

# CITY OF CLAYTON, OHIO

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## RESOLUTIONS AND ORDINANCES

November 19, 2020

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### OLD BUSINESS

### ORDINANCES (SECOND OF TWO READINGS AND ENACTMENT)

#### ORDINANCE NO. O – ZC – 20 – 01

**AN ORDINANCE ADOPTING THE PLANNING COMMISSION'S  
RECOMMENDATION TO APPROVE THE APPLICATION OF TYLER DONNELLY  
FOR A CHANGE IN ZONING FROM PD-1: PLANNED DEVELOPMENT  
RESIDENTIAL TO A: AGRICULTURE FOR PROPERTY LOCATED AT 6483  
KIMMEL ROAD AND BEARING PARCEL I.D. NUMBERS M60 03201 0138, M60 03201  
0017 AND M60 03201 0147 WITHIN THE CITY OF CLAYTON, OHIO WITH  
MODIFICATION**

**WHEREAS**, an application has been filed by Tyler Donnelly for the property located at **6483 Kimmel Road (Parcel I.D. Numbers M60 03201 0138, M60 03201 0017 and M60 03201 0147)** within Clayton, Ohio and requesting a zoning change for same from PD-1: Planned Development Residential to A: Agriculture; and

**WHEREAS**, the Clayton Planning Commission held a public hearing on September 28, 2020, on said re-zoning request at which time any and all persons were given an opportunity to be heard thereon, and;

**WHEREAS**, the Clayton Planning Commission after public meeting on September 28, 2020 recommended approval of the subject zoning change request referenced herein **with two conditions:**

- A. That the applicant is not required to obtain a conditional use permit for the existing single-family residence per CCO 1159.10; and*
- B. The applicant has one (1) year in which to combine all three parcels involved in this zoning district change to one parcel.*

**WHEREAS**, the Clayton City Council held a public hearing on November 5, 2020, on said re-zoning request at which time any and all persons were given an opportunity to be heard thereon.

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

1. That the Council hereby adopts the recommendation of approval from the Clayton Planning Commission that the zoning for the property located at **6483 Kimmel Road (Parcel I.D. Numbers M60 03201 0138, M60 03201 0017 and M60 03201 0147)** within Clayton, Ohio be re-zoned from PD-1: Planned Development Residential to A: Agriculture with the following modification:

*Council determines that, with respect to the facts and circumstances presented in this re-zoning case, including that the single-family residence is already in existence on the subject property, CCO 1159.10 is inapplicable in this particular case and therefore modifies the condition of the Planning Commission waiving the requirement to obtain a conditional use permit for said single-family residence as Council finds CCO 1159.10 inapplicable to this case.*

*The Planning Commission condition requiring the applicant to combine all three (3) parcels involved in this re-zoning district change into one parcel within one (1) year is hereby adopted as a condition to re-zoning approval and shall remain in full force and effect. The applicant shall combine all three (3) parcels involved in this re-zoning district change into one parcel within one (1) year.*

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 November 5, 2020 and November 19, 2020.
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 19, 2020

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## **NEW BUSINESS**

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

#### **ORDINANCE NO. O – 11 – 20 – 20**

##### **AN ORDINANCE APPROVING AMENDMENTS TO THE CITY'S PERSONNEL PRACTICES MANUAL AND DECLARING AN EMERGENCY**

**WHEREAS**, pursuant to Charter Section 11.03, Council enacted Ordinance No. O-08-99-15 on October 7, 1999 adopting a Personnel Practices Manual; and

**WHEREAS**, City Staff has recommended specified amendments to the City Personnel Practices Manual as indicated in the attached *Exhibit A*. Suggested deletions are in ~~strike-through~~ and additions are highlighted in yellow.

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

1. That the proposed amendments to the City of Clayton Personnel Practices Manual appended hereto as *Exhibit A* are hereby adopted.
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 prompt implementation of the modifications to this Manual are necessary for continued effective management of personnel and implementation of policies and benefits so as to ensure continued provision of City services, and absent immediate implementation, public health and safety and welfare will be detrimentally affected. 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.

ADOPTED BY COUNCIL ON NOVEMBER 19, 2020

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**ORDINANCE NO. O – 11 – 20 – 21**

**AN ORDINANCE APPROVING AND AUTHORIZING THE CITY MANAGER TO SIGN *MONTGOMERY COUNTY LAND REUTILIZATION CORPORATION LAND BANKING AGREEMENT* (“AGREEMENT”) RELATIVE TO REAL PROPERTY OWNED BY THE CITY OF CLAYTON, OHIO AND BEARING PARCEL I.D. NUMBER M60 00217 0010 AND FURTHER AUTHORIZING THE TRANSFER OF SAID REAL PROPERTY TO THE MONTGOMERY COUNTY LAND REUTILIZATION CORPORATION CONSISTENT WITH THE TERMS AND CONDITIONS OF THE ATTACHED AGREEMENT AND DECLARING AN EMERGENCY**

**WHEREAS**, City staff has requested authority for the City Manager to sign the attached *Montgomery County Land Reutilization Corporation Land Banking Agreement* (“Agreement”) and further to transfer to the Montgomery County Land Reutilization Corporation, consistent with the terms and conditions of the attached Agreement, the real property owned by the City of Clayton, Ohio bearing Parcel I.D. Number M60 00217 0010.

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

1. That the City Manager is hereby authorized to sign the attached *Montgomery County Land Reutilization Corporation Land Banking Agreement* (“Agreement”) and to further transfer to the Montgomery County Land Reutilization Corporation consistent with the terms and conditions of the attached Agreement, the real property owned by the City of Clayton, Ohio bearing Parcel I.D. Number M60 00217 0010.
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 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.

4. That unless this Ordinance is immediately enacted the public peace, health, safety and welfare will be detrimentally affected because in order to timely transfer the property referenced herein, and effectively comply with the terms of the attached Agreement, it is necessary that this Ordinance take effect at an early date. 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 NOVEMBER 19, 2020

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

### **RESOLUTION NO. R – 11 – 20 – 59**

#### **A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE OHIO BENEFITS COOPERATIVE, TO PROVIDE MEDICAL, DENTAL AND LIFE BENEFITS FOR ITS EMPLOYEES**

**WHEREAS**, the City of Clayton, Ohio desires to find a more cost-effective method of providing medical and/or other benefits to its employees; and

**WHEREAS**, the Ohio Benefits Cooperative (hereinafter “OBC”) can meet our needs to provide medical, dental, life and/or vision benefits to employees; and

**WHEREAS**, the City of Clayton, Ohio wishes to initiate its membership in the OBC.

#### **NOW, THEREFORE, THE CITY OF CLAYTON, OHIO HEREBY RESOLVES:**

Section 1. That the City of Clayton, Ohio shall become a member of the OBC and shall abide by the By-Laws, a copy of which is attached hereto, the Jefferson Health Plan Agreement (JHP) which will be the Administration Agreement for the OBC, and other rules and regulations of the OBC as established by its governing body.

Section 2. The City of Clayton, Ohio shall purchase through the OBC/JHP arrangement stop loss insurance, pooling, administration and other benefits services in order to provide medical, dental, life and/or vision benefits for its employees in accordance with the rules and regulations of the OBC.

Section 3. The City Manager is hereby authorized to execute on behalf of the City of Clayton, Ohio any and all agreements, contracts, resolutions, instruments, certificates, forms and other documents, and take any and all actions required for the City of Clayton, Ohio to become a Member of the OBC, or otherwise effectuate these resolutions.

Section 4. That the City Manager or his/her designee, is hereby appointed as the City of Clayton, Ohio Member to the OBC Board.

Section 5. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were taken in an open meeting of this Council, that all deliberations of this Council and any committees that resulted in those formal sessions were in meetings open to the public, in compliance with all legal requirements, and the Council has met all other statutory requirements for participation in a joint self-insurance program.

Section 6. That this resolution shall take effect and be in force forthwith.

ADOPTED BY COUNCIL ON NOVEMBER 19, 2020

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**RESOLUTION NO. R – 11 – 20 – 60**

**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 2021 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 19, 2020

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**RESOLUTION NO. R – 11 – 20 – 61**

**A RESOLUTION URGING GOVERNOR DEWINE AND THE OHIO LEGISLATURE TO EXTEND THE DEADLINE FOR OPERATING PUBLIC MEETINGS ELECTRONICALLY**

**WHEREAS**, on March 27, 2020, the Ohio Legislature passed House Bill 197, which includes a provision to: *allow state boards & commissions, local & county governments, and higher education boards to operate meetings electronically during the declared emergency but not beyond December 1, 2020, so long as the public is aware and can participate electronically*; and

**WHEREAS**, Ohio has experienced a spike in positive COVID-19 cases; and

**WHEREAS**, with numerous counties in Ohio currently at Level 3 – Very High Risk of exposure; and

**WHEREAS**, with the increase of COVID-19 cases and the deadline of December 1, 2020 quickly approaching, there is an immediate need to address the safety and security of our Ohio communities by extending the deadline;

**WHEREAS**, it has been announced that Senator Fedor has introduced SB 365 to extend this deadline, which is a step in the right direction to preserve the health, safety and general welfare of all Ohioans.

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

1. That this Council hereby urges Governor Mike DeWine and the Ohio Legislature to approve an extension of the operation of public meetings to take place electronically until the Emergency is lifted.

ADOPTED BY COUNCIL ON NOVEMBER 19, 2020

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**RESOLUTION NO. R – 11 – 20 – 62**

**A RESOLUTION TO AUTHORIZE AND APPROVE PARTICIPATION IN THE BUSINESS FIRST INTERGOVERNMENTAL PROGRAM FOR THE YEARS 2021-2025 AT AN ANNUAL COST OF \$1,500.00**

**WHEREAS**, Clayton Charter Section 2.04 authorizes the City to enter into Intergovernmental Agreements; and

**WHEREAS**, upon review it is determined by Council that participation in the Business First Program with other jurisdictions in the Miami Valley will provide coordinated approaches to business and economic development and at an annual cost not to exceed \$1,500.00.

**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 intergovernmental agreement with Montgomery County for participation in the Business First Program for the term of 2021-2025, at a cost of \$1,500.00 per year.

ADOPTED BY COUNCIL ON NOVEMBER 19, 2020

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**RESOLUTION NO. R – 11 – 20 – 63**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE TWO (2) CREW LEADER F350 PICK UP TRUCKS FROM REINEKE FORD AT COST NOT TO EXCEED \$50,075.51 PER TRUCK (\$100,151.02 TOTAL FOR BOTH TRUCKS) FOR USE BY THE SERVICE DEPARTMENT**

**WHEREAS**, the City has an opportunity to purchase two (2) Crew Leader F350 Pick Up Trucks from Reineke Ford for use by the Service Department at a cost less than State Bid cost; and

**WHEREAS**, this purchase is equivalent to a purchase of a State bid item at a lower cost in compliance with R.C. 125.04(c)'s exemption from competitive bidding.

**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 two (2) Crew Leader F350 Pick Up Trucks from Reineke Ford for use by the Service Department at a cost of \$50,075.51 each (\$100,151.02 total for both trucks).

ADOPTED BY COUNCIL ON NOVEMBER 19, 2020

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**RESOLUTION NO. R – 11 – 20 – 64**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE AN EPSON SURE COLOR FC-9000 SIGN SHOP PRINTER FOR THE SERVICE DEPARTMENT FROM TRIGON IMAGING SOLUTIONS AT A COST NOT TO EXCEED \$32,980.00**

**WHEREAS**, via City Charter Section 8.02(C)(1) and enactment of Ordinance No. 08-18-17 on September 6, 2018, the current minimum competitive bid threshold is \$53,748.00; and

**WHEREAS**, the present expenditure is below the current minimum competitive bid threshold and therefore competitive bidding is not required; and

**WHEREAS**, the Public Service Director has requested purchase of an Epson Sure Color FC-9000 sign shop printer to replace the current printer which is very old.

**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 an Epson Sure Color FC-9000 sign shop printer from Trigon Imaging Solutions for use by the Service Department at a cost not to exceed \$32,980.00.

ADOPTED BY COUNCIL ON NOVEMBER 19, 2020

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