

# CITY OF CLAYTON, OHIO

---

---

## RESOLUTIONS AND ORDINANCES

February 7, 2022

---

---

### OLD BUSINESS

**ORDINANCES (SINGLE READING AND IMMEDIATE ENACTMENT VIA EMERGENCY) (This Ordinance was removed from the table via vote of Council.)**

#### **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. Additionally, in order for the subject property to be submitted to the State demolition project before February 15, 2022, this Ordinance must be immediately effective. 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 FEBRUARY 7, 2022

---

## **ORDINANCES (SECOND OF TWO READINGS)**

### **ORDINANCE NO. O – 01 – 22 – 01**

#### **AN ORDINANCE APPROVING AMENDMENT OF THE CITY’S PERSONNEL PRACTICES MANUAL TO ADD A NEW ARTICLE 10, SECTION F, ENTITLED, “RETIRE-REHIRE”**

**WHEREAS**, pursuant to Charter Section 11.03, Council adopted Ordinance No. O-08-99-15 on October 7, 1999 adopting a Personnel Practices Manual; and

**WHEREAS**, the City Staff has recommended amendment of the Personnel Practices Manual in order to add a new Article 10, Section F, entitled, “Retire-Rehire”.

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

1. That the City’s Personnel Practices Manual is hereby amended to add a new Article 10, Section F, entitled, “Retire-Rehire” as delineated in the attached *Exhibit A*.
2. That the City Manager is authorized to revise those portions of the Personnel Practices Manual, if any, which are directly impacted by the above language revisions.
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 January 20, 2022 and February 7, 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 FEBRUARY 7, 2022

---

## NEW BUSINESS

ORDINANCES – COUNCIL VOTED TO REMOVE THE FOLLOWING ORDINANCE FROM ITS AGENDA  
– NO READING CONDUCTED

### ORDINANCE NO. O – 02 – 22 – 02

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A PURCHASE AGREEMENT WITH OAKES TREE DEVELOPMENT, LLC AND FURTHER AUTHORIZING TRANSFER AT CLOSING FOR THE PURCHASE PRICE OF \$90,000.00 PLUS CLOSING COSTS AND 3% BROKER FEE OF THE PUBLIC PROPERTY BEARING PARCEL ID NUMBER M60 00217 0010 LOCATED AT CLINTON STREET WITHIN THE CITY OF CLAYTON, OHIO AND CONTAINING 8.7092 ACRES**

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

**WHEREAS**, via adoption of Ordinance O-01-07-02 on January 18, 2007, Council enacted Clayton Codified Ordinance Section 117.01 which 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.”

**WHEREAS**, Council finds and determines that the subject real property bearing Parcel ID Number M60 00217 0010 located at Clinton Street within the City of Clayton, Ohio and containing 8.7092 acres sale is no longer needed for municipal purposes and therefore authorizes the sale of same.

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

1. That the City of Clayton Council hereby authorizes the City Manager to enter into the Purchase Agreement (with such modifications as deemed appropriate by the Law Department) with Oakes Tree Development, LLC, copy appended hereto as *Exhibit A*, with a purchase price of \$90,000.00 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) plus a 3% broker fee, in order to effectuate the sale of said real property no longer needed for municipal purposes bearing Parcel ID Number M60 00217 0010 located at Clinton Street within the City of Clayton, Montgomery County, Ohio and containing 8.7092 acres and to transfer at closing said real property and to execute all documents and take all necessary action to close on said 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 February 7, 2022 and February 17, 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.

**NEW BUSINESS**

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

**RESOLUTION NO. R – 02 – 22 – 16**

**A RESOLUTION APPROVING A LEASE PURCHASE AGREEMENT WITH REAL LEASE FOR THE LEASE AND PURCHASE OF A STREET SWEEPER AND APPROVING FIVE ANNUAL LEASE PAYMENTS OF \$62,034.41 EACH AND A PURCHASE PRICE OF \$1.00**

**WHEREAS**, the City of Clayton (the “Municipality”) is a political subdivision of the State of Ohio (the “State”) and is duly organized and existing pursuant to the Constitution and laws of the State; and

**WHEREAS**, pursuant to applicable law, the City Council as governing body of the Municipality (the “Governing Body”) is authorized to acquire, dispose of and encumber real and personal property, including, without limitation, rights and interest in property, leases and easements necessary to the functions or operations of the Municipality; and

**WHEREAS**, the Governing Body hereby finds and determines that the execution of said Lease-Purchase Agreement (“Lease”) in the principal amount not exceeding the amount stated above for the purpose of acquiring the property (Equipment”) to be described in the Lease is appropriate and necessary to the functions and operations of the Municipality; and

**WHEREAS**, Real Lease (“Lessor”) shall act as Lessor under said Lease.

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

Section 1. The City Manager (the “Authorized Representative”) acting on behalf of the Municipality, is hereby authorized to negotiate, enter into, execute, and deliver one or more Leases for the lease and purchase of a street sweeper at a purchase/lease price not to exceed five annual payments of \$62,034.41 each and a purchase price of \$1.00 as the Authorized Representative deems necessary and appropriate. All other related contracts and agreements necessary and incidental to the Lease(s) are hereby authorized.

Section 2. By a written instrument signed by any Authorized Representative, said Authorized Representative may designate specifically identified officers or employees of the Municipality to execute and deliver agreements and documents relating to the Leases on behalf of the Municipality.

Section 3. The aggregate original principal amount of the Leases shall not exceed the amount stated above and shall bear interest as set forth in the Leases and the Leases shall contain such options to purchase by the Municipality as set forth therein.

Section 4. The Municipality’s obligations under the Leases shall be subject to annual appropriation or renewal by the Governing Body as set forth in each Lease and the Municipality’s obligations under the Leases shall not constitute general obligations of the Municipality or indebtedness under the Constitution or laws of the State.

Section 5. As to each Lease, the Municipality reserves the right to consider for approval at a future date the issuance of not more than \$10,000,000 of tax-exempt obligations (other than “private activity bonds” which are not “qualified 501(c)(3) bonds”) during the fiscal year in which each such Lease is issued and hereby designates each Lease as a qualified tax-exempt obligation for purposes of Section 265(b) of the Internal Revenue Code of 1986, as amended.

Section 6. This resolution shall take effect immediately upon its adoption and approval.

ADOPTED BY COUNCIL ON FEBRUARY 7, 2022

---

**RESOLUTION NO. R – 02 – 22 – 17**

**A RESOLUTION APPROVING AMENDMENT OF 2022 APPROPRIATIONS**

**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 2022 Appropriations for the General Fund (101), Permissive Motor Vehicle License Fund (403) and the Local Fiscal Recovery Fund (708).

**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:

<b><u>Fund</u></b>	<b><u>Appropriations</u></b>
General (101)	\$2,000.00 ( <b>Operating</b> )
Permissive Motor Vehicle License (403)	\$1,281.00 ( <b>Personnel</b> ) (\$1,281.00) ( <b>Operating</b> )
Local Fiscal Recovery (708)	\$631,767.26 ( <b>Operating</b> )

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 FEBRUARY 7, 2022

---

**RESOLUTION NO. R – 02 – 22 – 18**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ASSET PURCHASE AGREEMENT WITH THE GRILL BY HERITAGE, LLC WITH RESPECT TO MEADOWBROOK AT CLAYTON AT A PURCHASE PRICE OF \$20,000.00 AND RELATED CLOSING COSTS**

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

**WHEREAS**, via Charter Section 8.02(C)(3)(c) and Charter Section 8.02(C)(1) and Ordinance O-01-21-01 adopted February 18, 2021, the subject purchase is exempt from competitive bidding; and

**WHEREAS**, Council desires to authorize the City Manager to execute the *Asset Purchase Agreement* with the Grill By Heritage, LLC, in substantially similar form as appended hereto as *Exhibit A*.

**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 execute an *Asset Purchase Agreement* with the Grill By Heritage, LLC, for the purchase price of \$20,000.00 plus closing costs, if any, not to exceed \$10,000.00 and in substantially similar form as appended hereto as *Exhibit A*. The City Manager is further authorized to execute all legal documentation necessary to consummate said asset purchase, including but not limited to, application(s) for transfer of ownership and location of liquor permits, and to take all necessary actions to close on said asset purchase transaction and obtain ownership of the assets which are the subject thereof.

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 FEBRUARY 7, 2022

---