

CITY OF CLAYTON, OHIO

RESOLUTIONS AND ORDINANCES May 18, 2023

OLD BUSINESS

ORDINANCES (SECOND OF TWO READINGS)

ORDINANCE NO. O – 05 – 23 – 07

AN ORDINANCE APPROVING AMENDMENT OF SECTION 1313.08 ("PLACEMENT OF RECEPTACLES") OF CHAPTER 1313 OF THE CLAYTON CODIFIED ORDINANCES

WHEREAS, City staff has reviewed Section 1313.08 of Chapter 1313 of the Codified Ordinances and has recommended amendment thereto in order to advance the public health, safety and welfare of the City and its citizens by adding language thereto regarding placement of receptacles.

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

1. That the following amendment to Section 1313.08 ("Placement of Receptacles") of Chapter 1313 of the Clayton Codified Ordinances is hereby approved: (Additions in **bold** and deletions in ~~strike through~~):

1313.08 PLACEMENT OF RECEPTACLES.

All residential garbage containers shall be placed at the curb or authorized alley location for pickup unless prior arrangements have been made for pickup at another location. No such garbage container shall be placed at the curb earlier than 24 hours preceding the pickup and all containers shall be removed within 24 hours after the pickup. When not at the curb for pickup, all garbage receptacles shall either be in an enclosed building or placed behind the front building line (the front wall of the house). **A resident may supply a doctor's note to the City Manager that it is not practical, for medical reason(s), to place containers as specified in this section. The City Manager, in his/her discretion and with concurrence of the City's garbage contractor, shall thereafter determine the location of containers. As part of the City Manager's determination, the resident may be required to establish Carry Out Service with the City's garbage contractor. The City Manager will issue his/her determination in written form, signed and dated by the City Manager. The determination of the City Manager shall be final.**

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2. That all other provisions of Section 1313.08 which have not been modified as set forth in Section 1 of this Ordinance shall remain in full force and effect.
 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 May 4, 2023 and May 18, 2023.
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 MAY 18, 2023

ORDINANCES: COUNCIL VOTED TO TABLE THE FOLLOWING ORDINANCE:

ORDINANCE NO. O – 05 – 23 – 08

AN ORDINANCE _____ (ADOPTING, REJECTING, MODIFYING) THE PLANNING COMMISSION’S RECOMMENDATION TO APPROVE, WITH SPECIFIED CONDITIONS, THE APPLICATION OF CLAYTON PROPERTIES GROUP, INC. DBA ARBOR HOMES, FOR A CHANGE IN ZONING FROM RURAL CONSERVATION DISTRICT- 2 (RCD-2) TO PLANNED DEVELOPMENT DISTRICT (PDD) AND TO FURTHER APPROVE THE PRELIMINARY DEVELOPMENT PLAN FOR 42.99 ACRES OF PROPERTY LOCATED ALONG PHILLIPSBURG-UNION ROAD AND HABER ROAD AND BEARING PARCEL I.D. NO. M60 03006 0009 (TO BE CALLED “SALEM SPRINGS”) WITHIN THE CITY OF CLAYTON, OHIO

WHEREAS, on or about March 6, 2023, an application was filed by Clayton Properties Group, Inc. dba Arbor Homes, with consent of the property owner, for property located along Phillipsburg-Union Road and Haber Road consisting of Parcel I.D. Number M60 03006 0009 and containing 42.99 acres within the City of Clayton, Ohio (“Subject Property”)(to be called “Salem Springs”) and requesting a zoning change for same from Rural Conservation District-2 (RCD-2) to Planned Development District (PDD) and further requesting approval of the proposed Preliminary Development Plan for said subject property; and

WHEREAS, the Clayton Planning Commission held a public hearing on March 27, 2023 on said re-zoning and Preliminary Development Plan request at which time any and all persons were given an opportunity to be heard thereon, and the Clayton Planning Commission, at said meeting, *voted to approve as submitted the re-zoning and Preliminary Development Plan request with the following conditions: “(1)That the proposed development has a minimum lot width of 60’; and (2) That the applicant addresses the comments provided in the plan review letter from Planning Staff sent to the applicant on Mach 24, 2023”*; and

WHEREAS, the Clayton City Council held a public hearing on May 4, 2023, on the aforesaid re-zoning and Preliminary Development Plan request at which time any and all persons were given an opportunity to be heard thereon.

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

1. That the Council hereby _____ (Adopts, Rejects, Modifies) the Planning Commission’s *recommendation of approval of the re-zoning and Preliminary Development Plan request for the Subject Property with the following conditions: “(1) That the proposed development has a minimum lot width of 60’; and (2) That the applicant addresses the comments provided in the plan review letter from Planning Staff sent to the applicant on*

Mach 24, 2023.” A copy of the Staff Review comments dated March 24, 2023, is appended hereto as Exhibit A.

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 May 18, 2023 and June 15, 2023.
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 JUNE 15, 2023

NEW BUSINESS

ORDINANCES (SINGLE READING AND IMMEDIATE ENACTMENT VIA EMERGENCY)

ORDINANCE NO. O – 05 – 23 – 10

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE LEGAL DOCUMENTATION NECESSARY TO PURCHASE REAL PROPERTY LOCATED AT 3916 OLD SALEM ROAD, CLAYTON, OHIO AND BEARING PARCEL I.D. NUMBERS M60 03209 0063, M60 03209 0019, M60 03209 0116, AND M60 03209 0062, FOR THE PURCHASE AMOUNT OF \$180,000.00 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 3916 Old Salem Road, Clayton, Ohio and bearing Parcel I.D. No.s M60 03209 0063, M60 03209 0019, M60 03209 0116, and M60 03209 0062 for the purchase price of \$180,000.00 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 3916 Old Salem Road, Clayton, Ohio and bearing Parcel I.D. No.s M60 03209 0063, M60 03209 0019, M60 03209 0116, and M60 03209 0062 for the purchase price of \$180,000.00 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 3916 Old Salem Road, Clayton, Ohio and bearing Parcel I.D. No.s M60 03209 0063, M60 03209 0019, M60 03209 0116, and M60 03209 0062 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 parties to timely effectuate the closing of said transaction, this Ordinance is adopted as an emergency. 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 MAY 18, 2023

NEW BUSINESS

ORDINANCES (FIRST OF TWO READINGS)

ORDINANCE NO. O – 05 – 23 – 11

AN ORDINANCE MAINTAINING THE CURRENT DIVISION OF WARDS PURSUANT TO CITY OF CLAYTON CHARTER SECTION 3.03(A) IN ORDER TO PROVIDE FOR SUBSTANTIALLY EQUAL POPULATION IN EACH WARD

WHEREAS, Section 3.03 (A) of the Clayton City Charter reads as follows, “No later than the first day of July, 2003, and each ten years thereafter, Council by ordinance shall divide or redivide the City into three wards for the purpose of electing three ward Council members at the next regular municipal election. The division or redivision of the City into three wards shall provide for substantially equal population in each ward.”

WHEREAS, pursuant to the mandate of Section 3.03 (A) of the Clayton City Charter, Joshua D. Ambrosius, Ph.D., was engaged to conduct a Ward Boundary Study (“Study”) and;

WHEREAS, Council has reviewed said study and determined the current Ward Boundaries of the City should be maintained; Council has determined the current Ward Boundaries constitute a less than 2% deviation among Clayton’s three (3) Wards and the same is acceptable and consistent with Charter Section 3.03 (A) in that said Ward divisions provide for “substantially equal population in each ward.”

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

1. That the Clayton City Council hereby maintains the current Ward Boundary Divisions previously adopted via enactment of Ordinance No. O-10-13-18 on November 7, 2013 and further finds that maintenance of said Ward Boundary Divisions provides for substantially

equal population in each ward in compliance with and pursuant to the City Charter of Clayton, Section 3.03(A).

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 May 18, 2023 and June 15, 2023.
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 JUNE 15, 2023

NEW BUSINESS

RESOLUTIONS (SINGLE READING AND IMMEDIATE ENACTMENT)

RESOLUTION NO. R – 05 – 23 – 37

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH ANTHEM BLUE CROSS BLUE SHIELD VIA THE OHIO BENEFITS COOPERATIVE FOR THE PROVISION OF GROUP HEALTH INSURANCE BENEFITS FROM SEPTEMBER 1, 2023 THROUGH AUGUST 31, 2024

WHEREAS, via enactment of Resolution No. R- 11-20-59 on November 19, 2020, Council authorized the City to become a member of the Ohio Benefits Cooperative (“OBC”) thereby permitting the City to purchase medical, dental, and life insurance through said Cooperative; at the time, the City renewed for a period of 8 months in order to synchronize with the OBC’s benefit period; and

WHEREAS, working with OBC, health insurance quotes were received and reviewed; and

WHEREAS, acceptance of the Anthem Blue Cross Blue Shield (“Anthem”) policy via OBC permits continuation of the contract plan at the best and lowest price reasonably possible maintaining a consistent benefit level; and

WHEREAS, City Staff has reviewed the information provided and recommends acceptance of the Anthem proposal.

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 Anthem Blue Cross Blue Shield for the provision of group health insurance benefits through the Ohio Benefits Cooperative from September 1, 2023 through August 31, 2024.

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 MAY 18, 2023

RESOLUTION NO. R – 05 – 23 – 38

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH MEDICOUNT MANAGEMENT, INC. FOR EMERGENCY MEDICAL SERVICES BILLING

WHEREAS, in accordance with City of Clayton Charter 8.02(C)(3)(a), and upon recommendation by the Fire Chief, Council desires to enter into a four (4) year agreement with Medicount Management, Inc. for the provision of emergency medical billing services; and

WHEREAS, the City Manager, Fire Chief, and this City Council have determined that entering into an agreement with Medicount Management, Inc. for the provision of emergency medical billing services at a collection rate of 5.75% to be beneficial, favorable to the City, and in the best interest 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 hereby authorized to enter into an Agreement with Medicount Management, Inc. providing for EMS billing at an administrative collection rate of 5.75% for a period of four (4) years.
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 MAY 18, 2023
