

# CITY OF CLAYTON, OHIO

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## RESOLUTIONS AND ORDINANCES

June 20, 2024

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**OLD BUSINESS - NONE**

**NEW BUSINESS**

**ORDINANCES (SINGLE READING AND IMMEDIATE ENACTMENT VIA EMERGENCY)**

**ORDINANCE NO. O – 06 – 24 – 06**

**AN ORDINANCE AUTHORIZING AMENDMENTS TO DESIGNATION OF JOB CATEGORIES AND PAY SCHEDULES AND DECLARING AN EMERGENCY**

**WHEREAS**, Section 3.01(D) of the Clayton Charter provides that Council may authorize the creation of positions of employment and set their rates of compensation; and

**WHEREAS**, a revised Organization Chart and pay tables have been prepared by the City Manager (appended hereto as *Exhibit A*), reviewed by the Finance Director, and recommended for approval by the City Manager for the following reasons: (a) To add the position of full-time Golf Technician (previously classified as Maintenance Worker I); and (b) To revise the pay scale for the Fire Inspector position.

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

1. That the revised Organization Chart and Pay Table(s) appended hereto as *Exhibit A* be and hereby are authorized and approved.
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, unless prompt implementation of pay rates for personnel can be achieved so as to ensure continued provision of City services, public health and safety and welfare will be detrimentally affected. Additionally, the City is currently seeking to fill the vacant Fire Inspector position and the revised pay table should be in effect at the time said position is filled. 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.

**ORDINANCE NO. O – 06 – 24 – 09**

**AN ORDINANCE APPROVING AMENDMENTS TO CHAPTER 183, INCOME TAX SECTIONS 183.012, 183.013, AND 183.081 OF THE ADMINISTRATIVE CODE OF THE CITY OF CLAYTON, OHIO TO PROVIDE FOR IMPOSITION OF ANNUAL INCOME TAX RATE OF TWO AND ONE HALF PERCENT (2.50%) PER YEAR ON INCOME AND RESTORING A ONE HUNDRED PERCENT (100%) CREDIT FOR TAXES PAID BY RESIDENTS TO OTHER MUNICIPALITIES ON SUCH INCOME ON OR AFTER JANUARY 1, 2026, WHEN THE CITY’S INCOME TAX RATE IS INCREASED TO TWO AND ONE HALF PERCENT (2.50%) FOR THE PURPOSES SPECIFIED HEREIN AND DECLARING AN EMERGENCY**

**WHEREAS**, Council of the City of Clayton, Ohio has conducted an on-going review of its rate of income taxation, and has determined it to be in the best interests of the City and its residents to modify the City’s rate of income taxation from one and one-half percent (1.50%) to two and one half percent (2.50%) per year on income on or after January 1, 2026 in order to effectively address the continuing needs of the City and its residents, and more specifically, if passed, the two and one half percent (2.50%) income tax would be allocated as follows:

- (1) One and one-half percent (1.50%) to the General Fund.
- (2) One-half percent (.50%) to the Police Fund.
- (3) One-half percent (.50%) to the Fire Fund; and

**WHEREAS**, Council of the City of Clayton, Ohio has further determined it to be in the best interests of the City and its residents to restore the one hundred percent (100%) nonrefundable tax credit for tax paid to other municipalities on or after January 1, 2026, when the City’s income tax rate is increased to two and one half percent (2.50%), **and further, said 100% tax credit restoration could only be reduced by a vote of the electors of Clayton;** and

**WHEREAS**, the electors of the City of Clayton, Ohio shall vote on this rate of income taxation and income tax credit at the primary election to be held on November 5, 2024.

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

1. That Clayton Codified Ordinance Chapter 183, Income Tax, Sections 183.012, 183.013, and 183.081 as set forth in the attached **Exhibit A**, incorporated herein by reference as if fully set forth herein, are hereby so amended.
2. That all other existing sections of Chapter 183 of the Administrative Code of the Codified Ordinances of the City of Clayton, Ohio shall remain in full force and effect.
3. That those remaining provisions of Chapter 183 which require modification as a result of the amendments adopted herein, shall be so modified.
4. 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.

5. That Council hereby finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in open meetings of Council open to the public in compliance with all legal requirements.
6. That in accordance with Clayton 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.
7. That unless this Ordinance is immediately enacted the public peace, health, safety and welfare will be detrimentally affected because unless the City income tax is increased as delineated herein, City services will need to be cut and additional cost-saving measures taken and, in order to timely forward this Ordinance to the Montgomery County Board of Elections before the deadline for same to appear on the November 5, 2024 ballot, it is necessary that this legislation become immediately effective. Accordingly, pursuant to 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.
8. *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.*

ADOPTED BY COUNCIL ON JUNE 20, 2024

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## **ORDINANCES (FIRST OF TWO READINGS)**

### **ORDINANCE NO. O – 06 – 24 – 08**

#### **AN ORDINANCE AUTHORIZING THE SUBMISSION, ACCEPTANCE, ACQUISITION, AND PURCHASE OF SPECIFIED PARCELS FROM MONTGOMERY COUNTY, OHIO FOR AN AMOUNT NOT TO EXCEED \$15,000.00 AND THE SUBSEQUENT DISPOSITION OF SAME IN CONNECTION WITH THE EXPEDITED TAX FORECLOSURE PROGRAM**

**WHEREAS**, Montgomery County, Ohio has established an Expedited Foreclosure Process for Unoccupied Land in accordance with Sections 323.65 through 323.79 of the Ohio Revised Code to facilitate redevelopment through the tax foreclosure process; and

**WHEREAS**, the City of Clayton has requested the Montgomery County Treasurer's Office enter certain real estate into the Expedited Foreclosure Process; and

**WHEREAS**, in accordance with Section 323.78 of the Ohio Revised Code, the Board of Revision may now transfer this real estate directly to the City of Clayton for the fair market value, which has been determined to be the cost of the County's foreclosure; and

**WHEREAS**, this real estate is wanted for desirable redevelopment; and

**WHEREAS**, it is found to be in the best interest of the City of Clayton to acquire the real estate described in the attached **Exhibit A**, and subsequently transfer the real estate to appropriate individuals or organizations for redevelopment.

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

1. That the City Manager or her designee is hereby authorized to accept Deeds from Montgomery County, Ohio conveying the real estate described on the attached **Exhibit A** to the City of Clayton, Ohio, free and clear of all liens and encumbrances for an amount not to exceed \$15,000.00.
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 June 20, 2024 and July 18, 2024.
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 JULY 18, 2024

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

**RESOLUTION NO. R – 06 – 24 – 35**

**A RESOLUTION AUTHORIZING THE USE OF ARPA (AMERICAN RESCUE PLAN ACT) FUNDS FOR SPECIFIED PROJECTS**

**WHEREAS**, the City has received ARPA funds; and

**WHEREAS**, City Council has been duly advised by City staff that the below identified purchases and/or projects satisfy applicable ARPA requirements and the City is authorized to use ARPA funds in the amounts specified herein.

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

1. That the City Manager is authorized to utilize ARPA funds in the amounts indicated below for the purchases/projects listed below:
  - A. Storm Water Project – Hoke and Talmadge Roads: \$5,000.00
  - B. ADA Ramps: \$4,800.00
  - C. Guardrails – Rinehart Road: \$11,536.00
  - D. Power Cot– Fire Department: \$33,709.07
  - E. Heart Monitors– Fire Department: \$112,403.04

ADOPTED BY COUNCIL ON JUNE 20, 2024

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**RESOLUTION NO. R – 06 – 24 – 36**

**A RESOLUTION RE-APPOINTING HELEN SENU-OKE AS A MEMBER OF THE  
PARKS ADVISORY COMMISSION**

**WHEREAS**, Clayton Codified Ordinance Chapter 159 created the Parks Advisory Commission;  
and

**WHEREAS**, Clayton Codified Ordinance Chapter 159 provides for the appointment of nine (9)  
members to the Parks Advisory Commission to be appointed by a majority vote of Council for  
overlapping terms of three years each; and

**WHEREAS**, via enactment of Resolution No. R-06-21-33 on June 17, 2021, Helen Senu-Oke was  
re-appointed to the Parks Advisory Commission for a 3-year term expiring on July 1, 2024 and  
Council desires to re-appoint Helen Senu-Oke to a new 3-year term on the Parks Advisory  
Commission.

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

1. That Helen Senu-Oke is hereby re-appointed to the Parks Advisory Commission for a new  
three (3) year term commencing July 1, 2024 and ending July 1, 2027.

ADOPTED BY COUNCIL ON JUNE 20, 2024

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**RESOLUTION NO. R – 06 – 24 – 37**

**A RESOLUTION RE-APPOINTING JACKIE MCARDLE AS A MEMBER OF THE  
PARKS ADVISORY COMMISSION**

**WHEREAS**, Clayton Codified Ordinance Chapter 159 created the Parks Advisory Commission;  
and

**WHEREAS**, Clayton Codified Ordinance Chapter 159 provides for the appointment of nine (9)  
members to the Parks Advisory Commission to be appointed by a majority vote of Council for  
overlapping terms of three years each; and

**WHEREAS**, via enactment of Resolution No. R-06-21-34 on June 17, 2021, Jackie McArdle was  
appointed to the Parks Advisory Commission for a three (3) year term expiring July 1, 2024 and  
Council desires to re-appoint Jackie McArdle to said Commission for a new three (3) year term.

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

1. That Jackie McArdle is hereby re-appointed to the Parks Advisory Commission for a new  
three (3) year term commencing July 1, 2024 and ending July 1, 2027.

ADOPTED BY COUNCIL ON JUNE 20, 2024

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**RESOLUTION NO. R – 06 – 24 – 38**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INDEPENDENT CONTRACTOR AGREEMENT FOR PROFESSIONAL DEVELOPMENT PLAN AND PLAT REVIEW SERVICES**

**WHEREAS**, the City of Clayton is in need of professional development plan and plat review services and desires to enter into an Independent Contractor Agreement with Seth Dorman in substantially similar form as the attached **Exhibit A**; and

**WHEREAS**, the Council of the City of Clayton deems entering into an Independent Contractor Agreement with Seth Dorman in substantially similar form as the attached **Exhibit A** to be in the best interests of the City and necessary for the preservation of the health, safety, and welfare of its citizens.

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

1. The City Manager is authorized to enter into an Independent Contractor Agreement with Seth Dorman in substantially similar form as the attached **Exhibit A**.
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 Ordinance or which imposes additional requirements for effectiveness or validity.

ADOPTED BY COUNCIL ON JUNE 20, 2024

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**RESOLUTION NO. R – 06 – 24 – 39**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT PROPOSAL OF AND ENTER INTO AN AGREEMENT WITH SUPERIOR DENTAL CARE FOR THE PROVISION OF GROUP DENTAL INSURANCE BENEFITS FOR THE PERIOD SEPTEMBER 1, 2024 TO AUGUST 31, 2025**

**WHEREAS**, the City has worked with its broker, McGohan and Brabender, to obtain quotes for dental insurance; and

**WHEREAS**, Superior Dental Care, via the City’s broker, has proposed renewal of the City’s plan which would remain in effect through August 31, 2025; and

**WHEREAS**, renewal of the current Superior Dental Care policy permits continuation of the contract plan on terms deemed most favorable to the City and its employees and in the best interests thereof; and

**WHEREAS**, City Staff and the City Manager recommends for acceptance as most beneficial, and favorable to the City, and in the best interest of the City, the proposal submitted by Superior Dental Care for the period September 1, 2024 to August 31, 2025.

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

1. That the renewal proposal with Superior Dental Care for the provision of group dental insurance benefits from September 1, 2024 to August 31, 2025 as delineated in the attached *Exhibit A* is hereby approved and accepted and the City Manager and Finance Director are hereby authorized to enter into the proposed Insurance Agreement to effect said coverage.

ADOPTED BY COUNCIL ON JUNE 20, 2024

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**RESOLUTION NO. R – 06 – 24 – 40**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH STRYKER MEDICAL EMERGENCY CARE FOR THE PURCHASE OF TWO (2) CARDIAC HEART MONITORS AT A COST OF \$112,403.04**

**WHEREAS**, Charter Section 8.02(C)(3)(e) exempts from competitive bidding purchases where there exists only a sole source to supply the requirements of the City; and

**WHEREAS**, the Fire Chief has recommended purchase of two (2) cardiac heart monitors to replace older heart monitors.

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

1. That the City Manager is authorized to purchase from Stryker Medical Emergency Care two (2) cardiac heart monitors at a cost of \$112,403.04 and to use ARPA funds toward the purchase thereof.

ADOPTED BY COUNCIL ON JUNE 20, 2024

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**RESOLUTION NO. R – 06 – 24 – 41**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE ONE (1) POWER COT FROM STRYKER MEDICAL EMERGENCY CARE AT A TOTAL COST OF \$33,709.07**

**WHEREAS**, via City Charter Section 8.02(C)(1) and enactment of Ordinance No. 12-23-27, the current minimum competitive bid threshold is \$77,398.00 and the current purchase is therefore exempt from competitive bidding; and

**WHEREAS**, the Fire Chief has requested and recommended the purchase of one (1) power cot to replace the current power cot.

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

1. That the City Manager is authorized to purchase one (1) power cot from Stryker Medical Emergency Care at a total cost of \$33,709.07 and to use ARPA funds toward the purchase thereof.

ADOPTED BY COUNCIL ON JUNE 20, 2024

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RESOLUTION NO. R – 06 – 24 – 42

**A RESOLUTION AUTHORIZING AND DIRECTING THE BOARD OF ELECTIONS OF MONTGOMERY COUNTY, OHIO, TO CONDUCT AN ELECTON OF THE ELECTORS IN THE CITY OF CLAYTON, OHIO AT THE GENERAL ELECTON TO BE HELD ON NOVEMBER 5, 2024 ON THE QUESTION: SHALL ORDINANCE NO. O-06-24-09 ADOPTED BY THE COUNCIL OF THE CITY OF CLAYTON, OHIO PROVIDING ON JANUARY 1, 2026, FOR AN ADDITIONAL ONE PERCENT (1%) LEVY ON INCOME TO A TOTAL RATE OF TWO AND ONE HALF PERCENT (2.50%) AND PROVIDING FOR THE RESTORATION OF THE ONE HUNDRED PERCENT (100%) INCOME TAX CREDIT BE PASSED?**

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

1. It is the legislative determination and order of this Council that an election shall be held within the City of Clayton, Ohio on November 5, 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 Resolution. 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 an additional municipal income tax rate of one percent (1%) income tax be levied for municipal purposes and whether the one hundred percent (100%) income tax credit should be restored, **which tax credit could only be reduced by vote of the electors of Clayton.** Council declares that the amount of taxes being currently raised are insufficient to provide an adequate amount for the necessary requirements of the City for current operating expenses and other expenses payable from the general fund and capital improvements and that it is necessary to levy taxes in excess of the state limit.
2. The ballot shall, pursuant to Section 718.01, et seq., of the Ohio Revised Code be in the following form:

“SHALL THE ORDINANCE PROVIDING FOR THE CONTINUATION OF AN EXISTING 1.5 PERCENT LEVY ON INCOME AND A 1 PERCENT LEVY INCREASE ON INCOME FOR THE PURPOSE OF POLICE AND FIRE OPERATIONS AND FUNCTIONS (.50% TO FIRE OPERATIONS AND FUNCTIONS AND .50% TO POLICE OPERATIONS AND FUNCTIONS), AND PROVIDING FOR THE RESTORATION OF THE ONE HUNDRED PERCENT (100%) INCOME TAX CREDIT, **WHICH TAX CREDIT MAY BE REDUCED ONLY BY VOTE OF THE ELECTORATE OF THE CITY OF CLAYTON** BEGINNING JANUARY 1, 2026, BE PASSED?

A MAJORITY VOTE REQUIRED FOR PASSAGE.

\_\_\_\_\_ FOR THE INCOME TAX AND CREDIT RESTORATION  
\_\_\_\_\_ AGAINST THE INCOME TAX AND CREDIT RESTORATION”

3. There is no limit on the number of years this proposed income tax shall be effective.

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 Resolution to be held on November 5, 2024.
5. *The Clerk of Council is hereby directed forthwith to certify a true copy of this Resolution to the Board of Elections of Montgomery County, Ohio, immediately upon its passage.*
6. This Resolution shall take effect and be in force from and after the date of its passage.

ADOPTED BY COUNCIL ON JUNE 20, 2024

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