

CITY OF CLAYTON, OHIO

RESOLUTIONS AND ORDINANCES

March 17, 2022

OLD BUSINESS - NONE

NEW BUSINESS

RESOLUTIONS – SINGLE READING AND IMMEDIATE ENACTMENT

RESOLUTION NO. R – 03 – 22 – 24

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH COATE CONSTRUCTION, LLC FOR INTALLATION OF A LARGE BOX CULVERT AT A COST NOT TO EXCEED \$49,750.00

WHEREAS, via City Charter Section 8.02(C)(1) and enactment of Ordinance No. 01-21-01 on February 18, 2021, the current minimum competitive bid threshold is \$64,498.00; and

WHEREAS, City staff has recommended replacement of a large box culvert on Rinehart Road; and

WHEREAS, Council determines the Coate Construction, LLC quote of \$49,750.00 to replace the aforementioned large box culvert on Rinehart Road to be the best proposal 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 enter into an agreement with Coate Construction, LLC to install a large box culvert on Rinehart Road in an amount not to exceed \$49,750.00.

ADOPTED BY COUNCIL ON MARCH 17, 2022

RESOLUTION NO. R – 03 – 22 – 25

A RESOLUTION DECLARING THE NECESSITY OF REPAIRING AND/OR REMOVING AND REPLACING CURBS, GUTTERS, SIDEWALKS, AND DRIVEWAY APPROACHES WITHIN THE CITY OF CLAYTON, OHIO RELATIVE TO THE PROPERTIES IDENTIFIED ON THE ATTACHED EXHIBIT A

WHEREAS, City staff has heretofore studied the need to repair and/or remove and replace curbs, gutters, sidewalks, and driveway approaches within the areas identified on the attached **Exhibit A**; and

WHEREAS, a list of properties requiring repair and/or removal and replacement of curbs, gutters, sidewalks, and driveway approaches is appended hereto as **Exhibit A** and was filed with the Clerk of Council; and

WHEREAS, this Council, with and upon recommendation of staff, has reviewed and hereby approves the general plans, specifications and estimate of cost to repair and/or remove and replace the above referenced curbs, gutters, sidewalks, and driveway approaches which plans, specifications and estimate of cost were filed with the Clerk of Council; and

WHEREAS, such curbs, gutters, sidewalks, and driveway approaches as are identified on the list of properties appended hereto as **Exhibit A** and filed with the Clerk of Council shall be repaired and/or removed and replaced by the respective property owners after service of notice upon said property owners in accordance with the law and in accordance with the plans and specifications filed with the Clerk of Council; and

WHEREAS, in the event said curbs, gutters, sidewalks, and driveway approaches are not repaired and/or removed and replaced by the respective property owners after service of notice upon said property owners by **April 25, 2022** and in accordance with the plans and specifications filed with the Clerk of Council, the municipal corporation will cause such repair and/or removal and replacement to occur and assess the cost thereof against the lots and lands abutting thereon.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Clayton, Ohio:

1. That this Council hereby declares it necessary for the preservation and promotion of the public health and welfare, for the reasons set forth in the preambles hereof, for the property owners identified on the attached listing to repair and/or remove and replace the curbs, gutters, sidewalks, and driveway approaches abutting their properties in accordance with the plans and specifications filed with the Clerk of Council.

2. The listing of properties subject to this Resolution of Necessity are appended hereto as **Exhibit A** and are described and set out in the plans, specifications, and estimate of cost, which are on file in the Clayton Government Center, 6996 Taywood Road, Englewood, Ohio, 45322 where they may be examined and which plans, specifications, and estimate of cost, are hereby approved.

3. That the total cost of repair and/or removal and replacement of all of the curbs, gutters, sidewalks, and driveway approaches on the appended list is estimated to be 3,066 linear feet not to exceed \$32.00 per linear foot. And \$10.00 a square foot for approach repair.

4. That Notice of the passage of this Resolution of Necessity and the filing of the plans, specifications and cost estimate shall be served upon the owners of the lots or parcels of land identified on the list appended hereto by certified mail addressed to such owner at his/her last known address or to the address to which tax bills are sent.

5. That in the event said curbs, gutters, sidewalks, and driveway approaches are not repaired and/or removed and replaced by the respective property owners after service of notice upon said property owners and prior to **April 25, 2022** in accordance with the plans and specifications filed with the Clerk of Council, the municipal corporation will cause such repair and/or removal and replacement to occur and assess the cost thereof against the lots and lands abutting thereon.

6. That this Council hereby finds and determines that all formal actions relative to the adoption of this resolution were taken in an open meeting of this Council, and that all deliberations of this Council, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

NOTE: THIS RESOLUTION WAS TABLED BY COUNCIL:

RESOLUTION NO. R – 03 – 22 – 26

**A RESOLUTION APPOINTING _____ TO THE
PLANNING COMMISSION TO COMPLETE UN-EXPIRED TERM**

WHEREAS, Charter Section 7.01 provides for the creation and appointment of members to the Clayton Planning Commission; and

WHEREAS, Seth Powless resigned from the Planning Commission resulting in a vacancy thereon; and

WHEREAS, the above referenced term of Seth Powless expires on January 15, 2025 and Council desires to appoint _____ to the Clayton Planning Commission to complete said un-expired term.

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

1. That _____ is hereby appointed as a member of the Clayton Planning Commission to complete the unexpired term of the seat vacated by the resignation of Seth Powless, said term expiring on January 15, 2025.

ADOPTED BY COUNCIL ON MARCH 17, 2022

RESOLUTION NO. R – 03 – 22 – 27

A RESOLUTION ESTABLISHING A *COUNCIL SALARY REVIEW COMMISSION*

WHEREAS, Charter Section 3.08 provides that the salaries of elected officials of the City shall be established by Council via ordinance; and

WHEREAS, the salaries of the Mayor and Council Members have remained unchanged since the formation of the City of Clayton, Ohio and;

WHEREAS, Article XVIII, Section 3 of the Ohio Constitution permits the City of Clayton to exercise its power of local self-government; and

WHEREAS, Charter Section 7.04 provides Council with the following authority: “Council may, by ordinance or resolution, establish, revise, merge or abolish other boards and commissions.” and;

WHEREAS, Council desires to establish a *Council Salary Review Commission* for the purpose of reviewing the current salaries of the Mayor and Council Members and make recommendations respecting same to Council as provided herein.

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

1. That, in accordance with Charter Section 7.04, Council does hereby establish a *Council Salary Review Commission* for the purpose of reviewing the current salaries of the Mayor

and Council Members and make recommendations respecting same to Council as follows:

The Council Salary Review Commission (“Commission”) shall consist of five (5) qualified electors of the City of Clayton, Ohio appointed by simple majority vote of Council via Resolution. Commission members shall not hold any other office or employment with the City of Clayton and shall serve without compensation. No immediate family members of Council members or employees shall be eligible to be a member of the Commission.

Said Commission shall convene every five (5) years to study and recommend changes, if any, in compensation of the Mayor and Council members. Council will appoint Commission members every four (4) years via Resolution. The first commission shall be appointed, convene, and make recommendations to Council in 2022. The Commission will cease to function sixty (60) days following the submission of its report of recommendations to Council. A Commission member’s seat shall be forfeited if such member ceases to be a qualified elector of the City of Clayton, Ohio and Council shall name a replacement by simple majority vote via Resolution.

The Commission, at its first meeting, shall elect a Chairperson from its membership. Within thirty (30) days of appointment of members to the Commission, the Commission shall meet to begin performance of its functions as described herein. The Commission shall meet as often as needed to complete its duties and make recommendations to Council. The Commission shall present a report to Council with recommendations at a public meeting to occur no later than ninety (90) days after the first meeting of the Commission. The Commission may request of the Finance Director financial information and/or documentation necessary for completion of its duties, which may include current budget information.

The Commission shall be considered a public body and its meetings shall be open to the public and conducted in accordance with The Ohio Open Meetings Act, Ohio Revised Code 121.22 et seq.

The Commission shall not have the power or authority to change Council compensation amounts as that authority is provided to Council via Charter Section 3.08. Recommendations of the Commission to Council shall be advisory only.

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.