

# CITY OF CLAYTON, OHIO

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## RESOLUTIONS AND ORDINANCES

October 7, 2021

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OLD BUSINESS - NONE

NEW BUSINESS

ORDINANCES – EMERGENCY- (SINGLE READING AND IMMEDIATE ENACTMENT)

### ORDINANCE NO. O – 10 – 21 – 21

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A BINDING LETTER OF INTENT TO PURCHASE WITH MLH MSO HOLDCO, INC. AND/OR ITS ASSIGNEE WITH RESPECT TO REAL PROPERTY LOCATED AT 8243 N. MAIN STREET, CLAYTON, OHIO AND BEARING PARCEL I.D. NUMBER M60 03210 0035 WITH SPECIFIED CONTINGENCY AND DECLARING AN EMERGENCY**

**WHEREAS**, Article XVIII, Section 3 of the Ohio Constitution permits Clayton to exercise its power of local self-government; and

**WHEREAS**, Clayton Codified Ordinance Section 117.01 provides, “Upon a vote of *two-thirds* of the members of Council, the sale, lease or other conveyance and transfer of an interest in real property no longer needed for municipal purposes may be approved on such terms as are deemed beneficial to the City and dispensing with any requirements for publication and/or competitive bidding.”; and

**WHEREAS**, the real property which is the subject of this sale, has been available for sale for years, but has been unused since being acquired by the City and in its current state is not needed for municipal purposes and therefore Council has determined that the property located at 8243 N. Main Street and bearing Parcel I.D. Number M60 03210 0035 owned by the City of Clayton, Ohio is no longer needed for municipal purposes.

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

1. That the City of Clayton hereby authorizes the City Manager to enter into the Binding Letter of Intent to Purchase in substantially similar form as appended hereto as *Exhibit A*, with MLH MSO Holdco, Inc. and/or its assignee, with such modifications as deemed appropriate by the Law Department, in order to effectuate the sale of City-owned real property no longer needed for municipal purposes and being located at 8243 N. Main Street, Clayton, Ohio and bearing Parcel I.D. Number M60 03210 0035 upon the following contingency: *The sale of the property located at 8243 N. Main Street, Clayton, Ohio and bearing Parcel I.D. Number M60 03210 0035 Montgomery County, Ohio, is contingent upon MLH MSO Holdco, Inc. and/or its assignee successfully obtaining a license to process and/or dispense medical marijuana from the said real property from the State of 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 Charter Section 4.031(B) the requirement that this ordinance be read on two (2) different days is dispensed with by affirmative vote of at least five (5) of the members of Council.

4. That, immediate approval of the sale of the real property located at 8243 N. Main Street, Clayton, Ohio, Parcel I.D. No. M60 03210 0035 is necessary and will result in enhancement to the economic health, safety and welfare of the Clayton Community at large. Additionally, in order for MLH MSO Holdco, Inc. and/or its assignee to appropriately demonstrate control of the subject property to the State of Ohio as part of the licensing application procedure, it is necessary for this Ordinance to take immediate effect. Accordingly, in accordance with Charter Section 4.033(A) this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the City and shall therefore be in full force and effect from and immediately upon affirmative vote of at least five (5) of the members of Council.

ADOPTED BY COUNCIL ON OCTOBER 7, 2021

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## **RESOLUTIONS (SINGLE READING AND IMMEDIATE ENACTMENT)**

### **RESOLUTION NO. R – 10 – 21 – 53**

#### **A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE RELEASES OF MORTGAGES RELATIVE TO SPECIFIED PROPERTIES WITHIN THE CITY OF CLAYTON, OHIO**

**WHEREAS**, the City previously authorized a home improvement loan program and one of the loan terms required the property owners to reside in the subject property for 5 years in order to obtain loan forgiveness; and

**WHEREAS**, the properties which participated in the home improvement loan program are located at: 7827 Harrington Avenue, 32 Springway Drive, 170 Springway Drive, and 205 Groveview Avenue, all within the City of Clayton, Ohio; and

**WHEREAS**, determination has been made that the loan terms have been satisfied and the City therefore needs to release mortgages on said properties.

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

1. That the City Manager is authorized to sign and submit all documentation necessary to release the mortgages the City of Clayton, Ohio previously recorded on the above identified properties herein as a condition of the said home improvement loans.

ADOPTED BY COUNCIL ON OCTOBER 7, 2021

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**RESOLUTION NO. R – 10 – 21 – 54**

**A RESOLUTION AUTHORIZING PURCHASE OF COMPUTER SERVER AND ASSOCIATED SOFTWARE AND LICENSES AND INSTALLATION SERVICES AT A COST NOT TO EXCEED \$25,844.00**

**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**, City staff has recommended replacement of the City’s current computer server and the City has received a quote from Opti-Vise, LLC for the purchase of a computer server, associated software and licenses, and for the provision to the City of Clayton of installation services in an amount not to exceed \$25,844.00.

**WHEREAS**, Council determines the above Opti-Vise, LLC quote to be the best proposal most favorable to and in the best interests 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 purchase from Opti-Vise, LLC a computer server, associated software and licenses, and the provision to the City of Clayton of installation services in an amount not to exceed \$25,844.00.

ADOPTED BY COUNCIL ON OCTOBER 7, 2021

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**RESOLUTION NO. R – 10 – 21 – 55**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A RENEWAL AGREEMENT WITH THE PUBLIC ENTITIES POOL OF OHIO (PEP) AND BURNHAM AND FLOWER INSURANCE GROUP FOR THE PROVISION OF PROPERTY, CASUALTY AND LIABILITY INSURANCE COVERAGE FOR NOVEMBER 1, 2021 – OCTOBER 31, 2022 WITH AN ANNUAL PREMIUM NOT TO EXCEED \$110,490.00**

**WHEREAS**, Section 8.02 (C)(3)(b) exempts intergovernmental contracts or expenditures from competitive bidding; and

**WHEREAS**, renewal of the current property, casualty and liability insurance policy with PEP permits continuation of the contract plan and coverage at the best and lowest price reasonably possible; and

**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 accept the proposal of and enter into a renewal agreement with the Public Entities Pool of Ohio (PEP) and Burnham and Flower Insurance Group for the provision of property, casualty, and liability insurance from

November 1, 2021 through October 31, 2022 at an annual premium cost not in excess of \$110,490.00.

2. 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.

ADOPTED BY COUNCIL ON OCTOBER 7, 2021

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