

# CITY OF CLAYTON, OHIO

---

---

## RESOLUTIONS AND ORDINANCES

February 5, 2026

---

---

### APPOINTMENT BY THE MAYOR OF WARD 1 COUNCIL MEMBER

Clayton Charter Article 3.09(A) states that a vacancy in Council shall be filled by a majority vote of the remaining members of Council. Article 3.09(B) states that if Council shall fail to elect a person to fill a vacancy in Council under Division (A) of this Section within thirty (30) days after the occurrence of the vacancy, its power to do so shall lapse and the Mayor shall appoint a person to serve for the time as provide. Since the Ward 1 council seat was officially vacated on January 1, 2026, and the remaining Council has failed to come to a consensus on a replacement as of January 31, 2026, the Mayor is obliged under this statute to appoint a replacement. Mayor Farmer therefore appointed LeeAnne Bustos to fill the remaining term of office.

---

### RESOLUTIONS: (SINGLE READING AND IMMEDIATE ENACTMENT)

#### RESOLUTION NO. R – 01 – 26 – 10

#### A RESOLUTION TO ELECT A VICE MAYOR AND PRESIDENT PRO TEMPORE

**WHEREAS**, Clayton Charter Section 3.04 provides for the election of a Vice Mayor who shall also serve as the president pro tempore of Council for a 2-year term; and

**WHEREAS**, the City Council of Clayton desires to elect Council Member Kenneth Henning to serve in that position through December 31, 2027.

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

1. That Kenneth Henning, being a member of Council, is hereby elected Vice Mayor and President Pro Tempore to serve in that capacity through December 31, 2027, having the same powers and performing the same duties and functions as the Mayor whenever the Mayor is absent from the City or unable for any reason to perform his duties.

ADOPTED BY COUNCIL ON FEBRUARY 5, 2026

---

#### RESOLUTION NO. R – 02 – 26 – 14

#### APPROVING THE EMPLOYMENT OF ELAINE WITTMAN AS CITY MANAGER AND FURTHER AUTHORIZING THE CITY TO ENTER INTO AN EMPLOYMENT AGREEMENT WITH ELAINE WITTMAN

**WHEREAS**, Amanda Zimmerlin has resigned her position and Elaine Wittman has served in her stead as Interim City Manager of the City of Clayton, Ohio; and

**WHEREAS**, Council desires to formally confirm the appointment of Elaine Wittman as the new City Manager of the City of Clayton, Ohio with associated duties pursuant to Charter Section 5.04.

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

1. That the Council approves the Employment Agreement appended hereto as Exhibit A setting forth the terms and conditions of the employment of Elaine Wittman as City Manager and authorizes the Mayor to execute same on behalf of the City.

ADOPTED BY COUNCIL ON FEBRUARY 5, 2026

---

**RESOLUTION NO. R – 02 – 26 – 15**

**A RESOLUTION APPROVING THE EMPLOYMENT OF JOYCE M. DEITERING AS LAW DIRECTOR AND FURTHER AUTHORIZING THE CITY TO ENTER INTO AN EMPLOYMENT AGREEMENT WITH JOYCE M. DEITERING**

**WHEREAS**, Martina Dillon has resigned her position and Joyce M. Deitering has served in her stead as Interim Law Director of the City of Clayton, Ohio; and

**WHEREAS**, Council desires to formally confirm the appointment of Joyce M. Deitering as the new Law Director of the City of Clayton, Ohio with associated duties pursuant to Charter Section 6.08.

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

1. That the Council approves the Employment Agreement appended hereto as Exhibit A setting forth the terms and conditions of the employment of Joyce M. Deitering as Law Director and authorizes the Mayor to execute same on behalf of the City.

ADOPTED BY COUNCIL ON FEBRUARY 5, 2026

---

**RESOLUTION NO. R – 02 – 26 – 16**

**A RESOLUTION APPROVING A WAGE AGREEMENT FOR THE PERIOD OF JANUARY 1, 2026 TO DECEMBER 31, 2026 WITH THE TEAMSTERS FOR THE MAINTENANCE WORKERS**

**WHEREAS**, representatives of the City and Union have tentatively agreed upon a Wage Agreement for the January 1, 2026 to December 31, 2026 for the Maintenance Workers within the Clayton Road Department and staff has recommended it for approval; and

**WHEREAS**, said Agreement provides for a 3% wage increase for the year 2025, effective January 1, 2025, and further provides for a 3% wage increase for the year 2026 plus a market adjustment of \$1.25, effective January 1, 2026; and

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

1. That the January 1, 2026 to December 31, 2026 wage agreement with the Teamsters for a 3% wage increase for the year 2026 plus a market adjustment of \$ 1.25, effective January 1, 2026, (Exhibit A) is approved and the City Manager is authorized to execute said Agreement on behalf of the City.

ADOPTED BY COUNCIL ON FEBRUARY 5, 2026

---

**RESOLUTION NO. R – 02 – 26 – 17**

**A RESOLUTION PROVIDING CONSENT TO THE OHIO DEPARTMENT OF TRANSPORTATION TO COMPLETE THE PROJECT DESCRIBED AS “RESURFACE US 40 SLM 06.22 TO 08.22 (DIAMOND MILL ROAD TO HOKE ROAD) IN THE CITY OF CLAYTON” AND BEARING PID NO 120198**

**WHEREAS**, the State has determined the need for the described project:

*Resurface US 40 SLM 06.22 to SLM 08.22 (Diamond Mill Road to Hoke Road) in the City of Clayton, Ohio.*

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

1. Being in the public interest, the City of Clayton, Ohio (“LPA”) gives consent to the Director of Transportation to complete the above-described project.
2. The LPA shall cooperate with the Director of Transportation in the above-described project as follows:

**The State shall assume and bear 80% of all of the costs of the improvement.**

**The LPA agrees to pay 20% of the total cost of the improvement. The estimated cost of the improvement to the LPA is \$180,000.**

3. The LPA authorizes Elaine Wittman, City Manager of said City of Clayton to enter into and execute contracts with the Director of Transportation which are necessary to develop plans for and to complete the above-described project; and to execute contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project.
4. That upon request of ODOT, the City Manager is also empowered to execute any appropriate documents to affect the assignment of all rights, title and interests of the City of Clayton to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.
5. The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.
6. The LPA agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.
7. That, upon completion of the Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the Project in accordance with all applicable State and Federal law, including, but not limited to, Title 23 U.S.C., Section 116; (2) provide ample financial provisions,

as necessary, for the maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

8. This Resolution shall take effect and be in force from and after the date of its passage.

ADOPTED BY COUNCIL ON FEBRUARY 5, 2026

---

**RESOLUTION NO. R – 02 – 26 – 18**

**A RESOLUTION PROVIDING CONSENT TO THE OHIO DEPARTMENT OF TRANSPORTATION TO COMPLETE THE PROJECT DESCRIBED AS “BRIDGE REPAIRS ON SR 48” TO INCLUDE STRUCTURE FILE NUMBERS (MOT-IR-5703751) IN THE CITY OF CLAYTON” AND BEARING PID NO 120778**

WHEREAS, the State has determined the need for the described project:

*Bridge repairs for structure file number 5703751 on SR 48 in the City of Clayton.*

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

1. Being in the public interest, the City of Clayton, Ohio (“LPA”) gives consent to the Director of Transportation to complete the above-described project.

2. The LPA shall cooperate with the Director of Transportation in the above-described project as follows:

The State shall assume and bear 100% of all of the costs of the improvement.

The LPA agrees to pay 100% of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

3. The LPA authorizes Elaine Wittman, City Manager of said City of Clayton to enter into and execute contracts with the Director of Transportation which are necessary to develop plans for and to complete the above-described project; and to execute contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project.

4. That upon request of ODOT, the City Manager is also empowered to execute any appropriate documents to affect the assignment of all rights, title and interests of the City of Clayton to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

5. The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.

6. The LPA agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

7. That, upon completion of the Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the Project in accordance with all applicable State and Federal law, including, but not limited to, Title 23 U.S.C., Section 116; (2) provide ample financial provisions,

as necessary, for the maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

8. This Resolution shall take effect and be in force from and after the date of its passage.

ADOPTED BY COUNCIL ON FEBRUARY 5, 2026

---

**RESOLUTION NO. R – 02 – 26 – 19**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE AMERICAN STRUCTUREPOINT INC. FOR PROFESSIONAL CONSTRUCTION INSPECTION OF MOT-SR 48 20.61 PEDESTRIAN IMPROVEMENTS PROJECT PID 119822**

**WHEREAS**, The City of Clayton was awarded a 2-million-dollar safety grant from ODOT’S safety program for the construction of sidewalks, curb and storm sewer for North Main Street, and;

**WHEREAS**; The first phase of the project will start at Meijer and run east to Heathcliff Road, and;

**WHEREAS**; The project also includes traffic signal upgrades at Garber Road, and;

**WHEREAS**; The City was also rewarded with an additional 1.5 million dollars as additional funding which may be used for inspection purposes; and;

**WHEREAS**, City Charter Section 8.02(C)(3)(g) exempts professional services not to exceed \$190,000.00 from competitive bidding; and

**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 American Structurepoint, Inc for professional engineering consulting services, with such agreed upon modifications thereto as authorized by the Law Director and at a cost not to exceed \$190,000.00.

ADOPTED BY COUNCIL ON FEBRUARY 5, 2026

---

**RESOLUTION NO. R – 02 – 26 – 20**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO RENEW 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 been pleased with the work of the group in the first term of the contract; and

**WHEREAS**, City staff has recommended renewing the 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 FEBRUARY 5, 2026

---