

# CITY OF CLAYTON, OHIO

---

---

## RESOLUTIONS AND ORDINANCES September 16, 2021

---

---

### OLD BUSINESS

### ORDINANCES (SECOND OF TWO READINGS)

#### ORDINANCE NO. O – 09 – 21 – 19

#### AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE CLAYTON CODIFIED ORDINANCES

**WHEREAS**, certain provisions within the Codified Ordinances should be amended to conform with current State law as required by the Ohio Constitution; and

**WHEREAS**, various ordinances of a general and permanent nature have been passed by Council which should be included in the Codified Ordinances; and

**WHEREAS**, the City has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish such revision which is before Council.

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

1. That the ordinances of the City of Clayton, Ohio, of a general and permanent nature, as revised, re-codified, rearranged and consolidated into component codes, titles, chapters and sections within the 2021 Replacement Pages to the Codified Ordinances, are hereby approved and adopted.
2. That the following sections and chapters are hereby added, amended or repealed as respectively indicated in order to comply with current State law.

#### Traffic Code

301.183	Low-Speed Micromobility Device. (Added)
301.22	Pedestrian. (Amended)
301.51	Vehicle. (Amended)
331.37	Driving Upon Sidewalks, Street Lawns or Curbs. (Amended)
331.41	Wearing Earplugs or Earphones Prohibited. (Amended)
335.04	Certain Acts Prohibited. (Amended)
335.09	Display of License Plates or Validation Stickers; Temporary License Placard. (Amended)
335.091	Operating Without Dealer or Manufacturer License Plates (Added)
351.03	Prohibited Standing of Parking Places. (Amended)
371.13	Operation of Personal Delivery Device on Sidewalks and Crosswalks. (Added)
371.14	Low-Speed Microbility Devices. (Added)
373.10	Motorized Bicycle Operation. (Amended)
373.12	Electric Bicycles. (Amended)

## General Offenses Code

501.99	Penalties for Misdemeanors. (Amended)
505.15	Cruelty to Companion Animals. (Amended)
509.07	Making False Alarms. (Amended)
513.01	Drug Abuse Control Definitions. (Amended)
521.08	Littering and Deposit of Garbage, Rubbish, Junk, Etc. (Amended)
525.13	Interfering with Civil Rights. (Amended)
529.01	Liquor Control Definitions. (Amended)
529.07	Open Container Prohibited. (Amended)
533.08	Procuring; Engagement in Sexual Activity for Hire. (Amended)
533.09	Soliciting. (Amended)
533.091	Loitering to Engage in Solicitation. (Amended)
533.10	Prostitution. (Amended)
537.02	Vehicular Homicide and Manslaughter. (Amended)
537.17	Reserved. (Previously "Criminal Child Enticement")
541.04	Criminal Mischief. (Amended)
541.05	Criminal Trespass. (Amended)
541.051	Aggravated Trespass. (Amended)
549.02	Carrying Concealed Weapons. (Amended)
549.06	Unlawful Transactions in Weapons. (Amended)

3. That the complete text of the sections listed above are set forth in full in the current replacement pages to the Codified Ordinances which are hereby attached to this ordinance as **Exhibit A**. Any summary publication of this ordinance shall include a complete listing of these sections. Notice of adoption of each new section by reference to its title shall constitute sufficient publication of new matter contained therein.
4. 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 September 2, 2021 and September 16, 2021.
5. 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 – 09 – 21 – 50**

**A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE MONTGOMERY COUNTY BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR**

**WHEREAS**, the Council of the City of Clayton, Montgomery County, Ohio met in Regular session on the 16th day of September, 2021, at the office of the City of Clayton with the following Council members present: Mayor Mike Stevens, Council Members Dennis Lieberman, James T. Gorman, Kenneth Henning, Tina Kelly, Brendan Bachman, and Greg Merkle; and

**WHEREAS**, pursuant to R.C. 5705.281 and .30 the Budget Commission of Montgomery County has waived the requirement that political subdivisions within the County adopt a Tax Budget for submission to the Budget Commission; and

**WHEREAS**, pursuant to R.C. 5705.34 and .35 the Budget Commission of Montgomery County, Ohio has completed its work relative to preparation of a Tax Budget for the City of Clayton and certified its action to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council and what part thereof is without, and what part within, the ten mill tax limitation provided under Ohio statute.

James Gorman moved the adoption of the following Resolution.

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

1. That the amounts and rates, as determined by the Budget Commission in its certification, are hereby accepted.
2. That there be and is hereby levied on the tax duplicate of said City of Clayton the rate of each tax necessary to be levied within and without the ten mill limitation as set forth on **Schedules A and B** appended hereto and made a part hereof.
3. **That the Clerk of Council be and is hereby directed to certify a copy of this Resolution to the Montgomery County Auditor.**

Kenneth Henning seconded the adoption of the following Resolution and the roll being called upon its adoption the vote resulted as follows:

Mayor Mike Stevens	Yes
Dennis Lieberman	Yes
Kenneth Henning	Yes
James T. Gorman	Yes
Tina Kelly	Yes
Brendan Bachman	Yes
Greg Merkle	Yes

**RESOLUTION NO. R – 09 – 21 – 51**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT PROPOSAL OF AND ENTER INTO A CONTRACT WITH ADVANCED MECHANICAL SERVICES, INC. FOR INSTALLATION OF FOUR (4) HVAC ROOFTOP UNITS AT MEADOWBROOK AT CLAYTON AT A COST NOT TO EXCEED \$60,742.00 AND FURTHER AUTHORIZING USE OF AMERICAN RESCUE PLAN (ARP) FUNDS FOR SAID EXPENDITURE**

**WHEREAS**, via City Charter Section 8.02(C)(1) and enactment of Ordinance No. 01-21-01 on February 18, 2021, the current minimum competitive bid threshold is \$64,498.00; and

**WHEREAS**, the present expenditure is below the current minimum competitive bid threshold and while competitive bidding is not required, the City did receive proposals for said expenditure; and

**WHEREAS**, Advanced Mechanical Services, Inc. submitted the lowest and best proposal most favorable to and in the best interest of the City.

**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 Advanced Mechanical Services, Inc. for installation of four (4) rooftop HVAC units at Meadowbrook at Clayton in an amount not to exceed \$60,742.00 and further authorizing the use of American Rescue Plan (ARP) funds for said purchase.

2. Council finds this to be an authorized use of American Rescue Plan (ARP) funds in response to the harmful consequences of economic disruptions and negative economic impacts resulting from and exacerbated by the COVID-19 public health emergency. Use of ARP funds as authorized herein will address these harms by providing government services affected by a revenue reduction due to the public health emergency relative to revenues collected (in the most recent full fiscal year prior to the emergency) in 2020.

ADOPTED BY COUNCIL ON SEPTEMBER 16, 2021

---

**RESOLUTION NO. R – 09 – 21 – 52**

**A RESOLUTION AUTHORIZING THE SUBMITTAL OF APPLICATIONS FOR FEDERAL FAST ACT FUNDS THROUGH THE MIAMI VALLEY REGIONAL PLANNING COMMISSION**

**WHEREAS**, the Miami Valley Regional Planning Commission (MVRPC) has solicited local government entities to submit new transportation projects for funding consideration in the Transportation Improvement Program (TIP); and

**WHEREAS**, the City of Clayton, Ohio has committed to a timely project development schedule; and

**WHEREAS**, the City of Clayton, Ohio will commit the necessary resources to support the estimated local cost portion of the projects and the following list of projects will be submitted to MVRPC, shown in order of the City of Clayton, Ohio's priority:

- 1. Resurfacing of Salem Street from Crestway Drive west to Diamond Mill Road Project - Total Project Estimate of \$447,335.00 and Estimated Local Share - \$89,467.00; and***
- 2. Resurfacing Project from the CRRSAA Pool of Funds for Resurfacing of Phillipsburg-Union Road from Shaw Road to Haber Road.***

**WHEREAS**, the City of Clayton, Ohio requests the following exemptions from MVRPC's Complete Streets Policy for the proposed funding applications: *1. Resurfacing of Salem Street from Crestway Drive west to Diamond Mill Road Project; and 2. Resurfacing Project from the CRRSAA Pool of Funds for Resurfacing of Phillipsburg-Union Road from Shaw Road to Haber Road: Resurfacing Exemption where the project consists of maintenance, repair or resurfacing of an existing cross-section only.*

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

**SECTION I.** This Resolution shall serve to authorize the transmittal and submittal of applications for the following transportation projects to MVRPC for funding consideration in the Transportation Improvement Program (TIP):

- 1. Resurfacing of Salem Street from Crestway Drive west to Diamond Mill Road Project - Total Project Estimate of \$447,335.00 and Estimated Local Share - \$89,467.00.***
- 2. Resurfacing Project from the CRRSAA Pool of Funds for Resurfacing of Phillipsburg-Union Road from Shaw Road to Haber Road.***

**SECTION II.** The City Manager is hereby authorized to sign on behalf of the City the applications for funds as referred to in Section I of this Resolution.

**SECTION III.** The City Manager is hereby directed and authorized to take or cause to be taken all other action necessary and proper to secure the funding sought by the applications referred to herein, and provide any additional information sought by reviewing agencies during the time the applications is/are under review. The City Manager is further directed and authorized to cause compliance with all reporting requirements required by the Miami Valley Regional Planning Commission (MVRPC) as required as part of the funding process.

**SECTION IV.** Upon application approval, the City hereby states its commitment to the local contribution for the project as identified in these applications, including local contribution of costs exceeding the current estimates or subsequent revised estimates as accepted by the MVRPC.

**SECTION V.** It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

**SECTION VI.** This Resolution shall become effective immediately upon its passage.