

# CITY OF CLAYTON, OHIO

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## RESOLUTIONS AND ORDINANCES

January 4, 2024

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### OLD BUSINESS

### ORDINANCES: COUNCIL VOTED TO TABLE THE FOLLOWING ORDINANCE:

#### ORDINANCE NO. O – 12 – 23 – 28

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SELL A 3.7884 ACRE PARCEL OF PROPERTY LOCATED AT THE CORNER OF NATIONAL ROAD AND PROACTION DRIVE AND BEARING PARCEL I.D. NO. M60 03102 0112 TO BELLA SORELLA PIZZA COMPANY, LLC FOR A PRICE OF TWO HUNDRED THOUSAND DOLLARS (\$200,000.00) AND SUBJECT TO THE PROVISIONS CONCERNING FORGIVENESS OF THE LOAN FOR THE PURCHASE PRICE IN RETURN FOR MAINTAINING AN AGREED LEVEL OF EMPLOYMENT AND OTHER CONDITIONS AS CONTAINED WITHIN A CERTAIN PURCHASE AND SALE AGREEMENT WITH THE PURCHASER AND DECLARING AN EMERGENCY**

**WHEREAS**, Article XVIII, Section 3 of the Ohio Constitution and Clayton Charter Article II permit the City to exercise all powers of local self-government; and

**WHEREAS**, Clayton Charter Section 5.04(B)(10) designates the City Manager as chief executive and administrator and authorizes the City Manager to execute on behalf of the City all contracts and agreements; and

**WHEREAS**, Council has designated the position of Development Director to assist the Mayor and City Manager and to coordinate functions and engage in negotiations related to economic and community development; and

**WHEREAS**, the City Manager and Development Director with input and guidance from Clayton City Council have successfully negotiated an arrangement with Bella Sorella Pizza Company, LLC for the sale to Bella Sorella Pizza Company, LLC of a 3.7884 acre parcel of property (“Subject Property” or “Property”) located at the corner of National Road and Proaction Drive and bearing Parcel I. D. No. M60 03102 0112; and

**WHEREAS**, Bella Sorella Pizza Company, LLC intends to construct a restaurant at the Subject Property which restaurant will initially employ approximately 12 employees (and eventually at least 18 employees) with an initial annual payroll of at least \$375,000.00; and

**WHEREAS**, the construction and operation of said restaurant will provide significant benefits to the City of Clayton, and the Northmont Community as well as to Montgomery County; and

**WHEREAS**, the Subject Property has been available for sale or development, but has been unused since being acquired by the City and in its current state is not needed for municipal purposes; and

**WHEREAS**, the terms of the sale, including provisions for the forgiveness of the \$200,000.00 purchase price over a five-year period conditioned upon the maintaining of specified payroll and employment levels and other conditions, are contained within the Purchase and Sale Agreement appended hereto; and

**WHEREAS**, without immediate approval and execution of the Purchase and Sale Agreement, the purchase of the 3.7884 acre tract cannot proceed, the City cannot enter into the Purchase and Sale Agreement with Bella Sorella Pizza Company, LLC, and benefits that would otherwise be available to the residents of the City of Clayton will be delayed or otherwise placed at risk.

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

1. That Council hereby finds and determines the Subject Property is no longer needed for municipal purposes and the City Manager is hereby authorized to execute a Purchase and Sale Agreement in a form substantially similar to the attachment hereto (**Exhibit A**) (with such modifications as deemed appropriate by the Law Department), with Bella Sorella Pizza Company, LLC for the sale of a 3.7884 acre tract of property located at the corner of National Road and Proaction Drive and bearing Parcel I.D. No. M60 03102 0112 at a price of Two Hundred Thousand Dollars (\$200,000.00). The City Manager is further authorized to pay closing costs, if any, as specified by the applicable purchase contract(s) and settlement statements (said additional costs not to exceed the spending authority granted to the City Manager per Clayton Codified Ordinance Section 121.01) in order to effectuate the sale of said Property and to transfer at closing said Property. The City Manager and Finance Director are authorized to execute all documents and take all necessary actions to close on said Property.
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(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.
4. That, immediate approval of the sale of the Subject Property is necessary and will result in the prompt construction of material improvements to the Subject Property, the hiring of substantial numbers of new employees, the increase of tax revenues to the City, and enhancement to the economic health, safety, and welfare of the Clayton Community at large. 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.

**NEW BUSINESS**

**RESOLUTIONS (SINGLE READING AND IMMEDIATE ENACTMENT)**

**RESOLUTION NO. R – 01 – 24 – 01**

**A RESOLUTION ESTABLISHING RATES AND FEES AT  
MEADOWBROOK AT CLAYTON FOR THE YEAR 2024**

**WHEREAS**, it is necessary for the City to establish certain rates and fees for Meadowbrook at Clayton for 2024.

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

1. That the rates and fees for Meadowbrook at Clayton as indicated on the attached *Exhibit A (2024 Golf Green & Cart Fees)*, *Exhibit B (2024 Golf Pass Rates)* and *Exhibit C (2024 Facility Rental Rates)*(with deletions in ~~strike through~~ and additions in **bold**), are hereby established and adopted for the year 2024 and will remain in effect until revised by Council.
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 JANUARY 4, 2024

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**RESOLUTION NO. R – 01 – 24 – 02**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN  
AGREEMENT WITH THE KLEINGERS GROUP FOR PROFESSIONAL  
ENGINEERING CONSULTING SERVICES AND AT A COST NOT TO EXCEED  
\$150,000.00**

**WHEREAS**, Charter Section 8.02(C)(3)(g) exempts professional services not to exceed \$150,000.00 from competitive bidding; and

**WHEREAS**, City staff has recommended entering into an agreement with The Kleingers Group for professional engineering consulting services.

**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 The Kleingers Group in a form substantially similar to the agreement appended hereto as *Exhibit A* for professional engineering consulting services, with such agreed upon modifications thereto as authorized by the Law Director and at a cost not to exceed \$150,000.00.

ADOPTED BY COUNCIL ON JANUARY 4, 2024

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**RESOLUTION NO. R – 01 – 24 – 03**

**A RESOLUTION TO APPOINT DEREK MUNCY AS A MEMBER OF  
THE PLANNING COMMISSION**

**WHEREAS**, Charter Section 7.01 provides for the creation and appointment of members to the Clayton Planning Commission; and

**WHEREAS**, Derek Muncy’s current appointment to the Planning Commission will expire on January 14, 2024 and Council desires to fill said vacancy.

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

1. That Derek Muncy is hereby appointed to the Clayton Planning Commission for a new five (5) year term beginning on January 15, 2024.

ADOPTED BY COUNCIL ON JANUARY 4, 2024

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**RESOLUTION NO. R – 01 – 24 – 04**

**A RESOLUTION APPOINTING RONALD JOHNSON TO THE CLAYTON  
BOARD OF ZONING APPEALS FOR A NEW FIVE (5) YEAR TERM**

**WHEREAS**, Charter Section 7.02 provides for the creation and appointment of members to the Clayton Board of Zoning Appeals (BZA); and

**WHEREAS**, the Clayton BZA currently has a vacant seat; and

**WHEREAS**, Council desires to make an appointment to fill the vacant seat on the Clayton Board of Zoning Appeals.

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

1. That Ronald Johnson is hereby appointed to the Clayton Board of Zoning Appeals for a new five (5) year term beginning January 15, 2024.

ADOPTED BY COUNCIL ON JANUARY 4, 2024

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**RESOLUTION NO. R – 01 – 24 – 05**

**A RESOLUTION TO APPOINT CLAYTON REPRESENTATIVES TO THE  
FIRST SUBURBS CONSORTIUM FOR THE YEAR 2024**

**WHEREAS**, pursuant to the Bylaws of the First Suburbs Consortium, of which the City is a member, each member community is entitled to and should designate two representatives and one alternate thereto.

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

1. That the City of Clayton does hereby designate Kenneth Henning and Tim Gorman as representatives and Greg Merkle as alternate to serve on the First Suburbs Consortium for the year 2024.

ADOPTED BY COUNCIL ON JANUARY 4, 2024

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**RESOLUTION NO. R – 01 – 24 – 06**

**A RESOLUTION APPOINTING CLAYTON REPRESENTATIVES TO THE VOLUNTEER FIRE FIGHTERS' DEPENDENTS FUND BOARD FOR THE YEAR 2024**

**WHEREAS**, the City of Clayton is required to appoint two persons to the Volunteer Fire Fighters' Dependents Fund Board on an annual basis; and

**WHEREAS**, the City desires to designate Tina Kelly and Ryan Farmer to serve on the Volunteer Fire Fighters' Dependents Fund Board for the year 2024.

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

1. That the City of Clayton does hereby designate Tina Kelly and Ryan Farmer to serve on the Volunteer Fire Fighters' Dependents Fund Board for the year 2024.

ADOPTED BY COUNCIL ON JANUARY 4, 2024

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**RESOLUTION NO. R – 01 – 24 – 07**

**A RESOLUTION TO APPOINT A CLAYTON REPRESENTATIVE AND AN ALTERNATE TO THE MIAMI VALLEY REGIONAL PLANNING COMMISSION AND TRANSPORTATION COMMITTEE FOR THE YEAR 2024**

**WHEREAS**, the City of Clayton participates as a member of the Miami Valley Regional Planning Commission ("MVRPC"); and

**WHEREAS**, the City desires to designate a representative to serve on the MVRPC and the Transportation Planning Committee of said Commission for 2024 and an alternate.

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

1. That the City of Clayton does hereby designate Tim Gorman as representative and Mike Stevens as alternate to serve on the Miami Valley Regional Planning Commission and its Transportation Committee for the year 2024.

ADOPTED BY COUNCIL ON JANUARY 4, 2024

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