

## NEW LEGISLATION

October 13, 2014

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
A-91	10/13/14	P&Z	An ordinance approving a map amendment for Parcels 35-03376 and 35-03375 from MU-4 Suburban Corridor to C-1 Commercial and approximately 9.2986 acres of Parcel 35-03455 from R-5 Mixed Residential to C-1 Commercial, as more fully described and depicted herein, and declaring an emergency.
A-92	10/13/14	Fin	An ordinance providing for the issuance and sale of notes in the principal amount of \$4,850,000, in anticipation of the issuance of bonds, for the purpose of paying a portion of the costs of constructing a community recreation center and acquiring real estate and interests in real estate therefor, and declaring an emergency.
A-93	10/13/14	Fin	An ordinance providing for the issuance and sale of notes in the principal amount of \$300,000 in anticipation of the issuance of bonds, for the purpose of constructing improvements to portions of State Road and Portage Trail, including, where necessary, constructing or replacing sidewalks and curbs, installing water and sewer lines, constructing turning lanes, installing traffic signals and lighting, and all related improvements, and declaring an emergency.
A-94	10/13/14	Fin	An ordinance providing for the issuance and sale of notes in the principal amount of \$1,050,000, in anticipation of the issuance of bonds, for the purpose of paying costs of constructing waterlines in Graham Road, together with all appurtenances thereto, and declaring an emergency.

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A-95	10/13/14	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for underground cable, to use in reconductoring the underground sub-transmission circuit from Substation #5 to Substation #10, and declaring an emergency.
A-96	10/13/14	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the demolition of buildings and removal of demolition debris at 508 Chart Road, and certifying the cost thereof to the County Fiscal Officer for collection in the manner provided by law, and declaring an emergency.
A-97	10/13/14	PA	An ordinance amending the traffic control file by providing for installation of various traffic control devices, and declaring an emergency.
A-98	10/13/14	PA	A resolution expressing support for and urging passage of Issue 2, the Cuyahoga Falls Local School District Renewal Levy, at the election of November 4, 2014, and declaring an emergency.

## CALENDAR

October 13, 2014

The following legislation will be up for passage at the Council Meeting on October 13, 2014.

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
A-89	9/22/14	PA	An ordinance authorizing the Director of Public Service to enter into a contract or contracts to purchase property located at 1911 Dwight Street and 138 Graham Road, making an appropriation therefor, and to accept grant funds from the Summit County Land Reutilization for the purchase of the properties and declaring an emergency.

## PENDING LEGISLATION

October 13, 2014

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
A-51	5/12/14	PA	An ordinance amending Ordinance 95-2004 which implemented Sections 3735.65 through 3735.70 of the Ohio Revised Code, and established and described the boundaries of a Community Reinvestment Area in the City of Cuyahoga Falls, and declaring an emergency.
A-89	9/22/14	PA	An ordinance authorizing the Director of Public Service to enter into a contract or contracts to purchase property located at 1911 Dwight Street and 138 Graham Road, making an appropriation therefor, and to accept grant funds from the Summit County Land Reutilization for the purchase of the properties and declaring an emergency.

2  
3  
4  
5 CITY OF CUYAHOGA FALLS, OHIO

6  
7 ORDINANCE NO. - 2014

8  
9 AN ORDINANCE APPROVING A MAP AMENDMENT  
10 FOR PARCELS 35-03376 AND 35-03375 FROM MU-4  
11 SUBURBAN CORRIDOR TO C-1 COMMERCIAL AND  
12 APPROXIMATELY 9.2986 ACRES OF PARCEL 35-  
13 03455 FROM R-5 MIXED RESIDENTIAL TO C-1  
14 COMMERCIAL, AS MORE FULLY DESCRIBED AND  
15 DEPICTED HEREIN, AND DECLARING AN  
16 EMERGENCY.

17  
18 WHEREAS, the Charter of the City of Cuyahoga Falls requires that all decisions  
19 made by the Planning Commission be submitted to Council, and

20  
21 WHEREAS, on October 7, 2014 the Planning Commission recommended  
22 approval of a map amendment for Parcels 35-03376 (101 Kappa Dr. Assoc., 75  
23 Graham Road) and 35-03375 (101 Kappa Dr. Assoc.) from MU-4 Suburban  
24 Corridor to C-1 Commercial and approximately 9.2986 acres of Parcel 35-03455  
25 (First Akron Dev. Corp.) from R-5 Mixed Residential to C-1 Commercial for the  
26 development of a Menards store. The map amendment is fully described in Project  
27 File MAP-14-00042, and

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

31  
32 Section 1. The zoning classification is hereby changed from MU-4 Suburban  
33 Corridor for Parcels 35-03376 and 35-03375 to C-1 Commercial and from R-5  
34 Mixed Residential of approximately 9.2986 acres of parcel 35-03455 to C-1  
35 Commercial. These parcels will make up the site for Menards development.

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

41  
42 Section 3. It is found and determined that all formal actions of this Council  
43 concerning and relating to the adoption of this ordinance were adopted in an open  
44 meeting of this Council, and that all deliberations of this Council and of any of its  
45 committees that resulted in such formal action, were in meetings open to the  
46 public, in compliance with all legal requirements including, to the extent  
47 applicable, Chapter 107 of the Codified Ordinances.

48  
49 Section 4. That this ordinance is hereby declared to be an emergency measure  
50 necessary for the preservation of the public peace, health, safety, convenience and  
51 welfare of the City of Cuyahoga Falls and the inhabitants thereof, for the reason  
52 that it is immediately necessary to permit timely and appropriate development of

53 this property, and provided it receives the affirmative vote of two thirds of the  
54 members elected or appointed to Council, it shall take effect and be in force  
55 immediately upon its passage and approval by the Mayor; otherwise it shall take  
56 effect and be in force at the earliest period allowed by law.

57

58

59 Passed: \_\_\_\_\_  
60 \_\_\_\_\_  
61 President of Council

62

63

64 \_\_\_\_\_  
65 Clerk of Council

66

67

68 Approved: \_\_\_\_\_  
69 \_\_\_\_\_  
70 Mayor

71

10/13/14

O:\2014ords\Map Amend - Menards MAP-14-00042.doc

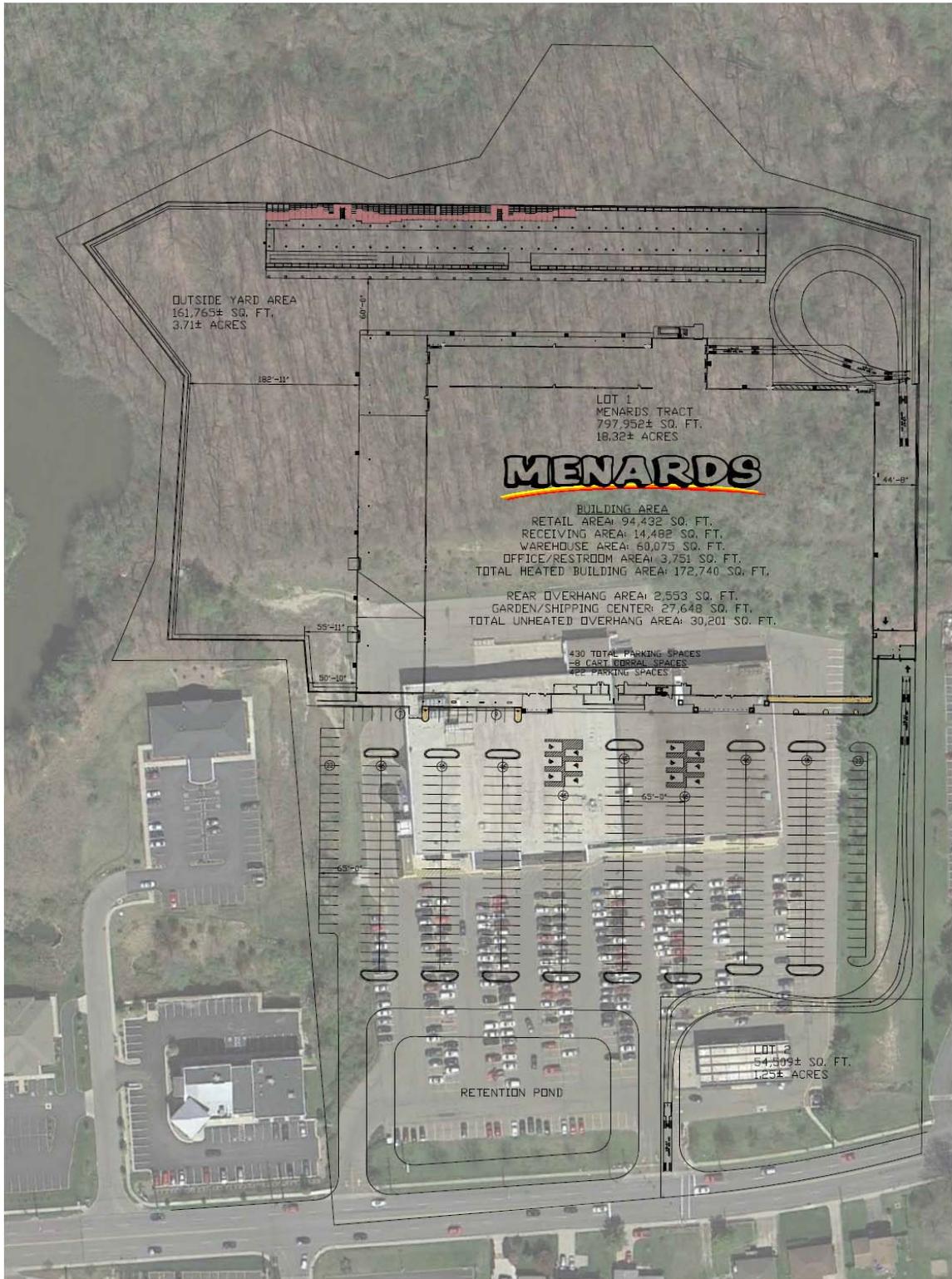


Figure 1 -- Preliminary Site Plan

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3  
4 CITY OF CUYAHOGA FALLS, OHIO

5  
6 ORDINANCE NO. -2014  
7

8  
9 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND  
10 SALE OF NOTES IN THE PRINCIPAL AMOUNT OF  
11 \$4,850,000, IN ANTICIPATION OF THE ISSUANCE OF  
12 BONDS, FOR THE PURPOSE OF PAYING A PORTION OF  
13 THE COSTS OF CONSTRUCTING A COMMUNITY  
14 RECREATION CENTER AND ACQUIRING REAL ESTATE  
15 AND INTERESTS IN REAL ESTATE THEREFOR, AND  
16 DECLARING AN EMERGENCY.  
17

18  
19 WHEREAS, pursuant to Ordinance No. 71-2013 passed October 28, 2013, notes in  
20 anticipation of bonds in the amount of \$6,000,000 dated December 4, 2013 (the  
21 Outstanding Notes), were issued for the purpose stated in Section 1 (the Project), as part of  
22 a consolidated issue pursuant to Section 133.30(B) of the Revised Code in the principal  
23 amount of \$7,475,000, to mature on December 4, 2014; and  
24

25 WHEREAS, this Council finds and determines that the City should retire the  
26 Outstanding Notes with the proceeds of the Notes described in Section 3 and other funds  
27 available to the City; and  
28

29 WHEREAS, the Director of Finance, as fiscal officer of this City, has certified to this  
30 Council that the estimated life or period of usefulness of the improvement described in  
31 Section 1 is at least five years, the estimated maximum maturity of the bonds described in  
32 Section 1 is 22 years, as the Project costs funded by the Notes are allocated entirely to  
33 building costs, and the maximum maturity of the notes described in Section 3, to be  
34 issued in anticipation of the bonds, is December 18, 2022;  
35

36 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls,  
37 Summit County, Ohio, that:  
38

39 Section 1. It is necessary to issue bonds of this City in the principal amount of  
40 \$4,850,000 (the Bonds) for the purpose of paying a portion of the costs of constructing a  
41 community recreation center and acquiring real estate and interests in real estate therefor.  
42

43 Section 2. The Bonds shall be dated approximately December 1, 2015, shall bear  
44 interest at the now estimated rate of 5.5% per year, payable on June 1 and December 1 of  
45 each year, commencing June 1, 2016, until the principal amount is paid, and are  
46 estimated to mature in twenty-two annual principal installments that are in such amounts  
47 that the total principal and interest payments on the Bonds in any fiscal year in which  
48 principal is payable are not more than three times the amount of those payments in any  
49 other fiscal year. The first principal installment is estimated to be December 1, 2016.  
50

51 Section 3. It is necessary to issue and this Council determines that notes in the  
52 aggregate principal amount of \$4,850,000 (the Notes) shall be issued in anticipation of the  
53 issuance of the Bonds and to retire, together with other funds available to the City, the

54 Outstanding Notes. The Notes shall bear interest at a rate or rates not to exceed 6.0% per  
55 year (computed on the basis of a 360-day year consisting of twelve 30-day months),  
56 payable at maturity and until the principal amount is paid or payment is provided for.  
57 The rate or rates of interest on the Notes shall be determined by the Director of Finance in  
58 a final terms certificate awarding the Notes (the "Final Terms Certificate") in accordance  
59 with Section 6 of this ordinance.  
60

61 Section 4. The debt charges on the Notes shall be payable in Federal Reserve funds of  
62 the United States of America, and shall be payable, without deduction for services of the  
63 City's paying agent, at the principal corporate trust office of The Huntington National  
64 Bank, Columbus, Ohio or at the office of a bank or trust company designated by the  
65 Director of Finance in the Final Terms Certificate after determining that the payment at  
66 that bank or trust company will not endanger the funds or securities of the City and that  
67 proper procedures and safeguards are available for that purpose or at the office of the  
68 Director of Finance if agreed to by the Director of Finance and the Original Purchaser (the  
69 Paying Agent). The Notes shall be dated the date of issuance and shall mature not earlier  
70 than six months from that date and not later than twelve months from that date, as shall  
71 likewise be fixed by the Director of Finance in the Final Terms Certificate.  
72

73 Section 5. The Notes shall be signed by the Mayor and Director of Finance, in the  
74 name of the City and in their official capacities, provided that one of those signatures may  
75 be a facsimile. The Notes shall be issued in the denominations and numbers as requested  
76 by the Original Purchaser, as described in Section 6 hereof, and approved by the Director  
77 of Finance, provided that unless the City distributes an official statement, as described in  
78 Section 6 hereof, no Note shall be issued in a denomination less than \$100,000. The  
79 entire principal amount may be represented by a single note and may be issued as fully  
80 registered securities (for which the Director of Finance will serve as note registrar) and in  
81 book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133  
82 of the Revised Code if it is determined by the Director of Finance that issuance of fully  
83 registered securities in that form will facilitate the sale and delivery of the Notes. The  
84 Notes shall not have coupons attached, shall be numbered as determined by the Director  
85 of Finance and shall express upon their faces the purpose, in summary terms, for which  
86 they are issued and that they are issued pursuant to this Ordinance. As used in this  
87 section and this ordinance:  
88

89 "Book entry form" or "book entry system" means a form or system under which (i) the  
90 ownership of beneficial interests in the Notes and the principal of, and interest on, the  
91 Notes may be transferred only through a book entry, and (ii) a single physical Note  
92 certificate is issued by the City and payable only to a Depository or its nominee, with such  
93 Notes "immobilized" in the custody of the Depository or its agent for that purpose. The  
94 book entry maintained by others than the City is the record that identifies the owners of  
95 beneficial interests in the Notes and that principal and interest.  
96

97 "Depository" means any securities depository that is a clearing agency under federal  
98 law operating and maintaining, with its Participants or otherwise, a book entry system to  
99 record ownership of beneficial interests in the Notes or the principal of, and interest on,  
100 the Notes and to effect transfers of the Notes, in book entry form, and includes and means  
101 initially The Depository Trust Company (a limited purpose trust company), New York, New  
102 York.  
103

104 "Participant" means any participant contracting with a Depository under a book entry  
105 system and includes security brokers and dealers, banks and trust companies, and  
106 clearing corporations.

107  
108 The Notes may be issued to a Depository for use in a book entry system and, if and as  
109 long as a book entry system is utilized, (i) the Notes may be issued in the form of a single  
110 Note made payable to the Depository or its nominee and immobilized in the custody of the  
111 Depository or its agent for that purpose; (ii) the beneficial owners in book entry form shall  
112 have no right to receive the Notes in the form of physical securities or certificates; (iii)  
113 ownership of beneficial interests in book entry form shall be shown by book entry on the  
114 system maintained and operated by the Depository and its Participants, and transfers of  
115 the ownership of beneficial interests shall be made only by book entry by the Depository  
116 and its Participants; and (iv) the Notes as such shall not be transferable or exchangeable,  
117 except for transfer to another Depository or to another nominee of a Depository, without  
118 further action by the City.  
119

120 If any Depository determines not to continue to act as a Depository for the Notes for  
121 use in a book entry system, the Director of Finance may attempt to establish a securities  
122 depository/book entry relationship with another qualified Depository. If the Director of  
123 Finance does not or is unable to do so, the Director of Finance, after making provision for  
124 notification of the beneficial owners by the then Depository and any other arrangements  
125 deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall  
126 cause the Notes in bearer or payable form to be signed by the officers authorized to sign  
127 the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and  
128 expense (including any costs of printing), if the event is not the result of City action or  
129 inaction, of those persons requesting such issuance.  
130

131 The Director of Finance is also hereby authorized and directed, to the extent necessary  
132 or required, to enter into any agreements determined necessary in connection with the  
133 book entry system for the Notes, after determining that the signing thereof will not  
134 endanger the funds or securities of the City.  
135

136 Section 6. The Notes shall be sold at not less than 97% of the par value thereof at  
137 private sale to Stifel, Nicolaus & Company, Inc. (the "Original Purchaser") by the Director  
138 of Finance in accordance with law and the provisions of this ordinance. The Director of  
139 Finance shall, in accordance with his determination of the best interests of and financial  
140 advantages to the City and its taxpayers and conditions then existing in the financial  
141 market, consistently with the provisions of Sections 3 and 4, establish the interest rates to  
142 be borne by the Notes and their maturity, sign the Final Terms Certificate referred to in  
143 Sections 3 and 4 evidencing those determinations, cause the Notes to be prepared, and  
144 have the Notes, signed and delivered, together with a true transcript of proceedings with  
145 reference to the issuance of the Notes, if requested by the Original Purchaser, to the  
146 Original Purchaser upon payment of the purchase price. The Mayor and the Director of  
147 Finance are also authorized to execute, on behalf of the City, the Note Purchase Agreement  
148 between the City and such Original Purchaser relating to the sale of such Notes, or the  
149 sale of any consolidated issue of which the Notes are a part, substantially in the form now  
150 on file with the Clerk of Council, which Note Purchase Agreement is hereby approved,  
151 together with any changes or amendments not inconsistent with this ordinance and not  
152 substantially adverse to the City and that are approved by the Mayor and the Director of  
153 Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of  
154 the Note Purchase Agreement or any amendments thereto by the Mayor and the Director  
155 of Finance. The Mayor, the Director of Finance, the Clerk of Council and other City  
156 officials, as appropriate, are each authorized and directed to sign any transcript  
157 certificates, financial statements, continuing disclosure agreement and other documents  
158 and instruments, including any paying agent agreement, and to take such actions as are  
159 necessary and appropriate to consummate the transactions contemplated by this

160 ordinance. The Director of Finance is authorized, if it is determined to be in the best  
161 interest of the City, to combine the issue of Notes with one or more other note issues of the  
162 City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.  
163

164 The Director of Finance is hereby authorized to offer all or part of the Notes at par and  
165 any accrued interest to the Treasury Investment Board of the City for investment under  
166 Section 731.56 of the Revised Code, in accordance with law and the provisions of this  
167 ordinance if, as a result of the conditions then existing in the financial markets, the  
168 Director of Finance determines it is in the best financial interest of the City in lieu of the  
169 private sale authorized in the preceding paragraph.  
170

171 If the Mayor or the Director of Finance determines it to be in the best interests of and  
172 financially advantageous to the City, either or both of those officers are authorized, on  
173 behalf of the City, to apply for a rating on the Notes from one or more nationally-  
174 recognized rating organizations.  
175

176 If in the judgment of the Mayor or the Director of Finance a disclosure document in the  
177 form of an official statement (including within such term, but not limited to, an annual  
178 information statement) is appropriate or necessary relating to the original issuance of the  
179 Notes, either or both of those officers, on behalf of the City and in their official capacities,  
180 are authorized to (i) prepare or cause to be prepared, and make or authorize modifications,  
181 completions or changes of or supplements to, such an official statement, (ii) determine,  
182 and to certify or otherwise represent, when the official statement is to be “deemed final”  
183 (except for permitted omissions) by the City as of its date or is a final official statement for  
184 purposes of SEC Rule 15c2-12(b)(1), (3) and (4), (iii) use and distribute, or authorize the  
185 use and distribution of those official statements and any supplements thereto in  
186 connection with the original issuance of the Notes, and (iv) complete and sign those official  
187 statements as so approved together with such certificates, statements or other documents  
188 in connection with the finality, accuracy and completeness of those official statements.  
189

190 As used in this Section and this ordinance:

191  
192 “Note proceedings” means, collectively, this ordinance and the other proceedings of the  
193 City, including the Notes, that collectively provide for, among other things, the rights of  
194 holders and beneficial owners of the Notes.  
195

196 “Rule” means Rule 15c2-12 prescribed by the Securities and Exchange Commission  
197 pursuant to the Securities Exchange Act of 1934.  
198

199 “Specified Events” means the occurrence of any of the following events, within the  
200 meaning of the Rule, with respect to the Notes as applicable: principal and interest  
201 payment delinquencies; non-payment related defaults; unscheduled draws on debt service  
202 reserves reflecting financial difficulties; unscheduled draws on credit enhancements  
203 reflecting financial difficulties; substitution of credit or liquidity providers, or their failure  
204 to perform; adverse tax opinions or events affecting the tax-exempt status of the Notes;  
205 modifications to rights of holders or beneficial owners of the Notes; Note calls; defeasances;  
206 release, substitution or sale of property securing repayment of the Notes; and rating  
207 changes. The City has not obtained or provided, and does not expect to obtain or provide,  
208 any debt service reserves, credit enhancements or credit or liquidity providers for the  
209 Notes, the Notes are not subject to call for redemption prior to maturity, and repayment of  
210 the Notes is not secured by a lien on any property capable of release or sale or for which  
211 other property may be substituted.  
212

213 If the City prepares and causes the distribution of an official statement for the Notes,  
214 for the benefit of the holders and beneficial owners from time to time of the Notes, the City  
215 agrees, as the only obligated person with respect to the Notes under the Rule, to provide or  
216 cause to be provided such notices, in such manner, as may be required for purposes of  
217 paragraph (b)(5)(i)(C) of the Rule, including specifically notice to the Municipal Securities  
218 Rulemaking Board (MSRB) through its Electronic Municipal Market Access (EMMA)  
219 system, in a timely manner, of the occurrence of any Specified Event, if that event is  
220 material. (The City's agreement in this paragraph is herein referred to as the Continuing  
221 Disclosure Agreement).

222  
223 The Director of Finance is further authorized and directed to establish procedures to  
224 ensure compliance by the City with the Continuing Disclosure Agreement, including timely  
225 provision of notices as described above. Prior to providing notice of the occurrence of any  
226 Specified Event or of any other events, the Director of Finance shall consult with and  
227 obtain legal advice from, as appropriate, the Director of Law and bond or other qualified  
228 independent special counsel selected by the City. The Director of Finance, acting in the  
229 name and on behalf of the City, shall be entitled to rely upon any such legal advice in  
230 determining whether a notice should be provided.

231  
232 The City reserves the right to amend the Continuing Disclosure Agreement, and to  
233 obtain the waiver of noncompliance with any provision of that Agreement, as may be  
234 necessary or appropriate to achieve its compliance with any applicable federal securities  
235 law or rule, to cure any ambiguity, inconsistency or formal defect or omission, and to  
236 address any change in circumstances arising from a change in legal requirements, change  
237 in law, or change in the identity, nature or status of the City, or type of business  
238 conducted by the City. Any such amendment or waiver will not be effective unless the  
239 Agreement (as amended or taking into account such waiver) would have complied with the  
240 requirements of the Rule at the time of the primary offering of the Notes, after taking into  
241 account any applicable amendments to or official interpretations of the Rule, as well as  
242 any change in circumstances, and until the City shall have received: either (i) a written  
243 opinion of bond or other qualified independent special counsel selected by the City that the  
244 amendment or waiver would not materially impair the interests of holders or beneficial  
245 owners of the Notes or (ii) the written consent to the amendment or waiver of the holders of  
246 at least a majority of the principal amount of the Notes then outstanding.

247  
248 The Continuing Disclosure Agreement shall be solely for the benefit of the holders and  
249 beneficial owners from time to time of the Notes. The exclusive remedy for any breach of  
250 the Agreement by the City shall be limited, to the extent permitted by law, to a right of  
251 holders and beneficial owners to institute and maintain, or to cause to be instituted and  
252 maintained, such proceedings as may be authorized at law or in equity to obtain the  
253 specific performance by the City of its obligations under the Agreement. Any individual  
254 holder or beneficial owner may institute and maintain, or cause to be instituted and  
255 maintained, such proceedings to require the City to provide or cause to be provided a  
256 pertinent filing if such a filing is due and has not been made. Any such proceedings to  
257 require the City to perform any other obligation under the Agreement (including any  
258 proceedings that contest the sufficiency of any pertinent filing) shall be instituted and  
259 maintained only (i) by a trustee appointed by the holders and beneficial owners of not less  
260 than 25% in principal amount of the Notes then outstanding or (ii) by holders and  
261 beneficial owners of not less than 10% in principal amount of the Notes then outstanding,  
262 in accordance with Section 133.25(B)(4)(b) or (C)(1) of the Revised Code, as applicable (or  
263 any like or comparable successor provisions).

264

265 The performance by the City of the Continuing Disclosure Agreement shall be subject  
266 to the annual appropriation of any funds that may be necessary to perform it.  
267

268 The Continuing Disclosure Agreement shall remain in effect only for such period that  
269 the Notes are outstanding in accordance with their terms and the City remains an  
270 obligated person with respect to the Notes within the meaning of the Rule. The obligation  
271 of the City to provide the notices of the Specified Events shall terminate, if and when the  
272 City no longer remains such an obligated person.  
273

274 Section 7. The proceeds from the sale of the Notes, except any premium and accrued  
275 interest, shall be paid into the proper fund or funds and those proceeds are appropriated  
276 and shall be used for the purpose for which the Notes are being issued. Any portion of  
277 those proceeds representing premium and accrued interest shall be paid into the Bond  
278 Retirement Fund.  
279

280 Section 8. The par value to be received from the sale of the Bonds or of any renewal  
281 notes and any excess funds resulting from the issuance of the Notes shall, to the extent  
282 necessary, be used to pay the debt charges on the Notes at maturity and are pledged for  
283 that purpose.  
284

285 Section 9. During the year or years in which the Notes are outstanding, there shall be  
286 levied on all the taxable property in the City, in addition to all other taxes, the same tax  
287 that would have been levied if the Bonds had been issued without the prior issuance of the  
288 Notes. The tax shall be within the eleven mill limitation provided by the Charter of the  
289 City, shall be and is ordered computed, certified, levied and extended upon the tax  
290 duplicate and collected by the same officers, in the same manner, and at the same time  
291 that taxes for general purposes for each of those years are certified, levied, extended and  
292 collected, and shall be placed before and in preference to all other items and for the full  
293 amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement  
294 Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the  
295 Bonds when and as the same fall due. In each year to the extent money from the City's  
296 recreation system or from municipal income tax, as provided below, is available for the  
297 payment of the debt charges on the Notes and Bonds and is appropriated for that purpose,  
298 the amount of the tax shall be reduced by the amount of the money so available and  
299 appropriated in compliance with the covenant hereinafter set forth. To the extent not  
300 provided for by the revenues from the City's recreation system, the debt charges on the  
301 Notes and Bonds shall be paid from municipal income taxes lawfully available therefor  
302 under the Constitution and laws of the State of Ohio; and the City hereby covenants,  
303 subject and pursuant to such authority, including particularly Section 133.05(B)(7),  
304 Revised Code, to appropriate annually from such municipal income taxes such amount as  
305 is necessary to meet such annual debt charges. Nothing in this paragraph in any way  
306 diminishes the pledge of the full faith and credit and property taxing power of the City to  
307 the prompt payment of the debt charges on the Notes.  
308

309 Section 10. The City covenants that it will use, and will restrict the use and  
310 investment of, the proceeds of the Notes in such manner and to such extent, as may be  
311 necessary so that (a) the Notes will not (i) constitute private activity bonds, arbitrage bonds  
312 or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as  
313 amended (the Code) or (ii) be treated other than as bonds to which Section 103 of the Code  
314 applies, and (b) the interest on the Notes will not be treated as an item of tax preference  
315 under Section 57 of the Code.  
316

317 The City further covenants that (a) it will take or cause to be taken such actions that  
318 may be required of it for the interest on the Notes to be and remain excluded from gross  
319 income for federal income tax purposes, (b) it will not take or authorize to be taken any  
320 actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will,  
321 among other acts of compliance, (i) apply the proceeds of the Notes to the governmental  
322 purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely  
323 and adequate payments to the federal government, (iv) maintain books and records and  
324 make calculations and reports and (v) refrain from certain uses of those proceeds, and, as  
325 applicable, of property financed with such proceeds, all in such manner and to the extent  
326 necessary to assure such exclusion of that interest under the Code.  
327

328 The City hereby represents that the Outstanding Notes (the Refunded Obligation) were  
329 designated or deemed designated, and qualified, as a “qualified tax-exempt obligation”  
330 under Section 265(b)(3) of the Code. The City hereby covenants that it will redeem the  
331 Refunded Obligation from proceeds of, and within 90 days after issuance of, the Notes,  
332 and represents that all other conditions are met for treating the amount of the Notes not in  
333 excess of the principal amount of the Refunded Obligation outstanding immediately prior  
334 to the redemption of the Refunded Obligation as “qualified tax-exempt obligations” without  
335 necessity for further designation and as not to be taken into account under subparagraph  
336 (D) of Section 265(b)(3) of the Code pursuant to subparagraph (D)(ii) of Section 265(b)(3) of  
337 the Code.  
338

339 The amount of the Notes (such amount being the issue price of the Notes less accrued  
340 interest, if any, as determined under the Code) in excess of the principal amount of the  
341 Refunded Obligation that is outstanding immediately prior to the redemption of the  
342 Refunded Obligation is hereby designated as “qualified tax-exempt obligations” for  
343 purposes of Section 265(b)(3) of the Code. In that connection, the City hereby represents  
344 and covenants that it, together with all its subordinate entities or entities that issue  
345 obligations on its behalf, or on behalf of which it issues obligations, in or during the  
346 calendar year in which the Notes are issued, (i) have not issued and will not issue  
347 tax-exempt obligations designated as “qualified tax-exempt obligations” for purposes of  
348 Section 265(b)(3) of the Code, including the aforesaid amount of the Notes, in an aggregate  
349 amount in excess of \$10,000,000, and (ii) have not issued, do not reasonably anticipate  
350 issuing, and will not issue, tax-exempt obligations (including the aforesaid amount of the  
351 Notes, but excluding obligations, other than qualified 501(c)(3) bonds as defined in Section  
352 145 of the Code, that are private activity bonds as defined in Section 141 of the Code and  
353 excluding refunding obligations that are not advance refunding obligations as defined in  
354 Section 149(d)(5) of the Code to the extent that the amount of the refunding obligations  
355 does not exceed the outstanding principal amount of the refunded obligations) in an  
356 aggregate amount exceeding \$10,000,000, unless the City first obtains a written opinion of  
357 nationally recognized bond counsel that such designation or issuance, as applicable, will  
358 not adversely affect the status of the Notes as “qualified tax-exempt obligations.”  
359

360 Further, the City represents and covenants that, during any time or in any manner as  
361 might affect the status of the Notes as “qualified tax exempt obligations,” it has not formed  
362 or participated in the formation of, or benefitted from or availed itself of, any entity in order  
363 to avoid the purposes of subparagraph (C) or (D) of Section 265(b)(3) of the Code, and will  
364 not form, participate in the formation of, or benefit from or avail itself of, any such entity.  
365 The City further represents that the Notes are not being issued as part of a direct or  
366 indirect composite issue that combines issues or lots of tax exempt obligations of different  
367 issuers.  
368

369 The Director of Finance, as the fiscal officer, or any other officer of the City having  
370 responsibility for issuance of the Notes is hereby authorized (a) to make or effect any  
371 election, selection, designation, choice, consent, approval, or waiver on behalf of the City  
372 with respect to the Notes as the City is permitted to or required to make or give under the  
373 federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax  
374 treatment or status of the Notes or interest thereon or assisting compliance with  
375 requirements for that purpose, reducing the burden or expense of such compliance,  
376 reducing the rebate amount or payments or penalties, or making payments of special  
377 amounts in lieu of making computations to determine, or paying, excess earnings as  
378 rebate, or obviating those amounts or payments, as determined by that officer, which  
379 action shall be in writing and signed by the officer, (b) to take any and all other actions,  
380 make or obtain calculations, make payments, and make or give reports, covenants and  
381 certifications of and on behalf of the City, as may be appropriate to assure the exclusion of  
382 interest from gross income and the intended tax status of the Notes, and (c) to give one or  
383 more appropriate certificates of the City, for inclusion in the transcript of proceedings for  
384 the Notes, setting forth the reasonable expectations of the City regarding the amount and  
385 use of all the proceeds of the Notes, the facts, circumstances and estimates on which they  
386 are based, and other facts and circumstances relevant to the tax treatment of the interest  
387 on and the tax status of the Notes.  
388

389 Each covenant made in this section with respect to the Notes is also made with respect  
390 to all issues any portion of the debt service on which is paid from proceeds of the Notes  
391 (and, if different, the original issue and any refunding issues in a series of refundings), to  
392 the extent such compliance is necessary to assure exclusion of interest on the Notes from  
393 gross income for federal income tax purposes, and the officers identified above are  
394 authorized to take actions with respect to those issues as they are authorized in this  
395 section to take with respect to the Notes.  
396

397 Section 11. The Clerk of Council is directed to deliver a certified copy of this ordinance  
398 to the Fiscal Officer in Summit County.  
399

400 Section 12. This Council determines that all acts and conditions necessary to be done  
401 or performed by the City or to have been met precedent to and in the issuing of the Notes  
402 in order to make them legal, valid and binding general obligations of the City have been  
403 performed and have been met, or will at the time of delivery of the Notes have been  
404 performed and have been met, in regular and due form as required by law; that the full  
405 faith and credit and general property taxing power (as described in Section 9) of the City  
406 are pledged for the timely payment of the debt charges on the Notes; and that no statutory  
407 or constitutional limitation of indebtedness or taxation will have been exceeded in the  
408 issuance of the Notes.  
409

410 Section 13. The Director of Law is authorized to engage the legal services of the law  
411 firm of Squire Patton Boggs (US) LLP, which legal services are to be in the nature of legal  
412 advice and recommendations as to the documents and the proceedings, and rendering an  
413 approving legal opinion, in connection with the issuance and sale of the Notes. In  
414 rendering those legal services, as an independent contractor and in an attorney-client  
415 relationship, that Firm shall not exercise any administrative discretion on behalf of this  
416 City in the formulation of public policy, expenditure of public funds, enforcement of laws  
417 rules and regulations of the State, any county, or cities or of this City, or the execution of  
418 public trusts. For those legal services that Firm shall be paid fees and reimbursed for  
419 actual out-of-pocket expenses (including, but not limited to, travel, long-distance  
420 telephone, fax and duplicating expenses) incurred in rendering those legal services. The  
421 Director of Finance is authorized and directed to make appropriate certification as to the

422 availability of funds for that fee and any reimbursement and to issue an appropriate order  
423 for their payment as they become payable.

424  
425 Section 14. This Council finds and determines that all formal actions of this Council  
426 and of any of its committees concerning and relating to the passage of this ordinance were  
427 taken in an open meeting and that all deliberations of this Council and of any committees  
428 that resulted in those formal actions were held, in meetings open to the public, in  
429 compliance with Chapter 107 of the City's Codified Ordinances.

430  
431 Section 15. This ordinance is declared to be an emergency measure necessary for the  
432 immediate preservation of the public peace, health and safety of the City, and for the  
433 further reason that this ordinance is required to be immediately effective in order to issue  
434 and sell the Notes, which is necessary to enable the City to timely retire the Outstanding  
435 Notes and thereby preserve its credit; wherefore, this ordinance shall be in full force and  
436 effect immediately upon its passage and approval by the Mayor; otherwise it shall take  
437 effect and be in force at the earliest period allowed by law.

438  
439  
440 Passed: \_\_\_\_\_  
441 \_\_\_\_\_  
442 President of Council

443  
444 \_\_\_\_\_  
445 Clerk of Council

446  
447  
448 Approved: \_\_\_\_\_  
449 \_\_\_\_\_  
450 Mayor

451 10/13/14  
452 O:\2014ords\Ordinance - Natatorium.doc

2  
3  
4 CITY OF CUYAHOGA FALLS, OHIO

5  
6 ORDINANCE NO. -2014  
7

8  
9  
10  
11 AN ORDINANCE PROVIDING FOR THE ISSUANCE  
12 AND SALE OF NOTES IN THE PRINCIPAL AMOUNT  
13 OF \$300,000 IN ANTICIPATION OF THE ISSUANCE  
14 OF BONDS, FOR THE PURPOSE OF CONSTRUCTING  
15 IMPROVEMENTS TO PORTIONS OF STATE ROAD  
16 AND PORTAGE TRAIL, INCLUDING, WHERE  
17 NECESSARY, CONSTRUCTING OR REPLACING  
18 SIDEWALKS AND CURBS, INSTALLING WATER AND  
19 SEWER LINES, CONSTRUCTING TURNING LANES,  
20 INSTALLING TRAFFIC SIGNALS AND LIGHTING, AND  
21 ALL RELATED IMPROVEMENTS, AND DECLARING  
22 AN EMERGENCY.  
23

24 WHEREAS, pursuant to Ordinance No. 72-2013 passed October 28, 2013,  
25 notes in anticipation of bonds in the amount of \$750,000 dated December 4, 2013  
26 (the Outstanding Notes), were issued for the purpose stated in Section 1 (the  
27 Project), as part of a consolidated issue pursuant to Section 133.30(B) of the  
28 Revised Code in the principal amount of \$7,475,000, to mature on December 4,  
29 2014; and  
30

31 WHEREAS, this Council finds and determines that the City should retire the  
32 Outstanding Notes with the proceeds of the Notes described in Section 3 and  
33 other funds available to the City; and  
34

35 WHEREAS, the Director of Finance, as fiscal officer of this City, has certified to  
36 this Council that the estimated life or period of usefulness of the improvement  
37 described in Section 1 is at least five years, the estimated maximum maturity of  
38 the bonds described in Section 1 is 20 years, and the maximum maturity of the  
39 notes described in Section 3, to be issued in anticipation of the bonds, is  
40 December 5, 2032;  
41

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

45 Section 1. It is necessary to issue bonds of this City in the principal amount of  
46 \$300,000 (the Bonds) for the purpose of constructing improvements to portions of  
47 State Road and Portage Trail, including, where necessary, constructing or  
48 replacing sidewalks and curbs, installing water and sewer lines, constructing  
49 turning lanes, installing traffic signals and lighting, and all related improvements.  
50

51 Section 2. The Bonds shall be dated approximately December 1, 2015, shall  
52 bear interest at the now estimated rate of 5.5% per year, payable on June 1 and  
53 December 1 of each year, commencing June 1, 2016, until the principal amount

54 is paid, and are estimated to mature in twenty annual principal installments that  
55 are in such amounts that the total principal and interest payments on the Bonds  
56 in any fiscal year in which principal is payable are not more than three times the  
57 amount of those payments in any other fiscal year. The first principal installment  
58 is estimated to be December 1, 2016.  
59

60 Section 3. It is necessary to issue and this Council determines that notes in  
61 the aggregate principal amount of \$300,000 (the Notes) shall be issued in  
62 anticipation of the issuance of the Bonds and to retire, together with other funds  
63 available to the City, the Outstanding Notes. The Notes shall bear interest at a  
64 rate or rates not to exceed 6.0% per year (computed on the basis of a 360-day  
65 year consisting of twelve 30-day months), payable at maturity and until the  
66 principal amount is paid or payment is provided for. The rate or rates of interest  
67 on the Notes shall be determined by the Director of Finance in a final terms  
68 certificate awarding the Notes (the "Final Terms Certificate") in accordance with  
69 Section 6 of this ordinance.  
70

71 Section 4. The debt charges on the Notes shall be payable in Federal Reserve  
72 funds of the United States of America, and shall be payable, without deduction for  
73 services of the City's paying agent, at the principal corporate trust office of The  
74 Huntington National Bank, Columbus, Ohio or at the office of a bank or trust  
75 company designated by the Director of Finance in the Final Terms Certificate after  
76 determining that the payment at that bank or trust company will not endanger  
77 the funds or securities of the City and that proper procedures and safeguards are  
78 available for that purpose or at the office of the Director of Finance if agreed to by  
79 the Director of Finance and the Original Purchaser (the Paying Agent). The Notes  
80 shall be dated the date of issuance and shall mature not earlier than six months  
81 from that date and not later than twelve months from that date, as shall likewise  
82 be fixed by the Director of Finance in the Final Terms Certificate.  
83

84 Section 5. The Notes shall be signed by the Mayor and Director of Finance, in  
85 the name of the City and in their official capacities, provided that one of those  
86 signatures may be a facsimile. The Notes shall be issued in the denominations  
87 and numbers as requested by the Original Purchaser, as described in Section 6  
88 hereof, and approved by the Director of Finance, provided that unless the City  
89 distributes an official statement, as described in Section 6 hereof, no Note shall be  
90 issued in a denomination less than \$100,000. The entire principal amount may  
91 be represented by a single note and may be issued as fully registered securities  
92 (for which the Director of Finance will serve as note registrar) and in book entry or  
93 other uncertificated form in accordance with Section 9.96 and Chapter 133 of the  
94 Revised Code if it is determined by the Director of Finance that issuance of fully  
95 registered securities in that form will facilitate the sale and delivery of the Notes.  
96 The Notes shall not have coupons attached, shall be numbered as determined by  
97 the Director of Finance and shall express upon their faces the purpose, in  
98 summary terms, for which they are issued and that they are issued pursuant to  
99 this Ordinance. As used in this section and this ordinance:  
100

101 "Book entry form" or "book entry system" means a form or system under  
102 which (i) the ownership of beneficial interests in the Notes and the principal of,  
103 and interest on, the Notes may be transferred only through a book entry, and (ii) a  
104 single physical Note certificate is issued by the City and payable only to a  
105 Depository or its nominee, with such Notes "immobilized" in the custody of the  
106 Depository or its agent for that purpose. The book entry maintained by others

107 than the City is the record that identifies the owners of beneficial interests in the  
108 Notes and that principal and interest.  
109

110 “Depository” means any securities depository that is a clearing agency under  
111 federal law operating and maintaining, with its Participants or otherwise, a book  
112 entry system to record ownership of beneficial interests in the Notes or the  
113 principal of, and interest on, the Notes and to effect transfers of the Notes, in book  
114 entry form, and includes and means initially The Depository Trust Company (a  
115 limited purpose trust company), New York, New York.  
116

117 “Participant” means any participant contracting with a Depository under a  
118 book entry system and includes security brokers and dealers, banks and trust  
119 companies, and clearing corporations.  
120

121 The Notes may be issued to a Depository for use in a book entry system and, if  
122 and as long as a book entry system is utilized, (i) the Notes may be issued in the  
123 form of a single Note made payable to the Depository or its nominee and  
124 immobilized in the custody of the Depository or its agent for that purpose; (ii) the  
125 beneficial owners in book entry form shall have no right to receive the Notes in the  
126 form of physical securities or certificates; (iii) ownership of beneficial interests in  
127 book entry form shall be shown by book entry on the system maintained and  
128 operated by the Depository and its Participants, and transfers of the ownership of  
129 beneficial interests shall be made only by book entry by the Depository and its  
130 Participants; and (iv) the Notes as such shall not be transferable or exchangeable,  
131 except for transfer to another Depository or to another nominee of a Depository,  
132 without further action by the City.  
133

134 If any Depository determines not to continue to act as a Depository for the  
135 Notes for use in a book entry system, the Director of Finance may attempt to  
136 establish a securities depository/book entry relationship with another qualified  
137 Depository. If the Director of Finance does not or is unable to do so, the Director  
138 of Finance, after making provision for notification of the beneficial owners by the  
139 then Depository and any other arrangements deemed necessary, shall permit  
140 withdrawal of the Notes from the Depository, and shall cause the Notes in bearer  
141 or payable form to be signed by the officers authorized to sign the Notes and  
142 delivered to the assigns of the Depository or its nominee, all at the cost and  
143 expense (including any costs of printing), if the event is not the result of City  
144 action or inaction, of those persons requesting such issuance.  
145

146 The Director of Finance is also hereby authorized and directed, to the extent  
147 necessary or required, to enter into any agreements determined necessary in  
148 connection with the book entry system for the Notes, after determining that the  
149 signing thereof will not endanger the funds or securities of the City.  
150

151 Section 6. The Notes shall be sold at not less than 97% of the par value  
152 thereof at private sale to Stifel, Nicolaus & Company, Inc. (the “Original  
153 Purchaser”) by the Director of Finance in accordance with law and the provisions  
154 of this ordinance. The Director of Finance shall, in accordance with his  
155 determination of the best interests of and financial advantages to the City and its  
156 taxpayers and conditions then existing in the financial market, consistently with  
157 the provisions of Sections 3 and 4, establish the interest rates to be borne by the  
158 Notes and their maturity, sign the Final Terms Certificate referred to in Sections 3  
159 and 4 evidencing those determinations, cause the Notes to be prepared, and have

160 the Notes, signed and delivered, together with a true transcript of proceedings  
161 with reference to the issuance of the Notes, if requested by the Original Purchaser,  
162 to the Original Purchaser upon payment of the purchase price. The Mayor and  
163 the Director of Finance are also authorized to execute, on behalf of the City, the  
164 Note Purchase Agreement between the City and such Original Purchaser relating  
165 to the sale of such Notes, or the sale of any consolidated issue of which the Notes  
166 are a part, substantially in the form now on file with the Clerk of Council, which  
167 Note Purchase Agreement is hereby approved, together with any changes or  
168 amendments not inconsistent with this ordinance and not substantially adverse  
169 to the City and that are approved by the Mayor and the Director of Finance on  
170 behalf of the City, all of which shall be conclusively evidenced by the signing of the  
171 Note Purchase Agreement or any amendments thereto by the Mayor and the  
172 Director of Finance. The Mayor, the Director of Finance, the Clerk of Council and  
173 other City officials, as appropriate, are each authorized and directed to sign any  
174 transcript certificates, financial statements, continuing disclosure agreement and  
175 other documents and instruments, including any paying agent agreement, and to  
176 take such actions as are necessary and appropriate to consummate the  
177 transactions contemplated by this ordinance. The Director of Finance is  
178 authorized, if it is determined to be in the best interest of the City, to combine the  
179 issue of Notes with one or more other note issues of the City into a consolidated  
180 note issue pursuant to Section 133.30(B) of the Revised Code.

181  
182 The Director of Finance is hereby authorized to offer all or part of the Notes at  
183 par and any accrued interest to the Treasury Investment Board of the City for  
184 investment under Section 731.56 of the Revised Code, in accordance with law and  
185 the provisions of this ordinance if, as a result of the conditions then existing in the  
186 financial markets, the Director of Finance determines it is in the best financial  
187 interest of the City in lieu of the private sale authorized in the preceding  
188 paragraph.

189  
190 If the Mayor or the Director of Finance determines it to be in the best interests  
191 of and financially advantageous to the City, either or both of those officers are  
192 authorized, on behalf of the City, to apply for a rating on the Notes from one or  
193 more nationally-recognized rating organizations.

194  
195 If in the judgment of the Mayor or the Director of Finance a disclosure  
196 document in the form of an official statement (including within such term, but not  
197 limited to, an annual information statement) is appropriate or necessary relating  
198 to the original issuance of the Notes, either or both of those officers, on behalf of  
199 the City and in their official capacities, are authorized to (i) prepare or cause to be  
200 prepared, and make or authorize modifications, completions or changes of or  
201 supplements to, such an official statement, (ii) determine, and to certify or  
202 otherwise represent, when the official statement is to be "deemed final" (except for  
203 permitted omissions) by the City as of its date or is a final official statement for  
204 purposes of SEC Rule 15c2-12(b)(1), (3) and (4), (iii) use and distribute, or  
205 authorize the use and distribution of those official statements and any  
206 supplements thereto in connection with the original issuance of the Notes, and  
207 (iv) complete and sign those official statements as so approved together with such  
208 certificates, statements or other documents in connection with the finality,  
209 accuracy and completeness of those official statements.

210  
211 As used in this Section and this ordinance:  
212

213 “Note proceedings” means, collectively, this ordinance and the other  
214 proceedings of the City, including the Notes, that collectively provide for, among  
215 other things, the rights of holders and beneficial owners of the Notes.  
216

217 “Rule” means Rule 15c2-12 prescribed by the Securities and Exchange  
218 Commission pursuant to the Securities Exchange Act of 1934.  
219

220 “Specified Events” means the occurrence of any of the following events, within  
221 the meaning of the Rule, with respect to the Notes as applicable: principal and  
222 interest payment delinquencies; non-payment related defaults; unscheduled  
223 draws on debt service reserves reflecting financial difficulties; unscheduled draws  
224 on credit enhancements reflecting financial difficulties; substitution of credit or  
225 liquidity providers, or their failure to perform; adverse tax opinions or events  
226 affecting the tax-exempt status of the Notes; modifications to rights of holders or  
227 beneficial owners of the Notes; Note calls; defeasances; release, substitution or  
228 sale of property securing repayment of the Notes; and rating changes. The City  
229 has not obtained or provided, and does not expect to obtain or provide, any debt  
230 service reserves, credit enhancements or credit or liquidity providers for the Notes,  
231 the Notes are not subject to call for redemption prior to maturity, and repayment  
232 of the Notes is not secured by a lien on any property capable of release or sale or  
233 for which other property may be substituted.  
234

235 If the City prepares and causes the distribution of an official statement for the  
236 Notes, for the benefit of the holders and beneficial owners from time to time of the  
237 Notes, the City agrees, as the only obligated person with respect to the Notes  
238 under the Rule, to provide or cause to be provided such notices, in such manner,  
239 as may be required for purposes of paragraph (b)(5)(i)(C) of the Rule, including  
240 specifically notice to the Municipal Securities Rulemaking Board (MSRB) through  
241 its Electronic Municipal Market Access (EMMA) system, in a timely manner, of the  
242 occurrence of any Specified Event, if that event is material. (The City’s agreement  
243 in this paragraph is herein referred to as the Continuing Disclosure Agreement).  
244

245 The Director of Finance is further authorized and directed to establish  
246 procedures to ensure compliance by the City with the Continuing Disclosure  
247 Agreement, including timely provision of notices as described above. Prior to  
248 providing notice of the occurrence of any Specified Event or of any other events,  
249 the Director of Finance shall consult with and obtain legal advice from, as  
250 appropriate, the Director of Law and bond or other qualified independent special  
251 counsel selected by the City. The Director of Finance, acting in the name and on  
252 behalf of the City, shall be entitled to rely upon any such legal advice in  
253 determining whether a notice should be provided.  
254

255 The City reserves the right to amend the Continuing Disclosure Agreement,  
256 and to obtain the waiver of noncompliance with any provision of that Agreement,  
257 as may be necessary or appropriate to achieve its compliance with any applicable  
258 federal securities law or rule, to cure any ambiguity, inconsistency or formal  
259 defect or omission, and to address any change in circumstances arising from a  
260 change in legal requirements, change in law, or change in the identity, nature or  
261 status of the City, or type of business conducted by the City. Any such  
262 amendment or waiver will not be effective unless the Agreement (as amended or  
263 taking into account such waiver) would have complied with the requirements of  
264 the Rule at the time of the primary offering of the Notes, after taking into account  
265 any applicable amendments to or official interpretations of the Rule, as well as

266 any change in circumstances, and until the City shall have received: either (i) a  
267 written opinion of bond or other qualified independent special counsel selected by  
268 the City that the amendment or waiver would not materially impair the interests  
269 of holders or beneficial owners of the Notes or (ii) the written consent to the  
270 amendment or waiver of the holders of at least a majority of the principal amount  
271 of the Notes then outstanding.  
272

273 The Continuing Disclosure Agreement shall be solely for the benefit of the  
274 holders and beneficial owners from time to time of the Notes. The exclusive  
275 remedy for any breach of the Agreement by the City shall be limited, to the extent  
276 permitted by law, to a right of holders and beneficial owners to institute and  
277 maintain, or to cause to be instituted and maintained, such proceedings as may  
278 be authorized at law or in equity to obtain the specific performance by the City of  
279 its obligations under the Agreement. Any individual holder or beneficial owner  
280 may institute and maintain, or cause to be instituted and maintained, such  
281 proceedings to require the City to provide or cause to be provided a pertinent filing  
282 if such a filing is due and has not been made. Any such proceedings to require  
283 the City to perform any other obligation under the Agreement (including any  
284 proceedings that contest the sufficiency of any pertinent filing) shall be instituted  
285 and maintained only (i) by a trustee appointed by the holders and beneficial  
286 owners of not less than 25% in principal amount of the Notes then outstanding or  
287 (ii) by holders and beneficial owners of not less than 10% in principal amount of  
288 the Notes then outstanding, in accordance with Section 133.25(B)(4)(b) or (C)(1) of  
289 the Revised Code, as applicable (or any like or comparable successor provisions).  
290

291 The performance by the City of the Continuing Disclosure Agreement shall be  
292 subject to the annual appropriation of any funds that may be necessary to  
293 perform it.  
294

295 The Continuing Disclosure Agreement shall remain in effect only for such  
296 period that the Notes are outstanding in accordance with their terms and the City  
297 remains an obligated person with respect to the Notes within the meaning of the  
298 Rule. The obligation of the City to provide the notices of the Specified Events shall  
299 terminate, if and when the City no longer remains such an obligated person.  
300

301 Section 7. The proceeds from the sale of the Notes, except any premium and  
302 accrued interest, shall be paid into the proper fund or funds and those proceeds  
303 are appropriated and shall be used for the purpose for which the Notes are being  
304 issued. Any portion of those proceeds representing premium and accrued interest  
305 shall be paid into the Bond Retirement Fund.  
306

307 Section 8. The par value to be received from the sale of the Bonds or of any  
308 renewal notes and any excess funds resulting from the issuance of the Notes  
309 shall, to the extent necessary, be used to pay the debt charges on the Notes at  
310 maturity and are pledged for that purpose.  
311

312 Section 9. During the year or years in which the Notes are outstanding, there  
313 shall be levied on all the taxable property in the City, in addition to all other taxes,  
314 the same tax that would have been levied if the Bonds had been issued without  
315 the prior issuance of the Notes. The tax shall be within the eleven mill limitation  
316 provided by the Charter of the City, shall be and is ordered computed, certified,  
317 levied and extended upon the tax duplicate and collected by the same officers, in  
318 the same manner, and at the same time that taxes for general purposes for each

319 of those years are certified, levied, extended and collected, and shall be placed  
320 before and in preference to all other items and for the full amount thereof. The  
321 proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is  
322 irrevocably pledged for the payment of the debt charges on the Notes or the Bonds  
323 when and as the same fall due. In each year to the extent money from municipal  
324 income tax, as provided below, or from payments in lieu of taxes lawfully available  
325 therefor, are available for the payment of the debt charges on the Notes and  
326 Bonds and is appropriated for that purpose, the amount of the tax shall be  
327 reduced by the amount of the money so available and appropriated in compliance  
328 with the covenant hereinafter set forth. The debt charges on the Notes and Bonds  
329 shall be paid from municipal income taxes lawfully available therefor under the  
330 Constitution and laws of the State of Ohio; and the City hereby covenants, subject  
331 and pursuant to such authority, including particularly Section 133.05(B)(7),  
332 Revised Code, to appropriate annually from such municipal income taxes such  
333 amount as is necessary to meet such annual debt charges. Nothing in this  
334 paragraph in any way diminishes the pledge of the full faith and credit and  
335 property taxing power of the City to the prompt payment of the debt charges on  
336 the Notes.

337  
338 Section 10. The City covenants that it will use, and will restrict the use and  
339 investment of, the proceeds of the Notes in such manner and to such extent, as  
340 may be necessary so that (a) the Notes will not (i) constitute private activity bonds,  
341 arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal  
342 Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as  
343 bonds to which Section 103 of the Code applies, and (b) the interest on the Notes  
344 will not be treated as an item of tax preference under Section 57 of the Code.

345  
346 The City further covenants that (a) it will take or cause to be taken such  
347 actions that may be required of it for the interest on the Notes to be and remain  
348 excluded from gross income for federal income tax purposes, (b) it will not take or  
349 authorize to be taken any actions that would adversely affect that exclusion, and  
350 (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the  
351 proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict  
352 the yield on investment property, (iii) make timely and adequate payments to the  
353 federal government, (iv) maintain books and records and make calculations and  
354 reports and (v) refrain from certain uses of those proceeds, and, as applicable, of  
355 property financed with such proceeds, all in such manner and to the extent  
356 necessary to assure such exclusion of that interest under the Code.

357  
358 The City hereby represents that the Outstanding Notes (the Refunded  
359 Obligation) were designated or deemed designated, and qualified, as a “qualified  
360 tax-exempt obligation” under Section 265(b)(3) of the Code. The City hereby  
361 covenants that it will redeem the Refunded Obligation from proceeds of, and  
362 within 90 days after issuance of, the Notes, and represents that all other  
363 conditions are met for treating the amount of the Notes not in excess of the  
364 principal amount of the Refunded Obligation outstanding immediately prior to the  
365 redemption of the Refunded Obligation as “qualified tax-exempt obligations”  
366 without necessity for further designation and as not to be taken into account  
367 under subparagraph (D) of Section 265(b)(3) of the Code pursuant to  
368 subparagraph (D)(ii) of Section 265(b)(3) of the Code.

369  
370 The amount of the Notes (such amount being the issue price of the Notes less  
371 accrued interest, if any, as determined under the Code) in excess of the principal

372 amount of the Refunded Obligation that is outstanding immediately prior to the  
373 redemption of the Refunded Obligation is hereby designated as “qualified  
374 tax-exempt obligations” for purposes of Section 265(b)(3) of the Code. In that  
375 connection, the City hereby represents and covenants that it, together with all its  
376 subordinate entities or entities that issue obligations on its behalf, or on behalf of  
377 which it issues obligations, in or during the calendar year in which the Notes are  
378 issued, (i) have not issued and will not issue tax-exempt obligations designated as  
379 “qualified tax-exempt obligations” for purposes of Section 265(b)(3) of the Code,  
380 including the aforesaid amount of the Notes, in an aggregate amount in excess of  
381 \$10,000,000, and (ii) have not issued, do not reasonably anticipate issuing, and  
382 will not issue, tax-exempt obligations (including the aforesaid amount of the  
383 Notes, but excluding obligations, other than qualified 501(c)(3) bonds as defined  
384 in Section 145 of the Code, that are private activity bonds as defined in Section  
385 141 of the Code and excluding refunding obligations that are not advance  
386 refunding obligations as defined in Section 149(d)(5) of the Code to the extent that  
387 the amount of the refunding obligations does not exceed the outstanding principal  
388 amount of the refunded obligations) in an aggregate amount exceeding  
389 \$10,000,000, unless the City first obtains a written opinion of nationally  
390 recognized bond counsel that such designation or issuance, as applicable, will not  
391 adversely affect the status of the Notes as “qualified tax-exempt obligations.”  
392

393 Further, the City represents and covenants that, during any time or in any  
394 manner as might affect the status of the Notes as “qualified tax exempt  
395 obligations,” it has not formed or participated in the formation of, or benefitted  
396 from or availed itself of, any entity in order to avoid the purposes of subparagraph  
397 (C) or (D) of Section 265(b)(3) of the Code, and will not form, participate in the  
398 formation of, or benefit from or avail itself of, any such entity. The City further  
399 represents that the Notes are not being issued as part of a direct or indirect  
400 composite issue that combines issues or lots of tax exempt obligations of different  
401 issuers.  
402

403 The Director of Finance, as the fiscal officer, or any other officer of the City  
404 having responsibility for issuance of the Notes is hereby authorized (a) to make or  
405 effect any election, selection, designation, choice, consent, approval, or waiver on  
406 behalf of the City with respect to the Notes as the City is permitted to or required  
407 to make or give under the federal income tax laws, for the purpose of assuring,  
408 enhancing or protecting favorable tax treatment or status of the Notes or interest  
409 thereon or assisting compliance with requirements for that purpose, reducing the  
410 burden or expense of such compliance, reducing the rebate amount or payments  
411 or penalties, or making payments of special amounts in lieu of making  
412 computations to determine, or paying, excess earnings as rebate, or obviating  
413 those amounts or payments, as determined by that officer, which action shall be  
414 in writing and signed by the officer, (b) to take any and all other actions, make or  
415 obtain calculations, make payments, and make or give reports, covenants and  
416 certifications of and on behalf of the City, as may be appropriate to assure the  
417 exclusion of interest from gross income and the intended tax status of the Notes,  
418 and (c) to give one or more appropriate certificates of the City, for inclusion in the  
419 transcript of proceedings for the Notes, setting forth the reasonable expectations  
420 of the City regarding the amount and use of all the proceeds of the Notes, the  
421 facts, circumstances and estimates on which they are based, and other facts and  
422 circumstances relevant to the tax treatment of the interest on and the tax status  
423 of the Notes.  
424

425 Each covenant made in this section with respect to the Notes is also made  
426 with respect to all issues any portion of the debt service on which is paid from  
427 proceeds of the Notes (and, if different, the original issue and any refunding issues  
428 in a series of refundings), to the extent such compliance is necessary to assure  
429 exclusion of interest on the Notes from gross income for federal income tax  
430 purposes, and the officers identified above are authorized to take actions with  
431 respect to those issues as they are authorized in this section to take with respect  
432 to the Notes.

433  
434 Section 11. The Clerk of Council is directed to deliver a certified copy of this  
435 ordinance to the Fiscal Officer in Summit County.

436  
437 Section 12. This Council determines that all acts and conditions necessary to  
438 be done or performed by the City or to have been met precedent to and in the  
439 issuing of the Notes in order to make them legal, valid and binding general  
440 obligations of the City have been performed and have been met, or will at the time  
441 of delivery of the Notes have been performed and have been met, in regular and  
442 due form as required by law; that the full faith and credit and general property  
443 taxing power (as described in Section 9) of the City are pledged for the timely  
444 payment of the debt charges on the Notes; and that no statutory or constitutional  
445 limitation of indebtedness or taxation will have been exceeded in the issuance of  
446 the Notes.

447  
448 Section 13. The Director of Law is authorized to engage the legal services of  
449 the law firm of Squire Patton Boggs (US) LLP, which legal services are to be in the  
450 nature of legal advice and recommendations as to the documents and the  
451 proceedings, and rendering an approving legal opinion, in connection with the  
452 issuance and sale of the Notes. In rendering those legal services, as an  
453 independent contractor and in an attorney-client relationship, that Firm shall not  
454 exercise any administrative discretion on behalf of this City in the formulation of  
455 public policy, expenditure of public funds, enforcement of laws rules and  
456 regulations of the State, any county, or cities or of this City, or the execution of  
457 public trusts. For those legal services that Firm shall be paid fees and  
458 reimbursed for actual out-of-pocket expenses (including, but not limited to, travel,  
459 long-distance telephone, fax and duplicating expenses) incurred in rendering  
460 those legal services. The Director of Finance is authorized and directed to make  
461 appropriate certification as to the availability of funds for that fee and any  
462 reimbursement and to issue an appropriate order for their payment as they  
463 become payable.

464  
465 Section 14. This Council finds and determines that all formal actions of this  
466 Council and of any of its committees concerning and relating to the passage of  
467 this ordinance were taken in an open meeting and that all deliberations of this  
468 Council and of any committees that resulted in those formal actions were held, in  
469 meetings open to the public, in compliance with Chapter 107 of the City's Codified  
470 Ordinances.

471  
472 Section 15. This ordinance is declared to be an emergency measure necessary  
473 for the immediate preservation of the public peace, health and safety of the City,  
474 and for the further reason that this ordinance is required to be immediately  
475 effective in order to issue and sell the Notes, which is necessary to enable the City  
476 to timely retire the Outstanding Notes and thereby preserve its credit; wherefore,  
477 this ordinance shall be in full force and effect immediately upon its passage and

478 approval by the Mayor; otherwise it shall take effect and be in force at the earliest  
479 period allowed by law.

480  
481  
482  
483

484 Passed: \_\_\_\_\_

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

485  
486  
487  
488

\_\_\_\_\_  
Clerk of Council

489  
490  
491

492 Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

493  
494  
495  
496

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2  
3  
4 CITY OF CUYAHOGA FALLS, OHIO

5  
6 ORDINANCE NO. -2014

7  
8  
9 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND  
10 SALE OF NOTES IN THE PRINCIPAL AMOUNT OF  
11 \$1,050,000, IN ANTICIPATION OF THE ISSUANCE OF  
12 BONDS, FOR THE PURPOSE OF PAYING COSTS OF  
13 CONSTRUCTING WATERLINES IN GRAHAM ROAD,  
14 TOGETHER WITH ALL APPURTENANCES THERETO, AND  
15 DECLARING AN EMERGENCY.

16  
17  
18 WHEREAS, pursuant to Ordinance No. 73-2013 passed October 28, 2013, notes in  
19 anticipation of bonds in the amount of \$725,000 dated December 4, 2013 (the  
20 Outstanding Notes), were issued for the purpose stated in Section 1 (the Project), as part of  
21 a consolidated issue pursuant to Section 133.30(B) of the Revised Code in the principal  
22 amount of \$7,475,000, to mature on December 4, 2014; and

23  
24 WHEREAS, this Council finds and determines that the City should retire the  
25 Outstanding Notes with the proceeds of the Notes described in Section 3 and other funds  
26 available to the City and provide an additional \$300,000 for the purpose described in  
27 Section 1; and

28  
29 WHEREAS, the Director of Finance, as fiscal officer of this City, has certified to this  
30 Council that the estimated life or period of usefulness of the improvement described in  
31 Section 1 is at least five years, the estimated maximum maturity of the bonds described in  
32 Section 1 is 40 years, the maximum maturity of \$725,000 of the principal amount of the  
33 notes described in Section 3, to be issued in anticipation of the bonds, is December 4,  
34 2033 and the maximum maturity of \$300,000 of the principal amount of the notes  
35 described in Section 3, to be issued in anticipation of the bonds, is 20 years;

36  
37 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls,  
38 Summit County, Ohio, that:

39  
40 Section 1. It is necessary to issue bonds of this City in the principal amount of  
41 \$1,050,000 (the Bonds) for the purpose of paying costs of constructing waterlines in  
42 Graham Road, together with all appurtenances thereto.

43  
44 Section 2. The Bonds shall be dated approximately December 1, 2015, shall bear  
45 interest at the now estimated rate of 5.5% per year, payable on June 1 and December 1 of  
46 each year, commencing June 1, 2016, until the principal amount is paid, and are  
47 estimated to mature in twenty annual principal installments that are in such amounts  
48 that the total principal and interest payments on the Bonds in any fiscal year in which  
49 principal is payable are not more than three times the amount of those payments in any  
50 other fiscal year. The first principal installment is estimated to be December 1, 2016.

51  
52 Section 3. It is necessary to issue and this Council determines that notes in the  
53 aggregate principal amount of \$1,050,000 (the Notes) shall be issued in anticipation of the

54 issuance of the Bonds. The Notes shall bear interest at a rate or rates not to exceed 6.0%  
55 per year (computed on the basis of a 360-day year consisting of twelve 30-day months),  
56 payable at maturity and until the principal amount is paid or payment is provided for.  
57 The rate or rates of interest on the Notes shall be determined by the Director of Finance in  
58 a final terms certificate awarding the Notes (the "Final Terms Certificate") in accordance  
59 with Section 6 of this ordinance.  
60

61 Section 4. The debt charges on the Notes shall be payable in Federal Reserve funds of  
62 the United States of America, and shall be payable, without deduction for services of the  
63 City's paying agent, at the principal corporate trust office of The Huntington National  
64 Bank, Columbus, Ohio or at the office of a bank or trust company designated by the  
65 Director of Finance in the Final Terms Certificate after determining that the payment at  
66 that bank or trust company will not endanger the funds or securities of the City and that  
67 proper procedures and safeguards are available for that purpose or at the office of the  
68 Director of Finance if agreed to by the Director of Finance and the Original Purchaser (the  
69 Paying Agent). The Notes shall be dated the date of issuance and shall mature not earlier  
70 than six months from that date and not later than twelve months from that date, as shall  
71 likewise be fixed by the Director of Finance in the Final Terms Certificate.  
72

73 Section 5. The Notes shall be signed by the Mayor and Director of Finance, in the  
74 name of the City and in their official capacities, provided that one of those signatures may  
75 be a facsimile. The Notes shall be issued in the denominations and numbers as requested  
76 by the Original Purchaser, as described in Section 6 hereof, and approved by the Director  
77 of Finance, provided that unless the City distributes an official statement, as described in  
78 Section 6 hereof, no Note shall be issued in a denomination less than \$100,000. The  
79 entire principal amount may be represented by a single note and may be issued as fully  
80 registered securities (for which the Director of Finance will serve as note registrar) and in  
81 book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133  
82 of the Revised Code if it is determined by the Director of Finance that issuance of fully  
83 registered securities in that form will facilitate the sale and delivery of the Notes. The  
84 Notes shall not have coupons attached, shall be numbered as determined by the Director  
85 of Finance and shall express upon their faces the purpose, in summary terms, for which  
86 they are issued and that they are issued pursuant to this Ordinance. As used in this  
87 section and this ordinance:  
88

89 "Book entry form" or "book entry system" means a form or system under which (i) the  
90 ownership of beneficial interests in the Notes and the principal of, and interest on, the  
91 Notes may be transferred only through a book entry, and (ii) a single physical Note  
92 certificate is issued by the City and payable only to a Depository or its nominee, with such  
93 Notes "immobilized" in the custody of the Depository or its agent for that purpose. The  
94 book entry maintained by others than the City is the record that identifies the owners of  
95 beneficial interests in the Notes and that principal and interest.  
96

97 "Depository" means any securities depository that is a clearing agency under federal  
98 law operating and maintaining, with its Participants or otherwise, a book entry system to  
99 record ownership of beneficial interests in the Notes or the principal of, and interest on,  
100 the Notes and to effect transfers of the Notes, in book entry form, and includes and means  
101 initially The Depository Trust Company (a limited purpose trust company), New York, New  
102 York.  
103

104 "Participant" means any participant contracting with a Depository under a book entry  
105 system and includes security brokers and dealers, banks and trust companies, and  
106 clearing corporations.

107  
108 The Notes may be issued to a Depository for use in a book entry system and, if and as  
109 long as a book entry system is utilized, (i) the Notes may be issued in the form of a single  
110 Note made payable to the Depository or its nominee and immobilized in the custody of the  
111 Depository or its agent for that purpose; (ii) the beneficial owners in book entry form shall  
112 have no right to receive the Notes in the form of physical securities or certificates; (iii)  
113 ownership of beneficial interests in book entry form shall be shown by book entry on the  
114 system maintained and operated by the Depository and its Participants, and transfers of  
115 the ownership of beneficial interests shall be made only by book entry by the Depository  
116 and its Participants; and (iv) the Notes as such shall not be transferable or exchangeable,  
117 except for transfer to another Depository or to another nominee of a Depository, without  
118 further action by the City.  
119

120 If any Depository determines not to continue to act as a Depository for the Notes for  
121 use in a book entry system, the Director of Finance may attempt to establish a securities  
122 depository/book entry relationship with another qualified Depository. If the Director of  
123 Finance does not or is unable to do so, the Director of Finance, after making provision for  
124 notification of the beneficial owners by the then Depository and any other arrangements  
125 deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall  
126 cause the Notes in bearer or payable form to be signed by the officers authorized to sign  
127 the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and  
128 expense (including any costs of printing), if the event is not the result of City action or  
129 inaction, of those persons requesting such issuance.  
130

131 The Director of Finance is also hereby authorized and directed, to the extent necessary  
132 or required, to enter into any agreements determined necessary in connection with the  
133 book entry system for the Notes, after determining that the signing thereof will not  
134 endanger the funds or securities of the City.  
135

136 Section 6. The Notes shall be sold at not less than 97% of the par value thereof at  
137 private sale to Stifel, Nicolaus & Company, Inc. (the "Original Purchaser") by the Director  
138 of Finance in accordance with law and the provisions of this ordinance. The Director of  
139 Finance shall, in accordance with his determination of the best interests of and financial  
140 advantages to the City and its taxpayers and conditions then existing in the financial  
141 market, consistently with the provisions of Sections 3 and 4, establish the interest rates to  
142 be borne by the Notes and their maturity, sign the Final Terms Certificate referred to in  
143 Sections 3 and 4 evidencing those determinations, cause the Notes to be prepared, and  
144 have the Notes, signed and delivered, together with a true transcript of proceedings with  
145 reference to the issuance of the Notes, if requested by the Original Purchaser, to the  
146 Original Purchaser upon payment of the purchase price. The Mayor and the Director of  
147 Finance are also authorized to execute, on behalf of the City, the Note Purchase Agreement  
148 between the City and such Original Purchaser relating to the sale of such Notes, or the  
149 sale of any consolidated issue of which the Notes are a part, substantially in the form now  
150 on file with the Clerk of Council, which Note Purchase Agreement is hereby approved,  
151 together with any changes or amendments not inconsistent with this ordinance and not  
152 substantially adverse to the City and that are approved by the Mayor and the Director of  
153 Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of  
154 the Note Purchase Agreement or any amendments thereto by the Mayor and the Director  
155 of Finance. The Mayor, the Director of Finance, the Clerk of Council and other City  
156 officials, as appropriate, are each authorized and directed to sign any transcript  
157 certificates, financial statements, continuing disclosure agreement and other documents  
158 and instruments, including any paying agent agreement, and to take such actions as are  
159 necessary and appropriate to consummate the transactions contemplated by this

160 ordinance. The Director of Finance is authorized, if it is determined to be in the best  
161 interest of the City, to combine the issue of Notes with one or more other note issues of the  
162 City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.  
163

164 The Director of Finance is hereby authorized to offer all or part of the Notes at par and  
165 any accrued interest to the Treasury Investment Board of the City for investment under  
166 Section 731.56 of the Revised Code, in accordance with law and the provisions of this  
167 ordinance if, as a result of the conditions then existing in the financial markets, the  
168 Director of Finance determines it is in the best financial interest of the City in lieu of the  
169 private sale authorized in the preceding paragraph.  
170

171 If the Mayor or the Director of Finance determines it to be in the best interests of and  
172 financially advantageous to the City, either or both of those officers are authorized, on  
173 behalf of the City, to apply for a rating on the Notes from one or more nationally-  
174 recognized rating organizations.  
175

176 If in the judgment of the Mayor or the Director of Finance a disclosure document in the  
177 form of an official statement (including within such term, but not limited to, an annual  
178 information statement) is appropriate or necessary relating to the original issuance of the  
179 Notes, either or both of those officers, on behalf of the City and in their official capacities,  
180 are authorized to (i) prepare or cause to be prepared, and make or authorize modifications,  
181 completions or changes of or supplements to, such an official statement, (ii) determine,  
182 and to certify or otherwise represent, when the official statement is to be “deemed final”  
183 (except for permitted omissions) by the City as of its date or is a final official statement for  
184 purposes of SEC Rule 15c2-12(b)(1), (3) and (4), (iii) use and distribute, or authorize the  
185 use and distribution of those official statements and any supplements thereto in  
186 connection with the original issuance of the Notes, and (iv) complete and sign those official  
187 statements as so approved together with such certificates, statements or other documents  
188 in connection with the finality, accuracy and completeness of those official statements.  
189

190 As used in this Section and this ordinance:

191  
192 “Note proceedings” means, collectively, this ordinance and the other proceedings of the  
193 City, including the Notes, that collectively provide for, among other things, the rights of  
194 holders and beneficial owners of the Notes.  
195

196 “Rule” means Rule 15c2-12 prescribed by the Securities and Exchange Commission  
197 pursuant to the Securities Exchange Act of 1934.  
198

199 “Specified Events” means the occurrence of any of the following events, within the  
200 meaning of the Rule, with respect to the Notes as applicable: principal and interest  
201 payment delinquencies; non-payment related defaults; unscheduled draws on debt service  
202 reserves reflecting financial difficulties; unscheduled draws on credit enhancements  
203 reflecting financial difficulties; substitution of credit or liquidity providers, or their failure  
204 to perform; adverse tax opinions or events affecting the tax-exempt status of the Notes;  
205 modifications to rights of holders or beneficial owners of the Notes; Note calls; defeasances;  
206 release, substitution or sale of property securing repayment of the Notes; and rating  
207 changes. The City has not obtained or provided, and does not expect to obtain or provide,  
208 any debt service reserves, credit enhancements or credit or liquidity providers for the  
209 Notes, the Notes are not subject to call for redemption prior to maturity, and repayment of  
210 the Notes is not secured by a lien on any property capable of release or sale or for which  
211 other property may be substituted.  
212

213 If the City prepares and causes the distribution of an official statement for the Notes,  
214 for the benefit of the holders and beneficial owners from time to time of the Notes, the City  
215 agrees, as the only obligated person with respect to the Notes under the Rule, to provide or  
216 cause to be provided such notices, in such manner, as may be required for purposes of  
217 paragraph (b)(5)(i)(C) of the Rule, including specifically notice to the Municipal Securities  
218 Rulemaking Board (MSRB) through its Electronic Municipal Market Access (EMMA)  
219 system, in a timely manner, of the occurrence of any Specified Event, if that event is  
220 material. (The City's agreement in this paragraph is herein referred to as the Continuing  
221 Disclosure Agreement).

222  
223 The Director of Finance is further authorized and directed to establish procedures to  
224 ensure compliance by the City with the Continuing Disclosure Agreement, including timely  
225 provision of notices as described above. Prior to providing notice of the occurrence of any  
226 Specified Event or of any other events, the Director of Finance shall consult with and  
227 obtain legal advice from, as appropriate, the Director of Law and bond or other qualified  
228 independent special counsel selected by the City. The Director of Finance, acting in the  
229 name and on behalf of the City, shall be entitled to rely upon any such legal advice in  
230 determining whether a notice should be provided.

231  
232 The City reserves the right to amend the Continuing Disclosure Agreement, and to  
233 obtain the waiver of noncompliance with any provision of that Agreement, as may be  
234 necessary or appropriate to achieve its compliance with any applicable federal securities  
235 law or rule, to cure any ambiguity, inconsistency or formal defect or omission, and to  
236 address any change in circumstances arising from a change in legal requirements, change  
237 in law, or change in the identity, nature or status of the City, or type of business  
238 conducted by the City. Any such amendment or waiver will not be effective unless the  
239 Agreement (as amended or taking into account such waiver) would have complied with the  
240 requirements of the Rule at the time of the primary offering of the Notes, after taking into  
241 account any applicable amendments to or official interpretations of the Rule, as well as  
242 any change in circumstances, and until the City shall have received: either (i) a written  
243 opinion of bond or other qualified independent special counsel selected by the City that the  
244 amendment or waiver would not materially impair the interests of holders or beneficial  
245 owners of the Notes or (ii) the written consent to the amendment or waiver of the holders of  
246 at least a majority of the principal amount of the Notes then outstanding.

247  
248 The Continuing Disclosure Agreement shall be solely for the benefit of the holders and  
249 beneficial owners from time to time of the Notes. The exclusive remedy for any breach of  
250 the Agreement by the City shall be limited, to the extent permitted by law, to a right of  
251 holders and beneficial owners to institute and maintain, or to cause to be instituted and  
252 maintained, such proceedings as may be authorized at law or in equity to obtain the  
253 specific performance by the City of its obligations under the Agreement. Any individual  
254 holder or beneficial owner may institute and maintain, or cause to be instituted and  
255 maintained, such proceedings to require the City to provide or cause to be provided a  
256 pertinent filing if such a filing is due and has not been made. Any such proceedings to  
257 require the City to perform any other obligation under the Agreement (including any  
258 proceedings that contest the sufficiency of any pertinent filing) shall be instituted and  
259 maintained only (i) by a trustee appointed by the holders and beneficial owners of not less  
260 than 25% in principal amount of the Notes then outstanding or (ii) by holders and  
261 beneficial owners of not less than 10% in principal amount of the Notes then outstanding,  
262 in accordance with Section 133.25(B)(4)(b) or (C)(1) of the Revised Code, as applicable (or  
263 any like or comparable successor provisions).

264

265 The performance by the City of the Continuing Disclosure Agreement shall be subject  
266 to the annual appropriation of any funds that may be necessary to perform it.  
267

268 The Continuing Disclosure Agreement shall remain in effect only for such period that  
269 the Notes are outstanding in accordance with their terms and the City remains an  
270 obligated person with respect to the Notes within the meaning of the Rule. The obligation  
271 of the City to provide the notices of the Specified Events shall terminate, if and when the  
272 City no longer remains such an obligated person.  
273

274 Section 7. The proceeds from the sale of the Notes, except any premium and accrued  
275 interest, shall be paid into the proper fund or funds and those proceeds are appropriated  
276 and shall be used for the purpose for which the Notes are being issued. Any portion of  
277 those proceeds representing premium and accrued interest shall be paid into the Bond  
278 Retirement Fund.  
279

280 Section 8. The par value to be received from the sale of the Bonds or of any renewal  
281 notes and any excess funds resulting from the issuance of the Notes shall, to the extent  
282 necessary, be used to pay the debt charges on the Notes at maturity and are pledged for  
283 that purpose.  
284

285 Section 9. During the year or years in which the Notes are outstanding, there shall be  
286 levied on all the taxable property in the City, in addition to all other taxes, the same tax  
287 that would have been levied if the Bonds had been issued without the prior issuance of the  
288 Notes. The tax shall be within the eleven mill limitation provided by the Charter of the  
289 City, shall be and is ordered computed, certified, levied and extended upon the tax  
290 duplicate and collected by the same officers, in the same manner, and at the same time  
291 that taxes for general purposes for each of those years are certified, levied, extended and  
292 collected, and shall be placed before and in preference to all other items and for the full  
293 amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement  
294 Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the  
295 Bonds when and as the same fall due. In each year to the extent money from the City's  
296 water system or from municipal income tax, as provided below, is available for the  
297 payment of the debt charges on the Notes and Bonds and is appropriated for that purpose,  
298 the amount of the tax shall be reduced by the amount of the money so available and  
299 appropriated in compliance with the covenant hereinafter set forth. To the extent not  
300 provided for by the revenues from the City's water system, the debt charges on the Notes  
301 and Bonds shall be paid from municipal income taxes lawfully available therefor under the  
302 Constitution and laws of the State of Ohio; and the City hereby covenants, subject and  
303 pursuant to such authority, including particularly Section 133.05(B)(7), Revised Code, to  
304 appropriate annually from such municipal income taxes such amount as is necessary to  
305 meet such annual debt charges. Nothing in this paragraph in any way diminishes the  
306 pledge of the full faith and credit and property taxing power of the City to the prompt  
307 payment of the debt charges on the Notes.  
308

309 Section 10. The City covenants that it will use, and will restrict the use and  
310 investment of, the proceeds of the Notes in such manner and to such extent, as may be  
311 necessary so that (a) the Notes will not (i) constitute private activity bonds, arbitrage bonds  
312 or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as  
313 amended (the Code) or (ii) be treated other than as bonds to which Section 103 of the Code  
314 applies, and (b) the interest on the Notes will not be treated as an item of tax preference  
315 under Section 57 of the Code.  
316

317 The City further covenants that (a) it will take or cause to be taken such actions that  
318 may be required of it for the interest on the Notes to be and remain excluded from gross  
319 income for federal income tax purposes, (b) it will not take or authorize to be taken any  
320 actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will,  
321 among other acts of compliance, (i) apply the proceeds of the Notes to the governmental  
322 purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely  
323 and adequate payments to the federal government, (iv) maintain books and records and  
324 make calculations and reports and (v) refrain from certain uses of those proceeds, and, as  
325 applicable, of property financed with such proceeds, all in such manner and to the extent  
326 necessary to assure such exclusion of that interest under the Code.  
327

328 The City hereby represents that the Outstanding Notes (the Refunded Obligation) were  
329 designated or deemed designated, and qualified, as a “qualified tax-exempt obligation”  
330 under Section 265(b)(3) of the Code. The City hereby covenants that it will redeem the  
331 Refunded Obligation from proceeds of, and within 90 days after issuance of, the Notes,  
332 and represents that all other conditions are met for treating the amount of the Notes not in  
333 excess of the principal amount of the Refunded Obligation outstanding immediately prior  
334 to the redemption of the Refunded Obligation as “qualified tax-exempt obligations” without  
335 necessity for further designation and as not to be taken into account under subparagraph  
336 (D) of Section 265(b)(3) of the Code pursuant to subparagraph (D)(ii) of Section 265(b)(3) of  
337 the Code.  
338

339 The amount of the Notes (such amount being the issue price of the Notes less accrued  
340 interest, if any, as determined under the Code) in excess of the principal amount of the  
341 Refunded Obligation that is outstanding immediately prior to the redemption of the  
342 Refunded Obligation is hereby designated as “qualified tax-exempt obligations” for  
343 purposes of Section 265(b)(3) of the Code. In that connection, the City hereby represents  
344 and covenants that it, together with all its subordinate entities or entities that issue  
345 obligations on its behalf, or on behalf of which it issues obligations, in or during the  
346 calendar year in which the Notes are issued, (i) have not issued and will not issue  
347 tax-exempt obligations designated as “qualified tax-exempt obligations” for purposes of  
348 Section 265(b)(3) of the Code, including the aforesaid amount of the Notes, in an aggregate  
349 amount in excess of \$10,000,000, and (ii) have not issued, do not reasonably anticipate  
350 issuing, and will not issue, tax-exempt obligations (including the aforesaid amount of the  
351 Notes, but excluding obligations, other than qualified 501(c)(3) bonds as defined in Section  
352 145 of the Code, that are private activity bonds as defined in Section 141 of the Code and  
353 excluding refunding obligations that are not advance refunding obligations as defined in  
354 Section 149(d)(5) of the Code to the extent that the amount of the refunding obligations  
355 does not exceed the outstanding principal amount of the refunded obligations) in an  
356 aggregate amount exceeding \$10,000,000, unless the City first obtains a written opinion of  
357 nationally recognized bond counsel that such designation or issuance, as applicable, will  
358 not adversely affect the status of the Notes as “qualified tax-exempt obligations.”  
359

360 Further, the City represents and covenants that, during any time or in any manner as  
361 might affect the status of the Notes as “qualified tax exempt obligations,” it has not formed  
362 or participated in the formation of, or benefitted from or availed itself of, any entity in order  
363 to avoid the purposes of subparagraph (C) or (D) of Section 265(b)(3) of the Code, and will  
364 not form, participate in the formation of, or benefit from or avail itself of, any such entity.  
365 The City further represents that the Notes are not being issued as part of a direct or  
366 indirect composite issue that combines issues or lots of tax exempt obligations of different  
367 issuers.  
368

369 The Director of Finance, as the fiscal officer, or any other officer of the City having  
370 responsibility for issuance of the Notes is hereby authorized (a) to make or effect any  
371 election, selection, designation, choice, consent, approval, or waiver on behalf of the City  
372 with respect to the Notes as the City is permitted to or required to make or give under the  
373 federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax  
374 treatment or status of the Notes or interest thereon or assisting compliance with  
375 requirements for that purpose, reducing the burden or expense of such compliance,  
376 reducing the rebate amount or payments or penalties, or making payments of special  
377 amounts in lieu of making computations to determine, or paying, excess earnings as  
378 rebate, or obviating those amounts or payments, as determined by that officer, which  
379 action shall be in writing and signed by the officer, (b) to take any and all other actions,  
380 make or obtain calculations, make payments, and make or give reports, covenants and  
381 certifications of and on behalf of the City, as may be appropriate to assure the exclusion of  
382 interest from gross income and the intended tax status of the Notes, and (c) to give one or  
383 more appropriate certificates of the City, for inclusion in the transcript of proceedings for  
384 the Notes, setting forth the reasonable expectations of the City regarding the amount and  
385 use of all the proceeds of the Notes, the facts, circumstances and estimates on which they  
386 are based, and other facts and circumstances relevant to the tax treatment of the interest  
387 on and the tax status of the Notes.  
388

389 Each covenant made in this section with respect to the Notes is also made with respect  
390 to all issues any portion of the debt service on which is paid from proceeds of the Notes  
391 (and, if different, the original issue and any refunding issues in a series of refundings), to  
392 the extent such compliance is necessary to assure exclusion of interest on the Notes from  
393 gross income for federal income tax purposes, and the officers identified above are  
394 authorized to take actions with respect to those issues as they are authorized in this  
395 section to take with respect to the Notes.  
396

397 Section 11. The Clerk of Council is directed to deliver a certified copy of this ordinance  
398 to the Fiscal Officer in Summit County.  
399

400 Section 12. This Council determines that all acts and conditions necessary to be done  
401 or performed by the City or to have been met precedent to and in the issuing of the Notes  
402 in order to make them legal, valid and binding general obligations of the City have been  
403 performed and have been met, or will at the time of delivery of the Notes have been  
404 performed and have been met, in regular and due form as required by law; that the full  
405 faith and credit and general property taxing power (as described in Section 9) of the City  
406 are pledged for the timely payment of the debt charges on the Notes; and that no statutory  
407 or constitutional limitation of indebtedness or taxation will have been exceeded in the  
408 issuance of the Notes.  
409

410 Section 13. The Director of Law is authorized to engage the legal services of the law  
411 firm of Squire Patton Boggs (US) LLP, which legal services are to be in the nature of legal  
412 advice and recommendations as to the documents and the proceedings, and rendering an  
413 approving legal opinion, in connection with the issuance and sale of the Notes. In  
414 rendering those legal services, as an independent contractor and in an attorney-client  
415 relationship, that Firm shall not exercise any administrative discretion on behalf of this  
416 City in the formulation of public policy, expenditure of public funds, enforcement of laws  
417 rules and regulations of the State, any county, or cities or of this City, or the execution of  
418 public trusts. For those legal services that Firm shall be paid fees and reimbursed for  
419 actual out-of-pocket expenses (including, but not limited to, travel, long-distance  
420 telephone, fax and duplicating expenses) incurred in rendering those legal services. The  
421 Director of Finance is authorized and directed to make appropriate certification as to the

422 availability of funds for that fee and any reimbursement and to issue an appropriate order  
423 for their payment as they become payable.

424  
425 Section 14. This Council finds and determines that all formal actions of this Council  
426 and of any of its committees concerning and relating to the passage of this ordinance were  
427 taken in an open meeting and that all deliberations of this Council and of any committees  
428 that resulted in those formal actions were held, in meetings open to the public, in  
429 compliance with Chapter 107 of the City's Codified Ordinances.

430  
431 Section 15. This ordinance is declared to be an emergency measure necessary for the  
432 immediate preservation of the public peace, health and safety of the City, and for the  
433 further reason that this ordinance is required to be immediately effective in order to issue  
434 and sell the Notes, which is necessary to enable the City to timely retire the Outstanding  
435 Notes and thereby preserve its credit and to provide an adequate supply and availability of  
436 potable water and water for fire protection and to timely meet its obligations under  
437 construction contracts; wherefore, this ordinance shall be in full force and effect  
438 immediately upon its passage and approval by the Mayor; otherwise it shall take effect and  
439 be in force at the earliest period allowed by law.

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443 Passed: \_\_\_\_\_  
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\_\_\_\_\_  
President of Council

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Clerk of Council

\_\_\_\_\_  
Mayor

10/13/14

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4 CITY OF CUYAHOGA FALLS, OHIO

5  
6 ORDINANCE NO. - 2014

7  
8  
9 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC  
10 SERVICE TO ENTER INTO A CONTRACT OR CONTRACTS,  
11 ACCORDING TO LAW, FOR UNDERGROUND CABLE, TO USE  
12 IN RECONDUCTORING THE UNDERGROUND SUB-  
13 TRANSMISSION CIRCUIT FROM SUBSTATION #5 TO SUBSTATION  
14 #10, AND DECLARING AN EMERGENCY.  
15

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

18  
19 Section 1. The Director of Public Service is hereby authorized to enter into a contract or  
20 contracts for underground cable, to use in reconductoring the underground sub-  
21 transmission circuit from Substation #5 to Substation #10.  
22

23 Section 2. The Director of Finance is hereby authorized and directed to make payment for  
24 same from the Electric Fund, line item Capital Outlay.  
25

26 Section 3. Any other ordinances or resolutions or portions of ordinances and resolutions  
27 inconsistent herewith are hereby repealed, but any ordinances and resolutions not inconsistent  
28 herewith and 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 concerning and  
31 relating to the adoption of this ordinance were adopted in an open meeting of this Council, and  
32 that all deliberations of this Council and of any of its committees that resulted in such formal  
33 action, were in meetings open to the public, in compliance with all legal requirements, to the extent  
34 applicable, including Chapter 107 of the Codified Ordinances.  
35

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

43  
44 Passed: \_\_\_\_\_  
45 \_\_\_\_\_  
46 President of Council

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

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

3  
4 CITY OF CUYAHOGA FALLS, OHIO

5  
6 ORDINANCE NO. - 2014

7  
8 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC  
9 SERVICE TO ENTER INTO A CONTRACT OR CONTRACTS,  
10 ACCORDING TO LAW, FOR THE DEMOLITION OF BUILDINGS AND  
11 REMOVAL OF DEMOLITION DEBRIS AT 508 CHART ROAD, AND  
12 CERTIFYING THE COST THEREOF TO THE COUNTY FISCAL  
13 OFFICER FOR COLLECTION IN THE MANNER PROVIDED BY LAW,  
14 AND DECLARING AN EMERGENCY.

15  
16 WHEREAS, the Building Official has declared the buildings identified in Section 1 below to be  
17 dangerous buildings within the meaning of Chapter 1335 of the Codified Ordinances; and

18  
19 WHEREAS, the Building Official has provided a notice to all owners and interested parties  
20 concerned with the buildings identified in Section 1 below, instructing such owners and interested  
21 parties as to the repairs required to make the buildings safe, ordering the owners to repair or  
22 demolish the buildings accordingly, and informing the owners and interested parties of their right  
23 of appeal under Section 1335.05 of said Chapter; and

24  
25 WHEREAS, no appeals of the Building Official’s orders have been received; and

26  
27 WHEREAS, no remediation of the conditions found by the Building Official have been  
28 attempted or accomplished by any of the owners or interested parties.

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

32  
33 Section 1. This Council hereby finds and determines that the following described structures  
34 are insecure, unsafe, and structurally defective within the meaning of Ohio Revised Code §715.26,  
35 and dangerous buildings within the meaning of Section 1335.01 of the Codified Ordinances:

36  
37 508 Chart Road (house & garage)

38  
39 Section 2. The Director of Public Service is authorized to enter into a contract or contracts,  
40 according to law, for the demolition of the dangerous buildings listed in Section 1 above, and the  
41 removal of debris therefrom.

42  
43 Section 3. The Finance Director is authorized to make payment for same from the Capital  
44 Projects Fund, Line Item Capital Outlay.

45  
46 Section 4. In accordance with Ohio Revised Code §715.26, the Finance Director is hereby  
47 directed to certify the costs of demolition and debris removal to the Clerk of Council who shall then  
48 certify the same to the Summit County Fiscal Officer for placement thereof on the tax duplicate  
49 together with interest and penalties provided by law.

50  
51 Section 5. Any other ordinance and resolutions or portions of ordinances and resolutions  
52 inconsistent herewith are hereby repealed, but any ordinances and resolutions or portions of  
53 ordinances and resolutions not inconsistent herewith and which have not previously been repealed  
54 are hereby ratified and confirmed.

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Section 6. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including, to the extent applicable, including Chapter 107 of the Codified Ordinances.

Section 7. This ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga Falls and the inhabitants thereof, and provided it receives the affirmative vote of two thirds of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest period allowed by law.

Passed: \_\_\_\_\_

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

\_\_\_\_\_  
Clerk of Council

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

\_\_\_\_\_  
Mayor

10/13/14  
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5 CITY OF CUYAHOGA FALLS, OHIO

6  
7 ORDINANCE NO. - 2014

8  
9 AN ORDINANCE AMENDING THE TRAFFIC  
10 CONTROL FILE BY PROVIDING FOR INSTALLATION  
11 OF VARIOUS TRAFFIC CONTROL DEVICES, AND  
12 DECLARING AN EMERGENCY.  
13

14 WHEREAS, site-specific traffic control regulations of the City are established  
15 and maintained in the "Traffic Control File," a document established and  
16 maintained by the Chief of Police pursuant to Chapter 305 of the Codified  
17 Ordinances, and  
18

19 WHEREAS, Section 305.02 of said Chapter requires that amendments to the  
20 Traffic Control File be made only through legislation passed by City Council,  
21

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

25 Section 1. Upon the recommendation of the Traffic Committee, the Traffic  
26 Control File is hereby amended as follows:  
27

- 28 1. Request to prohibit right turn on red from the ACME parking lot onto  
29 State Road going south.
- 30 2. Request to prohibit parking on Bridgeview Circle.  
31

32 Section 2. The Chief of Police is hereby authorized and directed to note in  
33 the Traffic Control File the proper legends.  
34

35 Section 3. The Mayor is hereby authorized and directed to cause the  
36 installation or removal of the proper signage reflecting the above amendments.  
37

38 Section 4. Any other ordinances and resolutions or portions of ordinances  
39 and resolutions inconsistent herewith are hereby repealed but any ordinances  
40 and resolutions or portions of ordinances and resolutions not inconsistent  
41 herewith and which have not been previously repealed are hereby ratified and  
42 confirmed.  
43

44 Section 5. It is found and determined that all formal actions of this Council  
45 concerning and relating to the adoption of this ordinance were adopted in an  
46 open meeting of this Council and that all deliberations of this Council and of  
47 any of its committees that resulted in such formal action were in meetings open  
48 to the public, in compliance with all legal requirements including Chapter 107  
49 of the Codified Ordinances.  
50

51        Section 6. This ordinance is hereby declared to be an emergency measure  
52 necessary for the preservation of the public peace, health, safety, convenience  
53 and welfare of the City of Cuyahoga Falls and the inhabitants thereof and  
54 provided it receives the affirmative vote of two-thirds of the members elected or  
55 appointed to Council, it shall take effect and be in force immediately upon its  
56 passage and approval by the Mayor; otherwise it shall take effect and be in force  
57 at the earliest period allowed by law.

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60 Passed: \_\_\_\_\_

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President of Council

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Clerk of Council

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68 Approved: \_\_\_\_\_

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Mayor

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4 CITY OF CUYAHOGA FALLS, OHIO

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6 RESOLUTION NO. - 2014

7  
8 A RESOLUTION EXPRESSING SUPPORT FOR AND URGING  
9 PASSAGE OF ISSUE 2, THE CUYAHOGA FALLS LOCAL  
10 SCHOOL DISTRICT RENEWAL LEVY, AT THE ELECTION OF  
11 NOVEMBER 4, 2014, AND DECLARING AN EMERGENCY

12  
13 WHEREAS, the Cuyahoga Falls Local School District has caused a proposed renewal  
14 levy to be placed on the November 4, ballot as Issue 2, and

15  
16 WHEREAS, the levy was approved in 2005 and renewed in 2010, and

17  
18 WHEREAS, failure of the proposed levy renewal could result in a loss of approximately  
19 \$5.8 million annually, or nearly 12% of the Cuyahoga Falls School District annual  
20 operating budget, and

21  
22 WHEREAS, passage of Issue 2 would result in no new taxes to the property owners in  
23 the district.

24  
25 NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cuyahoga Falls,  
26 County of Summit and State of Ohio, that:

27  
28 Section 1. The City of Cuyahoga Falls expresses its support for the Cuyahoga Falls  
29 Local School District and urges the passage of Issue 2.

30  
31 Section 2. It is found and determined that all formal actions of this Council concerning  
32 and relating to the adoption of this resolution were adopted in an open meeting of this  
33 Council and that all deliberations of this Council and of any of its committees that resulted  
34 in such formal action were in meetings open to the public, in compliance with all legal  
35 requirements including Chapter 107 of the Codified Ordinances.

36  
37 Section 3. This resolution is hereby declared to be an emergency measure necessary for  
38 the preservation of the public peace, health, safety, convenience and welfare of the City of  
39 Cuyahoga Falls and the inhabitants thereof and provided it receives the affirmative vote of  
40 two-thirds of the members elected or appointed to Council, it shall take effect and be in  
41 force immediately upon its passage and approval by the Mayor; otherwise it shall take effect  
42 and be in force at the earliest period allowed by law.

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

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

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50 \_\_\_\_\_  
Clerk of Council

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52  
53 Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

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56 10/13/14