

April 2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2 COUNCIL AND CAUCUS 7:00 STORM WATER, STREETS, UTILITIES AND R&E 6:00	3 PLANNING COMMISSION 7:00 CAUCUS 6:45	4	5	6
7	8 CIVIL SERVICE COMM 4:00 (COMMUNITY ROOM #2)	9	10	11	12	13
14	15	16 COUNCIL AND CAUCUS 7:00 B&BC, FINANCE AND SAFETY 6:00	17	18 BZA 7:00 CAUCUS 6:45	19	20
21  EASTER	22	23	24	25	26	27
28	29	30 RECREATION BOARD 6:00				

All meetings will be held at City Hall 14600 State Road, unless otherwise noted.

**NORTH ROYALTON CITY COUNCIL
A G E N D A
APRIL 2, 2019**

7:00 p.m. Caucus

Council Meeting 7:00 p.m.

REGULAR ORDER OF BUSINESS

1. Call to Order.
2. Opening Ceremony (Pledge of Allegiance).
3. Roll Call.
4. Approval of Consent Agenda: Items listed under the Consent Agenda are considered routine. Each item will be read individually into the record and the Consent Agenda will then be enacted as a whole by one motion and one roll call. There will be no separate discussion of these items. If discussion by Council is desired on any Consent Agenda item, or if discussion is requested by the public on any legislative item on the Consent Agenda, that item will be removed from the Consent Agenda and considered in its normal sequence under the Regular Order of Business.
 - a. Approval of Minutes: March 19, 2019
 - b. Legislation: Introduce, suspend rules requiring 3 readings and referral to committee, and adopt those legislative items indicated with an asterisk (*).
5. Communications.
6. Mayor's Report.
7. Department Head Reports.
8. President of Council's Report.
9. Committee Reports:

Building & Building Codes	John Nickell
Finance	Larry Antoskiewicz
Review & Oversight	Dan Kasaris
Safety	Dan Langshaw
Storm Water	Gary Petrusky
Streets	Cheryl Hannan
Utilities	Paul Marnecheck
10. Report from Council Representatives to regulatory or other boards:

Board of Zoning Appeals	Dan Kasaris
Planning Commission	Larry Antoskiewicz
Recreation Board	Paul Marnecheck
11. Public Discussion: Five minute maximum, on current agenda legislation only.
12. LEGISLATION

THIRD READING CONSIDERATION

1. **19-24** - AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ENERGY SAVINGS PERFORMANCE CONTRACT WITH LEOPARDO, AND DECLARING AN EMERGENCY. **First reading March 5, 2019. Second reading March 19, 2019.**

FIRST READING CONSIDERATION

- * 1. **19-34** - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF HAROLD P. MCKINLEY TO THE POSITION OF LIEUTENANT FOR THE CITY OF NORTH ROYALTON FIRE DEPARTMENT, AND DECLARING AN EMERGENCY.
- * 2. **19-35** - AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN CUYAHOGA COUNTY AND THE CITY OF NORTH ROYALTON FOR THE USE OF CUYAHOGA COUNTY'S MASS NOTIFICATION SYSTEM READY NOTIFY, AND DECLARING AN EMERGENCY.

3. **19-36** - AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) ENERGIZED COMMUNITY GRANT(S), AND DECLARING AN EMERGENCY.
 4. **19-37** - AN ORDINANCE AMENDING THE ORIGINAL APPROPRIATION ORDINANCE 18-117 FOR THE FISCAL YEAR ENDING DECEMBER 31, 2019 BY TRANSFERRING APPROPRIATIONS AND MAKING ADDITIONAL APPROPRIATIONS, AND DECLARING AN EMERGENCY.
 5. **19-38** - AN ORDINANCE APPROVING AND AUTHORIZING A GROUND LEASE AND LEASE-PURCHASE AGREEMENT AND RELATED DOCUMENTS PROVIDING FOR CONSTRUCTING AND INSTALLING A CITY-WIDE ENERGY CONSERVATION PROJECT, INCLUDING ALL NECESSARY APPURTENANCES THERETO, AUTHORIZING AND APPROVING RELATED MATTERS, AND DECLARING AN EMERGENCY.
 6. **19-39** - AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$2,911,000 AGGREGATE PRINCIPAL AMOUNT OF BONDS OF THE CITY OF NORTH ROYALTON, TO PAY COSTS OF CONSTRUCTING AND INSTALLING A CITY-WIDE ENERGY CONSERVATION PROJECT, INCLUDING ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.
13. Miscellaneous.
 14. Adjournment.

MEMORANDUM OF UNDERSTANDING

-between-

CUYAHOGA COUNTY

-and-

THE CITY OF NORTH ROYALTON

For the Use of Cuyahoga County's Mass Notification System, hereinafter referred to as "Ready Notify"

This Memorandum of Understanding ("MOU") is made this ___ day of _____, 20__ ("effective date"), between the County of **Cuyahoga ("County")**, a County of the State of Ohio, through its Director of Public Safety and Justice Services, and THE CITY OF NORTH ROYALTON, a municipality within Cuyahoga County, through its authorized representative.

WHEREAS, Ready Notify is a mass notification system used by Cuyahoga County and participating municipalities to issue notifications to the public and internal employees.

WHEREAS, Ready Notify delivers messages to residents by telephone, cellular phone, text message, electronic mail, etc.

WHEREAS, Ready Notify will be primarily used for emergency notifications, when prompt and accurate information is essential for immediate safety.

NOW, THEREFORE, the Parties understanding is as follows:

SECTION I. PROVISION OF SERVICES

The County is providing Ready Notify to Cuyahoga County municipalities to assist in disseminating pertinent information regarding events within their jurisdictions.

The City/Village of North Royalton has been granted access to the system which will provide them the ability to send notifications to their residents and internal employees.

Access to the Ready Notify system consists of the following provisions:

- A. The County has assumed the costs associated with the Ready Notify program, providing for the implementation, training and maintenance of the system.
- B. Ready Notify is an unlimited service and does not contain any time usage restrictions.
- C. The County will provide training and technical support, as needed, to municipalities.
- D. The County, in conjunction with municipalities, will conduct an extensive public education campaign to promote Ready Notify.
- E. Municipalities will designate one Point of Contact (POC) to manage Ready Notify for their municipality.

- F. Usage of Ready Notify will be determined by the municipality's operational needs, primarily addressing emergency and/or public safety issues, but Ready Notify shall not be used for any political or commercial notifications.
- G. Each authorizing Community assumes liability for the messages sent on their behalf
- H. All alerts sent must abide by Federal, State, and County Policies/Laws
- I. The County maintains the right to remove any municipality's access to Ready Notify if said municipality is deemed to be in violation of the above terms.

SECTION II. POINT OF CONTACT (POC)

The participating Municipality shall designate one (1) Point of Contact (POC) as the individual responsible for management of the Ready Notify system for their municipality. The identified individual is also the POC for all communications between the Cuyahoga County Department of Public Safety and Justice Services, as set forth below:

Municipal Point of Contact (POC):

Name: Mr. Bruce Campbell
 Title: Director of Public Safety
 Address: 14000 Bennett Road North Royalton, Ohio 44133
 Phone: 440-759-5421
 Email: bcampbell@northroyalton.org

Cuyahoga County Points of Contact (POCs):

<p>Name: Adam Griffith Title: Emergency Management Specialist Address: 9300 Quincy Avenue, Cleveland, OH 44106 Phone: 216-443-3744 Email: agriffith@cuyahogacounty.us</p>
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<p>Name: Kevin Friis Title: Planning Manager Address: 9300 Quincy Avenue, Cleveland, OH 44106 Phone: 216-348-4220 Email: kfriis@cuyahogacounty.us</p>
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SECTION III. TERM

This MOU shall be in effect as of the effective date first above written and shall expire upon written notice from either Party to the other that they are withdrawing from this MOU. Either Party may withdraw from this MOU by giving the other Party at least 30 days prior written notice of withdrawal. No cancellation notice period is required for unsatisfactory services by City.

IN WITNESS WHEREOF, the Parties hereby have caused this MOU to be executed.

FOR THE CITY OF

NORTH ROYALTON

By:

Mayor Robert A. Stefanik

FOR CUYAHOGA COUNTY:

By:

Director of Public Safety and
Justice Services

By:

Point of Contact

Bruce Campbell, Safety Director

(Print Name and Title)

**CITY OF NORTH ROYALTON
2019 AMENDING BUDGET ORDINANCE**

	<u>Appropriations per Ord. 18-117</u>	<u>Amendments this Ordinance</u>	<u>Total 2019 Appropriations</u>
GENERAL FUND			
POLICE DEPARTMENT			
Personal Service	3,552,000.00		3,552,000.00
Contractual Services	321,706.00		321,706.00
Supply & Materials	180,708.00		180,708.00
Capital Outlay	50,000.00		50,000.00
Total Police Department	<u>4,104,414.00</u>	<u>-</u>	<u>4,104,414.00</u>
ANIMAL CONTROL			
Personal Service	126,900.00		126,900.00
Contractual Services	5,575.00		5,575.00
Supply & Materials	7,950.00		7,950.00
Capital Outlay	200.00		200.00
Total Animal Control Department	<u>140,625.00</u>	<u>-</u>	<u>140,625.00</u>
FIRE DEPARTMENT			
Personal Service	439,350.00		439,350.00
Contractual Services	280,400.00		280,400.00
Supply & Materials	110,700.00		110,700.00
Capital Outlay	-		-
Total Fire Department	<u>830,450.00</u>	<u>-</u>	<u>830,450.00</u>
POLICE AND FIRE COMMUNICATIONS			
Personal Service	213,400.00		213,400.00
Contractual Services	761,600.00		761,600.00
Capital Outlay	2,500.00		2,500.00
Total Police & Fire Comm	<u>977,500.00</u>	<u>-</u>	<u>977,500.00</u>
STREET LIGHTING			
Total Street Lighting	<u>145,000.00</u>	<u>-</u>	<u>145,000.00</u>
SAFETY DIRECTOR			
Personal Service	124,550.00		124,550.00
Contractual Services	6,950.00		6,950.00
Operating Supplies	6,300.00		6,300.00
Capital Outlay	1,500.00		1,500.00
Total Police & Fire Comm	<u>139,300.00</u>	<u>-</u>	<u>139,300.00</u>
CEMETERY DEPARTMENT			
Contractual Services	39,300.00		39,300.00
Supply & Materials	162,330.00		162,330.00
Capital Outlay	-		-
Total Cemetery Department	<u>201,630.00</u>	<u>-</u>	<u>201,630.00</u>
PARKS & RECREATION DEPARTMENT			
Personal Service	498,900.00		498,900.00
Contractual Services	77,311.00		77,311.00
Supply & Materials	98,760.00		98,760.00
Capital Outlay	10,000.00		10,000.00
Total Parks & Recreation Department	<u>684,971.00</u>	<u>-</u>	<u>684,971.00</u>
PLANNING COMMISION			
Personal Service	7,400.00		7,400.00
Contractual Services	6,475.00		6,475.00
Supply & Materials	550.00		550.00

**CITY OF NORTH ROYALTON
2019 AMENDING BUDGET ORDINANCE**

	Appropriations per Ord. 18-117	Amendments this Ordinance	Total 2019 Appropriations
Capital Outlay	-		-
Total Planning Commission	14,425.00	-	14,425.00
BOARD OF ZONING			
Personal Service	12,700.00		12,700.00
Contractual Services	2,500.00		2,500.00
Supply & Materials	700.00		700.00
Total Board of Zoning	15,900.00	-	15,900.00
BUILDING DEPARTMENT			
Personal Service	598,600.00		598,600.00
Contractual Services	186,360.00		186,360.00
Supply & Materials	20,590.00		20,590.00
Capital Outlay	26,200.00		26,200.00
Total Building Department	831,750.00	-	831,750.00
COMMUNITY DEVELOPMENT			
Personal Service	150,263.00		150,263.00
Contractual Services	29,750.00		29,750.00
Supply & Materials	3,600.00		3,600.00
Capital Outlay	-		-
Total Community Development	183,613.00	-	183,613.00
RUBBISH COLLECTION			
Contractual Services	1,500,000.00		1,500,000.00
Total Rubbish Collection	1,500,000.00	-	1,500,000.00
SERVICE BUILDING AND GROUNDS			
Personal Service	-		-
Contractual Services	89,900.00		89,900.00
Supply & Materials	20,950.00		20,950.00
Capital Outlay	-		-
Total Service Bldg. & Grounds	110,850.00	-	110,850.00
MAYOR'S OFFICE			
Personal Service	316,370.00		316,370.00
Contractual Services	36,450.00		36,450.00
Supply & Materials	2,450.00		2,450.00
Capital Outlay	2,200.00		2,200.00
Total Mayor's Office	357,470.00	-	357,470.00
FINANCE DEPARTMENT			
Personal Service	316,124.00		316,124.00
Contractual Services	125,000.00		125,000.00
Supply & Materials	3,000.00		3,000.00
Capital Outlay	5,000.00		5,000.00
Total Finance Department	449,124.00	-	449,124.00
LEGAL ADMINISTRATION			
Personal Service	376,250.00		376,250.00
Contractual Services	138,650.00		138,650.00
Supply & Materials	10,400.00		10,400.00
Capital Outlay	2,200.00		2,200.00
Total Legal Administration	527,500.00	-	527,500.00

**CITY OF NORTH ROYALTON
2019 AMENDING BUDGET ORDINANCE**

	Appropriations per Ord. 18-117	Amendments this Ordinance	Total 2019 Appropriations
ENGINEERING DEPARTMENT			
Personal Service	164,150.00		164,150.00
Contractual Services	155,600.00		155,600.00
Supply & Materials	1,200.00		1,200.00
Capital Outlay	500.00		500.00
Total Engineering	321,450.00	-	321,450.00
LEGISLATIVE			
Personal Service	316,720.00		316,720.00
Contractual Services	54,598.00		54,598.00
Supply & Materials	13,500.00		13,500.00
Capital Outlay	6,000.00		6,000.00
Total Legislative Activity	390,818.00	-	390,818.00
MAYOR'S COURT			
Personal Service	154,600.00		154,600.00
Contractual Services	69,175.00		69,175.00
Supply & Materials	1,600.00		1,600.00
Total Mayor's Court	225,375.00	-	225,375.00
CIVIL SERVICE			
Personal Service	5,050.00		5,050.00
Contractual Services	35,100.00		35,100.00
Supply & Materials	200.00		200.00
Total Civil Service	40,350.00	-	40,350.00
CITY HALL BUILDING			
Personal Service	110,650.00		110,650.00
Contractual Services	232,050.00		232,050.00
Supply & Materials	41,000.00		41,000.00
Capital Outlay	30,000.00		30,000.00
Total City Hall Building	413,700.00	-	413,700.00
OTHER GENERAL GOVERNMENT			
Personal Services	20,000.00		20,000.00
Supply & Materials	250,000.00		250,000.00
Transfers-Out	3,520,000.00		3,520,000.00
Total - Other General Government	3,790,000.00	-	3,790,000.00
TOTAL - GENERAL FUND	16,396,215.00	-	16,396,215.00
ENFORCEMENT AND EDUCATIONAL FUND #205			
Personal Service	15,000.00		15,000.00
Supply & Materials	5,000.00		5,000.00
Total - Enforcement & Education	20,000.00	-	20,000.00
DRUG LAW ENFORCEMENT FUND #206			
Supply & Materials	200.00		200.00
Total - Drug Law Enforcement	200.00	-	200.00
POLICE FACILITY OPERATING FUND #207			
Personal Service	887,700.00		887,700.00
Contractual Services	21,400.00		21,400.00
Supply & Materials	65,843.00		65,843.00
Capital Outlay	2,400.00		2,400.00

**CITY OF NORTH ROYALTON
2019 AMENDING BUDGET ORDINANCE**

	Appropriations per Ord. 18-117	Amendments this Ordinance	Total 2019 Appropriations
Total - Police Facility Operating	977,343.00	-	977,343.00
LAW ENFORCEMENT TRUST FUND #208			
Contractual Service	18,500.00		18,500.00
Supply & Materials	5,500.00		5,500.00
Capital Outlay	16,000.00		16,000.00
Total - Law Enforcement Trust	40,000.00	-	40,000.00
EMERGENCY MEDICAL SERVICE LEVY FUND #209			
Personal Service	2,800,000.00		2,800,000.00
Contractual Services	57,000.00	25,000.00 A	82,000.00
Supply & Materials	38,700.00		38,700.00
Total EMS Levy Fund	2,895,700.00	25,000.00	2,920,700.00
MOTOR VEHICLE LICENSE FUND #210			
Street Repair	225,000.00		225,000.00
Total Motor Vehicle License Fund	225,000.00	-	225,000.00
STREET CONSTRUCTION, MAINTENANCE, & REPAIR FUND #211			
Signals & Signs			
Contractual Services	75,000.00		75,000.00
Supply & Materials	30,000.00		30,000.00
	105,000.00	-	105,000.00
Street Reconstruction			
Contractual Service	90,000.00		90,000.00
Capital Outlay	1,000,000.00	1,000,000.00 B	2,000,000.00
	1,090,000.00	1,000,000.00	2,090,000.00
Street Construction, Maintenance & Repair			
Personal Service	1,840,950.00		1,840,950.00
Contractual Services	154,275.00		154,275.00
Supply & Materials	436,500.00		436,500.00
Capital Outlay	7,000.00		7,000.00
	2,438,725.00	-	2,438,725.00
Snow Removal			
Personal Service	111,350.00		111,350.00
Contractual Services	15,000.00		15,000.00
Supply & Materials	449,000.00		449,000.00
Capital Outlay	-		-
	575,350.00	-	575,350.00
Total SCMR Fund	4,209,075.00	1,000,000.00	5,209,075.00
STATE HIGHWAY FUND #212			
Traffic Signals & Marking			
Contractual Services	20,000.00		20,000.00
Street Maintenance & Repair			
Operating Supplies	30,000.00		30,000.00
Snow & Ice Removal			
Supply & Materials	50,000.00		50,000.00
Total State Highway Fund	100,000.00	-	100,000.00
CITY INCOME TAX FUND #213			
Contractual Services	450,000.00		450,000.00

**CITY OF NORTH ROYALTON
2019 AMENDING BUDGET ORDINANCE**

	Appropriations per Ord. 18-117	Amendments this Ordinance	Total 2019 Appropriations
Total City Income Tax Fund	450,000.00	-	450,000.00
POLICE LEVY FUND #215			
Personal Services	1,135,000.00		1,135,000.00
Contractual Services	-	5,000.00 C	5,000.00
Supply & Materials	-		-
Capital Outlay	204,700.00	450,000.00 D	654,700.00
Total - Police Levy Fund	1,339,700.00	455,000.00	1,794,700.00
FIRE LEVY FUND #216			
Personal Service	1,000,000.00		1,000,000.00
Total Fire Levy Fund	1,000,000.00	-	1,000,000.00
RECYCLING GRANT FUND #217			
Contractual Services	5,000.00		5,000.00
Total Recycling Grant	5,000.00	-	5,000.00
OFFICE ON AGING FUND #219			
Personal Services	122,300.00		122,300.00
Contractual Services	45,150.00		45,150.00
Supply & Materials	13,400.00		13,400.00
Capital Outlay	800.00		800.00
Total Office on Aging Fund	181,650.00	-	181,650.00
NOPEC GRANT FUND #221			
Contractual Services	-		-
Operating Supplies	-		-
Total Court Computer Fund	-	-	-
COURT COMPUTER FUND #236			
Contractual Services	10,000.00		10,000.00
Operating Supplies	5,000.00		5,000.00
Capital Outlay	4,300.00		4,300.00
Total Court Computer Fund	19,300.00	-	19,300.00
COMMUNITY DIVERSION PROGRAM FUND #237			
Personal Services	7,000.00		7,000.00
Contractual Services	500.00		500.00
Operating Supplies	1,500.00		1,500.00
Total Community Diversion	9,000.00	-	9,000.00
ENTERPTISE ZONE FUND #239			
Contractual Services	1,750.00		1,750.00
Total Enterprise Zone Fund	1,750.00	-	1,750.00
YMCA SPECIAL REVENUE FUND #249			
Transfers-Out	520,725.00		520,725.00
Total Enterprise Zone Fund	520,725.00	-	520,725.00
ACCRUED BALANCES FUND #260			
Personal Service	175,000.00		175,000.00
Total AB Fund	175,000.00	-	175,000.00
POLICE PENSION FUND #261			
Personal Service	620,000.00		620,000.00

**CITY OF NORTH ROYALTON
2019 AMENDING BUDGET ORDINANCE**

	Appropriations per Ord. 18-117	Amendments this Ordinance	Total 2019 Appropriations
Total Police Pension Fund	620,000.00	-	620,000.00
FIRE PENSION FUND #262			
Personal Service	700,000.00		700,000.00
Total Police Pension Fund	700,000.00	-	700,000.00
GENERAL BOND RETIREMENT FUND #321			
Supply & Materials	10,000.00		10,000.00
Debt Service - Interest	615,000.00		615,000.00
Debt Service - Principal	1,448,000.00		1,448,000.00
Total General Bond Retirement	2,073,000.00	-	2,073,000.00
SPECIAL ASSESSMENT FUND #341			
Other	30,000.00		30,000.00
Debt Service	95,000.00		95,000.00
Total Special Assessment Fund	125,000.00	-	125,000.00
SERVICE CAPITAL FUND #430			
Capital Outlay	67,000.00		67,000.00
Total Rec Capital Improvement	67,000.00	-	67,000.00
RECREATION CAPITAL IMPROVEMENT FUND #431			
Recreation Capital Improvement			
Contractual Services	20,000.00		20,000.00
Total Rec Capital Improvement	20,000.00	-	20,000.00
FUTURE CAPITAL IMPROVEMENT FUND #432			
Transfers-Out	287,550.00		287,550.00
Total Future Capital Improvement Fund	287,550.00	-	287,550.00
STORM AND SEWER DRAINAGE FUND #433			
Contractual Services	80,000.00		80,000.00
Capital Outlay	-	111,100.00 E	111,100.00
Advance-Out	-		-
Transfers-Out	314,750.00		314,750.00
Total Storm & Sewer Drainage	394,750.00	111,100.00	505,850.00
FIRE CAPITAL IMPROVEMENT FUND #434			
Contractual Service	-	37,000.00 F	37,000.00
Operating Supplies	-		-
Capital Outlay	475,000.00		475,000.00
Debt Service	107,812.62		107,812.62
Transfer Out	150,950.00		150,950.00
Total Fire Capital Improvement Fund	733,762.62	37,000.00	770,762.62
ROUTE 82 WIDENING FUND #435			
Capital Outlay	-		-
Total YMCA Capital Imp Fund	-	-	-
YMCA CAPITAL RESERVE FUND #437			
Contractual Services	20,000.00		20,000.00
Total YMCA Capital Imp Fund	20,000.00	-	20,000.00
WATER MAIN FUND #445			

**CITY OF NORTH ROYALTON
2019 AMENDING BUDGET ORDINANCE**

	Appropriations per Ord. 18-117	Amendments this Ordinance	Total 2019 Appropriations
Contractual Services	-		-
Operating Supplies	-		-
Capital Outlay	500,000.00		500,000.00
Total Water Main Fund	500,000.00	-	500,000.00
ISSUE 1 - SPRAGUE ROAD FUND #451			
Transfer Out	17,887.00		17,887.00
Total YMCA Capital Imp Fund	17,887.00	-	17,887.00
WASTEWATER TREATMENT FUND #551			
Sanitary Sewer Treatment			
Personal Services	1,164,500.00		1,164,500.00
Contractual Services	2,201,450.00		2,201,450.00
Supply & Materials	343,750.00		343,750.00
Capital Outlay	289,000.00		289,000.00
	3,998,700.00	-	3,998,700.00
Compost Facility			
Contractual Services	28,800.00		28,800.00
Supply & Materials	200.00	-	200.00
	29,000.00	-	29,000.00
Total Wastewater Treatment Fund	4,027,700.00	-	4,027,700.00
WASTEWATER MAINTENANCE FUND #552			
Storm Sewer & Drainage Maintenance			
Personal Service	469,900.00		469,900.00
Contractual Services	27,500.00	23,300.00 G	50,800.00
Supply & Materials	102,750.00		102,750.00
Capital Outlay	-		-
	600,150.00	23,300.00	623,450.00
Wastewater Maintenance			
Personal Service	825,850.00		825,850.00
Contractual Services	274,580.00		274,580.00
Supply & Materials	160,700.00		160,700.00
Capital Outlay	-		-
Debt Service	-		-
	1,261,130.00	-	1,261,130.00
Total WW Maintenance Fund	1,861,280.00	23,300.00	1,884,580.00
WASTEWATER DEBT SERVICE FUND #553			
Debt Service	220,000.00		220,000.00
Total WW Debt Service Fund	220,000.00	-	220,000.00
WASTEWATER REPAIR AND REPLACEMENT FUND #555			
Professional Service	-		-
Capital Outlay	112,000.00	100,000.00 H	212,000.00
Transfers-Out	-	-	-
Total WW Repair & Replacem't	112,000.00	100,000.00	212,000.00
OHIO GOVERNMENT BENEFIT COOPERATIVE FUND #710			
Personal Services	3,000,000.00		3,000,000.00
Total Improvement Holding Fund	3,000,000.00	-	3,000,000.00

**CITY OF NORTH ROYALTON
2019 AMENDING BUDGET ORDINANCE**

	<u>Appropriations per Ord. 18-117</u>	<u>Amendments this Ordinance</u>	<u>Total 2019 Appropriations</u>
IMPROVEMENT HOLDING FUND #763			
Refunds	30,000.00		30,000.00
Total Improvement Holding Fund	30,000.00	-	30,000.00
OHIO BOARD OF BUILDING STANDARDS FUND #764			
Other	15,000.00		15,000.00
Total OBBS Fund	15,000.00	-	15,000.00
BUILDING CONSTRUCTION BOND FUND #766			
Other	75,000.00		75,000.00
Total Bldg. Construction Bond	75,000.00	-	75,000.00
OFFICE ON AGING DEPOSITS FUND #768			
Other	3,000.00		3,000.00
Total Office on Aging Deposits	3,000.00	-	3,000.00
UNCLAIMED FUNDS #769			
Other	500.00		500.00
Total Unclaimed Funds	500.00	-	500.00
FUND TOTALS	43,469,087.62	1,751,400.00	45,220,487.62

AN ORDINANCE APPROVING AND AUTHORIZING A GROUND LEASE AND LEASE-PURCHASE AGREEMENT AND RELATED DOCUMENTS PROVIDING FOR CONSTRUCTING AND INSTALLING A CITY-WIDE ENERGY CONSERVATION PROJECT, INCLUDING ALL NECESSARY APPURTENANCES THERETO, AUTHORIZING AND APPROVING RELATED MATTERS, AND DECLARING AN EMERGENCY

WHEREAS: This Council has determined to provide for financing to pay costs of constructing and installing a City-wide energy conservation project, including all necessary appurtenance thereto (the “Improvements”); and

WHEREAS: It may be necessary for the City to enter into one or more ground leases, lease-purchase agreements and other agreements in order to finance the cost of the Improvements; and

WHEREAS: In order to implement the financing arrangements with respect to the Improvements, it may be necessary for the City to take the following actions:

- A. Sign and deliver a ground lease (the “Ground Lease”) under which the City will convey to an entity as determined by an authorized officer of the City (which may include the Mayor or Finance Director or other appropriate City official, and each such officer herein referred to as an “Authorized Officer”) to be appropriate and in the best interest of the City to serve in that role (the “Lessor”), a leasehold interest in the real property and improvements thereon (the “Project Site”) for a term of not more than five years longer than the term of the related Facilities Lease described below;
- B. Sign and deliver a lease-purchase agreement (the “Facilities Lease”) under which the City (a) will sublease the Project Site and lease the Improvements located on the Project Site (collectively, with the Project Site, the “Leased Property”) from the Lessor for an Initial Term and for Renewal Terms (each a “Lease Term”), as defined in the Facilities Lease, upon appropriations being made by this Council of funds sufficient to enable the City to pay the Base Rent, as defined in the Facilities Lease, during the Renewal Terms and (b) will have an obligation, which will constitute a “public obligation” as defined in Section 133.01 of the Revised Code, to pay Base Rent during each Lease Term subject to such appropriations;
- C. Approve, if necessary, an assignment of leases (the “Assignment”) between the Lessor and the Trustee, pursuant to which the Lessor shall assign its interests in a Ground Lease and the related Facilities Lease to the Trustee;
- D. Approve, if necessary, a trust agreement (the “Trust Agreement”) between the Lessor and a bank or trust company determined by an Authorized Officer to be in the best interest and financial advantages of the City to act in such capacity (the “Trustee”), pursuant to which (a) the Lessor will direct the Trustee to and the Trustee will issue and sell Certificates of Participation (the “Certificates”) in the payments of Base Rent to be made by the City under a Facilities Lease, which Certificates will constitute “fractionalized interests in public obligations”, as defined in Section 133.01 of the Revised Code, and (b) proceeds of the sale of the Certificates will be used to pay the costs of Improvements;
- E. Sign, if necessary, a certificate purchase agreement (the “Purchase Agreement”) among the original purchaser of the Certificates (the “Original Purchaser”), the City, and the Trustee setting forth the purchase price and other terms upon which the Original Purchaser will purchase the Certificates from the Trustee; and
- F. Sign, if necessary, a placement agent agreement (the “Placement Agreement”) between the City and an investment bank or other company determined by an Authorized Officer to be in the best interest and financial advantages of the City to act in such capacity (the “Placement Agent”);

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH ROYALTON, CUYAHOGA COUNTY, OHIO, THAT:

Section 1. The Authorized Officers identified in Recital A above are each authorized to sign and deliver the Ground Lease and the Facilities Lease and to signify approval of the Assignment and the Trust Agreement in form and substance not inconsistent with this Ordinance and deemed advisable by such Authorized Officers such

to be conclusively evidenced and determined by the execution thereof. The Ground Lease, the Facilities Lease, the Assignment and the Trust Agreement are hereby approved in form and substance not inconsistent with this Ordinance and deemed advisable the Authorized Officer or Officers executing them as shall be conclusively evidenced and determined by the execution thereof.

Section 2. This Council hereby determines that the Leased Properties are essential to the City including but not limited to its proper, efficient and economic operation and the public welfare.

Section 3. Any Authorized Officer is hereby authorized to determine, having due regard for the best interest of and financial advantages to the City, (i) the buildings to be leased pursuant to the Ground Lease and Facilities Lease, (ii) the Lease Term for the Facilities Lease, the final Renewal Term for which shall end not more than 30 years after the Commencement Date (as defined in the Facilities Lease) of the Initial Term, (iii) the term for the Ground Lease, which shall be five years longer than the Lease Term for the related Facilities Lease, (iv) the prepayment terms for the Facilities Lease, provided that any prepayment premium shall not exceed 2% of the principal component of the amount prepaid, and (vi) the Base Rent (as defined in the Facilities Leases) for the Facilities Lease, provided, that: the aggregate principal components of the Base Rent for the Initial Term and all Renewal Terms for the Facilities Lease shall not exceed \$2,911,000; and the weighted average of the aggregate interest components of the Base Rent for the Initial Term and all Renewal Terms for the Facilities Lease shall not exceed 5.0% per year.

The City acknowledges that the principal component of the Facilities Lease shall be equal to the principal amount of the Certificates (net of any original issue discount) if issued under a related Trust Agreement and that the principal component of the Facilities Lease shall be that amount that, together with other funds to be made available for the purpose, shall be sufficient to pay the cost of the Improvements, including without limitation, the cost of providing any reserves that the Authorized Officer determines are necessary and appropriate for the Certificates to be issued on the terms most favorable to the City as the payor on the public obligations in which the Certificates constitute fractionalized interests (which determination shall be confirmed by the Authorized Officer by the signing of the Purchase Agreement and/or Placement Agreement), and the costs of issuance of the Certificates, and which the Authorized Officer determines are necessary and reasonable in light of the character of the Certificates (which determination shall be confirmed by the Authorized Officer by the signing of the Purchase Agreement and/or the Placement Agreement).

The City further acknowledges that the payment schedules for any Certificates shall include interest components on the principal amount thereof that shall be based upon the interest components of the Base Rent payable under the related Facilities Lease. The Certificates, if any, issued under the Trust Agreement may be issued in one or more series that may differ as to interest rate components, credit enhancement, priority of payment and other terms. The Base Rent to be payable under and in accordance with the Facilities Lease during the Initial Term of that Facilities Lease and any Renewal Terms, shall be an amount sufficient to cover the amount of principal component and interest component of the outstanding related Certificates of any series that are due and payable during that Initial Term or Renewal Term, and such Base Rent shall be specified or determined in an exhibit to the related Facilities Lease; provided, however, that the City's payment of Base Rent under the Facilities Lease is subject to appropriation and certification as provided in the Facilities Lease and nothing in the Facilities Lease, the related Certificates (if any) or the related Trust Agreement constitutes a debt of the Lessee or a pledge by the Lessee, or an obligation of the Lessee, of any taxes or other money to the payments due thereunder.

Any Authorized Officer is authorized to sign and deliver, in the name and on behalf of the City, a Purchase Agreement and/or a Placement Agreement, if necessary, in form and substance consistent with this Ordinance, setting forth, with respect to the Facilities Lease, the schedule of Base Rent and the principal components and interest components thereof, and the costs of issuance of the Certificates and any reserves for the Certificates. The Purchase Agreement and Placement Agreement are approved in such forms that are not inconsistent with this Ordinance and not substantially adverse to the City and as approved by the Authorized Officer signing on behalf of the City, all of which shall be conclusively evidenced by the signing thereof or amendments thereto.

Section 4. The proceeds from the sale of any Certificates or proceeds from the Facilities Lease, except any premium and accrued interest, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Certificates are being issued or Facilities Lease executed. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

The Authorized Officers are each hereby authorized to take any and all other actions and to sign and deliver any and all other instruments, agreements, certificates and documents as may in their judgment be necessary, desirable, advisable or appropriate in connection with the signing and delivery of the Ground Lease and the Facilities Lease, the signing and delivery of the Certificates by the Trustee and the purchase of the Certificates by the Original Purchaser in order to give effect to the transactions contemplated to be performed on the part of the City under the Ground Lease, the Facilities Lease and the Placement Agreement and Purchase Agreement, if any.

The expenditure of the amounts necessary to pay the financing costs (as defined in Section 133.01 of the Revised Code) in connection with the Certificates and the Facilities Lease, to the extent not paid by in accordance with the Purchase Agreement or Placement Agreement, is authorized and approved, and each Authorized Officer is authorized to provide for the payment of any such amounts and costs from the proceeds of the Certificates or Facilities Lease, to the extent available, and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

Section 5. Any Authorized Officer having responsibility for signing the Facilities Lease, is, alone or in conjunction with any of the foregoing or with any other officer or employee of the City, authorized to cooperate with the original purchaser and the Trustee (if any) by making, on behalf of the City, such covenants and representations in the Facilities Lease as are appropriate and necessary so that (a) the Facilities Lease and any related Certificates will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the "Code") or (ii) be treated other than as obligations to which Section 103 of the Code applies, (b) the interest components of Base Rent payable under the Facilities Lease and interest on any related Certificates will not be treated as an item of tax preference for purposes of the federal alternative minimum tax imposed on certain individuals and corporation, (c) the City will take or cause to be taken such actions that may be required of it for the interest components of Base Rent payable under the Facilities Lease and interest on any related Certificates to be and to remain excluded from gross income for federal income tax purposes, (d) the City will not take or authorize to be taken any actions that would adversely affect that exclusion, and (e) the City, or persons acting for it, will, among other acts of compliance, (i) apply or cause the application of the proceeds of the Certificates or Facilities Lease to the governmental purpose of the borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

Any Authorized Officer of the City having responsibility for signing of the Facilities Lease is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Facilities Lease and the related Certificates as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Facilities Lease and any Certificates or the interest components thereof or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the Base Rent payable under the exclusion of interest from gross income and the intended tax status of the interest components of the Facilities Lease and interest on any related Certificates, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript for the Certificates or Facilities Lease, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds from the Facilities Lease or sale of the Certificates, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest component of Base Rent payable under the Facilities Lease and the tax status of any related Certificates.

Section 6. This Council has simultaneously with the passage of this Ordinance, authorized an alternative form of financing of the Improvements through the issuance of bonds (the Bonds) by separate ordinance (the Alternative Financing Ordinance) in order to allow the maximum exposure to the market and to allow the City to obtain the most favorable financing terms possible. In the event, by certificate of the Authorized officer, it is determined that the financing arrangements authorized in this Ordinance are the most favorable, the Alternative Financing Ordinance shall be deemed null and void and of no further force and effect. However, if it is determined by an Authorized Officer that the terms of the issuance of Bonds pursuant to the Alternate Financing Ordinance are the most favorable, then the provisions of this Ordinance shall be deemed null and void and of no further force or effect upon the issuance of the Bonds.

Section 7. This Council finds and determines 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 deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public, in compliance with the law.

FISCAL OFFICER'S CERTIFICATE

To the Council of the City of North Royalton, Ohio:

As fiscal officer of the City of North Royalton, I certify in connection with your proposed issue of bonds (the Bonds), to pay the cost of constructing and installing a City-wide energy conservation project, including any necessary appurtenances thereto.

1. The estimated life or period of usefulness of the improvement is at least five years.
2. The maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is at least twenty years, being my estimate of the life or period of usefulness of those improvements.

Dated: April 2, 2019



Director of Finance
City of North Royalton, Ohio

ORDINANCE NO. 19-39

INTRODUCED BY: Antoskiewicz, Petrusky, Marnecheck
Co-Sponsor: Langshaw

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$2,911,000
AGGREGATE PRINCIPAL AMOUNT OF BONDS OF THE CITY OF NORTH ROYALTON, TO PAY
COSTS OF CONSTRUCTING AND INSTALLING A CITY-WIDE ENERGY CONSERVATION PROJECT,
INCLUDING ALL NECESSARY APPURTENANCES THERETO,
AND DECLARING AN EMERGENCY

WHEREAS: The Director of Finance, as fiscal officer of this City, has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years and the maximum maturity of the Bonds described in Section 1 is at least twenty years;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH ROYALTON,
CUYAHOGA COUNTY, OHIO, THAT:

Section 1. It is necessary to issue bonds of this City in the aggregate principal amount of not to exceed \$2,911,000 (the Bonds), to pay costs of constructing and installing a City-wide energy conservation project, including all necessary appurtenances thereto (collectively, the "Improvement"). The principal amount of the Bonds shall be the amount determined by the Director of Finance in the certificate awarding the Bonds in accordance with Section 7 hereof (the Certificate of Award) to be the amount necessary to pay costs of the Improvements, including any issuance costs, after having determined the amount of any other available funds for that purpose.

The Bonds shall be issued in one lot and only as fully registered bonds, in the denominations determined by the Director of Finance, but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The Bonds shall be dated as of May 1, 2019 or such other date as may be determined by the Director of Finance in the Certificate of Award, but in any case not more than 50 days prior to the date of their initial delivery.

The Bonds shall bear interest at the rate or rates per year (computed on a 360-day year basis) not to exceed 5% per year for any stated maturity, as specified in the Certificate of Award; provided that the Bonds of any one maturity shall all bear the same rate of interest; and provided further that the amounts of principal payments and those interest rates shall be such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year. Interest on the Bonds shall be payable on June 1 and December 1 of each year (the Interest Payment Dates), commencing June 1, 2020, until the principal amount has been paid or provided for; provided, if determined to be necessary or advisable to the issuance and sale of the Bonds, differing Interest Payment Dates and/or a different initial Interest Payment Date may be established by the Director of Finance in the Certificate of Award. 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 Bonds shall mature or be payable pursuant to mandatory sinking fund redemption requirements on December 1 of each of the years 2020 through and including 2034 (the Principal Payment Dates) in the principal amounts such that the payment of principal and interest in any fiscal year in which principal is payable shall be substantially equal; provided that, (i) subject to the limitations set forth in this ordinance, the principal amount of Bonds maturing or subject to mandatory sinking fund redemption requirements on any one or more of the Principal Payment Dates may be increased or decreased as specified by the Director of Finance in the Certificate of Award so long as the payment of principal and interest in any year in which principal is payable does not exceed three times that amount payable in any other fiscal in which principal is payable; and (ii) the Principal Payment Dates, including the final maturity date may be otherwise altered or extended as set forth in the Certificate of Award if determined to be in the best interests and financial advantages of the City and so long as the final maturity does not exceed the maximum maturity allowable by law.

Consistent with the foregoing and in accordance with the determination of the Director of Finance of the best interests of and financial advantages to the City, the Director of Finance shall specify in the Certificate of Award (i) the Principal Payment Date or Dates on which Bonds not subject to mandatory sinking fund redemption (Serial Bonds) shall mature; (ii) the Principal Payment Dates on which any Bonds subject to mandatory sinking fund redemption (Term Bonds) shall be stated to mature and shall be subject to mandatory sinking fund redemption (Mandatory Redemption Dates); (iii) the interest rate on the Bonds for each maturity; (iv) the aggregate principal amount of the Bonds; and (v) the principal amount of the Bonds payable in each year.

Section 2. The Bonds may be subject to redemption prior to stated maturity as follows:

(a) Mandatory Sinking Fund Redemption. If requested by the original purchaser and confirmed in the Certificate of Award, the principal maturity amount on any maturity date may be consolidated with one or more consecutive preceding annual principal maturity amounts into a single aggregate principal amount stated to mature on that maturity date. In that case, those Bonds then stated to mature on such maturity date (the Term Bonds) shall be subject to mandatory sinking fund redemption in part by lot and be redeemed at a redemption price of 100% of the principal amount redeemed, plus interest accrued to the redemption date, on the applicable Mandatory Redemption Dates and in the principal amounts payable on those dates as set forth in the Certificate of Award (such dates and amounts, the Mandatory Sinking Fund Redemption Requirements).

The aggregate amount of money to be deposited with the Bond Registrar (as shall be determined as provided in Section 4 below) for payment of principal of and interest on Term Bonds on each Mandatory Redemption Date shall include amounts sufficient to redeem on that date the principal amount of Term Bonds payable on that date pursuant to Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as provided below).

The City shall have the option to deliver to the Bond Registrar for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current Mandatory Sinking Fund Requirement (and corresponding mandatory redemption obligation) of the City for Term Bonds stated to mature on the same Principal Payment Date as the Term Bonds so delivered. That option shall be exercised by the City on or before the 45th day preceding the applicable Mandatory Redemption Date, by furnishing the Bond Registrar a certificate, executed by the Director of Finance, setting forth the extent of the credit to be applied with respect to the then current Mandatory Sinking Fund Redemption Requirement for Term Bonds stated to mature on the same Principal Payment Date. If the certificate is not timely furnished to the Bond 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 Requirement) or purchased for cancellation and canceled by the Bond Registrar, to the extent not theretofore applied as a credit against any Mandatory Sinking Fund Redemption Requirements for Term Bonds.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Bond Registrar at 100% of the principal amount thereof against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) for Term Bonds. 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) for Term Bonds in the order directed by the Director of Finance.

(b) Optional Redemption. If it is determined by the Director of Finance in the Certificate of Award to be necessary or advisable to the sale of the Bonds, the Bonds shall as provided in that Certificate of Award be subject to redemption by and at the option of the City, in whole or in part at such times as set forth in the Certificate of Award, at the redemption prices specified (expressed as a percentage of the principal amount redeemed) plus, in each case, accrued interest to the redemption date; provided that, the earliest optional redemption date shall not be earlier than December 1, 2027, and the highest redemption price shall not be greater than 102%.

If optional redemption at a redemption 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 so redeemed 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. Bonds to be redeemed pursuant to this paragraph shall be redeemed only upon written notice from the City to the Bond Registrar, given upon the direction of the Director of Finance 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 45 days prior to the redemption date or such shorter period as shall be acceptable to the Bond Registrar. In the event that notice of redemption shall have been given by the Bond Registrar to the registered owners as hereinafter provided, there shall be deposited with the Bond Registrar on or prior to the redemption date, moneys which, in addition to any other moneys available therefor and held by the Bond 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 shall be called in the order determined by the City. If fewer than all Bonds of a single maturity are to be redeemed, the selection of Bonds to be redeemed, or portions thereof, shall be made by lot by the Bond Registrar in any manner which the Bond Registrar may determine. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$1,000 are then outstanding, each \$1,000 unit of principal thereof shall be treated as though it were a separate Bond of the denomination of \$1,000. If it is determined that one or

more, but not all of the \$1,000 units of principal amount represented by a Bond are to be called for redemption, then upon notice of redemption of a \$1,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Bond Registrar (i) for payment of the redemption price of the \$1,000 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 denomination 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 Bond Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least 30 days prior to 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 Bond Register maintained by the Bond 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 Bond.

(e) Payment of Redeemed Bonds. Notice having been mailed in the manner provided in the preceding paragraph, 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 money for the redemption of all of the Bonds and portions thereof to be redeemed, together with interest accrued thereon to the redemption date, is held by the Bond 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 that money 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 money held by the Bond 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.

If in the judgment of the Director of Finance the filing of applications for a rating on the Bonds by one or more rating services, or for a policy of bond insurance or other credit support instrument relating to the Bonds, are necessary or desirable for marketing purposes, the Director of Finance is authorized to prepare and submit either or both of those applications, to provide such information as may be required in support of them and to provide further for the payment of the cost of such rating, policy or other credit support instrument payable by the City from proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

Section 3. The Bonds shall be signed by the Mayor and the Director of Finance of the City in the name of the City and in their official capacities, provided that either or both of those signatures may be a facsimile. The Bonds shall be issued in the denominations (as determined by the Director of Finance) and numbers as requested by the original purchaser and approved by the Director of Finance, shall be numbered as determined by the Director of Finance and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this ordinance. No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under the bond proceedings unless and until the certificate of authentication printed on the Bond is signed by the Bond Registrar (as defined in Section 4) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, the Bond Proceedings. The certificate of authentication may be signed by any authorized officer or employee of the Bond Registrar, or by any other person acting as an agent of the Bond Registrar and approved by the Director of Finance on behalf of the City. The same person need not sign the certificate of authentication on all of the Bonds.

Section 4. The Director of Finance is hereby authorized and directed to appoint, in the Certificate of Award, a bank or trust company having its principal office in Ohio to act as the authenticating agent, bond registrar, transfer agent and paying agent for the Bonds (the Bond Registrar) after determining that its services as Bond Registrar will be for reasonable compensation and that it will adequately protect the funds of the City with proper procedures and safeguards available for that purpose, with such determinations to be evidenced by that appointment; provided that, the Director of Finance may determine to act as Bond Registrar. If necessary the Mayor and the Director of Finance shall sign and deliver, in the name and on behalf of the City, a Bond Registrar Agreement between the City and the Bond Registrar (the Registrar Agreement) in a form and not substantially adverse to the City, all of which shall be conclusively evidenced by the signing of the Registrar Agreement. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses

incurred pursuant to the Registrar Agreement from the proceeds of the Bonds, to the extent available, and then from other money lawfully available and appropriated or to be appropriated for that purpose.

Section 5. The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. Principal shall be payable when due upon presentation and surrender of the Bonds at the main office of the Bond Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed by the Bond Registrar to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register at the close of business on the 15th day of the calendar month next preceding that Interest Payment Date (the Record Date).

Section 6. So long as any of the Bonds remain outstanding, the City will cause the Bond Registrar to maintain and keep at its main office all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Section (the Bond Register). Subject to the provisions of Section 5, the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of the bond proceedings. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

Any Bond may be exchanged for Bonds of any authorized denomination upon presentation and surrender at the main office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at that office of the Bond Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. Upon exchange or transfer the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date. The provisions of this paragraph are subject to the book entry provisions stated below.

If manual signatures on behalf of the City are required, the Bond Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall provide for the signing and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of the Bond Proceedings. The exchange or transfer shall be without charge to the owner, except that the City and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Bond Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under the bond proceedings, as the Bonds surrendered upon that exchange or transfer.

Notwithstanding any other provisions of this ordinance, if it is determined by the Director of Finance to be advantageous to the City, the Bonds may be issued in book entry form in accordance with the provisions of this Section. As used in this Section and this ordinance:

"Book entry form" or "book entry system" means a form or system under which (i) the ownership of book entry interests in Bonds and the principal of and interest on the Bonds may be transferred only through a book entry, and (ii) physical Bond certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the Bonds "immobilized" in the custody of the Depository. The book entry maintained by others than the City is the record that identifies the owners of book entry interests in those Bonds and that principal and interest.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of book entry interests in Bonds or the 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.

The Bonds may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the owners of book entry interests shall have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of book entry interests shall be shown by book entry on the

system maintained and operated by the Depository and its Participants, and transfers of the ownership of book entry 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 City.

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

The Director of Finance is also hereby authorized and directed to the extent necessary or required to enter into any agreements or make and sign any representations on behalf of the City determined necessary in connection with the book entry system for the Bonds, after determining that the signing thereof will not endanger the funds or securities of the City (such determination to be evidenced by that signing).

Section 7. The Bonds shall be sold and awarded at not less than 97% of par (plus any accrued interest) at private sale by the Director of Finance in the manner determined by the Director of Finance and in accordance with law, with the purchase price, the aggregate principal amount, the amount of each principal payment, the interest rate on the Bonds for each maturity, serial maturities of Serial Bonds and Mandatory Sinking Fund Redemption Requirements for any Term Bonds, any optional redemption provisions and other matters as provided for herein, as set forth in the Certificate of Award, in accordance with law and the provisions of this ordinance. The Mayor and the Director of Finance shall sign and deliver, in the name of and on behalf of the City, a Bond Purchase Agreement (if necessary) between the City and the original purchaser (the Purchase Agreement) in a form consistent with the terms of this ordinance and not substantially adverse to the City, all of which shall be conclusively evidenced by the signing of the Purchase Agreement. The Director of Finance shall execute the Certificate of Award and (with the Mayor) the Purchase Agreement and 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 if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. The Mayor, Director of Finance, Clerk of Council, Director of Law, and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this ordinance.

Section 8. The proceeds from the sale of the Bonds, except any premium and accrued interest, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Bonds are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

Section 9. There shall be levied on all the taxable property in the City in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding in an amount sufficient to pay the debt charges on the Bonds when due, which tax shall be not less than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Bonds when and as the same fall due. In each year to the extent proceeds of the City's municipal income tax are available for the payment of debt charges on the Notes or the Bonds and are appropriated for the purpose, the amount of that tax shall be reduced by the amount so available and appropriated. The City hereby covenants that it will appropriate annually from municipal income taxes, and shall continue to levy and collect those municipal income taxes, in the amounts required to pay the principal of and interest on the Notes and Bonds when and as the same shall fall due.

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

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Bonds to be and remain excluded from gross income for federal income tax purposes, and (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons

