

CITY OF CLAYTON, OHIO

RESOLUTIONS AND ORDINANCES

December 19, 2019

OLD BUSINESS

ORDINANCES (SECOND OF TWO READINGS AND ENACTMENT AS AN EMERGENCY)

ORDINANCE NO. O – 12 – 19 – 19

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

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(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, unless prompt implementation of pay rates for personnel can be achieved so as to ensure continued provision of City services, 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 DECEMBER 19, 2019

NEW BUSINESS

ORDINANCES (FIRST OF TWO READINGS)

ORDINANCE NO. O – ZC – 19 – 03

**AN ORDINANCE APPROVING THE PLANNING COMMISSION'S
RECOMMENDATION TO APPROVE THE APPLICATION FOR A CHANGE IN
ZONING FROM R-3 SUBURBAN RESIDENTIAL TO I: GENERAL INDUSTRIAL
DISTRICT FOR THE PROPERTY LOCATED AT 6942 SALEM AVENUE AND
BEARING PARCEL I.D. NUMBERS M60 03207 0010, M60 03207 0009 AND M60 03207
0035 WITHIN THE CITY OF CLAYTON, OHIO**

WHEREAS, an application has been filed by Steve Weiss, the son of Melvin Weiss (a 1/3 owner of this property along with Natalie Cohen and Darlene Schuck)¹ on his behalf, for the property located at 6942 Salem Road (Parcel I.D. Numbers M60 03207 0010, M60 03207 0009 and M60 03207 0035) within Clayton, Ohio and requesting a zoning change for same from R-3 Suburban Residential to I: General Industrial District; and

WHEREAS, the Clayton Planning Commission held a public hearing on November 25, 2019, on said 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 November 25, 2019 recommended approval of the subject zoning change request referenced herein.

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

1. That the Council hereby approves the recommendation of approval from the Clayton Planning Commission that the zoning for the property located at 6942 Salem Road (Parcel I.D. Numbers M60 03207 0010, M60 03207 0009 and M60 03207 0035) within Clayton, Ohio be re-zoned from R-3 Suburban Residential to I: General Industrial District.
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 19, 2019 and January 9, 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 JANUARY 9, 2020

¹ The Zoning Department has received written permission from the three owners for the re-zoning application.

ORDINANCE NO. O – ZC – 19 – 04

AN ORDINANCE APPROVING THE RECOMMENDATION OF THE PLANNING COMMISSION TO APPROVE SPECIFIED MODIFICATIONS TO THE NORTH CLAYTON DEVELOPMENT STANDARDS

WHEREAS, the North Clayton Master Owners Association initiated an application requesting approval of specified modifications to the North Clayton Development Standards; and

WHEREAS, the Clayton Planning Commission held a public hearing on November 25, 2019 and unanimously voted to recommend to Clayton City Council approval of the requested specified modifications to the North Clayton Development Standards as indicated on *Exhibit A* appended hereto and incorporated herein.

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

1. That the recommendation of the Clayton Planning Commission to approve the request for specified modifications to the North Clayton Development Standards as indicated on *Exhibit A* appended hereto and incorporated herein is hereby approved.
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 19, 2019 and January 9, 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 JANUARY 9, 2020

NEW BUSINESS

RESOLUTIONS (SINGLE READING AND IMMEDIATE ENACTMENT)

RESOLUTION NO. R – 12 – 19 – 79

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 Tim Gorman to serve in that position through December 31, 2021.

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

1. That Tim Gorman, being a member of Council, is hereby elected Vice Mayor and President Pro Tempore to serve in that capacity through December 31, 2021, 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 DECMEBER 19, 2019

RESOLUTION NO. R – 12 – 19 – 80

A RESOLUTION TO AUTHORIZE AND APPROVE THE 2020 BUDGET AND PERMANENT APPROPRIATIONS

WHEREAS, during the operation of the City of Clayton certain expenditures are required to provide required governmental services; and

WHEREAS, the expenditures must be in accordance with requirements provided by applicable state law and be applied against certain designated City funds; and

WHEREAS, certain transfers of moneys within and between specified City funds may be required to comply with accounting requirements established by the office of the State Auditor of Ohio; and

WHEREAS, certain appropriations are necessary to authorize payment from certain funds; and

WHEREAS, the City Manager and Finance Director have prepared and presented the 2020 Budget and Permanent Appropriations for the City of Clayton.

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

1. That the 2020 Budget *appended hereto* and made a part hereof is hereby authorized and approved.
2. That the appropriations by fund and appended hereto and made a part hereof are hereby authorized and approved for 2020.
3. That the Finance Director is hereby authorized, empowered and directed to take all action necessary to affect such appropriations and evidence same on the books and financial record of the City.

ADOPTED BY COUNCIL ON DECEMBER 19, 2019

RESOLUTION NO. R – 12 – 19 – 81

A RESOLUTION AUTHORIZING THE FINANCE DIRECTOR TO REQUEST THE COUNTY AUDITOR TO MAKE ADVANCE PAYMENTS INTO THE CLAYTON ACCOUNT

WHEREAS, O.R.C. Section 321.34 provides for advance payments by the county auditor to municipal corporations whose funds are derived from taxes or other sources payable by law to the county treasury, any money that may be in the county treasury to the account of the municipality, respectively and lawfully applicable to the purpose of the current fiscal year in which the request is made; and

WHEREAS, consistent with O.R.C. Section 321.34(A)(2)(b) it is the intent of the Clayton City Council to use the money for the purposes of the fiscal year in which the request is made.

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

1. That on and after the first business day in January 2020, the Finance Director is hereby authorized to request the Montgomery County Auditor to make an advance payment of any moneys that may be in the Montgomery County Treasury to the account of Clayton, respectively and lawfully applicable to the purpose of the current fiscal year in which the request is made.
2. That, consistent with O.R.C. Section 321.34(A)(2)(b) it is the intent of the Clayton City Council to use the money for the purposes of the fiscal year in which the request is made.

ADOPTED BY COUNCIL ON DECEMBER 19, 2019

RESOLUTION NO. R – 12 – 19 – 82

A RESOLUTION APPROVING AMENDMENT OF 2019 APPROPRIATIONS AND ESTIMATED RESOURCES

WHEREAS, during the operation of the City of Clayton certain expenditures are required to provide required governmental services; and

WHEREAS, the expenditures must be in accordance with requirements provided by applicable state law and be applied against certain designated City funds; and

WHEREAS, certain transfers of moneys within and between specified City funds may be required to comply with accounting requirements established by the office of the State Auditor of Ohio; and

WHEREAS, certain appropriations are necessary to authorize payment from certain funds; and

WHEREAS, Council previously approved the Original Certificate of Estimated Resources and Appropriations; and

WHEREAS, the Finance Director has requested amendment of the 2019 Appropriations and Estimated Resources with respect to the Fire Trust Fund (330), the Agency Fund (954), and the JEDD Tax Fund (953).

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

1. That the following amendments are hereby approved as follows and all appropriation amendments below are for *operating expenses*:

<u>Fund</u>	<u>Estimated Resource Amount</u>	<u>Appropriation Amount</u>
Fire Trust (330)	\$37,316.00	
Agency (954)	\$ 4,924.60	\$ 4,924.60
JEDD Tax (953)	\$20,606.95	\$20,606.95

2. That the Finance Director is hereby authorized, empowered and directed to take all action necessary to effect such amendments and appropriations and evidence same on the books and financial record of the City.

ADOPTED BY COUNCIL ON DECEMBER 19, 2019
