

CITY OF CLAYTON, OHIO

RESOLUTIONS AND ORDINANCES

April 21, 2022

OLD BUSINESS – NONE

NEW BUSINESS

ORDINANCES (SINGLE READING AND IMMEDIATE ENACTMENT VIA EMERGENCY)

ORDINANCE NO. O – 04 – 22 – 09

AN ORDINANCE CERTIFYING UNPAID CHARGES FOR NUISANCE ASSESSMENTS FOR 2021/2022 TO THE MONTGOMERY COUNTY AUDITOR FOR COLLECTION WITH REAL ESTATE TAXES AND DECLARING AN EMERGENCY

WHEREAS, the Codified Ordinances of the City of Clayton, Ohio, require that the owners, occupants, or persons having care of any lot or land within the City of Clayton, Ohio shall keep same free of debris/litter and other materials; and

WHEREAS, Section 1313.04 of the Clayton Codified Ordinances and/or Sections 731.51 through 731.53, Ohio Revised Code, permit the City of Clayton to cause debris/litter to be removed; and

WHEREAS, Section 731.54, Ohio Revised Code, permits municipalities which have removed such debris/litter under the procedure outlined in Sections 731.51 through 731.53, Ohio Revised Code, to make a written return of its actions with a statement of the charges for this service to the County Auditor the amounts, when allowed, shall be entered upon the tax duplicate, which shall be a lien upon such lands from the date of the entry and shall be collected as other taxes and returned to the municipal corporation with the general fund; and

WHEREAS, the City of Clayton in conformity with the provisions of Section 1313.04 of the Clayton Codified Ordinances and Sections 731.51 through 731.53, Ohio Revised Code, did cause debris/litter at various locations to be removed throughout the City of Clayton, and the charges for these services, in many instances, remain unpaid.

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

1. That the Finance Director is hereby authorized and directed to certify to the Auditor of Montgomery County, Ohio, the attached list of unpaid charges for nuisance abatement at various locations throughout the City of Clayton, Ohio by the City of Clayton, Ohio. The list, which is attached hereto as **Exhibit A** and incorporated by reference herein, identifies the properties to be assessed by Parcel I.D. and specifies the unpaid charges for said nuisance abatement. The City requests that these charges be made a lien against the respective properties in accordance with Section 731.54, Ohio Revised Code.
2. That immediately upon becoming effective, the Clerk is directed to forward a copy of this Ordinance to the Montgomery County Auditor.

3. 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.
4. That in accordance with Clayton Charter Section 4.031 the requirement that this enactment be read on two (2) separate days is dispensed with by affirmative vote of at least five (5) members of Council.
5. That unless the assessments are immediately passed and submitted to the Auditor of Montgomery County the public peace, health, safety and welfare will be detrimentally affected because the assessments would not appear on the next tax duplicate and passage as an emergency will enable the City to timely assert its lien rights prior to properties being sold and/or transferred. Accordingly, pursuant to 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 APRIL 21, 2022

RESOLUTIONS – SINGLE READING AND IMMEDIATE ENACTMENT

RESOLUTION NO. R – 04 – 22 – 31

A RESOLUTION APPROVING A CONTRACT WITH THE CLAYTON PROFESSIONAL FIREFIGHTERS ASSOCIATION, IAFF LOCAL 4379 FOR THE PERIOD APRIL 1, 2022 THROUGH MARCH 31, 2025

WHEREAS, the City of Clayton and the Clayton Professional Firefighters, International Association of Fire Fighters (“IAFF”) Local 4379 as the designated bargaining agent for certain regular full-time employees of the City of Clayton Fire/EMS Department have negotiated a contract covering the employees’ wages, hours and other terms and conditions of employment; and

WHEREAS, said Agreement provides for a cost of living wage increase of 2% for 2022 retroactive to the first pay period of January, 2022 and a 2% cost of living wage increase for the remaining two years and language was added to address other areas of interest for both Union and Management.

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

1. That the Contract for the time period April 1, 2022 through March 31, 2025 between the City of Clayton and the Clayton Professional Firefighters, IAFF Local 4379 appended hereto as *Exhibit A* is hereby approved and the City Manager is hereby authorized to execute said Agreement on behalf of the City.

ADOPTED BY COUNCIL ON APRIL 21, 2022

RESOLUTION NO. R – 04 – 22 – 32

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT THE BID OF AND ENTER INTO A CONTRACT WITH WAGNER PAVING, INC. FOR PAVING OF NORTHVIEW PARK PATH AND PARKING LOT AT A COST TO THE CITY OF CLAYTON, OHIO NOT TO EXCEED \$3,309.00

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; and

WHEREAS, bids have been solicited pursuant to a request for bids and received for the paving of the Northview Park path and parking lot; and

WHEREAS, after reviewing the bids, the City Manager determined the \$39,884.00 bid received from Wagner Paving, Inc., was the lowest and best bid submitted by a responsible bidder and therefore recommended 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 to accept the \$39,884.00 bid of and enter into an agreement with Wagner Paving, Inc. for the paving of the Northview Park path and parking lot, and after application of the \$36,575.00 in NatureWorks grant funds, the City will be responsible for an amount not to exceed \$3,309.00 with respect to said paving project.

ADOPTED BY COUNCIL ON APRIL 21, 2022

RESOLUTION NO. R - 04 - 22 - 33

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LISTING AGREEMENT WITH HENKLE SCHUELER & ASSOCIATES, INC.- CORFAC INTERNATIONAL RELATIVE TO SPECIFIC CITY OWNED REAL PROPERTY

WHEREAS, pursuant to Charter Section 8.02(C)(3)(g), City staff has recommended the City enter into a Listing Contract with Henkle Schueler & Associates, Inc.- CORFAC International in substantially the same form as appended hereto as *Exhibit A* with such modifications as recommended by the Law Director, to market City owned real property and bearing *Parcel I.D. Numbers M60-03210-0145, M60-03210-0035, and M60-03102-0112, M60-16312-0001, and M60-16312-0002* and no longer needed for municipal purposes; and

WHEREAS, *pursuant to Charter Section 4.02(A)(8) any sale or transfer of said real estate must be authorized and approved by additional legislation via Ordinance enacted by Council.*

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

1. That the City Manager is authorized to enter into a Listing Contract with Henkle Schueler & Associates, Inc.-CORFAC International in substantially the same form as appended hereto as *Exhibit A* with such modifications as recommended by the Law Director, to market City owned real property and bearing *Parcel I.D. Numbers M60-03210-0145, M60-03210-0035, and M60-03102-0112, M60-16312-0001, and M60-16312-0002* and no longer needed for municipal purposes with the understanding and upon the further condition that *pursuant to Charter Section 4.02(A)(8), any sale or transfer of said real estate must be authorized and approved by additional legislation via Ordinance enacted by Council.*

ADOPTED BY COUNCIL ON APRIL 21, 2022

RESOLUTION NO. R – 04 – 22 – 34

**A RESOLUTION TO AUTHORIZE AND APPROVE CERTAIN
PROPOSED REVISIONS TO THE CITY FEE SCHEDULE
RELATIVE TO CERTAIN ZONING FEES**

WHEREAS, City staff has reviewed the City’s current fee schedule relative to certain zoning related fees currently in effect and has proposed revisions thereto with respect to same as delineated on the attached **Exhibit A**.

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

1. That the proposed attached revisions to the City Fee Schedule relative to zoning fees attached hereto as **Exhibit A** are hereby authorized and approved and all relevant Codified Ordinance Sections are to be appropriately amended to reflect the new fees hereby approved.
2. The Director of Finance and Director of Development are authorized to take such action as is necessary to implement the approved revisions.

ADOPTED BY COUNCIL ON APRIL 21, 2022

RESOLUTION NO. R – 04 – 22 – 35

**A RESOLUTION APPROVING PARTICIPATION IN REGION 8 GOVERNANCE
STRUCTURE UNDER THE ONEOHIO MEMORANDUM OF UNDERSTANDING**

WHEREAS, the **City of Clayton, Ohio** is a Local Government that has adopted and approves The OneOhio Memorandum of Understanding (“The Memorandum”), which establishes a mechanism to disburse settlement proceeds from opioid litigation into Ohio’s communities to help abate the opioid crisis, including allocations to Local Governments and Regions through a statewide Foundation; and

WHEREAS, this jurisdiction is a participant in **Region 8** as established by The Memorandum; and

WHEREAS, pursuant to The Memorandum each Region shall create their own governance structure so it ensures all Local Governments have input and equitable representation regarding regional decisions including representation on the statewide OneOhio Recovery Foundation, Inc. Board and selection of projects to be funded from the region's regional share; and

WHEREAS, Regions have the responsibility to make submissions regarding the allocation of funds to projects that will equitably serve the needs of the entire Region; and

WHEREAS, it is found that the regional governance structure in **Region 8** will consist of a 12-member board of the individuals and organizations identified as community stakeholders for the Community Overdose Action Team as well as Local Governments & Businesses including representatives from:

Region's Largest Municipality (two representatives)

Another City, as identified by the Greater Dayton Mayors and Managers Association

Township, as identified by the Montgomery County Township Association

Village, as identified by the Village most affected by overdose deaths

Montgomery County Commissioner

Dayton Area Chamber of Commerce

Montgomery County Alcohol, Drug Addiction & Mental Health Services

Public Health - Dayton & Montgomery County

Criminal Justice Council

Greater Dayton Area Hospital Association

Individual with Lived Experience, as identified by the Community Overdose Action Team Backbone Support

NOW THEREFORE BE IT RESOLVED, by this legislative body that subject to and effective upon the concurrence of a majority of Local Governments (counties, cities, villages, townships) in **Region 8**, this legislative body hereby approves and enters into the regional governance agreement, and supports the designated **Region 8** Representative appointed to the OneOhio Recovery Foundation, Inc. Board.

ADOPTED BY COUNCIL ON APRIL 21, 2022

RESOLUTION NO. R – 04 – 22 – 36

A RESOLUTION VERIFYING THE CITY OF CLAYTON, OHIO'S LG SHARE OF THE ONEOHIO OPIOID SETTLEMENT FUNDS WILL BE USED ONLY FOR APPROVED PURPOSES IN ACCORDANCE WITH THE ONEOHIO MEMORANDUM OF UNDERSTANDING AND FURTHER ESTABLISHING THE ONEOHIO FUND (709)

WHEREAS, Ohio Revised Code Section 5705.09 (F) states in relevant part that a special revenue fund shall be established for each class of revenues derived from a source other than the general property tax and to be used for a particular purpose; and

WHEREAS, the City anticipates receiving funds in accordance with the opioid settlement pursuant to the OneOhio Memorandum of Understanding; and

WHEREAS, OneOhio funds must be used in accordance with approved purposes and the Auditor of State has recommended participating political subdivisions receiving said OneOhio funds adopt legislation verifying that the LG Share of the OneOhio Funds will be placed in a separate fund and used only for approved purposes in accordance with the OneOhio Memorandum of Understanding.

WHEREAS, the City is required, in accordance with the OneOhio Memorandum of Understanding, to account for revenues and expenditures separately for reporting purposes; and

WHEREAS, the Finance Director has recommended establishment of the OneOhio Fund (709) in order to appropriately account for revenues and expenditures.

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

1. That the City of Clayton, Ohio hereby verifies that the LG Share of the OneOhio Funds received by the City of Clayton, Ohio will be placed in a separate fund known as the "OneOhio Fund" and said funds will be used only for approved purposes in accordance with the OneOhio Memorandum of Understanding.
2. The Finance Director is hereby authorized and directed to establish Fund 709 to be known as the "OneOhio Fund" and to administer same in accordance with applicable laws, rules and regulations.

ADOPTED BY COUNCIL ON APRIL 21, 2022

RESOLUTION NO. R – 04 – 22 – 37

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE AUDITOR OF STATE TO AUDIT THE BASIC FINANCIAL STATEMENTS OF THE CITY FOR THE YEAR ENDING DECEMBER 31, 2021 AND AT A COST NOT TO EXCEED \$30,012.00

WHEREAS, Clayton Charter Section 8.02(C)(3)(g) permits Council to exempt "professional services . . . not to exceed One Hundred Fifty Thousand Dollars" from competitive bidding requirements; and

WHEREAS, the Auditor of State is required to perform the subject audit once every 10 years.

WHEREAS, Council desires to authorize the City Manager to enter into an agreement with the Auditor of State to audit the basic financial statements of the City for the year ending December 31, 2021.

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 engagement letter agreement with the Auditor of State in substantially the same form appended hereto as **Exhibit A**, necessary to audit the basic financial statements of the City of Clayton, Ohio for the year ending December 31, 2021 and at a cost not to exceed \$30,012.00.

ADOPTED BY COUNCIL ON APRIL 21, 2022

RESOLUTION NO. R – 04 – 22 – 38

**A RESOLUTION APPROVING AMENDMENT OF 2022
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 2022 Appropriations and Estimated Resources with respect to the General Fund (101), Capital Improvement Projects Fund (150), 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 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)	\$1,200.00	\$9,000.00 Personnel \$43,500.00 Operating
Capital Improvement Projects (150)	\$279,534.09	\$279,534.09 Operating
Local Fiscal Recovery (708)	\$2,764.65	\$2,764.65 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 – 04 – 22 – 39

**A RESOLUTION TO APPOINT BOB MADEWELL TO THE
CLAYTON BOARD OF ZONING APPEALS TO FILL
UNEXPIRED TERM OF ZACHARY GOIT**

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 has vacated his seat on the BZA; and

WHEREAS, Council desires to appoint Bob Madewell to fill the unexpired term of the vacated seat of Zachary Goit.

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

1. That Bob Madewell is hereby appointed to fill the unexpired term of the vacated seat of Zachary Goit on the Clayton Board of Zoning Appeals. Said term to commence upon adoption of this Resolution and continue through January 5, 2027.

ADOPTED BY COUNCIL ON APRIL 21, 2022
