

# CITY OF CLAYTON, OHIO

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## RESOLUTIONS AND ORDINANCES

January 6, 2022

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### OLD BUSINESS

### ORDINANCES (SECOND READING OF TWO READINGS AND ENACTMENT)

#### 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

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NEW BUSINESS

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

**RESOLUTION NO. R – 01 – 22 – 01**

**A RESOLUTION AMENDING AND RE-ADOPTING RULES OF COUNCIL**

**WHEREAS**, Council last revised its Rules of Council on January 16, 2003; and

**WHEREAS**, Council desires to revise and adopt the amended Rules of Council appended hereto as *Exhibit A*.

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

1. That the revised Rules of Council appended hereto as *Exhibit A* are hereby authorized and adopted.

ADOPTED BY COUNCIL ON JANUARY 6, 2022

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**RESOLUTION NO. R – 01 – 22 – 02**

**A RESOLUTION TO ELECT A VICE MAYOR AND PRESIDENT PRO TEMPORE**

**WHEREAS**, Clayton Charter Section 3.04 provides for the election of a Vice Mayor who shall also serve as the president pro tempore of Council for a 2-year term; and

**WHEREAS**, the City Council of Clayton desires to elect Council Member Tim Gorman to serve in that position through December 31, 2023.

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

1. That Tim Gorman, being a member of Council, is hereby elected Vice Mayor and President Pro Tempore to serve in that capacity through December 31, 2023, having the same powers and performing the same duties and functions as the Mayor whenever the Mayor is absent from the City or unable for any reason to perform his duties.

ADOPTED BY COUNCIL ON JANUARY 6, 2022

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**RESOLUTION NO. R – 01 – 22 – 03**

**A RESOLUTION TO APPOINT DAN FOLEY TO THE CLAYTON PLANNING COMMISSION**

**WHEREAS**, Charter Section 7.01 provides for the creation and appointment of members to the Clayton Planning Commission; and

**WHEREAS**, Planning Commission Member Mr. Ricky Robinson’s current term on the Clayton Planning Commission expired January 5, 2022; and

**WHEREAS**, Council desires to appoint Dan Foley to a five (5) year term on the Clayton Planning Commission to fill the vacant Planning Commission seat created by the expiration of Mr. Robinson’s term.

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

1. That Dan Foley is hereby appointed to a five (5) year term with the Clayton Planning Commission to commence January 6, 2022 through January 5, 2027.

ADOPTED BY COUNCIL ON JANUARY 6, 2022

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**RESOLUTION NO. R – 01 – 22 – 04**

**A RESOLUTION TO APPOINT ZACHARY GOIT TO THE CLAYTON BOARD OF ZONING APPEALS**

**WHEREAS**, Charter Section 7.02 provides for the creation and appointment of members to the Clayton Board of Zoning Appeals; and

**WHEREAS**, BZA Member Zachary Goit’s current term will expire January 5, 2022; and

**WHEREAS**, Council desires to appoint Zachary Goit to a five (5) year term on the Board of Zoning Appeals.

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

1. That Zachary Goit is hereby appointed to a five (5) year term with the Clayton Board of Zoning Appeals to commence January 6, 2022 through January 5, 2027.

ADOPTED BY COUNCIL ON JANUARY 6, 2022

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**RESOLUTION NO. R – 01 – 22 – 05**

**A RESOLUTION TO APPOINT CLAYTON REPRESENTATIVES TO THE FIRST SUBURBS CONSORTIUM FOR THE YEAR 2022**

**WHEREAS**, pursuant to the Bylaws of the First Suburbs Consortium, of which the City is a member, each member community is entitled to and should designate two representatives and one alternate thereto.

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

1. That the City of Clayton does hereby designate Tim Gorman and Kenneth Henning as representatives and Greg Merkle as alternate to serve on the First Suburbs Consortium for the year 2022.

ADOPTED BY COUNCIL ON JANUARY 6, 2022

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**RESOLUTION NO. R – 01 – 22 – 06**

**A RESOLUTION APPOINTING CLAYTON REPRESENTATIVES TO THE VOLUNTEER FIRE FIGHTERS' DEPENDENTS FUND BOARD FOR THE YEAR 2022**

**WHEREAS**, the City of Clayton is required to appoint two persons to the Volunteer Fire Fighters' Dependents Fund Board on an annual basis; and

**WHEREAS**, the City desires to designate Dennis Lieberman and Tina Kelly to serve on the Volunteer Fire Fighters' Dependents Fund Board for the year 2022.

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

1. That the City of Clayton does hereby designate Dennis Lieberman and Tina Kelly to serve on the Volunteer Fire Fighters' Dependents Fund Board for the year 2022.

ADOPTED BY COUNCIL ON JANUARY 6, 2022

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**NOTE: THIS ITEM WAS REMOVED FROM THE AGENDA BY VOTE OF COUNCIL.**

**RESOLUTION NO. R – 01 – 22 – 07**

**A RESOLUTION APPROVING APPOINTMENT OF TWO MEMBERS TO THE  
VOLUNTEER PEACE OFFICER’S DEPENDENTS FUND BOARD  
FOR THE YEAR 2022**

**WHEREAS**, Senate Bill 11 created the Volunteer Peace Officer’s Dependents Fund which provides death benefits to survivors of volunteer, part time and reserve police officers killed in the line of duty and disability benefits to such disabled officers; and

**WHEREAS**, said Volunteer Peace Officer’s Dependents Fund Board is comprised of two members elected by City Council, two members elected by the volunteer peace officers employed by the police department; and one registered voter/citizen from the City and elected by the other four members; and

**WHEREAS**, Council desires to elect \_\_\_\_\_ and \_\_\_\_\_ as members to the Volunteer Peace Officer’s Dependents Fund Board for the year 2022.

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

1. That \_\_\_\_\_ and \_\_\_\_\_ are hereby elected and appointed as members of the Volunteer Peace Officer’s Dependents Fund Board for the year 2022.

ADOPTED BY COUNCIL ON JANUARY 6, 2022

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**RESOLUTION NO. R – 01 – 22 – 08**

**A RESOLUTION TO APPOINT A CLAYTON REPRESENTATIVE AND AN  
ALTERNATE TO THE MIAMI VALLEY REGIONAL PLANNING COMMISSION  
AND TRANSPORTATION COMMITTEE FOR THE YEAR 2022**

**WHEREAS**, the City of Clayton participates as a member of the Miami Valley Regional Planning Commission ("MVRPC"); and

**WHEREAS**, the City desires to designate a representative to serve on the MVRPC and the Transportation Planning Committee of said Commission for 2022 and an alternate.

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

1. That the City of Clayton does hereby designate Tim Gorman as representative and Mike Stevens as alternate to serve on the Miami Valley Regional Planning Commission and its Transportation Committee for the year 2022.

ADOPTED BY COUNCIL ON JANUARY 6, 2022

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**RESOLUTION NO. R – 01 – 22 – 09**

**A RESOLUTION APPOINTING MEMBER TO THE  
COST RECOVERY/IMPACT FEE APPEALS BOARD**

**WHEREAS**, by Ordinance No. O-05-05-07 adopted May 19, 2005, a process was adopted to impose a Cost Recovery/Impact Fee for development within Clayton Improvement District No. 1; and

**WHEREAS**, said ordinance provided for the creation of a Cost Recovery/Impact Fee Appeals Board to address and decide objections to the imposition and amount of said fees; and

**WHEREAS**, the 3-year term of member Kenneth Henning expired December 31, 2021 and Council desires to appoint Kenneth Henning to fill said expired term;

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

1. That the following elector of the City of Clayton is hereby appointed to the Cost Recovery/Impact Fee Appeals Board for the term set forth:

Kenneth Henning                      Term ending December 31, 2024

ADOPTED BY COUNCIL ON JANUARY 6, 2022

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**RESOLUTION NO. R – 01 – 22 – 10**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN  
AGREEMENT WITH THE JOHN R. JURGENSEN COMPANY FOR PAVING OF  
WESTBROOK ROAD BETWEEN SALEM AVENUE AND CHERI LYNNE DRIVE AT  
A TOTAL PROJECT COST OF \$488,425.38 AND A TOTAL COST TO THE CITY OF  
CLAYTON, OHIO NOT TO EXCEED \$90,358.70**

**WHEREAS**, Council previously authorized the City Manager to submit a joint application with the City of Trotwood, Ohio to the MVRPC for possible funding assistance for an STP grant to be used to repave a specified portion of Westbrook Road; and

**WHEREAS**, the STP grant referenced above was awarded for the above identified project and will be partially funded with said STP grant in the amount of \$307,707.99 (63%); and

**WHEREAS**, in accordance with the provisions of Charter Section 8.02, bids were solicited for the paving of Westbrook Road between Salem Avenue and Cheri Lynne Drive, PID 113167 (“Westbrook Road Resurfacing Project”); and

**WHEREAS**, said bids have been received and reviewed and the City Manager and City staff have recommended for acceptance the bid received from John R. Jurgensen Company 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 hereby authorized to enter into an agreement with John R. Jurgensen Company to complete the paving of a specified section of Westbrook Road (“Westbrook Road Resurfacing Project”) PID 113167, with the total cost of said repaving not to exceed \$488,425.38 and with a total cost to the City of Clayton for its portion of the paving project not to exceed \$90,358.70.

ADOPTED BY COUNCIL ON JANUARY 6, 2022

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**RESOLUTION NO. R – 01 – 22 – 11**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH OUTDOOR ENTERPRISES, LLC FOR THE WESTBROOK SALEM SAFETY PROJECT 2022 AT A TOTAL PROJECT COST OF \$611,174.00 AND A TOTAL COST TO THE CITY OF CLAYTON, OHIO NOT TO EXCEED \$111,174.00**

**WHEREAS**, Council previously authorized the City Manager to submit a safety grant application for the Westbrook Salem Safety Project 2022 and the City was awarded an abbreviated safety grant for said project; and

**WHEREAS**, in accordance with the provisions of Charter Section 8.02, bids were solicited for the Westbrook Salem Safety Project 2022, PID 113868; and

**WHEREAS**, said bids have been received and reviewed and the City Manager and City staff have recommended for acceptance the bid received from Outdoor Enterprises, LLC 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 hereby authorized to enter into an agreement with Outdoor Enterprises, LLC for the Westbrook Salem Safety Project 2022, PID 113868, with the total cost of said Project not to exceed \$611,174.00 and with a total cost to the City of Clayton for its portion of said Project not to exceed \$111,174.00.

ADOPTED BY COUNCIL ON JANUARY 6, 2022

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**RESOLUTION NO. R – 01 – 22 – 12**

**A RESOLUTION APPROVING AND IMPLEMENTING AN EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION PROGRAM POLICY STATEMENT AND AUTHORIZING VERIFICATION FILING OF SAME WITH THE OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES**

**WHEREAS**, the City of Clayton, Ohio received a NatureWorks Grant from the Ohio Department of Natural Resources; and the NatureWorks Agreement requires the City of Clayton to have a written affirmative action program and to file a verification form with respect to same with the Ohio Department of Administrative Services; and

**WHEREAS**, in order to comply with the terms of the NatureWorks agreement and to create a policy in which equal employment opportunities will be advanced, the Council desires to approve and implement the attached affirmative action program.

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

1. That the Equal Employment Opportunity & Affirmative Action Program Policy attached hereto as *Exhibit A* is hereby approved and the City Manager or her designee is authorized to file verification of same with the Ohio Department of Administrative Services.

ADOPTED BY COUNCIL ON JANUARY 6, 2022

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**RESOLUTION NO. R – 01 – 22 – 13**

**A RESOLUTION AUTHORIZING THE CITY MANAGER AND LAW DIRECTOR TO SIGN NATUREWORKS GRANT AGREEMENT WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES FOR A TOTAL GRANT AMOUNT OF \$36,575.00 TO INSTALL ADA COMPLIANT PARKING AND TO WIDEN AND RESURFACE EXISTING PATHS AT NORTHVIEW PARK**

**WHEREAS**, the City of Clayton, Ohio received a NatureWorks Grant totaling \$36,575.00 from the Ohio Department of Natural Resources in order to install ADA compliant parking and to widen and resurface existing paths at Northview Park; and

**WHEREAS**, the City of Clayton, Ohio will provide prep work for the parking lot and walking path expansion, including providing supplies for the prep work, with a value of \$15,000.00 which will constitute the City of Clayton's match for this project.

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

1. That the City Manager and Law Director are authorized to sign the NatureWorks Agreement attached hereto as *Exhibit A*, with the Ohio Department of Natural Resources for a total grant amount of \$36,575.00 in order to install ADA compliant parking and to widen and resurface existing paths at Northview Park.

ADOPTED BY COUNCIL ON JANUARY 6, 2022

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