

## NEW LEGISLATION

September 14, 2020

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
A-48	9/14/20	PZ	An ordinance authorizing and approving the conditional zoning certificate to construct and operate a Conrad's Blue Falls Car Wash facility on Portage Trail Extension (parcel 35-04006), in an MU-4 Sub-Urban Corridor District, and declaring an emergency.
A-49	9/14/20	Fin	An ordinance providing for the issuance and sale of notes in the maximum principal amount of \$1,225,000, in anticipation of the issuance of bonds, for the purpose of paying the costs of improving various municipal public infrastructure projects in the proposed Woodlands Subdivision including Sourek Trail, Sand Hill Drive, Kubic Drive, West Woodland Drive, East Woodland Drive and South Woodland Drive between certain termini, and declaring an emergency.
A-50	9/14/20	Fin	An ordinance providing for the issuance and sale of bonds in the maximum aggregate principal amount of \$6,040,000, for the purpose of paying the costs of (a) constructing waterlines in Graham Road, together with all appurtenances thereto and (b) improving the City's public safety facilities by acquiring, constructing, reconstructing, renovating, improving, furnishing and equipping a new fire station and providing for the demolition, renovation and remodeling of the existing facilities, together with all necessary and related appurtenances thereto, and declaring an emergency.

Please Recycle Waste Paper

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
A-51	9/14/20	Fin	An ordinance authorizing the Parks and Recreation Board to enter into a contract or contracts, without competitive bidding, with Carrier Commercial Service, for the purchase of an ice rink chiller, and declaring an emergency.
A-52	9/14/20	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, without competitive bidding, with Perrin Asphalt Company, for concrete pavement repairs to a portion of Howe Avenue and Prior Park Drive, and declaring an emergency.
A-53	9/14/20	Fin	An ordinance authorizing the Mayor to enter into a contract or contracts with Adelman's Truck Parts for the sale of a 2017 Western Star 4700SB truck, and declaring an emergency.
A-54	9/14/20	Fin	An ordinance authorizing the Mayor to enter into an Intergovernmental Agreement with the Village of Boston Heights for the acquisition, installation, and operation of a Consolidated Computer-Aided Dispatch System to the Village of Boston Heights, and declaring an emergency.
A-55	9/14/20	Fin	An ordinance amending 8-2020 to authorize the Director of Law to execute a second modification of contract with Roetzel & Andress, LPA for legal services related to Johnson Controls, Inc., and declaring an emergency.

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
A-56	9/14/20	Fin	An ordinance authorizing the Mayor, as Director of Public Safety, to enter into a contract or contracts, according to law, for the purchase of a station alerting system for use by the Fire Department, and declaring an emergency.
A-57	9/14/20	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, without competitive bidding, with Jones & Associates Excavating, for repair of various culverts on City property, and declaring an emergency.
A-58	9/14/20	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the West Bath Road Drainage Improvements, and declaring an emergency.
A-59	9/14/20	CD	An ordinance approving and authorizing the Mayor to execute a Community Development Block Grant Economic Development Agreement with Kyocera SGS Precision Tools, Inc., in an amount not to exceed \$100,000.00 and declaring an emergency.

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
A-60	9/14/20	CD	An ordinance authorizing the Mayor to enter into an Amended Economic Development and Lease Agreement with Summit County Developmental Disabilities Board (“Summit DD”); authorizing the Mayor to transfer real property located at 2361 Second Street to Summit DD; and authorizing the Mayor to enter into a real property purchase agreement with Anthony E. Mandato and granting a future access easement to Summit DD, and declaring an emergency.

**CALENDAR**

September 14, 2020

The following legislation will be up for passage at the Council Meeting on September 14, 2020.

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
None.			

**PENDING LEGISLATION**  
September 14, 2020

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
None.			

2  
3  
4  
5 CITY OF CUYAHOGA FALLS, OHIO

6  
7 ORDINANCE NO. - 2020

8  
9 AN ORDINANCE AUTHORIZING AND APPROVING THE  
10 CONDITIONAL ZONING CERTIFICATE TO CONSTRUCT AND  
11 OPERATE A CONRAD'S BLUE FALLS CAR WASH FACILITY ON  
12 PORTAGE TRAIL EXTENSION (PARCEL 35-04006), IN AN MU-4 SUB-  
13 URBAN CORRIDOR DISTRICT, AND DECLARING AN EMERGENCY.

14  
15 WHEREAS, the Charter of the City of Cuyahoga Falls requires that all decisions made by the Planning  
16 Commission be submitted to Council; and

17  
18 WHEREAS, conditional zoning certificate reviews by the Planning Commission are required of all  
19 development of land within the City of Cuyahoga Falls, Ohio, according to Section 1113.08 of the  
20 Cuyahoga Falls General Development Code; and

21  
22 WHEREAS, on August 20, 2020 the Planning Commission recommended a conditional zoning  
23 certificate to construct and operate Conrad's Blue Falls Car Wash facility on Portage Trail Extension  
24 (Parcel 35-04006), within the City of Cuyahoga Falls, Ohio.

25  
26 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of  
27 Summit, and State of Ohio, that:

28  
29 Section 1. The City Council approves the conditional zoning certificate to construct and operate  
30 Conrad's Blue Falls Car Wash facility on Portage Trail Extension (Parcel 35-04006), in an MU-4 Sub-  
31 Urban Corridor District, within the City of Cuyahoga Falls, Ohio, and in accordance with such district  
32 and zoning regulations as stipulated in the Codified Ordinances of the City of Cuyahoga Falls as approved  
33 by the Planning Commission as per the plans and stipulations contained in File CZ-20-00011.

34  
35 Section 2. Any other ordinances or resolutions or portions of ordinances and resolutions  
36 inconsistent herewith are hereby repealed, but any ordinances and resolutions not inconsistent herewith  
37 and which have not previously been repealed are hereby ratified and confirmed.

38  
39 Section 3. It is found and determined that all formal actions of this Council concerning and  
40 relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all  
41 deliberations of this Council and of any of its committees that resulted in such formal action, were in  
42 meetings open to the public, in compliance with all legal requirements, to the extent applicable, including  
43 Chapter 107 of the Codified Ordinances and Substitute House Bill 197 passed by the 133rd General  
44 Assembly.

45  
46 Section 4. This ordinance is hereby declared to be an emergency measure necessary for the  
47 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga Falls  
48 and the inhabitants thereof, for the reason that it is immediately necessary to permit timely and  
49 appropriate development of this property, and provided it receives the affirmative vote of two thirds of the  
50 members elected or appointed to Council, it shall take effect and be in force immediately upon its passage  
51 and approval by the Mayor; otherwise it shall take effect and be in force at the earliest period allowed by  
52 law.

53  
54  
55 Passed: \_\_\_\_\_  
56 \_\_\_\_\_  
57 President of Council

58  
59 \_\_\_\_\_  
60 Clerk of Council

61 Approved: \_\_\_\_\_  
62 \_\_\_\_\_  
63 Mayor



2  
3  
4 CITY OF CUYAHOGA FALLS, OHIO

5  
6 ORDINANCE NO. -2020

7  
8  
9 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND  
10 SALE OF NOTES IN THE MAXIMUM PRINCIPAL AMOUNT  
11 OF \$1,225,000, IN ANTICIPATION OF THE ISSUANCE OF  
12 BONDS, FOR THE PURPOSE OF PAYING THE COSTS OF  
13 IMPROVING VARIOUS MUNICIPAL PUBLIC  
14 INFRASTRUCTURE PROJECTS IN THE PROPOSED  
15 WOODLANDS SUBDIVISION INCLUDING SOUREK TRAIL,  
16 SAND HILL DRIVE, KUBIC DRIVE, WEST WOODLAND  
17 DRIVE, EAST WOODLAND DRIVE AND SOUTH  
18 WOODLAND DRIVE BETWEEN CERTAIN TERMINI, AND  
19 DECLARING AN EMERGENCY.  
20

21  
22 WHEREAS, pursuant to Ordinance No. 62-2019 passed October 14, 2019, notes in  
23 anticipation of bonds in the amount of \$1,200,000 dated November 26, 2019 (the  
24 "Outstanding Notes"), were issued for the purpose stated in Section 1, as part of a  
25 consolidated issue pursuant to Section 133.30(B) of the Ohio Revised Code in the  
26 principal amount of \$6,800,000, to mature on November 19, 2020; and  
27

28 WHEREAS, this Council finds and determines that the City should retire the  
29 Outstanding Notes with the proceeds of the Notes described in Section 3 and other funds  
30 available to the City and provide an additional \$25,000 for the purpose stated in Section  
31 1; and  
32

33 WHEREAS, this Council has requested that the Director of Finance, as fiscal officer  
34 of this City, certify the estimated life or period of usefulness of the Improvement described  
35 in Section 1, the estimated maximum maturity of the Bonds described in Section 1 and  
36 the maximum maturity of the Notes described in Section 3; and  
37

38 WHEREAS, the Director of Finance has certified to this Council that the estimated life  
39 or period of usefulness of the Improvement described in Section 1 is at least five (5) years,  
40 the estimated maximum maturity of the Bonds described in Section 1 is at least twenty  
41 (20) years, and the maximum maturity of the Notes described in Section 3, to be issued  
42 in anticipation of the Bonds, is November 26, 2039 as to \$1,200,000 of the principal  
43 amount and two hundred forty (240) months as to \$25,000 of the principal amount;  
44

45 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls,  
46 Summit County, Ohio, that:  
47

48 Section 1. It is necessary to issue bonds of this City in the maximum principal  
49 amount of \$1,225,000 (the "Bonds") for the purpose of paying the costs of improving the  
50 municipal public infrastructure in the proposed Woodlands Subdivision including Sourek  
51 Trail, Sand Hill Drive, Kubic Drive, West Woodland Drive, East Woodland Drive and South  
52 Woodland Drive between certain termini, including but not limited to the construction,  
53 reconstruction, installation or improving of public utility improvements, communication  
54 service facilities, stormwater and flood remediation improvements and facilities, bridges,

55 streets and roadways, sidewalks, lighting systems, signalization and traffic controls,  
56 storm and sanitary sewers, and water lines, streetscape and landscape improvements,  
57 and acquisition of real estate or interests therein, and all related improvements and  
58 appurtenances (the "Improvement").  
59

60 Section 2. The Bonds shall be dated approximately November 1, 2021, shall bear  
61 interest at the now estimated rate of 5.50% per year, payable on June 1 and December 1  
62 of each year, commencing June 1, 2022, until the principal amount is paid, and are  
63 estimated to mature in twenty (20) annual principal installments that are in such  
64 amounts that the total principal and interest payments on the Bonds in any fiscal year  
65 in which principal is payable are not more than three times the amount of those payments  
66 in any other fiscal year. The first principal installment is estimated to be December 1,  
67 2022.  
68

69 Section 3. It is necessary to issue and this Council determines that notes in the  
70 maximum principal amount of \$1,225,000 (the "Notes") shall be issued in anticipation of  
71 the issuance of the Bonds for the purpose stated in Section 1 and to retire, together with  
72 other funds available to the City, the Outstanding Notes, to provide additional money for  
73 the purpose stated in Section 1, to pay capitalized interest and to pay any financing costs.  
74 The principal amount of Notes to be issued (not to exceed the stated maximum principal  
75 amount) shall be determined by the Director of Finance in the certificate awarding the  
76 Notes in accordance with Section 6 of this ordinance (the "Certificate of Award") as the  
77 amount which, along with other available funds of the City, is necessary to provide for  
78 the retirement of the Outstanding Notes, to provide additional money for the purpose  
79 stated in Section 1 and capitalized interest (if any) and to pay any financing costs. The  
80 Notes shall be dated the date of issuance and shall mature not earlier than six months  
81 from that date and not later than 12 months from that date, as shall likewise be fixed by  
82 the Director of Finance in the Certificate of Award. The Notes shall bear interest at a rate  
83 or rates not to exceed 6.00% per year (computed on the basis of a 360-day year consisting  
84 of twelve 30-day months), payable at maturity and until the principal amount is paid or  
85 payment is provided for. The rate or rates of interest on the Notes shall be determined  
86 by the Director of Finance in the Certificate of Award in accordance with Section 6 of this  
87 ordinance.  
88

89 Section 4. The debt charges on the Notes shall be payable in Federal Reserve funds  
90 of the United States of America, and shall be payable, without deduction for services of  
91 the City's paying agent, at the designated corporate trust office of The Huntington  
92 National Bank or at the office of a bank or trust company designated by the Director of  
93 Finance in the Certificate of Award after determining that the payment at that bank or  
94 trust company will not endanger the funds or securities of the City and that proper  
95 procedures and safeguards are available for that purpose or at the office of the Director  
96 of Finance if agreed to by the Director of Finance and the original purchaser (the "Paying  
97 Agent"). The Director of Finance is authorized, to the extent necessary or appropriate, to  
98 enter into an agreement with the Paying Agent in connection with the services to be  
99 provided by the Paying Agent after determining that the signing thereof will not endanger  
100 the funds or securities of the City.  
101

102 Section 5. The Notes shall be signed by the Mayor and Director of Finance, in the  
103 name of the City and in their official capacities, provided that one of those signatures  
104 may be a facsimile. The Notes shall be issued in minimum denominations of \$100,000  
105 (and may be issued in denominations in such amounts in excess thereof as requested by  
106 the original purchaser and approved by the Director of Finance) and with numbers as  
107 requested by the original purchaser and approved by the Director of Finance. The entire  
108 principal amount may be represented by a single note and may be issued as fully

109 registered securities (for which the Director of Finance will serve as note registrar) and in  
110 book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133  
111 of the Ohio Revised Code if it is determined by the Director of Finance that issuance of  
112 fully registered securities in that form will facilitate the sale and delivery of the Notes.  
113 The Notes shall not have coupons attached, shall be numbered as determined by the  
114 Director of Finance and shall express upon their faces the purpose, in summary terms,  
115 for which they are issued and that they are issued pursuant to this ordinance. As used  
116 in this section and this ordinance:  
117

118 “Book entry form” or “book entry system” means a form or system under which (a)  
119 the ownership of beneficial interests in the Notes and the principal of and interest on the  
120 Notes may be transferred only through a book entry, and (b) a single physical Note  
121 certificate in fully registered form is issued by the City and payable only to a Depository  
122 or its nominee as registered owner, with the certificate deposited with and “immobilized”  
123 in the custody of the Depository or its designated agent for that purpose. The book entry  
124 maintained by others than the City is the record that identifies the owners of beneficial  
125 interests in the Notes and that principal and interest.  
126

127 “Depository” means any securities depository that is a clearing agency registered  
128 pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934,  
129 operating and maintaining, with its Participants or otherwise, a book entry system to  
130 record ownership of beneficial interests in the Notes or the principal of and interest on  
131 the Notes, and to effect transfers of the Notes, in book entry form, and includes and  
132 means initially The Depository Trust Company (a limited purpose trust company), New  
133 York, New York.  
134

135 “Participant” means any participant contracting with a Depository under a book entry  
136 system and includes securities brokers and dealers, banks and trust companies and  
137 clearing corporations.  
138

139 The Notes may be issued to a Depository for use in a book entry system and, if and  
140 as long as a book entry system is utilized, (a) the Notes may be issued in the form of a  
141 single Note made payable to the Depository or its nominee and immobilized in the custody  
142 of the Depository or its agent for that purpose; (b) the beneficial owners in book entry  
143 form shall have no right to receive the Notes in the form of physical securities or  
144 certificates; (c) ownership of beneficial interests in book entry form shall be shown by  
145 book entry on the system maintained and operated by the Depository and its Participants,  
146 and transfers of the ownership of beneficial interests shall be made only by book entry  
147 by the Depository and its Participants; and (d) the Notes as such shall not be transferable  
148 or exchangeable, except for transfer to another Depository or to another nominee of a  
149 Depository, without further action by the City.  
150

151 If any Depository determines not to continue to act as a Depository for the Notes for  
152 use in a book entry system, the Director of Finance may attempt to establish a securities  
153 depository/book entry relationship with another qualified Depository. If the Director of  
154 Finance does not or is unable to do so, the Director of Finance, after making provision  
155 for notification of the beneficial owners by the then Depository and any other  
156 arrangements deemed necessary, shall permit withdrawal of the Notes from the  
157 Depository, and shall cause the Notes in bearer or payable form to be signed by the  
158 officers authorized to sign the Notes and delivered to the assigns of the Depository or its  
159 nominee, all at the cost and expense (including any costs of printing), if the event is not  
160 the result of City action or inaction, of those persons requesting such issuance.  
161

162 The Director of Finance is also hereby authorized and directed, to the extent necessary  
163 or required, to enter into any agreements determined necessary in connection with the  
164 book entry system for the Notes, after determining that the signing thereof will not  
165 endanger the funds or securities of the City.  
166

167 Section 6. The Notes shall be sold at not less than 97% of the par value thereof at  
168 private sale by the Director of Finance in accordance with law and the provisions of this  
169 ordinance, the Certificate of Award and the Note Purchase Agreement (as hereinafter  
170 defined). The Director of Finance shall, in accordance with his determination of the best  
171 interests of and financially advantageous to the City and its taxpayers and conditions  
172 then existing in the financial market, consistently with the provisions of Sections 3 and  
173 4, establish the interest rates to be borne by the Notes and their maturity, sign the  
174 Certificate of Award referred to in Sections 3 and 4 evidencing those determinations,  
175 cause the Notes to be prepared, and have the Notes signed and delivered, together with a  
176 true transcript of proceedings with reference to the issuance of the Notes, if requested by  
177 the original purchaser, to the original purchaser upon payment of the purchase price.  
178 The note purchase agreement (the "Note Purchase Agreement") now on file with the Clerk  
179 of Council is approved, and the Mayor and the Director of Finance are authorized to sign  
180 and deliver, on behalf of the City, the Note Purchase Agreement with such changes that  
181 are not inconsistent with the provisions of this ordinance, are not materially adverse to  
182 the interests of the City and are approved by the Mayor and the Director of Finance. Any  
183 such changes to the Note Purchase Agreement are not materially adverse to the interests  
184 of the City and are approved by the Mayor and the Director of Finance shall be evidenced  
185 conclusively by the signing of the Note Purchase Agreement by the Mayor and the Director  
186 of Finance. The Mayor, the Director of Finance, the Director of Law, the Clerk of Council  
187 and other City officials, as appropriate, and any person serving in an interim or acting  
188 capacity for any such official, are each authorized and directed to sign any transcript  
189 certificates, financial statements and other documents and instruments, including any  
190 paying agent agreement, and to take such actions as are necessary and appropriate to  
191 consummate the transactions contemplated by this ordinance. The actions of the Mayor,  
192 the Director of Finance, the Director of Law, the Clerk of Council or other City official, as  
193 appropriate, in doing any and all acts necessary in connection with the issuance and sale  
194 of the Notes are hereby ratified and confirmed. The Director of Finance is authorized, if  
195 it is determined to be in the best interest of the City, to combine the issue of Notes with  
196 one or more other note issues of the City into a consolidated note issue pursuant to  
197 Section 133.30(B) of the Ohio Revised Code.  
198

199 The Director of Finance is also hereby authorized to offer all or part of the Notes at  
200 par and any accrued interest to the Treasury Investment Board of the City for investment  
201 under Section 731.56 of the Ohio Revised Code, in accordance with law and the  
202 provisions of this ordinance if, as a result of the conditions then existing in the financial  
203 markets, the Director of Finance determines it is in the best financial interest of the City  
204 in lieu of the private sale authorized in the preceding paragraph and which determination  
205 shall be set forth in the Certificate of Award.  
206

207 Section 7. The proceeds from the sale of the Notes received by the City (or withheld  
208 by the original purchaser or deposited with the Paying Agent, in each case on behalf of  
209 the City) shall be paid into the proper fund or funds, and those proceeds are appropriated  
210 and shall be used for the purpose for which the Notes are being issued. The Certificate  
211 of Award may authorize the original purchaser to (a) withhold certain proceeds from the  
212 sale of the Notes or (b) remit certain proceeds from the sale of the Notes to the Paying  
213 Agent, in each case to provide for the payment of certain financing costs on behalf of the  
214 City. If proceeds are remitted to the Paying Agent in accordance with this Section 7, the  
215 Paying Agent shall be authorized to create a fund in accordance with the Certificate of

216 Award for that purpose. Any portion of those proceeds received by the City (after payment  
217 of those financing costs) representing premium or accrued interest shall be paid into the  
218 Bond Retirement Fund.  
219

220 Section 8. The par value to be received from the sale of the Bonds or of any renewal  
221 notes and any excess funds resulting from the issuance of the Notes shall, to the extent  
222 necessary, be used to pay the debt charges on the Notes at maturity and are pledged for  
223 that purpose.  
224

225 Section 9. During the year or years in which the Notes are outstanding, there shall  
226 be levied on all the taxable property in the City, in addition to all other taxes, the same  
227 tax that would have been levied if the Bonds had been issued without the prior issuance  
228 of the Notes. The tax shall be within the eleven-mill limitation provided by the Charter of  
229 the City, shall be and is ordered computed, certified, levied and extended upon the tax  
230 duplicate and collected by the same officers, in the same manner, and at the same time  
231 that taxes for general purposes for each of those years are certified, levied, extended and  
232 collected, and shall be placed before and in preference to all other items and for the full  
233 amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement  
234 Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or  
235 the Bonds when and as the same fall due.  
236

237 In each year to the extent the service payments in lieu of real property taxes (the  
238 “Service Payments”) deposited into the Sourek Trail Incentive District Municipal Public  
239 Improvement Tax Increment Equivalent Fund created pursuant to Section 5709.43(A) of  
240 the Ohio Revised Code and Ordinance No. 39-2019 passed June 24, 2019 (the “TIF  
241 Ordinance”) are available for the payment of the debt charges on the portion of the Notes  
242 or the Bonds issued for the component purpose described in Section 1 and are  
243 appropriated for that component purpose, the amount of the tax shall be reduced by the  
244 amount of the Service Payments so available and appropriated.  
245

246 In each year to the extent net revenues from the City’s water system are available for  
247 the payment of the debt charges on the Notes or the Bonds and are appropriated for that  
248 purpose, the amount of the tax shall be reduced by the amount of such net revenues so  
249 available and appropriated.  
250

251 In each year to the extent net revenues from the City’s storm sewer system are  
252 available for the payment of the debt charges on the Notes or the Bonds and are  
253 appropriated for that purpose, the amount of the tax shall be reduced by the amount of  
254 such net revenues so available and appropriated.  
255

256 In each year to the extent net revenues from the City’s sanitary sewer system are  
257 available for the payment of the debt charges on the Notes or the Bonds and are  
258 appropriated for that purpose, the amount of the tax shall be reduced by the amount of  
259 such net revenues so available and appropriated.  
260

261 In each year to the extent receipts from the municipal income tax are available for the  
262 payment of the debt charges on the Notes or the Bonds and are appropriated for that  
263 purpose, and to the extent not paid from net revenues of the City’s water system, the  
264 City’s storm sewer system or the City’s sanitary sewer system, the amount of the tax shall  
265 be reduced by the amount of such receipts so available and appropriated in compliance  
266 with the following covenant. To the extent necessary, the debt charges on the Notes or  
267 the Bonds shall be paid from municipal income taxes lawfully available therefor under  
268 the Constitution and the laws of the State of Ohio, and the Charter of the City; and the  
269 City hereby covenants, subject and pursuant to such authority, including particularly

270 Section 133.05(B)(7) of the Ohio Revised Code, to appropriate annually from such  
271 municipal income taxes such amount as is necessary to meet such annual debt charges.  
272

273 Nothing in the five preceding paragraphs in any way diminishes the irrevocable pledge  
274 of the full faith and credit and general property taxing power of the City to the prompt  
275 payment of the debt charges on the Notes and the Bonds.  
276

277 Section 10. The City covenants that it will use, and will restrict the use and  
278 investment of, the proceeds of the Notes in such manner and to such extent, as may be  
279 necessary so that (a) the Notes will not (i) constitute private activity bonds or arbitrage  
280 bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the  
281 “Code”) or (ii) be treated other than as bonds the interest on which is excluded from gross  
282 income under Section 103 of the Code, and (b) the interest on the Notes will not be an  
283 item of tax preference under Section 57 of the Code.  
284

285 The City further covenants that (a) it will take or cause to be taken such actions that  
286 may be required of it for the interest on the Notes to be and remain excluded from gross  
287 income for federal income tax purposes, (b) it will not take or authorize to be taken any  
288 actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will,  
289 among other acts of compliance, (i) apply the proceeds of the Notes to the governmental  
290 purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely  
291 and adequate payments to the federal government, (iv) maintain books and records and  
292 make calculations and reports and (v) refrain from certain uses of those proceeds, and,  
293 as applicable, of property financed with such proceeds, all in such manner and to the  
294 extent necessary to assure such exclusion of that interest under the Code.  
295

296 The Director of Finance, as the fiscal officer, or any other officer of the City having  
297 responsibility for issuance of the Notes is hereby authorized (a) to make or effect any  
298 election, selection, designation, choice, consent, approval, or waiver on behalf of the City  
299 with respect to the Notes as the City is permitted to or required to make or give under the  
300 federal income tax laws, for the purpose of assuring, enhancing or protecting favorable  
301 tax treatment or status of the Notes or interest thereon or assisting compliance with  
302 requirements for that purpose, reducing the burden or expense of such compliance,  
303 reducing the rebate amount or payments or penalties, or making payments of special  
304 amounts in lieu of making computations to determine, or paying, excess earnings as  
305 rebate, or obviating those amounts or payments, as determined by that officer, which  
306 action shall be in writing and signed by the officer, (b) to take any and all other actions,  
307 make or obtain calculations, make payments, and make or give reports, covenants and  
308 certifications of and on behalf of the City, as may be appropriate to assure the exclusion  
309 of interest from gross income and the intended tax status of the Notes, and (c) to give one  
310 or more appropriate certificates of the City, for inclusion in the transcript of proceedings  
311 for the Notes, setting forth the reasonable expectations of the City regarding the amount  
312 and use of all the proceeds of the Notes, the facts, circumstances and estimates on which  
313 they are based, and other facts and circumstances relevant to the tax treatment of the  
314 interest on and the tax status of the Notes. The Director of Finance or any other officer  
315 of the City having responsibility for issuance of the Notes is specifically authorized to  
316 designate the Notes as “qualified tax-exempt obligations” if such designation is applicable  
317 and desirable, and to make any related necessary representations and covenants.  
318

319 Each covenant made in this section with respect to the Notes is also made with respect  
320 to all issues any portion of the debt service on which is paid from proceeds of the Notes  
321 (and, if different, the original issue and any refunding issues in a series of refundings), to  
322 the extent such compliance is necessary to assure exclusion of interest on the Notes from  
323 gross income for federal income tax purposes, and the officers identified above are

324 authorized to take actions with respect to those issues as they are authorized in this  
325 section to take with respect to the Notes.  
326

327 Section 11. The Director of Finance is authorized to request a rating for the Notes  
328 from Moody's Investors Service, Inc. or S&P Global Ratings, or both, as the Director of  
329 Finance determines is in the best interest of the City. The expenditure of the amounts  
330 necessary to secure any such ratings as well as to pay the other financing costs (as  
331 defined in Section 133.01 of the Ohio Revised Code) in connection with the Notes is hereby  
332 authorized and approved and the amounts necessary to pay those costs are hereby  
333 appropriated from the proceeds of the Notes, if available, and otherwise from available  
334 moneys in the General Fund.  
335

336 Section 12. The Clerk of Council is directed to deliver a certified copy of this ordinance  
337 to the Fiscal Officer in Summit County.  
338

339 Section 13. This Council determines that all acts and conditions necessary to be done  
340 or performed by the City or to have been met precedent to and in the issuing of the Notes  
341 in order to make them legal, valid and binding general obligations of the City have been  
342 performed and have been met, or will at the time of delivery of the Notes have been  
343 performed and have been met, in regular and due form as required by law; that the full  
344 faith and credit and general property taxing power (as described in Section 9) of the City  
345 are pledged for the timely payment of the debt charges on the Notes; and that no statutory  
346 or constitutional limitation of indebtedness or taxation will have been exceeded in the  
347 issuance of the Notes.  
348

349 Section 14. The legal services of the law firm of Squire Patton Boggs (US) LLP are  
350 hereby retained. Those legal services shall be in the nature of legal advice and  
351 recommendations as to the documents and the proceedings in connection with the  
352 authorization, sale and issuance of the Notes and securities issued in renewal of the Notes  
353 and rendering at delivery related legal opinions, all as set forth in the form of engagement  
354 letter from that firm which is now on file in the office of the Clerk of Council. In providing  
355 those legal services, as an independent contractor and in an attorney-client relationship,  
356 that firm shall not exercise any administrative discretion on behalf of this City in the  
357 formulation of public policy, expenditure of public funds, enforcement of laws, rules and  
358 regulations of the State, any county or municipal corporation or of this City, or the  
359 execution of public trusts. For those legal services, that firm shall be paid just and  
360 reasonable compensation and shall be reimbursed for actual out-of-pocket expenses  
361 incurred in providing those legal services. The Director of Finance is authorized and  
362 directed to make appropriate certification as to the availability of funds for those fees and  
363 any reimbursement and to issue an appropriate order for their timely payment as written  
364 statements are submitted by that firm. The amounts necessary to pay those fees and  
365 any reimbursement are hereby appropriated from the proceeds of the Notes, if available,  
366 and otherwise from available moneys in the General Fund.  
367

368 Section 15. The services of Baker Tilly Municipal Advisors, LLC, as municipal advisor,  
369 are hereby retained. The municipal advisory services shall be in the nature of financial  
370 advice and recommendations in connection with the issuance and sale of the Notes. In  
371 rendering those municipal advisory services, as an independent contractor, that firm  
372 shall not exercise any administrative discretion on behalf of the City in the formulation  
373 of public policy, expenditure of public funds, enforcement of laws, rules and regulations  
374 of the State, the City or any other political subdivision, or the execution of public trusts.  
375 That firm shall be paid just and reasonable compensation for those municipal advisory  
376 services and shall be reimbursed for the actual out-of-pocket expenses it incurs in  
377 rendering those municipal advisory services. The Director of Finance is authorized and

378 directed to make appropriate certification as to the availability of funds for those fees and  
379 any reimbursement and to issue an appropriate order for their timely payment as written  
380 statements are submitted by that firm. The amounts necessary to pay those fees and  
381 any reimbursement are hereby appropriated from the proceeds of the Notes, if available,  
382 and otherwise from available moneys in the General Fund.  
383

384 Section 16. This Council finds and determines that all formal actions of this Council  
385 and any of its committees concerning and relating to the passage of this ordinance were  
386 taken in an open meeting of this Council or any of its committees, and that all  
387 deliberations of this Council and of any of its committees that resulted in those formal  
388 actions were in meetings open to the public, all in compliance with Chapter 107 of the  
389 City’s Codified Ordinances and Substitute House Bill 197 passed by the 133rd General  
390 Assembly.  
391

392 Section 17. This ordinance is declared to be an emergency measure necessary for the  
393 immediate preservation of the public peace, health and safety of the City, and for the  
394 further reason that this ordinance is required to be immediately effective in order to issue  
395 and sell the Notes, which is necessary to enable the City to timely retire the Outstanding  
396 Notes and thereby preserve its credit; wherefore, this ordinance shall be in full force and  
397 effect immediately upon its passage and approval by the Mayor, otherwise it shall take  
398 effect and be in force at the earliest period allowed by law.  
399

400  
401 Passed: \_\_\_\_\_, 2020 \_\_\_\_\_  
402 President of Council  
403

404 \_\_\_\_\_  
405 Clerk of Council  
406

407 Approved: \_\_\_\_\_, 2020 \_\_\_\_\_  
408 Mayor  
409

410 9/14/20  
411 \\cf-file01\ldpublic\Council\2020ords\Note Ordinance - Sourek Trail.docx

2  
3  
4 CITY OF CUYAHOGA FALLS, OHIO

5  
6 ORDINANCE NO. -2020

7  
8  
9 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF  
10 BONDS IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF  
11 \$6,040,000, FOR THE PURPOSE OF PAYING THE COSTS OF (A)  
12 CONSTRUCTING WATERLINES IN GRAHAM ROAD, TOGETHER  
13 WITH ALL APPURTENANCES THERETO AND (B) IMPROVING THE  
14 CITY'S PUBLIC SAFETY FACILITIES BY ACQUIRING,  
15 CONSTRUCTING, RECONSTRUCTING, RENOVATING,  
16 IMPROVING, FURNISHING AND EQUIPPING A NEW FIRE  
17 STATION AND PROVIDING FOR THE DEMOLITION,  
18 RENOVATION AND REMODELING OF THE EXISTING  
19 FACILITIES, TOGETHER WITH ALL NECESSARY AND RELATED  
20 APPURTENANCES THERETO, AND DECLARING AN  
21 EMERGENCY.  
22  
23

24 WHEREAS, pursuant to Ordinance No. 63-2019 passed October 14, 2019, notes in anticipation  
25 of bonds in the aggregate principal amount of \$1,600,000, dated November 26, 2019 (the "Graham  
26 Waterlines Notes"), were issued for the purpose of paying the costs of constructing waterlines in  
27 Graham Road, together with all appurtenances thereto (the "Graham Waterlines Purpose"), to  
28 mature on November 19, 2020; and  
29

30 WHEREAS, pursuant to Ordinance No. 64-2019 passed October 14, 2019, notes in anticipation  
31 of bonds in the aggregate principal amount of \$4,000,000, dated November 26, 2019 (the "Fire  
32 Station Notes" and collectively with the Graham Waterlines Notes, the "Outstanding Notes"), were  
33 issued for the purpose of paying the costs of improving the City's public safety facilities by  
34 acquiring, constructing, reconstructing, renovating, improving, furnishing and equipping a new fire  
35 station and providing for the demolition, renovation and remodeling of the existing facilities,  
36 together with all necessary and related appurtenances thereto (the "Fire Station Purpose" and  
37 together with the Fire Station Purpose, the "Purposes"), to mature on November 19, 2020; and  
38

39 WHEREAS, this Council finds and determines that the City should retire the Outstanding Notes  
40 with the proceeds of the Bonds described in Section 2 and other funds available to the City and  
41 provide additional moneys for the Purposes; and  
42

43 WHEREAS, this Council has requested that the Director of Finance, as fiscal officer of this City,  
44 certify the estimated life or period of usefulness of each component Purpose of the Improvement  
45 described in Section 2 and the maximum maturity of the Bonds described in Section 2; and  
46

47 WHEREAS, the Director of Finance has certified to this Council that the estimated life or period  
48 of usefulness of each component Purpose of the Improvement is at least five (5) years and that the  
49 maximum maturity of the Bonds is (a) thirty-eight (38) years with respect to the \$325,000 portion  
50 of the Bonds allocable to the Graham Waterlines Purpose, (b) thirty-nine (39) years with respect to  
51 the \$325,000 portion of the Bonds allocable to the Graham Waterlines Purpose, (c) forty (40) years  
52 with respect to the \$825,000 portion of the Bonds allocable to the Graham Waterlines Purpose and  
53 (d) twenty (20) years with respect to the \$4,565,000 portion of the Bonds allocable to the Fire  
54 Station Purpose;  
55

56 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls, Summit  
57 County, Ohio, that:  
58

59 Section 1. Definitions and Interpretation. In addition to the words and terms elsewhere defined  
60 in this Ordinance, unless the context or use clearly indicates another or different meaning or intent:

61  
62 “Authorized Denominations” means the minimum denomination of \$5,000 or any integral  
63 multiple in excess thereof.

64  
65 “Bond Proceedings” means, collectively, this Ordinance, the Certificate of Award, the  
66 Continuing Disclosure Agreement, the Purchase Agreement, the Registrar Agreement and such  
67 other proceedings of the City, including the Bonds, that provide collectively for, among other things,  
68 the rights of holders and beneficial owners of the Bonds.

69  
70 “Bond Register” means all books and records necessary for the registration, exchange and  
71 transfer of Bonds as provided in Section 5.

72  
73 “Bond Registrar” means a bank or trust company authorized to do business in the State of  
74 Ohio and designated by the Director of Finance in the Certificate of Award pursuant to Section 4  
75 as the initial authenticating agent, bond registrar, transfer agent and paying agent for the Bonds  
76 under the Registrar Agreement and until a successor Bond Registrar shall have become such  
77 pursuant to the provisions of the Registrar Agreement and, thereafter, “Bond Registrar” shall mean  
78 the successor Bond Registrar.

79  
80 “Bonds” means, collectively, the Serial Bonds and the Term Bonds, each as is designated as  
81 such in the Certificate of Award.

82  
83 “Book entry form” or “book entry system” means a form or system under which (a) the  
84 ownership of beneficial interests in the Bonds and the principal of and interest and any premium  
85 on the Bonds may be transferred only through a book entry, and (b) physical Bond certificates in  
86 fully registered form are issued by the City and payable only to a Depository or its nominee as  
87 registered owner, with the certificates deposited with and “immobilized” in the custody of the  
88 Depository or its designated agent for that purpose. The book entry maintained by others than the  
89 City is the record that identifies the owners of beneficial interests in the Bonds and that principal  
90 and interest.

91  
92 “Certificate of Award” means the certificate authorized by Section 6, to be executed by the  
93 Director of Finance, setting forth and determining those terms or other matters pertaining to the  
94 Bonds and their issuance, sale and delivery as this Ordinance requires or authorizes to be set forth  
95 or determined therein.

96  
97 “City” means the City of Cuyahoga Falls, Ohio.

98  
99 “Clerk of Council” means the Clerk of Council of the City or any person serving in an interim  
100 or acting capacity with respect to that office.

101  
102 “Closing Date” means the date of physical delivery of, and payment of the purchase price for,  
103 the Bonds.

104  
105 “Code” means the Internal Revenue Code of 1986, as amended, the Regulations (whether  
106 temporary or final) under that Code or the statutory predecessor of that Code, and any amendments  
107 of, or successor provisions to, the foregoing and any official rulings, announcements, notices,  
108 procedures and judicial determinations regarding any of the foregoing, all as and to the extent  
109 applicable. Unless otherwise indicated, reference to a Section of the Code includes any applicable  
110 successor section or provision and such applicable Regulations, rulings, announcements, notices,  
111 procedures and determinations pertinent to that Section.

112  
113 “Continuing Disclosure Agreement” means the Continuing Disclosure Agreement which shall  
114 constitute the continuing disclosure agreement made by the City for the benefit of the holders and  
115 beneficial owners of the Bonds in accordance with the Rule, as it may be modified from the form  
116 on file with the Clerk of Council and executed by the Mayor and the Director of Finance, all in  
117 accordance with Section 9(c).

118

119 “Depository” means any securities depository that is a clearing agency registered pursuant to  
120 the provisions of Section 17A of the Securities Exchange Act of 1934, operating and maintaining,  
121 with its Participants or otherwise, a book entry system to record ownership of beneficial interests  
122 in the Bonds or the principal of and interest and any premium on the Bonds, and to effect transfers  
123 of the Bonds, in book entry form, and includes and means initially The Depository Trust Company  
124 (a limited purpose trust company), New York, New York.  
125

126 “Director of Finance” means the Director of Finance of the City or any person serving in an  
127 interim or acting capacity with respect to that office.  
128

129 “Director of Law” means the Director of Law of the City or any person serving in an interim or  
130 acting capacity with respect to that office.  
131

132 “Financing Costs” shall have the meaning given in Section 133.01 of the Ohio Revised Code.  
133

134 “Interest Payment Dates” means, unless otherwise specified in the Certificate of Award, June 1  
135 and December 1 of each year that the Bonds are outstanding, commencing on the date specified in  
136 the Certificate of Award.  
137

138 “Mandatory Redemption Date” shall have the meaning set forth in Section 3(b).  
139

140 “Mandatory Sinking Fund Redemption Requirements” shall have the meaning set forth in  
141 Section 3(e)(i).  
142

143 “Mayor” means the Mayor of the City or any person serving in an interim or acting capacity  
144 with respect to that office.  
145

146 “Original Purchaser” means the purchaser of the Bonds specified in the Certificate of Award.  
147

148 “Participant” means any participant contracting with a Depository under a book entry system  
149 and includes securities brokers and dealers, banks and trust companies and clearing corporations.  
150

151 “Principal Payment Dates” means December 1, or such other date specified in the Certificate of  
152 Award, in each of the years from and including 2021 to and including 2040; provided that for each  
153 component Purpose, the first Principal Payment Date may be deferred up to one year and the last  
154 Principal Payment Date may be deferred or advanced by such number of years as determined  
155 necessary by the Director of Finance, and provided further that in no case shall the final Principal  
156 Payment Date of the portion of the Bonds allocable to any component Purpose exceed the maximum  
157 maturity limitation referred to in the preambles hereto for that related component Purpose, all of  
158 which determinations shall be made by the Director of Finance in the Certificate of Award in such  
159 manner as to be in the best interest of and financially advantageous to the City.  
160

161 “Purchase Agreement” means the Bond Purchase Agreement between the City and the Original  
162 Purchaser, as it may be modified from the form on file with the Clerk of Council and executed by  
163 the Mayor and the Director of Finance, all in accordance with Section 6.  
164

165 “Registrar Agreement” means the Bond Registrar Agreement between the City and the Bond  
166 Registrar, as it may be modified from the form on file with the Clerk of Council and executed by the  
167 Mayor and the Director of Finance, all in accordance with Section 4.  
168

169 “Regulations” means Treasury Regulations issued pursuant to the Code or to the statutory  
170 predecessor of the Code.  
171

172 “Rule” means Rule 15c2-12 prescribed by the SEC pursuant to the Securities Exchange Act of  
173 1934.  
174

175 “SEC” means the Securities and Exchange Commission.  
176

177 “Serial Bonds” means those Bonds designated as such and maturing on the dates set forth in  
178 the Certificate of Award, bearing interest payable on each Interest Payment Date and not subject  
179 to mandatory sinking fund redemption.

180  
181 “Term Bonds” means those Bonds designated as such and maturing on the date or dates set  
182 forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and  
183 subject to mandatory sinking fund redemption.  
184

185 The captions and headings in this Ordinance are solely for convenience of reference and in no  
186 way define, limit or describe the scope or intent of any Sections, subsections, paragraphs,  
187 subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless  
188 otherwise indicated.  
189

190 Section 2. Authorized Principal Amount and Purpose; Application of Proceeds. This Council  
191 determines that it is necessary and in the best interest of the City to issue bonds of this City in the  
192 maximum aggregate principal amount of \$6,040,000 (the “Bonds”) for the purpose of paying the  
193 costs of (a) constructing waterlines in Graham Road, together with all appurtenances thereto and  
194 (b) improving the City’s public safety facilities by acquiring, constructing, reconstructing,  
195 renovating, improving, furnishing and equipping a new fire station and providing for the demolition,  
196 renovation and remodeling of the existing facilities, together with all necessary and related  
197 appurtenances thereto (collectively, the “Improvement”). The Bonds shall be issued pursuant to  
198 Chapter 133 of the Ohio Revised Code, the Charter of the City, this Ordinance and the Certificate  
199 of Award.  
200

201 The aggregate principal amount of Bonds to be issued shall not exceed the maximum aggregate  
202 principal amount for each Purpose specified in this Section 2 and shall be an amount determined  
203 by the Director of Finance in the Certificate of Award to be the aggregate principal amount of Bonds  
204 that is required to be issued at this time for the Purposes described in this Section 2, taking into  
205 account the costs of refunding the Outstanding Notes, providing additional money for the Purposes,  
206 the estimates of the Financing Costs and the interest rates on the Bonds.  
207

208 The proceeds from the sale of the Bonds received by the City (or withheld by the Original  
209 Purchaser on behalf of the City) shall be paid into the proper fund or funds, and those proceeds  
210 are hereby appropriated and shall be used for the purpose for which the Bonds are being issued,  
211 including without limitation but only to the extent not paid by others, the payment of the costs of  
212 issuing and servicing the Bonds, printing and delivery of the Bonds, legal services including  
213 obtaining the approving legal opinion of bond counsel, fees and expenses of any municipal advisor,  
214 paying agent and rating agency, any fees or premiums relating to municipal bond insurance or  
215 other security arrangements determined necessary by the Director of Finance, and all other  
216 Financing Costs and costs incurred incidental to those purposes. The Certificate of Award and the  
217 Purchase Agreement may authorize the Original Purchaser to withhold certain proceeds from the  
218 purchase price of the Bonds to provide for the payment of Financing Costs related to the Bonds on  
219 behalf of the City. Any portion of those proceeds received by the City representing premium (after  
220 payment of any Financing Costs identified in the Certificate of Award, and in the Purchase  
221 Agreement and/or the Registrar Agreement) and any portion of those proceeds received by the City  
222 representing accrued interest shall be paid into the Bond Retirement Fund.  
223

224 Section 3. Denominations; Dating; Principal and Interest Payment and Redemption Provisions.  
225 The Bonds shall be issued in one lot and only as fully registered bonds, in Authorized  
226 Denominations, but in no case as to a particular maturity date exceeding the principal amount  
227 maturing on that date. The Bonds shall be dated as provided in the Certificate of Award, provided  
228 that their dated date shall not be more than sixty (60) days prior to the Closing Date.  
229

230 (a) Interest Rates and Payment Dates. The Bonds shall bear interest at the rate or rates per  
231 year (computed on the basis of a 360-day year consisting of twelve 30-day months), as shall be  
232 determined by the Director of Finance, subject to subsection (c) of this Section 3, in the Certificate  
233 of Award. Interest on the Bonds shall be payable at such rate or rates on the Interest Payment  
234 Dates until the principal amount has been paid or provided for. The Bonds shall bear interest from  
235 the most recent date to which interest has been paid or provided for or, if no interest has been paid  
236 or provided for, from their date.  
237

238 (b) Principal Payment Schedule. The Bonds shall mature or be payable pursuant to  
239 Mandatory Sinking Fund Redemption Requirements on the Principal Payment Dates in principal  
240 amounts as shall be determined by the Director of Finance, subject to subsection (c) of this Section

241 3, in the Certificate of Award, which determination shall be in the best interest of and financially  
242 advantageous to the City.

243  
244 Consistent with the foregoing and in accordance with the Director of Finance's determination  
245 of the best interest of and financial advantages to the City, the Director of Finance shall specify in  
246 the Certificate of Award (i) the aggregate principal amount of Bonds to be issued as Serial Bonds,  
247 the Principal Payment Date or Dates on which those Bonds shall be stated to mature and the  
248 principal amount thereof that shall be stated to mature on each such Principal Payment Date and  
249 (ii) the aggregate principal amount of Bonds to be issued as Term Bonds, the Principal Payment  
250 Date or Dates on which those Bonds shall be stated to mature, the principal amount thereof that  
251 shall be stated to mature on each such Principal Payment Date, the Principal Payment Date or  
252 Dates on which Term Bonds shall be subject to mandatory sinking fund redemption (each a  
253 "Mandatory Redemption Date") and the principal amount thereof that shall be payable pursuant to  
254 Mandatory Sinking Fund Redemption Requirements on each Mandatory Redemption Date.

255  
256 (c) Conditions for Establishment of Interest Rates and Principal Payment Dates and  
257 Amounts. The rate or rates of interest per year to be borne by the Bonds, and the aggregate  
258 principal amount of Bonds maturing or payable pursuant to Mandatory Sinking Fund Redemption  
259 Requirements on each Principal Payment Date, shall be such that the total principal and interest  
260 payments on the Bonds issued for each component Purpose in any fiscal year in which principal is  
261 payable is not more than three times the amount of those payments in any other fiscal year. The  
262 net interest cost for the Bonds determined by taking into account the respective principal amounts  
263 of the Bonds and terms to maturity or Mandatory Sinking Fund Redemption Requirements of those  
264 principal amounts of Bonds shall not exceed 6.00%.

265  
266 (d) Payment of Debt Charges. The debt charges on the Bonds shall be payable in lawful  
267 money of the United States of America without deduction for the services of the Bond Registrar as  
268 paying agent. Principal of and any premium on the Bonds shall be payable when due upon  
269 presentation and surrender of the Bonds at the designated corporate trust office of the Bond  
270 Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed  
271 to the person in whose name the Bond was registered, and to that person's address appearing, on  
272 the Bond Register at the close of business on the 15th day of the calendar month next preceding  
273 that Interest Payment Date. Notwithstanding the foregoing, if and so long as the Bonds are issued  
274 in a book entry system, principal of and interest and any premium on the Bonds shall be payable  
275 in the manner provided in any agreement entered into by the Director of Finance, in the name and  
276 on behalf of the City, in connection with the book entry system.

277  
278 (e) Redemption Provisions. The Bonds shall be subject to redemption prior to stated  
279 maturity as follows:

280  
281 (i) Mandatory Sinking Fund Redemption of Term Bonds. If any of the Bonds are  
282 issued as Term Bonds, the Term Bonds shall be subject to mandatory redemption in part by  
283 lot and be redeemed pursuant to mandatory sinking fund redemption requirements, at a  
284 redemption price of 100% of the principal amount redeemed, plus accrued interest to the  
285 redemption date, on the applicable Mandatory Redemption Dates and in the principal amounts  
286 payable on those Dates, for which provision is made in the Certificate of Award (such Dates  
287 and amounts being referred to as the "Mandatory Sinking Fund Redemption Requirements").

288  
289 The aggregate of the moneys to be deposited with the Bond Registrar for payment of  
290 principal of and interest on any Term Bonds on each Mandatory Redemption Date shall include  
291 an amount sufficient to redeem on that Date the principal amount of Term Bonds payable on  
292 that Date pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount  
293 of any credit as hereinafter provided).

294  
295 The City shall have the option to deliver to the Bond Registrar for cancellation Term  
296 Bonds in any aggregate principal amount and to receive a credit against the then current or  
297 any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding  
298 mandatory redemption obligation) of the City, as specified by the Director of Finance, for Term  
299 Bonds stated to mature on the same Principal Payment Date and bearing interest at the same  
300 rate as the Term Bonds so delivered. That option shall be exercised by the City on or before  
301 the 45<sup>th</sup> day preceding any Mandatory Redemption Date with respect to which the City wishes

302 to obtain a credit, by furnishing the Bond Registrar a certificate, signed by the Director of  
303 Finance, setting forth the extent of the credit to be applied with respect to the then current or  
304 any subsequent Mandatory Sinking Fund Redemption Requirement for Term Bonds stated to  
305 mature on the same Principal Payment Date and bearing interest at the same rate as the Term  
306 Bonds so delivered. If the certificate is not timely furnished to the Bond Registrar, the current  
307 Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption  
308 obligation) shall not be reduced. A credit against the then current or any subsequent  
309 Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption  
310 obligation), as specified by the Director of Finance, also shall be received by the City for any  
311 Term Bonds which prior thereto have been redeemed (other than through the operation of the  
312 applicable Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation  
313 and canceled by the Bond Registrar, to the extent not applied theretofore as a credit against  
314 any Mandatory Sinking Fund Redemption Requirement, for Term Bonds stated to mature on  
315 the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so  
316 redeemed or purchased and canceled.

317  
318 Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall  
319 be credited by the Bond Registrar at 100% of the principal amount thereof against the then  
320 current or subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding  
321 mandatory redemption obligations), as specified by the Director of Finance, for Term Bonds  
322 stated to mature on the same Principal Payment Date and bearing interest at the same rate as  
323 the Term Bonds so delivered, redeemed or purchased and canceled.

324  
325 (ii) Optional Redemption. The Bonds of the maturities and interest rates specified in  
326 the Certificate of Award (if any are so specified) shall be subject to optional redemption by and  
327 at the sole option of the City, in whole or in part in integral multiples of \$5,000, on the dates  
328 and at the redemption prices (expressed as a percentage of the principal amount to be  
329 redeemed), plus accrued interest to the redemption date, to be determined by the Director of  
330 Finance in the Certificate of Award; provided that the redemption price for any optional  
331 redemption date shall not be greater than 103%.

332  
333 If optional redemption of Term Bonds at a redemption price exceeding 100% of the  
334 principal amount to be redeemed is to take place as of any Mandatory Redemption Date  
335 applicable to those Term Bonds, the Term Bonds, or portions thereof, to be redeemed optionally  
336 shall be selected by lot prior to the selection by lot of the Term Bonds of the same maturity  
337 (and interest rate within a maturity if applicable) to be redeemed on the same date by operation  
338 of the Mandatory Sinking Fund Redemption Requirements. Bonds to be redeemed pursuant  
339 to this paragraph shall be redeemed only upon written notice from the Director of Finance to  
340 the Bond Registrar, given upon the direction of the City by passage of an ordinance or adoption  
341 of a resolution. That notice shall specify the redemption date and the principal amount of each  
342 maturity (and interest rate within a maturity if applicable) of Bonds to be redeemed, and shall  
343 be given at least 45 days prior to the redemption date or such shorter period as shall be  
344 acceptable to the Bond Registrar.

345  
346 (iii) Partial Redemption. If fewer than all of the outstanding Bonds are called for  
347 optional redemption at one time and Bonds of more than one maturity (or interest rate within  
348 a maturity if applicable) are then outstanding, the Bonds that are called shall be Bonds of the  
349 maturity or maturities and interest rate or rates selected by the City. If fewer than all of the  
350 Bonds of a single maturity (or interest rate within a maturity if applicable) are to be redeemed,  
351 the selection of Bonds of that maturity (or interest rate within a maturity if applicable) to be  
352 redeemed, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be  
353 made by the Bond Registrar by lot in a manner determined by the Bond Registrar. In the case  
354 of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are  
355 then outstanding, each \$5,000 unit of principal thereof shall be treated as if it were a separate  
356 Bond of the denomination of \$5,000. If it is determined that one or more, but not all, of the  
357 \$5,000 units of principal amount represented by a Bond are to be called for redemption, then,  
358 upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall  
359 surrender the Bond to the Bond Registrar (A) for payment of the redemption price of the \$5,000  
360 unit or units of principal amount called for redemption (including, without limitation, the  
361 interest accrued to the date fixed for redemption and any premium), and (B) for issuance,  
362 without charge to the registered owner, of a new Bond or Bonds of any Authorized

363 Denomination or Denominations in an aggregate principal amount equal to the unmatured and  
364 unredeemed portion of, and bearing interest at the same rate and maturing on the same date  
365 as, the Bond surrendered.

366  
367 (iv) Notice of Redemption. The notice of the call for redemption of Bonds shall identify  
368 (A) by designation, letters, numbers or other distinguishing marks, the Bonds or portions  
369 thereof to be redeemed, (B) the redemption price to be paid, (C) the date fixed for redemption,  
370 and (D) the place or places where the amounts due upon redemption are payable. The notice  
371 shall be given by the Bond Registrar on behalf of the City by mailing a copy of the redemption  
372 notice by first-class mail, postage prepaid, at least 30 days prior to the date fixed for  
373 redemption, to the registered owner of each Bond subject to redemption in whole or in part at  
374 the registered owner's address shown on the Bond Register maintained by the Bond Registrar  
375 at the close of business on the 15<sup>th</sup> day preceding that mailing. Failure to receive notice by  
376 mail or any defect in that notice regarding any Bond, however, shall not affect the validity of  
377 the proceedings for the redemption of any Bond.

378  
379 (v) Payment of Redeemed Bonds. In the event that notice of redemption shall have  
380 been given by the Bond Registrar to the registered owners as provided above, there shall be  
381 deposited with the Bond Registrar on or prior to the redemption date, moneys that, in addition  
382 to any other moneys available therefor and held by the Bond Registrar, will be sufficient to  
383 redeem at the redemption price thereof, plus accrued interest to the redemption date, all of the  
384 redeemable Bonds for which notice of redemption has been given. Notice having been mailed  
385 in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof  
386 called for redemption shall become due and payable on the redemption date, and, subject to  
387 the provisions of Sections 3(d) and 5, upon presentation and surrender thereof at the place or  
388 places specified in that notice, shall be paid at the redemption price, plus accrued interest to  
389 the redemption date. If moneys for the redemption of all of the Bonds and portions thereof to  
390 be redeemed, together with accrued interest thereon to the redemption date, are held by the  
391 Bond Registrar on the redemption date, so as to be available therefor on that date and, if notice  
392 of redemption has been deposited in the mail as aforesaid, then from and after the redemption  
393 date those Bonds and portions thereof called for redemption shall cease to bear interest and  
394 no longer shall be considered to be outstanding. If those moneys shall not be so available on  
395 the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those  
396 Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate  
397 as they would have borne had they not been called for redemption. All moneys held by the  
398 Bond Registrar for the redemption of particular Bonds shall be held in trust for the account of  
399 the registered owners thereof and shall be paid to them, respectively, upon presentation and  
400 surrender of those Bonds; provided that any interest earned on the moneys so held by the Bond  
401 Registrar shall be for the account of and paid to the City to the extent not required for the  
402 payment of the Bonds called for redemption.

403  
404 Section 4. Execution and Authentication of Bonds; Appointment of Bond Registrar. The Bonds  
405 shall be signed by the Mayor and the Director of Finance, in the name of the City and in their  
406 official capacities, provided that either or both of those signatures may be a facsimile. The Bonds  
407 shall be issued in the Authorized Denominations and numbers as requested by the Original  
408 Purchaser and approved by the Director of Finance, shall be numbered as determined by the  
409 Director of Finance in order to distinguish each Bond from any other Bond, and shall express upon  
410 their faces the purpose, in summary terms, for which they are issued and that they are issued  
411 pursuant to Chapter 133 of the Ohio Revised Code, the Charter of the City, this Ordinance and the  
412 Certificate of Award.

413  
414 The Director of Finance is hereby authorized to designate in the Certificate of Award a bank  
415 or trust company authorized to do business in the State of Ohio to act as the initial Bond Registrar.  
416 The Mayor and the Director of Finance shall sign and deliver, in the name and on behalf of the City,  
417 the Registrar Agreement between the City and the Bond Registrar, in substantially the form as is  
418 now on file with the Clerk of Council. The Registrar Agreement is approved, together with any  
419 changes or amendments that are not inconsistent with this Ordinance and not substantially  
420 adverse to the City and that are approved by the Mayor and the Director of Finance on behalf of  
421 the City, all of which shall be conclusively evidenced by the signing of the Registrar Agreement or  
422 amendments thereto. The Director of Finance shall provide for the payment of the services rendered  
423 and for reimbursement of expenses incurred pursuant to the Registrar Agreement, except to the

424 extent paid or reimbursed by the Original Purchaser and/or the Bond Registrar pursuant to the  
425 Certificate of Award, the Purchase Agreement and/or the Registrar Agreement, from the proceeds  
426 of the Bonds to the extent available and then from other money lawfully available and appropriated  
427 or to be appropriated for that purpose.  
428

429 No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or  
430 benefit under the Bond Proceedings unless and until the certificate of authentication printed on  
431 the Bond is signed by the Bond Registrar as authenticating agent. Authentication by the Bond  
432 Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued, signed  
433 and delivered under, and is entitled to the security and benefit of, the Bond Proceedings. The  
434 certificate of authentication may be signed by any authorized officer or employee of the Bond  
435 Registrar or by any other person acting as an agent of the Bond Registrar and approved by the  
436 Director of Finance on behalf of the City. The same person need not sign the certificate of  
437 authentication on all of the Bonds.  
438

439 Section 5. Registration; Transfer and Exchange; Book Entry System.  
440

441 (a) Bond Register. So long as any of the Bonds remain outstanding, the City will cause the  
442 Bond Registrar to maintain and keep the Bond Register at its designated corporate trust office.  
443 Subject to the provisions of Sections 3(d) and 9(c), the person in whose name a Bond is registered  
444 on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of the  
445 Bond Proceedings. Payment of or on account of the debt charges on any Bond shall be made only  
446 to or upon the order of that person; neither the City nor the Bond Registrar shall be affected by any  
447 notice to the contrary, but the registration may be changed as provided in this Section 5. All such  
448 payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond,  
449 including interest, to the extent of the amount or amounts so paid.  
450

451 (b) Transfer and Exchange. Any Bond may be exchanged for Bonds of any Authorized  
452 Denomination upon presentation and surrender at the designated corporate trust office of the Bond  
453 Registrar, together with a request for exchange signed by the registered owner or by a person legally  
454 empowered to do so in a form satisfactory to the Bond Registrar. A Bond may be transferred only  
455 on the Bond Register upon presentation and surrender of the Bond at the designated corporate  
456 trust office of the Bond Registrar together with an assignment signed by the registered owner or by  
457 a person legally empowered to do so in a form satisfactory to the Bond Registrar. Upon exchange  
458 or transfer the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any  
459 Authorized Denomination or Denominations requested by the owner equal in the aggregate to the  
460 unmatured principal amount of the Bond surrendered and bearing interest at the same rate and  
461 maturing on the same date.  
462

463 If manual signatures on behalf of the City are required, the Bond Registrar shall undertake the  
464 exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the  
465 City. In all cases of Bonds exchanged or transferred, the City shall sign and the Bond Registrar  
466 shall authenticate and deliver Bonds in accordance with the provisions of the Bond Proceedings.  
467 The exchange or transfer shall be without charge to the owner, except that the City and Bond  
468 Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge  
469 required to be paid with respect to the exchange or transfer. The City or the Bond Registrar may  
470 require that those charges, if any, be paid before the procedure is begun for the exchange or  
471 transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid  
472 obligations of the City, evidencing the same debt, and entitled to the same security and benefit  
473 under the Bond Proceedings as the Bonds surrendered upon that exchange or transfer. Neither  
474 the City nor the Bond Registrar shall be required to make any exchange or transfer of (i) Bonds  
475 then subject to call for redemption between the 15<sup>th</sup> day preceding the mailing of notice of Bonds  
476 to be redeemed and the date of that mailing, or (ii) any Bond selected for redemption, in whole or  
477 in part.  
478

479 (c) Book Entry System. Notwithstanding any other provisions of this Ordinance, if the  
480 Director of Finance determines in the Certificate of Award that it is in the best interest of and  
481 financially advantageous to the City, the Bonds may be issued in book entry form in accordance  
482 with the following provisions of this Section 5.  
483

484 The Bonds may be issued to a Depository for use in a book entry system and, if and as long as  
485 a book entry system is utilized, (i) the Bonds may be issued in the form of a single, fully registered  
486 Bond representing each maturity and, if applicable, each interest rate within a maturity, and  
487 registered in the name of the Depository or its nominee, as registered owner, and immobilized in  
488 the custody of the Depository or its designated agent for that purpose, which may be the Bond  
489 Registrar; (ii) the beneficial owners of Bonds in book entry form shall have no right to receive Bonds  
490 in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry  
491 form shall be shown by book entry on the system maintained and operated by the Depository and  
492 its Participants, and transfers of the ownership of beneficial interests shall be made only by book  
493 entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable  
494 or exchangeable, except for transfer to another Depository or to another nominee of a Depository,  
495 without further action by the City.

496  
497 If any Depository determines not to continue to act as a Depository for the Bonds for use in a  
498 book entry system, the Director of Finance may attempt to establish a securities depository/book  
499 entry relationship with another qualified Depository. If the Director of Finance does not or is unable  
500 to do so, the Director of Finance, after making provision for notification of the beneficial owners by  
501 the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the  
502 Bonds from the Depository, and shall cause Bond certificates in registered form and Authorized  
503 Denominations to be authenticated by the Bond Registrar and delivered to the assigns of the  
504 Depository or its nominee, all at the cost and expense (including any costs of printing), if the event  
505 is not the result of City action or inaction, of those persons requesting such issuance.

506  
507 The Director of Finance is hereby authorized and directed, to the extent necessary or required,  
508 to enter into any agreements, in the name and on behalf of the City, that the Director of Finance  
509 determines to be necessary in connection with a book entry system for the Bonds.

510  
511 Section 6. Sale of the Bonds to the Original Purchaser. The Director of Finance is authorized  
512 to sell the Bonds at private sale to the Original Purchaser at a purchase price, not less than 97%  
513 of the aggregate principal amount thereof, as shall be determined by the Director of Finance in the  
514 Certificate of Award, plus accrued interest (if any) on the Bonds from their date to the Closing Date,  
515 and shall be awarded by the Director of Finance with and upon such other terms as are required  
516 or authorized by this Ordinance to be specified in the Certificate of Award, in accordance with law,  
517 and the provisions of this Ordinance and the Purchase Agreement. The Director of Finance is  
518 authorized, if it is determined to be in the best interest of the City, to combine the issue of Bonds  
519 with one or more other bond issues of the City into a consolidated bond issue pursuant to  
520 Section 133.30(B) of the Ohio Revised Code in which case a single Certificate of Award may be  
521 utilized for the consolidated bond issue if appropriate and consistent with the terms of this  
522 Ordinance.

523  
524 The Director of Finance shall sign and deliver the Certificate of Award and shall cause the  
525 Bonds to be prepared and signed and delivered, together with a true transcript of proceedings with  
526 reference to the issuance of the Bonds, to the Original Purchaser upon payment of the purchase  
527 price.

528  
529 The Mayor and the Director of Finance shall sign and deliver, in the name and on behalf of the  
530 City, the Purchase Agreement between the City and the Original Purchaser, in substantially the  
531 form as is now on file with the Clerk of Council, providing for the sale to, and the purchase by, the  
532 Original Purchaser of the Bonds. The Purchase Agreement is approved, together with any changes  
533 or amendments that are not inconsistent with this Ordinance and not substantially adverse to the  
534 City and that are approved by the Mayor and the Director of Finance on behalf of the City, all of  
535 which shall be conclusively evidenced by the signing of the Purchase Agreement or amendments  
536 thereto.

537  
538 The Mayor, the Director of Finance, the Director of Law, the Clerk of Council and other City  
539 officials, as appropriate, each are authorized and directed to sign any transcript certificates,  
540 financial statements and other documents and instruments and to take such actions as are  
541 necessary or appropriate to consummate the transactions contemplated by this Ordinance. The  
542 actions of the Mayor, the Director of Finance, the Director of Law, the Clerk of Council or other City  
543 official, as appropriate, in doing any and all acts necessary in connection with the issuance and  
544 sale of the Bonds are hereby ratified and confirmed.

545

546 Section 7. Provision for Tax Levy. There shall be levied on all the taxable property in the City,  
547 in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding in  
548 an amount sufficient to pay the debt charges on the Bonds when due, which tax shall not be less  
549 than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution.  
550 The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed,  
551 certified, levied and extended upon the tax duplicate and collected by the same officers, in the same  
552 manner and at the same time that taxes for general purposes for each of those years are certified,  
553 levied, extended and collected, and shall be placed before and in preference to all other items and  
554 for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement  
555 Fund, which is irrevocably pledged for the payment of the debt charges on the Bonds when and as  
556 the same fall due.

557

558 In each year to the extent net revenues from the City's water system are available for the  
559 payment of the debt charges on the Bonds issued for the Graham Waterlines Purpose and are  
560 appropriated for that component Purpose, the amount of the tax shall be reduced by the amount  
561 of such net revenues so available and appropriated.

562

563 In each year to the extent receipts from the City's municipal income tax are available for the  
564 payment of the debt charges on any application portion of the Bonds issued for the Graham  
565 Waterlines Purpose and are appropriated for that component Purpose, and to the extent not paid  
566 from the net revenues of the City's water system, the amount of the tax shall be reduced by the  
567 amount of such receipts so available and appropriated in compliance with the following covenant.  
568 To the extent necessary, the debt charges on the Bonds shall be paid from municipal income taxes  
569 lawfully available therefor under the Constitution and laws of the State of Ohio and the Charter of  
570 the City; and the City hereby covenants, subject and pursuant to such authority, including  
571 particularly Section 133.05(B)(7) of the Ohio Revised Code, to appropriate annually from such  
572 municipal income taxes such amount as is necessary to meet such annual debt charges.

573

574 Nothing in the two preceding paragraphs in any way diminishes the irrevocable pledge of the  
575 full faith and credit and general property taxing power of the City to the prompt payment of the  
576 debt charges on the Bonds.

577

578 Section 8. Federal Tax Considerations. The City covenants that it will use, and will restrict  
579 the use and investment of, the proceeds of the Bonds in such manner and to such extent as may  
580 be necessary so that (a) the Bonds will not (i) constitute private activity bonds or arbitrage bonds  
581 under Sections 141 or 148 of the Code or (ii) be treated other than as bonds the interest on which  
582 is excluded from gross income under Section 103 of the Code, and (b) the interest on the Bonds  
583 will not be an item of tax preference under Section 57 of the Code.

584

585 The City further covenants that (a) it will take or cause to be taken such actions that may be  
586 required of it for the interest on the Bonds to be and remain excluded from gross income for federal  
587 income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely  
588 affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i)  
589 apply the proceeds of the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield  
590 on investment property, (iii) make timely and adequate payments to the federal government, (iv)  
591 maintain books and records and make calculations and reports and (v) refrain from certain uses of  
592 those proceeds, and, as applicable, of property financed with such proceeds, all in such manner  
593 and to the extent necessary to assure such exclusion of that interest under the Code.

594

595 The Director of Finance or any other officer of the City having responsibility for issuance of the  
596 Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice,  
597 consent, approval, or waiver on behalf of the City with respect to the Bonds as the City is permitted  
598 to or required to make or give under the federal income tax laws, including, without limitation  
599 thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring,  
600 enhancing or protecting favorable tax treatment or status of the Bonds or interest thereon or  
601 assisting compliance with requirements for that purpose, reducing the burden or expense of such  
602 compliance, reducing the rebate amount or payments or penalties with respect to the Bonds, or  
603 making payments of special amounts in lieu of making computations to determine, or paying,  
604 excess earnings as rebate, or obviating those amounts or payments with respect to the Bonds,

605 which action shall be in writing and signed by the officer, (b) to take any and all other actions,  
606 make or obtain calculations, make payments, and make or give reports, covenants and  
607 certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest  
608 from gross income and the intended tax status of the Bonds, and (c) to give one or more appropriate  
609 certificates of the City, for inclusion in the transcript of proceedings for the Bonds, setting forth the  
610 reasonable expectations of the City regarding the amount and use of all the proceeds of the Bonds,  
611 the facts, circumstances and estimates on which they are based, and other facts and circumstances  
612 relevant to the tax treatment of the interest on and the tax status of the Bonds. The Director of  
613 Finance or any other officer of the City having responsibility for issuance of the Bonds is specifically  
614 authorized to designate the Bonds as “qualified tax-exempt obligations” if such designation is  
615 applicable and desirable, and to make any related necessary representations and covenants.  
616

617 Each covenant made in this Section with respect to the Bonds is also made with respect to all  
618 issues any portion of the debt service on which is paid from proceeds of the Bonds (and, if different,  
619 the original issue and any refunding issues in a series of refundings), to the extent such compliance  
620 is necessary to assure exclusion of interest on the Bonds from gross income for federal income tax  
621 purposes, and the officers identified above are authorized to take actions with respect to those  
622 issues as they are authorized in this Section to take with respect to the Bonds.  
623

624 Section 9. Official Statement, Rating, Bond Insurance, Continuing Disclosure and Financing  
625 Costs.  
626

627 (a) Primary Offering Disclosure -- Official Statement. The Mayor and the Director of Finance  
628 are each authorized and directed, on behalf of the City and in their official capacities, to (i) prepare  
629 or cause to be prepared, and make or authorize modifications, completions or changes of or  
630 supplements to, a disclosure document in the form of an official statement relating to the original  
631 issuance of the Bonds in substantially the form as is now on file with the Clerk of Council, (ii)  
632 determine, and to certify or otherwise represent, when the official statement is to be “deemed final”  
633 (except for permitted omissions) by the City as of its date or is a final official statement for purposes  
634 of paragraph (b) of the Rule, (iii) use and distribute, or authorize the use and distribution of those  
635 official statements and any supplements thereto in connection with the original issuance of the  
636 Bonds, and (iv) complete and sign those official statements and any supplements thereto as so  
637 approved, together with such certificates, statements or other documents in connection with the  
638 finality, accuracy and completeness of those official statements and any supplements, as they may  
639 deem necessary or appropriate.  
640

641 (b) Application for Rating or Bond Insurance. If, in the judgment of the Director of Finance,  
642 the filing of an application for (i) a rating on the Bonds by one or more nationally-recognized rating  
643 agencies, or (ii) a policy of insurance from a company or companies to better assure the payment  
644 of principal of and interest on the Bonds, is in the best interest of and financially advantageous to  
645 this City, the Director of Finance is authorized to prepare and submit those applications, to provide  
646 to each such agency or company such information as may be required for the purpose, and to  
647 provide further for the payment of the cost of obtaining each such rating or policy, except to the  
648 extent otherwise paid or reimbursed pursuant to the Purchase Agreement and/or the Registrar  
649 Agreement, from the proceeds of the Bonds to the extent available and otherwise from any other  
650 funds lawfully available and that are appropriated or shall be appropriated for that purpose. The  
651 Director of Finance is hereby authorized, to the extent necessary or required, to enter into any  
652 agreements, in the name of and on behalf of the City, that the Director of Finance determines to be  
653 necessary in connection with the obtaining of that bond insurance.  
654

655 (c) Agreement to Provide Continuing Disclosure. For the benefit of the holders and beneficial  
656 owners from time to time of the Bonds, the City agrees to provide or cause to be provided such  
657 financial information and operating data, audited financial statements and notices of the  
658 occurrence of certain events, in such manner as may be required for purposes of the Rule. The  
659 Mayor and the Director of Finance are each authorized and directed to complete, sign and deliver  
660 the Continuing Disclosure Agreement, in the name and on behalf of the City, in substantially the  
661 form as is now on file with the Clerk of Council. The Continuing Disclosure Agreement is approved,  
662 together with any changes or amendments that are not inconsistent with this Ordinance and not  
663 substantially adverse to the City and that are approved by the Mayor and the Director of Finance  
664 on behalf of the City, all of which shall be conclusively evidenced by the signing of the Continuing  
665 Disclosure Agreement or amendments thereto.

666  
667  
668  
669  
670  
671  
672  
673  
674  
675  
676  
677  
678  
679  
680  
681  
682  
683  
684  
685  
686  
687  
688  
689  
690  
691  
692  
693  
694  
695  
696  
697  
698  
699  
700  
701  
702  
703  
704  
705  
706  
707  
708  
709  
710  
711  
712  
713  
714  
715  
716  
717  
718  
719  
720  
721  
722  
723  
724  
725  
726

The Director of Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its Continuing Disclosure Agreement, including timely provision of information and notices as described above. Prior to making any filing required under the Rule, the Director of Finance shall consult with and obtain legal advice from, as appropriate, the Director of Law and bond or other qualified independent special counsel selected by the City. The Director of Finance, acting in the name and on behalf of the City, shall be entitled to rely upon any such legal advice in determining whether a filing should be made. The performance by the City of its Continuing Disclosure Agreement shall be subject to the annual appropriation of any funds that may be necessary to perform it.

(d) Financing Costs. The expenditure of the amounts necessary to pay any Financing Costs in connection with the Bonds, to the extent not paid or reimbursed by the Original Purchaser and/or the Bond Registrar pursuant to the Certificate of Award, the Purchase Agreement and/or the Registrar Agreement, is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts and costs from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

Section 10. Bond Counsel. The legal services of the law firm of Squire Patton Boggs (US) LLP are hereby retained. Those legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the authorization, sale and issuance of the Bonds and rendering at delivery related legal opinions, all as set forth in the form of engagement letter from that firm which is now on file in the office of the Clerk of Council. In providing those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State of Ohio, any county or municipal corporation or of this City, or the execution of public trusts. For those legal services, that firm shall be paid just and reasonable compensation and shall be reimbursed for actual out-of-pocket expenses incurred in providing those legal services. The Director of Finance is authorized and directed, to the extent they are not paid or reimbursed pursuant to the Purchase Agreement and/or the Registrar Agreement, to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Bonds, if available, and otherwise from available moneys in the General Fund.

Section 11. Municipal Advisor. The services of Baker Tilly Municipal Advisors, LLC, as municipal advisor, are hereby retained. The municipal advisory services shall be in the nature of financial advice and recommendations in connection with the issuance and sale of the Bonds. In rendering those municipal advisory services, as an independent contractor, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State of Ohio, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those municipal advisory services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those municipal advisory services. The Director of Finance is authorized and directed, to the extent they are not paid or reimbursed pursuant to the Purchase Agreement and/or the Registrar Agreement, to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Bonds, if available, and otherwise from available moneys in the General Fund.

Section 12. Certification and Delivery of Ordinance and Certificate of Award. The Clerk of Council is directed to promptly deliver or cause to be delivered a certified copy of this Ordinance and an executed copy of the Certificate of Award to the Fiscal Officer in Summit County, Ohio.

Section 13. Satisfaction of Conditions for Bond Issuance. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Bonds in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Bonds have

727 been performed and have been met, in regular and due form as required by law; that the full faith  
728 and credit and general property taxing power (as described in Section 7) of the City are pledged for  
729 the timely payment of the debt charges on the Bonds; that no statutory or constitutional limitation  
730 of indebtedness or taxation will have been exceeded in the issuance of the Bonds; and that the  
731 Bonds are being authorized and issued pursuant to Chapter 133 of the Ohio Revised Code, the  
732 Charter of the City, this Ordinance, the Certificate of Award and other authorizing provisions of  
733 law.

734  
735 Section 14. Compliance with Open Meeting Requirements. This Council finds and determines  
736 that all formal actions of this Council and any of its committees concerning and relating to the  
737 passage of this Ordinance were taken in an open meeting of this Council or any of its committees,  
738 and that all deliberations of this Council and of any of its committees that resulted in those formal  
739 actions were in meetings open to the public, all in compliance with Chapter 107 of the City's  
740 Codified Ordinances and Substitute House Bill 197 passed by the 133rd General Assembly.

741  
742 Section 15. Effective Date. This Ordinance is declared to be an emergency measure necessary  
743 for the immediate preservation of the public peace, health and safety of the City, and for the further  
744 reason that this Ordinance is required to be immediately effective in order to issue and sell the  
745 Bonds, which is necessary to enable the City to timely retire the Outstanding Notes and thereby  
746 preserve its credit, to meet its obligations under contracts for construction of the Improvement and  
747 to coordinate the sale of the Bonds with other bonds of the City, and to provide for the health and  
748 welfare of the City residents; wherefore, this Ordinance shall be in full force and effect immediately  
749 upon its passage and approval by the Mayor, otherwise it shall take effect and be in force at the  
750 earliest period allowed by law.

751  
752  
753 Passed: \_\_\_\_\_, 2020 \_\_\_\_\_  
754 President of Council

755  
756  
757 \_\_\_\_\_  
758 Clerk of Council

759 Approved: \_\_\_\_\_, 2020 \_\_\_\_\_  
760 Mayor

761  
762 9/14/20  
763 \\cf-file01\ldpublic\Council\2020ords\Graham Road Waterline and Fire Station 3 Bonds.docx

2  
3  
4  
5  
6 CITY OF CUYAHOGA FALLS, OHIO

7  
8 ORDINANCE NO. - 2020

9  
10 AN ORDINANCE AUTHORIZING THE PARKS AND RECREATION  
11 BOARD TO ENTER INTO A CONTRACT OR CONTRACTS,  
12 WITHOUT COMPETITIVE BIDDING, WITH CARRIER  
13 COMMERCIAL SERVICE, FOR THE PURCHASE OF AN ICE RINK  
14 CHILLER, AND DECLARING AN EMERGENCY.  
15

16  
17 WHEREAS, the purchase by contract of the equipment, services, materials or supplies  
18 identified herein is through participation in a contract between the vendor and Sourcewell, a  
19 cooperative purchasing group, and is thus exempt from competitive bidding requirements pursuant  
20 to Ohio Revised Code §125.04.  
21

22 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of  
23 Summit and State of Ohio, that:  
24

25 Section 1. The Parks and Recreation Board is hereby authorized to enter into a contract or  
26 contracts without competitive bidding with Carrier Commercial Service, on the basis of its proposal  
27 dated May 12, 2020, for the purchase of an ice rink chiller.  
28

29 Section 2. The Director of Finance is hereby authorized and directed to make payment for same  
30 from the Recreation Levy Fund, line item Capital Outlay.  
31

32 Section 3. Any other ordinances and resolutions or portions of ordinances and resolutions  
33 inconsistent herewith are hereby repealed, but any ordinances and resolutions or portions of  
34 ordinances and resolutions not inconsistent herewith and which have not previously been repealed  
35 are hereby ratified and confirmed.  
36

37 Section 4. It is found and determined that all formal actions of this Council concerning and  
38 relating to the adoption of this ordinance were adopted in an open meeting of this Council and that  
39 all deliberations of this Council and of any of its committees that resulted in such formal action  
40 were in meetings open to the public, in compliance with all legal requirements including Chapter  
41 107 of the Codified Ordinances and Substitute House Bill 197 passed by the 133rd General  
42 Assembly.  
43

44 Section 5. This ordinance is hereby declared to be an emergency measure necessary for the  
45 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga  
46 Falls and the inhabitants thereof and provided it receives the affirmative vote of two-thirds of the  
47 members elected or appointed to Council, it shall take effect and be in force immediately upon its  
48 passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest  
49 period allowed by law.  
50

51  
52 Passed: \_\_\_\_\_

\_\_\_\_\_  
President of Council

53  
54  
55  
56 \_\_\_\_\_  
Clerk of Council

57  
58  
59  
60 Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

61  
62  
63 9/14/20

2  
3  
4 CITY OF CUYAHOGA FALLS, OHIO

5 ORDINANCE NO. - 2020

6  
7  
8 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC  
9 SERVICE TO ENTER INTO A CONTRACT OR CONTRACTS,  
10 WITHOUT COMPETITIVE BIDDING, WITH PERRIN ASPHALT  
11 COMPANY, FOR CONCRETE PAVEMENT REPAIRS TO A  
12 PORTION OF HOWE AVENUE AND PRIOR PARK DRIVE, AND  
13 DECLARING AN EMERGENCY.  
14

15 WHEREAS, quotes were obtained for repairs to Howe Avenue and Prior Park Drive on August 17,  
16 2020, and September 14, 2020, respectively; and

17  
18 WHEREAS, Perrin Asphalt Company provided the lowest and best quotes for the concrete  
19 pavement repairs.  
20

21 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of  
22 Summit and State of Ohio:  
23

24 Section 1. The Director of Public Service is hereby authorized to enter into a contract or  
25 contracts, without competitive bidding, with Perrin Asphalt Company for concrete pavement repairs  
26 to a portion of Howe Avenue and Prior Park Drive.  
27

28 Section 2. The Director of Finance is hereby authorized and directed to make payment for same  
29 from the Capital Projects Fund, line item Capital Outlay.  
30

31 Section 3. Any other ordinances or resolutions or portions of ordinances and resolutions  
32 inconsistent herewith be and the same are hereby repealed, but any ordinances and resolutions  
33 not inconsistent herewith and which have not previously been repealed are hereby ratified and  
34 confirmed.  
35

36 Section 4. It is found and determined that all formal actions of this Council concerning and  
37 relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that  
38 all deliberations of this Council and of any of its committees that resulted in such formal action,  
39 were in meetings open to the public, in compliance with all legal requirements, to the extent  
40 applicable, including Chapter 107 of the Codified Ordinances and Substitute House Bill 197 passed  
41 by the 133rd General Assembly.  
42

43 Section 5. This ordinance is hereby declared to be an emergency measure necessary for the  
44 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga  
45 Falls and the inhabitants thereof, and provided it receives the affirmative vote of two thirds of the  
46 members elected or appointed to Council, it shall take effect and be in force immediately upon its  
47 passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest  
48 period allowed by law.  
49

50  
51 Passed: \_\_\_\_\_

\_\_\_\_\_  
President of Council

52  
53  
54 \_\_\_\_\_  
Clerk of Council

55  
56 Approved: \_\_\_\_\_

57  
58 \_\_\_\_\_  
Mayor

59 9/14/20

2  
3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. - 2020

6  
7 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A  
8 CONTRACT OR CONTRACTS WITH ADELMAN'S TRUCK PARTS  
9 FOR THE SALE OF A 2015 WESTERN STAR 4700SB TRUCK, AND  
10 DECLARING AN EMERGENCY.

11  
12 WHEREAS, the City possesses a 2015 Western Star 4700SB truck that is unfit for the use for  
13 which it was acquired, and;

14  
15 WHEREAS, Adelman's Truck Parts has offered to purchase the vehicle for ten thousand dollars  
16 (\$10,000), and;

17  
18 WHEREAS, the City solicited quotes from 2 other vendors who did not make offers to purchase,  
19 and;

20  
21 WHEREAS, \$10,000 is the reasonable salvage value of the vehicle.

22  
23 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of  
24 Summit and State of Ohio, that:

25  
26 Section 1. The Mayor is hereby authorized to enter into a contract or contracts for the sale of a  
27 2015 Western Star 4700SB truck that is unfit for public use with Adelman's Truck Parts, for the  
28 purchase price of ten thousand dollars (\$10,000.00). City Council hereby finds that the price is the  
29 reasonable salvage value of the vehicle.

30  
31 Section 2. Any other ordinances and resolutions or portions of ordinances and resolutions  
32 inconsistent herewith are hereby repealed, but any ordinances and resolutions or portions of  
33 ordinances and resolutions not inconsistent herewith and which have not previously been repealed  
34 are hereby ratified and confirmed.

35  
36 Section 3. It is found and determined that all formal actions of this Council concerning and  
37 relating to the adoption of this ordinance were adopted in an open meeting of this Council and that  
38 all deliberations of this Council and of any of its committees that resulted in such formal action  
39 were in meetings open to the public, in compliance with all legal requirements including, to the  
40 extent applicable, including Chapter 107 of the Codified Ordinances and Substitute House Bill 197  
41 passed by the 133rd General Assembly

42  
43 Section 4. This ordinance is hereby declared to be an emergency measure necessary for the  
44 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga  
45 Falls and the inhabitants thereof, and provided it receives the affirmative vote of two thirds of the  
46 members elected or appointed to Council, it shall take effect and be in force immediately upon its  
47 passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest  
48 period allowed by law.

49  
50  
51 Passed: \_\_\_\_\_

\_\_\_\_\_  
President of Council

52  
53  
54  
55  
56 \_\_\_\_\_  
Clerk of Council

57  
58  
59 Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

60  
61  
62 9/14/2020

2  
3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. - 2020

6  
7 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN  
8 INTERGOVERNMENTAL AGREEMENT WITH THE VILLAGE OF  
9 BOSTON HEIGHTS FOR THE ACQUISITION, INSTALLATION, AND  
10 OPERATION OF A CONSOLIDATED COMPUTER-AIDED  
11 DISPATCH SYSTEM TO THE VILLAGE OF BOSTON HEIGHTS,  
12 AND DECLARING AN EMERGENCY.  
13

14 BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of Summit, and State  
15 of Ohio, that:

16  
17 Section 1. The Mayor is hereby authorized to enter into an Intergovernmental Agreement with  
18 the Village of Boston Heights for the acquisition, installation, operation of a Consolidated  
19 Computer-Aided Dispatch System.  
20

21 Section 2. Any ordinances or resolutions or portions of ordinances and resolutions inconsistent  
22 herewith are hereby repealed, but any ordinances and resolutions not inconsistent herewith and  
23 which have not previously been repealed are hereby ratified and confirmed.  
24

25 Section 3. It is found and determined that all formal actions of this Council concerning and  
26 relating to the passage of this ordinance were taken in an open meeting of this Council and that all  
27 deliberations of this Council and of any committees that resulted in those formal actions were in  
28 meetings open to the public, in compliance with all legal requirements including Chapter 107 of  
29 the Codified Ordinances and Substitute House Bill 197 passed by the 133rd General Assembly.  
30

31 Section 4. This ordinance is hereby declared to be an emergency measure necessary for the  
32 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga  
33 Falls and the inhabitants thereof, and provided it receives the affirmative vote of two-thirds of the  
34 members elected or appointed to Council, it shall take effect and be in force immediately upon its  
35 passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest  
36 period allowed by law.  
37

38  
39 Passed: \_\_\_\_\_  
40 \_\_\_\_\_  
41 President of Council

42  
43 \_\_\_\_\_  
44 Clerk of Council

45  
46  
47 Approved: \_\_\_\_\_  
48 \_\_\_\_\_  
49 Mayor

50  
51 9/14/20

2  
3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO - 2020

6  
7 AN ORDINANCE AMENDING 8-2020 TO AUTHORIZE THE  
8 DIRECTOR OF LAW TO EXECUTE A MODIFICATION OF  
9 CONTRACT WITH ROETZEL & ANDRESS, LPA FOR LEGAL  
10 SERVICES RELATED TO JOHNSON CONTROLS, INC., AND  
11 DECLARING AN EMERGENCY.

12  
13 BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of Summit and State of  
14 Ohio, that:

15  
16 Section 1. The Director of Law is hereby authorized to execute a modification of contract with  
17 Roetzel & Andress, LPA for legal services related to Johnson Controls, Inc.

18  
19 Section 2. The Director of Finance is hereby authorized to make payment for same from Sewage  
20 and Disposal Fund, line item Other Operations; Water Fund, line item Other Operations; Electric  
21 Fund, line item Other Operations and Sanitation Fund, line item Other Operations.

22  
23 Section 3. Any other ordinances and resolutions or portions of ordinances and resolutions  
24 inconsistent herewith are hereby repealed, but any ordinances and resolutions or portions of  
25 ordinances and resolutions not inconsistent herewith and which have not previously been repealed  
26 are hereby ratified and confirmed.

27  
28 Section 4. It is found and determined that all formal actions of this Council concerning and  
29 relating to the adoption of this ordinance were adopted in an open meeting of this Council and that  
30 all deliberations of this Council and of any of its committees that resulted in such formal action  
31 were in meetings open to the public, in compliance with all legal requirements including Chapter  
32 107 of the Codified Ordinances and Substitute House Bill 197 passed by the 133rd General  
33 Assembly.

34  
35 Section 5. This ordinance is hereby declared to be an emergency measure necessary for the  
36 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga  
37 Falls and the inhabitants thereof, and provided it receives the affirmative vote of two-thirds of the  
38 members elected or appointed to Council, it shall take effect and be in force immediately upon its  
39 passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest  
40 period allowed by law.

41  
42  
43 Passed: \_\_\_\_\_  
44 \_\_\_\_\_  
45 President of Council

46  
47 \_\_\_\_\_  
48 Clerk of Council

49  
50  
51 Approved: \_\_\_\_\_  
52 \_\_\_\_\_  
53 Mayor

53 9/14/20

2  
3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. - 2020

6  
7 AN ORDINANCE AUTHORIZING THE MAYOR, AS  
8 DIRECTOR OF PUBLIC SAFETY, TO ENTER INTO A  
9 CONTRACT OR CONTRACTS, ACCORDING TO LAW, FOR  
10 THE PURCHASE OF A STATION ALERTING SYSTEM FOR  
11 USE BY THE FIRE DEPARTMENT, AND DECLARING AN  
12 EMERGENCY.  
13

14  
15 BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of Summit  
16 and State of Ohio, that:  
17

18 Section 1. The Director of Public Safety is hereby authorized to enter into a contract  
19 or contracts, according to law, for the purchase of a station alerting system for use by the  
20 Fire Department at all five stations.  
21

22 Section 2. The Finance Director is hereby authorized and directed to make payment  
23 for same from the Capital Projects Fund, line item Capital Outlay.  
24

25 Section 3. Any other ordinances and resolutions or portions of ordinances and  
26 resolutions inconsistent herewith are hereby repealed, but any ordinances and  
27 resolutions or portions of ordinances and resolutions not inconsistent herewith and  
28 which have not previously been repealed are hereby ratified and confirmed.  
29

30 Section 4. It is found and determined that all formal actions of this Council and  
31 concerning and relating to the adoption of this ordinance were adopted in an open  
32 meeting of this Council, and that all deliberations of this Council and of its committees  
33 that resulted in such formal action, were in meetings open to the public, in compliance  
34 with all legal requirements, to the extent applicable, including Chapter 107 of the Codified  
35 Ordinances and Substitute House Bill 197 passed by the 133rd General Assembly.  
36

37 Section 5. This ordinance is hereby declared to be an emergency measure necessary  
38 for the preservation of the public peace, health, safety, convenience and welfare of the  
39 City of Cuyahoga Falls and the inhabitants thereof, and provided it receives the  
40 affirmative vote of two-thirds of the members elected or appointed to Council, it shall take  
41 effect and be in force immediately upon its passage and approval by the Mayor; otherwise  
42 it shall take effect and be in force at the earliest period allowed by law.  
43

44  
45 Passed: \_\_\_\_\_

\_\_\_\_\_  
President of Council

46  
47  
48  
49 \_\_\_\_\_  
Clerk of Council

50  
51  
52  
53 Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

54  
55  
56 9/14/20

2  
3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. - 2020

6  
7  
8 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC  
9 SERVICE TO ENTER INTO A CONTRACT OR CONTRACTS,  
10 WITHOUT COMPETITIVE BIDDING, WITH JONES & ASSOCIATES  
11 EXCAVATING, FOR REPAIR OF VARIOUS CULVERTS ON CITY  
12 PROPERTY, AND DECLARING AN EMERGENCY.

13  
14 WHEREAS, Jones & Associates Excavating was available to perform time sensitive repairs to various  
15 culverts on City property; and

16  
17 WHEREAS, Jones & Associates Excavating has performed similar repairs for the City in the past, which  
18 repairs were completed in a timely fashion and in a workmanlike manner.

19  
20 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of Summit  
21 and State of Ohio, that:

22  
23 Section 1. The Director of Public Service is hereby authorized to enter into a contract or contracts,  
24 without competitive bidding, with Jones & Associates Excavating for repair of various culverts on City  
25 property.

26  
27 Section 2. The Director of Finance is hereby authorized and directed to make payment for same from  
28 the Storm Drainage Utility Fund, line item Capital Outlay.

29  
30 Section 3. Any other ordinances or resolutions or portions of ordinances and resolutions inconsistent  
31 herewith are hereby repealed, but any ordinances and resolutions not inconsistent herewith and which  
32 have not previously been repealed are hereby ratified and confirmed.

33  
34 Section 4. It is found and determined that all formal actions of this Council concerning and relating to  
35 the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations  
36 of this Council and of any of its committees that resulted in such formal action, were in meetings open to  
37 the public, in compliance with all legal requirements, to the extent applicable, including Chapter 107 of the  
38 Codified Ordinances and Substitute House Bill 197 passed by the 133rd General Assembly.

39  
40 Section 5. This ordinance is hereby declared to be an emergency measure necessary for the preservation  
41 of the public peace, health, safety, convenience and welfare of the City of Cuyahoga Falls and the  
42 inhabitants thereof, and provided it receives the affirmative vote of two thirds of the members elected or  
43 appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the  
44 Mayor; otherwise it shall take effect and be in force at the earliest period allowed by law.

45  
46  
47 Passed: \_\_\_\_\_

\_\_\_\_\_  
President of Council

48  
49  
50  
51 \_\_\_\_\_  
Clerk of Council

52 Approved: \_\_\_\_\_

53  
54 \_\_\_\_\_  
Mayor

55  
56 9/14/20

2  
3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. - 2020

6  
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF  
8 PUBLIC SERVICE TO ENTER INTO A CONTRACT OR  
9 CONTRACTS, ACCORDING TO LAW, FOR THE WEST BATH  
10 ROAD DRAINAGE IMPROVEMENTS, AND DECLARING AN  
11 EMERGENCY.

12  
13 BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of Summit and  
14 State of Ohio:

15  
16 Section 1. The Director of Public Service is hereby authorized to enter into a contract  
17 or contracts, according to law, for the West Bath Road Drainage Improvements.

18  
19 Section 2. The Director of Finance is hereby authorized and directed to make payment  
20 for same from the Storm Drainage Utility Fund, line item Capital Outlay.

21  
22 Section 3. Any other ordinances or resolutions or portions of ordinances and  
23 resolutions inconsistent herewith be and the same are hereby repealed, but any  
24 ordinances and resolutions not inconsistent herewith and which have not previously been  
25 repealed are hereby ratified and confirmed.

26  
27 Section 4. It is found and determined that all formal actions of this Council  
28 concerning and relating to the adoption of this ordinance were adopted in an open  
29 meeting of this Council, and that all deliberations of this Council and of any of its  
30 committees that resulted in such formal action, were in meetings open to the public, in  
31 compliance with all legal requirements, to the extent applicable, including Chapter 107  
32 of the Codified Ordinances and Substitute House Bill 197 passed by the 133rd General  
33 Assembly.

34  
35 Section 5. This ordinance is hereby declared to be an emergency measure necessary  
36 for the preservation of the public peace, health, safety, convenience and welfare of the  
37 City of Cuyahoga Falls and the inhabitants thereof, and provided it receives the  
38 affirmative vote of two thirds of the members elected or appointed to Council, it shall take  
39 effect and be in force immediately upon its passage and approval by the Mayor; otherwise  
40 it shall take effect and be in force at the earliest period allowed by law.

41  
42  
43 Passed: \_\_\_\_\_  
44 \_\_\_\_\_  
45 President of Council

46 \_\_\_\_\_  
47 Clerk of Council

48  
49 Approved: \_\_\_\_\_  
50 \_\_\_\_\_  
51 Mayor

52 9/14/20

2  
3 CITY OF CUYAHOGA FALLS, OHIO  
4 ORDINANCE NO - 2020  
5

6 AN ORDINANCE APPROVING AND AUTHORIZING  
7 THE MAYOR TO EXECUTE A COMMUNITY  
8 DEVELOPMENT BLOCK GRANT ECONOMIC  
9 DEVELOPMENT AGREEMENT WITH KYOCERA  
10 SGS PRECISION TOOLS, INC., IN AN AMOUNT NOT  
11 TO EXCEED \$100,000.00 AND DECLARING AN  
12 EMERGENCY  
13

14  
15 WHEREAS, the City receives Community Development Block Grant (“CDBG”) funds  
16 from the Department of Housing and Urban Development; and  
17

18 WHEREAS, CDBG funds can be used to assist with economic development projects  
19 that will create and/or maintain full-time employment opportunities for low-to-moderate  
20 income individuals; and  
21

22 WHEREAS, Kyocera SGS Precision Tools, Inc. is an industrial manufacturer of solid  
23 carbide cutting tools currently operating in both Cuyahoga Falls and Munroe Falls, Ohio;  
24 and  
25

26 WHEREAS, Kyocera SGS Precisions Tools, Inc has requested assistance in the form  
27 of a CDBG matching economic development grant in order to purchase necessary  
28 equipment to efficiently manufacture carbide cutting tools at their Marc Drive campus  
29 location in Cuyahoga Falls; and  
30

31 WHEREAS, the request for matching CDBG grant funds will help alleviate some of  
32 the financial burden caused by COVID-19; and  
33

34 WHEREAS, the City desires to enter into a CDBG economic development agreement  
35 with Kyocera SGS Precision Tools, Inc. in an amount not to exceed \$100,000.00 to assist  
36 with the purchase of its necessary equipment.  
37

38 NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Cuyahoga Falls,  
39 County of Summit, and State of Ohio that:  
40

41 Section 1. The Mayor is authorized to enter into a CDBG economic development  
42 agreement with Kyocera SGS Precision Tools, Inc., in an amount not to exceed  
43 \$100,000.00 to assist with economic development and job creation in the City.  
44

45 Section 2. The Finance Director is hereby authorized and directed to make payment  
46 for same from C.D.B.G. Fund, line item Other Operations.  
47

48 Section 3. Any other ordinances or resolutions or portions of ordinances and  
49 resolutions inconsistent herewith, which have not previously been repealed, are hereby  
50 ratified and confirmed.  
51

52 Section 4. It is found and determined that all formal actions of this Council and  
53 concerning and relating to the adoption of this ordinance were adopted in an open  
54 meeting of this Council, and that all deliberations of this Council and of its committees  
55 that resulted in such formal action, were in meetings open to the public, in compliance

56 with all legal requirements, to the extent applicable, including Chapter 107 of the Codified  
57 Ordinances and Substitute House Bill 197 passed by the 133rd General Assembly.

58  
59 Section 5. This ordinance is hereby declared to be an emergency measure necessary  
60 for the preservation of the public peace, health, safety, convenience and welfare of the  
61 City of Cuyahoga Falls and the inhabitants thereof, and provided that it receives the  
62 affirmative vote of two-thirds of the members elected or appointed to Council, it shall take  
63 effect and be in force immediately upon its passage and approval by the Mayor; otherwise  
64 it shall take effect and be in force at the earliest period allowed by law.

65  
66  
67 Passed: \_\_\_\_\_  
68 \_\_\_\_\_  
69 President of Council

70  
71 \_\_\_\_\_  
72 Clerk of Council

73  
74  
75 Approved: \_\_\_\_\_  
76 \_\_\_\_\_  
77 Mayor

78 9/14/20  
79 \\cf-file01\ldpublic\2020ords\Kyocera Economic Development Grant.docx

2  
3  
4 CITY OF CUYAHOGA FALLS, OHIO

5 ORDINANCE NO. - 2020

6  
7  
8 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER  
9 INTO AN AMENDED ECONOMIC DEVELOPMENT AND  
10 LEASE AGREEMENT WITH SUMMIT COUNTY  
11 DEVELOPMENTAL DISABILITIES BOARD (“SUMMIT  
12 DD”); AUTHORIZING THE MAYOR TO TRANSFER REAL  
13 PROPERTY LOCATED AT 2361 SECOND STREET TO  
14 SUMMIT DD; AND AUTHORIZING THE MAYOR TO  
15 ENTER INTO A REAL PROPERTY PURCHASE  
16 AGREEMENT WITH ANTHONY E. MANDATO AND  
17 GRANTING A FUTURE ACCESS EASEMENT TO SUMMIT  
18 DD; AND DECLARING AN EMERGENCY.  
19

20 WHEREAS, Summit County Developmental Disabilities Board (“Summit DD”) is a political  
21 subdivision created under Ohio Revised Code Chapter 5126 that provides services for children and  
22 adults who live with developmental disabilities and are residents of Summit County; and  
23

24 WHEREAS, the City and Summit DD previously entered into an Economic Development and  
25 Lease Agreement dated October 1, 2019 for the relocation of one hundred (100) jobs in exchange  
26 for the City constructing parking lot improvements to accommodate the expansion of Summit DD’s  
27 operations in the City of Cuyahoga Falls; and  
28

29 WHEREAS, after further review and planning, Summit DD desires to construct an approximate  
30 seven thousand (7,000) square foot addition onto its existing structure at Second Street in order to  
31 accommodate the relocation of an additional thirty (30) jobs and additional parking lot space to  
32 said location; and  
33

34 WHEREAS, due to Cuyahoga Falls Development Code new construction restrictions (setbacks,  
35 etc.), the square footage of the land mass will need to be increased in order to accommodate the  
36 size of the newly constructed addition; and  
37

38 WHEREAS, the City desires to assist Summit DD in relocating the additional thirty (30) jobs to  
39 the City and adding additional parking lot spaces by transferring ownership of one parcel and  
40 purchasing an additional parcel so that Summit DD has the necessary space to construct its  
41 addition.  
42

43 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of  
44 Summit, and State of Ohio, that:  
45

46 Section 1. The Mayor is hereby authorized to enter into an Amended Economic Development  
47 and Lease Agreement with Summit DD for the expansion of Summit DD’s administrative operations  
48 and relocation of an additional 30 jobs to the City of Cuyahoga Falls by transferring real property  
49 located at 2361 Second Street (parcel no. 02-17469) to Summit DD and which is adjacent to its  
50 Second Street site. The Mayor is hereby authorized to execute said Agreement on behalf of the City,  
51 together with such revisions or additions thereto as are approved by the Mayor, Director of  
52 Community Development and Director of Law, and are consistent with the objectives and  
53 requirements provided in this ordinance. The Mayor, Director of Community Development, Director  
54 of Finance, Director of Law, and other City officials, as appropriate, are authorized to provide  
55 information and to execute, certify or furnish such other documents, and do all other things, as  
56 are necessary for and incidental to carrying out the requirements and objectives of the Agreement.  
57

58 Section 2. The Mayor is hereby authorized to enter into a Real Estate Purchase Agreement with  
59 Anthony E. Mandato for the acquisition of real property located at 2365 Second Street (parcel no.  
60 02-02632), and granting a future access easement to Summit DD to be used for additional  
61 expansion, construction, parking, and ingress and egress as required by the Amended Agreement

62 set forth in Section 1. The Mayor is hereby authorized to execute said Real Estate Purchase  
63 Agreement, together with such revisions or additions thereto as are approved by the Mayor, Director  
64 of Community Development and Director of Law, and are consistent with the objectives and  
65 requirements provided in this ordinance. The Mayor, Director of Community Development, Director  
66 of Finance, Director of Law, and other City officials, as appropriate, are authorized to provide  
67 information and to execute, certify or furnish such other documents, and do all other things, as  
68 are necessary for and incidental to carrying out the requirements and objectives of the Amended  
69 Agreement.

70  
71 Section 3. The Director of Finance is hereby authorized to make payment for same from the  
72 Capital Project Fund, line item Capital Outlay.

73  
74 Section 4. Any other ordinances or resolutions or portions of ordinances and resolutions  
75 inconsistent herewith are hereby repealed, but any ordinances and resolutions not inconsistent  
76 herewith and which have not previously been repealed are hereby ratified and confirmed.

77  
78 Section 5. It is found and determined that all formal actions of this Council concerning and  
79 relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that  
80 all deliberations of this Council and of any of its committees that resulted in such formal action,  
81 were in meetings open to the public, in compliance with all legal requirements, to the extent  
82 applicable, including Chapter 107 of the Codified Ordinances and Substitute House Bill 197 passed  
83 by the 133rd General Assembly.

84  
85 Section 6. This ordinance is hereby declared to be an emergency measure necessary for the  
86 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga  
87 Falls and the inhabitants thereto, for the reason it is necessary to permit timely and appropriate  
88 development on this property, and provided it receives the affirmative vote of two thirds of the  
89 members elected or appointed to Council, it shall take effect and be in force immediately upon its  
90 passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest  
91 period allowed by law.

92  
93  
94 Passed: \_\_\_\_\_  
95 \_\_\_\_\_  
96 President of Council  
97  
98 \_\_\_\_\_  
99 Clerk of Council

100  
101  
102 Approved: \_\_\_\_\_  
103 \_\_\_\_\_  
104 Mayor

105 9/14/20  
106 \\cf-file01\ldpublic\Council\2020ords\Summit DD Ordinance September 2020.docx