

CITY OF CLAYTON, OHIO

RESOLUTIONS AND ORDINANCES

September 7, 2023

NEW BUSINESS

ORDINANCES (FIRST OF TWO READINGS)

ORDINANCE NO. O – 09 – 23 – 21

AN ORDINANCE AFFIRMING ORDINANCE NO. O-05-23-08 AND FURTHER AUTHORIZING AND DIRECTING THE MONTGOMERY COUNTY, OHIO BOARD OF ELECTIONS TO CONDUCT AN ELECTION OF THE ELECTORS OF THE CITY OF CLAYTON, OHIO AT THE PRIMARY ELECTION TO BE HELD ON MARCH 19, 2024 ON THE QUESTION: SHALL ORDINANCE NO. O-05-23-08 WHICH ADOPTED 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 BE APPROVED?

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; and

WHEREAS, on July 20, 2023, Council adopted Ordinance No. O-05-23-08 (*Exhibit A*) adopting 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 March 24, 2023.”

WHEREAS, a Petitioner’s Committee was formed per Clayton Charter Section 10.02 seeking the referendum of Ordinance No. O-05-23-08 and on August 25, 2023, the Montgomery County Board of Elections provided the attached Certification Form (*Exhibit B*) certifying the referendum petition contained a sufficient number of valid signatures to be placed on the ballot; and

WHEREAS, in accordance with Clayton Charter Section 10.04(A), Council hereby determines the aforementioned referendum petition meets all other requirements of Ohio law and the Charter and acknowledges the substantive validity of said referendum petition.

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

1. That City Council hereby affirms Ordinance No. O-05-23-08 and, in accordance with Clayton Charter Section 10.04(A), City Council hereby determines the aforementioned referendum petition meets all other requirements of Ohio law and the Charter of Clayton and acknowledges the substantive validity of said referendum petition.
2. It is the legislative determination and order of this Council that an election shall be held within the City of Clayton, Ohio on March 19, 2024, at which election the Board of Elections of Montgomery County, Ohio, is directed and ordered to conduct an election within the City of Clayton, Ohio on the question set forth in Section 2 of this Ordinance. The election shall be conducted by the Board of Elections during the regular hours of voting on such date as prescribed by the laws of Ohio. The purpose of such election shall be to submit to the electors of the City of Clayton, Ohio for their approval or rejection, the question of whether Ordinance No. O-05-23-08 proposing the approval, with specified conditions, of 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, be approved?
3. The ballot shall be in the following form:

“Shall Ordinance No. O-05-23-08 proposing the approval, with specified conditions, of 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, be approved?”

A majority affirmative vote is necessary for passage.

_____ **YES**

_____ **NO**

4. The Board of Elections of Montgomery County, Ohio, the Clerk of Council, the City Manager and the Law Director are hereby directed and authorized to take all actions

necessary to submit the above question to the electors of the City of Clayton, Ohio at the primary election required by this Ordinance to be held on March 19, 2024.

5. *Upon adoption by Council after second reading, the Clerk of Council is hereby directed forthwith to certify a true copy of this Ordinance to the Board of Elections of Montgomery County, Ohio, immediately upon its passage.*
6. 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 September 7, 2023 and September 21, 2023.
7. 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 21, 2023

NEW BUSINESS

RESOLUTIONS (SINGLE READING AND IMMEDIATE ENACTMENT)

RESOLUTION NO. R – 09 – 23 – 52

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT THE BID OF AND ENTER INTO A CONTRACT WITH RESTORED 14 ROOFING & SIDING, LLC FOR THE FLAT ROOF, SIDING, & SKYLIGHT REPLACEMENT AT MEADOWBROOK AT CLAYTON AT A COST OF \$195,550.00

WHEREAS, bids have been solicited pursuant to a request for bids and received for the flat roof, siding, and skylight replacement at Meadowbrook at Clayton; and

WHEREAS, after reviewing the bids, the City Manager determined the \$195,550.00 bid received from Restored 14 Roofing & Siding, LLC 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 \$195,550.00 bid of and enter into an agreement with Restored 14 Roofing & Siding, LLC for the flat roof, siding, and skylight replacement at Meadowbrook at Clayton.
2. That having been duly advised by City staff that the above identified Project satisfies applicable requirements, the City is authorized to use ARPA funds in the amount of \$116,675.00 toward the cost of said Project.

ADOPTED BY COUNCIL ON SEPTEMBER 7, 2023

RESOLUTION NO. R – 09 – 23 – 53

A RESOLUTION APPROVING A PHASE 1 PROJECT MANAGEMENT AND FINANCING AGREEMENT WITH THE MONTGOMERY COUNTY TRANSPORTATION IMPROVEMENT DISTRICT FOR THE STATE ROUTE 49 PROJECT AT A COST NOT TO EXCEED \$35,000.00

WHEREAS, QuickTrip Corporation has proposed development of a site located in Clay Township between Interstate 70, State Route 49, and Brookville-Salem Road which will require access improvements to local and state roadways and the extension of related utilities to the proposed site (“State Route 49 Project”); and

WHEREAS, City Council has determined the State Route 49 Project would provide economic benefits to the residents and businesses of the City; and

WHEREAS, City Council has requested the Montgomery County Transportation Improvement District (TID) assist the City to develop a financing plan for said Project and negotiate a Development Agreement with QuickTrip to memorialize the terms for said Project; and

WHEREAS, the TID has agreed to assist the City under the terms of the attached Phase 1 Project Management and Financing Agreement.

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

1. That the attached (**Exhibit A**) Phase 1 Project Management and Financing Agreement with the Montgomery County Transportation Improvement District (TID) for the State Route 49 Project at a cost not to exceed \$35,000.00 is hereby approved and the City Manager and Finance Director are authorized to sign same on behalf of the City of Clayton.
2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were taken in an open meeting of this Council, and that all deliberations of this Council and any committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

ADOPTED BY COUNCIL ON SEPTEMBER 7, 2023

RESOLUTION NO. R – 09 – 23 – 54

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT THE PROPOSAL OF AND ENTER INTO AN AGREEMENT WITH THE JOHN R. JURGENSEN COMPANY FOR THE MONTGOMERY COUNTY LINE ROAD PAVING PROJECT AT A TOTAL PROJECT COST OF \$63,548.10

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 requested and received proposals for the paving of Montgomery County Line Road; and

WHEREAS, said proposals have been received and reviewed and the City Manager and City staff has recommended for acceptance the proposal received from John R. Jurgensen Company in the amount of \$63,548.10, said proposal being 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 hereby authorized to accept the proposal of and enter into an agreement with John R. Jurgensen Company to complete the Montgomery County Line Road Paving Project for the total amount of \$63,548.10, said proposal being the best proposal most favorable to and in the best interests of the City.

ADOPTED BY COUNCIL ON SEPTEMBER 7, 2023

RESOLUTION NO. R – 09 – 23 – 55

A RESOLUTION AUTHORIZING A FIVE-YEAR LEASE OF THREE (3) HEAVY DUTY TRUCKS FOR USE BY THE STREET DEPARTMENT FROM ENTERPRISE FLEET MANAGEMENT, INC. AT A TOTAL COST OF \$502,000.00

WHEREAS, via City Charter Section 8.02(C)(3)(a), Council may exempt from competitive bidding such expenditures as are authorized via a two-thirds vote of Council; and

WHEREAS, City staff has recommended the lease of three (3) Heavy Duty Trucks for use by the Street Department from Enterprise Fleet Management via a five-year lease agreement.

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 five (5) year lease agreement with Enterprise Fleet Management, Inc. for three (3) Heavy Duty Trucks for use by the Street Department pursuant to the Quotes attached hereto as **Exhibit A** and at a total price of \$502,000.00, calculated as follows:

Year 2024: \$194,000.00 for Down Payment and Lease Payments; and
Years 2025-2028: \$77,000.00 per year for Lease Payments.

ADOPTED BY COUNCIL ON SEPTEMBER 7, 2023

RESOLUTION NO. R – 09 – 23 – 56

A RESOLUTION TO AUTHORIZE AND APPROVE A CONTRACT WITH AMERICAN ROCK SALT CO., LLC FOR THE PURCHASE OF SALT FOR SNOW AND ICE CONTROL FOR 2023-2024 AT A COST OF \$91.12 PER TON

WHEREAS, R.C. § 167.03 provides for the procedure whereby purchases may be made by political subdivisions acting through councils of government; and

WHEREAS, Clayton Charter Section 8.02(C)(3)(b) provides a mechanism whereby intergovernmental contracts or expenditures may be exempted from the competitive bid process of the City; and

WHEREAS, Clayton has previously utilized and participated in the Southwest Ohio Purchasers for Government (SWOP4G) program to purchase salt for snow and ice control; and

WHEREAS, SWOP4G has recently completed solicitation of and received bids from salt suppliers and has provided said information to Clayton; and

WHEREAS, failure to act upon the opportunity to purchase salt for snow and ice control at this time of year could create an emergency condition, especially if the weather requires significant usage of salt and depletes Clayton's reserves; and

WHEREAS, City staff has determined that the proposal by American Rock Salt Co., LLC and received by SWOP4G via its bid process is the lowest and best responsive bid submitted by a responsible bidder and has recommended that the City contract with American Rock Salt Co., LLC per its bid of \$91.12 per ton via a secondary emergency need contract.

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 an agreement with American Rock Salt Co., LLC per its bid of \$91.12 per ton via a secondary emergency need contract for the purchase of salt on the terms and at the prices set forth in its bid submitted to SWOP4G for the 2023-2024 period.

ADOPTED BY COUNCIL ON SEPTEMBER 7, 2023
