

CITY OF CLAYTON, OHIO

RESOLUTIONS AND ORDINANCES

June 18, 2020

OLD BUSINESS - NONE

NEW BUSINESS

ORDINANCES (EMERGENCY) (SINGLE READING AND IMMEDIATE ENACTMENT)

ORDINANCE NO. O – 06 – 20 – 09

AN ORDINANCE AMENDING SECTION 1313.05 OF CHAPTER 1313 OF THE CLAYTON CODIFIED ORDINANCES AND DECLARING AN EMERGENCY

WHEREAS, staff has reviewed Clayton Codified Ordinance 1313.05 and recommends amendments thereto in order to gain increased compliance with the obligation of property owners to maintain the exterior of their properties, including, but not limited to, the duty to cut grass and remove weeds therefrom; and in order to better ensure receipt by property owners of violation notifications from the City; and in an effort to reduce costs to the City; and in an effort to provide an efficient process for property owners who receive a Statement of Costs per CCO 1313.05 to review same with the City Manager.

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

1. That Clayton Codified Ordinance 1313.05 is hereby amended as indicated below. Additions are in **bold** and deletions are in ~~striketrough~~.

1313.05 MAXIMUM GRASS, WEED, VEGETATION HEIGHT; ENFORCEMENT PROCEDURE; GRASS WATCH LIST.

(a) Vegetation Cutting Required. No owner, operator, responsible party, or occupant of any parcel of land located within the City shall maintain or permit to be maintained thereon, grass, weeds, or rank vegetation in excess of eight (8) inches. All noxious weeds are prohibited.

(b) Maintenance of Plantings. All plant materials, especially trees and shrubs, afflicted with decay, disease, insect infestation, or otherwise considered dangerous to other plant material shall be removed or appropriately treated. All sound plant materials, especially trees and shrubs, shall be properly maintained and trimmed and not evidence signs of neglect or general unsightliness.

(c) Authority of City Manager. At least once each year the City Manager shall cause a notice to be published in a newspaper of general circulation in the City containing a summary of the requirements of this Section 1313.05. The publication of said notice is deemed and declared to be adequate and sufficient notice to all persons affected by the provisions of this Chapter.

The City Manager, or his designee, upon notice of the existence of undesirable grass,

vegetation or weeds in violation of the requirements herein, shall send a written notice of the violation to the owner, operator, responsible party, or occupant of the property directing that the grass, weeds or other undesirable vegetation be cut or destroyed within ~~three (3)~~ **five (5)** days from the issuance of the notice (“**Three Five Day Notice**”). The **Three Five Day Notice** shall contain at least the following information and no person shall fail to comply with such notice:

- (1) The date the notice and order is issued and a description of the subject real estate;
- (2) That it is a notice to cut grass, weeds and/or vegetation, issued pursuant to Section 1313.05 of the Codified Ordinances of the City;
- (3) That the notice constitutes an order to remove the grass, weeds and/or vegetation within ~~three (3)~~ **five (5)** days of the date of issuance of the notice;
- (4) A statement that the failure to comply with the order will result in the City removing the grass, weeds and/or vegetation and the property owner will be charged \$200.00 per acre or part thereof plus a 10% administration fee; A statement that if the fee is not paid when due, a lien will be placed on the property for the amount due;
- (5) A statement that violation of the provisions of Section 1313.05 may result in a penalty fine of \$100.00 for each offense for the first four offenses in addition to other costs of the City; and beginning with the fifth offense, the penalty will increase to \$200.00 per offense in addition to other costs of the City;
- (6) A statement that there are penalties for removing the placard before bringing the property into compliance;
- (7) A statement that an appeal may be filed with the Exterior Property Maintenance Code Appeals Board within ten (10) days after the date of the notice and order.
- (8) Contact information of the appropriate City Department.

The **Three Five Day Notice** shall be either (1) hand delivered to the property owner, operator, responsible party, or occupant; or (2) the notice shall be placed upon a placard and the placard conspicuously placed on the subject property. Such placard shall remain on the property until the property is brought into compliance. Removal of the placard before compliance shall constitute an offense punishable under Section 1313.05(h). Failure of service of the notice shall not prevent the cutting of the undesirable grass, vegetation or weeds and the billing for the cost thereof as hereinafter provided.

(d) Failure to Comply. Whenever an owner, operator, responsible party, or occupant fails to comply with the notice issued hereunder within ~~three (3)~~ **five (5)** days, the City Manager, or his designee, shall cause the undesirable grass, vegetation, or weeds to be cut and destroyed and the City Manager may employ such labor and equipment necessary to perform the tasks, together with any cleanup work required.

(e) Statement of Costs. When the City Manager causes undesirable grass, vegetation or weeds to be cut and removed as described herein, a statement of cost thereof shall be mailed to the property owner, operator, responsible party and/or occupant of such land by certified mail, return receipt requested. If the certified mail is returned to the City undelivered, then the statement of cost will be sent to the property owner, operator, responsible party and/or occupant by either regular U.S. mail delivery or hand delivery. The cost to cut and remove undesirable grass, vegetation or weeds is two hundred dollars (\$200.00) per acre or part thereof plus a ten percent (10 %) fee for administration.

(f) Cost Payment. The property owner, operator, responsible party and/or occupant of such land shall pay such fees as are charged in accordance with this Section 1313.05 to the City

within 15 days after receipt of the statement of costs. If the fee is not paid when due, the City shall certify to the County Auditor the proceedings taken under this Section 1313.05, together with a statement of the charges for services and a legal description of the premises. If the grass, vegetation, or weeds in question are located on common area properties and under the custody, care or control of a homeowner association or similar such association, then the City may pro-rate the cost and assess to the homeowners. Such amounts shall be entered upon the taxes and returned to the City General Fund as provided by Ohio Revised Code 731.54.

(g) Grass Watch List. When a property has been issued two (2) ~~Three~~ **Five** Day Notices as set forth in division (c) above, the property will be placed on a Grass Watch List which shall be enforced as follows:

(1) Upon issuance of the second ~~Three~~ **Five** Day Notice, a separate final notice will also be issued to the property owner, operator, responsible party, or occupant notifying of the placement of the property on the Grass Watch List (“Watch List Notice”). This Watch List Notice may be served by delivering it personally to the owner, operator, responsible party, or occupant or by posting said Notice in a conspicuous place on the real estate, building, or structure thereon.

(2) When a property is placed on the Grass Watch List, the City will cut the grass, weeds or rank vegetation thereon each time the same reaches the maximum permitted height of eight (8) inches, for the duration of the grass cutting season. Any and all fees for same shall be assessed and collected as set forth in the provisions herein. A property may be removed from the Grass Watch List upon payment of any and all outstanding cutting fees for that season.

(h) Penalty. Whoever violates any of the provisions of this Section 1313.05 shall be fined one hundred dollars (\$100.00) for each offense for the first four offenses in addition to any other costs incurred by the City. Beginning with the fifth offense, the penalty shall be two hundred dollars (\$200.00) for each offense in addition to any other costs incurred by the City. Each day that the undesirable grass, vegetation, or weeds are permitted to continue to grow after the specified time limit shall constitute a separate offense.

(i) Appeal.

(1) A person receiving a notice issued hereunder, may appeal same by filing an appeal as set forth in Section 1309.10 of the Clayton Codified Ordinances.

(2) A person receiving a Statement of Costs under division (e) hereof may, within fifteen (15) days of receipt of the Statement of Costs, request a meeting with the City Manager to discuss the amount(s) charged in the Statement of Costs. The City Manager, in his or her discretion, and for good cause shown, may reduce the amount(s) stated in the Statement of Costs. The decision of the City Manager shall be final.

2. That the remaining provisions of Section 1313.05 of the Clayton Codified Ordinances remain unchanged.

3. 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.

4. That in accordance with 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.

5. That unless this Ordinance is immediately enacted the public peace, health, safety and welfare will be detrimentally affected because the grass cutting season is approaching and the approved amendments to CCO 1313.05 adopted herein are necessary to promote the expedient administration of the Exterior Property Maintenance Code as it relates to grass cutting and weed removal and procedures related thereto in order to better ensure and protect the public health, safety, and welfare as soon as possible. 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.

ADOPTED BY COUNCIL ON JUNE 18, 2020

ORDINANCE NO. O – 06 – 20 – 10

AN ORDINANCE APPROVING AMENDMENTS TO CLAYTON CODIFIED ORDINANCE PART NINE TITLED, “STREETS, UTILITIES, AND PUBLIC SERVICES CODE” TO AMEND CHAPTER 907 TO TITLE ONE THEREOF TO ADD A NEW SECTION 907.08 ENTITLED, “MAINTENANCE OF DETENTION BASINS, RETENTION PONDS, AND OTHER DRAINAGE IMPROVEMENTS” AND TO FURTHER AMEND THE TITLE OF CHAPTER 907 AND DECLARING AN EMERGENCY

WHEREAS, via enactment of Ordinance No. O-03-20-05 on March 19, 2020, Part Nine (“Streets, Utilities, and Public Services Code”) of the Clayton Codified Ordinances was amended to add a new Chapter 907 entitled, “Repair and Maintenance of Ditches and Culverts” to Title One thereof; and

WHEREAS, upon recommendation of City Staff, Council desires to amend the title of Chapter 907 and to amend the body of Chapter 907 as indicated herein to add Section 907.08 (“Maintenance of Detention Basins, Retention Ponds, and Other Drainage Improvements”) in order to better promote the public health, safety and welfare of the City and its citizens.

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

1. That Title One of Clayton Codified Ordinance Part Nine (“Streets, Utilities, and Public Services Code”) is hereby amended to revise the title of Chapter 907 as indicated below and to further amend Chapter 907 to add Section 907.08 entitled, “Maintenance of Detention Basins, Retention Ponds, and Other Drainage Improvements” as follows. (Additions in **bold** and deletions in ~~strikethrough~~):
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CHAPTER 907
REPAIR AND MAINTENANCE OF DITCHES AND CULVERTS AND MAINTENANCE
OF DETENTION BASINS, RETENTION PONDS AND OTHER DRAINAGE
IMPROVEMENTS

907.01 OBSTRUCTIONS PROHIBITED.

No person shall place any obstruction in a storm water drainage ditch situated in the street right-of-way, or in any way change or affect the natural flow of water within such ditch, except as provided in this Chapter.

The City shall maintain ditches that are in the street right-of-way to keep them free from natural occurring obstructions such as silt and/or storm debris.

Ditching other than upon street right-of-way areas shall be the responsibility of the property owner, unless a recorded permanent easement exists as a matter of record granting the City the right of ingress and egress upon the easement.

All man-made obstructions to culverts or other drainage ditches abutting the property thereto, including those abutting driveway entrances and all other means of ingress and egress to the property are prohibited. Each owner, occupant or person having control or management of any lot or parcel of land situated within the City limits shall maintain such culverts and drainage ditches clear and unobstructed.

No person shall place any obstruction in a natural storm water drainage course that is situated on private property and that provides storm water drainage from other properties through such property, or in any way change or affect the natural flow of water within such water course as to cause the unnatural accumulation of water upon such other properties. Nothing herein shall prohibit the installation of storm sewers within, and as a replacement for, a natural drainage course, provide that such sewers are of sufficient size to accommodate storm water that would naturally flow through such drainage course, and provided that the plans for same have been approved by the Director and also received such other approvals as required, from government entities.

907.02 NOTICE TO REMOVE OBSTRUCTIONS.

The owner, occupant or person having control or management of any lot or parcel of land situated within the corporate limits, whether the same is improved or unimproved, vacant or occupied, within seven (7) days written notice to do so, served upon said owner, occupant or person having control or management, by the Public Service Director (“Director”), shall clear and remove or cause to be cleared or removed any obstruction in any culvert or other drainage ditch abutting such lot or parcel of land.

907.03 CONFORMANCE TO ESTABLISHED GRADE AND PLANS.

Any owner, occupant or person having control or management of any lot or parcel of land who, after receiving notice as provided for in Section 907.02, determines to perform the work ordered by the Director shall obtain from the Director written authorization prior to any excavation.

907.04 ENFORCEMENT.

In the event the owner, occupant or person having control or management does not remove such obstructions in accordance with the provisions of this Chapter, then the Director shall enforce the provisions of this Chapter and cause all culverts and drainage ditches to be rendered unobstructed.

Whenever any obstruction in culverts or drainage ditches placed or caused to be placed there by the property owner, occupant, or person having control or management thereof are removed by the City, the City shall give notice by certified mail, to the owner, occupant or person having control or management of such lot or parcel of land, at said person's last known address, to pay the cost of such removal, which notice shall be accompanied by a statement of the amount of cost incurred. In the event the same is not paid within thirty (30) days after the mailing of such notice, then such amount shall be certified to the County Auditor for collection the same as other taxes and assessments collected.

907.05 DRAINAGE PIPE FOR ALL NEW INSTALLATIONS.

No person shall install a culvert or storm sewer pipe within a drainage ditch situated in a street right-of-way abutting property without first obtaining a permit for such purpose from the Director. The fee for such permit shall be in accordance with the current City Fee Schedule. Such installation shall be made only in accordance with sizes, standards, and specifications of and subject to final inspection by the Director. Pursuant to the specifications on file with the Public Service Director, each property owner is required to purchase, install, and maintain drainage pipe within the street right-of-way and to purchase and install necessary pipe fittings for the proper installation of yard drains, downspouts, etc. All tie-ins must be inspected and approved by the Director prior to backfilling.

Any property owner, occupant, or person having control or management of a lot or parcel of land within the City who has enclosed or causes to become enclosed, a roadway ditch in contravention of any of the requirements herein shall remove and/or correct the enclosure as determined by the Director. Failure to comply shall constitute cause for removal of the enclosure by the City, at the property owner's expense. The amount of money so expended by the City shall be billed to the property owner by certified mail. If the property owner fails to reimburse the City within thirty (30) days of receipt of the bill, then such amount shall be certified to the County Auditor for collection the same as other taxes and assessments collected. If the City removes the enclosure, the City, in its sole discretion, may make the ditch and open ditch.

Each property owner is required to supply backfill material. The City may, but is not required, to supply backfill as determined by the Director. Each property owner is responsible for all landscaping, re-seeding, sodding, and restoration.

Whenever it is necessary to remove concrete or asphalt pavement over a culvert, or within a street right-of-way, for purposes of either removing obstructions or widening streets or alleys in the City, there shall be no requirement, on the part of the City, to restore such driveway with concrete or asphalt pavement.

907.06 EXISTING TILE DRAINAGE.

Where existing tile or drainage pipe must be repaired or replaced, the property owner is responsible for providing the materials and labor. However, the City may assist with installation as part of a City right-of-way ditch maintenance program. The City may, at the discretion of the Director, excavate an open ditch in lieu of tiles or drainage pipe in need of repair.

907.07 DRIVEWAY CULVERTS FOR ALL NEW INSTALLATIONS.

All new driveway construction will be the responsibility of the property owner. Driveway culvert size will be determined by the Director during the permit process and following inspection.

Minimum driveway culvert width shall be thirty (30) feet. Acceptable culvert material are ADS smooth wall interior plastic and SDR-35 plastic, with a minimum one and one-half feet of graded cover. Reinforced concrete and galvanized pipe may be acceptable with less grade cover and premium backfill, as may be determined by the Director.

907.08 MAINTENANCE OF DETENTION BASINS, RETENTION PONDS, AND OTHER DRAINAGE IMPROVEMENTS.

(a) The owner of any lot which contains a detention basin, retention pond, or other drainage improvement shall maintain that detention basin, retention pond, or drainage improvement to provide for adequate disposal of subsurface and surface water disposal. Maintenance of detention basins, retention ponds, or other drainage improvements shall include the following items:

(1) Erosion control of the slopes of the detention basin or retention pond to maintain the original slope design;

(2) Removal of any trash or debris from the detention basin or retention pond;

(3) Management of vegetation and mowing of grass adjacent to detention basin or retention pond;

(4) Inspection and cleaning of any inlet or outlet pipes or concrete channel;

(5) Removal of algae or other vegetation growth from the surface of the water;

(6) Removal of sedimentation in the detention basin or retention pond or other drainage improvement if it accumulates to a level that is greater than 25% of the original depth;

(7) Maintenance of any mechanical pumps, fountains, or other mechanical equipment which were included in the original design of the detention basin, retention pond, or other drainage improvement.

(b) Where applicable, and as determined by the City or the City Engineer, when water quality or outlet stream degradation is of concern, the owner of any lot which contains a detention basin, retention pond, or other drainage improvement, may be required to modify such basins (detention or retention) to make said basin a water quality basin designed to treat runoff for pollutants and to control increases in storm discharge and bed load transport. The retro-fit design shall be based on established and applicable practices, rules, and regulations.

(c) Any detention basin, retention pond, or other drainage improvement which is not properly maintained in accordance with the standards of Section 907.08(a) is hereby deemed to be a nuisance detrimental to the public health, safety, convenience, comfort, property and general welfare, and the Public Service Director in conjunction with the Law Department, may take action(s) necessary to seek abatement of the nuisance pursuant to all applicable and available nuisance abatement laws, including, without limitation, Ohio Revised Code 715.44 *et seq.* and Ohio Revised Code 3767.03 *et seq.*

The City shall keep an itemized account of expense incurred for abatement of any nuisance arising from the failure to maintain any detention basin, retention pond, or other drainage improvement. The total costs incurred by the City may be collected via the following methods:

- (1) By Commencement of civil litigation against the property owner to collect the costs;
or**
- (2) By invoicing the costs to the owner of the property where the detention basin, retention pond, or other drainage improvement is located, and the property owner shall have thirty (30) days after the receipt of the invoice to pay the invoice. The invoice shall be mailed via regular U.S. mail or served via personal delivery. If sent by regular U.S. mail, then written proof of mailing shall be filed with the Clerk of Council evidencing the date of mailing. If the invoice is served via personal delivery, then the person effectuating the service shall file with the Clerk of Council a written return of service evidencing the date and time of service as well as the name of the person served. If the invoice remains unpaid after thirty (30) days, the City may certify the costs to the County Auditor to be placed upon the tax duplicate of the property to be a lien upon the property and to be collected as other property taxes and returned to the City; or**
- (3) By invoicing the costs to all property owners of lots in the recorded subdivision plat in which the detention basin, retention pond, or drainage improvement is located. This cost shall be divided equally among all lots in the subdivision, and the property owners of the lots shall be responsible for payment of same. The invoice shall be mailed via regular U.S. mail or served via personal delivery. If sent by regular U.S. mail, then written proof of mailing shall be filed with the Clerk of Council evidencing the date of mailing. If the invoice is served via personal delivery, then the person effectuating the service shall file with the Clerk of Council a written return of service evidencing the date and time of service as well as the name of the person served. The property owner shall have thirty (30) days after the receipt of the invoice to pay the invoice. If the invoice remains unpaid after thirty (30) days, the City may certify the costs to the County Auditor to be placed upon the tax duplicate of the property to be**

a lien upon the property and to be collected as other property taxes and returned to the City.

In addition to other relief provided by law, the City Law Director may apply to any court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this Section 907.08. Such application for relief may include seeking a temporary restraining order, temporary injunction, and/or permanent injunction.

Before filing any court action for violation of this Section 907.08, the City shall provide written notice to the owner, person, or entity suspected of maintaining the nuisance. Such notice shall describe in general terms the nuisance, its location, and a date by which prosecution or other court action will be started if the nuisance is not discontinued. The notice shall contain a phone number to call for information on the subject. Failure to provide such notice shall not affect the validity of any court action.

Nothing herein shall be deemed to limit or restrict any other legal remedies available to the City with respect to abatement of a nuisance under this Section 907.08 and/or collection of expenses incurred by the City for abatement of any nuisance hereunder by the City.

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2. That the remaining provisions of Chapter 907 of the Clayton Codified Ordinances remain unchanged.
 3. 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.
 4. That in accordance with 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.
 5. That unless this Ordinance is immediately enacted the public peace, health, safety and welfare will be detrimentally affected because it is imperative to address maintenance of detention basins, retention ponds, and other drainage improvements within the City because a lack of maintenance tends to result in nuisance conditions within the City to the detriment of its residents and the approved amendments to CCO Chapter 907 adopted herein are necessary to promote the expedient maintenance of detention basins, retention ponds, and other drainage improvements in order to better ensure and protect the public health, safety, and welfare as soon as possible. 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.

ADOPTED BY COUNCIL ON JUNE 18, 2020

RESOLUTIONS (SINGLE READING AND IMMEDIATE ENACTMENT)

RESOLUTION NO. R – 06 – 20 – 27

A RESOLUTION APPROVING THE CITY MANAGER’S DESIGNATION OF QUALIFIED ADMINISTRATIVE OFFICERS OF THE CITY TO PERFORM THE POWERS, DUTIES, AND FUNCTIONS OF THE CITY MANAGER DURING THE CITY MANAGER’S TEMPORARY ABSENCE FROM THE CITY OR DURING DISABILITY

WHEREAS, Charter Section 5.03(A) provides that the City Manager may designate, by letter filed with the Clerk of Council, any qualified administrative officer of the City to perform her powers, duties and functions during her temporary absence from the City or during her disability; and

WHEREAS, Charter Section 5.03(A) provides that such designation by the City Manager shall not be effective until Council has approved it by a majority vote of the members of Council; and

WHEREAS, in accordance with Charter Section 5.03(A), the City Manager has filed with the Clerk of Council the letter appended hereto designating qualified administrative officers of the City to perform her powers, duties and functions during her temporary absence from the City or during disability.

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

1. That the letter appended hereto and which the City Manager has caused to be filed with the Clerk of Council designating qualified administrative officers of the City to perform her powers, duties and functions during her temporary absence from the City or during disability is hereby approved.

ADOPTED BY COUNCIL ON JUNE 18, 2020

RESOLUTION NO. R – 06 – 20 – 28

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT THE BID OF AND ENTER INTO AN AGREEMENT WITH JOHN R. JURGENSEN COMPANY FOR 2020 MILL AND FILL ASPHALT AND FULL DEPTH REPAIR TO CITY STREETS AT A COST NOT TO EXCEED \$119,235.00

WHEREAS, bids have been solicited pursuant to a request for bids and received for the 2020 City street mill and fill asphalt and full depth repair project (the “Project”); and

WHEREAS, the City Manager determined the bid received from John R. Jurgensen Company was the lowest and best bid submitted by a responsible bidder and therefore recommended accepting said bid and entering into an agreement with John R. Jurgensen Company for the 2020 mill and fill asphalt and full depth repair of City streets project at a cost not to exceed \$119,235.00

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 the terms of the subject request for bids, to accept the bid submitted by and enter into a contract with John R. Jurgensen Company for the above identified Project and for a total cost not to exceed \$119,235.00.
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 JUNE 18, 2020

RESOLUTION NO. R – 06 – 20 – 29

A RESOLUTION AFFIRMING THAT ALL FUNDS RECEIVED BY THE CITY OF CLAYTON, OHIO FROM THE COUNTY CORONAVIRUS RELIEF DISTRIBUTION FUND PURSUANT TO S.B. 310, NOW H.B. 481 WILL BE EXPENDED ONLY TO COVER COSTS OF THE SUBDIVISION CONSISTENT WITH THE REQUIREMENTS OF SECTION 5001 OF THE CARES ACT AS DESCRIBED IN 42 U.S.C. 801(d) (formerly 42 U.S.C. 601) AND ANY APPLICABLE REGULATIONS AND GUIDANCE PURSUANT TO H.B. 481 BEFORE RECEIVING SAID FUNDS AND ESTABLISHING THE “LOCAL CORONAVIRUS RELIEF FUND” AND FURTHER DIRECTING THE CLERK OF COUNCIL TO FORTHWITH CAUSE A CERTIFIED COPY OF THIS RESOLUTION TO BE DELIVERED TO THE MONTGOMERY COUNTY AUDITOR AND TO THE OHIO OFFICE OF BUDGET AND MANAGEMENT

WHEREAS, the Coronavirus Aid, Relief, and Economic Security Act, 116 Public Law 136, (the CARES Act) was signed into law by the President of the United States on March 27, 2020; and

WHEREAS, the Ohio General Assembly established a process for distributing funds provided by the “Coronavirus Aid, Relief, and Economic Security Act” in Senate Bill 310, now House Bill 481, of the 133rd General Assembly (S.B. 310); and

WHEREAS, S.B. 310, now H.B. 481, requires subdivisions receiving funds under Section 1 of the act, to pass a resolution affirming that funds from the County Coronavirus Relief Distribution Fund may be expended only to cover costs of the subdivision consistent with the requirements of section 5001 of the CARES Act as described in 42 U.S.C. 801(d), (formerly 42 U.S.C. 601) and any applicable regulations before receiving said funds; and

WHEREAS, the City of Clayton, Ohio is requesting its share of funds from the County Coronavirus Relief Distribution Fund.

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

1. That the Council of the City of Clayton, Ohio on behalf of the City of Clayton, Ohio, hereby affirms that all funds received from the County Coronavirus Relief Distribution Fund pursuant to S.B. 310, now H.B. 481 be expended only to cover costs of the subdivision consistent with the requirements of section 5001 of the CARES Act as described in 42 U.S.C. 801(d), (formerly 42 U.S.C. 601) and any applicable regulations and guidance only to cover expenses that:
 - (a) Are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
 - (b) Were not accounted for in the City of Clayton's most recently approved budget as of March 27, 2020; and
 - (c) Were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.

FURTHERMORE, in compliance with S.B. 310, now H.B. 481 be it resolved by the Council of the City of Clayton, Ohio that the Clayton Finance Director take all necessary action to:

- (a) On or before October 15, 2020, pay any unencumbered balance of money in the City of Clayton's local coronavirus relief fund to the County Treasurer;
 - (b) On or before December 28, 2020, pay the balance of any money in the City of Clayton's local coronavirus relief fund to the state treasury in the manner prescribed by the Director of the Ohio Office of Budget and Management; and
 - (c) Provide any information related to any payments received under S.B. 310, now H.B. 481 to the Director of the Ohio Office of Budget and Management as requested.
2. That the Finance Director is hereby authorized to establish the "Local Coronavirus Relief Fund" (Fund 707) in order to accept, receipt, and process funds received pursuant to S.B. 310, now H.B. 481, to be expended only to cover costs of the City of Clayton consistent with the requirements of section 5001 of the CARES Act as described in 42 U.S.C. 801(d), (formerly 42 U.S.C. 601).
3. *The Clerk of Council shall file a certified copy of this Resolution with the Office of the Montgomery County, Ohio Auditor and to the Ohio Office of Budget and Management (OBM).*
4. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.
5. This Resolution shall be in full force and effect immediately upon its adoption.

ADOPTED BY COUNCIL ON JUNE 18, 2020

RESOLUTION NO. R – 06 – 20 – 30

A RESOLUTION AUTHORIZING THE SUBMITTAL OF TWO APPLICATIONS TO MONTGOMERY COUNTY FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS

WHEREAS, City staff has requested authority to allow the City Manager and/or her designees to apply to Montgomery County for Community Development Block Grant (CDBG) funds for two separate community and economic development projects within Clayton; and

WHEREAS, the two applications which the City of Clayton would submit are as follows: (1) A residential demolition project with a 10% match by the City; and (2) A North Main Street business incentive program with a 100% match by the City and each separate application would request \$50,000.00 in CDBG funds (\$100,000.00 total for the two projects).

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

1. That the City Manager and/or her designees are authorized to apply to Montgomery County for Community Development Block Grant (CDBG) funds for two separate community and economic development projects within Clayton, said projects being: (1) A residential demolition project with a 10% match by the City; and (2) A North Main Street business incentive program with a 100% match by the City and each separate application would request \$50,000.00 in CDBG funds (\$100,000.00 total for the two projects).
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 JUNE 18, 2020

RESOLUTION NO. R – 06 – 20 - 31

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH ESO FOR A NEW RECORDS MANAGEMENT SYSTEM FOR THE FIRE DEPARTMENT IN ORDER TO EFFECUTATE THE PURPOSES OF THE JOINT EMERGENCY SERVICES COLLABORATIVE MEMORANDUM OF UNDERSTANDING IN A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$30,682.00, SAID AMOUNT TO BE SHARED AMONG THE CITIES OF CLAYTON, ENGLEWOOD, AND UNION

WHEREAS, via enactment of Resolution No. R-03-20-17 on March 19, 2020, City Council authorized the City Manager to sign a Joint Emergency Services Collaborative Memorandum of Understanding on behalf of the City of Clayton, Ohio with the cities of Englewood, Ohio and Union, Ohio; and

WHEREAS, in order to effectively and efficiently carry out the purposes of said Joint Emergency Services Collaborative Memorandum of Understanding, Fire Chief Brian Garver has requested authorization to enter into a contract with ESO for a new records management system for the fire department collaborative with the total contract price of \$30,682.00 being shared among the Cities of Clayton, Englewood, and Union as follows:

Clayton: \$ 9,204.60 or 30% of the total cost;
Englewood: \$15,954.64 or 52% of the total cost;
Union: \$ 5,522.76 or 18% of the total cost; and

WHEREAS, this purchase is exempt from competitive bidding per Clayton Charter Section 8.02(C)(1) and Ordinance No. 08-18-17 enacted September 6, 2018.

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

1. That the City Manager is hereby authorized to enter into a contract with ESO for a new records management system for the fire department collaborative at a total cost not to exceed \$30,682.00, said total cost to be shared among the Cities of Clayton, Englewood, and Union as follows:

Clayton: \$ 9,204.60 or 30% of the total cost;
Englewood: \$15,954.64 or 52% of the total cost;
Union: \$ 5,522.76 or 18% of the total cost; and

2. That the City Manager is further authorized to enter into any additional agreements or Memorandum of Understanding with the Cities of Englewood and Union to effectuate the cost sharing of the records management system as enumerated herein.
3. 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.

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