

NEW LEGISLATION

May 11, 2020

Temp. No.	Introduced	Committee	Description
A-25	5/11/20	Fin	An ordinance authorizing the redemption of a portion of the City's \$11,170,000 Various Purpose Improvement Bonds, Series 2018, authorizing the execution of related documents, and declaring an emergency.
A-26	5/11/20	PI	An ordinance amending ordinance 29-2020 to authorize the Director of Public service to enter into a modification of contract NO. 7882 with Kenmore Construction Company, Inc., and declaring an emergency.

CALENDAR

May 11, 2020

The following legislation will be up for passage at the Council Meeting on May 11, 2020.

Temp. No.	Introduced	Committee	Description
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None.

PENDING LEGISLATION

May 11, 2020

Temp. No.	Introduced	Committee	Description
B-93	11/25/19	PI	An ordinance authorizing the Mayor, as Director of Public Safety, to enter into a contract or contracts, according to law, for the installation of a new roof at Fire Station 4, located at 3089 Northampton Road, and declaring an emergency.

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4 CITY OF CUYAHOGA FALLS, OHIO

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6 ORDINANCE NO. - 2020

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9 AN ORDINANCE AUTHORIZING THE REDEMPTION OF A
10 PORTION OF THE CITY’S \$11,170,000 VARIOUS
11 PURPOSE IMPROVEMENT BONDS, SERIES 2018,
12 AUTHORIZING THE EXECUTION OF RELATED
13 DOCUMENTS, AND DECLARING AN EMERGENCY.
14

15 WHEREAS, pursuant to Ordinance No. 47-2018 (the “Series 2018 Bond Ordinance”)
16 passed June 25, 2018, the City issued its \$11,170,000 Various Purpose Improvement
17 Bonds, Series 2018, dated August 7, 2018 (the “Outstanding Bonds”), in part, for the
18 purpose of paying the costs of constructing, reconstructing, improving and
19 rehabilitating the City’s Green Parking Garage, Blue Parking Garage and Red Parking
20 Garage by the construction, improvement and installation of concrete and masonry, the
21 waterproofing of the existing structures, the construction of drainage upgrades, and the
22 acquisition and installation of new elevators and the modernization of existing elevators,
23 and all related improvements and appurtenances (the “Parking Project”); and
24

25 WHEREAS, the City desires to facilitate a certain economic development project in
26 the City and in connection with that project proposes to designate a certain number of
27 spaces in the Red Parking Garage for the project; and
28

29 WHEREAS, the City desires to remain in compliance with the provisions of Ohio law
30 and the Internal Revenue Code as it relates to the issuance of tax-exempt general
31 obligation debt of the City; and
32

33 WHEREAS, this Council finds and determines that the City should redeem a portion
34 of the Outstanding Bonds relating to the Parking Project with funds available to the City
35 in an amount not to exceed \$425,000 (the “Redeemed Bonds”); and
36

37 WHEREAS, JPMorgan Chase Bank, N.A. (the “Holder”) is the holder of the
38 Outstanding Bonds and has agreed or will agree to the redemption by the City of the
39 Redeemed Bonds.
40

41 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls,
42 Summit County, Ohio, that:
43

44 Section 1. Authorization of Redemption of Redeemed Bonds. This Council
45 determines that it is necessary and in the best interests of the City to redeem the
46 Redeemed Bonds in an amount not to exceed \$425,000 with available funds of the City.
47 The Director of Finance is authorized to determine the principal payment amounts or
48 mandatory sinking fund redemption amounts for the Outstanding Bonds remaining
49 after the redemption of the Redeemed Bonds. The Director of Finance is also authorized
50 to make any other determinations necessary to effectuate the transactions
51 contemplated by this Ordinance.
52

53 The Redeemed Bonds, as determined by the Director of Finance, are hereby called
54 for redemption on a redemption date to be determined by the Director of Finance (the

55 “Redemption Date”) at the redemption price equal to the principal amount of the
56 Redeemed Bonds plus any premium or fees relating to the redemption of the Redeemed
57 Bonds required by the Bondholder, plus interest accrued to the Redemption Date, and
58 the Director of Finance is hereby authorized and directed to cause those Redeemed
59 Bonds to be called for redemption and redeemed on the Redemption Date and arrange
60 for any and all actions necessary to be taken to effectuate such redemption.

61
62 Section 2. Execution of New or Replacement Bond. The Mayor and the Director of
63 Finance are authorized to execute a new bond, in the name of the City and in their
64 official capacities, provided that either or both of those signatures may be a facsimile.
65 The Director of Finance is authorized to authenticate the new bond as Bond Registrar
66 and Authenticating Agent for the Outstanding Bonds.

67
68 The Mayor, the Director of Finance, the Director of Law, the Clerk of Council and
69 other City officials, as appropriate, each are authorized and directed to sign any
70 certificates, documents and instruments and to take such actions as are necessary or
71 appropriate to consummate the transactions contemplated by this Ordinance. The
72 actions of the Mayor, the Director of Finance, the Director of Law, the Clerk of Council
73 or other City officials, as appropriate, in doing any and all acts necessary in connection
74 with the issuance and sale of the Bonds are hereby ratified and confirmed.

75
76 Section 3. Compliance with Open Meeting Requirements. This Council finds and
77 determines that all formal actions of this Council and any of its committees concerning
78 and relating to the passage of this Ordinance were taken in an open meeting of this
79 Council or any of its committees, and that all deliberations of this Council and of any of
80 its committees that resulted in those formal actions were in meetings open to the
81 public, all in compliance with Chapter 107 of the City’s Codified Ordinances and
82 Substitute House Bill 197 passed by the 133rd General Assembly.

83
84 Section 4. Effective Date. This Ordinance is declared to be an emergency measure
85 necessary for the immediate preservation of the public peace, health and safety of the
86 City, and for the further reason that this Ordinance is required to be immediately
87 effective in order to redeem a portion of the Outstanding Bonds, which is necessary to
88 enable the City to remain in compliance with the provisions of Ohio law and the
89 Internal Revenue Code, and to provide for the health and welfare of the City residents;
90 wherefore, this Ordinance shall be in full force and effect immediately upon its passage
91 and approval by the Mayor.

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94 Passed: _____
95 _____
96 President of Council
97 _____
98 Clerk of Council
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100 Approved: _____
101 _____
102 Mayor

102 5/11/20

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3 CITY OF CUYAHOGA FALLS, OHIO

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6 ORDINANCE NO. - 2020

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9 AN ORDINANCE AMENDING ORDINANCE 29-2020 TO
10 AUTHORIZE THE DIRECTOR OF PUBLIC SERVICE TO
11 ENTER INTO A MODIFICATION OF CONTRACT NO. 7882
12 WITH KENMORE CONSTRUCTION COMPANY, INC., AND
13 DECLARING AN EMERGENCY.

14
15 WHEREAS, the 8-inch water main in Portage Trail between Front Street and 2nd Street
16 failed multiple times recently and was in imminent danger of failing once more; and

17
18 WHEREAS, Ohio Revised Code §735.051 authorizes this Council to waive formal
19 competitive bidding and advertising for contracts where there is a real and present
20 emergency arising in connection with the operation and maintenance of a municipally-
21 owned utility; and

22
23 WHEREAS, there exists a real and present emergency in connection with damage to the
24 water main in Portage Trail between Front Street and 2nd Street, due to the aforementioned
25 water main failure, such that normal competitive bidding for the waterline replacement
26 cannot be accomplished without unreasonable risk to public safety.

27
28 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls,
29 County of Summit and State of Ohio, that:

30
31 Section 1. The Director of Public Service is hereby authorized to enter into a
32 modification of Contract No. 7882 with Kenmore Construction Company, Inc., in an
33 amount not to exceed \$123,540.13. The total contract price after modification as
34 authorized herein shall not exceed \$173,540.13.

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36 Section 2. The Director of Finance is hereby authorized and directed to pay invoices for
37 work based upon the Contract as modified, in an amount not to exceed \$123,540.13 over
38 the original estimated contract price, from the Water Fund, Line Item Capital Outlay.

39
40 Section 3. Any other ordinances and resolutions or portions of ordinances and
41 resolutions inconsistent herewith are hereby repealed, but any ordinances and resolutions
42 or portions of ordinances and resolutions not inconsistent herewith and which have not
43 previously been repealed are hereby ratified and confirmed.

44
45 Section 4. It is found and determined that all formal actions of this Council concerning
46 and relating to the adoption of this ordinance were adopted in an open meeting of this
47 Council, and that all deliberations of this Council and of any of its committees that
48 resulted in such formal action, were in meetings open to the public, in compliance with all
49 legal requirements, including Chapter 107 of the Codified Ordinances and/or in
50 compliance with H.B. 197.

51
52 Section 5. This ordinance is hereby declared to be an emergency measure necessary for
53 the preservation of the public peace, health, safety, convenience and welfare of the City of
54 Cuyahoga Falls and the inhabitants thereof, and provided it receives the affirmative vote of
55 two thirds of the members elected or appointed to Council, it shall take effect and be in
56 force immediately upon its passage and approval by the Mayor; otherwise it shall take
57 effect and be in force at the earliest period allowed by law.
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Passed: _____

President of Council

Clerk of Council

Approved: _____

Mayor

5/11/20
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