

# CITY OF CLAYTON, OHIO

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## RESOLUTIONS AND ORDINANCES

November 20, 2014

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### NEW BUSINESS

### ORDINANCES (FIRST OF TWO READINGS)

#### ORDINANCE NO. O – 11 – 14 – 19

**AN ORDINANCE APPROVING AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A LICENSE AND AGREEMENT TO ENTER UPON REAL ESTATE FOR SPECIFIED PURPOSES WITH CAROL SMITH, OWNER OF REAL PROPERTY LOCATED AT 32. E. SALEM ROAD, AND AUTHORIZING THE TRANSFER OF .02 ACRES OF PUBLIC PROPERTY AND BEARING PARCEL I.D. NUMBER M60 00204 0003 TO CAROL SMITH**

**WHEREAS**, staff has recommended that the former fire department garage located on Salem Road be demolished and removed because it has fallen into disrepair and is no longer of use to the City of Clayton; and

**WHEREAS**, the former fire department garage is partially located on the property of Carol Smith at 32 E. Salem Road in the City of Clayton; and

**WHEREAS**, in exchange for allowing the City of Clayton access to demolish and remove the former fire department garage, fill remaining holes and level the ground following demolition, the City of Clayton desires to transfer to Carol Smith .02 acres of public property bearing Montgomery County Parcel I.D. No. M60 00204 0003.

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

1. That the City of Clayton hereby approves and authorizes the City Manager to enter into a *License and Agreement to Enter Upon Real Estate for Specified Purposes* and a *Deed* upon such terms and conditions as are substantially similar to those appended hereto and made a part hereof.
2. That this Ordinance shall repeal any prior ordinances inconsistent herewith and 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 the requirement that this ordinance be read on two (2) different days is complied with by readings on November 20, 2014 and December 4, 2014.

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 NOVEMBER 20, 2014

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

**RESOLUTION NO. R – 11 – 14 – 76**

**A RESOLUTION AUTHORIZING THE CITY OF CLAYTON TO ENTER  
INTO A CONTRACT WITH THE MONTGOMERY COUNTY  
PUBLIC DEFENDER**

**WHEREAS**, R.C. 120.14(E) permits the City to enter into an annual contractual arrangement with the Montgomery County Public Defender to provide legal representation for indigent persons charged with a violation of a municipal ordinance.

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

1. That the City is hereby authorized to enter into a contract for 2015 with the Montgomery County Public Defender upon such terms and conditions as are substantially similar to those appended hereto and made a part hereof.

ADOPTED BY COUNCIL ON NOVEMBER 20, 2014

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**RESOLUTION NO. R – 11 – 14 – 77**

**A RESOLUTION APPROVING AMENDMENT OF 2014 CERTIFICATE OF  
ESTIMATED RESOURCES AND 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**, the Finance Director has requested amendment of the Certificate of Estimated Resources and Appropriations due to the Northmont City Schools' portion of Tax Increment Financing monies exceeding budgeted amounts for 2013 and 2014.

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

1. That the Certificate of Estimated Resources and Appropriations is hereby amended as indicated:

<b>Fund</b>	<b>Estimated Resources Amount</b>	<b>Appropriation Amount</b>
<b>TIF (Fund 702)</b>		<b>\$64,209.00 (Operating)</b>
<b>TIF Towne Center (Fund 951)</b>		<b>\$31,500.00 (Operating)</b>

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 NOVEMBER 20, 2014

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**RESOLUTION NO. R – 11 – 14 – 78**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH M·E COMPANIES, INC. DBA M·E/IBI GROUP FOR PROFESSIONAL ENGINEERING CONSULTING SERVICES**

**WHEREAS**, Charter Section 8.02(C)(3)(g) exempts from competitive bidding requirements contracts for professional services not to exceed One Hundred Fifty Thousand Dollars (\$150,000.00); and

**WHEREAS**, Council desires to engage the services of M·E Companies, Inc. dba M·E/IBI Group to perform certain professional engineering consulting services as detailed in the attached correspondence of M·E Companies, Inc. dba M·E/IBI Group and at a cost not to exceed \$150,000.00.

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

1. That the Council hereby authorizes the City Manager to enter into an agreement with M·E Companies, Inc. dba M·E/IBI Group in substantially similar form as the agreement appended hereto for provision of professional engineering consulting services as detailed in the attached correspondence of M·E Companies, Inc. dba M·E/IBI Group and at a cost not to exceed \$150,000.00.

ADOPTED BY COUNCIL ON NOVEMBER 20, 2014

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**RESOLUTION NO. R – 11 – 14 – 79**

**A RESOLUTION TO AUTHORIZE AND APPROVE THE 2015 BUDGET AND PERMANENT 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**, the City Manager and Finance Director have prepared and presented the 2015 Budget and Permanent Appropriations for the City of Clayton.

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

1. That the 2015 Budget appended hereto and made a part hereof is hereby authorized and approved.
2. The following appropriations by fund and appended hereto and made a part hereof are hereby authorized and approved for 2015:

**2015 Appropriation Measure**

<u>Fund</u>	<u>Fund Number</u>	<u>Department</u>	<u>Personnel</u>	<u>Operating Expenses</u>	<u>Total Appropriations</u>
<b>General Funds</b>					
General	101	1010	802,059	3,253,501	4,055,560
Emergency	175	1010	-	-	-
<b>Total General Funds</b>			<b>802,059</b>	<b>3,253,501</b>	<b>4,055,560</b>
<b>Special Revenue Funds</b>					
Police	201	2020	1,718,002	361,779	2,079,781
COPS	225	2020	-	-	-
Drug Law Enforcement	226	2020	-	-	-
Law Enforcement Trust	227	2020	-	9,500	9,500
Fire	301	3030	798,438	222,107	1,020,545
EMS	325	3035	568,521	46,575	615,096
Service	401	1003	825,738	312,378	1,138,116
State Highway	402	1003	-	184,700	184,700
Permissive Motor Vehicle License Tax	403	1003	64,904	79,000	143,904
Street Lights	501	5050	-	35,500	35,500
Cemetery	601	1002	-	500	500
Tax Increment Financing	702	1010	-	214,831	214,831
Hoke Road Phase II	704	1010	-	-	-
FEMA	705	1010	-	-	-
Federal Stimulus	706	1010	-	-	-
Tax Increment Financing Towne Center	951	1010	-	128,882	128,882
JEDD	703	1010	-	16,500	16,500
<b>Total Special Revenue Funds</b>			<b>3,975,603</b>	<b>1,612,251</b>	<b>5,587,854</b>
<b>Debt Service Fund</b>					
Bond Retirement	933	1010	-	337,068	337,068
<b>Capital Projects Funds</b>					
Capital Improvements	150	1010	-	1,286,413	1,286,413
SR 48 Improvements	701	1010	-	-	-
Asset Replacement	977		-	-	-
<b>Total Capital Projects Funds</b>			<b>-</b>	<b>1,286,413</b>	<b>1,286,413</b>
<b>Enterprise Funds</b>					
Water	901	9090	35,831	56,800	92,631
Sewer	903	9090	-	-	-
Sewer Construction	904	9090	-	-	-
<b>Total Enterprise Funds</b>			<b>35,831</b>	<b>56,800</b>	<b>92,631</b>
<b>Trust &amp; Agency Funds</b>					
Fire Insurance Trust	330	1010	-	14,000	14,000
Janice Paulus Fire Victim Trust	350	3050	-	1,200	1,200
Impact Fees	950	1010	-	9,000	9,000
JEDD Tax	953	1010	-	150,000	150,000
Agency	954		-	31,950	31,950
<b>Total Trust &amp; Agency Funds</b>			<b>-</b>	<b>206,150</b>	<b>206,150</b>
<b>Grand Total</b>			<b>4,813,493</b>	<b>6,752,184</b>	<b>11,565,677</b>

3. That the Finance Director is hereby authorized, empowered and directed to take all action necessary to effect such appropriations and evidence same on the books and financial record of the City.

ADOPTED BY COUNCIL ON NOVEMBER 20, 2014