and to further approve the Preliminary Subdivision Plan with specified conditions*; and

WHEREAS, the Clayton City Council held a public hearing on July 15, 2021, on the aforesaid re-zoning request and request for approval of the Preliminary Subdivision Plan, 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, Rejects, Modifies*) the Planning Commission’s *approval of the re-zoning request and approval of the Preliminary Subdivision Plan with specified conditions* of the Subject Property.

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 July 15, 2021 and August 19, 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 AUGUST 19, 2021

RESOLUTIONS (SINGLE READING AND IMMEDIATE ENACTMENT)

RESOLUTION NO. R – 07 – 21 – 40

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE NORTHMONT SCHOOL DISTRICT FOR THE PROVISION OF SCHOOL RESOURCE OFFICERS FOR THE 2021-2022 SCHOOL YEAR

WHEREAS, the Clayton Police Department and the Northmont School District have worked cooperatively over the past several years for the provision of School Resource Officers; and

WHEREAS, the Northmont School District has approached the City regarding provision of School Resource Officers for the 2021-2022 school year; and

WHEREAS, the Northmont School District has agreed to reimburse the City for additional costs associated with backfilling the assigned School Resource Officers' hours with part-time officers at a cost not to exceed \$131,036.00.

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 in substantially similar form as the Agreement appended hereto with The Northmont School District for the provision of School Resource Officers for the 2021-2022 school year, and including the provision that the City will be reimbursed by the Northmont School District for the backfilling of the assigned School Resource Officers' hours with part-time officers at a cost not to exceed \$131,036.00 for the 2021-2022 school year.

ADOPTED BY COUNCIL ON JULY 15, 2021

RESOLUTION NO. R – 07 – 21 – 41

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT PROPOSAL OF AND ENTER INTO AN AGREEMENT WITH SUPERIOR DENTAL CARE FOR THE PROVISION OF GROUP DENTAL INSURANCE BENEFITS FOR THE PERIOD SEPTEMBER 1, 2021 TO AUGUST 31, 2022

WHEREAS, Superior Dental Care, via the City’s broker, has proposed renewal of the City’s plan with no changes to the plan benefit and no premium increase which would remain in effect through August 31, 2022; and

WHEREAS, City staff has confirmed that the use of a formal competitive bidding/proposal process and the delay associated therewith would result in a gap in coverage for employees; and

WHEREAS, the renewal would keep the current coverage and services as exist for the City; and

WHEREAS, renewal of the current Superior Dental Care policy permits continuation of the contract plan at the best and lowest price, coverage, and services reasonably possible; and

WHEREAS, the minimal prior notice and pending deadline for completion of said renewal mandates the taking of emergency action to approve said renewal to prevent a gap in coverage for employees.

WHEREAS, City Staff and the City Manager recommends for acceptance as most beneficial, favorable to the City, and in the best interest of the City, the proposal submitted by Superior Dental Care for the period September 1, 2021 to August 31, 2022.

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

1. That the renewal proposal with Superior Dental Care for the provision of group dental insurance benefits from September 1, 2021 to August 31, 2022 with monthly premium cost not to exceed \$25.08 per employee plan and \$77.02 per multi-enrollee plan is hereby approved and accepted and the City Manager and Finance Director are hereby authorized to enter into the proposed Insurance Agreement to effect said coverage.

ADOPTED BY COUNCIL ON JULY 15, 2021

RESOLUTION NO. R – 07 – 21 – 42

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH ESO SOLUTIONS, INC. FOR A RECORDS MANAGEMENT SYSTEM FOR THE FIRE DEPARTMENT IN ORDER TO EFFECUTATE THE PURPOSES OF THE JOINT EMERGENCY SERVICES COLLABORATIVE MEMORANDUM OF UNDERSTANDING IN A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$26,387.82, SAID AMOUNT TO BE SHARED AMONG THE CITIES OF CLAYTON, ENGLEWOOD, AND UNION

WHEREAS, via enactment of Resolution No. R-03-20-17 on March 19, 2020, City Council authorized the City Manager to sign a Joint Emergency Services Collaborative Memorandum of Understanding on behalf of the City of Clayton, Ohio with the cities of Englewood, Ohio and Union, Ohio; and

WHEREAS, in order to effectively and efficiently carry out the purposes of said Joint Emergency Services Collaborative Memorandum of Understanding, Fire Chief Brian Garver has requested authorization to enter into a contract with ESO Solutions, Inc. for a records management system for the fire department collaborative with the total contract price of \$26,387.82 being shared among the Cities of Clayton, Englewood, and Union as follows:

Clayton: \$7,916.35 or 30% of the total cost;
Englewood: \$13,721.67 or 52% of the total cost;
Union: \$4,749.80 or 18% of the total cost; and

WHEREAS, this purchase is exempt from competitive bidding per Clayton Charter Section 8.02(C)(1) and Ordinance No. 01-21-01 enacted February 18, 2021.

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 a contract with ESO Solutions, Inc. for a new records management system for the fire department collaborative at a total cost not to exceed \$26,387.82, said total cost to be shared among the Cities of Clayton, Englewood, and Union as follows:
Clayton: \$7,916.35 or 30% of the total cost;
Englewood: \$13,721.67 or 52% of the total cost;
Union: \$4,749.80 or 18% of the total cost.
2. That the City Manager is further authorized to enter into any additional agreements or Memorandum of Understanding with the Cities of Englewood and Union to effectuate the cost sharing of the records management system as enumerated herein.
3. 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.

RESOLUTION NO. R – 07 – 21 – 43

A RESOLUTION TO AUTHORIZE AND APPROVE PURCHASE ORDER

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
June 11, 2021	ESO Solutions, Inc.	\$26,387.82	Fire Collaborative Records Management System

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 JULY 15, 2021

RESOLUTION NO. R – 07 – 21 – 44

A RESOLUTION APPROVING TRANSFER OF FUNDS

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, the Finance Director has requested a transfer of funds from the Permissive Motor Vehicle License Tax Fund (403) to the Street Department Fund (401) and the State Highway Fund (402).

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

1. That the following transfers of funds are hereby approved as indicated:

Transfer Out	Transfer In	Amount
Permissive Motor Vehicle License Tax Fund (403)	Street Department Fund (401)	\$55,782.00
Permissive Motor Vehicle License Tax Fund (403)	State Highway Fund (402)	\$4,523.00

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 JULY 15, 2021

RESOLUTION NO. R – 07 – 21 – 45

A RESOLUTION AUTHORIZING AND RATIFYING SUBMISSIONS OF THE CITY OF CLAYTON, OHIO AS A CLAIMANT IN THE BANKRUPTCY CASE STYLED *IN RE: PURDUE PHARMA, L.P. ET. AL.*, CASE NO. 19-23649 (RDD) IN THE UNITED STATES BANKRUPTCY COURT, SOUTHERN DISTRICT OF NEW YORK

WHEREAS, Purdue Pharma and 23 of its affiliates filed for Chapter 11 bankruptcy protection on September 15, 2019; and

WHEREAS, the City of Clayton, Ohio, along with numerous other political subdivisions, were named as claimants in said Bankruptcy Case relative to the opioid crisis and may potentially receive funding via the Bankruptcy for opioid abatement measures.

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

1. That this Council authorizes and ratifies the submissions on behalf of the City of Clayton, Ohio, as claimant, by the City Manager and/or the Law Director in the Bankruptcy Case styled, *In Re: Purdue Pharma, L.P. et. al., Case No. 19-23649 (RDD)* in the United States Bankruptcy Court, Southern District of New York, including but not limited to, voting on Plan(s) of Reorganization. The City Manager and Law Director are authorized to submit such documents in said Bankruptcy Case deemed necessary and appropriate to the processing of the City's claim therein.

ADOPTED BY COUNCIL ON JULY 15, 2021
