

THE CITY OF SOUTH EUCLID
SCHEDULE OF MEETING
OCTOBER 15, 2019
8:00 PM

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. REPORT OF MAYOR
4. REPORT OF LAW DIRECTOR & DEPARTMENTAL HEADS
5. REPORT OF SCHOOL DISTRICT
6. PUBLIC HEARINGS (OPEN MEETING) RELATED TO AGENDA ITEMS
7. REPORT OF COMMITTEES

Committee of the Whole

1. RESOLUTION 20-19 GRANTING A CONDITIONAL USE PERMIT FOR A DRIVE-THRU FOR "BURGER KING" AT 4525 MAYFIELD ROAD IN THE CITY OF SOUTH EUCLID, OHIO. **SECOND READING.**

8. LEGISLATION REQUESTED BY THE MAYOR & ADMINISTRATION

1. ORDINANCE 19-19 AUTHORIZING THE MAYOR TO ENTER INTO A MEMBER COMMUNITY INFRASTRUCTURE GRANT AGREEMENT WITH THE NORTHEAST OHIO REGIONAL SEWER DISTRICT FOR THE GREEN ROAD SIDE HILL STRUCTURE SEWER PROJECT. FIRST READING.
2. ORDINANCE 20-19 TO PROVIDE FOR THE ISSUANCE AND SALE OF REAL ESTATE ACQUISITION AND URBAN REDEVELOPMENT GENERAL OBLIGATION REFUNDING (LIMITED TAX) BONDS OF THE CITY OF SOUTH EUCLID, OHIO, IN A PRINCIPAL NOT TO EXCEED \$1,290,000 TO ADVANCE REFUND CERTAIN BONDS ISSUED FOR REAL ESTATE ACQUISITION AND URBAN REDEVELOPMENT, AND DECLARING AN EMERGENCY. FIRST READING. (*refinancing of current debt will save over \$2 million*).
3. RESOLUTION 44-19 PROVIDING A DATE AND TIME LIMITS FOR THE HALLOWEEN OBSERVANCE UPON THE STREETS AND OUT OF DOORS FOR THE YEAR 2019. FIRST READING.
4. RESOLUTION 45-19 AUTHORIZING THE TRANSFER OF FUNDS IN THE AMOUNT OF \$56,644 FROM THE GENERAL FUND TO THE FIRE DEPARTMENT FUND #101-1120-52490 FOR THE PURCHASE OF EQUIPMENT TO BE REIMBURSED BY A FEMA GRANT. FIRST READING.
5. RESOLUTION 46-19 AUTHORIZING THE MAYOR AND FIRE CHIEF TO PREPARE THE NECESSARY PLANS, SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE OF A "SELF CONTAINED BREATHING APPARATUS (SCBA) FILL STATION. FIRST READING.

6. RESOLUTION 47-19 AUTHORIZING THE APPROPRIATION OF UNAPPROPRIATED FUNDS IN THE SAFETY FORCES LEVY FUND #410 IN AN AMOUNT OF \$148,000 FOR SAFETY SERVICE EXPENDITURES. FIRST READING.
7. RESOLUTION 48-19 AUTHORIZING THE TRANSFER OF APPROPRIATED FUNDS FROM THE "GENERAL FUND-YOUTH PROGRAMS-MISCELLANEOUS" TO "GENERAL FUND-YOUTH PROGRAMS-SERVICES" IN THE AMOUNT OF \$9,000 TO COVER COSTS ASSOCIATED WITH GRANT FUNDED YOUTH PROGRAM SERVICES IN THE CITY OF SOUTH EUCLID, OHIO. FIRST READING.
8. RESOLUTION 49-19 AUTHORIZING THE MAYOR TO SEEK FINANCIAL ASSISTANCE FROM THE OHIO PUBLIC WORKS COMMISSION (OPWC) STATE PUBLIC WORKS PROGRAM TO FUND CEDAR ROAD (FROM MIRAMAR BOULEVARD TO GREEN ROAD) RESURFACING PROJECT. FIRST READING.
9. RESOLUTION 50-19 AUTHORIZING THE MAYOR TO SEEK FINANCIAL ASSISTANCE FROM THE OHIO PUBLIC WORKS COMMISSION (OPWC) STATE PUBLIC WORKS PROGRAM TO FUND THE GREEN ROAD (CR14) BRIDGE 07.47 & ROADWAY IMPROVEMENTS PROJECT. FIRST READING.
10. RESOLUTION 51-19 AUTHORIZING THE DIRECTOR OF COMMUNITY SERVICES TO APPLY FOR A GRANT UNDER THE CUYAHOGA COUNTY "COMPETITIVE MUNICIPAL PROGRAM" 2019 COMMUNITY BLOCK GRANT FUND; AND DECLARING AN EMERGENCY. FIRST READING.
11. RESOLUTION 52-19 REQUESTING THAT THE SOUTH EUCLID MUNICIPAL COURT REMIT \$134,245.29 IN UNCLAIMED COURT FUNDS AS REQUIRED BY OHIO REVISED CODE SECTION 1901.31 TO THE CITY OF SOUTH EUCLID FINANCE DEPARTMENT; AND DECLARING AN EMERGENCY. FIRST READING.

9. PUBLIC HEARINGS (OPEN MEETING) RELATED TO OPEN BUSINESS

10. COMMUNICATIONS OF CITY COUNCIL

11. ADJOURN

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 20-19
INTRODUCED BY: Fiorelli
REQUESTED BY: Planning Commission

May 28, 2019
As Amended in Committee:
September 23, 2019
Second Reading: October 15, 2019

A RESOLUTION

GRANTING A CONDITIONAL USE PERMIT FOR A DRIVE-THRU FOR "BURGER KING" AT 4525 MAYFIELD ROAD IN THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, "Burger King" proposes to construct a new restaurant at 4525 Mayfield Road and proposes to include a drive-thru as part of the project; and

WHEREAS, in the Mayfield-Green (M-G) District in which this property is located, a conditional use permit is required in order for a business to have a drive-thru; and

WHEREAS, in accordance with Chapter 739 "Mayfield-Green District (M-G)" of the codified ordinances, the application for conditional use was referred to the Planning Commission; and

WHEREAS, notice of a public hearing on the aforesaid requested Conditional Use Permit has been duly given, and a full public hearing has been held thereon by the Planning Commission pursuant to such notice and as prescribed by law; and

WHEREAS, the Planning Commission made a motion to recommend to City Council that such a conditional use permit be issued; and

WHEREAS, in a vote of 1-4-0, the motion failed, justification for this motion failing is provided in the April 25, 2019 and May 9, 2019 Meeting Minutes of the Planning Commission; and

WHEREAS, after careful consideration and study, a majority of the Council of the City of South Euclid deems that the aforesaid Conditional Use Permit should be given in that the standards set forth in Chapter 739 of the South Euclid Zoning Code have been achieved provided "Burger King" follow the conditions as defined below when constructing the drive-thru.

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

Section 1: That a Conditional Use Permit is hereby granted to "Burger King" to construct a drive thru at 4525 Mayfield Road in the City of South Euclid, Ohio, per the following conditions:

- Condition 1:** That the Board of Zoning Appeals (hereinafter referred to as the "BZA") ~~decides upon granting~~ grants relief from Section 739.04(a), where the minimum lot size required is 1 acre. The proposed site is .4663 acres.
- Condition 2:** That the BZA ~~decides upon granting~~ grants relief from Section 739.04(b), where the minimum lot width required is 150 feet. The proposed site width is 104.49 feet.
- Condition 3:** That the BZA ~~decides upon granting~~ grants relief from Section 772.18 (Table 2) which requires one parking space for every 20sf of floor area, for a total of 52 parking spaces required for this establishment. As presented, the site plan depicts 9 dedicated parking spaces.
- Condition 4:** That the BZA ~~decides upon granting~~ grants relief from Section 739(a)(1)(B) which permits shared parking between uses, with the condition that not more than 50% of parking spaces be shared. As presented, the site depicts 9 dedicated parking spaces and 43 shared parking spaces, in order to meet the total of 52 required parking spaces. Thus, 83% of the parking is shared parking.

- Condition 5:** The final approved site plan must comply with Section 772.12 which states that drive-thru stacking spaces shall not block dedicated parking spaces or interfere with the flow of internal circulation, or the BZA ~~decides upon granting grants~~ relief from requiring compliance with this section.

- Condition 6:** The final approved site plan must comply with Section 739.12(d)(1) which states that pedestrian walkways shall be clearly separated and distinguished from automobile parking spaces and aisles, or the BZA ~~decides upon granting grants~~ relief from requiring compliance with this section.

- Condition 7:** In accordance with the Traffic Commissioner's review of the site plan, the final approved site plan shall include signage at the drive-thru entrance clearly stating "Drive-Thru Only."

- Condition 8:** In accordance with the Fire Inspector's review of the site plan, and Ohio Fire Code Sections 503.1.2 and 502.2.1, at least one of the access driveways to the site (entrance to drive-thru or exit from drive-thru) on the final approved site plan must be at least 20 feet wide.

- Condition 9:** The final approved site plan shall address the Fire Inspector's concerns that the two 12 foot wide drive-thru lanes entering the site could impair emergency vehicle access to the site, due to vehicle congestion.

- Condition 10:** The applicant shall be required to perform a traffic study prior to receiving final site plan approval.

- Condition 11:** The final approved site plan must be designed in such a way so that traffic from this use will not back up onto Mayfield Road and will not interfere with the ingress/egress of traffic moving throughout Marc's Plaza.

- Condition 12:** Building design, signage and landscaping shall be submitted to the Architectural Review Board for review and approval. If such approval is contingent on any variances being obtained from the BZA, such variances must be obtained before any construction permits would be issued.

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: This Resolution shall take effect and be in full force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2019.

Dennis Fiorelli, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 19-19
INTRODUCED BY: Fiorelli
REQUESTED BY: Mayor

October 15, 2019

AN ORDINANCE

AUTHORIZING THE MAYOR TO ENTER INTO A MEMBER COMMUNITY INFRASTRUCTURE GRANT PROGRAM AGREEMENT WITH THE NORTHEAST OHIO REGIONAL SEWER DISTRICT FOR THE GREEN ROAD SIDE HILL STRUCTURE SEWER RELOCATION PROJECT.

WHEREAS, the City of South Euclid will be designing the Green Road (CR14) Bridge 07.47 & Roadway Improvements Project in 2020 for completion in 2021; and

WHEREAS, the city applied for partial funding for this project through the Northeast Ohio Regional Sewer District Member Community Infrastructure Grant Program which provides funding for water resource projects, specifically for the Green Road Side Hill Structure Sewer Relocation portion of the project; and

WHEREAS, the project was selected to receive \$194,605.00 in funding from the Northeast Ohio Regional Sewer District Member Community Infrastructure Grant Program; and

WHEREAS, in order to be eligible to receive these funds the city must enter into an agreement with the Northeast Ohio Regional Sewer District.

NOW THEREFORE BE IT ORDAINED by the Council of the City of South Euclid, Ohio:

Section 1: That the Mayor is hereby authorized and directed to enter into a Member Community Infrastructure Grant Program Agreement with the Northeast Ohio Regional Sewer District in order to receive funding for the Green Road (CR14) Bridge 07.47 & Roadway Improvements Project, specifically the Green Road Side Hill Structure Sewer Relocation portion of the project, and the agreement shall be in substantially the same form as attached hereto.

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5: That wherefore, this Ordinance shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor, in order to allow this critical project to be completed.

Passed this _____ day of _____, 2019.

Dennis Fiorelli, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 20-19
REQUESTED BY: Mayor
INTRODUCED BY: Fiorelli

October 15, 2019

AN ORDINANCE

TO PROVIDE FOR THE ISSUANCE AND SALE OF REAL ESTATE ACQUISITION AND URBAN REDEVELOPMENT GENERAL OBLIGATION REFUNDING (LIMITED TAX) BONDS OF THE CITY OF SOUTH EUCLID, OHIO, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$12,900,000 TO ADVANCE REFUND CERTAIN BONDS ISSUED FOR REAL ESTATE ACQUISITION AND URBAN REDEVELOPMENT, AND DECLARING AN EMERGENCY.

WHEREAS, the City issued its \$14,130,000 Real Estate Acquisition and Urban Redevelopment General Obligation (Limited Tax) Bonds, Series 2012, dated September 25, 2012 (the "Series 2012 Bonds"), which are currently outstanding in the principal amount of \$12,710,000; and

WHEREAS, the Council of the City has determined that it is in the best interest of the City, in order to achieve debt service savings, to issue bonds to advance refund all or a portion of the outstanding Series 2012 Bonds (the "Refunded Bonds") originally issued for the purposes of (a) retiring outstanding notes of the City issued for the purpose of paying the costs of the acquisition, and any necessary clearance and preparation, of real property for urban redevelopment, including public infrastructure improvements to be located thereon; (b) paying costs of refunding prior obligations of the City and additional costs of the acquisition of real estate; and (c) paying financing costs associated with the Series 2012 Bonds; and

WHEREAS, the Director of Finance, as fiscal officer (the "Fiscal Officer"), has previously certified to this Council that the estimated life of the projects financed with the Refunded Bonds was, at the time of the original issuance of the Refunded Bonds, at least five years and further certified the maximum maturity of the Refunded Bonds was at least 30 years from the date of their issuance;

WHEREAS, the Fiscal Officer has certified to the maximum maturity of the bonds proposed to be issued;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of South Euclid that:

SECTION 1. It is hereby declared necessary to issue bonds (the "Bonds") of the City in an aggregate principal amount not to exceed \$12,900,000 for the purpose of advance refunding the Refunded Bonds, paying the costs of refunding the Refunded Bonds, the costs of issuance of the Bonds and any redemption premium, provided the aggregate net present value debt service savings resulting from the refunding of the Refunded Bonds is not less than three percent. The aggregate principal amount of Bonds to be issued shall be in an amount determined by the Director of Finance and set forth in the Final Terms Certificate (described below) as the amount required to be issued, taking into account any original issue discount and/or original issue premium on the sale of the Bonds, in order to refund the Refunded Bonds and pay any expenses relating to the refunding of the Refunded Bonds and the issuance of the Bonds. The Bonds may be issued in one or more separate series, each bearing a distinctive designation, provided that the Bonds of each series satisfy the requirements of this Ordinance and the aggregate net present value debt service savings to the City resulting from each series of Bonds is not less than three percent. Separate series of Bonds may be issued at the same or different times. The Bonds of each series shall be designated as provided in the applicable Final Terms Certificate. A separate Final Terms Certificate may be delivered for each series.

SECTION 2. The Bonds shall be issued in one lot and only as fully-registered Bonds. The Bonds may be issued in the denomination of \$5,000 or any integral multiple of \$5,000, but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The Bonds shall be dated as determined by the Fiscal Officer (defined below) in his Final Terms Certificate.

The Bonds shall bear interest at the rate or rates of interest (computed on a 360-day year of twelve, 30-day months) as are determined by the Fiscal Officer to be in the best interest of the City as specified in a Final Terms Certificate which shall be signed by the Fiscal Officer and provide for the award of the Bonds in accordance with Section 5 of this Ordinance (the "Final Terms Certificate"). Interest on the Bonds shall be payable semiannually on the dates (the "Interest Payment Dates") determined by the Fiscal Officer in the Final Terms Certificate, until the principal amount has been paid or provided for. The Bonds shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from their date. The maximum average interest rate on the Bonds shall not exceed 6% per annum.

SECTION 3. The Bonds shall mature serially and annually on such dates and in such principal amounts as is fixed by the Fiscal Officer in the Final Terms Certificate, provided that the bonds stated to mature in any year may be issued as term bonds (the "Term Bonds") payable pursuant to Mandatory Sinking Fund Redemption Requirements as defined and further described below. The Fiscal Officer, in fixing such year and such amounts, shall make those determinations in accordance with maximum maturities certified to this Council by the Fiscal Officer for each purpose specified in Section 1 hereof and the requirements of Section 133.20, Ohio Revised Code. The Fiscal Officer shall determine in the Final Terms Certificate whether any of the Bonds shall be issued as Term Bonds and any dates (the "Mandatory Redemption Dates") on which the principal amount stated above shall be payable pursuant to Mandatory Sinking Fund Redemption Requirements rather than at stated maturity (the "Mandatory Sinking Fund Redemption Requirements").

The Bonds shall be subject to redemption prior to stated maturity as follows:

(a) Mandatory Sinking Fund Redemption. If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory sinking fund redemption and be redeemed pursuant to Mandatory Sinking Fund Redemption Requirements, at a redemption price of 100% of the principal amount redeemed, plus interest accrued to the redemption date, on the Mandatory Redemption Dates.

The aggregate of the moneys to be deposited with the Registrar (defined below) for payment of principal of and interest on any Term Bonds shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term Bonds payable on those dates pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as provided below).

The City shall have the option to deliver to the Registrar for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City for any Term Bonds. That option shall be exercised by the City on or before the 45th day preceding the applicable Mandatory Redemption Date, by furnishing the Registrar a certificate, signed by the Fiscal Officer, setting forth the extent of the credit to be applied with respect to the then current Mandatory Sinking Fund Redemption Requirement. If the certificate is not timely furnished to the Registrar, the Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Registrar, to the extent not applied theretofore as a credit against any mandatory redemption obligation.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Registrar at 100% of the principal amount thereof against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation). Any excess of that amount over the then current Mandatory Sinking Fund Redemption Requirement shall be credited against subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations) in the order directed by the Fiscal Officer.

(b) Optional Redemption. The Bonds shall be subject to redemption prior to maturity by and at the option of the City, in whole or in part at any time on the dates and for the prices

specified in the Final Terms Certificate, provided, however, that the Fiscal Officer may determine in the Final Terms Certificate that it is in the best interest of the City that the Bonds not be subject to redemption prior to maturity. If the Bonds are subject to redemption, the maximum redemption price shall be no greater than 103% of the principal amount redeemed, plus accrued interest to the redemption date.

If optional redemption at a price exceeding 100% of the principal amount to be redeemed is to take place as of any applicable Mandatory Redemption Date, the Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Bonds to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements of paragraph (a). The Bonds shall be redeemed pursuant to this paragraph only upon written notice from the Fiscal Officer to the Registrar, given upon the direction of the Council of the City by passage of an ordinance. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least 30 days before the redemption date or such shorter period as shall be acceptable to the Registrar. If that notice of redemption shall have been given by the Registrar to the registered owners as hereinafter provided, there shall be deposited with the Registrar on or before the redemption date, funds which, in addition to any other moneys available therefor and held by the Registrar, will be sufficient to redeem at the redemption price thereof, plus interest accrued to the redemption date; all of the redeemable Bonds for which notice of redemption has been given.

(c) Partial Redemption. If fewer than all of the outstanding Bonds are called for redemption at one time, they may be called in any order of their maturities, and if fewer than all Bonds of a single maturity are to be redeemed, the selection of Bonds to be redeemed, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by lot by the Registrar in any manner which the Registrar may determine. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as though it were a separate bond of the denomination of \$5,000. If it is determined that one or more, but not all of the \$5,000 units of principal amount represented by a bond are to be called for redemption, then upon notice of redemption of a \$5,000 unit or units, the registered owner of that bond shall surrender the bond to the Registrar (i) for payment of the redemption price of the \$5,000 unit or units called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (ii) for issuance, without charge to the registered owner thereof, of a new bond or bonds of any authorized denominations or denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the bond surrendered.

(d) Notice of Redemption. The notice of the call for redemption of Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least 30 days before the date fixed for redemption, to the registered owner of each bond subject to redemption in whole or in part at the registered owner's address shown on the Register maintained by the Registrar at the close of business on the 15th day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any bond, however, shall not affect the validity of the proceedings for the redemption of any bonds.

(e) Payment of Redeemed Bonds. Notice having been mailed in the manner provided in the preceding paragraph of this Ordinance, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus interest accrued to the redemption date. If moneys for the redemption of all of the Bonds and portions thereof to be redeemed, together with interest accrued thereon to the redemption date, are held by the Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If those moneys shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All moneys

held by the Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds.

SECTION 4. The Bonds shall be designated "Real Estate Acquisition and Urban Redevelopment Taxable General Obligation Refunding (Limited Tax) Bonds, Series 2019." The Bonds shall contain a summary statement of purposes encompassing the purposes for which the Bonds are issued; shall state that they are issued pursuant to this Ordinance; shall be executed by the Mayor and by the Fiscal Officer, one or both of whose signatures may be a facsimile signature; shall be issued only in fully registered form; and shall be registered as to both principal and interest at the corporate trust office of the Registrar. The Bonds shall be issued in the denominations and numbers as requested by the Original Purchaser (defined below) and approved by the Fiscal Officer, and shall be numbered as determined by the Fiscal Officer. In the absence of the Mayor, the Bonds must be executed by the President of Council and, in the absence of the Fiscal Officer, the Bonds must be executed by the Assistant Finance Director.

The principal of the Bonds shall be payable upon presentation and surrender to the Registrar. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name that Bond is registered (the "Holder") on the registration books of the City maintained by the Registrar and at the address appearing thereon at the close of business of the 15th day of the calendar month next preceding the Interest Payment Date (the "Regular Record Date"). Any interest not timely paid (the "Defaulted Interest") shall cease to be payable to the person who is the Holder as of the Regular Record Date and shall be payable to the person who is the Holder at the close of business on a special record date for the payment of such defaulted interest. Such Special Record Date (the "Special Record Date") shall be fixed by the Council of the City whenever moneys become available for payment of the Defaulted Interest, and the Registrar shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, first class postage prepaid, not less than 10 days prior thereto to each Holder at his address as it appears on the registration books of the City maintained by the Registrar. The principal and interest on the Bonds is payable in lawful money of the United States of America without deduction for the services of the Registrar.

No Bond shall be valid or become obligatory for any purpose unless and until an authentication certificate appearing on the Bond shall have been duly endorsed by the Registrar.

Any Bond, upon surrender thereof at the principal corporate trust office of the Registrar, together with an assignment duly executed by the Holder or his duly authorized attorney in such form as shall be satisfactory to the Registrar, at the option of the Holder thereof, may be exchanged for Bonds of any authorized denomination or denominations in an aggregate principal amount not exceeding the principal amount of the Bond so exchanged, and bearing interest at the same rate and maturing on the same date.

Any Bond may be transferred only upon the books kept for the registration and transfer of Bonds upon surrender thereof at the principal corporate trust office of the Registrar together with an assignment duly executed by the Holder or his duly authorized attorney in such form as shall be satisfactory to the Registrar. Upon the transfer of any such Bond and on request of the Registrar, the City shall execute in the name of the transferee, and the Registrar shall authenticate and deliver, a new Bond, of any authorized denomination, in aggregate principal amount equal to the principal amount of such Bond, and bearing interest at the same rate and maturing on the same date.

In all cases in which Bonds shall be exchanged or transferred, the City shall execute and the Registrar shall authenticate and deliver Bonds in accordance with the provisions of this ordinance. The City and Registrar may make a charge for every such exchange or transfer of Bonds sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to such exchange or transfer, and the Registrar may require that such charge or charges shall be paid before any such new Bond shall be delivered.

The Bonds, pursuant to the terms set forth below, may also be issued to a Depository (as defined below) for use in a book-entry system (as defined below). The Fiscal Officer is hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the registration, authentication, immobilization, and transfer of Bonds, including arrangements for the payment of principal and interest by wire

transfer, after determining that the execution thereof will not endanger the funds or securities of the City, which determination shall be conclusively evidenced by the signing of any such agreement.

If and as long as a book-entry system is utilized, (i) the Bonds shall be issued in the form of one fully-registered Bond registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the beneficial owners in book-entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book-entry form shall be shown by a book entry on the system maintained and operated by the Depository and its Participants (as defined below), and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds 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 Council of the City.

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book-entry system, the Fiscal Officer may attempt to have established a securities depository/book-entry relationship with another qualified Depository. If the Fiscal Officer does not or is unable to do so, the Fiscal Officer, after making provision for notification of the beneficial owners by the then Depository and any other arrangements he deems necessary, shall permit withdrawal of the Bonds from the Depository, and authenticate and deliver bond certificates in bearer or registered form, as he determines, 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 Council action or inaction, of those persons requesting such issuance.

As used in this Section and this ordinance:

“Book-entry form” or “book-entry system” means a form or system under which (i) the beneficial right to principal and interest may be transferred only through a book entry and (ii) physical bonds in registered form are issued only to a Depository or its nominee as registered owner, with the bonds “immobilized” to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in that principal and interest.

“Depository” means any securities depository that is a clearing agency under federal law operating and maintaining a book-entry system to record beneficial ownership of the right to principal and interest, and to effect transfers of bonds, 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.

SECTION 5. The Bonds are to be sold at private sale in a manner determined by the Fiscal Officer and shall be awarded by the Fiscal Officer to the entity noted in the Final Terms Certificate (the “Original Purchaser”) with the final purchase price, aggregate principal amount, interest rate or rates, maturities of the Series 2012 Bonds to be refunded, redemption provisions, if any, and principal installments due at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements as set forth in the Final Terms Certificate, in accordance with law, and the provisions of this Ordinance at a purchase price of not less than 97% of par plus accrued interest to their date of delivery, all as determined by the Fiscal Officer to be in the best interest of the City. The Mayor, the Fiscal Officer, the Law Director, the Clerk of Council, and any other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents, agreements, representations and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The services of Calfee, Halter & Griswold LLP, Bond Attorneys, Cleveland, Ohio, as Bond Counsel for the Bonds are hereby retained. The Fiscal Officer shall cause the Bonds to be prepared, and have the Bonds signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds, to the Original Purchaser upon payment of the purchase price. The proceeds from the sale of said Bonds, except the accrued interest thereon, shall be paid into the proper fund and used for the purpose for which the Bonds are being issued under the provisions of this Ordinance and may be used to pay those certain costs set forth in Section 133.15(B), Ohio Revised Code; any such costs also may be paid out of any

other lawfully available moneys of the City and any such costs which are future financing costs may be paid from the same sources from which the principal of and interest on the Bonds are paid. The accrued interest and any other proceeds so designated shall be paid into the Bond Retirement Fund to be applied to the payment of the principal and interest of the Bonds in the manner provided by law.

The Fiscal Officer is hereby authorized, if the Fiscal Officer determines it to be in the best interests of the City, to retain the services of a qualified financial advisor in connection with the issuance of the Bonds.

A preliminary official statement of the City relating to the original issuance of the Bonds is authorized to be distributed. The Mayor and Fiscal Officer, and either one of them, are authorized and directed to complete and sign, on behalf of the City and in their official capacities, an official statement, with such modifications, changes and supplements from the preliminary official statement as those officers or any one of them shall approve or authorize. Those officers are authorized, on behalf of the City and in their official capacities, to (i) determine, and to certify or otherwise represent, when the official statement is "deemed final" (except for permitted omissions) by the City as of its date or is a final official statement for purposes of SEC Rule 15c2-12(b)(1), (3) and (4), (ii) use and distribute, or authorize the use and distribution of, those official statements and any supplements thereto in connection with the original issuance of the Bonds, and (iii) complete and sign those official statements as so approved together with such certificates, statements or other documents in connection with the finality, accuracy and completeness of those official statements.

If, in the judgment of the Fiscal Officer, the filing of an application for a rating on the Bonds by one or more nationally-recognized rating agencies is in the best interest of and financially advantageous to the City, the Fiscal Officer is authorized to prepare and submit those applications, to provide to each such agency such information as may be required for the purpose, and to provide further for the payment of the cost of obtaining each such rating from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose.

SECTION 6. The Huntington National Bank, Columbus, Ohio, is hereby appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent for the Bonds (the "Registrar" or "Paying Agent," as applicable). The Fiscal Officer shall sign and deliver, in the name and on behalf of the City, a Bond Registrar Agreement between the City and the Registrar (the "Agreement"). The Fiscal Officer shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Agreement from the proceeds of the Bonds to the extent available and then from other moneys lawfully available and appropriated or to be appropriated for that purpose.

SECTION 7. The proceeds from the sale of the Bonds, except the accrued interest thereon, pursuant to Section 133.34, Ohio Revised Code, shall be deposited in a separate fund, designated the "Escrow Fund," to be held by a bank or trust company selected by the Fiscal Officer (the "Refunded Bonds Escrow Agent") and is hereby pledged and is to be applied solely to the payment of redemption premium, if any, and debt service on the Refunded Bonds as and when due by scheduled maturity or redemption prior thereto, as further provided in an Escrow Agreement to be entered into between the City and the Refunded Bonds Escrow Agent. The Mayor and the Fiscal Officer, or any one of them, are hereby authorized and directed to enter into that Escrow Agreement, as well as any other written documents and agreements as are necessary in their judgment to facilitate the transactions authorized in this Ordinance on behalf of the City. The Fiscal Officer is also authorized to retain, on behalf of the City, the services of an independent public accounting firm to perform the verification, required by Section 133.34(D), Ohio Revised Code, of the sufficiency of amounts in the Escrow Fund to cause the Refunded Bonds to be deemed paid and discharged. The accrued interest and any premium received by the City from the sale of the Bonds shall be paid into the Bond Retirement Fund.

SECTION 8. For the purpose of providing the necessary funds to pay the interest on the foregoing issue of Bonds promptly when and as the same falls due, and also to provide a fund sufficient to pay the principal of the Bonds when due, there shall be and is hereby levied on all taxable property in the City, in addition to all other taxes, a direct tax annually during the period said Bonds are to run in an amount sufficient to provide funds to pay the interest upon said Bonds as and when the same fall due, and also to provide a fund for the payment of the principal

of the Bonds when due, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Constitution of Ohio.

SECTION 9. Said tax shall be and is hereby 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 said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levy hereby required shall be placed in a separate and distinct fund, which, together with the interest collected on the same (other than such interest as may be required to be rebated to the federal government), shall be irrevocably pledged for the payment of the principal of and interest on said Bonds when and as the same fall due; provided, however, that in each year to the extent that revenues are available from other sources for the payment of the Bonds and are appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the City shall be reduced by the amount of such revenues so available and appropriated.

SECTION 10. While the Bonds are outstanding, the City hereby covenants to appropriate annually, to the extent required, sufficient amounts from municipal income tax revenues to pay principal and interest on the Bonds when the same fall due, and to continue to levy and collect the municipal income tax in an amount necessary to meet debt charges on the Bonds. On or before the maturity date of the Bonds, the City covenants to deposit into the Bond Retirement Fund, from available funds appropriated for the purpose, an amount necessary to meet any shortfall that may exist between the amount then available in the Bond Retirement Fund and the amount of principal and interest due at maturity of the Bonds.

SECTION 11. It is hereby determined that all acts, conditions and things necessary to be done precedent to and in and for the issuing of said Bonds in order to make them legal, valid and binding obligations of the City have been performed in regular and due form as required by law; that the full faith and credit of said City shall be and are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, will be exceeded in issuing said Bonds.

SECTION 12. The Fiscal Officer is authorized and directed to execute a continuing disclosure certificate (the "Disclosure Certificate") setting forth the City's undertaking to provide annual reports and notices of certain events dated the date of delivery of the Bonds and delivered to the original purchaser of the Bonds for the benefit of the holders of the Bonds (the "Bondholders") and to assist the original purchaser in complying with S.E.C. Rule 15c2-12(b)(5). The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Disclosure Certificate. Failure of the City to comply with the Disclosure Certificate shall not be considered an event of default; however, any Bondholder may take such actions as may be necessary and appropriate to cause the City to comply with its obligations under this Section.

SECTION 13. If, in the judgment of the Fiscal Officer, the filing of an application for a policy of insurance from a company or companies to better assure the payment of principal and interest on the Bonds, is in the best interest of and financially advantageous to the City, the Council authorizes and directs the Fiscal Officer to prepare and submit that application and to provide to that company or companies the information required for the purpose. This Council authorizes and approves the expenditure of the amounts necessary to secure such insurance and authorizes and directs the Fiscal Officer to provide for the payment of those amounts from any funds lawfully available that are appropriated for that purpose.

SECTION 14. The Fiscal Officer, as fiscal officer of the City, is hereby directed to forward or cause to be forwarded a certified copy of this ordinance to the County Auditor of Cuyahoga County and to secure a receipt therefor.

SECTION 15. The Mayor, Director of Finance, Law Director or Clerk of Council, as appropriate, are each authorized and directed to prepare, execute and deliver any transcript certificates, financial statements and other documents, agreements, representations and instruments and to take such actions as are necessary or appropriate to consummate the issuance of the Bonds as provided in this Ordinance.

SECTION 16. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all such deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including the City's Charter, codified ordinances and any applicable provisions of Section 121.22, Ohio Revised Code.

[Remainder of page intentionally left blank]

SECTION 17. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the City, and for the further reason that the immediate issuance and sale of the Bonds herein authorized is necessary to enable the City to refund the outstanding bonds at current market rates and thereby achieve interest rate savings, and provided it receives the affirmative vote of at least three-fourths of the membership of Council, this ordinance shall take effect and be in force immediately upon its passage by the Council and approval by the Mayor; otherwise, it shall take effect and be in force after the earliest period allowed by law.

Passed this ____ day of _____, 2019.

By: _____
Dennis Fiorelli, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

FISCAL OFFICER'S CERTIFICATE

City of South Euclid, Ohio
October 15, 2019

TO THE COUNCIL OF THE CITY OF SOUTH EUCLID, OHIO

The undersigned, Director of Finance of the City of South Euclid, Ohio (the "City"), as fiscal officer of the City as defined by Revised Code Section 133.01, hereby certifies as follows in connection with your proposed issue of not to exceed \$12,900,000 of bonds (the "Refunding Bonds") for the purpose of advance refunding bonds that were originally issued on September 25, 2012 for the purposes of (a) retiring outstanding notes of the City issued for the purpose of paying the costs of the acquisition, and any necessary clearance and preparation, of real property for urban redevelopment, including public infrastructure improvements to be located thereon; (b) paying costs of refunding prior obligations of the City and additional costs of the acquisition of real estate; and (c) paying financing costs associated with the Refunding Bonds (the "Project"):

1. That the estimated life or period of usefulness of the Project is hereby certified to be at least five years.
2. That the maximum maturity of the Refunding Bonds, calculated in accordance with the provisions of Section 133.20 and 133.34 of the Revised Code of Ohio, is 23 years.

Director of Finance
City of South Euclid, Ohio

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 44-19
INTRODUCED BY: Fiorelli
REQUESTED BY: Mayor

October 15, 2019

A RESOLUTION

PROVIDING A DATE AND TIME LIMITS FOR THE HALLOWEEN OBSERVANCE UPON THE STREETS AND OUT OF DOORS FOR THE YEAR 2019.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SOUTH EUCLID, OHIO:

Section 1: That Halloween activities and observance in the City of South Euclid, Ohio, in the Year 2019, shall take place on Thursday, October 31, 2019.

Section 2: That the custom generally known as "Trick or Treating" shall be permitted only between the hours of 6:00 p.m. and 8:00 p.m. on the above date and the provisions regarding peace disturbances as provided for in Chapter 509 of the Codified Ordinances of the City of South Euclid, Ohio are prohibited.

Section 3: That most communities around South Euclid will observe Halloween on October 31st from 6:00 p.m. to 8:00 p.m. and the Council of South Euclid desires to do the same to eliminate the misunderstandings among children who may go from one community to another.

Section 4: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5: That this Resolution is deemed to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the residents and for the further reason that a vital function of government is affected thereby. Wherefore, this Resolution shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2019.

Dennis Fiorelli, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 45-19
INTRODUCED BY: Fiorelli
REQUESTED BY: Mayor

October 15, 2019

A RESOLUTION

AUTHORIZING THE TRANSFER OF FUNDS IN THE AMOUNT OF \$54,644 FROM THE GENERAL FUND TO THE FIRE DEPARTMENT FUND #101.1120.52490 FOR THE PURCHASE OF EQUIPMENT TO BE REIMBURSED BY A FEMA GRANT.

WHEREAS, South Euclid Fire Department has received a FEMA grant in the amount of \$54,644 to fund the purchase of a Self-Contained Breathing Apparatus (SCBA) Fill Station; and

WHEREAS, the FEMA grant covers 90% of the grant award plus a 10% match from the City of South Euclid; and

WHEREAS, these funds are currently unappropriated and must be so that the new equipment may be purchased prior to reimbursement by FEMA;

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

Section 1: That the Council of the City of South Euclid hereby authorizes the Finance Director to appropriate unappropriated funds in the General Fund-Fire Department #101-1120-52490 account in an amount of \$56,644 for the purchase of fire department equipment, which will be reimbursed by FEMA.

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: Wherefore, this Resolution shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2019.

Dennis Fiorelli, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

October 15, 2019

RESOLUTION NO.: 46-19
INTRODUCED BY: Fiorelli
REQUESTED BY: Mayor

A RESOLUTION

AUTHORIZING THE MAYOR AND FIRE CHIEF TO PREPARE THE NECESSARY PLANS, SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE PURCHASE OF A "SELF CONTAINED BREATHING APPARATUS (SCBA) FILL STATION".

WHEREAS, the City of South Euclid has received a grant from FEMA to purchase a Self Contained Breathnig Apparatus (SCBA) Fill Station through a grant from FEMA FY2018 Assistance to Firefighters Grant; and

WHEREAS, the City will be reimbursed 100% for the cost of the purchase of equipment through the FEMA grant and match from Cuyahoga County.

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

Section 1: That the Mayor is hereby authorized to prepare the necessary plans, specifications, and advertise for bids for the purchase of "Self Contained Breathing Apparatus (SCBA) Equipment as specified in the FEMA FY2018 Assistance to Firefighters Grant.

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 28, 1975, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: Wherefore, this Resolution shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2019.

Dennis Fiorelli, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 47-19
INTRODUCED BY: Fiorelli
REQUESTED BY: Mayor

October 15, 2019

A RESOLUTION

AUTHORIZING THE APPROPRIATION OF UNAPPROPRIATED FUNDS IN THE SAFETY FORCES LEVY FUND #410" IN AN AMOUNT OF \$148,000 FOR SAFETY SERVICE EXPENDITURES.

WHEREAS, there are unappropriated funds in the Safety Forces Levy account which were collected in 2019; and

WHEREAS, these funds must be appropriated in order to pay for safety service expenditures.

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

Section 1: That the Council of the City of South Euclid hereby authorizes the Finance Director to appropriate unappropriated funds in the "Safety Forces Levy Fund #410" in an amount \$148,000.

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: Wherefore, this Resolution shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2019.

Dennis Fiorelli, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 48-19
INTRODUCED BY: Fiorelli
REQUESTED BY: Mayor

October 15, 2019

A RESOLUTION

AUTHORIZING THE TRANSFER OF APPROPRIATED FUNDS FROM THE "GENERAL FUND-YOUTH PROGRAMS-MISCELLANEOUS" TO "GENERAL FUND-YOUTH PROGRAMS-PERSONAL SERVICES" IN THE AMOUNT OF \$9,000 TO COVER COSTS ASSOCIATED WITH GRANT FUNDED YOUTH PROGRAM SERVICES IN THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, the City of South Euclid has received grant funds for the South Euclid MyCom Program and appropriated said funds in the Miscellaneous Fund; and

WHEREAS, a portion of these funds must be allocated for personnel services associated with the South Euclid MyCom Program; and

WHEREAS, this transfer of funds does not increase the overall program budget.

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

Section 1: That the Council of the City of South Euclid hereby authorizes the Finance Director to transfer appropriated funds from the "General Fund-Youth Programs-Miscellaneous" to "General Fund-Youth Programs-Personal Services" in the amount of \$9,000.00.

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: That this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the reason the monies must be allocated to allow for an efficient and effective transition to regional dispatch services. Wherefore, this Resolution shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2019.

Dennis Fiorelli, President of Council

Attest:

Approved: _____

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 49-19
INTRODUCED BY: Fiorelli
REQUESTED BY: Mayor

October 15, 2019

A RESOLUTION

A RESOLUTION AUTHORIZING THE MAYOR TO SEEK FINANCIAL ASSISTANCE FROM THE OHIO PUBLIC WORKS COMMISSION (OPWC) STATE PUBLIC WORKS PROGRAM TO FUND CEDAR ROAD (from Miramar Boulevard to Green Road) RESURFACING PROJECT.

WHEREAS, pursuant to Article VIII, Section 2K of the Ohio Constitution, the State of Ohio is authorized to issue bonds and other obligations of the State for the purpose of financing public infrastructure capital improvements of political subdivisions as designated by law; and

WHEREAS, pursuant to Section 164.05 of the Ohio Revised Code, the Ohio Public Works Commission (OPWC) has been created to accept and approve applications for state financing of capital infrastructure improvement projects of political subdivisions in Cuyahoga County; and

WHEREAS, pursuant to Section 164.06 of the Ohio Revised Code, the District One Public Works Integrating Committee (DOPWIC) has been created to accept, evaluate and recommend applications to the OPWC for the state financing of capital infrastructure improvement projects of political subdivisions in Cuyahoga County; and

WHEREAS, the City has conducted a capital inventory and needs assessment and has determined that is necessary to submit applications for financial assistance for capital infrastructure improvement projects.

NOW, THEREFORE, BE IT RESOLVED by the Council of South Euclid, Ohio:

Section 1: That the Mayor is hereby authorized to apply to the DOPWIC and the OPWC for financial assistance for the following capital infrastructure improvement project:
1. Cedar Road Resurfacing Project (Miramar Blvd. to Green Road)

Section 2: That the Mayor is further authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance in conjunction with the recommendations of the City Engineer, and approved as to form by the City Law Director, in accordance with all authority granted to and limitations upon by the City Director of Finance.

Section 3: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4: That this Resolution is declared to be an emergency measure necessary for the preservation of the public peace, health and safety and for the further reason that a vital function of the municipal government is affected thereby. Wherefore, this Resolution shall take effect and be in full force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2019.

Dennis Fiorelli, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 50-19
INTRODUCED BY: Fiorelli
REQUESTED BY: Mayor

October 15, 2019

A RESOLUTION

A RESOLUTION AUTHORIZING THE MAYOR TO SEEK FINANCIAL ASSISTANCE FROM THE OHIO PUBLIC WORKS COMMISSION (OPWC) STATE PUBLIC WORKS PROGRAM TO FUND THE GREEN ROAD (CR14) BRIDGE 07.47 & ROADWAY IMPROVEMENTS PROJECT.

WHEREAS, pursuant to Article VIII, Section 2K of the Ohio Constitution, the State of Ohio is authorized to issue bonds and other obligations of the State for the purpose of financing public infrastructure capital improvements of political subdivisions as designated by law; and

WHEREAS, pursuant to Section 164.05 of the Ohio Revised Code, the Ohio Public Works Commission (OPWC) has been created to accept and approve applications for state financing of capital infrastructure improvement projects of political subdivisions in Cuyahoga County; and

WHEREAS, pursuant to Section 164.06 of the Ohio Revised Code, the District One Public Works Integrating Committee (DOPWIC) has been created to accept, evaluate and recommend applications to the OPWC for the state financing of capital infrastructure improvement projects of political subdivisions in Cuyahoga County; and

WHEREAS, the City has conducted a capital inventory and needs assessment and has determined that is necessary to submit applications for financial assistance for capital infrastructure improvement projects.

NOW, THEREFORE, BE IT RESOLVED by the Council of South Euclid, Ohio:

Section 1: That the Mayor is hereby authorized to apply to the DOPWIC and the OPWC for financial assistance for the following capital infrastructure improvement project:
1. Green Road (CR14) Bridge 07.47 & Roadway Improvements Project

Section 2: That the Mayor is further authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance in conjunction with the recommendations of the City Engineer, and approved as to form by the City Law Director, in accordance with all authority granted to and limitations upon by the City Director of Finance.

Section 3: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4: That this Resolution is declared to be an emergency measure necessary for the preservation of the public peace, health and safety and for the further reason that a vital function of the municipal government is affected thereby. Wherefore, this Resolution shall take effect and be in full force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2019.

Dennis Fiorelli, President of Council

Attest:

Keith A. Benjamin, Clerk of Council

Approved as to form:

Michael P. Lograsso, Director of Law

Approved:

Georgine Welo, Mayor

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 51-19
INTRODUCED BY: Fiorelli
REQUESTED BY: Mayor

October 15, 2019

A RESOLUTION

AUTHORIZING THE DIRECTOR OF COMMUNITY SERVICES TO APPLY FOR A GRANT UNDER THE CUYAHOGA COUNTY "COMPETITIVE MUNICIPAL PROGRAM": 2019 COMMUNITY DEVELOPMENT BLOCK GRANT FUND; AND DECLARING AN EMERGENCY.

WHEREAS, the City of South Euclid, Ohio wishes to apply for Community Development Block Grant Funds made available through the Cuyahoga County Department of Development for the purpose of resurfacing Hinsdale Road in the City's qualified Improvement Target Area and Low-Moderate Income designated area.

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

Section 1: That the Mayor be and she and the Director of Community Services are hereby authorized to submit an application for funds for a Community Development Block Grant to the Cuyahoga County Department of Development.

Section 2: That the Mayor and the Director of Finance are hereby authorized and directed to enter into such agreements with Cuyahoga County as may be necessary for the application for and receipt of Community Development Block Grant Funds and related funding, as provided by law. Said agreements shall be in substantially the same form as approved by the Director of Law.

Section 3: That the Clerk be and is hereby authorized and directed to transmit a certified copy of this Resolution to the Cuyahoga County Department of Development.

Section 4: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5: That this Resolution is declared to be an emergency measure necessary for the preservation of the public peace, health, and safety and for the further reason that a vital function of the municipal government is effected thereby. This Resolution shall take effect upon passage and approval.

Passed this _____ day of _____, 2019.

Dennis Fiorelli, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 52-19
INTRODUCED BY: Fiorelli
REQUESTED BY: Mayor

October 15, 2019

A RESOLUTION

REQUESTING THAT THE SOUTH EUCLID MUNICIPAL COURT REMIT \$134,245.29 IN UNCLAIMED COURT FUNDS AS REQUIRED BY OHIO REVISED CODE SECTION 1901.31 TO THE CITY OF SOUTH EUCLID FINANCE DEPARTMENT; AND DECLARING AN EMERGENCY.

WHEREAS, according to the Ohio Auditor of State, during the 2017 Audit it was determined that the South Euclid Municipal Court has \$134,245.29 in unclaimed funds that, per Ohio Rev. Code § 1901.31 shall be paid to the City's Treasurer on April 1st of each year; and

WHEREAS, the unclaimed funds have not been paid to the City Treasurer per Ohio Revised Code.

WHEREAS, the Ohio State Auditor has determined that said unclaimed court funds were not only for fiscal year 2017, but also include unclaimed funds for several years, which have not been remitted to the City pursuant to State law; and

WHEREAS, pursuant to the Ohio State Auditor, Ohio Rev. Code § 1901.31 (G) provides that on the first Monday in January of each year, the Clerk (of Court) shall make a list of the titles of all cases in the court that were finally determined more than one year past in which there remains unclaimed in the possession of the clerk any funds, or any part of a deposit for security of costs not consumed by the costs in the case; and

WHEREAS, pursuant to Ohio Rev. Code § 1901.31 (G), all the moneys remaining unclaimed on the first day of April of each year shall be paid by the clerk (of court) to the city treasurer and the treasurer shall pay any part of the moneys at any time to the person who has the right to the moneys upon proper certification of the clerk; and

WHEREAS, the list of unclaimed funds provided by the State Auditor is attached as Exhibit A to this Resolution.

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

Section 1: That, pursuant to Ohio Rev. Code § 1901.31 and the recommendations of the Ohio State Auditor, the South Euclid City Council respectfully requests that the South Euclid Municipal Court immediately remit all unclaimed court funds to the City's Finance Director in the current amount of \$134,245.29.

Section 2: That the Law Director of the City of South Euclid shall hereby provide a signed copy of this Resolution to South Euclid Municipal Court, Judge Gayle Williams Byers and Clerk of Court Chardale Sumpter to notify them of City Council's actions.

Section 3: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4: Wherefore, this Resolution shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2019.

Dennis Fiorelli, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law