

CITY OF CLAYTON, OHIO

RESOLUTIONS AND ORDINANCES

February 18, 2021

OLD BUSINESS (SECOND READING AND ENACTMENT)

ORDINANCE NO. O – 02 – 21 – 01

AN ORDINANCE APPROVING A TWENTY PERCENT (20%) INCREASE OF THE COMPETITIVE BID THRESHOLD PURSUANT TO CITY CHARTER SECTIONS 8.02(B) AND 8.02(C)(1)

WHEREAS, Section 8.02(B) of the City of Clayton Charter states, “When any expenditure or contract is required to be competitively bid under the provisions of this Charter or ordinance or resolution of Council, the City Manager may solicit competitive bids without the prior approval of Council. All solicitations for submittal of bids shall be advertised once a week for at least two weeks in a newspaper of general circulation in the City. The award shall be made by the City Manager after approval by majority vote of Council to the lowest and best, responsive bid submitted by a responsible bidder. The City shall have the right to waive defects in a bid and to reject any and all bids.”; and

WHEREAS, Section 8.02(C)(1) of the City of Clayton Charter states, “In the fiscal year this Charter is in effect, the amount of an expenditure or contract which shall require bidding under Division (B) shall be fifteen thousand dollars or more. Thereafter Council may by ordinance increase the amount by twenty percent once each year, but the amount fixed by council shall not exceed twice the statutory amount for which general Ohio statutory plan cities are required to engage in competitive bidding;” and

WHEREAS, City staff has recommended and Council desires to approve a twenty percent increase in the competitive bidding threshold from \$53,748.00 (approved by Council via Ordinance No. O-08-18-17 on September 6, 2018) to \$64,498.00 in accordance with Charter Sections 8.02(B) and 8.02(C)(1).

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

1. That, pursuant to City of Clayton Charter Sections 8.02(B) and 8.02(C)(1), the competitive bid threshold is hereby increased by twenty percent from \$53,748.00 to \$64,498.00.
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 February 4, 2021 and February 18, 2021.
4. That in accordance with Clayton Charter Section 4.031(H) this enactment shall become effective thirty days after its second reading and enactment.

NEW BUSINESS

ORDINANCES (THIS ORDINANCE RECEIVED AN INSUFFICIENT NUMBER OF VOTES TO ADVANCE PER CLAYTON CODIFIED ORDINANCE 1126.01)

ORDINANCE NO. O – ZC – 20 – 02

AN ORDINANCE REJECTING THE PLANNING COMMISSION’S RECOMMENDATION TO APPROVE WITH CONDITION THE APPLICATION OF REDWOOD USA, LLC FOR A CHANGE IN ZONING FROM R-1 OPEN SPACE RESIDENTIAL TO PD-3 PLANNED DEVELOPMENT- BUSINESS FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF NATIONAL ROAD AND HABER ROAD CONSISTING OF A SPECIFIED PORTION OF PARCEL I.D. NUMBER M60 03012 0022, A SPECIFIED PORTION OF PARCEL I.D. NUMBER M60 03102 0002, AND ALL OF PARCEL I.D. NUMBER M60 03102 0105 AND CONTAINING 33.73 ACRES WITHIN THE CITY OF CLAYTON, OHIO

WHEREAS, an application has been filed by Redwood USA, LLC (with consent of the property owner) for the property located at the Northwest Corner of National Road and Haber Road consisting of a specified portion of Parcel I.D. Number M60 03012 0022, a specified portion of Parcel I.D. Number M60 03102 0002, and all of Parcel I.D. Number M60 03102 0105, and containing 33.73 acres within the City of Clayton, Ohio and requesting a zoning change for same from R-1 Open Space Residential to PD-3 Planned Development - Business; and

WHEREAS, the Clayton Planning Commission held a public hearing on December 21, 2020, on said re-zoning request at which time any and all persons were given an opportunity to be heard thereon, and the Clayton Planning Commission, at said December 21, 2020 meeting, voted to table the re-zoning request; and

WHEREAS, the Clayton Planning Commission held a public hearing on January 25, 2021, and voted to un-table the aforesaid re-zoning request and at which time any and all persons were given an opportunity to be heard thereon, and the Clayton Planning Commission, at said January 25, 2021 meeting, voted unanimously to recommend to City Council *approval of the aforesaid re-zoning request with the following condition:*

(A) That the applicant, if approved for the zoning change, and subsequent Preliminary and Final Development Plan, combine the lots involved in the development into one (1) primary parcel for the residential development and establish lot lines for the future commercial properties. This does not need to occur immediately but should occur prior to submitting for the Zoning Certificate and Building Permits for the initial phase of residential construction and prior to permit submittals on the first commercial outlot.; and

WHEREAS, the Clayton City Council held a public hearing on February 18, 2021, on the aforesaid 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 rejects the Planning Commission's recommendation of approval with condition of re-zoning from R-1 Open Space Residential to PD-3 Planned Development – Business for the property located at the Northwest Corner of National Road and Haber Road consisting of a specified portion of Parcel I.D. Number M60 03012 0022, a specified portion of Parcel I.D. Number M60 03102 0002, and all of Parcel I.D. Number M60 03102 0105, and containing 33.73 acres within the City of Clayton, Ohio.
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 February 18, 2021 and March 4, 2021.
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 MARCH 4, 2021

RESOLUTIONS (SINGLE READING AND IMMEDIATE ENACTMENT)

RESOLUTION NO. R – 02 – 21 – 15

A RESOLUTION APPROVING A NEW COLLECTIVE BARGAINING AGREEMENT WITH THE OHIO PATROLMENS BENEVOLENT ASSOCIATION SETTING FORTH THE WAGES, BENEFITS AND TERMS AND CONDITIONS OF EMPLOYMENT FOR SERGEANTS WITHIN THE CLAYTON POLICE DEPARTMENT FOR THE PERIOD APRIL 1, 2021 THROUGH MARCH 31, 2024

WHEREAS, representatives of the City and Union have tentatively agreed upon a successor Collective Bargaining Agreement for the sergeants within the Clayton Police Department and staff has recommended it for approval; and

WHEREAS, said Agreement provides for, among other items, a wage increase of 2.0% in year one, 2.0% in year two, and 2.0% in year three; and

WHEREAS, said Agreement maintains the City of Clayton in a comparable position on wages and benefits relative to surrounding departments within the Miami Valley.

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

1. That the Collective Bargaining Agreement with the OPBA for the period 4/1/21-3/31/24 appended hereto as *Exhibit A* and made a part hereof is approved and the City Manager is authorized to execute said Agreement on behalf of the City.

ADOPTED BY COUNCIL ON FEBRUARY 18, 2021

RESOLUTION NO. R – 02 – 21 – 16

A RESOLUTION ESTABLISHING RATES AND FEES AT MEADOWBROOK AT CLAYTON FOR THE YEAR 2021

WHEREAS, it is necessary for the City to establish certain rates and fees for Meadowbrook at Clayton for 2021.

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

1. That the rates and fees for Meadowbrook at Clayton as indicated on the attached *Exhibit A* are hereby established and adopted for the year 2021.
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 FEBRUARY 18, 2021

RESOLUTION NO. R – 02 – 21 – 17

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT PROPOSAL OF AMERICA’S DECORATIVE CONCRETE, LTD. AND ENTER INTO AN AGREEMENT WITH AMERICA’S DECORATIVE CONCRETE, LTD. FOR SPECIFIED 2021 CONCRETE CURB, GUTTER, CATCH BASIN, AND RELATED WORK IN AN AMOUNT NOT TO EXCEED \$149,602.40

WHEREAS, the City solicited and received proposals from companies for specified 2021 concrete curb, gutter, catch basin and related services said solicitation having been made in accordance with the provisions of Charter Section 8.02; and

WHEREAS, the City received proposals from companies and has reviewed same and determined that America’s Decorative Concrete, LTD. submitted the lowest and best responsive bid submitted by a responsible bidder; and

WHEREAS, Council desires to engage America’s Decorative Concrete, LTD. to provide the said 2021 concrete services.

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 accept the proposal of America’s Decorative Concrete, LTD. and enter into an agreement with America’s Decorative Concrete, LTD. for the provision of specified 2021 concrete curb, gutter, catch basin and related services in an amount not to exceed \$149,602.40.
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 FEBRUARY 18, 2021
