

# CITY OF CLAYTON, OHIO

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## RESOLUTIONS AND ORDINANCES

January 19, 2023

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### OLD BUSINESS

### ORDINANCES (SECOND OF TWO READINGS)

#### ORDINANCE NO. O – 01 – 23 – 01

#### AN ORDINANCE APPROVING CONSTRUCTION OF STREET LIGHTING IMPROVEMENTS IN AND TO ADOPT ASSESSMENTS FOR ANNUAL LIGHTING CHARGES UPON LOTS LOCATED WITHIN WENGER VILLAGE, SECTION THREE IN THE CITY OF CLAYTON, OHIO

**WHEREAS**, by Resolution No. R-12-22-80, enacted December 1, 2022 (“Resolution of Necessity”) and in accordance with Ohio Revised Code Section 727.12, Council declared the necessity of constructing street lighting improvements; and

**WHEREAS**, in accordance with Ohio Revised Code Section 727.13, notice of the passage of the Resolution of Necessity and the filing of the estimated assessment under Section 727.12 of the Revised Code was served upon the owners of the lots and/or parcels of land to be assessed for the proposed improvement by certified mail; and

**WHEREAS**, no objections were made or requests for the creation of an Assessment Equalization Board under Ohio Revised Code Section 727.16 nor have claims been received pursuant to Ohio Revised Code Section 727.18 by any owner of a lot or parcel of land asserting that the owner will sustain damages by reason of the proposed improvement; and

**WHEREAS**, Council desires and hereby declares its intent to proceed with approval of the construction of the street lighting improvements in accordance with the provisions of the Resolution of Necessity and impose the required assessments for said improvements.

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

1. That the City hereby approves construction of the street lighting improvements in Wenger Village Section Three, in accordance with the plans, specifications and assessments, rates and charges provided for in the Resolution of Necessity duly enacted by Council on December 1, 2022, under the authority of Ohio Revised Code Chapter 727.
2. That the assessments prepared and filed in accordance with the Resolution of Necessity passed under Ohio Revised Code Section 727.12 and on file in the Clayton Government Center are hereby ratified, confirmed and adopted.
3. That as no claims for damages were filed in accordance with Ohio Revised Code Section 727.18, pursuant to that Section of the Code, such claims are deemed waived and therefore barred.
4. 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.

5. 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**).
6. The Wenger Village Section Three, Street Lighting Improvement Project is estimated to consist of installation and trenching of eight (8) light poles and fixtures at a developers cost of \$84,342 and total annual lighting charges for said 8 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.
7. The boundaries of the area to be assessed include all properties within Wenger Village, Section Three.
8. 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.
9. 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.
10. 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 the collection of the assessments.
11. That 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.
- 12. That Notice of the passage of this Ordinance shall, after the assessment has been made and filed as provided herein 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, RRR, addressed to such owner at his/her last known address or to the address to which tax bills are sent.***
- 13. That a certified copy of this Ordinance shall be filed with the Montgomery County Auditor.***
14. 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.
15. 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 5, 2023 and January 19, 2023.
16. 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 – 01 – 23 – 12**

**A RESOLUTION AUTHORIZING THE CITY MANAGER AND/OR HER DESIGNEE TO PREPARE AND SUBMIT A SAFETY GRANT APPLICATION FOR OHIO DEPARTMENT OF TRANSPORTATION SAFETY FUNDING FOR CONSTRUCTION OF SIDEWALK AND CURB ON MAIN STREET (PHASE 1)**

**WHEREAS**, City Staff has recommended the City of Clayton apply for safety grant resources via the Ohio Department of Transportation’s Safety Funding program to be applied to construction of sidewalk and curb on Main Street (from Meijer south to Old Salem) (Phase 1) within the City of Clayton, Ohio.

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

1. That the City Manager and/or her designee, is hereby authorized to submit a safety grant application for Ohio Department of Transportation Safety Funding to be used toward construction of sidewalk and curb on Main Street (from Meijer south to Old Salem) (Phase 1) within the City of Clayton, Ohio.
2. That the City Manager is further authorized to enter into any agreements which may be necessary and appropriate for obtaining said financial assistance.

ADOPTED BY COUNCIL ON JANUARY 19, 2023

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**RESOLUTION NO. R – 01 – 23 – 13**

**A RESOLUTION AUTHORIZING AND APPROVING AMENDED CREDIT CARD POLICY FOR THE CITY OF CLAYTON**

**WHEREAS**, Governor Kasich signed into law H.B. 312 (codified at Ohio Revised Code 717.31) requiring the legislative authorities of municipal corporations that hold a credit card account to adopt a written policy for the use of credit card accounts no later than February 2, 2019; and

**WHEREAS**, on January 17, 2019, Council authorized adoption of a Credit Card Policy via approval of Administrative Policy 1.3; and

**WHEREAS**, City staff has recommended specific amendments to the current Credit Card Policy-Administrative Policy 1.3.

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

1. That the current City of Clayton Credit Card Policy-Administrative Policy 1.3 appended hereto as *Exhibit A*, is hereby amended as follows:
  - a. To increase the credit card limit for each Battalion Chief position (3) from \$500.00 to \$1,000.00;

- b. To increase the credit card limit for the position of Director of Golf Operations from \$500.00 to \$1,000.00;
- c. To add a \$1,000.00 credit card limit for the position of Events Manager.

ADOPTED BY COUNCIL ON JANUARY 19, 2023

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**RESOLUTION NO. R – 01 – 23 – 14**

**A RESOLUTION APPROVING AMENDMENT OF 2023 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 2023 Appropriations for the Capital Improvement Projects Fund (150).

**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>
Capital Improvement Projects Fund (150)	\$124,347.00 ( <i>Operating</i> )

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 JANUARY 19, 2023

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