

CITY OF CLAYTON, OHIO

RESOLUTIONS AND ORDINANCES

August 18, 2022

OLD BUSINESS – NONE

NEW BUSINESS

ORDINANCES (FIRST OF TWO READINGS)

ORDINANCE NO. O – 08 – 22 – 21

AN ORDINANCE APPROVING AN AMENDMENT TO THE CLAY TOWNSHIP-CITY OF CLAYTON JOINT ECONOMIC DEVELOPMENT DISTRICT (JEDD) CONTRACT TO REMOVE SPECIFIED PARCELS OF REAL ESTATE THEREFROM

WHEREAS, Clay Township and the City of Clayton entered into a Joint Economic Development District (JEDD) Contract on September 1, 2007 and said Contract expires on December 31, 2037; and

WHEREAS, Ohio Revised Code Section 715.72 contains the procedural mechanism regarding removal of a property from a JEDD which process entails a public hearing conducted by the City and a public hearing conducted by the Township and a vote by both to either approve or reject the request to amend the JEDD Contract to remove a parcel therefrom; and

WHEREAS, Richard Douglass, being the owner of the following parcels contained within the Clay Township-City of Clayton JEDD: C04 00512 0019 and C04 00512 0020, requested the JEDD Contract be amended to remove said parcels from the JEDD; and

WHEREAS, in accordance with Ohio Revised Code Section 715.72, the City of Clayton conducted a public hearing on August 18, 2022 to consider the request of Mr. Douglass to amend the JEDD Contract to remove the parcels specified herein from the JEDD.

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

1. That, having advertised and conducted a public hearing on August 18, 2022, on the request of Mr. Richard Douglass to amend the JEDD Contract to remove Parcels C04 00512 0019 and C04 00512 0020 from the JEDD, Council hereby APPROVES the request of Mr. Richard Douglass to amend the JEDD Contract to remove Parcels C04 00512 0019 and C04 00512 0020 from the JEDD.
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 August 18, 2022 and September 1, 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 SEPTEMBER 1, 2022

ORDINANCE NO. O – 08 – 22 – 22

AN ORDINANCE TO MAINTAIN LIGHTING ASSESSMENT

WHEREAS, Charter Section 3.01 provides the legislative power to levy taxes and assessments; and

WHEREAS, Randolph Township as predecessor to the City of Clayton had enacted resolution(s) of necessity for artificial lighting assessments in accordance with R.C. 515.08 and utilizing the method whereby the assessments were in an equal amount against each benefited lot, the amount determined by dividing the total cost per annual installment by the number of benefited lots in the affected district; and

WHEREAS, the Village of Clayton, as predecessor to the City of Clayton had enacted legislation for artificial lighting assessments in a manner similar in nature to Randolph Township; and

WHEREAS, the City of Clayton by Resolutions enacted in March, July and November, 1998 authorized the City to enter into a successor street lighting agreement with The Dayton Power & Light Company for a ten year period commencing January 1, 1998 through December 31, 2007 for defined areas of the municipality; and

WHEREAS, the City of Clayton by Resolution No. R-10-07-52, enacted on October 4, 2007, authorized the City to enter into a successor street lighting agreement with Miami Valley Lighting, LLC, a DPL Inc. subsidiary, dba DPL Energy, for a period of forty-eight (48) months commencing January 1, 2008 and expiring December 31, 2011; and

WHEREAS, the City of Clayton by Resolution No. R-09-10-57, enacted on September 2, 2010, authorized the City to enter into a successor street lighting agreement with Miami Valley Lighting, LLC and DPL Energy Resources, Inc., both subsidiaries of DPL, Inc., for a period through December, 2012; and

WHEREAS, the City of Clayton by Resolution No. R-11-12-72, enacted on November 1, 2012, authorized the City to enter into a successor street lighting agreement with Miami Valley Lighting, LLC and DPL Energy (DPLE) for a period of three years commencing January 1, 2013 and expiring on December 31, 2015; and

WHEREAS, the City of Clayton by Resolution No. R-12-15-85, enacted on December 17, 2015, authorized the City to enter into a successor street lighting agreement with Miami Valley Lighting (MVLt) for a period of ten years, commencing January 1, 2016 and expiring on December 31, 2025; and

WHEREAS, the City of Clayton by Ordinances continued the assessments for said lighting upon the abutting, adjacent, and contiguous lots and lands within the City of Clayton; and

WHEREAS, Council desires to continue the assessments for said lighting upon the abutting, adjacent, and contiguous lots and lands within the City of Clayton which benefit therefrom in a manner similar to what has been previously utilized; and

WHEREAS, Council has determined that the method of assessment provided under R.C. 727.01(B) whereby the assessment is levied "in proportion to the benefits that may result from the improvement" is satisfied by continuing to utilize the method previously utilized by Randolph Township, the Village of Clayton and the City of Clayton.

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

1. That to provide for the cost and expenses of furnishing and maintaining the lights for lighting the lighting district areas of the City known as:

- | | | | |
|----|-------------|----|-----------------------------|
| A. | Allison | G. | Riverbend Estates |
| B. | Ashbrook | H. | Old Village |
| C. | Ashbrook II | I. | Riverbend Phase II |
| D. | Hilltop | J. | Riverbend Phase III |
| E. | Oak Hill | K. | Wenger Village, Section One |
| F. | Portrait | L. | Wenger Village, Section Two |
| | | M. | Village of North Clayton |

in accordance with the terms and rates set forth in the Street Lighting Agreement with Miami Valley Lighting (MVLt) as amended, that there is hereby levied and specially assessed in proportion to the benefits which result or may result from said improvement against the lots within the respective Lighting Districts and each of them within said Lighting Districts, bounding and abutting the streets and public ways to be lighted under said agreement, the amounts paid and to be paid by the City of Clayton to the Miami Valley Lighting (MVLt) in such amounts as are set forth on **Schedules A - M attached** hereto.

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 August 18, 2022 and September 1, 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.

ORDINANCE NO. O – 08 – 22 – 23

AN ORDINANCE AUTHORIZING THE SUBMISSION OF THE 2022/2023 NORTH CLAYTON COMMUNITY AUTHORITY CHARGE ASSESSMENTS TO THE MONTGOMERY COUNTY AUDITOR

WHEREAS, the North Clayton Community Authority (the "Community Authority") is a new community authority established pursuant to Ohio Revised Code Chapter 349, by action of the Board of County Commissioners of Montgomery County, Ohio by Resolution No. 09-0510 adopted March 17, 2009 and Resolution No. 09-0555 adopted March 24, 2009; and

WHEREAS, the jurisdiction of the Community Authority extends to that area defined as the North Clayton Community Authority District (hereinafter the "Community Authority District") and consisting of approximately 101.455 acres of property; and

WHEREAS, the Community Authority either has imposed a community authority development charge pursuant to Ohio Revised Code Section 349.07 upon assessed valuation of property within the Community Authority District or such other methods as are permitted under Ohio Revised Code Section 349.01(L) and utilize funds generated from such charges to pay for, among other things, maintenance and replacement of said improvements either by contracting directly with third party contractors or by reimbursing Clayton for such expenses; and

WHEREAS, the City of Clayton Council, via passage of Resolution No. R-02-10-15, on February 18, 2010, approved a Maintenance Agreement between the City of Clayton and the North Clayton Community Authority which states, in relevant part, "To the extent that the Community Authority desires that said unpaid charges [Community Authority Development Charges] be certified to the Montgomery County Auditor for placement on the tax lists and duplicates of real property opposite the parcel against which it is charged, it shall provide a list to the Clayton Finance Director with sufficient time to provide such certification and shall cooperate with all requirements necessary thereto."; and

WHEREAS, the Community Authority has provided a list to the Clayton Finance Director identifying unpaid Community Authority Development Charges and requesting same be certified to the County Auditor consistent with the above referenced term of the Maintenance Agreement entered into between the City of Clayton and the North Clayton Community Authority; and

WHEREAS, Charter Section 3.01(B) grants to Council the power to adopt and provide for enforcement of local police, sanitary and other similar regulations as are not in conflict with the general laws of Ohio; and

WHEREAS, Charter Section 3.01(A) provides the legislative power to levy taxes and assessments.

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

1. That there is hereby levied and assessed against the parcels specifically identified on the appended list(s), those amounts set forth which represent unpaid North Clayton Community Authority Development Charges. The appended list(s) are incorporated herein and made a part hereof.

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 complied with by readings on August 18, 2022 and September 1, 2022.

5. 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 SEPTEMBER 1, 2022

ORDINANCE NO. O – 08 – 22 – 24

AN ORDINANCE CERTIFYING UNPAID CHARGES FOR NUISANCE ASSESSMENTS FOR 2022/2023 TO THE MONTGOMERY COUNTY AUDITOR FOR COLLECTION WITH REAL ESTATE TAXES

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 complied with by readings on August 18, 2022 and September 1, 2022.
5. 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 SEPTEMBER 1, 2022

ORDINANCE NO. O – 08 – 22 – 25

AN ORDINANCE CERTIFYING UNPAID CHARGES FOR GRASS/WEED CUTTING FOR 2022/2023 TO THE MONTGOMERY COUNTY AUDITOR FOR COLLECTION WITH REAL ESTATE TAXES

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 cut down and remove offensive and noxious weeds; and

WHEREAS, Section 1313.05(d) of the Clayton Codified Ordinances and Sections 731.51 through 731.53, Ohio Revised Code, permit the City of Clayton to cause such offensive and noxious weeds to be cut and destroyed if the City has complied with the requirements of those sections; and

WHEREAS, Section 731.54, Ohio Revised Code, permits municipalities which have cut noxious weeds 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 1313.05(d) of the Clayton Codified Ordinances and Sections 731.51 through 731.53, Ohio Revised Code, did cut down and destroy offensive and noxious weeds, grass and rank vegetation at various locations 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 cutting down offensive

and noxious weeds 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 cutting down offensive and noxious weeds. 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 complied with by readings on August 18, 2022 and September 1, 2022.
5. 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 SEPTEMBER 1, 2022

ORDINANCE NO. O – 08 – 22 – 26

AN ORDINANCE TO IMPOSE ASSESSMENTS UPON OWNERS OF REAL PROPERTY IN ARREARS FOR PAYMENT OF FEES FOR WASTE HAULING AND DISPOSAL SERVICES FOR 2022/2023

WHEREAS, via enactment of legislation on April 4, 2019, Council authorized the City Manager to accept the bid of and award contract for residential solid waste collection to Dempsey Waste Systems II, Inc. dba Republic Services of Dayton through June 30, 2024; and

WHEREAS, Charter Section 3.01(B) grants to Council the power to adopt and provide for enforcement of local police, sanitary and other similar regulations as are not in conflict with the general laws of Ohio; and

WHEREAS, Charter Section 3.01(A) provides the legislative power to levy taxes and assessments; and

WHEREAS, R.C. 715.43 provides that a municipality may provide for the collection and disposition of garbage and assess a reasonable fee for such services; and

WHEREAS, the appended list of Collection Assessments sets forth the Parcel ID numbers of the properties to whom service has been provided and the unpaid waste disposal fees attributable to each property; and

WHEREAS, the City desires to impose a lien upon the identified properties served and to refer said liens to the County Auditor to be collected in the same manner as other taxes.

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

1. That there is hereby levied and assessed against the parcels specifically identified on the appended list(s) those amounts set forth which represent unpaid charges for waste collection and disposal services. The appended list(s) are incorporated herein and made a part hereof.
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 complied with by readings on August 18, 2022 and September 1, 2022.
5. 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 SEPTEMBER 1, 2022

NEW BUSINESS

ORDINANCES (SINGLE READING AND IMMEDIATE ENACTMENT VIA EMERGENCY)

ORDINANCE NO. O – 08 – 22 – 27

AN ORDINANCE ADOPTING ESTIMATED ASSESSMENTS AND CERTIFYING UNPAID CHARGES FOR 2022/2023 CURB AND GUTTER REPAIR/REPLACEMENT WORK TO THE MONTGOMERY COUNTY AUDITOR FOR COLLECTION WITH REAL ESTATE TAXES (TEN ANNUAL INSTALLMENTS) AND DECLARING AN EMERGENCY

WHEREAS, the City Staff has heretofore studied the need to repair and/or remove and replace curbs and gutters within the areas identified on **Exhibit A** appended to the previously adopted Resolution of Necessity No. R-02-21-12 enacted on February 4, 2021 and;

WHEREAS, the aforementioned Resolution of Necessity provided that in the event said curbs and gutters are not repaired and/or removed and replaced by the respective property owners after service of notice upon said property owners and prior to April 12, 2021 in accordance with the plans and specifications filed with the Clerk of Council, the municipal corporation will cause such repair and/or removal and replacement to occur and assess the cost thereof against the lots and lands abutting thereon; and

WHEREAS, consistent with the aforementioned Resolution of Necessity, the City has caused certain curbs and gutters to be repaired and/or removed and replaced and a List of Estimated

Assessments relative to same was provided to the subject property owners via publication per CCO 904.04(e) and issued to Council on August 12, 2022; and

WHEREAS, the Clerk of Council has delivered to Council all objections to the Estimated Assessments received to date, if any, and Council has reviewed same and desires to adopt the present Ordinance in order to levy upon the lots and lands enumerated in the List of Estimated Assessments the amounts set forth on such List of Estimated Assessments and attached hereto as **Exhibit A**.

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

1. That Council hereby approves and adopts the attached List of Estimated Assessments and levies same and the Finance Director is hereby authorized and directed to certify to the Auditor of Montgomery County, Ohio, the attached List of Estimated Assessments for 2022/2023 curbs and gutters repair/replacement assessments within 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 work. The City requests that these charges be made a lien against the respective properties in accordance with Ohio Revised Code 729.01, et. seq.
2. *That the attached Assessments in excess of \$2,500.00 shall be payable in annual installments not exceeding ten.*
3. That Assessments may be payable in cash until Friday, September 2, 2022.
4. That no later than Tuesday, September 6, 2022, the Clerk is directed to forward a certified copy of this Ordinance to the Montgomery County Auditor.
5. 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.
6. That in accordance with Clayton Charter Section 4.031(B) the requirement that this enactment be read on two (2) separate days is dispensed with by affirmative vote of at least five (5) of the members of Council.
7. 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.

ORDINANCE NO. O – 08 – 22 – 28

AN ORDINANCE ADOPTING ESTIMATED ASSESSMENTS AND CERTIFYING UNPAID CHARGES FOR 2022/2023 CURB AND GUTTER REPAIR/REPLACEMENT WORK TO THE MONTGOMERY COUNTY AUDITOR FOR COLLECTION WITH REAL ESTATE TAXES (FIVE ANNUAL INSTALLMENTS) AND DECLARING AN EMERGENCY

WHEREAS, the City Staff has heretofore studied the need to repair and/or remove and replace curbs and gutters within the areas identified on **Exhibit A** appended to the previously adopted Resolution of Necessity No. R-02-21-12 enacted on February 4, 2021; and

WHEREAS, the aforementioned Resolution of Necessity provided that in the event said curbs and gutters are not repaired and/or removed and replaced by the respective property owners after service of notice upon said property owners and prior to April 12, 2021 in accordance with the plans and specifications filed with the Clerk of Council, the municipal corporation will cause such repair and/or removal and replacement to occur and assess the cost thereof against the lots and lands abutting thereon; and

WHEREAS, consistent with the aforementioned Resolution of Necessity, the City has caused certain curbs and gutters to be repaired and/or removed and replaced and a List of Estimated Assessments relative to same was provided to the subject property owners via publication per CCO 904.04(e) and issued to Council on August 12, 2022; and

WHEREAS, the Clerk of Council has delivered to Council all objections to the Estimated Assessments received to date, if any, and Council has reviewed same and desires to adopt the present Ordinance in order to levy upon the lots and lands enumerated in the List of Estimated Assessments the amounts set forth on such List of Estimated Assessments and attached hereto as **Exhibit A**.

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

1. That Council hereby approves and adopts the attached List of Estimated Assessments and levies same and the Finance Director is hereby authorized and directed to certify to the Auditor of Montgomery County, Ohio, the attached List of Estimated Assessments for 2022/2023 curbs and gutters repair/replacement assessments within 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 work. The City requests that these charges be made a lien against the respective properties in accordance with Ohio Revised Code 729.01, et. seq.
2. *That the attached Assessments NOT in excess of \$2,500.00 shall be payable in annual installments not exceeding five.*
3. That Assessments may be payable in cash until Friday, September 2, 2022.
4. That no later than Tuesday, September 6, 2022, the Clerk is directed to forward a certified copy of this Ordinance to the Montgomery County Auditor.

5. 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.
6. That in accordance with Clayton Charter Section 4.031(B) the requirement that this enactment be read on two (2) separate days is dispensed with by affirmative vote of at least five (5) of the members of Council.
7. 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 AUGUST 18, 2022

NEW BUSINESS

RESOLUTIONS (SINGLE READING AND IMMEDIATE ENACTMENT)

RESOLUTION NO. R – 08 – 22 – 51

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH AUDIO ETC. LLC DBA AUDIO ETC... TO REPLACE AND UPGRADE THE AUDIO/VISUAL SYSTEM AT MEADOWBROOK AT CLAYTON AT A COST NOT TO EXCEED \$58,548.00

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 and upgrade of the audio/visual system at Meadowbrook at Clayton (Ballroom and Laveris room) and requested and reviewed quotes received therefore; and

WHEREAS, Council hereby determines the Audio Etc. LLC DBA Audio Etc... quote of \$58,548.00 to replace and upgrade the audio/visual system at Meadowbrook at Clayton (Ballroom and Laveris room) 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 enter into an agreement with Audio Etc. LLC DBA Audio Etc... to replace and upgrade the audio/visual system at Meadowbrook at Clayton (Ballroom and Laveris room) in an amount not to exceed \$58,548.00.
2. Council further authorizes the use of American Rescue Plan Act funds for said purchase.

ADOPTED BY COUNCIL ON AUGUST 18, 2022

RESOLUTION NO. R – 08 – 22 – 52

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR DELEGATION OF ACTIVITIES WITH THE BOARD OF COUNTY COMMISSIONERS OF MONTGOMERY COUNTY, OHIO RELATIVE TO THE CITY OF CLAYTON WESTBROOK PARK ADA RESTROOM RENOVATION (GRANT NO. B-20-UC-39-0004)

WHEREAS, City staff requests authority for the City to enter into an Agreement for Delegation of Activities relative to the City of Clayton Westbrook Park ADA Restroom Renovation (Grant No. B-20-UC-39-0004) to accomplish reallocation of CDBG funds in the amount of \$48,570.00 toward said project.

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 an *Agreement for Delegation of Activities* (“*Agreement*”) with the Board of County Commissioners of Montgomery County, Ohio in substantially the same form as the *Agreement* appended hereto relative to the City of Clayton Westbrook Park ADA Restroom Renovation (Grant No. B-20-UC-39-0004) to accomplish reallocation of CDBG funds in the amount of \$48,570.00 toward said project.

ADOPTED BY COUNCIL ON AUGUST 18, 2022

RESOLUTION NO. R – 08 – 22 – 53

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR DELEGATION OF ACTIVITIES WITH THE BOARD OF COUNTY COMMISSIONERS OF MONTGOMERY COUNTY, OHIO RELATIVE TO THE CITY OF CLAYTON DEMOLITION PROJECT (GRANT NO. B-20-UC-39-0004)

WHEREAS, City staff requests authority for the City to enter into an Agreement for Delegation of Activities relative to the City of Clayton Demolition Project (Grant No. B-20-UC-39-0004) to accomplish reallocation of CDBG funds in the amount of \$35,000.00 toward said project.

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

2. That the City Manager is authorized to enter into an *Agreement for Delegation of Activities* (“*Agreement*”) with the Board of County Commissioners of Montgomery County, Ohio in substantially the same form as the *Agreement* appended hereto relative to the City of Clayton Demolition Project (Grant No. B-20-UC-39-0004) to accomplish reallocation of CDBG funds in the amount of \$35,000.00 toward said project.

ADOPTED BY COUNCIL ON AUGUST 18, 2022

RESOLUTION NO. R – 08 – 22 – 54

A RESOLUTION ESTABLISHING THE TRANSFORMATIONAL ECONOMIC DEVELOPMENT PROGRAM AND AUTHORIZING THE CITY MANAGER TO TAKE NECESSARY AND PROPER ACTIONS TO IMPLEMENT SAID PROGRAM

WHEREAS, City Council has determined that economic development in the City within specified targeted areas is needed to transform the economic base of the community; and

WHEREAS, the establishment of the Transformational Economic Development Program (“TED Program”) will be of benefit to the City including, but not limited to, promoting and encouraging additional growth and development of office, retail, commercial, industrial, and residential real estate within the City thus increasing employment, housing, leisure and recreational opportunities for the citizens of the City of Clayton; and

WHEREAS, the TED Program involves utilizing skills, services and efforts of professionals inside and outside the City organization who serve as an advisory and implementation group; and

WHEREAS, the TED Program authorizes and directs actions that reflect the City’s desire to acquire control of land, property, and facilities in strategically identified target areas most likely for re-development, development, and growth of the economic base which includes, but is not limited to, actions such as comprehensive reviews and analyses, acquisition, financing, conveyance and development of those areas to identify and capture the highest and best use and the best opportunity for economic development and growth.

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

1. Based on the foregoing and upon the finding that the TED Program is in the best interests of the City of Clayton, Ohio, City Council hereby creates and authorizes the TED Program.
2. *Subject to any applicable Charter and/or Clayton Codified Ordinance provisions governing same, including but not limited to, Charter Section 8.02(C) with respect to competitive bidding and Clayton Ordinance O-02-16-03 adopted March 3, 2016 and Clayton Codified Ordinance Chapter 121 authorizing the City Manager to enter into contracts and purchase agreements in an amount not to exceed \$25,000.00, the City Manager is authorized to implement strategies and actions for the development and re-development of targeted areas of the City in accordance with and under the guidelines of said TED Program to include:*
 - A. Negotiate and enter into agreements for the control, purchase, conveyance, and preparation of land, property or facilities for re-development or development.
 - B. Negotiate and enter into agreements with firms or individuals related to and being part of the advisory and implementation group for professional services including, but not limited to:
 - i. Reviews, studies and analyses for demographics, markets, trends;
 - ii. Professional marketing and branding;
 - iii. Appraisal, purchase and sale of property.

- C. Securing and including the issuance of debt by the City or through other public or private partners to be determined from time to time.
 - D. Negotiate and enter into agreements with public and private partners interested in developing or otherwise partaking in a Transformative Economic Development Project.
 - E. Take any necessary action(s) to initiate any rezoning, variances, permits, agreements, licenses, consents and approvals (including, without limitation, any subdivision, rezoning, site approval, or otherwise) for the development of any TED Project Property.
 - F. Undertake any and all reasonable and necessary inspections of property to determine its suitability for the City's intended purpose under the TED Program including, but not limited to environmental, soil, title, and geological study purposes.
 - G. Obtain any necessary surveys.
 - H. Apply for Grants and/or identify any other alternative funding methods.
 - I. To take any and all actions and sign all documents as may be necessary and in the best interest of the City to properly consummate the purchase and subsequent sale of property within a TED Program Project, including but not limited to executing purchase agreements, letters of intent, paying refundable and non-refundable deposits, granting and obtaining easements.
3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

ADOPTED BY COUNCIL ON AUGUST 18, 2022

RESOLUTION NO. R – 08 – 22 – 55

A RESOLUTION ESTABLISHING THE TRANSFORMATIONAL ECONOMIC DEVELOPMENT FUND UPON AUTHORIZATION OF THE OHIO AUDITOR OF STATE

WHEREAS, the City desires to encourage economic development that creates a significant and lasting change to the economy and quality of life within the community; and

WHEREAS, the City of Clayton has acquired and may acquire various real properties for public projects and purposes and hold and manage such properties with the intent of increasing value and creating a positive economic return to the City; and

WHEREAS, the City has determined the realized gains generated from the sale of these real properties and the proceeds of future sales of real properties acquired with these monies can best be used by the City to reinvest back into the City to encourage transformative economic development by the construction or acquisition of permanent improvements and other real properties; and

WHEREAS, the City has determined the need to create the Transformative Economic Development Fund ("Fund") to account for revenue and expenditures specific to the purpose of completing identified Transformative Economic Development projects and purposes; and

WHEREAS, the City desires to direct specific revenue identified from the sale of land towards the Fund to be established for transformative economic development, and use those funds toward the costs

associated with transformative economic development actions that may include among others, all costs, including debt service, associated with construction or acquisition of permanent improvements in an identified transformative economic development area primarily related to creation, expansion or retention of a particular business or development project that results in job creation or retention and/or improves the quality of life within the community; and

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

1. *Upon receipt of any and all necessary authorizations and approvals of the Ohio Auditor of State*, there is hereby created and established the new Transformative Economic Development Fund which shall be maintained separately from all other City funds to account for the revenues from the sale of land as designated and expenditures specific to activities associated to identified transformative economic development areas.
2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were taken in meetings open to the public and in conformance with all legal requirements including Section 121.22 of the Ohio Revised Code.

ADOPTED BY COUNCIL ON AUGUST 18, 2022

RESOLUTION NO. R – 08 – 22 – 56

A RESOLUTION DESIGNATING THE MAIN STREET CORRIDOR PROJECT AS PROJECT NUMBER 1 OF THE TRANSFORMATIONAL ECONOMIC DEVELOPMENT (TED) PROGRAM

WHEREAS, City Council has determined that economic development in the City within specified targeted areas is needed to transform the economic base of the community; and

WHEREAS, Council established the Transformational Economic Development (TED) Program via adoption of Resolution No. R-08-22-54 on August 18, 2022; and

WHEREAS, the TED Program involves utilizing skills, services and efforts of professionals inside and outside the City organization who serve as an advisory and implementation group; and

WHEREAS, the TED Program authorizes and directs actions that reflect the City's desire to acquire control of land, property, and facilities in strategically identified target areas most likely for re-development, development, and growth of the economic base which includes, but is not limited to, actions such as comprehensive reviews and analyses, acquisition, financing, conveyance and development of those areas to identify and capture the highest and best use and the best opportunity for economic development and growth; and

WHEREAS, City Council desires to designate the Main Street Corridor Project as the first project of the TED Program.

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

1. Consistent with the foregoing and the objectives and goals of the TED Program as delineated in Resolution No. R-08-22-54, adopted on August 18, 2022, City Council hereby designates the Main Street Corridor Project as the Project Number 1 of the TED Program and authorizes the City Manager to take such actions necessary and consistent with Resolution No. R-08-22-54 to implement the provisions of the TED Program with respect to Project Number 1, the Main Street Corridor Project.
2. The area of the Main Street Corridor Project shall be comprised of that area so delineated and designated on the attached **Exhibit A**.

ADOPTED BY COUNCIL ON AUGUST 18, 2022

RESOLUTION NO. R – 08 – 22 – 57

**A RESOLUTION AUTHORIZING THE CITY OF CLAYTON BUSINESS
PAYROLL TAX INCENTIVE PROGRAM**

WHEREAS, the City desires to encourage and incentivize future businesses to locate, retain, and expand within the City of Clayton, Ohio; and

WHEREAS, in order to encourage future economic development, City Council finds and determines it to be in the best interest of the City and to the benefit of the public welfare to authorize establishment of the *City of Clayton Business Payroll Tax Incentive Program*.

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

1. The City Manager is hereby authorized to establish the *City of Clayton Business Payroll Tax Incentive Program* (“*Program*”) in accordance with all applicable laws, including but not limited to, Ohio Revised Code 718.15 and/or Ohio Revised Code 718.151.
2. In order to foster said *Program*, the City Manager is hereby authorized to establish written *City of Clayton Business Payroll Tax Incentive Program* Guidelines and Program Criteria and/or Requirements to govern the administration of said *Program*.
3. Further, any proposed agreement between the City and a business pursuant to the *City of Clayton Business Payroll Tax Incentive Program* shall be presented to City Council for consideration and authorization via Ordinance.
4. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were taken in meetings open to the public and in conformance with all legal requirements including Section 121.22 of the Ohio Revised Code.

ADOPTED BY COUNCIL ON AUGUST 18, 2022

RESOLUTION NO. R – 08 – 22 – 58

**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), the Police Fund (201), the TIF Fund (702) 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)	\$ 60,280.00	\$ 59,768.00	Personnel
		\$ 67,680.00	Operating
Capital Improvement Projects (150)	\$824,072.00	\$824,072.00	Operating
Police (201)	\$ 6,714.00	\$ 6,714.00	Operating
TIF (702)	\$ 2,529.97	\$ 1,529.97	Operating
Local Fiscal Recovery (708)	\$695,273.91	\$695,273.91	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.