

THE CITY OF SOUTH EUCLID
SCHEDULE OF MEETING
February 8, 2021
8:00 PM

Meeting Conducted Via WebEx Meeting Platform

PUBLIC ACCESS FOR RESIDENTS:

Please go to the City's Homepage at www.cityofsoutheuclid.com
and click the "Join City Council Meeting Link"
at the top of the webpage.

The Password to Join the Meeting is:

Wm2mcDXtT57 (96262398 from phones and video systems)

1. **PLEDGE OF ALLEGIANCE**
2. **ROLL CALL**
3. **SWEARING-IN CEREMONY** Police Officer David Duffy
4. **REPORT OF MAYOR**
5. **REPORT OF LAW DIRECTOR & DEPARTMENTAL HEADS**
6. **REPORT OF SCHOOL DISTRICT**
7. **PUBLIC HEARINGS (OPEN MEETING) RELATED TO AGENDA ITEMS**
8. **REPORT OF COUNCIL COMMITTEES**
9. **LEGISLATION REQUESTED BY THE PLANNING COMMISSION**
 1. Resolution 06-21 Granting a Conditional Use Permit for a Drive-Thru to "Mr. Chicken" located at 1415 South Green Road in the City of South Euclid, Ohio. First Reading.
10. **LEGISLATION REQUESTED BY CITY COUNCIL**
 1. Resolution 05-21 Condemning intimidation and violence and reaffirming equality under the law. First Reading.
11. **LEGISLATION REQUESTED BY THE MAYOR & ADMINISTRATION**
 1. Ordinance 02-21 To make appropriations for current expenses and other expenditures of the City of South Euclid, State of Ohio, during the Fiscal Year ending December 31, 2021; and declaring an emergency. First Reading.
 2. Ordinance 03-21 An Ordinance to provide for the issuance of a principal amount not to exceed \$1,638,000 of General Obligation Bond Anticipation Notes in anticipation of the issuance of Bonds to pay for all or a portion of the costs of constructing, reconstructing, resurfacing and otherwise improving various streets in the city, together with all necessary appurtenances; and declaring an emergency. First Reading.
12. **PUBLIC HEARINGS (OPEN MEETING) RELATED TO OPEN BUSINESS**
13. **COMMUNICATIONS OF CITY COUNCIL**
14. **ADJOURN TO EXECUTIVE SESSION** for the purpose of discussion of collective bargaining agreements.
15. **ADJOURN**



COME TOGETHER & THRIVE

Planning Commission

February 3, 2021

Joseph Frank, President of Council
City of South Euclid
1349 South Green Road
South Euclid, OH 44121

Dear Joseph,

The Planning Commission on January 28, 2021 voted 4-0-0 to recommend approval of the conditional use application for a drive thru at the proposed Mr. Chicken Restaurant, located at 1415 S. Green Road.

If you have any questions, please feel free to contact me.
Respectfully,

A handwritten signature in black ink, appearing to read "Ashley King".

Ashley King
Planning Commission Chairwoman

cc: Georgine Welo, Mayor
Michael Lograsso, Law Director
City Council Members
Laura Heilman, Building Commissioner
Planning Commissioners
Ecc: Keith Benjamin

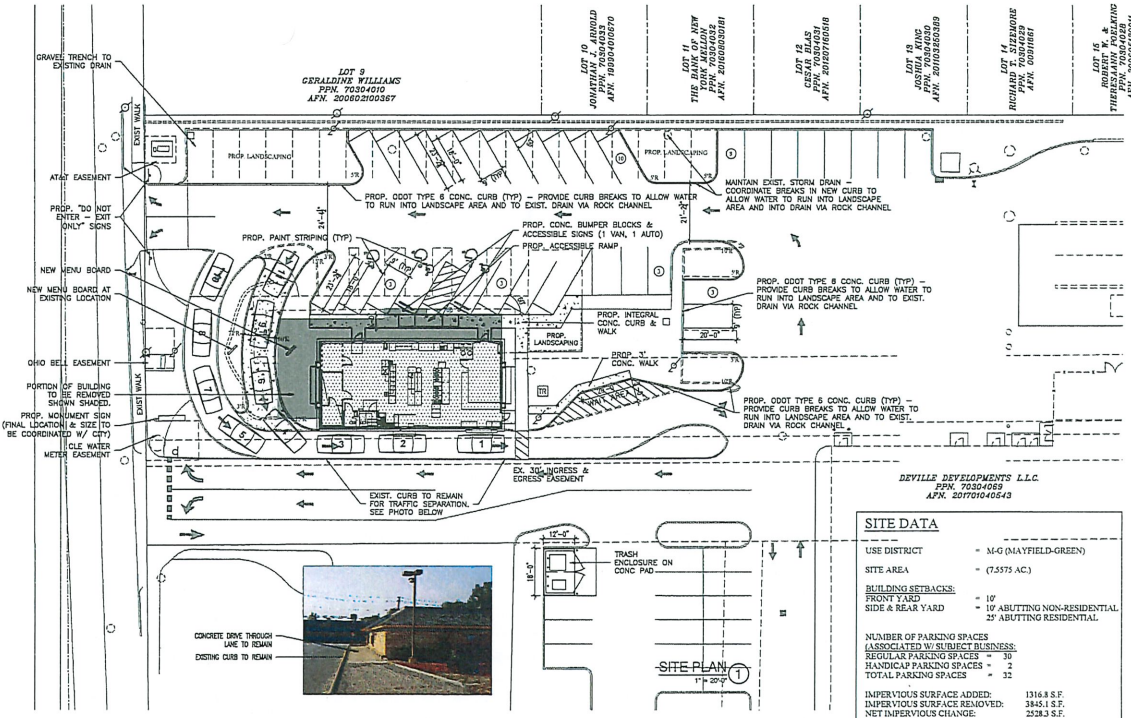
FLOOD ZONE

FLOOD ZONE "X" PER FLOOD INSURANCE RATE MAP NUMBER 130304010E COMMENTARY PAGE NUMBER 1911 0114 E EFFECTIVE DATE 02/28/2014

LEGEND

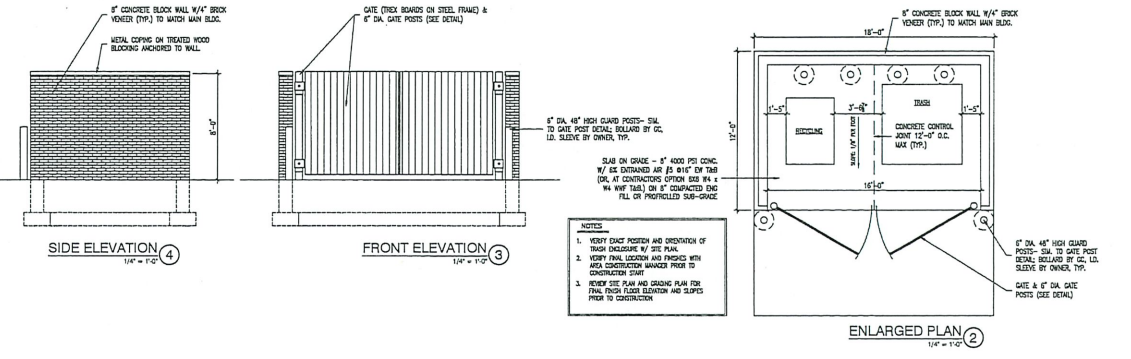


NON-ITALICS TEXT REPRESENTS PROPOSED CONDITION
ITALICS TEXT REPRESENTS EXISTING CONDITION



SITE DATA

USE DISTRICT	= 34-G (MAYFIELD-GREEN)
SITE AREA	= (7,537.5 AC.)
BUILDING SETBACKS:	
FRONT YARD	= 10'
SIDE & REAR YARD	= 10' ABUTTING NON-RESIDENTIAL 25' ABUTTING RESIDENTIAL.
NUMBER OF PARKING SPACES	
(ASSOCIATED BY SUBJECT BUSINESS)	
REGULAR PARKING SPACES	= 30
HANDICAP PARKING SPACES	= 2
TOTAL PARKING SPACES	= 32
IMPERVIOUS SURFACE ADDED:	1316.8 S.F.
IMPERVIOUS SURFACE REMOVED:	3845.1 S.F.
NET IMPERVIOUS CHANGE:	2528.3 S.F. (REDUCTION)



- NOTES**
1. VERIFY EXACT POSITION AND ORIENTATION OF TRASH ENCLOSURE BY SITE PLAN.
 2. VERIFY FINAL LOCATION AND FINISHES WITH AREA CONSTRUCTION MANAGER PRIOR TO CONSTRUCTION START.
 3. VERIFY SET PLAN AND GRADING PLAN FOR FINAL FINISH ELEVATION AND SURF PRIOR TO CONSTRUCTION.

LARSEN ARCHITECTS
12504 EDGEWATER DRIVE #10,
LAKELAND, OHIO 44127
216-221-2250

PROJECT No: 20018

Mr. Chicken
BUILDING REMODEL
1415 S. GREEN RD.
SOUTH EUCLID, OH 44121

DRAWN BY:
CHECKED BY:
ISSUE:

THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND LOCATIONS OF ALL UTILITIES AND ADJUSTMENTS TO BE MADE ACCORDING TO THE CONTRACT AND ANY OTHER INFORMATION PROVIDED BY THE UTILITY PROVIDER TO BE ACCURATE.

THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND LOCATIONS OF ALL UTILITIES AND ADJUSTMENTS TO BE MADE ACCORDING TO THE CONTRACT AND ANY OTHER INFORMATION PROVIDED BY THE UTILITY PROVIDER TO BE ACCURATE.

ANY WORK PERFORMED IN COMPLIANCE WITH THE CONTRACT SHALL BE SUBJECT TO THE CONTRACTOR'S OBLIGATION TO OBTAIN THE NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES AND AUTHORITIES.

ANY APPLICABLE PERMITS AND APPROVALS SHALL BE OBTAINED FROM THE APPLICABLE AGENCIES AND AUTHORITIES PRIOR TO CONSTRUCTION.

SHEET NUMBER
AS-1
SITE PLAN

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 06-21
INTRODUCED BY: Frank
REQUESTED BY: Planning Commission

February 8, 2021

A RESOLUTION

GRANTING A CONDITIONAL USE PERMIT FOR A DRIVE-THRU TO "MR. CHICKEN" LOCATED AT 1415 SOUTH GREEN ROAD IN THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, "Mr. Chicken" proposes to construct a new restaurant at 1415 South Green 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, in accordance, 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 in a vote of 4-0, the motion passed; 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 "Mr. Chicken" follow the condition 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 "Mr. Chicken" to construct a restaurant with a drive-thru at 1415 South Green Road in the City of South Euclid, Ohio, per the following condition:

Condition 1: The drive-thru shall be constructed in the same matter as illustrated on the site plan approved by the Planning Commission, Building Commissioner, City Engineer, Fire Inspector, and Traffic Commissioner.

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 preservation of the public peace, health and safety and for 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 _____, 2021.

Joseph Frank, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

RESOLUTION NO.: 05-21
INTRODUCED BY: Frank
REQUESTED BY: Gray & Elston

February 8, 2021

A RESOLUTION
CONDEMNING INTIMIDATION AND VIOLENCE AND REAFFIRMING
EQUALITY UNDER THE LAW

WHEREAS, in South Euclid we fully support diversity, equity, and inclusion of all people, regardless of their age, ancestry, color, disability, gender identity or expression, genetic information, HIV/AIDS status, military or employment status, national origin, housing or immigration status, race, religion, sex, sexual orientation or veteran status; and,

WHEREAS we believe that important functions of society are to share and create knowledge, explore ideas, and welcome diverse opinions in an atmosphere that is civil and safe for all Ohioans; and,

WHEREAS, the Preamble to the Constitution of the United States sets forth our commitment to forming an interconnected union that prioritizes justice, domestic tranquility, our common defense, the general welfare of all, and liberty; and

WHEREAS, the Declaration of Independence, in creating a nascent Union, holds that that all of us are created equal and endowed with inalienable rights to life, liberty, and the pursuit of happiness; and

WHEREAS, we reiterate that our community is strong because of our steadfast commitment to strive to be an inclusive and welcoming for people and ideas from all corners of our society and all around the world; and,

WHEREAS, in recent days there have been troubling reports of mental, physical, and verbal assaults on people of all ages at institutions across the country, including in Ohio; and

WHEREAS, we believe that the promises set forth in the founding documents of the United States of America cannot be fulfilled when some intimidate or instigate violence against others.

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

Section 1. That, while supporting each person's constitutionally protected rights, the City Council and Mayor condemns any acts of hate speech, violence, or intimidation of any kind expressed towards any member of our community.

Section 2. That we stand united, both in spite of and as a result of the differences among us, in our call to listen with compassion, to hold accountable those who fail to meet these standards, to welcome a range of perspectives and ideas, and to champion the rights of all people to equality under the law.

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 deemed to be an emergency measure necessary for the immediate preservation for the public peace, health, and safety and for further reason that a vital function of the municipal government is effected hereby. 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 _____, 2021.

Joseph Frank, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law



COME TOGETHER & THRIVE

Memorandum

To: Members of Council
From: Keith Ari Benjamin, Director of Community Services
Date: February 4, 2021
RE: Ord. 02-21 FY2021 Budget Ordinance

Ordinance 03-21 is on the annual budget ordinance, which pursuant to State Law must be approved by March 31, 2021.

Please place the legislation on First Reading and refer to the Committee of the Whole for review and discussion at upcoming Committee and Budget Hearings.

Please don't hesitate to let us know if you have any questions or need additional information.

Thank you.

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 02-21
 INTRODUCED BY: Frank
 REQUESTED BY: Mayor

February 8, 2021

AN ORDINANCE

TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF SOUTH EUCLID, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2021; AND DECLARING AN EMERGENCY.

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

Section 1: That to provide for the current expenses and other expenditures of the City of South Euclid during the fiscal year ending December 31, 2021, the sums as herein set forth be and the same are hereby made. Said sums to be used to implement this 2021 Revenue and Expense.

Section 2: That there be appropriated from the General Fund:

PROGRAM I - Security of Persons and Property

POLICE DEPARTMENT - 1110

Personal Services	\$5,024,403	
Other Charges	<u>367,505</u>	
Total Police Department		\$5,391,908

Discussion Only

POLICE - ADMINISTRATIVE - 1111

Personal Services	\$135,048	
Other Charges	<u>1,000</u>	
Total Police Department-Administrative		\$136,048

POLICE - SCHOOL GUARDS - 1112

Personal Services	\$118,428	
Other Charges	<u>2,000</u>	
Total Police Department-School Guards		\$120,428

POLICE - CORRECTIONS - 1113

Personal Services	\$0	
Other Charges	<u>0</u>	
Total Police Department-Corrections		\$0

FIRE DEPARTMENT - 1120

Personal Services	\$4,095,441	
Other Charges	<u>370,500</u>	
Total Fire Department		\$4,465,941

FIRE HYDRANTS - 1122

Other Charges	<u>35,485</u>	
Total Fire Hydrants		\$35,485

DISPATCHERS - 1130

Personal Services	\$0	
Other Charges	<u>633,054</u>	
Total Dispatchers		\$633,054

TOTAL PROGRAM I

\$10,782,864

PROGRAM II - Public Health & Welfare Services

SUPPORT OF PRISONERS - 2210

Other Charges	<u>\$81,300</u>	
Total Public Health & Welfare		<u>\$81,300</u>

TOTAL PROGRAM II

\$81,300

PROGRAM III - Leisure Time Activities

RECREATION - 3310

Personal Services	\$76,330	
Other Charges	<u>43,650</u>	
Total Recreation		\$119,980

COMMUNITY CENTER - 3350

Personal Services	\$203,403	
Other Charges	<u>79,050</u>	
Total Community Center		<u>\$282,453</u>

TOTAL PROGRAM III

\$402,433

PROGRAM IV - Community Environment

BUILDING DEPARTMENT - 4410

Personal Services	\$926,075	
Other Charges	206,640	
	<hr/>	
Total Building Department		\$1,132,715

ECONOMIC DEVELOPMENT - 4430

Personal Services	\$207,006	
Other Charges	114,650	
	<hr/>	
Total Economic Development		\$321,656

COMMUNITY RELATIONS - 4440

Personal Services	\$85,056	
Other Charges	98,300	
	<hr/>	
Total Community Relations		\$183,356

CITY BOARDS & COMMISSIONS - 4450

Personal Services	\$39,050	
Other Charges	4,450	
	<hr/>	
Total Boards & Commissions		\$43,500

YOUTH INITIATIVE - 4460

Personal Services	\$29,004	
Other Charges	43,500	
	<hr/>	
Total Youth Initiative		\$72,504

TOTAL PROGRAM IV

\$1,753,731

PROGRAM V - Basic Utility Service

REFUSE COLLECTION & DISPOSAL - 5510

Other Charges	\$1,620,000	
	<hr/>	
Total Refuse Collection & Disposal		\$1,620,000

CURBSIDE RECYCLING - 5520

Personal Services	\$98,504	
Other Charges	12,700	
	<hr/>	
Total Curbside Recycling		\$111,204

TOTAL PROGRAM V

\$1,731,204

PROGRAM VI - Transportation

SERVICE DEPARTMENT - 6610

Personal Services	\$278,185	
Other Charges	226,750	
	<hr/>	
Total Service Department		\$504,935

GARAGE - 6620

Personal Services	\$212,500	
Other Charges	230,000	
	<hr/>	
Total Garage		\$442,500

TOTAL PROGRAM VI

\$947,435

PROGRAM VII - General Government

MAYOR'S OFFICE - 7710

Personal Services	\$198,847	
Other Charges	38,034	
	<hr/>	
Total Mayor's Office		\$236,881

LEGISLATIVE ACTIVITIES (CITY COUNCIL) - 7720

Personal Services	\$101,319	
Other Charges	44,000	
	<hr/>	
Total Legislative Activities (City Council)		\$145,319

FINANCE ADMINISTRATION - 7730

Personal Services	\$379,941	
Other Charges	66,300	
	<hr/>	
Total Finance Administration		\$446,241

Discussion Only

INCOME TAX ADMINISTRATION (RITA) - 7731

Personal Services	\$0	
Other Charges	<u>515,000</u>	
Total Income Tax Administration		\$515,000

LEGAL ADMINISTRATION - 7740

Personal Services	\$222,275	
Other Charges	<u>446,800</u>	
Total Legal Administration		\$669,075

JUDICIAL ACTIVITIES (MUNICIPAL COURT) - 7750

Personal Services	\$728,248	
Other Charges	<u>56,752</u>	
Total Judicial Activities (Municipal Court)		\$785,000

CIVIL SERVICE COMMISSION - 7760

Personal Services	\$7,758	
Other Charges	<u>32,150</u>	
Total Civil Service Commission		\$39,908

ENGINEERING - 7770

Personal Services	\$22,335	
Other Charges	<u>4,200</u>	
Total Engineering		\$26,535

MUNICIPAL COMPLEX - 7780

Personal Services	\$37,711	
Other Charges	<u>581,700</u>	
Total Municipal Complex		\$619,411

GENERAL SERVICES - 7790

Personal Services	\$50,000	
Other Charges	<u>513,314</u>	
Total General Services		\$563,314

INSURANCE - 7791

Personal Services	\$0	
Other Charges	<u>256,000</u>	
Total Insurance		\$256,000

TRANSFERS/ADVANCES OUT - 9910/9920

Other Charges	<u>\$2,602,799</u>	
		\$2,602,799

TOTAL PROGRAM VII

\$6,905,483

TOTAL GENERAL FUND

\$22,604,450

Section 3: That there be appropriated from the Special Revenue Funds:

OPERATION HOME IMPROVEMENT (FUND 103/104)

Other Charges	<u>\$0</u>	
Total		\$0

COPS GRANT (FUND 106)

Personal Services	\$0	
Other Charges	<u>0</u>	
Total		\$0

COMMUNITY DIVERSION PROGRAM (FUND 107)

Personal Services	\$11,810	
Other Charges	<u>4,745</u>	
Total		\$16,555

16,555

STREET CONSTRUCTION & MAINTENANCE (FUND 202)

Personal Services	\$1,016,875	
Other Charges	<u>280,200</u>	
Total		\$1,297,075

1,297,075

STATE HIGHWAY IMPROVEMENT (FUND 203)

Personal Services	\$0	
Other Charges	<u>50,000</u>	
Total		\$50,000

50,000

PARKING LOTS & PARKING METERS (FUND 205)

Personal Services	\$0		
Other Charges	<u>0</u>		
Total		\$0	

SWIMMING POOLS (FUND 206)

Personal Services	\$175,030		
Other Charges	<u>96,975</u>		
Total		\$272,005	272,005

PERMISSIVE MOTOR VEHICLE TAX (FUND 207)

Other Charges	<u>\$160,000</u>		
Total		\$160,000	160,000

HUD GRANT - NSP 3 (FUND 215)

Other Charges	<u>\$0</u>		
Total		\$0	

POLICE RANGE (FUND 220)

Other Charges	<u>\$32,400</u>		
Total		\$32,400	

LAW ENFORCEMENT TRUST (FUND 221)

Other Charges	<u>\$110,000</u>		
Total		\$110,000	142,400

FEMA FIREFIGHTERS GRANT (FUND 222)

Other Charges	<u>\$1,504</u>		
Total		\$1,504	

SAFETY FORCES LEVY (FUND 410)

Personal Services	\$1,900,000		
Other Charges	<u>30000</u>		
Total		\$1,930,000	

STREET LIGHTING (FUND 511)

Other Charges	<u>\$471,500</u>		
Total		\$471,500	2,403,004

SEWER MAINTENANCE (516)

Personal Services	\$468,719		
Other Charges	<u>28,480</u>		
Total		\$497,199	497,199

SEWER REHABILITATION (517)

Other Charges	<u>\$400</u>		
Total		\$400	

POLICE PENSION (FUND 614)

Other Charges	<u>\$121,000</u>		
Total		\$121,000	

FIRE PENSION (FUND 615)

Other Charges	<u>\$121,000</u>		
Total		\$121,000	

SICK LEAVE BENEFIT (FUND 926)

Other Charges	<u>\$60,000</u>		
Total		\$60,000	

SALARY RESERVE (FUND 927)

Total	<u>0</u>	\$0	\$302,400
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TOTAL SPECIAL REVENUE FUNDS: \$5,140,638

Section 4: That there be appropriated from the Bond Retirement Funds:

GENERAL BOND RETIREMENT (FUND 327)

Other Charges	<u>\$53,415</u>		
Total		\$53,415	\$53,415

RECREATION BOND RETIREMENT (FUND 328)

Other Charges	<u>\$0</u>		
Total		\$0	\$0

SPECIAL ASSESSMENT BOND RETIREMENT (FUND 510)

Other Charges	<u>\$0</u>		
Total		\$0	\$0

TOTAL BOND RETIREMENT FUNDS:

\$53,415

Section 5: That there be appropriated from the Capital Project Funds:

CAPITAL PROJECT FUNDS

GENERAL IMPROVEMENT & REPAIR (FUND 408)

Other Charges	<u>\$933,956</u>		
Total		\$933,956	933,956

SAFETY FORCES VEHICLES (FUND 409)

Other Charges	<u>\$175,000</u>		
Total		\$175,000	\$175,000

POLICE VEHICLES & EQUIPMENT (FUND 411)

Other Charges	<u>\$4,000</u>		
Total		\$4,000	

ENERGY EFFICIENCY FUND (FUND XXX)

Other Charges	<u>\$1,722,831</u>		
Total		\$1,722,831	1,726,831

WATER DISTRIBUTION INFRASTRUCTURE (FUND 424)

Other Charges	<u>\$435,500</u>		
Total		\$435,500	435,500

ROAD RESURFACING (FUND 425)

Other Charges	<u>\$805,270</u>		
Total		\$805,270	805,270

FLOOD CONTROL (FUND 426)

Other Charges	<u>\$2,186,058</u>		
Total		\$2,186,058	2,186,058

SIDEWALK IMPROVEMENT PROGRAM (FUND 427)

Other Charges	<u>\$7</u>		
Total		\$7	7

STAN HOPE PARKING LOT (FUND 430)

Other Charges	<u>\$2,850</u>		
Total		\$2,850	

COVID FUND 925
PERSONNEL CHARGES

Other Charges	<u>\$0</u>		
Total		\$0	

LAND ACQUISITION (FUND 440)

Other Charges	<u>\$1,477,628</u>		
Total		\$1,477,628	1,480,478

TOTAL CAPITAL PROJECT FUNDS:

\$7,743,100

TRUST & AGENCY (FUND 917)

Other Charges	<u>\$1,982,965</u>		
Total		\$1,982,965	

TOTAL TRUST & AGENCY FUND:

\$1,982,965

GRAND TOTAL

\$37,524,568

Section 6: That the City Finance Director is hereby authorized to draw warrants for payments from any of the foregoing appropriations upon receiving proper certificates and vouchers therefore, approved by the Board of Officers authorized by law to approve same, or an ordinance or resolution of Council to make the expenditures; provided that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or ordinance. Provided further, that the appropriation for contingencies can be expended upon approval of a two-thirds vote of Council for items constituting a legal obligation against the City for purposes other than those covered by other specific appropriations, herein made.

Section 7: 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 8: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City and for further reason that funds cannot be properly disbursed in 2019 unless this Ordinance goes into immediate effect. Wherefore, this Ordinance shall take effect upon passage and approval.

Passed this _____ day of _____, 2021.

Joseph Frank, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael Lograsso, Director of Law

First Reading: _____

Second Reading: _____

Third Reading: _____

Requested Deadline for Council Passage: _____

Memorandum

To: Members of Council

From: Keith Ari Benjamin, Director of Community Services

Date: February 4, 2021

RE: Ord. 03-21 Issuance of Bond Anticipation Notes for 2021 Road Projects

Ordinance 03-21 is on the Agenda for the Monday, February 8, 2021 Meeting of City Council. The Ordinance pertains to the issuance of short-term notes for the following 2021 Road & Infrastructure Projects:

- South Green Road & Bridge Replacement – Phase I.
- Cedar Road Resurfacing Project (South Green Road to Washington Blvd.)
- Mayfield Road Concrete Joint Repair Project
- Preliminary Engineering for South Green Road (Phase II).

The notes must be issued by the end of March in order to move forward with the above mentioned projects as planned and discussed at Committee of the Whole and Budget Planning Meetings.

Please place the legislation on First Reading and refer to the Committee of the Whole for review and discussion at the February 22nd Committee Meeting.

Please don't hesitate to let us know if you have any questions or need additional information.

Thank you.

THE CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 03-21
INTRODUCED BY: Frank
REQUESTED BY: Mayor

February 8, 2021

AN ORDINANCE

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE OF A PRINCIPAL AMOUNT NOT TO EXCEED \$1,638,000 OF GENERAL OBLIGATION BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS TO PAY FOR ALL OR A PORTION OF THE COSTS OF CONSTRUCTING, RECONSTRUCTING, RESURFACING AND OTHERWISE IMPROVING VARIOUS STREETS IN THE CITY, TOGETHER WITH ALL NECESSARY APPURTENANCES, AND DECLARING AN EMERGENCY.

WHEREAS, the Director of Finance, as fiscal officer for the City of South Euclid, Ohio (the "City"), has certified to this Council of the City (the "Council") that the estimated life or period of usefulness of the improvements for the purpose described below is at least five years and has further certified that the maximum maturity of the bonds in anticipation of which the captioned notes will be issued.

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

Section 1. It is declared necessary to issue bonds (the "Bonds") of the City in a principal amount not to exceed \$1,638,000 to pay (a) costs of street and related bridge improvements as part of the South Green Multi-Modal Project, including the replacement of bridge on South Green Road, the resurfacing of South Green Road from Mayfield Road to Monticello Boulevard, the construction of a new sidewalk, and improvements to pedestrian crosswalks, traffic signalization, bicycle lanes, and public transportation systems, together with all necessary appurtenances, (b) costs of street improvements along Mayfield Road, including the reconstructing and repairing concrete joints along Mayfield Road, (c) preliminary engineering for Green Road Phase II street improvements from Mayfield Road to Cedar Road, (d) costs of resurfacing Cedar Road from South Green Road to Washington Boulevard, together with all necessary (collectively, the "Street Improvement Project") and (e) costs associated with the issuance of the Bonds.

Section 2. The Bonds shall be dated approximately March 1, 2022, shall bear interest at the estimated rate of 5% per annum, payable semi-annually until the principal sum is paid, and shall mature in 20 annual installments after their issuance. The first interest payment and the first principal payment on the Bonds are estimated to be December 1, 2022.

Section 3. It is determined that notes (the "Notes") in a principal amount not to exceed \$1,638,000 shall be issued in anticipation of the issuance of the Bonds for the Street Improvement Project. The Notes shall be sold to the Original Purchaser (as defined below) and shall bear interest at the rate fixed by the Director of Finance in the certificate awarding the Notes (the "Certificate of Award"), provided that such rate shall not exceed 4% per annum, payable at maturity. The Notes shall be dated their date of issuance and shall mature on a date that is between six months and one year, inclusive, from the date of issuance, as determined by the Director of Finance in the Certificate of Award. The Notes shall not be subject to redemption by the City at any time prior to maturity, unless the Original Purchaser requests that the Notes provide for such redemption, in which case provision shall be made for calling the Notes for redemption upon 10 days written notice to the Paying Agent (as defined below) for the Notes or to the Original Purchaser if the Director of Finance is the Paying Agent. In addition, the Notes shall be issued in denominations of \$100,000 or any whole multiple of \$1,000 in excess of \$100,000, but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The Notes shall be payable as to both principal and interest at the office of the Director of Finance, or at a bank or trust company designated by the Director of Finance (the "Paying Agent"), without deduction for exchange, collection or service charge; and shall be payable in lawful money of the United States of America.

Section 4. The Notes shall be designated "Street Improvement General Obligation Bond Anticipation Notes, Series 2021." In accordance with Section 133.30(B) of the Ohio Revised Code, the Director of Finance may combine the Notes with other notes into a single consolidated issue of notes for purposes of their sale as a single issue, and may designate that consolidated issue of notes in the Certificate of Award. The Notes shall contain a summary statement of purposes encompassing the purpose for which the Notes and any other notes are issued, shall be

issued in the numbers and denominations requested by the Original Purchaser, subject to the provisions of Section 3 of this Ordinance and shall be executed by the Mayor and the Director of Finance of the City, provided that one or both such signatures may be a facsimile signature. In the absence of the Mayor, the Notes shall be executed by the President of Council, and in the absence of the Director of Finance, the Notes shall be executed by any assistant Director of Finance.

The Notes, 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 Director of Finance is authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the authentication, immobilization, and transfer of the Notes, 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 Notes shall be issued in the form of one note in the name of the Depository or its nominee, as owner, and immobilized in the custody of the Depository; (ii) the beneficial owners in book-entry form shall have no right to receive Notes 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 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 Council of 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 have established 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 the Director of Finance deems necessary, shall permit withdrawal of the Notes from the Depository, and authenticate and deliver note certificates in bearer or registered form, as the Director of Finance 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 notes are issued only to a Depository or its nominee as owner, with the notes “immobilized” in 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 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.

Section 5. The Notes shall be sold at a private sale to Fifth Third Securities, Inc., as the original purchaser (the “Original Purchaser”), and awarded by the Director of Finance at a purchase price not less than 97% of their principal amount, at an interest rate not exceeding that specified in Section 3 of this Ordinance and which purchase price and interest rate the Director of Finance determines is in accordance with the best interests of the City; and the Director of Finance is authorized and directed to retain the services of Calfee, Halter & Griswold LLP, Bond Attorneys, Cleveland, Ohio and to deliver the Notes, when executed, to the Original Purchaser upon payment of the purchase price. The proceeds from the sale of the Notes shall be paid into the proper fund and, pursuant to the provisions of Section 133.15(B) of the Ohio Revised Code, are deemed appropriated for and shall be used for the purpose for which the Notes are being issued under the provisions of this Ordinance and to pay those certain costs set forth in Section 133.15(B) of the Ohio Revised Code. Any premium received by the City and accrued interest shall be transferred

to the Bond Retirement Fund to be applied to the payment of the principal of and interest on the Notes in the manner provided by law.

If, in the judgment of the Director of Finance, a preliminary official statement of the City relating to the original issuance of the Notes, is in the best interest of the City, such a preliminary official statement is authorized to be prepared and distributed. The Mayor and the Director of Finance, 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 Notes, 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 Director of Finance, the filing of an application for a rating on the Notes by one or more nationally-recognized rating agencies is in the best interest of and financially advantageous to the City, the Director of Finance 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 Notes 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 City covenants that it will restrict the use of the proceeds of the Notes in such manner and to such extent, if any, as may be necessary so that the Notes will not constitute arbitrage bonds under Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"). The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for the issuance of the Notes shall give an appropriate certificate 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 interest on the Notes.

The City covenants that (a) it will take or cause to be taken such actions which may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, and (b) it will not take or permit to be taken any actions which would adversely affect that exclusion, and that 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 acquired with those proceeds, (iii) make timely rebate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code. The Director of Finance and other appropriate officers of the City are authorized and directed to take any and all actions, make calculations and rebate payments, and take or give reports and certifications as may be appropriate to assure such exclusion of that interest.

Section 7. The Notes are designated as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code. The City covenants that the City, having no "subordinate entities" with authority to issue obligations within the meaning of that Section of the Code, in or during the calendar year in which the Notes are issued, (a) will not designate as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code tax-exempt obligations, including the Notes, in an aggregate principal amount in excess of \$10,000,000 and (b) will not issue tax-exempt obligations within the meaning of Section 265(b)(4) of the Code, including the Notes (but excluding any qualified 501(c)(3) bonds as defined in Section 145 of the Code and any obligations that are private activity bonds as defined in Section 141 of the Code), in an aggregate principal amount exceeding \$10,000,000, unless the City receives an opinion of nationally recognized bond counsel that such designation or issuance, as applicable, will not cause the Notes to cease to be "qualified tax-exempt obligations."

Section 8. If requested by the Original Purchaser of the Notes, the Director of Finance is and directed to execute a continuing disclosure certificate (the "Disclosure Certificate") dated the date of delivery of the Notes and delivered to the Original Purchaser for the benefit of the holders

of the Notes (the "Holders") and to assist the Original Purchaser in complying with SEC Rule 15c2-12(b)(5), which Disclosure Certificate shall set forth the City's undertaking to provide annual reports and notices of certain events as may be required. The City 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 Holder may take such actions as may be necessary and appropriate to cause the City to comply with its obligations under this Section, if a Disclosure Certificate is required.

Section 9. The Notes shall be full general obligations of the City and the full faith and credit of the City are pledged for the prompt payment of the same. The par value to be received from the sale of the bonds anticipated by the Notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used only for the retirement of the Notes at maturity together with the interest thereon, and is pledged for such purpose.

Section 10. During the years that the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually at the rate not less than that which would have been levied if bonds had been issued without the prior issuance of the Notes. This tax shall be within the ten-mill limitation imposed by law, 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, extended and collected. In addition, this tax shall be placed before and in preference to all items and for the full amount thereof. The funds derived from the tax levies required shall be placed in a separate and distinct fund which, together with the interest collected on the same, shall be irrevocably pledged for the payment of the principal of and interest on the Notes or the bonds in anticipation of which they are issued, 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 Notes and 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 the revenues so available and appropriated.

Section 11. While the Notes are outstanding, the City covenants to appropriate annually, to the extent required, sufficient amounts from municipal income tax revenues to pay principal and interest on the Notes 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 Notes. 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 Notes.

Section 12. It is determined and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Notes in order to make them legal, valid and binding obligations of the City, will have been done and performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Notes.

Section 13. The Clerk of Council is directed to forward or cause to be forwarded a certified copy of this Ordinance to the County Fiscal Officer of Cuyahoga County and to secure a receipt for the delivery of this Ordinance.

Section 14. The Mayor, Director of Finance, Law Director and the 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 Notes as provided in this Ordinance.

Section 15. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all such deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including the City's Charter, codified ordinances and applicable provisions of Section 121.22 of the Ohio Revised Code.

Section 16. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety and welfare of the City, and for further reason that the immediate issuance and sale of the Notes is necessary to provide funds to commence the Street Improvement Project, which will improve the safety of vehicular travel in

the City, and provided it receives the affirmative vote of three-fourths of all members 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 _____, 2021.

By: _____
Joseph Frank, 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
February 8, 2021

TO THE COUNCIL OF THE CITY OF SOUTH EUCLID, OHIO

The undersigned, as fiscal officer of the City of South Euclid, Ohio, as defined in Section 133.01 of the Ohio Revised Code, certifies as follows in connection with your proposed issue of general obligation bonds and bond anticipation notes in a principal amount not to exceed \$1,638,000 to (a) pay costs of resurfacing Cedar Road from South Green Road to Washington Boulevard, together with all necessary appurtenances (collectively, the “Street Improvement Project”) and (b) pay issuance costs that:

1. The estimated life or period of usefulness of the Street Improvement Project is at least five years.
2. The maximum maturity of the bonds, calculated in accordance with the provisions of Section 133.20, Ohio Revised Code, is 15 years, provided that if notes in anticipation of such bonds will be outstanding later than the last day of December of the fifth year following the year of issuance of the original notes, the period in excess of five years shall be deducted from the latest permitted maturity of the bonds.
3. The maximum maturity of the notes now proposed to be issued in anticipation of the issuance of the bonds is 20 years from the date of issuance of the original notes.

Director of Finance
City of South Euclid, Ohio

FISCAL OFFICER'S CERTIFICATE

City of South Euclid, Ohio
February 8, 2021

TO THE COUNCIL OF THE CITY OF SOUTH EUCLID, OHIO

The undersigned, as fiscal officer of the City of South Euclid, Ohio, as defined in Section 133.01 of the Ohio Revised Code, certifies as follows in connection with your proposed issue of general obligation bonds and bond anticipation notes in a principal amount not to exceed \$1,638,000 to pay (a) costs of street and related bridge improvements as part of the South Green Multi-Modal Project, including the replacement of bridge on South Green Road, the resurfacing of South Green Road from Mayfield Road to Monticello Boulevard, the construction of a new sidewalk, and improvements to pedestrian crosswalks, traffic signalization, bicycle lanes, and public transportation systems, together with all necessary appurtenances, (b) costs of street improvements along Mayfield Road, including the reconstructing and repairing concrete joints along Mayfield Road, (c) preliminary engineering for Green Road Phase II street improvements from Mayfield Road to Cedar Road (collectively, the "Street Improvement Project"), and (d) issuance costs that:

1. The estimated life or period of usefulness of the Street Improvement Project is at least five years.
2. The maximum maturity of the bonds, calculated in accordance with the provisions of Section 133.20, Ohio Revised Code, is at least 20 years, since my estimate is and to the extent a portion of the proceeds of the bonds may be determined to be allocated to a class or classes having a maximum maturity of less than 20 years but in excess of five years, then the maximum maturity of the bonds would still be at least 20 years by virtue of the fact that a sufficient portion of the proceeds of the bonds are allocated to a class or classes having a maximum maturity or an estimated period of usefulness in excess of 20 years, provided that if notes in anticipation of such bonds will be outstanding later than the last day of December of the fifth year following the year of issuance of the original notes, the period in excess of five years shall be deducted from the latest permitted maturity of the bonds.
3. The maximum maturity of the notes now proposed to be issued in anticipation of the issuance of the bonds is 20 years from the date of issuance of the original notes.

Director of Finance
City of South Euclid, Ohio