



COUNCIL UPDATE

JUNE 28, 2019

MEETINGS & REMINDERS

Monday, July 1	-	2:00 – 7:00 p.m.	Blood Drive at the Community Center
	-	6:15 p.m.	- Committee of the Whole
	-	7:30 p.m.	- Council Meeting
Tuesday, July 2	-	5:30 p.m.	- Landmark Commission
	-	7:00 p.m.	- Architectural Board of Review
Thursday, July 4	-	City Hall and the Community Center are closed	
Monday, July 8	-	6:15 p.m.	- Committee of the Whole
Tuesday, July 9	-	7:00 p.m.	- Architectural Board of Review
Wednesday, July 10	-	7:00 p.m.	- Planning Commission
Thursday, July 11	-	6:00 p.m.	- Meet Your Police
	-	6:00 p.m.	- Refuse & Recycling Task Force
Friday, July 12 – Sunday, July 14			Cain Park Arts Festival

JULY 4 BLOCK PARTIES

- **Ashton** 9:00am to dusk
- **East Fairfax** 9:00am to 5:00pm (they are celebrating their 50th year as a street club)
- **Kingston/Canterbury** 10:00am to dusk the annual parade starts at 11:00am

- **Somerton** 9:00am to dusk parade around noon

UPCOMING EVENTS

Tuesday, July 30	-	8:30 p.m.	-	Cumberland Pool Water Show
Wednesday, July 31	-	8:00 – 3:00 p.m.		Blood Drive at the Community Center, Battle of the Badges
Tuesday, August 6	-	6:00 – 9:00 p.m.		6 th Annual Safety Forces Night Out at the Community Center

LEGISLATION

- **Storefront Renovation Program.** A Resolution to adopt revised guidelines for the City’s Storefront Renovation Program and to repeal previous amendments to said program’s guidelines.
- **Top of the Hill Parking, Second Reading.** An Ordinance authorizing the implementation of the parking plan during construction of the Top of the Hill development.
- **National Parks and Recreation Month.** A Resolution proclaiming July 2019, *National Parks and Recreation Month*, in the City of Cleveland Heights.
- **Public Records Training.** A Resolution designating certain law department attorneys pursuant to R.C. 109.43(b)
- **Bonds, Forestry, Second Reading.** An ordinance providing for the issuance and sale of \$214,412 of notes, in anticipation of the issuance of bonds, for the purpose of paying costs of acquiring motor vehicles and equipment used in performing the functions of the City’s Department of Public Works, Forestry Division.
- **Bonds, Police, Second Reading.** An ordinance providing for the issuance and sale of \$163,199 of notes, in anticipation of the issuance of bonds, for the purpose of paying costs of acquiring mobile radios for use by the City’s Police Department, together with the necessary related equipment.

- **Bonds, Streets, Second Reading.** An ordinance providing for the issuance and sale of \$582,000 of notes, in anticipation of the issuance of bonds, for the purpose of (i) reconstructing, resurfacing and otherwise improving City streets, (ii) rebuilding Monticello Boulevard and Taylor Road, including engineering and planning costs with respect thereto and (iii) acquiring motorized equipment and appurtenances thereto.
- **Bonds, Sewer, Second Reading.** An ordinance providing for the issuance and sale of \$253,389 of notes, in anticipation of the issuance of bonds, for the purpose of paying costs of acquiring motor vehicles and equipment used in performing the functions of the City's Department of Public Works, Sewer Utilities Division.
- **2020 Tax Budget, First Reading.** A Resolution approving the adoption of the 2020 Tax Budget.

UPDATES

- **State of Ohio Operating Budget Update**
 - Since the last update on the State's Operating Budget, the Senate unanimously passed Am. Sub. HB 166 which was not adopted by the House of Representatives; and, therefore referred to the Conference Committee to sort out the differences. The Conference Committee is expected to deliberate through the weekend. By law, the final bill must be approved by both legislative chambers and be signed into law by the Governor by June 30.
- **FutureHeights CDC Quarterly Meeting**
 - Mayor Roe and City Manager Briley met with FH Executive Director Deanna Bremmer Fisher and FH Board Chair Bob Brown this week for our second quarterly meeting of 2019. FH is making good progress with the getting several homes under contract with a developer for rehabilitation. A mural project for the Cedar Lee Mini Park will be installed in early July. We discussed several other items including their work on their Model Block program surrounding the high school and additional ideas for collaboration with some of the development projects moving forward. There continues to be good coordination and communication between the City and FH at all levels.
- **Communications**

- Set up interviews with Ideastream , Fresh Water and WOIO
- Working on Focus Issue #2 – preparing articles and photos
- Photograph Ribbon cuttings at Foodistava and Macron Café
- Produced bi-weekly newsletter and met with local businesses regarding promotion on City social media
- **Planning**
 - Transportation Advisory Committee - Members reviewed maps prepared by the City’s Geographic Information Systems person showing data on pedestrian and bicyclist crashes and injuries. Members brainstormed low-cost improvements that they believe would reduce crashes and asked that they be shared with Public Works.
 - Architectural Board of Review - Martin Johannessen, the newest member, has been advocating for garage designs to incorporate some of the home’s architectural properties, such as the roof’s shape and the siding’s lap size. That way, the garage looks more intentionally matched with the home. ABR understands that cost is a factor and they work with the applicants to figure out solutions when design changes are needed.
- **Economic Development**
 - A Top of the Hill Community Meeting on Design of the project was held on June 25 at the Community Center. Attendance was roughly 80 – 100.

Consistent specific design comments included:

- General acknowledgment that F&C and the City have been listening to past comments and the project has improved with each iteration;
- Still concerns with the overall height of the building at the point;
- Overall scale of the project is too large;
- Pocket park location next to Nighttown – will this be used primarily by and for Nighttown? Is this park permanent?;
- Need for public art – a venue for “rotating” public art – changed with submittals by artists – was suggested;
- Will the building facades be “real brick” – answer “Yes”;
- Mechanicals on rooftops – potential appearance a concern;
- Could the rooftop on the building at the point be more for “public” space, not for a pool – a restaurant?;

- Garage should be constructed of high quality materials so if parking not needed in future garage can be converted to another use;
- Could the developer consider a “dramatic” exterior lighting plan for the project – could make a big impact;
- Fitness Center use at street level at the point is not a desirable impression;

Non-Design comments included:

- Ongoing concern about amount of parking provided – most comments were its not enough, but some stated there were too many spaces being provided;
- Traffic – amount and flow;
- How will project impact infrastructure, particularly storm water?;
- One comment on the City financial contribution to the project;
- Handful of questions regarding the demographics of the renters in the luxury apartments and the projected rent price point;

We reminded those in attendance to send comments to Richard W. by July 2 for us to forward to the ABR for the 7/9 meeting;

Reminder given of the 7/9 ABR meeting at 7 PM and that it would be held at the Community Center;

F&C is going to send responses to questions by Monday July 1 – we will add to the Webpage most likely under the FAQ section hopefully by end of day on Tuesday 7/2 – this will include more specific information on rental rates and renter demographics;

Comments from last night’s meeting will also be communicated to ABR; Staff will respond to the traffic and parking questions by again directing citizens to the traffic and parking study that is posted on the webpage; Staff will consult with Public Works about how best to effectively handle the infrastructure questions raised

- o Cedar-Lee-Meadowbrook Project – Negotiations continue on the MOU – there was also good media coverage of the project by Freshwater Cleveland – link to article is - <https://www.freshwatercleveland.com/breaking-ground/CedarLeeMeadowbrook062519.aspx?fbclid=IwAR36tzmbowaR8JdiOfEvi25bXRo6Rxyuw-6Lr3qG24LyxaUOJ8T7fZoRiA>
- o Severance Town Center Redevelopment Plan – Staff issued the Request for Proposals (RFP) on June 21, with a response deadline of July 31; good media coverage by Ideastream – link to article is - <https://www.ideastream.org/news/cleveland-heights-seeks-new-role-for->

[severance-town-center](#) ; The City Manager also provided an on-camera interview on the project which can be viewed at <https://www.cleveland19.com/2019/06/25/cleveland-heights-wants-redevelop-severance-town-center-shopping-center-what-should-it-be/>

- Medusa – The City received tremendous news that the Medusa property and project as proposed by Developer Roger Bliss was awarded Ohio Historic Preservation Tax Credits by the Ohio Development Services Agency (ODSA) – staff has reached out to the Developer and we anticipate next steps towards redevelopment to be underway shortly; A link to the article - <https://www.cleveland.com/business/2019/06/five-northeast-ohio-projects-win-ohio-historic-preservation-tax-credit-awards.html>
- The final Community Meeting on the Noble Corridor Study has been re-scheduled to be held on July 18 (Meeting Flyer attached). The Steering Committee is hopeful of strong Council attendance at this Community meeting if possible
- New Businesses Watch / Business Retention Expansion Attraction Creation (BREAC) Activities: On June 22, there was a grand opening / ribbon-cutting ceremony held for Macaron Café Cleveland for this new business in the Coventry Village District located at 1767 Coventry Road – we wish them the best of luck and congratulations!
- **Parks and Recreation**
 - This year’s musical theater production Ragtime has been a success with great reviews. This weekend is the last opportunity to see it with the last performance on Sunday, June 30.
- **Police**
 - On Wednesday, June 25, 2019, members of the Cleveland Heights Police Department participated in the Law Enforcement Torch Run to raise awareness and funds for the Special Olympics movement. CHPD Officers carried the torch for the entire length of Mayfield Road in Cleveland Heights. Thanks to all Officers who volunteered their time to participate for such a wonderful cause.



- **Sanitary Sewer Evaluation Survey**

	Requirements	Due
Phase 1 SSES	CCTV - 393,658 LF	1-Nov-19
Phase 1 SSES	1,980 Manhole Inspections	1-Nov-19
CMOM	132,000 LF/yr Pipe Cleaned	31-Dec-19
Model	Calibrated Model	31-Mar-19

Completed Through May 14, 2019

	<u>Completed Thru Mat June 24, 2019 (LF)</u>	<u>Overall Remaining (LF)</u>	<u>Overall Remaining (%)</u>
CCTV	281,164	112,494	29%
MHs Phase 1	1978	2	0%
MHs Phase 2	437	688	61%
Cleaning Total	321,662	-	-

Cleaning (2018) only	159,108	-	-
Cleaning (2019) only	162,554	0	0%

* **NOTE:** There have been 65 manholes not found in Phase 1

Work Completed by Entity

	<u>City</u>	<u>Contractor</u>	<u>County</u>
CCTV	12% (45,948 LF)	40% (155,486 LF)	20% (79,730 LF)
Cleaning (2019) only	28% (46,193 LF)	59% (95,770 LF)	13% (20,591 LF)
Cleaning Total	36% (115,090 LF)	44% (143,772 LF)	20% (62,850 LF)

Model Update

Tasks	% Complete
1. Flow and rainfall Analysis	100%
2. Model Expansion in GIS	100%
3. Model Expansion in Infoworks ICM	100%
4. Delamere - Model Setup	100%
5. Delamere - DWF and WWF calibration	100%
6. Delamere - Capacity evaluation	100%
7. Delamere - Alternative development	95%
8. DWF and WWF Calibration for all flow meters	95%

*DWF = dry weather flow, WWF = wet weather flow

- **Capital Projects**
 - Meadowbrook Boulevard Reconstruction - The surveyors for Fabrizi are currently working on laying out the job. Work was previously scheduled to

begin next week with installing the new drainage structures, but might be delayed since the contractor is still waiting for the manufacturer to deliver them.

- Mayfield Signalization - Terrace has started putting some of the new traffic signal intersections online.
- Safe Routes to Schools – Noble/Quilliams Traffic Signal – ODOT PID 101112 - The Contractor is waiting on the signal poles, and they expect delivery in the next couple weeks.
- Edgehill and Overlook Intersection Re-Design – ODOT PID 106749 - Work is completed. We are in the process of scheduling the final walk through. Storm water inlet protection will remain in place until the grass seed comes in.
- 2018 Street Resurfacing Program - Paving is completed on Cedar-Glen Parkway, as well as the water-break repair area between Lennox and Surrey. The contractor still has to return to re-apply the thermo-plastic pavement markings on Cedar.
- 2019 Street Resurfacing & ADA Curb Ramp Replacement Program - Paving work is completed. The sidewalk contractor still has a couple remaining curb ramps and concrete work to complete, along with some final restoration.
- 2019 Surface Treating Program - Pavement repairs have been completed. The contractor will begin chip sealing sometime in the next couple weeks.
- Refuse and Recycling - Vehicle Update - The Refuse and Recycling Division had six (6) of the regularly utilized trucks out-of-service last week. The Division was able to collect trash on schedule by doubling up on some of the routes and borrowing a truck from the City of Shaker Heights. One truck was placed back in service this week, however, two of the trucks require outside service at significant cost (\$7,200; \$20,000). Vehicle Maintenance is projected to have two trucks back in service next week and hopefully return the Shaker Heights truck. The challenge is any truck could go down again.
- Refuse and Recycling Task Force - The Task Force Committee met on Thursday, June 27, 2019. Joe Beno, Public Works Director for the City of Lakewood, gave a presentation regarding Lakewood's transition to automation and answered questions of committee members and the public.



CLEVELAND HEIGHTS

Committee of the Whole

July 1, 2019

Agenda

1. Report of City Council Members 6:15 p.m. – 6:25 p.m.
Goal: Mayor and City Council members will provide updates on items of interest
 2. Legislation Overview 6:25 p.m. – 6:35 p.m.
Goal: Discuss proposed legislation
 3. Executive Sessions 6:35 p.m. – 7:20 p.m.
 - *To consider the appointment of a public official*
 - *To discuss, with an attorney for the public body, claims or disputes involving the public body that are the subject of pending court action*
-

FOLLOWING CITY COUNCIL MEETING

4. Executive Session TBA
Goal: To discuss, with an attorney for the public body, claims or disputes involving the public body that, in the judgment of such attorney, appear likely to be the subject of a future claim



CLEVELAND HEIGHTS

MEMORANDUM

TO: Landmark Commission Members, Staff and Interested Parties
FROM: Kara Hamley O'Donnell, City Planner II/Historic Preservation Planner
DATE: June 21, 2019
RE: Notification for July meeting

A regular meeting of the Cleveland Heights Landmark Commission is scheduled for:

Tuesday, July 2, 2019
5:30 p.m.
Executive Conference Room, Cleveland Heights City Hall
40 Severance Circle, Cleveland Heights

A G E N D A

1. Call to order
2. Minutes of the May 7, 2019, Regular Meeting
3. Minutes of the June 5, 2019, Special Meeting
4. Staff report
5. Old Business
 - Ambler Heights Local Historic District, review permit referral
 - Master Plan
 - Potential Landmarks
 - Lang House, 1737 Andrews Road
 - Amos N. Barron House, 2233 Devonshire Road
 - Werk House, 2956 Washington Boulevard
 - 952 Woodview Road
 - Harry Payer House, 2420 Derbyshire Road
 - Gill-Herget House, 2178 Harcourt Drive
 - Landmark properties update
 - Preservation activities & lectures
 - CH-UH Archives group/Cleveland Memory/Cleveland Historical
 - National Register of Historic Places, district updates
 - Development updates
 - Landmark Commission research/write-up on Landmarks/historic districts
6. New Business
7. Adjournment



CLEVELAND HEIGHTS

AGENDA (tentative) – CLEVELAND HEIGHTS CITY COUNCIL MEETING COUNCIL CHAMBERS

Monday, July 1, 2019
Regular Meeting
7:30 p.m.

Cleveland Heights City Hall
40 Severance Circle
Cleveland Heights, Ohio

- 1) **Roll Call of Council Members**
- 2) **Excuse absent members**
- 3) **Approval of the minutes of the regular Council meeting held Monday, June 17, 2019.**
- 4) **Personal communications from citizens**
- 5) **Report of the City Manager**

Notify City Council that we are rejecting all bids that were received for #19-05 Selwyn Road Resurfacing & Water Line Replacement.

Matter of Record

Request permission to re-bid the Selwyn Road Resurfacing & Water Line Replacement project.

Matter of Record

Refer to: Safety and Municipal Services Committee

- 6) **Report of the Director of Finance/Clerk of Council**

Notify Council that a notice has been received from the Ohio Department of Liquor Control advising that an application has been made by Zhug LLC, 12413 Cedar Rd., Cleveland Heights, OH 44106 for the transfer of D5 and D6 permits from Perrys Ridge Investments LLC, dba Buffalo Wild Wings, 26567 N. Dixie Highway, Suite 142 & Patio, Perrysburg, OH 43551

Matter of Record

Refer to: Safety and Municipal Services Committee, the City Manager, and the Director of Law

- 7) **Committee Reports**

a.) **PLANNING AND DEVELOPMENT COMMITTEE**

RESOLUTION NO. 40-2019 (PD). A Resolution to adopt revised guidelines for the City's Storefront Renovation Program and to repeal previous amendments to said program's guidelines

Introduced by Council Member _____

Vote _____
For Against No. Reading

ORDINANCE NO. 57-2019 (PD), *Second Reading.* An Ordinance authorizing the implementation of the parking plan during construction of the Top of the Hill development

Introduced by Council Member _____

Vote _____
For Against No. Reading

b.) RECREATION, COMMUNITY AND EXTERNAL RELATIONS COMMITTEE

RESOLUTION NO. 64-2019 (RCER). A Resolution proclaiming July 2019, *National Parks and Recreation Month*, in the City of Cleveland Heights

Introduced by Council Member _____

Vote _____
For Against No. Reading

c.) SAFETY AND MUNICIPAL SERVICES COMMITTEE

d.) ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 65-2019 (AS). A Resolution designating certain law department attorneys pursuant to R.C. 109.43(b)

Introduced by Council Member _____

Vote _____
For Against No. Reading

e.) FINANCE COMMITTEE

ORDINANCE NO. 60-2019 (F), *Second Reading.* An ordinance providing for the issuance and sale of \$214,412 of notes, in anticipation of the issuance of bonds, for the purpose of paying costs of acquiring motor vehicles and equipment used in

performing the functions of the City's Department of Public Works, Forestry Division

Introduced by Council Member _____

Vote _____
For Against No. Reading

ORDINANCE NO. 61-2019 (F), Second Reading. An ordinance providing for the issuance and sale of \$163,199 of notes, in anticipation of the issuance of bonds, for the purpose of paying costs of acquiring mobile radios for use by the City's Police Department, together with the necessary related equipment

Introduced by Council Member _____

Vote _____
For Against No. Reading

ORDINANCE NO. 62-2019 (F), Second Reading. An ordinance providing for the issuance and sale of \$582,000 of notes, in anticipation of the issuance of bonds, for the purpose of (i) reconstructing, resurfacing and otherwise improving City streets, (ii) rebuilding Monticello Boulevard and Taylor Road, including engineering and planning costs with respect thereto and (iii) acquiring motorized equipment and appurtenances thereto

Introduced by Council Member _____

Vote _____
For Against No. Reading

ORDINANCE NO. 63-2019 (F), Second Reading. An ordinance providing for the issuance and sale of \$253,389 of notes, in anticipation of the issuance of bonds, for the purpose of paying costs of acquiring motor vehicles and equipment used in performing the functions of the City's Department of Public Works, Sewer Utilities Division

Introduced by Council Member _____

Vote _____
For Against No. Reading

RESOLUTION NO. 66-2019 (F), First Reading. A Resolution approving the adoption of the 2020 Tax Budget

Introduced by Council Member _____

Vote _____

For

Against

No. Reading

f.) HOUSING AND TRANSPORTATION COMMITTEE

8) Mayor's Report

9) Adjournment

(Council members and staff will stay following adjournment to discuss questions informally with citizens.)

NEXT MEETING OF COUNCIL: MONDAY, JULY 15, 2019

Proposed: July 1, 2019

RESOLUTION NO. 40-2019 (PD)

By Council Member

A Resolution to adopt revised guidelines for the City's Storefront Renovation Program and to repeal previous amendments to said program's guidelines; and declaring an emergency.

WHEREAS, the City's Storefront Renovation Program, funded with federal Community Development Block Grants funds, provides financial assistance for the exterior renovation and improvement to business properties that are located in a low-moderate area and/or are determined to meet federally approved slum/blight standards and are located in the City; and

WHEREAS, the City's existing Storefront Renovation Program combines financial incentives, including no-interest loans and rebates, with technical services of an expert design consultant for owners and tenants of commercial buildings in need of repair in Cleveland Heights; and

WHEREAS, the City's Economic Director and City Manager have recommended amendments to the Storefront Renovation Program to eliminate geographic restrictions and to grow the incentive structure, thereby increasing the program's success throughout the entire City; and

WHEREAS, this Council has determined that it would be in the City's best interests to adopt said recommendations.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. This Council hereby adopts the following guidelines for the Storefront Renovation Program.

REBATES – exterior renovation of commercial buildings outside of designated Special Improvements are eligible for a rebate of fifty percent (50%) of the total exterior renovation program cost, up to a maximum of \$40,000, except as otherwise provided herein. Exterior renovation of commercial buildings within designated Special Improvement Districts are eligible for a rebate of thirty-fiveforty percent (3540%) of the total exterior renovation project cost, up to a maximum of \$40,000, except as otherwise provided herein. ~~are eligible for a rebate of fifty percent (50%) of the total exterior renovation project cost, up to a maximum of \$40,000, except as otherwise provided herein.~~ This Council may, upon approval, increase the enumerated rebate or rebate percentage for any particular renovations based on any of the following criteria: buildings with highly visible location or longer-than-typical lineal frontage; multi-story buildings; substantially neglected buildings; historically significant buildings; buildings and use that may spur additional neighborhood investment; buildings and uses that provide a

RESOLUTION NO. 40-2019 (PD)

neighborhood need; buildings in target neighborhoods; or projects that support the Master Plan goals.

LOAN – exterior renovation of all commercial buildings are eligible for a zero percent (0.00%) loan of up to sixty percent (60%) of the total exterior renovation project cost, with a maximum loan amount of \$100,000.

EQUITY – a minimum equity contribution of ten percent (10%) of the total exterior renovation project cost is required for all rebates and loans.

SECTION 2. Resolution No. 40-1995, passed on June 19, 1995, and as subsequently amended by Resolution Nos. 106-2001, 46-2005, 118-2005, 19-2009, and 9-2015 is hereby repealed to the extent inconsistent herewith.

SECTION 3. Notice of the passage of this Resolution shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 4. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, and safety of the inhabitants of the City of Cleveland Heights, such emergency being the timely need to implement revised guidelines to provide increased financial incentives to business and property owners. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

CAROL ANN ROE, Mayor
President of the Council

SUSANNA NIERMANN O'NEIL
Acting Clerk of Council

PASSED:

Proposed: 6/17/2019

ORDINANCE NO. 57-2019 (PD), *Second Reading*

By Councilmember Stein

An Ordinance authorizing the implementation of the parking plan during construction of the Top of the Hill development; and declaring an emergency.

WHEREAS, the construction of the Top of the Hill development will displace certain permit and open parking available to residents of the City and the public; and

WHEREAS, in order to accommodate the parking needs of the Cedar-Fairmount neighborhood during construction, City Council approves and authorizes the implementation of the parking plan set forth in Exhibit A (“Parking Plan”) attached hereto.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cleveland Heights, Ohio, (“City”) that:

SECTION 1. City Council hereby authorizes the City Manager and her designees to implement the Parking Plan, to negotiate and enter into necessary agreements for the same as approved by the Director of Law, and to enforce the terms and conditions of the Parking Plan through the applicable provisions of the Codified Ordinances.

SECTION 2. Notice of passage of this Resolution shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 3. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being that prompt implementation of the Parking Plan is necessary to meet the parking needs of the Cedar-Fairmount neighborhood during the process of construction. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Ordinance shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

ORDINANCE NO. 57-2019 (PD)

CAROL ANN ROE, Mayor
President of the Council

SUSANNA NIERMANN O'NEIL
Acting Clerk of Court

PASSED:

EXHIBIT A

Parking Plan – Cedar-Fairmount Neighborhood

The following parking plan (“Parking Plan”) is intended to remedy the displacement of parking spaces during the construction of the Top of the Hill development in the Cedar-Fairmount neighborhood to commence on or about December 1, 2019. City Council has authorized the implementation of this plan through Ordinance No. ____-2019 adopted _____, 2019.

The Parking Plan is intended to be consistent with the Development Agreement as amended pursuant to Ord. 135-2018 adopted December 3, 2018.

A. Conversion to Permanent Permit Parking in Public Right of Way.

This paragraph applies to Lennox Road and Surrey Road, for the purpose of converting a total of approximately forty (40) parking spaces to permanent permit parking spaces on the street within the public right of way.

1. To be available by November 30, 2019;
2. To be approved by Police and Fire Divisions;
3. Permit rate to be the same as the City charges for similar parking facilities, currently One Hundred Fifteen Dollars (\$115.00) per calendar quarter and \$34.50 for seniors per calendar quarter, subject to change;
4. City intends to provide the maximum number of spaces pursuant to reasonable administrative practices;
5. Restrictions on parking during certain times and on certain days will be at the discretion of and determined by the City Manager and may be adjusted or terminated accordingly;
6. The City shall notify affected residents and property owners.

B. Temporary Permit Parking in Public Right of Way.

This paragraph applies to Euclid Heights Boulevard between Cedar Road and Surrey Road and Kenilworth Road and Lane, for the purpose of temporarily converting a total of approximately eighty-eight (88) parking spaces to permit parking spaces on the street within the public right of way.

1. To be available by November 30, 2019;
2. To be approved by Police and Fire Divisions.
3. Permit rate to be the same as the City charges for similar parking facilities, currently One Hundred Fifteen Dollars (\$115.00) per calendar quarter and \$34.50 for seniors per calendar quarter, subject to change;
4. The City intends to provide the maximum number of spaces pursuant to reasonable administrative practices;
5. Restrictions on parking during certain times and on certain days will be at the discretion of and determined by the City Manager and may be adjusted or terminated accordingly;

6. The City shall notify affected residents and property owners; and
7. Although provided for temporary purposes during construction, the City reserves the right to convert the temporary spaces into permanent parking on terms and conditions within the City's discretion.

C. *Temporary Permit Parking on Privately Owned Property.*

This paragraph applies to the expansion of Lot No. 22, in the process of being transferred by deed to a purchaser for development of an expanded parking area adding approximately forty (40) permit parking spaces, and to the use of the Cedar Hill Baptist Church ("CHBC") parking lot for an additional approximately seventy-five (75) permit spaces.

1. To be available by November 30, 2019;
2. To be approved by Police and Fire Divisions, although the property will not be owned by the City;
3. Subject to negotiated use agreements, with City Manager or designee authorized to negotiate and execute same subject to approval of the Director of Law and City Council;
4. Permit rate to be the same as the City charges for similar parking facilities, currently One Hundred Fifteen Dollars (\$115.00) per calendar quarter and \$34.50 for seniors per calendar quarter for lot 22 and Fifty-Seven Dollars Fifty Cents (\$57.50) per calendar quarter and \$17.25 for seniors per calendar quarter to park exclusively at CHBC, each subject to change;
5. City intends to provide the maximum number of spaces pursuant to reasonable administrative practices;
6. Restrictions on parking during certain times and on certain days will be at the discretion of and determined by the City Manager and may be adjusted or terminated accordingly; and
7. City shall notify affected residents and property owners.

D. *Top of Hill Construction Site Temporary Parking.*

This paragraph applies to the patrons of the Nighttown Restaurant (approximately fifty (50) spaces – not permit parking) and the residents and guests of the Buckingham Building (approximately forty (40) spaces – permit parking) during Top of the Hill construction.

1. To be available by November 30, 2019;
2. To be approved by Police and Fire Divisions;
3. This parking will be located on City-owned property;
4. Permit rate to be the same as the City charges for similar parking facilities, currently One Hundred Fifteen Dollars (\$115.00) per calendar quarter and \$34.50 for seniors per calendar quarter, subject to change;
5. City intends to provide the maximum number of spaces pursuant to reasonable administrative practices;
6. Restrictions on parking during certain times and on certain days will be at the discretion of and determined by the City Manager and may be adjusted or terminated accordingly; and

7. The City shall notify affected residents and property owners.

E. Transition upon Completion of Construction.

Upon completion of construction, the temporary arrangements set forth above may be adjusted or terminated by the City Manager in light of the parking requirements that will take effect at that time.

Proposed: July 1, 2019

RESOLUTION NO. 64-2019 (RCER)

By Council Member

A Resolution proclaiming July 2019, *National Parks and Recreation Month*, in the City of Cleveland Heights; and declaring an emergency.

WHEREAS parks and recreation programs are an integral part of communities throughout this country, including the City of Cleveland Heights; and

WHEREAS our parks and recreation are vitally important to establishing and maintaining the quality of life in our communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and

WHEREAS parks and recreation programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, and also improve the mental and emotional health of all citizens; and

WHEREAS parks and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS parks and recreation areas are fundamental to the environmental well-being of our community; and

WHEREAS parks and natural recreation areas improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, and produce habitat for wildlife; and

WHEREAS our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS the U.S. House of Representatives has designated July as *Parks and Recreation Month*; and

WHEREAS, the City of Cleveland Heights is honored to take part in the annual observance of *National Parks and Recreation Month* to distinguish Cleveland Heights as an attractive and desirable community to live, work, play, and visit.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cleveland Heights, Ohio, that:

RESOLUTION NO. 64-2019 (RCER)

SECTION 1. This Council hereby proclaims July 2019, *National Parks and Recreation Month*, in the City of Cleveland Heights and encourages residents to take advantage of the many opportunities to participate in parks and recreation programs and enjoy the amenities available through the City of Cleveland Heights' parks, Cumberland Outdoor Pool, and the Cleveland Heights Community Center.

SECTION 2. Notice of the passage of this Resolution shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 3. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to recognize *National Parks and Recreation Month* on a timely basis. Wherefore, provided it receives the affirmative vote of five (5) or more members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

CAROL ANN ROE, Mayor
President of the Council

SUSANNA NIERMANN O'NEIL
Acting Clerk of Council

PASSED:

Proposed: 7/1/2019

RESOLUTION NO. 65-2019 (AS)

By Council Member

A Resolution designating certain law department attorneys pursuant to R.C. 109.43(b); and declaring an emergency.

WHEREAS, Ohio Revised Code Section 109.43(b) requires that all elected officials or their appropriate designees attend three (3) hours of training concerning public records and open meetings laws; and

WHEREAS, this Council has determined that certain attorneys in the City Law Department are its appropriate designees to fulfill said requirement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. Each and every current member of City Council hereby designates Assistant Law Directors Nathaniel Hall and Natalie Thomas to fulfill the training requirements set forth in Ohio Revised Code Section 109.43(b) on his or her behalf.

SECTION 2. Notice of the passage of this Resolution shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 3. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to comply with State law. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

RESOLUTION NO. 65-2019 (AS)

CAROL ANN ROE, Mayor
President of the Council

SUSANNA NIERMANN O'NEIL
Acting Clerk of Council

PASSED:

Proposed: 6/17/2019

ORDINANCE NO. 60-2019 (F), *Second Reading*

By Council Member Cobb

An ordinance providing for the issuance and sale of \$214,412 of notes, in anticipation of the issuance of bonds, for the purpose of paying costs of acquiring motor vehicles and equipment used in performing the functions of the City's Department of Public Works, Forestry Division, and declaring an emergency.

WHEREAS, the Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is 10 years and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is 15 years from their date of issuance;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cleveland Heights, County of Cuyahoga, Ohio, that:

SECTION 1. Authorized Principal Amount of Anticipated Bonds; Purpose. It is necessary to issue bonds of the City in the aggregate principal amount of \$214,412 (the Bonds) for the purpose of paying costs of acquiring motor vehicles and equipment used in performing the functions of the City's Department of Public Works, Forestry Division.

SECTION 2. Estimated Bond Terms. The Bonds shall be dated approximately July 1, 2020, shall bear interest at the now estimated rate of 5% per year, payable semiannually until the principal amount is paid, and are estimated to mature in 10 annual principal installments on December 1 of each year that are in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is substantially equal. The first interest payment on the Bonds is estimated to be December 1, 2020, and the first principal payment of the Bonds is estimated to be December 1, 2021.

SECTION 3. Authorized Principal Amount of Notes; Dating; Interest Rate. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$214,412 (the Notes) shall be issued in anticipation of the issuance of the Bonds. The Notes shall be dated the date of issuance and shall mature one year from the date of issuance; provided that the Director of Finance may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is any date not later than one year from the date of issuance by setting forth that maturity date in the certificate signed in accordance with Section 6 (the Certificate of Award). The Notes shall bear interest at a rate not to exceed 5% per year (computed on the basis of a 360-day year consisting of 12 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate of interest on the Notes shall be determined by the Director of Finance in the Certificate of Award.

SECTION 4. Payment of Debt Charges; Paying Agent; Prepayment. The debt charges on the Notes shall be payable in lawful money of the United States of America or in Federal Reserve funds of the United States of America, as determined by the Director of Finance in the Certificate of Award, and shall be payable, without deduction for services of the City's paying agent, at the designated corporate trust office of U.S. Bank National Association, or at the principal corporate trust office or other office of a bank or trust company designated by the Director of Finance in the Certificate of Award, after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose, or at the office of the Director of Finance if agreed to by the Director of Finance and the Original Purchaser (as defined in Section 6) (the Paying Agent). If agreed to by the Original Purchaser, the Notes shall be prepayable without penalty or premium at the option of the City at any time prior to maturity (the Prepayment Date) as provided in this Ordinance. Prepayment prior to maturity shall be made by deposit with the Paying Agent of the principal amount of the Notes together with interest accrued thereon to the Prepayment Date. The City's right of prepayment shall be exercised by mailing a notice of prepayment, stating the Prepayment Date and the name and address of the Paying Agent, by certified or registered mail to the Original Purchaser and to the Paying Agent not less than seven days prior to the Prepayment Date. If money for prepayment is on deposit with the Paying Agent on the Prepayment Date following the giving of that notice, interest on the principal amount prepaid shall cease to accrue on the Prepayment Date. The Director of Finance may request the Original Purchaser to use its best efforts to arrange for the delivery of the Notes at the designated office of the Paying Agent for prepayment, surrender and cancellation.

SECTION 5. Execution of Notes; Book Entry System. The Notes shall be signed by the City Manager and the Director of Finance, in the name of the City and in their official capacities, provided that one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by the Original Purchaser and approved by the Director of Finance. The entire principal amount may be represented by a single note and may be issued as fully registered securities (for which the Director of Finance will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Revised Code if it is determined by the Director of Finance that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Director of Finance and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance.

As used in this section and this Ordinance:

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

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

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

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

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

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

SECTION 6. Award and Sale of the Notes.

(a) To the Original Purchaser. The Notes shall be sold at not less than par plus accrued interest to the original purchaser designated by the Director of Finance in the Certificate of Award (the Original Purchaser) in accordance with law and the provisions of this Ordinance. The Director of Finance shall sign the Certificate of Award evidencing that sale to the Original Purchaser, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. The City Manager, the Director of Finance, the Director of Law, the Clerk of Council and other City officials, as appropriate, are each

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authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The Director of Finance is authorized, if it is determined to be in the best interest of the City, to combine the issue of Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

(b) Application for Rating; Financing Costs. The Director of Finance is authorized to request a rating for the Notes from one or more nationally-recognized rating agencies in connection with the sale and issuance of the Notes. The expenditure of the amounts necessary to secure those rating(s) and to pay the other financing costs (as defined in Section 133.01 of the Revised Code) in connection with the Notes is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts and costs from the proceeds of the Notes to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

SECTION 7. Application of Note Proceeds. The proceeds from the sale of the Notes, except any premium and accrued interest, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

SECTION 8. Application and Pledge of Bond or Renewal Note Proceeds or Excess Funds. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

SECTION 9. Provisions for Tax Levy. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due. In each year, to the extent other money is lawfully available for the payment of debt charges on the Notes and Bonds and is appropriated for that purpose, the amount of the tax shall be reduced by the amount of money so available and appropriated.

SECTION 10. Federal Tax Considerations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the Code), or (ii) be treated other than as bonds the interest on which is excluded from gross

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income under Section 103 of the Code, and (b) the interest on the Notes will not be an item of tax preference under Section 57 of the Code.

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

The Director of Finance or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation (including specifically designation of the Notes as “qualified tax-exempt obligations” if such designation is applicable and desirable, and to make any related necessary representations and covenants), choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes.

SECTION 11. Certification and Delivery of Ordinance. The Clerk of Council is directed to deliver or cause to be delivered a certified copy of this Ordinance to the Cuyahoga County Fiscal Officer.

SECTION 12. Satisfaction of Conditions for Note Issuance. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the debt charges on the Notes; and that no statutory or

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constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

SECTION 13. Retention of Bond Counsel. The legal services of Squire Patton Boggs (US) LLP, as bond counsel, be and are hereby retained. The legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the issuance and sale of the Notes and the rendering of the necessary legal opinion upon the delivery of the Notes. In rendering those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those legal services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those legal services. The Director of Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

SECTION 14. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or its committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

SECTION 15. Captions and Headings. The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

SECTION 16. Declaration of Emergency; Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to enable the City to sell the Notes at the earliest possible date, which is necessary to enable the City to enter into contracts for the improvement which is needed to timely and efficiently provide forestry services to City residents and thereby better protect their health and safety; wherefore, this Ordinance shall be in full force and effect immediately upon its passage, provided it receives the affirmative vote of five members of Council elected thereto; otherwise, it shall be in full force and effect from and after the earliest period allowed by law.

CAROL ANN ROE, Mayor
President of Council

SUSANNA NIERMANN O'NEIL
Acting Clerk of Council

PASSED:

Proposed: 6/17/2019

ORDINANCE NO. 61-2019 (F), *Second Reading*

By Council Member Cobb

An ordinance providing for the issuance and sale of \$163,199 of notes, in anticipation of the issuance of bonds, for the purpose of paying costs of acquiring mobile radios for use by the City's Police Department, together with the necessary related equipment, and declaring an emergency.

WHEREAS, the Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is 10 years and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is 15 years from their date of issuance;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cleveland Heights, County of Cuyahoga, Ohio, that:

SECTION 1. Authorized Principal Amount of Anticipated Bonds; Purpose. It is necessary to issue bonds of the City in the aggregate principal amount of \$163,199 (the Bonds) for the purpose of paying costs of acquiring mobile radios for use by the City's Police Department, together with the necessary related equipment.

SECTION 2. Estimated Bond Terms. The Bonds shall be dated approximately July 1, 2020, shall bear interest at the now estimated rate of 5% per year, payable semiannually until the principal amount is paid, and are estimated to mature in 10 annual principal installments on December 1 of each year that are in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is substantially equal. The first interest payment on the Bonds is estimated to be December 1, 2020, and the first principal payment of the Bonds is estimated to be December 1, 2021.

SECTION 3. Authorized Principal Amount of Notes; Dating; Interest Rate. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$163,199 (the Notes) shall be issued in anticipation of the issuance of the Bonds. The Notes shall be dated the date of issuance and shall mature one year from the date of issuance; provided that the Director of Finance may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is any date not later than one year from the date of issuance by setting forth that maturity date in the certificate signed in accordance with Section 6 (the Certificate of Award). The Notes shall bear interest at a rate not to exceed 5% per year (computed on the basis of a 360-day year consisting of 12 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate of interest on the Notes shall be determined by the Director of Finance in the Certificate of Award.

SECTION 4. Payment of Debt Charges; Paying Agent; Prepayment. The debt charges on the Notes shall be payable in lawful money of the United States of America or in Federal Reserve funds of the United States of America, as determined by the Director of Finance in the

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Certificate of Award, and shall be payable, without deduction for services of the City's paying agent, at the designated corporate trust office of U.S. Bank National Association, or at the principal corporate trust office or other office of a bank or trust company designated by the Director of Finance in the Certificate of Award, after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose, or at the office of the Director of Finance if agreed to by the Director of Finance and the Original Purchaser (as defined in Section 6) (the Paying Agent). If agreed to by the Original Purchaser, the Notes shall be prepayable without penalty or premium at the option of the City at any time prior to maturity (the Prepayment Date) as provided in this Ordinance. Prepayment prior to maturity shall be made by deposit with the Paying Agent of the principal amount of the Notes together with interest accrued thereon to the Prepayment Date. The City's right of prepayment shall be exercised by mailing a notice of prepayment, stating the Prepayment Date and the name and address of the Paying Agent, by certified or registered mail to the Original Purchaser and to the Paying Agent not less than seven days prior to the Prepayment Date. If money for prepayment is on deposit with the Paying Agent on the Prepayment Date following the giving of that notice, interest on the principal amount prepaid shall cease to accrue on the Prepayment Date. The Director of Finance may request the Original Purchaser to use its best efforts to arrange for the delivery of the Notes at the designated office of the Paying Agent for prepayment, surrender and cancellation.

SECTION 5. Execution of Notes; Book Entry System. The Notes shall be signed by the City Manager and the Director of Finance, in the name of the City and in their official capacities, provided that one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by the Original Purchaser and approved by the Director of Finance. The entire principal amount may be represented by a single note and may be issued as fully registered securities (for which the Director of Finance will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Revised Code if it is determined by the Director of Finance that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Director of Finance and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance.

As used in this section and this Ordinance:

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

“Depository” means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Notes or the principal of, and interest on, the Notes and to

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effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

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

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

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

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

SECTION 6. Award and Sale of the Notes.

(a) To the Original Purchaser. The Notes shall be sold at not less than par plus accrued interest to the original purchaser designated by the Director of Finance in the Certificate of Award (the Original Purchaser) in accordance with law and the provisions of this Ordinance. The Director of Finance shall sign the Certificate of Award evidencing that sale to the Original Purchaser, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. The City Manager, the Director of Finance, the Director of Law, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The Director of Finance is authorized, if it is

determined to be in the best interest of the City, to combine the issue of Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

(b) Application for Rating; Financing Costs. The Director of Finance is authorized to request a rating for the Notes from one or more nationally-recognized rating agencies in connection with the sale and issuance of the Notes. The expenditure of the amounts necessary to secure those rating(s) and to pay the other financing costs (as defined in Section 133.01 of the Revised Code) in connection with the Notes is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts and costs from the proceeds of the Notes to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

SECTION 7. Application of Note Proceeds. The proceeds from the sale of the Notes, except any premium and accrued interest, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

SECTION 8. Application and Pledge of Bond or Renewal Note Proceeds or Excess Funds. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

SECTION 9. Provisions for Tax Levy. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due. In each year, to the extent other money is lawfully available for the payment of debt charges on the Notes and Bonds and is appropriated for that purpose, the amount of the tax shall be reduced by the amount of money so available and appropriated.

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

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

The Director of Finance or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation (including specifically designation of the Notes as “qualified tax-exempt obligations” if such designation is applicable and desirable, and to make any related necessary representations and covenants), choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes.

SECTION 11. Certification and Delivery of Ordinance. The Clerk of Council is directed to deliver or cause to be delivered a certified copy of this Ordinance to the Cuyahoga County Fiscal Officer.

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

SECTION 13. Retention of Bond Counsel. The legal services of Squire Patton Boggs (US) LLP, as bond counsel, be and are hereby retained. The legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the issuance and sale of the Notes and the rendering of the necessary legal opinion upon the delivery of the Notes. In rendering those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those legal services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those legal services. The Director of Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

SECTION 14. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or its committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

SECTION 15. Captions and Headings. The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

SECTION 16. Declaration of Emergency; Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to enable the City to sell the Notes at the earliest possible date, which is necessary to enable the City to enter into contracts for the improvement which is needed to timely and efficiently provide municipal police services to City residents and thereby better maintain order and safety in the City; wherefore, this Ordinance shall be in full force and effect immediately upon its passage, provided it receives the affirmative vote of five members of Council elected thereto; otherwise, it shall be in full force and effect from and after the earliest period allowed by law.

CAROL ANN ROE, Mayor
President of Council

SUSANNA NIERMANN O'NEIL
Acting Clerk of Council

PASSED:

Proposed: 6/17/2019

ORDINANCE NO. 62-2019 (F), *Second Reading*

By Council Member Cobb

An ordinance providing for the issuance and sale of \$582,000 of notes, in anticipation of the issuance of bonds, for the purpose of (i) reconstructing, resurfacing and otherwise improving City streets, (ii) rebuilding Monticello Boulevard and Taylor Road, including engineering and planning costs with respect thereto and (iii) acquiring motorized equipment and appurtenances thereto, and declaring an emergency.

WHEREAS, pursuant to Ordinance Nos. 71-2010 and 72-2010, each passed on June 21, 2010, and Ordinance No. 84-2010, passed on July 6, 2010, there were issued \$1,635,000 of notes in anticipation of bonds for the purposes stated in clauses (i) and (ii) of Section 1 and other purposes, as part of a consolidated issue of \$1,850,000 Various Purpose General Obligation Bond Anticipation Notes, Series 2010, which notes were retired at maturity, together with other funds available to the City, with \$1,353,000 of notes issued in anticipation of bonds pursuant to Ordinance No. 88-2011, passed on July 18, 2011, as part of a consolidated issue of \$1,703,000 Various Purpose General Obligation Bond Anticipation Notes, Series 2011 (the 2011 Notes); and

WHEREAS, pursuant to Ordinance No. 89-2011, passed on July 18, 2011, there were issued \$350,000 of notes in anticipation of bonds for the purpose stated in clause (iii) of Section 1, as part of the consolidated issue of the 2011 Notes; and

WHEREAS, the 2011 Notes were retired at maturity, together with other funds available to the City, with the proceeds of \$1,351,000 of notes (the 2012 Refunding Notes) issued in anticipation of bonds pursuant to Ordinance No. 90-2012, passed on July 2, 2012, as part of a consolidated issue of \$2,126,000 Various Purpose Notes, Series 2012; and

WHEREAS, pursuant to Ordinance Nos. 88-2012 and 89-2012, each passed on July 2, 2012, there were issued \$775,000 of notes (the 2012 New Money Notes, and, together with the 2012 Refunding Notes, the 2012 Notes) in anticipation of bonds for the purpose stated in clause (iii) of Section 1 and other purposes, as part of the consolidated issue of the 2012 Notes; and

WHEREAS, the 2012 Notes were retired at maturity, together with other funds available to the City, with the proceeds of \$1,488,000 of notes (the 2013 Refunding Notes) issued in anticipation of bonds pursuant to Ordinance No. 120-2013, passed on July 15, 2013, as part of a consolidated issue of \$2,378,000 Various Purpose Notes, Series 2013; and

WHEREAS, pursuant to Ordinance Nos. 117-2013, 118-2013 and 119-2013, each passed on July 15, 2013, there were issued \$890,000 of notes (the 2013 New Money Notes, and, together with the 2013 Refunding Notes, the 2013 Notes) in anticipation of bonds for the purpose stated in clause (iii) of Section 1 and other purposes, as part of the consolidated issue of \$2,378,000 Various Purpose Notes, Series 2013, which 2013 Notes were retired at maturity, together with other funds available to the City, with the proceeds of \$2,151,000 Various Purpose Notes, Series 2014 (the 2014

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Notes), issued in anticipation of bonds pursuant to Ordinance No. 89-2014, passed on July 7, 2014, which 2014 Notes were retired at maturity, together with other funds available to the City, with the proceeds of \$1,925,000 Various Purpose Notes, Series 2015 (the 2015 Notes), issued in anticipation of bonds pursuant to Ordinance No. 88-2015, passed on July 6, 2015, which 2015 Notes were retired at maturity, together with other funds available to the City, with the proceeds of \$1,700,000 Various Purpose Notes, Series 2016 (the 2016 Notes), issued in anticipation of bonds pursuant to Ordinance No. 57-2016, passed on July 5, 2016, which 2016 Notes were retired at maturity, together with other funds available to the City, with the proceeds of \$1,285,000 Various Purpose Notes, Series 2017 (the 2017 Notes), issued in anticipation of bonds pursuant to Ordinance No. 87-2017, passed on July 3, 2017, which 2017 Notes were retired at maturity, together with other funds available to the City, with the proceeds of \$722,000 Various Purpose Notes, Series 2018 (the Outstanding Notes), issued in anticipation of bonds pursuant to Ordinance No. 78-2018, passed on June 18, 2018, which Outstanding Notes mature on July 23, 2019; and

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

WHEREAS, the Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or period of usefulness of the improvements described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in clause (i) of Section 1 is 10 years, in clause (ii) of Section 1 is 15 years, in clause (iii) of Section 1 (\$78,000 of the Notes) is two years and in clause (iii) of Section 1 (\$252,000 of the Notes) is three years, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds described in clauses (i) and (ii) of Section 1 is August 4, 2030, in anticipation of \$78,000 of the Bonds described in clause (iii) of Section 1 is August 1, 2022, and in anticipation of \$252,000 of the Bonds described in clause (iii) of Section 1 is July 31, 2023;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cleveland Heights, County of Cuyahoga, Ohio, that:

SECTION 1. Authorized Principal Amount of Anticipated Bonds; Purpose. It is necessary to issue bonds of the City in the aggregate principal amount of \$582,000 (the Bonds) for the purpose of (i) reconstructing, resurfacing and otherwise improving City streets, together with necessary appurtenances thereto (\$96,000), (ii) rebuilding Monticello Boulevard and Taylor Road, including engineering and planning costs with respect thereto (\$156,000) and (iii) acquiring motorized equipment and appurtenances thereto (\$330,000).

SECTION 2. Estimated Bond Terms. The Bonds shall be dated approximately July 1, 2020, shall bear interest at the now estimated rate of 5% per year, payable semiannually until the principal amount is paid, and are estimated to mature in seven annual principal installments on December 1 of each year that are in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is substantially equal. The first interest payment on the Bonds is estimated to be December 1, 2020, and the first principal payment of the Bonds is estimated to be December 1, 2021.

SECTION 3. Authorized Principal Amount of Notes; Dating; Interest Rate. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$582,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds and to retire, together with other funds available to the City, the Outstanding Notes. The Notes shall be dated the date of issuance and shall mature one year from the date of issuance; provided that the Director of Finance may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is any date not later than one year from the date of issuance by setting forth that maturity date in the certificate signed in accordance with Section 6 (the Certificate of Award). The Notes shall bear interest at a rate not to exceed 5% per year (computed on the basis of a 360-day year consisting of 12 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate of interest on the Notes shall be determined by the Director of Finance in the Certificate of Award.

SECTION 4. Payment of Debt Charges; Paying Agent; Prepayment. The debt charges on the Notes shall be payable in lawful money of the United States of America or in Federal Reserve funds of the United States of America, as determined by the Director of Finance in the Certificate of Award, and shall be payable, without deduction for services of the City's paying agent, at the designated corporate trust office of U.S. Bank National Association, or at the principal corporate trust office or other office of a bank or trust company designated by the Director of Finance in the Certificate of Award, after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose, or at the office of the Director of Finance if agreed to by the Director of Finance and the Original Purchaser (as defined in Section 6) (the Paying Agent). If agreed to by the Original Purchaser, the Notes shall be prepayable without penalty or premium at the option of the City at any time prior to maturity (the Prepayment Date) as provided in this Ordinance. Prepayment prior to maturity shall be made by deposit with the Paying Agent of the principal amount of the Notes together with interest accrued thereon to the Prepayment Date. The City's right of prepayment shall be exercised by mailing a notice of prepayment, stating the Prepayment Date and the name and address of the Paying Agent, by certified or registered mail to the Original Purchaser and to the Paying Agent not less than seven days prior to the Prepayment Date. If money for prepayment is on deposit with the Paying Agent on the Prepayment Date following the giving of that notice, interest on the principal amount prepaid shall cease to accrue on the Prepayment Date. The Director of Finance may request the Original Purchaser to use its best efforts to arrange for the delivery of the Notes at the designated office of the Paying Agent for prepayment, surrender and cancellation.

SECTION 5. Execution of Notes; Book Entry System. The Notes shall be signed by the City Manager and the Director of Finance, in the name of the City and in their official capacities, provided that one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by the Original Purchaser and approved by the Director of Finance. The entire principal amount may be represented by a single note and may be issued as fully registered securities (for which the Director of Finance will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Revised Code if it is determined by the Director of Finance that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Director of Finance and shall express upon their faces the

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purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance.

As used in this section and this Ordinance:

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

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

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

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

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

The Director of Finance is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry

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system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the City.

SECTION 6. Award and Sale of the Notes.

(a) To the Original Purchaser. The Notes shall be sold at not less than par plus accrued interest to the original purchaser designated by the Director of Finance in the Certificate of Award (the Original Purchaser) in accordance with law and the provisions of this Ordinance. The Director of Finance shall sign the Certificate of Award evidencing that sale to the Original Purchaser, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. The City Manager, the Director of Finance, the Director of Law, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The Director of Finance is authorized, if it is determined to be in the best interest of the City, to combine the issue of Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

(b) Application for Rating; Financing Costs. The Director of Finance is authorized to request a rating for the Notes from one or more nationally-recognized rating agencies in connection with the sale and issuance of the Notes. The expenditure of the amounts necessary to secure those rating(s) and to pay the other financing costs (as defined in Section 133.01 of the Revised Code) in connection with the Notes is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts and costs from the proceeds of the Notes to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

SECTION 7. Application of Note Proceeds. The proceeds from the sale of the Notes, except any premium and accrued interest, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

SECTION 8. Application and Pledge of Bond or Renewal Note Proceeds or Excess Funds. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

SECTION 9. Provisions for Tax Levy. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered

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computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due. In each year, to the extent other money is lawfully available for the payment of debt charges on the Notes and Bonds and is appropriated for that purpose, the amount of the tax shall be reduced by the amount of money so available and appropriated.

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

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

The Director of Finance or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation (including specifically designation or treatment of the Notes as “qualified tax-exempt obligations” if such designation or treatment is applicable and desirable, and to make any related necessary representations and covenants), choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the

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proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes.

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

SECTION 11. Certification and Delivery of Ordinance. The Clerk of Council is directed to deliver or cause to be delivered a certified copy of this Ordinance to the Cuyahoga County Fiscal Officer.

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

SECTION 13. Retention of Bond Counsel. The legal services of Squire Patton Boggs (US) LLP, as bond counsel, be and are hereby retained. The legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the issuance and sale of the Notes and the rendering of the necessary legal opinion upon the delivery of the Notes. In rendering those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those legal services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those legal services. The Director of Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

SECTION 14. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or its committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

SECTION 15. Captions and Headings. The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent

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of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

SECTION 16. Declaration of Emergency; Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to enable the City to sell the Notes at the earliest possible date, which is necessary to enable the City to timely retire the Outstanding Notes and thereby preserve its credit; wherefore, this Ordinance shall be in full force and effect immediately upon its passage, provided it receives the affirmative vote of five members of Council elected thereto; otherwise, it shall be in full force and effect from and after the earliest period allowed by law.

CAROL ANN ROE, Mayor
President of Council

SUSANNA NIERMANN O'NEIL
Acting Clerk of Council

PASSED:

Proposed: 6/17/2019

ORDINANCE NO. 63-2019 (F), *Second Reading*

By Council Member Cobb

An ordinance providing for the issuance and sale of \$253,389 of notes, in anticipation of the issuance of bonds, for the purpose of paying costs of acquiring motor vehicles and equipment used in performing the functions of the City's Department of Public Works, Sewer Utilities Division, and declaring an emergency.

WHEREAS, the Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is 10 years and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is 15 years from their date of issuance;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cleveland Heights, County of Cuyahoga, Ohio, that:

SECTION 1. Authorized Principal Amount of Anticipated Bonds; Purpose. It is necessary to issue bonds of the City in the aggregate principal amount of \$253,389 (the Bonds) for the purpose of paying costs of acquiring motor vehicles and equipment used in performing the functions of the City's Department of Public Works, Sewer Utilities Division.

SECTION 2. Estimated Bond Terms. The Bonds shall be dated approximately July 1, 2020, shall bear interest at the now estimated rate of 5% per year, payable semiannually until the principal amount is paid, and are estimated to mature in 10 annual principal installments on December 1 of each year that are in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is substantially equal. The first interest payment on the Bonds is estimated to be December 1, 2020, and the first principal payment of the Bonds is estimated to be December 1, 2021.

SECTION 3. Authorized Principal Amount of Notes; Dating; Interest Rate. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$253,389 (the Notes) shall be issued in anticipation of the issuance of the Bonds. The Notes shall be dated the date of issuance and shall mature one year from the date of issuance; provided that the Director of Finance may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is any date not later than one year from the date of issuance by setting forth that maturity date in the certificate signed in accordance with Section 6 (the Certificate of Award). The Notes shall bear interest at a rate not to exceed 5% per year (computed on the basis of a 360-day year consisting of 12 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate of interest on the Notes shall be determined by the Director of Finance in the Certificate of Award.

SECTION 4. Payment of Debt Charges; Paying Agent; Prepayment. The debt charges on the Notes shall be payable in lawful money of the United States of America or in Federal

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Reserve funds of the United States of America, as determined by the Director of Finance in the Certificate of Award, and shall be payable, without deduction for services of the City's paying agent, at the designated corporate trust office of U.S. Bank National Association, or at the principal corporate trust office or other office of a bank or trust company designated by the Director of Finance in the Certificate of Award, after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose, or at the office of the Director of Finance if agreed to by the Director of Finance and the Original Purchaser (as defined in Section 6) (the Paying Agent). If agreed to by the Original Purchaser, the Notes shall be prepayable without penalty or premium at the option of the City at any time prior to maturity (the Prepayment Date) as provided in this Ordinance. Prepayment prior to maturity shall be made by deposit with the Paying Agent of the principal amount of the Notes together with interest accrued thereon to the Prepayment Date. The City's right of prepayment shall be exercised by mailing a notice of prepayment, stating the Prepayment Date and the name and address of the Paying Agent, by certified or registered mail to the Original Purchaser and to the Paying Agent not less than seven days prior to the Prepayment Date. If money for prepayment is on deposit with the Paying Agent on the Prepayment Date following the giving of that notice, interest on the principal amount prepaid shall cease to accrue on the Prepayment Date. The Director of Finance may request the Original Purchaser to use its best efforts to arrange for the delivery of the Notes at the designated office of the Paying Agent for prepayment, surrender and cancellation.

SECTION 5. Execution of Notes; Book Entry System. The Notes shall be signed by the City Manager and the Director of Finance, in the name of the City and in their official capacities, provided that one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by the Original Purchaser and approved by the Director of Finance. The entire principal amount may be represented by a single note and may be issued as fully registered securities (for which the Director of Finance will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Revised Code if it is determined by the Director of Finance that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Director of Finance and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance.

As used in this section and this Ordinance:

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

“Depository” means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record

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ownership of beneficial interests in the Notes or the principal of, and interest on, the Notes and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

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

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

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

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

SECTION 6. Award and Sale of the Notes.

(a) To the Original Purchaser. The Notes shall be sold at not less than par plus accrued interest to the original purchaser designated by the Director of Finance in the Certificate of Award (the Original Purchaser) in accordance with law and the provisions of this Ordinance. The Director of Finance shall sign the Certificate of Award evidencing that sale to the Original Purchaser, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. The City Manager, the Director of Finance, the Director of Law, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the

transactions contemplated by this Ordinance. The Director of Finance is authorized, if it is determined to be in the best interest of the City, to combine the issue of Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

(b) Application for Rating; Financing Costs. The Director of Finance is authorized to request a rating for the Notes from one or more nationally-recognized rating agencies in connection with the sale and issuance of the Notes. The expenditure of the amounts necessary to secure those rating(s) and to pay the other financing costs (as defined in Section 133.01 of the Revised Code) in connection with the Notes is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts and costs from the proceeds of the Notes to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

SECTION 7. Application of Note Proceeds. The proceeds from the sale of the Notes, except any premium and accrued interest, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

SECTION 8. Application and Pledge of Bond or Renewal Note Proceeds or Excess Funds. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

SECTION 9. Provisions for Tax Levy. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due. In each year, to the extent other money is lawfully available for the payment of debt charges on the Notes and Bonds and is appropriated for that purpose, the amount of the tax shall be reduced by the amount of money so available and appropriated.

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

ORDINANCE NO. 63-2019 (F)

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

The Director of Finance or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation (including specifically designation of the Notes as “qualified tax-exempt obligations” if such designation is applicable and desirable, and to make any related necessary representations and covenants), choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes.

SECTION 11. Certification and Delivery of Ordinance. The Clerk of Council is directed to deliver or cause to be delivered a certified copy of this Ordinance to the Cuyahoga County Fiscal Officer.

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

SECTION 13. Retention of Bond Counsel. The legal services of Squire Patton Boggs (US) LLP, as bond counsel, be and are hereby retained. The legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the issuance and sale of the Notes and the rendering of the necessary legal opinion upon the delivery of the Notes. In rendering those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those legal services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those legal services. The Director of Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

SECTION 14. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or its committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

SECTION 15. Captions and Headings. The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

SECTION 16. Declaration of Emergency; Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to enable the City to sell the Notes at the earliest possible date, which is necessary to enable the City to enter into contracts for the improvement which is needed to timely and efficiently provide sanitary sewer services to City residents and thereby better protect their health and safety; wherefore, this Ordinance shall be in full force and effect immediately upon its passage, provided it receives the affirmative vote of five members of Council elected thereto; otherwise, it shall be in full force and effect from and after the earliest period allowed by law.

CAROL ANN ROE, Mayor
President of Council

SUSANNA NIERMANN O'NEIL
Acting Clerk of Council

PASSED:

Proposed: 07/01/2019

RESOLUTION NO. 66-2019 (F), *First Reading*

By Council Member

A Resolution approving the adoption of the 2020 Tax Budget; and declaring an emergency.

WHEREAS, the City Manager has previously prepared and submitted to the Council a proposed 2020 Tax Budget for Council's review and evaluation; and

WHEREAS, the members of the Council have subsequently met with the City Manager and her staff for the purpose of review, evaluation, and to discuss their recommendations on the proposed Budget; and

WHEREAS, a copy of the proposed 2020 Tax Budget is available for inspection by the general public at the office of the Director of Finance at the City Hall; and

WHEREAS, a notice of public hearing (which will be held July 15, 2019 at 7:00 pm) will be given at least ten (10) days prior to the public hearing on said 2020 Tax Budget.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. This Council hereby approves the adoption of the 2020 Tax Budget as is on file in the office of the Director of Finance, Clerk of Council.

SECTION 2. The Clerk of Council is hereby directed to make a copy of the approved 2020 Tax Budget a matter of record.

SECTION 3. The Director of Finance is hereby directed to file two (2) copies of the approved 2020 Tax Budget with the Cuyahoga County Budget Commission.

SECTION 4. Notice of the passage of this Resolution shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 5. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being to permit its timely filing with the Budget Commission within the period permitted by law. Wherefore, provided it receives the affirmative vote of five or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

RESOLUTION NO. 66-2019 (F), *First Reading*

CAROL ANN ROE, Mayor
President of the Council

SUSANNA NIERMANN O'NIEL
Acting Clerk of Council

PASSED:

ALTERNATIVE TAX BUDGET INFORMATION

Political Subdivision/Taxing Unit

City of Cleveland Heights

For the Fiscal Year Commencing

January 1, 2020

Fiscal Officer Signature _____

Date _____

COUNTY OF CUYAHOGA

Background

Substitute House Bill No. 129 (HB129) effective June 3, 2002, was enacted by the 124th General Assembly in part to allow a county budget commission to waive the requirement that a taxing authority adopt a tax budget for a political subdivision or other taxing unit, pursuant to Ohio Revised Code (ORC) Section 5705.281.

Ohio Revised Code Section 5705.281

Under the amended version of this section pursuant to HB 129, a county budget commission, by an affirmative vote of a majority of the commission, including an affirmative vote by the county auditor, may waive the tax budget for any subdivision or other taxing unit. However, the commission may require the taxing authority to provide any information needed by the commission to perform its duties, including the division of the tax rates as provided under ORC Section 5705.04.

County Budget Commission Duties

The county budget commission must still certify tax rates to each subdivision or other taxing unit, by March 1 for school districts and by September 1 for all other taxing authorities under ORC Section 5705.35, even when a tax budget is waived. Also, the commission is still required to issue an official certificate of estimated resources under ORC Section 5705.35 and amended official certificates of estimated resources under ORC Section 5705.36.

Therefore, when a budget commission is setting tax rates based on a taxing unit's need, for purposes of ORC Sections 5705.32, 5705.34, and 5705.341, its determination must be based on that other information the commission asked the taxing authority to provide under ORC Section 5705.281, when the tax budget was waived. Also, an official certificate must be based on that other information the commission asked the taxing authority to provide.

County Budget Commission Action

On October 11, 2002, during the Cuyahoga County Budget Commission meeting, the commission with an affirmative vote of all members waived the requirement for taxing authorities of subdivisions or other taxing units (Including Schools) to adopt a tax budget as provided under ORC Section 5705.281, but shall require the filing of this Alternative Tax Budget Information document on an annual basis.

Alternative Tax Budget Information Filing Deadline

For all political subdivisions excluding school districts, the fiscal officer must file one copy of this document with the County Fiscal Officer on or before July 20th. For school districts the fiscal officer must file one copy of this document with the County Fiscal Officer on or before January 20th.

GUIDELINES FOR COMPLETING THE ALTERNATIVE TAX BUDGET INFORMATION

SCHEDULE 1

The general purpose of schedule 1 is to meet the requirement of Ohio Revised Code (ORC) Section 5705.04 which requires the taxing authority of each subdivision to divide the taxes levied into separate levies. For help use the schedule B issued by the budget commission for the current year and add any new levies. This will help to ensure that no levies are missed.

In column 1 list only those individual funds which are requesting general property tax revenue. In column 2 purpose refers to the following terms, inside, current expenses, and special levy for example. In column 4 levy type refers to renewal, additional, and replacement for example. In column 9 identify the amount of general property tax you wish to request.

NOTE:

The general purpose of column 9 is to demonstrate the need to produce property tax revenues to cover the estimated expenditures for the budget year. ORC Section 5705.341 states in part;

"Nothing in this section or any section of the ORC shall permit or require the levying of any rate of taxation, whether within the 10 mill limitation or whether the levy has been approved by the electors, the political subdivision or the charter of a municipal corporation in excess of such 10 mill limitation, unless such rate of taxation for the ensuing fiscal year is clearly required by a budget properly and lawfully, adopted under this chapter or by other information required per ORC 5705.281."

Property tax revenue includes real estate taxes, personal property taxes, homestead and rollback, and the personal property 10,000 exempt monies.

SCHEDULE 2

The general purpose of schedule 2 is to produce an Official Certificate of Estimated Resources for all funds.

In column 3, total estimated receipts should include all revenues plus transfers in excluding property taxes and local government revenue. All taxing authority must submit a list of all tax transfers.

SCHEDULE 3

The general purpose of schedule 3 is to provide inside/charter millage for debt service. The basic security for payment of general obligation debt is the requirement of the levy of ad valorem property taxes within the 10 mill limitation imposed by Ohio law. Ohio law requires a levy and collection of ad valorem property tax to pay debt service on general obligation debt as it becomes due, unless that debt service is paid from other sources.

SCHEDULE 4

The general purpose of schedule 4 is to provide for the proper amount of millage to cover debt service requirements on voted bond issues. Major capital improvement projects are sometimes financed through the use of voted bonds. The taxing authority seeks voter approval of general obligation bonds and of the levy of property taxes outside the indirect debt limitation in whatever amount is necessary to pay debt service on those bonds.

SCHEDULE 5

The general purpose of schedule 5 is to properly account for tax anticipation notes. See schedule 5 for more details.

DIVISION OF TAXES LEVIED

(Levies Inside & Outside 10 Mill Limitation, Inclusive Of Debt Levies)
(List All Levies Of The Taxing Authority)

City of Cleveland Heights - 2020

SCHEDULE 1

I Fund	II Purpose	III Authorized By Voters On MM/DD/YY	IV Levy Type	V Number Of Years Levy To Run	VI Tax Year Begins/ Ends	VII Collection Year Begins/ Ends	VIII Maximum Rate Authorized	IX \$ AMOUNT Requested Of Budget Commission
101-GENERAL FUND	Current Expenses		Inside and Charter		January 1, 2020	January 1, 2020	9.62	\$7,598,000.00
216 - RECREATION FACILITES IMPROVEMENT	Current Expenses		Charter		January 1, 2020	January 1, 2020	0.7	\$552,000.00
232-POLICE PENSION	Current Expenses		Inside		January 1, 2020	January 1, 2020	0.3	\$236,000.00
233-FIRE PENSION	Current Expenses		Inside		January 1, 2020	January 1, 2020	0.3	\$236,000.00
301-BOND RETIREMENT	Debt Service		Debt Millage		January 1, 2020	January 1, 2020	1.5	\$1,184,000.00
Totals							12.42	\$9,806,000

STATEMENT OF FUND ACTIVITY

(List All Funds Individually)

SCHEDULE 2

I	II	III	IV	V	VI	VII
Fund BY Type	Beginning Estimated Unencumbered Fund Balance	Property Taxes and Local Government Revenue	Other Sources Receipts	Total Resources Available for Expenditures	Total Estimated Expenditures & Encumbrances	Ending Estimated Unencumbered Balance
101-GENERAL FUND	7,745,000.00	9,098,000.00	35,799,000.00	52,642,000.00	45,460,230.00	7,181,770.00
102-BUDGET STABILIZATION ACCOUNT	1,100,000.00	100,000.00	0.00	1,200,000.00	0.00	1,200,000.00
301-BOND RETIREMENT FUND	5,000.00	1,239,000.00	373,000.00	1,617,000.00	1,617,000.00	0.00
232-POLICE PENSION FUND	0.00	236,000.00	949,000.00	1,185,000.00	1,135,000.00	50,000.00
233-FIRE PENSION FUND	0.00	236,000.00	1,434,000.00	1,670,000.00	1,584,000.00	86,000.00
201-STREET MAINTENANCE FUND	0.00	0.00	1,800,000.00	1,800,000.00	1,800,000.00	0.00
202-FOUNDATION GRANTS FUND	0.00	0.00	5,000.00	5,000.00	5,000.00	0.00
203-FIRST SUBURBS CONSORTIUM FUND	0.00	0.00	0.00	0.00	0.00	0.00
204-COMMUNICATIONS DISPATCH FUND	138,000.00	0.00	1,073,000.00	1,211,000.00	1,073,000.00	138,000.00
205-PUBLIC WORKS MAINTENANCE FUND	0.00	0.00	0.00	0.00	0.00	0.00
206-LAW ENFORCEMENT TRUST FUND	97,000.00	0.00	34,000.00	131,000.00	34,000.00	97,000.00
207-DRUG LAW ENFORCEMENT FUND	0.00	0.00	108,000.00	108,000.00	108,000.00	0.00
208-COMMUNITY DEVELOPMENT BLOCK GRANT FUND	0.00	0.00	1,800,000.00	1,800,000.00	1,800,000.00	0.00
211-H.O.M.E. PROGRAM FUND	0.00	0.00	170,000.00	170,000.00	170,000.00	0.00
212- FEMA FUND	176,000.00	0.00	0.00	176,000.00	0.00	176,000.00
213-POLICE IMPROVEMENT FUND	2,200.00	0.00	28,000.00	30,200.00	28,000.00	2,200.00
214-LOCAL PROGRAMMING FUND	897,000.00	0.00	538,000.00	1,435,000.00	538,000.00	897,000.00
215-CAIN PARK FUND	0.00	0.00	725,000.00	725,000.00	725,000.00	0.00
216-RECREATIONAL FACILITIES IMPROVEMENT FUND	151,000.00	555,000.00	0.00	706,000.00	555,000.00	151,000.00

STATEMENT OF FUND ACTIVITY

(List All Funds Individually)

SCHEDULE 2

I Fund BY Type	II Beginning Estimated Unencumbered Fund Balance	III Property Taxes and Local Government Revenue	IV Other Sources Receipts	V Total Resources Available for Expenditures	VI Total Estimated Expenditures & Encumbrances	VII Ending Estimated Unencumbered Balance
217-PUBLIC RIGHT OF WAY FUND	156,000.00		8,000.00	164,000.00	10,000.00	154,000.00
221-INDIGENT DUI TREATMENT FUND	248,000.00		2,000.00	250,000.00	15,000.00	235,000.00
222-COURT COMPUTER FUND	86,000.00		120,000.00	206,000.00	120,000.00	86,000.00
223-DUI ENFORCEMENT EDUCATION FUND	107,000.00		5,000.00	112,000.00	50,000.00	62,000.00
225-COURT SPECIAL PROJECTS FUND	1,465,000.00		150,000.00	1,615,000.00	290,000.00	1,325,000.00
226-LEAD SAFE FUND	0.00		300,000.00	300,000.00	300,000.00	0.00
227-NEIGHBORHOOD STABILIZATION PROGRAM FUND	123,000.00		0.00	123,000.00	0.00	123,000.00
230-STREET LIGHTING FUND	1,120,000.00		932,000.00	2,052,000.00	985,000.00	1,067,000.00
231-FORESTRY FUND	1,189,000.00		1,090,000.00	2,279,000.00	1,068,000.00	1,211,000.00
234-EARNED BENEFITS FUND	178,000.00		600,000.00	778,000.00	600,000.00	178,000.00
237-FIRST SUBURBS DEVELOPMENT COUNCIL	57,000.00		0.00	57,000.00	0.00	57,000.00
402-CAPITAL EQUIPMENT/IMPROVEMENTS FUND	0.00		1,000,000.00	1,000,000.00	1,000,000.00	0.00
411-ECONOMIC DEVELOPMENT FUND	1,349,000.00		30,000.00	1,379,000.00	50,000.00	1,329,000.00
412-CITY HALL MAINTENANCE FUND	81,000.00		35,000.00	116,000.00	15,000.00	101,000.00
415-RING ROAD CONSTRUCTION FUND	35,000.00		0.00	35,000.00	0.00	35,000.00
601-WATER FUND	617,000.00		0.00	617,000.00	2,000,000.00	-1,383,000.00
602-SEWER FUND	912,000.00		5,880,000.00	6,792,000.00	5,539,000.00	1,253,000.00
603-PARKING FUND	622,000.00		1,059,000.00	1,681,000.00	1,223,000.00	458,000.00
606-AMBULANCE SERVICE FUND	932,000.00		900,000.00	1,832,000.00	900,000.00	932,000.00
804-OFFICE ON AGING DONATIONS FUND	0.00		4,000.00	4,000.00	4,000.00	0.00
808-YOUTH RECREATION DONATION FUND	56,000.00		5,000.00	61,000.00	5,000.00	56,000.00
809-POLICE MEMORIAL FUND	10,000.00		0.00	10,000.00	600.00	9,400.00
810-YOUTH ADVISORY COMMISSION FUND	0.00		100.00	100.00	100.00	0.00
811-JUVENILE DIVERSION PROGRAM FUND	300.00		5,000.00	5,300.00	5,000.00	300.00
857-SALES TAX FUND	300.00		30.00	330.00	30.00	300.00
858-MISCELLANEOUS AGENCY FUND	14,000.00		250,000.00	264,000.00	150,000.00	114,000.00
864-NEORS D BILLING FUND	0.00		0.00	0.00	0.00	0.00

UNVOTED GENERAL OBLIGATION DEBT

(Include General Obligation Debt To Be Paid From Inside/Charter Millage Only)
 (Do Not Include General Obligation Debt Being Paid By Other Sources)
 (Do Not Include Special Obligation Bonds & Revenue Bonds)

SCHEDULE 3

I Purpose Of Bonds Or Notes	II Date Of Issue	III Final Maturity Date	IV Principal Amount Outstanding At The Beginning Of The Calendar Year	V Amount Required To Meet Calendar Year Principal & Interest Payments	VI Amount Receivable From Other Sources To Meet Debt Payments
2014 - Refund Ring Road Improvement Bonds	07/14	12/29	\$1,827,298.00	\$182,208.00	
2015 - Off Street Parking Bonds Refunded	04/15	12/28	\$3,644,056.00	\$458,433.00	
2014 - Various Purpose Bonds	04/14	12/28	\$1,570,777.00	\$305,132.00	
2015 - Various Purpose Bonds	04/15	12/29	\$1,312,983.00	\$246,872.00	
2016 - Various Purpose Bonds	04/16	12/30	\$1,226,636.00	\$146,167.00	
2010 - Monticello & Taylor St. Improvement Note	07/19	07/20	\$156,000.00	\$15,000.00	
2010 - Street Improvement Note	07/19	07/20	\$96,000.00	\$13,000.00	
2012 - Motorized Equipment Note	07/19	07/20	\$78,000.00	\$37,500.00	
2013 - Motorized Equipment Note	07/19	07/20	\$252,000.00	\$93,000.00	
2019 - Sewer Vehicles and Equipment Note	07/19	07/20	\$253,389.00	\$31,878.00	
2019 - Forestry Vehicles and Equipment Note	07/19	07/20	\$214,412.00	\$26,801.00	
2019 - Police Radios Note	07/19	07/20	\$163,199.00	\$26,973.00	
2017 - Energy Conservation Bond	07/17	07/37	\$5,585,000.00	\$415,500.00	
Totals			\$14,552,452.00	\$1,816,256.00	

TAX ANTICIPATION NOTES

(Schools Only)

SCHEDULE 5

Tax anticipation notes are issued in anticipation of the collection of the proceeds of a property tax levy. The amount of money required to cover debt service must be deposited into a bond retirement fund, from collections and distribution of the tax levy, in the amounts and at the times required to pay those debt charges as provided in the legislation authorizing the tax anticipation notes. (ORC Section 133.24)

The appropriation to the fund which normally receives the tax levy proceeds is limited to the balance available after deducting the amounts to be applied to debt service.

After the issuance of general obligation securities or of securities to which section 133.24 of the ORC applies, the taxing authority of the subdivision shall include in its annual tax budget, and levy a property tax in a sufficient amount, with any other monies available for the purpose, to pay the debt charges on the securities payable from property tax. (ORC Section 133.25)

	Name Of Tax Anticipation Note Issue	Name Of Tax Anticipation Note Issue
Amount Required To Meet Budget Year Principal & Interest Payments:		
Principal Due		
Principal Due Date		
Interest Due		
Interest Due Date		
Interest Due		
Interest Due Date		
Total		
Name Of The Special Debt Service Fund		

Amount Of Debt Service To Be Apportioned To The Following Settlements:		
February Real		
August Real		
June Tangible		
October Tangible		
Total		
Name Of Fund To Be Charged		



CLEVELAND HEIGHTS

Monday, June 17, 2019 Minutes

COMMITTEE OF THE WHOLE

6:20 – 7:05 p.m.

Mayor Roe presiding

Roll Call: Present: Cobb, Dunbar, Roe, Seren, Stein, Yasinow
Excused: Ungar

Staff present: Boland, Briley, Butler, Clinkscale, Freeman, Juliano, Lambdin, McRae, Mecklenburg, Niermann O'Neil, Smith, Trupo, Wong

Topics discussed: Report of City Council Members, Legislation Overview, Charter Review Recommendations

CITY COUNCIL

7:35 – 8:30 p.m.

Mayor Roe presiding

Roll Call: Present: Cobb, Dunbar, Roe, Seren, Stein, Yasinow
Excused: Ungar

Staff present: Boland, Briley, Butler, Clinkscale, Freeman, Juliano, Lambdin, McRae, Mecklenburg, Niermann O'Neil, Smith, Trupo, Wong

Minutes of the regular Council meeting held Monday, June 3, 2019, were approved with submitted changes.

Personal communications from citizens

Lee Chilcote made a statement of support for Ordinance No. 39-2019 on behalf of the Russo family. He stated the history of that lot and the surrounding buildings in the area.

Jim Aldrake made a statement on behalf of Daphne Shelton regarding flooding. Tanisha Briley referred him to Allan Butler.

Report of the City Manager

Request permission to issue a request for proposals (RFP) for a redevelopment plan for Severance Town Center

Motion by Council Member Stein, Seconded by Vice Mayor Yasinow

Roll Call: Ayes: Dunbar, Roe, Seren, Stein, Yasinow, Cobb
 Nays: None

Motion Passed

Notify Council of Change Order No. 3 Final for the Edgehill/Overlook intersection construction project (#18-06) which resulted in a \$20,969.88 increase to the final contract price from \$215,340.70 to \$236,310.15.

Matter of Record

Tanisha Briley gave an overview of her report to City Council. The report may be viewed in full at

Report of the Clerk of Council

Notify Council of one (1) Fiscal Officer's Certificate pertaining to proposed legislation to provide for the issuance and sale of notes, in anticipation of the issuance of bonds, for the purpose of reconstructing, resurfacing and otherwise improving City streets, rebuilding Monticello Boulevard and Taylor Road, including engineering and planning costs with respect thereto, and acquiring motorized equipment and appurtenances,

one (1) Fiscal Officer's Certificate pertaining to proposed legislation to provide for the issuance and sale of notes, in anticipation of the issuance of bonds, for the purpose of paying costs of acquiring motor vehicles and equipment used in performing the functions of the City's Department of Public Works, Sewer Utilities Division,

one (1) Fiscal Officer's Certificate pertaining to proposed legislation to provide for the issuance and sale of notes, in anticipation of the issuance of bonds, for the purpose of paying costs of acquiring motor vehicles and equipment used in performing the functions of the City's Department of Public Works, Forestry Division,

and one (1) Fiscal Officer's Certificate pertaining to proposed legislation to provide for the issuance and sale of notes, in anticipation of the issuance of bonds, for the purpose of paying costs of acquiring mobile radios for use by the City's Police Department, together with the necessary related equipment.

Matter of Record

Notify Council that a notice has been received from the Ohio Department of Liquor Control advising that an application has been made by Mister Brisket Inc., 2156 S. Taylor Rd., Cleveland Heights, OH 44118 a new D2 permit

Matter of Record

Refer to: Safety and Municipal Services Committee, the City Manager, and the Director of Law

Shredding day is this Saturday from 9:00 a.m. until noon. There is a limit of 10 bags or boxes.

Mayor Roe announced which Council Members served on which committees.

<u>Committee</u>	<u>Chair</u>	<u>Vice Chair</u>	<u>Member</u>
Administrative Services Committee	Stein	Ungar	Yasinow
Finance Committee	Cobb	Dunbar	Seren
Housing and Transportation Committee	Dunbar	Seren	Ungar
Planning and Development Committee	Ungar	Stein	Cobb
Recreation, Community and External Relations Committee	Seren	Yasinow	Dunbar
Safety and Municipal Services Committee	Yasinow	Cobb	Stein

HOUSING AND TRANSPORTATION COMMITTEE

Council Member Dunbar stated she attended Ragtime and enjoyed the performance.

She stated that when she was running in the Recreation Center, sometimes the Police Academy would be training too.

Council Member Dunbar stated that when Lebron James funded the school in Akron, he gave every student a bicycle.

PLANNING AND DEVELOPMENT COMMITTEE

ORDINANCE NO. 39-2019 (SMS), Second Reading. An Ordinance authorizing a development agreement with Grandview-Bellfield Development, LLC and authorizing the transfer of City-owned real property known as Parcel Nos. 685-26-033 and 685-26-034 to Grandview-Bellfield Development, LLC.

Introduced by Council Member Stein, Seconded by Vice Mayor Yasinow

Council Member Seren stated he had some concerns or confusion about sections of the agreement. He hopes that legislation like this can appear before Council sooner. He made a statement of support for the legislation.

Mayor Roe echoed the comments from Lee Chilcote and thanked the Russo family for their contributions to the Cedar Fairmount area.

Roll Call: Ayes: Cobb, Dunbar, Roe, Seren, Stein, Yasinow, Cobb, Dunbar
Nays: None

Legislation Passed

RESOLUTION NO. 43-2019 (PD). A Resolution authorizing the City Manager to enter into an agreement with the Bhutanese Community of Greater Cleveland, a non-profit corporation, for the use of Community Development Block Grant funds to provide funding for assistance with its Job Training Program; providing compensation therefor

Introduced by Council Member Stein, Seconded by Vice Mayor Yasinow

Roll Call: Ayes: Stein, Yasinow, Cobb, Dunbar, Roe, Seren,
Nays: None

Legislation Passed

RESOLUTION NO. 44-2019 (PD). A Resolution authorizing the City Manager to enter into an agreement with Central Bible Baptist Church (CBBC), for the use of Community Development Block Grant funds to provide funding for assistance with its Neighborhood Seniors Resource Center; providing compensation therefor

Introduced by Council Member Stein, Seconded by Vice Mayor Yasinow

Roll Call: Ayes: Cobb, Dunbar, Roe, Seren, Stein, Yasinow
Nays: None

Legislation Passed

RESOLUTION NO. 45-2019 (PD). A Resolution authorizing the City Manager to enter into an agreement with the Cedar Taylor Development Association, a non-profit corporation, for the use of Community Development Block Grant funds for assistance with the costs of the Association relative to the implementation of streetscape enhancements for the business district

Introduced by Council Member Stein, Seconded by Vice Mayor Yasinow

Roll Call: Ayes: Cobb, Dunbar, Roe, Seren, Stein, Yasinow
Nays: None

Legislation Passed

RESOLUTION NO. 46-2019 (PD). A Resolution authorizing the City Manager to enter into an agreement with Family Connections of Northeast Ohio a non-profit corporation, for the use of Community Development Block Grant funds to provide funding for assistance with its Family School Connections Program

Introduced by Council Member Stein, Seconded by Vice Mayor Yasinow

Roll Call: Ayes: Dunbar, Roe, Seren, Stein, Yasinow, Cobb
 Nays: None

Legislation Passed

RESOLUTION NO. 47-2019 (PD). A Resolution authorizing the City Manager to enter into an agreement with FutureHeights, a non-profit corporation, for the use of Community Development Block Grant funds to provide funding for assistance with its Community Capacity Building Program; providing compensation therefor

Introduced by Council Member Stein, Seconded by Vice Mayor Yasinow

Roll Call: Ayes: Dunbar, Roe, Seren, Stein, Yasinow, Cobb
 Nays: None

Legislation Passed

RESOLUTION NO. 48-2019 (PD). A Resolution authorizing the City Manager to enter into an agreement with FutureHeights, a non-profit corporation, for the use of Community Development Block Grant funds to provide funding for assistance with its Cedar Lee Mini-Park Placemaking Project; providing compensation therefor

Introduced by Council Member Stein, Seconded by Vice Mayor Yasinow

Roll Call: Ayes: Dunbar, Roe, Seren, Stein, Yasinow, Cobb
 Nays: None

Legislation Passed

RESOLUTION NO. 49-2019 (PD). A Resolution authorizing the City Manager to enter into an agreement with Geshner, a non-profit corporation, for the use of Community Development Block Grant funds for the payment of operating expenses; providing compensation therefor

Introduced by Council Member Stein, Seconded by Vice Mayor Yasinow

Roll Call: Ayes: Roe, Seren, Stein, Yasinow, Cobb, Dunbar
 Nays: None

Legislation Passed

RESOLUTION NO. 50-2019 (PD). A Resolution authorizing the City Manager to enter into an agreement with the Heights Emergency Food Center, a non-profit corporation, for the use of Community Development Block Grant funds for the payment of operating and capital improvement expenses; providing compensation therefor

Introduced by Council Member Stein, Seconded by Vice Mayor Yasinow

Roll Call: Ayes: Cobb, Dunbar, Roe, Seren, Stein, Yasinow
 Nays: None

Legislation Passed

RESOLUTION NO. 51-2019 (PD). A Resolution authorizing the City Manager to enter into an agreement with the Home Repair Resource Center (“HRRC”), a non-profit corporation, for the use of Community Development Block Grant Funds for assistance with HRRC’s housing counseling, home-repair and home-improvement programs; providing compensation therefor

Introduced by Council Member Stein, Seconded by Vice Mayor Yasinow

Roll Call: Ayes: Dunbar, Roe, Seren, Stein, Yasinow, Cobb
 Nays: None

Legislation Passed

RESOLUTION NO. 52-2019 (PD). A Resolution authorizing the City Manager to enter into an agreement with the Heights Youth Club, Inc., a non-profit corporation, for the use of Community Development Block Grant funds to provide funding for assistance with its Learning Place Program; providing compensation therefor

Introduced by Council Member Stein, Seconded by Vice Mayor Yasinow

Roll Call: Ayes: Roe, Seren, Stein, Yasinow, Cobb, Dunbar
 Nays: None

Legislation Passed

RESOLUTION NO. 53-2019 (PD). A Resolution authorizing the City Manager to enter into an agreement with Lake Erie Ink, a non-profit corporation, for the use of Community Development Block Grant funds to provide funding for assistance with the organization’s Ink Spot After School Program; providing compensation therefor

Introduced by Council Member Stein, Seconded by Vice Mayor Yasinow

Roll Call: Ayes: Seren, Stein, Yasinow, Cobb, Dunbar, Roe
 Nays: None

Legislation Passed

RESOLUTION NO. 54-2019 (PD). A Resolution authorizing the City Manager to enter into an agreement with the Open Doors Academy, a non-profit corporation, for the use of Community Development Block Grant funds to provide funding for assistance with the organization's year-round enrichment program for youth living at risk; providing compensation therefor

Introduced by Council Member Stein, Seconded by Vice Mayor Yasinow

Roll Call: Ayes: Seren, Stein, Yasinow, Cobb, Dunbar, Roe
 Nays: None

Legislation Passed

RESOLUTION NO. 55-2019 (PD). A Resolution authorizing the City Manager to enter into an agreement with the Severance Tower Local Advisory Council, a non-profit corporation, for the use of Community Development Block Grant funds to provide funding for assistance with its Accessible Community Garden Project; providing compensation therefor

Introduced by Council Member Stein, Seconded by Vice Mayor Yasinow

Roll Call: Ayes: Seren, Stein, Yasinow, Cobb, Dunbar, Roe
 Nays: None

Legislation Passed

RESOLUTION NO. 56-2019 (PD). A Resolution authorizing the City Manager to enter into an agreement with the Start Right Community Development Corporation, a non-profit corporation, for the use of Community Development Block Grant funds for the payment of operating expenses for their Food Bank Program; providing compensation therefor

Introduced by Council Member Stein, Seconded by Vice Mayor Yasinow

Council Member Dunbar thanked the Citizens Advisory Board for reviewing the projects and making recommendations for CDBG funds. The Mayor echoed those sentiments.

Roll Call: Ayes: Cobb, Dunbar, Roe, Seren, Stein, Yasinow
 Nays: None

Legislation Passed

ORDINANCE NO. 57-2019 (PD), *First Reading.* An Ordinance authorizing the implementation of the parking plan during construction of the Top of the Hill development

Introduced by Council Member Stein

Legislation Introduced

RECREATION, COMMUNITY AND EXTERNAL RELATIONS COMMITTEE

Council Member Seren stated that on July 25, 6:00 – 8:00 p.m., the Cuyahoga County Department of Sustainability and Solar United Neighbors are hosting a Cuyahoga County Solar Co-op Community Information session at the Lee Road Branch of the Cleveland Heights-University Heights Library.

SAFETY AND MUNICIPAL SERVICES COMMITTEE

RESOLUTION NO. 58-2019 (SMS). A Resolution authorizing the City Manager to file a NatureWorks application with the Ohio Department of Natural Resources

Introduced by Vice Mayor Yasinow, Seconded by Council Member Dunbar

Roll Call: Ayes: Dunbar, Roe, Seren, Stein, Yasinow, Cobb
 Nays: None

Legislation Passed

ORDINANCE NO. 59-2019 (SMS). An Ordinance authorizing the City Manager to enter into a Site Lease Agreement with T-Mobile Central LLC for the use of a portion of City-owned property located at 3445 Mayfield Road for the construction, installation, operation, maintenance, repair, replacement, and improvement of a wireless communications facility and the grant of associated easements

Introduced by Vice Mayor Yasinow, Seconded by Council Member Stein

Roll Call: Ayes: Roe, Seren, Stein, Yasinow, Cobb, Dunbar
 Nays: None

Legislation Passed

A motion was made by Vice Mayor Yasinow to hold the June 24, 2019 joint meeting with Cleveland Heights City Council, University Heights City Council and Cleveland Heights-University Heights School District at the Cleveland Heights-University Heights High School. The motion was seconded by Council Member Dunbar.

Roll Call: Ayes: Dunbar, Roe, Seren, Stein, Yasinow, Cobb
 Nays: None

Motion Passed

A motion was made by Vice Mayor Yasinow to suspend Council meeting for the month of August. The motion was seconded by Council Member Dunbar.

Roll Call: Ayes: Yasinow, Cobb, Dunbar, Roe, Seren, Stein
Nays: None

Motion Passed

Vice Mayor Yasinow reminded people to take their car keys with them and to secure any valuables.

ADMINISTRATIVE SERVICES COMMITTEE

No report.

FINANCE COMMITTEE

ORDINANCE NO. 60-2019 (F), First Reading. An ordinance providing for the issuance and sale of \$214,412 of notes, in anticipation of the issuance of bonds, for the purpose of paying costs of acquiring motor vehicles and equipment used in performing the functions of the City's Department of Public Works, Forestry Division

Introduced by Council Member Cobb

Legislation Introduced

ORDINANCE NO. 61-2019 (F), First Reading. An ordinance providing for the issuance and sale of \$163,199 of notes, in anticipation of the issuance of bonds, for the purpose of paying costs of acquiring mobile radios for use by the City's Police Department, together with the necessary related equipment

Introduced by Council Member Cobb

Legislation Introduced

ORDINANCE NO. 62-2019 (F), First Reading. An ordinance providing for the issuance and sale of \$582,000 of notes, in anticipation of the issuance of bonds, for the purpose of (i) reconstructing, resurfacing and otherwise improving City streets, (ii) rebuilding Monticello Boulevard and Taylor Road, including engineering and planning costs with respect thereto and (iii) acquiring motorized equipment and appurtenances thereto

Introduced by Council Member Cobb

Legislation Introduced

ORDINANCE NO. 63-2019 (F), First Reading. An ordinance providing for the issuance and sale of \$253,389 of notes, in anticipation of the issuance of bonds, for the purpose of paying costs of acquiring motor vehicles and equipment used in performing the functions of the City's Department of Public Works, Sewer Utilities Division

Introduced by Council Member Cobb

Legislation Introduced

Mayor's Report

Mayor Roe stated that she and Council Member Cobb attended a tribute to Coach Cappelletti and CH-UH High School. She made a statement of the impact he made.

Several Council members attended the tax abatement workshops which focused on how homeowners and businesses can apply for those funds. The PowerPoint from that presentation is available

at <https://www.clevelandheights.com/DocumentCenter/View/5090/CRA---Tax-Abatement-101-Meeting-061219?bidId=>.

NEXT MEETING OF COUNCIL: MONDAY, JULY 1, 2019

Respectfully submitted,

Carol Ann Roe, Mayor

Susanna Niermann O'Neil, Acting Clerk of Council
/jkc