

CITY OF CLAYTON, OHIO

RESOLUTIONS AND ORDINANCES

December 1, 2022

NEW BUSINESS

RESOLUTIONS (SINGLE READING AND IMMEDIATE ENACTMENT)

RESOLUTION NO. R – 12 – 22 – 77

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

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

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

1. That the City is hereby authorized to enter into a contract for 2023 with the Montgomery County Public Defender Office and Montgomery County Public Defender Commission upon such terms and conditions as are substantially similar to those appended hereto as *Exhibit A* and made a part hereof.

ADOPTED BY COUNCIL ON DECEMBER 1, 2022

RESOLUTION NO. R – 12 – 22 – 78

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN PERTINENT DOCUMENTS AND AGREEMENTS WITH DAYTON AND MONTGOMERY COUNTY PUBLIC HEALTH TO PROVIDE PLUMBING PLAN REVIEW AND INSPECTION SERVICES TO THE CITY OF CLAYTON

WHEREAS, City staff has recommended the City enter into necessary agreements with Dayton and Montgomery County Public Health for the provision of plumbing plan review and inspection services to the City of Clayton.

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

1. That the City Manager is hereby authorized, on behalf of the City of Clayton, Ohio to enter into all pertinent agreements and sign documentation necessary for Dayton and Montgomery County Public Health to provide plumbing plan review and inspection services to the City of Clayton.

ADOPTED BY COUNCIL ON DECEMBER 1, 2022

RESOLUTION NO. R – 12 – 22 – 79

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT THE PROPOSAL OF AND ENTER INTO AN AGREEMENT WITH MOTOR CONTROLS, INC. (MCI) FOR THE PURCHASE OF AN APC FIXED SPEED CONTROL PANEL AND END SUCTION VARIABLE SPEED PUMP STATION FOR A TOTAL AMOUNT NOT TO EXCEED \$157,695.00

WHEREAS, Clayton Charter Section 8.02(C)(3)(a) permits Council to exempt “emergency contracts or expenditures authorized by a vote of two-thirds of the members of Council” from competitive bidding requirements; and

WHEREAS, Clayton Charter Section 8.02(C)(3)(E) permits Council to exempt sole source purchases from competitive bidding requirements; and

WHEREAS, the City solicited bids for a pump station and control panel for use at Meadowbrook at Clayton and received no bids; and

WHEREAS, after receiving no bids, City staff requested proposals and determined the proposal of Motor Controls, Inc. (MCI) is the lowest and best and most favorable proposal to the City and recommends acceptance of same.

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 accept the proposal of and enter into an agreement with Motor Controls, Inc. (MCI) for the purchase of an APC Fixed Speed Control Panel and an End Suction Variable Speed Pump Station for use at Meadowbrook at Clayton at a total cost not to exceed \$157,695.00.

ADOPTED BY COUNCIL ON DECEMBER 1, 2022

RESOLUTION NO. R – 12 – 22 – 80

A RESOLUTION DECLARING THE NECESSITY OF CONSTRUCTING STREET LIGHTING IMPROVEMENTS IN AND ASSESSING ANNUAL LIGHTING CHARGES UPON LOTS LOCATED WITHIN WENGER VILLAGE, SECTION THREE, IN THE CITY OF CLAYTON, OHIO

WHEREAS, the Clayton City Council (hereinafter the "Council") has heretofore studied the need to construct street lighting improvements (the "Improvements") to service presently unserved areas in the City of Clayton that are in the process of current or planned development; and

WHEREAS, the proposed Wenger Village Section Three development project will be designed to serve the residences to be constructed and located throughout the project area; and

WHEREAS, this Council with and upon recommendation of staff has reviewed and hereby approves the general plans and the detailed plans and specifications required to proceed with the Improvements; and

WHEREAS, this Council has received a duly subscribed and regularly presented request/petition pursuant to Ohio Revised Code Section 727.06 requesting said improvement and including in said request/petition that the annual lighting charge cost of the street lighting improvement be assessed in an equal amount against each benefited lot, the amount to be determined by dividing the total cost per semiannual installment by the number of benefited lots in the district; and

WHEREAS, Council is electing to assess the entire cost annual lighting charge cost of the street lighting improvement in an equal amount against each benefited lot, the amount to be determined by dividing the total cost per semiannual installment by the number of benefited lots in the district”; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Clayton, Ohio:

1. That this Council hereby declares it necessary for the preservation and promotion of the public health and welfare, for the reasons set forth in the preambles hereof, to enter into an agreement with AES/Miami Valley Lighting LLC for full service lighting and to assess the accumulated annual charge estimated to be \$3,270.72 against the lots in Wenger Village, Section Three.
2. The lots or parcels of land to be assessed for the Wenger Village Section Three, Street Lighting Improvement Project are Lots 58 through 116, Wenger Village, Section Three, located in Section 29, Town 5, Range 5 East, City of Clayton, Montgomery County, Ohio and as further described in the attached Petition (**Exhibit A**) and Lot Map (**Exhibit B**).
3. The Wenger Village Section Three, Street Lighting Improvement Project is estimated to consist of installation and trenching of 8 (eight) light poles and fixtures at a developers cost of \$84,342 and total annual lighting charges for said 8 (eight) poles and fixtures of \$3,270.72 to be assessed as delineated herein with no portion of the improvement to be paid by the City.
4. The boundaries of the area to be assessed include all properties within Wenger Village, Section Three.
5. The Improvements are more particularly described and set out in the plans, specifications, estimates of cost, rates, charges and tentative assessments which are on file in the Clayton Government Center, 6996 Taywood Road, Englewood, Ohio, 45322 where they may be examined and which plans, specifications, estimates of costs, rates, charges and tentative assessments are hereby approved.
6. That the total annual lighting charge is estimated to be \$3,270.72 and shall be funded as follows:
 - (a) The portion to be specially assessed to property owners on an annual basis totals \$3,270.72 - **\$55.44 per parcel**, as adjusted to reflect increases in future years, in an equal amount against each benefited lot, the amount to be determined by dividing the total cost per semiannual installment by the number of benefited lots in the district.
7. The City does not intend to issue securities in anticipation of the levy of the assessments. The City does not intend to issue securities in anticipation of collection of the assessments.
8. That the estimate of the assessments against each parcel of property subject to assessment shall be prepared and filed in the office of the Clerk of Council and shall be open for inspection during regular business hours.

9. That Notice of the passage of this Resolution of Necessity and the filing of the estimated assessment pursuant to Ohio Revised Code Section 727.12 shall, after the estimated assessment has been made and filed as provided therein be served by the Clerk of Council, or a person designated by the clerk, upon the owners of the lots or parcels of land to be assessed for the Improvements, by certified mail addressed to such owner at his last known address or to the address to which tax bills are sent.

10. That the owner of any lot or parcel of land who objects to the amount or apportionment of, or the assessment against such lot or parcel as set forth in the estimated assessment filed under Ohio Revised Code Section 727.12, shall file such objection, in writing, with the Clerk of Council within two weeks from the date of completion of the notice required herein. Such objection shall include the address for mailing of the notice of the creation by the City of an Assessment Equalization Board pursuant to Ohio Revised Code Section 727.16.

11. That an owner who fails to so file an objection shall be deemed to have waived any objection.

12. That this Council hereby finds and determines that all formal actions relative to the adoption of this resolution were taken in an open meeting of this Council, and that all deliberations of this Council, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

13. That a copy of this Resolution shall be filed with the Montgomery County Auditor.

ADOPTED BY COUNCIL ON DECEMBER 1, 2022
