

CITY OF CLAYTON, OHIO

RESOLUTIONS AND ORDINANCES December 5, 2019

NEW BUSINESS – (FIRST OF TWO READINGS)

ORDINANCE NO. O – 12 – 19 – 19

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

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, an Organization Chart and revised pay tables have been prepared by the City Manager, reviewed by the Finance Director and recommended for approval by the City Manager.

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

1. That the Organization Chart and Pay Table(s) appended hereto as **Exhibit A** be and hereby are authorized and approved with the Pay Tables to be effective the first full payroll period in January, 2020.
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 December 5, 2019 and December 19, 2019.
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 DECEMBER 19, 2019

NEW BUSINESS

RESOLUTIONS (SINGLE READING AND IMMEDIATE ENACTMENT)

RESOLUTION NO. R – 12 – 19 – 76

A RESOLUTION AUTHORIZING THE SUBMITTAL OF REVISED APPLICATIONS FOR FEDERAL FAST ACT FUNDS THROUGH THE MIAMI VALLEY REGIONAL PLANNING COMMISSION

WHEREAS, the Miami Valley Regional Planning Commission (MVRPC) has solicited local government entities to submit new transportation projects for funding consideration in the Transportation Improvement Program (TIP); and

WHEREAS, the City of Clayton, Ohio has committed to a timely project development schedule; and

WHEREAS, the City of Clayton, Ohio will commit the necessary resources to support the estimated local cost portion of the projects and the following list of projects will be submitted to MVRPC, shown in order of the City of Clayton, Ohio's priority from number 1 to 2:

1. Hoke Road Widening Project, Phase I - Estimated Local Share \$1,593,028.00
2. Westbrook Resurfacing Project - Estimated Local Share \$200,000.00; and

WHEREAS, the City of Clayton, Ohio requests the following exemptions from MVRPC's Complete Streets Policy for the proposed Westbrook Resurfacing Project funding application: The project qualifies for an exception because the project consists of maintenance, repair or resurfacing of an existing cross-section only. (Cyclist and pedestrian exemption); and

WHEREAS, the present Resolution is intended to allow City Staff to update and revise its MVRPC applications for Federal Fact Act Funds previously authorized by Council via enactment of Resolution No. R-10-19-68 on October 3, 2019.

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

SECTION I. This Resolution shall serve to authorize the transmittal and submittal of applications for the following transportation projects to MVRPC for funding consideration in the Transportation Improvement Program (TIP):

1. Hoke Road Widening Project, Phase I - Estimated Local Share \$1,593,028.00
2. Westbrook Road Resurfacing Project - Estimated Local Share \$200,000

SECTION II. The City Manager is hereby authorized to sign on behalf of the City the application for funds as referred to in Section I of this Resolution.

SECTION III. The City Manager is hereby directed and authorized to take or cause to be taken all other action necessary and proper to secure the funding sought by the application referred to herein, and provide any additional information sought by reviewing agencies during the time the application is under review. The City Manager is further directed and authorized to cause compliance with all reporting requirements required by the Miami Valley Regional Planning Commission (MVRPC) as required as part of the funding process.

SECTION IV. Upon application approval, the City hereby states its commitment to the local contribution for the project as identified in these applications, including local contribution of costs exceeding the current estimates or subsequent revised estimates as accepted by the MVRPC.

SECTION V. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such

formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

SECTION VI. This Resolution shall become effective immediately upon its passage.

THIS RESOLUTION ADOPTED BY COUNCIL ON DECEMBER 5, 2019

RESOLUTION NO. R – 12 – 19 – 77

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT PROPOSAL OF MECHANICAL SYSTEMS OF DAYTON FOR REPLACEMENT OF HEATING AND VENTILATION AND AIR-CONDITIONING SYSTEMS AT MEADOWBROOK AT CLAYTON AT A COST NOT TO EXCEED \$51,738.00

WHEREAS, Charter Section 8.02(C)(1) and Ordinance No. O-08-18-17 enacted September 6, 2018, exempt from competitive bidding requirements purchases which are less than \$53,748.00; and

WHEREAS, the City Manager has reviewed the proposals received and has recommended the City accept the proposal of Mechanical Systems of Dayton as being 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 authorized to accept the proposal of Mechanical Systems of Dayton for heating ventilation and air-conditioning system replacement at Meadowbrook at Clayton in an amount not to exceed \$51,738.00.

ADOPTED BY COUNCIL ON DECEMBER 5, 2019

RESOLUTION NO. R – 12 – 19 - 78

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS TO OPPOSE AN ISSUE AFFECTING THE OPERATION AND/OR WELL-BEING OF THE CITY AND FURTHER AUTHORIZING THE CITY MANAGER AND CITY EMPLOYEES TO ENGAGE IN ACTIVITIES RELATED TO OPPOSITION OF AN ISSUE WHICH AFFECTS THE OPERATION AND/OR WELL-BEING OF THE CITY IN ACCORDANCE WITH CITY OF CLAYTON CHARTER SECTION 12.12

WHEREAS, Charter Section 12.12(D) states, “The City, through action of Council, may financially support the passage of or opposition to issues, that in Council’s opinion, affect the operation and/or well-being of the City. City employees and officials may be authorized by Council to engage in activities related to the passage of or opposition to such issues. The City shall not provide financial support to any political parties or candidates for office.”; and

WHEREAS, Current Clayton Codified Ordinance Section 183.081 limits the amount of income tax credit a wage-earning resident of Clayton can claim when he/she pays income tax to another municipality; and

WHEREAS, Council has been made aware of efforts to place an initiative measure on the ballot which would effectively repeal and replace the current version of Clayton Codified Ordinance Section 183.081;

WHEREAS, pursuant to Charter Section 12.12(D), Council is of the opinion that any such action to repeal and replace the current version of Clayton Codified Ordinance Section 183.081 would adversely affect the operation and/or well-being 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 authorized, in accordance with Charter Section 12.12 (D), to financially oppose said initiative measure/efforts which would effectively repeal and replace the current version of Clayton Codified Ordinance Section 183.081. The City Manager is authorized to expend not in excess of \$25,000.00 toward direct expenditures relative to said opposition efforts.
2. That, in accordance with Charter Section 12.12(D), the City Manager and such City employees as designated and directed by the City Manager, are authorized to engage in activities related to opposing repeal and replacement of the current version of Clayton Codified Ordinance Section 183.081 as deemed appropriate by the City Manager. Said activities may include, but are not limited to newsletter articles, mailers, videos, and other public educational and awareness campaigns to educate the citizens about the necessity of the partial elimination of the tax credit and its importance to the City. Expenditures shall not be used for the purpose of retaining a consultant.
3. The City Manager shall provide monthly reports to Council on the expenditures made each month.