

CITY OF CLAYTON, OHIO

RESOLUTIONS AND ORDINANCES

December 16, 2021

OLD BUSINESS

ORDINANCES (COUNCIL VOTED TO KEEP THIS ORDINANCE TABLED)

ORDINANCE NO. O – 12 – 21 – 22

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE LEGAL DOCUMENTATION NECESSARY TO PURCHASE REAL PROPERTY LOCATED AT 8051 N. MAIN STREET CLAYTON, OHIO AND BEARING PARCEL I.D. NUMBER M60 16312 0001 FOR THE PURCHASE AMOUNT OF \$136,000.00 PLUS CLOSING COSTS 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, Council desires to authorize the City Manager to execute all legal documentation necessary to accomplish purchase of the real property located at 8051 N. Main Street, Clayton, Ohio and bearing Parcel I.D. No. M60 16312 0001 for the purchase price of \$136,000.00 plus additional closing, costs, if any, as specified by the applicable purchase contract(s) and settlement statements (said additional costs not to exceed \$25,000.00).

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

1. That the City of Clayton, Ohio Council hereby authorizes the City Manager to execute all legal documentation necessary, including but not limited to, any necessary assignment documentation, to accomplish purchase of the real property located at 8051 N. Main Street, Clayton, Ohio and bearing Parcel I.D. No. M60 16312 0001 for the purchase price of \$136,000.00 plus additional closing, costs, if any, as specified by the applicable purchase contract(s) and settlement statements (said additional costs not to exceed \$25,000.00), and take all necessary actions to close on said property and obtain title thereto.
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 purchase of the real property located at 8051 N. Main Street Clayton, Ohio, Parcel I.D. No. M60 16312 0001 is necessary and will result in enhancement to the economic health, safety and welfare of the Clayton Community at large. 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 DECEMBER 16, 2021

NEW BUSINESS

ORDINANCES (FIRST OF TWO READINGS)

ORDINANCE NO. O – PC – 21 – 06

**AN ORDINANCE ADOPTING THE PLANNING COMMISSION'S
RECOMMENDATION TO APPROVE THE FINAL DEVELOPMENT PLAN AND
SECTION 1 PLAT (HUNTER'S PATH) OF DDC MANAGEMENT, LLC WITH
SPECIFIED CONDITION(S) FOR PROPERTY BEARING PARCEL I.D. NUMBER M60
03207 0022 AND CONTAINING 39.47 ACRES LOCATED AT THE NORTHWEST
CORNER OF WESTBROOK AND UNION ROADS WITHIN THE CITY OF
CLAYTON, OHIO**

WHEREAS, an application has been filed by DDC Management, LLC with consent of the property owner, for approval of a Final Development Plan and Section 1 Plat (Hunter's Path) for the property located at the Northwest corner of Westbrook and Union Roads and bearing Parcel I.D. Number M60 03207 0022, and containing 39.47 acres within the City of Clayton, Ohio ("Subject Property");

WHEREAS, the Clayton Planning Commission held a public hearing on November 22, 2021, on said Final Development Plan and Section 1 Plat request at which time any and all persons were given an opportunity to be heard thereon, and the Clayton Planning Commission, at said November 22, 2021 meeting, *voted to approve with specified condition(s) (Exhibit A), the Final Development Plan and Section 1 Plat*; and

WHEREAS, the Clayton City Council held a public hearing on December 16, 2021, on the aforesaid Final Development Plan and Section 1 Plat 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 the Final Development Plan and Section 1 Plat, with specified condition(s), for 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 December 16, 2021 and January 6, 2022.
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 JANUARY 6, 2022

RESOLUTIONS (SINGLE READING AND IMMEDIATE ENACTMENT)

RESOLUTION NO. R – 12 – 21 – 63

A RESOLUTION AUTHORIZING THE CITY OF CLAYTON TO ENTER INTO A CONTRACT WITH THE MONTGOMERY COUNTY PUBLIC DEFENDER OFFICE AND MONTGOMERY COUNTY PUBLIC DEFENDER COMMISSION

WHEREAS, R.C. 120.14(E) permits the City to enter into an annual contractual arrangement with the Montgomery County Public Defender to provide legal representation for indigent persons charged with a violation of a municipal ordinance.

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

1. That the City is hereby authorized to enter into a contract for 2022 with the Montgomery County Public Defender Office and Montgomery County Public Defender Commission upon such terms and conditions as are substantially similar to those appended hereto as *Exhibit A* and made a part hereof.

ADOPTED BY COUNCIL ON DECEMBER 16, 2021

RESOLUTION NO. R – 12 – 21 – 64

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), Police Fund (201), Law Enforcement Trust Fund (227), Local Coronavirus Relief Fund (707), Debt Service Fund (933), and the JEDD Tax Fund (953).

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 or personnel expenses as noted below:*

<u>Fund</u>	<u>Estimated Resource Amount</u>	<u>Appropriation Amount</u>
General (101)		(\$10,000.00) Personnel \$10,000.00 Operating
Police (201)	\$130,500.00	\$115,000.00 Personnel \$15,500.00 Operating
Law Enforcement Trust (227)		(\$3,093.25) Operating
Local Coronavirus Relief (707)	\$20.54	\$20.54 Operating
Debt Service (933)		\$1,079.00 Operating
JEDD Tax (953)	\$60,821.01	\$60,821.01 Operating

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.

RESOLUTION NO. R – 12 – 21 – 65

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT BID
SUBMITTED BY AND ENTER INTO AN AGREEMENT WITH STEVE RAUCH, INC.
FOR THE CLAYTON CDBG DEMOLITION PROJECT AT A COST NOT TO EXCEED
\$15,000.00**

WHEREAS, in accordance with the provisions of Charter Section 8.02, bids were solicited for the Clayton CDBG Demolition Project in order to demolish the residential structures located at 222 Obispee Avenue and 5788 Summersweet Drive in Clayton, Ohio; and

WHEREAS, said bids have been received and reviewed and the City Manager and City staff have recommended for acceptance the bid received from Steve Rouch, Inc. as being the lowest and best bid submitted by a responsible bidder; and therefore, City staff recommends accepting said bid in accordance with the terms of the request for bids.

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

1. That the City Manager is authorized, in accordance with the terms of the request for bids, to accept the bid submitted by Steve Rauch, Inc. for the Clayton CDBG Demolition Project in order to demolish the residential structures located at 222 Obispee Avenue and 5788 Summersweet Drive in Clayton, Ohio and for a total cost not to exceed \$15,000.00.

ADOPTED BY COUNCIL ON DECEMBER 16, 2021
